



**CITY OF HAYWARD**  
**AGENDA REPORT**

AGENDA DATE 07/13/99  
AGENDA ITEM 5  
WORK SESSION ITEM \_\_\_\_\_

**TO:** Mayor and City Council

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

**SUBJECT:** General Plan Amendment/Zone Change 99-110-01, Vesting Tentative Map Tract 7124, Vacation of Excess Right-of-Way and Site Plan/Use Permit 99-130-03 – Summerhill Huntwood Ltd. (Applicant), Summerhill Homes and Hayward Area Recreation & Park District (Owners) The Site is Located Between Industrial Parkway and Olympic Avenue, East of Huntwood

**RECOMMENDATION:**

The Planning Commission (6:0) and staff recommend that the City Council:

1. Approve the Negative Declaration;
2. Approve the General Policies Plan Map amendment and Zone Change request;
3. Approve Vesting Tentative Map Tract 7124;
4. Approve the Vacation of Excess Right-of-Way on Silverstar Court; and
5. Approve Site Plan/Use Permit Application No. 99-130-03.

**DISCUSSION:**

In December 1998, the City Council approved a General Plan amendment, zone change, and tract map for development of 83 single-family homes at Huntwood and Olympic Avenues, adjacent to a future 4.3-acre park site owned by the Hayward Area Recreation and Park District (HARD). Subsequently, Summerhill Homes, the developer/applicant, requested the purchase of approximately one-acre of the park property along the southern boundary of the subdivision in order to extend Mediterranean Avenue and add 7 lots by reconfiguring their approved development. Summerhill offered to purchase the land for \$400,000. In addition, the developer would construct park improvements on the remaining 3+ acres rather than pay in-lieu fees for the 7 new homes and the 83 homes on the adjacent development.

In that HARD does not have the funds necessary to build the park at this time, the neighborhood would benefit from a 3.27-acre fully developed park in exchange for losing 1 acre of vacant park land. On April 26, 1999, the HARD Board of Directors passed resolutions declaring the one-acre portion of the park site as surplus to the District's needs, and approving its sale. As required by state law, HARD sent notice of its intention to sell the surplus property

to qualified public agencies. Since other public agencies have not expressed an interest in acquiring or leasing the land, HARD may proceed with the sale to Summerhill.

The site contains approximately 5.91 acres. A 1.56-acre portion of the property is designated as Limited Medium Density Residential (8.7 to 12.0 dwelling units per acre) on the General Policies Plan Map with RSB4 zoning. The remainder of the site, approximately 4.35 acres, is designated Open Space Parks and Recreation with an underlying zoning of Industrial (I). This request includes a General Plan amendment to change the open space designation on 1.06 acres to Limited Medium Density Residential. Additionally, a use permit is required for the park due to the site's industrial zoning. The Planning Commission reviewed the applications at their June 24, 1999, meeting and voted unanimously to recommend approval of the project. Subsequent approval is required for the Final Map.

#### General Plan Amendment and Zone Change

The resulting loss of approximately one-acre of land designated by the General Plan Map as "Open Space - Parks and Recreation" would not adversely impact the amount of park land in the Tennyson-Alquire Neighborhood. With the proposed park facilities completed on the 3+-acre site, the current need for recreation facilities in the neighborhood, and the demand created by the Summerhill development, would be satisfied.

The project is consistent with policies in the **Open Space, Urban Design and Housing Elements** to increase parks and recreation resources, promote compatible development patterns, tie neighborhoods together and provide home ownership opportunities.

There is sufficient capacity at Ruus Elementary, Peixoto Elementary, Cesar Chavez Intermediate and Tennyson High School to accommodate the 3 additional students. As on the previously approved development, Summerhill Homes has volunteered to pay school impact fees at the rate of \$2.10 per square foot, which exceeds the standard rate of \$1.93 per square foot.

The change in zoning designation from Industrial to RSB4 would have no impact on potential industrial development in the Tennyson-Alquire Neighborhood in that the General Plan map designation of "Open Space" does not anticipate, nor allow, industrial development on the site.

#### Vesting Tentative Map/Vacation of Excess Right-of-Way

All of the subdivision lots are consistent with the requirements of the proposed zoning, and no variances are requested with the application. The dedication of Silverstar Court to the City was a requirement of Summerhill's previously approved tract map. As shown by Exhibit "E", the current proposal reconfigures Silverstar Court to Silverstar Lane to provide a connection with Mediterranean Avenue, which results in excess right-of-way.

#### Site Plan and Architectural Design

The architecture will continue the same style, materials and colors as approved for the adjacent Summerhill development (Tract 7069). Each plan has been developed with three elevations that incorporate a harmonious variety of window treatments, roof styles and architectural details. The building exteriors will be finished with stucco and the roofing will be flat concrete tile.

## Use Permit for Park

A use permit for the park is required in the Industrial District to assure that the recreation uses occur in maximum harmony with the surrounding industrial and residential development, and in accordance with City policies. The park would be fully improved by the developer during construction of the tract. When completed, the park would be maintained and operated by HARD. Recreation opportunities are to include a children's play area, picnic tables and benches, bocce ball courts, basketball court and a combination play field that can be used for soccer or baseball. Three-acre neighborhood parks typically do not provide parking on-site due to their close proximity to residents who are within walking distance of the facility. However, on street parking will be available on Mediterranean Avenue at the north end of the park. No parking is allowed on Industrial Parkway. The proposed recreation facilities are sited so that the park will be compatible with the surrounding uses.

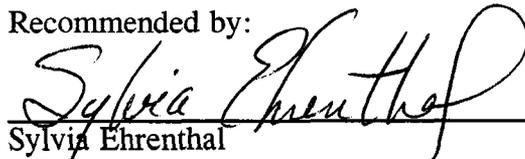
## CONCLUSION

The proposed project is consistent with the City's goals and policies to restrict density in the area, provide street connections that tie the neighborhood together, construct a new park in the vicinity of Taylor and Olympic, and to create home ownership opportunities.

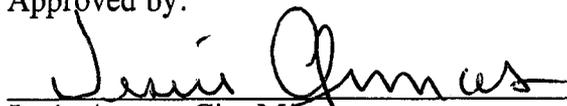
Prepared by:

  
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Cathy Woodbury, ASLA/AICP  
Principal Planner/Landscape Architect

Recommended by:

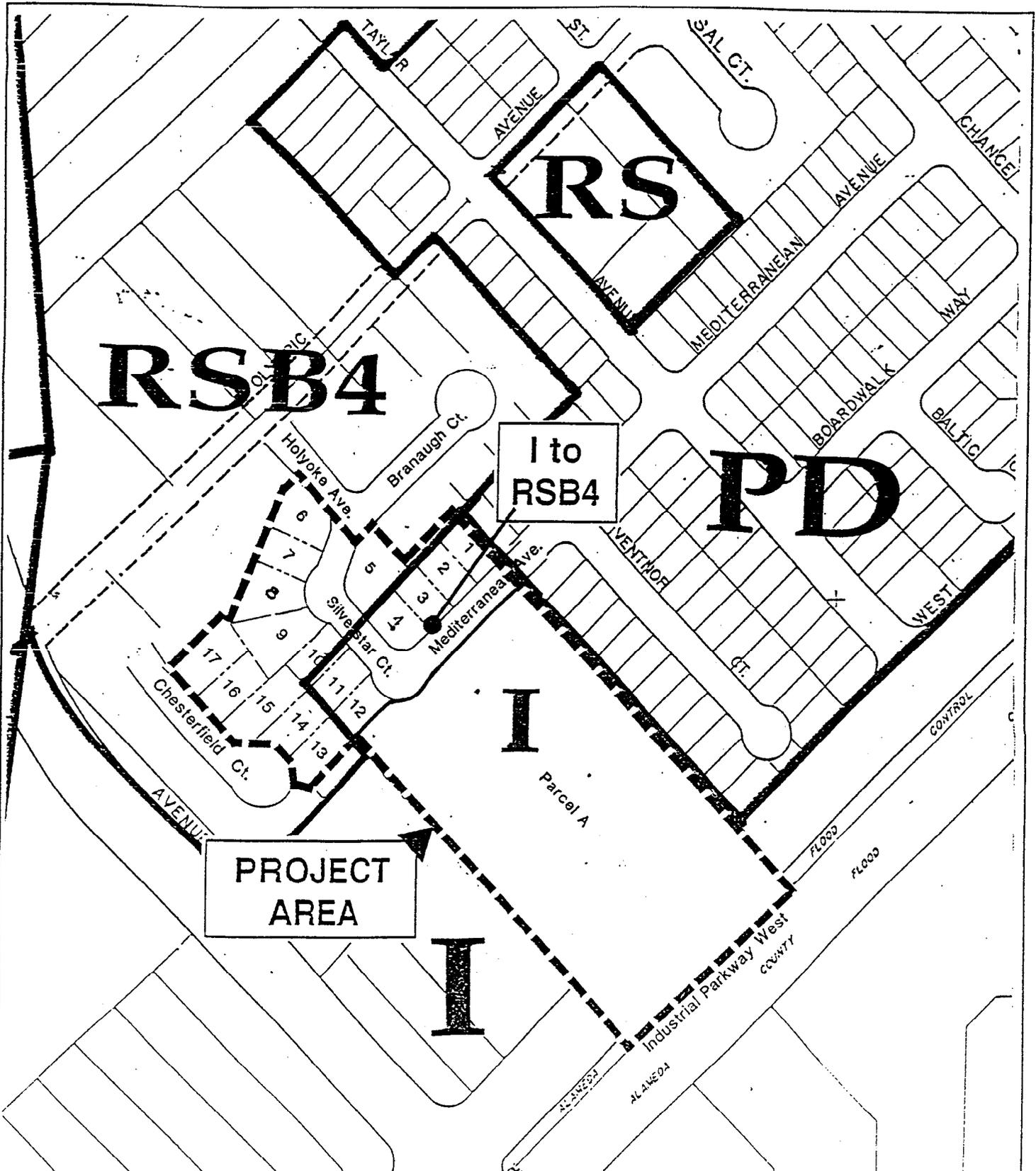
  
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Sylvia Ehrental  
Director of Community and Economic Development

Approved by:

  
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Jesús Armas, City Manager

Attachments: Exhibit A Zoning/Area Map  
Exhibit B Findings for Approval  
Exhibit C Conditions of Approval  
Exhibit D Negative Declaration  
Exhibit E Vacation of Excess Right-of-Way  
Exhibit F Draft Planning Commission Minutes and Staff Report,  
dated June 24, 1999  
Project Plans  
Draft Resolution(s)

6.29.99



ZONING/AREA MAP ■ GPA/ZC 99-110-01, SPR/UP 99-130-03  
Vesting Tentative Map Tract 7124  
Craig Champion (Applicant)  
Summerhill Huntwood, Ltd. (Owner)  
West end of Mediterranean Ave.

**FINDINGS FOR APPROVAL**  
**General Plan Amendment Zone Change No. 99-110-01**  
**Summerhill Homes, Mediterranean Avenue**

Based on the staff report and the public hearing record, the City Council finds:

- A. That the Negative Declaration is complete and final in accordance with the California Environmental Quality Act and reflects the independent judgment of the City Council, based on the fact that the project could not have a significant environmental impact subject;
- B. That the proposed land use and zone change will promote the public health, safety, convenience, and general welfare of the residents of Hayward in that the extent and density of development will be guided into a cohesive pattern that maintains zoning consistency;
- C. That the proposed land use and zone change is in conformance with the City's General Policies Plan, the Tennyson-Alquire Neighborhood Plan and the Zoning Ordinance;
- D. That the streets and public facilities existing or proposed are adequate to serve all uses permitted when the property is reclassified;
- E. That the proposed land use and zone change are compatible with surrounding residential land uses and zoning, and furthers the City's goal to provide ownership housing opportunities as expressed in the Housing Element; and
- F. The sale of surplus park land is consistent with the General Plan policies contained in the Open Space Element in that the park improvements to be constructed in exchange for the land will increase park resources available for recreation and satisfy the current neighborhood demand for recreation opportunities.

**FINDINGS FOR APPROVAL**  
**Vesting Tentative Map Tract 7124**

Based on the public hearing record, the City Council finds as follows:

- A. The vesting tentative map for 17 single-family residential lots as conditioned, has been found to be in substantial conformance with the project reviewed under the attached Negative Declaration, which reflects the independent judgment of the City Council.
- B. The proposed subdivision is consistent with the General Policies Plan and the City's Subdivision Regulations, in that it is compatible with the objectives, policies, and the general land use and programs specified in the General Plan.
- C. The land being subdivided is for residential use and the drainage from such a use does not violate the requirements prescribed by the Regional Water Quality Control Board.
- D. The layout, lot size, and configuration is such that future building(s) could be oriented for the purpose of providing an opportunity for future passive solar heating and cooling.
- E. None of the findings set forth in Section 66474 of the Subdivision Map Act<sup>1</sup> have been made, and the approval of the vesting tentative map is granted subject to the recommended conditions of approval.
- F. Development of the lots in conformance with the proposed conditions of approval and in compliance with City codes will mitigate any significant environmental or other impacts, i.e., drainage, soils instability, noise, or traffic problems.
- G. Upon completion and implementation of the proposed conditions of approval, the streets and utilities would be adequate to serve the development.

**FINDING REGARDING VACATION OF RIGHT-OF-WAY**

- H. That the vacation of excess right-of-way along Silverstar Court is consistent with the General Plan and the Circulation Element goals in that it will facilitate a reconfiguration of the street to connect with Mediterranean Avenue.

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<sup>1</sup> The findings of Section 66474 set forth the grounds for denial of a tentative map which are as follows:

- (a) That the proposed map is not consistent with applicable general and specific plans as specified in Section 65451.
- (b) That the design or improvement of the proposed subdivision is not consistent with applicable general and specific plans.
- (c) That the site is not physically suitable for the type of development.
- (d) That the site is not physically suitable for the proposed density of development.
- (e) That the design of the subdivision or the proposed improvements is likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.
- (f) That the design of the subdivision or type of improvements is likely to cause serious public health problems.
- (g) That the design of the subdivision or the type of improvements will conflict with easements, acquired by the public at large, for access through or use of, property with the proposed subdivision.

**FINDINGS FOR APPROVAL**  
**Site Plan Review/Use Permit No. 99-130-03**  
**Summerhill Homes, Mediterranean Avenue**

1. The park and residential development is compatible with the surrounding multi- and single-family structures in that the proposed height, bulk and scale are consistent with the surrounding development;
2. The development takes into consideration physical and environmental constraints in that the extension of Mediterranean Avenue through the development will serve to unify the neighborhood, and homes will front on the park;
3. The park and residential development complies with the intent of City development policies and regulations in that the homes are designed in keeping with the requirements of the RSB4 (Single-Family Residential, 4,000-square-foot minimum lot size) Zoning District, and the park is allowed in the Industrial District with a use permit;
4. The development will be operated in a manner determined to be acceptable and compatible with surrounding development in that single-family residences are a permitted use in the RSB4 Zoning District and HARD will operate and maintain the park;
5. The proposed park will enhance the character and integrity of the zoning district and surrounding area in that the vacant site will be fully improved and include turf and landscaped areas; and
6. The proposed park is desirable for the public convenience and welfare in that it will provide additional recreation opportunities for the neighborhood residents.

**CONDITIONS OF APPROVAL  
Vesting Tentative Map Tract 7124**

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.

In addition to the City of Hayward Standard Specifications and Details, the following requirements and conditions apply:

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

**Dedications and Easements**

1. The final map shall include an irrevocable offer of dedication to the City of Hayward, for a 6-foot-wide public utility easement, parallel to and abutting the public street right-of-way.
2. A 10-foot-wide water main easement shall be dedicated to the City of Hayward at any location where the public water main is outside of the public street right-of-way.

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.

**Public Streets**

3. All tie-in pavement along Mediterranean Avenue shall be in conformance with City Standard Detail SD-113.
4. The subdivision interior street shall conform to a public 46-foot-wide right-of-way public standard, in conformance with City Standard Detail SD-102.
5. All curb returns shall have a 30-foot minimum radius at the curb face.

**Storm Drainage**

6. The subdivision storm drain system shall be public, designed in accordance with the City of Hayward standard details.
7. The Hydrology and Hydraulics Criteria Summary, Alameda County Flood Control and Water Conservation District, latest edition shall be used to determine storm drainage runoff:
8. All on-site storm drain inlets must be labeled "No Dumping - Drains to Bay" using City approved methods.

9. The project plans shall include storm water measures for the operation and maintenance of the project to be approved by the City Engineer. The project plan shall identify Best Management Practices (BMPs) appropriate to the uses conducted on-site to effectively prevent the entry of pollutants into storm water runoff.
10. The project plan measures shall also include erosion control measures to prevent soil, dirt, debris and contaminated materials from entering the storm drain system, in accordance with the regulations outlined in the ABAG Erosion and Sediment Control Handbook.
11. The developer is responsible for ensuring that all contractors are aware of all storm water quality measures and implement such measures. Failure to comply with the approved construction BMPs will result in the issuance of correction notices, citations or a project stop order.
12. The project shall not block runoff from, or augment runoff to adjacent properties. The drainage area map developed for the hydrology design shall clearly indicate all the areas tributary to the project area. Developer will be required to mitigate augmented runoffs with off-site and/or on-site improvements.

### **Sanitary Sewer**

13. The sanitary sewer system shall be public, designed in accordance with the City of Hayward standard details.

### **Water System**

14. The water supply system shall be public, designed in accordance with the City of Hayward standard details.
15. Provide a 10 foot-wide water main easement over the water main system south of Mediterranean Avenue.
16. Any dwelling that cannot maintain 20 psi residual pressure shall be required to install a backflow prevention device.
17. The property owner shall provide keys/access codes to the Hayward Utilities Division for all meters enclosed by a fence or gate per the Hayward Municipal Code Section 11-2.07.

### **Fire Protection**

18. The type and spacing of fire hydrants shall be subject to review and approval by the City of Hayward Fire Chief. Maximum spacing of fire hydrants shall be 400 feet.

### **Utilities**

19. All surface-mounted utility hardware (fire hydrants, electroliers, etc.) along the proposed streets shall be located outside of the sidewalk within the 6-foot-wide Public Utility Easement in accordance with the requirements of the City Engineer or, where applicable, the Fire Chief.

### **Subdivision Agreement**

20. The applicant/developer shall enter into a subdivision agreement and post bonds with the City that shall secure the construction of the public improvements, including the park, per Section 10-3.332, Security for Installation of Improvements, of the Municipal Code.

### **Park Improvements**

21. Prepare park improvement plans for the park proposed on Parcel "A", for review and approval by the City and the Hayward Area Recreation and Parks District.
22. Park improvements shall be required in lieu of park dedication fees. The extent of the improvements shall be equal to or greater than the fees otherwise due.

### **Conditions, Covenants And Restrictions**

23. Incorporate the homes of this tract into the homeowners' association of Tract 7069. The CC&R's of Tract 7069 shall also apply to properties in this tract.
24. Individual homeowners shall be responsible for maintaining any private open space within each lot, with enforcement authority provided to the homeowners' association.
25. The homeowners' association shall be authorized to enforce the individual covenants requiring the property owners to properly maintain front and street side yard landscaping.
26. The homeowners' association shall be responsible for maintaining all sound walls within the tract.
27. The City will have the ability to place liens on all properties within the subdivision if the homeowners association fails to fulfill its maintenance obligations related to all common area landscaping, including all street trees, related irrigation systems, and soundwalls.

## **II. PRIOR TO ISSUANCE OF A GRADING PERMIT**

28. 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.
29. Grading, erosion and sedimentation control plans, which include adequate provisions for silt and erosion control in both construction and post construction phases of development, shall be submitted for review and approval by the City Engineer.

## **III. PRIOR TO THE ISSUANCE OF BUILDING PERMITS**

30. Final environmental clearance from the Alameda County Health Care Service Agency, California Regional Water Quality Control Board (San Francisco Bay Region) and the City of Hayward Fire Department will be required prior to any construction activity.

#### IV. DURING CONSTRUCTION

31. Access requirements shall meet City standards. All fire equipment turning areas shall be posted as such, and no parking will be allowed in fire equipment turning areas.
32. Approved Hayward Fire Department access and water supply shall be available for fire equipment prior to the start of construction and during construction. Access shall be all-weather surface designed to support fire equipment of 50,000 GVW. Access shall be available to within 150 feet of the most remote point of each structure; and
33. The following control measures for construction noise, grading and construction activities shall be adhered to, unless otherwise approved by the Director of Community and Economic Development/Planning Director:
  - a. Grading and construction activities shall be limited to the hours 8:00 AM to 5:00 PM on weekdays; there shall be no grading or construction activities on the weekend or National holidays;
  - b. Grading and construction equipment shall be properly muffled, and unnecessary idling shall be prohibited;
  - c. Stationary noise-generating construction equipment, such as compressors, shall be located as far as practical from occupied residential housing units;
  - d. Applicant/developer shall designate a "noise disturbance coordinator" who will be responsible for responding to any local complaints about construction noise;
  - e. Daily clean up of trash and debris shall occur on Mediterranean Avenue;
  - f. The site shall be watered twice daily during site grading and earth removal work, or at other times as may be needed to control dust emissions;
  - g. All grading and earth removal work shall follow remediation plan requirements, if soil contamination is found to exist on the site;
  - h. Pave, apply water three times daily, or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas and staging areas at construction sites;
  - i. Sweep daily (with water sweepers) all paved access roads, parking areas and staging areas at construction sites;
  - j. Sweep adjacent streets daily (with water sweepers) if visible soil material is carried onto adjacent streets;
  - k. Apply (non-toxic) soil stabilizers or hydroseed to inactive construction areas (previously graded areas inactive for 10-days or more);
  - l. Enclose, cover, water twice daily or apply (non-toxic) soil binders to exposed stockpiles (dirt, sand, etc.); and
  - m. Install sandbags or other erosion control measures to prevent silt runoff to public roadways.
34. The following shall be conditions of the Building Permit:

- a. Gather all construction debris on a regular basis and place them in a dumpster or other container which is emptied or removed on a weekly basis. When appropriate, use tarps on the ground to collect fallen debris or splatters that could contribute to storm water pollution;
- b. Remove all dirt, gravel, rubbish, refuse and green waste from the sidewalk, street pavement, and storm drain system adjoining the project site. During wet weather, avoid driving vehicles off paved areas and other outdoor work;
- c. Broom sweep the sidewalk and public street pavement adjoining the project site on a daily basis. Caked on mud or dirt shall be scraped from these areas before sweeping;
- d. Install filter materials (such as sandbags, filter fabric, etc.) at the storm drain inlet nearest the downstream side of the project site prior to: 1) start of the rainy season (October 15); 2) site dewatering activities; or 3) street washing activities; and 4) saw cutting asphalt or concrete, or in order to retain any debris or dirt flowing into the City storm drain system. Filter materials shall be maintained and/or replaced as necessary to ensure effectiveness and prevent street flooding. Dispose of filter particles in the trash;
- e. Create a contained and covered area on the site for the storage of bags of cement, paints, flammables, oils, fertilizers, pesticides or any other materials used on the project site that have the potential for being discharged to the storm drain system through being windblown or in the event of a material spill;
- f. Never clean machinery, tools, brushes, etc., or rinse containers into a street, gutter, storm drain or stream. See "*Building Maintenance/Remodeling*" flyer for more information;
- g. Ensure that concrete/gunite supply trucks or concrete/plasters finishing operations do not discharge washwater into street gutters or drains; and
- h. Minimize the removal of natural vegetation or ground cover from the site in order to minimize the potential for erosion and sedimentation problems. All cut and fill slopes shall be stabilized as soon as possible after completion of grading. No site grading shall occur between October 15 and April 15 unless approved erosion control measures are in place.
- i. The applicant/developer shall immediately report any soil or water contamination noticed during construction to the City Fire Department Hazardous Materials Division, the Alameda County Department of Health and the Regional Water Quality Control Board.
- j. A representative of the soils engineer shall be on the site during grading operations and shall perform such testing as deemed necessary by the City Engineer. The representative of the soils engineer shall observe grading operations with recommended corrective measures given to the contractor and the City Engineer.

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

**V. PRIOR TO CONNECTION OF UTILITIES AND ISSUANCE OF CERTIFICATES OF OCCUPANCY**

- 35. The applicant/developer shall pay the following fees;
  - a. Water Facilities Fee for each dwelling unit at the rate in effect when the utility service permit for the dwelling unit is issued;
  - b. Sewer Connection Fee for each dwelling unit at the rate in effect when utility service permit for the dwelling unit is issued;
  - c. Supplemental Building Construction and Improvement Tax for each unit. The amount of the tax shall be in accordance with the City's Fee Schedule in effect at the time of issuance of the building permits.
- 36. A covenant shall be recorded with each lot requiring property owner to properly maintain street trees (where located in the front and side street yards) and rear yard trees and provide replacements where necessary.
- 37. Landscaping and irrigation shall be completed for each lot.
- 38. Prior to certificates of occupancy, the street light electroliers shall be in operating condition and approved by the City Engineer.

**VI. PRIOR TO CITY ACCEPTANCE OF TRACT IMPROVEMENTS**

- 39. All tract improvements, including the park and 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 within the relevant phase. Where facilities of other agencies are involved, such installation shall be verified as having been completed and accepted by those agencies.
- 40. The subdivider shall submit an "as built" plan showing all underground facilities and site improvements.
- 41. The soils engineer shall supply the City with "as built" drawings and reports of soil and underdrain conditions to assure proper documentation of the situation after completion.
- 42. Prior to the City setting the water meters, the subdivider shall provide the Water Department with certified costs covering the installation of the public water mains and appurtenances.
- 43. Landscaping shall be maintained in a healthy, weed-free; condition at all times, with replacement plants provided where necessary. Required street and on-site trees that are severely topped or pruned shall be immediately replaced, as determined by the City Landscape Architect.

**CONDITIONS OF APPROVAL**  
**Site Plan Review No. 99-130-03**  
**Summerhill Homes, Mediterranean Avenue**

1. The site plan shall become void on July 20, 2001, unless, prior to that time, a building permit application has been accepted for processing by the Building Official or an extension has been approved.
2. Unless otherwise indicated, all conditions shall be met prior to occupancy.

**Architecture**

3. All side and rear elevations facing a street, common open space or project perimeter shall include enhanced architectural details.
4. Window placement shall be sensitive to the privacy of neighboring properties, particularly on Lot 1. Window location and/or size shall be modified where appropriate.
5. Model types and elevations shall be mixed throughout the development.
6. Roofing materials and exterior colors and finishes shall be those submitted on September 2, 1998, for Tracts 7037 and 7069.

**Fire Department Requirements**

7. The site shall be developed in compliance with the following Fire Department requirements:
  - a. Roof materials for all structures shall be minimum Class A.
  - b. All chimneys shall be equipped with approved spark arresters.
  - c. All buildings shall display an address visible from the private street. The address shall be a minimum 6" height or a minimum 4" height if self-illuminated.

**Landscaping**

8. Prior to the approval of improvement plans, or issuance of the first building permit, whichever first occurs, a Street Tree Plan, and detailed landscaping and irrigation plans for all front yards shall be prepared by a licensed landscape architect and submitted for review and approval by the City. Landscaping and irrigation plans shall comply with the City's *Water Efficient Landscape Ordinance*.

9. The Street Tree Plan shall a minimum of one street tree for every 50 feet of frontage on each lot, or portion thereof. The planted size shall be a minimum of 15-gallon. Trees shall be spaced evenly and planted according to City Standard Detail SD-122. Trees shall be planted along the back of the public utilities easement, or 5 feet behind the sidewalk where there is no easement.
10. Front yard landscape plans shall include the following:
  - a. Fescue sod where turf is specified in private yards.
  - b. Front yard and side street yard landscaping including a variety of shrubs and groundcovers, a minimum of one 15-gallon tree and a maximum turf area of 50 percent.
  - c. Shrubs to screen all mechanical equipment and utility boxes from view.
11. The mailboxes for all units shall be located next to the public street and grouped together where appropriate. Decorative posts or pilasters shall be used to support the mailboxes. The Planning Director shall approve the design.
12. Landscaping shall be maintained in a healthy, weed-free condition at all times. The owner shall replace any dead or dying plants (plants that exhibit over 30 percent die back) as necessary. Trees that are severely topped or pruned shall be replaced immediately with a species of commensurate size, as determined by the City's Landscape Architect.

#### **Fences, Walls and Entry Features**

13. Prior to the approval of improvement plans, or issuance of the first building permit, whichever first occurs, a fencing plan showing the location and details of all lot line and perimeter fences and walls shall be submitted for review and approval by the Planning Director. Fence and wall details shall be the same as those approved for the adjacent Summerhill Homes development (SPR 98-130-19).
14. The exposed face of the retaining walls shall be finished with a decorative treatment such as, painted stucco, veneer, or colored, split-face block.



DEPARTMENT OF  
COMMUNITY AND ECONOMIC DEVELOPMENT  
Development Review Services Division

## 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:*

**GENERAL PLAN AMENDMENT/ZONE CHANGE 99-110-01, VESTING TENTATIVE MAP TRACT 7124, VACATION OF EXCESS RIGHT-OF-WAY AND SITE PLAN REVIEW 99-130-03 - SUMMERHILL HUNTWOOD LTD. (APPLICANT), SUMMERHILL HOMES AND HAYWARD AREA RECREATION & PARK DISTRICT (OWNERS) - Request to change General Plan designation from Open Space Parks and Recreation to Limited Medium Density Residential; change zoning from Industrial (I) to Single Family, 4,000 square foot minimum lot size, (RSB4) and Open Space (OS); subdivide 5.9 acres into 17 single-family lots and a 3+ acre park; vacate excess right-of-way on Silverstar Court; and approval of house designs and conceptual park plan.**

### II. *FINDING PROJECT WILL NOT SIGNIFICANTLY AFFECT ENVIRONMENT:*

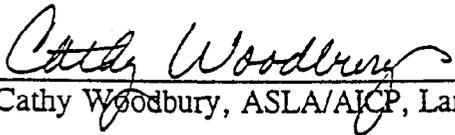
The proposed project, as conditioned, will have no significant effect on the area's resources, cumulative or otherwise.

### III. *FINDINGS SUPPORTING DECLARATION:*

1. The project application has been reviewed according to the standards and requirements of the California Environmental Quality Act (CEQA) and an Initial Study Environmental Evaluation Checklist has been prepared for the proposed project. The Initial Study has determined that the proposed project could not result in significant effects on the environment.
2. The project is in conformance with the requested General Plan designation of Limited Medium Density Residential and Open Space Parks and Recreation in that single family homes are proposed at a density of 7 dwelling units per acre and a +3-acre park is proposed.
3. The project is in conformance with the intent and purpose of the Zoning Ordinance and requested designations of Single Family Residential District, 4,000 square foot minimum lot size (RSB4) and Open Space (OS) in that the proposed development consists of residential lots that are consistent with the regulations for the district and a

4. The *Four-Way Stop Analysis Mediterranean Avenue and Taylor Avenue*, prepared by Pang Engineers, Inc., April 2, 1999, concluded that the extension of Mediterranean Avenue will not result in the need for either a stop light or a 4-way stop at the intersection of Taylor and Mediterranean.
5. Based on Hayward Unified School District, 1998 figures, the project will net an estimated increase of 3 in school-age population. Students will be accommodated at Ruus Elementary, Peixoto Elementary, Caesar Chavez Intermediate and Tennyson High School. The project sponsor has offered to pay School Taxes at a rate of \$2.10 per square foot, exceeding the required rate of \$1.93 per square foot.
6. The project sponsor will make improvements to the neighborhood park site, thereby increasing recreational opportunities in the neighborhood.

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

  
Cathy Woodbury, ASLA/AICP, Landscape Architect/Senior Planner

Dated: May 28, 1999

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

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For additional information, please contact the City of Hayward Development Review Services Division, 777 B Street, Hayward, CA 94541-5007 or telephone (510) 583-4210

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**DISTRIBUTION/POSTING**

Provide copies to project applicants and all organizations and individuals requesting it in writing. Reference in all public hearing notices to be distributed 20 days in advance of initial public hearing and/or published once in Daily Review 20 days prior to hearing.

Project file.

Post immediately upon receipt at the City Clerk's Office, the Main City Hall bulletin board, and in all City library branches, and do not remove until the date after the public hearing.

# INITIAL STUDY CHECKLIST FORM

**Project title:** General Plan Amendment /Zone Change 99-110-01, Vesting Tentative Map Tract 7124, Vacate Excess Right-of-Way, and Site Plan Review 99-130-03.

**Lead agency name and address:** City of Hayward, 777 B Street., Hayward, CA 94541-5007

**Contact persons and phone number:** Cathy Woodbury, ASLA/AICP, (510) 583-4210

**Project location:** Between Industrial Boulevard and Olympic Avenue, east of Huntwood Avenue

**Project sponsor's name and address:**  
Summerhill Homes, 777 California Avenue, Palo Alto, CA 94304

**General plan designation:** Open Space Parks and Recreation and Limited Medium Density Residential (8.7-120 dwelling units per acre)

**Zoning:** Industrial (I) and Single-Family Residential, 4,000-minimum-square-foot lot size (RSB4)

**Description of project:** Request to change General Plan designation from Open Space Parks and Recreation to Limited Medium Density Residential; change zoning from Industrial (I) to Single Family, 4,000 square foot minimum lot size, (RSB4) and Open Space (OS); subdivide approximately 6 acres into 17 single-family lots and a 3+ acre park; vacate excess right-of-way on Silverstar Court; and approval of house designs and conceptual park plan.

**Surrounding land uses and setting:**

This project is a continuation of the single-family development planned to the north of the site. On the south, the site is bounded by Industrial Boulevard and industrial development beyond. Industrial development is located along the west boundary and residential development lies to the east.

**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 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 **MITIGATED NEGATIVE DECLARATION** will be prepared.
- I find that the proposed project **MAY** have a significant effect on the environment, and an **ENVIRONMENTAL IMPACT REPORT** is required.
- I find that the proposed project **MAY** have a 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.

Cathy Woodbury  
Signature

May 28, 1999  
Date

Cathy Woodbury, ASLA/AICP  
Printed name

City of Hayward  
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 checked="" type="checkbox"/>	<input type="checkbox"/>
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Comment: The site contains approximately 5.9 acres. A 1.57 acre portion of the property is designated as Limited-Medium Density Residential (8.7 to 12.0 dwelling units per acre) on the General Policies Plan Map with Single Family Residential zoning, 4,000 square foot minimum lot size (RSB4). The remainder of the site, approximately 4.33 acres, is designated Open Space Parks and Recreation on the General Policies Plan Map with an underlying zoning of Industrial (I). This request includes a General Plan Amendment to change the open space designation on 1.06 acres to Limited Medium Density Residential. The industrial zoning would be changed to RSB4 and Open Space to bring the zoning into conformance with the General Plan designations.

The project is consistent with the Tennyson-Alquire Neighborhood Plan Policy I. b. in that it supports a minimum 4,000-square-foot lot size in this area, Policy VII. a. in that Mediterranean Avenue would be extended through the development to tie the neighborhood together and Policy VIII. d. in that the park site between Mediterranean Avenue and Industrial Boulevard would be fully improved to serve the recreation needs of the neighborhood.

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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Comment: The project is consistent with the recreation needs of the neighborhood and the other single-family projects in the area, although many existing homes are on smaller lots.

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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Comment: There are no agricultural resources or operations within this area of the City.

	<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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- 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 extension of Mediterranean Avenue proposed as part of the project will serve to unify the community.

**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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Comment: The increase in population resulting from the creation of 7 additional single-family lots on the 1.06 acre portion will not exceed local population projections.

- 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 surrounding area is 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.

- c) Displace existing housing, especially affordable housing?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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**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 not within an active fault area.

- b) Seismic ground shaking?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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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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- d) Seiche, tsunami, or volcanic hazard?

<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>
e) Landslides or mudflows?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<u>Comment:</u> 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"/>
<u>Comment:</u> 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"/>
h) Expansive soils?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<u>Comment:</u> The <i>Geotechnical Investigation</i> , conducted by Terrasearch, Inc., April 25, 1998, revealed that soil conditions are generally dark gray black silty clay over olive brown silty clay. The report does not reflect any significant soil problems, and contains recommendations for grading and foundation design. These recommendations will become a guideline in the formulation of procedures for site preparation and the design of foundations.				
i) Unique geologic or physical features?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**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 the previous residential development and parking on the site. Minimal grading will be done in conjunction with the subdivision, which will not interfere with the existing drainage patterns on adjacent properties.

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
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"/>
Comments: The site is not known to be subject to flooding. The site is not within a 100-year flood zone.				
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"/>
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"/>
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"/>
<u>Comment:</u> Storm drain lines will collect drainage at several locations within the subdivision and convey storm water to the existing storm drain system in Taylor and Huntwood Avenues.				
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"/>
<b>V. AIR QUALITY. <i>Would the proposal:</i></b>				
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"/>

	<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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- 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"/>
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Comment: 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. The project is not likely to create objectionable odors, or alter air movements, moisture, and 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 *Four-Way Stop Analysis Mediterranean Avenue and Taylor Avenue*, prepared by Pang Engineers, Inc., April 2, 1999, concluded that the extension of Mediterranean Avenue will not result in the need for either a stop light or a 4-way stop at the intersection of Taylor and Mediterranean.

- 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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Comment: 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.

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
d) Insufficient parking capacity onsite or offsite?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Comment: The lot sizes and street layout provide for sufficient parking for the single family residential development proposed.

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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Comment: The site is mostly vacant 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"/>
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"/>

**VIII. ENERGY AND MINERAL RESOURCES.** *Would the proposal:*

a) Conflict with adopted energy conservation plans?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Use nonrenewable resources in a wasteful and inefficient manner?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

- |   | <i>Potentially<br/>Significant<br/>Impact</i> | <i>Potentially<br/>Significant<br/>Unless<br/>Mitigation<br/>Incorporated</i> | <i>Less Than<br/>Significant<br/>Impact</i> | <i>No Impact</i>                    |
|---|---|---|---|-------------------------------------|
| c) Result in the loss of availability of a known mineral resource that would be of future value to the region and the residents of the State? | <input type="checkbox"/>                      | <input type="checkbox"/>  | <input type="checkbox"/>                    | <input checked="" type="checkbox"/> |

**IX. HAZARDS.** *Would the proposal involve:*

- |  |                          |                          |                                     |                                     |
|--|--------------------------|--------------------------|-------------------------------------|-------------------------------------|
| a) A risk of accidental explosion or release of hazardous substances (including, but not limited to, oil, pesticides, chemicals or radiation)? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| b) Possible interference with an emergency response plan or emergency evacuation plan?   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| c) The creation of any health hazard or potential health hazard?   | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |

Comment: The *Preliminary Site Assessment, 695 Industrial Parkway, Hayward*, was prepared by Certified Engineering and Testing Company, and the *Phase II Environmental Site Assessment, 695 Industrial Parkway*, was prepared by Earth Systems Environmental, Inc. A condition of approval would require that final environmental clearance be obtained from Alameda County Health Care Services Agency, City of Hayward Fire Department and the Regional Water Quality Control Board prior to the commencement of construction activities.

- |  |                          |                          |                          |                                     |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| d) Increased fire hazard in areas with flammable brush, grass, or trees? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|

**X. NOISE.** *Would the proposal result in:*

- |   |                          |                          |                          |                                     |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) Increases in existing noise levels?        | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Exposure of people to severe noise levels? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

**XI. PUBLIC SERVICES.** *Would the proposal have an effect upon, or result in a need for new or altered government services in any of the following areas:*

- |                     |                          |                          |                          |                                     |
|---------------------|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) Fire protection? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|---------------------|--------------------------|--------------------------|--------------------------|-------------------------------------|

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
b) Police protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p><b>Comment:</b> Based on Hayward Unified School District, 1998 figures, the project will net an estimated increase of 3 in school-age population. Students living in this development will attend Ruus Elementary, Peixoto Elementary, Caesar Chavez Intermediate, and Tennyson High School. The project sponsor has offered to pay School Fees at a rate of \$2.10 per square foot, exceeding the required rate of \$1.93 per square foot.</p>				
d) Maintenance of public facilities, including roads?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Other government services?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**XII. UTILITIES AND SERVICE SYSTEMS.** *Would the proposal result in a need for new systems or supplies, or substantial alterations to the following utilities?*

a) Power or natural gas?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Communications systems?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Local or regional water treatment or distribution facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Sewer or septic tanks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Storm water drainage?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Solid waste disposal?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Local or regional water supplies?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**XIII. AESTHETICS. *Would the proposal?***

	<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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- a) Affect a scenic vista or scenic highway?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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Comment: Development of the neighborhood park will improve the streetscape and enhance the view from Industrial Boulevard.

- b) Have a demonstrable negative aesthetic effect?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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Comment: The house designs and landscaping are consistent with the City's Design Guidelines and will enhance the site and surrounding area.

- c) Create light or glare?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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**XIV. CULTURAL RESOURCES. *Would the proposal:***

- a) Disturb paleontological resources?

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

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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- 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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- 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"/>
--------------------------	--------------------------	--------------------------	-------------------------------------

Comment: The project sponsor will make neighborhood park improvements, thereby increasing the recreational opportunities for the neighborhood.

- b) Affect existing recreational opportunities?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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Comment: The project sponsor will make neighborhood park improvements, thereby increasing the recreational opportunities for the neighborhood.

	<i>Potentially Significant Unless Mitigation Incorporated</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
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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 are individually limited, but cumulatively considerable? (“Cumulatively considerable” means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)

<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?

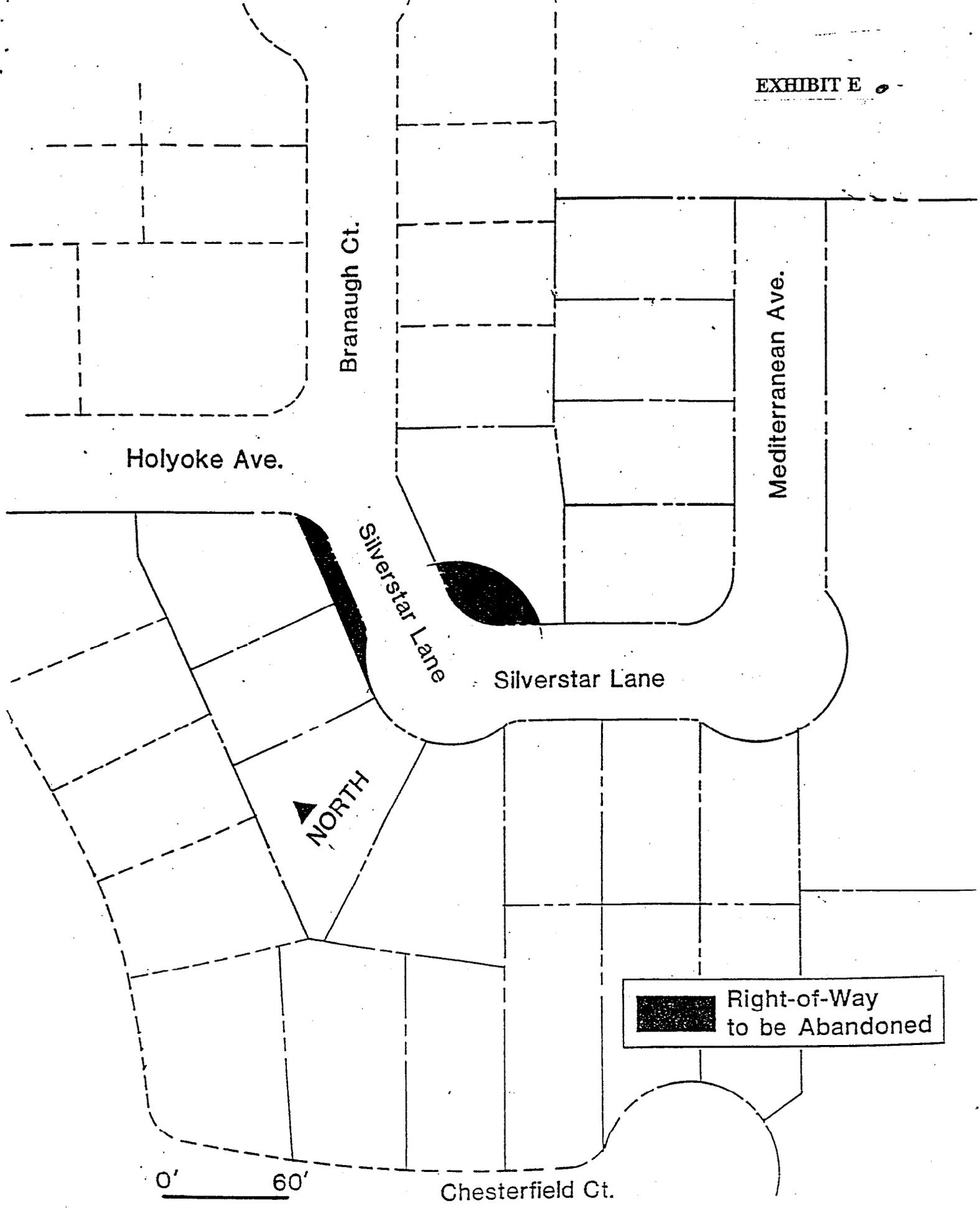
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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**XVII. EARLIER ANALYSES.**

a) **Earlier analyses used.** Mitigated Negative Declaration prepared for GPA 98-110-03, ZC 98-190-06 and Vesting Tentative Map Tracts 7037 & 7069.

b) **Impacts adequately addressed.** Yes

c) **Mitigation measures.** None



3. General Plan Amendment/Zone Change 99-110-01, Vesting Tentative Map Tract 7124, Vacation Of Excess Right-Of-Way And Site Plan Review/Use Permit 99-130-03 - Summerhill Huntwood Ltd. (Applicant), Summerhill Homes And Hayward Area Recreation & Park District (Owners) - Request to change General Plan designation from Open Space Parks & Recreation to Limited Medium Density Residential; change zoning from Industrial (I) to Single Family, 4,000 square foot minimum lot size, (RSB4); subdivide 5.9 acres into 17 single-family lots and a 3+ acre park; vacate excess right-of-way on Silverstar Court; and approval of house designs and conceptual park plan. *The site is located between Industrial Parkway and Olympic Avenue, east of Huntwood.*

Senior Planner/Landscape Architect Woodbury described the Summerhill homes plan and the discussion with HARD of trading the one-acre of park land for residential, and, in turn, Summerhill would develop the Tennyson-Alquire Park for the neighborhood rather than pay in-lieu fees. Although HARD does not have the funds to develop the park at this time, they would still maintain and operate it.

The Public Hearing Opened at 9:32 p.m.

Eric Willyerd, HARD representative, answered further questions about the development of the park.

Commissioner Zermeño asked whether it might not be possible to have two full-sized basketball courts. Mr. Willyerd explained that a full-court basketball court is for older youth whereas a half-court is valuable in a neighborhood park for the younger children. He said that a neighborhood park is less formal and will not need things like restrooms. He added that the developer is paying more for developing this park that he would be for the in-lieu fees. He added that a developer could also maximize their funds easier than a public agency can.

Commissioner Bogue said it would be to the builder's advantage to be able to offer homes near a developed park.

The Public Hearing Closed at 9:32 p.m.

Commissioner Bogue **moved**, seconded by Commissioners Halliday and Bennett, to refer the application to the City Council for their approval. The **motion passed unanimously** with Commissioner Fish absent.

### **ADDITIONAL MATTERS**

#### 3. Oral Report on Planning and Zoning Matters

Development Review Services Administrator Anderly announced that members would select a new chairperson at the next meeting.

#### 4. Commissioners' Announcements, Referrals

Chairperson Williams noted that the speed limit sign at the corner of Hesperian and "A" Street was installed upside down. He also mentioned that he would not be available for the July 15<sup>th</sup> meeting.

Commissioner Bennett said she might have a conflict for the July 29<sup>th</sup> meeting.

*DRAFT*



**CITY OF HAYWARD  
AGENDA REPORT**

Planning Commission  
Meeting Date 06/24/99  
Agenda Item 3

TO: PLANNING COMMISSION

FROM: Cathy Woodbury, Landscape Architect/Senior Planner  
Bashir Y. Anastas, Development Review Services Engineer

SUBJECT: GENERAL PLAN AMENDMENT/ZONE CHANGE 99-110-01, VESTING TENTATIVE MAP TRACT 7124, VACATION OF EXCESS RIGHT-OF-WAY, AND SITE PLAN REVIEW/USE PERMIT 99-130-03 - SUMMERHILL HUNTWOOD LTD. (APPLICANT), SUMMERHILL HOMES AND HAYWARD AREA RECREATION & PARK DISTRICT (OWNERS) - Request to change General Plan designation from Open Space Parks & Recreation to Limited Medium Density Residential; change zoning from Industrial (I) to Single Family, 4,000 square foot minimum lot size, (RSB4); subdivide 5.91 acres into 17 single-family lots and a 3+ acre park; vacate excess right-of-way on Silverstar Court; and approval of house designs and conceptual park plan.

The site is located between Industrial Parkway and Olympic Avenue, east of Huntwood.

RECOMMENDATION:

It is recommended that the Planning Commission refer the application to the City Council with a recommendation to approve the:

1. Negative Declaration
2. General Plan Amendment and Zone Change
3. Vesting Tentative Map
4. Find the Vacation of Excess Right-of-Way consistent with the General Plan,
5. Use Permit, and
6. Site Plan, House Designs and Conceptual Park Plan

DISCUSSION:

Background/Project Description

In December, 1998, the City Council approved a General Plan amendment, zone change, and tract map for development of 83 single-family homes at Huntwood and Olympic Avenues,

adjacent to a future 4.3-acre park site owned by the Hayward Area Recreation and Park District (HARD).

Subsequently, Summerhill Homes, the developer/applicant, requested the purchase of approximately one-acre of the park property along the southern boundary of the subdivision in order to extend Mediterranean Avenue and add 7 lots by reconfiguring their approved development. Summerhill offered to purchase the land for \$400,000. In addition, the developer would construct park improvements on the remaining 3+ acres rather than pay in-lieu fees for the 7 new homes and the 83 homes on the adjacent development.

In that HARD does not have the funds necessary to build the park, the neighborhood would benefit from a 3.27-acre fully developed park in exchange for losing 1 acre of vacant park land. On April 26, 1999, the HARD Board of Directors passed resolutions declaring the one-acre portion of the park site as surplus to the District's needs, and approving its sale. As required by state law, HARD sent notice of its intention to sell the surplus property to qualified public agencies. They have until June 30, 1999 to express their interest in acquiring or leasing the land. Should other public agencies not be interested in the land, HARD may proceed with the sale to Summerhill.

The site contains approximately 5.91 acres. A 1.56-acre portion of the property is designated as Limited Medium Density Residential (8.7 to 12.0 dwelling units per acre) on the General Policies Plan Map with RSB4 zoning. The remainder of the site, approximately 4.35 acres, is designated Open Space Parks and Recreation with an underlying zoning of Industrial (I). This request includes a General Plan amendment to change the open space designation on 1.06 acres to Limited Medium Density Residential, and the industrial zoning to RSB4 in order to extend Mediterranean Avenue and construct 7 residences. Additionally, a use permit is required for the park due to the site's industrial zoning.

Summerhill requests approval of a tract map, conceptual design and use permit for the park, site plan and house designs for the additional development, a portion of which is dependent upon the approval of a General Plan amendment and zone change. Due to the request for a General Plan amendment and zone change associated with the project, this application will be heard before the City Council for a final decision. Subsequent approval is required for the Final Map.

#### Surrounding Land Uses

Summerhill Homes is constructing a single-family residential subdivision zoned RSB4 (Single-Family Residential 4,000 square-foot minimum lot size) to the north of the project site. On the south, Industrial Boulevard separates the site from industrial development beyond. Warehouses on land zoned Industrial border the site on the west. Residential development zoned RSB4 lies to the east.

## GENERAL PLAN AMENDMENT AND ZONE CHANGE

### Conformance with the General Plan

The resulting loss of approximately one acre of land designated by the General Plan Map as "Open Space - Parks and Recreation" would not adversely impact the amount of park land in the Tennyson-Alquire Neighborhood. With the proposed park facilities completed on the 3+-acre site, the current need for recreation facilities in the neighborhood, and the demand created by the Summerhill development, would be satisfied.

The project is consistent with the policies contained in the Open Space Element to "...increase the resources available for recreation and to develop neighborhood parks in under served neighborhoods" in that a 3+ acre neighborhood park will be constructed adjacent to the new homes concurrent with tract improvements.

The proposed development is consistent with policies in the Urban Design Element to "...connect open spaces such as parks with pedestrian and bike ways, utilize zoning and other development controls to protect areas of desired character from incompatible development." A landscaped buffer with a pedestrian/bicycle pathway will connect Huntwood Avenue with the park and neighborhood. The proposed residential zoning between the Mediterranean Avenue extension and single-family lots provides a compatible development pattern.

The project will complete the development pattern along Mediterranean Avenue and provide home ownership opportunities consistent with policies in the Housing Element to "...encourage the provision of an adequate supply of housing units in a variety of housing types and promote development of infill housing units within existing residential neighborhoods." It is also consistent with the policy to "...redesignate non-residential land to residential uses, where there are adequate support facilities" in that there is sufficient capacity at Ruus Elementary, Peixoto Elementary, Cesar Chavez Intermediate and Tennyson High School to accommodate the 3 additional students. In addition, Summerhill Homes has volunteered to pay school taxes at a rate of \$2.10 per square foot to offset the impacts to local schools, which exceeds the standard rate of \$1.93 per square foot.

### Conformance with the Tennyson-Alquire Neighborhood Plan

The project includes residential development on minimum 4,000 square foot lots consistent with Policy I.b. to "Restrict density in the Taylor-Lassen-Olympic area to minimum lot sizes of 4,000 square feet in order to provide a variety of lot sizes in the neighborhood."

Mediterranean Avenue would be extended through the development consistent with Policy VII.a. to "Develop additional street connections to tie the neighborhood together; require continuation of stub end streets in adjoining development where feasible."

The park site between Industrial Boulevard and Mediterranean Avenue would be fully improved to serve the recreational needs of the neighborhood consistent with Policy VIII.d. to "Provide a new park in the vicinity of Taylor and Olympic to serve additional development in the Folsom-Industrial area east of Huntwood Avenue."

### Change in Zoning Designation

The change in zoning designation from Industrial to RSB4 would have no impact on potential industrial development in the Tennyson-Alquire neighborhood in that the General Plan map designation of "Open Space" does not anticipate, nor allow, industrial development on the site.

### VESTING TENTATIVE MAP

The proposed project is a reconfiguration of a portion (10 lots) of the tract map approved for Summerhill on the adjacent land, plus 7 additional lots made possible by the sale of HARD property. All of the subdivision lots are consistent with the requirements of the proposed zoning, and no variances are requested with the application.

### Subdivision Layout

The project extends Mediterranean Avenue to Holyoke Avenue/Branaugh Court. The lots on Silverstar Court (part of tract 7069) are reconfigured with lot-lines running generally at right angles to the new street alignment. The street cross-section for Mediterranean Avenue will conform to the City's 46-foot-wide standard, with parking and sidewalks on both sides, consistent with the existing street cross-section north of the tract.

### Circulation and Traffic

When Mediterranean Avenue was originally designed, its eventual extension for future residential development was envisioned. This is apparent because the street is truncated rather than ending in a cul-de-sac. The subsequent purchase of the property by HARD for park purposes interfered with the obvious extension. The circulation pattern proposed with this tract would correct the situation.

Access to the project will be from Huntwood, Olympic, Taylor, and Mediterranean Avenues. Since the project will result in a net increase of only seven additional homes, the project traffic impacts are considered less than significant. A supplement to the traffic study prepared for Tract 7069, which evaluated the intersection of Olympic and Huntwood for possible signalization, was updated to include this project. The updated signal warrant analysis indicates that the increase in traffic at that intersection will not result in the need for a signal at that location. The analysis also concluded that all-way-stop control at the intersection of Taylor and Mediterranean Avenues will not be warranted due to the additional traffic generated by the project.

### Utilities & Engineering Services

No major issues related to utilities and engineering services are identified for this project. The soils report for the project indicates that the site is suitable for the type of development proposed, and utility service providers indicate that adequate capacity is available to serve the project subject to standard improvement requirements. Water, sewer, and storm drain facilities will be constructed to public standards, connecting to the facilities of Tract 7069 and existing facilities in Mediterranean Avenue.

### Grading

Only minor, balanced grading is anticipated to be required for development of the property. The grading proposed in conjunction with the subdivision will not interfere with existing drainage patterns, nor will it increase drainage to the surrounding area.

### Environmental Site Assessment

An environmental site assessment prepared for the property in 1992 does not identify any significant environmental risk from pollutants and contaminants. However, the project is conditioned upon obtaining final environmental clearance from the Alameda County Health Care Service Agency and the City of Hayward Fire Department prior to any construction activity on the site.

### Right-of-Way Vacation

The dedication of Silverstar Court to the City was a requirement of Summerhill's previously approved tract map. As shown by Exhibit "E", the current proposal reconfigures Silverstar Court to Silverstar Lane to provide a connection with Mediterranean Avenue, which results in excess right-of-way. In order to vacate public property, the Planning Commission is charged with the responsibility of finding that the vacation is consistent with the General Plan. Staff recommends making these findings in that the circulation pattern will develop additional street connections that tie the neighborhood together, as recommended in the *Tennyson-Alquire Neighborhood Plan*, and provide a compatible development pattern consistent policies in the Urban Design Element of the General Plan.

## SITE PLAN AND ARCHITECTURAL DESIGN

The architecture will continue the same style, materials and colors as approved for the adjacent Summerhill development (Tract 7069). Front porches are included on most models and all have covered entries. Three floor plans are proposed ranging in size from 2,005 to 2,321 square feet, each with 3 to 5 bedrooms and 2 ½ to 3 bathrooms. Each unit includes a two-car garage and two uncovered parking spaces in the driveway. Additional parking is available on the street in front of the homes.

Each plan has been developed with three elevations that incorporate a harmonious variety of window treatments, roof styles and architectural details. Elevations facing streets or common areas will be enhanced with architectural details such as, shutters and window ledges like those on the front elevations. Windows should be placed in such a way as to minimize views into the interiors of adjacent homes. The building exteriors will be finished with stucco and the roofing will be flat concrete tile. The developer will install front yard landscaping.

## USE PERMIT FOR PARK

The park would be fully improved by the developer during construction of the tract. When completed, the park would be maintained and operated by HARD. Recreation opportunities are to include a children's play area, picnic tables and benches, bocce ball courts, basketball court and a combination play field that can be used for soccer or baseball. The design includes a landscaped pedestrian and bicycle connection from the end of Mediterranean to Huntwood. Three-acre neighborhood parks typically do not provide parking on-site due to their close proximity to residents who are within walking distance of the facility. However, on street parking will be available on Mediterranean Avenue at the north end of the park. No parking is allowed on Industrial Parkway. Staff finds the proposed park to be compatible with the surrounding residential and industrial uses.

## Environmental Review

A Negative Declaration was prepared and distributed for a review period of 20 days beginning on May 28, 1999, in accordance with the requirements of the California Environmental Quality Act (CEQA) Guidelines. The environmental review concluded that the project would not have a significant effect on the environment.

## Public Notice and Preliminary Meeting

Property owners and residents within 300 feet of the project boundaries, former members of the *Tennyson-Alquire Neighborhood Task Force* and all other interested parties were invited to a preliminary meeting held on May 20, 1999, to review and comment on the proposed development. No citizens attended the meeting.

On May 28, 1999, a notice of availability of the Negative Declaration and public hearing was published in the "Daily Review" and mailed to all property owners and occupants within 300 feet of the property and to other interested parties. No public comments were received.

## CONCLUSION

The proposed project is consistent with the City's goals and policies to restrict density in the area, provide street connections that tie the neighborhood together, construct a new park in the vicinity of Taylor and Olympic, and to create home ownership opportunities. The attached conditions of approval are standard for Hayward subdivisions except condition 23, which

requires the developer to improve the park and condition 24, which folds this tract into an earlier Homeowner's Association established to maintain the sound wall on Huntwood, pedestrian/bicycle path and common area landscaping.

Prepared by:

Cathy Woodbury  
Cathy Woodbury, ASLA/AICP  
Landscape Architect/Senior Planner

Bashir Y. Anastas  
Bashir Y. Anastas, PE  
Development Review Services Engineer

Recommended by:

Dyana Anderly  
Dyana Anderly, AICP  
Development Review Services Administrator

Attachments: Exhibit A - Zoning/Area Map  
Exhibit B - Findings  
Exhibit C - Conditions  
Exhibit D - Negative Declaration  
Exhibit E - Right-of-Way Vacation  
Project Plans

**DRAFT**

*ms 7/2/99*

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE AMENDING SECTION 10-1.157 OF  
CHAPTER 10, ARTICLE 1 OF THE HAYWARD MUNICIPAL  
CODE BY REZONING CERTAIN TERRITORY LOCATED  
ON MEDITERRANEAN AVENUE PURSUANT TO ZONE  
CHANGE APPLICATION NO. 99-110-01

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

Section 1. Section 10-1.157 of Chapter 10, Article 1 of the Hayward Municipal Code is hereby amended by rezoning the property located on Mediterranean Avenue from I (Industrial) District to RSB4 (Single-Family Residential, 4000 square-foot minimum lot size) District.

Section 2. In accordance with the provisions of section 620 of the City Charter, this ordinance shall become effective from and after the date of its adoption.

INTRODUCED at a regular meeting of the City Council of the City of  
Hayward, held the \_\_\_\_ day of \_\_\_\_\_, 1999, by Council Member \_\_\_\_\_ .

ADOPTED at a regular meeting of the City Council of the City of Hayward  
held the \_\_\_\_ day of \_\_\_\_\_, 1999, by the following votes of members of said City  
Council.

AYES:

NOES:

ABSTAIN:

ABSENT:

APPROVED: \_\_\_\_\_  
Mayor of the City of Hayward

DATE: \_\_\_\_\_

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

APPROVED AS TO FORM:

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

**DRAFT** JS 7/9/99

HAYWARD CITY COUNCIL

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

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

**RESOLUTION APPROVING NEGATIVE DECLARATION  
AND ZONE CHANGE APPLICATION NO. 99-110-01**

WHEREAS, General Plan Amendment/Zone Change Application No. 99-110-01 concerns a proposal to rezone property located on Mediterranean Avenue (extended) from I (Industrial) District to RSB4 (Single-Family Residential, 4000 square foot minimum) District, as set forth in Exhibit A attached hereto and made a part hereof; and

WHEREAS, the Planning Commission considered the matter and its action thereon is on file in the office of the City Clerk and is hereby referred to for further particulars; and

WHEREAS, a negative declaration has been prepared and processed in accordance with City and 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.

WHEREAS, the City Council hereby finds and determines that:

1. The Negative Declaration is complete and final in accordance with the California Environmental Quality Act and reflects the independent judgment of the City Council based on the fact that the project could not have a significant environmental impact;
2. The proposed land use and zone change will promote the public health, safety, convenience, and general welfare of the residents of Hayward in that the extent and density of development will be guided into a cohesive pattern that maintains zoning consistency;
3. The proposed zone change is in conformance with the City's General Policies Plan, as amended, and the Tennyson-Alquire Neighborhood Plan;

4. The streets and public facilities, existing and proposed, are adequate to serve all uses permitted when the property is reclassified;
5. The proposed land use and zone change are compatible with surrounding residential land uses and zoning, and furthers the City's goal to provide ownership housing opportunities as expressed in the Housing Element; and
6. The sale of surplus park land by H.A.R.D. for residential purposes is consistent with the General Plan policies contained in the Open Space Element in that the park improvements to be constructed in exchange for the land will increase park resources available for recreation and satisfy the current neighborhood demand for recreation opportunities.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF HAYWARD that, based on the findings noted above, Zone Change Application No. 99-110-01 is hereby approved.

IN COUNCIL, HAYWARD, CALIFORNIA \_\_\_\_\_, 1999

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** JB 7/9/99

HAYWARD CITY COUNCIL

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

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

**RESOLUTION APPROVING GENERAL PLAN  
AMENDMENT APPLICATION NO. 99-110-01, AND  
AMENDING GENERAL PLAN MAP IN CONNECTION  
WITH THE ZONE CHANGE APPLICATION**

WHEREAS, General Plan Amendment/Zone Change Application No. 99-110-01 concerns a proposal to rezone property located on Mediterranean Avenue (extended), requiring an amendment of the General Plan Map to change the General Plan Map land use designation on 1.06 acres of land from Open Space to Limited Medium Density Residential, as set forth in Exhibit A attached hereto and made a part hereof; and

WHEREAS, the Planning Commission conducted a public hearing on the proposed amendment on June 24, 1999 and recommended approval by the City Council; and

WHEREAS, Tuesday, July 13, 1999, at the hour of 8:00 p.m., in the Council Chambers, 777 'B' Street, Hayward, California, was fixed as the date, time, and place for holding a public hearing on the proposed amendment; and

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

WHEREAS, supporting findings and a negative declaration were approved in connection with the zone change application.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Hayward that the General Policies Plan Amendment Application No. 99-110-01 is hereby approved and is to be incorporated into the City of Hayward General Policies Plan Map.

IN COUNCIL, HAYWARD, CALIFORNIA \_\_\_\_\_, 1999

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** jm 7/9/92

HAYWARD CITY COUNCIL

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

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

**RESOLUTION CERTIFYING THAT THE NEGATIVE DECLARATION FOR THE VESTING TENTATIVE MAP FOR TRACT 7124 HAS BEEN COMPLETED IN COMPLIANCE WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT AND APPROVING THE VESTING TENTATIVE MAP FOR TRACT 7124**

WHEREAS, there has been presented to the City Council of the City of Hayward a vesting tentative map for Tract 7124 for development of 17 single-family homes on Mediterranean Avenue (extended) in an RSB4 (Single-Family Residential, 4000 square-foot minimum); and

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

WHEREAS, the Planning Commission considered the matter at its June 24, 1999 meeting and its action thereon is on file in the office of the City Clerk and is hereby referred to for further particulars; 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 that:

1. The vesting tentative map for 17 single-family residential lots as conditioned, has been found to be in substantial conformance with the project reviewed under the attached Negative Declaration, which reflects the independent judgment of the City Council;
2. The proposed subdivision is consistent with the General Policies Plan and the City's Subdivision Regulation, in that it is compatible with the objectives, policies, and the general land use and programs specified in the General Plan;

3. The land being subdivided is for residential use and the drainage from such a use does not violate the requirements prescribed by the Regional Water Quality Control Board;
4. The layout, lot size, and configuration is such that future building(s) could be oriented for the purpose of providing an opportunity for future passive solar heating and cooling;
5. None of the findings set forth in Section 66474 of the Subdivision Map Act have been made, and the approval of the vesting tentative map is granted subject to the recommended conditions of approval.
6. Development of the lots in conformance with the proposed conditions of approval and in compliance with City codes will mitigate any significant environmental or other impacts, i.e., drainage, soils instability, noise, or traffic problems;
7. Upon completion and implementation of the proposed conditions of approval, the streets and utilities would be adequate to serve the development.

NOW, THEREFORE, BE IT RESOLVED that the Council hereby approves the vesting tentative map for Tract 7124, subject to the conditions of approval attached hereto as Exhibit "A".

IN COUNCIL, HAYWARD, CALIFORNIA \_\_\_\_\_, 1999

ADOPTED BY THE FOLLOWING VOTE:

YES:

NOES:

ABSTAIN:

ABSENT:

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

APPROVED AS TO FORM:

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

**DRAFT** B 7/9/99

HAYWARD CITY COUNCIL

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

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

**RESOLUTION SUMMARILY VACATING EXCESS RIGHT-OF-WAY ON A PORTION OF SILVERSTAR COURT IN TRACT 7124**

WHEREAS, the Director of Public Works has advised that redesign of the street in connection with tentative tract map 7124 has resulted in an excess right-of-way on a portion of Silverstar Court more particularly described in the attached Exhibit "A"; and

WHEREAS, the Planning Commission considered the matter and its action thereon is on file in the office of the City Clerk and is hereby referred to for further particulars; and

WHEREAS, the City Council hereby finds and determines that the right-of way on the lots described in Exhibit "A" is not required for street or public purpose.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Hayward that pursuant to California Streets and Highways Code section 8334(a) it is hereby ordered that the right-of-way on the parcels described on the attached Exhibit "A" is hereby vacated, and the City Clerk is authorized and directed to cause a certified copy of this resolution to be recorded in the office of the County Recorder of Alameda.

IN COUNCIL, HAYWARD, CALIFORNIA \_\_\_\_\_, 1999

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**

HAYWARD CITY COUNCIL

20 7/19/99

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

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

RESOLUTION APPROVING SITE PLAN REVIEW AND USE  
PERMIT APPLICATION NO. 99-130-03 OF SUMMERHILL  
HUNTWOOD LTD.

WHEREAS, Summerhill Huntwood Ltd. has, by Application No. 99-130-03, applied for a site plan review to construct 17 single family homes on Mediterranean Avenue (extended) adjacent to a future park site owned by the Hayward Area Recreation and Park District (HARD) in an RSB4 (Single-Family Residential, 4000 square-foot minimum lot size) District, and for a use permit to construct park improvements in an I (Industrial) District; and

WHEREAS, the Planning Commission has recommended approval of the application; and

WHEREAS, the City Council hereby finds and determines that:

1. The park and residential development is compatible with the surrounding multi- and single -family structures in that the proposed height, bulk and scale are consistent with the surrounding development;
2. The development takes into consideration physical and environmental constraints in that the extension of Mediterranean Avenue through the development will serve to unify the neighborhood, and homes will front on the park;
3. The park and residential development complies with the intent of City development policies and regulations in that the homes are designed in keeping with the requirements of the RSB4 (Single-Family Residential, 4,000-square-foot minimum lot size) Zoning District, and the park is allowed in the Industrial District with a use permit;
4. The development will be operated in a manner determined to be acceptable and compatible with surrounding development in that single-family residences are a permitted use in the RSB4 Zoning District and HARD will operate and maintain the park;

5. The proposed park will enhance the character and integrity of the zoning district and surrounding area in that the vacant site will be fully improved and include turf and landscaped areas; and
6. The proposed park is desirable for the public convenience and welfare in that it will provide additional recreation opportunities for the neighborhood residents.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Hayward that Site Plan Review/Use Permit Application No. 99-130-03 is hereby approved subject to the attached conditions of approval.

IN COUNCIL, HAYWARD, CALIFORNIA \_\_\_\_\_, 1999

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