



**CITY OF HAYWARD  
AGENDA REPORT**

AGENDA DATE 7-27-99  
AGENDA ITEM 9  
WORK SESSION ITEM \_\_\_\_\_

**TO:** Mayor and City Council  
and Redevelopment Agency Board

**FROM:** City Manager

**SUBJECT:** Proposed Residential Development on Site II in the Central City Residential Sub-District and the Downtown Redevelopment Project: A) Site Plan Review and Variances Application No. 99-130-07 – The Olson Company Inc. (Applicant), Redevelopment Agency of the City of Hayward (Owner) - Request of Site Plan Approval and Variances to the Private Open Space, Security Gate and Landscape Setback Requirements to Construct 77 Multi-Family Residences; and B) authorization of a Disposition and Development Agreement with The Olson Company, Inc.

**RECOMMENDATION:**

**A. ACTIONS BY THE COUNCIL**

The Planning Commission (4:1) and staff recommend that the City Council:

1. Find that the project is consistent with the Program EIR for the Redevelopment Project area; and
2. Approve the Site Plan and Variances.

**B. ACTION BY THE AGENCY**

It is recommended that the Agency Board authorize the Executive Director to execute a Disposition and Development Agreement between the Agency and The Olson Company, Inc., substantially in the same terms as indicated in this report and in the attached Section 33433 Report.

**BACKGROUND:**

*The Core Area Plan, a Component of the Downtown Hayward Design Plan* identified this site as a primary target for new housing development that would take advantage of the surrounding downtown amenities. High-density housing was envisioned to repopulate the downtown, increase demand for the businesses in the area and maximize the use of public transit.

In November 1998 a Request for Proposal (RFP) invited interested parties to submit their qualifications and development proposals for the property the Agency owns adjacent to City Hall.

On March 16, 1999, the Agency authorized staff to negotiate exclusively for a period of 120 days with The Olson Company, Inc. for the development of a residential project adjacent to City Hall. The goal was to provide a project that is similar in density to that which has occurred at Atherton Place and the Lincoln property at D Street and Grand Avenue. It was also a goal that the project would complement the new Civic Center and City Hall and provide the appropriate transition to the urban character of downtown.

The Olson Company has submitted an application to construct 77 town homes on approximately 3.5-acre site contiguous to the new Civic Center. (The proposed project is discussed in greater detail below.)

On June 29, 1999, the Citizens Advisory Board (CAB) reviewed the housing development proposed by The Olson Company. The Board found the design compatible with the surrounding development. However, they recommended that front entry doors be recessed at least 2 feet, the private terraces be elevated, the side and rear elevations be treated with significantly more architectural detail, and the exterior be finished with earth tone colors that complement City Hall. With the exception of the raised terraces, these recommendations are included as conditions of approval. At a meeting of the Atherton Place Homeowners' Association, residents expressed their support for the project, finding that it captured the downtown architectural character and provided an effective transition in design between their community and City Hall.

The Olson Company and staff have also negotiated a Disposition and Development Agreement (DDA) setting forth the terms of the sale of the property to The Olson Company and a proposed timetable for the construction of the units.

## **SITE PLAN REVIEW DISCUSSION**

### **SITE PLAN/PROJECT PROPOSAL**

The Olson Company was challenged to maximize density in consideration of the site's location adjacent to a major transportation station and provide townhouses that are compatible with the Atherton Place residences across the street for which there is a market demand. The constraints are the size and shape of available land and the need to design a project that is sensitive to the City Hall plaza.

The project design is a contemporary adaptation of the row houses found in traditional East Coast urban neighborhoods. The proposed town homes along the perimeter of the site are oriented so that they face the City Hall plaza and Atherton Place. Buildings

are placed to maintain a 30 to 40-foot wide landscaped view corridor between Atherton Street and City Hall. Walled and gated terraces at each entry provide a private area while creating an opportunity for interaction with pedestrians using the public spaces. A visual and functional connection with the City Hall plaza is created at the northeast corner of the site opposite the rotunda. Pedestrian access to BART is provided for residents through a gated landscaped plaza at the northwest corner of the site. A secondary pedestrian access will be developed at the southwest corner where a crosswalk to the BART facility is proposed.

The architecture incorporates elements found on buildings in the surrounding area. Curved molding is placed over certain windows and at rooflines to complement the City Hall design. The ground floor façade is treated with scored stucco, repeating design elements found on the new "B" Street retail shops. A condition of approval will require additional architectural detailing on the side and rear elevations especially those facing the BART Station. Each three-story building steps down to a two-story unit at the ends. The building face is articulated by recessing individual units to varying dimensions, with second floor balconies, and molded stucco window trim and accents. Front entrances are enhanced with recessed doorways and keystone details. In order to further articulate and emphasize the entry, a condition of approval will require a minimum recess of 2 feet. The exterior stucco finish will be light earth tone colors that set the new town homes apart from yet blend with the colors and materials of surrounding buildings.

A total of 77 town homes is proposed. Each of the nine buildings houses a combination of three floor plans ranging in size from 1,136 to 1,462 square feet. The homes will offer 2 to 3 bedrooms, 2½ to 3 bathrooms and a 2-car garage. The floor plans are conceptual and some modification of interior spaces is anticipated during the preparation of construction drawings.

## **VARIANCES**

A gated entry for cars is provided at the end of Atherton Street. Due to the offset alignment of "C" Street there is insufficient room to provide a turnaround area between the gates and the street as required by the City's Security Gate Ordinance and a variance is required. A similar security gate configuration is found at the Atherton Place development.

In the downtown core area at least 100 square feet of open space, 30 of which is to be group open space, must be provided for each residence. Landscaped areas throughout the site have been developed as usable open space with small plazas, vine-covered arbors and seating areas. A barbecue area and open lawn are provided opposite the "C" Street entrance. The front terrace and second floor balcony provide private open space for each residence. However, noise levels of 73 dB at the terraces facing "C" Street exceed the acceptable level of 65 dB for private open space as stated in the City's Zoning Ordinance. A variance is required to allow group open space to also serve as private open space for these units. The same situation is found at Atherton Place on the south side of "C" Street, and more than adequate usable open space, 246 square feet per unit, is provided interior to this site where noise levels are within the acceptable range.

Parking and driving aisles are required to be setback 5 feet from buildings and screened from a street front with a 10-foot landscaped buffer. Some of the proposed buildings are 3 feet from the private interior street as also found at Atherton Place. In addition, the corner of the drive at the south east end of the site encroaches into the landscaped setback along "C" Street due to the angle of the side property line. This area can be redesigned to maintain 4 feet of landscaping between the sidewalk and paving so that it is screened from the street.

## **ENVIRONMENTAL REVIEW**

A Program EIR was completed and accepted in 1986 for the entire Redevelopment Area and later a Negative Declaration was adopted for *The Core Area Plan*. The project is consistent with both the Redevelopment Plan and *The Core Area Plan*. An EIR was also completed and accepted for the Downtown Hayward Redevelopment Plan Amendment in 1998. There are no changes in circumstances that indicate the need for further environmental review.

## **CONCLUSION OF SITE PLAN REVIEW DISCUSSION**

Approval of a site plan application is required for the project. At their July 15, 1999 meeting, the Planning Commission reviewed the application. The Planning Commission's action (4:1, Bennett no) was to refer the application to the City Council with a recommendation to approve the project.

Two members of the public spoke on the matter at the Planning Commission meeting. A representative from the Carpenter's Union inquired as to whether local contractors would be used on the project. One citizen raised issues relating to public transit.

*The Core Area Plan* cites the redevelopment of this site, and its surroundings, as being critical as both a pedestrian strategy, by reestablishing walking routes to and from the core, and as a strategy for catalyzing future private development in the area. Recommendations in the Plan suggest that the entrances to the units from the public street, and the placement of stairs, trellises, bay windows and other similar features along the street to create a lively pedestrian environment. The project proposed by The Olson Company is consistent with these goals and the design envisioned for the downtown core.

## **DISPOSITION AND DEVELOPMENT AGREEMENT**

Staff has negotiated a Disposition and Development Agreement (DDA) with The Olson Company.

The DDA requires The Olson Company to pay to the Agency at the close of escrow the Agency's full cost of acquiring the site from BART, which is \$13.50 per sq.ft. or approximately \$2,061,908.

Prior to the close of escrow, The Olson Company will be provided 90 days from the execution of the DDA to perform its own investigations of the project site, its physical condition, the soils and toxic conditions and all other matters which in its judgment affect the suitability of the site for the construction of the residential project.

During the same period, The Olson Company will endeavor to obtain its financing for the project and approval of development permits and the tentative and final subdivision maps by the City.

The Olson Company will be required to commence the residential development within 30 days of the close of escrow and thereafter to complete the construction of the project with 36 months.

Under the terms of the DDA the Agency will be responsible for conveying a site that is suitable for constructing the contemplated residential units. The Agency has included funds in its operating budget to remove any surface or subsurface structures or soils that may not be suitable for constructing residential units. The Agency is aware of the soils condition of the property it previously owned and is in the process of obtaining the appropriate environmental clearances. The Agency had a phase I environmental review done on the BART site when a previous residential project was being considered for the site. That review did not indicate any concerns, but did suggest additional testing for certainty. The additional testing was not done because the residential project was withdrawn. Therefore, the Agency has commenced the additional testing of the site that was previously used for parking by BART. The DDA will include provisions to limit the amount of exposure the Agency and The Olson Company will have if any hazardous materials are found on the site after its conveyance from the Agency to The Olson Company.

Finally, the DDA provides for the Agency to participate in the additional profits of the development after the project costs and a profit of 8.0% to The Olson Company. The Agency and The Olson Company will share any additional profits equally.

### **SECTION 33433 REPORT**

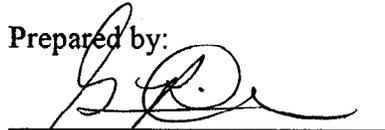
The Community Redevelopment Law, Section 33433, requires that, whenever a Redevelopment Agency sells land which it acquired with tax increment funds, the

Agency must make available to the public a summary of the critical provision of the agreement between the agency and the developer.

The critical provision of the agreement referenced in the 33433 Report includes the Agency's responsibility to convey the site suitable for residential development, the Agency to bear its portion of the costs associated with the escrow for the sale of the site from the Agency to the developer, that the Agency is to receive full payment for its land, and that the Agency will participate the profits of the development.

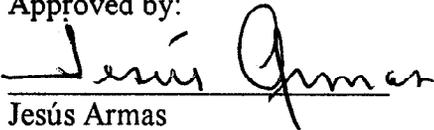
Adoption of the recommended actions will enable this project to move forward.

Prepared by:



Gordon R. Anderson  
Assistant City Manager

Approved by:



Jesús Armas  
City Manager

Attachments:

- Planning Commission Report and Attachments
  - A - Area Map
  - B - Findings
  - C - Conditions
  - D - Initial Study
  - Project Plans
- Draft Minutes of the Planning Commission meeting of 7/15/99
- Summary Report for the DDA (Section 33433 Report)
- Appropriate Resolutions



## CITY OF HAYWARD AGENDA REPORT

Planning Commission

Meeting Date 07/15/99

Agenda Item 4

TO: PLANNING COMMISSION

FROM: Cathy Woodbury, Principal Planner/Landscape Architect

SUBJECT: Site Plan Review/Variance 99-130-07 - The Olson Company and the City Redevelopment Agency (*Applicants*); B.A.R.T. and the City Redevelopment Agency (*Owners*): Request site plan approval and variances to the private open space, security gate and landscape setback requirements to construct 77 multi-family residences on a 3.5-acre site contiguous to the Hayward Civic Center Plaza. The property lies within the Central City Residential Sub-District. *The property is located at Watkins and C Streets.*

### RECOMMENDATION:

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

1. Find the project consistent with the Program EIR.
2. Approve the Site Plan and Variances.

### DISCUSSION:

#### Surrounding Uses

The property is located in the Central City - Residential (CC-R) Sub-district within the Downtown City Center Area and the Marks Historic/Rehabilitation District. The site is bounded on the north by City Hall and on the south by Atherton Place townhomes. The City parking garage and post office are across Watkins Street to the east and the BART station is adjacent to the site on the west.

#### Background

*The Core Area Plan, a Component of the Downtown Hayward Design Plan* identified this site as a primary target for new housing development that would take advantage of the surrounding

civic amenities. High-density housing was envisioned to repopulate the downtown, increase demand for the businesses in the area and maximize the use of public transit. The *Downtown Focal Point Master Plan* emphasizes that residential buildings fronting the City Hall plaza are especially important in order to keep the space lively.

In November 1998 a Request for Proposal (RFP) invited interested parties to submit their qualifications and development proposals for the site. Subsequently, the Redevelopment Agency Board (City Council) authorized the Agency to enter negotiations with The Olson Company regarding the proposal.

On June 29, 1999, the Citizens Advisory Board (CAB) reviewed the housing development proposed by The Olson Company. The Board found the design compatible with the surrounding development. However, they recommended that front entry doors be recessed at least 2 feet, the private terraces be elevated, the side and rear elevations be treated with significantly more architectural detail, and the exterior be finished with earth tone colors that complement City Hall. With the exception of the raised terraces, these recommendations are included as conditions of approval. At a meeting of the Atherton Place Homeowners' Association, residents expressed their support for the project, finding that it captured the downtown architectural character and provided an effective transition in design between their community and City Hall.

A site plan review is required for this project. Given that the proposal has citywide interest and the involvement of the Redevelopment Agency and City Council in the project, the Planning Commission is asked to review the application and forward its recommendation to the City Council. Should the application be approved by the City Council, The Redevelopment Agency Board will be requested by The Olson Company to consider execution of a Development and Disposition Agreement.

#### Site Plan/Project Proposal

The Olson Company was challenged to maximize density in consideration of the site's location adjacent to a major transportation station and provide townhouses that are compatible with the Atherton Place residences across the street for which there is a market demand. The constraints are the size and shape of available land and the need to design a project that is sensitive to the City Hall plaza.

The project design is a contemporary adaptation of the row houses found in traditional East Coast urban neighborhoods. The proposed town homes along the perimeter of the site are oriented so that they face the City Hall plaza and Atherton Place. Buildings are placed to maintain a 30 to 40-foot wide landscaped view corridor between Atherton Street and City Hall. Walled and gated terraces at each entry provide a private area while creating an opportunity for interaction with pedestrians using the public spaces. A visual and functional connection with

the City Hall plaza is created at the northeast corner of the site opposite the rotunda. Pedestrian access to BART is provided for residents through a gated landscaped plaza at the northwest corner of the site. A secondary pedestrian access will be developed at the southwest corner where a crosswalk to the BART facility is proposed.

The architecture incorporates elements found on buildings in the surrounding area. Curved molding is placed over certain windows and at rooflines to complement the City Hall design. The ground floor façade is treated with scored stucco, repeating design elements found on the new "B" Street retail shops. A condition of approval will require additional architectural detailing on the side and rear elevations especially those facing the BART Station. Each three-story building steps down to a two-story unit at the ends. The building face is articulated by recessing individual units to varying dimensions, with second floor balconies, and molded stucco window trim and accents. Front entrances are enhanced with recessed doorways and keystone details. In order to further articulate and emphasize the entry, a condition of approval will require a minimum recess of 2 feet. The exterior stucco finish will be light earth tone colors that set the new town homes apart from yet blend with the colors and materials of surrounding buildings.

A total of 77 town homes is proposed. Each of the nine buildings houses a combination of three floor plans ranging in size from 1,136 to 1,462 square feet. The homes will offer 2 to 3 bedrooms, 2½ to 3 bathrooms and a 2-car garage. The floor plans are conceptual and some modification of interior spaces is anticipated during the preparation of construction drawings.

Consistent with the City's policy to encourage home ownership, The Olson Company will be submitting a tentative map application so that each unit can be sold separately.

#### Variances

A gated entry for cars is provided at the end of Atherton Street. Due to the offset alignment of "C" Street there is insufficient room to provide a turnaround area between the gates and the street as required by the City's Security Gate Ordinance and a variance is required. A similar security gate configuration is found at the Atherton Place development.

In the downtown core area at least 100 square feet of open space, 30 of which is to be group open space, must be provided for each residence. Landscaped areas throughout the site have been developed as usable open space with small plazas, vine-covered arbors and seating areas. A barbecue area and open lawn are provided opposite the "C" Street entrance. The front terrace and second floor balcony provide private open space for each residence. However, noise levels of 73 dB at the terraces facing "C" Street exceed the acceptable level of 65 dB for private open space as stated in the City's Zoning Ordinance. A variance is required to allow group open space to also serve as private open space for these units. The same situation is found at Atherton Place on the south side of "C" Street, and more than adequate usable open

space, 246 square feet per unit, is provided interior to this site where noise levels are within the acceptable range.

Parking and driving aisles are required to be setback 5 feet from buildings and screened from a street front with a 10-foot landscaped buffer. Some of the proposed buildings are 3 feet from the private interior street as also found at Atherton Place. In addition, the corner of the drive at the south east end of the site encroaches into the landscaped setback along "C" Street due to the angle of the side property line. This area can be redesigned to maintain 4 feet of landscaping between the sidewalk and paving so that it is screened from the street.

#### General Plan, Core Area Plan and Zoning Consistency

The proposal, 29 residential units per net acre, is in conformance with the high-density residential land use designation for the site and *The Core Area Plan*, which identified the property as a housing site. Residential development on the site is in keeping with the requirements of the Central City-Residential Zoning for the property.

#### Environmental Review

An EIR was completed and accepted in 1986 for the entire Redevelopment Area and later a Negative Declaration was adopted for *The Core Area Plan*. The project is consistent with both the Redevelopment Plan and *The Core Area Plan*. An EIR was also completed and accepted for the Downtown Hayward Redevelopment Plan Amendment in 1998. There are no changes in circumstances that indicate the need for further environmental review.

#### Public Notice

On July 1, 1999, a notice was mailed to property owners and tenants within 300 feet of the project boundaries, to former members of the *Burbank Neighborhood Task Force* and all other interested parties advising them that the City had received a development application for the site.

On June 25, 1999, a public hearing notice was published in the "Daily Review" and mailed to surrounding property owners/residents and task force members. Five citizens responded with comments ranging from opposition to any development on the site, preferring instead to retain it as open space, to concern that the density was too low for an urban, transit-oriented development. Two respondents supported the project.

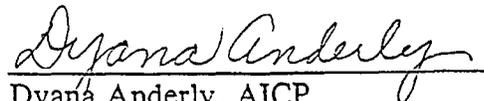
## Conclusion

*The Core Area Plan* cites the redevelopment of this site, and its surroundings, as being critical as both a pedestrian strategy, by reestablishing walking routes to and from the core, and as a strategy for catalyzing future private development in the area. Recommendations in the Plan suggest that the entrances to the units from the public street, and the placement of stairs, trellises, bay windows and other similar features along the street to create a lively pedestrian environment. The project proposed by The Olson Company is consistent with these goals and the design envisioned for the downtown core.

Prepared by:

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

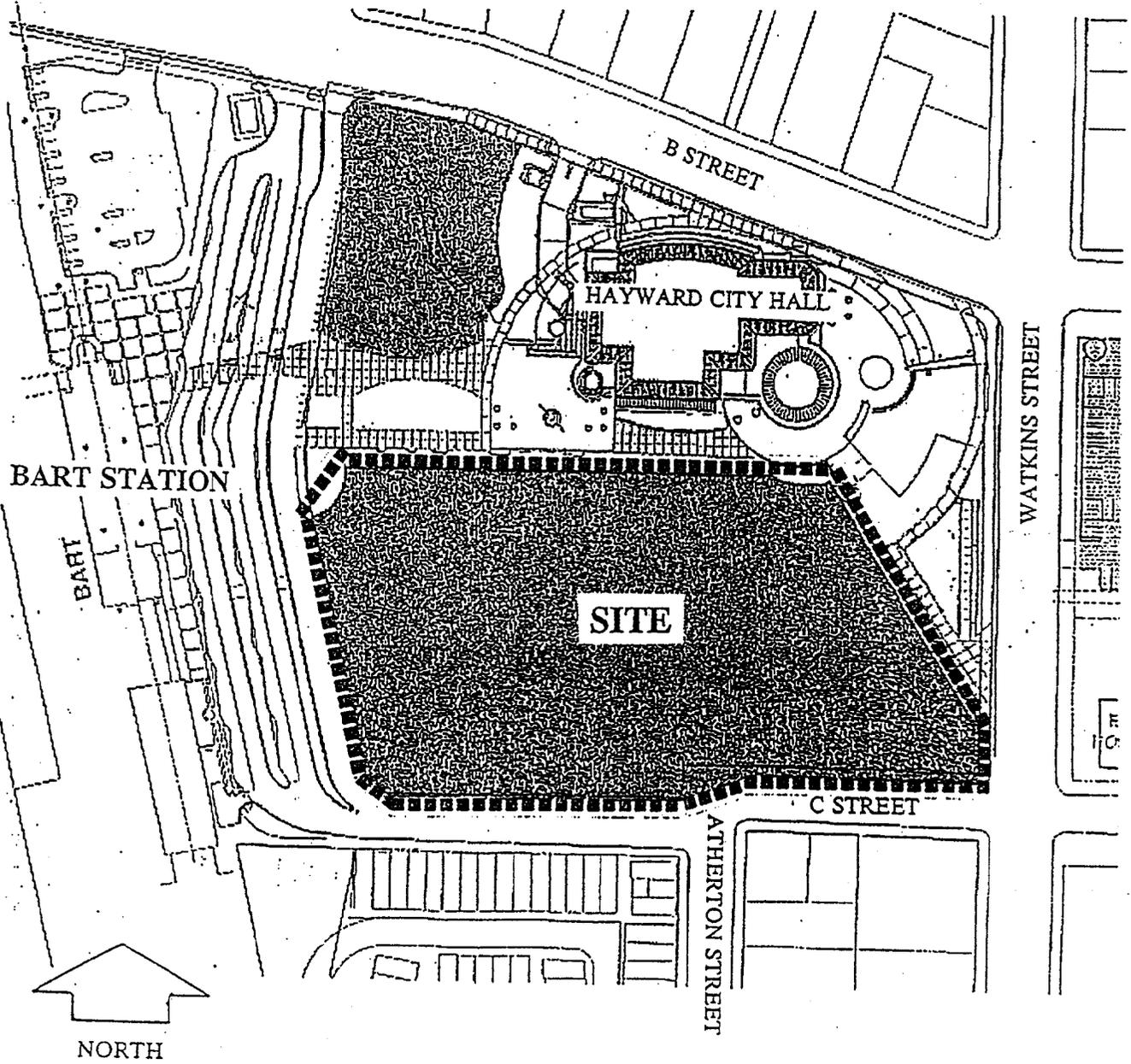
Recommended by:

  
Dyana Anderly, AICP  
Planning Manager

Attachments:

- A - Area Map
- B - Findings
- C - Conditions
- D - Initial Study
- Project Plans

SITE PLAN REVIEW 99-130-07



**FINDINGS FOR APPROVAL**  
**Site Plan Review/Variance No. 99-130-07**  
**Watkins and "C" Streets**

1. The proposed development is within the scope of the development examined in the program EIR and significant or potentially significant impacts have been avoided or mitigated pursuant to the attached conditions of approval. In addition, the circumstances surrounding the project have not changed significantly;
2. The development is compatible with the surrounding area in that the proposed height, bulk and scale are compatible with the Atherton Place residences to the south, a view corridor is provided from Atherton Street to City Hall, and pedestrian access is provided to the BART station;
3. The development takes into consideration physical and environmental constraints in that vehicular access is provided at the Atherton Street alignment and the perimeter buildings face "C" Street and the City Hall plaza;
4. The development complies with the intent of City development policies and regulations in that the homes are designed in keeping with the *Downtown Focal Point Master Plan*, the *Core Area Plan*, and the requirements of the CC-R (Central City-Residential) Zoning District; the development is also consistent with the Downtown Hayward Redevelopment Plan and the General Plan.
5. The development will be operated in a manner determined to be acceptable and compatible with surrounding development in that multiple-family residences are permitted in the CC-R Zoning District;
6. There are special circumstances applicable to the gated entry in that the alignment of "C" Street is offset east and west of Atherton Street so as to prevent sufficient area for a paved turnaround on the street side of the gates;
7. There are special circumstances applicable to the private open space for the building fronting "C" Street in that the source of noise is such that a usable outdoor space cannot be designed into the area, and sufficient open space is provided within the project area to provide for the residents' enjoyment of outdoor activities;
8. There are special circumstances applicable to the landscape setback around the buildings and at the south end of the driving aisle at Building 3-D in that the character of the project is consistent with the *Downtown Hayward Design Plan*, which recognized the need to reduce building setbacks to achieve the desired urban development pattern;

9. At Atherton Place, a gated entry without a street side turnaround area is provided at the vehicular access, the private open space for Atherton Place units fronting "C" Street is impacted by the same noise as the subject project, the landscape setback around the buildings is reduced to a minimum of 3 feet, and sufficient landscaping may be incorporated to screen the parking area from the street. Therefore, strict application of the Zoning Ordinance deprives the property of privileges enjoyed by the Atherton Place development across "C" Street within the same Central City zoning classification; and
10. Granting the variances would allow a gated vehicular entry and siting multiple-family residences consistent with those at Atherton Place across "C" Street to the south within the Central City zoning district, and provide a combination of private and group open space that exceeds that most often found in a central city environment.

**CONDITIONS OF APPROVAL**  
**Site Plan Review/Variance No. 99-130-07**  
**Watkins and "C" Streets**

1. The site plan shall become void one year after approval of the City Council unless, prior to that time, a building permit application has been accepted for processing by the Building Official or an extension of time has been approved.
2. All improvements shown on the project plans shall be completed prior to the acceptance of the tract improvements, unless exempted by the conditions below.

**Architecture**

3. All side and rear elevations shall be enhanced with architectural features that are consistent with the design elements used on the front of the buildings. Staff shall approve the revised elevations.
4. Front doors shall be recessed a minimum of 24 inches, or as approved by staff, to create visual relief on the face of the building. Architectural details shall be incorporated to emphasize each unit entry. Landings at each front door shall provide adequate space as prescribed by code.
5. The garage of each unit shall include a storage closet that contains 90 cubic feet of storage space. Each garage shall include space for solid waste and recycling containers.
6. Design and construction plans shall incorporate the recommendations in the Environmental Noise Study, prepared by Charles M. Salter Associates Inc. dated June 28, 1999 to reduce interior noise levels to acceptable standards.
7. All awnings shall be made of a permanent structural material.
8. All buildings shall display an address on the front of each unit and at the rear where it is visible from the private street. The address shall be a minimum 6" height or a minimum 4" height if self-illuminated.
9. All front terraces at grade shall be a minimum 6 feet wide as measured from the face of building to the inside of the terrace wall.
10. Building colors shall be light earth tones to complement those of City Hall. A colors and materials board, including roof samples and accent colors for wrought iron balustrades shall be submitted to staff for approval.

## Landscaping, Fences, Walls and Entry Features

11. Terrace walls shall be designed with decorative features, which may include a molded cap, pilasters and finials. A decorative, locking gate shall be incorporated at each terrace entry. Staff shall approve design details.
12. A decorative masonry or pre-cast wall with molded cap and pilasters shall be constructed 3 feet, or more, behind the west property adjacent to the BART Station. The wall shall be offset at consistent intervals to provide landscape and tree planting niches. A decorative, solid gate shall be installed across the secondary emergency vehicle access on the west property line.
13. Decorative fencing with pilasters and locking pedestrian gates shall be installed on the project perimeter.
14. Trelliswork with evergreen vines or other landscaping shall be incorporated on the rear facades of the building between garage doors as appropriate to soften the building mass.
15. The view corridor to City Hall shall include a pergola that reflects that of the civic center plaza, decorative paving, garden design elements and seating areas.
16. An architectural feature, which may include a water wall, fountain or other element, and dramatic landscaping shall be incorporated at the corner of "C" and Watkins Streets. Entry monumentation for the project shall be included to create an identity for the project.
17. A gated, lockable pedestrian access shall be provided at the southwest corner of the site and at the vehicular entrance.
18. Prior to the issuance of the first building permit, detailed landscaping and irrigation plans 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*.
  - a. Large boxed trees shall be planted at key areas throughout the site.
  - b. Minimum 24" box evergreen trees shall be planted at 20-foot intervals along the west property line. Additional landscaping shall be planted to shield the site from high lighting at the BART Station.
  - c. Minimum 36" box street trees shall be planted every 20 feet on "C" Street. Trees shall be planted in 5-foot square wells with tree grates and guards east of Atherton Street. Trees shall be planted between the sidewalk and terrace wall west of Atherton Street.
  - d. Evergreen vines or screening shrubs shall be planted along all garden walls.

- e. The landscaping and irrigation in the City's 15-foot planter along the north property line, and the 10-foot planter along the east property line shall be replanted and/or adjusted by the developer to provide for the private entrance walkways. If the trees are relocated, they shall be replanted at the same spacing.
- f. Landscape plans shall specify site amenities such as, benches, tables, fencing, play equipment and barbecues, for the common open space areas.
- g. All meters and mechanical equipment shall be screened from view.
- h. A hose bib shall be provided at each private terrace.
- i. A reduced pressure backflow device (per Standard Detail 202) and separate water meter shall be provided for the irrigation system.

### Lighting

- 19. Decorative street lights to match those on Watkins and Atherton Streets shall be installed as necessary along "C" Street east and west of Atherton.
- 20. Decorative pedestrian lighting of a different design but complementary to the streetlights shall be installed as appropriate throughout the interior of the site.
- 21. Cut sheets for the exterior building lighting shall be submitted for staff approval.

### Prior to the Issuance of a Building Permit

- 22. A tentative map shall be submitted for City action and a final map filed in the office of the Alameda County Recorder. The Tentative Map shall include:
  - a. An entry design with security gates approved by the Transportation Services Division Manager and the Fire Marshall.
  - b. Parking space configurations and circulation that conform to the City of Hayward Off-Street Parking Regulations.
  - c. A gated and locked secondary emergency vehicle access from the BART "Kiss and Ride" travel lane that is approved by the Fire Marshall.
  - d. A minimum 20-foot radius at the face of all curb returns.
  - e. Handicap curb ramps in compliance with State of California Title 24 Regulations.
  - f. Individual sanitary sewer connections and radio read water meters for each unit.
  - g. Sleeves for public utilities under decorative street paving.
  - h. A crosswalk and handicap ramps from the southwest corner of the site to the BART "Kiss and Ride" pedestrian island.
  - i. Within the project, provide a minimum distance of 3 feet from the face of curb to the face of building.
  - j. New curb, gutter and sidewalk on "C", east of Atherton Street, to match the pattern on Watkins in front of City Hall.
  - k. Fire hydrants spaced 300 feet apart within the site and as approved by the Fire Marshall.

- l. Reconfiguration of the turn out at the south end of Building 3D that provides 5 feet of landscaping behind the sidewalk.
  - m. A traffic signing and striping plan that permits parking on the north side of "C" Street east of Atherton and intersection striping at "C" and Atherton for review and approval by the Transportation Services Division Manager.
  - n. Precise location and design of utilities shall be approved with the Final Map.
23. Alameda County Flood Control and the City Engineer shall approve a grading and drainage plan.
  24. Environmental clearance from the Alameda County Health Care Services Agency, Department of Environmental Health shall be required prior to the commencement of construction activities.
  25. The final map shall identify all necessary easements for emergency vehicle access, pedestrian access through City landscape buffers, drainage, water, sewer, utilities, etc. The City Engineer shall approve the dimensions and location of these easements. Public utility easements shall abut the private street right-of-way or be located as approved by the City Engineer. Easements within the City landscape buffer on the north and east property lines shall be located outside of tree planting areas.
  26. The developer shall participate in the City's recycling program during construction.

#### Homeowners' Association

27. Conditions, Covenants and Restrictions for the project shall be submitted for the approval of the City and shall include the following:
  - a. Each owner shall automatically become a member of the association and shall be subject to a proportionate share of maintenance expenses. A reserve fund shall be maintained to cover the costs of replacement and repair.
  - b. A requirement that the association be managed and maintained by a professional property management company.
  - c. Provisions for towing unauthorized vehicles from the site.
  - d. A requirement that the site shall be maintained in good repair and free of debris at all times.
  - e. A requirement that landscaping shall be maintained in a healthy, weed-free condition at all times. The owner's representative shall inspect the landscaping on a monthly basis and any dead or dying plants (plants that exhibit over 30% dieback) shall be replaced within ten days of the inspection.
  - f. A requirement that all trees shall be preserved in accordance with the *Tree Preservation Ordinance*, a tree removal permit is required prior to the removal of any tree.

- g. Statements to the effect that trees shall not be severely pruned, topped or pollarded, and any trees that are pruned in this manner shall be replaced with a tree species selected by, and size determined by the City Landscape Architect, within the timeframe established by the City and pursuant to Municipal Code.
  - h. A requirement that each resident participate in the City's recycling program.
28. Prior to the sale of any individual unit, or prior to the acceptance of tract improvements, whichever first occurs, a homeowners' association shall be created to maintain the following:
- a. Buildings.
  - b. Fences, gates and walls.
  - c. Site features, garden structures and signage
  - d. Landscaping and irrigation throughout the site behind the sidewalk on "C" Street, and behind the curb along the BART property.
  - e. Private streets and walks.
  - f. Site lighting.

INITIAL STUDY CHECKLIST FORM

Project title: SPR 99-130-07 – The Olson Company

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

Contact person and phone number: Cathy Woodbury, Landscape Architect, 510-583-4210

Project location: Downtown Hayward on property generally bound by C Street, Hayward BART Station, Hayward City Hall and Watkins Street

Project sponsor's name and address:  
The Olson Company, 3020 Old Ranch Parkway, Seal Beach, CA 90740

General plan designation: High-Density Residential (HDR)      Zoning: Central City-Residential (CC-R)

Description of project: (Describe the whole action involved, including but not limited to later phases of the project, and any secondary, support, or off-site features necessary for its implementation. Attach additional sheets if necessary.)

Site Plan Approval for the construction of 77 residential townhomes with 154 parking spaces in garages and 15 open guest parking spaces on 3.51 acres (22 units/acre). The project would utilize existing public improvements for private pedestrian access to individual units from Hayward City Hall, C Street and Hayward BART Station.

Surrounding land uses and setting: Briefly describe the project's surroundings:

North: City Hall; South: Atherton Place Townhomes; East: Watkins Street – U.S. Post Office/City Parking Garage; West: Bay Area Rapid Transit (BART) Station (Hayward)

The property is vacant and generally level. Nearly the entire site contains pavement or remnants of pavement from parking lots previously used for the Hayward BART Station and an automobile dealer. A vacated portion of Atherton Street bisects the site in a north-south direction. Major noise sources impacting the site are vehicle traffic on Watkins Street and traffic associated with the BART station, primarily transit buses. Minor noise sources are BART and Union Pacific trains.

Other public agencies whose approval is required (e.g., permits, financing approval, or participation agreement.)San Francisco Bay Area Rapid Transit District

**ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:**

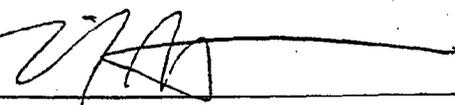
The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages.

- 
- |   |   |   |
|---|---|---|
| <input type="checkbox"/> Aesthetics                 | <input type="checkbox"/> Agriculture Resources              | <input checked="" type="checkbox"/> Air Quality   |
| <input type="checkbox"/> Biological Resources       | <input type="checkbox"/> Cultural Resources                 | <input type="checkbox"/> Geology / Soils          |
| <input type="checkbox"/> Hazards & Hazardous Mat'ls | <input type="checkbox"/> Hydrology / Water Quality          | <input type="checkbox"/> Land Use / Planning      |
| <input type="checkbox"/> Mineral Resources          | <input checked="" type="checkbox"/> Noise                   | <input type="checkbox"/> Population / Housing     |
| <input type="checkbox"/> Public Services            | <input type="checkbox"/> Recreation                         | <input type="checkbox"/> Transportation / Traffic |
| <input type="checkbox"/> Utilities/Service Systems  | <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 revisions in the project have been made by or agreed to by the project proponent. A **MITIGATED NEGATIVE DECLARATION** will be prepared.
- I find that the proposed project **MAY** have a significant effect on the environment, and an **ENVIRONMENTAL IMPACT REPORT** is required.
- I find that the proposed project **MAY** have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An **ENVIRONMENTAL IMPACT REPORT** is required, but it must analyze only the effects that remain to be addressed.
- I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or **NEGATIVE DECLARATION** pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or **NEGATIVE DECLARATION**, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

  
\_\_\_\_\_  
Signature

6-25-99  
\_\_\_\_\_  
Date

RICHARD E. PATENAUDE  
\_\_\_\_\_  
Printed name

CITY OF HAYWARD  
\_\_\_\_\_  
For

**ENVIRONMENTAL IMPACTS:**

<i>Potentially Significant Impact</i>	<i>Less Than Significant With Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
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**I. AESTHETICS. *Would the project?***

a. Have a substantial adverse effect on a scenic vista?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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*Comment: Project design is consistent with the design requirements of the Core Area Specific Plan. No scenic vistas will be obstructed.*

b. Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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c. Substantially degrade the existing visual character or quality of the site and its surroundings?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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d. Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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*Comment: There is a lighted BART station and transit loading area to the west of the site and the Hayward City Hall to the north. Project lighting will be at a level typical of an urban downtown area and will provide enhanced security to the project. A condition of approval will require that lighting not cast direct light onto surrounding properties. The City Hall project was conditioned to prevent the casting of direct light into this project.*

**II. AGRICULTURE RESOURCES: *Would the project:***

a. Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?

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

b. Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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c. Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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	<i>Less Than Significant With Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
<i>Potentially Significant Impact</i>			

III. AIR QUALITY *Would the project:*

- a. Conflict with or obstruct implementation of the applicable air quality plan?

Comment: *Transportation sources would account for nearly all of the project-related emissions. The EIR certified for the Redevelopment Area concludes "cars will likely run cleaner and more efficiently than at present and, hence, cumulative air quality impacts are not expected to be substantial."*

*The air quality standards have not been reduced as anticipated in the EIR, but there have been improvements in vehicle emissions since the preparation of the EIR, which have improved the air quality of the Bay Area. The Bay Area Air Quality Management District indicates that under the National Ambient Air Quality Standards (NAAQS) established through the Federal Clean Air Act, the Bay region is still designated as "non-attainment" for carbon monoxide, although federal standards have not been exceeded since 1991. Other pollutants covered by the NAAQS include ozone, suspended particulate matter, nitrogen oxide, sulfur dioxide and lead. The region has been designated having reached attainment status for these pollutants, with ozone recently designated as attainment.*

*The project location next to a major transit corridor can be expected to result in less of an adverse air quality impact than residential units located away from a transit corridor due to expected use of BART and AC Transit by project occupants.*

*Construction of the project will result in short-term air quality impacts such as dust generated by clearing and grading activities, exhaust emissions from gas- and diesel-powered construction equipment, and vehicular emissions associated with the commuting of construction workers. Local particulate concentrations would increase during construction, and it is likely that the State's particulate standard may be temporarily exceeded in surrounding areas. However, these impacts would be similar to impacts generated by any development project in the City.*

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

- *Dust generated on the project site shall be controlled by selective watering of exposed areas, at least twice a day, to reduce dust generation.*
- *Paving shall be completed as soon as is practicable to reduce the time that bare surfaces and soils are exposed.*
- *Street sweeping shall be conducted to control dust and dirt tracked from the project site onto adjacent streets.*
- *During construction, the general contractor shall maintain and operate construction equipment in such a way as to*

	<i>Potentially Significant Impact</i>	<i>Less Than Significant With Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
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*minimize exhaust emissions.*

- |  |                          |                          |                                     |                          |
|--|--------------------------|--------------------------|-------------------------------------|--------------------------|
| b. Violate any air quality standard or contribute substantially to an existing or projected air quality violation? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|--|--------------------------|--------------------------|-------------------------------------|--------------------------|

*Comment: See Comments under III.a.*

- |   |                          |                          |                                     |                          |
|---|--------------------------|--------------------------|-------------------------------------|--------------------------|
| c. Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|---|--------------------------|--------------------------|-------------------------------------|--------------------------|

*Comment: See Comments under III.a.*

- |   |                          |                          |                          |                                     |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| d. Expose sensitive receptors to substantial pollutant concentrations?  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| e. Create objectionable odors affecting a substantial number of people? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

**IV. BIOLOGICAL RESOURCES. *Would the project:***

- |  |                          |                          |                          |                                     |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|

*Comment: The site does not contain any native plants. Nearly all trees and shrubs were introduced species that were planted when the BART station was constructed during the early-1970s. Approximately 16 street and parking lot trees are located on the site (10 as street trees along the abandoned portion of Atherton Street; 6 within the former parking lot). The majority of the trees are less than 10 inches in diameter and vary from poor to good condition. Primary species consist of sycamores, bronze loquats, locusts and maytens. To compensate for the trees to be removed, a diverse variety of replacement trees will be planted along the street frontages and within the project.*

- b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or US Fish and Wildlife Service?
- c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?
- d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?
- e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?

*Comments: See Comments under IV.a.*

- f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?

V. CULTURAL RESOURCES. *Would the project:*

- a. Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5?
- b. Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?
- c. Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?
- d. Disturb any human remains, including those interred outside of formal cemeteries?

VI. GEOLOGY AND SOILS. *Would the project:*

a. Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:

i. Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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*Comment: The project site is outside the Earthquake Fault Zone. The main trace of the Hayward Fault within the downtown area is located along the east side of Mission Boulevard approximately 600 feet to the east of the project site.*

ii. Strong seismic ground shaking?

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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*Comment: While the site will be subject to very violent shaking from a major earthquake on the Hayward Fault and moderate shaking from an event on the San Andreas fault, the risk of damage to wood-frame dwellings is low. (ABAG, On Shaky Ground, Feb. 1987)*

iii. Seismic-related ground failure, including liquefaction?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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*Comment: Ground failure due to liquefaction or differential compaction of the underlying soils in the event of a major earthquake does not appear to present a significant hazard because of the moderately-dense, clayey nature of the underlying materials and the low groundwater table.*

iv. Landslides?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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b. Result in substantial soil erosion or the loss of topsoil?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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c. Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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*Comment: The project site is relatively flat and, therefore, is generally not prone to seismically-induced slope instability.*

d. Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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- e. Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?

**VII. HAZARDS AND HAZARDOUS MATERIALS.**

*Would the project:*

- a. Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?
- b. Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?
- c. Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?
- d. Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?

*Comment: The easterly portion of the site was formerly occupied by an automobile dealership with underground gasoline tanks and an oil disposal system. Investigations were performed to determine the environmental condition of this site. These included soil sampling and analysis, installation and analysis of several groundwater monitoring wells and removal of underground storage tanks. All identified issues in this area have been investigated and resolved with the appropriate agencies and case closure has been granted; however, this clearance may be in consideration of future commercial use only.*

*Research of records reveals that a portion of the site was used for automotive-related uses, vehicle storage and building supplies. Findings indicate that there is a possibility that there could be hazardous materials within the site.*

Mitigation Measures: Conditions of approval will require the following:

- A soils and underground water investigation and remediation plan, if necessary, to ensure that contamination will not adversely impact the environment nor the residents of the proposed project.

- *Prior to the issuance of building permits, clearance shall be secured from Alameda County Health Services in regard to the impact of contaminants on the proposed project and the environment.*

- |  |                          |                          |                          |                                     |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| e. For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| f. For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| g. Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| h. Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

**VIII. HYDROLOGY AND WATER QUALITY. *Would the project:***

- |   |                          |                          |                          |                                     |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a. Violate any water quality standards or waste discharge requirements?   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b. Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

*Comment: Much of the site is currently covered with impervious material. Therefore, the amount of surface runoff is not expected to increase significantly. A condition of approval requires that the drainage systems convey all storm waters from the project site into an approved storm drain system.*

- c. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site.
- d. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site.

*Comment: Although this property is not currently subject to flooding, for aesthetic reasons, the development will be constructed below the existing property grade in order to conform to height limits established in the Core Area Plan. Therefore, a stormwater pump station may be needed to prevent site flooding. The proposed conditions of approval will require, if needed, a stormwater pump station and a back-up emergency electric-powered generator equipped with a fuel tank and an automatic power transfer switch to assure operation of the pump during a PG&E power failure. The Homeowners' Association will be required to own, operate and maintain these facilities. Implementation of the City requirements for drainage will reduce any potential flood-related impacts to a non-significant level.*

- e. Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?
- f. Otherwise substantially degrade water quality?
- g. Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?
- h. Place within a 100-year flood hazard area structures which would impede or redirect flood flows?
- i. Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?
- j. Inundation by seiche, tsunami, or mudflow?

IX. LAND USE AND PLANNING. *Would the project:*

- a. Physically divide an established community?
- b. Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?

*Comment: The Core Area Specific Plan, a component of which is the Downtown Hayward Plan, identifies the site as part of the focal point for the revitalization of the downtown. It cites the redevelopment of this site, and its surroundings, as being critical as both a pedestrian strategy – by reestablishing viable walking routes to and from the core – and as a strategy for catalyzing future private development in the area. It further identifies the site, and its surroundings, as a centerpiece in the downtown plan serving as an entrance to the city for BART patrons and bus riders. The site is designated residential with a density range of 30-65 units per acre. The proposed project density is 22 units per acre. The design is generally in conformance with the recommendations of the Core Area Plan, which suggests parking below grade, entrances to units from the public street, and the placement of stairs, trellises, bay windows and other similar features along the street to create a lively pedestrian environment.*

- c. Conflict with any applicable habitat conservation plan or natural community conservation plan?

X. MINERAL RESOURCES. *Would the project:*

- a. Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?
- b. Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?

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

- a. Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?

*Comment: A noise study and report for the project was developed by Charles M. Salter Associates, Inc., June 22, 1999. Noise levels were measured at the site ranging from 65 to 73 dB DNL. Future noise levels are expected to range from 67 to 74 dB DNL. Major noise sources impacting the site are vehicle traffic on Watkins Street and traffic associated with the BART station, primarily transit buses. Minor noise sources are BART and Union Pacific trains.*

*The State building code requires that indoor noise levels not exceed 45 dB DNL. To meet this requirement, units facing the BART station and along C Street will be required to utilize windows and doors with sound transmission (STC) ratings as recommended by the noise consultant with mechanical ventilation as required by code.*

*The Hayward Noise Element sets a goal of 60 dB DNL for outdoor-use spaces in residential projects. It is projected that the common open space behind the units along C Street could experience a noise level of 64 dB DNL, which is 4 dB above the City standard. Private open-space areas along C Street could experience a noise level of approximately 70 dB DNL.*

Mitigation Measures:

- *Units facing the BART station and along C Street will be required to utilize windows and doors with sound transmission (STC) ratings as recommended by the noise consultant with mechanical ventilation as required by code. Exterior walls will be required to contain additional insulation to provide protection from noise.*
- *Common open-space areas shall be surrounded by a 6-foot-high wall. The wall must have a minimum surface density of 3 pounds per square foot with no gaps or cracks in the face and solid from grade to top.*
- *Units which face C Street will be provided alternative open-space opportunities which are not impacted by noise in excess of 60 dB DNL.*

- b. Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?
- c. A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?

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

**XII. POPULATION AND HOUSING. *Would the project:***

- a. Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?

*Comment: The project density has been taken into account and factored into the projects included in the Downtown Hayward Design Plan and the Core Area Plan. It is City policy to encourage the development of high-density residential on this site as part of the plan to create a densely-developed, mixed-use, pedestrian-oriented downtown neighborhood.*

- b. Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?
- c. Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?

**XIII. PUBLIC SERVICES.**

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

Fire protection?

*Comment: A Fire Department company is located at Main and C Streets to provide emergency fire protection services to the project site.*

Police protection?

Schools?

*Comment: The Hayward Unified School District has published student generation figures for various townhouse developments in Hayward. At the elementary level, student generation averaged .33 per unit. Using this figure, the proposed project would generate 25 students. The project will be required to pay school district fees at the rate of \$1.93 per square foot of habitable space.*

*Burbank Elementary School, which serves the project, was identified as an impacted school in the 1994 Annual Growth Management Report (March 1, 1994). Enrollment has increased over the past five years and it may be necessary to have double-session for kindergarten. Other options are adjusting the school boundaries, sending children to an adjacent school, and restricting/rescinding transfer of students from outside the attendance area. The middle (Winton) and high (Hayward) schools have adequate capacity.*

Parks?

*Comment: Recreational facilities are not proposed as part of this project. The project provides the required amount of private and public open space for its residents. This project would result in a demand for slightly more than one acre of additional parkland. Prior to occupancy, the project sponsor will be required to pay \$1650 per unit park dedication in-lieu fees.*

Other public facilities?

**XIV. RECREATION.**

- a. Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?

- b. Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?

XV. **TRANSPORTATION/TRAFFIC.** *Would the project:*

- a. Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)?

*Comment: The D Street widening project, completed in 1996, increased traffic capacity in the area and improved access to Foothill and Mission Boulevards. In conjunction with that project, a traffic signal was installed at D and Atherton Streets, improving project access to and from Atherton Street.*

- b. Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?

- c. Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?

- d. Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?

- e. Result in inadequate emergency access?

- f. Result in inadequate parking capacity?

*Comment: The project is providing two parking spaces per unit and a total of 15 guest parking spaces for a total of 169 parking spaces (2.2/unit). Required parking is 1.5 parking spaces per unit in the Core Area Specific Plan Area. Although this project is providing a greater number of parking spaces than required, it is estimated that parking demand would be lower for this project located next to BART and bus transit when compared to other similar projects. Minimal street parking will be available.*

- g. Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?

**XVI. UTILITIES AND SERVICE SYSTEMS. *Would the project:***

- a. Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?
- b. Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?

*Comment: There is an adequate supply of water, sewer, gas and electricity to serve the project.*

- c. Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?

*Comment: See Comment under XVI.b.*

- d. Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?

*Comment: See Comment under XVI.b.*

- e. Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?

*Comment: See Comment under XVI.b.*

- f. Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?
- g. Comply with federal, state, and local statutes and regulations related to solid waste?

**XVII. MANDATORY FINDINGS OF SIGNIFICANCE.**

a. Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?

b. Does the project have impacts that individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)

c. Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?

**XVIII. EARLIER ANALYSES.**

a. *Earlier analyses used. An EIR was completed and accepted in 1986 for the entire Redevelopment Area and later a Negative Declaration was adopted for the Core Area Plan. The project is consistent with both the Redevelopment Plan and the Core Area Plan. An EIR was also completed and accepted for the Downtown Hayward Redevelopment Plan Amendment in 1998. Therefore, no further EIR is required for this component of the Redevelopment Plan per Section 15180 of the Guidelines for Implementation of the California Environmental Quality Act.*

b. *Impacts adequately addressed. Yes*

c. *Mitigation measures. Conditions of approval.*



Commissioner Bennett agreed and said there is no one who is against churches but said this is simply restricting two streets downtown.

The motion passed 5:0, with Commissioners Zermefio and Williams absent.

Chairperson Fish called for a ten-minute break at 9:47 p.m.

The meeting then resumed at 9:57 p.m.

5. Site Plan Review/Variance (SPR/VAR) 99-130-07 - The Olson Company and the City Redevelopment Agency (*Applicants*); B.A.R.T. and the City Redevelopment Agency (*Owners*): Request site plan approval and variances to the private open space, security gate and landscape setback requirements to construct 77 multi-family residences on a 3.5-acre site contiguous to the Hayward Civic Center Plaza. The property lies within the Central City Residential Zoning District. *The property is located at Watkins and C Streets.*

Assistant City Manager Anderson brought the report of the next component of the Civic Center Plan to the Commission. He introduced Principal Planner/Landscape Architect Woodbury who presented the information. She indicated that the 77-townhome proposal incorporates some of the details from City Hall. She pointed out various amenities and similarities to Atherton Place.

Assistant City Manager Anderson added that the proposal had been presented to the CAB and the Atherton group homeowners and received a very favorable response.

Commissioner Halliday said she appreciated the preservation of the view corridor from the Library toward City Hall.

There was some discussion regarding the Negative Declaration on page 8 that, "the development would be constructed below the existing property grade in order to conform to height limits established in the Core Area Plan." In response, Principal Planner/Landscape Architect Woodbury said the project engineer had since determined that no excavation would occur and the proposal meets the height requirement.

Public Hearing Opened at 10:15 p.m.

Peter Hellman, The Olson Company, 2108 Grant Street, Concord, 94520, developer of the property, said he was available for questions and comments.

Commissioner Bogue asked why there would be no swimming pool or recreation room for the project. Mr. Hellman said that in their studies those facilities are under utilized and not considered an important component to the project. He then explained that the interiors of the homes would be as varied and interesting as those at Atherton Place.

Charlie Cameron, P.O. Box 55, complained about the Mass Transit part of the proposal. He passed along further information to Assistant City Manager Anderson.

Mike Brown, Carpenters Union, 1050 Mattox Road, asked for confirmation that local Union contractors and labor would be used.

Assistant City Manager Anderson assured him that it is a redevelopment project and would be a union project using local contractors.

The Public Hearing Closed at 10:25 p.m.

Commissioner Bogue **moved**, seconded by Commissioner Caveglia, to approve the proposal and recommend it to the City Council. He also suggested more articulation be considered on the ends of the buildings.

Commissioner Bennett said she would be opposing the motion since it feels really crowded. She suggested that this project would be more appropriately suited to the Lucky's site and that this site be left as open space. It could be used for the Farmer's Market, for example. At the least, a row of the townhomes sitting directly next to the City Hall should be removed. She said this is a massive project that takes away from the beauty of the City Hall.

Commissioner Halliday said she would support the motion because the City committed to develop this property residentially.

Chairperson Fish said he appreciated the history of this project but would like to see more density to it.

Commissioner Caveglia said this is not where you want sprawl but the only way the downtown is going to change is to have people in the downtown area.

The **motion passed 4:1**, with Commissioner Bennett voting no, and Commissioners Zermeño and Williams absent.

## **ADDITIONAL MATTERS**

### **6. Oral Report on Planning and Zoning Matters**

Senior Planner/Landscape Architect Woodbury announced that the City Council had upheld the Planning Commission vote to deny El Tapitia a Liquor License.

### **7. Commissioners' Announcements, Referrals**

Commissioner Halliday reported on the artist submissions for the walls of the B Street Marketplace/parking garage. She explained that what the Committee saw were concept designs. Out of the many submissions, a few will be invited to submit actual proposals for the site.

Commissioner Caveglia asked about the leased signs on the building.

Assistant City Manager Anderson explained that two businesses had leased footage: a Mail Boxes, Etc., and a sit-down Mexican restaurant.

Chairperson Fish noted road construction in the hills near the quarry and asked for further information.

**SUMMARY REPORT FOR THE  
DISPOSITION AND DEVELOPMENT AGREEMENT**

**RESIDENTIAL DEVELOPMENT  
ON SITE 2  
IN THE  
DOWNTOWN HAYWARD REDEVELOPMENT PROJECT  
BETWEEN THE AGENCY  
AND  
THE DEVELOPER**

(as required by Section 33433 of the Community Redevelopment Law)

Redevelopment Agency of the City of Hayward  
777 B Street  
Hayward, California 94541  
510/583-4260

## **I. INTRODUCTION**

The Community Redevelopment Law of the State of California (specifically Section 33433) requires that whenever a Redevelopment Agency sells land which it acquired with tax increment funds, the Agency must make available to the public a summary of the critical provisions of the agreement between the agency and the developer. The summary is made available to the public at least two weeks in advance of the required public hearing at which the Agency will consider the proposed disposition and development agreement providing for the sale and development of the property.

## **II. PROPOSED PROJECT**

The project site is located adjacent to the new Hayward Civic Center and City Hall, and the Hayward Downtown BART station. The project will be an additional transit-oriented residential use benefiting from its proximity to BART. This project will implement the residential improvements for the Civic Center and Redevelopment Project Area contemplated in the Section 33433 Report prepared for the actions taken by the Agency on April 9, 1996.

The site consists of property that was previously owned by the Redevelopment Agency, the City, and BART. Resulting from a series of property trades and purchases, a contiguous site of approximately 3.5 acres will be sold to a developer for residential housing and related improvements. The project will consist of approximately 77 townhouse units.

## **III. DEVELOPMENT COST**

Pursuant to the proposed Disposition and Development Agreement ("DDA"), the Agency will be responsible for conveying to the developer a site that is suitable for constructing the contemplate residential units. The Agency's has included funds in its operating budget to remove any surface or subsurface structures or soils that may not be suitable for constructing residential units. The Agency is aware of the soils condition of the property it previously owed and is in the process of obtaining the appropriate environment clearances. The Agency is not aware of the soils condition of the remainder of the property it acquired from BART. The necessary evaluation of these soils has commenced. There may be further Agency obligations relative to the condition of these soils when the evaluation work is complete.

The Agency has assembled the entire site necessary for the residential development. Prior to the Agency acquiring the property it needed from BART, the Agency received an appraisal of the fair market value of the BART property that indicated a valuation estimate of \$13.50 per sq. ft. The Agency will convey the assembled site to the developer at the same valuation estimate of \$13.50.

The only additional Agency costs will be those associated with the escrow for the sale of the site from the Agency to the developer.

## **SITE CONVEYANCE TO THE DEVELOPER**

As indicated above, the Agency has received a valuation estimate for the project site of \$13.50 per sq. ft. The project site will be conveyed to the developer at the same valuation estimate

of \$13.50. This will be inclusive of a \$25,000 deposit the developer will be required to place with the Agency upon execution of DDA. The developer will pay to the Agency the full amount for the project site at the close of escrow. The Agency and developer will share in the escrow costs. The Agency will also participate in the potential profits of the development after all construction costs (soft and hard costs, and certain predevelopment costs) and an 8.0 % profit to the developer. The Agency and developer will share any actual profits equally.

If the Agency should agree to defer any portion of the purchase price for the project site, a note on the property shall evidence such deferred payment. Said note should be secured by a guarantee from the developer, subordinate to the construction lender, accrue interest at the City Earning Rate, and will be due in approximately 36 months from the close of escrow (the estimated period for the residential project to be constructed and the new units sold). This structure provides the Agency with the potential to receive at a minimum, the full sales price for its property.

#### **IV. ELIMINATION OF BLIGHT**

The major objectives of the proposed development are the elimination of physical and economic blight associated with the project site and to support the economic revitalization of the Downtown. Many of the blighting factors in the area were identified in the Redevelopment Plan for the area. Under the Plan, the Agency has been working diligently to address those blighting factors.

Since the late 1980's, the Agency has purchased a significant amount of land in the Downtown Redevelopment Project area. The project site has been partially demolished and several remaining foundations, street, and parking improvement will be demolished under the terms of the DDA. One site has been conveyed to a developer and the construction and sale of residential units on the site has occurred. The new Civic Center and City Hall have been constructed. A new mixed-use retail/parking garage has been constructed on property owned by the Agency and the leasing of the retail space has commenced. The Agency has relocated a culvert that traversed the project site. And, the Agency has commenced acquiring substandard and blighted units in the area, as they become available. All the above referenced activities are to address the blighting factors that were originally identified in the project area.

The Downtown was once the major center of economic commerce and vitality for the City. As the case with many other communities, with the proliferation of regional shopping malls, Hayward's downtown has experienced significant decline in economic activity and increased vacancies. Yet, the population of Hayward has continued to grow, maintaining a viable residential community to support a revitalized downtown. In addition, the Hayward community is geographically the "heart of the bay" making it accessible to many major neighboring residential communities.

The implementation of the residential development is part of a multi-phase approach to correcting the physical and economic blighting influences in the project area.

**DRAFT**

*pm 7-22-99*

HAYWARD CITY COUNCIL

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

Introduced by Councilmember \_\_\_\_\_

**RESOLUTION APPROVING SITE PLAN REVIEW AND  
VARIANCE APPLICATION NO. 99-130-07 OF THE OLSON  
COMPANY FOR DEVELOPMENT OF REDEVELOPMENT  
SITE TWO, LOCATED ADJACENT TO CITY HALL AT  
WATKINS AND "C" STREET AND EAST OF THE  
DOWNTOWN HAYWARD BART STATION**

WHEREAS, The Olson Company has submitted a site plan review and variance application (sometimes "SPR/Variance No. 99-130-07"), to construct a 77-unit residential townhome development on an approximately 3.51 acre site located immediately in the Central City-Residential ("CC-R") district on a site bounded to the north by the Hayward City Hall, to the east by Watkins Street, to the west by the downtown Hayward BART station and to the south by "C" Street, a property owned by the Redevelopment Agency and sometimes referred to as Site Two; and

WHEREAS, the variances requested by The Olson Company from the private open space otherwise required for townhome units facing "C" Street, the turnaround area requirements contained in the City of Hayward's Security Gate Ordinance, and landscaping otherwise required for such townhome development; and

WHEREAS, the Planning Commission considered the application for SPR/Variance No. 99-130-07 at a public hearing on July 15, 1999, and recommended to the City Council that such application be approved; and

WHEREAS, the potential environmental impacts and mitigation measures to be imposed on the townhome development contemplated by the application for SPR/Variance No. 99-130-07 are within the scope of the environmental impacts and mitigation measures previously discussed in the Program EIR for the Redevelopment Project amendment certified in 1999, and the Program EIR prepared for the Downtown Hayward Redevelopment Project Area certified in 1986; and

WHEREAS, the City Council has reviewed and considered all material presented, including the record of the proceedings before the Planning Commission, and finds and determines that the project, as conditioned, will have no significant effect on the environment.

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Hayward to adopt the following findings and determinations:

1. The information in the administrative record and based on the City Council's knowledge of the circumstances and the documents and comments presented at the public hearing indicate that the proposed townhome development is consistent with the scope of development examined in the 1999 and 1986 Program EIRs previously prepared for the Downtown Hayward Redevelopment Project, and potentially significant impacts of the townhome development will be avoided or mitigated pursuant to the conditions of approval attached to the staff report presented to the City Council. In addition, there has been no change to the circumstances surrounding the proposed townhome development which indicate a need to prepare a supplemental or subsequent EIR due to an increase or involvement of a significant environmental effect which was not previously discussed in the Program EIRs, nor has there been a change in feasible mitigation measures.
2. The proposed townhome development is compatible with the surrounding area in that the proposed height, bulk and scale are compatible with the Atherton Place residences located to the south of Site Two, a view corridor will be maintained from Atherton Street to City Hall, and pedestrian access will be provided to the downtown Hayward BART station.
3. The proposed townhome development takes into consideration physical and environmental constraints in that vehicular access is provided at the Atherton Street alignment and the buildings face "C" Street and the City Hall plaza.
4. The proposed townhome development complies with the intent of City development policies and regulations in that such development is consistent with the General Plan and the Downtown Hayward Redevelopment Plan and the townhomes are designed in keeping with the *Downtown Focal Point Master Plan*, the *Downtown Core Area Specific Plan*, and the requirements of the CC-R district regulations.
5. The proposed townhome development will be operated in a manner which is compatible with surrounding development, based on the conditions of approval which are hereby approved.
6. As to the variances requested from the security gate, private open space and landscape setback requirements, the City Council makes the following additional findings and determinations:
  - a. There are special circumstances applicable in that:

- (1) The gated entry proposed for the end of Atherton Street, which does not provide the turnaround area between the gates and the street otherwise required by the City's Security Gate Ordinance, is appropriate because the alignment of "C" Street is offset east and west of Atherton Street so as to prevent sufficient area for a paved turnaround on the street side of the gates.
  - (2) The building fronting "C" Street is subject to exterior noise levels, which make it difficult to design usable outdoor space which will enable the residents to use the exterior area for outdoor activities.
  - (3) The landscape setbacks around the buildings and at the south end of the driving aisle at Building 3-D are consistent with the Downtown Hayward Design Plan, which recognizes the need to reduce building setbacks to achieve the desired urban development pattern.
- b. The strict application of Zoning Ordinance and the Security Gate Ordinance would deprive The Olson Group of privileges enjoyed by the Atherton Place development which was granted similar variances in that the Atherton Place development includes a gated entry without a street side turnaround. In addition, the variance from the private open space and landscape setback requirements are consistent with the Downtown Core Area Specific Plan's urban development pattern objective, described more specifically in the *Downtown Hayward Design Plan* component of such Specific Plan.
- c. The variances do not constitute a grant of special privilege inconsistent with the limitations upon other properties in the vicinity, since a similar turnaround requirement was approved for the Atherton Place development and the proposed townhome development is consistent with the Downtown Hayward Design Plan.

NOW, THEREFORE, BE IT FURTHER RESOLVED by the City Council of the City of Hayward that Site Plan Review and Variance Application No. 99-130-07 is hereby approved, subject to the conditions of approval presented and approved at the July 27, 1999, meeting.

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

ADOPTED BY THE FOLLOWING VOTE:

AYES:

NOES:

ABSENT:

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

APPROVED AS TO FORM:

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

**DRAFT**

SM 7-28-99

REDEVELOPMENT AGENCY OF THE CITY OF HAYWARD

RESOLUTION NO. RA-99-\_\_\_

Introduced by Commissioner \_\_\_\_\_

RESOLUTION AUTHORIZING THE EXECUTIVE  
DIRECTOR OF THE REDEVELOPMENT AGENCY TO  
EXECUTE A DISPOSITION AND DEVELOPMENT  
AGREEMENT WITH THE OLSON COMPANY RELATING  
TO THE SALE AND REDEVELOPMENT OF SITE TWO

WHEREAS, the staff of the Redevelopment Agency of the City of Hayward ("Agency") has negotiated the terms of a proposed Disposition and Development Agreement ("DDA") with The Olson Company, a California corporation, which provides for the sale and development of certain Agency owned property, located adjacent to the Hayward City Hall on the southerly portion of the block bounded by Watkins Street, "B" Street, "C" Street, and immediately east of the downtown Hayward BART station, consisting of the parcels designated as assessor's parcel nos. 428-46-52-2, 428-46-053, and 428-46-054 (jointly "Site Two"); and

WHEREAS, notice of a July 27, 1999, joint hearing before the City Council regarding the Site Plan and variances requested by The Olson Company and the City Council in its capacity as the legislative body of the Redevelopment Agency of the City of Hayward (jointly the "City Council") regarding the proposed DDA has been provided as required by law; and

WHEREAS, a draft of the proposed DDA and an agenda report concerning the terms of the proposed DDA, including the terms of sale for the Site Two property and the summary report required by the Community Redevelopment Law ("Section 33433 Report"), has been made available for public inspection in accordance with Health and Safety Code section 33433; and

WHEREAS, the City Council held the July 27, 1999, public hearing and has considered the staff report describing the proposed site plan and variance application No.99-130-07, the terms of the proposed DDA and the Reuse Appraisal, as well as other documents and public comments submitted at such hearing regarding the Reuse Appraisal and proposed DDA; and

WHEREAS, the City Council has adopted a resolution approving site plan review and variance application no. 99-130-07, as conditioned.

NOW, THEREFORE, BE IT RESOLVED by the City Council as follows:

1. That it hereby determines that sale of the Agency-owned property on Site Two to The Olson Company will assist in the elimination of blight in the Downtown Hayward Redevelopment Project area since the sale is for the purpose of enabling the development of such property in accordance with the terms of the proposed DDA, the General Plan, the Downtown Core Area Specific Plan, and Redevelopment Plan.
2. That it also determines, based on the Section 33433 Report, that the consideration set forth in the DDA is not less than the fair reuse value based on the uses, restrictions, and conditions set forth in the DDA and the Redevelopment Plan.
3. That the Executive Director of the Redevelopment Agency is authorized and directed to execute and administer on behalf of the Redevelopment Agency a DDA with The Olson Company, with substantially the same terms described in the agenda report presented to the City Council, and in such form which the Agency's General Counsel deems appropriate.

HAYWARD, CALIFORNIA \_\_\_\_\_, 1999

ADOPTED BY THE FOLLOWING VOTE:

AYES:

NOES:

ABSTAIN:

ABSENT:

ATTEST: \_\_\_\_\_  
Secretary of the Redevelopment Agency of the  
City of Hayward

APPROVED AS TO FORM:

\_\_\_\_\_  
General Counsel