



**CITY OF HAYWARD  
DEVELOPMENT SERVICES DEPARTMENT  
INITIAL STUDY CHECKLIST**

**PROJECT TITLE:** 2367 Rainbow Court Single-Family Residence  
Site Plan Review No. 201700714

**LEAD AGENCY NAME/ADDRESS:** City of Hayward  
Planning Division  
777 B Street  
Hayward CA 94541

**CONTACT PERSON:** Marcus Martinez, Assistant Planner  
Phone: (510) 583-4236  
Email: [marcus.martinez@hayward-ca.gov](mailto:marcus.martinez@hayward-ca.gov)

**PROJECT LOCATION:** 2367 Rainbow Court  
Assessor Parcel No. 425-0410-026-00

**PROJECT APPLICANT:** Mark Bucciarelli (Architect)  
Baukunst  
58 Fairlawn Avenue  
Daly City CA 94015

**ZONING DISTRICT:** Single Family Residential (RS)

**GENERAL PLAN DESIGNATION:** Suburban Density Residential (SDR)  
1.0 – 4.3 Dwelling Units per Net Acre

**PROJECT DESCRIPTION:** The proposed project includes an application for Site Plan Review (SPR) with Grading Permit for the construction of a three-story split level, 4,112 square-foot single-family residence and related on- and off-site improvements on an 0.27-acre (12,078 square feet) vacant hillside parcel located at 2367 Rainbow Court. The proposed project includes grading and development on slopes exceeding 20% within the vicinity of the development area.

The proposed new single-family residence meets all the development regulations of the Single Family Residential (RS) zoning district set forth by the Hayward Municipal Code. The project also includes the construction of a driveway, drought-tolerant landscaping, and will connect to the existing utilities (electricity, gas, sewer, and water) on Rainbow Court.

**Development Services Department**

Planning Division T: 510.583.4200 TTD: 510.247.3340  
777 B Street, Hayward, CA 94541 F: 510.583.3649 [www.hayward-ca.gov](http://www.hayward-ca.gov)



**REQUESTED LOCAL APPROVALS:** The City of Hayward, as the Lead Agency, will take the following actions in order to carry out the project:

- Site Plan Review
- Grading Permit (For Sites with an Average Slope Greater than 20%)

**SURROUNDING LAND USES AND SETTING:** The 0.27-acre project site is pie-shaped and steeply sloped from the north (toe of slope) to the south (top of slope) toward Rainbow Court. Adjacent land uses include a predominantly single-family residential on varying lot sizes.

**OTHER PUBLIC AGENCIES WHOSE APPROVAL IS REQUIRED:** None

**ATTACHMENTS:**

Attachment I - Project Plans

Attachment II - Geotechnical Report



June 1, 2018

Alameda County Clerk  
1106 Madison Street, 1<sup>st</sup> Floor  
Oakland, CA 94607

**SUBJECT: NOTICE OF INTENT TO ADOPT A MITIGATED NEGATIVE DECLARATION WITH MITIGATION AND MONITORING PLAN FOR SITE PLAN REVIEW WITH GRADING PERMIT APPLICATION NO. 201700714 FOR THE CONSTRUCTION OF A 4,112 SQUARE FOOT SINGLE-FAMILY RESIDENCE ON A 0.27-ACRE (12,078 SQUARE FEET) VACANT HILLSIDE PARCEL LOCATED AT 2367 RAINBOW COURT, ASSESSOR PARCEL NO. 425-0410-026-00 IN THE CITY OF HAYWARD**

**Mark Bucciarelli, 58 Fairlawn Avenue, Hayward CA 94015 (Applicant)**

Please post this letter with the attached Initial Study and Mitigated Negative Declaration for a period of 20 days to conform to Section 15072 of the California Environmental Quality Act (CEQA) Guidelines. The specific posted comment period is from **Friday, June 1, 2018 to Thursday, June 21, 2018 at 5:00 p.m.**

This item is scheduled for a public hearing before the Planning Commission of the City of Hayward on Thursday, June 28, 2018, at 7:00 p.m., Council Chambers, 2<sup>nd</sup> Floor, City Hall, 777 B Street, Hayward, to obtain citizen input on the proposed project and the Initial Study and Mitigated Negative Declaration. A copy of the staff report can be viewed on the City's website at [www.hayward-ca.gov](http://www.hayward-ca.gov) after June 22, 2018. The Planning Commission can either recommend approval or denial to the City Council on the Site Plan Review and Grading Permit. City Council approval of a Grading Permit is required for development on hillsides with slopes greater than 20 percent.

If recommended for approval or denial, a public hearing is *tentatively* scheduled before the City Council for final decision on Tuesday, July 10, 2018, at 7:00 p.m., Council Chambers, 2<sup>nd</sup> Floor, City Hall, 777 B Street, Hayward. A copy of the City Council staff report can be viewed on the City's website at [www.hayward-ca.gov](http://www.hayward-ca.gov) after July 6, 2018.

Copies of the Initial Study and Mitigated Negative Declaration are available for public review at Hayward City Hall at 777 B Street, Hayward on the First-Floor Permit Center, Monday through Thursday from 8:00 a.m. to 5:00 p.m. Copies of the Mitigated Negative Declaration are also available for public review at the Hayward Public Library located at 835 C Street and the Weekes Branch Library located at 27300 Patrick Avenue, both in Hayward, and on the City's website at <http://www.hayward-ca.gov/content/projects-under-environmental-review-0>. Please see the Library and Community Services webpage at <http://www.library.ci.hayward.ca.us/> for library days and hours.

**Development Services Department**

Planning Division

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TTD: 510.247.3340

[www.hayward-ca.gov](http://www.hayward-ca.gov)



If the Mitigated Negative Declaration is approved, the City will promptly file a Notice of Determination for the project with the Alameda County Clerk's Office. If you have any questions, please contact Marcus Martinez, Assistant Planner at (510) 583-4236 or via e-mail at [marcus.martinez@hayward-ca.gov](mailto:marcus.martinez@hayward-ca.gov).

Sincerely,

A handwritten signature in black ink, appearing to read 'M. Martinez', with a long horizontal stroke extending to the right.

Marcus Martinez  
Assistant Planner

c: Mark Bucciarelli, Applicant/Architect  
Quan & Thip Tran, Owners

**CITY OF HAYWARD  
DEVELOPMENT SERVICES DEPARTMENT  
MITIGATED NEGATIVE DECLARATION**



Notice is hereby given that the City of Hayward finds that the proposed project described in detail below would not have a significant effect on the environment as prescribed by the California Environmental Quality Act of 1970, as amended:

**I. PROJECT DESCRIPTION:**

**Title:** 2367 Rainbow Court Hillside Single-Family Residence  
Site Plan with Grading Permit Review File No. 201700714

**Description:** The proposed project includes an application for Site Plan Review (SPR) with a Grading Permit for the construction of an approximately 4,112 square-foot single-family residence with related on- and off-site improvements on an existing 0.27-acre (12,078 square foot) hillside lot located at 2367 Rainbow Court. The proposed project includes grading and development on slopes exceeding 20% within the vicinity of the development area.

The proposed new single-family residence meets all development standards related to building setbacks, building height, parking, floor area ratio, and permitted use regulations of the Single Family Residential (RS) zoning district set forth by the Hayward Municipal Code. Additionally, the project includes the construction of a driveway, drought-tolerant landscaping compliant with the Bay Area Friendly Water Efficient Landscape Ordinance, and will connect to the existing utilities (electricity, gas, sewer, and water) along Rainbow Court.

**Location:** 2367 Rainbow Court, Assessor Parcel No. 425-0410-026-00

**Approvals:** Site Plan Review with Grading Permit

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

The proposed project, with the mitigation measures included in the Initial Study and Mitigation Monitoring and Reporting Program (MMRP) prepared for this project, will not have a significant effect on the environment.

**III. FINDINGS SUPPORTING DECLARATION:**

1. The proposed project has been reviewed according to the standards and requirements of the California Environmental Quality Act (CEQA) and an Initial Study Environmental Evaluation Checklist has been prepared for the proposed project. The Initial Study has determined that the proposed project, with the recommended mitigation measures, could not result in significant effects on the environment.

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2. The project was found to have either no impact or less than significant impacts in the areas of Aesthetics, Agricultural Resources, Air Quality, Biological Resources, Cultural Resources, Greenhouse Gas Emissions, Hazards and Hazardous Materials, Hydrology or Water Quality, Land Use, Mineral Resources, Noise, Population and Housing, Public Services, Recreation, Transportation and Traffic, and Utilities and Service Systems.
3. The project could result in impacts related to Geology and Soils in that new construction on the site with slopes over 20% could be susceptible to strong ground shaking or unstable soils created by planned cuts and fills in the existing steeply sloped hillside property. Impacts can be mitigated to a level of less than significant if the proposed residence incorporates all the proposed recommendations and mitigation measures set forth in the Geotechnical Engineering Report prepared by Hallenbeck/Allwest, dated October 2016, in regard to seismic design, site preparations, foundations, retaining walls, concrete slab-on-grade, and drainage.
4. With regard to the Mandatory Findings of Significance, the proposed project could result in impacts that could cause an adverse effect on human beings as described above and in the attached Initial Study; however, those impacts can be mitigated to a level of less than significant as described above and in the Initial Study.

**IV. LEAD AGENCY REPRESENTATIVE AND PERSON WHO PREPARED THE INITIAL STUDY:**

  
\_\_\_\_\_  
Marcus Martinez, Assistant Planner

JUNE 15<sup>TH</sup>, 2018  
\_\_\_\_\_  
Date

**V. CONTACT INFORMATION**

For additional information, please contact Marcus Martinez, Assistant Planner at the City of Hayward Planning Division at 510-583-4236.

Written comments may be sent to Marcus Martinez via email at [marcus.martinez@hayward-ca.gov](mailto:marcus.martinez@hayward-ca.gov) or at City of Hayward Planning Division, 777 B Street, Hayward, CA 94541.

**VI. COPY OF ENVIRONMENTAL CHECKLIST**

Copies of the Initial Study and Mitigated Negative Declaration are available for public review at Hayward City Hall, at 777 B Street, Hayward on the First-Floor Permitting Center, Monday through Thursday from 8 a.m. to 5 p.m.; at the Hayward Public Library located at 835 C Street and the Weekes Branch Library located at 27300 Patrick Avenue in Hayward, and on the City's website at <http://www.hayward-ca.gov/content/projects-under-environmental-review-0>. Please see the Library and Community Services webpage at <http://www.library.ci.hayward.ca.us/> for library days and hours.

**ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED**

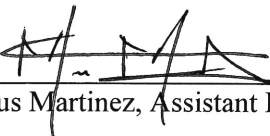
The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages.

- |   |   |   |
|---|---|---|
| <input type="checkbox"/> Aesthetics               | <input type="checkbox"/> Agriculture and Forestry Resources | <input type="checkbox"/> Air Quality                        |
| <input type="checkbox"/> Biological Resources     | <input type="checkbox"/> Cultural Resources                 | <input checked="" type="checkbox"/> Geology /Soils          |
| <input type="checkbox"/> Greenhouse Gas Emissions | <input type="checkbox"/> Hazards & Hazardous Materials      | <input type="checkbox"/> Hydrology / Water Quality          |
| <input type="checkbox"/> Land Use / Planning      | <input type="checkbox"/> Mineral Resources                  | <input 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)**

Based on 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.

  
\_\_\_\_\_  
Marcus Martinez, Assistant Planner

06/1/2018  
\_\_\_\_\_  
Date

**EVALUATION OF ENVIRONMENTAL IMPACTS**

**ENVIRONMENTAL ISSUES:**

	<b>Potentially Significant Impact</b>	<b>Less Than Significant with Mitigation Incorporated</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
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**I. AESTHETICS.** Would the project:

<u>a) Have a substantial adverse effect on a scenic vista?</u>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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The project site is not within the vicinity of any designated scenic vistas and the proposed single-family residence has been designed in accordance with the City of Hayward Hillside and Urban/Wildlife Interface Design Guidelines to step the building architecture with the existing hillside to maintain views afforded to other adjacent properties. Impacts to scenic vistas is considered *less than significant*.

<u>b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?</u>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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The project site is not located within or along a designated State scenic highway and will not impact designated scenic resources, including trees, rock outcroppings or historic buildings. As such the project proposes *no impact*.

<u>c) Substantially degrade the existing visual character or quality of the site and its surroundings?</u>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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The existing site is located along a sloped area within the Single-Family Residential (RS) zoning district where other single-family residences are permitted by-right and currently exist. The proposed project consists of the construction of a three-story split-level, 4,597 square-foot single-family residence on a vacant hillside parcel at the above-referenced address. The City of Hayward Hillside and Urban/Wildfire Interface Guidelines requires that new development within interface area the exhibit varied elevations, floor plans, setbacks, and a quality architecture to enhance the hillside setting. Front elevations facing the public right-of-way should be articulated with well-proportioned windows, roof lines, entries, wall offsets, materials and other details. Side and rear elevations should be attractively designed. The architecture design of the home, color palette, and choice of building materials should provide a smooth visual transition between the homes and the natural surroundings.



<b>Potentially Significant Impact</b>	<b>Less Than Significant with Mitigation Incorporated</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
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The proposed project reduces the building bulk and mass by adding significant window detailing, neutral colors and a stepped, modern building design. Further, the proposed project will include new drought-tolerant landscaping in compliance with the Bay-Area Friendly Water Efficient Landscape Ordinance and will enhance the visual quality and character of the existing vacant site. As designed, the project would not substantially degrade the character or quality of the site and its surroundings and any impacts would be considered *less than significant*.

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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The proposed single-family residence would result in the development of a currently vacant site and would thereby introduce a new source of light to the site, however the additional light emissions from one single-family dwelling is not considered significant. The project, as conditioned, will require that all exterior lights be shielded downward as to not to cast light or glare onto adjacent properties. Thus, the impacts of the proposed project are considered *less than significant* related to lighting and glare.

**II. AGRICULTURE AND FOREST RESOURCES.** In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state’s inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board. 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"/>
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Per the California Department of Conservation, Important Farmland Finder Mapping System, the project site is designated as “*Urban and Built-Up Land*”; therefore, the project

<b>Potentially Significant Impact</b>	<b>Less Than Significant with Mitigation Incorporated</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
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does not involve any Prime Farmland, Unique Farmland, or Farmland of Statewide Importance; thus, *no impact*. (City of Hayward Zoning Map, Important Farmland Finder).

b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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The proposed project is not zoned for agricultural uses nor is the property under Williamson Act contract; thus, *no impact* (Zoning Map, Google Earth).

c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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The proposed project, construction of single-family residence, does not involve the rezoning of forest land or timberland; thus, *no impact* (Zoning Map, Google Earth).

d) Result in the loss of forest land or conversion of forest land to non-forest use?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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The proposed project does not involve the loss of forest land or involve conversion of forest land to non-forest use; thus, *no impact* (Zoning Map, Google Earth).

e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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The proposed project would not result in a conversion of Farmland to non-agricultural uses nor would it result in conversion of any farmland to a non-forest use (Zoning Map, Google Earth). Thus, *no impact*.

<b>Potentially Significant Impact</b>	<b>Less Than Significant with Mitigation Incorporated</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
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**III. AIR QUALITY.** Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:

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

The proposed project involves development of one single-family residence on an existing vacant parcel and will thereby result in an increase in stationary and mobile source emissions over the existing baseline condition. However, the proposed project is consistent with the subject Zoning District (Single Family Residential) and General Plan Land Use Designation (Suburban Density Residential) for the property, which envisioned the proposed development of a single-family residence. Therefore, the development of the subject site with a single-family residence will not conflict with the goals of the regional air quality plan; thus, considered *less than significant*.

b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?                       

The Bay Area Air Quality Management District (BAAQMD) established screening criteria (Urban Land Use Emissions Model) as part of their CEQA Air Quality Guidelines to assist in determining if a proposed project could result in potentially significant construction-related or ongoing operational air quality impacts (BAAQMD 2016 CEQA Guidelines, Table 3.1, Operational-Related Criteria Air Pollutant and Precursor Screening Level Sizes). Based on the District’s criteria, the proposed single-family residence is well below the screening level for a significant impact related to air quality impacts and is therefore considered *less than significant*.

c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?                       

As noted in III.a and III.b above, the construction of a single-family residence is below the screening size for projects that are expected to result in significant air pollutant emissions. Therefore, air quality emissions from the proposed project are expected to be well below the BAAQMD significance thresholds for both construction exhaust and operational emissions for regional criteria pollutants.

<b>Potentially Significant Impact</b>	<b>Less Than Significant with Mitigation Incorporated</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
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While the development of a single-family residence falls below the potentially significant threshold, it is important to note that any construction activities, particularly during site preparation and grading, would temporarily generate fugitive dust in the form of PM<sub>10</sub> and PM<sub>2.5</sub>. Unless properly controlled, vehicles leaving the site would deposit mud on local streets, which could be an additional source of airborne dust after it dries. Standard Conditions of Approval related to construction activities to minimize fugitive dust and particulate matter will be incorporated, in the form of Conditions of Approval and Best Management Practices (BMPs), into the Site Plan Review project approval; thus, *less than significant impact*.

d) Expose sensitive receptors to substantial pollutant concentrations?                       

The proposed project involves development of a single-family residence on a vacant lot. The project site is located within a predominantly single-family residential neighborhood and is surrounded by similar development to the North, South, West, and East. There are no sources of pollutant concentrations near the site and the proposed single family-residence will not result in exposure of sensitive receptors to substantial pollutant concentrations. Thus, *no impact*.

e) Create objectionable odors affecting a substantial number of people?                       

The proposed project would not include or result in any significant and permanent sources of significant odors that could create objectionable odors affecting a substantial number of people. Thus, *no impact*.

**IV. BIOLOGICAL RESOURCES.**

Would the project:

a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?                       

The project site is currently vacant, consisting of ruderal groundcover and several mature trees. The project site is surrounded by other single-family residential homes on hillside lots. While development of the site will result in permanent disturbance of a portion of the currently vacant site that likely hosts urban wildlife such as mice, gophers, squirrels among others, it will not

Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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have a substantial impact on any valuable habitat that is known to host candidate, sensitive or special status species. Thus, *less than significant* impact.

b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, and regulations or by the California Department of Fish and Game or US Fish and Wildlife Service?

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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While development of the site with a new single-family residence will result in permanent disturbance of a portion of the site which is likely hosting some urban wildlife such as mice, gophers, squirrels and other small rodents, the site does not contain a riparian habitat and will not have a substantial impact on any riparian habitat or other identified sensitive natural communities; thus, *less than significant* impact.

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?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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The project site does not contain any wetlands; thus, *no impact* (City of Hayward Background Conditions Report, Figure 7-1, Existing Vegetation Communities).

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?

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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While development of the site with a single-family residence will result in permanent disturbance of a portion of the site, which is likely hosting some urban wildlife such as mice, gophers, squirrels and other small rodents, the location of the project site within an existing residential neighborhood will not impede the use of native wildlife nursery site. Additionally, the project will require the issuance of a Tree Removal Permit which will ensure that the tree proposed for removal will not contain active nests, which could impact migratory birds pursuant to the Federal Migratory Bird Act. Thus, *less than significant* impact.

	<b>Potentially Significant Impact</b>	<b>Less Than Significant with Mitigation Incorporated</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
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e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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The subject site has a ruderal groundcover with several mature trees (City of Hayward Background Conditions Report, Figure 7-1, Existing Vegetation Communities; Google Earth). Four Coast Live Oak trees, located towards the northern portion of the sloped site, are requested to be removed in order to accommodate the proposed development of the single-family residence (Hayward GIS Web-Map, Landscaping Plan). The remaining Coast Live Oak trees identified in the arborist report will remain and be preserved. Any proposed tree removal on private property in conjunction with new development is subject to the Chapter 10, Article 15 of the Hayward Municipal Code (Tree Preservation Ordinance) which requires submittal of an Arborist Report with the appraised value of each tree prior to the issuance of a Tree Removal Permit. The trees to be removed are located towards the rear yard areas of the property.

The applicant has retained the services of a landscape architect who has prepared landscape, planting, and irrigation plans. The applicant proposes to plant several new trees, including a 24-inch box Dogwood and a 24-inch box Crape Myrtle, along with additional shrubs and groundcover to mitigate the removal of the proposed trees. Additionally, the project would comply with local policies and ordinances protecting biological resources such as a tree preservation policy or ordinance, resulting in less than significant impact related to biological resources.

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

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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The City of Hayward does not have an adopted Habitat Conservation Plan or Natural Community Conservation Plan; thus, *no impact*.

**V. CULTURAL RESOURCES.** Would the project:

a) Cause a substantial adverse change in the significance of a historical resource as defined in § 15064.5?

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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There are no known historic resources associated with the project site or the adjacent parcels (City of Hayward Background Conditions Report, Figures 1-3 and 1-4, and Table 1-2). In the

<b>Potentially Significant Impact</b>	<b>Less Than Significant with Mitigation Incorporated</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
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unlikely event that historic or cultural resources are discovered during excavation related to later phases of the project, standard Conditions of Approval for all development projects require the contractor to stop all work adjacent to the find and contact the City of Hayward Development Services Department to preserve and record the uncovered materials so it can be safely removed (General Plan Policy Natural Resources NR-7.2, Paleontological Resource Mitigation).

If standard procedures are followed in the event cultural/historical resources are uncovered at the project site, there will be a *less than significant* impact related to the project (Hayward 2040 General Plan Background Report and City of Hayward Historical Resources Survey and Inventory Report, July 2010).

b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to § 15064.5?

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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No known archaeological resources exist on the site (City of Hayward Background Conditions Report, Figures 1-3 and 1-4, and Table 1-2). As indicated above, in the unlikely event that historical or cultural resources are discovered in later phases of work, standard Conditions of Approval for all development projects would apply as described in Section V.A above. Therefore, if standard procedures are followed in the event cultural/historical resources are uncovered at the project site, there will be a *less than significant* impact related to the project (Hayward 2040 General Plan).

c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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No known paleontological resources exist on the site (City of Hayward Background Conditions Report, 7-137 and 7-138). Other than the steep slope, which is characteristic of the surrounding area, there are no unique geological features on or near the site (City of Hayward Web-map, Google Earth). In the unlikely event that paleontological resources are discovered during later phases of development, the project's standard Conditions of Approval for all development projects would apply as described in V.A above.

If standard procedures are followed in the event cultural, historical or paleontological resources are uncovered at the project site, there will be a *less than significant* impact related to the development of the single-family residence (Hayward 2040 General Plan).

d) Disturb any human remains, including those interred outside of formal cemeteries?

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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<b>Potentially Significant Impact</b>	<b>Less Than Significant with Mitigation Incorporated</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
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There is no recorded information related to the location of known human remains or cemeteries near the project site; however, standard procedures for grading operations shall be followed during development, which require that if any such remains or resources are discovered, grading operations shall be halted, the City and County Coroner shall be notified and the resources/remains shall be evaluated by a qualified professional. Further, if necessary, mitigation plans shall be formulated and implemented prior to commencement of grading operations consistent with the City’s General Plan Policy NR-7.2. These standard measures would be conditions of approval should the project be approved thus resulting in a *less than significant* impact related to the potential disturbance of human remains.

**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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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The project site is not located within a known Earthquake Hazard Zone nor is there geomorphic evidence suggestive of active faulting within the site; however, the subject parcel is located in an area that is assigned a high seismic rating, due to the proximity of several faults, including the Hayward Fault. As such, a major earthquake in the future would expose people and property to strong seismic ground shaking, liquefaction and soil instability. It is essential to note that all structures will be designed using sound engineering judgment and adhere to the latest California Residential Code (CRC) requirements which will minimize impacts related to such activity but site-specific mitigation is required to minimize these impacts due to the heavily sloped topography.

Per a Geotechnical Feasibility Study Report prepared by Hallenbeck/Allwest (October 2016), the proposed project could be built with mitigation to reduce impacts. The report provides general recommendations for the project, including the seismic design, site preparations, foundation, retaining walls, concrete slab-on-grade, and drainage that would reduce geological-related impacts to a *less than significant with mitigation*.





Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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The grading plan must include details for retaining walls and slope protection measures. Thus, the potential impacts to soil erosion or loss of topsoil is considered *less than significant*.

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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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As noted in VI.A.I above, the proposed project site is vulnerable to unstable geological activity. Implementation of **Mitigation Measure GEO-1** would reduce the impact to a level of *less than significant with mitigation*.

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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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According to a Geotechnical Investigation Report prepared by Hallenbeck/Allwest (October 2016), the proposed site is suitable for the proposed development of a single-family residence provided the project is constructed with the recommendations contained in the Geological Report. In addition, as noted in VI.A.III above, implementation of **Mitigation Measure GEO-1** would reduce the impact of unstable soils to a level of *less than significant with mitigation*.

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?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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The proposed project would not involve the use of septic tanks or an alternative waste water disposal system. Thus, *no impact*.

**VII. GREENHOUSE GAS**

**EMISSIONS.** Would the project:

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?

<b>Potentially Significant Impact</b>	<b>Less Than Significant with Mitigation Incorporated</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
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The BAAQMD has established screening criteria as part of their CEQA Air Quality Guidelines to assist in determining if a proposed project could result in operational-related impacts to Greenhouse Gas (GHG) emissions. The proposed project involves the construction of one single-family residence along an existing hillside with associated grading (Project Description). Single-family residential projects with less than fifty-six (56) dwelling units have been identified by the BAAQMD Air Quality Guidelines as having emissions less than 1,100 metric tons of CO<sub>2</sub>e per year which is below the threshold recommended by the respective Air Quality District for evaluation of GHG emissions for new land use projects; thus, *less than significant*.

b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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As discussed in Section VII.A above, the proposed project will not exceed the threshold for operational GHG emissions. Further, the project would not conflict with the City of Hayward’s adopted Climate Action Plan and *Hayward 2040 General Plan* policies and programs adopted for the purpose of reducing GHG emissions; thus, *no impact*.

**VIII. 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?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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The proposed construction of one single-family residence along the hillside and associated grading activities will not involve the transport, use or disposal of hazardous materials; thus, *no impact*.

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?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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The proposed construction of one single-family residence along the hillside and associated grading activities will not involve the use of hazardous materials that could result in the release of hazardous materials into the environment; thus, *no impact*.

c) Emit hazardous emissions or handle hazardous or acutely hazardous materials,

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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<b>Potentially Significant Impact</b>	<b>Less Than Significant with Mitigation Incorporated</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
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substances, or waste within one-quarter mile of an existing or proposed school?

The proposed project site and construction of one single-family residence along the hillside with associated grading activities will not emit hazardous emissions nor would it result in the handling of hazardous materials; thus, *no impact*.

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?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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The proposed project site is located within a predominantly residential area and is surrounded by single-family residential development. The proposed project site is not listed on the State of California’s Department of Toxic Substances Control’s EnviroStor Webpage (<http://www.envirostor.dtsc.ca.gov/public/search.asp?basic=True>, accessed February 2, 2018) and no hazardous material sites are located within 1,000 feet of the project site. Thus, *no impact*.

e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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The project site is not located within the vicinity of a private air strip and is more than four-miles from the Hayward Executive Airport; thus, *no impact*.

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"/>
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The project site is not located within the vicinity of a private air strip and is more than four-miles from the Hayward Executive Airport; thus, *no impact*.

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"/>
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<b>Potentially Significant Impact</b>	<b>Less Than Significant with Mitigation Incorporated</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
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The proposed project proposes the construction of one single-family residence along the hillside that currently contains adequate emergency access. The project will not interfere with an adopted emergency response plan or emergency evacuation plan; thus, *no impact*.

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 checked="" type="checkbox"/>	<input type="checkbox"/>
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The project site is located within the City of Hayward Wildland/Urban Interface Area, and will be required to meet the construction requirements set forth in the City of Hayward Hillside Design and Urban/Wildland Interface Guidelines, including but not limited to installation of Class A roofing materials, exterior non-combustible siding materials, installation of double-pane windows, and compliance with requirements contained in the 2016 California Residential Code Section R327, as Conditions of Approval for the project. With implementation of these design and construction features, the proposed single-family residence will have a *less than significant* impact related to exposure of people or structures to wildland fire risk.

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

a) Violate any water quality standards or waste discharge requirements?

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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Construction and grading activity would result in the disturbance of soil. Depending on the dates of proposed grading activity, the applicant will be required to submit a grading permit and comply with an Erosion Control Plan which will be monitored by the City’s Public Works Department, as a standard Condition of Approval. The proposed project would also be required to manage post-construction stormwater runoff with Low Impact Development methods such as directing runoff into cisterns, rain barrels or vegetated areas (Site Plan and Civil, Drainage and Utility Plans). The project would comply with State and Local water quality and discharge requirements, resulting in a *less than significant* impact related to a degradation of water quality.

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-

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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<b>Potentially Significant Impact</b>	<b>Less Than Significant with Mitigation Incorporated</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
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existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?

The proposed single-family residence will be connected to the existing water supply and will not involve the use of water wells and will not deplete groundwater supplies or interfere with groundwater recharge; thus, *no impact*.

c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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While Ward Creek is located to the north of the subject property, there are no streams or rivers on or within the boundaries of the project site. The proposed project consists of construction of a new single-family home and a driveway which would result in introduction of impervious areas on the site. The drainage from the proposed development would be managed and captured by two 55-foot wide flow spreader features located toward the rear of the project site that will capture runoff and storm drainage. The flow spreader detail is proposed at 48-inch deep with a bottom soil layer that will allow water and run-off to infiltrate up to 50 gallons of water retention. Further, standard construction requirements and Conditions of Approval will require that run-off be directed into vegetated areas, rain barrels, and self-retaining areas to minimize post-development run-off. The minimal increase in post-development run-off would result in a *less than significant* impact related to flooding 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?

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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There are no streams or rivers on or within the boundaries of the project site. The site is substantially surrounded by development and water naturally drains along the existing slope. As noted in IX. c above, the drainage from the proposed development would be managed through flow spreading features which will allow for water retention and infiltration from the 4-inch storm drain pipe. Further, standard construction requirements and Conditions of Approval will require that run-off be directed into vegetated areas, rain barrels, and self-retaining areas to minimize post-development run-off. The minimal

Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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increase in post-development run-off would result in a *less than significant* impact related to flooding on- or off-site.

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?

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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See IX.c and IX.d above.

f) Otherwise substantially degrade water quality?

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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See IX.a, IX.c and IX.d above.

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?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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The project site is not located within a 100-year flood hazard area; thus, *no impact* (FEMA Flood Map Panel No. 06001CO2916, effective August 3, 2009).

h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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The project site is not located within a 100-year flood hazard area; thus, *no impact* (FEMA Flood Map Panel No. 06001CO2916, effective August 3, 2009).

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?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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The project site is not located within a designated flood zone. Further, the site is not located in proximity to any known dam or levee thus there is *no impact* related to flooding from such a facility (FEMA Flood Map Panel No. 06001CO2916, effective August 3, 2009 and Hayward 2040 General Plan Background Report Figure 9-5, Hayward Dam Inundation Areas).

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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j) <u>Inundation by seiche, tsunami, or mudflow?</u>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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The proposed project is located more than five miles from the San Francisco Bay thus there is no impacts related to inundation (FEMA Flood Map Panel No. 06001CO2916, effective August 3, 2009 and Google Earth).

**X. LAND USE AND PLANNING.**

Would the project:

a) <u>Physically divide an established community?</u>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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The proposed project involves construction of a single-family residence on an existing parcel that is zoned for single-family residential development. The site is surrounded by other single-family residential units and as such, will not physically divide an established community; thus, *no impact*.

b) <u>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?</u>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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The proposed project involves construction of a single-family residence on a vacant parcel of land within an existing single-family neighborhood. The proposed development is consistent with the density and lot size of the Suburban Density Residential (SDR) General Plan Land Use designation, the minimum design and performance standards and development standards set forth in the corresponding Single Family Residential (RS) Zoning District and the proposed design of the residence is consistent with the applicable Urban/Wildland Hillside Design Guidelines in that the residential structure will exhibit a stepped design to follow the existing natural terrain of the property. Thus, the proposed development will result in a *less than significant* impact related to conflicts with applicable land use plans, policies and/or regulations.

c) <u>Conflict with any applicable habitat conservation plan or natural community conservation plan?</u>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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<b>Potentially Significant Impact</b>	<b>Less Than Significant with Mitigation Incorporated</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
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The City of Hayward does not have an adopted Habitat Conservation Plan or Natural Community Conservation Plan; thus, *no impact*.

**XI. MINERAL RESOURCES.** Would the project:

a) <u>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?</u>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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There are no known mineral resources on the project site; thus, *no impact* (Hayward 2040 General Plan Background Report).

b) <u>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?</u>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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There are no known mineral resources on the project site; thus, *no impact* (Hayward 2040 General Plan Background Report).

**XII. NOISE --** Would the project result in:

a) <u>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?</u>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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The project involves construction of a new single-family residence and associated grading activities in an existing residential neighborhood. The proposed use is not expected to generate a substantial increase in the permanent ambient noise levels above standards established in the Hayward 2040 General Plan. Additionally, the project site is not located near any roadway segments identified as significant noise generators (Hayward General Plan Background Report, Table 9-11, and Summary of Modeled Existing Traffic Noise Levels). Thus, there are *less than significant* impacts related to the proposed project resulting in exposure of persons to or generation of noise levels in excess of adopted standards.

b) <u>Exposure of persons to or generation of excessive ground-borne vibration or ground-borne noise levels?</u>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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<b>Potentially Significant Impact</b>	<b>Less Than Significant with Mitigation Incorporated</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
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Per the California Department of Transportation Construction Vibration Guidance Manual (September 2013), a significant impact related to excessive ground-borne vibration or ground-borne noise levels would occur if the construction of later phases of the proposed project would expose people to vibration levels exceeding 0.3 inches per second peak particle velocity (in/sec PPV).

Project construction activities related to grading activities will generate vibration in the immediate vicinity of the work area. Vibration levels from periods of heavy construction are anticipated to be 0.1 in/sec PPV or less at a distance of 50 feet from construction. The nearest point of grading activity would be about 20 feet from the existing residential developments adjacent to the project site; thus the potential increase may be in the realm of 0.2 to 0.25 in/sec PPV, which is considered *less than significant*.

c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?                       

See XII.A above; *less than significant* impact.

d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?                       

The proposed project would result in temporary increase in noise related to construction activities. Noise generated by construction activities would temporarily elevate noise levels at adjacent noise sensitive receptors, but this would be considered *less than significant* because construction activities shall be conducted in accordance with the provisions of Section 4-1.03.4 of the Hayward Municipal Code, which incorporate construction best management practices specifically described in Conditions of Approval for the project. Thus, temporary or periodic noise impacts related to construction would be considered *less than significant*.

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?                       

The project site is not located within the vicinity of a public or private airport, which would expose people residing at the residence to excessive noise levels; thus, *no impacts* would occur as a result of the project.

<b>Potentially Significant Impact</b>	<b>Less Than Significant with Mitigation Incorporated</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
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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?

The project site is not located within the vicinity of a private air strip; thus, no such impacts would occur as a result of the project.

**XIII. POPULATION AND HOUSING.**

Would the project:

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

The proposed project involves construction of a single-family residence on an existing vacant lot within an established single-family residential neighborhood that was zoned for single-family residential uses. The project would not induce substantial population growth either directly or indirectly and is consistent with the General Plan. Thus, *less than significant* impact.

b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?

The project involves construction of one single-family residence on a currently vacant lot and would thus not involve displacement of any existing housing stock. Thus, *no impact*.

c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?

The proposed project involves construction of one new single-family residence on a currently vacant lot and would not displace anyone or require replacement housing elsewhere; Thus, *no impact*.

**XIV. 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?

The proposed project involves construction of a single-family residence on a currently vacant lot in an established single-family residential neighborhood. The proposed project would not require the construction or expansion of fire protection facilities beyond those already planned under General Plan assumptions. Thus, the proposed development will have a *less than significant* impact related to fire protection.

Police protection?

Although construction of the new residence and occupation of the currently vacant site would incrementally increase the demand for police services, the proposed project would not require the construction or expansion of police protection facilities beyond those already planned under the General Plan assumptions. Thus, the proposed development will have a *less than significant* impact related to police protection.

Schools?

The proposed project is located within the Hayward Unified School District (HUSD) and the developer will be required to pay School Impact Mitigation Fees at the time of building permit issuance, which is considered full mitigation pursuant to State Law. Thus, impacts related to schools are considered *less than significant*.

Parks?

The project proponent would be required to pay park dedication in-lieu fees pursuant to Chapter 10, Article 16, Property Developers - Obligations for Parks and Recreation of the Hayward Municipal Code; thus, the project impacts would be reduced to *less than significant*.

Other public facilities?

The proposed project site is infill and surrounded by development including roads, streetlights and other public facilities. The proposed project will not result in a need for public facilities beyond those already planned under General Plan assumptions. Thus, the proposed project impacts are considered *less than significant* related to other public facilities.

## **XV. RECREATION.**

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

The proposed project involves construction of a new single-family residence with related grading activities on an existing vacant lot in an established residential neighborhood. While the construction of the new residence would likely increase the use of existing parks by adding new residents to the community, it is not anticipated that the minor increase in population would result in substantial deterioration of such facilities. In addition, as noted above, the project proponent would be required to pay Park Dedication In-Lieu fees thus reducing the project's impact to a level of *less than significant*.

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?

See XV.A comment above.

**XVI. TRANSPORTATION/TRAFFIC -**  
- Would the project:

a) Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?

The traffic generated from construction of a new single-family residence within an established residential neighborhood is not sufficient to warrant further study and is not expected to result in any discernible impact to the surrounding circulation patterns. Thus, the impact to the existing roadway is considered *less than significant*.

b) Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?

No intersection level of service will be impacted by the construction of a single-family residence on a vacant lot in an established residential neighborhood; thus, *less than significant*.

c) Result in a change in air traffic patterns,

including either an increase in traffic levels or a change in location that result in substantial safety risks?

The proposed project involves no changes to air traffic patterns; thus, *no impact*.

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

The project will add a driveway on Rainbow Court but has been designed to meet all City standards and visibility requirements. As such, the increased hazards due to design are considered *less than significant*.

e) Result in inadequate emergency access?

The proposed single-family residence would be located on a site that is accessible from an existing roadway (Rainbow Court). In addition, the residence would be sited within 20 feet of the front property line (20-feet required) and would therefore be within the range of fire service hoses. Thus, *no impact* is anticipated to emergency access.

f) Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?

The proposed project will not impact or conflict with any designated transit, bicycle or pedestrian plans or facilities and as such *no impact*.

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

a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?

Sanitary sewage from the City’s system is treated at the Hayward Water Pollution Control Facility (WPCF) which discharges into the San Francisco Bay under a permit with the Regional Water Quality Control Board (RWQCB). As a standard Condition of Approval, the proposed new development will be required to connect to the City’s service which is located along

Rainbow Court. The proposed development consists of construction of one single-family residence on a vacant lot surrounded by an established residential neighborhood and would not result in exceedance of wastewater treatment requirements of the WPCF. Thus, *less than significant* impact.

b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?

The proposed project is located within the City’s water and wastewater service boundaries. As noted in XVII.A above, the proposed project would result in a minimal increase in wastewater and would not require construction of or expansion of wastewater treatment facilities. With regard to water demand, the proposed single-family use was anticipated under the Hayward 2040 General Plan and the City’s Water Master Plan (Hayward 2040 General Plan Background Report, 8-3).

The proposed project would not require construction of new water or wastewater treatment facilities or expansion of existing facilities; thus, *less than significant* impact.

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?

As described in IX.C and IX.D related to hydrology and stormwater run-off, the drainage from the proposed development would be managed through swales that direct the run-off to catch basin system which are directed to a biorientation swale area that eventually will discharge to the city storm drain system. Further, standard construction requirements and Conditions of Approval will require that run-off be directed into vegetated areas, rain barrels, and self-retaining areas to minimize post-development run-off. Thus, the overall increase in run-off flowing from the site would result in a minor increase over existing conditions and would result in a *less than significant* impact and would not require the construction of new stormwater drainage facilities.

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

As noted in XVII.B above, the proposed development of a single-family residence was anticipated in the Hayward 2040 General Plan and in the City’s Water Master Plan (Hayward 2040 General Plan Background Report, 8-3); thus, the proposed project would result in a *less than significant* impact related to water supplies.

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

See XVII.A and XVII.B above.

f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?

There is sufficient capacity to accommodate the proposed single-family residence and waste from the City of Hayward at Altamont Landfill through 2024. Solid waste generated by the project would contribute incrementally to the use of the landfill capacity. The City of Hayward has adopted City-wide policies and ordinances (see Hayward Municipal Code Chapter 5, Article 1, Solid Waste Collection and Disposal) intended to maximize the City's diversion rate from landfills. Adherence to these policies will result in a *less than significant* impact.

g) Comply with federal, state, and local statutes and regulations related to solid waste?

See XVII.F above. The project would be subject to all adopted City regulations related to solid waste and there is adequate capacity at the Altamont Landfill to accommodate the proposed project. Thus, the project would result in a *less than significant* impact related to solid waste.

**XVIII. 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?

The proposed project involves construction of a single-family residence with associated grading on a currently vacant site in an established residential neighborhood. While construction of the residence would result in the removal and replacement of existing trees, the impact related to such removal can be mitigated through the implementation of the City's Tree Preservation



Ordinance, which will require the planting of replacement trees on-site. While urban wildlife may be present on the site, it does not have adequate or documented habitat for any identified, endangered or otherwise protected species. Further, there is no evidence of any cultural or paleontological resources at or near the site although standard General Plan policies and conditions related to halting work and reporting a find is required per local and State law. Thus, the impact is *less than significant*.

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

A lead agency shall find that a project may have a significant effect on the environment where there is substantial evidence that the project has potential environmental effects “that are individually limited, but cumulatively considerable.” As defined in Section 15065(a)(3) of the CEQA Guidelines, cumulatively considerable means “that the incremental effects of an individual project are significant when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.” The proposed project involves construction of one single-family residence along the hillside in an established suburban residential neighborhood and would not result in an impact that would be cumulatively considerable over existing conditions. Thus, *less than significant impact*.

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

As described in **Impact GEO-1**, the proposed project could be susceptible to strong ground shaking or unstable soils created by planned cuts and fills in the existing steeply sloped site; however, implementation of **Mitigation Measure GEO-1** will minimize those risks through design and field verifications via a Licensed Professional Engineer prior, during, and post construction. With the implementation of standard measures and Conditions of Approval identified and described throughout this study, the proposed development of one single-family dwelling would not result in substantial adverse impacts on human beings, either directly or indirectly. Thus, *less than significant impact with mitigation*.

## SOURCES

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4. City of Hayward 2040 General Plan
5. City of Hayward 2040 General Plan Background Report, January 2014
6. City of Hayward Geographic Information Systems (<http://webmap.hayward-ca.gov/>)
7. City of Hayward Hillside Design and Urban/Wildland Interface Guidelines
8. City of Hayward Municipal Code
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10. Geotechnical Report prepared by Hallenbeck/Allwest (October 2016)
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13. State of California's Department of Toxic Substances Control's Envirostor Webpage (<http://www.envirostor.dtsc.ca.gov/public/search.asp?basic=True>, Accessed May 2018.
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15. State of California, Department of Transportation Construction Vibration Guidance Manual (September 2013)
16. State of California Department of Conservation, California Important Farmland Finder, Accessed May 2018. <http://maps.conservation.ca.gov/ciff/ciff.html>

**Mitigation Monitoring  
and Reporting Program (MMRP)**

**Hillside Single-Family Residence  
Located at 2367 Rainbow Court  
Application No. 201700714**

**City of Hayward  
Development Services Department  
Planning Division**

**June 2018**

## P R E F A C E

Section 21081 of the California Environmental Quality Act (CEQA) requires a Lead Agency to adopt a Mitigation Monitoring and Reporting Program whenever it approves a project for which measures have been required to mitigate or avoid significant effects on the environment. The purpose of the monitoring or reporting program is to ensure compliance with the mitigation measures during project implementation.

The Initial Study concluded that the implementation of the project could result in significant effects on the environment and mitigation measures were incorporated into the proposed project or are required as a condition of project approval. This Mitigation Monitoring and Reporting Program addresses those measures in terms of how and when they will be implemented.

This document does *not* discuss those subjects for which the Initial Study concluded that the impacts from implementation of the project would be less than significant.

MITIGATION MONITORING OR REPORTING PROGRAM 2367 RAINBOW COURT SINGLE FAMILY HOME				
Impact	Mitigation	Timeframe for Implementation	Responsibility for Implementation	Oversight of Implementation
<b>GEOLOGY AND SOILS</b>				
<p><b>Geo-1 Impact:</b> New construction on the subject site which has slopes greater than 20% could be susceptible to strong ground shaking or unstable soils created by planned cuts and fills in the existing steeply sloped site. <b>(Potentially Significant Impact)</b></p>	<p><b>Mitigation Measure GEO-1:</b> The project could result in impacts related to Geology and Soils in that new construction on the site with slopes greater than 20% could be susceptible to strong ground shaking or unstable soils created by planned cuts and fills. Impacts can be mitigated to a level of less than significant if the proposed residence incorporates all the proposed recommendations and mitigation measures set forth in the Geotechnical Engineering Report prepared by Hallenbeck/Allwest, dated October 2016, in regard to seismic design, site preparations, foundations, retaining walls, concrete slab-on-grade, and drainage.</p>	<p>All recommendations shall be included on grading permit application submittal and construction level drawings (civil, landscape, site plans). All recommendations shall be verified and approved by appropriate City Division prior to issuance of grading and building permits for the proposed development.</p>	<p>Project Applicant</p>	<p>Public Works – Engineering; Development Services Department – Planning Division and Building Division.</p>

**SOURCE:** City of Hayward, Rainbow Court Single-Family Residence, June 2018

2367 Rainbow Court Single-Family Residence  
June 2018  
Mitigation Monitoring and Reporting Program