

CITY OF HAYWARD

Hayward City Hall
777 B Street
Hayward, CA 94541
www.Hayward-CA.gov



CITY OF
HAYWARD
HEART OF THE BAY

Agenda

Tuesday, November 16, 2021

5:00 PM

Council Chamber and Zoom

City Council

**CONCURRENT GEOLOGIC HAZARD ABATEMENT DISTRICT BOARD AND
CITY COUNCIL MEETING**

NOTICE: The City Council will hold a hybrid meeting (in Council Chamber and Virtual Platform via Zoom). All in-person participants will be required to provide proof of vaccination and wear a face covering.

How to observe the Meeting:

1. Comcast TV Channel 15
2. Live stream <https://hayward.legistar.com/Calendar.aspx>
3. YouTube Live stream: <https://www.youtube.com/user/cityofhayward>

How to submit written Public Comment:

1. Use eComment on the City's Meeting & Agenda Center webpage at: <https://hayward.legistar.com/Calendar.aspx>. eComments are directly sent to the iLegislate application used by City Council and City staff. Comments received before 3:00 p.m. the day of the meeting will be exported into a report, distributed to the City Council and staff, and published on the City's Meeting & Agenda Center under Documents Received After Published Agenda.

2. Send an email to List-Mayor-Council@hayward-ca.gov by 3:00 p.m. the day of the meeting. Please identify the Agenda Item Number in the subject line of your email. Emails will be compiled into one file, distributed to the City Council and staff, and published on the City's Meeting & Agenda Center under Documents Received After Published Agenda. Documents received after 3:00 p.m. through the adjournment of the meeting will be included as part of the meeting record and published the following day.

How to provide live Public Comment during the City Council Meeting:

Complete the online speaker card at the Council Chamber entrance or click the link below:
<https://hayward.zoom.us/j/83074838906?pwd=ZkhGQjM5Y3lhc1c0R0g2a3JKOHNRdz09>

Meeting ID: 830 7483 8906

Passcode: CC11/16@5p

or

Dial: + 1 669 900 6833 or +1 253 215 8782

Meeting ID: 830 7483 8906

Password: 7220704250

A Guide to attend virtual meetings is provided at this link: <https://bit.ly/3jmaUxa>

**CONCURRENT HAYWARD GEOLOGIC HAZARD ABATEMENT DISTRICT BOARD
AND
HAYWARD CITY COUNCIL MEETING**

CALL TO ORDER: Mayor/GHAD Board Chair Halliday

Pledge of Allegiance: Council/GHAD Board Member Márquez

ROLL CALL**SPECIAL JOINT MEETING OF THE
CITY COUNCIL AND COMMUNITY SERVICES COMMISSION****LEGISLATIVE BUSINESS**

1. [LB 21-048](#) Recommendation from Community Services Commission to Hayward City Council to Adopt a Resolution Apologizing to Black, Indigenous, and People of Color and Latinx Community Members on Behalf of the City of Hayward for Its Implicit and Explicit Role in Perpetuating Historical Institutional Racism in the City of Hayward and Review the Attached Workplan (Report from City Manager McAdoo)

Attachments: [Attachment I Staff Report](#)
 [Attachment II Resolution](#)
 [Attachment III Workplan](#)

Adjourn to Hayward Geologic Hazard Abatement District (GHAD) Board of Directors Meeting

**HAYWARD GEOLOGIC HAZARD ABATEMENT DISTRICT (GHAD)
BOARD OF DIRECTORS MEETING**

PUBLIC COMMENTS

The Public Comment section provides an opportunity to address the GHAD Board on items not listed on the agenda. As the GHAD Board is prohibited by State law from discussing items not listed on the agenda, items will be taken under consideration and may be referred to GHAD staff.

CONSENT

1. [MIN 21-149](#) Approve the Hayward Geologic Hazard Abatement District Board Minutes of the Special Meeting on May 25, 2021

Attachments: [Attachment I Draft GHAD Minutes of 5/25/2021](#)

2. [MIN 21-150](#) Approve the Hayward Geologic Hazard Abatement District Board Minutes of the Special Meeting on October 26, 2021

Attachments: [Attachment I Draft GHAD Minutes of 10/26/2021](#)

PUBLIC HEARING

3. [PH 21-097](#) Hearing to Adopt Resolution 21-03 Approving the Annexation of the Hayward SoMi Development into the Hayward GHAD and Approving the Draft Hayward SoMi Development Plan of Control (Report from GHAD Manager Harrell)

Attachments: [Attachment I Staff Report](#)
 [Attachment II GHAD Resolution 21-03](#)
 [Attachment III Petition](#)

GHAD Manager's Report

An oral report from the GHAD Manager on ongoing activities, events, or other items of general interest to the GHAD and the public, if any.

GHAD Boardmembers' Reports, Referral, and Future Agenda Items

Oral reports from GHAD Boardmembers on their activities, referrals to GHAD staff, and suggestions for future agenda items, if any.

Next Meeting: No future meetings are scheduled at this time. All future meetings will be noticed.

The Hayward Geologic Hazard Abatement District Board of Directors Adjourns and Reconvenes into the Meeting of the City Council.

CITY COUNCIL MEETING**PRESENTATION**

Legislative Updates by Assemblymember Bill Quirk

PUBLIC COMMENTS

The Public Comment section provides an opportunity to address the City Council on items not listed on the agenda or Information Items. The Council welcomes comments and requests that speakers present their remarks in a respectful manner, within established time limits, and focus on issues which directly affect the City or are within the jurisdiction of the City. As the Council is prohibited by State law from discussing items not listed on the agenda, items will be taken under consideration and may be referred to staff.

CITY MANAGER'S COMMENTS

An oral report from the City Manager on upcoming activities, events, or other items of general interest to Council and the Public.

ACTION ITEMS

The Council will permit comment as each item is called for the Consent Calendar, Public Hearings, and Legislative Business. In the case of the Consent Calendar, a specific item will need to be pulled by a Council Member in order for the Council to discuss the item or to permit public comment on the item. Please notify the City Clerk any time before the Consent Calendar is voted on by Council if you wish to speak on a Consent Item.

CONSENT

1. [MIN 21-151](#) Approve City Council Minutes of the Special City Council Meeting on October 26, 2021

 Attachments: [Attachment I Draft Minutes of 10/26/2021](#)

2. [MIN 21-152](#) Approve City Council Minutes of the City Council Meeting on November 2, 2021

 Attachments: [Attachment I Draft Minutes of 11/02/2021](#)

3. [CONS 21-592](#) Adopt an Ordinance Opting-In to the Alameda County Waste Management Authority's Organics Reduction and Recycling Ordinance

 Attachments: [Attachment I Staff Report](#)
 [Attachment II Summary of Published Ordinance](#)

4. [CONS 21-597](#) Adopt a Resolution Accepting the Resignation of Mr. Adam Murphy from the Keep Hayward Clean and Green Task Force Effective Immediately
- Attachments:** [Attachment I Staff Report](#)
 [Attachment II Resolution](#)
 [Attachment III Resignation Letter](#)
5. [CONS 21-590](#) Adopt a Resolution Authorizing the City Manager to Execute an Amendment to the Cooperating Agreement with East Bay Municipal Utility District to Prepare a Groundwater Sustainability Plan for the East Bay Plain Subbasin
- Attachments:** [Attachment I Staff Report](#)
 [Attachment II Resolution](#)
6. [CONS 21-591](#) Adopt a Resolution Approving Plans and Specifications and Calling for Bids for the Mission Boulevard Linear Park Landscape Project
- Attachments:** [Attachment I Staff Report](#)
 [Attachment II Resolution](#)
7. [CONS 21-594](#) Adopt a Resolution Authorizing the City Manager to Negotiate and Execute an Agreement for a Term of Five Years with LookingPoint for Implementation of Software Defined Network (SD-WAN) in an Amount Not-to-Exceed \$1,000,708
- Attachments:** [Attachment I Staff Report](#)
 [Attachment II Resolution](#)
8. [CONS 21-595](#) Adopt a Resolution Authorizing the City Manager to Execute an Amendment to the Agreement with ICF Incorporated, L.L.C., for Review and Update of Hayward's Cannabis Program, and Increasing the Compensation Amount Not-to-Exceed \$352,935
- Attachments:** [Attachment I Staff Report](#)
 [Attachment II Resolution](#)
 [Attachment III Scope of Services](#)

9. [CONS 21-605](#) Adopt a Resolution 1) Authorizing the City Manager to Execute an Agreement with the State of California Department of Housing and Community Development for \$662,000 for the City of Hayward Navigation Center; 2) Accept and Appropriate State Funds; and 3) Reallocate Realized Savings to Mid-County Housing Resource Center (HRC) for Flexible Funding Administration

Attachments: [Attachment I Staff Report](#)
 [Attachment II Resolution](#)

10. [CONS 21-600](#) Adopt a Resolution Allowing the City Council and Appointed Commissions/Task Forces and Council Committees to Hold Continued Teleconferenced Public Meetings Pursuant to AB 361

Attachments: [Attachment I Staff Report](#)
 [Attachment II Resolution](#)
 [Attachment III Exhibit A](#)

11. [CONS 21-624](#) Adopt a Resolution Declaring the Week of November 14-21, 2021 as United Against Hate Week

Attachments: [Attachment I Staff Report](#)
 [Attachment II Resolution](#)

PUBLIC HEARING

12. [PH 21-094](#) La Playa Commons: Proposed Demolition of the Former Burlington Coat Factory Building and Construction of a New 47-Lot Single-Family Residential Subdivision on a 5.4-Acre Site Located at 1000 La Playa Drive (Assessor's Parcel Number 442-0038-001), Requiring Approval of General Plan Amendment, Rezone and Vesting Tentative Tract Map Application No. 202004457, and Approval of a Mitigated Negative Declaration with Mitigation Monitoring and Reporting Plan Prepared for the Project in Accordance with the Requirements of the California Environmental Quality Act (CEQA); D.R. Horton Bay, Inc. (Applicant) on behalf of Quach's Hayward LLC (Property Owner) (Report from Assistant City Manager Ott)

Attachments:

[Attachment I Staff Report](#)
[Attachment II Rezone Ordinance](#)
[Attachment III Resolution](#)
[Attachment IV Project Plans](#)
[Attachment V Draft Initial Study-MND](#)
[Attachment VI Mitigation Monitoring & Reporting Plan](#)
[Attachment VII Affordable Housing Plan](#)
[Attachment VIII Proposed General Plan and Zoning Maps](#)
[Attachment IX Third Party Correspondence](#)
[Attachment X Draft PC Minutes 10/28/2021](#)

LEGISLATIVE BUSINESS

13. [LB 21-050](#) Skywest Property Update: Further Review of Preliminary Site Plan and Authorization to Transmit Draft Site Plan to the Federal Aviation Administration for Initial Review (Report from Director of Public Works Ameri)

Attachments:

[Attachment I Staff Report](#)
[Attachment II Resolution](#)
[Attachment III Site Plan](#)

14. [LB 21-051](#) Redistricting: Adopt a Resolution Providing Feedback to the Alameda County Board of Supervisors on the Proposed Draft 2021 Redistricting Maps (Report from City Manager McAdoo)

Attachments: [Attachment I Staff Report](#)
[Attachment II Resolution](#)
[Attachment III Existing District Boundary Map](#)
[Attachment IV Proposed Draft Map A](#)
[Attachment V Proposed Draft Map B](#)
[Attachment VI Proposed Draft Map C](#)
[Attachment VI Proposed Draft Map D](#)

COUNCIL REPORTS AND ANNOUNCEMENTS

Council Members can provide oral reports on attendance at intergovernmental agency meetings, conferences, seminars, or other Council events to comply with AB 1234 requirements (reimbursable expenses for official activities).

COUNCIL REFERRALS

Council Members may bring forward a Council Referral Memorandum (Memo) on any topic to be considered by the entire Council. The intent of this Council Referrals section of the agenda is to provide an orderly means through which an individual Council Member can raise an issue for discussion and possible direction by the Council to the appropriate Council Appointed Officers for action by the applicable City staff.

ADJOURNMENT

November 23, 2021 - MEETING CANCELED

NEXT REGULAR MEETING, December 7, 2021, 7:00 PM

PUBLIC COMMENT RULES

Any member of the public desiring to address the Council shall limit her/his address to three (3) minutes unless less or further time has been granted by the Presiding Officer or in accordance with the section under Public Hearings. The Presiding Officer has the discretion to shorten or lengthen the maximum time members may speak. Speakers will be asked for their name before speaking and are expected to honor the allotted time. Speaker Cards are available from the City Clerk at the meeting.

PLEASE TAKE NOTICE

That if you file a lawsuit challenging any final decision on any public hearing or legislative business item listed in this agenda, the issues in the lawsuit may be limited to the issues that were raised at the City's public hearing or presented in writing to the City Clerk at or before the public hearing.

PLEASE TAKE FURTHER NOTICE

That the City Council adopted Resolution No. 87-181 C.S., which imposes the 90-day deadline set forth in Code of Civil Procedure section 1094.6 for filing of any lawsuit challenging final action on an agenda item which is subject to Code of Civil Procedure section 1094.5.

****Materials related to an item on the agenda submitted to the Council after distribution of the agenda packet are available for public inspection in the City Clerk's Office, City Hall, 777 B Street, 4th Floor, Hayward, during normal business hours. An online version of this agenda and staff reports are available on the City's website. Written comments submitted to the Council in connection with agenda items will be posted on the City's website. All Council Meetings are broadcast simultaneously on the website and on Cable Channel 15, KHRT. ****

Assistance will be provided to those requiring accommodations for disabilities in compliance with the Americans with Disabilities Act of 1990. Interested persons must request the accommodation at least 48 hours in advance of the meeting by contacting the City Clerk at (510) 583-4400 or TDD (510) 247-3340.

Assistance will be provided to those requiring language assistance. To ensure that interpreters are available at the meeting, interested persons must request the accommodation at least 48 hours in advance of the meeting by contacting the City Clerk at (510) 583-4400.

CHILDCARE WILL NOT BE PROVIDED UNTIL FURTHER NOTICE DUE TO COUNTYWIDE SHELTER-IN PLACE ORDER.



CITY OF HAYWARD

Hayward City Hall
777 B Street
Hayward, CA 94541
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File #: LB 21-048

DATE: November 16, 2021

TO: Mayor and City Council

FROM: City Manager

SUBJECT

Recommendation from Community Services Commission to Hayward City Council to Adopt a Resolution Apologizing to Black, Indigenous, and People of Color and Latinx Community Members on Behalf of the City of Hayward for Its Implicit and Explicit Role in Perpetuating Historical Institutional Racism in the City of Hayward and Review the Attached Workplan

RECOMMENDATION

That the Council:

- 1) Adopts the attached resolution (Attachment II); and
- 2) Reviews the accompanying workplan (Attachment III) consisting of recommended actions from the Community Services Commission and consider any recommended changes to enhance City staff work currently being implemented to address the City's historical wrongdoings and complicity in institutional racism as part of the annual Strategic Roadmap review.

SUMMARY

At the June 17, 2020 Community Services Commission (CSC) meeting, staff presented on the City's Racial Equity Action Plan and the Government Alliance for Racial Equity (GARE) cohort details. Following this meeting, the CSC drafted a letter of support for the Racial Equity Action Plan and a call for further action by the City of Hayward in its commitment to anti-racism. The letter of support contained three attachments: 1) CSC commitments and intentions regarding the CSC's work as a commission; 2) the Policy and enumerated Powers and Duties of the CSC per the Hayward Municipal Code; and 3) short, near, and long-term recommendations for addressing the City's historical wrongdoings and complicity in institutional racism to the Council for consideration. Listed as a short-term recommendation was for the current Council to issue an apology to the Black Community on behalf of the City for its complicity in institutional racism in the City of Hayward. This letter and its attachments were shared with the full Council at the July 21, 2020 Council meeting

<https://hayward.legistar.com/MeetingDetail.aspx?ID=793413&GUID=5BF48901-43A7-4AA0->

[9181-11C18CA64A37&Options=info|&Search=>](#), as a document received after publication.

A CSC subcommittee was formed to prepare a draft apology in the form of a resolution. The CSC approved this item on September 18, 2021, and is recommending that the Council adopt the attached resolution (Attachment II) apologizing to Black, Indigenous, and People of Color (BIPOC) and Latinx community members on behalf of the City of Hayward for its implicit and explicit role in perpetuating historical institutional racism in the City of Hayward.

For consideration in conjunction with the resolution, the CSC subcommittee has recommended 11 tangible action steps that the City should undertake to address the City's historical wrongdoings and complicity in institutional racism. Staff have created a "workplan" outlining the 11 CSC recommended action steps supplemented by staff with information on the work that City staff are currently implementing to support these recommendations (Attachment III). The workplan was created to better articulate which recommendations are being implemented and which recommendations require additional effort and resources. At this time, the workplan is only intended for Council review and not intended to direct staff work. The CSC will be meeting in December to review the workplan in greater detail and prepare recommendations to enhance the work that is currently being implemented for Council consideration ahead of the Strategic Roadmap annual review in early 2022.

ATTACHMENTS

Attachment I	Staff Report
Attachment II	Resolution
Attachment III	Workplan



DATE: November 16, 2021

TO: Mayor and City Council

FROM: City Manager

SUBJECT: Recommendation from Community Services Commission to Hayward City Council to Adopt a Resolution Apologizing to Black, Indigenous, and People of Color and Latinx Community Members on Behalf of the City of Hayward for Its Implicit and Explicit Role in Perpetuating Historical Institutional Racism in the City of Hayward and Review the Attached Workplan

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SUMMARY

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letter and its attachments were shared with the full Council at the July 21, 2020 Council meeting, as a document received after publication.¹

A CSC subcommittee was formed to prepare a draft apology in the form of a resolution. The CSC approved this item on September 18, 2021, and is recommending that the Council adopt the attached resolution (Attachment II) apologizing to Black, Indigenous, and People of Color (BIPOC) and Latinx community members on behalf of the City of Hayward for its implicit and explicit role in perpetuating historical institutional racism in the City of Hayward.

For consideration in conjunction with the resolution, the CSC subcommittee has recommended 11 tangible action steps that the City should undertake to address the City's historical wrongdoings and complicity in institutional racism. Staff have created a "workplan" outlining the 11 CSC recommended action steps supplemented by staff with information on the work that City staff are currently implementing to support these recommendations (Attachment III). The workplan was created to better articulate which recommendations are being implemented and which recommendations require additional effort and resources. At this time, the workplan is only intended for Council review and not intended to direct staff work. The CSC will be meeting in December to review the workplan in greater detail and prepare recommendations to enhance the work that is currently being implemented for Council consideration ahead of the Strategic Roadmap annual review in early 2022.

BACKGROUND

Item History

At the June 17, 2020 CSC meeting, staff presented on the City's Racial Equity Action Plan and the GARE cohort details.² At this meeting, the CSC provided feedback on the plan and a subset of the CSC requested to write a letter of support for the Racial Equity Action Plan and call for further action by the City of Hayward in its commitment to anti-racism. A subcommittee was formed with Commissioner Artavia Berry, Commissioner Varsha Chauhan, Commissioner Arti Garg, Commissioner Saira Guzman, Commissioner Alicia Lawrence, Commissioner Linda Moore, and Commissioner Corina Vasaure to draft a letter of support for the full CSC to review.

The letter of support was reviewed and approved by the full CSC at the July 15, 2020 meeting of the CSC.³ The letter of support contained three attachments: 1) CSC

¹ July 20, 2020 Meeting of the Hayward City Council:

<https://hayward.legistar.com/MeetingDetail.aspx?ID=793413&GUID=5BF48901-43A7-4AA0-9181-11C18CA64A37&Options=info&Search=>

² June 17, 2020 Meeting of the Hayward Community Services Commission:

<https://hayward.legistar.com/LegislationDetail.aspx?ID=4568983&GUID=58090595-B455-499D-85E6-59356E4AEEB5&Options=&Search=>

³ July 15, 2020 Meeting of the Hayward Community Services Commission:

<https://hayward.legistar.com/LegislationDetail.aspx?ID=4590492&GUID=B0148C0F-740C-4D0A-BC0B-14EECDE77EFD&Options=&Search=>

commitments and intentions regarding the CSC's work as a commission; 2) the Policy and enumerated Powers and Duties of the CSC per the Hayward Municipal Code; and 3) short, near, and long-term recommendations for addressing the City's historical wrongdoings and complicity in institutional racism to the Council for consideration. Listed as a short-term recommendation was for the current Council to issue an apology to the Black Community on behalf of the City for its complicity in historical institutional racism in the City of Hayward. This letter and its attachments were shared with the full Council at the July 21, 2020 Council meeting, as a document received after publication.

In response to the CSC letter and the accompanying recommendation for Council to issue an apology on behalf of the City of Hayward to the Black Community for its complicity in historical institutional racism in the City of Hayward, a subcommittee was formed consisting of Commissioners Crystal Arrizon, Commissioner Artavia Berry, Commissioner Arti Garg, Commissioner Linda Moore, and Commissioner Mick Rubio to draft this apology in the form of a resolution. Of note, during the drafting process, the CSC updated the apology to the Black Community to an apology to all BICPOC community members. As part of the resolution, the CSC subcommittee recommended 11 tangible action steps that the City should undertake to address the City's historical wrongdoings and complicity in institutional racism, specifically redlining and the annexation of Russell City.

A draft resolution with recommended action steps was shared at the June 16, 2021 CSC meeting. At this meeting, City Manager McAdoo recommended that the resolution and action steps be separated into two separate, but joint items. Staff created a "workplan" outlining the 11 recommended action steps supplemented by staff with information on the work that is currently being implemented to support these recommendations. The workplan was created to better articulate which recommendations are being implemented and which recommendations require additional effort and resources while not diminishing the importance of the apology itself.

The resolution and workplan were shared with the full CSC at the September 15, 2021 CSC meeting.⁴ At this meeting, the CSC approved the resolution and workplan for recommendation to the Council.

Historical Wrongdoings

The resolution specifically highlights the City of Hayward's historical participation in redlining, along with other jurisdictions throughout the United States and the real estate and banking industries. The resolution also notes the annexation of Russell City. A brief summary of these two issues is outlined below for context. Note that this summary is not intended to be a comprehensive list of all historical wrongdoings. In addition, the long-term impacts of redlining and urban renewal are still being studied, so we recognize that our understanding of these topics will continue to grow and evolve as more data and stories are uncovered.

⁴ September 15, 2021 Meeting of the Hayward Community Services Commissioner:
<https://hayward.legistar.com/LegislationDetail.aspx?ID=5134393&GUID=F9E12BE6-7847-433C-8682-EA47F224909E&Options=&Search=>

Redlining: Redlining is the practice of engaging in housing discrimination by applying stricter requirements and offering less favorable mortgage terms to Black/African-American homebuyers and other people of color. Redlining was an explicitly racist policy created by the Home Owners' Loan Corporation (HOLC), a government-sponsored corporation established by the New Deal, that has been continued by private mortgage lenders through the present day. HOLC developed categories of perceived mortgage risk graded from "Best" to "Hazardous" based on the concentration of immigrants, low-income white residents, and Black residents in the area. Mortgages in neighborhoods that HOLC deemed "Hazardous" had stricter requirements, less favorable terms, and were more difficult to refinance than in the whiter, wealthier neighborhoods labelled "Best" and "Still Desirable."

Racial Steering: A related practice, racial steering, further reinforced the segregation of communities of color. Alongside racist home loan practices, developers and real estate agents actively guided, or "steered" people of color away from housing in white neighborhoods. This was done through explicit policies in the form of restrictive covenants, or prohibitions against the sale of the property to people from non-white racial groups formalized in the deed, through advertisement of "restricted" or "exclusive" developments, and through many other implicit or informal ways.

In Hayward, the City knows redlining and racial steering occurred by steering minority groups to the Kelly Hill neighborhood in nearby unincorporated Fairview⁵ and to Russell City. There are likely additional incidents of these practices in Hayward that have not been documented as well as these two examples. Additional information on redlining and government sponsored segregation can be found in the book, "The Color of Law" by Richard Rothstein.

Impact of Redlining and Racial Steering: Redlining and steering practices resulted in intentionally segregated neighborhoods with unequal distribution of resources and opportunities. Both practices also limited homeownership for many people of color, thus denying them housing stability and the opportunity to build wealth through property ownership and to share that wealth with subsequent generations.

Conversely, white families continued to build wealth through homeownership, which is subsidized by the government through significant tax incentives. Redlining artificially inflated property values in white neighborhoods and depressed property values in neighborhoods where people of color lived. Schools, funded by local property tax dollars, had fewer resources in neighborhoods where people of color lived, further eroding property values, and more resources in areas where white people lived, boosting property values and wealth held by white families.

Russell City: Russell City was an unincorporated area of what is now Hayward in Alameda County. Established in 1853, the community was located off the Hayward Shoreline and would be the present-day area between Chabot College and the Hayward Airport. During and

⁵ <https://www.eastbaytimes.com/2008/01/22/kelly-hill-a-haven-for-blacks-in-60s/>

after World War II, Russell City had its largest growth period, with significant numbers of Black/African Americans moving there and a large Latinx community.⁶ There is evidence that, as Black and Latinx families immigrated to the Bay Area, they sought homes in incorporated Hayward and were instead steered or forced to buy property in Russell City due to discriminatory housing practices.

Urban Renewal and Annexation: Oral histories indicate that Russell City received little to no financial support from Alameda County or Hayward. While Russell City was never an incorporated entity, it provided some of its own civic services and had a strong community. In the 1950s, Hayward leaders considered Russell City a “blight” to the surrounding area and sought to rebuild it as an industrial park for the benefit of incorporated Hayward. This goal was reinforced by the federally sponsored policies of “urban renewal.” Additional information on the national impact of urban renewal on family displacement can be found on the University of Richmond’s interactive website “Renewing Inequality.”⁷

In 1963, Alameda County and Hayward began the forced relocation of its predominately Black/African American and Latinx tenants, bulldozed the entire community, and rezoned the land into industrial use only (Wilkinson, 2002). Additional information on Russell City can be found “Russell City: Images of America” by Maria Ochoa with the Hayward Area Historical Society and “What Ever Happened to Russell City” by Megan Wilkinson.

Ongoing Impacts: The impacts of these government-led policies and practices remain visible and relevant today. The most recent 2016 data show that white households have the highest levels of wealth in the country, with a median wealth of \$171,000 compared to Black families’ median wealth of \$17,600. When looking at average wealth, Black families only own 2.6% of the nation’s wealth, though they are 13% of the population.^{8,9} In the Bay Area, 63% of white households own their homes, compared to 34% of Black households and 40% Latinx households. This disparity has gotten worse over the past two decades. Increases in homeownership for Black households in the 1980s and 1990s were lost, due in large part to predatory housing practices, the foreclosure crisis, and stagnant wages.¹⁰

In Hayward, American Community Survey data shows that 13% of Black residents live below the federal poverty line, compared to 7% of white households. Further, Black households experience significant displacement pressures in Hayward. They are the only non-white racial group in the City of Hayward to decrease in population size from 2010 to

⁶ <https://www.hayward-ca.gov/discover/news/feb17/russell-city-and-blues>

⁷ University of Richmond’s Digital Scholarship Lab. Renewing Inequality. Retrieved from: <https://dsl.richmond.edu/panorama/renewal/#view=0/0/1&viz=cartogram>

⁸ Darity, W.A. & Mullen, K. (2020). Black reparations and the racial wealth gap. Brookings Up Front. Retrieved from: <https://www.brookings.edu/blog/up-front/2020/06/15/black-reparations-and-the-racial-wealth-gap/>

⁹ Darity Jr, W.A. (2019). Running the numbers on closing the racial wealth gap. Durham, NC: The Samuel DuBois Cook Center on Social Equity at Duke University. Retrieved from: <https://socialequity.duke.edu/wp-content/uploads/2019/10/Running-the-Numbers-8.4.19-FINAL.pdf>

¹⁰ Bay Area Equity Atlas. Homeownership is Unattainable for Most Bay Area Black, Latinx, Cambodian, and Pacific Islander Households. Retrieved from: <https://bayareaequityatlas.org/node/65531>

2019, with a decrease of 10% in all Black households and 31% in the lowest income Black households earning less than \$35,000 a year.

Commitment to Equity and Acknowledgement of Past Inequities and Injustices

The City is committed to providing equitable services that improve the lives of all residents and take into consideration past inequities and injustices. The City recognizes that achieving that vision takes continuous listening, learning, and improvement. The City of Hayward has a history of building a culture of equity to work towards ensuring that the City is meeting the needs of all residents, including:

- **1992:** Adopting the original 1992 Anti-Discrimination Action Plan (ADAP)
- **2017:** Establishing a limited term Community Task Force to update the ADAP and address increasing community concerns about nationwide discrimination
- **2017:** Council Adoption of the Sanctuary City Resolution
- **2017:** Council Adoption of the Commitment for an Equitable, Inclusive, and Compassionate Community
- **2019:** City joins the Government Alliance on Race and Equity
- **2020:** Staff presents the Racial Equity Action Plan to Council
- **2021:** Council adoption of a resolution establishing a City business closure day in observance of Juneteenth

While the City has a strong history of commitment to advancing racial equity, the City has also historically participated in perpetuating institutional racism, both implicitly and explicitly. In acknowledging this, the City as an institution would take accountability for past discrimination and harms done to BIPOC community members and reaffirm its commitment to being an inclusive, equitable, and compassionate community for all.

DISCUSSION

Resolution Apologizing to BIPOC and Latinx Community Members for Complicity in Institutional Racism in the City of Hayward

The CSC recommends that the current Council issue an apology on behalf of the City of Hayward to BIPOC and Latinx community members for its implicit and explicit role in perpetuating historical institutional racism in the City. A CSC subcommittee was formed to draft this apology in the form of a resolution, which was approved by the full CSC at the September 15, 2021 meeting of the CSC. Specifically noted in the resolution is the City of Hayward's, along with other jurisdictions and the real estate and banking industries, participation in redlining and the annexation of Russell City. The resolution is provided in Attachment II.

Recommended Action Steps

As part of the resolution, the CSC has recommended 11 tangible actions for the City to take to address the City's wrongdoings and complicity in historical institutional racism. Staff created a "workplan" outlining the 11 recommended action steps supplemented by staff with information on the work that is currently being implemented to support these recommendations. The workplan was created to better articulate which recommendations

are being implemented and which recommendations require additional effort and resources.

At this time, the workplan is only intended for Council review and not to direct staff work. The CSC will be meeting in December to review the workplan in greater detail and prepare recommendations to enhance the work that is currently being implemented for Council consideration ahead of the Strategic Roadmap annual review in early 2022.

The City recognizes that racial equity and anti-racism work is ongoing and iterative, and that the articulation of work currently being implemented does not constitute completion of this item.

A summary of the 11 action steps and discussion of how this work is currently being supported is outlined below. The recommendations in full can be found in Attachment III.

1) Utilizing a racial equity lens in developing and applying policies and procedures, such as those articulated in City of Hayward's 2021-23 Strategic Roadmap.

This is formally being done through Strategic Roadmap Organizational Health Project 3. Each Department in the City has selected a project from the Strategic Roadmap for racial equity analysis. Additionally, other projects, policies, and procedures are being developed and implemented using a racial equity lens.

2) Continuing and expanding the Government Alliance on Race and Equity (GARE) team and Racial Equity Action Plan.

The City has been a member of GARE since 2019. Since joining, 28 employees from across the City's Departments have participated in GARE's ten-month training on communicating about race, tracking data, and using a racial equity toolkit to evaluate and design City programs. These team members are now training other City staff and conducting workshops for the City's Boards and Commissions.

3) Working with BIPOC community members to create new systems of public safety that places the highest priority upon protecting human life.

In the Summer of 2020, Council directed staff to implement a public safety community engagement project to gather information and experiences throughout the Hayward community to inform future policy discussions. The first phase of this project focused on hearing community concerns. The second phase focused on researching and testing possible policy alternatives. On May 18, 2021, the Council adopted a resolution authorizing funding for the workshop project recommendations. The implementation of these recommendations is ongoing.

4) Working with local, state, and regional partners to support and implement anti-racist policies and actions.

The Hayward Legislative Program outlines the legislative priorities and stances of the City of Hayward with the intent to inform residents, representatives, and policymakers of the City's stances on the myriad of public policies that intersect with City priorities, programs, and services. Staff are currently updating the City's Legislative Program with recommended legislative priorities. In December 2021, staff will recommend that the City add an active position of support for legislation, policies, and programs that are explicitly designed to address racial disparities by advancing racial equity and anti-racism.

This recommendation could additionally be implemented through working with Alameda County to adopt a similar resolution and acknowledging their role in the annexation of Russell City.

- 5) For homeownership and loss mitigation assistance, target populations with limited access to homeownership opportunities (where people who are BIPOC are overrepresented) and who have experienced disparate impacts related to homeownership retention during times of crisis and implement outreach efforts that furthers affirmative fair housing by identifying and targeting populations that have been typically underserved.**

On July 13, 2021, Hayward City Council allocated \$4.25M in American Rescue Plan Act (ARPA) funding to housing programs and services to support target populations with limited access to homeownership opportunities. The federal stimulus housing programs were identified based on multiple factors including Hayward housing needs, anticipated foreclosures, existing protections, impacts of the history of systemic racism, and disparate impacts of COVID-19.

Additionally, as part of the Affordable Housing Ordinance, developers are required to target marketing efforts to populations traditionally underserved.

- 6) Prioritizing business ownership assistance for people who are BIPOC whenever such funding is available.**

All Economic Development Division programs utilize an equity lens that emphasizes serving minority-owned businesses. The City's Small Business Assistance Grant program provides grants to support the purchase of equipment, inventory, marketing material, e-commerce platforms, and interior/exterior improvements of commercial space. Staff will continue to direct funding to traditionally BIPOC-owned business sectors such as personal services, childcare, restaurants, and retail. Funding for this program will be increased using ARPA funds for FY 22. The expanded program will feature enhanced engagement of Black-owned businesses to drive participation in the program.

- 7) Prioritizing funding and contracts for organizations, artists, musicians, businesses and contractors who are BIPOC.**

The Community Services Division and CSC use a racial equity lens in determining funding for organizations, including Arts and Music organizations, as distributed through the annual Community Agency Funding (CAF) process. As part of the CAF process, the CSC requests demographic information of populations served, agency staff, and agency leadership.

Additional ways this work could be implemented is through the City's purchasing and procurement policy.

8) Ensuring that literacy and other educational services as well as the Youth Commission and other leadership development opportunities facilitate positive identity for BIPOC youth.

The City's Family Education Program serves Hayward's at-risk population and partners with community stakeholders to close the education and literacy gap in Hayward. The Family Education Program focuses on community building to holistically address and strategically align the collective impact in the community. Key initiatives include: hiring staff that is representative of the Hayward community; working strategically with Hayward Unified School District (HUSD) to utilize race and ethnicity when allocating resources; working to meet the needs of historically marginalized students through reducing barriers to literacy, such as creating a Tech Lending Library, removing late fees, providing e-resources for every HUSD student, launching the Hayward Bookmobile; and launching the Book to Action program.

9) Working with the survivors and descendants of Russell City to determine appropriate restitution.

While staff are not explicitly working with survivors and descendants of Russell City to determine appropriate restitution, staff are working with survivors and descendants of Russell City in other ways, as well as exploring a wealth-building program for the City. Staff are currently working with survivors and descendants of Russell City to design and create culturally competent ways to honor the history and legacy of Russell City. This group has also been consulted on the development of this resolution and workplan, as discussed in the Public Contact section below. Additionally, staff are exploring development of a First-Time Homebuyer Down Payment Assistance/Wealth-Building program.

Restitution and/or reparations programs are being considered by a small, but growing, number of municipalities across the country. These programs intend to acknowledge the harm done by local governments to Black residents through historical practices such as redlining and others that prevented Black residents from home ownership opportunities and assert an intent to make amends for that harm. If the Council supports a restitution and/or reparations program for survivors and descendants of Russell City, staff would recommend developing the program through an extensive community engagement and City review process.

10) Supporting the work of community partners to design and create culturally competent ways to recognize the contributions of BIPOC Hayward residents and incorporate those recognitions into mural, signage, roadway improvements, and grants as such projects/opportunities are developed. Such recognitions may include a Welcome to Russell City Gateway, a Russell City Walk of Fame, Juneteenth events, Teach Ins, and/or other public art installations honoring the history and legacy of Russell City.

City staff are currently working on three public art pieces at Heritage Plaza in recognition of the Muwekma Ohlone Tribe, interned/imprisoned Japanese Americans, and survivors and descendants of Russell City in unincorporated Hayward. The art pieces are set to be installed at Heritage Plaza in FY21-22. Staff will continue to explore ways to work with BIPOC community members to create public art that celebrates the diversity of the Hayward community.

Additionally, the City has historically supported the Russell City Blues Festival and this year awarded \$20,000 to this event as part the Juneteenth Freedom Celebration.

11) Promoting accountability for these commitments through systematic updates and reporting.

The CSC will review the attached workplan at the December 15, 2021 meeting of the CSC to provide recommended enhancements for Council consideration as part of the Strategic Roadmap annual review process in early 2022. Staff recommends that the Council discuss the prioritization of these items as part of the City's adopted Strategic Roadmap update process to increase reporting efficiencies and limit the creation of a new workplan. Progress on Strategic Roadmap projects are reported on annually.

Community Engagement

On July 15, 2021, the CSC subcommittee met with a group of survivors, descendants, and historians of Russell City in unincorporated Hayward to present and seek feedback on the resolution and workplan. This group, referred to as the Russell City Committee, was originally formed to provide feedback on the Heritage Plaza art project in recognition of Russell City in unincorporated Hayward.

A complete roster of the Russell City Committee can be found in Table 1.

TABLE 1: HERITAGE PLAZA RUSSELL CITY COMMITTEE ROSTER

Name	Organization
Ishmael Arellano	Previous resident of Russell City
Sam Arellano	Previous resident of Russell City
Diane Curry	Executive Director and Curator, Hayward Area Historical Society
Priscilla Figueroa	Previous resident of Russell City
Nehmias Moran	Previous resident of Russell City
Joseph Moran	Previous resident of Russell City
Sam Nava	Russell City Picnic organizer
Maria Ochoa	Author – <i>“Russell City (Images of America)”</i> Art Commission
Anika Patterson	Hayward Library Commission
Kativa Sagra	Hayward Public Library, member of GARE
Liz Sanchez	Descendent of Russell City
Ronnie Stewart	Russell City Blues Festival
Megan Wilkinson	Author – <i>“What ever happened to Russell City?”</i>

The draft resolution and workplan was shared with the full committee via email. The following members were present at the July 15, 2021 virtual meeting: Diane Curry, Priscilla Figueroa, Anika Patterson, Kativa Sagra, Ronnie Stewart, and Megan Wilkinson. At this meeting, it was recommended to specifically call out Latinx community members in addition to BIPOC community members, as members of the Latinx community may not always identify as BIPOC. Additional substantive feedback was to clarify that Russell City was never officially incorporated as a City and that it was part of unincorporated Alameda County.

This item was presented at the September 15, 2021 CSC meeting, wherein a public comment was made by Alameda County Board of Education Area 4 Trustee Aisha Knowles, a descendent of Russell City in unincorporated Hayward. Ms. Knowles requested additional detail for future reports, including listing members of the CSC subcommittees and dates and frequency of meetings with community members.

Staff additionally met with Ms. Knowles on September 21, 2021 to discuss this item further. During this meeting, Ms. Knowles and staff discussed: how better to reach survivors and descendants of Russell City in unincorporated Hayward; Alameda County’s role in the annexation of Russell City; and the importance and significance of archiving this process. The survivors and descents of unincorporated Russell City were historically silenced, and as such this is an opportunity for the City of Hayward to recognize all those involved in the creation of this resolution.

ECONOMIC IMPACT

Advancing racial equity has a positive economic impact and could result in improved socioeconomic status of the entire community and new and increased opportunities for participation in the economy.

FISCAL IMPACT

Continuing the City's diversity, equity, and inclusion work will require continued investment of City resources, most importantly staff time into training, staffing, and infrastructure.

STRATEGIC ROADMAP

This item supports several Strategic Roadmap projects, including:

- Improve Organization Health,
 - o Project 2: Develop and implement a racial equity action plan to best serve our community and support our employees (follow up action from the Committee for an Inclusive, Equitable, and Compassionate Community) and
 - o Project 3: Work across Strategic Roadmap priorities to include racial equity lens.
 - o Project 4: Continue city participation in the Government Alliance for Racial Equity.
- Support Quality of Life
 - o Project 16: Implement Solutions to Increase Community Safety
- Preserve, Protect, and Produce Housing for All
 - o Project 8: Pursue State Housing Funding Opportunities (this included application for homeownership assistance funds)

PUBLIC CONTACT

This item has been discussed at the June 16, 2021 and September 15, 2021 meetings of the CSC. A detailed community engagement section is included above in the Discussion section.

NEXT STEPS

The CSC will review their 11 recommended action steps at the December 15, 2021 CSC meeting to provide recommended enhancements for Council consideration as part of the Strategic Roadmap annual review process in early 2022. Should Council direct additional work, staff time, and/or resources towards addressing these recommendations, staff recommends that this be part of the Strategic Roadmap review and prioritization process.

Prepared By: Jessica Lobedan, Acting Community Services Manager
Laurel James, Management Analyst II
Mary Thomas, Management Analyst II

Recommended By: Jennifer Ott, Assistant City Manager

Approved by:

A handwritten signature in black ink, appearing to read 'K. McAdoo', is written over a horizontal line.

Kelly McAdoo, City Manager

HAYWARD CITY COUNCIL

RESOLUTION NO. 21-____

INTRODUCED BY COUNCILMEMBER_____

RESOLUTION APOLOGIZING TO BLACK, INDIGENOUS, AND PEOPLE OF
COLOR AND LATINX COMMUNITY MEMBERS ON BEHALF OF THE CITY OF
HAYWARD FOR ITS IMPLICIT AND EXPLICIT ROLE IN PERPETUATING
INSTITUTIONAL RACISM IN THE CITY OF HAYWARD

WHEREAS, the City of Hayward, along with other jurisdictions and the real estate and banking industries participated in the discriminatory practice of redlining, which systematically prevented Black, Indigenous and People of Color (BIPOC) and Latinx community members from owning property in our city; and

WHEREAS, Russell City in unincorporated Hayward was home to a large and thriving BIPOC and Latinx population and a vibrant music scene and, following annexation into the City of Hayward, all residents were evicted and burned out of their homes and communities without appropriate compensation in 1966; and

WHEREAS, current Hayward demographics reflect that BIPOC and Latinx residents are disproportionately renters, indicating that the adverse consequences of Hayward's history of redlining continues to impact BIPOC and Latinx community members of Hayward to this day, including structural, financial, physical, medical, and emotional harm; and

WHEREAS, current educational status of BIPOC and Latinx students reflect the negative impact on the generations that followed the displacement of the residents of Russell City in unincorporated Hayward; and

WHEREAS, home and business ownership has been shown to facilitate intergenerational wealth and housing stability is linked to physical and mental health and academic achievement; and

WHEREAS, in order to achieve equity and basic fairness, governments and municipalities must conduct a reassessment and genuine evaluation of the power structures currently in place, and make efforts to enact policies to shift power and ownership to people who have been excluded from equal participation in education, commerce and governance; and

WHEREAS, the City of Hayward has begun to understand and dismantle systemic racism through its hiring and recruitment practices for jobs and commissions; and

WHEREAS, the City of Hayward has a long history of taking action to protect civil rights and denounce any form of prejudice and discrimination; and

WHEREAS, in 1992 the City of Hayward adopted the original 1992 Anti-Discrimination Action Plan (ADAP); and

WHEREAS, in 2017 the City established a limited term Community Task Force to update the ADAP and address increasing community concerns about nationwide discrimination; and

WHEREAS, in 2017 the City Council adopted a resolution declaring the City of Hayward a Sanctuary City; and

WHEREAS, the City of Hayward has made a firm commitment to being an Inclusive, Equitable, and Compassionate Community for BIPOC and Latinx community members; and

WHEREAS, in 2019 the City of Hayward joined the Government Alliance on Race and Equity (GARE), a national network of government working to achieve racial equity and advance opportunities for all; and

WHEREAS, through its involvement in GARE the City has developed a Racial Equity Action Plan;

WHEREAS, in 2021 the City of Hayward officially recognized Juneteenth as a holiday within the City of Hayward; and

WHEREAS, there is more work to be done.

NOW, THEREFORE, BE IT RESOLVED that the City Council and Staff apologize to current and previous residents et al. for the City's role in the impacts noted above and commit to taking actionable steps to address these harms, including but not limited to the commitments identified in the associated Action Plan.

IN COUNCIL, HAYWARD, CALIFORNIA _____, 2021

ADOPTED BY THE FOLLOWING VOTE:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

ATTEST: _____
City Clerk of the City of Hayward

APPROVED AS TO FORM:

City Attorney of the City of Hayward

#	Action Step	Staff contact	Strategic Roadmap Project	Notes/Other Ways the City is Implementing this Action Step	Next Steps
1	Utilizing a racial equity lens in developing and applying policies and procedures, such as those articulated in City of Hayward's 2021-23 Strategic Roadmap.	Mary Thomas Laurel James	Improve Organization Health, Project 3: <i>Work across Strategic Roadmap priorities to include racial equity lens.</i>	This is formally being done through Strategic Roadmap Organizational Health Project 3. Each Department in the City has selected a project from the Strategic Roadmap for racial equity analysis. Additionally, other projects, policies, and procedures are being development and implemented using a racial equity lens. See https://www.hayward-ca.gov/residents/equity-inclusion for additional projects with an equity and inclusion focus.	N/A
2	Continuing and expanding the GARE team and Racial Equity Action Plan.	Laurel James	Improve Organization Health, Project 2: <i>Develop and implement a racial equity action plan to best serve our community and support our employees (follow up action from the Committee for an Inclusive, Equitable, and Compassionate Community) and Project 4: Continue city participation in the Government Alliance for Racial Equity.</i>	The City has been a member of the Government Alliance for Race and Equity (GARE) since 2019. Since joining, 28 employees from across the City's departments have participated in GARE's ten-month training on communicating about race, tracking data, and using a racial equity toolkit to evaluate and design City programs. These team members are now training other City staff and conducting workshops for the City's Boards and Commissions. See Hayward Equity & Inclusion website: https://www.hayward-ca.gov/residents/equity-inclusion	N/A
3	Working with BIPOC community members to create new systems of public safety that places the highest priority upon protecting human life.	Laurel James Bryan Mathews Emily Young	Support Quality of Life, Project 16: <i>Implement Solutions to Increase Community Safety</i>	In Summer of 2020, City Council directed staff to implement a public safety community engagement project to gather information and experiences throughout the Hayward community to inform future policy discussions. The first phase of this project focused on hearing community concerns. The second phase focused on researching and testing possible policy alternatives. On May 18, 2021, the City Council adopted a resolution authorizing funding for the workshop project recommendations. See Hayward Public Safety website: https://www.hayward-ca.gov/your-government/departments/city-managers-office/public-safety-community-outreach	Policy innovation projects will be reported on bi-annually. Staff will share these reports back with the CSC.
4	Working with local, state, and regional partners to support and implement anti-racist policies and actions.	Laurel James	N/A	The Hayward Legislative Program outlines the legislative priorities and stances of the City of Hayward with the intent to inform residents, representatives, and policymakers of the City's stances on the myriad of public policies that intersect with City priorities, programs, and services. Staff are currently updating the City's Legislative Program with recommended legislative priorities. In Fall 2021, staff will recommend that that the City support legislation, policies and	Staff will present the updated City Legislative Program to Council in Fall 2021.

#	Action Step	Staff contact	Strategic Roadmap Project	Notes/Other Ways the City is Implementing this Action Step	Next Steps
				programs that are explicitly designed to address racial disparities by advancing racial equity and anti-racism.	
5	For homeownership and loss mitigation assistance, target populations with limited access to homeownership opportunities (where people who are BIPOC are overrepresented) and who have experienced disparate impacts related to homeownership retention during times of crisis and implement outreach efforts that furthers affirmative fair housing by identifying and targeting populations that have been typically underserved.	Christina Morales	Preserve, Protect, and Produce Housing for All, Project 8: <i>Pursue State Housing Funding Opportunities (this included application for homeownership assistance funds)</i>	ARPA Programs <ul style="list-style-type: none"> - Foreclosure prevention program targeting low-income households - Down payment assistance/wealth building program - Tax-default and Foreclosure property acquisition program <ul style="list-style-type: none"> o For foreclosed properties, helps tenants acquire the property the currently reside in if the property is being sold through foreclosure o For tax-defaulted property, helps Community Land Trust or Non-profit housing providers acquire tax defaulted properties to convert to long-term affordable housing (both ownership and rental) Affordable Housing Ordinance <ul style="list-style-type: none"> - Through approval of the marketing plan, require developers to target marketing efforts to populations traditionally underserved. 	Staff will share updates back with the CSC as they become available.
6	Prioritizing business ownership assistance for people who are BIPOC whenever such funding is available.	Paul Nguyen	N/A	All Economic Development Division programs utilize an equity lens that emphasizes focusing on serving minority-owned businesses. The City's Small Business Assistance Grant program provides grants to support the purchase of equipment, inventory, marketing material, e-commerce platforms, and interior/exterior improvements of commercial space. Staff will continue to direct funding to traditionally BIPOC-owned business sectors such as personal services, childcare, restaurants and retail. Funding for this program will be increased using ARPA funds for FY 22. The expanded program will feature enhanced engagement of Black-owned businesses to drive participation in the program.	Staff will share updates back with the CSC as they become available.
7	Prioritizing funding and contracts for organizations, artists, musicians, businesses and contractors who are BIPOC.	Jessica Lobedan	N/A	The Community Services Division and Community Services Commission use a racial equity lens in determining funding distributed through the Community Agency Funding process, including requesting demographic information of population served, agency staff, and agency leadership.	Staff are concurrently working on assessing the Community Agency Funding process, including development of a rubric for ranking applicants, and can incorporate this into the rubric.
8	Ensuring that literacy and other educational services as well as the Youth Commission and other leadership development opportunities facilitate positive identity for BIPOC youth.	Lindsey Vien	N/A	The City's Family Education Program serves Hayward's at-risk population and partners with community partners to close the education and literacy gap in Hayward. The Family Education Program focuses community building to wholistically address and strategically align the collective impact in the community. Critical services include:	Education Services will be working on how to partner with community agencies to strategically align resources for betterment of the Hayward community (part of joint collaboration with HUSD School Board and Hayward City Council).

#	Action Step	Staff contact	Strategic Roadmap Project	Notes/Other Ways the City is Implementing this Action Step	Next Steps
				<ul style="list-style-type: none"> - Hiring staff that is representative of the Hayward community; - Working strategically with HUSD to utilize race and ethnicity when allocating resources; - Working to meet the needs of historically marginalized students through reducing barriers to literacy, such as creating a Tech Lending Library, removing late fees, providing e-resources for every HUSD student, and launching the Hayward Bookmobile - Launching Book to Action program 	
9	Working with the survivors and descendants of Russell City to determine appropriate restitution.	Mary Thomas Daniel Mao	N/A	While staff are not explicitly working with survivors and descendants of Russell City to determine appropriate restitution, staff are working with survivors and descendants of Russel City in other ways, as well as exploring a wealth-building program. Staff are currently working with survivors and descendants of Russell City to design and create culturally competent ways to honor the history and legacy of Russell City. This group has also been consulted on the development of this resolution and workplan, as discussed in the Public Contact section below. Additionally, staff are exploring development of a First-Time Homebuyer Down Payment Assistant/Wealth-Building program through use of ARPA funds.	Should any substantive items be recommended for addition to the workplan they could be considered for inclusion during the Strategic Roadmap annual review.
10	Supporting the work of community partners to design and create culturally competent ways to recognize the contributions of BIPOC Hayward residents and incorporate those recognitions into mural, signage, roadway improvements, and grants as such projects/opportunities are developed. Such recognitions may include a Welcome to Russell City Gateway, a Russell City Walk of Fame, Juneteenth events, Teach Ins, and/or other public art installations honoring the history and legacy of Russell City.	Mary Thomas Kristoffer Bondoc	N/A	<p>Staff are currently working on the following public art pieces at Heritage Plaza, in recognition of the following:</p> <ul style="list-style-type: none"> - Honoring the indigenous heritage and the living members of the Muwekma Ohlone Tribe that the City of Hayward is now incorporated on - The internment and imprisonment of Japanese Americans during World War II - The eviction of survivors and descendants of the area known as Russell City <p>As part of the heritage art there will be accompanying programming and public education. The City is working with Hayward Area Historical Society to create this programing.</p> <p>Additional information can be found here: https://www.hayward-ca.gov/your-government/departments/engineering-division/21st-century-library-heritage-plaza</p> <p>The City has historically supported the Russell City Blues Festival and this year awarded \$20,000 to this event as part the Juneteenth Freedom Celebration.</p>	The Heritage Plaza art pieces will be installed in FY21-22.

ATTACHMENT III

#	Action Step	Staff contact	Strategic Roadmap Project	Notes/Other Ways the City is Implementing this Action Step	Next Steps
11	Promoting accountability for these commitments through systematic updates and reporting.	Strategic Roadmap: Mary Thomas Policy Innovation: Laurel James ARPA: Jessica Lobedan	N/A	Projects identified in the strategic roadmap will be reported on during the mid-year budget process. Policy innovation projects will be reported on bi-annually. Staff will share these reports back with the CSC. ARPA projects will be reported on bi-annually.	Staff will share these reports back with the CSC as they become available.

Staff Contacts

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Kristoffer Bondoc, Kristoffer.bondoc@hayward-ca.gov

Daniel Mao, Daniel.mao@hayward-ca.gov

Strategic Roadmap

<https://hayward.legistar.com/LegislationDetail.aspx?ID=4968961&GUID=22D0F57F-B982-4566-8DA6-CE2854247AB0&Options=&Search=>



CITY OF HAYWARD

Hayward City Hall
777 B Street
Hayward, CA 94541
www.Hayward-CA.gov

File #: MIN 21-149

DATE: November 16, 2021

TO: Geologic Hazard Abatement District Board

FROM: GHAD Manager

SUBJECT

Approve the Hayward Geologic Hazard Abatement District Board Minutes of the Special Meeting on May 25, 2021

RECOMMENDATION

That the Hayward Geologic Hazard Abatement District Board approves the GHAD Board meeting minutes of May 25, 2021

SUMMARY

The Hayward Geologic Hazard Abatement District Board held a meeting on May 25, 2021.

ATTACHMENTS

Attachment I Draft Minutes of May 25, 2021

**MINUTES OF JOINT CITY COUNCIL/HAYWARD GEOLOGIC HAZARD
ABATEMENT DISTRICT BOARD MEETING
OF THE CITY OF HAYWARD
Council Chambers
777 B Street, Hayward, CA 94541
Tuesday, May 25, 2021**

The Joint City Council/Hayward Geologic Hazard Abatement District Board meeting was called to order by Board Chair Halliday at 7:06 p.m.

ROLL CALL

Present: BOARDMEMBERS Andrews, Márquez, Lamnin, Salinas, Wahab, Zermeno,
and Chair Halliday

Absent: None

PUBLIC COMMENT

None.

CONSENT CALENDAR

1. Approve the GHAD Minutes of the Board Meeting of May 26, 2020. It was moved by Boardmember Wahab and seconded by Boardmember Márquez to approve the minutes; the motion carried unanimously, with Boardmember Andrews abstaining (6-0-1).

PUBLIC HEARING

2. GHAD Manager Eric Harrell provided the staff report regarding the proposed budget for the 2021/2022 fiscal year. He introduced Haley Ralston (Assistant GHAD Manager), Dave Fernandez (GHAD Treasurer), and Amara Morrison (Assistant GHAD Attorney) as present for tonight's meeting.

The GHAD Manager provided background regarding the Hayward GHAD and explained that the GHAD was formed in 2016 and the GHAD Board accepted the monitoring and maintenance responsibilities for The Reserve (formerly La Vista) development in 2020. All 179 parcels within The Reserve development are subject to GHAD assessment; and 42 of the total 59 residential units within the Hideaway (formerly Ersted) development are likely to be assessed during the 2021/2022 fiscal year. The GHAD Manager further explained that it will be some period of time (up to three years) before GHAD staff brings a requested transfer of Plan of Control maintenance responsibilities for the Hideaway development for acceptance by the Board.

The total budget for the 2021/2022 fiscal year is \$147,560; there will be an estimated reserve of approximately \$1 Million at the end of fiscal year 2021/2022.

There were no public comments on this item.

Chair Halliday asked, given the amount of the reserve and the projections of revenue, at what point will the GHAD be deemed to have enough money and whether, at some point in the future, the annual assessments should, potentially, be decreased.

The GHAD Manager responded that, normally, after 10 years of assessments, a GHAD will undertake a reserve study to determine whether assessments should be modified.

It was moved by Boardmember Zermeno and seconded by Boardmember Salinas to approve the fiscal year 2021/2022 budget; the motion carried unanimously (7-0-0).

LEGISLATIVE BUSINESS

3. GHAD Manager Eric Harrell provided an update to the Board regarding the preparation of a newsletter to be distributed to residents within the GHAD as proposed by Boardmember Lamnin. A draft has been prepared and provided to the Board for review and comment. Boardmember Márquez asked when the newsletter would be mailed; the GHAD Manager indicated the newsletter could be mailed within 7 to 14 days following approval by the Board.

Boardmember Lamnin requested the materials be translated into languages of residents within the GHAD and directed that the GHAD staff work with City staff to accomplish that. She also requested the information be put on a postcard to save on mailing costs and, that as new parcels are added to the GHAD, these new residents receive the newsletter as well.

Boardmember Andrews expressed concerns with the postcard approach thinking it could get easily lost or overlooked. Boardmember Salinas asked that each Boardmember's email address be included in the postcard for questions from the public.

GHAD MANAGER REPORT

GHAD Manager reported that Parcel B within The Reserve development has been offered to the GHAD for transfer of Plan of Control responsibilities and ownership, but the park parcel is still quite a way off from being transferred. The Hideaway development (formerly Ersted Property) residential and open space parcels will not be eligible for transfer until 2023.

GHAD BOARD MEMBERS' REPORTS, REFERRAL, AND FUTURE AGENDA ITEMS

None.

ADJOURNMENT

GHAD Board Chair Halliday adjourned the meeting at 7:36 p.m.

APPROVED:

Barbara Halliday, Board Chair,
Hayward Geologic Hazard Abatement District

ATTEST:

Patricia E. Curtin, Clerk,
Hayward Geologic Hazard Abatement District



CITY OF HAYWARD

Hayward City Hall
777 B Street
Hayward, CA 94541
www.Hayward-CA.gov

File #: MIN 21-150

DATE: November 16, 2021

TO: Geologic Hazard Abatement District Board

FROM: GHAD Manager

SUBJECT

Approve the Hayward Geologic Hazard Abatement District Board Minutes of the Special Meeting on October 26, 2021

RECOMMENDATION

That the Hayward Geologic Hazard Abatement District (GHAD) Board approves the GHAD Board meeting minutes of October 26, 2021

SUMMARY

The Hayward Geologic Hazard Abatement District Board held a meeting on October 26, 2021.

ATTACHMENTS

Attachment I Draft Minutes of October 26, 2021

**MINUTES OF JOINT CITY COUNCIL/HAYWARD GEOLOGIC HAZARD
ABATEMENT DISTRICT BOARD MEETING OF THE CITY OF HAYWARD
Council Chambers
777 B Street, Hayward, CA 94541
Tuesday, October 26, 2021**

The Joint City Council/Hayward Geologic Hazard Abatement District Board meeting was called to order by Board Chair Halliday at 7:05 p.m.

ROLL CALL

Present: BOARD MEMBERS Andrews, Márquez, Lamnin, Salinas, Wahab, Zermeño
and Chair Halliday

Absent: None

CONSENT CALENDAR

1. GHAD Manager Eric Harrell provided the staff report regarding the Board's consideration of whether to accept a Petition for Annexation of the Hayward SoMi development (Tracts 8502 and 8614) ("Project") into the existing Hayward GHAD and to consider the draft Plan of Control. The Project is comprised of 23 multi-family buildings with 189 condominium and townhome units, and approximately 10,000 square feet of commercial space. The City of Hayward approved Infill Checklist Item No. 48 requires the Hayward SoMi development be annexed into the existing Hayward GHAD. Following acceptance of the Petition for Annexation, a public hearing is required for the Board to consider the Petition.

There were no public comments on this item.

It was moved by Board member Márquez and seconded by Board member Salinas to approve Resolution No. 21-02, to accept the Petition for Annexation by the Hayward SoMi development into the existing Hayward GHAD and to consider the associated draft Plan of Control; motion carried unanimously (7-0-0).

GHAD MANAGER REPORT

GHAD Manager reported that with the extraordinary rainfall event that occurred this past weekend, GHAD staff reinspected The Reserve development within the Hayward GHAD for any impact to GHAD-maintained improvements and observed no significant issues.

GHAD BOARD MEMBERS' REPORTS, REFERRAL, AND FUTURE AGENDA ITEMS

None.

ADJOURNMENT

GHAD Board Chair Halliday adjourned the meeting at 7:12 pm.

APPROVED:

Barbara Halliday, Board Chair,
Hayward Geologic Hazard Abatement District

ATTEST:

Patricia E. Curtin, Clerk,
Hayward Geologic Hazard Abatement District



CITY OF HAYWARD

Hayward City Hall
777 B Street
Hayward, CA 94541
www.Hayward-CA.gov

File #: PH 21-097

DATE: November 16, 2021

TO: Geologic Hazard Abatement District Board

FROM: GHAD Manager and GHAD Attorney

SUBJECT

Hearing to Adopt Resolution 21-03 Approving the Annexation of the Hayward SoMi Development into the Hayward GHAD and Approving the Draft Hayward SoMi Development Plan of Control

RECOMMENDATION

That the Board adopts Resolution No. 21-03 to do the following: (a) Approve the annexation of the Hayward SoMi Development to the Hayward GHAD; and (b) Approve the draft Hayward SoMi Development Plan of Control.

SUMMARY

In approving Tracts 8502 and 8614 for the Hayward SoMi Development ("Hayward SoMi Development"), which includes 23 multi-family buildings with 189 condominium and townhome units and approximately 10,000 square feet of commercial space, the City of Hayward approved Resolution 19-202, in which Infill Checklist Item No. 48 requires the Hayward SoMi Development to be annexed into the existing Hayward Geologic Hazard Abatement District ("GHAD"). Consistent with GHAD law, the owner of the Hayward SoMi Development, Hayward SoMi, LLC, filed a Petition for Annexation ("Petition") with the GHAD Clerk on September 9, 2021. On October 26, 2021, with the approval of Resolution 21-02, the GHAD Board of Directors ("GHAD Board") accepted the Petition and set a public hearing to take place on November 16, 2021, to consider the annexation request and hear any objections to the request. In addition, the GHAD Board is being asked to consider approval the draft Plan of Control.

ATTACHMENTS

Attachment I	Staff Report
Attachment II	GHAD Resolution 21-03
Attachment III	Petition for Annexation

**HAYWARD
GEOLOGIC HAZARD ABATEMENT DISTRICT**

TO: Hayward GHAD Board of Directors

FROM: GHAD Manager
GHAD Attorney

BOARD MEETING DATE: November 16, 2021

Hearing to adopt Resolution 21-03 approving the Annexation of the Hayward SoMi Development into the Hayward GHAD and approving the draft Hayward SoMi Development Plan of Control

RECOMMENDATION(S):

1. ADOPT the attached Resolution No. 21-03 to do the following:
 - (a) APPROVE the annexation of the Hayward SoMi Development to the Hayward GHAD.
 - (b) APPROVE the draft Hayward SoMi Development Plan of Control.

SUMMARY:

In approving Tracts 8502 and 8614 for the Hayward SoMi Development ("Hayward SoMi Development"), which includes 23 multi-family buildings with 189 condominium and townhome units and approximately 10,000 square feet of commercial space, the City of Hayward approved Resolution 19-202, in which Infill Checklist Item No. 48 requires the Hayward SoMi Development to be annexed into the existing Hayward Geologic Hazard Abatement District ("GHAD"). Consistent with GHAD law, the owner of the Hayward SoMi Development, Hayward SoMi, LLC, filed a Petition for Annexation ("Petition") with the GHAD Clerk on September 9, 2021. On October 26, 2021, with the approval of Resolution 21-02, the GHAD Board of Directors ("GHAD Board") accepted the Petition and set a public hearing to take place on November 16, 2021, to consider the annexation request and hear any objections to the request. In addition, the GHAD Board is being asked to consider approval the draft Plan of Control.

BACKGROUND AND DISCUSSION:

On March 1, 2016, the Hayward City Council adopted Resolution No. 16-030 approving the formation of the Hayward GHAD and appointed itself to serve as the GHAD Board.

Currently, The Reserve (formerly La Vista) development (Tract 7620) and Hideaway (formerly Ersted Property) development (Tract 8439) are the only developments within the GHAD. As allowed by GHAD Law, Hayward SoMi, LLC as the owner of the Hayward SoMi Development, submitted a Petition for Annexation into the Hayward GHAD (attached to Resolution No. 21-02). In approving the Hayward SoMi Development, the City of Hayward imposed Infill Checklist Item No. 48 requiring that the Hayward SoMi Development be annexed into the GHAD prior to recordation of the final map for the Hayward SoMi Development. To satisfy this requirement, the owner of the Hayward SoMi Development has petitioned the GHAD Board for annexation into the GHAD. The territory to be annexed into the GHAD and the boundaries of the Hayward SoMi Development are the same.

In connection with the proposed annexation, a draft Plan of Control dated October 14, 2021 has

been prepared for the Hayward SoMi Development and attached to the Petition for Annexation. The draft Plan of Control being considered by the Board is dated November 4, 2021 and has the following revisions from the previous draft dated October 14, 2021.

- Section 2.2 (Page 2) – Additional details were provided about the mapped wetlands area located on Parcel C in Tract 8614 and the GHAD's responsibilities for the mapped wetlands area.
- Section 2.2 (Page 2) – Clarification was provided about the GHAD's responsibilities for stormdrain improvements on future GHAD-owned parcels.

The draft Plan of Control is separate from The Reserve (formerly La Vista) and Hideaway (formerly Ersted Property) Plans of Control and describes the work contemplated for the Hayward SoMi Development, including maintenance and monitoring activities, including slopes, retaining walls, subdrains, storm drain facilities, and concrete-lined drainage ditches. The draft Plan of Control has been reviewed by the GHAD Manager and GHAD Attorney. The draft Plan of Control will be finalized following incorporation of comments, if any, received from the GHAD Board during the annexation hearing.

On October 26, 2021, the GHAD Board of Directors accepted the Petition for Annexation of the Hayward SoMi Development to the Hayward GHAD and adopted Resolution 21-02 to schedule a public hearing for November 16, 2021, to consider the annexation of the Hayward SoMi Development into the Hayward GHAD.

NEXT STEPS:

If the Hayward GHAD Board approves annexation of the Hayward SoMi Development into the Hayward GHAD and approves the draft Plan of Control, the Board will be asked to set a date to conduct a Public Hearing to consider approval of the Engineer's Report for the Hayward SoMi Development and issue a Notice of Intent to Order an Assessment.

FISCAL IMPACT:

Hayward SoMi, LLC, is responsible for funding all activities undertaken by the GHAD up and until the GHAD Improvements, as defined in the draft Plan of Control, are accepted by the GHAD. Thereafter, the GHAD is funded 100% through assessments levied on properties within the Hayward GHAD. Therefore, there is no fiscal impact on the City's General Fund.

If annexation is approved, funding for the GHAD activities on the proposed annexed area to prevent, mitigate, abate, and control geologic hazards will be based on an assessment, and such funds will be collected and used in connection with the Hayward SoMi Development draft Plan of Control. The proposed assessment will be supported by a detailed Engineer's Report prepared by a registered professional engineer certified by the State of California, and will be considered at a subsequent date in accordance with Proposition 218. The proposed assessment does not impact or change the existing assessments for The Reserve (La Vista) and Hideaway (formerly Ersted) property owners in the GHAD.

Prepared by: The GHAD Manager and GHAD Attorney

Recommended by: GHAD Manager

ATTACHMENTS:

A. Resolution No. 21-03
17479.000.000
November 16, 2021

**THE BOARD OF DIRECTORS OF HAYWARD
GEOLOGIC HAZARD ABATEMENT DISTRICT**

RESOLUTION NO. 21-03

**RESOLUTION APPROVING THE ANNEXATION OF THE HAYWARD SOMI DEVELOPMENT
INTO THE HAYWARD GEOLOGIC HAZARD ABATEMENT DISTRICT AND ADOPT THE
DRAFT HAYWARD SOMI DEVELOPMENT PLAN OF CONTROL**

WHEREAS, on March 1, 2016, the Hayward City Council approved Resolution No. 16-030 ordering the formation of the Hayward Geologic Hazard Abatement District ("GHAD") and appointed itself serve as the GHAD Board of Directors ("Board"); and

WHEREAS, on October 26, 2021, the GHAD Board adopted Resolution 21-02 scheduling a public hearing for November 16, 2021, to consider the proposed annexation and draft Plan of Control. This hearing was noticed in accordance with Public Resources Code Sections 26557, 26561, 26562, and 26563; and

WHEREAS, the GHAD Board is now presented with and has reviewed the Petition for Annexation of Hayward SoMi Development to the Hayward GHAD ("GHAD Petition"), which is attached here to as Attachment 1. The property proposed to be annexed into the GHAD is described in the legal description and identified in the boundary map set forth in Exhibits A and B to Attachment 1; and

WHEREAS, the GHAD Board is presented with and reviewed the draft Hayward SoMi Development Plan of Control (dated November 4, 2021), which is attached hereto as Attachment 2. The draft Hayward SoMi Development Plan of Control describes potential geologic hazards within the territory to be annexed and addresses the prevention, mitigation, abatement, and control of such hazards; and

WHEREAS, the draft Plan of Control is exempt from the provisions of the California Environmental Quality Act (Pub. Res. Code §§ 21000 *et. seq.*) in accordance with Public Resources Code sections 21080(b)(4) and 26559.

The Board of Directors of the GHAD HEREBY RESOLVES THAT:

1. This Resolution No. 21-03 is made pursuant to the provisions of Division 17 of the Public Resources Code with particular references to Chapter 1 (commencing with Section 26500), Article 3 (commencing with Section 26550) and Article 4 (commencing with Section 26561).
2. The GHAD Board hereby approves the annexation of the Hayward SoMi Development into the Hayward GHAD as described in the GHAD Petition, subject to the adoption of a resolution approving the annexation by the Hayward City Council as required under Public Resources Code section 26581 and conditioned upon subsequent approval of the proposed assessment following an assessment ballot proceeding pursuant to Proposition 218.

3. The Hayward GHAD Board hereby approves and adopts the draft Hayward SoMi Development Plan of Control.
4. The recitals are incorporated herein by this reference.

This Resolution shall become effective immediately upon its passage and adoption.

HAYWARD, CALIFORNIA, November 16, 2021

PASSED BY THE FOLLOWING VOTE:

AYES:

NOES:

ABSTAIN:

ABSENT:

Attachment 1 – Petition of Annexation

Attachment 2 – Hayward SoMi Draft Plan of Control

**PETITION FOR ANNEXATION OF TERRITORY TO THE
HAYWARD GEOLOGIC HAZARD
ABATEMENT DISTRICT PURSUANT TO
DIVISION 17 (commencing with section 26500)
OF THE PUBLIC RESOURCES CODE
OF THE STATE OF CALIFORNIA**

TO: The Clerk of the Hayward Geologic Hazard Abatement District ("GHAD")

The undersigned owner of land within the boundaries of the territory proposed to be annexed to the GHAD hereby requests that the Board of Directors of the GHAD ("GHAD Board") initiate proceedings to annex the territory described in Exhibit A ("Legal Description") and Exhibit B ("Plat to Accompany Legal Description"), attached hereto, to the GHAD pursuant to Article 3 (commencing with Public Resources Code § 26550) and Article 4 (commencing with Public Resources Code § 26561) of Chapter 2 of Division 17 of the Public Resources Code (§ 26500 *et seq.*). Said owner is the owner of all the territory proposed to be annexed.

(a) This petition is made pursuant to Division 17 of the Public Resources Code with particular reference to Article 3 (commencing with Section 26550) and Article 4 (commencing with Section 26561).

(b) Opposite the signature of the petitioner is an indication of the lot, tract and map number or other legal description sufficient to identify the signature of the petitioner as that of an owner of land within the territory proposed to be annexed to the GHAD.

(c) Opposite the signature of the petitioner is an indication of the date on which said petitioner's signature was affixed to this petition.

(d) The following documents are attached to this petition and are incorporated herein by this reference as if set forth in full in the petition:

1. A legal description of the boundaries of the territory proposed to be annexed to the GHAD (Exhibit "A");

2. A plat of the boundaries of the territory proposed to be annexed to the GHAD (Exhibit "B"); and

3. A Plan of Control prepared by an Engineering Geologist certified pursuant to Section 7822 of the California Business and Professions Code, which describes in detail geologic hazards, their location and the areas affected thereby, and a plan for their prevention, mitigation, abatement, and control thereof (Exhibit C).

Exhibits: A - Legal Description
B – Plat to Accompany Legal Description
C – Plan of Control for Mirza Development, Tract 8502

By:  _____

Name: Scott Menard

Title: Secretary

Date: September 9, 2021

Hayward, Somi, LLC

Assessor's Parcel Number(s): 078C-0461-10, -11, -12, -13, 078C-0461-001-14, and 078C-0455-001-04

17479.000.000
August 12, 2021

EXHIBITS A and B

Legal Description and Plat to Accompany Legal Description

17479.000.000
August 12, 2021

EXHIBIT A
LEGAL DESCRIPTION
HAYWARD GEOLOGIC HAZARD ABATEMENT DISTRICT(GHAD)
MIRZA DEVELOPMENT ANNEXATION
HAYWARD, CALIFORNIA

Real property in the City of Hayward , County of Alameda, State of California, described as follows:

PARCEL ONE:

BEGINNING AT THE INTERSECTION OF THE NORTHEASTERN LINE OF THE STATE HIGHWAY(100 FEET WIDE) FROM HAYWARD TO NILES WITH THE SOUTHEASTERN LINE OF THE 22.82 ACRE PARCEL OF LAND DESCRIBED IN THE DEED BY JOSE DE JESUS VALLEJO AND WIFE TO WILLIAM MORRIS LISTON RECORDED IN BOOK "M" OF DEEDS PAGE 219 ALAMEDA COUNTY RECORDS RUNNING THENCE ALONG SAID LINE OF STATE HIGHWAY SOUTH 42 DEGREES 48 MINUTES 53 SECONDS EAST 202.44 FEET THENCE PARALLEL WITH THE SOUTHEASTERN LINE OF THE PARCEL OF LAND FIRSTLY DESCRIBED IN THE DEED BY MARY E. ALLEN TO ANTONE FARIA RECORDED NOVEMBER 9, 1920 IN BOOK 2996 OF DEEDS PAGE 341 ALAMEDA COUNTY RECORDS NORTH 47 DEGREES 17 MINUTES 31 SECONDS EAST 190 FEET THENCE PARALLEL WITH SAID LINE OF STATE HIGHWAY SOUTH 42 DEGREES 48 MINUTES 53 SECONDS EAST 72 FEET THENCE PARALLEL WITH SAID SOUTHEASTERN LINE OF THE FARIA PARCEL NORTH 47 DEGREES 17 MINUTES 31 SECONDS EAST 630.85 FEET TO THE NORTHEASTERN LINE OF THE PARCEL OF LAND FIRSTLY DESCRIBED IN THE DEED BY MARY E. ALLEN RECORDED MAY 29, 1916 IN BOOK 2442 OF DEEDS PAGE 366 ALAMEDA COUNTY RECORDS THENCE ALONG THE LAST MENTIONED LINE NORTH 42 DEGREES 45 MINUTES WEST 253.99 FEET TO THE NORTHWESTERN LINE OF SAID FARIA PARCEL OF LAND LASTLY REFERRED TO THENCE ALONG THE LAST MENTIONED LINE SOUTH 48 DEGREES 43 MINUTES 08 SECONDS WEST 821.43 FEET TO THE POINT OF BEGINNING.

PARCEL TWO:

BEING PORTIONS OF PARCEL 1 AND PARCEL 3 AND ALL OF PARCEL 2 AND PARCEL 4 AS SAID PARCELS ARE DESCRIBED IN THAT DIRECTOR'S DEED FROM THE STATE OF CALIFORNIA TO THE CITY OF HAYWARD RECORDED NOVEMBER 3, 2017 AS DOCUMENT NUMBER 2017243815 OF OFFICIAL RECORDS OF ALAMEDA COUNTY, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE INTERSECTION OF THE SOUTHERN LINE OF TENNYSON ROAD (60 FEET WIDE), AS SHOWN ON THE MAP OF TRACT 7620, RECORDED MAY 3, 2016 AND FILED IN BOOK 339 OF MAPS, AT PAGE 46, IN THE OFFICE OF THE COUNTY RECORDER OF ALAMEDA COUNTY, WITH THE EASTERN LINE OF SAID PARCEL 1;

THENCE, FROM SAID POINT OF BEGINNING, ALONG THE EASTERN LINE OF SAID PARCELS 1, 2, AND 3, SOUTH 21°07'48" EAST, 851.67 FEET TO THE SOUTHEAST CORNER OF SAID PARCEL 2;

THENCE, ALONG THE SOUTHEAST LINE OF SAID PARCEL 2, SOUTH 50°13'05" WEST, 393.23 FEET TO THE SOUTHERNMOST CORNER OF SAID PARCEL 2;

THENCE, ALONG THE SOUTHWEST LINE OF SAID PARCEL 2, NORTH 41°22'25" WEST, 148.60 FEET TO THE SOUTHWEST CORNER OF SAID PARCEL 2;

THENCE, ALONG THE WESTERN LINE OF SAID PARCEL 2 THE FOLLOWING THREE (3) COURSES:

1) NORTH 03°11'39" WEST, 238.58 FEET,

2) NORTH 09°10'37" WEST, 323.21 FEET,

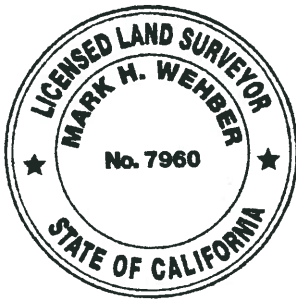
3) NORTH 18°28'47" WEST, 36.85 FEET TO THE SOUTHERNMOST CORNER OF SAID PARCEL 4;

THENCE, ALONG THE EXTERIOR BOUNDARY OF SAID PARCEL 4 THE FOLLOWING NINE (9) COURSES:

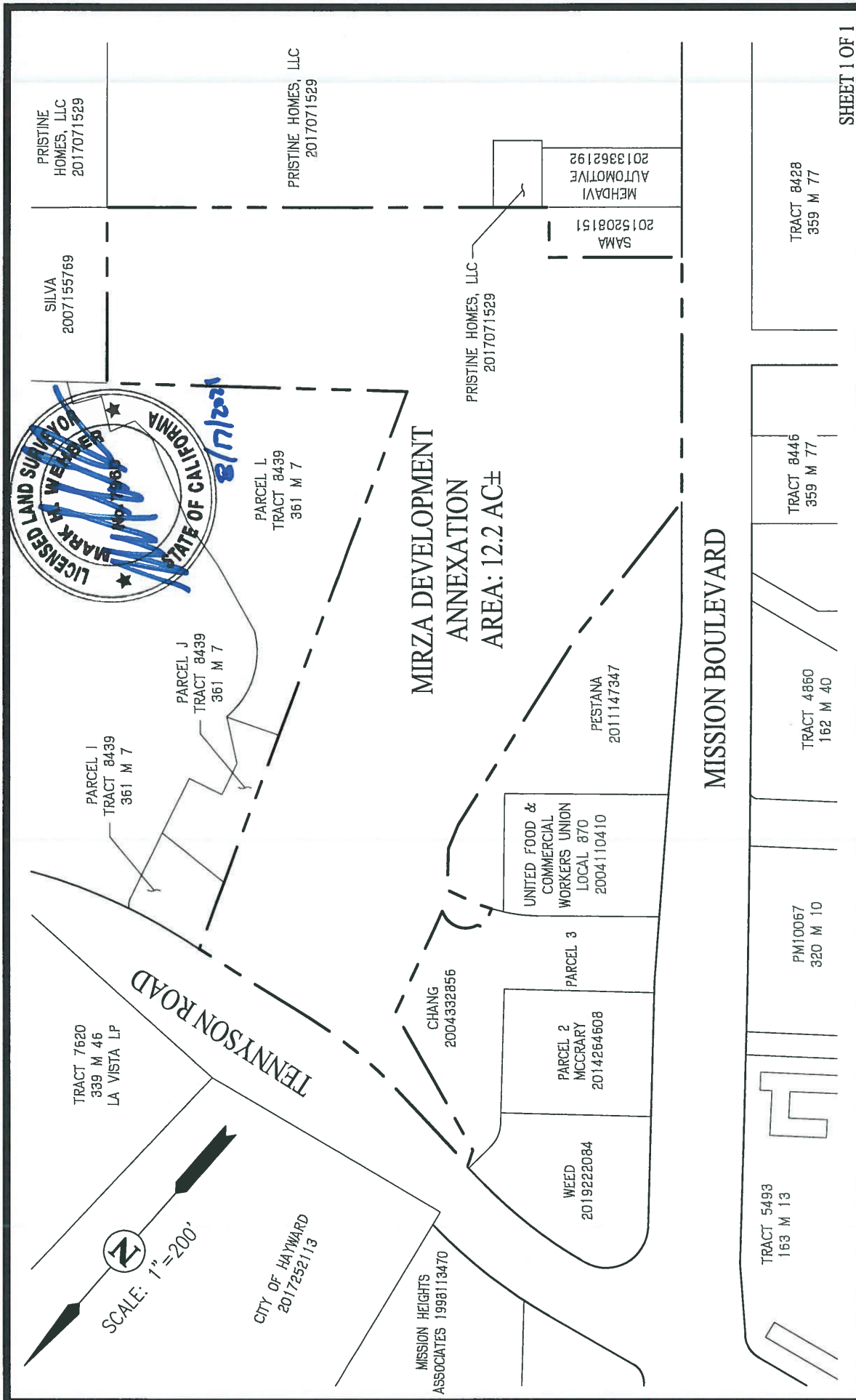
- 1) NORTH 39°50'35" WEST, 59.11 FEET,
 - 2) SOUTH 74°01'02" WEST, 33.35 FEET,
 - 3) ALONG THE ARC OF A TANGENT 240.02 FOOT RADIUS CURVE TO THE LEFT, THROUGH A CENTRAL ANGLE OF 08°34'27", AN ARC DISTANCE OF 35.92 FEET,
 - 4) NORTH 18°00'55" WEST, 29.35 FEET,
 - 5) NORTH 71°59'05" EAST, 9.36 FEET,
 - 6) NORTHEASTERLY ALONG THE ARC OF A NON-TANGENT 35.00 FOOT RADIUS CURVE TO THE RIGHT, FROM WHICH THE CENTER OF SAID CURVE BEARS SOUTH 70°13'32" EAST, THROUGH A CENTRAL ANGLE OF 101°06'25", AN ARC DISTANCE OF 61.77 FEET,
 - 7) NORTH 16°34'48" WEST, 160.59 FEET,
 - 8) NORTH 70°37'19" WEST, 226.37 FEET,
 - 9) NORTH 22°10'03" WEST, 22.75 FEET TO SAID SOUTHERN LINE OF TENNYSON ROAD;
- THENCE, ALONG SAID SOUTHERN LINE OF TENNYSON ROAD, BEING THE NORTHERN LINES OF SAID PARCELS 4 AND 3, THE FOLLOWING THREE (3) COURSES:
- 1) SOUTH 84°28'58" EAST, 151.56 FEET,
 - 2) ALONG THE ARC OF A TANGENT 630.00 FOOT RADIUS CURVE TO THE LEFT, THROUGH A CENTRAL ANGLE OF 14°40'53", AN ARC DISTANCE OF 161.43 FEET,
 - 3) NORTH 80°50'09" EAST, 181.29 FEET TO THE POINT OF BEGINNING.

APN: 078C-0455-001-04 (Parcel One); and
078C-0461-011, 078C-0461-013, 078C-0461-010 (Portion) and 078C-0461-012 (Portion), all as to Parcel Two

END OF DESCRIPTION



 10/17/2021
MARK H. WEHBER, P.L.S.
L.S. NO. 7960



SAN RAMON (925) 866-0322
ROSEVILLE (916) 788-4456
WWW.CBANDG.COM

CIVIL ENGINEERS ■ SURVEYORS ■ PLANNERS

PLAT TO ACCOMPANY LEGAL DESCRIPTION

HAYWARD GEOLOGIC HAZARD ABATEMENT DISTRICT (GHAD)

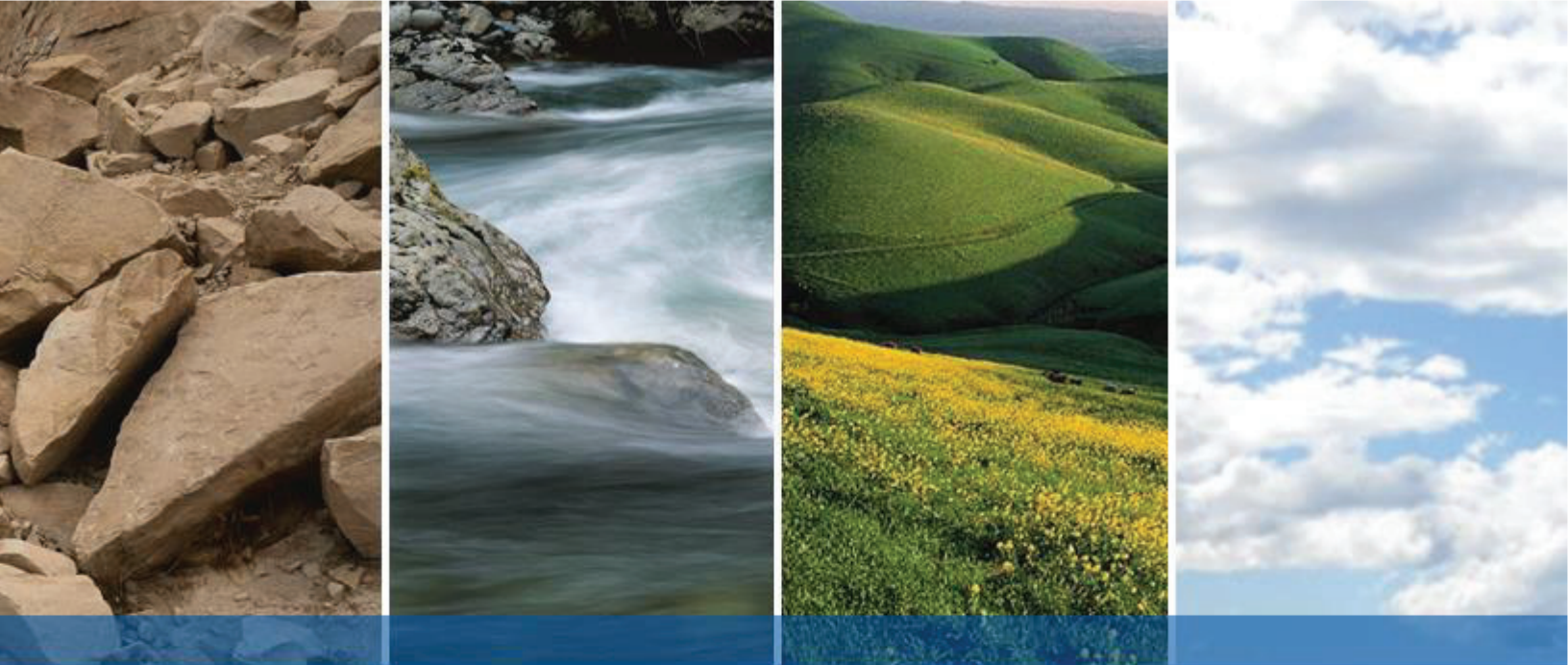
MIRZA DEVELOPMENT ANNEXATION
CITY OF HAYWARD, CALIFORNIA

AUGUST 12, 2021

EXHIBIT C

Plan of Control for Mirza Development, Tract 8502

17479.000.000
August 12, 2021



HAYWARD GEOLOGIC HAZARD ABATEMENT DISTRICT (GHAD)
HAYWARD, CALIFORNIA

PLAN OF CONTROL
HAYWARD SOMI DEVELOPMENT, TRACTS 8502 and 8614

SUBMITTED TO
Hayward SoMi, LLC
12647 Alcosta Boulevard, Suite 470
San Ramon, CA 94583

PREPARED BY
ENGEO Incorporated

November 4, 2021

PROJECT NO.
17479.000.000

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SELECTED REFERENCES

APPENDIX A: FIGURE 1

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SoMi Development – Tract 8502 and Tract 8614

EXHIBIT B – Plat to Accompany Legal Description

APPENDIX C: Site Plans and Geologic Maps

APPENDIX D: Declaration of Disclosures, Right of Entry and Restrictive Covenants
Regarding Hayward Geologic Hazard Abatement District

APPENDIX E: Sample Transfer Application Form

1.0 AUTHORITY AND SCOPE

As approved under Hayward City Council Resolution 19-202, Infill Checklist Item No. 48 for the Hayward SoMi Development, Tract 8502, which includes Tract 8614, the City of Hayward has required that Tract 8502 be annexed into the existing Hayward Geologic Hazard Abatement District ("Hayward GHAD" or "GHAD"). To satisfy this requirement, the current owner of Tract 8502 has petitioned the Hayward GHAD Board of Directors for annexation into the Hayward GHAD.

State law allows GHADs to be formed to undertake emergency actions necessary or incidental to the prevention, mitigation, abatement, or control of a geologic hazard (*Pub. Res. Code § 26500, "GHAD Law"*). GHAD Law gives local agencies the authority to form districts that can speedily address "an actual or threatened landslide, land subsidence, soil erosion, earthquake, or any other natural or unnatural movement of land or earth." (*Pub. Res. Code § 26507*). Consistent with GHAD Law, on March 1, 2016, the Hayward City Council adopted Resolution No. 16-030 approving and forming the Hayward GHAD and thereby putting into place a mechanism to respond to emergencies in preventing and/or responding to geologic hazards. The Hayward City Council members serve as the Board of Directors of the Hayward GHAD. The Reserve, formerly known as La Vista, and The Hideaway, formerly known as the Ersted development, are also included within the Hayward GHAD; however, each development has its own Plan of Control.

GHAD "improvements" (as defined in GHAD Law) and all GHAD activities undertaken in furtherance of, or in connection therewith, are deemed to be specific actions necessary to prevent or mitigate an emergency within Public Resources Code Section 21080(b)(4) (see *Pub. Res. Code Sections 26601 and 26505*). Consistent therewith, all GHAD Activities (as defined in Section 7 below) are exempt from review under the California Environmental Quality Act and are not subject to local permitting requirements.

Section 26509 of the Public Resources Code requires a Plan of Control, prepared by a State-Certified Engineering Geologist, as a prerequisite to formation of a GHAD or annexation into an existing GHAD. Pursuant to Section 26509, this Plan of Control was prepared by an Engineering Geologist certified pursuant to Section 7822 of the Business and Professions Code and describes, in detail, the geologic hazards, their location, and the area affected by them. It also provides a plan for the prevention, mitigation, abatement, or control thereof.

As used in this Plan of Control, and as provided in Section 26507, "geologic hazard" means an actual or threatened landslide, land subsidence, soil erosion, earthquake, fault movement, or any other natural or unnatural movement of land or earth.

1.1 PROPERTY IDENTIFICATION

The land to be annexed into the Hayward GHAD ("Annexation Area") is shown on the GHAD Boundary Plat (Appendix B, Exhibit B). The Annexation Area includes all areas within Tracts 8502 and 8614. The legal description of the Annexation Area is included in Appendix B, Exhibit A. Current Assessor's Parcel Numbers (APN) within the Annexation Area include 078C-0461-10, 078C-0461-11, 078C-0461-12, 078C-0461-13, 078C-0461-001-14, and 078C-0455-001-04.

2.0 BACKGROUND

2.1 HAYWARD SOMI DEVELOPMENT

The Annexation Area includes 23 multi-family buildings with 189 condominium and townhome units, and approximately 10,000 square feet of commercial space. Additional improvements and parcels include private streets, common area parcels, a dog park, parcels proposed to be deeded to the GHAD, landscape parcels, and three bioretention basins. The Annexation Area covers an approximate 12.2 acres. Site access to the Annexation Area will be via Tennyson Road along the northern portion of the Annexation Area and via Mission Boulevard along the southern portion of the Annexation Area.

Parcel designations used in this Plan of Control are those listed on the Hayward SoMi DRE Phasing Plan for Tracts 8502 and 8614 dated July 2021 (Reference 1). As described in this Plan of Control, the Hayward GHAD will have responsibilities throughout the entire Annexation Area including the parcels proposed to be deeded to the GHAD which are Parcel B (8502) and Parcels C and E in Tract 8614 ("GHAD-owned Parcels") as described in Section 2.2.

2.2 SUMMARY OF PROPOSED GHAD RESPONSIBILITIES WITHIN ANNEXATION AREA

The GHAD is expected to assume maintenance responsibilities for all properties within the Annexation Area as discussed in Section 7.0 and Table 10.0. In addition, the Developer is proposing that the GHAD take ownership of Parcels B, C, and E that are within the Annexation Area as shown in Appendix A, Figure 1. If the GHAD takes ownership of a parcel of land, it would also assume ownership and all maintenance responsibilities as a property owner.

As shown on the Vesting Tentative Map – Existing Conditions (Sheet 3.0), a wetlands area is identified on a portion of Parcel C within Tract 8614. As mapped, the wetland area is located along the south edge of Parcel C and extends onto the adjacent parcel outside of the GHAD boundary. With the exception of geologic hazard abatement within the limits of the GHAD, the GHAD does not have additional responsibilities related to the mapped wetlands area.

The GHAD is charged with responsibilities that relate to the prevention, mitigation, abatement, or control of geologic hazards, which includes the maintenance of drainage facilities and associated improvements on future GHAD-owned parcels. This will include the monitoring and maintenance of drainage facilities that, if subject to improper care, could result in decreased slope stability, a primary concern of the GHAD. The drainage facilities include concrete-lined drainage ditches and storm drain improvements on GHAD-owned Parcels.

The GHAD will mitigate or abate landslide or erosion hazards that could directly affect improved, developed, and accepted properties (as defined in Section 6) within the Annexation Area in accordance with Section 5. The GHAD will also perform maintenance of water control and conveyance facilities and assume other peripherally related responsibilities, such as vegetation management for fire suppression, trail maintenance, and selected other maintenance activities associated with the GHAD-owned Parcels. Additionally, the GHAD shall have the right to approve any construction, maintenance, or repair in the GHAD-owned Parcels that the GHAD determines has the potential to impact geologic stability.

3.0 SITE GEOLOGY

3.1 GEOLOGIC SETTING

The Annexation Area is located within the Bay Plains, west of the Front Hills in the Coast Ranges in central California, a series of northwest-trending ridges and valleys. Bedrock in the province has been folded and faulted during regional uplift beginning around the Pliocene-Pleistocene period, roughly 3 to 5 million years before present. Geologic maps of the area prepared by Graymer and others (1995) indicate the Hayward SoMi Development is underlain by a combination of undifferentiated Quaternary deposits and Knoxville Formation bedrock in contact with the off-site Franciscan Complex (Earth Systems, 2017 and 2018).

3.1.1 Artificial Fill

Areas of pre-existing fill have been mapped along the northwestern portion of the Annexation Area (Earth System, 2017 and 2018). As recommended in the geotechnical engineering investigation report, soil within areas where development is proposed will be properly prepared during site grading.

3.1.2 Landslide Deposits

Dormant landslide deposits within the hillside portions of the Annexation Area were identified by Earth Systems during the referenced geotechnical investigation (Earth Systems, 2017, 2018, and 2020). The landslides are located in the area of proposed building footprints along the northern and eastern portions of the Annexation Area (Figure 1).

3.1.3 Knoxville Formation

As shown on cross sections prepared by Earth Systems (2020), the Annexation Area is reportedly underlain by interbedded brown to black shale and brown to greenish-gray greywacke sandstone identified as Knoxville formation. Exposures of the Knoxville formation are reported to be generally weak to moderately strong, highly fractured to crushed, and thinly bedded (Earth Systems, 2017 and 2018).

3.2 GROUNDWATER

Groundwater or evidence of groundwater was not encountered in exploration borings performed by Earth Systems (2017 and 2018). California Geological Survey (2003) and California Department of Water Resources (2015) report groundwater levels approximately 20 to 27 feet below ground surface at the Annexation Area, respectively. It should be noted that fluctuations in groundwater levels occur seasonally and over a period of years because of variations in precipitation, temperature, irrigation, and other factors.

3.3 SEISMIC SOURCES

An earthquake of moderate to high magnitude generated within the San Francisco Bay Region, similar to those that have occurred in the past, could cause considerable ground shaking at the Annexation Area. The Hayward Fault (approximately 0.2 mile to the east) is considered capable of generating an earthquake with a maximum moment magnitude of 7.33. Other seismic sources

near the Annexation Area include the Calaveras Fault (approximately 7.7 miles to the east) and the San Andreas Fault (approximately 29.9 miles to the west). The Calaveras Fault is considered capable of generating an earthquake with a maximum moment magnitude of 7.0, and the San Andreas Fault is considered capable of generating an earthquake with a maximum moment magnitude of 8.05 (Earth Systems, 2017 and 2018).

4.0 GEOLOGIC HAZARDS

The following geologic hazards were identified for the Annexation Area in the referenced geotechnical investigation and are expected to remain to some extent after site grading has been completed.

- Slope instability
- Fault rupture
- Seismically induced ground shaking
- Soil expansion potential
- Existing undocumented fill

4.1 SLOPE INSTABILITY

Earth stability is the GHAD's primary geotechnical concern within the Annexation Area. This is not unique to this Annexation Area, but is of importance for hillside projects in the San Francisco Bay Area. This section describes several types of slope instability that are within the GHAD's responsibility, subject to the provisions of Sections 6 and 7.

In the referenced geotechnical investigation, the Annexation Area lies at the toe of dormant landslides. As recommended in the geotechnical investigation report, the landslide material should be removed and graded under stable static conditions as part of the corrective grading work.

Landslides are a common geologic phenomenon and are part of the process of mass wasting. Weathered or fractured bedrock and soil are transported downslope over geologic time as a result of gravitational and hydrostatic forces. A landslide is a deposit of soil and/or bedrock moving downward from its original position under the influence of gravity. Landslides include a variety of morphologies and are further defined by type of materials, wetness, and mode of movement. They can consist of mass movements of earth materials that are primarily intact and occur along discrete shear surfaces. These surfaces (shear or slip planes) can be rotational (conchoidal or concave), such as for earth slumps, or planar, as for translational earth slide or bedrock block slides. Most landslides are truly "complex landslides," sliding, falling, and flowing with more than one type of movement and/or material.

Falls are an abrupt free-fall of earth materials off cliffs, steep cuts, or steep stream banks, while earthflows are mass movements of earth materials in which the type of movement is one of flowing. When composed of soil finer than gravel size, the flowing material is commonly called a mudflow. A debris flow/debris avalanche is composed of natural earth materials, artificial fill, and/or organic debris, which flow downslope with speed. Most of the material is transported away from the area of initial ground failure.

Slope failures are also often triggered by increased pore water pressure due to the infiltration of rainwater. The resulting decrease of shear resistance (internal resistance to deformation by shearing) can cause the slope to move. The level of groundwater table varies with the amount of rainfall for the area. If rainfall is higher than average during the winter season, the water table will become higher than average on a hillslope and groundwater pressures may become sufficiently high to initiate slope movement.

Landslides located within Open Space areas are natural landforms that do not require mitigation except where they affect man-made improvements. Debris catchment areas are the principal mitigation method used within the GHAD for areas between potentially unstable slopes and improvements. The debris catchment structures include debris benches, debris berms, and runout areas. GHAD maintenance of the areas will be critical to maintain adequate protection for the Site Improvements (as defined in Section 11.0). Maintenance and monitoring of these areas is described in Section 9. Potential mitigation and repair measures for areas within the GHAD near development are discussed in Section 7.

Soil creep is the slow, often imperceptible, deformation of slope materials under low stress levels, which normally affects the shallow portion of the slopes, but can be deep seated where a weak zone of soil or bedrock exists. It results from gravitational and seepage forces, and may be indicative of conditions favorable for landsliding. Creep can be caused by wetting and drying of clay, by solution and crystallization of salts, by the growth of roots, by burrowing animals and by downslope movement of saturated ground. Colluvium refers to the mantle of loose soil and weathered bedrock debris that progresses down hillsides by creep.

The GHAD will also monitor erosion and sedimentation in Open Space or affecting developed lots or improvements. Erosion is defined as the process by which earth materials are loosened and removed by running water on the ground surface or in the subsurface. Sedimentation is the depositing or settling of soil or rock particles from a state of suspension in a liquid.

Hilly terrain Open Space, either in a natural condition or particularly on excavated slopes, can be subject to erosion. Landslide deposits, which are sometimes in a loosened condition, are particularly prone to erosion. Earth-flow-, debris-flow- and mud-flow-type landslides typically have an area of deposition or accumulation (sedimentation area) at their base. Graded slopes in the GHAD, particularly those in excess of 20 feet in vertical height or those not sufficiently vegetated, can be subject to erosion and therefore a source of transported sediment.

4.1.1 Fault Rupture

Earth Systems (2017) mapped a possible fault trace in the northeastern portion of the GHAD Annexation Area (Figure 1). Although Earth Systems did not identify strong evidence suggestive of active faulting and suggested the identified feature may represent the toe of an ancient landslide deposit, they elected to maintain a 25-foot-wide structural setback. As identified in the geotechnical investigation (Earth Systems, 2017 and 2018), with the designated setbacks, the potential for ground rupture within the development area is low.

4.1.2 Seismically Induced Ground Shaking

As identified in the geotechnical investigation reports, an earthquake of moderate to high magnitude generated within the San Francisco Bay Region could cause considerable ground shaking at the Hayward SoMi Development, similar to that which has occurred in the past. To

mitigate the shaking effects, all structures should be designed using sound engineering judgment and the latest building code requirements, as a minimum.

Seismic slope stability analysis was incorporated for use in the corrective grading plans for the graded portions of the Annexation Area; however, seismically generated slope failures could occur in Open Space areas outside of the development limits.

4.1.3 Soil Expansion Potential

Fine-grained near-surface soil at the site could exhibit a moderate to high potential for expansion. This potentially expansive soil could impact the planned site development. Expansive soil shrinks and swells as a result of moisture changes. This can cause heaving and cracking of slabs-on-grade, pavements, and structures founded on shallow foundations. The potential for expansive soil has been identified in the geotechnical reports for the Annexation Area. As identified by Earth Systems (2021) recommended mitigation may include one or the following methods.

- Increase depth of footings
- Pre-expand clay
- Add a layer of non-expansive fill
- Keep soil moist until covered
- Manage surface water runoff and irrigation water

Shrinking and swelling of expansive soil on slopes are a portion of the mechanism of creep movement, which can result in shallow slope instability. As recommended, engineering measures will be used when mitigating the effects of expansive near-surface soil (Earth Systems, 2021). Within the Open Space area, slope instability caused by expansive soil creep will be addressed by the GHAD subject to the exceptions in Section 5.0.

4.1.4 Existing Undocumented Fill

As identified in the referenced geotechnical investigation reports, undocumented fill exists from past exploratory excavations and from past on-site grading activities. As recommended, undocumented fill materials in the northwestern area and within the development area are proposed to be removed during corrective grading (Earth Systems, 2021).

5.0 CRITERIA FOR GHAD RESPONSIBILITY

In establishing the assessment levels and budgets for the Annexation Area, it is important to clearly define the limits of the GHAD's responsibilities. The GHAD will accept responsibility for property as described in Section 6 of this Plan of Control; however, the intent of this Plan of Control is not to extend the GHAD's responsibilities to every potential situation of instability; rather, the following are exclusions from GHAD responsibility.

5.1 ISOLATED OR REMOTE FEATURE REQUIRING MITIGATION

The GHAD shall not have responsibility to monitor, abate, mitigate, or control slope instability that does not involve damage to or pose a significant threat to damage Site Improvements. As used herein, the term "Site Improvements" means buildings, public and private roads, sidewalks,

utilities, improved trails, swimming pools, tennis courts, gazebos, cabanas, geologic stabilization features, or similar improvements.

5.2 SINGLE PROPERTY

The GHAD will not prevent, mitigate, abate, or control geologic hazards which are limited in area to a single parcel of property unless the geologic hazard has damaged, or poses a significant threat of damage to Site Improvements located on other property within the GHAD Annexation Area. This exclusion does not apply to geologic hazards existing on (i) Open Space property owned by any homeowner's associations or (ii) the GHAD-owned parcels.

5.3 GEOLOGIC HAZARDS RESULTING FROM NEGLIGENCE OF PROPERTY OWNER

The GHAD may, in the GHAD Manager's sole discretion, decline to prevent, mitigate, abate or control geologic hazards which occurred or resulted from any negligence of the homeowner and/or the homeowner's contractors, agents or employees in developing, investigating, grading, constructing, maintaining or performing or not performing any post-development work on the subject property as long as the geologic hazard is limited to a single lot, pursuant to the single-property exclusion noted above. If the GHAD bears expense as the result of negligence described in this section, the GHAD may pursue reimbursement from the negligent parties.

5.4 PROPERTY NOT ACCEPTED

The GHAD shall not have responsibility to repair damage, which is situated on a parcel of real property, which the GHAD has not accepted in accordance with Section 6 below. The GHAD, however, may monitor, abate, mitigate or control geologic or hydrogeologic hazards on a parcel of real property which the GHAD has not accepted in accordance with Section 6 and is not excluded from GHAD responsibility by Sections 5.1, 5.2, and 5.3, provided, however, that GHAD responsibility on such parcel shall be limited to the extent necessary to address damage to, or a significant threat of damage to Site Improvements which are within a parcel of real property which the GHAD has accepted in accordance with Section 6. Should the GHAD be required to respond to a geologic hazard outside the Annexation Area, the GHAD may take such actions as may be appropriate to recover costs incurred as a result of preventing, mitigating, abating, or controlling such geologic hazard from the responsible party, if any.

5.5 GEOLOGIC HAZARD WHICH REQUIRES EXPENDITURE IN AMOUNT EXCEEDING THE VALUE OF THE THREATENED OR DAMAGED IMPROVEMENT

The GHAD may elect not to prevent, mitigate, abate, or control a geologic hazard where, in the GHAD Manager's sole discretion, the anticipated expenditure required to be funded by the GHAD to prevent, mitigate, abate or control the geologic hazard will exceed the value of the structure(s) and Site Improvement(s) threatened with damage or loss.

5.6 GHAD FUNDING OR REIMBURSEMENT FOR DAMAGED OR DESTROYED STRUCTURES OR SITE IMPROVEMENTS

In the event a residence or any other structure, Site Improvement, or landscaping is damaged or destroyed due to, or as a result of, a geologic hazard, the GHAD may fund or reimburse the

property owner for the expenses necessary to repair or replace the damaged or destroyed structure, Site Improvement, or landscaping. Unless authorized by the Board of Directors, the dollar amount of the GHAD funding or reimbursement may not exceed ten percent (10%) of the costs incurred by the GHAD in preventing, mitigating, abating, or controlling the geologic hazard responsible for the damage¹. In the event the geologic hazard damaged or destroyed a structure, Site Improvement, or landscaping which violated any provisions of the City Building Code or City Ordinance Code at the time of its installation or improvement, the GHAD may decline to provide any funding, or reimbursement to the property owner, for repair or replacement of the damaged structure, Site Improvement or landscaping.

5.7 NO REIMBURSEMENT OF EXPENSES INCURRED BY PROPERTY OWNERS

The GHAD will not be obligated to reimburse a property owner for expenses incurred for the prevention, mitigation, abatement, or control of a geologic hazard absent a written agreement between the property owner and the GHAD to that effect, which agreement has been executed prior to the property owner incurring said expenses, and following an investigation conducted by the GHAD.

5.8 RECONSIDERATION AND APPEAL POLICY

If a property owner directly affected by an operational action as set forth in this Plan of Control does not agree with the decision of the GHAD Manager, the property owner may request reconsideration of that decision ("GHAD Manager Decision"). The property owner shall, within thirty (30) days from the date of a written GHAD Manager Decision, file with the GHAD Manager the grounds for reconsideration, and the requested relief, including the owner's special interest and injury. Within fifteen (15) days of receipt of the property owner's written request for reconsideration, the GHAD Manager shall issue a written decision on the request based on the evidence presented ("GHAD Manager Reconsideration Decision"). The property owner may appeal the General Manager Reconsideration Decision to the GHAD Board of Directors. This appeal must be filed with the GHAD Manager within fifteen (15) days from the date of the GHAD Manager Reconsideration Decision. The appeal must include the grounds for the appeal and the property owner's requested relief. The GHAD Board will make the final decision on the appeal. The GHAD Manager will proceed based on the decision of the GHAD Board of Directors.

6.0 ACCEPTANCE

6.1 ACTIVATION OF ASSESSMENT

An annual assessment should be promptly authorized on all residential parcels and habitable nonresidential space within the Annexation Area as shown on Appendix B, Exhibit B which will generate funding for the GHAD Activities. The assessment shall be levied by the GHAD on each individual parcel beginning the first fiscal year following issuance of a building permit for that parcel.

¹ For example, if a landslide causes \$10,000 in structural damage to each one of four neighboring homes for a total of \$40,000 in structural damage and it costs the GHAD \$100,000 to design and install a new retaining wall to abate the slide, the District may only reimburse each property owner \$2,500 of their \$10,000 in structural damage.

6.2 RESPONSIBILITY FOR GHAD ACTIVITIES

Hayward SoMi, LLC currently owns all the parcels shown on the Vesting Tentative Subdivision Map and shall have the responsibility to perform all the activities of the GHAD on the property within Annexation Area. Such responsibility shall be eligible for transfer to the GHAD at 9:00 a.m. on the day exactly three years after the first residential building permit is issued by the City of Hayward ("Transfer Eligibility Date"). The period between the levying of the GHAD assessment and the GHAD accepting maintenance responsibility of the GHAD Activities as defined in Section 7 below will allow the GHAD to accumulate reserve funds without incurring significant expenses.

6.3 OWNERSHIP OF THE OPEN SPACE

Ownership of Parcel "B" in Tract 8502 and Parcels "C" and "E" in Tract 8614 shown on Appendix B - Exhibit B are proposed to be conveyed by the Developer to the GHAD at the end of the transfer process described in Section 6.4, which shall be the date the GHAD becomes responsible for oversight of the actual physical maintenance of the Annexation Area as provided in this Section. The Developer shall prepare and record a grant deed transferring unencumbered fee title to the GHAD for these parcels. The grant deed(s) must first be reviewed and approved by the GHAD Manager and GHAD Attorney.

6.4 PROCESS FOR TRANSFERRING RESPONSIBILITY FOR GHAD ACTIVITIES

After the Transfer Eligibility Date for the Annexation Area, the process for transferring responsibility for performing GHAD Activities on such Parcel(s) shall be as follows.

1. Up to one year in advance of the Transfer Eligibility Date or in any subsequent year, at its discretion, the Developer may apply to the GHAD ("Transfer Application") to transfer the responsibility for performing GHAD Activities (as such term is defined in Section 7.0 herein below) for such Parcel(s) to the GHAD.
2. Within 30 days of receiving such Transfer Application, the GHAD Manager shall verify that all the facilities for which the GHAD will have maintenance responsibility have been approved, constructed, and maintained according to the City of Hayward approved plans and specifications for the individual improvements, and that such improvements are operational and in good working order.
3. Within 15 days of such inspection, the GHAD will send the Developer a list ("Punch list") of all of the items that need to be constructed, repaired, or otherwise modified in order to comply with the city-approved plans and specifications.
4. The Developer shall notify the GHAD Manager when it has completed the items identified on the Punch list. Within 30 days of receipt of such notice, the GHAD Manager shall verify that all Punch list items have been completed and notify the Developer that the GHAD accepts responsibility for performing all future GHAD activities on such Parcel(s).
5. The GHAD Manager shall confirm that the reserve requirement defined in the Engineer's Report approved by the GHAD Board has been met. The Engineer's Report is the document that establishes the individual property owners' GHAD assessment limit based on the projected expenses (budget) of the GHAD.

6. Prior to the GHAD accepting any responsibility for GHAD Activities, the Developer shall record a Declaration of Restrictive Covenants, Right of Entry and Disclosures Regarding Geologic Hazard Abatement District ("Declaration") as approved by the GHAD Manager and GHAD Attorney and as discussed in Section 12.
7. Any monies owed to the GHAD by the Developer have been paid.

As part of the transfer, the Developer of the Annexation Area to be transferred will provide the GHAD, for its use, copies of the applicable geotechnical exploration reports, as-built grading plans, as-built corrective grading plans, as-built improvement plans, as-built subdrain plans, or other pertinent documents as requested by the GHAD.

The GHAD is not responsible for maintaining parcels within the Annexation Area or any GHAD Activities as defined in Section 7.0 until it accepts such responsibilities pursuant to this section. Hayward SoMi, LLC will remain responsible for all GHAD activities until the GHAD accepts responsibility pursuant to this section.

7.0 HAYWARD GHAD MONITORING, MAINTENANCE AND REPAIR RESPONSIBILITIES

Several entities shall have ownership and maintenance duties of common space within the Annexation Area. The GHAD will assume monitoring and maintenance responsibilities for the site facilities and activities ("GHAD Activities") noted below and as described in Table 10.0.

- The GHAD is responsible for general monitoring, maintenance, and repair of the concrete-lined drainage ditches, subdrain outlets, and risers within the Annexation Area.
- Monitoring and maintenance of measurement devices, such as piezometers, inclinometers, and tiltmeters, if any within the Annexation Area.
- Maintenance of existing property line/boundary fencing on Parcel "B" in Tract 8502 and Parcels "C" and "E" in Tract 8614.
- Debris benches and or catchment structures within the Annexation Area.
- Storm drain inlets, outfalls, and pipelines within Parcel "B" in Tract 8502 and Parcels "C" and "E" in Tract 8614.
- Slopes within the Annexation Area.
- Vegetation control for fire suppression on Parcel "B" in Tract 8502 and Parcels "C" and "E" in Tract 8614.

7.1 GEOTECHNICAL TECHNIQUES FOR MITIGATION OF LANDSLIDE AND EROSION HAZARDS

The techniques that may be employed by the GHAD to prevent, mitigate, abate, or control geologic hazards include, but are not limited to, the following.

- Removal of the unstable earth mass.
- Stabilization (either partial or total) of the landslide by removal and replacement with compacted, drained fill.

- Construction of structures to retain or divert landslide material or sediment.
- Construction of erosion control devices such as gabions, riprap, geotextiles, or lined ditches.
- Placement of drained engineered buttress fill.
- Placement of subsurface drainage devices (e.g. underdrains or horizontal drilled drains).
- Slope correction (e.g. gradient change, biotechnical stabilization, slope trimming or contouring).
- Construction of additional surface ditches and/or detention basins, silt fences, sediment traps, or backfill or erosion channels.

Potential landslide and erosion hazards can often best be mitigated by controlling soil saturation and water runoff and by maintaining the surface and subsurface drainage system.

8.0 PRIORITY OF GHAD EXPENDITURES

Emergency response and scheduled repair expenditures by the GHAD are to be prioritized by the GHAD Manager, utilizing his or her discretion, based upon available funds and the approved operating budget. When available funds are not sufficient to undertake all of the identified remedial and preventive stabilization measures, the expenditures are to be prioritized as follows in descending order of priority.

- (A) Prevention, mitigation, abatement or control of geologic hazards that have either damaged or pose a significant threat of damage to residences, critical underground utilities, or paved streets.
- (B) Prevention, mitigation, abatement or control of geologic hazards which have either damaged or pose a significant threat of damage to ancillary structures, including but not limited to water quality facilities, pools, cabanas or restroom buildings.
- (C) Prevention, mitigation, abatement or control of geologic hazards, which have either damaged or pose a significant threat of damage to Open Space amenities.
- (D) Prevention, mitigation, abatement or control of geologic hazards which have either damaged or pose a significant threat of damage limited to loss of landscaping or other similar non-essential amenities.
- (E) Prevention, mitigation, abatement or control of geologic hazards existing entirely on Open-Space property and which have neither damaged nor pose a significant threat of damage to any Site Improvements.

In performing its duties as described above, the GHAD may seek funding or reimbursements from public and private entities including, but not limited to, FEMA, City and County agencies, insurance companies, etc.

9.0 MAINTENANCE AND MONITORING SCHEDULE

Geologic features and GHAD-maintained improvements defined in Section 7.0 shall be inspected by GHAD staff or GHAD-assigned consultants as presented below. The site inspections shall be undertaken at appropriate intervals as determined by the GHAD Manager using supporting

documents prepared for the Annexation Area and the Site Improvements. The GHAD budget should provide for three or more inspections in years of heavy rainfall. Generally, the inspections should take place in October, prior to the first significant rainfall; mid-winter as necessary during heavy rainfall years; and in early April at the end of the rainy season. The frequency of the inspections should increase, depending upon the intensity and recurrence of rainfall.

The Developer shall provide to the GHAD copies of geologic or geotechnical exploration reports related to site development and the GHAD shall retain these reports in the records of the GHAD. In addition, copies of any earthwork-related testing and observation reports that will be finalized at the completion of grading, when as-built drawings are available, shall be provided to the GHAD by the Developer and maintained as part of the GHAD records.

Following are guidelines for a monitoring plan. The actual timing, scope, frequency and other details regarding such maintenance, inspection, and similar activities shall be at the discretion of the GHAD Manager.

- A State-licensed Professional Engineer and/or Professional Geologist should carry out a geologic reconnaissance of the slopes for indications of erosion or slope failures.
- A State-licensed Professional Engineer and/or Professional Geologist should carry out an inspection of lined surface ditches. Repairs and maintenance, as needed, should be undertaken including removal of excess silt or sediment in ditches and patching or replacement of cracked or broken ditches, prior to the beginning of the next rainy season.
- Subsurface drain outlets and horizontal drilled drain outlets, if any, should be checked. Water flowing from these outlets should be measured and recorded during each inspection.
- Piezometers to measure groundwater levels, or instruments such as inclinometers or tiltmeters measuring potential slope instability should be monitored as recommended, if installed.
- Settlement monitoring devices, if any, should be measured periodically and tracked. In the event of anomalous readings or excessive settlement, the monitoring frequency should be increased.
- Bioretention basins shall be monitored and well maintained. The GHAD will maintain the bioretention basins in accordance with an approved Operation and Maintenance Plan if developed.
- Inlets, outfalls, or trash racks, if used, must be kept free of debris and spillways maintained. Additionally, water detention facilities and water quality facilities should be inspected and maintained. It is anticipated that initially, at least once every 2 years, cleanup of vegetation and removal of silt would be in order.
- Developer-constructed retaining walls should be inspected for evidence of distress, such as tilting and/or structural failure. Repairs and maintenance would be undertaken only in the event that the structural integrity of the wall has been compromised or if the wall distress poses a threat to the integrity of adjacent structures.
- An annual inspection shall be made by a State-licensed Professional Engineer and/or Certified Engineering Geologist to assess the effectiveness of the preventive maintenance program and to make recommendations as to which landslide or erosion measures should be undertaken in the next fiscal year. Any appropriate site-specific study of landslide or erosion

conditions shall be determined at that time. Consultants, if necessary, will be retained to undertake the needed studies. An annual inspection report to the GHAD shall be prepared by the Professional Engineer and/or Certified Engineering Geologist.

10.0 OWNERSHIP AND MANAGEMENT

Ownership, funding sources and maintenance responsibilities shall be as shown on the following table. Parcel designations are derived from the final map (Reference 6).

**TABLE 10.0: HAYWARD SOMI DEVELOPMENT
Long-Term Ownership and Management Matrix**

FACILITY/FUNCTION	ROUTINE/ GENERAL MAINTENANCE ENTITY	FUNDING	MINIMUM TRANSFER OF PLAN OF CONTROL RESPONSIBILITIES FROM DEVELOPER TO THE GHAD	OWNERSHIP
1. Annexation Area Excluding Parcels GHAD-Owned Parcels B (8502), C (8614), and E (8614)				
a. Multi-Family Residential Parcels (189 units)	Private	Private	3 Years	Private
b. Common Area Parcels "F" (8614), "G" (8502), and "G" (8614))	Homeowner's Association (HOA)	HOA Dues	3 Years	HOA
c. Private Roads (Parcels "A" (8502), "D" (8502), "E" (8502), "F" (8502), "H" (8502), "I" (8502), "J" (8502), "L" (8502), "M" (8502), "A" (8614), "B" (8614))	HOA	HOA Dues	3 Years	HOA
d. Dog Park (Parcel "D" (8614))	HOA	HOA Dues	3 Years	HOA
e. Bioretention Basins (Parcels "C" (8502) and "K" (8502))				
i. Ornamental Landscape Maintenance and Replacement	HOA	HOA Dues	Not Applicable	HOA
ii. Functional Maintenance, Repair, and Replacement	GHAD	GHAD Assessment	3 Years	GHAD
f. Trail to Dog Park	HOA	HOA Dues	3 Years	HOA
g. General Maintenance including Graffiti and Litter Removal	HOA	HOA Dues	Not Applicable	
h. Storm Drain Improvements	HOA	HOA Dues	3 Years	HOA
i. Subdrains	GHAD	GHAD Assessment	3 Years	GHAD
2. GHAD-Owned Parcels B (8502), C (8614) and E (8614) – Landowner Responsibilities				
Pretransfer Period				
a. Parcel "B" (8502), Parcel "C" (8614) and Parcel "E" (8614)				
i. Gates, Fencing, and Signage	Developer	Private Funding	3 Years	Developer
ii. General Maintenance including Graffiti and Litter Removal	Developer	Private Funding	3 Years	Developer

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FACILITY/FUNCTION		ROUTINE/ GENERAL MAINTENANCE ENTITY	FUNDING	MINIMUM TRANSFER OF PLAN OF CONTROL RESPONSIBILITIES FROM DEVELOPER TO THE GHAD	OWNERSHIP
iii	Vegetation Management for Fire Suppression	Developer	Private Funding	3 Years	Developer
iv	Concrete-lined Drainage Ditches	Developer	Private Funding	3 Years	Developer
iv	Storm Drain Improvements	Developer	Private Funding	3 Years	Developer
v	Subdrains	Developer	Private Funding	3 Years	Developer
vi	Retaining Walls	Developer	Private Funding	3 Years	Developer
b. Bioretention Basin (Parcel "C" (8614))					
i	Ornamental Landscape Maintenance and Replacement	Developer	Private Funding	3 Years	Developer
ii	Functional Maintenance, Repair, and Replacement	Developer	Private Funding	3 Years	Developer
Post Transfer Period					
a. Parcel "B" (8502), Parcel "C" (8614) and Parcel "E" (8614)					
i	Gates, Fencing, and Signage	GHAD	GHAD Assessment	Perpetual	GHAD
ii	General Maintenance including Graffiti and Litter Removal	GHAD	GHAD Assessment	Perpetual	GHAD
iii	Vegetation Management for Fire Suppression	GHAD	GHAD Assessment	Perpetual	GHAD
iv	Concrete-lined Drainage Ditches	GHAD	GHAD Assessment	Perpetual	GHAD
iv	Storm Drain Improvements	GHAD	GHAD Assessment	Perpetual	GHAD
v	Subdrains	GHAD	GHAD Assessment	Perpetual	GHAD
vi	Retaining Walls	GHAD	GHAD Assessment	Perpetual	GHAD
b. Bioretention Basin (Parcel "C" (8614))					
i	Ornamental Landscape Maintenance and Replacement	HOA	HOA Dues	Perpetual	GHAD
ii	Functional Maintenance, Repair, and Replacement	GHAD	GHAD Assessment	Perpetual	GHAD

11.0 RIGHT-OF-ACCESS

The GHAD Board of Directors, officers, employees, consultants, contractors, agents, and representatives shall have the right to enter upon all lands within the Annexation Area as shown on Appendix C for the purpose of performing the GHAD Activities defined in this Plan of Control. Such GHAD Activities include, but are not limited to the inspection, maintenance and monitoring

of those improvements listed in Section 7.0. Should the GHAD need to access private residential lots to fulfill its duties under the Plan of Control, the GHAD shall provide the affected landowner and/or resident with 72 hours advanced notice unless, in the reasonable judgment of the GHAD, an emergency situation exists which makes immediate access necessary to protect the public health and safety, in which case no advanced notice is required, but the GHAD shall inform the landowner and/or resident as soon as reasonably possible.

The foregoing right-of-entry provision shall be recorded in the chain of title for all Annexation Area residential parcels and common area lots, and it shall be included in all Covenants, Conditions and Restrictions (CC&Rs) and homebuyer disclosure statements prepared for parcels within the GHAD Annexation Area.

12.0 GLOSSARY

Accepted Parcel – An assessor's parcel within the Annexation Area that has been accepted for the transfer of GHAD responsibilities as provided in Section 6.4 of this Plan of Control.

Annexation Area – The land to be annexed into the Hayward GHAD as shown on the GHAD Boundary Plat (Appendix B, Exhibit B) in this Plan of Control. The Annexation Area includes all areas within Tracts 8502 and 8614.

GHAD Activities – Responsibilities that the GHAD will assume monitoring and maintenance responsibilities noted in Section 7.0 and described in Table 10.0 in this Plan of Control.

GHAD Board of Directors – The members of the Hayward City Council.

Engineer's Report – The document that establishes the individual property owners' GHAD assessment limit based on the projected expenses (budget) of the GHAD.

Geologic Hazard – An actual or threatened landslide, land subsidence, soil erosion, earthquake, fault movement, or any other natural or unnatural movement of land or earth (Public Resources Code § 26507).

Geologic Hazard Abatement District or GHAD – A district formed under Public Resources Code § 26500 to undertake emergency actions necessary or incidental to the prevention, mitigation, abatement, or control of a geologic hazard.

GHAD Law – Public Resources Code § 26500 through 26654.

GHAD Manager – An entity employing a licensed Geotechnical Engineer who will oversee the operations of the GHAD, including preparation of GHAD budgets. The GHAD Manager is hired by and reports to the GHAD Board of Directors.

GHAD Manager Decision – An operational action as set forth in this Plan of Control.

GHAD Manager Reconsideration Decision – A written decision prepared by the GHAD Manager in response to a written request from a property owner within the Annexation Area on the evidence presented.

GHAD-owned Parcels – The lands with Parcel B in Tract 8502 and Parcels C and E in Tract 8614 shown on Figure 1 in Appendix A.

Hayward GHAD – A district formed by the Hayward City Council on March 1, 2016, with the adoption of Resolution No. 16-030.

Plan of Control – Report prepared by a Certified Engineering Geologist which describes in detail, the geologic hazards, their location, and the area affected by them. It also provides a plan for the prevention, mitigation, abatement, or control thereof.

Punch List – A document provided by the GHAD of all of the items, if any, that need to be constructed, repaired, or otherwise modified in order to comply with the city-approved plans and specifications prior to the transfer of Plan of Control responsibilities to the GHAD.

Site Improvements – Buildings, public and private roads, sidewalks, utilities, improved trails, gazebos, cabanas, geologic stabilization features, or similar improvements.

Transfer Application Form – A document provided by the applicant to initiate transfer of Plan of Control responsibilities as outlined in this Plan of Control to the GHAD. A sample transfer application form is provided in Appendix E in this Plan of Control.

Transfer Eligibility Date – The earliest date a parcel within the Annexation Area is eligible for the transfer of Plan of Control responsibilities to the GHAD. For parcels with the Annexation Area, this period starts at 9:00 a.m. on the day exactly three years after the first residential building permit is issued by the City of Hayward.

SELECTED REFERENCES

1. Carlson Barbee and Gibson, DRE Phasing Plan, Tracts 8502 and 8614, City of Hayward, Alameda County, California, July 2021, Project No. 2775-010.
2. Carlson Barbee and Gibson, Draft Final Map, Tract 8502, City of Hayward, County of Alameda, State of California, May 2021, Project No. 2775-010.
3. Earth Systems Pacific, Design-Level Geotechnical Engineering Investigation, Mirza Residential Development, 29212 Mission Boulevard, Hayward, California, October 8, 2020, Revised March 19, 2021, File No. 302068-001.
4. Earth Systems Pacific, Geologic Hazards Evaluation and Geotechnical Feasibility Study, Proposed Multifamily Residential Development, Northwest of 29212 Mission Boulevard, Hayward, California, September 27, 2018, File No. 302068-001.
5. Earth Systems Pacific, Addendum to Geologic Hazards Evaluation and Geotechnical Feasibility Study, Proposed Multifamily Residential Development, 29212 Mission Boulevard, Hayward, California, December 15, 2017, File No. SH-13387-SA.
6. Earth Systems Pacific, Geologic Hazards Evaluation and Geotechnical Feasibility Study Proposed Multifamily Residential Development, 29212 Mission Boulevard, Hayward, California, September 26, 2017, File No. SH-13387-SA.
7. Hayward, City of, Resolution No. 16-030 – Ordering Formation of the Hayward Geologic Hazard Abatement District (GHAD) and Appointing the Members of the Hayward City Council to Act as the GHAD Board of Directors, March 1, 2016.
8. Hayward, City of, Resolution No. 19-202 – Resolution Approving Zone Change and Vesting Tentative Map (Tract 8502) for the True Life Companies Mixed Use Development; and Approving the Related Infill Checklist; The True Life Companies/TTLC Mirza LLC and City of Hayward (Applicant/Owners), October 29, 2019.
9. SDG Architects, Inc., Development Plans, 29212 Mission Boulevard, Hayward, California, July 22, 2019.

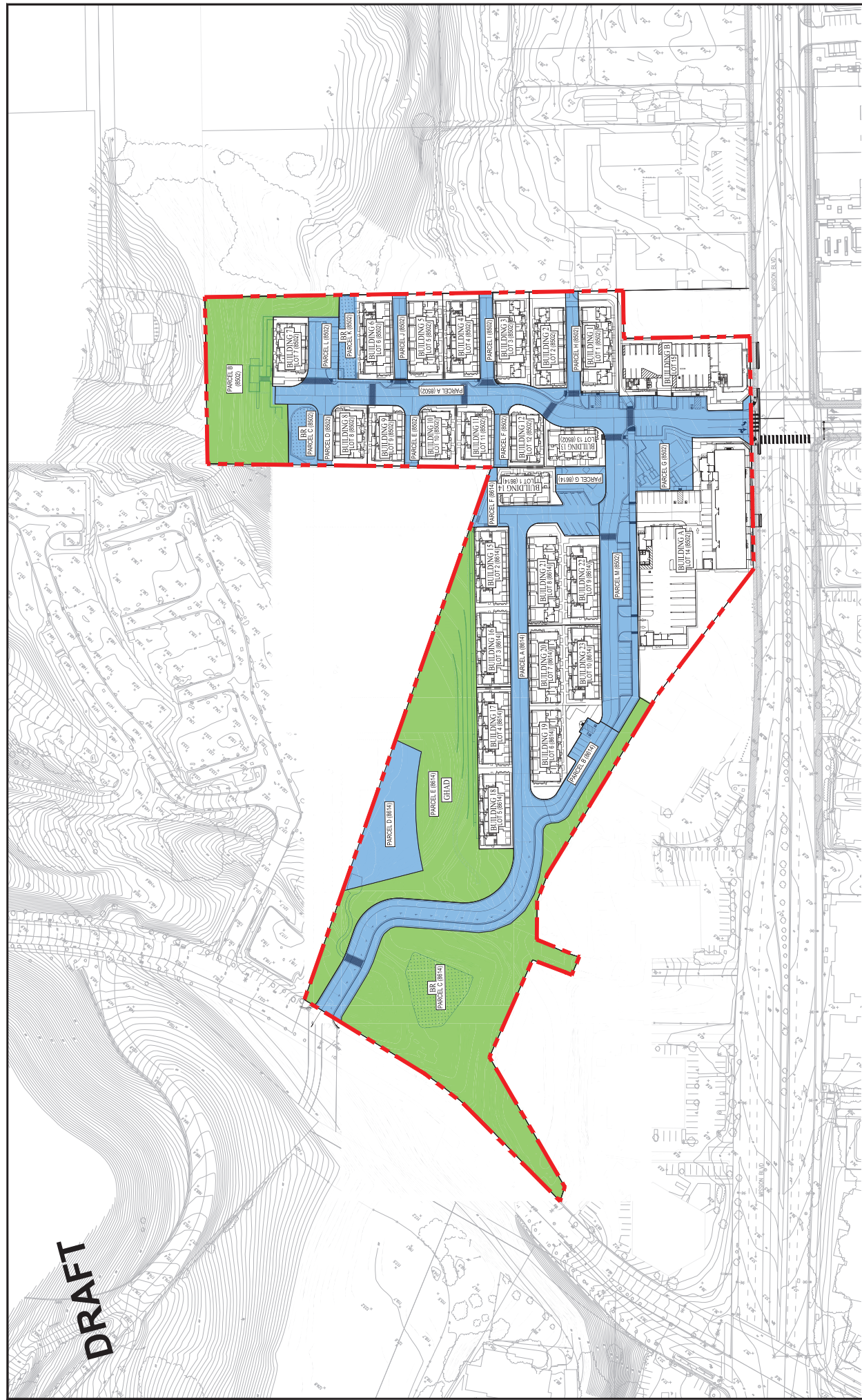


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APPENDIX A

FIGURE 1: GHAD OWNERSHIP AND MAINTENANCE EXHIBIT

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EXPLANATION
ALL LOCATIONS ARE APPROXIMATE

GHAD BOUNDARY

GHAD-OWNED AND MAINTAINED PARCELS

HOA-OWNED AND MAINTAINED PARCELS

PRIVATE RESIDENTIAL LOTS





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APPENDIX B

EXHIBIT A LEGAL DESCRIPTION

**Geologic Hazard Abatement District, Hayward SoMi
Development – Tracts 8502 and 8614**

EXHIBIT B Plat to Accompany Legal Description

EXHIBIT A
LEGAL DESCRIPTION
HAYWARD GEOLOGIC HAZARD ABATEMENT DISTRICT(GHAD)
MIRZA DEVELOPMENT ANNEXATION
HAYWARD, CALIFORNIA

Real property in the City of Hayward , County of Alameda, State of California, described as follows:

PARCEL ONE:

BEGINNING AT THE INTERSECTION OF THE NORTHEASTERN LINE OF THE STATE HIGHWAY(100 FEET WIDE) FROM HAYWARD TO NILES WITH THE SOUTHEASTERN LINE OF THE 22.82 ACRE PARCEL OF LAND DESCRIBED IN THE DEED BY JOSE DE JESUS VALLEJO AND WIFE TO WILLIAM MORRIS LISTON RECORDED IN BOOK "M" OF DEEDS PAGE 219 ALAMEDA COUNTY RECORDS RUNNING THENCE ALONG SAID LINE OF STATE HIGHWAY SOUTH 42 DEGREES 48 MINUTES 53 SECONDS EAST 202.44 FEET THENCE PARALLEL WITH THE SOUTHEASTERN LINE OF THE PARCEL OF LAND FIRSTLY DESCRIBED IN THE DEED BY MARY E. ALLEN TO ANTONE FARIA RECORDED NOVEMBER 9, 1920 IN BOOK 2996 OF DEEDS PAGE 341 ALAMEDA COUNTY RECORDS NORTH 47 DEGREES 17 MINUTES 31 SECONDS EAST 190 FEET THENCE PARALLEL WITH SAID LINE OF STATE HIGHWAY SOUTH 42 DEGREES 48 MINUTES 53 SECONDS EAST 72 FEET THENCE PARALLEL WITH SAID SOUTHEASTERN LINE OF THE FARIA PARCEL NORTH 47 DEGREES 17 MINUTES 31 SECONDS EAST 630.85 FEET TO THE NORTHEASTERN LINE OF THE PARCEL OF LAND FIRSTLY DESCRIBED IN THE DEED BY MARY E. ALLEN RECORDED MAY 29, 1916 IN BOOK 2442 OF DEEDS PAGE 366 ALAMEDA COUNTY RECORDS THENCE ALONG THE LAST MENTIONED LINE NORTH 42 DEGREES 45 MINUTES WEST 253.99 FEET TO THE NORTHWESTERN LINE OF SAID FARIA PARCEL OF LAND LASTLY REFERRED TO THENCE ALONG THE LAST MENTIONED LINE SOUTH 48 DEGREES 43 MINUTES 08 SECONDS WEST 821.43 FEET TO THE POINT OF BEGINNING.

PARCEL TWO:

BEING PORTIONS OF PARCEL 1 AND PARCEL 3 AND ALL OF PARCEL 2 AND PARCEL 4 AS SAID PARCELS ARE DESCRIBED IN THAT DIRECTOR'S DEED FROM THE STATE OF CALIFORNIA TO THE CITY OF HAYWARD RECORDED NOVEMBER 3, 2017 AS DOCUMENT NUMBER 2017243815 OF OFFICIAL RECORDS OF ALAMEDA COUNTY, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE INTERSECTION OF THE SOUTHERN LINE OF TENNYSON ROAD (60 FEET WIDE), AS SHOWN ON THE MAP OF TRACT 7620, RECORDED MAY 3, 2016 AND FILED IN BOOK 339 OF MAPS, AT PAGE 46, IN THE OFFICE OF THE COUNTY RECORDER OF ALAMEDA COUNTY, WITH THE EASTERN LINE OF SAID PARCEL 1;

THENCE, FROM SAID POINT OF BEGINNING, ALONG THE EASTERN LINE OF SAID PARCELS 1, 2, AND 3, SOUTH 21°07'48" EAST, 851.67 FEET TO THE SOUTHEAST CORNER OF SAID PARCEL 2;

THENCE, ALONG THE SOUTHEAST LINE OF SAID PARCEL 2, SOUTH 50°13'05" WEST, 393.23 FEET TO THE SOUTHERNMOST CORNER OF SAID PARCEL 2;

THENCE, ALONG THE SOUTHWEST LINE OF SAID PARCEL 2, NORTH 41°22'25" WEST, 148.60 FEET TO THE SOUTHWEST CORNER OF SAID PARCEL 2;

THENCE, ALONG THE WESTERN LINE OF SAID PARCEL 2 THE FOLLOWING THREE (3) COURSES:

1) NORTH 03°11'39" WEST, 238.58 FEET,

2) NORTH 09°10'37" WEST, 323.21 FEET,

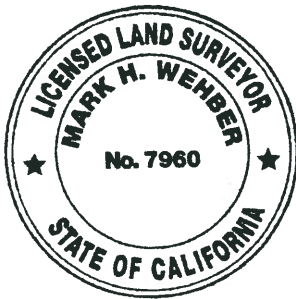
3) NORTH 18°28'47" WEST, 36.85 FEET TO THE SOUTHERNMOST CORNER OF SAID PARCEL 4;

THENCE, ALONG THE EXTERIOR BOUNDARY OF SAID PARCEL 4 THE FOLLOWING NINE (9) COURSES:

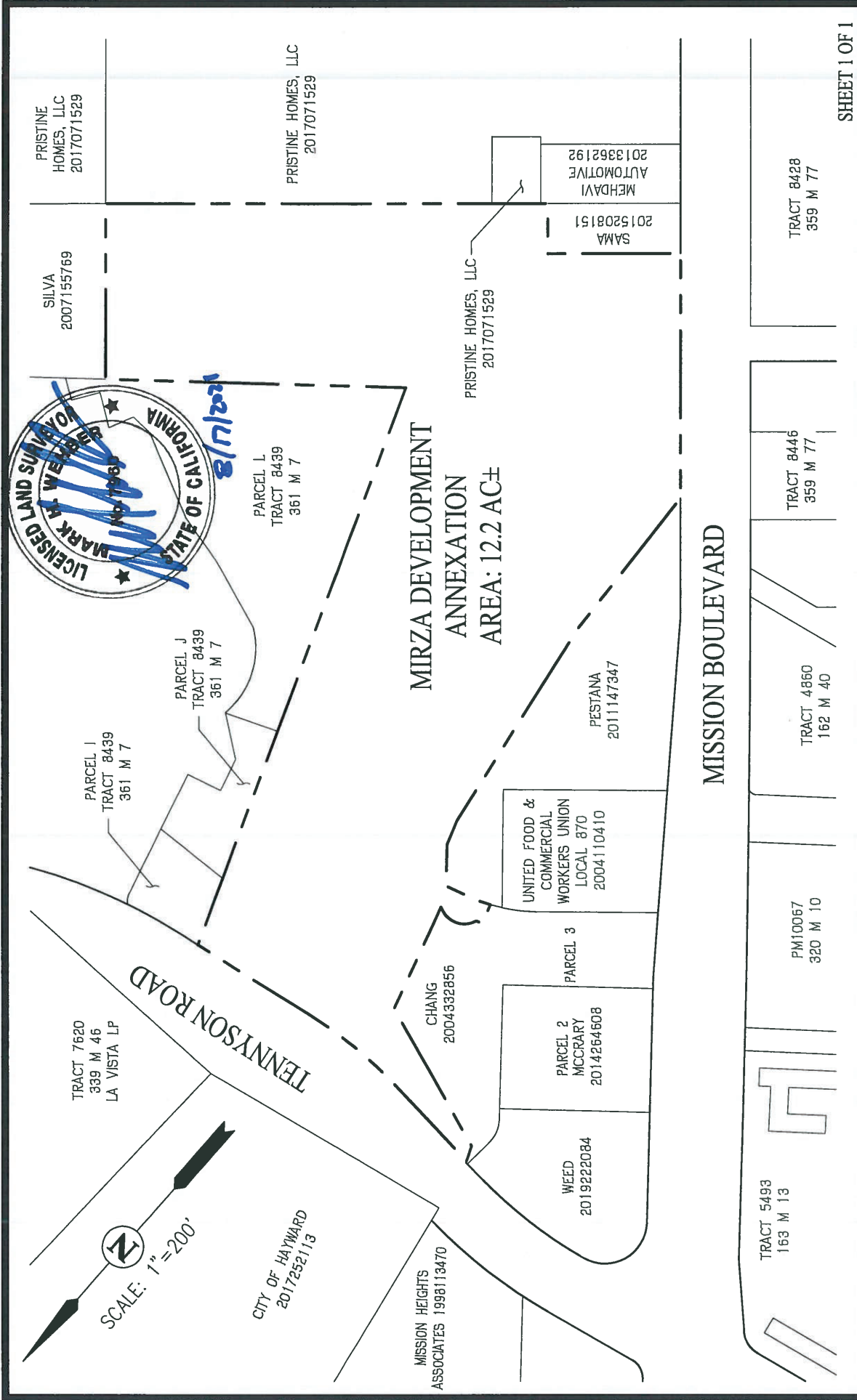
- 1) NORTH 39°50'35" WEST, 59.11 FEET,
 - 2) SOUTH 74°01'02" WEST, 33.35 FEET,
 - 3) ALONG THE ARC OF A TANGENT 240.02 FOOT RADIUS CURVE TO THE LEFT, THROUGH A CENTRAL ANGLE OF 08°34'27", AN ARC DISTANCE OF 35.92 FEET,
 - 4) NORTH 18°00'55" WEST, 29.35 FEET,
 - 5) NORTH 71°59'05" EAST, 9.36 FEET,
 - 6) NORTHEASTERLY ALONG THE ARC OF A NON-TANGENT 35.00 FOOT RADIUS CURVE TO THE RIGHT, FROM WHICH THE CENTER OF SAID CURVE BEARS SOUTH 70°13'32" EAST, THROUGH A CENTRAL ANGLE OF 101°06'25", AN ARC DISTANCE OF 61.77 FEET,
 - 7) NORTH 16°34'48" WEST, 160.59 FEET,
 - 8) NORTH 70°37'19" WEST, 226.37 FEET,
 - 9) NORTH 22°10'03" WEST, 22.75 FEET TO SAID SOUTHERN LINE OF TENNYSON ROAD;
- THENCE, ALONG SAID SOUTHERN LINE OF TENNYSON ROAD, BEING THE NORTHERN LINES OF SAID PARCELS 4 AND 3, THE FOLLOWING THREE (3) COURSES:
- 1) SOUTH 84°28'58" EAST, 151.56 FEET,
 - 2) ALONG THE ARC OF A TANGENT 630.00 FOOT RADIUS CURVE TO THE LEFT, THROUGH A CENTRAL ANGLE OF 14°40'53", AN ARC DISTANCE OF 161.43 FEET,
 - 3) NORTH 80°50'09" EAST, 181.29 FEET TO THE POINT OF BEGINNING.

APN: 078C-0455-001-04 (Parcel One); and
078C-0461-011, 078C-0461-013, 078C-0461-010 (Portion) and 078C-0461-012 (Portion), all as to Parcel Two

END OF DESCRIPTION



 10/17/2021
MARK H. WEHBER, P.L.S.
L.S. NO. 7960



SHEET 1 OF 1

PLAT TO ACCOMPANY LEGAL DESCRIPTION

HAYWARD GEOLOGIC HAZARD ABATEMENT DISTRICT (GHAD)
 MIRZA DEVELOPMENT ANNEXATION
 CITY OF HAYWARD, CALIFORNIA

AUGUST 12, 2021



SAN RAMON (925) 866-0322
 ROSEVILLE (916) 788-4456
 WWW.CBANDG.COM

CIVIL ENGINEERS • SURVEYORS • PLANNERS



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APPENDIX C

SITE PLAN AND GEOLOGIC MAP FOR TRACTS 8502 AND 8614

LEGEND

- Alluvium
- Knoxville Formation
- Approximate Trench Location, by others:
- JHA - Judd Hull & Associates (1975);
- ESC - Earth Systems Consultants (1980);
- CA - Crawford & Associates (2012);
- BSA - Berlogar, Stevens & Associates (2013);
- CEG - Cornerstone Earth Group (2017)
- Approximate Trench Location, (this study)
- Approximate Boring Location, by others:
- JHA - Judd Hull & Associates (1975);
- ESC - Earth Systems Consultants (1980);
- CPI - CPI Geologic (2013)
- Geocon - Geoconsultants (in CEG, 2017)
- Approximate Boring Location, (this study)

Fault Contact

- Fault contact
- - Cross-section location
- X Surveyed fault location

Scale

Approximate Scale in Feet

0 60 120

Site Labels

Mission Boulevard (100' wide)

B6

Qa

Jkk

ESC B6, ESC B7, ESC B8, ESC B9, ESC T5, ESC T6, ESC T7, ESC TD /

JHA B1, JHA B2, JHA B3, JHA B4, JHA B5

CPI-B11, CPI-B5, CPI-B6, CPI-B7, CPI-B8

CEG TP3, CEG B6, CEG TP2, CEG B5, CEG TP4

14' wall, 7' wall, 4' wall, 5' wall, 6' wall, 2' wall

FAULT ZONE

25' SETBACK ZONE

BSA T11, BSA T3, BSA T4, BSA T6

120', 100', 90', 80', 70', 60', 55', 50', 45', 40', 35'

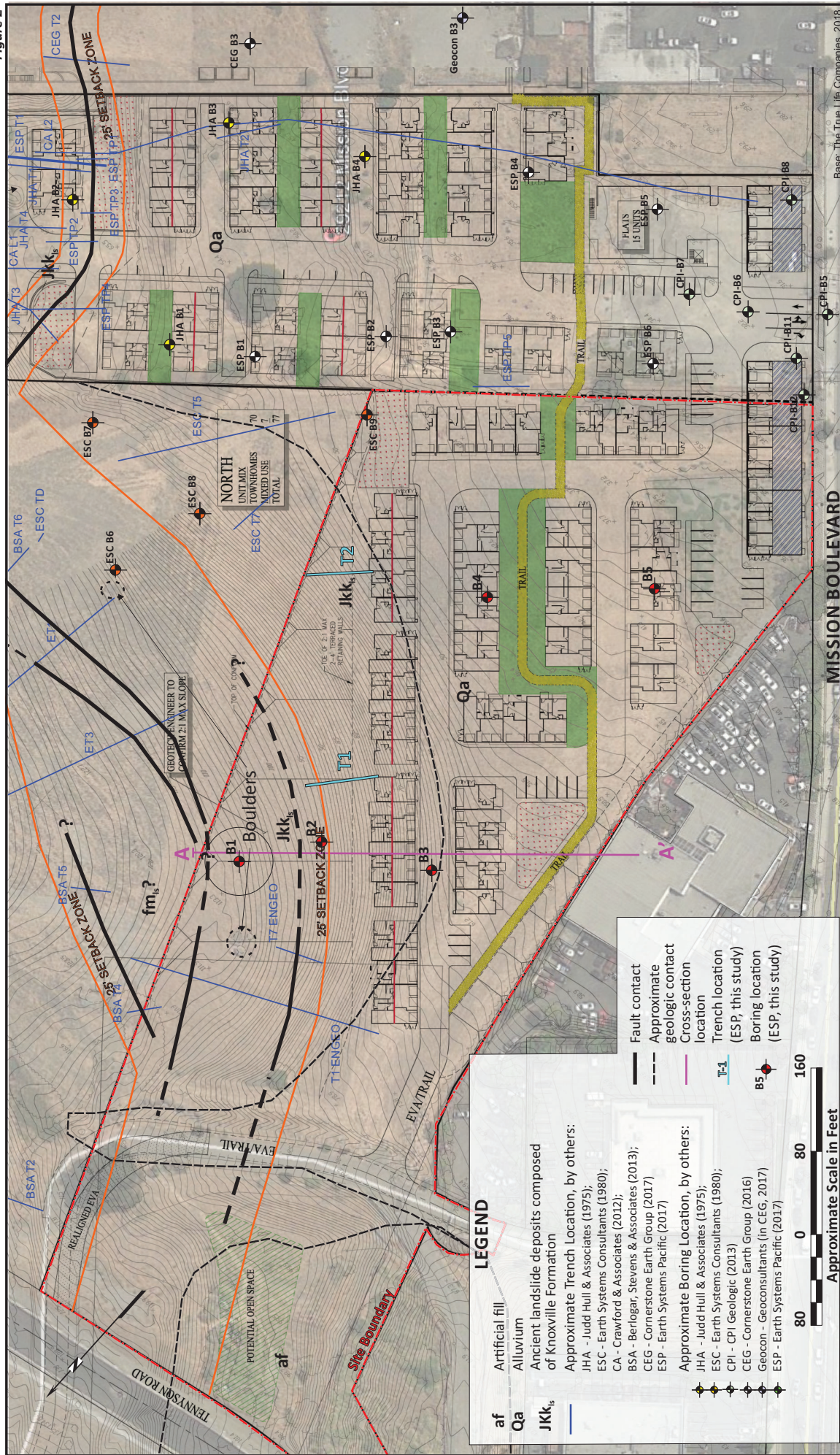
MISSION BOULEVARD (100' WIDE)

Multifamily Residential Development
29212 Mission Boulevard
Hayward, California

Site Plan and Geologic Map
SH-13387-SA



Figure 2





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APPENDIX D

**DECLARATION OF DISCLOSURES, RIGHT OF ENTRY
AND RESTRICTIVE COVENANTS REGARDING
HAYWARD GEOLOGIC HAZARD ABATEMENT DISTRICT**

RECORDING REQUESTED BY AND
WHEN RECORDED RETURN TO:
Hayward Geologic Hazard Abatement District
777 B Street
Hayward, CA 94541
Attn: Miriam Lens

**DECLARATION OF DISCLOSURES, RIGHT OF ENTRY AND RESTRICTIVE COVENANTS
REGARDING HAYWARD GEOLOGIC HAZARD ABATEMENT DISTRICT**

This Declaration of Disclosures, Right of Entry and Restrictive Covenants Regarding Hayward Geologic Hazard Abatement District (the "Declaration") is made this ____ day of _____, 20__ (the "Effective Date"), by, Hayward SoMi, LLC, a California limited liability company ("Declarant").

RECITALS

A. Declarant is the owner of that certain real property located in the City of Hayward, County of Alameda, State of California, more particularly described as Tracts 8502 and 8614, filed on _____, 20__ in Book __ of Parcel Maps, at pages __, all in the Official Records of Alameda County, California (the "Property").

B. The City of Hayward approved a 189-lot residential subdivision on the Property. A condition of approval for Tracts 8502 and 8614 was that the Property be annexed into the Hayward Geologic Hazard Abatement District ("Hayward GHAD").

C. Under the authority of California Public Resources Code section 26500, et seq., the Hayward City Council on March 1, 2016 adopted Resolution No. 16-030 forming and establishing the Hayward GHAD to prevent, mitigate, abate or control potential geologic hazards within the boundaries of the GHAD. On _____, 2021, the Hayward GHAD adopted Resolution No. 21-____, approving annexation of the Property into the Hayward GHAD.

NOW, THEREFORE, Declarant, as the owner of the Property, for itself, its successors and assigns does hereby declare as follows:

1. Notification and Disclosure of Hayward GHAD: The Declarant hereby gives notice and discloses that the Property is a part of the Hayward GHAD. The Board of Directors of the Hayward GHAD are the members of the Hayward City Council. Pursuant to the Plan of Control for Annexation of the Property to Hayward GHAD as it may be amended from time to time (the "Plan of Control"), the Declarant and the Hayward GHAD are afforded certain responsibilities and rights relating to the prevention, mitigation, abatement and control of potential geologic hazards on the Property. The powers of the Hayward GHAD include the power to assess lot owners within the Property for the purposes set out in the Plan of Control. An assessment was authorized by the Hayward GHAD to be imposed on the Property pursuant to adopted Resolution 21-____.
2. Right of Entry: The Declarant by executing and recording this Declaration hereby contractually affords Hayward GHAD, its officials, employees, contractors and agents an irrevocable right of entry with continuing and perpetual access to and across the Property for the purposes and responsibilities set out in the Plan of Control ("Access Rights"). Should the Hayward GHAD need to access private residential lots to fulfill its duties under the Plan of Control, the Hayward

GHAD shall provide the affected landowner and/or resident with 72 hours advanced notice unless, in the reasonable judgment of the GHAD Manager, an emergency situation exists which makes immediate access necessary to protect the public health and safety, in which case no advanced notice is required, but the Hayward GHAD shall inform the landowner and/or resident as soon as reasonably possible. The Declarant hereby gives notice that the GHAD will acquire Access Rights immediately upon the execution of this Declaration. The GHAD, in its sole discretion, may elect not to exercise Access Rights until it accepts its maintenance responsibilities consistent with the Plan of Control.

3. GHAD Easement: The Declarant hereby grants the Hayward GHAD a perpetual easement for the purposes and responsibilities set out in the Plan of Control and for maintaining certain site improvements as depicted in Exhibit A, and legally described in Exhibit B attached hereto, (the "GHAD Easement"). Such activities include, but are not limited to: (a) the inspection, maintenance, monitoring and replacement of site improvements including, drainage ditches, storm drains, outfalls and pipelines; (b) the monitoring, maintenance and repair of slopes, including repaired or partially repaired landslides; and (c) the management of erosion and geologic hazards within the open space areas shown in the Plan of Control. The GHAD Easement shall become effective upon acceptance by the Hayward GHAD of its responsibilities and rights, the process by which is articulated in the Plan of Control. The Hayward GHAD has no maintenance responsibilities whatsoever to the Declarant or Property until and unless the Hayward GHAD accepts such responsibilities consistent with the Plan of Control.
4. Covenants Running with the Land: The Property shall be held, conveyed, hypothecated, encumbered, sold, leased, used, improved and maintained subject to the limitations, covenants, conditions, restrictions, easements, rights of entry and equitable servitude set forth in this Declaration, all of which are in furtherance of Declarant's plan for the uniform improvement and operation of the Property. All of the limitations, covenants, conditions, restrictions, easements, rights of entry and equitable servitudes set out in this Declaration shall both benefit and burden the Property and shall run with and be binding upon and inure to the benefit of the Property and each parcel therein, and shall be binding upon and inure to the benefit of each owner, and every person having or acquiring any right, title or interest in and to all or any portion of the Property and their successors and assigns. Upon Declarant's conveyance of fee title to the Property, or any portion thereof, Declarant shall be released from any further liability or obligation hereunder related to the portion of the Property so conveyed, and the grantee of such conveyance shall be deemed to be the "Declarant," with all rights and obligations related thereto, with respect to that portion of the Property conveyed.
5. Hold Harmless: Declarant, or its successors and assigns, shall hold harmless, protect and indemnify Hayward GHAD and its directors, officers, employees, agents, contractors, and representatives and the heirs, personal representatives, successors and assigns of each of them (collectively, "Hayward GHAD Indemnified Parties") from and against any and all liabilities, penalties, costs, losses, damages, expenses (including, without limitation, reasonable attorneys' fees and experts' fees), causes of action, claims, demands, orders, liens or judgments (each a "Claim" and, collectively, "Claims"): (1) for injury to or the death of any person, or physical damage to any property, related to or occurring on or about the GHAD Easement to the extent arising from the negligence or intentional misconduct of Declarant, its employees, agents or contractors; or (2) related the existence of the GHAD Easement, exclusive of any Claims brought by Declarant.

6. Enforcement: The Hayward GHAD shall have the right but not the obligation to enforce the provisions of this Declaration.
7. Modification or Termination: This Declaration shall not be modified, amended or terminated without the written consent of the Hayward GHAD.

Executed as of the Effective Date.

Declarant:

Hayward SoMi, LLC, a California limited liability company

By: _____

Its: _____

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CERTIFICATE OF ACCEPTANCE

This is to certify that the interest in real property conveyed to the Hayward Geologic Hazard Abatement District by the foregoing document titled "Declaration of Disclosures, Right of Entry and Restrictive Covenants", which is dated _____, 20__ and executed by _____, is hereby accepted by the undersigned pursuant to authority conferred by Resolution No. __-__, dated _____, 20__. The City of Hayward, as grantee, consents to recordation of said "Declaration of Disclosures, Right of Entry and Restrictive Covenants".

Eric Harrell
Hayward GHAD Manager

Date:

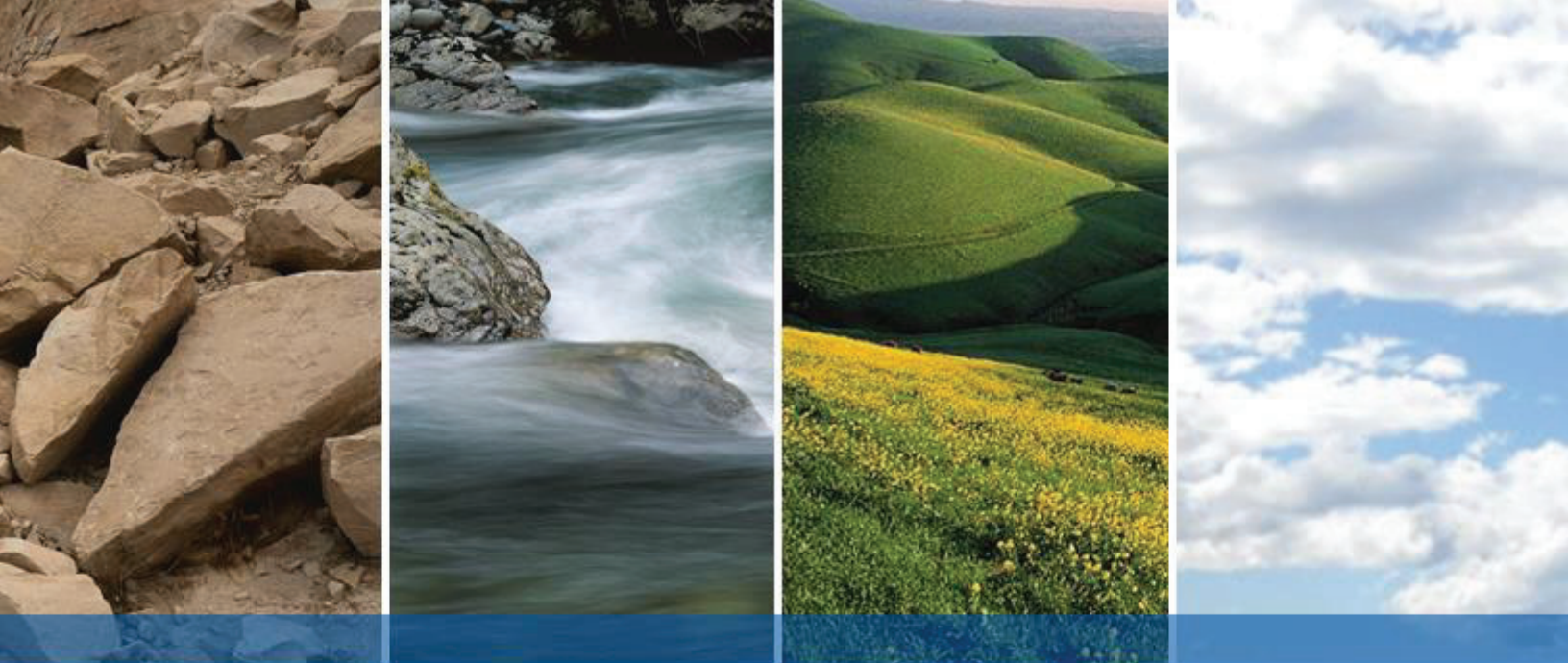
Attest:

Patricia E. Curtin
Hayward GHAD Clerk

Approved as to form:

Amara Morrison
Hayward GHAD Attorney

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APPENDIX E

SAMPLE TRANSFER APPLICATION FORM

HAYWARD GEOLOGIC HAZARD ABATEMENT DISTRICT (GHAD) HAYWARD SoMi DEVELOPMENT

Hayward Geologic Hazard Abatement District Board of Directors
c/o Hayward GHAD Manager
ENGEO Incorporated
2010 Crow Canyon Place, Suite 250
San Ramon, CA 94583

As of _____, 20__, _____ is submitting an application for transfer of GHAD activities as provided in Section 6.0 of the Magee Preserve Plan of Control dated October 12, 2021. As specified in Section 6.0, _____ is submitting this Transfer Application to transfer the responsibility for performing GHAD activities for the listed parcels to the District. Within 30 days of the submittal of the Transmittal Application, the GHAD will monitor the listed parcels and verify that the facilities that the GHAD will have maintenance responsibility have been constructed and maintained in accordance with the conditions of Section 6.4 of the Plan of Control. Within 15 days of inspection, the GHAD will send _____ a punch list of all items that need to be constructed, repaired, or otherwise modified in compliance with the Town of Danville approved plans and specifications. _____ will notify the GHAD upon completion of the punch list items. Within 30 days of receipt of such notice, the GHAD shall verify that all punch list items have been completed and notify _____. GHAD staff will then bring a resolution before the Hayward GHAD Board of Directors for their consideration approving GHAD responsibility for performing all future GHAD activities on the parcel(s).

We submit the following parcels for the transfer of GHAD activities as provided in the Magee Preserve Plan of Control to the Hayward GHAD:

Lot Number/Tract	Address	Assessor's Parcel Number

Each party is to submit a copy of this application to the other party upon completion of the steps listed below.

GHAD receipt of Transfer Application: Initial of GHAD representative: _____ Date: _____

_____ receipt of punch list from GHAD: Initial of _____ representative: _____ Date: _____

GHAD receipt of notice of completion of punch list items: Initial of GHAD representative: _____ Date: _____



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020866.0004\6429746.1



CITY OF HAYWARD

Hayward City Hall
777 B Street
Hayward, CA 94541
www.Hayward-CA.gov

File #: MIN 21-151

DATE: November 16, 2021

TO: Mayor and City Council

FROM: City Clerk

SUBJECT

Approve City Council Minutes of the Special City Council Meeting on October 26, 2021

RECOMMENDATION

That the Council approves the Special City Council meeting minutes of October 26, 2021.

SUMMARY

The City Council held a meeting on October 26, 2021.

ATTACHMENTS

Attachment I Draft Minutes of October 26, 2021



**SPECIAL HAYWARD GEOLOGIC HAZARD ABATEMENT DISTRICT BOARD
AND HAYWARD CITY COUNCIL MEETING**

777 B Street, Hayward, CA 94541

Virtual Platform – Zoom

<https://hayward.zoom.us/j/85011535412?pwd=ZldtYmpOcGtmRWxtZnFITFI0aEtSUT09>

Tuesday, October 26, 2021, 7:00 p.m.

The Special Hayward Geologic Hazard Abatement District (GHAD) Board and Hayward City Council meeting was called to order by Mayor/Chair Halliday at 7:00 p.m. The City Council/GHAD Board held a hybrid meeting which included in-person and teleconference participation by members of the City Council, staff and public.

CALL TO ORDER: Mayor/GHAD Board Chair Halliday

Pledge of Allegiance: Mayor/GHAD Board Chair Halliday

Present: COUNCIL MEMBERS/BOARD MEMBERS Andrews, Lamnin, Márquez, Salinas,
Wahab, Zermeno
MAYOR/CHAIR Halliday

Absent: None

CLOSED SESSION ANNOUNCEMENT

The Special City Council convened in closed session on October 26, 2021, at 5:30 p.m., with all members present, regarding three items: 1) conference with labor negotiators pursuant to Government Code section 54957.6 regarding all labor groups; 2) conference with legal counsel pursuant to Government Code section 54956.9 regarding Swain v. City of Hayward, USDC Case Number 21-cv-07680 SK; and 3) conference with property negotiators pursuant to Government Code section 54956.8 regarding former California Air National Guard Site (CANG): 1525 W. Winton Avenue, APN 432-0124-002-00. City Attorney Lawson announced there was no reportable action related to the items.

PUBLIC COMMENTS

Ms. Susan Gehlke asked if water coming out of fire hydrants is recycled or non-potable water and suggested it should be recycled or non-potable given drought conditions in the county.

City Manager McAdoo noted most of the water in fire hydrants is potable water and noted she will share the comment with Public Works and the Fire Chief.

Council Member Wahab announced an event to welcome Curbie, a mobile library, at the Heritage Plaza on October 30, 2021; and suggested the City accommodate requests for community/Police Department engagement events that allow for social distancing.

CITY MANAGER'S COMMENTS

City Manager McAdoo made three comments: (1) invited all to welcome Curbie at the Heritage Plaza on October 30, 2021; (2) announced a compost giveaway event at the former Skywest Golf Course on October 30, 2021; and (3) introduced the newly launched Together for Hayward e-Gift Card program to support local businesses and help residents get more value for their money by shopping locally.

CONSENT

1. Approve City Council Minutes of the Special City Council Meeting on October 12, 2021
MIN 21-135

It was moved by Council Member Wahab, seconded by Council Member Zermeno, and carried unanimously, to approve the minutes of the Special City Council meeting on October 12, 2021.

2. Adopt a Resolution Authorizing the City Manager to Negotiate and Execute a Six-Month Extension of a Joint Exercise of Powers Agreement for the Hayward Area Shoreline Planning Agency **CONS 21-531**

Staff report submitted by Development Services Director Ott and Director of Public Works Ameri, dated October 26, 2021, was filed.

It was moved by Council Member Wahab, seconded by Council Member Zermeno, and carried by the following roll call vote, to approve the resolution.

AYES:	COUNCIL MEMBERS Andrews, Lamnin, Márquez, Salinas, Wahab, Zermeno MAYOR Halliday
NOES:	None
ABSENT:	None
ABSTAIN:	None

Resolution 21-210, "Resolution Authorizing the City Manager to Negotiate and Execute a Six-Month Extension for Renewal of an Agreement Between the City of Hayward, East Bay Regional Park District, and Hayward Area Recreation and Park District Titled the Hayward Area Shoreline Planning Agency Joint Exercise of Powers Agreement"

3. Adopt a Resolution Authorizing the City Manager to Accept and Appropriate \$200,000 in Awarded Grant Funding from the State of California Office of Traffic Safety for the Hayward Police Department for Traffic Safety Education and Enforcement Programs **CONS 21-542**



**SPECIAL HAYWARD GEOLOGIC HAZARD ABATEMENT DISTRICT BOARD
AND HAYWARD CITY COUNCIL MEETING**

777 B Street, Hayward, CA 94541

Virtual Platform – Zoom

<https://hayward.zoom.us/j/85011535412?pwd=ZldtYmpOcGtmRWxtdnFITFI0aEtSUT09>

Tuesday, October 26, 2021, 7:00 p.m.

Staff report submitted by Chief of Police Chaplin, dated October 26, 2021, was filed.

It was moved by Council Member Wahab, seconded by Council Member Zermeño, and carried by the following roll call vote, to approve the resolution.

AYES: COUNCIL MEMBERS Andrews, Lamnin, Márquez, Salinas,
Wahab, Zermeño
MAYOR Halliday
NOES: None
ABSENT: None
ABSTAIN: None

Resolution 21-211, "Resolution Authorizing the City Manager to Accept and Appropriate \$200,000 in Funding from the State of California Office of Traffic Safety for the Hayward Police Department"

4. Adopt a Resolution Authorizing the City Manager to Accept and Appropriate \$20,000 from the State of California Department of Alcoholic Beverage Control to Fund Enforcement Operations to Prevent the Sale of Alcohol to Minors **CONS 21-544**

Staff report submitted by Chief of Police Chaplin, dated October 26, 2021, was filed.

It was moved by Council Member Wahab, seconded by Council Member Zermeño, and carried by the following roll call vote, to approve the resolution.

AYES: COUNCIL MEMBERS Andrews, Lamnin, Márquez, Salinas,
Wahab, Zermeño
MAYOR Halliday
NOES: None
ABSENT: None
ABSTAIN: None

Resolution 21-212, "Authorization for the City Manager to Accept and Appropriate \$20,000 from the State of California Department of Alcoholic Beverage Control to Fund Enforcement Operations to Prevent the Sale of Alcohol to Minors"

5. Adopt a Resolution Authorizing the City Manager to Accept and Appropriate a Grant in the Amount of \$7,500 from the State of California Department of Food and Agriculture for the Purposes of Offering Free Spay and Neuter Services for Cats Owned by Low-Income City of Hayward Residents **CONS 21-545**

Staff report submitted by Chief of Police Chaplin, dated October 26, 2021, was filed.

It was moved by Council Member Wahab, seconded by Council Member Zermeño, and carried by the following roll call vote, to approve the resolution.

AYES: COUNCIL MEMBERS Andrews, Lamnin, Márquez, Salinas,
Wahab, Zermeño
MAYOR Halliday

NOES: None

ABSENT: None

ABSTAIN: None

Resolution 21-213, "Resolution Authorizing the City Manager to Accept and Appropriate a Grant in the Amount of \$7,500 from the State of California Department of Food and Agriculture for the Purpose of Offering Free Spay and Neuter Services for Cats Owned by Low-Income City of Hayward Residents"

6. Adopt a Resolution Endorsing the Regional Action Plan Developed by the Regional Impact Council to Provide a 1-2-4 Framework to Support Ending Homelessness in the San Francisco Bay Area with a Goal of a 75% Reduction by 2024 **CONS 21-548**

Staff report submitted by Assistant City Manager Ott, dated October 26, 2021, was filed.

It was moved by Council Member Wahab, seconded by Council Member Zermeño, and carried by the following roll call vote, to approve the resolution.

AYES: COUNCIL MEMBERS Andrews, Lamnin, Márquez, Salinas,
Wahab, Zermeño
MAYOR Halliday

NOES: None

ABSENT: None

ABSTAIN: None

Resolution 21-214, "Resolution Endorsing the Regional Action Plan Developed by the Regional Impact Council and Facilitated by all Home California, Including the Framework to Support Ending Homelessness in the San Francisco Bay Area"



**SPECIAL HAYWARD GEOLOGIC HAZARD ABATEMENT DISTRICT BOARD
AND HAYWARD CITY COUNCIL MEETING**

777 B Street, Hayward, CA 94541

Virtual Platform – Zoom

<https://hayward.zoom.us/j/85011535412?pwd=ZldtYmpOcGtmRWxtbnFITFI0aEtSUT09>

Tuesday, October 26, 2021, 7:00 p.m.

-
7. Adopt a Resolution Approving an Amendment to the City of Hayward Salary Plan for Fiscal Year 2022 **CONS 21-563**

Staff report submitted by Director of Human Resources Sangy,
dated October 26, 2021, was filed.

It was moved by Council Member Wahab, seconded by Council Member Zermeno, and carried by the following roll call vote, to approve the resolution.

AYES: COUNCIL MEMBERS Andrews, Lamnin, Márquez, Salinas,
Wahab, Zermeno
MAYOR Halliday
NOES: None
ABSENT: None
ABSTAIN: None

Resolution 21-215, “Resolution Approving the Amended Fiscal Year 2022 Salary Plan Designating Positions of Employment in the City of Hayward and Salary Range; and Superseding Resolution No. 21-197 and all Amendments Thereto”

8. Adopt a Resolution Allowing City Council and Appointed Commissions/Task Forces and Council’s Committees to Hold Continued Teleconferenced Public Meetings Pursuant to AB 361 **CONS 21-568**

Staff report submitted by City Manager McAdoo and City Clerk
Lens, dated October 26, 2021, was filed.

It was moved by Council Member Wahab, seconded by Council Member Zermeno, and carried by the following roll call vote, to approve the resolution.

AYES: COUNCIL MEMBERS Andrews, Lamnin, Márquez, Salinas,
Wahab, Zermeno
MAYOR Halliday
NOES: None
ABSENT: None
ABSTAIN: None

Resolution 21-216, “Resolution Making the Required Findings Pursuant to AB 361 to Continue to Hold Teleconferenced Public Meetings During the COVID 19 State of Emergency”

WORK SESSION

9. Skywest Property Update: Summary of Community Comments and Review of Draft Site Plan **WS 21-040**

Staff report submitted by Director of Public Works Ameri, dated October 26, 2021, was filed.

Public Works Director Ameri announced the staff report and introduced Airport Manager McNeely and consultant with Kimley-Horn Ms. Erin Sheelen who provided a synopsis of the staff report.

Mayor Halliday opened the public comment period at 7:45 p.m.

Mr. Andy Wilson, California Pilots Association Board of Directors member, shared that they are monitoring how the former Skywest Golf Course property is being developed.

Ms. Meredith, resident of area near proposed development, expressed concern about the negative impact of the proposed development on residential areas including increase of plane noise and loss of trees and wildlife.

Mr. Randy W. suggested turning the proposed 8-acre pocket park into 16 or 21 acres, partnering with Chabot College for a fire training center, keeping the three ponds, and turning the clubhouse into a community center and using the commercial kitchen for training or rental for food truck vendors.

Mayor Halliday clarified the regional fire house training center is already being constructed and is not part of the proposed project.

Ms. Christina Fletes, resident of area close to the Skywest property, was disappointed the area was being considered for business development and airport expansion, asked to preserve the green space, and was concerned about the negative health impacts from the airport expansion on the community.

Mr. Dario noted the business development center area should be used to expand the airport which is further away from residents and closer to existing industrial areas and was concerned about noise disturbance and the negative impact on health and property value.

Ms. Mimi Dean suggested working within the guiding principles of the General Plan to turn the property into a much-needed park and community center with amenities such as outdoor gym and consider the area as buffer for sea level rise and educational activities.

Mayor Halliday closed the public comment period at 8:00 p.m.

Discussion ensued among members of the City Council, City staff and Ms. Erin Sheelen, Transportation Planner with Kimley-Horn regarding: the draft site plan for the future development of the former Skywest Golf Course which is now owned by the Executive Airport and has to adhere to Federal Aviation Administration (FAA) regulations; FAA



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Tuesday, October 26, 2021, 7:00 p.m.

constraints and wildlife (including geese); loss of trees; envisioned trails; cost of maintaining the planned park, open space, and recreational use which would need further evaluation and analysis; FAA airport safety zones and reasoning for removing structures and maintaining the area open; runway safety area; fair market value when leasing airport land and FAA regulations; request for a market feasibility study and economic development; General Plan and Airport Master Plan priorities to be expressed in the request for proposal (RFP); solar panels on top of hangars and the idea of wind farms would need to be studied; public members' concerns regarding the need for restoration of Sulphur Creek and Friends of the San Lorenzo Creek's advocacy for more environmentally friendly options and protections; options for keeping a variation of the golf course open; low-income farming and FAA requirements; business development proposal; regarding aeronautical use, it was clarified that T or shade hangars were being proposed which are small planes; and funding to develop the plan.

Members of the City Council thanked City staff and the consultant for the robust outreach and thanked community members for all the input provided.

Council Member Zermeño, also Chair of the Council Airport Committee, was acknowledged for his work on the Council Airport Committee.

Members of the City Council provided the following comments: ensure every tree lost is replaced; consider increasing the acreage of open space for use by the community; include an economic analysis for the plan; gather robust input and response from the southern side and neighborhoods south of A Street; note that housing development is not an option for the site; preserve open space; consider amenities not available through Kennedy Park or parks in the region; create an outdoor learning space for shoreline-related content and curriculum; continue with a plan for BMX (bicycle motocross) tracks; focus on having a dog park component; expand the economic development of the site; seek opportunity for business development by planning and implementing a business center; consider adding green/open space elements as part of the RFP to make the industrial area a destination place; provide information on how recreation is currently managed and how it will be accomplished moving forward; seek opportunity for Russell City markers and walk of fame landmarks; consider connecting to existing trails or creating new trails such as a looped trail for running; explore the open runoff area as an opportunity for carbon sequestration and urban agriculture uses; consider coordination with the Muwekman Tribe, Native American, and BIPOC (Black, Indigenous, People of Color) communities; prioritize disenfranchised groups for economic opportunity; consider partnerships for recreation uses such as disc golf course, cricket fields, bocce ball court, pump track, gymnastic space, and hockey or roller rink; provide information on noise and emissions impacts; consider less business development and ability to preserve to address desire for more open space; in acknowledging different groups, consider using features discussed as public art; use Brooklyn Basin in Oakland as a model for open space with outdoor recreation and commercial use; find complementary uses on the business side to help offset costs of

recreational site as part of the RFP; look into San Jose and Milpitas which have popular golf driving range amenities with low upkeep; continue with a plan for walking/bike trails and paths to be connected; protect ponds and keep natural areas and landscape buffer; focus on public benefits; consider business development that has lower density and public amenities; consider the Hayward Youth Commission's idea of an airport viewing area; have an economic analysis prior to releasing the RFP; consider comments received previously for an incubator space, shared work space, and other types of community benefits in the business park; think about recreational amenities that are not currently provided in the region; and have the economic use vetted by the Council Economic Development Committee.

10. Solid Waste and Recycling Franchise Agreement: Update on Negotiations with Waste Management of Alameda County to Extend the Solid Waste and Recycling Franchise Agreement **WS 21-041**

Staff report submitted by Director of Public Works Ameri, dated October 26, 2021, was filed.

Public Works Director Ameri announced the staff report and introduced Environmental Services Manager Pearson who provided a synopsis of the staff report.

There being no speakers, Mayor Halliday opened and closed the public comment section at 9:19 p.m.

Discussion ensued among members of the City Council and City staff regarding: Senate Bill 1383 requirements; coordination with Hayward Unified School District (HUSD), Hayward Recreation and Park District (HARD) and New Haven Unified School District; proposed rate increase for initial year and subsequent years based on the Consumer Price Index (CPI); and bulky pickup service change for multi-family development and increase in frequency participation.

Members of the City Council provided the following comments: there was preference for getting more big belly dual containers in the community than personal containers; there was interest for cities and counties to look at subcontracting for food recovery; a rate increase of 10% is significant for anyone on a fixed income; explore cost cutting strategies to avoid pushing costs onto consumers given Hayward's demographic; negotiating a lower 10% rate increase; consider efforts to decrease litter and carbon footprint to help meet SB 1383 requirements; work with Waste Management of Alameda County (WMAC) to educate the community on preventative measures to ensure personal bins are not used by others; explore a stronger partnership between WMAC and the Keep Hayward Clean and Green Task Force (KHCGTF) regarding big belly bins and community engagement events and yearlong support such as compost giveaways on cleanup days; explore the feasibility of adding public art on big belly bins; continue the strong position to not close the office site as elderly residents use it; urged for more education and messaging before charging customers for contamination and overages and before monitoring with cameras; explore



**SPECIAL HAYWARD GEOLOGIC HAZARD ABATEMENT DISTRICT BOARD
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Tuesday, October 26, 2021, 7:00 p.m.

ways to getting compost/mulch out to the community; and consider painting bins rather than disposing them.

LEGISLATIVE BUSINESS

11. Review of Community Agency Funding Process: Adopt a Resolution Authorizing the Mayor to Appoint Three Members of Council to Form a Sub-Group to Work with a Committee of the Community Services Commission to Review and Discuss the Community Agency Funding Process **LB 21-047**

Staff report submitted by Assistant City Manager Ott dated October 26, 2021, was filed.

Acting Community Services Manager Lobedan introduced Management Analyst Lee who provided a synopsis of the staff report. Community Services Commissioner Arti Garg represented the Community Services Commission (CSC) on the proposed recommendation regarding the Community Agency Funding (CAF) process.

Discussion ensued among members of the City Council, City staff and Community Services Commissioner Garg regarding: process update for appropriation of cannabis revenue towards the Hayward Community Foundation; the political implication and deliberation process of the proposed joint Council/CSC CAF Review Committee; CAF process and input from agencies during the application process; and discussion to include grantees who have a history of receiving funds to help improve existing process.

There being no speakers, Mayor Halliday opened and closed the public hearing at 10:10 p.m.

Members of the City Council thanked City staff and CSC members for their work.

Council Member Salinas expressed support for the recommendation but was concerned that with limited funds to meet all needs he did not want the process to become political, and noted he understood the subcommittee would discuss vision, priorities, and give insight as to what the groupthink appears to be.

Council Member Salinas made a motion to approve the recommendation and Council Member Lamnin seconded the motion.

Council Member Lamnin, also serving as the liaison to the Community Services Commission, noted part of the goal of the subcommittee was to address political tensions, and thanked City staff and the Community Services Commission for their work.

In response to Council Member Andrews about the role of the Council Member Lamnin on the subcommittee as the CSC liaison, Mayor Halliday noted the role of Council Member Lamnin on the temporary subcommittee assignment would need to be further addressed with the City Manager, Council Member Lamnin and CSC Chair Mehdavi.

Council Member Zermeño noted he supported the motion and expressed his priorities are Hayward-centric organizations, temporary needs such as unaccompanied children and Afghan refugees, and long-term needs such as child/elder/women abuse.

Council Member Andrews suggested staff seek input by way of convening a joint session of the City Council and CSC or engage the Council through a survey to give priorities.

Council Member Wahab indicated the Council selects CSC members to vet non-profit agencies based on information provided to them, noted a survey or individual responses from members of the City Council identifying core concepts and rating them or input by one or two members would be a more effective approach in garnering feedback.

Mayor Halliday noted the subcommittee would not be making any decisions or recommendations on how funding is spent, thought the recommendation was a good suggestion to get the discussion started to get to a point where the City Council could be involved in a more meaningful discussion, and expressed she would be supporting the motion.

Council Member Andrews offered a friendly amendment to change language in the resolution to indicate the Mayor would be authorized to select “up to three (3) members” of Council and if the goal of having three members is not reached, those who opt to participate could provide a survey to remaining members of the City Council.

Council Member Salinas and Council Member Lamnin accepted the friendly amendment.

City Manager McAdoo indicated staff can do a survey regardless, noted the subcommittee meeting will be open to the public with a noticed agenda, and added that members of the City Council who are not participating can provide input to her via email on what questions should be in the survey.

Mayor Halliday asked that members interested in serving on the subcommittee should communicate their interest to the City Manager and shared similar instances in the past where advisory committees were formed to advise on CDBG funds.

It was moved by Council Member Salinas, seconded by Council Member Lamnin, and carried by the following roll call vote, to approve the resolution, with a friendly amendment authorizing the Mayor to select and appoint up to three (3) members of Council to form a sub-group and add language directing staff to engage the Council through a survey to receive feedback.



**SPECIAL HAYWARD GEOLOGIC HAZARD ABATEMENT DISTRICT BOARD
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777 B Street, Hayward, CA 94541

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Tuesday, October 26, 2021, 7:00 p.m.

AYES: COUNCIL MEMBERS Andrews, Lamnin, Márquez, Salinas,
Wahab, Zermeño
MAYOR Halliday
NOES: None
ABSENT: None
ABSTAIN: None

Resolution 21-217, “Resolution Authorizing the Mayor to Select and Appoint Up to Three (3) Members of Council to Form a Sub-Group to Work with a Committee of the Community Services Commission to Review and Discuss the Community Agency Funding Process and Provide Recommendations to the Community Services Commission and Council for Further Consideration”

COUNCIL REPORTS AND ANNOUNCEMENTS

Council Member Salinas acknowledged the Promotoras from Tiburcio Vasquez Health Center for their phenomenal job over the course of the pandemic disseminating information around COVID-19, helping marginalized neighborhoods, and organizing vaccine events.

Council Member Wahab asked for an update on the City’s plan should there be an increase in homelessness given the news about inflation expectations.

Council Member Zermeño noted Caltrans will lead a group of folks to clean Tennyson Road and I-880 exit on November 9, 2021, and thanked Assemblymember Quirk and San Leandro Council Member Cox for their support.

Council Member Andrews added that Caltrans will work with Hayward to clean up freeway exits and encouraged residents to submit customer service requests to csr.dot.ca.gov; thanked residents, HPD, Maintenance Services, Chabot College, CSUEB and Mt. Eden for attending a KHCGETF event and to the landscaping team for planting 25 trees around Weekes Park.

Mayor Halliday shared she attended the 35th anniversary of the relationship between Hayward and the Funabashi Sister City in Japan, which took place via the Zoom platform.

COUNCIL REFERRALS

There were none.

ADJOURNMENT

Mayor Halliday adjourned the special meeting at 10:45 p.m.

APPROVED

Barbara Halliday
Mayor, City of Hayward

ATTEST:

Miriam Lens
City Clerk, City of Hayward



CITY OF HAYWARD

Hayward City Hall
777 B Street
Hayward, CA 94541
www.Hayward-CA.gov

File #: MIN 21-152

DATE: November 16, 2021

TO: Mayor and City Council

FROM: City Clerk

SUBJECT

Approve City Council Minutes of the City Council Meeting on November 2, 2021

RECOMMENDATION

That the Council approves the City Council meeting minutes of November 2, 2021.

SUMMARY

The City Council held a meeting on November 2, 2021.

ATTACHMENTS

Attachment I Draft Minutes of November 2, 2021



CITY COUNCIL MEETING

777 B Street, Hayward, CA 94541

Virtual Platform – Zoom

<https://hayward.zoom.us/j/86426407582?pwd=WUROcFJZcnRDVExwbUhyaWI5MlhTZz09>

Tuesday, November 2, 2021, 7:00 p.m.

The City Council meeting was called to order by Mayor Halliday at 7:00 p.m. The City Council held a hybrid meeting which included in-person and teleconference participation by members of the City Council, staff and public.

Pledge of Allegiance: Council Member Lamnin

ROLL CALL

Council Chamber: Council Members Lamnin and Zermeño
Mayor Halliday

Virtual Platform (Zoom): Council Members Andrews, Márquez and Wahab

Absent: Council Member Salinas

CLOSED SESSION ANNOUNCEMENT

Mayor Halliday announced the City Council Closed Session was canceled and therefore there was no announcement.

Mayor Halliday announced that Public Hearing Item 6 was continued to December 14, 2021, at the request of the applicant.

PUBLIC COMMENTS

There were none.

CITY MANAGER'S COMMENTS

City Manager McAdoo made five comments: (1) the Hayward Library unveiled the new bookmobile, Curbie, on October 30, 2021 and Curbie's schedule is available on the library website; (2) VA Mobile Medical Outreach was invited to perform free consultations and referrals for veterans at the Eden Youth and Family Center on November 4, 2021; (3) Friends of Hayward Library will have a book sale on November 6, 2021 at the Heritage Plaza; (4) reminded all about the Together for Hayward e-Gift Card program; and (5) the City gave away 3,500 bags of compost at the October 30, 2021 annual compost giveaway.

Council Member Zermeño shared he will be touring the StopWaste compost farm in Livermore on November 5, 2021.

CONSENT

1. Approve Minutes of the Special Joint Work Session of the City Council and Planning Commission on October 19, 2021 **MIN 21-138**

It was moved by Council Member Wahab, seconded by Council Member Zermeño, and carried unanimously with Council Member Salinas absent, to approve the minutes of the Special Joint Work Session of the City Council and Planning Commission meeting on October 19, 2021.

2. Approve City Council Minutes of the City Council Meeting on October 19, 2021 **MIN 21-139**

It was moved by Council Member Wahab, seconded by Council Member Zermeño, and carried unanimously with Council Member Salinas absent, to approve the minutes of the City Council meeting on October 19, 2021.

3. Adopt a Resolution Authorizing the City Manager to Negotiate and Execute an Agreement with Tyler Technologies for Migration of Munis Enterprise Resource Planning to a Cloud-Hosted Platform for a Three-Year Term with Two One-Year Options in an Amount Not-to-Exceed \$414,000 Annually **CONS 21-546**

Staff report submitted by CIO/ Director of Information Technology Kostrzak, dated November 2, 2021, was filed.

It was moved by Council Member Wahab, seconded by Council Member Zermeño, and carried by the following roll call vote, to approve the resolution.

AYES:	COUNCIL MEMBERS Andrews, Lamnin, Márquez, Wahab, Zermeño MAYOR Halliday
NOES:	None
ABSENT:	COUNCIL MEMBER Salinas
ABSTAIN:	None

Resolution 21-218, "Resolution Authorizing the City Manager to Negotiate and Execute an Agreement with Tyler Technologies for Migration of Munis ERP to a Cloud-Hosted Platform for a Three-Year Term with Two One-Year Options in an Amount Not to Exceed \$414,000 Annually"

4. Adopt a Resolution Authorizing the City Manager to Appropriate \$200,000 from the Water Improvement Fund 604 for Water Office Improvement Project 07139 and Award a Contract to Custom Garages, Inc., in an Amount Not-to-Exceed \$117,462 **CONS 21-571**

Staff report submitted by Director of Public Works Ameri, dated November 2, 2021, was filed.



CITY COUNCIL MEETING
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It was moved by Council Member Wahab, seconded by Council Member Zermeno, and carried by the following roll call vote, to approve the resolution.

AYES: COUNCIL MEMBERS Andrews, Lamnin, Márquez, Wahab, Zermeno
MAYOR Halliday
NOES: None
ABSENT: COUNCIL MEMBER Salinas
ABSTAIN: None

Resolution 21-219, “Adopt a Resolution Authorizing the City Manager to Appropriate \$200,000 from Water Improvement Fund 604 for the Water Office Improvement Project 07139 and Award a Contract to Custom Garages, Inc., for Related Improvements in an Amount Not-to-Exceed \$117,462”

5. Adopt a Resolution Accepting Easements for Public Road Rights-of-Way in the Old Highlands Homeowner Association (OHHA) to Facilitate the First Phase of Road Improvements **CONS 21-586**

Staff report submitted by Director of Public Works Ameri, dated November 2, 2021, was filed.

It was moved by Council Member Wahab, seconded by Council Member Zermeno, and carried by the following roll call vote, to approve the resolution.

AYES: COUNCIL MEMBERS Andrews, Lamnin, Márquez, Wahab, Zermeno
MAYOR Halliday
NOES: None
ABSENT: COUNCIL MEMBER Salinas
ABSTAIN: None

Resolution 21-220, “Resolution Accepting Easements for Public Road Rights-of-Way in the Old Highlands Homeowner Association (OHHA) for the First Phase of Road Improvements”

PUBLIC HEARING

6. Appeal of Planning Commission Denial of a New 116,844 Square Foot Industrial Building Requiring Site Plan Review Approval and a Historic Resources Demolition Permit; Certification of an Environmental Impact Report; and Adoption of a Mitigation, Monitoring and Reporting Program and Statement of Overriding Considerations for U-Haul at 4150 Point Eden Way (Item continued to December 14, 2021 at request of applicant) **PH 21-092**

The item was continued to December 14, 2021, at the request of the applicant.

LEGISLATIVE BUSINESS

7. Senate Bill 1383 Implementation: Adopt Resolutions and Introduce an Opt-in Ordinance to Adopt the Countywide Ordinance to Comply with SB 1383 - Short-Lived Climate Pollutants **LB 21-049**

Staff report submitted by Director of Public Works Ameri, dated November 2, 2021, was filed.

Public Works Director Ameri introduced Solid Waste Program Manager Krump who provided a synopsis of the staff report.

Discussion ensued among members of the City Council and City staff regarding: Hayward's goal of meeting the mandate procuring about 13,000 cubic yards of mulch or 18,500 cubic yards of compost; compost giveaways; StopWaste leading the effort and cities and unincorporated areas in Alameda County required to participate; Hayward is working with StopWaste to meet the State requirements; partnership with the Keep Hayward Clean and Green Task Force (KHCGTF) to increase compost giveaway at KHCGTF events; informational stickers to be placed on wastebaskets as part of education outreach; the open space at Skywest as a potential place to spread compost; partnerships with Hayward Area Recreation and Park District, Hayward Unified School District, New Haven Unified School District, and Stonebrae to gauge how much compost can be accepted; have compost available yearlong like sandbags; renewable fuel needs to be derived from material that would have otherwise gone to landfill; replacement of new carts with the new franchise agreement without impact on rates; franchise fee for food recovery; use of biosolids; and current recycling carts being too large for trash.

There being no requests to speak, Mayor Halliday opened and closed the public hearing at 7:42 p.m.

Mayor Halliday thanked Council Member Zermeño for representing Hayward on StopWaste.

Council Member Zermeño noted the staff report lists how StopWaste is willing to work with the City to meet SB 1383 requirements intended to reducing the amount of organic waste disposed which will benefit Alameda County; and made a motion to approve staff's



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recommendation.

Council Member Lamnin seconded the motion.

Council Member Lamnin expressed concern about the cost involved with replacing trash containers, urged to hold back replacing the unconforming carts with the implementation of the new franchise and instead consider a franchise fee to establish a food recovery program which would meet the 20% reduction of edible food that goes to landfills and would reduce hunger, and clarified she was not offering an amendment.

It was noted the City was in current negotiations with Waste Management of Alameda County (WMAC) and the franchise agreement would be presented to Council in a few weeks and the Council would have an opportunity to make any changes.

Council Member Wahab expressed the requirements are efforts to be greener, recommended partnering with HARD as they want to expand the scope of their work and might have the space for compost.

Mayor Halliday expressed she would be supporting the motion, noted the City did not have a choice with mandates, and noted further discussion would occur as negotiations with WMAC continue.

Council Member Andrews recommended staff look at Keep Hayward Clean and Green Task Force events as outreach opportunities where educational materials can be shared, consider partnering with KHCGETF for additional compost giveaways, and consider strategies to conduct outreach and education regarding organic reduction and contamination by providing information to churches, shopping centers and coffee shops.

Mayor Halliday concurred with the suggestion of partnering with KHCGETF and suggested to consider having compost available for pickup on demand at places such as the City Corporation Yard.

It was moved by Council Member Zermeño, seconded by Council Member Lamnin, and carried by the following roll call vote, to approve the resolutions.

AYES:	COUNCIL MEMBERS Andrews, Lamnin, Márquez, Wahab, Zermeño MAYOR Halliday
NOES:	None
ABSENT:	COUNCIL MEMBER Salinas
ABSTAIN:	None

Resolution 21-221, “Resolution Finding and Determining the Need for Adoption of an Ordinance Opting into the Alameda County Waste Management Authority’s Organics Reduction and Recycling Ordinance”

Resolution 21-222, “Resolution Authorizing the City Manager to Negotiate and Execute a Memorandum of Understanding with the Alameda County Department of Environmental Health to Assist with Enforcement of the Alameda County Waste Management Authority’s Organics Reduction and Recycling Ordinance”

Introduction of Ordinance 21-_, “Ordinance of the City of Hayward Opting-In to the Alameda County Waste Management Authority’s Organic Reduction and Recycling Ordinance”

COUNCIL REPORTS AND ANNOUNCEMENTS

Council Member Lamnin shared visualizations for redistricting for the state’s Congressional, Senate and Assembly were updated and more information can be accessed at wedrawthelines.org, and added that Alameda County released theirs and it should be available via their website.

Council Member Zermeño shared that as Hayward’s delegate to the AC Transit Inter-Agency Liaison Committee, he toured the AC Transit Training and Education Center on Mack Street, Hayward and was impressed with its operation and noted they are about to introduce all-electric buses, and they will be reconnecting Chabot College to South Hayward BART.

Mayor Halliday announced the next City Council meeting will be on November 16, 2021.

COUNCIL REFERRALS

None.

ADJOURNMENT

Mayor Halliday adjourned the meeting at 7:53 p.m.

APPROVED

Barbara Halliday
Mayor, City of Hayward



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777 B Street, Hayward, CA 94541
Virtual Platform - Zoom

<https://hayward.zoom.us/j/86426407582?pwd=WUR0cFJZcnRDVExwbUhyaWI5MlhTZz09>
Tuesday, November 2, 2021, 7:00 p.m.

ATTEST:

Miriam Lens
City Clerk, City of Hayward



CITY OF HAYWARD

Hayward City Hall
777 B Street
Hayward, CA 94541
www.Hayward-CA.gov

File #: CONS 21-592

DATE: November 16, 2021

TO: Mayor and City Council

FROM: City Clerk

SUBJECT

Adopt an Ordinance Opting-In to the Alameda County Waste Management Authority's Organics Reduction and Recycling Ordinance

RECOMMENDATION

That the Council adopts the Ordinance introduced on November 2, 2021.

SUMMARY

The item entails adoption of an Ordinance Opting-In to the Alameda County Waste Management Authority's Organics Reduction and Recycling Ordinance, introduced on November 2, 2021, by Council Member Zermeno.

ATTACHMENTS

Attachment I	Staff Report
Attachment II	Summary of Published Notice



DATE: November 16, 2021

TO: Mayor and City Council

FROM: City Clerk

SUBJECT: Adopt an Ordinance Opting-In to the Alameda County Waste Management Authority's Organics Reduction and Recycling Ordinance

RECOMMENDATION

That the Council adopts the Ordinance introduced on November 2, 2021.

SUMMARY

The item entails adoption of an Ordinance Opting-In to the Alameda County Waste Management Authority's Organics Reduction and Recycling Ordinance, introduced on November 2, 2021, by Council Member Zermeño.

BACKGROUND

The Ordinance was introduced by Council Member Zermeño at the November 2, 2021, meeting of the City Council with the following vote:

AYES:	COUNCIL MEMBERS: Andrews, Lamnin, Márquez, Wahab, Zermeño
	MAYOR Halliday
NOES:	NONE
ABSENT:	COUNCIL MEMBER: Salinas
ABSTAIN:	NONE

STRATEGIC ROADMAP

This agenda item is a routine operational item and does not relate to one of the priorities outlined in the Council's Strategic Roadmap.

FISCAL IMPACT

There is no fiscal impact associated with this report.

PUBLIC CONTACT

The summary of the Ordinance was published in the East Bay Times-Daily Review Newspaper on Friday, November 6, 2021. Adoption, at this time, is therefore appropriate.

Prepared and Recommended by:

Miriam Lens, City Clerk

Approved by:

A handwritten signature in black ink, appearing to read 'K. McAdoo', written over a horizontal line.

Kelly McAdoo, City Manager

PUBLIC NOTICE OF AN INTRODUCTION OF AN ORDINANCE BY THE CITY
COUNCIL OF THE CITY OF HAYWARD

ORDINANCE OF THE CITY OF HAYWARD OPTING IN TO THE ALAMEDA
COUNTY WASTE MANAGEMENT AUTHORITY'S ORGANICS REDUCTION AND
RECYCLING ORDINANCE

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

Section 1. Purpose and Findings.

- (a) The purpose of this Ordinance is to comply with certain state laws requiring cities, counties, and special districts providing solid waste collection services to adopt ordinances and take other measures to reduce the amount of organic and recyclable materials deposited in landfills from commercial and residential generators, more specifically the Short-Lived Climate Pollutants Organic Waste Reduction regulations adopted pursuant to Senate Bill 1383 (Statutes of 2016) set forth in the California Code of Regulations (the "SB 1383 Regulations").
- (b) The City is a member of the Alameda County Waste Management Authority ("WMA"). The WMA is a joint powers agency comprised of all the cities in Alameda County, the County, and two sanitary districts.
- (c) The SB 1383 Regulations require cities, counties, and special districts providing solid waste collection services to adopt and enforce an ordinance or other enforceable mechanism applicable to residents and businesses generating or processing solid waste to implement relevant provisions of the SB 1383 Regulations. In response to this mandate, the WMA's member agencies requested that it adopt an ordinance to establish a uniform and comprehensive countywide system to establish the local regulations required by the SB 1383 Regulations concerning regulation of organic waste collection services, generators of organic waste, waste haulers, and generators and processors of edible food, together with enforcement mechanisms and administrative civil penalties for violations of local regulations.
- (d) On July 28, 2021 the WMA adopted the Organics Reduction and Recycling Ordinance ("ORRO"), Ordinance 2021-01, attached hereto as Exhibit A. In order for the ORRO to apply in the City the City must adopt an ordinance declaring that it will apply within the City.
- (e) The City wishes the ORRO to apply in Hayward.
- (f) The ORRO provides jurisdictions with the option to grant enforcement authority over various of its provisions to agencies specified in the ORRO. The City is making designations by approving agreements with other entities concurrently with adoption of this ordinance.

Section 2. Adoption.

The City of Hayward hereby declares that the Organics Reduction and Recycling Ordinance as set forth in Exhibit A to be effective in the City beginning on January 1, 2022.

Section 3. Enforcement Agency Authorization.

- a) The WMA is authorized and designated to carry out the responsibilities specified in Exhibit B to this ordinance effective January 1, 2022, and the City Manager is authorized to enter an agreement with the WMA to implement this authorization and designation.
- b) The authorization and designation above does not limit the City's authority to independently carry out some or all of the responsibilities designated above. The City retains full authority to implement and enforce the ORRO.
- c) The City Council may, by resolution, modify Exhibit B and may authorize and designate other entities to carry out responsibilities under this ordinance and no amendment of this ordinance shall be required.

Section 4. Severance Clause.

The Hayward City Council declares that each section, sub-section, paragraph, sub-paragraph, sentence, clause, and phrase of this ordinance is severable and independent of every other section, sub-section, paragraph, sub-paragraph, sentence, clause, and phrase of this ordinance. If any section, sub-section, paragraph, sub-paragraph, sentence, clause, or phrase of this ordinance is held invalid, the Hayward City Council declares that it would have adopted the remaining provisions of this ordinance irrespective of the portion held invalid, and further declares its express intent that the remaining portions of this ordinance should remain in effect after the invalid portion has been eliminated.

Section 5. California Environmental Quality Act

This Ordinance is adopted pursuant to CalRecycle's SB 1383 Regulations. The SB 1383 Regulations were the subject of a program environmental impact report (EIR) prepared by CalRecycle, and except for provisions which maintain the already established requirements of the Waste Management Authority's Ordinance Requiring Actions to Reduce Landfilling of Recyclable and Organic Solid Wastes from Businesses, Multifamily Residences, and Self-Haulers (Ordinance 2012-1; also known as the Mandatory Recycling Ordinance) which currently apply in the City of Hayward, the activities to be carried out under this Ordinance are entirely within the scope of the SB 1383 Regulations and that EIR. . No mitigation measures identified in the EIR are applicable to the City of Hayward's enactment of this Ordinance. Moreover, none of the conditions requiring a subsequent or supplemental EIR, as described in Public Resources Code Section 21166 and California Environmental Quality Act (CEQA) Guidelines Sections 15162 and 15163, have occurred. The EIR therefore adequately analyzes any potential environmental effects of the Ordinance and no additional environmental review is required. On a separate and independent basis, the Ordinance is exempt from CEQA pursuant to Section 15308, Class 8 of the CEQA Guidelines of as an action that will not have a significant impact on the environment and as an action taken by a regulatory agency for the protection of the environment, specifically, for the protection of

the climate. There are no unusual circumstances that would cause this Ordinance to have a significant effect on the environment.

Section 6. Publication.

A summary of this ordinance shall be published in a newspaper of general circulation of the City of Hayward prior its adoption.

This Ordinance was introduced at a regular meeting of the City Council of the City of Hayward, held the 2nd day of November 2021, by Council Member Zermeño.

This Ordinance will be considered for adoption at the regular meeting of the Hayward City Council, to be held on November 16, 2021. Please note the City Council will hold a hybrid meeting which will allow for participation in the Council Chamber and virtually via the Zoom platform. All in-person participants will be required to provide proof of vaccination against COVID-19 prior to entering the Council Chamber and will be required to wear a mask or face covering while at City Hall. The full text of this Ordinance is available for examination by the public by contacting the City Clerk's office at cityclerk@hayward-ca.gov or (510) 583-4400.

Dated: November 12, 2021
Miriam Lens, City Clerk
City of Hayward



CITY OF HAYWARD

Hayward City Hall
777 B Street
Hayward, CA 94541
www.Hayward-CA.gov

File #: CONS 21-597

DATE: November 16, 2021

TO: Mayor and City Council

FROM: City Clerk

Adopt a Resolution Accepting the Resignation of Mr. Adam Murphy from the Keep Hayward Clean and Green Task Force, Effective Immediately

RECOMMENDATION

That Council adopts a resolution (Attachment II) accepting the resignation of Mr. Adam Murphy from the Keep Hayward Clean and Green Task Force, effective immediately.

SUMMARY

Mr. Adam Murphy was appointed to the Keep Hayward Clean and Green Task Force on September 10, 2019. Mr. Murphy's resignation becomes effective immediately per his resignation letter dated October 29, 2021 (Attachment III).

Mr. Murphy's vacated position will be filled as part of the annual appointment process for the City's appointed officials to Commission and Keep Hayward Clean and Green Task Force.

ATTACHMENTS

Attachment I	Staff Report
Attachment II	Resolution
Attachment III	Resignation Letter



DATE: November 16, 2021

TO: Mayor and City Council

FROM: City Clerk

SUBJECT Adopt a Resolution Accepting the Resignation of Mr. Adam Murphy from the Keep Hayward Clean and Green Task Force, Effective Immediately

RECOMMENDATION

That Council adopts a resolution (Attachment II) accepting the resignation of Mr. Adam Murphy from the Keep Hayward Clean and Green Task Force, effective immediately.

SUMMARY AND DISCUSSION

Mr. Adam Murphy was appointed to the Keep Hayward Clean and Green Task Force on September 10, 2019. Mr. Murphy's resignation becomes effective immediately per his resignation letter dated October 29, 2021 (Attachment III).

Mr. Murphy's vacated position will be filled as part of the annual appointment process for the City's appointed officials to Commission and Keep Hayward Clean and Green Task Force.

FISCAL IMPACT

There is no fiscal impact associated with this action.

STRATEGIC ROADMAP

This agenda item is a routine operational item and does not relate to any of the projects outlined in the Council's Strategic Roadmap.

Prepared and Recommended by: Miriam Lens, City Clerk

Approved by:

Kelly McAdoo, City Manager

HAYWARD CITY COUNCIL

RESOLUTION No. 21-

Introduced by Council Member _____

RESOLUTION ACCEPTING THE RESIGNATION OF MR. ADAM MURPPHY
FROM THE KEEP HAYWARD CLEAN AND GREEN TASK FORCE

WHEREAS, Mr. Adam Murphy was appointed to the Keep Hayward Clean and Green Task Force on September 10, 2019, and;

WHEREAS, Mr. Adam Murphy submitted a resignation letter on October 29, 2021.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Hayward that the Council hereby accepts the resignation of Mr. Adam Murphy; and commends him for his civic service to the City.

IN COUNCIL, HAYWARD, CALIFORNIA _____, 2021

ADOPTED BY THE FOLLOWING VOTE:

AYES: COUNCIL MEMBERS:
MAYOR:

NOES: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

ATTEST: _____
City Clerk of the City of Hayward

APPROVED AS TO FORM:

City Attorney of the City of Hayward

ATTACHMENT III

From: Adam Murphy
Sent: Friday, October 29, 2021 9:03 AM
To: Colleen Kamai <Colleen.Kamai@hayward-ca.gov>
Subject: Re: REMINDER TO REPLY FW: Sub Committee Descriptions

Hi Colleen,

I messaged Bubba last month and let him know that I needed to resign from my position on the task force due to me moving out of the city. Not sure if this message was relayed since I have still been getting lots of emails about the task force. Please let me know if there is anything further I need to do to formalize my resignation.

Thanks,
Adam Murphy



CITY OF HAYWARD

Hayward City Hall
777 B Street
Hayward, CA 94541
www.Hayward-CA.gov

File #: CONS 21-590

DATE: November 16, 2021

TO: Mayor and City Council

FROM: Director of Public Works

SUBJECT

Adopt a Resolution Authorizing the City Manager to Execute an Amendment to the Cooperating Agreement with East Bay Municipal Utility District to Prepare a Groundwater Sustainability Plan for the East Bay Plain Subbasin

RECOMMENDATION

That the Council adopts the attached resolution (Attachment II) authorizing the City Manager to execute a third amendment to the Cooperating Agreement between the City of Hayward and the East Bay Municipal Utility District to jointly prepare a Groundwater Sustainability Plan for the East Bay Plain Subbasin.

SUMMARY

The Sustainable Groundwater Management Act (SGMA) was signed into law in 2014 to provide for comprehensive and sustainable management of groundwater resources across the state. Hayward and East Bay Municipal Utility District (EBMUD) are the Groundwater Sustainability Agencies (GSAs) for the portions of the East Bay Plain Groundwater Subbasin that underlie their respective service areas, and as such are jointly responsible for the long-term sustainable management of the Subbasin.

On June 5, 2018, Council authorized execution of a Cooperating Agreement with EBMUD, under which the parties agree to work collaboratively and share the costs to prepare a single Groundwater Sustainability Plan (GSP) in accordance with SGMA. Council subsequently approved two amendments to the Agreement in January 2019 and October 2020 respectively to: 1) refine the scope of work and budget; and 2) incorporate additional needed tasks to improve the quality and quantity of data and to acquire and develop a data management system to organize data and it make it readily available to the public.

A third amendment is recommended to: 1) allocate responsibilities for new groundwater monitoring wells that will be drilled to better characterize the groundwater basin and improve the agencies' ability to define the hydrogeologic transition zone between the East Bay Plain Subbasin and the adjacent Niles Cole Subbasin; and 2) appoint a Plan Manager to serve as a contact with the State Department of Water Resources (DWR).

File #: CONS 21-590

ATTACHMENTS

Attachment I	Staff Report
Attachment II	Resolution



DATE: November 16, 2021

TO: Mayor and City Council

FROM: Director of Public Works

SUBJECT: Adopt a Resolution Authorizing the City Manager to Execute an Amendment to the Cooperating Agreement with East Bay Municipal Utility District to Prepare a Groundwater Sustainability Plan for the East Bay Plain Subbasin

RECOMMENDATION

That the Council adopts the attached resolution (Attachment II) authorizing the City Manager to execute a third amendment to the Cooperating Agreement between the City of Hayward and the East Bay Municipal Utility District to jointly prepare a Groundwater Sustainability Plan for the East Bay Plain Subbasin.

SUMMARY

The Sustainable Groundwater Management Act (SGMA) was signed into law in 2014 to provide for comprehensive and sustainable management of groundwater resources across the state. Hayward and East Bay Municipal Utility District (EBMUD) are the Groundwater Sustainability Agencies (GSAs) for the portions of the East Bay Plain Groundwater Subbasin that underlie their respective service areas, and as such are jointly responsible for the long-term sustainable management of the Subbasin.

On June 5, 2018, Council authorized execution of a Cooperating Agreement with EBMUD, under which the parties agree to work collaboratively and share the costs to prepare a single Groundwater Sustainability Plan (GSP) in accordance with SGMA. Council subsequently approved two amendments to the Agreement in January 2019 and October 2020 respectively to: 1) refine the scope of work and budget; and 2) incorporate additional needed tasks to improve the quality and quantity of data and to acquire and develop a data management system to organize data and make it readily available to the public.

A third amendment is recommended to: 1) allocate responsibilities for new groundwater monitoring wells that will be drilled to better characterize the groundwater basin and improve the agencies' ability to define the hydrogeologic transition zone between the East Bay Plain Subbasin and the adjacent Niles Cole Subbasin; and 2) appoint a Plan Manager to serve as a contact with the State Department of Water Resources (DWR).

BACKGROUND

Following several years of drought and severe and unsustainable depletion of groundwater resources, SGMA was signed into law in 2014 to provide for comprehensive management of groundwater within California. The legislation provides a framework for groundwater management at the local level through formation of GSAs and implementation of GSPs. The City became the GSA for the portion of the medium-priority East Bay Plain Subbasin underlying the City in June 2017. EBMUD is the GSA for the remaining portion of the Subbasin.

As the GSA for a portion of the East Bay Plain Subbasin, the City is responsible for developing and implementing a GSP to sustainably manage and utilize groundwater within its management area, without causing adverse effects. Upon approval from the City Council on June 5, 2018, the City entered into an agreement with EBMUD on June 25, 2018 to jointly prepare a single GSP for the entire Subbasin. Working collaboratively reduces duplication of technical work and the cost of preparing the GSP for both agencies. SGMA requires that medium-priority basins be managed under an adopted GSP by January 31, 2022. The link below to the June 5, 2018¹ Council report provides additional background and discussion on key provisions of the Cooperating Agreement.

With Council approval, the Cooperating Agreement has since been amended twice:

- Amendment 1 – Reflected the actual scope of work, schedule, budget, and grant funding after selection of a consultant to assist with the GSP preparation, and EBMUD, on behalf of the GSAs, was awarded a \$1 million grant from the State Department of Water Resources. The link below to the January 29, 2019² Council report provides additional information on this action.
- Amendment 2 – Revised the scope of work and cost to incorporate additional groundwater monitoring and analysis, including installation of new monitoring wells, and to develop a Data Management System (DMS) to organize essential data and make it publicly available. A second grant in the amount of \$680,000 was awarded to support this work. The link below to the October 6, 2020³ Council report provides additional information on this action.

As work has progressed on the GSP, Hayward and EBMUD staff have determined that a third amendment to the Cooperating Agreement is needed to: 1) allocate responsibility for the new monitoring wells; and 2) appoint a Plan Manager to submit the GSP and serve as a point of contact with DWR.

DISCUSSION

Cooperating Agreement Amendment 3

Staff recommends that the Cooperating Agreement be amended to document specific roles and responsibilities to be carried out by the City and EBMUD relative to the groundwater monitoring wells, as well as to appoint Grace Su, EBMUD Associate Civil Engineer, as the Plan Manager. SGMA requires that a single point of contact be designated for each GSP. This

¹ <https://hayward.legistar.com/LegislationDetail.aspx?ID=3518462&GUID=B02415CC-0E35-4651-A514-0136EE070AB8&Options=&Search=>

² <https://hayward.legistar.com/LegislationDetail.aspx?ID=3846297&GUID=23693F53-005F-408B-8680-2B2C02A5CBB1&Options=&Search=>

³ <https://hayward.legistar.com/LegislationDetail.aspx?ID=4656503&GUID=554C1A76-4243-49E3-9DFC-A8FB09169374&Options=&Search=>

appointment would allow her to be the official contact for DWR and to submit the adopted GSP on behalf of both agencies.

Among other provisions, the second amendment to the Cooperating Agreement, executed in October 2020, expands the original scope of work to include construction of two monitoring wells within Hayward's management area to better define the hydrogeologic transition zone between the East Bay Plain Subbasin and the adjacent Niles Cone Subbasin, managed by Alameda County Water District (AWCD), an issue of great importance to the City. EBMUD likewise intends to drill two monitoring wells in the more northern part of the Subbasin.

The proposed third amendment addresses indemnification, financial responsibilities, and ownership of the wells. Specifically, the agencies would agree to:

- Be financially responsible for the new monitoring wells in their respective management areas;
- Indemnify and hold harmless the other agency in the event of claims and other legal actions, including claims and costs related to the release or spill of hazardous materials, that arise from the construction or operation of the wells; and
- Assume sole ownership of the monitoring wells within each management area and be responsible for operating and maintaining the wells.

The City's legal counsel for groundwater-related matters has reviewed the draft amendment and has indicated no concerns regarding the provisions.

Contractor Selection and Cost Update

The October 6, 2020 agenda report included a discussion of the consultant selection process, including EBMUD's intention to execute agreements with Luhdorff & Scalmanini Consulting Engineers (LSCE) in the amount of \$424,740 for technical and project development tasks related to the additional monitoring, and a separate contract with Bradley & Sons Drilling in the amount of \$335,890 to drill the wells. The field costs were subsequently increased to \$400,000; however, this separate agreement with Bradley and Sons was not executed as the two parties could not reach agreement on contract provisions. EBMUD issued a Request for Proposals to secure another contractor. EBMUD staff expects to select a contractor and return to the Board of Directors for approval on December 14. LSCE will continue in its consulting role to perform the additional monitoring and analysis.

Until a contractor is selected and a contract negotiated, the cost for well drilling is uncertain. However, based on the negotiated fee for Bradley & Sons to do the work and current market conditions, staff believes that the final cost will be within about 10 percent of \$400,000. It should be noted that the cost estimate assumes that no hazardous materials will be found during the drilling. While staff does not anticipate the presence of such materials, if site conditions warrant, there would be additional costs to the City for removal and disposal of contaminated soil.

Most of the cost for the additional monitoring and analysis, including well drilling, will be funded through a Proposition 68 grant secured by EBMUD on behalf of the two GSAs. In accordance with Amendment 2 of the Cooperating Agreement, Hayward will be responsible

for 35 percent of the local cost share for consultant services related to preparing the GSP and groundwater monitoring and analysis, and for 50 percent of costs related to data management. Table 1 summarizes the estimate City share of the costs to prepare the GSP and implement a data management system, assuming approval of staff's recommendation. As a reminder, a significant portion of the cost of preparing the GSP is being funded through a Proposition 1 grant in the amount of \$1 million and a Proposition 68 grant in the amount of \$680,000.

Table 1 – Estimated City Share of Costs to Prepare GSP

	Amended Budget September 2020	Proposed Amended Budget November 2021
Total Consultant Budget	\$2,452,072 - \$2,602,072	\$2,636,179
City Share of Consultant Cost		
Estimated Maximum Cost-Share (Upfront Cost)	\$873,000 - \$948,000	\$955,400
Maximum Prop 1 Grant Reimbursement	(\$350,000)	(\$350,000)
Maximum Prop 68 Grant Reimbursement	(\$220,000)	(\$220,000)
Net Cost Share	\$303,000 - \$378,000	\$385,400
City Staff Time (estimated)	\$150,000	\$150,000
Total	\$453,000 - \$528,000	\$535,400

ECONOMIC IMPACT

The GSP provides a strategy for long-term sustainable management of the City's groundwater resources. These actions will benefit the community's economy through improved water supply reliability.

FISCAL IMPACT

The majority of the construction costs for installing and maintaining the monitoring wells are covered by grant funding, and Hayward's local cost share would be funded by the Water Improvement Fund. Costs for maintaining the wells are not yet fully known at this time, but are not expected to be significant, and would also be funded by the Water Improvement Fund.

The Water Improvement Fund in the Capital Improvement Program (CIP) includes funds for groundwater-related activities, including groundwater monitoring and analysis. At this time, staff anticipates the City's costs for developing a GSP and data management system will not exceed \$535,400, including reimbursement to EBMUD for consultant fees, as shown on Table 1. The CIP allocation is sufficient to fund the City's share of preparing the technical studies and investigations, along with developing a GSP that complies with SGMA requirements. Implementation costs will depend on the needed actions, and will be further discussed when

the GSP is presented to the Council in December 2021. There will be no impact on the General Fund.

STRATEGIC ROADMAP

This agenda item supports the Strategic Priority of Improvement Infrastructure, specifically:

- Project 13. Upgrade Water System Infrastructure

SUSTAINABILITY FEATURES

The City's role as GSA, along with its responsibility for preparing and implementing a GSP, provide authority to ensure that the groundwater beneath Hayward is protected and sustainably managed for the future. A long-term commitment to groundwater sustainability increases the City's overall water supply reliability, maximizes local sources, and diversifies the City's water supplies, which can help the City respond to future water supply uncertainties and climate change impacts.

PUBLIC CONTACT

SGMA requires active stakeholder participation in the development of GSPs to ensure common understanding and transparency. Key stakeholders in Hayward include large groundwater users and neighboring agencies, such as the Hayward Area Park and Recreation district (HARD), Chabot College, and Alameda County Water District. Staff has developed an interested parties' list to keep stakeholders apprised of groundwater activities, and staff participates in regular stakeholder meetings. The Stakeholder Communications and Engagement Plan, being implemented by the City and EBMUD, provides a roadmap for meeting SGMA requirements for stakeholder outreach. Both the City and EBMUD maintain websites where interested parties can access information and documents. This item will be properly noticed prior to the Council public hearing and action.

NEXT STEPS

If the Council concurs, staff will amend the Cooperating Agreement with EBMUD and work with EBMUD to implement construction of the new monitoring wells. Staff anticipates bringing the GSP to the Council on December 7 for a public hearing and consideration of adoption, following the 90-day public review period for the draft GSP, which was released on September 17.

Prepared by: Cheryl Muñoz, Water Resources Manager

Recommended by: Alex Ameri, Director of Public Works

Approved by:



Kelly McAdoo, City Manager

HAYWARD CITY COUNCIL

RESOLUTION NO. 21-__

Introduced by Council Member _____

RESOLUTION AUTHORIZING THE CITY MANAGER TO AMEND THE
COOPERATING AGREEMENT WITH EAST BAY MUNICIPAL UTILITY DISTRICT
FOR PREPARATION OF A GROUNDWATER SUSTAINABILITY PLAN FOR THE
EAST BAY PLAIN SUBBASIN

WHEREAS, the California Legislature has adopted, and the Governor has signed into law, the Sustainable Groundwater Management Act of 2014 (SGMA), which authorizes local agencies to ensure sustainable management of groundwater resources; and

WHEREAS, SGMA requires that by January 31, 2022, all groundwater basins designated by the California Department of Water Resources (DWR) as high- or medium-priority basins that are not subjected to critical conditions of overdraft be managed under a single Groundwater Sustainability Plan (GSP), coordinated GSPs prepared by the Groundwater Sustainability Agency or Agencies (GSA) managing the basin, or an alternative plan, as provided for in Cal. Water Code Section 10720.7(a); and

WHEREAS, the East Bay Plain Subbasin 2-009.04 (East Bay Plain Subbasin) is categorized as a medium-priority basin and subject to the provisions of SGMA; and

WHEREAS, Hayward and East Bay Municipal Utility District (EBMUD) are the exclusive GSAs for their respective management areas in the East Bay Plain Subbasin; and

WHEREAS, Hayward and EBMUD have agreed that working cooperatively to prepare a single GSP that covers the entire East Bay Plain Subbasin would be feasible and mutually beneficial; and

WHEREAS, on June 5, 2018, the Hayward City Council authorized the City Manager to execute a Cooperating Agreement with EBMUD to set forth the roles, responsibilities, cost-sharing, and other commitments to jointly prepare a single GSP for the East Bay Plain Subbasin in compliance with SGMA; and

WHEREAS, the Cooperating Agreement was fully executed on June 25, 2018; and

WHEREAS, on March 29, 2019, the Cooperating Agreement was amended to reflect the final scope of work, schedule, and budget for the development of the GSP; and

WHEREAS, on December 22, 2020, the Cooperating Agreement was amended to incorporate additional groundwater monitoring and analysis, including installation of new monitoring wells within Hayward's boundaries, and to develop a Data Management System; and

WHEREAS, the Parties wish to further amend the Amended Cooperating Agreement to allocate responsibility for the new monitoring wells and appoint a Plan Manager as required by DWR; and

WHEREAS, sufficient funding is approved in the Water Improvement Fund in the adopted FY 2022-2031 Capital Improvement Fund; and

WHEREAS, it is in the best interests of both parties to amend the Cooperating Agreement to allocate responsibility for the monitoring wells and appoint a Plan Manager, and amending the Cooperating Agreement will have no material effect on the terms and provisions of the Agreement; and

WHEREAS, the Parties wish to further amend the Amended Cooperating Agreement to allocate responsibility for the new monitoring wells and appoint Grace Su, EBMUD Associate Civil Engineer, as Plan Manager as required by DWR; and

WHEREAS, the Parties wish to further amend the Amended Cooperating Agreement to allocate responsibility for the new monitoring wells and appoint Grace Su, EBMUD Associate Civil Engineer, as Plan Manager as required by DWR; and

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Hayward hereby authorizes the City Manager to amend the Cooperating Agreement with East Bay Municipal Utility District for preparation of a Groundwater Sustainability Plan for the East Bay Plain Subbasin to allocate responsibility for monitoring wells and appoint a Plan Manager.

IN COUNCIL, HAYWARD, CALIFORNIA _____, 2021

ADOPTED BY THE FOLLOWING VOTE:

AYES: COUNCIL MEMBERS:
MAYOR:

NOES: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS

ATTEST: _____
City Clerk of the City of Hayward

APPROVED AS TO FORM:

City Attorney of the City of Hayward



CITY OF HAYWARD

Hayward City Hall
777 B Street
Hayward, CA 94541
www.Hayward-CA.gov

File #: CONS 21-591

DATE: November 16, 2021

TO: Mayor and City Council

FROM: Director of Public Works

SUBJECT

Adopt a Resolution Approving Plans and Specifications and Calling for Bids for the Mission Boulevard Linear Park Landscape Project

RECOMMENDATION

That the Council adopts the attached resolution (Attachment II) approving the plans and specifications for the construction of the Mission Boulevard Linear Park Landscape Project, and calls for bids to be received on November 30, 2021.

SUMMARY

The Mission Boulevard Linear Park Landscape Project (Project) will provide improvements to the linear park adjacent to portions of the Mission Boulevard Corridor Improvements Phase 2 project. The construction documents are completed, and staff seeks Council's approval of the plans and specifications and call for bids.

ATTACHMENTS

Attachment I Staff Report
Attachment II Resolution



DATE: November 16, 2021

TO: Mayor and City Council

FROM: Director of Public Works

SUBJECT: Adopt a Resolution Approving Plans and Specifications and Calling for Bids for the Mission Boulevard Linear Park Landscape Project

RECOMMENDATION

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SUMMARY

The Mission Boulevard Linear Park Landscape Project (Project) will provide improvements to the linear park adjacent to portions of the Mission Boulevard Corridor Improvements Phase 2 project. The construction documents are completed, and staff seeks Council's approval of the plans and specifications and call for bids.

BACKGROUND

The Linear Park is on the east side of Mission Boulevard from approximately 600 feet south of Blanche Street to 500 feet north of Fairway Street, and is approximately 5,000 feet long and varies in width from 50 to 65 feet. The Linear Park currently consists of an asphalt path, grasses, trees, and shrubs. The Mission Boulevard Corridor Improvements Phase 2 project removed trees that were in declining health, replaced the asphalt path, added new pedestrian lighting, and installed the main irrigation water line within the Linear Park. The landscape improvements were not included in the Phase 2 project because the cost estimate during the design phase exceeded the project budget.

Below is a list of major milestones for the Mission Boulevard Linear Park Landscape project:

- October 2019: Introduction of the project to Council Infrastructure Committee (CIC) for scope options and associated costs.

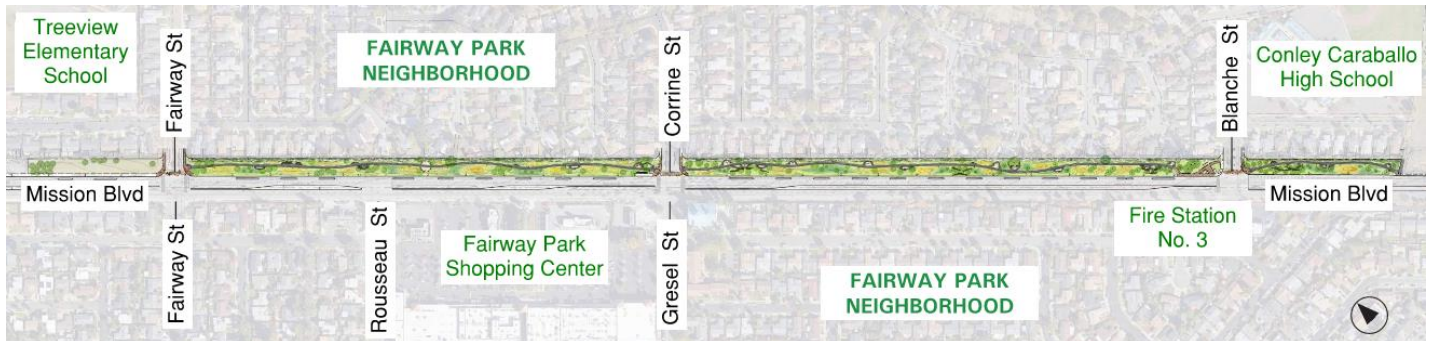
- June 2020: Council adopted a resolution authorizing the City Manager to execute a Professional Services Agreement with SurfaceDesign, Inc., (SDI) for the design of the Mission Boulevard Linear Park Landscape Project.
- August 2020: SDI began pre-design data collection and field survey.
- September 2020: Staff and SDI held first community meetings both virtual and onsite tent events to gather input for the conceptual design including a post meeting survey for additional community input.
- October 2020: CIC meeting for a project update including community input to be considered in the conceptual design.
- December 2020: Staff and SDI held a second virtual community meeting to present the conceptual design and gather input.
- March 2021: Design development level completed.
- April 2021: CIC meeting for a project update.
- June 2021: Staff and SDI held the third and final virtual community meeting to present the design development and gather input.
- July 2021: CIC meeting for the update on the final design.
- November 2021: Construction documents completed.

DISCUSSION

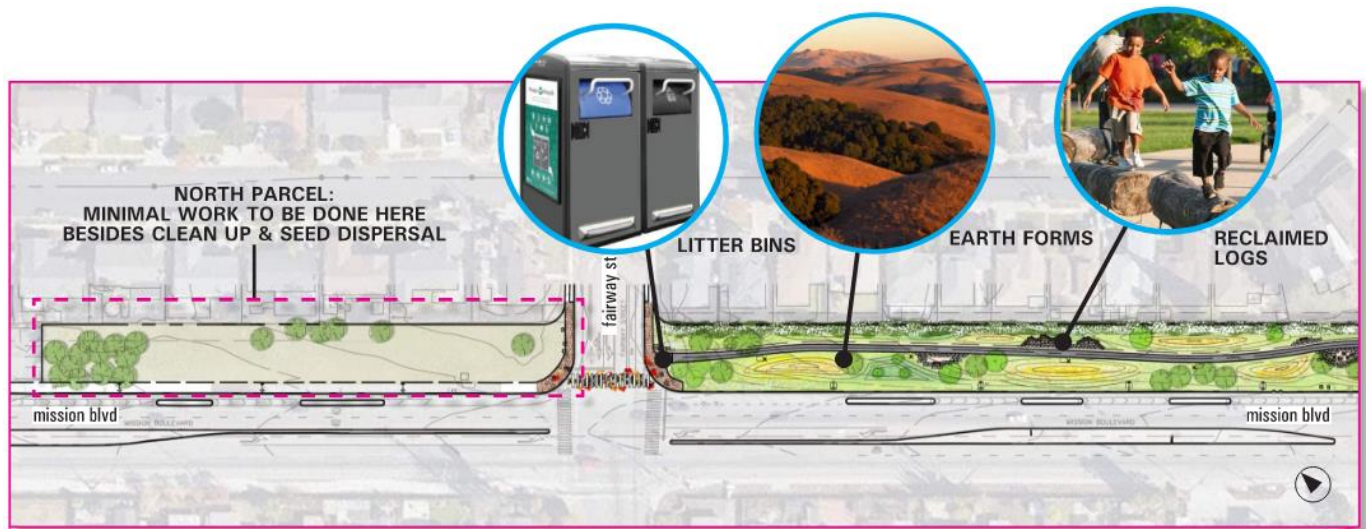
From the beginning through the end phases of design, the process for making improvements to the Linear Park Landscape project included collaboration with community members through three meetings. After each community meeting, staff provided updates to the CIC and received comments and direction. The construction documents are now complete and include the following features:

- Reshape the flat landscape areas, using cut and fill to create earth forms that echo the East Bay Hills
- Plant new trees, no-mow grass, native plants, wildflowers, and irrigation
- Realign the existing asphalt path at two locations
- Add decomposed granite shoulder along the existing path for alternative surface for walker/runners as well as making it dog friendly
- Create expanded paving areas and pathways using recycled concrete
- Add seating using reclaimed timbers and upcycled accent seating
- Add boulders
- Install Bigbelly trash and recycling receptacles and pet waste stations

- Add art crosswalk
- Provide privacy to adjacent properties by removing invasive plants, planting new shrubs and limbing up existing oleander along existing fencing
- Add shade trellis at Corrine Street bus stop
- Minimal improvements (clean-up & broadcast wildflower seeds) to section north of Fairway Street due to potential sale of City-owned property



Linear Park Landscape project limit of work on the eastside of Mission Blvd from Fairway Street to the south city limit



Features to include Bigbelly trash and recycling receptacles, new earth forms and reclaimed logs



Other features include new planting, using upcycled material and pet waste stations



The addition of a shade trellis at the Corrine Street bus stop

With the completion of the construction documents, staff seeks the Council's approval of the plans and specifications and call for bids to be received on December 14, 2021.

Environmental review of the Linear Park project was included in the review of the Mission Boulevard Phase 2 project. Phase 2, including the Linear Park, was determined to be categorically exempt pursuant to Section 15301 of the CEQA Guidelines for the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of existing or former use.

ECONOMIC IMPACT

Completion of the landscape improvements will provide the final aspect of the complete streets total project for this portion of Mission Boulevard by providing additional pedestrian and bicycle facilities, recreation facilities which will result in positive economic benefits for nearby businesses and increased property values for residential areas adjacent to the Linear Park.

FISCAL IMPACT

This landscaping project is funded by the Route 238 Corridor Improvement Fund. Currently, the adopted FY20 CIP includes \$2,813,000 for the project.

The estimated project costs are as follows:

	Estimated Cost
Construction	\$2,000,000
Construction Contingency	\$200,000
Design	\$400,000
Construction Admin, Inspection, Testing	\$213,000
Project Total	\$2,813,000

Currently, there is sufficient funding based on the estimates. This construction cost will be re-evaluated after bids are received and if there is a shortfall, a source of funding will come from the potential sale of the City-owned property north of Fairway. The estimated project cost is based on the improvements outlined in the Discussion section and does not include new fencing along the existing fencing, additional exercise equipment, or sound walls, which were requested through community meetings. For these improvements, additional funding will be needed.

STRATEGIC ROADMAP

This agenda item supports the Strategic Priority of Improve Infrastructure. Specifically, this item relates to the implementation of the following project:

Project 7: Improve Mission Boulevard as a key 'Gateway to the City'

SUSTAINABILITY FEATURES

1. Water: The project will include the installation of drought tolerant plants to reduce water usage.
2. Environment: This project will implement ReScape California (initially Bay-Friendly Landscaping) techniques to use native and climate appropriate plants for the linear park. The project will be reviewed for ReScape certification after the project design is complete.

3. Bike and Ped: The project will provide a pleasant, safe, and inviting environment for walking, jogging, casual biking, and exercise.

PUBLIC CONTACT

As part of the design process, staff and the design consultant held three community meetings on September 25, 2020, December 10, 2020, and June 23, 2021. Based on the presentation of the conceptual design and design development, the feedback from the community members who provided input was overall positive. Information about the project can also be found on the project webpage: <https://hayward-ca.gov/Linear-Park>. After the construction contract is awarded, a preliminary project notice will be distributed to residents along the linear park and nearby neighborhoods.

NEXT STEPS

The following is the tentative schedule for this project:

Open Bids	December 14, 2021
Award Construction Contract	January 18, 2022
Begin Construction	February 14, 2022
Complete Construction	Summer 2022

Prepared by: Dave Hung, Senior Civil Engineer
Kathy Garcia, Deputy Director of Public Works

Recommended by: Alex Ameri, Director of Public Works

Approved by:



Kelly McAdoo, City Manager

HAYWARD CITY COUNCIL

RESOLUTION NO. 21-____

Introduced by Council Member _____

RESOLUTION APPROVING PLANS AND SPECIFICATIONS FOR THE MISSION
BOULEVARD LINEAR PARK LANDSCAPE PROJECT, PROJECT NO. 05288 AND
CALL FOR BIDS

WHEREAS, those certain plans and specifications for the Mission Boulevard Linear Park Landscape Project, Project No. 05288 on file in the office of the City Clerk, are hereby adopted as the plans and specifications for the project; and

WHEREAS, the City Clerk is hereby directed to cause a notice calling for bids for the required work and material to be made in the form and manner provided by law; and

WHEREAS, sealed bids therefore will be received by the City Clerk's office at City Hall, 777 B Street, 4th Floor, Hayward, California 94541, up to the hour of 2:00 p.m. on Tuesday, December 14, 2021, and immediately thereafter publicly opened and declared by the City Clerk in the Conference Room, 4D, located on the 4th Floor of City Hall, Hayward, California; and

WHEREAS, environmental review of the Linear Park Project was included in the review of the Mission Boulevard Phase 2 Project. Phase 2, including the Linear Park, was determined to be categorically exempt pursuant to section 15301 of the CEQA Guidelines for the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of existing or former use.

NOW, THEREFORE, BE IT RESOLVED, that the City Council will consider a report on the bids at a regular meeting following the aforesaid opening and declaration of same.

IN COUNCIL, HAYWARD, CALIFORNIA _____, 2021

ADOPTED BY THE FOLLOWING VOTE:

AYES: COUNCIL MEMBERS:
MAYOR:

NOES: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

ATTEST: _____
City Clerk of the City of Hayward

APPROVED AS TO FORM:

City Attorney of the City of Hayward



CITY OF HAYWARD

Hayward City Hall
777 B Street
Hayward, CA 94541
www.Hayward-CA.gov

File #: CONS 21-594

DATE: November 16, 2021

TO: Mayor and City Council

FROM: CIO/Director of Information Technology

SUBJECT

Adopt a Resolution Authorizing the City Manager to Negotiate and Execute an Agreement for a Term of Five Years with LookingPoint for Implementation of Software Defined Network (SD-WAN) in an Amount Not-to-Exceed \$1,000,708

RECOMMENDATION

That Council adopts a resolution (Attachment II) authorizing the City Manager to negotiate and execute an agreement for a term of five years with LookingPoint for the implementation of a software defined wide area network (SD-WAN) in an amount not-to-exceed \$1,000,708.

SUMMARY

SD-WAN is software-defined wide area networking that allows communication over the Internet using encryption between all city locations, mobile users, and applications in the cloud. The City has an extensive and complex network that supports every department and provides internet and telephone systems throughout the enterprise. In the past 18 months, there has been a growing need to support the increased remote and mobile workforce as City staff and residents more frequently work from home. SD-WAN helps resolve this challenge by increasing network access, balancing internet traffic, increasing security, as well as adding redundancy and resiliency.

On September 9, 2021 the City issued a Request for Proposals (RFP) to 135 qualified companies to design, install, configure, and support a complete SD-WAN solution for the City. The chosen provider, LookingPoint, is a local business and their solution offers a high-level of support and on-site monitoring. The City has worked with LookingPoint in the past and has found their work to be dependable and reasonably priced. The cost of the agreement with LookingPoint will not exceed \$1,000,708 and is covered by the City's ARPA stimulus funds allocation. Authorizing this agreement does not require an additional appropriation.

File #: CONS 21-594

ATTACHMENTS

Attachment I	Staff Report
Attachment II	Resolution



DATE: November 16, 2021

TO: Mayor and City Council

FROM: CIO/Director of Information Technology

SUBJECT: Adopt a Resolution Authorizing the City Manager to Negotiate and Execute an Agreement for a Term of Five Years with LookingPoint for Implementation of Software Defined Network (SD-WAN) in an Amount Not-to-Exceed \$1,000,708

RECOMMENDATION

That Council adopts a resolution (Attachment II) authorizing the City Manager to negotiate and execute an agreement for a term of five years with LookingPoint for the implementation of a software defined wide area network (SD-WAN) in an amount not-to-exceed \$1,000,708.

SUMMARY

SD-WAN is software-defined wide area networking that allows communication over the Internet using encryption between all city locations, mobile users, and applications in the cloud. The City has an extensive and complex network that supports every department and provides internet and telephone systems throughout the enterprise. In the past 18 months, there has been a growing need to support the increased remote and mobile workforce as City staff and residents more frequently work from home. SD-WAN helps resolve this challenge by increasing network access, balancing internet traffic, increasing security, as well as adding redundancy and resiliency.

On September 9, 2021 the City issued a Request for Proposals (RFP) to 135 qualified companies to design, install, configure, and support a complete SD-WAN solution for the City. The chosen provider, LookingPoint, is a local business and their solution offers a high-level of support and on-site monitoring. The City has worked with LookingPoint in the past and has found their work to be dependable and reasonably priced. The cost of the agreement with LookingPoint will not exceed \$1,000,708 and is covered by the City's ARPA stimulus funds allocation. Authorizing this agreement does not require an additional appropriation.

BACKGROUND

SD-WAN is software-defined wide area networking that allows communication over the Internet using encryption between all city locations, mobile users, and applications in the

cloud. The City has an extensive and complex network that supports every department and provides internet and telephone systems throughout the enterprise. In the past 18 months, there has been a growing need to support the increased remote and mobile workforce as our City staff and residents more frequently work from home. SD-WAN helps resolve this challenge by increasing network access, balancing internet traffic, increasing security, as well as adding redundancy and resiliency.

DISCUSSION

As more of the City's applications move to the cloud and the workforce embraces mobility, the network must adapt to meet these new needs. To meet this challenge, implementation of SD-WAN is an ideal solution. A SD-WAN, is a virtual wide area network architecture that allows enterprises to utilize all City Internet services at all City locations to securely connect users to internal and external cloud applications. A SD-WAN uses a centralized software to securely and intelligently direct internet traffic across the wide area network (WAN). This increases application performance and delivers a higher-quality experience, which results in increased business productivity, agility, and reduces the complexity of managing the network.

Unlike traditional router-centric WAN architecture, the SD-WAN model is designed to fully support applications hosted in on-premise data centers, public or private clouds, and SaaS services such as Office 365 and Amazon Web Services, while delivering the highest levels of application performance. Implementation of SD-WAN for the City would help achieve the goals of increasing access of on-premises and cloud applications, as well as securing network redundancy and resiliency.

On September 9, 2021, the City issued a Request for Proposals (RFP) to 135 qualified companies to design, install, configure, and support a complete SD-WAN solution. The RFP required that the proposed solution accommodate the current and future network requirements of all City operations, onsite and remote employees, and systems. The City received three responses to the RFP by the September 30, 2021 deadline. Of the three responses, two responses were deemed fully qualified to meet the requirements. City staff interviewed the two companies and independently rated the interviews and solutions, ultimately arriving at one chosen solution.

Two of the most important evaluation criteria for vendors is if they offer level-one support and on-site monitoring. Level-one support is the first tier of support and is important because issues with the network usually affect all users and must be addressed immediately. On site monitoring consists of tools that reside inside the network and is needed because they will instantly notify IT of any traffic issues that are out of the ordinary so they can be addressed immediately.

The chosen provider, LookingPoint, is a local business and their solution does offer level one support and on-site monitoring. The City has worked with LookingPoint in the past and has found their work to be dependable and reasonably priced. The design offered by their engineers was clear, simple and covered all concerns the City is looking to address. LookingPoint also supplied several references for comparable governmental organizations

as well as private companies. The review team found their solution to be very cost appropriate.

STRATEGIC ROADMAP

This agenda item supports the Strategic Priority of Improve Organizational Health. Specifically, this item relates to the implementation of the following project:

Project 17, Part 17b: Upgrade City network connections and speeds

Staff is bringing forth this new item because of the need to provide cost effective, secure, fast and reliable communications within and connecting to the City of Hayward network.

FISCAL IMPACT

The cost of the agreement with LookingPoint will not exceed \$1,000,708 and is covered by the City's ARPA stimulus funds allocation. Authorizing this agreement does not require an additional appropriation. This packaged solution is a one-time cost that covers the entirety of the project as well as all licensing and support for five years. Please note that equipment prices have increased since the initial RFP. The original quote was \$835,675.69, which has been revised to reflect the new equipment pricing to a new total of \$917,917.16. The not-to-exceed amount includes an additional 10% contingency added to bring the final request to \$1,000,708.

RFP Evaluation Results		
Vendor	Qualified Bid	Total Pricing
LookingPoint	Yes	\$ 835,675.69
Tech Mahindra	No	\$ 2,270,000.00
Net Fortris	No	\$ 1,885,200.00

NEXT STEPS

If Council authorizes the City Manager to negotiate and execute this agreement, then staff will schedule the project. Project kickoff would commence in November 2021 and take approximately five months to complete.

Prepared by: Carolyn Saputo, IT Manager Infrastructure

Recommended by: Adam Kostrzak, Chief Information Officer

Approved by:



Kelly McAdoo, City Manager

HAYWARD CITY COUNCIL

RESOLUTION NO. 21-_____

Introduced by Council Member _____

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HAYWARD
AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE AN
AGREEMENT FOR A TERM OF FIVE YEARS WITH LOOKINGPOINT FOR
IMPLEMENTATION OF A SOFTWARE DEFINED NETWORK IN AN AMOUNT
NOT-TO-EXCEED \$1,000,708

WHEREAS, in the past 18 months, there has been a growing need to support the increased remote and mobile workforce as our City staff and residents more frequently work from home; and

WHEREAS, SD-WAN helps resolve this challenge by increasing network access, balancing internet traffic, increasing security, as well as adding redundancy and resiliency; and

WHEREAS, on September 9, 2021 the City of Hayward ("City") issued a Request for Proposal (RFP) to design, install, configure and support a complete SD-WAN solution; and

WHEREAS, three responses to this RFP were received by the September 30, 2021 deadline; and

WHEREAS, LookingPoint is a local business and their SD-WAN solution offers level one support and on-site monitoring which are two highly desirable features requested by the City; and

WHEREAS, LookingPoint was selected by the City for implementation of the SD-WAN solution.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Hayward authorizes the City Manager to negotiate and execute an Agreement for a term of five years with LookingPoint for the implementation of SD-WAN solution in an amount not to exceed \$1,000,708, in a form approved by the City Attorney.

IN COUNCIL, HAYWARD, CALIFORNIA _____, 2021

ADOPTED BY THE FOLLOWING VOTE:

AYES: COUNCIL MEMBERS:
 MAYOR:

NOES: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

ATTEST: _____
 City Clerk of the City of Hayward

APPROVED AS TO FORM:

City Attorney of the City of Hayward



CITY OF HAYWARD

Hayward City Hall
777 B Street
Hayward, CA 94541
www.Hayward-CA.gov

File #: CONS 21-595

DATE: November 16, 2021

TO: Mayor and City Council

FROM: Assistant City Manager/Development Services Director

SUBJECT

Adopt a Resolution Authorizing the City Manager to Execute an Amendment to the Agreement with ICF Incorporated, L.L.C., for Review and Update of Hayward's Cannabis Program, and Increasing the Compensation Amount Not-to-Exceed \$352,935

That Council adopts a resolution (Attachment II) authorizing the City Manager to negotiate and execute an amendment to the Agreement with ICF Incorporated, L.L.C., for review and update of Hayward's Cannabis Program, and increasing the not-to-exceed contract amount by \$32,097, for total compensation of \$352,935.

SUMMARY

Following adoption of Council Resolution 18-049, the City executed an agreement with ICF Incorporated, L.L.C., on April 20, 2018 for services related to developing the process to review, rate, and rank the applications for the City's Commercial Cannabis Program, and to conduct Round 1, Tier 1 review of applications in an amount not-to-exceed \$180,838.

On March 19, 2019, Council adopted Resolution No. 19-049 authorizing the City Manager to negotiate and execute an amendment to the Agreement to include services related to the Round 1 - Tier 2 review and selection process of the City Commercial Cannabis Permit Program at a cost of \$70,000, bringing total compensation to an amount not-to-exceed \$250,838. In December 2019, the Council adopted Resolution No. 19-244 authorizing the City Manager to negotiate and execute a second amendment related to reviewing and updating the regulatory framework for the Commercial Cannabis Program at an additional cost of \$70,000, bringing total compensation to amount not-to-exceed \$320,838.

Staff is requesting authorization to amend the Agreement with ICF Incorporated, L.L.C. to provide ongoing support to the City based on feedback from Council and the community, as it continues to review and update its Commercial Cannabis Program, increasing the compensation an additional \$32,097 for a total compensation not-to-exceed \$352,935, and extending the term through June 30, 2022.

File #: CONS 21-595

ATTACHMENTS

Attachment I	Staff Report
Attachment II	Resolution
Attachment III	Scope of Services



DATE: November 16, 2021

TO: Mayor and City Council

FROM: Assistant City Manager/Development Services Director

SUBJECT: Adopt a Resolution Authorizing the City Manager to Execute an Amendment to the Agreement with ICF Incorporated, L.L.C., for Review and Update of Hayward's Cannabis Program, and Increasing the Compensation Amount Not-to-Exceed \$352,935

RECOMMENDATION

That Council adopts a resolution (Attachment II) authorizing the City Manager to negotiate and execute an amendment to the Agreement with ICF Incorporated, L.L.C., for review and update of Hayward's Cannabis Program, and increasing the not-to-exceed contract amount by \$32,097, for total compensation of \$352,935.

SUMMARY

Following adoption of Council Resolution 18-049, the City executed an agreement with ICF Incorporated, L.L.C., on April 20, 2018 for services related to developing the process to review, rate, and rank the applications for the City's Commercial Cannabis Program, and to conduct Round 1, Tier 1 review of applications in an amount not-to-exceed \$180,838.

On March 19, 2019, Council adopted Resolution No. 19-049 authorizing the City Manager to negotiate and execute an amendment to the Agreement to include services related to the Round 1 – Tier 2 review and selection process of the City Commercial Cannabis Permit Program at a cost of \$70,000, bringing total compensation to an amount not-to-exceed \$250,838. In December 2019, the Council adopted Resolution No. 19-244 authorizing the City Manager to negotiate and execute a second amendment related to reviewing and updating the regulatory framework for the Commercial Cannabis Program at an additional cost of \$70,000, bringing total compensation to amount not-to-exceed \$320,838.

Staff is requesting authorization to amend the Agreement with ICF Incorporated, L.L.C. to provide ongoing support to the City based on feedback from Council and the community, as it continues to review and update its Commercial Cannabis Program, increasing the compensation an additional \$32,097 for a total compensation not-to-exceed \$352,935, and extending the term through June 30, 2022.

BACKGROUND

On March 27, 2018, the Council adopted Resolution 18-049 authorizing the City Manager to negotiate and execute an agreement with ICF Incorporated, L.L.C., related to services for the creation of the City's Commercial Cannabis Program in an amount not-to-exceed \$180,838.

The first application period began on December 8, 2017, and concluded on January 12, 2018. The City received 77 proposals for the seven different permit types.

On January 15, 2019, the Council adopted Resolution No. 19-009 appropriating \$70,000 from the General Fund to cover the cost of a consultant to review applications and conduct interviews for the other applications being considered as part of the Tier 2 review. Council also directed staff to expand the interview thresholds from the first round, creating a second tier of applicants to review, and to potentially award additional Commercial Cannabis Permits. However, the Council did not authorize the amendment to the agreement with ICF for the increased funding at that time.

On December 17, 2019, the Council adopted Resolution No. 19-244 authorizing the City Manager to negotiate and execute a second amendment to the Agreement for services related to reviewing and updating the regulatory framework for the Commercial Cannabis Program at a cost of \$70,000, bringing total compensation to an amount not-to-exceed \$320,838.

On July 26, 2020, the parties executed a Third Amendment to the Agreement for a term extension of the contract and a Fourth Amendment to the Agreement on January 13, 2021, for an additional extended term through April 30, 2021.

This action is recommends authorizing the amendment of the agreement with ICF to allow for an updated scope of services, extension of the term of the agreement, and compensation associated with the support for review and update of Hayward's Commercial Cannabis Program.

DISCUSSION

ICF Incorporated, L.L.C., provides unique knowledge of Hayward's Commercial Cannabis Program, having worked closely with the City to develop the original applicant Request for Proposals (RFP) and scoring criteria, adjudicate the application review process, facilitate applicant interviews, and support the overall selection process. This recent experience will enable them to hit the ground running with no ramp-up period, while ensuring that the update of the City's Commercial Cannabis Program is deeply informed by a knowledge of Hayward's context, experiences, and priorities. ICF offers the City a unique combination of direct insight into Hayward's commercial cannabis licensing process, coupled with broad expertise across cannabis policy, program development, permit adjudication, environmental impact assessment, and stakeholder consultation processes.

Attachment III, Scope of Services, details the tasks associated with ICF's contract amendment.

FISCAL IMPACT

The cost to amend the agreement with ICF Incorporated, L.L.C., to review and update the City's Commercial Cannabis Program is \$32,097 and will be covered with funds within the approved Development Services FY2022 Operating Budget. There will be no additional impact to the General Fund by approving this action.

STRATEGIC ROADMAP

This agenda item is a routine operational item and does not relate to one of the Council's Strategic Initiatives.

NEXT STEPS

Following Council adoption, staff will prepare the amendment to the agreement with ICF Incorporated, L.L.C. for execution and will continue to work with ICF Incorporated, L.L.C., to facilitate the support for review and update of Hayward's Commercial Cannabis Program.

Prepared by: Tera Maroney, Management Analyst
Jeremy W. Lochirco, Acting Planning Manager

Recommended by: Jennifer Ott, Assistant City Manager/Development Services Director

Approved by:

A handwritten signature in black ink, appearing to read 'K. McAdoo', is written over a horizontal line.

Kelly McAdoo, City Manager

HAYWARD CITY COUNCIL

RESOLUTION NO. 21-

Introduced by Council Member _____

RESOLUTION AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE AN AMENDMENT TO THE AGREEMENT WITH ICF INCORPORATED FOR REVIEW AND UPDATE OF HAYWARD'S COMMERCIAL CANNABIS PROGRAM, AND INCREASING THE COMPENSATION AMOUNT NOT-TO-EXCEED \$352,935

WHEREAS, on April 20, 2018, the City executed an agreement with ICF Incorporated for services related to developing a process for the City's Commercial Cannabis Program, and to conduct Round 1, Tier 1 review of applications; and

WHEREAS, Council also adopted Resolution No.19-009, authorizing an appropriation of \$70,000 from the General Fund to cover the cost of consultant services to conduct the interview and selection process; and

WHEREAS, on March 19, 2019, Council adopted Resolution No. 19-049 authorizing the City Manager to negotiate and execute an amendment to the Agreement to include services related to Round 1 – Tier 2 review and selection process of the City Commercial Cannabis Permit Program at a cost of \$70,000, bringing total compensation to an amount not-to-exceed \$250,838; and

WHEREAS, on December 17, 2019 the Council adopted Resolution No. 19-244 authorized the City Manager to negotiate and execute a second amendment to the Agreement for services related to reviewing and updating the regulatory framework for the Commercial Cannabis Program at an additional cost of \$70,000 bringing total compensation to an amount not to exceed \$320,838; and

WHEREAS, the Parties executed a Third Amendment to the Agreement for a term extension dated July 26, 2020; and

WHEREAS, the Parties executed a Fourth Amendment to the Agreement for a term extension dated January 13, 2021; and

WHEREAS, the current agreement with ICF Incorporated, L.L.C., expired on April 30, 2021; and

WHEREAS, ICF Incorporated, L.L.C., brings unique knowledge of Hayward's commercial cannabis licensing program, having worked closely with the City to develop the original applicant Request for Proposal (RFP) and scoring criteria, adjudicate the application review process, facilitate applicant interviews, and support the overall selection process.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Hayward, hereby authorizes the City Manager to negotiate and execute an amendment to the City's Agreement with ICF Incorporated, L.L.C. to provide ongoing support as it continues to review and update its cannabis program, increasing the compensation an additional \$32,097 for a total compensation not-to-exceed \$352,935, and extending the term through June 30, 2022, in a form to be approved by the City Attorney.

IN COUNCIL, HAYWARD, CALIFORNIA _____, 2021

ADOPTED BY THE FOLLOWING VOTE:

AYES: COUNCIL MEMBERS:
 MAYOR:

NOES: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

ATTEST: _____
 City Clerk of the City of Hayward

APPROVED AS TO FORM:

City Attorney of the City of Hayward



October 1, 2021

Jeremy Lochirco
City of Hayward
777 B Street
Hayward, CA 94541

Re: Support for Review and Update of Hayward's Cannabis Program

Reference: Agreement for Professional Services between the City of Hayward and ICF Incorporated, L.L.C., effective April 1, 2018

Dear Mr. Lochirco,

ICF Incorporated, L.L.C. (hereafter referred to as "ICF") is pleased to provide ongoing support to the City of Hayward (City) as it continues to review and update its cannabis program. Accordingly, ICF has prepared this proposal for a third amendment to modify ICF's existing agreement for Professional Services with the City of Hayward dated April 1, 2018 (hereafter referred to as the "Agreement"), in order to add further scope.

As you know, ICF brings unique knowledge of Hayward's commercial cannabis licensing program, having worked closely with the City to develop the original applicant Request for Proposal (RFP) and scoring criteria, adjudicate the application review process, facilitate applicant interviews, and support the overall selection process. This recent experience will enable us to hit the ground running with no ramp-up period, while ensuring that the update of the City's cannabis program is deeply informed by a knowledge of Hayward's context, experiences, and priorities. ICF offers the City a unique combination of direct insight into Hayward's commercial cannabis licensing process, coupled with broad expertise across cannabis policy, program development, permit adjudication, environmental impact assessment, and stakeholder consultation processes.

Scope of Services and Proposed Approach

This work plan includes four main tasks, detailed below.

Task 0: Development of Review Protocol

To kickoff this phase of work with the City, ICF will begin by reviewing the final application materials prepared by Staff and developing a clear review protocol for this new round of cannabis

This proposal includes data that shall not be disclosed outside the City of Hayward and shall not be duplicated, used or disclosed in whole or in part for any purpose except for use in the procurement process. If, however, a contract is awarded to this offeror as a result of or in connection with the submission of this data, the City of Hayward will have the right to duplicate, use, or disclose the data to the extent consistent with the City's needs in the procurement process. This restriction does not limit the City of Hayward's rights to use, without restriction, information contained in this proposal if it is obtained from another source.



licensing. This work will involve convening a small team of reviewers; briefing them on the Council's updated goals for the cannabis program; developing a rubric for consistent, objective review of applications; and drafting a simple template for documenting the findings of each application review.

Task 1. Support for Preliminary Determination of Eligibility

While the City will be responsible for managing the initial screening phase of this round of licensing (i.e., the "Preliminary Determination of Eligibility"), ICF will provide support for this process by reviewing the Project Narrative sections submitted by applicants and developing a handful of targeted questions for each applicant to help inform the City's interview process.

For each applicant, ICF estimates roughly 1.5 hours of support.

Task 2: Review of Commercial Cannabis Permit Applications

ICF will lead the review of the Cannabis Permit Applications submitted to the City during the 2021 30-day application window. This work will include three subtasks:

1. **Review of Eligibility Phase:** Familiarizing ourselves with the findings from the City's "Preliminary Determination of Eligibility" phase, including briefly reviewing the initial set of application materials submitted and reviewing feedback from the Staff's evaluation of these materials and their findings from the interviews.
2. **Application Review:** Evaluating the Commercial Cannabis Permit Applications that have been cleared by the City for review. This will include review of the following application components for all business types:
 - a. Business Structure (including local ownership/control)
 - b. Social Equity Dimensions,
 - c. Business Plan,
 - d. Community Benefit
 - e. Labor and Employment Practices
3. **Document Recommendations:** ICF will use a simple, standardized template to document its recommendations for whether to grant applicants a permit or not. Denied applications would likely involve longer writeups to justify the "not recommended" decision.

The City will be responsible for reviewing the remainder of the Cannabis Permit Applications and the entirety of the Land Use Permit application.



Task 3: Support for Staff Reports and Meetings

ICF will provide ongoing support to Hayward staff throughout the duration of this round of cannabis licensing, including preparing relevant materials for Staff Reports and PowerPoint presentations, and participating in selected Council meetings.

Cost Estimate

Below is a cost estimate for the tasks described above. ICF's Time & Materials (T&M) cost estimate is based on the expectation that this work would be issued as an amendment under ICF's existing Agreement. The estimated hours for each task of the project are described below. ICF has assumed that the level of effort will include staff support of roughly 1.5 hours of support for each Preliminary Determination of Eligibility and 16 hours per application to conduct the subtasks of background review, assessment of the Cannabis Permit and recommendation development described in Task 2 above. This proposal assumes that ICF support review of up to 5 applications.

Task	Hours	Cost
Task 0. Development of Review Protocol	8	\$1,923
Task 1. Support for Preliminary Determination of Eligibility	8	\$1,698
Task 2. Review of Commercial Cannabis Permit Applications	80	\$19,773 (~\$3,955 per)
Task 3. Support for Staff Reports and Meetings	35	\$8,703
Total	131	\$32,097

All assumptions provided in ICF's original proposal for this work remain in place. ICF's distribution of hours by phase and labor category reflects the staffing mix that ICF believes will be most cost-effective in completing this work. ICF reserves the right to reallocate hours between tasks and labor categories as it deems necessary to complete the scope of work in a cost-effective manner within the overall budget ceiling.

ICF proposes the following hourly rates for various staff labor categories. Note that, while we are likely to only employ a handful of these labor categories, having this broad range of potential labor categories agreed in advance will enable us to draw from across our staff to provide the expertise needed to meet the City's needs.

	Year 1
Project Director	\$336.46
Technical Director	\$282.49
Senior Consultant III	\$198.34
Senior Consultant II	\$158.66

Use or disclosure of data contained on this sheet is subject to the restrictions on the first page of this quote.



Associate Consultant II	\$95.04
Intern	\$63.36

The billing rates presented above are based on the expectation of a T&M contract modification to the Agreement and are effective upon execution of the modification and valid through September 2022. If the period of performance is further extended through a contract modification, ICF reserves the right to reevaluate and modify these rates.

General Assumptions

This proposal is submitted under the terms and conditions of the existing Agreement for Professional Services between the City of Hayward and ICF Incorporated, L.L.C., effective April 1, 2018.

Proposed Invoicing/Payment Schedule

ICF will invoice on a monthly basis for the hours worked and the travel costs incurred during the contract period. Travel costs shall be invoiced at cost plus applicable G&A. Payment terms are net 45 days from date of invoice.

This offer is valid for a period of 60 days, after which time ICF may extend, modify, or withdraw it.

We would be honored to continue support the City of Hayward in updating and implementing its robust and successful cannabis program. For questions, please contact either Elizabeth Johnston, Senior Manager (617-250-4287 or Elizabeth.Johnston@icf.com) and myself (571-459-4088 or Semrin.Gillespie@icf.com).

Sincerely,

A handwritten signature in black ink that reads "Semrin Gillespie". The signature is fluid and cursive, with the first name "Semrin" and last name "Gillespie" clearly legible.

Semrin Gillespie

Contracts Administrator



CITY OF HAYWARD

Hayward City Hall
777 B Street
Hayward, CA 94541
www.Hayward-CA.gov

File #: CONS 21-605

DATE: November 16, 2021

TO: Mayor and City Council

FROM: City Manager

SUBJECT

Adopt a Resolution 1) Authorizing the City Manager to Execute an Agreement with the State of California Department of Housing and Community Development for \$662,000 for the City of Hayward Navigation Center; 2) Accept and Appropriate State Funds; and 3) Reallocate Realized Savings to Mid-County Housing Resource Center (HRC) for Flexible Funding Administration

RECOMMENDATION

That the Council adopt a resolution (Attachment II):

- 1) Authorizing the City Manager to Execute an Agreement with the State of California Department of Housing and Community Development for \$662,000 for the City of Hayward Navigation Center;
- 2) Accept and Appropriate State Funds; and
- 3) Reallocate Realized Savings to Mid-County Housing Resource Center (HRC) for Flexible Funding Administration.

SUMMARY

In March 2021, staff worked with the City's lobbyist, Capital Advocacy Partners, to submit a request for one-time State funding for use at the Hayward Navigation Center. The City of Hayward requested \$662,000 to purchase the modular buildings at the Hayward Navigation Center. In October 2021, the City was notified that pursuant to the 2021-22 California Budget Act, (2021-22 Budget Bill Jr., Chapter 69, Section 19.56) the City of Hayward will receive the requested amount of \$662,000 from the State General Fund.

These one-time funds will assist in sustaining the Hayward Navigation Center. The purchase of the facilities at the Hayward Navigation Center will allow the City to continue providing support and services to individuals experiencing homelessness. The Center provides immediate shelter, intensive case management, and housing navigation services to homeless adults in Hayward. Since the November 2019 opening, 153 individuals have exited the Hayward Navigation Center, with 98 exits to permanent housing. Exits to permanent housing comprise 64% of all exits (n=98) from the Hayward Navigation Center. After exits to permanent housing, 17% of exits (n=26) were to Safer Ground or other emergency services, 8% (n=12) were housed in temporary placements (primarily through family or friend reunification), and the

remaining 11% of exits (n=17) were back to homelessness, medical exits, or to the juvenile justice system.

Annually, the City of Hayward spends approximately \$130,000 on building rentals at the Hayward Navigation Center. With this grant, there will be FY21-22 realized cost savings that would have otherwise been spent on building rental costs for the remaining portion of this fiscal year. With realized savings, staff recommend reallocating these funds to the Mid-County Housing Resource Center (HRC) in the form of flexible funding for direct client support. Bay Area Community Services is the newly selected Mid-County HRC operator and has a proven track record of successfully managing flexible funds for direct client support to overcome barriers for individuals experiencing homelessness to move into and stabilize in permanent housing.

ATTACHMENTS

Attachment I	Staff Report
Attachment II	Resolution



DATE: November 16, 2021

TO: Mayor and City Council

FROM: City Manager

SUBJECT Adopt a Resolution 1) Authorizing the City Manager to Execute an Agreement with the State of California Department of Housing and Community Development for \$662,000 for the City of Hayward Navigation Center; 2) Accept and Appropriate State Funds; and 3) Reallocate Realized Savings to Mid-County Housing Resource Center (HRC) for Flexible Funding Administration

RECOMMENDATION

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- 1) Authorizing the City Manager to Execute an Agreement with the State of California Department of Housing and Community Development for \$662,000 for the City of Hayward Navigation Center;
- 2) Accept and Appropriate State Funds; and
- 3) Reallocate Realized Savings to Mid-County Housing Resource Center (HRC) for Flexible Funding Administration.

SUMMARY

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These one-time funds will assist in sustaining the Hayward Navigation Center. The purchase of the facilities at the Hayward Navigation Center will allow the City to continue providing support and services to individuals experiencing homelessness. The Center provides immediate shelter, intensive case management, and housing navigation services to homeless adults in Hayward. Since the November 2019 opening, 153 individuals have exited the Hayward Navigation Center, with 98 exits to permanent housing. Exits to permanent housing comprise 64% of all exits (n=98) from the Hayward Navigation Center. After exits to permanent housing, 17% of exits (n=26) were to Safer Ground or other emergency services,

8% (n=12) were housed in temporary placements (primarily through family or friend reunification), and the remaining 11% of exits (n=17) were back to homelessness, medical exits, or to the juvenile justice system.

Annually, the City of Hayward spends approximately \$130,000 on building rentals at the Hayward Navigation Center. With this grant, there will be FY21-22 realized cost savings that would have otherwise been spent on building rental costs for the remaining portion of this fiscal year. With realized savings, staff recommend reallocating these funds to the Mid-County Housing Resource Center (HRC) in the form of flexible funding for direct client support. Bay Area Community Services is the newly selected Mid-County HRC operator and has a proven track record of successfully managing flexible funds for direct client support to overcome barriers for individuals experiencing homelessness to move into and stabilize in permanent housing

BACKGROUND AND DISCUSSION

Request for State Funding

In March 2021, staff worked with the City's lobbyist, Capital Advocacy Partners, to submit a request for State funding for use at the Hayward Navigation Center. The City of Hayward requested \$662,000 to purchase the modular buildings at the Hayward Navigation Center. In October 2021, the City was notified that pursuant to the 2021-22 California Budget Act, (2021-22 Budget Bill Jr., Chapter 69, Section 19.56) the City of Hayward will receive the requested amount of \$662,000 from the State General Fund.

Hayward Navigation Center

The Hayward Navigation Center opened in November 2019 and is staffed by BACS. The Navigation Center provides immediate shelter, intensive case management, and housing navigation services to homeless adults in Hayward.

Due to the COVID-19 pandemic, it was necessary to reduce the capacity at the Hayward Navigation Center by 55% to allow for social distancing. From March 2020 through October 2020, the Hayward Navigation Center had a nightly capacity of 22 beds; in October 2020 four (4) FEMA Recreation Vehicles (RVs) were installed on site to increase the nightly capacity by up to 30 beds; in March 2021 the RVs were removed and a third residential dormitory unit was installed to increase the nightly capacity up to 33 beds. Social distancing in congregate living facilities is still required by County Public Health, and as such the Hayward Navigation Center remains at 55% of its total capacity.

Despite the significant reduced capacity, BACS has successfully moved 98 formerly homeless Hayward residents into permanent housing. Of these 98 exits to permanent housing, three individuals returned to homelessness temporarily, however BACS was able to successfully re-house these individuals. Exits to permanent housing comprise 64% of all exits (n=98) from the Hayward Navigation Center. After exits to permanent housing, 17% of exits (n=26) were to Safer Ground or other emergency services, 8% (n=12) were housed in temporary placements (primarily through family or friend reunification), and the remaining 11% of exits (n=17) were back to homelessness, medical exits, or to the juvenile justice system.

Proposed Use of State Funds

These one-time funds support sustaining the Hayward Navigation Center. The purchase of the facilities at the Hayward Navigation Center will allow the City to continue providing support and services to individuals experiencing homelessness. The total amount of funding requested is \$662,000 and the budget to purchase the rental units on-site is as follows:

Unit	Cost
Laundry Unit	\$40,000
Staff Office	\$59,000
Shower Dorm	\$125,000
Restroom	\$110,000
Residential Dorm	\$161,000
<u>Community Room</u>	<u>\$167,000</u>
Total	\$662,000

Recommendation for Realized Savings

Annually, the City of Hayward spends approximately \$130,000 on building rentals at the Hayward Navigation Center. With this grant, there will be FY21-22 realized cost savings that would have otherwise been spent on building rental costs for the remaining portion of this fiscal year. With realized savings, staff recommend reallocating these funds to the Mid-County HRC in the form of flexible funding for direct client support. BACS is the newly selected Mid-County HRC operator and has a proven track record of successfully managing flexible funds for direct client support. The average flexible fund allocation is \$2,000 that is used to support overcoming barriers for individuals experiencing homelessness to move into and stabilize in permanent housing. Funds go toward direct housing costs, such as security deposits, first and last months rent, housing furnishings, and essentials. Flexible funds can also be used for related costs that support exiting homelessness, such as essential car repair and employment clothing, where resources provided further contribute to the goal of exiting homelessness.

Alignment with Let's House Hayward! Strategic Plan

This item aligns with Let's House Hayward! (LHH) Strategic Plan, specifically:

- 2.1a. Continue oversight and management of the Navigation Center
- 3.1f. Provide flex funds, including one-time financial assistance for diversion and problem solving program

ECONOMIC IMPACT

This funding will allow for ongoing sustainability of the Hayward Navigation Center, which has a positive economic impact by reducing homelessness and poverty and moving individuals into permanent housing.

FISCAL IMPACT

This item has a positive fiscal impact, as purchasing the structures will reduce leasing costs by approximately \$130,000 annually in the General Fund that would otherwise be used for building rental costs at the Hayward Navigation Center.

STRATEGIC ROADMAP

This agenda item supports the Strategic Priority of Preserve, Protect & Produce Housing. Specifically, this item relates to the implementation of the following projects:

1. Sustain the Navigation Center to House and Support People who are Homeless
 - 1a. Identify Sustainability funding source for the navigation center

PUBLIC CONTACT

There is no public contact associated with this item.

NEXT STEPS

Upon authorization from the Council, the City Manager will execute the grant agreement from HCD and staff will appropriate the funds.

Prepared by: Jessica Lobedan, Acting Community Services Manager

Recommended by: Jennifer Ott, Assistant City Manager

Approved by:



Kelly McAdoo, City Manager

HAYWARD CITY COUNCIL

RESOLUTION NO. 21-_____

Introduced by Council Member_____

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT WITH THE STATE OF CALIFORNIA DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT FOR \$662,000 FOR THE CITY OF HAYWARD NAVIGATION CENTER; ACCEPT AND APPROPRIATE STATE FUNDS; AND REALLOCATE REALIZED SAVINGS TO MID-COUNTY HOUSING RESOURCE CENTER FOR FLEXIBLE FUNDING ADMINISTRATION

WHEREAS pursuant to the 2021-22 California Budget Act, (2021-22 Budget Bill Jr., Chapter 69, Section 19.56) the City of Hayward has received \$662,000 from the State General Fund for purchasing the modular units at the Hayward Navigation Center; and

WHEREAS annually, the City of Hayward spends approximately \$130,000 on building rentals at the Hayward Navigation Center; and

WHEREAS with the award of these State funds there will be FY21-22 realized saving that would otherwise be used for building rental costs at the Hayward Navigation Center; and

WHEREAS with these realized savings, staff recommend reallocating these funds to the Mid-County Housing Resource Center (HRC) in the form of flexible funds for direct client support; and

WHEREAS flexible funds are used to support overcoming barriers for individuals experiencing homelessness to move into and stabilize in permanent housing, including for direct housing costs such as security deposits, first and last month's rent, housing furnishings and essentials, or for related costs that support exiting homelessness, such as essential car repair and employment clothing, where resources provided further contribute to the goal of exiting homelessness; and

WHEREAS Bay Area Community Services is the newly selected Mid-County HRC operator and has a proven track record of successfully managing flexible funds for direct client support; and

WHEREAS the City Manager is the City of Hayward designated signatory and is legally capable of accepting funds on behalf of the City of Hayward.

NOW, THEREFORE, BE IT RESOLVED THAT, that the City Council of the City of Hayward hereby authorizes the City Manager or her designate to execute an agreement with the State of California Department of Housing and Community Development for \$662,000 for the City of Hayward Navigation Center and Appropriate Funds; and

BE IT FURTHER RESOLVED that the City Council of the City of Hayward hereby authorizes the City Manager or her designate to execute an agreement with BAY AREA COMMUNITY SERVICES (BACS) to award any FY21-22 realized savings for flexible funding for direct client support at the Mid-County Housing Resource Center (HRC).

IN COUNCIL, HAYWARD, CALIFORNIA _____, 2021.

ADOPTED BY THE FOLLOWING VOTE:

AYES: COUNCIL MEMBERS:
MAYOR:

NOES: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

ATTEST: _____
City Clerk of the City of Hayward

APPROVED AS TO FORM:

City Attorney of the City of Hayward



CITY OF HAYWARD

Hayward City Hall
777 B Street
Hayward, CA 94541
www.Hayward-CA.gov

File #: CONS 21-600

DATE: November 16, 2021

TO: Mayor and City Council

FROM: City Manager

SUBJECT

Adopt a Resolution Allowing the City Council and Appointed Commissions/Task Forces and Council Committees to Hold Continued Teleconferenced Public Meetings Pursuant to AB 361

RECOMMENDATION

That the Council adopts a resolution (Attachment II) pursuant to AB 361 making specific findings to allow the Council and appointed commissions/task forces and Council committees (Exhibit A to Attachment II) to continue holding teleconferenced public meetings during the COVID 19 state of emergency.

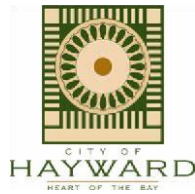
SUMMARY

On September 16, 2021, the Governor signed AB 361 that amended provisions of the Brown Act to allow local governments to conduct virtual meetings during a state of emergency proclaimed by the Governor, subject to complying with specific requirements, including providing public access and participation via call-in or internet based platforms. While AB 361 does not require legislative bodies to take any specific actions to hold an initial teleconferenced meeting during a state of emergency, a legislative body must act in order to continue holding subsequent teleconferenced meetings while the state of emergency remains in effect. Specifically, no later than 30 days after the initial AB 361 teleconferenced meeting, and every 30 days thereafter, a legislative body must make findings that the body has reconsidered the circumstances of the state of emergency and that either of the following conditions exist: the state of emergency continues to directly impact the ability of the members to meet safely in person; or, state or local officials continue to impose or recommend measures to promote social distancing.

ATTACHMENTS

Attachment I	Staff Report
Attachment II	Resolution
Attachment III	Exhibit A

File #: CONS 21-600



DATE: November 16, 2021

TO: Mayor and City Council

FROM: City Manager
City Clerk

SUBJECT: Adopt a Resolution Allowing the City Council and Appointed Commissions/Task Forces and Council Committees to Hold Continued Teleconferenced Public Meetings Pursuant to AB 361

RECOMMENDATION

That the Council adopts a resolution (Attachment II) pursuant to AB 361 making specific findings to allow the Council and appointed commissions/task forces and Council committees (Exhibit A to Attachment II) to continue holding teleconferenced public meetings during the COVID 19 state of emergency.

SUMMARY

On September 16, 2021, the Governor signed AB 361 that amended provisions of the Brown Act to allow local governments to conduct virtual meetings during a state of emergency proclaimed by the Governor, subject to complying with specific requirements, including providing public access and participation via call-in or internet based platforms. While AB 361 does not require legislative bodies to take any specific actions to hold an initial teleconferenced meeting during a state of emergency, a legislative body must act in order to continue holding subsequent teleconferenced meetings while the state of emergency remains in effect. Specifically, no later than 30 days after the initial AB 361 teleconferenced meeting, and every 30 days thereafter, a legislative body must make findings that the body has reconsidered the circumstances of the state of emergency and that either of the following conditions exist: the state of emergency continues to directly impact the ability of the members to meet safely in person; or, state or local officials continue to impose or recommend measures to promote social distancing.

BACKGROUND

In general, the Brown Act allows legislative bodies to use teleconferencing during a public meeting as long as certain requirements are met, such as:

- Identification of any remote location from which a member of the legislative body is participating via teleconference;
- Posting of agendas at all remote locations from which members of the legislative body are participating;
- Public accessibility to the remote location and the technological means for allowing the public to participate in the meeting from the location; and
- A quorum of the members must be participating from a location within the jurisdiction of the legislative body.

In response to the COVID 19 state of emergency, the Governor temporarily suspended the rules described above when he issued Executive Order N-29-20 on March 17, 2020 and authorized local legislative bodies to hold virtual public meetings subject to specific public accessibility and noticing requirements.

With the expiration of Executive Order N-29-20, AB 361 amends the Brown Act to allow virtual public meetings during a state of emergency proclaimed by the Governor. A local agency may hold a teleconferenced meeting during a state of emergency without complying with the normal teleconferencing requirements described above if it meets requirements related to providing notice of the meeting, public access and participation via call-in or internet-based service options, real-time public comments, and conduct of the meeting in a manner that protects statutory and constitutional rights of any parties and the public appearing before the legislative body.

AB 361 does not require legislative bodies to take any specific action prior to holding an initial teleconferenced meeting during a state of emergency. However, to hold a subsequent teleconferenced meeting a legislative body must act no later than 30 days after the initial teleconferenced meeting, and every 30 days thereafter, by making findings that the body has reconsidered the circumstances of the state of emergency and that either of the following conditions exist:

- The state of emergency continues to directly impact the ability of the members to meet safely in person; or
- State or local officials continue to impose or recommend measures to promote social distancing.

DISCUSSION

Current orders of the Alameda County Health Official satisfy both conditions necessary for the AB 361 findings described above:

- Order No. 20-05d, issued April 3, 2020 and most recently amended on July 28, 2020, imposes a mandate that all individuals diagnosed or likely to have COVID 19 must isolate themselves and follow requirements further specified in the Order.

- Order No. 20-06k, issued April 3, 2020 and most recently amended on September 10, 2021, imposes a quarantine requirement on individuals who have had close contact to a person infected with COVID 19 unless specific criteria described in the order are met.
- In response to circulation of the Delta variant of COVID 19, Order No. 21-03 (effective on August 3, 2021) requires all individuals in Alameda County, regardless of vaccination status, to wear face coverings in all indoor public settings, venues, gatherings, and workplaces, including but not limited to: offices, retail stores, restaurants and bars, theaters, family entertainment centers, conference and event centers, and State and local government offices serving the public.

Additionally, the California Department of Public Health has issued COVID-19 Prevention Emergency Temporary Standards, which generally requires that face coverings be worn in shared rooms, and persons to be at least six feet apart.

Alameda County Health Order No. 21- 04 (effective November 1, 2021), which allows a stable group of fully vaccinated individuals to remove masks in certain indoor situations, is not applicable to the City's public meetings because they do not necessarily involve a stable group of vaccinated individuals.

Currently, the Council is holding hybrid Council meetings that allow for virtual participation via the Zoom platform as well as in-person participation. This format also allows for real-time public comments, in compliance with AB 361. All in-person participants are required to document they are fully vaccinated against COVID-19 before entering the Council chamber. In compliance with Alameda County public health orders, everyone inside the Council chamber is required to wear a mask or other face-covering. All City commissions, task forces, and Council committees continue meeting entirely virtually over the Zoom platform.

Based on the above, staff recommends that the Council adopts the attached resolution making the necessary findings to allow the Council and the appointed boards and commissions identified in Exhibit A to the resolution to continue holding teleconferenced meetings pursuant to AB 361.

FISCAL IMPACT

There is no fiscal impact associated with this action.

STRATEGIC ROADMAP

This agenda item is a routine operational item and does not relate to any of the projects outlined in the Council's Strategic Roadmap.

NEXT STEPS

Adoption of the resolution will allow the Council and specified appointed boards and commissions to hold a subsequent teleconferenced meeting pursuant to the provisions of AB 361. Additional resolutions must be adopted every thirty days during the existence of the state of emergency in order to continue holding teleconferenced meetings.

Prepared and Recommended by: Kelly McAdoo, City Manager
Miriam Lens, City Clerk

Approved by:

A handwritten signature in black ink, appearing to read 'K. McAdoo', is written over a horizontal line.

Kelly McAdoo, City Manager

HAYWARD CITY COUNCIL

RESOLUTION NO. 21-

Introduced by Council Member _____

RESOLUTION MAKING THE REQUIRED FINDINGS PURSUANT TO AB 361
TO CONTINUE TO HOLD TELECONFERENCED PUBLIC MEETINGS
DURING THE COVID 19 STATE OF EMERGENCY

WHEREAS, the Brown Act (Government Code section 54950 et seq.) allows for public meetings of a legislative body to occur via teleconferencing subject to certain requirements, particularly that the legislative body notice each teleconference location of each member that will be participating in the public meeting, that each teleconference location be accessible to the public, that members of the public be allowed to address the legislative body at each teleconference location, that the legislative body post an agenda at each teleconference location, and that at least a quorum of the legislative body participate from locations within the boundaries of the local agency's jurisdiction; and

WHEREAS, in response to the COVID 19 state of emergency, the Governor temporarily suspended the rules described above when he issued Executive Order N-29-20 on March 17, 2020 and authorized local legislative bodies to hold virtual public meetings subject to specific public accessibility and noticing requirements; and

WHEREAS, the Governor signed AB 361 prior to the expiration of Order N-29-20; and

WHEREAS, AB 361 amends the Brown Act to the legislative body of a local agency to hold a teleconferenced meeting during a state of emergency without complying with the normal teleconferencing requirements described above if it meets requirements related to providing notice of the meeting, public access and participation via call-in or internet-based service options, real-time public comments, and conduct of the meeting in a manner that protects statutory and constitutional rights of any parties and the public appearing before the legislative body; and

WHEREAS, AB 361 does not require legislative bodies to take any specific action prior to holding an initial teleconferenced meeting during a state of emergency, however, to hold a subsequent teleconferenced meeting a legislative body must act no later than 30 days after the initial teleconferenced meeting, and every 30 days thereafter, by making findings specified in the statute justifying the continued use of teleconferenced public meetings; and

WHEREAS, it shall be the policy of the City that the appointed boards and commissions of the City will hold teleconferenced public meetings in compliance with the provisions of AB 361 during the COVID 19 state of emergency; and

WHEREAS, the COVID 19 state of emergency declared by the Governor remains active; and

WHEREAS, public meetings involve many people in shared indoors spaces for hours, when the number of people present does not always allow for a minimum six foot distance between persons, and close contacts raise the risk of the spread of COVID-19; and

WHEREAS, the California Department of Public Health has issued COVID-19 Prevention Emergency Temporary Standards which generally requires that face coverings be worn in shared rooms, and persons to be at least six feet apart; and

WHEREAS, the Alameda County Health Officer has issued Order No. 20-05d (issued April 3, 2020 and most recently amended on July 28, 2020) imposing a mandate that all individuals diagnosed or likely to have COVID 19 must isolate themselves and follow requirements further specified in the Order; and

WHEREAS, the Alameda County Health Officer has issued Order No. 20-06k (issued April 3, 2020 and most recently amended on September 10, 2021) imposing a quarantine requirement on individuals who have had close contact to a person infected with COVID 19 unless specific criteria described in the order are met; and

WHEREAS, the Alameda County Health Officer has issued Order No. 21-03 (effective on August 3, 2021) requiring all individuals in Alameda County, regardless of vaccination status, to wear face coverings in all indoor public settings, venues, gatherings, and workplaces, including but not limited to: offices, retail stores, restaurants and bars, theaters, family entertainment centers, conference and event centers, and State and local government offices serving the public; and

WHEREAS, Alameda County Health Order No. 21- 04 (effective November 1, 2021), which allows a stable group of fully vaccinated individuals to remove masks in certain indoor situations, is not applicable to the City's public meetings because they do not necessarily involve a stable group of vaccinated individuals.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Hayward makes the following findings pursuant to AB 361 to continue holding teleconferenced public meetings during the COVID 19 state of emergency:

- The City Council has reconsidered the circumstances of the state of emergency.
- The COVID 19 state of emergency declared by the Governor remains active and continues to directly impact the ability of Councilmembers to meet safely in-person.

- State and local officials continue to recommend or impose measures to promote social distancing.
- The Alameda County Health Officer has issued orders imposing measures to promote social distancing via isolation and quarantine of individuals infected or likely infected with COVID 19 and individuals with close contact to persons infected with COVID 19.
- The Alameda County Health Officer has issued orders imposing a mask mandate on all individuals in Alameda County, regardless of vaccination status, in all indoor public settings venues, gatherings, and workplaces.
- The California Department of Public Health has issued COVID-19 Prevention Emergency Temporary Standards which generally requires that face coverings be worn in shared rooms, and persons to be at least six feet apart.

BE IT FURTHER RESOLVED that in the interest of public health and safety, based on the findings contained herein, the City Council of the City of Hayward and the appointed boards and commissions identified in Exhibit A of this Resolution shall continue to hold teleconferenced public meetings pursuant to AB 361.

IN COUNCIL, HAYWARD, CALIFORNIA _____, 2021

ADOPTED BY THE FOLLOWING VOTE:

AYES: COUNCIL MEMBERS:
MAYOR:

NOES: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

ATTEST: _____
City Clerk of the City of Hayward

APPROVED AS TO FORM:

City Attorney of the City of Hayward

EXHIBIT A

- Community Services Commission
- Keep Hayward Clean and Green Task Force
- Library Commission
- Personnel Commission
- Planning Commission
- Council Airport Committee
- Council Budget and Finance Committee
- Council Economic Development Committee
- Council Infrastructure Committee
- Council Homelessness-Housing Task Force
- Council Sustainability Committee
- Hayward Youth Commission
- Hayward Police Department Community Advisory Panel



CITY OF HAYWARD

Hayward City Hall
777 B Street
Hayward, CA 94541
www.Hayward-CA.gov

File #: CONS 21-624

DATE: November 16, 2021

TO: Mayor and City Council

FROM: City Manager

SUBJECT

Adopt a Resolution Declaring the Week of November 14-21, 2021 as United Against Hate Week

RECOMMENDATION

That the Council adopts a resolution (Attachment II) declaring the week of November 14-21, 2021, as United Against Hate Week.

ATTACHMENTS

Attachment I Staff Report
Attachment II Resolution



DATE: November 16, 2021

TO: Mayor and City Council

FROM: City Manager

SUBJECT: Adopt a Resolution Declaring the Week of November 14-21, 2021 as United Against Hate Week

RECOMMENDATION

That the Council adopts a resolution (Attachment II) declaring the week of November 14-21, 2021, as United Against Hate Week.

BACKGROUND AND DISCUSSION

Established in 2017 in response to white supremacist rallies and violence in the East Bay, the United Against Hate Week campaign was created by civic leaders to make a statement that ideologies of hatred and intolerance are not welcome in their communities. United Against Hate Week encourages “people in every Bay Area community to take local civic action to stop the hate and implicit biases that are a dangerous threat to the safety and civility of our neighborhoods, towns, and cities.” Organizers believe that when cities and their residents work together against hate, we can restore respect and civil discourse, embrace the strength of diversity, and build inclusive and equitable communities for all.

National public policy and discourse have cultivated a toxic environment that encourages the propagation of racist, xenophobic, anti-Semitic, sexist, homophobic, transphobic, and Islamophobic rhetoric and views, and has emboldened hate groups and individuals. The City of Hayward is home to one of the most diverse communities in the United States, and it is the City’s neighbors and community members who are subject to the dehumanizing, harmful, and violent attacks by those espousing hateful ideologies. In 2017, the Council accepted the Commitment for an Inclusive, Equitable, and Compassionate Community, affirming that Hayward strives to be a community of inclusive growth and opportunity, where the life chances and outcomes of families and individuals are not determined by age, race, ethnicity, gender, or other personal characteristics. That commitment stated that the City of Hayward, among the most diverse cities in the nation, remains the Heart of the Bay and remains a community in which there is No Room for Racism.

In adopting this resolution, the City of Hayward would join communities across the Bay Area, State of California, and the nation in denouncing hate and intolerance and uplifting respect, compassion, inclusion, and equity, and reaffirming the City's commitment to these shared values.

Prepared by: Laurel James, Management Analyst

Recommended by: Kelly McAdoo, City Manager

Approved by:

A handwritten signature in black ink, appearing to read 'K. McAdoo', written in a cursive style.

Kelly McAdoo, City Manager

HAYWARD CITY COUNCIL

RESOLUTION NO. 21-

Introduced by Council Member _____

RESOLUTION DECLARING THE WEEK OF NOVEMBER 14-21, 2021 AS UNITED
AGAINST HATE WEEK

WHEREAS, the City of Hayward is home to one of the most diverse communities in the United States and has continued to renew and worked to advance its commitment to diversity, equity, inclusion, and racial justice; and

WHEREAS, recent public policy and discourse have generated a toxic environment that encourages the propagation of racist, xenophobic, anti-Semitic, sexist, homophobic, Islamophobic, and other harmful views by emboldened hate groups and individuals; and

WHEREAS, the deep divisions within our country are intensified by extremist ideology, further strengthening a cycle of distrust and suspicion fueled by fear, anxiety, and insecurity; and

WHEREAS, hateful rhetoric and extremist ideology result in ongoing violence and harm to members of our community, most specifically people of color, immigrants, women, LGBTQIA+ people, Muslims, and Jewish people in our community; and

WHEREAS, we recognize that members of our community may belong to multiple targeted groups and at particular risk of violence and harm by hateful and intolerant attitudes, beliefs, and biases; and

WHEREAS, more than 8263 hate crimes were reported to the Federal Bureau of Investigation, representing a 12% increase from the prior year and the highest count since 2001; and

WHEREAS, Hayward is dedicated to providing safety and equity to our communities of color, and continues to work to advance racial equity in our community; and

WHEREAS, in response to increasing community concerns and national tension in the period leading up to and in the wake of the November 2016 election and to clearly state our shared values, the City of Berkeley developed the United Against Hate campaign, which was adopted by several other cities in the Bay Area to serve as a uniting and hopeful statement declaring a shared commitment to inclusivity; and

ATTACHMENT II

WHEREAS, the City of Hayward seeks to join other communities around the Bay Area, the State of California, and the nation in support of United Against Hate Week;

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Hayward hereby declares the week of November 14 - 20, 2021 as "United Against Hate Week."

IN COUNCIL, HAYWARD, CALIFORNIA _____, 2021

ADOPTED BY THE FOLLOWING VOTE:

AYES: COUNCIL MEMBERS:
 MAYOR:

NOES: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

ATTEST: _____
 City Clerk of the City of Hayward

APPROVED AS TO FORM:

City Attorney of the City of Hayward



CITY OF HAYWARD

Hayward City Hall
777 B Street
Hayward, CA 94541
www.Hayward-CA.gov

File #: PH 21-094

DATE: November 16, 2021

TO: Mayor and City Council

FROM: Assistant City Manager/Development Services Director

SUBJECT

La Playa Commons: Proposed Demolition of the Former Burlington Coat Factory Building and Construction of a New 47-Lot Single-Family Residential Subdivision on a 5.4-Acre Site Located at 1000 La Playa Drive (Assessor's Parcel Number 442-0038-001), Requiring Approval of General Plan Amendment, Rezone and Vesting Tentative Tract Map Application No. 202004457, and Approval of a Mitigated Negative Declaration with Mitigation Monitoring and Reporting Plan Prepared for the Project in Accordance with the Requirements of the California Environmental Quality Act (CEQA); D.R. Horton Bay, Inc. (Applicant) on behalf of Quach's Hayward LLC (Property Owner)

RECOMMENDATION

That the Council consider the Planning Commission's recommendation and introduce an Ordinance approving the proposed Rezone (Attachment II), and adopt a resolution (Attachment III) approving the proposed General Plan Amendment, Rezone and Vesting Tentative Tract Map as shown in Attachment IV, and the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Plan (Attachments V and VI, respectively), based on the analysis set forth in the staff report (Attachment I) and based on the Findings and subject to the Conditions of Approval contained in the resolution.

SUMMARY

As presented to the Planning Commission on October 28, 2021, the proposed project would result in the demolition of the existing commercial building (formerly Burlington Coat Factory) and surface parking lot at 1000 La Playa Drive to allow the construction of 47 new two-story single-family dwellings with a 0.3-acre private open space and related on- and off-site improvements. The proposed lots would range in size from 2,925 to 6,161 square feet and feature homes ranging from 1,549 to 2,019 square feet, containing two-car garages and three to four bedrooms each.

The project site currently has a General Plan land use designation of Retail and Office Commercial (ROC) and is zoned Neighborhood Commercial (CN). In order to develop the site with the proposed residential uses, the applicant is proposing to change the General Plan land use designation of the property to Medium Density Residential and rezone it to Planned Development (PD) District.

In exchange for consideration of the General Plan Amendment and PD Rezone, and upon the Planning Commission's recommendation, the applicant has agreed to provide five affordable units on-site, with three units affordable to moderate-income households and two units affordable to low-income households. The minimum requirement of the Affordable Housing Ordinance (AHO) is to provide 10 percent of the total units (in this case, 4.7 units) at levels affordable to moderate-income households, and fractional units are typically covered through the payment of in-lieu fees. The applicant has chosen to provide the additional on-site unit instead of paying fees for the fractional units as an increased community benefit. Additionally, the applicant's proposed Affordable Housing Plan would exceed the minimum AHO requirements by providing deeper levels of affordability through the provision of two units affordable to low-income households.

ATTACHMENTS

Attachment I	Staff Report
Attachment II	Draft Ordinance
Attachment III	Draft Resolution
Attachment IV	Project Plans
Attachment V	Draft Mitigated Negative Declaration
Attachment VI	Mitigation Monitoring and Reporting Plan
Attachment VII	Affordable Housing Plan
Attachment VIII	Proposed General Plan & Zoning Maps
Attachment IX	Third Party Correspondence
Attachment X	Draft October 28, 2021 Planning Commission Meeting Minutes



DATE: November 16, 2021

TO: Mayor and City Council

FROM: Assistant City Manager/Development Services Director

SUBJECT: La Playa Commons: Proposed Demolition of the Former Burlington Coat Factory Building and Construction of a New 47-Lot Single-Family Residential Subdivision on a 5.4-Acre Site Located at 1000 La Playa Drive (Assessor's Parcel Number 442-0038-001), Requiring Approval of General Plan Amendment, Rezone and Vesting Tentative Tract Map Application No. 202004457, and Approval of a Mitigated Negative Declaration with Mitigation Monitoring and Reporting Plan Prepared for the Project in Accordance with the Requirements of the California Environmental Quality Act (CEQA); D.R. Horton Bay, Inc. (Applicant) on behalf of Quach's Hayward LLC (Property Owner).

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The project site currently has a General Plan land use designation of Retail and Office Commercial (ROC) and is zoned Neighborhood Commercial (CN). In order to develop the site with the proposed residential uses, the applicant is proposing to change the General Plan land

use designation of the property to Medium Density Residential and rezone it to Planned Development (PD) District.

In exchange for consideration of the General Plan Amendment and PD Rezone, and upon the Planning Commission's recommendation, the applicant has agreed to provide five affordable units on-site, with three units affordable to moderate-income households and two units affordable to low-income households. The minimum requirement of the Affordable Housing Ordinance (AHO) is to provide 10 percent of the total units (in this case, 4.7 units) at levels affordable to moderate-income households, and fractional units are typically covered through the payment of in-lieu fees. The applicant has chosen to provide the additional on-site unit instead of paying fees for the fractional units as an increased community benefit. Additionally, the applicant's proposed Affordable Housing Plan would exceed the minimum AHO requirements by providing deeper levels of affordability through the provision of two units affordable to low-income households.

BACKGROUND

The subject property was originally developed with an office building in 1968. In 1992, the site changed from an office use to a retail commercial use when Burlington Coat Factory moved into the building. Both the office building and the Burlington Coat Factory store were permitted uses under the property's zoning. As such, there is no history of conditional land use entitlements associated with the subject property.

Council Economic Development Committee. On December 2, 2019¹, the Council Economic Development Committee (CEDC) reviewed a previous iteration of the project which featured 78 total dwelling units, including 52 three-story townhomes and 26 two-story, single-family homes. The CEDC was generally supportive of the proposed redevelopment of the site with residential uses, but wanted to ensure that the applicant included on-site affordable units as part of the project rather than paying in-lieu fees. It also directed the applicant to conduct neighborhood outreach to obtain feedback on the proposed plans early in the application process. Additional neighborhood outreach efforts are highlighted below in the Public Outreach section of this report.

Alameda County Airport Land Use Commission. In early 2020, the applicant presented various project iterations, similar to the one presented to the CEDC, to the Alameda County Airport Land Use Commission (ALUC) Planning Department, but the ALUC's staff was unable to recommend approval of those iterations on the grounds that their density was incompatible with the Hayward Executive Airport Land Use Compatibility Plan. In April 2021, the applicant submitted the current plan featuring 47 units to ALUC staff and on June 16, 2021², the ALUC conducted a request for a Determination of Compatibility for the proposed project. At that meeting, the ALUC determined that the project was compatible with the Land Use Compatibility Plan as infill development since it was of a similar density to the existing single-

¹ December 2, 2019 Council Economic Development Committee meeting minutes: <https://hayward.legistar.com/MeetingDetail.aspx?ID=735372&GUID=DD94E49D-81BD-468D-BF0A-9179CC4B3D0D&Options=info&Search=>

² June 16, 2021 Airport Land Use Commission meeting webcast: <https://www.acgov.org/cda/planning/agendas.htm>

family residential development abutting the site to the south and east and voted unanimously to allow it to proceed as proposed.

Planning Commission. On October 28, 2021, the Planning Commission conducted a public hearing to consider the project. Two citizens spoke during the hearing. One expressed support for the project as proposed and the other expressed a desire to see a variety of housing types offered rather than only single-family detached units, as well as deeper levels of affordability provided for the affordable units. The second speaker also submitted written comments to the Commission, a copy of which is included as Attachment IX.

Following public comments and deliberation, the Commission voted 6-1 to recommend Council approval with two modifications to Condition of Approval No. 11. This condition originally required the applicant to provide four on-site affordable units for moderate-income households and pay in-lieu fees for an additional (fifth) full unit as one means of compensation for the requested General Plan Amendment and PD Rezone. The Commission voted to recommend the applicant provide a total of five affordable units on-site with three of the units being affordable to moderate-income households and two of the units being affordable to low-income households. The Commission felt that these modifications to the Affordable Housing Plan combined with the other forms of compensation prescribed by Condition No. 11 were sufficient compensation for the requested General Plan Amendment and PD Rezone, and the applicant agreed to the modifications during the hearing. The modified Condition No. 11 is included in Attachment III to this staff report.

The draft minutes from the Planning Commission meeting are included as Attachment X to this staff report.

DISCUSSION

Existing Site Conditions: The project site consists of a single 5.4-acre parcel located at the southwest corner of the intersection of La Playa Drive and Calaroga Avenue. The site is currently occupied by a vacant three-story, 74,750-square-foot commercial building that previously housed a Burlington Coat Factory store. The building is surrounded by a large, paved surface parking lot containing 17 trees.

La Playa Drive, a six-lane wide private street encircling Southland Mall, borders the site to the north. There is an existing sidewalk along the property's La Playa Drive frontage containing six street trees. Calaroga Avenue, a four-lane public street with bike lanes, borders the site to the east. There is an existing sidewalk along the property's Calaroga Avenue frontage that previously had street trees, but the trees were recently removed by the City because they were damaging the sidewalk, and the sidewalk was reconstructed. The property is bordered by an automotive repair shop and religious facility to the west, single-family homes to the south, a professional office building and additional single-family homes across Calaroga Drive to the east, and the Southland Mall across La Playa Drive to the north.

The site is located approximately one mile from and within the attendance areas of Eden Gardens Elementary School and Ochoa Middle School and is $\frac{3}{4}$ -mile from Chabot College. The

nearest transit service consists of two AC Transit bus routes running along Hesperian Boulevard that provide local service to the Hayward, Union City and Bay Fair BART stations, as well as Cal State University East Bay and Chabot College. Five public parks are also located within one mile of the site.

Proposed Project: The proposed project would result in the demolition of the existing 74,750-square-foot commercial building and removal of all existing surface parking and on-site trees to allow the construction of a 47-unit single-family residential subdivision with related project improvements (see Figure 1, below). Forty-four of the 47 units would be accessed via a new, 36-foot-wide P-shaped private street leading into the subdivision from La Playa Drive. The remaining three units would take access from Calaroga Avenue. Five commonly-owned parcels are proposed as part of the subdivision, including one for the private street, three for the private courts that would stub off it, and one for a large bioretention area and small neighborhood green space. An emergency vehicle access easement (EVAE) would be provided connecting the private street to Calaroga Avenue in order to provide a second means of ingress/egress for emergency vehicles. Sidewalks would be provided along one side of the private street, and the existing sidewalks along La Playa Drive and Calaroga Avenue would be reconstructed along the full length of the project's two street frontages, with accessible curb ramps provided at the entrance to the new private street. A new bulb-out would be constructed at the southwest corner of the intersection of Calaroga and La Playa to slow down vehicles turning right (southbound) from La Playa onto Calaroga in order to protect the occupants of the three homes facing Calaroga while they back out of their driveways into the street (Note: this bulb-out is not shown in the project plans, but a condition of approval [Condition no. 120] is included requiring its construction).

Figure 1 – Proposed Site Plan



The residential lots range in size from 2,925 to 6,161 square feet, featuring five separate floor plans ranging in size from 1,549 to 2,019 square feet and containing two-car garages and three to four bedrooms each. The majority of units would open onto the new private street or the three private courts that stub off of it. The six outer lots along La Playa Drive would have their front entries oriented toward that street, while the three lots along Calaroga Avenue would have their front entries oriented toward that street. All of the lots will include a landscaped front yard and a private backyard, enclosed within a solid, 6-foot-high wood fence.

Each unit features a side-by-side two-car garage with a driveway capable of accommodating at least two additional parking spaces, and the private street would also be able to accommodate at least 23 parallel, on-street spaces for guests. The private courts would be marked as fire lanes and would not be able to be used for parking.

The project site currently has a General Plan land use designation of Retail and Office Commercial and is zoned Neighborhood Commercial (CN). The proposed project requires a General Plan Amendment to change the land use designation to Medium Density Residential, a Rezone to Planned Development (PD) District, and a Vesting Tentative Map.

Landscaping and Tree Removals: A 0.3-acre, commonly-owned bioretention area with a small open space (shown as Parcel A in Figure 1) would be provided alongside the EVAE and would separate the three proposed homes along Calaroga Avenue from the existing homes to the southwest. The open space would include picnic tables, a seat wall, hardscaping and shade trees, and be accessed via a meandering path connecting the private street to Calaroga Avenue. A mix of small, medium, and large canopy trees and shrubs would be planted throughout the development, with each lot having at least one front yard tree, and all front and street side yards would be fully landscaped with a mix of drought-tolerant shrubs and ground covers.

In all, a total of 24 trees would be removed as a result of the project, with 18 trees removed from the site, itself, and six street trees removed from the La Playa Drive frontage. An arborist report was prepared for the project in January 2021 which determined that the appraised value of the existing trees to be removed was \$66,819. To mitigate for the appraised value of the trees being removed, the applicant would plant 162 total trees at a total value of \$116,150. Thirteen new street trees would be planted along La Playa Drive, three new street trees would be planted along Calaroga Avenue, and the remaining 146 trees would be planted throughout the development along the private streets, in the front and rear yards of each lot, and within the bioretention area and small open space. All streets being planted would be 36-inch box size, and another nine trees being planted within the bioretention area would be 48-inch box.

Policy Context and Code Compliance

Hayward 2040 General Plan: The project requires an Amendment of the *Hayward 2040 General Plan*³ land use map to change the land use designation from Retail and Office Commercial to Medium Density Residential. The Medium Density Residential designation

³ Hayward 2040 General Plan Land Use Map:
<https://www.hayward2040generalplan.com/land-use>

generally applies to urban and suburban areas of the city that contain a mix of housing types, including single-family dwellings, duplexes, townhomes, and multi-story apartment and condominium buildings. The designation allows for new residential development at a density of 8.7-17.4 dwelling units per net acre⁴. The proposed development features single-family dwellings at a net density of 11.4 units per acre, consistent with the allowable density range.

In addition to being consistent with the Medium Density Residential land use designation, the project is consistent with a number of *Hayward 2040 General Plan* goal and policies, including but not limited to the following:

- The City shall encourage property owners to revitalize or redevelop abandoned, obsolete, or underutilized properties to accommodate growth (General Plan Land Use Policy LU-1.4).
- The City shall protect the pattern and character of existing neighborhoods by requiring new infill developments to have complimentary building forms and site features (Land Use Policy LU-3.7).
- The City shall promote urban design principles that support active use of public spaces in neighborhoods, commercial areas, and employment centers at all times of day. Active use of public spaces provides “eyes-on-the-street” to enhance public safety in these areas (Community Health and Quality of Life Policy HQL-5.3).
- Assist in the Development of Affordable Housing. The City shall enforce the Inclusionary Housing Ordinance to ensure that a certain percentage of new residential units will be made affordable to lower- and moderate-income households (General Plan Housing Goal 2 and Policy H-2.3).
- The City shall implement land use policies that allow for a range of residential densities and housing types, prices, ownership, and size, including low-density single family uses, moderate-density townhomes, and higher-density apartments, condominiums, transit-oriented developments, live-work units, and units in mixed-use developments (Housing Policy H-3.1).
- The City shall encourage development of residential uses close to employment, recreational facilities, schools, neighborhood commercial areas, and transportation routes (Housing Policy H-3.4).

Additional discussion related to the General Plan Amendment is included in the Staff Analysis section below. A copy of the proposed General Plan land use map is included as Attachment VIII.

Zoning Ordinance: The proposed project includes a Rezone from CN to PD District. Pursuant to HMC Section 10-1.2505⁵, the purpose of the PD District is to encourage development and redevelopment of sites through efficient and attractive space utilization that is harmonious

⁴ Net acreage excludes all streets and courts in subdivisions with private streets. Note that the Site Data Summary table on Sheet SD-1 of Attachment IV lists a proposed net density of 10.8 units/acre. This figure is incorrect, however, as it does not account for the three private courts being proposed (Parcels C, D and E)

⁵ HMC Section 10-1.2505 - Purpose:

https://library.municode.com/ca/hayward/codes/municipal_code?nodeId=HAYWARD_MUNICIPAL_CODE_CH10PLZOSU_ART1ZOOR_S10-1.2500PLDEDIPD_S10-1.2505PU

with the characteristics of the land and incorporates open space and recreational opportunities, and to foster well-designed development that incorporates a variety of housing types by allowing diversification in the relationship of uses, buildings, lot sizes, yard areas and open spaces that may not be achievable under applicable zoning districts. Pursuant to HMC Section 10-1.2535⁶, in order to approve a preliminary PD District rezone, the Council must make the following findings:

- a. The development is in substantial harmony with the surrounding area and conforms to the General Plan and applicable City policies;
- b. Streets and utilities, existing or proposed, are adequate to serve the development;
- c. In the case of a residential development, that the development creates a residential environment of sustained desirability and stability, that sites proposed for public facilities, such as playgrounds and parks, are adequate to serve the anticipated population and are acceptable to the public authorities having jurisdiction thereon, and the development will have no substantial adverse effect upon surrounding development;
- e. In the case of a development in increments, each increment provides a sufficient proportion of total planned common open space, facilities, and services so that it may be self-contained in the event of a default or failure to complete the total development according to schedule; and
- f. Any latitude or exception(s) to development regulations or policies is adequately offset or compensated for by providing functional facilities or amenities not otherwise required or exceeding other required development standards.

Pursuant to HMC Section 10-1.2520⁷, for new PDs, the standards for lot area and dimensions, setbacks, building heights, landscaping, open space, fencing and parking shall be the standards of the zoning district most similar in nature and function to the proposed PD District. In this case, the proposed development is most similar to the Single-Family Residential (RS) zoning district. Table I below, provides a comparison of the proposed PD District to the applicable RS District standards. As the table shows, the applicant is seeking deviations from the minimum lot size, frontage, and width and depth requirements, as well as minimum setbacks and maximum lot coverage for most of the proposed lots. A copy of the proposed Zoning Map is included as Attachment VIII.

Table 1 – Required & Proposed Development Standards			
District Standard	District Requirement	PD District – Proposed	Consistent?
<i>Min. Lot Size</i>	5,000 square feet 5,914 sq. ft. corner lot	Interior lots: 2,925 to 6,161 sq. ft. Corner lots: 3,300 to 4,351 sq. ft.	One interior lot would be consistent; all others would not.
<i>Min. Lot Frontage</i>	35 feet	Range: 20 to 62 feet	41 lots would be consistent; 6 lots would not.

⁶ HMC Section 10-1.2535 – Findings Required:

https://library.municode.com/ca/hayward/codes/municipal_code?nodeId=HAYWARD_MUNICIPAL_CODE_CH10PLZOSU_ART1ZOOR_S10-1.2500PLDEDIPD_S10-1.2535FIRE

⁷ HMC Section 10-1.2520 – Standards of Development:

https://library.municode.com/ca/hayward/codes/municipal_code?nodeId=HAYWARD_MUNICIPAL_CODE_CH10PLZOSU_ART1ZOOR_S10-1.2500PLDEDIPD_S10-1.2520STDE

<i>Min. Average Lot Width</i>	50 feet for interior lots 60 feet for corner lots	Range: 45 to 60 feet for interior lots Range: 50 to 60 feet for corner lots	9 lots would be consistent; 38 lots would not.
<i>Min. Average Lot Depth</i>	80 feet	Range: 65 to 90 feet	5 lots would be consistent, 42 lots would not.
<i>Minimum Setbacks</i> Front Sides Street Side Rear	20 feet 5 feet or 10% lot width 10 feet 20 feet	Range of 8 to 35 feet Range of 4 to 6 feet Range of 10 to 16 feet Range of 10 to 29 feet	Most lots would have smaller front and rear yards, but generally consistent side and street side yards.
<i>Max. Lot Coverage</i>	40%	22% - 47%	34 lots are consistent; 13 lots exceed the limit
<i>Maximum Height</i>	30 feet	Approx. 24.5 to 26 feet	All lots would be consistent
<i>Minimum Parking</i>	Two parking spaces within a garage	Two parking spaces within an enclosed garage for all units	All lots would be consistent

Amenities Provided for PD Rezone. Pursuant to HMC Section 10-1.2535(f)⁸, any deviations from or exceptions to the base district standards shall be compensated by the provision of amenities not otherwise required or exceeding other required standards. The applicant is proposing to offset the proposed deviations from the base standards by providing larger mitigation trees than the minimum requirement throughout the development, making a \$5,000 cash contribution to the City's planned public art installation project at Heritage Plaza, and exceeding the minimum on-site AHO requirements of 4.7 units affordable to moderate-income households. Specifically, the applicant would provide five affordable housing units in the project with three affordable to moderate-income households and two affordable to low-income households. In addition, the applicant is proposing to plant 36-inch box street trees along the La Playa Drive and Calaroga Avenue frontages and all internal private streets, and 48-inch box trees within the bioretention area, when the minimum required size is 24-inch box.

Housing Element, Regional Housing Needs Allocation & Affordable Housing. Local jurisdictions report progress annually on meeting their Regional Housing Needs Allocation (RHNA) goals which are included in the City's Housing Element. Table 2 demonstrates progress made toward meeting Hayward's RHNA goals for the period between 2015-2023 as of the last reporting year (2020), which is shown in the column titled "Reported 2020." The State allows local jurisdictions to "report" the units when building permits are issued to construct the units. The "Approved" and "Pending Approval" columns provide an estimate of potential compliance by counting both entitled projects and projects going through the entitlement process.

⁸ HMC Section 10-1.2535 – Findings Required:
https://library.municode.com/ca/hayward/codes/municipal_code?nodeId=HAYWARD_MUNICIPAL_CODE_CH10PLZOSU_ART1ZOOR_S10-1.2500PLDEDIPD_S10-1.2535FIRE

Table 2: 2023 RHNA Goal Progress in the City of Hayward

Income Category*	Unit Goal	Reported 2020		Approved		Pending Approval		Estimated Compliance		Estimated Deficiency	
		Units	% of Goal	Units	% of Goal	Units	% of Goal	Units	% of Goal	Units	% of Goal
Very low	851	65	8%	226	27%	76	9%	367	43%	484	57%
Low	480	153	32%	199	41%	2	0%	354	74%	126	26%
Moderate	608	72	12%	78	13%	40	7%	190	31%	418	69%

*The City has achieved the Above Market Rate housing goals for the 2015-2023 RHNA cycle.

The proposed project is subject to the requirements set forth in HMC Chapter 10, Article 17 - Affordable Housing Ordinance⁹. An applicant may satisfy the requirements of the ordinance by paying an affordable housing in-lieu fee or including affordable units within the proposed development. Pursuant to HMC Section 10-17.210, if the applicant elects to provide on-site for-sale units, it shall deed restrict no less than 10% of the total units for moderate-income households. Further, the affordable units shall be integrated within the proposed residential development, shall be of similar or the same quality, and shall provide access to the same amenities as the market rate units in accordance with HMC Section 10-17.220.

Based on direction received from the Planning Commission and the CEDC before it, the applicant has elected to provide affordable for-sale units on site. Per the on-site requirements of the ordinance, the project is required to provide 4.7 units (ten percent of 47 units) affordable to moderate-income households earning up to 120 percent of the area median income for Alameda County. The on-site requirements can be met by providing four units in the project and paying in-lieu fees for the remaining 0.7 fractional unit or rounding up to the nearest whole unit. The applicant will exceed the minimum requirement as one form of compensation for the requested General Plan Amendment and PD Rezone by providing five on-site for-sale units, with three units affordable to moderate-income households and two units affordable to low-income households. The provision of five deed restricted units as affordable to low- and moderate-income households will increase the City's RHNA compliance as shown in the table above. Of the five affordable units being provided, two would be Plan Type 1 units having 1,549 square feet with three bedrooms, two-and-a-half bathrooms and a two-car garage, and three would be Plan 2 Front Entry Type units having 1,810 square feet with four bedrooms, two-and-a-half bathrooms, and a two-car garage. The two Type 1 units would be made available to low-income households and the three Type 2 units would be made available to moderate-income households. The applicant is proposing to construct all 47 homes in nine total phases and would construct one affordable unit in each of phases 2 through 6. A copy of the Affordable Housing Plan is included as Attachment VII.

Parkland Dedication: HMC Chapter 10, Article 16 – Property Developers-Obligations for Parks and Recreation¹⁰ sets forth the parkland dedication requirements for private development based on residential unit count. Pursuant to the Ordinance, the applicant must pay fees in lieu

⁹ HMC Chapter 10, Article 17 – Affordable Housing Ordinance:

https://library.municode.com/ca/hayward/codes/municipal_code?nodeId=HAYWARD_MUNICIPAL_CODE_CH10PLZOSU_ART17AFHOOR

¹⁰ HMC Chapter 10, Article 16 – Property Developers-Obligations for Parks and Recreation:

https://library.municode.com/ca/hayward/codes/municipal_code?nodeId=HAYWARD_MUNICIPAL_CODE_CH10PLZOSU_ART16PRDEBLPAR

of land dedication (also referred to as Park Impact Fees). Currently, Park Impact Fee rates are calculated on bedroom count. The proposed plans feature six total 3-bedroom units and 41 total 4-bedroom units. A condition of approval is included requiring the applicant to pay the applicable Park Impact Fees in effect at the time of building permit issuance.

Vesting Tentative Tract Map 8581: The proposed project includes a Vesting Tentative Tract Map (Tract 8581). The Vesting Tentative Tract Map features 47 single-family lots, one common open space parcel (Parcel A) containing the emergency vehicle access easement, a large stormwater treatment facility and small open space, one private street parcel for the P-shaped private street (Parcel B), and three private court parcels (Parcels C, D and E). The project site is considered an infill site, and the City provides water and sanitary sewer service to it and has adequate capacity to serve the proposed subdivision. Public access to the subdivision would be provided via the new private street to be constructed off La Playa Drive, while a separate emergency vehicle access easement would be provided that would connect the private street with the Calaroga Avenue public right-of-way.

Maintenance of all private facilities within the subdivision, including all roads, sidewalks, driveways, common area landscaping, open space and stormwater treatment facilities would be handled by a Homeowners Association that will be required to be established as a project condition of approval.

Additional Staff Analysis. Staff believes that the Council can make the findings to approve the General Plan Amendment, Rezoning and Tentative Tract Map based on the analysis provided herein. The project complies with many of the goals and policies of the *Hayward 2040 General Plan* and meets the intent of the City's Zoning Ordinance related to development of single-family residential units. The project will require a change to the land use designation of the site from Retail and Office Commercial to Medium Density Residential and a Rezone from CN to PD District.

As designed, the project would promote the public health, safety, convenience, and general welfare of the residents of Hayward in that it would result in the redevelopment of a vacant, underutilized commercial site with new housing that would generally be compatible with the surrounding residential development and follow the existing residential development pattern of the area. The site is suitable for residential uses in that it has convenient access to a variety of retail and service uses at nearby Southland Mall and along the Hesperian Boulevard corridor a short distance away to the west. The new units would feature smaller lot sizes and floor plans catered to small- and medium-sized families who may be first-time homebuyers and who do not necessarily have the need for or desire to maintain large private yards. Furthermore, the new homes situated along La Playa Drive would have their front porches and portions of the first and second floor living spaces oriented towards the street which would improve overall safety in the area by providing "eyes on the street." Finally, the project would support the general convenience and welfare of Hayward residents by offering a variety of home sizes to the market and providing five for-sale affordable units on-site as part of the development in an area that is well-served by commercial uses and services, schools and parks, and that has convenient access to public transportation and freeways.

Environmental Review

An Initial Study evaluating the potential environmental impacts of this project was prepared in accordance with the requirements of CEQA. The Initial Study found that the proposed project would result in potential impacts in the areas of Air Quality, Biological Resources, Cultural Resources, Geology and Soils, Noise, Transportation and Mandatory Findings of Significance, and contains mitigation measures that reduce the identified impacts to a level of less than significant. A Notice of Intent to Adopt a Mitigated Negative Declaration (NOI) was filed with the Alameda County Clerk and published in the Daily Review on October 1, 2021. The NOI and the Initial Study were posted at City Hall and delivered to the Hayward libraries, and copies of the NOI were sent to interested parties and property owners within 300 feet of the project site on October 1, 2021. The public comment period for the Draft Mitigated Negative Declaration and Initial Study ended on October 21, 2021, and no comments were received.

A copy of the Initial Study, NOI, Draft Mitigated Negative Declaration (MND), and Mitigation Monitoring and Reporting Plan (MMRP) are attached to this report for the Council's review and consideration (Attachments V and VI, respectively).

ECONOMIC IMPACT

The proposed development would have a positive economic benefit in that it would result in the redevelopment of a vacant, dated and dilapidated commercial building that poses an attractive nuisance with 47 new residential units that would improve the appearance of the site and help to increase the property values in the adjoining residential neighborhood. The project's residents would generate additional retail sales tax for the City through their everyday expenditures at local businesses, and the project would also generate temporary construction jobs during its development.

FISCAL IMPACT

The project would generate annual revenue from property taxes while requiring annual costs related to City services, including but not limited to Fire, Police, Library and Maintenance Services. Communities sometimes attempt to quantify positive or negative fiscal impacts to help decide if a particular development project should move forward. While an important planning tool for city resource allocation, this data does not account for other elements or community benefits the project may provide that address Council priorities and policies. These benefits, such as increasing housing supply to help stabilize housing costs, promoting equity and housing opportunities for lower income households, and adding new consumers to the City's population that can support its businesses and help attract new ones, offer possible offsets for negative fiscal impacts.

STRATEGIC ROADMAP

In January 2020, the Council adopted six Strategic Priorities as part of its three-year Strategic Roadmap:

1. Preserve, Protect & Produce Housing
2. Grow the Economy
3. Combat Climate Change
4. Improve Infrastructure
5. Improve Organizational Health
6. Support Quality of Life

This project supports the Strategic Priority of Preserve, Protect & Produce Housing in that it would add 47 new detached single-family dwellings to the City's housing stock, including three units that would be affordable to moderate-income households and two units that would be affordable to low-income households. This proposed production of housing would offer 42 new ownership opportunities for market rate homebuyers and five for lower income households. It would also protect the existing homes in the surrounding neighborhood by introducing a compatible land use that features similarly sized lots and a subdivision layout that complements the existing development pattern of the area.

SUSTAINABILITY FEATURES

The proposed project would comply with the California Green Building Standards Code (CALGreen) and the City's Reach Code by featuring all-electric homes that contain no gas-powered appliances, two-car garages with parking spaces that are electric vehicle-ready, and solar roofs on each home. In addition to these sustainable building measures, the proposed project would incorporate Transportation Demand Management (TDM) strategies to minimize single-occupancy vehicle usage by providing preloaded Clipper Cards to homeowners upon the sale of each unit to encourage transit usage. Furthermore, the project's Homeowners Association would be required to set aside an annual subsidizing fund for a Clipper Card reimbursement program in order to sustain transit usage by the project's residents (see Conditions of Approval No. 27 – Mitigation Measure TRN-2.1 and No. 79 in Attachment III)

PUBLIC CONTACT

On November 6, 2020, the Planning Division mailed out a total of 361 Notice of Receipt of Application (NOR) for the project. At that time, the proposed plans featured a mix of three-story townhomes and two-story single-family detached units. Staff received six emails from members of the public in response to the NOR. Opinions were mixed, with some being opposed to having additional housing in the neighborhood based on concerns about increased traffic and loss of privacy, while others were supportive of removing the existing building and redeveloping the property with new residential units.

On November 5, 2021, a total of 445 notices of this public hearing were mailed to the owners and occupants of all properties within a 300-foot radius of the project site, as well as to interested parties who requested to be notified about the project. No correspondence was received prior to the publication of this staff report.

In addition to the notices sent by the Planning Division, the applicant also conducted public outreach for the current proposal over a two-month period from December 2020 through February 2021. This outreach included going door-to-door to all the homes abutting the project site, sending out invitations to approximately 75 homes around the site to an on-site neighborhood meeting which was conducted on February 5, 2021, and a follow-up Zoom meeting which was conducted on February 24, 2021. One neighbor attended the on-site meeting, and approximately 10 neighbors attended the Zoom meeting. Feedback during these meetings was generally positive, with most attendees expressing support for the two-story single-family dwelling plan over the previous plan that included three-story townhomes.

NEXT STEPS

If approved, the proposed Rezoning and Map Amendment will be reviewed by the Council for a second reading for adoption and will become effective 30 days after adoption. The proposed General Plan Amendment and Tentative Tract Map will be effective immediately.

Prepared by: Steve Kowalski, Associate Planner

Recommended by: Sara Buizer, AICP, Deputy Development Services Director
Jennifer Ott, Assistant City Manager and Development Services Director

Approved by:



Kelly McAdoo, City Manager

ORDINANCE NO. 21-__

AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF CHAPTER 10, ARTICLE 1 OF THE HAYWARD MUNICIPAL CODE BY REZONING CERTAIN PROPERTY LOCATED AT 1000 LA PLAYA DRIVE FROM NEIGHBORHOOD COMMERCIAL (CN) DISTRICT TO PLANNED DEVELOPMENT (PD) DISTRICT IN CONNECTION WITH GENERAL PLAN AMENDMENT, REZONE AND VESTING TENTATIVE TRACT MAP APPLICATION NO. 202004457 FOR THE LA PLAYA COMMONS DEVELOPMENT

WHEREAS, on _____, 2021, the City Council held a public hearing and adopted findings in support of the requested rezone as set forth in companion Resolution No. 21-__;

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF HAYWARD DOES ORDAIN AS FOLLOWS:

Section 1. Provisions.

The Zoning District Map of Chapter 10, Article 1 of the Hayward Municipal Code is hereby amended by rezoning the property located at 1000 La Playa Drive (Assessor Parcel Number 442-0038-001-00) from Neighborhood Commercial (CN) District to Planned Development (PD) District to allow for construction of La Playa Commons, a 47-unit single-family residential development, subject to the findings and conditions of approval set forth in companion Resolution No 21-__ to this Ordinance.

Section 2. Severance

Should any part of this ordinance be declared by a final decision by a court or tribunal of competent jurisdiction to be unconstitutional, invalid or beyond authority of the City, such decision shall not affect the validity of the remainder of this ordinance, which shall continue in full force and effect, provided the remainder of the ordinance, absent the excised portion, can be reasonably interpreted to give effect to intentions of the City Council.

Section 3. Effective Date.

This ordinance shall go into effect immediately upon the date of adoption.

INTRODUCED at a regular meeting of the City Council of the City of Hayward,
held the 16th day of November, 2021, by Council Member _____.

ADOPTED at a regular meeting of the City Council of the City of Hayward, held
the ____ day of _____, 2021, by the following votes of members of said City Council.

AYES: COUNCIL MEMBERS:

MAYOR:

NOES: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

APPROVED: _____
Mayor of the City of Hayward

DATE: _____

ATTEST: _____
City Clerk of the City of Hayward

APPROVED AS TO FORM:

City Attorney of the City of Hayward

HAYWARD CITY COUNCIL

RESOLUTION NO. 21-

Introduced by Councilmember _____

RESOLUTION APPROVING GENERAL PLAN AMENDMENT, REZONE AND VESTING TENTATIVE TRACT MAP (TRACT 8581) FOR THE LA PLAYA COMMONS DEVELOPMENT LOCATED AT 1000 LA PLAYA DRIVE AND ADOPTING THE MITIGATED NEGATIVE DECLARATION AND MITIGATION MONITORING AND REPORTING PLAN FOR THE PROJECT

WHEREAS, On October 30, 2020, Chris Zaballos of D.R. Horton (Applicant), on behalf of Peter Quach of Quach's LLC (Owner) submitted General Plan Amendment, Rezone and Vesting Tentative Tract Map Application No. 202004457 to subdivide an existing 0.54-acre parcel located at 1000 La Playa Drive into a 47-lot single-family residential development (the "Project") (APN 442-0038-001); and

WHEREAS, on June 16, 2021, the Alameda County Airport Land Use Commission held a duly noticed public hearing and determined that the Project was compatible with the Hayward Executive Airport Land Use Compatibility Plan; and

WHEREAS, a Draft Initial Study and Mitigated Negative Declaration were prepared to assess the potential environmental impacts of the Project and circulated for a 20-day public review and comment period in accordance with the requirements of the California Environmental Quality Act (CEQA) from October 1 through October 25, 2021; and

WHEREAS, on October 14, 2021, notice of the Planning Commission public hearing was mailed to the owners and occupants of all property within 300 feet of the Project site as well as those interested individuals/parties who requested such notice, and an ad was published in The Daily Review; and

WHEREAS, on October 28, 2021, the Planning Commission held a duly noticed public hearing, received public testimony and voted 6:1 to recommend City Council approval of the Project; and

WHEREAS, on November 5, 2021, notice of the City Council public hearing was mailed to the owners and occupants of all property within 300 feet of the Project site as well those interested individuals/parties who requested such notice, and an ad was published in The Daily Review; and

WHEREAS, on November 16, 2021, the City Council held a public hearing and received public testimony on the Project.

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby finds and determines as follows:

CALIFORNIA ENVIRONMENTAL QUALITY ACT FINDINGS

In accordance with the requirements of the California Environmental Quality Act, the City Council makes the following findings for adoption of the Mitigated Negative Declaration for the Project:

1. Pursuant to California Environmental Quality Act (CEQA) Guidelines Section 15070, an Initial Study (IS) was prepared for this Project with the finding that a Mitigated Negative Declaration (MND) was appropriate because all potential impacts identified in the IS could be mitigated to a level of less than significant with the implementation of Mitigation Measures that were incorporated as conditions of approval for the Project.
2. That the MND was prepared by David J. Powers & Associates, Inc. on behalf of the City of Hayward acting as the Lead Agency, and that the IS/MND was circulated for a minimum 20-day public review period between October 1, 2021, and later extended to October 25, 2021.
3. That the proposed MND was independently reviewed, considered, and analyzed by the City of Hayward City Council and reflects the independent judgment of the City Council; that such independent judgment is based on substantial evidence in the record; and that the proposed MND is legally adequate and was completed in compliance with CEQA.
4. That the proposed MND identified all potential adverse impacts and provided standard or Project-specific mitigation measures to reduce the effects of such impacts in the areas of Air Quality, Biological Resources, Cultural Resources, Geology/Soils, Noise, and Transportation to less-than-significant levels. Based on the proposed MND and the whole record before the City Council, there is no substantial evidence that the Project will have a significant effect on the environment.
5. That the Project complies with CEQA, and that the proposed MND was presented to the City Council, which reviewed and considered the information contained therein prior to approving the Project. The custodian of the record of proceedings upon which this decision is based is the Development Services Department of the City of Hayward, located at 777 B Street, Hayward, CA 94544.

GENERAL PLAN AMENDMENT FINDINGS

In accordance with Hayward Municipal Code (HMC) Section 10-1.3425(b), the City Council makes the following findings of approval for the proposed General Plan Amendment:

A. Substantial proof exists that the proposed change will promote the public health, safety, convenience and general welfare of the residents of Hayward;

The proposed General Plan Amendment from Retail and Office Commercial (ROC) to Medium Density Residential (MDR) would promote the public health, safety, convenience, and general welfare of the residents of Hayward in that it would enable the redevelopment of a vacant, underutilized, and aging commercial site with new housing that would generally be compatible with the surrounding residential development and follow the existing residential development pattern of the area. In its current vacant state, the site poses a potential public safety hazard as an attractive nuisance. Allowing it to be redeveloped with residential uses would increase public health and safety by introducing a new population to the area and bringing eyes onto the street from those new homes that would be oriented toward La Playa Drive and Calaroga Avenue.

The Project would promote public convenience by offering new housing that has convenient access to a variety of retail businesses and services at nearby Southland Mall and along the Hesperian Boulevard corridor a short distance away to the west, as well as to several schools and parks in the surrounding neighborhoods. Furthermore, the new units would feature smaller lot sizes and floor plans catering to small- and medium-sized families some of whom may be first-time homebuyers seeking more affordable housing opportunities and who do not necessarily have the need for or desire to maintain large private yards. As such, the Project would further support the general convenience and welfare of Hayward residents by offering a variety of home sizes to the market and providing five for-sale affordable units on-site as part of the development in an area that is well-served by commercial uses and services, schools and parks, and that has convenient access to public transportation and freeways.

B. The proposed change is in conformance with the purposes of the Zoning Ordinance and all applicable, officially adopted policies and plans;

The proposed General Plan Amendment would conform to the purposes of Section 10-1.2505 of the Zoning Ordinance governing PD Districts which encourages allowing flexibility in standards and variety of land uses in new developments in exchange for certain amenities and community benefits in that it would afford the applicant the ability to redevelop the site efficiently and at a higher density than would otherwise be allowed in exchange for various amenities. In exchange for

being able to create smaller lots with units that do not conform to all the conventional standards for single-family development, the applicant would provide a number of amenities for both the Project's residents, as well as the community as a whole, as enumerated in the staff report. The proposed development is also consistent with a number of General Plan goals and policies, including the following:

- The City shall encourage property owners to revitalize or redevelop abandoned, obsolete, or underutilized properties to accommodate growth (General Plan Land Use Policy LU-1.4).
- The City shall protect the pattern and character of existing neighborhoods by requiring new infill developments to have complimentary building forms and site features (Land Use Policy LU-3.7).
- The City shall promote urban design principles that support active use of public spaces in neighborhoods, commercial areas, and employment centers at all times of day. Active use of public spaces provides "eyes-on-the-street" to enhance public safety in these areas (Community Health and Quality of Life Policy HQL-5.3).
- Assist in the Development of Affordable Housing. The City shall enforce the Inclusionary Housing Ordinance to ensure that a certain percentage of new residential units will be made affordable to lower- and moderate-income households (General Plan Housing Goal 2 and Policy H-2.3).
- The City shall implement land use policies that allow for a range of residential densities and housing types, prices, ownership, and size, including low-density single family uses, moderate-density townhomes, and higher-density apartments, condominiums, transit-oriented developments, live-work units, and units in mixed-use developments (Housing Policy H-3.1).
- The City shall encourage development of residential uses close to employment, recreational facilities, schools, neighborhood commercial areas, and transportation routes (Housing Policy H-3.4).

Overall, the Project is consistent with these goals and policies by: (1) redeveloping an aging, underutilized commercial site with new housing that is generally compatible with the adjacent residential neighborhood and that adds diversity of housing types to the area; (2) enhancing public safety by introducing eyes on the street along La Playa Drive by orienting the front entries of several homes toward that street; (3) providing a range of smaller lot sizes and floor plans that may cater to smaller families and homebuyers seeking more affordable housing options; (4) providing for-ownership affordable housing opportunities for both low and moderate-income households on site; and (5) locating new housing close to commercial areas, schools, parks and major transportation routes.

C. Streets and public facilities existing or proposed are adequate to serve all uses permitted when property is reclassified; and

The project site is surrounded by existing public and private streets capable of accommodating the Project's anticipated traffic volumes and has access to existing utilities within La Playa Drive and Calaroga Avenue that have adequate capacity to serve the proposed development. A Mitigated Negative Declaration was prepared for the proposed development which found that all potential impacts from the Project on streets, utilities and public facilities could be mitigated to a level of less than significant and that no upsizing of any existing utility services or widening of any existing roads would be needed to accommodate the Project. All mitigation measures identified in the Mitigated Negative Declaration have been included as conditions of approval for the Project.

D. All uses permitted when property is reclassified will be compatible with present and potential future uses, and, further, a beneficial effect will be achieved which is not obtainable under existing regulations.

The proposed Project use is detached single-family dwellings; as such, it would be compatible with the surrounding residential neighborhood to the south and east which also consists of single-family residential uses. Other adjacent land uses include commercial, office and religious institution uses, all of which are also compatible with the proposed single-family development. The proposed development is consistent with the surrounding residential development in that it features detached single-family homes laid out in a manner that follows the existing development pattern of the adjacent neighborhood, with proposed rear yards backing up to the rear yards of adjoining homes and proposed front yards aligning with the neighboring front yards where applicable. Although the proposed development consists of detached, two-story single-family homes on lots that are smaller than both the conventional single-family standards and the lot sizes of the surrounding homes, the proposed development pattern provides ample separation between the new homes and existing, adjoining homes through the provision of private yards and open spaces.

The Project would provide a beneficial effect which could not be achieved under the existing commercial land use designation in that it would replace an aging commercial property with an attractive new residential neighborhood that will be maintained in perpetuity by a Homeowners Association and increase safety and overall activity in the area by introducing an around-the-clock population to the site that has a vested interest in the preservation of its community and the surrounding neighborhood.

REZONE FINDINGS

In accordance with HMC Section 10-1.2535, the City Council makes the following findings for approval of the proposed Rezone:

A. The development is in substantial harmony with the surrounding area and conforms to the General Plan and applicable City policies.

The Project is in substantial harmony with the surrounding area in that it would fill in a vacant commercial site with new single-family dwellings on lots that closely follow the existing development pattern of the adjacent single-family residential neighborhood located to the south and west, provide ample privacy and buffering between the proposed units and the adjacent land uses, and not disrupt existing circulation patterns in the area by providing its own internal private street system for the homes located within the interior of the subdivision.

The Project is also consistent with multiple General Plan goals and policies that call for:

- Encouraging property owners to revitalize or redevelop abandoned, obsolete, or underutilized properties to accommodate growth (General Plan Land Use Policy LU-1.4).
- Protecting the pattern and character of existing neighborhoods by requiring new infill developments to have complimentary building forms and site features (Land Use Policy LU-3.7).
- Promoting urban design principles that support active use of public spaces in neighborhoods, commercial areas, and employment centers at all times of day. Active use of public spaces provides “eyes-on-the-street” to enhance public safety in these areas (Community Health and Quality of Life Policy HQL-5.3).
- Assisting in the Development of Affordable Housing. The City shall enforce the Inclusionary Housing Ordinance to ensure that a certain percentage of new residential units will be made affordable to lower- and moderate-income households (General Plan Housing Goal 2 and Policy H-2.3).
- Implementing land use policies that allow for a range of residential densities and housing types, prices, ownership, and size, including low-density single family uses, moderate-density townhomes, and higher-density apartments, condominiums, transit-oriented developments, live-work units, and units in mixed-use developments (Housing Policy H-3.1).
- Encouraging development of residential uses close to employment, recreational facilities, schools, neighborhood commercial areas, and transportation routes (Housing Policy H-3.4).

Overall, the Project would be consistent with the above goals and policies by: (1) redeveloping an aging, underutilized commercial site with new housing that is generally compatible with the adjacent residential uses and that adds diversity of housing types to the area; (2) enhancing public safety by introducing eyes on the street along La Playa Drive by orienting the front entries of several homes toward that street; (3) providing a range of smaller lot sizes and floor plans that may cater to smaller families and homebuyers seeking more affordable housing options; (4) providing for-ownership affordable housing opportunities for both low and moderate-income households on site; and (5) locating new housing close to commercial areas, schools, parks and major transportation routes.

B. Streets and utilities, existing or proposed, are adequate to serve the development.

The Project site is surrounded by existing public and private streets capable of accommodating the Project's anticipated traffic volumes and has access to existing utilities within La Playa Drive and Calaroga Avenue that have adequate capacity to serve the proposed development. A Mitigated Negative Declaration was prepared for the Project which found that all potential impacts on streets, utilities and public facilities could be mitigated to a level of less than significant and that no upsizing of any existing utility services or widening of any existing roads would be needed to accommodate the Project. All mitigation measures identified in the Mitigated Negative Declaration have been included as conditions of approval for the Project.

C. The development creates a residential environment of sustained desirability and stability, that sites proposed for public facilities, such as playgrounds and parks, are adequate to serve the anticipated population and are acceptable to the public authorities having jurisdiction thereon, and the development will have no substantial adverse effect upon surrounding development or neighborhoods.

The Project will create a residential environment of sustained desirability and stability because it will feature attractive new homes, private streets, landscaping and open space that will be owned and maintained by a Homeowners Association whose members would have a vested interest in the community's preservation and upkeep. Overall, the proposed architecture will lend to the sustained desirability of the neighborhood by featuring house plans that contain an attractive mix of architectural styles, details and finishes and front entries that are oriented towards the streets to foster neighborhood interaction. The homes feature a variety of siding and roofing colors and materials, significant articulation across their facades, and decorative accents such as stone wainscoting, window shutters and ledges, and eave brackets.

The site layout includes numerous trees, sidewalks along one side of the private street and homes that share and look out upon private courts in order to facilitate neighbor

interaction and create a sense of community within the development. In addition, the provision of the landscaped common open space with picnic tables as a recreational amenity for residents further contributes to the sustained desirability and stability of the neighborhood by encouraging outdoor gatherings and interactions.

Finally, the Project will not have a substantial adverse effect upon surrounding development in that the proposed homes would follow the existing development pattern and respect the privacy of the adjacent homes through the provision of ample rear yards along shared property lines, and all Project-related traffic would utilize the proposed private streets located off La Playa Drive or the existing Calaroga Avenue public right-of-way so as not to disrupt the existing road network in the adjacent neighborhood.

- D. In the case of a development in increments, each increment provides a sufficient proportion of total planned common open space, facilities, and services so that it may be self-contained in the event of default or failure to complete the total development according to schedule.**

The Project is not intended to be constructed in increments. While the homes, themselves, would be built in groups of 3-7 units at a time, the Project's infrastructure and common open space would be completed early on, well before the majority of homes are finished. As such, the development would be self-contained in the unlikely event that the applicant defaulted on the Project or failed to complete it in accordance with the approved plans prior to any applicable approval expiration dates. Also, any portions of infrastructure or common open space or other facilities that may not have been completed prior to such time would be bonded for by the applicant; as such, the City would be able to ensure that they are completed in accordance with the approved plans.

- E. Any latitude or exception(s) to development regulations or policies is adequately offset or compensated for by providing functional facilities or amenities not otherwise required or exceeding other required development standards, which, in the judgment of the Planning staff provides for a high quality and attractive development.**

The exceptions from the standard single-family residential development regulations being sought by the applicant for the size and shape of the lots, setbacks, and lot coverages would be off-set through the provision of larger mitigation trees than would typically be required throughout the development, through payment of a \$5,000 cash contribution to the City's planned public art installation Project at Heritage Plaza, and also through the provision of five affordable units with three affordable to moderate-income households and two affordable to low-income households fees when 4.7 units affordable to moderate-income households is the minimum required under the Affordable Housing Ordinance (AHO). Specifically, the

applicant would plant 36-inch box street trees along the La Playa Drive and Calaroga Avenue frontages and all internal private streets, and 48-inch box trees within the bioretention area when 24-inch box is the minimum size required. The provision of larger trees will enhance the area by adding more substantial canopies to the streetscape upon completion of Project construction. Making a cash contribution to the Heritage Plaza public art project will assist the City in covering the cost of the artwork installation and help to enhance the amenities at one of the City's key public outdoor spaces. And, finally, going beyond the minimum AHO requirement by providing two on-site units affordable to low-income households will assist the City in providing more housing ownership opportunities for lower income households.

VESTING TENTATIVE TRACT MAP FINDINGS

In accordance with HMC Section 10-3.150, the City Council makes the following findings for approval of the proposed Vesting Tentative Tract Map application:

A. The proposed subdivision is not in conflict with the General Plan and applicable specific plans and neighborhood plans;

The site is currently designated Retail and Office Commercial in the Hayward 2040 General Plan and, as such, the Project requires a General Plan Amendment to change the land use designation to Medium Density Residential. The Medium Density Residential land use designation allows for single-family and multi-family residential development at densities ranging from 8.7 to 17.4 dwelling units per net acre. The Project features single-family lots at a proposed density of 11.4 dwelling units per net acre and would therefore be consistent with the Medium Density Residential land use designation if the General Plan Amendment is adopted. The Project is also consistent with applicable General Plan policies in that it will increase the housing inventory and provide for-ownership affordable housing opportunities for the City of Hayward and is considered an infill development that will result in a safer, more complete neighborhood. In addition, the Project is consistent with the following General Plan policies:

- The City shall encourage property owners to revitalize or redevelop abandoned, obsolete, or underutilized properties to accommodate growth (General Plan Land Use Policy LU-1.4).
- The City shall protect the pattern and character of existing neighborhoods by requiring new infill developments to have complimentary building forms and site features (Land Use Policy LU-3.7).
- The City shall promote urban design principles that support active use of public spaces in neighborhoods, commercial areas, and employment centers at all times of day. Active use of public spaces provides "eyes-on-the-street" to enhance public safety in these areas (Community Health and Quality of Life Policy HQL-5.3).

- Assist in the Development of Affordable Housing. The City shall enforce the Inclusionary Housing Ordinance to ensure that a certain percentage of new residential units will be made affordable to lower- and moderate-income households (General Plan Housing Goal 2 and Policy H-2.3).
- The City shall implement land use policies that allow for a range of residential densities and housing types, prices, ownership, and size, including low-density single family uses, moderate-density townhomes, and higher-density apartments, condominiums, transit-oriented developments, live-work units, and units in mixed-use developments (Housing Policy H-3.1).
- The City shall encourage development of residential uses close to employment, recreational facilities, schools, neighborhood commercial areas, and transportation routes (Housing Policy H-3.4).

In addition, the Project is not located within any specific plan area, but it is located within the Southgate Neighborhood Plan area and is consistent with the relevant policies contained therein. Therefore, the proposed subdivision is not in conflict with the General Plan or applicable specific plans and neighborhood plans.

B. The proposed subdivision meets the requirements of the City Zoning Ordinance;

The Project requires a Planned Development (PD) District Rezone to allow for exceptions to certain development standards related to lot standards, setbacks, and coverage limits. With the PD Rezone, the proposed subdivision will provide modified development standards of the new PD District related to minimum lot size, minimum lot dimensions, minimum setbacks and maximum lot coverage. PD Districts are also subject to the development standards of the zoning district most similar to the proposed use, which in this case is the Single Family Residential (RS) District. As proposed, the Project meets the development standards of the RS district related to building height, off-street parking, and landscaping. The subdivision will also allow for the construction of 47 single family homes, which is a permitted land use in the RS District.

C. No approval of variances or other exceptions are required for the approval of the subdivision.

As proposed, the new PD District would establish the development standards for this Project. In addition, the Project will also meet the requirements of the Subdivision Ordinance. Therefore, the Project will not require a variance or any other exceptions from the requirements of the HMC.

NOW THEREFORE, BE IT RESOLVED that the City Council of the City of Hayward, based on the foregoing findings, hereby adopts the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Plan and approves General Plan Amendment, Planned Development District Rezone and Vesting Tentative Tract Map Application No. 202004457, subject to the adoption of the companion ordinance (Ordinance No. 21-____) rezoning the property located at 1000 La Playa Drive, Accessor Parcel Number (APN) 442-0038-001, from Neighborhood Commercial (CN) District to Planned Development (PD) District, subject to the attached conditions of approval.

IN COUNCIL, HAYWARD, CALIFORNIA _____, 2021

ADOPTED BY THE FOLLOWING VOTE:

AYES: COUNCIL MEMBERS:
 MAYOR:

NOES: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

ATTEST: _____
 City Clerk of the City of Hayward

APPROVED AS TO FORM:

City Attorney of the City of Hayward

**CITY OF HAYWARD PLANNING DIVISION
APPLICATION NO. 202004457
GENERAL PLAN AMENDMENT, PD REZONE, VESTING TENTATIVE TRACT MAP 8581
AND CALIFORNIA ENVIRONMENTAL QUALITY ACT
LA PLAYA COMMONS – 1000 LA PLAYA DRIVE
DRAFT CONDITIONS OF APPROVAL**

GENERAL

Planning

1. The developer shall assume the defense of and shall pay on behalf of and hold harmless the City, its officer, employees, volunteers and agents from and against any or all loss, liability, expense, claim costs, suits and damages of every kind, nature and description directly or indirectly arising from the performance and action of this permit.
2. General Plan Amendment, Rezoning and Vesting Tentative Tract Map Application No. 202004457 is approved subject to the Architectural and Landscape Plans and Vesting Tentative Tract Map plans date-stamped June 3, 2021, except as modified by the conditions listed below.
3. The Vesting Tentative Tract Map approval shall align with the timeframe set forth in the Subdivision Map Act and all related automatic and Applicant-initiated extensions.
4. Any proposed alteration(s) to the conditionally approved site plan and/or design that does not require a variance to any zoning ordinance standard shall be subject to approval by the Development Services Director or her/his designee, prior to implementation. Alterations requiring a variance or exception shall be subject to review and approval by the Planning Commission.
5. The permittee, property owner or designated representative shall allow the City's staff to access the property for site inspections to confirm all approved conditions have been completed and being maintained in compliance with all adopted city, state and federal laws and regulations.
6. All permit charges accrued in the processing of General Plan Amendment, Planned Development Rezoning and Vesting Tentative Tract Map Application No. 202004457 shall be paid in full prior to consideration of a request for approval extensions and/or submittal of building permits for the project.
7. A copy of these conditions of approval shall be scanned and included on a separate, full-sized sheet(s) in the building permit plan check set.

8. The applicant shall apply for and obtain all necessary permits from the City and/or outside agencies prior to any site work.
9. Unless otherwise specified or approved by the Planning Director, all vacant buildings on-site shall be demolished within six (6) months of project approval, and a temporary 6-foot-tall perimeter chain-link fence shall be erected around the perimeter of the site, subject to compliance with the standards set forth in Hayward Municipal Code (HMC) Section 10-1.2735.k, Fence Regulations for Vacant Properties. In addition, the property shall be maintained in a weed-free condition for as long as it remains vacant.
10. Prior to, during, and following demolition of the vacant structure, the property owner shall be responsible for securing and maintaining the site in accordance with HMC Chapter 4, Article 1, Public Nuisances, HMC Chapter 5, Article 7, Community Preservation and Improvement Ordinance; and the California Building Code, among other applicable regulations.
11. The project approval includes the following amenities/community benefits to support the finding required per HMC Section 10-1.2535(f) for approval of a PD District that “any latitude or exception(s) to development regulations or policies is adequately offset or compensated for by providing functional facilities or amenities not otherwise required or exceeding other required development standards”:
 - a. Planting of 36-inch box street trees along La Playa Drive, Calaroga Avenue, the proposed private street and all proposed private courts.
 - b. The applicant will exceed the requirements of the City’s Affordable Housing Ordinance by providing five (5) on-site, for-sale units within the project, with three (3) units affordable to moderate-income households and two (2) units affordable to low-income households.
 - c. Cash payment of \$5,000 to the City to assist in the installation of public art at Heritage Plaza.
12. Within 60 days of following the issuance of a building permit and prior to construction, the applicant shall install one non-illuminated “Coming Soon” sign on the project site that includes a project rendering, a project summary, and developer contact information. The sign shall be constructed of wood or recyclable composite material, be placed in a location at least ten (10) feet back from the property line, and shall not impede pedestrian, bicycle, and vehicular visibility or circulation. The sign shall be maintained in accordance with HMC Section 10-7-709 and may be up to thirty-two (32) square feet of sign area and shall not exceed ten (10) feet in height. Sign design, size and location shall be reviewed and approved by the Planning Division prior to placement.
13. Mailboxes shall be installed in accordance with Post Office policy and include locking mechanisms to minimize opportunities for theft.

14. Property addresses will be assigned by the Development Services Department prior to issuance of a building permit(s).
15. Central air conditioning or another suitable form of forced air mechanical ventilation as determined by the Building Official shall be provided in all units.
16. Any future accessory buildings or structures, decks, balconies, additions or other exterior modifications to the residences shall conform to all applicable development standards of the Single-Family Residential (RS) District set forth in HMC Section 10-1.200.
17. This development is subject to the requirements of the Property Developers – Obligations for Parks and Recreation set forth in HMC Chapter 10, Article 16. Per HMC Section 10-16.10, the applicant shall pay impact fees. The impact fees shall be the rate that is in effect at the time of building permit issuance.
18. In accordance with HMC Section 10-1.2560, this precise development plan approval shall be void on year after the effective date of approval unless the precise development plan is submitted for review and processing in accordance with all condition of the preliminary development plan contained herein.

CEQA Mitigation Measures

19. **Mitigation Measure AIR-3.1:** All diesel-powered off-road equipment, larger than 25 horsepower, operating on the site for more than two days continuously or 20 hours total shall meet U.S. EPA Tier 4 standards for particulate matter emissions. Alternatively, equipment that meets U.S. EPA particulate matter emissions standards for Tier 3 engines that include CARB-certified Level 3 Diesel Particulate Filters (DPF), or equivalent would be effective. The use of equipment that is powered by electricity or alternatively fueled equipment (i.e., non-diesel) would also meet this requirement. Alternatively, the applicant could develop a TAC reduction plan that reduces on- and near-site construction diesel particulate matter emissions by 25 percent or greater. Such a plan shall be reviewed and approved by the City.
20. **Mitigation Measure BIO-1.1:** Pre-construction nesting bird surveys shall be completed prior to tree removal if removal or construction is proposed to commence during the breeding season (February 1 to August 31) in order to avoid impacts to nesting birds. Surveys shall be completed by a qualified biologist or ornithologist no more than 14 days before construction begins. During this survey, the biologist or ornithologist shall inspect all trees and other possible nesting habitats in and within 250 feet of the project boundary.

If an active nest is found in an area that would be disturbed by construction, the biologist or ornithologist shall designate an adequate buffer zone (~250 feet) to be established around the nest, in consultation with the California Department of Fish and Wildlife (CDFW). The buffer would ensure that nests shall not be disturbed until the young have fledged (left the nest), the nest is vacated, and there is no evidence of second nesting attempts.

The applicant shall submit a report indicating the results of the survey and any designated buffer zones to the satisfaction of the Director of Development Services, prior to the removal of trees and issuance of a grading permit or demolition permit

21. **Mitigation Measure CUL-2.1:** If evidence of an archaeological site or other suspected cultural resource as defined by CEQA Guideline Section 15064.5, including darkened soil representing past human activity (“midden”), that could conceal material remains (e.g., worked stone, worked bone, fired clay vessels, faunal bone, hearths, storage pits, or burials) is discovered during construction related earth-moving activities, all ground-disturbing activity within 100 feet of the resources shall be halted and the City’s Planning Manager shall be notified. The project sponsor shall hire a qualified archaeologist to conduct a field investigation. The City’s Planning Manager shall consult with the archaeologist to assess the significance of the find. Impacts to any significant resources shall be mitigated to a less-than-significant level through data recovery or other methods determined adequate by a qualified archaeologist and that are consistent with the Secretary of the Interior’s Standards for Archaeological documentation. Any identified cultural resources shall be recorded on the appropriate DPR 523 (A-J) form and filed with the NWIC.
22. **Mitigation Measure CUL-2.2:** If archaeological resources are identified, a final report summarizing the discovery of cultural materials shall be submitted to the City’s Planning Manager prior to issuance of certificate of occupancy. This report shall contain a description of the mitigation program that was implemented and its results, including a description of the monitoring and testing program, a list of the resources found and conclusion, and a description of the disposition/curation of the resources.
23. **Mitigation Measure CUL-3.1:** If human remains are discovered during project construction, all ground-disturbing activity within 100 feet of the resources shall be halted and the City’s Planning Manager and the Alameda County Coroner shall be notified immediately, according to Section 5097.98 of the State Public Resources Code and Section 7050.5 of California’s Health and Safety Code. If the remains are determined by the County Coroner to be Native American, the Native American Heritage Commission (NAHC) shall be notified within 24 hours, and the guidelines of the NAHC shall be adhered to in the treatment and disposition of the remains. The project sponsor shall also retain a professional archaeologist with Native American burial experience to conduct a field investigation of the specific site and consult with the Most Likely Descendant, if any, identified by the NAHC. As necessary, the archaeologist may provide professional assistance to the Most Likely Descendant,

including the excavation and removal of the human remains. The City of Hayward shall be responsible for approval of recommended mitigation as it deems appropriate, taking account of the provisions of State law, as set forth in CEQA Guidelines section 15064.5(e) and Public Resources Code section 5097.98. The project sponsor shall implement approved mitigation, to be verified by the City of Hayward, before the resumption of ground-disturbing activities within 100 feet of where the remains were discovered.

24. **Mitigation Measure GEO-6.1:** Should a unique paleontological resource or site or unique geological feature be identified at the project site during any phase of construction, all ground disturbing activities within 25 feet shall cease and the City's Planning Manager shall be notified immediately. A qualified paleontologist shall evaluate the find and prescribe mitigation measures to reduce impacts to a less than significant level. Work may proceed on other parts of the project site while mitigation for paleontological resources or geologic features is implemented. Upon completion of the paleontological assessment, a report shall be submitted to the City and, if paleontological materials are recovered, a paleontological repository, such as the University of California Museum of Paleontology.
25. **Mitigation Measure NOI-1.1:** The project contractor shall develop a noise control plan, including, but not limited to, the following construction best management controls:
 - Equipment and trucks used for construction shall use the best available noise control techniques (e.g., improved mufflers, equipment redesign, use of intake silencers, ducts, engine enclosures, and acoustically attenuating shields or shrouds);
 - Impact tools (e.g., jackhammers, pavement breakers, and rock drills) used for construction shall be hydraulically or electrically powered wherever possible to avoid noise associated with compressed air exhaust from pneumatically powered tools;
 - Stationary noise sources shall be located as far from adjacent receptors as possible, and they shall be muffled and enclosed within temporary sheds, incorporate insulation barriers, or include other measures.
 - Temporary noise barriers shall be constructed, where feasible, to screen stationary noise-generating equipment. Temporary noise barrier fences would provide a five dBA noise reduction if the noise barrier interrupts the line-of-sight between the noise source and receptor and if the barrier is constructed in a manner that eliminates any cracks or gaps.
 - Unnecessary idling of internal combustion engines shall be strictly prohibited.
 - Construction staging areas shall be established at locations that will create the greatest distance between the construction-related noise sources and noise-sensitive receptors nearest the project site during all project

construction. Locate material stockpiles, as well as maintenance/equipment staging and parking areas, as far as feasible from residential receptors.

- Noise from construction workers' radios shall be controlled to a point where they are not audible at existing residences bordering the project site.
- Where feasible, temporary power service from local utility companies shall be used instead of portable generators. Cranes shall be located as far from adjoining noise-sensitive receptors as possible.
- During final grading, graders shall be substituted for bulldozers, where feasible. Wheeled heavy equipment are quieter than track equipment and shall be used where feasible.
- Nail guns shall be substituted for manual hammering, where feasible.
- The use of circular saws, miter/chop saws, and radial arm saws near the adjoining noise-sensitive receptors shall be avoided. Where feasible, saws shall be shielded with a solid screen with material having a minimum surface density of two lbs/ft² (e.g., such as ¾" plywood).
- Smooth vehicle pathways shall be maintained for trucks and equipment accessing the site and local residential neighborhoods shall be avoided as much as possible.
- During interior construction, the exterior windows facing noise-sensitive receptors shall be closed.
- During interior construction, noise-generating equipment shall be located within the building to break the line-of-sight to the adjoining receptors.
- The contractor shall prepare a detailed construction schedule for major noise-generating construction activities. The construction schedule shall be shared with the adjacent neighbors of the project site and shall identify a procedure for coordination with adjacent residential land uses so that construction activities can be scheduled to minimize noise disturbance.
- A "disturbance coordinator" shall be designated to be responsible for responding to any complaints about construction noise. The disturbance coordinator will determine the cause of the noise complaint (e.g., bad muffler, etc.) and will require that reasonable measures be implemented to correct the problem. A telephone number for the disturbance coordinator shall be conspicuously posted at the construction site and included in the notice sent to neighbors regarding the construction schedule.

26. **Mitigation Measure NOI-2.1:** The project shall implement the following practices while performing construction activities within 20 feet of the existing commercial or residential buildings:

- Compaction activities shall not be conducted using a vibratory roller. Within this area, compaction shall be performed using smaller hand tampers.
- Demolition, earth-moving, and ground-impacting operations shall be phased so as not to occur at the same time and shall use the smallest equipment possible to complete the work. The use of large bulldozers, hoe rams, drill-

rigs shall be avoided within 20 feet of existing commercial or residential buildings.

- Construction and demolition activities shall not involve clam shell dropping operations.

27. **Mitigation Measure TRN-2.1:** The project developer shall provide Clipper Cards to each homeowner upon sale of the unit with an advanced amount loaded in per card for the purpose of encouraging transit usage. After the Homeowners Association (HOA) is established and has begun operation, the HOA shall set aside an annual transit subsidizing fund in the amount of, at minimum, \$9,000 for a Clipper Card reimbursement program. This amount would need to be adjusted annually to take into account annual fare increases. In order to ensure implementation of the Clipper Card fare re-imbursement program as a mitigation for reducing the project's vehicle miles traveled (VMT) impact, the program shall be included in the Project Description and Conditions of Approval for issuance of the project's Planned Development permit. The project shall also implement a transportation demand management (TDM) monitoring program after project occupancy that includes an annual monitoring report to be submitted to the City. The TDM program requirements shall be included in the CC&Rs for the HOA. The TDM program annual monitoring report shall be prepared by a traffic/transportation consultant with the HOA covering the costs of data collection and preparation of the report. If the proposed TDM strategy falls short of anticipated trip reductions, additional measures shall be required in order to achieve the original goals of the TDM measures.

Landscaping

28. No building permit shall be issued prior to approval of landscape and irrigation improvement plans.
29. A tree removal permit shall be obtained prior to the removal of any tree in addition to demolition and grading permits.
30. Pursuant to HMC Article 9 Section 9.01, on property at any corner formed by intersecting streets, it shall be unlawful to install any sign, landscaping at maturity or other obstruction to the view higher than three (3) feet above the level of the center of the adjacent intersection within the visibility triangle area between the tangents to the curb and a diagonal line joining points thirty (30) feet from the point of their intersection.
31. All final tree locations shall be field verified by the project landscape architect prior to planting to resolve any conflicts that may arise in the field.

32. All plants in bioretention basin shall conform to the plant list under the appropriate application in the latest C.3 Stormwater Technical Guidance Appendix B. *Aesculus californica* and *Carex tumulicola* are not recommended in bio-retention areas.
33. Water Budget Calculations shall be revised as follows:
 - a. Eto for City of Hayward is 44.2.
 - b. Individual home water budget calculation can use ETAF of 0.55 but ETAF 0.45 shall be used for all other landscape areas.
34. Trees shall be located a minimum of 5 feet from lateral service lines and driveways, a minimum of 15 feet from light poles, and a minimum of 30 feet from the face of a traffic signal, or as otherwise specified by the City.
35. Root barriers shall be installed linearly against the paving edge in all instances where a tree is planted within seven feet of pavement or buildings, and as recommended by the manufacturer.
36. All above ground mechanical equipment shall be screened from the street with five-gallon shrubs.
37. All common area landscaping, irrigation and other required improvements shall be installed in accordance with the approved improvement plans prior to acceptance of tract improvements, or occupancy of eighty percent (80%) of the dwelling units, whichever occurs first.
38. Pursuant to HMC Section 10-12.16, all model homes shall provide signs and written information to demonstrate the principles of water efficient landscapes described in the ordinance.
 - a. Signs shall be used to identify the model as an example of a water efficient landscape featuring elements such as hydrozones, irrigation equipment, and others that contribute to the overall water efficient theme.
 - b. Information shall be provided about designing, installing, managing, and maintaining water efficient landscapes.
39. Landscape Maintenance:
 - a. Landscaping shall be maintained in a healthy, weed-free condition at all times and shall maintain irrigation systems to function as designed to reduce runoff, promote surface filtration, and minimize the use of fertilizers and pesticides which contribute pollution to the Bay.
 - b. 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.

- c. Three-inch-deep mulch shall be maintained in all planting areas. Mulch shall be organic recycled chipped wood in the shades of Dark Brown Color and the size shall not exceed 1-1/2-inch diameter.
- d. All nursery stakes shall be removed during tree installation and staking poles shall be removed when the tree is established or when the trunk diameter of the tree is equal or larger to the diameter of the staking pole.
- e. All trees planted as a part of the development as shown on the approved landscape plans shall be "Protected" and shall be subject to the Tree Preservation Ordinance. Tree removal and pruning shall require a tree pruning or removal permit from City Landscape Architect prior to pruning or removal.
- f. Any damaged trees or trees removed without a permit shall be replaced in accordance with Tree Preservation Ordinance or as determined by City Landscape Architect within the timeframe established by the City and pursuant to the Municipal Code.
- g. Irrigation systems shall be tested periodically to maintain uniform distribution of irrigation water; irrigation controllers shall be programmed seasonally; irrigation systems should be shut-off during winter season; and the whole irrigation system should be flushed and cleaned when the system is turned back on in the spring.

Fire Department

- 40. Each residential single-family building is required to install a fire sprinkler system in accordance with NFPA 13D Standards. (Deferred Submittal through HFD shall be designed by a licensed C16 contractor)
- 41. Maximum 80 PSI water pressure design criteria should be used when water data indicates a higher static pressure. Residual pressure should be adjusted accordingly.
- 42. Underground fire service line serving NFPA 13D sprinkler system shall be installed in accordance with the Hayward Public Work Department SD-216. Water meter shall be minimum one inch in diameter.
- 43. An exterior audible alarm bell (device) shall be installed on each fire sprinkler system riser.
- 44. An interior audible alarm device shall be installed within the dwelling in a location to be heard throughout the home. The device shall activate upon any fire sprinkler system water flow activity.
- 45. All bedrooms and hallway areas shall be equipped with smoke detectors, hard-wired with battery backup.

46. CO detectors shall be placed near the sleeping area on a wall about 5 feet above the floor. The detector may be placed on the ceiling. Each floor shall have a separate detector.
47. A minimum 4" self-illuminated address shall be installed on the front of the dwelling in a location to be visible from the street. Otherwise, a minimum 6" address shall be installed on a contrasting background and shall be in a location approved by the Hayward Fire Department.
48. Provide spark arrestors with 1/4" metal mesh screens on all chimneys. Homeowners should inspect spark arrestors every year to ensure mesh screen integrity.
49. A fire flow analysis shall be provided in accordance with the California Fire Code Table B105.1 based on the construction type and building area when building exceeding 3,600 square feet. A fire flow reduction of up to 50 percent is allowed when the building is provided with automatic sprinkler system in accordance with NFPA. The resulting fire flow shall not be less than 1,500 gpm.
50. The minimum number of fire hydrants shall be provided in accordance with the Hayward Fire Code and California Fire Code. The average spacing between hydrants is 300 feet. Any portion of a building shall be within 400 feet of a fire hydrant. Pacing and locations of fire hydrants shall be subject to review and approval by the Hayward Fire Department.
51. All new fire hydrant shall be double steamer type equipped with two (2) 4-1/2" outlets and one (1) 2-1/2" outlet. Blue reflective fire hydrant dot markers shall be installed on all roadways indicating the location of the fire hydrants. Vehicular protection may be required for the fire hydrants.

Hazardous Materials

52. The applicant shall provide environmental screening clearance from the Alameda County Department of Environmental Health's Local Oversight Program (LOP). The LOP contact, Paresh Khatri, can be reached at (510) 567-6700 or (510) 777-2478. Clearance from the LOP will ensure that the proposed residential project meets development investigation and cleanup standards, including, if necessary, any clearance stipulations, such as a deed restriction or the need for any groundwater/soil vapor/soil management plan. LOP clearance shall be submitted to the Hayward Fire Department's Hazardous Materials Office, the City of Hayward Planning Division and City of Hayward Public Works/Engineering Division prior to issuance of any grading and building permits.

53. Wells, Septic Tank Systems or Subsurface Structures: Any wells, septic tank systems and other subsurface structures shall be protected and removed properly to minimize threats to the health and safety of the development construction workers, future residents, or the environment. These structures shall be documented and removed under permit from the appropriate regulatory agency when required.
54. Underground Storage Tanks, Oil Water Separators, Hydraulics Lifts: If found on the property, underground vessels and/or structures shall be removed under an approved plan filed with the Hayward Fire Department (HFD) and appropriate samples shall be taken under the direction of a qualified consultant to ensure that contamination has not occurred to soil or groundwater. A follow-up report shall be required to be submitted to document the activities performed and any conclusions. Below are specific requirements on each:
 - a. Underground storage tank and associate piping: An approved removal plan, including appropriate sampling, a Hayward Fire Department permit for the removal, and follow-up report is required.
 - b. Oil Water Separators: An approved plan, including appropriate sampling, and follow-up report is required.
 - c. Hydraulic Lifts: An approved plan, including appropriate sampling, and follow-up report is required.
55. Future Commercial Uses: No commercial use is proposed at this time for the project. If changes are approved that allow commercial uses, then the applicant shall provide adequate information associated with the use or storage of hazardous materials/waste for evaluation and approval by the Hayward Fire Department to ensure adequate conditions are met.

Utilities

56. Construction and demolition debris shall be recycled in accordance with the requirements of HMC Chapter 5, Article 10.
57. The Applicant/Developer is responsible for applicable water and sewer connection and/or capacity fees, at the rates in effect at the time of application for water and sewer service, prior to water connection and sewer discharge. Sewer connection fees for non-residential connections are calculated based on the volume and strength of the wastewater discharge. The development's permitted sewer capacity and related sewer capacity fees shall be further assessed during the building permit application.
58. All public water mains and appurtenances shall be constructed in accordance with the City's "Specifications for the Construction of Water Mains and Fire Hydrants," latest revision at the time of permit approval. Specification are available on the City's website here: <https://www.hayward-ca.gov/your-government/departments/engineering-division>.

59. All connections to existing water mains shall be performed by City Water Distribution Personnel at the Developer/Applicant's expense.
60. The development's proposed water main and valves shall be public, owned, and maintained by the City. If the water mains are located in a private roadway, either the entire roadway shall be a public utility easement, or a minimum 10-foot-wide public utility easement shall be granted to the City.
61. Where a public water main is in an unpaved easement or under decorative, stamped, or colored concrete (including turf-blocks), the water main shall be constructed of ductile iron. Shut-off valves are required where a water main transitions from a paved area to an unpaved easement.
62. Any modifications to existing water services such as but not limited to upsizing, downsizing, relocating, and abandoning shall be performed by City Water Distribution personnel at the Applicant/Developer's expense.
63. Each residential property shall have its own water service and water meter. Combined residential domestic and fire service is permitted per City of Hayward Standard Detail 216 (SD-216). A minimum 1" service line and 1" domestic water meter is required for each property.
64. A separate fire permit is required for the fire sprinkler system installation. The water meter size will be determined by the Fire Department's requirements for that permit; however, a minimum 1" water meter is required for residential fire sprinklers. Residential combined domestic and fire services are allowed, per City of Hayward Standard Detail 216 (SD-216). The configuration must have two separate water service lines on the backside of the water meter: one for domestic water service and one for fire water service, as shown on Figure 2B on SD-216. The applicant or owner is responsible for installing the backside configuration of the water service.
65. A separate irrigation meter shall be installed for landscape purposes.
66. The Applicant/Developer shall install an above ground Reduced Pressure Backflow Prevention Assembly (RPBA) on each non-residential domestic and irrigation water meter, per SD-202. Backflow preventions assemblies shall be at least the size of the water meter or the water supply line on the property side of the meter, whichever is larger.
67. A fire flow test must be completed by the City Water Distribution personnel. The current cost for a fire flow test is \$326. For instructions on obtaining existing fire flow data and filling out an application for new fire flow data, please visit the City's website: <https://www.hayward-ca.gov/services/city-services/fire-flow-testing>.

68. Water meters and services are to be located a minimum of two feet from top of driveway flare as per SD-213 thru SD-218. Water meters shall not be located in the driveway.
69. Water mains and services, including the meters, must be located at least 10 feet horizontally from and one-foot vertically above any parallel pipeline conveying untreated sewage (including sanitary sewer laterals), and at least four feet from and one foot vertically above any parallel pipeline conveying storm drainage, per the current California Waterworks Standards, Title 22, Chapter 16, Section 64572. The minimum horizontal separation distances can be reduced by using higher grade (i.e., pressure) piping materials.
70. All sewer mains and appurtenances shall be constructed in accordance to the City's "Specifications for the Construction of Sanitary Sewer Mains and Appurtenances (12" Diameter or Less)," latest revision at the time of permit approval. Available on the City's website: <https://www.hayward-ca.gov/your-government/departments/engineering-division>
71. The development's sanitary sewer mains and manholes shall be public, owned, and maintained by the City. If sewer mains are located in a private roadway, either the entire roadway shall be a public utility easement, or a minimum 10-foot-wide public utility easement shall be dedicated to the City.

Engineering

72. The subdivider shall comply with Chapter 10 Article 3 (Subdivision Ordinance) of the Hayward Municipal Code as determined by the City Engineer. Subdivision improvements required for public health, safety and welfare shall be provided complying with the current Standard Details of the City of Hayward and other agencies standards as applicable. Such improvements shall include, but are not limited to, the ones needed for: vehicular and pedestrian access, fire protection, safety lighting, signage, drainage collection and disposal, sanitary sewer and solid waste collection and distribution of water, electricity, telecommunication, and natural gas.
73. Prior to requesting approval of final map, the subdivider shall arrange for the fee title owner of the 92 feet wide strip of land, commonly known as La Playa Drive, to dedicate to the City easements for a public sanitary sewer, public utilities and emergency service vehicles access over, under and across the said strip of land between Hesperian Boulevard and Calaroga Avenue.
74. Street A and Street B as shown on the Vesting Tentative Map shall have public access easements recorded across their entire widths.

75. Prior to requesting approval of final map, the subdivider shall secure all required ingress/egress easements. Easements required for public utilities, emergency vehicle access, water, sewer and other public service facilities necessary for each new lot being created shall be dedicated on the final map or by separate instruments before the map approval.
76. Prior to requesting approval of final map, the subdivider shall complete all required and conditioned improvements at no cost to the City and as per plans approved by the City Engineer or execute an improvement agreement.
77. Homeowners Association: A Home/Property Owners Association (HOA) shall be formed, and its related Covenant, Conditions and Restrictions (CC&Rs) documents shall be filed in the public records of Alameda County prior to the sale of any parcel of the subdivided property. Said documents shall be submitted to the City for its review and approval before submittal to the State Department of Real Estate (DRE) and filing in the County's public records. The CC&Rs shall include the following provisions:
 - a. The HOA shall be managed and maintained by a professional property management company and maintain updated registration information with the Secretary of State.
 - b. The HOA shall own and maintain in fully functional condition and good repair all areas, improvements, earth retaining systems, and facilities created for common use of the property owners within the project but not dedicated or accepted for maintenance by the City or another agency.
 - c. The HOA shall maintain the common area landscaping in a healthy, weed-free condition and maintain its irrigation system consistent with project development approvals.
 - d. The CC&Rs shall describe how the stormwater treatment and site-design measures associated with privately owned improvements and landscaping shall be maintained by the association or the property owners.
 - e. On-site streetlights and pedestrian lighting shall be owned and maintained by the HOA and shall have a decorative design approved by the Planning Director and the City Engineer.
 - f. Street sweeping of the private streets and courts shall be conducted at least once a month.
 - g. The HOA shall be responsible for complying with the current and all future updates to the Community Preservation and Improvement Ordinance, Hayward Municipal Code Chapter 5, Article 7.
 - h. The HOA shall be responsible for monitoring that street improvements in La Playa Drive, a private street, are maintained by the responsible party in good working order for safe access to a public street by HOA members, emergency service providers and for mail/material delivery services. The HOA shall seek timely cleaning, repair, reconstruction, improvement, plant care, or such other corrective work from the party responsible therefor or complete the work and seek reimbursement as appropriate.

78. A Current title report shall be submitted to identify current ownership and any existing easements or land use restrictions

Transportation

79. The Applicant and the HOA shall implement the following TDM measures:
- a. Transit Subsidies (Applicant): Applicant shall fund the HOA in the amount of \$9,000 for the purpose of providing pre-loaded Clipper Cards to homeowners and for the purpose of providing reimbursement for homeowner transit usage, as outlined in the Project's TDM Requirements. Upon request, Applicant shall provide City with a copy of the receipt or sufficient documentation, as determined by the Public Works Director or his/her designee, of the fund transfer for this item.
 - b. Transit Subsidies (HOA): The HOA shall set aside an annual transit subsidizing fund in the amount of, at minimum, \$9,000 for a Clipper Card/transit usage reimbursement program, as outlined in the Project's TDM Requirements. Upon request, the HOA shall provide City with a copy of receipts or sufficient documentation, as determined by the Public Works Director or his/her designee, of this item.
80. The Applicant/HOA shall submit to the Public Works-Transportation Division, a TDM Monitoring Report on an annual basis, beginning at 75% occupancy. The first two TDM Monitoring Reports shall be prepared by a qualified transportation consultant, with Applicant/HOA responsible for all costs associated with the preparation of the TDM Monitoring Report. The Report shall include, but is not limited to, the following:
- a. Summary of implemented TDM measures and their measured effectiveness;
 - b. Results of Project resident and employee transportation surveys to monitor vehicle trip generation and mode share for the project residents and employees; and
 - c. Weekday AM and PM peak period and daily traffic volume counts at all Project driveways and internal gate(s) for secure residential parking.
- Subsequent annual TDM Monitoring Reports may be prepared by the HOA's Property Manager or a qualified traffic consultant and shall include, but not be limited to:
- d. Summary of implemented TDM measures;
 - e. Results of Project resident and employee transportation surveys to monitor mode share for the project residents and employees (e.g. a survey indicating the mode of transportation residents use to commute to work or school); and
 - f. Upon request from the City, Weekday AM and PM peak period and daily traffic volume counts at all Project driveways and internal gate(s) for secure residential parking.

81. Upon request by the City of Hayward, Applicant or the HOA shall be responsible for the total costs of transportation consulting services for the purpose of peer reviewing the annual TDM reports.
82. TDM Reports shall be due annually on July 1. If the Project falls below 75% occupancy, a TDM Report shall continue to be due as long as a Report was due the previous year, or unless otherwise exempted by the Public Works & Utilities Director or his/her designee in writing. Failure to submit an annual TDM report results in violation of Conditions of Approval and City may initiate enforcement action.
83. If Project does not meet vehicle reduction goals for two successive years, the Applicant/HOA shall implement additional TDM Strategies which may include but are not limited to the following, and including, if requested by the City, full funding of the preparation of a revised, or additional TDM Program/Plan/Reports by a qualified transportation consultant:
 - a. Residential ride-match program;
 - b. Car-share subsidies;
 - c. Transit subsidy increases;
 - d. Commute marketing program;
 - e. TNC/Transit partnerships;
 - f. Carpool/Vanpool incentives.

Prior to the Issuance of Building and/or Grading Permit

Planning

84. In accordance with HMC Section 10-1.2550, and prior to issuance of any building permits, the applicant shall submit a Precise Development Plan to the Planning Division for review and approval.
85. The Precise Development Plan shall be in substantial conformance with the approved Preliminary Development Plan and incorporate the conditions contained herein and shall be submitted either in advance of or in conjunction with the subdivision improvement plans and Final Map.
86. The Precise Development Plan shall include the following information and/or details:
 - b. A copy of these conditions of approval shall be included on a full-sized sheet(s).
 - c. Proposed location for construction staging, designated areas for construction worker parking (on- and off-site), construction office, sales office (if any), hours of construction, provisions for carpooling construction workers or having them use transit to access the site, provisions for noise and dust control, and common area landscaping.
 - d. Large expanses of blank walls shall be prohibited and shall be articulated or otherwise enhanced with architectural features or fenestrations. Additional

- windows shall be added to the left and right side elevations of all Plan 3 Front Entry units and to the interior side elevations of all Plan 3 Side Entry units.
- e. Proposed mailbox design and location(s), subject to U.S. Post Office approval.
 - f. A final lighting plan which shows all exterior lighting. Exterior lighting shall be architecturally compatible with the structure to which it is affixed and/or erected and maintained so that adequate lighting is provided along all pathways, sidewalks and private streets. Exterior lighting shall be shielded and deflected away from neighboring properties and from windows of houses within the project.
 - g. All air conditioners and utility connections for air conditioner shall be located behind solid board fences or walls and shall not exceed the height of the fence or wall concealing it.
 - h. All above-ground utility meters, mechanical equipment and water meters shall be screened with shrubs and/or an architectural screen from all perspectives, unless other noise mitigation is required.

Landscaping

- 87. Prior to submitting the first building permit, detailed landscape and irrigation improvement plans prepared by a licensed landscape architect on an accurately surveyed base plan shall be approved by the City. The plans shall comply with the City's Bay-Friendly Water Efficient Landscape Ordinance (California Building Code Title 23) and all relevant Municipal Codes. Once approved, a digital file of the approved and the project landscape architect signed improvement plans shall be submitted to the City for the City's approval signatures. Copies of the signed improvement plans shall be submitted as a part of the building permit submittal.

Housing

- 88. This development is subject to the requirements of the Affordable Housing Ordinance (AHO) set forth in Chapter 10, Article 17 of the Hayward Municipal Code. The applicant shall comply with the affordable housing requirements as reflected in the Affordable Housing Plan on file with the Housing Division and included as Attachment VII and as detailed per Section 10-17.510 Affordable Housing Plan.
- 89. Pursuant to HMC Sections 10-17.515 and 10-17.525, the developer shall enter into and record against the property an Affordable Housing Agreement (AHA) that includes all elements set forth in the ordinance and the Affordable Housing Plan attached to the staff report and on file with the Planning Division, prior to the approval of a final map or issuance of the first building permit, whichever occurs first. Additional rental or resale restrictions, deeds of trust, option agreements and/or other documents acceptable to the City Manager or designee shall be recorded.
- 90. Building permit(s) and certificates of occupancy shall only be issued for any non-City restricted units in the Project in accordance with the Phasing Plan attached to the

Affordable Housing Plan on file with the Housing Division and included as Attachment VII. Phasing of the project includes any situation where the developer elects to obtain building permits for the market-rate units prior to all affordable units per the AHO, the developer seeks to obtain Certificates of Occupancy (COO) for any market-rate units prior to the issuance of COO for all affordable units included in the project, or any other situation specified in the AHO.

Hazardous Materials

91. Electronic Submittal of Environmental Documentation: Environmental Documentation associated with the evaluation, investigation and/or clearance of this site shall be provided in an electronic format to the City of Hayward Fire Department and Planning Division prior to the issuance of the Building or Grading Permit.
92. Demolition/Grading: Prior to grading, all structures and their contents shall be removed or demolished under permit in an environmentally sensitive manner. Proper evaluation, analysis and disposal of materials shall be done by an appropriate professional(s) to ensure that hazards posed to development construction workers, the environment, future uses, and other persons are mitigated.

Utilities

93. The developer shall make necessary arrangements for the City to acquire a non-exclusive easement over the full width of La Playa Drive for the construction, reconstruction, maintenance, and repair of the developer proposed sanitary sewer main. This easement shall be in a form acceptable to the City Engineer and at no cost to the City.
94. The existing sanitary sewer main and manholes in La Playa Drive, downstream of the development proposed sanitary sewer system, to Hesperian Boulevard, shall be video inspected by a qualified and experienced contractor retained by the developer. A copy of this video record and its related written report shall be submitted for the City Engineer's review. Sewer segments and manholes not complying with the current City Standards or with potential for causing sags, infiltration, exfiltration, and/or misalignment shall be repaired or replaced as per plans approved by the City Engineer. The inspection work shall be completed prior to approval of plans by the City Engineer.
95. The sanitary sewer main and manholes in La Playa Drive shall be offered to the City for its acceptance and maintenance after repairs and replacement of defective segments to the satisfaction of the City Engineer.

Engineering

96. Improvement Plans and related design documents prepared by State licensed and qualified professionals shall be submitted to the City Engineer for all public and private improvements shown on the Tentative Map and necessary to develop the project site. The Improvement plans shall include all engineering studies and design documents and must be reviewed and approved by the City Engineer prior to Final Map approval.
97. No building permits shall be issued for new structures on proposed lots prior to issuance of the City's grading permit and recordation of the Final Map except for model homes as per the Subdivision Map Act Section 66499.30 (a).
98. Subdivider shall obtain permits or approvals from all affected agencies or private parties. Copies of applicable permits or approvals shall be provided to the City Engineer.
99. Subdivider shall secure the City Fire Marshal's approval of improvements for all-weather emergency vehicle access and fire protection before flammable material is brought on-site.
100. All grading shall comply with HMC Chapter 10, Article 8 (Subdivision Ordinance) as determined by the City Engineer. A fine grading and drainage plan prepared by a State licensed civil engineer shall be submitted as part of the Improvement Plans for review and approval by the City Engineer prior to the issuance of building permits. Developer may apply only for a rough grading permit which shall include drainage control and storm water pollution prevention measures but exclude site improvements. A fine grading permit shall be required for finishing the grading works and construction of site improvements.
101. A soils report prepared by a licensed civil or geotechnical engineer subject to approval by the City Engineer shall be submitted and the grading, retaining walls, surface and sub-surface drainage, lot drainage, and utility trench backfilling shall be designed in accordance with the recommendations of the soils report. Final grading and drainage plans for the grading permit shall be reviewed and signed by the soils report engineer certifying that the recommendations in the report have been followed. The geotechnical/soils engineer shall submit a letter report to the City at completion of construction certifying that grading, drainage and backfill installation was performed in general compliance with recommendations in the geotechnical report. All material testing reports shall be attached to the certification letter report.

102. Structural calculations and details prepared by a licensed civil or structural engineer are required for all earth retaining structures greater than 4-feet in height (top of wall to bottom of footing) and shall be reviewed and approved by the Building Division of the Development Services Department.
103. The project shall not block runoff from, or augment runoff to, adjacent properties. The developer shall be required to mitigate augmented runoff to maintain post-development site discharge rates to less than or equal to pre-development discharge rates to the satisfaction of the City Engineer.
104. The Alameda County Flood Control and Water Conservation District's Hydrology and Hydraulics Criteria Summary shall be used to design the storm drain system. On site surface drainage shall be collected and conveyed to a public drainage system as per plans approved by the City Engineer. The storm drainage system shall be designed to convey a 10-year storm event.
105. Drainage plans should include all proposed underground pipes, building drains, area drains and inlets. All building sites shall be graded to slope away from the building foundations per California Building Code, Chapter 18, Section 1804.3 Site Grading or as required by the Soils Engineer. On-site collector storm drains shall be sized to minimize potential for blockages. Storm drains shall be designed to prevent standing water.
106. The on-site storm conveyance and treatment systems shall be owned and maintained by the property owners or their association.
107. The project's Stormwater Control Plan and updated Stormwater Requirements Checklist shall be submitted and shall show, at a minimum, drainage management areas, location and details of all treatment control measures and site design measures, and numeric sizing calculations in conformance with Alameda County Clean Water Program C3 design guidelines.
108. This project involves a land disturbance of one or more acres, the developer is required to submit a Notice of Intent to the State Water Resources Control Board and to prepare a Storm Water Pollution Prevention Plan (SWPPP) for controlling storm water discharges associated with construction activity. Copies of these documents must be submitted to the City Engineer prior to issuance of a grading permit. The SWPPP shall utilize the California Storm Water Best Management Practices Handbook for Construction Activities, the ABAG Manual of Standards for Erosion & Sediment Control Measures, the City's Grading and Erosion Control ordinances and other generally accepted engineering practices for erosion control.

109. All broken, cracked, or uplifted curb, gutter, and sidewalk shall be removed and replaced along the project frontage. The existing street section shall be removed and replaced to the centerline of the street if the existing pavement is either damaged or the structural section is determined by the City Engineer to be inadequate for the intended traffic.
110. Private Streets shall be constructed to the same standards as Public Streets.
111. The subdivider shall make necessary arrangements for continued access over La Playa Drive to a public street and for its required maintenance, repairs and reconstruction as required. Provide documents acceptable to the City Engineer.
112. Street lighting along the development frontage and on-site lighting shall comply with current City lighting standards and the City's Security Ordinance. Lighting shall be designed by a qualified lighting designer and erected and maintained so that light is confined to the property and will not cast a direct light or glare upon adjacent properties or rights-of-way. Photometric analyses/studies shall be submitted for review and approval by the City Engineer.
113. All service to the development shall be an "underground service" designed and installed in accordance with the Pacific Gas and Electric Company, AT&T (phone) Company and local cable company regulations. Transformers and switch gear cabinets shall be placed underground unless otherwise approved by the Planning Director and the City Engineer. Underground utility plans must be approved by the City Engineer prior to installation. (HMC Section 10-3.815)
114. The developer shall provide and install the appropriate facilities, conduit, junction boxes, etc., to allow for installation of a fiber optic network within the development.
115. Existing overhead utilities and their poles across the project frontage on La Playa Drive shall be removed and replaced with an underground system. Install street lights to provide illuminations as per the City Standard Detail SD-120 SHT 4 or as otherwise required by the City Engineer.
116. Public Service Easements shown behind sidewalks shall be six-feet wide as per the City Standard Detail SD-102 SHT 1. This is required for consistency with typical such easements.

Transportation

117. Applicant shall submit the following items as part of Improvement Plans to Public Works-Transportation for review prior to issuance of Building Permits:

- a. An on-site and off-site (fronting City right-of-way) Signing and Striping Plan in accordance with Caltrans' latest Standard Plans (refer to Caltrans Standard Plans Sheet A90A for more information on marking complaint disabled stalls).
 - b. A Photometrics Plan, refer to Hayward's Standard Plans Sheet SD-120 for roadway lighting criteria: <https://www.hayward-ca.gov/documents/hayward-standard-detail>.
 - c. Turning Analysis using the largest vehicle expected on-site (typically a delivery vehicle) using AutoTurn software. Turning Analysis shall not depict vehicles backing into public streets/right-of-way.
118. Applicant shall maintain adequate sight distance at all project driveways, internal driveways/drive aisles and intersections.
119. Applicant shall install a striped crosswalk at the proposed site driveway, to the satisfaction of the Public Works Director or his/her designee. This item shall be included in Improvement and Signing & Striping Plans.
120. Applicant shall install a bulb-out curb extension on Calaroga Avenue at the southwest corner of the La Playa Drive/Calaroga Avenue intersection to improve sight distance and to provide traffic calming for pedestrians and bicyclists. This item shall be included in Improvement Plans.
121. Applicant shall install all signage and pavement markings necessary, as determined by the Public Works Director or his/her designee, to prohibit U-turns for the northbound movement at the Calaroga Avenue/La Playa Drive intersection. This item shall be included in Signing & Striping Plans.
122. Applicant shall install all signage and curb markings necessary to prohibit on-street parking along southbound Calaroga Avenue between the La Playa Drive intersection and the driveway for third unit south of the La Playa Drive intersection. This item shall be included in Signing & Striping Plans.
123. Applicant shall re-stripe the existing Bicycle Lane on Calaroga Avenue along the project frontage with new paint and shall add California MUTCD compliant bike lane symbol pavement markings and signage. This item shall be included in Signing & Striping Plans.
124. Applicant shall install "25 MPH" pavement markings and one speed radar feedback sign on southbound Calaroga Avenue along the project frontage. This item shall be included in the Signing & Striping Plans.
125. Upon review of Improvement Plan(s) and required item(s) listed above by Public Works-Transportation, Applicant shall modify Improvement Plan(s) to address any deficiency(ies) or item(s) identified by Public Works-Transportation staff, to the

satisfaction of the Public Works Director or his/her designee, prior to issuance of Building Permit(s).

During Grading/Construction

Planning

126. Basic Air Quality Best Management Practices: The applicant shall implement the following measures to control dust and exhaust emissions during all grading and construction activities. These measures shall be noted on the construction documents prior to issuance of a grading or building permit:

- All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day.
- All haul trucks transporting soil, sand, or other loose material off-site shall be covered.
- All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.
- All vehicle speeds on unpaved roads shall be limited to 15 miles per hour (mph).
- All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.
- Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to five minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations [CCR]). Clear signage shall be provided for construction workers at all access points.
- All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation.
- Post a publicly visible sign with the telephone number and person to contact at the Lead Agency regarding dust complaints. This person shall respond and take corrective action within 48 hours. The BAAQMD's phone number shall also be visible to ensure compliance with applicable regulations

Hazardous Materials

127. If hazardous materials/wastes or their containers are discovered during grading/construction, the Hayward Fire Department shall be immediately notified at (510) 583-4910.

128. During grading and construction, all hazardous materials and hazardous waste shall be properly stored, managed, and disposed.

Utilities

129. The Applicant is responsible for applicable water and sewer connection and/or capacity fees, at the rates in effect at the time of application for water and sewer service, prior to water connection and sewer discharge.
130. All sewer mains and appurtenances shall be constructed in accordance with the City's "Specifications for the Construction of Sanitary Sewer Mains and Appurtenances (12" Diameter or Less)," latest revision at the time of permit approval. Available on the City's website: <https://www.hayward-ca.gov/your-government/departments/engineering-division>

Engineering

131. Construction Stormwater Management: The Developer shall be responsible for the preventing the discharge of pollutants (sediments) into the street and/or the public storm drain system from the project site during construction in accordance with the Hayward Municipal Code Section 11-5.19. Projects proposed for construction between October 1st and April 30th, must have an erosion and sedimentation control program approved, and implemented to the maximum extent possible, prior to the start of any land disturbing activity. Trash and debris must be adequately contained at all times. Such measures shall be maintained during the project's construction period. Violations or other noncompliance with stormwater management measures may result in the project being shut down, including any building permit activity, until full compliance with stormwater management requirements is achieved.
132. Construction Damage: The Developer shall remove and replace any damaged curb, gutter, sidewalks, driveways, signs, pavement, pavement markings, etc. within the public right-of-way along the project frontage and at any locations in the proposed project. Damaged pavement surfaces shall be repaired and resurfaced as required by the City Standard Details. Replacement or repair shall be completed prior to issuance of the Final Construction Report by the City Engineer. Unused driveways or unused portions thereof shall be removed and replaced with curb, gutter and sidewalk per City Standards.
133. Developer shall be responsible for adjusting existing utility boxes/vaults to grade, locating and protecting the existing communication conduits (fiber optic and copper) along the project frontage.
134. Phased Development Releases: All required improvements leading and adjacent to units to be occupied shall be installed according to the approved plans. The public shall not be allowed to pass through areas of activity to reach occupied units.

135. Conceptual Multi-Phased Exhibit (Unit Release Plan): Prior to issuance of certificates of occupancy for any unit within the project, an exhibit showing the proposed phased closures/openings during construction shall be submitted and approved by the City Engineer. The exhibit shall detail the number and locations of units to be released and portion of public street and sidewalk to be opened or closed to the public at each phase. Exhibits shall also show access routes and related traffic control plans. Proper measures such as fencing, gates, and signs must be in place to separate adjacent construction activities from occupied units. These measures shall be reviewed and approved by the City Inspector prior to installation and occupancy of units.

Prior to Issuance of Certificate of Occupancy

Planning

136. A Final Planning inspection shall be required prior to issuance of temporary certificate of occupancy for the model homes and final certificates of occupancy for all units.

Landscaping

137. Bio-retention basin(s) shall be completed prior to issuance of the first certificate of occupancy.
138. Inspection for Models: Landscape inspection shall be required prior to issuance of temporary certificate of occupancy, and another inspection shall be required prior to issuance of certificate of occupancy at the time of converting the model(s) for sale. The project landscape architect shall inspect and accept the installation prior to requesting an inspection from City Landscape Architect. The project landscape architect shall complete Appendix C. Certificate of Completion in the City's Bay-Friendly Water Efficient Landscape Ordinance. The completed Certificate of Completion Part 1 through Part 7 shall be e-mailed/turned in prior to requesting an inspection from the City Landscape Architect.
139. Upon acceptance of the landscape installation in accordance with the approved landscape improvement plans by the City, As-Built digital plans shall be submitted to the Engineering Department by the developer.
140. Pursuant to HMC Section 10-12.11 and as a part of Certificate of Completion, a landscape irrigation audit shall be conducted by a third-party certified landscape irrigation auditor. Landscape audits shall not be conducted by the person who designed the landscape or installed the landscape. For projects with multiple landscape installations (i.e., production home developments), an auditing rate of one (1) in seven (7) lots or approximately fifteen percent (15 %) will satisfy this requirement.

141. Prior to the issuance of Certificate of Occupancy, all landscape and irrigation shall be completed in accordance with the approved plan and accepted by the City Landscape Architect. Before requesting an inspection from the City Landscape Architect, the project landscape architect shall inspect and accept landscape improvements and shall complete Appendix C. Certificate of Completion in the City's Bay-Friendly Water Efficient Landscape Ordinance. The completed Certificate of Completion Part 1 through Part 7 or applicable parts shall be e-mailed/turned in prior to requesting an inspection from the City Landscape Architect.

Engineering

142. All public and common use improvements, including for vehicular and pedestrian access, fencing, sanitary sewerage, storm drainage, water system, underground utilities, streetlights etc., shall be completed and attested to by the City Engineer before approval of occupancy of any unit in each phase of the subdivision. Where facilities of other agencies are involved, such installation shall be verified as having been completed and accepted by those agencies.
143. Prior to final inspection and issuance of final certificates of occupancy, all pertinent conditions of approval and all improvements shall be completed to the satisfaction of the Public Works Director and Development Services Director or his/her designees.
144. Conceptual Multi-Phased Exhibit (Unit Release Plan): Prior to issuance of certificates of occupancy for any unit within the project, an exhibit showing the proposed phased closures/openings during construction. The exhibit shall detail the number and locations of units to be released and portion of public street and sidewalk to be opened/closed to the public at each phase. Exhibits shall also show access routes and include traffic control plans.
145. Proper measures such as fencing, gates, and signs must be in place to separate adjacent construction activities from occupied units. These measures shall be reviewed and approved by the City Inspector prior to installation and occupancy of units.
146. Post Construction Stormwater Maintenance: The property owner(s) shall enter into the City's standard "Stormwater Treatment Measures Maintenance Agreement" as prepared by the City. The Maintenance Agreement shall be recorded with the Alameda County Recorder's Office to ensure that the maintenance responsibility for private treatment control and site design measures is bound to the property in perpetuity.
147. SWPPP Final Report: The project QSP shall prepare and file a Final SWPPP Report with the City and Water Board.

148. Geotechnical Letter: Prior to the issuance of any Certificates of Occupancy, Developer shall submit a confirming letter from the project geologic team confirming they have observed all grading activities and that those activities were performed in conformance with their recommendations.
149. Final Engineer's Report: Prior to the issuance of any Certificate of Occupancy, The Engineer of Record shall submit a confirming letter that all grading, drainage, and engineering components of the project have been performed in conformance with the approved plans and specifications.
150. As-Built Records: As-built records of site grading and improvements completed by the property owner shall be provided to the City Engineer on electronic media in AutoCAD and pdf formats.



PLAN 1A - SPANISH

PLAN 3C - TRADITIONAL

PLAN 2B - MEDITERRANEAN

CLAROGA AVENUE STREETSCAPE



PLAN 3B - MEDITERRANEAN

PLAN 2C - TRADITIONAL

PLAN 3A - SPANISH

PLAN 2B - MEDITERRANEAN

LA PLAYA DRIVE STREETSCAPE

SHEET INDEX T-1 STREETSCAPE / SHEET INDEX CIVIL C-1.0 VESTING TENTATIVE MAP C-2.0 EXISTING CONDITION PLAN C-3.0 PROPOSED LOTTING PLAN C-4.0 PRELIMINARY GRADING AND DRAINAGE PLAN C-5.0 PRELIMINARY UTILITY PLAN C-6.0 PRELIMINARY STORMWATER CONTROL PLAN SD-1 SITE DEVELOPMENT PLAN SD-2 LOT COVERAGE AND SETBACK TABLE SD-3 FIRE TRUCK CIRCULATION PLAN SD-4 SOLID WASTE HANDLING PLAN	ARCHITECTURAL A-1 PLAN 1 COLORED ALL FRONT ELEVATIONS A-2 PLAN 1 FLOOR PLAN A-3 PLAN 1 ELEVATION "A" SPANISH A-4 PLAN 1 ELEVATION "B" MEDITERRANEAN A-5 PLAN 1 ELEVATION "C" TRADITIONAL A-6 PLAN 2 COLORED ALL FRONT ELEVATIONS A-7 PLAN 2 FLOOR PLAN A-8 PLAN 2 ELEVATION "A" SPANISH A-9 PLAN 2 ELEVATION "B" MEDITERRANEAN A-10 PLAN 2 ELEVATION "C" TRADITIONAL A-11 PLAN 2 - SIDE ENTRY COLORED ALL FRONT ELEVATIONS A-12 PLAN 2 - SIDE ENTRY FLOOR PLAN A-13 PLAN 2 - SIDE ENTRY ELEVATION "B" MEDITERRANEAN A-14 PLAN 2 - SIDE ENTRY ELEVATION "C" TRADITIONAL A-15 PLAN 3 COLORED ALL FRONT ELEVATIONS A-16 PLAN 3 FLOOR PLAN	A-17 PLAN 3 ELEVATION "A" SPANISH A-18 PLAN 3 ELEVATION "B" MEDITERRANEAN A-19 PLAN 3 ELEVATION "C" TRADITIONAL A-20 PLAN 3 - SIDE ENTRY COLORED ALL FRONT ELEVATIONS A-21 PLAN 3 - SIDE ENTRY FLOOR PLAN A-22 PLAN 3 - SIDE ENTRY ELEVATION "A" SPANISH A-23 PLAN 3 - SIDE ENTRY ELEVATION "B" MEDITERRANEAN LANDSCAPE L.1.1 ILLUSTRATIVE SITE PLAN L.1.2 PRELIMINARY LANDSCAPE PLAN L.2.1 ARBORIST REPORT L.2.2 ARBORIST REPORT L.2.3 ARBORIST REPORT L.2.4 ARBORIST REPORT L.2.5 ARBORIST REPORT L.3.1 TREE MITIGATION SUMMARY	L.3.2 TREE MITIGATION PLAN L.4 STREET TREE PLAN L.5.1 WALL, FENCE, & MAILBOX PLAN L.5.2 WALL, FENCE, & MAILBOX DETAILS L.6.1 LA PLAYA DRIVE STREETSCAPE IRRIGATION PLAN L.6.2 LA PLAYA DRIVE STREETSCAPE PLANTING PLAN L.7.1 CALROGOA AVENUE STREETSCAPE IRRIGATION PLAN L.7.2 CALROGOA AVENUE STREETSCAPE PLANTING PLAN L.8.1 TYPICAL FRONT YARD CONSTRUCTION PLANS L.8.2 TYPICAL FRONT YARD IRRIGATION PLANS L.8.3 TYPICAL FRONT YARD PLANTING PLANS L.9.1 PARCEL A CONSTRUCTION PLAN L.9.2 PARCEL A IRRIGATION PLAN L.9.3 PARCEL A PLANTING PLAN L.10 PROPOSED PLANT PALETTE L.11.1 CONSTRUCTION DETAILS AND IMAGES L.11.2 CONSTRUCTION DETAILS AND IMAGES	L.12.1 IRRIGATION NOTES & LEGEND L.12.2 IRRIGATION DETAILS L.12.3 IRRIGATION DETAILS L.12.4 IRRIGATION DETAILS L.12.5 IRRIGATION DETAILS L.12.6 IRRIGATION WATER CALCULATIONS L.12.7 IRRIGATION WATER CALCULATIONS L.12.8 IRRIGATION WATER CALCULATIONS L.13.1 PLANTING DETAILS (PRIVATE) L.13.2 PLANTING DETAILS (PUBLIC)
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LA PLAYA COMMONS
HAYWARD, CALIFORNIA

940 Tyler Street #19
Benicia, CA 94510
Phone: (707) 746-6586



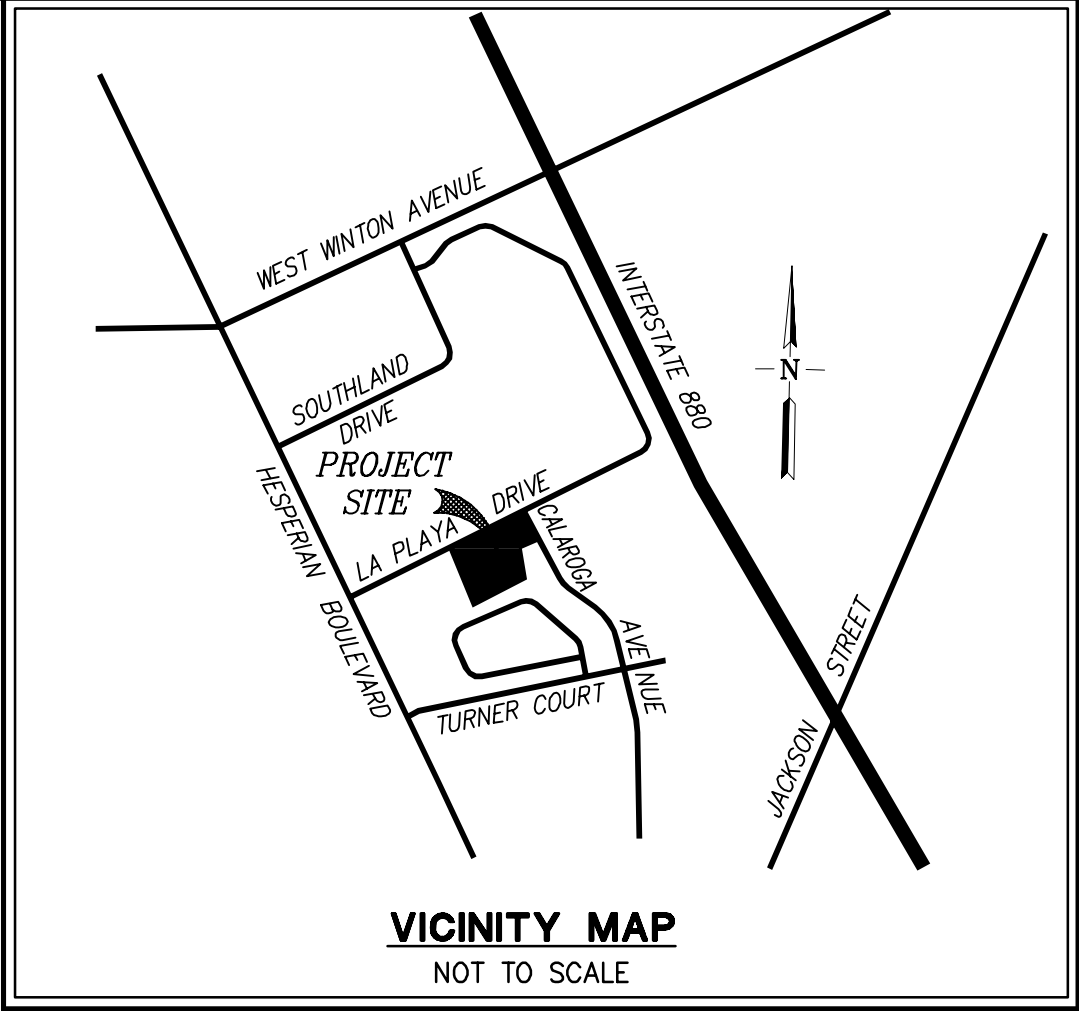
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SHEET T-1

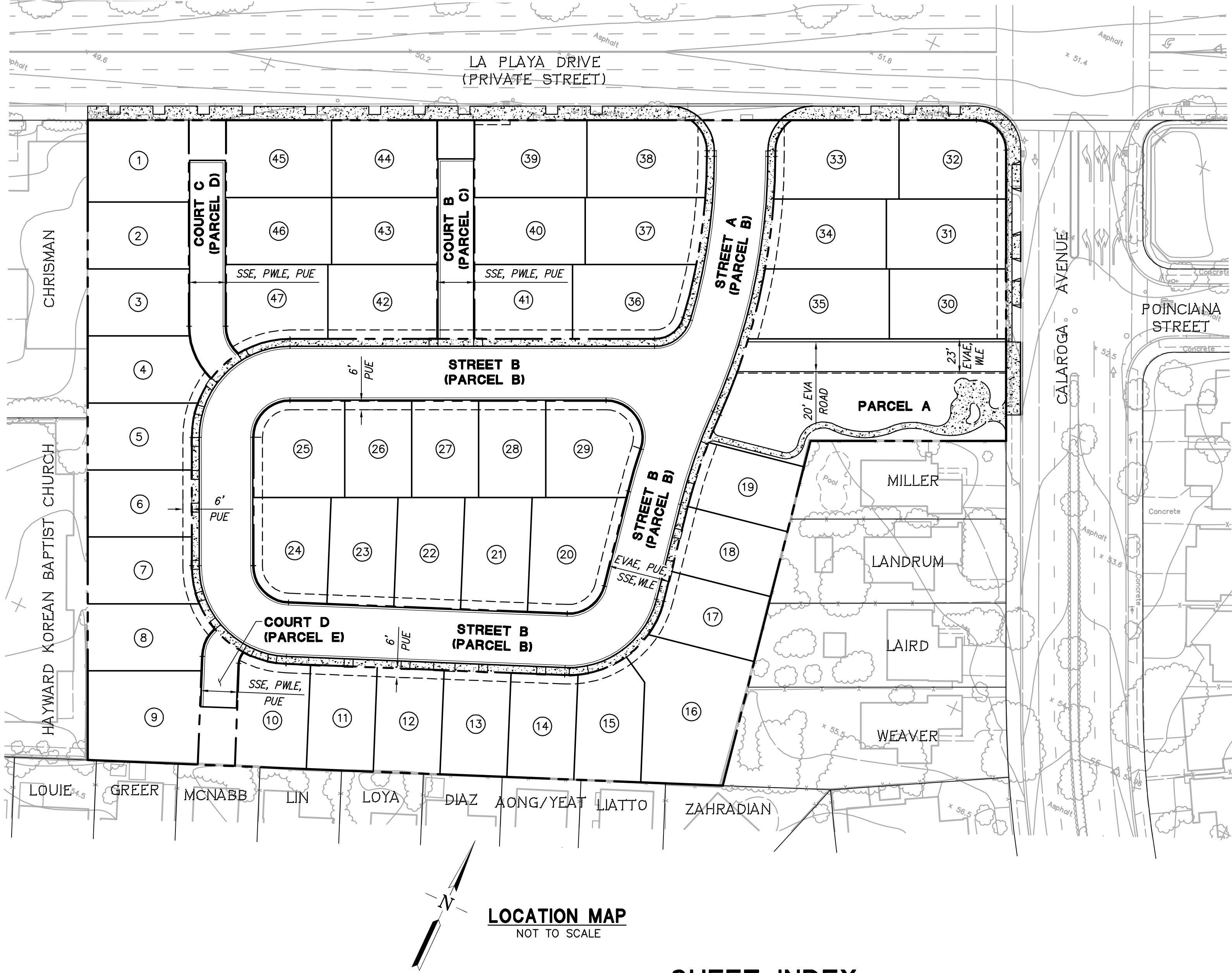
BENCHMARK

BRASS DISC IN STREET MONUMENT WELL LOCATED AT THE INTERSECTION OF CALAROGA AVE AND POINCIANA STREET. ELEVATION = 51.24 FEET - NGVD 88 VALUE (CITY OF HAYWARD NGVD 29 VALUE = 48.714 - NGVD 29) DETERMINED BY GPS RTK METHODS IN DECEMBER 2019. SMARTNET NORTH AMERICA NETWORK STATIONS CAPO - RTM3125 & CCSF - RTM 3224 CONTROLLED THE GPS RTK SOLUTIONS USING GEOID12. ELEVATION VALUES WERE CAPO = 39.916 & CCSF = 54.517.

VESTING TENTATIVE MAP
TRACT 8581 - LA PLAYA COMMONS
CITY OF HAYWARD, ALAMEDA COUNTY, CALIFORNIA



LEGEND	
PROPOSED	DESCRIPTION
---	TRACT BOUNDARY
---	LOT LINE
---	RIGHT OF WAY
---	CENTER LINE
---	RETAINING WALL
---	EASEMENT LINE
12" SD	STORM DRAIN
8" SS	SANITARY SEWER
8" W	WATER
---	CURB & GUTTER
---	SIDEWALK
■	STORM WATER INLET
●	DROP INLET
○	MANHOLE
•	SEWER CLEANOUT
▲	FIRE HYDRANT
■	WATER METER
x 525.2	CONTOUR ELEVATIONS
0.7%	SPOT ELEVATION
→	SLOPE
→	STREET LIGHT
EXISTING	
---	TRACT BOUNDARY
---	LOT LINE
---	RIGHT OF WAY
---	CENTER LINE
---	RETAINING WALL
---	EASEMENT LINE
12" SD	STORM DRAIN
8" SS	SANITARY SEWER
8" W	WATER
---	CURB & GUTTER
---	SIDEWALK
■	STORM WATER INLET
●	DROP INLET
○	MANHOLE
•	SEWER CLEANOUT
▲	FIRE HYDRANT
■	WATER METER
x 525.2	CONTOUR ELEVATIONS
0.7%	SPOT ELEVATION
→	SLOPE
→	STREET LIGHT



LOCATION MAP
NOT TO SCALE

ABBREVIATIONS

AB	AGGREGATE BASE	LP	LOW POINT
AC	ASPHALT CONCRETE	MH	MANHOLE
BR	BIO-RETENTION	OH	OVERHEAD
BW	BACK OF SIDEWALK	PAD	PAD ELEVATION
CONC	CONCRETE	PAV	PAVEMENT ELEVATION
EG	EXISTING GROUND	PL	PROPERTY LINE
ELEC	ELECTRIC	PSDE	PRIVATE STORM DRAIN EASEMENT
EVAE	EMERGENCY VEHICLE ACCESS EASEMENT	PUE	PUBLIC UTILITY EASEMENT
EX	EXISTING	RET	CURB RETURN
FC	FACE OF CURB	RW	RIGHT OF WAY
FF	FINISH FLOOR	SDE	STORM DRAIN EASEMENT
FG	FINISHED GRADE	SSE	SANITARY SEWER EASEMENT
FL	FLOW LINE	SW	STORM WATER INLET
GB	GRADE BREAK	SWK	SIDEWALK
GE	GARAGE ELEVATION	TEL	TELEPHONE
HP	HIGH POINT	TC	TOP OF CURB
INV	INVERT ELEVATION	WLE	WATER LINE EASEMENT
JT	JOINT TRENCH	WM	WATER METER
LL	LOT LINE	WS	WATER SERVICE

CIVIL ENGINEER

I, ALEXANDER AZAR, CERTIFY THAT THIS TENTATIVE WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT IT COMPLIES WITH THE CITY OF HAYWARD SUBDIVISION AND THAT IT COMPLIES WITH THE CITY OF HAYWARD SUBDIVISION ORDINANCE AND THE STATE MAP ACT.

A SOILS REPORT ON THIS PROPERTY HAS BEEN PREPARED BY QUANTUM GEOTECHNICAL, INC. ENTITLED "GEOTECHNICAL INVESTIGATION ON PROPOSED RESIDENTIAL DEVELOPMENT" DATED JANUARY 15, 2020, WHICH HAS BEEN FILED WITH THE CITY OF HAYWARD.

ALEXANDER AZAR, R.C.E. 87006
RUGGERI-JENSEN-AZAR, INC.

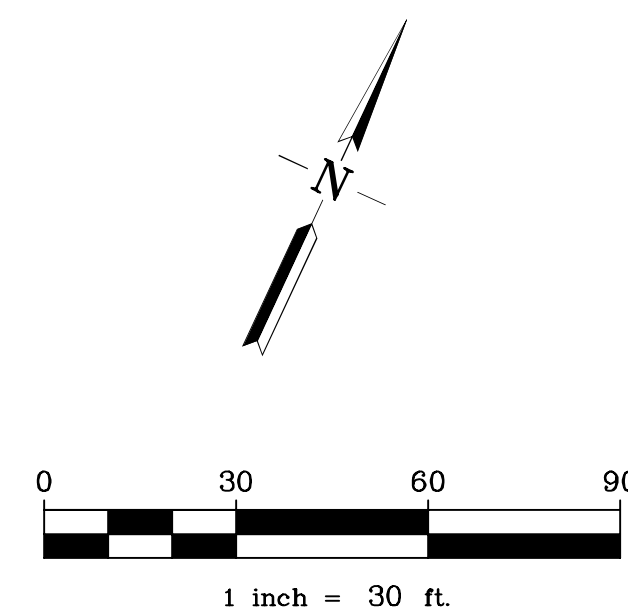
DATE

GENERAL NOTES

- OWNER: QUACH'S HAYWARD LLC
C/O D.R. HORTON BAY, INC.
1000 LA PLAYA DRIVE
HAYWARD, CA 94545
TEL: (510) 506-3750
CONTACT: CHRIS ZABALLOS
- APPLICANT: D.R. HORTON BAY, INC.
6683 OWENS DRIVE
PLEASANTON, CA 94588
TEL: (510) 506-3750
CONTACT: CHRIS ZABALLOS
- CIVIL ENGINEER: RUGGERI-JENSEN-AZAR
4690 CHABOT DRIVE, SUITE 200
PLEASANTON, CA 94588
TEL: (925) 227-9100
CONTACT: ALEXANDER AZAR, R.C.E. 87006
- GEOTECHNICAL ENGINEER: QUANTUM GEOTECHNICAL, INC.
6288 SAN IGNACIO AVENUE, SUITE A
SAN JOSE, CA 95119
TEL: (408) 629-3822
CONTACT: SIMON MAKDESSI
- ARCHITECT: DAG ARCHITECTS
940 TYLER STREET, #19
BENICIA, CA 94510
TEL: (707) 361-5209
CONTACT: NANCY NELSON
- LANDSCAPE ARCHITECT: R3 STUDIOS
201 4TH STREET, SUITE 101B
OAKLAND, CA 94607
TEL: (510) 452-4190
CONTACT: ROMAN DE SOTA
- PROPERTY DESCRIPTION: PARCEL C, PARCEL MAP 307, FILED JANUARY 11, 1968, IN BOOK 54 OF PARCEL MAPS, PAGE 90, ALAMEDA COUNTY RECORDS.
- ASSESSOR'S PARCEL NUMBER: 442-0038-001
- CURRENT USE: COMMERCIAL
- PROPOSED USE: RESIDENTIAL
- EXISTING ZONING: NEIGHBORHOOD COMMERCIAL
- PROPOSED ZONING: PLAN DEVELOPMENT (PD) REZONE
- GROSS SITE AREA: 5.4± ACRES
- TOTAL NUMBER OF PROPOSED LOTS:
a. RESIDENTIAL 47 LOTS
b. OPEN SPACE (PARCEL A) 1 LOTS
c. PRIVATE STREETS (PARCEL B) 1 LOTS
d. PRIVATE COURTS (PARCEL C-E) 3 LOTS
52 LOTS
- UTILITIES:
a. WATER: CITY OF HAYWARD
b. SANITARY SEWER: CITY OF HAYWARD
c. STORM DRAIN: CITY OF HAYWARD
d. FIRE: CITY OF HAYWARD
e. GAS AND ELECTRIC: CITY OF HAYWARD
f. TELEPHONE: AT&T
g. CABLE TV: COMCAST
- THIS PROPERTY LIES WITHIN FLOOD ZONE X (AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN), AS SHOWN IN FLOOD INSURANCE RATE MAP NUMBER 0601C0288G, PANEL NO. 288 OF 725, DATED AUGUST 3, 2009.
- ALL EROSION CONTROL MEASURES SHALL BE IN CONFORMANCE WITH THE CRITERIA AND STANDARDS OF THE CITY OF HAYWARD.
- THE HOMEOWNERS' ASSOCIATION WILL OWN AND MAINTAIN ALL COMMON LOTS, PRIVATE STREETS, PRIVATE COURTS, COMMON WALKWAYS, PRIVATE STREET LIGHTS, PRIVATE STORM DRAIN SYSTEMS, WATER QUALITY TREATMENT FACILITIES AND COMMON AMENITIES.



RUGGERI-JENSEN-AZAR
ENGINEERS • PLANNERS • SURVEYORS
4690 CHABOT DRIVE, SUITE 200 PLEASANTON, CA 94588
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 EX TREE TO BE REMOVED
 EX TREE TO REMAIN

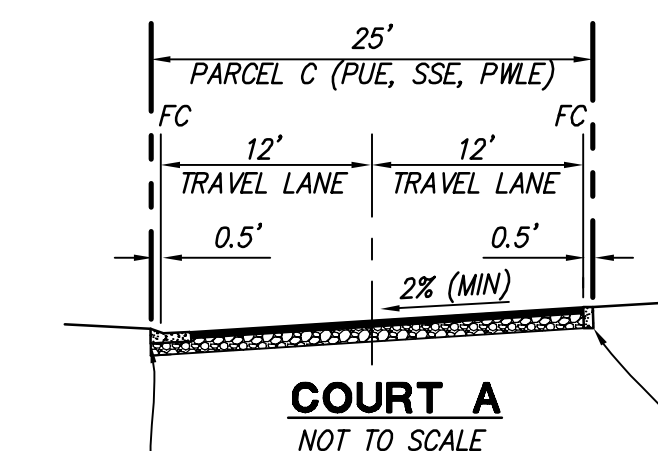
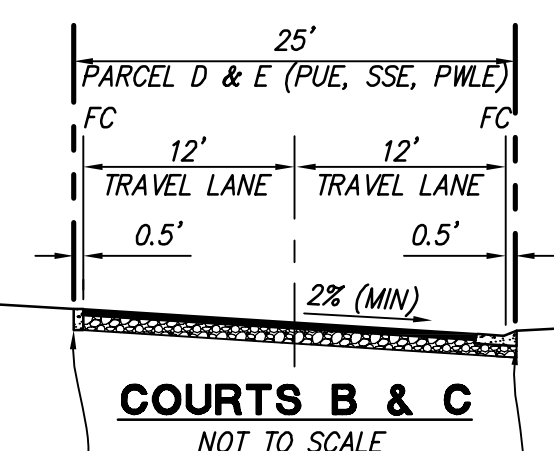
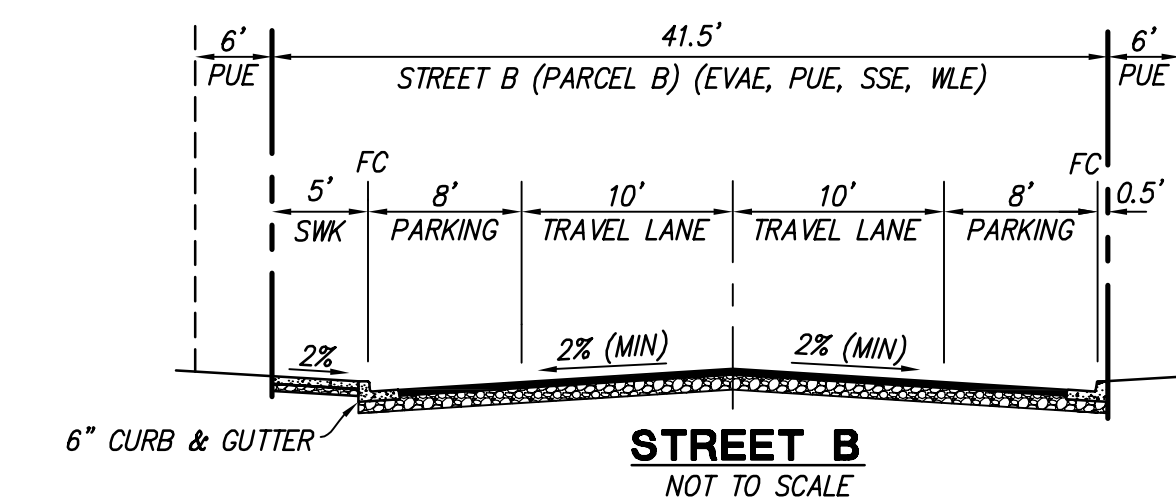
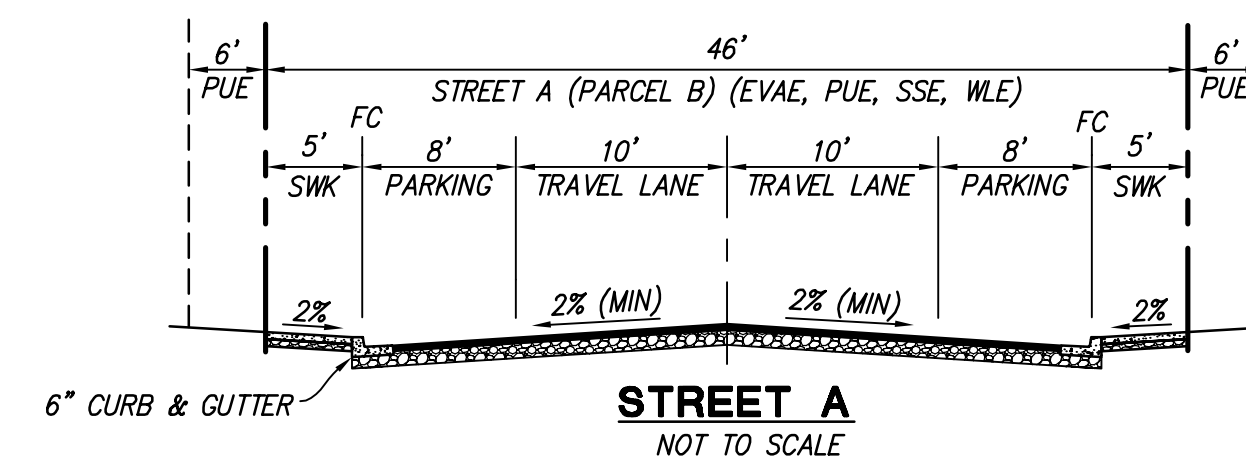
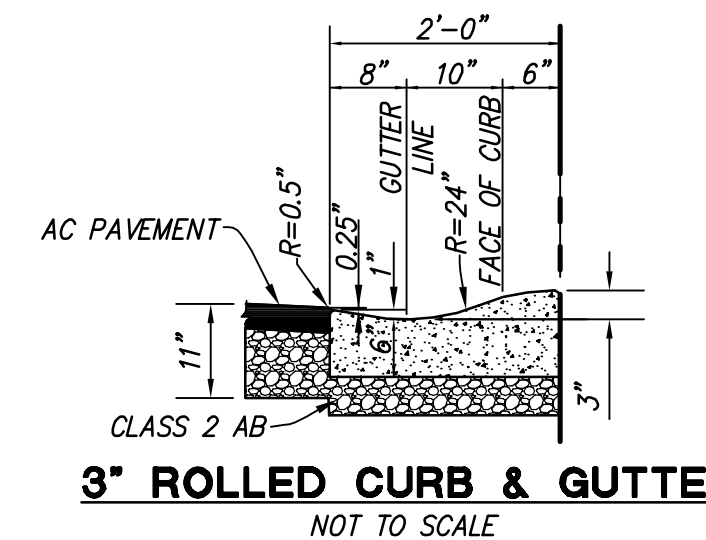
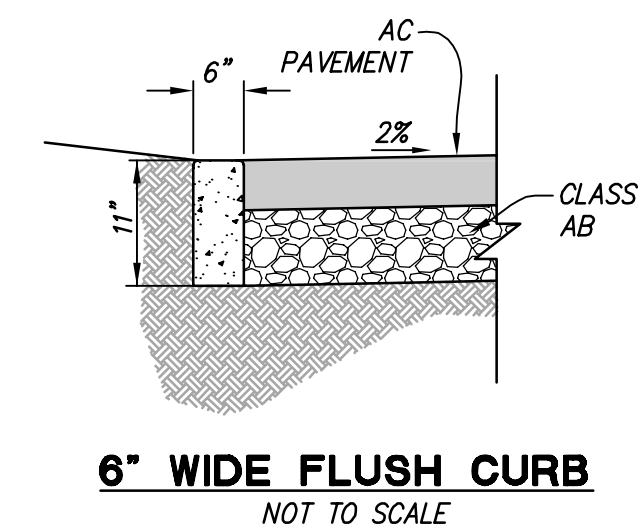
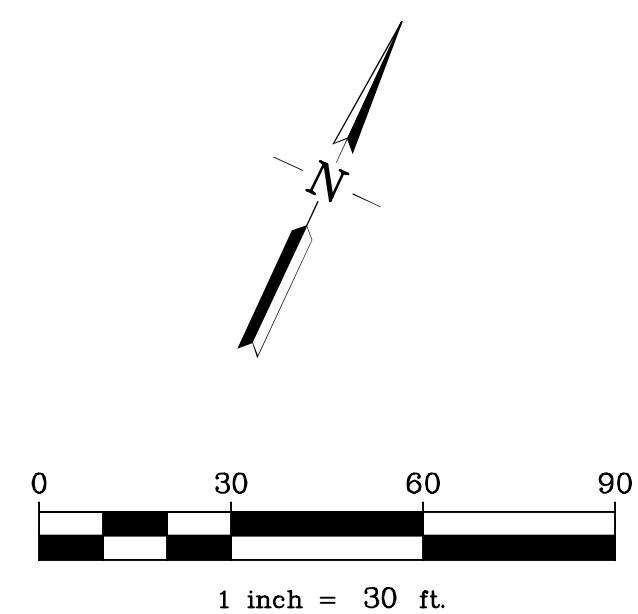
CITY OF HAYWARD, ALAMEDA COUNTY, CALIFORNIA
FOR: D.R. HORTON

RUGGERI-JENSEN-AZAR
ENGINEERS ■ PLANNERS ■ SURVEYORS
4690 CHABOT DRIVE, SUITE 200 PLEASANTON, CA 94588
PHONE: (925) 227-9100 FAX: (925) 227-9300

C-2.0

LOT AREAS TABLE	
LOT NO.	AREA (SQ.FT.)
1	3,740
2	3,060
3	3,061
4	3,386
5	3,181
6	3,150
7	3,193
8	3,554
9	4,638
10	3,433
11	3,150
12	3,150
13	3,150
14	3,152
15	3,404
16	6,161
17	3,142
18	3,105
19	3,065
20	4,210
21	3,422
22	3,341
23	3,259
24	3,459
25	3,862
26	2,925
27	2,925
28	2,925
29	3,889
30	3,689
31	3,783
32	3,730
33	4,351
34	3,671
35	4,168
36	3,814
37	3,518
38	4,098
39	3,952
40	3,352
41	3,300
42	3,675
43	3,195
44	3,562
45	3,822
46	3,195
47	3,569
TOTAL	166,536

PARCEL AREAS TABLE	
PARCEL NO.	AREA (SQ.FT.)
PARCEL A	13,381
PARCEL B	45,177
PARCEL C	3,675
PARCEL D	4,193
PARCEL E	2,127
TOTAL	68,553



PROPOSED LOTTING PLAN TRACT 8581 - LA PLAYA COMMONS CITY OF HAYWARD, ALAMEDA COUNTY, CALIFORNIA FOR: D.R. HORTON

LEGEND

- ① EVAE, PUE, SSE, WLE
- ② PUE, SSE, PWLE
- EVAE EMERGENCY VEHICLE ACCESS EASEMENT
- PUE PUBLIC UTILITY EASEMENT
- SSE SANITARY SEWER EASEMENT
- WLE WATER LINE EASEMENT
- PSDE PRIVATE STORM DRAIN EASEMENT
- PWLE PRIVATE WATER LINE EASEMENT

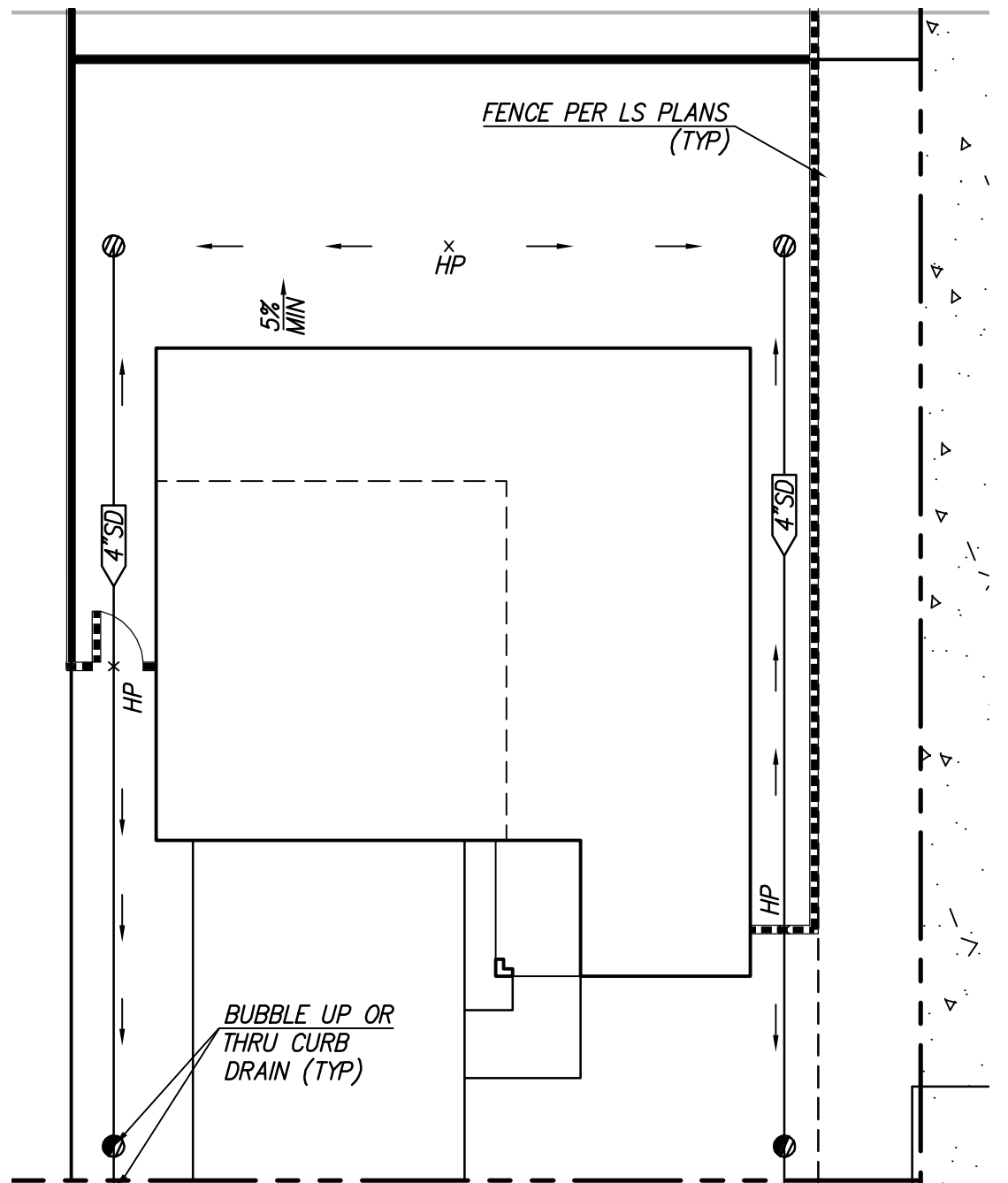


RUGGERI-JENSEN-AZAR
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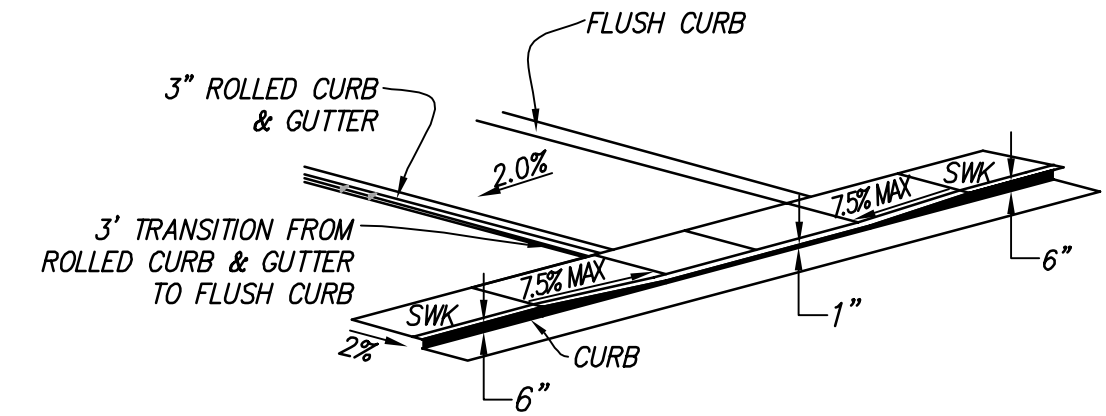
DATE: JUNE 3, 2021

JOB NO. 191098

C-3.0



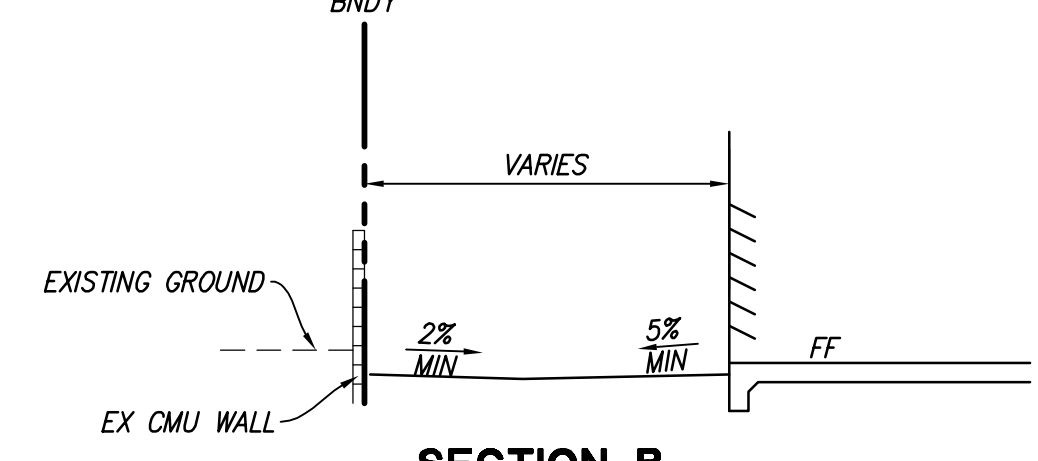
TYPICAL ON-LOT DRAINAGE DETAIL
NOT TO SCALE



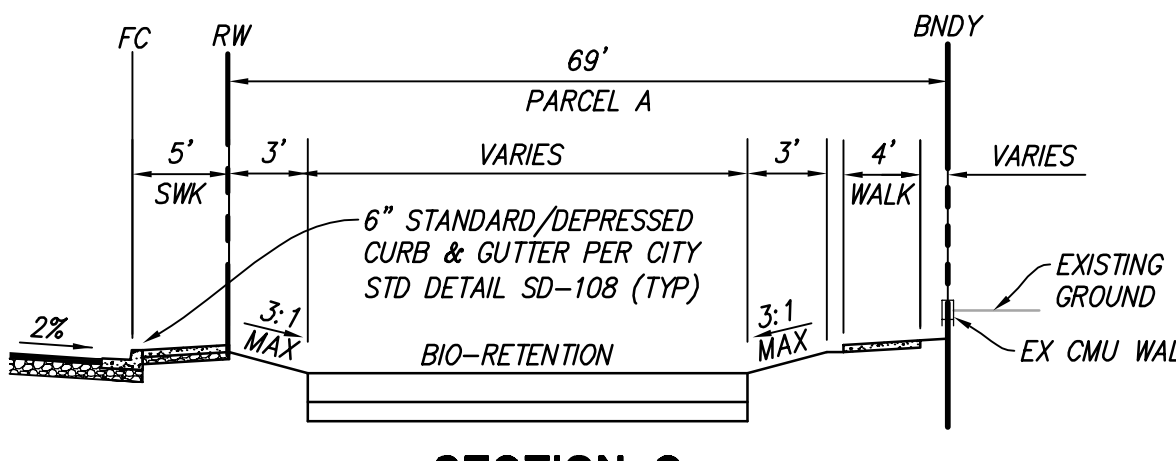
DEPRESSED DRIVEWAY DETAIL
NOT TO SCALE

The diagram shows a vertical line on the left labeled "BNDY" and a horizontal line labeled "EX BUILDING". A vertical line with diagonal hatching is labeled "VARIES" and "FF".

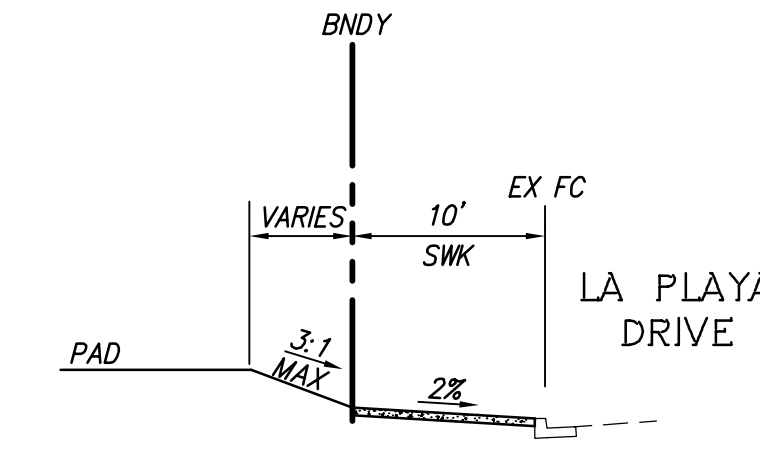
SECTION A
NOT TO SCALE



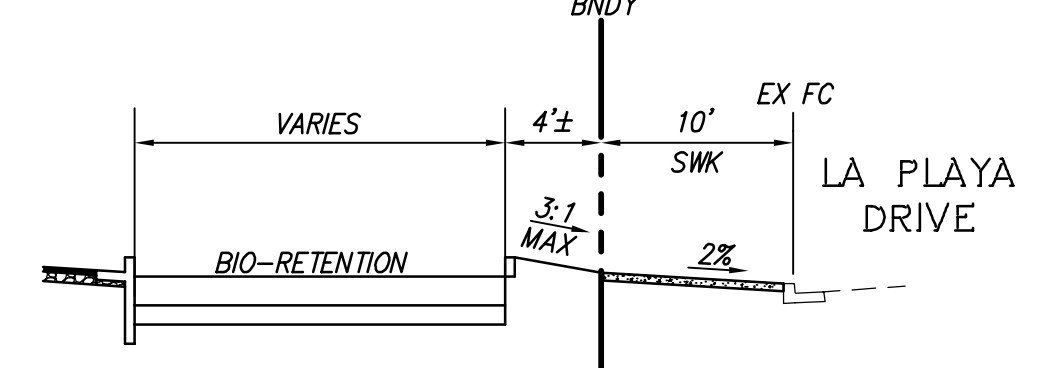
SECTION B
NOT TO SCALE



SECTION C
NOT TO SCALE



SECTION D
NOT TO SCALE



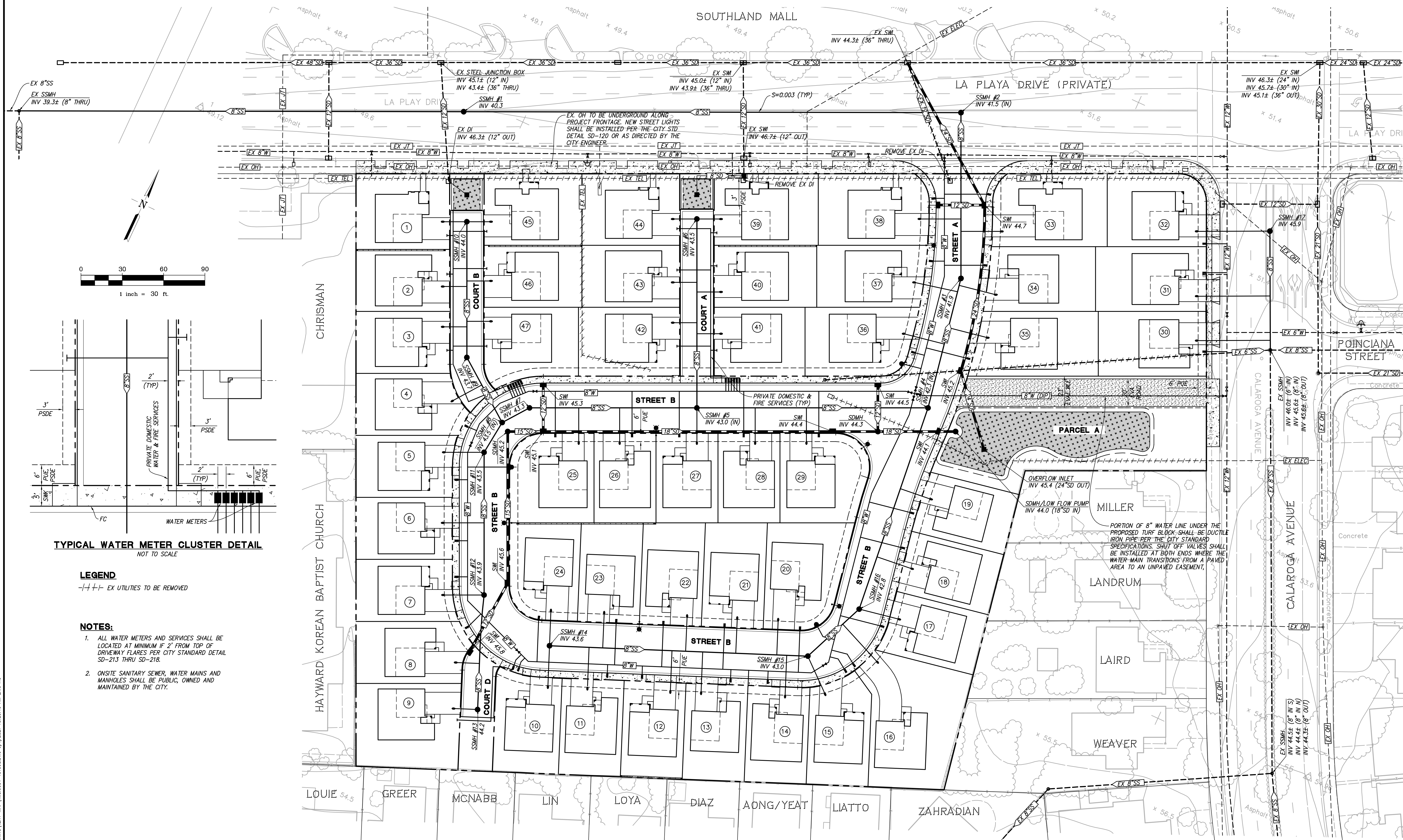
SECTION E
NOT TO SCALE

RJA

RUGGERI-JENSEN-AZAR
ENGINEERS ■ PLANNERS ■ SURVEYORS
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C-4.0

1. ALL QUANTITIES SHOWN ON THIS PLAN ARE APPROXIMATE, CALCULATED CUTOFF AND FILL ARE TO "ROUGH GRADE" AND EXISTING GROUND. THE ACTUAL AMOUNT OF EARTH MOVED IS VARIABLE DEPENDENT ON COMPACTION, CONSOLIDATION, STRIPPING REQUIREMENTS, AND THE CONTRACTOR'S METHOD OF OPERATION.
2. THE CONTRACTOR SHALL VERIFY ALL EARTHWORK QUANTITIES BEFORE START OF WORK. THE CONTRACTOR SHALL CONTACT THE CIVIL ENGINEER WITH ANY DISCREPANCIES.
3. DEMOLITION MATERIAL TO BE OFFHAUL BY THE CONTRACTOR.
4. FOUNDATION AND PLUMBING SPOOLS ARE ASSUMED AT 50 CY/BUILDING.
5. 5% SHRINKAGE ASSUMPTION PER GEOTECHNICAL ENGINEER.



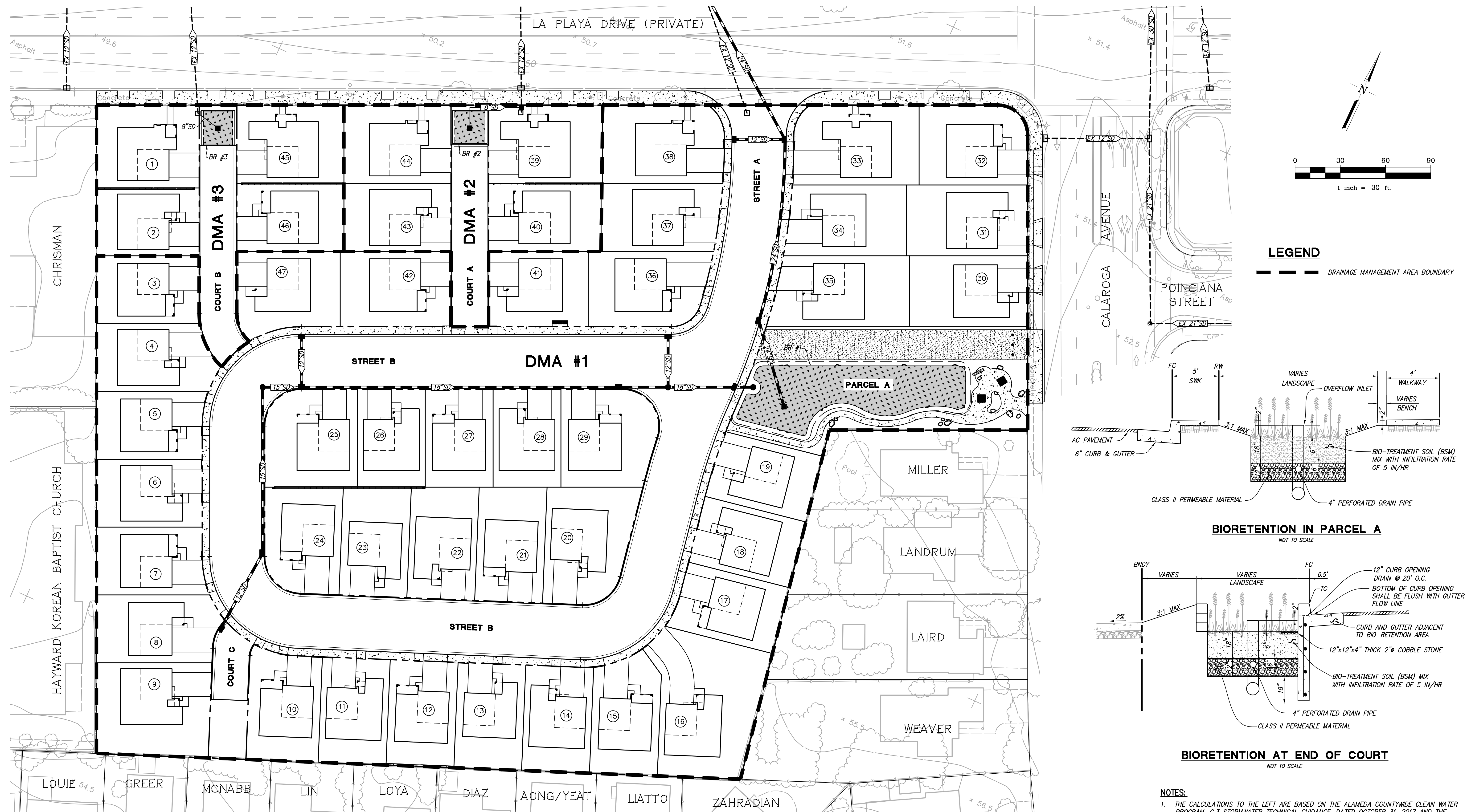
PRELIMINARY UTILITY PLAN **TRACT 8581 - LA PLAYA COMMONS** CITY OF HAYWARD, ALAMEDA COUNTY, CALIFORNIA FOR: D.R. HORTON

RJA
RUGGERI-JENSEN-AZAR
 ENGINEERS • PLANNERS • SURVEYORS
 4690 CHABOT DRIVE, SUITE 200 PLEASANTON, CA 94588
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DATE: JUNE 3, 2021

JOB NO. 191098

C-5.0



DRAINAGE MANAGEMENT AREA (DMA)	TREATMENT CONTROL MEASURES (TCM)	TOTAL DRAINAGE AREA (SF)	PERVIOUS AREA (SF)	IMPERVIOUS AREA (SF)	EFFECTIVE PERVIOUS AREA (SF)	EFFECTIVE IMPERVIOUS AREA (SF)	TREATMENT AREA REQUIRED (SF)	TREATMENT AREA PROVIDED (SF)	DEPTH OF PONDING (INCHES)	TREATMENT TYPE	SIZING METHOD
1	BR #1	199,362	42,079	157,283	4,208	161,491	4,658	4,658	6	BIO-RETENTION	SEE NOTE 2
2	BR #2	17,847	3,481	14,366	348	14,714	425	428	6	BIO-RETENTION	SEE NOTE 2
3	BR #3	17,880	3,410	14,470	341	14,811	428	430	6	BIO-RETENTION	SEE NOTE 2

PRELIMINARY STORMWATER CONTROL PLAN
TRACT 8581 - LA PLAYA COMMONS

CITY OF HAYWARD, ALAMEDA COUNTY, CALIFORNIA
FOR: D.R. HORTON

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PHONE: (925) 227-9100 FAX: (925) 227-9300



LOT COVERAGE AND SETBACK TABLE													
LOT NO.	PLAN TYPE	FOOTPRINT SIZE (SQ.FT.)	LOT SIZE (SQ. FT.)	LOT COVERAGE		FRONT YARD SETBACK (FT.)		SIDE YARD SETBACK (FT.)		REAR YARD SETBACK (FT.)		SIDE STREET YARD SETBACK (FT.)	
				PROVIDED	MAXIMUM*	PROVIDED	MINIMUM*	PROVIDED	MINIMUM*	PROVIDED	MINIMUM*	PROVIDED	MINIMUM*
1	PLAN 2B (SIDE)	1280	3740	34%	40%	15	20	5	5	14	20	15	10
2	PLAN 3C	1369	3060	45%	40%	13	20	4	5	14	20	-	-
3	PLAN 2A	1241	3061	41%	40%	16	20	5	5	14	20	-	-
4	PLAN 3B	1379	3386	41%	40%	20	20	4	5	14	20	-	-
5	PLAN 2A	1241	3181	39%	40%	16	20	5	5	16	20	-	-
6	PLAN 3B	1379	3150	44%	40%	13	20	4	5	16	20	-	-
7	PLAN 2C	1243	3193	39%	40%	16	20	5	5	16	20	-	-
8	PLAN 1B	1135	3554	32%	40%	19	20	5	5	21	20	-	-
9	PLAN 3A	1369	4638	30%	40%	17	20	4	5	16	20	-	-
10	PLAN 2B	1241	3433	36%	40%	17	20	5	5	16	20	-	-
11	PLAN 3A	1369	3150	43%	40%	13	20	4	5	16	20	-	-
12	PLAN 2B	1241	3150	39%	40%	16	20	5	5	16	20	-	-
13	PLAN 1A	1135	3150	36%	40%	12	20	5	5	21	20	-	-
14	PLAN 3C	1369	3152	43%	40%	13	20	4	5	16	20	-	-
15	PLAN 2A	1241	3404	36%	40%	20	20	5	5	16	20	-	-
16	PLAN 3B	1379	6161	22%	40%	35	20	4	5	14	20	-	-
17	PLAN 2A	1241	3142	40%	40%	16	20	5	5	15	20	-	-
18	PLAN 3B	1379	3105	44%	40%	13	20	4	5	15	20	-	-
19	PLAN 1A	1135	3065	37%	40%	14	20	5	5	17	20	-	-
20	PLAN 3A	1369	4210	33%	40%	17	20	5	5	13	20	10	10
21	PLAN 2C	1243	3422	36%	40%	16	20	5	5	21	20	-	-
22	PLAN 3B	1379	3341	41%	40%	13	20	4	5	19	20	-	-
23	PLAN 1C	1135	3259	35%	40%	12	20	5	5	22	20	-	-
24	PLAN 2A	1241	3459	36%	40%	17	20	5	5	10	20	10	10
25	PLAN 2B	1241	3862	32%	40%	16	20	5	5	11	20	15	10
26	PLAN 3C	1369	2925	47%	40%	13	20	4	5	11	20	-	-
27	PLAN 2A	1241	2925	42%	40%	16	20	5	5	11	20	-	-
28	PLAN 3B	1379	2925	47%	40%	13	20	4	5	11	20	-	-
29	PLAN 2C	1243	3889	32%	40%	16	20	5	5	11	20	16	10
30	PLAN 1A	1135	3689	31%	40%	12	20	6	5	29	20	-	-
31	PLAN 3C	1369	3783	36%	40%	13	20	5	5	26	20	-	-
32	PLAN 2B	1241	3730	33%	40%	15	20	5	5	18	20	12	10
33	PLAN 3A (SIDE)	1472	4351	34%	40%	17	20	5	5	18	20	11	10
34	PLAN 1C	1135	3671	31%	40%	12	20	6	5	26	20	-	-
35	PLAN 3B	1379	4168	33%	40%	18	20	5	5	29	20	-	-
36	PLAN 2A	1241	3814	33%	40%	17	20	5	5	17	20	10	10
37	PLAN 3B	1379	3518	39%	40%	17	20	4	5	20	20	-	-
38	PLAN 2C (SIDE)	1280	4098	31%	40%	17	20	5	5	21	20	12	10
39	PLAN 3B (SIDE)	1472	3952	37%	40%	8	20	4	5	21	20	11	10
40	PLAN 2A	1241	3352	37%	40%	16	20	5	5	20	20	-	-
41	PLAN 1C	1135	3300	34%	40%	12	20	5	5	17	20	10	10
42	PLAN 2B	1241	3675	34%	40%	16	20	5	5	19	20	10	10
43	PLAN 3C	1369	3195	43%	40%	13	20	4	5	17	20	-	-
44	PLAN 2C (SIDE)	1280	3562	36%	40%	15	20	5	5	17	20	12	10
45	PLAN 3A (SIDE)	1472	3822	39%	40%	8	20	4	5	17	20	11	10
46	PLAN 2C	1243	3195	39%	40%	16	20	5	5	17	20	-	-
47	PLAN 1B	1135	3569	32%	40%	12	20	5	5	19	20	10	10

* MAXIMUM LOT COVERAGE AND MINIMUM SETBACKS AS LISTED IN THIS TABLE ARE BASED ON SEC. 10–1.225 (LOT REQUIREMENTS) AND SEC. 10–1.230 (YARD REQUIREMENTS) FOR SINGLE–FAMILY RESIDENTIAL (RS) ZONING OF THE CITY OF HAYWARD ZONING ORDINANCE.

LOT COVERAGE AND SETBACK TABLE

TRACT 8581 - LA PLAYA COMMONS

CITY OF HAYWARD, ALAMEDA COUNTY, CALIFORNIA

FOR: D.R. HORTON

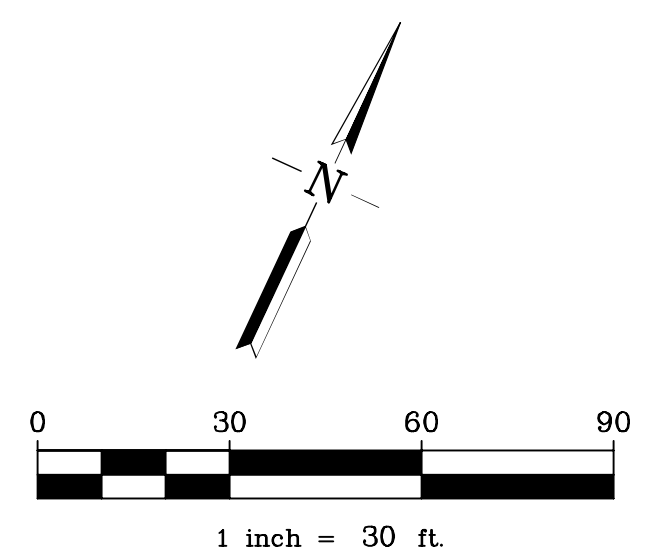
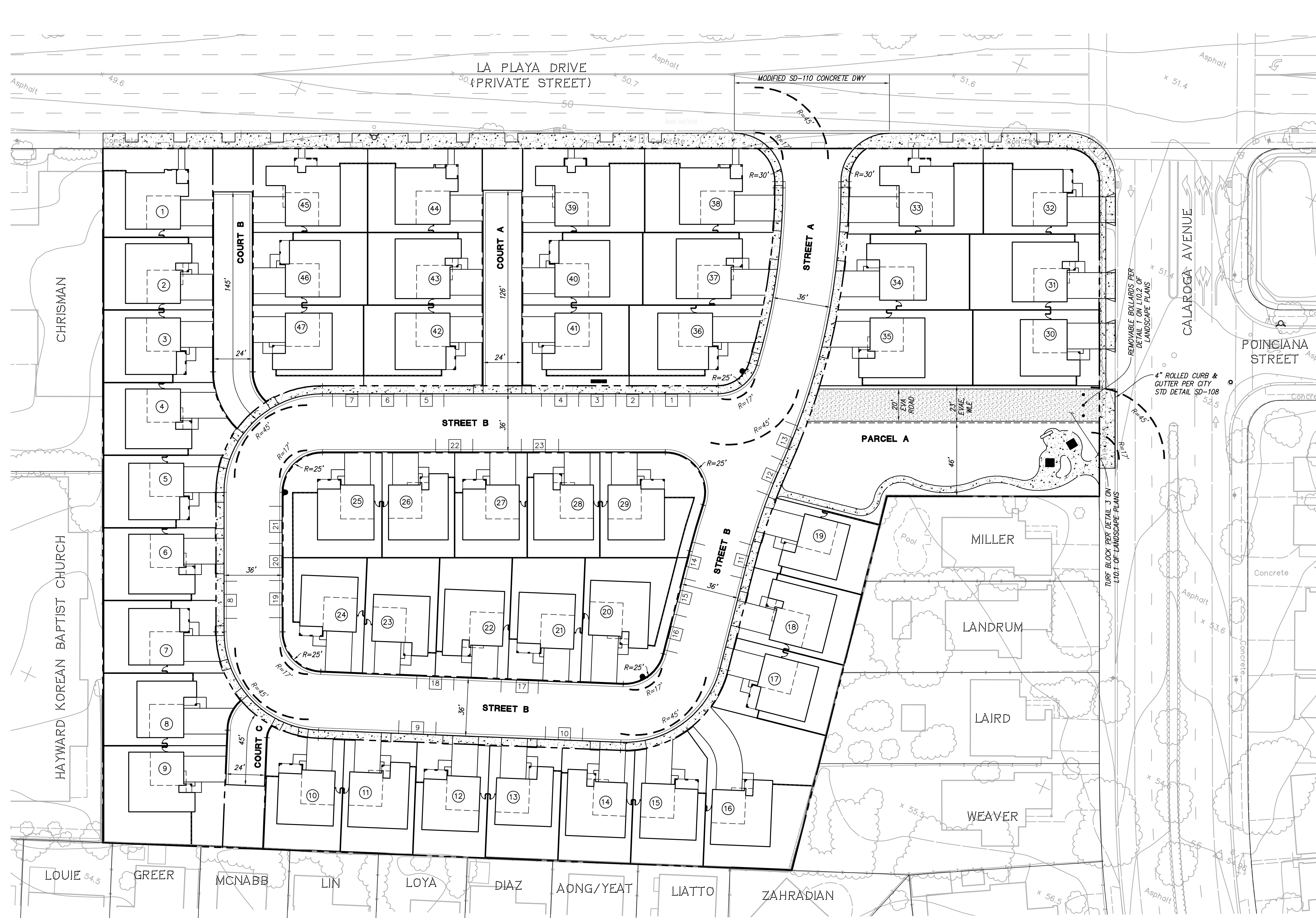


RUGGERI-JENSEN-AZAR

ENGINEERS • PLANNERS • SURVEYORS

4690 CHABOT DRIVE, SUITE 200 PLEASANTON, CA 94588

PHONE: (925) 227–9100 FAX: (925) 227–9300



LEGEND

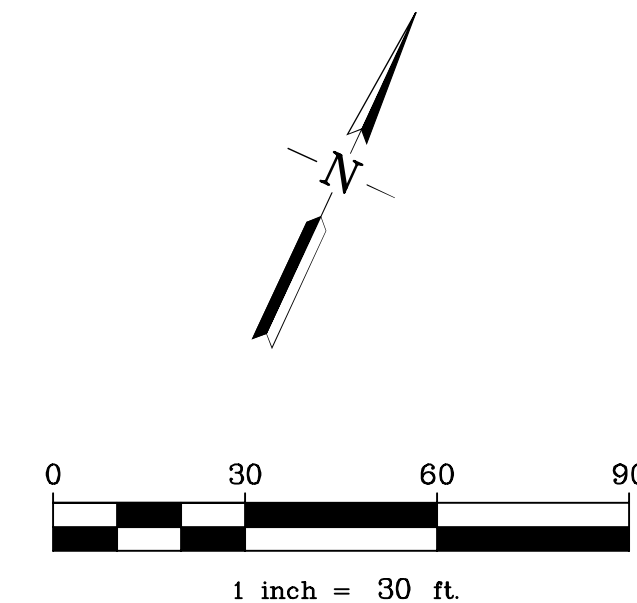
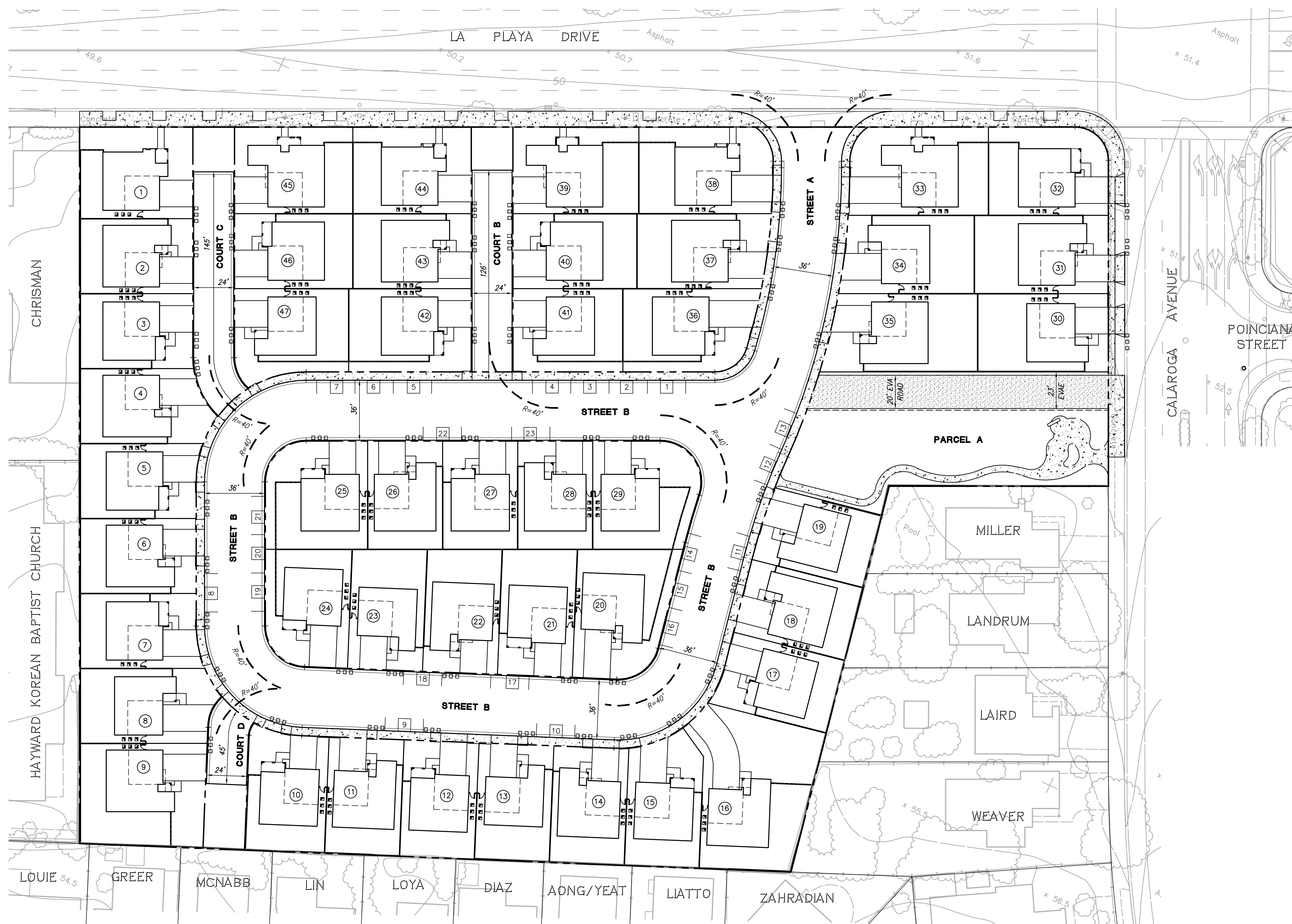
- EXISTING FIRE HYDRANT
- PROPOSED FIRE HYDRANT
- FIRE TRUCK ROUTE

FIRE TRUCK TURNING RADIUS PER CITY OF HAYWARD FIRE DEPARTMENT DETAIL SD-501

FIRE TRUCK CIRCULATION PLAN
TRACT 8581 - LA PLAYA COMMONS
 CITY OF HAYWARD, ALAMEDA COUNTY, CALIFORNIA
 FOR: D.R. HORTON

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Q:\082019\01081 CAD FILES\100-EXHIBITS\FIRE ACCESS EXHIBIT.DWG 6/1/2021 3:40:20 PM ERIC HO

**LEGEND**

- TRASH TRUCK ROUTE
- TRASH BIN PLACEMENT ON PICKUP DAYS
(22" X 25" PER BIN AT 2 FT APART)
- TRASH BIN PLACEMENT ON NON-SERVICE DAYS
(22" X 25" PER BIN AT 2 FT APART)

SOLID WASTE HANDLING PLAN

TRACT 8581 - LA PLAYA COMMONS

CITY OF HAYWARD, ALAMEDA COUNTY, CALIFORNIA
FOR: D.R. HORTON



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PHONE: (925) 227-9100 FAX: (925) 227-9300

DATE: JUNE 3, 2021

JOB NO. 191098

SD-4



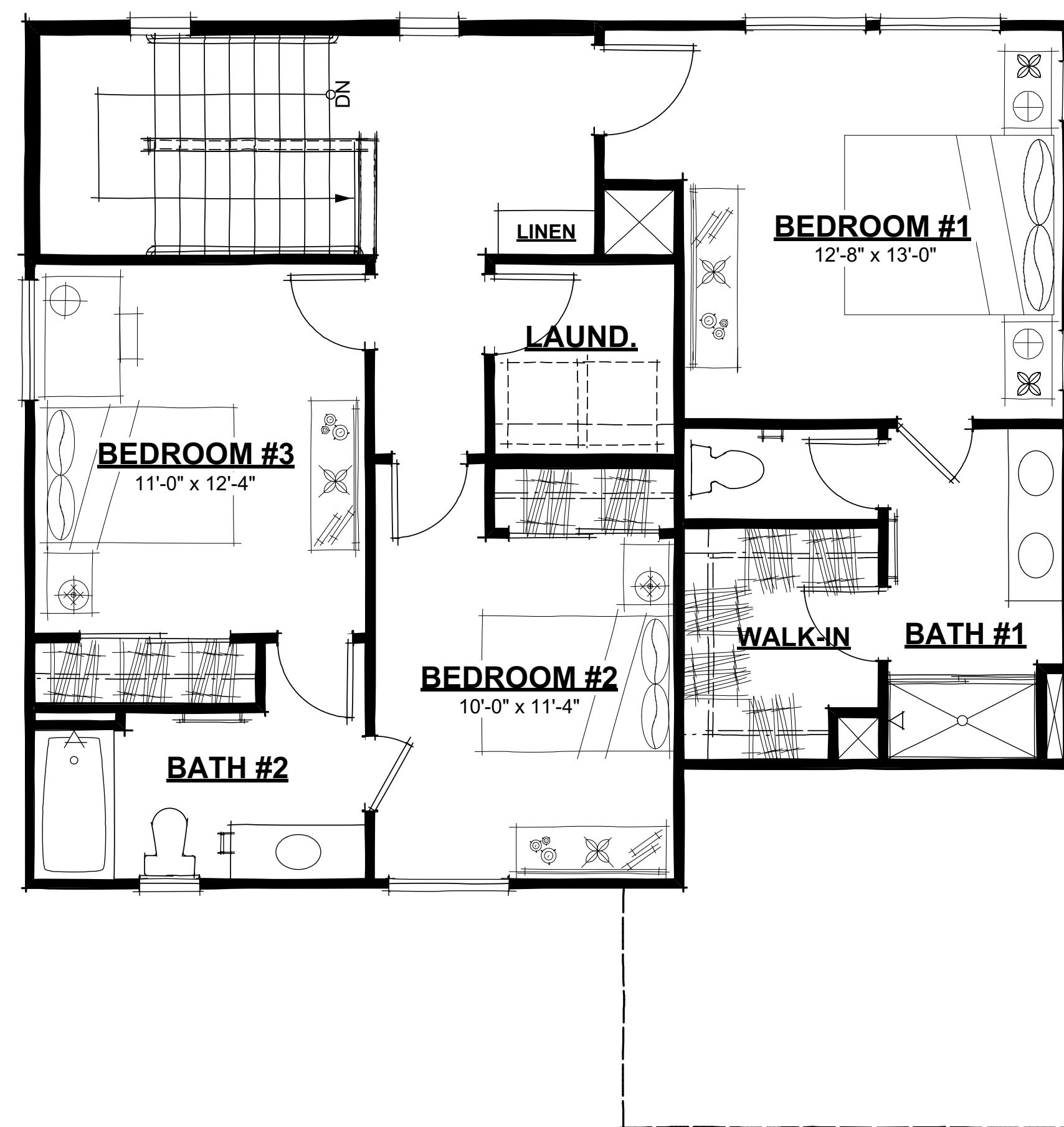
FRONT ELEVATION "A"
(SPANISH)



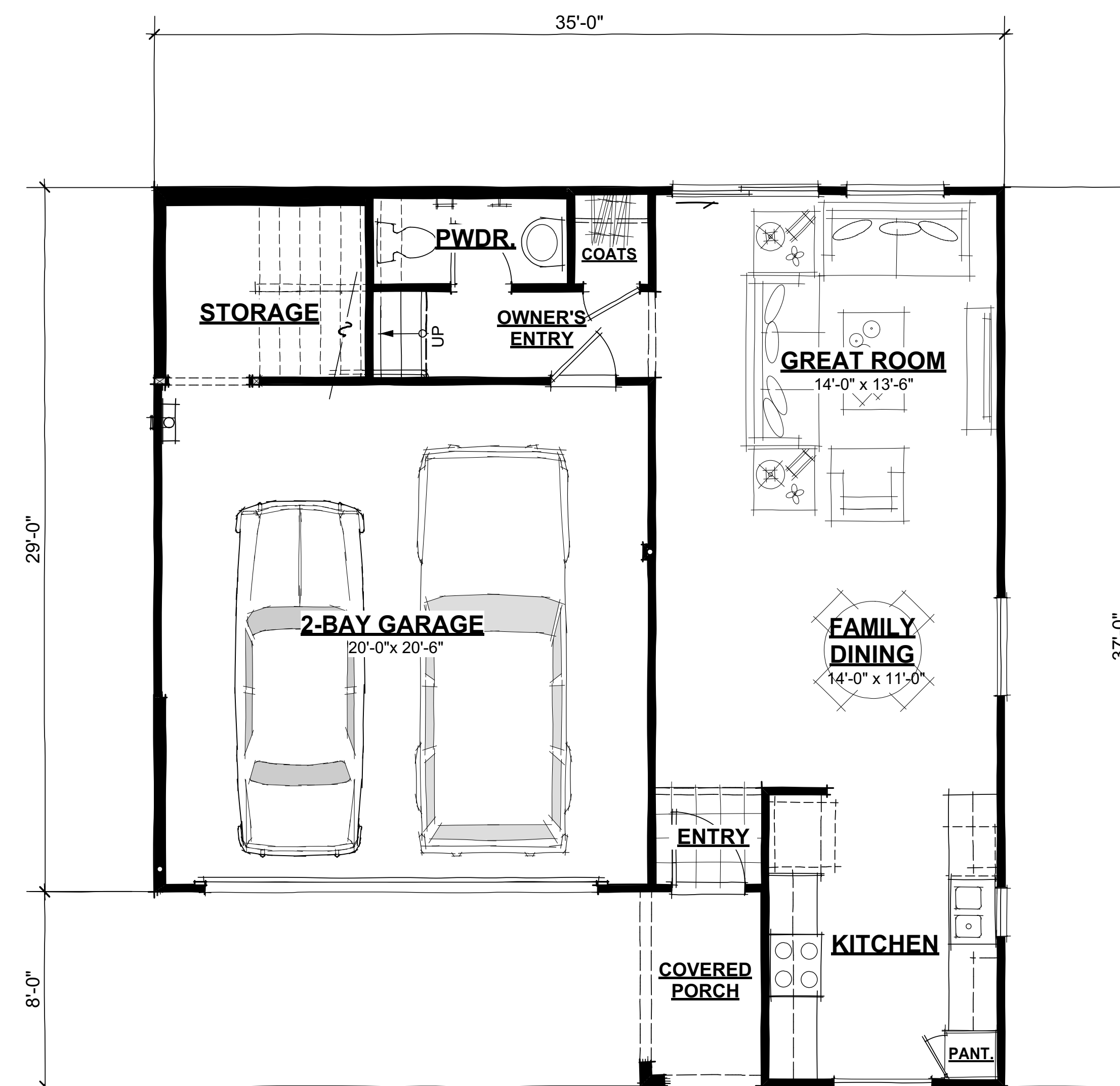
FRONT ELEVATION "B"
(MEDITERRANEAN)



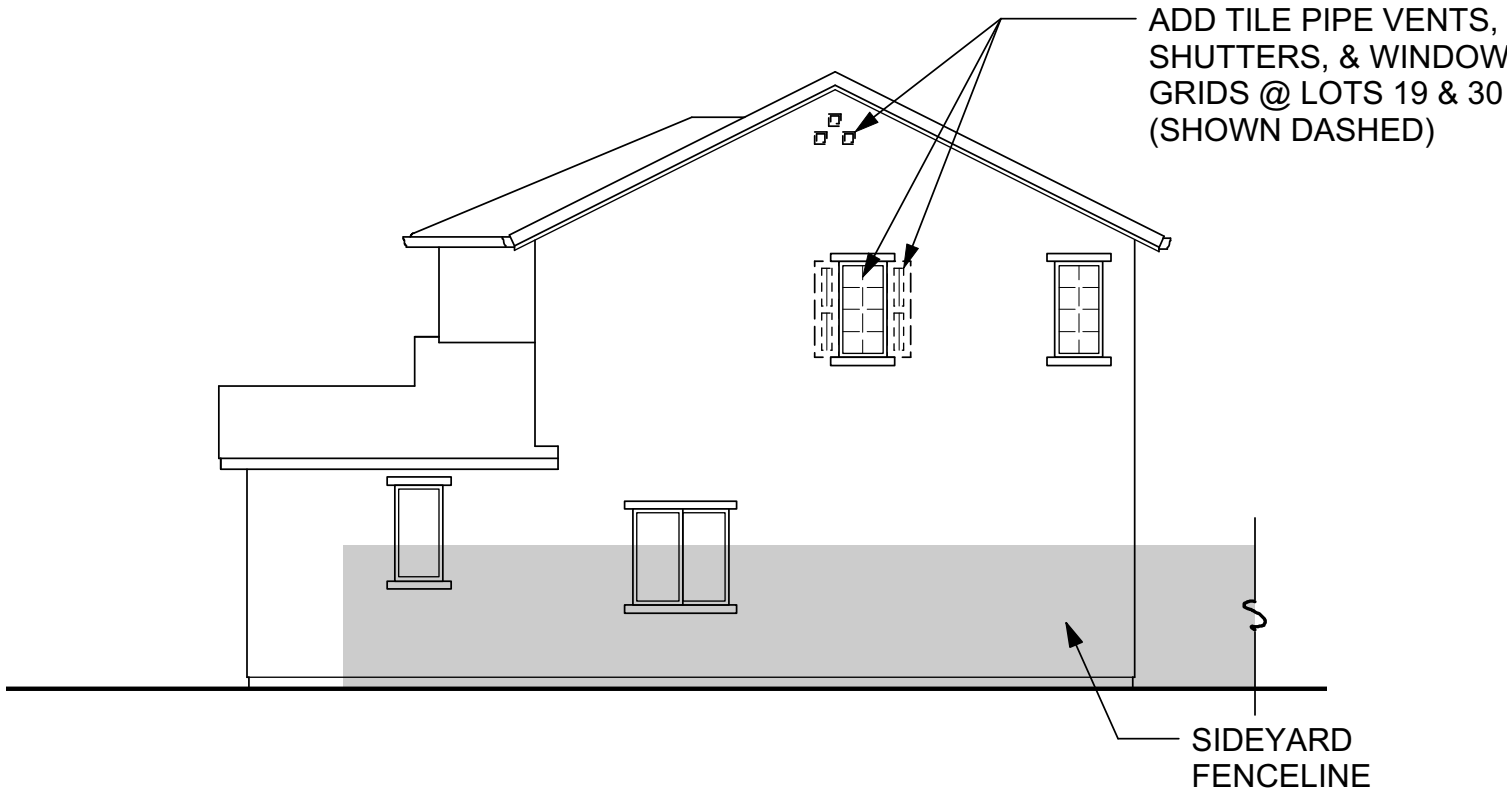
FRONT ELEVATION "C"
(TRADITIONAL)



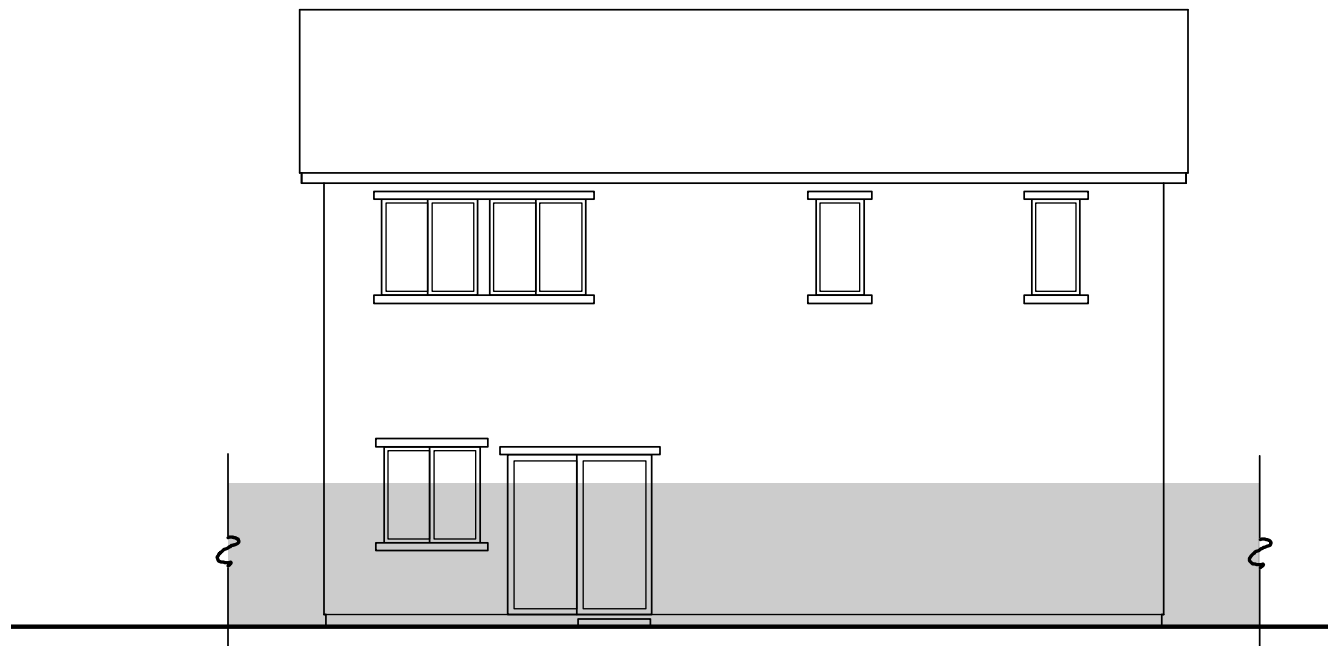
SECOND FLOOR PLAN (878 S.F.)



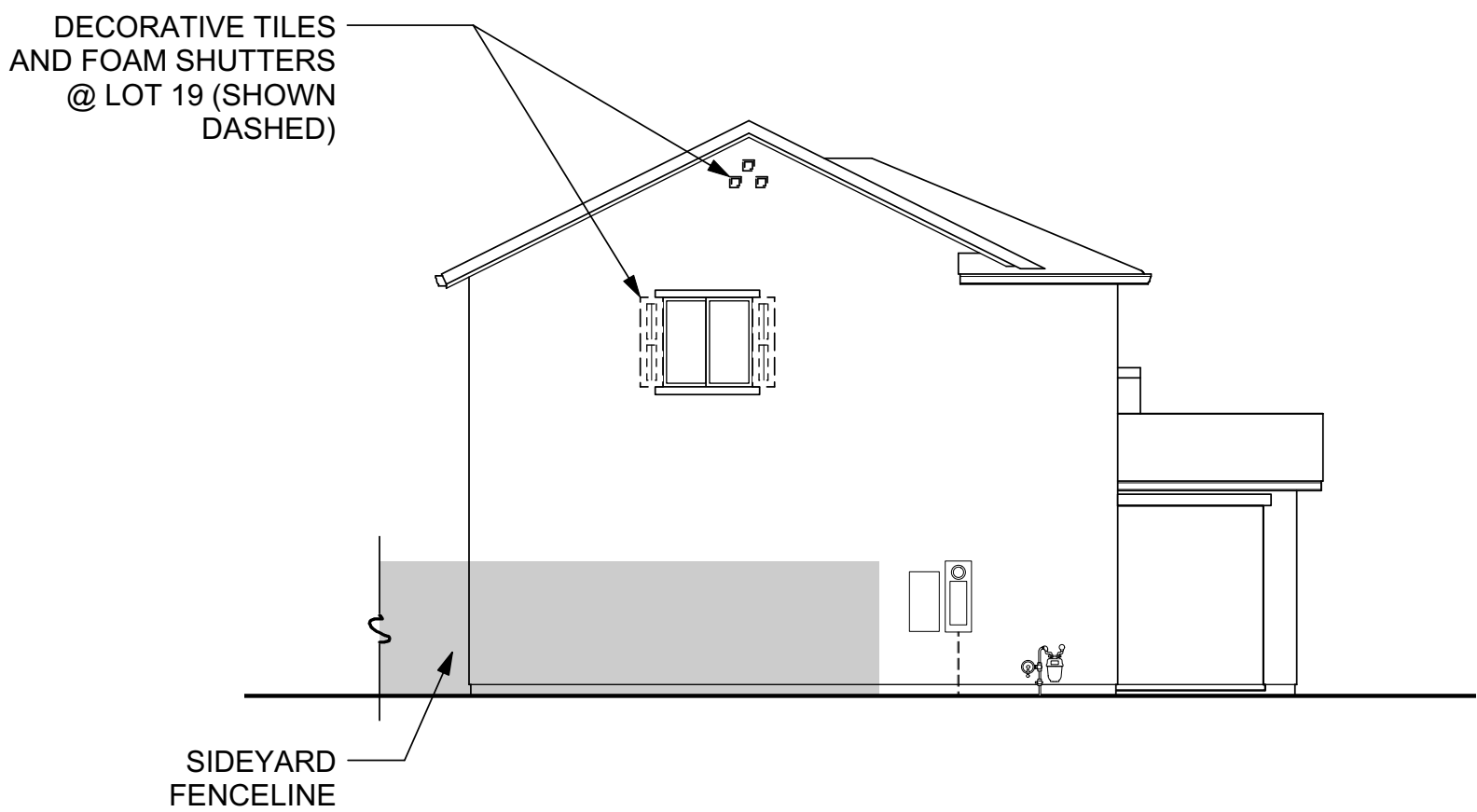
FIRST FLOOR PLAN (671 S.F., 1549 TOTAL S.F.)



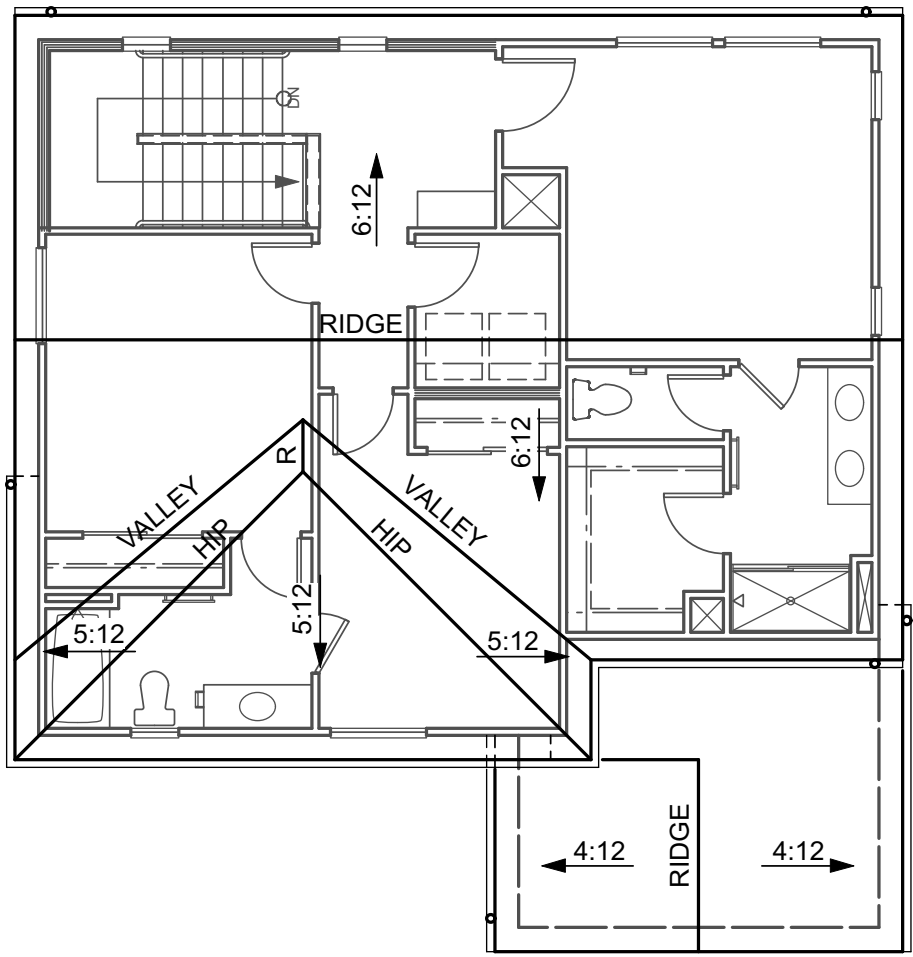
RIGHT SIDE "A"



REAR "A"



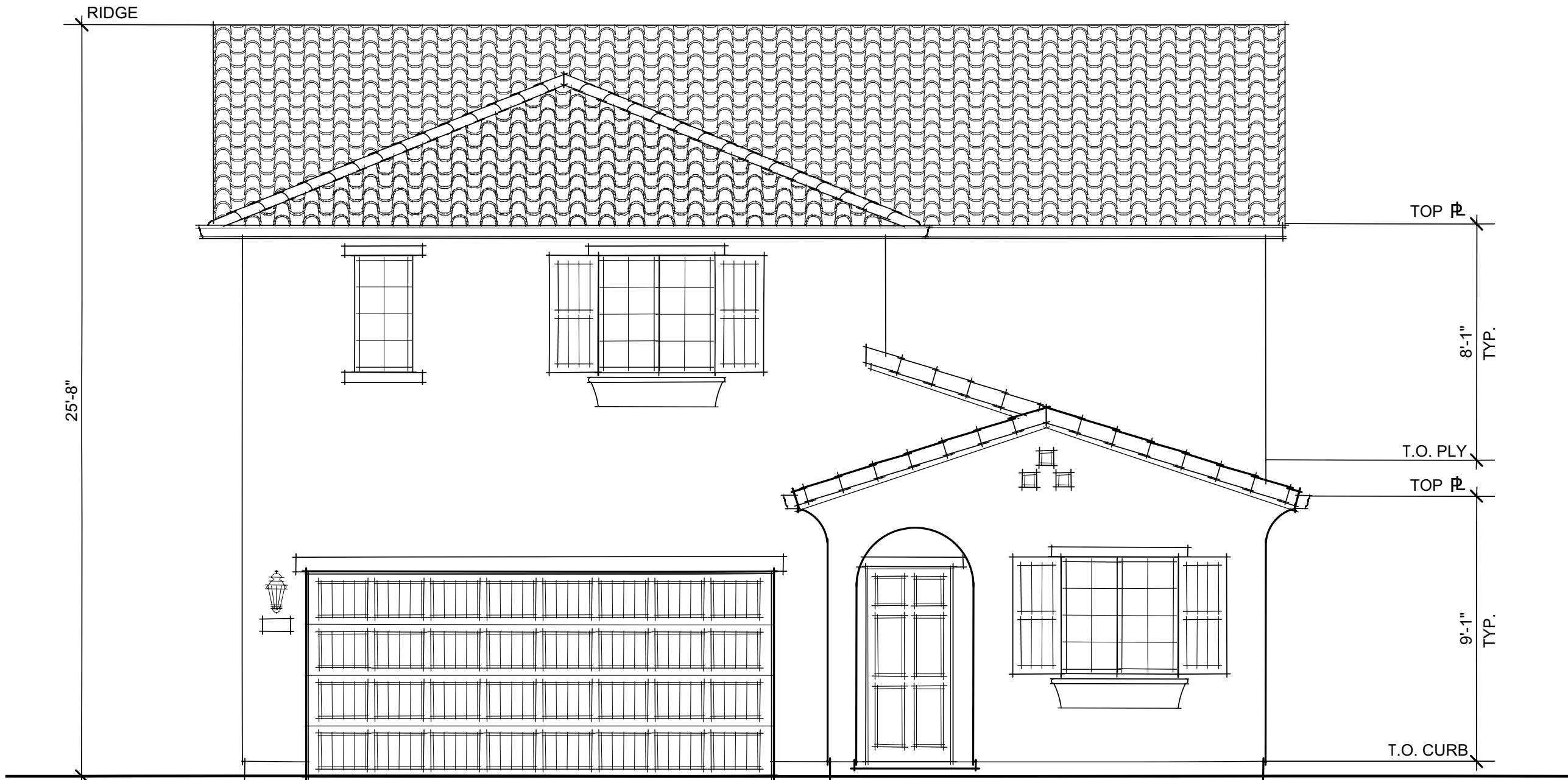
LEFT SIDE "A"



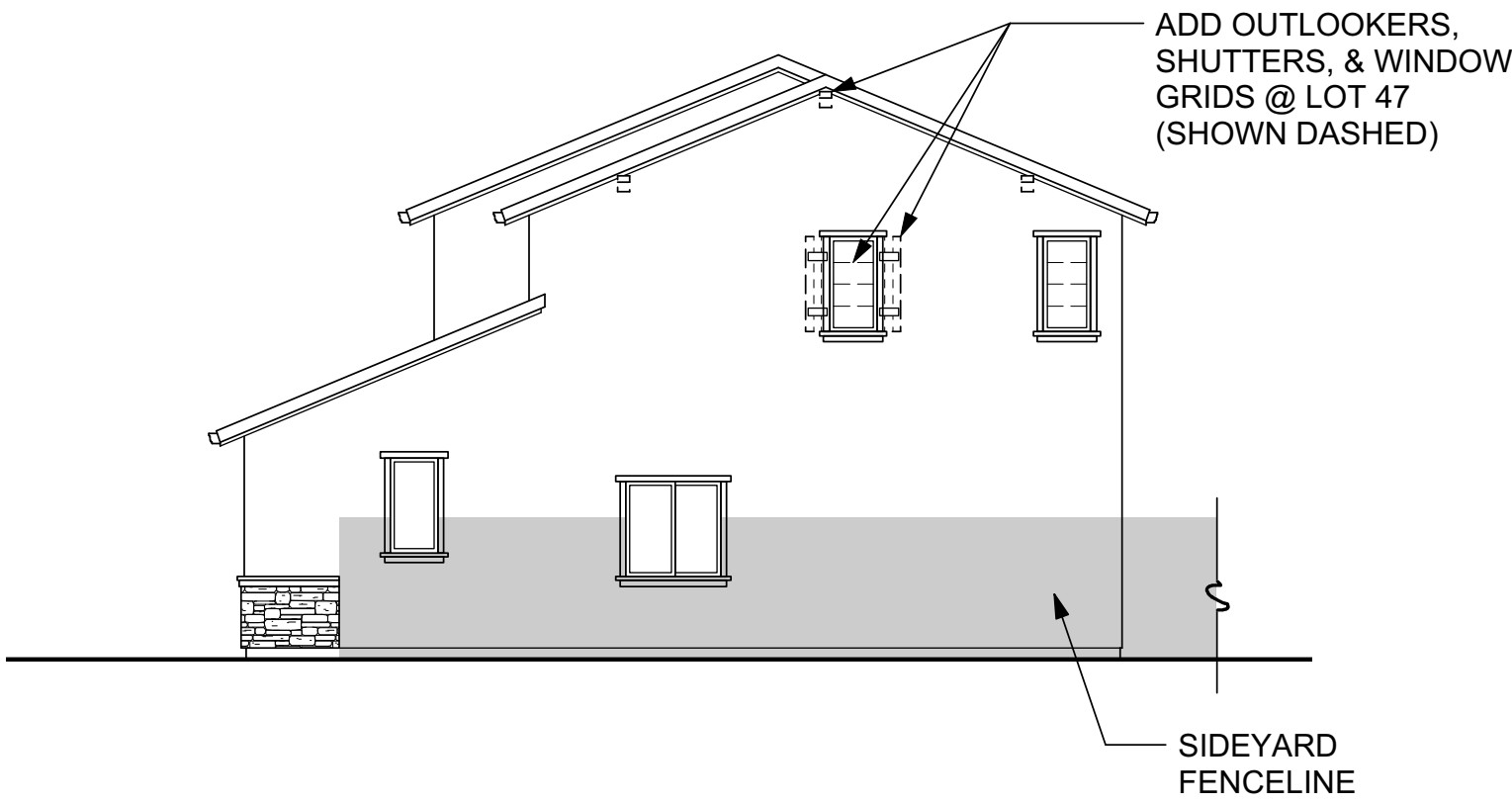
ROOF PLAN "A"

SPANISH

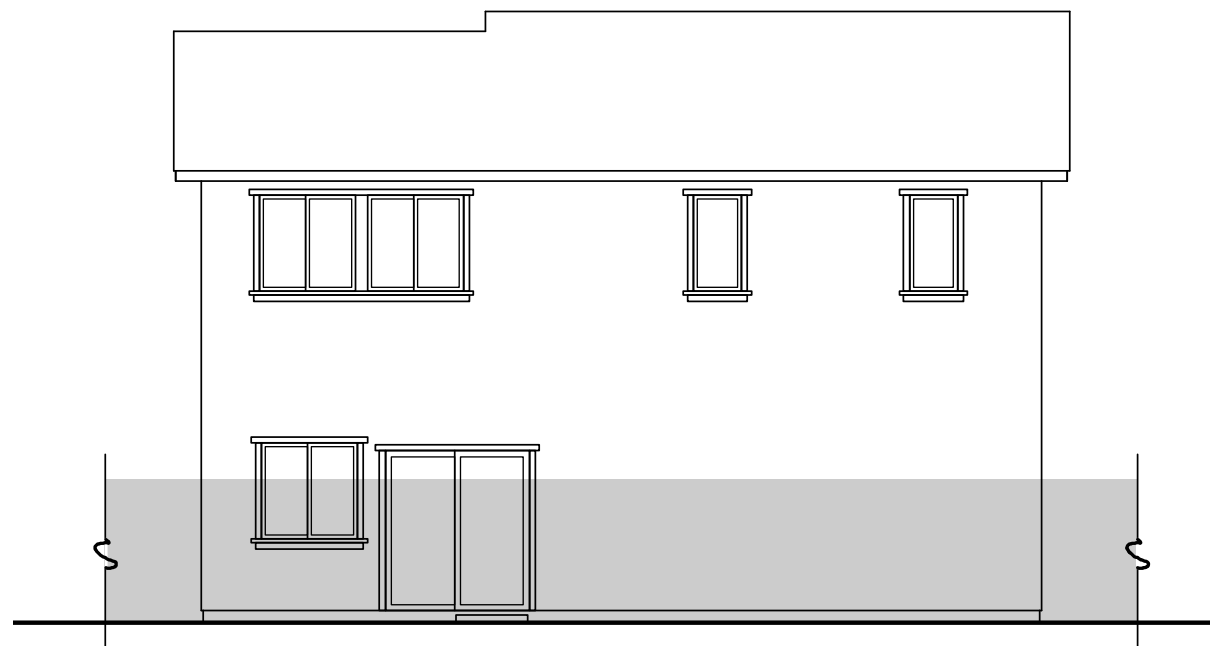
- STUCCO SIDING
- STUCCO OVER FOAM TRIM
- DECORATIVE TILE VENTS
- DECORATIVE FOAM SHUTTERS
- TILE GUTTER
- CONCRETE TILE ROOFING - LOW PROFILE "S"



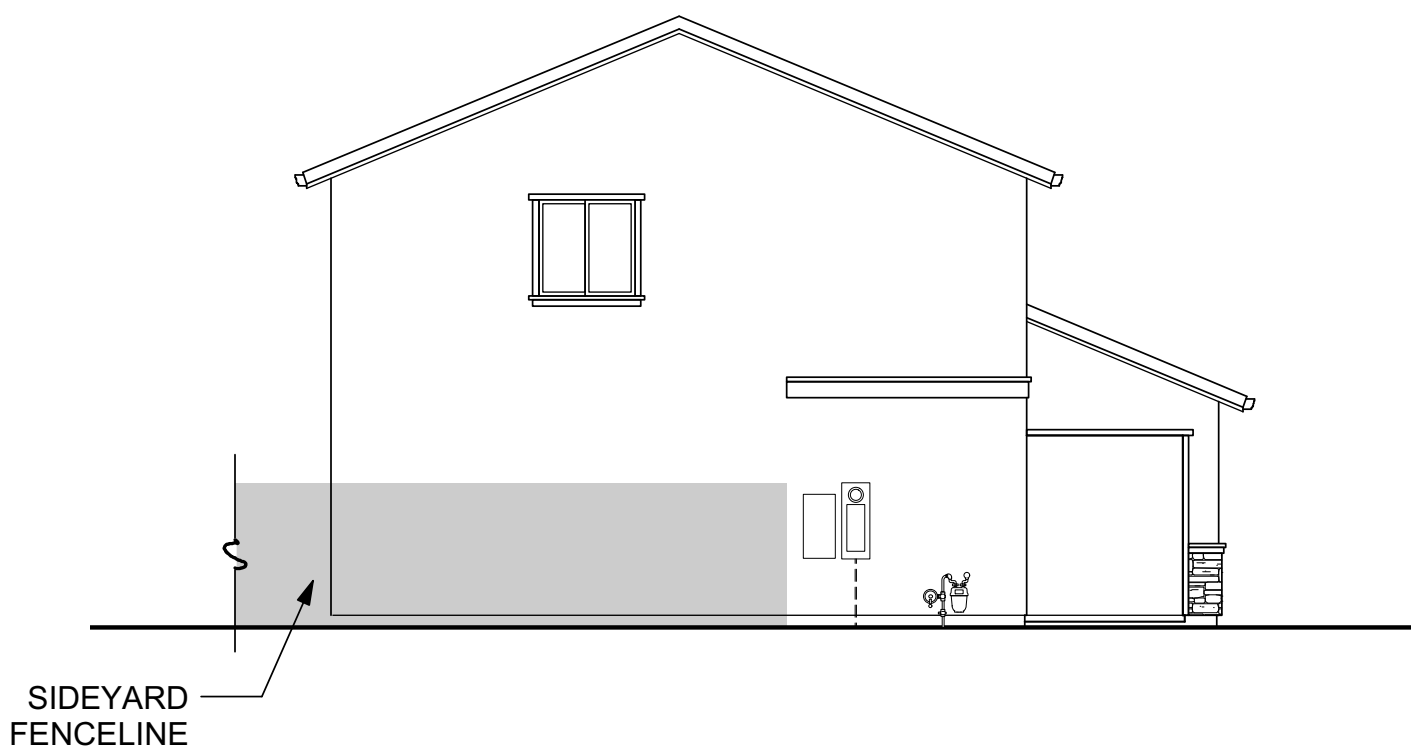
FRONT ELEVATION "A"
(SPANISH)



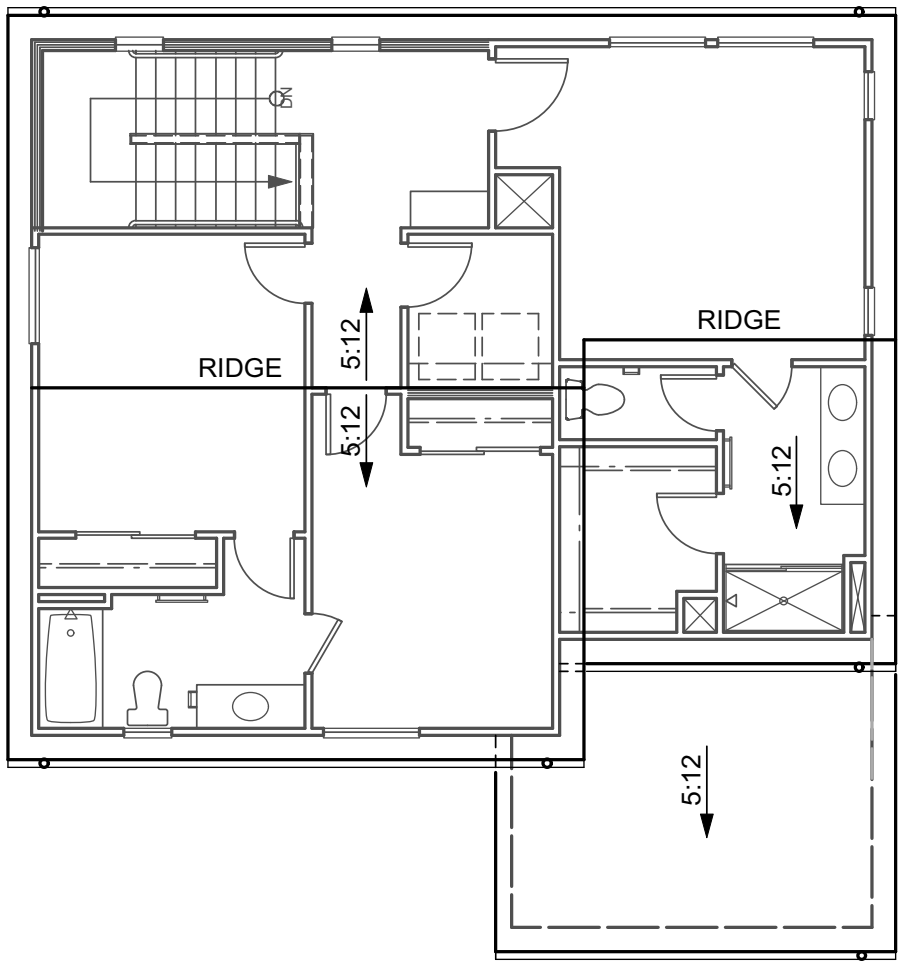
RIGHT SIDE "B"



REAR "B"



LEFT SIDE "B"



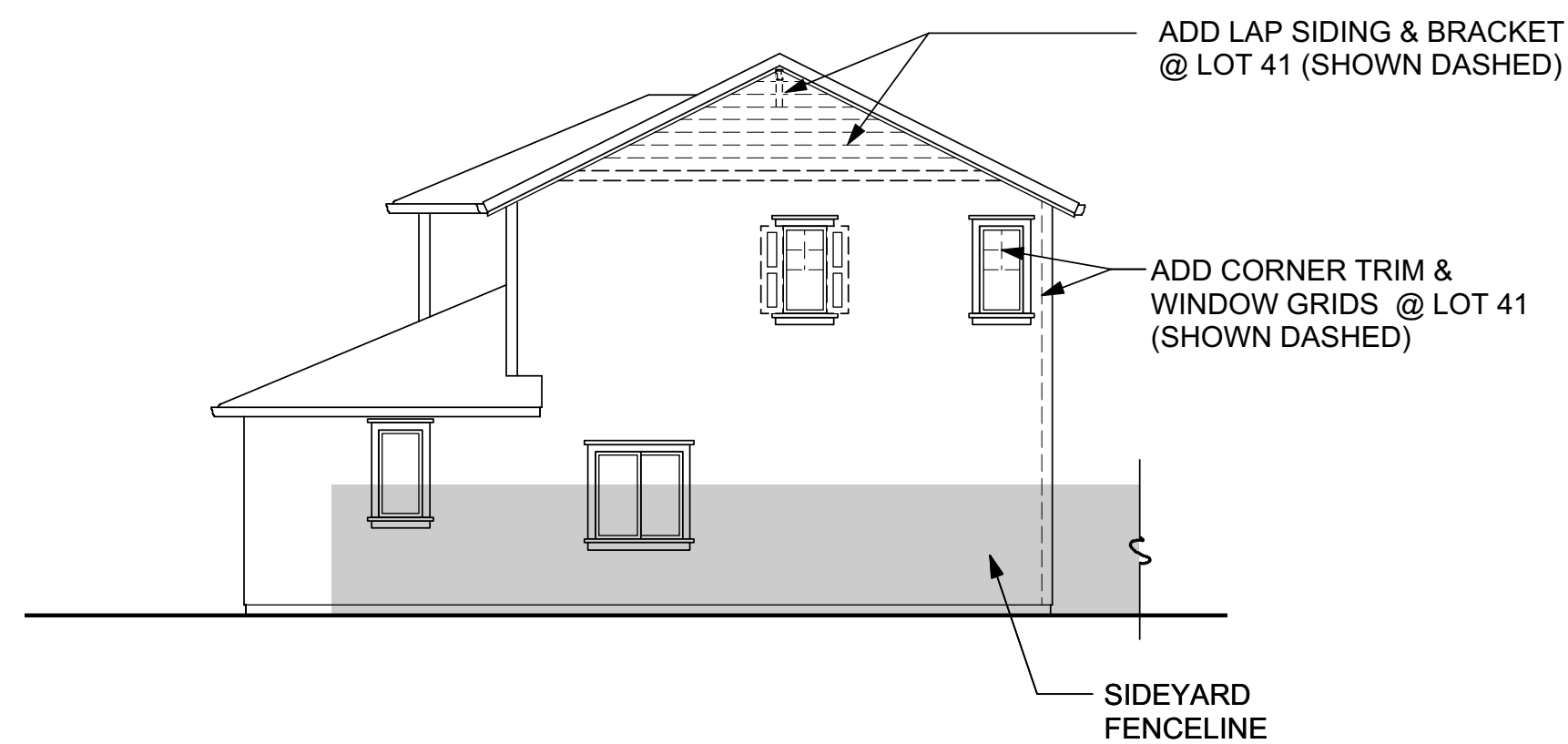
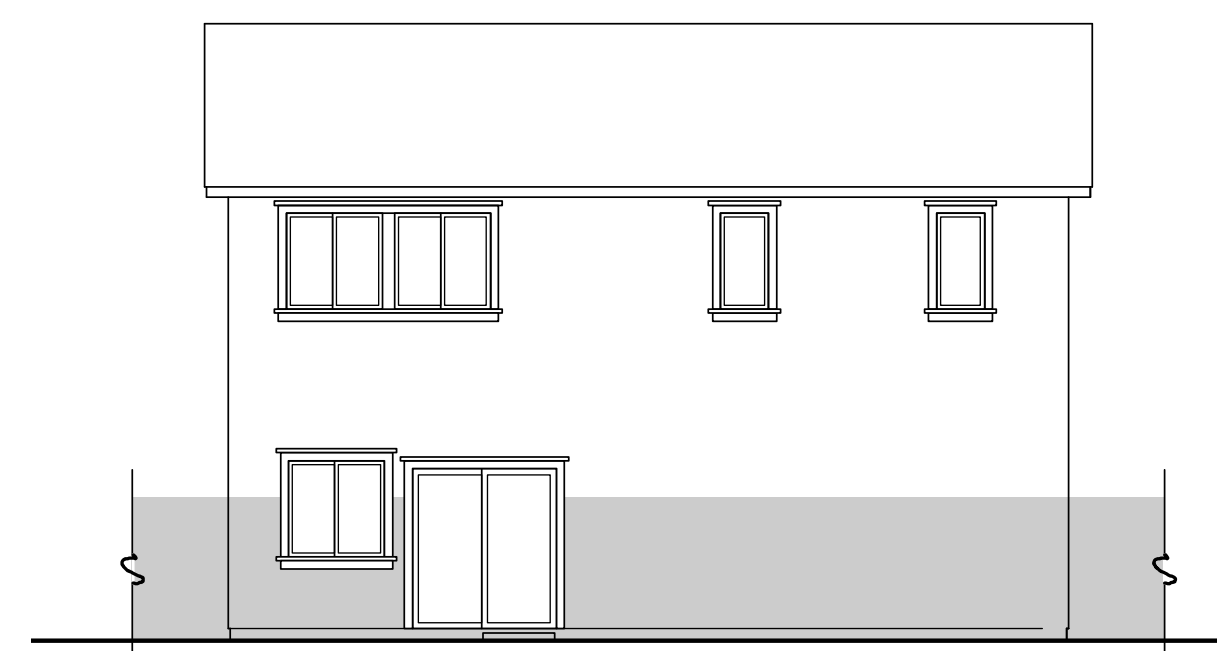
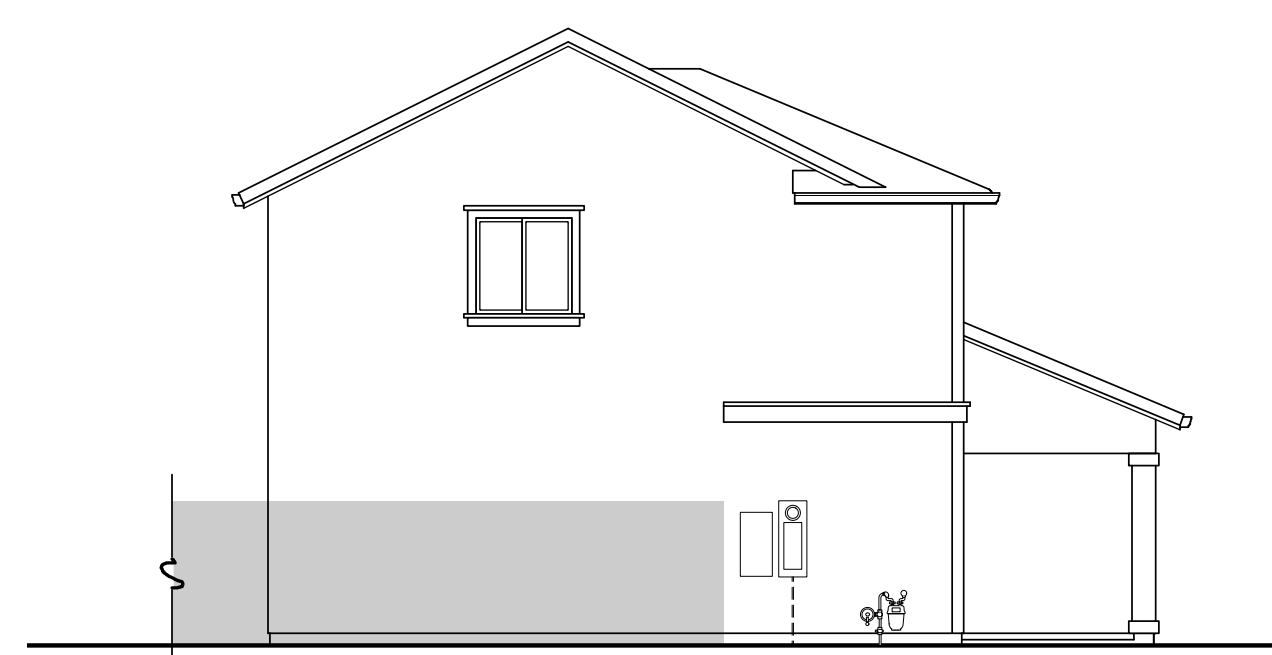
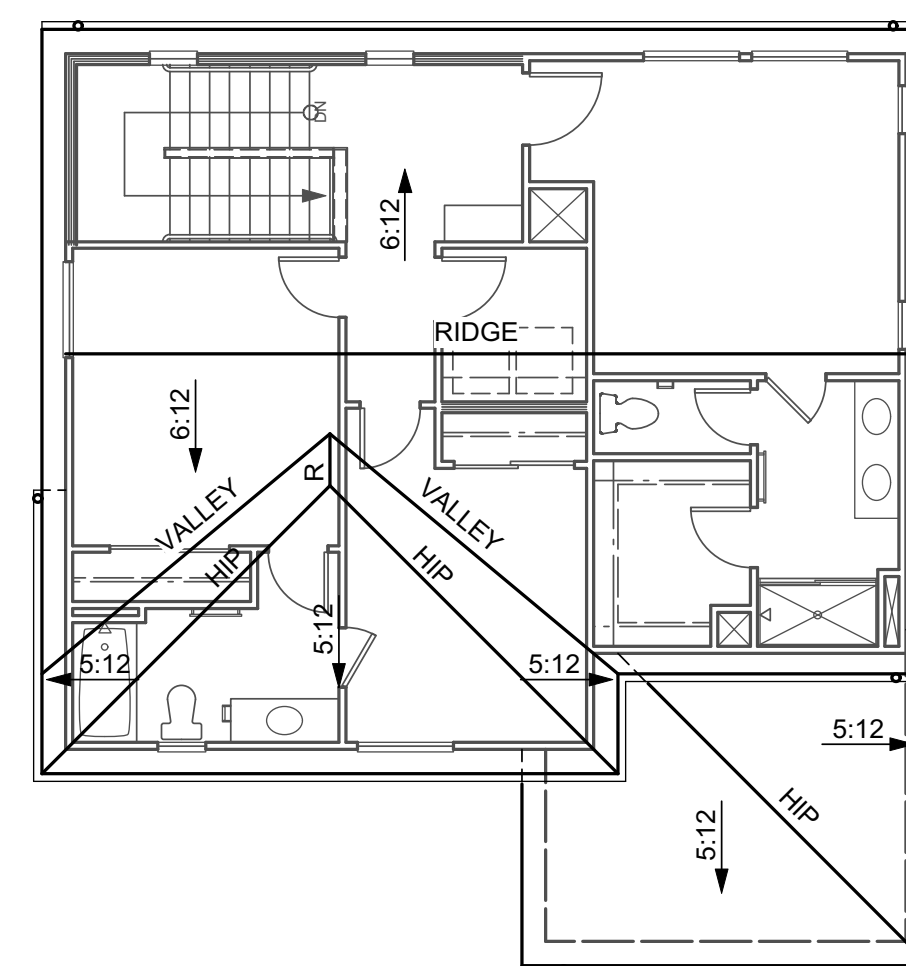
ROOF PLAN "B"

MEDITERRANEAN

- STUCCO SIDING
- STUCCO OVER FOAM TRIM
- CULTURED STONE WAINSCOT
- DECORATIVE FOAM SHUTTERS
- DECORATIVE FOAM OUTLOOKERS
- TILE GUTTER
- CONCRETE TILE ROOFING - LOW PROFILE "S"



FRONT ELEVATION "B"
(MEDITERRANEAN)

**RIGHT SIDE "C"****REAR "C"****LEFT SIDE "C"****ROOF PLAN "C"****TRADITIONAL**

- STUCCO SIDING
- STUCCO OVER FOAM TRIM
- HORIZONTAL LAP WOOD SIDING
- DECORATIVE SHUTTERS
- TILE GUTTER
- CONCRETE TILE ROOFING -
- "SLATE" PROFILE

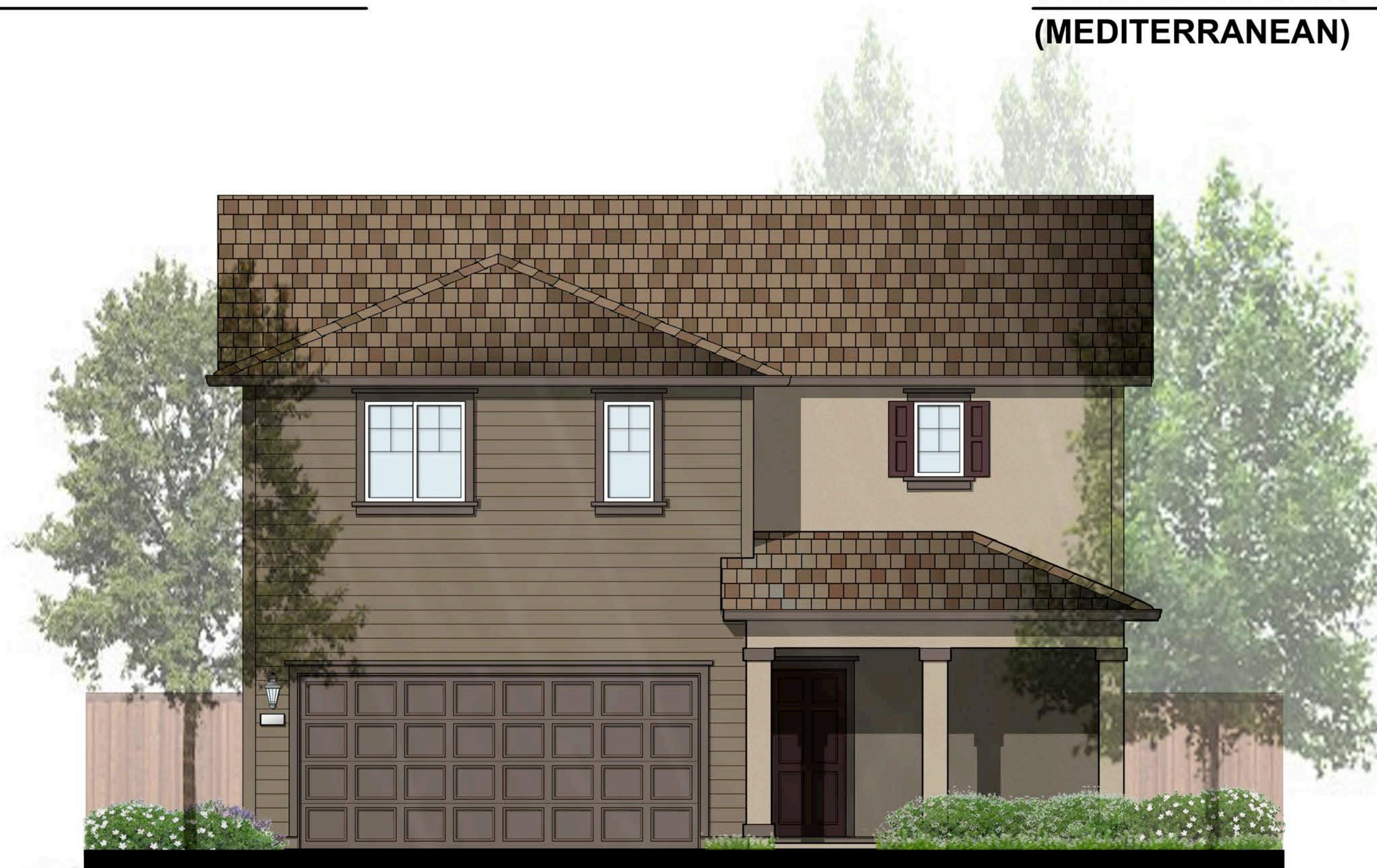
**FRONT ELEVATION "C"**
(TRADITIONAL)



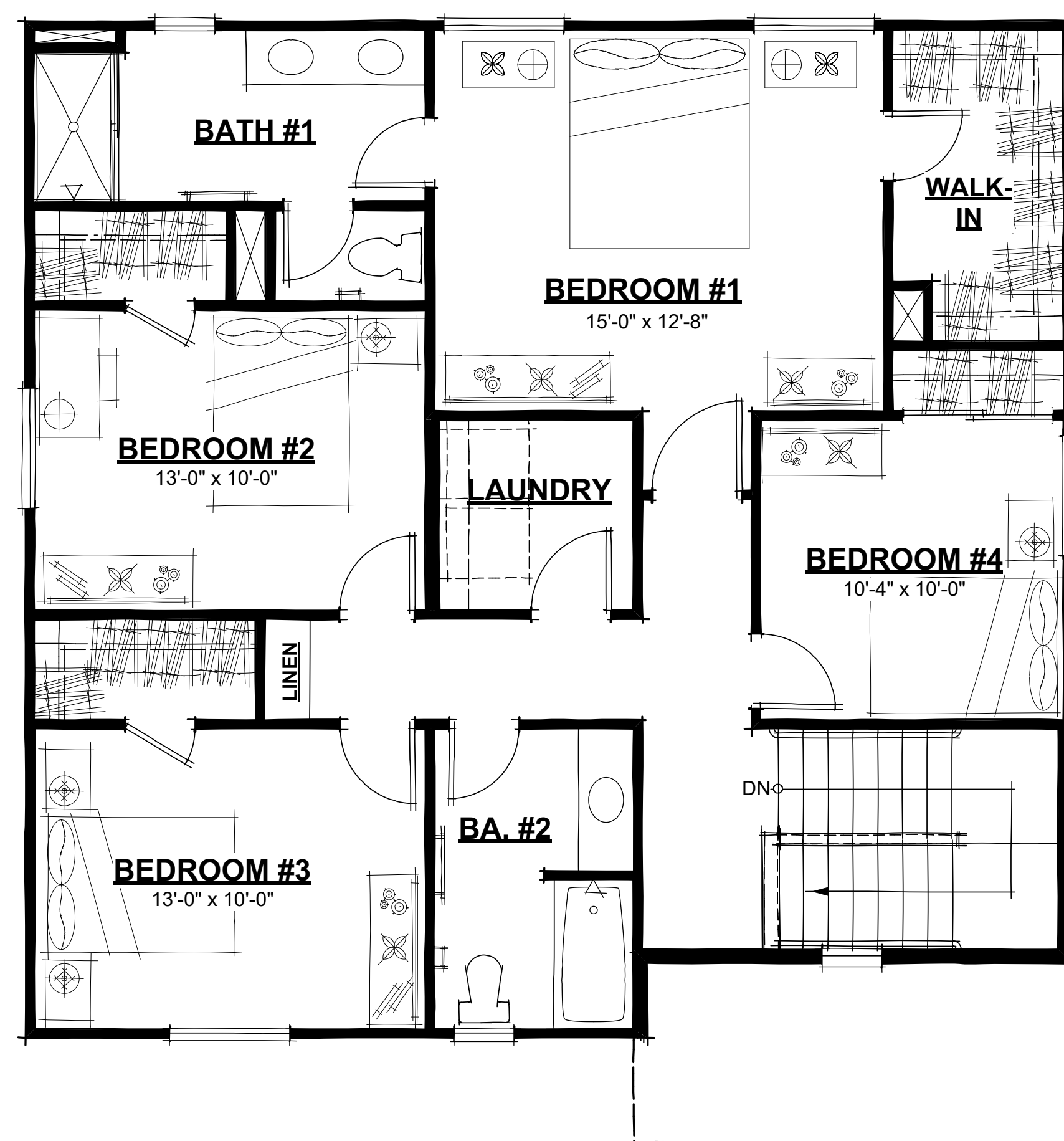
FRONT ELEVATION "A"
(SPANISH)



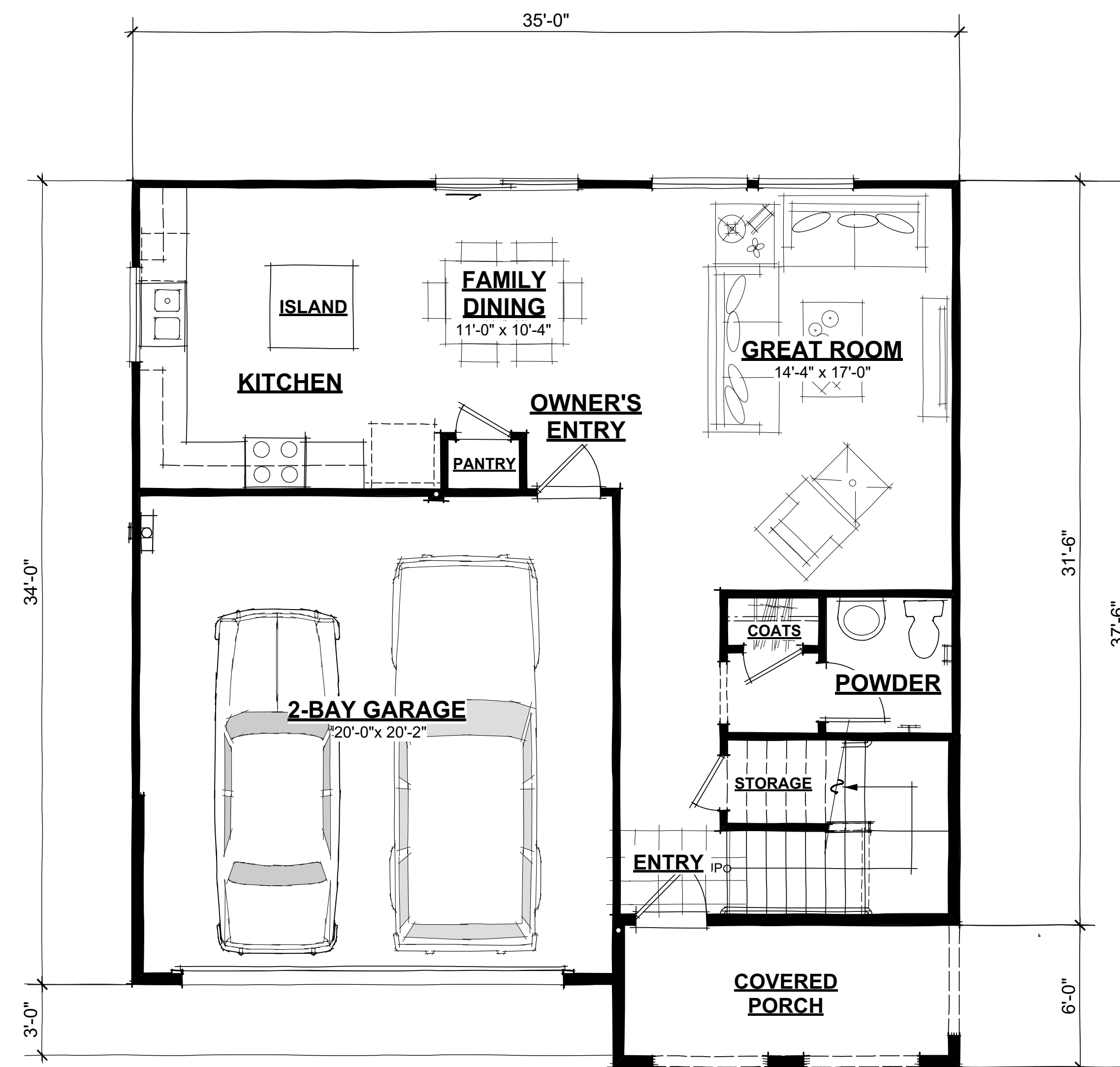
FRONT ELEVATION "B"
(MEDITERRANEAN)



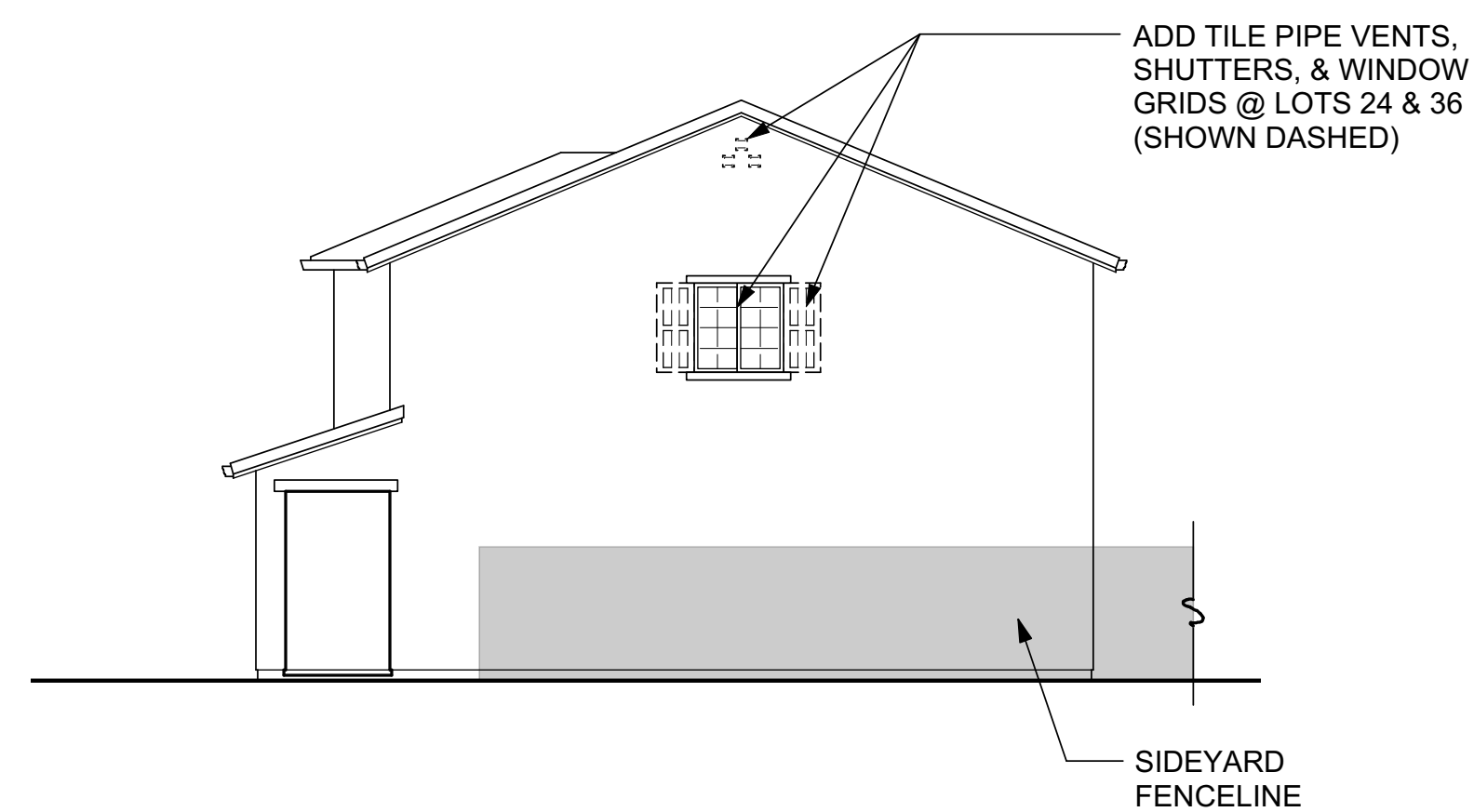
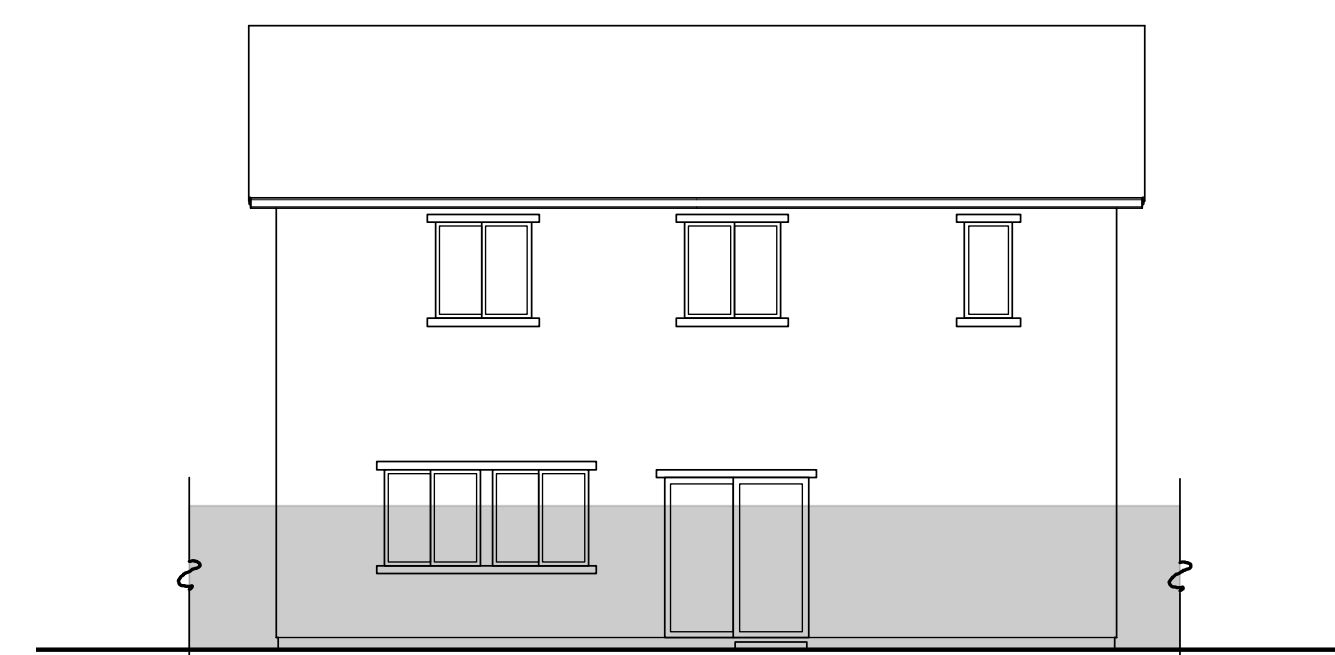
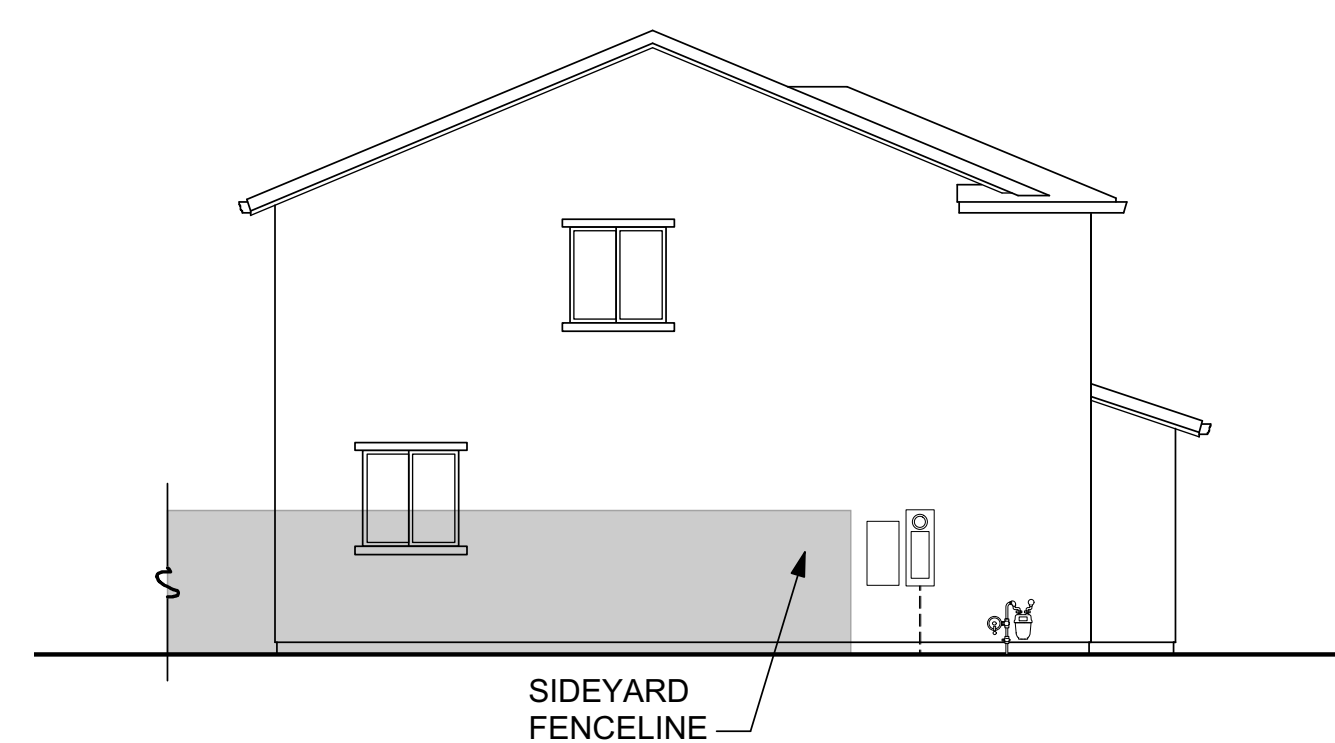
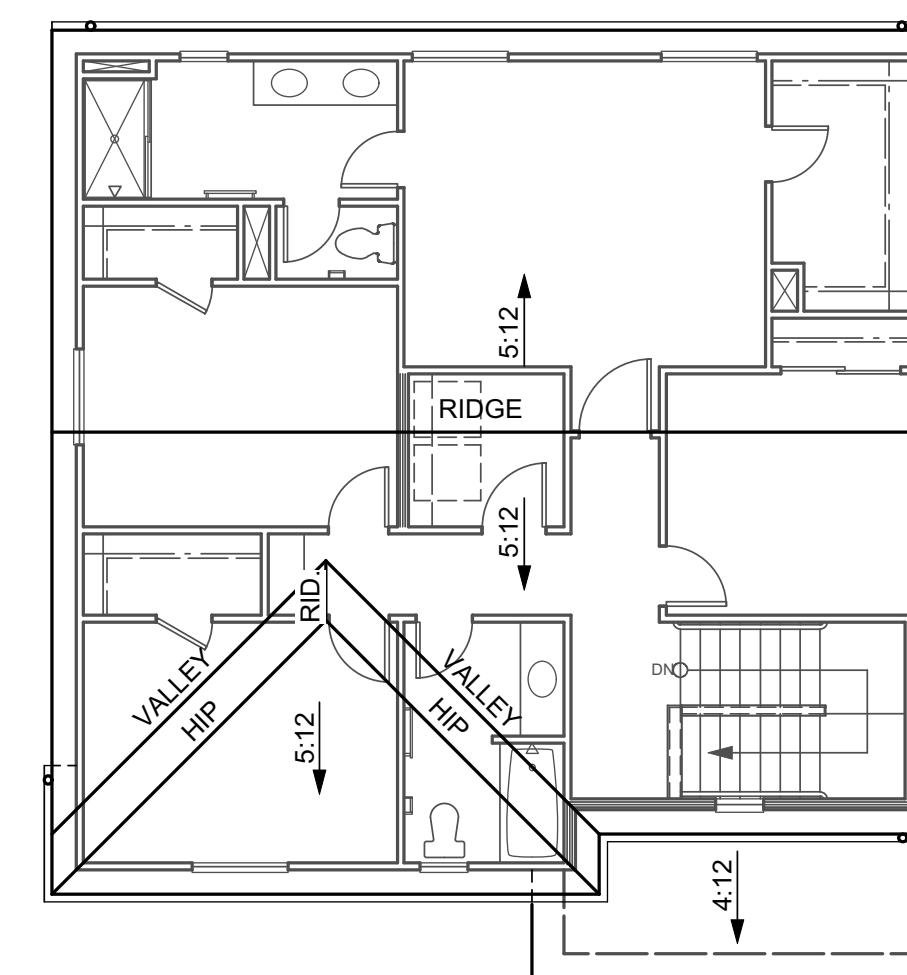
FRONT ELEVATION "C"
(TRADITIONAL)



SECOND FLOOR PLAN (1077 S.F.)

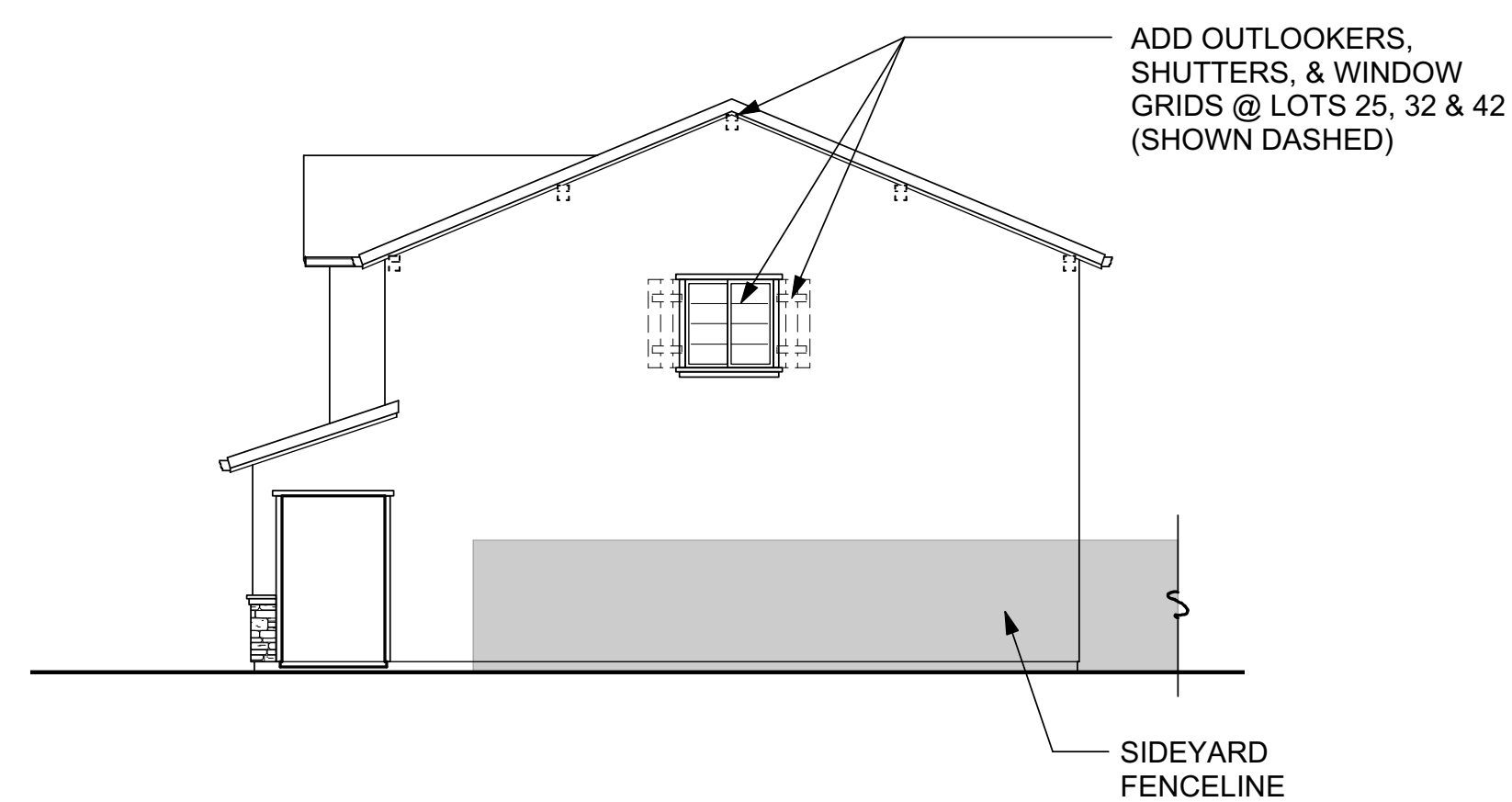
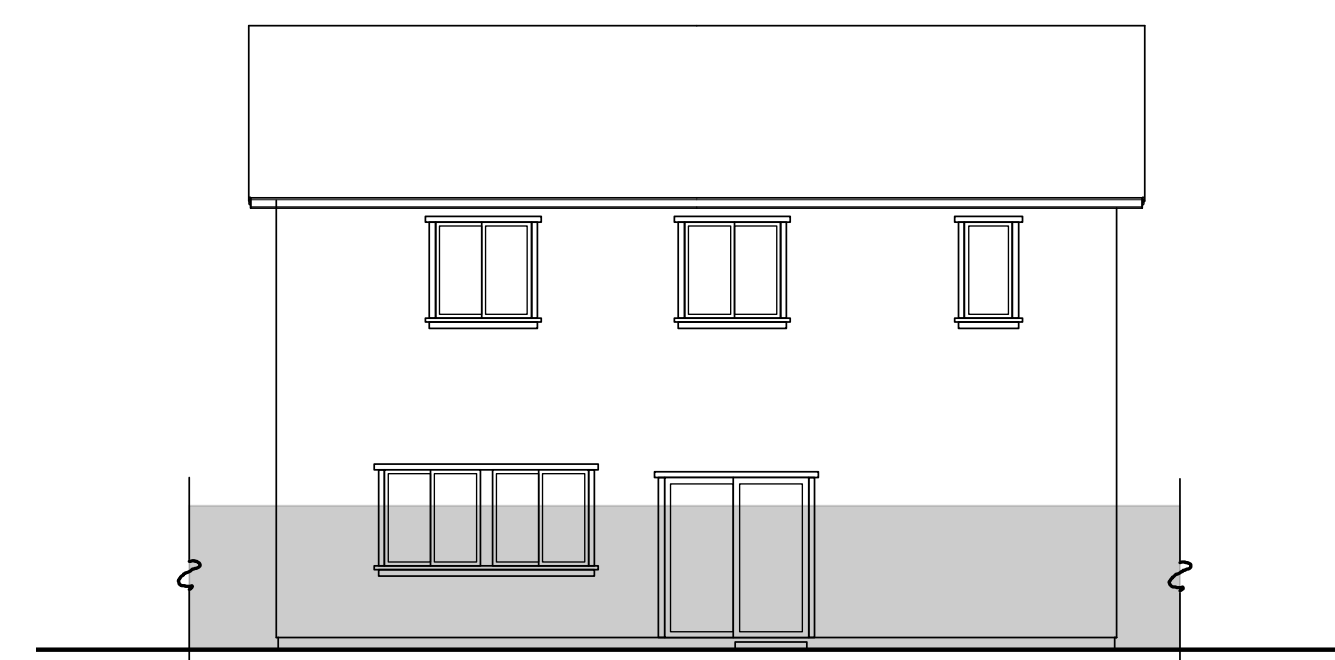
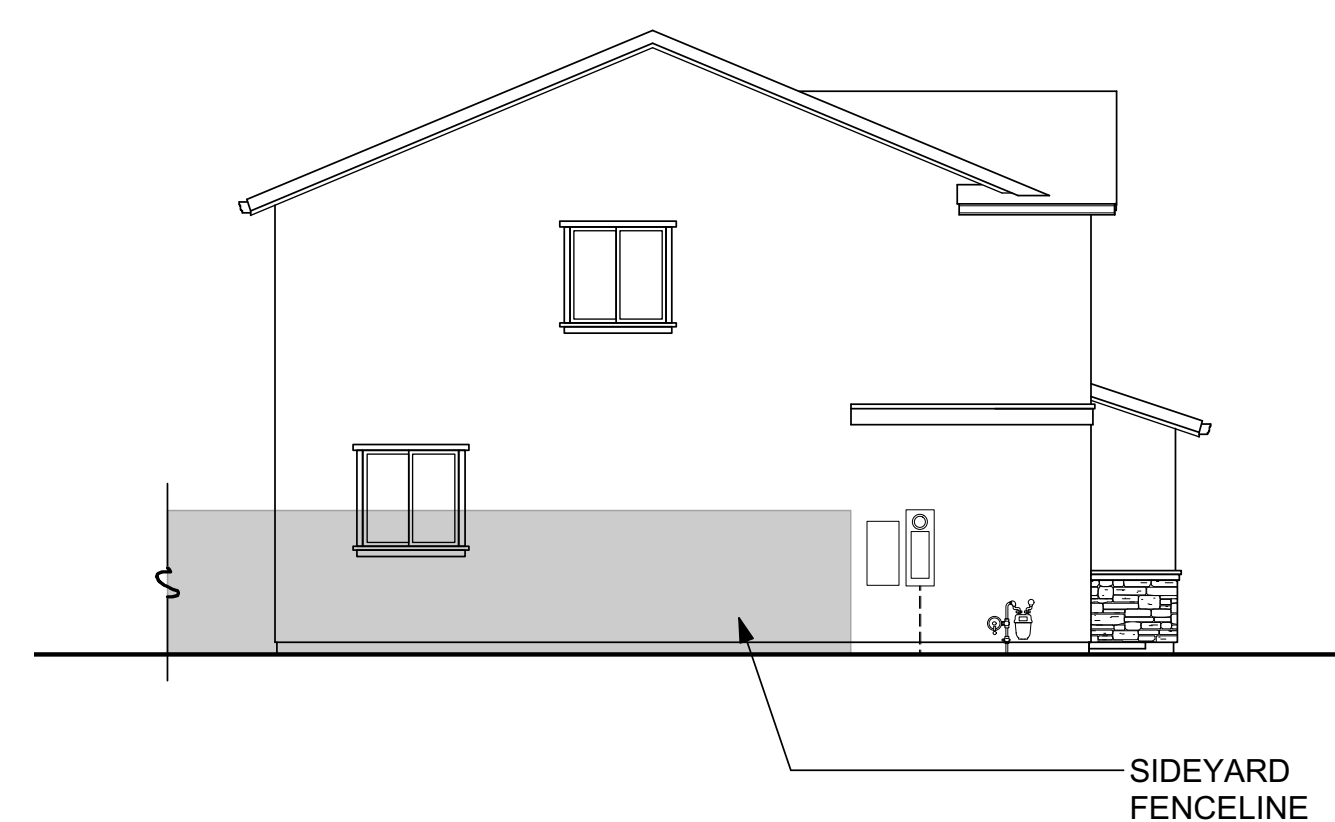
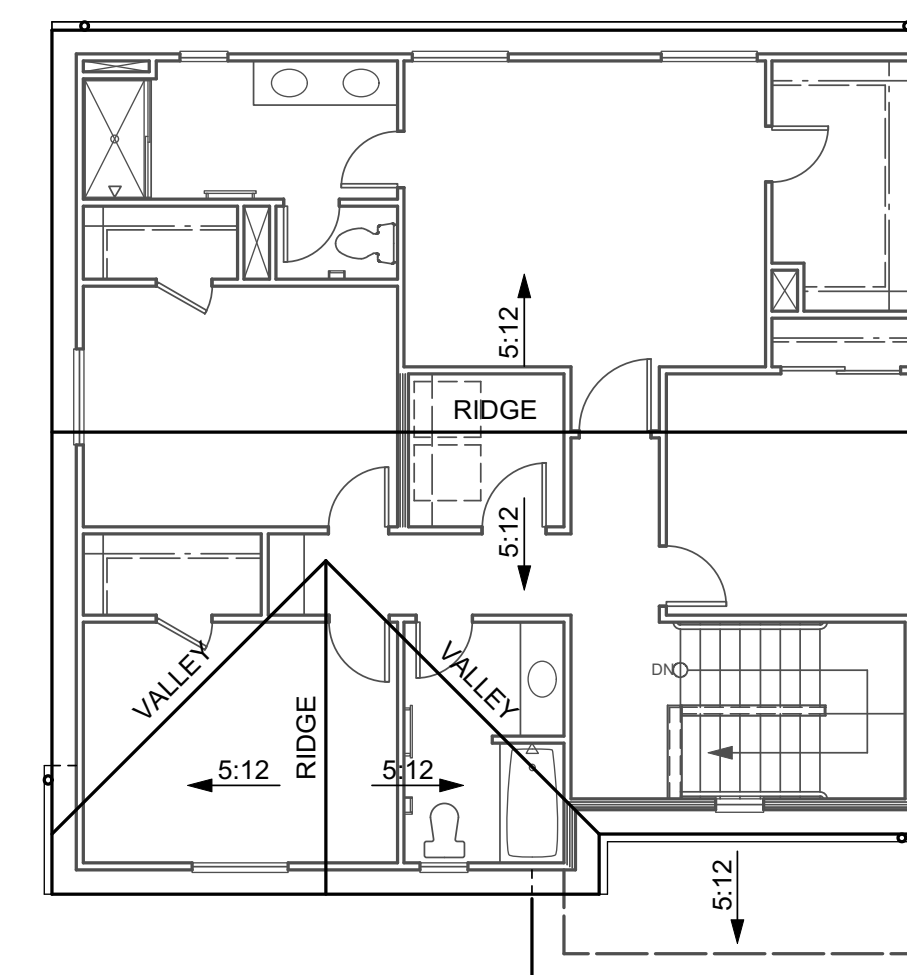


FIRST FLOOR PLAN (733 S.F., 1810 TOTAL S.F.)

**RIGHT SIDE "A"****REAR "A"****LEFT SIDE "A"****ROOF PLAN "A"****SPANISH**

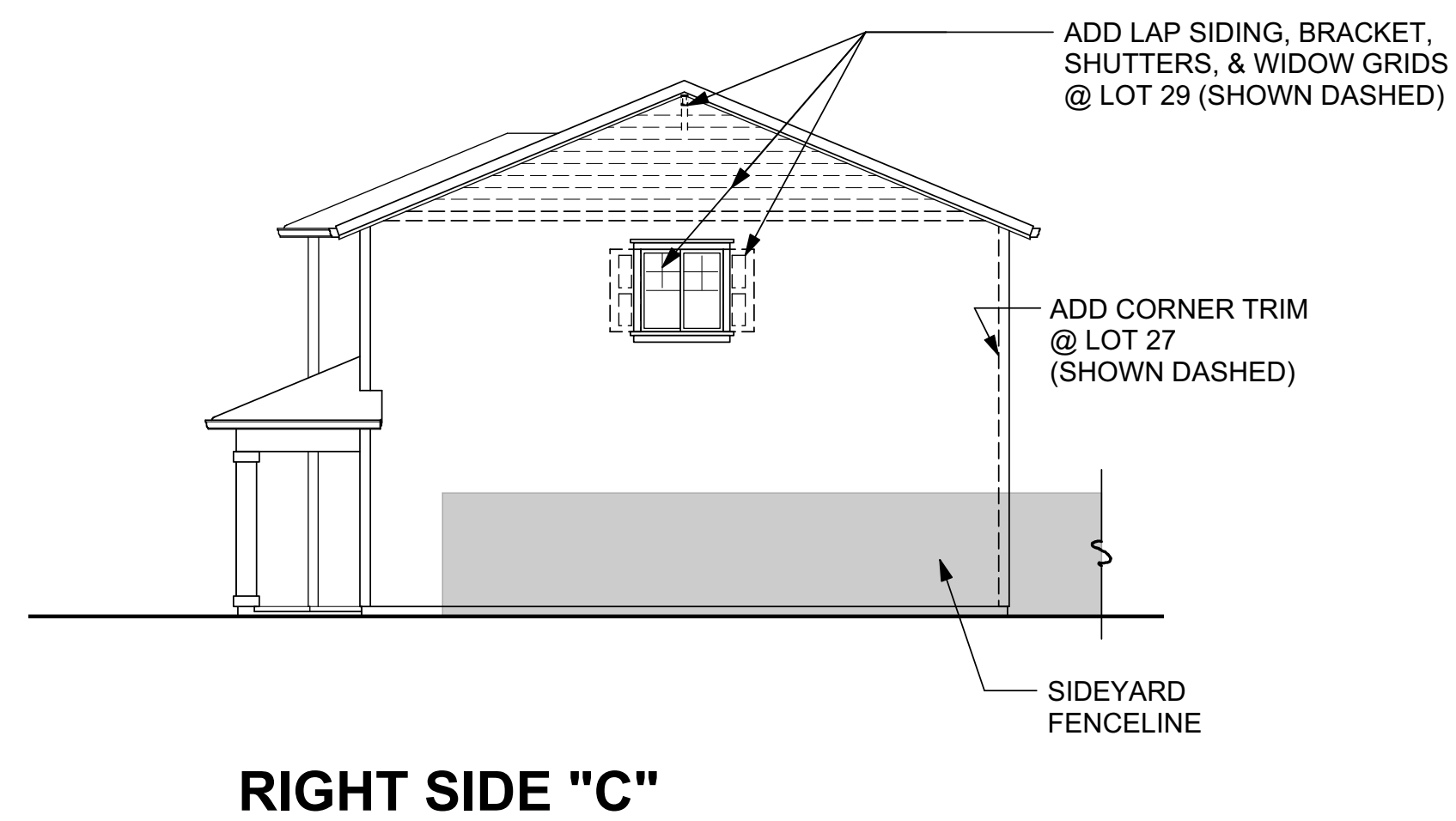
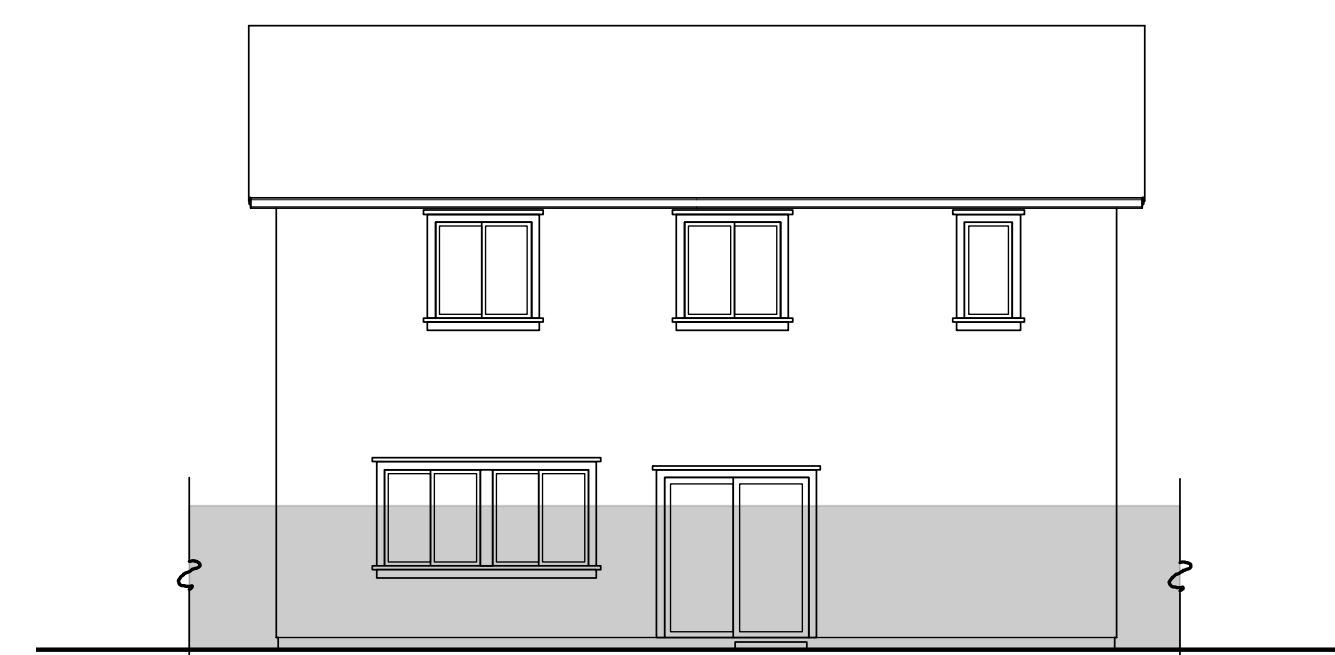
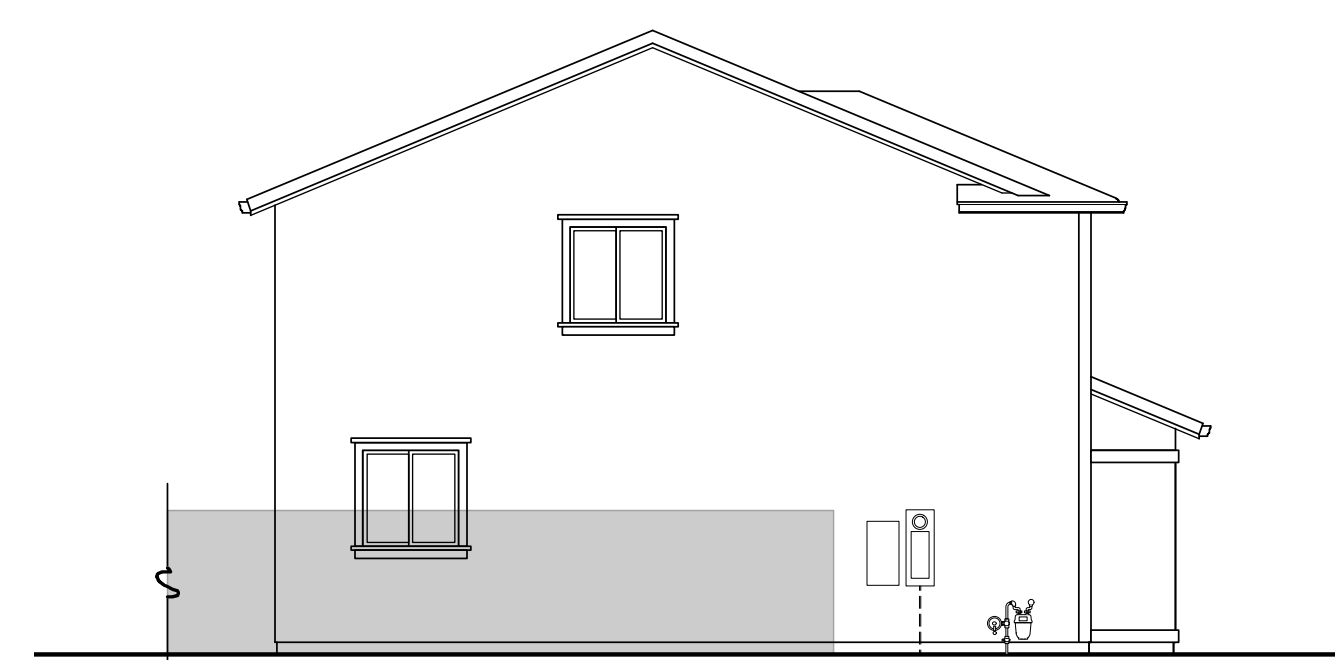
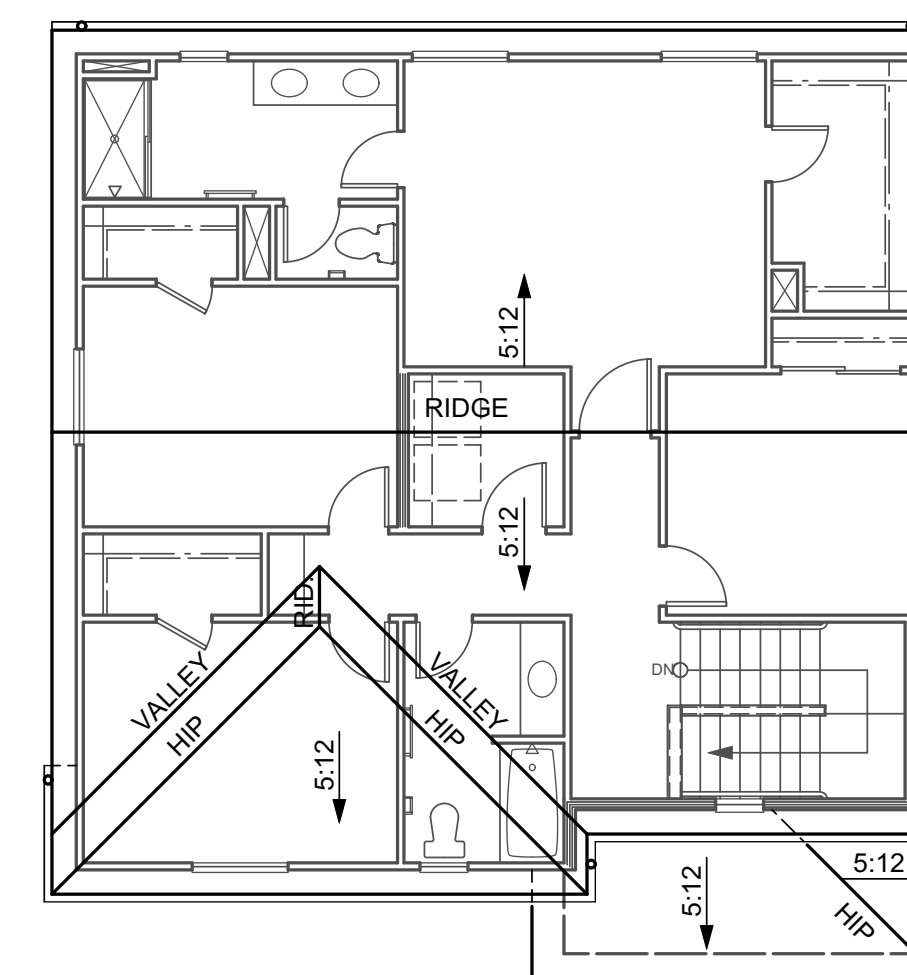
- STUCCO SIDING
- STUCCO OVER FOAM TRIM
- DECORATIVE TILE VENTS
- DECORATIVE FOAM SHUTTERS
- TILE GUTTER
- CONCRETE TILE ROOFING - LOW PROFILE "S"

**FRONT ELEVATION "A"**
(SPANISH)

**RIGHT SIDE "B"****REAR "B"****LEFT SIDE "B"****ROOF PLAN "B"****MEDITERRANEAN**

- STUCCO SIDING
- STUCCO OVER FOAM TRIM
- CULTURED STONE WAINSCOT
- DECORATIVE FOAM SHUTTERS
- DECORATIVE FOAM OUTLOOKERS
- TILE GUTTER
- CONCRETE TILE ROOFING - LOW PROFILE "S"

**FRONT ELEVATION "B"**
(MEDITERRANEAN)

**RIGHT SIDE "C"****REAR "C"****LEFT SIDE "C"****ROOF PLAN "C"****TRADITIONAL**

- STUCCO SIDING
- STUCCO OVER FOAM TRIM
- HORIZONTAL LAP WOOD SIDING
- DECORATIVE SHUTTERS
- TILE GUTTER
- CONCRETE TILE ROOFING - "SLATE" PROFILE

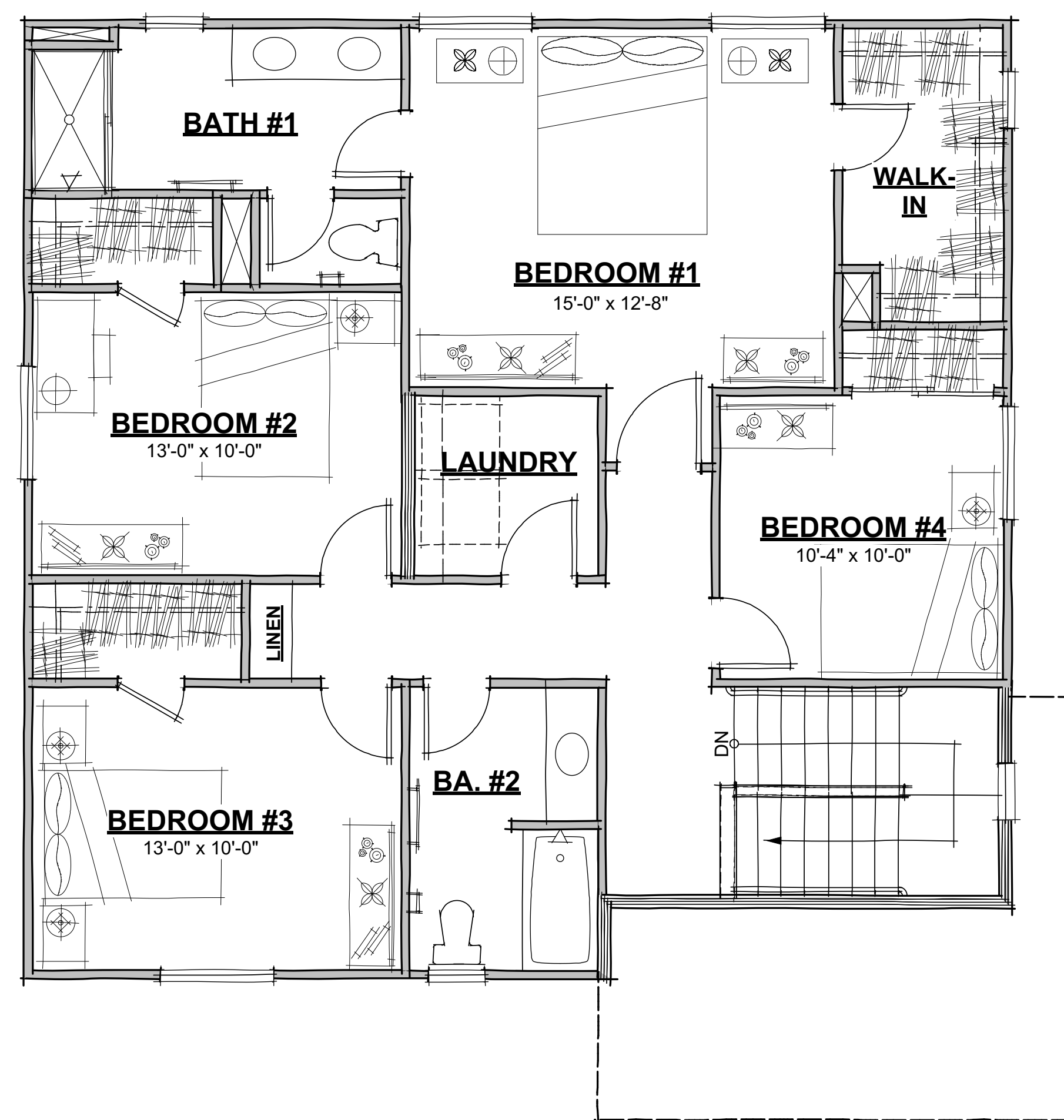
**FRONT ELEVATION "C"**
(TRADITIONAL)



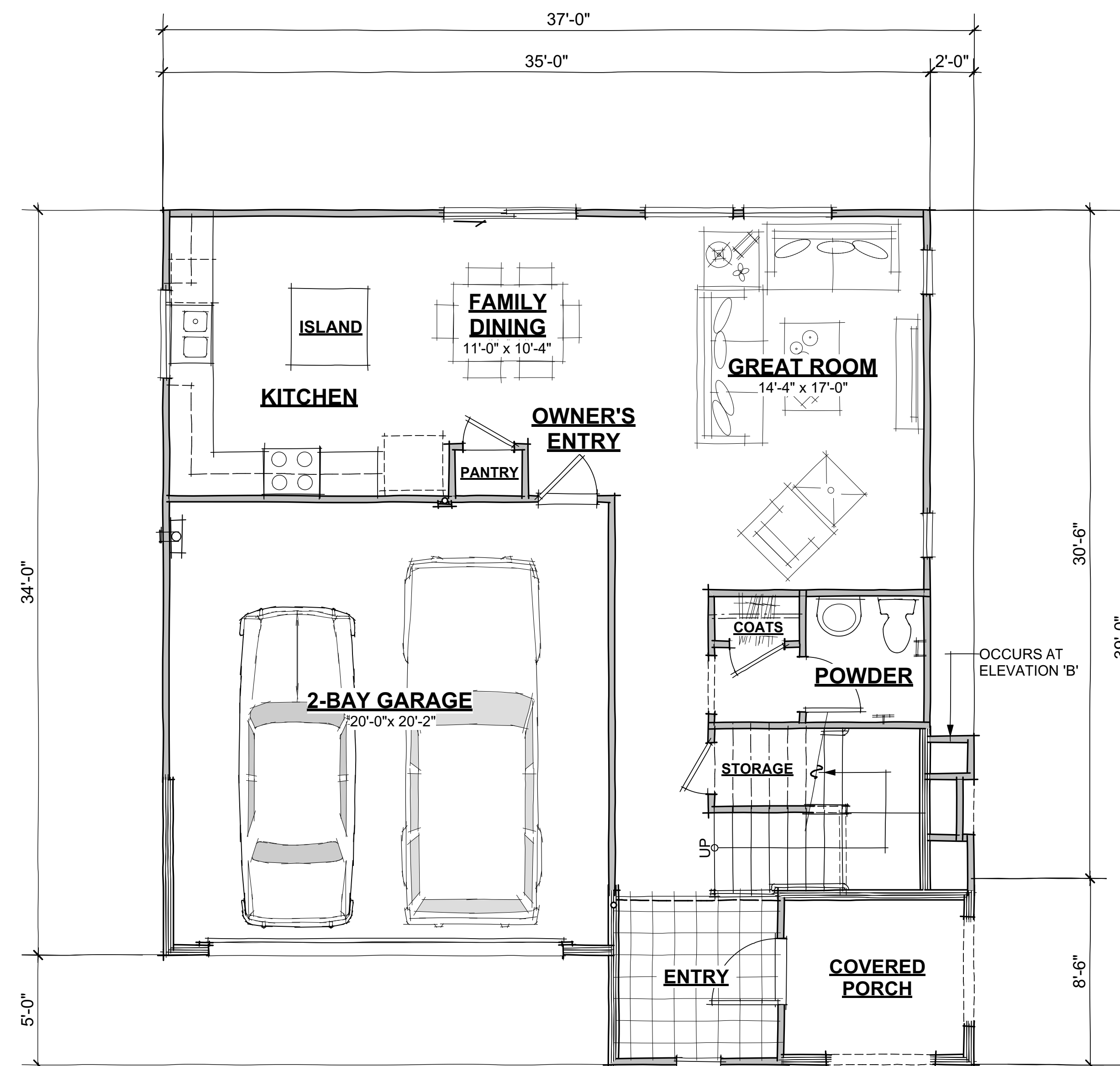
FRONT ELEVATION "B"
(MEDITERRANEAN)



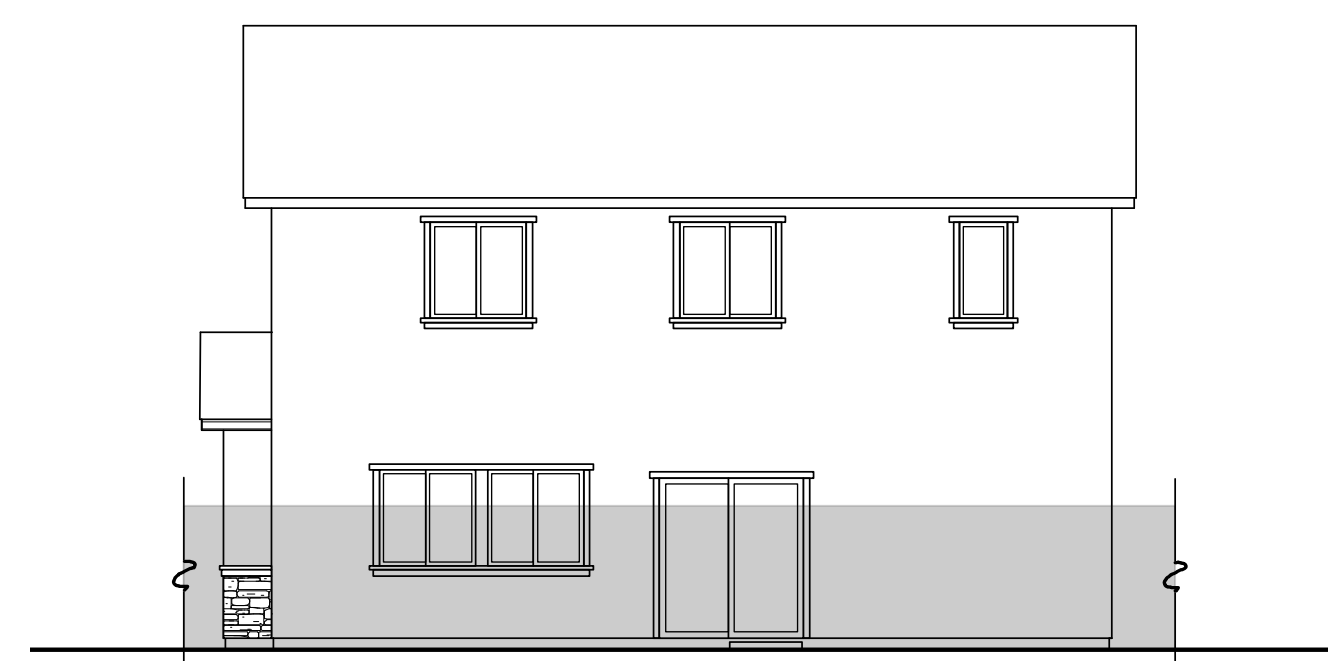
FRONT ELEVATION "C"
(TRADITIONAL)



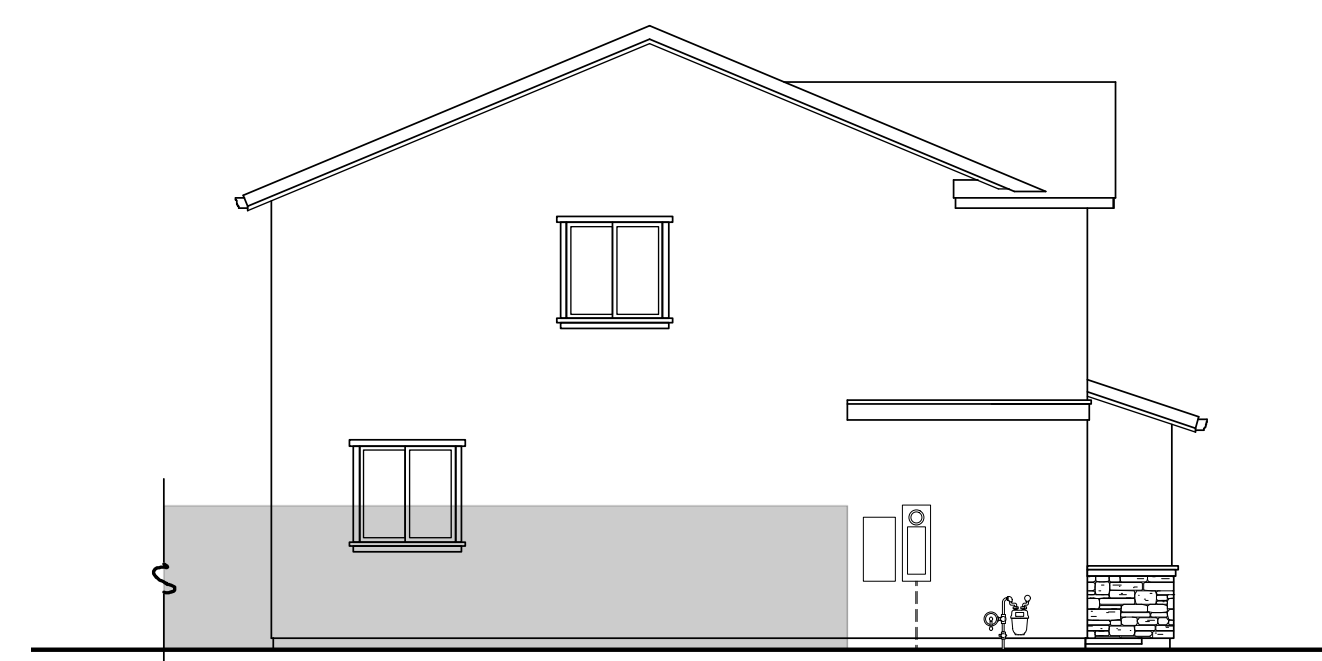
SECOND FLOOR PLAN (1078 S.F.)



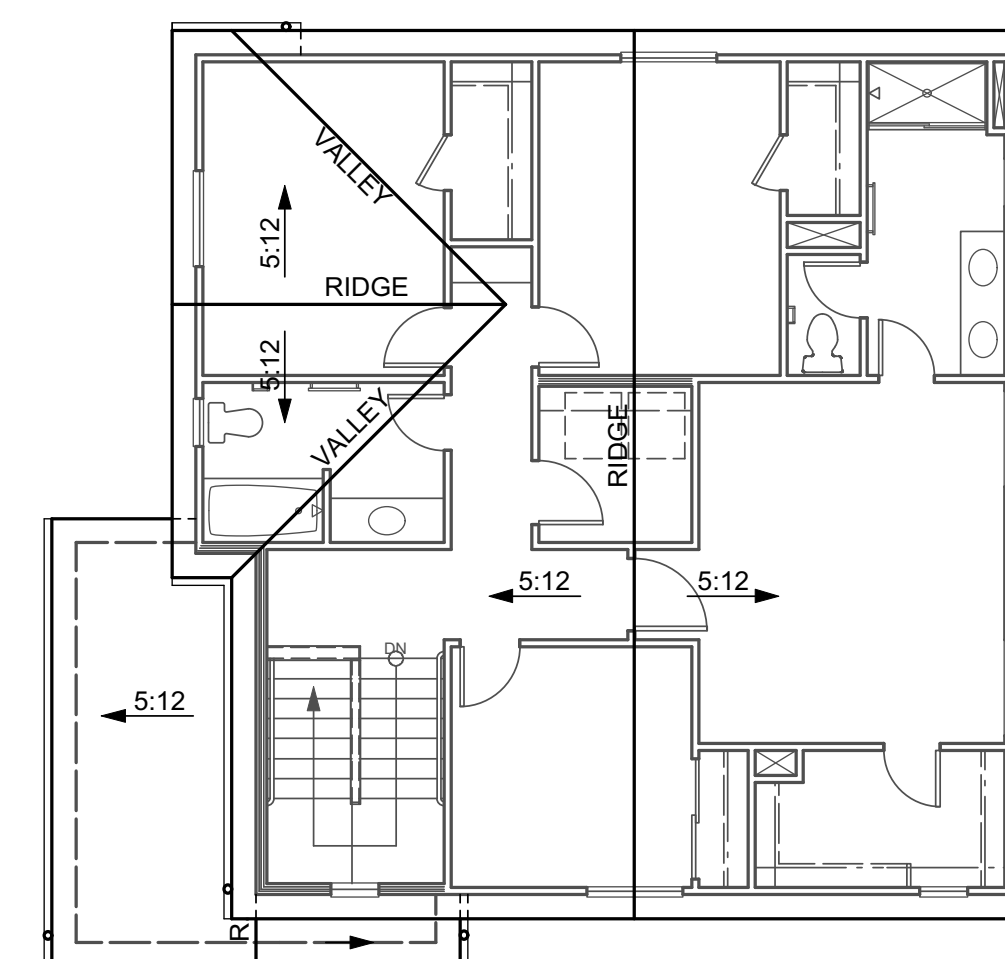
FIRST FLOOR PLAN (793 S.F., 1871 TOTAL S.F.)



REAR "B"



LEFT SIDE "B"



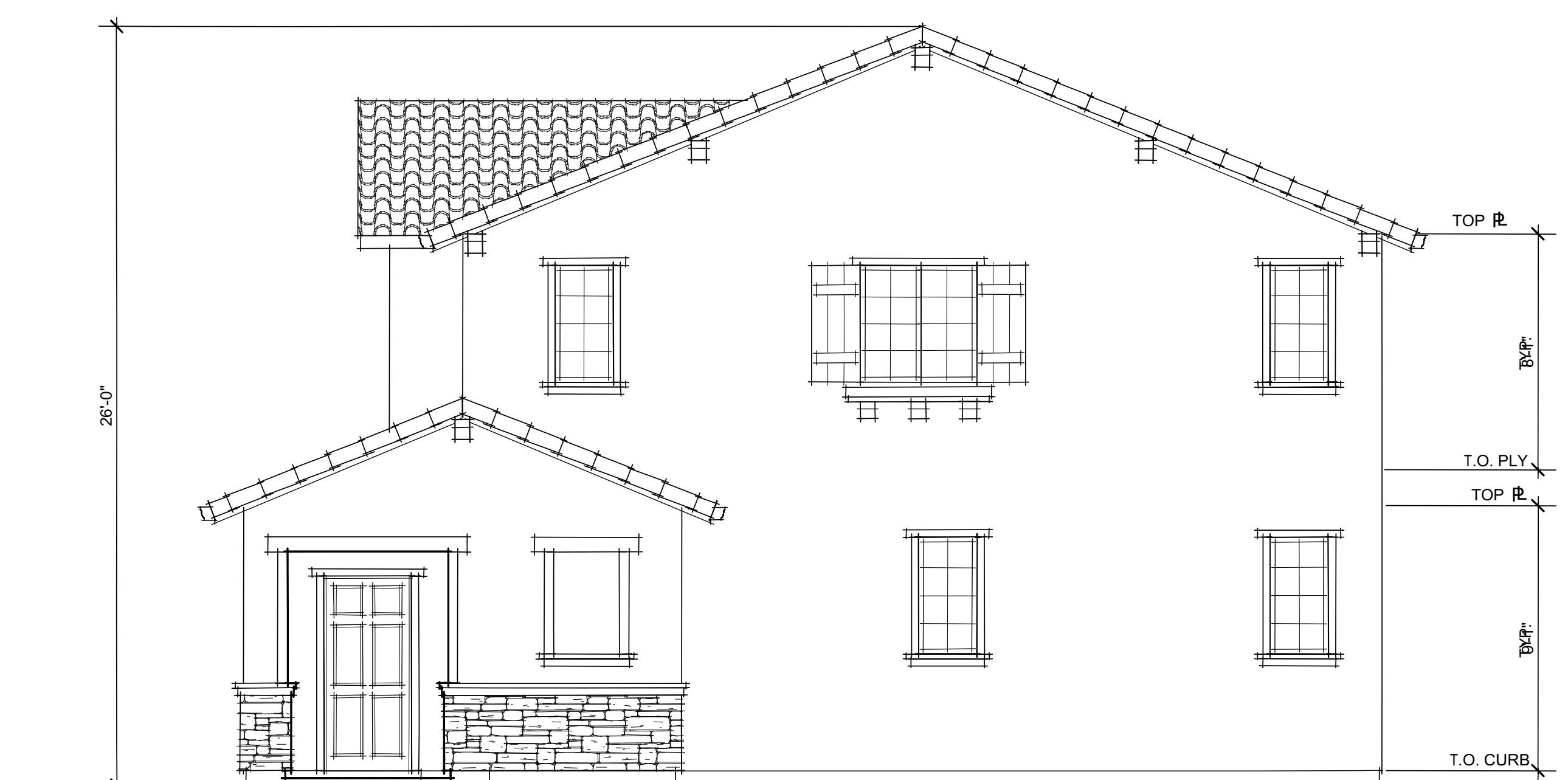
ROOF PLAN "B"

MEDITERRANEAN

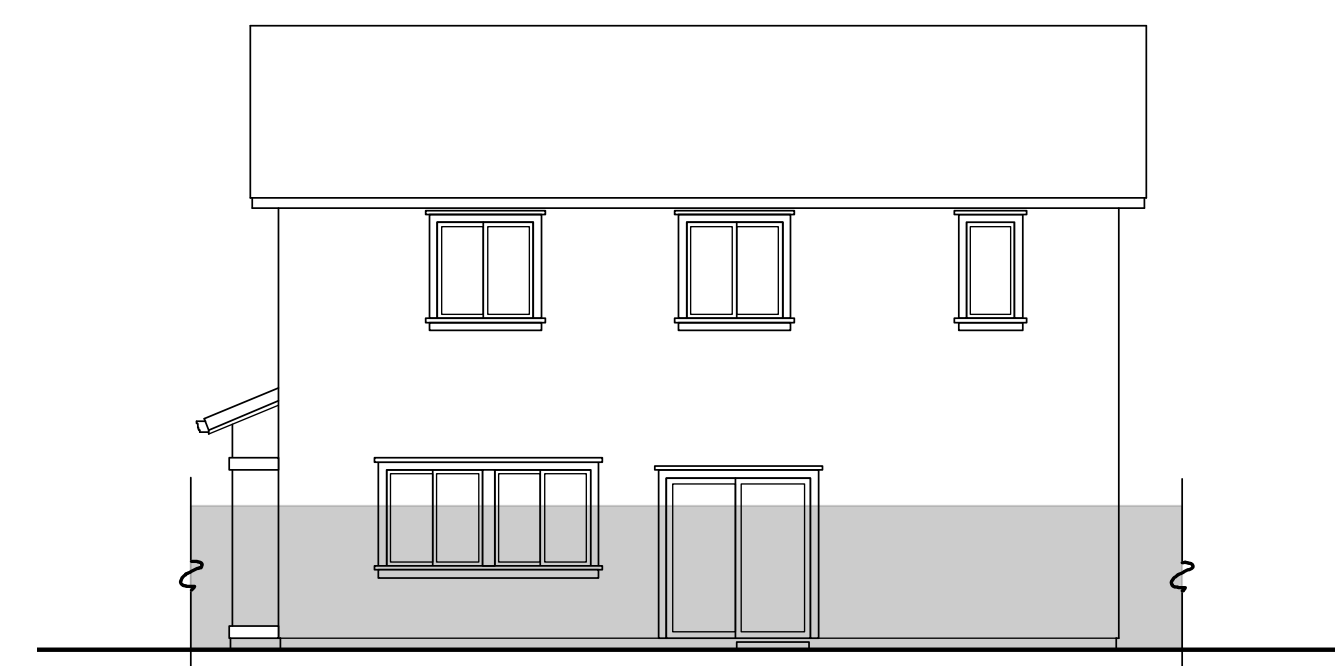
- STUCCO SIDING
- STUCCO OVER FOAM TRIM
- CULTURED STONE WAINSCOT
- DECORATIVE FOAM SHUTTERS
- DECORATIVE FOAM OUTLOOKERS
- TILE GUTTER
- CONCRETE TILE ROOFING - LOW PROFILE "S"



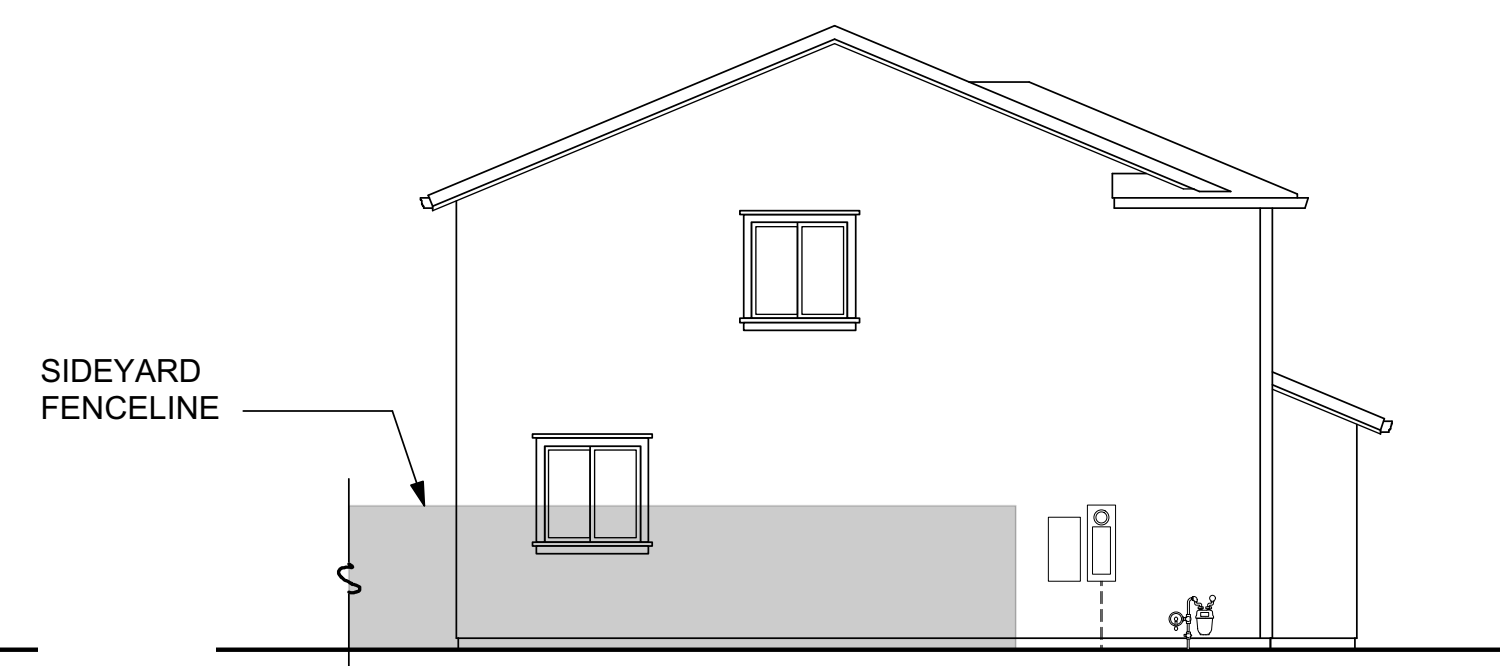
FRONT ELEVATION "B"
(COURT B)



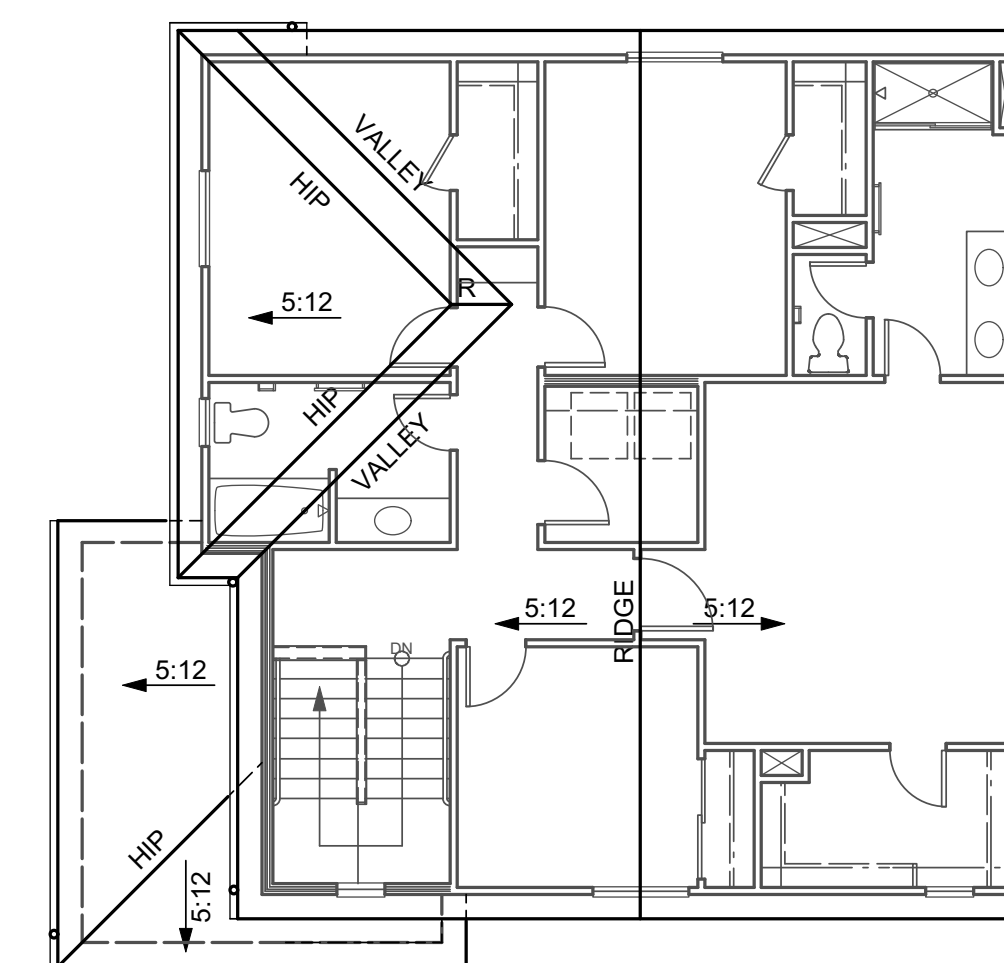
LA PLAYA STREET ELEVATION "B"
(MEDITERRANEAN)



REAR "C"



LEFT SIDE "C"



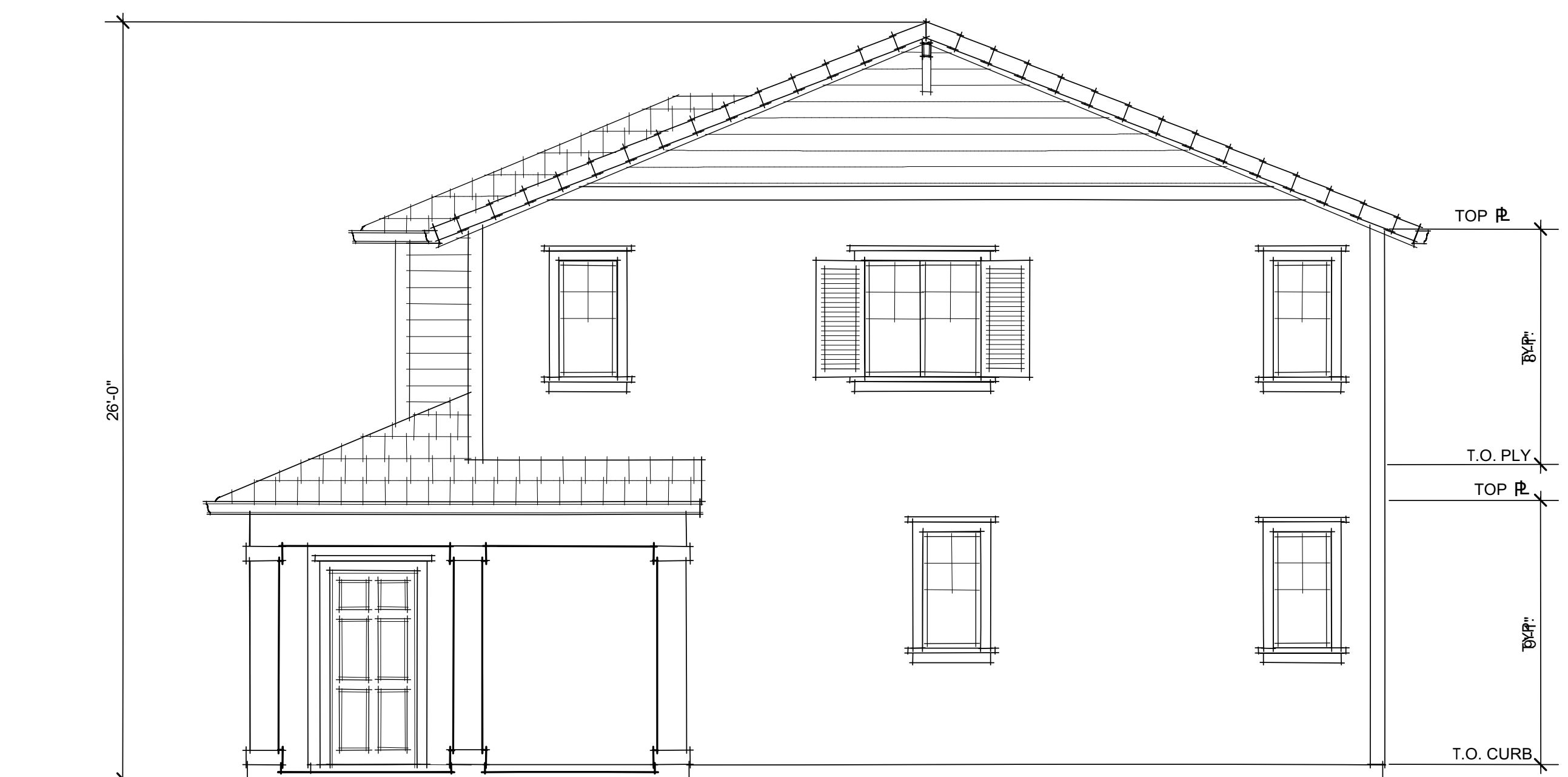
ROOF PLAN "C"

TRADITIONAL

- STUCCO SIDING
- STUCCO OVER FOAM TRIM
- HORIZONTAL LAP WOOD SIDING
- DECORATIVE SHUTTERS
- TILE GUTTER
- CONCRETE TILE ROOFING - "SLATE" PROFILE



FRONT ELEVATION "C"
(STREET A / COURT A)



LA PLAYA STREET ELEVATION "C"
(TRADITIONAL)



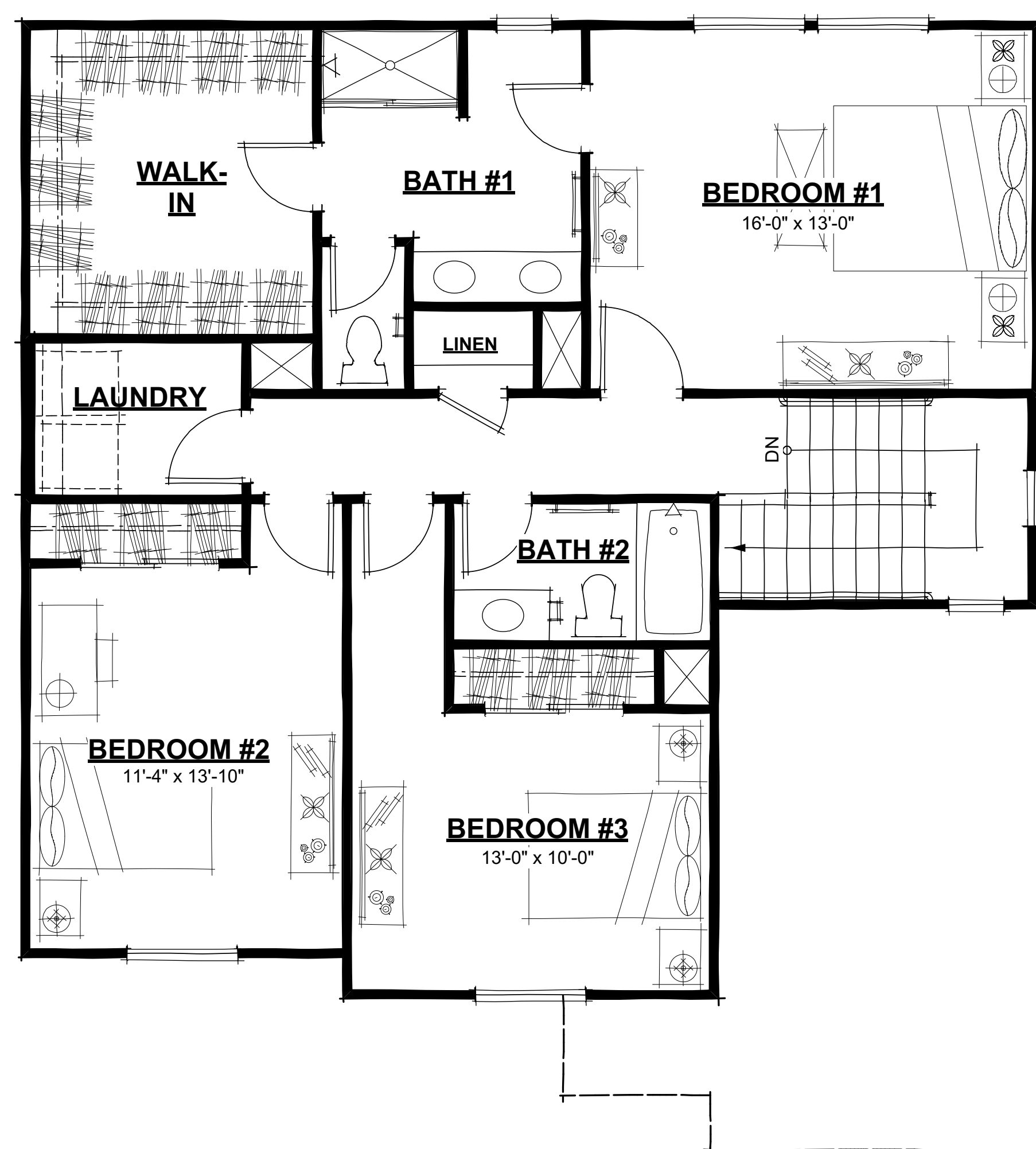
FRONT ELEVATION "A"
(SPANISH)



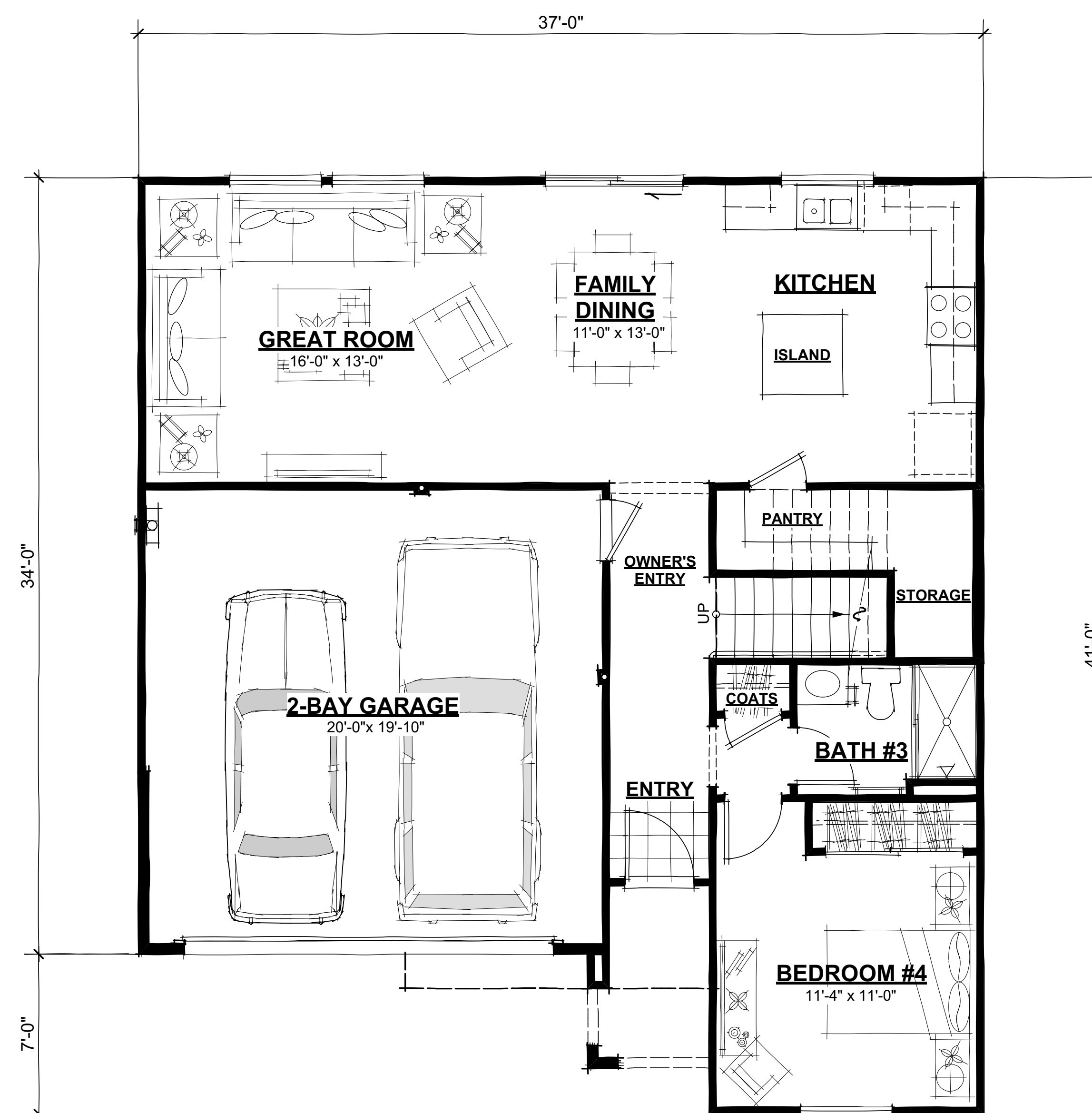
FRONT ELEVATION "B"
(MEDITERRANEAN)



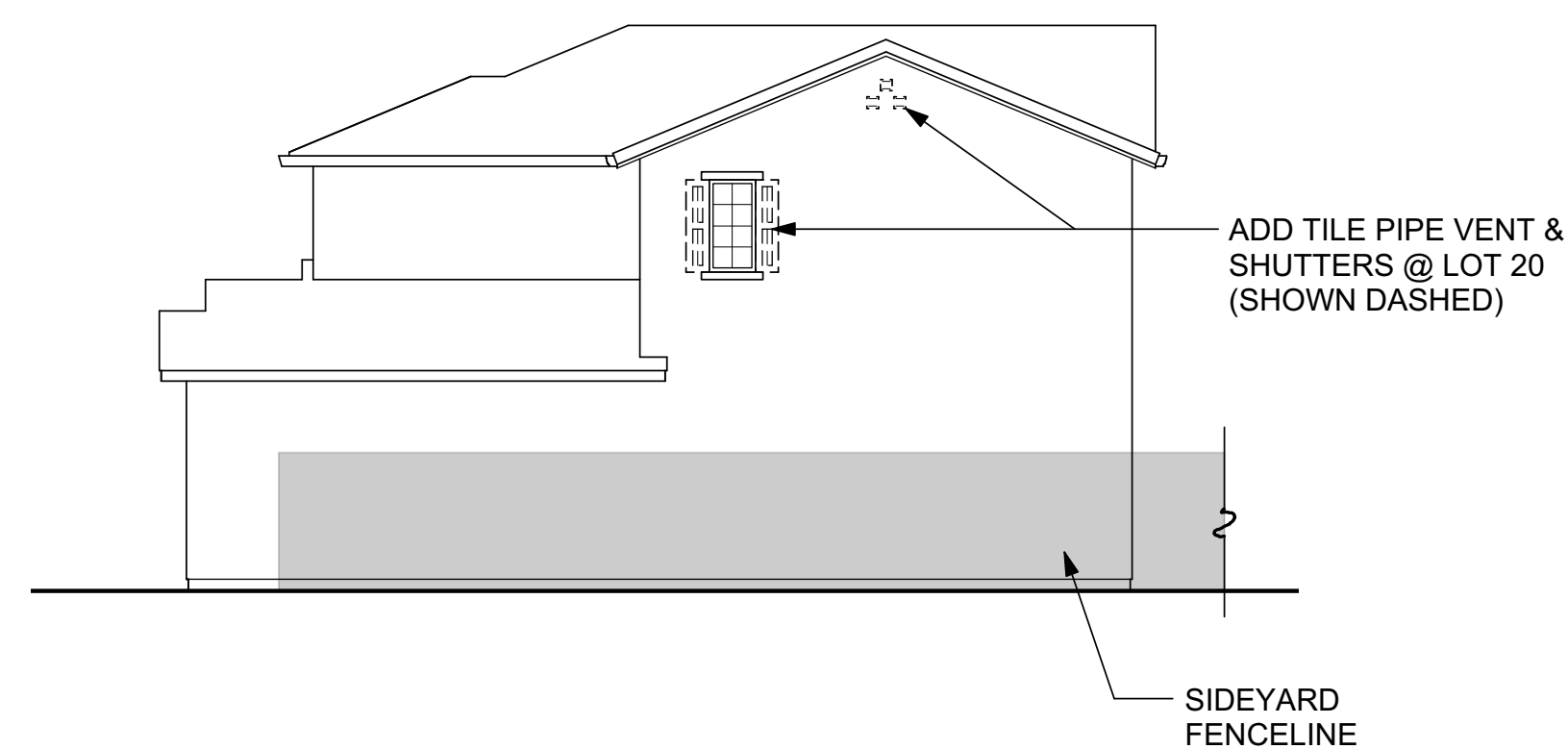
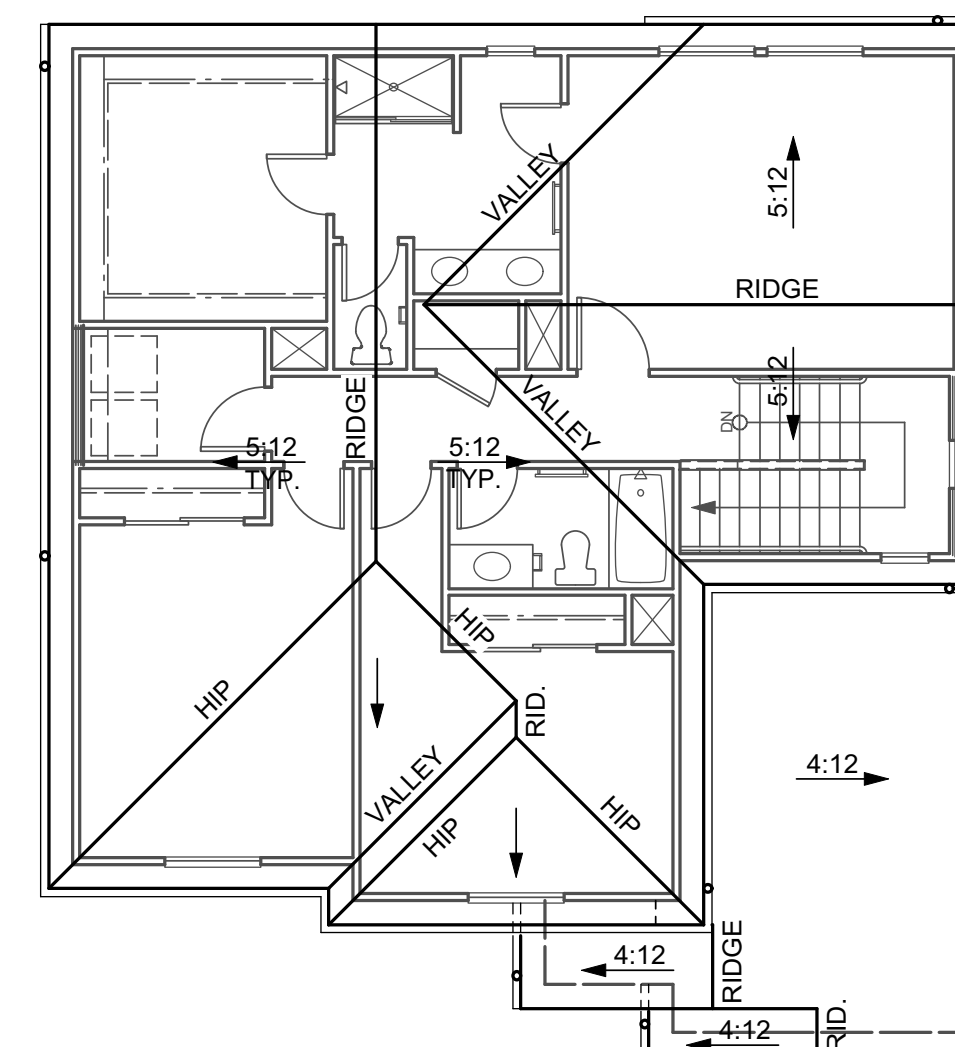
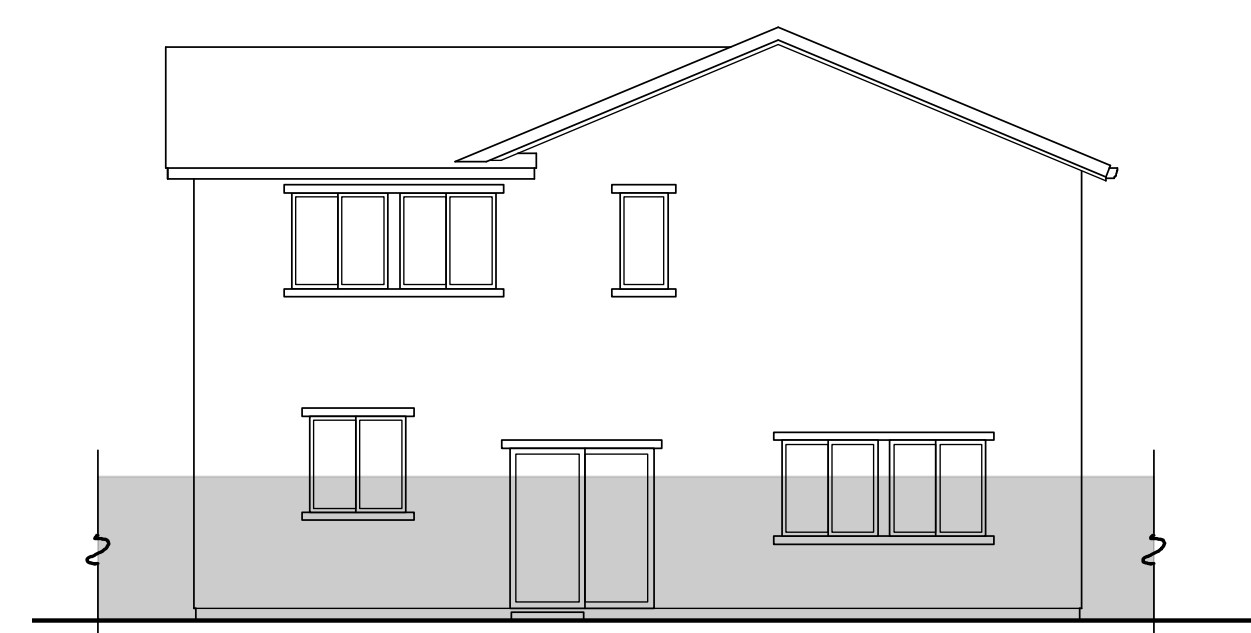
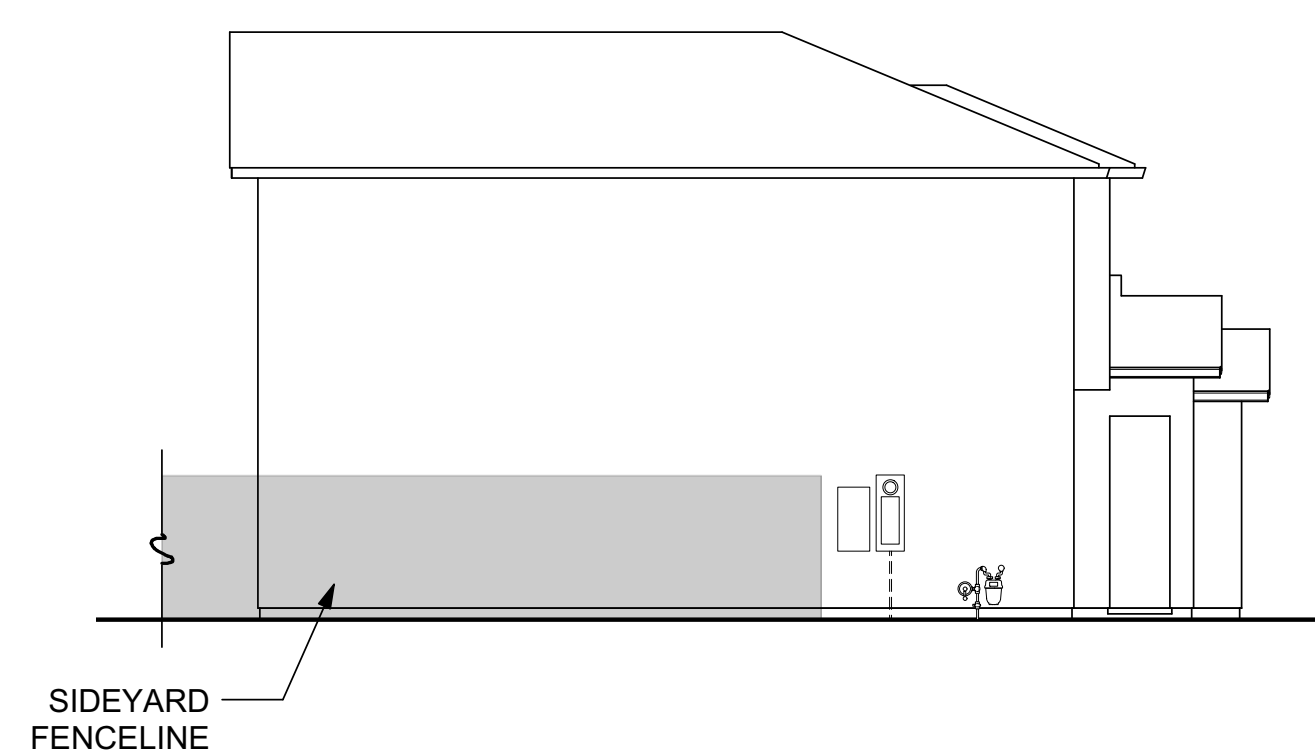
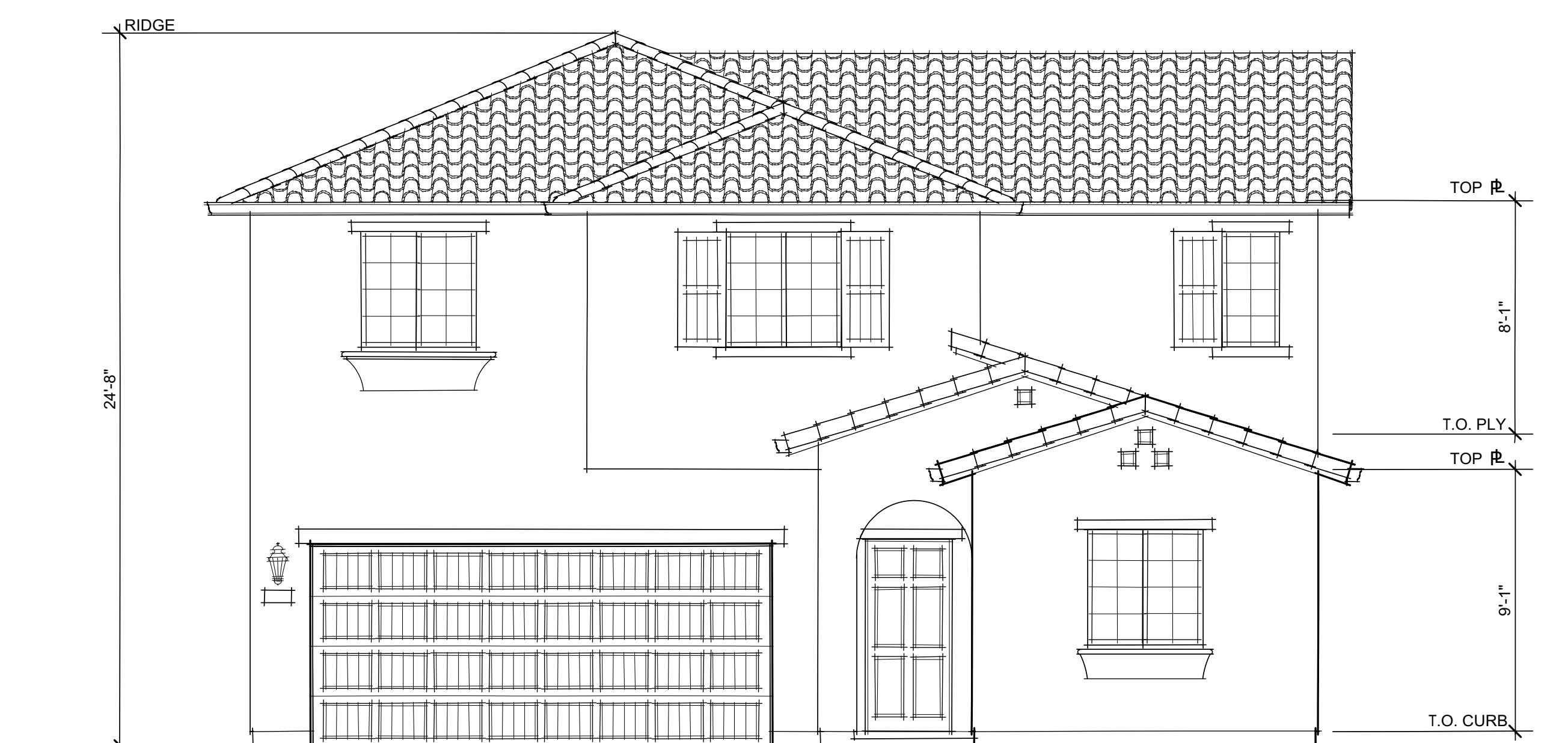
FRONT ELEVATION "C"
(TRADITIONAL)



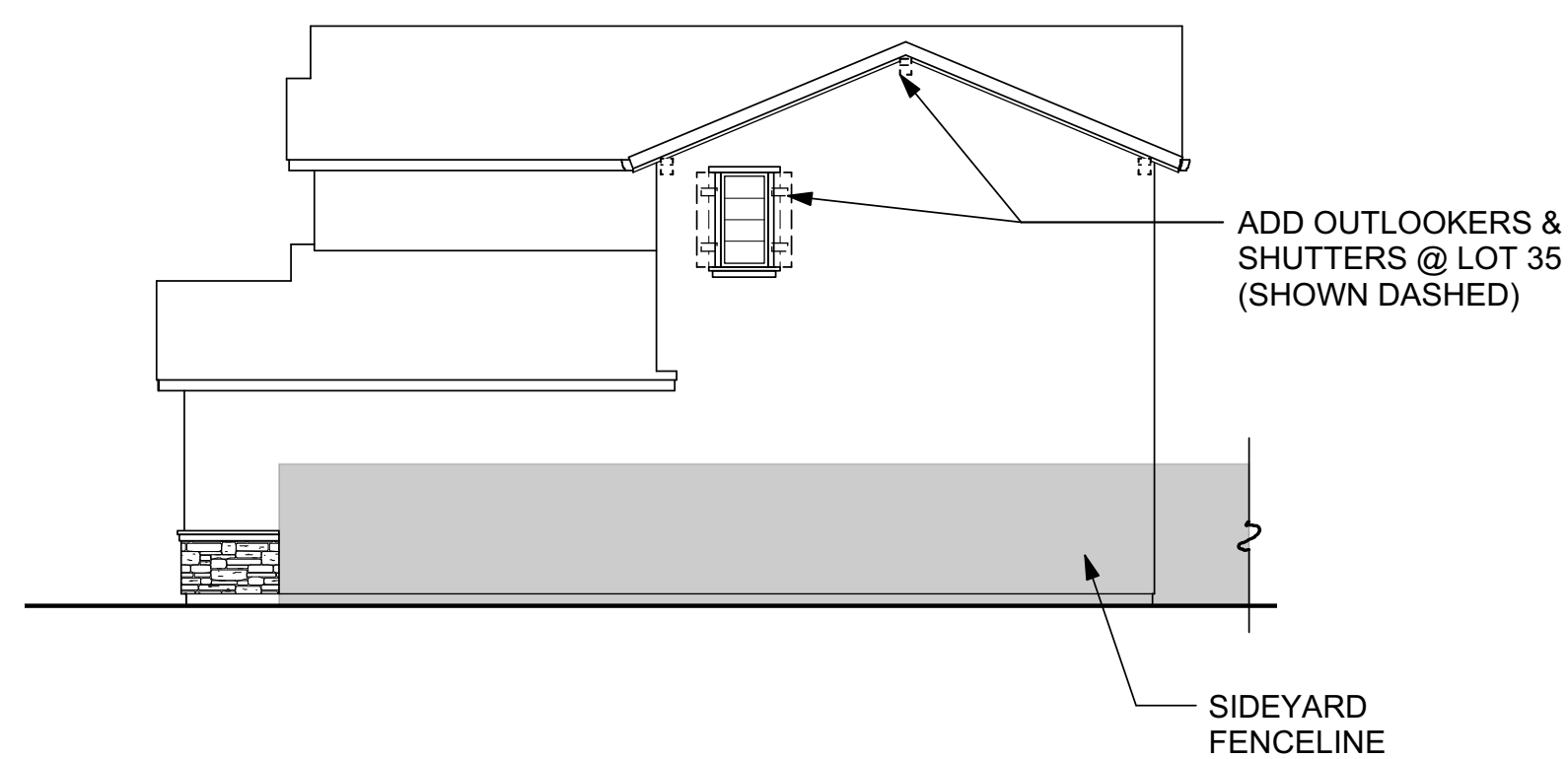
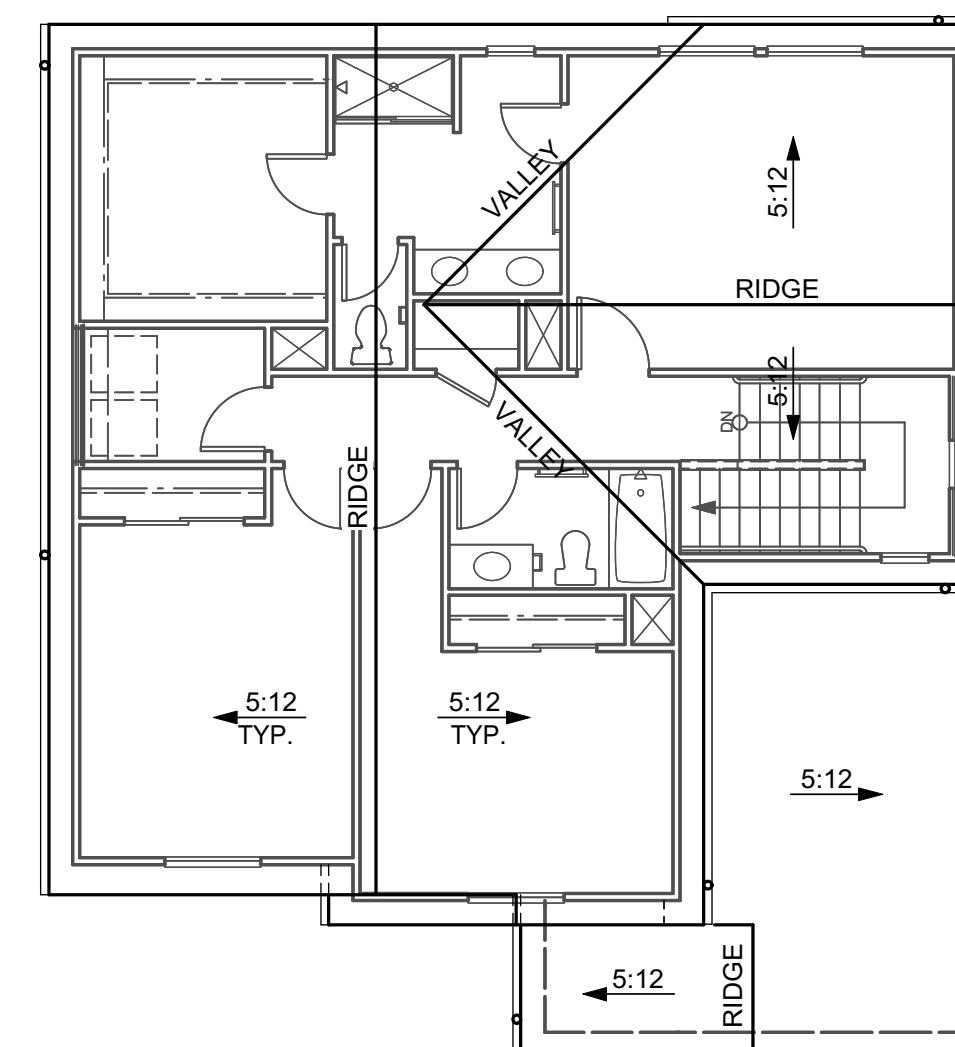
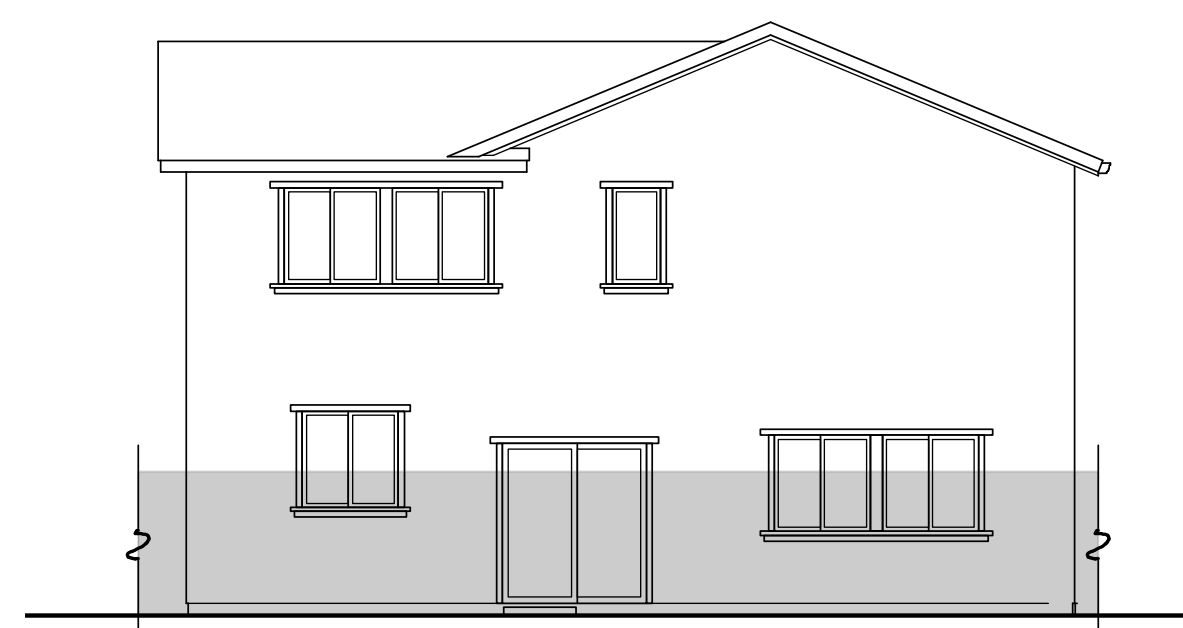
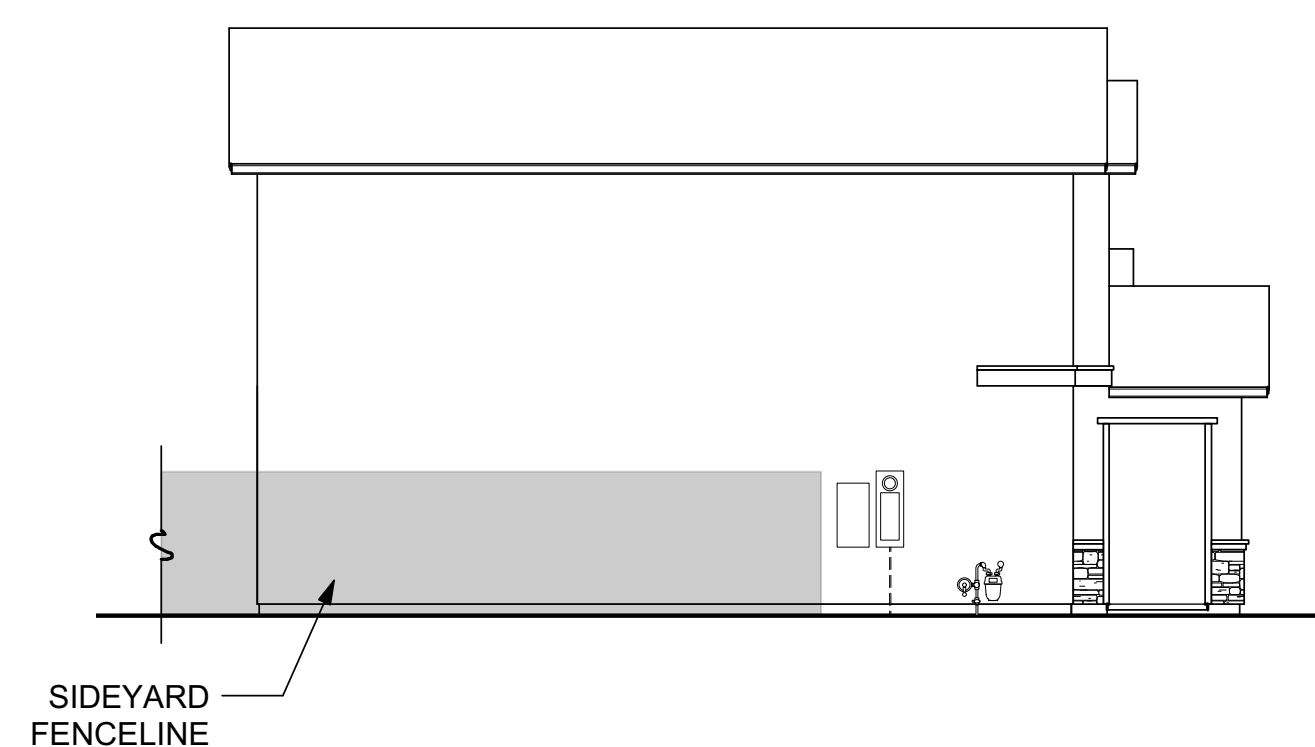
SECOND FLOOR PLAN (1050 S.F.)



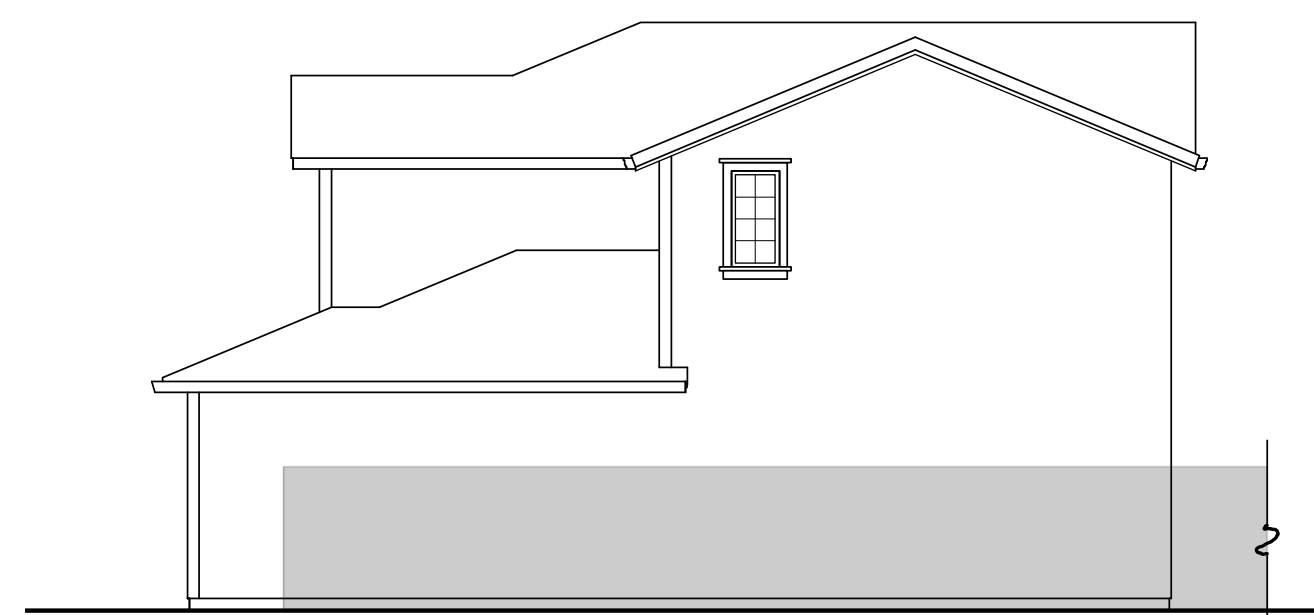
FIRST FLOOR PLAN (914 S.F., 1964 TOTAL S.F.)

**RIGHT SIDE "A"****ROOF PLAN "A"****REAR "A"****LEFT SIDE "A"****FRONT ELEVATION "A"**
(SPANISH)**SPANISH**

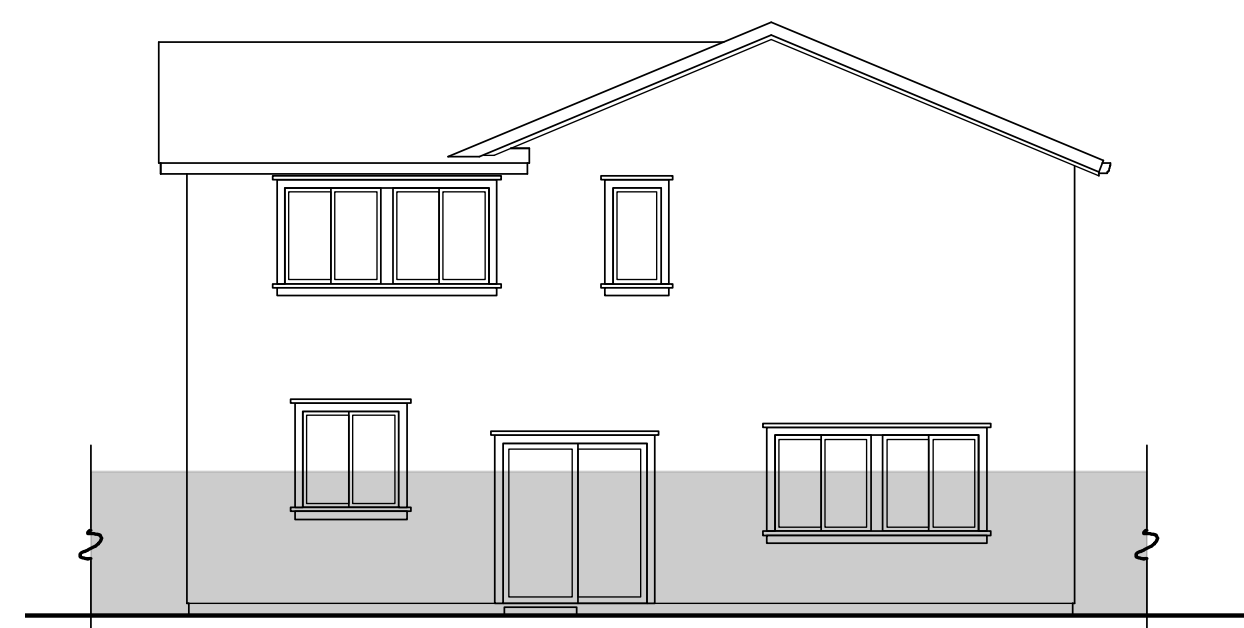
- STUCCO SIDING
- STUCCO OVER FOAM TRIM
- DECORATIVE TILE VENTS
- DECORATIVE FOAM SHUTTERS
- TILE GUTTER
- CONCRETE TILE ROOFING - LOW PROFILE "S"

**RIGHT SIDE "B"****ROOF PLAN "B"****REAR "B"****LEFT SIDE "B"****FRONT ELEVATION "B"**
(MEDITERRANEAN)**MEDITERRANEAN**

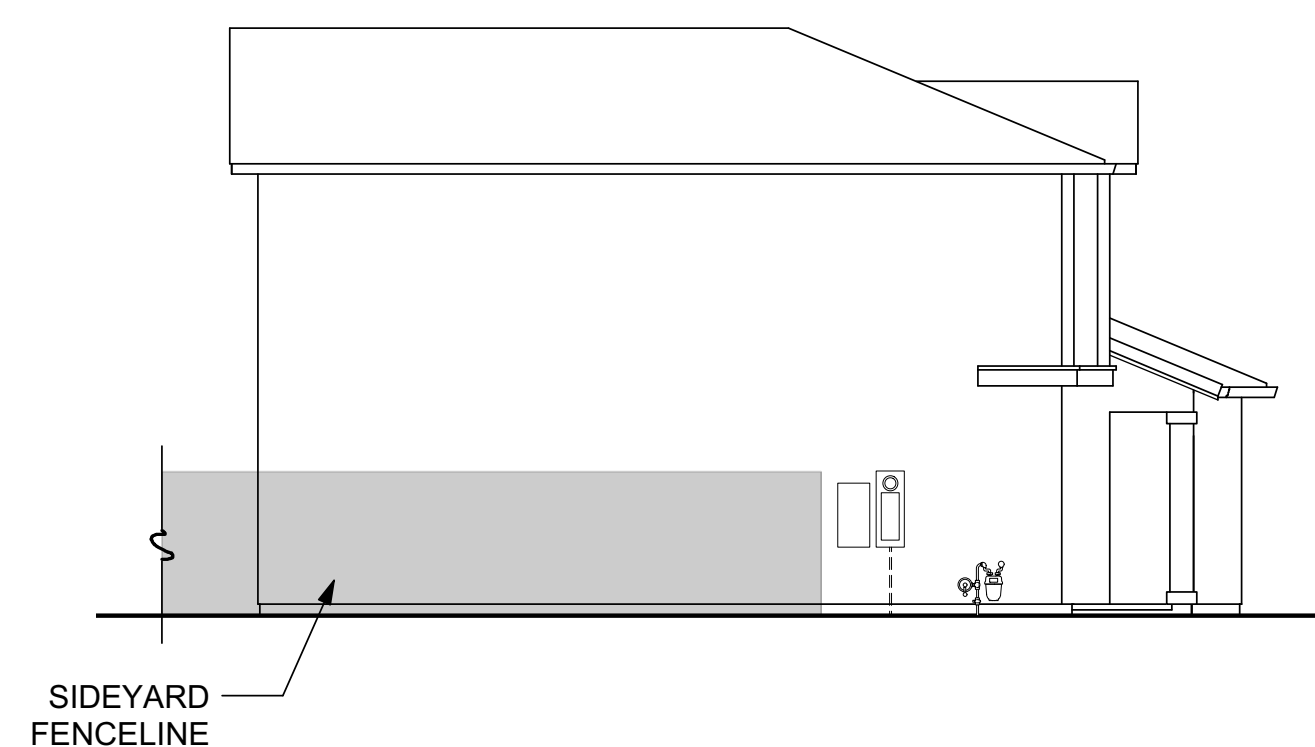
- STUCCO SIDING
- STUCCO OVER FOAM TRIM
- CULTURED STONE WAINSCOT
- DECORATIVE FOAM SHUTTERS
- DECORATIVE FOAM OUTLOOKERS
- TILE GUTTER
- CONCRETE TILE ROOFING - LOW PROFILE "S"



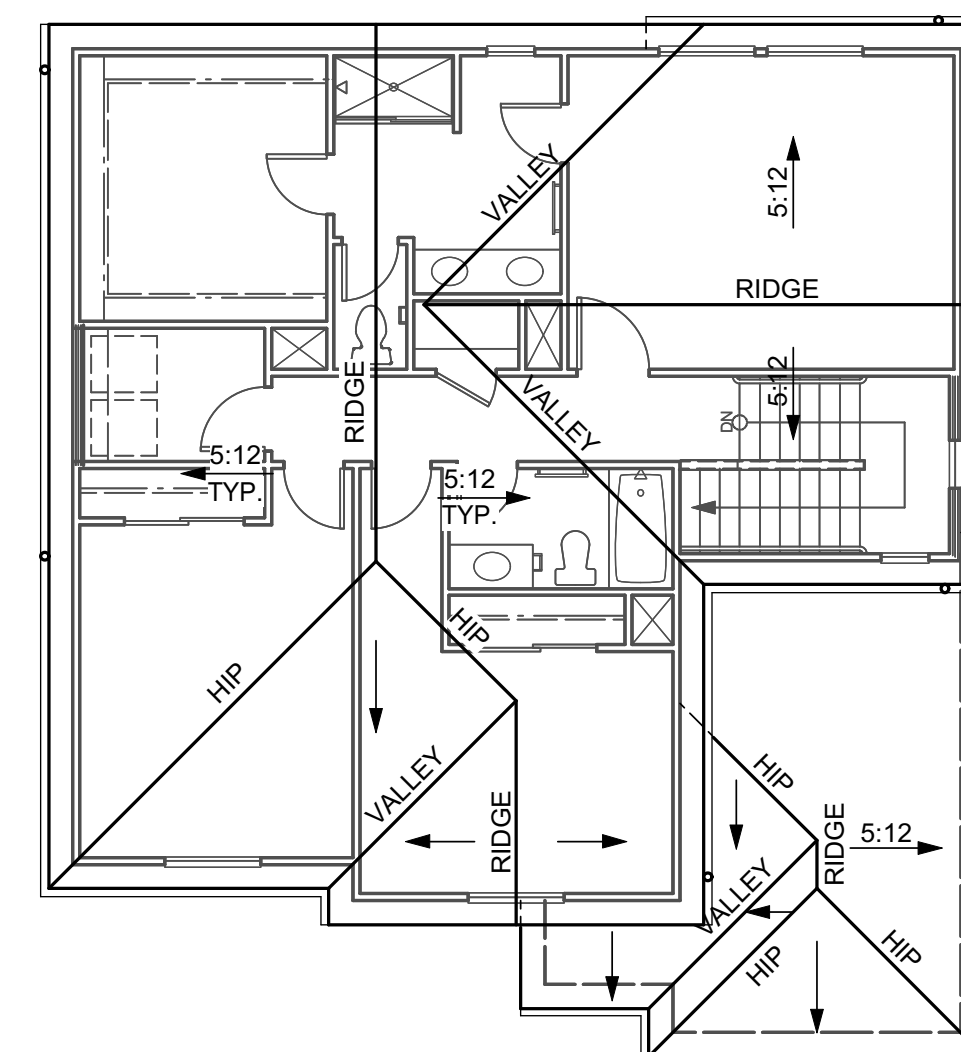
RIGHT SIDE "C"



REAR "C"



LEFT SIDE "C"



ROOF PLAN "C"

TRADITIONAL

- STUCCO SIDING
- STUCCO OVER FOAM TRIM
- HORIZONTAL LAP WOOD SIDING
- DECORATIVE WOOD BRACKETS
- DECORATIVE SHUTTERS
- TILE GUTTER
- CONCRETE TILE ROOFING - "SLATE" PROFILE



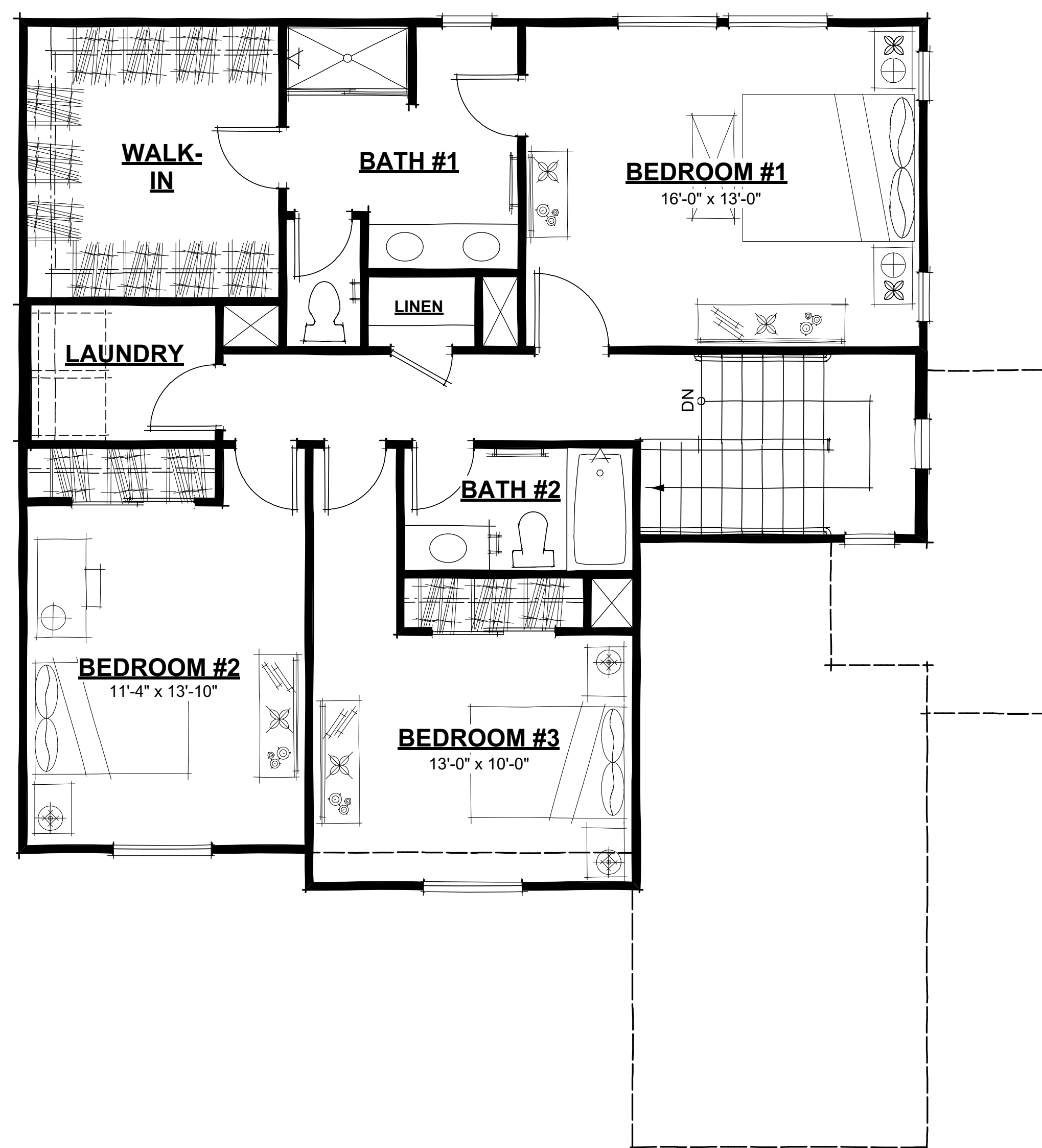
FRONT ELEVATION "C"
(TRADITIONAL)



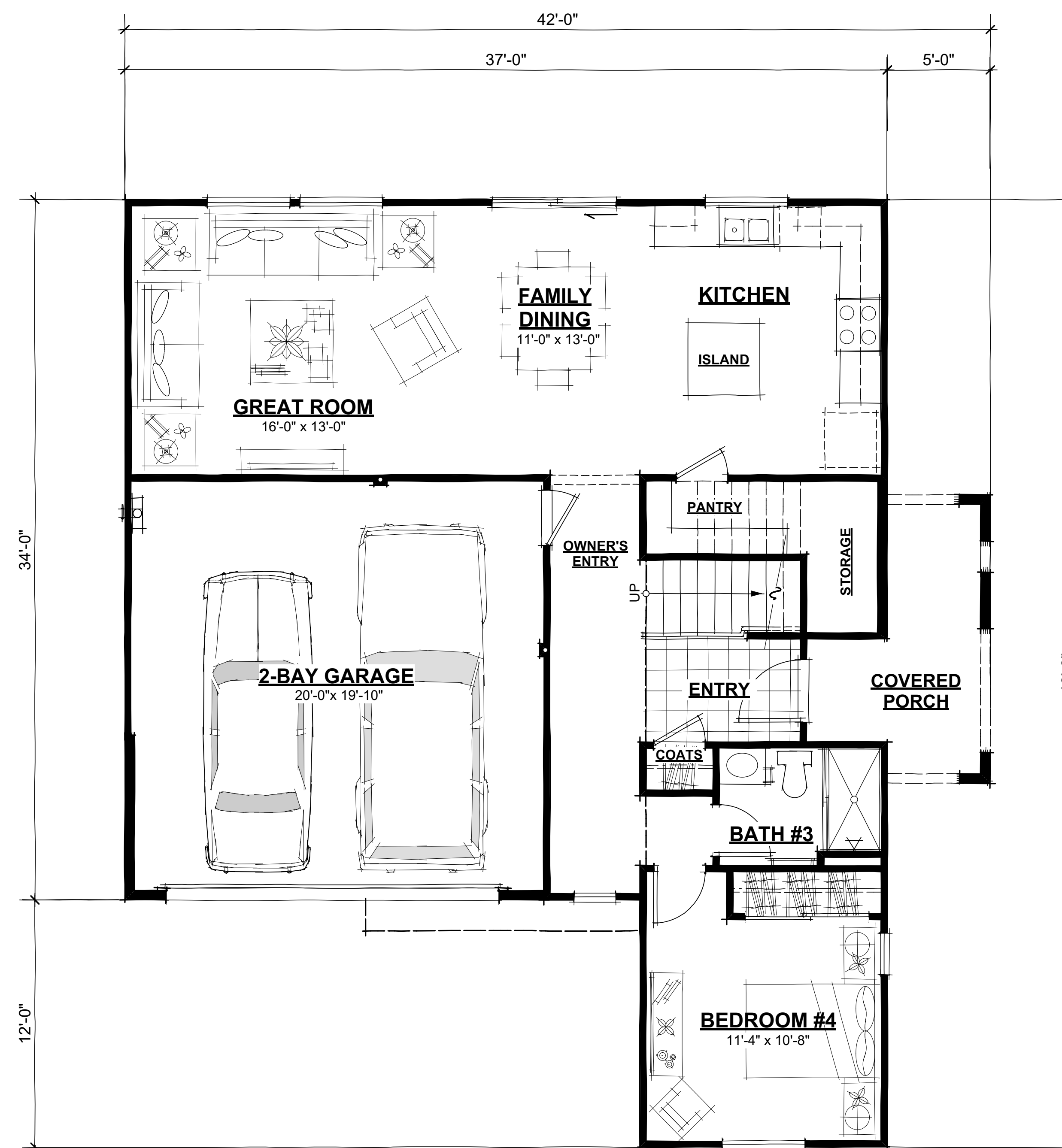
FRONT ELEVATION "A"
(SPANISH)



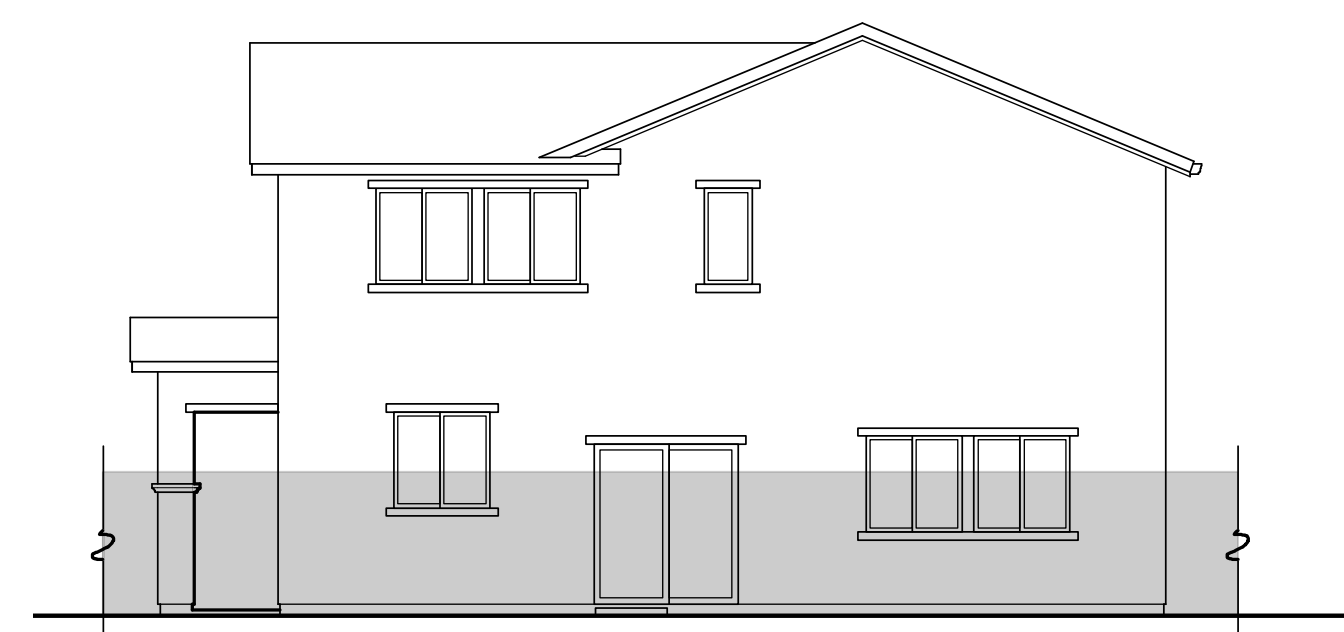
FRONT ELEVATION "B"
(MEDITERRANEAN)



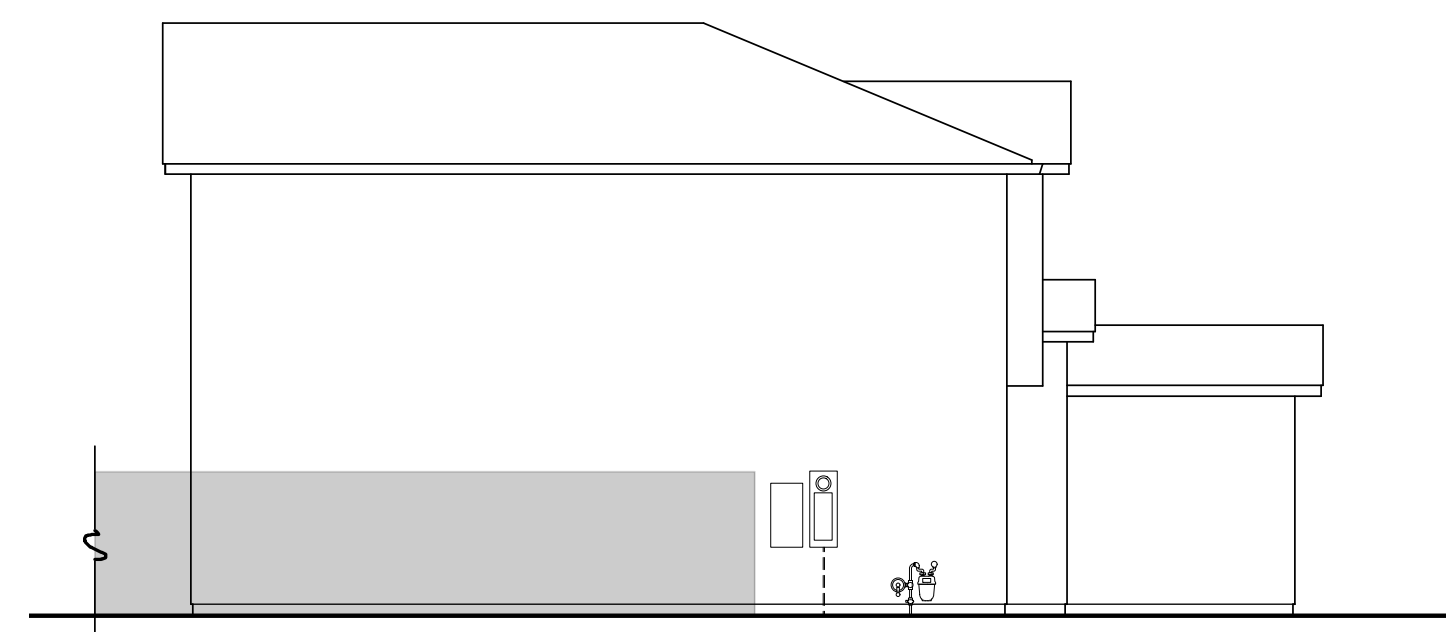
SECOND FLOOR PLAN (1050 S.F.)



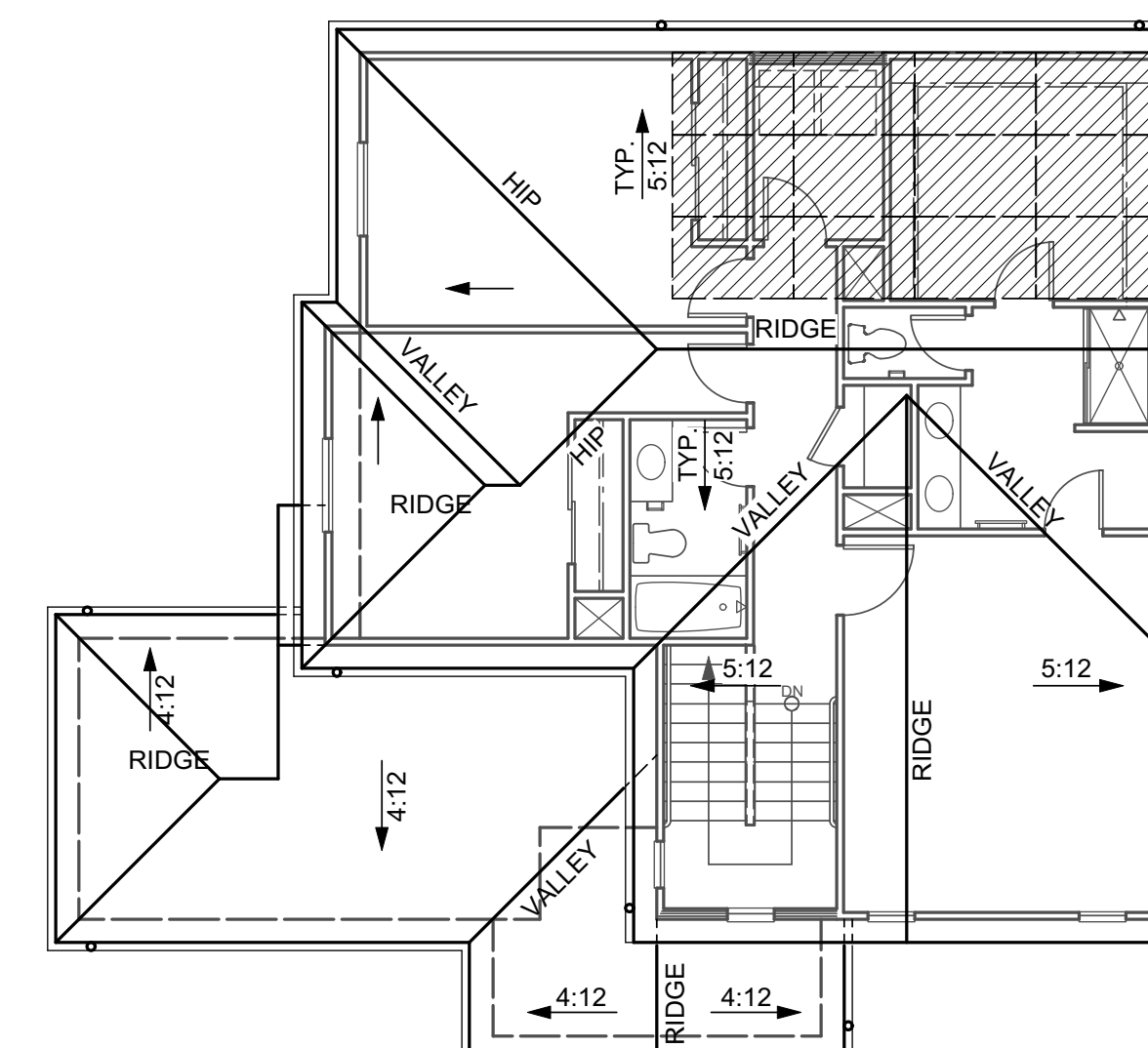
FIRST FLOOR PLAN (969 S.F., 2019 TOTAL S.F.)



REAR "A"



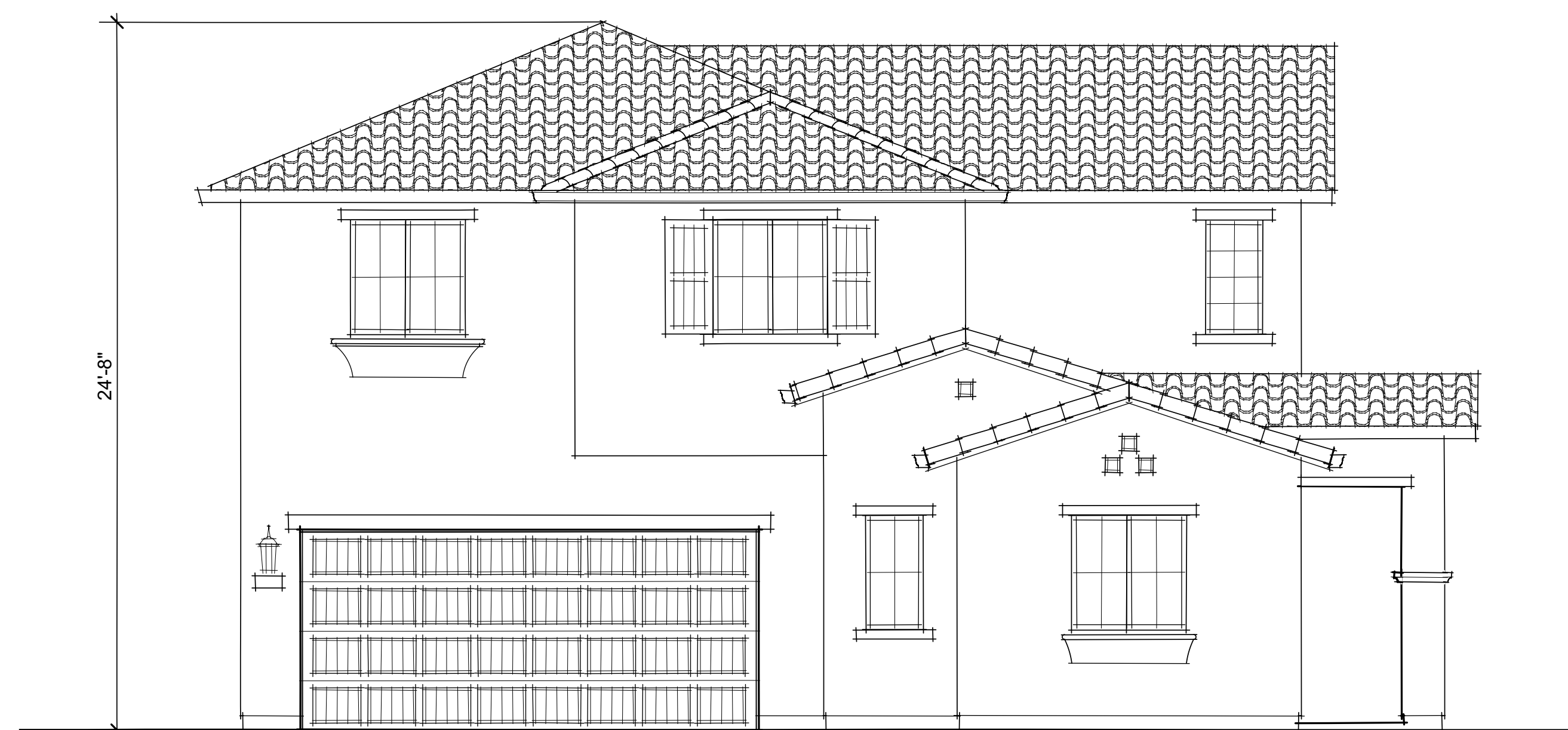
LEFT SIDE "A"



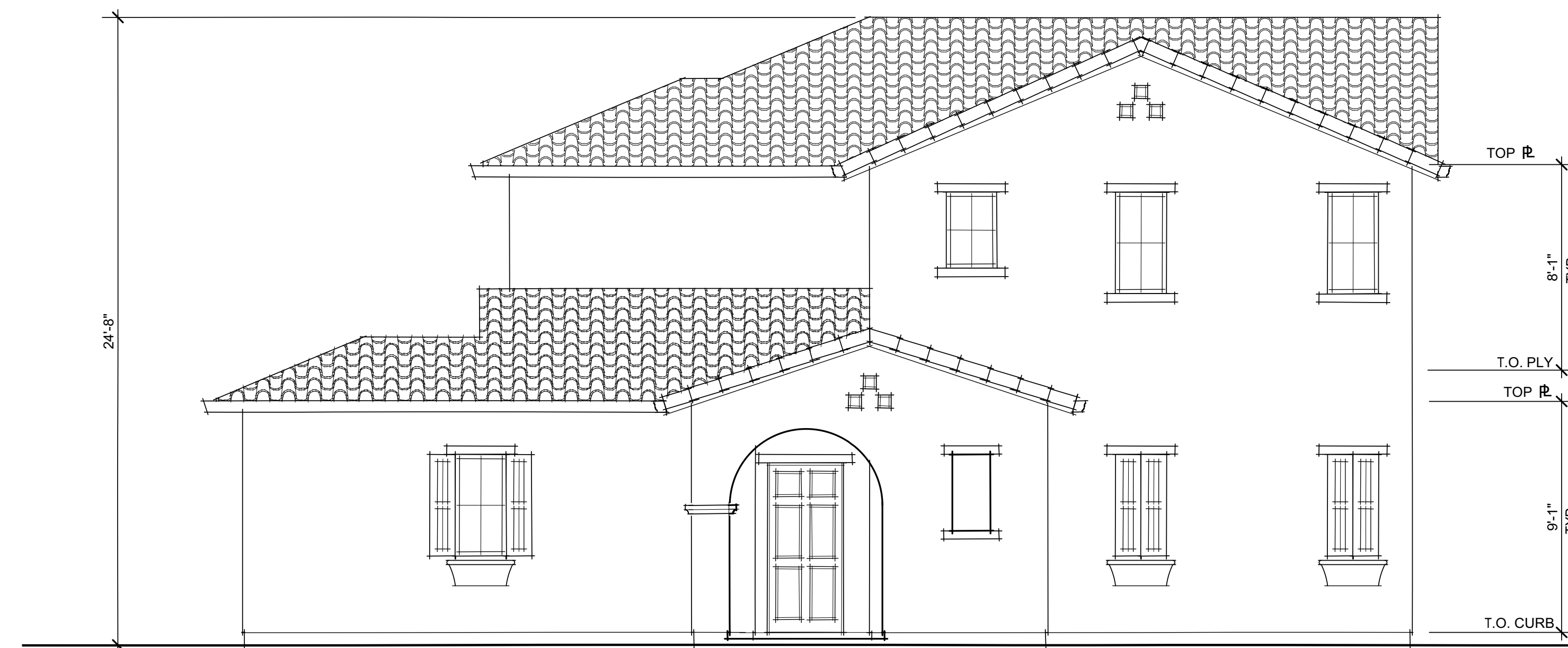
ROOF PLAN "A"

SPANISH

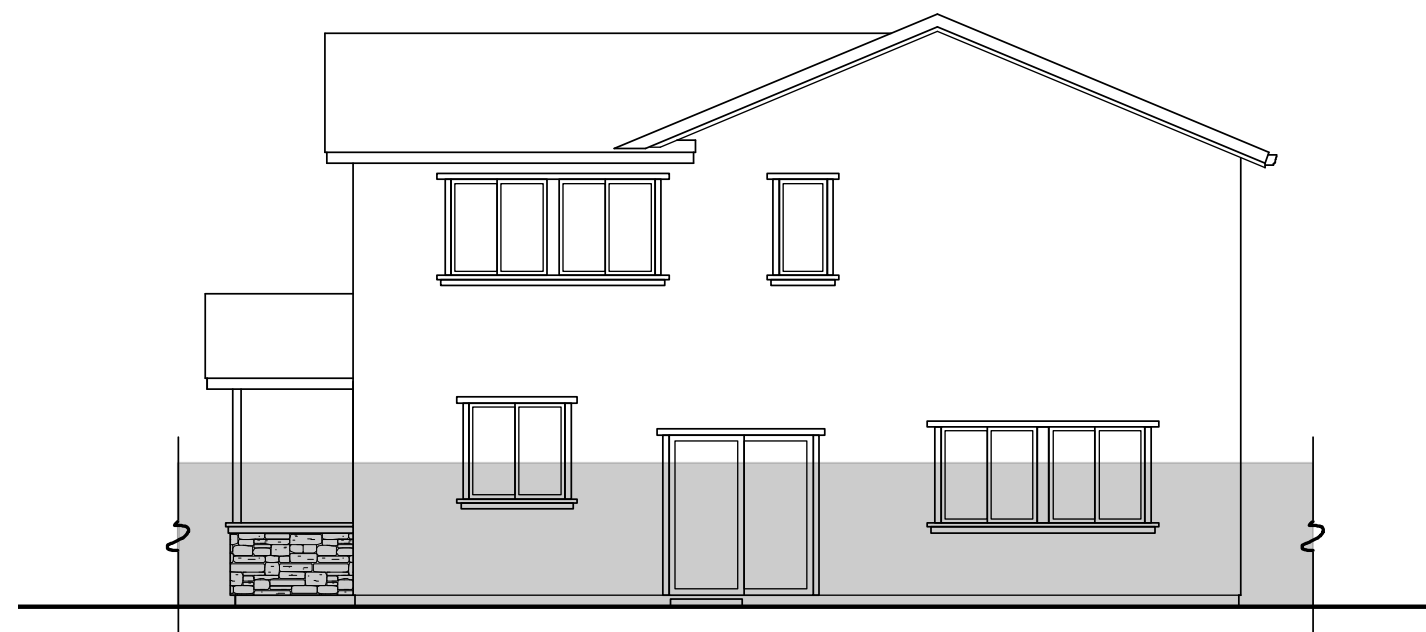
- STUCCO SIDING
- STUCCO OVER FOAM TRIM
- DECORATIVE TILE VENTS
- DECORATIVE FOAM SHUTTERS
- DECORATIVE FOAM CANOPY SILL
- TILE GUTTER
- CONCRETE TILE ROOFING - LOW PROFILE "S"



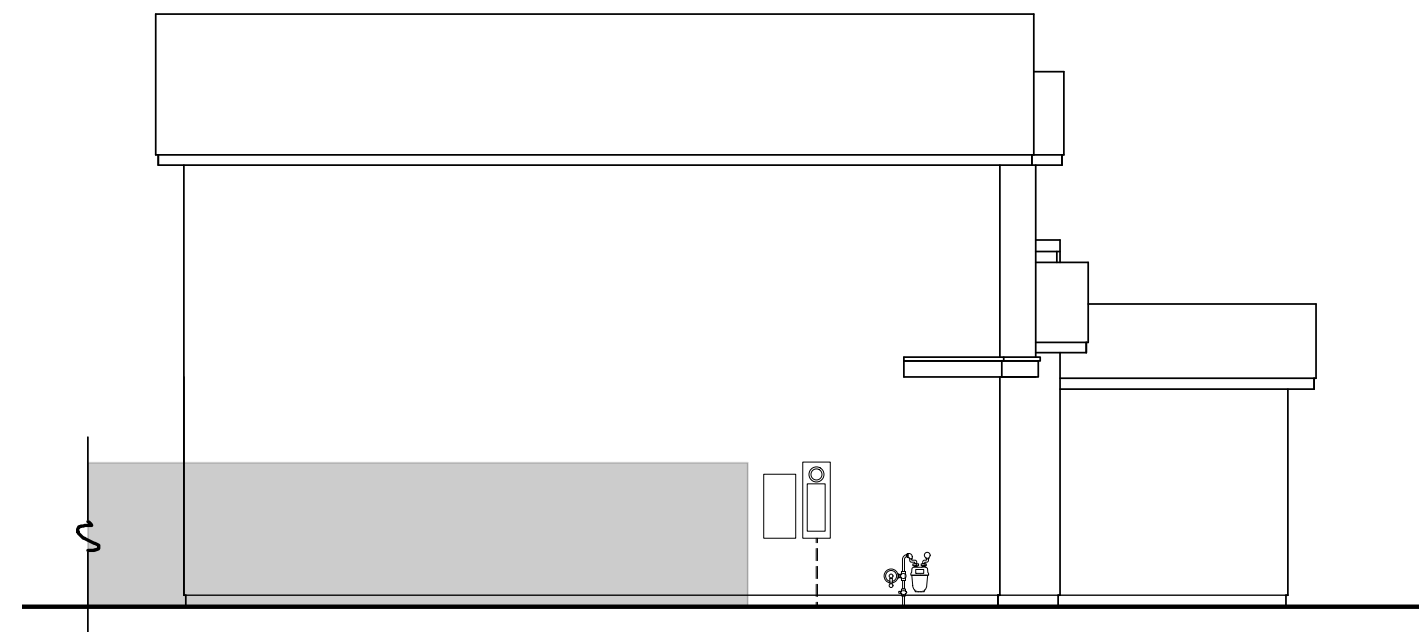
FRONT ELEVATION "A"
(COURT B)



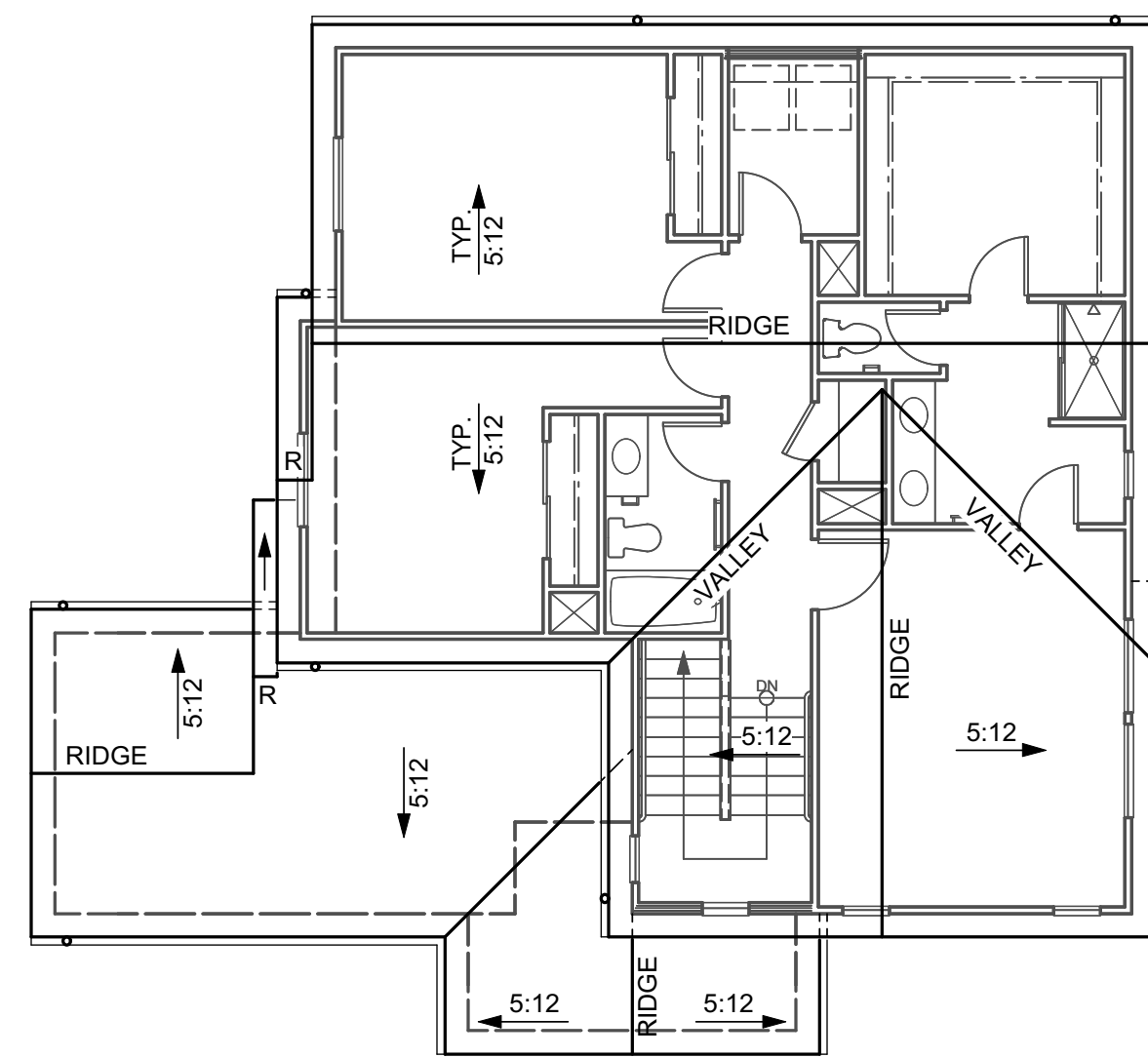
LA PLAYA STREET ELEVATION "A"
(SPANISH)



REAR "B"



LEFT SIDE "B"

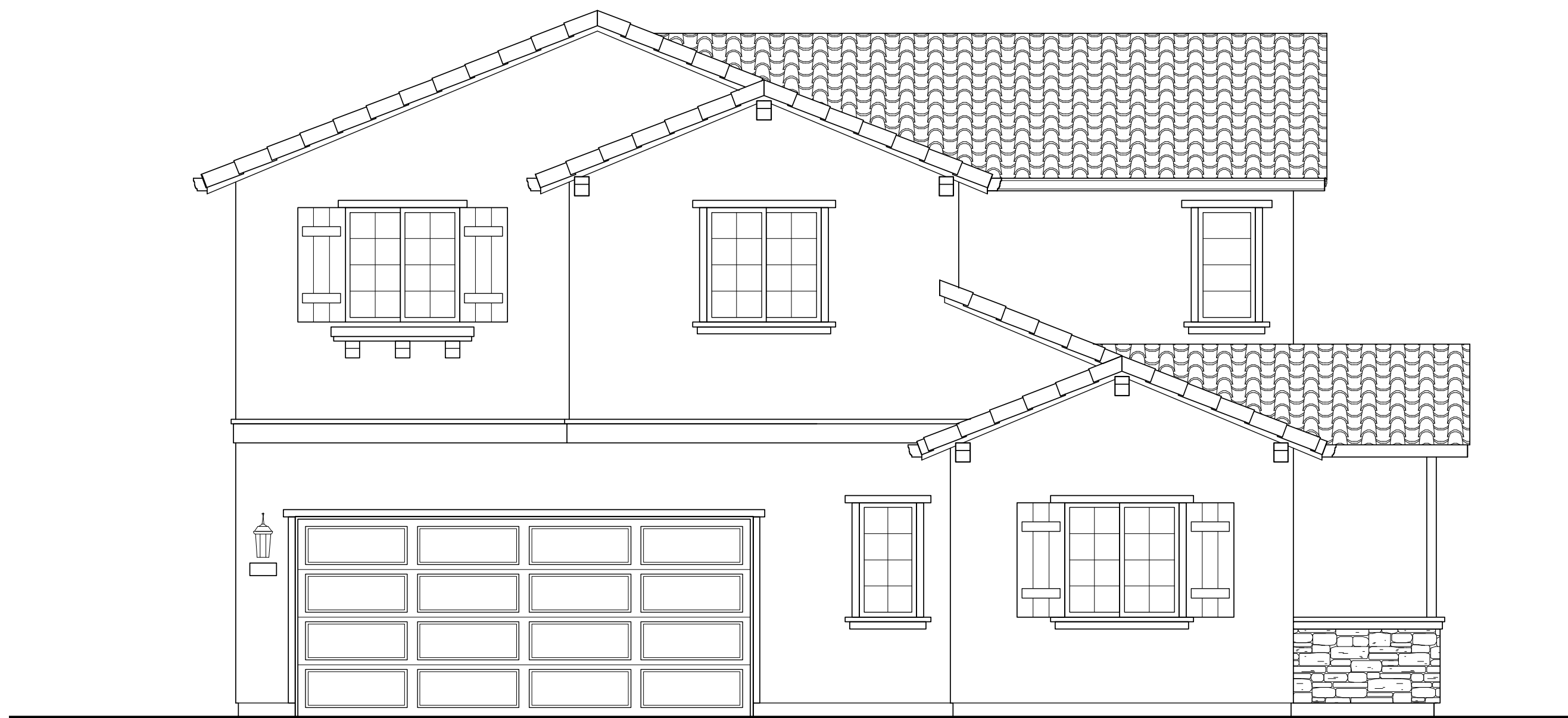


ROOF PLAN "B"

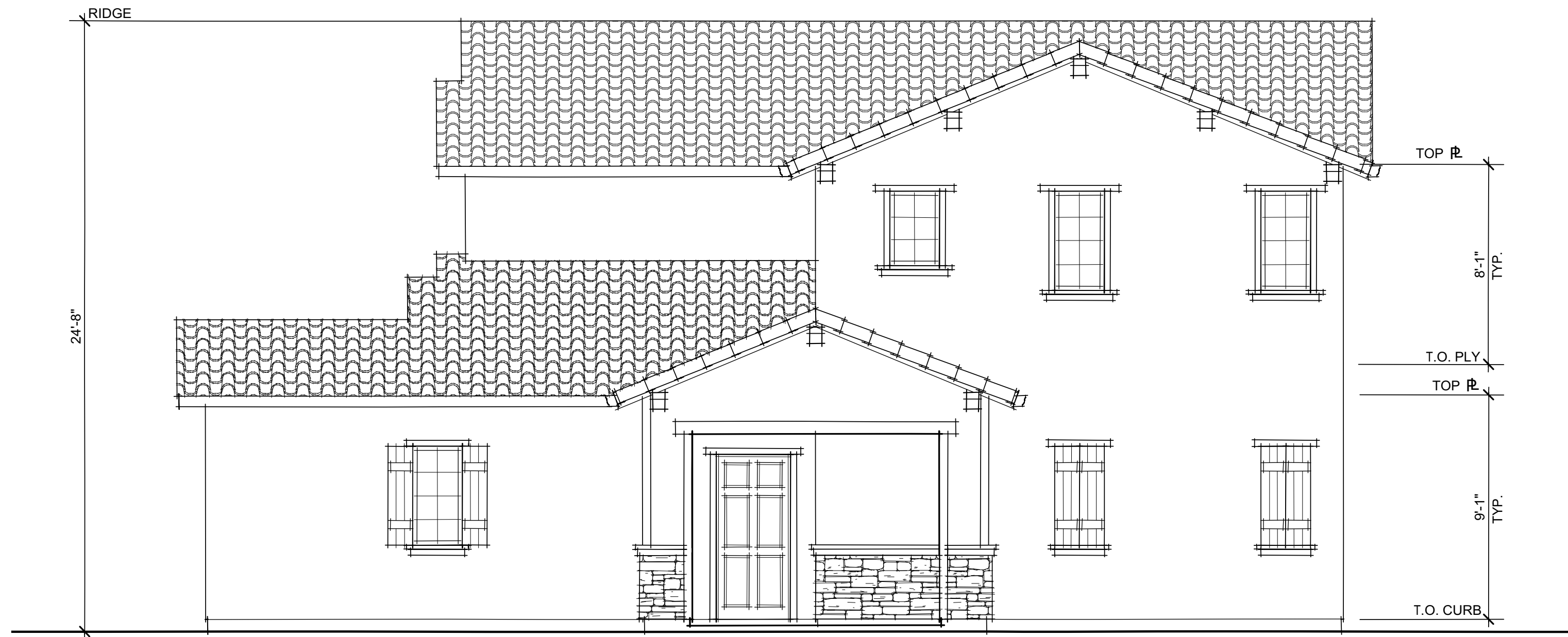
MEDITERRANEAN

- STUCCO SIDING
- STUCCO OVER FOAM TRIM
- CULTURED STONE WAINSCOT
- DECORATIVE FOAM SHUTTERS
- TILE GUTTER
- CONCRETE TILE ROOFING - "SHAKE"

x



FRONT ELEVATION "B"
(COURT A)



LA PLAYA STREET ELEVATION "B"
(MEDITERRANEAN)



Illustrative Site Plan

LA PLAYA COMMONS Hayward, California

L.1.1

JUNE 3, 2021



Preliminary Landscape Plan

LA PLAYA COMMONS Hayward, California

L.1.2

JUNE 3, 2021



Tree 5:

Species: Black Locust,
Robinia pseudoacacia

Size: 9" DBH

Observations:


- Thin canopy.
- Some new growth at tips.
- Branch die-back.
- Poor health.
- Moderate amounts of dead wood throughout canopy.
- Insect cocoons present but limited to cosmetic damage.

Discussion:

- This species is classified as invasive by the California Invasive Plant Council.
- Susceptible to many pest and disease.

Recommendation:

- Remove tree and replace with a more desirable species.



Tree 6:

Species: Black Locust,
Robinia pseudoacacia

Size: 11" DBH

Observations:


- Thin canopy.
- Some new growth at tips.
- Poor health.
- Moderate amounts of dead wood throughout canopy.
- Imbalanced canopy structure

Discussion:

- This species is classified as invasive by the California Invasive Plant Council.
- Susceptible to many pest and disease.

Recommendation:

- Remove tree and replace with a more desirable species.



Tree 7:

Species: Black Locust,
Robinia pseudoacacia

Size: 9" DBH

Observations:


- Thin canopy.
- Poor health.
- Branch die-back
- Moderate amounts of dead wood throughout canopy.
- Codominant stems with included bark.

Discussion:

- Competing leaders and included bark present a weak structure.
- This species is classified as invasive by the California Invasive Plant Council.
- Susceptible to many pest and disease.

Recommendation:

- Remove tree and replace with a more desirable species.



Tree 8:

Species: Black Locust,
Robinia pseudoacacia

Size: 4.5" DBH

Observations:


- Poor health.
- Specimen is a stump respout, internal stump/root decay

Discussion:

- This species is classified as invasive by the California Invasive Plant Council.
- Susceptible to many pest and disease.

Recommendation:

- Remove and replace with a more desirable species.



Tree 9:

Species: Black Locust,
Robinia pseudoacacia

Size: 10" DBH

Observations:


- Thin canopy
- Poor health.
- Moderate amounts of dead wood throughout canopy.
- Codominant stems
- Past branch failure

Discussion:

- Co-dominant stems have included bark, resulting in weak attachment and higher risk of failure.
- This species is classified as invasive by the California Invasive Plant Council.
- Susceptible to many pest and disease.

Recommendation:

- Remove and replace with a more desirable species.



Tree 10:

Species: Black Locust,
Robinia pseudoacacia

Size: 12" DBH

Observations:


- Thin canopy
- Poor health.
- Moderate amounts of dead wood throughout canopy.
- Codominant stems
- Close proximity to parking lot light.

Discussion:

- Co-dominant stems have included bark, resulting in weak attachment and higher risk of failure.
- This species is classified as invasive by the California Invasive Plant Council.
- Susceptible to many pest and disease.

Recommendation:

- Remove and replace with a more desirable species.



Tree 11:

Species: Canary Island Pine,
Pinus canariensis

Size: 26" DBH

Observations:


- Healthy growth color.
- Full canopy.
- Previously pruned to elevate branches
- Small amounts of dead wood throughout canopy.
- Trunk base within 2 ft of retaining wall.
- Trunk base within 1 ft of curb.
- Damage to surrounding hardscape from root growth.
- Sprout growth at base of trunk.

Discussion:

- Large tree in limited growing space.

Recommendation:

- Prune to remove dead wood.
- Prune to reduce end weight.



Tree 12:

Species: Canary Island Pine,
Pinus canariensis


Size: 18" DBH

Observations:

- Healthy growth color.
- Full canopy.
- Slight lean, appears to have grown that way.
- Small amounts of dead wood throughout canopy.

Recommendation:

- Prune to remove dead wood.



Tree 13:

Species: Canary Island Pine, *Pinus canariensis*


Size: 24" DBH

Observations:

- Healthy growth color.
- Full canopy.
- Small amounts of dead wood throughout canopy.
- Close proximity to parking lot light.

Recommendation:

- Prune to remove dead wood.
- Prune reduce end weight.
- Prune to provide light clearance.



Tree 14:

Species: Sweet Gum, *Liquidambar styraciflua*

Size: 8" DBH

Observations:

- Normal growth and color.
- Appears to have been lion-tailed in the past.
- Planted in median with limited space for root growth.
- Codominant stems.
- Recent branch failure.

Discussion:

- Lions-tailing is a poor pruning practice (as mentioned with Tree #1).
- Co-dominant stems competing at union, resulting in a weaker attachment and higher risk of branch failure.

Recommendation:

- Prune to remove dead wood.
- Prune using reduction cuts on select limbs to reduce end.



Tree 15:

Species: Sweet Gum, *Liquidambar styraciflua*

Size: 9" DBH

Observations:


- Normal growth and color.
- Appears to have been lion-tailed in the past.
- Planted in median with limited space for root growth.
- Multiple competing leaders.
- Crowded branch structure.

Discussion:

- Lions-tailing is a poor pruning practice (as mentioned with Tree #1).
- Multiple stems competing at union, resulting in a weaker attachment and higher risk of branch failure.

Recommendation:

- Prune to remove dead wood.
- Prune using reduction cuts on select limbs to reduce end.
- Prune to improve branch spacing.



Tree 16:

Species: Sweet Gum, *Liquidambar styraciflua*

Size: 8" DBH

Observations:


- Normal growth and color.
- Appears to have been lion-tailed in the past.
- Planted in median with limited space for root growth.
- Codominant stems.
- Close proximity to parking lot light.

Discussion:

- Lions-tailing is a poor pruning practice (as mentioned with Tree #1).
- Co-dominant stems competing at union, resulting in a weaker attachment and higher risk of branch failure.

Recommendation:

- Prune to remove dead wood.
- Prune using reduction cuts on select limbs to reduce end weight.
- Prune to create light pole clearance.



Tree 17:

Species: River Red Gum, *Eucalyptus camaldulensis*

Size: 16" DBH

Observations:


- Normal growth color.
- Appears to have been lion-tailed in the past.
- Multi-stemmed specimen.
- Close proximity to parking lot light.
- Base of tree growing up against curb.

Discussion:

- Lions-tailing is a poor pruning practice (as mentioned with Tree #1).
- This species is classified as invasive by the California Invasive Plant Council.
- This species is also registered as a California Big Tree and can grow as tall as 111 feet high, much too big for its space. This tree will eventually outgrow its space.

Recommendation:

- Remove and replace with a more suitable species for the site and space.



Tree 18:

Species: Japanese Maple, *Acer palmatum*

Size: 11" DBH

Observations:


- Normal foliage growth color.
- Full canopy.
- Canopy growing into roof of alcove.
- Limited planting site.

Discussion:

- Planting site is not ideal, but the tree is in good health with no sign of disease or severe stress.
- The tree poses no risk to surrounding targets.
- It appears the interior branches of this tree were also pruned excessively.

Recommendation:

- Prune to crown reduce crown and create more overhead space.
- Prune to reduce spread of canopy.
- Do not prune interior branches and allow sprouts to fill in.



Tree 19:

Species: Brazilian Pepper, *Schinus terebinthifolius*

Size: 17" DBH

Observations:


- Dead canopy.
- In small planting well surrounded by concrete.
- Under high voltage power lines.

Discussion:

- The tree's roots may have damaged sidewalk in the past, resulting in the observed sidewalk repairs.
- This species is classified as invasive by the California Invasive Plant Council.
- Dead trees are a liability and provide few services in urban environments. Brittle, dead wood may result in branch and tree failures.

Recommendation:

- Remove and replace with a more desirable species.



Tree 20:

Species: Brazilian Pepper, *Schinus terebinthifolius*

Size: 20" DBH

Observations:


- Low live canopy ratio.
- Poor health.
- In small planting well surrounded by concrete.
- Previously pruned to elevate branches.
- Under high voltage power lines.

Discussion:

- The tree's roots may have damaged sidewalk in the past, resulting in the observed sidewalk repairs.
- This species is classified as invasive by the California Invasive Plant Council.

Recommendation:

- Remove and replace with a more desirable species.



Tree 21:

Species: Brazilian Pepper,
Schinus terebinthifolius

Size: 12" DBH

Observations:


- Normal growth and color.
- In close proximity to traffic sign.
- In small planting well surrounded by concrete.
- Under high voltage power lines.

Discussion:

- The tree's roots are lifting surrounding concrete.
- This species is classified as invasive by the California Invasive Plant Council.


Recommendation:

- Prune to remove dead wood and provide sign clearance. May be a candidate for future removal.



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Tree 21 cont.



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Tree 22:

Species: Brazilian Pepper,
Schinus terebinthifolius

Size: 18" DBH

Observations:


- Dead canopy
- In small planting well surrounded by concrete.
- Previously pruned to elevate branches.
- Under high voltage power lines.

Discussion:

- This species is classified as invasive by the California Invasive Plant Council.
- Dead trees are a liability and provide few services in urban environments. Brittle, dead wood may result in branch and tree failures.

Recommendation:

- Remove and replace with a more desirable species.



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Tree 23:

Species: Brazilian Pepper,
Schinus terebinthifolius

Size: 8" DBH

Observations:

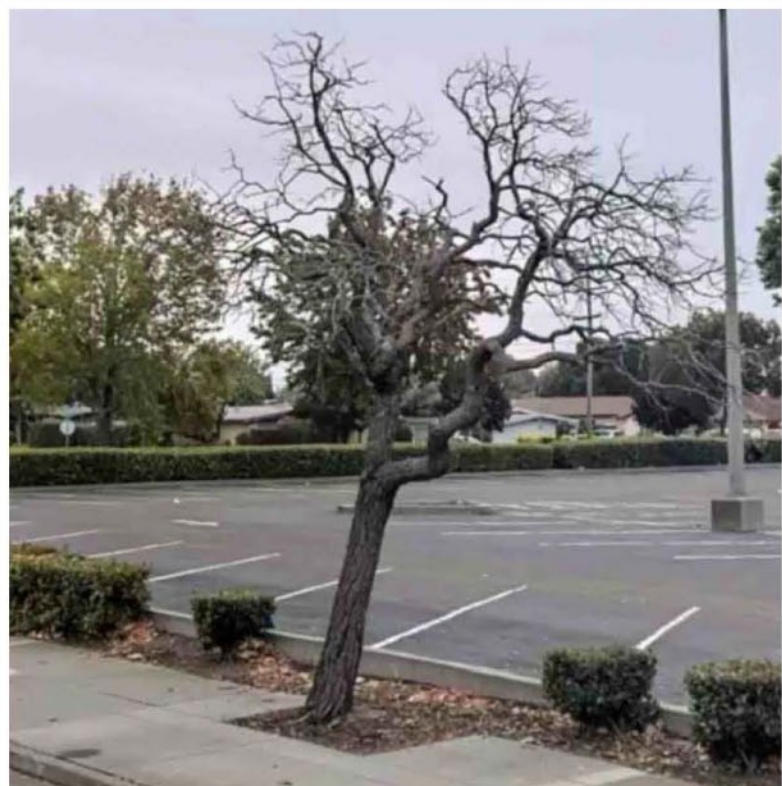
- Dead canopy.
- Slight lean.
- In small planting well surrounded by concrete.
- Under high voltage power lines.

Discussion:

- This species is classified as invasive by the California Invasive Plant Council.
- Dead trees are a liability and provide few services in urban environments. Brittle, dead wood may result in branch and tree failures.

Recommendation:

- Remove and replace with a more desirable species.



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Tree 24:

Species: Brazilian Pepper,
Schinus terebinthifolius

Size: 17" DBH

Observations:

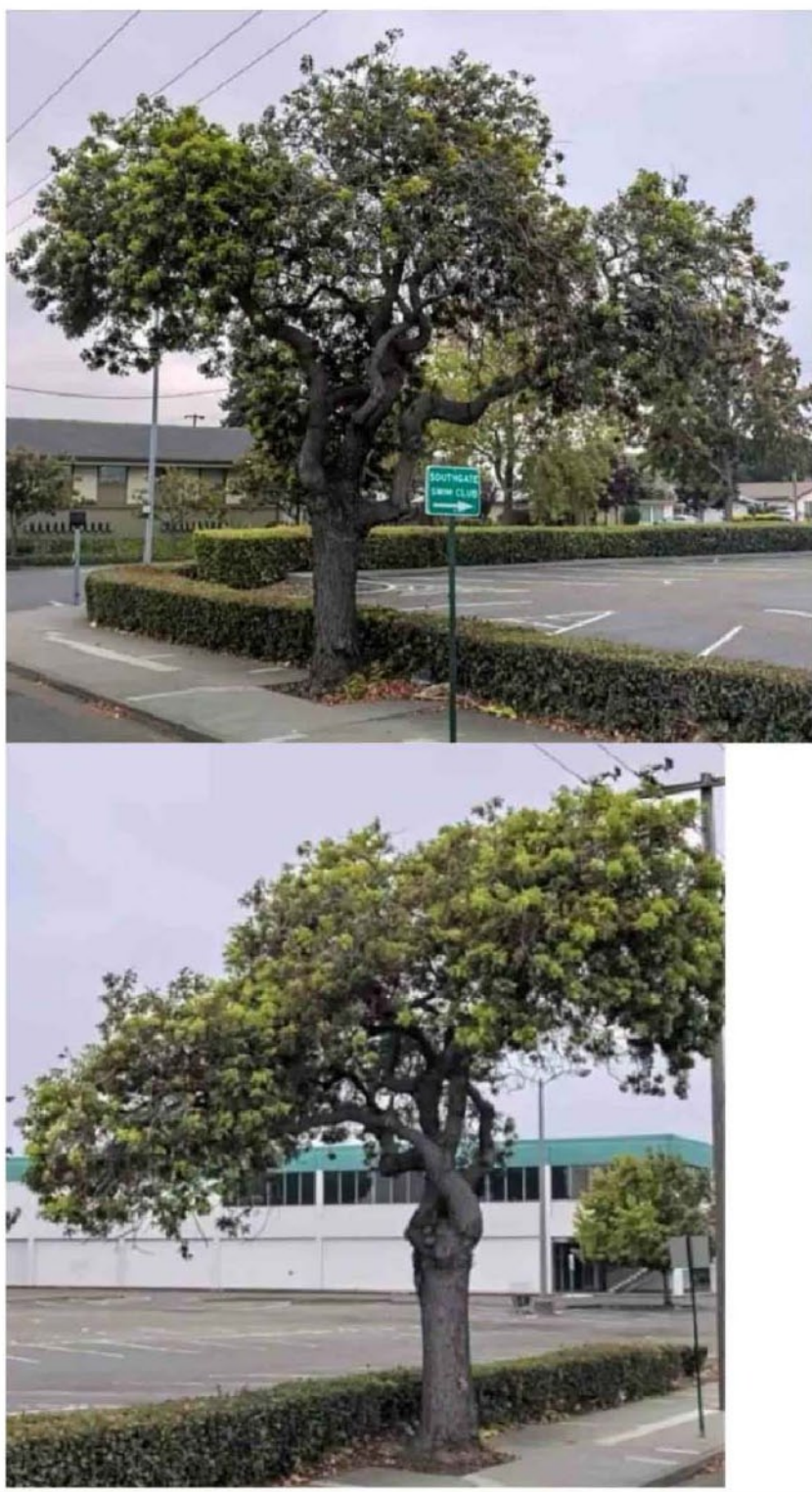
- Normal color and growth.
- In small planting well surrounded by concrete.
- Previously pruned to elevate branches.
- Under high voltage power lines.

Discussion:

- The tree's roots are starting to lift surrounding sidewalk.
- This species is classified as invasive by the California Invasive Plant Council.

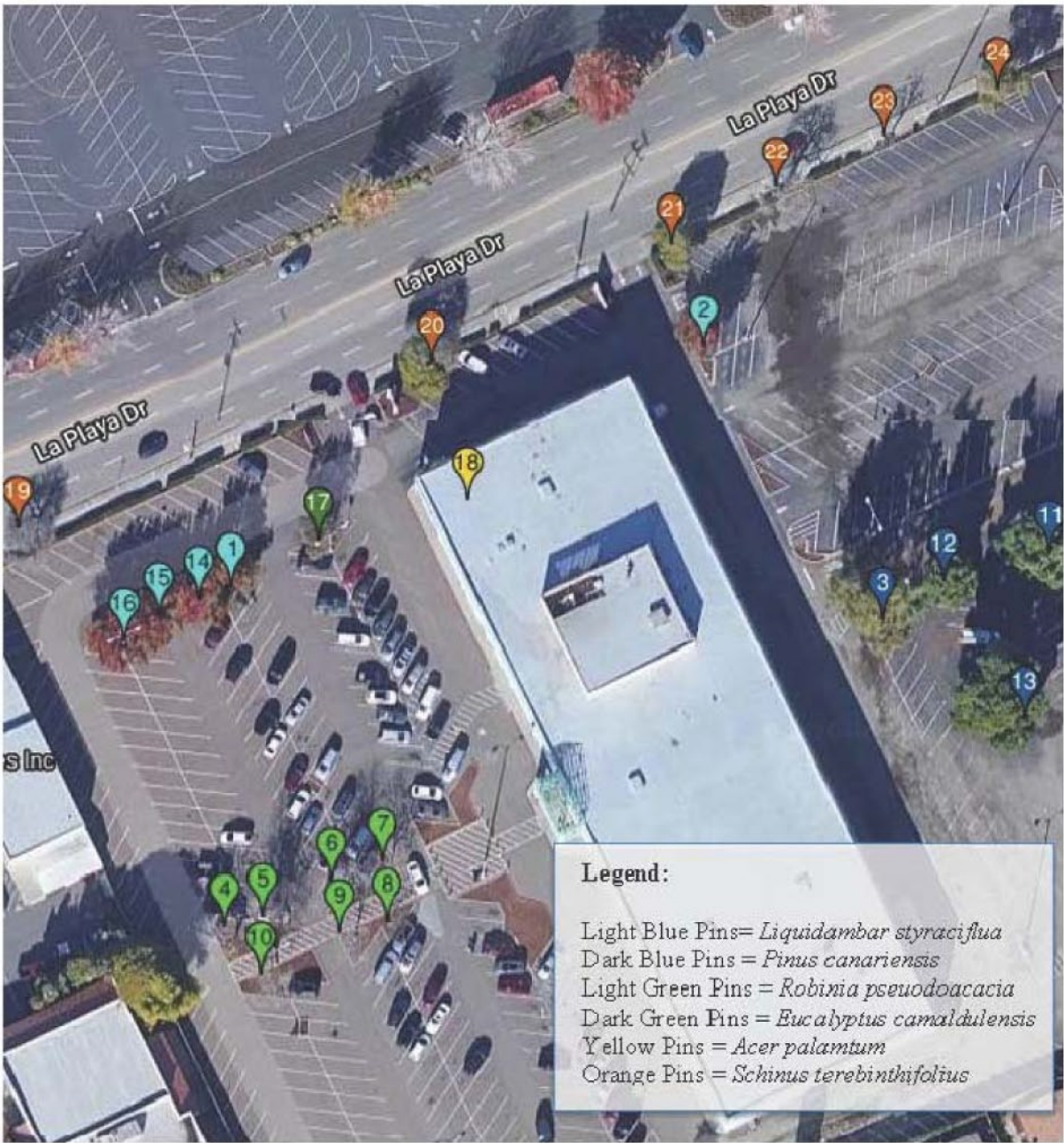
Recommendation:

- Prune to remove dead wood and balance canopy. May be a candidate for future removal.



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Site Map:



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Location of Trees on Map

1. *Liquidambar styraciflua* – Sweet Gum – 12"DBH
2. *Liquidambar styraciflua* – Sweet Gum – 11"DBH
3. *Pinus canariensis* – Canary Island Pine – 26"DBH
4. *Robinia pseudoacacia* – Black Locust – 12"DBH
5. *Robinia pseudoacacia* – Black Locust – 9"DBH
6. *Robinia pseudoacacia* – Black Locust – 11"DBH
7. *Robinia pseudoacacia* – Black Locust – 9"DBH
8. *Robinia pseudoacacia* – Black Locust – 4.5"DBH
9. *Robinia pseudoacacia* – Black Locust – 10"DBH
10. *Robinia pseudoacacia* – Black Locust – 12"DBH
11. *Pinus canariensis* – Canary Island Pine – 26"DBH
12. *Pinus canariensis* – Canary Island Pine – 18"DBH
13. *Pinus canariensis* – Canary Island Pine – 24"DBH
14. *Liquidambar styraciflua* – Sweet Gum – 8"DBH
15. *Liquidambar styraciflua* – Sweet Gum – 9"DBH
16. *Liquidambar styraciflua* – Sweet Gum – 8"DBH
17. *Eucalyptus camaldulensis* – River Red Gum – 16"DBH
18. *Acer palmatum* – Japanese maple – 11"DBH
19. *Schinus terebinthifolius* – Brazilian Pepper – 17" DBH
20. *Schinus terebinthifolius* – Brazilian Pepper – 20" DBH
21. *Schinus terebinthifolius* – Brazilian Pepper – 12" DBH
22. *Schinus terebinthifolius* – Brazilian Pepper – 18" DBH
23. *Schinus terebinthifolius* – Brazilian Pepper – 8" DBH
24. *Schinus terebinthifolius* – Brazilian Pepper – 17" DBH

Arborist Disclaimer:

Arborists are tree specialists who use their education, knowledge, training and experience to examine trees, recommend measures to enhance the beauty and health of trees, and attempt to reduce the risk of living near trees. Clients may choose to accept or disregard the recommendations of the arborist or seek additional advice.

Arborists cannot detect every condition that could possibly lead to the structural failure of a tree. Trees are living organisms that may fail in ways we do not fully understand. Conditions are often hidden within trees and below ground. Arborists cannot guarantee that a tree will be healthy or safe, or fail for that matter, under all circumstances, or for a given period of time. Likewise, remedial treatments, like any medicine, cannot be guaranteed.

Treatments, pruning and removal of trees may involve considerations beyond the scope of the arborist's services such as property boundaries, property ownership, sight lines, disputes between neighbors,

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landlord-tenant matters, etc. Arborists cannot take such issues into account unless complete and accurate information is given to the arborist. The person hiring the arborist accepts full responsibility for authorizing the recommended treatment or remedial measures.

Trees can be managed, but they cannot be controlled. To live near a tree is to accept some degree of risk. The only way to eliminate all risks is to eliminate all trees.

This consultant does not verify the safety or health of any tree for any period of time. Construction activities are hazardous to trees and cause many short and long-term injuries, which can cause trees to die or topple.

Even when every tree is inspected, inspection involves sampling; therefore some areas of decay or weakness may be missed. Weather, winds and the magnitude and direction of storms are not predictable and some failures may still occur despite the best application of high professional standards.

I hereby declare that the above observations, discussion and recommendation are true to the best of my knowledge, belief and professional opinion. In addition, A Plus Tree is held harmless of any of these opinions from future tree failures.

Sincerely,

Sarah Gaskin
ISA Certified Arborist WE-9519A
ASCA Registered Consulting Arborist #635

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Arborist Report
LA PLAYA COMMONS Hayward, California

L.2.4
JUNE 3, 2021

3
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STUDIOS



Addendum A - Evaluation and Appraisal

Prepared for D.R. Horton
6683 Owens Dr, Pleasanton CA, 94588

Assessment of Burlington Property
1000 La Playa Dr, Hayward CA, 94545

Prepared by Sarah Gaskin
ISA Certified Arborist WE-9519A
ASCA Registered Consulting Arborist #655
sarah@aplustree.com
A Plus Tree, Inc
3490 Buskirk Ave Pleasant Hill, CA, 94523

Background

This appraisal is concerning twenty-four (24) trees located at 1000 la Playa Dr, Hayward C/A, 94545. The property is known as Burlington and is under development by D.R. Horton.

I was asked by the client to inspect Burlington and prepare an arborist report for eighteen (18) trees in the parking lot. The site was visited on October 21, 2020, and the arborist report was prepared on October 22, 2020.

I was further asked by the client to prepare an appraisal to estimate the landscape value of the eighteen (18) subject trees. This appraisal was prepared on January 5, 2021 using *The Guide to Plant Appraisal, 10th Edition*.

I was then further asked to inspect all street trees surrounding Burlington. The six (6) street trees were inspected January 15, 2021, and the arborist report and appraisal were revised on January 19, 2021.

Subject Trees

All existing trees at Burlington were evaluated visually from ground grade. There are twenty-four (24) trees in total, comprising of five (5) Sweet Gums, *Liquidambar styraciflua*; four (4) Canary Island Pines, *Pinus canariensis*; seven (7) Black Locusts, *Robinia pseudoacacia*; one (1) Red River Gum, *Eucalyptus camaldulensis*; one (1) Japanese Maple, *Acer palmatum*; and six (6) Brazilian Pepper, *Schinus terebinthifolius*.

Trunk diameters range from 4.5 inches in diameter at breast height (DBH) up to 26 inches DBH. Canopy width measurements were taken from the widest point, and range from 4 feet to 40 feet. Approximate tree heights range from 13 to 52.5 feet.

All eighteen (18) trees in the Burlington parking lot are located in planting strips with the exception of the Japanese maple, which is in a planting well at the Burlington building entrance. The six (6) street trees are located along La Playa Drive and are growing in planting wells on the sidewalk beneath high voltage power lines. Trees in planting strips and wells have full sun exposure, and the Japanese maple in the planting well is in full shade. The site appears to have moderate soil fertility and little irrigation.

Tree health conditions range from dead to good. Most of the Sweet Gums and Canary Island pines are in good health, with less than 10% canopy dieback, little pest damage, and normal branch development for the species. Root growth from the trees may be causing some infrastructure damage to the parking lot pavement. Most of the Black Locusts are in poor health, with 50% or more canopy dieback and signs of pest infestations. The River Red Gum is in fair health, with low branching growth form and minor included bark. The Japanese Maple is in fair health, being limited by the tight growing space and low sun exposure. More than half of the Brazilian Peppers are dead or nearly dead, and some are causing sidewalk damage from root growth.

See Table 1 for list of all trees. Please refer to original report for photos, location and further observations of each tree.

Table 1. List of all 24 trees evaluated at the Burlington property, with health, DBH (in.), canopy spread at widest point (ft), and approximate height (ft). Tree numbers correspond to site map on page 20 of original report.

Tree Number	Species	Scientific Name	Health	DBH (in.)	Canopy Spread (ft)	Height (ft)
1	Sweet Gum	<i>Liquidambar styraciflua</i>	Poor	12	15	26
2	Sweet Gum	<i>Liquidambar styraciflua</i>	Fair	11	20	23
3	Canary Island Pine	<i>Pinus canariensis</i>	Fair	26	40	52.5
4	Black Locust	<i>Robinia pseudoacacia</i>	Very Poor	12	12	32
5	Black Locust	<i>Robinia pseudoacacia</i>	Very Poor	9	17	32
6	Black Locust	<i>Robinia pseudoacacia</i>	Very Poor	11	14	32
7	Black Locust	<i>Robinia pseudoacacia</i>	Very Poor	9	12	32
8	Black Locust	<i>Robinia pseudoacacia</i>	Very Poor	4.5	5.5	16
9	Black Locust	<i>Robinia pseudoacacia</i>	Poor	10	10	32
10	Black Locust	<i>Robinia pseudoacacia</i>	Poor	12	13	32
11	Canary Island Pine	<i>Pinus canariensis</i>	Fair	26	40	55
12	Canary Island Pine	<i>Pinus canariensis</i>	Fair	18	25	70
13	Canary Island Pine	<i>Pinus canariensis</i>	Fair	24	40	52.5
14	Sweet Gum	<i>Liquidambar styraciflua</i>	Fair	8	15	26
15	Sweet Gum	<i>Liquidambar styraciflua</i>	Fair	15	15	33
16	Sweet Gum	<i>Liquidambar styraciflua</i>	Fair	20	20	33
17	River Red Gum	<i>Eucalyptus camaldulensis</i>	Fair	16	18	26
18	Japanese Maple	<i>Acer palmatum</i>	Poor	11	12	13
19	Brazilian Pepper	<i>Schinus terebinthifolius</i>	Dead	17	20	20
20	Brazilian Pepper	<i>Schinus terebinthifolius</i>	Very Poor	20	25	23
21	Brazilian Pepper	<i>Schinus terebinthifolius</i>	Fair	12	25	23
22	Brazilian Pepper	<i>Schinus terebinthifolius</i>	Dead	18	20	20
23	Brazilian Pepper	<i>Schinus terebinthifolius</i>	Dead	8	8	15
24	Brazilian Pepper	<i>Schinus terebinthifolius</i>	Fair	17	25	25

Appraisal Methods

The landscape value of all subject trees was calculated with the Trunk Formula Technique (TFT), using extrapolated costs and depreciation. This standard appraisal method reflects the current value of the subject trees, based upon local tree wholesale values and existing tree conditions. Should property development remove any of the subject trees, the landscape value of trees removed will provide a guideline for selection and installation of replacement trees.

Current tree wholesale values per square inch were obtained from regional suppliers for the largest commonly available nursery size. The unit tree cost for each species is \$124.79/ square inch. As per the TFT, this value was then multiplied by the subject tree's cross-sectional area to calculate its basic cost before depreciation. To account for the existing condition of each tree, the basic cost was multiplied by depreciation factors, including condition rating, functional

limitations rating, and external limitations rating. These ratings measure the health conditions, species-site interactions, and other limitations beyond the property's control, respectively. The ratings were determined from onsite, visual tree assessments. The resulting cost after depreciation is the tree's landscape value.

Results

Basic costs of subject trees range from about \$6,300 to \$66,200 (see Table 2). After accounting for current tree and site conditions, the landscape values of subject trees range from about \$15 to \$12,700. The depreciation is due to factors such as pest damage, stump sprouts, infrastructure damage potential, branching pattern, site irrigation, and species invasiveness. These factors are included in the appraisal calculations by the condition, functional limitations, and external limitations ratings. The total landscape value of all 24 trees combined is \$65,572.98 (see Table 3).

Table 2. Basic costs of all 24 trees evaluated at the Burlington property. Basic costs were calculated from individual tree cross sectional areas and regional wholesale costs of the largest commonly available nursery stock size.

Tree Number	Species	Scientific Name	Health	DBH (in.)	Unit Tree Cost (\$/sq. in.)	Basic Cost
1	Sweet Gum	<i>Liquidambar styraciflua</i>	Poor	12	\$124.79	\$14,106.12
2	Sweet Gum	<i>Liquidambar styraciflua</i>	Fair	11	\$124.79	\$11,853.06
3	Canary Island Pine	<i>Pinus canariensis</i>	Fair	26	\$124.79	\$66,220.41
4	Black Locust	<i>Robinia pseudoacacia</i>	Very Poor	12	\$124.79	\$14,106.12
5	Black Locust	<i>Robinia pseudoacacia</i>	Very Poor	9	\$124.79	\$7,934.69
6	Black Locust	<i>Robinia pseudoacacia</i>	Very Poor	11	\$124.79	\$11,853.06
7	Black Locust	<i>Robinia pseudoacacia</i>	Very Poor	9	\$124.79	\$7,934.69
8	Black Locust	<i>Robinia pseudoacacia</i>	Very Poor	4.5	\$124.79	\$1,983.67
9	Black Locust	<i>Robinia pseudoacacia</i>	Poor	10	\$124.79	\$9,795.92
10	Black Locust	<i>Robinia pseudoacacia</i>	Poor	12	\$124.79	\$14,106.12
11	Canary Island Pine	<i>Pinus canariensis</i>	Fair	26	\$124.79	\$66,220.41
12	Canary Island Pine	<i>Pinus canariensis</i>	Fair	18	\$124.79	\$31,738.78
13	Canary Island Pine	<i>Pinus canariensis</i>	Fair	24	\$124.79	\$56,424.49
14	Sweet Gum	<i>Liquidambar styraciflua</i>	Fair	8	\$124.79	\$6,269.39
15	Sweet Gum	<i>Liquidambar styraciflua</i>	Fair	15	\$124.79	\$22,040.82
16	Sweet Gum	<i>Liquidambar styraciflua</i>	Fair	20	\$124.79	\$39,183.67
17	River Red Gum	<i>Eucalyptus camaldulensis</i>	Fair	16	\$124.79	\$25,077.55
18	Japanese Maple	<i>Acer palmatum</i>	Poor	11	\$124.79	\$11,853.06
19	Brazilian Pepper	<i>Schinus terebinthifolius</i>	Dead	17	\$124.79	\$28,310.20
20	Brazilian Pepper	<i>Schinus terebinthifolius</i>	Very Poor	20	\$124.79	\$39,183.67
21	Brazilian Pepper	<i>Schinus terebinthifolius</i>	Fair	12	\$124.79	\$14,106.12
22	Brazilian Pepper	<i>Schinus terebinthifolius</i>	Dead	18	\$124.79	\$31,738.78
23	Brazilian Pepper	<i>Schinus terebinthifolius</i>	Dead	8	\$124.79	\$6,269.39
24	Brazilian Pepper	<i>Schinus terebinthifolius</i>	Fair	17	\$124.79	\$28,310.20

Table 3. Landscape values of all 24 trees evaluated at the Burlington property. Landscape values were calculated from the basic costs and depreciation factors. Depreciation factors include condition rating, functional limitations rating, and external limitations rating.

Tree Number	Species	Scientific Name	Basic Cost	Condition Rating	Functional Limitations Rating	External Limitations Rating	Landscape Value (Depreciated Cost)
1	Sweet Gum	<i>Liquidambar styraciflua</i>	\$14,106.12	0.45	0.4	0.8	\$2,031.28
2	Sweet Gum	<i>Liquidambar styraciflua</i>	\$11,853.06	0.55	0.4	0.8	\$2,086.14
3	Canary Island Pine	<i>Pinus canariensis</i>	\$66,220.41	0.6	0.4	0.8	\$12,714.32
4	Black Locust	<i>Robinia pseudoacacia</i>	\$14,106.12	0.2	0.1	0.8	\$225.70
5	Black Locust	<i>Robinia pseudoacacia</i>	\$7,934.69	0.2	0.1	0.8	\$126.96
6	Black Locust	<i>Robinia pseudoacacia</i>	\$11,853.06	0.2	0.1	0.8	\$189.65
7	Black Locust	<i>Robinia pseudoacacia</i>	\$7,934.69	0.2	0.1	0.8	\$126.96
8	Black Locust	<i>Robinia pseudoacacia</i>	\$1,983.67	0.1	0.1	0.8	\$15.87
9	Black Locust	<i>Robinia pseudoacacia</i>	\$9,795.92	0.25	0.1	0.8	\$195.92
10	Black Locust	<i>Robinia pseudoacacia</i>	\$14,106.12	0.25	0.1	0.8	\$282.12
11	Canary Island Pine	<i>Pinus canariensis</i>	\$66,220.41	0.6	0.4	0.8	\$12,714.32
12	Canary Island Pine	<i>Pinus canariensis</i>	\$31,738.78	0.6	0.4	0.8	\$6,093.84
13	Canary Island Pine	<i>Pinus canariensis</i>	\$56,424.49	0.6	0.4	0.8	\$10,833.50
14	Sweet Gum	<i>Liquidambar styraciflua</i>	\$6,269.39	0.55	0.4	0.8	\$1,103.41
15	Sweet Gum	<i>Liquidambar styraciflua</i>	\$22,040.82	0.55	0.4	0.8	\$3,879.18
16	Sweet Gum	<i>Liquidambar styraciflua</i>	\$39,183.67	0.55	0.4	0.8	\$6,896.33
17	River Red Gum	<i>Eucalyptus camaldulensis</i>	\$25,077.55	0.55	0.4	0.8	\$4,413.65
18	Japanese Maple	<i>Acer palmatum</i>	\$11,853.06	0.25	0.1	0.8	\$237.06
19	Brazilian Pepper	<i>Schinus terebinthifolius</i>	\$28,310.20	0.03	0.1	0.8	\$67.94
20	Brazilian Pepper	<i>Schinus terebinthifolius</i>	\$39,183.67	0.2	0.1	0.8	\$626.94
21	Brazilian Pepper	<i>Schinus terebinthifolius</i>	\$14,106.12	0.55	0.1	0.8	\$620.67
22	Brazilian Pepper	<i>Schinus terebinthifolius</i>	\$31,738.78	0.03	0.1	0.8	\$76.17
23	Brazilian Pepper	<i>Schinus terebinthifolius</i>	\$6,269.39	0.03	0.1	0.8	\$15.05
24	Brazilian Pepper	<i>Schinus terebinthifolius</i>	\$28,310.20	0.55	0.1	0.8	\$1,245.65
Total Landscape Value							\$66,818.63

Depreciation factors greatly reduced the landscape values of the black locusts, Japanese maple, and Brazilian peppers. Black locusts and Brazilian peppers are classified as invasive by the California Invasive Plant Council. All black locusts on the property also have pest damage and at least 50% canopy dieback. Most of the Brazilian peppers are dead or nearly dead, possibly from restricted growing space and lack of irrigation in the sidewalk planting wells. The Japanese maple is severely restricted by its small growing site and requires consistent, frequent pruning for building clearance.

The sweet gums have some structural defects from codominant leaders, included bark, and previous limb failures. The Canary Island pines have good branching structure for the species but are restricted by the small planting strips. All trees on the property are surrounded by pavement, with moderate to high potential for root-pavement conflict.

Summary

The Burlington property has 24 trees, composed of six different species. The trees span a range of sizes, health conditions, and landscape values. The total landscape value of all trees combined at Burlington is \$65,572.98. This figure is an estimate of the cost to replace subject trees with similar sized trees or younger nursery trees and adjusting to account for growth.



LA PLAYA COMMONS - 1000 LA PLAYA DRIVE - HAYWARD, CA
TREE MITIGATION SUMMARY REPORT

1. EXISTING TREE INVENTORY LIST FROM ARBORIST REPORT:					
Tree Tag #	Species	Common Name	Trunk Diameter	Status	Value of Tree to be
					Removed
1	Liquidambar styraciflua	Sweet Gum	12	Removal	\$2,031.28
2	Liquidambar styraciflua	Sweet Gum	11	Removal	\$2,086.14
3	Pinus canariensis	Canary Island Pine	26	Removal	\$12,714.32
4	Robinia pseudoacacia	Black Locust	12	Removal	\$225.70
5	Robinia pseudoacacia	Black Locust	9	Removal	\$126.96
6	Robinia pseudoacacia	Black Locust	11	Removal	\$189.65
7	Robinia pseudoacacia	Black Locust	9	Removal	\$126.96
8	Robinia pseudoacacia	Black Locust	4.5	Removal	\$15.87
9	Robinia pseudoacacia	Black Locust	10	Removal	\$195.92
10	Robinia pseudoacacia	Black Locust	12	Removal	\$282.12
11	Pinus canariensis	Canary Island Pine	26	Removal	\$12,714.32
12	Pinus canariensis	Canary Island Pine	18	Removal	\$6,093.84
13	Pinus canariensis	Canary Island Pine	24	Removal	\$10,833.50
14	Liquidambar styraciflua	Sweet Gum	8	Removal	\$1,103.41
15	Liquidambar styraciflua	Sweet Gum	9	Removal	\$3,879.18
16	Liquidambar styraciflua	Sweet Gum	8	Removal	\$6,896.33
17	Eucalyptus camaldulensis	River Red Gum	16	Removal	\$4,413.65
18	Acer palmatum	Japanese Maple	11	Removal	\$237.06
19	Schinus terebinthifolius	Brazilian Pepper	17	Removal	\$67.94
20	Schinus terebinthifolius	Brazilian Pepper	20	Removal	\$626.94
21	Schinus terebinthifolius	Brazilian Pepper	12	Removal	\$620.67
22	Schinus terebinthifolius	Brazilian Pepper	18	Removal	\$76.17
23	Schinus terebinthifolius	Brazilian Pepper	8	Removal	\$15.05
24	Schinus terebinthifolius	Brazilian Pepper	17	Removal	\$1,245.65
TOTAL VALUE FOR PRESERVATION BOND					\$0.00
TOTAL VALUE FOR MITIGATION					\$66,818.63

2. TREE MITIGATION SUMMARY CHART:				
Required Trees	Required Tree Quantity/ Size/ Installed Unit Cost	Proposed Tree Quantity/ Size/ Installed Unit Cost	Unit Cost Difference	Total
Street Trees	92 / 24" box / \$350.00	80 / 36" box / \$750.00	\$400.00	\$27,800.00
Private Front Yard Trees	47 / 24" box / \$350.00	51 / 36" box / \$750.00	\$400.00	\$21,800.00
Additional Trees for Mitigation		9 / 48" box / \$1,000.00	\$1,000.00	\$9,000.00
		3 / 36" box / \$750.00	\$750.00	\$2,250.00
		19 / 24" box / \$350.00	\$350.00	\$6,650.00
			Total	\$67,500.00
			Mitigation Goal	\$66,818.63
			Balance	\$0.00





Tree Mitigation Plan

LA PLAYA COMMONS Hayward, California

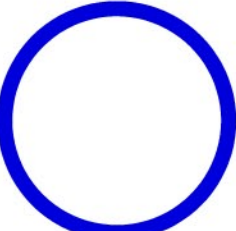


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JUNE 3, 2021



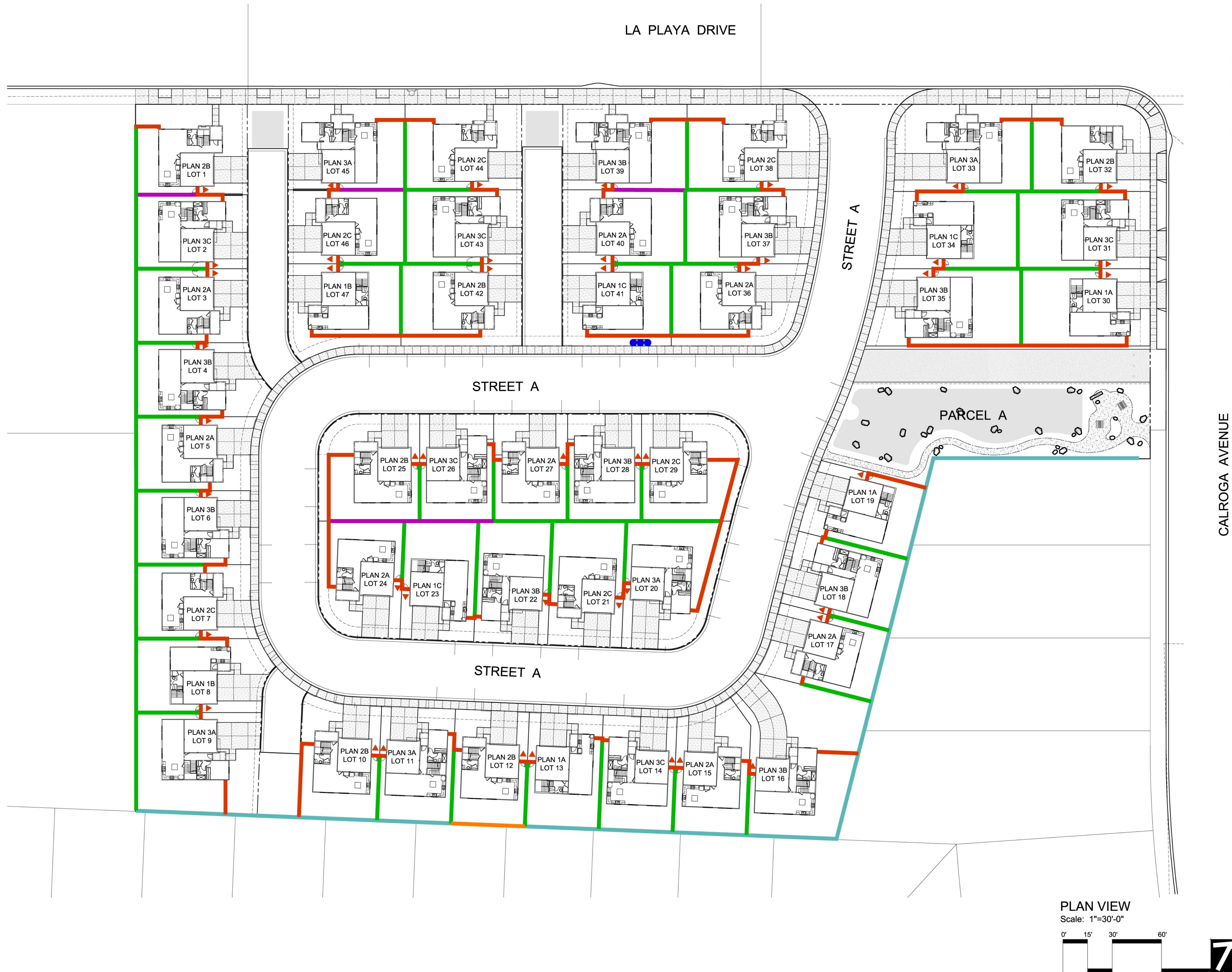
LA PLAYA DRIVE

STREET TREES

-  LA PLAYA DRIVE STREET TREE - REFER TO THE PROPOSED PLANT PALETTE SHEET L.10
-  CALROGA AVENUE STREET TREE - REFER TO THE PROPOSED PLANT PALETTE SHEET L.10
-  STREET A STREET TREE - REFER TO THE PROPOSED PLANT PALETTE SHEET L.10



Street Tree Plan

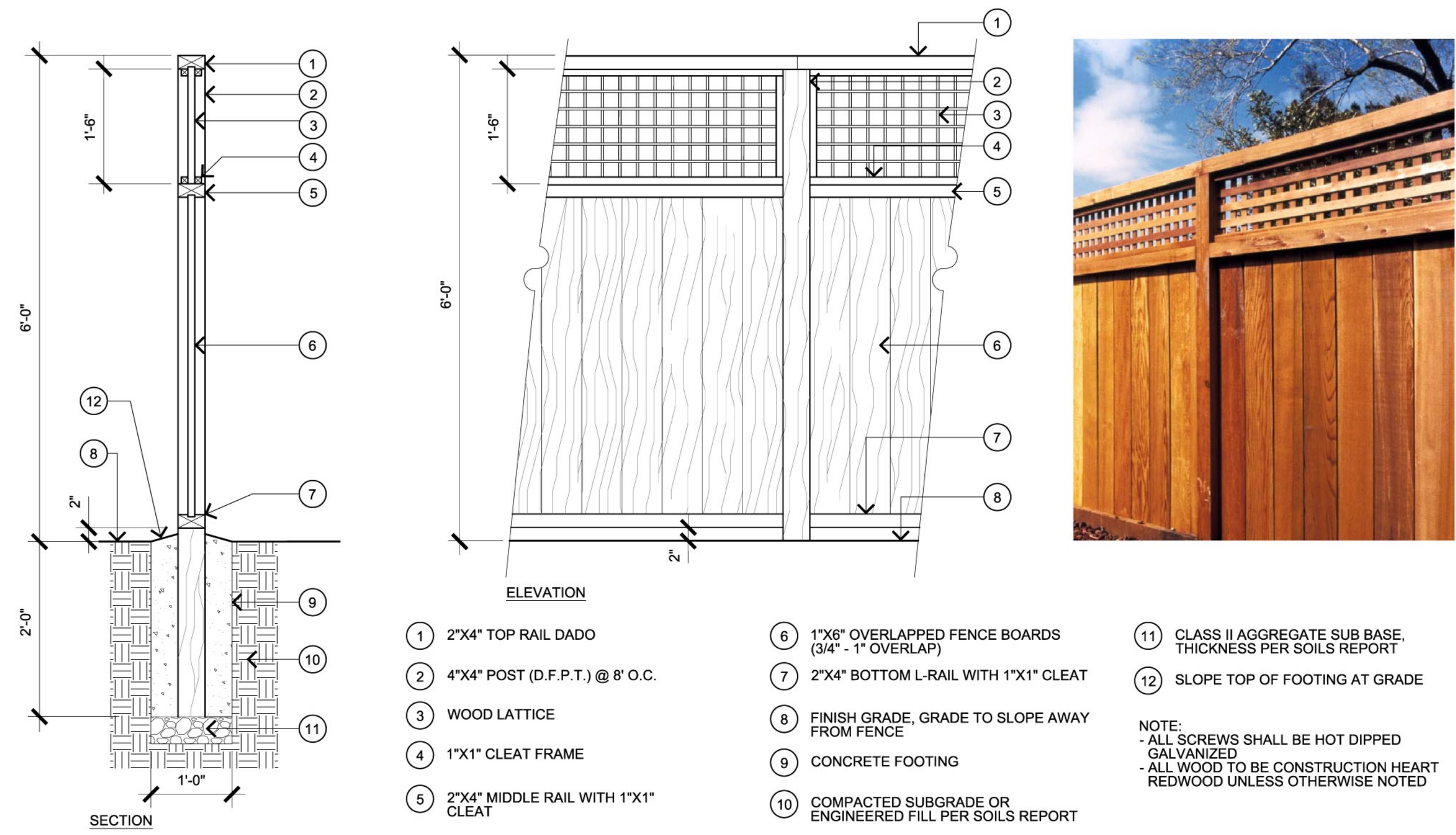
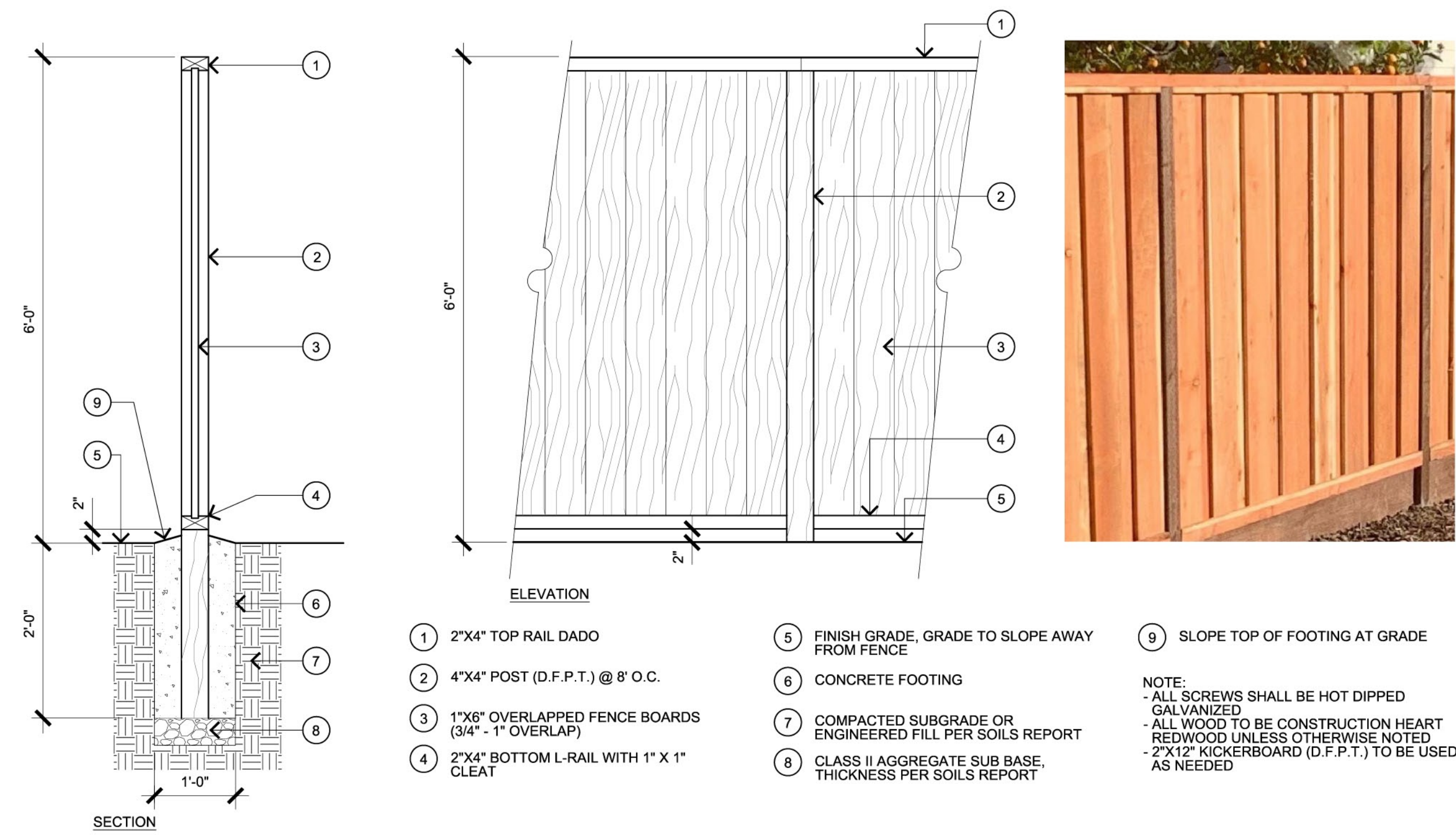


WALL, FENCE, & MAILBOX SCHEDULE

- WOOD FENCE: REFER DETAIL/IMAGE 1 SHEET L.5.2
- WOOD FENCE WITH LATTICE: REFER DETAIL/IMAGE 2 SHEET L.5.2
- WOOD GATE WITH LATTICE: REFER DETAIL/IMAGE 3 SHEET L.5.2
- WOOD FENCE ON RETAINING WALL: REFER TO PLANS PREPARED BY RJA
- RETAINING WALL: REFER TO PLANS PREPARED BY RJA
- EXISTING CMU WALL TO REMAIN: SIDE OF WALL FACING PROJECT TO BE CLEANED AND PAINTED AS NECESSARY
- MAILBOX STATION: REFER DETAIL/IMAGE 4 SHEET L.5.2

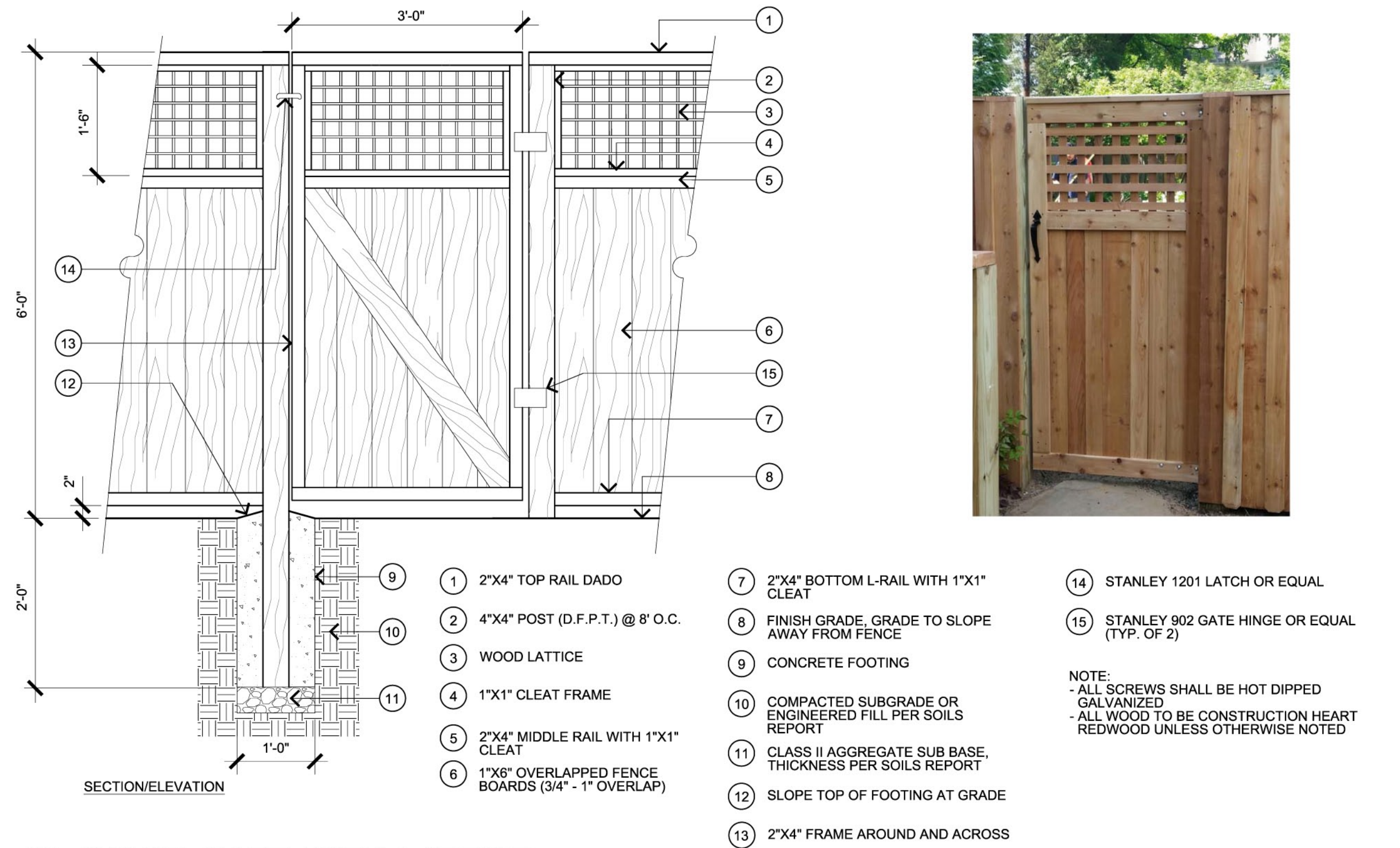
Wall, Fence, & Mailbox Plan



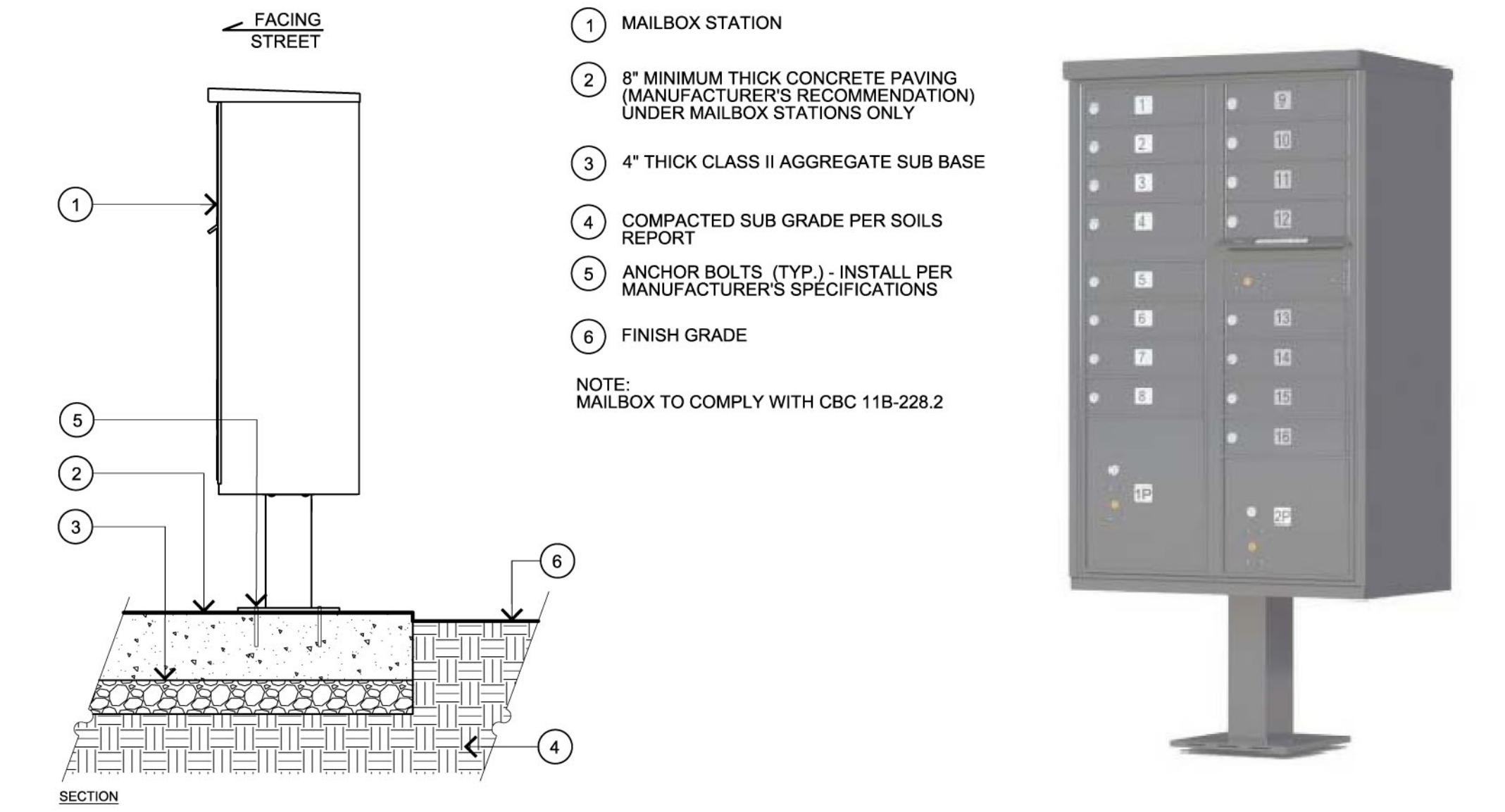


1 WOOD FENCE SCALE : 3/4"=1'-0"

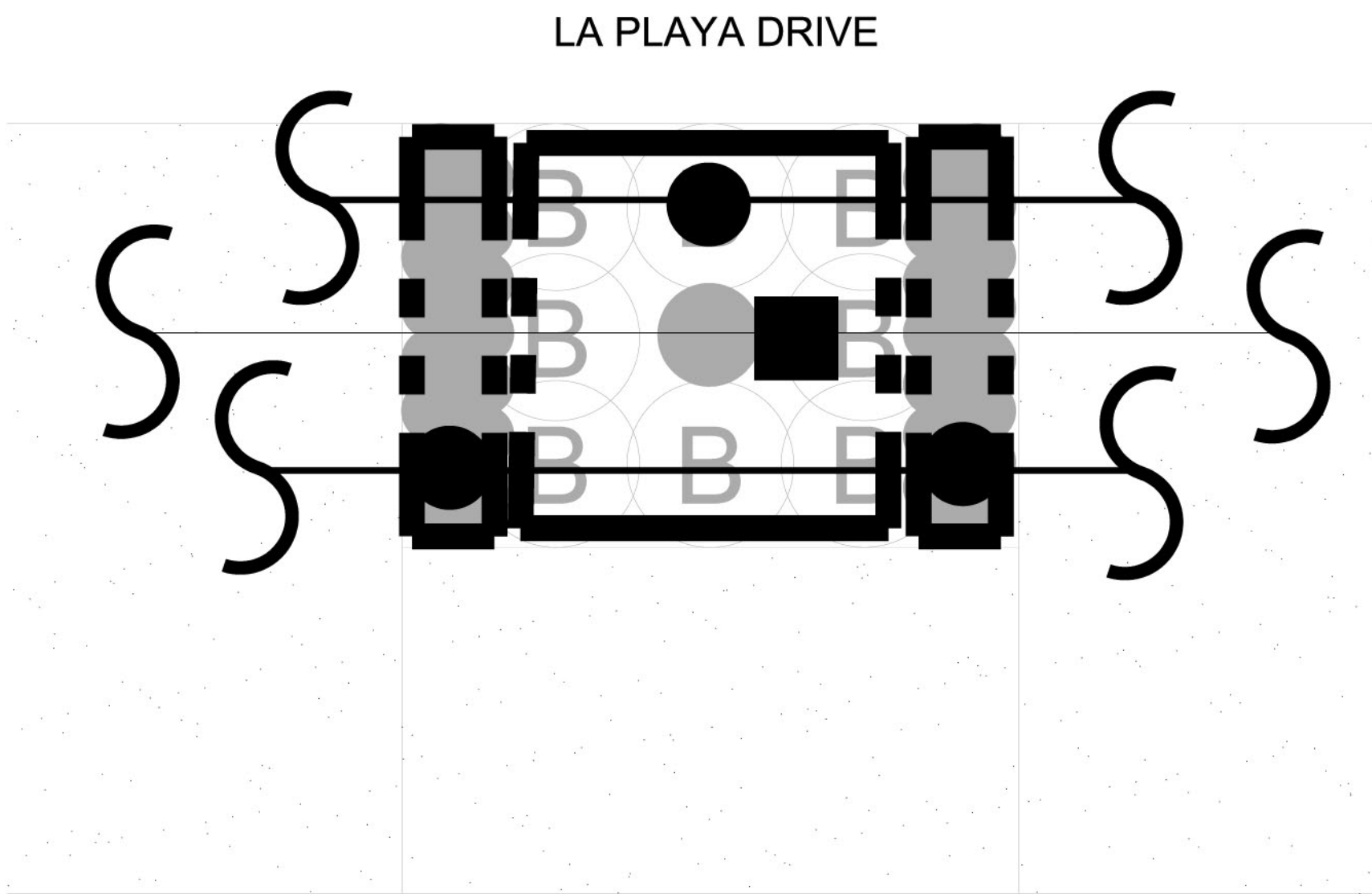
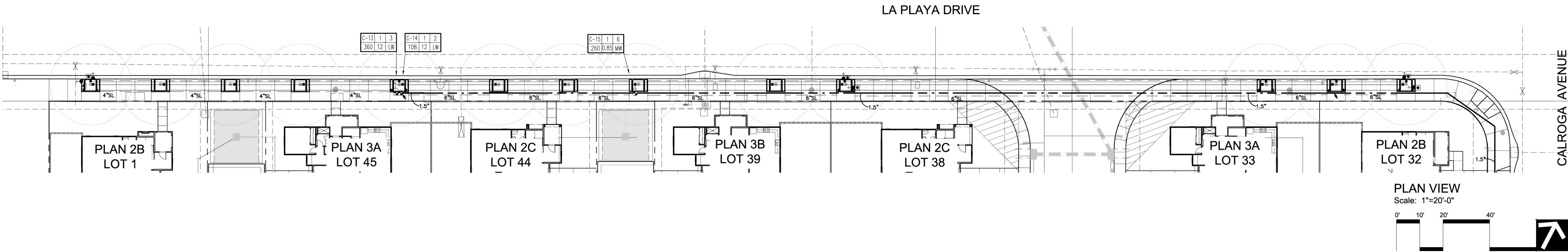
2 WOOD FENCE WITH LATTICE SCALE : 3/4"=1'-0"



3 WOOD GATE WITH LATTICE SCALE : 3/4"=1'-0"



4 MAILBOX STATION SCALE : 3/4"=1'-0"



LA PLAYA DRIVE PLANTER ENLARGEMENT
SCALE: 1/2"=1'-0"

- NOTES:
- 1. ONE BUBBLER SYMBOL IS SHOWN AT TREES FOR GRAPHIC CLARITY ONLY. INSTALL MINIMUM TWO BUBBLERS AT EACH TREE. INSTALL REQUIRED NUMBER OF BUBBLERS AS DETAILED.
 - 2. IRRIGATION EQUIPMENT MAY BE SHOWN WITHIN HARDSCAPE FOR GRAPHIC CLARITY ONLY. INSTALL ALL IRRIGATION EQUIPMENT WITHIN PLANTED AREAS. IRRIGATION PIPE AND WIRE CROSSING BENEATH HARDSCAPE SURFACES SHALL BE CONTAINED WITHIN SLEEVING OR SCHEDULE 40 PVC CONDUIT. SLEEVING SIZE SHALL BE A MINIMUM OF TWO TIMES THE AGGREGATE DIAMETER OF ALL PIPES CONTAINED WITHIN SLEEVE. PROVIDE VERTICAL SWEEP FOR ALL ELECTRICAL CONDUIT ON EACH SIDE OF HARDSCAPE AND TERMINATE ENDS AT 12" MINIMUM DEPTH AND 12" FROM HARDSCAPE SURFACE.
 - 3. UNSIZED LATERAL LINE PIPING LOCATED DOWN STREAM OF 1" PIPING SHALL BE 1" IN SIZE (TYPICAL).
 - 4. SIZING OF LATERAL PIPE SHALL BE AS FOLLOWS:

1"	0-12 GPM
1.25"	13-20 GPM
 - 5. CONTRACTOR TO INSTALL ALL IRRIGATION PIPING TO GO AROUND ALL UTILITY BOX, LIGHTS, SIGNS, ETC. (DRAWINGS ARE DIAGRAMMATIC).
 - 6. SIZING OF LATERAL PIPE FOR DRIPLINE (12" O.C. GRID WITH 0.6 GPH OR LESS EMITTERS) SHALL BE AS FOLLOWS:

0.75"	0-500 FT
1"	501-1100 FT
1.25"	1101-2000 FT
1.5"	2001-3000 FT



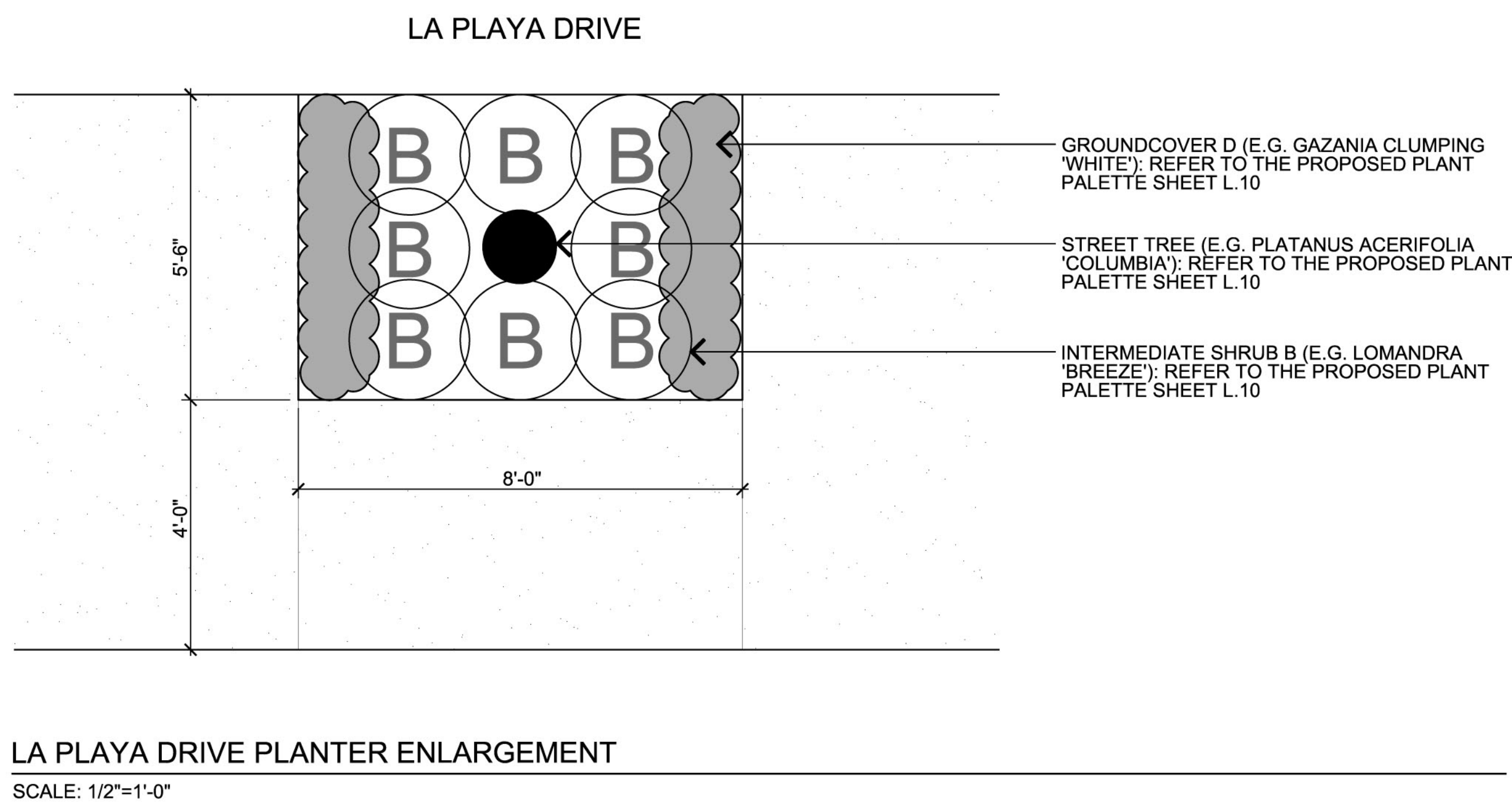
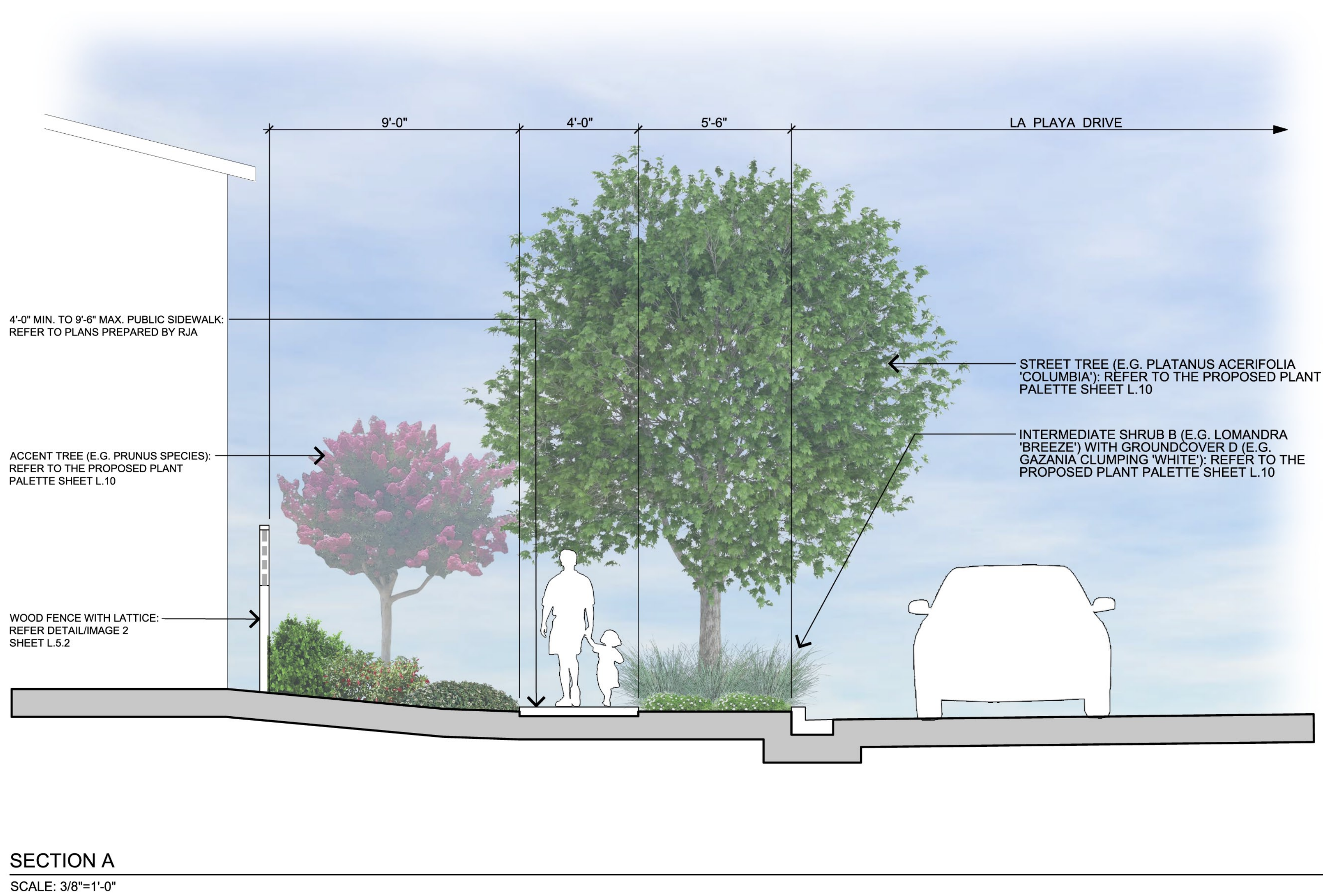
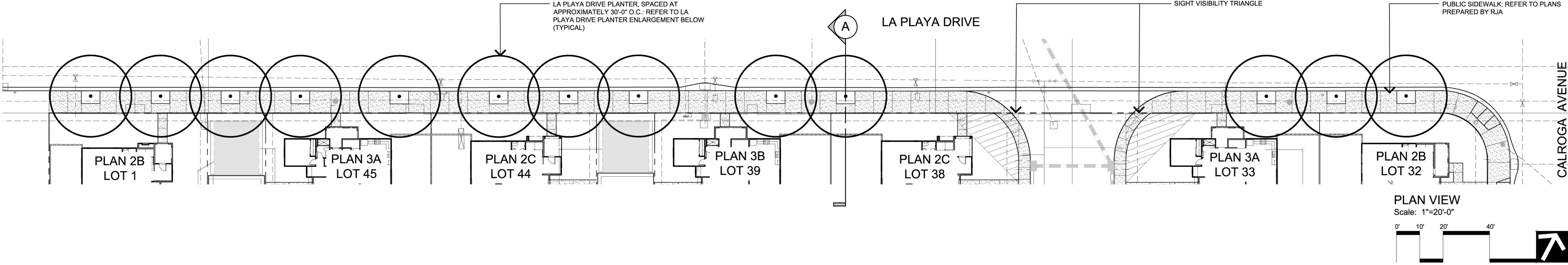
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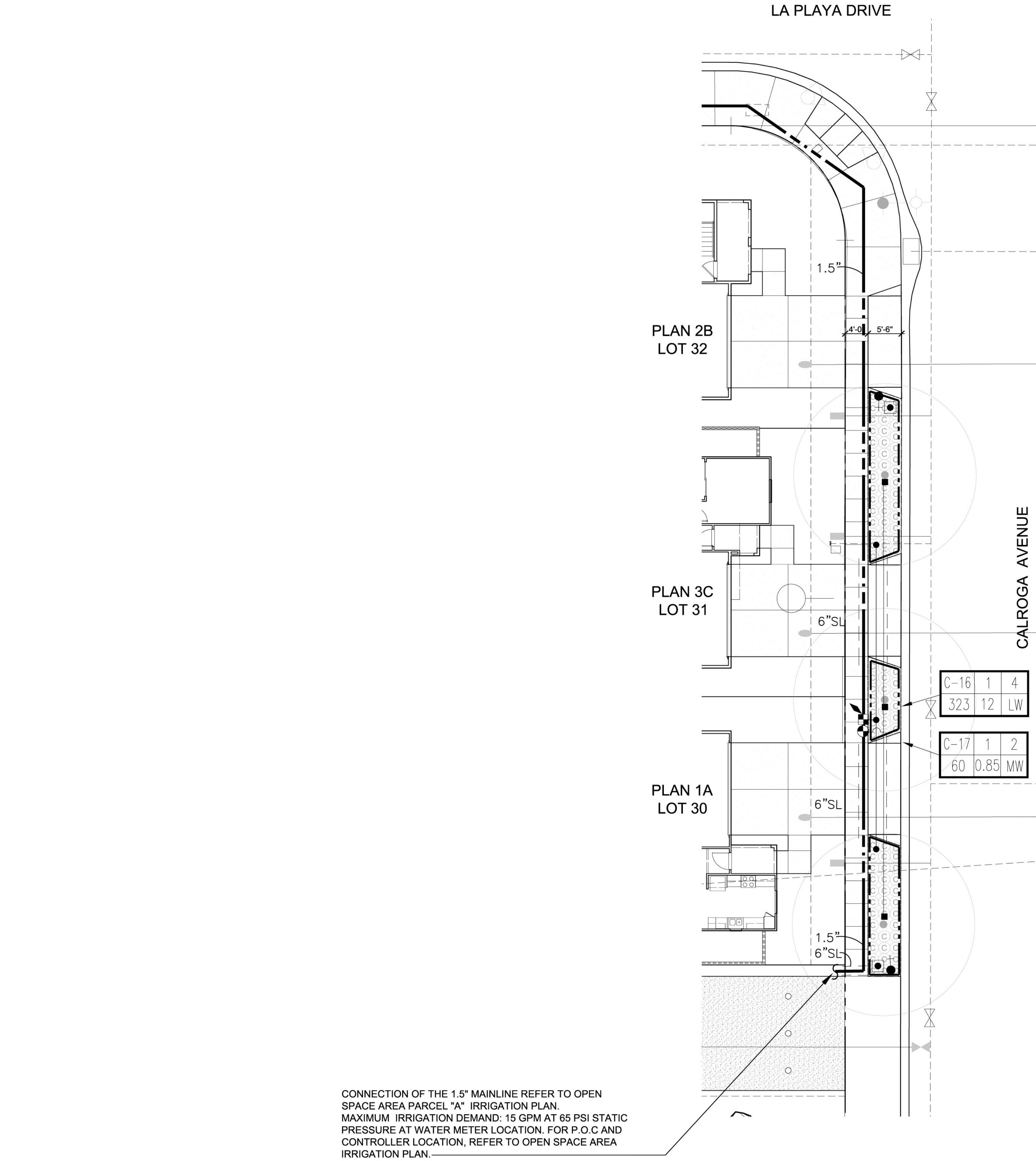


KEY MAP NTS

La Playa Drive Streetscape Irrigation Plan



La Playa Drive Streetscape Planting Plan

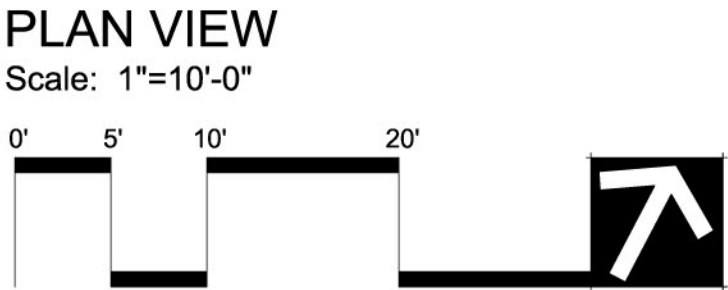


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KEY MAP NTS

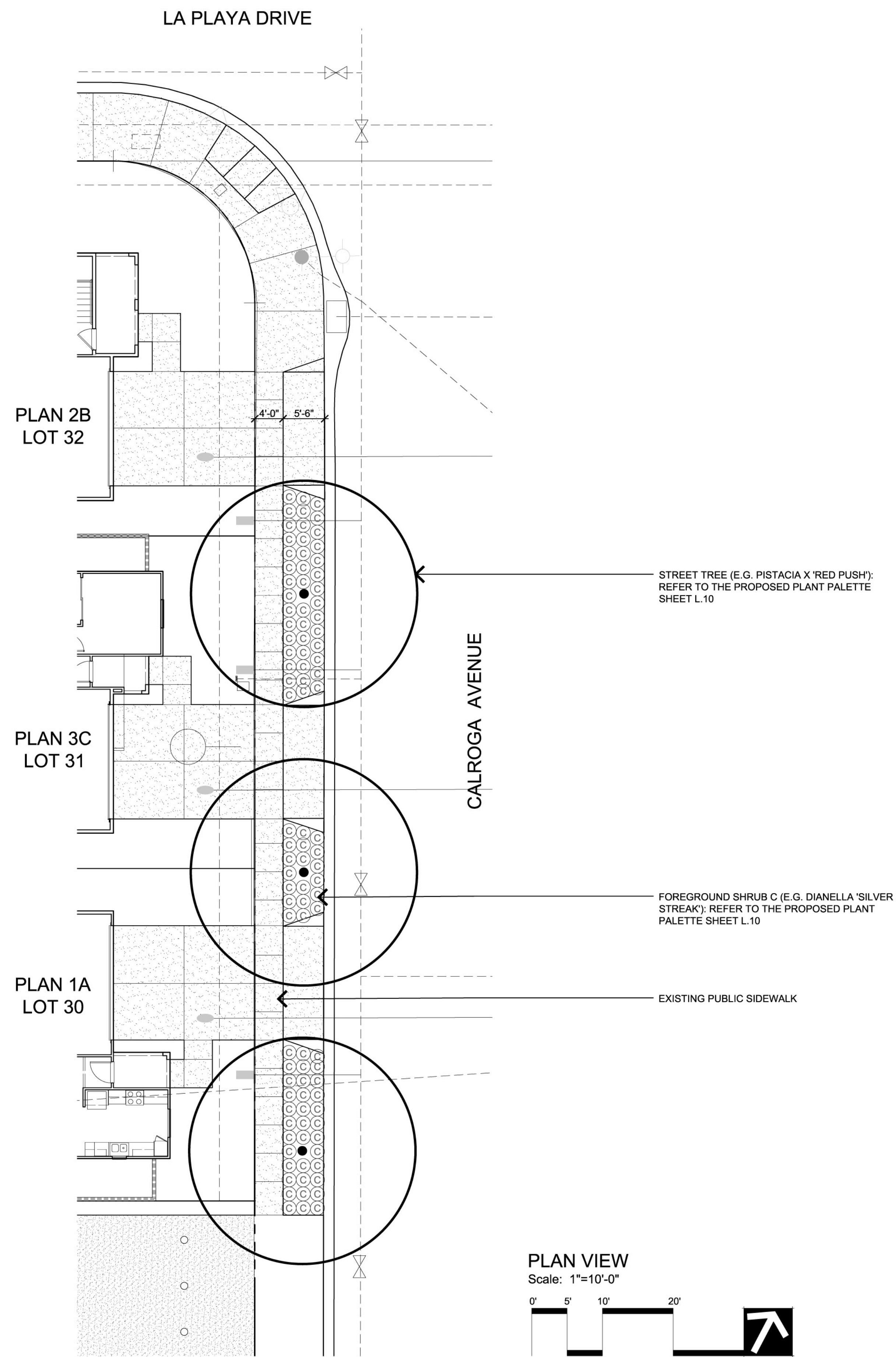
Calroga Avenue Streetscape Irrigation Plan

LA PLAYA COMMONS Hayward, California

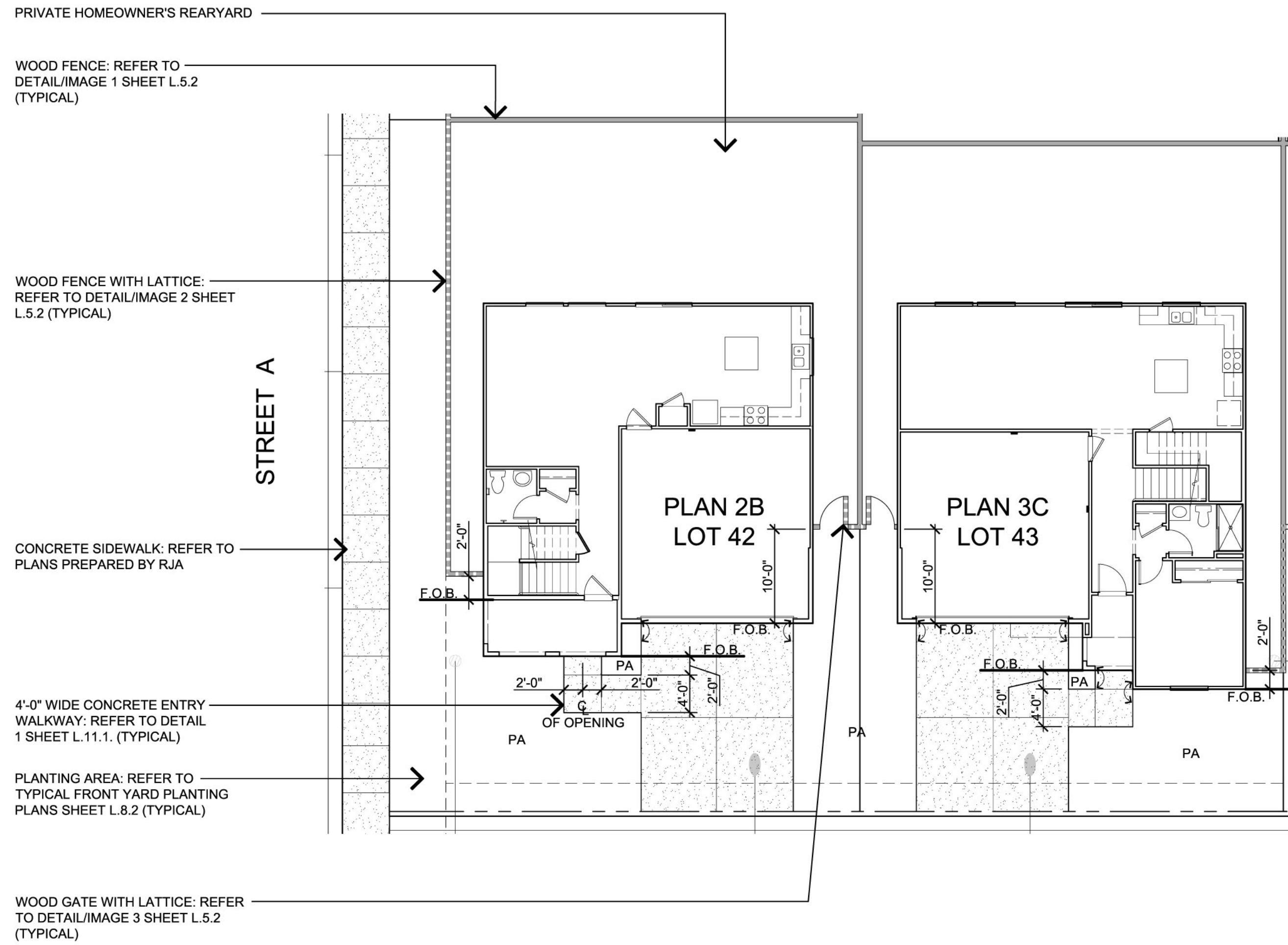
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JUNE 3, 2021



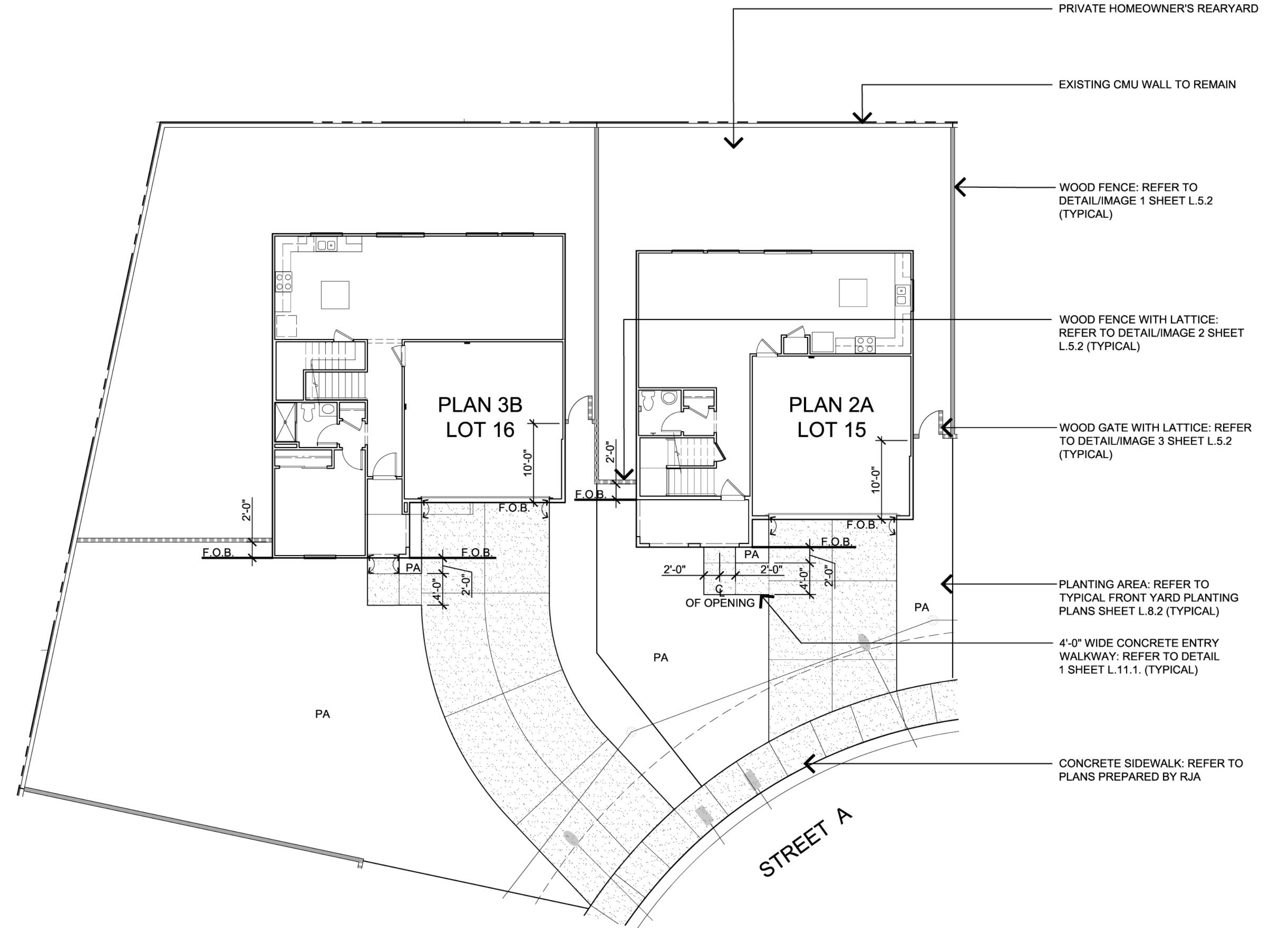


Calroga Avenue Streetscape Planting Plan



STREET CORNER LOT (42) AND TYPICAL LOT (43)

SCALE: 1"=10'-0"



CORNER LOT (16) AND ATYPICAL LOT (15)

SCALE: 1"=10'-0"



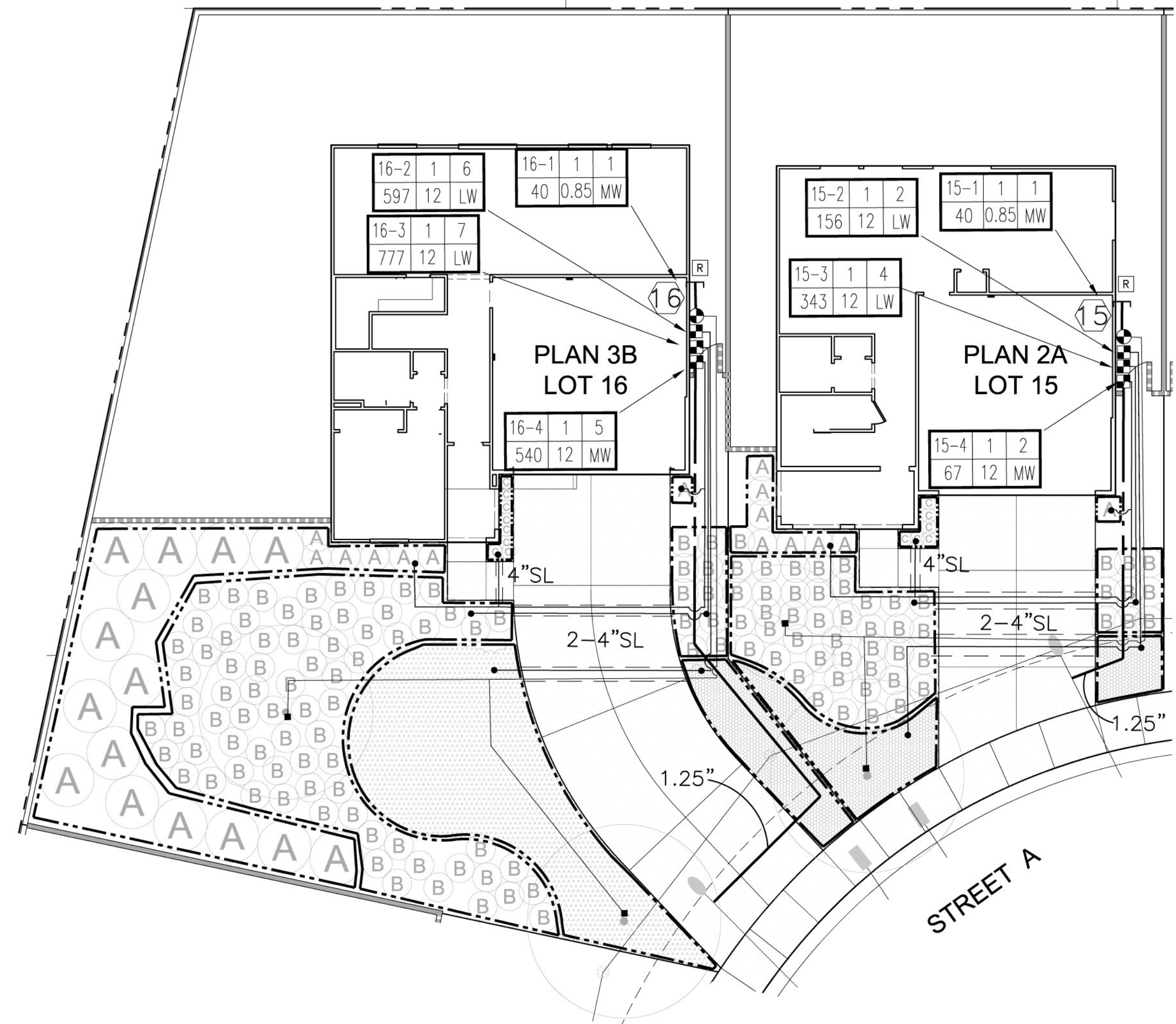
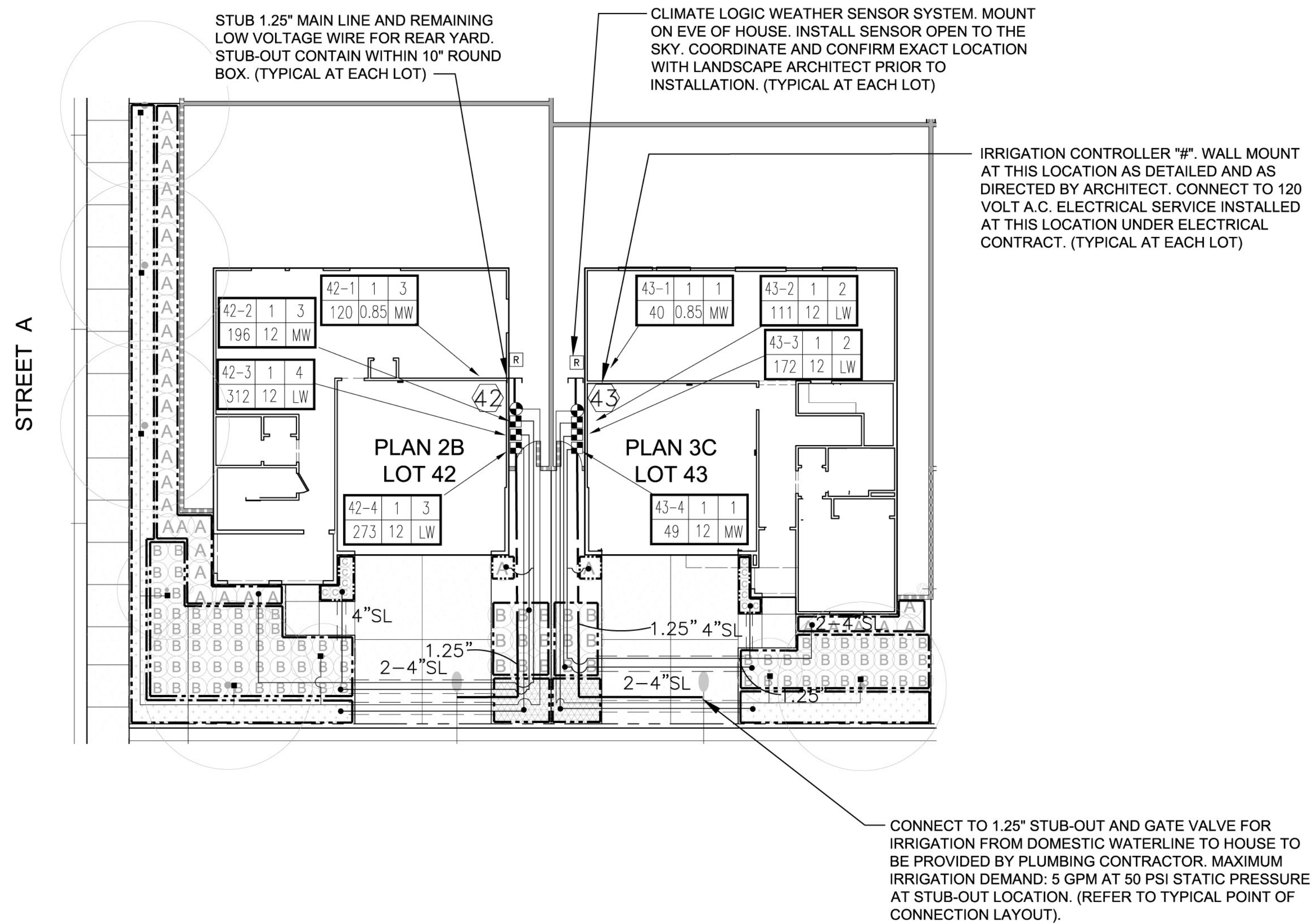
Typical Front Yard Construction Plans

LA PLAYA COMMONS Hayward, California

L.8.1

JUNE 3, 2021





STREET CORNER LOT (42) AND TYPICAL LOT (43)

SCALE: 1"=10'-0"

CORNER LOT (16) AND ATYPICAL LOT (15)

SCALE: 1"=10'-0"

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KEY MAP NTS

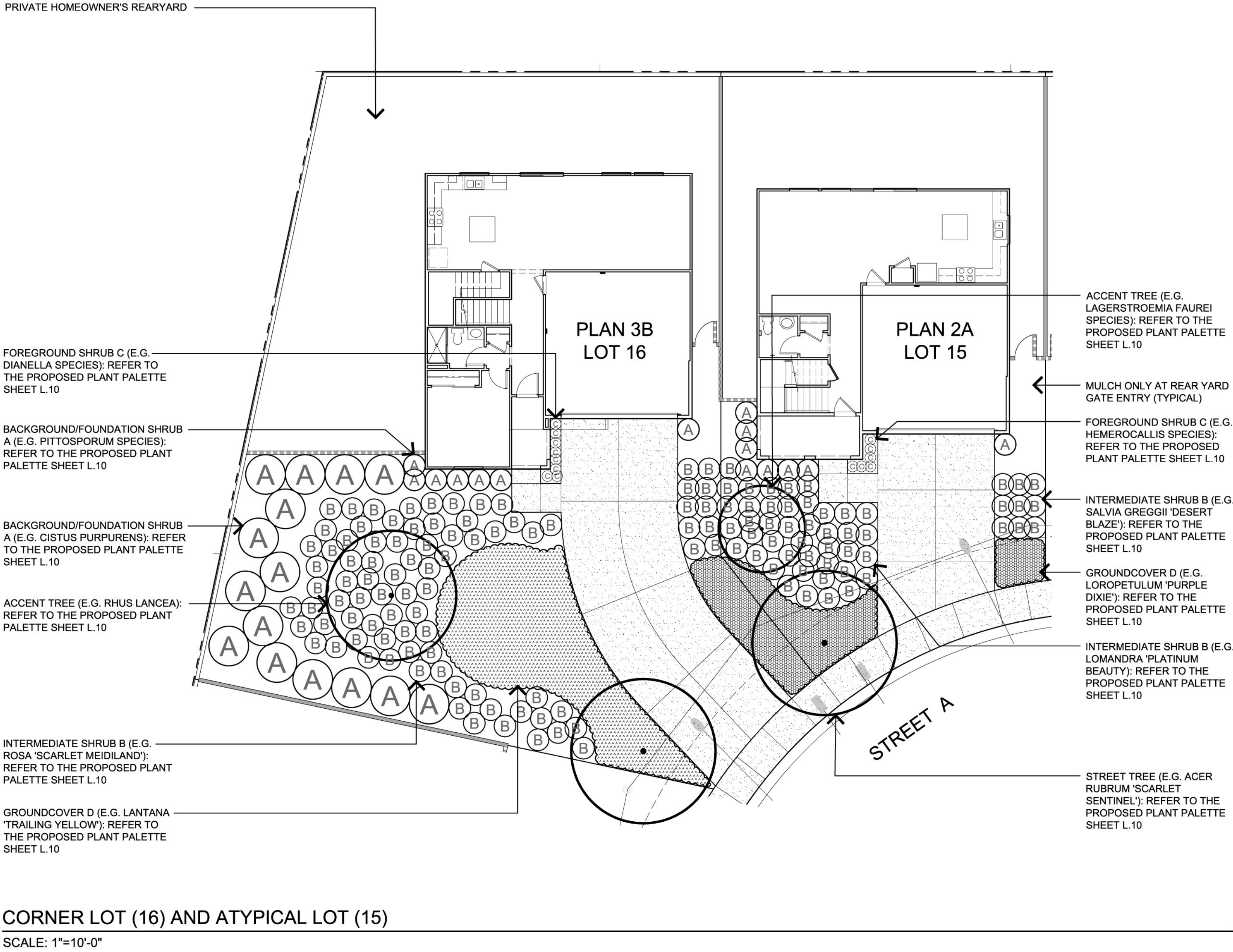
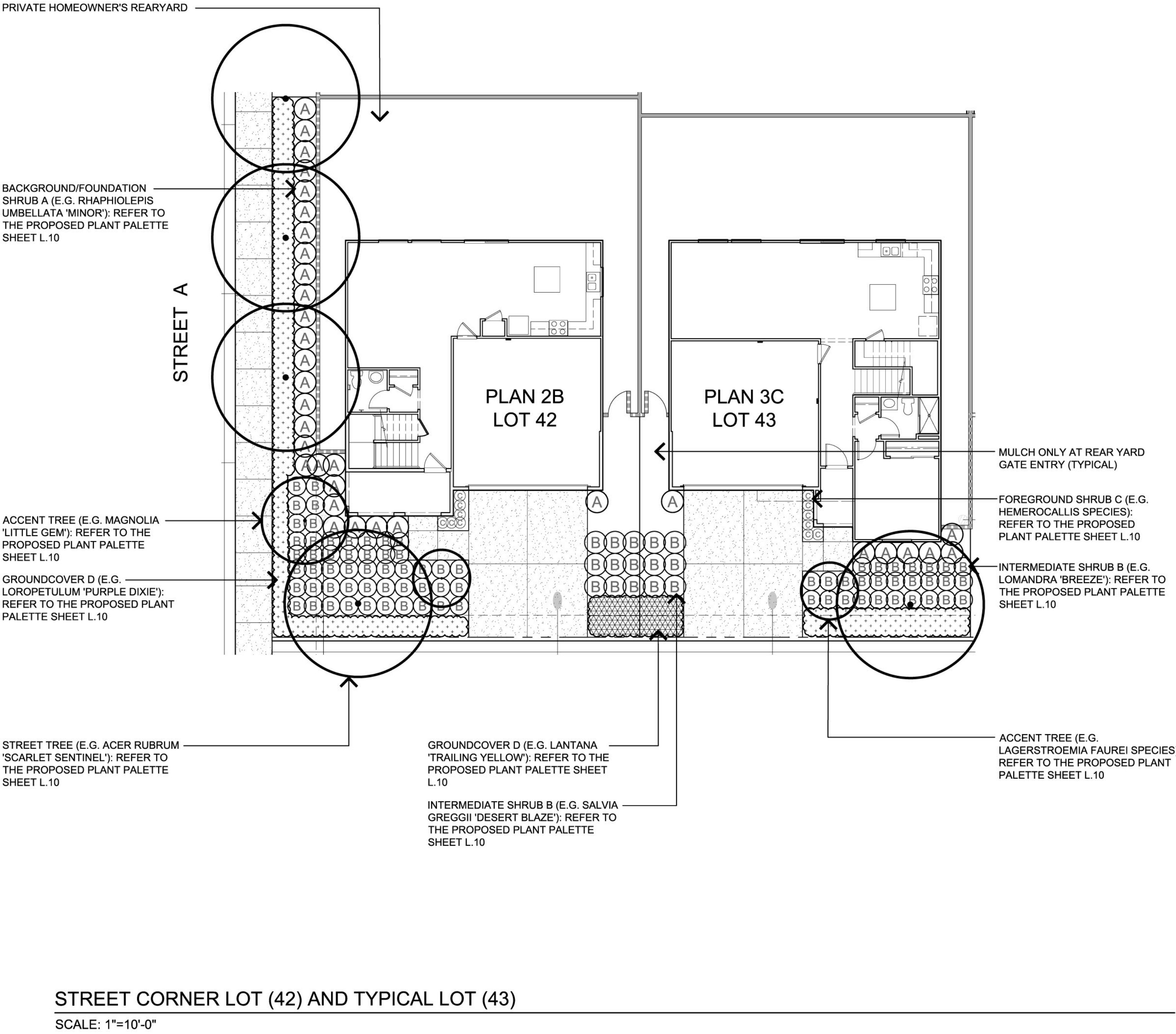
Typical Front Yard Irrigation Plans

LA PLAYA COMMONS Hayward, California

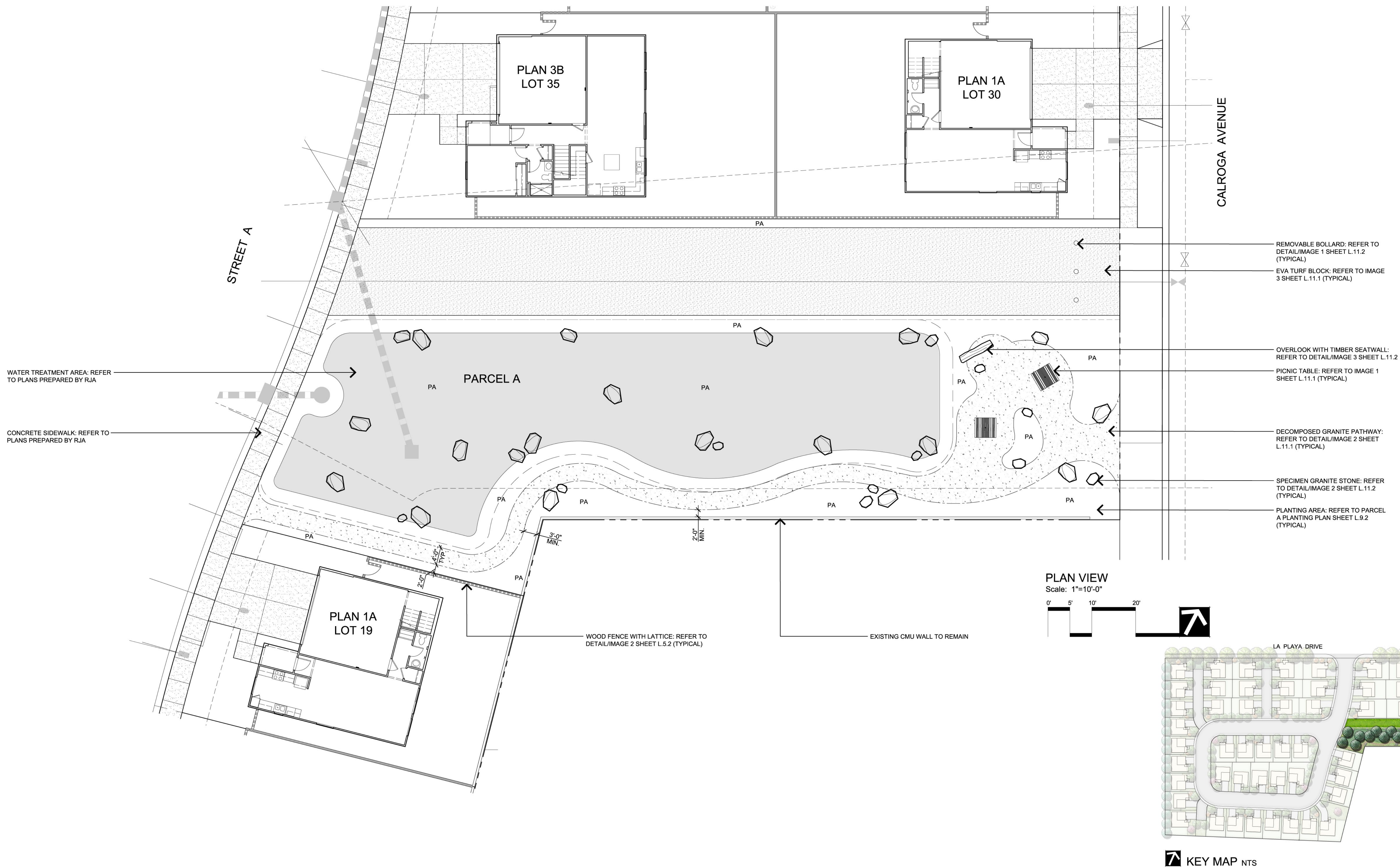
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JUNE 3, 2021





Typical Front Yard Planting Plans

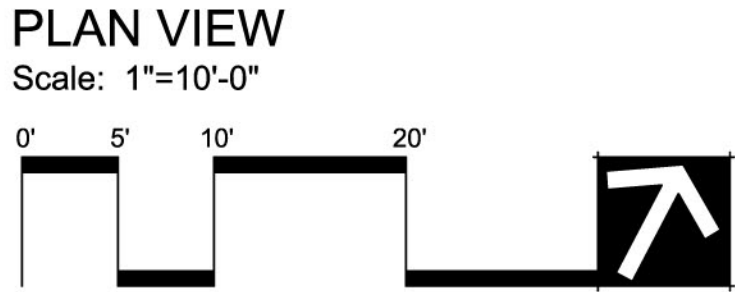
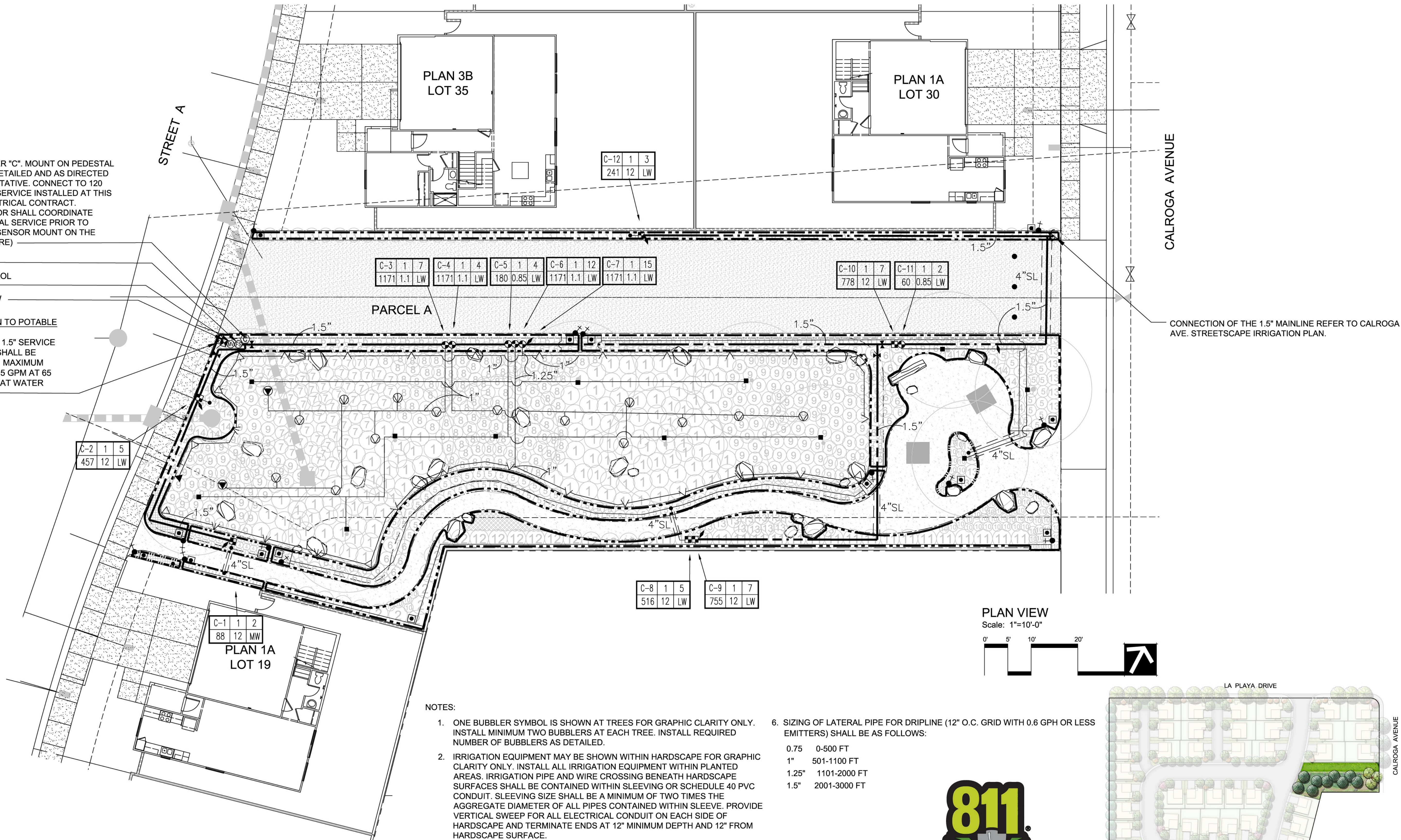


Parcel A Construction Plan

IRRIGATION CONTROLLER "C". MOUNT ON PEDESTAL AT THIS LOCATION AS DETAILED AND AS DIRECTED BY OWNER'S REPRESENTATIVE. CONNECT TO 120 VOLT A.C. ELECTRICAL SERVICE INSTALLED AT THIS LOCATION UNDER ELECTRICAL CONTRACT. IRRIGATION CONTRACTOR SHALL COORDINATE LOCATION OF ELECTRICAL SERVICE PRIOR TO CONSTRUCTION. (RAIN SENSOR MOUNT ON THE CONTROLLER ENCLOSURE)

FLOW SENSOR.
BRASS MASTER CONTROL VALVE
IRRIGATION BACKFLOW

POINT OF CONNECTION TO POTABLE WATER METER:
1" WATER METER WITH 1.5" SERVICE LINE FOR IRRIGATION SHALL BE PROVIDED BY OTHERS. MAXIMUM IRRIGATION DEMAND: 15 GPM AT 65 PSI STATIC PRESSURE AT WATER METER LOCATION.



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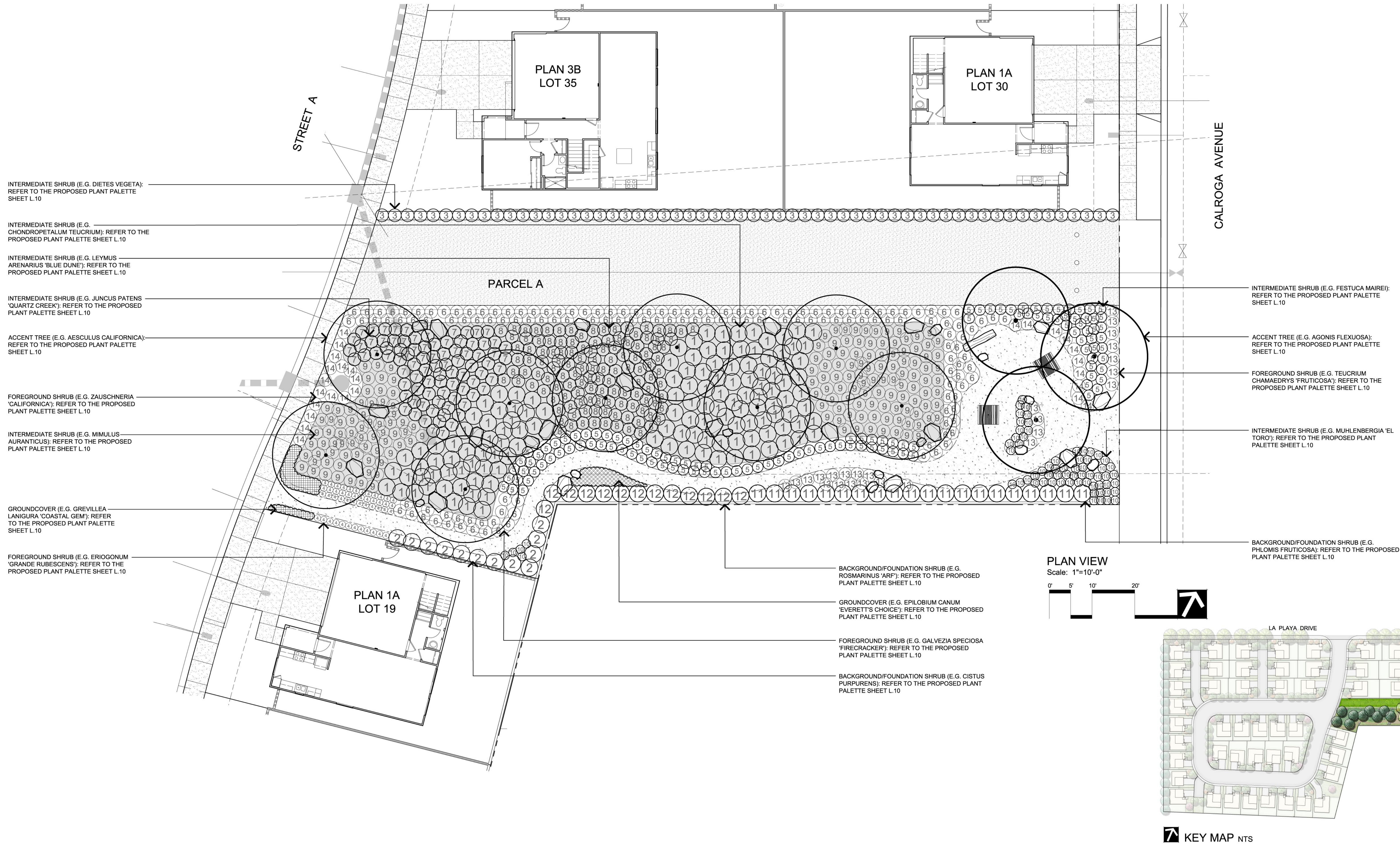
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KEY MAP NTS

Parcel A Irrigation Plan



Parcel A Planting Plan

LA PLAYA COMMONS Hayward, California

L.9.3

JUNE 3, 2021



PROPOSED PLANT PALETTE

BOTANICAL NAME	COMMON NAME	MINIMUM CONTAINER SIZE	MATURE SIZE DIMENSIONS WIDTH/HEIGHT	WULCOLS
<u>LA PLAYA DRIVE STREET TREE:</u>				
PLATANUS ACERIFOLIA 'COLUMBIA'	LONDON PLANE TREE	36" BOX	45'x30'	M
<u>CALROGA AVENUE STREET TREE:</u>				
PISTACIA X 'RED PUSH'	RED PUSH PISTACHE	36" BOX	45'x35'	L
<u>STREET A TREE:</u>				
ACER RUBRUM 'SCARLET SENTINEL'	RED MAPLE	36" BOX	20'x45'	M
<u>SCREEN TREE:</u>				
ARBUTUS 'MARINA'	MARINA ARBUTUS	24" BOX	20'x35'	L
<u>ACCENT TREES:</u>				
AESCULUS CALIFORNICA	BUCKEYE	48" BOX	25'x25'	VL
AGONIS FLEXUOSA	PEPPERMINT TREE	36" BOX	25'x30'	L
CHIONANTHUS RETUSUS	FRINGE TREE	36" BOX	30'x15'	M
LAGERSTROEMIA FAUREI SPECIES	CRAPE MYRTLE	36" BOX	15'x15'	L
LAURUS NOBILIS 'SARATOGA'	SWEET BAY	36" BOX	25'x20'	L
MAGNOLIA 'LITTLE GEM'	MAGNOLIA	36" BOX	15'x30'	M
MALUS SPECIES	FLOWERING CRAB APPLE	36" BOX	30'x18'	M
MAYTENUS BOARIA 'GREEN SHOWERS'	MAYTEN TREE	36" BOX	20'x25'	M
PRUNUS SPECIES	FLOWERING PLUM/CHERRY	36" BOX	20'x20'	L
TRISTANIA LAURINA 'ELEGANT'	WATER GUM	36" BOX	15'x25'	L
<u>BACKGROUND/FOUNDATION SHRUB A:</u>				
BUXUS SPECIES	BOXWOOD	5 GALLON	3'x3'	M
CALLISTEMON 'BETTER JOHN'	DWARF BOTTLBRUSH	5 GALLON	3'x3'	L
CISTUS SPECIES	ROCKROSE	5 GALLON	4'x4'	L
ESCALLONIA SPECIES	ESCALLONIA	5 GALLON	3'x3'	M
PITTOSPORUM SPECIES	NCN	5 GALLON	3'x3'	L
RHAPHIOLEPIS UMBELLATA 'MINOR'	NCN	5 GALLON	3'x3'	M
ROSMARINUS SPECIES	ROSEMARY	5 GALLON	4'x3'	L
<u>INTERMEDIATE SHRUB B:</u>				
ABELIA 'KALEIDISCOPE'	ABELIA	1 GALLON	3'-6"x30"	L
BERBERIS SPECIES	BARBERRY	1 GALLON	VARIES	M
COLEONEMA PULLCHELLUM 'SUNSET GOLD'	GOLDEN BREATH OF HEAVEN	1 GALLON	4'x2'	M
DIETES SPECIES	FORTNIGHT LILY	1 GALLON	3'x3'	L
GALVEZIA 'FIRECRACKER'	NCN	1 GALLON	3'x30"	L
LAVANDULA SPECIES	LAVENDER	1 GALLON	VARIES	L
LIRIOPE GIGANTEA	LILY TURF	1 GALLON	30"x30"	M
LOMANDRA SPECIES	NCN	1 GALLON	VARIES	L
MUHLENBERGIA SPECIES	DEER GRASS	1 GALLON	VARIES	L
PITTOSPORUM SPECIES	NCN	1 GALLON	3'x3'	L
PENNISSETUM SPECIES	FOUNTAIN GRASS	1 GALLON	30"x30"	L
RHAPHIOLEPIS 'PINK DANCER'	NCN	1 GALLON	4'x30"	L
ROSA SPECIES	SHRUB ROSE	1 GALLON	VARIES	M
SALVIA GREGGII SPECIES	SAGE	1 GALLON	3'x30"	L
<u>FOREGROUND SHRUB C:</u>				
AGAPANTHUS SPECIES	LILY OF THE NILE	1 GALLON	VARIES	M
CALLANDRINIA 'JAZZ TIME'	NCN	1 GALLON	30"x2'	L
DIANELLA SPECIES	FLAX LILY	1 GALLON	VARIES	L
HEMEROCALLIS SPECIES	EVERGREEN DAYLILY	1 GALLON	2'x2'	M
LAVANDULA SPECIES	LAVENDER	1 GALLON	VARIES	L
NANDINA SPECIES	HEAVENLY BAMBOO	1 GALLON	18"x3'	L
TEUCRIUM SPECIES	GERMANDER	1 GALLON	2'x2'	L
ZAUSCHNERIA CALIFORNICA	CALIFORNIA FUCHSIA	1 GALLON	30"x30"	L

NOTES

BOTANICAL NAME	COMMON NAME	MINIMUM CONTAINER SIZE	MATURE SIZE DIMENSIONS WIDTH/HEIGHT	WULCOLS
<u>GROUNDCOVER D:</u>				
CONVOLVULUS SABATIUS	GROUND MORNING GLORY	1 GALLON	3'x18"	L
COPROSMA KIRKII 'PROSTATUS'	NCN	1 GALLON	3'x18"	L
GERANIUM SPECIES	GERANIUM	1 GALLON	VARIES	M
GREVILLEA LANIGERA 'COASTAL GEM'	NCN	1 GALLON	4'x2'	L
LANTANA SPECIES	LANTANA	1 GALLON	VARIES	L
LOROPETULUM 'PURPLE DIXIE'	FRINGE FLOWER	1 GALLON	4'x18"	L
ROSA SPECIES	GROUNDCOVER ROSE	2 GALLON	30"x18"	L
TEUCRIUM SPECIES	GERMANDER	1 GALLON	2'x2'	L
ZAUSCHNERIA CANUM 'EVERETT'S CHOICE'	EVERETT'S CALIFORNIA FUCHSIA	1 GALLON	3'x12"	L
<u>VINES (LA PLAYA DRIVE FRONTAGE):</u>				
BIGNONIA VIOLACEA	VIOLET TRUMPET VINE	5 GALLON	N/A	L
FICUS PUMILA	CREEPING FIG	5 GALLON	N/A	M
<u>STORM WATER TREATMENT TREES SHRUBS AND GRASSES:</u>				
AESCULUS CALIFORNICA	BUCKEYE	48" BOX	25'x25'	VL
ARISTIDA PURPUREA	PURPLE THREE-AWN	1 GALLON	2'x3'-8"	L
CAREX TUMULICOLA	BERKELY SEDGE	1 GALLON	2'x30"	L
CHONDROPETALUM TECTORUM	CAPE RUSH	1 GALLON	3'x3'	L
JUNCUS SPECIES	RUSH	1 GALLON	2'x2'	L
MIMULUS SPECIES	MONKEY FLOWER	1 GALLON	30"x30"	L
<u>PARCEL A:</u>				
AESCULUS CALIFORNICA	BUCKEYE	48" BOX	25'x25'	VL
AGONIS FLEXUOSA	PEPPERMINT TREE	36" BOX	25'x30'	M
CHONDROPETALUM TECTORUM	CAPE RUSH	1 GALLON	3'x3'	L
CISTUS PURPUREUS	ROCKROSE	5 GALLON	4'x4'	L
DIETES VEGETA	FORTNIGHT LILY	5 GALLON	3'x3'	L
EPILOBIUM CANUM 'EVERETT'S CHOICE'	CALIFORNIA FUCHSIA	1 GALLON	30"x30"	L
ERIOGONUM 'GRANDE RUBESCENS'	NCN	1 GALLON	30"x12"	M
FESTUCA MAIREI	FESCUE	1 GALLON	30"x30"	L
GALVEZIA SPECIOSA 'FIRECRACKER'	FIRECRACKER SNAPDRAGON	1 GALLON	3'x30"	L
GREVILLEA LANIGERA 'COASTAL GEM'	NCN	1 GALLON	4'x2'	L
JUNCUS PATENS 'QUARTZ CREEK'	RUSH	1 GALLON	2'x2'	L
LEYMUS ARENARIUS 'BLUE DUNE'	SAND RYEGRASS	1 GALLON	30"x30"	L
MIMULUS AURANTICUS	STICKY MONKEY FLOWER	1 GALLON	30"x30"	VL
MUHLENBERGIA 'EL TORO'	MUHLY	1 GALLON	2'x2'	L
PHLOMIS FRUTICOSA	SAGE	5 GALLON	4'x4'	L
ROSMARINUS 'ARP'	ROSEMARY	5 GALLON	4'x5'	L
TEUCRIUM CHAMAEDRYS	GERMANDER	1 GALLON	2'x2'	L
ZAUSCHNERIA 'CALIFORNICA'	CALIFORNIA FUCHSIA	1 GALLON	30"x30"	L

WATER CONSERVATION STATEMENT:

PLANT MATERIAL HAS BEEN CHOSEN FOR WATER CONSERVING AND REDUCED MAINTENANCE CHARACTERISTICS. A MAXIMUM OF 25% OF NON-TURF PLANS WILL HAVE A MODERATE IRRIGATION WATER REQUIREMENT AND A MINIMUM OF 50% OF NON-TURF PLANTS WILL HAVE A LOW TO VERY LOW IRRIGATION WATER REQUIREMENT.

I HAVE COMPLIED WITH THE CRITERIA OF CITY OF HAYWARD BAY-FRIENDLY WATER EFFICIENT LANDSCAPE ORDINANCE AND APPLIED THEM FOR THE EFFICIENT USE OF WATER INT HE LANDSCAEP AND IRRIGATION DESIGN PLAN.

IRRIGATION NOTE:

A FULLY AUTOMATIC IRRIGATION SYSTEM SHALL BE PROPOSED FOR THE PROJECT UTILIZING WATER CONSERVING METHODS. IRRIGATION SHALL BE INSTALLED THROUGHOUT THE BIO-RETENTION AREAS TO PROVIDE SUPPLEMENTAL IRRIGATION IN THE DRY MONTHS WITH REDUCED IRRIGATION DURING SEASONAL RAINFALL OR WET MONTHS.

MINIMUM TREE CLEARANCE NOTE:

1. SMALL TREES (15' TALL/WIDE) SHALL BE PLACED A MINIMUM OF 6' FROM BUILDINGS AND A MINIMUM OF 2' FROM EDGES OF PAVING, CURBS OR WALLS.

2. MEDIUM TREES (25' TALL/WIDE) SHALL BE PLACED A MINIMUM OF 10' FROM BUILDINGS AND A MINIMUM OF 3' FROM PAVING, CURBS OR WALLS.

3. LARGE TREES (ABOVE 25' TALL/WIDE) SHALL BE PLACED A MINIMUM OF 15' FROM BUILDINGS AND A MINIMUM OF 3' FROM PAVING, CURBS OR WALLS.

4. 5' MINIMUM FROM JOINT TRENCH, WATER LINES, WATER METERS AND FIRE HYDRANTS.

5. 8' MINIMUM FROM SANITARY SEWER AND STORM DRAINS.

6. ALL TREES PLANTED WITHIN 5'-0" OF FUTURE CURBS, SIDEWALK, WALLS AND ALL UTILITIES, SHALL INCLUDE A ROOT BARRIER.

LANDSCAPE NOTES:

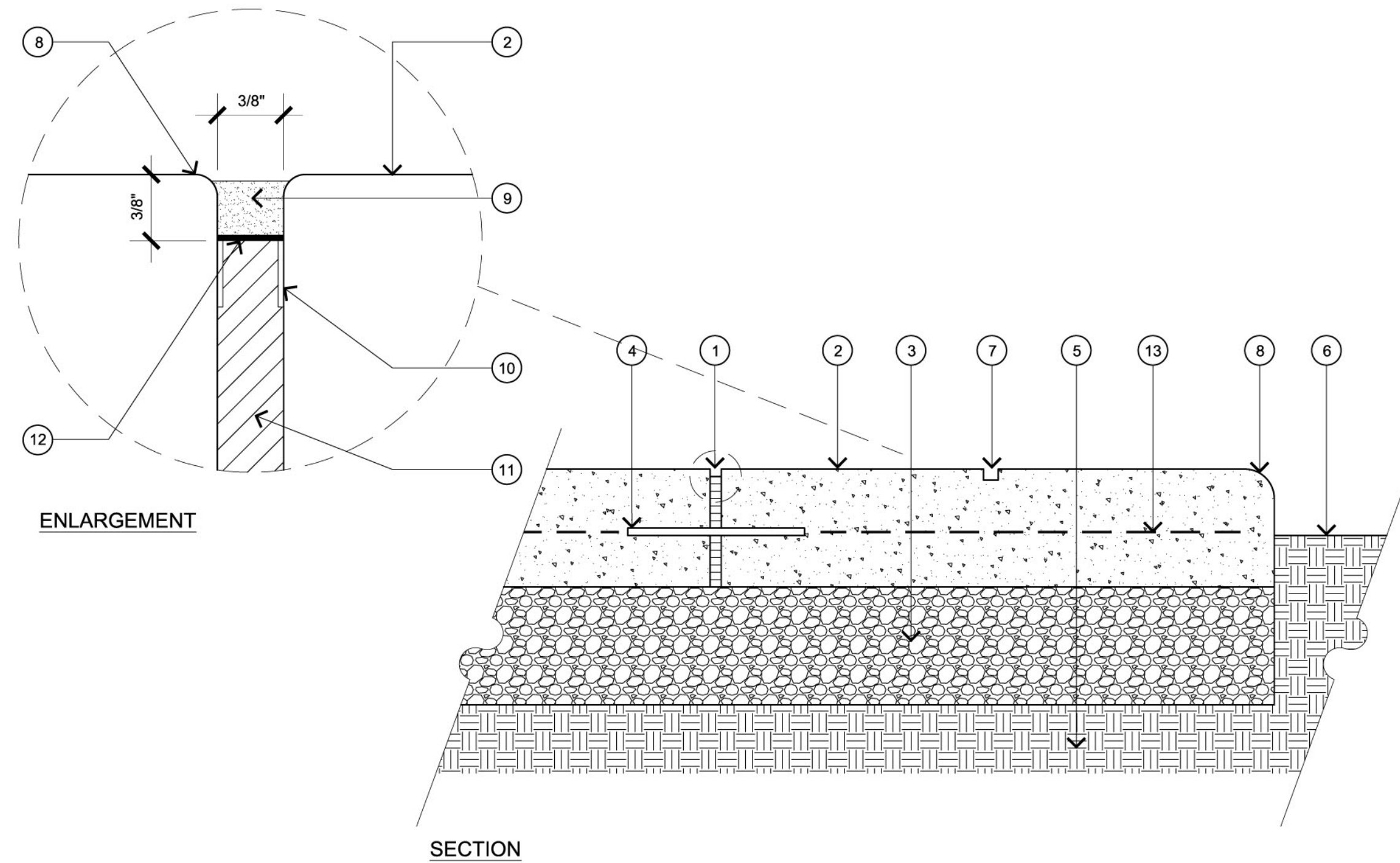
PLANT PALETTE IS FOR REFERENCE ONLY. NOT ALL TREES, SHRUBS, GRASSES, AND GROUNDCOVER LISTED WILL BE UTILIZED IN THE PREPARATION OF CONSTRUCTION DOCUMENTS. ADDITIONAL PLANTS MAY BE SUBSTITUTED DUE TO AVAILABILITY AND CONTAINER SIZE. PLANT MATERIAL SHALL BE SELECTED AT THE DESCRETION OF THE LANDSCAPE ARCHITECT.

LANDSCAPING SHALL BE OF THE TYPE AND SITUATED IN LOCATIONS TO MAXIMIZE OBSERVATION WHILE PROVIDING THE DESIRED DEGREE OF AESTHETICS. LANDSCAPING SHOULD BE TRIMMED SO AS NOT TO PROVIDE CONCEALMENT OPPORTUNITIES OR MEANS TO ACCESS ROOF. SECURITY PLANTING MATERIALS ARE ENCOURAGED ALONG PROPERTY LINE AND UNDER VULNERABLE WINDOWS.

ALL TRANSFORMERS AND UTILITY BOXES TO BE SCREENED WITH EVERGREEN SHRUBS.

MATURE PLANTS:

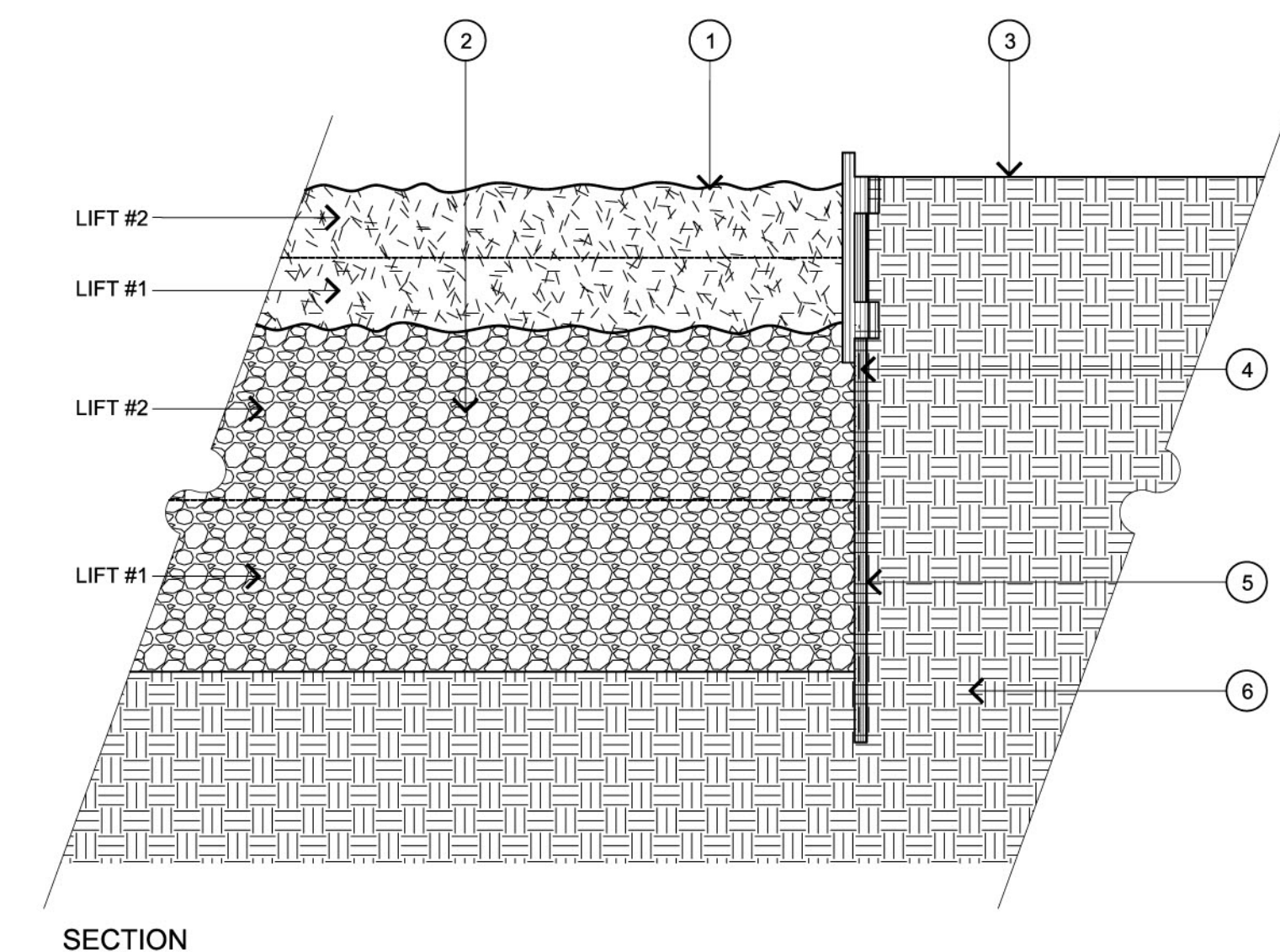
RATION OF 1/3 5 GALLON PLANS AND 2/3 1 GALLON PLANTS PROPOSED FOR THIS PROJECT



- 1 3/8" EXPANSION JOINT WITH SEALANT & BACKER ROD. EXPANSION JOINTS SHALL OCCUR EVERY 25' C.C. EACH WAY - REFER TO PLAN FOR LOCATIONS
 - 2 4" THICK CONCRETE PAVING
 - 3 4" THICK CLASS II AGGREGATE SUB BASE
 - 4 #4 X 24" LONG DOWELS @ 24" O.C.
 - 5 90% COMPACTED SUB GRADE
 - 6 FINISH GRADE AT PLANTING AREA 1" BELOW AT TURF AREAS, 2" AT SHRUB AND GROUND COVER AREAS
 - 7 SCORED JOINT - 1" DEEP X 1/8" WIDE SAWCUT @ 12" C.C. EACH WAY, REFER TO PLANS FOR LOCATIONS (TYP.)
 - 8 RADIUS EDGE
 - 9 SEALANT - ALSO INSTALL WHERE PAVING ABUTS TO BUILDING FOUNDATIONS
 - 10 PVC CAP
 - 11 EXPANSION MATERIAL
 - 12 BOND BREAKER TAPE
 - 13 #3 REBAR @ 18" O.C. BOTH WAYS
- NOTE: CONCRETE MIX SHALL BE LOW SHRINK.

1 CONCRETE PAVING

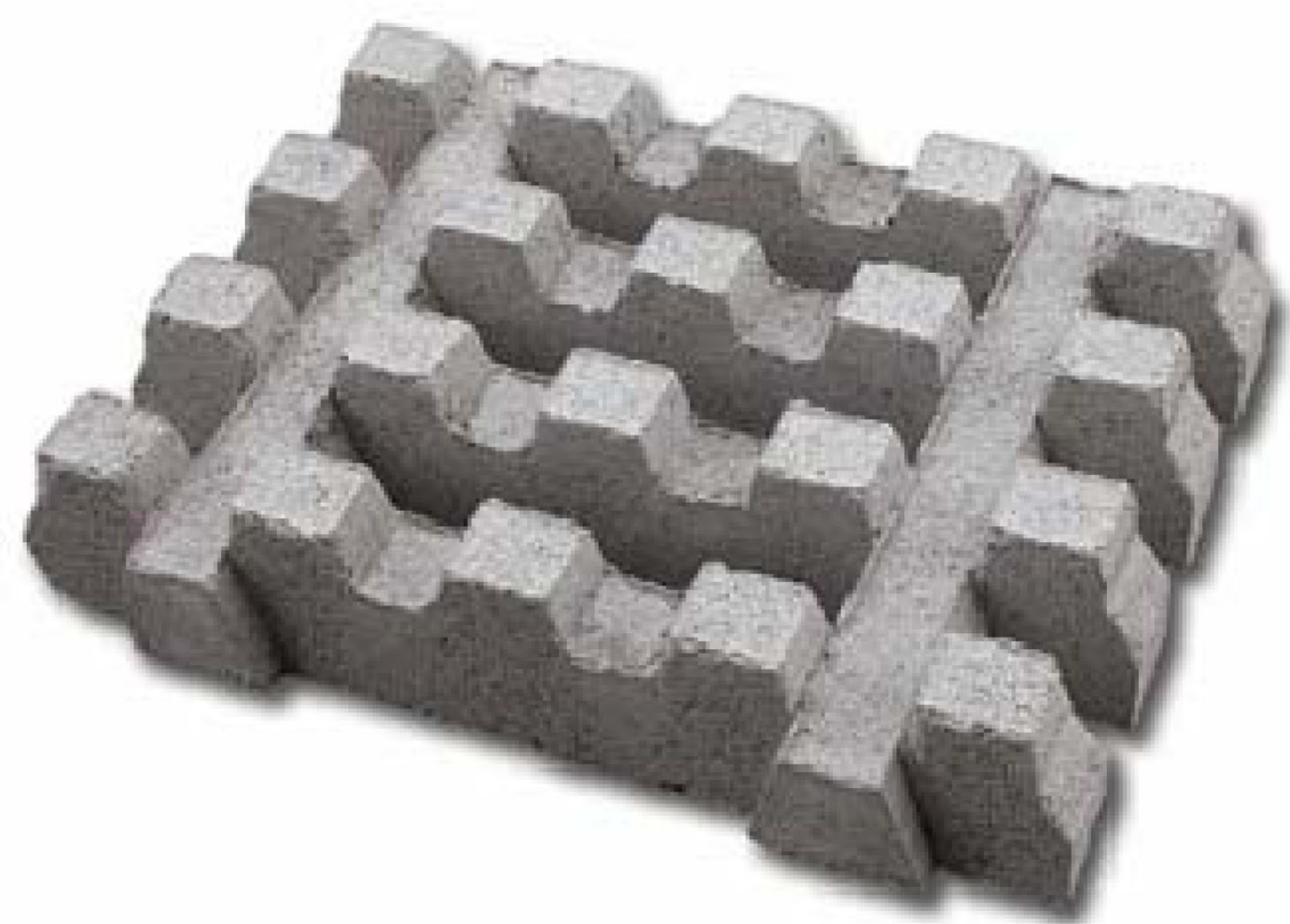
SCALE : 3"=1'-0"



- 1 4" LAYER OF COMPACTED DECOMPOSED GRANITE PAVING WITH STABILIZER. INSTALLED IN TWO LIFTS OF 2" EACH. SET FLUSH WITH TOP OF ADJACENT PAVING OR PLANTING AREAS (REFER TO PLANS). APPLY TECHNISOL STABILIZER TO THE DECOMPOSED GRANITE AFTER IT IS INSTALLED TO PREVENT EROSION. USE PLATE COMPACTOR TO COMPACT THE DECOMPOSED GRANITE AND HOLD IN PLACE - REFER TO CONSTRUCTION LEGEND
- 2 10" THICK LAYER OF CALTRANS CLASS II AB BASE ROCK, PLACED IN TWO LIFTS, EACH LIFT TO BE MOISTURE CONDITIONED TO NEAR OPTIMUM MOISTURE CONTENT AND RE-COMPACTED TO 95% RELATIVE COMPACTION PER SOILS REPORT
- 3 FINISH GRADE (PLANTING AREA)
- 4 STEEL EDGING - REFER TO CONSTRUCTION LEGEND
- 5 90% COMPACTED SUB GRADE

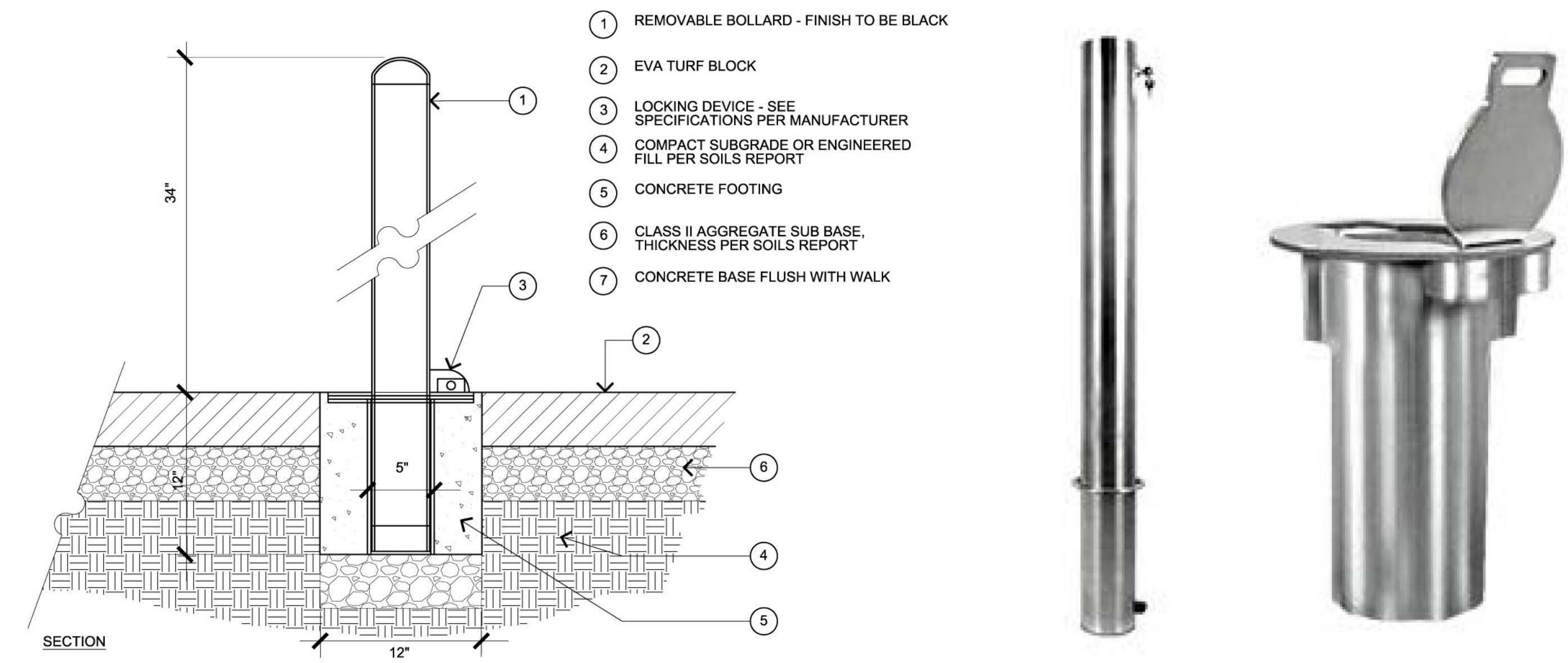
2 DECOMPOSED GRANITE PAVING

SCALE : 3"=1'-0"

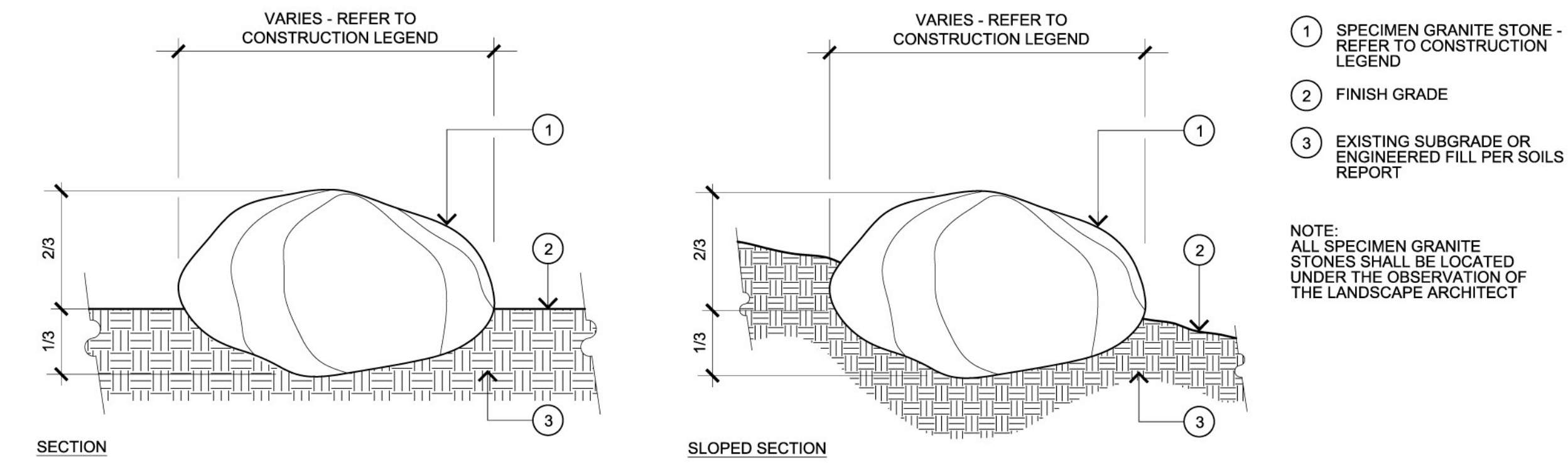


3 EVA TURF BLOCK

N.T.S.



1 REMOVABLE BOLLARD
FINISH TO BE BLACK



2 SPECIMEN GRANITE STONE



N.T.S.



3 TIMBER SEATWALL

N.T.S.



4 PICNIC TABLE
FINISH TO BE BLACK

N.T.S.

IRRIGATION NOTES

1. THESE IRRIGATION DRAWINGS ARE DIAGRAMMATIC AND INDICATIVE OF THE WORK TO BE INSTALLED. ALL PIPING, VALVES, AND OTHER IRRIGATION COMPONENTS MAY BE SHOWN WITHIN PAVED AREAS FOR GRAPHIC CLARITY ONLY AND ARE TO BE INSTALLED WITHIN PLANTING AREAS. DUE TO THE SCALE OF THE DRAWINGS, IT IS NOT POSSIBLE TO INDICATE ALL OFFSETS, FITTINGS, SLEEVES, CONDUIT, AND OTHER ITEMS WHICH MAY BE REQUIRED. INVESTIGATE THE STRUCTURAL AND FINISHED CONDITION AFFECTING THE CONTRACT WORK INCLUDING OBSTRUCTIONS, GRADE DIFFERENCES OR AREA DIMENSIONAL DIFFERENCES. IN THE EVENT OF FIELD DISCREPANCY WITH CONTRACT DOCUMENTS, PLAN THE INSTALLATION WORK ACCORDINGLY BY NOTIFICATION AND APPROVAL OF THE OWNER'S AUTHORIZED REPRESENTATIVE AND ACCORDING TO THE CONTRACT SPECIFICATIONS. NOTIFY AND COORDINATE IRRIGATION CONTRACT WORK WITH APPLICABLE CONTRACTORS FOR THE LOCATION AND INSTALLATION OF PIPE, CONDUIT OR SLEEVES THROUGH OR UNDER WALLS, ROADWAYS, PAVING AND STRUCTURES BEFORE CONSTRUCTION. IN THE EVENT THESE NOTIFICATIONS ARE NOT PERFORMED, THE CONTRACTOR ASSUMES FULL RESPONSIBILITY FOR REQUIRED REVISIONS.
2. THE INTENT OF THIS IRRIGATION SYSTEM IS TO PROVIDE THE MINIMUM AMOUNT OF WATER REQUIRED TO SUSTAIN GOOD PLANT HEALTH.
3. IT IS THE RESPONSIBILITY OF THE MAINTENANCE CONTRACTOR AND/OR OWNER TO PROGRAM THE IRRIGATION CONTROLLER TO PROVIDE THE MINIMUM AMOUNT OF WATER NEEDED TO SUSTAIN GOOD PLANT HEALTH. THIS INCLUDES MAKING ADJUSTMENTS TO THE PROGRAM FOR SEASONAL WEATHER CHANGES, PLANT MATERIAL, WATER REQUIREMENTS, MOUNDS, SLOPES, SUN, SHADE AND WIND EXPOSURE.
4. IT IS THE RESPONSIBILITY OF A LICENSED ELECTRICAL CONTRACTOR TO PROVIDE 120 VOLT A.C. (2.5 AMP DEMAND PER CONTROLLER) ELECTRICAL SERVICE TO THE CONTROLLER LOCATION(S). IT IS THE RESPONSIBILITY OF THE IRRIGATION CONTRACTOR TO COORDINATE THE ELECTRICAL SERVICE STUB-OUT TO THE CONTROLLER(S). PROVIDE PROPER GROUNDING PER CONTROLLER MANUFACTURER'S INSTRUCTIONS AND IN ACCORDANCE WITH LOCAL CODES.
5. PROVIDE EACH IRRIGATION CONTROLLER WITH ITS OWN INDEPENDENT LOW VOLTAGE COMMON GROUND WIRE.
6. SCHEDULE A MEETING WHICH INCLUDES REPRESENTATIVES OF THE IRRIGATION CONTROLLER MANUFACTURER, THE MAINTENANCE CONTRACTOR, THE OWNER AND THE IRRIGATION CONTRACTOR AT THE SITE FOR INSTRUCTION ON THE PROPER PROGRAMMING AND OPERATION OF THE IRRIGATION CONTROLLER.
7. IRRIGATION CONTROL WIRES: SOLID COPPER WITH U.L. APPROVAL. COMMON GROUND WIRE: SIZE #12-1 WIRE WITH A WHITE INSULATING JACKET. CONTROL WIRE SERVICING REMOTE CONTROL VALVES: SIZE #14-1 WIRE WITH INSULATING JACKET OF COLOR OTHER THAN WHITE. SPLICES SHALL BE MADE WITH 3M-DBY SEAL PACKS OR APPROVED EQUAL.
8. FLUSH AND ADJUST IRRIGATION OUTLETS AND NOZZLES FOR OPTIMUM PERFORMANCE AND TO PREVENT OVER SPRAY ONTO WALKS, ROADWAYS, AND/OR BUILDINGS. SELECT THE BEST DEGREE OF THE ARC AND RADIUS TO FIT THE EXISTING SITE CONDITIONS AND THROTTLE THE FLOW CONTROL AT EACH VALVE TO OBTAIN THE OPTIMUM OPERATING PRESSURE FOR EACH CONTROL ZONE.
9. THE IRRIGATION SYSTEM DESIGN IS BASED ON THE MINIMUM OPERATING PRESSURE SHOWN ON THE IRRIGATION DRAWINGS. VERIFY WATER PRESSURE PRIOR TO CONSTRUCTION. REPORT ANY DIFFERENCE BETWEEN THE WATER PRESSURE INDICATED ON THE DRAWINGS AND THE ACTUAL PRESSURE READING AT THE IRRIGATION POINT OF CONNECTION TO THE OWNER'S AUTHORIZED REPRESENTATIVE.
10. PIPE SIZING SHOWN ON THE DRAWINGS IS TYPICAL. AS CHANGES IN LAYOUT OCCUR DURING STAKING AND CONSTRUCTION THE SIZE MAY NEED TO BE ADJUSTED ACCORDINGLY.






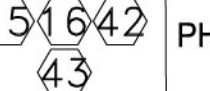

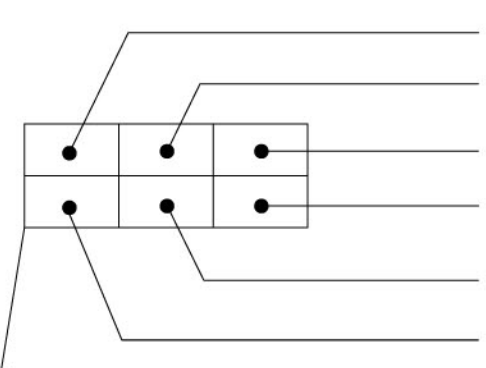

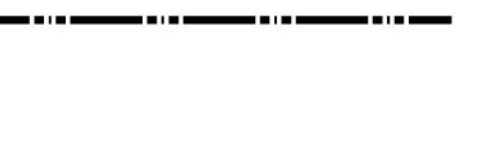


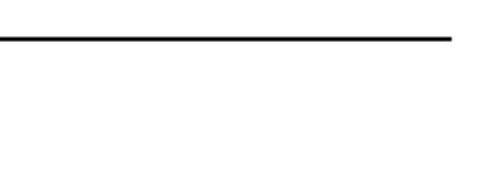
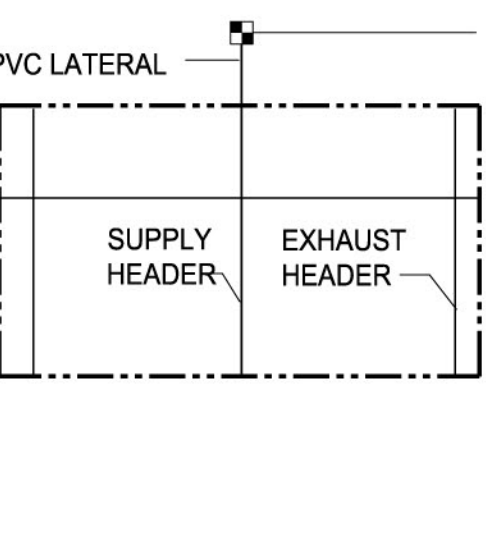
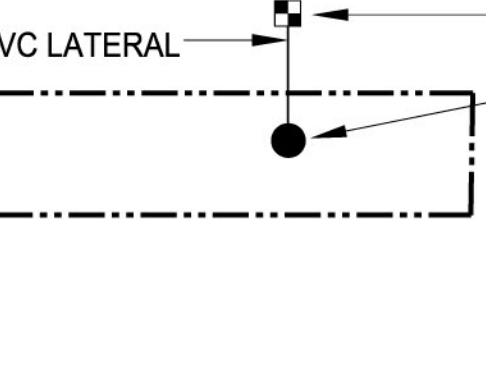
11. PIPE THREAD SEALANT COMPOUND SHALL BE RECTOR SEAL #5.
12. THE IRRIGATION CONTRACTOR SHALL BE RESPONSIBLE FOR MINOR CHANGES IN THE IRRIGATION LAYOUT DUE TO OBSTRUCTIONS NOT SHOWN ON THE IRRIGATION DRAWINGS SUCH AS LIGHTS, FIRE HYDRANTS, SIGNS, ELECTRICAL ENCLOSURES, ETC.
13. IRRIGATION PIPE AND WIRE CROSSING BENEATH HARDSCAPE SURFACES SHALL BE CONTAINED WITHIN SLEEVING OR SHEDULE 40 PVC CONDUIT. SLEEVING SIZE SHALL BE A MINIMUM OF TWO TIMES THE AGGREGATE DIAMETER OF ALL PIPES CONTAINED WITHIN SLEEVE. PROVIDE VERTICAL SWEEP FOR ALL ELECTRICAL CONDUIT ON EACH SIDE OF HARDSCAPE AND TERMINATE ENDS AT 12" MINIMUM DEPTH AND 12" FROM HARDSCAPE SURFACE.
14. THE IRRIGATION CONTRACTOR IS RESPONSIBLE FOR ADJUSTING THE IRRIGATION SYSTEM DESIGN IF THE PLANTING DESIGN CHANGES FROM THE ORIGINAL PLAN AND NEEDS TO ADAPT TO THE NEW PLANTING DESIGN. THE LANDSCAPE CONTRACTOR NEEDS TO NOTIFY THE LANDSCAPE ARCHITECT AND IRRIGATION CONSULTANT OF PROPOSED CHANGES PRIOR TO INSTALLATION FOR APPROVAL.

"A Landscape Irrigation Audit is require. This Audit must be completed by a Certified Landscape Irrigation Auditor, not the designer or installer. The Audit must be submitted to the Building Department, with Certificate of Completion (Appendix C) as required by the Department of Water Resources, prior to scheduling a Final Inspection of the Water Efficient Landscape permit."













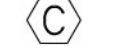

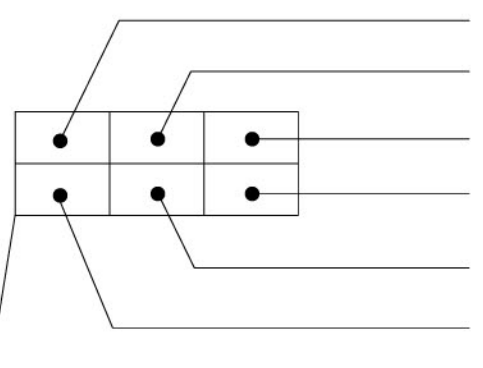



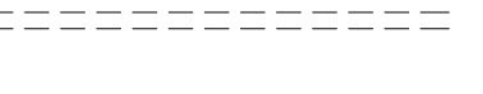
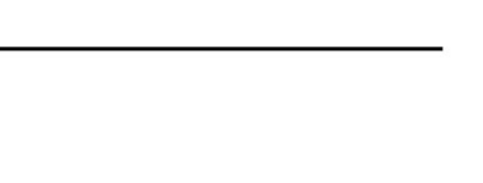
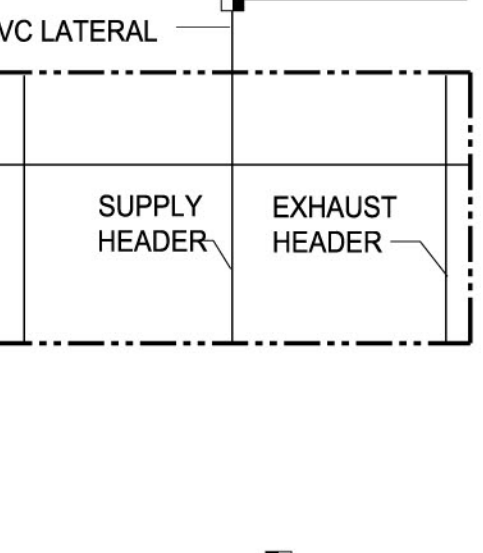
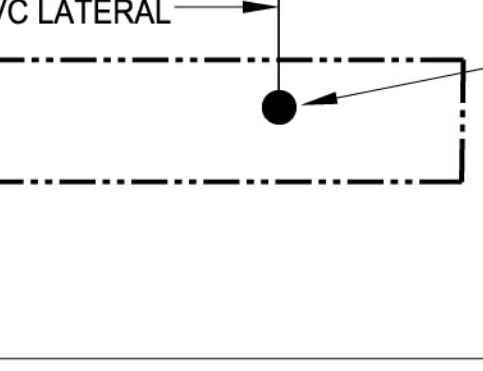
WATER CONSERVATION STATEMENT
RUSSELL D MITCHELL AND ASSOCIATES, INC. (RMA) HAVE COMPLIED WITH THE CRITERIA OF THE MODEL WATER EFFICIENT LANDSCAPE ORDINANCE AND APPLIED THEM ACCORDINGLY FOR THE EFFICIENT USE OF WATER IN THE LANDSCAPE DESIGN PLAN.

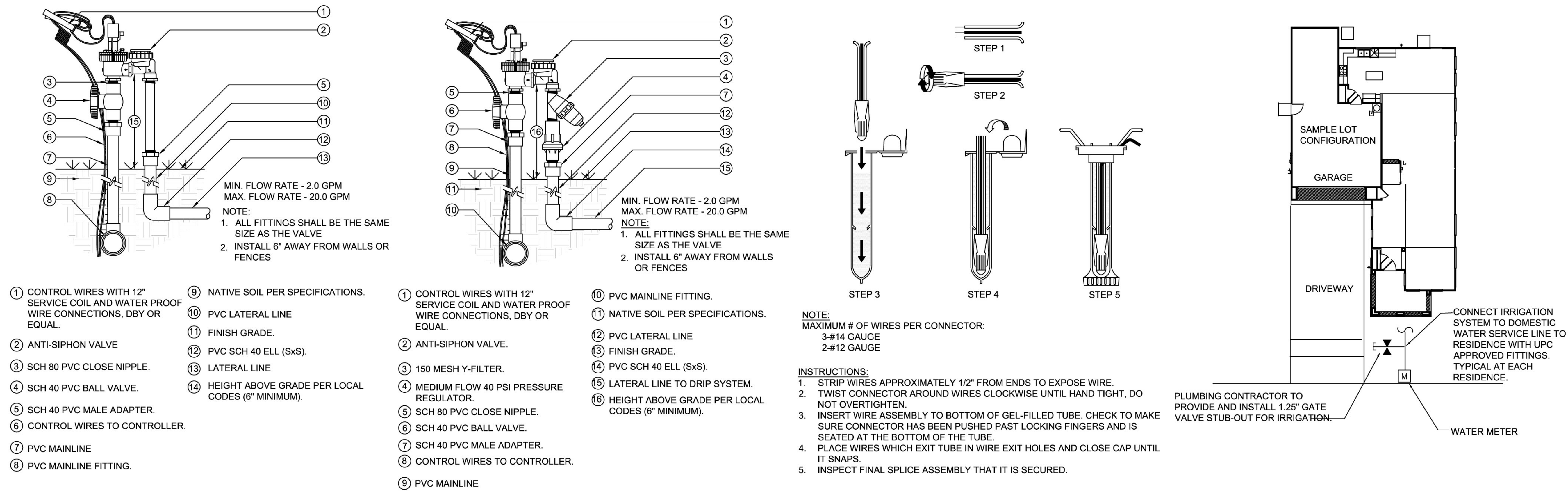
JOSE L. CRUZ
IRRIGATION CONSULTANT-PROJECT MANAGER

IRRIGATION LEGEND (FYT)

SYMBOL	NUMBER	DESCRIPTION	NOZZLE GPM	OPERATING PSI	OPERATING RADIUS (FEET)
	DB-15-PC-CV	TORO BUBBLER, MIN. 2 PER TREE. REFER TO BUBBLER DETAIL FOR QUANTITY OF BUBBLERS PER TREE SIZE.	.25	30	TRICKLE
	ACZ-101-ASV	HUNTER ANTI-SIPHON VALVE (FOR FYT ONLY)			
	ACZ-101-25	HUNTER ANTI-SIPHON VALVE DRIPZONE KIT (FOR FYT ONLY)			
	PLD-BV	HUNTER MANUAL FLUSH VALVE			
	ECO-ID	HUNTER ECO-INDICATOR			
	PHC-600i	HUNTER PRO-HC (6-24) STATION CONTROLLER IN A PLASTIC WALL MOUNTED ENCLOSURE. (FOR FYT ONLY)			
	WR-CLIK	HUNTER WIRELESS RAIN-CLIK SYSTEM. AUTOMATICALLY SHUTS THE SYSTEM OFF AS SOON AS IT STARTS RAINING			
					
		ASSOCIATED REMOTE CONTROL VALVE			
					
					
					
					
					
					

IRRIGATION LEGEND

SYMBOL	NUMBER	DESCRIPTION	NOZZLE GPM	OPERATING PSI	OPERATING RADIUS (FEET)
	570Z-12P-PRX-COM/O-T-15FP,15HP,15QP	TORO POP-UP SPRAY SPRINKLER (SHRUB/GC)	2,3,1,2,0,6	30	12-15
	570Z-12P-PRX-COM/O-T-12FP,12HP,12QP	TORO POP-UP SPRAY SPRINKLER (SHRUB/GC)	1,5,0,75,-,37	30	10-12
	570Z-12P-PRX-COM/O-T-10FP,10HP	TORO POP-UP SPRAY SPRINKLER (SHRUB/GC)	1,0,5,	30	8-10
	DB-15-PC-CV	TORO BUBBLER, MIN. 2 PER TREE. REFER TO BUBBLER DETAIL FOR QUANTITY OF BUBBLERS PER TREE SIZE.	.25	30	TRICKLE
	ICV-100	HUNTER REMOTE CONTROL VALVE			
	ICZ-101	HUNTER REMOTE CONTROL VALVE DRIPZONE KIT			
	PLD-BV	HUNTER MANUAL FLUSH VALVE			
	ECO-ID	HUNTER ECO-INDICATOR			
	T-580-A-1.25"	NIBCO BRASS BALL VALVE			
	ICV-101G	HUNTER MASTER VALVE (NORMALLY CLOSED)			
	FCT-100	HUNTER FLOW SYNC			
	825Y-1.5"-BV-SBBC-30SS	FEBCO BACKFLOW PREVENTOR WITH STRONG BOX ENCLOSURE TO BE INSTALLED PER CITY OF HAYWARD STANDARD DETAIL #202			
	IC-600-PED-SS	HUNTER I-CORE (6-42) STATION CONTROLLER IN A STAINLESS STEEL PEDESTAL.			
	WR-CLIK	HUNTER WIRELESS RAIN-CLIK SYSTEM. AUTOMATICALLY SHUTS THE SYSTEM OFF AS SOON AS IT STARTS RAINING			
					
		ASSOCIATED REMOTE CONTROL VALVE			
					
					
					
					
					
					

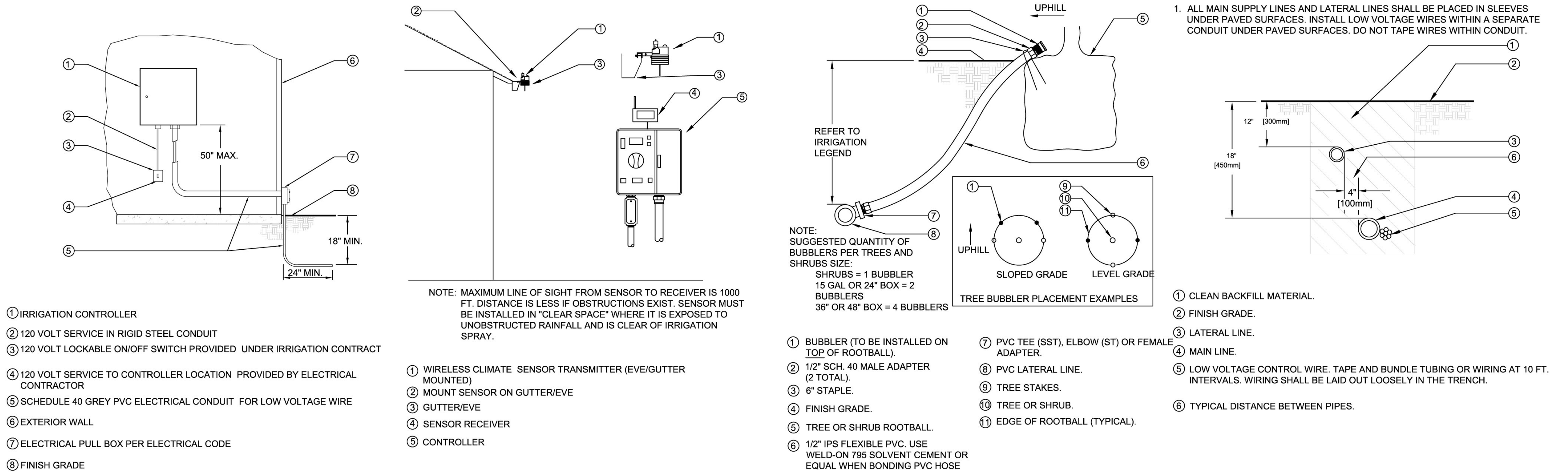


1 **ANTI-SIPHON VALVE (FOR FYT)** SCALE: NONE

2 **ANTI-SIPHON VALVE PRV/Y-FILTER (FOR FYT)** SCALE: NONE

3 **WEATHERPROOF WIRE SPLICE ASSEMBLY** SCALE: NONE

4 **TYPICAL POINT OF CONNECTION (FOR FYT)** SCALE: NONE



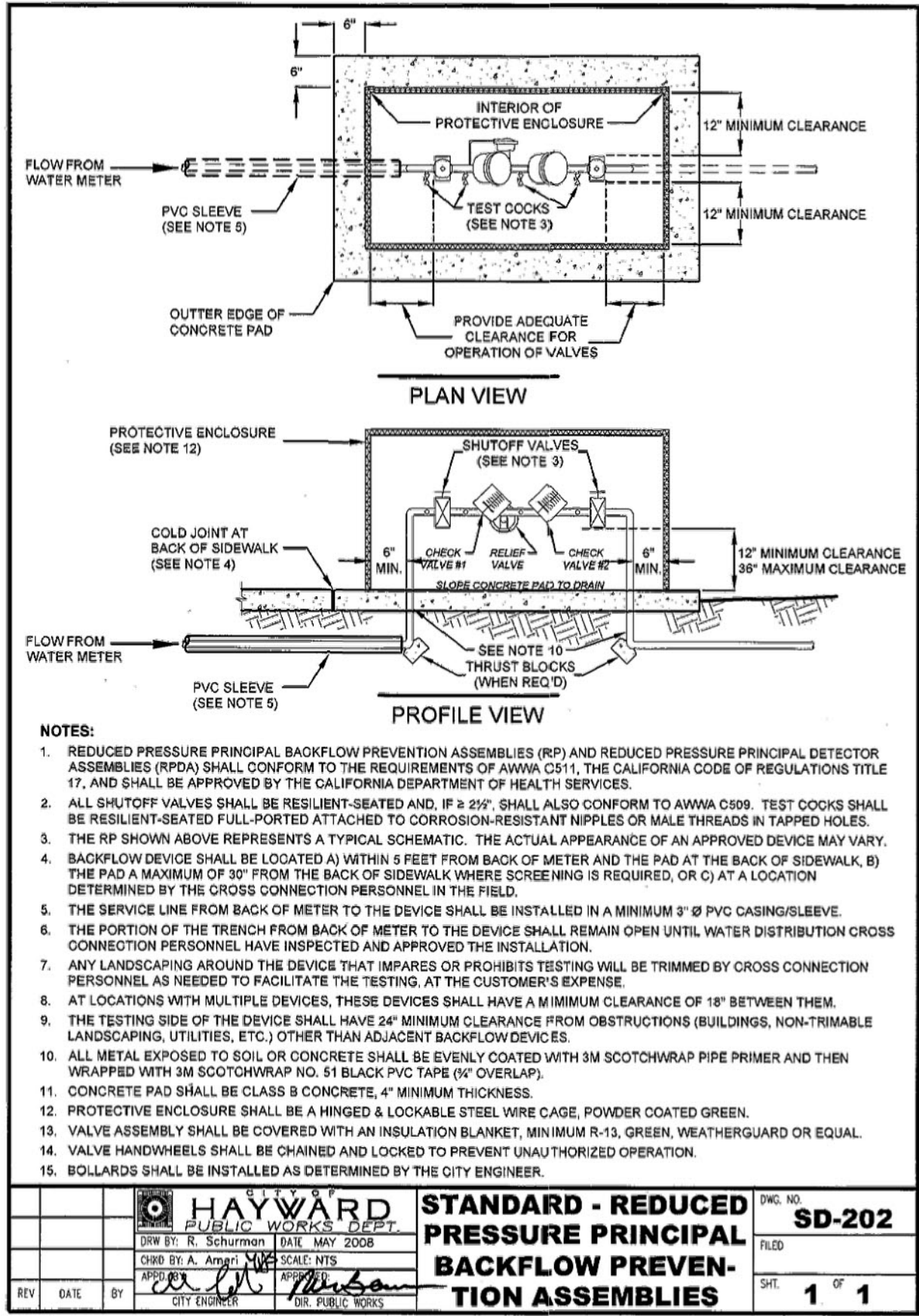
5 **INTERIOR MOUNTED CONTROLLER (FOR FYT)** SCALE: NONE

6 **WIRELESS WEATHER SENSOR (FOR FYT)** SCALE: NONE

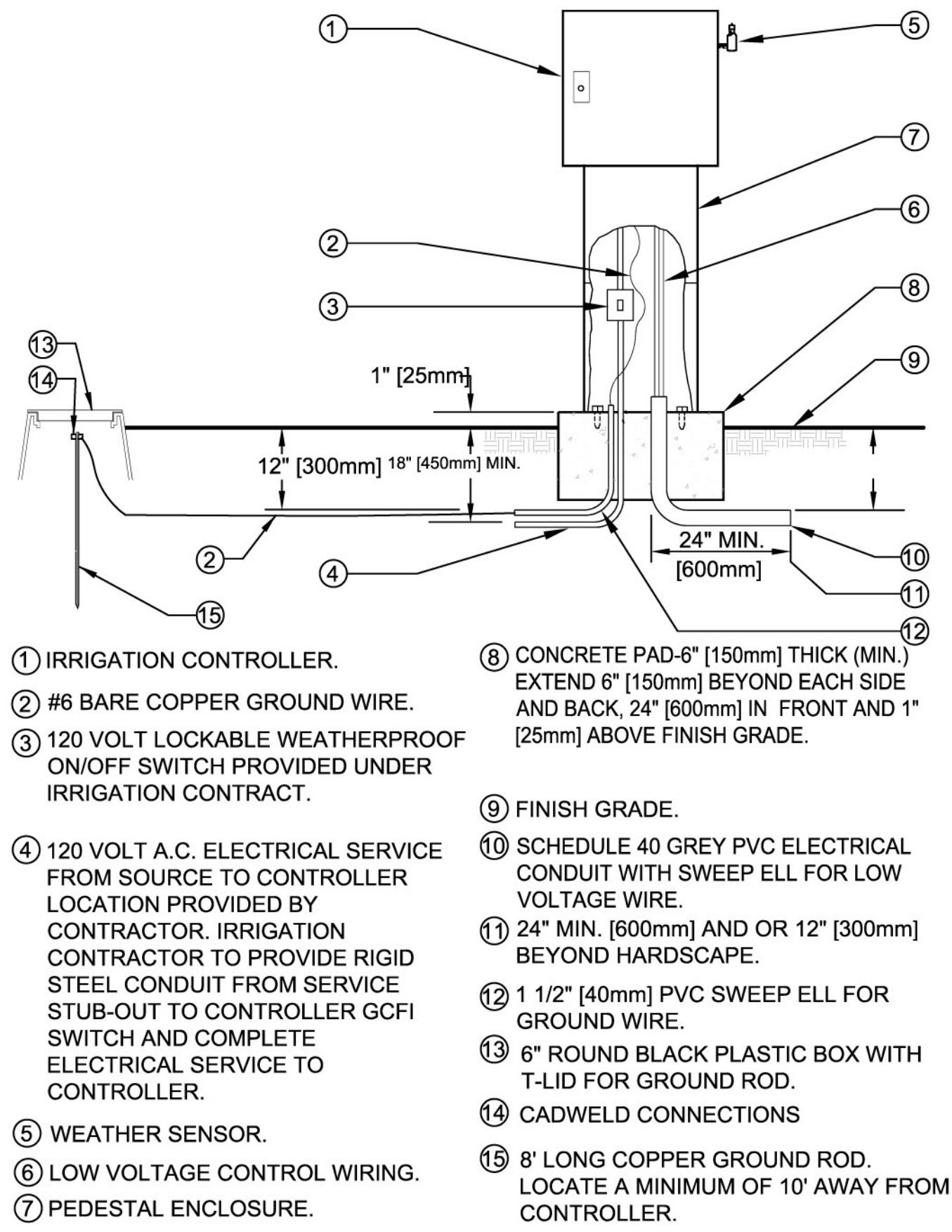
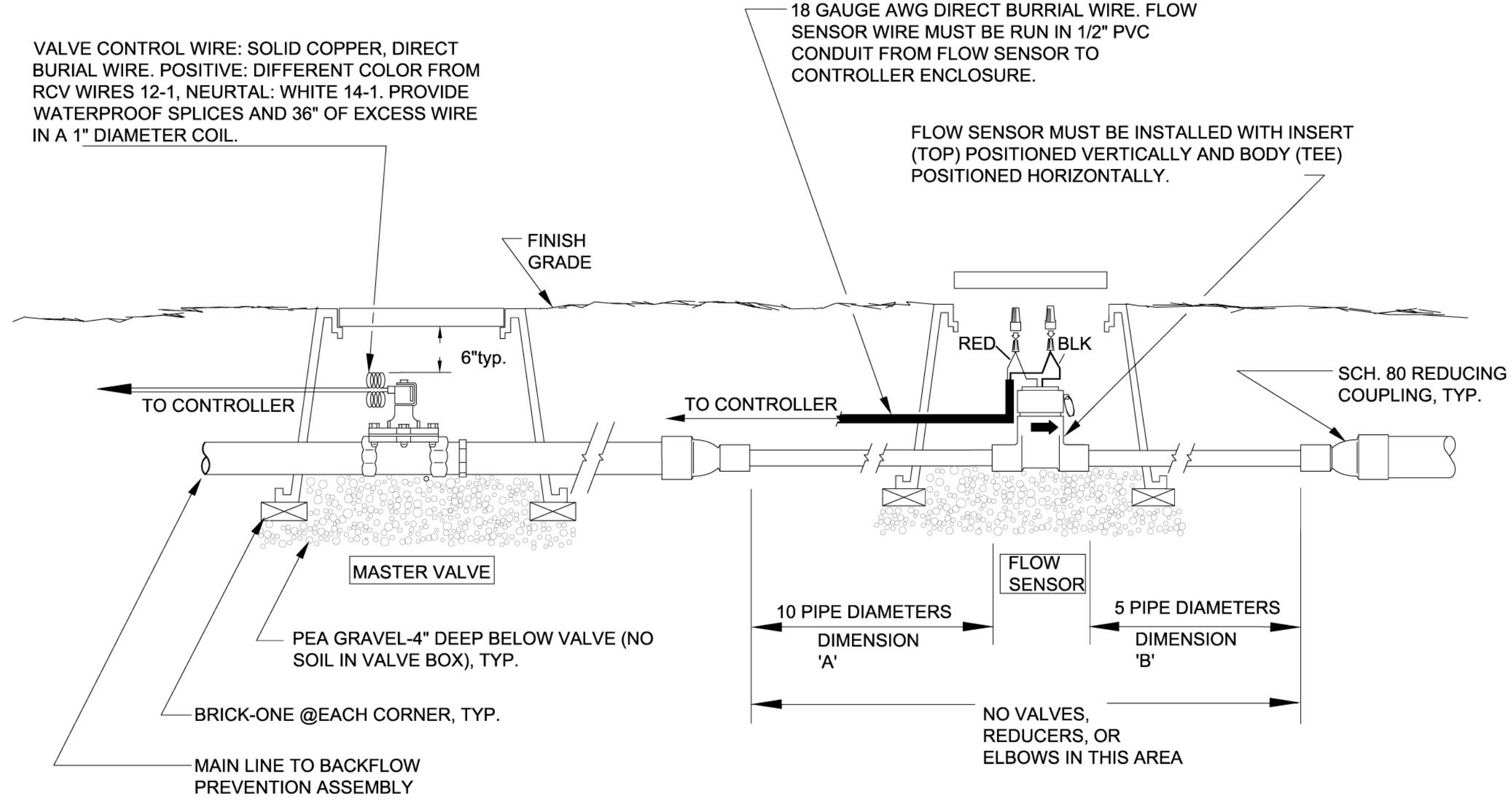
7 **TREE AND SHRUB BUBBLER** SCALE: NONE

8 **TRENCHING** SCALE: NONE

Irrigation Consultant:
Russell D. Mitchell Associates, Inc.
2760 Camino Diablo
Walnut Creek, CA 94597
tel 925.939.3985 ♦ fax 925.932.5671
www.rmairrigation.com

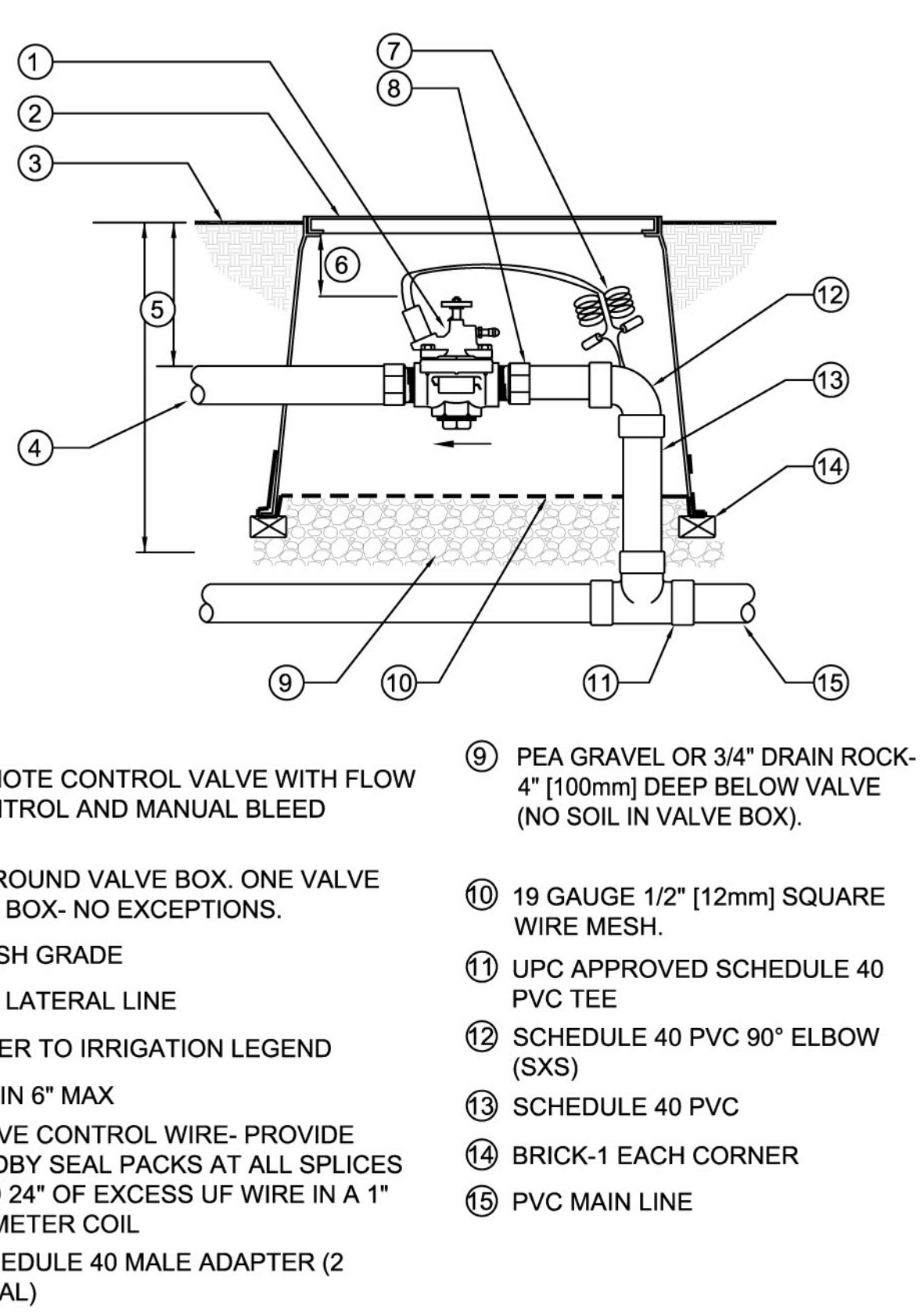


2 INSTALLATION DETAIL - MASTER VALVE/FLOW SENSOR



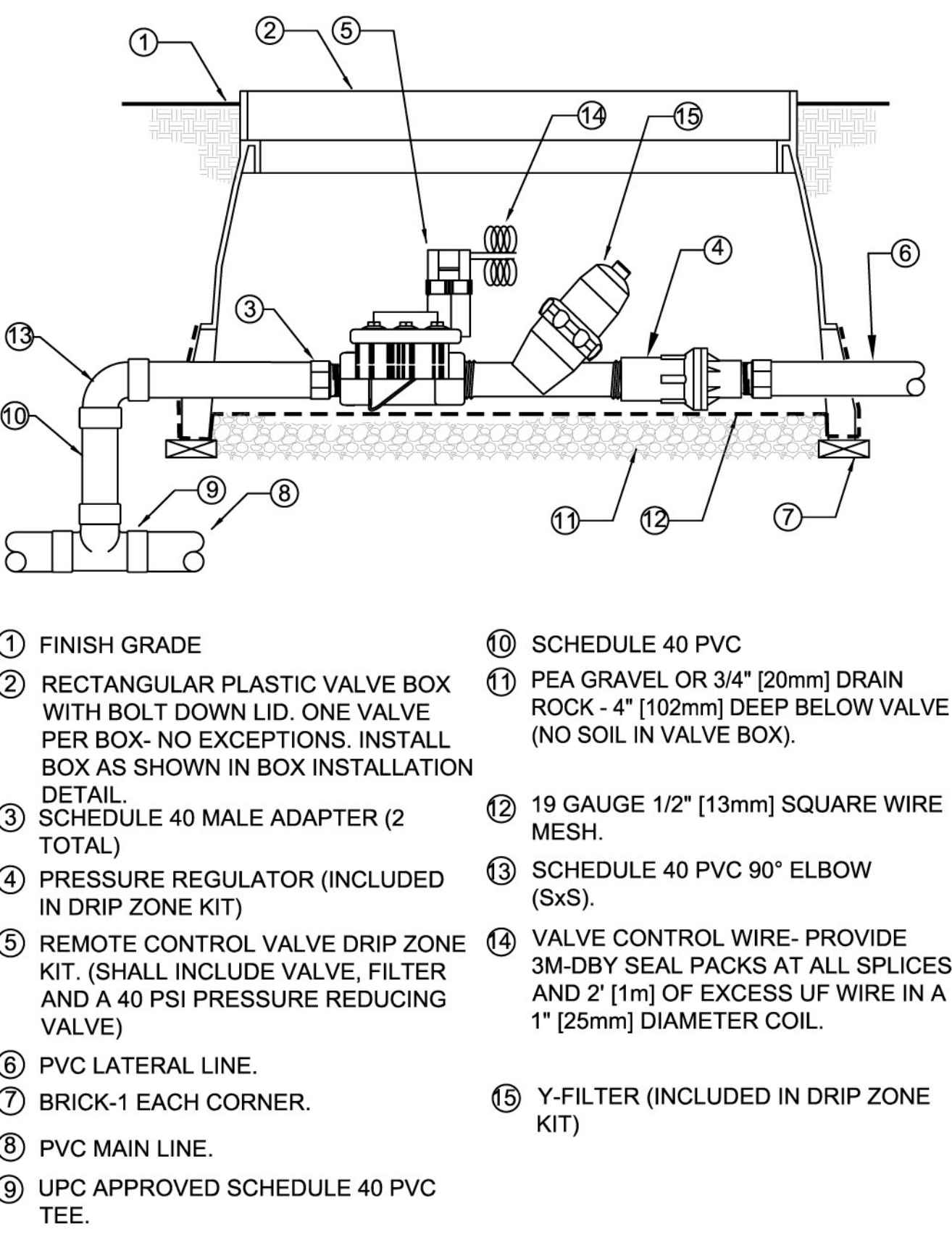
3 PEDESTAL MOUNT WITH RAIN SENSOR

SCALE: NONE



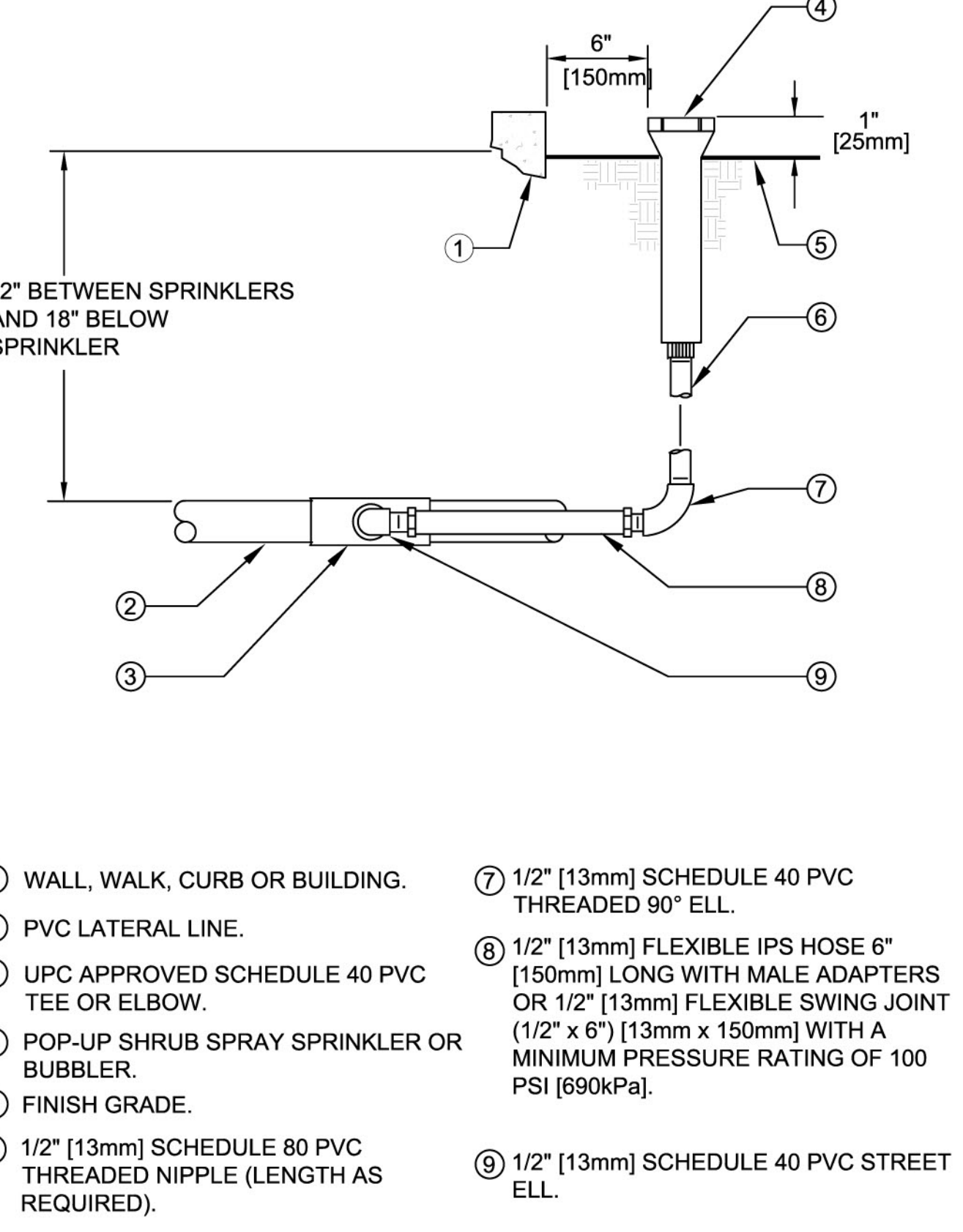
4 REMOTE CONTROL VALVE

SCALE: NONE



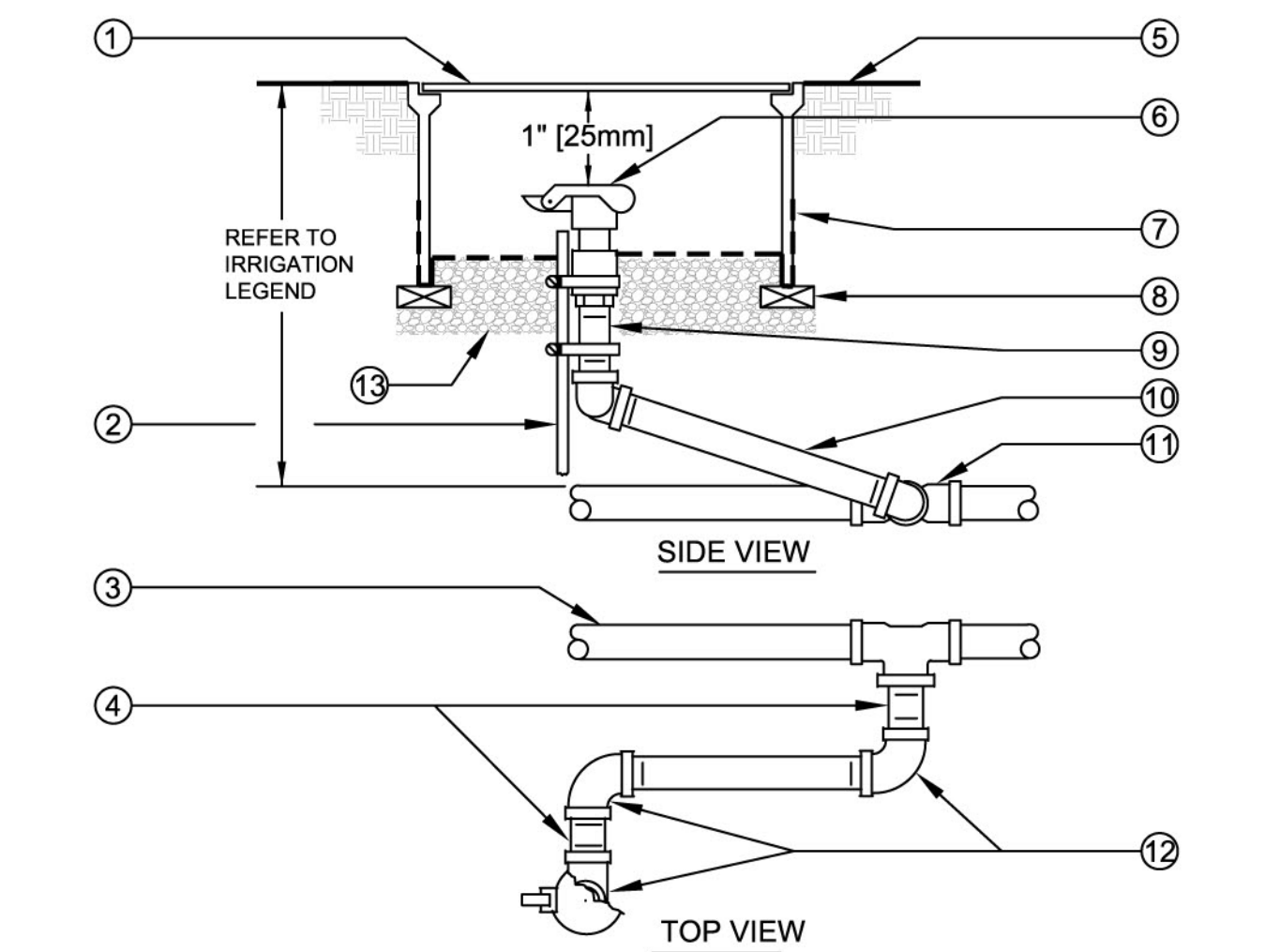
5 REMOTE CONTROL VALVE (DRIPZONE)

SCALE: NONE

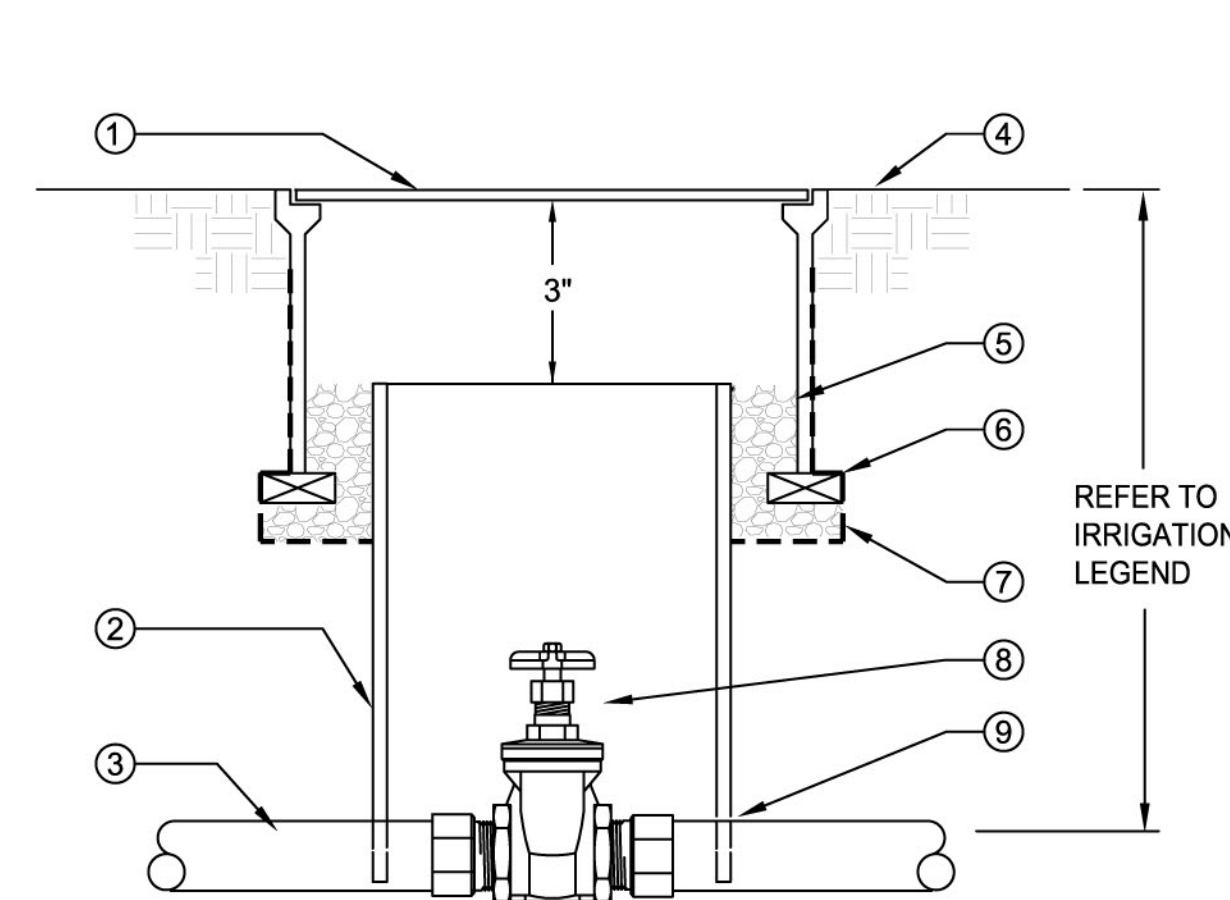


6 POP-UP SPRAY SPRINKLER - SHRUB

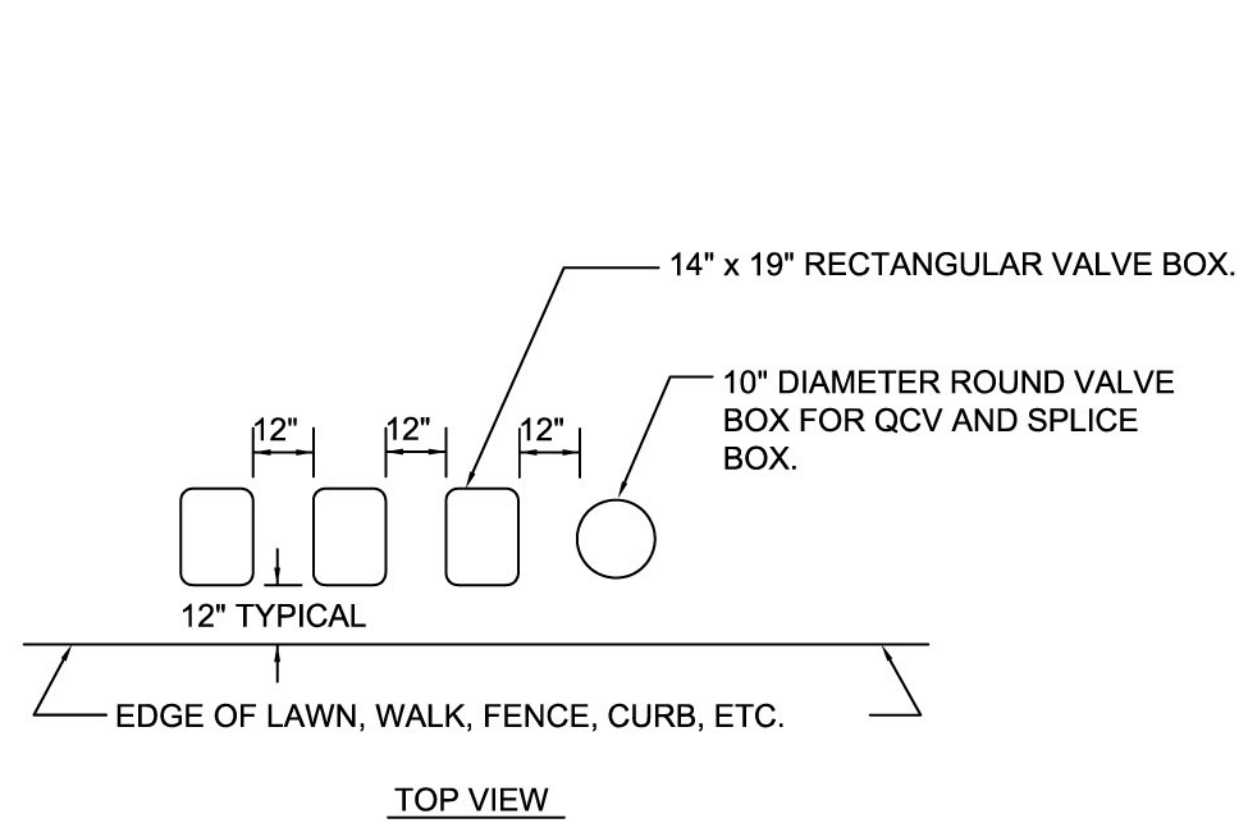
SCALE: NONE



- 1 10" ROUND PLASTIC VALVE BOX WITH BOLT DOWN LID.
- 2 1 1/4" x 1 1/4" x 3/16" [30mm x 30mm x 5mm] ANGLE IRON 30° [760mm] LONG W/2 STAINLESS STEEL STRAPS (ONE AROUND QCV).
- 3 PVC MAIN LINE.
- 4 3" [75mm] LONG SCHEDULE 80 PVC THREADED NIPPLE.
- 5 FINISH GRADE.
- 6 QUICK COUPLING VALVE.
- 7 19 GAUGE 1/2" [13mm] SQUARE WIRE MESH.
- 8 BRICK - 2 TOTAL.
- 9 SCHEDULE 80 PVC THREADED NIPPLE.
- 10 10" [250mm] LONG SCHEDULE 80 PVC THREADED NIPPLE.
- 11 UPC APPROVED SCHEDULE 40 PVC TEE OR ELBOW.
- 12 SCHEDULE 80 PVC THREADED 90° ELL.
- 13 PEA GRAVEL OR 3/4" DRAIN ROCK - 4" [100mm] DEEP BELOW VALVE (NO SOIL IN VALVE BOX).
- NOTE:
NIPPLES AND FITTINGS TO BE SAME SIZE AS VALVE IPT INLET THREAD SIZE.

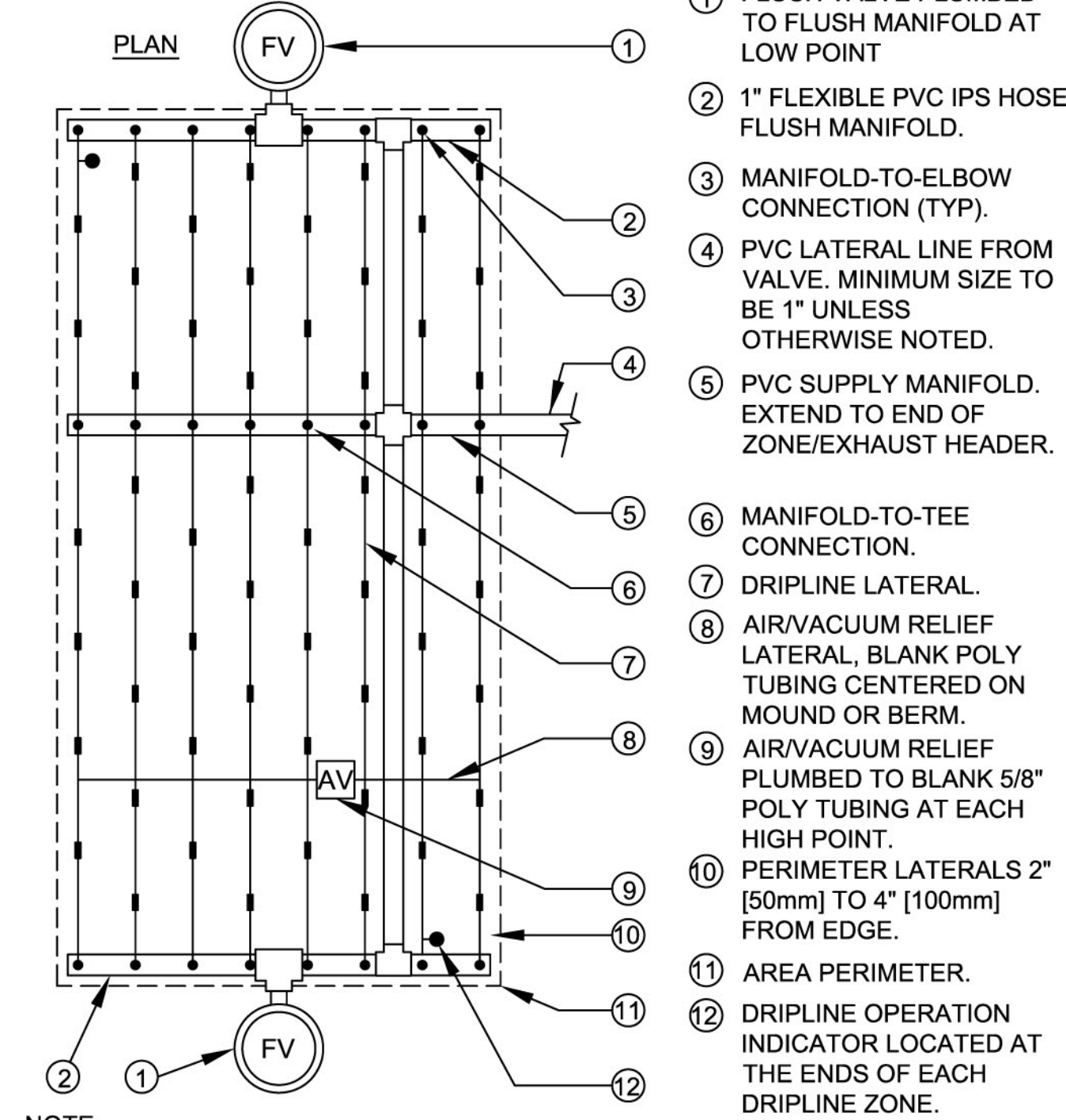


- 1 10" ROUND PLASTIC VALVE BOX WITH BOLT DOWN LID.
- 2 8" CLASS 160 OR SCHEDULE 40 PVC PIPE (NOTCH TO FIT OVER MAIN LINE PIPE).
- 3 PVC MAIN LINE.
- 4 FINISH GRADE.
- 5 PEA GRAVEL OR 3/4" DRAIN ROCK - 4" DEEP (NO SOIL IN VALVE BOX).
- 6 BRICK-2 TOTAL.
- 7 19 GAUGE 1/2" SQUARE WIRE MESH. WRAP UP SIDES OF BOX.
- 8 GATE VALVE WITH X-TOP HANDLE.
- 9 MALE ADAPTER. REFER TO LEGEND FOR FITTING TYPE.



INSTRUCTIONS:

- CENTER VALVE BOX OVER REMOTE CONTROL VALVE TO FACILITATE SERVICING VALVE.
- SET BOXES 1" ABOVE FINISH GRADE OR MULCH COVER IN GROUND COVER/SHRUB AREA AND FLUSH WITH FINISH GRADE IN TURF AREA.
- SET RCV AND VALVE BOX ASSEMBLY IN GROUND COVER/SHRUB AREA WHERE POSSIBLE. INSTALL IN LAWN ONLY IF GROUND COVER DOES NOT EXIST ADJACENT TO LAWN.
- SET BOXES PARALLEL TO EACH OTHER AND PERPENDICULAR TO EDGE OF LAWN, WALK, FENCE, CURB, ETC.
- AVOID HEAVILY COMPACTING SOIL AROUND VALVE BOXES TO PREVENT COLLAPSE AND DEFORMATION OF VALVE BOX SIDES.
- INSTALL EXTENSION BY VALVE BOX MANUFACTURER AS REQUIRED TO COMPLETELY ENCLOSE ASSEMBLY FOR EASY ACCESS.

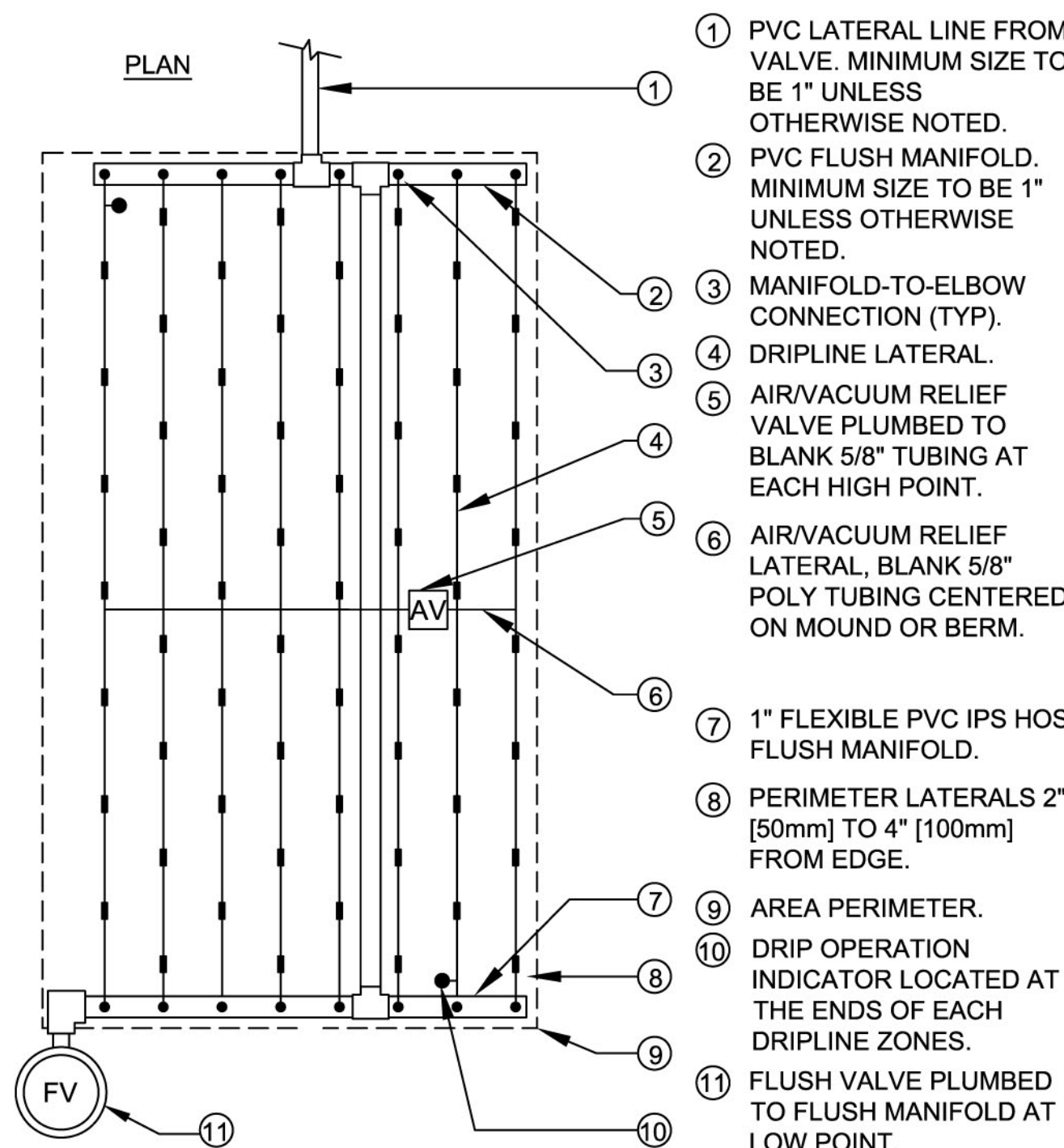


NOTE:

- THE TOTAL LENGTH OF ALL INTERCONNECTED DRIP LINE OFF A SINGLE PVC SUPPLY LINE CONNECTION OR A SINGLE RUN OF DRIFLINE SHALL NOT EXCEED 300 FT.
- INSTALL DRIFLINE 2-4" BELOW GRADE AND STAKE DOWN EVERY 4' OR AS REQUIRED.

1 QUICK COUPLING VALVE

SCALE: NONE

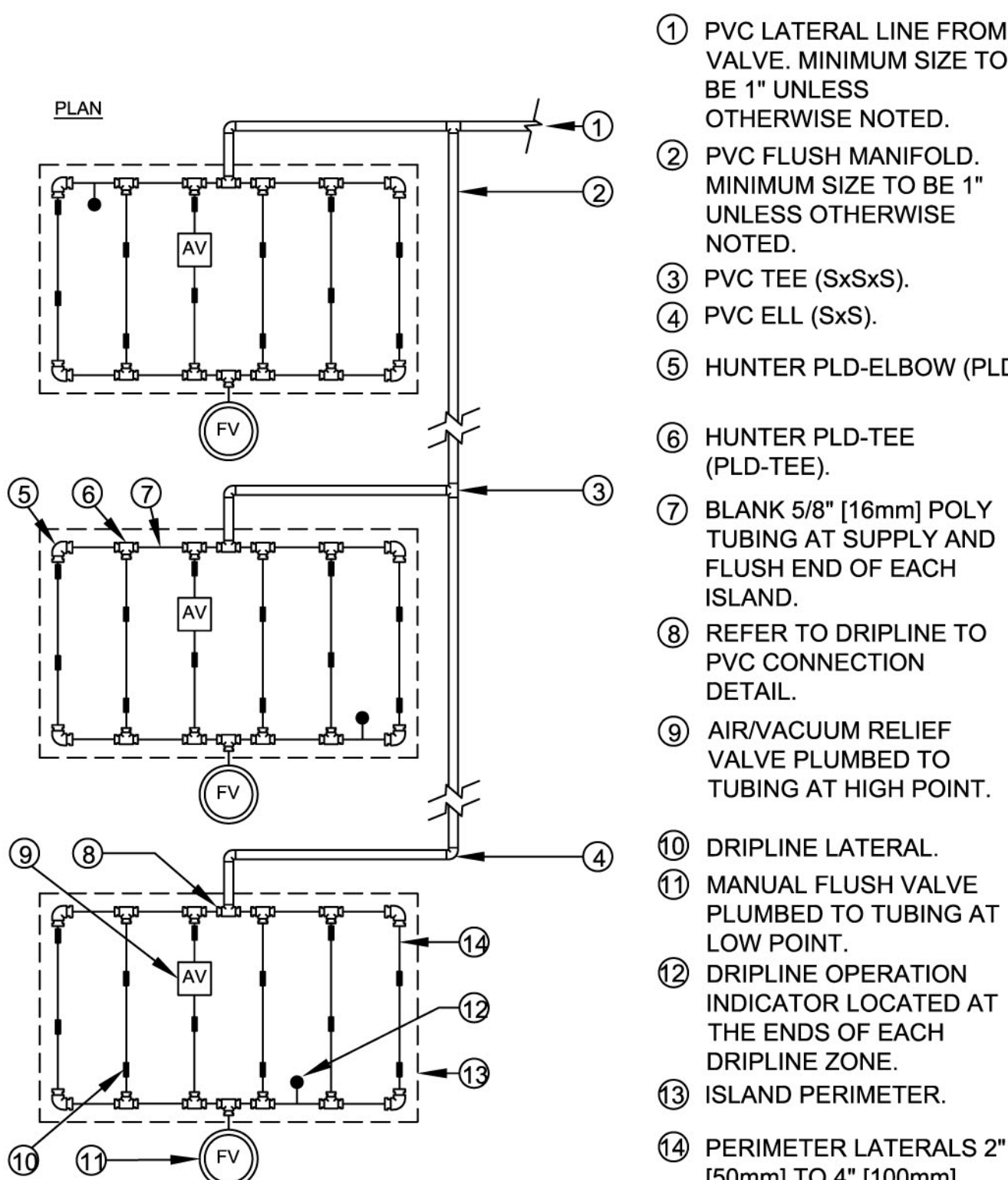


NOTE:

- THE TOTAL LENGTH OF ALL INTERCONNECTED DRIP LINE OFF A SINGLE PVC SUPPLY LINE CONNECTION OR A SINGLE RUN OF DRIFLINE SHALL NOT EXCEED 300 FT.
- INSTALL DRIFLINE 2-4" BELOW GRADE AND STAKE DOWN EVERY 4' OR AS REQUIRED.

2 GATE VALVE - 3" [75mm] AND SMALLER

SCALE: NONE

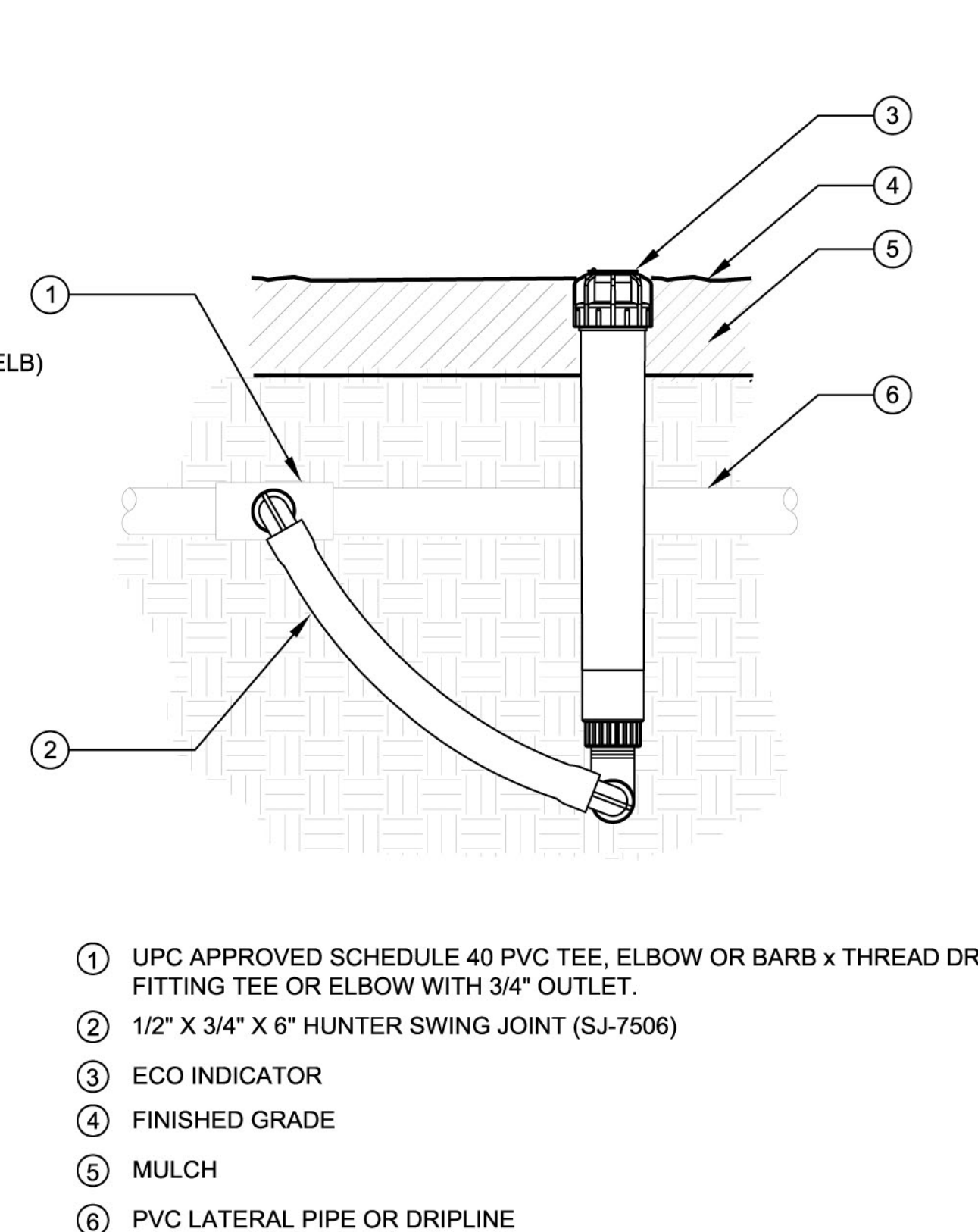


NOTE:

- THE TOTAL LENGTH OF A SINGLE DRIP LINE RUN SHALL NOT EXCEED 300 FT.
- INSTALL DRIFLINE 2-4" BELOW GRADE AND STAKE DOWN EVERY 4' OR AS REQUIRED.

3 VALVE BOX INSTALLATION

SCALE: NONE



5 HLD DRIFLINE END FEED LAYOUT

SCALE: NONE



6 HLD DRIFLINE ISLAND LAYOUT

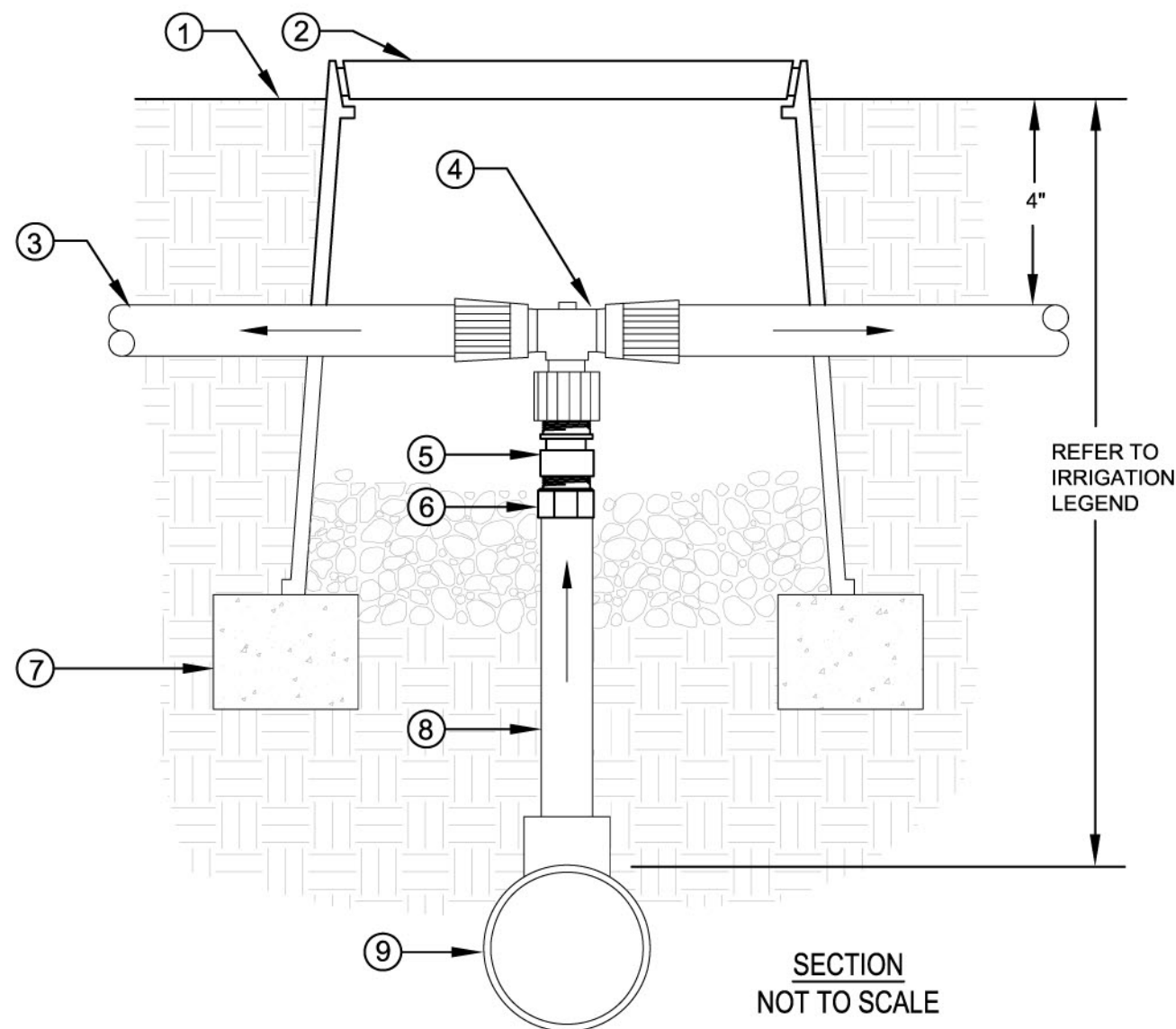
SCALE: NONE



7 DRIFLINE OPERATION INDICATOR

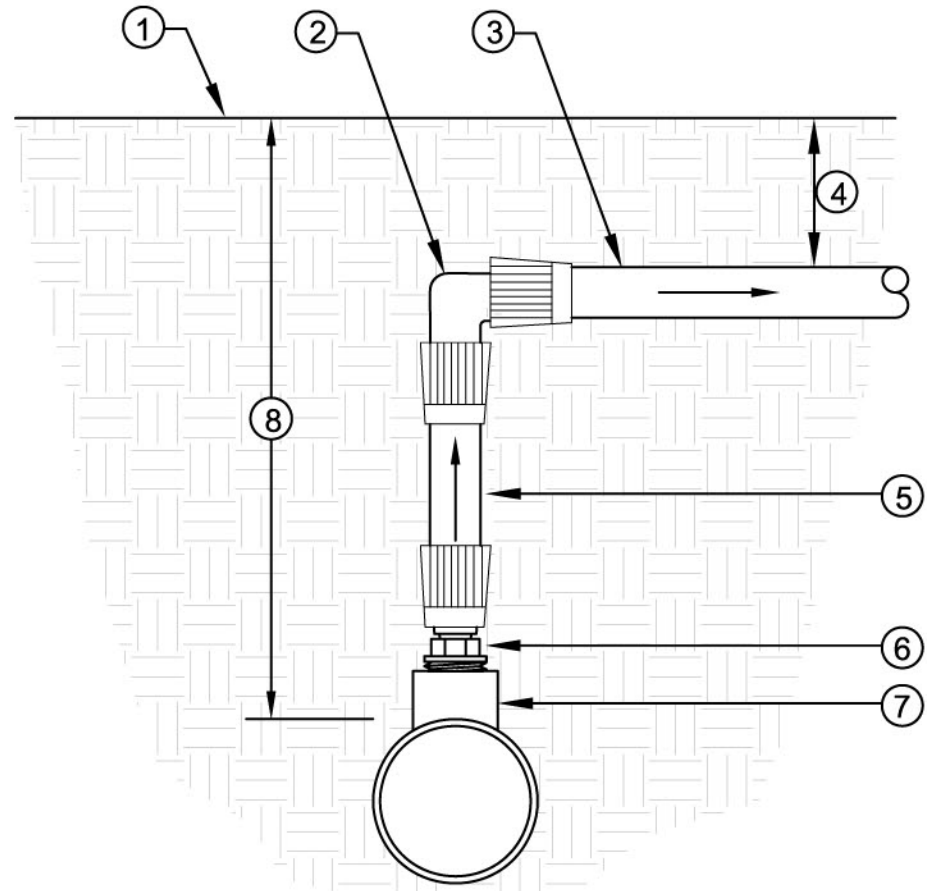
SCALE: NONE





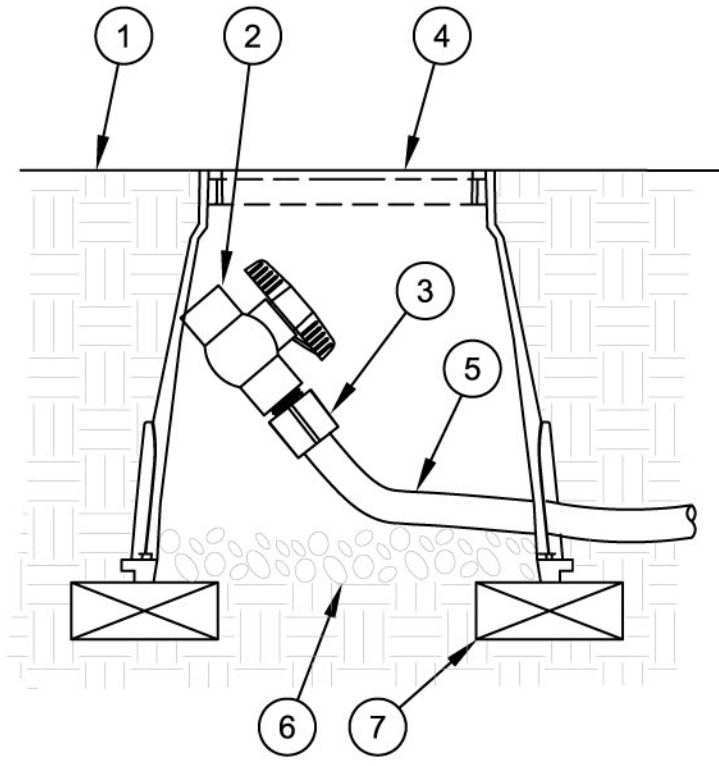
- ① FINISH GRADE
- ② CARSON 708 OR EQUAL. COLOR: BLACK. USE PURPLE FOR RECYCLED WATER SYSTEMS.
- ③ DRIPLINE TUBING
- ④ HUNTER PLD-TEE X 1/2" FPT ADAPTER
- ⑤ TORO 1/2" CHECK VALVE (PCV-500)
- ⑥ 1/2" SCH 40 MALE ADAPTER.
- ⑦ BRICK (1 OF 2)
- ⑧ 1/2" SCH 40 PVC (LENGTH AS REQUIRED)
- ⑨ PVC LATERAL LINE SUPPLY. MINIMUM SIZE TO BE 1" UNLESS SIZED DIFFERENTLY ON DRAWINGS. USE SCH 40 PVC 1"x1"x1/2" TEE OR 90° ELBOW.

1 DRIPLINE TO PVC CONNECTION SCALE: NONE



- ① FINISH GRADE
- ② HUNTER PLD-ELBOW (PLD-ELB)
- ③ DRIPLINE TUBING
- ④ DEPTH OF TUBING PER IRRIGATION LEGEND.
- ⑤ BLANK 5/8" [16mm] POLY TUBING, LENGTH AS NECESSARY.
- ⑥ HUNTER PLD-MPT ADAPTER (PLD-050)
- ⑦ SCH 40 PVC TEE (SxSxT) WITH 1/2" FPT OUTLET.
- ⑧ DEPTH OF PVC LATERAL LINE PER IRRIGATION LEGEND

2 DRIPLINE MANIFOLD TO ELBOW CONNECTION SCALE: NONE



NOTE:
ALLOW A MINIMUM OF PVC HOSE IN VALVE BOX IN ORDER TO DIRECT FLUSHED WATER OUTSIDE VALVE BOX.

- ① FINISH GRADE
- ② 1/2" SCH 40 THREADED BALL VALVE.
- ③ 1/2" SCH 40 MALE ADAPTER.
- ④ 6" ROUND PLASTIC VALVE BOX.
- ⑤ 1" IPS PVC HOSE FROM EXHAUST HEADER.
- ⑥ PEA GRAVEL SUMP (6" DEEP).
- ⑦ BRICK (1 OF 2)

3 DRIPLINE-FLUSH POINT SCALE: NONE

WATER TYPE

POTABLE

CITY

Fremont

ETO

47.1

DATE

5/27/2021

Nearest City to project with published ET data*

REGULAR LANDSCAPE AREAS

STATION/HYDROZONE	GPM	AREA (sq.ft) (HA)	WATER USE TYPE (LW=LOW, MW=MOD, HW=HIGH)	PLANT TYPE	IRRIGATION TYPE	PLANT FACTOR (PF)	IRRIGATION EFFICIENCY (IE)	PRECIP. RATE/ APPLICATION RATE (IN/HR)	ETAF (PF/IE)	CYCLES PER DAY	DAYS PER WEEK	JAN	FEB	MAR	APR	MAY	JUNE	JULY	AUG	SEP	OCT	NOV	DEC	ETWU (GALLONS PER YEAR)	PERCENTAGE OF LANDSCAPE
												MONTHLY ETO													
												1.5	1.9	3.4	4.7	5.4	6.3	6.7	6.0	4.5	3.4	1.8	1.5		
TOTAL RUN TIME IN MINUTES PER DAY																									
15-1	1	40	MW	TREE MW	Bubbler 0.5 GPM	0.4	0.81	0.43	0.5	2	3	0.0	0.0	18.0	25.0	29.0	33.0	35.0	32.0	24.0	18.0	10.0	0.0	577	7%
15-2	2	156	LW	SHRUB GC LW	Drip Line 12"	0.2	0.81	0.9	0.2	2	2	0.0	0.0	7.0	9.0	11.0	12.0	13.0	12.0	9.0	7.0	4.0	0.0	1,125	26%
15-3	4	343	LW	SHRUB GC LW	Drip Line 12"	0.2	0.81	0.9	0.2	2	2	0.0	0.0	7.0	9.0	11.0	12.0	13.0	12.0	9.0	7.0	4.0	0.0	2,473	58%
15-4	2	57	MW	SHRUB GC MW	Drip Line 12"	0.4	0.81	0.9	0.5	2	3	0.0	0.0	9.0	12.0	14.0	16.0	17.0	15.0	12.0	9.0	5.0	0.0	822	10%
TOTAL												TOTAL												4,997	100%

SPECIAL LANDSCAPE AREAS

HYDROZONE #	HYDROZONE NAME	AREA (sq.ft) (HA)	Percentage of Landscape
			0%

THE IRRIGATION VALVE SCHEDULE SHOWN ABOVE IS INTENDED TO BE USED AS A GUIDELINE ONLY AND INDICATES THE APPROXIMATE RUN TIMES IN MINUTES FOR EACH VALVE BASED ON ESTIMATED WEEKLY WATER REQUIREMENTS FOR ESTABLISHED PLANT MATERIAL. THE TIMES SHOWN ARE APPROXIMATE AND HAVE BEEN DEVELOPED FROM LOCAL AND CURRENT AVERAGES FOR EVAPOTRANSPIRATION, AND REFLECTTHE WATER REQUIREMENTS OF THE PLANT MATERIAL BASED ON PLANT TYPE AND THE APPROXIMATE PRECIPITATION OR APPLICATION RATES OF THE IRRIGATION SYSTEM TYPE. ACTUAL RUN TIMES MAY BE DIFFERENT DEPENDING ON A VARIETY OF FACTORS INCLUDING TOPOGRAPHY, SOIL STRUCTURE, SUN AND WIND EXPOSURE, WEATHER, ACTUAL PLANT WATER REQUIREMENTS, OVERALL PRECIPITATION RATE OF ZONE, ETC.

MAWA FORMULA

MAXIMUM APPLIED WATER ALLOWANCE (MAWA) GALLONS PER YEAR

MAWA = (ETo)(0.62)((LA x 0.55) + (0.45 x SLA))

ETo = REFERENCE EVAPOTRANSPIRATION

0.45= ET ADJUSTMENT FACTOR

LA=LANDSCAPED AREA (SQUARE FEET)

0.62 = CONVERSION FACTOR (GALLONS/SQ.FT/YR)

ETWU FORMULA

ESTIMATED TOTAL WATER USE (ETWU) GALLONS PER YEAR

ETWU= ((ETO)(.62)(ETAF x LA))

ETo = REFERENCE EVAPOTRANSPIRATION

PF = PLANT FACTOR FOR HYDROZONES

HA = HYDROZONE AREA (SQ.FT)

0.62 = CONVERSION FACTOR (GALLONS/SQ.FT/YR)

IE = IRRIGATION EFFICIENCY (0.81)-BUBBLER/DRIP

IE = IRRIGATION EFFICIENCY (0.75)-ROTORS/SPRAY

SITE IRRIGATION EFFICIENCY	SITE PLANT FACTOR	MAWA COMPLIANT
81.0%	0.23	YES

ETAF Calculations

REGULAR LANDSCAPE AREAS

TOTAL ETAF x AREA	171
TOTAL AREA	596
AVG. ETAF	28.71%

WATER TYPE

POTABLE

CITY

Fremont

ETO

47.1

DATE

5/27/2021

Nearest City to project with published ET data*

REGULAR LANDSCAPE AREAS

STATION/HYDROZONE	GPM	AREA (sq.ft) (HA)	WATER USE TYPE (LW=LOW, MW=MOD, HW=HIGH)	PLANT TYPE	IRRIGATION TYPE	PLANT FACTOR (PF)	IRRIGATION EFFICIENCY (IE)	PRECIP. RATE/ APPLICATION RATE (IN/HR)	ETAF (PF/IE)	CYCLES PER DAY	DAYS PER WEEK	JAN	FEB	MAR	APR	MAY	JUNE	JULY	AUG	SEP	OCT	NOV	DEC	ETWU (GALLONS PER YEAR)	PERCENTAGE OF LANDSCAPE	
												MONTHLY ETO														
												1.5	1.9	3.4	4.7	5.4	6.3	6.7	6.0	4.5	3.4	1.8	1.5			
TOTAL RUN TIME IN MINUTES PER DAY																										
16-1	1	40	MW	TREE MW	Bubbler 0.5 GPM	0.4	0.81	0.43	0.5	2	3	0.0	0.0	18.0	25.0	29.0	33.0	35.0	32.0	24.0	18.0	10.0	0.0	577	2%	
16-2	6	597	LW	SHRUB GC LW	Drip Line 12"	0.2	0.81	0.9	0.2	2	2	0.0	0.0	7.0	9.0	11.0	12.0	13.0	12.0	9.0	7.0	4.0	0.0	4,305	31%	
16-3	7	777	LW	SHRUB GC LW	Drip Line 12"	0.2	0.81	0.9	0.2	2	2	0.0	0.0	7.0	9.0	11.0	12.0	13.0	12.0	9.0	7.0	4.0	0.0	5,602	40%	
16-4	5	540	MW	SHRUB GC MW	Drip Line 12"	0.4	0.81	0.9	0.5	2	3	0.0	0.0	9.0	12.0	14.0	16.0	17.0	15.0	12.0	9.0	5.0	0.0	7,787	28%	
TOTAL		1,954																						TOTAL	18,271	100%

SPECIAL LANDSCAPE AREAS

HYDROZONE #	HYDROZONE NAME	AREA (sq.ft) (HA)	Percentage of Landscape
			0%

MAWA FORMULA

MAXIMUM APPLIED WATER ALLOWANCE (MAWA) GALLONS PER YEAR

MAWA = (ETo)(0.62)((LA x 0.55) + (0.45 x SLA))

ETo = REFERENCE EVAPOTRANSPIRATION

0.45= ET ADJUSTMENT FACTOR

LA=LANDSCAPED AREA (SQUARE FEET)

0.62 = CONVERSION FACTOR (GALLONS/SQ.FT/YR)

ETWU FORMULA

ESTIMATED TOTAL WATER USE (ETWU) GALLONS PER YEAR

ETWU= ((ETO)(.62)(ETAF x LA))

ETo = REFERENCE EVAPOTRANSPIRATION

PF = PLANT FACTOR FOR HYDROZONES

HA = HYDROZONE AREA (SQ.FT)

0.62 = CONVERSION FACTOR (GALLONS/SQ.FT/YR)

IE = IRRIGATION EFFICIENCY (0.81)-BUBBLER/DRIP

IE = IRRIGATION EFFICIENCY (0.75)-ROTORS/SPRAY

SITE IRRIGATION EFFICIENCY

SITE PLANT FACTOR

0.26

MAWA COMPLIANT

YES

ETAF Calculations

REGULAR LANDSCAPE AREAS

TOTAL ETAF x AREA	626
TOTAL AREA	1,954
AVG. ETAF	32.02%

Irrigation Consultant:
Russell D. Mitchell Associates, Inc.
2760 Camino Diablo
Walnut Creek, CA 94597
tel 925.939.3985 ♦ fax 925.932.5671
www.rmairrigation.com

WATER TYPE

POTABLE

CITY

Fremont

ETO

47.1

DATE

5/27/2021

"Nearest City to project with published ET data"

REGULAR LANDSCAPE AREAS

STATION/HYDROZONE	GPM	AREA (sq.ft) (HA)	WATER USE TYPE (LW=LOW, MW=MOD, HW=HIGH)	PLANT TYPE	IRRIGATION TYPE	PLANT FACTOR (PF)	IRRIGATION EFFICIENCY (IE)	PRECIP. RATE/ APPLICATION RATE (IN/HR)	ETAF (PF/IE)	CYCLES PER DAY	DAYS PER WEEK	JAN	FEB	MAR	APR	MAY	JUNE	JULY	AUG	SEP	OCT	NOV	DEC	ETWU (GALLONS PER YEAR)	PERCENTAGE OF LANDSCAPE	
												MONTHLY ETO														
												1.5	1.9	3.4	4.7	5.4	6.3	6.7	6.0	4.5	3.4	1.8	1.5			
												TOTAL RUN TIME IN MINUTES PER DAY														
42-1	3	120	MW	TREE MW	Bubbler 0.5 GPM	0.4	0.81	0.43	0.5	2	3	0.0	0.0	18.0	25.0	29.0	33.0	35.0	32.0	24.0	18.0	10.0	0.0	1,730	13%	
42-2	3	192	MW	SHRUB GC MW	Drip Line 12"	0.4	0.81	0.9	0.5	2	3	0.0	0.0	9.0	12.0	14.0	16.0	17.0	15.0	12.0	9.0	5.0	0.0	2,769	21%	
42-3	4	312	LW	SHRUB GC LW	Drip Line 12"	0.2	0.81	0.9	0.2	2	2	0.0	0.0	7.0	9.0	11.0	12.0	13.0	12.0	9.0	7.0	4.0	0.0	2,250	35%	
42-4	3	273	LW	SHRUB GC LW	Drip Line 12"	0.2	0.81	0.9	0.2	2	2	0.0	0.0	7.0	9.0	11.0	12.0	13.0	12.0	9.0	7.0	4.0	0.0	1,968	30%	
TOTAL		897											TOTAL												8,717	100%

SPECIAL LANDSCAPE AREAS

HYDROZONE #	HYDROZONE NAME	AREA (sq.ft) (HA)	Percentage of Landscape
			0%

MAWA

GALLONS/YR	14,407
ACRE FEET/YR	0.04
HCF/YR	19.26

ETWU

GALLONS/YR	8,717
ACRE FEET/YR	0.03
HCF/YR	11.65

SITE IRRIGATION EFFICIENCY

81.0%

SITE PLANT FACTOR

0.27

MAWA COMPLIANT

YES

ETAF Calculations

REGULAR LANDSCAPE AREAS	
TOTAL ETAF x AREA	299
TOTAL AREA	897
AVG. ETAF	33.28%

MAWA FORMULA

MAXIMUM APPLIED WATER ALLOWANCE (MAWA) GALLONS PER YEAR

MAWA = (ETo)(0.62)((LA x 0.55) + (0.45 x SLA))

ETo = REFERENCE EVAPOTRANSPIRATION

0.45= ET ADJUSTMENT FACTOR

LA=LANDSCAPED AREA (SQUARE FEET)

0.62 = CONVERSION FACTOR (GALLONS/SQ.FT/YR)

ETWU FORMULA

ESTIMATED TOTAL WATER USE (ETWU) GALLONS PER YEAR

ETWU= ((ETO)(.62)(ETAF x LA))

ETo = REFERENCE EVAPOTRANSPIRATION

PF = PLANT FACTOR FOR HYDROZONES

HA = HYDROZONE AREA (SQ.FT)

0.62 = CONVERSION FACTOR (GALLONS/SQ.FT/YR)

IE = IRRIGATION EFFICIENCY (0.81)-BUBBLER/DRIP

IE = IRRIGATION EFFICIENCY (0.75)-ROTORS/SPRAY

WATER TYPE

POTABLE

CITY

Fremont

ETO

47.1

DATE

5/27/2021

Nearest City to project with published ET data*

REGULAR LANDSCAPE AREAS

STATION/HYDROZONE	GPM	AREA (sq.ft) (HA)	WATER USE TYPE (LW=LOW, MW=MOD, HW=HIGH)	PLANT TYPE	IRRIGATION TYPE	PLANT FACTOR (PF)	IRRIGATION EFFICIENCY (IE)	PRECIP. RATE/ APPLICATION RATE (IN/HR)	ETAF (PF/IE)	CYCLES PER DAY	DAYS PER WEEK	JAN	FEB	MAR	APR	MAY	JUNE	JULY	AUG	SEP	OCT	NOV	DEC	ETWU (GALLONS PER YEAR)	PERCENTAGE OF LANDSCAPE	
												MONTHLY ETO														
												1.5	1.9	3.4	4.7	5.4	6.3	6.7	6.0	4.5	3.4	1.8	1.5			
												TOTAL RUN TIME IN MINUTES PER DAY														
43-1	1	40	MW	TREE MW	Bubbler 0.5 GPM	0.4	0.81	0.43	0.5	2	3	0.0	0.0	18.0	25.0	29.0	33.0	35.0	32.0	24.0	18.0	10.0	0.0	577	11%	
43-2	2	111	LW	SHRUB GC LW	Drip Line 12"	0.2	0.81	0.9	0.2	2	2	0.0	0.0	7.0	9.0	11.0	12.0	13.0	12.0	9.0	7.0	4.0	0.0	800	30%	
43-3	2	172	LW	SHRUB GC LW	Drip Line 12"	0.2	0.81	0.9	0.2	2	2	0.0	0.0	7.0	9.0	11.0	12.0	13.0	12.0	9.0	7.0	4.0	0.0	1,240	46%	
43-4	1	49	NW	SHRUB GC MW	Drip Line 12"	0.4	0.81	0.9	0.5	2	3	0.0	0.0	9.0	12.0	14.0	16.0	17.0	15.0	12.0	9.0	5.0	0.0	707	13%	
	TOTAL	372																						TOTAL	3,324	100%

SPECIAL LANDSCAPE AREAS

HYDROZONE #	HYDROZONE NAME	AREA (sq.ft) (HA)	Percentage of Landscape
			0%

MAWA

GALLONS/YR	5,976
ACRE FEET/YR	0.02
HCF/YR	7.99

ETWU

GALLONS/YR	3,324
ACRE FEET/YR	0.01
HCF/YR	4.44

SITE IRRIGATION EFFICIENCY

81.0%

SITE PLANT FACTOR

0.25

MAWA COMPLIANT

YES

ETAF Calculations

REGULAR LANDSCAPE AREAS

TOTAL ETAF x AREA	114
TOTAL AREA	372
AVG. ETAF	30.60%

MAWA FORMULA

MAXIMUM APPLIED WATER ALLOWANCE (MAWA) GALLONS PER YEAR

MAWA = (ETo)(0.62)((LA x 0.55) + (0.45 x SLA))

ETo = REFERENCE EVAPOTRANSPIRATION

0.45= ET ADJUSTMENT FACTOR

LA=LANDSCAPED AREA (SQUARE FEET)

0.62 = CONVERSION FACTOR (GALLONS/SQ.FT/YR)

ETWU FORMULA

ESTIMATED TOTAL WATER USE (ETWU) GALLONS PER YEAR

ETWU= ((ETO)(.62)(ETAF x LA))

ETo = REFERENCE EVAPOTRANSPIRATION

PF = PLANT FACTOR FOR HYDROZONES

HA = HYDROZONE AREA (SQ.FT)

0.62 = CONVERSION FACTOR (GALLONS/SQ.FT/YR)

IE = IRRIGATION EFFICIENCY (0.81)-BUBBLER/DRIP

IE = IRRIGATION EFFICIENCY (0.75)-ROTORS/SPRAY

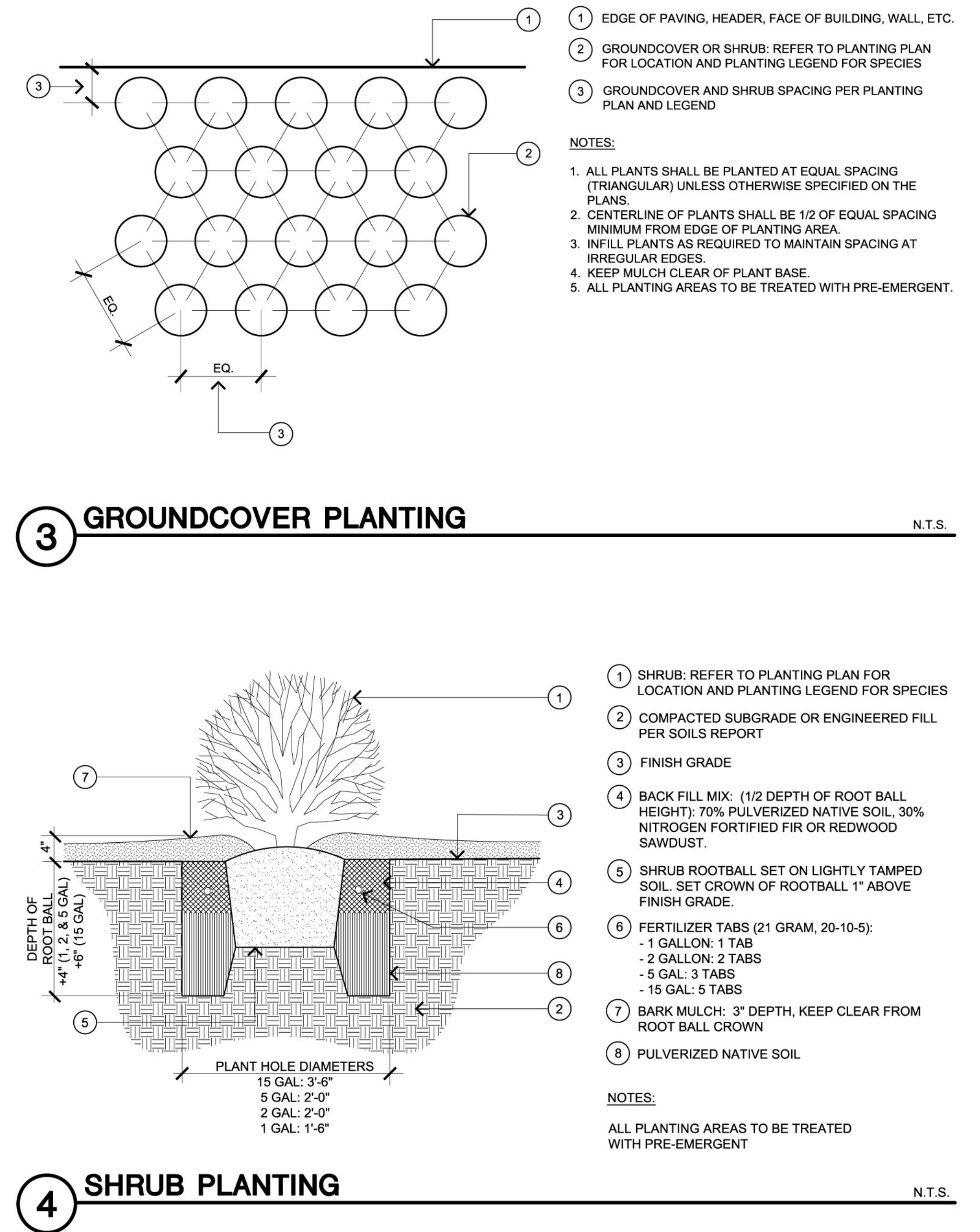
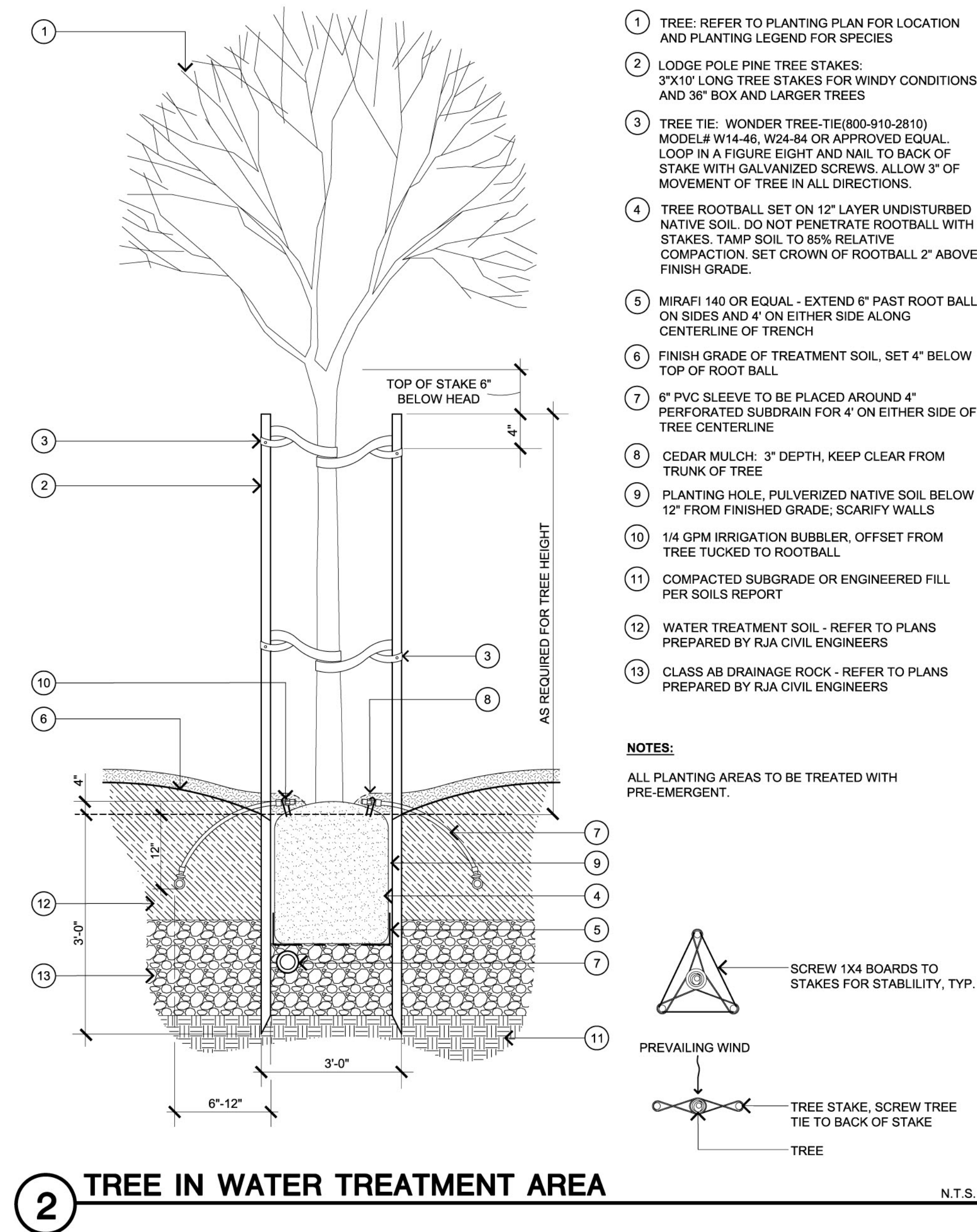
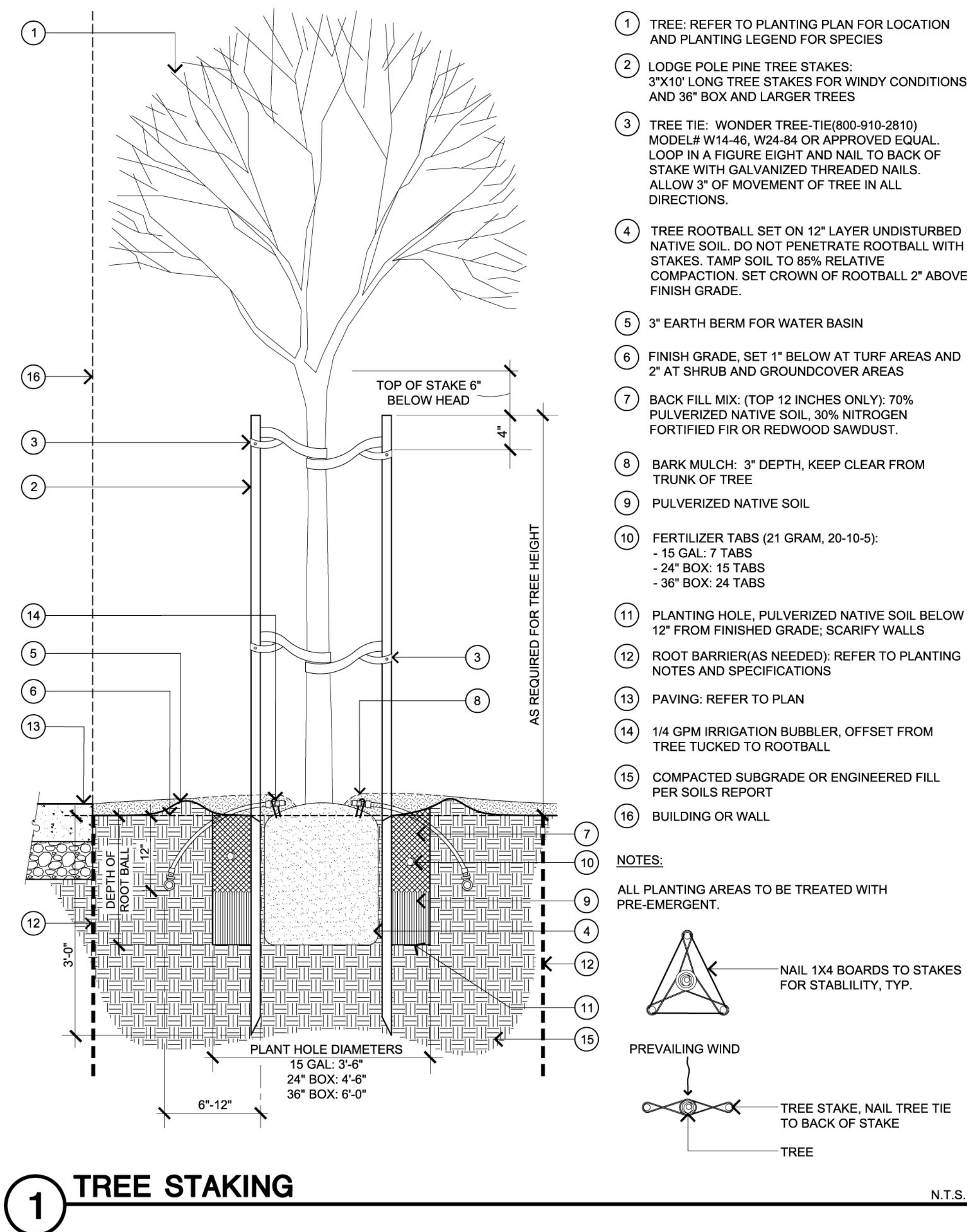
Irrigation Consultant:
Russell D. Mitchell Associates, Inc.

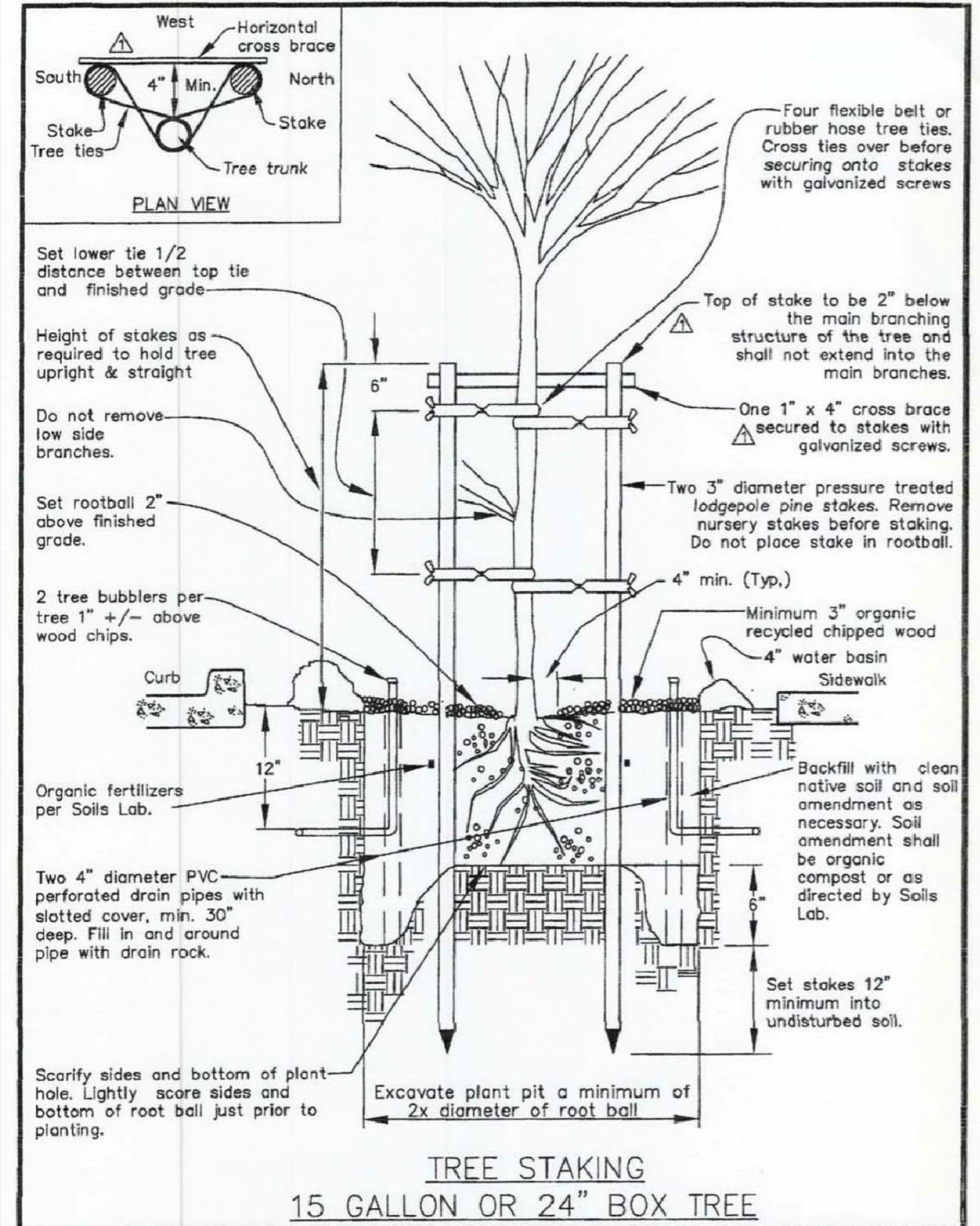
2760 Camino Diablo
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WATER USE ESTIMATION & IRRIGATION SCHEDULE - La Playa Open Space/Streetscape, Hayward CA

WATER TYPE	POTABLE	*Nearest City to project with published ET data*																								
CITY	Fremont																									
ETO	47.1																									
DATE	5/27/2021																									
REGULAR LANDSCAPE AREAS																										
STATION/HYDROZONE	GPM	AREA (sq.ft) (HA)	WATER USE TYPE (LW=LOW, MW=MOD, HW=HIGH)	PLANT TYPE	IRRIGATION TYPE	PLANT FACTOR (PF)	IRRIGATION EFFICIENCY (IE)	PRECIP. RATE/ APPLICATION RATE (IN/HR)	ETAF (PF/IE)	CYCLES PER DAY	DAYS PER WEEK	JAN	FEB	MAR	APR	MAY	JUNE	JULY	AUG	SEP	OCT	NOV	DEC	ETWU (GALLONS PER YEAR)	PERCENTAGE OF LANDSCAPE	
												MONTHLY ETO														
												1.5	1.9	3.4	4.7	5.4	6.3	6.7	6.0	4.5	3.4	1.8	1.5			
												TOTAL RUN TIME IN MINUTES PER DAY														
C-1	2	88	MW	SHRUB GC MW	Drip Line 12"	0.4	0.81	0.9	0.5	2	3	0.0	0.0	9.0	12.0	14.0	16.0	17.0	15.0	12.0	9.0	5.0	0.0	1,269	1%	
C-2	5	457	LW	SHRUB GC LW	Drip Line 12"	0.2	0.81	0.9	0.2	2	2	0.0	0.0	7.0	9.0	11.0	12.0	13.0	12.0	9.0	7.0	4.0	0.0	3,295	5%	
C-3	7	1171	LW	BIOSWALE LW	Spray	0.2	0.75	1.6	0.3	2	2	0.0	0.0	4.0	6.0	7.0	8.0	8.0	7.0	6.0	4.0	3.0	0.0	9,119	13%	
C-4	4	1171	LW	BIOSWALE LW	Spray	0.2	0.75	1.6	0.3	2	2	0.0	0.0	4.0	6.0	7.0	8.0	8.0	7.0	6.0	4.0	3.0	0.0	9,119	13%	
C-5	4	180	LW	TREE LW	Bubbler 0.5 GPM	0.2	0.81	0.43	0.2	2	2	0.0	0.0	14.0	19.0	22.0	25.0	27.0	24.0	18.0	14.0	8.0	0.0	1,298	2%	
C-6	12	1171	LW	BIOSWALE LW	Spray	0.2	0.75	1.6	0.3	2	2	0.0	0.0	4.0	6.0	7.0	8.0	8.0	7.0	6.0	4.0	3.0	0.0	9,119	13%	
C-7	15	1171	LW	BIOSWALE LW	Spray	0.2	0.75	1.6	0.3	2	2	0.0	0.0	4.0	6.0	7.0	8.0	8.0	7.0	6.0	4.0	3.0	0.0	9,119	13%	
C-8	5	516	LW	SHRUB GC LW	Drip Line 12"	0.2	0.81	0.9	0.2	2	2	0.0	0.0	7.0	9.0	11.0	12.0	13.0	12.0	9.0	7.0	4.0	0.0	3,721	6%	
C-9	7	755	LW	SHRUB GC LW	Drip Line 12"	0.2	0.81	0.9	0.2	2	2	0.0	0.0	7.0	9.0	11.0	12.0	13.0	12.0	9.0	7.0	4.0	0.0	5,444	9%	
C-10	7	778	LW	SHRUB GC LW	Drip Line 12"	0.2	0.81	0.9	0.2	2	2	0.0	0.0	7.0	9.0	11.0	12.0	13.0	12.0	9.0	7.0	4.0	0.0	5,610	9%	
C-11	2	60	LW	TREE LW	Bubbler 0.5 GPM	0.2	0.81	0.43	0.2	2	2	0.0	0.0	14.0	19.0	22.0	25.0	27.0	24.0	18.0	14.0	8.0	0.0	433	1%	
C-12	3	241	LW	SHRUB GC LW	Drip Line 12"	0.2	0.81	0.9	0.2	2	2	0.0	0.0	7.0	9.0	11.0	12.0	13.0	12.0	9.0	7.0	4.0	0.0	1,738	3%	
C-13	3	360	LW	SHRUB GC LW	Drip Line 12"	0.2	0.81	0.9	0.2	2	2	0.0	0.0	7.0	9.0	11.0	12.0	13.0	12.0	9.0	7.0	4.0	0.0	2,596	4%	
C-14	2	108	LW	SHRUB GC LW	Drip Line 12"	0.2	0.81	0.9	0.2	2	2	0.0	0.0	7.0	9.0	11.0	12.0	13.0	12.0	9.0	7.0	4.0	0.0	779	1%	
C-15	6	260	MW	TREE MW	Bubbler 1.0 GPM	0.4	0.81	0.85	0.5	2	3	0.0	0.0	9.0	13.0	15.0	17.0	18.0	16.0	12.0	9.0	5.0	0.0	3,749	3%	
C-16	4	323	LW	SHRUB GC LW	Drip Line 12"	0.2	0.81	0.9	0.2	2	2	0.0	0.0	7.0	9.0	11.0	12.0	13.0	12.0	9.0	7.0	4.0	0.0	2,329	4%	
C-17	2	60	MW	TREE MW	Bubbler 0.5 GPM	0.4	0.81	0.43	0.5	2	3	0.0	0.0	18.0	25.0	29.0	33.0	35.0	32.0	24.0	18.0	10.0	0.0	865	1%	
TOTAL		8,870																						TOTAL	69,600	100%
SPECIAL LANDSCAPE AREAS				THE IRRIGATION VALVE SCHEDULE SHOWN ABOVE IS INTENDED TO BE USED AS A GUIDELINE ONLY AND INDICATES THE APPROXIMATE RUN TIMES IN MINUTES FOR EACH VALVE BASED ON ESTIMATED WEEKLY WATER REQUIREMENTS FOR ESTABLISHED PLANT MATERIAL. THE TIMES SHOWN ARE APPROXIMATE AND HAVE BEEN DEVELOPED FROM LOCAL AND CURRENT AVERAGES FOR EVAPOTRANSPIRATION, AND REFLECTTHE WATER REQUIREMENTS OF THE PLANT MATERIAL BASED ON PLANT TYPE AND THE APPROXIMATE PRECIPITATION OR APPLICATION RATES OF THE IRRIGATION SYSTEM TYPE. ACTUAL RUN TIMES MAY BE DIFFERENT DEPENDING ON A VARIETY OF FACTORS INCLUDING TOPOGRAPHY, SOIL STRUCTURE, SUN AND WIND EXPOSURE, WEATHER, ACTUAL PLANT WATER REQUIREMENTS, OVERALL PRECIPITATION RATE OF ZONE, ETC.																						
HYDROZONE #	HYDROZONE NAME	AREA (sq.ft) (HA)	Percentage of Landscape																							
			0%																							
MAWA	GALLONS/YR		142,462																							
	ACRE FEET/YR		0.44																							
	HCF/YR		190.46																							
ETWU	GALLONS/YR		69,600																							
	ACRE FEET/YR		0.21																							
	HCF/YR		93.05																							
SITE IRRIGATION EFFICIENCY	SITE PLANT FACT0R	MAWA COMPLIANT																								
77.8%	0.21	YES																								
ETAF Calculations																										
REGULAR LANDSCAPE AREAS																										
TOTAL ETAF x AREA	2,383																									
TOTAL AREA	8,870																									
AVG. ETAF	26.87%																									







CITY OF HAYWARD PUBLIC WORKS DEPT.				DWG. NO. SD-122	
DRAWN BY: HCM DATE: 06/03/08				FILED	
CHECKED BY: MK DATE: 07/05				SHT. 1 OF 2	
APPD. BY: [Signature]					
CITY ENGINEER					

STREET TREE PLANTING SPECIFICATIONS:

1. Tree shall be healthy, disease and insect-free, well rooted, and properly trained with a straight trunk that can stand upright without support. Tree shall exhibit a central leader, or a main branch that can be trained as a central leader. Branches shall be well-developed and shall be evenly and radially distributed around the trunk. Root ball shall not exhibit kinked or circling roots.
2. Tree shall comply with federal and state laws requiring inspection for plant diseases and pest infestation. Clearance from the county agricultural commissioner, as required by law, shall be obtained before planting trees delivered from outside the county.
3. Prior to planting tree, determine the location of existing or future underground utilities. Locate tree a minimum of 5 feet from lateral service lines and driveways. Locate tree a minimum of 15 feet from a light pole, and a minimum of 30 feet from the face of a traffic signal, or as otherwise specified by the City.
4. Tree pit shall be tested for proper drainage prior to planting tree. Fill pit with water; if water remains after a 24-hour period, auger three 4"-diameter by 3-foot deep holes at the bottom of the tree pit. Backfill with drain rock.
5. Set tree in an upright and plumb position. As much as possible, tree shall be positioned such that dominant branches are parallel to the roadway and are oriented away from potential conflicts.
6. If required by the City, a pressure-compensating bubbler, or drip emitters, shall be provided to each tree.
7. Depending on the planter strip width, or the tree well size and the tree species being planted, a 24" deep root-barrier may be required by the City to be placed between the root-ball and the curb and/or sidewalk. Length of strip barrier or size of the box barrier will be specified by the City.
8. Stakes are to be removed when the tree diameter meets or exceeds the diameter of the stake.

CITY OF HAYWARD PUBLIC WORKS DEPT.				DWG. NO. SD-122	
DRAWN BY: JT DATE: 06/13/08				FILED	
CHECKED BY: MHW DATE: 07/05				SHT. 2 OF 2	
APPD. BY: [Signature]					
CITY ENGINEER					

Initial Study/Mitigated Negative Declaration

La Playa Commons Residential Project



Prepared by
HAYWARD



In Consultation with
DAVID J. POWERS
& ASSOCIATES, INC.

October 2021



October 1, 2021

Alameda County Clerk
1106 Madison Street, 1st Floor
Oakland, CA 94607

City of Hayward Notice of Intent to Adopt a Mitigated Negative Declaration

**La Playa Commons Residential Project at 1000 La Playa Drive
Application No. 202004457**

Lead Agency: City of Hayward
Planning Division
777 B Street
Hayward, California 94541
Contact: Steve Kowalski, Associate Planner

Project Description: The proposed project consists of the demolition of an existing 74,750-square-foot commercial building and construction of a new 47-lot single-family residential subdivision on a 5.4-acre site located at 1000 La Playa Drive. Forty-three of the new dwellings would be accessed via a new private street connecting to La Playa Drive, while the remaining three homes would have frontage along and be accessed via Calaroga Avenue. An emergency vehicle access easement would be provided which would connect the new private street to Calaroga Avenue. The proposed dwellings would be 100 percent electric and include Level 2 electric vehicle-ready two-car garages to meet the City of Hayward's Reach Code.

Transportation Demand Management measures would be included to avoid impacts related to Vehicle Miles Travelled (VMT).

The proposed project would require approval of General Plan Amendment to change the land use designation of the site from Retail and Office Commercial to Medium Density Residential, a Rezoning from Neighborhood Commercial (CN) to Planned Development (PD), and a Vesting Tentative Tract Map.

Project Location: 1000 La Playa Drive, Hayward, Alameda County; Assessor Parcel Number (APN) 442-0038-001

Development Services Department

Planning Division

777 B Street, Hayward, CA 94541

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TTD: 510.247.3340

www.hayward-ca.gov





The project site is not located on a site included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5, including a hazardous waste facility, land designated as hazardous waste property, a hazardous waste disposal site, or information in the Hazardous Waste and Substances Statement required under subdivision(f) of that section.

Project Applicant: Avery Espenmiller Jones on behalf of D.R. Horton Bay, Inc., 6683 Owens Drive, Pleasanton, CA 94588

Property Owner: Peter Quach on behalf of Quach's Hayward LLC; 303 Cerro Drive, Daly City, CA 94015

Providing Comments & Review Period: Please post this letter with the attached Mitigated Negative Declaration and Initial Study for a period of 20 days to conform to CEQA Guidelines Section 15072. The specified posted comment period is from **Friday, October 1, 2021 to Thursday, October 21, 2021 at 5p.m.** Please send all comments by either: 1) U.S. mail; or 2) electronic mail (email) to:

Steve Kowalski, Associate Planner
City of Hayward Planning Division
777 B Street
Hayward, California 94541
Email: Steve.Kowalski@hayward-ca.gov

Copies of the Initial Study are available for public review at Hayward City Hall at 777 B Street, Hayward on the First Floor Permit Center, Monday through Thursday from 9 a.m. to 1 p.m. Copies are also available for public review at the Hayward Public Library located at 888 C Street and at the Weekes Branch Library at 27300 Patrick Avenue in Hayward. Please see the Library and Community Services webpage at <https://www.hayward-ca.gov/public-library/using-library/locations-hours> for library days and hours. You may also review the document on the City's website at <https://www.hayward-ca.gov/content/projects-under-environmental-review-0>.

Public Hearing: This item is tentatively scheduled for a public hearing before the Planning Commission of the City of Hayward on October 28, 2021, at 7:00 p.m. The hearing will likely be entirely virtual due to the ongoing COVID-19 pandemic and public health concerns. Interested parties should visit the Planning Commission webpage to confirm the meeting, time, date, and instructions on joining or attending the meeting: <https://www.hayward-ca.gov/your-government/boards-commissions/planning-commission>. A copy of the staff report can be viewed on the City's website at www.hayward-ca.gov after October 22, 2021.

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The Planning Commission will make a recommendation to the City Council, who will make a final decision on the project. The item is tentatively scheduled for a public hearing before the City Council on November 16, 2021.

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 the project planner, Steve Kowalski, at (510) 583-4210 or at Steve.Kowalski@hayward-ca.gov.

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MITIGATED NEGATIVE DECLARATION

I. DESCRIPTION OF PROJECT:

Date: October 1, 2021

Application #: 202004457

APN: 442-0038-001

Project Title: La Playa Commons Residential Project

Project Location: The approximately 5.4-acre project site is located at 1000 La Playa Drive in the City of Hayward.

Project Applicants: D.R. Horton Bay, Inc., 6683 Owens Drive, Pleasanton, CA 94588

Project Description: The project involves a General Plan Amendment to Medium Density Residential and rezoning to Planned Development (PD). The project would demolish the existing retail building and parking lot and redevelop the project site with 47 single-family residential units. Each unit would include a two-car garage, full driveway, and a private rear yard.

II. DETERMINATION

In accordance with the City of Hayward procedures for compliance with the California Environmental Quality Act (CEQA), the City has completed an Initial Study to determine whether the proposed project may have a significant adverse effect on the environment. On the basis of that study, the City makes the following determination:

- Although the project, as proposed, could have had a significant effect on the environment, there will not be a significant effect in this case because mitigation measures are included in the project which will reduce all identified potential impacts to less than significant levels, and, therefore, this **MITIGATED NEGATIVE DECLARATION** (MND) has been prepared.

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III. CONDITIONS (Mitigation Measures):

A. *Air Quality:*

MM AIR-3.1: All diesel-powered off-road equipment, larger than 25 horsepower, operating on the site for more than two days continuously or 20 hours total shall meet U.S. EPA Tier 4 standards for particulate matter emissions. Alternatively, equipment that meets U.S. EPA particulate matter emissions standards for Tier 3 engines that include CARB-certified Level 3 Diesel Particulate Filters (DPF), or equivalent would be effective. The use of equipment that is powered by electricity or alternatively fueled equipment (i.e., non-diesel) would also meet this requirement.

Alternatively, the applicant could develop a TAC reduction plan that reduces on- and near-site construction diesel particulate matter emissions by 25 percent or greater. Such a plan shall be reviewed and approved by the City.

B. *Biological Resources:*

MM BIO-1.1: Pre-construction nesting bird surveys shall be completed prior to tree removal if removal or construction is proposed to commence during the breeding season (February 1 to August 31) in order to avoid impacts to nesting birds. Surveys shall be completed by a qualified biologist or ornithologist no more than 14 days before construction begins. During this survey, the biologist or ornithologist shall inspect all trees and other possible nesting habitats in and within 250 feet of the project boundary.

If an active nest is found in an area that would be disturbed by construction, the biologist or ornithologist shall designate an adequate buffer zone (~250 feet) to be established around the nest, in consultation with the California Department of Fish and Wildlife (CDFW). The buffer would ensure that nests shall not be disturbed until the young have fledged (left the nest), the nest is vacated, and there is no evidence of second nesting attempts.

The applicant shall submit a report indicating the results of the survey and any designated buffer zones to the satisfaction of the Director of Development Services, prior to the removal of trees and issuance of a grading permit or demolition permit.

C. Cultural Resources:

MM CUL-2.1: If evidence of an archaeological site or other suspected cultural resource as defined by CEQA Guideline Section 15064.5, including darkened soil representing past human activity (“midden”), that could conceal material remains (e.g., worked stone, worked bone, fired clay vessels, faunal bone, hearths, storage pits, or burials) is discovered during construction related earth-moving activities, all ground-disturbing activity within 100 feet of the resources shall be halted and the City’s Planning Manager shall be notified. The project sponsor shall hire a qualified archaeologist to conduct a field investigation. The City’s Planning Manager shall consult with the archaeologist to assess the significance of the find. Impacts to any significant resources shall be mitigated to a less-than-significant level through data recovery or other methods determined adequate by a qualified archaeologist and that are consistent with the Secretary of the Interior’s Standards for Archaeological documentation. Any identified cultural resources shall be recorded on the appropriate DPR 523 (A-J) form and filed with the NWIC.

MM CUL-2.2: If archaeological resources are identified, a final report summarizing the discovery of cultural materials shall be submitted to the City’s Planning Manager prior to issuance of certificate of occupancy. This report shall contain a description of the mitigation program that was implemented and its results, including a description of the monitoring and testing program, a list of the resources found and conclusion, and a description of the disposition/curation of the resources.

MM CUL-3.1: If human remains are discovered during project construction, all ground-disturbing activity within 100 feet of the resources shall be halted and the City’s Planning Manager and the Alameda County Coroner shall be notified immediately, according to Section 5097.98 of the State Public Resources Code and Section 7050.5 of California’s Health and Safety Code. If the remains are determined by the County Coroner to be Native American, the Native American Heritage Commission (NAHC) shall be notified within 24 hours, and the guidelines of the NAHC shall be adhered to in the treatment and disposition of the remains. The project sponsor shall also retain a professional archaeologist with Native American burial experience to conduct a field investigation of the specific site and consult with the Most Likely Descendant, if any, identified by the NAHC. As necessary, the archaeologist may provide professional assistance to the Most Likely Descendant, including the excavation and removal of the human remains. The City of Hayward shall be responsible for approval of recommended mitigation as it deems appropriate, taking account of the provisions of State law, as set forth in CEQA Guidelines section 15064.5(e) and Public Resources Code section 5097.98. The project sponsor shall implement approved mitigation, to be verified by the

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City of Hayward, before the resumption of ground-disturbing activities within 100 feet of where the remains were discovered.

D. Geology and Soils:

MM GEO-6.1: Should a unique paleontological resource or site or unique geological feature be identified at the project site during any phase of construction, all ground disturbing activities within 25 feet shall cease and the City's Planning Manager shall be notified immediately. A qualified paleontologist shall evaluate the find and prescribe mitigation measures to reduce impacts to a less than significant level. Work may proceed on other parts of the project site while mitigation for paleontological resources or geologic features is implemented. Upon completion of the paleontological assessment, a report shall be submitted to the City and, if paleontological materials are recovered, a paleontological repository, such as the University of California Museum of Paleontology.

E. Noise:

MM NOI-1.1: The project contractor shall develop a noise control plan, including, but not limited to, the following construction best management controls:

- Equipment and trucks used for construction shall use the best available noise control techniques (e.g., improved mufflers, equipment redesign, use of intake silencers, ducts, engine enclosures, and acoustically attenuating shields or shrouds);
- Impact tools (e.g., jackhammers, pavement breakers, and rock drills) used for construction shall be hydraulically or electrically powered wherever possible to avoid noise associated with compressed air exhaust from pneumatically powered tools;
- Stationary noise sources shall be located as far from adjacent receptors as possible, and they shall be muffled and enclosed within temporary sheds, incorporate insulation barriers, or include other measures.
- Temporary noise barriers shall be constructed, where feasible, to screen stationary noise-generating equipment. Temporary noise barrier fences would provide a five dBA noise reduction if the noise barrier interrupts the line-of-sight between the noise source and receptor and if the barrier is constructed in a manner that eliminates any cracks or gaps.
- Unnecessary idling of internal combustion engines shall be strictly prohibited.

- Construction staging areas shall be established at locations that will create the greatest distance between the construction-related noise sources and noise-sensitive receptors nearest the project site during all project construction. Locate material stockpiles, as well as maintenance/equipment staging and parking areas, as far as feasible from residential receptors.
- Noise from construction workers' radios shall be controlled to a point where they are not audible at existing residences bordering the project site.
- Where feasible, temporary power service from local utility companies shall be used instead of portable generators.
- Crane shall be located as far from adjoining noise-sensitive receptors as possible.
- During final grading, graders shall be substituted for bulldozers, where feasible. Wheeled heavy equipment are quieter than track equipment and shall be used where feasible.
- Nail guns shall be substituted for manual hammering, where feasible.
- The use of circular saws, miter/chop saws, and radial arm saws near the adjoining noise-sensitive receptors shall be avoided. Where feasible, saws shall be shielded with a solid screen with material having a minimum surface density of two lbs/ft² (e.g., such as 3/4" plywood).
- Smooth vehicle pathways shall be maintained for trucks and equipment accessing the site and local residential neighborhoods shall be avoided as much as possible.
- During interior construction, the exterior windows facing noise-sensitive receptors shall be closed.
- During interior construction, noise-generating equipment shall be located within the building to break the line-of-sight to the adjoining receptors.
- The contractor shall prepare a detailed construction schedule for major noise-generating construction activities. The construction schedule shall be shared with the adjacent neighbors of the project site and shall identify a procedure for coordination with adjacent residential land uses so that construction activities can be scheduled to minimize noise disturbance.
- A "disturbance coordinator" shall be designated to be responsible for responding to any complaints about construction noise. The disturbance coordinator will determine the cause of the noise complaint (e.g., bad muffler, etc.) and will require that reasonable measures be implemented to correct the problem. A telephone number for the disturbance coordinator shall be conspicuously posted at the construction site and included in the notice sent to adjacent neighbors regarding the construction schedule.

MM NOI-2.1: The project shall implement the following practices while performing construction activities within 20 feet of the existing commercial or residential buildings:

- Compaction activities shall not be conducted using a vibratory roller. Within this area, compaction shall be performed using smaller hand tampers.
- Demolition, earth-moving, and ground-impacting operations shall be phased so as not to occur at the same time and shall use the smallest equipment possible to complete the work. The use of large bulldozers, hoe rams, drill-rigs shall be avoided within 20 feet of existing commercial or residential buildings.
- Construction and demolition activities shall not involve clam shell dropping operations.

F. Transportation:

MM TRN-2.1: The project developer shall provide Clipper Cards to each homeowner upon sale of the unit with an advanced amount loaded in per card for the purpose of encouraging transit usage. After the Homeowners' Association (HOA) is established and has begun operation, the HOA shall set aside an annual transit subsidizing fund in the amount of, at minimum, \$9,000 for a Clipper Card reimbursement program. This amount would need to be adjusted annually to take into account annual fare increases. In order to ensure implementation of the Clipper Card fare re-imbursement program as a mitigation for reducing the project vehicle miles traveled (VMT) impact, the program shall be included in the Project Description and Conditions of Approval for issuance of the project's Planned Unit Development permit. The project shall also implement a transportation demand management (TDM) monitoring program after project occupancy that includes an annual monitoring report to be submitted to the City. The TDM program requirements shall be included in the CC&Rs for the HOA. The TDM program annual monitoring report shall be prepared by a traffic/transportation consultant with the HOA covering the costs of data collection and preparation of the report. If the proposed TDM strategy falls short of anticipated trip reductions, additional measures shall be required in order to achieve the original goals of the TDM measures.

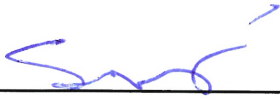
IV. FINDING

The City of Hayward hereby finds that the proposed project could have a significant effect on the environment; however, there would not be a significant effect in this case because mitigation measures summarized above and described in the Initial Study are included in the project which will reduce all identified potential impacts to less than significant levels.

Department of Development Services
Planning Division

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V. LEAD AGENCY REPRESENTATIVE



09/22/21

Steve Kowalski, Associate Planner

September 22, 2021

VI. CONTACT INFORMATION

For additional information, please contact Steve Kowalski, Associate Planner at the City of Hayward Planning Division at (510) 583-4210.

Written comments may be sent to Steve Kowalski via email at Steve.Kowalski@hayward-ca.gov or at City of Hayward Planning Division, 777 B Street, Hayward, CA 94541.

Department of Development Services
Planning Division

777 B Street, Hayward, CA 94541-5007
Tel: 510/583-4200 Fax: 510/583-3649

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Appendix B: Arborist Report

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Appendix D: Noise and Vibration Assessment

Appendix E: Traffic Operations Report

SECTION 1.0 INTRODUCTION AND PURPOSE

1.1 PURPOSE OF THE INITIAL STUDY

The City of Hayward, as the Lead Agency, has prepared this Initial Study for the 1000 La Playa Drive Residential project in compliance with the California Environmental Quality Act (CEQA), the CEQA Guidelines (California Code of Regulations §15000 et. seq.) and the regulations and policies of the City Hayward, California.

The project proposes to redevelop the site at 1000 La Playa Drive with 47 single-family residences. This Initial Study evaluates the environmental impacts that might reasonably be anticipated to result from implementation of the proposed project.

1.2 PUBLIC REVIEW PERIOD

Publication of this Initial Study marks the beginning of a 20-day public review and comment period. During this period, the Initial Study will be available to local, state, and federal agencies and to interested organizations and individuals for review. Written comments concerning the environmental review contained in this Initial Study during the 20-day public review period should be sent to:

Steve Kowalski, Associate Planner
Planning Division
777 B Street, 1st Floor
Hayward, CA 94541
Email: steve.kowalski@hayward-ca.gov

1.3 CONSIDERATION OF THE INITIAL STUDY AND PROJECT

Following the conclusion of the public review period, the City of Hayward will consider the adoption of the Initial Study/Mitigated Negative Declaration (MND) for the project at a regularly scheduled meeting. The City shall consider the Initial Study/MND together with any comments received during the public review process. Upon adoption of the MND, the City may proceed with project approval actions.

1.4 NOTICE OF DETERMINATION

If the project is approved, the City of Hayward will file a Notice of Determination (NOD), which will be available for public inspection and posted within 24 hours of receipt at the County Clerk's Office for 30 days. The filing of the NOD starts a 30-day statute of limitations on court challenges to the approval under CEQA (CEQA Guidelines Section 15075(g)).

SECTION 2.0 PROJECT INFORMATION

2.1 PROJECT TITLE

La Playa Commons Residential Project

2.2 LEAD AGENCY CONTACT

Steve Kowalski, Associate Planner
Planning Division
777 B Street, 1st Floor
Hayward, CA 94541
Email: steve.kowalski@hayward-ca.gov

2.3 PROJECT APPLICANT

D.R. Horton Bay, Inc.
Avery Espenmiller Jones, Project Manager
6683 Owens Drive
Pleasanton, CA 94588
Email: aejones@drhorton.com

2.4 PROJECT LOCATION

The approximately 5.4-acre project site is located at 1000 La Playa Drive in the City of Hayward. The site is bounded by La Playa Drive to the north, Calaroga Avenue and residences to the east, residences to the south, and a church and an automotive shop to the west.

2.5 ASSESSOR'S PARCEL NUMBER

442-0038-001

2.6 GENERAL PLAN DESIGNATION AND ZONING DISTRICT

The project site has a General Plan land use designation of Retail and Office Commercial and is zoned Neighborhood Commercial (CN).

SECTION 3.0 PROJECT DESCRIPTION

3.1 PROJECT OVERVIEW AND LOCATION

The approximately 5.4-acre project site is located at 1000 La Playa Drive (Assessor Parcel Number 442-0038-001) in the City of Hayward. The project site has a General Plan land use designation of Retail and Office Commercial and is zoned Neighborhood Commercial (CN). The project site is currently occupied by an approximately 74,750 square foot (sf), three-story retail commercial building and large surface parking lot. The site is bounded by La Playa Drive to the north, Calaroga Avenue and residences to the east, residences to the south, and a church and automotive shop to the west. Regional, vicinity, and aerial maps of the project site are provided in Figure 3.2-1, Figure 3.2-2, and Figure 3.2-3, respectively.

The project involves a General Plan Amendment to Medium Density Residential and rezoning to Planned Development (PD). The project would demolish the existing retail building and parking lot and redevelop the project site with 47 single-family residential units. Each unit would include a two-car garage, full driveway, and a private rear yard. The project components, including the residential units, landscaping, site access and parking, and utility improvements are described below.

3.2 PROJECT COMPONENTS

3.2.1 General Plan Amendment and Rezoning

The project site has a General Plan land use designation of Retail and Office Commercial and is zoned Neighborhood Commercial (CN). In order to develop the proposed residential units on the approximately 5.4-acre site, the project proposes to amend the General Plan land use designation to Medium Density Residential and rezone the site to Planned Development (PD).

3.2.2 Single-Family Residential Units

The project proposes to construct 47 single-family residences (refer to Figure 3.2-4) on lots ranging from approximately 2,925 sf to 4,350 sf. The proposed residences would have a minimum setback of approximately 10 feet from La Playa Drive, 12 feet from Calaroga Avenue, 15 feet from the existing residences to the east (along Calaroga Avenue), 14 feet from the residences to the south, and 14 feet from the church and automotive shop to the west. Each residence would be two stories tall and include a two-car garage, full driveway, and private rear yard. The residences would range in size from approximately 1,549 sf to 2,019 sf and contain three to four bedrooms (refer to Figure 3.2-5 and Figure 3.2-6). The residences would reach maximum heights of approximately 26 feet (refer to Figure 3.2-7 and Figure 3.2-8). In accordance with the City's Inclusionary Housing Ordinance the project would be required to include 4.7 below market rate (BMR) units. The project proposes to sell four out of the total 47 residences as BMR units. The remaining 0.7-unit requirement (of 4.7 required BMR units) would be satisfied through the payment of Affordable Housing In-Lieu fees.

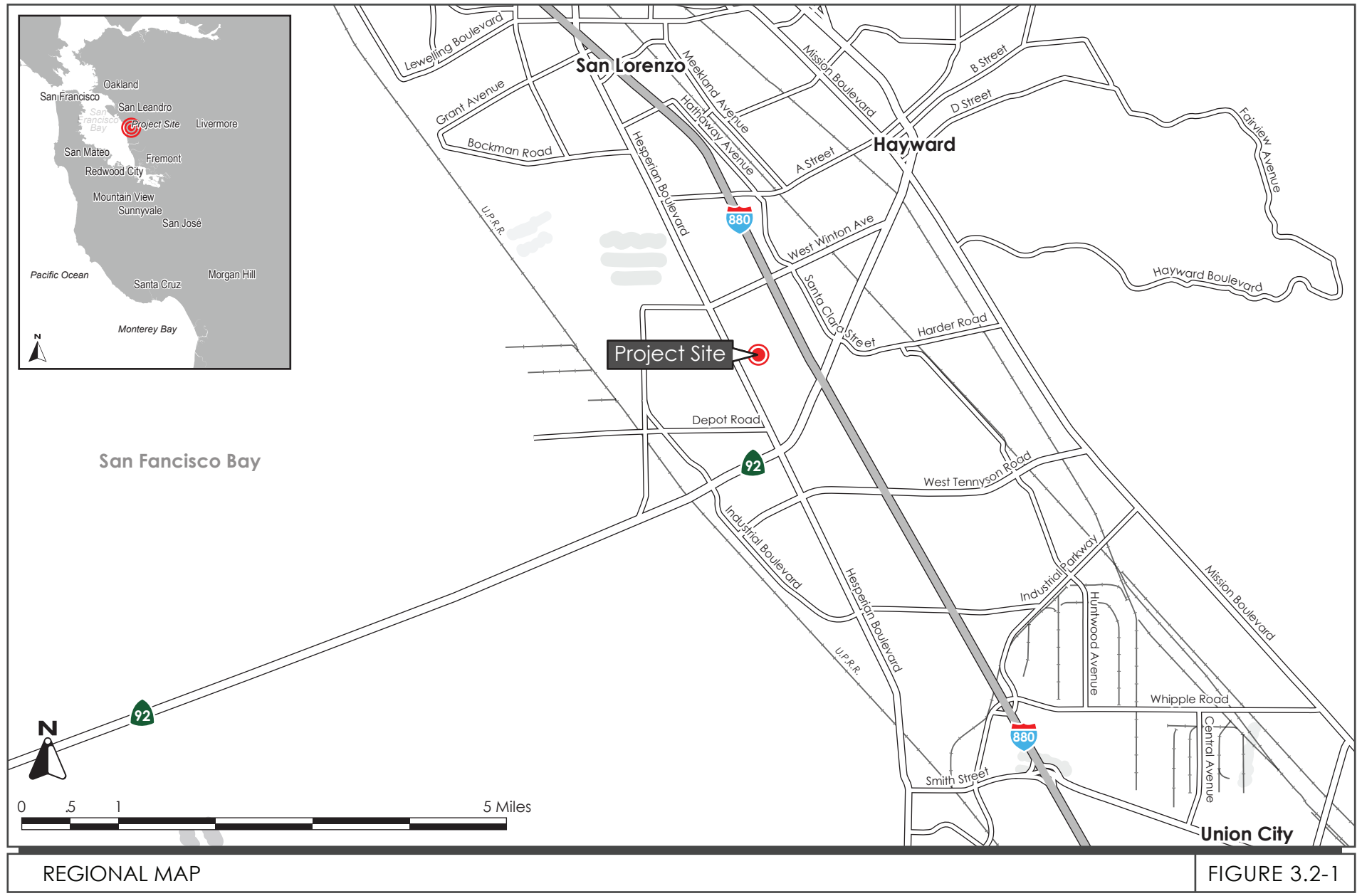
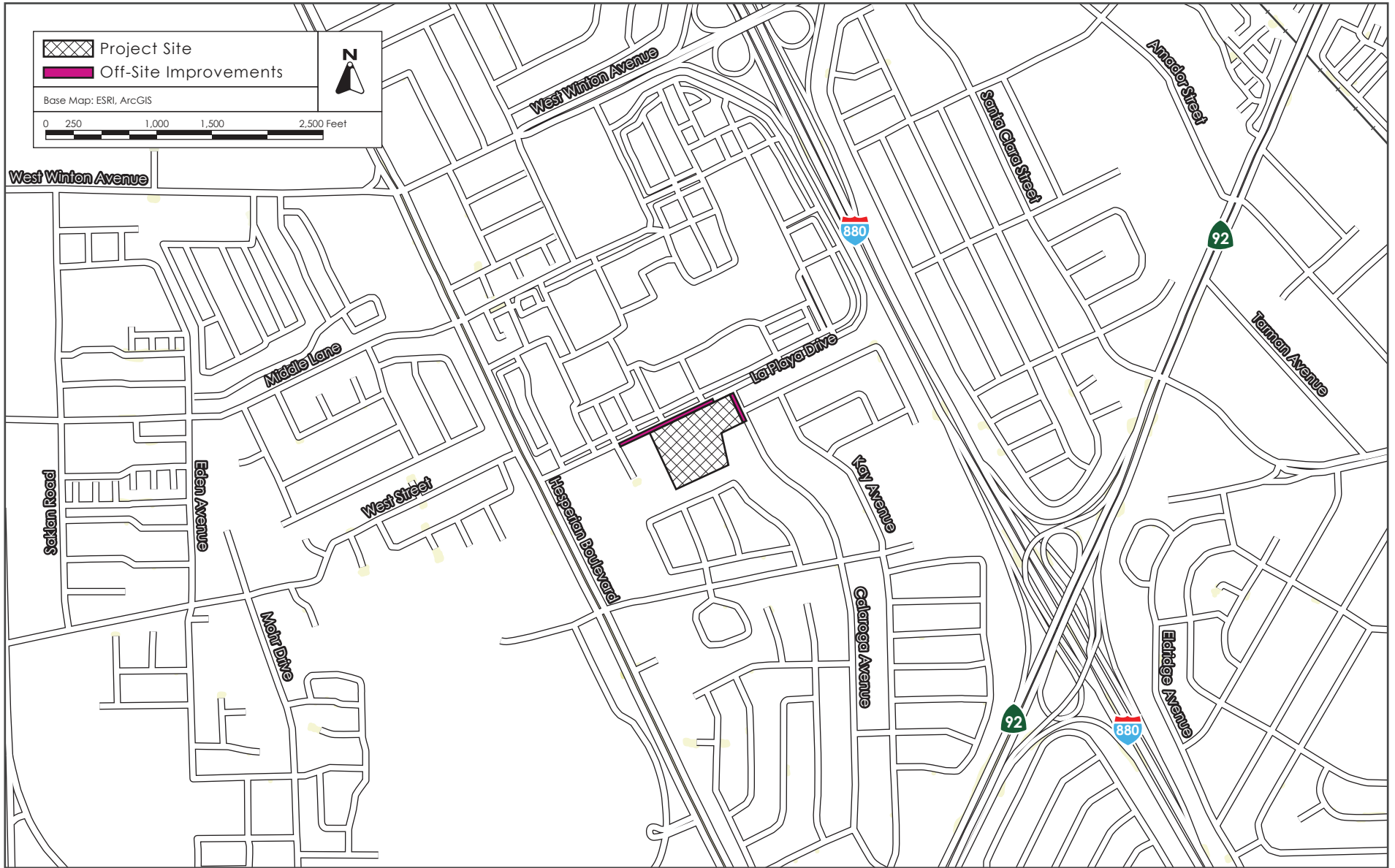


FIGURE 3.2-1



VICINITY MAP

FIGURE 3.2-2

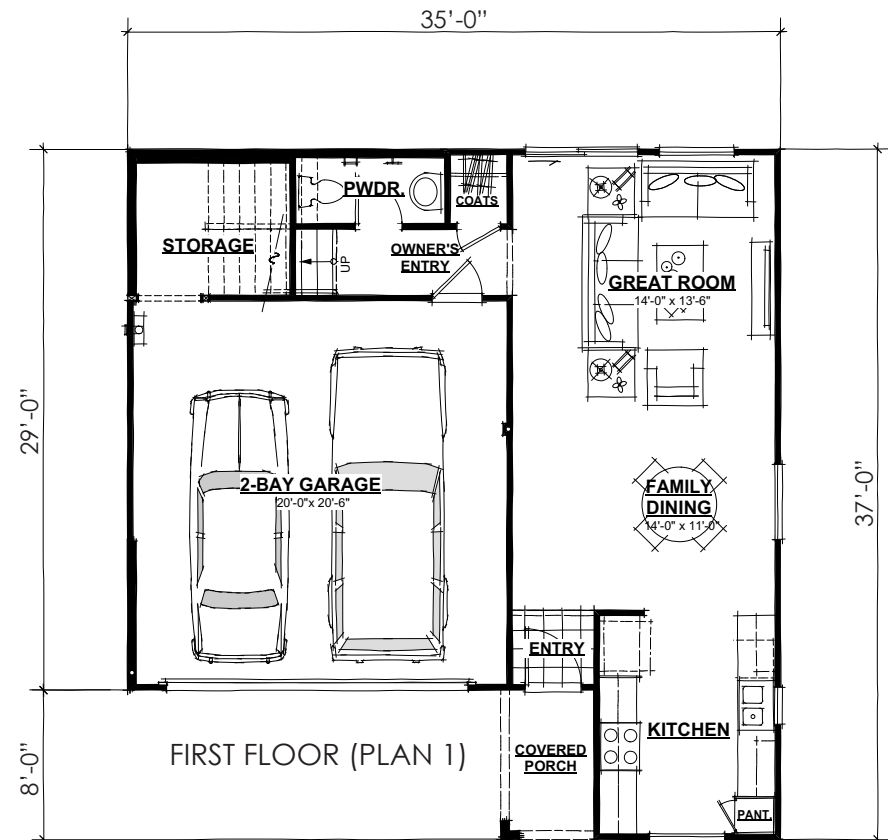


AERIAL PHOTOGRAPH AND SURROUNDING LAND USES

FIGURE 3.2-3



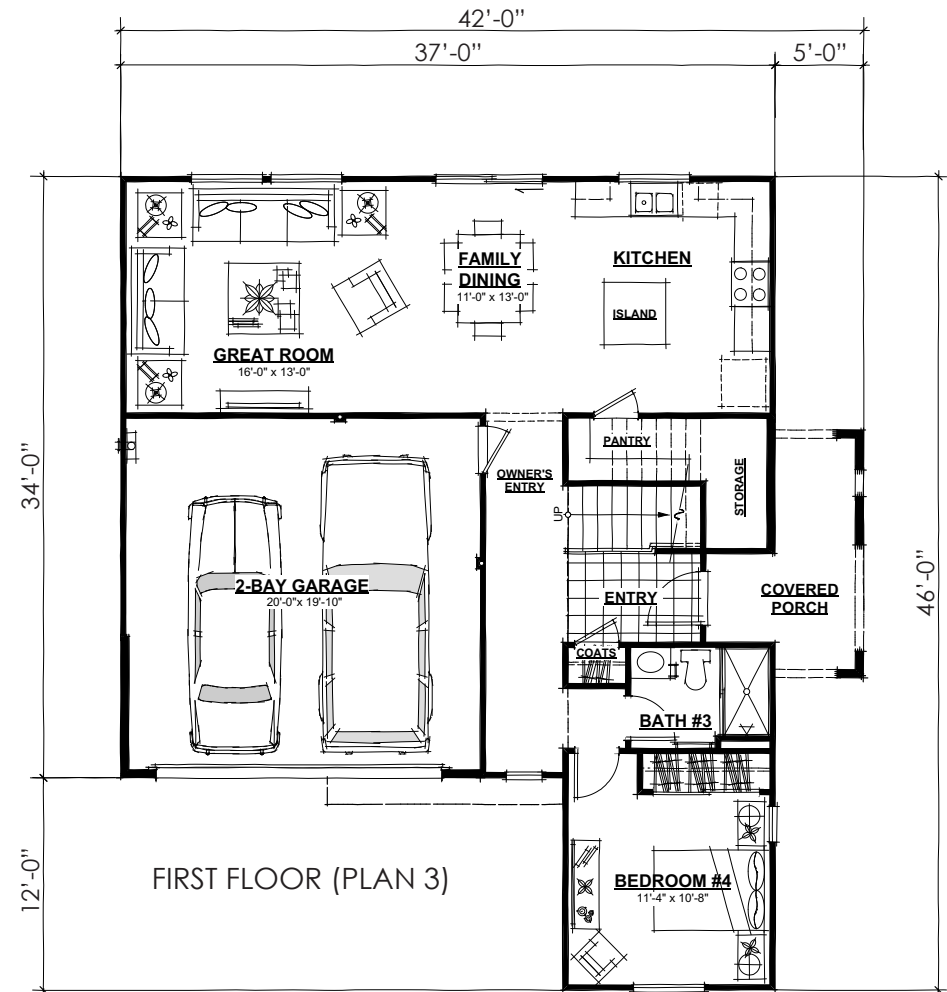
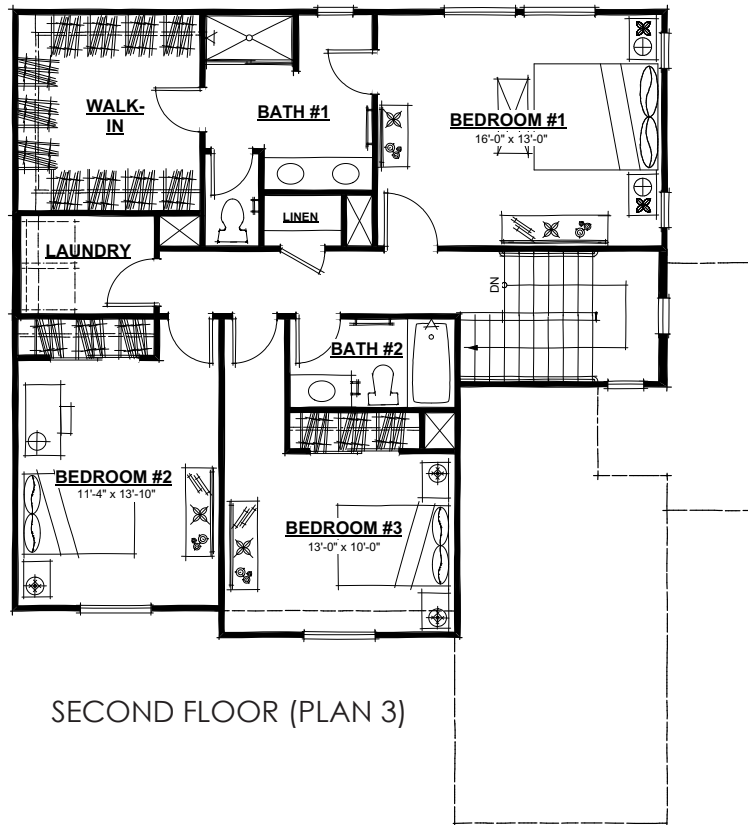
FIGURE 3.2-4



Source: OAG Architects, March 31, 2021.

PROPOSED FLOOR PLANS I

FIGURE 3.2-5



Source: OAG Architects, March 31, 2021.

PROPOSED FLOOR PLANS II

FIGURE 3.2-6



Source: OAG Architects, March 31, 2021.

CONCEPTUAL BUILDING ELEVATIONS I

FIGURE 3.2-7



Source: OAG Architects, March 31, 2021.

CONCEPTUAL BUILDING ELEVATIONS II

FIGURE 3.2-8

3.2.3 Landscaping and Open Space

The project would install landscaping throughout the site including street trees, accent trees, shrubs, bioretention areas, a common open space, and private residence front yards. The project would plant 160 new and replacement trees, resulting in a net increase of 136 trees on-site. The project would include an approximately 13,380 sf, centrally located open space (referred to as Parcel A). Parcel A would include landscaping, a pathway connecting to Calaroga Avenue, and picnic tables (refer to Figure 3.2-4).

3.2.4 Site Access and Parking

The project would include a new street off of La Playa Drive that would form a circle in the center of the project site. The project would include three new courts extending off of the new street (refer to Figure 3.2-4). The proposed street would be approximately 36 feet wide, and the proposed courts would be approximately 24 feet wide. Each residential unit would include a two-car garage and full driveway. The project would also provide 23 new on-street parking spaces along the proposed street. Pedestrian access throughout the project site would be provided via a continuous sidewalk along one side of the proposed street. An emergency vehicle access (EVA) connecting to Calaroga Avenue would be provided along the north side of the proposed open space.

3.2.5 Utility Improvements

The project would connect to existing sewer, electrical, water, and storm drain utilities on La Playa Drive and Calaroga Avenue. The project would be required to extend the sanitary sewer in La Playa Drive approximately 700 feet to the east to allow connection from the project from the proposed new street. The sanitary sewer line in Calaroga Avenue would also be extended approximately 90 feet to the north to allow connection from the three residences fronting the street. An enlarged 24-inch replacement storm drain line would connect from the proposed new street to the existing 36-inch storm drain line under the north side of La Playa Drive. Existing overhead utilities across the project frontage on La Playa Drive would be removed and replaced with an underground system. The project would be 100 percent electric and each unit would include rooftop solar panels. On-site stormwater treatment would occur through the use of bioretention areas.

3.2.6 Construction

Construction of the project, including demolition and site preparation, is estimated to take approximately 14 months to complete. Grading for the project would result in approximately 6,450 cubic yards of cut and approximately 6,300 cubic yards of fill, with the remaining balance of 150 cubic yards of soil being off-hauled for disposal.

3.3 USES OF THE INITIAL STUDY/MITIGATED NEGATIVE DECLARATION

This Initial Study/MND provides decision makers in the City of Hayward (the Lead Agency), responsible agencies, and the general public with relevant environmental information to use in considering the proposed project. It is intended that this Initial Study be used for discretionary approvals necessary to implement the project, as proposed. These discretionary actions may include, but are not limited to, the following:

General Plan Amendment
Rezoning
Tentative Parcel Map
Building Permit
Grading & Clearing Permit
Development Permit
Tree Removal Permit

SECTION 4.0 ENVIRONMENTAL SETTING, CHECKLIST, AND IMPACT DISCUSSION

This section presents the discussion of impacts related to the following environmental subjects in their respective subsections:

4.1	Aesthetics	4.12	Mineral Resources
4.2	Agriculture and Forestry Resources	4.13	Noise
4.3	Air Quality	4.14	Population and Housing
4.4	Biological Resources	4.15	Public Services
4.5	Cultural Resources	4.16	Recreation
4.6	Energy	4.17	Transportation
4.7	Geology and Soils	4.18	Tribal Cultural Resources
4.8	Greenhouse Gas Emissions	4.19	Utilities and Service Systems
4.9	Hazards and Hazardous Materials	4.20	Wildfire
4.10	Hydrology and Water Quality	4.21	Mandatory Findings of Significance
4.11	Land Use and Planning		

The discussion for each environmental subject includes the following subsections:

- **Environmental Setting** – This subsection 1) provides a brief overview of relevant plans, policies, and regulations that compose the regulatory framework for the project and 2) describes the existing, physical environmental conditions at the project site and in the surrounding area, as relevant.
- **Impact Discussion** – This subsection 1) includes the recommended checklist questions from Appendix G of the CEQA Guidelines to assess impacts and 2) discusses the project’s impact on the environmental subject as related to the checklist questions. For significant impacts, feasible mitigation measures are identified. “Mitigation measures” are measures that will minimize, avoid, or eliminate a significant impact (CEQA Guidelines Section 15370). Each impact is numbered to correspond to the checklist question being answered. For example, Impact BIO-1 answers the first checklist question in the Biological Resources section. Mitigation measures are also numbered to correspond to the impact they address. For example, MM BIO-1.1 refers to the first mitigation measure for the first impact in the Biological Resources section.

4.1 AESTHETICS

4.1.1 Environmental Setting

4.1.1.1 *Regulatory Framework*

State

Senate Bill 743

Senate Bill (SB) 743 was adopted in 2013 and requires lead agencies to use alternatives to level of service (LOS) for evaluating transportation impacts, specifically vehicle miles traveled (VMT). SB 743 also included changes to CEQA that apply to transit-oriented developments, as related to aesthetics and parking impacts. Under SB 743, a project's aesthetic impacts will no longer be considered significant impacts on the environment if:

- The project is a residential, mixed-use residential, or employment center project, and
- The project is located on an infill site within a transit priority area.¹

SB 743 also clarifies that local governments retain their ability to regulate a project's aesthetics impacts outside of the CEQA process.

Streets and Highway Code Sections 260 through 263

The California Scenic Highway Program (Streets and Highway Code, Sections 260 through 263) is managed by the California Department of Transportation (Caltrans). The program is intended to protect and enhance the natural scenic beauty of California highways and adjacent corridors through special conservation treatment.

Local

Hayward 2040 General Plan

The Hayward 2040 General Plan (General Plan) includes policies for the purpose of avoiding or mitigating impacts resulting from development projects within the City. The following policies are specific to aesthetics and are applicable to the proposed project.

¹ An "infill site" is defined as "a lot located within an urban area that has been previously developed, or on a vacant site where at least 75 percent of the perimeter of the site adjoins, or is separated only by an improved public right-of-way from, parcels that are developed with qualified urban uses." A "transit priority area" is defined as "an area within 0.5 mile of a major transit stop that is existing or planned, if the planned stop is scheduled to be completed within the planning horizon included in a Transportation Improvement Program adopted pursuant to Section 450.216 or 450.322 of Title 23 of the Code of Federal Regulations." A "major transit stop" means "a site containing an existing rail transit station, a ferry terminal served by either a bus or rail transit service, or the intersection of two or more major bus routes with a frequency of service interval of 15 minutes or less during the morning and afternoon peak commute periods." Source: Office of Planning and Research. "Changes to CEQA for Transit Oriented Development – FAQ." October 14, 2014. Accessed May 24, 2021. <http://www.opr.ca.gov/ceqa/updates/sb-743/transit-oriented.html>.

Policy	Description
LU-1.2	The City shall maintain and implement commercial, residential, industrial, and hillside design guidelines to ensure that future development complies with General Plan goals and policies.
LU-7.2	The City shall discourage the placement of homes and structures near ridgelines to maintain natural open space and preserve views. If ridgeline development cannot be avoided, the City shall require grading, building, and landscaping designs that mitigate visual impacts and blend the development with the natural features of the hillside.
NR-8.3	The City shall protect the visual characteristics of transportation corridors that are officially designated as having unique or outstanding scenic qualities, including portions of I-580, I-880, and SR 92.
NR-8.4	The City shall maintain and implement residential and non-residential design guidelines in order to protect existing views of the Bay shoreline.

Hayward Design Guidelines

The City adopted its design guidelines in 1993. The Hayward Design Guidelines seek to identify elements of good design which will enhance the appearance of the city and make it more livable. The Design Guidelines contain general guidelines to be applied to all development as well as specific guidelines for specific land uses and parts of the City. The Design Guidelines state that new housing should support Hayward's expressed policy of encouraging long-term residency and add to the attractiveness of the area where it is located. The guidelines specific to single-family detached housing provide guidance on subdivision patterns, parking, open space, and architecture.

4.1.1.2 *Existing Conditions*

The site is currently occupied by a three-story retail commercial building and its associated surface parking lot. There are 24 existing trees on-site, including six street trees. The project site is located in a flat area and there are no scenic resources on-site. The project site is surrounded by urban development including the Southland Mall to the north, residences to the east and south, and a church and commercial buildings to the west. Views from the project site include the urban development, trees, and the surrounding hillsides to the east.

The nearest officially designated State Scenic Highway is the segment of Interstate-580 (I-580) that ends where the highway crosses San Leandro Creek, approximately six miles north of the project site.² At the junction of I-580 and I-238, approximately three miles north of the project site, I-580 is eligible but not officially designated as a State Scenic Highway.

² Caltrans. California State Scenic Highway System Map. Accessed May 24, 2021.
<https://caltrans.maps.arcgis.com/apps/webappviewer/index.html?id=465dfd3d807c46cc8e8057116flaaca>

4.1.2 Impact Discussion

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Except as provided in Public Resources Code Section 21099, would the project:				
1) Have a substantial adverse effect on a scenic vista?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2) 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"/>
3) In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? ³ If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4) 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"/>

Impact AES-1: The project would not have a substantial adverse effect on a scenic vista.
(Less than Significant Impact)

The project site is relatively flat and does not offer substantial scenic views. The project site is not a scenic vista. There are no scenic vistas in the project vicinity. The project would redevelop the urban infill project site with a residential neighborhood and would result in a net increase of trees on-site. The project would not degrade any views that overlook the project site. **(Less than Significant Impact)**

Impact AES-2: The project would not substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway. **(No Impact)**

The nearest State Scenic Highway, I-580, is approximately six miles north of the project site. At this distance the project site is not visible from I-580. Therefore, the project would not substantially damage scenic resources within a State Scenic Highway. General Plan Policy NR-8.3 notes that Interstate-880 (I-880) and State Route 92 (SR 92) are locally designated scenic corridors. I-880, the nearest of the two highways, is approximately 1,605 feet east of the project site. Due to the surrounding urban development and the existing soundwalls on I-880, the project site is not visible from the highway. **(No Impact)**

³ Public views are those that are experienced from publicly accessible vantage points.

Impact AES-3: The project would not conflict with applicable zoning and other regulations governing scenic quality. **(Less than Significant Impact)**

The project would rezone the site to Planned Development (PD). While the PD zoning district does not establish specific development standards, zoning district governing uses most similar in nature and function are applied to projects that are zoned PD. Therefore, the project would be subject to the design standards of the Single-Family Residential (RS) District. The project's consistency with the applicable zoning and General Plan land use designation are discussed further in Section 4.11 Land Use and Planning. The project would also be reviewed for consistency with the City's Design Guidelines for single-family detached housing during the Planned Development review. Therefore, the project would not conflict with the applicable zoning and other regulations governing scenic quality. **(Less than Significant Impact)**

Impact AES-4: The project would not create a new source of substantial light or glare which would adversely affect day or nighttime views in the area. **(Less than Significant Impact)**

The proposed residential development would include streetlights and private residential lighting. However, the project site is currently occupied by a three-story retail building and parking lot that use nighttime lighting. Thus, the project would not create a substantial net new source of nighttime lighting. Additionally, the project will comply with the City's Design Guidelines relating to aesthetics, light and glare, which are intended to prevent spillover light and minimize impacts related to the introduction of new light sources as a standard condition of approval. Therefore, the project would not create a new source of light or glare which would adversely affect day or nighttime views in the area. **(Less than Significant Impact)**

4.2 AGRICULTURE AND FORESTRY RESOURCES

4.2.1 Environmental Setting

4.2.1.1 *Regulatory Framework*

State

Farmland Mapping and Monitoring Program

The California Department of Conservation's Farmland Mapping and Monitoring Program (FMMP) assesses the location, quality, and quantity of agricultural land and conversion of these lands over time. Agricultural land is rated according to soil quality and irrigation status. The best quality land is identified as Prime Farmland. In CEQA analyses, the FMMP classifications and published county maps are used, in part, to identify whether agricultural resources that could be affected are present on-site or in the project area.⁴

California Land Conservation Act

The California Land Conservation Act (Williamson Act) enables local governments to enter into contracts with private landowners to restrict parcels of land to agricultural or related open space uses. In return, landowners receive lower property tax assessments. In CEQA analyses, identification of properties that are under a Williamson Act contract is used to also identify sites that may contain agricultural resources or are zoned for agricultural uses.⁵

Fire and Resource Assessment Program

The California Department of Forestry and Fire Protection (CAL FIRE) identifies forest land, timberland, and lands zoned for timberland production that can (or do) support forestry resources.⁶ Programs such as CAL FIRE's Fire and Resource Assessment Program and are used to identify whether forest land, timberland, or timberland production areas that could be affected are located on or adjacent to a project site.⁷

4.2.1.2 *Existing Conditions*

The project site is not currently used for agricultural purposes and is not the subject of a Williamson Act contract. No land adjacent to the project site is used for agricultural production. The project site is classified as Urban and Built-Up Land by the California Department of Conservation.⁸ Urban and

⁴ California Department of Conservation. "Farmland Mapping and Monitoring Program." Accessed May 25, 2021. <http://www.conservation.ca.gov/dlrp/fmmp/Pages/Index.aspx>.

⁵ California Department of Conservation. "Williamson Act." <http://www.conservation.ca.gov/dlrp/lca>.

⁶ Forest Land is land that can support 10 percent native tree cover and allows for management of forest resources (California Public Resources Code Section 12220(g)); Timberland is land not owned by the federal government or designated as experimental forest land that is available for, and capable of, growing trees to produce lumber and other products, including Christmas trees (California Public Resources Code Section 4526); and Timberland Production is land used for growing and harvesting timber and compatible uses (Government Code Section 51104(g)).

⁷ California Department of Forestry and Fire Protection. "Fire and Resource Assessment Program." Accessed May 25, 2021. <http://frap.fire.ca.gov/>.

⁸ California Department of Conservation. California Important Farmland Finder. Accessed May 25, 2021. <https://maps.conservation.ca.gov/DLRP/CIFF/>

Built-Up Land is defined as land occupied by structures with a building density of at least one unit to 1.5 acres, or approximately six structures to a 10-acre parcel.

The project site is currently zoned CN. Surrounding parcels are zoned CN, Single-Family Residential (RS), and Central Business (CBB20). The land on and adjacent to the project site is not forest land or zoned for timberland production.

4.2.2 Impact Discussion

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
1) 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"/>
2) 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"/>
3) 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"/>
4) Result in a 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"/>
5) 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"/>

Impact AG-1: The project would not convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance, as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use. **(No Impact)**

The project site is designated by the California Resources Agency Farmland Mapping and Monitoring Program as Urban and Built-Up, and therefore, would not convert Prime Farmland, Unique Farmland or Farmland of Statewide Importance to a non-agricultural use. **(No Impact)**

Impact AG-2: The project would not conflict with existing zoning for agricultural use, or a Williamson Act contract. **(No Impact)**

The project site is not zoned for agricultural use. The project site is not subject to a Williamson Act contract. The project would, therefore, not conflict with existing zoning for agricultural use or a Williamson Act contract. **(No Impact)**

Impact AG-3: The project would not conflict with existing zoning for, or cause rezoning of, forest land, timberland, or timberland zoned Timberland Production. **(No Impact)**

The project site is not zoned for forest land or timberland. For this reason, the project would not conflict with existing zoning for, or cause rezoning of forest land, timberland, or timberland zoned Timberland Production. **(No Impact)**

Impact AG-4: The project would not result in a loss of forest land or conversion of forest land to non-forest use. **(No Impact)**

The project site is not designated as forest land. For this reason, the project would not result in the loss of forest land or conversion of forest land to non-forest use. **(No Impact)**

Impact AG-5: The project would not 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. **(No Impact)**

The project site is not designated agricultural or forest land and is located within an urban area with no agricultural or forestry land nearby. As a result, implementation of the proposed project would not result in the conversion of farmland to non-agricultural use or forest land to non-forest uses. **(No Impact)**

4.3 AIR QUALITY

The following discussion is based, in part, on an Air Quality and Greenhouse Gas Assessment prepared for the project by Illingworth & Rodkin, Inc. dated September 2021. A copy of this report is included in Appendix A of this Initial Study.

4.3.1 Environmental Setting

4.3.1.1 *Background Information*

Criteria Pollutants

Air quality in the Bay Area is assessed related to six common air pollutants (referred to as criteria pollutants), including ground-level ozone (O₃), nitrogen oxides (NO_x), particulate matter (PM), carbon monoxide (CO), sulfur oxides (SO_x), and lead.⁹ Criteria pollutants are regulated because they result in health effects. An overview of the sources of criteria pollutants and their associated health are summarized in Table 1.3-1. The most commonly regulated criteria pollutants in the Bay Area are discussed further below.

Table 4.3-1: Health Effects of Air Pollutants		
Pollutants	Sources	Primary Effects
Ozone (O ₃)	Atmospheric reaction of organic gases with nitrogen oxides in sunlight	<ul style="list-style-type: none"> • Aggravation of respiratory and cardiovascular diseases • Irritation of eyes • Cardiopulmonary function impairment
Nitrogen Dioxide (NO ₂)	Motor vehicle exhaust, high temperature stationary combustion, atmospheric reactions	<ul style="list-style-type: none"> • Aggravation of respiratory illness • Reduced visibility
Fine Particulate Matter (PM _{2.5}) and Coarse Particulate Matter (PM ₁₀)	Stationary combustion of solid fuels, construction activities, industrial processes, atmospheric chemical reactions	<ul style="list-style-type: none"> • Reduced lung function, especially in children • Aggravation of respiratory and cardiorespiratory diseases • Increased cough and chest discomfort • Reduced visibility
Toxic Air Contaminants (TACs)	Cars and trucks, especially diesel-fueled; industrial sources, such as chrome platers; dry cleaners and service stations; building materials and products	<ul style="list-style-type: none"> • Cancer • Chronic eye, lung, or skin irritation • Neurological and reproductive disorders

High O₃ levels are caused by the cumulative emissions of reactive organic gases (ROG) and NO_x. These precursor pollutants react under certain meteorological conditions to form high O₃ levels. Controlling the emissions of these precursor pollutants is the focus of the Bay Area's attempts to

⁹ The area has attained both state and federal ambient air quality standards for CO. The project does not include substantial new emissions of sulfur dioxide or lead. These criteria pollutants are not discussed further.

reduce O₃ levels. The highest O₃ levels in the Bay Area occur in the eastern and southern inland valleys that are downwind of air pollutant sources.

PM is a problematic air pollutant of the Bay Area. PM is assessed and measured in terms of respirable particulate matter or particles that have a diameter of 10 micrometers or less (PM₁₀) and fine particulate matter where particles have a diameter of 2.5 micrometers or less (PM_{2.5}). Elevated concentrations of PM₁₀ and PM_{2.5} are the result of both region-wide emissions and localized emissions.

Toxic Air Contaminants

TACs are a broad class of compounds known to have health effects. They include but are not limited to criteria pollutants. TACs are found in ambient air, especially in urban areas, and are caused by industry, agriculture, diesel fuel combustion, and commercial operations (e.g., dry cleaners). TACs are typically found in low concentrations, even near their source (e.g., diesel particulate matter [DPM] near a freeway).

Diesel exhaust is the predominant TAC in urban air and is estimated to represent about three-quarters of the cancer risk from TACs. Diesel exhaust is a complex mixture of gases, vapors, and fine particles. Medium- and heavy-duty diesel trucks represent the bulk of DPM emissions from California highways. The majority of DPM is small enough to be inhaled into the lungs. Most inhaled particles are subsequently exhaled, but some deposit on the lung surface or are deposited in the deepest regions of the lungs (most susceptible to injury).¹⁰ Chemicals in diesel exhaust, such as benzene and formaldehyde, have been previously identified as TACs by the California Air Resources Board (CARB).

Sensitive Receptors

Some groups of people are more affected by air pollution than others. CARB has identified the following persons who are most likely to be affected by air pollution: children under 16, the elderly over 65, athletes, and people with cardiovascular and chronic respiratory diseases. These groups are classified as sensitive receptors. Locations that may contain a high concentration of these sensitive population groups include residential areas, hospitals, daycare facilities, elder care facilities, and elementary schools.

4.3.1.2 *Regulatory Framework*

Federal and State

Clean Air Act

At the federal level, the United States Environmental Protection Agency (EPA) is responsible for overseeing implementation of the Clean Air Act and its subsequent amendments. The federal Clean Air Act requires the EPA to set national ambient air quality standards for the six common criteria pollutants (discussed previously), including PM, O₃, CO, SO_x, NO_x, and lead.

¹⁰ California Air Resources Board. "Overview: Diesel Exhaust and Health." Accessed August 6, 2021. <https://ww2.arb.ca.gov/resources/overview-diesel-exhaust-and-health>.

CARB is the state agency that regulates mobile sources throughout the state and oversees implementation of the state air quality laws and regulations, including the California Clean Air Act. The EPA and the CARB have adopted ambient air quality standards establishing permissible levels of these pollutants to protect public health and the climate. Violations of ambient air quality standards are based on air pollutant monitoring data and are determined for each air pollutant. Attainment status for a pollutant means that a given air district meets the standard set by the EPA and/or CARB.

Risk Reduction Plan

To address the issue of diesel emissions in the state, CARB developed the Risk Reduction Plan to Reduce Particulate Matter Emissions from Diesel-Fueled Engines and Vehicles. In addition to requiring more stringent emission standards for new on-road and off-road mobile sources and stationary diesel-fueled engines to reduce particulate matter emissions by 90 percent, the plan involves application of emission control strategies to existing diesel vehicles and equipment to reduce DPM (in addition to other pollutants). Implementation of this plan, in conjunction with stringent federal and CARB-adopted emission limits for diesel fueled vehicles and equipment (including off-road equipment), will significantly reduce emissions of DPM and NO_x.

Regional

2017 Clean Air Plan

The Bay Area Air Quality Management District (BAAQMD) is the agency primarily responsible for assuring that the federal and state ambient air quality standards are maintained in the San Francisco Bay Area. Regional air quality management districts, such as BAAQMD, must prepare air quality plans specifying how state and federal air quality standards will be met. BAAQMD's most recently adopted plan is the Bay Area 2017 Clean Air Plan (2017 CAP). The 2017 CAP focuses on two related BAAQMD goals: protecting public health and protecting the climate. To protect public health, the 2017 CAP describes how BAAQMD will continue its progress toward attaining state and federal air quality standards and eliminating health risk disparities from exposure to air pollution among Bay Area communities. To protect the climate, the 2017 CAP includes control measures designed to reduce emissions of methane and other super-greenhouse gases (GHGs) that are potent climate pollutants in the near-term, and to decrease emissions of carbon dioxide by reducing fossil fuel combustion.¹¹

CEQA Air Quality Guidelines

The BAAQMD CEQA Air Quality Guidelines are intended to serve as a guide for those who prepare or evaluate air quality impact analyses for projects and plans in the San Francisco Bay Area. Jurisdictions in the San Francisco Bay Area Air Basin utilize the thresholds and methodology for assessing air quality impacts developed by BAAQMD within their CEQA Air Quality Guidelines. The guidelines include information on legal requirements, BAAQMD rules, methods of analyzing impacts, and recommended mitigation measures.

¹¹ BAAQMD. *Final 2017 Clean Air Plan*. April 19, 2017. <http://www.baaqmd.gov/plans-and-climate/air-quality-plans/current-plans>.

Local

Hayward 2040 General Plan

The General Plan includes policies for the purpose of avoiding or mitigating impacts resulting from development projects within the City. The following policies are specific to air quality and are applicable to the proposed project.

Policy	Description
NR-2.2	The City shall review proposed development applications to ensure projects incorporate feasible measures that reduce construction and operational emissions for reactive organic gases (ROG), nitrogen oxides (NO _x), and particulate matter through project location and design.
NR-2.3	The City shall require development projects that exceed Bay Area Air Quality Management District reactive organic gas (ROG), nitrogen oxide (NO _x) operational thresholds to incorporate design or operational features that reduce emissions equal to at least 15 percent below the level that would be produced by an unmitigated project.
NR-2.7	The City shall coordinate with the Bay Area Air Quality Management District to ensure projects incorporate feasible mitigation measures to reduce greenhouse gas emissions and air pollution if not already provided for through project design.
NR-2.15	The City shall maintain and implement the General Plan as Hayward's community risk reduction strategy to reduce health risks associated with toxic air contaminants (TACs) and fine particulate matter (PM _{2.5}) in both existing and new development.
NR-2.16	The City shall minimize exposure of sensitive receptors to toxic air contaminants (TAC), fine particulate matter (PM _{2.5}), and odors to the extent possible, and consider distance, orientation, and wind direction when siting sensitive land uses in proximity to TAC- and PM _{2.5} -emitting sources and odor sources in order to minimize health risk.
NR-2.17	The City shall coordinate with and support the efforts of the Bay Area Air Quality Management District, the California Air Resources Board, the U.S. Environmental Protection Agency, and other agencies as appropriate to implement source reduction measures and best management practices that address both existing and new sources of toxic air contaminants (TAC), fine particulate matter (PM _{2.5}), and odors.
NR-2.18	The City shall require development projects to implement all applicable best management practices that will reduce exposure of new sensitive receptors (e.g., hospitals, schools, daycare facilities, elderly housing and convalescent facilities) to odors, toxic air contaminants (TAC) and fine particulate matter.

4.3.1.3 *Existing Conditions*

The Bay Area is considered a non-attainment area for ground-level O₃ and PM_{2.5} under both the federal Clean Air Act and state Clean Air Act. The area is also considered nonattainment for PM₁₀ under the state act, but not the federal act. The area has attained both state and federal ambient air

quality standards for CO. As part of an effort to attain and maintain ambient air quality standards for O₃ and PM₁₀, BAAQMD has established thresholds of significance for these air pollutants and their precursors. These thresholds are for O₃ precursor pollutants (ROG and NO_x), PM₁₀, and PM_{2.5}, and apply to both construction period and operational period impacts.

4.3.2 Impact Discussion

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
1) Conflict with or obstruct implementation of the applicable air quality plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2) 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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3) Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4) Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Note: Where available, the significance criteria established by the applicable air quality management district or air pollution control district may be relied upon to make the determinations.

4.3.2.1 *Thresholds of Significance*

Impacts from the Project

As discussed in CEQA Guidelines Section 15064(b), the determination of whether a project may have a significant effect on the environment calls for judgment on the part of the lead agency and must be based to the extent possible on scientific and factual data. The City of Hayward has considered the air quality thresholds updated by BAAQMD in May 2017 and regards these thresholds to be based on the best information available for the San Francisco Bay Area Air Basin and conservative in terms of the assessment of health effects associated with TACs and PM_{2.5}. The BAAQMD CEQA Air Quality thresholds used in this analysis are identified in Table 4.3-2 below.

Table 4.3-2: BAAQMD Air Quality Significance Thresholds			
Pollutant	Construction Thresholds	Operation Thresholds	
	Average Daily Emissions (pounds/day)	Average Daily Emissions (pounds/day)	Annual Average Emissions (tons/year)
Criteria Air Pollutants			
ROG, NO _x	54	54	10
PM ₁₀	82 (exhaust)	82	15
PM _{2.5}	54 (exhaust)	54	10
CO	Not Applicable	9.0 ppm (eight-hour) or 20.0 ppm (one-hour)	
Fugitive Dust	Dust Control Measures/Best Management Practices	Not Applicable	
Health Risks and Hazards for New Sources (within a 1,000-foot Zone of Influence)			
Health Hazard	Single Source	Combined Cumulative Sources	
Excess Cancer Risk	10 per one million	100 per one million	
Hazard Index	1.0	10.0	
Incremental Annual PM _{2.5}	0.3 µg/m ³	0.8 µg/m ³ (average)	

Impact AIR-1: The project would not conflict with or obstruct implementation of the applicable air quality plan. **(Less than Significant Impact)**

Clean Air Plan

BAAQMD is the regional agency responsible for overseeing compliance with State and Federal laws, regulations, and programs within the San Francisco Bay Area Air Basin (SFBAAB). As previously stated, BAAQMD's most recently adopted plan is 2017 CAP. The primary goals of the Clean Air Plan are to attain air quality standards, reduce population exposure and protect public health, and reduce GHG emissions and protect the climate. The BAAQMD has also developed CEQA guidelines to assist lead agencies in evaluating the significance of air quality impacts. In formulating compliance strategies, BAAQMD relies on planned land uses established by local general plans. Land use planning affects vehicle travel, which in turn affects region-wide emissions of air pollutants and GHGs.

The 2017 CAP includes control measures that are intended to reduce air pollutant emissions in the Bay Area either directly or indirectly. Plans must show consistency with the control measures listed within the Clean Air Plan. The proposed project would not conflict with the latest Clean Air planning efforts because the project would have emissions below the BAAQMD thresholds (as described

below), would be an urban infill development, and would be located near transit with regional connections. **(Less than Significant Impact)**

Regional Criteria Pollutant Emissions

The California Emissions Estimator Model (CalEEMod) Version 2020.4.0 was used to estimate emissions from construction and operation of the project. The project land use types and size, and anticipated construction schedule were input to CalEEMod. The model output from CalEEMod along with construction and operational inputs can be found in Appendix A.

Construction Period Emissions

CalEEMod provided annual emissions for construction including both on-site and off-site construction activities. On-site activities are primarily made up of construction equipment emissions, while off-site activity includes worker, hauling, and vendor traffic. The project construction schedule and equipment usage assume the project would take 14 months to construct. Average daily emissions were computed by dividing the total construction emissions by the number of construction days. Table 4.3-3 shows average daily construction emissions of ROG, NO_x, PM₁₀ exhaust, and PM_{2.5} exhaust during construction of the project.

Table 4.3-3: Construction Period Emissions				
Year	ROG	NO_x	PM₁₀ Exhaust	PM_{2.5} Exhaust
Total Construction Emissions (tons)	1.35 tons	1.31 tons	0.07 tons	0.05 tons
Average Daily Emissions (pounds) ¹	7.26 lbs.	7.04 lbs.	0.38 lbs.	0.28 lbs.
BAAQMD Thresholds (pounds per day)	54 lbs./day	54 lbs./day	82 lbs./day	54 lbs./day
Exceed Threshold?	No	No	No	No
Notes: ¹ Assumes 371 workdays				

As shown in the Table 4.3-3 above, project construction period emissions would not exceed the BAAQMD significance thresholds. The project, therefore, would have a less than significant criteria pollutant emissions impact and would not conflict with or obstruct implementation of the 2017 CAP. **(Less than Significant Impact)**

Operational Period Emissions

Operational criteria pollutant emissions from the project would be generated primarily from vehicles driven by future residents. Evaporative emissions from architectural coatings and maintenance products (classified as consumer products) would also occur. CalEEMod was used to calculate emissions from operation of the proposed project. Vehicle trip generation rates were input to the model using the daily trip generation rate provided by Hexagon Transportation Consultants (see Section 4.17 Transportation). Emissions associated with vehicle travel depend on the year of analysis because emission control technology requirements are phased-in over time. Therefore, the earlier the year analyzed in the model, the higher the emission rates utilized by CalEEMod. The earliest year of

full operation would be 2024 if construction begins in 2021. Emissions associated with build-out later than 2024 would be lower.

The existing retail commercial building and surface parking lot were found to have low operational and traffic emissions which would not considerably offset emissions from the proposed project. Therefore, the emission from existing uses were not considered in this analysis nor used to offset the project conditions. Table 4.3-4 below, summarizes the results of the CalEEMod calculations.

Table 4.3-4: Operational Period Emissions				
Scenario	ROG	NO_x	PM₁₀	PM_{2.5}
2024 Project Operational Emissions (tons/year) ¹	1.05 tons	0.30 tons	0.35 tons	0.09 tons
BAAQMD Thresholds (tons/year)	10 tons	10 tons	15 tons	10 tons
Exceed Threshold?	No	No	No	No
2024 Project Operational Emissions (lbs./day)	5.77 lbs.	1.64 lbs.	1.93 lbs.	0.50 lbs.
BAAQMD Thresholds (lbs./day)	54 lbs.	54 lbs.	82 lbs.	54 lbs.
Exceed Threshold?	No	No	No	No
Note: ¹ Assumes 365-day operation per year				

As shown in Table 4.3-4 above, the project would not exceed BAAQMD thresholds of significance for operational period emissions. The project, therefore, would not result in a significant increase of regional criteria pollutants and would not conflict with or obstruct implementation of the 2017 CAP. **(Less than Significant Impact)**

Impact AIR-2: The project would not 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. **(Less than Significant Impact)**

Per the BAAQMD CEQA Air Quality Guidelines, air pollution by its nature is largely a cumulative impact. No single project is sufficient in size, by itself, to result in nonattainment of ambient air quality standards. If a project exceeds the identified significance thresholds, its emissions would be cumulatively considerable, resulting in significant adverse air quality impacts to the region's existing air quality conditions. As discussed above, the proposed project would not, by itself, result in any air pollutant emissions exceeding BAAQMD's significance thresholds. As a result, the proposed project would not result in a cumulatively considerable net increase of any criteria pollutant for which the region is in non-attainment. **(Less than Significant Impact)**

Impact AIR-3: The project would not expose sensitive receptors to substantial pollutant concentrations. **(Less than Significant Impact with Mitigation Incorporated)**

Dust Generation

Construction activities, particularly during site preparation and grading, would temporarily generate fugitive dust in the form of PM₁₀ and PM_{2.5}. Sources of fugitive dust would include disturbed soils at the construction site and trucks carrying uncovered loads of soils. 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. The BAAQMD CEQA Air Quality Guidelines consider these impacts to be less-than-significant if best management practices are implemented to reduce these emissions.

Standard Condition of Approval: The project will implement the following measures to control dust and exhaust during construction.

BASIC AIR QUALITY CONSTRUCTION MEASURES: The applicant shall require all construction contractors to implement the basic construction mitigation measures recommended by the Bay Area Air Quality Management District (BAAQMD) to reduce fugitive dust emissions. Additional measures may be identified by the BAAQMD or contractor as appropriate. Emission reduction measures will include, at a minimum, the following measures:

- All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day.
- All haul trucks transporting soil, sand, or other loose material off-site shall be covered.
- All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.
- All vehicle speeds on unpaved roads shall be limited to 15 miles per hour (mph).
- All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.
- Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to five minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations [CCR]). Clear signage shall be provided for construction workers at all access points.
- All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation.
- Post a publicly visible sign with the telephone number and person to contact at the Lead Agency regarding dust complaints. This person shall respond and take

corrective action within 48 hours. The BAAQMD's phone number shall also be visible to ensure compliance with applicable regulations.

The project, with the implementation of the above Standard Condition of Approval, would ensure construction dust emissions would have a less than significant impact. **(Less than Significant Impact)**

Project Construction – Community Health Risks

The project would introduce new sources of TACs during construction and operation that would affect nearby sensitive receptors. Sensitive receptors in the project vicinity include existing residences to the south and east of the project site. Project construction activities would generate dust and equipment exhaust while project operation would generate traffic consisting of mostly light-duty gasoline-powered vehicles. The project does not propose the use of any stationary sources of TACs that have the potential for substantial emissions, such as diesel-powered emergency generators. Per BAAQMD methodology, a road with less than 10,000 total vehicles per day is considered a low-impact source of TACs. The project would result in approximately 444 daily trips from primarily light-duty vehicles which would result in negligible contributions to TAC emissions and, therefore, are not considered further in this analysis.

Community risk impacts were addressed by predicting increased cancer risk, the increase in annual $PM_{2.5}$ concentrations and computing the Hazard Index (HI) for non-cancer health risks. The maximally exposed individual (MEI) for construction cancer risk was determined to be located on the first floor of the adjacent single-family residence southeast of the project site at 24725 Calaroga Avenue and the MEI for $PM_{2.5}$ concentration was determined to be located on the first floor of the adjacent residence southeast of the project site at 24717 Calaroga Avenue (refer to Figure 4.3-1). To give the most conservative analysis, the MEIs were assumed to be infants. The project risk impacts are summarized in Table 4.3-5.

Table 4.3-5: Construction and Operation Risk Impacts at the Off-Site MEIs				
Source		Cancer Risk* (per million)	Annual $PM_{2.5}$ ($\mu g/m^3$)*	Hazard Index
Project Construction	Unmitigated	12.55 (infant)	0.10	0.01
	Mitigated	1.34 (infant)	0.03	<0.01
BAAQMD Single-Source Threshold		10	0.3	1.0
Exceed Threshold?	Unmitigated	Yes	No	No
	Mitigated	No	No	No
Notes: *Maximum cancer risk and maximum $PM_{2.5}$ concentration occur at different locations				
** Construction equipment with Tier 4 interim engines and Best Management Practices as mitigation				



LOCATION OF TAC SOURCES AND MEI

FIGURE 4.3-1

Mitigation Measure: The project would implement the mitigation measures listed below to reduce TAC impacts to nearby sensitive receptors to a less than significant level.

MM AIR-3.1: All diesel-powered off-road equipment, larger than 25 horsepower, operating on the site for more than two days continuously or 20 hours total shall meet U.S. EPA Tier 4 standards for particulate matter emissions. Alternatively, equipment that meets U.S. EPA particulate matter emissions standards for Tier 3 engines that include CARB-certified Level 3 Diesel Particulate Filters (DPF), or equivalent would be effective. The use of equipment that is powered by electricity or alternatively fueled equipment (i.e., non-diesel) would also meet this requirement.

Alternatively, the applicant could develop a TAC reduction plan that reduces on- and near-site construction diesel particulate matter emissions by 25 percent or greater. Such a plan shall be reviewed and approved by the City.

Implementation of MM AIR-3.1 would reduce on-site diesel exhaust emissions from construction equipment and would, correspondingly, decrease the lifetime residential cancer risk from construction at the MEI location below the BAAQMD Single-Source threshold of significance. **(Less than Significant Impact with Mitigation Incorporated)**

Cumulative Community Health Risks

Cumulative TAC impacts are analyzed by combining the community risk impacts of the project construction and nearby sources of TACs within 1,000 feet of the project site. TAC sources include rail lines, highways, busy surface streets (>10,000 average daily trips or ADT), and stationary sources identified by BAAQMD. A review of the project area indicates that Hesperian Boulevard would be the only roadway within 1,000 feet of the site exceeding 10,000 vehicles per day. Two stationary sources, both diesel-powered generators, were identified within the project area. Table 4.3-6 summarizes the cumulative community health risks at the project construction MEI.

Table 4.3-6: Cumulative Community Risk Impacts at the Off-Site MEIs				
Source		Cancer Risk (per million)	Annual PM_{2.5} (µg/m³)	Hazard Index
Project Impacts				
Project Construction	Unmitigated	12.55 (infant)	0.10	0.01
	Mitigated	1.34 (infant)	0.03	<0.01
BAAQMD Single-Source Threshold		10	0.3	1.0
Exceed Threshold?	Unmitigated	Yes	No	No
	Mitigated	No	No	No
Cumulative Sources				
Hesperian Boulevard		0.40	0.01	<0.01

Table 4.3-6: Cumulative Community Risk Impacts at the Off-Site MEIs				
Source		Cancer Risk (per million)	Annual PM _{2.5} (µg/m ³)	Hazard Index
Macy's South Land (diesel generator), MEI at 800 feet		0.04	--	--
Alameda County Public Works Agency (diesel generator), MEI at 1,000+ feet		0.12	--	--
Combined Sources	Unmitigated	13.11	0.11	0.02
	Mitigated	1.90	0.04	<0.02
BAAQMD Cumulative Source Threshold		100	0.8	10.0
Exceed Threshold?	Unmitigated	No	No	No
	Mitigated	No	No	No

As shown in Table 4.3-6 above, the project would not exceed BAAQMD's cumulative TAC source threshold of significance. The project would not contribute to a cumulatively significant community health risk impact. With implementation of MM AIR-3.1, the project would not expose sensitive receptors to substantial pollutant concentrations. **(Less than Significant Impact with Mitigation Incorporated)**

Impact AIR-4: The project would not result in other emissions (such as those leading to odors) adversely affecting a substantial number of people. **(Less than Significant Impact)**

The project would generate localized emissions of diesel exhaust during construction equipment operation and truck activity. These emissions may be noticeable by adjacent receptors; however, the odors would be localized and temporary and would not substantially affect people off-site. For these reasons, implementation of the proposed project would not result in significant long-term or short-term odor impacts, affecting a substantial number of people. **(Less than Significant Impact)**

4.3.3 Non-CEQA Effects

Per *California Building Industry Association v. Bay Area Air Quality Management District*, 62 Cal. 4th 369 (*BIA v. BAAQMD*), effects of the environment on the project are not considered CEQA impacts. The following discussion is included for informational purposes only because the City of Hayward has policies that address existing air quality conditions affecting a proposed project.

On-Site Community Health Risk – New Project Residents

In addition to evaluating health impact from project construction, a health risk assessment was completed to assess the impact that existing TAC sources would have on the new proposed sensitive receptors introduced by the project. The same TAC sources identified under Impact AIR-3 were used in this health risk assessment. All health risk results are listed in Table 4.3-7. TAC sources included

in the community risk impact included major roadways and stationary sources within 1,000 feet of the project site.

Table 4.3-7: Cumulative Community Risk Impacts Upon the On-Site Sensitive Receptors			
Source	Cancer Risk (per million)	Annual PM_{2.5} (µg/m³)	Hazard Index
Hesperian Boulevard	0.99	0.03	<0.01
Macy's South Land (diesel generator), MEI at 800 feet	0.11	--	--
Alameda County Public Works Agency (diesel generator), MEI at 1,000+ feet	0.12	--	--
BAAQMD Single-Source Threshold	>10.0	>0.3	>1.0
Exceed Threshold?	No	No	No
Cumulative Total	1.22	0.03	<0.01
BAAQMD Cumulative Source Threshold	>100	>0.8	>10.0
Exceed Threshold?	No	No	No

As shown above, the annual cancer risks, annual PM_{2.5} concentrations, and Hazard Indexes are all below their respective BAAQMD single-source and cumulative significance thresholds.

4.4 BIOLOGICAL RESOURCES

The following discussion is based in part on an Arborist Report prepared by A Plus Tree, Inc. in January 2021. A copy of this report is included in Appendix B.

4.4.1 Environmental Setting

4.4.1.1 *Regulatory Framework*

Federal and State

Endangered Species Act

Individual plant and animal species listed as rare, threatened, or endangered under state and federal Endangered Species Acts are considered special-status species. Federal and state endangered species legislation has provided the United States Fish and Wildlife Service (USFWS) and the California Department of Fish and Wildlife (CDFW) with a mechanism for conserving and protecting plant and animal species of limited distribution and/or low or declining populations. Permits may be required from both the USFWS and CDFW if activities associated with a proposed project would result in the take of a species listed as threatened or endangered. To “take” a listed species, as defined by the State of California, is “to hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture, or kill” these species. Take is more broadly defined by the federal Endangered Species Act to include harm of a listed species.

In addition to species listed under state and federal Endangered Species Acts, Sections 15380(b) and (c) of the CEQA Guidelines provide that all potential rare or sensitive species, or habitats capable of supporting rare species, must be considered as part of the environmental review process. These may include plant species listed by the California Native Plant Society and CDFW-listed Species of Special Concern.

Migratory Bird Treaty Act

The federal Migratory Bird Treaty Act (MBTA) prohibits killing, capture, possession, or trade of migratory birds except in accordance with regulations prescribed by the Secretary of the Interior. Hunting and poaching are also prohibited. The taking and killing of birds resulting from an activity is not prohibited by the MBTA when the underlying purpose of that activity is not to take birds.¹² Nesting birds are considered special-status species and are protected by the USFWS. The CDFW also protects migratory and nesting birds under California Fish and Game Code Sections 3503, 3503.5, and 3800. The CDFW defines taking as causing abandonment and/or loss of reproductive efforts through disturbance.

¹² United States Department of the Interior. “Memorandum M-37050. The Migratory Bird Treaty Act Does Not Prohibit Incidental Take.” Accessed May 25, 2021. <https://www.doi.gov/sites/doi.gov/files/uploads/m-37050.pdf>.

Local

Hayward 2040 General Plan

The General Plan includes policies for the purpose of avoiding or mitigating impacts resulting from development projects within the City. The following policies are specific to biological resources and are applicable to the proposed project.

Policy	Description
NR-1.1	The City shall limit or avoid new development that encroaches into important native wildlife habitats; limits the range of listed or protected species; or creates barriers that cut off access to food, water, or shelter of listed or protected species.
NR-1.2	The City shall protect sensitive biological resources, including State and Federally designated sensitive, rare, threatened, and endangered plant, fish, and wildlife species and their habitats from urban development and incompatible land uses.
NR-1.7	The City shall encourage protection of mature, native tree species to the maximum extent practicable, to support the local eco-system, provide shade, create windbreaks, and enhance the aesthetics of new and existing development.

Hayward Tree Preservation Ordinance

The Hayward Tree Preservation Ordinance (Article 10.15 of the HMC) is intended to protect and preserve significant trees and control the re-shaping, removal, or relocation of those trees. Protected Trees are defined as any of the following: 1) trees that have a minimum trunk diameter of eight inches measured 54 inches above the ground; 2) street trees or other required trees such as those required as a condition of approval, Use Permit, or other Zoning requirement, regardless of size; 3) all memorial trees dedicated by an entity recognized by the City, and all specimen trees that define a neighborhood or community; 4) specific native tree species that have reached a minimum of four inches diameter trunk size; and 5) a trees of any size planted as a replacement for a Protected Tree.

4.4.1.2 *Existing Conditions*

The project site is currently occupied by a vacant, three-story retail building and its associated parking lot. There are no special status plant or wildlife species known to occur on-site and the project site does not have suitable habitat to support special status species. There are no waterways, riparian corridors, or other sensitive habitats on-site.

There are 24 existing trees on-site, including six street trees along La Playa Drive that are considered Protected Trees per the Tree Preservation Ordinance. The species of the existing trees are summarized below in Table 4.4-1.

Table 4.4-1: Existing Trees On-Site		
Species	Number of Trees	Number of Protected Trees
Black locust (<i>Robinia pseudoacacia</i>)	7	--
Brazilian pepper (<i>Schinus terebinthifolius</i>)	6	6*
Canary Island pine (<i>Pinus canariensis</i>)	4	--
Japanese maple (<i>Acer palmatum</i>)	1	--
River red gum (<i>Eucalyptus camaldulensis</i>)	1	--
Sweet gum (<i>Liquidambar styraciflua</i>)	5	--
Total	24	6
Notes: *The six Brazilian pepper trees are considered Protected Trees because they are street trees, located along La Playa Drive.		

4.4.2 Impact Discussion

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
1) 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 Wildlife (CDFW) or United States Fish and Wildlife Service (USFWS)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2) 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 CDFW or USFWS?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3) Have a substantial adverse effect on state or federally protected wetlands (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"/>
4) 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"/>

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
5) 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"/>
6) 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"/>

Impact BIO-1: The project would not 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 CDFW or USFWS. **(Less than Significant Impact with Mitigation Incorporated)**

There are no known candidate, sensitive, or special status species present on the project site. The proposed project would not have any effect, directly or indirectly, on candidate or sensitive species identified by any plans, policies, regulations, or by the CDFW or USFWS.

The mature trees on and adjacent to the project site could provide nesting habitat for birds, including migratory birds and raptors. Nesting birds are among the species protected under provisions of the Migratory Bird Treaty Act and California Fish and Game Code Sections 3503, 3503.5, and 2800.

Construction of the project during the breeding season could result in the incidental loss of fertile eggs or nestlings, or otherwise lead to nest abandonment. Disturbance that causes abandonment and/or loss of reproductive effort is considered a taking by the CDFW. Any loss of fertile eggs, nesting raptors, or any activities resulting in nest abandonment would constitute an impact. Construction activities such as tree removal and site grading that disturb a nesting bird or raptor on-site or immediately adjacent to the construction zone would also constitute an impact.

Mitigation Measure: The project will be required to implement the following mitigation measure to reduce impacts to raptors and nesting birds to a less than significant level:

MM BIO-1.1: Pre-construction nesting bird surveys shall be completed prior to tree removal if removal or construction is proposed to commence during the breeding season (February 1 to August 31) in order to avoid impacts to nesting birds. Surveys shall be completed by a qualified biologist no more than 14 days before construction begins. During this survey, the biologist or ornithologist shall inspect all trees and other possible nesting habitats in and within 250 feet of the project boundary.

If an active nest is found in an area that would be disturbed by construction, the ornithologist shall designate an adequate buffer zone (~250 feet) to be established around the nest, in consultation with the California Department of Fish and Wildlife (CDFW). The buffer would ensure that nests shall not be disturbed until the young have fledged (left the nest), the nest is vacated, and there is no evidence of second nesting attempts.

The applicant shall submit a report indicating the results of the survey and any designated buffer zones to the satisfaction of the Director of Development Services, prior to the removal of trees and issuance of a grading permit or demolition permit.

Conformance to State and federal law protecting nesting birds through implementation of mitigation measure MM BIO-1.1 would reduce potential impacts to a less than significant level. **(Less Than Significant Impact with Mitigation Incorporated)**

Impact BIO-2: The project would not 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 CDFW or USFWS. **(No Impact)**

The project site is located in a developed, urban area of Hayward. There is no riparian habitat or other sensitive habitat areas on or adjacent to the project site. Therefore, the project would not 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 CDFW or USFWS. **(No Impact)**

Impact BIO-3: The project would not have a substantial adverse effect on state or federally protected wetlands through direct removal, filling, hydrological interruption, or other means. **(No Impact)**

There are no federally protected wetlands on or adjacent to the project site. **(No Impact)**

Impact BIO-4: The project would not 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. **(Less than Significant Impact)**

The project site is surrounded by developed, urban land uses. The project site is not part of an established native or migratory wildlife corridor or nursery site. Impacts to migratory birds are discussed under Impact BIO-1. Therefore, the project would not interfere substantially with the movement of any native resident or migratory wildlife species. **(Less than Significant Impact)**

Impact BIO-5: The project would not conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance. **(Less than Significant Impact)**

The project would remove all 24 existing trees on-site, including the six Protected Trees along La Playa Drive. The project would plant 160 new trees, resulting in a net increase of 136 trees on-site. Pursuant to the Hayward Tree Preservation Ordinance, the project would be required to obtain a Tree Removal Permit prior to project demolition and would be required to replace each Protected Tree with trees equal in size and species or value. Out of the proposed 160 new trees, the project would include 13 new street trees along La Playa Drive as well as three street trees along Calaroga Avenue. The project would comply with the Hayward Tree Preservation Ordinance. Therefore, the project would not conflict with any local policies or ordinances protecting biological resources. **(Less than Significant Impact)**

Impact BIO-6: The project would not conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan. **(No Impact)**

The project site is not located within a Habitat Conservation Plan or Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan. **(No Impact)**

4.5 CULTURAL RESOURCES

4.5.1 Environmental Setting

4.5.1.1 *Regulatory Framework*

Federal and State

National Historic Preservation Act

Federal protection is legislated by the National Historic Preservation Act of 1966 (NHPA) and the Archaeological Resource Protection Act of 1979. These laws maintain processes for determination of the effects on historical properties eligible for listing in the National Register of Historic Places (NRHP). Section 106 of the NHPA and related regulations (36 Code of Federal Regulations [CFR] Part 800) constitute the primary federal regulatory framework guiding cultural resources investigations and require consideration of effects on properties that are listed or eligible for listing in the NRHP. Impacts to properties listed in the NRHP must be evaluated under CEQA.

California Register of Historical Resources

The California Register of Historical Resources (CRHR) is administered by the State Office of Historic Preservation and encourages protection of resources of architectural, historical, archeological, and cultural significance. The CRHR identifies historic resources for state and local planning purposes and affords protections under CEQA. Under Public Resources Code Section 5024.1(c), a resource may be eligible for listing in the CRHR if it meets any of the NRHP criteria.¹³

Historical resources eligible for listing in the CRHR must meet the significance criteria described previously and retain enough of their historic character or appearance to be recognizable as historical resources and to convey the reasons for their significance. A resource that has lost its historic character or appearance may still have sufficient integrity for the CRHR if it maintains the potential to yield significant scientific or historical information or specific data.

The concept of integrity is essential to identifying the important physical characteristics of historical resources and, therefore, in evaluating adverse changes to them. Integrity is defined as “the authenticity of a historical resource’s physical identity evidenced by the survival of characteristics that existed during the resource’s period of significance.” The processes of determining integrity are similar for both the CRHR and NRHP and use the same seven variables or aspects to define integrity that are used to evaluate a resource’s eligibility for listing. These seven characteristics include 1) location, 2) design, 3) setting, 4) materials, 5) workmanship, 6) feeling, and 7) association.

Senate Bill 18

The intent of SB 18 is to aid in the protection of traditional tribal cultural places through local land use planning by requiring city governments to consult with California Native American tribes on projects which include adoption or amendment of general plans (defined in Government Code Section 65300 et seq.) and specific plans (defined in Government Code Section 65450 et seq.). SB 18

¹³ California Office of Historic Preservation. “CEQA Guidelines Section 15064.5(a)(3) and California Office of Historic Preservation Technical Assistance Series #6.” Accessed August 31, 2020. <https://ohp.parks.ca.gov/pages/1069/files/technical%20assistance%20bulletin%206%202011%20update.pdf>.

requires local governments to consult with tribes prior to making certain planning decisions and to provide notice to tribes at certain key points in the planning process.

California Native American Historical, Cultural, and Sacred Sites Act

The California Native American Historical, Cultural, and Sacred Sites Act applies to both state and private lands. The act requires that upon discovery of human remains, construction or excavation activity must cease and the county coroner be notified.

Public Resources Code Sections 5097 and 5097.98

Section 15064.5 of the CEQA Guidelines specifies procedures to be used in the event of an unexpected discovery of Native American human remains on non-federal land. These procedures are outlined in Public Resources Code Sections 5097 and 5097.98. These codes protect such remains from disturbance, vandalism, and inadvertent destruction, establish procedures to be implemented if Native American skeletal remains are discovered during construction of a project, and establish the Native American Heritage Commission (NAHC) as the authority to resolve disputes regarding disposition of such remains.

Pursuant to Public Resources Code Section 5097.98, in the event of human remains discovery, no further disturbance is allowed until the county coroner has made the necessary findings regarding the origin and disposition of the remains. If the remains are of a Native American, the county coroner must notify the NAHC. The NAHC then notifies those persons most likely to be related to the Native American remains. The code section also stipulates the procedures that the descendants may follow for treating or disposing of the remains and associated grave goods.

Local

Hayward 2040 General Plan

The General Plan includes policies for the purpose of avoiding or mitigating impacts resulting from development projects within the City. The following policies are specific to cultural resources and are applicable to the proposed project.

Policy	Description
LU-8.3	The City shall maintain and implement its Historic Preservation Ordinance to safeguard the heritage of the city and to preserve historic resources.
LU-8.6	The City shall consider The Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings when evaluating development applications and City projects involving historic resources, or development applications that may affect scenic views or the historic context of nearby historic resources.
NR-7.1	The City shall prohibit any new public or private development that damages or destroys a historically- or prehistorically significant fossil, ruin, or monument, or any object of antiquity.

Hayward Historic Preservation Ordinance

The City's Historic Preservation Ordinance (Article 10.11 of the HMC) is intended to identify, protect, and enhance historical resources, archaeological sites, and other cultural resources within the City. The Historic Preservation Ordinance sets forth conditions of approval required for projects that may impact historic or archaeological resources.

4.5.1.2 *Existing Conditions*

The project site is occupied by a vacant, three-story retail building. The existing building was constructed circa 1968 and has remained relatively unchanged since then.¹⁴ Most recently, the building was occupied by Burlington (formerly known as Burlington Coat Factory). The building is not listed as a historic resource on the NRHP or CRHR and is not considered a historic resource by the City of Hayward. The City's list of Historically or Architecturally Significant Buildings contains 20 structures that have been officially designated by the City. There are no structures on the project site that could be considered historic, nor are there recognized historic structures in the immediate vicinity of the site.¹⁵

In the City of Hayward, Native Americans are believed to have had a major village site along San Lorenzo Creek which is located approximately 2.5 miles north of the project site.¹⁶ The project site is not considered to have a high archaeological sensitivity due to its distance from San Lorenzo Creek and other waterways in the City and the prior disturbance of the site associated with the existing development.

4.5.2 Impact Discussion

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
1) Cause a substantial adverse change in the significance of a historical resource pursuant to CEQA Guidelines Section 15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2) Cause a substantial adverse change in the significance of an archaeological resource pursuant to CEQA Guidelines Section 15064.5?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3) Disturb any human remains, including those interred outside of dedicated cemeteries?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

¹⁴ Tetra Tech, Inc. Phase I Environmental Site Assessment, Burlington Coat Factory. Tetra Tech Project Number: 212C-HN-D2101-BAD0171A. April 28, 2021.

¹⁵ City of Hayward. *Public Review Draft Background Report*. Table 1-2: Officially Designated Architecturally and Historically Significant Buildings. January 2014.

¹⁶ City of Hayward. *Public Review Draft Background Report*. January 2014. Page 1-30.

Impact CUL-1: The project would not cause a substantial adverse change in the significance of a historical resource pursuant to CEQA Guidelines Section 15064.5. **(Less than Significant Impact)**

The existing retail building on-site is not listed as a historic resource on the NRHP or CRHR and is not considered a historic resource by the City of Hayward. Although the building is over 50 years old it is not known to be associated with a significant historical event or person and it does not embody characteristics of a significant architectural type. There are no historic resources adjacent to the project site. Therefore, the project would not cause a substantial adverse change in the significance of a historical resource. **(Less than Significant Impact)**

Impact CUL-2: The project would not cause a substantial adverse change in the significance of an archaeological resource pursuant to CEQA Guidelines Section 15064.5. **(Less than Significant Impact with Mitigation Incorporated)**

The project is not located in an archaeologically sensitive area and there are no known archaeological resources on-site. However, project-related grading during construction could result in the discovery of unknown archaeological resources. Pursuant to the City's Historic Preservation Ordinance, the project would be required to implement the following conditions of approval:

Mitigation Measures: The project will be required to implement the following mitigation measures to reduce potential impacts to archaeological resources to a less than significant level:

MM CUL-2.1: If evidence of an archaeological site or other suspected cultural resource as defined by CEQA Guideline Section 15064.5, including darkened soil representing past human activity ("midden"), that could conceal material remains (e.g., worked stone, worked bone, fired clay vessels, faunal bone, hearths, storage pits, or burials) is discovered during construction related earth-moving activities, all ground-disturbing activity within 100 feet of the resources shall be halted and the City's Planning Manager shall be notified. The project sponsor shall hire a qualified archaeologist to conduct a field investigation. The City's Planning Manager shall consult with the archaeologist to assess the significance of the find. Impacts to any significant resources shall be mitigated to a less-than-significant level through data recovery or other methods determined adequate by a qualified archaeologist and that are consistent with the Secretary of the Interior's Standards for Archaeological documentation. Any identified cultural resources shall be recorded on the appropriate DPR 523 (A-J) form and filed with the NWIC.

MM CUL-2.2: If archaeological resources are identified, a final report summarizing the discovery of cultural materials shall be submitted to the City's Planning Manager prior to issuance of certificate of occupancy. This report shall contain a description of the mitigation program that was implemented and its results, including a description of the monitoring and testing program, a list of the resources found and conclusion, and a description of the disposition/curation of the resources.

With implementation of MM CUL_2.1 and MM CUL-2.2, any impacts to undiscovered archaeological resources would be reduced to a less than significant level. **(Less than Significant Impact with Mitigation Incorporated)**

Impact CUL-3: The project would not disturb any human remains, including those interred outside of dedicated cemeteries. **(Less than Significant Impact with Mitigation Incorporated)**

As described above, the site has no known archaeological resources, including human remains. In the unlikely event human remains are unearthed during project construction, damage to or destruction of significant archaeological remains would be a potentially significant impact.

Mitigation Measures: The project will be required to implement the following mitigation measure to reduce potential impacts to buried human remains to a less than significant level:

MM CUL-3.1: If human remains are discovered during project construction, all ground-disturbing activity within 100 feet of the resources shall be halted and the City's Planning Manager and the Alameda County Coroner shall be notified immediately, according to Section 5097.98 of the State Public Resources Code and Section 7050.5 of California's Health and Safety Code. If the remains are determined by the County Coroner to be Native American, the Native American Heritage Commission (NAHC) shall be notified within 24 hours, and the guidelines of the NAHC shall be adhered to in the treatment and disposition of the remains. The project sponsor shall also retain a professional archaeologist with Native American burial experience to conduct a field investigation of the specific site and consult with the Most Likely Descendant, if any, identified by the NAHC. As necessary, the archaeologist may provide professional assistance to the Most Likely Descendant, including the excavation and removal of the human remains. The City of Hayward shall be responsible for approval of recommended mitigation as it deems appropriate, taking account of the provisions of State law, as set forth in CEQA Guidelines section 15064.5(e) and Public Resources Code section 5097.98. The project sponsor shall implement approved mitigation, to be verified by the City of Hayward, before the resumption of ground-disturbing activities within 100 feet of where the remains were discovered.

With implementation of MM CUL-3.1, any potential impacts to human remains would be reduced to a less than significant level. **(Less than Significant Impact with Mitigation Incorporated)**

4.6 ENERGY

4.6.1 Environmental Setting

4.6.1.1 *Regulatory Framework*

Federal and State

Energy Star and Fuel Efficiency

At the federal level, energy standards set by the EPA apply to numerous consumer products and appliances (e.g., the EnergyStar™ program). The EPA also sets fuel efficiency standards for automobiles and other modes of transportation.

Renewables Portfolio Standard Program

In 2002, California established its Renewables Portfolio Standard Program, with the goal of increasing the percentage of renewable energy in the state's electricity mix to 20 percent of retail sales by 2010. Governor Schwarzenegger issued Executive Order (EO) S-3-05, requiring statewide emissions reductions to 80 percent below 1990 levels by 2050. In 2008, EO S-14-08 was signed into law, requiring retail sellers of electricity serve 33 percent of their load with renewable energy by 2020. In October 2015, Governor Brown signed SB 350 to codify California's climate and clean energy goals. A key provision of SB 350 requires retail sellers and publicly owned utilities to procure 50 percent of their electricity from renewable sources by 2030. SB 100, passed in 2018, requires 100 percent of electricity in California to be provided by 100 percent renewable and carbon-free sources by 2045.

Executive Order B-55-18 To Achieve Carbon Neutrality

In September 2018, Governor Brown issued an executive order, EO-B-55-18 To Achieve Carbon Neutrality, setting a statewide goal “to achieve carbon neutrality as soon as possible, and no later than 2045, and achieve and maintain net negative emissions thereafter.” The executive order requires CARB to “ensure future Scoping Plans identify and recommend measures to achieve the carbon neutrality goal.” EO-B-55-18 supplements EO S-3-05 by requiring not only emissions reductions, but also that, by no later than 2045, the remaining emissions be offset by equivalent net removals of CO₂ from the atmosphere through sequestration.

California Building Standards Code

The Energy Efficiency Standards for Residential and Nonresidential Buildings, as specified in Title 24, Part 6 of the California Code of Regulations (Title 24), was established in 1978 in response to a legislative mandate to reduce California's energy consumption. Title 24 is updated approximately every three years.¹⁷ Compliance with Title 24 is mandatory at the time new building permits are issued by city and county governments.¹⁸

¹⁷ California Building Standards Commission. “California Building Standards Code.” Accessed May 26, 2021. <https://www.dgs.ca.gov/BSC/Codes#@ViewBag.JumpTo>.

¹⁸ California Energy Commission (CEC). “2019 Building Energy Efficiency Standards.” Accessed May 26, 2021. <https://www.energy.ca.gov/programs-and-topics/programs/building-energy-efficiency-standards/2019-building-energy-efficiency>.

California Green Building Standards Code

CALGreen establishes mandatory green building standards for buildings in California. CALGreen was developed to reduce GHG emissions from buildings, promote environmentally responsible and healthier places to live and work, reduce energy and water consumption, and respond to state environmental directives. CALGreen covers five categories: planning and design, energy efficiency, water efficiency and conservation, material and resource efficiency, and indoor environmental quality. CALGreen requires that construction projects recycle or salvage 65 percent of non-hazardous construction and demolition waste.

Advanced Clean Cars Program

CARB adopted the Advanced Clean Cars program in 2012 in coordination with the EPA and National Highway Traffic Safety Administration. The program combines the control of smog-causing pollutants and GHG emissions into a single coordinated set of requirements for vehicle model years 2015 through 2025. The program promotes development of environmentally superior passenger cars and other vehicles, as well as saving the consumer money through fuel savings.¹⁹

Local

Hayward Reach Code

In March 2020, the Hayward City Council adopted a reach code ordinance to electrify buildings and vehicles in new construction. The new requirements are intended to result in safer and more comfortable buildings, increase electric vehicle charging infrastructure, and reduce carbon emissions. The ordinance requires all new low-rise residential buildings (three stories and less) to be all-electric. The ordinance also requires electric vehicle charging infrastructure beyond that required in the 2019 California Green Building Standards Code.

Hayward 2040 General Plan

The General Plan includes policies for the purpose of avoiding or mitigating impacts resulting from development projects within the City. The following policies are specific to energy and are applicable to the proposed project.

Policy	Description
LU-1.8	<p>The City shall maintain and implement green building and landscaping requirements for private- and public-sector development to:</p> <ul style="list-style-type: none"> • Reduce the use of energy, water, and natural resources. • Minimize the long-term maintenance and utility expenses of infrastructure, buildings, and properties. • Create healthy indoor environments to promote the health and productivity of residents, workers, and visitors. • Encourage the use of durable, sustainably sourced, and/or recycled building materials.

¹⁹ California Air Resources Board. "The Advanced Clean Cars Program." Accessed May 26, 2021. <https://www.arb.ca.gov/msprog/acc/acc.htm>.

	<ul style="list-style-type: none"> • Reduce landfill waste by promoting practices that reduce, reuse, and recycle solid waste.
NR-2.4	The City shall work with the community to reduce community based GHG emissions by 20 percent below 2005 baseline levels by 2020, 30 percent below 2005 levels by 2025, and 55 percent below 2005 levels by 2030. In addition, the City shall work with the community to develop a plan that may result in the reduction of community based GHG emissions to achieve carbon neutrality by 2045.
NR-4.1	The City shall promote the efficient use of energy in the design, construction, maintenance, and operation of public and private facilities, infrastructure, and equipment.
NR-4.2	The City shall collaborate with partner agencies, utility providers, and the business community to support a range of energy efficiency, conservation, and waste reduction measures, including the development of green buildings and infrastructure, weatherization programs, installation of energy-efficient appliances and equipment in homes and offices, promotion of energy efficiency retrofit programs, use of green power options, and heightened awareness of the benefits of energy efficiency and conservation issues.
NR-4.3	The City shall encourage construction and building development practices that maximize the use of renewable resources and minimize the use of non-renewable resources throughout the life cycle of a structure.
NR-4.6	The City shall encourage and support the generation, transmission, use, and storage of locally distributed renewable energy in order to promote energy independence, efficiency, and sustainability. The City shall consider various incentives to encourage the installation of renewable energy projects (i.e., reduced permit fees and permit streamlining).
NR-4.11	The City shall require newly constructed or renovated public and private buildings and structures to meet energy efficiency design and operations standards with the intent of meeting or exceeding the State's zero net energy goals by 2020.
NR-4.12	The City shall encourage the planting of native and diverse tree species to reduce heat island effect, reduce energy consumption, and contribute to carbon mitigation.

4.6.1.2 *Existing Conditions*

Total energy usage in California was approximately 7,802 trillion British thermal units (Btu) in the year 2019, the most recent year for which this data was available.²⁰ Out of the 50 states, California is ranked second in total energy consumption and 46th in energy consumption per capita. The breakdown by sector was approximately 19 percent (1,456 trillion Btu) for residential uses, 19 percent (1,468 trillion Btu) for commercial uses, 23 percent (1,805 trillion Btu) for industrial uses,

²⁰ United States Energy Information Administration. "State Profile and Energy Estimates, 2018." Accessed August 12, 2021. <https://www.eia.gov/state/?sid=CA#tabs-2>.

and 39 percent (3,073 trillion Btu) for transportation.²¹ This energy is primarily supplied in the form of natural gas, petroleum, nuclear electric power, and hydroelectric power.

Electricity

East Bay Community Energy (EBCE) is the electricity provider for Alameda County. EBCE sources the electricity and PG&E delivers it to customers over their existing utility lines. Current EBCE customers are automatically enrolled in Brilliant 100, which provides electricity from 100 percent carbon-free sources (including hydropower, solar, and wind energy).²² Customers also have the option to enroll in Renewable 100, which sources energy from 100 percent renewable sources (solar and wind only), and Bright Choice, which is 86 percent carbon-free and includes up to 60 percent of renewable power. Beginning in January 2022, EBCE customers will be automatically enrolled in Renewable 100, with the option to enroll in one of the other two options, as described previously.

Natural Gas

PG&E provides natural gas services within the City of Hayward. In 2018, approximately one percent of California's natural gas supply came from in-state production, while the remaining supply was imported from other western states and Canada.²³ In 2018, residential and commercial customers in California used 33 percent of the state's natural gas, power plants used 26 percent, the industrial sector used 35 percent, and other uses used six percent.²⁴ Transportation accounted for one percent of natural gas use in California. In 2019, Alameda County used approximately three percent of the state's total consumption of natural gas.²⁵

Fuel for Motor Vehicles

In 2019, 15.4 billion gallons of gasoline were sold in California.²⁶ The average fuel economy for light-duty vehicles (autos, pickups, vans, and sport utility vehicles) in the United States has steadily increased from about 13.1 miles per gallon (mpg) in the mid-1970s to 24.9 mpg in 2019.²⁷ Federal fuel economy standards have changed substantially since the Energy Independence and Security Act was passed in 2007. That standard, which originally mandated a national fuel economy standard of 35 miles per gallon by the year 2020, was updated in March 2020 to require all cars and light duty trucks achieve an overall industry average fuel economy of 40.4 mpg by model year 2026.^{28,29}

²¹ Ibid.

²² East Bay Community Energy. "Power Mix". <https://ebce.org/our-power-mix/index.html/> Accessed May 26, 2021.

²³ California Gas and Electric Utilities. 2019 *California Gas Report*. Accessed May 26, 2021.

https://www.socalgas.com/regulatory/documents/cgr/2019_CGR_Supplement_7-1-19.pdf.

²⁴ United States Energy Information Administration. "State Profile and Energy Estimates, 2018." Accessed August 12, 2021. <https://www.eia.gov/state/?sid=CA#tabs-2>.

²⁵ California Energy Commission. "Natural Gas Consumption by County." Accessed May 26, 2021. <http://ecdms.energy.ca.gov/gasbycounty.aspx>.

²⁶ California Department of Tax and Fee Administration. "Net Taxable Gasoline Gallons." Accessed May 26, 2021. <https://www.cdtfa.ca.gov/dataportal/dataset.htm?url=VehicleTaxableFuelDist>.

²⁷ United States Environmental Protection Agency. "The 2020 EPA Automotive Trends Report: Greenhouse Gas Emissions, Fuel Economy, and Technology since 1975." January 2021. <https://nepis.epa.gov/Exe/ZyPDF.cgi?Dockey=P1010U68.pdf>

²⁸ United States Department of Energy. *Energy Independence & Security Act of 2007*. Accessed May 26, 2021. <http://www.afdc.energy.gov/laws/eisa>.

²⁹ Public Law 110–140—December 19, 2007. *Energy Independence & Security Act of 2007*. Accessed May 26, 2021. <http://www.gpo.gov/fdsys/pkg/PLAW-110publ140/pdf/PLAW-110publ140.pdf>.

4.6.2 Impact Discussion

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
1) Result in a potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2) Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Impact EN-1: The project would not result in a potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation. (Less than Significant Impact)				

Energy Efficiency During Construction

The anticipated construction schedule assumes that the project will be built over a period of approximately 14 months. The construction phase would require energy for the manufacture and transportation of building materials, site preparation, grading and excavation, trenching, paving, and building construction and interior finishing. Petroleum-based fuels such as diesel fuel and gasoline would be the primary sources of energy during construction. Energy would not be wasted or used inefficiently by construction equipment, as the proposed project would include several measures to improve efficiency of the construction (e.g., limiting idling time or using U.S. EPA tiered equipment). In addition, construction waste management methods and processes will be employed to reduce the amount of construction waste consistent with CALGreen requirements and HMC Article 5.10. **(Less than Significant Impact)**

Estimated Energy Use of Project Operation

The proposed development would consume electricity primarily from heating and cooling, lighting, appliances, electronics, and water heating. The proposed single-family residences would consume a total of approximately 367,094 kilowatt hours of electricity per year.³⁰ The project would not consume any natural gas, as the proposed residences would be 100 percent electric. Each residential unit would include rooftop solar panels to generate electricity on-site.

Operational energy would also be consumed during each vehicle trip generated by future residents. The project would have a VMT of 17.51 per resident (see Section 4.17 Transportation). Assuming the City of Hayward's average occupancy of 3.1 persons per household³¹, the project would house approximately 146 new residents and would thus, consume approximately 37,474 gallons of gasoline

³⁰ Illingworth & Rodkin, Inc. *1000 La Playa Drive Air Quality and Greenhouse Gas Assessment*. August 6, 2021. Attachment 2: CalEEMod Modeling Inputs and Outputs.

³¹ City of Hayward. *Hayward 2040 General Plan Draft EIR*. January 30, 2014. Page 16-1.

per year³² (assuming the EPA average fuel economy estimate of 24.9 miles per gallon). New automobiles purchased by future occupants of the proposed project would be subject to fuel economy and efficiency standards applied throughout the State of California, which means that over time the fuel efficiency of vehicles associated with the project site would improve. Therefore, the project would not result in wasteful, inefficient, or unnecessary consumption of energy resources. **(Less than Significant Impact)**

Impact EN-2: The project would not conflict with or obstruct a state or local plan for renewable energy or energy efficiency. **(Less than Significant Impact)**

According to the 2019 Integrated Energy Policy Report, the state is working towards decarbonizing the energy system and moving towards a 100 percent carbon-free system by 2045.³³ The project would obtain energy from the EBCE which can provide up to 100 percent carbon free electricity to the project site. The project also proposes rooftop solar panels on all residential units. The project is required to comply with applicable regulations and City policies that would conserve energy and water and reduce fuel consumption and waste generation. Pursuant to the City's Reach Code, the proposed residential buildings would be 100 percent electric, would include all-electric appliances, and would include level 2 EV-ready parking spaces. For these reasons, the proposed project would not conflict with or obstruct a state or local plan for renewable energy or energy efficiency. **(Less Than Significant Impact)**

³² 146 residents x 17.51 VMT/day x 365 days/year ÷ 24.9 miles/gallon = 37,474 gallons/year

³³ California Energy Commission. *2019 Integrated Energy Policy Report*. 2019.

4.7 GEOLOGY AND SOILS

4.7.1 Environmental Setting

4.7.1.1 *Regulatory Framework*

State

Alquist-Priolo Earthquake Fault Zoning Act

The Alquist-Priolo Earthquake Fault Zoning Act was passed following the 1971 San Fernando earthquake. The act regulates development in California near known active faults due to hazards associated with surface fault ruptures. Alquist-Priolo maps are distributed to affected cities, counties, and state agencies for their use in planning and controlling new construction. Areas within an Alquist-Priolo Earthquake Fault Zone require special studies to evaluate the potential for surface rupture to ensure that no structures intended for human occupancy are constructed across an active fault.

Seismic Hazards Mapping Act

The Seismic Hazards Mapping Act (SHMA) was passed in 1990 following the 1989 Loma Prieta earthquake. The SHMA directs the California Geological Survey (CGS) to identify and map areas prone to liquefaction, earthquake-induced landslides, and amplified ground shaking. CGS has completed seismic hazard mapping for the portions of California most susceptible to liquefaction, landslides, and ground shaking, including the central San Francisco Bay Area. The SHMA requires that agencies only approve projects in seismic hazard zones following site-specific geotechnical investigations to determine if the seismic hazard is present and identify measures to reduce earthquake-related hazards.

California Building Standards Code

The California Building Standards Code (CBC) prescribes standards for constructing safe buildings. The CBC contains provisions for earthquake safety based on factors including occupancy type, soil and rock profile, ground strength, and distance to seismic sources. The CBC requires that a site-specific geotechnical investigation report be prepared for most development projects to evaluate seismic and geologic conditions such as surface fault ruptures, ground shaking, liquefaction, differential settlement, lateral spreading, expansive soils, and slope stability. The CBC is updated every three years.

California Division of Occupational Safety and Health Regulations

Excavation, shoring, and trenching activities during construction are subject to occupational safety standards for stabilization by the California Department of Industrial Relations, Division of Occupational Safety and Health (Cal/OSHA) under Title 8 of the California Code of Regulations and Excavation Rules. These regulations minimize the potential for instability and collapse that could injure construction workers on the site.

Public Resources Code Section 5097.5

Paleontological resources are the fossilized remains of organisms from prehistoric environments found in geologic strata. They range from mammoth and dinosaur bones to impressions of ancient animals and plants, trace remains, and microfossils. These materials are valued for the information they yield about the history of the earth and its past ecological settings. California Public Resources Code Section 5097.5 specifies that unauthorized removal of a paleontological resource is a misdemeanor. Under the CEQA Guidelines, a project would have a significant impact on paleontological resources if it would disturb or destroy a unique paleontological resource or site or unique geologic feature.

LocalHayward 2040 General Plan

The General Plan includes policies for the purpose of avoiding or mitigating impacts resulting from development projects within the City. The following policies are specific to geology and soils and are applicable to the proposed project.

Policy	Description
NR-7.1	The City shall prohibit any new public or private development that damages or destroys a historically- or prehistorically significant fossil, ruin, or monument, or any object of antiquity.
NR-7.2	The City shall develop or ensure compliance with protocols that protect or mitigate impacts to paleontological resources, including requiring grading and construction projects to cease activity when a paleontological resource is discovered so it can be safely removed.
HAZ-2.1	The City shall enforce the seismic safety provisions of the Code and Alquist-Priolo Special Studies Zone Act to minimize earthquake-related hazards in new construction, particularly as they relate to high occupancy structures or buildings taller than 50 feet in height.
HAZ-2.2	<p>The City shall require a geologic investigation for new construction on sites within (or partially within) the following zones:</p> <ul style="list-style-type: none"> • Fault Zone (see Figure 9.2-1 in the Hazards Background Report) • Liquefaction Zone (see Figure 9.2-2 in the Hazards Background Report) • Landslide Zone (see Figure 9.2-3 in the Hazards Background Report) <p>A licensed geotechnical engineer shall conduct the investigation and prepare a written report of findings and recommended mitigation measures to minimize potential risks related to seismic and geologic hazards.</p>
HAZ-2.4	The City shall prohibit the placement of any building designed for human occupancy over active faults. All buildings shall be set back from active faults by at least 50 feet. The City may require a greater setback based on the recommendations of the licensed geotechnical engineer evaluating the site and the project.

4.7.1.2 *Existing Conditions*

Regional Geological Conditions

Hayward is located on the eastern side of San Francisco Bay, a region of varied geographic composition and topography. Hayward contains three distinct geologic zones: (1) properties near the Bay in the western portion of the community (bay lands); (2) the primarily urbanized portion of the community below the elevation of 500 feet above sea level (bay plain); and (3) the Hayward Hills, which are part of the Diablo Range and have elevations of up to 1,500 feet, in the eastern portion of Hayward.³⁴

Geologic materials beneath Hayward include bedrock, Bay Mud near estuarine areas, semi-consolidated and unconsolidated alluvium along streams and beneath flat-lying areas, colluvium on slopes derived from bedrock, and artificial fill (especially along the Bay margins).³⁵

On-Site Geological Conditions

Seismicity and Seismic Hazards

There are several major fault zones present in the Bay Area. The Association of Bay Area Governments (ABAG) has reported that the Working Group on California Earthquake Probabilities (2003) has estimated that there is a 62 percent probability that one or more major earthquakes would occur in the San Francisco Bay Area between 2002 and 2031. The Hayward Fault is located approximately 1.6 miles northeast of the project site at its nearest point. The project site is not located within an Alquist Priolo Fault Zone.³⁶ The project site would be subject to strong ground shaking during a seismic event but would not experience surface rupturing.

Liquefaction

Liquefaction is a result of seismic activity characterized by the transformation of loose water-saturated soils from a solid state to a liquid state during ground shaking. According to the City's General Plan EIR, the project site is subject to liquefaction.³⁷

Landslide and Lateral Spreading

The potential for landslides or downslope movement is dependent on slope geometry, subsurface soil and groundwater conditions, prior slope behavior, and severity of ground shaking. The project site is located in a relatively flat area and is not with a landslide hazard zone.³⁸

Lateral spreading is a type of ground failure related to liquefaction. It consists of the horizontal displacement of flat-lying soil material toward an open face, such as the steep bank of a stream channel. The project site does not contain any features susceptible to lateral spreading.

³⁴ City of Hayward. Hayward 2040 General Plan Background Report. January 2014. Page 9-2.

³⁵ Ibid.

³⁶ City of Hayward. Hayward 2040 General Plan Background Report. January 2014. Figure 9-1.

³⁷ City of Hayward. Hayward 2040 General Plan Background Report. January 2014. Figure 9-2.

³⁸ City of Hayward. Hayward 2040 General Plan Background Report. January 2014. Figure 9-3.

Paleontological or Geological Features

The project site has been developed for many years. There are no known paleontological or unique geological features on-site.³⁹

4.7.2 Impact Discussion

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
1) Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:				
– 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 checked="" type="checkbox"/>	<input type="checkbox"/>
– Strong seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
– Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
– Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2) Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3) 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 checked="" type="checkbox"/>	<input type="checkbox"/>
4) Be located on expansive soil, as defined in the current California Building Code, creating substantial direct or indirect risks to life or property?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
5) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
6) Directly or indirectly destroy a unique paleontological resource or site or unique geological feature?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

³⁹ City of Hayward. Hayward 2040 General Plan Background Report. January 2014. Pages 7-137 to 7-138.

Impact GEO-1: The project would not directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving 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; strong seismic ground shaking; seismic-related ground failure, including liquefaction; or landslides.
(Less than Significant Impact)

The project site is located within the seismically active San Francisco Bay Area which has a 62 percent probability of experiencing at least one magnitude 6.7 earthquake before 2031. The project site would experience intense ground shaking in the event of a large earthquake. No known faults occur beneath the project site. The project site is not located within an earthquake fault zone on an Alquist-Priolo Earthquake Fault Zoning Map and, therefore, the potential for fault rupture at the site is low.

The project site is located within a liquefaction hazard zone. The project site is not subject to landslides.

A site-specific, design-level geotechnical report would be prepared prior to construction in order to ensure project safety and compliance with state policies and General Plan Policy HAZ-2.2. Additionally, the project would implement the following Standard Condition of Approval.

Standard Condition of Approval: The project will implement the following measure to ensure liquefaction hazards are addressed by the building designs.

The applicant shall have a design-level geotechnical investigation prepared which includes recommendations to address and mitigate geologic hazards in accordance with the specifications of California Geological Survey Special Publication 117, Guidelines for Evaluating and Mitigating Seismic Hazards, and the requirements of the Seismic Hazards Mapping Act. The report will be submitted to the City prior to the issuance of building permits, and the recommendations made in the geotechnical report will be implemented as part of the project.

By conforming to standard engineering and seismic safety design techniques outlined in the CBC, the proposed project would not expose people or structures to substantial adverse effects due to geological hazards. **(Less than Significant Impact)**

Impact GEO-2: The project would not result in substantial soil erosion or the loss of topsoil.
(Less than Significant Impact)

Project construction activities would include grading that could result in the loss of topsoil. As discussed in Section 4.10 Hydrology and Water Quality, the project shall be required to implement construction sediment and erosion control measures as a Standard Condition of Approval. Through the implementation of the Standard Condition of Approval, the proposed project would avoid soil erosion and would not cause a significant loss of topsoil. **(Less than Significant Impact)**

Impact GEO-3: The project would not 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. **(Less than Significant Impact)**

The project site is located within a liquefaction hazard zone. The project site is not subject to landslides or lateral spreading. With the implementation of the standard engineering and seismic safety design techniques outlined in the California Building Code (refer to Standard Condition of Approval listed under Impact GEO-1), the project would not exacerbate existing geological hazards on-site. Therefore, the project would not 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 geological hazards. **(Less than Significant Impact)**

Impact GEO-4: The project would not be located on expansive soil, as defined in the current California Building Code, creating substantial direct or indirect risks to life or property. **(Less than Significant Impact)**

The project site contains Botella series soils that have moderate expansion potential.^{40,41} The required geotechnical report (refer to Standard Condition of Approval listed under Impact GEO-1) would ensure the proposed buildings are designed to address the expansive soils on the site. The proposed project would not create a substantial risk to life or property due to expansive soils. **(Less than Significant Impact)**

Impact GEO-5: The project would not have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater. **(No Impact)**

The proposed project would be served by the existing municipal sanitary sewer system. There would be no need for alternative wastewater disposal systems, such as septic tanks, on-site. Therefore, there would be no impact due to soils incapable of supporting alternative wastewater disposal systems. **(No Impact)**

Impact GEO-6: The project would not directly or indirectly destroy a unique paleontological resource or site or unique geological feature. **(Less than Significant Impact with Mitigation Incorporated)**

The project site is not known to contain any subsurface paleontological resources or geological features. Although unlikely, grading of the project site could result in the disturbance of previously

⁴⁰ Tetra Tech, Inc. Phase I Environmental Site Assessment, Burlington Coat Factory. Tetra Tech Project Number: 212C-HN-D2101-BAD0171A. April 28, 2021. Page 3-4.

⁴¹ USDA, Soil Conservation Service. Soil Survey of Alameda County, CA, Western Part. 1975. Page 69.

undiscovered paleontological resources. The following mitigation measure would ensure that the proper precautions are taken in the event of an inadvertent paleontological discovery.

Mitigation Measure: The project will be required to implement the following mitigation measure to reduce potential impacts to paleontological resources to a less than significant level:

MM GEO-6.1: Should a unique paleontological resource or site or unique geological feature be identified at the project site during any phase of construction, all ground disturbing activities within 25 feet shall cease and the City's Planning Manager shall be notified immediately. A qualified paleontologist shall evaluate the find and prescribe mitigation measures to reduce impacts to a less than significant level. Work may proceed on other parts of the project site while mitigation for paleontological resources or geologic features is implemented. Upon completion of the paleontological assessment, a report shall be submitted to the City and, if paleontological materials are recovered, a paleontological repository, such as the University of California Museum of Paleontology.

With implementation of MM GEO-6.1, impacts to undiscovered paleontological resources would be reduced to a less than significant level. **(Less than Significant with Mitigation Incorporated)**

4.8 GREENHOUSE GAS EMISSIONS

The following discussion is based, in part, on an air quality and greenhouse gas assessment prepared for the project by Illingworth & Rodkin, Inc. dated August 2021. A copy of this report is included in Appendix A of this Initial Study.

4.8.1 Environmental Setting

4.8.1.1 *Background Information*

Gases that trap heat in the atmosphere, GHGs, regulate the earth's temperature. This phenomenon, known as the greenhouse effect, is responsible for maintaining a habitable climate. In GHG emission inventories, the weight of each gas is multiplied by its global warming potential (GWP) and is measured in units of CO₂ equivalents (CO₂e). The most common GHGs are carbon dioxide (CO₂) and water vapor but there are also several others, most importantly methane (CH₄), nitrous oxide (N₂O), hydrofluorocarbons (HFCs), perfluorocarbons (PFCs), and sulfur hexafluoride (SF₆). These are released into the earth's atmosphere through a variety of natural processes and human activities. Sources of GHGs are generally as follows:

- CO₂ and N₂O are byproducts of fossil fuel combustion.
- N₂O is associated with agricultural operations such as fertilization of crops.
- CH₄ is commonly created by off-gassing from agricultural practices (e.g., keeping livestock) and landfill operations.
- Chlorofluorocarbons (CFCs) were widely used as refrigerants, propellants, and cleaning solvents, but their production has been stopped by international treaty.
- HFCs are now used as a substitute for CFCs in refrigeration and cooling.
- PFCs and SF₆ emissions are commonly created by industries such as aluminum production and semiconductor manufacturing.

An expanding body of scientific research supports the theory that global climate change is currently causing changes in weather patterns, average sea level, ocean acidification, chemical reaction rates, and precipitation rates, and that it will increasingly do so in the future. The climate and several naturally occurring resources within California are adversely affected by the global warming trend. Increased precipitation and sea level rise will increase coastal flooding, saltwater intrusion, and degradation of wetlands. Mass migration and/or loss of plant and animal species could also occur. Potential effects of global climate change that could adversely affect human health include more extreme heat waves and heat-related stress; an increase in climate-sensitive diseases; more frequent and intense natural disasters such as flooding, hurricanes and drought; and increased levels of air pollution.

4.8.1.2 *Regulatory Framework*

State

Assembly Bill 32

Under the California Global Warming Solutions Act, also known as AB 32, CARB established a statewide GHG emissions cap for 2020, adopted mandatory reporting rules for significant sources of GHGs, and adopted a comprehensive plan, known as the Climate Change Scoping Plan, identifying how emission reductions would be achieved from significant GHG sources.

In 2016, SB 32 was signed into law, amending the California Global Warming Solution Act. SB 32, and accompanying Executive Order B-30-15, require CARB to ensure that statewide GHG emissions are reduced to 40 percent below the 1990 level by 2030. CARB updated its Climate Change Scoping Plan in December of 2017 to express the 2030 statewide target in terms of million metric tons of CO₂e (MMTCO₂e). Based on the emissions reductions directed by SB 32, the annual 2030 statewide target emissions level for California is 260 MMTCO₂e.

Senate Bill 375

SB 375, known as the Sustainable Communities Strategy and Climate Protection Act, was signed into law in September 2008. SB 375 builds upon AB 32 by requiring CARB to develop regional GHG reduction targets for automobile and light truck sectors for 2020 and 2035. The per capita GHG emissions reduction targets for passenger vehicles in the San Francisco Bay Area include a seven percent reduction by 2020 and a 15 percent reduction by 2035.

Consistent with the requirements of SB 375, the Metropolitan Transportation Commission (MTC) partnered with the Association of Bay Area Governments (ABAG), BAAQMD, and the Bay Conservation and Development Commission to prepare the region's Sustainable Communities Strategy (SCS) as part of the Regional Transportation Plan process. The SCS is referred to as Plan Bay Area 2040. Plan Bay Area 2040 establishes a course for reducing per capita GHG emissions through the promotion of compact, high-density, mixed-use neighborhoods near transit, particularly within identified Priority Development Areas (PDAs).

Regional and Local

CEQA Air Quality Guidelines

The BAAQMD CEQA Air Quality Guidelines are intended to serve as a guide for those who prepare or evaluate air quality impact analyses for projects and plans in the San Francisco Bay Area. The jurisdictions in the San Francisco Bay Area Air Basin utilize the thresholds and methodology for assessing GHG impacts developed by BAAQMD within the CEQA Air Quality Guidelines. The guidelines include information on legal requirements, BAAQMD rules, methods of analyzing impacts, and recommended mitigation measures.

Hayward Climate Action Plan

The City of Hayward's Climate Action Plan (CAP) was adopted in 2009 and incorporated into the 2040 General Plan in 2014. In 2020, the City Council approved a General Plan amendment to set

Hayward's GHG reduction targets to 30 percent below 2005 baseline emissions levels by 2025 and 55 percent below 2005 baseline emissions levels by 2030. The GHG emissions reduction targets are consistent with SB 32. Therefore, BAAQMD's CEQA Air Quality Guidelines were used in this Initial Study as described in Section 4.8.2.1.

Hayward 2040 General Plan

The General Plan includes policies for the purpose of avoiding or mitigating impacts resulting from development projects within the City. The following policies are specific to greenhouse gas emissions and are applicable to the proposed project.

Policy	Description
NR-2.4	The City shall work with the community to reduce community based GHG emissions by 20 percent below 2005 baseline levels by 2020, 30 percent below 2005 levels by 2025, and 55 percent below 2005 levels by 2030. In addition, the City shall work with the community to develop a plan that may result in the reduction of community based GHG emissions to achieve carbon neutrality by 2045.
NR-2.6	The City shall reduce potential greenhouse gas emissions by discouraging new development that is primarily dependent on the private automobile; promoting infill development and/or new development that is compact, mixed use, pedestrian friendly, and transit oriented; promoting energy-efficient building design and site planning; and improving the regional jobs/housing balance ratio.
NR-2.7	The City shall coordinate with the Bay Area Air Quality Management District to ensure projects incorporate feasible mitigation measures to reduce greenhouse gas emissions and air pollution if not already provided for through project design.

4.8.1.3 *Existing Conditions*

Unlike emissions of criteria and toxic air pollutants, which have regional and local impacts, emissions of GHGs have a broader, global impact. Global warming is a process whereby GHGs accumulating in the upper atmosphere contribute to an increase in the temperature of the earth and changes in weather patterns.

The project site is developed with a commercial building. Commercial development typically results in greenhouse gas (GHG) emissions from building operations (e.g., heating/cooling and lighting) and vehicular travel to and from the site. In 2018, the City of Hayward emitted 855,465 metric tons of carbon dioxide equivalents (MTCO₂e), representing a 21.6 percent reduction from 2005 levels.⁴²

⁴² City of Hayward. September 2020 Report to Council Sustainability Committee. September 14, 2020.

4.8.2 Impact Discussion

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
1) Generate greenhouse gas (GHG) emissions, either directly or indirectly, that may have a significant impact on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2) Conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of GHGs?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

4.8.2.1 *Significance Thresholds*

The City of Hayward's CAP does not have a specific metric ton GHG threshold for project-level construction or operation or a CAP Compliance Checklist. Therefore, BAAQMD's CEQA Air Quality Guidelines thresholds were used in this Initial Study.

For quantified emissions, the BAAQMD's CEQA Air Quality Guidelines recommended a GHG threshold of 1,100 metric tons or 4.6 metric tons (MT) per capita. These thresholds were developed based on meeting the 2020 GHG targets set in the scoping plan that addressed AB 32. Since development of the project would occur beyond 2020, a threshold that addresses a future target is appropriate. Although BAAQMD has not published a quantified threshold for 2030, this assessment uses a "Substantial Progress" efficiency metric of 2.8 MT CO₂e/year/service population and a bright-line threshold of 660 MT CO₂e/year based on the GHG reduction goals of EO B-30-15. The service population metric of 2.8 is calculated for 2030 based on the 1990 inventory and the projected 2030 statewide population and employment levels. The 2030 bright-line threshold of 660 MT CO₂e/year is a 40 percent reduction of the 1,100 MT CO₂e/year threshold for 2020.

Impact GHG-1: The project would not generate GHG emissions, either directly or indirectly, that may have a significant impact on the environment. (**Less than Significant Impact**)

GHG emissions associated with development of the proposed project would occur over the short-term from construction activities, consisting primarily of emissions from equipment exhaust and worker and vendor trips. There would also be long-term operational emissions associated with vehicular traffic within the project vicinity, energy and water usage, and solid waste disposal. Emissions for the proposed project are discussed below and were analyzed using the methodology recommended in the BAAQMD CEQA Air Quality Guidelines. Emissions were predicted using CalEEMod.

Construction Emissions

GHG emissions associated with construction were computed to be 474 MT of CO₂e for the total construction period. These are the emissions from on-site operation of construction equipment, vendor and hauling truck trips, and worker trips. Neither the City nor BAAQMD have an adopted

threshold of significance for construction related GHG emissions, though BAAQMD recommends quantifying emissions and disclosing that GHG emissions would occur during construction. BAAQMD also encourages the incorporation of best management practices to reduce GHG emissions during construction where feasible and applicable.

Operational Emissions

The CalEEMod model, along with the project vehicle trip generation rates, was used to estimate daily emissions associated with operation of the fully developed site under the proposed project. As shown in Table 4.8-1, the annual emissions resulting from operation of the new dwelling units of the proposed project are predicted to be 432 MT of CO₂e in 2024 and 387 MT of CO₂e in 2030. The service population emissions for the year 2024 and 2030 are predicted to be 2.96 and 2.65 MT/CO₂e/year/service population, respectively.

Table 4.8-1: Annual Project GHG Emissions (CO₂e) in Metric Tons		
Source Category	Proposed Project in 2024	Proposed Project in 2030
Area	1	1
Energy Consumption	0	0
Mobile	399	354
Solid Waste Generation	28	28
Water Usage	4	4
Total (MT CO ₂ e/year)	432	387
Significance Threshold	--	660 MT CO₂e/year
Service Population Emissions (MT/CO ₂ e/year/service population)	2.96	2.65
Service Population Threshold	--	2.8
Exceeds Both Thresholds?	--	No

The project would not exceed the annual emissions bright-line threshold of 660 MT CO₂e/year in 2030 or the per capita threshold of 2.8 MT/CO₂e/year/service population in 2030. Additionally, with the project's mitigation measure to reduce project VMT to less-than-significant levels (see Section 4.17 Transportation), the project's mobile emissions would be further reduced. The annual emissions with the incorporation of VMT mitigation are predicted to be 413 MT of CO₂e in 2024 and 370 MT of CO₂e in 2030. The service population emission for the year 2024 and 2030 are predicted to be 2.83 and 2.53 MT/CO₂e/year/service population, respectively. The project would not exceed the annual emissions bright-line threshold or the per capita threshold in 2030. Therefore, the project would result in a less significant impact from GHG emissions. **(Less than Significant Impact)**

Impact GHG-2: The project would not conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of GHGs. **(Less than Significant Impact)**

The proposed development would be constructed in compliance with the current energy efficiency standards set forth in Title 24 and CALGreen. The project would be consistent with state and local plans and policies pertaining to GHG emission reductions, including the Hayward CAP. **(Less than Significant Impact)**

4.9 HAZARDS AND HAZARDOUS MATERIALS

The following discussion is based in part on a Phase I Environmental Site Assessment prepared by Tetra Tech, Inc., in April 2021. A copy of this report is included in Appendix C.

4.9.1 Environmental Setting

4.9.1.1 *Regulatory Framework*

Overview

The storage, use, generation, transport, and disposal of hazardous materials and waste are highly regulated under federal and state laws. In California, the EPA has granted most enforcement authority over federal hazardous materials regulations to the California Environmental Protection Agency (CalEPA). In turn, local agencies have been granted responsibility for implementation and enforcement of many hazardous materials regulations under the Certified Unified Program Agency (CUPA) program.

Worker health and safety and public safety are key issues when dealing with hazardous materials. Proper handling and disposal of hazardous material is vital if it is disturbed during project construction. Cal/OSHA enforces state worker health and safety regulations related to construction activities. Regulations include exposure limits, requirements for protective clothing, and training requirements to prevent exposure to hazardous materials. Cal/OSHA also enforces occupational health and safety regulations specific to lead and asbestos investigations and abatement.

Federal and State

Federal Aviation Regulations Part 77

Federal Aviation Regulations, Part 77 Objects Affecting Navigable Airspace (FAR Part 77) sets forth standards and review requirements for protecting the airspace for safe aircraft operation, particularly by restricting the height of potential structures and minimizing other potential hazards (such as reflective surfaces, flashing lights, and electronic interference) to aircraft in flight. These regulations require that the Federal Aviation Administration (FAA) be notified of certain proposed construction projects located within an extended zone defined by an imaginary slope radiating outward for several miles from an airport's runways, or which would otherwise stand at least 200 feet in height above the ground.

Comprehensive Environmental Response, Compensation, and Liability Act

The Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), commonly known as Superfund, was enacted by Congress on December 11, 1980. This law created a tax on the chemical and petroleum industries and provided broad federal authority to respond directly to releases or threatened releases of hazardous substances that may endanger public health or the environment. Over five years, \$1.6 billion was collected and the tax went to a trust fund for cleaning up abandoned or uncontrolled hazardous waste sites. CERCLA accomplished the following objectives:

- Established prohibitions and requirements concerning closed and abandoned hazardous waste sites;
- Provided for liability of persons responsible for releases of hazardous waste at these sites; and
- Established a trust fund to provide for cleanup when no responsible party could be identified.

The law authorizes two kinds of response actions:

- Short-term removals, where actions may be taken to address releases or threatened releases requiring prompt response; and
- Long-term remedial response actions that permanently and significantly reduce the dangers associated with releases or threats of releases of hazardous substances that are serious, but not immediately life-threatening. These actions can be completed only at sites listed on the EPA's National Priorities List.

CERCLA also enabled the revision of the National Contingency Plan (NCP). The NCP provided the guidelines and procedures needed to respond to releases and threatened releases of hazardous substances, pollutants, or contaminants. The NCP also established the National Priorities List. CERCLA was amended by the Superfund Amendments and Reauthorization Act on October 17, 1986.⁴³

Resource Conservation and Recovery Act

The Resource Conservation and Recovery Act (RCRA), enacted in 1976, is the principal federal law in the United States governing the disposal of solid waste and hazardous waste. RCRA gives the EPA the authority to control hazardous waste from the “cradle to the grave.” This includes the generation, transportation, treatment, storage, and disposal of hazardous waste. RCRA also sets forth a framework for the management of non-hazardous solid wastes.

The Federal Hazardous and Solid Waste Amendments (HSWA) are the 1984 amendments to RCRA that focused on waste minimization, phasing out land disposal of hazardous waste, and corrective action for releases. Some of the other mandates of this law include increased enforcement authority for the EPA, more stringent hazardous waste management standards, and a comprehensive underground storage tank program.⁴⁴

Government Code Section 65962.5

Section 65962.5 of the Government Code requires CalEPA to develop and update a list of hazardous waste and substances sites, known as the Cortese List. The Cortese List is used by state and local agencies and developers to comply with CEQA requirements. The Cortese List includes hazardous

⁴³ United States Environmental Protection Agency. “Superfund: CERCLA Overview.” Accessed May 11, 2020. <https://www.epa.gov/superfund/superfund-cercla-overview>.

⁴⁴ United States Environmental Protection Agency. “Summary of the Resource Conservation and Recovery Act.” Accessed May 11, 2020. <https://www.epa.gov/laws-regulations/summary-resource-conservation-and-recovery-act>.

substance release sites identified by the Department of Toxic Substances Control (DTSC) and State Water Resources Control Board (SWRCB).⁴⁵

Toxic Substances Control Act

The Toxic Substances Control Act (TSCA) of 1976 provides the EPA with authority to require reporting, record-keeping and testing requirements, and restrictions relating to chemical substances and/or mixtures. Certain substances are generally excluded from TSCA, including, among others, food, drugs, cosmetics, and pesticides. The TSCA addresses the production, importation, use, and disposal of specific chemicals including polychlorinated biphenyls (PCBs), asbestos, radon, and lead-based paint.

California Accidental Release Prevention Program

The California Accidental Release Prevention (CalARP) Program aims to prevent accidental releases of regulated hazardous materials that represent a potential hazard beyond the boundaries of a property. Facilities that are required to participate in the CalARP Program use or store specified quantities of toxic and flammable substances (hazardous materials) that can have off-site consequences if accidentally released. The Hayward Fire Department (HFD) reviews CalARP risk management plans as the CUPA. Additionally, the HFD enforces the 2019 California Fire Codes (with City of Hayward amendments), reviews for hazardous materials sections in the Fire Code, and coordinates and determines when Grading and Building permits should be issued relative to the Alameda County Environmental Health Department's environmental screening clearances.

Asbestos-Containing Materials

Friable asbestos is any asbestos-containing material (ACM) that, when dry, can easily be crumbled or pulverized to a powder by hand, allowing the asbestos particles to become airborne. Common examples of products that have been found to contain friable asbestos include acoustical ceilings, plaster, wallboard, and thermal insulation for water heaters and pipes. Common examples of non-friable ACMs are asphalt roofing shingles, vinyl floor tiles, and transite siding made with cement. The EPA phased out use of friable asbestos products between 1973 and 1978. National Emission Standards for Hazardous Air Pollutants (NESHAP) guidelines require that potentially friable ACMs be removed prior to building demolition or remodeling that may disturb the ACMs.

CCR Title 8, Section 1532.1

The United States Consumer Product Safety Commission banned the use of lead-based paint in 1978. Removal of older structures with lead-based paint is subject to requirements outlined by the Cal/OSHA Lead in Construction Standard, CCR Title 8, Section 1532.1 during demolition activities. Requirements include employee training, employee air monitoring, and dust control. If lead-based paint is peeling, flaking, or blistered, it is required to be removed prior to demolition.

⁴⁵ California Environmental Protection Agency. "Cortese List Data Resources." Accessed May 28, 2020. <https://calepa.ca.gov/sitecleanup/corteselist/>.

Regional and Local

Municipal Regional Permit Provision C.12.f

Polychlorinated biphenyls (PCBs) were produced in the United States between 1955 and 1978 and used in hundreds of industrial and commercial applications, including building and structure materials such as plasticizers, paints, sealants, caulk, and wood floor finishes. In 1979, the EPA banned the production and use of PCBs due to their potential harmful health effects and persistence in the environment. PCBs can still be released to the environment today during demolition of buildings that contain legacy caulks, sealants, or other PCB-containing materials.

With the adoption of the San Francisco Bay Region Municipal Regional Stormwater National Pollutant Discharge Elimination System (NPDES) Permit (MRP) by the San Francisco Bay Regional Water Quality Control Board on November 19, 2015, Provision C.12.f requires that permittees develop an assessment methodology for applicable structures planned for demolition to ensure PCBs do not enter municipal storm drain systems.⁴⁶ Municipalities throughout the Bay Area are currently modifying demolition permit processes and implementing PCB screening protocols to comply with Provision C.12.f. Buildings constructed between 1950 and 1980 that are proposed for demolition must be screened for the presence of PCBs prior to the issuance of a demolition permit. Single family homes and wood-frame structures are exempt from these requirements.

Hayward 2040 General Plan

The General Plan includes policies for the purpose of avoiding or mitigating impacts resulting from development projects within the City. The following policies are specific to hazards and hazardous materials and are applicable to the proposed project.

Policy	Description
HAZ-5.2	The City shall enforce fire prevention codes that require property owners to reduce wildfire hazards on their property.
HAZ-6.2	The City shall require site investigations to determine the presence of hazardous materials and/or waste contamination before discretionary project approvals are issued by the City. The City shall require appropriate measures to be taken to protect the health and safety of site users and the greater Hayward community.
HAZ-6.3	The City shall direct the Fire Chief (or their designee) and the Planning Director (or their designee) to evaluate all project applications that involve hazardous materials, electronic waste, medical waste, and other hazardous waste to determine appropriate permit requirements and procedures.
HAZ-7.1	The City shall consider all applicable federal statutes (including 49 U.S.C. 47107), federal regulations (including 14 Code of Federal Regulations 77 et seq.), the FAA's Airport Compliance Manual, FAA Advisory Circulars and other forms of written guidance, and State law, with respect to criteria related to land use safety and airspace protection when evaluating development applications within the Airport Influence Area of the Hayward Executive Airport.

⁴⁶ California Regional Water Quality Control Board. *San Francisco Bay Region Municipal Regional Stormwater NPDES Permit*. November 2015.

HAZ-7.2	The City shall require all development projects within the Airport Influence Area designated in the Airport Land Use Compatibility Plan of the Hayward Executive Airport to comply with all applicable federal statutes (including 49 U.S.C. 47107), federal regulations (including 14 Code of Federal Regulations 77 et seq.), the FAA's Airport Compliance Manual, FAA Advisory Circulars and other forms of written guidance, and State law, with respect to criteria related to land use safety and airspace protection.
HAZ-7.3	The City shall ensure that all applicable plans, ordinances, and development applications are reviewed by the Alameda County Airport Land Use Commission if required by State law.
HQL-7.3	The City shall encourage and educate residents, non-profits, and businesses to implement integrated pest management principles, reduce or discontinue the use of pesticides, herbicides, and toxic cleaning substances.

Hayward Executive Airport Land Use Compatibility Plan

The project site is located within the jurisdiction of the Hayward Executive Airport Land Use Compatibility Plan (ALUCP). The ALUCP identifies potential conflicting land uses within the Airport Influence Area (AIA).

The proposed project is within Safety Zone 2 – Inner Approach/Departure Zone, and thus is restricted in density and development size as defined in the Hayward Executive ALUCP. A parcel can be considered for infill development if it meets all of the following safety criteria plus the applicable provisions below:

- The parcel size is 20 acres or less.
- The site is at least 65% bound (disregarding roads) by existing uses that are similar to, or more intensive than, those proposed.
- The proposed project would not extend the perimeter of the area defined by the surrounding, already developed, incompatible uses.
- Further increases in the density, intensity, and/or other incompatible design or usage characteristics (e.g., through use permits, density transfers, addition of second units on the same parcel, height variances, or other strategy) are not included.
- The area to be developed cannot previously have been set aside as open land in accordance with open land policies presented in the ALUCP unless replacement open land is provided within the same compatibility zone.

4.9.1.2 *Existing Conditions*

On-Site Conditions

Historic Uses

The earliest known use of the project site was agricultural land. The site was developed with orchards, row crops, and a small structure on the western portion from at least 1939 to at least 1946. By 1958, the orchard and other associated agricultural uses had been removed from the site. The

existing three-story retail building was constructed circa 1968 and appears to have remained largely unchanged.

Given the historic agricultural uses, it is possible that pesticides were applied to crops grown on-site. However, since the agricultural activities on-site ceased over 50 years ago and the shallow soil has since been disturbed and paved over, the former agricultural uses on-site do not pose a concern for the project site.

Current Conditions

The project site is currently developed with a vacant, three-story retail building and surface parking lot. One pad-mounted transformer exists on the eastern portion of the project site. No leaks or staining were observed from the transformer. Vehicle fluid stains were observed throughout the parking lot. Miscellaneous trash is scattered throughout the southern portion of the project site. The inside of the building is primarily empty, with some various debris scattered throughout the structure. No significant leaks, spills, or stains were observed in association with the remaining indoor materials.

Asbestos, Lead-Based Paint, and PCBs

Due to the age of the existing building, there is potential that ACMs, lead-based paint (LBP), and PCBs could be present in the building materials.

Regulatory Database Listings

The project site is not listed on the Cortese List. However, the project site is listed on several other hazardous materials databases, including the RCRA Non-Generator/No Longer Regulated, California Environmental Reporting System (CERS), CERS Hazardous Waste (HAZ WASTE), Facility Manifest Data (HAZNET), Facility Index System/Facility Registry System, and Enforcement and Compliance History Online databases. The project site is listed as a transporter of hazardous waste under RCRA and as a chemical storage facility and registered hazardous waste generator on the CERS and CERS HAZ WASTE databases, respectively. The project site is listed on the HAZNET database for the disposal of asbestos-containing waste from 2000 to 2006 and for the disposal of off-specification, aged, or surplus organics, other inorganic solid waste, and unspecified solvent mixture between 2015 and 2017. Given that the database listings were primarily associated with the past export of hazardous materials from the project site, these listings do not represent an environmental concern to the project site.

Surrounding Conditions

Historic Uses

Similar to the project site, properties in the surrounding vicinity were primarily consisted of agricultural land with scattered rural residences from at least 1939 to at least 1946. By 1958, residential subdivisions were constructed to the north, east, southeast, and west of the project site. Commercial properties had also been constructed to the southwest and northeast by the same year. The Southland Mall was constructed to the north of the project site circa 1968.

Regulatory Database Listings

There are several sites within the project vicinity that are listed on hazardous materials databases. These listings are for past hazardous materials transportation and registered hazardous materials activities. No known releases of hazardous materials have occurred within the project vicinity.

Other HazardsAirports

The Hayward Executive Airport is located approximately 0.6-mile northwest of the project site. The project site is located within the AIA.⁴⁷ The project site is within the airport's 55 Community Noise Equivalent Level (CNEL) noise contour. The project site is also within the Inner Approach/Departure Zone (Safety Zone 2) and Traffic Pattern Zone (Zone 6).⁴⁸

Wildland Fire Hazards

The project site is not located within a Fire Hazard Severity Zone.⁴⁹

4.9.2 Impact Discussion

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
1) 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 checked="" type="checkbox"/>	<input type="checkbox"/>
2) 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 checked="" type="checkbox"/>	<input type="checkbox"/>
3) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4) 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 checked="" type="checkbox"/>	<input type="checkbox"/>

⁴⁷ County of Alameda. Hayward Executive Airport Land Use Compatibility Plan. August 2012.

⁴⁸ Ibid.

⁴⁹ CAL FIRE. Alameda County Fire Hazard Severity Zones in State Responsibility Area (SRA). Map. Adopted November 7, 2007.

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
5) 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, result in a safety hazard or excessive noise for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
7) Expose people or structures, either directly or indirectly, to a significant risk of loss, injury, or death involving wildland fires?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Impact HAZ-1: The project would not create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials. **(Less than Significant Impact)**

Operation of the proposed residences would likely include the use and storage of cleaning supplies and maintenance chemicals in small quantities on-site. The small quantities of cleaning supplies and maintenance chemicals used on-site would be comparable to the operations of the surrounding land uses and would not pose a risk to the public or the environment. **(Less than Significant Impact)**

Impact HAZ-2: The project would not 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. **(Less than Significant Impact)**

On-Site Soils

Project construction would involve grading and workers would be exposed to soils on-site. As previously discussed, the project site and surrounding properties were historically used for agricultural purposes. However, given the time that has passed since agricultural activities ceased and the fact that the soils have been developed already, it can be assumed that there is no agriculture-related contamination on-site. Additionally, the retail operations on-site did not result in the release of any substantial hazardous materials on-site. Although several properties are listed on regulatory databases, the surrounding commercial and residential land uses do not pose an environmental threat to the project site. The facilities listed on regulatory databases have been listed for past hazardous materials transportation and registered hazardous materials activities. No known releases of hazardous materials have occurred within the project vicinity.

As a standard condition of approval, the project shall be required to receive environmental screening clearance from the Alameda County Department of Environmental Health's Local Oversight

Program (LOP). Clearance from the LOP will ensure that the project meets development investigation and cleanup standards, including, if necessary, preparation of a groundwater/soil/soil vapor management plan. LOP clearance shall be submitted to the Hayward Fire Department's Hazardous Materials Office, the City of Hayward Planning Division and City of Hayward Public Works/Engineering Division prior to issuance of any grading and building permits.

Standard Condition of Approval: The project shall also be required to implement the following standard conditions of approval:

- Environmental documentation associated with the evaluation, investigation and/or clearance of this site shall be provided in an electronic format to the HFD and Planning Division prior to the issuance of the Building or Grading Permit.
- Prior to grading, structures and their contents shall be removed or demolished under permit in an environmentally sensitive manner. Proper evaluation, analysis and disposal of materials shall be done by a qualified professional(s) to ensure that hazards posed to development construction workers, the environment, future uses, and other persons are mitigated.
- If hazardous materials/wastes or their containers are discovered during grading/construction, the HFD shall be immediately notified.
- During grading and construction hazardous materials and hazardous waste shall be properly stored, managed, and disposed.

With implementation of the required conditions of approval described above, the project would ensure that construction workers and the general public are not exposed to contaminated soils, soil vapor, or groundwater on-site.

ACMs, LBP, and PCBs

Based on the estimated age of the existing on-site building, ACMs, LBP, and PCBs may be present in some building materials. Building demolition could result in the release of these materials to the environment. The project will, however, be required to comply with local, state, and federal laws, which require building surveys for ACM, LBP, and PCBs be completed by a qualified professional to determine the presence of ACMs, LBP, and/or PCBs on the building proposed for demolition.

Demolition activities will be undertaken in accordance with Cal/OSHA standards, contained in Title 8 of the California Code of Regulations Sections 1528 and 1529, to protect workers from exposure to asbestos and PCBs. Materials containing more than one percent asbestos are also subject to BAAQMD regulations. To comply with these regulatory requirements, a registered asbestos abatement contractor will be retained to remove and dispose of all potentially friable ACMs, in accordance with the National Emissions Standards for Hazardous Air Pollutants guidelines, prior to building demolition that may disturb the materials. Materials containing LBP will be removed in accordance with Cal/OSHA Lead in Construction Standard, Title 8, CCR 1532.1, including employee training, employee air monitoring and dust control. Any debris or soil containing lead-based paint or coatings will be disposed of at landfills that meet acceptance criteria for the waste being disposed.

By following standard safety protocols, project construction would not result in the harmful release of any hazardous materials. Project operation would not result in the generation or use of any substantial hazardous materials. Therefore, the project would not 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. **(Less than Significant Impact)**

Impact HAZ-3: The project would not emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school. **(Less than Significant Impact)**

The nearest primary school is Park Elementary School, located approximately 0.6 miles northeast of the project site. Chabot College is located approximately 0.4 miles southwest of the project site. There are no proposed schools within the project vicinity. Therefore, the project would not emit hazardous materials or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of a school. **(Less than Significant Impact)**

Impact HAZ-4: The project would not 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, create a significant hazard to the public or the environment. **(Less than Significant Impact)**

The project site is not listed on the Cortese List.⁵⁰ However, as previously described, the project site and several of the surrounding properties are listed on several other regulatory databases pertaining to hazardous materials. Given that the database listings for the project site are primarily associated with the past export of hazardous materials from the project site, these listings do not represent an environmental concern to the project site. Similarly, the listings of surrounding properties are associated with the proper handling and export of hazardous materials without recorded incidences of release. Therefore, the project is not located on a site that would create a significant hazard to the public or the environment. **(Less than Significant Impact)**

Impact HAZ-5: The project would not be 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. The project would not result in a safety hazard or excessive noise for people residing or working in the project area. **(Less than Significant Impact)**

The Hayward Executive Airport is located approximately 0.6-mile northwest of the project site. As previously mentioned, FAR Part 77 requires that the FAA be notified of certain proposed construction projects located within an extended zone defined by an imaginary slope radiating outward for several miles from an airport's runways, or which would otherwise stand at least 200 feet in height above ground. For the majority of the project site, any structure exceeding 200 feet in height above grade and any structures above 150 feet in the northwestern corner of the project site would require submittal to the FAA for airspace safety review. As the proposed single-family

⁵⁰ California Environmental Protection Agency. Cortese List Data Resources. Accessed May 26, 2021.

residences would have a maximum height of 26 feet, notification to the FAA is not required to determine the potential for the project to create an aviation hazard.⁵¹

In 2014, the City adopted the 2040 Hayward General Plan which was deemed consistent with the Airport Land Use Compatibility Plan (ALUCP). In June 2017, the City of Hayward City Council approved Ordinance No. 17-10, amending the Hayward Municipal Code to establish new airport overlay ordinance. Pursuant to HMC Section 10-6.20, only zoning amendments or other actions that impact density or intensity of development within the Airport Overlay Zone shall be referred to the Airport Land Use Commission for a determination of compatibility with the ALUCP. Consistent with the Airport Overlay Zone (AOZ) Ordinance, the applicant is required to provide to buyers a notice on the deed related to aircraft overflights (HMC Section 10-6.60).

The project site is within the airport's 55 CNEL noise contour, a level compatible with residential uses. With review and approval by the ALUC and consistency with the AOZ Ordinance, the project would not result in a safety hazard or excessive noise for people residing in the project area due to proximity to an airport. **(Less than Significant Impact)**

Impact HAZ-6: The project would not impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan. **(Less than Significant Impact)**

The proposed project would not impair or physically interfere with any adopted emergency response or evacuation plan. The proposed project would be constructed to comply with all applicable building and fire codes. During construction and operation of the project, roadways would not be blocked such that emergency vehicles would be unable to access the site or surrounding properties. During operation, emergency ingress and egress to the project site would be provided by the surrounding roadways and an emergency vehicle access (EVA) to Calaroga Avenue. The alignments of the drive aisles on-site and the radii of the corners and curbs would be adequate to accommodate the circulation of emergency vehicles (see to Section 4.17 Transportation). **(Less than Significant Impact)**

Impact HAZ-7: The project would not expose people or structures, either directly or indirectly, to a significant risk of loss, injury, or death involving wildland fires. **(Less than Significant Impact)**

The project vicinity is entirely urbanized and is not located within a wildlands hazard area.⁵² Therefore, the project would not expose people or structures to a significant risk of loss, injury, or death involving wildland fires. **(Less than Significant Impact)**

⁵¹ County of Alameda. Hayward Executive Airport Land Use Compatibility Plan. August 2012.

⁵² CAL FIRE. Alameda County Fire Hazard Severity Zones in State Responsibility Area (SRA). Map. Adopted November 7, 2007.

4.10 HYDROLOGY AND WATER QUALITY

4.10.1 Environmental Setting

4.10.1.1 *Regulatory Framework*

Federal and State

The federal Clean Water Act and California's Porter-Cologne Water Quality Control Act are the primary laws related to water quality in California. Regulations set forth by the Environmental Protection Agency (EPA) and the State Water Resources Control Board (SWRCB) have been developed to fulfill the requirements of this legislation. EPA regulations include the National Pollutant Discharge Elimination System (NPDES) permit program, which controls sources that discharge pollutants into the waters of the United States (e.g., streams, lakes, bays, etc.). These regulations are implemented at the regional level by the Regional Water Quality Control Boards (RWQCBs). The project site is within the jurisdiction of the San Francisco Bay RWQCB.

National Flood Insurance Program

The Federal Emergency Management Agency (FEMA) established the National Flood Insurance Program (NFIP) to reduce impacts of flooding on private and public properties. The program provides subsidized flood insurance to communities that comply with FEMA regulations protecting development in floodplains. As part of the program, FEMA publishes Flood Insurance Rate Maps (FIRMs) that identify Special Flood Hazard Areas (SFHAs). An SFHA is an area that would be inundated by the one-percent annual chance flood, which is also referred to as the base flood or 100-year flood.

Statewide Construction General Permit

The SWRCB has implemented an NPDES General Construction Permit for the State of California (Construction General Permit). For projects disturbing one acre or more of soil, a Notice of Intent (NOI) must be filed with the RWQCB by the project sponsor, and a Storm Water Pollution Prevention Plan (SWPPP) must be prepared by a qualified professional prior to commencement of construction and filed with the RWQCB by the project sponsor. The Construction General Permit includes requirements for training, inspections, record keeping, and, for projects of certain risk levels, monitoring. The general purpose of the requirements is to minimize the discharge of pollutants and to protect beneficial uses and receiving waters from the adverse effects of construction-related storm water discharges.

Regional and Local

San Francisco Bay Basin Plan

The San Francisco Bay RWQCB regulates water quality in accordance with the Water Quality Control Plan for the San Francisco Bay Basin (Basin Plan). The Basin Plan lists the beneficial uses that the San Francisco Bay RWQCB has identified for local aquifers, streams, marshes, rivers, and the San Francisco Bay, as well as the water quality objectives and criteria that must be met to protect these uses. The San Francisco Bay RWQCB implements the Basin Plan by issuing and enforcing waste discharge requirements, including permits for nonpoint sources such as the urban runoff

discharged by a City's stormwater drainage system. The Basin Plan also describes watershed management programs and water quality attainment strategies.

Municipal Regional Permit Provision C.3

The San Francisco Bay RWQCB re-issued the Municipal Regional Stormwater NPDES Permit (MRP) in 2015 to regulate stormwater discharges from municipalities and local agencies (co-permittees) in Alameda, Contra Costa, San Mateo, and Santa Clara Counties, and the cities of Fairfield, Suisun City, and Vallejo.⁵³ Under Provision C.3 of the MRP, new and redevelopment projects that create or replace 10,000 square feet or more of impervious surface area are required to implement site design, source control, and Low Impact Development (LID)-based stormwater treatment controls to treat post-construction stormwater runoff. LID-based treatment controls are intended to maintain or restore the site's natural hydrologic functions, maximizing opportunities for infiltration and evapotranspiration, and using stormwater as a resource (e.g., rainwater harvesting for non-potable uses). The MRP also requires that stormwater treatment measures are properly installed, operated, and maintained.

In addition to water quality controls, the MRP requires new development and redevelopment projects that create or replace one acre or more of impervious surface to manage development-related increases in peak runoff flow, volume, and duration, where such hydromodification is likely to cause increased erosion, silt pollutant generation, or other impacts to local rivers, streams, and creeks. Projects may be deemed exempt from these requirements if they do not meet the minimized size threshold, drain into tidally influenced areas or directly into the Bay, or drain into hardened channels, or if they are infill projects in subwatersheds or catchment areas that are greater than or equal to 65 percent impervious.

Municipal Regional Permit Provision C.12.f

Provision C.12.f of the MRP requires co-permittee agencies to implement a control program for PCBs that reduces PCB loads by a specified amount during the term of the permit, thereby making substantial progress toward achieving the urban runoff PCBs wasteload allocation in the Basin Plan by March 2030.⁵⁴ Programs must include focused implementation of PCB control measures, such as source control, treatment control, and pollution prevention strategies. Municipalities throughout the Bay Area are updating their demolition permit processes to incorporate the management of PCBs in demolition building materials to ensure PCBs are not discharged to storm drains during demolition.

Dam Safety

Since August 14, 1929, the State of California has regulated dams to prevent failure, safeguard life, and protect property. The California Water Code entrusts dam safety regulatory power to California Department of Water Resources, Division of Safety of Dams (DSOD). The DSOD provide oversight to the design, construction, and maintenance of over 1,200 jurisdictional sized dams in California.⁵⁵

⁵³ MRP Number CAS612008

⁵⁴ San Francisco Bay Regional Water Quality Control Board. *Municipal Regional Stormwater Permit, Provision C.12*. November 19, 2015.

⁵⁵ California Department of Water Resources, Division of Safety of Dams. Accessed May 1, 2021.

[https://water.ca.gov/Programs/All-Programs/Division-of-Safety-of-Dams#:~:text=Since%20August%2014%2C%201929%2C%20the,Safety%20of%20Dams%20\(DSOD\).](https://water.ca.gov/Programs/All-Programs/Division-of-Safety-of-Dams#:~:text=Since%20August%2014%2C%201929%2C%20the,Safety%20of%20Dams%20(DSOD).)

Construction Dewatering Waste Discharge Requirements

Each of the RWQCBs regulate construction dewatering discharges to storm drains or surface waters within its Region under the NPDES program and Waste Discharge Requirements.

Hayward 2040 General Plan

The General Plan includes policies for the purpose of avoiding or mitigating impacts resulting from development projects within the City. The following policies are specific to hydrology and water quality and are applicable to the proposed project.

Policy	Description
NR-6.4	The City shall minimize grading and, where appropriate, consider requiring onsite retention and settling basins.
NR-6.5	The City shall concentrate new urban development in areas that are the least susceptible to soil erosion into water bodies in order to reduce water pollution.
NR-6.6	The City shall promote stormwater management techniques that minimize surface water runoff and impervious ground surfaces in public and private developments, including requiring the use of Low-Impact Development (LID) techniques to best manage stormwater through conservation, onsite filtration, and water recycling.
NR-6.8	The City shall continue to comply with the San Francisco Bay Region National Pollutant Elimination System (NPDES) Municipal Regional Permit.
HAZ-3.1	The City shall coordinate with the Federal Management Agency (FEMA) to ensure that Federal Insurance Rate Maps correctly depict flood hazards in the city.
HAZ-3.2	The City shall implement Federal, State, and local requirements related to new construction in flood plain areas to ensure that future flood risks to life and property are minimized.
HAZ-4.4	The City shall strive to provide updated Insurance Rate Maps that reflect rising sea levels and changing flood conditions.

City of Hayward Stormwater Management and Urban Runoff Control Ordinance

The City's Stormwater Management and Urban Runoff Control Ordinance (Article 11.5 of the HMC) is intended to protect and enhance the water quality of watercourses, water bodies, and wetlands in a manner pursuant and consistent with the Clean Water Act and the current MRP NPDES Permit. The ordinance requires projects to implement stormwater treatment measures to reduce water quality impacts of urban runoff and to implement the City's Construction Best Management Practices (BMPs).

4.10.1.2 *Existing Conditions*

Stormwater

The project site is located within the Hayward Landing Watershed, which extends from downtown Hayward to the San Francisco Bay.⁵⁶ The project site is made up of almost entirely impervious surfaces. The landscaping on-site represents a small percentage of the surface area and is primarily ornamental in nature. Stormwater on-site is directed to the curb inlets along La Playa Drive and is conveyed through three 12-inch extension lines to the existing 36-inch storm drain line under the north side of La Playa Drive.

Groundwater

The City of Hayward is located in the Santa Clara Valley Groundwater Basin.⁵⁷ The project site is within the East Bay Plain Subbasin. The East Bay Plain Subbasin is bound by the Hayward Fault Zone in the east and the San Francisco Bay in the north and the west. In the south, it is located adjacent to the Nile Cones Subbasin. The City of Hayward acts as the Groundwater Sustainability Agency (GSA) for the portion of the East Bay Plain Subbasin that includes the project site.⁵⁸

Depth to groundwater within the project vicinity has been known to range from 13.7 to 62 feet below ground surface (bgs).⁵⁹ Groundwater within the project vicinity generally flows westerly or southwesterly.

Flood Hazards

FEMA has designated the project site and the surrounding vicinity as Zone X, Area of Minimal Flood Hazard.⁶⁰

Dam Inundation, Seiches, Tsunamis, and Mudflow Hazards

The project site is not located within a dam inundation area⁶¹ or tsunami inundation area.⁶² There are no lakes or other bodies of water within the project vicinity that would be subject to seiches.

⁵⁶ Alameda County Flood Control & Water Conservation District. Interactive Map: Alameda County Watersheds. Accessed May 1, 2021. <https://acfloodcontrol.org/the-work-we-do/resources/#explore-watersheds>

⁵⁷ City of Hayward. Hayward 2040 General Plan Background Report. January 2014. Page 7-117.

⁵⁸ East Bay Municipal Utility District and the City of Hayward. East Bay Plain Subbasin Sustainable Groundwater Management – Draft Stakeholder Communication and Engagement Plan. February 2018.

⁵⁹ Tetra Tech, Inc. Phase I Environmental Site Assessment, Burlington Coat Factory. Tetra Tech Project Number: 212C-HN-D2101-BAD0171A. April 28, 2021. Page 3-4.

⁶⁰ FEMA. Flood Insurance Rate Map No. 06001C0288G. Effective August 3, 2009.

⁶¹ City of Hayward. Hayward 2040 General Plan Background Report. January 2014. Figure 9-5.

⁶² California Department of Conservation. California Tsunami Maps and Data. Accessed June 3, 2021. <https://www.conservation.ca.gov/cgs/tsunami/maps>

4.10.2 Impact Discussion

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
1) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2) Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
– result in substantial erosion or siltation on- or off-site;	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
– 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"/>
– 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; or	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
– impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4) In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
5) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Impact HYD-1: The project would not violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality. **(Less than Significant Impact)**

Construction Water Quality Impacts

Potential impacts related to water quality are constrained by existing regulatory systems from the federal to the local level. The Clean Water Act sets minimum water quality standards for all surface waters in the U.S. and requires that industrial, municipal, and construction-related sources of pollution are regulated through the NPDES. Pursuant to The City's Stormwater Management and

Urban Runoff Control Ordinance, the project would be required to include construction best management practices (BMPs) to prevent stormwater pollution.

Standard Condition of Approval: The project would be required to implement the following construction BMPs as part of the SWPPP prepared for the project to ensure construction-related water quality impacts are less than significant.

- Install filter materials (such as sandbags, filter fabric, etc.) at the storm drain inlet nearest the downstream side of the project site prior to: 1) start of the rainy season; 2) site dewatering activities; or 3) street washing activities; and 4) saw cutting asphalt or concrete, or to retain any debris or dirt flowing into the City storm drain system. Filter materials shall be maintained and/or replaced as necessary to ensure effectiveness and prevent street flooding. Dispose of filter particles in the trash.
- Create a contained and covered area on the site for the storage of bags of cement, paints, flammables, oils, fertilizers, pesticides or any other materials used on the project site that have the potential for being discharged to the storm drain system through being windblown or in the event of a material spill.
- Never clean machinery, tools, brushes, etc., or rinse containers into a street, gutter, storm drain or stream. See "Building Maintenance/Remodeling" flyer for more information.
- Ensure that concrete/gunite supply trucks or concrete/plaster finishing operations do not discharge wash water into street gutters or drains.
- The applicant/developer shall immediately report any soil or water contamination noticed during construction to the City Fire Department Hazardous Materials Division, the Alameda County Department of Health and the Regional Water Quality Control Board.
- No site grading shall occur during the rainy season, between October 15 and April 15, unless approved erosion control measures are in place.
- Non-storm water discharges to the City storm sewer system are prohibited. Prohibited discharges include but are not limited to the following: polluted cooling water, chlorinated or chloraminated swimming pool water, hazardous or toxic chemicals, grease, animal wastes, detergents, solvents, pesticides, herbicides, fertilizers, and dirt. All discharges of material other than storm water must comply with a NPDES Permit issued for the discharge other than NPDES Permit No. CAS612008.

Compliance with the MRP and the City's BMPs would ensure that project construction would not substantially degrade surface water or ground water quality. **(Less than Significant Impact)**

Post-Construction Water Quality Impacts

The project would result in approximately 186,119 sf (79 percent) of impervious surface area and 48,970 sf (21 percent) of pervious surface area on-site. Pervious surface areas provided on-site would include landscaping throughout the project site and three bioretention areas totaling 5,516 sf of stormwater treatment area. The largest of the three bioretention areas would be located in common open space on Parcel A (see Figure 3.2-4) and the other two bioretention areas would be located at the end of the proposed courts adjacent to La Playa Drive. Stormwater on-site would be directed to the three bioretention areas and then conveyed via two existing 12-inch storm drain lines and an

enlarged 24-inch replacement storm drain line to the existing storm drain line in La Playa Drive. The project would result in a net increase of pervious surface area and on-site stormwater treatment. Therefore, the project would not violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface water or groundwater quality. **(Less than Significant Impact)**

Impact HYD-2: The project would not substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin. **(Less than Significant Impact)**

Although Hayward does not use groundwater as a regular water supply, the City maintains groundwater wells that are critical to the City's ability to provide water service during an earthquake or other water supply emergency. Given that the project site is currently developed with a surface parking lot and consists of almost entirely impervious surface area, the project site is not considered an important groundwater recharge zone. The project would result in a net increase of pervious surface area on-site, resulting in greater opportunity for groundwater recharge to occur on-site.

The project would connect to the existing water system and does not propose to draw groundwater on-site. The project does not propose any below-grade structures and given that groundwater generally ranges from 13.7 to 62 feet bgs within the project vicinity, dewatering would not be required during project construction. Therefore, the project would not substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin. **(Less than Significant Impact)**

Impact HYD-3: The project would not substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would result in substantial erosion or siltation on- or off-site; substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site; 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; or impede or redirect flood flows. **(Less than Significant Impact)**

The project site does not contain, nor is it adjacent to, any waterway. Therefore, the proposed project would not alter the course of a stream or river. Construction on-site will comply with the City's BMPs to ensure construction activities do not result in increased soil erosion and siltation, exceed capacity of the drainage system, or add substantial sources of polluted runoff. **(Less than Significant Impact)**

Impact HYD-4: The project would not risk release of pollutants due to project inundation in flood hazard, tsunami, or seiche zones. **(No Impact)**

As described in Section 4.10.1.2 Existing Conditions, the project site is within an area of minimal flood hazard and is not subject to tsunamis or seiches. **(No Impact)**

Impact HYD-5: The project would not conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan. **(Less than Significant Impact)**

In February of 2017, the City of Hayward became the GSA for the portion of the East Bay Plain Basin that includes the project site. The City of Hayward is currently working to draft a Groundwater Sustainability Plan for the East Bay Plain Subbasin.⁶³ The City would implement the groundwater protection and managements goals and objectives of the Plan once it is adopted. Through implementation of construction BMPs and on-site bioretention basins, the project would be consistent with the City's Stormwater Management and Urban Runoff Control Ordinance. **(Less than Significant Impact)**

⁶³ City of Hayward. Sustainable Groundwater Management. Accessed June 3, 2021. <https://www.hayward-ca.gov/content/sustainable-groundwater-management>

4.11 LAND USE AND PLANNING

4.11.1 Environmental Setting

4.11.1.1 *Regulatory Framework*

Hayward 2040 General Plan

The General Plan includes policies for the purpose of avoiding or mitigating impacts resulting from development projects within the City. The following policies are specific to land use and planning and are applicable to the proposed project.

Policy	Description
LU-1.1	The City shall support efforts to improve the jobs-housing balance of Hayward and other communities throughout the region to reduce automobile use, regional and local traffic congestion, and pollution.
LU-1.3	The City shall direct local population and employment growth toward infill development sites within the city, especially the catalyst and opportunity sites identified in the Economic Development Strategic Plan.
LU-3.6	<p>The City shall encourage residential developments to incorporate design features that encourage walking within neighborhoods by:</p> <ul style="list-style-type: none"> • Creating a highly connected block and street network. • Designing new streets with wide sidewalks, planting strips, street trees, and pedestrian-scaled lighting. • Orienting homes, townhomes, and apartment and condominium buildings toward streets or public spaces. • Locating garages for homes and townhomes along rear alleys (if available) or behind or to the side of the front facade of the home. • Locating parking facilities below or behind apartment and condominium buildings. • Enhancing the front facade of homes, townhomes, and apartment and condominium buildings with porches, stoops, balconies, and/or front patios. • Ensuring that windows are provided on facades that front streets or public spaces.
LU-3.7	The City shall protect the pattern and character of existing neighborhoods by requiring new infill developments to have complimentary building forms and site features.

Hayward Executive Airport Land Use Compatibility Plan

The project site is located within the jurisdiction of the Hayward Executive ALUCP. The ALUCP identifies potential conflicting land uses within the AIA.

Hayward Zoning Ordinance

The Hayward Zoning Ordinance (Article 10.1 of the HMC) provides regulations to ensure an appropriate mix of land uses in an orderly manner throughout the City.

4.11.1.2 Existing Conditions

The project site has a General Plan land use designation of Retail and Office Commercial. The Retail and Office Commercial designation generally applies to regional and community shopping centers and professional office developments. The project site is zoned Neighborhood Commercial (CN). The CN zoning is primarily intended for businesses that sell products and services that provide convenience goods and service purchased frequently. Residential uses in the CN zoning district are only permitted above first floor commercial uses.

Surrounding land uses include the Southland Mall to the north, single-family residences to the east and south, and a church and commercial buildings to the west.

4.11.2 Impact Discussion

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
1) Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2) Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<hr/>				
Impact LU-1:	The project would not physically divide an established community. (Less than Significant Impact)			

Examples of projects that have the potential to physically divide an established community include new freeways and highways, major arterial streets, and railroad lines. The project proposes to construct 47 single-family residential units and a new associated street and courts. The proposed residential neighborhood will be compatible with the surrounding land uses. Therefore, the project would not physically divide an established community. **(Less than Significant Impact)**

Impact LU-2: The project would not cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect. **(Less than Significant Impact)**

General Plan and Zoning

In order to develop the proposed residential uses on the approximately 5.4-acre site, the project proposes to amend the General Plan land use designation to Medium Density Residential. The Medium Density Residential designation generally applies to suburban and urban areas that contain a mix of housing types. Typical building types include single-family homes as well as other types of residences. The allowable density within the Medium Density Residential designation is 8.7 to 17.4 dwelling units/acre (DU/acre) and the maximum allowable floor-area-ratio (FAR) is 0.6. The project proposes a density of approximately 8.7 DU/acre and an average FAR per lot of approximately 0.27. All of the proposed lots would have a FAR less than 0.4 and, as such, be consistent with the maximum allowable FAR.

The project would rezone the site to PD. While the PD zoning district does not establish specific development standards, zoning districts governing uses most similar in nature and function are applied to projects that are zoned PD. Therefore, in this case, the project would be subject to the design standards of the Single-Family Residential (RS) District.

The RS District has a maximum lot coverage of 40 percent, a minimum front setback of 20 feet, minimum side yard setback of five feet, a minimum rear yard setback of 20 feet, and a minimum side yard setback of 10 feet for side yards adjacent to the street on corner lots. The project would generally conform to these standards, however, several of the proposed residences would exceed the maximum lot coverage and would not meet the minimum setback requirements. These inconsistencies would not be considered as conflicting with the proposed zoning given that the project is being rezoned to a PD District rather than the RS District. The project would not result in a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect.

Hayward Executive ALUCP

Single-family residences are conditionally allowed within Safety Zone 2. The project would be referred to the ALUC for a determination of compatibility with the ALUCP. As previously discussed in Section 4.9 Hazards and Hazardous Materials, the project would not exceed the height limit for the project site and would be within the 55 CNEL contour, a noise level acceptable for residential uses. Therefore, the project would not conflict with the Hayward Executive ALUCP. **(Less than Significant Impact)**

4.12 MINERAL RESOURCES

4.12.1 Environmental Setting

4.12.1.1 *Regulatory Framework*

State

Surface Mining and Reclamation Act

The Surface Mining and Reclamation Act (SMARA) was enacted by the California legislature in 1975 to address the need for a continuing supply of mineral resources, and to prevent or minimize the negative impacts of surface mining to public health, property, and the environment. As mandated under SMARA, the State Geologist has designated mineral land classifications in order to help identify and protect mineral resources in areas within the state subject to urban expansion or other irreversible land uses which would preclude mineral extraction. SMARA also allowed the State Mining and Geology Board (SMGB), after receiving classification information from the State Geologist, to designate lands containing mineral deposits of regional or statewide significance.

4.12.1.2 *Existing Conditions*

According to the General Plan, the only designated mineral resource sector of regional significance within the City of Hayward was the La Vista Quarry. The La Vista Quarry was located east of Mission Boulevard and Tennyson Road, approximately 2.8 miles southeast of the project site and ceased operation prior to 2008 due to depletion of the accessible aggregate resource.⁶⁴

4.12.2 Impact Discussion

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
1) 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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2) 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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<hr/>				
Impact MIN-1:	The project would not result in the loss of availability of a known mineral resource that would be of value to the region and residents of the state. (No Impact)			

The project site is currently developed with a retail building and its associated parking lot. No mining operations currently occur or have ever occurred on-site. The proposed redevelopment would not

⁶⁴ City of Hayward. Hayward 2040 General Plan Background Report. January 2014. Page 7-109.

result in the loss of availability of a known mineral resource that would be of value to the region and residents of the state. **(No Impact)**

Impact MIN-2: The project would not 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. **(No Impact)**

The only designated mineral resource recovery site identified within the City of Hayward was the La Vista Quarry, approximately 2.8 miles southeast of the project site. Therefore, the project would not 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. **(No Impact)**

4.13 NOISE

The following discussion is based, in part, on a Noise and Vibration Assessment prepared for the project by Illingworth & Rodkin, Inc., dated August 2021. A copy of this report is included in Appendix D of this Initial Study.

4.13.1 Environmental Setting

4.13.1.1 *Background Information*

Noise

Factors that influence sound as it is perceived by the human ear, include the actual level of sound, period of exposure, frequencies involved, and fluctuation in the noise level during exposure. Noise is measured on a decibel scale, which serves as an index of loudness. The zero on the decibel scale is based on the lowest sound level that the healthy, unimpaired human ear can detect. Each 10 decibel increase in sound level is perceived as approximately a doubling of loudness. Because the human ear cannot hear all pitches or frequencies, sound levels are frequently adjusted or weighted to correspond to human hearing. This adjusted unit is known as the A-weighted decibel, or dBA.

Since excessive noise levels can adversely affect human activities and human health, federal, state, and local governmental agencies have set forth criteria or planning goals to minimize or avoid these effects. Noise guidelines are generally expressed using one of several noise averaging methods, including L_{eq} , DNL, or CNEL.⁶⁵ These descriptors are used to measure a location's overall noise exposure, given that there are times when noise levels are higher (e.g., when a jet is taking off from an airport or when a leaf blower is operating) and times when noise levels are lower (e.g., during lulls in traffic flows on freeways or in the middle of the night). L_{max} is the maximum A-weighted noise level during a measurement period.

Vibration

Ground vibration consists of rapidly fluctuating motions or waves with an average motion of zero. Vibration amplitude can be quantified using Peak Particle Velocity (PPV), which is defined as the maximum instantaneous positive or negative peak of the vibration wave. PPV has been routinely used to measure and assess ground-borne construction vibration. Studies have shown that the threshold of perception for average persons is in the range of 0.008 to 0.012 inches/second (in/sec) PPV.

⁶⁵ L_{eq} is a measurement of average energy level intensity of noise over a given period of time. Day-Night Level (DNL) is a 24-hour average of noise levels, with a 10 dB penalty applied to noise occurring between 10:00 PM and 7:00 AM. Community Noise Equivalent Level (CNEL) includes an additional five dB applied to noise occurring between 7:00 PM and 10:00 PM. Where traffic noise predominates, the CNEL and DNL are typically within two dBA of the peak-hour L_{eq} .

4.13.1.2 *Regulatory Framework*

Federal

Federal Transit Administration Vibration Limits

The Federal Transit Administration (FTA) has developed vibration impact assessment criteria for evaluating vibration impacts associated with transit projects. The FTA has proposed vibration impact criteria based on maximum overall levels for a single event. The impact criteria for groundborne vibration are shown in Table 4.13-1 below. These criteria can be applied to development projects in jurisdictions that lack vibration impact standards.

Table 4.13-1: Groundborne Vibration Impact Criteria			
Land Use Category	Groundborne Vibration Impact Levels (VdB inch/sec)		
	Frequent Event	Occasional Events	Infrequent Events
Category 1: Buildings where vibration would interfere with interior operations	65	65	65
Category 2: Residences and buildings where people normally sleep	72	75	80
Category 3: Institutional land uses with primarily daytime use	75	78	83
Source: Federal Transit Administration. <i>Transit Noise and Vibration Assessment Manual</i> . September 2018.			

State and Local

California Building Standards Code

The CBC establishes uniform minimum noise insulation performance standards to protect persons within new buildings housing people, including hotels, motels, dormitories, apartments, and dwellings other than single-family residences. Title 24 mandates that interior noise levels attributable to exterior sources not exceed 45 L_{dn}/CNEL in any habitable room. Exterior windows must have a minimum Sound Transmission Class (STC) of 40 or Outdoor-Indoor Transmission Class (OITC) of 30 when the property falls within the 65 dBA DNL noise contour for a freeway or expressway, railroad, or industrial source.

City of Hayward Municipal Code

The City's Municipal Code contains a Noise Ordinance that limits noise levels during construction activities and at adjacent properties. Section 4-1.03.1 of the Municipal Code outlines residential and commercial property noise limits and Section 4-1.03.4 outlines construction noise limits. The applicable Municipal Code sections are presented below:

*Section 4-1.03.1 Noise Restriction by Decibel***(a) Residential Property Noise Limits.**

1. No person shall produce or allow to be produced by human voice, machine, device, or any combination of same, on residential property, a noise level at any point outside of the property plane that exceeds 70 dBA between the hours of 7:00 a.m. and 9:00 p.m. or 60 dBA between the hours of 9:00 p.m. and 7:00 a.m.
2. No person shall produce or allow to be produced by human voice, machine, device, or any combinations of same, on multifamily residential property, a noise level more than 60 dBA three feet from any wall, floor, or ceiling inside any dwelling unit on the same property, when windows and doors of the dwelling unit are closed, except within the dwelling unit in which the noise source or sources may be located.

(b) Commercial and Industrial Property Noise Limits. Except for commercial and industrial property abutting residential property, no person shall produce or allow to be produced by human voice, machine, device, or any other combination of same, on commercial or industrial property, a noise level at any point outside of the property plane that exceeds 70 dBA. Commercial and industrial property that abuts residential property shall be subject to the residential property noise limits set forth in sections (a)(1) and (2) above.

Section 4-1.03.4 Construction and Alteration of Structures; Landscaping Activities

Unless otherwise provided pursuant to a duly issued permit or a condition of approval of a land use entitlement, the construction, alteration, or repair of structures and any landscaping activities, occurring between the hours of 10:00 a.m. and 6:00 p.m. on Sundays and holidays, and 7:00 a.m. and 7:00 p.m. on other days, shall be subject to the following:

- (a) No individual device or piece of equipment shall produce a noise level exceeding 83 dBA at a distance of 25 feet from the source. If the device or equipment is housed within a structure on the property, the measurement shall be made outside the structure at a distance as close as possible to 25 feet from the equipment.
- (b) The noise level at any point outside the property plane shall not exceed 86 dBA.
- (c) During all other times, the decibel levels set forth in Section 4-1.03.1 shall control.

Hayward 2040 General Plan

The General Plan includes policies for the purpose of avoiding or mitigating impacts resulting from development projects within the City. The following policies are specific to noise and are applicable to the proposed project.

Policy	Description
HAZ-8.1	The City shall strive to locate noise sensitive uses, (e.g., residences, schools, hospitals, libraries, religious institutions, and convalescent homes) away from major sources of noise.
HAZ-8.2	The City shall require development projects in areas where they may be exposed to major noise sources (e.g., roadways, rail lines, and aircraft or other non-transportation noise sources) to conduct a project level environmental noise analysis. The noise analysis shall determine noise exposure and noise standard compatibility with respect to the noise standards identified in Table HAZ-1 and shall incorporate noise mitigation when located in noise environments that are not compatible with the proposed uses of the project. The City shall use Table HAZ-1 (Exterior Noise Standards for Various Land Uses) and Figure HAZ-1 (Future Noise Contour Maps) to determine potential noise exposure impacts, noise compatibility thresholds, and the need for mitigation. The City shall determine mitigation measures based on project-specific noise studies, and may include sound barriers, building setbacks, the use of closed windows and the installation of heating and air conditioning ventilation systems, and the installation of noise attenuating windows and wall/ceiling insulation.
HAZ-8.4	The City shall consider the visual impact of noise mitigation measures and shall require solutions that do not conflict with urban design goals and standards.
HAZ-8.5	<p>The City shall require the design of new residential development to comply with the following noise standards:</p> <ul style="list-style-type: none"> • The maximum acceptable interior noise level for all new residential units (single-family, duplex, mobile home, multi-family, and mixed-use units) shall be an L_{dn} of 45 dB with windows closed. • For project locations that are primarily exposed to aircraft, train, and BART noise, the maximum instantaneous noise level in bedrooms shall not exceed 50dB(A) at night (10:00 pm to 7:00 am), and the maximum instantaneous noise level in all interior rooms shall not exceed 55dB(A) during the day (7:00 am to 10:00 pm) with windows closed. • The maximum acceptable exterior noise level for the primary open space area of a detached single-family home, duplex or mobile home, which is typically the backyard or a fenced side yard, shall be an L_{dn} of 60 dB. This standard shall be measured at the approximate center of the primary open space area. This standard does not apply to secondary open space areas, such as front yards, balconies, stoops, and porches. • The maximum acceptable exterior noise level for the primary open space area of townhomes and multi-family apartments or condominiums (private rear yards for townhomes; and common courtyards, roof gardens, or gathering spaces for multi-family projects) shall be an L_{dn} of 65 dB. This standard shall be measured at the approximate center of the primary open space area. This standard does not apply to secondary open space areas, such as front yards, balconies, stoops, and porches. • The maximum acceptable exterior noise level for the primary open space area of urban residential infill and mixed-use projects (private rear yards

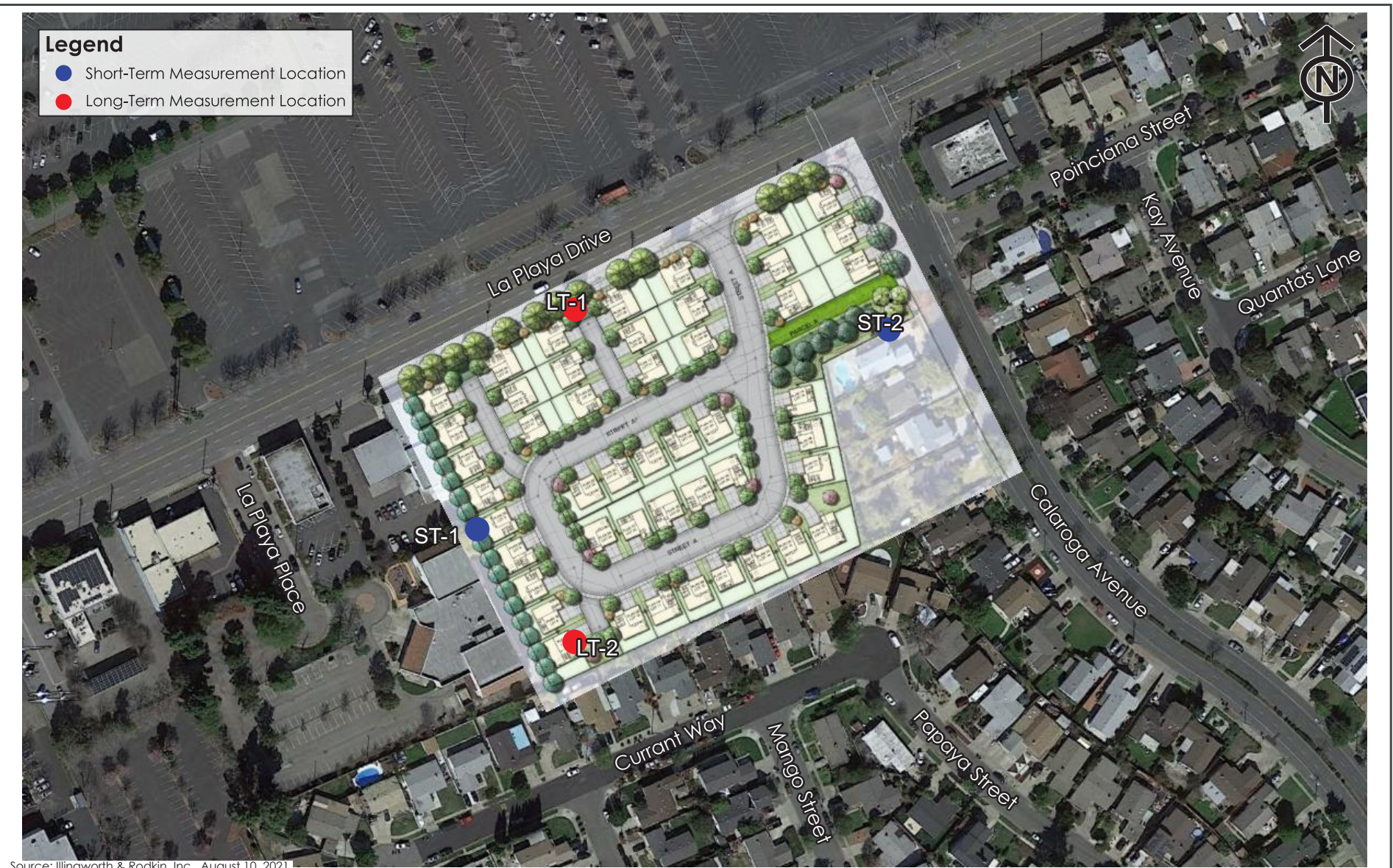
for townhomes; and common courtyards, roof gardens, or gathering spaces for multi-family or mixed-use projects) shall be an L_{dn} of 70 dB. residential infill would include all types of residential development within existing or planned urban areas (such as Downtown, The Cannery Neighborhood, and the South Hayward BART Neighborhood) and along major corridors (such as Mission Boulevard). This standard shall be measured at the approximate center of the primary open space area. This standard does not apply to secondary open space areas, such as front yards, balconies, stoops, and porches.

HAZ-8.14	The City shall monitor noise impacts from aircraft operations at the Hayward Executive and maintain and implement the noise abatement policies and procedures outlined in the Noise Ordinance and Land Use Compatibility Plan.
HAZ-8.15	The City shall require project applicants to evaluate potential airport noise impacts if the project is located within the 60 dB CNEL contour line of the Hayward Executive or Oakland International Airports (as mapped in the Land Use Compatibility Plan). All projects shall be required to mitigate impacts to comply with the interior and exterior noise standards established by the Land Use Compatibility Plan.
HAZ-8.20	The City may require development projects subject to discretionary approval to assess potential construction noise impacts on nearby sensitive uses and to minimize impacts on those uses, to the extent feasible.
HAZ-8.21	The City shall limit the hours of construction and maintenance activities to the less sensitive hours of the day (7:00am to 7:00pm Monday through Saturday and 10:00am to 6:00 pm on Sundays and holidays).
HAZ-8.22	The City shall require a vibration impact assessment for proposed projects in which heavy-duty construction equipment would be used (e.g., pile driving, bulldozing) within 200 feet of an existing structure or sensitive receptor. If applicable, the City shall require all feasible mitigation measures to be implemented to ensure that no damage or disturbance to structures or sensitive receptors would occur.

4.13.1.3 *Existing Conditions*

The existing noise environment at the project site results primarily from local vehicular traffic along the surrounding roadways. Operational noise from the adjacent automotive shop and aircraft associated with the Hayward Executive Airport and Oakland International Airport also contribute to the noise environment. A noise monitoring survey was conducted on-site to establish the existing ambient noise levels. The noise monitoring survey consisted of two long-term noise measurements (LT-1 and LT-2) and two short-term measurements (ST-1 and ST-2) as shown in Figure 4.13-1.

The day-night average noise levels at the site ranged from 56 dBA L_{dn} (LT-2) to 62 dBA L_{dn} (LT-1). Short-term daytime noise measurements identified noise levels of 49 to 73 dBA resulting from roadway noise to aircraft overflights.



NOISE MEASUREMENT LOCATIONS

FIGURE 4.13-1

4.13.2 Impact Discussion

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project result in:				
1) Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2) Generation of excessive groundborne vibration or groundborne noise levels?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3) For a project located within the vicinity of a private airstrip or 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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

4.13.2.1 *Thresholds of Significance*

The following criteria were used to evaluate the significance of environmental noise resulting from the project:

- A significant noise impact would be identified if the project would generate a substantial temporary or permanent noise level increase over ambient noise levels and the increase would exceed applicable noise standards presented in the General Plan at existing noise-sensitive receptors surrounding the project site.
 - A significant temporary noise impact would occur if: 1) any individual piece of equipment would exceed 83 dBA at a distance of 25 feet from the equipment or the housing in which it is located; 2) noise levels shall not exceed 86 dBA at any point outside the property plane; or 3) ambient noise levels at noise-sensitive receptors is exceeded by five dBA L_{eq} for a period of more than one year.
 - A significant permanent noise level increase would occur if the project would result in: a) a noise level increase of five dBA L_{dn} or greater, with a future noise level of less than 60 dBA L_{dn} , or b) a noise level increase of three dBA L_{dn} or greater, with a future noise level of 60 dBA L_{dn} or greater.
 - A significant noise impact would be identified if the project would expose persons to or generate noise levels that would exceed applicable noise standards presented in the General Plan.
- A significant impact would be identified if the construction of the project would generate excessive vibration levels at surrounding receptors. Groundborne vibration levels exceeding 0.3 in/sec PPV would have the potential to result in cosmetic damage to normal buildings.

- A significant noise impact would be identified if the project would expose people residing or working in the project area to excessive aircraft noise levels.

Impact NOI-1:	The project would not result in generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies. (Less than Significant Impact with Mitigation Incorporated)
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Temporary Construction Noise

Policy HAZ-8.21 of the City's General Plan and Section 4-1.03.4 of the City's Municipal Code limits construction operations to between 7:00 a.m. and 7:00 p.m. Monday through Saturday and between 10:00 a.m. and 6:00 p.m. on Sundays and holidays unless otherwise provided pursuant to a duly issued permit or condition of approval of a land use entitlement. Therefore, project construction would occur from 7:00 a.m. to 7:00 p.m. and it is assumed that construction would be limited to Mondays through Saturdays.

Construction activities generate considerable amounts of noise, especially during earth-moving activities when heavy equipment is used. Construction activities for individual projects are typically carried out in phases. During each phase of construction, there would be a different mix of equipment operating, and noise levels would vary by phase and vary within phases, based on the amount of equipment in operation and the location at which the equipment is operating. The typical range of maximum instantaneous noise levels for the proposed project would be 70 to 90 dBA L_{max} at a distance of 50 feet from the equipment. When propagated to 25 feet, the noise levels for each individual piece of equipment would increase by six dBA. Therefore, the City's 83 dBA maximum limit for individual pieces of equipment would potentially be exceeded at a distance of 25 feet, which would result in a significant temporary noise impact.

The City's 86 dBA noise limit for construction is not expected to be exceeded for the majority of activities. However, when single pieces of equipment are operating near a property line shared with a noise-sensitive receptor, construction noise levels would at times be exceeded. Additionally, ambient levels at the surrounding uses would potentially be exceeded by five dBA L_{eq} or more at various times throughout construction. Project construction is expected to last for a period of approximately 14 months. Since individual pieces of equipment would potentially exceed 83 dBA at a distance of 25 feet, the City's 86 dBA threshold would potentially be exceeded anywhere outside the project site, and ambient noise levels at surrounding land uses would be exceeded by five dBA or more for a period of more than one year, the temporary construction noise impact would be considered significant and would require mitigation.

Mitigation Measure: The project will be required to implement the following mitigation measure to reduce construction noise levels emanating from the project site and minimize disturbance to the existing sensitive receptors in the project vicinity.

MM NOI-1.1: Construction Best Management Practices. The project contractor shall develop a noise control plan, including, but not limited to, the following construction best management controls:

- Equipment and trucks used for construction shall use the best available noise control techniques (e.g., improved mufflers, equipment redesign, use of intake silencers, ducts, engine enclosures, and acoustically attenuating shields or shrouds);
- Impact tools (e.g., jackhammers, pavement breakers, and rock drills) used for construction shall be hydraulically or electrically powered wherever possible to avoid noise associated with compressed air exhaust from pneumatically powered tools;
- Stationary noise sources shall be located as far from adjacent receptors as possible, and they shall be muffled and enclosed within temporary sheds, incorporate insulation barriers, or include other measures.
- Temporary noise barriers shall be constructed, where feasible, to screen stationary noise-generating equipment. Temporary noise barrier fences would provide a five dBA noise reduction if the noise barrier interrupts the line-of-sight between the noise source and receptor and if the barrier is constructed in a manner that eliminates any cracks or gaps.
- Unnecessary idling of internal combustion engines shall be strictly prohibited.
- Construction staging areas shall be established at locations that will create the greatest distance between the construction-related noise sources and noise-sensitive receptors nearest the project site during all project construction. Locate material stockpiles, as well as maintenance/equipment staging and parking areas, as far as feasible from residential receptors.
- Noise from construction workers' radios shall be controlled to a point where they are not audible at existing residences bordering the project site.
- Where feasible, temporary power service from local utility companies shall be used instead of portable generators.
- Crane shall be located as far from adjoining noise-sensitive receptors as possible.
- During final grading, graders shall be substituted for bulldozers, where feasible. Wheeled heavy equipment are quieter than track equipment and shall be used where feasible.
- Nail guns shall be substituted for manual hammering, where feasible.
- The use of circular saws, miter/chop saws, and radial arm saws near the adjoining noise-sensitive receptors shall be avoided. Where feasible, saws shall be shielded with a solid screen with material having a minimum surface density of two lbs/ft² (e.g., such as 3/4" plywood).

- Smooth vehicle pathways shall be maintained for trucks and equipment accessing the site and local residential neighborhoods shall be avoided as much as possible.
- During interior construction, the exterior windows facing noise-sensitive receptors shall be closed.
- During interior construction, noise-generating equipment shall be located within the building to break the line-of-sight to the adjoining receptors.
- The contractor shall prepare a detailed construction schedule for major noise-generating construction activities. The construction schedule shall be shared with the adjacent neighbors of the project site and shall identify a procedure for coordination with adjacent residential land uses so that construction activities can be scheduled to minimize noise disturbance.
- A “disturbance coordinator” shall be designated to be responsible for responding to any complaints about construction noise. The disturbance coordinator will determine the cause of the noise complaint (e.g., bad muffler, etc.) and will require that reasonable measures be implemented to correct the problem. A telephone number for the disturbance coordinator shall be conspicuously posted at the construction site and included in the notice sent to adjacent neighbors regarding the construction schedule.

Implementation of MM NOI-1.1, as well as the General Plan and Municipal Code limits on allowable construction hours, would reduce temporary construction noise impacts to a less than significant level. **(Less than Significant Impact with Mitigation Incorporated)**

Operational Noise Level Increase

Permanent noise level increases from project operation would be primarily associated with various mechanical equipment and increased traffic from future occupants of the proposed single-family residences.

Mechanical Equipment

Various mechanical equipment, such as heating, ventilation, and air conditioning (HVAC) units, are typical for residential dwellings. For purposes of assessing the worst-case scenario, each residential unit is assumed to have an HVAC system, and the units would be located along the exterior building façades at the rear or side of the structures.

Section 4-1.03.1 of the City of Hayward Municipal Code limits noise levels to 70 dBA between 7:00 a.m. and 9:00 p.m. and to 60 dBA between 9:00 p.m. and 7:00 a.m., as measured at any receiving property line. Typical noise levels produced by residential HVAC units would range from 53 to 63 dBA at three feet during operation. These types of units typically cycle on and off continuously during daytime and nighttime hours. The single-family residences located along the southern, southeastern, and western boundaries of the project site would have the backyards facing off-site receptors. The HVAC units at each of the proposed residences would be a minimum of 15 feet from the shared property lines, which would include a privacy fence along the edge of the property.

Assuming no shielding from the privacy fence, the HVAC units would range from 39 to 49 dBA L_{eq} at 15 feet. With the inclusion of the fence, a minimum reduction of five dBA would be expected. Therefore, the operation of HVAC units on-site would not exceed the noise limits established in Section 4-1.02.1 of the Municipal Code.

Vehicle Traffic

According to the 2040 noise contours included in the City's General Plan, the surrounding residences would have future noise levels exceeding 60 dBA L_{dn} . Therefore, a significant impact would occur if traffic due to the proposed project would permanently increase ambient levels by three dBA L_{dn} . For reference, a three dBA L_{dn} noise increase would be expected if the project would double existing traffic volumes along a roadway.

The transportation analysis prepared for the project (see Appendix E) includes peak hour turning movements for the existing traffic volumes and existing plus project traffic volumes at five intersections in the vicinity of the project site. By comparing the existing plus project traffic scenario to the existing scenario, the project would result in traffic noise increases of less than one dBA L_{dn} along every roadway segment included in the study. Therefore, the project would not result in a permanent noise increase of three dBA L_{dn} or more at noise-sensitive receptors in the project vicinity. No mitigation would be required for the project's operational noise impacts. **(Less than Significant Impact)**

Impact NOI-2:	The project would not result in generation of excessive groundborne vibration or groundborne noise levels. (Less than Significant Impact with Mitigation Incorporated)
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The construction of the project may generate perceptible vibration when heavy equipment or impact tools (e.g., jackhammers, hoe rams) are used. Construction activities would include demolition, site preparation work, foundation work, and new building framing and finishing. Pile driving equipment, which can cause excessive vibration, is not proposed to be used for the project.

For structural damage, the California Department of Transportation recommends a vibration limit of 0.5 in/sec PPV for buildings structurally sound and designed to modern engineering standards, which typically consist of buildings constructed since the 1990s. A conservative vibration limit of 0.3 in/sec PPV has been used for buildings that are found to be structurally sound but where structural damage is a major concern, which would include older residences built with conventional materials. Therefore, groundborne vibration levels exceeding the conservative 0.3 in/sec PPV limit would have the potential to result in a significant vibration impact.

Construction vibration levels would vary depending on soil conditions, construction methods, and equipment used. Table 4.13-2 presents typical vibration levels expected at the nearest buildings to the project site. Heavy vibration-generating construction equipment would have the potential to produce vibration levels of 0.3 in/sec PPV or more at buildings within 20 feet of the project site. Neither cosmetic, minor, or major damage would occur at buildings located 20 feet or more from the project site. At these locations, and in other surrounding areas where vibration would not be expected to cause cosmetic damage, vibration levels may still be perceptible. However, as with any type of

construction, this would be anticipated and would not be considered significant, given the intermittent and short duration of the phases that have the highest potential of producing vibration (use of jackhammers and other high-power tools). By use of administrative controls, such as notifying neighbors of scheduled construction activities and scheduling construction activities with the highest potential to produce perceptible vibration during hours with the least potential to affect nearby businesses, perceptible vibration can be kept to a minimum.

Table 4.13-2: Vibration Source Levels for Construction Equipment

Equipment		PPV (in/sec)				
		West Commercial Buildings (5 ft)	South Residences (10 ft)	Southeast Residences (15 ft)	North Commercial Buildings (425 ft)	East Residences & Commercial Buildings (105 ft)
Clam shovel drop		1.186	0.553	0.354	0.009	0.042
Hydromill (slurry wall)	In soil	0.047	0.022	0.014	0.0004	0.002
	In rock	0.100	0.047	0.030	0.001	0.004
Vibratory roller		1.233	0.575	0.368	0.009	0.043
Hoe ram		0.523	0.244	0.156	0.004	0.018
Large bulldozer		0.523	0.244	0.156	0.004	0.018
Caisson drilling		0.523	0.244	0.156	0.004	0.018
Loaded trucks		0.446	0.208	0.133	0.003	0.016
Jackhammer		0.206	0.096	0.061	0.002	0.007
Small bulldozer		0.018	0.008	0.005	0.0001	0.001
Notes:						
Bold values are over the 0.3 in/sec PPV limit						

In summary, the construction of the project would generate vibration levels exceeding the threshold of 0.3 in/sec PPV at structures within 20 feet of the site. This would be considered a significant impact.

Mitigation Measure: The project will be required to implement the following mitigation measure to reduce construction vibration levels emanating from the project site.

MM NOI-2.1: The project shall implement the following practices while performing construction activities within 20 feet of the existing commercial or residential buildings:

- Compaction activities shall not be conducted using a vibratory roller. Within this area, compaction shall be performed using smaller hand tampers.
- Demolition, earth-moving, and ground-impacting operations shall be phased so as not to occur at the same time and shall use the smallest equipment possible to complete the work. The use of large bulldozers, hoe rams, drill-rigs shall be avoided within 20 feet of existing commercial or residential buildings.
- Construction and demolition activities shall not involve clam shell dropping operations.

Implementation of MM NOI-2.1 would reduce vibration levels to 0.1 in/sec PPV or less. Therefore, the project would not result in generation of excessive groundborne vibration or groundborne noise levels. **(Less than Significant Impact with Mitigation Incorporated)**

Impact NOI-3: The project would be located within the vicinity of a private airstrip or 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. The project would not expose people residing or working in the project area to excessive noise levels. **(Less than Significant Impact)**

The Hayward Executive Airport is located approximately 0.6 miles northwest of the project site. Aircraft-related noise, which was observed during the ambient noise survey, would be audible at the project site. The project site is within the airport's 55 CNEL noise contour, a level compatible with residential uses. Therefore, the project would not expose people residing in the project area to excessive noise levels due to its proximity to the Hayward Executive Airport. **(Less than Significant Impact)**

4.13.3 Non-CEQA Effects

Per *California Building Industry Association v. Bay Area Air Quality Management District*, 62 Cal. 4th 369 (*BIA v. BAAQMD*), effects of the environment on the project are not considered CEQA impacts. The following discussion is included for informational purposes only because the City of Hayward has policies that address existing noise conditions affecting a proposed project. The applicable General Plan policies were presented in detail in the Regulatory Background section and are summarized below for the proposed project:

- The City's acceptable exterior noise level standard is 60 dBA L_{dn} or less for the proposed single-family residential land uses.
- The City's acceptable exterior noise level standard is 70 dBA L_{dn} or less for neighborhood parks.
- The City's acceptable interior noise level standard is 45 dBA L_{dn} or less for the proposed single-family residential land uses with the windows closed.

According to the future 2040 contours, which are provided in the General Plan, the future noise environment at the project site would range from 70 to 75 dBA L_{dn} by the year 2040. However, this is a screening tool that does not consider shielding effects due to sound walls and intervening buildings. Based on the ambient measurements made at the site and the existing traffic volumes along the surrounding roadways, future noise levels at the project site would not be expected to increase by more than three dBA under future conditions.

Future Exterior Noise Environment

Proposed outdoor use areas on the project site would include residential backyards and a common open space on Parcel A.

Residential Backyards

The residences nearest to La Playa Drive would be facing east and west, with backyards located between the houses. The centers of the nearest backyards would be approximately 80 feet from the centerline of La Playa Drive. The proposed residences located on either side of the backyards and the existing buildings located on the adjacent site would provide partial shielding for the backyards. Assuming no additional shielding from privacy fences around the yards, the future exterior noise levels at the center of the nearest backyards would be 61 dBA L_{dn} at a distance of 80 feet.

The site plan does indicate privacy fences around each backyard. Details pertaining to the privacy fences are unknown at this time; however, it is assumed that the privacy fences would be a minimum height of 5 feet tall. Assuming the fences are continuous from grade to top, with no cracks or gaps, and would be constructed from materials having a minimum surface density of three lbs/ft², these privacy fences would provide adequate shielding to achieve 60 dBA L_{dn} at the centers of all residential backyards.

Parcel A

The common open space located on Parcel A would be shielded from La Playa Drive by intervening residences and their privacy fences. However, this park would be located along Calaroga Avenue, and the center of Parcel A would be set back approximately 155 feet from the centerline of the roadway. At this distance and assuming partial shielding from the surrounding residences, future exterior noise levels would be at or below 70 dBA L_{dn} .

All residential backyards and the proposed neighborhood park would be expected to meet the City's exterior noise thresholds. No further noise-reducing measures would be required.

Future Interior Noise Environment

Standard residential construction provides approximately 15 dBA of exterior-to-interior noise reduction, assuming the windows are partially open for ventilation. Standard construction with the windows closed provides approximately 20 to 25 dBA of noise reduction in interior spaces. Where exterior noise levels range from 60 to 65 dBA L_{dn} , the inclusion of adequate forced-air mechanical ventilation is often the method selected to reduce interior noise levels to acceptable levels by closing the windows to control noise. Where noise levels exceed 65 dBA L_{dn} , forced-air mechanical ventilation systems and sound-rated construction methods are normally required. Such methods or

materials may include a combination of smaller window and door sizes as a percentage of the total building façade facing the noise source, sound-rated windows and doors, sound-rated exterior wall assemblies, and mechanical ventilation so windows may be kept closed at the occupant's discretion.

The nearest residential façades along La Playa Drive would be set back approximately 60 feet from the centerline. At this distance, the rooms facing these façades would be exposed to future exterior noise levels of 65 dBA L_{dn} . Assuming windows to be partially open for ventilation, future interior noise levels would be 50 dBA L_{dn} . These interior noise levels would exceed the 45 dBA L_{dn} threshold and would require noise insulation features.

All remaining residences on the site would have greater setbacks from La Playa Drive and would have some shielding from intervening residences and other existing structures surrounding the site. These residences would be exposed to future exterior noise levels below 65 dBA L_{dn} .

Consistent with General Plan Policy HAZ-8.5, a suitable form of forced-air mechanical ventilation, as determined by the local building official, shall be provided for all residences on the project site, so that windows can be kept closed at the occupant's discretion to control interior noise and achieve the interior noise standards. This requirement will be included as a condition of approval for the project. The implementation of these noise mitigation features would reduce interior noise levels to 45 dBA L_{dn} or less.

4.14 POPULATION AND HOUSING

4.14.1 Environmental Setting

4.14.1.1 *Regulatory Framework*

State

Housing-Element Law

State requirements mandating that housing be included as an element of each jurisdiction's general plan is known as housing-element law. The Regional Housing Need Allocation (RHNA) is the state-mandated process to identify the total number of housing units (by affordability level) that each jurisdiction must accommodate in its housing element. California housing-element law requires cities to: 1) zone adequate lands to accommodate their RHNA; 2) produce an inventory of sites that can accommodate their share of the RHNA; 3) identify governmental and non-governmental constraints to residential development; 4) develop strategies and a work plan to mitigate or eliminate those constraints; and 5) adopt a housing element and update it on a regular basis.⁶⁶ The City of Hayward Housing Element and related land use policies were last updated in 2014.

Regional and Local

Plan Bay Area 2040

Plan Bay Area 2040 is a long-range transportation, land-use, and housing plan intended to support a growing economy, provide more housing and transportation choices, and reduce transportation-related pollution and GHG emissions in the Bay Area. Plan Bay Area 2040 promotes compact, mixed-use residential and commercial neighborhoods near transit, particularly within identified Priority Development Areas (PDAs).⁶⁷

ABAG allocates regional housing needs to each city and county within the nine-county San Francisco Bay Area, based on statewide goals. ABAG also develops forecasts for population, households, and economic activity in the Bay Area. ABAG, MTC, and local jurisdiction planning staff created the Regional Forecast of Jobs, Population, and Housing, which is an integrated land use and transportation plan through the year 2040 (upon which Plan Bay Area 2040 is based).

Hayward 2040 General Plan

The General Plan includes policies for the purpose of avoiding or mitigating impacts resulting from development projects within the City. The following policies are specific to population and housing and are applicable to the proposed project.

⁶⁶ California Department of Housing and Community Development. "Regional Housing Needs Allocation and Housing Elements" Accessed August 13, 2021. <http://hcd.ca.gov/community-development/housing-element/index.shtml>.

⁶⁷ Association of Bay Area Governments and Metropolitan Transportation Commission. "Project Mapper." <http://projectmapper.planbayarea.org/>. Accessed August 13, 2021.

Policy	Description
H-2.3	The City shall enforce the Inclusionary Housing Ordinance to ensure that a certain percentage of new residential units will be made affordable to lower- and moderate-income households.
H-2.4	The City shall encourage a mix of affordability levels in residential projects and encourage the dispersal of such units to achieve greater integration of affordable housing throughout the community.
H-3.4	The City shall encourage development of residential uses close to employment, recreational facilities, schools, neighborhood commercial areas, and transportation routes.
H-3.5	The City shall encourage compatible residential development in areas with underutilized land.
H-3.6	The City shall allow flexibility within the City's standards and regulations to encourage a variety of housing types.

4.14.1.2 *Existing Conditions*

According to a May 2020 estimate by the California Department of Finance, Hayward has a total population of 158,089 persons.⁶⁸ There are estimated to be 50,772 housing units in the City, with the largest categories of housing consisting of 26,315 single-family detached units.⁶⁹ According to ABAG projections, Hayward's population will grow to a total of 178,270 by 2040.⁷⁰

4.14.2 Impact Discussion

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
1) Induce substantial unplanned 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)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2) Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

⁶⁸ California Department of Finance. *E-5 Population and Housing Estimates for Cities, Counties, and the State 2011-2020 with 2010 Census Benchmark*. Accessed on June 3, 2021. Available at: <http://dof.ca.gov/Forecasting/Demographics/Estimates/E-5/>.

⁶⁹ Ibid.

⁷⁰ Association of Bay Area Governments. "Projections 2040." Accessed June 3, 2021. Available at: <http://projections.planbayarea.org/>.

Impact POP-1: The project would not induce substantial unplanned 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). **(Less than Significant Impact)**

The Hayward 2040 General Plan assumed an average occupancy of 3.1 persons per household. With this assumption, it can be estimated that the project would result in an increase of approximately 146 new residents.⁷¹ This would represent an increase of approximately 0.1 percent⁷² of the City's current population. This would be an incremental increase of the City's total population. Additionally, the addition of the proposed single-family units would be generally consistent with the City's projected population growth and with General Plan Policies H-3.4 and H-3.5. Therefore, the project would not induce substantial unplanned population growth. **(Less than Significant Impact)**

Impact POP-2: The project would not displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere. **(No Impact)**

The project site is currently occupied by a retail commercial building and its associated parking lot. There are no current residences on-site. Therefore, the project would not displace any existing people or housing. **(No Impact)**

⁷¹ 47 proposed residences x 3.1 average persons/household = 145.7 new residents

⁷² 146 new residents ÷ 158,089 current residences x 100 = 0.092 percent

4.15 PUBLIC SERVICES

4.15.1 Environmental Setting

4.15.1.1 *Regulatory Framework*

State

Government Code Section 66477

The Quimby Act (included within Government Code Section 66477) requires local governments to set aside parkland and open space for recreational purposes. It provides provisions for the dedication of parkland and/or payment of fees in lieu of parkland dedication to help mitigate the impacts from new residential developments. The Quimby Act authorizes local governments to establish ordinances requiring developers of new residential subdivisions to dedicate parks, pay a fee in lieu of parkland dedication, or perform a combination of the two.

Government Code Section 65995 through 65998

California Government Code Section 65996 specifies that an acceptable method of offsetting a project's effect on the adequacy of school facilities is the payment of a school impact fee prior to the issuance of a building permit. Government Code Sections 65995 through 65998 set forth provisions for the payment of school impact fees by new development by "mitigating impacts on school facilities that occur (as a result of the planning, use, or development of real property)" (Section 65996[a]). The legislation states that the payment of school impact fees "are hereby deemed to provide full and complete school facilities mitigation" under CEQA (Section 65996[b]).

Developers are required to pay a school impact fee to the school district to offset the increased demands on school facilities caused by the proposed residential development project. The school district is responsible for implementing the specific methods for mitigating school impacts under the Government Code.

Regional and Local

Hayward 2040 General Plan

The General Plan includes policies for the purpose of avoiding or mitigating impacts resulting from development projects within the City. The following policies are specific to public services and are applicable to the proposed project.

Policy	Description
CS-1.9	The City shall continue to include the Police Department in the review of development projects to promote the implementation of Crime Prevention Through Environmental Design (CPTED) principles.
CS-2.4	The City shall strive to arrive at the scene of Priority 1 Police Calls within 5 minutes of dispatch, 90 percent of the time.
CS-2.14	The City shall consider the establishment of development impact fees to help fund Police Department operations.

CS-3.2	The City shall adopt and enforce fire and building codes.
CS-3.3	The City shall continue to include the Fire Department in the review of development proposals to ensure projects adequately address fire access and building standards.
CS-3.4	The City shall require new development projects to have adequate water supplies to meet the fire-suppression needs of the project without compromising existing fire suppression services to existing uses.
CS-3.5	The City shall require development to construct and install fire suppression infrastructure and equipment needed to serve the project.
CS-4.3	<p>The City shall maintain the ability to respond to fire and emergency medical calls based on the following standards:</p> <ul style="list-style-type: none"> • The first unit shall arrive on scene within five minutes of dispatch, 90 percent of the time. • All remaining units shall arrive on scene within 8 minutes of dispatch.
CS-4.12	The City shall consider the establishment of development impact fees to fund Fire Department operations.
EDL-3.11	The City shall coordinate with school districts to ensure that the impacts of new development are identified and mitigated through the payment of school impact fees in accordance with State law.
EDL-6.1	The City shall strive to expand library space within the community to meet and maintain a minimum standard of 0.75 square feet of space per 1,000 residents (excluding school and college libraries).
EDL-6.8	The City shall consider the establishment of a library impact fee for new residential construction.
HQL-10.2	<p>The City shall seek to increase the number of parks throughout the city by working with HARD to achieve and maintain the following park standards per 1,000 Hayward residents:</p> <ul style="list-style-type: none"> • Two acres of local parks, • Two acres of school parks, • Three acres of regional parks, • One mile of trails and linear parks, and • Five acres of parks district wide.
HQL-10.5	The City shall require that neighborhood parks be integrated into, and be focal points of new residential neighborhoods.
HQL-10.12	The City shall maintain park dedication requirements and in lieu fees for new residential development at the maximum allowed under State law.

HMC Article 10.16 – Obligations for Parks and Recreation

Article 10.16 of the HMC requires all residential projects to pay impact fees to provide for park and recreational facilities serving the City. In lieu of fee payment, the City may allow the dedication of

public park land as partial or full credit towards park impact fee obligations. Developers may also get partial credit for providing private park and recreational areas.

4.15.1.2 *Existing Conditions*

Fire Protection Services

The HFD provides fire protection services throughout the City. The HFD staffs nine different stations housing nine engine companies and two truck companies.⁷³ The closest fire station to the project site is Fire Station 6, located at 1535 West Winton Avenue, approximately 1.4 miles northwest of the project site.

Police Protection Services

The Hayward Police Department (HPD) provides police protection services throughout the City. The HPD has a staff of 300, including sworn and professional personnel.⁷⁴ The HPD is headquartered at 300 West Winton Avenue, approximately 1.5 miles northeast of the project site.

Schools

The project site is served by the Hayward Unified School District (HUSD). Students in the project area attend Eden Gardens Elementary School, located at 2184 Thayer Avenue (approximately 1.3 miles southwest of the project site), Anthony W. Ochoa Middle School, located at 2121 Depot Road (approximately 1.3 miles southwest of the project site), and Mt. Eden High School, located at 23000 Panama Street (approximately 2.2 miles southeast of the project site).⁷⁵

Parks

The City of Hayward contains more than 3,000 acres of parks and open space and features 20 miles of running and hiking trails.⁷⁶ The City does not administer its own parks. Parks within the City are managed by the Hayward Area Recreation and Park District (HARD) and the East Bay Regional Park District (EBRPD). The nearest park to the project site is Greenwood Park, located at 24016 Eden Avenue, approximately one mile west of the project site. Greenwood Park includes a basketball court, open lawn area, playground, picnic tables, and barbecues.

Other Public Facilities

Libraries

The Hayward Public Library provides library services within the City of Hayward. The Hayward Public Library consists of two branch locations. The nearest library branch to the project site is the Weekes Branch Library, located at 27300 Patrick Avenue, approximately 3.7 miles southeast of the project site.

⁷³ Hayward Fire Department. Stations. Accessed June 4, 2021. <https://www.hayward-ca.gov/fire-department/stations>

⁷⁴ Hayward Police Department. Divisions. Accessed June 4, 2021. <https://www.hayward-ca.gov/police-department/divisions>

⁷⁵ Hayward Unified School District. School Locator. Accessed June 4, 2021. <http://apps.schoolsitelocator.com/index.html?districtCode=41834>

⁷⁶ City of Hayward. Parks & Recreation. Accessed June 4, 2021. <https://www.hayward-ca.gov/residents/arts-leisure/parks-recreation>

Community Centers

The HARD operates 11 community centers available for rent within its total jurisdiction, which includes all of the City of Hayward as well as some unincorporated communities of Castro Valley, San Lorenzo, Ashland, Cherryland, and Fairview.⁷⁷ The nearest community center to the project site is the Southgate Community Center, located at 26780 Chiplay Avenue, approximately 1.2 miles southeast of the project site. The Southgate Community Center has a seating capacity of 70 persons and features a kitchen and patio area.

4.15.2 Impact Discussion

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
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:				
1) Fire Protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2) Police Protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3) Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4) Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
5) Other Public Facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Impact PS-1: The project would not 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 fire protection services. **(Less than Significant Impact)**

The HFD would review project plans before project permits are issued to ensure compliance with all applicable fire and building code standards and to ensure that adequate fire and life safety measures are incorporated into the project in compliance with all applicable state and city fire safety regulations. The HFD would already have been serving the retail store on-site and the increase in service population from the project would be incremental compared to the total projected population increase within the City of Hayward. Therefore, the project would not individually require new or altered fire protection facilities, and as a result, would have a less than significant impact on the environment. **(Less than Significant Impact)**

⁷⁷ HARD. Community Centers. Accessed June 4, 2021. <https://www.haywardrec.org/130/Community-Centers>

Impact PS-2: The project would not 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 police protection services. **(Less than Significant Impact)**

The HPD would have already been serving the retail store on-site. The increase in service population from the project would be incremental compared to the total projected population increase within the City of Hayward. The increase in police service demand generated by the project would not exhaust existing police facilities. Therefore, the project would have a less than significant impact on the provision of police protection services and would not require the new or altered police facilities. **(Less than Significant Impact)**

Impact PS-3: The project would not 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 schools. **(Less than Significant Impact)**

The project site is located within the HUSD. According to the 2020 Developer Fee Justification Study prepared for HUSD, the student generation factor for the district is 0.3893 students per household.⁷⁸ Thus, the project would generate approximately 18 new students.⁷⁹ According to the 2020 Developer Fee Justification Study, the HUSD has available capacity for 4,630 more students across the district. Therefore, the increase of 18 new students generated by the project would result in an incremental increase in students attending HUSD schools. Additionally, the project would be required to pay school impact fees to help offset costs associated with accommodating new students. The project would not cause a need for new or altered school facilities and therefore, would have a less than significant impact. **(Less than Significant Impact)**

Impact PS-4: The project would not 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 parks. **(Less than Significant Impact)**

The City of Hayward contains more than 3,000 acres of parks and open space and features 20 miles of running and hiking trails. The nearest park to the project site is Greenwood Park, approximately one mile west of the project site. Other parks in the project vicinity include Gansberger Park,

⁷⁸ Hayward Unified School District. 2020 Developer Fee Justification Study. February 2020.

⁷⁹ 47 single-family residences x 0.3893 students/household = 18.3 students

Southgate Park, Eden Greenway Dog Park, and Centennial Park. Project residents would also have access to nearby regional parks such as the Hayward Regional Shoreline and Garin Regional Park.

The proposed 146 new residents (see Section 4.14 Population and Housing) would incrementally increase the demand on existing park facilities. Additionally, the project proposes to include an approximately 13,381 sf, centrally located open space which would include landscaping, a pathway, and picnic tables. This would help decrease the need for residents to use existing park facilities by providing an outdoor recreational opportunity within the development. Additionally, the project would be required to pay park impact fees (after potentially receiving partial credit for the proposed on-site park) to offset the cost of project impacts to existing park facilities. Therefore, the project would have a less than significant impact on existing parks and would not cause a need for new or altered park facilities. **(Less than Significant Impact)**

Impact PS-5:	The project would not 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 other public facilities. (Less than Significant Impact)
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As described above, the residential population growth generated by the proposed project would result in an incremental increase in demand for City public services and facilities, such as libraries and community centers. However, the population increase resulting from the proposed project would be within the planned growth in service population of the City, and, as a result, would not cause a substantial adverse impact associated within the provision of new or altered libraries, community centers, or other public facilities. **(Less than Significant Impact)**

4.16 RECREATION

4.16.1 Environmental Setting

4.16.1.1 *Regulatory Framework*

State

Government Code Section 66477

The Quimby Act (included within Government Code Section 66477) requires local governments to set aside parkland and open space for recreational purposes. It provides provisions for the dedication of parkland and/or payment of fees in lieu of parkland dedication to help mitigate the impacts from new residential developments. The Quimby Act authorizes local governments to establish ordinances requiring developers of new residential subdivisions to dedicate parks, pay a fee in lieu of parkland dedication, or perform a combination of the two.

Local

Hayward 2040 General Plan

The General Plan includes policies for the purpose of avoiding or mitigating impacts resulting from development projects within the City. The following policies are specific to recreation and are applicable to the proposed project.

Policy	Description
HQL-10.2	<p>The City shall seek to increase the number of parks throughout the city by working with HARD to achieve and maintain the following park standards per 1,000 Hayward residents:</p> <ul style="list-style-type: none"> • Two acres of local parks, • Two acres of school parks, • Three acres of regional parks, • One mile of trails and linear parks, and • Five acres of parks district wide.
HQL-10.5	The City shall require that neighborhood parks be integrated into, and be focal points of new residential neighborhoods.
HQL-10.12	The City shall maintain park dedication requirements and in lieu fees for new residential development at the maximum allowed under State law.
HQL-11.1	The City shall establish and maintain an integrated recreational corridor system that connects regional trails (e.g., , The San Francisco Bay Area Water Trail, San Lorenzo Creek Trail, Ridge Trail, the Juan Bautista DeAnza National Historic Trail), Baylands (i.e., Hayward Regional Shoreline), local creeks and open space corridors, hillside areas, and EBRPD and HARD parks.
HQL-12.1	The City shall encourage the provision of recreational activities for all people, consistent with the changing demographic composition of Hayward.

HQL-12.6	The City shall encourage incorporation of design features in new construction that can provide accessible venues and public spaces for community programs and activities.
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HMC Article 10.16 – Obligations for Parks and Recreation

Article 10.16 of the HMC requires all residential projects to pay impact fees to provide for park and recreational facilities serving the City. In lieu of fee payment, the City may allow the dedication of public park land as partial or full credit towards park impact fee obligations. Developers may also get partial credit for providing private park and recreational areas.

4.16.1.2 *Existing Conditions*

The City of Hayward contains more than 3,000 acres of parks and open space and features 20 miles of running and hiking trails.⁸⁰ The City does not administer its own parks. Parks within the City are managed by the HARD and the EBRPD. The nearest park to the project site is Greenwood Park, located at 24016 Eden Avenue, approximately one mile west of the project site. Greenwood Park includes a basketball court, open lawn area, playground, picnic tables, and barbecues.

4.16.2 Impact Discussion

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
1) 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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2) 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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Impact REC-1: The project would not 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. **(Less than Significant Impact)**

The proposed 146 new residents (see Section 4.14 Population and Housing) would incrementally increase the demand on existing park facilities. Additionally, the project proposes to include an approximately 13,381 sf, centrally located open space which would include landscaping, a pathway, and picnic tables. This would help decrease the need for residents to use existing park facilities by providing an outdoor recreational opportunity within the development. Additionally, the project

⁸⁰ City of Hayward. Parks & Recreation. Accessed June 4, 2021. <https://www.hayward-ca.gov/residents/arts-leisure/parks-recreation>

would be required to pay park impact fees (after potentially receiving partial credit for the proposed on-site park) to offset the cost of the project impacts to existing park facilities. Therefore, the project would have a less than significant impact on existing parks and would not cause a need for new or altered park facilities. **(Less than Significant Impact)**

Impact REC-2: The project does not include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment. **(Less than Significant Impact)**

The project would include a common open space in Parcel A. Construction and operation of the common open space facilities, which includes a paved pathway and picnic tables, are included in the analysis of this Initial Study. The applicable mitigation measures and conditions of approval within this Initial Study would apply to the proposed recreational facilities to ensure that their construction would not have an adverse physical effect on the environment. **(Less than Significant Impact)**

4.17 TRANSPORTATION

The following discussion is based, in part, on a traffic operations report prepared for the project by Hexagon Transportation Consultants, Inc., dated September 2021. A copy of this report is included in Appendix E of this Initial Study.

4.17.1 Environmental Setting

4.17.1.1 *Regulatory Framework*

State

Regional Transportation Plan

The Metropolitan Transportation Commission (MTC) is the transportation planning, coordinating, and financing agency for the nine-county San Francisco Bay Area, including Alameda County. MTC is charged with regularly updating the Regional Transportation Plan, a comprehensive blueprint for the development of mass transit, highway, airport, seaport, railroad, bicycle, and pedestrian facilities in the region. MTC and ABAG adopted Plan Bay Area 2040 in July 2017, which includes a Regional Transportation Plan to guide regional transportation investment for revenues from federal, state, regional and local sources through 2040.

Senate Bill 743

SB 743 establishes criteria for determining the significance of transportation impacts using a vehicle miles traveled (VMT) metric intended to promote the reduction of GHG emissions, the development of multimodal transportation networks, and a diversity of land uses. Specifically, SB 743 requires analysis of VMT in determining the significance of transportation impacts. Local jurisdictions were required by Governor's Office of Planning and Research (OPR) to implement a VMT policy by July 1, 2020.

SB 743 did not authorize OPR to set specific VMT impact thresholds, but it did direct OPR to develop guidelines for jurisdictions to utilize. CEQA Guidelines Section 15064.3(b)(1) describes factors that might indicate whether a development project's VMT may be significant. Notably, projects located within 0.50 mile of transit should be considered to have a less than significant transportation impact based on OPR guidance.

Regional and Local

Congestion Management Program

The Alameda County Transportation Commission (ACTC) oversees the Congestion Management Program (CMP) which is aimed at reducing regional traffic congestion. The relevant state legislation requires that urbanized counties in California prepare a CMP in order to obtain each county's share of gas tax revenues. State legislation requires that each CMP define traffic LOS standards, transit service standards, a trip reduction and transportation demand management plan, a land use impact analysis program, and a capital improvement element. The ACTC has review responsibility for proposed development projects that are expected to affect CMP-designated intersections.

City of Hayward Transportation Impact Analysis Guidelines

The City's *Transportation Impact Analysis (TIA) Guidelines*, dated December 2020, provide CEQA transportation analysis exemption screening criteria for some development projects. The criteria are based on the type of project, characteristics, and/or location. If a project meets the City's screening criteria, the project is expected to result in less than significant VMT impacts. According to the guidelines, the VMT screening criteria would be met for residential projects that are located in either of the following locations:

- Within a half mile of a major transit stop
- In an area with low (below the threshold) VMT per capita and in an area with planned growth

Projects must also meet the following criteria to be exempt from further VMT analysis:

- Density/FAR – Minimum of 35 units per acre as applicable for residential projects
- Parking – No more than the minimum number of parking spaces required; in cases where no minimum is required and a maximum is identified, no more than the maximum number of parking spaces
- Does not replace affordable residential units with a small number of moderate – or high-income residential units
- Consistent with Plan Bay Area, the applicable Sustainable Communities Strategy (as determined by the lead agency, with input from the Metropolitan Transportation Commission)

Projects that do not meet the screening criteria are required to conduct a VMT analysis and provide mitigation measures for significant impacts.

Hayward 2040 General Plan

The General Plan includes policies for the purpose of avoiding or mitigating impacts resulting from development projects within the City. The following policies are specific to transportation and are applicable to the proposed project.

Policy	Description
M-1.4	The City shall require all new development that proposes or is required to construct or extend streets to develop a transportation network that complements and contributes to the city's multimodal system, maximizes connections, and minimizes barriers to connectivity.
M-1.5	The City shall consider flexible Level of Service (LOS) standards, as part of a multimodal system approach, for projects that increase transit-ridership, biking, and walking in order to reduce air pollution, energy consumption, and greenhouse gas emissions.
M-3.11	The City shall ensure that all new roadway projects and major reconstruction projects provide for the development of an adequate street tree canopy.

M-4.3	The City shall maintain a minimum vehicle Level of Service E at signalized intersections during the peak commute periods except when a LOS F may be acceptable due to costs of mitigation or when there would be other unacceptable impacts, such as right-of-way acquisition or degradation of the pedestrian environment due to increased crossing distances or unacceptable crossing delays.
M-5.2	The City shall strive to create and maintain a continuous system of connected sidewalks, pedestrian paths, creekside walks, and utility greenways throughout the city that facilitates convenient and safe pedestrian travel, connects neighborhoods and centers, and is free of major impediments and obstacles.
M-5.4	The City shall require that sidewalks, wherever possible, be developed at sufficient width to accommodate pedestrians including the disabled; a buffer separating pedestrians from the street and curbside parking; amenities; and allow for outdoor uses such as cafes.
M-5.7	The City shall develop safe and convenient pedestrian facilities that are universally accessible, adequately illuminated, and properly designed to reduce conflicts between motor vehicles and pedestrians.
M-6.5	The City shall ensure that new commercial and residential development projects provide frequent and direct connections to the nearest bikeways and do not interfere with existing and proposed bicycle facilities.
M-7.9	The City shall require developers of large projects to identify and address, as feasible, the potential impacts of their projects on AC Transit ridership and bus operations as part of the project review and approval process.

City of Hayward Bicycle and Pedestrian Master Plan

On September 29, 2020, the Hayward City Council adopted the 2020 Bicycle and Pedestrian Master Plan (BPMP), which details the City's plan to establish a network of accessible, safe, and integrated bicycle and pedestrian facilities. The 2020 BPMP replaces and builds on the City's original 2007 Bicycle Master Plan with its inclusion of pedestrian-centered facilities and extensive public input. The new plan recommends a total of 153 miles of new bicycle facilities, including 32 miles of multi-use paths for both pedestrians and cyclists.

4.17.1.2 *Existing Conditions*

Roadway Network

Regional access to the project site is provided by I-880, SR 92, and Hesperian Boulevard. Local access to the project site is provided by La Playa Drive, Calaroga Avenue, Turner Court, and Poinciana Street. These freeways and roadways are described below.

I-880 extends from San José in the south (where it becomes State Route 17) to Oakland in the north. Within the project vicinity, I-880 primarily has four northbound and four southbound mixed flow lanes as well as a High Occupancy Toll lane in each direction.

SR 92 extends from SR 1 in Half Moon Bay in the west to Mission Boulevard in Hayward. Within the project vicinity, SR 92 has four eastbound lanes and four westbound lanes.

Hesperian Boulevard is a four- to six-lane, north-south, major arterial that extends south from Fairmont Drive to Whipple Road in Union City. The section of Hesperian Boulevard within the project area is six lanes wide. Hesperian Boulevard has sidewalks on both sides of the street and has a posted speed limit of 35 mph.

La Playa Drive is a six-lane, private local street owned and maintained by Southland Mall that extends from Hesperian Boulevard, where it is an east-west street, and runs along the east perimeter of the Southland Mall and connects with Southland Drive before it intersects with Winton Avenue. La Playa Drive provides direct access to the project site. It has sidewalks on the south side of the street and has a posted speed limit of 25 mph.

Calaroga Avenue is a four-lane to two-lane, north-south, winding local street that extends from La Playa Drive in the north to Catalpa Way in the south. It has a four-lane cross-section in the project vicinity. Calaroga Avenue has a speed limit of 25 mph and contains striped Class II bike lanes⁸¹ and sidewalks on both sides of the street.

Turner Court is a two-lane, east-west, local street that begins at Hesperian Boulevard to west and terminates at Kay Avenue to the east. Turner Court has a speed limit of 25 mph and contains striped Class II bike lanes on both sides of the street. There are sidewalks on both sides of the street.

Poinciana Street is an east-west residential street that extends east from Calaroga Avenue to Magnolia Street. Poinciana Street has a speed limit of 25 mph and sidewalks on both sides of the street.

Bicycle and Pedestrian Facilities

There are existing Class II bike lanes on Turner Court, as well as on Calaroga Avenue, except a short segment between Ashbury Lane and Tennyson Road to the south.

Existing pedestrian facilities in the project area consist of sidewalks and crosswalks found along all previously described roadways in the project area near the site, except on the north side of La Playa Drive adjacent to the Southland Mall and a short segment on the south side near the intersection with Hesperian Boulevard. All study intersections (identified under Non-CEQA Effects) have pedestrian crosswalks and curb ramps. All signalized intersections have pedestrian-actuated pedestrian signals.

Transit Facilities

Bus Routes

Existing transit service in the area includes Alameda-Contra Costa (AC) Transit bus lines 60 and 97. Line 60 connects Chabot College with California State University East Bay via Hesperian Boulevard and Winton Avenue, with 40-minute headways between approximately 6:00 AM and 12:00 AM daily. Line 97 provides service between Union City Bay Area Rapid Transit (BART) station and the Bay Fair BART station via Hesperian Boulevard and Alvarado-Niles Road every 15 to 20 minutes

⁸¹ The City's BPMP defines Class II bike lanes as on-street bikeways that provide a designated right-of-way for the exclusive or semi-exclusive use of bicycles. Through travel by motor vehicles or pedestrians is prohibited, but vehicle parking and crossflows by pedestrians and motorists are permitted.

between approximately 6:00 AM and 12:00 AM on weekdays. Line 97 also provides weekend and holiday services at 30-minute headways between 6:00 AM and 12:00 AM. The nearest bus stops for Lines 60 and 97 are located at the southwest and northeast corners of the Hesperian Boulevard/La Playa Drive intersection, which is within walking distance of the project site.

BART

The Hayward BART station is approximately three miles northeast from the project site. From the Hayward BART station, riders can access the San Francisco and Oakland International Airports, Fremont, Pleasanton/Dublin, Richmond and Pittsburg as well as numerous points in between. Trains run on approximately 15-minute headways during commute hours.

4.17.2 Impact Discussion

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
1) Conflict with a program, plan, ordinance, or policy addressing the circulation system, including transit, roadways, bicycle lanes, and pedestrian facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2) Conflict or be inconsistent with CEQA Guidelines Section 15064.3, subdivision (b)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3) Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4) Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Impact TRN-1: The project would not conflict with a program, plan, ordinance, or policy addressing the circulation system, including transit, roadways, bicycle lanes, and pedestrian facilities. (Less than Significant Impact)				

Roadways

Per SB 743, the City's LOS standards cannot be used in CEQA analysis for transportation impacts. The VMT impact from the project is discussed in Impact TRN-2, below. Consistent with the City's TIA Guidelines, a Local Transportation Analysis (LTA) has also been prepared for the project. The LTA found that the project would be consistent with the City's TIA Guidelines and no additional major roadway improvements are required.

Bicycle and Pedestrian Facilities

It is anticipated that the volume of pedestrian and bicycle trips generated by the project would not exceed the carrying capacity of the existing sidewalks, crosswalks, and bicycle facilities on streets surrounding the site. The Alameda County CMP Transportation Impact Analysis Technical

Guidelines state that a project would create an impact on pedestrian and bicycle circulation if: 1) its vehicle trips would present a barrier to bikes/pedestrians safely crossing roadways; or 2) it would reduce or sever existing or planned bike/pedestrian circulation in the area. Based on these criteria, the proposed project would not create an adverse impact to bicycle and pedestrian circulation in the project area. Given that the BPMP includes future planned buffered bike lanes along La Playa Drive, the project may contribute to a City capital improvement program fund for installing future planned Class II bike lanes on La Playa Drive and would not preclude construction of this facility along the project frontage.

Transit Facilities

According to the U.S. Census, bus trips comprise approximately two percent of the total commute mode share in the City of Hayward. For the proposed project, this would equate to one new bus rider during peak hours. The volume of bus trips generated by the project would not exceed the carrying capacity of the existing transit serving the site. Therefore, no improvements to existing bus service frequencies would be necessary in conjunction with the project. In addition, project trip generation would cause local intersections to continue to operate with minimal congestion (LOS A or B during commute hours).

According to the Alameda County CMP Transportation Impact Analysis Technical Guidelines, a project would create an impact on transit service if: 1) it would cause vehicular congestion that would significantly degrade transit operations; 2) it would cause a ridership increase that would exceed existing transit capacity; or 3) it would conflict with existing transit service plans or preclude future transit service to the project area. Based on these criteria, the proposed project would not cause a significant impact to transit operations in the project area. **(Less than Significant Impact)**

Impact TRN-2: The project would not conflict or be inconsistent with CEQA Guidelines Section 15064.3, subdivision (b). **(Less than Significant Impact with Mitigation Incorporated)**

Although the project location is within a half-mile of a major transit stop at the Southland Mall, its proposed gross density of 8.7 units per acre does not meet the minimum Density/FAR of 35 units per acre according to the screening criteria in the City's TIA Guidelines. Therefore, a VMT analysis is required for the project.

According to the City TIA Guidelines, the impact threshold is 15 percent below the existing average VMT per capita for the City of Hayward. The City average daily VMT for residential uses is 20.6. Therefore, the impact threshold for residential uses is 17.51 daily VMT per capita. The project is located in a Transportation Analysis Zone (TAZ) where the daily VMT per capita is 18.14. Since the project TAZ is located on the border of two TAZs, the daily VMT is averaged between the additional two neighboring TAZs whose VMT are 18.51 and 18.58. Thus, the project daily VMT would be 18.41, which is above the threshold of 17.51. Therefore, transportation demand management (TDM) measures are necessary to reduce the VMT impact. The minimum percent reduction for the project daily VMT necessary to reduce the VMT impact to a less-than-significant level would be 4.89 percent.

Mitigation Measure: The project will be required to implement the following mitigation measure to reduce VMT per capita by a minimum of 4.89 percent.

MM TRN-2.1: The project developer shall provide Clipper Cards to each homeowner upon sale of the unit with an advanced amount loaded in per card for the purpose of encouraging transit usage. After the Homeowners' Association (HOA) is established and has begun operation, the HOA shall set aside an annual transit subsidizing fund in the amount of, at minimum, \$9,000 for a Clipper Card reimbursement program. This amount would need to be adjusted annually to take into account annual fare increases. In order to ensure implementation of the Clipper Card fare re-imbursement program as a mitigation for reducing the project vehicle miles traveled (VMT) impact, the program shall be included in the Project Description and Conditions of Approval for issuance of the project's Planned Unit Development permit. The project shall also implement a transportation demand management (TDM) monitoring program after project occupancy that includes an annual monitoring report to be submitted to the City. The TDM program requirements shall be included in the CC&Rs for the HOA. The TDM program annual monitoring report shall be prepared by a traffic/transportation consultant with the HOA covering the costs of data collection and preparation of the report. If the proposed TDM strategy falls short of anticipated trip reductions, additional measures shall be required in order to achieve the original goals of the TDM measures.

Given the proximity of the Hayward BART Station and AC Transit bus stops to the project site, it is anticipated that some future occupants of the proposed single-family residence would use transit services for their commuting trips. According to the City TIA Guidelines, implementing a transit pass program or subsidizing transit fares paid by residents could reduce the project VMT by up to 10 percent, which is above the 4.89 percent necessary to reduce the VMT impact to a less than significant level. With implementation of MM TRN-2.1, the project would have a less than significant VMT impact. **(Less than Significant Impact with Mitigation Incorporated)**

Impact TRN-3: The project would not substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment). **(Less than Significant Impact)**

The proposed on-site circulation was reviewed in accordance with generally accepted traffic engineering standards. The main access road is shown on the site plan to be 36 feet wide with on-street parking and five-foot sidewalks on both sides of the road. The internal loop road is also shown to be 36 feet wide with on-street parking on both sides of the road but sidewalk on only one side of the road. Garbage trucks and emergency vehicles could be accommodated on-site as demonstrated on the project fire truck circulation and solid waste handling plans.

Corner sight distance at Street A, along La Playa Drive, is adequate as demonstrated by the sight triangles shown on the site plan. Three single family residential units would have their driveways directly connected to Calaroga Avenue, which would be in close proximity to the signalized intersection at Calaroga Avenue and La Playa Drive. Driveways that are located close to a signalized

intersection could potentially block the intersection when vehicles are backing up from the driveways. Therefore, as a condition of approval, the project shall be required to install a bulb-out curb extension on Calaroga Avenue at the southwest corner of the La Playa Drive/Calaroga Avenue intersection to slow down and improve sight distance for vehicles turning right from La Playa Drive. A U-Turn restriction shall also be implemented for northbound Calaroga Avenue traffic at the intersection to avoid potential conflicts with vehicles backing up from the three proposed driveways adjacent to Calaroga Avenue. Additionally, prior to final design, the placement of any landscaping, monuments, and signs within the sight triangle of the La Playa Drive/Calaroga Avenue intersection southwest corner would be reviewed by the City's Public Works Department to ensure adequate corner sight distance.

The project would not involve any incompatible uses. Therefore, the project would not substantially increase hazards due to a geometric design feature or incompatible uses. **(Less than Significant Impact)**

Impact TRN-4: The project would not result in inadequate emergency access. **(Less than Significant Impact)**

The project would provide an EVA road connecting to Calaroga Avenue would be provided along the north side of the proposed open space. Emergency vehicles would be accommodated on-site as demonstrated on the project fire truck circulation plans. Therefore, the project would not result in inadequate emergency access. **(Less than Significant Impact)**

4.17.3 Non-CEQA Effects

As discussed under TRN-1, the LTA prepared for the project found that the project would be consistent with the City's TIA Guidelines and no additional major roadway improvements are required.

4.18 TRIBAL CULTURAL RESOURCES

4.18.1 Environmental Setting

4.18.1.1 *Regulatory Framework*

State

Assembly Bill 52

AB 52, effective July 2015, established a new category of resources for consideration by public agencies called Tribal Cultural Resources (TCRs). AB 52 requires lead agencies to provide notice of projects to tribes that are traditionally and culturally affiliated with the geographic area if they have requested to be notified. Where a project may have a significant impact on a tribal cultural resource, consultation is required until the parties agree to measures to mitigate or avoid a significant effect on a tribal cultural resource or until it is concluded that mutual agreement cannot be reached.

Under AB 52, TCRs are defined as follows:

- Sites, features, places, cultural landscapes, sacred places, and objects with cultural value to a California Native American tribe that are also either:
 - Included or determined to be eligible for inclusion in the California Register of Historic Resources, or
 - Included in a local register of historical resources as defined in Public Resources Code Section 5020.1(k).
- A resource determined by the lead agency to be a TCR.

4.18.1.2 *Existing Conditions*

Hayward is situated within the historic territory of the Chochenyo Tribelet of the Costanoan Indians (also known as the Ohlone).⁸² Historic accounts suggest that the Native Americans may have had a village site along San Lorenzo Creek as well as temporary camps in its vicinity. The Costanoan aboriginal way of life disappeared by 1810 due to introduced diseases, a declining birth rate, and the impact of the Spanish mission system.⁸³

The project site is currently developed with a retail commercial building and its associated surface parking lot. There are no known tribal cultural resources on-site. The project site is approximately 2.5 miles south of the San Lorenzo Creek at its nearest point.

⁸² City of Hayward. Hayward 2040 General Plan Background Report. January 2014. Page 1-28.

⁸³ Ibid.

4.18.2 Impact Discussion

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code Section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:				
1) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code Section 5020.1(k)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1? In applying the criteria set forth in subdivision (c) of Public Resources Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<hr/>				
Impact TCR-1:	The project would not cause a substantial adverse change in the significance of a tribal cultural resource that is listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code Section 5020.1(k). (Less than Significant Impact)			

The project site is currently developed and there are no known tribal cultural resources on-site. In the event that an inadvertent discovery of a tribal cultural resource is made during project construction, mitigation measures MM CUL-2.1, MM CUL-2.2, and MM CUL-3.1, described in Section 4.5 Cultural Resources would provide an appropriate process to be implemented to ensure that the resource is handled properly. Therefore, the project would not cause a substantial adverse change in the significance of a tribal cultural resource. **(Less than Significant Impact)**

Impact TCR-2: The project would not cause a substantial adverse change in the significance of a tribal cultural resource that is determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1.
(Less than Significant Impact)

AB 52 requires lead agencies to conduct formal consultations with California Native American tribes during the CEQA process to identify tribal cultural resources that may be subject to significant impacts by a project. Where a project may have a significant impact on a tribal cultural resource, the lead agency's environmental document must discuss the impact and whether feasible alternatives or mitigation measures could avoid or substantially lessen the impact. This consultation requirement applies only if the tribes have sent written requests for notification of projects to the lead agency.

The City of Hayward received a formal request for tribal consultation in March 2016 from the Ione Band of Miwok Indians, pursuant to Public Resource Code Section 231080.3.1(b). Tribal notification was commenced on August 17, 2021, for the proposed project; no comments or further requests for consultation were received during the minimum 30-day period following notification. As described under Impact TCR-1, mitigation measures would be implemented by the project to reduce impacts to undiscovered resources at the site. Therefore, the proposed project would result in a less than significant impact to any tribal cultural resources determined to be significant by the City.
(Less than Significant Impact)

4.19 UTILITIES AND SERVICE SYSTEMS

4.19.1 Environmental Setting

4.19.1.1 *Regulatory Framework*

State

State Water Code

Pursuant to the State Water Code, water suppliers providing water for municipal purposes to more than 3,000 customers or supplying more than 3,000 acre-feet (approximately 980 million gallons) of water annually must prepare and adopt an urban water management plan (UWMP) and update it every five years. As part of a UWMP, water agencies are required to evaluate and describe their water resource supplies and projected needs over a 20-year planning horizon, water conservation, water service reliability, water recycling, opportunities for water transfers, and contingency plans for drought events. The City of Hayward adopted its most recent UWMP in July 2021.

Assembly Bill 939

The California Integrated Waste Management Act of 1989, or AB 939, established the Integrated Waste Management Board, required the implementation of integrated waste management plans, and mandated that local jurisdictions divert at least 50 percent of solid waste generated (from 1990 levels), beginning January 1, 2000, and divert at least 75 percent by 2010. Projects that would have an adverse effect on waste diversion goals are required to include waste diversion mitigation measures.

Assembly Bill 341

AB 341 sets forth the requirements of the statewide mandatory commercial recycling program. Businesses that generate four or more cubic yards of garbage per week and multi-family dwellings with five or more units in California are required to recycle. AB 341 sets a statewide goal for 75 percent disposal reduction by the year 2020.

Senate Bill 1383

SB 1383 establishes targets to achieve a 50 percent reduction in the level of the statewide disposal of organic waste from the 2014 level by 2020 and a 75 percent reduction by 2025. The bill grants CalRecycle the regulatory authority required to achieve the organic waste disposal reduction targets and establishes an additional target that at least 20 percent of currently disposed edible food is recovered for human consumption by 2025.

California Green Building Standards Code

The California Green Building Standards Code (CALGreen) establishes mandatory green building standards for all buildings in California. The code covers five categories: planning and design, energy efficiency, water efficiency and conservation, material conservation and resources efficiency, and indoor environmental quality. These standards include mandatory measures, as well as more

rigorous voluntary guidelines, for new construction projects to achieve specific green building performance levels.

Hayward 2040 General Plan

The General Plan includes policies for the purpose of avoiding or mitigating impacts resulting from development projects within the City. The following policies are specific to utilities and service systems and are applicable to the proposed project.

Policy	Description
PFS-1.4	The City shall, through a combination of improvement fees and other funding mechanisms, ensure that new development pays its fair share of providing new public facilities and services and/or the costs of expanding/upgrading existing facilities and services impacted by new development (e.g., water, wastewater, stormwater drainage).
PFS-2.1	The City shall continue to offer professional, high-quality service that meets the needs of residents and businesses.
PFS-3.13	The City shall ensure that water supply capacity is in place prior to granting building permits for new development.
PFS-4.9	The City shall ensure the provision of adequate wastewater service to all new development, before new developments are approved, and support the extension of wastewater service to existing developed areas where this service is lacking.
PFS-5.1	The City shall work with the Alameda County and Water Conservation District to expand and maintain major stormwater drainage facilities to accommodate the needs of existing and planned development.
PFS-5.4	The City shall encourage “green infrastructure” design and Low Impact Development (LID) techniques for stormwater facilities (i.e., using vegetation and soil to manage stormwater) to achieve multiple benefits (e.g., preserving and creating open space, improving runoff water quality).
PFS-5.6	The City shall impose appropriate conditions on grading projects performed during the rainy season to ensure that silt is not conveyed to storm drainage systems.
PFS-5.7	The City shall require new development to be designed to prevent the diversion of stormwater onto neighboring parcels.
PFS-5.8	The City shall require new stormwater drainage facilities to be designed to enhance recreation and habitat and shall work with HARD to integrate such facilities into existing parks and open space features.
PFS-7.2	The City shall monitor its solid waste and recycling services franchisee to ensure that services provided are adequate to meet the needs of the community and to meet the provisions of the City’s Franchise Agreement.
PFS-7.3	The City shall continue to coordinate with the Alameda County Waste Management Authority to ensure adequate landfill capacity in the region for the duration of the contract with its landfill franchisee.

PFS-7.4	The City shall comply with State goals regarding diversion from landfill and strive to comply with the provisions approved by the Alameda County Waste Management Authority.
PFS-7.12	The City shall require demolition, remodeling and major new development projects to salvage or recycle asphalt and concrete and all other non-hazardous construction and demolition materials to the maximum extent practicable.
PFS-7.13	The City shall encourage increased participation in residential recycling programs, and strive to comply with the recycling provisions approved by the Alameda County Waste Management Authority Board. The City shall work with StopWaste.org to monitor participation in residential recycling programs and educate the community regarding actual composition of waste sent to landfills.
PFS-8.1	The City shall continue to work closely with energy providers (e.g., PG&E) to ensure that adequate electricity and natural gas services are available for existing and newly developing areas.
PFS-8.5	The City shall require that all new utility lines constructed as part of new development projects are installed underground or, in the case of transformers, pad mounted.
PFS-8.6	The City shall encourage the undergrounding of existing overhead facilities.
PFS-9.5	The City shall establish requirements for the installation of state-of-the-art internal telecommunications technologies in new planned developments and office and commercial developments.

Hayward Urban Water Management Plan (2020)

The UWMP is a long-range plan that assesses the City's water supply over a 20-year planning horizon (2040) to ensure adequate water supplies to meet existing and future demands for water. The UWMP presents forecasted supplies and demands, describes conservation programs, and includes a water shortage contingency analysis.

4.19.1.2 *Existing Conditions*

Water Supply

The City of Hayward purchases 100 percent of its potable water from the San Francisco Public Utilities Commission (SFPUC). Under normal conditions, the SFPUC meets demand in its service area from its watersheds, which consist of the Tuolumne River, San Antonio Creek, Upper Alameda Creek, Arroyo Honda, and San Mateo Creek watersheds.⁸⁴ The project site is served by existing eight-inch and 12-inch water lines under La Playa Drive and Calaroga Avenue, respectively.

Storm Drainage

The project site is located within the Hayward Landing Watershed, which extends from downtown Hayward to the San Francisco Bay.⁸⁵ The project site is made up of almost entirely impervious

⁸⁴ City of Hayward. 2020 Urban Water Management Plan. July 2021. Page 51.

⁸⁵ Alameda County Flood Control & Water Conservation District. Interactive Map: Alameda County Watersheds. Accessed May 1, 2021. <https://acfloodcontrol.org/the-work-we-do/resources/#explore-watersheds>

surfaces. The landscaping on-site represents a small percentage of the surface area is primarily ornamental in nature. Stormwater on-site is directed to the curb inlets along La Playa Drive and is conveyed through three 12-inch extension lines to the existing 36-inch storm drain line under the north side of La Playa Drive.

Wastewater/Sanitary Sewer System

The City of Hayward owns and operates the wastewater collection, treatment, and disposal system that serves the majority of the City, including the project site. Wastewater is collected and transported via underground sewer lines to the City of Hayward Water Pollution Control Facility (WPCF).⁸⁶ The project site is currently served by an eight-inch sanitary sewer line under Calaroga Avenue.

Solid Waste

Solid waste is collected from Hayward homes and businesses and is processed by Waste Management, Inc. (WM). The Hayward community currently recycles or composts 75 percent of its waste.⁸⁷ After collection, WM first delivers solid waste to the Davis Street Transfer Station in San Leandro to be sorted and combined. Then, residential recyclables are sorted at the Tri-City Economic Development Corporation (Tri-CED) facility in Union City, organics are composted at the Redwood Recycling Center in Marin County, and trash is delivered to the Altamont Landfill outside of Livermore.⁸⁸

4.19.2 Impact Discussion

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
1) Require or result in the relocation or construction of new or expanded water, wastewater treatment or stormwater drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2) Have insufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

⁸⁶ City of Hayward. Hayward 2040 General Plan Background Report. January 2014. Page 8-26

⁸⁷ City of Hayward. Reduce, Reuse, Recycle, Rot. Accessed June 4, 2021. <https://www.hayward-ca.gov/your-environment/green-your-life/reduce-reuse-recycle-rot>

⁸⁸ City of Hayward. Garbage and Recycling. Accessed June 4, 2021. <https://www.hayward-ca.gov/your-environment/green-your-community/garbage-and-recycling>

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
3) Result in a determination by the wastewater treatment provider which serves or may serve the project that it does not have adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4) Generate solid waste in excess of state or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
5) Be noncompliant with federal, state, or local management and reduction statutes and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Impact UTL-1: The project would not require or result in the relocation or construction of new or expanded water, wastewater treatment or stormwater drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects. **(Less than Significant Impact)**

The project would connect to existing utilities on La Playa Drive and Calaroga Avenue. The project would be required to make any improvements necessary to accommodate the proposed development. Existing overhead utilities across the project frontage on La Playa Drive would be removed and replaced with an underground system. The project would be 100 percent electric and each unit would include rooftop solar panels. On-site stormwater treatment would occur through the use of bioretention areas.

The construction of new utility improvements and connection extensions to existing facilities would be subject to the construction-related mitigation measures and standard conditions described in previous sections of this Initial Study and thus, would not have a significant impact on the environment. **(Less than Significant Impact)**

Impact UTL-2: The project would not have insufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years. **(Less than Significant Impact)**

The City of Hayward purchases 100 percent of its water supply from the SFPUC. According to the 2020 UWMP, the City would have sufficient water supply to meet increased demand during normal years through 2040. However, the City would experience water shortages during single dry and multiple dry year scenarios every year leading up to 2040. In the event of water shortages, the City will implement its water shortage contingency plan to reduce water demand City-wide. The City has

access to five emergency groundwater wells and has emergency water agreements with the East Bay Municipality District (EBMUD) and the Alameda County Water District (ACWD).

Additionally, the City completed construction of a new one-million-gallon tank, pump station, and recycled water distribution system in 2019 that is anticipated to begin delivering approximately 260,000 gallons per day of recycled water in the summer of 2021.⁸⁹ The City will continue to explore greater opportunities to increase the use of recycled water throughout the City.

In 2020, the average water demand per capita was 87 gallons per day (gpd). Therefore, the project would result in a net increase of approximately 12,702 gpd, or approximately 4.6 million gallons per year (mgy).⁹⁰ The 2020 UWMP estimated that the City's total water demand in 2025 would be 6,563 mgy. Thus, the project would result in an approximately 0.07 percent⁹¹ increase in the City's total water demand. Therefore, the project would result in an incremental increase in the City's total water demand and would not exacerbate the City's water supplies. The project would have sufficient water supplies during normal years and would have sufficient supplies during single-dry and multiple-dry years with implementation of the City-wide water shortage contingency plan measures. **(Less than Significant Impact)**

Impact UTL-3: The project would not result in a determination by the wastewater treatment provider which serves or may serve the project that it does not have adequate capacity to serve the project's projected demand in addition to the provider's existing commitments. **(Less than Significant Impact)**

In 2020, 3,922 million gallons of wastewater were collected from the City of Hayward at the WPCF.⁹² This would equate to approximately 10.7 million gallons per day (mgd).⁹³ The WPCF can accommodate up to 18.5 mgd of wastewater. The project would add approximately 10,797 gpd⁹⁴ of wastewater to be treated at the WPCF, approximately 0.05 percent of the available capacity. This would be an incremental increase in wastewater flow. Therefore, the project would not result in a determination by the WPCF that it does not have adequate capacity to serve the increased demand from the project in addition to its existing commitments. **(Less than Significant Impact)**

⁸⁹ City of Hayward. Hayward Recycled Water Project. Accessed June 7, 2021. <https://www.hayward-ca.gov/your-government/departments/utilities-environmental-services/recycled-water>

⁹⁰ 146 new residents x 87 gpd per capita = 12,702 gpd; 12,702 gpd x 365 days/year = 4,636,230 gallons per year

⁹¹ 4.6 mgy ÷ 6,563 mgy x 100 = 0.07percent

⁹² City of Hayward. 2020 Urban Water Management Plan. June 2016. Table 6-2.

⁹³ 3,922 million gallons per year ÷ 365 days/year = 10.74 mgpd

⁹⁴ Wastewater is conservatively estimated at 85 percent of potable water demand

Impact UTL-4: The project would not generate solid waste in excess of state or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals. **(Less than Significant Impact)**

Solid waste generated by Hayward residents that is not recyclable or compostable is sent to the Altamont Landfill. The Altamont Landfill has a remaining capacity of 65 million cubic yards⁹⁵ of solid waste and is anticipated to have disposal capacity through 2045.⁹⁶ According to WM, the Altamont Landfill is able to accept unlimited tons of waste for disposal from Alameda County,⁹⁷ which includes the City of Hayward. The project would generate approximately 63 tons of solid waste per year,⁹⁸ including waste that can be recycled or composted. Solid waste generated by the project would represent an incremental increase in demand on the Altamont Landfill. Therefore, the project would not generate solid waste in excess of state or local standards or in excess of the Altamont Landfill capacity. **(Less than Significant Impact)**

Impact UTL-5: The project would not be noncompliant with federal, state, or local management and reduction statutes and regulations related to solid waste. **(Less than Significant Impact)**

The project would comply with solid waste management and reductions statutes and regulations through adherence to existing City of Hayward programs for solid waste disposal, recycling, and composting. **(Less than Significant Impact)**

⁹⁵ CalRecycle. Altamont Landfill & Resource Recovery (01-AA-0009). Accessed June 8, 2021. <https://www2.calrecycle.ca.gov/SolidWaste/SiteActivity/Details/7?siteID=7>

⁹⁶ WM. Sustainability. Accessed June 8, 2021.

<https://altamontlandfill.wm.com/sustainability/index.jsp#:~:text=As%20a%20result%2C%20the%20Altamont,the%20management%20of%20discarded%20materials>.

⁹⁷ WM. Altamont Landfill. Accessed June 8, 2021. <https://altamontlandfill.wm.com/index.jsp>

⁹⁸ CalEEMod. Appendix D Default Data Tables: Table 10.1 Solid Waste Disposal Rates. October 2017. Solid waste disposal rates were calculated based on the rate for Single Family Housing in Alameda County.

4.20 WILDFIRE**4.20.1 Environmental Setting****4.20.1.1 *Existing Conditions***

Cal Fire is required by law to map areas of significant fire hazards based on fuels, terrain, weather, and other relevant factors. Referred to as Fire Hazard Severity Zones (FHSZ), these maps influence how people construct buildings and protect property to reduce risk associated with wildland fires. The project site is not located in a FHSZ.⁹⁹

4.20.2 Impact Discussion

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:				
1) Substantially impair an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2) Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3) Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines, or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4) Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

The project site is not located in or near state responsibility areas or lands classified as very high fire hazard severity zones; therefore, the project would not result in wildfire impacts. **(No Impact)**

⁹⁹ CAL FIRE. Alameda County Fire Hazard Severity Zones in State Responsibility Area (SRA). Map. Adopted November 7, 2007.

4.21 MANDATORY FINDINGS OF SIGNIFICANCE

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
1) Does the project have the potential to substantially 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, substantially reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California history or prehistory?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2) Does the project have impacts that are individually limited, but cumulatively considerable? (“Cumulatively considerable” means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Impact MFS-1: The project does not have the potential to substantially 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, substantially 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. **(Less than Significant Impact with Mitigation Incorporated)**

As discussed in the individual sections, the proposed project would not degrade the quality of the environment with the implementation of identified mitigation measures. As discussed in Section 4.4 Biological Resources, the project would not impact sensitive habitat or species but requires the implementation of appropriate mitigation measures for nesting preconstruction bird surveys. There are no historic buildings on-site or in the immediate project vicinity as discussed in Section 4.5 Cultural Resources. However, the project would be required to implement mitigation measures to ensure that the project would avoid adversely affecting any buried archaeological resources that may occur on-site. **(Less Than Significant Impact with Mitigation Incorporated)**

Impact MFS-2: The project does not have impacts that are individually limited, but cumulatively considerable. **(Less than Significant Impact with Mitigation Incorporated)**

Under Section 15065(a)(3) of the CEQA Guidelines, 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 project would not result in wildfire hazards and would have no impact on agricultural resources or mineral resources. Impacts discussed in Geology and Soils and Land Use, would all be less than significant and would be limited to the project site. Therefore, the project has no potential to combine with other projects to result in cumulative impacts to those resources.

Because criteria air pollutant and GHG emissions would contribute to regional and global emissions of such pollutants, the identified thresholds developed by BAAQMD and used by the City of Hayward were developed such that a project-level impact would also be a cumulatively considerable impact. The project would not result in a significant emissions of criteria air pollutants or GHG emissions and, therefore, would not make a substantial contribution to cumulative air quality or GHG emissions impacts. The discussion in Section 4.3 Air Quality provides analysis of the cumulative health risk effects of the project’s TACs emissions during construction, and concludes that those effects would be less than significant.

Cumulative developments near the project would be subject to similar hydrological and urban runoff conditions. All projects occurring within the City of Hayward would be required to implement the same Standard Conditions of Approval and measures related to construction water quality as the proposed project (including preparation of a SWPPP if disturbance is greater than one acre). In addition, all current and probable future projects that would disturb more than one acre of soil or replace/add more at least 10,000 square feet of impervious surfaces would be required to meet applicable site design and runoff reduction measures. For these reasons, the cumulative projects, including the proposed project, would not result in significant cumulative hydrology or water quality impacts.

Construction noise and vibration would be temporary and would be kept to a less than significant level by the implementation of MM NOI-1.1 and MM NOI-2.1. The construction of the Southland Mall cinema is currently underway.¹⁰⁰ It is possible that some of the project construction activities may occur at the same time as the Southland Mall cinema project, which is located across La Playa Drive. However, it is likely that the demolition, grading, and foundation phases, which are typically the most noise-generating phases of construction, would not occur at the same time considering that construction of the Southland Mall cinema project has already begun. Additionally, the Southland

¹⁰⁰ City of Hayward. “Development Activity”. Accessed August 13, 2021. <https://www.hayward-ca.gov/business/for-developers/development-activity>

Mall cinema project, and any other nearby projects, would be required to implement similar construction noise BMPs and therefore, would not generate construction noise that would result in a cumulatively significant impact. Operational noise from the project would be compatible with the surrounding residences and would not have potential to contribute to a significant cumulative operational noise impact.

With implementation of MM TRN-2.1, the project would reduce VMT consistent with the City's TIA Guidelines. The project, therefore, would be consistent with applicable policies regarding transportation and circulation and would not result in a cumulatively considerable impact. The project would comply with current building and fire codes and be reviewed by the HFD to ensure adequate emergency access, as would all other projects in the vicinity. Therefore, the project would not result in a cumulatively significant impact to emergency access or other transportation issues.

(Less than Significant Cumulative Impact with Mitigation Incorporated)

Impact MFS-3: The project does not have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly. **(Less than Significant Impact with Mitigation Incorporated)**

Consistent with Section 15065(a)(4) of the CEQA Guidelines, 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 the potential to cause substantial adverse effects on human beings, either directly or indirectly. Under this standard, a change to the physical environment that might otherwise be minor must be treated as significant if people would be significantly affected. This factor relates to adverse changes to the environment of human beings generally, and not to effects on particular individuals. While changes to the environment that could indirectly affect human beings would be represented by all of the designated CEQA issue areas, those that could directly affect human beings include construction TACs, ACMS and LBP, and noise. However, implementation of mitigation measures and General Plan policies would reduce these impacts to a less than significant level. No other direct or indirect adverse effects on human beings have been identified. **(Less Than Significant Impact with Mitigation Incorporated)**

SECTION 5.0 REFERENCES

The analysis in this Initial Study is based on the professional judgement and expertise of the environmental specialists preparing this document, based upon review of the site, surrounding conditions, site plans, and the following references:

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SECTION 6.0 LEAD AGENCY AND CONSULTANTS

6.1 LEAD AGENCY

City of Hayward

Planning Division

Steve Kowalski, Associate Planner

6.2 CONSULTANTS

David J. Powers & Associates, Inc.

Environmental Consultants and Planners

Will Burns, Vice President and Principal Project Manager

Connor Tutino, Assistant Project Manager

Ryan Osako, Graphic Artist

Illingworth & Rodkin, Inc.

Air Quality, Greenhouse Gas, and Noise Consultants

Michael Thill, Principal

Casey Divine, Senior Noise Consultant

Carrie Janello, Senior Air Quality Consultant

Zachary Palm, Air Quality Consultant

A Plus Tree, Inc.

Consulting Arborists

Sarah Gaskin, Certified Arborist

Tetra Tech, Inc.

Hazardous Materials Consultants

Keith Bell, P.G., Program Manager

Nadine Balmaceda, Project Manager

Hexagon Transportation Consultants, Inc.

Transportation Consultants

Eric Tse, P.E., PTOE, Associate

SECTION 7.0 ACRONYMS AND ABBREVIATIONS

ABAG	Association of Bay Area Governments
AC	Alameda-Contra Costa
ACM	Asbestos-containing material
ACTC	Alameda County Transportation Commission
ACWD	Alameda County Water District
AIA	Airport Influence Area
ALUCP	Airport Land Use Compatibility Plan
AWSC	All-way stop controlled intersection
BAAQMD	Bay Area Air Quality Management District
BART	Bay Area Rapid Transit
Bgs	Below ground surface
BMPs	Best Management Practices
BMR	Below market rate
BPMP	Bicycle and Pedestrian Master Plan
Btu	British thermal units
CAL FIRE	California Department of Forestry and Fire Protection
Cal/OSHA	California Department of Industrial Relations, Division of Occupational Safety and Health
CalARP	California Accidental Release Program
CalEEMod	California Emissions Estimator Model
CalTrans	California Department of Transportation
CAP	Clean Air Plan
CARB	California Air Resources Board
CBC	California Building Code
CDFW	California Department of Fish and Wildlife
CEC	California Energy Commission
CEQA	California Environmental Quality Act
CERCLA	Comprehensive Environmental Response, Compensation, and Liability Act
CERS	California Environmental Reporting System
CFCs	Chlorofluorocarbons

CGS	California Geological Survey
CH ₄	Methane
CMP	Congestion Management Plan
CN	Neighborhood Commercial
CNEL	Community Noise Equivalent Level
CO	Carbon monoxide
CO ₂	Carbon dioxide
CO ₂ e	Carbon dioxide equivalent
CRHR	California Register of Historical Resources
CUPA	Certified Unified Program Agency
DPF	Diesel particulate filter
DPM	Diesel particulate matter
DSOD	Division of Safety of Dams
DTSC	Department of Toxic Substances Control
DU	Dwelling unit
EBCE	East Bay Community Energy
EBMUD	East Bay Municipality District
EBRPD	East Bay Regional Park District
EIR	Environmental Impact Report
EO	Executive Order
EPA	Environmental Protection Agency
EVA	Emergency vehicle access
FAA	Federal Aviation Administration
FAR	Federal Aviation Regulations
FEMA	Federal Emergency Management Agency
FHSZ	Fire Hazard Severity Zones
FID	Facility Inventory Database
FIRM	Flood Insurance Rate Maps
FMMP	Farmland Mapping and Monitoring Program
FTA	Federal Transit Administration
GHGs	Greenhouse gases
Gpcd	Gallons per capita per day
Gpd	Gallons per day

GSA	Groundwater Sustainability Agency
GWP	Global warming potential
HARD	Hayward Area Recreation and Park District
HAZ WASTE	CERS Hazardous Waste
HAZNET	Facility Manifest Data
HFCs	Hydrofluorocarbons
HFD	Hayward Fire Department
HI	Hazard Index
HMC	Hayward Municipal Code
HOA	Homeowners' Association
HPD	Hayward Police Department
HSWA	Federal Hazardous and Solid Waste Amendments
HUSD	Hayward Unified School District
HVAC	Heating, ventilation, and air conditioning
I-580	Interstate 580
I-880	Interstate 880
In./sec	Inches/second
ITE	Institute of Transportation Engineers
LBP	Lead-based paint
LID	Low-impact development
LOS	Level of service
LTA	Local Transportation Analysis
MBTA	Migratory Bird Treaty Act
MEI	Maximally exposed individual
Mgd	Million gallons per day
MGY	Million gallons per year
MLD	Most likely descendant
MMTCO _{2e}	Million metric tons of CO ₂ E
MND	Mitigated Negative Declaration
Mpg	Miles per gallon
Mph	Miles per hour
MRP	Municipal Regional Stormwater NPDES Permit
MT	Metric ton

MTC	Metropolitan Transportation Commission
N ₂ O	Nitrous oxide
NAHC	Native American Heritage Commission
NCP	National Contingency Plan
NESHAP	National Emission Standards for Hazardous Air Pollutants
NFIP	National Flood Insurance Program
NHPA	National Historic Preservation Act
NOD	Notice of Determination
NOI	Notice of Intent
NO _x	Nitrogen oxide
NPDES	National Pollutant Discharge Elimination System
NRHP	National Register of Historic Places
O ₃	Ground-level ozone
OITC	Outdoor-Indoor Transmission Class
OPR	Office of Planning and Research
PCBs	Polychlorinated biphenyls
PD	Planned Development
PDA	Priority Development Areas
PFCs	Perfluorocarbons
PM	Particulate matter
PPV	Peak particle velocity
RCRA	Resource Conservation and Recovery Act
RHNA	Regional Housing Need Allocation
ROG	Reactive organic gases
RS	Single-Family Residential
RWQCB	Regional Water Quality Control Board
SB	Senate Bill
SCS	Sustainable Communities Strategy
Sf	Square feet
SF ₆	Sulfur hexafluoride
SFBAAB	San Francisco Bay Area Air Basin
SFPUC	San Francisco Public Utilities Commission
SHMA	Seismic Hazards Mapping Act

SMARA	Surface Mining and Reclamation Act
SMGB	State Mining and Geology Board
SO _x	Sulfur oxide
SR	State Route
SSSC	Side-street stop-controlled intersection
STC	Sound Transmission Class
SWEEPS	Statewide Environmental Evaluation and Planning System
SWPPP	Storm Water Pollution Prevention Plan
SWRCB	State Water Resources Control Board
TAC	Toxic air contaminant
TAZ	Transportation Analysis Zone
TCRs	Tribal Cultural Resources
TDM	Transportation demand management
TIA	Transportation Impact Analysis
TSCA	Toxic Substances Control Act
USACE	United States Army Corps of Engineers
USFWS	United States Fish and Wildlife Service
UST	Underground storage tank
UWMP	Urban water management plan
VMT	Vehicle miles traveled
WM	Waste Management, Inc.
WPCF	Water Pollution Control Facility

Mitigation Monitoring and Reporting Program

**La Playa Commons
Residential Project**



October 2021

MITIGATION MONITORING AND REPORTING PROGRAM La Playa Commons Residential Project				
Impacts	Mitigation and/or Avoidance Measure(s)	Timeframe and Responsibility for Implementation	Method of Compliance	Oversight of Implementation
Air Quality				
Impact AIR-3: Project construction would result in increased cancer risks exceeding the Bay Area Air Quality Management District's (BAAQMD) single-source threshold for nearby sensitive receptors.	<p>MM AIR-3.1: All diesel-powered off-road equipment, larger than 25 horsepower, operating on the site for more than two days continuously or 20 hours total shall meet U.S. EPA Tier 4 standards for particulate matter emissions. Alternatively, equipment that meets U.S. EPA particulate matter emissions standards for Tier 3 engines that include CARB-certified Level 3 Diesel Particulate Filters (DPF), or equivalent would be effective. The use of equipment that is powered by electricity or alternatively fueled equipment (i.e., non-diesel) would also meet this requirement.</p> <p>Alternatively, the applicant could develop a TAC reduction plan that reduces on- and near-site construction diesel particulate matter emissions by 25 percent or greater. Such a plan shall be reviewed and approved by the City.</p>	The applicant and contractors shall be responsible for implementing the mitigation measures during all phases of construction.	All measures shall be printed on all construction documents, contracts, and project plans and shall be reviewed by the Director of Development Services prior to the issuance of demolition, grading, and building permits.	Director of Development Services
Biological Resources				
Impact BIO-1: The project may disturb nesting birds on and	MM BIO-1.1: Pre-construction nesting bird surveys shall be completed prior to tree removal if removal or construction is proposed to commence during the	The project applicant and contractors shall be	All measures shall be printed on all construction	Director of Development Services

MITIGATION MONITORING AND REPORTING PROGRAM La Playa Commons Residential Project				
Impacts	Mitigation and/or Avoidance Measure(s)	Timeframe and Responsibility for Implementation	Method of Compliance	Oversight of Implementation
adjacent to the site during construction.	<p>breeding season (February 1 to August 31) in order to avoid impacts to nesting birds. Surveys shall be completed by a qualified biologist or ornithologist no more than 14 days before construction begins. During this survey, the biologist or ornithologist shall inspect all trees and other possible nesting habitats in and within 250 feet of the project boundary.</p> <p>If an active nest is found in an area that would be disturbed by construction, the biologist or ornithologist shall designate an adequate buffer zone (~250 feet) to be established around the nest, in consultation with the California Department of Fish and Wildlife (CDFW). The buffer would ensure that nests shall not be disturbed until the young have fledged (left the nest), the nest is vacated, and there is no evidence of second nesting attempts.</p> <p>The applicant shall submit a report indicating the results of the survey and any designated buffer zones to the satisfaction of the Director of Development Services, prior to the removal of trees and issuance of a grading permit or demolition permit.</p>	responsible for implementing the mitigation measures prior to project construction.	documents, contracts, and project plans and the survey results shall be reviewed by the Director of Development Services prior to tree removal and the issuance of demolition, grading, and building permits.	

MITIGATION MONITORING AND REPORTING PROGRAM La Playa Commons Residential Project				
Impacts	Mitigation and/or Avoidance Measure(s)	Timeframe and Responsibility for Implementation	Method of Compliance	Oversight of Implementation
Cultural Resources				
Impact CUL-2: Construction of the proposed project could result in significant impacts to unknown archaeological resources, if present on-site.	MM CUL-2.1: If evidence of an archaeological site or other suspected cultural resource as defined by CEQA Guideline Section 15064.5, including darkened soil representing past human activity (“midden”), that could conceal material remains (e.g., worked stone, worked bone, fired clay vessels, faunal bone, hearths, storage pits, or burials) is discovered during construction related earth-moving activities, all ground-disturbing activity within 100 feet of the resources shall be halted and the City’s Planning Manager shall be notified. The project sponsor shall hire a qualified archaeologist to conduct a field investigation. The City’s Planning Manager shall consult with the archaeologist to assess the significance of the find. Impacts to any significant resources shall be mitigated to a less-than-significant level through data recovery or other methods determined adequate by a qualified archaeologist and that are consistent with the Secretary of the Interior’s Standards for Archaeological documentation. Any identified cultural resources shall be recorded on the appropriate DPR 523 (A-J) form and filed with the NWIC.	The project applicant and contractors shall be responsible for implementing the mitigation measures during all phases of construction.	All measures shall be printed on all construction documents, contracts, and project plans and shall be reviewed by the Director of Development Services prior to the issuance of permits. In the event of a discovery during construction, a report documenting implementation of MM CUL-2.1, -2.2 shall be submitted to the City by a qualified paleontologist/archaeologist as appropriate.	Director of Development Services

MITIGATION MONITORING AND REPORTING PROGRAM La Playa Commons Residential Project				
Impacts	Mitigation and/or Avoidance Measure(s)	Timeframe and Responsibility for Implementation	Method of Compliance	Oversight of Implementation
	MM CUL-2.2: If archaeological resources are identified, a final report summarizing the discovery of cultural materials shall be submitted to the City's Planning Manager prior to issuance of certificate of occupancy. This report shall contain a description of the mitigation program that was implemented and its results, including a description of the monitoring and testing program, a list of the resources found and conclusion, and a description of the disposition/curation of the resources.	The project applicant and contractors shall be responsible for implementing the mitigation measures during all phases of construction.	All measures shall be printed on all construction documents, contracts, and project plans and shall be reviewed by the Director of Development Services prior to the issuance of permits. In the event of a discovery during construction, a report documenting implementation of MM CUL-2.1, -2.2 shall be submitted to the City by a qualified paleontologist/archaeologist as appropriate.	Director of Development Services

MITIGATION MONITORING AND REPORTING PROGRAM La Playa Commons Residential Project				
Impacts	Mitigation and/or Avoidance Measure(s)	Timeframe and Responsibility for Implementation	Method of Compliance	Oversight of Implementation
Impact CUL-3: Construction of the proposed project could result in significant impacts to buried human remains, if present on-site.	MM CUL-3.1: If human remains are discovered during project construction, all ground-disturbing activity within 100 feet of the resources shall be halted and the City's Planning Manager and the Alameda County Coroner shall be notified immediately, according to Section 5097.98 of the State Public Resources Code and Section 7050.5 of California's Health and Safety Code. If the remains are determined by the County Coroner to be Native American, the Native American Heritage Commission (NAHC) shall be notified within 24 hours, and the guidelines of the NAHC shall be adhered to in the treatment and disposition of the remains. The project sponsor shall also retain a professional archaeologist with Native American burial experience to conduct a field investigation of the specific site and consult with the Most Likely Descendant, if any, identified by the NAHC. As necessary, the archaeologist may provide professional assistance to the Most Likely Descendant, including the excavation and removal of the human remains. The City of Hayward shall be responsible for approval of recommended mitigation as it deems appropriate, taking account of the provisions of State law, as set forth in CEQA Guidelines section 15064.5(e) and Public Resources Code section	The project applicant and contractors shall be responsible for implementing the mitigation measures during all phases of construction.	All measures shall be printed on all construction documents, contracts, and project plans and shall be reviewed by the Planning Manager prior to the issuance of permits.	City Planning Manager and County Coroner

MITIGATION MONITORING AND REPORTING PROGRAM La Playa Commons Residential Project				
Impacts	Mitigation and/or Avoidance Measure(s)	Timeframe and Responsibility for Implementation	Method of Compliance	Oversight of Implementation
	5097.98. The project sponsor shall implement approved mitigation, to be verified by the City of Hayward, before the resumption of ground-disturbing activities within 100 feet of where the remains were discovered.			
Geology and Soils				
Impact GEO-6: Construction of the proposed project could result in significant impacts to paleontological resources or geological features, if present on-site.	MM GEO-6.1: Should a unique paleontological resource or site or unique geological feature be identified at the project site during any phase of construction, all ground disturbing activities within 25 feet shall cease and the City's Planning Manager shall be notified immediately. A qualified paleontologist shall evaluate the find and prescribe mitigation measures to reduce impacts to a less than significant level. Work may proceed on other parts of the project site while mitigation for paleontological resources or geologic features is implemented. Upon completion of the paleontological assessment, a report shall be submitted to the City and, if paleontological materials are recovered, a paleontological repository, such as the University of California Museum of Paleontology.	The project applicant and contractors shall be responsible for implementing the mitigation measures during all phases of construction.	All measures shall be printed on all construction documents, contracts, and project plans and shall be reviewed by the Planning Manager prior to the issuance of permits. In the event of a discovery during construction, a report documenting implementation of MM GEO-6.1 shall be submitted to the	City Planning Manager

MITIGATION MONITORING AND REPORTING PROGRAM La Playa Commons Residential Project				
Impacts	Mitigation and/or Avoidance Measure(s)	Timeframe and Responsibility for Implementation	Method of Compliance	Oversight of Implementation
			City by a qualified paleontologist as appropriate.	
Noise				
Impact NOI-1.1: During project construction, individual pieces of equipment would potentially exceed 83 dBA at a distance of 25 feet, the City's 86 dBA threshold would potentially be exceeded anywhere outside the project site, and ambient noise levels at surrounding land uses would be exceeded by five dBA or more for a period of more than one year, the temporary construction noise impact would be considered significant	MM NOI-1.1: The project contractor shall develop a noise control plan, including, but not limited to, the following construction best management controls: <ul style="list-style-type: none"> • Equipment and trucks used for construction shall use the best available noise control techniques (e.g., improved mufflers, equipment redesign, use of intake silencers, ducts, engine enclosures, and acoustically attenuating shields or shrouds); • Impact tools (e.g., jackhammers, pavement breakers, and rock drills) used for construction shall be hydraulically or electrically powered wherever possible to avoid noise associated with compressed air exhaust from pneumatically powered tools; • Stationary noise sources shall be located as far from adjacent receptors as possible, and they shall be muffled and enclosed within 	The project applicant and contractors shall be responsible for implementing the mitigation measures during all phases of construction.	All measures shall be printed on all construction documents, contracts, and project plans and shall be reviewed by the Director of Development Services prior to the issuance of demolition, grading, and building permits.	Director of Development Services

MITIGATION MONITORING AND REPORTING PROGRAM La Playa Commons Residential Project				
Impacts	Mitigation and/or Avoidance Measure(s)	Timeframe and Responsibility for Implementation	Method of Compliance	Oversight of Implementation
and would require mitigation.	<p>temporary sheds, incorporate insulation barriers, or include other measures.</p> <ul style="list-style-type: none"> • Temporary noise barriers shall be constructed, where feasible, to screen stationary noise-generating equipment. Temporary noise barrier fences would provide a five dBA noise reduction if the noise barrier interrupts the line-of-sight between the noise source and receptor and if the barrier is constructed in a manner that eliminates any cracks or gaps. • Unnecessary idling of internal combustion engines shall be strictly prohibited. • Construction staging areas shall be established at locations that will create the greatest distance between the construction-related noise sources and noise-sensitive receptors nearest the project site during all project construction. Locate material stockpiles, as well as maintenance/equipment staging and parking areas, as far as feasible from residential receptors. • Noise from construction workers' radios shall be controlled to a point where they are not 			

MITIGATION MONITORING AND REPORTING PROGRAM La Playa Commons Residential Project				
Impacts	Mitigation and/or Avoidance Measure(s)	Timeframe and Responsibility for Implementation	Method of Compliance	Oversight of Implementation
	<p>audible at existing residences bordering the project site.</p> <ul style="list-style-type: none"> • Where feasible, temporary power service from local utility companies shall be used instead of portable generators. • Crane shall be located as far from adjoining noise-sensitive receptors as possible. • During final grading, graders shall be substituted for bulldozers, where feasible. Wheeled heavy equipment are quieter than track equipment and shall be used where feasible. • Nail guns shall be substituted for manual hammering, where feasible. • The use of circular saws, miter/chop saws, and radial arm saws near the adjoining noise-sensitive receptors shall be avoided. Where feasible, saws shall be shielded with a solid screen with material having a minimum surface density of two lbs/ft² (e.g., such as ¾" plywood). • Smooth vehicle pathways shall be maintained for trucks and equipment accessing the site and 			

MITIGATION MONITORING AND REPORTING PROGRAM La Playa Commons Residential Project				
Impacts	Mitigation and/or Avoidance Measure(s)	Timeframe and Responsibility for Implementation	Method of Compliance	Oversight of Implementation
	<p>local residential neighborhoods shall be avoided as much as possible.</p> <ul style="list-style-type: none"> • During interior construction, the exterior windows facing noise-sensitive receptors shall be closed. • During interior construction, noise-generating equipment shall be located within the building to break the line-of-sight to the adjoining receptors. • The contractor shall prepare a detailed construction schedule for major noise-generating construction activities. The construction schedule shall be shared with the adjacent neighbors of the project site and shall identify a procedure for coordination with adjacent residential land uses so that construction activities can be scheduled to minimize noise disturbance. • A “disturbance coordinator” shall be designated to be responsible for responding to any complaints about construction noise. The disturbance coordinator will determine the cause of the noise complaint (e.g., bad muffler, etc.) and will require that reasonable measures 			

MITIGATION MONITORING AND REPORTING PROGRAM La Playa Commons Residential Project				
Impacts	Mitigation and/or Avoidance Measure(s)	Timeframe and Responsibility for Implementation	Method of Compliance	Oversight of Implementation
	be implemented to correct the problem. A telephone number for the disturbance coordinator shall be conspicuously posted at the construction site and included in the notice sent to adjacent neighbors regarding the construction schedule.			
Impact NOI-2.1: Project construction would generate vibration levels exceeding the threshold of 0.3 in/sec PPV at structures within 20 feet of the site.	MM NOI-2.1: The project shall implement the following practices while performing construction activities within 20 feet of the existing commercial or residential buildings: <ul style="list-style-type: none"> • Compaction activities shall not be conducted using a vibratory roller. Within this area, compaction shall be performed using smaller hand tampers. • Demolition, earth-moving, and ground-impacting operations shall be phased so as not to occur at the same time and shall use the smallest equipment possible to complete the work. The use of large bulldozers, hoe rams, drill-rigs shall be avoided within 20 feet of existing commercial or residential buildings. 	The project applicant and contractors shall be responsible for implementing the mitigation measures during all phases of construction.	All measures shall be printed on all construction documents, contracts, and project plans and shall be reviewed by the Director of Development Services prior to the issuance of demolition, grading, and building permits.	Director of Development Services

MITIGATION MONITORING AND REPORTING PROGRAM La Playa Commons Residential Project				
Impacts	Mitigation and/or Avoidance Measure(s)	Timeframe and Responsibility for Implementation	Method of Compliance	Oversight of Implementation
	<ul style="list-style-type: none"> Construction and demolition activities shall not involve clam shell dropping operations. 			
Transportation				
Impact TRN-2.1: The project daily vehicle miles travelled (VMT) would be 18.41, which is above the threshold of 17.51. Therefore, transportation demand management (TDM) measures are necessary to reduce the VMT impact. The minimum percent reduction for the project daily VMT necessary to reduce the VMT impact to a less-than-significant level would be 4.89 percent.	MM TRN-2.1: The project developer shall provide Clipper Cards to each homeowner upon sale of the unit with an advanced amount loaded in per card for the purpose of encouraging transit usage. After the Homeowners' Association (HOA) is established and has begun operation, the HOA shall set aside an annual transit subsidizing fund in the amount of, at minimum, \$9,000 for a Clipper Card reimbursement program. This amount would need to be adjusted annually to take into account annual fare increases. In order to ensure implementation of the Clipper Card fare reimbursement program as a mitigation for reducing the project vehicle miles traveled (VMT) impact, the program shall be included in the Project Description and Conditions of Approval for issuance of the project's Planned Development permit. The project shall also implement a transportation demand management (TDM) monitoring program after project occupancy that includes an annual monitoring report to be submitted to the City. The TDM program	The project applicant and the future HOA shall be responsible for implementing the mitigation measures during project operation.	The program shall be included in the Project Description and Conditions of Approval for issuance of the project's Planned Development permit. The project shall also implement a transportation demand management (TDM) monitoring program after project occupancy that includes an annual monitoring report to be submitted to the City. The TDM	Director of Development Services

MITIGATION MONITORING AND REPORTING PROGRAM La Playa Commons Residential Project				
Impacts	Mitigation and/or Avoidance Measure(s)	Timeframe and Responsibility for Implementation	Method of Compliance	Oversight of Implementation
	requirements shall be included in the CC&Rs for the HOA. The TDM program annual monitoring report shall be prepared by a traffic/transportation consultant with the HOA covering the costs of data collection and preparation of the report. If the proposed TDM strategy falls short of anticipated trip reductions, additional measures shall be required in order to achieve the original goals of the TDM measures.		program requirements shall be included in the CC&Rs for the HOA.	

Source: *1000 La Playa Drive Residential Initial Study/Mitigated Negative Declaration*. October 2021.

LA PLAYA COMMONS AFFORDABLE HOUSING PLAN

Project Information

Project Developer/Owner	DR Horton
Project Address	1000 La Playa Drive in Hayward, California
Assessor's Parcel Number(s)	442-0038-001
Project Residential Type Select all that apply.	<input checked="" type="checkbox"/> SFHs <input type="checkbox"/> CONDOMINIUMS <input type="checkbox"/> TOWNHOMES <input type="checkbox"/> APARTMENTS <input type="checkbox"/> LIVE/WORK <input type="checkbox"/> MIXED-USE <input type="checkbox"/> ASSISTED LIVING <input type="checkbox"/> ACCESSORY DWELLING UNITS
Project Tenure Type	<input type="checkbox"/> Rental <input checked="" type="checkbox"/> Ownership <input type="checkbox"/> Both
Project amenities (i.e. commercial ground floor, day-care, parking, park)	Walking path along the EVA in Parcel A.
Total number of units	47
Additional project information	Property was previously a Burlington Coat Factory (retail).

The project consists of forty-seven (47) ownership units. To comply with the AHO, the project will include on-site affordable units. In conformance with the requirements for on-site affordable housing, the applicant will provide five for-sale affordable units. In exchange for consideration of the proposed General Plan Amendment and Rezone, the developer has modified the affordable housing plan based on Planning Commission feedback to round up to the nearest whole unit instead of paying the affordable housing in-lieu fee for the fractional unit. Additionally, the applicant has elected to provide deeper affordability for two units. The applicant will provide three affordable units for moderate-income households and two affordable units for low-income households.

The moderate-income units will be sold to moderate-income households at the affordable ownership cost as defined by the AHO which shall not exceed one hundred ten percent of the area median income for Alameda County by HCD multiplied by thirty-five percent and divided by twelve.

The low-income units will be sold to low-income households at an ownership cost as defined by the affordable housing ordinance which shall not exceed seventy percent of the area median income for Alameda County by HCD multiplied by thirty percent and divided by twelve.

Affordable Housing Minimum Requirement Calculation - Ownership Project

Total # of units	47
Total for-sale affordable units <ul style="list-style-type: none"> • 10% of total units minimum • 7.5% high density(35 + per acre) condominiums 	4.7 rounded to 5 units
No. of moderate income units	3

• Highest allowable income targeting	
No. of low-income units • Optional	2
No. of very low-income units • Optional	0
No. of extremely low-income units • Optional	0
Fractional Unit	<input checked="" type="checkbox"/> Will not pay fractional unit

Unit Mix Summary Table

Unity Type (bedroom)	Size (sq ft)	Extremely Low Income Units		Very Low Income Units		Low Income Units		Moderate Income Units		Market Rate Units
		AHO	Density Bonus	AHO	Density Bonus	AHO	Density Bonus	AHO	Density Bonus	
Plan 1 - 3/2.5	1549					2				6
Plan 2 Front Entry - 4/2.5	1810							3		14
Plan 2 Side Entry – 4/2.5	1871									3
Plan 3 Front Entry - 4/3 (Live/work units)	1964									16
Plan 3 Side Entry - 4/3 (Live/work units)	2019									3
TOTAL						2		3		42

Site Plan

Attachment A is a Site Plan of the project showing the proposed location for each of the five (5) for-sale affordable units.

Phasing Plan

Attachment A also shows the phasing plan for the community. The for-sale affordable units are well placed throughout the project and have units in phases 2, 3, 4, 5, and 6.

Our construction phasing follows the path that Phase 0 (models and parking lot) will be built first. Permits will be pulled for Phase 1, construction will begin on Phase 1, inspections for homes in Phase 1 will occur, and the Phase 1 homes will be sold. The same goes for Phase 2. Permits will be pulled for Phase 2, construction will begin on Phase 2, inspections for homes in Phase 2 will occur, and the Phase 2 homes will be sold. The same process takes place for each phase up through the final phase, Phase 8. Model Homes is Phase 0 will not be sold until all the affordable units have received their certificate of occupancy.

Following this phasing schedule, the developer will likely need COO's for units in a particular phase prior to pulling permits for homes in the next. The developer cannot pull building permits for all for-sale affordable units at the same time because they are not in the same phase.

Phase	Number of Lots	Lot Numbers	For-Sale Affordable Unit?	Lot Number
0	3 (model homes)	30-32	No	
1	6	33-38	No	
2	3	15-17	Yes	17
3	5	13-16, 20-21	Yes	13
4	6	10-12, 22-24	Yes	12
5	5	5-9	Yes	8
6	7	1-4, 45-47	Yes	3
7	5	25-29	No	
8	6	39-41, 42-44	No	

Marketing Plan

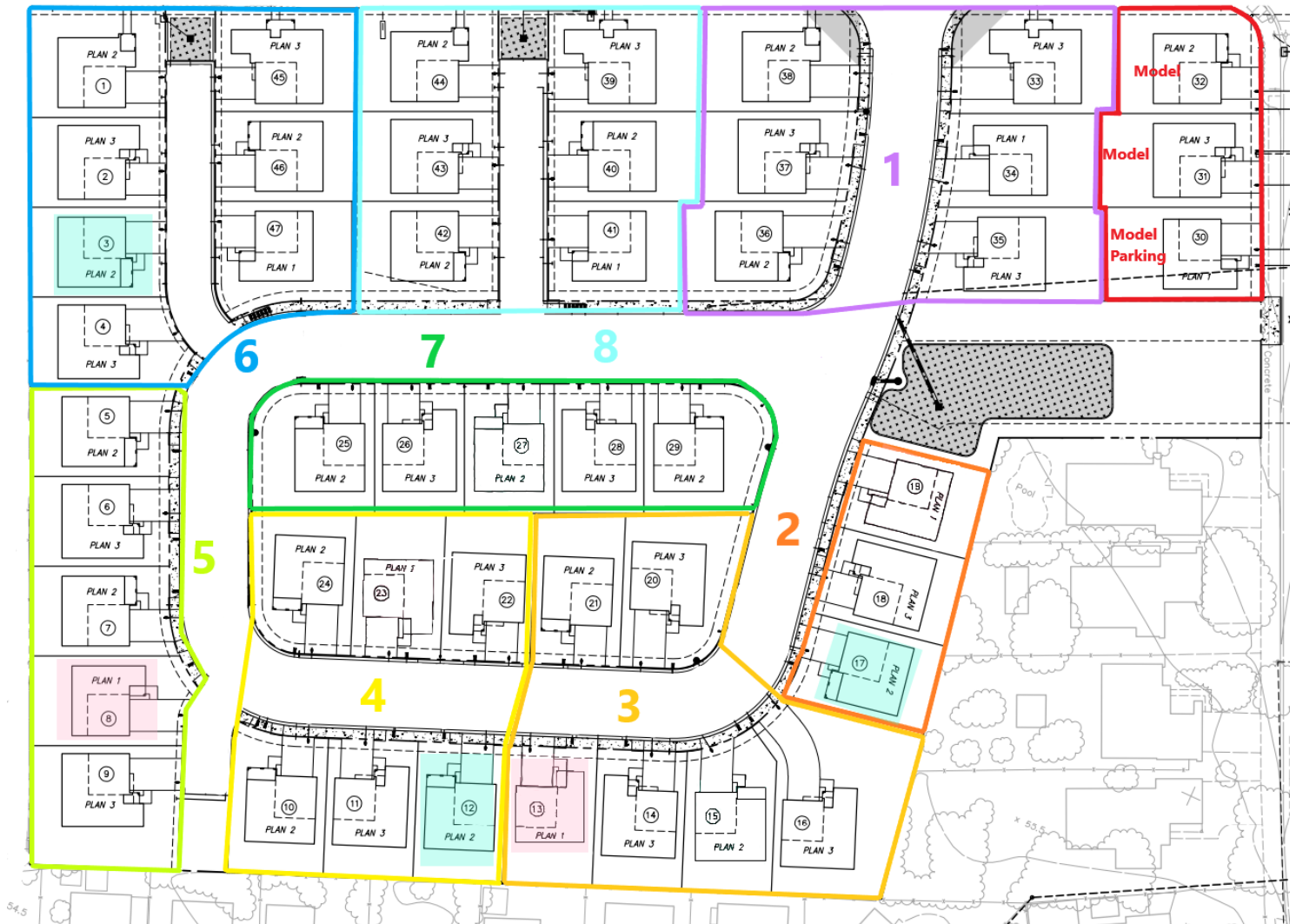
The developer will work directly with the City of Hayward Housing Department to submit a comprehensive marketing plan in accordance with the City of Hayward Affordable Housing Ordinance and Affordable Housing Agreement (AHA), and prior to execution of the AHA. The marketing will include at the minimum the following, but is not limited to:

- Full contact information for DR Horton and its sales representatives.
- Full project information and contact info for the sales team.
- A marketing and outreach plan that demonstrates how the units will be advertised, how we will reach the population of Hayward and how we will reach out to non-English speakers.
- The Fair Housing logo will be including in all marketing and outreach materials.
- The application process will be described in detail and shall include eligibility criteria, reasons for denial, application deadlines and priorities for waitlist and interest.
- A marketing/phasing plan timeline.
- Details of the grievance policy.
- Full details of the milestones and timelines for Buyer selection.

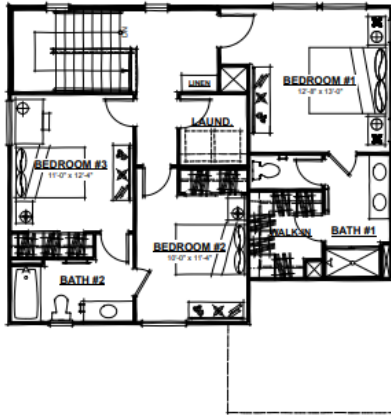
List of Attachments

- Attachment A – Site Plan with Phasing
- Attachment B – Floor Plans: Plan 1 & 2

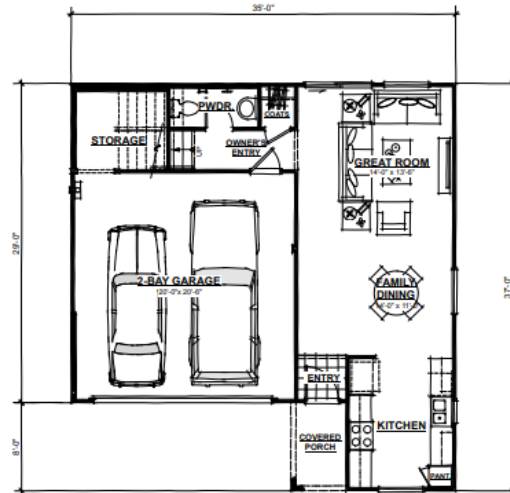
Attachment A - Construction Phasing with For-Sale Affordable Housing Units



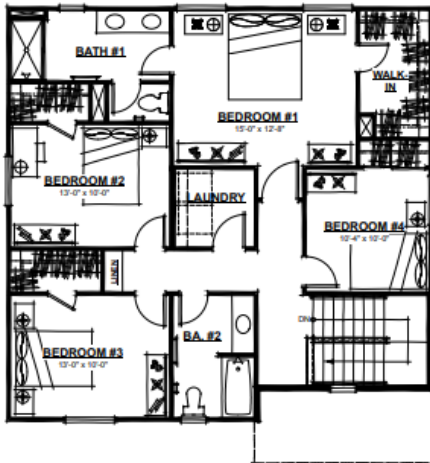
Attachment B - Floor Plans: Plan 1 & 2

Plan 1 (1549 s.f. – 3 bed/2.5 bath)

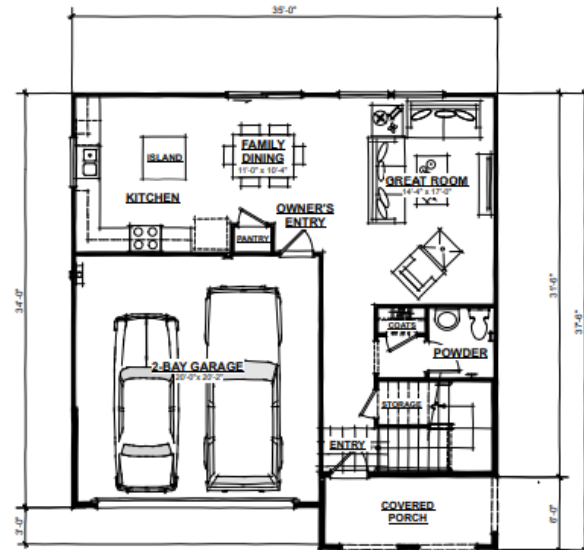
SECOND FLOOR PLAN (878 S.F.)



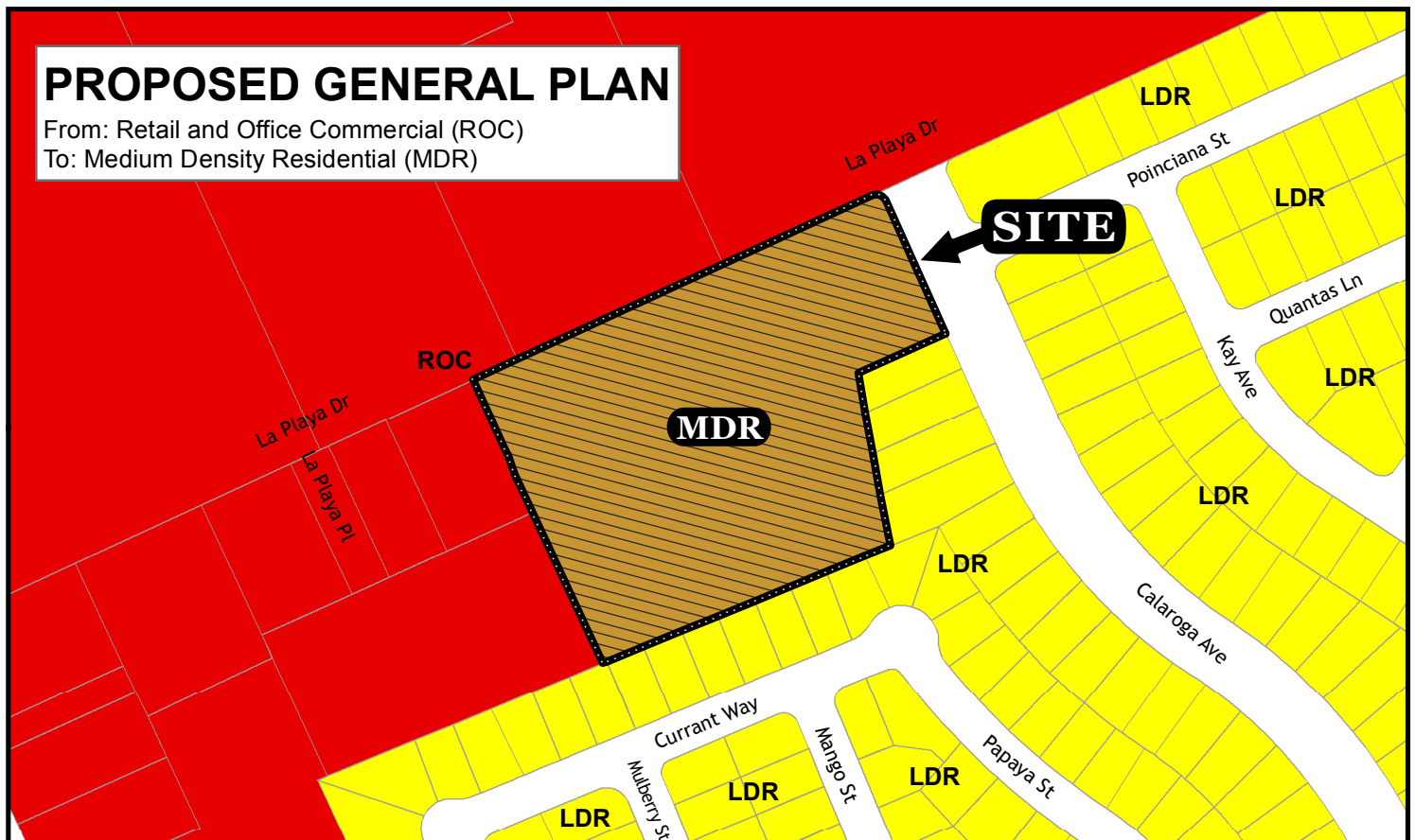
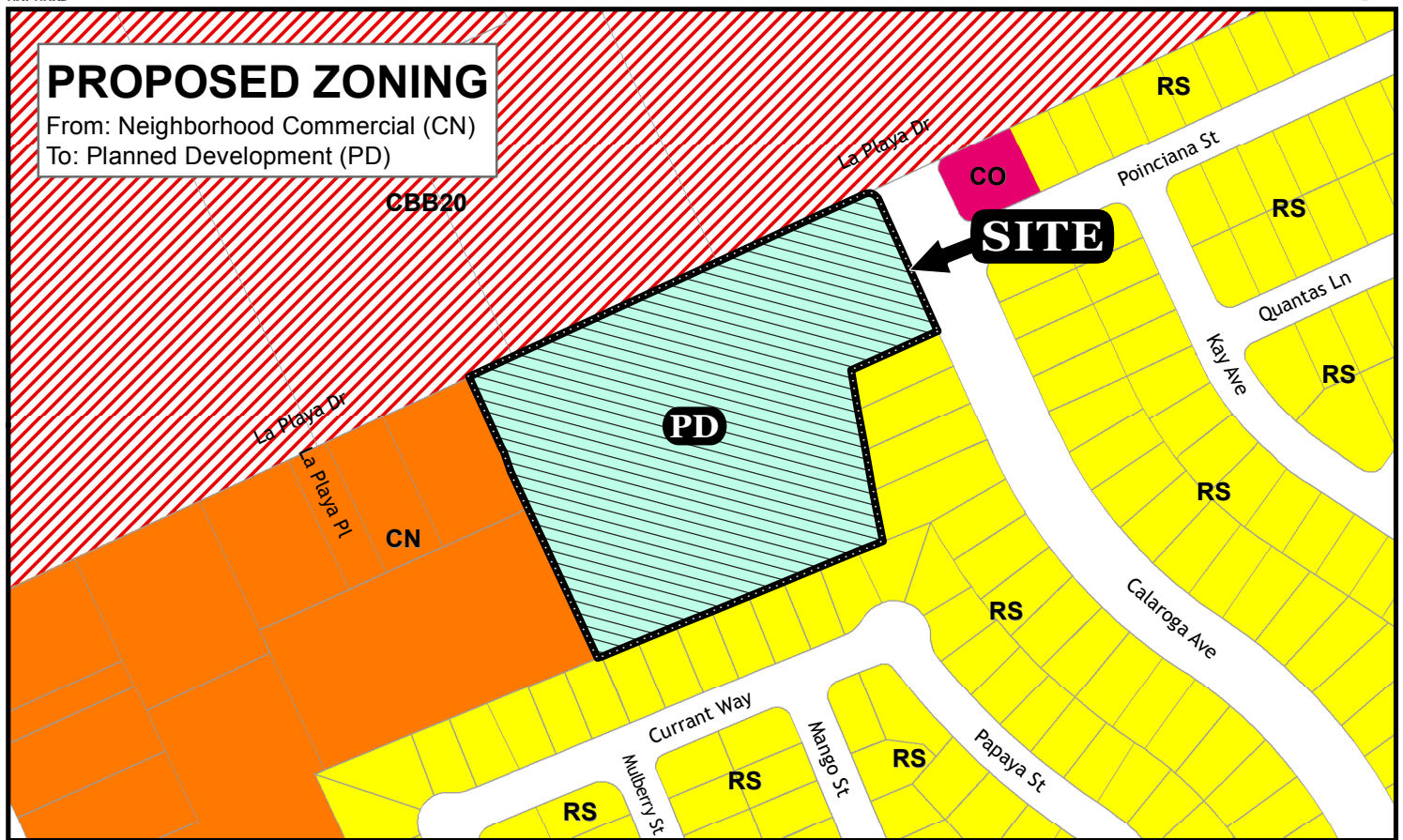
FIRST FLOOR PLAN (671 S.F., 1549 TOTAL S.F.)

Plan 2 (1810 s.f. – 4 bed/2.5 bath)

SECOND FLOOR PLAN (1077 S.F.)



FIRST FLOOR PLAN (733 S.F., 1810 TOTAL S.F.)



October 28, 2021

Item 1

Members of the Planning Commission

I am requesting you do NOT approve this GP amendment, zoning change, and proposed development as currently presented.

This infill parcel is conducive to a mix of housing types in a prime location with amenities for low-income residents. However, the proposal is solely single family! Let's set the bar for infill a bit higher - consistent with comments made by you and by Council members at the recent joint session, and with new state legislation.

I acknowledge the restrictions of the Airport Land Use Commission which, while necessitating a limit on density, recognized the critical need for housing; I acknowledge the applicant's need for a profitable project and the designated 4 moderate income units, but the developer's interest is not necessarily compatible with the highest and best use for City residents. The positive comments of the City Council and Planning Commission members at their Oct. joint meeting acknowledged the importance of taking a more assertive role in achieving City affordable housing goals. And yet this development does not reflect the Affordable Housing Policies which direct the City to achieve "a range of residential densities, housing types, prices, ownership, and size."

While this development is maxed out on density allowed by the airport, the plan should be improved to include a **variety of housing types** and levels of affordability, such as duplexes and fourplexes, strategically located. Instead of 4 moderate-income single-family homes, designate 2 moderate and 2 low-income.

I am requesting staff and developer Burlington go back to the Airport LUC (if necessary) and renegotiate a diversity of *housing types* within the airport's defined density restrictions BEFORE approving the GPA, the Zoning Change, and any new development.

Ro Aguilar, Hayward resident



**PLANNING COMMISSION MEETING
REMOTE PARTICIPATION
Thursday, October 28, 2021, 7:00 p.m.**

Consistent with Assembly Bill 361, the Planning Commission meeting includes teleconference participation by Planning Commission members, staff members and the public. This meeting was conducted utilizing the Zoom platform.

MEETING

The Planning Commission meeting was called to order at 7:00 p.m. by Chair Roche.

ROLL CALL

Present: COMMISSIONERS: Ali-Sullivan, Bonilla, Goldstein, Lowe, Oquenda, Stevens
CHAIRPERSON: Roche
Absent: COMMISSIONER: None

Staff Members Present: Brick, Chan, Chang, Kowalski, Lochirco, Parras, Wikstrom

PUBLIC COMMENT:

There were none.

PUBLIC HEARING:

For agenda item No. 1, the Planning Commission may make a recommendation to the City Council.

For agenda item No. 2, the decision of the Planning Commission is final unless appealed. The appeal period is 10 days from the date of the decision. If appealed, a public hearing will be scheduled before the City Council for final decision.

Chair Roche announced that item no. 2 has been continued until the Special Planning Commission meeting of November 18, 2021.

1. Proposed Demolition of an Existing 74,750-Square-Foot Commercial Building and Construction of a New 47-Lot Single Family Residential Subdivision on a 5/4-Acre Site Located at 1000 La Playa Drive (APN: 442-0038-001), Requiring Approval of General Plan Amendment, Rezone and Vesting Tentative Tract Map Application No. 202004457, and Approval of a Mitigated Negative Declaration with Mitigation Monitoring and Reporting Plan Prepared for the Project in Accordance with the Requirements of the California Environmental Quality Act (CEQA); Applicant: D.R. Horton Bay, Inc.; Owner: Quach's Hayward, LLC.



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Associate Planner Kowalski provided a synopsis of the staff report and PowerPoint presentation.

Mr. Chris Zaballos and Ms. Avery Jones, with applicant D.R. Horton, provided a synopsis of the project and a PowerPoint presentation.

Discussion ensued between the Planning Commission, staff, and applicant regarding the following: the Planning Commission's overall consensus is for the applicant to provide a fifth affordable unit; is it common to have the fractional in-lieu fee, is it comparable to what other developers have done and what is the amount for this fee; concern about possible traffic congestion caused by having only one road in and one road out; Alameda County Airport Land Use Commission (ALUC) safety concerns about density; how soon would construction begin; where did the Mediterranean design come from; the front doors seem to get lost in the mass of the house; will applicant consider front door and garage door modifications; will applicant consider increasing the \$5,000 art donation as the current amount is low in relation to the requested concessions; glad that condition of approval (COA) no. 9 requires that construction will begin as soon as approvals are completed and includes the project signage; are all the driveways the same length and concern for driveways fronting Calaroga because of traffic; and what is the public facility element of this project.

Commissioner Oquenda disclosed speaking to Mr. Chris Zaballos and Ms. Avery Jones and that this does not pose a conflict.

Acting Planning Manager Lochirco said that General Plan amendments are limited to four per calendar year for each city and the magnitude of the community benefit in exchange for the reduction of the development standards varies for different projects. He said the community benefit suitability is at the discretion of the Planning Commission and City Council. Mr. Lochirco said from an administrative standpoint, for smaller projects where the affordable housing requirement would require only one or two units this would be a disproportionate burden on the developer and the City to be able to market and administer the program, thus typically, the City would prefer the developer to pay the in-lieu fee that will provide funding for future affordable housing projects. Mr. Lochirco said that larger projects have the opportunity to provide a larger number of affordable units.

Mr. Zaballos responded that they would like to stay with the plan as presented, they are committed to providing the four affordable units and if adding a fifth affordable unit is important to the Planning Commission, then they will reconsider this. He spoke about previous plans submitted to the ALUC that were not acceptable which includes the original higher density plan. Mr. Zaballos said they strived to develop a walkable neighborhood and offered options for garage doors to minimize the mass impact that could include the color



**PLANNING COMMISSION MEETING
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scheme, recessing and glass windows. He spoke about the art contribution and that they are willing to look at this. Mr. Zaballos provided a timeline for construction which will begin as soon as plans are approved. He confirmed that the driveways are all 20 feet long and spoke about the open spaces of the project.

Associate Transportation Planner Chang responded that the traffic analysis found that the traffic at the worst hour of the day is less than one vehicle per minute which is appropriate for this project.

Ms. Nancy Nelson, with OAG architects; spoke about the project's classic California style design and architecture; the need to maintain the compact footprint to be able to provide more houses within the allowed density; this is a motor court format and noted this plan is well received in communities. Ms. Nelson said the design relies heavily on the color palette and offered the option of painting the garage doors more subtle colors to make them less dominant.

Mr. Eddie Sieu, with RJA-GPS, confirmed that all driveways are at a minimum of 20 feet long.

Chair Roche opened the public hearing at 7:56 p.m.

Ms. Ro Aguilar, Hayward resident, mentioned that she provided written comments and spoke against the project. Ms. Aguilar said this site can accommodate a variety of affordable housing products which could include lower income homeowner occupied homes. She said this project requires a General Plan Amendment change and could be a model of inclusionary housing for other developers to follow. Ms. Aguilar encouraged the Planning Commission to support more affordable housing.

Mr. Ed Bogue, President of Southgate Area Homeowners Association, said that the Association considered the original project too dense for the Airport area and not acceptable under the ALUC rules. The Association is very happy with current plan that meets the ALUC rules and Hayward Airport Plan. He said the overall density works well with the neighborhood plan and this is truly what the Association was looking for. This is a very good location for this type of development, and he likes that each household has four parking spaces. Mr. Bogue said the Association does not care for glass garage doors which is inappropriate especially for the garages that front Calaroga.

Chair Roche closed the public hearing at 8:07 p.m.

Commissioner Oquenda said it is important to have as many affordable housing units as possible and it is important for the Planning Commission to be strong in its advocacy of



**PLANNING COMMISSION MEETING
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community benefit compensation that warrants this level of change to the General Plan. Mr. Oquenda likes the project; it balances the complexities of the ALUC limitations and shared the ALUC process for this project. He appreciated the applicant's response to the questions and comments. Mr. Oquenda is willing to support the project if there is an amendment to COA no. 11 that adds a fifth affordable moderate-income unit and removes the fractional in-lieu fee. He said if the amendment is acceptable then the art donation can remain at \$5,000.

Commissioner Bonilla agrees with Commissioner Oquenda's comments. He likes the project's design and architecture but does not favor the fractional in-lieu fees and since the applicant is requesting a significant number of concessions, he recommended the removal of the fractional in-lieu fees and the addition of a fifth affordable unit for a total of five units with the income level designation as follows: two low-income and three moderate-income units. He said if this recommendation is approved, then he is fine with the art contribution amount but if the amendment is not approved then the art donation needs to be increased.

Commissioner Lowe stated that depending on which recommendation is approved, noting that both include the removal of the fractional in-lieu fees; Commissioner Oquenda's proposal of the additional moderate-income unit is not enough, and the art donation needs to be increased. She said if Commissioner Bonilla's recommendation of the additional affordable unit with the breakdown of two low-income units and the three moderate-income units then the art donation of \$5,000 is sufficient.

Commissioner Ali-Sullivan appreciates the applicant's comments and that this is a good project overall. He said there is a balance of trade-offs of the site which includes the density; requirements of the ALUC; and the development fits in well with the neighborhood. Mr. Ali-Sullivan said that the art contribution of \$5,000 is low and does not approve of the fractional in-lieu fee as the developer stands to make a lot of money on this project. He is in favor of amending COA no. 11 to add the fifth affordable unit and wants to see the art contribution increase especially since the developer acknowledged that the \$5,000 amount was low.

Commissioner Stevens stated that this new development will be here for more than 100 years and will be establishing the form for this neighborhood; noting that this architectural form is incongruent with the existing homes. He said that this infill development can be well designed; could take a better architectural form than conventional. If this is done, then this development can take a leadership position and bring an architectural form to Hayward consistent with other communities in the bay area. Mr. Stevens does not favor the design and would rather the applicant take the funds from the art contribution and the additional fifth affordable unit for enhanced architecture. Mr. Stevens would like to see a design review process for single family homes that is community driven so that the best and brightest in Hayward can voice their opinions on these design/architectural forms.



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Commissioner Goldstein agrees with Commissioner Bonilla's recommendation for the fifth affordable unit and the breakdown provided. Mr. Goldstein said that Hayward is a very special place and since this is a major change to the General Plan, changing this site to a Planned Development (PD), the applicant needs to step up and increase their art contribution. Mr. Goldstein likes the design; the concept is good, and this is a good location and the experience of Mr. Zaballos and D.R. Horton have a long-standing reputation of building developments and following through on projects will move forward in a timely manner.

Chair Roche spoke about the joint work session with the City Council where there was agreement that the City needs to be more aggressive on affordable housing and was pleased that the developer included the four affordable units. Ms. Roche agrees with Commissioner Bonilla's recommendations of the additional fifth affordable unit with the breakdown designation of two low-income and three moderate income units. She said that this is a good opportunity to recommend the addition of the fifth affordable unit in relation to the magnitude of the applicant's request for concessions to the General Plan and is looking forward to the motions and amendments. Ms. Roche said this can satisfy where the City is headed in terms of affordable housing units and appreciates the caller's comments that the public is looking to the Planning Commission on what will be moved forward, just as the Planning Commission looks to the City Council. She appreciates Commissioner Stevens' comments and notes there has been discussion with staff about developing a design review board that will be beneficial for future projects; but at this time the applicant has suggested some modifications that could address Mr. Stevens' concerns. She said she likes the architecture and the green space that brings in the surrounding neighborhood.

In response to Commissioner Ali-Sullivan's question on where the greatest need for affordable housing is, Acting Planning Manager Lochirco said that Housing Manager Morales would be the one to answer this question definitively but that he understands that the greatest need is for moderate-income units in Hayward.

Associate Planner Kowalski provided the Regional Housing Needs Allocation (RHNA) numbers for the City which are: 33% for moderate-income units, 75% for low-income units; and 42% for very low income.

Commissioner Oquenda said low and very low-income residents are more vulnerable and more at risk of displacement and supports Commissioner Bonilla's recommendations. Mr. Oquenda said until the RHNA numbers are at 100%, there is the need for these income level of units.

Acting Planning Manager Lochirco responded to Chair Roche's question if the RHNA numbers are for homeownership or also includes rentals; Mr. Lochirco said the RHNA data includes both types of households. Mr. Lochirco said the previous projects that have come before the



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Planning Commission have been a lot of multi-family/townhomes rental projects. Ms. Roche stated that there is value in having low and very low-income single family homeownership units.

Commissioner Ali-Sullivan asked Mr. Zaballos to respond to the recommendations and for the art donation (what?) would be an appropriate amount.

Mr. Zaballos responded that they clearly hear what the Planning Commission is recommending, and they realize this is a General Plan amendment and they need to step up to the plate. He asked that all five units be designated moderate-income as this will help. He said they are willing to increase the art donation and asked that the Planning Commission forgo the low and very low-income units as that would make it financially difficult for them.

Commissioner Bonilla made a motion to approve the staff recommendation with modifications to COA no. 11 as follows: instead of paying an in-lieu fee for the fractional unit, provide a fifth affordable unit for a total of five affordable units, with three units designated for moderate-income households and two units designated for low-income households in exchange for supporting the General Plan Amendment and Rezoning request.

Commissioner Goldstein seconded the motion.

A motion was made by Commissioner Bonilla, seconded by Commissioner Goldstein to approve the staff recommendation with the modifications to COA no. 11 as follows: instead of paying an in-lieu fee for the fractional unit, provide a fifth affordable unit for a total of five affordable units, with three units designated for moderate-income households and two units designated for low-income households in exchange for supporting the General Plan Amendment and Rezoning request.

The motion passed with the following roll call votes:

AYES:	Commissioners Ali-Sullivan, Bonilla, Goldstein, Lowe, Oquenda Chair Roche
NOES:	Commissioner Stevens
ABSENT:	None
ABSTAIN:	None

2. Proposed Development of a new Industrial Campus with Two Industrial Buildings Measuring Approximately 233,000 Square Feet and 155,000 Square Feet and Related Site Improvements Requiring Major Site Plan Review and Conditional Use Permit Approval and Review and Approval of a Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program for the Former Berkeley Farms Site Located at



**PLANNING COMMISSION MEETING
REMOTE PARTICIPATION
Thursday, October 28, 2021, 7:00 p.m.**

25450-25550 Clawiter Road (APNs: 439-0080-001-00 and 439-0080-003-14). George Condon on behalf of Dermody Properties (Applicant); DPIF2 CA 25 Clawiter Road LLC (Property Owner)

This item has been continued until November 18, 2021.

APPROVAL OF MINUTES

3. Approval of the Planning Commission Meeting Minutes of October 14, 2021.

Ms. Velda Goe, thanked staff on the amendments to the minutes. Ms. Goe asked the Planning Commission to consider that the University Court Neighborhood Association requests that they be heard regarding Parcel 6, since they have been ignored since 2017. Ms. Goe wanted to also highlight the Park Heights development which has been adversely affecting their neighborhood in an unsafe and dangerous way. Ms. Goe said that their neighborhood is not on the mailing list noting that her contact information is on her submitted written comments.

Acting Planning Manager Lochirco said that since this is not an agenda item this cannot be discussed this evening. He confirmed that staff has received Ms. Goe's comments and that stakeholders can request to be placed on the mailing list and will be notified when the project is next scheduled to be heard.

Chair Roche had a minor correction she will email to staff.

A motion was made by Commissioner Oquenda seconded by Commissioner Bonilla to approve the amended Planning Commission Meeting Minutes of October 14, 2021.

The motion passed with the following roll call votes:

AYES:	Commissioners Ali-Sullivan, Bonilla, Goldstein, Lowe, Oquenda, Stevens Chair Roche
NOES:	None
ABSENT:	None
ABSTAIN:	None

COMMISSION REPORTS

Oral Report on Planning and Zoning Matters:

Acting Planning Manager Lochirco announced that since November 11 is a holiday, the next special Planning Commission meeting will be on November 18.



**PLANNING COMMISSION MEETING
REMOTE PARTICIPATION
Thursday, October 28, 2021, 7:00 p.m.**

Commissioners' Announcements, Referrals:

There was none.

ADJOURNMENT

Chair Roche adjourned the meeting at 8:41 p.m.

APPROVED:

Robert Stevens, Secretary
Planning Commission

ATTEST:

Denise Chan, Senior Secretary
Office of the City Clerk



File #: LB 21-050

DATE: November 16, 2021

TO: Mayor and City Council

FROM: Director of Public Works

SUBJECT

Skywest Property Update: Further Review of Preliminary Site Plan and Authorization to Transmit Draft Site Plan to the Federal Aviation Administration for Initial Review

That the Council provides further comments on the preliminary site plan for the Skywest property located at Hayward Executive Airport and adopts the attached resolution (Attachment II) authorizing staff to refer the draft site plan to the Federal Aviation Administration (FAA) for initial review.

SUMMARY

The Skywest property, which was formerly used as a golf course, is owned by the Hayward Executive Airport (Airport). After the Hayward Area Recreation and Park District (HARD) ceased operations at the Skywest Golf Course on September 30, 2020, Airport staff assumed maintenance of the property and initiated a process to guide future development of the site.

The Airport staff held three virtual public scoping workshops during July and August, culminating in an initial draft site plan. Subsequent meetings with the Council Airport Committee, the Hayward Youth Commission, the San Lorenzo Village Homeowners Association, and the City Council on October 26 resulted in revisions to the preliminary site plan (Attachment III). This latest version of the site plan balances the needs of the public and the Airport, while adhering to FAA regulations and policies.

The attached site plan includes:

- 30 acres for parks/recreational use;
- 50 acres for business development (at least 9 of those acres to be set aside for open space);
- A trail connecting Kennedy Park to San Lorenzo Park;
- 11 acres for aeronautical development,
- 7 acres of buffer between the residents of San Lorenzo Village and the new aeronautical development; and
- 28 acres dedicated for protection of the Runway Safety Area.

Council Airport Committee Review

This topic was presented to a special meeting of the Council Airport Committee (CAC) on September 30, 2021. The members provided comments regarding economic development, outreach, land use compatibility, security of the Runway Safety Area, impact of aeronautical development on nearby residents, consideration of specific recreational uses such as trails, and use of recycled water on property. In addition to the CAC members, nine area residents spoke on various aspects of the development, including expansion of the proposed trail network, emphasis on economic development of site, and the consideration of various recreational uses.

Council Work Session

The draft site plan was presented to the Council as a work session item on October 26, 2021. Council and the public provided comments regarding open space, economic development, outreach, impact of aeronautical development on nearby residents, and the consideration of specific recreational uses such as trails. In addition to Council, residents provided comments on the proposed business development; loss of natural elements, such as trees and wildlife; additional open space; potential noise impacts of additional development; expansion of the proposed trail network; and the consideration of various recreational uses.

ATTACHMENTS

Attachment I Staff Report
Attachment II Resolution
Attachment III Site Plan



DATE: November 16, 2021

TO: Mayor and City Council

FROM: Director of Public Works

SUBJECT: Skywest Property Update: Further Review of Preliminary Site Plan and Authorization to Transmit Draft Site Plan to the Federal Aviation Administration for Initial Review

RECOMMENDATION

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¹ <https://hayward.legistar.com/LegislationDetail.aspx?ID=5192091&GUID=AFAC6EF5-FB0C-4115-85E6-16F2FBCE8A11>

Association, and the City Council on October 26 resulted in revisions to the preliminary site plan (Attachment III). This latest version of the site plan balances the needs of the public and the Airport, while adhering to FAA regulations and policies.

The attached site plan includes:

- 30 acres for parks/recreational use;
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The draft site plan was presented to the Council as a work session item on October 26, 2021. Council and the public provided comments regarding open space, economic development, outreach, impact of aeronautical development on nearby residents, and the consideration of specific recreational uses such as trails. In addition to Council, residents provided comments on the proposed business development; loss of natural elements, such as trees and wildlife; additional open space; potential noise impacts of additional development; expansion of the proposed trail network; and the consideration of various recreational uses.

BACKGROUND

Construction of the Skywest Golf Course was completed in October 1963. The golf course was located on the property of Hayward Executive Airport and operated under a long-term ground lease agreement. The ground lease was assigned to HARD in January 1975. The lease has been amended on four occasions, with the latest amendment allowing HARD to evaluate whether continued operation of the golf course was advisable. HARD ceased operations and the 126-acre leasehold was returned to the City in September 2020.

DISCUSSION

As noted in the staff report and attachments from the Council work session held on October 26, 2021,² the draft site plan was developed after consideration of input received from the community and was weighed against the FAA and Caltrans-related constraints associated with airport-owned land. A draft site plan was then presented to the City Council for their review as a work session item on October 26.

Comments on Draft Site Plan

At the Council work session, input from both the public and the Council was received and primarily focused on the following items:

- The desire to incorporate additional open space into the site plan
- Retention of natural features, such as trees and ponds
- The prioritization of economic development on the site
- Minimization of the impact of aeronautical development on nearby residents
- Interconnectivity of trails within property and to the regional trail system
- Include a landscape buffer between development and residents
- Consideration of specific recreational uses, such as a dog park, an ice/roller rink, bike track, outdoor learning space, agricultural use, disc golf, recreational businesses, smaller golf course, and an airport viewing area
- Verify the size of runway safety zone

Revisions to Draft Site Plan

In response to the comments received on October 26, staff are proposing the following revisions to the site plan, which are noted in Attachment III:

Open Space

The prior draft site plan included a total of twenty-four acres of open space between two sections of the property. With the revised plan, the total number of acres has increased to thirty-nine, which includes a minimum of nine acres of open space to be included within the new business development.

Business Development

Originally estimated at forty-seven acres, this area has been revised up to fifty acres due to narrowing the FAA Airport Zone by three acres to the minimum level required by the FAA. While the amount of acreage for the business development has increased, a requirement will be placed on the developer to reserve at least nine acres of the site as open space. This amount of developable land will allow for the site to be built to its best and highest use, such as life science-related businesses. It is estimated that a fifty-acre site would produce approximately \$2 million in annual income for the airport, which would permit required infrastructure improvements, such as paving and hangar repair.

² <https://hayward.legistar.com/LegislationDetail.aspx?ID=5192091&GUID=AFAC6EF5-FB0C-4115-85E6-16F2FBCE8A11>

Runway Safety Area (RSA)

After further analysis of the requirements that FAA has for this area, the RSA was reduced from thirty-six acres to twenty-eight acres, which will be converted into additional acreage for both business center development and open space.

Aeronautical Development

This development has been reduced by three acres (to eleven acres), which will be set aside as an airport viewing area and serve to increase the total amount of open space by three acres.

The chart below summarizes the changes between the draft site plan presented on October 26 and the final preliminary plan to be approved tonight. Please note that the FAA Airport Safety Zone (which has been reduced from thirty-six acres to twenty-eight acres) cannot include structures or landscaping. Therefore, the amount of acreage that can be counted as available open or undeveloped space totals ninety-eight acres. Per the chart below, the amount of open space has increased by 25% from the original plan. In total, the amount of acreage dedicated to business and aeronautical development constitutes 62% of the usable space (sixty-one acres), leaving 38% of the site (thirty-seven acres) as open space or a buffer. This amount of open space is valued at approximately \$1.8 million at the current non-aeronautical lease rate of \$1.10 per square foot, per year.

Use	Initial Acres	Revised Acres	Net acreage Gain (loss)	Percentage of Usable Space (out of 98 Acres)
Business Development	47	50 (9 as open space)	3	51%
Runway Safety Zone	36	28	(8)	N/A
Aeronautical Development	14	11	(3)	11.2%
Open Space	24	30	6	30.6%
Buffer	5	7	2	7.2%

Please note this site plan is conceptual in nature and will be subject to further refinement as further scoping activities occur and as the project goes through environmental review. This evening, staff is requesting feedback from Council that the visioning process is generally moving in the right direction, and is requesting authorization from Council for staff to transmit the draft site plan to the FAA to request initial review of the draft site plan. Subsequent to FAA initial review, City staff will incorporate any FAA comments, if received, into a revised site plan and return to Council for further review before taking the required step of preparing an Airport Layout Plan (ALP) and associated environmental review. The ALP is the official blueprint for future development on the airport. Due to the size of the Skywest parcel and the potential scope of the project, the FAA is requiring an ALP update with narrative prior to their approval of the Skywest Property project itself. The ALP documents will require approximately nine months to prepare, and once submitted, the FAA review process typically requires nine months.

Environmental Review

Choosing the precise time for environmental compliance under the California Environmental Quality Act (CEQA) and the National Environmental Policy Act (NEPA) involves a balancing of competing factors. Environmental review should be done as early as feasible in the planning process to enable environmental considerations to influence project program and design and yet late enough to provide meaningful information for environmental assessment. The scoping activities described herein will continue with the requested Council feedback and, if transmittal is authorized by Council, with the initial feedback from the FAA. Once that feedback is incorporated into the preliminary plan, staff anticipates that the project will be definitive enough for meaningful environmental review. That review will be conducted prior to bringing the ALP back to Council and FAA for approval.

ECONOMIC IMPACT

Future development of this site would generate work for skilled and unskilled tradespeople during the construction phase, and office and other jobs after the development is completed. Furthermore, the development of a life sciences/biotechnology center would allow the City to further its presence as an innovative leader for technology in the Bay Area. Along with attracting highly skilled and educated workers from Hayward and the immediate area, such development has the potential to increase overall economic activity as these workers could shop and reside in the City.

FISCAL IMPACT

The Skywest property has the potential to provide a significant source of revenue for the Airport. Furthermore, new revenue will help the Airport offset revenue-related losses tied to the previous lease with HARD as well as assist with infrastructure maintenance, such as paving and hangar improvements. Kimley-Horn will provide a detailed estimate as part of this process, but it is currently estimated at \$2 million annually. Furthermore, the City's General Fund would potentially benefit from additional business license fees, property tax, and sales tax.

STRATEGIC ROADMAP

By allowing for additional airport-specific revenue, development on this site would directly support the Strategic Priority of Improve Infrastructure. Specifically, this item relates to the implementation of the following projects:

Project 11a: Rehabilitate the Pavement in Phases

Project 11d: Design and Construct Capital Improvements to Airport Hangars

SUSTAINABILITY FEATURES

The action taken for this report will not result in physical development, purchase, or service, or a new policy of legislation. Any physical work will depend on future Council action. The Airport is strongly committed to developing projects that are environmentally responsible.

Therefore, staff will ensure than all plans proposed by the developer incorporate features that are in line with the City's sustainability guidelines. In addition, the CAC suggested the use of recycled water as well as the possibility of installing solar photovoltaic technology (with charging stations) on T-hangars or shade hangars if either are selected to be the new aeronautical development.

PUBLIC CONTACT

There has been extensive public outreach for this project and area residents and interested parties have provided input that has shaped the draft site plan. The following meetings have taken place regarding the draft site plan:

- Virtual public workshops on July 27, August 10, and August 12
- Attendance at San Lorenzo Homeowners Association board meeting on September 16
- Special CAC meeting on September 30
- Hayward Youth Commission meeting on October 4
- City Council work session on October 26
- CAC meeting on October 28
- Airport staff hosted representatives from the San Lorenzo Village Homeowners Association on October 28 and provided them with a tour of the airport

In addition, the agenda and staff report for this item have been posted on the City's website and distributed to interested parties.

NEXT STEPS

After receiving further feedback on the preliminary site plan by Council, staff will transmit the preliminary site plan to the FAA for initial review. Subsequent to FAA initial review, City staff will incorporate FAA comments into a revised site plan and return to Council for further review before taking the required step of preparing an ALP and the associated environmental review. Staff will initiate environmental review of the preliminary site plan prior to beginning the ALP update process with the FAA. It is expected that the update will be completed by July 2023. Once the ALP update is approved, staff will work with the public, Council Airport Committee, Council Economic Development Committee, and Council to develop a more detailed plan of the uses for the site, which will be included in all future RFPs released to the development community.

Prepared by: Doug McNeeley, Airport Manager

Recommended by: Alex Ameri, Director of Public Works

Approved by:



Kelly McAdoo, City Manager

HAYWARD CITY COUNCIL

RESOLUTION NO. 21-

Introduced by Council Member _____

RESOLUTION AUTHORIZING THE TRANSMISSION OF THE PRELIMINARY SITE PLAN FOR THE SKYWEST PROPERTY LOCATED AT HAYWARD EXECUTIVE AIRPORT TO THE FEDERAL AVIATION ADMINISTRATION (FAA)

WHEREAS, the City of Hayward ("City") owns and operates Hayward Executive Airport ("Airport"); and

WHEREAS, the ground lease for Skywest Golf Course was assigned to Hayward Area Recreation District (HARD) in 1975; and

WHEREAS, HARD requested an additional extension of one year, or until September 30, 2020, for the purpose of evaluating potential capital improvements that could be made to the golf course; and

WHEREAS, HARD ceased operations at the golf course on September 30, 2020 and the 126-acre leasehold was returned to the City; and

WHEREAS, staff developed a draft site plan in July 2021 and held three virtual public workshops to discuss the plan during July and August; and

WHEREAS, the plan was further discussed and refined after meetings with the San Lorenzo Village Homeowners Association, the Hayward Youth Commission, and the Council Airport Commission during September and October; and

WHEREAS, the draft site plan was discussed with the City Council and the public during a work session held on October 26, 2021; and

WHEREAS, the feedback received from this meeting regarding open space, economic development, aeronautical development, and specific recreational uses for the site were incorporated into the revised preliminary site plan; and

WHEREAS, the site plan is conceptual in nature and will be subject to further refinement; and

WHEREAS, staff is requesting further feedback from the City Council that the visioning/scoping process is generally moving in the right direction; and

WHEREAS, environmental review will be conducted once the City receives initial feedback from the FAA on the preliminary plan and will be concluded before transmission to the FAA of the Airport Layout Plan.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Hayward that it authorizes the transmission of the preliminary site plan for the Skywest property at Hayward Executive Airport to the FAA for further feedback.

IN COUNCIL, HAYWARD, CALIFORNIA _____, 2021

ADOPTED BY THE FOLLOWING VOTE:

AYES: COUNCIL MEMBERS:
MAYOR:

NOES: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

ATTEST: _____
City Clerk of the City of Hayward

APPROVED AS TO FORM:

City Attorney of the City of Hayward





CITY OF HAYWARD

Hayward City Hall
777 B Street
Hayward, CA 94541
www.Hayward-CA.gov

File #: LB 21-051

DATE: November 16, 2021

TO: Mayor and City Council

FROM: City Manager

SUBJECT

Adopt a Resolution Providing Feedback to the Alameda County Board of Supervisors on the Proposed Draft 2021 Redistricting Maps

RECOMMENDATION

That the Council reviews the draft proposed redistricting maps for the Alameda County Board of Supervisors (Board) and adopts a resolution (Attachment II) providing feedback to the Board on a preferred option.

SUMMARY

Every ten years, the federal government conducts a census to determine the number of individuals living in the United States. Following each census, State law, Section 21500, requires that the Board of Supervisors adjust the boundaries of any or all of the supervisorial districts of the county so that “the districts shall be as nearly equal in population as may be.” For the 2021 Alameda County redistricting effort, staff from the Community Development Agency worked with a consultant to use data from the 2020 Census and Communities of Interest identified by residents during a public outreach process to develop three draft proposed redistricting maps. Proposed Map A (Attachment IV) is very similar to the existing district map, while Maps B and C (Attachments V & VI) present more significant changes and different options for grouping Hayward’s neighborhoods in two separate districts. A fourth map - Map D (Attachment VII) was released the week of November 8 in response to public feedback during recent meetings.

ATTACHMENTS

Attachment I	Staff Report
Attachment II	Resolution
Attachment III	Existing District Boundary Map
Attachment IV	Proposed Draft Map A
Attachment V	Proposed Draft Map B
Attachment VI	Proposed Draft Map C

File #: LB 21-051

Attachment VII Proposed Draft Map D



DATE: November 16, 2021

TO: Mayor and City Council

FROM: City Manager

SUBJECT: Adopt a Resolution Providing Feedback to the Alameda County Board of Supervisors on the Proposed Draft 2021 Redistricting Maps

RECOMMENDATION

That the Council reviews the draft proposed redistricting maps for the Alameda County Board of Supervisors (Board) and adopts a resolution (Attachment II) providing feedback to the Board on a preferred option.

SUMMARY

Every ten years, the federal government conducts a census to determine the number of individuals living in the United States. Following each census, State law, Section 21500, requires that the Board of Supervisors adjust the boundaries of any or all of the supervisorial districts of the county so that “the districts shall be as nearly equal in population as may be.” For the 2021 Alameda County redistricting effort, staff from the Community Development Agency worked with a consultant to use data from the 2020 Census and Communities of Interest identified by residents during a public outreach process to develop three draft proposed redistricting maps. Proposed Map A (Attachment IV) is very similar to the existing district map, while Maps B and C (Attachments V & VI) present more significant changes and different options for grouping Hayward’s neighborhoods in two separate districts. A fourth map – Map D (Attachment VII) was released the week of November 8 in response to public feedback during recent meetings.

BACKGROUND

Every ten years, the federal government conducts a census to determine the number of individuals living in the United States. Following each census, State law, Section 21500, requires that the Board of Supervisors adjust the boundaries of any or all of the supervisorial districts of the county so that “the districts shall be as nearly equal in population as may be.”

In addition, proposed redistricting plans must comply with requirements of the 14th Amendment to the United States Constitution and with the mandate of the federal Voting Rights Act of 1965, as amended, 42 USC § 1973, et seq., to assure fair and effective representation for racial and language-minority groups. The current district boundaries, last modified in 2011 based on 2010 Census data, are included in Attachment III.

During their June 29, 2021 meeting, the Alameda County Board of Supervisors adopted a public hearing schedule, draft outreach plan, and procurement contract with Q2 Data & Research LLC for professional redistricting services. However, data necessary for the redistricting process was not available until September 20, 2021, when the State released data from the 2020 Census adjusted for inmate populations. The Board of Supervisors must adopt new district maps by December 15, 2021.

DISCUSSION

Using data from the 2020 Census and Communities of Interest (COIs)¹ identified by residents during the public outreach process, Q2 Data & Research developed three district map visualizations to comport with federal, state, and local districting laws and requirements. Each map compares the draft proposed district boundaries with the existing district boundaries and notes how much each proposed district's population deviates from the ideal, proportional population for that district. The three proposed district maps are described in detail below. A fourth draft map was circulated the week of November 8 in response to public feedback and is also described below.

Map A

Map A (Attachment IV) preserves many of the existing district boundaries and is the most similar to the current district boundary map. This map consolidates two COIs that are split in the existing map: all of Sunol would be represented in District 1A,² and all of Ashland would be located within the District 4A boundary with Cherryland, Castro Valley, San Lorenzo, and Fairview. Additionally, the Lake Merritt and Glenview neighborhoods in Oakland, which are split between Districts 3 and 5 in the current district map, are consolidated in District 5A. In this scenario, the boundaries of Districts 3, 4, and 5 are adjusted in the Oakland area to rebalance the distribution of population between the districts.

As in the current map, the entirety of the City of Hayward is located within the boundaries of District 2A and would continue to be represented by a single supervisor.

¹ Defined by Section 21500(c)(2) of the California Elections Code as “a population that shares common social or economic interests that should be included within a single supervisorial district for purposes of its effective and fair representation. Communities of interest do not include relationships with political parties, incumbents, or political candidates.”

² For clarity in this report and discussion, the existing supervisorial districts are referred to by number alone. Proposed districts are referred to by their number and the letter assigned to their proposed district maps.

Map B

The scenario depicted by Map B (Attachment V) consolidates 20 COIs that are split between districts in the current map, while splitting 6 existing consolidated COIs. Under the draft proposed map, the districts would be comprised as follows:

District 1B includes the Tri-Valley area – including Dublin, Livermore, and Pleasanton – as well as the entirety of Sunol and a significant portion of Hayward.

District 2B groups Fremont, Union City, and Newark.

District 3B represents Alameda, portions of Oakland that are west of Highway I-580 up to a northern boundary at Martin Luther King Jr. Way, Oakland's Downtown and Adams Point neighborhoods.

District 4B includes the western and northern portions of Hayward, along with Castro Valley, Fairview, Ashland, Cherryland, San Lorenzo, San Leandro, and portions of Oakland to the east of Highway I-580, stretching north to Joaquin Miller Park.

District 5B encompasses Albany, Berkeley, Emeryville, Piedmont, North Oakland, and West Oakland.

Map B splits the City of Hayward between two supervisorial districts, 1B and 4B. The Hayward Highlands, Stonebrae, Mission Foothills, and Jackson Triangle neighborhoods as well as the majority of South Hayward, including the Harder/Tennyson, Whitman Mocine, Mission/Garin, Tennyson/Alquire, and Fairway Park neighborhoods would be represented by District 1B alongside the Tri-Valley and Sunol. Neighborhoods in Hayward west of Highway I-880 (Glen Eden, Southgate, Mt. Eden, and Longwood/Winton Grove) and north of Highway 92 (Santa Clara, Burbank, North Hayward, Downtown and Upper B) would be within the boundaries of District 4B with adjacent unincorporated areas, San Leandro, and parts of Oakland. Should this draft map be selected, the City of Hayward would be represented by two County supervisors.

Map C

Map C (Attachment VI) also represents a departure from the existing district map and consolidates a number of COIs and preserves a "West Hayward" COI that was identified by a community member in the public outreach process.

District 1C encompasses the Tri-Valley area, Sunol, and neighborhoods on the eastern side of Fremont.

District 2C includes the western side of Fremont, Newark, Union City, and Hayward to the West of the Union Pacific railroad right-of-way.

District 3C represents San Leandro, Alameda, and parts of the western side of Oakland bounded by International Boulevard, High Street, MacArthur Boulevard, and Highway I-580, and including the Lakeshore/Crocker Highlands/Trestle Glen and Downtown/Chinatown neighborhoods.

District 4C includes San Lorenzo, Fairview, Castro Valley, Cherryland, Ashland; portions of the eastern side of Oakland bounded by International Boulevard, High Street, MacArthur Boulevard, Highway I-580, 35th Avenue/Redwood Road, Highway 13, and Joaquin Miller Park; and Hayward to the East of the Union Pacific Railroad right-of-way.

District 5C groups Albany, Berkeley, Piedmont, Emeryville, and West, North, and Uptown Oakland as well as the Montclair and Upper Diamond neighborhoods.

Like Map B, Map C would split the City of Hayward between two supervisorial districts. The Fairway Park, Mission/Garin, Mission/Foothill, Hayward Highlands, Whitman/Mocine, Burbank, Downtown, Upper B Street, and North Hayward neighborhoods would be grouped with the adjacent unincorporated communities listed in the description above and parts of East Oakland and the Oakland foothills in District 4C. Six of Hayward's neighborhoods – Southgate, Mt. Eden, Glen Eden, Longwood/Winton Grove, Santa Clara, and Harder/Tennyson – would be located in District 2C with Newark, Union City, and parts of Fremont. The Jackson Triangle and Tennyson/Alquire neighborhoods would be split along the railroad right-of-way between these two districts. In this scenario, the City of Hayward would be represented by two County supervisors.

Map D

Released after the first three maps, Map D (Attachment VII) presents a fourth alternative that deviates significantly from the existing district map.

District 1D includes the Tri-Valley area, Sunol, and neighborhoods on the eastern side of Fremont with boundaries that vary from District IC.

District 2D groups Newark, Union City, and the western side of Fremont with Hayward residents to the West of Huntwood Ave. up to Jackson Street, where the district boundary follows Highway I-880 to Hayward's northern border before running South along Clawiter Road and ending at the shoreline adjacent to the Water Pollution Control Facility.

District 3D includes Alameda and Oakland from its southern border to a boundary encompassing Jack London Square, the East side of Lake Merritt, Highway I-580, Sausal Creek, Park Boulevard, Highway 13, and Joaquin Miller Road.

District 4D encompasses Castro Valley, Fairview, Ashland, Cherryland, San Lorenzo, San Leandro, and the remainder of Hayward.

District 5D represents Albany, Berkeley, Piedmont, Emeryville, and the remainder of Oakland.

The redistricting scenario in Map D would also share Hayward's population between two districts. District 4d would include the Longwood/Winton Grove, Mt. Eden, Southgate, Glen Eden, and Harder/Tennyson neighborhoods. The North Hayward, Upper B Street. Downtown, Burbank, Mission/Foothill, Hayward Highlands, Whitman/Mocine, Mission/Garin, and Fairway Park neighborhoods would be included in District 2D with the rest of southern Alameda County. As in Map C, the Jackson Triangle and Tennyson/Alquire neighborhoods would be split along the railroad right-of-way between these two districts. Also in this scenario, the City of Hayward would be represented by two County supervisors.

While not required, it is meaningful for the City Council to provide their feedback on the proposed redistricting maps, which can then be shared with the Board of Supervisors before adoption of the maps in early December. This is particularly important this cycle since two of the maps significantly change Hayward's representation on the Board of Supervisors. The maps and change in representation would go into effect in January 2022.

Staff can facilitate Council's discussion during the meeting. If there is not consensus amongst Council on a preferred option, staff can facilitate a ranked voting process during the meeting, which would result in a recommended ranking of the options that could be shared with the Board of Supervisors.

ECONOMIC IMPACT

Ensuring fair representation on the Alameda County Board of Supervisors could ensure that Hayward receives an equitable distribution of County funds moving forward and that Hayward residents are fairly represented during important votes impacting the community.

FISCAL IMPACT

There is no direct fiscal impact associated with this action.

STRATEGIC ROADMAP

This report is not directly associated with a project on the Strategic Roadmap but does support the Improve Organizational Health Project 19c. Inform the public about the 2020 Census.

PUBLIC CONTACT

County staff have developed and executed a public outreach plan that includes working with community organizations and stakeholders, a public information campaign, and a website that includes a public comment form and a mapping tool that allows users to identify Communities of Interest and submit their own suggested district maps. The redistricting website can be accessed here: <https://redistricting2021.acgov.org/>.

Additionally, the Board of Supervisors is holding public hearings in multiple districts to present the draft maps and receive public comment. As of the November 4, 2021, public hearing, the County had received 132 submissions through the Community of Interest online mapping tool, 69 written comments, and 1 redistricting map proposed by a member of the public.

NEXT STEPS

If the Council adopts the attached resolution, staff will draft a letter for the Mayor to send to the Board of Supervisors along with the signed resolution.

Prepared by: Laurel James, Management Analyst

Recommended by: Kelly McAdoo, City Manager

Approved by:

A handwritten signature in black ink, appearing to read 'K. McAdoo', is written over a horizontal line.

Kelly McAdoo, City Manager

HAYWARD CITY COUNCIL

RESOLUTION NO. 21-

Introduced by Council Member _____

RESOLUTION PROVIDING FEEDBACK TO THE ALAMEDA COUNTY BOARD OF
SUPERVISORS ON THE PROPOSED DRAFT 2021 REDISTRICTING MAPS

WHEREAS, Alameda County Supervisorial District Boundaries must be redrawn in 2021 following the completion of the 2020 Census and these boundaries will remain in effect for the next 10 years; and

WHEREAS, these district boundaries will determine how communities are represented in County governance, define distribution of political power and issues of common interest, and identify which neighborhoods are divided or consolidated; and

WHEREAS, these district boundaries will determine how communities are represented in County governance, define distribution of political power and issues of common interest, and identify which neighborhoods are divided or consolidated; and

WHEREAS, the City of Hayward is committed to ensuring that City residents are adequately and appropriately represented at all levels of government; and

WHEREAS, the Alameda County redistricting process is in the midst of the community engagement and feedback process, after which the Board of Supervisors will select and adopt a new district map; and

WHEREAS, the deadline for this adoption is December 15, 2021; and

WHEREAS, during the November 16, 2021, City Council meeting, Hayward City Council members discussed the draft proposed maps and provided feedback on the draft proposed maps for staff to convey to the County.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Hayward adopts this resolution directing the Mayor to provide formal feedback to the County on the redistricting process and indicate City of Hayward's preferred draft proposed district map.

IN COUNCIL, HAYWARD, CALIFORNIA _____, 2021

ADOPTED BY THE FOLLOWING VOTE:

AYES: COUNCIL MEMBERS:
 MAYOR:

NOES: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

ATTEST: _____
 City Clerk of the City of Hayward

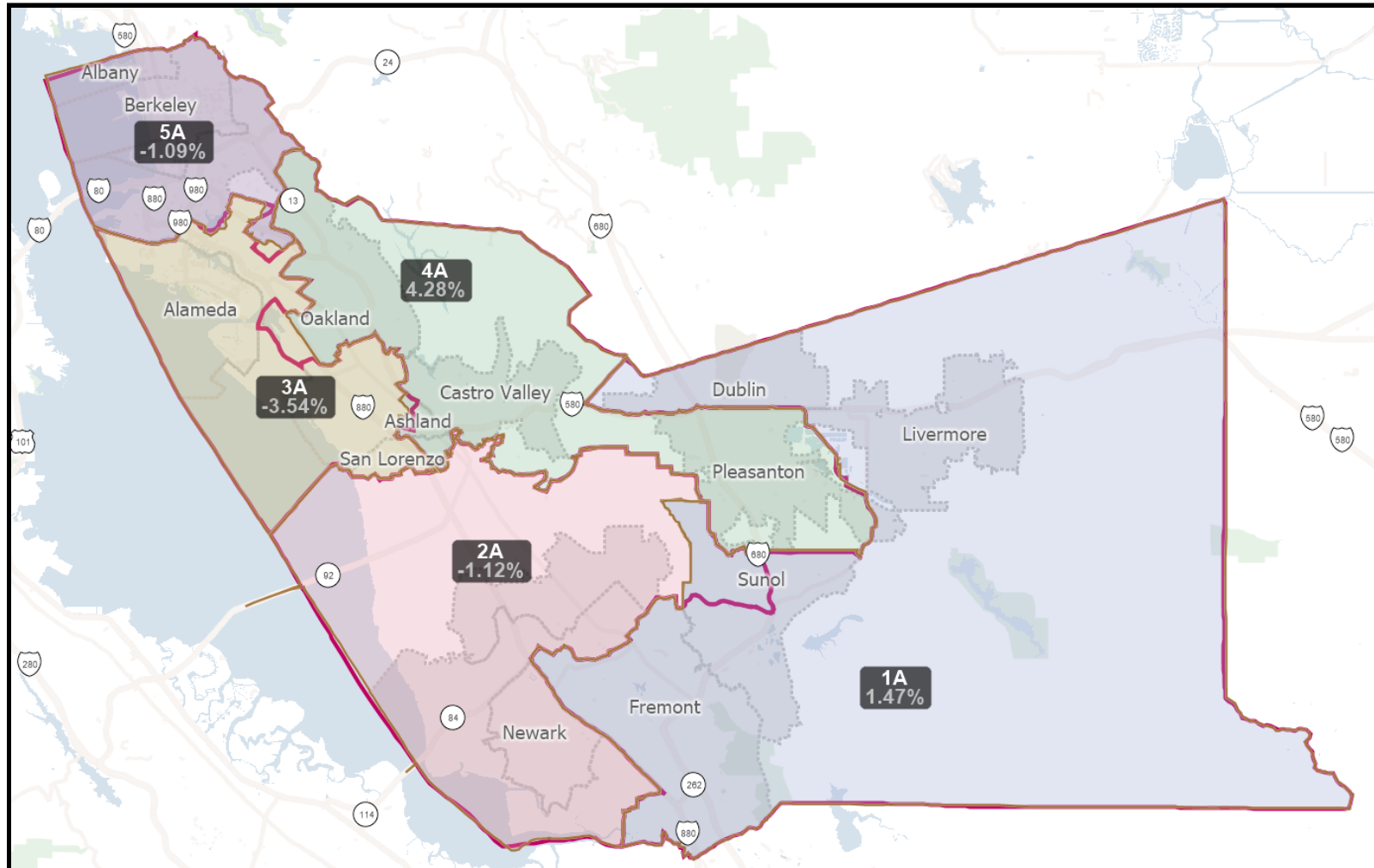
APPROVED AS TO FORM:

City Attorney of the City of Hayward

ATTACHMENT III



Visualization A

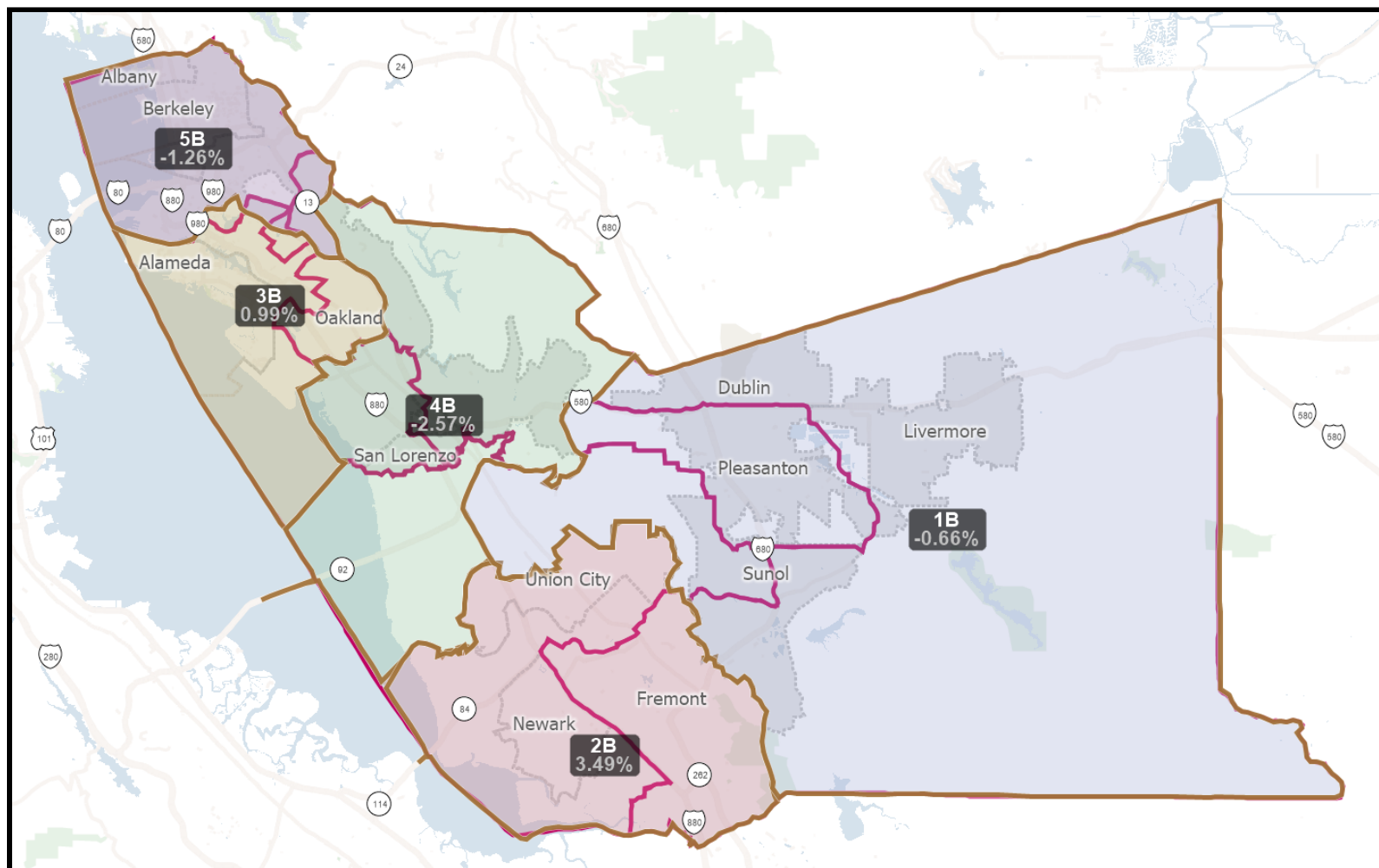


Current Alameda County Board of Supervisor districts are shown in pink. Visualization boundaries are shown in brown. Please note these are initial visualizations for the purpose of soliciting feedback and are not official maps.

Alameda County Board of Supervisors: Redistricting 2021

November 2, 2021

Visualization B

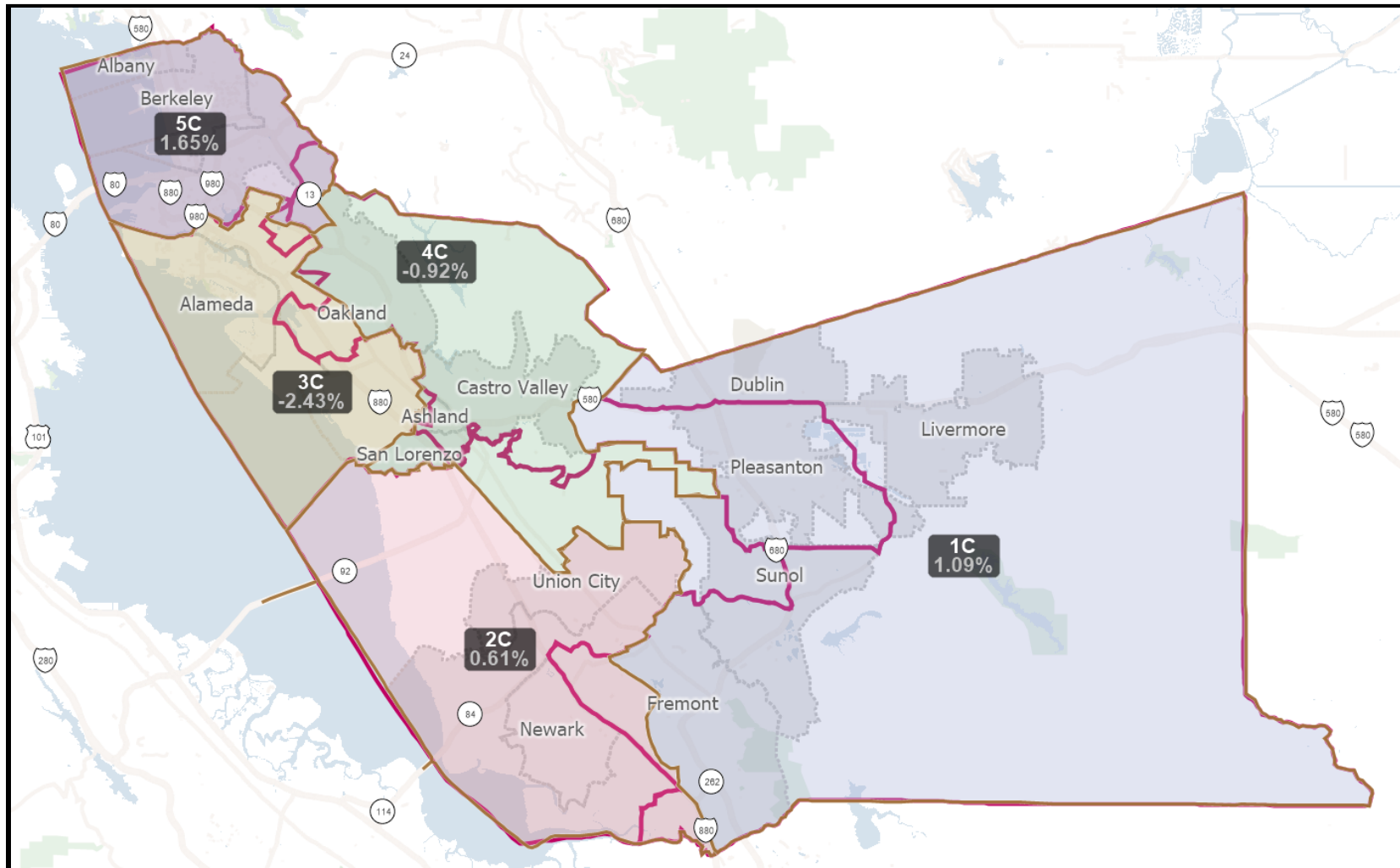


Current Alameda County Board of Supervisor districts are shown in pink. Visualization boundaries are shown in brown. Please note these are initial visualizations for the purpose of soliciting feedback and are not official maps.

Alameda County Board of Supervisors: Redistricting 2021

November 2, 2021

Visualization C

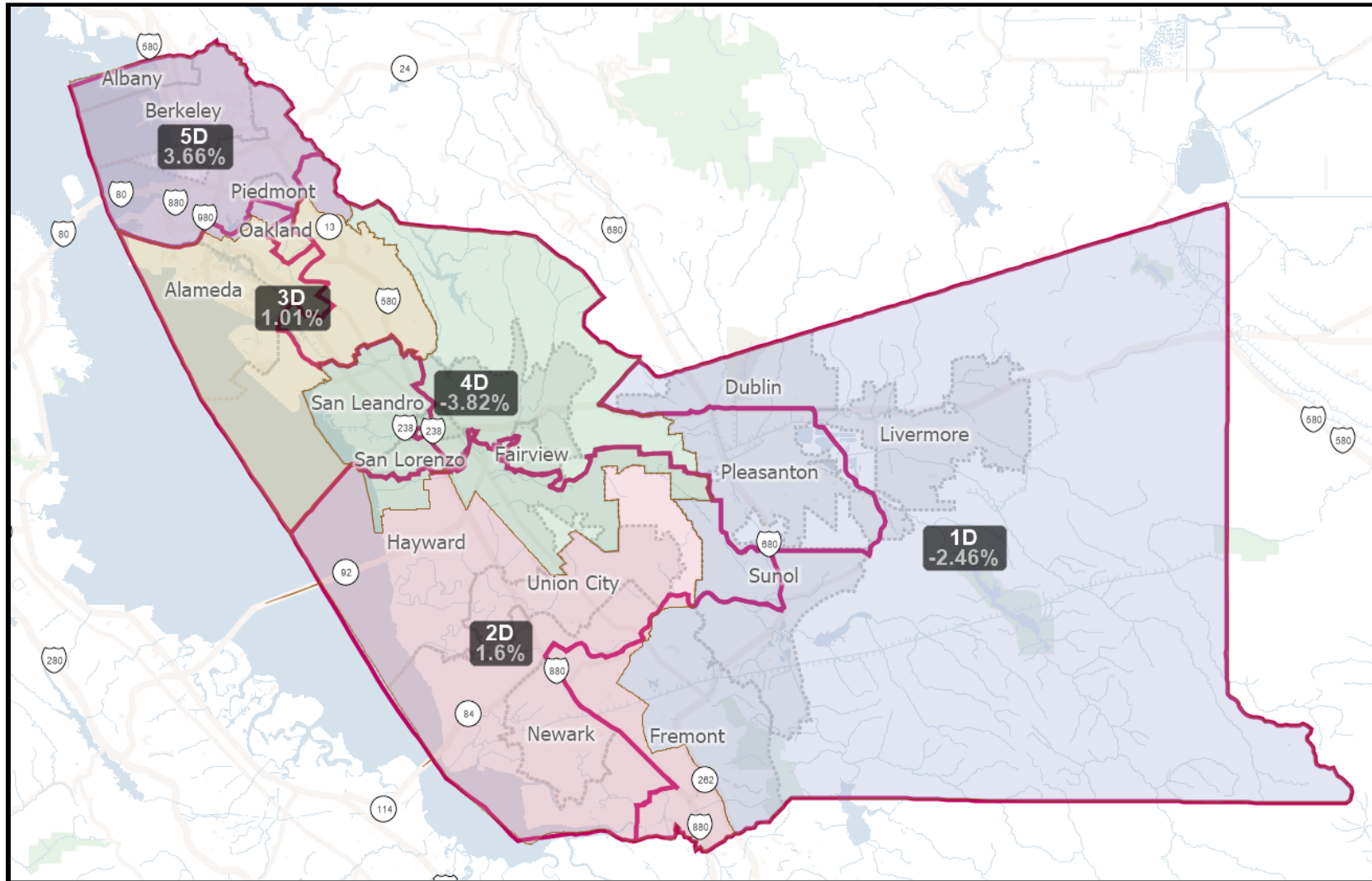


Current Alameda County Board of Supervisor districts are shown in **pink**. Visualization boundaries are shown in **brown**. Please note these are initial visualizations for the purpose of soliciting feedback and are not official maps.

Alameda County Board of Supervisors: Redistricting 2021
November 9, 2021

ATTACHMENT VI

Visualization D



Current Alameda County Board of Supervisor districts are shown in pink. Visualization boundaries are shown in brown. Please note these are initial visualizations for the purpose of soliciting feedback and are not official maps.