CITY OF HAYWARD

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

CITY OF
HAYWARD
HEART OF THE BAY

Agenda

Thursday, June 23, 2022

7:00 PM

Council Chamber and Virtual Platform (Zoom)

Planning Commission

PLANNING COMMISSION MEETING

NOTICE: The Planning Commission will hold a hybrid meeting in the Council Chambers and virtually via Zoom.

How to watch the meeting from home:

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:

Send an email to cityclerk@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 Planning Commission and staff, and published on the City's Meeting & Agenda Center under Documents Received After Published Agenda. Written comments received after 3:00 p.m. that address an item on the agenda will still be included as part of the record.

How to provide live Public Comment during the meeting:

Please click the link below to join the webinar:
https://hayward.zoom.us/j/81872787743?pwd=aHBNS0JQcDBPQjUxREg2eEFJbGR3Zz09

Webinar ID: 818 7278 7743
Passcode: PC6/23@7pm

Or Telephone:
Dial (for higher quality, dial a number based on your current location):
US: +1 669 900 6833 or +1 346 248 7799 or 833 548 0282 (Toll Free)

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

CALL TO ORDER Pledge of Allegiance

ROLL CALL

PUBLIC COMMENTS

The PUBLIC COMMENTS section provides an opportunity to address the Planning Commission on items not listed on the agenda. The Commission welcomes your 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 Commission is prohibited by State law from discussing items not listed on the agenda, your item will be taken under consideration and may be referred to staff for further action.

ACTION ITEMS

The Commission will permit comment as each item is called for Public Hearing. Please submit a speaker card to the Secretary if you wish to speak on a public hearing item.

PUBLIC HEARING

[Item continued from June 9, 2022] For agenda item No. 1, 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.

1 PH 22-035 Proposed Mixed-Use Development of 314 Rental Apartments, including 19 Units Affordable to Very Low and Low-Income Households, 7,100 Square Feet of Ground Floor Retail Space, and related Site and Frontage Improvements at 22330 Main Street (APN 428-0061-061-03, 428-0061-061-04) Requiring an Addendum of a Mitigated Negative Declaration with Mitigation Monitoring and Reporting Program and Approval of a Major Site Plan Review, Administrative Use Permit, and Density Bonus Application No. 202003725; Nick Clayton for Project Management Advisors, Inc. (Applicant); Amit Goel for Goel Hayward MF LLC (Owner).

Attachments:
- Attachment I Staff Report
- Attachment II Findings
- Attachment III Conditions of Approval Updated
- Attachment IV CEQA Addendum IS/MND
- Attachment V Density Bonus Application
- Attachment VI Project Plans
- Attachment VII Geotechnical Investigation and Peer Review
- Attachment VIII Arborist Report
- Attachment IX Affordable Housing Plan
- Attachment X Parking Management Plan
- Attachment XI Transportation Demand Management Plan
- Attachment XII Environmental Justice Memo
- Attachment XIII Zoning Map Exhibit
- Attachment XIV Public Correspondence

WORK SESSION

Work Session items are non-action items. Although the Council may discuss or direct staff to follow up on these items, no formal action will be taken. Any formal action will be placed on the agenda at a subsequent meeting in the action sections of the agenda.

2 WS 22-022 Work Session on the Housing Resources, Sites Inventory and Housing Plan of the 2023-2031 Housing Element.

Attachments:
- Attachment I Staff Report
- Attachment II Draft Housing Resources & Site Inventory
- Attachment III Draft Housing Plan

APPROVAL OF MINUTES

3 MIN 22-083 Minutes of the Planning Commission Meeting of May 26, 2022

Attachments: Attachment I Draft Minutes of May 26, 2022

COMMISSION REPORTS

Oral Report on Planning and Zoning Matters

Commissioners' Announcements, Referrals

ADJOURNMENT

NEXT MEETING, JULY 14, 2022, 7:00PM

PLEASE TAKE NOTICE

That if you file a lawsuit challenging any final decision on any public hearing item listed in this agenda, the issues in the lawsuit may be limited to the issues which 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 has 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 this agenda submitted to the Planning Commission after distribution of the agenda packet are available for public inspection in the Permit Center, first floor at the above address. Copies of staff reports for agenda items are available from the Commission Secretary and on the City's website the Friday before the meeting.****

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 cityclerk@hayward-ca.gov.

File #: PH 22-035

DATE: June 23, 2022

TO: Planning Commission

FROM: Director of Development Services

SUBJECT

Proposed Mixed-Use Development of 314 Rental Apartments, including 19 Units Affordable to Very Low and Low-Income Households, 7,100 Square Feet of Ground Floor Retail Space, and related Site and Frontage Improvements at 22330 Main Street (APN 428-0061-061-03, 428-0061-061-04) Requiring an Addendum of a Mitigated Negative Declaration with Mitigation Monitoring and Reporting Program and Approval of a Major Site Plan Review, Administrative Use Permit, and Density Bonus Application No. 202003725; Nick Clayton for Project Management Advisors, Inc. (Applicant); Amit Goel for Goel Hayward MF LLC (Owner).

RECOMMENDATION

That the Planning Commission adopts the Addendum to the Mitigated Negative Declaration with Mitigation Monitoring and Reporting Program (Attachment IV) and approves the Major Site Plan Review, Administrative Use Permit, and Density Bonus Application, subject to the attached findings (Attachment II) and conditions of approval (Attachment III).

SUMMARY

The applicant is requesting approval of a Major Site Plan Review, Administrative Use Permit, and Density Bonus application to construct a development with a five-story residential building and a four-story, mixed-use building on a 3.93-acre parcel, located at the corner of McKeever Avenue, Main Street and Maple Court. The project will include 314 apartment units, 7,100 square feet of ground floor retail space, a six-level parking garage with 420-spaces, and related project amenities, including site and frontage improvements.

The project is subject to Major Site Plan Review due to the overall development area in excess of three acres, an Administrative Use Permit due to the retail space less than 10,000 square feet and is requesting one development concession and one waiver as part of the Density Bonus application. The site is located within the Urban Neighborhood (UN) and Downtown Main Street (DT-MS) zoning districts, is subject to the Downtown Specific Plan, and is designated as CC-ROC (City Center - Retail and Office Commercial) in the *Hayward 2040 General Plan.*

On June 9, 2022, the Planning Commission voted to continue this item to June 23, 2022, to allow the applicant additional time to respond to the number of public comments received on the project. The applicant is still exploring various options and intends to provide the Commission with an update prior to or during the public meeting on June 23, 2022. Following Commission action on the continuance, staff updated two conditions of approval at the applicant's request (Condition #26 and #81) to address comments received from the Prospect Hill Neighborhood Association and staff amended a third condition (Condition #141) related to utility meters and connections. All three of these updates have been incorporated into revised Conditions of Approval (Attachment III) and all the recent public correspondence received has been added as Attachment XIV. No other changes to this report, the proposed findings (Attachment II), or the draft conditions of approval (Attachment III) have been made following the Planning Commission meeting on June 9, 2022.

ATTACHMENTS

Attachment I	Staff Report
Attachment II	Findings
Attachment III	Conditions of Approval Updated
Attachment IV	CEQA Addendum IS/MND
Attachment V	Density Bonus Application
Attachment VI	Project Plans
Attachment VII	Geotechnical Investigation and Peer Review
Attachment VIII	Arborist Report
Attachment IX	Affordable Housing Plan
Attachment X	Parking Management Plan
Attachment XI	Transportation Demand Management Plan
Attachment XII	Environmental Justice Memo
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BACKGROUND

On February 7, 2017, the City Council[1] denied an appeal and approved the Maple and Main project with related Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program, as approved by the Planning Commission on December 15, 2016[2]. At that time, the project proposed the demolition of all buildings on site except for the medical office building, which was located on the corner of McKeever Avenue and Maple Court and construction of a five-story mixed-use building that would include 240 rental apartments with numerous site amenities, including approximately 5,500 square feet of ground floor retail space fronting Main Street, and a leasing office. As part of the original project, the four-story medical office building was planned to be reduced in size, improved, and modernized to meet current office needs. The renovated medical office building was to include approximately 47,750 square feet of office space but the office component of the mixed-use project was later determined to be infeasible due to lack of demand and the overall cost to renovate the building. Following numerous code enforcement complaints and pending public health and safety issues on the site, the previous owner filed for bankruptcy and the project went into receivership by the City. The new and current owner of the site, Amit Goel of Goel Hayward LLC, later demolished the medical office building in 2019 and the site remains vacant.

In September 2020, the applicant submitted a revised planning application that includes an expansion of the residential component and an increase in the amount of commercial retail space. The proposed architectural design and site layout largely remain the same from the original project application, but the revised project is now subject to a different set of land use, zoning and development regulations following the adoption of the Downtown Specific Plan and Development Code. The previous set of project entitlements approved by Council in 2017 have since expired and are no longer active.

Public Outreach. On October 2, 2020, a Notice of Application Receipt was sent to 263 addresses, including all property owners, businesses, and residents within a 300-foot radius of the project site, as well as interested parties including the Downtown Hayward Improvement Association, the Chamber of Commerce and Prospect Hill neighborhood. In response to this notice, staff received several phone and email inquiries from adjacent property owners asking about updates to the project, including any changes that occurred since the original project was approved in 2017. Following the initial feedback, staff has received no additional correspondence from members of the public except that several stakeholders regularly inquire about the project status.

[1] City Council Meeting: https://hayward.legistar.com/LegislationDetail.aspx?ID=2952478&GUID=8DE40C12-8A9C-4420-98FF-3647D44EE0E9&Options=&Search=

[2] Planning Commission Meeting: https://hayward.legistar.com/LegislationDetail.aspx?ID=2906295&GUID=407F7506-B349-4FB4-97CA-79E025E9F9C0&Options=&Search=

On May 27, 2022, a Notice of Public Hearing for the Planning Commission public hearing was circulated to a mailing list of 263 property owners, businesses, residents and interested stakeholders within a 300-foot radius of the project site as well as published within *The Daily Review* newspaper as a Legal Ad. Following the publication of this report, staff received several comments from members of the public related to this project and has included those comments as Attachment XIV.

In addition to the public notices, the applicant has also met with representatives of the Prospect Hill neighborhood, the Downtown Hayward Improvement Association, and the Chamber of Commerce to highlight the project revisions and address any concerns raised.

PROJECT DESCRIPTION

Existing Site Conditions. The project area consists of two irregularly shaped parcels totaling 3.93-acres, which are largely undeveloped and underutilized. The project site slopes gently toward the southeast. Main Street bounds the western side of the project, and Maple Court follows the eastern boundary. McKeever Avenue borders the northern side, and parcels along "A" Street are on the southern side of the project. Levine Court presently enters the property from Main Street, accessing several existing buildings in the northern half of the site. Remnants of the previously demolished office building, a small residence, and a paved parking lot occupy much of the remainder of the project area.

The southwestern side of the project site encroaches into the Alquist-Priolo Earthquake Fault Zone for the Hayward fault and a significant portion of the project area is also within a State Seismic Hazard Zone of potential liquefaction. The project site is surrounded by single-family residential uses to the north, office and residential uses to the west, and commercial uses to the south and east.

Project Overview. The proposed "Maple and Main" project is a mixed-use development composed of two buildings: a five-story residential building containing 251 units, wrapping around a 420-space six-level parking garage structure; and a four-story mixed-use building containing 63 residential units and 7,100 square feet of ground floor commercial space. Of the 314 total residential units, the project is proposing a mix of 19 affordable units on-site, which will be designated for low- and very low-income households.

On-site amenities including an 1,813 square foot indoor clubhouse on the ground floor that will serve as a communal lounge space for residents, with seating areas and electric only appliances to prepare and store food; an 1,128 square foot indoor gym on the ground floor with fitness equipment; a 1,535 square foot outdoor swimming pool with heated spa; and a common open space area adjacent to the pool that includes a BBQ counter, community tables, outdoor showers, and custom cabana/shade structures.

The applicant also proposes 7,100 square feet of new retail space on the corner of Maple Court and McKeever Avenue and the project is proposing numerous site and frontage improvements that include new lighting, landscaping, sidewalks, and bicycle facilities. A copy of the site, landscaping and civil plans are included as Attachment VI.

Similar to the previously approved project, staff has included a condition of approval that requires the applicant incorporate a plaque following an earlier request by the Prospect Hill neighborhood, related to the history of the Native Americans (Ohlone) in this area, with the design and location of the plaque to be approved by the City in consultation with the Native American Heritage Commission, local tribe representative and the neighborhood.

Building Architecture. As noted previously, the proposed project will include one five-story residential building with related tenant amenities, and one four-story mixed-use building comprising of commercial, community, and residential uses on the ground floor. Humphreys and Partners, the project architectural firm, has designed the main building to hide the multi-level parking garage and also incorporated the common courtyard area and pool areas near the center of the project site to create privacy for residents, The residential buildings are designed with a contemporary approach incorporating flat and shed roofs along all four sides of the structure coupled with varying wall planes, a varied color palette, and architectural reliefs to provide visual interest and avoid blank, monotonous facades. The roof also consists of a series of parapet walls and stairwell towers to screen the rooftop mechanical equipment from the public right-of-way and provide added articulation.

Several facades of the building include prominent focal tower design elements with triangular, multi-colored control joints to maintain visual interest and continuity throughout the development. Private balconies will also be installed along several of the side, rear, and interior-facing dwelling units to enhance the activation of building facades. As proposed, the overall total building height, at its tallest point, is measured at 66 feet, which is below the 70-foot height limit. The exterior building materials, inclusive of the commercial and residential components, will include a combination of stucco with a six-tone color palette. The proposed building elevations are included with the project plans (Attachment VI).

Residential Floor Plans. The project includes 27 studio, 126 one-bedroom, 138 two-bedroom, and 23 three-bedroom units, ranging in size from 567 square feet (studio) to 1,230 square feet (three-bedroom unit). The studio and one-bedroom units have one bathroom each and the two- and three-bedroom units have two bathrooms each. All units will have their own washer and dryer and each unit type, except for the studios, will feature a private balcony and a secure, enclosed storage closet. The storage closets will either be contained in larger storage rooms on each floor or located on private balconies, depending on unit type and location.

Landscaping and Open Space Areas. The conceptual landscaping and irrigation plan for the proposed project are included as part of the Project Plans (Attachment VI). The plans show the planting of new trees and shrubs along Main Street and Maple Court and throughout the site and in the courtyards. A total of 77 new trees are proposed around the project site, including Chinese Pistache, California Lilac, and Windmill Palms. In addition to the 7 different tree varietals, the project is proposing 596 new shrubs and a substantial number of accent plants, groundcovers, and vines, including plants suitable for placement in bioretention areas. For a Lined Building type in the Downtown Code, there are no open space requirements for ground floor or 2nd floor units; however at least 25 percent of the 3rd and 4th floor units are required to have a usable balcony of 5-foot minimum depth. The project, as proposed, meets

this requirement for the residential units and includes nearly 24,000 square feet of combined open space, including balconies, landscaped courtyards, and pedestrian paths around the site.

Tree Preservation and Removals. Hayward Municipal Code (HMC) Chapter 10, Article 15, Tree Preservation[3], provides guidance on the preservation of protected trees and procedures for removal and mitigation of protected trees. Pursuant to the Ordinance, native trees with four inches or larger trunk diameter; all trees with eight inches or greater trunk diameter; and all street trees are considered protected. Consistent with these requirements, an Arborist Report was prepared by HortScience (dated February 2021) which evaluated a total of 21 trees, including 7 trees on-site and 15 trees off-site. Due to the size of the project, the most significant impact to the trees are the grading activities associated with constriction of the new buildings. Per the Arborist Report, 11 trees are recommended for preservation with the remaining 10 trees proposed for removal, with a combined appraised value of $27,550, which will require mitigation through the on-site planting of trees with like size, or like kind to meet or exceed the appraised value of the removed trees. As conditioned, the landscaping and irrigation plans will be reviewed in greater detail during the building permit phase to ensure that all mitigation is adequate. Additionally, the City Landscape Architect will inspect the construction site to verify the trees are planted correctly with proper irrigation that will maximize the health of the trees. A copy of the Arborist Report is included as Attachment VIII.

Parking and Circulation. A six-level parking garage is proposed on the western portion of the project site, adjacent to Main Street. The proposed garage is designed to be concealed behind the residential units as to not be visible from the street and be accessed by a two-way ingress/egress from Main Street. In addition, two surface parking spots are located along an internal driveway connecting McKeever Avenue and Maple Court.

The project is required to provide 329 parking spaces for the residential use and 16 parking spaces for the retail use, for a total of 345 spaces. In addition, the applicant is required to provide 17 short-term bicycle spaces, 15 long-term bicycle spaces, 10 motorcycle spaces and 32 guest parking spaces. As currently proposed, the project will provide 422 standard and compact spaces, including 19 accessible spaces, 39 EV charging spaces; 40 short and long-term bicycle parking spaces; and 14 motorcycle spaces, which complies with and exceeds the City's parking requirements outlined in the Downtown Code.

In addition to the parking improvements, the project will add new multi-modal improvements, including new curb, gutter and sidewalks for pedestrians along the street frontages, new bike lanes along McKeever Avenue, and a new Class IV separated bike lane on Main Street between A Street and McKeever Avenue. The applicant has also committed to administrating a Parking Management Plan and Transportation Demand Management Plan to help manage parking and reduce parking demand, which is discussed in more detail below.

Parking Management Plan and Transportation Demand Management Plan. At the time the original Maple and Main project was approved in 2017, there was significant concern from the Prospect Hill Neighborhood Association and adjacent businesses about the potential increase to both traffic and parking demand as a result of the new project. To help mitigate these

[3] Tree Preservation Ordinance: https://library.municode.com/ca/hayward/codes/municipal_code?nodeId=HAYWARD_MUNICIPAL_CODE_CH10PLZOSU_ART15TRPR

concerns and reduce total vehicle miles traveled (VMT), the previous applicant agreed to implement a Parking Management Plan and Transportation Demand Management (TDM) program, which was included as a condition of approval. In 2020, the new applicant hired a transportation consultant, Fehr & Peers, to develop site specific recommendations for the implementation of a Parking Management Plan (Attachment X) and a Transportation Demand Management Plan (Attachment XI). As part of the Parking Management Plan, Fehr & Peers conducted a site visit and conducted a parking occupancy survey to capture typical peak parking demand in early 2021. Details of that survey are contained in the Plan (Attachment X) and include strategies to help reduce parking demand, including unbundling parking, requiring a fair share contribution for a city shuttle to the Hayward BART Station, discounted transit passes, and on-site bicycle parking and bikeshare. Fehr & Peers believes the parking provided by the project will meet the overall parking demand but recommends that if parking becomes an issue in the future, a Parking Permit Program for residents may be an option that could be analyzed and addressed at a later date once the extent of the issue is identified. Fehr & Peers also prepared a Preliminary Transportation Demand Management Plan that was intended to reduce total vehicle miles traveled (VMT) by 20 percent for the project. Given the project location and proximity to various multi-modal transportation options, Fehr & Peers believes there is a high likelihood that if implemented, heavily marketed and supported, the proposed TDM program could achieve a 40 percent reduction in VMT by utilizing various programs including transit subsidies, future shuttle service and car/bike share programs. More details on the program and operational strategies recommended as part of the preliminary TDM Plan can be found in Attachment XI. Conditions of approval to implement the Parking Management Plan and the TDM Plan are contained in Attachment III.

Density Bonus Application. The applicant submitted a Density Bonus application (Attachment V), requesting one concession and one wavier from the HMC pursuant to Section 65915 of the Government Code.[6] A density bonus is a zoning tool granted by State law that allows for an increase in density with concessions, waivers, and/or incentives to development standards when affordable housing units are provided on-site.

The City's Affordable Housing Ordinance ("AHO") requires a residential project that intends to satisfy the requirements through the provision of onsite rental units to provide 6 percent affordable units, evenly split between low-income and very low-income units with the ability to provide units at lower affordability levels. Per the approved Affordable Housing Plan (Attachment IX), the applicant is proposing a total of nineteen (19) affordable rental units with sixteen (16) units (or 5 percent of the 314-unit base project) dedicated as very low-income units restricted to very low-income households, and the other three (3) units dedicated as low-income units restricted to low-income households. The Project's proposed affordable units exceed the City's AHO requirements by delivering more very low-income units than is otherwise required. A mixed-use project, such as Maple and Main, that provides at least 5 percent very low-income units qualifies for the following benefits under the State's Density Bonus law: "(1) a 'density bonus;' (2) 'incentives and concessions;' (3) 'waivers or reductions' of 'development standards;' and (4) prescribed 'parking ratios.' In this case, the Affordable Units qualify the Project for a 20 percent density bonus, unlimited waivers, one concession, and reduced parking ratios.

In exchange for exceeding the requirements of the AHO, the applicant is requesting one concession and one waiver. Concessions/incentives are defined as a reduction in site development standards or a modification of zoning code, or other regulatory incentives or concessions which result in identifiable and actual cost reductions. Waivers or Reductions of Development Standards are defined as any development standard that would physically prevent the project from being built at the permitted density allowed by State Density Bonus law. Per State law, the City cannot apply any development standard which physically precludes the construction of the project at its permitted density with the granted concessions/incentives, unless the waiver or reduced development standard would cause a public health or safety problem, cause an environmental problem, harm historical property, or would be contrary to law. Accordingly, the applicant has requested the following concession/incentive and the following wavier/reduction:

- *Concession #1 – Ground Floor Commercial Ceiling Height*. Per Section 10-28.2.2.060[4] of the HMC, Urban Neighborhood (UN) districts require that the minimum retail ceiling height be 14'. Although the project exceeds this standard at the retail corner of Main and McKeever, the retail heights are reduced to 12'+/- over the remaining 85% of the retail frontage, which is due to the sloping grade at the corner of the project site. As a result, the applicant is proposing that the retail spaces be designed to follow the slope of the adjacent streets. Extending the ceiling line of the McKeever and Maple Street retail space to the remaining retail spaces would require the loss of the market-rate residential units above those spaces, resulting in an identifiable substantial loss of revenue which is needed to subsidize the affordable units or would require substantial redesign to the interior of the space which could impact accessibility. Alternatively, raising the entire building by 2'4" to meet the minimum retail height requirements in all retail spaces would require structural steel lateral bracing elements throughout the 1st floor level of the building. Avoiding the need to use structural steel in the building design would result in a substantial construction cost reduction to help offset the costs of the affordable units.

- *Waiver #1 - Lined Building Width along Main Street*. Per Section 10-28.3.3.140[5] of the HMC, the maximum allowed width of the exterior building main body is 320'. The Lined Building width is 350 feet, which exceeds the maximum allowed width. Reducing the building width or breaking the building into multiple structures would result in the loss of residential units as space on the site is limited and the parcel is irregularly shaped. Therefore, compliance with the Lined Building width requirements would physically preclude construction of the proposed density bonus project.

Staff has reviewed the density bonus application and believes the Commission can approve the requested wavier and concession as these will result in identifiable and actual cost reductions, would not cause a public health or safety problem, would not cause an

[4] Downtown Code, Urban Neighborhood Development Standards: https://library.municode.com/ca/hayward/codes/municipal_code?nodeId=HAYWARD_MUNICIPAL_CODE_CH10PLZOSU_ART28DECO_ART10-28.2SPZO_DIV10-28.2.2DOZO_10-28.2.2.060URNEUN

[5] Downtown Code, Lined Building Requirement: https://library.municode.com/ca/hayward/codes/municipal_code?nodeId=HAYWARD_MUNICIPAL_CODE_CH10PLZOSU_ART28DECO_ART10-28.3SUZO_DIV10-28.3.3SPBUTY_10-28.3.3.140LIBU

environmental problem, would not harm historical property, and would not be contrary to any State or local laws applicable to this project.

Sustainability. The project incorporates several sustainability features. The project is located within a half mile of the downtown Hayward BART station, making commuting by public transit a feasible option and reduces dependency on single occupancy vehicles. In addition, the project will provide the additional sustainability features:

- Provide a fair share contribution towards any future City's shuttle service;
- Provide electric vehicle charging stations as shown in the garage plans;
- Provide on-site bicycle storage at the ground level of the garage;
- Locate high-density housing in close proximity of downtown core/transit services;
- Provide shared vehicle services (i.e., Zipcar);
- Roof areas will accommodate new solar panels;
- Include "Bay Friendly Landscape Guidelines" for drought tolerant plants;
- Provide on-site water quality and filtration basins;
- Project uses natural stone and other sustainable materials;
- Provide energy- and water-efficient appliances, compliant with Energy Star standards;
- Project will comply with California Title 24 and Cal Green Requirements; and
- The building will be constructed as all-electric pursuant to the adopted REACH Code.

Environmental Justice Analysis. In 2016, the California State Legislature passed Senate Bill (SB) 1000 into law, requiring local governments to identify environmental justice communities (called "disadvantaged communities") in their jurisdictions and address Environmental Justice in their General Plans. In June 2020, the Governor's Office of Planning and Research (OPR) issued updated General Plan Guidelines, including guidance for Environmental Justice Elements of General Plans to identify environmental justice policies and gaps in existing policies in relation to disadvantaged communities. Consistent with State requirements, the city is currently drafting an update to the *Hayward 2040 General Plan* to include an Environmental Justice element. In recent years, the city has been a leader regarding sustainability, justice, equity, and inclusivity. In 2015, Hayward served as a case study: *Advancing Social Equity Goals to Achieve Sustainability: Case Study Series* and has continued to apply the lessons learned to the betterment of the city.

Environmental Justice communities are identified as disadvantaged communities. Disadvantaged communities are defined as an area identified by the California Environmental Protection Agency (CalEPA) pursuant to Section 39711 of the Health and Safety Code or an area that is a low-income area that is disproportionately affected by environmental pollution and other hazards that can lead to negative health effects, exposure, or environmental degradation by a variety of means, including history and adverse environmental living conditions. Indicators for disadvantaged communities include educational attainment, employment, housing- cost burdened low-income households, income, linguistic isolation, poverty, race and ethnicity, single parent households, U.S. citizenship, violent crime rate, and ability to vote.

As is noted in the Environmental Justice Memo (Attachment XII) prepared by Impact Sciences (dated September 2021), the guiding principles from the Downtown Specific Plan set the long-

term vision to establish Downtown Hayward as a regional destination, celebrated for its distinct history, culture, and diversity; providing shopping, entertainment, employment, and housing options for residents and visitors of all ages and backgrounds; that is accessible by bike, foot, public transit, and car, and public transit. Building upon this long-term vision, the following guiding principles were established through a collaborative process:

- Promote Downtown as safe, lively, and business friendly.
- Improve the circulation network to better serve Downtown businesses, residents, and visitors.
- Preserve the history, arts, and culture of Downtown.
- Build on and enhance natural features and open spaces.
- Establish Downtown as a regional destination.

In the Specific Plan, the original Maple and Main project was called out as a "catalytic revitalization project" to help the city realize this vision. While the Environmental Justice Memo is not required by the city or as part of CEQA analysis, the Memo explains how the project will serve the diversity of the residents and businesses throughout the city.

POLICY CONTEXT AND CODE COMPLIANCE

Hayward 2040 General Plan. The *Hayward 2040 General Plan,*[6] adopted in July of 2014, designates the project site as City Center - Retail and Office Commercial (CC-ROC). Per the General Plan, the CC-ROC land use designation generally applies to developments in Downtown Hayward and the "typical building types include storefront commercial buildings and mixed-use buildings that contain commercial uses on the ground floor and residential units or office space on upper floors. Other building types that may be appropriate on properties outside of the retail core of the Downtown include townhomes, apartment and condominium buildings, and live-work units." Mixed-uses with multi-family homes or office on upper floors are an allowed use, while "multi-family homes" are listed as supporting uses. The project is consistent with the following goals and policies of the *Hayward 2040 General Plan*:

- *LU-1.3 Growth and Infill Development.* 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-1.4 Revitalization and Redevelopment.* The City shall encourage property owners to revitalize or redevelop abandoned, obsolete, or underutilized properties to accommodate growth.

- *LU-1.5 Transit-Oriented Development.* The City shall support high-density transit-oriented development within the city's Priority Development Areas to improve transit ridership and to reduce automobile use, traffic congestion, and greenhouse gas emissions.

[6] Hayward General Plan: https://www.hayward2040generalplan.com/

- *LU-1.6 Mixed-Use Neighborhoods.* The City shall encourage the integration of a variety of compatible land uses into new and established neighborhoods to provide residents with convenient access to goods, services, parks and recreation, and other community amenities.

- *LU-2.5 Downtown Housing.* The City shall encourage the development of a variety of urban housing opportunities, including housing units above ground floor retail and office uses, in the Downtown to increase market support for businesses, extend the hours of activity, encourage workforce housing for a diverse range of families and households, create housing opportunities for college students and faculty, and promote lifestyles that are less dependent on automobiles.

- *LU-2.6 Downtown BART Station.* The City shall encourage a mix of commercial, office, high-density residential and mixed-use development in the area surrounding the Downtown BART Station.

- *LU-3.4 Design of New Neighborhood Commercial and Mixed-Use Development.* The City shall require new neighborhood commercial and mixed-use developments to have a pedestrian-scale and orientation by placing the building and outdoor gathering spaces along or near the sidewalk; locating parking to the rear of the building or along the internal side yard of the property; designing the building with ground floor retail frontages or storefronts that front the street; and enhancing the property with landscaping, lighting, seating areas, bike racks, planters, and other amenities that encourage walking and biking.

- *H-3.4 Residential Uses Close to Services.* The City shall encourage development of residential uses close to employment, recreational facilities, schools, neighborhood commercial areas, and transportation routes.

- *M-1.6 Bicycling, Walking, and Transit Amenities.* The City shall encourage the development of facilities and services, (e.g., secure term bicycle parking, streetlights, street furniture and trees, transit stop benches and shelters, and street sweeping of bike lanes) that enable bicycling, walking, and transit use to become more widely used modes of transportation and recreation.

<u>*Downtown Specific Plan.*</u> In April 2019, the City adopted the Downtown Specific Plan[7] and related Development Code, which established a new set of goals and policies for downtown Hayward, as well as created new development regulations for the project site, which included rezoning the parcels to the newly created zoning districts of Urban Neighborhood (UN) and Downtown Main Street (DT-MS). The Plan Area encompasses 320 acres bounded loosely Grand Street (west), E Street (south), 3rd Street (east), and Hazel Avenue (north).

The Downtown Specific Plan and Development Code were intended to provide the City with "a strategy to achieve the community's vision of a resilient, safe, attractive, and vibrant historic downtown by clearly outlining an implementation plan, delineating an inclusive, multi-modal circulation system, integrating public open spaces, and establishing new regulations that

[7] Downtown Specific Plan: https://www.hayward-ca.gov/sites/default/files/Hayward%20Downtown%20Specific%20Plan.pdf

clearly establish Downtown Hayward as the heart of the City and a destination for visitors and residents." The Plan guides initiatives and investments that capitalize on the City's unique assets, such as its central location in the Bay Area, its proximity to educational institutions, the Downtown Hayward BART station, parks, creek and public gardens, the compact street grid, the historic buildings, and the extensive public art. The Specific Plan calls for significant infill development in Downtown Hayward over the next 20 or more years and while land uses are flexible and may vary according to market demand, the Plan envisioned up to 3,430 new housing units and 1.9 million square feet of non-residential space such as retail, hospitality, office, and education. This project aligns with the following policies of the Downtown Specific Plan, including:

- *Policy LU 1 Diversity of Uses*. Attract more downtown visitors, including families and college students and faculty from Cal State University, East Bay, and Chabot College, by offering a wide array of retail, dining, services, and entertainment uses that create a dynamic environment and depend on pedestrian foot traffic.

- *Policy LU 2 Transit Supportive Development*. Create an urban environment and development regulations in the Plan Area for transit supportive development that benefits from and promotes a rapid transit public transportation system.

- *Policy LU 3 Opportunity Sites*. Encourage the development and improvement of opportunity sites that have the potential to attract developer interest in the Downtown and generate more economic activity.

- *Policy CD 2 Coordinate Public and Private Investments.* Coordinate public and private investment to improve the quality and appearance of new and existing structures and streetscapes.

- *Policy H 1 Housing Supply.* Encourage residential development at the maximum density allowed in the General Plan, where feasible, to spur more housing production, including affordable and market rate housing, and attract a wide spectrum of people to live Downtown.

- *Policy H 2 Affordable Housing*. Strongly encourage the production of on-site affordable housing in the Plan Area, including options for extremely low, very low, low, and moderate-income households, consistent with the inclusionary housing ordinance.

- *Policy TP 2 Manage and Market TDM*. Manage and market transportation demand management (TDM) programs to provide employers, employees, and residents with transportation alternatives to single-occupancy vehicle use and to reduce parking demand.

- *Policy ED 5 Skilled Labor Force*. Contribute to the stabilization of regional construction markets by spurring applicants of housing and nonresidential developments to require contractors to utilize apprentices from state-approved, joint labor-management training programs, and to offer employees employer-paid health insurance plans.

Development Code and Zoning Districts. The project is located on sites that contains split zoning: Urban Neighborhood (UN) and Downtown Main Street (DT-MS), as shown in Attachment XIII. The intent of the Urban Neighborhood district is to create a walkable, urban neighborhood environment with small-to-large building footprint from Rowhouses and Large Multiplex Buildings to Stacked Flats, supporting and within short walking distance of neighborhood-serving retail and services. The intent of the Downtown Main Street district is to create a walkable, vibrant urban main street serving as the citywide focal point for Hayward with commercial, retail, entertainment, and civic uses, public transportation, and small-to-large footprint, moderate-to-high-intensity housing choices, from Main Street Buildings to Lined Buildings.

Per Section 10-28.5.3.030 of the HMC[8], the project is subject to Major Site Plan Review due to the overall size of the project on a site over three acres. The intent of this requirement is to create new, walkable neighborhoods and reinforce walkable urban environments with a mix of residential, civic, retail, and service uses within a compact, walkable, and transit-supportive environment. As part of this requirement, the Planning Commission may approve or conditionally approve an application when all the following findings are made:

- The development is compatible with on-site and surrounding structures and uses and is an attractive addition to the city;
- The development takes into consideration physical and environmental constraints;
- The development complies with the intent of City policies and regulations;
- The development will be operated in a manner determined to be acceptable and compatible with surrounding development.

In addition to Major Site Plan Review, projects that propose less an 10,000 square feet of General Retail space are required to obtain an Administrative Use Permit (AUP), pursuant to Section 10-28.2.3 of the HMC[9]. In approving an AUP, the Planning Commission may approve or conditionally approve an application when all the following findings are made:

- The proposed use is desirable for the public convenience or welfare;
- The proposed use will not impair the character and integrity of the zoning district and surrounding area;
- The proposed use will not be detrimental to the public health, safety, or general welfare; and
- The proposed use is in harmony with applicable City policies and the intent and purpose of the zoning district involved.

As part of the Site Plan Review requirements of the Downtown Specific Plan and Development Code[10], projects that are "30,000 square feet or larger must comply with contractor prequalification requirements, demonstrating the contractor utilizes apprentices from state-approved, joint labor-management training programs, and offers

[8] Major Site Plan Review: https://library.municode.com/ca/hayward/codes/municipal_code?nodeId=HAYWARD_MUNICIPAL_CODE_CH10PLZOSU_ART28DECO_ART10-28.5PEPR_DIV10-28.5.3SIPLRE_10-28.5.3.030MASIPLRE

[9] Downtown Code Land Use Table: https://library.municode.com/ca/hayward/codes/municipal_code?nodeId=HAYWARD_MUNICIPAL_CODE_CH10PLZOSU_ART28DECO_ART10-28.2SPZO_DIV10-28.2.3USTA

[10] Major Site Plan Review: https://library.municode.com/ca/hayward/codes/municipal_code?nodeId=HAYWARD_MUNICIPAL_CODE_CH10PLZOSU_ART28DECO_ART10-28.5PEPR_DIV10-28.5.3SIPLRE

employees employer-paid health insurance plans." To ensure compliance with this requirement, staff has included a condition of approval (Attachment III) and will continue to work with the applicant to satisfy this requirement prior to permit issuance.

Staff believes the Planning Commission can make the necessary findings to approve the Major Site Plan Review and Administrative Use Permit application and has provided more detailed analysis in Attachment II.

Housing Element, RHNA & Affordable Housing. Local jurisdictions report progress annually on meeting their RHNA goals, which are included in the City's Housing Element. Table 2, (below) demonstrates progress made toward meeting Hayward's RHNA goals for the period between 2015-2023 as of the last reporting year, which is shown in the column titled "Reported 2020." The State allows 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.

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%	205	24%	145	17%	461	54%	390	58%
Low	480	153	32%	315	66%	84	18%	552	115%	-72	-15%
Moderate	608	72	12%	95	15%	43	7%	210	35%	398	65%
*The City has achieved the Above Market Rate RHNA 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 Ordinance (AHO).[3] An applicant may satisfy the requirements of the AHO by paying an affordable housing in lieu fee, providing on- or off-site affordable units, or proposing an alternative plan. Pursuant to HMC Section 10-17.210, rental projects shall deed restrict no less than 6 percent of total units on-site for affordable housing. Further, the affordable units shall be integrated within the proposed residential development, shall be of similar or the same quality and provide access to the same amenities as the market rate units pursuant to HMC Section 10-17.220.

As detailed in the project's Affordable Housing Plan (Attachment IX), the applicant proposes to meet the standard requirement for on-site affordable by providing sixteen (16) rental units as affordable to Very Low-Income Households and three (3) rental units as affordable to Low-Income Households. Under the standard requirements, the applicant is required to provide 19 affordable units with 50 percent of units being dedicated towards low and 50 percent of units being dedicated towards very low-income households. Because the applicant is proposing to provide a greater number of units at the very low-income level, the project exceeds the requirements of the AHO and additionally, is eligible for one concession and/or unlimited waivers as part of their Density Bonus request. The affordable units will include a mix of studio, one, two and three-bedroom units as reflected in the Affordable Housing Plan.

SB330 and Housing Crisis Act. In 2019, the State of California adopted new legislation (SB330) that is intended to address the State's housing crisis. SB330 strengthens the Housing Accountability Act (Government Code Section 65589.5), which states that a housing development project that complies with the objective standards of the General Plan and Zoning Ordinance must be approved by the City, unless the City is able to make written findings based on the preponderance of the evidence in the record that either: (1) the City has already met its Regional Housing Needs Assessment (RHNA) requirement; (2) there is an impact to the public health and safety and this impact cannot be mitigated; (3) the property is agricultural land; (4) approval of the project would violate State or Federal law and this violation cannot be mitigated; or (5) the project is inconsistent with the zoning and land use designation and not identified in the General Plan Housing Element RHNA inventory. "Objective" means involving no personal or subjective judgment by a public official and being uniformly verifiable by reference to an external and uniform benchmark or criterion available and knowable by both the development applicant or proponent and the public official.

SB330 applies to housing projects, including mixed use projects with at least two-thirds of square footage dedicated to residential units. The residential portion of this project makes up over two-thirds of the overall project square footage, which means that the provisions of SB330 apply. In addition, SB330 specifies that use of a density bonus and related incentives, concessions, or waivers does not make a project ineligible for SB330. As shown in Table 3, the project complies with the objective development standards of the Urban Neighborhood District when the Density Bonus concessions and waivers are included.

Table 3 - Zoning Compliance with Density Bonus - Urban Neighborhood District (UN)

STANDARD	**HMC REQUIREMENT**		**PROPOSED PROJECT**		**COMPLIANT**
	WIDTH	**DEPTH**	**WIDTH**	**DEPTH**	
Stacked Flats	100' min.;	200' min.	approx. 140'	approx. 240'	YES (Corner Building)
	250' max.				
Lined Building	320' max.	420' max.	approx. 390'	approx. 190'	YES (Main Building)
Building Stories	5 stories max		5 stories		YES
Height To Eave/Parapet	60' max.		60' Max Parapet Height		YES
Building Height	70' max.		66'		YES
Ground Floor Finish Level					
Residential	12" min. (except entries)		0'		YES
Non-Residential	6" max.		0'		YES
Ground Floor Ceiling					
Residential	9' min.		10'-1"		YES
Non-Residential	14' min.		Varies between 11.2' and 18'		YES*
Upper Floor Ceiling	8' min.		9'-1"		YES
Lot Coverage Max	75%		64% for project site		YES
Bldg. depth, Gr. Floor	30' min.				YES
Setbacks					
Front (Interior Lot)	5'min 10'max		Varies Within Range		YES

Front (Corner Lot)	0'min 10'max		Varies Within Range		YES
Street Side	5'min 10'max		Varies Within Range		YES
Rear	0'min		Varies Within Range		YES
Parking					
Residential	329		406		YES
Non-Residential	16		16		YES
* With Density Bonus					

As shown in Table 4 below, the project complies with the objective development standards of the Downtown Main Street District when the Density Bonus concessions and waivers are granted.

Table 4. Zoning Compliance with Density Bonus - Downtown Main Street District (DT-MS)					
STANDARD	**HMC REQUIREMENT**		**PROPOSED PROJECT**		**COMPLIANT**
	WIDTH	**DEPTH**	**WIDTH**	**DEPTH**	
Lined Building	400' max.	400' max.	180'	80'	YES (Main building)
Building Stories	7 stories max		5 stories		YES
Height To Eave/Parapet	75' max.		60' Max Parapet Height		YES
Building Height	85' max.		67'		YES
Ground Floor Finish Level					
Residential	6" min. (except entries)		0'		YES
Non-Residential	6" max.		0'		YES
Ground Floor Ceiling					
Residential	9' min.		9'1"		YES
Non-Residential	14' min.		Varies between 11' and 18'		YES
Upper Floor Ceiling	8' min.		9'1"		YES
Lot Coverage Max	95%		64% for project site		YES
Bldg. depth, Gr.Floor	40' min.				YES
Setbacks					
Front (Interior Lot)	0'min 10'max		Varies Within Range		YES
Front (Corner Lot)	0'min 10'max		Varies Within Range		YES
Street Side	0'		Varies Within Range		YES
Rear	0'		Varies Within Range		YES
Parking					
Residential	329		406		YES
Non-Residential	16		16		YES

Park Impact Fee. The City's regulations require that a proponent pay impact fees and/or dedicate public parkland, where projects entail more than 50 units. The proponent is proposing to pay park impact fees for the project. For the 19 units proposed to be affordable to very low-income households and deed-restricted, the City's Park obligation is reduced by 50%. Based on the current rate adopted as part of the FY 2022 Master Fee Schedule, the total estimated park impact fees for the project are $2,179,392.50

Alquist-Priolo Fault Zone. As previously noted, the southwestern side of the project site encroaches into the Alquist-Priolo Earthquake Fault Zone for the Hayward fault. A significant portion of the project area is also within a State Seismic Hazard Zone of potential liquefaction. Projects that will include new structures for human occupancy within such zones are subject to regulations and requirements of the Alquist-Priolo Act[11] (Division 2, Chapter 7.5 of the California Public Resources Code), and Chapter 7.8, the Seismic Hazards Mapping Act.

For projects within Hayward, the city is the lead agency responsible for compliance and enforcement of those acts and filing approved reports and their related reviews to the State Geologist. In 2014, a feasibility investigation was completed by engineering company, Stevens Ferrone & Bailey (SFB). The investigation included preliminary geotechnical recommendations for the construction of the project and an analysis of the liquefaction potential. In 2018, a follow up geotechnical investigation was completed by SFB that included 14 borings throughout the property. The report also contained the results of laboratory testing and analyses and provides geotechnical recommendations for project construction. An updated report that conforms to the 2019 California Building Code was later prepared by SFB in February 2021, which supersedes earlier project recommendations.

In accordance with State requirements, an independent peer review of the geotechnical report was completed by Louis Richardson, Consulting Geologist, in February 2021 and found no evidence of an active fault trace, fault creep, or fault-related distress on the project site, which was determined following site-specific trenching. The closest active fault trace is approximately 375 feet southwest of the project site. The peer review concluded that the project could be built, incorporating accepted principals and best practices for construction, which are included as a condition of approval. A copy of the geotechnical investigation and peer review is included as Attachment VII.

STAFF ANALYSIS

Staff believes that the Planning Commission can make the required Findings to approve the Major Site Plan Review, Administrative Use Permit, and Density Bonus application based on the analysis provided herein and included within the required Findings. The proposed project complies with the applicable objective development standards and meets the intent of the UN and DT-MS zoning districts, the Downtown Specific Plan, as well as the goals and policies of the *Hayward 2040 General Plan*.

The proposed development includes 314 new rental units in downtown Hayward to support local businesses, including 19 affordable housing units with a range of unit sizes at very low and low-income affordability levels, which will provide Hayward's lower income households with desperately needed housing units. In addition, the proposed commercial spaces will provide small retail tenants the opportunity to expand or establish a new business in Downtown Hayward. The infusion of tenants into this underutilized site will support existing businesses and help attract future ones to the Downtown, while eliminating the opportunity for trespassing and vagrancy at the site. Additionally, the project will generate over $2.1M in

[11] Alquist-Priolo Fault Act: https://leginfo.legislature.ca.gov/faces/codes_displayText.xhtml?division=2.&chapter=7.5.&lawCode=PRC

park impact fees, which will be used for parkland acquisition and/or park improvements in the city.

Staff notes that the materials of the proposed new residential and mix-use building will utilize good quality products and architectural design to reflect a modern development with numerous project amenities to serve future tenants. Additionally, the six-level parking garage will be screened from public view around the property and the implementation of a variety of parking management and transportation demand management measures, such as transit passes, shared car/bike program, unbundled parking, and on-site secured bicycle storage facility, will reduce trips from the site. Further, the Downtown Hayward BART Station is within a half mile from the project site, which makes it convenient for walking and biking as an easy commute to other local and regional destinations.

ENVIRONMENTAL REVIEW

As described in the background section, on February 7, 2017, the City Council approved a Mitigated Negative Declaration, Initial Study, Mitigation Monitoring and Reporting Program in conjunction with the approval of a mixed-use project that included 192 Market-Rate Apartments, 48 Apartments Affordable to Very Low Income Households, Rehabilitation of a 48,800 Square-Foot Medical Office Building, and Approximately 5,500 Square-Feet of Retail Space, Located Generally Within the Block Bounded by A Street, Main Street, McKeever Avenue and Maple Court in Downtown Hayward.

Pursuant to CEQA Guidelines Section 15164, Impact Sciences prepared an Addendum, dated May 2022, analyzing the proposed project to allow a revised mixed-use project with 314 apartment units, including 19 affordable units, and 7,100 square feet of ground floor commercial space at the subject address. Pursuant to CEQA Guidelines 15164(g), an Addendum need not be circulated for public review but can be included in or attached to the Final EIR or MND.

There has been no substantial change proposed in the project or the circumstances under which the project is being undertaken, nor is there any new information that would require additional environmental review. New CEQA analysis related to Vehicle Miles Traveled (VMT) found that the proposed project would not result in a significant impact in that the employer will implement Parking Management Plan and Transportation Demand Management measures and ongoing monitoring and reporting as part of the project. Therefore, the previously certified IS/MND and Mitigation Monitoring and Reporting Program remains valid.

The adopted MND identified all potential significant adverse impacts and feasible mitigation measures that would reduce impacts to a level of less than significant, and the vast majority of those mitigation measures have yet to be implemented. The applicable mitigation measures identified in the Mitigation Monitoring and Reporting Program include ongoing measures tied to Air Quality, Biological Resources, Cultural Resources, Geology, Hazards and Hazardous Materials, and Noise. Based on the MND, the Addendum, and the whole record before the Planning Commission, there is no substantial evidence that the project would have any new or more significant effects on the environment.

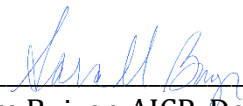
The project complies with CEQA, and that the previously certified MND, Initial Study, Mitigation Monitoring and Reporting Program and Addendum was presented to the recommending and deciding bodies, which reviewed and considered the information contained therein prior to forming a recommendation related to the project. A copy of the original Initial Study and Mitigation Negative Declaration with Mitigation Monitoring and Reporting Program and the proposed Addendum, reflecting the Revised Project analysis, is included as Attachment IV.

NEXT STEPS

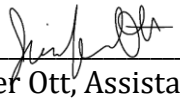
If the Planning Commission approves the Major Site Plan Review, Administrative Use Permit, and Density Bonus application, then a 10-day appeal period will commence from the date of decision. If no appeal is filed, then the decision will be deemed final. If an appeal is filed within the 10-day time frame, then the application will be forwarded to the City Council for their review and consideration.

Prepared and Recommended by: Jeremy Lochirco, Planning Manager

Approved by:



Sara Buizer, AICP, Deputy Development Services Director



Jennifer Ott, Assistant City Manager/Development Services Director

CITY OF HAYWARD PLANNING COMMISSION
PROPOSED MIXED-USE DEVELOPMENT WITH 314 RESIDENTIAL UNITS AND 7,100 SQUARE FEET COMMERCIAL SPACE WITH SITE AND FRONTAGE IMPROVEMENTS AT 22330 MAIN STREET (APN 428-0061-061-03, 428-0061-061-04)
MAJOR SITE PLAN REVIEW, ADMINISTRATIVE USE PERMIT, AND DENSITY BONUS APPLICATION NO. 202003725

FINDINGS FOR APPROVAL

MAJOR SITE PLAN REVIEW
Per Section 10-28.5.3.030 of the Hayward Municipal Code, the project is subject to Major Site Plan Review due to the overall size of the project on a site over three acres. As part of this requirement, the Planning Commission may approve or conditionally approve an application when all the following findings are made:

1. The development is compatible with on-site and surrounding structures and uses and is an attractive addition to the City;

The proposed project would include the redevelopment of two large vacant parcels in downtown and a surface parking lot to allow the construction of a large-scale, mixed-use development containing 314 new residential units and 7,100 square feet of ground floor commercial space, including numerous site and landscaping improvements. The proposed site improvements would consist of new bike lanes, curb, gutter, and sidewalk; construction of a new six-level structured parking garage; new site lighting and landscaping; and several courtyards and project amenities including a new pool and hot tub area, EV charging stations, long and short-term bicycle parking, a resident clubhouse, BBQ areas, and on-site fitness center. The proposed development would provide an attractive addition to the City and would result in significant investment on an identified catalyst site, located in close proximity to downtown Hayward. Such investment will result in development of a regional destination that will enhance Hayward's reputation in the Bay Area.

2. The development takes into consideration physical and environmental constraints;

The proposed proejct takes into consideration physical and environmental constraints in that it will result in upgraded infrastructure designed to serve the development and will include frontage improvements, such as installation of curb, gutter and sidewalks along all frontages, along with new bicycle and pedestiran facilites along McKeever Avenue, Maple Court and Main Street. The project as proposed is well within the allowable FAR and density permitted under the *Central City – Retail Office and Commercial* General Plan land use designation and the UN, Urban Neighborhood and DT-MS, Downtown Main Street zoning district development standards regarding parking, building placement, building height, lot coverage, landscaping, and private open space. As such, the project takes into consideration both the physical and environmental constraints of the property and adjacent sites.

As noted in the project's Initial Study and Mitigated Negative Declaration Addendum, the proposed project would result in *less than significant* impacts or impacts that could be mitigated to a *less than significant* level in all impact areas related to envioronmental impacts. Mitigation measures that were adopted as part of the orginal project, and subsequently analyzed with the revised project, are designed to reduce impacts caused as a result of the develpoment. These mitigation measures will also ensure that the project will be construced and operate at a level with minimal impacts to the environemnt and the surrounding area.

While the proposed development is consistent with several General Plan goals and policies, the inclusion of photovoltaic solar panels and numerous sustainable building features would bring the proposed project into significant conformance with the City's long-term commitment to Sustainability, as well as General Plan Natural Resources Policies to promote efficient use of energy in design, construction, and operation; to maximize the use of renewable resources. As proposed, the project has been designed with a contemporary approach incorporating varied wall planes, building colors and materials along all sides of each structure to avoid blank, monotonous facades and provide visual architectural articulation. New landscaping, lighting, site and frontage improvements will further serve to beautify and soften the perceived massing of the new development, resulting in a project will be an attractive addition to the City of Hayward.

3. The development complies with the intent of City development policies and regulations; and

The project is located on two underutilized sites is downtown Hayward totaling 3.93-acres and contains a split zoning desingation of Urban Neighborhood (UN) and Downtown Main Street (DT-MS). The project has been reviewed against the City's adopted objective develpoment standards for both the UN and DT-MS zoning districts in the Downtown Code, and is deemed consistent with those developmnt standards, with the exception of the requested Density Bonus waiver and concession, which are permitted through State Density Bonus Law. Additionally, the project is consistent with the Central City Retail and Office Commericial (CC-ROC) land use designation of the *Hayward 2040 General Plan*, which allowes for residential densities of 40 to 110 units per net acre. This project is consistent with density range identified in the General Plan and will further support the City's efforts to building new residential housing units to meet our Regional Housing Needs Assessment (RHNA) obligations.

The project is also consistent with the several long-term goals and policies of the Downtown Specific Plan in that the Plan was intended to provide the City with "a strategy to achieve the community's vision of a resilient, safe, attractive, and vibrant historic downtown by clearly outlining an implementation plan, delineating an inclusive, multi-modal circulation system, integrating public open spaces, and establishing new regulations that clearly establish Downtown Hayward as the heart of the City and a destination for visitors and residents." As noted in the Specific Plan, significant infill development in downtown Hayward is anticipated over the next 20 plus years and the Plan envisioned up to 3,430 new housing units and 1.9 million square feet of non-residential space such as retail, hospitality, office, and education. The proposed project aligns with this vision and is consistent with the following policies of the Downtown Specific Plan, including:

- Policy LU 1 Diversity of Uses to attract more downtown visitors, including families and college students and faculty from Cal State University, East Bay, and Chabot College, by offering a wide array of retail, dining, services, and entertainment uses that create a dynamic environment and depend on pedestrian foot traffic.
- Policy LU 2 Transit Supportive Development that creates an urban environment and development regulations in the Plan Area for transit supportive development that benefits from and promotes a rapid transit public transportation system.
- Policy LU 3 Opportunity Sites that encourage the development and improvement of sites that have the potential to attract developer interest in the Downtown and generate more economic activity.
- Policy CD 2 Coordinate Public and Private Investments by improving the quality and appearance of new and existing structures and streetscapes.
- Policy H 1 Housing Supply that encourages residential development at the maximum density allowed in the General Plan, where feasible, to spur more housing production including affordable and market rate housing and attract a wide spectrum of people to live Downtown.
- Policy H 2 Affordable Housing that results in the production of on-site affordable housing in the Plan Area, including options for extremely low, very low, low, and moderate-income households consistent with the inclusionary housing ordinance.
- Policy TP 2 Manage and market transportation demand management (TDM) programs to provide employers, employees, and residents with transportation alternatives to single-occupancy vehicle use and to reduce parking demand.
- Policy ED 5 Skilled Labor Force. Contribute to the stabilization of regional construction markets by spurring applicants of housing and nonresidential developments to require contractors to utilize apprentices from state-approved, joint labor-management training programs, and to offer employees employer-paid health insurance plans.

As previously noted, the project will include a mix of studio, one-, two-, and three-bedroom units of rental housing, including 19 units targeted for low- and very low-income households. Providing a mix of market rate and affordable rental housing is essential for a healthy community to meet demand for renters. In addition to a diverse mix of housing types, it is necessary to make available housing for residents of all income levels. As the population growth in the Bay Area continues to grow, it is important that projects with higher land use densities are located in areas close to public transit, parks and commerical areas, such as those located in downtown Hayward. Overall, the proposed development will support the following *Hayward 2040 General Plan* goals and policies:

- LU-1.3 Growth and Infill Development that supports 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-1.4 Revitalization and Redevelopment. The City shall encourage property owners to revitalize or redevelop abandoned, obsolete, or underutilized properties to accommodate growth.
- LU-1.5 Transit-Oriented Development that creates high-density transit-oriented development within the city's Priority Development Areas to improve transit ridership and to reduce automobile use, traffic congestion, and greenhouse gas emissions.
- LU-1.6 Mixed-Use Neighborhoods that support the integration of a variety of compatible land uses into new and established neighborhoods to provide residents with convenient access to goods, services, parks and recreation, and other community amenities.
- LU-2.5 Downtown Housing that provides a variety of urban housing opportunities including housing units above ground floor retail and office uses, in the Downtown to increase market support for businesses, extend the hours of activity, encourage workforce housing for a diverse range of families and households, create housing opportunities for college students and faculty, and promote lifestyles that are less dependent on automobiles.
- LU-2.6 Downtown BART Station that includes a mix of commercial, office, high-density residential and mixed-use development in the area surrounding the Downtown BART Station.
- LU-3.4 Design of New Neighborhood Commercial and Mixed-Use Development to have a pedestrian-scale and orientation by placing the building and outdoor gathering spaces along or near the sidewalk; locating parking to the rear of the building or along the internal side yard of the property; designing the building with ground floor retail frontages or storefronts that front the street; and enhancing the property with landscaping, lighting, seating areas, bike racks, planters, and other amenities that encourage walking and biking.
- H-3.4 Residential Uses Close to Services to encourage development of residential uses close to employment, recreational facilities, schools, neighborhood commercial areas, and transportation routes.
- M-1.6 Bicycling, Walking, and Transit Amenities to support the development of facilities and services, (e.g., secure term bicycle parking, streetlights, street furniture and trees, transit stop benches and shelters, and street sweeping of bike lanes) that enable bicycling, walking, and transit use to become more widely used modes of transportation and recreation.

4. The development will be operated in a manner determined to be acceptable and compatible with surrounding development.

The development will be operated in a manner determined to be acceptable and compatible with surrounding developments in that the mixed-use project is similar to other mixed-use projects in the vicinity, such as Lincoln Landing, and will result in the construction of 314 new rental apartment units in downtown Hayward, including 19 new affordable units. The project will add nearly 7,100 square feet of new ground floor commercial space to downtown Hayward and provide residents in the vicinity additional retail services nearby.

Additionally, during construction, the proposed project will be subject to all applicable provisions of the Hayward Municipal Code for construction, maintenance, landscaping, etc. The proposed development will be required to adhere to the Conditions of Approvals (within Attachment III) which will require the project to adhere to standard procedures of site preparation and development, including permitted hours of construction activity, as well as the incorporation of Best Management Practices (BMPs) for construction noise, grading, use of equipment to prevent adverse negative impacts onto adjacent properties.

ADMINISTRATIVE USE PERMIT

Pursuant to Hayward Municipal Code Section 10-28.2.3, the Planning Commission or other approving authority may approve or conditionally approve the Administrative Use Permit application required for the charter school use when all of the following findings are made:

1. The proposed use is desirable for the public convenience or welfare.

The proposed commercial space is desirable for the public convenience and welfare in that the use will provide additional tenant spaces for small retail and personal service providers in the City and be located in an area conveient for those living in the project or adjancet neighbrohoods.

Standard and project specific conditions of approval would ensure that the proposed development would be operated in a manner acceptable and compatible with surrounding development. During construction, the project would be subject to control measures for air quality, traffic, construction noise, grading and other construction-related activities to minimize impacts on surrounding businesses and neighbors. Post-construction, a property management firm would be required to submit a property management plan to the City for review and approval.

2. The proposed use will not impair the character and integrity of the zoning district and surrounding area.

The proposed use will not impair the character and integrity of the zoning district and surrounding area. Although the proposed residential building will be five stories and taller than surrounding developments, it will be similar in height and scale to the nearby Lincoln Landing mixed-use project currently under construction. The building will be attractively designed and incorporate architectural features, design elements and building colors which will upgrade the existing site, which has previously been cited for blight and public nuisance issues. In addition, the six-level parking garage will be screened from view around the property via the residential building and the implementation of a variety of transportation demand management measures such as shuttle service, shared car program, unbundled

parking, and on-site secured bicycle storage facility will reduce trips from the site. As indicated in the project's Initial Study/Mitigated Negative Declaration, traffic impacts are anticipated to be less-than-significant due to these measures as to not impact the surrounding areas. Additionally, conditions of approval require development of a parking permit program should it be determined via surveys that spillover parking from the development is occurring in the neighborhood.

3. The proposed use will not be detrimental to the public health, safety, or general welfare; and

The proposed use will not be detrimental to the public health, safety, or general welfare in that the project and proposed commercial uses in that the existing and updated infrastructure, including new sewer and water mains; curb, gutter and sidewalks upgrades, and the new bicycle facilities will help improve overall public health, safety, and general welfare and be located in close proximity to the downtown Hayward BART Station to allow for increasing opportunities for walking and biking. Additionally, the proposed Parking Management Plan and Transportation Demand Management Plan will reduce potential traffic impacts, which are anticipated to be less-than-significant. The project will provide a new mixed-use project that will meet minimum Building, Energy, and Fire Code standards in effect at time of building permit application submittal and will incorporate numerous sustainable features including EV charging stations, solar panels, bike/care share, and all-electric units. Lighting and landscaping will be required to be upgraded along the property frontages to enhance safety for pedestrians, including at night, with lighting on the building required to be directed away from surrounding properties.

4. The proposed use is in harmony with applicable City policies and the intent and purpose of the zoning district involved.

The proposed mixed-use project with 7,100 square feet of commercial space, as conditioned, will be consistent with and operate in harmony with the applicable City policies and the zoning districts applicable to this site. As previously noted, the proposed commercial use part of the larger residential project which was reviewed and determined to be consistent with the Urban Neighborhood (UN) and Downtown Main Street (DT-MS) zoning districts of the Downtown Code and the Central City Retail and Office Commercial (CC-ROC) land use designation of the *Hayward 2040 General Plan,* including related goals and policies of the Downtown Specific Plan.

CEQA ENVIRONMENTAL REVIEW FINDINGS

1. On February 7, 2017, the City Council approved a Mitigated Negative Declaration, Initial Study, Mitigation Monitoring and Reporting Program in conjunction with the approval of a mixed-use project that included 192 Market-Rate Apartments, 48 Apartments Affordable to Very Low Income Households, Rehabilitation of a 48,800 Square-Foot Medical Office Building, and Approximately 5,500 Square-Feet of Retail Space, Located Generally Within the Block Bounded by A Street, Main Street, McKeever Avenue and Maple Court in Downtown Hayward.

2. Pursuant to CEQA Guidelines Section 15164, Impact Sciences prepared an Addendum, dated May 2022, analyzing the proposed project to allow a revised mixed-use project with 314 apartment units, including 19 affordable units, and 7,100 square feet of ground floor commercial space at the subject address. Pursuant to CEQA Guidelines 15164(g), an Addendum need not be circulated for public review but can be included in or attached to the Final EIR or MND.

3. There has been no substantial change proposed in the project or the circumstances under which the project is being undertaken, nor is there any new information that would require additional environmental review. New CEQA analysis related to Vehicle Miles Traveled (VMT) found that the proposed project would not result in a significant impact in that the employer will implement Parking Management Plan and Transportation Demand Management measures and ongoing monitoring and reporting as part of the project. Therefore, the previously certified IS/MND and Mitigation Monitoring and Reporting Program remains valid.

4. The adopted MND identified all potential significant adverse impacts and feasible mitigation measures that would reduce impacts to a level of less than significant, and the vast majority of those mitigation measures have yet to be implemented. The applicable mitigation measures identified in the Mitigation Monitoring and Reporting Program include ongoing measures tied to Air Quality, Biological Resources, Cultural Resources, Geology, Hazards and Hazardous Materials, and Noise. Based on the MND, the Addendum, and the whole record before the Planning Commission, there is no substantial evidence that the project would have any new or more significant effects on the environment.

5. That the project complies with CEQA, and that the previously certified MND, Initial Study, Mitigation Monitoring and Reporting Program and Addendum was presented to the recommending and deciding bodies, which reviewed and considered the information contained therein prior to forming a recommendation related to the project.

CITY OF HAYWARD PLANNING COMMISSION
PROPOSED MIXED-USE DEVELOPMENT WITH 314 RESIDENTIAL UNITS AND 7,100 SQUARE FEET COMMERCIAL SPACE WITH SITE AND FRONTAGE IMPROVEMENTS AT 22330 MAIN STREET (APN 428-0061-061-03, 428-0061-061-04)
MAJOR SITE PLAN REVIEW, ADMINISTRATIVE USE PERMIT, AND DENSITY BONUS APPLICATION NO. 202003725

DRAFT CONDITIONS OF APPROVAL

GENERAL

1. The developer shall assume the defense of and shall pay on behalf of and hold harmless the City, its officers, 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. The Site Plan is approved subject to the Architectural, Civil and/or Landscape plans date stamped May 19, 2022, except as modified by the conditions listed below. Any proposal for alterations to the conditionally approved site plan and/ or design that does not require a variance to any zoning ordinance standard shall be subject to review and approval by the Development Services Director or his/her designee prior to implementation. Alterations requiring a variance shall be subject to review and approval by the Planning Commission, if applicable.

3. The permittee, property owner or designated representative shall allow the City's staff to access the property for site inspection(s) to confirm all approved conditions have been completed and are being maintained in compliance with all adopted city, state, and federal laws.

4. Failure to comply with any of the conditions set forth in this approval, or as subsequently amended in writing by the City, may result in failure to obtain a building final and/or a Certificate of Occupancy until full compliance is reached. The City' s requirement for full compliance may require minor corrections and/ or complete demolition of a non-compliant improvement regardless of costs incurred where the project does not comply with design requirements and approvals that the applicant agreed to when permits were filed to construct the project.

5. All outstanding fees owed to the City, including permit charges and staff time spent processing or associated with the development review of this application shall be paid in full prior to any consideration of a request for approval extensions and/or the issuance of a building permit.

6. If determined to be necessary for the protection of the public peace, safety and general welfare, the City of Hayward may impose additional conditions or restrictions on this permit in accordance with Municipal Code Section 10-1.3060. Violations of any approved land use conditions or requirements will result in

further enforcement action by the Code Enforcement Division. Enforcement includes, but is not limited to, fines, fees/penalties, special assessment, liens, or any other legal remedy required to achieve compliance including the City of Hayward instituting a revocation hearing before the Planning Commission.

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 Planning Director or designee may revoke this permit for failure to comply with, or complete all, conditions of approval or improvements indicated on the approved plans.

9. The owner shall maintain in good repair all building exteriors, walls, lighting, drainage facilities, landscaping, driveways, and parking areas. The premises shall be kept clean and weed-free.

10. The applicant shall be responsible for graffiti-free maintenance of the property and shall remove any graffiti within 48 hours of occurrence or City notification.

11. The applicant shall apply for and obtain all necessary permits from the City and/or outside agencies prior to any site work.

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 Section 10-7-709 of the Hayward Municipal Code 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. Prior to operation, issuance of a Building Permit or the Certificate of Occupancy, the applicant shall contact the Planning Division and be subject to a site inspection by the designated project planner to verify that all applicable mitigations and conditions of approval have been satisfied. The cost of inspection, including any subsequent inspections that are deemed necessary by the City, shall be paid by the applicant.

14. The applicant shall comply with contractor prequalification requirements, demonstrating the contractor utilizes apprentices from state-approved, joint labor-management training programs, and offers employees employer-paid health insurance plans. Proof of compliance shall be required prior to the issuance of any site, grading or building permits.

Mailboxes/Addresses

15. Mailboxes shall be installed in accordance with Post Office policy and include locking mechanisms to minimize opportunities for theft.

16. Property addresses will be assigned by the Development Services Department prior to issuance of a building permit.

Lighting

17. All lighting fixtures shall incorporate a shield to allow for downward illumination. No spillover lighting to adjacent properties is permitted and all exterior lighting on walls, patios or balconies shall be recessed/shielded to minimize visual impacts.

Colors and Materials

18. The building colors and materials shown on the building permit plans shall match those shown on the architectural plans, color/material exhibit and/or renderings date stamped May 19, 2022. Any revision to the approved colors and materials shall be reviewed and approved by the Planning Division prior to the issuance of a building permit and/or prior to construction.

19. All vents, gutters, downspouts, flashings, electrical conduits, etc. shall be painted to match the color of the adjacent material unless specifically designed as an architectural element.

20. During construction, the applicant shall schedule a planning inspection of the painting color palette once a small initial sample has been painted on the structures for final Planning approval.

Screening of Mechanical Equipment

21. All exterior and rooftop mechanical equipment shall be screened or located away from public view. Mechanical and rooftop equipment shall include, but is not limited to, electrical panels, pull boxes, air conditioning units, gas meters, and swimming pool equipment. All rooftop screening and mechanical equipment shall be shown on the project plans and be subject to final review and approval by City staff prior to the issuance of an occupancy permit. All screening shall be compatible with respect to forms and materials used on the building.

22. If permitted, all above-ground utility meters, air conditioners, mechanical equipment and water meters shall be enclosed within the buildings or shall be screened with shrubs and/or an architectural screen from all perspectives, unless other noise mitigation is required. All equipment shall be designed to be compatible with respect to location, form, design, exterior materials, and noise generation. The applicant shall obtain planning division review and approval prior to issuance of any permits.

Signs

23. No signs are approved with this project. Any signs placed on-site or off-site shall be reviewed and approved by the Planning Division and a building permit application

shall be required, consistent with Hayward Municipal Code Sign Ordinance requirements.

24. Prior to final inspection, a plaque reflective of the Native American history in the area shall be created and placed in the public right-of-way in the project vicinity, with the design and location to be approved by the City Development Services Director, in consultation with local Native American representatives, California Native Heritage Commission, and the neighborhood.

25. If the commercial space contains five (5) or more tenants, the applicant shall submit a Master Sign Program in accordance with Hayward Municipal Code (HMC) Section 10-7.210, prior to the installation of any signage for the commercial development.

26. 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. The applicant supports such fees to be used to improve the city-owned parcel near the corner of Hazel and Main Street.

27. Prior to, during and following demolition of vacant structures, 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.

28. For the mixed-use development, the commercial/retail component of the project shall be under vertical construction before the issuance of a certificate of occupancy for the first residential unit and the warm shell of the commercial/ retail component shall be completed prior to the issuance of a certificate of occupancy for the last residential unit, unless otherwise approved as part of a project's phasing plan.

Environmental Review and Mitigations

29. Mitigation Measure AIR-1: The construction contractor(s) shall implement the following BMPs during project construction:
    - 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 mph.
    - All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible and feasible. Building pads shall be laid as soon as possible and feasible 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 Air District's phone number shall also be visible to ensure compliance with applicable regulations.

30. Mitigation Measure AIR-2: All diesel-powered off-road equipment larger than 50 horsepower and operating on the site for more than two days continuously shall, at a minimum, meet U.S. EPA particulate matter emissions standards for Tier 4 engines or equivalent.

31. Mitigation Measure AIR-3: All diesel-powered portable equipment (i.e., air compressors, concrete saws, and forklifts) operating on the site for more than two days shall meet U.S. EPA particulate matter emissions standards for Tier 4 engines or equivalent.

32. Mitigation Measure AIR-4: Instead of Mitigation Measures AIR-2 and AIR-3 above, the construction contractor could use other measures to minimize construction-period Diesel Particulate Matter (DPM) emissions to reduce the predicted cancer risk below the thresholds. Such measures may be the use of alternative powered equipment (e.g., LPG-powered lifts), alternative fuels (e.g., biofuels), added exhaust devices, or a combination of measures, provided that these measures are approved by the city.

33. Mitigation Measure BIO-1: If construction activities commence outside the nesting season (generally September 1 through February 28), pre-construction surveys are not required. However, if construction commences outside the nesting season and extends into the nesting season, and is suspended for more than 14 days, a pre-construction survey that is detailed in Mitigation Measure BIO-2, below, will be implemented.

34. Mitigation Measure BIO-2: If construction commences during the nesting season (March 1 through August 31), a pre-construction survey for active nests will be conducted within 15 days prior to the start of work. Given the urban setting of the project site and the construction staging area, the radius of the pre-construction survey will be determined in consultation with the California Department of Fish and Wildlife (CDFW). Typically, a 250-foot buffer for passerines and other unlisted/non-raptor species, 500-foot buffer for unlisted raptor species, and 0.5-

mile buffer for listed raptor species are required. However, exceptions can be made based on the species of bird nesting, activities proposed, and for noise attenuation provided by intervening buildings in urban areas. Once the survey area is established, a survey of all appropriate nesting habitat will be conducted to locate any active nests. In the event that active nests are identified, appropriate buffer zones and types of construction activities restricted within the buffer zones will be determined through consultation with the CDFW. The buffer zones will be implemented and maintained until the young birds have fledged and no continued use of the nest is observed, as determined by a qualified biologist.

35. Mitigation Measure CUL-1: The applicant shall retain a qualified archaeologist to provide preconstruction briefing(s) to supervisory personnel of any excavation contractor to alert them to the possibility of exposing significant pre-historic and historic period archaeological resources within the project area. The briefing shall discuss any archaeological objects that could be exposed, the need to stop excavation at the discovery, and the procedures to follow regarding discovery protection and notification of the applicant and the archaeologist. An "Alert Sheet" shall be posted in conspicuous locations on the project site to alert personnel to the procedures and protocols to follow for the discovery of potentially significant archaeological resources.

36. Mitigation Measure CUL-2: A qualified archaeologist will be on site to monitor the initial grading of native soil once the existing buildings and pavement are removed but before any foundations and slabs are removed. After monitoring the initial grading, the archaeologist will make recommendations for further monitoring if he/she determines that the site contains or has the potential to contain cultural resources. If the archaeologist determines that no resources are likely to be found on site, no additional monitoring will be required, and a report will be filed with the City Planning Department.

37. Mitigation Measure CUL-3: In the event that prehistoric or historic resources are encountered during excavation and/or grading of the site, all activity within a 50-feet radius of the find will be stopped, the City Planning Department will be notified, and the archaeologist will examine the find and make appropriate recommendations. Recommendations could include collection, recordation, and analysis of any significant cultural materials. A report of findings documenting any data recovery during monitoring will be submitted to the City Planning Department prior to issuance of an occupancy permit.

38. Mitigation Measure CUL-4: In the event of a discovery of human bone, potential human bone, or a known or potential human burial, all ground-disturbing work in the vicinity of the find will halt immediately and the area of the find will be protected until a qualified archaeologist determines whether the bone is human. If the qualified archaeologist determines the bone is human, the City of Hayward will notify the County Coroner of the find. Consistent with California Health and Safety Code Section 7050.5(b), which prohibits disturbance of human remains uncovered

by excavation until the coroner has made a finding relative to the requirements of Public Resources Code Section 5097, the City will ensure that the remains and vicinity of the find are protected against further disturbance. If it is determined that the find is of Native American origin, the City of Hayward will comply with the provisions of Public Resources Code Section 5097.98 regarding identification and involvement of the Most Likely Descendant (MLD).

If the human remains cannot be protected in place following the coroner's determination, the City of Hayward shall ensure that the qualified archaeologist and the MLD are provided the opportunity to confer on repatriation and/or archaeological treatment of human remains, and that any appropriate studies, as identified through this consultation, are carried out prior to reinterment. The City shall provide results of all such studies to the Native American community and shall provide an opportunity for Native American involvement in any interpretative reporting. As stipulated by the provisions of the California Native American Graves Protection and Repatriation Act, the City shall ensure that human remains, and associated artifacts recovered from the project site are repatriated to the appropriate local tribal group if requested.

39. Mitigation Measure GEO-1: Building foundations shall be designed to resist 2 inches of differential settlement of the supporting soils.

40. Mitigation Measure GEO-2: Underground pipelines such as gas lines, sanitary sewers, and water services shall be properly designed to compensate for the settlement caused by the liquefaction of the underlying supporting soils.

41. Mitigation Measure GEO-3: Fills shall be completely removed and re-compacted. Over-excavation should extend to depths where competent soil is encountered. The over-excavation and re-compaction should also extend at least 5 feet beyond building footprints and at least 3 feet beyond exterior flatwork, including driveways and pavement wherever possible. Where over-excavation limits abut adjacent property, a determination of the actual vertical and lateral extent of over-excavation shall be conducted so that the adjacent property is not adversely impacted. Over-excavations shall be performed so that no more than 5 feet of differential fill thickness exists below the proposed building foundations.

42. Mitigation Measure HAZ-1: The applicant shall install industry standard vapor barriers along with passive ventilation systems as part of the proposed project, to be done per the requirements of the Phase I and Phase II reports.

43. Mitigation Measure HAZ-2: A Site Management Plan shall be developed and implemented with approval and oversight by the appropriate regulatory agency in the event that unanticipated subsurface environmental conditions are encountered following the demolition of the hospital complex. The Site Management Plan shall include, but would not be limited to, procedures for removal or on-site management of contaminated soil, procedures for removal of Underground Storage Tanks (USTs)

if any are encountered, and the protection of construction workers from exposure to impacted soil through measures included in a health and safety plan.

44. Mitigation Measure HAZ-3: Prior to any significant renovation of the medical office building and the demolition of the other existing structures, asbestos containing materials (ACM) and lead-based paint (LBP) surveys shall be conducted to determine the presence of hazardous building materials. Should ACMs, LBP or other hazardous substance containing building materials be identified, these materials would be removed using proper techniques in compliance with all applicable State and federal regulations, including the BAAQMD rule related to asbestos.

45. Mitigation Measure NOI-1: The following measures shall be incorporated into the proposed project to reduce interior noise levels:
- A qualified acoustical consultant shall review the final site plan, building elevations, and floor plans prior to construction and recommend building treatments to reduce interior noise levels to 45 dB(A) Ldn or lower. Treatments would include, but are not limited to, sound-rated windows and doors, sound-rated wall and window constructions, acoustical caulking, protected ventilation openings, etc. The specific determination of what noise insulation treatments are necessary shall be conducted on a unit-by-unit basis during final design of the project. Results of the analysis, including the description of the necessary noise control treatments, shall be submitted to the City, along with the building plans and approved design, prior to issuance of a building permit.
- Provide a suitable form of forced-air mechanical ventilation, as determined by the local building official, 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.

46. Mitigation Measure NOI-2: Within 20 feet of the existing, adjacent residence:
- 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, and drill-rigs shall be prohibited within 20 feet of the existing, adjacent residence.
- Construction and demolition activities shall not involve clam shell dropping operations.

47. Mitigation Measure NOI-3. Construction equipment shall be well-maintained and used judiciously to be as quiet as possible. Additionally, construction activities for the Original Project shall include the following best management practices to reduce noise from construction activities near sensitive land uses:
- Ensure that all construction activities (including the loading and unloading of materials, truck movements, and warming of equipment motors) are limited to the hours of 7:00 a.m. to 7:00 p.m. Monday through Saturday and between the hours of 10:00 a.m. and 6:00 p.m. on Sundays and holidays.

- Contractors equip all internal combustion engine-driven equipment with mufflers, which are in good condition and appropriate for the equipment.
- Contractors utilize "quiet" models of air compressors and other stationary noise sources where technology exists.
- Locate loading, staging areas, stationary noise-generating equipment, etc. as far as feasible from sensitive receptors when sensitive receptors adjoin or are near a construction project area.
- Comply with Air Resource Board idling prohibitions of uneasy idling of internal combustion engines.
- Construct solid plywood fences around construction sites adjacent to operational business, residences or noise-sensitive land uses.
- A temporary noise control blanket barrier could be erected, if necessary, along building facades facing construction sites. This mitigation would only be necessary if conflicts occurred which were irresolvable by proper scheduling.
- Route construction-related traffic along major roadways and as far as feasible from sensitive receptors.
- Businesses, residences or noise-sensitive land uses adjacent to construction sites should be notified of the construction schedule in writing. Designate a "construction liaison" that would be responsible for responding to any local complaints about construction noise. The liaison would determine the cause of the noise complaints (e.g., starting too early, bad muffler, etc.) and institute reasonable measures to correct the problem. Conspicuously post a telephone number for the liaison at the construction site.

Expiration

48. Approval of this Major Site Plan Review and Administrative Use Permit is void 36 months after the effective date of approval unless:

Site Plan Review. Prior to the expiration of the 36-month period, a building permit application has been submitted and accepted for processing by the Building Official or his/ her designee. If a building permit is issued for construction of improvements authorized by this approval, said approval shall be void two years after issuance of the building permit, or three years after approval of the application, whichever is later, unless the construction authorized by the building permit has been substantially completed or substantial sums have been expended in reliance on this approval; or

A time extension of the approval has been granted by the Development Services Director or his/her designee, which requires that a request for an extension of this approval must be submitted in writing to the Planning Division at least 15 days prior to the expiration date of this approval.

Administrative Use Permit. Prior to the expiration of the 36-month period, a building permit application has been submitted and accepted for processing by the Building

Official or a time extension of the approval has been granted by the Planning Director.

If a building permit is issued for construction of improvements authorized by the administrative use permit approval, said approval shall be void two years after issuance of the building permit, or three years after approval of the application, whichever is later, unless the construction authorized by the building permit has been substantially completed or substantial sums have been expended in reliance on the use permit approval. A request for an extension must be submitted in writing to the Planning Division at least 30 days prior to the above date.

Business operations have commenced in accordance with all applicable conditions of approval, have secured a business license and shall maintain a valid business license, including annual renewals, required for operation.

All administrative and conditionally permitted uses that cease operation for a period of more than six consecutive months shall be deemed to be discontinued, and the use permit establishing said use shall become null and void. Reestablishment of said use shall only be permitted upon obtaining a new use permit.

Fire - Access

49. Where the grade plan and highest roof surface exceeds 30ft., fire apparatus roads shall have unobstructed width of 26 feet in the immediate vicinity of buildings (highest roof surface shall be determined by measurement to the eve of a pitched roof). At least one of the required access routes shall be located within a minimum of 15 feet and a maximum of 30 feet from the building and shall be positioned parallel to one entire side of the building. "A" Street having been designed at or greater than 26 ft. (in portions of the roadway) in width, is positioned on the shortest portion of the building, however this condition is adequate for Fire Department access. (Maple, Main, McKeever).

50. Fire apparatus access roads shall be designed and maintained to support 75,000 pounds, the imposed load of fire apparatus, and shall be surfaced to provide all-weather driving capability. An unobstructed vertical clearance of not less than 13 feet 6 inches shall be provided for all fire apparatus accesses.

51. Fire apparatus access road 20 feet to 26 feet wide shall be posted on both sides as a fire lane; fire apparatus access road 26 feet to 32 feet wide shall be posted on one side of the road as a fire lane. "No Parking" signs shall meet the City of Hayward Fire Department fire lane requirements.

52. Address and premise identification approved numbers shall be placed on all buildings in such a position as to be plainly visible and legible from the road or street fronting the property. Dimensions of address numbers or letters on the front of the buildings shall be approved by the fire department.

53. Where a fire hydrant is located on a fire apparatus access road, the minimum road width shall be 26ft. exclusive of shoulders.

54. Entry road exhibit demonstrates access to the property that is within the standards of the Hayward Fire Department. Entry/exit roads into the property must have a minimum inside radius of 17ft. and a minimum outside radius of 45ft. (Appendix D).

Fire - Water Supply

55. A fire flow shall be provided in accordance with the current addition of the California Fire Code Table B105.1 based on the construction type and building area. A fire flow reduction of up to 50 percent is allowed when the building is provided with automatic sprinkler system in accordance with NFPA 13. The resulting fire flow shall not be less than 1,500 gpm.

56. The minimum number of fire hydrants shall be provided in accordance with the Hayward Fire Code Ordinance and the California Fire Code (CFC). The average spacing between hydrants is 300 feet. Any portion of the building or facility shall be within 400 feet of a fire hydrant. Spacing and locations of fire hydrants shall be subject to review and approval by the Hayward Fire Department.

57. All new fire hydrants shall be double steamer type equipped with (2) 4-1/2" outlets and (1) 2-1/2" outlet. Blue reflective fire hydrant blue dot markers shall be installed on the roadways indicating the location of the fire hydrants. Vehicular protection may be required for the fire hydrants.

58. All buildings on site are required to install an overhead fire sprinkler system(s). An underground fire line will service each fire sprinkler system. An underground fire service line shall be installed in accordance with NFPA Standards. (A separate fire department permit, and approval is required prior to installation).

Fire Protection

59. Fire alarm system with occupant notification shall be provided in accordance with CFC Section 907 and NFPA 72 Standards for all proposed R2 buildings. (Deferred Submittal by licensed C10 Contractor)

60. The audible alarm devices shall be installed:
    a. An audible alarm bell (device) shall be installed on the exterior of the fire sprinkler system riser. The device shall activate upon any fire sprinkler system water flow activity.

    b. 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. (R2 occupancy)

    c. An interior audible alarm device shall be installed within the dwelling in a location to be heard throughout the residence. The device shall activate upon any fire sprinkler system water flow activity. (R2 Occupancy)

61. All bedrooms and hallway areas shall be equipped with smoke detectors, hard-wired with battery backup. Installation shall conform to the California Building Code (CBC) and NFPA 72 Standards. (R2 Occupancy)

62. CO detectors should 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 needs a separate detector. (R2 Occupancy)

63. All buildings are required to install an automatic fire sprinkler system in accordance with NFPA 13. A separate fire permit is required for the fire sprinkler system installation. A State Licensed C-1 Fire Sprinkler Contractor shall be responsible for the fire sprinkler system installation. Maximum static pressure of 80 PSI should be used when the test data indicates higher pressures. (Deferred submittal)

64. A maximum static pressure of 80 PSI should be used when test data indicates higher pressures. Residual pressures used in the calculation should also be adjusted accordingly.

65. Underground fire service lines that serve NFPA 13 systems shall be connected to the city water main per Hayward Public Works Dept. SD-204.

66. A standpipe system is required for buildings 3 stories or more in height. Standpipe system shall conform to NFPA 14 Standards. (Deferred submittal)

Hazardous Materials

67. **Environmental and Health Based Site Clearance –** In addition to other documents some of which are on the State Envirostor website, our office has recently received and reviewed the following document:

    a. "Phase I Environmental Site Assessment Report, Main and Maple Development, 22330 Main Street, Hayward, CA, Hayward, California" by PES Environmental, Inc., dated February 10, 2021.

    The report indicates historic commercial and residential uses on the project site including medical uses such as a hospital and medical offices. The report indicates the presence of chlorinated solvent from previous dry-cleaning operation on adjoining properties. As a condition of approval, the Hayward Fire Department is requiring proper evaluation and regulatory oversight to ensure that the site meets environmental and health-based clearances that are appropriate for this residential development. Currently, the applicant has entered into a voluntary cleanup agreement with the California Department of Toxics Substances Control (DTSC) to provide an environmental clearance. A meeting with Developer, DTSC, and the City of Hayward Hazardous Materials Office was held on April 7, 2021, to discuss the site review and clearance process. Clearance from the DTSC 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. The DTSC 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. Exceptions may be granted upon agreement of the City of Hayward Fire Department and the DTSC.

68. **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.

69. **Demolition/Grading –** A condition of approval 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 an appropriate professional(s) to ensure that hazards posed to development construction workers, the environment, future uses, and other persons are mitigated.

70. **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.

71. **Hazardous Materials/Waste and their Vessels Discovered during Grading/Construction –** If hazardous materials/wastes or their containers are discovered during grading/construction, the Hayward Fire Department shall be immediately notified at (510) 583-4910.

72. **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.

73. **Hazardous Materials/Waste During Grading and Construction -** During grading and construction hazardous materials and hazardous waste shall be properly stored, managed, and disposed.

74. **Hazardous Materials During Facility Operation** – Depending on the quantity and types of storage of hazardous materials/waste, an annual hazardous materials permit may be required associated with the development or potentially any onsite tenants. Specific information will need to be submit at the time of building permits for the development that include and are not limited to:

    a. Swimming Pools – On site storage or pool chemicals or ozone generation units.
    b. Elevators – Any oil storage associated with hydraulic elevators system.
    c. Fire Pumps – Any diesel associated with fire pumps.
    d. Maintenance **–** Any hazardous materials associated with maintaining the properties.
        i. Maintenance Supplies such as cleaning supplies, paints, lubricant, gas/diesel, etc.
        ii. Collection of hazardous waste from residence, garbage collection or illegal dumping on the property.
    e. Future Commercial Uses **–** No specific tenants related to commercial use is proposed at this time for the project. If tenants are identified in the commercial spaces, 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.

PRIOR TO DEMOLITION OF EXISTING STRUCTURES

75. Unless otherwise specified or approved by the Planning Director, all vacant building(s) on-site shall be demolished within six (6) months from project approval, and the site shall be returned to a "pre-development condition" which includes the capping of any utilities, the planting of sod to prevent erosion, and a 6 foot tall perimeter fence shall be erected within the required front, side and rear yards of a vacant parcel, subject to the standards set forth in Section 10-1.2735.k, Fence Regulations for Vacant Properties. In addition, the property shall be maintained in a weed-free condition and if applicable, by subject to any pre-construction or demolition mitigation required as pursuant to CEQA.

76. Prior to, during and following demolition of vacant structures, 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.

Building

77. This project will require a building permit and the associated building code plan review process. During the building permit plan review, detailed technical comments will be provided.

78. With the building permit application drawings, please provide a code analysis sheet for this project. Include allowable area calculations, egress diagram and occupant loads. Please show exit access travel distance, common path of egress travel, exits and exit discharge.

79. Please contact the building division with any code questions that may impact the layout of the building. The drawings submitted at this time do not include sufficient detail to evaluate all potential issues. However, specific code questions are welcome before the formal submittal of the building permit drawings.

80. The proposed project falls under a new green building ordinance called the "Reach Code". This local regulation modifies the CA Energy Code to prohibit natural gas in most new buildings. For residential buildings that have more than 3 habitable stories, there is a "mixed-fuel" option that allows some natural gas use if additional efficiency measures are taken. The reach code also expands CalGreen's requirements for EV charging support. To learn more about the Reach Code and to find a checklist for your specific project type, please see the City of Hayward website here: https://www.hayward-ca.gov/reach-code

Landscaping

81. No building permit shall be issued prior to approval of landscape and irrigation improvement plans. Applicant shall propose a location and design for a private dog walk area on the project site. Such proposed location and design shall be subject to the review and approval of the Director of Planning.

82. Pursuant to HMC Chapter 10 Article 12 Bay-Friendly Water Efficient Landscape Ordinance.

83. Pursuant to HMC Section 10-12.07 (a) (2) (C), plant spacing shall not be closer than the minimum spread provided in the reference books in the ordinance. Revision to the proposed plant spacing shall be provided. Graphic representation of plant sizes on the plan shall match the proposed plant spacing. Plants that will mature beyond provided planting area shall be replaced with plants that will mature to the specified space.

    a. Variety for Pistacia chinensis shall be 'Keith Davey' and for Laurus nobilis shall be 'Saratoga.'

    b. Kentucky Bluegrass requires full sun for the best performance and will go dormant during winter season. It is recommended to use a blend of different seeds or a fescue species.

84. Pursuant to HMC Section 10-12.07 (4), soil amendments shall be recommended in the soil analysis report based on amending the soil with organic compost to bring the soil organic matter to a minimum of 5% by dry weight and incorporating organic fertilizers to recommended levels for planting area. If significant mass grading is planned the soil analysis report shall be done after mass grading and the report shall be submitted as part of the Certificate of Completion.

85. Street tree shall be planted in accordance with City Standard Detail SD-122 and the detail shall be included in the planting detail sheet.

86. Two-inch diameter tree stake shall only be used for 15-gallon trees.

87. Double tree staking with three-inch diameter tree stake shall be sufficient for 24-inch-box and 36-inch-box trees. Tree staking or guying detail shall be provided for larger than 36”-box trees.

88. Palm tree planting detail and soil specifications shall be provided.

89. Vine Clematis shall require support system to spread with vine ties. A stake at vine shall not be sufficient. Vine support detail shall be provided.

90. Pursuant to HMC Section 10-12.07(a)(4)(D), mulch shall be arbor chips produced on site only, or organic recycled chipped wood in the shade of Dark Brown color, unless steep slope would prevent from using chipped wood. Mulch size shall not exceed 1-1/2-inch in diameter.

91. Irrigation for street trees provided in the public right-of-way and in the sidewalk shall be provided with two tree bubblers in combination of one flood and one preassembled deep root watering bubblers. Flow rate for each bubbler device shall not exceed 0.25 gallon per minute.

92. Irrigation schedule for the establishment period and post-establishment period shall be provided on the irrigation plan.

93. Overhead spray irrigation in the fire lanes shall be installed in compliance with the State and the City’s requirement of recessing 24-inch from the edge of structure and hardscape.

94. All above ground mechanical equipment shall be screened from the street with five-gallon shrubs.

95. Minimum twelve inches wide band of large size exceeding six-inch diameter Noiya Cobblestone shall be provided around overflow catch basin or bubble up basin.

96. Tree shall be located a minimum of 5 feet from lateral service lines and driveways, 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.

97. 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.

98. Backflow prevention device shall conform to the City Standard Detail SD-202 and the detail shall be incorporated into the irrigation detail plan.

Landscape Maintenance:

99. Landscaping shall be maintained in a healthy, weed-free condition at all times and shall maintain irrigation system to function as designed to reduce runoff, promote surface filtration, and minimize the use of fertilizers and pesticides, which contribute pollution to the Bay.

100. 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.

101. Three inches deep mulch should 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. The depth shall be maintained at three inches deep.

102. 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.

103. All trees planted as a part of the development as shown on the approved landscape plans shall be "Protected" and shall be subjected to Tree Preservation Ordinance. Tree removal and pruning shall require a tree pruning or removal permit prior to removal by City Landscape Architect.

104. Any damaged or removed trees 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.

105. Irrigation system shall be tested periodically to maintain uniform distribution of irrigation water; irrigation controller shall be programed seasonally; irrigation system should be shut-off during winter season; and the whole irrigation system should be flushed and cleaned when the system gets turn on in the spring.

Engineering

106. APNs 428-0061-061-03 & 428-0061-061-04 shall be merged, or an irrevocable agreement shall be filed in public records for the use, maintenance, repair and replacement of common use facilities, including but not limited to the fire lane, area lighting, vehicle parking and other utilities.

107. The proposed removal of the existing striped mid-block crosswalk on Main Street will require public notice prior to the approval of the grading permit for this project. Please contact the Engineering Division for noticing requirements.

Transportation

108. Applicant, property owner, Homeowners Association (HOA) or property manager shall maintain adequate visibility and sight distance at all project driveway(s) and access point(s).

109. Applicant and the Property Manager shall implement the following TDM measures and strategies as identified in the Project's TDM Plan:

- Unbundled Parking: Applicant/Property Manager shall be required to unbundle parking, to offer for lease all on-site parking spaces designated for residential/retail usage separate from the lease rates for rental units, including those spaces reserved during business hours for retail uses. Upon request, Applicant/Property manager shall present documentation (e.g. copy of lease agreement with sensitive information redacted) to the City's Planning Division or the City's Public Works-Transportation Division confirming that unbundling of parking spaces is occurring.

- Preferential EV & Carpool Parking: Applicant shall designate parking spaces for electric vehicles (EVs) and carpool vehicles. These items shall be shown on the Project's Improvement Plans.

- Carshare: Applicant shall designate at minimum two "car-share" parking spaces.

- Bikeshare/Pedestrian Oriented Design: Applicant/Property Manager shall provide at minimum five bicycles for rent to residents.

110. Applicant shall implement TDM measures in addition to those above to the extent necessary to reduce Project's vehicular trips to a maximum of 1,584 daily trips, 96 AM peak hour trips and 132 PM peak hour trips (20% reduction from the project's baseline estimated trip generation) ("VTR"). The Applicant shall select TDM measures from the Alameda County Transportation Commission (ACTC) Vehicle Miles Travelled Reduction Calculator Tool and/or additional measures approved by the Public Works Director or his/her designee. Such measures may include, without limitation:

- Annual contribution to an established Last-Mile Shuttle Program when the project reaches 75% occupancy.
- Subsidized monthly transit passes

111. Applicant/Property Manager shall submit to the Public Works-Transportation Division, a TDM Monitoring Report on an annual basis, beginning the first operating year or beginning at 75% occupancy. TDM Monitoring Report shall be prepared by a qualified transportation consultant and shall be due on July 1 of each year, with Applicant/Property Manager responsible for all costs associated with the preparation of the TDM Monitoring Report which shall include the following:

- Summary of implemented TDM measures and their measured effectiveness;

- Results of Project resident and employee transportation surveys to monitor vehicle trip generation and mode share for the project residents and employees; and
- Weekday AM and PM peak period and daily traffic volume counts at all Project driveways and internal gate(s) for secure residential parking.

112. Upon request by the City of Hayward, the Applicant shall be responsible for the total costs of transportation consulting services for the purpose of peer reviewing the annual TDM reports.

113. 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 may result in violation of Conditions of Approval.

114. If Project does not meet VTR goals for two successive years, the Applicant/Property Manager shall implement additional TDM Strategies which may include but are not limited to:

- Residential Ride-match program;
- Car-share subsidies;
- Transit subsidy increases;
- Commute Marketing Program;
- TNC/Transit Partnerships;
- Carpool/Vanpool incentives.

115. If, after the project achieves 75% occupancy, the Public Works Director determines that a Parking Permit Program is needed within a six-block radius of the project, Applicant/Property Manager shall contribute a fair share amount of $25,000 per fiscal year toward development of the Parking Permit Program. Such contribution shall not exceed $25,000 per year. This contribution shall be due on July 1 of each year and represents Applicant's fair-share contribution toward development of the Parking Permit Program, including but not limited to the costs for installation of signage and striping, permits, and the cost for enforcement of the program in the area. If, after establishment of the program, program costs for the six-block area are offset by permit fees and other program revenue sources, as determined by the Public Works Director, City shall reduce or remove the annual contribution requirement accordingly. Should the Public Works Director determine other project(s) are impacting parking in the neighborhood, the costs for the program and enforcement shall be shared proportionately among such development(s) based on the total number of residential units in each development plus, the total retail/commercial square footage in each development. Alternatively, fair-share proportionality may be determined by an alternate methodology approved by the Public Works Director. Upon request by the Applicant, City shall provide a reasonable

accounting of the costs of the Parking Permit Program and substantiation for the determination of the project's fair share contribution.

Solid Waste

116. The property owner or his/her designated property manager shall be responsible for litter-free maintenance of the property and shall remove any litter on or within 50 feet of the property daily to ensure that the property and its street frontage remain clear of any abandoned debris or trash per Municipal Code Sec.11-5.22.

PRIOR TO ISSUANCE OF BUILDING PERMIT

Affordable Housing

117. This development is subject to the requirements of the Affordable Housing Ordinance set forth in Chapter 10, Article 17 of the Hayward Municipal Code. The developer shall comply with the affordable housing requirements as reflected in the attached final Affordable Housing Plan on file with the Housing Division and included as Attachment X and detailed per Section 10-17.510 Affordable Housing Plan. No building permit(s) will be issued for any non-City restricted units in the Project until permits for all affordable units have been obtained or are obtained simultaneously. No Certificate(s) of Occupancy will be issued for any non-City restricted units in the Project until Certificate(s) of Occupancy for all affordable units have been obtained or are obtained simultaneously.
118. Pursuant to Hayward Municipal Code Sections 10-17.515 and 10-17.525, the developer shall enter into and record against the property an Affordable Housing Agreement that includes all elements set forth in the Affordable Housing Ordinance and the final Affordable Housing Plan on file with the Housing Division and included as Attachment X to the staff report, 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.

119. If the developer decides to phase the project, then prior to the execution of the Affordable Housing Agreement, the developer shall submit a Phasing Plan subject to the review and approval of the City Council or designated reviewing authority as specified in the City's Affordable Housing Ordinance (AHO) in effect at the time. 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.

Landscaping

120. 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.

Water

121. 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. Available on the City's website: https://www.hayward-ca.gov/your-government/departments/engineering-division

122. All connections to existing water mains shall be performed by City Water Distribution personnel at the Applicant/Developer's expense. The Applicant/Developer is responsible for installation charges, facilities fees, and sanitary sewer connection fees in effect at the time of application for water and sanitary sewer services.

123. 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.

124. The water facilities fee for multi-family developments are based on the water meter size required to meet the indoor demand for each individual dwelling unit, regardless of the arrangement of water meters or meter sizes at the property.

125. The water facilities fee for non-residential connections are based on the water meter size required to meet the indoor demand for the operation.

126. Domestic Water Services (Residential): One or more master water meters may serve the development residential domestic water services. One master water meter is required per building. Private submeters shall be installed for each residential dwelling unit per the State of California SB-7.

127. Domestic Water Services (Non-Residential): Each non-residential, commercial unit shall be served by a separate domestic water meter.

128. Fire Services: Each building shall have its own fire service, sized per the requirements of the Fire Department. Fire services shall have an above ground Double Check Valve Assembly, per City Standards SD-201 and SD-204.

129. Irrigation: It is anticipated that one or more separate irrigation water meters and services shall be installed for the development's landscaping. The gallon-per-minute demand of the irrigation system must be provided to determine appropriate meter size. The Applicant/Developer's shall install an above ground Reduced Pressure Backflow Prevention Assembly (RPBA) on each 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.

130. Water meters and services are to be located a minimum of two feet from top of driveway flare as per City Standard Detail SD-213 thru SD-218. Water meters shall not be located in the driveway. Water meter lids shall be Nicor, Inc.

131. 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.

132. The development's utility plan is conceptual and further review and comments may be provided during review of grading and/or improvement plans. Design and construction of water and sewer facilities improvements to serve the proposed development shall be coordinated with the City's Water and Sewer Capital Improvements Projects and to the satisfaction of the City Engineer.

133. Off-site water pipeline improvements, at the Applicant/Developer's expense, shall be required to serve the proposed development as determined by the Director of Public Works. Water pipeline improvements include, but are not limited to, upsizing existing water pipelines to accommodate the project, abandoning existing water pipelines and appurtenances, replacing existing water service lines, installing new water service lines, and reconnecting water service lines from existing water main to new water main.

134. The existing water mains shall be abandoned and replaced, at the Applicant/Developer's expense, to accommodate the development as follows:

    a. The existing 6" water main along Maple Court between A Street and McKeever Avenue shall be replaced with a minimum 12" water main.

    b. The existing 8" water main along Main Street between A Street and McKeever Avenue shall be replaced with a minimum 12" water main.

    c. The existing 6" water main along McKeever Avenue between Main Street to Maple Court shall be replaced with a minimum 12" water main.

Sewer

135. All sewer mains and appurtenances shall be constructed in accordance with the City's "Specifications for the Construction of Sewer Mains and Appurtenances," latest revision at the time of permit approval. Available on the City's website:

https://www.hayward-ca.gov/your-government/departments/engineering-division

136. The developer is responsible for payment of sewer connection fees at the current rates at the time and application for water and sewer service is submitted. 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.

137. The Applicant/Developer's shall install a grease control device to control fat, oil, and grease discharge from any food service establishment. The type, size, and location of the device shall be approved by the Public Works & Utilities Department.

138. The development's utility plan is conceptual and further review and comments may be provided during review of grading and/or improvement plans. Design and construction of water and sewer facilities improvements to serve the proposed development shall be coordinated with the City's Water and Sewer Capital Improvements Projects and to the satisfaction of the City Engineer.

139. Off-site sanitary sewer pipeline improvements, at the Applicant/Developer's expense, shall be required to serve the proposed development as determined by the Director of Public Works. Sanitary sewer pipeline improvements include, but are not limited to, upsizing existing sanitary sewer pipelines to accommodate the project, abandoning existing sanitary sewer pipelines, modifying associated sewer manholes for new connections, installing new sanitary sewer manholes, and reconnecting sewer laterals from existing sewer main to new sewer main. The improvements shall also include replacing a minimum of five feet of existing sewer lateral from the connection at the sewer main prior to connecting existing sewer lateral to new sewer main.

140. The existing sanitary sewer mains shall be abandoned and replaced, at the Applicant/Developer's expense, to accommodate the development as follows:

    a. The existing 6" sanitary sewer main in Maple Court from McKeever Avenue to A Street shall be replaced with a minimum 8" sanitary sewer main.

    b. The existing 6" sanitary sewer main in Main Street from the development's point of connection to A Street shall be replaced with a minimum 8" sanitary sewer main.

    c. The development does not propose wastewater discharge to the existing sewer main in McKeever Avenue. If the development will have sanitary sewer lateral connection(s) to the existing sewer main in McKeever Avenue, the existing 6" sanitary sewer main in McKeever Avenue from the development's point of

connection to Maple Court shall be replaced with a minimum 8" sanitary sewer main.

Domestic & Fire Services

141. Facilities fees for residential connections are based on the domestic demand for each dwelling unit. The developer is required to pay water facilities fees and installation charges for connections to water mains and work performed by City forces.

142. Fire: Each structure shall have its own fire service, sized per the requirements of the Fire Department. Fire services shall have an above ground Double Check Valve Assembly, per City Standards SD-201 and SD-204.

143. Irrigation: It is anticipated that one or more separate irrigation water meters and services shall be installed for the development's landscaping. The gallon-per-minute demand of the irrigation system must be provided to determine appropriate meter size. The applicant/developer shall install an above ground Reduced Pressure Backflow Prevention Assembly (RPBA) on each 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.

144. One domestic water meter shall be installed for the common room and the laundry room. Any other non-residential areas or common areas shall be individually water metered.

145. The water facilities fee for non-residential connections are based on the water meter size required to meet the indoor demand for the operation.

146. Each commercial unit shall be served by a separate domestic water meter.

147. Water meters and services are to be located a minimum of two feet from top of driveway flare as per City Standard Detail SD-213 thru SD-218. Water meters shall not be located in the driveway. Water meter lids shall be Nicor, Inc.

148. 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.

149. The development's utility plan is conceptual and further review and comments may be provided during review of grading and/or improvement plans.

150. Off-site water pipeline improvements, at the applicant/developer's expense, shall be required to serve the proposed development as determined by the Director of Public Works. Water pipeline improvements include, but are not limited to, upsizing existing water pipelines to accommodate the project, abandoning existing water pipelines and appurtenances, replacing existing water service pipeline, installing new water service lines, and reconnecting water service lines from existing water main to new water main.

Engineering

151. Developer shall secure the Grading Permit prior to the issuance of any Building Permits associated with the project. Plans for Grading Permit shall include details for required grading, material stockpiling, earth retaining structures, drainage collection and disposal, stormwater pollution prevention measures, utility service laterals, landscape and lighting improvements and improvements in the street right-of-way complying with the Planning approval and necessary to develop the site.

152. All plans and their related engineering studies and design documents shall be prepared by the State licensed and qualified professionals and shall comply with Chapter 10, Article 8 of the Hayward Municipal Code and the current City Standard Details, available online.

153. The project related grading, retaining walls, surface and sub-surface drainage, utility trench backfills, and pavements shall be designed in accordance with the recommendations of the geologic and geotechnical study reports submitted to and approved by the City Engineer. Soils report engineer shall confirm such compliance by signing the final grading and drainage plans.

154. Structural calculations and details prepared by a licensed civil or structure 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.

155. The project shall not block runoff from or augment runoff to adjacent properties. The developer shall detain on-site the 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.

156. 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 drainage shall be collected and conveyed to 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.

157. 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 with minimum slope of two percent (2%) or as required by the Soils Engineer. On-site storm drains shall be sized to minimize potential for blockages and designed to prevent water ponding.

158. The on-site storm conveyance and treatment systems shall be owned and maintained by the property owner.

159. 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, site design measures, and numeric sizing calculations in conformance with Alameda County Clean Water Program C3 design guidelines.

160. Land disturbance of one or more acres on the project site requires the developer to submit to the City Engineer the Notice of Intent and WDID issued by the State Water Resources Control Board and a Storm Water Pollution Prevention Plan (SWPPP) before issuance of a grading permit. The SWPPP shall be prepared by a Qualified SWPPP Developer (QSD) utilizing 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.

161. Developer shall comply with the pre-construction and post-construction requirements of the Municipal Regional Permit (MRP) of the San Francisco Regional Water Quality Control Board. The project shall also include erosion control measures to prevent soil, dirt, debris and contaminated materials from entering the storm drain system, in accordance with the regulations outlined in the ABAG Erosion and Sediment Control Handbook.

162. All existing public utilities shall be protected in place and if necessary, relocated as approved by the utility owner. No permanent structure is permitted within City easements and no trees or deep-rooted shrubs are permitted within City utility easements, where the easement is located within landscape areas.

163. Prior to any work within public right of way or City easement, the developer shall obtain an encroachment permit from the City unless such work is permitted by the City's grading permit. City's permit for work within public street rights-of-way shall be as per the plans approved by the City Engineer and shall include the following:

- Main Street pavement, across the project frontage, shall be repaired and resurfaced. Its easterly one-half width shall be resurfaced with a minimum 2-inch thick hot-mix A.C. and the westerly one-half width shall be resurfaced by

micro-surfacing as per plans submitted by the developer's engineer and approved by the City Engineer.

- Main Street shall be restriped for one vehicular lane, parking, and a striped separated bike lane in each direction of travel across the project frontage. Provide street pavement markings and signage transitions to match existing beyond the project frontage. The Main Street striping plan shall be consistent with the lane configuration for the City's Main Street Complete Street project as determined by the City Engineer.
- Existing mid-block crosswalk across Main Street shall be removed along with its associated curb ramps, signs, and pavement markings.
- Existing overhead utilities and poles on Main Street shall be removed and replaced with underground utilities fronting the project.
- New streetlights shall be installed across all street frontages of the project. Provide an off-site photometric plan, street lighting levels shall comply with the City Standard Plan SD-120.
- Replace existing with new concrete curb, gutter, sidewalk, and driveways across the project frontages on Main Street and McKeveer Avenue conforming to adjoining existing in form and color. Replace damaged similar improvements across the project frontage on Maple Court.
- Driveways and sidewalk fronting the project shall be accessibility compliant and not narrower than their existing widths. Unused driveways shall be replaced with new curb, gutter, and sidewalk.

Transportation

164. Applicant shall submit the following items as part of Improvement Plans to Public Works-Transportation for review prior to issuance of Building Permits:

- 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).
- A Photometric Plan, refer to Hayward's Standard Plans Sheet SD-120 for roadway lighting criteria, link: https://www.hayward-ca.gov/documents/hayward-standard-detail
- Turning Analysis using WB-50 or the largest vehicle expected on-site using AutoTurn software. Turning Analysis shall not depict vehicles backing into public streets/right-of-way.

165. Unless otherwise directed by the Public Works & Utilities Director or his/her designee, Applicant shall extend the existing red curb on Mission Boulevard at the intersection of Simon Street in both directions so that parking is prohibited within 60 feet of the intersection to improve sight visibility and distance. Applicant shall provide to Public Works-Transportation Signing & Striping Plans for this location.

166. Unless otherwise directed by the Public Works & Utilities Director or his/her designee, Applicant shall extend the existing red curb on Mission Boulevard at the

intersection of Hotel Avenue in both directions so that parking is prohibited within 60 feet of the intersection to improve sight distance and visibility. Applicant shall provide to Public Works-Transportation Signing & Striping Plans for this location.

167. Applicant shall adjust the driveway slope at the project's parking garage driveway so that there is a five-foot level path of travel for pedestrians along the sidewalk and crossing the driveway. This item shall be included in Improvement Plans.

168. Unless otherwise directed by the Public Works & Utilities Director or his/her designee, Applicant shall coordinate with City staff and reconfigure the striping and signage of the northbound lanes on Main Street approaching A Street to provide adequate transition to the section of Main Street north of A Street. Reconfiguration of the striping and signage of the approach and intersection shall be consistent with the lane configuration/plans for the City's Main Street Complete Streets project as determined by the City Engineer. The Applicant shall be responsible for the cost and/or construction of the transition, the design of which shall be approved by the Public Works & Utilities Director or his/her designee. This item shall be included in the Signing & Striping Plans.

169. Applicant shall stripe 20-feet of red curb on both sides of all project driveways to discourage parking near driveways and provide adequate sight distance. This item shall be included in the Signing & Striping Plans.

170. Applicant shall install striping and signage for a Class IV separated bike lane along both sides of Main Street between A Street and McKeever Avenue. The design of the bike lane shall meet City standards and design requirements to the satisfaction of the Public Works & Utilities Director or his/her designee and shall be consistent with the lane configuration for the City's Main Street Complete Street project as determined by the City Engineer. This item shall be included in the Signing & Striping Plans.

171. Applicant shall stripe a bicycle lane along both sides of McKeever Avenue between Main Street and Maple Court. The bike lane shall meet the City's standards and design requirements to the satisfaction of the Public Works & Utilities Director or his/her designee. This item shall be included in the Signing & Striping Plans.

172. Applicant shall stripe "parking-tees" designating on-street public parking spaces along both sides of Main Street between A Street and McKeever Avenue and along both sides of McKeever Avenue between Main Street and Maple Court. This item shall be included in the Signing & Striping Plans.

173. Unless otherwise directed by the Public Works & Utilities Director or his/her designee, Applicant shall stripe high visibility "ladder" crosswalks for all legs of the

following intersections, which shall be included in the Signing & Striping Plans:

- Main Street / A Street;
- Main Street / McKeever Avenue;
- McKeever Avenue / Maple Court;
- Mission Blvd. / Simon Street; and
- Mission Blvd. / Hotel Avenue.

174. The applicant shall install rectangular rapid flashing beacons, advance yield lines, pedestrian crosswalk signs, "Yield Here" signs and advance crosswalk signs on both directions of Mission Boulevard at the following intersections, which shall be included in the Signing and Striping Plans:

- Mission Blvd./Simon Street; and
- Mission Blvd./Hotel Avenue.

175. Applicant shall install Pedestrian Barricades on both the north and south side of the intersection of Maple Court and A Street to discourage crossing A Street at that location. The barricades shall include appropriate signage directing pedestrians to crosswalks at adjacent intersections. This item shall be included in the Signing & Striping Plans.

176. Applicant shall install channelized median and appropriate striping/signage to restrict westbound traffic at the intersection of Hotel Avenue/Mission Boulevard to right-in, right-out only. This item shall be designed to the satisfaction of the Public Works & Utilities Director or his/her designee and shall be included in Improvement Plans, including the Signing & Striping Plans.

177. Applicant shall increase the number of short- and long-term bicycle parking for both the residential and retail uses to accommodate at minimum 79 bicycle parking units for the residential portion of the project and two bicycle parking units for the retail portion in a secure bicycle room. Applicant shall further locate at least four short-term bicycle parking units within close proximity to the ground floor retail use.

178. Applicant shall designate parking for Electric Vehicles (EVs) and Carpool vehicles. This item shall be included in Improvement Plans.

179. Applicant shall designate, at minimum, two on-site "car-share" parking spaces. This item shall be included in Improvement Plans.

180. 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 CONSTRUCTION

Landscaping

Existing Tree including Off-Site Tree Protection During Construction

181. Prior to beginning work, the contractors working in the vicinity of trees for preservation are required to meet with the Project Arborist at the site to review all work procedure, access routes, storage areas and tree protection measures.

182. Any grading, construction, demolition or other work that is expected to encounter tree roots should be monitored by the Project Arborist. Any necessary root pruning shall be performed by a qualified arborist and not by construction personnel.

183. If damages should occur to any tree during construction, it should be evaluated as soon as possible by the Project Arborist so that appropriate treatments can be applied. If the damages to tree result in removal, removed tree shall be replaced to its appraised value provided by the Project Arborist and approved by City Landscape Architect.

184. Fences will be erected to protect trees to be preserved. Fences are to remain until all site work has been completed. Fences may not be relocated or removed without permission of the Project Arborist.

185. Any additional tree pruning needed for clearance during construction must be performed by a qualified arborist and not by construction personnel with a tree pruning permit from City Landscape Architect. Pruning off-site tree shall require a written permission from the property owner where the tree is located.

186. On-site trees for preservation shall be irrigated on a schedule to be determined by the Project Arborist. Each irrigation session shall be wet the soil within the Tree Protection Zone to a depth of 30 inch.

Engineering

187. Construction Stormwater Management: Developer shall be responsible for the preventing the discharge of pollutants and 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 thru' 11-5.23. Land disturbing activities between October 1st and April 30th, must have an erosion and sedimentation control program approved, and implemented prior to the start of any land disturbing activity. Trash and debris must be adequately contained at all times. 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.

188. Qualified SWPPP Practitioner (QSP) shall regularly inspect and submit monthly and final reports to the Public Works Inspector in addition to the submittals to the State Water Quality Control Board.

189. Construction Damage: The Developer shall remove and replace curb, gutter, sidewalks, driveways, signs, pavement, pavement markings, etc. damaged during construction of the proposed project prior to issuance of the Final Construction Report by the City Engineer. Damaged pavement surfaces shall be overlain or micro-surfaced. Unused driveways or unused portions thereof shall be removed and replaced with curb, gutter, and sidewalk per City standards.

PRIOR TO ISSUANCE OF CERTIFICATE OF OCCUPANCY

Landscaping

190. 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.

191. Pursuant to HMC Section 10-12.11: For new construction and rehabilitated landscape projects installed after December 1, 2015, the project applicant shall submit an irrigation audit report done by the third party as required in Appendix C - Certificate of Completion Part 5 to the City. The report may include, but not limited to inspection, system tune-up, system test with distribution uniformity, overspray or run off causing overland flow, an irrigation schedule, irrigation controllers with application rate, soil types, plant factors, slope, exposure, and any other factors necessary for accurate programming.

192. 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 faxed/e-mailed/turn in prior to requesting an inspection from the City Landscape Architect.

Engineering

193. All public and private improvements including punch list items must be compete prior to occupancy of any unit.

194. 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.

195. 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.

196. SWPPP Final Report: The project QSP shall prepare and file a Final SWPPP Report with the City and Water Board.

197. 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.

198. 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.

199. 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.

Revised Original Project

Hayward, California

Addendum to the
Maple & Main Original Project
Final Initial Study and Mitigated Negative Declaration
SCH No. 2016082060
&
Specific Plan, Downtown Development Code and Associated Zoning Changes Update Final Environmental Impact Report
SCH No. 2018022054

Prepared for:

City of Hayward
Development Services Department
777 B Street
Hayward, CA 94541

Prepared by:

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505 14th Street, Suite 1230
Oakland, California 94612

May 2022

Table of Contents

LIST OF FIGURES

1.0 INTRODUCTION

This Addendum, checklist, and attached supporting documents have been prepared to document that the City of Hayward Downtown Specific Plan, Downtown Development Code and Associated Zoning Changes Update Final Environmental Impact Report (SP Final EIR) (State Clearinghouse Number 2018022054) and the Final Initial Study/Mitigated Negative Declaration (Final IS/MND) (State Clearinghouse Number 2016082060) for the Maple & Main Original Project ("Original Project") adequately addresses the potential environmental impacts of the revised Maple & Main Original Project ("Revised Project") in the City of Hayward, California pursuant to California Environmental Quality Act (CEQA) (Pub. Resource Code, Section 21000, et seq.) and that no Subsequent or Supplemental analysis is required.

2.0 PURPOSE AND BACKGROUND

On February 7, 2017, the Hayward City Council adopted the Final IS/MND and a Mitigation Monitoring and Reporting Program pursuant to CEQA for the Original Project.

The Original Project included the demolition of all buildings on the project site with the exception of the medical office building located on the corner of McKeever Avenue and Maple Court (22455 Maple Court), and the construction of a residential building that would include 240 rental apartments, ground floor retail and a leasing office. As part of the original project, the medical office building located at 22455 Maple Court would be reduced in size, improved and modernized. The improved medical office building would have included approximately 47,750 square feet (sf) of building space. The Revised Project does not include renovation of the previously on-site medical office building as this building was demolished in 2019 and the site remains vacant.

On April 30, 2019, the City of Hayward adopted the Hayward Downtown Specific Plan (the "Specific Plan"). The Specific Plan is intended to provide "a strategy to achieve the community's vision of a resilient, safe, attractive, and vibrant historic Downtown by clearly outlining an implementation plan, delineating an inclusive, multi-modal circulation system, integrating public open spaces, and establishing new regulations that clearly establish. Downtown Hayward as the heart of the City and a destination for visitors and residents." The Specific Plan describes the type and scale of development authorized within the plan area. The Revised Project site is within the Specific Plan area and will be subject to the land use, zoning, and development controls set forth in the Specific Plan and related approvals. As part of the Specific Plan approval, the City of Hayward certified the Downtown Specific Plan and Associated Zoning Code Update Environmental Impact Report (SP Final EIR) (SCH No. 2018022054). The SP Final EIR is a program-level EIR that analyzes the potential significant environmental effects from the reasonably foreseeable indirect physical changes in the environment because of the adoption and implementation of the Specific Plan

project. (SP Final EIR, p. 1-4.) The SP Final EIR explains that when "future developments within the scope of the effects examined in the program EIR, then additional environmental review may not be required for future projects." (SP Final EIR, p. 1-4.)

This Revised Project proposes to develop 3.93 acres of unutilized parcels with a Mixed-Use development consisting of 314-residential units (27 studios, 126 one-bedroom, 138 two-bedroom, and 23 three-bedroom), 7,100 square feet of retail space, and 24,000 square feet of combined open space). Nineteen (19) of the residential units are designated affordable housing. The Revised Project also proposes to provide 422 vehicle parking spaces, 66 long-term bicycle spaces, and ten motorcycle spaces. The Revised Project is a revision of a 2016 proposal.

The City of Hayward has prepared this Addendum to document that the Revised Project is substantially the same as the previously evaluated Original Project, that the environmental effects of the now proposed Revised Project are adequately analyzed in the SP Final EIR adopted in April 2019 and the Final IS/MND, adopted in February 2017, and that there are no changes in circumstances or substantial new information that would trigger the need for further environmental review under CEQA.

In addition, the Department of Toxic Substances Control (DTSC) is drafting a Remedial Action Workplan (RAW) to remediate and mitigate potential impacts from hazards and hazardous materials that have been identified at the site to ensure that all existing recognized environmental concerns are addressed so that the site is appropriate for residential uses (see **Section 5.8**). DTSC, as a Responsible Agency, also will use this Addendum in compliance with CEQA for the RAW component of the project.

The *CEQA Guidelines* provide that where none of the conditions requiring the preparation of a subsequent or supplemental IS/MND or EIR are met, a lead agency would prepare an Addendum to the previously adopted IS/MND and include a brief explanation of the decision to not prepare a Subsequent or Supplemental IS/MND or EIR supported by substantial evidence (Section 15164). Based on the analysis below, this Addendum concludes that the Revised Project would not result in a new environmental impact previously not evaluated in the Final IS/MND or SP Final EIR, an increase in the severity of significant adverse impacts previously identified and studied in the Final IS/MND or SP Final EIR require the adoption of any new or considerably different mitigation measures or otherwise trigger the need for further environmental review. Therefore, this Addendum, combined with the Final IS/MND and SP Final EIR, provides environmental review appropriate for the approval of the Revised Project in compliance with CEQA.

3.0 CEQA REQUIREMENTS

CEQA Guidelines Section 15164(a) states that the lead agency shall prepare an addendum to a previously certified EIR and/or IS/MND if some changes or additions are necessary but none of the conditions described in *CEQA Guidelines* Section 15162 calling for preparation of a subsequent or supplemental EIR and/or IS/MND have occurred. Section 15164(c) states than an addendum does not need to be circulated for public review. Section 15164(d) provides that the decision-making body shall consider the addendum in conjunction with an adopted EIR and IS/MND prior to making a decision on the project. Section 15164(e) requires documentation of the decision not to prepare a subsequent or supplemental EIR and/or IS/MND pursuant to Section 15162.

CEQA Guidelines Section 15162(a) provides that once an EIR and/or IS/MND has been adopted, no subsequent EIR or IS/MND shall be prepared unless the lead agency determines, on the basis of substantial evidence, one or more of the following:

- Substantial changes are proposed in the project which will require major revisions of the previous EIR or IS/MND due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;

- Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR or IS/MND due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;

- New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR or IS/MND was approved or certified as complete, shows any of the following:

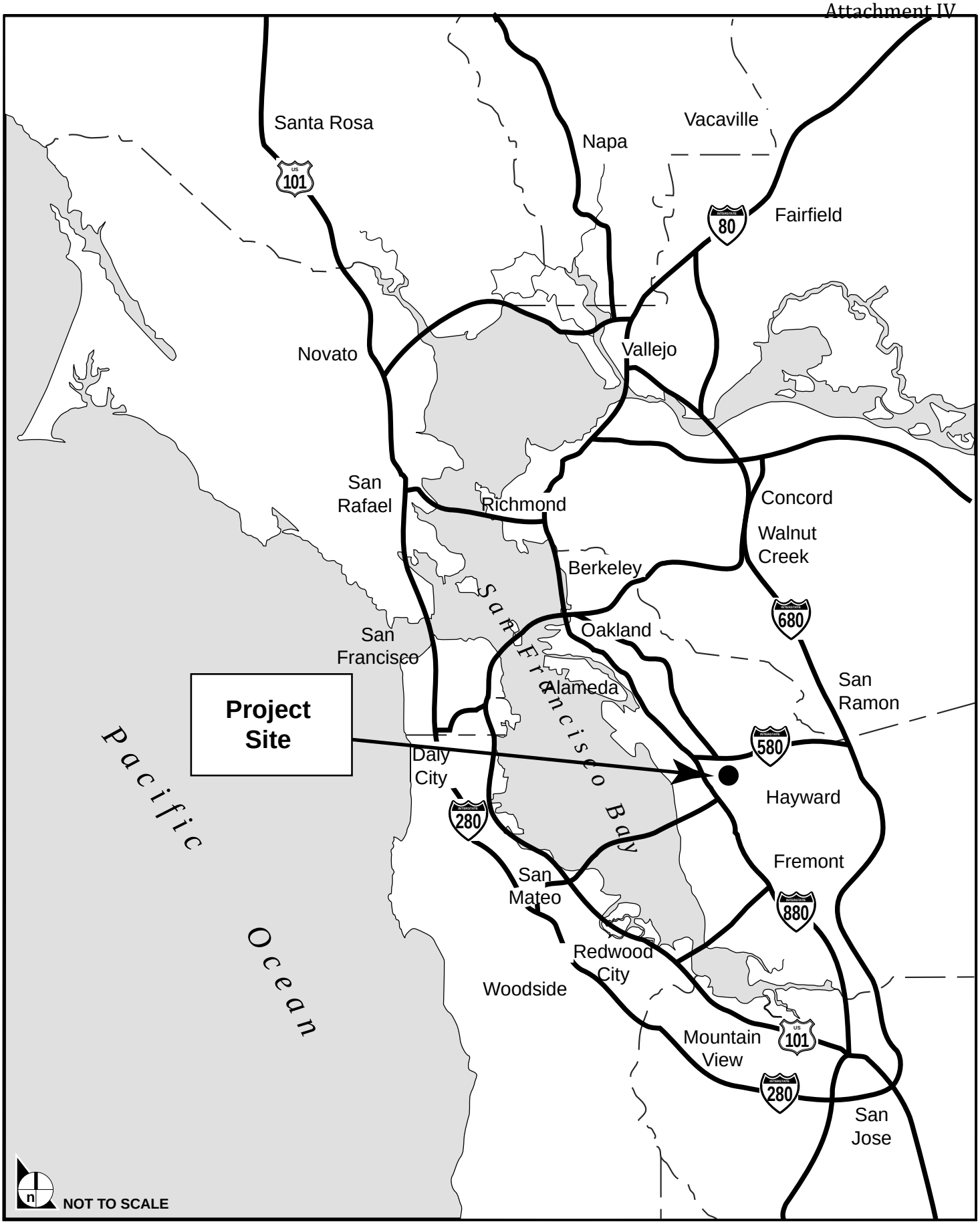
  – The project will have one or more significant effects not discussed in the previous EIR or IS/MND;

  – Significant effects previously examined will be substantially more severe than shown in the previous EIR or IS/MND;

  – Mitigation measures previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or

- Mitigation measures which are considerably different from those analyzed in the previous EIR or IS/MND would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

This Addendum has been prepared to satisfy the requirements of *CEQA Guidelines* Sections 15164(a), 15164(d), and 15164(e). The Revised Project is a redevelopment of an already Original Project that would change its scope and size. Moreover, the project vicinity is currently undergoing a voluntary clean-up effort in coordination with the Department of Toxic Substances Control. Any potential effects on the environment should be analyzed in the Hazards/Hazardous Materials section of this Addendum.



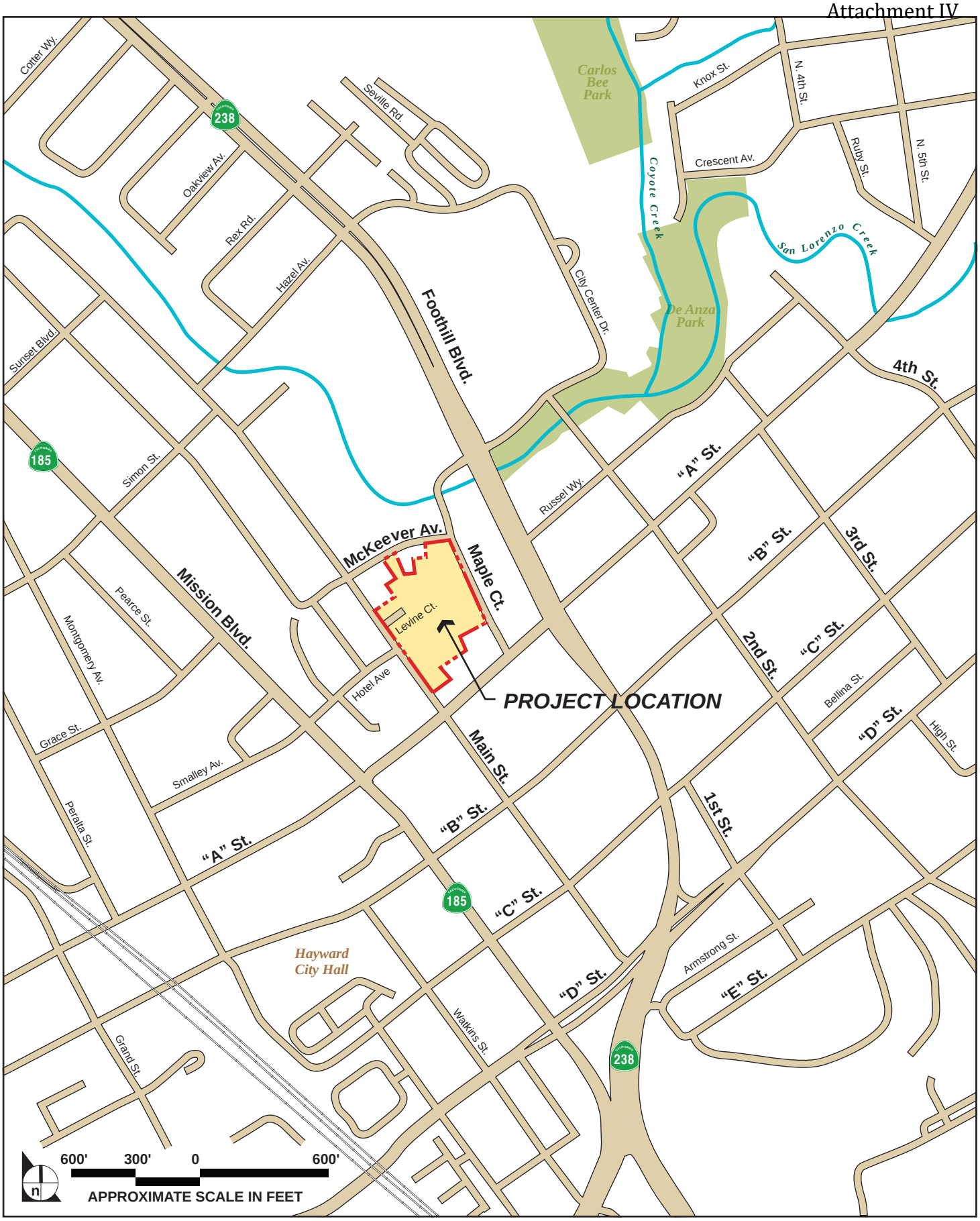
SOURCE: Impact Sciences, Inc. – August 2016

FIGURE **1**

IMPACT SCIENCES

Regional Location

1252-001•08/16



SOURCE: © Google Maps 2015.

FIGURE **2**

IMPACT SCIENCES

Project Vicinity

1252.001•10/15

NOTES:

1. FOR BUILDING CODE ANALYSIS, EXITING, AND FIRE ACCESS, REFER TO SUPPLEMENTAL SHEETS IN THIS SET
2. FOR DETAILED INFO ON LANDSCAPE AND HARDSCAPE ELEMENTS REFER TO SHEETS L1.00 TO L1.11
3. FOR TRASH ENCLOSURE DETAILS AND BIN SIZES SEE SHEET A-22

MAIN AND MAPLE MIXED USE
HAYWARD, CALIFORNIA HPA# 20170

OVERALL SITE PLAN

GOEL HAYWARD MF, LLC

HUMPHREYS & PARTNERS ARCHITECTS, L.P.
5339 Alpha Rd., Suite 300, Dallas, TX 75240 | 972.701.9636 | www.humphreys.com

A-02

SOURCE: Impact Sciences, Inc., August 2016

FIGURE 3

IMPACT SCIENCES

Proposed Site Plan

1252-001-08/16

4.0 PROJECT DESCRIPTION

4.1 Project Location

As illustrated in **Figure 1, Regional Location**, the project site is in the downtown portion of the City of Hayward. Interstates 880 and 580 provide regional access to the project site. The project site consists of merged parcels and as shown in **Figure 2, Project Vicinity**, generally bound by Maple Court to the northeast, A Street to the southeast, Main Street to the southwest, and McKeever Avenue to the northwest. The project site is approximately four acres in area.

4.2 Existing Conditions

The project site is currently vacant. The site is located within downtown Hayward on the southeast intersection of McKeever Avenue and Maple Court, directly north of Main Street. The project site is surrounded by existing single-family dwellings and commercial retail developments. It lies within the City of Hayward and is subject to the City's General Plan, the Downtown Development Code, and the Specific Plan.

4.3 Project Features and Operations

This Revised Project proposes to develop 3.93 acres of unutilized parcels with a Mixed-Use development consisting of 314-residential units (27 studios, 126 one-bedroom, 138 two-bedroom, 23 three-bedroom), 7,100 square feet of retail space, and 24,000 square feet of combined open space. Nineteen of the residential units are designated affordable housing. Sixteen of those units (or 5% percent of the 314-unit base project) would be very low-income units restricted to very low-income households, and the other 3 units would be low-income units restricted to low-income households. The Revised Project also proposes to provide 422 vehicle parking spaces, 66 long-term bicycle spaces, and ten motorcycle spaces. See **Figure 3, Proposed Site Plan**.

4.4 Revised Project Entitlements

1. Major Site Plan Review (which is required for all project areas over three-acres in size),

2. Administrative Use Permit (for commercial spaces less than 10,000 square feet)

3. Density bonus, waivers, and concessions, and application of parking standards consistent with State Density Bonus Law (Gov't Code § 65915).

Concession Request

Ground Floor Commercial Ceiling Height

Per 10-28.2.2.060 - URBAN NEIGHBORHOOD (UN), the minimum required Retail Height is 14'. Although the Project exceeds this standard at the retail corner, the retail heights are reduced to +/-12' over approximately 85% of the retail frontage. The second level floor plate that acts as the ceiling for the retail space is a single level plane. The lowest plate height (ceiling height) is 11'-8" along McKeever. The lowest plate height (ceiling height) is 12'-2" along Maple. The tallest plate (ceiling height) is located at the corner of McKeever and Maple street and was accomplished by eliminating a second level unit. That plate (ceiling height) exceeds 18'-0".

Density Bonus Waiver

Lined Building width along Main Street

Per 10-28.3.3.140 - LINED BUILDING, the maximum allowed width of the exterior building main body is 320'. The project Lined Building width is 350' which exceeds the maximum allowed width.

5.0 ENVIRONMENTAL SETTING AND IMPACT ANALYSIS

This Addendum provides an analysis of each environmental issue identified in the SP Final EIR and Final IS/MND to determine whether new or more severe environmental effects could occur from the implementation of the Revised Project and whether mitigation measures identified in the SP Final EIR and Final IS/MND would be needed and/or if additional mitigation could be necessary. When the SP Final EIR and the Final IS/MND propose mitigation measures for the same category of impact, the Revised Project would be subject to the mitigation measures that are more protective of the environment as set forth in the Revised Project's Mitigation Monitoring and Reporting Program (MMRP).

5.1 AESTHETICS

	Potentially Significant New Impact	Less than Significant New Impact with Mitigation	Less than Significant New Impact	Impact Fully Analyzed in the Final EIR - IS/MND
AESTHETICS - Would the project:				
a) Have a substantial adverse effect on a scenic vista?	☐	☐	☐	☒
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	☐	☐	☐	☒
c) Substantially degrade the existing visual character or quality of the site and its surroundings?	☐	☐	☐	☒
d) Create a new source of substantial light or glare, which would adversely affect day or nighttime views in the area?	☐	☐	☐	☒

Summary of Analysis in the Original Project Final IS/MND

A scenic vista is generally defined as an expansive view of highly valued landscape as observable from a publicly accessible vantage point. The project site is not part of any scenic landscape within the City and is not located with the viewshed of a County scenic highway. The site is flat and is located in an urbanized area surrounded by residential and commercial uses. Therefore, the Final IS/MND concluded that the Original Project would not have a substantial adverse effect on a scenic vista. No impact would occur, and no mitigation is required.

The project site is not located adjacent to a state scenic highway and does not contain scenic resources as identified in the Hayward 2040 General Plan or any other land use plans. As a result, the Final IS/MND determined that the Original Project would not substantially damage scenic resources within a scenic highway. No impact would occur, and no mitigation is required.

Construction of the Original Project will alter the visual character of the project site. However, the proposed building design would be compatible with the mixed visual character of the area as the surrounding area is heavily urbanized and the proposed structures would be consistent with the height and density planned for the project site by the City's General Plan and zoning code. Additionally, the proposed building design

and landscaping would be compatible with the mixed visual character of the area. For these reasons, the Final IS/MND concluded that the Original Project would not substantially degrade the existing visual character or quality of the site and its surroundings. This impact would be less than significant, and no mitigation is required.

The Original Project would increase the nighttime illumination on the project site from current levels. However, the lighting would be typical of other residential and commercial structures in the area. In addition, the exterior lighting of the Original Project would be restricted to illuminating the building's pedestrian and vehicular access points at street level, consistent with nearby buildings and street lighting fixtures. Furthermore, while glare from building windows would increase under the Original Project as the surface area of the building windows would be greater than under existing conditions, metal awnings would shield some of the building windows on the ground level and some windows would be set back from the edge of the building with balconies. In addition, non-reflective materials would be used in the construction of the Original Project. Therefore, the Final IS/MND determined that the Original Project would not create a substantial new source of light and glare in the area. This impact would be less than significant, and no mitigation is required.

Further, as it pertains to development in the site vicinity, with implementation of goals, policies, and implementation programs listed in the City's General Plan, impacts related to aesthetics within the City due to future growth would be less than significant. As discussed above, development of the Original Project would not substantially alter scenic views or substantially degrade the existing visual character of the area. In addition, due to its infill nature, the Original Project would not have negative effects related to lighting and glare. For these reasons, the Final IS/MND concluded that the cumulative impact of the Original Project with respect to aesthetics would be less than significant.

Analysis of the Revised Project

The project site, including the site of the new structures at to be constructed at the site, is not part of any scenic vista. In addition, the site is not located adjacent to a state scenic highway, nor does it contain scenic resources. Therefore, like the conclusions reached in the Final IS/MND and consistent with the findings in the SP Final EIR, the Revised Project would not have a substantial adverse effect on a scenic vista, nor would it substantially damage scenic resources within a scenic highway. No impact would occur, and no new mitigation is required.

All structures previously on-site have been demolished. The new structure at the corner of McKeever Avenue and Maple Court would be four stories in height which is similar to the former Medical Office building (22455 Maple Court) that was located on the site. As a result, similar to the conclusion reached in

the Final IS/MND and consistent with the findings in the SP Final EIR, the Revised Project would not substantially degrade the existing visual character of the site or its surroundings. This impact would be less than significant, and no new mitigation is required.

The amount of nighttime illumination and daytime glare on the project site would remain the same as the Revised Project would replace a larger mixed-use project (including a four-story commercial/medical building) with a four-story mixed-use building. For this reason, like the conclusion reached in the Final IS/MND and consistent with the findings in the SP Final EIR, the Revised Project would not create a new source of substantial light or glare, which would adversely affect day or nighttime views in the area. This impact would be less than significant, and no new mitigation is required.

Finally, for the same reasons stated in the SP Final EIR and Final IS/MND the Revised Project would not result in a cumulative impact with regard to aesthetics. No new mitigation is required.

Changes in Circumstances and/or New Information

There are no changes in circumstances in which the Revised Project would be undertaken. No new information has become available, and no new regulations related to visual resources have come into effect since the adoption of the SP Final EIR and Final IS/MND that would alter the previous analysis and change its conclusions relative to environmental impacts such that additional environmental review would be triggered.

Findings

Because the Revised Project is generally similar to the Original Project, its potential aesthetic impacts would be similar to the impacts analyzed in the Final IS/MND and consistent with the findings in the SP Final EIR. Therefore, no new or substantially increased significant aesthetic impacts would result from the Revised Project beyond those analyzed in the SP Final EIR and Final IS/MND. No new mitigation is required.

5.2 AGRICULTURE AND FORESTRY RESOURCES

	Potentially Significant New Impact	Less than Significant New Impact with Mitigation	Less than Significant New Impact	Impact Fully Analyzed in the Final EIR-IS/MND
AGRICULTURAL RESOURCES - Would the project:				
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	☐	☐	☐	☒
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	☐	☐	☐	☒
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code Section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?	☐	☐	☐	☒
d) Result in the loss of forest land or conversion of forest land to non-forest use?	☐	☐	☐	☒
e) Involve other changes in the existing environment, which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?	☐	☐	☐	☒

Summary of Analysis in the Original Project Final IS/MND

The project site is not used for agriculture and is located in a developed area with no agricultural land uses near the site. In addition, the project site is not designated as Important Farmland on maps prepared pursuant to the Farmland Mapping and Monitoring Program, nor is it zoned for agricultural use, forest land, or timberland. Finally, the there is no Williamson Act contract applicable to the project site or its vicinity. For these reasons, the Final IS/MND determined that implementation of the Original Project would have no impact on agriculture or forest resources. No mitigation was required.

Analysis of the Revised Project

As discussed above, the project site is not used for agriculture or zoned for agricultural use, forest land, or timberland. Therefore, as the Revised Project would be constructed on the same site, the Revised Project would have no impacts on agriculture or forest resources, which is the same conclusion reached in the Final IS/MND and consistent with the findings in the SP Final EIR. No new mitigation is required.

Changes in Circumstances and/or New Information

There are no changes in circumstances in which the Revised Project would be undertaken. No new information has become available, and no new regulations related to agricultural, or forest resources have come into effect since the adoption of the SP Final EIR and Final IS/MND that would alter the previous analysis and change its conclusions relative to environmental impacts such that additional environmental review would be triggered.

Findings

Given the urbanized nature of the project site (which has remained the case since the adoption of the Final EIR and Final IS/MND), the potential impacts from the Revised Project on agricultural and forestry resources are essentially the same as those analyzed in the Final IS/MND and consistent with the findings in the SP Final EIR. Therefore, no new or substantially increased significant impacts would result from the Revised Project beyond those analyzed in the SP Final EIR and Final IS/MND. No new mitigation is required.

5.3 AIR QUALITY

	Potentially Significant New Impact	Less than Significant New Impact with Mitigation	Less than Significant New Impact	Impacts Fully Analyzed in the Final EIR - IS/MND
AIR QUALITY - Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:				
a) Conflict with or obstruct implementation of the applicable air quality plan?	☐	☐	☐	☒
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	☐	☐	☐	☒
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions, which exceed quantitative thresholds for ozone precursors)?	☐	☐	☐	☒
d) Expose sensitive receptors to substantial pollutant concentrations?	☐	☐	☐	☒
e) Create objectionable odors affecting a substantial number of people?	☐	☐	☐	☒

Summary of Analysis in the Original Project Final IS/MND

Estimated average daily project emissions during construction of the Original Project would not exceed the significance thresholds established by the Bay Area Air Quality Management District (BAAQMD) for ROG, NOx, PM10, and PM2.5. Therefore, the Final IS/MND concluded that the impact associated with construction-period emissions of criteria pollutants would be less than significant, and no mitigation is required.

Construction activities associated with the Original Project, particularly during site preparation and remediation and grading, would temporarily generate fugitive dust, including PM10 and PM2.5 emissions.

Mitigation Measure AIR-1, which requires implementation of dust control and other Best Management Practices (BMPs) put forth by the BAAQMD, was included in the Final IS/MND to reduce this impact to a less than significant level.

The average daily and annual emissions associated with operation of the Original Project would not exceed the significance thresholds established by the BAAQMD for of ROG, NOx, PM10, and PM2.5. As a result, the Final IS/MND determined that the impact associated with emissions of criteria pollutants during operation would be less than significant, and no mitigation is required.

The Original Project would not conflict with the Clean Air Plan nor obstruct its implementation because (1) it would result in emissions below the criteria air pollutant significance thresholds, (2) the development of the project site would be considered urban "infill," (3) development would be located near employment centers, and (4) development would be near existing transit. In addition, net operational emissions associated with the Original Project would not exceed any of the significance thresholds and, thus it would not be required to incorporate project-specific transportation control measures listed in the latest Clean Air Plan. For these reasons, the Final IS/MND concluded that the Original Project would not conflict with the Clean Air Plan nor obstruct its implementation. This impact would be less than significant, and no mitigation is required.

Construction activities associated with the Original Project would have the potential to expose nearby sensitive receptors to substantial pollutant concentrations. The maximum residential lifetime excess cancer risk associated with the construction of the Original Project would be 30.4 in one million, assuming all infant exposure, and 0.8 in one million, assuming adult exposure. As the maximum increased lifetime cancer risk would be above the BAAQMD significance threshold of 10.0 in one million or greater, this impact is considered potentially significant. **Mitigation Measures AIR-2** and **AIR-3** were included in the Final IS/MND to address this impact. Implementation of these measures would reduce the cancer risk to less than 6.1 in one million, which is below the BAAQMD cancer risk threshold. As an alternative to **Mitigation Measures AIR-2** and **AIR-3**, the Final IS/MND also included **Mitigation Measure AIR-4**, which would allow the construction contractor to use other measures to minimize construction-period emissions of diesel particulate matter (DPM). Therefore, the Final IS/MND determined that with the implementation of mitigation this impact would be reduced to a less-than-significant level.

Potential non-cancer health effects due to chronic exposure to DPM were also evaluated. Non-cancer health hazards from the exposure of toxic air contaminants (TACs) are expressed in terms of a hazard index (HI), which is the ratio of the TAC concentration to a reference exposure level (REL). The maximum modeled annual DPM concentration was 0.185 $\mu g/m^3$, which is much lower than the chronic inhalation REL of 5 $\mu g/m^3$. The maximum computed HI would be 0.04, which is much lower than the BAAQMD significance

criterion of a hazard index greater than 1.0. This impact was determined to be less than significant, and no mitigation is required.

Existing nearby sources of TAC emissions within 1,000 feet of the project site include Foothill Boulevard (State Route 238 [SR-238])/A Street, stationary sources (e.g., emergency backup generators and gas-fueling facilities), and the construction of the future Lincoln Landing project. The sum of impacts from combined sources (i.e., all sources within 1,000 feet of the project) along with the impact from project construction activities would be below the BAAQMD risk thresholds. Therefore, the cumulative community health risk impact on nearby sensitive receptors would be less than significant.

The Original Project would generate localized emissions of diesel exhaust during construction equipment operation and truck activity. The odor from these emissions may be noticeable from time to time by adjacent receptors. However, they would be localized and are not likely to adversely affect people off site by resulting in confirmed odor complaints. For this reason, the Final IS/MND concluded that this impact would be less than significant, and no mitigation is required.

Final IS/MND Mitigation Measures

AIR-1 The construction contractor(s) shall implement the following BMPs during project construction:

- 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 mph.
- All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible and feasible. Building pads shall be laid as soon as possible and feasible 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 Air District's phone number shall also be visible to ensure compliance with applicable regulations.

AIR-2 All diesel-powered off-road equipment larger than 50 horsepower and operating on the site for more than two days continuously shall, at a minimum, meet U.S. EPA particulate matter emissions standards for Tier 4 engines or equivalent.

AIR-3 All diesel-powered portable equipment (i.e., air compressors, concrete saws, and forklifts) operating on the site for more than two days shall meet U.S. EPA particulate matter emissions standards for Tier 4 engines or equivalent.

AIR-4 Instead of **Mitigation Measures AIR-2** and **AIR-3** above, the construction contractor could use other measures to minimize construction-period Diesel Particulate Matter (DPM) emissions to reduce the predicted cancer risk below the thresholds. Such measures may be the use of alternative powered equipment (e.g., LPG-powered lifts), alternative fuels (e.g., biofuels), added exhaust devices, or a combination of measures, provided that these measures are approved by the City.

Analysis of the Revised Project

The Revised Project proposes to construct 314 residential units and 7,100 square feet of retail space. 251 of the units are market rate and located in a five-story main building facing Main Street and Maple Court. The remaining 63 units are located in a four-story building at the corner of McKeever Avenue and Maple Court. Indoor and outdoor retail space is proposed at the ground level of the four-story building which may accommodate seven to nine small stores or several larger ones. The retail open seating area would face Maple Court and consists of approximately 1,200 square feet of urban interactive space.

The Revised Project does <u>not</u> include the demolition of any structures on-site – the most impactful phase to air quality for the Original Project – nor does it include renovations, especially to the exterior, of the former medical building. Therefore, air emissions related to the construction phase of the project would be less than those evaluated in the Final IS/ MND.

Similar to the conclusion reached in the Final IS/MND for the Original Project, the Revised Project would not conflict with the Clean Air Plan nor obstruct its implementation because: (1) it would result in emissions

below the criteria air pollutant significance thresholds; (2) the development of the project site would be considered urban "infill"; (3) development would be located near employment centers, and; (4) development would be near existing transit. This impact would be less than significant, and no new mitigation is required.

The City's 2040 General Plan also developed an integrated community risk reduction strategy to minimize community health risks from TACs and PM2.5 for new and existing developments. The General Plan also contains CRRS measures and best management practices to reduce off-road construction equipment exhaust emissions at the source and to reduce exposure at the receptor locations, which would minimize health risks. Specific actions include requiring off-road construction equipment to install diesel particulate filters, using electric-powered equipment, and restricting idling to two minutes.

The health risk assessment (HRA) prepared for the Original Project incorporated **Mitigation Measures AIR-2** and **AIR-3** or **AIR-4** listed in the Final IS/MND to reduce pollutant concentration during construction. As previously stated, since emissions would be reduced the Revised Project and with implementation of the **Mitigation Measures AIR-2** and **AIR-3** or **AIR-4**, this impact would remain less-than-significant level under the Revised Project. No new mitigation is required.

Changes in Circumstances and/or New Information

Since adoption of the SP Final EIR and Final IS/MND, there have been no changes in circumstances or substantial new information that would alter the conclusions of the SP Final EIR and Final IS/MND with respect to air quality impacts such that additional environmental review would be triggered.

In May 2017, the BAAQMD updated the CEQA Air Quality Guidelines in light of the final California Supreme Court ruling in *BAAQMD v. CBIA*. The updated guidelines summarize the relevant portions of the California Supreme Court decision with regard to "Receptor Thresholds" and note that under appropriate circumstances, as set forth by the Supreme Court, the receptor thresholds may be used by lead agencies to evaluate impacts of the environment on the project receptors. The updated guidelines are unchanged in all other respects, and do not contain any revised thresholds of significance or methodologies for evaluation of the environmental impacts of the Original Project.

In addition, the City adopted the Specific Plan in 2019. The Revised Project is within the Specific Plan Area boundary and would be subject to the mitigation measures proposed by the SP Final EIR related to construction period emissions, including Mitigation Measures AQ-2.1a (requiring compliance with the current BAAQMD basic control measures) and AQ-2.1b (requiring compliance with US EPA Tier 4 emissions standards for off-road diesel-powered construction equipment with more than 50 horsepower).

Regarding predicted cancer risk and hazards, the SP Final EIR proposes Mitigation Measures AQ-2.2a (requiring implementation of Tier 1/Tier 2 standards identified in the California Green Building Standards Code) and AQ-4.1a (requiring implementation of an HRA). These SP Final EIR mitigation measures provide similar if not more protection as compared to the measures included in the Final IS/MND.

Findings

The potential air quality impacts of the Revised Project would be less than significant, and the project would not increase the severity of the previously reported air quality impacts in the SP Final EIR and Final IS/MND. The potential air quality impacts of the Revised Project are adequately analyzed in the SP Final EIR and Final IS/MND. No new or substantially increased significant impacts would result from the Revised Project beyond those analyzed in the SP Final EIR and Final IS/MND. No new mitigation is required.

5.4 BIOLOGICAL RESOURCES

	Potentially Significant Impact	Less than Significant New Impact with Mitigation	Less than Significant New Impact	Impacts Fully Analyzed in the Final EIR - IS/MND
BIOLOGICAL RESOURCES - Would the project:				
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	☐	☐	☐	☒
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	☐	☐	☐	☒
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	☐	☐	☐	☒
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	☐	☐	☐	☒
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	☐	☐	☐	☒
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	☐	☐	☐	☒

Summary of Analysis in the Original Project Final IS/MND

No special-status plant species have the potential to occur on the project site. Similarly, no special-status wildlife species have the potential to occur on the project site because no natural habitats remain on the site or in its vicinity. However, there is potential for construction-related impacts to nesting birds, protected under the Migratory Bird Treaty Act (MBTA) and/or the California Fish and Game Code, if trees or structures containing active nests are removed, pruned, or otherwise disturbed during the breeding season (February 1 through August 31). Additionally, loud noise associated with construction activity would have the potential to disturb nesting occurring in close proximity of the construction site and result in the abandonment of an active nest. To reduce the impacts on birds protected under the MBTA and California Fish and Game Code, the Final IS/MND included **Mitigation Measures BIO-1** and **BIO-2**, which would reduce the impact to a less-than-significant level.

No riparian habitat or other sensitive natural community is present on the project site. In addition, no wetlands or other waters subject to jurisdiction by the United States Army Corps of Engineers, Regional Water Quality Control Board or California Department of Fish and Wildlife occur on the project site. Therefore, Final IS/MND determined that there would be no impact regarding riparian habitat, sensitive communities, or wetlands. No mitigation is required.

The project site is located in central Hayward and surrounded by development; it does not provide habitat connectivity between undeveloped lands and is not part of a regional wildlife movement corridor. Therefore, the Final IS/MND concluded that there would be no impact to wildlife movement. No mitigation is required.

There are 27 existing trees representing 11 species on or adjacent to the project site. Of these, 19 trees are protected by the City's *Tree Preservation Ordinance*. Construction of the Original Project would have necessitated the removal of 13 protected trees. However, the Original Project would have included the planting of 114 trees, which would exceed the City's replace requirement. As a result, the Final IS/MND determined that the Original Project would not conflict with applicable policies protecting biological resources, and this impact would be less than significant. No mitigation is required.

No habitat conservation plan or natural community conservation plan applies to the project site. For this reason, the Final IS/MND concluded that the Original Project would not conflict with the provisions of an adopted habitat conservation plan or natural community conservation plan. No impact would occur, and mitigation is required.

Finally, anticipated future development in the City of Hayward has the potential to adversely affect biological resources. However, with implementation of goals, policies, and implementation programs listed in the City's General Plan, impacts to biological resources in the City due to future growth would be less than significant. As discussed above, the construction and operation of the Maple & Main project would have no impacts on sensitive biological resources as none are present on the site, and to the extent impacts on nesting birds are a concern, they would be mitigated by the proposed mitigation measures. Therefore, the Final IS/MND determined that the cumulative impact of the Original Project with respect to biological resources would be less than significant.

Final IS/MND Mitigation Measures

BIO-1 If construction activities commence outside the nesting season (generally September 1 through February 28), pre-construction surveys are not required. However, if construction commences outside the nesting season and extends into the nesting season, and is suspended for more than 14 days, a pre-construction survey that is detailed in **Mitigation Measure BIO-2**, below, will be implemented.

BIO-2 If construction commences during the nesting season (March 1 through August 31), a pre-construction survey for active nests will be conducted within 15 days prior to the start of work. Given the urban setting of the project site and the construction staging area, the radius of the pre-construction survey will be determined in consultation with the California Department of Fish and Wildlife (CDFW). Typically, a 250-foot buffer for passerines and other unlisted/non-raptor species, 500-foot buffer for unlisted raptor species, and 0.5-mile buffer for listed raptor species are required. However, exceptions can be made based on the species of bird nesting, activities proposed, and for noise attenuation provided by intervening buildings in urban areas. Once the survey area is established, a survey of all appropriate nesting habitat will be conducted to locate any active nests. In the event that active nests are identified, appropriate buffer zones and types of construction activities restricted within the buffer zones will be determined through consultation with the CDFW. The buffer zones will be implemented and maintained until the young birds have fledged and no continued use of the nest is observed, as determined by a qualified biologist.

Analysis of the Revised Project

Similar to the Original Project, construction of the Revised Project would have the potential to impact nesting birds present on the project site and in close proximity. The Original Project would incorporate

Mitigation Measures BIO-1 and **BIO-2** to address this effect. Similar to the conclusion reached in the Final IS/MND, with this mitigation, the Original Project's impact on nesting birds would be less than significant. No new mitigation is required.

No riparian habitat or other sensitive natural community is present on the project site. Similarly, no wetlands are located on the project site, and the project site provides no habitat connectively between undeveloped areas. Finally, no habitat conservation plan or natural community conservation plan applies to the project site. Additionally, General Plan policies require local planning and development decisions to consider impacts to biological resources, including sensitive or special-status species. Policy NR-1.1 requires the City to limit new development that encroaches into important native wildlife habitats. Policy NR-1.2 requires the City to protect sensitive biological resources and wildlife species and their habitats from urban development and incompatible uses. Policy NR-1.3 requires a qualified biologist to identify, map, and make recommendations for avoiding all sensitive biological resources on the project site for all development applications proposed within sensitive biological resource areas. Therefore, similar to the conclusion reached in the Final IS/MND and consistent with the findings in the SP Final EIR, the Revised Project would not impact regarding riparian habitat, sensitive communities, or wetlands nor would it impact wildlife movement or conflict with the provisions of an adopted habitat conservation plan or natural community conservation plan. No new mitigation is required.

The Revised Project includes a Landscaping Plan in compliance with the criteria of City of Hayward Bay-Friendly Water Efficient and Tree Preservation Ordinance and, therefore, would not conflict with applicable policies protecting biological resources. Similar to the conclusion reached in the Final IS/MND and consistent with the findings in the SP Final EIR, the Revised Project's impact would be less than significant. No new mitigation is required.

Finally, for the same reasons stated in the SP Final EIR and the Final IS/MND, the Revised Project would not result in a cumulative impact with regard to biological resources. No new mitigation is required.

Changes in Circumstances and/or New Information

Since adoption of the SP Final EIR and Final IS/MND, there have been no changes in circumstances at the project site nor any new substantial information that would alter the conclusions of the SP Final EIR and Final IS/MND With respect to biological resource impacts such that additional environmental review would be triggered.

Emphasizing the analysis above, the SP Final EIR indicates that appropriate timing of vegetation removal or preparation of a preconstruction survey with appropriate restrictions would serve to avoid an inadvertent loss of nesting birds, to the extent any are present in the Specific Plan Area.

Findings

The potential biological resource impacts of the Revised Project would be comparable to those analyzed in the Final IS/MND and consistent with the findings in the SP Final EIR. For the reasons stated above, the Revised Project's potential impacts related to biological resources would be less than significant with the incorporation of mitigation. The potential biological impacts of the Revised Project are adequately analyzed in the Final IS/MND and consistent with the findings in the SP Final EIR. No new or substantially increased significant impacts would result from the Revised Project beyond those discussed in the SP Final EIR and Final IS/MND. No new mitigation is required.

5.5 CULTURAL RESOURCES

	Potentially Significant New Impact	Less than Significant New Impact with Mitigation	Less than Significant New Impact	Impact Fully Analyzed in the Final EIR – IS/MND
CULTURAL RESOURCES – Would the project:				
a) Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5?	☐	☐	☐	☒
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?	☐	☐	☐	☒
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	☐	☐	☐	☒
d) Disturb any human remains, including those interred outside of formal cemeteries?	☐	☐	☐	☒
e) Would the project cause a substantial adverse change in the significance of a tribal cultural resource as defined in Public Resources Code 21074?	☐	☐	☐	☒

Summary of Analysis in the Original Project Final IS/MND

None of the five existing buildings that would have been demolished as part of the approved Original Project were eligible under the criteria of the California Register of Historical Resources (California Register) while the structure at 22455 Maple Court to be rehabilitated is exempt from historic review under CEQA criteria, as it is not yet 45 years old. Therefore, the Final IS/MND concluded the Original Project would not cause a substantial adverse change in the significance of a historical resource. This impact would be less than significant, and no mitigation is required. Note that all of these structures have since been demolished, therefore, even if they had attained 45 years of age, there would be no impacts.

Due to the proximity of the project site to San Lorenzo Creek, there is a moderately high potential for encountering buried archaeological resources of the pre-historic and historic periods during construction of the Original Project. However, the Final IS/MND determined that impacts on unknown significant archaeological resources would be reduced to a less than significant level with the incorporation of **Mitigation Measures CUL-1** through **CUL-3**.

Subsurface soils at the project site are generally not considered sensitive for paleontological resources, and the project site has been extensively disturbed in the past. As a result, the Final IS/MND concluded that construction of the Original Project is unlikely to disturb or damage fossil resources. This impact would be less than significant, and no mitigation is required.

Although the project site is not located in an area with known burial sites and has been previously disturbed, there is the potential for human remains to be present on the project site. The Final IS/MND included **Mitigation Measure CUL-4** to reduce this impact to a less than significant level in that event that previously unknown human remains are discovered during construction.

The City received no requests for consultation on the Original Project from local Native American Tribes. As discussed above, no tribal cultural resources are known to be present on the site, and mitigation is proposed to reduce impacts to unknown tribal cultural resources to a less than significant level if they are discovered on the project site during construction. Therefore, the Final IS/MND determined that the Original Project is not expected to cause a substantial adverse change in the significance of tribal cultural resources, and this impact is considered less than significant.

Finally, anticipated future development in the City of Hayward has the potential to adversely affect cultural resources. However, with implementation of goals, policies, and implementation programs listed in the City's General Plan, impacts to cultural resources in the City due to future growth would be less than significant. As discussed above, with mitigation, the Original Project would have less than significant project-level impacts on cultural resources. Therefore, the Original Project's cumulative impact on cultural resources would be less than significant. Therefore, the Final IS/MND concluded that the Original Project's cumulative impact on cultural resources would be less than significant.

Final IS/MND Mitigation Measures

CUL-1 The applicant shall retain a qualified archaeologist to provide preconstruction briefing(s) to supervisory personnel of any excavation contractor to alert them to the possibility of exposing significant pre-historic and historic period archaeological resources within the project area. The briefing shall discuss any archaeological objects that could be exposed, the need to stop excavation at the discovery, and the procedures to follow regarding discovery protection and notification of the applicant and the archaeologist. An "Alert Sheet" shall be posted in conspicuous locations on the project site to alert personnel to the procedures and protocols to follow for the discovery of potentially significant archaeological resources.

CUL-2 A qualified archaeologist will be on site to monitor the initial grading of native soil once the existing buildings and pavement are removed but before any foundations and slabs are removed. After monitoring the initial grading, the archaeologist will make recommendations for further monitoring if he/she determines that the site contains or has the potential to contain cultural resources. If the archaeologist determines that no resources are likely to be found on site, no additional monitoring will be required, and a report will be filed with the City Planning Department.

CUL-3 In the event that prehistoric or historic resources are encountered during excavation and/or grading of the site, all activity within a 50-feet radius of the find will be stopped, the City Planning Department will be notified, and the archaeologist will examine the find and make appropriate recommendations. Recommendations could include collection, recordation, and analysis of any significant cultural materials. A report of findings documenting any data recovery during monitoring will be submitted to the City Planning Department prior to issuance of an occupancy permit.

CUL-4 In the event of a discovery of human bone, potential human bone, or a known or potential human burial, all ground-disturbing work in the vicinity of the find will halt immediately and the area of the find will be protected until a qualified archaeologist determines whether the bone is human. If the qualified archaeologist determines the bone is human, the City of Hayward will notify the County Coroner of the find. Consistent with California Health and Safety Code Section 7050.5(b), which prohibits disturbance of human remains uncovered by excavation until the Coroner has made a finding relative to the requirements of Public Resources Code Section 5097, the City will ensure that the remains and vicinity of the find are protected against further disturbance.

If it is determined that the find is of Native American origin, the City of Hayward will comply with the provisions of Public Resources Code Section 5097.98 regarding identification and involvement of the Most Likely Descendant (MLD).

If the human remains cannot be protected in place following the Coroner's determination, the City of Hayward shall ensure that the qualified archaeologist and the MLD are provided the opportunity to confer on repatriation and/or archaeological treatment of human remains, and that any appropriate studies, as identified through this consultation, are carried out prior to reinterment. The City shall provide results of all such studies to the Native American community and shall provide an opportunity for Native American involvement in any interpretative reporting. As stipulated by the provisions of the

California Native American Graves Protection and Repatriation Act, the City shall ensure that human remains, and associated artifacts recovered from the project site are repatriated to the appropriate local tribal group if requested.

Analysis of the Revised Project

There are no remaining structures on the site. Therefore, similar to the conclusion reached in the Final MND, construction of the Revised Project would not cause a substantial adverse change in the significance of a historical resource. This impact would be less than significant, and no new mitigation is required.

Similar to the Original Project analyzed in the Final IS/MND, ground disturbing activities associated with the Revised Project have the potential to affect unknown archaeological resources, including human remains. **Mitigation Measures CUL-1** through **CUL-4** would be incorporated into the Revised Project to avoid or minimize impacts to any significant archaeological resources, including human remains, to a less-than-significant level. In addition, the General Plan Land Use Element and the City Historic Preservation Ordinance contains goals, policies, and programs requiring local planning and development decisions to consider impacts to archaeological resources. The General Plan's Goal 8 (preserving Hayward's resources), Policy LU-8.3 (preserving historic resources), and Policy LU-8.4 (requiring the City to maintain and expand its records of reconnaissance surveys, evaluations, and historic reports) all ensure that the archaeological resources are professionally documented to enable their protection. Policy LU-8.14 requires the City to consider historical and cultural resources when developing planning studies and documents. The City Historic Preservation Ordinance details requirements for archeological sites and resources, including those resources specifically of significance to Native Americans. Additionally, General Plan Policy LU-8.3 requires the City to maintain and implement its Historic Preservation Ordinance to preserve historic resources. That Historic Preservation Ordinance includes archaeological sites and resources, including undocumented human remains and those resources specifically of significance to Native Americans, within its purview. Policy LU-8.4 further requires the City to maintain and expand its records of reconnaissance surveys, evaluations, and historic reports completed for properties located within the city. No new mitigation is required.

As discussed above, the project site is not considered sensitive for paleontological resources. As the Revised Project would be constructed on the same site, the Revised Project is unlikely to disturb or damage fossil resources, which is the same conclusion reached in Final IS/MND and consistent with the findings in the SP Final EIR. This impact is less than significant, and no new mitigation is required.

As discussed above, no tribal cultural resources are known to be present on the project site, and mitigation would be incorporated into the Revised Project to reduce impacts to unknown tribal cultural resources to

a less than significant level if they are discovered on the project site during construction. Therefore, similar to the conclusion reached in the Final MND, the Revised Project is not expected to cause a substantial adverse change in the significance of tribal cultural resources, and this impact is considered less than significant. No new mitigation is required.

Finally, for the same reasons stated in the SP Final EIR and Final IS/MND, the Revised Project would not result in a cumulative impact with regard to cultural resources. No new mitigation is required.

Changes in Circumstances and/or New Information

There are no changes in circumstances in which the Revised Project would be undertaken. No new information has become available, and no new regulations related to cultural resources have come into effect since the adoption of the SP Final EIR and Final IS/MND that would alter the previous analysis and change its conclusions relative to environmental impacts such that additional environmental review would be triggered.

The new zoning regulations for the Specific Plan bolsters this conclusion. The regulations require a Major Site Plan application for a project impacting or adjacent to a historic, archaeological, or environmentally sensitive feature, which would ensure that archaeological sites and resources would be protected. Regarding human remains, the SP Final EIR notes that any human remains encountered during ground-disturbing activities associated with future development of the Specific Plan would be subject to federal, State, and local regulations, such as the California Health and Safety Code Section 7050.5, Public Resources Code Section 5097.98, and the California Code of Regulations Section 15064.5I. These controls mandate strict procedures following the discovery of human remains.

Findings

The potential impacts to cultural resources would be similar to those analyzed in the Final IS/MND and consistent with the findings in the SP Final EIR. For reasons stated above, the Revised Project's potential impacts related to cultural resources would be less than significant with the incorporation of **Mitigation Measures CUL-1** through **CUL-3**. The Revised Project's potential impacts to cultural resources are adequately analyzed in the Final IS/MND and consistent with the findings in the SP Final EIR. No new or substantially increased significant cultural resource impacts would result from the Revised Project beyond those analyzed in the in the SP Final EIR and Final IS/MN. No new mitigation is required.

5.6 GEOLOGY AND SOILS

	Potentially Significant New Impact	Less than Significant New Impact with Mitigation	Less than Significant New Impact	Impact Fully Analyzed in the Final E–R - IS/MND
GEOLOGY AND SOI–S - Would the project:				
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:				
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.	☐	☐	☐	☒
ii) Strong seismic ground shaking?	☐	☐	☐	☒
iii) Seismic-related ground failure, including liquefaction?	☐	☐	☐	☒
iv) Landslides?	☐	☐	☐	☒
b) Result in substantial soil erosion or the loss of topsoil?	☐	☐	☐	☒
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	☐	☐	☐	☒
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?	☐	☐	☐	☒
e) 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?	☐	☐	☐	☒

Summary of Analysis in the Original Project Final IS/MND

The southwestern half of project site is located in an Alquist-Priolo Earthquake Fault Zone, associated with the Hayward fault. However, there are no active earthquake faults extending across the surface of the site.

Numerous fault location studies indicate that the only active fault traces are located to the west of Main Street between Sunset Boulevard on the north and E Street on the south. Therefore, the Final IS/MND determined that the Original Project would not expose people or structures to potential substantial adverse effects involving fault rupture. This impact would be less than significant, and no mitigation is required.

The project site is located within an area that has a moderately high ground shaking potential from an earthquake on the faults in the vicinity of the project site. However, the Original Project would be designed and constructed in accordance with the California Building Code (CBC), and thus would be consistent with the current prevailing standard of care for structural and civil engineering and seismic safety. As a result, the Final IS/MND concluded that the Original Project would not expose people or structures to potential substantial adverse effects involving strong seismic ground shaking. This impact would be less than significant, and no mitigation is required.

The eastern half of the project site is located within area characterized as susceptible to liquefaction. For this reason, the Final IS/MND included **Mitigation Measures GEO-1** and **GEO-2** to reduce this impact to a less than significant level.

The potential for seismically induced landslides to affect the project site is considered very low since the project site is situated on flat land and is not located in an area with landslide potential. Therefore, the Final IS/MND determined that the Original Project could not expose people or structures to potential substantial adverse effects involving landslides. This impact would be less than significant, and no mitigation is required.

Implementation of the Original Project would require grading and other earthmoving activities, which could subject exposed soils to erosion by water or wind. As the Original Project would disturb more than 1 acre, it would require coverage under the state's National Pollutant Discharge Elimination System (NPDES) General Permit for Discharges of Storm Water Associated with Construction Activity (NPDES Construction General Permit) prior to construction. The construction contractor would be required to file a notice of intent (NOI) with the State Water Resources Control Board and develop and implement a site-specific Storm Water Pollution Prevention Plan (SWPPP). As a result, the Final IS/MND concluded that with the implementation of BMPs to control on-site erosion and off-site sedimentation in compliance with NPDES requirements, impacts related to accelerated erosion and sedimentation would be less than significant. In addition, erosion potential would be low as the entire site will be under impervious surfaces or under landscaping. No mitigation is required.

The potential for lateral spreading to affect the site is low. Excavated (cut) slopes during construction could be unstable and subject to failure over the short term if they are improperly designed or implemented.

However, as identified above, the project would be constructed in accordance with the City's adopted building code, which require the implementation of good grading practices and cut and fill slope stability. In addition, old material fills at the project site could result in damaging settlement of overlying improvements. Therefore, the Final IS/MND included **Mitigation Measure GEO-3**, which would reduce this impact to a less than significant level.

Soils on the project site have a low plasticity and low expansion potential. Additionally, the Original Project would adhere to the City's adopted building code, which includes detailed provisions that require that the foundations of new buildings are designed and constructed appropriate to site soil conditions, including requirements to address expansive and otherwise problematic soils. As a result, the Final IS/MND determined that there would not be substantial risks to life or property due to expansive soil. This impact would be less than significant, and no mitigation is required.

The Original Project would not involve the installation of septic tanks or alternative wastewater disposal systems. For this reason, the Final IS/MND determined that the Original Project would have no impact related to septic tanks. No mitigation is required.

Finally, with implementation of goals, policies, and implementation programs listed in the City's General Plan, impacts to geology and soils in the City due to future growth would be less than significant. As discussed above, with mitigation, the Original Project would have less than significant project-level impacts with respect to geology and soils. Therefore, the Original Project's cumulative impact with respect to geology and soils would be less than significant.

Final IS/MND Mitigation Measures

GEO-1 Building foundations shall be designed to resist 2 inches of differential settlement of the supporting soils.

GEO-2 Underground pipelines such as gas lines, sanitary sewers, and water services shall be properly designed to compensate for the settlement caused by the liquefaction of the underlying supporting soils.

GEO-3 Fills shall be completely removed and re-compacted. Over-excavation should extend to depths where competent soil is encountered. The over-excavation and re-compaction should also extend at least 5 feet beyond building footprints and at least 3 feet beyond exterior flatwork, including driveways and pavement wherever possible. Where over-excavation limits abut adjacent property, a determination of the actual vertical and lateral extent of over-excavation shall be conducted so that the adjacent property is not adversely

impacted. Over-excavations shall be performed so that no more than 5 feet of differential fill thickness exists below the proposed building foundations.

Analysis of the Revised Project

As discussed above, the project site is not susceptible to fault rupture or landslides. However, the project site is susceptible to strong seismic ground shaking and seismic-related ground failure (i.e., liquefaction). Similar to the Original Project analyzed in the Final IS/MND and consistent with the findings in the SP Final EIR, the Revised Project would be designed and constructed in accordance with the California Building Code (CBC) and would implement Mitigation Measures **Mitigation Measures GEO-1** and **GEO-2**. Further, General Plan policies require local planning and development decisions to consider impacts related to soil erosion to help ensure that seismic-related effects are reduced to the maximum extent practicable. Policy HAZ-2.1 requires the City to enforce the Building Code's and Alquist-Priolo Special Studies Zone Act's seismic safety provisions to minimize earthquake-related hazards in new construction. Policy HAZ-2.2, also introduced below, requires a geologic investigation for new construction on sites within (or partially within) fault zones, liquefaction zones, and landslide zones. Therefore, similar to the conclusion reached in the Final IS/MND and consistent with the findings in the SP Final EIR, impacts related to strong seismic ground shaking and seismic-related ground failure associated with the Revised Project would be reduced to a less than significant level. No new mitigation is required.

Similar to the Original Project analyzed in the Final IS/MND, the Revised Project would disturb more than one (1) acre and would require coverage under the NPDES Construction General Permit. The proposed revised would implement the BMPs to control on-site erosion and off-site sedimentation in compliance with NPDES requirements. As a result, similar to the conclusion reached in the Final IS/MND and consistent with the findings in the SP Final EIR, the Revised Project's impact related to erosion and sedimentation would be less than significant. No new mitigation is required.

Similar to the Original Project analyzed in the Final IS/MND, the Original Project would adhere to the City's adopted building code, which require the implementation of good grading practices and cut and fill slope stability. Old material fills at the project site could also result in damaging settlement of overlying improvements, and **Mitigation Measure GEO-3** would be incorporated into the Revised Project to address this impact. For these reasons, similar to the conclusion reached in the Final IS/MND, and consistent with the findings in the SP Final EIR, the Revised Project's impact related to unstable soils would be reduced to a less than significant level. No new mitigation is required.

Similar to the Original Project analyzed in the Final IS/MND, the Revised Project would not involve the installation of septic tanks or alternative wastewater disposal systems. Therefore, similar to the conclusion

reached in the Final IS/MND and consistent with the findings in the SP Final EIR, no impact related to septic tanks would occur, and no new mitigation is required.

Finally, for the same reasons stated in the Final IS/MND and consistent with the findings in the SP Final EIR, the Revised Project would not result in a cumulative impact with regard to geology and soils. No new mitigation is required.

Changes in Circumstances and/or New Information

Hazards Element

The Hazards Element of the General Plan establishes goals and policies to protect life and minimize property damage during future disasters and emergencies. The goals and policies address regional hazards mitigation including seismic and geologic hazards. Policy HAZ-2.2 requires geologic investigations for new construction on sites within (or partially within) identified Fault zones. The project site is within these zones; therefore, a geologic assessment and two follow-on peer review letters were prepared in response. The peer review letters, as explained below, found that surface fault rupture should not be a detriment to the project.

The Main Street side of the project encroaches into the northeastern edge of the California Alquist-Priolo (AP) Earthquake Fault Zone for the Hayward fault. Two geologic peer reviewed letters were prepared in anticipation of the Original Project by Louis A. Richardson; one dated May 18, 2021, and a follow-on letter dated June 4, 2021 (please see **Appendix A** and **B**). These letters provide supplemental review of a fault investigation report for the Maple and Main project. The report was a feasibility investigation completed in 2014 by the Stevens Ferrone & Bailey engineering company. It presents the results of their research of the site locality's general geologic conditions and hazards and a review of previous fault investigations in the area. The first peer review letter acknowledged that the southwestern side of the project encroaches into the California Alquist-Priolo Earthquake Fault Zone for the Hayward fault, and a significant portion of the project area is also within a State Seismic Hazard Zone of potential liquefaction. The review recommended a site-specific fault exploration by means of trenching in the existing parking lot south of Lavine Court. Without a trenching investigation to quantify the hazard, the review concludes existence (or absence) of faulting and the extent of any necessary setbacks cannot be adequately addressed.

Therefore, a second peer review was prepared on June 4, 2021, to evaluate an excavated trench as recommended in the first review (**Appendix B**). A 140-foot-long, 12-foot-deep trench extending easterly across the portion of the property within the AP Zone was excavated and evaluated. The results reveal no evidence of faulting within the continuous geologic stratigraphy of the trenched area. Further, a

reconnaissance of the Main Street area did not detect any evidence of fault creep or fault-related distress in the street or adjacent vicinity, including a paved parking lot covering much of the project site. They conclude that surface fault rupture should not be a detriment to the project. These findings would not alter the previous analysis and conclusions of less than significant impact with no additional mitigation required.

Findings

The potential impacts associated with geology and soils would be comparable to those analyzed in the Final IS/MND and consistent with the findings in the SP Final EIR. For reasons stated above, the Revised Project's potential impacts related to geology and soils would be less than significant with the incorporation of **Mitigation Measures GEO-1** through **GEO-3**. The Revised Project's potential impacts associated with geology and soils are adequately analyzed in the Final IS/MND and consistent with the findings in the SP Final EIR. No new or substantially increased significant impacts related to geology and soils would result from the Revised Project beyond those analyzed in the SP Final EIR and the Final IS/MND. No new mitigation is required.

5.7 GREENHOUSE GAS EMISSIONS

	Potentially Significant New Impact	Less than Significant New Impact with Mitigation	Less than Significant New Impact	Impacts Fully Analyzed in the Final EIR - IS/MND
GREENHOUSE GAS EMISSIONS - Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:				
a) Generate greenhouse gas (GHG) emissions, either directly or indirectly, that may have a significant impact on the environment?	☐	☐	☐	☒
b) Conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	☐	☐	☐	☒

Summary of Analysis in the Maple and Original Project Final IS/MND

Construction of the Maple and Original Project would emit a total of 680 metric tons of carbon dioxide equivalent (MTCO2e) over the duration of project construction. Neither the City of Hayward nor BAAQMD have quantified thresholds for construction activities. However, the annual emissions would be below the lowest operational emissions threshold of 1,100 MTCO2e set forth by the BAAQMD.

Operation of the Original Project would emit approximately 1,680 MTCO2e/yr, which would exceed the BAAQMD's bright-line significance threshold of 1,100 MTCO2e/yr. However, if divided by the project's population, per capita emissions would equal 2.2 MT CO2e/capita/yr, which would not exceed the BAAQMD's efficiency threshold of 4.6 MTCO2e/yr. Therefore, the Final IS/MND concluded that the Original Project would not generate GHG emissions that would have a significant impact on the environment. No mitigation is required.

The Original Project would be consistent with all applicable goals and measures in the City of Hayward's Climate Action Plan and the Hayward 2040 General Plan. In addition, the Original Project would increase housing and create jobs in the region and create a mixed-use community with nearby transportation. For these reasons, the Final IS/MND determined that the Original Project would not Conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of greenhouse gases. No Mitigation is required.

Analysis of the Revised Project

As described previously, the project would be less impactful as it pertains to air emissions during the construction phase. Therefore, impacts from GHG emissions also would be less.

As it pertains to operation, the project is in compliance with BART's and Transit Oriented Development (TOD) Policy, that is designed to support sustainable communities strategies, including GHG mitigation.

As defined by the Federal Transit Administration, Transit Oriented Development (TOD) includes a mix of commercial and residential development near a transit station with the goal of being walkable to attract people and add to vibrant connected communities.

Bay Area Rapid Transit (BART)'s TOD policy, adopted in 2005 and updated in 2016, promotes high-quality, intensive development around stations. The TOD policy contains six goals by which it measures and evaluates progress: Complete Communities, Sustainable Communities Strategy, Ridership, Value Creation and Capture, Transportation Choice, and Affordability. The TOD policy includes the following targets:

- 20% minimum affordable housing units per station in new developments, and 35% affordable systemwide by 2025.

BART's TOD policy favors long-term ground leases to the sale of property in joint development projects. The policy also commits BART to working with local jurisdictions in creating transit-supportive station area plans and land use policies.

The Maple and Main project fits conforms to BART's goals and policies. The project consists of a mixed-use development consisting of 314 housing units, 63 (or 20%) of which are affordable. The project site is located within a half mile of the Hayward BART stop, which provides rapid transit throughout the Bay Area – from south at San Jose, north through Oakland, and west through San Francisco, terminating/beginning at Daley City. Moreover, the applicant proposes to provide transportation services to the BART Hayward transit stop, enhancing residents' accessibility to BART. Therefore, this project fits well furthers the goals and policies of BART's transit-oriented development.

Conclusion

The Revised Project not only meets but also furthers the goals and policies of the City of Hayward's General Plan, Downtown Development Code, Downtown Specific Plan, and BART's Transit Oriented Development. This project would create neighborhood development in a currently unutilized vacant parcel near a rapid transit stop. In the interest of neighborhood revitalization, it would provide much needed

housing to the area as well as some retail and commercial development, fitting well into the City's goals of revitalizing the core of the downtown community.

In summary, GHG emissions would be substantially reduced under the Revised Project.

Similar to the Original Project analyzed in the Final IS/MND and consistent with the findings of the SP Final EIR, the Revised Project would not conflict with all applicable goals and measures in the City of Hayward's Climate Action Plan and the Hayward 2040 General Plan. In addition, the Revised Project would similarly increase housing and create jobs in the region and create a mixed-use community with nearby transportation. No new mitigation is required.

Changes in Circumstances and/or New Information

There are no changes in circumstances in which the Revised Project would be undertaken. No new information has become available since the adoption of the SP Final EIR and Final IS/MND that would alter the previous analysis and change its conclusions relative to the project's GHG impacts such that additional environmental review would be triggered.

In May 2017, the BAAQMD issued updated CEQA Air Quality Guidelines in light of the final ruling in *BAAQMD v. CBIA*. However, the updated guidelines do not contain any revised thresholds of significance or methodologies for evaluation of GHG impacts, and the City of Hayward has also not adopted any revised thresholds. Therefore, the impacts of the Revised Project are evaluated above using available thresholds, and the analysis appropriately concludes that the Original Project would not result in new or more severe impacts related to GHG emissions.

Findings

For reasons stated above, the potential impacts from GHG emissions generated by the Revised Project would be similar to or less than those analyzed in the Final IS/MND and would be less than significant. The potential GHG impacts of the Revised Project are adequately analyzed in the SP Final EIR and Final IS/MND. No new or substantially increased significant impacts would result from the Revised Project beyond those discussed in the SP Final EIR and Final IS/MND. No new mitigation is required.

5.8 HAZARDS AND HAZARDOUS MATERIALS

	Potentially Significant New Impact	Less than Significant New Impact with Mitigation	Less than Significant New Impact	Impact Fully Analyzed in the Final EIR - IS/MND
HAZARDS AND HAZARDOUS MATERIALS- Would the project:				
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	☐	☐	☐	☒
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	☐	☐	☐	☒
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	☐	☐	☐	☒
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	☐	☐	☐	☒
e) For a project located within an airport land use plan or, where such plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?	☐	☐	☐	☒
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?	☐	☐	☐	☒
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	☐	☐	☐	☒

	Potentially Significant New Impact	Less than Significant New Impact with Mitigation	Less than Significant New Impact	Impact Fully Analyzed in the Final EIR - IS/MND
h) Expose people or structures to a significant risk of loss, injury or death involving wild land fires, including where wild lands are adjacent to urbanized areas or where residences are intermixed with wild lands?	☐	☐	☐	☒

Summary of Analysis in the Maple and Original Project Final IS/MND

Although hazardous materials would be used on site during construction of the Original Project, compliance with local, state, and federal regulations would minimize risks associated with the routine transport, use, or disposal of hazardous materials over this period. Operation of the Original Project would not involve the routine transport, use, or disposal of hazardous materials, other than fuel, cleaning products, and maintenance materials. Therefore, the Final IS/MND concluded that potential impacts from the routine transport, use, or disposal of hazardous materials during construction and operation of the Original Project would be less than significant. No mitigation is required.

Soil and groundwater contamination is present on the project site due to past uses. The presence of VOCs and PCE in the soil and groundwater would pose a human health risk for the construction workers on the project site and could adversely affect the health of the residential and non-residential population that would occupy the project site after construction. To address this effect, the Final IS/MND included **Mitigation Measures HAZ-1** and **HAZ-2**, which would reduce the impact to a less-than-significant level. **Mitigation Measure HAZ-2** would also address concerns regarding evidence of leakage or spills of hydraulic fluid in three elevator machine rooms within the hospital complex.

In the previously Original Project, there was a possibility that asbestos containing materials (ACMs) and lead-based paint (LBP) may be present in several structures on the project site. To address this effect, the Final IS/MND included **Mitigation Measure HAZ-3**, which would reduce impacts to a less-than-significant level. However, all the buildings on the site have since been demolished so this mitigation is no longer relevant.

The project site is not located within 0.25 mile of a school, and Original Project would not be a source of toxic air emissions. As a result, the Final IS/MND determined that there would be no impact with regards to hazardous emissions near a school, and no mitigation is required.

The project site is not included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 (Cortese List). However, the project site is listed on other government databases for photochemical waste and asbestos-containing waste removal. However, the Original Project is not expected to pose significant environmental concerns as no regulatory violation or other evidence suggesting possible environmental impact related to hazardous materials was identified and the complex has received regulatory closure from the appropriate regulatory agency. For this reason, the Final IS/MND concluded that construction of the Original Project would not create a significant hazard to the public or the environment, and no mitigation is required.

The project site is located at approximately 2.1 miles from the Hayward Executive Airport, and 7.4 miles from the Oakland International Airport. The project site is not within the airport influence areas of either airport and therefore the Final IS/MND determined construction and operation of the Original Project would not result in a safety hazard for people residing or working in the project area. No impact would occur, and no mitigation is required.

Construction of the Original Project would occur within the project site and would not result in street closure. As such, it would not substantially interfere with the operation of traffic, including emergency response vehicles. The project site is located in an extensively urbanized area at a substantial distance from the closest wildland areas. For these reasons, the Final IS/MND concluded that the Original Project would not impair implementation of or physically interfere with an adopted emergency response plan nor would it expose people or structures to a significant risk of loss, injury or death involving wild land fires. No impacts would occur, and no mitigation is required.

Finally, anticipated future development in the City of Hayward has the potential to expose the public and the environment to risks associated with hazards from on-site contamination and routine use of hazardous materials. However, with implementation of goals, policies, and implementation programs listed in the City's General Plan, impacts related to hazards and hazardous materials within the City due to future growth would be less than significant. As discussed above, with mitigation, the Original Project would have less than significant project-level impacts with respect to hazards and hazardous materials. Therefore, the Final IS/MND determined that the Original Project's cumulative impact on hazards and hazardous materials would be less than significant.

Final IS/MND Mitigation Measures

HAZ-1 The applicant shall install industry standard vapor barriers along with passive ventilation systems as part of the Original Project.

HAZ-2 A Site Management Plan shall be developed and implemented with approval and oversight by the appropriate regulatory agency in the event that unanticipated subsurface environmental conditions are encountered following the demolition of the hospital complex. The Site Management Plan shall include, but would not be limited to, procedures for removal or on-site management of contaminated soil, procedures for removal of Underground Storage Tanks (USTs) if any are encountered, and the protection of construction workers from exposure to impacted soil through measures included in a health and safety plan.

HAZ-3 Prior to any significant renovation of the medical office building and the demolition of the other existing structures, asbestos containing materials (ACM) and lead-based paint (LBP) surveys shall be conducted to determine the presence of hazardous building materials. Should ACMs, LBP or other hazardous substance containing building materials be identified, these materials would be removed using proper techniques in compliance with all applicable State and federal regulations, including the BAAQMD rule related to asbestos.

Analysis of the Revised Project

Similar to the Original Project analyzed in the Final IS/MND and consistent with the findings of the SP Final EIR, the Revised Project would not generally involve the use, transport, or disposal of significant amounts of hazardous materials or hazardous waste. In addition, the Revised Project would comply with local, state, and federal regulations and would implement a construction SWPPP, which would minimize risks associated with the routine transport, use, or disposal of hazardous materials. This impact would be less than significant, and no new mitigation is required.

As previously mentioned, the Department of Toxic Substances Control (DTSC) is drafting a Remedial Action Workplan (RAW) to remediate and mitigate potential impacts from hazards and hazardous materials that have been identified at the site (discussed earlier in this s). It is anticipated that DTSC, as a Responsible Agency, also will use this Addendum in compliance with CEQA for the RAW component of the project.

More specifically, the current draft of the DTSC RAW describes the remediation activities as follows:

To mitigate for potential accumulation and migration of Volatile Organic Compounds (VOCs) in soil vapor into interior building areas, a Vapor Intrusion Mitigation System (VIMS) will be designed and installed under the entire footprint of all site buildings. A northwest-southeast trending deepened foundation

footing is present along the exterior walls of the parking garage in the residential apartment building which will act as a barrier to prevent the lateral migration of sub-slab vapors.

The VIMS will consist of impermeable vapor barriers with passive venting (the passive venting will be installed in manner that will allow conversion to an active venting, if needed). Soil vapor sampling probes will be installed beneath the impermeable barrier to allow sampling of sub-slab vapor prior to occupancy and at later dates, if needed. The VIMS will be incorporated into the building design, and details and specifications will be provided in the building plans. The effectiveness of the VIMS is considered high and will result in an incomplete exposure pathway to occupants of the planned on-Site buildings to VOC impacted soil vapor underlying the eastern portion of the Site.

The objective of a VIMS is to protect future Site occupants by mitigating the potential vapor intrusion risk from residual VOC contamination in soil vapor. Below grade vapor intrusion protection will reduce vapor intrusion risk associated with common building entry points such as cracks and openings and utility penetrations in the building foundation floor slab as well as elevator pits by providing a physical barrier that has extremely low permeability to soil vapor. To mitigate for potential accumulation and migration of VOCs in soil vapor into building areas, a passive VIMS (the passive venting will be installed in manner that will allow conversion to an active venting, if needed) will be designed and installed beneath the floor slab underlying the affected portion of the residential apartment building and the footprint of the mixed-use building. Vapor intrusion mitigation design documents including plans and specifications will be prepared and submitted to DTSC under separate cover in the RAIP.

The VIMS will be designed in general conformance with the Final Vapor Intrusion Mitigation Advisory, Revision 1, (Cal/EPA, 2011) (the "Advisory"). The proposed VIMS design includes all of the components advised for a sub-slab venting system (SSV) as described in the Advisory, and as summarized below:

(1) Vapor Barrier - A continuous, spray-applied vapor barrier membrane will be installed beneath the floor slab underlying the affected portion of the residential apartment building and the footprint of the multi-use building to prevent sub-slab soil vapor from entering into the buildings. The membrane will consist of a sprayed-in-place continuous barrier system (e.g., Geo Seal by Land Science Technologies, e.Proformance by EPRO, or equivalent) to be installed beneath the 5-inch-thick mat slab. Completion testing will be performed to confirm proper installation and vapor membrane effectiveness prior to construction of the overlying foundation slab.

(2) Venting System – A passive venting system to supplement the vapor barrier will be installed. The venting system will allow any soil vapors that would otherwise collect beneath the slab

and vapor barrier to migrate and vent to the atmosphere outside the building. The venting system will include a gravel layer and an array of vent pipes (designed to facilitate conversion to an active system if needed) below the impermeable membrane to vent accumulated vapors to outdoor air at the roof level. Sub-slab perforated vent piping will be constructed of composite low-profile piping consisting of a three-dimensional vent core wrapped in a non-woven, needle punctured filler fabric. The piping network will be connected to vertical riser pipes, constructed of PVC or cast iron, which will trend vertically (typically through utility pipe chases) to the roof level, where they will each be capped with a wind turbine that will generate a vacuum on the piping network to enhance collection and venting of the soil vapor. Sampling ports will be installed on the vertical riser pipes at an accessible location on the ground floor of the building. Sub-slab soil vapor probes will be installed within the permeable gravel layer directly below the vapor barrier for pre-occupancy sampling and VIMS performance monitoring. The sub-slab vapor probes will consist of ¼ inch polyethylene tubing fitted with a porous polypropylene tip located beneath the building vapor barrier approximately 20 feet from the building edge.

(3) Trench Dams and Conduit Seals - Trench dams will be used as a vapor migration barrier to minimize soil vapor intrusion and shall be installed in all utility trenches that extend beneath the building foundations from areas outside the perimeter of the buildings. The trench dams shall be installed in the utility trenches immediately adjacent to the exterior of the building foundations to prevent soil vapor migration beneath the foundations. Trench dams shall have a minimum length of twice the width of the trench, or a minimum of 36 inches in length, whichever is greater. Trench dams shall be constructed of a bentonite cement slurry (a mixture of 4% Type II Cement and 2% Powdered Bentonite), or compacted native soil backfill (native soil shall be compacted to at least 90% relative maximum dry density in accordance with ASTM D-1557 Testing Procedures). The entire cross section of trenches shall be backfilled to provide a minimum of 6 inches of trench dam material around all conduits and pipes.

Trap primers will be used on plumbing floor drain and floor sink lines on the ground floor. The trap primer is a device that causes a small amount of water to drain to the trap via piping from the trap primer in order to maintain the liquid seal at the trap and prevent the emission of sewer gases into the building.

Conduit seals will be used on electrical conduits which penetrate through the vapor barrier material and enter the building (Plate 14 of the RAW). The sealing compound will consist of closed-cell expandable polyurethane foam (EPF).

A formal completion letter and record (i.e., "as-built") drawings will be prepared upon completion of the system installation. The completion letter and record drawings will be signed and stamped by a Professional Engineer (PE) certified in California and submitted to DTSC as part of the Removal Action Completion Report (RACR).

In addition, future development is required to comply with General Plan policies requiring local planning and development decisions to consider impacts from exposure to hazardous materials. Specifically, Policies HAZ-6.1, HAZ-6.2, and HAZ-6.4 aim to protect people and environmental resources from contaminated hazardous material sites and minimize risks associated with the use, storage, transport, and disposal of hazardous materials. In particular, HAZ-6.2 requires site investigations to determine the presence of hazardous materials and/or waste contamination before discretionary project approvals are issued by the City. Compliance with these regulations would ensure that the risk of accidents and spills would be minimized to the maximum extent practicable.

Regarding the risk of exposure of construction workers to on-site subsurface contamination, US EPA laws and regulations would ensure the safe production, handling, disposal, and transportation of hazardous materials. Further, laws and regulations established by the EPA are enforced locally by the California Environmental Protection Agency. OSHA oversees training for hazardous materials handlers and the provision of information to employees who may be exposed to hazardous materials. Cal OSHA assumes primary responsibility for the adoption and enforcement of standards regarding workplace safety and safety practices. As stated above, General Plan Policy HAZ-6.2 would help ensure that workers would be aware of any hazardous materials or waste contamination issues on the site.

Because all existing structures at the site have been demolished, Mitigation Measure HAZ-3 no longer applies.

As discussed above, the project site is not located within 0.25 mile of a school. As the Revised Project would be located on the same site, the Revised Project would have no impact with regards to hazardous emissions near a school, which is the same conclusion reached in the Final IS/MND and consistent with the findings in the SP Final EIR. No mitigation is required.

As discussed above, the project site is not within the airport influence areas of nearby airports that serve the East Bay. Therefore, as the Revised Project would be constructed on the same site, the Revised Project would not result in a safety hazard for people residing or working in the project area, which is the same conclusion reached in the Final IS/MND and consistent with the findings in the SP Final EIR. No impact would occur, and no new mitigation is required.

Similar to the Original Project analyzed in the Final IS/MND and consistent with the findings in the SP Final EIR, construction of the Revised Project would occur within the project site and would not result in street closure. As such, it would not substantially interfere with the operation of traffic, including emergency response vehicles. In addition, as discussed above, the project site is located in an extensively urbanized area at a substantial distance from the closest wildland areas. For these reasons, similar to the conclusion reached in the Final IS/MND and consistent with the findings in the SP Final EIR, the Revised Project would not impair implementation of or physically interfere with an adopted emergency response plan nor would it expose people or structures to a significant risk of loss, injury or death involving wild land fires. No impacts would occur, and no new mitigation is required.

Finally, as stated above, under the oversite of the DTSC and with implementation of the RAW, the Revised Project would not result in a cumulative impact to hazards and hazardous materials. No new mitigation is required.

Changes in Circumstances and/or New Information

There are no changes in circumstances in which the Revised Project would be undertaken. No new information has become available, and no new regulations related to hazards and hazardous materials have come into effect since the adoption of the SP Final EIR and Final IS/MND that would alter the previous analysis and change its conclusions relative to environmental impacts such that additional environmental review would be triggered.

Findings

For reasons stated above, the potential hazards and hazardous impacts of the Revised Project would be comparable to or less than those analyzed in the SP Final EIR and Final IS/MND. The potential hazards and hazardous material impacts of the Revised Project are adequately analyzed in the Final IS/MND and consistent with the findings in the SP Final EIR. No new or substantially increased significant impacts associated with hazardous materials would result from the Revised Project beyond those discussed in the SP Final EIR and Final IS/MND. No new mitigation is required.

5.9 HYDROLOGY AND WATER QUALITY

	Potentially Significant New Impact	Less than Significant New Impact with Mitigation	Less than Significant New Impact	Impact Fully Analyzed in the Final EIR - IS/MND
HYDROLOGY AND WATER QUALITY - Would the project:				
a) Violate any water quality standards or waste discharge requirements?	☐	☐	☐	☒
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?	☐	☐	☐	☒
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner, which would result in substantial erosion or siltation on- or off-site?	☐	☐	☐	☒
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner, which would result in flooding on- or off-site?	☐	☐	☐	☒
e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?	☐	☐	☐	☒
f) Otherwise substantially degrade water quality?	☐	☐	☐	☒
g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	☐	☐	☐	☒

	Potentially Significant New Impact	Less than Significant New Impact with Mitigation	Less than Significant New Impact	Impact Fully Analyzed in the Final EIR - IS/MND
h) Place within a 100-year flood hazard area structures, which would impede or redirect flood flows?	☐	☐	☐	☒
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?	☐	☐	☐	☒
j) Inundation by seiche, tsunami, or mudflow?	☐	☐	☐	☒

Summary of Analysis in the Original Project Final IS/MND

The Original Project would develop and implement a Storm Water Pollution Prevention Plan (SWPPP), including control measures (or BMPs) to control erosion and release of sediment and other pollutants from the site. In addition, the Original Project would not require dewatering as excavations would not be deep enough to intercept groundwater. Therefore, the Final IS/MND concluded that the Original Project would not impact to water quality during construction. No mitigation is required.

Most of the project site is currently developed with impervious surfaces and development of the Original Project would maintain or slightly reduce the number of impervious surfaces on the site. As a result, the amount of runoff generated on the project site would be the same or slightly less than existing conditions. The Original Project would also to adhere to requirements listed in provision C.3 of the San Francisco Bay Region Municipal Regional Stormwater NPDES Permit which requires permittees to comply with the discharge prohibitions and receiving water limitations through the timely implementation of control measures and other actions as specified in the permit. As a result, the Final IS/MND determined that the development of the Original Project would not result in any storm water discharges that would violate water quality standards or waste discharge requirements. The impact to water quality would be less than significant during operation. No mitigation is required.

The Original Project would not use groundwater as a source of water supply and would maintain or slightly reduce the number of impervious surfaces at the site compared to existing conditions. For these reasons, the Final IS/MND concluded that there would not be a reduction in the amount of land available for groundwater recharge with implementation of the Original Project. This impact would be less than significant, and no mitigation is required.

Storm water generated on the project site following the development of the Original Project would be directed toward existing storm drainage facilities serving the project site. Preparation and implementation of a SWPPP would control soil erosion and siltation during construction. Once the Original Project is constructed, impervious surfaces and landscaping on the site would minimize the potential for erosion and sedimentation in the long term. In addition, the Original Project's stormwater drainage system would be designed so that post-project runoff rates and durations shall not exceed estimated pre-project rates and duration in accordance with criteria listed in the *Alameda County C.3 Stormwater Technical Guidance Handbook*, thus preventing erosion on- or off-site. Therefore, the Final IS/MND determined that the Original Project would not result in substantial erosion or siltation on- or off-site. This impact would be less than significant, and no mitigation is required.

There are no existing flooding problems on the project site, and the Original Project built on-site would be designed to control for on-site flooding. All storm water generated by development of the Original Project would be directed toward existing storm drainage facilities serving the project site, and post-project runoff rates and durations shall not exceed estimated pre-project rates and duration. As a result, the Final IS/MND concluded that the Original Project would not result in flooding on- or off-site. This impact would be less than significant, and mitigation is required.

Post-project runoff rates and durations associated with the Original Project would not exceed estimated pre-project rates and duration. The Original Project would be required to implement a SWPPP, which will include erosion and pollution control measures, to control off-site sediment delivery during construction. During operation of the Original Project all runoff generated on the project site would be subject to the requirements listed in provision C.3 of the MRP. For these reasons, the Original Project would not provide substantial additional sources of polluted runoff. This impact would be less than significant, and no mitigation is required.

The project site is not located within a 100-year flood zone. Therefore, the Final IS/MND determined that the Original Project would not place housing or structures within an area at risk of flood flows. No impact would occur, and no mitigation is required.

The project site is not located within the inundation area of any nearby dam. As a result, the Final IS/MND concluded that development of the Original Project would not expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam. No impact would occur, and no mitigation is required.

The project site is not located near water bodies or inundation areas, and, as it is substantially distant from the Hayward hills, there is no risk of debris flow or mudflow. As a result, the Final IS/MND determined

that the Original Project would not be susceptible to inundation by seiche, tsunami, or mudflow. No impact would occur, and no mitigation is required.

Finally, anticipated future development in Hayward has the potential to result in the violation of water quality or waste discharge requirements, alter drainage patterns, or result in flooding. However, with the implementation of goals, policies, and implementation programs listed in the City's General Plan, impacts related to hydrology and water within the City due to future growth would be less than significant. As discussed above, the Original Project would have less than significant project-level impacts with respect to hydrology and water quality. Therefore, the Final IS/MND concluded that the Original Project's cumulative impact on hydrology and water quality would be less than significant.

Analysis of the Revised Project

Similar to the Original Project, to reduce runoff and erosion potential during construction, the Revised Project would prepare and implement a SWPPP. In addition, excavation required for the Revised Project, including for the new structures would also not be deep enough to intercept groundwater, and dewatering would not be required. Therefore, similar to the conclusion reached in the Final IS/MND and consistent with the findings in the SP Final EIR, the Revised Project would not impact to water quality during construction.

The Revised Project would also maintain or slightly reduce the number of impervious surfaces on the site. In addition, the storm drain system serving the project site, including the new structure, would also adhere to requirements listed in provision C.3 of the San Francisco Bay Region Municipal Regional Stormwater NPDES Permit. As a result, similar to the conclusion reached in the Final IS/MND and consistent with the findings in the SP Final EIR, the Revised Project would not impact to water quality during operation,

Similar to the Original Project, the Revised Project would not use groundwater as a source of water supply and would maintain or slightly reduce the number of impervious surfaces at this location on the site, thus reducing the amount of runoff currently generated at the project site. For these reasons, similar to the conclusion reached in the Final IS/MND and consistent with the findings in the SP Final EIR, there would not be a reduction in land available for groundwater recharge and the project would not affect existing groundwater associated with the Revised Project.

Storm water generated on the project site, including the site of the new structure, would also be directed toward existing storm drainage facilities. Soil erosion and siltation on- and off-site during construction of the Revised Project, including the new structure, would also be controlled through preparation and implementation of a SWPPP while soil erosion and siltation on- and off-site over the long-term during

operation of the Revised Project, including the new structure, would also be controlled by adhering to stormwater design criteria listed in the *Alameda County C.3 Stormwater Technical Guidance Handbook*. Therefore, similar to the conclusion reached in the Final IS/MND and consistent with the findings in the SP Final EIR, the Revised Project would not result in substantial erosion or siltation on- or off-site.

As discussed above, there are no existing flooding problems on the project site. All storm water generated on the project site, including the site of the new structure, would be directed toward existing storm drainage facilities serving the project site, and post-project runoff rates and durations would not exceed estimated pre-project rates and duration. As a result, similar to the conclusion reached in the Final IS/MND and consistent with the findings in the SP Final EIR, the Revised Project would not result in flooding on- or off-site.

Post-project runoff rates and durations associated with the Revised Project would not exceed estimated pre-project rates and duration. The Revised Project would be required to implement a SWPPP, which will include erosion and pollution control measures, to control off-site sediment delivery during construction. During operation of the Revised Project all runoff generated on the project site would be subject to the requirements listed in provision C.3 of the MRP. For these reasons, similar to the conclusion reached in the Final IS/MND and consistent with the findings in the SP Final EIR, the Revised Project would not provide substantial additional sources of polluted runoff.

As discussed above, the project site is not located within a 100-year flood zone. Therefore, as the Revised Project would be constructed on the same site, the Revised Project would not place housing or structures within an area at risk of flood flows, which is the same conclusion reached in the Final IS/MND and consistent with the findings in the SP Final EIR. No impact would occur, and no new mitigation is required.

As discussed above, the project site is not located within the inundation area of any nearby dam. As a result, as the Revised Project would be located on the same site, development of the Revised Project would not expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam, which is the same conclusion reached in the Final IS/MND and consistent with the findings in the SP Final EIR. No impact would occur, and no new mitigation is required.

As discussed above, the project site is not located near water bodies or inundation areas, and, as it is substantially distant from the Hayward hills, there is no risk of debris flow or mudflow. For these reasons, as the Revised Project would be constructed on the same site, the Revised Project would not be susceptible to inundation by seiche, tsunami, or mudflow, which is the same conclusion reached in the Final IS/MND and consistent with the findings in the SP Final EIR.

Finally, for the same reasons stated in the Final IS/MND and consistent with the findings in the SP Final EIR, the Revised Project would not result in a cumulative impact with regard to hydrology and water quality. No new mitigation is required.

Changes in Circumstances and/or New Information

There are no changes in circumstances in which the Revised Project would be undertaken. No new information has become available, and no new regulations related to hydrology and water quality have come into effect since the adoption of the SP Final EIR and Final IS/MND that would alter the previous analysis and change its conclusions relative to environmental impacts such that additional environmental review would be triggered.

Findings

The potential hydrology and water quality impacts of the Revised Project are similar to those analyzed in the SP Final EIR and Final IS/MND. For reasons stated above, the Revised Project's potential impacts related to hydrology and water quality would be less-than-significant. The potential impacts of the Revised Project associated with hydrology and water quality are adequately analyzed in the Final IS/MND and consistent with the findings in the SP Final EIR. No new or substantially increased significant impacts would result from the Revised Project beyond those discussed in the SP Final EIR and Final IS/MND. No new mitigation is required.

5.10 LAND USE AND PLANNING

	Potentially Significant New Impact	Less than Significant New Impact with Mitigation	Less than Significant New Impact	Impact Fully Analyzed in the Final EIR - IS/MND
LAND USE AND PLANNING - Would the project:				
a) Physically divide an established community?	☐	☐	☐	☒
b) Conflict with applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to, the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	☐	☐	☐	☒
c) Conflict with any applicable habitat conservation plan or natural community conservation plan?	☐	☐	☐	☒

Summary of Analysis in the Original Project Final IS/MND

The project site is currently developed, and the Original Project would not involve the vacation of any public streets or pedestrian access ways. Therefore, the Final IS/MND determined that development of the Original Project would not physically divide an established community.

In the *Hayward 2040 General Plan* the project site was designated CC-ROC (Retail and Office Commercial) and previously approved under CC-C zoning. Such designations allow for mixed use development; however, a conditional-use permit would be required to allow ground-floor residential. As a result, the Final IS/MND concluded that the Original Project would not conflict with the General Plan land use designation for the project site. This impact would be less than significant, and no mitigation is required.

The project site is not located within any habitat conservation plan or natural community conservation plan. For this reason, the Final IS/MND determined that the Original Project would have no conflicts with an HCP/NCCP, or other conservation plan. No impact would occur, and no mitigation is required.

Finally, future development near the project site would largely involve the redevelopment of previously developed parcels that would not substantially change the land uses in the project area. In addition, future development in the City of Hayward would be reviewed for consistency with the General Plan designations and policies, in accordance with the requirements of CEQA, the State Zoning and Planning

Law, and the State Subdivision Map Act. As discussed above, the Original Project would be consistent with the general plan and zoning designations for the project site with the approval of a conditional-use permit. Therefore, the Final EIR and Final IS/MND concluded that the Original Project would not contribute to any cumulative land use impacts.

Analysis of the Revised Project

The zoning regulation for the site has since changed to split zoning – Urban Neighborhood (UN) and Downtown Main Street (DT-MS). The applicant is therefore requesting a Major Site Plan Review (which is required for all project areas over three-acres in size), Administrative Use Permit (for commercial spaces less than 10,000 square feet), as well as a density bonus, waivers, and concessions, and application of parking standards consistent with State Density Bonus Law (Gov't Code § 65915).

Similar to the Original Project, the Revised Project would not involve the vacation of any public streets or pedestrian access ways. Therefore, similar to the conclusion reached in the Final IS/MND and consistent with the findings in the SP Final EIR, the Revised Project would not physically divide an established community.

The applicant for the Revised Project also has made an updated request for the Density Bonus. Specifically, the City's Affordable Housing Ordinance ("AHO") requires a residential project that will satisfy affordable housing requirements through the provision of onsite rental units to provide 6% affordable units evenly split between low income and very low-income units with the ability to provide units at lower affordability levels.

Of the Project's proposed 19 affordable rental units, 16 of those units (or 5% percent of the 314-unit base project) would be very low-income units restricted to very-low-income households, and the other 3 units would be low-income units restricted to low income households (collectively, the "Affordable Units"). The Project's proposed Affordable Units exceed the City's AHO requirements by delivering more very low-income units than is otherwise required.

Further, the applicant for the Revised Project is requesting the following concession: Ground Floor Commercial Ceiling Height – Per 10-28.2.2.060 – URBAN NEIGHBORHOOD (UN), the minimum required Retail Height is 14'. Although the Project exceeds this standard at the retail corner, the retail heights are reduced to +/-12' over approximately 85% of the retail frontage. The second level floor plate that acts as the ceiling for the retail space is a single level plane. The lowest plate height (ceiling height) is 11'-8" along McKeever. The lowest plate height (ceiling height) is 12'-2" along Maple. The tallest plate (ceiling height) is located at the corner of McKeever and Maple street and was accomplished by eliminating a second level unit. That plate (ceiling height) exceeds 18'-0".

Finally, the applicant has requested a Density Bonus Waiver Per 10-28.3.3.140 - LINED BUILDING, the maximum allowed width of the exterior building main body is 320'. The project Lined Building width is 350' which exceeds the maximum allowed width.

The Revised Project is also consistent with the Specific Plan and would abide by the requirements of Major Site Plan review, Administrative Use Permit (for commercial spaces less than 10,000 square feet), as well as density bonus, waivers, and concessions, and application of parking standards consistent with State Density Bonus Law (Gov't Code § 65915).

As discussed above, the project site is not located within any habitat conservation plan or natural community conservation plan. As the Revised Project would be constructed on the same site, the Revised Project would have no conflicts with an HCP/NCCP, or other conservation plan, which is the same conclusion reached in the Final IS/MND and consistent with the findings in the SP Final EIR. No impact would occur, and no new mitigation is required.

Similar to the conclusion reached in the Final IS/MND and consistent with the findings in the SP Final EIR, the Revised Project would not contribute to any cumulative land use impacts.

Changes in Circumstances and/or New Information

There are changes in circumstances in which the Revised Project would be undertaken. Specifically, remediation of the site under the oversight of the DTSC. This remains in compliance with the mitigation measures adopted as part of the Final IS/MND. Also, the latest Downtown Code was published in 2019[1] and has been considered for each environmental impact category. No other new information has become available, and no new regulations related to land use and planning have come into effect since the adoption of the SP Final EIR and Final IS/MND that would alter the previous analysis and change its conclusions relative to environmental impacts such that additional environmental review would be triggered.

Findings

For reasons stated above, less-than-significant impacts or no impacts related to land use and planning would result from implementation of the Revised Project. The potential land use impacts of the Revised Project are adequately analyzed in the SP Final EIR and Final IS/MND. No new or substantially increased significant impacts would result from the Revised Project beyond those discussed in the Final IS/MND and consistent with the findings in the SP Final EIR. No new mitigation is required.

1 Hayward Downtown Code. https://www.hayward-ca.gov/sites/default/files/DTSP%20Chapter%206%20Development%20Code.pdf

5.11 MINERAL RESOURCES

	Potentially Significant New Impact	Less than Significant New Impact with Mitigation	Less than Significant New Impact	Impact Fully Analyzed in the Final EIR and Final IS/MND
MINERAL RESOURCES - Would the project:				
a) Result in the loss of availability of a known mineral resource that would be of future value to the region and the residents of the State?	☐	☐	☐	☒
b) Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	☐	☐	☐	☒

Summary of Analysis in the Original Project Final IS/MND

The project site is not designated as a mineral resource zone, and no known or potential mineral resources are located on the project site. For these reasons, the Final IS/MND determined that Original Project would not result in the loss of availability of known mineral resources, nor would it result in the loss of a locally important mineral resource recovery site.

Analysis of the Original Project

As discussed above, the project site is not designated as a mineral resource zone, and no known or potential mineral resources are located on the project site. Therefore, As the Revised Project would be constructed on the same site, the Revised Project would not result in the loss of availability of known mineral resources nor would it result in the loss of a locally important mineral resource recovery site, which is the same conclusion reached in the Final MND and consistent with the findings in the SP Final EIR. No impact would occur, and no mitigation is required.

Changes in Circumstances and/or New Information

There are no changes in circumstances in which the Original Project would be undertaken. No new information has become available, and no new regulations related to mineral resources have come into effect since the adoption of the SP Final EIR and Final IS/MND, that would alter the previous analysis and

change its conclusions relative to environmental impacts such that additional environmental review would be triggered.

Findings

The potential mineral resource impacts of the Revised Project are similar to those analyzed in the Final IS/MND and consistent with the findings in the SP Final EIR. For reasons stated above, no new impacts to mineral resources would result with implementation of the Revised Project. The potential impacts of the Revised Project associated with mineral resources are adequately analyzed in the Final IS/MND and consistent with the findings in the SP Final EIR. No new or substantially increased significant impacts would result from the Revised Project beyond those discussed in the SP Final EIR and Final IS/MND and consistent with the findings in. No new mitigation is required.

5.12 NOISE

	Potentially New Significant Impact	Less than Significant New Impact with Mitigation	Less than Significant new Impact	Impact Fully Analyzed in the Final EIR - Final IS/MND
NOISE - Would the project result in:				
a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	☐	☐	☐	☒
b) Exposure of persons to or generation of excessive ground borne vibration or ground borne noise levels?	☐	☐	☐	☒
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	☐	☐	☐	☒
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	☐	☐	☐	☒
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	☐	☐	☐	☒
f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?	☐	☐	☐	☒

Summary of Analysis in the Maple and Original Project Final IS/MND

Ambient noise levels at the various building facades of the Original Project are estimated to be between 57 dB(A) and 69 dB(A), therefore exceeding the 45 dB(A) standards for interior noise levels set by the City of Hayward's General Plan and the CBC. Interior noise levels would vary upon the design of the building but

may be as high as 54 dB(A). The included **Mitigation Measure NOI-1** to reduce this impact to a less-than-significant level.

Noise levels at the outdoor areas of the Original Project would be below the normally acceptable exterior noise levels of 70 db(A) under future worst-case scenario conditions. Therefore, the Final IS/MND concluded that the Original Project would not expose person to noise levels in excess of City standards. This impact would be less than significant, and no mitigation would be required.

Construction activities, such as drilling, the use of jackhammers, rock drills and other high-power or vibratory tools, and rolling stock equipment (tracked vehicles, compactors, etc.) would result in vibration levels ranging from 0.001 to 0.051 in/sec peak particle velocity (PPV). At most of the nearby residences, such vibrations would be below the 0.08 in/sec PPV threshold used to assess cosmetic damage to structurally weak buildings. It is also below the 0.1 in/sec PPV significance threshold used to assess the potential for human annoyance. However, there is a single-family residence approximately 10 feet from the project site's property line. At this distance, vibration levels would be expected to range from 0.008 in/sec PPV to 0.58 in/sec PPV, which would at times exceed the 0.3 in/sec PPV significance threshold used to assess cosmetic damage to buildings that are structurally sound. The Final IS/MND included **Mitigation Measure NOI-2** to reduce the impact to a less-than-significant level.

Compared to the traffic along the surrounding roadways, the increase in vehicle trips generated by the Original Project would not result in a substantial increase in traffic volumes and associated noise levels. The permanent noise level increase due to this project-generated traffic increase at the surrounding noise-sensitive receptors would be approximately 1 dB(A) Ldn. As a result, the Final IS/MND determined that the Original Project would not result in a substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project. This impact would be less than significant, and no mitigation would be required.

Based on the estimated equipment noise levels above and on-site data, nearby sensitive locations would likely experience construction noise that is louder than ambient traffic noise. The Final IS/MND included **Mitigation Measure NOI-3** to reduce this impact to a less-than-significant level.

The traffic noise increases under both cumulative scenarios (with and without the project) were estimated not to exceed 3 dB(A) Ldn along the roadways surrounding the project site. As a result, this cumulative traffic impact is considered less than significant.

The Final IS/MND found that with adherence to construction best management practices by both projects, construction noise levels would not be substantially increased, and the resulting cumulative impact

associated with construction noise would be less than significant. As noted in the following section, the Lincoln Landing project is nearing completion and will not overlap with the current project.

Final IS/MND Mitigation Measures:

NOI-1 The following measures shall be incorporated into the Original Project to reduce interior noise levels:

- A qualified acoustical consultant shall review the final site plan, building elevations, and floor plans prior to construction and recommend building treatments to reduce interior noise levels to 45 dB(A) Ldn or lower. Treatments would include, but are not limited to, sound-rated windows and doors, sound-rated wall and window constructions, acoustical caulking, protected ventilation openings, etc. The specific determination of what noise insulation treatments are necessary shall be conducted on a unit-by-unit basis during final design of the project. Results of the analysis, including the description of the necessary noise control treatments, shall be submitted to the City, along with the building plans and approved design, prior to issuance of a building permit.

- Provide a suitable form of forced-air mechanical ventilation, as determined by the local building official, 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.

NOI-2 Within 20 feet of the existing, adjacent residence:

- 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, and drill-rigs shall be prohibited within 20 feet of the existing, adjacent residence.

- Construction and demolition activities shall not involve clam shell dropping operations.

NOI-3 Construction equipment shall be well-maintained and used judiciously to be as quiet as possible. Additionally, construction activities for the Original Project shall include the following best management practices to reduce noise from construction activities near sensitive land uses:

- Ensure that all construction activities (including the loading and unloading of materials, truck movements, and warming of equipment motors) are limited to the hours of 7:00 a.m. to 7:00 p.m. Monday through Saturday and between the hours of 10:00 a.m. and 6:00 p.m. on Sundays and holidays.
- Contractors equip all internal combustion engine-driven equipment with mufflers, which are in good condition and appropriate for the equipment.
- Contractors utilize "quiet" models of air compressors and other stationary noise sources where technology exists.
- Locate loading, staging areas, stationary noise-generating equipment, etc. as far as feasible from sensitive receptors when sensitive receptors adjoin or are near a construction project area.
- Comply with Air Resource Board idling prohibitions of uneasy idling of internal combustion engines.
- Construct solid plywood fences around construction sites adjacent to operational business, residences or noise-sensitive land uses.
- A temporary noise control blanket barrier could be erected, if necessary, along building facades facing construction sites. This mitigation would only be necessary if conflicts occurred which were irresolvable by proper scheduling.
- Route construction-related traffic along major roadways and as far as feasible from sensitive receptors.
- Businesses, residences or noise-sensitive land uses adjacent to construction sites should be notified of the construction schedule in writing. Designate a "construction liaison" that would be responsible for responding to any local complaints about construction noise. The liaison would determine the cause of the noise complaints (e.g., starting too early, bad muffler, etc.) and institute reasonable

measures to correct the problem. Conspicuously post a telephone number for the liaison at the construction site.

Analysis of the Revised Project

Similar to the Original Project analyzed in the Final IS/MND, noise levels at the facades of the structures proposed under the Revised Project would exceed the 45 dB(A) standards for interior noise levels if no noise attenuation were implemented. The Revised Project would incorporate **Mitigation Measure NOI-1** which would ensure that interior noise levels be reduced to 45 dB(A) Ldn or lower. In addition, General Plan Policy HAZ-8.2 requires development projects in areas with exposure to major noise sources to conduct a project-level environmental noise analysis, and possible incorporation of noise mitigation. The City would then consider design features based on project-specific noise studies. Therefore, similar to the conclusion reached in the Final IS/MND and consistent with the findings in the SP Final EIR, with implementation of mitigation, interior noise levels in the residential units of both proposed structures would be less than significant. No new mitigation is required.

Similarly, the conclusion reached in the Final IS/MND and consistent with the findings in the SP Final EIR, that noise levels at the outdoor areas of the Revised Project would be below the normally acceptable exterior noise levels of 70 db(A) under future worst-case scenario conditions remains unchanged. This impact would remain less than significant, and no new mitigation is required.

Construction activities associated with the Revised Project would be similar to those under the Original Project. Under the Revised Project, construction activities would still occur within close proximity to an existing single-family residence that is approximately 10 feet from the project site's property line. Therefore, similar to the findings in the Final IS/MND and consistent with the findings in the SP Final EIR, construction of the Revised Project would still result in vibration levels that exceed 0.3 in/sec PPV threshold used to assess cosmetic damage to buildings that are structurally sound at this residence. The Revised Project would implement **Mitigation Measure NOI-2** to reduce potential construction vibration impacts on building structures and nearby sensitive receptors. Similar to the conclusion reached in the Final IS/MND and consistent with the findings in the SP Final EIR, vibration impacts of the Revised Project would be less than significant with mitigation incorporated. No new mitigation is required.

As described previously herein (see Section 5.7), the Revised Project qualifies a Transit Oriented Development. Therefore, traffic generation associated with the Revised Project would be less than that of the Original Project. For this reason, the Revised Project would not substantially increase traffic noise at noise-sensitive receptors near the project site. Similar to the conclusion reached in the Final IS/MND and

consistent with the findings in the SP Final EIR, the Revised Project's impact related to traffic noise would be less than significant, and no new mitigation is required.

Construction activities associated with the Revised Project would be similar in type and duration to those for the Original Project. Therefore, noise associated with these activities would be louder than the ambient traffic noise. The Revised Project would incorporate **Mitigation Measure NOI-3** to reduce the impacts from construction noise at nearby sensitive receptors. Similar to the conclusion reached in the Final IS/MND and consistent with the findings in the SP Final EIR, the noise impact of Revised Project during construction would be less than significant with mitigation incorporated.

Similar to the Original Project, cumulative construction noise levels associated with the Original Project and Lincoln Landing project under worst-case conditions would not be measurably higher than project-generated construction noise levels alone. Further, the Lincoln Landing project broke ground in 2019 and therefore will not contribute cumulatively with the Revised Project. In summary, similar to the conclusion reached in the Final IS/MND and consistent with the findings in the SP Final EIR, with adherence to construction best management practices by both projects, construction noise levels would not substantially increase, and the resulting cumulative impact associated with construction noise would be less than significant.

Changes in Circumstances and/or New Information

There are no changes in circumstances in which the Revised Project would be undertaken. No new information has become available, and no new regulations related to noise have come into effect since the adoption of the SP Final EIR and Final IS/MND that would alter the previous analysis and change its conclusions relative to environmental impacts such that additional environmental review would be triggered.

Findings

For reasons stated above, with mitigation, less-than-significant noise impacts would result from implementation of the Revised Project. The potential noise impacts of the Revised Project are adequately analyzed in the SP Final EIR and Final IS/MND. No new or substantially increased significant impacts would result from the Revised Project beyond those discussed in the SP Final EIR and Final IS/MND. No new mitigation is required.

5.13 POPULATION AND HOUSING

	Potentially Significant New Impact	Less than Significant New Impact with Mitigation	Less than Significant New Impact	Impact Fully Analyzed in the Final EIR - IS/MND
POPULATION AND HOUSING – Would the project:				
a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	☐	☐	☐	☒
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	☐	☐	☐	☒
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	☐	☐	☐	☒

Summary of Analysis in the Original Project Final IS/MND

The Original Project would house approximately 773 residents, which would increase the City's existing population by approximately 0.5% and future population in 2040 at General Plan buildout by about 0.4%. Therefore, as the Original Project would be consistent with the General Plan land use and zoning designations for the site, and the increase in population would not be substantial in that it was planned for and considered in the City's land use plans, the Final IS/MND concluded that the Original Project would not induce substantial population growth in the area. This impact would be less than significant, and no mitigation is required.

The Final IS/MND also determined that the Original Project would not displace substantial numbers of existing housing necessitating the construction or replacement housing elsewhere. No impact would occur, and no mitigation is required.

Finally, anticipated future development in Hayward would result in an increase in population throughout the City. However, with the implementation of goals, policies, and implementation programs listed in the City's General Plan, impacts related to population and housing within the City due to future growth would be less than significant. As discussed above, the increase in population associated with the Original Project

would not be substantial. Therefore, the Original Project's cumulative impact with respect to population and housing would be less than significant.

Analysis of the Revised Project

As the California State Department of Finance population estimate for the City of Hayward in 2020 was 162,954 people, the Revised Project would house approximately 1,073 residents compared to about 773 residents, an increase of 299 residents. As the Revised Project would only represent as a 0.7% increase in the City's population compared to 0.5% under the Original Project, this increase is not substantial. In addition, as the City of Hayward 2040 General Plan estimates that the City would have an estimated population of 183,533 people in 2040, the Revised Project would represent about 0.6% of this future population compared to a 0.4% under the Original Project. Therefore, similar to the conclusion reached in the Final IS/MND and consistent with the findings in the SP Final EIR, the Revised Project would not induce substantial population growth in the area. No impact would occur, and no new mitigation is required.

Two single-family residences on the previously on the project site have been demolished. As a result, there would be no change in the conclusion reached in the Final IS/MND and consistent with the findings in the SP Final EIR, and the Revised Project would not displace substantial numbers of existing housing necessitating the construction or replacement housing elsewhere. No impact would occur, and no new mitigation is required.

Finally, for the same reasons stated in the Final IS/MND and consistent with the findings in the SP Final EIR, the Revised Project would not result in a cumulative impact with regard to population and housing. No new mitigation is required.

Changes in Circumstances and/or New Information

The Original Project included 240 residential units whereas the current project proposes 314 units. Therefore, the previously Original Project contained 74 fewer residential units and resulted in a lower population growth than the Original Project. The Original Project would increase the total number of residential units and the resident population that coincides with that change. At 3.27 average persons per household in Hayward, this would translate to a population increase of 242 people for the Original Project rather than the previously Original Project. However, the slight increase in population is analyzed and anticipated in the General Plan. The City of Hayward's 2040 General Plan has land use policies that encourage growth and development. Land Use Policy 1.3 states that the City shall direct local population growth toward infill development sites within the City, whereas Land Use Policy 1.5 also supports transit-oriented development. The Original Project is infill development along a busy arterial corridor located

within a half mile of a rapid transit stop. Therefore, this project fits well with the General Plan's goals and policies to encourage development even with a slightly higher population taken into account. There are no substantial changes in circumstances in which the Revised Project would be warrant further environmental review. The increase in residential units would also increase a corresponding population count; however, such an increase has been analyzed and is encouraged in the General Plan's policies. Therefore, impacts to population and housing would remain less than significant.

Findings

The potential population and housing impacts of the Revised Project are adequately analyzed in the SP Final EIR and Final IS/MND. The Revised Project would not result in new or substantially increased significant impacts beyond those discussed in the SP Final EIR and Final IS/MND. No new mitigation is required.

5.14 PUBLIC SERVICES

	Potentially New Significant Impact	Less than Significant New Impact with Mitigation	Less than Significant New Impact	Impact Fully Analyzed in the Final EIR - IS/MND
PUBLIC SERVICES				
a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:				
i) Fire protection?	☐	☐	☐	☒
ii) Police protection?	☐	☐	☐	☒
iii) Schools?	☐	☐	☐	☒
iv) Parks?	☐	☐	☐	☒
v) Other governmental services?	☐	☐	☐	☒

Summary of Analysis in the Original Project Final IS/MND

The Original Project would increase the need for fire suppression and police services to serve the site. However, both the Hayward Fire Department and the Hayward Police Department indicated the Original Project would have minimal impact on fire and law enforcement services in the City. Therefore, the Final IS/MND concluded that no new or expanded fire and police facilities would be required, and thus there would be no potential for significant environmental impacts from the construction of new or expanded facilities. This impact would be less than significant, and no mitigation is required.

The Final IS/MND determined all of the schools that serve the project site are currently operating under capacity. Additionally, the Original Project applicant would be required to pay school development fees, as dictated by state law, prior to the issuance of building permits. As a result, the Final IS/MND determined that any impacts from the increase in school enrollment would be offset by the required payment of development fees. This impact would be less than significant, and no mitigation is required.

The Original Project would generate the need for approximately 2.3 acres of parkland. To address the need for park space, avoid overuse of existing parks, and avoid a deficiency of parkland acreage in the City, the Original Project would be required to pay park in-lieu fees per City Code (Chapter 10.16), which can be used to acquire new parkland and/or pay for park improvements in the project vicinity. The payment of park and recreation development impact fees is considered by the City as full mitigation of development impacts to nearby recreation facilities. As a result, the Final IS/MND concluded that this impact would be less than significant, and no mitigation is required.

The Original Project would place additional demand on library services in the City of Hayward. In particular, the Original Project would decrease the amount the amount of library space per resident under both current and future conditions. However, the decrease in library space would not be substantial. Therefore, the Final IS/MND determined that Original Project would not require that new or expanded library facilities be constructed, and thus there would be no potential for significant environmental impacts from the construction of new or expanded facilities. This impact would be less than significant, and no mitigation is required.

Finally, although substantial portions of the City are built out, future development or redevelopment would increase the population in the City, thus resulting in an increase in demand for fire, police, schools, parks, and other public facilities such as libraries. However, with the implementation of goals, policies, and implementation programs listed in the City's General Plan, impacts related to public services within the City due to future growth would be less than significant. As discussed above, both the HFD and the HPD have indicated that the Original Project would have minimal impact on fire and police services in the City, and as a result no new fire or police facilities would need to be constructed to serve the Original Project. In addition, the Original Project would pay fees to mitigate impacts to schools and parks. As the decrease in the amount of existing library space per capita would not be substantial, no new library facilities would need to be constructed to serve the Original Project. For these reasons, the Original Project's cumulative impact with respect to public services would be less than significant.

Analysis of the Revised Project

As discussed in Section 5.13, the Revised Project would house approximately 1,073 residents compared to about 773 residents, an increase of 299 residents. As the Revised Project would only represent as a 0.7% increase in the City's population and a 0.6% increase in the City's future population, compared to 0.5% and 0.4%, respectively, under the Original Project, this increase is not substantial and is not expected to alter the conclusions of the Hayward Fire Department and the Hayward Police Department reached for the Original Project that it would have minimal impact on fire and law enforcement services in the City. In addition, for these the reason, the Revised Project would not place substantial demands on libraries

services. Finally, the Revised Project would also pay fees to mitigate impacts to schools and parks. Therefore, there would be no change in the conclusion reached in the SP Final EIR and Final IS/MND with respect to fire, law enforcement, schools, parks, and libraries services, and thus there would be no potential for significant environmental impacts from the construction of new or expanded facilities. This impact would be less than significant, and no new mitigation is required.

Finally, for the same reasons stated in the SP Final EIR and Final IS/MND, the Revised Project would not result in a cumulative impact with regard to public services. No new mitigation is required.

Changes in Circumstances and/or New Information

The Revised Project would add an additional 74 units to the previously Original Project. This would translate to a population increase of about 242 more people than the previously Original Project and may increase the demand for fire, police, and other public services in response to those additional residents. However, such an increase would not be significant enough to warrant additional environmental review that has not been already analyzed in the previously approved SP Final EIR Final IS/MND. Impacts would remain less than significant to public resources and no new mitigation is required.

Findings

The potential public service impacts of the Revised Project are adequately analyzed in the SP Final EIR and Final IS/MND. The Revised Project would not result in new or substantially increased significant impacts beyond those discussed in the SP Final EIR and Final IS/MND. No new mitigation is required

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5.15 RECREATION

	Potentially Significant New Impact	Less than Significant New Impact with Mitigation	Less than Significant New Impact	Impact Fully Analyzed in the Final EIR - IS/MND
RECREATION:				
a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	☐	☐	☐	☒
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities, which might have an adverse physical effect on the environment?	☐	☐	☐	☒

Summary of Analysis in the Original Project Final IS/MND

See **Section 5.14** for a discussion of impacts to existing parks and recreational facilities. Because the Original Project is a Transit Oriented Development, access to regional and local parks would be facilitated and, therefore, construction or expansion of neighborhood parks. Therefore, the Final IS/MND concluded that potential impacts associated with park facilities would not occur. This impact would be less than significant, and no mitigation is required.

Analysis of the Revised Project

Similar to the Original Project, the Revised Project does not involve construction nor expansion of neighborhood parks. The Revised Project proposes recreational amenities including 1,200 square feet of urban interactive space to be provided on-site. Such on-site amenities would off-set impacts to surrounding recreational facilities. Therefore, there would be no change in the conclusions reached in the Final IS/MND and the findings in the SP Final EIR with respect the construction and expansion of neighborhood parks. This impact would be less than significant, and no new mitigation is required.

Changes in Circumstances and/or New Information

There are no changes in circumstances in which the Revised Project would be undertaken, and no new information has become available since the adoption of the SP Final EIR and Final IS/MND that would alter

the previous analysis and change its conclusions relative to environmental impacts such that additional environmental review would be triggered.

Findings

Because the Revised Project is generally similar to the Original Project, its potential impacts with respect to recreation would be similar to the impacts analyzed in the SP Final EIR and Final IS/MND. Therefore, no new or substantially increased significant impacts with respect to recreation would result from the Revised Project beyond those analyzed in the SP Final EIR and Final IS/MND. No new mitigation is required.

5.16 TRANSPORTATION AND TRAFFIC

	Potentially New Significant Impact	Less than Significant New Impact with Mitigation	Less than Significant New Impact	Impact Fully Analyzed in the Final EIR – IS/MND
TRANSPORTATION/TRAFFIC - Would the project:				
a) Conflict with an applicable plan, ordinance, or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?	☐	☐	☐	☒
b) Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?	☐	☐	☐	☒
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?	☐	☐	☐	☒
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	☐	☐	☐	☒
e) Result in inadequate emergency access?	☐	☐	☐	☒
f) Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?	☐	☐	☐	☒

Summary of Analysis in the Original Project Final IS/MND

Traffic added by the Original Project would not substantially affect the level of service (LOS) at any of the study intersections under either existing plus project conditions or background plus project conditions. Therefore, the Final IS/MND determined that traffic generated by the Original Project would not conflict

with an applicable plan, ordinance, or policy establishing measures of effectiveness for the performance of the circulation system nor would it conflict with an applicable congestion management program for designated roads or highways. This impact would be less than significant, and no mitigation is required.

The project site is not located within the airport influence areas of nearby airports that serve the East Bay. For this reason, the Final IS/MND concluded that the Original Project would no result in a change in air traffic patterns that would result in substantial safety risks. This impact would be less than significant, and no mitigation is required.

The Original Project would be required to comply with the City's design standards and the design standards in the *Uniform Fire Code*. In addition, the project would not introduce incompatible uses to the site and surrounding area. Therefore, the Final IS/MND determined that compliance with these existing standards would prevent hazardous design features and would ensure adequate and safe access to the project site. This impact would be less than significant, and no mitigation is required.

The Original Project must comply with all building, fire, and safety codes and specific development plans would be subject to review and approval by the City's Public Works Department and the Hayward Fire Department. Required review by these departments would ensure that the proposed circulation system for the project site would provide adequate emergency access. As a result, the Final IS/MND and concluded that Original Project would not result in inadequate emergency access. No impact would occur, and no mitigation is required.

The project site is located in the downtown area and is served by BART and multiple bus routes. The Original Project would also include bike parking facilities for 64 bicycles. For these reasons, the IS/MND determined that the Original Project would not conflict with any adopted policies, plans, or programs regarding alternative transportation since no changes to the existing transportation policies, plans, or programs would result, either directly or indirectly, from development on the project site. In addition, the project would not require the removal, addition, or relocation of transit, pedestrian or bicycle facilities. No impact would occur, and no mitigation is required.

Finally, anticipated future development in the City of Hayward could result in traffic volumes that exceed the City standard for intersection performance at several intersections in 2035. Even with the implementation of mitigation listed in the City's General Plan, impacts at some intersections in the City due to future growth would be significant and unavoidable. A project-specific cumulative traffic analysis was conducted for the Original Project which evaluated LOS impacts under cumulative conditions as well as under cumulative plus project conditions. The analysis found that traffic added by the Original Project would not substantially affect the LOS at any of the study intersections under cumulative plus project

conditions. Therefore, the Original Project's cumulative impact with respect to transportation and traffic would be less than significant.

Analysis of the Revised Project

As it pertains to operation, the Revised Project is in compliance with BART's and Transit Oriented Development (TOD) Policy, which is designed to support sustainable communities' strategies, including GHG mitigation.

As defined by the Federal Transit Administration, Transit Oriented Development (TOD) includes a mix of commercial and residential development near a transit station with the goal of being walkable to attract people and add to vibrant connected communities.

Bay Area Rapid Transit (BART)'s TOD policy, adopted in 2005 and updated in 2016, promotes high-quality, intensive development around stations. The TOD policy contains six goals by which it measures and evaluates progress: Complete Communities, Sustainable Communities Strategy, Ridership, Value Creation and Capture, Transportation Choice, and Affordability. The TOD policy includes the following targets:

- 20% minimum affordable housing units per station in new developments, and 35% affordable systemwide by 2025.

BART's TOD policy favors long-term ground leases to the sale of property in joint development projects. The policy also commits BART to working with local jurisdictions in creating transit-supportive station area plans and land use policies.

The Revised Project conforms to BART's goals and policies. The Revised Project proposes a Mixed-Use development consisting of 314-residential units (27 studios, 126 one-bedroom, 138 two-bedroom, 23 three-bedroom), 7,100 square feet of retail space, and 24,000 square feet of combined open space. Nineteen of the residential units are designated affordable housing. Sixteen of those units (or 5% percent of the 314-unit base project) would be very low-income units restricted to very low-income households, and the other 3 units would be low-income units restricted to low-income households.

The project site is located within a half mile of the Hayward BART stop, which provides rapid transit throughout the Bay Area – from south at San Jose, north through Oakland, and west through San Francisco, terminating/beginning at Daley City. Moreover, the applicant proposes to provide transportation services to the BART Hayward transit stop, enhancing residents' accessibility to BART. Therefore, this project fits well furthers the goals and policies of BART's transit-oriented development.

The Revised Project not only meets but furthers the goals and policies of the City of Hayward's General Plan, Downtown Specific Plan, Downtown Development Code, and BART's Transit Oriented Development. This Revised Project would create neighborhood development in a currently unutilized vacant parcel near a rapid transit stop. In the interest of neighborhood revitalization, it would provide much needed housing to the area as well as some retail and commercial development, fitting well into the City's goals of revitalizing the core of the downtown community.

Senate Bill (SB) 743, passed in 2013, and as of July 1, 2020, implemented by state Office of Planning and Research (OPR) to amend the *CEQA Guidelines* to provide an alternative to Level of Service (LOS), which essentially reflects auto delay, for evaluating transportation impacts of Original Projects, specifically vehicle miles traveled (VMT). Using the new VMT measure with consideration of the compliance with TOD priorities assures that transportation impacts for the Revised Project would be less than significant.

As discussed above, the project site is not located within the airport influence areas of nearby airports that serve the East Bay. As a result, similar to the conclusion reached in the Final IS/MND and consistent with the findings of the SP Final EIR, the Revised Project would not result in a change in air traffic patterns that would result in substantial safety risks. This impact would be less than significant, and no new mitigation is required.

Similar to the Original Project, the Revised Project would be required to comply with the City's design standards and the design standards in the Uniform Fire Code. In addition, it must also comply with all building, fire, and safety codes and specific development plans would be subject to review and approval by the City's Public Works Department and the Hayward Fire Department. For these reasons, similar to the conclusion reached in the Final IS/MND and consistent with the findings of the SP Final EIR, the Revised Project would not include hazardous design features, nor would it result in inadequate emergency access. These impacts are less than significant, and no new mitigation is required.

As discussed above, the project site is served by existing transit and the Revised Project would include bike parking facilities for bicycles. Therefore, similar to the conclusion reached in the Final IS/MND and consistent with the findings of the SP Final EIR, the Revised Project would not conflict with any adopted policies, plans, or programs regarding alternative transportation since no changes to the existing transportation policies, plans, or programs would result, either directly or indirectly, from development on the project site. In addition, the Revised Project would not require the removal, addition, or relocation of transit, pedestrian or bicycle facilities. No impact would occur, and no new mitigation is required.

Finally, as the Revised Project would generate less traffic than the Original Project and for the same reasons stated in the Final IS/MND and consistent with the findings of the SP Final EIR, the Revised Project would not result in a cumulative impact with regard to transportation and traffic. No new mitigation is required.

Changes in Circumstances and/or New Information

There are no changes in circumstances in which the Revised Project would be undertaken. Other than the implementation of SB 743 discussed above, no new information has become available, and no new regulations related to transportation and traffic have come into effect since the adoption of the SP Final EIR and Final IS/MND that would alter the previous analysis and change its conclusions relative to traffic impacts such that additional environmental review would be triggered.

Findings

Because the Revised Project would generate fewer vehicle trips than the Original Project, its potential transportation and traffic impacts would be similar to or less than the impacts analyzed in the SP Final EIR and Final IS/MND. Therefore, no new or substantially increased significant impacts related to transportation and traffic would result from the Revised Project beyond those analyzed in the SP Final EIR and Final IS/MND. No new mitigation is required.

5.17 UTILITIES/SERVICE SYSTEMS

	Potentially New Significant Impact	Less than Significant New Impact with Mitigation	Less than Significant New Impact	Impact Fully Analyzed in the Final EIR - IS/MND
UTILITIES AND SERVICE SYSTEMS - Would the project:				
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	☐	☐	☐	☒
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	☐	☐	☐	☒
c) Require or result in the construction of new stormwater drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	☐	☐	☐	☒
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new and expanded entitlements needed?	☐	☐	☐	☒
e) Result in a determination by the wastewater treatment provider, which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	☐	☐	☐	☒
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	☐	☐	☐	☒
g) Comply with federal, state, and local statutes and regulations related to solid waste?	☐	☐	☐	☒

Summary of Analysis in the Maple and Original Project Final IS/MND

The Original Project would generate about 50,100 gpd of wastewater. The increase in the average volume of wastewater conveyed to the City of Hayward Water Pollution Control Facility (WPCF) as a result of the Original Project would be accommodated by the excess treatment capacity at the facility. Therefore, the

Final IS/MND concluded that the Original Project would not result in wastewater flows that would exceed the wastewater treatment requirements imposed on the facility by the San Francisco Bay Regional Water Quality Control Board (RWQCB). This impact would be less than significant, and no mitigation is required.

It is estimated that the Original Project would generate a water demand of 53,400 gpd. Domestic water in the City is derived from the Sierra Nevada Mountain Range and local watersheds. The water treatment plants that serve the City of Hayward and other municipalities in the Bay Area have enough capacity to meet the potable water demands of the Original Project. As discussed above, the Original Project would be accommodated by the excess treatment capacity at the WPCF. As a result, the Final IS/MND determined that Original Project would not require or result in the construction of new water or wastewater treatment facilities or the expansion of existing facilities, the construction of which could cause significant environmental effects. This impact would be less than significant, and no mitigation is required.

All site runoffs would be directed to the City's existing municipal storm drainage system, which was designed to accommodate flows resulting from buildout in the project area. Also as noted above in **Section 5.9,** post-project runoff rates and durations would not exceed estimated pre-project rates and duration in accordance with criteria listed in the *Alameda County C.3 Stormwater Technical Guidance Handbook*. For these reasons, the Final IS/MND concluded that Original Project would not require or result in the construction of new stormwater drainage facilities or the expansion of existing facilities, the construction of which could cause significant environmental effects. No impact would occur, and no mitigation is required.

The City's 2010 Urban Water Management Plan (UWMP) indicated that there is sufficient water supply for all existing and planned growth from existing and planned future sources. As the Original Project is consistent with the General Plan designation for the project site, it is reasonable to assume that the project is included in the growth assumptions used in the City's 2010 UWMP. Therefore, the Final IS/MND determined that sufficient water supplies are available to serve the Original Project from existing entitlements and resources and no new and expanded entitlements are needed. No impact would occur, and no mitigation is required.

Existing 6-inch and 8-inch water mains located in Maple Court and Main Street that serve the project site are adequate to meet required minimum pressure and maximum pipeline velocity during a peak hour demand condition. However, these existing lines do not meet the required minimum available fire flow of 3,000 gallons per minute (gpm) and 4,000 gpm. To meet minimum fire flow, these water mains would need to be replaced with larger 12-inch line lines along Maple Court, McKeever Avenue, and Main Street. The Final IS/MND concluded that the installation of the larger lines would not result in significant environmental impacts as the road rights-of-way are already developed and disturbed. As a result, this impact would be less than significant, and no mitigation is required.

As discussed above, the Original Project would not result in a substantial increase in demand for wastewater treatment capacity, and adequate capacity at the City's WPCF would be available. All new on-site wastewater infrastructure improvements would connect to new 8-inch sewer mains in Maple Court, McKeever Avenue, and Main Street, and no capacity issues would be triggered by additional flow from the Original Project, and therefore no capacity improvements would be required. For this reason, the Final EIR and Final IS/MND determined that this impact would be less than significant, and no mitigation would be required.

It is estimated that the Original Project would generate approximately 1,086 pounds of solid waste per day or about 198 tons of solid waste per year. Solid waste generated on the project site would be disposed of at the Altamont Landfill. The additional solid waste generated by the Original Project is not anticipated to cause the facility to exceed its daily permitted capacity. Therefore, the Final IS/MND concluded that the Original Project would be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs. This impact would be less than significant, and no mitigation is required.

The Original Project is not of a class of project that is generally recognized as having a potential to violate applicable statutes and regulations related to solid waste. As a result, the Final IS/MND determined that the Original Project would comply will all applicable statues and/or regulations. No impact would occur, and no mitigation is required.

Finally, anticipated future development in Hayward would result in the demand for additional domestic and non-potable water, water and wastewater treatment capacity, and solid waste disposal capacity. However, with the implementation of goals, policies, and implementation programs listed in the City's General Plan, impacts related to utilities and service systems within the City due to future growth would be less than significant. As discussed above, the increase in water demand, and wastewater and solid waste generated under the Original Project, would be accommodated by existing water supplies, available wastewater treatment capacity, and landfill capacity. As a result, the Original Project's cumulative impact with respect to utilities and service systems would be less than significant.

Analysis of the Revised Project

Due to the addition of residential use and the loss of medical office space, the Revised Project would generate approximately 64,065 gpd of wastewater,[2] an increase of about 13,965 gpd compared to the Original Project. However, the increase would not be substantial compared to existing flows in the City,

2 50,020 (Original Project) v. (314 units X 205 gpd) = 64,065 gpd

and the WPCF has approximately 6.7 mgd of excess treatment capacity remaining. Therefore, similar to the conclusion reached in the Final IS/MND and consistent with the findings of the SP Final EIR, the Revised Project would not result in wastewater flows that would exceed the wastewater treatment requirements imposed on the facility by the RWQCB. This impact would be less than significant, and no new mitigation is required.

The Revised Project would generate a potable water demand of approximately 63,428 gpd[3], an increase of about 10,028 gpd compared to the Original Project. However, the increase would not be substantial compared to existing demand in the City, and the water treatment plants serving the City have enough capacity to meet the potable water demand. Furthermore, as discussed above, the Revised Project would be accommodated by the excess treatment capacity at the WPCF. As a result, similar to the conclusion reached in the Final IS/MND and consistent with the findings of the SP Final EIR, the Revised Project would not require or result in the construction of new water or wastewater treatment facilities or the expansion of existing facilities, the construction of which could cause significant environmental effects. This impact would be less than significant, and no new mitigation is required.

Similar to the Original Project, all site runoffs would be directed to the City's existing municipal storm drainage system, which was designed to accommodate flows resulting from buildout in the project area. The site was previously developed with impervious surfaces and would remain developed with impervious surfaces after the construction of the new structure on the site. As a result, post-project runoff rates and durations would not substantially differ with pre-project rates. For these reasons, similar to the conclusion reached in the Final IS/MND and consistent with the findings of the SP Final EIR, the Revised Project would not require or result in the construction of new stormwater drainage facilities or the expansion of existing facilities, the construction of which could cause significant environmental effects. No impact would occur, and no new mitigation is required.

As the Revised Project would also be consistent with the General Plan designation for the project site, it is also reasonable to assume that the Revised Project is included in the growth assumptions used in the City's 2015 UWMP. Therefore, similar to the conclusion reached in the Final IS/MND and consistent with the findings of the SP Final EIR sufficient water supplies are available to serve the Revised Project from existing entitlements and resources and no new and expanded entitlements are needed. No impact would occur, and no new mitigation is required.

Similar to the Original Project, the Revised Project would also replace existing 6-inch and 8-inch adjacent to the project site with larger 12-inch line lines. As the increase in water demand associated with the Revised

3 53,400 (Original Project) v. (314 units X 202 gpd) = 63,428 gpd

Project compared to the Original Project is not substantial, these new lines would be adequate to serve the needs of the Revised Project, and larger replacement water mains would not be required. Also similar to the conclusion reached in the Final IS/MND and consistent with the findings of the SP Final EIR, sufficient water, the installation of the larger lines would not result in significant environmental impacts as the road rights-of-way are already developed and disturbed. As a result, this impact would be less than significant, and no new mitigation is required.

The Revised Project would generate approximately 1,268 pounds of solid waste per day,[4] an increase of 182 pounds of solid waste per day compared to the Original Project. As the increase in solid waste associated with the Revised Project compared to the Original Project is not substantial, the additional solid waste generated by the Revised Project is not anticipated to cause the Altamont Landfill to exceed its daily permitted capacity. Therefore, similar to the conclusion reached in the Final IS/MND and consistent with the findings of the SP Final EIR, sufficient water, the Revised Project would be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs. This impact would be less than significant, and no new mitigation is required.

Similar to the Original Project, the Revised Project is not of a class of project that is generally recognized as having a potential to violate applicable statutes and regulations related to solid waste. As a result, similar to the conclusion reached in the Final IS/MND and consistent with the findings of the SP Final EIR, sufficient water, the Revised Project would comply will all applicable statues and/or regulations. No impact would occur, and no mitigation is required.

Finally, for the same reasons stated in the SP Final EIR and Final IS/MND, the Revised Project would not result in a cumulative impact with regard to utilities and service systems. No new mitigation is required.

Changes in Circumstances and/or New Information

There are no changes in circumstances in which the Revised Project would be undertaken. No new information has become available, and no new regulations related to utilities and service systems have come into effect since the adoption of the SP Final EIR and Final IS/MND that would alter the previous analysis and change its conclusions relative to environmental impacts such that additional environmental review would be triggered.

4 1,086 pounds per day (Original Project) v. (317 units X 4 pounds/unit/day) = 1,268 pounds per day.

Findings

The potential utilities' impacts of the Revised Project are adequately analyzed in the SP Final and EIR Final IS/MND, and the Revised Project would not result in new or substantially increased significant impacts beyond those discussed in the Final EIR and Final IS/MND. No new mitigation is required.

APPENDIX A

Geologic Peer Review Letter 1

LOUIS A. RICHARDSON, P.G., C.E.G.
CONSULTING ENGINEERING GEOLOGIST

PROFESSIONAL GEOLOGIST
CERTIFIED ENGINEERING GEOLOGIST
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P.O. Box 2085
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California 94042

May 18, 2021 Via Email
Project No. 1105

Mr. Mo Sharma
City of Hayward – Public Works Department
Engineering and Transportation Division
777 B Street, Hayward, CA 94541-5007

RE: GEOLOGIC PEER REVIEW of Fault Investigation Reports for Maple & Main Mixed-Use Development 22330 Main Street, Hayward, California
(Application No. 202101603)

Dear Mr. Sharma:

At your request, the undersigned has reviewed reports submitted to the City for a planning permit application for new construction at the above-referenced property. The following referenced documents were transmitted in electronic format for review:

1. Overall Site Plan, Sheet A-02 of plans for Main and Maple Mixed-Use, prepared by Humpherys & Partners Architects for Goel Hayward Mf, LLC.
2. Geotechnical Feasibility Investigation and Fault Rupture Hazard Assessment, 22330 Main Street, Hayward, California, a consultant report prepared by Stevens Ferrone & Bailey Engineering Company, Inc. for Bay Area Property Development, dated November 20, 2014;
3. Geotechnical Investigation, Main & Maple Development, Hayward, California, a consultant report prepared by Stevens Ferrone & Bailey Engineering Company, Inc. for Bay Area Property Development, dated June 29, 2018;

INTRODUCTION

The above-referenced project is a development that combines several parcels on most of a city block at the northeastern edge of downtown Hayward. The southwestern side of the project encroaches into the California Alquist-Priolo Earthquake Fault Zone for the Hayward fault. A significant portion of the project area is also within a State Seismic Hazard Zone of potential liquefaction.

Projects that will include new structures for human occupancy within such zones are subject to regulations and requirements of the Alquist-Priolo Act (Division 2, Chapter 7.5 of the California Public Resources Code), and Chapter 7.8, the Seismic Hazards Mapping Act. On projects within the City of Hayward, the City is the lead agency responsible for compliance and enforcement of those acts and filing approved reports and their related reviews to the State Geologist.

SITE DESCRIPTION

The irregular-shaped site is proposed to develop about four acres of land that slopes very gently toward the southeast. Main Street bounds the western side of the project, and Maple Court follows the eastern boundary. McKeever Avenue borders the northern side, and parcels along "A" Street are on the southern side of the project.

Levine Court presently enters the property from Main Street, accessing several existing buildings in the northern half of the site. A demolished building, a small residence, and a large paved parking lot occupy much of the remainder of the project area.

DISCUSSION

Document 1 is a proposed site plan showing the outline and arrangement of the development, consisting of multi-level apartment units with a parking garage and ground-floor retail. A feasibility investigation (**Document 2**) was completed in 2014 by the Stevens Ferrone & Bailey (**SFB**) engineering company. It presents the results of their research of the site locality's general geologic conditions and hazards and a review of previous fault investigations in the area. Included are preliminary geotechnical recommendations for the construction aspects of the project and an analysis of the liquefaction potential. Information regarding subsurface materials and geologic conditions was derived from two widely spaced borings, which were the only subsurface explorations performed. Identifying faulting or related ground deformation on the site by methods such as trenching was not an investigation element.

Document 3 describes a geotechnical investigation completed by **SFB** in 2018 that included 14 borings throughout the property. The report contains the results of laboratory testing and analyses and provides geotechnical recommendations for construction. The report also provides the results of an SPT-based liquefaction analysis. Regarding assessing the potential for onsite fault rupture, the report refers readers to the 2014 report for details. The qualitative opinion of **SFB** is that the potential for ground surface rupture due to faulting at the site is low.

CONCLUSIONS AND RECOMMENDED ACTION

The Main Street side of this project extends roughly 120 feet into the northeastern side of an Alquist-Priolo Earthquake Fault Zone (EFZ) that the State has established along the Hayward fault. The most recently active trace of the northwesterly-trending Hayward fault passes about 400 feet southwest of the site. Still, projects within the EFZ must address the potential for other secondary fault traces or splays beyond the primary fault. Marliave and Terrasearch performed trenching in 1976 and 1988 respectively, on the west side of Main Street (AP Site 270) across the street from the subject development. They identified several faulted shear zones, the closest of which is about 130 feet from the southwestern edge of the development. Main Street itself is an unexplored expanse that may conceal more such features.

SFB reviewed considerable data regarding fault investigations in this area of Hayward, some of which have detected possible evidence of faulting even outside of the EFZ. Previous studies do not specifically cover residential structures proposed within the EFZ at the site, nor do they cover adjacent areas to the north and south. Without a trenching investigation to quantify the hazard, the existence (or absence) of faulting and the extent of any necessary setbacks cannot be adequately addressed.

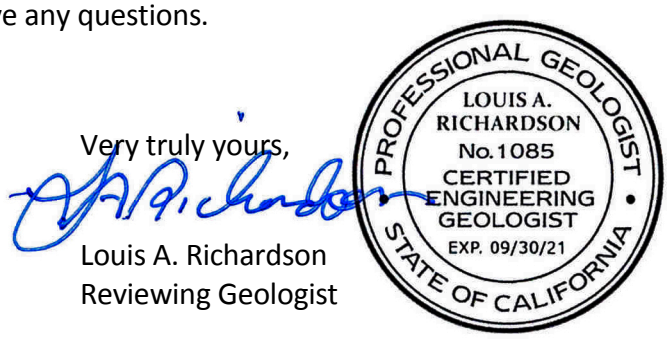
We recommend that **SFB** should perform site-specific fault exploration by means of trenching in the existing parking lot south of Lavine Court. Before initiating subsurface exploration, they should submit a work and safety plan to the City for review. The reviewing geologist should examine the trench exposures at the time of the fieldwork.

LIMITATIONS AND CLOSURE

This geologic peer review is intended to provide technical advice and assistance to the City in determining the subject submittal's adequacy for application in its discretionary permit decisions. This service is limited to an independent review of the referenced reports and documents. The opinions, comments, and conclusions are per generally accepted principles and practices of the geologic profession for such work. This warranty replaces all other warranties, express or implied.

Hopefully, this provides you with the information you require at this time. Please feel free to call if you have any questions.

Very truly yours,



Louis A. Richardson
Reviewing Geologist

LAR:kr:1105

* * * * *

APPENDIX B

Geologic Peer Review Letter 2

LOUIS A. RICHARDSON, P.G., C.E.G.
CONSULTING ENGINEERING GEOLOGIST
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PROFESSIONAL GEOLOGIST
CERTIFIED ENGINEERING GEOLOGIST
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P.O. Box 2085
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California 94042

June 4, 2021 Via Email
LAR 1105 B

Mr. Mo Sharma
City of Hayward – Public Works Department
Engineering and Transportation Division
777 B Street, Hayward, CA 94541-5007

RE: SUPPLEMENTAL GEOLOGIC PEER REVIEW of Updated Fault Investigation Report for Maple & Main Mixed-Use Development 22330 Main Street, Hayward, California
(Application No. 202101603)

Dear Mr. Sharma:

The following supplemental geologic review was completed at your request. It discusses an updated fault investigation report by Stevens Ferrone & Bailey (**SFB**) regarding a new mixed-use development at 22330 Main Street in Hayward. As part of this work, the undersigned visited the site on May 28, 2021, to observe and discuss with **SFB** personnel stratigraphic features exposed in a single exploration trench that **SFB** opened as part of their investigation.

Referenced in this review letter are the following items:

1. Fault Trenching & Updated Fault Rupture Hazard Conclusions, Main & Maple Mixed-Use Development - Hayward, California, a consultant report prepared by Stevens Ferrone & Bailey Engineering Company, Inc. for Property Management Advisors, Inc., dated June 2, 2021;
2. Geologic Peer Review of Fault Investigation Report for Main & Maple Development, Hayward, California, a letter report for the City of Hayward dated May 18, 2021, regarding a geotechnical investigation report of November 20, 2014 by Stevens Ferrone & Bailey.

INTRODUCTION

The proposed development encompasses most of a block on the northeastern side of downtown Hayward. The site is potentially constrained by expansive surficial soil materials, deep alluvium with the potential for liquefaction, surficial fault rupture associated with the Hayward fault, and the site's susceptibility to very strong seismic ground shaking.

The Main Street side of the project encroaches into the northeastern edge of the California Alquist-Priolo (AP) Earthquake Fault Zone for the Hayward fault. **Item 1** addresses that matter. A previous fault hazard assessment prepared by **SFB** in 2014 is attached as Appendix B of that report. **Item 2** is our previous peer review of the 2014 report.

DISCUSSION

Our previous peer review, dated May 18, 2021, recommended that a trenching investigation be performed in the area of the project within the AP Zone that is proposed for residential

construction. In that regard, **SFB** has excavated Trench T-1, a 140-foot-long, 12-foot-deep trench extending easterly across the portion of the property within the AP Zone.

View of Trench T-1 looking toward Main Street.

Kevin Ryan, CEG, logged the southernmost trench wall, and the log and findings are presented in Appendix A of the updated **SFB** report (**Item 1**). The results reveal no evidence of faulting within the continuous geologic stratigraphy of the trenched area. A reconnaissance of the Main Street area did not detect any evidence of fault creep or fault-related distress in the street or adjacent vicinity, including a paved parking lot covering much of the project site. They conclude that surface fault rupture should not be a detriment to the project.

CONCLUSIONS AND RECOMMENDED ACTION

The research and reconnaissance by **SFB** determined that the principal, active trace of the Hayward fault is about 375 feet southwest of the project. Trench T-1 encountered undisturbed sequences of sandy, old alluvial levee and overbank deposits associated with ancestral flooding from San Lorenzo Creek. These sediments are known to be of Holocene age, but a more precise age of the sediments was not determined by this study.

The trench exposed a well-developed layer of clayey vertisols at the surface and areas of a deeper paleosol. These features suggest that the alluvial deposits are old enough to demonstrate a lack of surface fault rupture at this locality during at least the last 12 large earthquakes that are known to have occurred on the southern section of the Hayward fault during the past 1,900 years.

SFB has performed a fault investigation that appears consistent with industry standards. We do not have geologic objections to their finding that there is no indication of active faulting at this site. We recommend approval of the permit application from a geologic standpoint.

LIMITATIONS

This geologic peer review is intended to provide technical advice and assistance to the City in determining the subject submittal's adequacy for application in its discretionary permit decisions. This service is limited to an independent review of the referenced reports and documents. The opinions, comments, and conclusions are consistent with generally accepted principles and practices of the geologic profession for such work. This warranty replaces all other warranties, express or implied.

Very truly yours,

Louis A. Richardson
Reviewing Geologist

Maple & Main
Mixed-Use Project

Final Initial Study and
Mitigated Negative Declaration

The following Initial Study has been prepared in compliance with the California Environmental Quality Act.

Prepared For:

City of Hayward
Developmental Services Department
777 B Street
Hayward, CA 94541
(510) 583-4200
Contact: David Rizk, AICP

Prepared By:

Impact Sciences, Inc.
505 14th Street, Suite 1230
Oakland, California 94612
(510) 267-0494
Contact: Paul Stephenson

December 2016

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(Appendices B through J are included on the CD attached to the back cover of this document)

LIST OF FIGURES

LIST OF TABLES

INTRODUCTION

Initial Study

Pursuant to Section 15063 of the *State CEQA Guidelines*, an Initial Study is a preliminary environmental analysis that is used by the lead agency (the public agency principally responsible for approving or carrying out the proposed project) as a basis for determining whether an Environmental Impact Report, a Mitigated Negative Declaration, or a Negative Declaration is required for a project. The *State CEQA Guidelines* require that an Initial Study contain a project description, description of environmental setting, identification of environmental effects by checklist or other similar form, explanation of environmental effects, discussion of mitigation for significant environmental effects, evaluation of the project's consistency with existing, applicable land use controls, and the name of persons who prepared the study.

The purpose of this Initial Study is to evaluate the potential environmental impacts of the proposed Maple & Main Mixed-Use project to determine what level of additional environmental review, if any, is appropriate. As shown in the Determination in Section IV of this document, and based on the analysis contained in this Initial Study, it has been determined that the proposed project would not result in any significant impacts that cannot be mitigated to less than significant levels. The analysis contained in this Initial Study concludes that the proposed project would result in the following categories of impacts, depending on the environmental resource involved: no impact; less than significant impact; or less than significant impact with the implementation of project-specific mitigation measures. Therefore, preparation of a Mitigated Negative Declaration is appropriate (the Proposed Mitigated Negative Declaration is presented in **Appendix A**).

Public and Agency Review

The Initial Study/Proposed Mitigated Negative Declaration (IS/MND) was circulated for public and agency review from August 22, 2016 to September 21, 2016. As a result of comments received during the public review period, the City revised portions of the IS/MND, and recirculated the IS/MND from November 7, 2016 to November 28, 2016. Copies of both the original IS/MND and the revised IS/MND were available for review at the City of Hayward Development Services Department, 777 B Street, at the Main City Library, 835 C Street, and the Weekes Branch, 27300 Patrick Avenue, and on the City's website at: http://www.hayward-ca.gov/content/projects-under-environmental-review-0. Comments on the original IS/MND were accepted by the City by 5:00 PM on September 21, 2006 while comments on the recirculated IS/MND were accepted by 5:00 PM on November 28, 2016. Comment were sent or emailed to:

David Rizk, AICP
Director of Development Services
City of Hayward - Development Services Department
Planning Division
777 B Street
Hayward, CA 94541
david.rizk@hayward-ca.gov

During the two comment periods, comment letters were received from the following agencies and individuals:

- Letter A: California Department of Transportation (Caltrans)
- Letter B: Prospect Hill Neighborhood Association No. 1
- Letter C: Prospect Hill Neighborhood Association No. 2
- Letter D: League of Women Voters – Eden Area
- Letter E: Hayward Area Planning Association No. 1
- Letter F: Hayward Area Planning Association No. 2
- Letter G: Julie Machado No. 1
- Letter H: Julie Machado No. 2
- Letter I: Frank Goulart

Responses to all letters were prepared and are included in Appendix L of this Final Initial Study.

Organization of the Final Initial Study

This Final Initial Study is organized into the following sections.

Section I – Project Information: provides summary background information about the proposed project, including project location, lead agency, and contact information.

Section II – Project Location and Description: includes a description of the proposed project, including the need for the project, the project's objectives, and the elements included in the project.

Section III – Environmental Factors Potentially Affected: identifies what environmental resources, if any, would involve at least one significant or potentially significant impact that cannot be reduced to a less than significant level.

Section IV – Determination: indicates whether impacts associated with the proposed project would be significant, and what, if any, additional environmental documentation is required.

Section V – Evaluation of Environmental Impacts: contains the Environmental Checklist form for each resource and presents an explanation of all checklist answers. The checklist is used to assist in evaluating the potential environmental impacts of the proposed project and determining which impacts, if any, need to be further evaluated in an EIR.

Section VI – Supporting Information Sources: lists references used in the preparation of this document.

Section VII – Initial Study Preparers: lists the names of individuals involved in the preparation of this document.

Appendices: include the Proposed Mitigated Negative Declaration, the technical studies used in the preparation of the Initial Study, comments received on the original and recirculated Initial Study and

Responses to those comments, and the Mitigation Monitoring and Reporting Program for the proposed project.

I. PROJECT INFORMATION

1. Project title:

   Maple & Main Mixed-Use Project

2. Lead agency name and address:

   City of Hayward - Development Services Department
   Planning Division
   777 B Street
   Hayward, CA 94541

3. Contact person and phone number:

   David Rizk
   Director of Development Services
   (510) 583-4004

4. Project location:

   Generally bound by Maple Court to the northeast, A Street to the southeast, Main Street to the southwest, and McKeever Avenue to the northwest, in Hayward, California. The site includes Assessor's Parcel Numbers 428-0061-011, 428-0061-012-02, 428-0061-013-02, 428-0061-061-01, and 428-0061-010.

5. Project sponsor's name and address:

   Bay Area Property Developers
   327 Waverly Street
   Palo Alto, CA 94301

6. City of Hayward General Plan Designation:

   CC-ROC (Central City - Retail and Office Commercial)

7. City of Hayward Zoning:

   CC-C (Central City - Commercial)

II. PROJECT LOCATION AND DESCRIPTION

1. Description of Project:

Location: As illustrated in **Figure 1, Regional Location**, the project site is located in the downtown portion of the City of Hayward. Interstate 880 and 580 provide regional access to the project site. The project site consists of five parcels and as shown in **Figure 2, Project Vicinity**, is generally bound by Maple Court to the northeast, A Street to the southeast, Main Street to the southwest, and McKeever Avenue to the northwest. The project site is approximately four acres in area.

Existing Conditions: Currently the project site is occupied by a medical office complex consisting of three medical office buildings and two single-family residences, along with a large parking lot. Specifically, the medical office complex consists of a four-story medical office building located at the corner of McKeever Avenue and Maple Court; a two-story medical office building located in the north central portion of the site; and a one-story medical office building located in the northwestern portion of the site. One residence is located along McKeever Avenue. Other structures on the project site include a commercial building and a vacant residence along Maple Court. The details for each building are provided in **Table 1, Existing Site Characteristics**.

Table 1
Existing Site Characteristics

Parcel	Address	Year Constructed	Current Use
428-0061-061-01	22455 Maple Court	1973	Medical office
	22336 Main Street (1030 Levine Court)	1950s – 1980s	Medical office
	22330 Main Street	1950s	Medical office
	1013 McKeever	Circa 1940	Single-family residence
428 -0061-010	22471 Maple Court	--	Parking lot
428-0061-011	22477 Maple Court	Circa 1960	Commercial
428-0061-012-02	22485 Maple Court	--	Vacant lot
428-0061-013-02	22491 Maple Court	1915	Single-family residence (vacant)

Source: Bay Area Property Developers, 2015.

Project Features and Operations: The applicant proposes to demolish all buildings on the project site except for a portion of the medical office building on the corner of Maple Court and McKeever Avenue, and construct a residential building and six-level parking garage. The new residential building would include 240 rental apartments, ground floor retail and a leasing office. Amenities would include three outdoor courtyards and clubhouse with fitness facilities. As part of the proposed project, the existing four- and two-story medical office building on the corner of Maple Court and McKeever Avenue would be reduced in size, improved and modernized. The improved medical office building will include approximately 48,000 square feet of building space. The proposed 5-story residential building and the 2- and 4-story medical office building that would be retained and renovated are shown on **Figure 3, Proposed Site Plan**.

Residential Building

The residential building would include 240 apartment units. **Table 2, Residential Characteristics**, provides the unit type with the average size and the number of each unit type. There would be 40 units on the ground floor, 47 units on the second floor, and 51 units each on floors three through five (see **Figure 4, Second Level Plan, Figure 5, Third Level Plan, Figure 6, Fourth Level Plan**, and **Figure 7, Fifth Level Plan**).

Table 2
Residential Characteristics

Unit Type	Units	Average Size (Square Feet)
Studio	15	567
One bedroom	82	731
Two bedroom	123	1,173
Three bedroom	20	1,248

Source: Humphreys & Partners Architects, LP, 10-17-2016 Plan Set.

The residential building would also include a 3,600 square foot clubhouse/fitness center, a 1,580 square foot leasing office, and 5,571 square feet of retail located in the southwestern portion of the project site along Main Street. A rooftop terrace amenity would be provided on the roof (see **Figure 8, Rooftop Plan**). In addition, 48 units, or 20 percent of the total, will be affordable.

Medical Office Building

The existing 2- and 4-story medical office building will be reduced from 51,700 square feet to approximately 48,000 square feet in building space. Improvements are proposed to both the exterior façade and interior of the building, including creating a more prominent lobby at the corner of Maple Court and McKeever Avenue.

Open Space

Common open space areas would be provided on-site, and would include three ground floor courtyards and a rooftop terrace. The amenities will vary for each courtyard, but may include a swimming pool, picnic areas, and benches. In addition, the rooftop terrace is proposed to overlook Courtyard 3. All open space areas will be designed and constructed using environmentally friendly landscaping methods. **Table 3, Project Open Space**, provides a summary of the open space features to be provided.

Table 3
Project Open Space

Use	Size (Square Feet)
Courtyard 1	3,900
Courtyard 2	11,215
Courtyard 3	4,890
Perimeter Open Space	12,480
Total Common Open Space	**32,485 (135 sf/unit)**
Private Open Space	**18,720 (78 sf/unit)**

(A 6,460 sq ft landscaped rooftop courtyard is also proposed.)
Source: Humphreys & Partners Architects, LP, 10-17-2016 Plan Set.

Building Design

The proposed residential building would consist of a five-story structure that would range in height from approximately 55 to 65 feet. Parking would be provided in a six-level parking structure on the western portion of the site that would be "wrapped" by the proposed residential units. Elevations of the proposed residential structure are provided in **Figure 9, Main Street and Maple Court Elevations**. Elevations of the renovated office building are provided in **Figure 10, Medical Building Elevations**.

Landscaping

The landscaping plan for the proposed project is provided in **Figure 11, Landscaping Plan**. This plan includes the planting of new trees and shrubs along Main Street and Maple Court and throughout the site. A total of 114 new trees would be added to the project site, including 14 palm trees.

Access

Primary vehicular access to the proposed residential building would be from Main Street. Emergency access to the proposed residential building would be provided by three fire lanes accessible from Main Street, Maple Court, and McKeever Avenue. Primary vehicular access to the renovated office building would remain from McKeever Avenue.

Parking

Parking for the proposed project would be provided in a 6-level parking garage located on the western portion of the project site and "wrapped" by the proposed residential units and two surface parking lots along McKeever Avenue. The proposed garage would provide 481 parking spaces while the two surface parking lots would provide 23 spaces for a total of 504 spaces. Parking for the office use will utilize the 23 surface parking spaces and another 135 spaces located in the garage for a total of 158 spaces. Parking for the retail portion of the project will utilize 18 spaces provided in the garage. The first two and a half floors of the garage will be accessible to the office and retail uses, and will include standard (automobile), motorcycle, bicycle, electric vehicle, and two car share spaces (i.e., Zipcar). The remaining 309 spaces in the garage will be dedicated to residents.[1] These spaces will be secured with an electronic gate and keycard entry. Resident guest spaces will also be within the gated portion of the garage; a gate code will be necessary for guests to access the parking. **Table 4, Project Parking**, provides a summary of parking by use.

Table 4
Project Parking

Use	Spaces Provided
Standard	309[1]
Motorcycle	6[2]
Bicycle Parking	13[3]
Retail	18
Office	158[4]
Total	**504**

Source: Humphreys & Partners Architects, LP, 2016.
1 Includes 10 percent guest spaces; 50 percent compact spaces; 24 electric vehicle spaces, 2 carshare spaces
2 12 spaces based on 2 motorcycles per stall
3 52 spaces based on 4 bicycles per stall
4 Includes 23 surface parking spaces

Utilities

Water

The City of Hayward would provide water service to the project. The City of Hayward owns and operates its own water distribution system and purchases all of its water from the San Francisco Public Utility Commission (SFPUC). Existing 6- and 8-inch water mains are currently located in Maple Court/McKeever Avenue and Main Street, respectively. To meet the minimum fire flow, the proposed project will replace these lines with 12-inch water mains.

1 As the proposed project will provide 12 motorcycle spaces and 52 bicycle spaces, it is eligible for a parking credit of 19 spaces, which is being applied to the residential component.

Wastewater

Wastewater generated in the City of Hayward is treated at the City's Water Pollution Control Facility (WPCF). Wastewater generated on the project site is presently collected by the City of Hayward sanitary sewer system. All new on-site wastewater infrastructure improvements would connect to new 8-inch sewer mains, which will replace the existing 6-inch sewer mains in Maple Court and Main Street.

Storm Drain

Storm drain pipes smaller than 30 inches are typically owned by the City and are generally provided within local streets and easements. All site runoff would be directed to the City's existing municipal storm drainage system. No upgrades to the existing municipal storm drainage system are required to serve the project.

Sustainability

The proposed project proposes a high-density residential mixed-use project with on-site retail and amenities that is located near transit. The Hayward BART station is located within a half mile while a bus stop is located two blocks away. Given the location, the project is within walking distance of local retail establishments, schools, and employment centers in Downtown Hayward. In addition, the project applicant is proposing to include the following sustainability measures in the project:

- Provision of "Unbundled" Multifamily Parking (i.e., separating the cost of parking from residential rent/lease fees).
- Contribute to the City's proposed Shuttle Service and/or provide shuttle service to/from Hayward Bay Area Rapid Transit (BART) station.
- Provide electric vehicle charging stations;
- Provide on-site bicycle storage;
- Locate high-density housing in close proximity of downtown core/transit services;
- Provide shared vehicle services (i.e., Zipcar);
- Provide solar power;
- Limit all landscaping to "Bay Friendly Landscape Guidelines" drought tolerant plants;
- Use solar hot water to heat the pool;
- Provide on-site water quality and filtration basins;
- Require use of natural stone and other sustainable materials; and
- Require energy- and water-efficient appliances.

The proposed project will also comply with the state-mandated California Green Building Standards Code (CALGreen) building code. In order to achieve compliance with the CALGreen building code, the proposed project will commit to the following:

- Reduce water consumption by 20 percent;
- Divert 50 percent of construction waste from landfills;
- Install low pollutant-emitting materials for interior finish materials such as paints, carpet, vinyl flooring, and particle board;
- Separate water meters for the nonresidential building's indoor and outdoor water use with a requirement for moisture-sensing irrigation systems for larger landscape areas; and
- Conduct mandatory inspections of energy systems (e.g., heat furnace, air conditioner and mechanical equipment) for nonresidential buildings over 10,000 square feet to ensure that all are working at their maximum capacity and according to their design efficiencies.

Project Construction

Construction of the proposed project would be preceded by the demolition of a majority of existing buildings on the project site. Demolition would generally proceed as follows: (1) the contents of the buildings would be characterized; (2) any hazards present would be abated, including, but not limited to, asbestos containing materials and lead-based paint; (3) reusable and recyclable materials would be identified and removed; (4) structures would be demolished and removed; (5) the foundation slabs and underground utilities would be removed.

Construction of the proposed project is expected to begin in winter 2017 and last 12 to 14 months. Construction of the proposed project will require the demolition of approximately 39,000 square feet of building space which would generate approximately 14,444 cubic yards[2] of construction debris that will be hauled offsite. About 3,000 cubic yards of soil will need to be imported to balance the project site. Construction staging will take place on site.

2. Surrounding land uses and Environmental Setting:

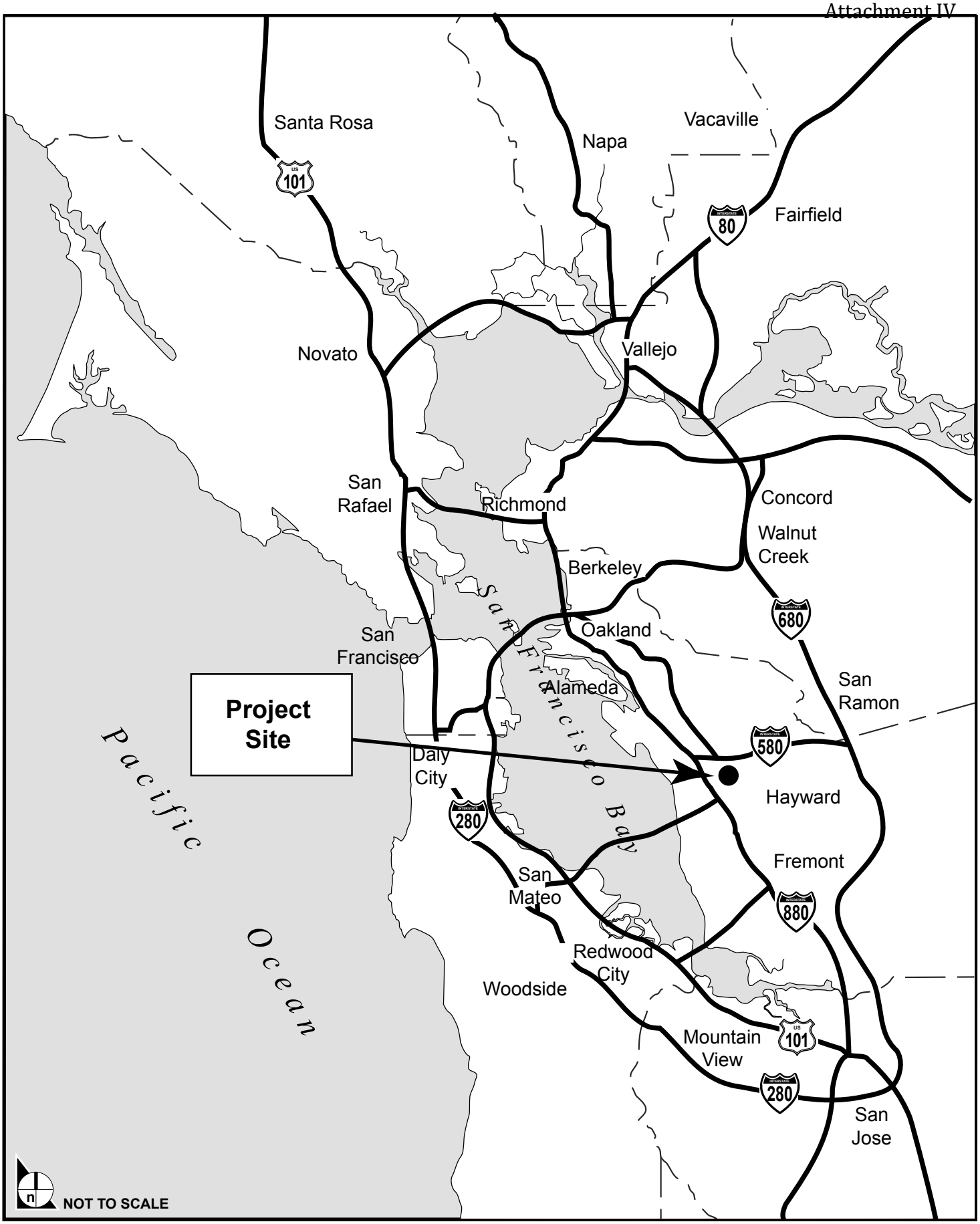
As illustrated in **Figure 12, Existing and Surrounding Uses**, medical offices, including single-family homes converted for medical office uses, are located adjacent to the project site on the northern portion of the block while commercial buildings are located adjacent to the project site on the southern portion of the block. In addition, single-family residences are located across McKeever Avenue to the northwest, a small shopping center is located across Maple Court to the northeast, commercial uses are located along and across A Street to the southeast, and retail stores and residences are located across Main Street to the southwest.

2 39,000 square feet X 10 feet high/27 cubic feet per cubic yard = 14,444 cubic yards

3. Discretionary approval authority and other public agencies whose approval is required (e.g., permits, financing approval, or participation agreement):

The following approvals from the City of Hayward will be required to construct the project.

- Conditional-use permit to allow for ground–floor residential and Site Plan Review associated with the other elements of the project
- Demolition permit
- Grading permit
- Building permit



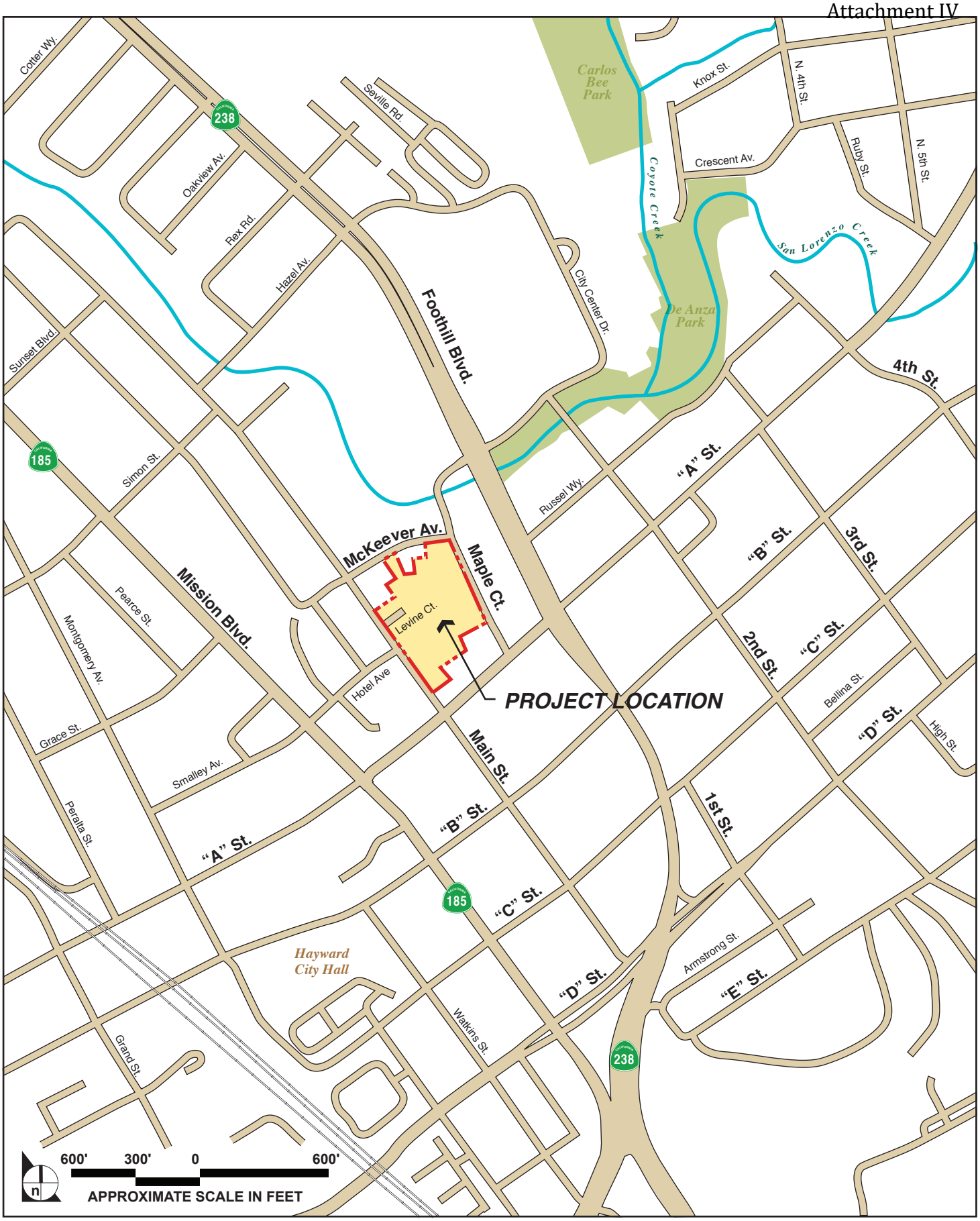
SOURCE: Impact Sciences, Inc. – August 2016

FIGURE **1**

IMPACT SCIENCES

Regional Location

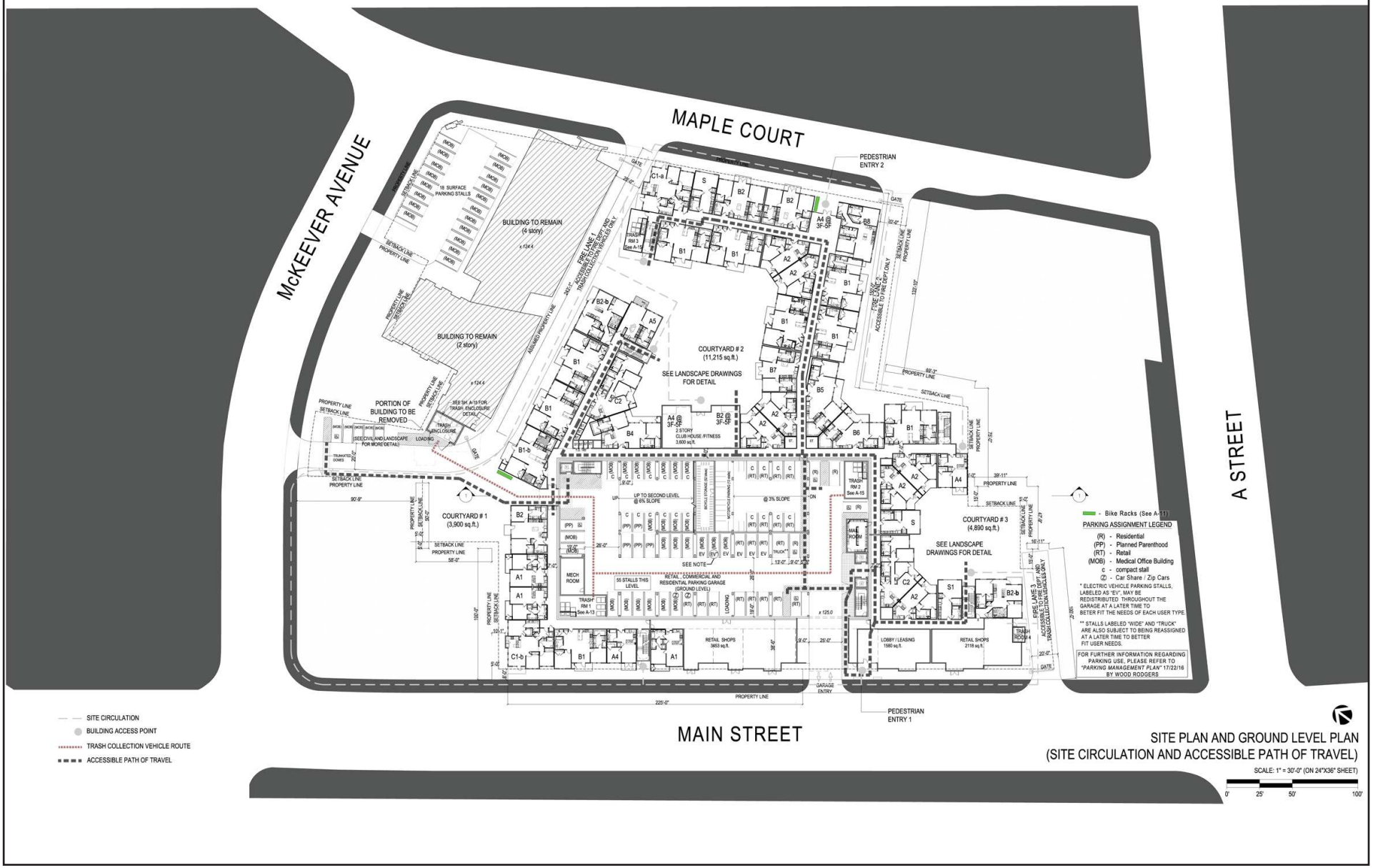
1252-001•08/16



SOURCE: © Google Maps 2015.

FIGURE **2**

Project Vicinity



SITE PLAN AND GROUND LEVEL PLAN
(SITE CIRCULATION AND ACCESSIBLE PATH OF TRAVEL)

SCALE: 1" = 30'-0" (ON 24"X36" SHEET)

0' 25' 50' 100'

SOURCE: Humphreys & Partners Architects, L.P.

FIGURE 3

Proposed Site Plan

IMPACT SCIENCES

1252.001•10/16

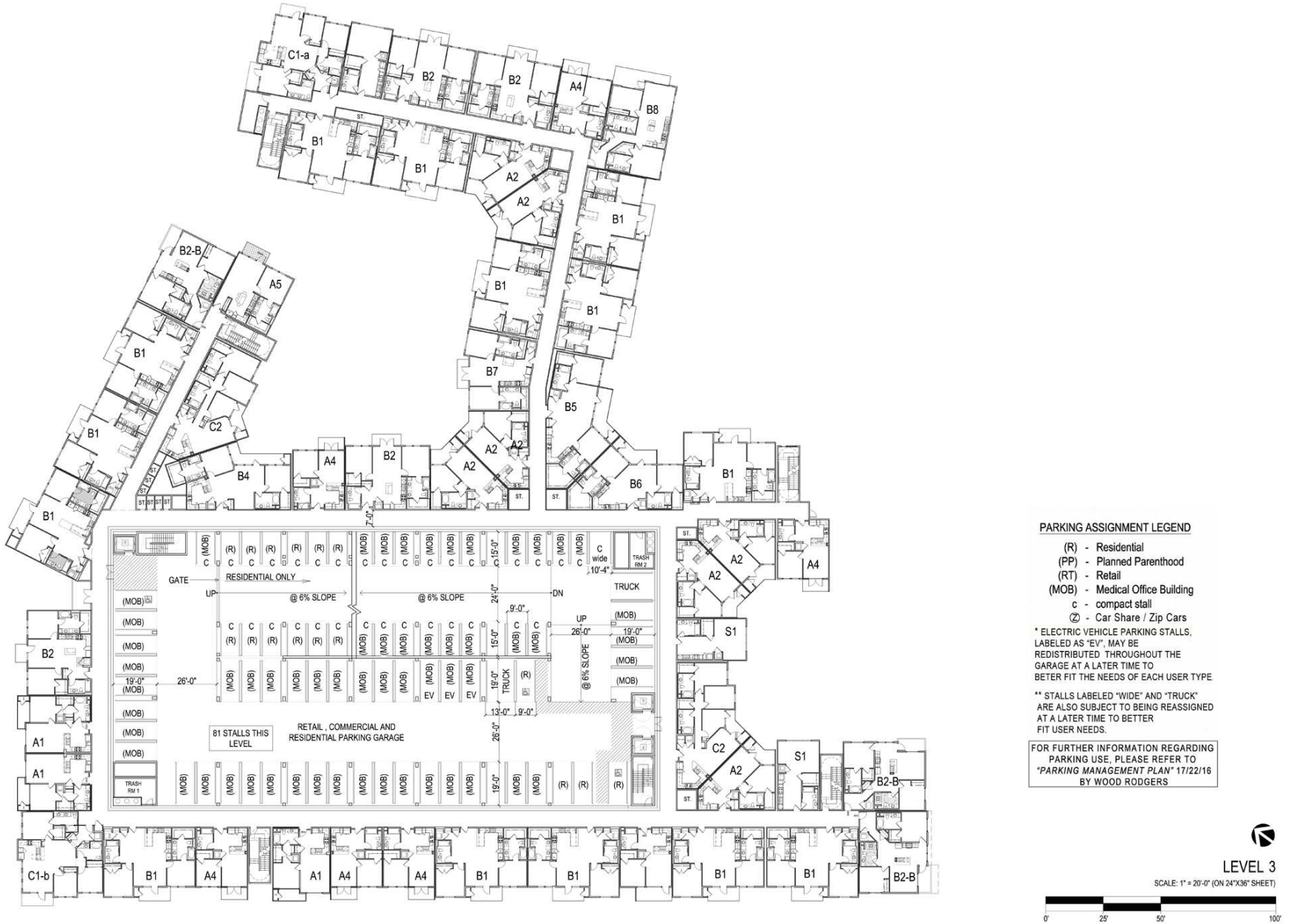
SOURCE: Humphreys & Partners Architects, L.P.

FIGURE 4

Second Level Plan

IMPACT SCIENCES

1252.001•10/16



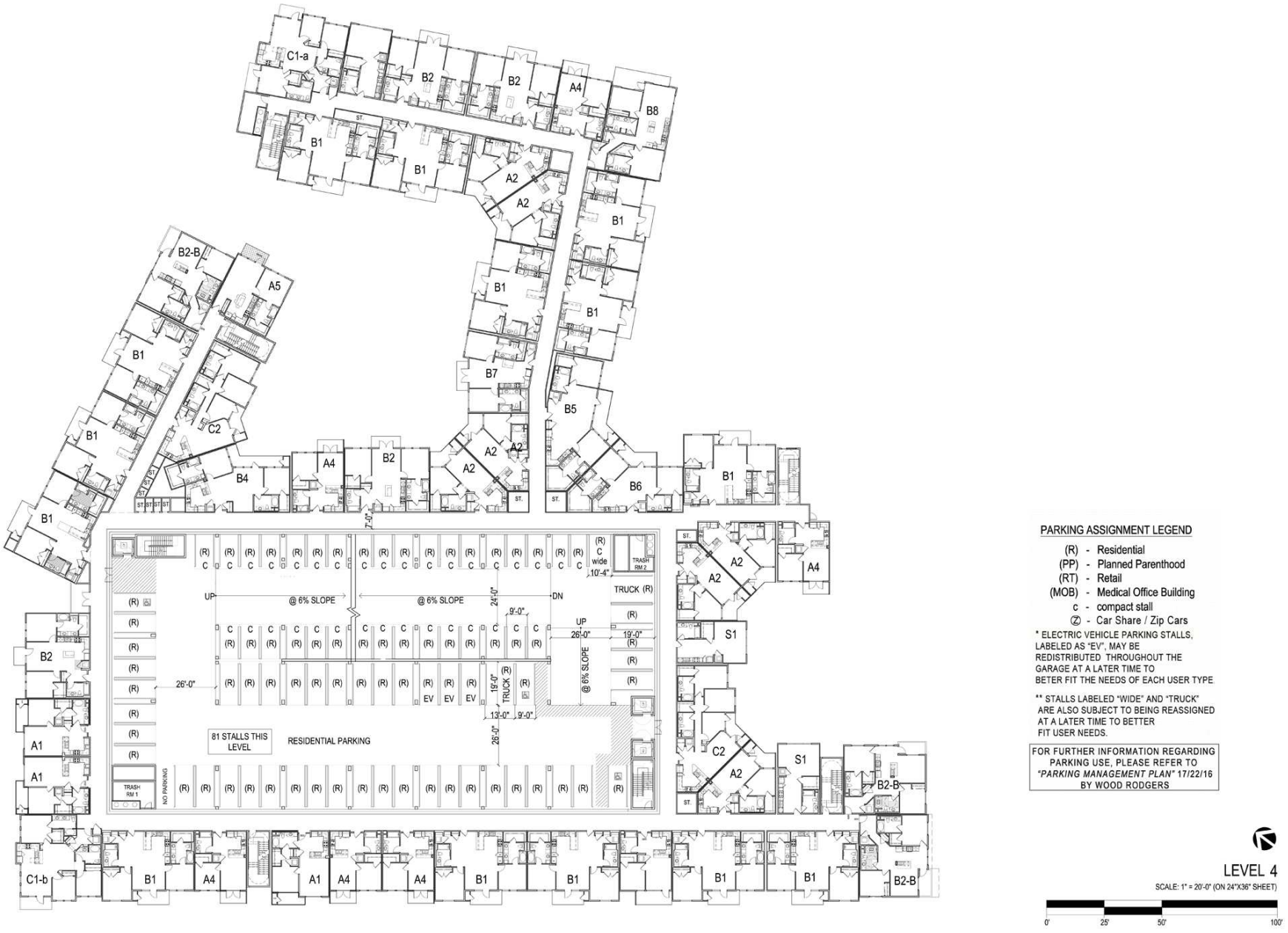
SOURCE: Humphreys & Partners Architects, L.P.

FIGURE 5

Third Level Plan

IMPACT SCIENCES

1252.001•10/16



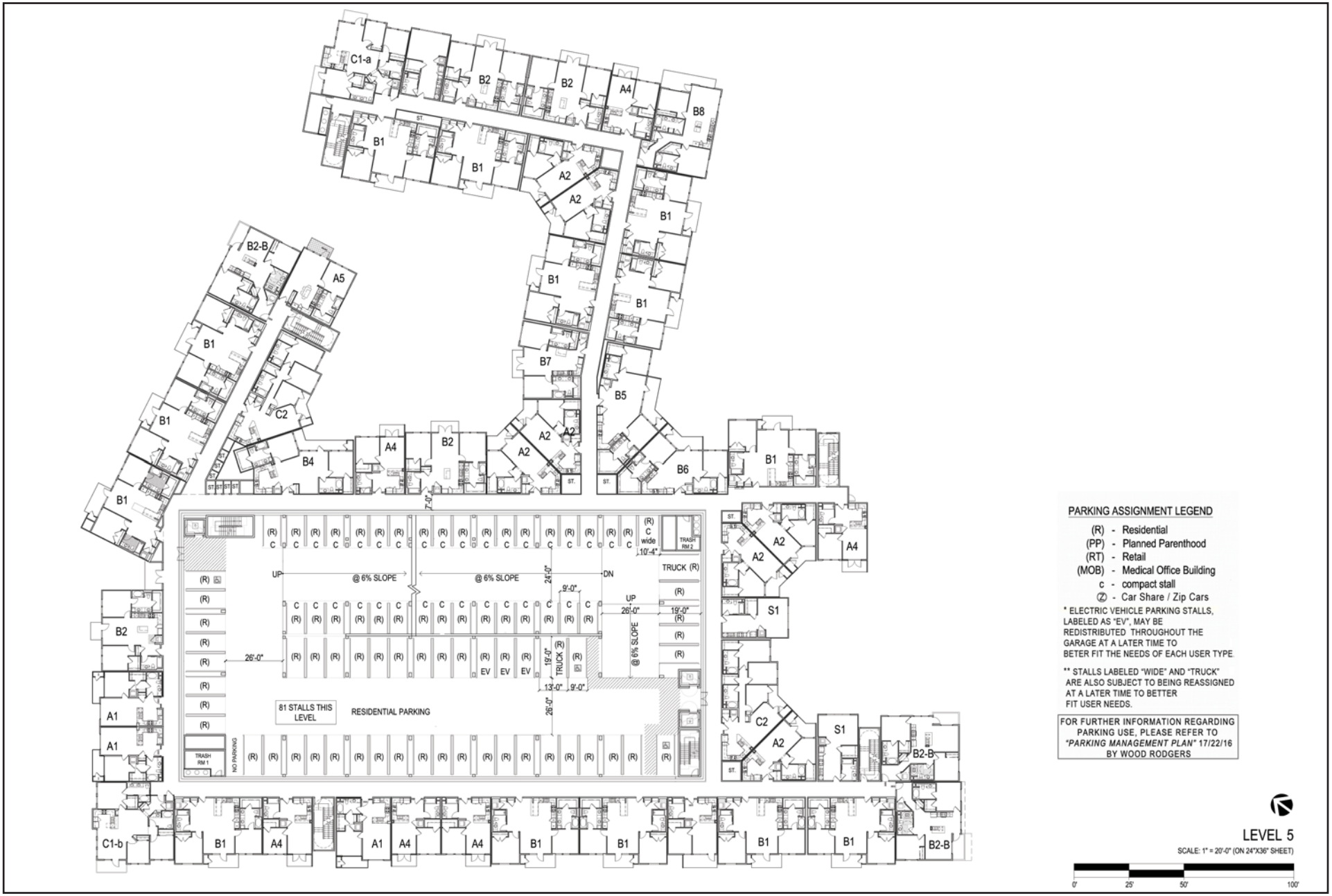
SOURCE: Humphreys & Partners Architects, L.P.

FIGURE 6

Fourth Level Plan

IMPACT SCIENCES

1252.001•10/16



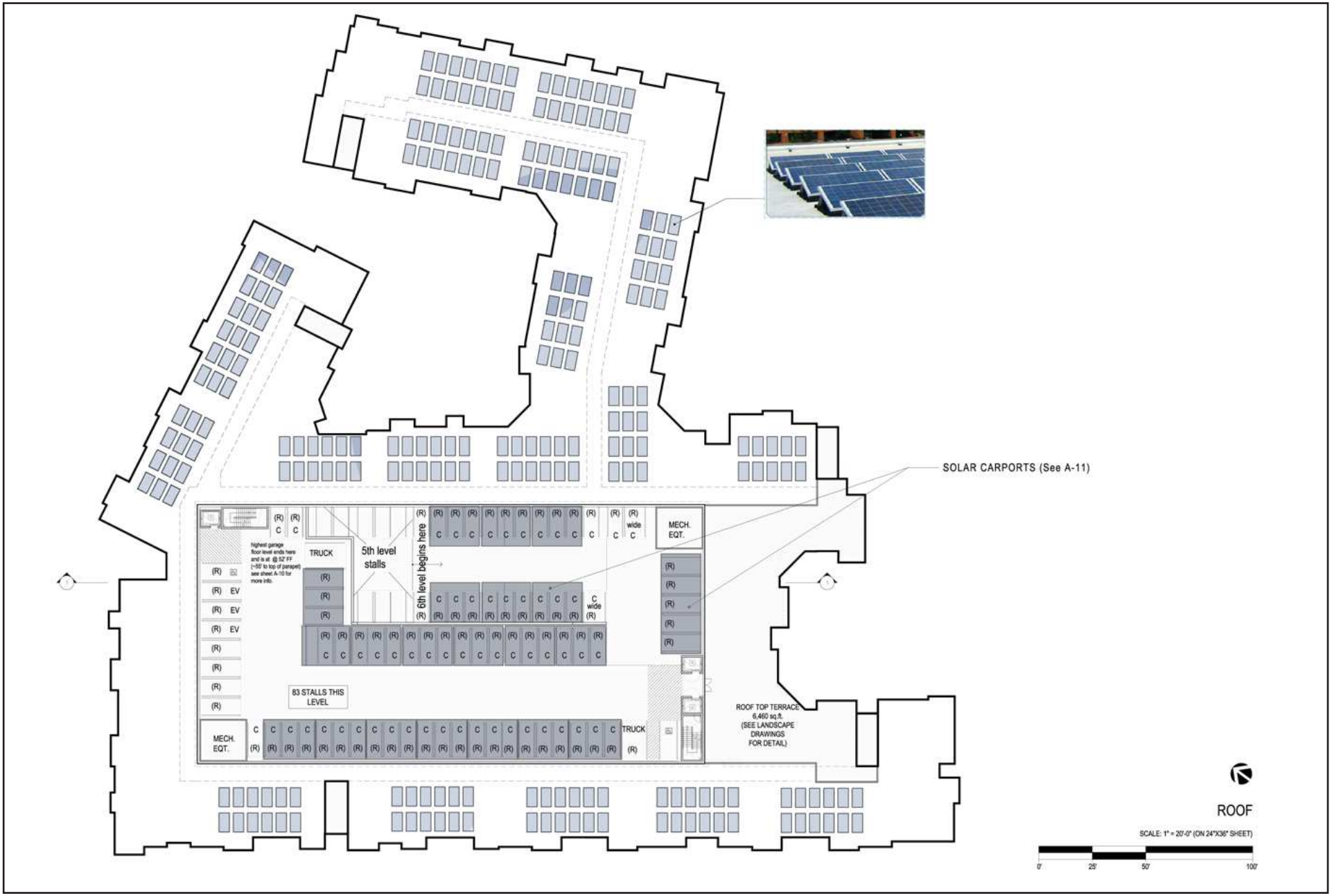
SOURCE: Humphreys & Partners Architects, L.P.

FIGURE 7

Fifth Level Plan

IMPACT SCIENCES

1252.001•10/16



SOURCE: Humphreys & Partners Architects, L.P.

FIGURE 8

Rooftop Plan

IMPACT SCIENCES

1252.001•10/16

SOURCE: Humphreys & Partners Architects, L.P.

FIGURE 9

Main Street Maple Court Elevations

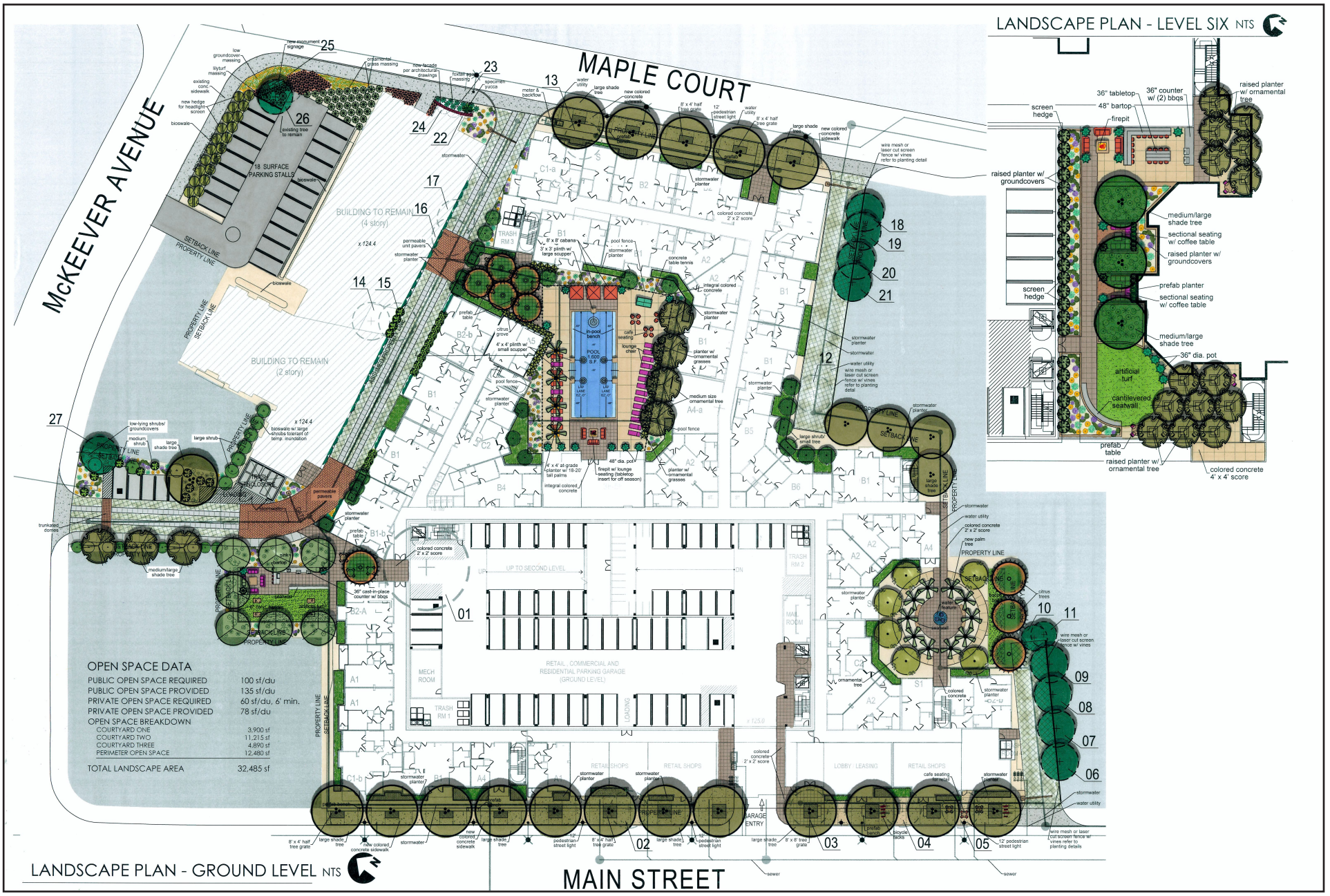
IMPACT SCIENCES

1252.001•10/16

SOURCE: Humphreys & Partners Architects, L.P.

FIGURE 10

Medical Building Elevations



SOURCE: Humphreys & Partners Architects, L.P.

FIGURE 11

Landscaping Plan

IMPACT SCIENCES

1252.001•08/16

SOURCE: Google Earth, October 2015

FIGURE **12**

IMPACT SCIENCES

Existing and Surrounding Uses

1252.001•10/16

III. ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED

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

- □ Aesthetics
- □ Agriculture and Forestry Resources
- □ Air Quality
- □ Biological Resources
- □ Cultural Resources
- □ Geology and Soils
- □ Greenhouse Gas Emissions
- □ Hazards and Hazardous Materials
- □ Hydrology/Water Quality
- □ Land Use/Planning
- □ Mineral Resources
- □ Noise
- □ Population and Housing
- □ Public Services
- □ Recreation
- □ Transportation/Circulation
- □ Utilities/Service Systems
- □ Mandatory Findings of Significance

IV. DETERMINATION

On the basis of the initial evaluation that follows:

□ I find that the proposed project WOULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.

■ I find that although the proposed project could have a significant effect on the environment, there would not be a significant effect in this case because revisions in the project have been made that would avoid or reduce any potential significant effects to a less than significant level. A MITIGATED NEGATIVE DECLARATION will be prepared.

□ I find that the proposed project MAY have a significant effect on the environment. An ENVIRONMENTAL IMPACT REPORT will be prepared.

December 6, 2016

David Rizk, AICP
Director of Development Services

Date

V. EVALUATION OF ENVIRONMENTAL IMPACTS

During the completion of the environmental evaluation, the City relied on the following categories of impacts, noted as column headings in the IS checklist. All impact determinations are explained, and supported by the information sources cited.

A) "Potentially Significant Impact" is appropriate if there is substantial evidence that the project's effect may be significant. If there are one or more "Potentially Significant Impacts" for which effective mitigation may not be possible, a Project EIR will be prepared.

B) "Less Than Significant with Mitigation Incorporated" applies where the incorporation of project-specific mitigation would reduce an effect from "Potentially Significant Impact" to a "Less Than Significant Impact." All mitigation measures must be described, including a brief explanation of how the measures would reduce the effect to a less than significant level.

C) "Less Than Significant Impact" applies where the project would not result in a significant effect (i.e., the project impact would be less than significant without the need to incorporate mitigation).

D) "No Impact" applies where the project would not result in any impact in the category or the category does not apply. This may be because the impact category does not apply to the proposed project (for instance, the project site is not within a surface fault rupture hazard zone), or because of other project-specific factors.

Impact Questions and Responses

Issues	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
1. AESTHETICS – Would the project:				
a) Have a substantial adverse effect on a scenic vista?	☐	☐	☐	■
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	☐	☐	☐	■
c) Substantially degrade the existing visual character or quality of the site and its surroundings?	☐	☐	■	☐
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	☐	☐	■	☐

In September 2013, Governor Brown signed Senate Bill 743, which made several changes to CEQA for projects located in areas served by transit (i.e., transit-oriented development or TOD). One of the changes included a provision to exempt from analysis the aesthetic impacts of the project if the proposed project is a "residential, mixed-use residential, or employment center project on an infill site within a transit priority area." An infill site is defined by SB 743 as "a lot located within an urban area that has been previously developed" while a transit priority area is defined by the statute as "an area within one-half mile of a major transit stop."

All of the lots that make up the project site are completely developed and are surrounded by existing development. In addition, the project consists of a mixed-use residential community that is located within one-half mile of the Hayward Bay Area Rapid Transit (BART) station, which is a major transit stop in the City. For these reasons, the proposed project qualifies for the infill exemption, and the analysis of aesthetic changes due to the project is provided below for informational purposes only.

Relevant Elements of the Project and its Setting

The topography of the project site is relatively flat, and the site is completely developed, although some of the existing development on the project site will be demolished prior to the start of construction. Based on a review of the *Hayward 2040 General Plan Background Report*, there are no scenic vistas that include the project site as a major part of the view.

Discussion of Potential Project Impacts

a) ***No Impact.*** A scenic vista is generally defined as an expansive view of highly valued landscape as observable from a publicly accessible vantage point. According to the *Hayward 2040 General Plan Background Report*, views of natural topography, open grassland vegetation, rolling hills, and the Bay shoreline make up the prominent elements of the City's scenic landscape. In addition, portions of I-580, I-

880, and SR 92 within the City are designated as County scenic highways (City of Hayward 2014a). The proposed project site is not part of any scenic landscape within the City and is not located with the viewshed of a County scenic highway. The site is flat and is located in an urbanized area surrounded by residential and commercial uses. Based on these factors, the proposed project would have no impact with regard to this criterion.

b) ***No Impact.*** The project site is not located adjacent to a state scenic highway (Caltrans 2015) and does not contain scenic resources as identified in the *Hayward 2040 General Plan* or any other land use plans. As a result, the proposed project would have no impact with regard to this criterion.

c) ***Less than Significant Impact***. Construction of the proposed project will alter the visual character of the project site by demolishing five existing structures and a portion of a fourth structure on the site and replacing them with a five-story structure. In addition, the proposed project would renovate the exterior of the existing medical office building located at the corner of McKeever Avenue and Maple Court. The surrounding area is heavily urbanized and the proposed structures will be consistent with the height and density planned for the project site by the City's General Plan and zoning code. In addition, the proposed project would provide landscaping throughout the development consisting of trees, shrubs, groundcover and turf. Finally, the project area is a mix of architectural styles with no particular design aesthetic or architectural style being dominant. Therefore, the proposed building design would be compatible with the mixed visual character of the area, and the impact of the proposed project with regard to visual character would be less than significant.

d) ***Less than Significant Impact***. The project site is located in an urban environment characterized by high levels of ambient nighttime illumination. The intensity and extent of visibility of the interior lighting from the proposed project would be greater than from the existing buildings on the project site. However, it would be typical of other residential and commercial structures in the area. Exterior lighting of the proposed project would be restricted to illuminating the building's pedestrian and vehicular access points at street level, consistent with nearby buildings and street lighting fixtures, and is not expected to create substantial new illumination in the area.

Glare from building windows would increase under the proposed project as the surface area of the building windows would be greater than under existing conditions. However, metal awnings would shield some of the building windows on the ground level and some windows would be set back from the edge of the building with balconies. In addition, non-reflective materials would be used in the construction of the proposed project, and thus the project would not result in a substantial new source of glare that would adversely affect daytime views in the area.

For the reasons mentioned above, the impact of the proposed project with regard to light and glare would be less than significant.

Discussion of Potential Cumulative Impacts

Anticipated future development in the City of Hayward may block views of scenic vistas or alter the visual character of the City. In addition, anticipated future development in the City may result in significant cumulative impacts with regard to light and glare. However, according to the *City of Hayward 2040 General Plan EIR*, with the implementation of goals, policies, and implementation programs listed in the City's General Plan, impacts related to aesthetics within the City due to future growth would be less than significant (City of Hayward 2014c). Development of the proposed project would not substantially

alter scenic views of the Mount Diablo Range to the east or the San Francisco Bay to the west or substantially degrade the existing visual character of Downtown Hayward and its surroundings. In addition, due to its infill nature, the proposed project would not have negative effects related to lighting and glare. Therefore, the cumulative impact of the proposed project with respect to aesthetics would be less than significant.

Issues	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
2. AGRICULTURE AND FORESTRY RESOURCES – Would the project:				
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	☐	☐	☐	■
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	☐	☐	☐	■
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)) or timberland (as defined in Public Resources Code section 4526)?	☐	☐	☐	■
d) Result in the loss of forest land or conversion of forest land to non-forest use?	☐	☐	☐	■
e) Involve other changes in the existing environment, which, due to their location or nature, could result in conversion of Farmland to non-agricultural use?	☐	☐	☐	■

Relevant Elements of the Project and its Setting

The project site is currently developed with a medical office complex consisting of three medical office buildings and a single family residence. Other structures on the project site include a commercial building and a vacant residence along Maple Court. The project site is zoned CC-C (Central City Commercial) per the *Hayward Zoning Map* and is designated as Urban and Built-Up Land on maps prepared by the California State Department of Conservation pursuant to the Farmland Mapping and Monitoring Program (FMMP) (FMMP 2012).

Discussion of Potential Project Impacts

a) ***No Impact.*** The project site is not currently used for agriculture, and is not designated as Farmland on maps prepared pursuant to the FMMP. There would be no impact with regard to this criterion.

b) ***No Impact.*** As discussed above, the project site is zoned CC-C (Central City Commercial) per the *Hayward Zoning Map.* According to Section 1.1520 of the *Hayward Municipal Code*, the purpose of CC-C designation is to establish a mix of business and other activities which will enhance the economic vitality of the downtown area. Permitted activities include, but are not limited to, retail, office, service, lodging, entertainment, education, and multi-family residential uses. No portion of the project site is zoned for agricultural use. In addition, there is no Williamson Act contract applicable to the project site or its

vicinity. Therefore, future development on the project site would not conflict with existing zoning for agricultural use (as it does not apply to the site) or a Williamson Act contract. There would be no impact with regard to this criterion.

c) ***No Impact***. As identified in **Item (b)**, above, the project site is zoned CC-C (Central City Commercial) per the *Hayward Zoning Map*. No portion of the project site is zoned forest land or timber land. There would be no impact with regard to this criterion.

d) ***No Impact.*** No part of the project site contains forest lands. Furthermore, the surrounding area does not include any forest land or timber land. There would be no impact with regard to this criterion.

e) ***No Impact.*** Development of the project site would occur in a densely developed urbanized area and there are no agricultural lands near the site. Therefore, future development on the project site would not involve any changes that could directly or indirectly lead to the conversion of Farmland to non-agricultural use or conversion of forest land to non-forest use. There would be no impact with regard to this criterion.

Discussion of Potential Cumulative Impacts

The City of Hayward is urban in nature, and it does not contain Farmland on maps prepared pursuant to the FMMP. As a result, anticipated future development in Hayward, including the proposed project, would not result in the loss of Farmland. In addition, land in the City is zoned for urban uses. Therefore, anticipated future development in Hayward would not displace land zoned for agricultural use or forest land or timberland, and would not conflict with land under a Williamson Act contact. The impact of cumulative development on agricultural and forest resources would be less than significant.

Issues	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
3. AIR QUALITY – Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:				
a) Conflict with or obstruct implementation of the applicable air quality plan?	☐	☐	■	☐
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation (e.g., induce mobile source carbon monoxide (CO) emissions that would cause a violation of the CO ambient air quality standard)?	☐	■	☐	☐
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is nonattainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?	☐	■	☐	☐
d) Expose sensitive receptors to substantial pollutant concentrations?	☐	■	☐	☐
e) Create objectionable odors affecting a substantial number of people?	☐	☐	■	☐

Relevant Elements of the Project and its Setting

An Air Quality and Greenhouse Gas Assessment was prepared for the proposed project by Illingworth & Rodkin, Inc., in December 2015. A copy of the Air Quality and Greenhouse Gas Assessment for the proposed project is provided in **Appendix B**. After the assessment was prepared the project description was revised to include an additional five residential units. As a result, an addendum to the Air Quality and Greenhouse Gas Assessment was prepared by Illingworth & Rodkin, Inc., to confirm the findings of the assessment. A copy of the addendum is provided in **Appendix B.**

After the IS/MND was circulated for public review, the City received a comment requesting that the cumulative impact analysis take into account the proposed Lincoln Landing project, a large mixed-use project consisting of 476 multi-family units and 80,000 square feet of commercial use on an 11.3-acre site approximately 300 feet north of the project site. As a result, an updated cumulative air quality analysis for the project was prepared which is documented in a technical memorandum. A copy of the technical memorandum is also provided in **Appendix B**.

The proposed project is located in the City of Hayward, which is included in the San Francisco Bay Area Air Basin (SFBAAB). The Bay Area Air Quality Management District (BAAQMD) has jurisdiction over air quality within the Air Basin. In June 2010, BAAQMD set forth thresholds of significance to assist in the review of projects under CEQA. These thresholds were designed to establish the level at which BAAQMD believed air pollutant emissions would cause significant environmental impacts under CEQA and were posted on BAAQMD's website and included in the Air District's updated CEQA Guidelines (updated May 2011). The significance thresholds set forth by BAAQMD and used in this analysis are summarized below in **Table 5, BAAQMD CEQA Significance Thresholds – Air Quality Emissions**.

Table 5
BAAQMD CEQA Significance Thresholds – Air Quality Emissions

	Construction Thresholds	Operational Thresholds	
Pollutant	Average Daily emissions (lbs./day))	Average Daily Emissions (lbs./day))	Annual Average Emissions (tons/year))
Criteria Pollutants			
ROG	54	54	10
NOx	54	54	10
PM10	82	82	15
PM2.5	54	54	10
CO	Not Applicable	9.0 ppm (8-hour average) or 20.0 ppm (1-hour average)	
Fugitive Dust	Construction Dust Ordinance or other Best Management Practices	Not Applicable	
Health Risks and Hazards for New Sources			
Excess Cancer Risk	Same as Operational Threshold	10 per one Million	
Chronic or Acute Hazard Index	Same as Operational Threshold	1.0	
Incremental annual average PM2.5	Same as Operational Threshold	0.3 μg/m3	
Health Risks and Hazards for Sensitive Receptors (Cumulative from all sources within 1,000 foot zone of influence) and Cumulative Thresholds for New Sources			
Excess Cancer Risk	Same as Operational Threshold	10 per one Million	
Chronic Hazard Risk	Same as Operational Threshold	1.0	
Annual Average PM2.5	Same as Operational Threshold	0.8 μg/m3	

Source: Bay Area Air Quality Management District, California Environmental Quality Act Air Quality Guidelines, 2011

Discussion of Potential Project Impacts

a) ***Less than Significant Impact***. The most recent clean air plan is the *Bay Area 2010 Clean Air Plan* that was adopted by the BAAQMD in September 2010. A proposed project would be considered to be consistent with the goals of the Clean Air Plan if it would attain air quality standards, reduce population exposure and protect public health in the Bay Area, and reduce GHG emissions and protect the climate.

The proposed project would not conflict with the latest Clean Air planning efforts since: (1) the project would have emissions below the BAAQMD criteria air pollutant thresholds (see Item b-c below), (2) development of the project site would be considered urban "infill," (3) development would be located near employment centers, and (4) development would be near existing transit. Net operational emissions associated with the proposed project would not exceed any of the significance thresholds and, thus, it is not required to incorporate project-specific transportation control measures listed in the latest Clean Air Plan. The project would not conflict with or obstruct the implementation of the Clean Air Plan. The impact would be less than significant.

b-c) ***Less than Significant Impact with Mitigation***. The Bay Area is a non-attainment area for ground-level ozone and $PM_{2.5}$ under both the Federal Clean Air Act and the California Clean Air Act. The area is also non-attainment for PM_{10} under the California Clean Air Act, but not the Federal Act. The area has attained both State and federal ambient air quality standards for carbon monoxide. As part of an effort to attain and maintain ambient air quality standards for ozone and PM_{10}, the BAAQMD has put forth thresholds of significance for these air pollutants and their precursors. These thresholds are for ozone precursor pollutants (ROG and NOx), PM_{10}, and $PM_{2.5}$ and apply to both construction period and operational period impacts.

The California Emissions Estimator Model (CalEEMod) Version 2013.2.2 was used to estimate emissions from construction and operation of the site assuming full build out of the project. This model is recommended by the BAAQMD for estimating construction and operational emissions from land use projects.

Construction Period Emissions

It is anticipated that the proposed project would be built out over a period of one year, beginning in winter 2017, or an estimated 270 construction workdays. Construction activities would include the demolition of the existing medical buildings and removal of parking lot pavement, followed by site grading, utility improvements, foundations and the construction of the residential structure and parking garage. In addition, off-site utility improvements would be constructed in Maple Court and Main Street along the project frontage. Model inputs such as construction schedule, estimated hauling volumes, anticipated on-site construction equipment, and the numbers of worker, vendor, and haul trips are presented in **Appendix B**.

Table 6, Estimated Construction Emissions presents the average daily emissions of ROG, NOX, PM_{10} exhaust, and $PM_{2.5}$ exhaust from the construction of the proposed project**.** CalEEMod provided the total construction emissions in tons. Average daily emissions were computed by dividing the total construction emissions by the number of construction days. As indicated in **Table 6**, estimated average daily project construction emissions would not exceed the thresholds for ROG, NOX, PM_{10}, and $PM_{2.5}$. As a result, the impact associated with construction-period emissions of criteria pollutants would be less than significant.

Table 6
Estimated Construction Emissions

Scenario	ROG	NOx	PM_{10} Exhaust	$PM_{2.5}$ Exhaust
Residential/Retail Construction emissions (tons)	3.25	2.86	0.13	0.12
Office Building Renovation Construction emissions (tons)	0.72	0.55	0.03	0.03
Total Construction emissions (tons)	3.97	3.41	0.16	0.15
Average daily emissions (pounds)	29.4	25.3	1.2	1.1
BAAQMD Thresholds (pounds per day)	**54**	**54**	**82**	**54**
Exceeds Threshold?	No	No	No	No

Source: Illingworth & Rodkin, 2015.

Construction activities, particularly during demolition, site preparation and grading, would temporarily generate fugitive dust, including PM_{10} and $PM_{2.5}$. Sources of fugitive dust would include disturbed soils at the construction site during grading and soil remediation 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. Fugitive dust emissions would vary from day to day, depending on the nature and magnitude of construction activity and local weather conditions. Fugitive dust emissions would also depend on soil moisture, silt content of soil, wind speed, and the amount of equipment operating. Larger dust particles would settle near the source, while fine particles would be dispersed over greater distances from the construction site. The *CEQA Air Quality Guidelines* consider the impact from a project's construction-phase dust emissions to be less than significant if best management practices listed in the guidelines are implemented. Without these BMPs, the impact from dust emissions would be potentially significant.

Mitigation Measure AIR-1 is proposed, which requires that the dust control BMPs put forth by the BAAQMD are implemented by the proposed project. With the implementation of the required BAAQMD recommended BMPs pursuant to **Mitigation Measure AIR-1**, the construction of the proposed project would not result in substantial emissions of fugitive dust, PM_{10} or $PM_{2.5}$, and the impact associated with construction-period emissions of fugitive dust, PM_{10} and $PM_{2.5}$ would be less than significant.

> **Mitigation Measure AIR-1:** The construction contractor(s) shall implement the following BMPs during project construction:
>
> - 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 mph.

- All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible and feasible. Building pads shall be laid as soon as possible and feasible 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 Air District's phone number shall also be visible to ensure compliance with applicable regulations.

Operational Period Emissions

Operational air emissions associated with the proposed project would be generated primarily from automobiles driven by future residents and employees. Other sources of operational emissions are architectural coatings and maintenance products, consumer products, and energy use on the project site, including the combustion of natural gas in stoves, heaters, and boilers. CalEEMod was used to estimate emissions from operation of the proposed project assuming full build out. This analysis assumed that the proposed project would be fully built out and operational in 2017 at the earliest. Other assumptions used in the model such as proposed land uses, vehicle trips, area sources and energy efficiency are listed in **Appendix B**.

Table 7, Estimated Operational Emissions, shows the predicted emissions in terms of annual emissions in tons and average daily operational emissions in pounds per day, assuming 365 days of operation per year. As shown in **Table 7**, average daily and annual emissions of ROG, NOX, PM_{10}, or $PM_{2.5}$ emissions associated with project operation would not exceed the significance thresholds. As a result, the project's impact associated with operational emissions of criteria pollutants would be less than significant.

Table 7
Estimated Operational Emissions

Scenario	ROG	NOx	PM_{10}	$PM_{2.5}$
Annual Project Operational Emissions (tons)	2.82	1.97	0.88	0.26
BAAQMD Thresholds (tons per year)	**10**	**10**	**15**	**10**
Exceeds Threshold?	No	No	No	No
Average daily emissions (pounds)	15.5	10.8	4.8	1.4
BAAQMD Thresholds (pounds per day)	**54**	**54**	**82**	**54**
Exceeds Threshold?	No	No	No	No

Source: Illingworth & Rodkin, 2015

d) ***Less than Significant Impact with Mitigation.*** Sensitive receptors are locations where an identifiable subset of the general population (children, asthmatics, the elderly, and the chronically ill) that is at greater risk than the general population to the effects of air pollutants is likely to be exposed. These locations include residences, schools, playgrounds, childcare centers, retirement homes, hospitals, and medical clinics. Operation of the project is not expected to cause any localized emissions that could expose sensitive receptors to unhealthy air pollutant levels.

Construction activity is anticipated to involve demolition of the existing on-site buildings and building construction. As discussed above, the project's construction-period emissions of criteria pollutants would be below the thresholds set forth by the BAAQMD. While those thresholds primarily address the potential for a project's emissions to adversely affect regional air quality, localized emissions of dust could affect nearby sensitive land uses. The BAAQMD CEQA Air Quality Guidelines consider these impacts to be less than significant if controlled through best management practices such as those listed in **Mitigation Measure AIR-1**, which the project would be required to implement.

Construction equipment and associated heavy-duty truck traffic would also generate diesel exhaust, which is a known Toxic Air Contaminant (TAC). Diesel exhaust can pose both a health and nuisance impact to nearby receptors. The closest off-site sensitive receptors are residences on McKeever Avenue, adjacent to the northern boundary of the project site. Additional nearby residences are located across from the project site on McKeever Avenue and Main Street and at farther distances from the site. A community health risk assessment of the project construction activities was conducted to evaluate potential health effects on nearby sensitive receptors from construction emissions of Diesel Particulate Matter (DPM). The methodology used to conduct this risk assessment is outlined below followed by the results of the analysis.

Health Risk Assessment Methodology

A dispersion model was used to calculate the off-site DPM concentrations resulting from project construction at sensitive receptors so that lifetime excess cancer risks could be predicted. The emission calculations used for the modeling, summary of dispersion model inputs and outputs, and the cancer risk calculations are presented in **Appendix B**.

A health risk assessment for exposure to TACs requires the application of a risk characterization model to the results from the air dispersion model to estimate potential health risk at each sensitive receptor location. The State of California Office of Environmental Health Hazard Assessment (OEHHA) and the California Air Resources Board (CARB) develop recommended methods for conducting health risk assessments. The most recent OEHHA risk assessment guidelines were published in February 2015. These guidelines incorporate substantial changes designed to provide for enhanced protection of children, as required by state law, compared to previous published risk assessment guidelines. CARB has provided additional guidance on implementing OEHHA's recommended methods. The health risk assessment prepared for the proposed project used the recent 2015 OEHHA risk assessment guidelines and CARB guidance. While the OEHHA guidelines use substantially more conservative assumptions than the current BAAQMD guidelines, BAAQMD has not formally adopted recommended procedures for applying the newest OEHHA guidelines. BAAQMD is in the process of developing new guidance and has provided initial information on exposure parameter values they are proposing for use. The OEHHA guidelines and newly recommended BAAQMD exposure parameters were used in this evaluation.

Potential increased cancer risk from inhalation of TACs are calculated based on the TAC concentration, the period of exposure, inhalation dose, the TAC cancer potency factor, and an age sensitivity factor to reflect the greater sensitivity of infants and children to cancer causing TACs. The inhalation dose depends on a person's breathing rate, exposure time and frequency of exposure, and the exposure duration. These parameters vary depending on the age, or age range, of the persons being exposed and whether the exposure is considered to occur at a residential location or other sensitive receptor location.

The current OEHHA guidance recommends that cancer risk be calculated by age groups to account for different breathing rates and sensitivity to TACs. Specifically, the guidance recommends evaluating risks for the third trimester of pregnancy to age zero, ages zero to less than two (infant exposure), ages two to less than 16 (child exposure), and ages 16 to 70 (adult exposure). Age sensitivity factors (ASFs) associated with the different types of exposure are an ASF of 10 for the third trimester and infant exposures, an ASF of 3 for a child exposure, and an ASF of 1 for an adult exposure. Also associated with each exposure type are different breathing rates, expressed as liters per kilogram of body weight per day (L/kg-day). As recommended by the BAAQMD, 95th percentile breathing rates are used for the third trimester and infant exposures, and 80th percentile breathing rates for child and adult exposures.

Functionally, cancer risk is calculated using the following parameters and formulas:

$$\text{Cancer Risk (per million)} = \text{CPF} \times \text{Inhalation Dose} \times \text{ASF} \times \text{ED/AT} \times \text{FAH} \times 10^{6}$$

Where:

CPF = Cancer potency factor (mg/kg-day)-1
ASF = Age sensitivity factor for specified age group
ED = Exposure duration (years)
AT = Averaging time for lifetime cancer risk (years)
FAH = Fraction of time spent at home (unitless)

$$\text{Inhalation Dose} = C_{air} \times \text{DBR} \times \text{A} \times (\text{EF}/365) \times 10^{-6}$$

Where:

C_{air} = concentration in air (μg/m3)
DBR = daily breathing rate (L/kg body weight-day)
A = Inhalation absorption factor
EF = Exposure frequency (days/year)

10^{-6} = Conversion factor

The health risk parameters used in this evaluation are summarized below in **Table 8, Health Risk Parameters Used for Cancer Risk Calculations**.

Table 8
Health Risk Parameters Used for Cancer Risk Calculations

Exposure Type	Infant		Child	Adult
Parameter *Age Range*	**3rd Trimester**	**0 < 2**	**2 < 16**	**16-30**
DPM Cancer Potency Factor (mg/kg-day)$^{-1}$	1.10E+00	1.10E+00	1.10E+00	1.10E+00
Daily Breathing Rate (L/kg-day)*	361	1,090	572	261
Inhalation Absorption Factor	1	1	1	1
Averaging Time (years)	70	70	70	70
Exposure Duration (years)	0.25	2	14	14
Exposure Frequency (days/year)	350	350	350	350
Age Sensitivity Factor	10	10	3	1
Fraction of Time at Home	1.0	1.0	1.0	0.73

Source: Illingworth & Rodkin, 2015
** 95th percentile breathing rates for 3rd trimester and infants and 80th percentile for children and adults*

Predicted Cancer Risk and Hazards

According to the results of the dispersion modeling, the maximum modeled DPM and PM2.5 concentrations occurred at a receptor just north of the project site on McKeever Avenue. Increased cancer risks were calculated using the modeled DPM concentrations and risk assessment methods for infant exposure (3rd trimester through 2 years of age), child exposure, and adult exposure described above. The cancer risk calculations were based on applying the age sensitivity factors to the DPM exposures. Infant and child exposures were assumed to occur at all residences during the entire construction period.

Results of this assessment indicate that, due to project construction activities, the maximum increased residential cancer risk, assuming all infant exposure, would be 30.4 in one million and the increased residential cancer risk assuming adult exposure would be 0.8 in one million. The maximum increased cancer risk would be above the BAAQMD significance threshold of a cancer risk of greater than 10.0 in one million, and this impact is considered potentially significant.

The proposed project would implement **Mitigation Measures AIR-2** and **AIR-3**, which requires that construction equipment meet certain emissions standards and reduce particulate emissions by 70 percent or more.

> **Mitigation Measure AIR-2**: All diesel-powered off-road equipment larger than 50 horsepower and operating on the site for more than two days continuously shall, at a minimum, meet U.S. EPA particulate matter emissions standards for Tier 4 engines or equivalent.

Mitigation Measure AIR-3: All diesel-powered portable equipment (i.e., air compressors, concrete saws, and forklifts) operating on the site for more than two days shall meet U.S. EPA particulate matter emissions standards for Tier 4 engines or equivalent.

Mitigation Measure AIR-4: Instead of **Mitigation Measures AIR-2** and **AIR-3** above, the construction contractor could use other measures to minimize construction-period Diesel Particulate Matter (DPM) emissions to reduce the predicted cancer risk below the thresholds. Such measures may be the use of alternative powered equipment (e.g., LPG-powered lifts), alternative fuels (e.g., biofuels), added exhaust devices, or a combination of measures, provided that these measures are approved by the City.

Implementation of BAAQMD's Recommended BMPs for construction (as listed in **Mitigation Measure AIR-1**), would reduce exhaust emissions by 5 percent and fugitive dust emissions by over 50 percent. Implementation of **Mitigation Measures AIR-2** and **AIR-3** or **AIR-4** would further reduce on-site diesel exhaust emissions by over 80 percent. The computed maximum increased residential infant cancer risk with implementation of **Mitigation Measures AIR-2** and **AIR-3** would be reduced to less than 6.1 in one million, which is below the BAAQMD threshold of 10 per one million. With the implementation of these mitigation measures, the project's construction activities would have a less-than-significant impact with respect to community human health risk.

Potential non-cancer health effects due to chronic exposure to DPM were also evaluated. Non-cancer health hazards from TAC exposure are expressed in terms of a hazard index (HI), which is the ratio of the TAC concentration to a reference exposure level (REL). OEHHA has defined acceptable concentration levels for contaminants that pose non-cancer health hazards. TAC concentrations below the REL are not expected to cause adverse health impacts, even for sensitive individuals. The chronic inhalation REL for DPM is 5 $\mu g/m^3$. The maximum modeled annual DPM concentration was 0.185 $\mu g/m^3$, which is much lower than the REL. The maximum computed hazard index based on this DPM concentration is 0.04 which is much lower than the BAAQMD significance criterion of a HI greater than 1.0. This impact is considered less than significant.

As part of the TAC analysis, the maximum annual PM2.5 concentration from project construction was also estimated, and determined to be 0.3 $\mu g/m^3$. This PM2.5 concentration is below the BAAQMD significance threshold of greater than 0.3 $\mu g/m^3$ used to judge the significance of health impacts from PM2.5 exposure. This impact is considered less than significant. With the implementation of **Mitigation Measures AIR-1 and AIR-2,** this concentration would be further reduced to less than 0.1 $\mu g/m^3$.

Cumulative Community Risk

The cumulative community risk to off-site receptors from the project's construction-phase TAC emissions when combined with TAC emissions from other existing nearby sources was also evaluated using the methodology provided by the BAAQMD. Existing nearby sources of TAC emissions within 1,000 feet of the project site include Foothill Boulevard (State Route 238 [SR-238])/A Street, stationary sources (e.g., emergency backup generators and gas-fueling facilities), and the construction of the future Lincoln Landing project. **Table 9, Cumulative Construction-Phase Community Risk at Project MEI from Combined Sources**, shows the cancer and non-cancer risks associated with each nearby source affecting the receptor most affected by project construction. The sum of impacts from combined sources (i.e., all sources within 1,000 feet of the project) along with the impact from project construction activities would

be below the BAAQMD risk thresholds. Therefore, the cumulative community health risk impact on nearby sensitive receptors would be less than significant.

Table 9
Cumulative Construction-Phase Community Risk at Project MEI from Combined Sources

Source	Maximum Cancer Risk (per million)	$PM_{2.5}$ concentration ($\mu g/m^3$)	Hazard Index
Unmitigated Project Construction	30.4	0.3	0.04
State Route 238 (Foothill Blvd. and A Street)	<1.5	<0.1	<0.01
Plant 13474	<3.3	0.0	<0.01
Plant G9145	<0.5	0.0	<0.01
Lincoln Landing Construction	7.0	<0.1	<0.01
Combined Sources[1]	<42.7	<0.5	<0.1
BAAQMD Combined Source Threshold	**100**	**0.8**	**10.0**
Significant?	No	No	No

Source: Illingworth & Rodkin, 2015; Illingworth & Rodkin, 2016b

1 The combined source level is an overestimate because the maximum impact from each source is assumed to occur at the same location.

e) ***Less than Significant Impact.*** The proposed project would generate localized emissions of diesel exhaust during construction equipment operation and truck activity. The odor from these emissions may be noticeable from time to time by adjacent receptors. However, they would be localized and are not likely to adversely affect people off site by resulting in confirmed odor complaints. The project would not include any sources of significant odors that would cause complaints from surrounding uses. This impact would be less than significant.

Discussion of Potential Cumulative Impacts

According to the *City of Hayward 2040 General Plan EIR*, anticipated future development in the City of Hayward would conflict with or obstruct implementation of applicable air quality plans, result in short-term construction emissions of criteria pollutants that exceed BAAQMD's project-level significance thresholds, result in an increase of long-term operation emission of criteria pollutants due to an increase in vehicle miles traveled and vehicle trips that would be higher than the rate of population increase by 2035, and could involve the siting of sensitive receptors near major roadways or near major stationary sources of TAC and $PM_{2.5}$ emissions. Even with the implementation of goals, policies, and implementation programs listed in the City's General Plan, air quality impacts within the City due to future growth would be significant and unavoidable (City of Hayward 2014c). As discussed above, the proposed project's construction exhaust emissions would not exceed the significance thresholds, and fugitive dust emissions would be adequately controlled through implementation of **Mitigation Measure AIR-1**. In addition, the proposed project's operational emissions would not exceed the significance thresholds. Concerning community human health risk, with the implementation of **Mitigation Measures AIR-2** through **-4**, the project's construction activities would have a less-than-significant impact. Finally, as shown in the analysis above, the cumulative community health risk impact due to project construction on nearby sensitive receptors would be less than significant. Furthermore, air quality impacts are by

nature cumulative impacts, with air quality management plans and significance thresholds designed to include all foreseeable potential future development in a region. Consequently, the air quality analysis presented above that compares the proposed project's emissions to the relevant thresholds is by nature a cumulative analysis. The construction and operation of the proposed project would not make a cumulatively considerable contribution to a cumulative air quality impact that would result from future development in the City.

Issues	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
4. BIOLOGICAL RESOURCES – Would the project:				
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or US Fish and Wildlife Service?	☐	■	☐	☐
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Wildlife or US Fish and Wildlife Service?	☐	☐	☐	■
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	☐	☐	☐	■
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	☐	☐	☐	■
e) Conflict with any applicable policies protecting biological resources?	☐	■	☐	☐
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other applicable habitat conservation plan?	☐	☐	☐	■

Relevant Elements of the Project and its Setting

The project site is located in an urban area and is surrounded by existing residential and commercial uses. According to a review of the most recent version of the California Natural Diversity Database (CNDDB), no special-status species have been documented on the project site. In addition, no special-status species are expected to occur on the project site due to lack of suitable habitat. A copy of the CNDDB search results for the project site is provided in **Appendix C**.

The project site is lacking any biological habitat with the exception of typical urban landscaping. A total of 27 trees are located on or adjacent to the project site. According to the US Fish and Wildlife Service (USFWS) National Wetlands Inventory, there are no wetlands or potential wetlands located on or within the vicinity of the project site (USFWS 2015). The nearest body of water to the project site is San Lorenzo Creek, a channelized urban creek located approximately 150 feet north of the project site.

Discussion of Potential Project Impacts

a) ***Less than Significant Impact with Mitigation.*** As discussed above, no special-status plant or wildlife species have been documented on the project site and no special status species are expected to occur on the project site. However, numerous common bird species could nest on or near the project site and the active nests of common bird species are protected by the Migratory Bird Treaty Act and the California Fish and Game Code. In addition, development of the project would result in the removal of mature trees on the project site that are large enough to provide nesting sites. In the event that nesting birds are present on or near the project site when construction is commenced (including off-site utility improvements that would be constructed along Maple Court and Main Street) or when the on-site trees are removed, construction activities could result in the direct loss of or noise-disturbance to an active nest. This is considered a potentially significant impact. However, with implementation of **Mitigation Measures BIO-1** and **BIO-2**, which requires a preconstruction survey and avoidance of active nests, the impact would be reduced to a less than significant level.

> **Mitigation Measure BIO-1**: If construction activities commence outside the nesting season (generally September 1 through February 28), pre-construction surveys are not required. However, if construction commences outside the nesting season and extends into the nesting season, and is suspended for more than 14 days, a pre-construction survey that is detailed in **Mitigation Measure BIO-2**, below, will be implemented.
>
> **Mitigation Measure BIO-2**: If construction commences during the nesting season (March 1 through August 31), a pre-construction survey for active nests will be conducted within 15 days prior to the start of work. Given the urban setting of the project site and the construction staging area, the radius of the pre-construction survey will be determined in consultation with the California Department of Fish and Wildlife (CDFW). Typically, a 250-foot buffer for passerines and other unlisted/non-raptor species, 500-foot buffer for unlisted raptor species, and 0.5-mile buffer for listed raptor species are required. However, exceptions can be made based on the species of bird nesting, activities proposed, and for noise attenuation provided by intervening buildings in urban areas. Once the survey area is established, a survey of all appropriate nesting habitat will be conducted to locate any active nests. In the event that active nests are identified, appropriate buffer zones and types of construction activities restricted within the buffer zones will be determined through consultation with the CDFW. The buffer zones will be implemented and maintained until the young birds have fledged and no continued use of the nest is observed, as determined by a qualified biologist.

b) ***No Impact***. The project site is developed with urban uses. No riparian habitat or other sensitive natural community exists on the project site. As such, the project would not have any effect on any riparian habitat or other sensitive natural communities. There would be no impact with regard to this criterion.

c) ***No Impact***. There are no wetlands on the project site, as defined by the federal Clean Water Act or the California Fish and Game Code. There would be no impact with respect to this criterion.

d) ***No Impact***. Given the project's location in central Hayward, no wildlife movement occurs through the project site at the present time. There would be no impact with respect to this criterion.

e) ***Less than Significant Impact.*** According to a Preliminary Arborist Report prepared by HortScience, Inc., dated November 2015 (see **Appendix C**), there are 27 existing trees representing 11 species on or adjacent to the project site. According to the City's *Tree Preservation Ordinance*, native trees 4 inches and greater in trunk diameter and all trees eight inches and greater in trunk diameter are protected and cannot be removed without a permit. In addition, the City's *Tree Preservation Ordinance* specifies that all protected trees proposed for removal be replaced with a tree equal in size and species or value. Of the 27 existing trees on or adjacent to the project site, 19 trees meet the City's trunk diameter criteria and are protected. According to preliminary project plans, 15 trees, including 13 protected trees, are planned for removal. In order to compensate for the protected trees that would be removed, 13 replacement trees would be required. The proposed landscaping plan calls for planting 114 trees, which would exceed the City's requirements. Therefore, as the proposed project would not conflict with applicable policies protecting biological resources, and this impact is less than significant.

f) ***No Impact***. No habitat conservation plan or natural community conservation plan applies to the project site. There would be no impact with respect to this criterion.

Discussion of Potential Cumulative Impacts

Anticipated future development in some portions of Hayward has the potential to adversely affect biological resources. However, according to the *City of Hayward 2040 General Plan EIR*, with the implementation of goals, policies, and implementation programs listed in the City's General Plan, impacts to biological resources within the City due to future growth would be less than significant (City of Hayward 2014c). Furthermore, as discussed above, the construction and operation of the proposed project would have no impacts on sensitive biological resources as none are present on the site, and to the extent, impacts on nesting birds are a concern, they would be mitigated by the proposed mitigation measures. Therefore, the proposed project's cumulative impact on biological resources would be less than significant.

Issues	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
5. CULTURAL RESOURCES – Would the project:				
a) Cause a substantial adverse change in the significance of a historical resource as defined in Section 15064.5?	☐	☐	■	☐
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5?	☐	■	☐	☐
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	☐	☐	■	☐
d) Disturb any human remains, including those interred outside of formal cemeteries?	☐	■	☐	☐
e) Would the project cause a substantial adverse change in the significance of a tribal cultural resource as defined in Public Resources Code 21074?	☐	☐	■	☐

Relevant Elements of the Project and its Setting

As listed in **Table 1**, above, the residence located at 22491 Maple Court was constructed in 1915 while the residence located at 1013 McKeever Avenue was constructed circa 1940. The remaining buildings on the project site were constructed between the 1950s and 1980s. Due to the age of the buildings, each building on the project site was evaluated to determine its historical significance. The evaluations were prepared by Urban Programmers and Archaeological/Historical Consultants. Copies of the historical resource evaluations are provided in **Appendix D**.

The Northwest Information Center (NWIC) was contacted to conduct an archaeological records search for the project site and surrounding area. According to the NWIC, there is a moderately high potential of identifying Native American archaeological resources and historic-period archaeological resources on or near the project site (NWIC 2015). In addition, a search of the sacred lands file conducted by the Native American Heritage Commission (NAHC) did not indicate the presence of Native American resources in the immediate project area (NAHC 2015). A copy of this correspondence is provided in **Appendix D.**

Discussion of Potential Project Impacts

a) ***Less than Significant Impact.*** Under CEQA, local agencies must consider whether projects will cause a substantial adverse change in the significance of a historical resource, which is considered to be a significant effect on the environment (CEQA Section 21084.1). A "historical resource" is a resource determined eligible for the California Register of Historic Resources (CRHR), or local registers by a lead

agency (CEQA §15064.5), while a "substantial adverse change" can include physical demolition, destruction, relocation, or alteration of the resource or its immediate surroundings" that impairs the significance of an historical resource in such a way as to impair its eligibility for Federal, State, or local registers.

Properties that meet one of four significance criteria are considered eligible for the CRHR:

1) association with events that have made a significant contribution to the broad patterns of local or regional history, or the cultural heritage of California or the United States; or

2) association with the lives of persons important to local, California, or national history; or

3) embodiment of the distinctive characteristics of a type, period, or method of construction, represents the work of a master, or possesses high artistic values; or

4) potential to yield, information important to prehistory or history of the local area, California, or the nation.

A property that meets one or more of these significance criteria must also possess sufficient integrity to convey that significance. Integrity is based on a property's significance within a specific historic context, and can only be evaluated after its significance has been established. A discussion of the historical significance of each building on the project site and its eligibility for the CRHR is provided below.

- **22336 Main Street** (also known as 1030 Levine Court) is a cluster of connected buildings constructed between the 1950s and 1980s. Originally the Levine Hospital, some parts of the building were constructed in 1951. However, numerous additions were built in the 1960s, 1970s, and 1980s, including the two-story Bryman College building. The interior of the building has been almost completely gutted for asbestos remediation. Overall, the complex has poor integrity and does not appear eligible for the CRHR (AHC 2015).

- **22330 Main Street** is a single-story brick medical office building constructed in the 1950s. Though its exterior appears original, the interior has been extensively remodeled, compromising its integrity. It does not appear to possess sufficient significance to make it eligible for the CRHR (AHC 2015).

- **22455 Maple Court** is a four-story medical office building that was constructed as an addition to the Levine Hospital complex in 1973. Since it is not yet 45 years old, the building is exempt from historic review under CEQA criteria (AHC 2015).

- **22477 Maple Court** is a commercial building constructed circa 1960. It lacks integrity and is an undistinguished example of commercial architecture from this period. As such, it does not appear to be eligible for the CRHR (AHC 2015).

- **1013 McKeever Avenue** is a single-family detached home constructed circa 1940. While it possesses fair integrity, it does not appear to be eligible for the CRHR under Criteria 1, 2 or 3 (AHC 2015).

- **22491 Maple Court** is a single-family detached home constructed in 1915 in the California Craftsman Bungalow style. The structure is not associated with people or events significant in the history of Hayward, the State or nation, and it is not an artistic or fine example of California Craftsman Bungalow architecture or unique in its construction. As such, it does not appear eligible for the CRHR

under Criteria 1, 2 or 3. In addition, the structure was not found to not to be eligible for listing under the Hayward Historic Preservation Ordinance (Urban Programmers 2015).

For these reasons, none of the structures on the project site is considered a historic resource under CEQA, and the demolition of the buildings on the project site and the construction of the proposed project would have a less than significant impact on historic resources.

b) ***Less than Significant Impact with Mitigation***. The NWIC indicated that there are no Native American resources in or adjacent to the project site referenced in the ethnographic literature. However, the NWIC indicated that there is a moderately high potential for identifying unrecorded Native American archaeological resources on the project site due to the location of the site relative to the current course of San Lorenzo Creek. In addition, based on a review of historic literature and maps, there is also a high potential for unrecorded historic-period archaeological resources on the site (NWIC 2015). A search of the sacred lands file conducted by the Native American Heritage Commission (NAHC) did not indicate the presence of Native American resources in the immediate project area. On the recommendation of the NAHC, letters were sent to a list of Native American individuals and organizations provided by the NAHC who may have knowledge of cultural resources in the area. One individual who received a letter mentioned the presence of cultural resources in the vicinity of Mission Boulevard, located one block to the south of the project site, and requested that an archaeological investigation be conducted on the site. Two other individuals who received a letter requested that a Native American monitor be present during earthmoving activities.

Because the site is fully developed with buildings and a parking lot, an archaeological investigation of the subsurface area cannot be performed until the buildings are removed. Given the information provided by the NWIC and the history of development on the site and the surrounding area, there is a moderately high potential for encountering buried archaeological resources of the pre-historic and historic periods during construction of the proposed project. Any inadvertent damage to significant pre-historic archaeological resources and historic-period archaeological resources during site grading and excavation (including excavation necessary for required off-site utility improvements along Maple Court and Main Street) represents a potentially significant impact. However, implementation of **Mitigation Measures CUL-1** through **CUL-3** would reduce the impact to a less than significant level.

> **Mitigation Measure CUL-1**: The applicant shall retain a qualified archaeologist to provide preconstruction briefing(s) to supervisory personnel of any excavation contractor to alert them to the possibility of exposing significant pre-historic and historic period archaeological resources within the project area. The briefing shall discuss any archaeological objects that could be exposed, the need to stop excavation at the discovery, and the procedures to follow regarding discovery protection and notification of the applicant and the archaeologist. An "Alert Sheet" shall be posted in conspicuous locations on the project site to alert personnel to the procedures and protocols to follow for the discovery of potentially significant archaeological resources.
>
> **Mitigation Measure CUL-2**: A qualified archaeologist will be on site to monitor the initial grading of native soil once the existing buildings and pavement are removed but before any foundations and slabs are removed. After monitoring the initial grading, the archaeologist will make recommendations for further monitoring if he/she determines that the site contains or has the potential to contain cultural resources. If the archaeologist determines that no resources are likely to be found on site, no additional monitoring will be required and a report will be filed with the City Planning Department.

Mitigation Measure CUL-3: In the event that prehistoric or historic resources are encountered during excavation and/or grading of the site, all activity within a 50-feet radius of the find will be stopped, the City Planning Department will be notified, and the archaeologist will examine the find and make appropriate recommendations. Recommendations could include collection, recordation, and analysis of any significant cultural materials. A report of findings documenting any data recovery during monitoring will be submitted to the City Planning Department prior to issuance of an occupancy permit.

c) ***Less than Significant Impact.*** A search of the University of California Museum of Paleontology, University of California, Berkeley Database identified 1,563 paleontological resources in Alameda County. Five of these resources were discovered within the city of Hayward (City of Hayward 2014c). Subsurface soils on the project site are classified as Danville and Los Osos series soils (NRCS 2015). Both of these soils are well-drained and located on alluvial fans. Such materials are considered to have a very low likelihood of containing significant paleontological features. In addition, the project site has been disturbed by past grading activities. Consequently, excavations on the project site and off-site along Maple Court and Main Street during construction of the proposed project are unlikely to disturb or damage fossil resources. This impact is considered less than significant.

d) ***Less than Significant Impact with Mitigation***. See the responses to **Items 5(a)** and **(b)**, above. Although the project site is not located in an area with known burial sites and due to prior disturbance, human remains are not expected to be present on the project site or off-site along Maple Court and Main Street, the potential for their presence cannot be completely ruled out. Any inadvertent disturbance of human remains during construction of the proposed project would represent a potentially significant impact. However, with implementation of **Mitigation Measure CUL-4**, which outlines procedures to be followed in the event that previously unknown human remains are discovered, any impacts would be reduced to a less than significant level.

Mitigation Measure CUL-4: In the event of a discovery of human bone, potential human bone, or a known or potential human burial, all ground-disturbing work in the vicinity of the find will halt immediately and the area of the find will be protected until a qualified archaeologist determines whether the bone is human. If the qualified archaeologist determines the bone is human, the City of Hayward will notify the County Coroner of the find. Consistent with California Health and Safety Code Section 7050.5(b), which prohibits disturbance of human remains uncovered by excavation until the Coroner has made a finding relative to the requirements of Public Resources Code Section 5097, the City will ensure that the remains and vicinity of the find are protected against further disturbance.

If it is determined that the find is of Native American origin, the City of Hayward will comply with the provisions of Public Resources Code Section 5097.98 regarding identification and involvement of the Most Likely Descendant (MLD).

If the human remains cannot be protected in place following the Coroner's determination, the City of Hayward shall ensure that the qualified archaeologist and the MLD are provided the opportunity to confer on repatriation and/or archaeological treatment of human remains, and that any appropriate studies, as identified through this consultation, are carried out prior to reinterment. The City shall provide results of all such studies to the Native American community, and shall provide an opportunity for Native American involvement in any interpretative reporting. As stipulated by the provisions of the California Native American Graves Protection

and Repatriation Act, the City shall ensure that human remains and associated artifacts recovered from the project site are repatriated to the appropriate local tribal group if requested.

e) ***Less than Significant Impact.*** Assembly Bill (AB) 52, which came into effect on July 1, 2015, requires that lead agencies consider the effects of projects on tribal cultural resources and conduct notification and consultation with federally and non-federally recognized Native American tribes early in the environmental review process. According to AB 52, it is the responsibility of the tribes to formally request of a lead agency that they be notified of projects in the lead agency's jurisdiction so that they may request consultation. As of the publication of this Initial Study, only one tribe, the Ione Band of Miwok Indians, has formally requested to be notified of projects within the City of Hayward. The City notified the tribe of the proposed project, in writing, on March 14th, 2016. According to AB 52, the tribe had 30 days from the receipt of the letter to request consultation with the City; no request for formal consultation was received by the City from the tribe within this 30 day period or after. In addition, though not required, the City also voluntarily contacted other local Native American tribes in the area to ask if they would like to consult on the proposed project. No responses were received as of the publication of this Initial Study. As discussed above, the project site is completely developed with buildings and a parking lot and no tribal cultural resources are known to be present on the site. With respect to archaeological resources and human remains that may be present beneath the development, mitigation measures are set forth above, including monitoring, to ensure that should these resources be present, they will be protected from damage and properly evaluated. For this reason, the proposed project is not expected to cause a substantial adverse change in the significance of tribal cultural resources, and this impact is considered less than significant.

Discussion of Potential Cumulative Impacts

Anticipated future development in some portions of Hayward has the potential to adversely affect cultural resources in the City. However, according to the *City of Hayward 2040 General Plan EIR*, with the implementation of goals, policies, and implementation programs listed in the City's General Plan, impacts to cultural resources within the City due to future growth would be less than significant (City of Hayward 2014c). Furthermore, as discussed above, with mitigation, the proposed project would have less than significant project-level impacts on cultural resources. Therefore, the proposed project's cumulative impact on cultural resources would be less than significant.

Issues	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
6. GEOLOGY AND SOILS – Would the project:				
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:				
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.	☐	☐	■	☐
ii) Strong seismic ground shaking?	☐	☐	■	☐
iii) Seismic-related ground failure, including liquefaction?	☐	■	☐	☐
iv) Landslides?	☐	☐	☐	■
b) Result in substantial soil erosion or the loss of topsoil?	☐	☐	■	☐
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	☐	■	☐	☐
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994) (California Building Code), creating substantial risks to life or property?	☐	☐	■	☐
e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?	☐	☐	☐	■

Relevant Elements of the Project and its Setting

A Geotechnical Report was prepared for the project site by Stevens, Ferrone & Bailey Engineering Company, Inc. (SFB), in November 2014. According to the Geotechnical Report, there are no active

earthquake faults extending across the surface of the subject site. However, the southwestern half of the project site is located within an Alquist-Priolo Earthquake Fault Zone associated with the Hayward fault and the eastern half of the project site is located within a seismic hazards zone due to liquefaction. According to the Association of Bay Area Governments (ABAG) and the U.S. Geological Survey, the site is located in an area mapped as having a likelihood of liquefaction in an earthquake and has been characterized as having liquefaction susceptibility. Finally, soils in the area of the project site have low plasticity and low expansion potential. A copy of the Geotechnical Report for the project site is provided in **Appendix E**.

Discussion of Potential Project Impacts

a)(i) ***Less than Significant Impact.*** As discussed above, there are no active earthquake faults extending across the surface of the subject site. However, the southwestern half of the project site is located within an Alquist-Priolo Earthquake Fault Zone associated with the Hayward fault. The nearest active fault traces shown within the Alquist-Priolo Fault Zone for the Hayward fault are located approximately 350 feet southwest of the site. Numerous fault location studies have been performed in the vicinity of the site. As part of most of these investigations, trenches were excavated across potential locations of fault traces. Trenches excavated immediately to the northwest and southeast (parallel to the recently active Hayward fault traces) of the portion of the project site located in the fault zone did not encounter any active fault traces. In summary, the only active fault traces reported in the available documents are located to the west of Main Street between Sunset Boulevard on the north and E Street on the south (SFB 2014). For this reason, the potential for surface fault rupture on the project site is low, and this impact is considered less than significant.

a)(ii) ***Less than Significant Impact.*** According to the U.S. Geological Survey, the project site is located within an area that has a moderately high ground shaking potential from an earthquake on the faults in the vicinity of the project site. However, the proposed project would be designed and constructed in accordance with the California Building Code, and thus would be consistent with the current prevailing standard of care for structural and civil engineering and seismic safety. Impacts associated with exposure to seismic groundshaking are thus expected to be less than significant.

a)(iii) ***Less than Significant Impact with Mitigation.*** As discussed above, the eastern half of the project site is located within area characterized as having liquefaction susceptibility and liquefaction related ground damage has been historically reported in the vicinity of the site. Saturated sands and medium dense gravels encountered in the onsite borings have a high potential for liquefying when subjected to a design basis earthquake event. It is estimated that the liquefaction of these soils if subjected to a design basis earthquake event may cause total aerial ground surface settlements of about 3 to 4 inches when using historically measured groundwater levels, with differential settlements of about 1-1/2 to 2 inches between typical building columns. This magnitude of settlement could also occur directly below the center of a building's mat slab foundation (or at a distance of about 30 feet), creating a "cupping" shape of the underlying supporting subgrade (SFB 2014). This represents a potentially significant impact. However, with implementation of **Mitigation Measures GEO-1** and **GEO-2**, which require that the building foundation be designed to resist 2 inches of differential settlement and that underground pipelines be designed to compensate for settlement, this impact would be reduced to a less than significant level.

> **Mitigation Measure GEO-1:** Building foundations shall be designed to resist 2 inches of differential settlement of the supporting soils.

Mitigation Measure GEO-2: Underground pipelines such as gas lines, sanitary sewers, and water services shall be properly designed to compensate for the settlement caused by the liquefaction of the underlying supporting soils.

a)(iv) ***No Impact.*** The project site is relatively flat and gently slopes to the east. The project site is not located in an area with landslide potential (City of Hayward 2014a). The site is therefore not subject to hazards related to landslides or landslide runout; this includes seismically induced and non-seismic landslides. No impact is anticipated with regard to this criterion.

b) ***Less than Significant Impact.*** The project site is currently developed with commercial office and residential use. As a result, the project would not result in direct loss of topsoil resources. However, construction of the proposed project would require grading and excavation, which would expose soil to erosion. As the proposed project would disturb more than 1 acre, coverage under the state's National Pollutant Discharge Elimination System (NPDES) General Permit for Discharges of Storm Water Associated with Construction Activity would be required prior to construction and the construction contractor would be required to file a notice of intent (NOI) with the State Water Resources Control Board and develop and implement a site-specific Storm Water Pollution Prevention Plan (SWPPP). The SWPPP is required to include Best Management Practices (BMPs) to control on-site erosion and off-site sedimentation, and to keep construction pollutants from coming into contact with storm water. In addition, the SWPPP would require that if any spills of materials known to be water pollutants or hazardous materials occur, the proper agencies would be contacted immediately (if necessary) and appropriate cleanup of the spill would take place as soon as possible. Erosion control measures that would be implemented during site grading and construction would include the use of straw hay bales, straw bale inlet filters, filter barriers, and silt fences. The City of Hayward would have oversight responsibility and would have the authority to shut down construction in the event the SWPPP is improperly implemented. With these measures in place, the impact related to substantial soil erosion during construction is expected to be less than significant. Once the project is constructed, the entire site will be under impervious surfaces or under landscaping. The potential for soil erosion under the proposed project would be minimal and the impact would be less than significant.

c) ***Less than Significant Impact with Mitigation.*** Issues related to seismically induced and non-seismic landslide hazards are discussed in the response to **Item (a)(iv)**, above. Issues related to liquefaction and related hazards are discussed in the response to **Item (a)(iii)**, above. Issues related to soil properties are discussed in the response to **Item (d)**, below.

Based on review of available literature, the results of the field exploration, and results of the liquefaction analyses, the potential for lateral spreading along San Lorenzo Creek to affect the site is low (SFB 2014).

Construction of the proposed project may require excavation. Excavated (cut) slopes could become unstable and subject to failure over the short term if they are improperly designed or implemented. However, as identified above, the project would be constructed in accordance with the City's adopted building code, which require the implementation of good grading practices and cut and fill slope stability.

Old fill materials were encountered in borings and extended to depths of about 2 feet. Deeper fills may exist elsewhere onsite. These fills are heterogeneous, and potentially weak and compressible, and thus could result in damaging differential settlement of overlying improvements (SFB 2014). This represents a potentially significant impact. However, with implementation of **Mitigation Measure GEO-3**, which

requires that existing fill soils be removed and re-compacted, this impact would be reduced to a less than significant level.

> **Mitigation Measure GEO-3:** Fills shall be completely removed and re-compacted. Over-excavation should extend to depths where competent soil is encountered. The over-excavation and re-compaction should also extend at least 5 feet beyond building footprints and at least 3 feet beyond exterior flatwork, including driveways and pavement wherever possible. Where over-excavation limits abut adjacent property, a determination of the actual vertical and lateral extent of over-excavation shall be conducted so that the adjacent property is not adversely impacted. Over-excavations shall be performed so that no more than 5 feet of differential fill thickness exists below the proposed building foundations.

d) ***Less than Significant Impact.*** As discussed above, soils on the project site have a low plasticity and low expansion potential. Additionally, the proposed project would adhere to the City's adopted building code, which includes detailed provisions that require that the foundations of new buildings are designed and constructed appropriate to site soil conditions, including requirements to address expansive and otherwise problematic soils. Thus, the impact from expansive soils would be less than significant.

e) ***No Impact.*** The proposed project would not involve the installation of septic tanks or alternative wastewater disposal systems. Additionally, wells and septic systems, if any, would be abandoned in accordance with Alameda County Environmental Health standards. There would be no impact with regard to this criterion.

Discussion of Potential Cumulative Impacts

According to the *City of Hayward 2040 General Plan EIR*, with the implementation of goals, policies, and implementation programs listed in the City's General Plan, impacts to geology and soils within the City due to future growth would be less than significant (City of Hayward 2014c). Furthermore, as discussed above, with mitigation, the proposed project would have less than significant project-level impacts with respect to geology and soils. Therefore, the proposed project's cumulative impact with respect to geology and soils would be less than significant.

Issues	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
7. GREENHOUSE GAS EMISSIONS – Would the project:				
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	☐	☐	■	☐
b) Conflict with any applicable plan, policy or regulation of an agency adopted for the purpose of reducing the emissions of greenhouse gases?	☐	☐	■	☐

Relevant Elements of the Project and its Setting

An Air Quality and Greenhouse Gas Assessment was prepared for the proposed project by Illingworth & Rodkin, Inc., in December 2015. A copy of the Air Quality and Greenhouse Gas Assessment for the proposed project is provided in **Appendix B**. After the assessment was prepared the project description was revised to include an additional five residential units. As a result, an addendum to the Air Quality and Greenhouse Gas Assessment was prepared to confirm the findings of the assessment. A copy of the addendum is also provided in **Appendix B.**

The BAAQMD has published significance thresholds in the *BAAQMD CEQA Air Quality Guidelines* in order to identify projects that would have an individually and cumulatively significant impact on local air quality. The guidelines also provide guidance and significance thresholds for evaluating the impacts from a project's greenhouse gas (GHG) emissions.

A project's impact relative to CEQA checklist criterion (a) above may be evaluated by performing a direct calculation of the GHG emissions resulting from the proposed project and comparing the emissions with the BAAQMD CEQA thresholds of significance for GHG emissions. The BAAQMD thresholds were developed specifically for the Bay Area after considering the latest Bay Area GHG inventory and the effects of AB 32 scoping plan measures that would reduce regional emissions. The BAAQMD intends to achieve GHG reductions from new land use developments to close the gap between projected regional emissions with AB 32 scoping plan measures and the AB 32 targets. As **Table 10, BAAMQD CEQA Significance Thresholds – Greenhouse Gas Emissions,** shows, GHG thresholds include a bright-line threshold of 1,100 metric tons of CO2e per year (MTCO2e/yr) for operational emissions from non-stationary sources associated with a land development project. Projects that have non-stationary source operational emissions below 1,100 metric tons of CO2e per year are considered to have less than significant GHG emissions. For projects that result in non-stationary source operational emissions that exceed the bright-line threshold, the BAAQMD put forth a GHG efficiency threshold of 4.6 metric tons CO2e/service person/year (where service persons are residents and employees). Projects that have non-stationary source operational emissions below 4.6 metric tons of CO2e/service person/year are considered to have less than significant GHG emissions. There are no thresholds put forth by the BAAQMD for evaluating the significance of a project's construction-phase GHG emissions, although the BAAQMD recommends that emissions be quantified, reported, and evaluated.

A project's impact relative to criterion (b) above may be evaluated by demonstrating compliance with plans, policies, or regulations adopted by local governments to curb GHG emissions, such as an adopted Qualified Greenhouse Gas Reduction Strategy or a Climate Action Plan (CAP).

Table 10
BAAQMD CEQA Significance Thresholds - – Greenhouse Gas Emissions.

Pollutant	Construction	Operation
Greenhouse Gases (GHG)	—	1,100 MT CO_2e/year; or 4.6 MT CO_2e/SP/year

Source: Bay Area Air Quality Management District, California Environmental Quality Act Air Quality Guidelines, 2011

Discussion of Potential Project Impacts

a) ***Less than Significant Impact***. GHG emissions were computed for the construction period and the occupancy or operations of the proposed project. Specifically, emissions were computed for both construction and operation of the project using the CalEEMod model in the same manner as used to predict criteria air pollutants.

Construction GHG Emissions

Construction phases included demolition, site preparation, site grading, trenching, some paving, building construction, and application of architectural coatings. Annual CO2 emissions associated with construction would occur from 2017 into 2018. Construction of the project would emit an estimated 680 metric tons (MT) of CO2e. Neither the City of Hayward nor BAAQMD have quantified thresholds for construction activities. However, the annual emissions would be below the lowest operational emissions threshold of 1,100 MTCO2e set forth by BAAQMD.

Operational GHG Emissions

The CalEEMod model along with the project vehicle trip generation rates were used to predict operational period GHG emissions associated with occupancy of a fully developed site under the proposed project. **Table 11, Annual Project GHG Emissions**, presents the estimated emissions for the proposed project. The increase would be 1,680 MTCO2e/yr, which would exceed the bright-line significance threshold of 1,100 MTCO2e/yr. However, if the emissions associated with the project are divided by the service population (net new residents and employees) associated with the project, the project would result in per capita emissions of 2.2 MT CO2e/capita/yr which would not exceed the efficiency threshold of 4.6 MTCO2e/capita/yr.

Table 11
Annual Project GHG Emissions

Source Category	Proposed Project CO2e Emissions in Metric Tons per year
Area	11
Energy Consumption	560
Mobile	1,003
Solid Waste Generation	51
Water Usage	55
Total	**1,680**
Per Capita Emissions	2.2
Threshold	**4.6**
Exceed Threshold?	**No**

Source: Illingworth & Rodkin, 2015

b) ***Less than Significant Impact***. Implementation of the proposed project would result in a significant impact related to GHG emissions if the project would conflict with an applicable plan, policy, or regulation concerning greenhouse gas reductions. The City of Hayward adopted a CAP on July 28, 2009. The 2009 CAP was designed to reduce communitywide emissions 12.5 percent below 2005 levels by the year 2020, and to set the City on a course to achieve a long-term emission reduction goal of 82.5 percent below 2005 levels by the year 2050 (Illingworth & Rodkin 2015).

The recently adopted Hayward 2040 General Plan integrates and updates the comprehensive, communitywide GHG emission reduction strategy contained in the City's 2009 CAP to achieve a GHG emission reduction target of 20 percent below 2005 levels by the year 2020. The General Plan also recommends longer-term goals for GHG reductions of 61.7 percent below 2005 levels by the year 2040 and 82.5 percent below 2005 levels by the year 2050 (Illingworth & Rodkin 2015).

The General Plan contains a comprehensive list of specific General Plan policies and programs that constitute the City's updated GHG emission reduction strategy. These policies and programs contain GHG emission reduction measures that apply to both existing and new development. Implementation of these measures would reduce GHG emissions by more than 20 percent below 2005 levels by the year 2020 when combined with State and federal programs. The City of Hayward considers the City's 2009 CAP combined with the Hayward 2040 General Plan to be a Qualified Greenhouse Gas Reduction Strategy.

One purpose of the Qualified Greenhouse Gas Reduction Strategy is to streamline the decision-making process regarding a proposed project's impact on GHG emissions within the City. The proposed project would not require a General Plan Amendment that would alter the projected GHG emissions for the City of Hayward, and thus the project's consistency with relevant CAP measures and actions has been used to evaluate the significance of this impact. **Table 12, City of Hayward GHG Reduction Strategies Applicable to the Proposed Project**, summarizes the City's GHG reduction strategies that are applicable to the type of project that is proposed and the proposed project's consistency with these strategies. For

purposes of CEQA, a project that is consistent with a Qualified Greenhouse Gas Reduction Strategy has a less than significant GHG emissions impact.

Table 12
City of Hayward GHG Reduction Strategies Applicable to the Proposed Project

Applicable Policies		Project Applicability
Policy NR-2.10 Zero-Emission and Low-Emission Vehicle Use	The City shall encourage the use of zero-emission vehicles, low-emission vehicles, bicycles and other non-motorized vehicles, and car-sharing programs by requiring sufficient and convenient infrastructure and parking facilities throughout the City.	The proposed project would provide parking spaces with electric charging stations, bicycle parking and pedestrian access.
Policy NR-4.1 Energy Efficiency Measures	The City shall promote the efficient use of energy in the design, construction, maintenance, and operation of public and private facilities, infrastructure, and equipment.	The proposed project would comply with the City's Green Building Ordinance for Private Development.
Policy NR-4.11 Green Building Standards	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.	The proposed project would comply with the City's Green Building Ordinance for Private Development and with local and state building codes that regulate energy efficiency.
Policy NR-4.13 Energy Use Data	The City shall consider requiring disclosure of energy use and/or an energy rating for single family homes, multifamily properties, and commercial buildings at certain points or thresholds.	The proposed project would make energy consumption data available to the City upon request.
Policy NR-6.9 Water Conservation	The City shall require water customers to actively conserve water year-round, and especially during drought years.	The proposed project would utilize drought resistant landscaping, efficient drip irrigation systems, and low flow faucets and toilets.
Policy M-1.6 Bicycling, Walking, and Transit Amenities	The City shall encourage the development of facilities and services, (e.g., secure term bicycle parking, street lights, street furniture and trees, transit stop benches and shelters, and street sweeping of bike lanes) that enable bicycling, walking, and transit use to become more widely used modes of transportation and recreation.	The proposed project would include bicycle and pedestrian amenities to encourage alternate modes of transportation.
Goal M-5 Pedestrian Facilities	Provide a universally accessible, safe, convenient, and integrated pedestrian system that promotes walking.	The proposed project would provide pedestrian access.
Policy M-6.5 Connections between New Development and Bikeways	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.	The proposed project would provide bicycle access and amenities per City requirements and would not interfere with existing or planned bicycle facilities.
Policy M-8.3 Employer-Based Strategies	The City shall encourage employers to participate in TDM programs (e.g., guaranteed ride home, subsidized transit passes, carpool and vanpool programs) and to participate in or create Transportation Management Associations to reduce parking needs and vehicular travel.	The proposed project would provide preferred parking for carpools.

Applicable Policies		Project Applicability
Policy M-8.5 Commuter Benefits Program	The City shall assist businesses in developing and implementing commuter benefits programs (e.g., offers to provide discounted or subsidized transit passes, emergency ride home programs, participation in commuter rideshare programs, parking cash-out or parking pricing programs, or tax credits for bike commuters).	This policy is not applicable as the project applicant has no control over individual tenants that would occupy the renovated medical office building.
Policy M-9.9 Alternative Fuel Vehicle Parking	The City shall require new private parking lots to grant low-carbon vehicles access to preferred parking spaces, and shall require new private parking lots to provide electric vehicle charging facilities.	The proposed project would provide electric vehicle parking stations.
Policy PFS-7.12 Construction and Demolition Waste Recycling	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.	The proposed project proposes to divert 50 percent of construction waste from landfills.
Policy PFS-7.14 Commercial Recycling	The City shall encourage increased participation in commercial and industrial recycling programs, and strive to comply with the recycling provisions approved by the Alameda County Waste Management Authority Board.	This policy is not applicable as the project applicant has no control over individual tenants that would occupy the renovated medical office building.

Source: Illingworth & Rodkin, 2015; Impact Sciences, 2016

Discussion of Potential Cumulative Impacts

As the impact from a project's GHG emissions is essentially a cumulative impact, the analysis presented above provides an adequate analysis of the proposed project's cumulative impacts related to GHG emissions.

Issues	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
8. HAZARDS AND HAZARDOUS MATERIALS – Would the project:				
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	☐	☐	■	☐
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	☐	■	☐	☐
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	☐	☐	☐	■
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	☐	☐	■	☐
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within 2 miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?	☐	☐	☐	■
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?	☐	☐	☐	■
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	☐	☐	☐	■

Issues	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
h) Expose people or structures to a significant risk of loss, injury, or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	☐	☐	☐	■

Relevant Elements of the Project and its Setting

Hazardous Materials

Two Phase I Environmental Site Assessments (ESAs) were prepared for the project site by PES Environmental, Inc. (PES), in August 2015. The purpose of the Phase I ESAs was to evaluate potential hazards on and in the vicinity of the project site. In response to the findings of the Phase I ESAs, two limited subsurface investigation reports were prepared. The findings of the two Phase I ESAs and two limited subsurface investigation reports are summarized below and copies of the ESAs and limited subsurface investigation reports are located in **Appendix F**.

Site Investigations

Limited subsurface investigations were conducted on the project site in November and December 2014. The investigations included grab groundwater and soil gas sampling. Nearly all constituents detected in the groundwater samples were below Regional Water Quality Control Board (RWQCB) Environmental Screening Levels (ELSs) and California Maximum Contaminant Levels (MCLs). However, Tetrachloroethylene (PCE) was detected in one groundwater sample above California MCL. Based on the low concentrations of the detected Volatile Organic Compounds (VOCs), there does not appear to be significant vapor intrusion concerns for commercial or residential use of the site resulting from impacts to groundwater beneath the site (PES 2015b; PES 2015d).

According to the limited subsurface investigations, numerous VOCs were detected in soil gas samples taken in the vicinity of the hospital complex. Relatively elevated concentrations of PCE were detected in five of the six soil gas samples collected in the northeastern portion of the hospital complex while relatively elevated concentrations of PCE were detected in six of eight soil gas samples collected on 22471 and 22477 Maple Court. The concentrations of PCE detected in the northeastern portion of the site may be attributable to a known release off-site at 22401-22487 Foothill Boulevard while the concentrations of PCE at 22471 and 22477 Maple Court are likely attributable to an historic release of PCE on-site related to the former dry cleaning operation at 22477 Maple Court (PES 2015b; PES 2015d). All of the VOCs and PCE were detected at concentrations below applicable commercial ESLs, which indicate that current soil gas conditions do not represent an unacceptable risk to current users due to exposure to soil vapor. However, the detected concentrations of PCE are above the conservative residential ESL (PES 2015b; PES 2015d).

Site Observations

An inspection of the medical office complex revealed the presence of several electrical transformers in the northern portion of the project site. A generator was observed in the interior equipment courtyard of the complex; however, the fuel source for the generator was not identified. Dry cleaning detergent was also observed in the basement maintenance room; however, no chlorinated solvents or dry cleaning units were observed. A 55-gallon drum was observed in the basement area of the medical office complex; the drum contents were not identified and the drum was not stored in secondary containment. Used fluorescent lights were observed in a storage closet in the basement. Three elevator machine rooms in the basement of the medical office complex were inspected; evidence of leakage or spills of hydraulic fluid within the elevator rooms was observed. Finally, a biohazard waste storage area was observed in the northern portion of the site (PES 2015a).

Regulatory Agency Records

The medical office complex is listed on the United States Environmental Protection Agency (US EPA) Facility Index System (FINDS), US EPA Integrated Compliance Information System (ICIS), California Hazardous Waste Information System (HAZNET) and United States Aerometric Information Retrieval System (AIRS) databases. The listings were for photochemical waste and asbestos-containing waste removal listed under various medical practice occupants. In general, the complex is not expected to pose significant environmental concerns as no regulatory violation or other evidence suggesting possible environmental impact related to the generation or storage of hazardous materials, or disposal of waste was identified and the complex has received regulatory closure from the appropriate regulatory agency (PES 2015a). In addition, the project site is not listed on the GeoTracker or EnviroStor websites (PES 2015a; PES 2015c). Finally, the Hayward Building Department (HBD) and the Hayward Fire Department (HFD) have files on two of the following buildings on the project site (PES 2015c):

- **22475 Maple Court** – Historical records indicate the former use of the property as a Dry-Clean-O-Mat. HBD records indicate the former presence of rows of dry cleaning units with dry cleaning reservoirs.

- **22479 Maple Court** – HFD records indicate the use of PCE as part of the former business occupant. City records indicate that Copyrama, Inc. occupied the address from 1976 to 1982.

Regulatory Agency Records for Offsite Facilities

Several sites in the subject site vicinity are listed on the hazardous material release and storage database (PES 2015a; PES 2015c). However, most of the sites listed are not expected to present significant environmental concerns to the project site based on one or more of the following reasons: (1) the listed property has received case closure from the appropriate regulatory agency; (2) the listed property is either cross-gradient or downgradient of the project site with respect to the inferred regional groundwater flow direction; (3) the listed property is a soils-only affected case; and (4) the listed property is located at too great a distance to represent a significant environmental concern with respect to the project site. The sites of interest closest to the project site are described in more detail below.

- **22401-22487 Foothill Boulevard (Selix Formal Wear) –** This site is located approximately 125 feet northeast of project site. The site is currently overseen by RWQCB. In 2013-2014, an investigation

indicated that PCE and Trichloroethylene (TCE) were detected in soil gas beneath the building at concentrations exceeding ESLs for commercial land use. Based on the reported investigation results, the RWQCB directed the preparation of a Remedial Action Work Plan to address the elevated soil gas concentrations that present a potential health risk at the building; the RWQCB concurred that groundwater was not impacted significantly and no further groundwater investigation was required. Lateral definition of VOC-affected soil gas has not been conducted (PES 2015a).

- **22475 Maple Court (Former Vamco Dry Cleanomat) –** A former dry cleaning operation reportedly operated at the adjacent upgradient property during the 1920s through 1960s (PES 2015a).

- **1034 A Street (Former Automat Coin Laundrette** – A former cleaning operation reportedly operated at this adjacent property between the 1950s and 1960s. On-site investigation of potential impacts from any unauthorized discharges from the cleaner does not appear to have been conducted (PES 2015a).

- **1000/1010 A Street (Former Ravano Auto Service Station)** – An auto service gasoline station was reportedly located at this adjacent upgradient property between the 1920s and 1960s. No documents indicating subsurface environmental conditions at the site were identified (PES 2015a)**.**

Airport Hazards

The Hayward Executive Airport is located approximately 2.4 miles southwest of the project site. According to the *City of Hayward 2040 General Plan Background Report*, the project site is not located within the airport's Area of Influence (City of Hayward 2014a).

Fire Hazards

The City of Hayward is an urbanized community with open hillsides to the east. Therefore, the greatest fire risk in Hayward is structural and urban fires. Hayward's historic downtown area is especially susceptible to structure fire hazards due to the presence of historic structures dating back to the 1850s. These structures were built according to older building standards and fire codes that are now outdated and have been superseded by current codes (City of Hayward 2014a).

Hazards Response

The City of Hayward has adopted the ABAG Multi-Jurisdictional Local Hazard Mitigation Plan as the City's Local Hazard Mitigation Plan. The ABAG Plan involves local agencies throughout its nine-county Bay Area jurisdiction, with an overall strategy to maintain and enhance disaster response of the region, as well as to fulfill the requirements of the Federal Disaster Mitigation Act of 2000. Each partner jurisdiction (including Hayward) has submitted an "Annex" document that contains jurisdiction-specific hazard mitigation strategies to attach to the Multi-Jurisdictional Plan (City of Hayward 2014a). The Multi-Jurisdictional Local Hazard Mitigation Plan addresses the City's planned response to extraordinary emergency situations associated with natural disasters.

Discussion of Potential Project Impacts

a) ***Less than Significant Impact.*** Although hazardous materials, including fuel, lubricants, and cleaning products, would be used on-site during project construction, compliance with local, state, and federal

regulations, including NPDES regulations that require proper containment and control of hazardous materials used during construction as part of the project's stormwater pollution prevention plan, would minimize risks associated with the routine transport, use, or disposal of hazardous materials during project construction. The operation of the proposed residential and commercial project would not involve the routine transport, use, or disposal of hazardous materials, other than fuel, cleaning products, and maintenance materials. Due to the nature of the materials and the quantities used, impacts with regard to the routine transport, use, or disposal of hazardous materials are expected to be less than significant.

b) ***Less than Significant Impact with Mitigation.*** The Phase I ESAs prepared for the project site found the following recognized environmental concerns in connection with the project site:

- Evidence of leakage or spills of hydraulic fluid within the elevator rooms in the basement of the medical office complex.

- Elevated concentrations of PCE detected in soil gas samples collected near the four-story medical building.

- Detections of VOCs in soil vapor and groundwater likely caused by releases from the former dry cleaning operation at 22477 Maple Court.

Exposure of Project Site Residents to On-site Subsurface Contamination

As discussed above, according to the limited subsurface investigations conducted on the project site, almost all the constituents detected in groundwater samples were below RWQCB ESLs and California MCLs. However, PCE was detected in one groundwater sample above California MCL. Based on the low concentrations of the detected VOCs, there does not appear to be significant vapor intrusion concerns for commercial or residential use of the site resulting from impacts to groundwater beneath the site.

However, as discussed above, relatively elevated concentrations of PCE were detected in the soil gas samples taken in the vicinity of the hospital complex and on 22471 and 22477 Maple Court, and these concentrations were noted to be above the conservative residential ESL. As a result, the proposed project could expose future residential users to hazards associated with elevated levels of PCE in soil, and this impact is considered potentially significant. However, with the implementation of **Mitigation Measure HAZ-1**, which requires the employment of industry standard vapor barriers along with passive ventilation system, this impact would be reduced to a less than significant level.

> **Mitigation Measure HAZ-1:** The applicant shall install industry standard vapor barriers along with passive ventilation systems as part of the proposed project.

Exposure of Construction Workers to On-site Subsurface Contamination

Due to historical uses of the project site and detections of VOCs in soil gas and groundwater underlying the property, contamination on the project site could also pose a human health risk for the construction workers during construction of the proposed project. This also represents a potentially significant impact. However, with implementation of **Mitigation Measure HAZ-2**, which requires the development and implementation of a Site Management Plan, this impact would be reduced to a less than significant level.

> **Mitigation Measure HAZ-2:** A Site Management Plan shall be developed and implemented with approval and oversight by the appropriate regulatory agency in the event that unanticipated subsurface environmental conditions are encountered following the demolition of the hospital complex. The Site Management Plan shall include, but would not be limited to, procedures for removal or on-site management of contaminated soil, procedures for removal of Underground Storage Tanks (USTs) if any are encountered, and the protection of construction workers from exposure to impacted soil through measures included in a health and safety plan.

During site observations, three elevator machine rooms in the basement were inspected. A drum of hydraulic oil was observed in one elevator room and evidence of leakage or spills of hydraulic fluid were observed in each room. To address concerns from these hydraulic oil releases, the Site Management Plan required by **Mitigation Measure HAZ-2** would provide direction for the cleanup of these contaminated areas. The Site Management Plan would also include procedures for removal or on-site management of contaminated soil, procedures for removal of USTs, and the protection of construction workers from exposure to impacted soil through measures included in a health and safety plan.

Exposure to ACMs and Lead-based Paints

The project site is currently occupied by a medical office complex consisting of three medical office buildings and a single family residence. Other structures on the project site include a commercial building and a vacant residence along Maple Court. This development would be demolished, with the exception of one medical office building, prior to construction of the proposed project. According to the Phase I ESAs, asbestos containing materials (ACM) and lead-based paint (LBP) may be present due to the age of the existing buildings (PES 2015a; PES 2015c), and during demolition, these materials may be released thus posing a hazard to the public and the environment. Other hazardous materials that are commonly found in building materials include fluorescent lighting, electrical switches, heating/cooling equipment, and thermostats that can contain hazardous materials. These may also be present in the buildings to be demolished, which may pose a health risk if not handled and disposed of properly. This represents a potentially significant impact. However, with the implementation of **Mitigation Measure HAZ-3**, which requires that the existing buildings on site be surveyed for ACM, LBP and other hazardous materials prior to significant renovation or demolition and in the event that any of these materials are detected, appropriate removal and containment protocols be implemented before and during building demolition, this impact would be reduced to a less than significant level.

> **Mitigation Measure HAZ-3**: Prior to any significant renovation of the medical office building and the demolition of the other existing structures, asbestos containing materials (ACM) and lead-based paint (LBP) surveys shall be conducted to determine the presence of hazardous building materials. Should ACMs, LBP or other hazardous substance containing building materials be identified, these materials would be removed using proper techniques in compliance with all applicable State and federal regulations, including the BAAQMD rule related to asbestos.

c) ***No Impact***. The project is not located within 0.25 mile of a school and is not a source of toxic air emissions. There would be no impact with respect to this criterion.

d) ***Less than Significant Impact.*** The project site is not included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 (Cortese List). However, as discussed above, the project site is listed on a number of other government databases. The listings were for photochemical waste and asbestos-containing waste removal associated with the medical building complex. However,

the complex is not expected to pose significant environmental concerns as no regulatory violation or other evidence suggesting possible environmental impact related to the generation or storage of hazardous materials, or disposal of waste was identified and the complex has received regulatory closure from the appropriate regulatory agency. The impact with respect to this criterion would be less than significant.

e) ***No Impact.*** Hayward Executive Airport is a city-owned, public-use airport located approximately 2.1 miles southwest of the project site, and Oakland International Airport is a public-use airport owned by the Port of Oakland that is located approximately 7.4 miles northwest of the project site. The project site is not located within the airport influence areas of either airport. Therefore, the proposed project would not result in a safety hazard for people living on the project site. There would be no impact with regard to this criterion.

f) ***No Impact.*** There are no private airstrips in the vicinity of the project site, and there would be no impact with regard to this criterion.

g) ***No Impact***. The City of Hayward has adopted ABAG's Multi-Jurisdictional Local Hazard Mitigation Plan as its Local Hazard Mitigation Plan. Construction of the proposed project would occur within the boundary of the project site, and street closure during project construction is not anticipated. Therefore, the project would not impede any emergency routes listed in the plan. There would be no impact with respect to this criterion.

h) ***No Impact.*** The project site is located in an urban area. It is not located in a wildland area, and there would be no impact with regard to this criterion.

Discussion of Potential Cumulative Impacts

Anticipated future development in Hayward has the potential to expose the public and the environment to risks associated with hazards from on-site contamination and routine use of hazardous materials. However, according to the *City of Hayward 2040 General Plan EIR*, with the implementation of goals, policies, and implementation programs listed in the City's General Plan, impacts related to hazards and hazardous materials within the City due to future growth would be less than significant (City of Hayward 2014c). Furthermore, as discussed above, with mitigation, the proposed project would not expose the public or the environment to potential on-site contamination during construction. In addition, while the proposed project would involve the continued routine use of small amounts of hazardous materials during occupancy, the use of these materials on the project site would comply with all applicable local, state, and federal regulations. Therefore, the proposed project's cumulative impact with respect to hazards and hazardous materials would be less than significant.

Issues	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
9. HYDROLOGY AND WATER QUALITY – Would the project:				
a) Violate any water quality standards or waste discharge requirements?	☐	☐	■	☐
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?	☐	☐	■	☐
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on or off site?	☐	☐	■	☐
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on or off site?	☐	☐	■	☐
e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?	☐	☐	■	☐
f) Otherwise substantially degrade water quality?	☐	☐	■	☐
g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	☐	☐	☐	■
h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?	☐	☐	☐	■

Issues	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?	☐	☐	☐	■
j) Inundate by seiche, tsunami, or mudflow?	☐	☐	☐	■

Relevant Elements of the Project and its Setting

Groundwater

The City of Hayward is underlain by the Santa Clara Valley Groundwater Basin which comprises four sub basins. The project site is located within the East Bay Plain Sub basin. Historically, groundwater in the vicinity of the site has been measured at depths of about 15 feet. During the geotechnical investigation of the project site by SFB in late 2014, groundwater was initially encountered in the borings at depths of about 25 to 27 feet and later it rose to depths of about 22 and 23 feet at the end of drilling (SFB 2014).

Surface Water

Several creeks and storm drains originate or pass through the City of Hayward. While the nearest body of water to the project site is San Lorenzo Creek, which is located approximately 150 feet north of the site, the project site is located within the Sulphur Creek watershed.

The major storm drainage facilities in Hayward are owned and maintained by the Alameda County Flood Control and Water Conservation District (ACFCWCD). Stormwater runoff from the City of Hayward is collected by the City's storm drain system and conveyed to underground storm drain lines or open channels owned by the ACFCWCD.

Flooding

According to the *City of Hayward 2040 General Plan Background Report*, the project site is located within a moderate flood hazard area (City of Hayward 2014a). However, according to the Federal Emergency Management Agency (FEMA), the project site is located in Flood Zone X, which is defined as an area of minimal flood hazard, usually above the 500-year flood level (FEMA 2009).The project site is not in an area that could be inundated due to the failure of a nearby dam.

Discussion of Potential Project Impacts

a, f) ***Less Than Significant Impact.*** During construction of the proposed project, there is a potential for increased erosion, sedimentation, and discharge of polluted runoff from the project site. As discussed in **Subsection IV.6.b**, NPDES regulations require that the proposed project develop and implement a SWPPP, including control measures (or Best Management Practices) to control erosion and release of sediment and other pollutants from the site. Excavations for the proposed project would not be deep

enough such that groundwater could be intercepted. Therefore, the proposed project will not require dewatering and there is no potential for the proposed project to negatively impact surface water quality from the discharge of contaminated groundwater. As a result, the impact to water quality from construction activities would be less than significant.

Most of the project site is currently developed with impervious surfaces and development of the proposed project would maintain or slightly reduce the amount of impervious surfaces on the site. As a result, the amount of runoff generated on the project site would be the same or slightly less than existing conditions. The site runoff is subject to requirements listed in provision C.3 of the San Francisco Bay Region Municipal Regional Stormwater NPDES Permit (or MRP) (Regional Water Quality Board Order R2-2009-0074; and Order R2-2011-0083). This permit requires permittees to comply with the discharge prohibitions and receiving water limitations through the timely implementation of control measures and other actions as specified in the permit (San Francisco Bay RWQCB 2009). Development on the project site would be required by law to comply with applicable NPDES requirements for stormwater quality. The project design includes a series of stormwater treatment systems to comply with the permit, including bioretention areas along the sides of the surface parking lot adjacent to the medical office building, planter boxes throughout the residential development to treat roof runoff, and pervious pavers in several portions of the site to minimize runoff. Therefore, development of the proposed project would not result in any storm water discharges that would violate water quality standards or waste discharge requirements. The impact to water quality would be less than significant during operation.

b) ***Less Than Significant Impact.*** The project site is underlain by the East Bay Plain sub basin. The project would not use groundwater as a source of water supply. Development of the proposed project would maintain or slightly reduce the amount of impervious surfaces on the site compared to existing conditions. Therefore, there would not be a reduction in the amount of land available for groundwater recharge. The impact would be less than significant.

c) ***Less Than Significant Impact.*** Storm water generated on the project site following the development of the proposed project would be directed toward existing storm drainage facilities serving the project site. As discussed in response to **Item 6(b)** above, the proposed project would be required to control soil erosion or siltation during construction through the preparation and implementation of a SWPPP. Implementation of the SWPPP would reduce the potential for erosion on the project site and minimize the discharge of sediment into the storm drain system. Once the proposed project is constructed, the proposed project would be under impervious surfaces (buildings, pavement, etc.) and landscaping. This would minimize the potential for erosion and sedimentation in the long term. In addition, the project's stormwater drainage system would be designed so that post-project runoff rates and durations shall not exceed estimated pre-project rates and duration in accordance with criteria listed in the *Alameda County C.3 Stormwater Technical Guidance Handbook*, thus preventing erosion on- or off-site. Therefore, this impact is considered less than significant.

d) ***Less Than Significant Impact.*** There are no existing flooding problems on the project site, and the project built on-site would be designed to control for on-site flooding. As discussed in the previous response above, storm water generated by development of the proposed project would be directed toward existing storm drainage facilities serving the project site, and post-project runoff rates and durations shall not exceed estimated pre-project rates and duration, thus preventing flooding on- or off-site. Therefore, this impact is considered less than significant.

e) ***Less Than Significant Impact***. As discussed above, post-project runoff rates and durations shall not exceed estimated pre-project rates and duration. See response to **Item 9(a)**, above, with regard to water quality. The proposed project would be required to implement a SWPPP, which will include erosion and pollution control measures, to control off-site sediment delivery during construction. During operation of the proposed project all runoff generated on the project site would be subject to the requirements listed in provision C.3 of the MRP. As a result, development of the proposed project would not provide substantial additional sources of polluted runoff. Therefore, this impact is considered less than significant.

g-h) ***No Impact***. The project site is not located within a 100-year flood zone. The project site is located within Flood Zone X, which is defined as an area of minimal flood hazard, usually above the 500-year flood level (FEMA 2009). As a result, development of the proposed project would not place housing or structures within an area at risk of flood flows. There would be no impact with regard to this criterion.

i) ***No Impact.*** The project site is not located within the inundation area of any nearby dam (County of Alameda 2016). Therefore, development of the proposed project would not expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam. There would be no impact with regard to this criterion.

j) ***No Impact.*** The project site is located well inland from the San Francisco Bay and no significant bodies of water are located in the vicinity of the site. As a result, the project site is not at risk of seiche or tsunami inundation. Because of the location of the project site in flat topography at a substantial distance from the Hayward hills, there is no risk of debris flow or mudflow. There would be no impact with regard to this criterion.

Discussion of Potential Cumulative Impacts

Anticipated future development in Hayward has the potential to result in the violation of water quality or waste discharge requirements, alter drainage patterns, or result in flooding. However, according to the *City of Hayward 2040 General Plan EIR*, with the implementation of goals, policies, and implementation programs listed in the City's General Plan, impacts related to hydrology and water within the City due to future growth would be less than significant (City of Hayward 2014c). Furthermore, as discussed above, the project would comply with NPDES regulations and City requirements related to storm water runoff during construction and operation. In addition, all storm water on the project site would be routed to the City's storm drain system. Finally, the project site is not located within a 100-year flood zone, dam inundation area, or a tsunami inundation area. Therefore, the proposed project's cumulative impact with respect to hydrology and water quality would be less than significant.

Issues	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
10. LAND USE AND PLANNING – Would the project:				
a) Physically divide an established community?	☐	☐	☐	■
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	☐	☐	■	☐
c) Conflict with any applicable habitat conservation plan or natural community conservation plan?	☐	☐	☐	■

Relevant Elements of the Project and its Setting

The project site is located in downtown Hayward within a mixed commercial and residential area (see **Figure 12, Existing and Surrounding Uses**). The project site is designated CC-ROC (Retail and Office Commercial) in the *Hayward 2040 General Plan* and zoned CC-C (Central City Commercial) per the *Hayward Zoning Map*.

Discussion of Potential Project Impacts

a) ***No Impact.*** The project site is located in central Hayward, a highly developed urban area. The proposed project would construct residential and retail uses on a site that was previously developed and would not involve the vacation of any public streets or pedestrian access ways. As a result, development of the proposed project would not physically divide an established community. There would be no impact with regard to this criterion.

b) ***Less Than Significant Impact.*** The project site is designated CC-ROC (Retail and Office Commercial) in the *Hayward 2040 General Plan* and zoned CC-C (Central City Commercial) per the *Hayward Zoning Map.* Both the CC-ROC general plan land use designation and CC-C zone designation allow a mix of residential and retail land uses on the project site by right. The maximum intensity allowed within the CC-ROC general plan land use designation is a floor-to-area ratio (FAR) of 1.5 while the maximum residential density allowed under this designation is dependent upon zoning with a maximum density of 65 dwelling units per acre allowed within the CC-C zone. As the proposed project would have an FAR of 0.3 and a density of 61.1 dwelling units per acre, the proposed project would not conflict with applicable intensity and density standards for the project site. However, residential uses within the CC-C zone are only allowed above first floor commercial uses. As the proposed project would provide residential units on the ground floor, the project would require a conditional-use permit to allow ground–floor residential. With the approval of the conditional-use permit, the proposed project would not conflict with the General Plan land use designation for the project site.

A detailed analysis of the proposed project's consistency with applicable General Plan land use and parking policies is provided in **Table 13, Land Use and Parking Policies Applicable to the Proposed Project**. It should be noted that the policies found in the City's General Plan serve as guiding principles that are intended to implement a vision of the future for the City. These policies are not intended to provide specific standards and limitations on development; that role is reserved for the zoning ordinance and other applicable plans. Each development is unique and must be evaluated on its merits as to whether it meets the overall vision for the site, the surrounding neighborhood context, and the City as a whole. A certain development may meet some but not all General Plan policies and yet still be found consistent with the overall vision and intent of the General Plan. As shown in **Table 13**, the proposed project would not conflict with these applicable General Plan policies.

Table 13
City of Hayward Land Use and Parking Policies Applicable to the Proposed Project

Applicable Policies		Project Consistency
Land Use		
Policy LU-1.3 Growth and Infill Development	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.	The proposed project is a mixed-use residential project located on several developed parcels in Downtown Hayward.
Policy LU-1.4 Revitalization and Redevelopment	The City shall encourage property owners to revitalize or redevelop abandoned, obsolete, or underutilized properties to accommodate growth.	A majority of the structures on the project have either been abandoned or are underutilized.
Policy LU-1.5 Transit-Oriented Development	The City shall support high-density transit-oriented development within the city's Priority Development Areas to improve transit ridership and to reduce automobile use, traffic congestion, and greenhouse gas emissions.	The proposed project is located within a Priority Development Area (PDA), as designated by the Plan Bay Area, which includes the region's Sustainable Communities Strategy (SCS) and the 2040 Regional Transportation Plan (RTP). The proposed project is within walking distance of transit and local retail establishments, schools, and employment centers in Downtown Hayward, and thus would reduce automobile use.
Policy LU-1.6 Mixed-use Neighborhoods	The City shall encourage the integration of a variety of compatible land uses into new and established neighborhoods to provide residents with convenient access to goods, services, parks and recreation, and other community amenities.	The proposed project would provide 5,571 square feet of ground floor retail that would be accessible to future residents on the project site and existing residents from the surrounding neighborhood.

Applicable Policies		Project Consistency
Policy LU-1.8 Green Building and Landscaping Requirements	The City shall maintain and implement green building and landscaping requirements for private- and public-sector development to: • 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. • Reduce landfill waste by promoting practices that reduce, reuse, and recycle solid waste.	The proposed project includes a number of sustainability features. For example, the proposed project would provide electric vehicle parking stations, install energy- and water-efficient appliances, and utilize natural stone and other sustainable materials. In addition, the proposed project would comply with the state mandated California Green Building Standards Code (CALGreen), which would require the project to reduce water consumption by 20 percent, divert 50 percent of construction waste from landfills, and install low pollutant-emitting materials for interior finish materials such as paints, carpet, vinyl flooring and particle board.
Policy LU-1.10 Infrastructure Capacities	The City shall ensure that adequate infrastructure capacities are available to accommodate planned growth throughout the city.	As discussed below in **Item 17**, Utilities and Service Systems, the project would require that existing water mains in the area be upsized to meet minimum fire flow standards.
Goal LU-1.13 Local Plan Consistency with Regional Plans	The City shall strive to develop and maintain local plans and strategies that are consistent with the Regional Transportation Plan and the Sustainable Communities Strategy to qualify for State transportation funding and project CEQA streamlining.	As discussed above, the proposed project is located with a PDA. Local jurisdictions choose a Place Type for each PDA, which provides a general set of guidelines for the character, scale, and density of future growth, consistent with the community vision for the area. The project site is located in "City Center" Place Type in the Plan Bay Area. Guidelines for land uses within areas designated City Center are limited to mid- and low-rise offices, apartments and condominiums, townhomes, and ground floor retail. New projects in this PDA must have a density of 50 to 150 dwelling units/net acre and/or a net FAR of 2.5. The proposed project will have a density of approximately 61.1 dwelling units/net acre, is a mid-rise apartment project with ground floor retail and is thus entirely consistent with the City Center designation.
Policy LU-2.5 Downtown Housing	The City shall encourage the development of a variety of urban housing opportunities, including housing units above ground floor retail and office uses, in the Downtown to: • Increase market support for businesses, • Extend the hours of activity, • Encourage workforce housing for a diverse range of families and households, • Create housing opportunities for college students and faculty, and • Promote lifestyles that are less dependent on automobiles.	The proposed project is a mixed-use residential project located on several developed parcels in Downtown Hayward. The proposed project is within walking distance of transit and local retail establishments, schools, and employment centers in Downtown Hayward. Approximately 20 percent of the units will be affordable (48 units). For these reasons, the proposed project would reduce automobile use, provide additional patrons for nearby businesses, and supply affordable workforce housing.
Policy LU-2.6 Downtown BART Station	The City shall encourage a mix of commercial, office, high-density residential and mixed-use development in the area surrounding the Downtown BART Station.	The proposed project is a mixed-use residential project that would have a density of approximately 61.1 dwelling units/net acre and would be within walking distance to transit.

Applicable Policies		Project Consistency
Policy LU-3.1 Complete Neighborhoods	The City shall promote efforts to make neighborhoods more complete by encouraging the development of a mix of complementary uses and amenities that meet the daily needs of residents. Such uses and amenities may include parks, community centers, religious institutions, daycare centers, libraries, schools, community gardens, and neighborhood commercial and mixed-use developments.	In addition to providing residential units, the proposed project would provide 5,571 square feet of ground floor retail that would be accessible to future residents on the project site and existing residents from the surrounding neighborhood.
Policy LU-3.4 Design of New Neighborhood Commercial and Mixed Use Development	The City shall require new neighborhood commercial and mixed-use developments to have a pedestrian-scale and orientation by: • Placing the building and outdoor gathering spaces along or near the sidewalk. • Locating parking to the rear of the building or along the internal side yard of the property. • Designing the building with ground floor retail frontages or storefronts that front the street. • Enhancing the property with landscaping, lighting, seating areas, bike racks, planters, and other amenities that encourage walking and biking.	A majority of the project's parking would be provided in a 6-level parking garage located on the western portion of the project site and "wrapped" by the proposed residential units. The proposed project would also include ground floor retail along the southwest frontage on Main Street. Next, regarding pedestrian amenities, the proposed project would include new landscaping consisting of trees and shrubs along the Main Street and Maple Court frontages. Other pedestrian amenities include pre-fab benches along the Maple Court frontage and pedestrian lighting along the Main Street frontage. Finally, regarding bicycle amenities, the proposed project will provide approximately 52 bike parking spaces. An additional 12 bike racks will be provided at the northeast and southwest gates for residents and customers visiting the site.
Policy LU-3.7 Infill Development in Neighborhoods	The City shall protect the pattern and character of existing neighborhoods by requiring new infill developments to have complimentary building forms and site features.	Development in downtown Hayward is guided by the City's Downtown Design Plan. According to the plan, the maximum residential density for the project site and the immediate surrounding area is 65 units per acre. In addition, the plan states that the maximum height for the project site and the immediate surrounding area is 55 feet with an allowable increase to 65 feet if lot coverage for a residential structure is reduced from 90 to 80 percent. The proposed project has a density of approximately 61.1 dwelling units/net acre and a maximum height of 65 feet, which is permitted since the project has a lot coverage of 64 percent. While development surrounding the project site currently consists of a mix of one to two story residential and commercial structures, the proposed project would be consistent with City's vision for downtown.
Parking		
M-9.1 Appropriate Parking	The City shall ensure that adequate parking is provided appropriately to all areas of the city, while prioritizing alternative transportation modes and Transportation Demand Management strategies that reduce parking demand.	The proposed project provides the required amount of parking per Section 10-2.412 of the City code.

Applicable Policies		Project Consistency
Policy M-9.2 Parking Reductions	The City shall consider reduced parking requirements for projects located near public transit, or new residential developments that fulfill senior, disabled, or other special housing needs.	Parking for the market rate units, retail, and medical office portions of the proposed project will be provided in accordance with the Central Parking District Standards, which requires fewer parking spaces than the City's required ratio of parking spaces. Parking for the affordable units will be provided at a reduced ratio in accordance with provisions contained in AB 2222. In addition, the project will receive credit for providing motorcycle and bicycle parking, which will reduce the number of standard parking spaces.
Policy M-9.10 Unbundled Multifamily Parking	The City shall encourage multifamily development projects to separate (i.e., unbundle) the cost of parking from lease or rent payments.	According to the project's parking management plan, parking will be "unbundled" from residential rent/lease fees in an effort to reduce vehicular parking demand.
Policy M-9.11 Multifamily Charging Stations	The City shall consider requiring electric vehicle charging stations in new multifamily development projects.	As discussed above, the proposed project would provide electric vehicle parking stations.

Source: Impact Sciences, Inc., 2016

c) ***No Impact.*** The project site and surrounding area have been developed and heavily affected by past activities. No adopted habitat conservation plan or natural community conservation plan exists for the project site or immediate area. Consequently, implementation of the project would not conflict with the provisions of any adopted habitat conservation plan or natural community conservation plan. There would be no impact with regard to this criterion.

Discussion of Potential Cumulative Impacts

Anticipated future development in the City of Hayward would be reviewed for consistency with adopted land use plans and policies by the City. For this reason, pending and approved projects are anticipated to be consistent with the General Plan and zoning requirements, or be subject to an allowable exception, and further, would be subject to review under CEQA, mitigation requirements, and design review. As the proposed project would be consistent with the general plan and zoning designations for the project site with the approval of a conditional-use permit, the cumulative impact of the proposed project and future development would be less than significant.

Issues	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
11. MINERAL RESOURCES – Would the project:				
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	☐	☐	☐	■
b) Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	☐	☐	☐	■

Relevant Elements of the Project and its Setting

According to the *City of Hayward 2040 General Plan Background Report*, 11 past, present, or prospective mining sites are located within the City of Hayward. Past and present mining sites contain or contained a variety of mineral resources, including: stone, limestone, clay, fire clay, halite, and salt. There are three sites identified for prospective stone and clay extraction (City of Hayward 2014a).

Discussion of Potential Project Impacts

a–b) ***No Impact***. The project site is not designated as a mineral resource zone, and no known or potential mineral resources are located on the project site (City of Hayward 2014a). In addition, existing zoning and land uses preclude the use of the project site for mineral extraction (for example, sand, and gravel). Therefore, development on the project site under the proposed project would not impede extraction or result in the loss of availability of a known mineral resource. There would be no impacts with regard to these criteria.

Discussion of Potential Cumulative Impacts

The only State-designated mineral resource "sector" of regional significance in Hayward is the La Vista Quarry. All operations at the site have been terminated and the Surface Mining Permit for the La Vista Quarry issued by Alameda County expired in 2008 (City of Hayward 2014a). The General Plan designates the quarry site as Parks and Recreation and Limited Open Space which is compatible with the State-mandated reclamation plan. As a result, anticipated future development in Hayward, including the proposed project, would not result in the loss of availability of a known resource. The cumulative impact would be less than significant.

Issues	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
12. NOISE – Would the project result in:				
a) Exposure of persons to or generation of noise levels in excess of standards established in any applicable plan or noise ordinance, or applicable standards of other agencies?	☐	■	☐	☐
b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?	☐	■	☐	☐
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	☐	☐	■	☐
d A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project (including construction)?	☐	■	☐	☐
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within 2 miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	☐	☐	☐	■
f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?	☐	☐	☐	■

Relevant Elements of the Project and its Setting

A revised Environmental Noise Assessment was prepared for the proposed project by Illingworth & Rodkin, Inc., in October 2016. A copy of the revised Environmental Noise Assessment for the proposed project is provided in **Appendix G**.

Noise Fundamentals

Noise is measured on a logarithmic scale of sound pressure level known as a decibel (dB). The human ear does not respond uniformly to sounds at all frequencies; for example, it is less sensitive to low and high frequencies than it is to the medium frequencies that more closely correspond to human speech. In response to the sensitivity of the human ear to different frequencies, the A-weighted noise level (or scale),

which corresponds more closely with people's subjective judgment of sound levels, has been developed. This A-weighted sound level, referenced in units of dB(A), is measured on a logarithmic scale such that a doubling of sound energy results in a 3.0 dB(A) increase in noise level. In general, changes in noise levels of less than 3.0 dB(A) are not typically noticed by the human ear. Changes in noise levels ranging from 3.0 to 5.0 dB(A) may be noticed by some individuals who are extremely sensitive to changes in noise. A greater than 5.0 dB(A) increase is readily noticeable, while the human ear perceives a 10.0 dB(A) increase in sound level to be a doubling of sound.

When assessing community reaction to noise, there is an obvious need for a scale that averages varying noise exposures over time and that quantifies the result in terms of a single number descriptor. Several scales have been developed that address community noise level. Those that are applicable to this analysis are the Equivalent Noise Level (Leq), the Day-Night Noise Level (Ldn or DNL), and the Community Noise Equivalent Level (CNEL).

- Leq is the average A-weighted sound level measured over a given time interval. Leq can be measured over any period, but is typically measured for 1-minute, 15-minute, 1-hour, or 24-hour periods.

- Ldn or DNL is a 24-hour Leq with a "penalty" of 10 dB added during the nighttime hours (10:00 PM to 7:00 AM), which is normally sleeping time.

- CNEL is another average A-weighted sound level measured over a 24-hour period. However, the CNEL noise scale is adjusted to account for the increased sensitivity of some individuals to noise levels during the evening as well as the nighttime hours. A CNEL noise measurement is obtained after adding a "penalty" of 5 dB to sound levels occurring during the evening from 7:00 PM to 10:00 PM, and 10 dB to sound levels occurring during the nighttime from 10:00 PM to 7:00 AM.

Fundamentals of Groundborne Vibration

Ground vibration consists of rapidly fluctuating motions or waves with an average motion of zero. Several different methods are typically used to quantify vibration amplitude. One method is the Peak Particle Velocity (PPV). The PPV is defined as the maximum instantaneous positive or negative peak of the vibration wave. In this report, a PPV descriptor with units of mm/sec or in/sec is used to evaluate the potential for construction generated vibration to result in building damage and human complaints. **Table 14, Human Reaction and Effect of Buildings from Continuous or Frequent Intermittent Vibration Levels,** displays the reactions of people and the effects on buildings that continuous or frequent intermittent vibration levels produce.

Table 14
Human Reaction and Effect of Buildings from
Continuous or Frequent Intermittent Vibration Levels

Velocity Level, PPV (in/sec)	Human Reaction	Effect on Buildings
0.01	Barely perceptible	No effect
0.04	Distinctly perceptible	Vibration unlikely to cause damage of any type to any structure
0.08	Distinctly perceptible to strongly perceptible	Recommended upper level of the vibration to which ruins and ancient monuments should be subjected
0.1	Strongly perceptible	Virtually no risk of damage to normal buildings
0.3	Strongly perceptible to severe	Threshold at which there is a risk of damage to older residential dwellings such as plastered walls or ceilings
0.5	Severe - Vibrations considered unpleasant	Threshold at which there is a risk of damage to newer residential structures

Source: Illingworth & Rodkin, 2016c

The annoyance levels shown in **Table 14** should be interpreted with care since vibration may be found to be annoying at much lower levels than those shown, depending on the level of activity or the sensitivity of the individual. To sensitive individuals, vibrations approaching the threshold of perception can be annoying. Low-level vibrations frequently cause irritating secondary vibration, such as a slight rattling of windows, doors, or stacked dishes. The rattling sound can give rise to exaggerated vibration complaints, even though there is very little risk of actual damage to the structure.

Construction activities can cause vibration that varies in intensity depending on several factors. The use of pile driving and vibratory compaction equipment typically generates the highest construction-related groundborne vibration levels. Because of the impulsive nature of such activities, the PPV descriptor has been routinely used to measure and assess groundborne vibration and almost exclusively to assess the potential of vibration to induce architectural damage and the degree of annoyance for humans.

The two primary concerns with construction-induced vibration, the potential to damage a structure and the potential to interfere with the enjoyment of life, are evaluated against different vibration limits. Studies have shown that the threshold of perception for average persons is in the range of 0.008 to 0.012 in/sec PPV. Human perception to vibration varies with the individual and is a function of physical setting and the type of vibration. Persons exposed to elevated ambient vibration levels, such as people in an urban environment, may tolerate a higher vibration level.

Damage to buildings can be classified as cosmetic only, such as minor cracking of building elements, or may threaten the integrity of the building. Construction-induced vibration that can be detrimental to the building is very rare and has only been observed in instances where the structure is at a high state of disrepair and the construction activity occurs immediately adjacent to the structure.

Noise Sensitive Land Uses

Noise-sensitive land uses include residences, hospitals, schools, libraries, places of worship, parks, and assisted-living centers. The nearest noise-sensitive land uses to the project site consist of single- and multi-family residential land uses located to the north along McKeever Avenue and west of the project site along Main Street.

Existing Noise Environment

A noise monitoring survey was performed at the project site beginning on Wednesday September 30, 2015 and concluding on Friday October 2, 2015. The monitoring survey included two long-term and two short-term noise measurements (see **Appendix G** for the exact locations of the measurements). The noise environment at the site and in the surrounding areas results primarily from vehicular traffic along A Street, from which the project site is buffered by the adjacent property to the south. Traffic along the surrounding roadways including Maple Court, McKeever Avenue, and Main Street also contribute to the noise environment, as well as train traffic from the Hayward BART station located within a half mile of the site. Occasional overhead aircraft associated with Hayward Executive Airport and Oakland International Airport also affect the noise environment at the project site.

Long-term noise measurement LT-1 was made along the western boundary of the project site, approximately 30 feet east of the centerline of Main Street and approximately 245 feet north of the centerline of A Street. The noise meter was placed in a tree near the roadway. Hourly average noise levels at this location typically ranged from 57 to 68 dB(A) Leq during the day, and from 47 to 66 dB(A) Leq at night. The day-night average noise level from Wednesday September 30, 2015 through Friday October 2, 2015 ranged from 65 to 67 dB(A) Ldn.

LT-2 was made in the parking lot of the commercial property located east of the project site, opposite Maple Court. LT-2 was approximately 15 feet east of the centerline of Maple Court and approximately 440 feet north of the centerline of A Street. Hourly average noise levels at this location typically ranged from 57 to 72 dB(A) Leq during the day, and from 49 to 71 dB(A) Leq at night. The day-night average noise level from Wednesday September 30, 2015 through Friday October 2, 2015 ranged from 66 to 68 dB(A) Ldn. From 7:00 AM through 9:00 AM on Thursday October 1, 2015, elevated noise levels occurred at LT-2 and were likely due to local parking lot activities.

Both the short-term noise measurements were conducted on Friday October 2, 2015 in a ten-minute interval starting at 10:20 AM. ST-1 was made in the parking lot on the project site. ST-1 was approximately 230 feet north of the centerline of A Street and approximately 155 feet east of the centerline of Main Street. The ten-minute Leq(10) measured at ST-1 was 54 dB(A) Leq(10), and the estimated day-night average noise level was 59 dB(A) Ldn. ST-2 was made at the front yard equivalent of 1032 McKeever Avenue north of the project site. ST-2 was approximately 25 feet north of the centerline of McKeever Avenue. The ten-minute Leq(10) measured at ST-2 was 57 dB(A) Leq(10), and the estimated day-night average noise level was 60 dB(A) Ldn.

Applicable Noise Standards

2013 California Green Building Standards Code

The State of California established exterior sound transmission control standards for new non-residential buildings as set forth in the 2013 CALGreen (Sections 5.507.4.1 and 5.507.4.2). The sections that pertain to this project are as follows:

- **5.507.4.1 Exterior noise transmission, prescriptive method**. Wall and roof-ceiling assemblies exposed to the noise source making up the building envelope shall meet a composite Sound Transmission Class (STC) rating of at least 50 or a composite Outdoor-Indoor Transmission Class (OITC) rating of no less than 40, with exterior windows of a minimum STC of 40 or OITC of 30 when the building falls within the 65 dB(A) Ldn noise contour of a freeway or expressway, railroad, industrial source, or fixed-guideway noise source, as determined by the local general plan noise element.

- **5.507.4.2 Performance method**. For buildings located, as defined by Section 5.507.4.1, wall and roof-ceiling assemblies exposed to the noise source making up the building envelope shall be constructed to provide an interior noise environment attributable to exterior sources that does not exceed an hourly equivalent noise level (Leq (1-hr)) of 50 dB(A) in occupied areas during any hour of operation.

City of Hayward

According to the *Hayward 2040 General Plan* Noise Element, the City requires that interior noise levels should be maintained at 45 dB(A) Ldn or less for all residences and mixed-use units. The Noise Element also states that noise levels in exterior use areas associated with urban residential and mixed-use projects are considered normally acceptable if noise levels are 70 dB(A) CNEL/Ldn or less (City of Hayward 2014b).

The City's Noise Ordinance see (Sections 10-15.10 through 10-15.31 of the Hayward Municipal Code) limits noise levels during construction activities and at adjacent properties. The following sections of the City's Noise Ordinance are applicable to project construction activities:

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 seventy (70) dB(A) between the hours of 7:00 a.m. and 9:00 p.m. or sixty (60) dB(A) 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 sixty (60) dB(A) 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 seventy (70) dB(A). 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 eighty-three (83) dB(A) at a distance of twenty-five (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 twenty-five (25) feet from the equipment.

(b) The noise level at any point outside the property plane shall not exceed eighty-six (86) dB(A).

(c) During all other times, the decibel levels set forth in Section 4-1.03.1 shall control.

Discussion of Potential Project Impacts

a) ***Less than Significant Impact with Mitigation.*** An analysis of future exterior and interior noise levels on the project site is provided below.

Future Exterior Noise Environment

The future noise environment at the project site would continue to result primarily from traffic along A Street, with traffic along Main Street, McKeever Avenue, and Maple Court being the secondary sources. In October 2016, a revised traffic study was completed for the proposed project. According to the study, traffic volumes along Main Street and Maple Court would increase by as much as 300 percent under Cumulative Plus Project conditions; however, considering the low traffic volumes under Existing conditions, the effect on the noise environment would be equivalent to a noise level increase of up to 3 dB(A) Ldn. Future traffic along A Street would increase by as much as 65 percent, which would result in a noise level increase of 2 dB(A) Ldn. Therefore, the worst-case scenario noise level increase under Cumulative Plus Project traffic conditions would be 3 dB(A) Ldn.

For all mixed-use developments throughout the City of Hayward, the City's General Plan states that the maximum acceptable exterior noise level for outdoor use areas would be 70 dB(A) Ldn, as measured from the approximate center of the outdoor area. This standard would not apply to balconies or porches. According to the site plan, there would be four outdoor use areas associated with the proposed mixed-use apartment building (three first-floor courtyards and a rooftop terrace), and the medical building would not have any outdoor use areas (see **Figure 3** for the location of each outdoor use).

The first courtyard would be located to the north of the proposed apartment building and to the west of the medical building that would remain under proposed project conditions. This courtyard would consist of a picnic/lounge area and would receive partial shielding from Main Street and McKeever Avenue traffic by the proposed project buildings, as well as existing local businesses and residences located to the northwest of the project site. The center of Courtyard 1 would be set back from the centerline of Main Street by approximately 165 feet and would be set back from the centerline of McKeever Avenue by approximately 160 feet under the proposed project. At these distances and with the partial shielding from the intervening buildings, the future exterior noise levels at Courtyard 1 would be less than 65 dB(A) Ldn.

The second courtyard, which includes a pool, would be surrounded by the proposed apartment building and the section of the existing medical building intended to remain under future project conditions. The center of Courtyard 2 would be set back from the centerline of Maple Court by approximately 150 feet under the proposed project. With shielding from the existing and proposed buildings, the future exterior noise levels at this courtyard would be less than 65 dB(A) Ldn.

Courtyard 3 would be a circular-shaped sitting area surrounding a water feature. Located along the southern boundary of the project site, this courtyard would be shielded from traffic along Main Street by the proposed apartment building but would have direct line-of-sight to A Street. The center of Courtyard 3 would be approximately 145 feet from the centerline of Main Street and approximately 210 feet from the centerline of A Street under the proposed project. Based on the existing short-term measurement at ST-1, the future exterior noise level at Courtyard 3 would be 63 dB(A) Ldn under future worst-case scenario conditions.

An outdoor terrace would be located on the roof of the proposed apartment building. This outdoor use area would be located to the north of Courtyard 3 and would have direct line-of-sight to Main Street and A Street. The center of the rooftop terrace would be set back from the centerline of each roadway by 150 and 265 feet, respectively, under the proposed project. At these distances and taking into account the elevation of the rooftop terrace, the future exterior noise levels would be at or below 65 dB(A) Ldn.

Since future exterior noise levels at each of the outdoor use areas of the proposed project would be below 70 dB(A) Ldn, this would be a less-than-significant impact.

Future Interior Noise Environment

Apartment Building

According to the City of Hayward's General Plan, the City requires that interior noise levels should be maintained at 45 dB(A) Ldn or less for all residences and mixed-use units.

The mixed-use units facing the adjacent roadways would include commercial retail, offices, and apartments on the first floor and apartments only on the upper floors. The eastern façade of the mixed-use building would be set back from the centerline of Maple Court by approximately 35 feet. At this distance, the apartments facing the roadway would be exposed to future exterior noise levels of 65 to 67 dB(A) Ldn. While the apartments located on the northern façade within 265 feet of the centerline of Maple Court would receive partial shielding from the medical building, the units along this façade would have direct line-of-sight to Maple Court. These units would be exposed to future exterior noise levels ranging from 54 to 67 dB(A) Ldn. The units along the southern façade with direct line-of-sight of Maple

Court would be set back from the centerline of the roadway by 35 to 185 feet. These apartments would also be exposed to traffic noise from A Street, with partial shielding provided by the existing commercial property fronting A Street. The units along the southern façade of the proposed mixed-use building located east of the parking garage would be exposed to future exterior noise levels ranging from 57 to 67 dB(A) Ldn.

The western façade of the proposed mixed-use building would face Main Street, with a setback of approximately 40 feet. The apartments, leasing office, and retail stores along this building façade would be exposed to future exterior noise levels of 67 to 69 dB(A) Ldn. For the apartments surrounding Courtyard 3 along the southern façade of this part of the proposed building, the units would be shielded from traffic along Maple Court and Main Street but would have direct line-of-sight to A Street. The first and second floors facing A Street would be partially shielded by existing intervening buildings, but the upper floors would be unshielded. The setbacks for these units would range from 175 to 280 feet. At these distances, the units would be exposed to future exterior noise levels ranging from 61 to 64 dB(A) Ldn. The units located to the north of proposed parking garage would face McKeever Avenue. While the first and second floors would be partially shielded by existing local businesses and residences located to the northwest of the project site, the upper floors would have a direct line-of-sight to traffic along McKeever Avenue and Main Street. These units would be set back from the centerline of McKeever Avenue by approximately 195 feet and would be set back from the centerline of Main Street by 40 to 225 feet. At these distances, the units would be exposed to future exterior noise levels ranging from 57 to 69 dB(A) Ldn.

Interior noise levels would vary depending upon the design of the buildings (relative window area to wall area) and the selected construction materials and methods. Standard residential construction provides approximately 15 dB(A) 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 dB(A) of noise reduction in interior spaces. Given the estimated exterior noise levels that would be experienced at the building facades described above, interior levels in the mixed-use apartment building with standard building construction would be as high as 54 dB(A) Ldn and this impact is considered potentially significant.

However, with the implementation of **Mitigation Measure NOI-1**, which incorporates measures into the proposed project to reduce interior noise levels, this impact would be reduced to a less than significant level.

> **Mitigation Measure NOI-1:** The following measures shall be incorporated into the proposed project to reduce interior noise levels:
>
> - A qualified acoustical consultant shall review the final site plan, building elevations, and floor plans prior to construction and recommend building treatments to reduce interior noise levels to 45 dB(A) Ldn or lower. Treatments would include, but are not limited to, sound-rated windows and doors, sound-rated wall and window constructions, acoustical caulking, protected ventilation openings, etc. The specific determination of what noise insulation treatments are necessary shall be conducted on a unit-by-unit basis during final design of the project. Results of the analysis, including the description of the necessary noise control treatments, shall be submitted to the City, along with the building plans and approved design, prior to issuance of a building permit.

- Provide a suitable form of forced-air mechanical ventilation, as determined by the local building official, 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.

Based on the building floor plans and elevations provided at the time of this analysis, installation of sound rated windows and forced-air mechanical ventilation in the proposed residential units would be adequate to achieve 45 dB(A) Ldn interior levels. Therefore, with mitigation the required interior noise levels would be attained and the impact would be reduced to a less than significant level.

Medical Office Building

The State of California requires that wall and roof-ceiling assemblies of commercial buildings exposed to the adjacent roadways have a composite STC rating of at least 50 or a composite OITC rating of no less than 40, with exterior windows of a minimum STC of 40 or OITC of 30 when the commercial property falls within the 65 dB(A) Ldn noise contour determined in the local general plan noise element. According to the City's General Plan, the project site does fall within the 65 dB(A) Ldn 2040 contour line. The State also requires interior noise levels to be maintained at 50 dB(A) Leq(1-hr) or less during hours of operation at a medical building.

The part of the medical building to remain under future project conditions would be located near the corner of McKeever Avenue and Maple Court. The eastern façade of the medical building would be set back from the centerline of Maple Court by approximately 20 feet. At this distance, the building façade would be exposed to future exterior noise levels ranging from 59 to 74 dB(A) Leq(1-hr) during daytime hours of operation. The northern façade of the building would be set back from the centerline of McKeever Avenue by approximately 65 feet, and at this distance, the building façade would be exposed to future exterior noise levels ranging from 48 to 74 dB(A) Leq(1-hr) during the day. A wall assembly with an STC rating of at least 50 and window assemblies with an STC rating of at least 40 would provide at least 35 to 40 dB(A) of noise reduction in interior spaces. The inclusion of adequate forced-air mechanical ventilation systems is normally required so windows may be kept closed at the occupant's discretion. As stated in the Project Description, the proposed project would comply with the state-mandated CALGreen building code. The sound-rated construction materials established in the CALGreen Code in combination with forced-air mechanical ventilation would satisfy the threshold for the entire medical building. The impact would be less than significant.

b) ***Less than Significant Impact with Mitigation.*** 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 site demolition, preparation work, foundation work, and new building framing and finishing. In addition, off-site utility improvements would occur along Maple Court and Main Street. The proposed project would not require pile driving, which can cause excessive vibration.

With respect to effects on nearby sensitive receptors, groundborne vibration levels would be considered significant if they exceeded 0.1 in/sec PPV at the nearest sensitive receptors; vibration levels emanating from transient sources in excess of 0.1 in/sec PPV would strongly perceptible and could result in annoyance.

For construction-generated vibration to result in damage to buildings, 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 damage to the structure is a major concern. For historical buildings or buildings that are documented to be structurally weakened, a conservative limit of 0.08 in/sec PPV is often used to provide the highest level of protection. For the purposes of this analysis, therefore, it was assumed that groundborne vibration levels exceeding the conservative 0.3 in/sec PPV limit would have the potential to result in cosmetic damage to standard buildings and groundborne vibration levels exceeding 0.08 in/sec PPV would have the potential to result in cosmetic damage to fragile buildings.

Project construction activities, such as drilling, the use of jackhammers, rock drills and other high-power or vibratory tools, and rolling stock equipment (tracked vehicles, compactors, etc.) may generate substantial vibration in the immediate vicinity. Vibration levels would vary depending on soil conditions, construction methods, and equipment used. **Table 15, Vibration Levels for Construction Equipment**, presents typical vibration levels that could be expected from construction equipment at a distance of 25 feet.

Table 15
Vibration Levels for Construction Equipment

Equipment		PPV at 25 ft. (in/sec)	Approximate L_{v} at 25 ft. (VdB)
Pile Driver (Impact)	upper range	1.158	112
	Typical	0.644	104
Pile Driver (Sonic)	upper range	0.734	105
	Typical	0.170	93
Clam shovel drop		0.202	94
Hydromill (slurry wall)	in soil	0.008	66
	in rock	0.017	75
Vibratory Roller		0.210	94
Hoe Ram		0.089	87
Large bulldozer		0.089	87
Caisson drilling		0.089	87
Loaded trucks		0.076	86
Jackhammer		0.035	79
Small bulldozer		0.003	58

Source: Illingworth & Rodkin, 2015c
Notes: L_v = Velocity Level

The single- and multi-family residences located opposite Main Street and opposite McKeever Avenue would range from 90 to 105 feet from the project site, which would result in vibration levels less than 0.1 in/sec (ranging from 0.001 to 0.051 in/sec PPV). The single-family residences adjacent to the project site along the northern boundary are approximately 90 feet from the location of the proposed apartment building. At this distance, vibration levels would be expected to be less than 0.1 in/sec PPV, (ranging from 0.001 to 0.051 in/sec), which is below the 0.3 in/sec PPV significance threshold used to assess cosmetic

damage to buildings that are structurally sound and the 0.08 in/sec PPV threshold used to assess cosmetic damage to buildings that are structurally weakened. Such vibration levels would also be below the 0.1 in/sec PPV significance threshold used to assess the potential for human annoyance. The single-family residence adjacent to the existing medical building, however, is approximately 10 feet from the project property line. At this distance, vibration levels would be expected to range from 0.008 in/sec PPV to 0.58 in/sec PPV, which would at times exceed the 0.3 in/sec PPV significance threshold used to assess cosmetic damage to buildings that are structurally sound. This could potentially result in "architectural" damage to the building. This is a significant impact. However, with the implementation of **Mitigation Measure NOI-2**, which prohibits the use of heavy vibration-generating construction equipment, such as vibratory rollers or clam shovel drops, within 20 feet of any adjacent residence, this impact would be reduced to a less than significant level.

Mitigation Measure NOI-2: Within 20 feet of the existing, adjacent residence:

- 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, and drill-rigs shall be prohibited within 20 feet of the existing, adjacent residence.

- Construction and demolition activities shall not involve clam shell dropping operations.

c) ***Less Than Significant Impact.*** A significant impact would result if traffic generated by the project would substantially increase noise levels at sensitive receivers in the vicinity. A substantial increase would occur if: a) the noise level increase is 5 dB(A) Ldn or greater, with a future noise level of less than 60 dB(A) Ldn, or b) the noise level increase is 3 dB(A) Ldn or greater, with a future noise level of 60 dB(A) Ldn or greater. Residences to the north of the project site have existing noise levels of 60 dB(A) Ldn, but under future plus project conditions, the noise levels would exceed 60 dB(A) Ldn; therefore, a significant impact would occur if the project traffic would increase noise levels by 3 dB(A) Ldn. For residences located to the west of the project site where existing noise levels range from 65 to 67 dB(A) Ldn, a significant impact would occur if project-generated traffic would permanently increase noise levels by 3 dB(A) Ldn.

The noise environment in the site vicinity is dominated by A Street traffic and the nearby traffic along Mission Boulevard and Foothill Boulevard. Traffic volumes along Main Street, McKeever Avenue, and Maple Court also affect the noise environment. The traffic report completed for the proposed project provided peak hour volumes for the project-generated traffic. According to the study, the project is projected to add 79 trips during peak morning hours and 111 trips during peak evening hours. Compared to the traffic along the surrounding roadways, the proposed project would not result in a substantial increase in traffic volumes and associated noise levels. The permanent noise level increase due to this project-generated traffic increase at the surrounding noise-sensitive receptors would be approximately 1 dB(A) Ldn. This would be a less-than-significant impact.

d) ***Less than Significant Impact with Mitigation***. Noise impacts resulting from construction depend upon the noise generated by various pieces of construction equipment, the timing and duration of noise-generating activities, and the distance between construction noise sources and noise-sensitive areas.

Construction noise impacts primarily result when construction activities occur during noise-sensitive times of the day (e.g., early morning, evening, or nighttime hours), the construction occurs in areas immediately adjoining noise-sensitive land uses, or when construction lasts over extended periods of time.

Construction activities generate considerable amounts of noise, especially during earth-moving activities when heavy equipment is used. The highest maximum noise levels generated by project construction would typically range from about 80 to 90 dB(A) Lmax at a distance of 50 feet from the noise source. Typical hourly average construction-generated noise levels for mixed-use developments are about 81 to 88 dB(A) Leq measured at a distance of 50 feet from the center of the site during busy construction periods (e.g., earth moving equipment, impact tools, etc.). Hourly average construction noise levels associated with the erection of the mixed-use units, such as hammer- and drilling-related noise, range from approximately 63 to 71 dB(A) at a distance of 50 feet. The noise levels associated with construction of the mixed-use units would be substantially less than the noise levels associated with grading and pavement activities during project site preparation. Construction-generated noise levels drop off at a rate of about 6 dB(A) per doubling of the distance between the source and receptor. Shielding by buildings or terrain can provide an additional 5 to 10 dB(A) noise reduction at distant receptors.

Based on the estimated equipment noise levels above and on-site data, nearby sensitive locations would likely experience construction noise that is louder than ambient traffic noise, which represents a potentially significant impact. However, with the implementation of **Mitigation Measure NOI-3**, which requires that construction equipment be well-maintained and used judiciously to be as quiet as possible and requires the implementation of best management practices to reduce noise from construction activities near sensitive land uses, construction noise emanating from the construction site would be reduced. With the implementation of this mitigation measure, along with the lack of high-intensity construction equipment required for the proposed project, and the fact that noise generated by construction activities would be temporary, the impact from a temporary increase in ambient noise levels at the project site during construction would be less than significant.

> **Mitigation Measure NOI-3**: Construction equipment shall be well-maintained and used judiciously to be as quiet as possible. Additionally, construction activities for the proposed project shall include the following best management practices to reduce noise from construction activities near sensitive land uses:
>
> - Ensure that all construction activities (including the loading and unloading of materials, truck movements, and warming of equipment motors) are limited to the hours of 7:00 a.m. to 7:00 p.m. Monday through Saturday and between the hours of 10:00 a.m. and 6:00 p.m. on Sundays and holidays.
>
> - Contractors equip all internal combustion engine-driven equipment with mufflers, which are in good condition and appropriate for the equipment.
>
> - Contractors utilize "quiet" models of air compressors and other stationary noise sources where technology exists.
>
> - Locate loading, staging areas, stationary noise-generating equipment, etc. as far as feasible from sensitive receptors when sensitive receptors adjoin or are near a construction project area.

- Comply with Air Resource Board idling prohibitions of uneasy idling of internal combustion engines.

- Construct solid plywood fences around construction sites adjacent to operational business, residences or noise-sensitive land uses.

- A temporary noise control blanket barrier could be erected, if necessary, along building facades facing construction sites. This mitigation would only be necessary if conflicts occurred which were irresolvable by proper scheduling.

- Route construction-related traffic along major roadways and as far as feasible from sensitive receptors.

- Businesses, residences or noise-sensitive land uses adjacent to construction sites should be notified of the construction schedule in writing. Designate a "construction liaison" that would be responsible for responding to any local complaints about construction noise. The liaison would determine the cause of the noise complaints (e.g., starting too early, bad muffler, etc.) and institute reasonable measures to correct the problem. Conspicuously post a telephone number for the liaison at the construction site.

e-f) ***No Impact.*** Hayward Executive Airport is a city-owned, public-use airport located approximately 2.1 miles southwest of the project site, and Oakland International Airport is a public-use airport owned by the Port of Oakland that is located approximately 7.4 miles northwest of the project site. Although aircraft-related noise could occasionally be audible at the project site, noise from aircraft would not substantially increase ambient noise levels. The project site lies outside the airport influence area of both airports, as established in the Hayward Executive Airport Land Use Compatibility Plan of 2012 and the Oakland International Airport Land Use Compatibility Plan of 2010. Exterior and interior noise levels resulting from aircraft would be compatible with the proposed project. This impact is less than significant.

Discussion of Potential Cumulative Impacts

According to the *City of Hayward 2040 General Plan EIR*, anticipated future development in the City of Hayward could result in a substantial increase in long-term traffic-generated noise. Even with the implementation of goals, policies, and implementation programs listed in the City's General Plan, impacts related to traffic noise within the City due to future growth would be significant and unavoidable (City of Hayward 2014c). A cumulative traffic noise analysis was conducted for the proposed project focusing on roadways to which the project is expected to add traffic. For purposes of this analysis, it was assumed that a significant cumulative impact would occur if the cumulative traffic noise level increase was 3 dB(A) Ldn or greater where existing noise levels exceed 60 dB(A) Ldn or was 5 dB(A) Ldn or greater where existing levels are at or below 60 dB(A) Ldn. A "cumulatively considerable" contribution would be defined as an increase of 1 dB(A) Ldn or more attributable solely to the proposed project. Cumulative traffic noise level increases were calculated by comparing the Cumulative traffic volumes and the Cumulative Plus Project volumes to Existing traffic volumes. The traffic noise increases calculated under both Cumulative scenarios (with and without the project) were estimated not to exceed 3 dB(A) Ldn along the roadways surrounding the project site. As a result, this cumulative traffic impact is considered less than significant.

According to the *City of Hayward 2040 General Plan EIR*, anticipated future development in the City of Hayward could result in short-term construction-generated noise that exceeds applicable standards. Even with the implementation of goals, policies, and implementation programs listed in the City's General Plan, impacts related to construction noise within the City due to future growth would be significant and unavoidable (City of Hayward 2014c). Impacts associated with cumulative construction noise would occur only if other development projects in Hayward were to be under construction the same time as the proposed project and if these concurrent projects would be in close proximity of the same sensitive receptors adjacent to the project site and would expose those receptors to their construction noise. Construction of the proposed project could occur during the same timeframe as the construction of the Lincoln Landing project, which is located approximately 300 feet to the north the project site. As discussed above, the typical hourly average construction-generated noise levels for mixed-use developments are about 81 to 88 dB(A) Leq measured at a distance of 50 feet from the center of the site during busy construction periods. Such noise levels would be expected at McKeever Avenue residences when project construction activities are concentrated at the northernmost portion of the project site.

Construction at the Lincoln Landing project site would occur at distances greater than 250 feet from the McKeever Avenue residences that are situated between the two construction sites. In some cases, construction activities at the Lincoln Landing project site would be shielded by an existing parking structure situated between the Lincoln Landing project site and the McKeever Avenue residences. Under worst-case cumulative conditions, project-generated construction activities (81 to 88 dB[A] L_{eq} at 50 feet) could be increased by up to 0.8 dB(A) when construction is occurring at the southernmost portion of the Lincoln Landing project site and producing the highest sound levels. Cumulative construction noise levels under worst-case conditions would not be measurably higher than project-generated construction noise levels alone. The implementation of **Mitigation Measure NOI-3** would require the proposed project to implement best management practices such as limiting construction hours, installing mufflers on equipment with internal construction equipment, and utilizing quiet air compressors to reduce the project's noise impacts during construction. In accordance with Section 4-1.03.4 of the *Hayward Municipal Code*, the Lincoln Landing project would also implement similar construction best management practices to reduce its construction noise impacts. Therefore, with the adherence to construction best management practices by both projects, construction noise levels would not be substantially increased and the resulting cumulative impact associated with construction noise would be less than significant.

Issues	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
13. POPULATION AND HOUSING – Would the Project:				
a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	☐	☐	■	☐
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	☐	☐	☐	■
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	☐	☐	☐	■

Relevant Elements of the Project and its Setting

According to the California State Department of Finance, the average household size in the City of Hayward is approximately 3.22 persons per household (DOF 2016).

Discussion of Potential Project Impacts

a) ***Less Than Significant Impact.*** The proposed project would add 240 multi-family units to the project site. Based on the average household size in the City of Hayward of approximately 3.22 persons per household, the new multi-family units on the project site would house approximately 773 residents. The California State Department of Finance estimates the total population for the City of Hayward in 2016 was 158,985 people (DOF 2016). The proposed project would increase the City's population by approximately 0.5 percent. In addition, the *City of Hayward 2040 General Plan* estimates that the City would have an estimated population of 183,533 people in 2040 (City of Hayward 2014b). The proposed project would represent about 0.4 percent of this future population.

As discussed under Land Use above, the planned residential development on the project site under the proposed project would be consistent with the general plan land use and zoning designations for the site with the approval of a conditional use permit, and the increase in population would not be substantial in that it was planned for and considered in the City's land use plans. This impact would be less than significant.

b-c) ***No Impact***. Two single-family residences, one of which is vacant, will be demolished prior to construction of the proposed project. As a result, demolition of the unit would not displace substantial numbers of existing housing or people, necessitating the construction of replacement housing elsewhere. There would be no impact with regard to these criteria.

Discussion of Potential Cumulative Impacts

Anticipated future development in Hayward would result in an increase in population throughout the City. However, according to the *City of Hayward 2040 General Plan EIR*, with the implementation of goals, policies, and implementation programs listed in the City's General Plan, impacts related to population and housing within the City due to future growth, including the proposed project and the nearby Lincoln Landing project, would be less than significant (City of Hayward 2014c). As discussed above, the increase in population associated with the proposed project would not be substantial. Therefore, the proposed project's cumulative impact with respect to population and housing would be less than significant.

Issues	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
14 PUBLIC SERVICES –				
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:				
a) Fire protection?	☐	☐	■	☐
b) Police protection?	☐	☐	■	☐
c) Schools?	☐	☐	■	☐
d) Parks?	☐	☐	■	☐
e) Other public facilities?	☐	☐	■	☐

Relevant Elements of the Project and its Setting

Fire Protection

The City of Hayward Fire Department (HFD) provides fire protection services to the City of Hayward and to the Fairview Fire Protection District on contract basis. The HFD has 118 sworn personnel out of a staff of approximately 136 staff members. The HFD has nine fire stations, seven within the City and two within the Fairview area. The nine stations house 11 fire companies, which include nine engine companies, two truck companies, an aircraft fighting apparatus, and a California Emergency Management-owned (CAL EMA) firefighting apparatus. In 2012, the HFD responded to over 20,962 alarms and 15,163 calls for service, with approximately 71 percent of the calls consisting of medical emergencies. The closest fire station to the project site is Station No. 1, located at 22700 Main Street, approximately 0.3 mile southeast of the project site. Response times for a Code 3, emergency response, meets or exceeds HFD's goals of having the first arriving fire company on the scene in 5 minutes or less 90 percent of the time. Due to the proximity of Fire Station No. 1, average response times to the downtown area typically range from approximately 30 seconds to 1 minute and 30 seconds (Massone 2015).

Police Protection

The City of Hayward Police Department (HPD) provides law enforcement services to the project site. The HPD employs over 190 sworn officers out of a staff of approximately 300 staff members and is headquartered at 300 West Winton Avenue, approximately 1.6 miles southwest of the project site. The HPD also operates two district offices: the Northern District Office at 1190 B Street and the Southern

District Office at 28200 Ruus Road. In 2012, the HPD received 95,239 calls for service comprised of approximately 3.7 percent Priority 1 calls, 25.1 percent Priority 2 calls, and 68.3 percent Priority 3 calls. The average response time for Priority 1 calls, in 2012, was 9 minutes and 2 seconds. The project site is located within Beat B.

Schools

The project site is located with the boundaries of the Hayward Unified School District (HUSD). The HUSD operates 22 elementary schools, five middle schools, and four high schools. Total districtwide enrollment in the 2011-2012 school year was 21,637 students. The proposed project would be served by Strobridge Elementary School, approximately 1.1 miles north of the project site, Bret Harte Middle School, approximately 0.4 mile southeast of the project site, and Hayward High School, approximately 1.2 miles east of the project site. Over the past 10 years, the HUSD has experienced a substantial decline in student population. Currently, the total number of elementary school students is far below capacity, similar with middle and high schools. It is projected that by 2017 the total student population would drop to 21,108 students, representing a 2.4 percent decrease over 2011-2012 school year levels (City of Hayward 2014a).

Parks

The Hayward Area Recreation and Park District (HARD) and the East Bay Regional Park District (EBRPD) provide parks and recreation services in the Hayward area. HARD operates 57 parks within the Hayward Planning Area and provides 159.85 acres of local parkland, 36.71 acres of school parks, 91.74 acres of community parkland, 271.29 acres of districtwide parkland, 1,627 acres of regional parkland, and 145.70 acres of open space, trails, and linear parkland (City of Hayward 2014a). Several parks are located approximately 1 mile from the project site. The closest parks to the project site are De Anza Park, located 0.7 mile to the northeast, and Bret Harte Park and Field, located 0.6 mile to the southeast.

Libraries

The Hayward Public Library system provides library services to the project site. The library system includes the Main Library, located at 835 C Street, and Weekes Branch Library, located at 27300 Patrick Avenue. A new Main Library, located at the corner of Mission Boulevard and C Street, is currently under construction and is estimated to be completed in 2018. Upon completion of the new main Library, the old Main Library will be demolished and the site will restored to its historic use as a Heritage Plaza. As of 2012, the City's two branches combined to contain over 169,697 books, magazines, newspapers, online databases, books on CD, music CDs, DVDs, government documents, and other materials (City of Hayward 2014a). The closet branch to the project site is the existing Main Library located 0.4 mile to the south. The new Main library will be located approximately 0.2 mile to the south of the project site.

Discussion of Potential Project Impacts

a) ***Less than Significant Impact***. Development of the proposed project would result in the addition of up to approximately 773 residents and about 12 retail workers[3] to the project site. The number of employees in the existing medical office building is not expected to change. The increase in the population on the

3 Based on an average number of 1 employee per 450 square feet of retail space.

project site would likely result in additional calls to the HFD for service. The HFD has indicated that the proposed project would have minimal impact on fire services in the City (Massone 2015). As a result, no new fire station or an expansion of an existing fire station would be needed, and there would be no potential for significant environmental impacts from the construction of new or expanded fire station facilities. Therefore, the impact related to the provision of fire services to the proposed project would be less than significant.

b) ***Less than Significant Impact***. Development of the proposed project would result in the addition of up to approximately 773 residents and 12 retail workers to the project site. The increase in the population on the project site may result in additional calls to the HPD for service, potentially increasing response times. The HPD has indicated that the proposed project would have minimal impact on law enforcement services in the City (Ajello 2015). As a result, no new police facility or an expansion of an existing police facility would be needed, and there would be no potential for significant environmental impacts from the construction of new or expanded facilities. Therefore, the impact of the proposed project related to the provision of law enforcement services would be less than significant.

c) ***Less than Significant Impact***. Development of the proposed project would increase the number of students attending schools operated by the HUSD. As discussed above, schools within the district are operating under capacity due to a recent rapid decline in the number of students, including the schools that would serve the project site. Additionally, development under the proposed project would be required to pay school development fees, as dictated by state law, prior to the issuance of building permits. According to Government Code Section 65996, payment of such fees constitutes full mitigation of any school impacts under CEQA. Therefore, any impacts from the increase in school enrollment would be offset by the required payment of development fees. This impact is considered less than significant.

d) ***Less than Significant Impact***. Development of the project site with residential uses under the proposed project would result in about 773 additional people living in the City, thereby increasing demand for park services. Two parks (De Anza Park and Bret Harte Park and Field) are located in the vicinity of the project site. The City strives to provide 3 acres of parkland per 1,000 residents (City of Hayward 2014a). Therefore, the project would generate the need for approximately 2.3 acre of parkland. The proposed project would include approximately 0.7 acres of common open space consisting of three ground floor courtyards and perimeter open space and approximately 0.4 acres of private open space. To address the park needs of the proposed project, avoid overuse of existing parks, and avoid a deficiency of parkland acreage in the City, the proposed project would be required to pay park in-lieu fees per City Code (Chapter 10.16), which can be used to acquire new parkland and/or pay for park improvements in the project vicinity. The payment of park and recreation development impact fees is considered by the City as full mitigation of development impacts to nearby recreation facilities. This impact is considered less than significant.

e) ***Less than Significant Impact***. Development of the project site with residential uses under the proposed project would result in about 773 additional people living in the city, thereby increasing demand for library services. The City's library requirements are based on a recommended standard of 0.46 to 0.5 square feet of public use space per capita. The two libraries in the City's Library system together provide approximately 33,567 square feet of library space[4] (City of Hayward 2014a). Upon completion of the new Main Library, the two libraries in the City's Library system would provide about 66,567 square feet of

[4] The Main Library currently includes 25,000 square feet of library space while the Weekes Branch currently includes 8,567 square feet of library space.

library space.[5] Based on a current population of 158,985 (DOF 2016), there is currently approximately 0.21 square feet of public use space per capita in the system, which is below the City's standard contained in the City's General Plan. Upon completion of the new Main Library, there would be about 0.42 square feet of public use space per capita in the system, which is close to the City's standard. With the addition of the population associated with the proposed project, the amount of library space per resident under both current and future conditions would decrease by approximately 0.49 percent. As this decrease is not substantial, the project will not require that new or expanded library facilities be constructed, and there would be no potential for significant environmental impacts from the construction of new or expanded facilities. Therefore, the impact related to the provision of library services under the proposed project would be less than significant.

Discussion of Potential Cumulative Impacts

Although substantial portions of the City are built out, future development or redevelopment would increase population in the City, thus resulting in an increase in demand for fire, police, schools, parks, and other public facilities such as libraries. However, according to the *City of Hayward 2040 General Plan EIR*, with the implementation of goals, policies, and implementation programs listed in the City's General Plan, impacts related to public services within the City due to future growth would be less than significant (City of Hayward 2014c). As discussed above, both the HFD and the HPD have indicated that the proposed project would have minimal impact on fire and police services in the City, and as a result no new fire or police facilities would need to be constructed to serve the proposed project. In addition, the proposed project would pay fees to mitigate impacts to schools and parks. As the decrease in the amount of existing library space per capita would not be substantial with the addition of the population associated with the proposed project, no new library facilities would need to be constructed to serve the proposed project. For these reasons, the proposed project's cumulative impact with respect to public services would be less than significant.

5 The new Main Library would include 58,000 square feet of library space.

Issues	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
15. RECREATION –				
a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	☐	☐	■	☐
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities, which might have an adverse physical effect on the environment?	☐	☐	■	☐

Relevant Elements of the Project and its Setting

As discussed in **Section 14**, several neighborhood parks are located approximately 1 mile from the project site. The closest parks to the project site are De Anza Park, located 0.7 mile to the northeast and Bret Harte Park and Field located 0.6 mile to the southeast.

Discussion of Potential Project Impacts

a-b) ***Less than Significant Impact***. See the response to **Item 14(d)** for a discussion of impacts to existing parks and recreational facilities. The proposed project does not involve construction or expansion of neighborhood parks. Therefore, potential impacts associated with park facilities would not occur. This impact is considered less than significant.

Discussion of Potential Cumulative Impacts

Anticipated future development in Hayward would increase the extent of development in the City, thus resulting in a cumulative increase in the use of recreational facilities. However, according to the *City of Hayward 2040 General Plan EIR*, with the implementation of goals, policies, and implementation programs listed in the City's General Plan, impacts related to parks and recreational facilities within the City due to future growth would be less than significant (City of Hayward 2014c). As discussed above, the proposed project would pay fees to mitigate impacts to parks. In addition, no public parks or recreational facilities would be constructed as part of the proposed project. Therefore, the proposed project's cumulative impact with respect to recreation would be less than significant.

Issues	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
16. TRANSPORTATION/TRAFFIC – Would the project:				
a) Conflict with an applicable plan, ordinance, or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?	☐	☐	■	☐
b) Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?	☐	☐	■	☐
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?	☐	☐	☐	■
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	☐	☐	■	☐
e) Result in inadequate emergency access?	☐	☐	☐	■
f) Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?	☐	☐	☐	■

Relevant Elements of the Project and its Setting

Traffic Impact Analysis

A revised traffic impact study (TIS) was prepared by Wood Rogers (October 2016) to evaluate the impacts of the proposed project on the street system within and adjacent to the project site and is included in **Appendix H** of this document.

The TIS analyzed the anticipated traffic impacts that would result during the weekday AM and PM peak hours with implementation of the proposed project. The traffic impact analysis evaluated impacts at 14 existing and one proposed intersections during the AM and PM peak hours and under the following scenarios:

- **Existing conditions** - Analysis of existing traffic operations at critical study area transportation facilities.

- **Existing plus project conditions** - Analysis of a near-term future condition that adds project-generated traffic to existing traffic volumes.

- **Background conditions** - Analysis of a near-term future condition estimated by interpolating future traffic volumes (using the City's General Plan Update travel demand model) between existing and cumulative long-term conditions. These conditions conservatively assume full build out of the nearby Lincoln Landing project (including Phases 1 and 2).

- **Background plus project conditions** - Analysis of a condition that adds the project-generated traffic to background conditions.

- **Cumulative conditions** - Analysis of a cumulative future (Year 2035) condition estimated by using the City's General Plan Update travel demand model and transportation improvement within the project vicinity assuming the proposed project site itself remains in its present state. These conditions conservatively assume full build out of the nearby Lincoln Landing project (including Phases 1 and 2).

- **Cumulative plus project conditions** - Analysis of a condition that adds the project-generated traffic to cumulative base conditions.

The following intersections were analyzed:

1. Mission Boulevard/Grove Way
2. Mission Boulevard/Rose St
3. Mission Boulevard/Simon Street
4. Mission Boulevard/Hotel Avenue
5. Mission Boulevard/A Street
6. Main Street/Hazel Avenue
7. Main Street/McKeever Avenue
8. Main Street/Hotel Avenue
9. Main Street/A Street
10. Maple Court/A St

11. Maple Court/McKeever Avenue
12. Foothill Boulevard/Hazel Avenue – City Center Drive
13. Foothill Boulevard/City Center Drive
14. Foothill Boulevard/A Street
15. Main Street/Project Driveway (future)

Intersection traffic operations were evaluated using the level of service (LOS) concept. LOS is a qualitative description of an intersection and roadway's operation ranging from LOS A to LOS F. LOS A represents free-flow uncongested traffic conditions. LOS F represents highly congested traffic conditions with unacceptable delay to vehicles at the intersections and on the road segments. The intermediate levels of service represent incremental levels of congestion and delay between these two extremes.

LOS was calculated for all intersection control types using methods documented in the Transportation Research Board Publication Highway Capacity Manual, Fourth Edition, 2000 (HCM 2000). For two-way-stop-controlled (TWSC) intersections, the "worst-case" movement delays and "average" LOS are reported. For signalized and all-way-stop-controlled (AWSC) intersections, the intersection delays and LOS reported are the "average" values for the whole intersection. See **Appendix H** for a description of LOS definitions and criteria for intersections.

The City of Hayward currently utilizes LOS "E" as the minimum acceptable LOS threshold for signalized intersections during the AM and PM peak periods. In addition, for both signalized and unsignalized intersections, the proposed project would result in a potentially significant impact if:

- The intersection operates at LOS "F" without the project under Existing, Background or Cumulative conditions and the addition of the project under Existing plus Project, Background plus Project, or Cumulative plus Project conditions results in an increase in the average control delay of 5.0 seconds or greater when compared to the associated no project condition.

Existing Traffic Conditions

According to the TIS, all study intersections are currently operating at an acceptable LOS E or better during the AM and PM peak hour. A California Manual on Uniform Traffic Control Devices (CA-MUTCD) based peak hour signal warrant-3 (urban areas) is met at the unsignalized intersection of Maple Court/A Street during the PM peak hour under existing conditions.[6] However, this intersection currently operates at LOS A during the AM and PM peak hour and given its proximity to the intersection of Foothill Boulevard/A Street, a traffic signal is not recommended at this location.

6 The term "signal warrant" refers to the list of CA-MUTCD established criteria used by Caltrans and other public agencies to quantitatively justify or ascertain the need for installation of a traffic signal at an unsignalized intersection location. In the case of the proposed project, a signal is warranted at the unsignalized intersection of Maple Court/A Street during the PM peak hour when criteria for warrant-3 listed in the CA-MUTCD are applied.

Background Traffic Conditions

According to the TIS, the unsignalized intersection of Mission Boulevard/Simon Street is projected to operate at LOS F during the AM and PM peak hours under background conditions while the unsignalized intersection of Mission Boulevard/Hotel Avenue is projected to operate at LOS F during the PM peak hour under this scenario. In addition, the signaled intersections of Foothill Boulevard with Hazel Avenue-City Center Drive and with City Center Drive are projected to operate at LOS F during the PM peak hour under background conditions. All of the remaining study intersections are projected to operate at an acceptable LOS E or better during AM and PM peak hour under background conditions. A CA-MUTCD based peak hour signal warrant-3 (urban areas) is projected to be met at the unsignalized intersection of Maple Court/A Street during the AM and PM peak hours under this scenario. However, this intersection would operate at LOS B under background conditions and given its proximity to the intersection of Foothill Boulevard/A Street, a traffic signal is not recommended at this location.

Project Trip Generation and Distribution

The new residential building consists of 240 apartment dwelling units, 1,580 square feet of office space, and 5,571 square feet of retail. However, the TIS conservatively assumed 7,000 square feet of retail. The AM and PM peak hour trips generated by the proposed project were estimated using trip generation rates published by the Institute of Transportation Engineers (ITE). Trip generation rates for the ITE land use "Apartment" were applied to the 240 apartment units, trip generation rates for the ITE land use "Single Tenant Office Building" were applied to the 1,580 square feet of office space, and trip generation rates for the ITE land use "Shopping Center" were applied to the 7,000 square feet of retail. Trips were not estimated for the existing medical office building to be renovated as this is considered an existing use that would continue at the site.

The proposed project is anticipated to generate approximately 1,471 daily trips with 105 trips generated during the AM peak hour (24 inbound, 81 outbound) and 138 trips generated during the PM peak hour (85 inbound, 53 outbound). Existing vehicle trips associated with the building space to be demolished were not estimated nor deducted from the project trips to obtain net new trips. Therefore, the daily and peak hour trips used in the TIS analysis are considered conservative. In addition, project trip generation includes a total of 20 percent in trip discounts for various Travel Demand Management (TDM) methods that the proposed project will employ or provide. These TDM methods include:

- Provision of "Unbundled" Multifamily Parking (i.e., separating the cost of parking from residential rent/lease fees).

- Provision of a shuttle service to/from Hayward Bay Area Rapid Transit (BART) station – Although the project site is located within 2,000 walking feet of the Hayward BART station, the applicant will make a fair-share annual contribution toward the funding of the City's proposed shuttle service. As currently proposed, the City's shuttle will connect the project area with the Hayward BART station, Southland Mall, Chabot College and major employment centers in Hayward's West Industrial Area.

  In the event that the City's proposed shuttle service does not come to fruition, or reduces or ceases service, the applicant has devised a shuttle program that would continue to facilitate access to/from the project site and the Hayward BART station.

- Provision of electric vehicle charging stations – The project's proposed parking facilities include designated electric vehicle parking/charging stations and shared vehicle stalls in preferential areas closer to building entrances.

- Provision of on-site bicycle storage – Storage for 52 bikes is part of the proposed project site plan. An additional 12 bike racks will be provided at the northeast and southwest gates for residents and customers visiting the project site. These 12 additional bike racks are for resident and customer benefit and are not to be counted as credits. This amenity may reduce vehicle dependence for residents and encourage ridership as an alternate means of travel. If the demand exists, a shared bicycle program may be considered as an amenity to residents.

- Proximity to downtown core/transit services – The proposed project is located within walking distance to downtown Hayward and multiple transit stops.

- Shared vehicle services (i.e. Zipcar) – Providing on-site shared vehicles may reduce resident parking demand.

- Inclusion of design features to encourage walking, bicycling and transit usage.

The estimated project trips were assigned to the local road network based on input from City of Hayward staff and based on the City's General Plan Update Travel Demand Model.

Discussion of Potential Project Impacts

a-b) ***Less than Significant Impact***. According to the TIS, the project would create a significant adverse impact on traffic conditions at a signalized intersection in the City of Hayward if it:

- Causes the AM or PM peak hour LOS to degrade from an acceptable LOS "E" or better to an unacceptable LOS "F."

In addition, for both signalized and unsignalized intersections, the proposed project would result in a potentially significant impact if:

- The intersection operates at Level of Service F without the project under Existing, Background, or Cumulative conditions and the addition of the project under Existing plus Project, Background plus Project, or Cumulative plus Project conditions results in an increase in the average control delay of 5.0 seconds or greater when compared to the associated no project condition.

Existing Plus Project Traffic Conditions

As shown in **Table 16, Existing Plus Project Conditions**, all study intersections are projected to operate at an acceptable LOS E or better during the AM and PM peak hour under existing plus project conditions, and the project's traffic impact under existing conditions is considered less than significant.

Although a CA-MUTCD based peak hour signal warrant-3 (urban areas) is projected to be met at the unsignalized Maple Court/A Street intersection during the PM peak hour under this scenario, because this intersection would operate at LOS A during the AM and PM peak hour and given its proximity to

the intersection of Foothill Boulevard/A Street, a traffic signal would not be recommended at this location.

Table 16
Existing plus Project Conditions

			AM Peak Hour							PM Peak Hour						
			Existing Conditions			Existing plus Project Conditions			Delay	Existing Conditions			Existing plus Project Conditions			Delay
	Intersection	Control Type	Delay[1]	LOS	Wrnt Met?[2]	Delay[1]	LOS	Wrnt Met?[2]	Diff[3]	Delay (S/V)[1]	LOS	Wrnt Met?[2]	Delay (S/V)[1]	LOS	Wrnt Met?[2]	Diff[3]
1	Mission Blvd/ Grove Way	Signal	34.3	C	--	34.3	C	--	0.0	37.4	D	--	37.5	D	--	0.1
2	Mission Blvd/ Rose St	TWSC	10.9 (0.5)	B (A)	No	10.9 (0.5)	B (A)	No	(0.0)	16.3 (1.2)	C (A)	No	16.5 (1.2)	C (A)	No	(0.0)
3	Mission Blvd/ Simon St	TWSC	34.0 (1.5)	D (A)	No	34.6 (1.5)	D (A)	No	(0.0)	33.8 (2.0)	D (A)	No	34.9 (2.1)	D (A)	No	(0.1)
4	Mission Blvd/ Hotel Ave	TWSC	22.7 (1.3)	C (A)	No	22.9 (1.4)	C (A)	No	(0.1)	31.0 (1.2)	D (A)	No	32.0 (1.3)	D (A)	No	(0.1)
5	Mission Blvd/ A St	Signal	36.9	D	--	36.9	D	--	0.0	45.7	D	--	45.8	D	--	0.1
6	Main St/ Hazel Ave	AWSC	8.3	A	No	8.4	A	No	0.1	8.6	A	No	8.7	A	No	0.1
7	Main St/ McKeever Ave	AWSC	7.7	A	No	7.8	A	No	0.1	8.2	A	No	8.4	A	No	0.2
8	Main St/ Hotel Ave	TWSC	9.8 (2.5)	A (A)	No	9.9 (2.3)	A (A)	No	(-0.2)	11.2 (3.2)	B (A)	No	11.6 (3.2)	B (A)	No	(0.0)
9	Main St/ A St	Signal	12.3	B	--	12.4	B	--	0.1	13.2	B	--	14.0	B	--	0.8
10	Maple Ct/ A St	TWSC	9.9 (0.4)	A (A)	No	9.9 (0.4)	A (A)	No	(0.0)	9.9 (0.7)	A (A)	**Yes**	9.9 (0.7)	A (A)	**Yes**	(0.0)
11	Maple Ct/ McKeever Ave	AWSC	8.2	A	No	8.3	A	No	0.1	9.0	A	No	9.1	A	No	0.1
12	Foothill Blvd/ Hazel Ave-City Center Dr	Signal	28.8	C	--	29.8	C	--	1.0	44.7	D	--	46.4	D	--	1.7
13	Foothill Blvd/ City Center Dr	Signal	28.8	C	--	29.7	C	--	0.9	57.0	E	--	57.5	E	--	0.5
14	Foothill Blvd/ A St	Signal	41.5	D	--	41.8	D	--	0.3	38.0	D	--	38.3	D	--	0.3

			AM Peak Hour							PM Peak Hour						
			Existing Conditions			Existing plus Project Conditions			Delay	Existing Conditions			Existing plus Project Conditions			Delay
	Intersection	Control Type	Delay[1]	LOS	Wrnt Met?[2]	Delay[1]	LOS	Wrnt Met?[2]	Diff[3]	Delay (S/V)[1]	LOS	Wrnt Met?[2]	Delay (S/V)[1]	LOS	Wrnt Met?[2]	Diff[3]
15	Main St/Project Driveway	OWSC (Future)	--	--	--	9.4 (2.6)	A (A)	No	(2.6)	--	--	--	10.2 (1.9)	B (A)	No	(1.9)

Source: Wood Rodgers, 2016a

*Notes: **Bold** font indicates unacceptable operations.*

1 For OWSC (One-Way-Stop-Control) and TWSC (Two-Way-Stop-Control) intersections, "worst-case" movement and "average" delay (in seconds/vehicle) are indicated in xx (xx) format, respectively. "Average" control delays (in seconds/vehicle) are indicated for AWSC (All-Way-Stop-Control) and Signal-Control intersections.

2. Warrant = CA-MUTCD based peak-hour-volume warrant #3 (urban areas)

3 Indicates difference in "average: delay for baseline conditions and "plus Project" conditions.

Background Plus Project Traffic Conditions

As shown in **Table 17, Background Plus Project Conditions**, the unsignalized intersection of Mission Boulevard/Simon Street is projected to operate at LOS F during the AM and PM peak hours under background plus project conditions and the unsignalized intersection of Mission Boulevard/Hotel Avenue is projected to operate at LOS F during the PM peak hour under this scenario. In addition, the signalized intersections of Foothill Boulevard with Hazel – City Center Drive and with City Center Drive are projected to operate at LOS F during the AM and PM peak hour under background plus project conditions. All of the remaining study intersections are projected to operate at acceptable LOS E or better during AM and PM peak hour under background plus project conditions. A detailed discussion of the intersections operating at an unacceptable LOS F is provided below.

- **Mission Boulevard/Simon Street** – This two way stop-controlled intersection is projected to operate at LOS F during the AM and PM peak hours under both background and background plus project conditions. As discussed above, the City of Hayward currently utilizes LOS E as the minimum acceptable LOS threshold for unsignalized and signalized intersections during the AM and PM peak periods. For purposes of this analysis, the project would create a significant adverse impact if the intersection operates at LOS F without the project under background conditions and the addition of the project traffic results in an increase in the average control delay of 5.0 seconds or greater when compared to the associated no project conditions. As the proposed project would only add only 0.2 seconds of average delay to the intersection during the AM peak hour and only 0.1 seconds of average delay to the intersection during the PM peak hour, , the project's impact at this intersection would be less than significant.

- **Mission Boulevard/Hotel Street** – This two way stop-controlled intersection is projected to operate at LOS F during the PM peak hour under both background and background plus project conditions. As the proposed project would only add only 0.1 seconds of average delay to the intersection during the PM peak hour, the project's impact at this intersection would be less than significant.

- **Foothill Boulevard/Hazel – City Center Drive** – This signalized intersection is projected to operate at LOS F during the AM and PM peak hours under both background and background plus project conditions. As the proposed project would add only 2.5 seconds of average delay to the intersection during the PM peak hour, the project's impact at this intersection would be less than significant.

- **Foothill Boulevard/City Center Drive** – This signalized intersection is projected to operate at LOS F during the PM peak hour under both background and background plus project conditions. As the proposed project would only add only 0.4 seconds of average delay to the intersection during the PM peak hour, the project's impact at this intersection would be less than significant.

In addition to the analysis of the project's traffic impacts on the LOS at the study intersections consistent with the City's thresholds of significance presented above, a signal warrant analysis for the unsignalized intersections was conducted and is presented in **Table 17** for informational purposes only. The analysis shows that for all but one unsignalized intersection, the peak hour volume based warrant-3 would not be met. The peak hour signal warrant-3 (urban areas) is projected to be met at the unsignalized intersection of Maple Court/A Street during the AM and PM peak hours under both baseline and baseline plus project conditions. However, this intersection operates at LOS B during the AM and PM peak hour under background plus project conditions and given its proximity to the intersection of Foothill Boulevard/A Street, a traffic signal would not be recommended at this location.

c) ***No Impact.*** The Hayward Executive Airport is a city-owned, public-use airport located approximately 2.1 miles southwest of the project site, and Oakland International Airport is a public-use airport owned by the Port of Oakland that is located approximately 7.4 miles northwest of the project site. The project site is not located within the airport influence areas of either airport. There would be no impact with regard to this criterion.

d) ***Less Than Significant Impact.*** The proposed project would be required to comply with the City's design standards and the design standards in the *Uniform Fire Code*. Required compliance with these existing standards would prevent hazardous design features and would ensure adequate and safe access. This impact is considered less than significant.

e) ***No Impact.*** The proposed project must comply with all building, fire, and safety codes and specific development plans would be subject to review and approval by the City's Public Works Department and the Hayward Fire Department. Required review by these departments would ensure that the proposed circulation system for the project site would provide adequate emergency access. In addition, the proposed project would not cause any permanent or temporary closures to any roadway. There would be no impact with respect to this criterion.

Table 17
Background plus Project Conditions

			AM Peak Hour							PM Peak Hour						
			Background Conditions			Background plus Project Conditions				Background Conditions			Background plus Project Conditions			
	Intersection	Control Type	Delay[1]	LOS	Wrnt Met?[2]	Delay[1]	LOS	Wrnt Met?[2]	Delay Diff[3]	Delay (S/V)[1]	LOS	Wrnt Met?[2]	Delay (S/V)[1]	LOS	Wrnt Met?[2]	Delay Diff[3]
1	Mission Blvd/ Grove Way	Signal	63.3	E	--	63.9	E	--	0.6	60.5	E	--	61.8	E	--	1.3
2	Mission Blvd/ Rose St	TWSC	14.2 (0.6)	B (A)	No	14.2 (0.6)	B (A)	No	(0.0)	15.4 (1.2)	C (A)	No	15.5 (1.2)	C (A)	No	(0.0)
3	Mission Blvd/ Simon St	TWSC	**54.9** (1.8)	**F** (A)	No	**60.6** (2.0)	**F** (A)	No	(0.2)	**64.5** (2.9)	**F** (A)	No	**64.4** (3.0)	**F** (A)	No	(0.1)
4	Mission Blvd/ Hotel Ave	TWSC	43.0 (1.8)	E (A)	No	43.7 (1.8)	E (A)	No	(0.0)	**50.8** (1.6)	**F** (A)	No	**52.8** (1.7)	**F** (A)	No	(0.1)
5	Mission Blvd/ A St	Signal	39.5	D	--	39.6	D	--	0.1	49.7	D	--	49.9	D	--	0.2
6	Main St/ Hazel Ave	AWSC	10.1	B	No	10.2	B	No	0.1	10.5	B	No	10.8	B	No	0.3
7	Main St/ McKeever Ave	AWSC	8.8	A	No	8.9	A	No	0.1	9.5	A	No	9.9	A	No	0.4
8	Main St/ Hotel Ave	TWSC	10.9 (2.0)	B (A)	No	11.2 (2.0)	B (A)	No	(0.0)	13.2 (3.0)	B (A)	No	13.8 (3.1)	B (A)	No	(0.1)
9	Main St/ A St	Signal	14.4	B	--	14.6	B	--	0.2	17.4	B	--	19.5	B	--	2.1
10	Maple Ct/ A St	TWSC	10.3 (0.6)	B (A)	**Yes**	10.3 (0.6)	B (A)	**Yes**	(0.0)	10.3 (0.9)	B (A)	**Yes**	10.3 (0.8)	B (A)	**Yes**	(-0.1)
11	Maple Ct/ McKeever Ave	AWSC	8.8	A	No	8.9	A	No	0.1	10.1	B	No	10.2	B	No	0.1
12	Foothill Blvd/ Hazel Ave-City Center Dr	Signal	40.6	D	--	43.1	D	--	2.5	**81.3**	**F**	--	**83.8**	**F**	--	2.5
13	Foothill Blvd/ City Center Dr	Signal	31.6	C	--	32.1	C	--	0.5	**93.3**	**F**	--	**93.7**	**F**	--	0.4
14	Foothill Blvd/ A St	Signal	44.8	D	--	45.5	D	--	0.7	40.5	D	--	41.0	D	--	0.5

			AM Peak Hour							PM Peak Hour						
			Background Conditions			Background plus Project Conditions			Delay	Background Conditions			Background plus Project Conditions			Delay
	Intersection	Control Type	Delay[1]	LOS	Wrnt Met?[2]	Delay[1]	LOS	Wrnt Met?[2]	Diff[3]	Delay (S/V)[1]	LOS	Wrnt Met?[2]	Delay (S/V)[1]	LOS	Wrnt Met?[2]	Diff[3]
15	Main St/Project Driveway	OWSC (Future)	--	--	--	9.9 (2.0)	Aa (A)	No	(2.0)	--	--	--	12.1 (1.4)	B (A)	No	(1.4)

Source: Wood Rodgers, 2016a

*Notes: **Bold** font indicates unacceptable operations.*

1 For OWSC (One-Way-Stop-Control) and TWSC (Two-Way-Stop-Control) intersections, "worst-case" movement and "average" delay (in seconds/vehicle) are indicated in xx (xx) format, respectively. "Average" control delays (in seconds/vehicle) are indicated for AWSC (All-Way-Stop-Control) and Signal-Control intersections.

2. Warrant = CA-MUTCD based peak-hour-volume warrant #3 (urban areas)

3 Indicates difference in "average: delay for baseline conditions and "plus Project" conditions.

f) ***No Impact***. The project site is located in the downtown area and is served by BART and multiple bus lines. The proposed project would include bike parking facilities for 64 bicycles. The proposed project would not conflict with any adopted policies, plans, or programs regarding alternative transportation since no changes to the existing transportation policies, plans, or programs would result, either directly or indirectly, from development on the project site. In addition, the project would not require the removal, addition, or relocation of transit, pedestrian or bicycle facilities. There would be no impact with respect to this criterion.

Discussion of Potential Cumulative Impacts

According to the *City of Hayward 2040 General Plan EIR*, anticipated future development in the City of Hayward could result in traffic volumes that exceed the City standard for intersection performance at several intersections in 2035. Even with the implementation of mitigation listed in the City's General Plan, impacts at some intersections in the City due to future growth would be significant and unavoidable (City of Hayward 2014c).

A project-specific cumulative traffic analysis was conducted for the proposed project which evaluated LOS impacts under Cumulative conditions as well as under Cumulative plus project conditions. As shown in **Table 18, Cumulative Plus Project Conditions**, the unsignalized Mission Boulevard intersections with Rose Street, Simon Street, and Hotel Avenue are projected to operate at LOS F during the AM and PM peak hour under cumulative plus project conditions. In addition, the signalized intersections of Mission Boulevard/Grove Way and Foothill Boulevard/Hazel Avenue–City Center Drive are projected to operate at LOS F during the AM and PM peak hours under cumulative plus project conditions. Next, the signalized intersections of Mission Boulevard/A Street and Foothill Boulevard/City Center Drive are projected to operate at LOS F during the PM peak hour under cumulative plus project conditions. All of the remaining study intersections are projected to operate at acceptable LOS E or better during the AM and PM peak hour under cumulative plus project conditions under the proposed project. A detailed discussion of each of these intersections is provided below.

- **Mission Boulevard/Grove Way** – This signalized intersection is projected to operate at LOS F during the AM and PM peak hours under both cumulative and cumulative plus project conditions. As discussed above, the City of Hayward currently utilizes LOS E as the minimum acceptable LOS threshold for unsignalized and signalized intersections during the AM and PM peak periods. For purposes of this analysis, the project would create a significant adverse impact if the intersection operates at LOS F without the project cumulative conditions and the addition of the project traffic results in an increase in the average control delay of 5.0 seconds or greater when compared to the associated no project conditions. As the proposed project would only add 1.2 seconds of delay to the intersection during the AM peak hour and 0.8 seconds of delay to the intersection during the PM peak hour, the project's cumulative impact at this intersection would be less than significant.

- **Mission Boulevard/Rose Street** – This two way stop-controlled intersection is projected to operate at LOS F during the AM and PM peak hours under both cumulative and cumulative plus project conditions. As the proposed project would only add 0.3 seconds of average delay to the intersection during the AM peak hour and 0.7 seconds of average delay to the intersection during the PM peak hour, the project's cumulative impact at this intersection would be less than significant.

- **Mission Boulevard/Simon Street** – This two way stop-controlled intersection is projected to operate at LOS F during the AM and PM peak hours under both cumulative and cumulative plus project

conditions. As the proposed project would only add 1.0 seconds of average delay to the intersection during the AM peak hour and a similar amount of average delay[7] to the intersection during the PM peak hour, the project's cumulative impact at this intersection would be less than significant.

- **Mission Boulevard/Hotel Avenue** – This two way stop-controlled intersection is projected to operate at LOS F during the AM and PM peak hours under both cumulative and cumulative plus project conditions. As the proposed project would only add 0.2 seconds of average delay to the intersection during the AM peak hour and 0.5 seconds of average delay to the intersection during the PM peak hour, the project's cumulative impact at this intersection would be less than significant.

- **Mission Boulevard/A Street** – This signalized intersection is projected to operate at LOS F during the PM peak hour under both cumulative and cumulative plus project conditions. As the proposed project would only add 1.2 seconds of delay to the intersection during the PM peak hour, the project's cumulative impact at this intersection is less than significant.

- **Foothill Boulevard/Hazel Avenue - City Center Drive** – This signalized intersection is projected to operate at LOS F during the AM and PM peak hours under both cumulative and cumulative plus project conditions. As the proposed project would only add 2.8 seconds of delay to the intersection during the AM peak hour and 1.9 seconds of delay to the intersection during the PM peak hour, the project's cumulative impact at this intersection is considered less than significant.

- **Foothill Boulevard/City Center Drive** – This signalized intersection is projected to operate at LOS F during the PM peak hour under both cumulative and cumulative plus project conditions. As the proposed project would only add 0.8 seconds of delay to the intersection during the PM peak hour, the project's cumulative impact at this intersection is considered less than significant.

In addition to the analysis of the project's cumulative traffic impacts on the LOS at the study intersections consistent with the City's thresholds of significance presented above, a signal warrant analysis for the unsignalized intersections was conducted and is presented in **Table 18** for informational purposes only. The analysis shows that for all but two unsignalized intersections, the peak hour volume based warrant-3 would not be met. A CA-MUTCD based peak hour signal warrant-3 (urban areas) is projected to be met at the unsignalized intersection of Main Street/Hazel Avenue and Maple Court/A Street intersections during the AM and PM peak hour conditions under cumulative and cumulative plus project conditions. However, the Main Street/Hazel Avenue intersection maintains an acceptable LOS "E" both with and without the addition of project trips. The Maple Court/A Street intersection operates at LOS "B" conditions for both the AM and PM peak hour and given its proximity to the Foothill Boulevard/A Street intersection, a traffic signal would not be recommended at this location.

7 Due to the limits of the Highway Capacity Manual (HCM 2000) formula the LOS cannot be calculated and thus the amount of delay cannot be provided. The error is due to 8 vehicles per hour making a left hand turn out of Simon Street and onto Mission Boulevard during the cumulative PM peak hour. These 8 vehicles perform this maneuver with and without the project (e.g. not project related). The project only adds 2 additional vehicles during the AM and PM peak hours, respectively, for the Simon Street approach and these vehicles make right hand turns (not left hand turns). Therefore, there is very minimal change between no project and with project, and thus the proposed project does not impact this intersection

Table 18
Cumulative Plus Project Conditions

			AM Peak Hour							PM Peak Hour						
			Cumulative Conditions			Cumulative plus Project Conditions			Delay	Cumulative Conditions			Cumulative plus Project Conditions			Delay
	Intersection	Control Type	Delay[1]	LOS	Wrnt Met?[2]	Delay[1]	LOS	Wrnt Met?[2]	Diff[3]	Delay (S/V)[1]	LOS	Wrnt Met?[2]	Delay (S/V)[1]	LOS	Wrnt Met?[2]	Diff[3]
1	Mission Blvd/ Grove Way	Signal	**250.3**	**F**	--	**251.5**	**F**	--	1.2	**232.0**	**F**	--	**232.8**	**F**	--	0.8
2	Mission Blvd/ Rose St	TWSC	**331.9** (4.9)	**F** (A)	No	**338** (5.2)	**F** (A)	No	(0.3)	**338.4** (9.7)	**F** (A)	No	**363.3** (10.4)	**F** (B)	No	(0.7)
3	Mission Blvd/ Simon St	TWSC	**OVFL**[4] (19.7)	**F** (C)	No	**OVFL**[4] (20.7)	**F** (C)	No	(1.0)	**OVFL**[4] **(Err)**[5, 6]	**F (F)**	No	**OVFL**[4] **(Err)**[5, 6]	**F (F)**	No	(Err)[5, 6]
4	Mission Blvd/ Hotel Ave	TWSC	**377.4** (4.4)	**F** (A)	No	**383.1** (4.6)	**F** (A)	No	(0.2)	**605.7** (7.2)	**F** (A)	No	**641.7** (7.7)	**F** (A)	No	(0.5)
5	Mission Blvd/ A St	Signal	73.3	E	--	75.0	E	--	1.7	**93.9**	**F**	--	**95.1**	**F**	--	1.2
6	Main St/ Hazel Ave	AWSC	45.1	E	**Yes**	46.4	E	**Yes**	1.3	46.8	E	**Yes**	49.5	E	**Yes**	2.7
7	Main St/ McKeever Ave	AWSC	18.7	C	No	19.3	C	No	0.6	16.6	C	No	17.9	C	No	1.3
8	Main St/ Hotel Ave	TWSC	15.2 (1.1)	C (A)	No	15.5 (1.1)	C (A)	No	(0.0)	20.8 (2.4)	C (A)	No	21.9 (2.6)	C (A)	No	(0.2)
9	Main St/ A St	Signal	15.8	B	--	16.3	B	--	0.5	13.6	B	--	14.2	B	--	0.6
10	Maple Ct/ A St	TWSC	10.4 (0.4)	B (A)	**Yes**	10.4 (0.4)	B (A)	**Yes**	(0.0)	10.6 (0.8)	B (A)	**Yes**	10.6 (0.7)	B (A)	**Yes**	(-0.1)
11	Maple Ct/ McKeever Ave	AWSC	8.9	A	No	9.0	A	No	0.1	9.8	A	No	9.9	A	No	0.1
12	Foothill Blvd/ Hazel Ave-City Center Dr	Signal	**101.6**	**F**	--	**104.4**	**F**	--	2.8	**155.5**	**F**	--	**157.4**	**F**	--	1.9
13	Foothill Blvd/ City Center Dr	Signal	40.1	D	--	41.2	D	--	1.1	**93.0**	**F**	--	**93.8**	**F**	--	0.8
14	Foothill Blvd/ A St	Signal	56.3	E	--	56.8	E	--	0.5	31.7	C	--	32.4	C	--	0.7

			AM Peak Hour							PM Peak Hour						
			Cumulative Conditions			Cumulative plus Project Conditions			Delay	Cumulative Conditions			Cumulative plus Project Conditions			Delay
	Intersection	Control Type	Delay[1]	LOS	Wrnt Met?[2]	Delay[1]	LOS	Wrnt Met?[2]	Diff[3]	Delay (S/V)[1]	LOS	Wrnt Met?[2]	Delay (S/V)[1]	LOS	Wrnt Met?[2]	Diff[3]
15	Main St/Project Driveway	TWSC (Future)	--	--	--	11.4 (1.2)	B (A)	No	(1.2)	--	--	--	16.9 (1.1)	C (A)	No	(1.1)

Source: Wood Rodgers, 2016a

*Notes: **Bold** font indicates unacceptable operations.*

1 For OWSC (One-Way-Stop-Control) and TWSC (Two-Way-Stop-Control) intersections, "worst-case" movement and "average" delay (in seconds/vehicle) are indicated in xx (xx) format, respectively. "Average" control delays (in seconds/vehicle) are indicated for AWSC (All-Way-Stop-Control) and Signal-Control intersections.

2. Warrant = CA-MUTCD based Peak-hour-Volume Warrant #3 (Urban Areas)

3 Indicates difference in "average: delay for baseline conditions and "plus Project" conditions.

4 OVFL = Overflow conditions where delays are greater than 999.9 seconds per vehicle

5 Err = Unstable operating conditions. Accurate LOS may not be calculated

6 The Error occurs due to the limits of the Highway Capacity Manual (HCM 2000) formula used to calculate level of service. The error is due to 8 vehicles per hour making a left hand turn out of Simon Street and onto Mission Boulevard during the cumulative PM peak hour. These 8 vehicles perform this maneuver with and without the project (e.g. not project related). The project only adds 2 additional vehicles during the AM and PM peak hours, respectively, for the Simon Street approach and these vehicles make right hand turns (not left hand turns). Therefore, there is very minimal change between no project and with project, and thus the proposed project does not impact this intersection.

Issues	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
17. UTILITIES AND SERVICE SYSTEMS – Would the project:				
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	☐	☐	■	☐
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	☐	☐	■	☐
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	☐	☐	☐	■
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	☐	☐	☐	■
e) Result in a determination by the wastewater treatment provider, which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	☐	☐	■	☐
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	☐	☐	■	☐
g) Comply with applicable federal, state, and local statutes and regulations related to solid waste?	☐	☐	☐	■

Water

The City of Hayward owns and operates its own water distribution system and purchases all of its water from the San Francisco Public Utility Commission (SFPUC). The Hayward water system serves approximately 147,000 residents within the city limits. Surface water originating from the Sierra Nevada Mountain Range is the predominant source of potable water within the City of Hayward. Treated water is also supplied by the SFPUC from its local watershed and facilities in Alameda County (City of Hayward 2014a).

Wastewater

Wastewater generated on the project site is presently collected by the City of Hayward sanitary sewer system and transported via underground sewer lines to the City of Hayward Water Pollution Control Facility (WPCF).The East Bay Dischargers Authority (EBDA) disposes the treated wastewater. The WPCF has a design and permit capacity of 18.7 million gallons per day (mgd). The WPCF currently treats approximately 12 mgd (Wilfong 2015).

Stormwater

Storm drains in the City of Hayward are owned and maintained by the Alameda County Flood Control and Water Conservation District (ACDWCF). Storm drain pipes smaller than 30 inches are typically owned by the City and are generally provided within local streets and easements. Stormwater on the project site is currently discharged into the City of Hayward municipal storm drain system in the adjacent streets and conveyed to ACDWCF stormwater collection system. Eventually stormwater flows drain into the San Francisco Bay via Mount Eden and Old Alameda creeks (City of Hayward 2014a).

Solid Waste

Waste Management, Inc. (WMI) is in a Franchise Agreement with the City to provide solid waste disposal services. Solid waste currently generated on the project site is collected by WMI and is disposed of at the Altamont Landfill, which is owned and operated by WMI. The landfill is currently permitted to accept a maximum of 11,500 tons per day (CalRecycle 2015). The facility has a maximum permitted capacity of approximately 87.1 million cubic yards and, as of 2015, had a remaining capacity of about 40.3 million cubic yards (Fockler 2015).

Discussion of Potential Project Impacts

a) ***Less than Significant Impact***. Wastewater generated on the project site would be conveyed through the City's sanitary sewer system to the City's WPCF, located approximately 5.2 miles southwest of the project site. The San Francisco Bay Regional Water Quality Control Board (RWQCB) regulates water quality and quantity of effluent discharged from the City's WPCF. The WPCF has a design and permit capacity of 18.7 mgd and currently treats approximately 12 mgd. Therefore, based on current sewage flows, the City has approximately 6.7 mgd of excess treatment capacity. As discussed in response to **Item 17(b)** below, the volume of wastewater generated by the proposed project would be accommodated by the excess treatment capacity at the WPCP. Furthermore, the type of wastewater that would be discharged from the project site after occupancy of the proposed project would be similar to wastewater that is discharged by residential areas. Consequently, the proposed project would not contribute to an exceedance of the wastewater treatment requirements of the WPCF. The impact would be less than significant.

b) ***Less than Significant Impact***. Domestic water in the City is derived from the Sierra Nevada Mountain Range and local watersheds. Water from the Hetch Hetchy watershed is treated at the Tesla Water Treatment Plant (WTP) in Tracy while water from the local watershed in the East Bay area is treated at the Sunol Valley WTP located in unincorporated Alameda County. The Tesla WTP has a capacity to treat 315 mgd while the Sunol Valley WTP has a capacity of 160 mgd for up to 60 days (Lauppe 2015). As discussed in response to **Item 17(d)**, below, the proposed project would demand approximately 53,400 gallons per day (gpd) of water, which is a fraction of the treatment capacities at each plant. Therefore,

there is enough capacity at the WTPs to serve the proposed project, and this impact would be less than significant.

As discussed in response to **Item 17(a)**, above, the proposed project would be served by the City's WPCF. The WPCF's has a treatment capacity of approximately 18.7 mgd which, based on current sewage flows, leaves the City with approximately 6.7 mgd of excess treatment capacity. The proposed project would generate about 50,100 gpd of wastewater (RMC 2015). There is enough excess capacity at the WPCF to serve the proposed project, and no expansion of the WPCF would be required. The impact would be less than significant.

c) ***No Impact.*** All site runoff would be directed to the City's existing municipal storm drainage system, which was designed to accommodate flows resulting from buildout in the project area. As discussed in responses to **Items 9(c)** and **9(d)**, above, post-project runoff rates and durations shall not exceed estimated pre-project rates and duration in accordance with criteria listed in the *Alameda County C.3 Stormwater Technical Guidance Handbook*. Therefore, expansion of the existing system is not required. There would be no impact with respect to this criterion.

d) ***No Impact***. It is estimated that the proposed project would generate a water demand of 53,400 gpd (WYA 2015). Detailed information on the City's water supply and water demands is documented in the City's 2010 Urban Water Management Plan (UWMP). Water demand projections in the 2010 UWMP are based upon growth assumptions in the General Plan and water use factors for various land uses. The 2010 UWMP documents that there is sufficient water supply for all existing and planned growth from existing and planned future sources (City of Hayward 2011). As the proposed project is consistent with the General Plan designation for the project site, it is reasonable to assume that the project is included in the growth assumptions used in the City's 2010 UWMP. Based on the 2010 UWMP, sufficient water supplies would be available to serve the project from existing entitlements and resources, and this impact is considered less than significant.

All new on-site water infrastructure improvements would connect to existing 6-inch and 8-inch water mains in Maple Court and Main Street, respectively. An evaluation of the ability of the City's existing water distribution to meet the required minimum pressures and flows for the proposed project was conducted by West Yost Associates in October 2015 (see **Appendix I**). According to the analysis, existing pipelines serving the project site are adequate to meet required minimum pressure and maximum pipeline velocity during a peak hour demand condition. However, the existing pipelines serving the project site do not meet the required minimum available fire flow of 3,000 gallons per minute (gpm) and 4,000 gpm at all evaluated junctions along Maple Court and Main Street, respectively. To meet the minimum fire flow, the existing 6-inch and 8-inch water mains along Maple Court, McKeever Avenue, and Main Street will need to be replaced with 12-inch water mains (WYA 2015). Installation of larger water mains along Maple Court and Main Street will not result in significant environmental impacts because the road right of way is already developed and disturbed. The impact would be less than significant.

e) ***Less than Significant Impact***. See response to **Item 17(b)**, above. The project would not result in a substantial increase in demand for wastewater treatment capacity, and adequate capacity at the City's WPCF would be available. All new on-site wastewater infrastructure improvements would connect to new 8-inch sewer mains in Maple Court, McKeever Avenue, and Main Street. An evaluation of the ability of the City's existing sanitary sewer infrastructure to accommodate the proposed project under existing and future buildout scenarios was conducted by RMC Water and Environment in October 2015 (see

Appendix J). According to the analysis, no capacity issues would be triggered by additional flow from the proposed project under either scenario, and therefore no capacity improvements would be required (RMC 2015). The impact would be less than significant.

f) ***Less than Significant Impact***. It is estimated that the proposed project would generate approximately 1,086 pounds of solid waste per day[8] or about 198 tons of solid waste per year. The Altamont Landfill has a total capacity of 87.1 million cubic yards. As of 2015, the landfill had a remaining capacity of approximately 40.3 million cubic yards. Currently, the Altamont Landfill is permitted to accept up to 11,500 tons of municipal solid waste per day, and in 2015 in the facility received an average of approximately 6,506 tons per day (Fockler 2015). Under current projected development conditions, the landfill has a projected lifespan extending through 2025 (CalRecycle 2015). Given the available capacity at the landfill, the additional solid waste generated by the proposed project is not anticipated to cause the facility to exceed its daily permitted capacity. Therefore, solid waste impacts would be less than significant.

g) ***No Impact***. The proposed project is not of a class of project that is generally recognized as having a potential to violate applicable statutes and regulations related to solid waste. There would be no impact with respect to this criterion.

Discussion of Potential Cumulative Impacts

Anticipated future development in Hayward would result in the demand for additional domestic and non-potable water, water and wastewater treatment capacity, and solid waste disposal capacity. However, according to the *City of Hayward 2040 General Plan EIR*, with the implementation of goals, policies, and implementation programs listed in the City's General Plan, impacts related to utilities and service systems within the City due to future growth would be less than significant (City of Hayward 2014c). As indicated above, the increase in water demand, and wastewater and solid waste generated under the proposed project, would be accommodated by existing water supplies, available wastewater treatment capacity, and landfill capacity. As a result, the proposed project's cumulative impact with respect to utilities and service systems would be less than significant.

8 (240 units X 4 pounds/unit/day) + (12 employees X 10.53 pounds/employee/day) = 1,086.4 pounds/day

Issues	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
18. MANDATORY FINDINGS OF SIGNIFICANCE – The lead agency shall find that a project may have a significant effect on the environment and thereby require an EIR to be prepared for the project where there is substantial evidence, in light of the whole record, that any of the following conditions may occur. Where prior to commencement of the environmental analysis a project proponent agrees to mitigation measures or project modifications that would avoid any significant effect on the environment or would mitigate the significant environmental effect, a lead agency need not prepare an EIR solely because without mitigation the environmental effects would have been significant (per Section 15065 of the *State CEQA Guidelines*):				
a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, 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?	☐	■	☐	☐
b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are significant when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of past, present and probable future projects)?	☐	☐	■	☐
c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	☐	☐	■	☐

Discussion of Potential Project Impacts

a) ***Less than Significant Impact with Mitigation***. Please refer to responses under Biological Resources **Items 4(a)** through **4(f)**, and Cultural Resources **Items 5(a)** through **5(d)**, above. Future development on the project site under the proposed project would not significantly affect fish or wildlife habitat, nor would it eliminate examples of California history or prehistory. The mitigation measures identified in this Initial Study would reduce all impacts to a less than significant level, and the City of Hayward has determined that the proposed project would not degrade the quality of the environment. Impacts under this criterion would be less than significant.

b) ***Less than Significant Impact***. Cumulative impacts for each environmental factor are addressed in the checklist above. As that discussion shows, the project would not result in significant cumulative impacts. Furthermore, mitigation identified in this Initial Study would reduce the project's contribution to cumulative impacts to a less than significant level.

c) ***Less than Significant Impact***. Future development on the project site would be required to conform to a wide variety of mandatory obligations related to human safety and the quality of their environment, and the specific mitigation measures identified in this Initial Study would reduce all impacts to a less than significant level. Therefore, implementation of the proposed project would not cause substantial adverse effects on human beings, and the impact under this criterion is evaluated as less than significant.

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VII. INITIAL STUDY PREPARERS

City of Hayward

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APPENDIX A

Proposed Mitigated Negative Declaration

PROPOSED MITIGATED NEGATIVE DECLARATION

Lead Agency: City of Hayward
Development Services Department
777 B Street
Hayward, CA 94541

Project Proponent: Bay Area Property Developers
327 Waverly Street
Palo Alto, CA 94301

Project Location: Generally bound by Maple Court to the northeast, A Street to the southeast, Main Street to the southwest, and McKeever Avenue to the northwest, in Hayward, California. The site includes Assessor's Parcel Numbers 428-0061-011, 428-0061-012-02, 428-0061-013-02, 428-0061-061-01, and 428-0061-010.

Project Description: The proposed project consists of the demolition of most of the existing structures on the project site and the construction of a 5-story residential building and the renovation and upgrade of an existing 4-story medical office building. The new residential building will include 240 rental apartments, 5,571 square feet of ground floor retail and a 1,580 square foot leasing office. Amenities will include three outdoor courtyards and a 3,600 square foot clubhouse/fitness center. As part of the proposed project, the existing medical office building on the corner of Maple Court and McKeever Avenue will be reduced in size, improved and modernized. The improved medical office building will include approximately 47,750 square feet of building space.

Mitigation Measures: **Mitigation Measure AIR-1:** The construction contractor(s) shall implement the following BMPs during project construction:

- 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 mph.
- All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible and feasible. Building pads shall be

laid as soon as possible and feasible 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 Air District's phone number shall also be visible to ensure compliance with applicable regulations.

Mitigation Measure AIR-2: All diesel-powered off-road equipment larger than 50 horsepower and operating on the site for more than two days continuously shall, at a minimum, meet U.S. EPA particulate matter emissions standards for Tier 4 engines or equivalent.

Mitigation Measure AIR-3: All diesel-powered portable equipment (i.e., air compressors, concrete saws, and forklifts) operating on the site for more than two days shall meet U.S. EPA particulate matter emissions standards for Tier 4 engines or equivalent.

Mitigation Measure AIR-4: Instead of **Mitigation Measures AIR-2** and **AIR-3** above, the construction contractor could use other measures to minimize construction-period Diesel Particulate Matter (DPM) emissions to reduce the predicted cancer risk below the thresholds. Such measures may be the use of alternative powered equipment (e.g., LPG-powered lifts), alternative fuels (e.g., biofuels), added exhaust devices, or a combination of measures, provided that these measures are approved by the City.

Mitigation Measure BIO-1: If construction activities commence outside the nesting season (generally September 1 through February 28), pre-construction surveys are not required. However, if construction commences outside the nesting season and extends into the nesting season, and is suspended for more than 14 days, a pre-construction survey that is detailed in **Mitigation Measure BIO-2**, below, will be implemented.

Mitigation Measure BIO-2: If construction commences during the nesting season (March 1 through August 31), a pre-construction survey for active nests will be conducted within 15 days prior to the start of work. Given the urban setting of the project site and the construction staging area, the radius of the pre-construction survey will be determined in consultation with the California Department of Fish and Wildlife (CDFW). Typically, a 250-foot buffer for passerines and other unlisted/non-raptor species, 500-foot buffer for unlisted raptor species, and 0.5-mile buffer for listed raptor species are required. However, exceptions can be made based on the species of bird nesting, activities proposed, and for noise attenuation provided by intervening buildings in urban areas. Once the survey area is established, a survey of all appropriate nesting habitat will be conducted to locate any active nests. In the event that active nests are identified, appropriate buffer zones and types of construction activities restricted within the buffer zones will be determined through consultation with the CDFW. The buffer zones will be implemented and maintained until the young birds have fledged and no continued use of the nest is observed, as determined by a qualified biologist.

Mitigation Measure CUL-1: The applicant shall retain a qualified archaeologist to provide preconstruction briefing(s) to supervisory personnel of any excavation contractor to alert them to the possibility of exposing significant pre-historic and historic period archaeological resources within the project area. The briefing shall discuss any archaeological objects that could be exposed, the need to stop excavation at the discovery, and the procedures to follow regarding discovery protection and notification of the applicant and the archaeologist. An "Alert Sheet" shall be posted in conspicuous locations on the project site to alert personnel to the procedures and protocols to follow for the discovery of potentially significant archaeological resources.

Mitigation Measure CUL-2: A qualified archaeologist will be on site to monitor the initial grading of native soil once the existing buildings and pavement are removed but before any foundations and slabs are removed. After monitoring the initial grading, the archaeologist will make recommendations for further monitoring if he/she determines that the site contains or has the potential to contain cultural resources. If the archaeologist determines that no resources are likely to be found on site, no additional monitoring will be required and a report will be filed with the City Planning Department.

Mitigation Measure CUL-3: In the event that prehistoric or historic resources are encountered during excavation and/or grading of the site, all activity within a 50-feet radius of the find will be stopped, the City Planning Department will be notified, and the archaeologist will examine the find and make appropriate recommendations. Recommendations could include collection, recordation, and analysis of

any significant cultural materials. A report of findings documenting any data recovery during monitoring will be submitted to the City Planning Department prior to issuance of an occupancy permit.

Mitigation Measure CUL-4: In the event of a discovery of human bone, potential human bone, or a known or potential human burial, all ground-disturbing work in the vicinity of the find will halt immediately and the area of the find will be protected until a qualified archaeologist determines whether the bone is human. If the qualified archaeologist determines the bone is human, the City of Hayward will notify the County Coroner of the find. Consistent with California Health and Safety Code Section 7050.5(b), which prohibits disturbance of human remains uncovered by excavation until the Coroner has made a finding relative to the requirements of Public Resources Code Section 5097, the City will ensure that the remains and vicinity of the find are protected against further disturbance.

If it is determined that the find is of Native American origin, the City of Hayward will comply with the provisions of Public Resources Code Section 5097.98 regarding identification and involvement of the Most Likely Descendant (MLD).

If the human remains cannot be protected in place following the Coroner's determination, the City of Hayward shall ensure that the qualified archaeologist and the MLD are provided the opportunity to confer on repatriation and/or archaeological treatment of human remains, and that any appropriate studies, as identified through this consultation, are carried out prior to reinterment. The City shall provide results of all such studies to the Native American community, and shall provide an opportunity for Native American involvement in any interpretative reporting. As stipulated by the provisions of the California Native American Graves Protection and Repatriation Act, the City shall ensure that human remains and associated artifacts recovered from the project site are repatriated to the appropriate local tribal group if requested.

Mitigation Measure GEO-1: Building foundations shall be designed to resist 2 inches of differential settlement of the supporting soils.

Mitigation Measure GEO-2: Underground pipelines such as gas lines, sanitary sewers, and water services shall be properly designed to compensate for the settlement caused by the liquefaction of the underlying supporting soils.

Mitigation Measure GEO-3: Fills shall be completely removed and re-compacted. Over-excavation should extend to depths where competent soil is encountered. The over-excavation and re-compaction should also extend at least 5 feet beyond building footprints and at least 3 feet

beyond exterior flatwork, including driveways and pavement wherever possible. Where over-excavation limits abut adjacent property, a determination of the actual vertical and lateral extent of over-excavation shall be conducted so that the adjacent property is not adversely impacted. Over-excavations shall be performed so that no more than 5 feet of differential fill thickness exists below the proposed building foundations.

Mitigation Measure HAZ-1: The applicant shall install industry standard vapor barriers along with passive ventilation systems as part of the proposed project.

Mitigation Measure HAZ-2: A Site Management Plan shall be developed and implemented with approval and oversight by the appropriate regulatory agency in the event that unanticipated subsurface environmental conditions are encountered following the demolition of the hospital complex. The Site Management Plan shall include, but would not be limited to, procedures for removal or on-site management of contaminated soil, procedures for removal of Underground Storage Tanks (USTs) if any are encountered, and the protection of construction workers from exposure to impacted soil through measures included in a health and safety plan.

Mitigation Measure HAZ-3: Prior to any significant renovation of the medical office building and the demolition of the other existing structures, asbestos containing materials (ACM) and lead-based paint (LBP) surveys shall be conducted to determine the presence of hazardous building materials. Should ACMs, LBP or other hazardous substance containing building materials be identified, these materials would be removed using proper techniques in compliance with all applicable State and federal regulations, including the BAAQMD rule related to asbestos.

Mitigation Measure NOI-1: The following measures shall be incorporated into the proposed project to reduce interior noise levels:

- A qualified acoustical consultant shall review the final site plan, building elevations, and floor plans prior to construction and recommend building treatments to reduce interior noise levels to 45 dB(A) Ldn or lower. Treatments would include, but are not limited to, sound-rated windows and doors, sound-rated wall and window constructions, acoustical caulking, protected ventilation openings, etc. The specific determination of what noise insulation treatments are necessary shall be conducted on a unit-by-unit basis during final design of the project. Results of the analysis, including the description of the necessary noise control treatments, shall be submitted to the City, along with the building plans and approved design, prior to issuance of a building permit.

- Provide a suitable form of forced-air mechanical ventilation, as determined by the local building official, 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.

Mitigation Measure NOI-2: Within 20 feet of the existing, adjacent residence:

- 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, and drill-rigs shall be prohibited within 20 feet of the existing, adjacent residence.

- Construction and demolition activities shall not involve clam shell dropping operations.

Mitigation Measure NOI-3: Construction equipment shall be well-maintained and used judiciously to be as quiet as possible. Additionally, construction activities for the proposed project shall include the following best management practices to reduce noise from construction activities near sensitive land uses:

- Ensure that all construction activities (including the loading and unloading of materials, truck movements, and warming of equipment motors) are limited to the hours of 7:00 a.m. to 7:00 p.m. Monday through Saturday and between the hours of 10:00 a.m. and 6:00 p.m. on Sundays and holidays.

- Contractors equip all internal combustion engine-driven equipment with mufflers, which are in good condition and appropriate for the equipment.

- Contractors utilize "quiet" models of air compressors and other stationary noise sources where technology exists.

- Locate loading, staging areas, stationary noise-generating equipment, etc. as far as feasible from sensitive receptors when sensitive receptors adjoin or are near a construction project area.

- Comply with Air Resource Board idling prohibitions of uneasy idling of internal combustion engines.

- Construct solid plywood fences around construction sites adjacent to operational business, residences or noise-sensitive land uses.

- A temporary noise control blanket barrier could be erected, if necessary, along building facades facing construction sites. This mitigation would only be necessary if conflicts occurred which were irresolvable by proper scheduling.

- Route construction-related traffic along major roadways and as far as feasible from sensitive receptors.

- Businesses, residences or noise-sensitive land uses adjacent to construction sites should be notified of the construction schedule in writing. Designate a "construction liaison" that would be responsible for responding to any local complaints about construction noise. The liaison would determine the cause of the noise complaints (e.g., starting too early, bad muffler, etc.) and institute reasonable measures to correct the problem. Conspicuously post a telephone number for the liaison at the construction site.

(Appendices B through J are included on the CD attached to the back cover of this document)

APPENDIX J

Text Changes

TEXT CHANGES

Revisions have been made to the Initial Study as a result of staff-initiated changes. The revisions made to the text of the previously published Initial Study are presented below in ~~strike-out~~ to show deleted text and underline to indicate new text so that the reader can see how the previously published IS/MND has been revised.

Page 5

Existing Conditions: Currently the project site is occupied by a medical office complex consisting of three medical office buildings and ~~one~~ two single-family residences, along with a large parking lot. Specifically, the medical office complex consists of a four-story medical office building located at the corner of McKeever Avenue and Maple Court; a two-story medical office building located in the north central portion of the site; and a one-story medical office building located in the northwestern portion of the site. ~~The~~ One residence is located along McKeever Avenue. Other structures on the project site include a commercial building and a vacant residence along Maple Court. The details for each building are provided in **Table 1, Existing Site Characteristics**.

Page 6

Project Features and Operations: The applicant proposes to demolish all buildings on the project site except for a portion of the medical office building on the corner of Maple Court and McKeever Avenue, and construct a residential building and six-level parking garage. The new residential building would include 240 rental apartments, ground floor retail and a leasing office. Amenities would include three outdoor courtyards and clubhouse with fitness facilities. As part of the proposed project, the existing four- and two-story medical office building on the corner of Maple Court and McKeever Avenue would be reduced in size, improved and modernized. The improved medical office building will include approximately ~~47,750~~ 48,000 square feet of building space. The proposed 5-story residential building and the 2- and 4-story medical office building that would be retained and renovated are shown on **Figure 3, Proposed Site Plan**.

Medical Office Building

The existing 2- and 4-story medical office building will be reduced from 51,700 square feet to approximately ~~47,750~~ 48,000 square feet in building space. Improvements are proposed to both the exterior façade and interior of the building, including creating a more prominent lobby at the corner of Maple Court and McKeever Avenue.

Page 8

Table 4
Project Parking

Use	Spaces Provided
Standard	309[1]
Motorcycle	6[2]
Bicycle Parking	13[3]
Retail	18
Office	158[4]
Total	**504**

Source: Humphreys & Partners Architects, LP, 2016.
1 Includes 10 percent guest spaces; 50 percent compact spaces; 24 electric vehicle spaces, 2 carshare spaces
2 12 spaces based on 2 motorcycles per stall
3 52 spaces based on 4 bicycles per stall
4 Includes 23 surface parking spaces

Utilities

Water

The City of Hayward would provide water service to the project. The City of Hayward owns and operates its own water distribution system and purchases all of its water from the San Francisco Public Utility Commission (SFPUC). Existing 6- and 8-inch water mains are currently located in Maple Court/McKeever Avenue and Main Street, respectively. To meet the minimum fire flow, the proposed project will replace these lines with 12-inch water mains.

Page 9

Sustainability

The proposed project proposes a high-density residential mixed-use project with on-site retail and amenities that is located near transit. The Hayward BART station is located within a half mile while a bus stop is located two blocks away. Given the location, the project is within walking distance of local retail establishments, schools, and employment centers in Downtown Hayward. In addition, the project applicant is proposing to include the following sustainability measures in the project:

- Provision of "Unbundled" Multifamily Parking (i.e., separating the cost of parking from residential rent/lease fees);

- ~~Provide private~~ Contribute to the City's proposed Shuttle Service and/or provide shuttle service to/from Hayward Bay Area Rapid Transit (BART) station ~~and/or participate in the City's proposed Shuttle Service~~;.

Pages 47-48

- **22491 Maple Court** is a single-family detached home constructed in 1915 in the California Craftsman Bungalow style. The structure is not associated with people or events significant in the history of Hayward, the State or nation, and it is not an artistic or fine example of California Craftsman Bungalow architecture or unique in its construction. As such, it does not appear eligible for the CRHR under Criteria 1, 2 or 3. In addition, the structure was not found to not to be eligible for listing under the Hayward Historic Preservation Ordinance (Urban Programmers 2015).

For these reasons, none of the structures on the project site is considered a historic resource under CEQA, and the demolition of the buildings on the project site and the construction of the proposed project would have a less than significant impact on historic resources.

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Schools

The project site is located with the boundaries of the Hayward Unified School District (HUSD). The HUSD operates 22 elementary schools, five middle schools, and four high schools. Total districtwide enrollment in the 2011-2012 school year was 21,637 students. The proposed project would be served by ~~Cherryland~~ Strobridge Elementary School, approximately ~~1.2~~ 1.1 miles ~~west~~ north of the project site, Bret Harte Middle School, approximately 0.4 mile southeast of the project site, and Hayward High School, approximately 1.2 miles east of the project site. Over the past 10 years, the HUSD has experienced a substantial decline in student population. Currently, the total number of elementary school students is far below capacity, similar with middle and high schools. It is projected that by 2017 the total student population would drop to 21,108 students, representing a 2.4 percent decrease over 2011-2012 school year levels (City of Hayward 2014a).

Page 95

c) ***Less than Significant Impact***. Development of the proposed project would increase the number of students attending schools operated by the HUSD. As discussed above, schools within the district are operating under capacity due to a recent rapid decline in the number of students, including the schools that would serve the project site. ~~Although overall enrollment within the HUSD is below capacity, Cherryland Elementary School is one of the two schools in the HUSD that is operating above capacity. In 2012, Cherryland Elementary School, with a capacity of 650 to 750 students, had an enrollment of 782 students (City of Hayward 2014a). In November 2014, Measure L, the issuance of $229 million in general obligation bonds, was approved by the voters in the Hayward Unified School District. Measure L bond funds would support projects aimed to provide district wide safety improvements and support new construction and reconstruction of school facilities. Cherryland Elementary School has been accounted for under Measure L to address the issue of the school's overcrowded student population. With respect to the students added by the proposed project, if Measure L projects have not yet reduced overcrowding at Cherryland Elementary School, students would be sent to other elementary schools within the HUSD that have capacity (Rodrigues 2015).~~ Additionally, development under the proposed project would be required to pay school development fees, as dictated by state law, prior to the issuance of building permits. According to Government Code Section 65996, payment of such fees constitutes full mitigation

of any school impacts under CEQA. Therefore, any impacts from the increase in school enrollment would be offset by the required payment of development fees. This impact is considered less than significant.

d) ***Less than Significant Impact***. Development of the project site with residential uses under the proposed project would result in about 773 additional people living in the City, thereby increasing demand for park services. Two parks (De Anza Park and Bret Harte Park and Field) are located in the vicinity of the project site. The City strives to provide 3 acres of parkland per 1,000 residents (City of Hayward 2014a). Therefore, the project would generate the need for approximately 2.3 acre of parkland. The proposed project would include approximately 0.7 acres of common open space consisting of three ground floor courtyards and perimeter open space and approximately 0.4 acres of private open space. ~~The City, in consultation with HARD, may apply some credit for these open space amenities if they are comparable to City amenities. However, these credits would not be enough to satisfy the City's parkland dedication requirement.~~ To address the park needs of the proposed project, avoid overuse of existing parks, and avoid a deficiency of parkland acreage in the City, the proposed project would be required to pay park in-lieu fees per City Code (Chapter 10.16), which can be used to acquire new parkland and/or pay for park improvements in the project vicinity. The payment of park and recreation development impact fees is considered by the City as full mitigation of development impacts to nearby recreation facilities. This impact is considered less than significant.

Page 101

The proposed project is anticipated to generate approximately 1,471 daily trips with 105 trips generated during the AM peak hour (24 inbound, 81 outbound) and 138 trips generated during the PM peak hour (85 inbound, 53 outbound). Existing vehicle trips associated with the building space to be demolished were not estimated nor deducted from the project trips to obtain net new trips. Therefore, the daily and peak hour trips used in the TIS analysis are considered conservative. In addition, project trip generation includes a total of 20 percent in trip discounts for various Travel Demand Management (TDM) methods that the proposed project will employ or provide. These TDM methods include:

- Provision of "Unbundled" Multifamily Parking (i.e., separating the cost of parking from residential rent/lease fees).

- ~~Provision of Shuttle service to/from Hayward Bay Area Rapid Transit (BART) station – Although the project site is located within 2,000 walking feet of the Hayward BART station, the applicant has devised a shuttle program that would facilitate access to/from the project site to the BART station.~~

- ~~Participation in the City's proposed Shuttle Service.~~

- Provision of a shuttle service to/from Hayward Bay Area Rapid Transit (BART) station – Although the project site is located within 2,000 walking feet of the Hayward BART station, the applicant will make a fair-share annual contribution toward the funding of the City's proposed shuttle service. As currently proposed, the City's shuttle will connect the project area with the Hayward BART station, Southland Mall, Chabot College and major employment centers in Hayward's West Industrial Area.

  In the event that the City's proposed shuttle service does not come to fruition, or reduces or ceases service, the applicant has devised a shuttle program that would continue to facilitate access to/from the project site and the Hayward BART station.

APPENDIX L

Comments and Responses to Comments

COMMENTS AND RESPONSES TO COMMENTS

On August 22, 2016, the City of Hayward circulated for public and agency review an Initial Study/Mitigated Negative Declaration (IS/MND) for the Maple & Main Mixed-Use Project ("proposed project"). As a result of comments received during the public review period, the City revised portions of the IS/MND, and recirculated the IS/MND on November 7, 2016. The City received six comment letters on the original IS/MND and three letters on the recirculated IS/MND. Section 15074(b) of the CEQA Guidelines requires the decision-making body to consider the IS/MND and comments received on it prior to considering the project for approval. Responses to comments are not required by CEQA, although responses may be provided at the discretion of the lead agency. The City of Hayward has prepared responses to the comments received on the IS/MND.

Comments were received from the following agencies and members of the public during the two public review periods:

- Letter A: California Department of Transportation (Caltrans)
- Letter B: Prospect Hill Neighborhood Association No. 1
- Letter C: Prospect Hill Neighborhood Association No. 2
- Letter D: League of Women Voters – Eden Area
- Letter E: Hayward Area Planning Association No. 1
- Letter F: Hayward Area Planning Association No. 2
- Letter G: Julie Machado No. 1
- Letter H: Julie Machado No. 2
- Letter I: Frank Goulart

These comment letters and the responses to the comments are provided on the following pages.

DEPARTMENT OF TRANSPORTATION
DISTRICT 4
OFFICE OF TRANSIT AND COMMUNITY PLANNING
P.O. BOX 23660, MS-10D
OAKLAND, CA 94623-0660
PHONE (510) 286-5528
FAX (510) 286-5559
TTY 711
www.dot.ca.gov

Serious Drought.
Help save water!

September 13, 2016

SCH # 2016082060
GTS # 04-ALA-2016-00031
ALA-VAR-PM VAR

Ms. Linda Ajello
Planning Division
City of Hayward
777 B Street
Hayward, CA 94541

Maple and Main Mixed-Use Residential Project – Mitigated Negative Declaration

Dear Ms. Ajello:

Thank you for including the California Department of Transportation (Caltrans) in the environmental review process for the Maple and Main Mixed-Use Residential project. In tandem with the Metropolitan Transportation Commission's (MTC) Sustainable Communities Strategy (SCS), the new Caltrans mission signals a modernization of our approach to evaluating and mitigating impacts to the State Transportation Network (STN). We aim to reduce Vehicle Miles Travelled (VMT) by tripling bicycle and doubling both pedestrian and transit travel by 2020. Our comments are based on the Mitigated Negative Declaration.

Project Understanding
The proposed project would demolish all buildings on the project site except for the medical office building on the corner of Maple Court and McKeever Avenue, and construct a residential building. The new residential building would include 240 rental apartments, ground floor retail, and a leasing office. As part of the proposed project, the existing medical office building on the corner of Maple Court and McKeever Avenue would be reduced in size to approximately 47,750 square feet of building space. Parking for the proposed project is primarily a 6-level parking structure. Total parking would include 504 parking spaces which can accommodate 12 motorcycles and 54 bicycles.

The project site is located in the Downtown Hayward Priority Development Area, approximately one half mile from the Hayward BART Station. The nearest Caltrans facility is State Route 185 (Mission Boulevard), a principal arterial highway. Access from Interstate 880 would be gained via A Street (about 1.5 miles). Access from Interstate 580 would be gained via Foothill Boulevard (about one mile).

Parking

Caltrans notes that the proposed project will provide fewer spaces than would typically be required for a project of this scope and scale, due to the City's Central Parking District Standards and various other parking credits. Caltrans supports these reductions in parking supply in order to encourage active transportation and transit, thereby reducing VMT and impacts to the STN.

According to the project's parking management plan, unbundling parking from rental costs will only be recommended if parking demand exceeds supply. Caltrans recommends unbundled parking, regardless of parking demand. Given the proximity of the project site to BART, unbundling allows households to forgo the cost of a parking space if they do not need it. 1

Transportation Demand Management

Caltrans notes that the proposed project includes a Transportation Demand Management (TDM) program. In addition to the measures proposed, we recommend the TDM program also include discounted transit passes for employees and residents. The program should also include regular monitoring and surveys, to ensure compliance with the trip reduction goals. These TDM measures will be critical in order to facilitate efficient transportation access to and from the site and reduce transportation impacts associated with the project. 2

Thank you again for including Caltrans in the environmental review process. Should you have any questions regarding this letter, please contact Jesse Schofield at 510-286-5562 or jesse.schofield@dot.ca.gov.

Sincerely,

Patricia

PATRICIA MAURICE
District Branch Chief
Local Development - Intergovernmental Review

c: State Clearinghouse

Letter A **California Department of Transportation (Caltrans), Patricia Maurice, District Branch Chief, Local Development – Intergovernmental Review, dated September 13, 2016**

Response A-1

A discussion of unbundling parking is found in **Section 10, Land Use and Planning**, of the Recirculated IS/MND. As discussed under Item 10(b) in Table 13, parking will be "unbundled" from residential rent/lease fees in an effort to reduce vehicular parking demand. Please note that parking is not a CEQA issue.

Response A-2

Comment noted. The City will consider requiring the project applicant to add discounted transit passes for employees and residents to the project's travel demand management (TDM) program. In addition, the City will consider requiring the project applicant to perform regular monitoring and surveys to ensure compliance with trip reduction goals.

Letter B

From: Frank Goulart <fgoulart@pacbell.net>
Sent: Wednesday, September 21, 2016 1:31 PM
To: David Rizk
Cc: Ben Goulart; Julie Machado; Nathan Williams; Nancy Urioste; Blaine Ricketts; Per Bothner
Subject: Prospect Hill Neighborhood Association comments on initial study

Hi David,

These are the comments that are submitted by the Prospect Hill Neighborhood Association on the Maple Main project:

We think the entire ground floor of the development should be retail/commercial/office as is called for in the General Plan. 1

We think the project should include no more than 2 floors of residential. 2

We think this project requires an EIR, including a Traffic Study which considers a Circulator (with access on Maple Court), Car Share, Unbundling, Deparking Incentives, Parking Management by the City and Walking Design, a Grey Water System Study and a study of possible Native American remains among the other requirements. 3

To clarify, we do not support unbundling or reduced parking, but we do think there should be an EIR. 4

The Initial Study at page 116 quotes "Cumulative Effects 18. MANDATORY FINDINGS OF SIGNIFICANCE – The lead agency shall find that a project may have a significant effect on the environment and thereby require an EIR to be prepared for the project where there is substantial evidence, in light of the whole record, that any of the following conditions may occur…. b) Does the project have impacts that are individually limited, but cumulatively considerable ("Cumulatively considerable" means that the incremental effects of a project are significant when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of past, present and probable future projects)?" 5

The Initial Study is inadequate concerning cumulative impacts of parking, land use, population and transportation. The guidelines require consideration of other current projects.

If a current project, Lincoln Landing, adds to the impacts of Maple/Main, and Lincoln Landing is required to have an EIR, which it is, then it is logically inescapable that Maple/Main must also have an EIR. Clearly, if one deserves an EIR, the cumulative effects of the two projects deserve an EIR. 6

We think this project is of such a magnitude that it should be the subject of a Work Session once the EIR is completed. 7

Frank Goulart
Secretary
Prospect Hill Neighborhood Association

Letter B **Prospect Hill Neighborhood Association, Frank Goulart, Secretary, dated September 21, 2016**

Response B-1

Comment noted. The project site is located within the CC-C (City Central Commercial) zone. Please note that according to Section 10-1.1523 of the Hayward Municipal Code, residential development is permitted on the ground floor within the CC-C zone with a Conditional Use Permit (CUP).

Response B-2

Comment noted. According to the City's Downtown Design Plan, structures up to 55 feet are permitted on the project site with an allowable increase to 65 feet if lot coverage for a residential structure is reduced from 90 to 80 percent. The proposed structure project would have a height of between 55 and 65 feet. As the residential component of the proposed project would cover 64 percent of the project site, the maximum height of the proposed structure is permitted.

Response B-3

As demonstrated by the analysis contained in the Recirculated IS/MND, with the incorporation of the proposed mitigation measures, the proposed project would not result in significant impacts on the environment. Therefore, preparation of an Environmental Impact Report (EIR) is not required. Please also see Response B-6 below.

As discussed in **Section 16, Transportation/Traffic**, of the Recirculated IS/MND, the proposed project would employ several TDM measures to reduce vehicle trips, including "unbundled" multifamily parking, parking for shared vehicle services (i.e., Zipcar), provision of shuttle service to/from the Hayward BART station, electric vehicle charging stations, and onsite bicycle storage. In addition, the proposed project will contribute to the City's proposed shuttle service or in the event that the City's shuttle does not come to fruition or ceases operation, the project would provide its own shuttle service to occupants.. Not only will these TDM measures reduce vehicle trips generated by the proposed project, but they will also reduce parking demand. In addition, as discussed in the project's parking management plan, all project-generated parking demand will be accommodated by the proposed on-site parking supply (Wood Rodgers 2016b). As a result, parking management by the City such as the issuance of long-term street-parking permits to nearby residents is not required at this time, although the City may require implementation of such program if warranted. Also please note that parking is not a CEQA issue.

The project site is not located within the service area of the City's Recycled Water Project and thus recycled or "grey water" is not available for use by the proposed project. With respect to the commenter's concern about Native American human remains, as discussed in **Section 5, Cultural Resources**, mitigation measures have been included to address potential impacts to unknown archaeological resources, including unknown human remains, which may exist underneath the project site and encountered during construction. Finally, the traffic study prepared for the proposed project did not study an additional entrance/exit to the parking garage on Maple Court.

Response B-4

The commenter's objection to unbundling and reduced parking is noted. See Response B-3, above, as to why the preparation of an EIR is not required.

Response B-5

The IS/MND was revised and re-circulated in October 2016 to take into account the nearby Lincoln Landing project, a large mixed-use project located on a site approximately 300 feet north of the Maple & Main project site. The analysis in the Recirculated IS/MND found that cumulative impacts with regard to land use, population, and transportation would be less that significant. In addition, as discussed in Response B-3, above, all project-generated parking demand will be accommodated by the proposed on-site parking supply. Please note that parking is not a CEQA issue.

Response B-6

An EIR was required for the Lincoln Landing project because the traffic study for that project found that the additional traffic generated by the project would result in significant impacts at some study area intersections under both project-level and cumulative conditions. The cumulative impacts were determined to be significant because that project would increase delay at intersections operating poorly under project-level and cumulative conditions by more than 5 seconds. Thus, the Lincoln Landing project's incremental effect on traffic would be cumulatively considerable. The analysis determined that no feasible mitigation measures were available to reduce the project-level and the cumulative impacts to a less than significant level. The traffic study prepared for the proposed Maple and Main project found that traffic from the proposed project would result in less than significant impacts at the study intersections under both project-level and cumulative conditions. The project-level and cumulative impacts were determined to be less than significant because this project would increase average delay at intersections operating poorly under project-level and cumulative conditions by less than 5 seconds. As a result, the proposed project's incremental effect on traffic would be less than cumulatively considerable.

The reason why the Lincoln Landing project triggered significant traffic impacts under every traffic scenario and the proposed project did not is because the Lincoln Landing project is a larger development project and would add substantially more traffic under existing, background, and cumulative conditions than the proposed Maple and Main project. As reported in the traffic study for the Lincoln Landing project, that project is estimated to generate 247 vehicle trips during the AM peak hour and 395 vehicle trips during the PM peak hours. By comparison, the proposed project would generate 81 vehicle trips during the AM peak hour and 53 vehicle trips during the PM peak hour. For these reasons, preparation of an EIR for the proposed project is not required.

Response B-7

Please see Responses B-3 and B-6 above as to why an EIR is not required.

Letter C

From: Frank Goulart [mailto:fgoulart@pacbell.net]
Sent: Monday, November 28, 2016 10:58 AM
To: David Rizk <David.Rizk@hayward-ca.gov>
Cc: Ben Goulart <bengoulart@yahoo.com>; Julie Machado <juliemac@pacbell.net>; Nancy Urioste <hairrun@aol.com>; Nathan Williams <nathan@bothner.com>; Blaine Ricketts <blainericketts@comcast.net>; Per Bothner <per@bothner.com>
Subject: main and maple comments

hi david,

At the November 16, 2016 Meeting of the Board of Directors for the Prospect Hill Neighborhood Association, the Maple and Main Proposal was discussed, including the revised draft Initial Study. We approved a further amendment to our resolution originally approved December 15, 2015, which together with this amendment and the two amendments approved September 17, 2016, is to be submitted to the City:

TO BE CLEAR THEREFORE, the Resolution to be submitted to the City of Hayward, as amended and approved by the Association is as follows:

"We think the entire ground floor of the development should be retail/commercial/office as is called for in the General Plan. 1

We think the project should include no more than 2 floors of residential. 2

We think this project requires an EIR, including a Traffic Study which considers a Circulator (with access on Maple Court), Car Share, Unbundling, Deparking Incentives, Parking Management by the City and Walking Design, a Grey Water System Study and a study of possible Native American remains among the other requirements. 3

We think this project is of such a magnitude that it should be the subject of a Work Session once the EIR is completed. 4

To clarify, we do not support unbundling or reduced parking, but we do think there should be an EIR. 5

The Initial Study at page 116 quotes 'Cumulative Effects 18. MANDATORY FINDINGS OF SIGNIFICANCE – The lead agency shall find that a project may have a significant effect on the environment and thereby require an EIR to be prepared for the project where there is substantial evidence, in light of the whole record, that any of the following conditions may occur…. b) Does the project have impacts that are individually limited, but cumulatively considerable ("Cumulatively considerable" means that the incremental effects of a project are significant when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of past, present and probable future projects)?' 6

The Initial Study is inadequate concerning cumulative impacts of parking, land use, population and transportation. The guidelines require consideration of other current projects.

If a current project, Lincoln Landing, adds to the impacts of Maple/Main, and Lincoln Landing is required to have an EIR, which it is, then it is logically inescapable that Maple/Main must also have an EIR. Clearly, if one deserves an EIR, the cumulative effects of the two projects deserve an EIR. 7

Since we're a mixed use neighborhood we are very concerned that the retail/commercial street parking be addressed in addition to the residential parking permit program, including 2 hour parking on Main Street from McKeever to Hazel. 8

We suggest a residential parking program for the Prospect Hill neighborhood, paid for by the developers for 10 years, with no permits issued to residents of the Main and Maple project. 9

We strongly support a second, independent entrance from Maple to the parking structure. 10

We support saving the Maple Street house." 11

PROSPECT HILL NEIGHBORHOOD ASSOCIATION
by Frank Goulart, Secretary

Letter C **Prospect Hill Neighborhood Association, Frank Goulart, Secretary, dated November 28, 2016**

Response C-1

See Response B-1.

Response C-2

See Response B-2.

Response C-3

See Responses B-3 and B-6.

Response C-4

See Response B-7.

Response C-5

See Responses B-3 and B-6.

Response C-6

See Response B-5.

Response C-7

See Response B-6.

Responses C-8 and C-9

As discussed in Response B-3, above, all project-generated parking demand, including the demand for parking associated with the retail space on the project site, will be accommodated by the proposed on-site parking supply. For this reason, parking management by the City such as the issuance of long-term street-parking permits to nearby residents or changes to on-street parking on Main Street is not required at this time. It should be noted that parking is currently limited to two hours from 7 AM to 6 PM along the streets adjacent to the proposed project.

Response C-10

Comment noted. This request may be considered when the City reviews the proposed project.

Response C-11

As discussed in **Section 5, Cultural Resources**, of the Recirculated IS/MND, the single-family detached home located at 22491 Maple Court does not appear eligible for the California Register of Historic Resources (CRHR) as the structure is not associated with people or events significant in the history of Hayward, the State or nation, and it is not an artistic or fine example of California Craftsman architecture or unique in its construction. In addition, the structure was found not to be eligible for local listing under the Hayward Historic Preservation Ordinance (Urban Programmers 2015). For this reason, the project is not considered a historical resource under CEQA, and the demolition of the home at 22491 Maple Court to construct the proposed project would not result in an impact on a historical resource.

League of Women Voters—Eden Area

Representing Hayward, San Leandro, and surrounding unincorporated areas of Ashland, Castro Valley, Cherryland, Fairview, & San Lorenzo

Political Responsibility Through Informed and Active Participation

September 20, 2016

Dr. Sherman Lewis, President, HAPA
David Rizk, Hayward Director of Development Services

Via Email

Re: Response to Sherman Lewis re Support for Maple and Main Apartment Project EIR

Dear Dr. Lewis and Mr. Rizk,

On September 19, 2016, Hayward Area Planning Association (HAPA) President Sherman Lewis addressed the Eden Area League of Women Voters Board asking for support in requesting the City to require and complete an Environmental Impact Report (EIR) on the Maple and Main proposed project. The purpose of the EIR was to address weaknesses Dr. Lewis identified in the Initial Study pertaining to non-conformance with Hayward's General Plan, specifically regarding the Transit-Oriented Development Policy, the Appropriate Parking and Unbundled Multi-Family Parking Policies, and the Pedestrian Policies. He additionally stated his concern about the cumulative impact of this project in conjunction with the Lincoln Landing Project.

During the same meeting, Director of Development Services David Rizk addressed the issues raised by Dr. Lewis. Mr. Rizk indicated that the City is still in the process of receiving Public Comments and that the Public Comment period ends on Wednesday, September 21. Additionally, he stated that modification of the Initial Study likely will be affected by comments received and changes could be made. He also noted that revisions are already under consideration for inclusion in the Initial Study regarding transportation because City staff already plans to recommend unbundling, and looking into a zip-car plan and possibly shuttle/van service in conjunction with the adjacent Lincoln Landing Project.

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At the conclusion of the two presentations and the question-and-answer period, Dr. Lewis stated that he did not know of some of the changes that were already underway based on comments made by Mr. Rizk. In the end, it was noticeable that HAPA and the City were more in agreement than not regarding transportation needs and the cumulative impact concerns.

In evaluating whether or not the League could support HAPA's request, we referred to our Bay Area League position regarding CEQA Mitigation. which is provided here in pertinent part:

> **Support guidelines and criteria for governmental decision-making on mitigation of the negative environmental impacts of a project under California Environmental Quality Act (CEQA) that take into account whether: 1) the decision to proceed or not is environmentally sound and gives particular attention to cumulative impacts;**
> **2) the mitigation plan is properly implemented under an acceptable process for meeting legal requirements and public need.**

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Although it is clear from our written position that we have the authority to formally take action on behalf of HAPA's request, we believe that that is unnecessary because the Initial Study is still in the Public Comment period, the Initial Study is still underway and may likely reflect the modifications indicated by Mr. Rizk, and taking such action before all changes have been made would be premature and counterproductive.

Therefore, with this letter, the Eden Area League of Women Voters Board asks the City and Dr. Lewis to work together to ensure that the final project is environmentally sound, provides a strong and appropriate amenity to the community and gives particular attention to cumulative impacts and that the mitigation plan meet all pertinent legal requirements, address the major community concerns, and be a positive addition to the community.

Sincerely,

EDEN AREA LEAGUE OF WOMEN VOTERS

Joanne Young
Co-President

Aiwa Zelinsky
Co-President

Letter D **League of Women Voters – Eden Area, Joanne Young, Co-President, and Aiwa Zelinsky, Co-President, dated September 20, 2016**

Response D-1

Comment noted. The League of Women Voters-Eden Area branch has decided to not take a position on the proposed project until after environmental review for the proposed project has been completed. Please note that based on the comments received and the City's direction to the applicant, the project includes unbundled parking and a shuttle service. Furthermore, the City conducted additional studies to evaluate the cumulative impacts of the proposed project in conjunction with those of the Lincoln Landing project and recirculated the Initial Study/MND in October to provide the public and the agencies an opportunity to review the revised analysis.

With respect to the commenters' concern about the mitigation plan, the proposed project is required by state law to implement the mitigation measures that are identified and approved by the Planning Commission at the time that this project is considered for approval. A mitigation monitoring and reporting program (MMRP) has been prepared (see Appendix M) and will be adopted at the time of project approval. The applicant will be required to comply with the MMRP and the City as the lead agency will enforce the MMRP and ensure that the mitigation measures are implemented.

Comments received from Dr. Sherman Lewis are addressed under Responses E-1 through E-52 and Responses F-1 through F-12 in this document.

A City can be friendly to people or it can be friendly to cars, but it can't be both.
-Enrique Peñalosa

Comments on the Initial Study

For the Maple Main Apartments

By Sherman Lewis, President
Hayward Area Planning Association
sherman@csuhayward.us
September 21, 2016

Overview

The Initial Study (IS) has many parts that are comparable to what would be in an EIR. However, on four guideline factors—greenhouse gases, land use, population, and transportation—the IS fails to meet the Guidelines. The evidence shows, and HAPA believes, that an EIR is needed. At a minimum, the project needs to be revised as per current discussions and the IS needs to be rewritten and recirculated. HAPA believes that the environmental issues have to be discussed adequately either in an IS or and EIR.

The Initial Study claims of consistency with the General Plan are incorrect. The project fails to conform to the General Plan, the Program EIR on the General Plan, and Council findings that the General Plan has environmental benefits. The Program EIR cannot be used for a non-conforming Project EIR. Circumstances have changed significantly in ways not considered in the Program EIR.

These comments assume that the city's power of project approval should be used to implement the General Plan. "The City shall consider/strive/encourage/promote/implement etc.…" includes using its regulatory powers.

Bolding has been added.

The Guidelines state

18. MANDATORY FINDINGS OF SIGNIFICANCE – The lead agency shall find that a project may have a significant effect on the environment and thereby require an EIR to be prepared for the project where there is substantial evidence, in light of the whole record, that any of the following conditions may occur.:…

*a) Does the project have the **potential to degrade the quality of the environment**…*

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

The Initial Study fails to reveal how the project has the potential to degrade the environment and fails to consider cumulative impacts created by a major project nearby, Lincoln Landing, which is having an EIR—and not even mentioned once in the IS. If a current project, Lincoln Landing, adds to the impacts of Maple Main, and Lincoln Landing is required to have an EIR, then it is **logically inescapable** that Maple Main must also have an EIR. Lincoln Landing, while larger, is not very different from Maple Main concerning the four factors of these comments. Clearly, if

one deserves an EIR, the cumulative effects of the two projects combined deserve an EIR. In fact, the timing of these projects clearly requires a concurrent EIR for both projects.

I recognize the progress the City is making on several issues discussed here, but HAPA has to comment on the documents in hand, and the IS falls far short of what is needed.

Green Mobility and the General Plan

These comments discuss **Green Mobility** as defined by 21 policies contained in the General Plan. They should be understood as a whole; only the synergy among all the policies truly accomplishes the goals of the General Plan.

The topics of these policies are unbundling, neighborhood parking permits, TDM and parking management, shuttle service, taxi/ehail services, carshare/rental services, social interaction, complete streets, and improvements for bicycles and pedestrians. See Green Mobility in "Walking Oriented Development" at https://www.dropbox.com/s/1tvi8ut2eyjctla/Walking%20Oriented%20Development.pdf?dl=0 for a summary of policy in general. See "The Maple Main Project; How to make the future work" PowerPoint at https://www.dropbox.com/s/0lifqegsicdfc8w/HAPA%20Maple%20Main%20Apartments%20PowerP%20June%202016.pptx?dl=0 for an application of the policies to the Maple Main Apartments. 1

Greenhouse Gas (GHG) Emissions

Necessity to mitigate

Is some global warming OK? Are some GHG increases really insignificant? The issue is whether BAAQMD thresholds are acceptable for determining the need to mitigate project GHG. The IS assumes that if project GHG does not exceed BAAQMD thresholds, the impact is deemed less than significant and no mitigations are required.

The IS, instead, must consider ***any* increase in GHG** as requiring at least partial mitigation. Using only BAAQMD thresholds, GHG would at best get worse more slowly. Mitigation would require reductions, and we would make more progress reducing GHG. 2

The high costs of climate change, the certainty of costs getting higher, the necessity of drastically lowering GHG, and the intent of CEQA and laws related to GHG, all make reducing GHG essential for public welfare. We consider that the **use of BAAQMD thresholds to ignore mitigation is illegal**. Mitigation of any GHG is the **intent of the law**. If the GHG does not rise to the level requiring an EIR, it still needs to be mitigated in a negative declaration.

The **exclusion of GHG** by the Medical Office Building is unacceptable. Illingworth p. 15: "The existing medical office building would be reduced in size to 60,000 square feet. The new office building was assumed to generate the same amount of traffic as the existing building, so office building emissions were not computed in this assessment." The building cannot be grandfathered in as it is subject to *de novo* review in the project application. Allowing grandfathering GHG prevents progress; otherwise old pollutions become new pollutions. Office GHG must be mitigated. 3

The CalEEMod had some outputs in Attachment 2 that were difficult to understand. On pp. 2 and 34, it says the office building was excluded. On p. 14 for commercial construction it says the building had a lot size of 3 acres and a floor surface area of 60,000 square feet. On p. 25 for 4

Operational it says the building had .04 acres and 1,650 square feet. Evidently, the commercial data refers to the office building and the operational data refers to the apartment leasing office. 4

Inadequacy of General Plan EIR and non-conformity of project

The IS **uses the General Plan incorrectly** to discuss project GHG. Illingworth p. 31:

The Hayward 2040 General Plan Draft EIR contains a comprehensive list of specific General Plan policies and programs that constitute the City's updated GHG emission reduction strategy. … Implementation of these measures would reduce GHG emissions by more than 20 percent below 2005 levels by the year 2020 when combined with State and federal programs.

As part of the evaluation of the project's consistency with the CAP, the project's incorporation of applicable strategies and measures from the plan as binding and enforceable components of the project. Projects that show consistency with the plan forecasts and implement applicable strategies included in the plan are considered to have less-than-significant GHG emissions. 5

The problem is that there is **no evidence** that the GHG estimates in the EIR on the General Plan considered relevant General Plan policies, and, also, the **project is inconsistent** with the policies, as documented in these comments.

Emissions methodology

Another issue is the **incorrect methodology** used by Illingworth because its modeling is out of date. (The reference to SR 238 is also out of date; it is no longer a state route.) The state's ARB uses more advanced modeling. The CalEEMod model endorsed by the BAAQMD is not used by the Air Resources Board for modeling GHG of project applications to the Affordable Housing and Sustainable Communities program. CalEEMod is used for an initial start on estimating vehicle miles traveled (VMT), but then has additional add-ons to estimate project GHG. See details at http://sgc.ca.gov/pdf/QuantificationVersion2_1516.pdf ("Quantification"). For example, the add-ons have three model inputs that reduce VMT from housing, and Illingworth seems not to have used them. 6

The Air Resources Board quantification has several features that make it a poor estimator of project GHG. First, the **parking assumptions** are part of land use and cannot be separately modeled. The amount of parking is not input by the applicant but assumed in the land use type, preventing analysis of low-parking projects. See Quantification, Appendix B.

The AHSC program **subsidizes parking** which increases GHG. In the summer of 2015 a Berkeley graduate student and I explained to the ARB in some detail, based on a few dozen runs of CalEEMod to see how it managed different inputs, that the AHSC quantification was not sensitive to how much subsidized parking structures were causing the GHG they were supposed to reduce. As a result, the state restricted parking credits in the guidelines for 2016 and committed to eliminating them altogether in 2017. The quantification, however, still is not sensitive to how much parking subsidies increase GHG because they are not an input to the model. 7

Also, the quantification inputs are too simplistic regarding **unbundling**. The three inputs are PDT-1 Limit Parking Supply, PDT-2 Unbundle Parking Costs, and PDT-3 On-Street Market Pricing. The concepts are excellent but the inputs are so rigid as to be useless. The calibration is based on a large sample, but the variation is so great that a fixed quantification does not work. The

quantification caps reductions to a 20 percent maximum for all three measures combined, which is way too simplistic (see Quantification, Table 3). In reality, the specific parking rent and the array of alternatives determine performance.

The models do not have inputs for an **array of Green Mobility** policies and how they work together in a specific project context to affect mode shift. The model would need to be sensitive to a shifting balance that leads to a dramatic shift to non-auto modes, significantly affecting GHG emissions.

The models underestimate viable **walking distances** to urban rail; see "Walk Access to BART and Residential Density" at https://www.dropbox.com/s/cevf1xewmowg7dc/BART%20Walk%20paper%20for%20Int%27l%20J%20of%20Sust.%20Trans%20rev.pdf?dl=0.

The quantification also lacks **travel time budget data** applied to the land use situation of the project, which is essential to estimate mode shift. The models are designed for vehicle trips and transit ridership in metro areas; they are unsophisticated at estimating walk and bike trips in small areas, which require inputs for travel time by auto mode vs. by non-auto mode for routine trips and anchor trips. See https://www.dropbox.com/s/gvq309hd2yf6wsl/Household%20Surveys%20and%20TT.pdf?dl=0. 7

The models are calibrated against the lower density land uses of suburbia with little or no data on **higher density** areas where walk and transit can prevail. Above about 50 persons per neighborhood acre, there is a take-off, a non-linear increase, in non-auto modes and a similar decrease in auto modes. The empirical evidence for this is in "Neighborhood Density and Travel Mode" at https://www.dropbox.com/s/ssnr3gfjn8dfv0z/Neighborhood%20Density%20and%20Travel%20Mode.docx?dl=0. The theoretical foundation for the density necessary for Walkable Neighborhood Systems and mode shift is at https://www.dropbox.com/s/nedmhvav17377f4/Walkable%20Neighborhood%20Systems%20for%20Growth%20and%20Change.docx?dl=0 (publication forthcoming).

The models have a misleading aura of quantification and environmental evaluation should recognize their limits. The inadequacy of even of the best modeling is not due to intent to do a poor job, but is a result of the **level of knowledge** at this time and a failure to study the densest neighborhoods. The models evolved to deal with metro area auto traffic over a large area and are not yet sophisticated enough for small dense areas with walkable local business, rich transit and other Green Mobility concepts for project-level projections.

We need, instead, to make a **qualitative evaluation** of project transportation-related GHG based on the knowledge we have about existing unbundled projects in dense areas similar to downtown Hayward. (This can be explained further in terms of household surveys on travel time budgets for 15 trip purposes, especially anchor trips and errand trips.) An evaluation of the interaction of all features helps evaluate synergy among policies. A disinterested expert should apply knowledge of this experience and other Green Mobility factors to specific projects in specific locations, in this case, the Maple Main Apartments. Such an evaluation would reveal a very large difference between the proposed project and one with Green Mobility. The IS fails to do this. 8

Wood Rogers is a transportation consulting firm that did reports attached to the IS. The Wood Rogers transportation study (p. 17) approximates the kind of evaluation needed. Table 4 9

has adjustments to the trip projection for Mixed Use TDM, shuttle, and BART/Rideshare/Bicycle to get the vehicle trips. The problems here are the use of ITE rates, the lack of actual TDM, the omission of unbundling and other Green Mobility policies, and the lack of transparency to lay readers. Still, the overall reduction of about 20 percent relative to suburbia is a reasonable balancing of a few green features against the dominant pro-auto design. 9

1. NR-2.6 Greenhouse Gas Reduction in New Development

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. 10

The IS does not discuss this obviously important policy. The project conforms to some elements, some are not relevant, and some the project goes in the opposite direction, as detailed in the discussion below.

Three Pedestrian Policies

Besides the need to mitigate GHG, the use of an outdated methodology, and the many weaknesses of the current methodology, there is the additional problem of the **omission of 20 more General Plan Policies** that would reduce GHG and the **false claim** that the project conforms to the General Plan (p. 54). The modeled reduction of GHG in the EIR on the General Plan would not occur and should not be used in the IS.

IS Table 12 p. 57 refers to Goal M-5 Pedestrian Facilities, but this is not a policy—it's a goal. The goal is, "Provide a universally accessible, safe, convenient, and integrated pedestrian system that promotes walking." The goal has **three germane policies**, which are relevant for reducing GHG, but not implemented in the project.

2. Policy M-5.1 Pedestrian Needs

The City shall consider pedestrian needs, including appropriate improvements to crosswalks, signal timing, signage, and curb ramps, in long-range planning and street design.

3. Policy M-5.2 Pedestrian System

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. 11

4. Policy M-5.6 Safe Pedestrian Crossings

The City shall strive to improve pedestrian safety at intersections and mid-block locations by providing safe, well-marked pedestrian crossings, bulb-outs, or median refuges that reduce crossing widths, and/or audio sound warnings.

The City **did not consider** pedestrian needs. The IS, unfortunately, narrowed its scope to the site of the project, which contrasts sharply with its extensive consideration of off-site traffic impacts on surrounding streets. The IS assumes that a pedestrian leaving the property is not an issue, while cars are. The IS is inadequate; it must consider pedestrian needs off-site as well as

on. If it is reasonable to evaluate off-site mitigation for project traffic, it is reasonable to do it for pedestrians.

Wide streets and fast traffic are barriers to connected sidewalks. The Maple Main project is disconnected from the downtown center. The project has a nexus to A St. and Mission Blvd. by their close proximity and their use by project residents to walk to the center and the BART station.

We need to make it possible for average people to walk across A St. and Mission Blvd. Walking across these arterials is not convenient or safe and few people try it. They are now **cut off from safe and comfortable walking** to the downtown center by excessive street width and high speed of traffic. A St. is 62 feet wide with 2 parking lanes and four travel lanes and Mission Blvd. is almost as bad.

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The IS needs to **require mitigation** of impacts by requiring, at a minimum, improved crosswalks. Walking routes should be improved with slower traffic, bulb-outs, and pedestrian safety medians for minimal walkability. Safe, walkable routes are essential to connect Maple Main to the downtown center. Without safety and walkability improvements, the downtown as a whole is really not walkable. Achieving walkability downtown is a repeated, major goal of the General Plan, and these three policies are major ways to get there. Walkability is crucial for reducing car use and reducing GHG.

The IS should discuss the **ability to live downtown** without bundled parking. There is a misperception that downtown requires a car as much as suburbia outside downtown. In fact, downtown has the short walking distances that make routine and anchor trips attractive for major markets. Many trips can now be made more inexpensively than in the past using ehail. The need for a car can be met by carshare/rental. General Plan policies do not need to be applied where not practical, but it is totally practical to apply them to downtown.

The IS does not discuss these policies; the project does not conform to them, negative impacts result, and the policies would help reduce GHG. Lots of pavement and parking create drivable cites but prevent walkable neighborhoods.

The IS p. 59 states “As the impact from a project’s GHG emissions is essentially a **cumulative** impact, the analysis presented above provides an adequate analysis of the proposed project’s cumulative impacts related to GHG emissions.” The IS analysis has nothing on the cumulative impacts because the General Plan EIR cannot be applied. The IS ignores current and probable future projects, the most notable and obvious of which is Lincoln Landing.

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Land Use and Planning

A detailed analysis of the proposed project’s consistency with applicable General Plan land use and parking policies is provided in Table 13, Land Use and Parking Policies Applicable to the Proposed Project. As shown in Table 13, the proposed project would not conflict with these applicable policies." (p. 69)

Table 13 falls short; the project conflicts with many General Plan policies. The Land Use section includes four General Plan policies and the Transportation section, discussed below, includes no policies. As a result, the IS does not discuss twelve relevant policies.

13

Four Policies Discussed in the IS

5. Policy LU-1.5 Transit-Oriented Development (TOD)

The City shall support high-density transit-oriented development within the city's Priority Development Areas to improve transit ridership and to reduce automobile use, traffic congestion, and greenhouse gas emissions.

Concerning project consistency, the IS claims that

The proposed project is located within a Priority Development Area (PDA), as designated by the Plan Bay Area, which includes the region's Sustainable Communities Strategy (SCS) and the 2040 Regional Transportation Plan (RTP). The proposed project is within walking distance of transit and local retail establishments, schools, and employment centers in Downtown Hayward, and thus would reduce automobile use.

The IS claims here and on p. 11 and p. 73 that the project is within **walking distance to schools**. On p. 62 it says that *"The project is not located within 0.25 mile of a school…"* The intermediate school is close, 0.4 miles, but the high school is 1.2 miles away, and both require crossing Foothill Blvd., a highway mostly 80 feet wide with five travel lanes and two parking lanes. The elementary school is 1.2 miles away requires crossing Mission Blvd. High school kids could do it; little kids not so much. The IS can easily fix this inaccuracy. 14

The IS, however, has a much more serious problem, the slippage from the policy to the claim of consistency. The IS clams that proximity would reduce automobile use while ignoring the auto-orientation of the project for residents, retail, and Medical Office Building. If proximity is the only requirement for transit-oriented development (TOD), the project conforms. However, General Plan policy makes clear that mere **proximity is not enough**—a project needs to improve transit ridership and reduce auto use, traffic congestion, and GHG.

The performance of the Maple Main Apartments can be compared to suburbia, or to a project that is actually oriented to transit. In general, projects wind up along some dimension between auto- and transit-oriented. It is not clear how much it would take to cross some line to qualify as TOD, but it is clear that this project is too auto-oriented and anti-transit. The proposed bicycle facilities, Zip Car, private shuttle are not enough. Compared to TOD, the project will **increase auto use and decrease transit**, which is confirmed by the auto trip generation rates used in the traffic study.

The evaluation now missing from the IS has to consider the functionality of Green Mobility, which is how the General Plan defines TOD.

Bicycles. The IS should point out that the bicycle storage access is slow and cumbersome. It is in a long narrow room at the back in the basement of the parking structure, and not in a convenient location between elevators and stairwells and the street. If there are bicycle users, they are likely to keep the bicycles in their units. 15

The IS also needs to say that bicycle storage is only meaningful if there are places to bicycle to, a safe attractive way to get there, and a safe place to leave the bike. Hayward, like most of the U.S., is bike-hostile in ways people don't realize, which is part of the problem. Bicycle use **requires a system** to attract more than just the young spandex and muscle crowd. Some European countries show how to do it. It's not just the A St. problem, but the general lack of comfortable bikeways on routes people want to use. The downtown area has too many wide arterials with fast traffic, lack of parking at destinations, and few destinations. 16

The **private shuttle** raises similar questions, as it also was not studied. How many people would ride it? Route? Schedule? Financing? Cost? A private shuttle means the public can't ride, so it does not contribute to transit. The IS should discuss using the funds for a public shuttle to conform to the General Plan. 17

The General Plan is a guide, not a mandate, and sometimes a policy is too expensive or impractical for implementation. However, in the case of these apartments, that is not true. To be adequate, an IS has to consider **what the project could reasonably do**, i.e. Green Mobility, which is further developed in the documents cited above, Walking Oriented Development and the Maple Main Project PowerPoint.

Many other points in these comment show how pro-auto (and pro-congestion and pro-GHG) and how anti-transit the project is. The value of a few steps forward is **more than negated** by many steps backward. Conformity to the General Plan is proclaimed, not demonstrated. TOD should not be a superficial marketing slogan; it has real meaning. Anybody knowledgeable about real TOD knows that this isn't it. See the report on *Why Creating…* cited below. 18

6. Policy LU-2.5 Downtown Housing

The City shall encourage the development of a variety of urban housing opportunities, including housing units above ground floor retail and office uses, in the Downtown to: …

***Promote** lifestyles that are less dependent on automobiles.*

One interpretation of this policy is that the simple creation of any housing, or housing above other uses, is enough to reduce auto dependency. We believe, alternatively, that evaluation of conformity has to be based whether the housing actually **promotes**—the word used in the General Plan—less auto dependency, and that the evaluation must use city policy, i.e., the relevant policies in the General Plan to as a way to define promotion. "Not prevent" is not good enough. The IS has to discuss how poorly the project performs on Green Mobility and reducing auto dependency. 19

The IS claims project consistency is based on walking distances and affordability with no evidence for less auto dependency. The IS repeats the mistake of assuming small children can walk 1.2 miles to school. The project clearly fails to conform and the IS fails to inform.

7. Policy M-9.1 Appropriate Parking

*The City shall ensure that adequate parking is provided appropriately to all areas of the city, while **prioritizing** alternative transportation modes and Transportation Demand Management strategies that **reduce parking demand**.*

8. M-9.2 Parking Reductions

The City shall consider reduced parking requirements for projects located near public transit...

"Adequate" can be defined as supply when parking is free, or as supply when parking pays a market charge. It **does not make sense**, and is not consistent with the General Plan, to subsidize parking by making it free to the user while trying to promote non-auto modes. Adequate parking has to be defined in the context of the General Plan, which includes unbundling, reduced parking requirements, walkability, multi-modal transportation, and transportation demand management. It has to include residential, retail, and Medical Office Building parking. The IS needs to discuss separating the leasing of Medical Office Building offices from leasing of parking for the offices, so 20

that those leasing office space would determine how much parking they needed and pay for it separately. 20

The IS, more specifically the Wood Rodgers parking report at p. 4, finds that parking is adequate, without ever discussing any **definition of adequacy**. It is part of our culture to have parking as a public good, even though the General Plan tries to make it a market good. Culture prevents seeing the unreasonable. 21

The project subsidizes parking, does not have TDM, and does not prioritize alternative modes. The IS claims conformity by pointing to zoning and does not reveal that the **zoning ordinance referred to** is clearly **inconsistent** with the General Plan. The IS fails to mention other ordinances that allow the one cited to be overridden. There is no conformity to appropriate parking or parking reductions. It is not enough to describe the slight reductions in project parking; the IS needs to discuss something real or why real reductions are not feasible. 22

The IS fails to point out that the allocation of parking on lower levels to commercial and retail uses results in **not a single resident** being able to park on the level on which they live. All must go up one level, some must go up two levels. See attached spread sheet, HAPA Maple Main Apartments.xlsx, parking levels tab. 23

9. Policy M-9.10 Unbundled Multifamily Parking

"Policy M-9.10 Unbundled Multifamily Parking. The City shall encourage multifamily development projects to separate (i.e., unbundle) the cost of parking from lease or rent payments."

The IS claims project consistency: *"According to the project's parking management plan, if project parking demand exceeds supply, 'unbundling' of parking from residential rent/lease fees is recommended to reduce vehicular parking demand."* (Note: the period after "supply" is a typo in the Initial Study.)

The claim of consistency with the policy is false. **The project is bundled**.

Furthermore, the claim is nonsense. Think about it: How can anybody know if the demand exceeds the supply? The city has no operational definition; it has no procedure; it has never in its history made a finding of demand exceeding supply. What supply? Where? On site? On adjacent streets? If one area of free parking is always parked up, and another a few feet away has spaces, does demand exceed supply? Suppose someone complains, saying there is not enough parking in the public lot on Maple Court and it's because of the new apartments. Is that enough? Or will there be a three year process to figure it out? If parking is unbundled what will the rate be—the market rate? the economic rate? the full cost rate? Next, the project's plan does not actually say it will unbundle; it is only "recommended." The vaporware of excess demand is followed by a toothless commitment. The project does not support unbundling by, in fact, having bundling. 24

These comments will now discuss why unbundling is desirable and feasible, supporting the importance of the General Plan Policy.

Why Unbundle

As of February 2016, Transform's, GreenTRIP Parking Database listed 80 affordable multi-family housing developments in the five largest counties of the Bay Area. The database has 11 variables for each development. Transform found that 3,882 spaces of a total of 13,823 spaces (28 percent) were unused. The spaces covered 1,164,600 square feet and cost about $198,034,400 to build. The available spaces per unit was 1.16 and occupied spaces .84.

The reasons for the vacancies are not clear; it may be that a tenant just can't afford a car at all and uses alternative modes. It is likely cities required too many spaces. The enormous waste of funds on vacant parking exists in spite of the spaces being free to the user. The need for free parking is being significantly over estimated. With unbundling, vacancy rates would be even higher.

TransForm estimated that a mid-rise TOD project with 875 units and 1,444 parking spaces (1.65 spaces per unit) could in the same building envelope, with .7 spaces per unit, have 1,021 units, an increase of 146 units.[1]

Source: Transform, GreenTRIP Parking Database lists 68 projects with 11 variables for each one. http://www.transformca.org/greentrip/parking-database. The database can be downloaded. See also http://www.transformca.org/landing-page/greentrip and http://database.greentrip.org/

There are reasons why unbundling is so extremely important. **Economically**, bundling distorts markets, denies consumers choices they would like to make, such as to save money or live an environmental lifestyle. It increases housing costs, and lowers economic productivity and total product. The cost of housing is increased by 15 to 20 percent, and land is lost to productive purposes that can compete in the marketplace. Unbundling lowers the cost of a car, inducing people to drive out of town and shop less downtown. Productivity of urban land and economic product is reduced. Government interference in the market place is hugely expensive.

Socially, bundling forces many low income families to spend money they can ill afford on parking they don't want or need. Less affordable housing is built because it is forced to pay for parking also. Bundling hinders efficient use of urban space, pushes traffic into walkable areas, degrades the environment for non-auto modes, discourages walking, and undermining social development of land. People walk less and streets have more traffic, resulting in health and safety problems. About $200 million has been wasted on unused parking in affordable housing projects in the Bay area (see text box). For a more detailed discussion, see Transform and California Housing Partnership Corporation, *Why Creating And Preserving Affordable Homes Near Transit Is A Highly Effective Climate Protection Strategy,* May 2014, http://www.transformca.org/transform-report/why-creating-and-preserving-affordable-homes-near-transit-highly-effective-climate.

Environmentally, bundling is undesirable because it is one of the most important causes of global warming, continually forcing subsidies for auto dependency into urban development. It increases air and water pollution.

How to unbundle

Unbundling is feasible for market rate and affordable housing. Claims that unbundling is not possible for affordable or market rate housing are incorrect. For HAPA research on this issue, go to our Dropbox folder at

https://www.dropbox.com/sh/flvxe66cm9alcpb/AACs0rFT9DEkjeojkFbh6_Bia?dl=0. The first seven items at this site summarize the research.

Many **affordable housing** projects are unbundled. It requires having no parking, like the Mercy Housing project in San Francisco, or separate financing, as in Berkeley and Arlington VA. Tax credit financing does not require parking or bundling; it only requires that an unbundled rent plus the parking rent not exceed the federal rent cap. Housing developers have not tried to develop a proforma that is based on unit rent below the federal cap and do not know how to estimate the reduction in parking demand from unbundling. The California Affordable Housing and Sustainable Communities Program does not require parking. Low parking ratios are similar to unbundling because units lacking parking are not paying for it. Transform reports 16 projects with ratios from.07 to .51 spaces per unit.

24

Market rate housing financed by FHA/JUD section 221(d)(4) does not require parking. A project with unbundling in San Leandro is going forward. The Fannie Mae Multifamily Mortgage Business, the major lender in this area, does not require parking. Their DUS underwriting does not require parking. The Maple Main developers seem to be under the misapprehension that Fannie Mae underwriting requires bundling, so I wrote them a letter. Joanne Schehl, Senior Vice President and Deputy General Counsel for the Multifamily Mortgage Business answered on June 3, 2016, stating, "Fannie Mae does not impose parking requirements on the multifamily housing properties that we finance through our DUS program."

A major complaint from housing developers is that **cities create the problem** with excessive parking requirement in walkable areas.

We now turn to policies which IS failed to evaluate the policies and which the project does not conform to them. The next comments cover three more pedestrian policies, adding to the three discussed under GHG, with nuances of difference among them. However, what is said for one often applies to others.

10. Policy LU-2.3 Downtown Pedestrian Environment

*The City shall **strive** to create a **safe, comfortable, and enjoyable pedestrian environment in the Downtown** to encourage walking, sidewalk dining, window shopping, and social interaction.*

The project is downtown. Bundling, gated parking, private shuttle, fast wide arterials, and dead frontage on Maple **undermine** social activity. The retail is now located on a lifeless street, Main St. Once past the hot dog fast food store, there is nothing. The project would only add a few shops next to a parking structure entrance, which is too small to matter; in fact, I don't see how they can survive.

25

The project does not lend itself to sidewalk dining but it could encourage walking, window shopping, and social interaction. The IS should propose mitigation based on **minor redesign** to support social interaction. It requires some knowledge and judgment about how urban areas work. There is already activity on Maple Court because of the strip, which can be reinforced by having project retail on Maple, the Medical Office Building entrance, apartment entrances, and a shuttle stop for the bus connecting Lincoln Landing to BART. It is important to realize, and for the IS to discuss, how the project is anti-social and how various General Plan policies combined could foster a hub of social interaction.

11. Policy LU-3.6 Residential Design Strategies

*The City shall **encourage** residential developments to incorporate design features that **encourage walking within neighborhoods** by: …*

- *Orienting … apartment …buildings toward streets or public spaces.*

The Maple Main building is not oriented to its street; it has two doors on Main Street for 240 units. Most access is from the parking structure, then up and down stairways and elevators and down long hallways. One can walk in from Maple to part of the project but only by walking around the side into Courtyard 2. The project is not just a parking structure wrapped in units; the whole system of movement is designed around the auto. The design should conform to the General Plan by having more entrances from Main and Maple. The design now favors driving into the structure rather than walking to an entrance. Combined with gated access to residential parking on the upper levels of the parking structure, bundling of parking into unit rent, and a private shuttle, the project is a **suburban style, parking oriented, gated development supporting auto dependency**. 26

12. Policy M-3.10 Pedestrian Needs

*The City shall develop **safe and convenient bikeways and pedestrian crossings that reduce conflicts** between pedestrians, bicyclists, and motor vehicles on streets, multi-use trails, and sidewalks.*

This policy is almost the same as M-5.6, discussed above. The IS has not evaluated how to do this, but it should discuss how the City could improve bikeways and pedestrian crossings in the conditions of approval. 27

Final Nine Policies

13. Policy M-1.2 Multimodal Choices

*The City shall promote development of an integrated, **multi-modal** transportation system that offers desirable choices among modes including pedestrian ways, public transportation, roadways, bikeways, rail, and aviation.*

14. Policy M-1.3 Multimodal Connections

The City shall implement a multimodal system that connects residents to activity centers throughout the city, such as commercial centers and corridors, employment centers, transit stops/stations, the airport, schools, parks, recreation areas, and other attractions.

The project does nothing for multimodal policies. The IS and the Wood Rogers reports **never mention multimodal** anything. The project bicycle component is particularly dysfunctional as discussed under LU-1.5 TOD above. The project has a private shuttle, not public transit. It does nothing to support pedestrian ways. 28

The Maple Main Project PowerPoint indicates what easily could be done, such as move the retail to complement other retail on the BART shuttle route, put the shuttle stop where activities concentrate (the Medical Office Building entrance, residential access, new retail, and existing strip retail), street level dedicated spaces for carshare/rental and taxi/ehail, and make A St. safe—all aspects of Green Mobility. The IS needs to discuss how a series of small policies **reinforcing each other** can achieve multimodal connections.

GOAL M-3

Provide complete streets that balance the diverse needs of users of the public right-of-way.

15. Policy M-3.7 Development Review

*The City shall consider the needs of all transportation users in the **review of development proposals** to ensure on-site and **off-site** transportation facility improvements complement existing and **planned land uses**.*

29

This policy clearly applies to development review and off-site improvements. The IS and the Wood Rodgers reports **never mention complete streets**. The IS needs to discuss whether the city considered requiring this development proposal to include off-site improvements that would ensure complete streets. The project has, in fact, no off-site transportation improvements in support of walking, and does nothing for a BART shuttle, such as supporting ROW improvements as proposed in the PowerPoint. There is no discussion of how Maple Main relates to an even larger planned land use within a stone's throw away, Lincoln Landing. The two projects have the ability to coordinate with each other and provide for complete streets and a shuttle.

16. Policy M-7.11 Shuttle Service

*The City shall evaluate the need for **shuttle service** citywide and support public and private efforts and activities to bridge **gaps in existing transit** service.*

30

This project and Lincoln Landing provide an opportunity to get a BART shuttle, yet the City has not required the project to contribute to a shuttle. The project provides an opportunity to fill the gap from Lincoln Landing to BART, as proposed in detail in the PowerPoint. The proposed BART Shuttle is worth considering for itself and as a step toward some citywide system.

17. Policy M-7.13 Taxi Service

*The City shall promote the continued operation of **taxi services**, including the provision of a dedicated taxi stand at the Downtown Hayward BART Station, on-street loading spaces (where appropriate), incremental improvements in gas mileage, and improved access for passengers with disabilities.*

31

The project lacks a dedicated street-level spaces for shared ride services, which it should have on-site. The Maple Main Project PowerPoint shows how to do it.

GOAL M-8

*Encourage **transportation demand management** strategies and programs to reduce vehicular travel, traffic congestion, and parking demand.*

18. Policy M-8.2: Citywide TDM Plan

*The City shall maintain and implement a citywide **Travel Demand Management Program [TDM]**, which provides a menu of strategies and programs for developers and employers to reduce single-occupant vehicle travel in the city.*

32

The City does not have a TDM Program, but the General Plan has some bare bones concepts. TDM reduces parking demand and the need for parking. The staff report on **Lincoln Landing** has some ideas that should also be applied to Maple Main: "participation in a BART shuttle, provision of commuter transit passes to residents and workers among others. …shared

commercial/residential parking potential, unbundling the residential parking, shared car services."

The IS **does not report** on these important mitigations to impacts otherwise created by the project, which could reduce traffic to the Medical Office Building and retail. Similarly, requiring offices provide for some of the cost of using ehail for client access could substantially reduce the need for office parking and make it easier for clients to access services. 32

19. Policy M-8.7 Public-Private Transportation Partnerships

The City shall encourage public-private transportation partnerships (e.g., car sharing companies) to establish programs and operations within the city to reduce single-occupant vehicle

The General Plan should be applied to this project, by having it provide an on-site street-level facility for shared ride, and make arrangements for use of the spaces with providers. (Shared ride: carshare/rental, taxi, ehail ride share.) The policy also applies to a partnership for a shuttle. 33

20. Policy M-9.3 Parking Off-Sets

The City shall encourage developers and employers to offer programs (e.g., transit passes or other transit enhancements) to reduce parking demand and shall consider reducing parking requirements where programs are in place or planned. 34

The project does not do this. Employees of retail, Medical Office Building, and apartment management should be **cashed out** and barred from parking for free at work. Developers and employers could also support the BART shuttle through eco-pass. These can be made conditions for project approval and recorded against the property.

21. Policy M-9.7 Residential Permit Parking

The City shall maintain and implement the Residential Permit Parking Program to minimize the adverse effects of spillover parking into residential areas.

The project does not do this. Such a program is needed, especially if unbundling causes **spillover** into the Prospect Hill neighborhood. Wood Rogers has a good discussion on traffic calming in Prospect Hill but really nothing on parking management. It describes unbundling (p. 3) but fails to discuss what the unbundling rate would be for residential, retail, and commercial,, how that would reduce vehicle trips, how it relates to other Green Mobility, and how it would cause spillover problems. Wood Rogers seems to know what it is, but not **what it means**. 35

Similarly, they refer to the need for permits as a future possibility, rather than as a necessity to make unbundling work for the neighborhood and as integral to the mutually reinforcing policies of the General Plan. I don't mean to pick on Wood Rodgers in particular; they are part of a culture of conventional thinking reinforced by the failure of their clients, in this case the City, to ask the right questions. The IS needs to discuss how unbundling causes spillover and the need for the project to **mitigate the impact** with a permit program.

The Land Use section states, "Anticipated future development in the City of Hayward would be reviewed for consistency with adopted land use plans and policies by the City." True, but irrelevant. The IS needs to do something different, i.e., consider cumulative land use and planning impacts. 36

As the proposed project would be consistent with the general plan and zoning designations for the project site with the approval of a conditional-use permit, the cumulative impact of the proposed project and future development would be less than significant.

This statement is hard to understand. It does not follow that project consistency means it has less than significant cumulative impacts, and the IS ignores the need to consider cumulative impacts of other projects. 36

The IS assumes that the general plan and zonings have no significant impact, which is hardly the case. In Hayward, the zoning mandates parking and the General Plan mandates parking reductions, so they can't both be presumed to have no significant impact. Even if the General Plan and the zoning were consistent, that does not mean they have no significant impact. The purpose of CEQA is to disclose impacts, not sweep them under the rug. The IS confuses cumulative impacts with General Plan consistency and ignores related current and future projects like Lincoln Landing.

Population and Housing

The Guidelines require evaluation of substantial population growth in an area without **defining "area."** The IS is correct in saying the project would be a very small increase in city population. It would be even smaller for the county and the Bay Area. Since very few people live on the site and surrounding blocks, it would be a very large increase in that area. The appropriate area would seem to be downtown. 37

The IS tries to avoid the need for evaluation by pointing to consistency with the General Plan EIR. That would be a fair point if the project conformed to the General Plan and the population for the site is consistent with that assumed in the EIR. The assumption in the EIR, however, is not reported. The issue is best discussed as a cumulative impact, which is discussed below. 38

The population section states *"Anticipated future development in Hayward would result in an increase in population throughout the City. However, according to the City of Hayward 2040 General Plan EIR, with the implementation of goals, policies, and implementation programs listed in the City's General Plan, impacts related to population and housing* ***within the City*** *due to future growth would be less than significant (City of Hayward 2014c). As discussed above, the increase in population associated with the proposed project would not be substantial. Therefore, the proposed project's cumulative impact with respect to population and housing would be less than significant."*

The IS avoids the clear meaning of the Guidelines by using an **unreasonable area**, the whole city. The frame of reference for the guidelines includes "Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses)…" The impact in the area of this project, downtown Hayward, would clearly be substantial. Combined with Lincoln Landing, it would be even bigger. Consistency with the General Plan for the city does not allow ignoring the area impact, which was not considered in the General Plan EIR, which has no estimate of the increase in population specifically for the two properties, let alone a discussion of specific local impacts. 39

CEQA can be frustrating in this case because it is not clear how to mitigate a substantial increase in population that is not covered in other parts of the guidelines. Population section a) is not as useful as the two other population–related guidelines, sections b) and c), dealing with

displacement of housing and people. Nevertheless, the **guidelines are crystal clear** that substantial population growth in an area has potentially significant impacts and requires an EIR, especially in the context of cumulative impacts with Lincoln Landing. If Lincoln Landing justifies an EIR, then a larger combined projects deserves one. 39

Transportation

The Guidelines ask,

"Would the project conflict with an applicable plan, ordinance, or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?" 40

The IS claims less than significant impact based on existing and near term future traffic as they affect intersection LOS or control delay at 15 intersections. LOS E and control delay under 5 seconds are acceptable.

The detail on traffic distracts from noticing there is **no discussion whatsoever** of all modes, mass transit, and non-motorized travel, and no discussion of the circulation system for pedestrians, bicycles, and mass transit. The project has multiple conflicts with the applicable plan, the General Plan.

The IS does not report trip generation rates from actual comparable land uses, only the **ITE Manual rates**, which are considered inaccurate by researchers for non-residential uses. They have a suburban and pro-parking bias and include too many land use types in single categories, hiding a large variation within broadly defined types. 41

The corrected residential trip generation rates per unit and per bedroom seem reasonable. What is harder to understand is that in the AM Peak only 98 trips are leaving 440 apartments, a rate of .24 trips per bedroom. Put another way, 76 percent of bedrooms have no one leaving. 42

The large number of parking spaces for the Medical Office Building is the major reason that **no tenants can live on their level**; they must all drive up one or even two levels higher than the floor they live on and then walk down by ramp, stairs, or elevator. 43

The Wood Rogers reports exclude the **Medical Office Building**, but its traffic is part of the impacts of the project and needs to be discussed. It Is planned for far more parking than it had before, with more traffic as a result. 44

The cumulative section refers to unavoidable impacts from future development based on the General Plan EIR of 2014. The IS refers to a "project-specific cumulative traffic analysis" where "project-specific" seems to mean looking at the intersections closest to the project rather than the whole city. The IS does not describe what the EIR assumed to be future development near the project. 45

There seems to be an error in the column headings of Table 18, which has "Background Conditions" and "Background Conditions plus Project Conditions." Evidently, the Table 18 headings are typos and should say "Cumulative.." instead of "Background…" I will consider this a typo. 46

As for the project itself, cumulative impacts are reported in terms of intersection LOS or stop sign delay. The report **does not include** any information about Lincoln Landing, which is integral to the cumulative impacts and is new information since the GP EIR was certified. Equally 47

problematic, there is no evidence that the traffic modeling for the Draft EIR considered unbundling and other Green Mobility. There is, in fact, no reference to "unbundling" in the traffic modeling in the draft or final EIRs for the General Plan. 47

The IS does not consider **link LOS** in the CMP network. 48

The IS does not consider **cumulative traffic increases** as such to be a negative impact, independent of impact on intersection LOS. The traffic may not cause LOS F but it does increase traffic. Most people are not traffic engineers and have perceptions and feeling about traffic that deserve some respect and recognition by discussing general traffic levels in lay terms. The cumulative effect of this and other projects is going to increase traffic downtown, where already most people feel there is too much traffic. 49

The IS **does not discuss** transit, bicycles, pedestrians, and streets, only traffic at intersections. The IS is clearly, even painfully, inadequate for cumulative transportation impacts. 50

Cumulative traffic increases are, in reality, **a substantial impact** and conflict with the General Plan policies to decrease auto use and increase alternative modes. The plethora of tables and statistics ignore conflicts with the plans and policies. The IS repeats a mantra of "less than significant" for six LOS F intersections. Reasons: the projects do not increase delay enough to cross the City's threshold of significance.

This is relevant but not enough. The IS should discuss that **traffic is getting worse** and whether those thresholds are meaningful given how many people are being inconvenienced and how much traffic would be reduced in the General Plan were implemented. The lack of a clear honest discussion is a reason why people don't trust government. The increase in traffic and delays all over the area is a significant impact that conflict with applicable General Plan policies and that can and should be mitigated using those policies. An EIR would discuss these significant impacts and mitigations. 51

Also a significant transportation impact is **overflow parking** that probably would result from unbundling. A neighborhood parking permit program, a General Plan policy, would be necessary to deal with overflow into Prospect Hill and how it could be mitigated. HAPA has drafted a report on City Preferential Permit Parking to evaluate if it would work for Prospect Hill. For details, see https://www.dropbox.com/s/q25e79hk9lr3k7m/HAPA%20on%20Parking%20Permits%20for%20Prospect%20Hill.pdf?dl=0. 52

Letter E **Hayward Area Planning Association, Sherman Lewis, President, dated September 21, 2016**

Response E-1

As discussed in the Recirculated IS/MND and in the responses below, the proposed project is consistent with a majority of the 21 general plan policies referenced by the commenter. Please note that the policies found in the City's General Plan serve as guiding principles that are intended to implement a vision for the City's future. These policies are not intended to provide specific standards and limitations on development; that role is reserved for the zoning ordinance and other applicable plans. Each development is unique and must be evaluated on its merits as to whether it meets the overall vision of the site, the surrounding neighborhood context, and the city as a whole. A certain development may meet some but not all General Plan policies, and yet still be found consistent with the overall vision and intent of the General Plan. The ultimate determination of the project's consistency with policies found in the City's General Plan rests with City's legislative body.

The commenter also attached a revised design of the project that he feels more closely adheres to the City's General Plan than the proposed project. The design put forth by the commenter provides for the same number of residential units and retail space, but eliminates the parking structure to reduce the number of parking spaces, moves the retail component to Maple Court, and lowers the height of the proposed project to three to four stories. While the proposed design would reduce the number of parking spaces and presumably the number of vehicle trips generated by the proposed project and related GHG emissions, the design changes suggested by the commenter are not necessary as the proposed project already has less than significant traffic and GHG impacts. In addition, the provision of fewer parking spaces would not adhere to City parking codes, nor is that being proposed by the project applicant, and the location of the retail component whether on Main Street or on Maple Court would result in the same environmental effects. Also while the commenter's design would result in a shorter structure, the height of the structure as proposed is still compliant with the City's zoning code, so no significant impact of the proposed project would be reduced by this change.

Response E-2

The commenter argues that any increase in GHG emissions requires mitigation, and therefore questions the use of the significance thresholds put forth by the BAAQMD. The GHG thresholds were developed by the BAAQMD by preparing an emissions inventory of existing emissions from all sources in the Bay Area, developing a projection of GHG emissions in 2020 based on the projected growth in the Bay Area, and estimating the reduction in the GHG emissions needed in order for the area to comply with AB 32. As these thresholds are specifically designed for the Bay Area, and have been set forth by a regulatory agency with jurisdiction over air quality in the Bay Area, the City has appropriately used these thresholds to evaluate the project's GHG impact and has concluded that the project's impact is less than significant. Further, the California Supreme Court recently cited to the BAAQMD thresholds as valid criteria in evaluating the significance of potential GHG impacts of a project. *Center for Biological Diversity v. California Department of Fish and Wildlife, S217763*.

As noted above, the City has used the guidelines provided by the BAAQMD that do not state that any increase in GHG emissions is significant; the guidelines instead identify the amount of increase on a per project basis or a per capita basis that is acceptable and will not set back the Bay Area's efforts to comply with state law. The per capita increase in emissions associated with the project is less than half the per

capita rate set forth by the BAAQMD as acceptable for the Bay Area. Please note that CEQA requires that mitigation be provided for impacts that are significant. Mitigation is not required for less than significant impacts.

Also, the project is a mixed use residential project in an infill location, with ready access to transit services, and in an area with a substantial need for additional residential units to address a jobs-housing imbalance. Furthermore, the inherent project features (location, including proximity to transit and employment centers) reduce trips and thus travel-related GHG emissions. If the same amount of housing were to be constructed in communities outside the Bay Area, the resulting GHG emissions especially due to commuting, would be substantially greater than those reported for the proposed project.

Response E-3

CEQA requires an assessment of the change in emissions due to a project. The project GHG emissions analysis predicted the changes in the GHG emissions and assumed that the medical office building would have similar emissions in the future. As a result, the only emissions actually modeled were those associated with the new uses, which are the new residences, small office and retail use and the parking facilities for the residential portion of the project. Because the existing medical office building is larger and also less energy efficient, the emissions associated with the existing building would be much higher than the emissions that would result from the smaller building. The building would have lower emissions due to greater energy efficiency that would result with construction in conformance with current State and City building codes. In fact, if the existing emissions from the medical office building as well as the new emissions from the smaller medical office building were calculated, the estimates would show a net reduction in the emissions from this component of the project. If this net reduction were applied, the total emissions from the project would be lower than the number reported in the Initial Study.

Response E-4

The commenter may have been confused by the modeling output. For construction criteria pollutant emissions, there were two model runs performed: (1) the residential, retail and parking portion of the project (both demolition and new construction), and (2) renovation of the medical office building and existing parking facility. The second set of model runs were for the same project but used for predicting localized emissions of mitigated Toxic Air Contaminants (TACs) and $PM_{2.5}$ that were used in the community risk assessment. There were questions about the project sizes in terms of acreage and square footage. The sizes of the buildings were entered into the model in the land use tab as described for the project. Rather than relying on CalEEMod's default calculation that is based on type and size (in terms of square feet) and would be less accurate, the acreage of the site, 3 acres, was assigned to only one of the land use types. CalEEMod uses the site acreage to estimate the use of construction equipment for site preparation and grading if data is not available. However, the project's construction equipment usage assumptions were provided, so acreage is not an important input to the CalEEMod modeling. The CalEEMod default equipment usage assumptions that are based on acreage were overwritten with the equipment usage data provided for the project. However, the correct acreage was input for each construction scenario.

Response E-5

As discussed in in **Section 7, Greenhouse Gas Emissions**, of the Recirculated IS/MND, the City of Hayward considers the City's 2009 Climate Action Plan combined with the Hayward 2040 General Plan

to be the City's Qualified Greenhouse Gas Reduction Strategy. Table 12 of the Recirculated IS/MND summarizes the City's GHG reduction strategies that are applicable to the type of project that is proposed and the proposed project's consistency with these strategies. As discussed in Table 12, the project would implement a number of these policies, and thus is consistent with the City's Greenhouse Reduction Strategy. Please note than the City also conducted an independent analysis of the project's GHG emissions using BAAQMD methodology and found that the project's per capita GHG emissions would not exceed applicable thresholds, and therefore the project's impact would be less than significant.

Response E-6

The commenter states that the emission modeling methodology is incorrect because it relied upon CalEEMod rather than California Air Resources Board's Greenhouse Gas Quantification Methodology for the Strategic Growth Council Affordable Housing and Sustainable Communities Program, referred subsequently as the AHSC program. The CalEEMod model is the correct model to use for quantifying GHG emissions from land use projects analyzed for CEQA. This is the model that is recommended by air districts throughout the state for use in preparing air quality and GHG analysis for CEQA documents. This model is recommended because it provides an estimate of emissions from all project sources, including electricity usage, natural gas usage, area sources (e.g., landscaping, fireplaces), water usage (including wastewater) and solid waste generation. The modeling procedure the commenter is referring to is a procedure used to quantify the reduction in traffic-only GHG emissions from projects receiving State funding. The procedure evaluates only the emissions associated with travel (measured as Vehicle Miles Traveled [VMT]), with CalEEMod). Had this method been applied to the project, it would have provided lower traffic emissions, and therefore lower total emissions than those reported in the Initial Study. CalEEMod would still be necessary to estimate the project emissions associated with electricity usage, natural gas usage, area sources (e.g., landscaping), water usage (including wastewater) and solid waste generation.

Responses E-7

The commenter describes what he believes are the shortcomings of the AHSC model. The analysis presented in **Section 7, Greenhouse Gas Emissions**, of the Recirculated IS/MND, did not use the AHSC program.

Response E-8

The City has been using the BAAQMD guidelines and their recommended methodologies to evaluate project impacts in all CEQA documents that it prepares. The BAAQMD guidelines require that a project's GHG emissions be *estimated, reported,* and *evaluated* in a CEQA document. The GHG analysis in **Section 7, Greenhouse Gas Emissions**, of the Recirculated IS/MND, estimates, reports, and evaluates the project's operation emissions, including transportation-related emissions. The use of a qualitative approach to impact assessment, as suggested by the commenter, would be inconsistent with the City's practice. Please note that the GHG analysis in the Initial Study, which is based on accepted BAAQMD methodology, found that the proposed project would not exceed the BAAQMD's efficiency threshold, and that this analysis did not take into account the provision of "unbundled" parking for the project's multifamily component, which would have lowered the project's transportation-related GHG emissions even further.

Response E-9

The commenter suggests that a highly refined analysis of GHG emissions that takes into account the reductions due to unbundling of parking, shared vehicle services (i.e., Zipcar), or other TDM measures should have been completed. Such an analysis is not required because the proposed project's per capita GHG emissions, even without these reductions, would not exceed the BAAQMD's efficiency threshold.

Response E-10

General Plan Policy NR-2.6 states that 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. The proposed project is a mixed-use residential project with some ground retail located on a previously developed site in Downtown Hayward, i.e., an infill project. The project site is within walking distance to downtown businesses and is within a half mile of the Hayward BART station. In addition, the proposed project includes a number of sustainability features, including roof top solar, parking spaces for shared vehicle services (i.e., Zipcar), electric vehicle charging stations, bicycle storage, unbundled parking for multi-family units, and a private shuttle service to/from the Hayward BART station. The proposed project will also contribute to the City's proposed shuttle service. Finally, the City currently had a jobs-to-housing ratio of 1.36 jobs for every household in 2014 (City of Hayward 2014). Hayward's jobs-to-housing ratio indicates that the City is "job rich," meaning there are more jobs than the number of households. The addition of the project's 240 residential units to the City of Hayward will help improve the City's jobs/housing balance. For these reasons, the proposed project would not conflict with this policy.

Response E-11

The three General Plan policies listed by the commenter apply Citywide and are not the responsibility of individual projects to implement. The City is in the process of developing a new Downtown Specific Plan (DSP), which will address issues raised by the commenter in the Downtown. In addition, the proposed project would improve the sidewalks on all project site frontages.

The intersection of A Street and Mission Boulevard is currently signalized with marked crosswalks, and these crosswalks are adequate to allow project residents to safely across A Street to the core downtown area and across Mission Boulevard toward the Hayward BART Station. For this reason, no project-level mitigation is required at this intersection. Although not project related, pedestrian improvements at this location such as pedestrian bulb outs, will be evaluated in the DSP as part of an overall strategy to improve pedestrian accessibility.

A discussion of unbundling parking is found in **Section 10, Land Use and Planning**, of the Recirculated IS/MND. As discussed under Item 10(a) in Table 13, parking for the multi-family component will be "unbundled" from residential rent/lease fees in an effort to reduce vehicular parking demand. Please note that parking is not a CEQA issue. In addition, the proposed project will provide parking spaces for shared vehicle services (i.e., Zipcar).

Response E-12

Unlike cumulative traffic impacts which occur within a given jurisdiction (city or county) and are evaluated based on a list of past, present and reasonably foreseeable projects, the impact due to a project's GHG emissions is essentially a cumulative impact that occurs on a global level. Due to its nature, it cannot be and is not evaluated based on a list of projects or relative to the total emissions occurring within a City. The analysis of the project's GHG emissions was performed using methodology and thresholds put forth by the BAAQMD. Projects that result in emissions below thresholds set forth by the BAAQMD would comply with the state law, and thus would not make a cumulatively considerable (i.e., significant) contribution to the global GHG impact.

Response E-13

See Responses E-23 through E-53, below, for a discussion of the proposed project's consistency with the 12 policies mentioned by the commenter. Please note that as discussed in Response E-1, above, a certain development may meet some but not all General Plan policies, and yet still be found consistent with the overall vision and intent of the General Plan. The ultimate determination of the project's consistency with policies found in the City's General Plan rests with City's legislative body.

Response E-14

The text on pages 11 and 73 of the IS/MND is a general statement that is referring to a variety of nearby land uses, including schools. Please note that the distances to the nearest schools are correctly noted and acknowledged in **Section 14, Public Services**, of the Recirculated IS/MND. The intersections along Foothill Boulevard that students would traverse on their way to school are currently signalized and marked with crosswalks. The crosswalks are adequate to safely convey students across these intersections. None of the students generated by the proposed project would have to cross Mission Boulevard.

The Hayward BART station is located within a half mile of the project site and the proposed project would provide shuttle service to the station, and thus would increase the use of transit. In addition, the project will implement other TDM measures, such as "unbundled" multifamily parking, parking for shared vehicle services (i.e., Zipcar), electrical charging station, and onsite bicycle storage. The traffic study prepared for the proposed project adjusted the project's trip generation projection to take these features into account. Overall these features would result is a 20 percent discount that translates into a reduction of 382 daily trips (Wood Rodgers 2016a). As a result, the commenter is incorrect in his assertion that the project would increase auto use and decrease transit.

Response E-15

Comment noted. The commenter offers an opinion and does not provide any quantitative evidence that the bicycle storage space will not be utilized.

Response E-16

It is not the responsibility of the proposed project to make improvements to the City-wide bicycle system. However, the proposed project will make improvements to the bicycle system in the immediate vicinity

of the project site by striping "Sharrows" on Main Street between A Street and McKeever Avenue. Also, the City will initiate its update to the City's Bicycle Master Plan by addressing bike routes/system in the Downtown as part of the recently initiated DSP project.

Response E-17

The proposed project is providing a private shuttle to reduce the number of trips generated by the proposed project; it is not intended as public transit. The shuttle will take the quickest route back and forth to the Hayward BART station, and the shuttle schedule will be worked out at a later date. Please note that the financing and cost of the shuttle are not a CEQA issue. Also the proposed project will contribute to the City's proposed shuttle service when it is established.

Response E-18

CEQA requires an evaluation of the project as proposed, which is what the Initial Study provides. The analysis in the Recirculated IS/MND shows that with mitigation, the proposed project would not result in a significant impact. Therefore, incorporation of additional "Green Mobility" features put forth by the commenter is not required. Furthermore, as discussed in Response B-3, above, the proposed project would employ several TDM measures to reduce vehicle trips, including "unbundled" multifamily parking, parking for shared vehicle services (i.e., Zipcar), provision of private shuttle service to/from the Hayward BART station, electric vehicle charging stations, and onsite bicycle storage. In addition, the proposed project will contribute to the City's proposed shuttle service.

Response E-19

As discussed in Response E-23 below, the proposed project's proximity to the Hayward BART station, provision of a private shuttle to the station, and the implementation of other TDM measures, would result in a 20 percent trip discount that translates into a reduction of 382 daily trips (Wood Rodgers 2016a). In addition, the project is located in close proximity to the downtown and thus would encourage walking trips to downtown businesses. For these reasons, the project would reduce auto dependency and promote alternative forms of transportation.

Response E-20

Parking for the market rate units, retail and medical office portions of the proposed project will be provided in accordance with the City's Central Parking District Standards. Parking for the affordable units will be provided at a reduced ratio in accordance with the provisions contained in Assembly Bill 2222. As parking would be provided per existing City and State regulations, it is considered adequate. As discussed in Response E-11, above, parking for the multi-family component will be "unbundled" from residential rent/lease fees in an effort to reduce vehicular parking demand. Only parking for retail and medical office portions of the project would be free of charge for the users. Please note that parking is not a CEQA issue.

Response E-21

As discussed in Response E-20, above, parking would be provided per existing City and State regulations, and thus is considered adequate. Please note that parking is not a CEQA issue.

Response E-22

Parking for the multi-family component of the proposed project would not be subsidized. As discussed above in Response A-1, parking will be "unbundled" from residential rent/lease fees in an effort to reduce vehicular parking demand. In addition, the proposed project would employ several TDM measures to reduce vehicle trips, including parking for shared vehicle services (i.e., Zipcar), provision of shuttle service to/from the Hayward BART station, electric vehicle charging stations, and onsite bicycle storage. The proposed project will also contribute to the City's proposed shuttle service.

Response E-23

The comment that residents would be inconvenienced due to placement of residential parking is noted. It should be noted that the parking spaces for medical office users will be available for residents and guest during evening hours, at a lower rate than the parking spaces designed solely for residential users on the upper garage floors (see next response). The potential inconvenience is not a CEQA issue.

Responses E-24

After the IS/MND was circulated for public review in August 2016, the project's parking management plan was revised to add "unbundled" parking to the multi-family residential component. As discussed in the project's parking management plan, parking will be "unbundled" from residential rent/lease fees in an effort to reduce vehicular parking demand. Residents will have the option to pay for one of two on-site parking permit types:

1. A permit for a dedicated parking spot on the upper levels (Level 4 to Roof) of the project parking garage. Purchasing this type of permit will allow a resident 24/7 access to a dedicated parking space.

2. A permit for a part-time parking spot on the lower levels (Levels 1–3) of the project parking garage. These spots will be available to the resident that purchases them from approximately 5 PM to 8 AM on weekdays and the entire weekend. During Monday-Friday, 8 AM to 5 PM (or actual business hours), these spaces will be made available for the medical office building employees, clients, and patients. This will eliminate free on-site parking on weekday nights to help ensure success of the unbundling system as well as maximize the use of proposed parking stalls. Retail parking spaces may or may not be made available to tenants to rent on weekday nights and weekends depending on the retail's hours of operation.

As a result, the commenter's concerns about "unbundled" parking have been addressed. Also, there are eight spaces shown reserved for residential tenants on levels 2 and 3 of the garage.

Response E-25

General Plan Policy LU-2.3 states that the City shall strive to create a safe, comfortable, and enjoyable pedestrian environment in the Downtown to encourage walking, sidewalk dining, window shopping, and social interaction. This policy applies to the entire downtown area and is not the responsibility of individual projects to implement. The City is in the process of developing the new DSP, which will address issues raised by the commenter in the Downtown. The project will increase the population within

Downtown Hayward, thus providing potential patrons to downtown businesses and restaurants. For this reason, the proposed project will help the City meets the intent of this policy for the downtown area.

The commenter states that as mitigation, the project should be redesigned to provide retail on Maple Street. As the proposed project would not have a significant impact with regard to land use, no mitigation, including the suggested redesign, is required. Please also see Response E-1.

Response E-26

General Plan Policy LU-3.6 states that the City shall encourage residential developments to incorporate design features that encourage walking within neighborhoods by… orienting homes, townhomes, and apartment and condominium buildings toward streets or public spaces. Please note that this policy encourages and does not require development projects to incorporate design features that encourage walking within neighborhoods. While the proposed project only has two main pedestrian entries, one on Main Street and the other on Maple Court, all four retail spaces in the proposed structure also have entry ways along Main Street. As a result, the proposed project has taken reasonable steps to orient the proposed development towards the streets and will help the City meet the intent of this policy. Also, for the 10 ground level units along Main Street and Maple Court, nine of which have patios, secured gates could be installed along the patios to allow direct access from the patios onto the streets, if desired.

Response E-27

General Plan Policy M-3.10 states that the City shall develop safe and convenient bikeways and pedestrian crossings that reduce conflicts between pedestrians, bicyclists, and motor vehicles on streets, multi-use trails, and sidewalks. It is not the responsibility of the proposed project to make improvements to the City wide bicycle and pedestrian system. As discussed in Response E-11, above, the intersections in the immediate vicinity of the proposed project are signalized with marked crosswalks, and these facilities are adequate to safely convey project residents across major roadways surrounding the project site. In addition, as discussed in Response E-16, above, the proposed project will make improvements to the bicycle system in the immediate vicinity of the project site by striping "Sharrows" on Main Street between A Street and McKeever Avenue. For this reason, the proposed project will help the City meet the intent of this policy. Finally, the DSP project will address these issues.

Response E-28

General Plan Policy M-1.2 states that the City shall promote development of an integrated, multi-modal transportation system that offers desirable choices among modes including pedestrian ways, public transportation, roadways, bikeways, rail, and aviation while General Plan Policy M-1.3 states that the City shall implement a multimodal system that connects residents to activity centers throughout the city, such as commercial centers and corridors, employment centers, transit stops/stations, the airport, schools, parks, recreation areas, and other attractions. As discussed in Response E-15, above, the commenter offers an opinion about the project's bicycle component, and does not provide any quantitative evidence that the bicycle storage space will not be utilized. The commenter also offers no evidence that the project's shuttle to the BART station will not be utilized. Finally, it is not the project's responsibility to improve pedestrian ways off-site. However, the sidewalks and crosswalks in the area are adequate to safely convey pedestrians, including the projects residents, to the downtown core. For this reason, the proposed project will help the City meet the intent of this policy.

The commenter puts forth a number of design changes that he feels would make the project adhere more closely to the City's General Plan. As noted in Response E-18, CEQA requires an evaluation of the project as proposed, which is what the Recirculated Initial Study provides. The analysis in the Recirculated Initial Study shows that with mitigation, the proposed project would not result in a significant impact. Therefore, incorporation of these design changes put forth by the commenter is not required (see Response E-1).

Response E-29

General Plan Policy M-3.7 states that the City shall consider the needs of all transportation users in the review of development proposals to ensure on-site and off-site transportation facility improvements complement existing and planned land uses. It is not the project's responsibility to make off-site improvements to ensure complete streets or provide any right-of-way improvements for a future City-sponsored BART shuttle. The proposed project is only responsible for improvements on the project site; as there would be no significant impacts at any off-site locations, the project is not required to make any off-site improvements. Please note that a complete streets project on Main Street from McKeever Avenue to D Street was recently submitted to the Alameda County Transportation Commission for consideration as part of the Measure BB sales tax program.

Response E-30

General Plan Policy M-7.11 states that the City shall evaluate the need for shuttle service citywide and support public and private efforts and activities to bridge gaps in existing transit service. The proposed project will provide a private shuttle to/from the Hayward BART station. In addition, the proposed project will contribute to the City's proposed shuttle service, when available.

Response E-31

General Plan Policy M-7.13 states that the City shall promote the continued operation of taxi services, including the provision of a dedicated taxi stand at the Downtown Hayward BART Station, on-street loading spaces (where appropriate), incremental improvements in gas mileage, and improved access for passengers with disabilities. The proposed project will provide shared vehicle parking spaces within a more secured area in the project's garage on the first level. For this reason, the proposed project meets the intent of this policy.

Response E-32

General Plan Policy M-8.2 states that the City shall maintain and implement a citywide TDM program, which provides a menu of strategies and programs for developers and employers to reduce single-occupant vehicle travel in the city. A description of the project's TDM program is provided in **Section 16, Transportation/Traffic**, of the Revised IS/MND. These strategies include "unbundled" parking for the multi-family component, parking for shared vehicle services (i.e., Zipcar), provision of a private shuttle to/from the Hayward BART station, electric vehicle charging stations, and on-site bicycle storage. The proposed project will also contribute to the City's proposed shuttle service. As noted in Response E-24, above, one option that is proposed would allow residents to share parking with the retail and medical office components. For this reason, the proposed project will meet the intent of this policy.

Response E-33

General Plan Policy M-8.7 states that the City shall encourage public-private transportation partnerships (e.g., car sharing companies) to establish programs and operations within the city to reduce single-occupant vehicle use. The proposed project will provide two shared vehicle spaces (i.e., Zipcar) on the first level of the parking garage. For this reason, the proposed project will meet the intent of this policy.

Response E-34

General Plan Policy M-9.3 states that the City shall encourage developers and employers to offer programs (e.g., transit passes or other transit enhancements) to reduce parking demand and shall consider reducing parking requirements where programs are in place or planned. The proposed project is providing a private shuttle service to/from the Hayward BART station and thus would provide a transit enhancement. Please note the proposed project will also contribute to the City's proposed shuttle service. While transit passes for employees and residents are not a part of the project's TDM program at this time, the City planning staff will recommend as a condition of approval to require the project applicant to offer free or reduced price transit passes to tenants.

Responses E-35

General Plan Policy M-9.7 states that the City shall maintain and implement the Residential Permit Parking Program to minimize the adverse effects of spillover parking into residential areas. As discussed in Response E-20, above, parking for the proposed project will be provided in accordance with State and local standards, and thus is considered adequate to meet the project's parking demand. The City planning staff will recommend as a condition of approval the implementation of a residential permit program in the vicinity of the proposed project should spillover parking into the adjacent neighborhood occur.

Response E-36

Both the proposed project and the nearby Lincoln Landing project are consistent with City's land use designations for each site. Therefore, from a land use standpoint, they would not combine to result in cumulative land use impacts in the area that were not envisioned under the City's 2040 General Plan.

As discussed in Response B-3, above, the proposed project would employ several TDM measures to reduce vehicle trips, including "unbundled" multifamily parking, parking for shared vehicle services (i.e., Zipcar), provision of private shuttle service to/from the Hayward BART station, electric vehicle charging stations, and onsite bicycle storage. In addition, the proposed project will contribute to the City's proposed shuttle service. Not only will these TDM measures reduce vehicle trips generated by the proposed project, but they will also reduce parking demand, and thus the proposed project would meet the intent of the 2040 General Plan to reduce parking demand.

Response E-37

While it is true that the proposed project would result in a large increase in population in the immediate vicinity of the project site, the increase would result in impacts that are either less than significant or if significant, are capable of being reduced to a less than significant level. Based on consultation with the service providers, as discussed in **Section 14, Public Services**, of the Recirculated IS/MND, the increase in

population would not negatively affect public services in the area. As discussed in **Section 3, Air Quality**, and **Section 12, Noise**, of the Recirculated IS/MND, the project's air quality and noise impacts in the immediate vicinity of the project site would be reduced to a less than significant level with mitigation. In addition, as discussed in **Section 16, Transportation/Traffic**, of the Recirculated IS/MND, traffic generated by the proposed project would not result in any significant impacts at nearby intersections. Therefore, although the increase in population at the project site would be large, it would result in less than significant impacts. In addition, as noted in the Recirculated IS/MND, the proposed project would not displace a substantial number of people. Therefore, the Recirculated IS/MND appropriately concludes that the project's impact on population would be less than significant.

Response E-38

As discussed in **Section 10, Land Use and Planning**, of the Recirculated IS/MND, the proposed project is consistent with the residential density and retail intensity envisioned by the General Plan for the project site. As a result, the conclusion stated in the Recirculated IS/MND that the project's increase in population would not be substantial is correct in that it was planned for and considered in the City's land use plans.

Response E-39

As discussed in Response E-36, above, both the proposed project and the nearby Lincoln Landing project are consistent with City's land use designations for each site. As a result, the population of both projects was considered in the analysis contained the City's 2040 General Plan EIR, which stated that, with the implementation of goals, policies, and implementation programs, impacts related to population and housing within the City due to future growth would be less than significant. Please also see Response E-37 above which shows that even if a smaller study area such as the project's immediate vicinity is used to discuss the project's population impact, while the increase would be large, it would not result in any environmental impacts are significant. Finally, as demonstrated by the analysis contained in the Recirculated IS/MND, with the incorporation of the proposed mitigation measures, the proposed project would not result in significant impacts on the environment. Therefore, preparation of an Environmental Impact Report (EIR) is not required.

Response E-40

The proposed project's trip generation volumes include conservative trip reduction discounts for transit, bicycle, and pedestrian modes. The Traffic Impact Study (TIS) outlines various TDM strategies in-line with *Hayward 2040 General Plan Mobility Element* Goals in Section 6-B. Sections 12-E and 12-F of the TIS offer discussion of bicycle, pedestrian, and transit accessibility and circulation under proposed project conditions.

Response E-41

ITE Trip Generation Manual generation rates are an industry standard method of determining project trip generations. Trip generation rates for the ITE land use "Apartment" were applied to the 240 apartment units, trip generation rates for the ITE land use "Single Tenant Office Building" were applied to the 1,580 square feet of office space, and trip generation rates for the ITE land use "Shopping Center" were applied to the 7,000 square feet of retail. The ITE trip generation rates and land uses used in the TIS were reviewed and approved by City of Hayward staff.

Response E-42

Utilization of ITE Trip Generation Manual is an industry standard and practice, which estimates approximately 0.51 AM peak hour and 0.62 PM peak hour trips per dwelling units; or approximately 0.30 AM trips per bedroom (with 0.24 AM outbound, 0.06 inbound trips per bedroom) for apartments. Currently, ITE (and other trip generation manuals like SanDag Trip Generations) do not have apartment trip generations based on number of bedrooms. Trip generations based on number of dwelling units is a reasonable estimate of project generated trips and includes all types of apartments, varying in number of bedrooms. These rates are reasonable because it assumes approximately 40 percent of the persons living in the units would be leaving the project site during the AM peak hour and the remaining 60 percent would be leaving before and/or after AM peak hour. The Project Trip Generations were reviewed and approved by City staff.

Response E-43

Commercial and Medical Office Building parking requirements were determined per Central Parking District Requirements in the City of Hayward Municipal Code as described in Section 6-D of the TIS. As the proposed project is planned to be developed on the existing Medical Office Building parking area, the required number of Medical Office Building parking spaces are planned to be primarily provided in the project parking garage. As stated in the project's parking management plan, project residents will be given an option to purchase a permit for use of Medical Office Building parking spaces during non-business hours on weekday evenings and weekends.

Response E-44

The Medical Office Building currently exists and as such, the traffic it generates was already included in existing base traffic counts used in the TIS. Parking requirements for the Medical Office Building were determined per Central Parking District Requirements in the City of Hayward Municipal Code.

Response E-45

The study area and study facility selection was based on coordination with the City and number of trips the proposed project would add to facilities in proximity to the project site, as described in Section 3-C of the TIS. As stated in Sections 8 and 10 of the TIS, future year "Background" and "Cumulative Base" conditions volumes are derived from the City's General Plan Update travel demand model, which includes future developments near the project site. Use of the City's General Plan Update travel demand model to estimate future year traffic volumes is based on discussion with City staff and consistent with recent traffic studies prepared for the City for developments within the project vicinity.

Response E-46

This typo has been corrected.

Response E-47

The most recent draft of the TIS, dated October 2016, assumes full build-out of the Lincoln Landing Development under "Background" and "Cumulative" conditions. As shown in Section 6-A of the TIS, a 2

percent BART/Rideshare/Bicycle trip reduction discount was applied to the proposed project's overall trip generation as part of various TDM methods to be implemented by the project. The October 2016 TIS also includes a discussion of separating the cost of parking from residential rent/lease fees ("unbundling").

Response E-48

The TIS considers intersection level of service (LOS) as a means of determining project-related impacts on the surrounding transportation network per *Hayward 2040 General Plan Mobility Element* Goal M-4.3 and City standard. Link LOS on three regional roadways (Mission Boulevard, A Street, and Foothill Boulevard) were already addressed as they contain TIS study intersections. The proposed project is anticipated to have minimal impacts on other regional roadways in the area. The proposed project's incremental daily traffic increases on I-880, I-580, I-238, SR 92 (Jackson Street) are illustrated in the table below. All of these additions are considered insignificant increases in daily traffic.

Roadway Name	Existing Daily Traffic (Vehicles per Day)[1]	Project Added Traffic (Vehicles per Day)	Percent Increase
I-880	277,000	16	0.01%
I-580	201,000	64	0.03%
I-238	145,000	221	0.15%
SR 92 (Jackson Street)	120,000	368	0.31%

Source: Wood Rodgers, 2016a

1 Caltrans 2014 Traffic Volumes and Prior Studies

Response E-49

Traffic generated by the proposed project would not exceed thresholds of significance, as outlined in the *Hayward 2040 General Plan Mobility Element* and per discussion with City staff (found in Section 4-A of the TIS report), under any future year conditions, including cumulative conditions. As a result, the proposed project does not result in a "significant" impact at any study intersection. It is acknowledged that the project would obviously generate more traffic than what exists currently.

Response E-50

Existing and planned bicycle, pedestrian, and transit facilities are described in Sections 12-E and 12-F of the TIS. Section 12-F of the most recent TIS, dated October 2016, includes the statement: "Existing Project area transit facilities are currently operating below capacity and are projected to be able to accommodate additional transit demand generated by the Project." Section 6-B of the TIS describes various transit- and bicycle-related TDM strategies planned to be implemented by the proposed project.

Response E-51

Traffic generated by the proposed project would not exceed thresholds of significance, as outlined in the *Hayward 2040 General Plan Mobility Element* and per discussion with City staff (found in Section 4-A of the

TIS report), under any future year conditions. As a result, the project does not result in a "significant" impact at any study intersection.

Response E-52

The proposed project site plan is projected to provide adequate parking for residential, guest, office, retail, and commercial parking demands within project site. Analysis of existing on-street parking occupancy, project parking requirements and demand, and potential parking management strategies can be found in the project's parking management plan. As discussed in the project's parking management plan, all project-generated parking demand will be accommodated by the proposed on-site parking supply (Wood Rodgers 2016b). As a result, parking management by the City, such as the issuance of long-term street-parking permits to nearby residents, is not required at this time, but it may be if spillover parking occurs in the future. Please note that parking is not a CEQA issue.

A City can be friendly to people or it can be friendly to cars, but it can't be both.
-Enrique Peñalosa

Comments on the Recirculated Initial Study

For the Maple Main Apartments

By Sherman Lewis, President
Hayward Area Planning Association
sherman@csuhayward.us
November 28, 2016

Summary. HAPA supports the development of in-fill smart growth housing in the downtown. We would like to support this project. Our alternative proposal accomplishes all the uses and floor space of the proposal with far more sustainability. The Recirculated Initial Study has some promising elements of Transportation Demand Management, but is too vague and leaves out too much that is important and easy to do. This new study fails to consider the potential for mitigating otherwise unacceptable traffic impacts from Maple Main and Lincoln Landing using General Plan green mobility policies (GP GM) and TDM. Maple Main and Lincoln Landing have unacceptable impacts that can be mitigated and the cumulative impacts require that Maple Main have an EIR. As a result, the Recirculated Initial Study fails to provide the information on mitigating impacts required by CEQA. Hayward needs a higher quality of life, not more unnecessary traffic.

The issues are what should be done with this site, the inadequacy of the TDM requirements, and whether this Initial Study is adequate or a EIR is required. We also incorporate by reference our previous comments on the first Initial Study, which are still germane since most of the content of the two studies has not changed.

What should be done

What should be done with this site is irrelevant for CEQA, but is the starting point for HAPA's evaluation. The project is horrible urbanism that would not be tolerated in Europe or more progressive American cities. It is fundamentally unsustainable, built around continued auto dependency. Maple Main is a huge parking structure wrapped in units. Access to the Medical Office Building (MOB) will be difficult, with most access requiring going down one or two levels of parking structure and in the back door. The MOB is on Maple Court and the access is from Main St. The developer provides no information about why so many spaces are needed or on how private auto access could be reduced. 1

There is so much parking for the MOB on the first three levels that all renters living on the first floor have to go up to the third floor or higher to park their cars on and then come back down to their units. Many of the units on the east side are already some distance from the parking. Parking for all the units above the first floor is also pushed up, so that no residents can live on the same level as they park. Evidently, the developer choose not to have parking under a platform for the main structure with enough parking for the MOB. 2

The retail is oriented towards a dead Main St., preempting the potential for a social hub on Maple Court based on the shuttle, retail, unit entrances, the MOB entrance, and the Foothill strip. 3

There may be some unbundling, but so little is known about it that it cannot be studied to see if the amount of parking could be reduced. By the same token, there is no study of the viability of 4

a less car-dependent life style based on the Hayward General Plan and on known mobility behavior and market choices. 4

Based on the General Plan and social research on walk distances to BART and frequent trip purposes and times, we did an alternative site plan. This plan had the same amount of retail and housing with a lower parking ratio, three to four story construction around three courtyards, an attractive landscaped walk path from Main to Maple, and surface parking on the north side. We did a pro forma based on the FHA/HUD Section 221d4 Multifamily Construction Loan Program. We showed a return on investor equity of 23% after three years for phase 1 for 80 unit and 40 parking spaces. We note that the Maple Main developer says that the project cannot be phased. We also note that the Lincoln Landing Project is being phased. We think that with site improvement all-in with phase 1 and some modular construction there would be no real conflicts from phasing.

Phasing is important for risk reduction. The 80 units are the first third of the project and its absorption rate would be used for rebalancing the second phase if necessary. Rebalancing allows a shift between parking spaces and units within the same building and site envelope. Because the unbundled units are less expensive by 15% to 20% below comparable market rate units, we believe there would be fast absorption. The alternative plan also includes green mobility. Downtown Hayward has destinations for all frequent trips within a short and acceptable travel time by non-private car modes. The plan includes carshare/rental and taxis for special trips. The marketing focuses on four primary markets, with submarkets increasing marketability. 5

HAPA has spreadsheets, a site plan, a pro forma, a PowerPoint, and other documents in support of the alternative. Further development by consultants is needed, particularly including properly framed focus group research. The City has shown no interest in this alternative.

Hayward cannot be a leading City unless it studies leading plans. The current proposal will cause more auto traffic and fewer walkers downtown. It has a mobility system designed around the auto—a suburban style, parking oriented, gated development supporting auto dependency in a walkable area that needs people, not cars. Maple Main is casting a shadow over downtown livability.

The inadequacy of the TDM requirements

The need for an EIR could be avoided if new requirements mitigate impacts enough, in spite of fundamentally bad design. How to do this has been explained in detail by HAPA comments based on GP GM and TDM. HAPA proposed these policies for discussion and adjustment, as being generally in the right direction, with other ideas possible. 6

The sustainability components listed on p. 11 of the revised IS are good, except for three problems. The first problem is anti-bike bicycle storage. The location is so inconvenient that it will not be used. Clearly, bicycle users were not consulted. I asked a real bicycle user about what she would do and she immediately said, “Oh, I would just take it up to my room.” The reason is that the inconvenience of carrying the bike to the room is far less than the advantages of a convenient and secure location. 7

The second problem is the small number of carshare spaces—only two. For a project of this size, 30 to 40 need to be reserved, that is, if the demand justifies, carshare has a preemptive right to more spaces. The small number of spaces reflects the same problem as bicycles, i.e., people who use private cars trying to plan for sustainability. A sustainable lifestyle depends on the whole puzzle, not one with missing pieces. 8

The third problem is that the shuttle service is too vague to be meaningful. Hayward has terrible bus service, infrequent slow buses on circuitous routes that get little or no ridership. Any headway over ten minutes loses riders. Big buses are inherently too slow. The City has no details for its proposed service, and the best routes for fast service conflict with the Loop. To get riders, all the features of rapid shuttle have to be implemented to have a travel time faster than a car, which requires right lane preference and signal preemption. At a minimum, Lincoln Landing and Maple Main have to be seen as one project with one shuttle service, supported by green mobility, or else the ridership won't be worth it. 9

The missing puzzle pieces, in addition to the above, are safe and attractive walking routes, e.g., across A St. and Mission Blvd., reserved spaces and arrangements for taxi services, especially Uber and Lyft, smart meter market pricing on city streets by the development, unbundling, and neighborhood parking management. 10

p. 77: "According to the project's parking management plan, parking will be 'unbundled' from residential rent/lease fees…" This commitment is, unfortunately, meaningless without an explicit commitment to split a bundled market rate rent between the unit and the parking based on costs, with the parking rent probably equal to between 15 and 20 percent of the bundled rent. Without a very firm commitment to provide a meaningful lower rent for the unit, unbundling is counter-productive, creating an illusion of the real thing. The proposal lacks details and continues its commitment to more parking than would absorb at an economic price. 11

Is the Recirculated Initial Study adequate?

The inadequacy of the initial studies on mobility issues is evident from comparing them to these comments and those previously submitted.

The impacts (p. 100) under 16. TRANSPORTATION/TRAFFIC a) and b) are potentially significant.

The Initial Study (p. 4) says, "The revised cumulative impact analysis that includes the Lincoln Landing project shows that there would be no new significant impacts that were previously not disclosed nor would new or revised mitigation measures be required." 12

The recirculation was supposed to consider cumulative impacts explicitly related to Lincoln Landing, and some new comments do so. The new study still ignores that Lincoln Landing proposes that traffic impacts cannot be mitigated, and also fails to study General Plan green mobility policies which could mitigate the problem. Maple Main is part of the reason, cumulative with Lincoln Landing, for the traffic impacts, and TDM applied to MAPLE MAIN would reduce those impacts. The purpose of CEQA is to reveal impacts and mitigations, and this new study fails to do so.

http://www.hayward-ca.gov/content/projects-under-environmental-review-0

Letter F **Hayward Area Planning Association, Sherman Lewis, President, dated November 28, 2016**

Response F-1

Comment noted. The commenter's critique of the project design will be considered when the City reviews the proposed project. As discussed in Response E-20, parking for the medical office portion of the proposed project will be provided in accordance with the City's Central Parking District Standards.

Response F-2

The commenter implies that residents not being able to park on the same level as they live would be an inconvenience. Comment noted. The ability of residents to parking on the same level in which they live is not a CEQA issue.

Response F-3

Comment noted. The commenter's critique of the project design will be considered when the City reviews the proposed project.

Response F-4

As discussed in Response E-20, parking would be provided per existing City and State regulations. It is true that with unbundled parking for the multifamily component, the total amount of parking that is provided on the project site could potentially be reduced. However, the exact amount of the parking reduction was not studied as the project was required to park to code. Please note that parking is not a CEQA issue. Also please note that an analysis of the viability of a less car-dependent life style is not required by CEQA. As discussed in **Section 16, Transportation/Traffic**, of the Recirculated IS/MND, traffic generated by the proposed project would not exceed the City's thresholds for signalized and unsignalized intersections under existing, background, and cumulative conditions.

Response F-5

The commenter puts forth a revised design that provides for the same number of residential units and retail space, but eliminates the parking structure to reduce the number of parking spaces, moves the retail component to Maple Court, and lowers the height of the proposed project to three to four stories. The commenter also discusses financial considerations of the proposed alternative design. As discussed in Response E-1, while the proposed design would reduce the number of parking spaces and presumably the number of vehicle trips generated by the proposed project and related GHG emissions, the design changes suggested by the commenter are not necessary as the proposed project already has less than significant traffic and GHG impacts. In addition, the provision of fewer parking spaces would not adhere to City parking codes, nor is that being proposed by the proponent. The location of the retail component whether on Main Street or on Maple Court would result in the same environmental effects. Also while the commenter's design would result in a shorter structure, the height of the structure as proposed is still compliant with the City's zoning code, so no significant impact of the proposed project would be reduced by this change.

Response F-6

As demonstrated by the analysis contained in the Recirculated IS/MND, with the incorporation of the proposed mitigation measures, the proposed project would not result in significant impacts on the environment. Therefore, preparation of an Environmental Impact Report (EIR) is not required.

Response F-7

Comment noted. The commenter offers an opinion and does not provide any quantitative evidence that the bicycle storage space will not be utilized.

Response F-8

An increase in the number of carshare spaces provided as part of the proposed project would potentially reduce vehicle trips, and therefore further reduce the less than significant impacts of the proposed project. As discussed in **Section 16, Transportation/Traffic**, of the Recirculated IS/MND, under Items (a-b), the traffic analysis, which did not take carshare spaces into account, found that traffic generated by the proposed project would not exceed the City's thresholds for signalized and unsignalized intersections under existing, background, and cumulative conditions.

Response F-9

The City's Pilot Shuttle Program connecting the Maple and Main and Lincoln Landing developments to the Hayward BART station is planned to be operational late summer 2017 if funding is secured. The proposed project will make a fair-share annual contribution toward the City's shuttle program. If the City's shuttle program does not come to fruition or ceases operation, the proposed project would provide private shuttle service to/from the Hayward BART station.

Response F-10

Walkways in the vicinity of the project site are adequate and safe. Please note that pedestrian improvements in the vicinity of the project site will be evaluated in the DSP as part of an overall strategy to improve pedestrian accessibility. In addition, parking for the multi-family component will be "unbundled" from residential rent/lease fees. See Response E-11, above, for a discussion of walkways and unbundling. As discussed in Response B-3, above, all project-generated parking demand will be accommodated by the proposed on-site parking supply and thus neighborhood parking management is not required at this time, but may be if spillover parking occurs.

Response F-11

The details of how parking will be "unbundled" for the multifamily residential component of the project will be worked out at a later date. Please note that the lack of detail for the "unbundling" of parking from residential rent/lease fees does not change not the conclusion of the traffic analysis found in **Section 16, Transportation/Traffic**, of the Recirculated IS/MND, which found that traffic generated by the proposed project would not exceed the City's thresholds for signalized and unsignalized intersections under existing, background, and cumulative conditions.

Response F-12

The Recirculated IS/MND presents the cumulative impacts on traffic that take into account the proposed Lincoln Landing project. Please see Response B-6 for an explanation as to why Lincoln Landing project would result in significant project-level and cumulative traffic impacts and why the Main and Main project would not result in significant project-level and cumulative traffic impacts.

Letter G

Julie Machado
22248 Main Street
Hayward, CA 94541
510-581-7850
juliemac@pacbell.net

September 21, 2016

Hayward Planning Commission
c/o David Rizk, Director of Development Services
510.583.4004 , David.Rizk@hayward-ca.gov
777 B Street
Hayward, CA 94541

Dear Planning Commission and City Staff,

This letter is to let you know that I have serious concerns about the proposed "Maple & Main" development for the following reasons.

My biggest objection to this project is PARKING. You know that the current city standards of requiring less than one parking space per unit is inadequate. Haven't you already heard of the complaints from people who live in the Cannery area projects about this? 1

There is insufficient parking provided for this project – let's be real: every unit will have at least 2 cars. Actually, every adult living here will have a car. No one in my nearby neighborhood walks to BART – ***even if they did, they would still own a car***.

Sherman Lewis, who is lobbying for unbundling the parking for the complex, has unreasonable expectations for Hayward. For one thing, most people in Hayward don't know what unbundling is. When it is explained, they uniformly state that Hayward is not ready for this, that we don't have the infrastructure, that BART is already overcrowded, that buses are terrible, and that even if people will ride BART and buses and bikes they will still have their cars to go to the grocery store or longer trips.

Unbundling might work in San Francisco or parts of Oakland, but Hayward is not ready for it. Don't be fooled by Sherman's pie-in-the-sky arguments: he himself lives in the hills and drives a car. Studies do not capture the totality and reality of what people live through. 2

Developers would love to reduce parking because that means they make more money. If you allow this, you will be sacrificing multiple existing commercial interests for this developer's pocketbook and Sherman's wishes about how everyone else should live.

Sherman argues that bundled parking makes low income people pay for parking they don't need, but it is exactly the low income people who are harmed by being required to buy parking permits for the cars they will have anyway, having to constantly move their

cars to accommodate street parking rules, and being forced to either pay a lot for BART (a relatively expensive form of transportation) or waste a lot of time using buses.

2

Sherman thinks a “parking management plan” will fix any parking problems created by unbundling. But such a plan based on permits will not work for COMMERCIAL properties in the Main Street area. There are doctors, dentists and counseling offices on our block of Main Street that depends on customers being able to park on the street. Customers cannot be expected to buy permits designed for residential areas.

3

And if parking management is based on “2 hour” or “4 hour” parking restrictions, we all know that this won’t work either, as there has been virtually no parking enforcement in Hayward for years.

The Main Street area is a unique combination of commercial and residential, which makes the kinds of parking management plans that Sherman cites not-applicable.

I have talked with neighbors and friends and heard nothing but complaints about parking in Hayward and incredulity that the city is even considering reducing parking.

Sample comments include this one: "The new complex should have parking space for each bedroom plus one extra for each unit. There are condos near the cannery water tower which have 6 people with 6 cars living in a 3 bedroom unit - so 4 cars must find parking every night - must search for parking in the neighborhood."

This one:"Years ago when I was an undergrad in Santa Cruz I worked retail in the downtown area. The city really wanted all workers and residents in the area to buy permits at around $100 a month. There was 2 hr parking, metered parking, and paid lots. It was really a burden for those of us working minimum wage jobs part time. If I was lucky and working early in the day I'd snag a space in a cheaper paid lot. When those were full I'd run around moving my car every few hours or get a coworker to move my car on their break (something we'd do for one another)."

4

This one:"I lived in two seven story buildings in downtown Oakland for several years each - one bundled, one not. I do not think it is in the best interest of local residents or businesses to have unbundled. Many new tenants try to see if they can get away with street parking and the local community businesses suffer the consequence. It also discourages outsiders from visiting those new and existing businesses if they can not conveniently find parking. Hayward residents are not used to the parking crunch of larger metros and I think that would play negatively on consumer traffic to the area. I'd love to see consumers from outside the immediate community flock to these businesses."

And this one: “The parking in Berkeley is deplorable in many ways...I wouldn't use it as a role model!”

Please consider INCREASING the parking on this project.

Concern number TWO: the previous developer for the part of this project area on Maple Court promised to move a historic house located at 22491 Maple Court, as part of the requirements for his project. Now he has sold out to a bigger developer, and that developer should be made to follow the requirements about taking care of that house. These requirements were instituted by the city after hearing concern from the community about this house. Please do not allow this house to be razed. Hayward is way behind even the county in protecting and respecting its historic fabric, and if you continue to allow historic buildings to be torn down, we will soon not have any standing history remaining. 5

Other concerns that I have about this project:

- **Hayward has a larger percentage of rental units than any other Bay Area city. Our schools are bad in part due to transiency of renters.** According to a recent article in the Castro Valley Forum, **property values go down 13.8% when there is a high percentage of rentals in the area**. **We don't need more rentals!** 6
- The development plan is not consistent with City's General Plan, which provides for this site to be commercial on the ground floor. 7
- **We need jobs not housing** – and not short-term construction jobs, but jobs that allow ongoing stability, like commercial or office jobs. It would be in the best interest of citizens and Hayward to be patient and wait for a commercial project. 8
- The City has an obligation to see that developers follow the City Plans and that development will not cost the City. Housing costs the City in infrastructure and does not bring in income such as sales taxes, hotel taxes, etc. 9
- Planning Commissioners and City Council Members should stand firm to protect our plans and visions, rather than "sell out" to developers who are making campaign contributions in order to pursue inappropriate projects. 10
- Recent housing developments such as City Walk have not proved successful in either bringing people to shop downtown or in having quality housing – City Council people themselves have informed me of lots of problems regarding Section 8 rentals in these developments. We do not need more of these in downtown! 11

If you approve this project, let's be clear that you will not be making a decision based on what would be best for Hayward long-term, based on planning, zoning, or quality of life.

I will not be voting for any council member who votes to approve this project.

Sincerely,

Julie Machado

Letter G **Julie Machado, dated September 21, 2016**

Response G-1

As discussed in Response E-20, above, parking will be provided in accordance with State and local standards, and is considered adequate to meet project demand. Please note that parking is not a CEQA issue.

Response G-2

Comment noted. This information will be considered when the City's decision makers review the proposed project.

Response G-3

As discussed in Response B-3, above, all project-generated parking demand will be accommodated by the proposed on-site parking supply. As a result, parking management by the City, such as the issuance of long-term street-parking permits to nearby residents, is not required at this time, though it will be required to be implemented, funded by the project proponent, should spillover parking occur in the future. Please note that parking is not a CEQA issue.

Response G-4

Comment noted. See Response G-3 above. As discussed in Response B-3, all project-generated parking demand will be accommodated by the proposed on-site parking supply. Please note that parking is not a CEQA issue.

Response G-5

As discussed in Response C-11, above, the single-family detached home located at 22491 Maple Court does not appear eligible for the CRHR or a local register. For this reason, the project is not considered a historical resource under CEQA, and the demolition of the home at 22491 Maple Court would have a less than significant impact on historical resources.

Response G-6

Comment noted. This information will be considered when the City's decision makers review the proposed project.

Response G-7

The project site is located within the CC-C (City Central Commercial) zone. According to Section 10-1.1520 of the Hayward Municipal Code, residential development is permitted on the ground floor within the CC-C zone with a Conditional Use Permit (CUP).

Response G-8

According to the Association of Bay Area Governments, the City currently had a jobs-to-housing ratio of 1.36 jobs for every household in 2014 (City of Hayward 2014). Hayward's jobs-to-housing ratio indicates that the City is "job rich," meaning there are more jobs than the number of households. The addition of the project's 240 residential units to the City of Hayward will help improve the City's jobs/housing balance.

Response G-9

As discussed in **Section 10, Land Use and Planning**, of the Recirculated IS/MND, the proposed project would not conflict with applicable intensity and density standards for the project site. In addition, according to Section 10-1.1520 of the Hayward Municipal Code, residential development is permitted on the ground floor with a Conditional Use Permit (CUP). For these reasons, the project would not conflict with applicable land use plans for the project site. In addition, the land value of the project site would be re-assessed after construction of the proposed structure, and the proposed project would pay a higher property tax on the improved property. This tax would go into the City's General Fund and be allocated to provide City services and/or to meet City infrastructure needs.

Response G-10

As discussed in Response G-9, above, the proposed project would not conflict with applicable intensity and density standards for the project site, and thus is consistent with the City's plans and vision for the project site as a mixed-use infill development.

Response G-11

Comment noted. This information will be considered when the City's decision makers review the proposed project.

Letter H

Julie Machado
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November 28, 2016

Hayward Planning Commission
c/o David Rizk, Director of Development Services
510.583.4004 , David.Rizk@hayward-ca.gov
777 B Street
Hayward, CA 94541

Dear Planning Commission and City Staff,

This is a follow-up letter regarding the Initial Study of the "Maple & Main" development

The Initial Study does not address my concerns about the impact of the lack of adequate parking in the development and how this is going to affect parking in the surrounding neighborhood, **including commercial properties along Main Street between McKeever and Hazel.**

First, the Initial Study does not seem to recognize that **a "parking management plan" based on permits will not work for COMMERCIAL properties on Main Street**, including my office There are doctors, dentists and counseling offices on our block of Main Street that depends on customers being able to park on the street. Customers cannot be expected to buy permits designed for residential areas.

This developer should be made to pay for permits for the Prospect neighborhood for 10 years (2 permits per home) AND "2 or 4 hour" parking signs on Main Street between McKeever and Hazel AND city enforcement costs for 10 years.

1

Please consider INCREASING the parking on this project. Hayward is NOT ready for unbundled parking – everyone I have talked to opposes it (many people, some cited in my previous letter).

Second, the Initial Study does not seem to address previous development requirements that a historic house located at 22491 Maple Court be moved. This requirement was instituted by the city after hearing concern from the community about this house. Please do not allow this house to be razed. Hayward is way behind even the county in protecting and respecting its historic fabric, and if you continue to allow historic buildings to be torn down, we will soon not have any standing history remaining.

2

Third, **Hayward has a larger percentage of rental units than any other Bay Area city. Our schools are bad in part due to transiency of renters.** According to a recent article in the Castro Valley Forum, **property values go down 13.8% when there is a high percentage of rentals in the area**. **We don't need more rentals!**

3

Fourth, the development plan is **not consistent with City's General Plan**, which provides for this site to be commercial on the ground floor. The City has an obligation to see that developers follow the City Plans and that development will not cost the City. Housing costs the City in infrastructure and does not bring in income such as sales taxes, hotel taxes, etc. 4

Recent housing developments such as City Walk have not proved successful in either bringing people to shop downtown or in having quality housing – City Council people themselves have informed me of lots of problems regarding Section 8 rentals in these developments. We do not need more of these in downtown! 5

Fifth, I don't understand how this current study on the Maple & Main project says there are no significant impacts whereas the Lincoln Landing EIR says there are significant impacts (albeit "unavoidable" ones). 6

If you approve this project, let's be clear that you will not be making a decision based on what would be best for Hayward long-term, based on planning, zoning, or quality of life. 7

I still will not be voting for any council member who votes to approve this project.

Sincerely,

Julie Machado

Letter H **Julie Machado, dated November 28, 2016**

Response H-1

As discussed in Response B-3, above, all project-generated parking demand will be accommodated by the proposed on-site parking supply. As a result, parking management by the City, such as the issuance of long-term street-parking permits to nearby residents, is not required at this time, but may be if spill over parking occurs. Please note that parking is not a CEQA issue.

Response H-2

As discussed in Response C-11, above, the single-family detached home located at 22491 Maple Court does not appear eligible for the CRHR or a local register. For this reason, the project is not considered a historical resource under CEQA, and the demolition of the home at 22491 Maple Court would have a less than significant impact on historical resources.

Response H-3

Comment noted. This information will be considered when the City's decision makers review the proposed project.

Response H-4

The project site is located within the CC-C (City Central Commercial) zone. According Section 10-1.1523 of the Hayward Municipal Code, residential development is permitted on the ground floor within the CC-C zone with a Conditional Use Permit (CUP).

Response H-5

Comment noted. This information will be considered when the City's decision makers review the proposed project.

Response H-6

The Lincoln Landing project, with nearly double the living units of the proposed project and 80,000 square feet of retail space, would result in significant and unavoidable traffic impacts because it would add substantially more traffic to area roadways under existing, background, and cumulative conditions than the proposed project. See Response B-6, above, for more detail.

Response H-7

Comment noted. This information will be considered when the City's decision makers review the proposed project.

Letter I

From: Frank Goulart <fgoulart@pacbell.net>
Sent: Wednesday, September 21, 2016 1:42 PM
To: David Rizk
Subject: Comments on Initial Study for Maple/Main

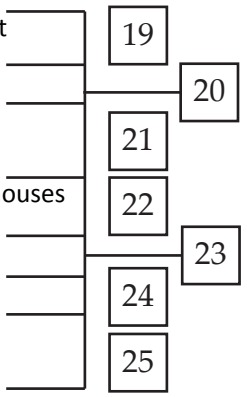
Comments on response to IS for Main/Maple Project

Please consider these comments in considering the IS.

For each of the following comments, please consider the other developments going on at the same time and implications for future decisions, including, but not limited to the Maple/Main Apartment Project as a separate response to each of the following comments.

1. Consider the General Plan designation of the site for commercial/retail/office on the ground floor of the entire site. How does this project comply with the General Plan designation of the site for commercial/retail/office on the ground floor of the entire site? 1
2. What is the impact of this project on the scenic vistas enjoyed by the surrounding neighborhoods? 2
3. How does this project serve as an attractive area for business and a destination for shopping, dining, arts, entertainment and college-town culture as called for in Guiding Principle #5 of the General Plan? 3
4. How does this project serve to encourage walking, sidewalk dining, window shopping and social interaction called for in LU-2.3 of the General Plan? 4
5. How does this project serve to encourage including housing units above ground floor retail and office uses called for in LU-2.5 of the General Plan? 5
6. How does this project protect the pattern and character of existing neighborhoods, especially along Hazel Avenue, as called for in LU-3.7 of the General Plan? 6
7. What complimentary building forms and site features are included in this project to comply with LU-3.7 of the General Plan? 7
8. What transition of the massing, height, and scale of buildings of this project adjacent to adjoining residential properties complies with LU-4.5 of the General Plan? 8
9. How does this project ensure adequate parking is provided as called for in M-9.1 of the General Plan? 9
10. How does this project ensure adequate parking is provided for neighboring commercial uses? 10
11. How will this project impact traffic in the surrounding neighborhoods? 11
12. What would be the impact of a traffic light on Foothill Boulevard (mid-block, to line up with the pedestrian way on the other side of Foothill, which was an entrance to the old Hayward High School)? 12
13. What would be the impact of a pedestrian overpass mid-block on Foothill Boulevard? 13
14. Given the several discoveries of native American remains in the downtown during previous excavating, Andy Galvan's comments that the Ohlone would bury their dead on the western side of seasonal wetlands and lakes, and the fact that what is now the parking lot was probably a lake and seasonal wetlands at times in the past, how will this project serve to protect disturbances of native American remains, and what steps will be taken to ensure that protection? 14
15. How will this project provide public services to the community? 15
16. How will this project deal with the fact that the San Lorenzo Creek has jumped out and flooded what is now the parking lot on at least two occasions since the flood control channel was installed in 1962, according to Alameda County Flood Control? 16
17. The existing building on the site was originally constructed in 1959 as Capwell's. Although its exterior was changed and an additional floor added in the early 1980's, the interior of the building still looks much like it did in its Capwell's days. Being over 50 years old, what is the historic significance of the existing building and what alternatives to demolition are being considered in this EIR? 17
18. How will this project affect air quality during the time of construction and what mitigation measures could be introduced to minimize the adverse effects? 18

19. How will construction of this project affect the ambient noise level in the existing neighborhoods, and what mitigation measures could be introduced to minimize the adverse effects?
20. How will this project impact the need for parks in a neighborhood that has no parks nearby?
21. How will this project impact the need for classroom space in a neighborhood whose schools are at or over capacity?
22. What will this project provide in the way of private security to lessen the negative impact that apartment houses throughout the city have on our police force?
23. What will be the impact of this project on the use of water?
24. How much water would be used by this project annually?
25. What will be the impact of the use of EBMUD water on the city residents who will occupy the project in comparison to use of the higher quality City of Hayward water (which comes from Hetch Hetchy)?



Frank Goulart

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Letter I **Frank Goulart, dated September 21, 2016**

Response I-1

Comment noted. The project site is located within the CC-C (City Central Commercial) zone. Please note that according to Section 10-1.1523 of the Hayward Municipal Code, residential development is permitted on the ground floor within the CC-C zone with a Conditional Use Permit (CUP).

Response I-2

A discussion of potential impacts to scenic vistas is provided in **Section 1, Aesthetics**, of the Recirculated IS/MND. As discussed in Item 1(a), the project site is not part of any scenic landscape within the City and is not located with the viewshed of a County scenic highway. The site is flat and is located in an urbanized area surrounded by residential and commercial uses. For these reasons, the proposed project would have no impact on scenic vistas.

Also please note that the proposed project is exempt from analyzing aesthetic impacts according to Senate Bill 743. In September 2013, Governor Brown signed Senate Bill 743, which made several changes to CEQA for projects located in areas served by transit (i.e., transit-oriented development or TOD). One of the changes included a provision to exempt from analysis the aesthetic impacts of the project if the proposed project is a "residential, mixed-use residential, or employment center project on an infill site within a transit priority area." An infill site is defined by SB 743 as "a lot located within an urban area that has been previously developed" while a transit priority area is defined by the statute as "an area within one-half mile of a major transit stop." The project site is completely developed and is surrounded by existing development. In addition, the project consists of a mixed-use residential community that is located within one-half mile from the Hayward BART Station, which is a major transit stop in the City. For these reasons, the proposed project qualifies for this exemption.

Response I-3

Guiding Principle No. 5 in the City's 2040 General Plan states that the City should have a safe, walkable, vibrant, and prosperous Downtown that serves as an attractive area for business and a destination for shopping and dining, arts and entertainment, and college-town culture. The proposed project is located in Downtown Hayward and would place approximately 773 residents within walking distance to businesses and restaurants located in the downtown core area These residents would likely patronize downtown businesses and thus help the area became vibrant and prosperous. For this reason, the project meets the intent of this principle.

Response I-4

See Response E-25 above. General Plan Policy LU-2.3 states that the City shall strive to create a safe, comfortable, and enjoyable pedestrian environment in the Downtown to encourage walking, sidewalk dining, window shopping, and social interaction. This policy applies to the entire downtown area and is not the responsibility of individual projects to implement. The City is in the process of developing the new DSP, which will address issues raised by the commenter in the Downtown. However, the project will increase the population within Downtown Hayward, thus providing potential patrons to downtown businesses and restaurants. For this reason, the proposed project will help the City meets the intent of this policy for the core downtown area.

Response I-5

A discussion of the proposed project's consistency with applicable General Plan land use and parking policies is provided in **Section 9, Land Use and Planning**, of the Recirculated IS/MND. A discussion of how the proposed project relates to General Plan Policy LU-2.5 is provided under Item 10(b) in Table 13. A portion of the proposed project will include residential units over retail and office space. The project site is located within the CC-C (City Central Commercial) zone. Please note that according to Section 10-1.1523 of the Hayward Municipal Code, residential development is permitted on the ground floor within the CC-C zone with a Conditional Use Permit (CUP).

Response I-6

A discussion of the proposed project's consistency with applicable General Plan land use and parking policies is provided in **Section 9, Land Use and Planning**, of the Recirculated IS/MND. A discussion of how the proposed project relates to General Plan Policy LU-3.7 is provided under Item 10(b) in Table 13. While development surrounding the project site, with the exception of the existing medical office building, currently consists of a mix of one- to –two-story residential and commercial structure, the proposed structure would be consistent with the height and density planned for the project site, and thus would be consistent with the City's vision for the downtown. In addition, the proposed project would provide landscaping thorough out the development consisting of trees, shrubs, groundcover and turf, which will help integrate the project into the surrounding neighborhood. Please note that Hazel Avenue is located approximately 1,000 feet to the north, and thus would not be within visual range of the project site.

Response I-7

A discussion of the proposed project's consistency with applicable General Plan land use and parking policies is provided in **Section 9, Land Use and Planning**, of the Recirculated IS/MND. A discussion of how the proposed project relates to General Plan Policy LU-3.7 is provided under Item 10(b) in Table 13. The project area is a mix of architectural styles with no particular design aesthetic or architectural style being dominant. For this reason, the proposed building design would be compatible with the mixed visual character of the area.

Response I-8

General Plan Policy LU-4.5 states that the City shall require corridor developments to transition the massing, height, and scale of buildings when located adjacent to residential properties. New development shall transition from a higher massing and scale along the corridor to a lower massing and a more articulated scale toward the adjoining residential properties. The proposed 5- to 6-story structure would be compatible with the existing 4-story medical office building. In addition, the proposed would be set back from McKeever Avenue, Finally, as discussed in Response I-6, above, the proposed structure would be consistent with the height and density planned for the project site, and thus would be consistent with the City's vision for the downtown. For these reasons, the proposed project would not conflict with this policy.

Response I-9

A discussion of the proposed project's consistency with applicable General Plan land use and parking policies is provided in **Section 9, Land Use and Planning**, of the Recirculated IS/MND. A discussion of how the proposed project relates to General Plan Policy M-9.1 is provided under Item 10(b) in Table 13. As discussed in Response E-20, above, parking for the proposed project will be provided in accordance with State and local standards. In addition, the proposed project includes TDM strategies, including "unbundled" multifamily parking, parking for shared vehicle services (i.e., Zipcar), provision of private shuttle service to/from the Hayward BART station, electric vehicle charging stations, and onsite bicycle storage, which would reduce parking demand. Please note that parking is not a CEQA issue.

Response I-10

As discussed in Response B-3, above, all project-generated parking demand will be accommodated by the proposed on-site parking supply. Please note that parking is not a CEQA issue.

Response I-11

A discussion of potential impacts to study area intersections is provided in **Section 16, Transportation/Traffic**, of the Recirculated IS/MND. As indicated by the analysis, traffic generated by the proposed project would not exceed the City's thresholds for signalized and unsignalized intersections under existing, background, and cumulative conditions, and thus would not have a significant impact on the transportation network in the surrounding neighborhoods.

Response I-12

The installation of a traffic signal mid-block on Foothill Boulevard at the location suggested by the commenter would not be feasible due to the close proximity of an existing signalized intersection located approximately 600 feet to the north at the intersection of Foothill Boulevard and Hazel Avenue and another signalized intersection is located about 550 feet to the south at the intersection of Foothill Boulevard and City Center Drive. Installation of a traffic signal at this location, which would need to be evaluated and meet strict state/federal guidelines prior to consideration, would impact vehicular progression and headway as well as peak hour vehicular queues between these two intersections. Please note that this comment appears to be related to the proposed Lincoln Landing project and not the proposed project.

Response I-13

The installation of a pedestrian overpass mid-block on Foothill Boulevard would improve pedestrian circulation and safety in the area. The only environmental impact that may result is a disruption of views to the north and south along Foothill Boulevard. In addition, there are significant safety concerns with an elevated pedestrian crossing. ADA access is extremely problematic and costs to build and maintain are prohibitive. Please note that this comment appears to be related to the proposed Lincoln Landing project and not the proposed project.

Response I-14

A discussion of the potential impact to unknown archaeological resources, including human remains, is provided in **Section 5, Cultural Resources**, of the Recirculated IS/MND. Mitigation measures are proposed, which outline procedures to be followed in the event that previously unknown archaeological resources, including human remains, are discovered. These mitigation measures would reduce the impact to unknown archaeological resources to a less than significant level.

Response I-15

The proposed project will not provide any public services to the community. However, as discussed in **Section 14, Public Services**, of the Recirculated IS/MND, the proposed project would not negatively affect the provision of existing public services.

Response I-16

A discussion of potentially flooding on the project site is provided in **Section 9, Hydrology and Water Quality**, of the Recirculated IS/MND. As discussed in Items 9(g-h), the project site is not located within a 100-year flood zone. According to the Federal Emergency Management Agency (FEMA), the project site is located in Flood Zone X, which is defined as an area of minimal flood hazard, usually above the 500-year flood level. As a result, development of the proposed project would not place housing or structures within an area at risk of flood flows. Please note that this comment appears to be related to the proposed Lincoln Landing project and not the proposed project.

Response I-17

The building the commenter is referring to is located at 22301 Foothill Boulevard and not on the project site.

Response I-18

A discussion of air quality impacts during construction is provided in **Section 3, Air Quality**, of the Recirculated IS/MND. As discussed in Item 3(a), construction of the proposed project would not result in substantial emissions of fugitive dust with the proposed mitigation requiring the suppression of dust. In addition, as discussed in Item 3(d), the project's construction activities would have a less-than-significant impact with respect to community human health risk with the proposed mitigation that requires that construction equipment meet certain emissions standards.

Response I-19

A discussion of noise impacts during construction is provided in **Section 12, Noise**, of the Recirculated IS/MND. As discussed in Item 12(d), nearby sensitive locations would likely experience construction noise that would be louder than ambient traffic noise. However, with the proposed mitigation, which requires that construction equipment be well-maintained and used judiciously to be as quiet as possible and requires the implementation of best management practices to reduce noise from construction activities near sensitive land uses, this impact would be reduced to a less-than-significant level.

Response I-20

A discussion of impacts to parks is provided in **Section 14, Public Services**, of the Recirculated IS/MND. As discussed in Item 14(d), the proposed project would be required to pay park in-lieu fees per City Code (Chapter 10.16), which would be used by the City to acquire new parkland and/or pay for park improvements in the project vicinity. The payment of park in-lieu fees is considered by the City as full mitigation of development impacts to nearby recreational facilities.

Response I-21

A discussion of impacts to schools is provided in **Section 14, Public Services**, of the Recirculated IS/MND. As discussed in Item 14(c), local schools are operating under capacity due to a recent rapid decline in the number of students, including the schools that would serve the project site. In addition, development under the proposed project would be required to pay school development fees, as dictated by state law, prior to the issuance of building permits. According to Government Code Section 65996, payment of such fees constitutes full mitigation of any school impacts under CEQA.

Response I-22

A discussion of impacts to police services is provided in **Section 14, Public Services**, of the Recirculated IS/MND. As discussed in Item 14(b), the Hayward Police Department has indicated that the proposed project would have minimal impact on law enforcement services in the City. As a result, no new police facility or an expansion of an existing police facility would be needed, and there would be no potential for significant environmental impacts from the construction of new or expanded police facilities.

Response I-23

A discussion of impacts related to water supply is provided in **Section 17, Utilities and Service Systems**, of the Recirculated IS/MND. As discussed in Item 17(d), sufficient water supplies would be available to serve the project from existing entitlements and resources.

Response I-24

An estimate of how much water the project would demand is provided in **Section 17, Utilities and Service Systems**, of the Recirculated IS/MND. As discussed in Item 17(d), the proposed project would generate a water demand of 53,400 gallons per day (gpd), which translates into about 59.8 acre-feet per year.

Response I-25

As discussed in **Section 17, Utilities and Service Systems**, of the Recirculated IS/MND, the City of Hayward purchases all of its water from the San Francisco Public Utilities Commission (SFPUC) and not the East Bay Municipal Utility District (EBMUD). Regardless of source, all potable water provided by the City meets all State and federal standards.

References

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APPENDIX M

Mitigation Monitoring and Reporting Program

MITIGATION MONITORING AND REPORTING PROGRAM

CEQA requires that the Lead Agency establish a program to report on and monitor measures adopted as part of the environmental review process to mitigate or avoid significant effects of a proposed project on the environment. The Mitigation Monitoring and Reporting Program (MMRP) is intended to ensure that the mitigation measures identified in the Initial Study are implemented.

The MMRP for the proposed project, as outlined in **Table 1, Maple & Main Mixed-Use Project Mitigation Monitoring and Reporting Program**, describes monitoring and reporting procedures, monitoring responsibilities, and monitoring schedules for the mitigation measures identified in the Final Initial Study. The MMRP will be considered by the City in conjunction with project review and will be included as a condition of project approval. All monitoring actions, once completed, will be reported in writing to or by the City of Hayward Planning Division, which will maintain mitigation monitoring records for the proposed project.

The components of the MMRP include:

Mitigation Measure: Provides full text of the mitigation measure as provided in the Final Initial Study.

Timing/Implementation Responsibility: Identifies when the measure will be implemented and by which entity.

Enforcement/Monitoring Responsibility: Designates responsibility for monitoring the implementation of the mitigation measure.

Verification: Confirms implementation of the mitigation measure.

Table 1.0
Maple & Main Mixed-Use Project
Mitigation Monitoring and Reporting Program

Mitigation Measure	Timing/ Implementation Responsibility	Enforcement/ Monitoring Responsibility	Verification (Date and Initial)
Air Quality			
Mitigation Measure AIR-1: The construction contractor(s) shall implement the following BMPs during project construction: • 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 mph. • All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible and feasible. Building pads shall be laid as soon as possible and feasible 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 Air District's phone number shall also be visible to ensure compliance with applicable regulations.	During all grading and construction phases of project by construction contractor	City of Hayward Public Works Department	
Mitigation Measure AIR-2: All diesel-powered off-road equipment larger than 50 horsepower and operating on the site for more than two days continuously shall, at a minimum, meet U.S. EPA particulate matter emissions standards for Tier 4 engines or equivalent.	During all grading and construction phases of project by construction contractor	City of Hayward Public Works Department	

Mitigation Measure	Timing/ Implementation Responsibility	Enforcement/ Monitoring Responsibility	Verification (Date and Initial)
Mitigation Measure AIR-3: All diesel-powered portable equipment (i.e., air compressors, concrete saws, and forklifts) operating on the site for more than two days shall meet U.S. EPA particulate matter emissions standards for Tier 4 engines or equivalent.	During all grading and construction phases of project by construction contractor	City of Hayward Public Works Department	
Mitigation Measure AIR-4: Instead of Mitigation Measures AIR-2 and AIR-3 above, the construction contractor could use other measures to minimize construction-period Diesel Particulate Matter (DPM) emissions to reduce the predicted cancer risk below the thresholds. Such measures may be the use of alternative powered equipment (e.g., LPG-powered lifts), alternative fuels (e.g., biofuels), added exhaust devices, or a combination of measures, provided that these measures are approved by the City.	During all grading and construction phases of project by construction contractor	City of Hayward Public Works Department	
Biological Resources			
Mitigation Measure BIO-1: If construction activities commence outside the nesting season (generally September 1 through February 28), pre-construction surveys are not required. However, if construction commences outside the nesting season and extends into the nesting season, and is suspended for more than 14 days, a pre-construction survey that is detailed in Mitigation Measure BIO-2, below, will be implemented.	Prior to demolition and grading phases of the project by the construction contractor	City of Hayward Planning Division	
Mitigation Measure BIO-2: If construction commences during the nesting season (March 1 through August 31), a pre-construction survey for active nests will be conducted within 15 days prior to the start of work. Given the urban setting of the project site and the construction staging area, the radius of the pre-construction survey will be determined in consultation with the California Department of Fish and Wildlife (CDFW). Typically, a 250-foot buffer for passerines and other unlisted/non-raptor species, 500-foot buffer for unlisted raptor species, and 0.5-mile buffer for listed raptor species are required. However, exceptions can be made based on the species of bird nesting, activities proposed, and for noise attenuation provided by intervening buildings in urban areas. Once the survey area is established, a survey of all appropriate nesting habitat will be conducted to locate any active nests. In the event that active nests are identified, appropriate buffer zones and types of construction activities restricted within the buffer zones will be determined through consultation with the CDFW. The buffer zones will be implemented and maintained until the young birds have fledged and no continued use of the nest is observed, as determined by a qualified biologist.	Prior to demolition and grading phases of the project by the construction contractor	City of Hayward Planning Division	

Mitigation Measure	Timing/ Implementation Responsibility	Enforcement/ Monitoring Responsibility	Verification (Date and Initial)
Cultural Resource			
Mitigation Measure CUL-1: The applicant shall retain a qualified archaeologist to provide preconstruction briefing(s) to supervisory personnel of any excavation contractor to alert them to the possibility of exposing significant pre-historic and historic period archaeological resources within the project area. The briefing shall discuss any archaeological objects that could be exposed, the need to stop excavation at the discovery, and the procedures to follow regarding discovery protection and notification of the applicant and the archaeologist. An "Alert Sheet" shall be posted in conspicuous locations on the project site to alert personnel to the procedures and protocols to follow for the discovery of potentially significant archaeological resources.	Prior to grading phase of the project by construction contractor	City of Hayward Planning Division	
Mitigation Measure CUL-2: A qualified archaeologist will be on site to monitor the initial grading of native soil once the existing buildings and pavement are removed but before any foundations and slabs are removed. After monitoring the initial grading, the archaeologist will make recommendations for further monitoring if he/she determines that the site contains or has the potential to contain cultural resources. If the archaeologist determines that no resources are likely to be found on site, no additional monitoring will be required and a report will be filed with the City Planning Department.	During grading phase of the project by construction contractor	City of Hayward Planning Division	
Mitigation Measure CUL-3: In the event that prehistoric or historic resources are encountered during excavation and/or grading of the site, all activity within a 50-feet radius of the find will be stopped, the City Planning Department will be notified, and the archaeologist will examine the find and make appropriate recommendations. Recommendations could include collection, recordation, and analysis of any significant cultural materials. A report of findings documenting any data recovery during monitoring will be submitted to the City Planning Department prior to issuance of an occupancy permit.	During grading and excavation phase of the project by construction contractor	City of Hayward Planning Division	

Mitigation Measure	Timing/ Implementation Responsibility	Enforcement/ Monitoring Responsibility	Verification (Date and Initial)
Mitigation Measure CUL-4: In the event of a discovery of human bone, potential human bone, or a known or potential human burial, all ground-disturbing work in the vicinity of the find will halt immediately and the area of the find will be protected until a qualified archaeologist determines whether the bone is human. If the qualified archaeologist determines the bone is human, the City of Hayward will notify the County Coroner of the find. Consistent with California Health and Safety Code Section 7050.5(b), which prohibits disturbance of human remains uncovered by excavation until the Coroner has made a finding relative to the requirements of Public Resources Code Section 5097, the City will ensure that the remains and vicinity of the find are protected against further disturbance. If it is determined that the find is of Native American origin, the City of Hayward will comply with the provisions of Public Resources Code Section 5097.98 regarding identification and involvement of the Most Likely Descendant (MLD). If the human remains cannot be protected in place following the Coroner's determination, the City of Hayward shall ensure that the qualified archaeologist and the MLD are provided the opportunity to confer on repatriation and/or archaeological treatment of human remains, and that any appropriate studies, as identified through this consultation, are carried out prior to reinterment. The City shall provide results of all such studies to the Native American community, and shall provide an opportunity for Native American involvement in any interpretative reporting. As stipulated by the provisions of the California Native American Graves Protection and Repatriation Act, the City shall ensure that human remains and associated artifacts recovered from the project site are repatriated to the appropriate local tribal group if requested.	During grading and excavation phase of the project by construction contractor	City of Hayward Planning Division	
Geology and Soils			
Mitigation Measure GEO-1: Building foundations shall be designed to resist 2 inches of differential settlement of the supporting soils.	During design phase of the project by project engineer	City of Building Division	
Mitigation Measure GEO-2: Underground pipelines such as gas lines, sanitary sewers, and water services shall be properly designed to compensate for the settlement caused by the liquefaction of the underlying supporting soils.	During design phase of the project by project engineer	City of Hayward Public Works Department	
Mitigation Measure GEO-3: Fills shall be completely removed and re-compacted. Over-excavation should extend to depths where competent soil is encountered. The over-excavation and re-compaction should also extend at least 5 feet beyond building footprints and at least 3 feet beyond exterior flatwork, including driveways and pavement wherever possible. Where over-excavation limits abut adjacent property, a determination of the actual vertical and lateral extent of over-excavation shall be conducted so that the adjacent property is not adversely impacted. Over-excavations shall be performed so that no more than 5 feet of differential fill thickness exists below the proposed building foundations.	During grading phase of the project by construction contractor	City of Hayward Public Works Department	

Mitigation Measure	Timing/ Implementation Responsibility	Enforcement/ Monitoring Responsibility	Verification (Date and Initial)
Hazards and Hazardous Materials			
Mitigation Measure HAZ-1: The applicant shall install industry standard vapor barriers along with passive ventilation systems as part of the proposed project.	During design and construction of the project by project engineer and construction contractor	City of Hayward Planning Division and Public Works Department	
Mitigation Measure HAZ-2: A Site Management Plan shall be developed and implemented with approval and oversight by the appropriate regulatory agency in the event that unanticipated subsurface environmental conditions are encountered following the demolition of the hospital complex. The Site Management Plan shall include, but would not be limited to, procedures for removal or on-site management of contaminated soil, procedures for removal of Underground Storage Tanks (USTs) if any are encountered, and the protection of construction workers from exposure to impacted soil through measures included in a health and safety plan.	During grading phase of the project by project engineer	City of Hayward Planning Division and Public Works Department	
Mitigation Measure HAZ-3: Prior to any significant renovation of the medical office building and the demolition of the other existing structures, asbestos containing materials (ACM) and lead-based paint (LBP) surveys shall be conducted to determine the presence of hazardous building materials. Should ACMs, LBP or other hazardous substance containing building materials be identified, these materials would be removed using proper techniques in compliance with all applicable State and federal regulations, including the BAAQMD rule related to asbestos.	During pre-construction phase by project applicant	City of Hayward Building Division	
Noise			
Mitigation Measure NOI-1: The following measures shall be incorporated into the proposed project to reduce interior noise levels: • A qualified acoustical consultant shall review the final site plan, building elevations, and floor plans prior to construction and recommend building treatments to reduce interior noise levels to 45 dB(A) Ldn or lower. Treatments would include, but are not limited to, sound-rated windows and doors, sound-rated wall and window constructions, acoustical caulking, protected ventilation openings, etc. The specific determination of what noise insulation treatments are necessary shall be conducted on a unit-by-unit basis during final design of the project. Results of the analysis, including the description of the necessary noise control treatments, shall be submitted to the City, along with the building plans and approved design, prior to issuance of a building permit. • Provide a suitable form of forced-air mechanical ventilation, as determined by the local building official, 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.	During the design of the project by project applicant	City of Hayward Planning and Building Divisions and Public Works Department	

Mitigation Measure	Timing/ Implementation Responsibility	Enforcement/ Monitoring Responsibility	Verification (Date and Initial)
Mitigation Measure NOI-2: Within 20 feet of the existing, adjacent residence: • 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, and drill-rigs shall be prohibited within 20 feet of the existing, adjacent residence. • Construction and demolition activities shall not involve clam shell dropping operations.	During all grading and construction phases of the project by the construction contractor	City of Hayward Planning Division and Public Works Department	
Mitigation Measure NOI-3: Construction equipment shall be well-maintained and used judiciously to be as quiet as possible. Additionally, construction activities for the proposed project shall include the following best management practices to reduce noise from construction activities near sensitive land uses: • Ensure that all construction activities (including the loading and unloading of materials, truck movements, and warming of equipment motors) are limited to the hours of 7:00 a.m. to 7:00 p.m. Monday through Saturday and between the hours of 10:00 a.m. and 6:00 p.m. on Sundays and holidays. • Contractors equip all internal combustion engine-driven equipment with mufflers, which are in good condition and appropriate for the equipment. • Contractors utilize "quiet" models of air compressors and other stationary noise sources where technology exists. • Locate loading, staging areas, stationary noise-generating equipment, etc. as far as feasible from sensitive receptors when sensitive receptors adjoin or are near a construction project area. • Comply with Air Resource Board idling prohibitions of uneasy idling of internal combustion engines. • Construct solid plywood fences around construction sites adjacent to operational business, residences or noise-sensitive land uses. • A temporary noise control blanket barrier could be erected, if necessary, along building facades facing construction sites. This mitigation would only be necessary if conflicts occurred which were irresolvable by proper scheduling. • Route construction-related traffic along major roadways and as far as feasible from sensitive receptors. • Businesses, residences or noise-sensitive land uses adjacent to construction sites should be notified of the construction schedule in writing. Designate a "construction liaison" that would be responsible for responding to any local complaints about construction noise. The liaison would determine the cause of the noise complaints (e.g., starting too early, bad muffler, etc.) and institute reasonable measures to correct the problem. Conspicuously post a telephone number for the liaison at the construction site.	During all grading and construction phases of the project by the construction contractor	City of Hayward Planning and Building Divisions and Public Works Department	

Maple & Main
Mixed-Use Project

Addendum to Initial Study/
Mitigated Negative Declaration

Prepared for:

City of Hayward
Developmental Services Department
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Hayward, CA 94541

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Oakland, California 94612

February 2017

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LIST OF FIGURES

1.0 INTRODUCTION

This environmental document is an Addendum to the Maple & Main Mixed-Use Project Initial Study/Mitigated Negative Declaration ([IS/MND] that was approved by the Hayward Planning Commission on December 15, 2016 (State Clearinghouse Number [2016082060]). Since approval of the IS/MND, minor changes to the location of residential units and retail space on the site plan have been proposed, thus requiring further environmental analysis. The proposed changes to the site plan are addressed in this Addendum. As demonstrated in this Addendum, the IS/MND continues to serve as the appropriate document for addressing the environmental impacts of these improvements pursuant to California Environmental Quality Act (CEQA).

2.0 CEQA REQUIREMENTS

CEQA Guidelines Section 15164(b) states that the lead agency shall prepare an addendum to an adopted Negative Declaration (ND) if only minor technical changes or additions are necessary, or none of the conditions described in Section 15162 calling for preparation of a subsequent ND have occurred. Section 15164(c) states than an addendum does not need to be circulated for public review. Section 15164(d) provides that the decision-making body shall consider the addendum in conjunction with the adopted ND prior to making a decision on the project. Section 15164(e) requires documentation of the decision not to prepare a subsequent Environmental Impact Report (EIR) pursuant to Section 15162.

CEQA Guidelines Section 15162(a) provides that once an EIR has been certified or an ND adopted for a project, no subsequent EIR shall be prepared unless the lead agency determines, on the basis of substantial evidence, one or more of the following:

> *"(1) Substantial changes are proposed in the project which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;*
>
> *(2) Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR or Negative Declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or*
>
> *(3) New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete or the Negative Declaration was adopted, shows any of the following:*
>
> *(A) The project will have one or more significant effects not discussed in the previous EIR or negative declaration;*

(B) Significant effects previously examined will be substantially more severe than shown in the previous EIR;

(C) Mitigation measures or alternatives previously found not to be feasible would in fact be feasible, and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or

(D) Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative."

CEQA Guidelines Section 15162(b) provides that if changes to a project or its circumstances occur or new information becomes available after adoption of a negative declaration, the lead agency shall prepare a subsequent EIR if required under subdivision (a). Otherwise the lead agency shall determine whether to prepare a subsequent negative declaration, an addendum, or no further documentation.

This Addendum has been prepared to satisfy the requirements of CEQA Guidelines Sections 15164(b), 15164(d), and 15164(e).

3.0 PROJECT DESCRIPTION

The Maple & Main Mixed-Use project (original project) that was the subject of the previously adopted IS/MND involved the demolition of all buildings on the project site except for a portion of the medical office building on the corner of Maple Court and McKeever Avenue, and construction of a residential building and six-level parking garage. The new residential building would include 240 rental apartments and 5,571 square feet of ground floor retail. The existing four- and two-story medical office building on the corner of Maple Court and McKeever Avenue would be reduced in size, improved and modernized. The improved medical office building would include approximately 48,000 square feet of building space. **Figure 1, Original Site Plan**, illustrates the original layout of the land uses analyzed in the adopted IS/MND.

Subsequent to the adoption of the IS/MND and the approval of the proposed project by the City of Hayward Planning Commission, and in response to a request from the neighborhood, the applicant submitted a revised site plan that relocated three ground-floor residential units along Maple Court to Main Street and 3,653 square feet of ground-floor retail along Main Street to Maple Court. In addition, of retail relocated to Maple Court, 564 square feet would be set aside for a community room and 330 square feet would be set aside for an entry gallery. Under the revised site plan (revised project), the number of residential units would remain the same at 240 units and the amount of retail would remain the same at 5,771 square feet. Therefore, the residential population and the number of employees associated with the project would remain unchanged as well as the number of vehicle trips associated with these uses. The revised project would provide the same amount of parking at the same location as the original project.

Under the revised project, no changes are proposed to the medical office component analyzed in the previously adopted IS/MND. **Figure 2, Revised Site Plan**, shows the location of these new and relocated uses.

4.0 ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED

This Addendum provides an analysis of each environmental issue identified in the IS/MND to determine whether new or more severe environmental effects would occur from the proposed changes to the site plan or new mitigation measures should be required. CEQA Guidelines Section 15164(b) states that the lead agency shall prepare an addendum to a previously adopted IS/MND if only minor technical changes or additions are necessary or none of the conditions described in Section 15162 calling for the preparation of a subsequent IS/MND have occurred. Here, an addendum is appropriate to address the proposed relocation of uses. This document evaluates the proposed changes to the site plan to determine whether its impacts are within the scope of the IS/MND or whether the changes would result in new significant impacts or substantially more severe impacts under CEQA Guidelines Section 15162.

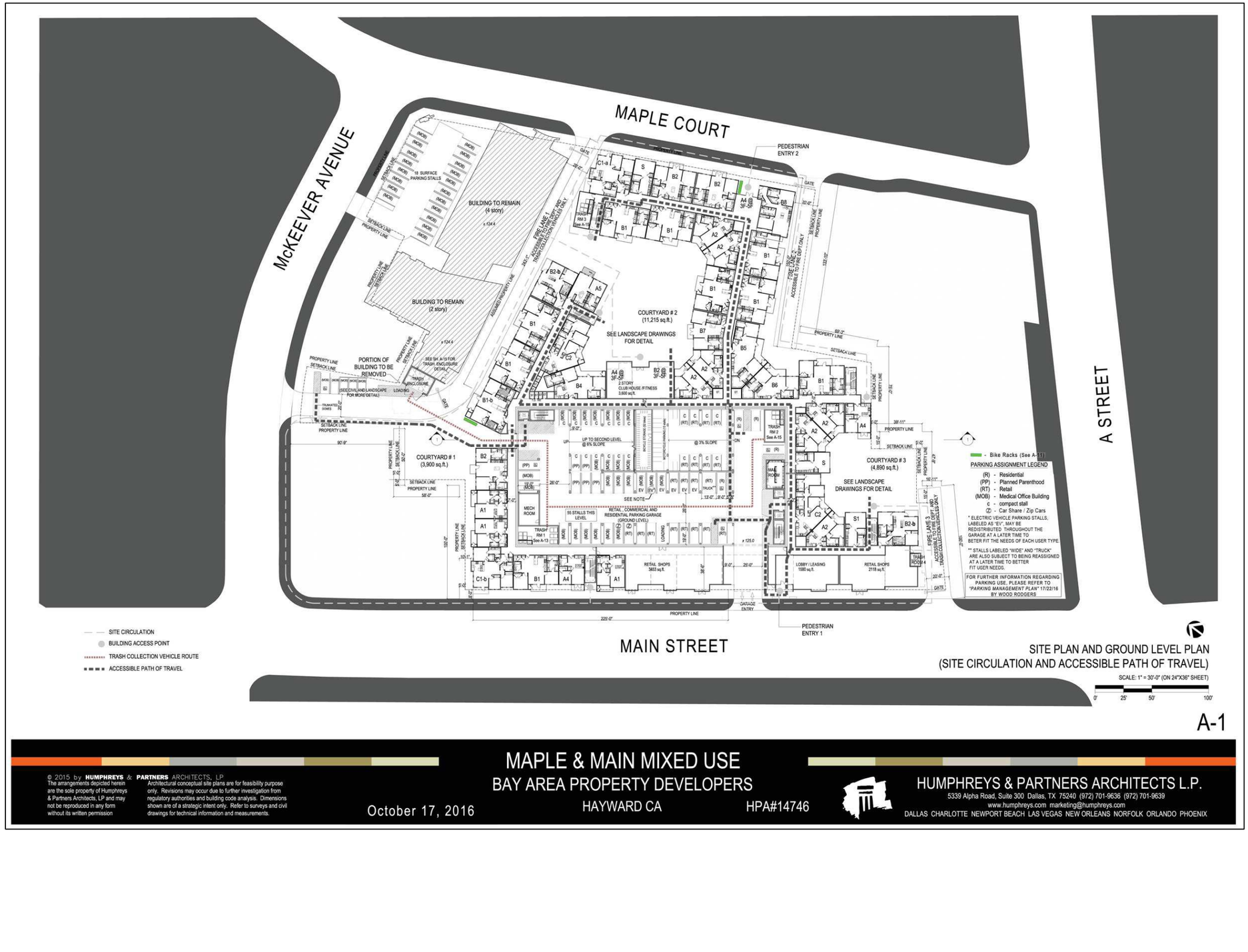
4.1 Aesthetics

The analysis of the original project in the IS/MND found that impacts related to aesthetic resources would be less than significant. The proposed changes to the site plan would not result in additional impacts to aesthetic resources beyond those identified in the IS/MND as the height and design of the proposed structures in the revised site plan would remain unchanged. As a result, similar to the original project, aesthetic impacts associated with the revised site plan would be less than significant. No new or substantially increased significant aesthetic impacts would result from the revised project beyond those analyzed in the IS/MND. No mitigation is required.

4.2 Agriculture and Forestry Resources

No impacts to agriculture and forestry resources were identified in the IS/MND for the original project. Similarly, the revised site plan would also not result in impacts to agricultural and forestry resources as there are no prime, unique, or statewide important farmlands in the project area. No new or substantially increased significant impacts associated with agriculture and forestry resources would result from the revised project beyond those analyzed in the IS/MND. No mitigation is required.

Figure 1, Original Site Plan



October 17, 2016

MAPLE & MAIN MIXED USE
BAY AREA PROPERTY DEVELOPERS
HAYWARD CA HPA#14746

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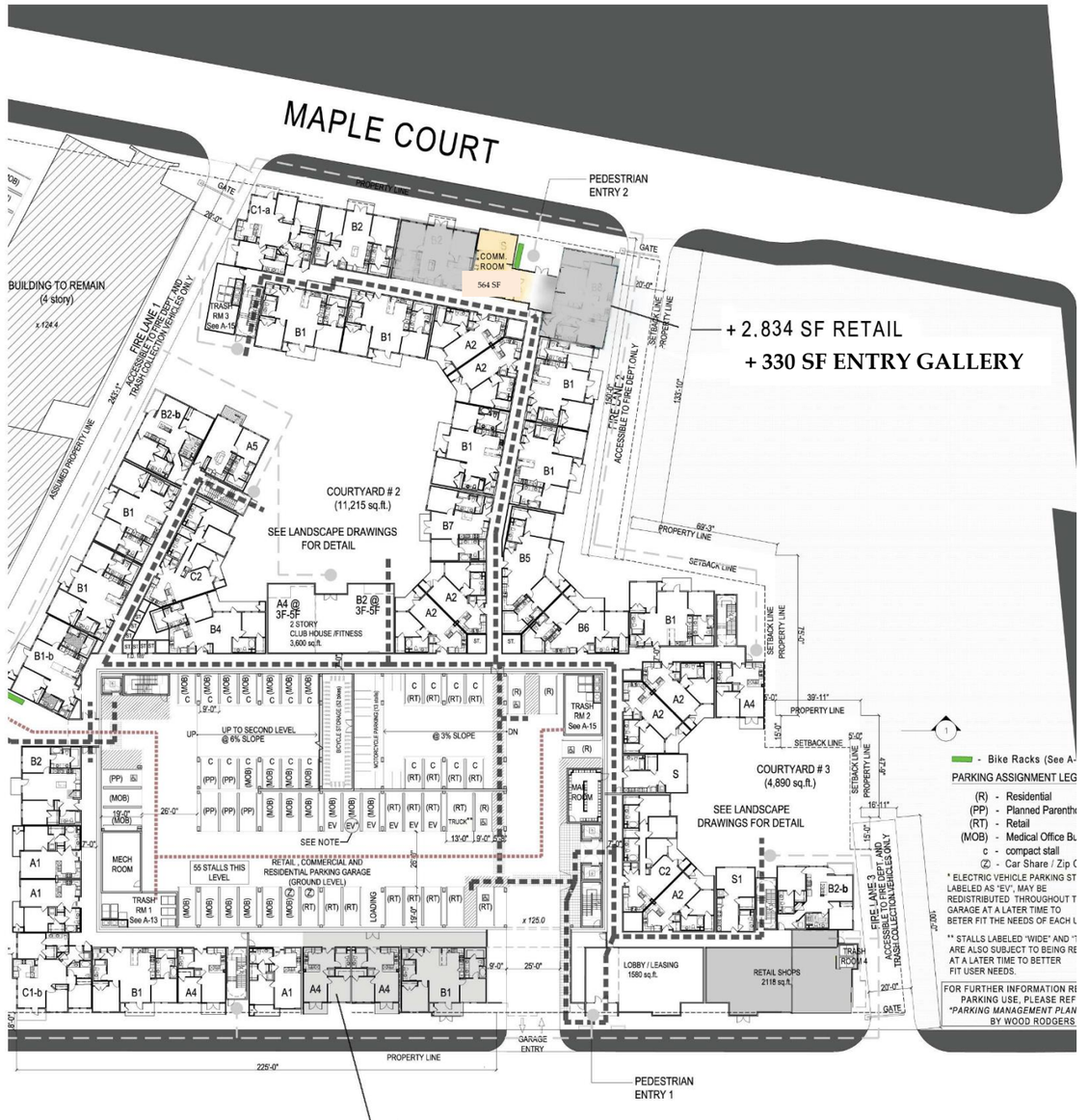
Figure 2, Revised Site Plan

ALTERNATIVE 2

(1) 5-STORY WRAP

UNIT	UNIT TYPE	NET SF	BALC/PATIO	GROSS UNIT	NO.	TL. NET	TL. GROSS
S1	STUDIO	567	0	567	14	7,938	7,938
A1	1BR/1BA	698	60	758	15	10,470	11,370
A2	1BR/1BA	688	91	779	35	24,080	27,265
A4	1BR/1BA	582	60	642	10	5,820	6,420
A4 affordable	1BR/1BA	582	60	642	19	11,058	12,198
A5	1BR/1BA	733	60	793	5	3,665	3,965
B1	2BR/2BA	1,108	92	1,200	62	68,696	74,400
B1-B	2BR/2BA	1,108	92	1,200	5	5,540	6,000
B2 affordable	2BR/2BA	1,037	40	1,077	13	13,481	14,001
B2-B	2BR/2BA	1,037	95	1,132	6	6,222	6,792
B2-B affordable	2BR/2BA	1,037	95	1,132	12	12,444	13,584
B4	2BR/2BA	1,097	143	1,240	5	5,485	6,200
B5	2BR/2BA	1,207	140	1,347	5	6,035	6,735
B6	2BR/2BA	1,020	122	1,142	5	5,100	5,710
B7	2BR/2BA	1,100	150	1,250	5	5,500	6,250
B8	2BR/2BA	930	60	990	4	3,720	3,960
C1-A	3BR/2BA	1,190	110	1,300	5	5,950	6,500
C1-B	3BR/2BA	1,230	70	1,300	5	6,150	6,500
C2	3BR/2BA	1,125	70	1,195	6	6,750	7,170
C2 affordable	3BR/2BA	1,125	70	1,195	4	4,500	4,780
TOTAL					240	218,604	237,738



4.3 Air Quality

The analysis of the original project in the IS/MND found that impacts related to air quality would be less-than-significant with the incorporation of mitigation. The IS/MND identified potential impacts from dust and on-site diesel emissions during construction, and mitigation measures were identified to minimize dust and limit on-site diesel emissions to acceptable levels. As the number of residential units, amount of retail space, and disturbance footprint of the proposed structure under the revised site plan would remain unchanged from the original project, there would be no increase in air quality emissions under the revised project. Mitigation measures identified to reduce air quality impacts would remain applicable to the revised project. Therefore, similar to the original project, air quality impact associated with the revised project would be less than significant with the implementation of mitigation measures identified in the IS/MND. No new or substantially increased significant air quality impacts would result from the proposed project beyond those discussed in the IS/MND. No new mitigation is required.

4.4 Biological Resources

The analysis of the original project in the IS/MND found that impacts to biological resources would be less-than-significant with the incorporation of mitigation. The IS/MND identified impacts to nesting birds that would result from the removal of mature trees, and mitigation measures were proposed to conduct pre-construction surveys and avoid active nests, if found. Implementation of the revised site plan would result in the same disturbance footprint as the original site plan and would require the removal mature trees. Mitigation measures identified in the IS/MND to protect active nests would remain applicable to the revised project. Therefore, impacts on biological resources associated with the revised site plan would be less than significant with the implementation of mitigation measures identified in the IS/MND. No new or substantially increased significant impacts on biological resources would result from the revised project beyond those discussed in the IS/MND. No new mitigation is required.

4.5 Cultural Resources

The analysis of the original project in the IS/MND found that impacts to cultural resources would be less-than-significant with the incorporation of mitigation. The IS/MND identified potential impacts to unknown pre-historic and historic-period archaeological resources, and unknown human remains, and mitigation measures were proposed that outline procedures to follow in the event that unknown archaeological resources and human remains are discovered during construction. Implementation of the revised site plan would result in the same disturbance footprint as the site plan analyzed in the adopted IS/MND, and a similar amount of soil would be disturbed. In addition, similar to the original project, under the revised site plan, all buildings at the project site would be demolished except for a portion of the medical office

building at the corner of Maple Court and McKeever Avenue. Therefore, impacts on cultural resources associated with the revised site plan would be less than significant with the implementation of mitigation measures identified in the IS/MND. No new or substantially increased significant impacts on cultural resources would result from the revised project beyond those discussed in the IS/MND. No new mitigation is required.

4.6 Geology and Soils

The analysis of the original project in the IS/MND found that impacts related to geology and soils would be less-than-significant with the incorporation of mitigation. The IS/MND identified potential impacts to the proposed structure from differential settlement and unstable soils, and mitigation measures were proposed that require the design of the building foundation to resist settlement and the removal and re-compaction of soils to compensate for soil instability. Implementation of the revised site plan would result in the same disturbance footprint as the site plan analyzed in the adopted IS/MND, and a similar amount of soil would be disturbed. Mitigation measures identified in the IS/MND to resist settlement and compensate for soil instability would remain applicable to the revised project. Therefore, similar to the original project, impacts related to geology and soils associated with the revised site plan would be less than significant with the implementation of mitigation measures identified in the IS/MND. No new or substantially increased significant impacts related to geology and soils would result from the revised project beyond those discussed in the IS/MND. No new mitigation is required.

4.7 Greenhouse Gas Emissions

The analysis of the original project in the IS/MND found that impacts related to greenhouse gas emissions would be less than significant. As the number of residential units, amount of retail space, and disturbance footprint of the proposed structure under the revised site plan would remain unchanged from the original project, there would be no increase in greenhouse gas emissions under the revised project. As a result, similar to the IS/MND project, impacts related to greenhouse gas emission associated with the revised site plan would be less than significant. No new or substantially increased significant impacts related to greenhouse gas emissions would result from the revised project beyond those analyzed in the IS/MND. No mitigation is required.

4.8 Hazards and Hazardous Materials

The analysis of the original project in the IS/MND found that impacts related to hazards and hazardous materials would be less than significant with the incorporation of mitigation. The IS/MND identified potential impacts to future residential users and construction workers from soil contamination of the project site, and mitigation measures were proposed that require the installation of a vapor barrier to

protect building occupants from soil gas and the preparation of a site management plan to protect construction workers. Implementation of the revised site plan would result in the same disturbance footprint as the site plan analyzed in the adopted IS/MND, and a similar amount of soil would be disturbed. Mitigation measures identified in the IS/MND to protect building occupants and construction workers would remain applicable to the revised project. Therefore, impacts related to hazards and hazardous materials associated with the revised site plan would be less than significant with the implementation of mitigation measures identified in the IS/MND. No new or substantially increased significant impacts related to hazards and hazardous materials would result from the revised project beyond those discussed in the IS/MND. No new mitigation is required.

4.9 Hydrology and Water Quality

The analysis of the original project in the IS/MND found that impacts related to hydrology and water quality would be less than significant. The proposed changes to the site plan would not result in additional impacts to hydrology and water quality beyond those identified in the IS/MND. Implementation of the revised site plan would result in the same disturbance footprint as the original project. In addition, the project site boundaries would remain unchanged and the project site would remain in an area of minimal flood hazard. As a result, similar to the original project analyzed in the adopted IS/MND, impacts related to hydrology and water quality associated with the revised site plan would be less than significant. No new or substantially increased significant impacts related to hydrology and water quality would result from the revised project beyond those analyzed in the IS/MND. No mitigation is required.

4.10 Land Use and Planning

The analysis of the original project in the IS/MND found that impacts related to land use and planning would be less-than-significant. The changes to the site plan would not result in additional impacts to land use and planning beyond those identified in the IS/MND. As the number of residential units and amount of retail space would remain the same under the revised project as compared to the original project, implementation of the revised site plan would not conflict with City's density and intensity standards that are applicable to the project site. As a result, similar to the original project analyzed in the adopted IS/MND impacts related to land use and planning associated with the revised site plan would be less than significant. No new or substantially increased significant impacts related to land use and planning would result from the revised project beyond those analyzed in the IS/MND. No mitigation is required.

4.11 Mineral Resources

No impacts to mineral resources were identified in the IS/MND for the original project. The project site boundaries would remain unchanged under the revised site plan. Therefore, similar to the original project,

implementation of the revised site plan would not result in impacts to mineral resources, because the project site is not located within an area of known mineral resources, either of regional or local value. No new or substantially increased significant impacts associated with mineral resources would result from the revised project beyond those analyzed in the IS/MND. No mitigation is required.

4.12 Noise

The analysis of the original project in the IS/MND found that impacts related to noise would be less than significant with the incorporation of mitigation. The IS/MND identified potential impacts related to the exposure of future project site residents to noise levels in excess of City standards, and a mitigation measure was proposed that requires a qualified acoustical consultant to review the final plans prior to construction and recommend building treatments to reduce interior noise levels. In addition, the IS/MND identified potential impacts related to noise and vibration during construction, and mitigation measures were proposed which requires the implementation of best management practices to reduce noise from construction activities near sensitive land uses and prohibits the use of heavy vibration-generating construction equipment within 20 feet of any adjacent residence. Implementation of the revised site plan would result in the same disturbance footprint as the site plan analyzed in the adopted IS/MND. Therefore, implementation of the revised site plan would result in similar noise impacts to the same sensitive receptors on and off site identified for the original project in the IS/MND. Mitigation measures identified in the IS/MND to reduce noise impacts would remain applicable to the revised project. Therefore, impacts related to noise associated with the revised site plan would be less than significant with the implementation of mitigation measures identified in the IS/MND. No new or substantially increased significant impacts related to noise would result from the revised project beyond those discussed in the IS/MND. No new mitigation is required.

4.13 Population and Housing

The analysis of the original project in the IS/MND found that impacts related to population and housing would be less-than-significant. The proposed changes to the site plan would not result in additional impacts to population and housing beyond those identified in the IS/MND as there would be no increase in residential units, and thus no increase in residential population, and no increase in retail space, and thus no increase in the number of employees. As a result, similar to the original project analyzed in the adopted IS/MND, impacts related to population and housing associated with the revised site plan would be less than significant. No new or substantially increased significant impacts related to population and housing would result from the revised project beyond those analyzed in the IS/MND. No mitigation is required.

4.14 Public Services

The analysis of the original project in the IS/MND found that impacts related to public services would be less than significant. The proposed changes to the site plan would not result in additional impacts to public resources beyond those identified in the IS/MND as there would be no increase in residential units, and thus no increase in residential population, and no increase in retail space, and thus no increase in the number of employees. As a result, similar to the original project analyzed in the adopted IS/MND, impacts related to public services associated with the revised site plan would be less than significant. No new or substantially increased significant impacts related to public services would result from the revised project beyond those analyzed in the IS/MND. No mitigation is required.

4.15 Recreation

The analysis of the original project in the IS/MND found that impacts related to recreation would be less than significant. The proposed changes to the site plan would not result in additional impacts to recreational facilities beyond those identified in the IS/MND as there would be no increase in residential units, and thus no increase in residential population, and no increase in retail space, and thus no increase in the number of employees. As a result, similar to the original project analyzed in the adopted IS/MND, impacts related to recreation associated with the revised site plan would be less than significant. No new or substantially increased significant impacts related to recreation would result from the revised project beyond those analyzed in the IS/MND. No mitigation is required.

4.16 Transportation/Traffic

The analysis of the original project in the IS/MND found that impacts related to transportation/traffic would be less than significant. The proposed changes to the site plan are not expected to result in new trips as there would be no increase in residential units, and thus no increase in residential trips, and no increase in the amount of retail space, and thus no increase in retail trips. The revised project would also provide the same amount of parking at the same location as the original project. However, due to the relocation of retail space along Maple Court, it is possible that some project vehicle trips might park along Maple Court, thus resulting in a slight redistribution of vehicle trips. Conversely, the loss of retail space on Main Street might result in fewer project vehicle trips parking along Main Street. The City estimates that changes to the site plan might result in a shift of up to 10 trips to Maple Court during the AM peak hour and up to 26 trips to Maple court during the PM hour. These trips would primarily pass through the intersections of Maple Court and A Street and Maple Court and McKeever Avenue. Under existing conditions, the intersections of Maple Court and A Street and Maple Court and McKeever Avenue operate at LOS A during the AM and PM peak hours, and under cumulative conditions both intersections are projected to operate at LOS A

and B, respectively. As these intersections are currently operating and are projected to operate well below the City's minimum acceptable threshold of LOS E, the addition of new trips generated by the original project as well as the shifted trips associated with the revised project would not cause the LOS of these intersections to fall below the City's significance threshold. As a result, similar to the original project analyzed in the adopted IS/MND, impacts related to transportation/traffic associated with the revised site plan would be less than significant. No new or substantially increased significant impacts related to transportation/traffic would result from the revised project beyond those analyzed in the IS/MND. No mitigation is required.

44.17 Utilities and Service Systems

The analysis of the original project in the IS/MND found that impacts related to utilities and services systems would be less than significant. The changes to the site plan would not result in additional impacts to utilities and service systems beyond those identified in the IS/MND because the number of residential units and amount of retail space would remain unchanged, and thus there would be no increase in demand for water, wastewater, and solid waste services. As a result, similar to the original project analyzed in the adopted IS/MND, impacts related to utilities and services systems associated with the revised site plan would be less than significant. No new or substantially increased significant impacts related to utilities and services systems would result from the revised project beyond those analyzed in the IS/MND. No mitigation is required.

4.18 Mandatory Findings of Significance

The potential impacts of the revised site plan with regard to biological resources, cultural resources, and direct and indirect effects on human beings would be comparable to the original project. As individual and cumulative impacts under the revised site plan would be similar to the original project, mitigation measures identified in the IS/MND would reduce all impacts associated with the revised site plan to a less-than-significant level.

5.0 Report Preparers

City of Hayward

David Rizk, Director of Development Services

Impact Sciences, Inc.

Shabnam Barati, Managing Principal

Rima Ghannam, Associate Principal

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File No. 086852

May 3, 2022

VIA E-MAIL

Jeremy Lochirco
Acting Planning Manager
City of Hayward
777 B Street
Hayward, CA 94541

Re: *Updated* Request for Density Bonus Consistent with Government Code Section 65915 for Proposed Revised Maple & Main Project

Dear Mr. Lochirco:

On behalf of Goel Hayward MF, LLC ("Applicant"), this letter serves as an updated request for a density bonus, waivers, and concessions, and application of parking standards consistent with State Density Bonus Law (Gov't Code § 65915) for the proposed 314-unit Maple & Main mixed use development ("Project") in the City of Hayward ("City"). Further project details, including the Project's zoning, assessor parcel numbers, vicinity map, and site plan, may be found in the current plan set for the Project on file with the City. An Affordable Housing Plan for the Project is being submitted concurrently with this letter.

The City's Affordable Housing Ordinance ("AHO") requires a residential project that will satisfy affordable housing requirements through the provision of onsite rental units to provide 6% affordable units evenly split between low income and very-low income units with the ability to provide units at lower affordability levels.

Of the Project's proposed 19 affordable rental units, 16 of those units (or 5% percent of the 314-unit base project) would be very-low income units restricted to very-low income households, and the other 3 units would be low income units restricted to low income households (collectively, the "Affordable Units"). The Project's proposed Affordable Units exceed the City's AHO requirements by delivering more very-low income units than is otherwise required.

A mixed use project that provides at least 5% very-low income units qualifies for the following benefits under Density Bonus Law: "(1) a 'density bonus;' (2) 'incentives and concessions;' (3) 'waivers or reductions' of 'development standards;' and (4) prescribed 'parking ratios.'" (*Bankers Hill 150 v. City of San Diego* (2022) 74 Cal.App.5th 755, 769; Gov Code § 65915(b)(1)(B), (i).)

In this case, the Affordable Units qualify the Project for a 20 percent density bonus, unlimited waivers, one concession, and reduced parking ratios.

Requested Concessions

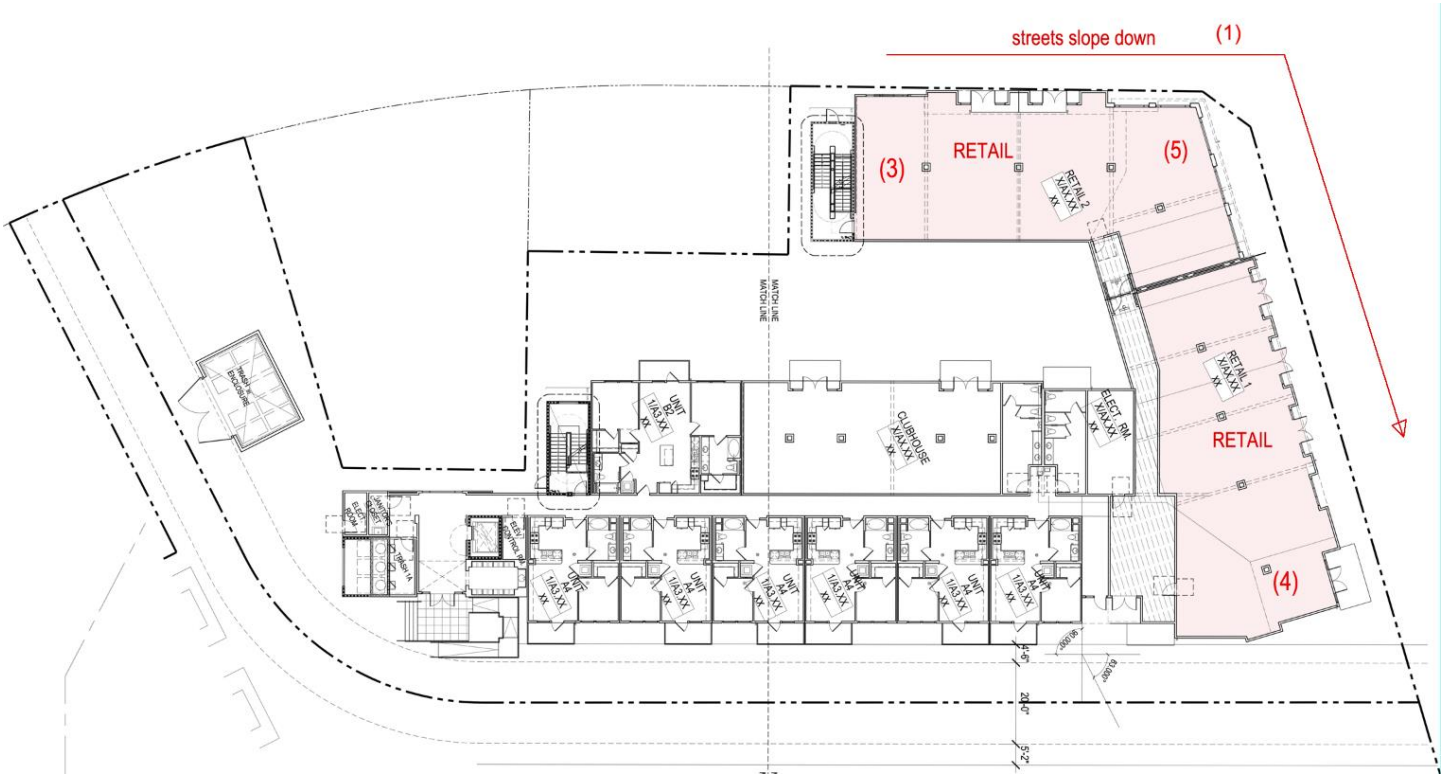
"[I]ncentives and concessions are intended to assist in lowering the cost to build a project that includes affordable housing by allowing the developer to avoid development standards. [Citation] An 'incentive or concession' is defined as a 'reduction in site development standards or a modification of zoning code requirements or architectural design requirements that exceed the minimum building standards ... that results in identifiable and actual cost reductions.' [Citation] The law states that a 'site development standard' includes setbacks, height limitations, and other requirements imposed by 'any ordinance, general plan element, specific plan, charter, or other local condition, law, policy, resolution, or regulation.' [Citation] The applicant is not required to prove the requested incentives will lead to cost reductions; the incentive is presumed to result in cost reductions and the city bears the burden to demonstrate otherwise if it intends to deny the incentive." (*Bankers Hill 150*, 74 Cal.App.5th 755 at 770.)

The Applicant requests the following concession:

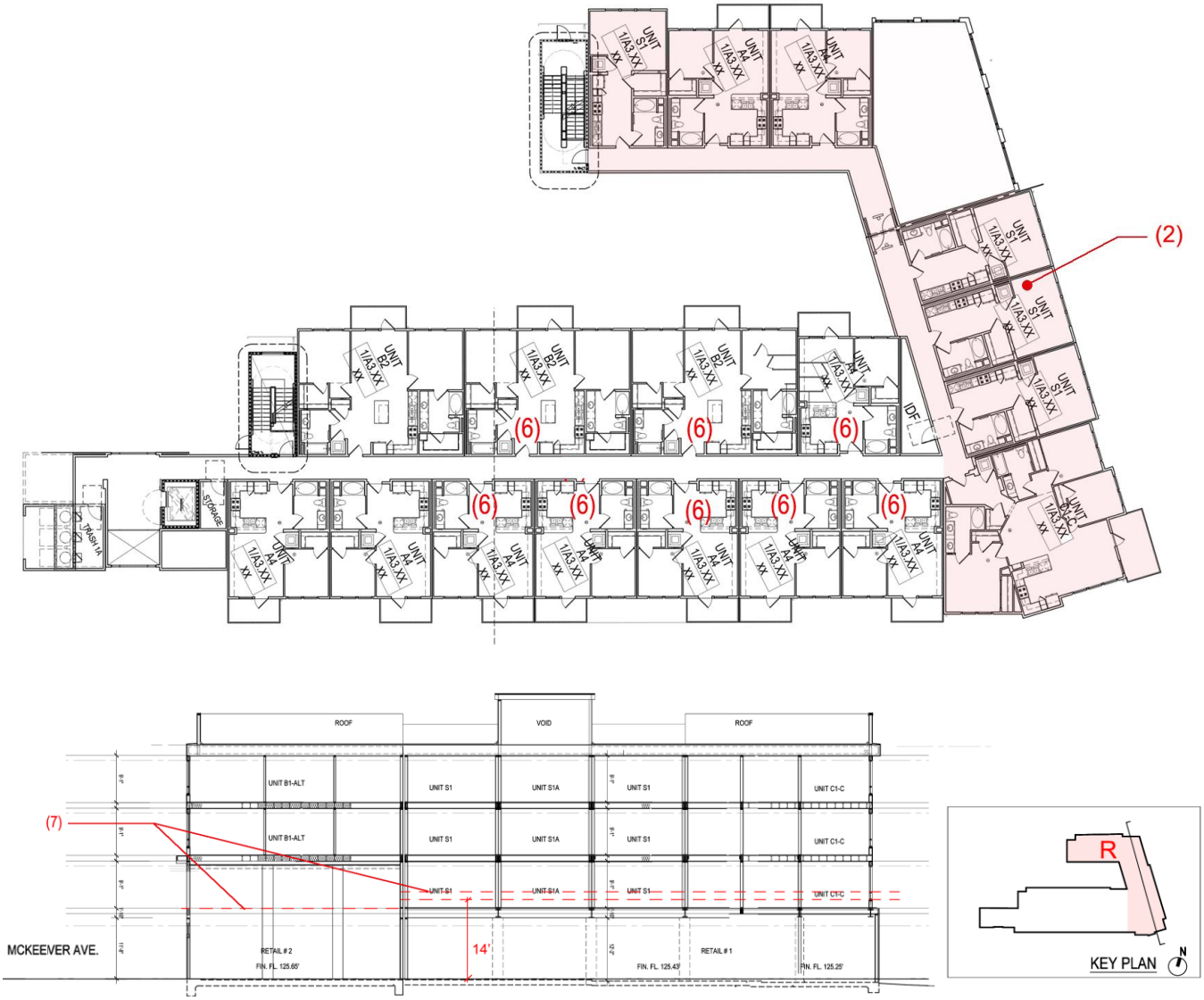
Ground Floor Commercial Ceiling Height - Per 10-28.2.2.060 - URBAN NEIGHBORHOOD (UN), the minimum required Retail Height is 14'. Although the Project exceeds this standard at the retail corner, the retail heights are reduced to +/-12' over approximately 85% of the retail frontage. This is a result of sloping grade at the retail corner of the Project site and the retail spaces have been designed to follow the slope of the adjacent streets. (1) The second level floor plate that acts as the ceiling for the retail space is a single level plane. (2) The lowest plate height (ceiling height) is 11'-8" along McKeever (3). The lowest plate height (ceiling height) is 12'-2" along Maple (4). The tallest plate (ceiling height) is located at the corner of McKeever and Maple street and was accomplished by eliminating a second level unit. That plate (ceiling height) exceeds 18'-0" (5)

Extending the ceiling line of the McKeever and Maple street retail space to the remaining retail spaces would require the loss of the market-rate residential units above those retail spaces which would result in an identifiable substantial loss of revenue needed to subsidize the affordable units. Alternatively, raising the entire building by 2'4" to meet the minimum retail height requirements in all retail spaces would require structural steel lateral bracing elements throughout the 1st level of the building. Avoiding the need to use structural steel in the building design would result in a substantial construction cost reduction to help offset the costs of the

affordable units.[1]



[1] These same factors would support the use of a waiver. The loss of units would physically preclude construction of the density bonus project. The structural steel would result in intrusions into the residential units to accommodate the steel on the first floor that would reduce floor area and would impact required accessible clearances in kitchens and bathrooms along the corridor side of the units and physically precluding construction of the density bonus project (6)(7) (upper dashed line represents raised residential floor height and lower dashed line represents raised 14' retail ceiling height). Even if a waiver is not requested, the City would be required to grant one for a development standard that "would physically preclude construction of [the] project as designed . . . ." (*Bankers Hill 150*, 74 Cal.App.5th 755 at 775.)



Requested Waivers

Government Code Section 65915(e)(1) provides, in part, that "[I]n no case may a city, county, or city and county apply any development standard that will have the effect of physically precluding the construction of a development meeting the criteria of subdivision (b) at the densities or with the concessions or incentives permitted by this section." The right to waivers has been broadly interpreted by the courts. (See *Wollmer v. City of Berkeley* (2011) 193 Cal.App.4th 1329, 1346–1347 ["Standards may be waived that physically preclude construction of a housing development meeting the requirements for a density bonus, period. [] The statute

does not say that what must be precluded is a project with no amenities, or that amenities may not be the reason a waiver is needed.") "[A] city must offer a *waiver or reduction* of development standards that would have the effect of physically precluding the construction of a development at the density, or with the requested incentives, permitted by the Density Bonus Law. [] For example, if a city ordinance imposes a building height limitation, a city must waive that limitation for a development that is eligible for a density bonus if imposing the height limit would physically preclude construction of the proposed building with the requested incentives and at the density allowed by the Density Bonus Law. There are no financial criteria for granting a waiver." (*Bankers Hill 150*, 74 Cal.App.5th at 770.)

The Applicant is requesting a waiver from the following development standard that physically preclude the development of the proposed density bonus project:

1. **Lined Building Width along Main Street** - Per 10-28.3.3.140 - LINED BUILDING, the maximum allowed width of the exterior building main body is 320'. The project Lined Building width is 350' which exceeds the maximum allowed width. Reducing the building width or breaking the building into multiple structures would result in the loss of residential units. Therefore, compliance with the Lined Building Width requirements would physically preclude construction of the proposed density bonus project.

Other Density Bonus Requests

Government Code Section 65915(f) provides that an applicant may request a lesser density bonus than it is entitled to, including "no increase in density." The Project requests a 0% density bonus.

The Applicant also does not request the reduced parking ratios set forth in Government Code Section 65915(p) be applied to the project.

The Applicant may adjust its Density Bonus request as the Project proceeds through processing. We look forward to working with you on the Project. Please feel free to call me if you have any questions.

Sincerely,

/s/ *Christian Cebrian*

Christian H. Cebrian

CHC

086852\14732193v3

Stevens Ferrone & Bailey Engineering Company, Inc

Geotechnical Engineering
Engineering Geology
Storm Water Management
Construction Observation & Testing Services

January 22, 2020

Goel Hayward MF, LLC
c/o Mr. Nick Clayton
Property Management Advisors, Inc.
1 Tower Place, Suite 200
South San Francisco, CA 94080

RE: Alquist-Priolo Earthquake Fault Report and Geotechnical Investigation Report
Maple & Main Mixed-Use Development - Hayward, California
SFB Project No.: 911-1

Mr. Clayton:

Stevens, Ferrone & Bailey Engineering Company, Inc. (SFB) has performed an Alquist-Priolo Earthquake Fault Investigation and a Geotechnical Engineering Investigation for the Maple and Main Mixed-Use development project in Hayward, California. The results of our work are included in the following reports:

1. *Geotechnical Feasibility Investigation and Fault Rupture Hazard Assessment, 22330 Main Street, Hayward, California*, dated November 20, 2014; and
2. *Geotechnical Investigation, Main and Maple Development, Hayward, California*, dated June 29, 2018.

It is our understanding that the project has been revised since the issuance of our reports and now includes apartment units within 5 levels of wood-frame construction wrapped around a 5-story parking garage, with ground floor commercial space fronting Main Street. Additional wings of apartment units will wrap around courtyards, and the former medical office building has been demolished and removed from the site.

Based on our review, it is our opinion that the results and recommendations presented in our reports listed above are applicable to the version of the project described above and can also be applied to other versions of the project provided the project does not extend beyond the limits of the site as shown on the site plans within our reports. Opinions, conclusions, and recommendations provided in this letter are meant to supplement our previous reports listed above; all previous conditions and limitations apply.

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Serving Northern and Central California, Sacramento, and Central Valley Regions
www.sfandb.com

We have been retained by the current owner of the project, Goel Hayward MF, LLC, to provide supplemental geotechnical engineering and engineering geology services on an as needed basis during the design and construction of the project. All opinions, conclusions, recommendations, conditions, and limitations described in our two previous reports listed above apply to the current owner of the project and should be used in the design and construction of the project.

Should you have any questions or require additional information please do not hesitate to contact me.

Sincerely,

Stevens, Ferrone & Bailey Engineering Company, Inc.

Kenneth C. Ferrone, PE, GE, CEG
Principal Civil/Geotechnical Engineer
Principal Geologist/Certified Engineering Geologist

Copies: Addressee (1 by email)

February 11, 2021

Goel Hayward MF, LLC
c/o Mr. Nick Clayton
Property Management Advisors, Inc.
1 Tower Place, Suite 200
South San Francisco, CA 94080

Re: Geotechnical Report Update
Maple & Main Mixed-Use Development - Hayward, California
SFB Project No.: 911-1

Mr. Clayton:

Stevens, Ferrone & Bailey Engineering Company, Inc. (SFB) is providing this update to our geotechnical investigation report (dated June 29, 2018) in order to conform with the 2019 California Building Code (CBC). The recommendations below supersede the recommendations provided in our 2018 report; all other recommendations provided in our 2018 report apply to the current project and conform to the 2019 CBC.

1.0 2019 CBC Seismic Design Parameters

The following parameters were calculated using the U.S. Seismic Design Map program[1], and were based on the site being located at approximate latitude 37.675°N and longitude 122.084°W. For seismic design using the 2019 California Building Code (CBC), we recommend the following seismic design parameters be used. These values are based on applying the ASCE 7-16 model, assuming the structures are categorized as Risk Category II, and assuming that *Exception Number (2) of ASCE 7-16 Section 11.4.8 – Site Specific Ground Procedure* applies. We should be contacted if any of these assumptions are incorrect or a site-specific ground motion hazard analysis is required.

[1]https://seismicmaps.org/ (accessed 2/11/2021)

Seismic Design Parameter	Design Value
Site Class	D
S_S	2.293
S_1	0.884
S_{MS}	2.293
S_{M1}	Null – See Section 11.4.8 ASCE 7-16
S_{DS}	1.529
S_{D1}	Null – See Section 11.4.8 ASCE 7-16
SDC	Null – See Section 11.4.8 ASCE 7-16
F_a	1
F_v	Null – See Section 11.4.8 ASCE 7-16
PGA_M	1.059

Opinions, conclusions and recommendations provided in this letter are meant to supplement our previous report; all previous conditions and limitations apply. If you have any questions or need additional information, please call me.

Sincerely,

Stevens, Ferrone & Bailey Engineering Company, Inc.

Ken Ferrone, PE, GE, CEG.
Principal Civil/Geotechnical Engineer
Principal Certified Engineering Geologist

Copies: Addressee (1 by email)

November 20, 2014

GEOTECHNICAL FEASIBILITY INVESTIGATION AND FAULT RUPTURE HAZARD ASSESSMENT 22330 MAIN STREET HAYWARD, CALIFORNIA

SFB PROJECT NO. 648-1

Prepared For:

Bay Area Property Developers
484 Washington Street, Suite B-511
Monterey, California 93940

Prepared By:

Stevens, Ferrone & Bailey Engineering Company, Inc.

Kenneth C. Ferrone, GE, CEG
Principal Geotechnical Engineer
Principal Certified Engineering Geologist

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FIGURES

APPENDICES

1.0 INTRODUCTION

This report presents the results of our geotechnical feasibility investigation and fault rupture hazard assessment for the proposed development project at 22330 Main Street in Hayward, California. The approximate site location is shown on the Vicinity Map, Figure 1.

As shown on Figures 2 and 3, the site is located immediately south of the San Lorenzo Creek along the west side of the San Francisco East Bay Hills. We understand that the preliminary development plan consists of a four-story residential structure, three-story parking garage, a 27,000 square foot grocery store, a 7,000 square foot commercial building, and renovating an existing office building with associated parking lot. Except for the office building and parking lot, existing buildings and associated facilities will be demolished prior to new construction. The conclusions and recommendations provided in this report are based upon the information provided herein; Stevens, Ferrone & Bailey Engineering Company, Inc. (SFB) should be consulted if any changes to the project occur to assess if the changes affect the validity of this report.

As shown on Figure 4, the approximately southwestern half of the site is located within a State of California, Alquist-Priolo Earthquake Fault Zone as delineated by the California Geological Survey (CGS) for the Hayward fault. The Hayward fault shows evidence of historic ground rupture and on-going fault creep. This fault zone is based on the information and conclusions contained in the CGS Fault Evaluation Report FER-103 (Hart, 1981). CGS Note 49 (2002), *Guidelines for Evaluating the Hazard of Surface Fault Rupture*, was followed during our fault rupture hazard evaluation.

Figure 4 also shows that the approximately eastern half of the site is located within a seismic hazards zone. This zone was established to delineate areas where historical occurrence of liquefaction has occurred, or local geological, geotechnical and groundwater conditions indicate a potential for permanent ground displacements such that mitigation measures would be required.

References used during our investigation and during the preparation of this report are listed in the *References* section of this report.

2.0 SCOPE OF WORK

This geotechnical feasibility investigation and fault rupture hazard assessment included the following scope of work:

- Reviewing available published and unpublished geotechnical and geological literature, reports, and maps relevant to the site and surrounding area, including previous Alquist-Priolo Fault Reports submitted to the CGS for review;
- Reviewing stereoscopic aerial photographs of the site and surrounding area;
- Performing geotechnical and geologic reconnaissance of the site and surrounding area;
- Performing a subsurface exploration program, including drilling two exploratory borings to a maximum depth of about 47 feet;
- Performing laboratory testing of samples retrieved from the borings;
- Performing geological and geotechnical engineering analysis of the research, field, and laboratory data; and
- Preparing this report.

The data obtained and the analyses performed were for the primary purpose of providing preliminary geotechnical criteria for the planning and cost estimating of the project, and to provide our opinions regarding the fault rupture hazard and liquefaction potential at the site.

3.0 SITE INVESTIGATION

Reconnaissance of the site and surrounding area was performed in October and November, 2014. Subsurface exploration was performed using a truck-mounted drill rig equipped with 6-inch diameter, continuous flight, solid stem augers. Two exploratory borings were drilled onsite on November 12, 2014, to a maximum depth of about 47 feet. The approximate locations of SFB's borings are shown on the Site Plan, Figure 6. Logs of SFB's borings and details regarding SFB's field investigation are included in Appendix A. The results of SFB's laboratory tests are discussed in Appendix B. It should be noted that changes in the surface and subsurface conditions can occur over time as a result of either natural processes or human activity and may affect the validity of the conclusions and recommendations in this report.

3.1 Surface Description

At the time of our investigation, the site was being used as an office complex with associated paved parking, paved access ways, and walkways. Several single- and multi-story buildings occupied the site. Some of the buildings had basements. Landscaped planter areas were also observed. Figure 6 shows the approximate locations of the various existing improvements.

3.2 Geologic and Tectonic Setting

The site is contained within the Coast Range Geomorphic Province of California, an area characterized by a series of northwestern trending ridges and valleys, dominated by the San Andreas fault system. The San Andreas fault system trends northwestward through the San Francisco Bay Area. Movement along the San Andreas fault system is distributed among several active, right-lateral faults that generally parallel the main trace of the San Andreas fault. In the East Bay, the dominant fault is the Hayward fault, which is mapped from San Pablo on the north to eastern San Jose on the south. To the east of the site, the East Bay Hills have formed from a compressional interaction between the Calaveras fault on the east side of the hills and the Hayward fault on the west side of the hills. The San Andreas fault is located approximately 18 miles southwest of the site.

As shown on Figure 2, the site is in an alluvial floodplain at the mouth of the San Lorenzo Creek which drains westward toward San Francisco Bay. Our borings indicate that the entire site is underlain by alluvial deposits. As shown on Figure 3, Holocene and Pleistocene terrace deposits have formed distinct terraces; these terraces are typically composed of well consolidated clays, silts, sands, and gravels. Figure 3 shows that bedrock in the vicinity of the site has been mapped as being part of the Franciscan Complex, a diverse group of igneous, sedimentary, and

metamorphic rocks of Upper Jurassic to Cretaceous age, which are found along the eastern side of the San Andreas fault system.

The California Geological Survey (CGS) zoned the Hayward fault under the provisions of the Alquist-Priolo Special Studies Zone Act of 1972. Figure 4 shows the approximate location of the zone for the Hayward fault in the vicinity of the site. Two relatively recent, large earthquakes have been reported to have been caused by movement along the Hayward fault. In 1836, an earthquake with a roughly estimated magnitude of 6.8 is presumed to have been centered on the Hayward fault and caused ground rupture between Mission San Jose and San Pablo. In 1868, a large earthquake having an estimate magnitude of 6.8 to 7.0 occurred along the Hayward fault and caused severe damage in downtown Hayward. In 1868, ground rupture occurred along the fault in Hayward; ground rupture was documented close to the site as shown on Figure 4 (location shown on Figure 4 with the designation "1868").

The Hayward fault is also characterized by active surface fault creep. Offsets and cracking of surficial improvement, such as curbs, gutters, roads, and walls, can be found in several areas along the main trace of the Hayward fault. Figure 4 shows solid fault lines with the designation "C" which indicate where fault creep has been observed. Creep monitoring stations have been used by the U.S. Geological survey for many years. Lienkaemper (2006) shows recently active traces of the Hayward fault on his maps, with creep data being a primary source of information.

We have observed surface fault creep in similar locations as delineated by Lienkaemper (2006). We did not observe any fault related features onsite or surrounding the site.

3.3 Stereoscopic, Aerial Photo Reviews

The Hayward fault in the area of the site exhibits geomorphic features characteristic of Holocene strike-slip movement, such as offset drainages, linear troughs, linear scarps, and closed depressions. Tonal lineaments are also commonly seen throughout the vicinity of the site. One of the most prominent fault related features in the vicinity of the site can be seen in recent aerial photos. As shown on Figures 2 and 3, the path of San Lorenzo Creek appears to have been offset right-laterally by the Hayward fault by at least 5,000 feet. Also in the vicinity of the site, lineaments are observed along the trend (both west and east sides) of Prospect Hill located to the west and northwest of the site, trends that parallel the recently active traces of the Hayward fault.

Burkland & Associates (1975) performed a very detailed study of the Hayward fault at that time for the City of Hayward. The Burkland study area is shown on Figure 5 as the site outlined as AP2820; and area which includes the project site. In their report, *Geological and Geophysical Investigation in Downtown Hayward,* dated May 8, 1975, Burkland & Associates compiled the published results of aerial photo analyses of the Hayward fault dating back to 1956. In their

report, Burkland (1975) shows that tonal lineaments have been previously mapped crossing the site but Burkland shows that these lineaments are attributed to geologic contacts between younger alluvium (sediments related to infilling of a previous topographic depression, i.e., lake sediments) and older alluvium.

Earth Systems Consultants (ESC) performed an updated geological study for the City of Hayward and published their results in a report dated February 7, 1992. ESC studied photos from 1939, 1947, 1971, 1972, and 1990 and were able to map features associated with active faulting. The features are described in their report; none of the ESC mapped features indicate surface faulting traversing the project site.

Our aerial photo review of the 1939 photos did not reveal any additional features that have not already been described in the reports described above or in the CGS report FER-103. Most of the downtown area is already obscured by pavement and structures in the 1939 photos.

3.4 Previous Fault Location Studies Performed in Site Vicinity

Numerous fault location studies have been performed in the vicinity of the site. As part of most of the investigations, trenches were excavated across potential locations of fault traces. In order to better understand where the fault location studies were performed, we prepared a compilation map (attached as Figure 5) titled *Regional Fault Study Map*. Included on the map is the location of the site and the portion of the site within the AP Earthquake Fault Zone, locations of the Hayward fault traces shown on the State of California Alquist-Priolo Earthquake Fault Zone Map for the Hayward Quadrangle (2012), and the approximate locations of sites where fault location studies were performed. These fault location studies resulted in publicly available reports (AP reports) that are on file with the California Geological Survey. The AP reports used in compiling the map shown on Figure 5 are referenced on the map and are listed in the *References* section of this report. Shown on the map are the approximate locations of excavated trenches, seismic traverses, and borings. Also shown on the map are the approximate locations (yellow lines) where site specific AP fault investigations reportedly encountered an active fault trace.

In review of the AP sites shown on Figure 5, none of the trench logs showed fault traces located beyond the fault traces shown on the 2012 AP Fault Zone map except for a fault trace reported on a trench log contained in reports AP2589 (located immediately south of Foothill Boulevard) and AP270 (located at the intersection of Prospect Street and Hotel Avenue, west of the site). Trenches performed immediately to the northwest and southeast (parallel to the recently active Hayward fault traces) of the portion of the subject property located in the AP fault zone did not encounter any active fault traces. In summary, the only active fault traces reported in the available documents are located to the west of Main Street between Sunset Boulevard on the

north and E Street on the south. The nearest reportedly active fault trace is located approximately 225 feet southwest of the nearest site boundary (see report AP270 for additional details).

3.5 Subsurface Conditions

The near-surface soil materials encountered by our borings at the site (below existing pavements) generally consisted of firm to stiff clayey fills extending to depths of about 2 feet, and interbedded native stiff to hard silty clays, medium dense sands, and medium dense to dense gravels that extended to depth of about 47 feet. According to the results of our laboratory testing, the near-surface more clayey fills and soils have a low plasticity and low expansion potential.

Detailed descriptions of the materials encountered in our exploratory borings are presented on the boring logs in Appendix A. Our attached boring logs and related information depict location specific subsurface conditions encountered during our field investigation. The approximate locations of our borings were determined using pacing or landmark references and should be considered accurate only to the degree implied by the method used.

3.6 Groundwater

Groundwater was initially encountered in our borings at depths of about 25 to 27 feet and rose to depths of about 22 and 23 feet at the end of drilling. SFB's borings was backfilled with lean cement grout in accordance with Alameda County Water District requirements prior to leaving the site. Historically, groundwater in the vicinity of the site has been measured at depths of about 15 feet[1]. It should be noted that our borings might not have been left open for a sufficient period of time to establish equilibrium groundwater conditions. In addition, fluctuations in the groundwater level could occur due to change in seasons, variations in rainfall, and other factors.

3.7 Liquefaction & Lateral Spreading

Soil liquefaction is a phenomenon primarily associated with saturated, cohesionless, soil layers located close to the ground surface. These soils lose strength during cyclic loading, such as imposed by earthquakes. During the loss of strength, the soil acquires mobility sufficient to permit both horizontal and vertical movements. Soils that are most susceptible to liquefaction are clean, loose, uniformly graded, saturated, fine-grained sands that lie close to the ground surface. According to ABAG and the U.S. Geological Survey, the site is located in an area mapped as having a likelihood of liquefaction in an earthquake and has been characterized as

[1]State of California, 2013, *Seismic Hazard Zone Report for the Hayward 7.5-Minute Quadrangle*.

having liquefaction susceptibility[2,3]. According to the Seismic Hazard Zones Map of the Hayward Quadrangle (see Figure 4), part of the site is located in a seismic hazard zone due to liquefaction as designated by the State of California. As shown on Figure 7, liquefaction related ground damage has been historically reported in the vicinity of the site.

SFB performed SPT-based liquefaction analyses using procedures described by the Southern California Earthquake Center (SCEC, Martin and Lew, 1999) and research papers by Seed (2001)[4]. A peak ground acceleration having a 10% probability of being exceeded in a 50-year period (mean return time of 475 years) was used in our analyses (this resulted in an onsite peak ground acceleration of 0.7g, a design basis ground motion based on stiff soil site condition). Groundwater levels measured in the borings and the historically measured groundwater levels were used in our analyses to assess their impacts on liquefaction and ground surface damage potential.

The results of our analyses indicate that the saturated sands and medium dense gravels encountered by the onsite borings have a high potential for liquefying when subjected to a design basis earthquake event. The earthquake induced liquefaction in these sand or gravels could result in residual volumetric strains varying from about 1.6% to 2.9%. We estimate that the liquefaction of these soils if subjected to a design basis earthquake event may cause total aerial ground surface settlements of about 3 to 4 inches when using historically measured groundwater levels, with differential settlements of about 1-1/2 to 2 inches between typical building columns (distances of about 30 feet; recommended differential settlement estimates per SCEC, Martin and Lew, 1999). The actual ground surface damage will vary depending on the thickness of the overlying non-liquefiable soils and the underlying liquefiable soils[5].

To reduce the liquefaction effects on the overlying super-structure, we recommend the building foundations be designed to resist 2 inches of differential settlement of the supporting soils. This magnitude of differential settlement could occur directly below foundation supporting column loads. Similarly, settlement could occur below foundation slabs (at a distance of about 30 feet), creating a "cupping" shape of the underlying supporting subgrade.

[2]Association of Bay Area Governments, 1980, *Liquefaction Susceptibility, San Francisco Bay Region.*

[3]Knudsen, Sowers, Witter, Wentworth, and Helly, 2000, "*Preliminary Maps of Quaternary Deposits and Liquefaction Susceptibility, Nine-County San Francisco Bay Region, California*", USGS Open File Report 00-444.

[4]Seed et al., 2001, *Recent Advances in Soil Liquefaction Engineering and Seismic Site Response Evaluation, Fourth International Conference on Recent Advances in Geotechnical Earthquake Engineering and Soil Dynamics and Symposium in Honor of Professor W.D. Liam Finn, San Diego, California.*

[5]Ishihara, K., 1985, *Stability of Natural Deposits During Earthquakes*, Proceedings of the Eleventh International Conference on Soil Mechanics and Foundation Engineering, San Francisco, CA Volume 1, p. 321-376, August.

In addition, underground pipelines (gas lines, sanitary sewers, water services, etc.) should be properly designed to compensate for the settlement caused by the liquefaction of the underlying supporting soils. It should be noted that after a major liquefaction event, phenomena such as sand boils, ground cracking, and differential movement of overlying improvements such as roadways and utilities may be observed.

As part of our analyses, we evaluated the potential for lateral spreading impacting the site. Lateral spreading occurs when soils liquefy during an earthquake event and the liquefied soils with the overlying soils move laterally to unconfined spaces (for example, the drainage channel banks), which causes significant horizontal ground displacements. Based on our review of available literature, the results of the field exploration, and results of our liquefaction analyses, it is our opinion that the potential for lateral spreading toward San Lorenzo Creek severely impacting the site development is low due to the depth of the creek, the depth of the liquefiable soils, and the distance of the site to the creek.

4.0 PRELIMINARY CONCLUSIONS AND RECOMMENDATIONS

It is our opinion that the site is suitable for the proposed project from a geological and geotechnical engineering standpoint. The following are the primary geologic and geotechnical considerations for development of the site.

SURFACE FAULTING: As described previously, we did not uncover evidence that an active earthquake fault extending across the surface of the subject site. The only active fault traces reported in the documents reviewed for this study are located west of Main Street, between Sunset Boulevard on the north and E Street on the south. The nearest reportedly active fault trace is located approximately 225 feet southwest of the nearest site boundary; this trace was reported by an independent consulting geologist (see report AP270). As shown on Figures 4 and 5, the nearest active fault traces shown within the California Geological Survey's AP Fault Zone for the Hayward fault are located approximately 350 feet southwest of the site.

LIQUEFACTION: As described in Section 3.7 of this report, the saturated sands and gravels encountered in our borings have a high potential for liquefying when subjected to a design basis earthquake shaking event. We estimate that the liquefaction of these soils if subjected to a design basis earthquake event may cause total aerial ground surface settlements of about 3 to 4 inches when using historically measured groundwater levels, with differential settlements of about 1-1/2 to 2 inches between typical building columns (distances of about 30 feet; recommended differential settlement estimates per SCEC, Martin and Lew, 1999). This magnitude of settlement could also occur directly below the center of a building's mat slab foundation (or at a distance of about 30 feet), creating a "cupping" shape of the underlying supporting subgrade. In addition, underground pipelines (gas lines, sanitary sewers, water services, etc.) should be properly designed to compensate for the settlement caused by the liquefaction of the underlying supporting soils. It should be noted that after a major liquefaction event, phenomena such as sand boils, ground cracking, and differential movement of overlying improvements such as driveways, roadways, and utilities can occur and may require repair.

EXISTING FILL MATERIALS: As described previously, old fill materials were encountered by the borings and extended to depths of about 2 feet. Deeper fills may exist elsewhere onsite. These fills are heterogeneous, and potentially weak and compressible. In order to reduce the potential for damaging differential settlement of overlying improvements (such as new fills, building foundations, driveways, exterior flatwork, and pavements), we recommend that these fills be completely removed and re-compacted. The over-excavation should extend to depths where competent soil is encountered. The over-excavation and re-compaction should also extend at least 5 feet beyond building footprints and at least 3 feet beyond exterior flatwork

(including driveways) and pavement wherever possible. Where over-excavation limits abut adjacent property, SFB should be consulted to determine the actual vertical and lateral extent of over-excavation so that adjacent property is not adversely impacted. Over-excavations should be performed so that no more than 5 feet of differential fill thickness exists below the proposed building foundations. The removed fill materials can be used as new fill provided it is placed and compacted in accordance with the recommendations presented in this report. The extent of the removal and re-compaction will vary across the site and should be determined in the field by SFB at the time of the earthwork operations.

ADDITIONAL RECOMMENDATIONS: Additional borings, laboratory testing, and geotechnical engineering analyses will need to be performed in order to provide detailed geotechnical design and construction criteria for the project and to confirm the preliminary recommendations provided below. The future report would include detailed drainage, earthwork, foundation, and pavement recommendations for use in the design and construction of the project. Once the future, detailed investigation is complete, we recommend SFB review the project's design and specifications to verify that the recommendations presented in the future report have been properly interpreted and implemented in the design, plans, and specifications. We also recommend SFB be retained to provide consulting services and to perform construction observation and testing services during the construction phase of the project to observe and test the implementation of our recommendations, and to provide supplemental or revised recommendations in the event conditions different than those described in this report are encountered. We assume no responsibility for misinterpretation of our recommendations if we do not review the plans and specifications and are not retained during construction.

4.1 Preliminary Earthwork Recommendations

The site will need to be cleared of all obstructions including designated structures and their entire foundation systems, basements, fill materials, existing utilities and pipelines and their associated backfill, existing pavement, designated trees and their associated entire root systems, and debris. Wells and septic systems, if any, should be abandoned in accordance with Alameda County Environmental Health standards. From a geotechnical standpoint, any existing fill materials, backfill, clay and concrete pipes, pavements, and concrete that are removed can be used as new fill onsite provided debris is removed and it is broken up to meet the size requirement for fill.

After the completion of clearing, site preparation, and fill re-compaction, soil exposed in areas to receive improvements (such as structural fill, building foundations, driveways, exterior flatwork, and pavements) should be scarified to a depth of about 12 inches, moisture conditioned to approximately 3 to 5 percent over optimum water content, and compacted to the requirements for structural fill.

From a geotechnical and mechanical standpoint, onsite soils and fills having an organic content of less than 3 percent by volume can be used as fill. Fill should not contain rocks or lumps larger than 6 inches in greatest dimension with not more than 15 percent larger than 2.5 inches. Larger sized rock may be used as fill onsite provided it is closely monitored, placed properly to achieve compaction, and are located at depths below anticipated, future excavations; SFB should be consulted regarding the use of larger rock pieces in fill materials. If required, imported fill should have a plasticity index of 20 or less and have a significant amount of cohesive fines.

Within the upper 5 feet of the finished ground surface, we recommend structural fill be compacted to at least 90 percent relative compaction, and structural fill below a depth of 5 feet be compacted to at least 95 percent relative compaction, as determined by ASTM D1557 (latest edition). The upper 6 inches of subgrade soils beneath pavements should be compacted to at least 95 percent relative compaction. Fill material should be spread and compacted in lifts not exceeding approximately 8 to 12 inches in uncompacted thickness.

Onsite trench backfill should be compacted to at least 90 percent relative compaction. Imported sand trench backfill should be compacted to at least 95 percent relative compaction and sufficient water is added during backfilling operations to prevent the soil from "bulking" during compaction. The upper 3 feet of trench backfill in foundation, slab, and pavement areas should be entirely compacted to at least 95 percent relative compaction.

We recommend that exterior slabs (including patios, sidewalks, and driveways) be placed directly on the properly compacted fills. We do not recommend using aggregate base, gravel, or crushed rock below these improvements. If imported granular materials are placed below these elements, subsurface water can seep through the granular materials and cause the underlying soils to saturate or pipe. Prior to placing concrete, subgrade soils should be moisture conditioned to increase their moisture content to approximately 3 to 5 percent above laboratory optimum moisture (ASTM D-1557).

4.2 Preliminary Foundation Recommendations

Due to the high potential for liquefaction induced ground settlements, we recommend stiffened mat foundation slabs and/or post-tensioned slab foundations be used to support the structures. The foundations should be designed to resist the anticipated differential settlements. The slab foundations should bear entirely on properly prepared, compacted structural fill. The actual thickness of the slabs and reinforcement should be determined by a Structural Engineer.

A vapor retarder must be placed between the subgrade soils and the bottom of the slabs-on-grade. We recommend the vapor retarder consist of a single layer of Stego Wrap Vapor Barrier 15 mil or equivalent. We do not recommend placing sand or gravel over the membrane.

Concrete slabs retain moisture and often take many months to dry; construction water added during the concrete pour further increases the curing time. If the slabs are not allowed to completely cure prior to constructing the super-structure, the concrete slabs will expel water vapor and the vapor will be trapped under impermeable flooring. The concrete mix design for the slabs should have a maximum water/cement ratio of 0.45; the actual water/cement ratio may need to be reduced if the concentration of soluble sulfates or chlorides in the supporting subgrade is detrimental to the concrete.

4.3 Preliminary Pavement Recommendations

Based on the soil types encountered in our borings, we anticipate that flexible pavement sectinos would range from about 3 inches of asphalt concrete over 8 to 12 inches of baserock. Actual R-value testing of subgrade soils would need to be performed to determine actual pavement thicknesses. Governing agencies, however, may require thicker pavement sections. We also anticipate that concrete slabs for trash enclosures would likely consist of 6 inches of concrete overlying 6 inches of Caltrans Class 2 aggregate baserock.

5.0 CONDITIONS AND LIMITATIONS

SFB is not responsible for the validity or accuracy of information, analyses, test results, or designs provided to SFB by others or prepared by others. The analysis, opinions, and recommendations submitted in this report are based in part upon the data obtained from our field work and upon information provided by others. Site exploration and testing characterizes subsurface conditions only at the locations where the explorations or tests are performed; actual subsurface conditions between explorations or tests may be different than those described in this report. Variations of subsurface conditions from those analyzed or characterized in this report are not uncommon and may become evident during construction. In addition, changes in the condition of the site can occur over time as a result of either natural processes (such as earthquakes, flooding, or changes in ground water levels) or human activity (such as construction adjacent to the site, dumping of fill, or excavating). If changes to the site's surface or subsurface conditions occur since the performance of the field work described in this report, or if differing subsurface conditions are encountered, we should be contacted immediately to evaluate the differing conditions to assess if the opinions, conclusions, and recommendations provided in this report are still applicable or should be amended.

We recommend SFB be retained to provide geotechnical and geological services during future investigations, designs, reviews, earthwork operations, paving operations, and foundation installation to confirm and observe compliance with the design concepts, specifications and recommendations presented in this report. Our presence will also allow us to modify design if unanticipated subsurface conditions are encountered or if changes to the scope of the project, as defined in this report, are made.

This report is a document that has been prepared in accordance with generally accepted geological and geotechnical engineering practices for the exclusive use of Bay Area Property Developers and their consultants for specific application to the proposed 22330 Main Street development project in Hayward, California, and is intended to represent our findings to Bay Area Property Developers for specific application to the 22330 Main Street project. The conclusions contained in this report are solely professional opinions. We are not responsible for the misinterpretation of the information provided in this report. We recommend SFB be retained to provide future investigations, review geological and geotechnical aspects of the construction calculations, specifications, and plans; we should also be retained to participate in prebid and preconstruction conferences to clarify the opinions, conclusions, and recommendations contained in this report and future reports.

It should be understood that advancements in the practice of geotechnical engineering and engineering geology, or discovery of differing surface or subsurface conditions, may affect the

validity of this report and are not uncommon. SFB strives to perform its services in a proper and professional manner with reasonable care and competence but we are not infallible. Geological engineering and geotechnical engineering are disciplines that are far less exact than other engineering disciplines; therefore we should be consulted if it is not completely understood what the limitations to using this report are.

In the event that there are any changes in the nature, design or location of the project, as described in this report, or if any future additions are planned, the conclusions and recommendations contained in this report shall not be considered valid unless we are contacted in writing, the project changes are reviewed by us, and the conclusions and recommendations presented in this report are modified or verified in writing. The opinions, conclusions, and recommendations contained in this report are based upon the description of the project as presented in the introduction section of this report.

This report does not necessarily represent all of the information that has been communicated by us to Bay Area Property Developers and their consultants during the course of this engagement and our rendering of professional services Bay Area Property Developers. Reliance on this report by parties other than those described above must be at their own risk unless we are first consulted as to the parties' intended use of this report and only after we obtain the written consent of Bay Area Property Developers to divulge information that may have been communicated to Bay Area Property Developers. We cannot accept consequences for use of segregated portions of this report.

Please refer to Appendix C for additional guidelines regarding use of this report.

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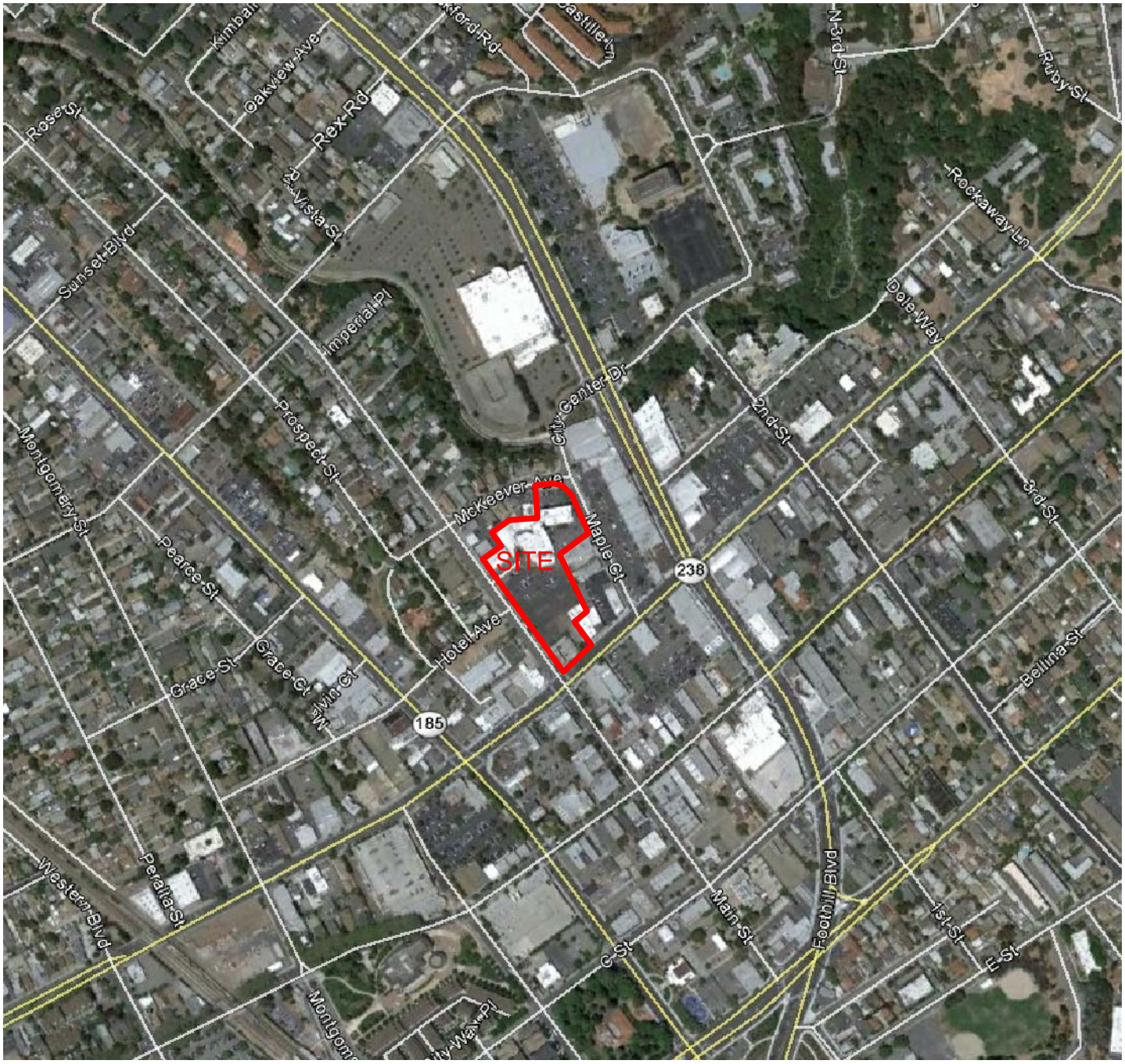
FIGURES



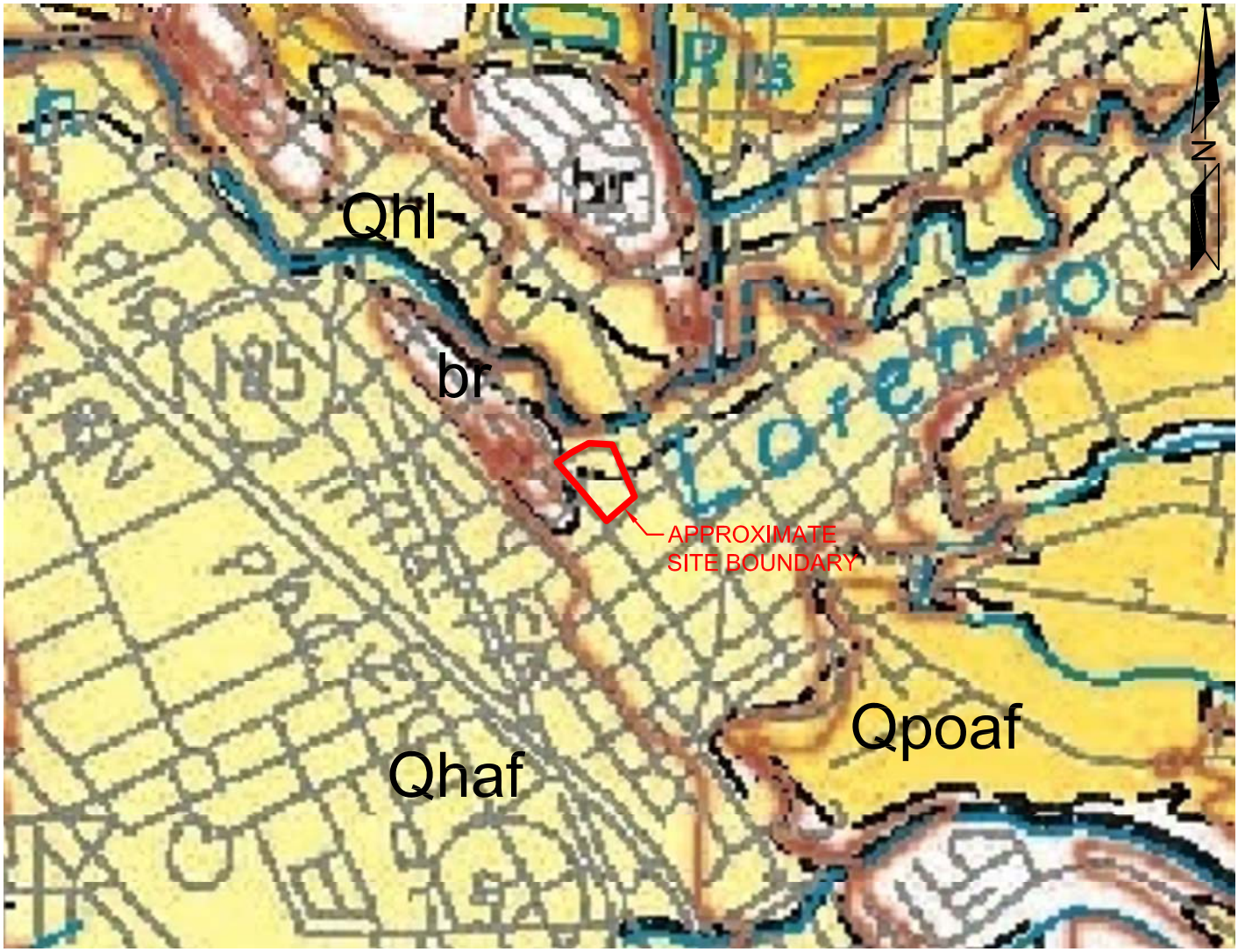
N

APPROXIMATE SCALE: 1" = 600'

0 600' 1200'

NOTE: Base map was taken from Google Earth photograph date 6/9/14.

DATE			VICINITY MAP	FIGURE
November 2014	Stevens Ferrone & Bailey Engineering Company, Inc	1600 Willow Pass Court Concord, CA 94520 Tel 925.688.1001 Fax 925.688.1005 www.SFandB.com	22330 MAIN STREET Hayward, California	1
PROJECT NO.				
648-1				



Qhl Natural Levee Deposits (Holocene)--Loose, moderately to well-sorted sandy or clayey silt grading to sandy or silty clay. These deposits are porous and permeable and provide conduits for transport of ground water. Levee deposits border stream channels, usually both banks, and slope away to flatter floodplains and basins.

Qhaf Alluvial Fan and Fluvial Deposits (Holocene)--Alluvial fan deposits are brown or tan, medium dense to dense, gravely sand or sandy gravel that generally grades upward, to sandy or silty clay. Near the distal fan edges, the fluvial deposits are typically brown, never reddish, medium dense sand that fines upward to sandy or silty clay.

Qpoaf Older Alluvial Fan deposits (Pleistocene) -- Brown dense gravely and clayey sand or clayey gravel that fines upward to sandy clay. These deposits display various sorting qualities. All Qpoaf deposits can be related to modern stream courses. They are distinguished from younger alluvial fans and fluvial deposits by higher topographic position, greater degree of dissection, and stronger profile development. They are less permeable than younger deposits, and locally contain fresh water mollusks and extinct Pleistocene vertebrate fossils.

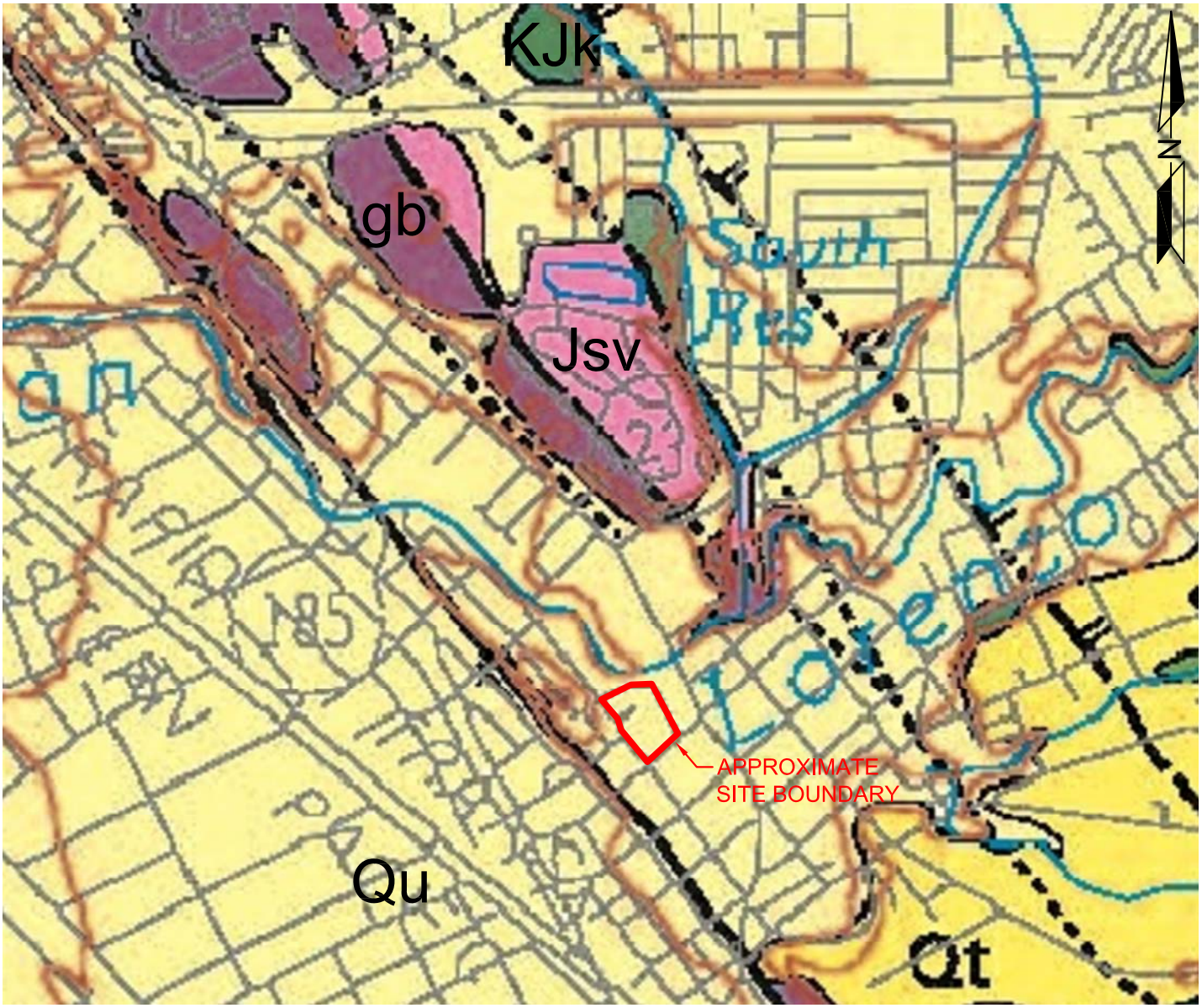
Br Bedrock

APPROXIMATE SCALE: (FEET)

0 1,500' 3,000'

NOTE: Base map was taken from "Quaternary Geology Of Alameda County and Surrounding Areas, California", dated 1997.

DATE				
November 2014	Stevens Ferrone & Bailey Engineering Company, Inc	1600 Willow Pass Court Concord, CA 94520 Tel 925.688.1001 Fax 925.688.1005 www.SFandB.com	QUATERNARY GEOLOGY MAP	FIGURE
PROJECT NO.			22330 MAIN STREET Hayward, California	2
648-1				



Qu Surficial deposits, undivided (Holocene and Pleistocene).

Qt Terrace deposits (Holocene(?) and Pleistocene). Clay, silt, sand, gravel, and cobbles forming geomorphically distinct terraces. This unit is only differentiated in a few places.

KJk Knoxville Formation (Late Jurassic and Early Cretaceous). Mainly dark, greenish-gray silt or clay shale with thin sandstone interbeds. Locally includes thick pebble to cobble conglomerate beds in its lower part (KJkc). Locally at the base the formation contains beds of angular, volcanoclastic breccia (KJkv) derived from underlying ophiolite and silicic volcanic rocks. The depositional contact of Knoxville Formation on ophiolite and silicic volcanic rocks can be observed at several locations in Alameda County.

Jsv Keratophyre and quartz keratophyre (Late Jurassic). Highly altered intermediate and silicic volcanic and hypabyssal rocks. Feldspars are almost all replaced by albite. In some places, closely associated with (intruded into?) basalt.

gb Gabbro

APPROXIMATE SCALE: (FEET)

0 1,500' 3,000'

NOTE: Base map was taken from "Preliminary Geologic Map Emphasizing Bedrock Formations in Alameda County, California", dated 1996.

DATE			BEDROCK GEOLOGY MAP	FIGURE
November 2014	Stevens Ferrone & Bailey Engineering Company, Inc	1600 Willow Pass Court Concord, CA 94520 Tel 925.688.1001 Fax 925.688.1005 www.SFandB.com	22330 MAIN STREET Hayward, California	3
PROJECT NO.				
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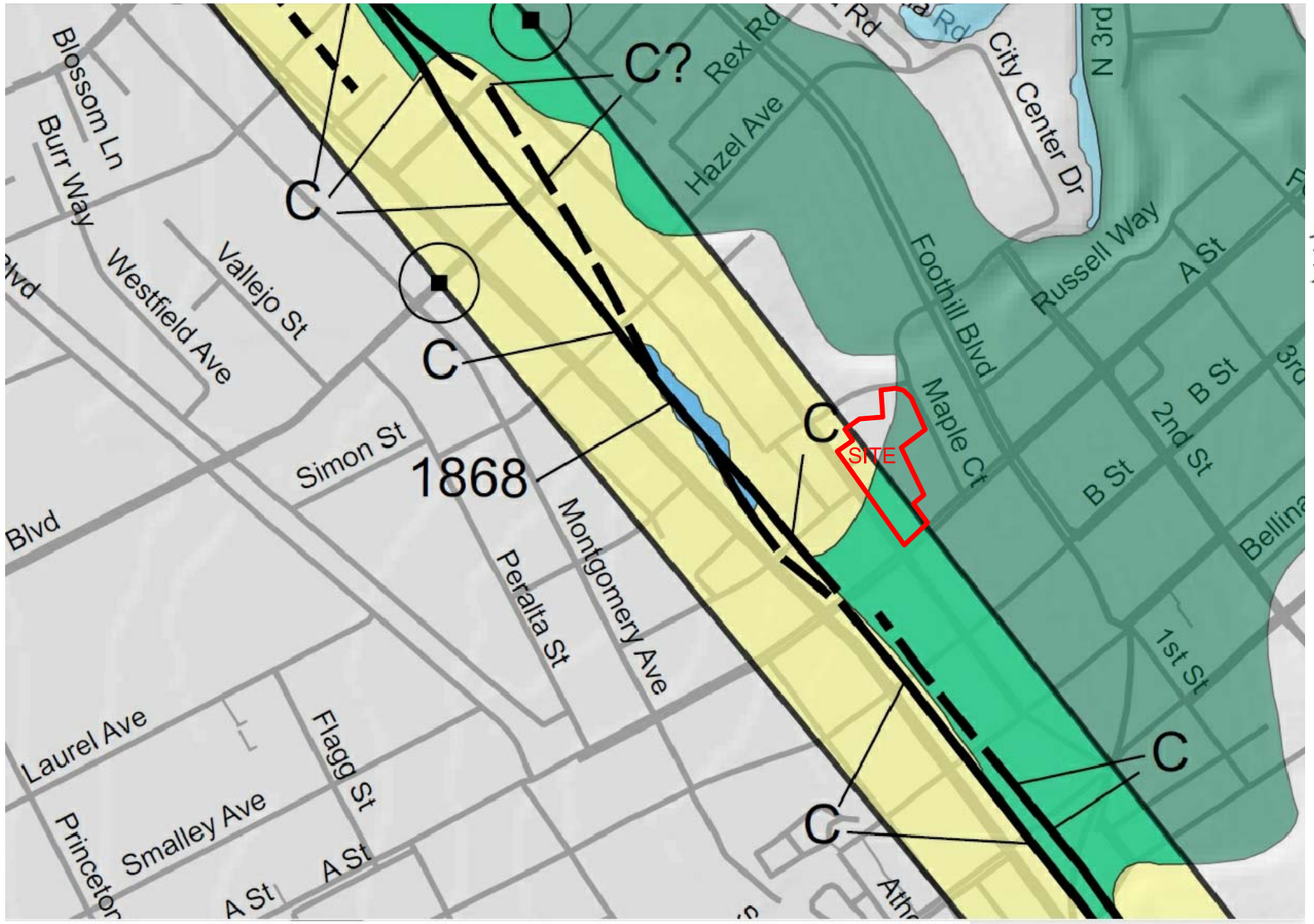

N

EARTHQUAKE FAULT ZONES

Active Fault Traces
Faults considered to have been active during Holocene time and to have potential for surface rupture; solid line where accurately located, long dash where approximately located, short dash where inferred, dotted where concealed; query (?) indicates additional uncertainty. Evidence of historic offset indicated by year of earthquake-associated event or C for displacement caused by fault creep.

ZONES OF REQUIRED INVESTIGATION

Earthquake Fault Zones
Zones are areas delineated as straight-line segments that connect encircled turning points encompassing active faults that constitute a potential hazard to structures from surface faulting or fault creep such that avoidance as defined in Public Resources Code Section 2621.5(a) would be required.

SEISMIC HAZARD ZONES

Liquefaction
Areas where historical occurrence of liquefaction, or local geological, geotechnical and ground water conditions indicate a potential for permanent ground displacements such that mitigation as defined in Public Resources Code Section 2693(c) would be required.

Earthquake-Induced Landslides
Areas where previous occurrence of landslide movement, or local topographic, geological, geotechnical and subsurface water conditions indicate a potential for permanent ground displacements such that mitigation as defined in Public Resources Code Section 2693(c) would be required.

OVERLAPPING ZONES

Overlap of Earthquake Fault Zone and Liquefaction Zone
Areas that are covered by both Earthquake Fault Zone and Liquefaction Zone. Note: Mitigation methods differ for each zone – AP Act only allows avoidance; Seismic Hazard Mapping Act allows mitigation by engineering/geotechnical design as well as avoidance.

Overlap of Earthquake Fault Zone and Earthquake-Induced Landslide Zone
Areas that are covered by both Earthquake Fault Zone and Earthquake-Induced Landslide Zone. Note: Mitigation methods differ for each zone – AP Act only allows avoidance; Seismic Hazard Mapping Act allows mitigation by engineering/geotechnical design as well as avoidance.

NOTE: Base map was taken from "State of California: California Geological Survey Earthquake Zones of Required Investigation Hayward Quadrangle", dated 2012.

APPROXIMATE SCALE: 1" = 600'
0 600' 1200'

DATE	PROJECT NO.
November 2014	648-1

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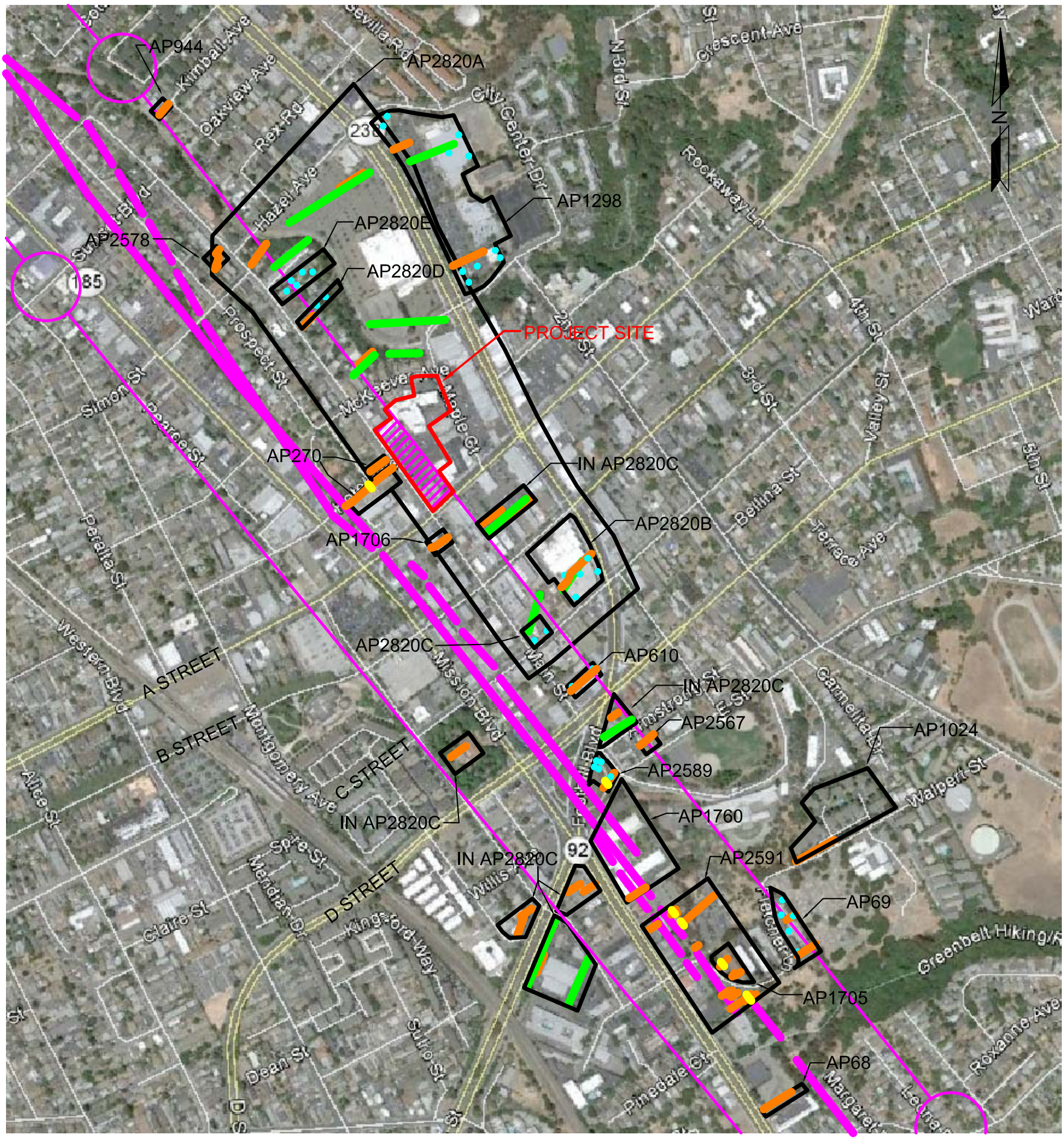
EARTHQUAKE ZONES OF REQUIRED INVESTIGATION

22330 MAIN STREET
Hayward, California

FIGURE 4



KEY

Alquist - Priolo Earthquake Fault Zone Boundaries (Per Alquist - Priolo Earthquake Fault Zone Map of Hayward Quadrangle Dated 9/21/12)

Approximate Location of Hayward Fault Trace (Per Alquist - Priolo Earthquake Fault Zone Map of Hayward Quadrangle Dated 9/21/12)

Note: Solid line where accurately located, long dash where approximately located, short dash where inferred, dotted where concealed.

Area of site within Alquist - Priolo Earthquake Fault Zone

AP2820 — Approximate Study Area of Previous AP Fault Reports

Approximate Boring Location as Reported by AP Fault Reports

Approximate Trench Location as Reported by AP Fault Reports

Approximate Location of Seismic Traverse as Reported by AP Fault Report

Approximate Location of Reported Fault Trace Logged in Trench

APPROXIMATE SCALE: 1" = 600'

0 600' 1,200'

NOTE: Base map was taken from Google Earth photograph date 6/9/14.

DATE		REGIONAL FAULT STUDY MAP	FIGURE
November 2014	Stevens Ferrone & Bailey Engineering Company, Inc 1600 Willow Pass Court Concord, CA 94520 Tel 925.688.1001 Fax 925.688.1005 www.SFandB.com	22330 MAIN STREET Hayward, California	5
PROJECT NO.			
648-1			

KEY

SFB-2 — APPROXIMATE LOCATION OF SFB EXPLORATORY BORING (11/12/14)

APPROXIMATE PROPOSED PROJECT LIMIT

NOTE: Base map was created by overlaying the Alameda County Assessor Map Book 428 Page 61 on Google Earth image dated 6/9/14.

APPROXIMATE SCALE: 1" = 100'

0 100' 200'

DATE	PROJECT NO.
November 2014	648-1

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SITE PLAN

22330 MAIN STREET
Hayward, California

FIGURE 6

Historical Ground Failures (modified from Knudsen and others, 2000)

- ⊠ Miscellaneous effects
- ◎ Sand boil
- 171 Number assigned to ground failure site (adapted from Youd and Hoose (1978) and Tinsley and others (1998) by Knudsen and others (2000))
- B Pre-Quaternary bedrock. See "Bedrock and Surficial Geology" in Section 1 of report for descriptions of units.
- 10 Depth to ground water, in feet (5, 10, 20 foot contours)
- ● Geotechnical boreholes used in liquefaction evaluation
- ○ Ground-water level data provided by the California State Water Resources Control Board

APPROXIMATE SCALE: (FEET)

0 1,500' 3,000'

NOTE: Base map was taken from "State of California: Seismic Hazard Zone Report for the Hayward 7.5-Minute Quadrangle", dated 2013.

DATE			HISTORICAL GROUND FAILURES MAP	FIGURE
November 2014	Stevens Ferrone & Bailey Engineering Company, Inc	1600 Willow Pass Court Concord, CA 94520 Tel 925.688.1001 Fax 925.688.1005 www.SFandB.com	22330 MAIN STREET Hayward, California	7
PROJECT NO.				
648-1				

APPENDIX A

Preliminary Field Investigation

APPENDIX A

Preliminary Field Investigation

Our field investigation for the proposed 22330 Main Street development project in Hayward, California, consisted of surface reconnaissance and a subsurface exploration program. Reconnaissance of the site and surrounding area was performed in October and November, 2014. Subsurface exploration was performed using a truck-mounted drill rig equipped with 6-inch diameter, continuous flight, solid stem augers. Two exploratory borings were drilled on November 12, 2014. Our representative continuously logged the soils encountered in the borings in the field. The soils are described in general accordance with the Unified Soil Classification System (ASTM D2487). The logs of the borings as well as a key for the classification of the soil (Figure A-1) are included as part of this appendix.

Representative samples were obtained from our exploratory boring at selected depths appropriate to the investigation. Relatively undisturbed samples were obtained using a 3-inch O.D. split barrel sampler with liners, and disturbed samples were obtained using the 2-inch O.D. split spoon sampler. All samples were transmitted to our offices for evaluation and appropriate testing. Both sampler types are indicated in the "Sampler" column of the boring logs as designated in Figure A-1.

Resistance blow counts were obtained in our boring with the samplers by dropping a 140-pound safety hammer through a 30-inch free fall. The sampler was driven 18 inches and the number of blows were recorded for each 6 inches of penetration. The blows per foot recorded on the boring logs represent the accumulated number of converted blows that were required to drive the last 12 inches, or the number of inches indicated where hard resistance was encountered. The blow counts recorded on the boring logs have been converted to equivalent SPT field blowcounts, but have not been corrected for overburden, silt content, or other factors.

The attached boring logs and related information show our interpretation of the subsurface conditions at the dates and locations indicated, and it is not warranted that they are representative of subsurface conditions at other locations and times.

UNIFIED SOIL CLASSIFICATION SYSTEM

Major Divisions		grf	ltr	Description
Coarse Grained Soils	Gravel Gravelly Soils		GW	Well-graded gravels or gravel sand mixtures, little or no fines
			GP	Poorly-graded gravels or gravel sand mixture, little or no fines
			GM	Silty gravels, gravel-sand-silt mixtures
			GC	Clayey gravels, gravel-sand-clay mixtures
	Sand And Sandy Soils		SW	Well-graded sands or gravelly sands, little or no fines
			SP	Poorly-graded sands or gravelly sands, little or no fines
			SM	Silty sands, sand-silt mixtures
			SC	Clayey sands, and-clay mixtures

Major Divisions		grf	ltr	Description
Soils	Silts And Clays LL < 50		ML	Inorganic silts and very fine sands, rock flour, silty or clayey fine sands or clayey silts with slight plasticity
			CL	Inorganic clays of low to medium plasticity, gravelly clays, sandy clays, silty clays, lean clays
			OL	Organic silts and organic silt-clays of low plasticity
	Silts And Clays LL > 50		MH	Inorganic silts, micaceous or diatomaceous fine or silty soils, elastic silts
			CH	Inorganic clays of high plasticity, fat clays
			OH	Organic clays of medium to high plasticity
	Highly Organic Soils		PT	Peat and other highly organic soils

GRAIN SIZES

U.S. STANDARD SERIES SIEVE				CLEAR SQUARE SIEVE OPENINGS			
200	40	10	4	3/4"	3"	12"	

Silts and Clays	Sand			Gravel		Cobbles	Boulders
	Fine	Medium	Coarse	Fine	Coarse		

RELATIVE DENSITY

Sands and Gravels	Blows/Foot*
Very Loose	0 - 4
Loose	4 - 10
Medium Dense	10 - 30
Dense	30 - 50
Very Dense	Over 50

CONSISTENCY

Silts and Clays	Blows/Foot*	Strength (tsf)**
Very Soft	0 - 2	0 - 1/4
Soft	2 - 4	1/4 - 1/2
Firm	4 - 8	1/2 - 1
Stiff	8 - 16	1 - 2
Very Stiff	16 - 32	2 - 4
Hard	Over 32	Over 4

*Number of Blows for a 140-pound hammer falling 30 inches, driving a 2-inch O.D. (1-3/8" I.D.) split spoon sampler.
**Unconfined compressive strength.

SYMBOLS & NOTES

- Standard Penetration sampler (2" OD Split Barrel)
- Modified California sampler (3" OD Split Barrel)
- California Sampler (2.5" OD Split Barrel)
- Shelby Tube
- Pitcher Barrel
- HQ Core
- Ground Water level initially encountered
- Ground Water level at end of drilling

PI = Plasticity Index
LL = Liquid Limit
R = R-Value

Increasing Visual Moisture Content

Saturated
Wet
Moist
Damp
Dry

Constituent Percentage

trace	<5%
some	5-15%
with	16-30%
-y	31-49%

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KEY TO EXPLORATORY BORING LOGS

22330 MAIN STREET
Hayward, CA

PROJECT NO.	DATE	FIGURE NO.
648-1	November 14	A-1

DRILL RIG Mobile B-24 CFA	SURFACE ELEVATION ---	LOGGED BY RAC/TC
DEPTH TO GROUND WATER 22 feet	BORING DIAMETER 4-inch	DATE DRILLED 11/12/14

DESCRIPTION AND REMARKS	CONSIST	SOIL TYPE	DEPTH (FEET)	SAMPLER	SPT N-VALUE	WATER CONTENT (%)	DRY DENSITY (PCF)	UNC. COMP. (KSF)	OTHER TESTS
Asphalt Concrete 2" thick.			0						
Aggregate Base 7" thick.									
FILL: CLAY (CL), dark brown, silty, with sand(fine-grained), trace rootlets, dry.	stiff				13	10	82	0.7	At 1.5': Liquid Limit = 28 Plasticity Index = 12
SILT (ML), light brown, sandy(fine-grained), dry.	stiff				13				
CLAY (CL), dark brown, silty, with sand(fine- to medium-grained), trace rootlets, dry.	very stiff		5		16				
SAND (SM), light brown, fine- to medium-grained, silty, trace rootlets, dry.	medium dense								
CLAY (CL), light brown, silty, with to sandy(fine- to medium-grained), dry.	stiff		10		14				
SAND (SM), light brown, fine- to medium-grained, with to silty, dry to damp.	medium dense		15		18				At 15': Passing # 200 Sieve = 27%
Change color to brown, with clay, damp to moist.			20		24				At 20': Passing # 200 Sieve = 32%
SAND (SP-SM), grayish-brown, fine- to medium-grained, some coarse-grained, some gravel(fine to coarse, subrounded to subangular), some silt, moist.	medium dense		25		20				At 25': Passing # 200 Sieve = 12%
GRAVEL (GW-GM), grayish-brown, fine to coarse, angular to rounded, sandy(fine- to coarse-grained), some silt, wet.	medium dense		30		24				At 30': Passing # 200 Sieve = 7%

EXPLORATORY BORING LOG 648-1.GPJ STEVENS FERRONE BAILEY.GDT 11/19/14

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EXPLORATORY BORING LOG

22330 MAIN STREET
Hayward, CA

PROJECT NO.	DATE	BORING NO.
648-1	**November 14**	**SFB-1**

DRILL RIG Mobile B-24 CFA	SURFACE ELEVATION ---	LOGGED BY RAC/TC
DEPTH TO GROUND WATER 22 feet	BORING DIAMETER 4-inch	DATE DRILLED 11/12/14

DESCRIPTION AND CLASSIFICATION			DEPTH (FEET)	SAMPLER	SPT N-VALUE	WATER CONTENT (%)	DRY DENSITY (PCF)	UNC. COMP. (KSF)	OTHER TESTS
DESCRIPTION AND REMARKS	CONSIST	SOIL TYPE							
Gravel (GW-GM) Continued. Hole caved in at 35'.	medium dense		35						
CLAY (CL), mottled white gray, silty, trace sand(fine-grained), dry to damp.	hard		40		45				
Change color to bluish gray, damp.			45		45				
Bottom of Boring = 46.5 feet Notes: Stratification is approximate, variations must be expected. Blowcounts converted to SPT N-values. See Report for additional details.			50 55 60 65						

EXPLORATORY BORING LOG 648-1.GPJ STEVENS FERRONE BAILEY.GDT 11/19/14

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EXPLORATORY BORING LOG

22330 MAIN STREET
Hayward, CA

PROJECT NO.	DATE	BORING NO.
648-1	**November 14**	**SFB-1**

DRILL RIG Mobile B-24 CFA	SURFACE ELEVATION ---	LOGGED BY RAC/TC
DEPTH TO GROUND WATER 23 feet	BORING DIAMETER 4-inch	DATE DRILLED 11/12/14

DESCRIPTION AND REMARKS	CONSIST	SOIL TYPE	DEPTH (FEET)	SAMPLER	SPT N-VALUE	WATER CONTENT (%)	DRY DENSITY (PCF)	UNC. COMP. (KSF)	OTHER TESTS
Aphalt Concrete 1" thick.			0						
Aggregate Base 11" thick.									
FILL: CLAY (CL), dark brown, silty, some gravel(fine to coarse, subrounded to angular), dry to damp.	firm				5	17	98	1.3	At 2': Liquid Limit = 32 Plasticity Index = 14
CLAY (CL), dark brown, silty, some sand(fine-grained), trace rootlets, dry to damp.	firm				5				
			5		5				
SILT(ML)/SAND(SM) light brown, sandy(fine- to medium-grained), trace clay, trace rootlets, dry to damp.	very stiff								
Clayey.			10		21				
CLAY (CL), mottled white orangish brown, with sand clasts(fine- to medium-grained), silty, damp.	medium dense		15		20				
SAND (SM), grayish-brown, fine- to medium-grained, with to silty, some clay, damp.	medium dense								
			20		10				At 20': Passing # 200 Sieve = 27%
CLAY (CL), mottled orangish brown, silty, with sand(fine- to coarse-grained), damp to moist.	stiff								
SAND (SM), dark grayish-brown, fine- to medium-grained, with to silty, some clay, wet.	medium dense		▼						
			▽25		11				At 25': Passing # 200 Sieve = 23%
SAND (SC), bluish-gray, fine- to medium-grained, clayey, with silt, wet.	medium dense								
GRAVEL (GM), grayish-brown, fine to coarse, angular to rounded, sandy(fine- to coarse-grained), with silt, trace clay, wet.	dense		30		36				
CLAY (CH), bluish-gray, silty, with small rock fragments, dry to damp.	hard								

EXPLORATORY BORING LOG 648-1.GPJ STEVENS FERRONE BAILEY.GDT 11/19/14

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EXPLORATORY BORING LOG

22330 MAIN STREET
Hayward, CA

PROJECT NO.	DATE	BORING NO.
648-1	**November 14**	**SFB-2**

DRILL RIG Mobile B-24 CFA	SURFACE ELEVATION ---	LOGGED BY RAC/TC
DEPTH TO GROUND WATER 23 feet	BORING DIAMETER 4-inch	DATE DRILLED 11/12/14

DESCRIPTION AND CLASSIFICATION			DEPTH (FEET)	SAMPLER	SPT N-VALUE	WATER CONTENT (%)	DRY DENSITY (PCF)	UNC. COMP. (KSF)	OTHER TESTS
DESCRIPTION AND REMARKS	CONSIST	SOIL TYPE							
Clay (CH) Continued.	hard		35		75				
			40						
Hole caved in at 45'.			45		50 /4"				
Bottom of Boring = 45.8 feet Notes: Stratification is approximate, variations must be expected. Blowcounts converted to SPT N-values. See Report for additional details.			50						
			55						
			60						
			65						

EXPLORATORY BORING LOG 648-1.GPJ STEVENS FERRONE BAILEY.GDT 11/19/14

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EXPLORATORY BORING LOG

22330 MAIN STREET
Hayward, CA

PROJECT NO.	DATE	BORING NO.
648-1	**November 14**	**SFB-2**

APPENDIX B

Limited Laboratory Investigation

APPENDIX B

Limited Laboratory Investigation

Our laboratory testing program for the proposed 22330 Main Street development project in Hayward, California was directed toward a quantitative and qualitative evaluation of the physical and mechanical properties of the soils underlying the site.

The natural water contents was determined on two samples of the subsurface soils. The water contents are recorded on the boring logs at the appropriate sample depths.

Dry density determination was performed on two samples of the subsurface soils to evaluate their physical properties. The results of the tests are shown on the boring logs at the appropriate sample depths.

Unconfined compression test was performed on two relatively undisturbed samples of the subsurface soils to evaluate the undrained shear strengths of these materials. Failure was taken as the peak normal stress. The results of the tests are presented on the boring logs at the appropriate sample depths.

The percent passing the #200 sieve was determined on eight samples of the subsurface soils to aid in the classification of these soils. The results of the tests are shown on the boring logs at the appropriate sample depths.

Atterberg Limit determinations were performed on one sample of the subsurface soils to determine the range of water content over which these materials exhibit plasticity. These values are used to classify the soil in accordance with the Unified Soil Classification System and to indicate the soil's compressibility and expansion potentials. The results of the test are presented on the boring logs at the appropriate sample depth.

APPENDIX C

ASFE Information

Important Information about Your

Geotechnical Engineering Report

Subsurface problems are a principal cause of construction delays, cost overruns, claims, and disputes.

While you cannot eliminate all such risks, you can manage them. The following information is provided to help.

Geotechnical Services Are Performed for Specific Purposes, Persons, and Projects

Geotechnical engineers structure their services to meet the specific needs of their clients. A geotechnical engineering study conducted for a civil engineer may not fulfill the needs of a construction contractor or even another civil engineer. Because each geotechnical engineering study is unique, each geotechnical engineering report is unique, prepared *solely* for the client. No one except you should rely on your geotechnical engineering report without first conferring with the geotechnical engineer who prepared it. *And no one — not even you —* should apply the report for any purpose or project except the one originally contemplated.

Read the Full Report

Serious problems have occurred because those relying on a geotechnical engineering report did not read it all. Do not rely on an executive summary. Do not read selected elements only.

A Geotechnical Engineering Report Is Based on A Unique Set of Project-Specific Factors

Geotechnical engineers consider a number of unique, project-specific factors when establishing the scope of a study. Typical factors include: the client's goals, objectives, and risk management preferences; the general nature of the structure involved, its size, and configuration; the location of the structure on the site; and other planned or existing site improvements, such as access roads, parking lots, and underground utilities. Unless the geotechnical engineer who conducted the study specifically indicates otherwise, do not rely on a geotechnical engineering report that was:

- not prepared for you,
- not prepared for your project,
- not prepared for the specific site explored, or
- completed before important project changes were made.

Typical changes that can erode the reliability of an existing geotechnical engineering report include those that affect:

- the function of the proposed structure, as when it's changed from a parking garage to an office building, or from a light industrial plant to a refrigerated warehouse,
- elevation, configuration, location, orientation, or weight of the proposed structure,
- composition of the design team, or
- project ownership.

As a general rule, *always* inform your geotechnical engineer of project changes—even minor ones—and request an assessment of their impact. *Geotechnical engineers cannot accept responsibility or liability for problems that occur because their reports do not consider developments of which they were not informed.*

Subsurface Conditions Can Change

A geotechnical engineering report is based on conditions that existed at the time the study was performed. *Do not rely on a geotechnical engineering report* whose adequacy may have been affected by: the passage of time; by man-made events, such as construction on or adjacent to the site; or by natural events, such as floods, earthquakes, or groundwater fluctuations. *Always* contact the geotechnical engineer before applying the report to determine if it is still reliable. A minor amount of additional testing or analysis could prevent major problems.

Most Geotechnical Findings Are Professional Opinions

Site exploration identifies subsurface conditions only at those points where subsurface tests are conducted or samples are taken. Geotechnical engineers review field and laboratory data and then apply their professional judgment to render an opinion about subsurface conditions throughout the site. Actual subsurface conditions may differ—sometimes significantly—from those indicated in your report. Retaining the geotechnical engineer who developed your report to provide construction observation is the most effective method of managing the risks associated with unanticipated conditions.

A Report's Recommendations Are *Not* Final

Do not overrely on the construction recommendations included in your report. *Those recommendations are not final,* because geotechnical engineers develop them principally from judgment and opinion. Geotechnical engineers can finalize their recommendations only by observing actual

subsurface conditions revealed during construction. *The geotechnical engineer who developed your report cannot assume responsibility or liability for the report's recommendations if that engineer does not perform construction observation.*

A Geotechnical Engineering Report Is Subject to Misinterpretation

Other design team members' misinterpretation of geotechnical engineering reports has resulted in costly problems. Lower that risk by having your geotechnical engineer confer with appropriate members of the design team after submitting the report. Also retain your geotechnical engineer to review pertinent elements of the design team's plans and specifications. Contractors can also misinterpret a geotechnical engineering report. Reduce that risk by having your geotechnical engineer participate in prebid and preconstruction conferences, and by providing construction observation.

Do Not Redraw the Engineer's Logs

Geotechnical engineers prepare final boring and testing logs based upon their interpretation of field logs and laboratory data. To prevent errors or omissions, the logs included in a geotechnical engineering report should *never* be redrawn for inclusion in architectural or other design drawings. Only photographic or electronic reproduction is acceptable, *but recognize that separating logs from the report can elevate risk.*

Give Contractors a Complete Report and Guidance

Some owners and design professionals mistakenly believe they can make contractors liable for unanticipated subsurface conditions by limiting what they provide for bid preparation. To help prevent costly problems, give contractors the complete geotechnical engineering report, *but* preface it with a clearly written letter of transmittal. In that letter, advise contractors that the report was not prepared for purposes of bid development and that the report's accuracy is limited; encourage them to confer with the geotechnical engineer who prepared the report (a modest fee may be required) and/or to conduct additional study to obtain the specific types of information they need or prefer. A prebid conference can also be valuable. *Be sure contractors have sufficient time* to perform additional study. Only then might you be in a position to give contractors the best information available to you, while requiring them to at least share some of the financial responsibilities stemming from unanticipated conditions.

Read Responsibility Provisions Closely

Some clients, design professionals, and contractors do not recognize that geotechnical engineering is far less exact than other engineering disciplines. This lack of understanding has created unrealistic expectations that have led to disappointments, claims, and disputes. To help reduce the risk of such outcomes, geotechnical engineers commonly include a variety of explanatory provisions in their reports. Sometimes labeled "limitations" many of these provisions indicate where geotechnical engineers' responsibilities begin and end, to help others recognize their own responsibilities and risks. *Read these provisions closely.* Ask questions. Your geotechnical engineer should respond fully and frankly.

Geoenvironmental Concerns Are Not Covered

The equipment, techniques, and personnel used to perform a *geoenvironmental* study differ significantly from those used to perform a *geotechnical* study. For that reason, a geotechnical engineering report does not usually relate any geoenvironmental findings, conclusions, or recommendations; e.g., about the likelihood of encountering underground storage tanks or regulated contaminants. *Unanticipated environmental problems have led to numerous project failures.* If you have not yet obtained your own geoenvironmental information, ask your geotechnical consultant for risk management guidance. *Do not rely on an environmental report prepared for someone else.*

Obtain Professional Assistance To Deal with Mold

Diverse strategies can be applied during building design, construction, operation, and maintenance to prevent significant amounts of mold from growing on indoor surfaces. To be effective, all such strategies should be devised for the *express purpose* of mold prevention, integrated into a comprehensive plan, and executed with diligent oversight by a professional mold prevention consultant. Because just a small amount of water or moisture can lead to the development of severe mold infestations, a number of mold prevention strategies focus on keeping building surfaces dry. While groundwater, water infiltration, and similar issues may have been addressed as part of the geotechnical engineering study whose findings are conveyed in this report, the geotechnical engineer in charge of this project is not a mold prevention consultant; ***none of the services performed in connection with the geotechnical engineer's study were designed or conducted for the purpose of mold prevention. Proper implementation of the recommendations conveyed in this report will not of itself be sufficient to prevent mold from growing in or on the structure involved.***

Rely on Your ASFE-Member Geotechnical Engineer for Additional Assistance

Membership in ASFE/The Geoprofessional Business Association exposes geotechnical engineers to a wide array of risk management techniques that can be of genuine benefit for everyone involved with a construction project. Confer with your ASFE-member geotechnical engineer for more information.

ASFE THE GEOPROFESSIONAL BUSINESS ASSOCIATION

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June 4, 2021 Via Email
LAR 1105 B

Mr. Mo Sharma
City of Hayward – Public Works Department
Engineering and Transportation Division
777 B Street, Hayward, CA 94541-5007

RE: SUPPLEMENTAL GEOLOGIC PEER REVIEW of Updated Fault Investigation Report for Maple & Main Mixed-Use Development 22330 Main Street, Hayward, California
(Application No. 202101603)

Dear Mr. Sharma:

The following supplemental geologic review was completed at your request. It discusses an updated fault investigation report by Stevens Ferrone & Bailey (**SFB**) regarding a new mixed-use development at 22330 Main Street in Hayward. As part of this work, the undersigned visited the site on May 28, 2021, to observe and discuss with **SFB** personnel stratigraphic features exposed in a single exploration trench that **SFB** opened as part of their investigation.

Referenced in this review letter are the following items:

1. Fault Trenching & Updated Fault Rupture Hazard Conclusions, Main & Maple Mixed-Use Development - Hayward, California, a consultant report prepared by Stevens Ferrone & Bailey Engineering Company, Inc. for Property Management Advisors, Inc., dated June 2, 2021;
2. Geologic Peer Review of Fault Investigation Report for Main & Maple Development, Hayward, California, a letter report for the City of Hayward dated May 18, 2021, regarding a geotechnical investigation report of November 20, 2014 by Stevens Ferrone & Bailey.

INTRODUCTION

The proposed development encompasses most of a block on the northeastern side of downtown Hayward. The site is potentially constrained by expansive surficial soil materials, deep alluvium with the potential for liquefaction, surficial fault rupture associated with the Hayward fault, and the site's susceptibility to very strong seismic ground shaking.

The Main Street side of the project encroaches into the northeastern edge of the California Alquist-Priolo (AP) Earthquake Fault Zone for the Hayward fault. **Item 1** addresses that matter. A previous fault hazard assessment prepared by **SFB** in 2014 is attached as Appendix B of that report. **Item 2** is our previous peer review of the 2014 report.

DISCUSSION

Our previous peer review, dated May 18, 2021, recommended that a trenching investigation be performed in the area of the project within the AP Zone that is proposed for residential

construction. In that regard, **SFB** has excavated Trench T-1, a 140-foot-long, 12-foot-deep trench extending easterly across the portion of the property within the AP Zone.

View of Trench T-1 looking toward Main Street.

Kevin Ryan, CEG, logged the southernmost trench wall, and the log and findings are presented in Appendix A of the updated **SFB** report (**Item 1**). The results reveal no evidence of faulting within the continuous geologic stratigraphy of the trenched area. A reconnaissance of the Main Street area did not detect any evidence of fault creep or fault-related distress in the street or adjacent vicinity, including a paved parking lot covering much of the project site. They conclude that surface fault rupture should not be a detriment to the project.

CONCLUSIONS AND RECOMMENDED ACTION

The research and reconnaissance by **SFB** determined that the principal, active trace of the Hayward fault is about 375 feet southwest of the project. Trench T-1 encountered undisturbed sequences of sandy, old alluvial levee and overbank deposits associated with ancestral flooding from San Lorenzo Creek. These sediments are known to be of Holocene age, but a more precise age of the sediments was not determined by this study.

The trench exposed a well-developed layer of clayey vertisols at the surface and areas of a deeper paleosol. These features suggest that the alluvial deposits are old enough to demonstrate a lack of surface fault rupture at this locality during at least the last 12 large earthquakes that are known to have occurred on the southern section of the Hayward fault during the past 1,900 years.

SFB has performed a fault investigation that appears consistent with industry standards. We do not have geologic objections to their finding that there is no indication of active faulting at this site. We recommend approval of the permit application from a geologic standpoint.

LIMITATIONS

This geologic peer review is intended to provide technical advice and assistance to the City in determining the subject submittal's adequacy for application in its discretionary permit decisions. This service is limited to an independent review of the referenced reports and documents. The opinions, comments, and conclusions are consistent with generally accepted principles and practices of the geologic profession for such work. This warranty replaces all other warranties, express or implied.

Very truly yours,

Louis A. Richardson
Reviewing Geologist

DRAFT Arborist Report

Maple and Main
Hayward, CA

PREPARED FOR
Goel Hayward MF, LLC
2727 Kirby Drive, 15C
Houston, TX 77098

PREPARED BY:
HortScience|Bartlett Consulting
325 Ray St.
Pleasanton, CA 94566

February 2021

DRAFT Arborist Report
Maple and Main
Hayward, CA

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Introduction and Overview

Goel Hayward MF, LLC is proposing the redevelopment of the parcels located at Maple Ct. and Main St. in Hayward, CA. Currently the site is an empty lot, where a series of single-family homes, commercial buildings and associated parking lots were demolished. Goel Hayward MF, LLC plans to construct a high density housing complex. HortScience | Bartlett Consulting (HBC), Divisions of the F. A. Bartlett Tree Expert Co., prepared an **Arborist Report** for the project in 2015 and was asked to updated the 2015 **Arborist Report** to reflect current tree condition and the new project design.

This report provides the following information:

1. Assessment of the health and structural condition of the trees based on a visual inspection from the ground.
2. Recommendations for tree preservation and removal based on plans provided by Goel Hayward MF, LLC.
3. The estimated value of each tree
4. Guidelines for tree preservation during the design, construction and maintenance phases of development.

Tree Assessment Methods

Trees were assessed on January 29, 2021. The assessment included native oaks 4" and greater in diameter and all other trees 6" and greater in diameter, located within and adjacent to the proposed project area. Off-site trees with canopies extending over the property line were included in the assessment. The assessment procedure consisted of the following steps:

1. Identifying the tree as to species;
2. Tagging each tree with an identifying number and recording its location on a map;
3. Measuring the trunk diameter at a point 54" above grade;
4. Evaluating the health and structural condition using a scale of 1 – 5:
   - ***5*** - A healthy, vigorous tree, reasonably free of signs and symptoms of disease, with good structure and form typical of the species.
   - ***4*** - Tree with slight decline in vigor, small amount of twig dieback, minor structural defects that could be corrected.
   - ***3*** - Tree with moderate vigor, moderate twig and small branch dieback, thinning of crown, poor leaf color, moderate structural defects that might be mitigated with regular care.
   - ***2*** - Tree in decline, epicormic growth, extensive dieback of medium to large branches, significant structural defects that cannot be abated.
   - ***1*** - Tree in severe decline, dieback of scaffold branches and/or trunk; most of foliage from epicormics; extensive structural defects that cannot be abated.
5. Rating the suitability for preservation as "high", "moderate" or "low". Suitability for preservation considers the health, age and structural condition of the tree, and its potential to remain an asset to the site for years to come.
   - ***High***: Trees with good health and structural stability that have the potential for longevity at the site.
   - ***Moderate***: Trees with somewhat declining health and/or structural defects that can be abated with treatment. The tree will require more intense management and monitoring, and may have shorter life span than those in 'high' category.
   - ***Low***: Tree in poor health or with significant structural defects that cannot be mitigated. Tree is expected to continue to decline, regardless of treatment. The species or individual may have characteristics that are undesirable for landscapes and generally are unsuited for use areas.

Description of Trees

Twenty-one (21) trees remained on the site, representing 7 species (Table 1). F our street trees along Main St. (#2-5) and 11 off-site trees (#6-12 and #18-21) were included in the assessment. Descriptions of each tree are found in the ***Tree Assessment Form*** and approximate locations are plotted on the ***Tree Assessment Map*** (see Exhibits).

The most common species assessed was coast redwood (5 trees, 24% of the population). The largest diameter coast redwood measured 64" in trunk diameter and was growing on Levine Court (Photo 1). The other coast redwoods were located along the south side of where the Hayward Professional Building once stood (Photo 2). They were in good condition (4 trees) with one tree in fair condition. The redwoods were semi-mature to mature with trunk diameters ranging from 14" to 63".

Photo 1: Looking west at coast redwood #1. It was mature, at 64" in diameter and in fair condition. The tree leaned to the south, with a crook in the upper crown.

Four (4) Chinese tallow street trees were growing along Main St. (#2-5). Although located under utility lines, it appeared that only #4 had been topped (Photo 2, following page). These trees were semi-mature to mature with trunk diameters ranging from 9' to 21" and in good (3 trees) to fair (1 tree) condition. Several of the Chinese tallows' roots were displacing the sidewalks (Photo 3 inset).

Four (4) New Zealand Christmas trees and two (2) flaxleaf paperbarks were growing off-site in the southwest corner of the property. The New Zealand Christmas trees were in good (3 trees) to fair (1 tree) condition. They were young to semi-mature trees with trunk diameters ranging from 9" to 12". The flaxleaf paperbark trees were semi-mature and in fair condition.

Four (4) crape myrtle trees were growing off-site in the southeast corner of the site, adjacent to Maple Court. These trees were young, with trunk diameters ranging from 6" to 7". It appeared there had been a fire in the building that had been located immediately adjacent to the trees, as all had evidence of scorched branches on the north side.

Windmill palm #24 was the only remaining palm located along Maple Ct., adjacent to where the Hayward Professional Building once stood. It was semi-mature, with a trunk diameter of 10" and was in excellent condition.

Mock orange #27 was a small tree (both crown and trunk diameter), located along the northern property line, adjacent to McKeever Avenue. It was in fair condition.

Photo 2 (L): Looking north at street trees #2-5 (background to foreground). These semi-mature to mature Chinese tallows had performed well, remaining relatively small beneath the overhead utilities. However, all had displaced the surrounding sidewalk, gurb and gutters from ~1" to 10". Inset shows base of street tree #2, which had lifted the sidewalk by ~8".

Overall, 10 trees were in fair condition (48% of the total population) and 11 were in good (52%). No trees were in poor condition (Table 1).

The City of Hayward defines any tree with a diameter of 8" or greater, or certain native species with a diameter of 4" or greater, as *Protected*. Based on this definition, 16 of the trees qualified as *Protected*. The ***Tree Assessment Form*** provides the *Protected* status for each of the trees (see Exhibits).

Table 1. Condition ratings and frequency of occurrence of trees Maple and Main, Hayward CA

Common Name	**Scientific Name**	**Condition**			**Total**
		Poor (1-2)	Fair (3)	Good (4-5)	
Chinese tallow	*Triadica sebifera*	-	1	3	4
Coast redwood	*Sequoia sempervirens*	-	4	1	5
Crape myrtle	*Lagerstroemia indica*	-	1	3	4
Flaxleaf paperbark	*Melaleuca linariifolia*	-	2	-	2
Mock orange	*Pittosporum tobira*	-	1	-	1
New Zealand Christmas tree	*Metrosideros excelsa*	-	1	3	4
Windmill palm	*Trachycarpus fortunei*	-	-	1	1
Total		**--**	**10**	**11**	**21**

Suitability for Preservation

Before evaluating the impacts that will occur during development, it is important to consider the quality of the tree resource itself, and the potential for individual trees to function well over an extended length of time. Trees that are preserved on development sites must be carefully selected to make sure that they may survive development impacts, adapt to a new environment and perform well in the landscape.

Our goal is to identify trees that have the potential for long-term health, structural stability and longevity. For trees growing in open fields, away from areas where people and property are present, structural defects and/or poor health presents a low risk of damage or injury if they fail. However, we must be concerned about safety in use areas. Therefore, where development encroaches into existing plantings, we must consider their structural stability as well as their potential to grow and thrive in a new environment. Where development will not occur, the normal life cycles of decline, structural failure and death should be allowed to continue.

Evaluation of suitability for preservation considers several factors:

- **Tree health**
  Healthy, vigorous trees are better able to tolerate impacts such as root injury, demolition of existing structures, changes in soil grade and moisture, and soil compaction than are non-vigorous trees.

- **Structural integrity**
  Trees with significant amounts of wood decay and other structural defects that cannot be corrected are likely to fail. Such trees should not be preserved in areas where damage to people or property is likely.

- **Species response**
  There is a wide variation in the response of individual species to construction impacts and changes in the environment. For instance, coast redwood is relatively tolerant of construction impacts.

- **Tree age and longevity**
  Old trees, while having significant emotional and aesthetic appeal, have limited physiological capacity to adjust to an altered environment. Young trees are better able to generate new tissue and respond to change.

- **Species invasiveness**
  Species that spread across a site and displace desired vegetation are not always appropriate for retention. This is particularly true when indigenous species are displaced. The California Invasive Plant Inventory Database (http://www.cal-ipc.org/paf/) lists species identified as being invasive. Hayward is part of the Central West Floristic Province. Chinese tallow tree is listed as moderate and California pepper is listed as limited invasiveness.

Each tree was rated for suitability for preservation based upon its age, health, structural condition and ability to safely coexist within a development environment (see ***Tree Assessment Forms*** in Exhibits. Table 2, following page, provides a summary of suitability ratings.

We consider trees with high suitability for preservation to be the best candidates for preservation. We do not recommend retention of trees with low suitability for preservation in areas where people or property will be present. Retention of trees with moderate suitability for preservation depends upon the intensity of proposed site changes.

Table 2: Tree suitability for preservation
Maple and Main, Hayward CA

High	These are trees with good health and structural stability that have the potential for longevity at the site. Windmill palm #24 was the only tree considered highly suitable for preservation.
Moderate	Trees in this category have fair health and/or structural defects that may be abated with treatment. Trees in this category require more intense management and monitoring, and may have shorter life-spans than those in the "high" category. Eighteen (18) trees had moderate suitability for preservation, including; 4 of the coast redwoods, 4 crape myrtles, 4 New Zealand Christmas trees and the two flaxleaf paperbarks.
Low	Trees in this category are in poor health or have significant defects in structure that cannot be abated with treatment. These trees can be expected to decline regardless of management. The species or individual tree may possess either characteristics that are undesirable in landscape settings or be unsuited for use areas. Coast redwood #14 and mock orange #27 were the only trees considered to have low suitability for preservation.

Evaluation of Impacts and Recommendations

Appropriate tree retention develops a practical match between the location and intensity of construction activities and the quality and health of trees. The ***Tree Assessment*** was the reference point for tree condition and quality. Potential impacts from construction were evaluated using the Preliminary Grading and Drainage Plan (Sheet C1) and Preliminary Utility Plan (Sheet C3), both prepared by Kimley Horn Associates, Inc. (dated September 16, 2020).

Potential impacts from construction were estimated for each tree. The plan proposes to construct a 5-story mixed-use development, with retail at the corners of Maple Ct. and McKeever Avenue. The remainder of the site would be dedicated to residential units, parking, courtyards and other amenities.

The most significant impacts to trees would be associated with grading of the site for the construction of the new buildings.

Based on my assessment of the plans, 10 of the trees would be directly impacted by the proposed development, requiring their removal (Table 3, following page). Nine (9) of the trees identified for removal qualified as *Protected*, per the City of Hayward ordinance.

Eleven (11) trees can be preserved under the current design, including 10 off-site trees and coast redwood #1. Seven (7) of the trees identified for preservation qualified as *Protected*. Preservation of these trees is predicated on adhering to the ***Tree Preservation Guidelines*** (following page). Some amount of canopy and root pruning may be required for trees identified for preservation (see ***Tree Preservation Guidelines***).

New access roads and storm drains are proposed adjacent to off-site trees #6-11 and 18-21. I believe the trees will tolerate the root loss associated with the proposed grading.

Coast redwood #1 is proposed to be preserved in a 20' x 24' planter in a courtyard on the north side of the residential complex. A storm drain would be located at the south end of the planter. I believe the tree will tolerate the proposed changes, provided the following elements of the ***Tree Preservation Guidelines*** are strictly adhered to throughout the construction process.

- Establish a **TREE PROTECTION ZONE** around the tree at the limit of the new planter and fence this area with 6' chain link fencing on posts driven into the ground. The fence shall not be moved or altered without the prior approval of the Consulting Arborist.

- The **TREE PROTECTION ZONE** defines the above and below ground area in which no disturbance in permitted. No parking vehicles, storage or dumping of materials and no grading, drainage, utility or irrigation work shall occur within this zone without the prior approval of the Consulting Arborist.

- Provide the tree with supplemental irrigation during the dry summer months (typ. May-Oct.). Irrigation should be applied using a temporary irrigation system placed on the ground surface (no excavation) and covered with 3-4" of course wood chip mulch. Expect to apply 5,000 gallons of water during the dry summer months within the **TREE PROTECTION ZONE**.

- Design the storm drain line proposed at the south end of the courtyard planter to stay entirely out of the **TREE PROTECTION ZONE**. No portion of the trench should be within the 20' by 24' planter surrounding the tree and defining the **TREE PROTECTION ZONE**.

Table 3: Recommendations for Action
Maple and Main, Hayward CA

Tree No.	Species	Trunk Diameter (in.)	Protected?	Recommendations
1	Coast redwood	64	Yes	**Preserve**, 24' N. & S., 18' E. & W.
2	Chinese tallow	12	Yes	Remove, impacted by sidewalk replcmnt.
3	Chinese tallow	14	Yes	Remove, impacted by sidewalk replcmnt.
4	Chinese tallow	21	Yes	Remove, impacted by sidewalk replcmnt.
5	Chinese tallow	9	Yes	Remove, impacted by sidewalk replcmnt.
6	NZ Christmas tree	9	Yes	**Preserve**, off-site
7	NZ Christmas tree	12	Yes	**Preserve**, off-site
8	NZ Christmas tree	10	Yes	**Preserve**, off-site
9	NZ Christmas tree	12	Yes	**Preserve**, off-site
10	Flaxleaf paperbark	12,9	Yes	**Preserve**, off-site
11	Flaxleaf paperbark	8	Yes	**Preserve**, off-site
14	Coast redwood	22,20	Yes	Remove, within new buildings
15	Coast redwood	18,9	Yes	Remove, within new buildings
16	Coast redwood	27	Yes	Remove, within new buildings
17	Coast redwood	18,14	Yes	Remove, within new buildings
18	Crape myrtle	6	No	**Preserve**, off-site
19	Crape myrtle	7	No	**Preserve**, off-site
20	Crape myrtle	7	No	**Preserve**, off-site
21	Crape myrtle	6	No	**Preserve**, off-site
24	Windmill palm	10	Yes	Remove, within grading
27	Mock orange	5	No	Remove, within grading

Estimate of Value

The City of Hayward requires establishing the value of all *Protected* trees. To accomplish this, I used the standard methods found in *Guide for Plant Appraisal*, 10th edition (published in 2018 by the International Society of Arboriculture, Champaign IL). In addition, I referred to *Species Classification and Group Assignment* (2004), a publication of the Western Chapter of the International Society of Arboriculture. These two documents outline the methods employed in estimating tree value.

The reproduction cost of landscape trees is based upon four factors: size, condition, functional limitations and external limitations. Size is measured as trunk diameter, normally 54" above grade. Condition reflects the health and structural integrity of the individual, as noted in the ***Tree Assessment*** (see ***Exhibits***). Functional limitations consider the interaction of the tree with its planting site currently and for the foreseeable future.

Functional limitations at the Maple and Main site were primarily related to tree and planting area interactions, such as the Chinese tallow street trees that had outgrown the available space and were located beneath the overhead utilities, and to species climate interactions such as the water demands of coast redwoods and their ability to tolerate drought conditions outside their native range. I did not identify any external limitations at this site.

Calculations and values used in establishing the estimated value of trees are provided in the ***Appraisal worksheet*** (see Exhibits).

The appraised value of the 10 trees recommended for removal was $27,550 (Table 4).

The appraised value of the 11 trees identified for preservation was $34,650 (Table 5, following page).

Table 4: Appraised value of trees recommended for removal
Maple and Main, Hayward

Tree No.	Species	Trunk diameter (in.)	Protected?	Appraised value ($)
2	Chinese tallow	12	Yes	2,600
3	Chinese tallow	14	Yes	3,550
4	Chinese tallow	21	Yes	7,900
5	Chinese tallow	9	Yes	1,050
14	Coast redwood	22,20	Yes	3,550
15	Coast redwood	18,9	Yes	2,300
16	Coast redwood	27	Yes	2,950
17	Coast redwood	18,14	Yes	2,100
24	Windmill palm	10	Yes	1,100
27	Mock orange	5	No	450
Total				**27,550**

Table 5: Appraised value of trees recommended for preservation
Maple and Main, Hayward

Tree No.	Species	Trunk diameter (in.)	Protected?	Appraised value ($)
1	Coast redwood	64	Yes	12,100
6	New Zealand Christmas tree	9	Yes	1,700
7	New Zealand Christmas tree	12	Yes	4,200
8	New Zealand Christmas tree	10	Yes	2,950
9	New Zealand Christmas tree	12	Yes	4,200
10	Flaxleaf paperbark	12,9	Yes	3,650
11	Flaxleaf paperbark	8	Yes	1,050
18	Crape myrtle	6	No	1,100
19	Crape myrtle	7	No	1,450
20	Crape myrtle	7	No	1,450
21	Crape myrtle	6	No	800
Total				**34,650**

Tree Preservation Guidelines

The goal of tree preservation is not merely tree survival during development but maintenance of tree health and beauty for many years. Trees retained on sites that are subject to extensive injury during construction and are not adequately maintained become a liability rather than an asset.

Impacts can be minimized by coordinating demolition and construction activities within the **TREE PROTECTION ZONE**. The following recommendations will help maintain and improve the health and vitality of trees preserved at the Maple and Main site.

Design recommendations

1. All plans affecting trees shall be reviewed by the Consulting Arborist with regard to tree impacts. These include, but are not limited to, demolition plans, grading and utility plans, landscape and irrigation plans.

2. For trees identified for preservation, designate a **TREE PROTECTION ZONE** in which no construction, grading and underground services including utilities, sub-drains, water or sewer will be located. The **TREE PROTECTION ZONE** for coast redwood #1 shall be defined at the limit of the planter, measuring 20' east to west and 24' north to south. The **TREE PROTECTION ZONE** for off-site trees shall be defined at their dripline.

3. No grading, excavation, construction or storage of materials shall occur within that zone.

4. No underground services including utilities, sub-drains, water or sewer shall be placed in the **Tree Protection Zone**.

5. Irrigation systems must be designed so that no trenching will occur within the **Tree Protection Zone**.

6. As trees withdraw water from the soil, expansive soils may shrink within the root area. Therefore, foundations, footings and pavements on expansive soils near trees should be designed to withstand differential displacement.

7. Have a temporary irrigation system installed around coast redwood #1 (using soaker hoses or pvc laid on the ground and covered with mulch) as soon as possible to supply the tree with water and help it recover from the demolition process and prepare for impacts associated with the construction process.

Pre-construction treatments and recommendations

1. The demolition contractor shall meet with the Consulting Arborist before beginning work to discuss work procedures and tree protection.

2. Where possible, cap and abandon all existing underground utilities within the **TPZ** in place. Removal of utility boxes by hand is acceptable but no trenching should be performed within the **TPZ** in an effort to remove utilities, irrigation lines, etc.

3. Fence all trees to be retained to completely enclose the **Tree Protection Zone** prior to demolition, grubbing or grading. Fences shall be 6 ft. chain link or equivalent as approved by the Consulting Arborist. Fences are to remain until all grading and construction is completed.

4. Prune trees to be preserved to clean the crown of dead branches 1" and larger in diameter and raise canopies as needed for construction activities. All pruning shall be done by a State of California Licensed Tree Contractor (C61/D49). All pruning shall be done by Certified Arborist or Certified Tree Worker in accordance with the Best Management Practices for Pruning (International Society of Arboriculture, 2002) and adhere to the most recent editions of the American National Standard for Tree Care Operations (Z133.1) and Pruning (A300). The Consulting Arborist will provide pruning specifications prior to site demolition. Branches extending into the work area that can remain following demolition shall be tied back and protected from damage.

5. All tree work shall comply with the Migratory Bird Treaty Act as well as California Fish and Wildlife code 3503-3513 to not disturb nesting birds. Tree pruning and removal should be scheduled outside of the breeding season to avoid scheduling delays. Breeding bird surveys should be conducted prior to tree work. Qualified biologists should be involved in establishing work buffers for active nests.

6. Tree(s) to be removed that have branches extending into the canopy of tree(s) to remain must be removed by a qualified arborist and not by construction contractors. The qualified arborist shall remove the tree in a manner that causes no damage to the tree(s) and understory to remain. Tree stumps shall be ground 12" below ground surface.

7. Apply and maintain 4-6" of wood chip mulch within the **TREE PROTECTION ZONE.**

Recommendations for tree protection during construction

1. Prior to beginning work, the contractors working in the vicinity of trees to be preserved are required to meet with the Consulting Arborist at the site to review all work procedures, access routes, storage areas and tree protection measures.

2. All contractors shall conduct operations in a manner that will prevent damage to trees to be preserved.

3. Any grading, construction, demolition or other work that is expected to encounter tree roots should be monitored by the Consulting Arborist.

4. Tree protection fences are to remain until all site work has been completed. Fences may not be relocated or removed without permission of the Consulting Arborist.

5. Construction trailers, traffic and storage areas must remain outside fenced areas at all times.

6. Prior to grading, pad preparation, excavation for foundations/footings/walls, trenching, trees may require root pruning outside the **TREE PROTECTION ZONE** by cutting all roots cleanly to the depth of the excavation. Roots shall be cut by manually digging a trench and cutting exposed roots with a saw, with a vibrating knife, rock saw, narrow trencher with sharp blades, or other approved root pruning equipment. The Consulting Arborist will identify where root pruning is required and monitor all root pruning activities.

7. If injury should occur to any tree during construction, it should be evaluated as soon as possible by the Consulting Arborist so that appropriate treatments can be applied.

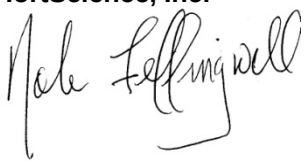
8. No excess soil, chemicals, debris, equipment or other materials shall be dumped or stored within the **Tree Protection Zone**.

9. Any additional tree pruning needed for clearance during construction must be performed by a Certified Arborist and not by construction personnel.

Maintenance of impacted trees
Preserved trees will experience a physical environment different from that pre-development. As a result, tree health and structural stability should be monitored. Occasional pruning, fertilization, mulch, pest management, replanting and irrigation may be required. In addition, provisions for monitoring both tree health and structural stability following construction must be made a priority. As trees age, the likelihood of failure of branches or entire trees increases. Therefore, annual inspection for structural condition is recommended.

If you have any questions about my observations or recommendations, please contact me.

HortScience, Inc.



John Leffingwell
Board Certified Master Arborist #WE-3966B
Registered Consulting arborist #442

Exhibits

Appraisal Worksheet

Tree Assessment Form

Tree Assessment Map

Appraisal worksheet for 10th edition and 2004 edition of Species Classification & Group Assignment
Maple and Main - Hayward CA

Prepared for Goel Hayward MF, LLC
January 2021

Tree No.	Species	Trunk Diameter	Condition 0 to 1.0	Species 0 to 1.0	Functional limitation	External limitation	Replacement tree Size	Replacement tree Cost	Installation Cost	Total Cost	Unit Tree cost	Appraised Trunk area	Trunk area increase	Basic tree cost	Appraised value	Rounded value ($50)
1	Coast redwood	64	0.6	0.4	0.7	1	4.75	172.73	172.73	345.46	36.36	1976	1971.25	72,020	12,099	12,100
2	Chinese tallow	12	0.7	0.7	0.6	1	2.24	172.73	172.73	345.46	77.04	113	110.76	8,878	2,610	2,600
3	Chinese tallow	14	0.7	0.7	0.6	1	2.24	172.73	172.73	345.46	77.04	154	151.76	12,037	3,539	3,550
4	Chinese tallow	21	0.7	0.7	0.6	1	2.24	172.73	172.73	345.46	77.04	346	343.76	26,829	7,888	7,900
5	Chinese tallow	9	0.5	0.7	0.6	1	2.24	172.73	172.73	345.46	77.04	64	61.76	5,103	1,072	1,050
6	New Zealand Christmas tree	9	0.5	0.9	0.7	1	2.09	172.73	172.73	345.46	82.82	64	61.91	5,473	1,724	1,700
7	New Zealand Christmas tree	12	0.7	0.9	0.7	1	2.09	172.73	172.73	345.46	82.82	113	110.91	9,531	4,203	4,200
8	New Zealand Christmas tree	10	0.7	0.9	0.7	1	2.09	172.73	172.73	345.46	82.82	79	76.91	6,715	2,961	2,950
9	New Zealand Christmas tree	12	0.7	0.9	0.7	1	2.09	172.73	172.73	345.46	82.82	113	110.91	9,531	4,203	4,200
10	Flaxleaf paperbark	12,9	0.5	0.7	0.7	1	2.09	172.73	172.73	345.46	82.82	177	174.91	14,832	3,634	3,650
11	Flaxleaf paperbark	8	0.5	0.7	0.7	1	2.09	172.73	172.73	345.46	82.82	50	47.91	4,313	1,057	1,050
14	Coast redwood	22,20	0.5	0.4	0.7	1	4.75	172.73	172.73	345.46	36.36	694	689.25	25,407	3,557	3,550
15	Coast redwood	18,9	0.7	0.4	0.7	1	4.75	172.73	172.73	345.46	36.36	317.925	313.175	11,733	2,300	2,300
16	Coast redwood	27	0.5	0.4	0.7	1	4.75	172.73	172.73	345.46	36.36	572	567.25	20,971	2,936	2,950
17	Coast redwood	18,14	0.5	0.4	0.7	1	4.75	172.73	172.73	345.46	36.36	408	403.25	15,008	2,101	2,100
18	Crape myrtle	6	0.7	0.9	0.7	1	2.09	172.73	172.73	345.46	82.82	28	25.91	2,491	1,099	1,100
19	Crape myrtle	7	0.7	0.9	0.7	1	2.09	172.73	172.73	345.46	82.82	38	35.91	3,320	1,464	1,450
20	Crape myrtle	7	0.7	0.9	0.7	1	2.09	172.73	172.73	345.46	82.82	38	35.91	3,320	1,464	1,450
21	Crape myrtle	6	0.5	0.9	0.7	1	2.09	172.73	172.73	345.46	82.82	28	25.91	2,491	785	800
24	Windmill palm	10	0.9	0.9	1	1	#N/A	500	500	1000	12	360	#N/A	1,360	1,102	1,100
27	Mock orange	5	0.5	0.7	0.7	1	2.09	172.73	172.73	345.46	82.82	20	17.91	1,829	448	450
SUM															**62,244**	**62,200**

Trunks > than 30" - used Adjusted Trunk Areas from 10th Ed.
Largest commonly available = 24" box

Tree Assessment

Maple and Main
Hayward, California
January 2021

HORT SCIENCE
BARTLETT CONSULTING

TREE No.	SPECIES	TRUNK DIAMETER (in.)	PROTECTED	CONDITION 1=poor 5=excellent	SUITABILITY for PRESERVATION	COMMENTS	Driplines (ft.) North	South	East	West
1	Coast redwood	64	Yes	3	Moderate	Slight lean S.; crook in upper crown; basal swelling.	15	25	25	15
2	Chinese tallow	12	Yes	4	Moderate	Street tree; good form; beneath very rad utilities; displacing sidewalk 8”.	8	10	10	8
3	Chinese tallow	14	Yes	4	Moderate	Street tree; high crown; beneath overhead utilities; displacing sidewalk 10”.	8	10	8	10
4	Chinese tallow	21	Yes	4	Moderate	Street tree; fair structure; topped for overhead utilities; displacing new sidewalk,curb 3”.	15	12	15	12
5	Chinese tallow	9	Yes	3	Moderate	Street tree; small crown; beneath overhead utilities; displacing new sidewalk,curb 1”.	8	8	8	8
6	New Zealand Christmas tree	9	Yes	3	Moderate	Off site, no tag; small crown; engulfed in trumpet vine.	5	0	5	5
7	New Zealand Christmas tree	12	Yes	4	Moderate	Off site, no tag; good form; engulfed in trumpet vine.	10	0	10	8
8	New Zealand Christmas tree	10	Yes	4	Moderate	Off site, no tag; good form; engulfed in trumpet vine.	10	0	8	10
9	New Zealand Christmas tree	12	Yes	4	Moderate	Off site, no tag; good form; engulfed in trumpet vine.	12	0	10	12
10	Flaxleaf paperbark	12,9	Yes	3	Moderate	Off site, no tag; codominant trunks at base; base me stem upright, other leans NE.	12	0	12	5
11	Flaxleaf paperbark	8	Yes	3	Moderate	Off site, no tag; suppressed; crown nw one sided SE.	5	10	10	0
14	Coast redwood	22,20	Yes	3	Low	Codominant trunks at 2’; upright form; sparse crown; trunk wounds.	12	15	8	10
15	Coast redwood	18,9	Yes	4	Moderate	Codominant trunks at 2’; upright form; dense crown; basal sprouts.	8	12	10	12
16	Coast redwood	27	Yes	3	Moderate	One sided W.; sparse crown; fill at base.	8	15	8	15

Tree Assessment

Maple and Main
Hayward, California
January 2021

HORT SCIENCE
BARTLETT CONSULTING

TREE No.	SPECIES	TRUNK DIAMETER (in.)	PROTECTED	CONDITION 1=poor 5=excellent	SUITABILITY for PRESERVATION	COMMENTS	Driplines (ft.) North	South	East	West
17	Coast redwood	18,14	Yes	3	Moderate	Codominant trunks at 2'; upright form; dense crown; basal sprouts.	8	12	10	8
18	Crape myrtle	6	No	4	Moderate	Off site; multiple attachments at 6; fire damage N.	8	0	12	5
19	Crape myrtle	7	No	4	Moderate	Off site; multiple attachments at 6; upright form; fire damage N.	8	0	5	5
20	Crape myrtle	7	No	4	Moderate	Off site; multiple attachments at 6; upright form; fire damage N.	10	0	8	8
21	Crape myrtle	6	No	3	Moderate	Off site; multiple attachments at 6; one sided SW.; fire damage N.	8	0	5	8
24	Windmill palm	10	Yes	5	High	Slight lean E.; good form and structure; 12' brown trunk.	5	5	5	5
27	Mock orange	5	No	3	Low	Stems removed at 2'; broken branch; trunk damage.	5	5	5	5

Attachment VIII

Tree Assessment Map

Maple and Main
Hayward, CA

Prepared for:
Goel Hayward MF, LLC
Houston, TX

January 2021

No Scale

Notes

- Base map provided by:
  Kimley Horn
  Oakland, CA
- Numbered tree locations are approximate.

HORT SCIENCE
BARTLETT CONSULTING
A Division of The F.A. Bartlett Tree Expert Company
325 Ray Street
Pleasanton, California 94566
Phone 925.484.0211
Fax 925.484.0596

Attachment F

AFFORDABLE HOUSING PLAN

FOR MAIN & MAPLE MIXED USE PROJECT

Project information

Project Developer/Owner	Goel Hayward MF, LLC
Project Address	The area generally bounded by A Street, Main Street, McKeever Avenue and Maple Court in Hayward, California
Assessor's Parcel Number(s)	428-0061-011, 428-0061-012-02, 428-0061-013-02, 428-0061-061-01, and 428-0061-010
Gross Project Site Area	3.93 Acre(s)
Density:	80 Units/Acre
Project Residential Type Select all that apply.	❑ SFHs ❑CONDOMINIUMS ❑ TOWNHOMES ☑ APARTMENTS ❑LIVE/WORK ☑ MIXED-USE ❑ ASSISTED LIVING ❑ ACCESSORY DWELLING UNITS
Project Tenure Type	☑ Rental ❑ Ownership ❑ Hybrid – Rental and ownership
Target Population (i.e. seniors, multifamily, supportive housing, large families)	Multifamily (including individuals and families)
Density Bonus	☑ YES ❑ NO
Phasing Plan	❑ YES ☑ NO

A. The Main & Maple project consists of 314 rental apartment homes. The project will comply with the City's Affordable Housing Ordinance ("AHO") by providing 6% onsite affordable rental units, for a total of 19 onsite affordable units (the "Affordable Units") (314 total units x 6% = 18.84 units, with the project applicant providing an additional affordable unit with respect to the fractional 0.84 unit). All Affordable Units are attached.

B. Please see Exhibit A for the proposed location, size, layouts, and floor plans of the Affordable Units.

C. Sixteen (16) of the onsite Affordable Units will be available to households that do not exceed the very low income limit as determined by the California Department of Housing and Community Development annually, and the monthly rent for these sixteen (16) Affordable Units will not exceed fifty percent of the area median income multiplied by thirty percent and divided by twelve.

D. The other three (3) of the onsite Affordable Units will be available to households that do not exceed the low income limit as determined by the California Department of Housing and Community Development annually, and the monthly rent for these three (3) Affordable Units will not exceed sixty percent of the area median income multiplied by thirty percent and divided by twelve

E. These affordability levels will be recorded as a deed restriction against the property in perpetuity from the date of approval of a final inspection or issuance of an occupancy permit.

MIXED-USE BUILDING UNIT MIX:

Unit Type (Bedroom)	*Unit Type (Plan)*	*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*	
STUDIO	*S1*	*567*	*0*	*0*	*1*	*0*	*0*	*0*	*11*
1B1BA	*A4*	*642*	*0*	*0*	*1*	*1*	*0*	*0*	*34*
2B2BA	*B2*	*1,082*	*0*	*0*	*1*	*0*	*0*	*0*	*9*
2B2BA	*B9*	*1,250*	*0*	*0*	*0*	*0*	*0*	*0*	*2*
3B2BA	*C1-C*	*1,309*	*0*	*0*	*0*	*0*	*0*	*0*	*3*

*All low income and very low income units that the project will provide count toward Affordable Housing Ordinance compliance.

RESIDENTIAL BUILDING UNIT MIX:

Unit Type (Bedroom)	*Unit Type (Plan)*	*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*	
STUDIO	*S1*	*567*	*0*	*0*	*0*	*0*	*0*	*0*	*15*
1B/1BA	*A1*	*698*	*0*	*0*	*1*	*0*	*0*	*0*	*14*
1B/1BA	*A2*	*688*	*0*	*0*	*2*	*0*	*0*	*0*	*33*
1B/1BA	*A4*	*582*	*0*	*0*	*2*	*0*	*0*	*0*	*37*
1B/1BA	*A5*	*800*	*0*	*0*	*0*	*0*	*0*	*0*	*1*
2B/2BA	*B1*	*1,200*	*0*	*0*	*3*	*1*	*0*	*0*	*63*
2B/2BA	*B2*	*1,077*	*0*	*0*	*1*	*0*	*0*	*0*	*19*
2B/2BA	*B3*	*1,132*	*0*	*0*	*1*	*0*	*0*	*0*	*13*
2B/2BA	*B4*	*1,240*	*0*	*0*	*1*	*0*	*0*	*0*	*4*
2B/2BA	*B5*	*1,347*	*0*	*0*	*0*	*0*	*0*	*0*	*5*
2B/2BA	*B6*	*1,142*	*0*	*0*	*0*	*0*	*0*	*0*	*5*
2B/2BA	*B7*	*1,250*	*0*	*0*	*1*	*1*	*0*	*0*	*3*
2B/2BA	*B8*	*990*	*0*	*0*	*0*	*0*	*0*	*0*	*5*
3B/2BA	*C1-A*	*1,288*	*0*	*0*	*0*	*0*	*0*	*0*	*5*
3B/2BA	*C1-B*	*1,300*	*0*	*0*	*0*	*0*	*0*	*0*	*5*
3B/2BA	*C2*	*1,195*	*0*	*0*	*1*	*0*	*0*	*0*	*9*

*All low income and very low income units that the project will provide count toward Affordable Housing Ordinance compliance.

F. This project will be developed and built in one phase.

G. The incentives being requested are (1) waivers and/or concessions in accordance with the Density Bonus Request for the project which is attached as Exhibit B, in accordance with S. 10-17.700 a. of the Hayward AHO, and (2) expedited processing of development approvals and permits, in accordance with S. 10-17.700 c. of the Hayward AHO. The project applicant is not requesting additional density in connection with the Density Bonus Request.

H. No off-site or other alternatives are being proposed. The project is fully satisfying the Affordable Housing Ordinance through the construction of the onsite Affordable Units.

I. The project applicant is separately submitting to the City a Preliminary Marketing Plan for the Affordable Units, which generally describes how the Affordable Units will be marketed to ensure that a wide range of Hayward's diverse community is being reached, especially the underserved communities/populations such as non-English speakers. The project applicant will work with the City to prepare and submit a Final Marketing Plan to the City, which must be submitted to the City upon the earlier of (a) 120 days prior to completion of construction, or (b) 60 days prior to marketing the Affordable Units in the project.

The project applicant will also work with City of Hayward Housing Department to submit a Management Plan for the Affordable Units in accordance with the Affordable Housing Ordinance. As of the date of this Affordable Housing Plan, a management company has not yet been selected to operate Main & Maple on behalf of Goel Hayward MF LLC. Information will be provided to the City and included in the Management Plan once a management company has been selected. The project applicant will submit the Final Management Plan to the City upon the earlier of (a) 120 days prior to completion of construction, or (b) 60 days prior to marketing the Affordable Units in the project.

J. Please see Exhibit C – Statement of Compliance with S. 10-17.510 h. of the Hayward AHO.

EXHIBIT A

LOCATION OF AFFORDABLE UNITS

(Attached)

LOCATION OF AFFORDABLE UNITS
- For unit layout and unit size refer to Exhibit A.1
- For unit affordability level refer to Attachment F

MAPLE COURT

MCKEEVER AVENUE

MAIN STREET

(S1) ON FLOOR 4

(B2) ON FLOOR 1

(A2) ON FLOORS 2 AND 3

(B2) ON FLOOR 3

(B4) ON FLOOR 4

(B7) ON FLOOR 3 AND 4

(B1) ON FLOOR 1 AND 4

(A4) ON FLOORs 1 AND 2

(A4) ON FLOORS 3 and 4

(C2) ON FLOOR 1

(B3) ON FLOOR 5

(A1) ON FLOOR 2

(B1) ON FLOOR 3

RESIDENTIAL
RESID. AMENITIES
COMMERCIAL
UN ZONING
DT-MS ZONING
WALKABILITY / PEDESTRIAN CIRCULATION
TRASH ROUTE
PRIMARY BUILDING ACCESS
BUILDING SIGNAGE TYPE 1: LOCATED AT +/- 55' NEAR BUILDING PARAPET, INDICATING PROJECT NAME/ADDRESS. SEE PAGE A-17
BUILDING SIGNAGE TYPE 2: LOCATED AT +/- 14' INDICATING GROUND FLOOR FUNCTIONS. SEE PAGE A-17 AND A-18
(SIGNAGE IS CONCEPTUAL, DETAILS TO BE DEVELOPED BY SIGNAGE CONSULTANT AT A LATER TIME)

NOTES:

1. FOR BUILDING CODE ANALYSIS, EXITING, AND FIRE ACCESS, REFER TO SUPPLEMENTAL SHEETS IN THIS SET
2. FOR DETAILED INFO ON LANDSCAPE AND HARDSCAPE ELEMENTS REFER TO SHEETS L1.00 TO L1.11
3. FOR TRASH ENCLOSURE DETAILS AND BIN SIZES SEE SHEET A-22

MAIN AND MAPLE MIXED USE

HAYWARD, CALIFORNIA HPA# 20170

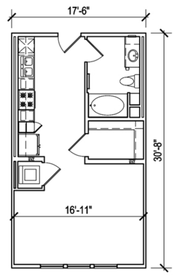
OVERALL SITE PLAN

February 12, 2021

GOEL HAYWARD MF, LLC

HUMPHREYS & PARTNERS ARCHITECTS, L.P.
5339 Alpha Rd., Suite 300, Dallas, TX 75240 | 972.701.9636 | www.humphreys.com

EXHIBIT A



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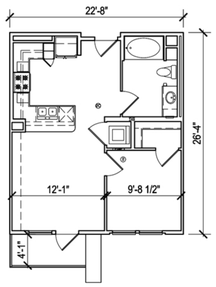

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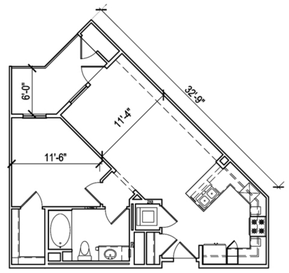

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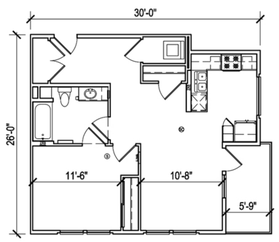

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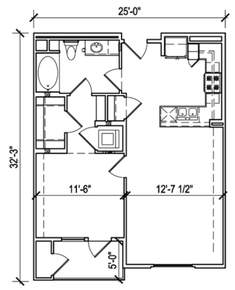

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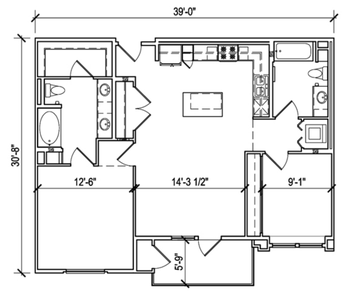

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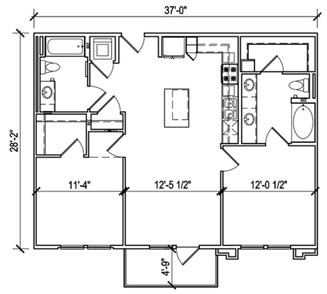

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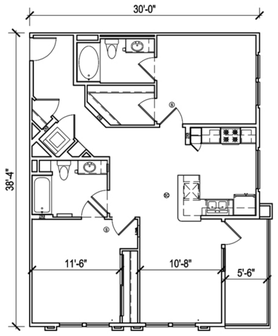

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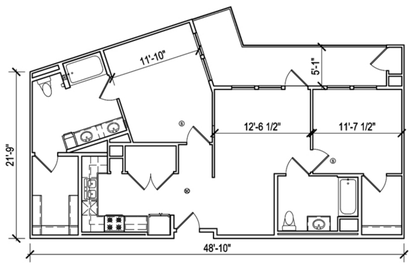

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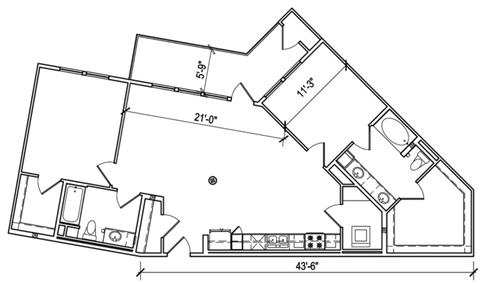

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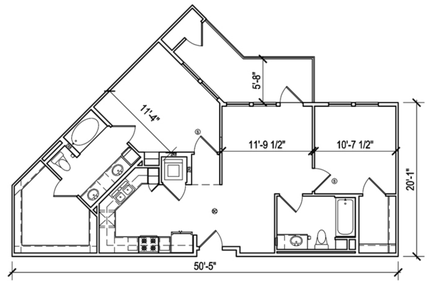

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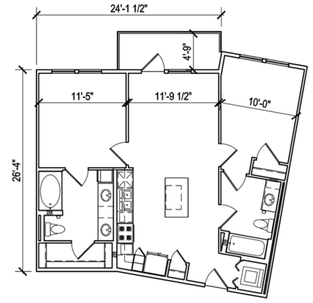

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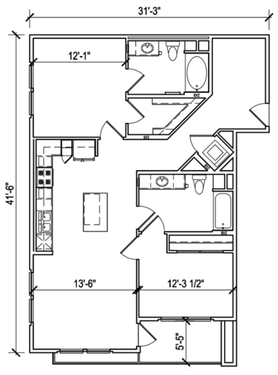

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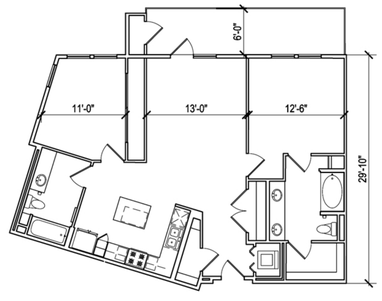

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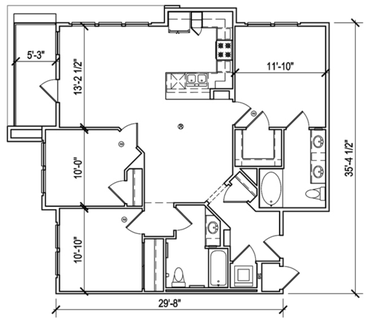
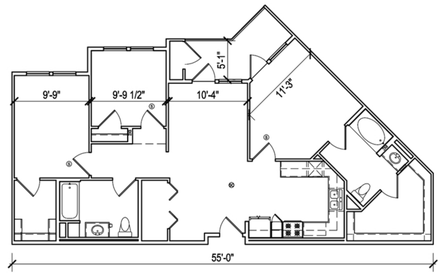
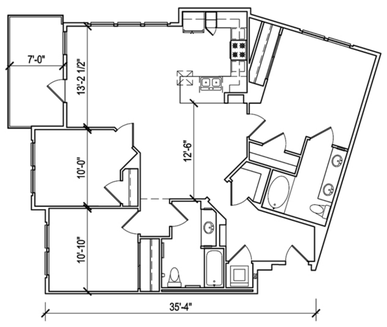


C1-A (C1-B SIM.)



• C2



C1-C

SCALE $\frac{1}{8}$" = 1'-0"(30X42)

0' 8' 16' 32'

MAIN AND MAPLE MIXED USE

HAYWARD, CALIFORNIA HPA# 20170

UNIT PLANS

June 4, 2021

GOEL HAYWARD MF, LLC

HUMPHREYS & **PARTNERS** ARCHITECTS, L.P.

5339 Alpha Rd., Suite 300, Dallas, TX 75240 | 972.701.9636 | www.humphreys.com

EXHIBIT A.1

EXHIBIT B

DENSITY BONUS REQUEST

(Attached)

COX CASTLE NICHOLSON

Cox, Castle & Nicholson LLP
50 California Street, Suite 3200
San Francisco, California 94111-4710
P: 415.262.5100 **F**: 415.262.5199

Christian H. Cebrian
415.262.5123
ccebrian@coxcastle.com

File No. 086852

May 3, 2022

VIA E-MAIL

Jeremy Lochirco
Acting Planning Manager
City of Hayward
777 B Street
Hayward, CA 94541

Re: *Updated* Request for Density Bonus Consistent with Government Code Section 65915 for Proposed Revised Maple & Main Project

Dear Mr. Lochirco:

On behalf of Goel Hayward MF, LLC ("Applicant"), this letter serves as an updated request for a density bonus, waivers, and concessions, and application of parking standards consistent with State Density Bonus Law (Gov't Code § 65915) for the proposed 314-unit Maple & Main mixed use development ("Project") in the City of Hayward ("City"). Further project details, including the Project's zoning, assessor parcel numbers, vicinity map, and site plan, may be found in the current plan set for the Project on file with the City. An Affordable Housing Plan for the Project is being submitted concurrently with this letter.

The City's Affordable Housing Ordinance ("AHO") requires a residential project that will satisfy affordable housing requirements through the provision of onsite rental units to provide 6% affordable units evenly split between low income and very-low income units with the ability to provide units at lower affordability levels.

Of the Project's proposed 19 affordable rental units, 16 of those units (or 5% percent of the 314-unit base project) would be very-low income units restricted to very-low income households, and the other 3 units would be low income units restricted to low income households (collectively, the "Affordable Units"). The Project's proposed Affordable Units exceed the City's AHO requirements by delivering more very-low income units than is otherwise required.

A mixed use project that provides at least 5% very-low income units qualifies for the following benefits under Density Bonus Law: "(1) a 'density bonus;' (2) 'incentives and concessions;' (3) 'waivers or reductions' of 'development standards;' and (4) prescribed 'parking ratios.'" (*Bankers Hill 150 v. City of San Diego* (2022) 74 Cal.App.5th 755, 769; Gov Code § 65915(b)(1)(B), (i).)

In this case, the Affordable Units qualify the Project for a 20 percent density bonus, unlimited waivers, one concession, and reduced parking ratios.

Requested Concessions

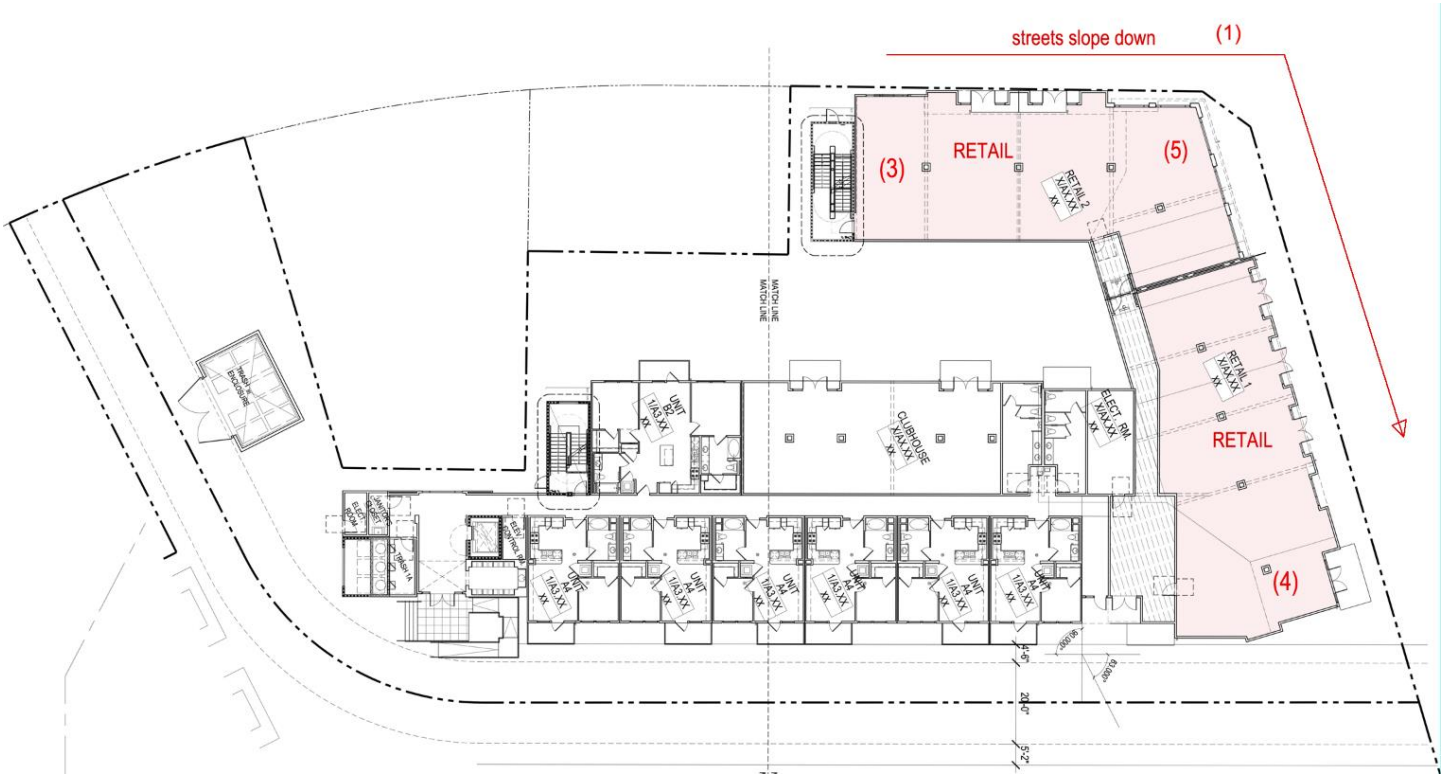
"[I]ncentives and concessions are intended to assist in lowering the cost to build a project that includes affordable housing by allowing the developer to avoid development standards. [Citation] An 'incentive or concession' is defined as a 'reduction in site development standards or a modification of zoning code requirements or architectural design requirements that exceed the minimum building standards ... that results in identifiable and actual cost reductions.' [Citation] The law states that a 'site development standard' includes setbacks, height limitations, and other requirements imposed by 'any ordinance, general plan element, specific plan, charter, or other local condition, law, policy, resolution, or regulation.' [Citation] The applicant is not required to prove the requested incentives will lead to cost reductions; the incentive is presumed to result in cost reductions and the city bears the burden to demonstrate otherwise if it intends to deny the incentive." (*Bankers Hill 150*, 74 Cal.App.5th 755 at 770.)

The Applicant requests the following concession:

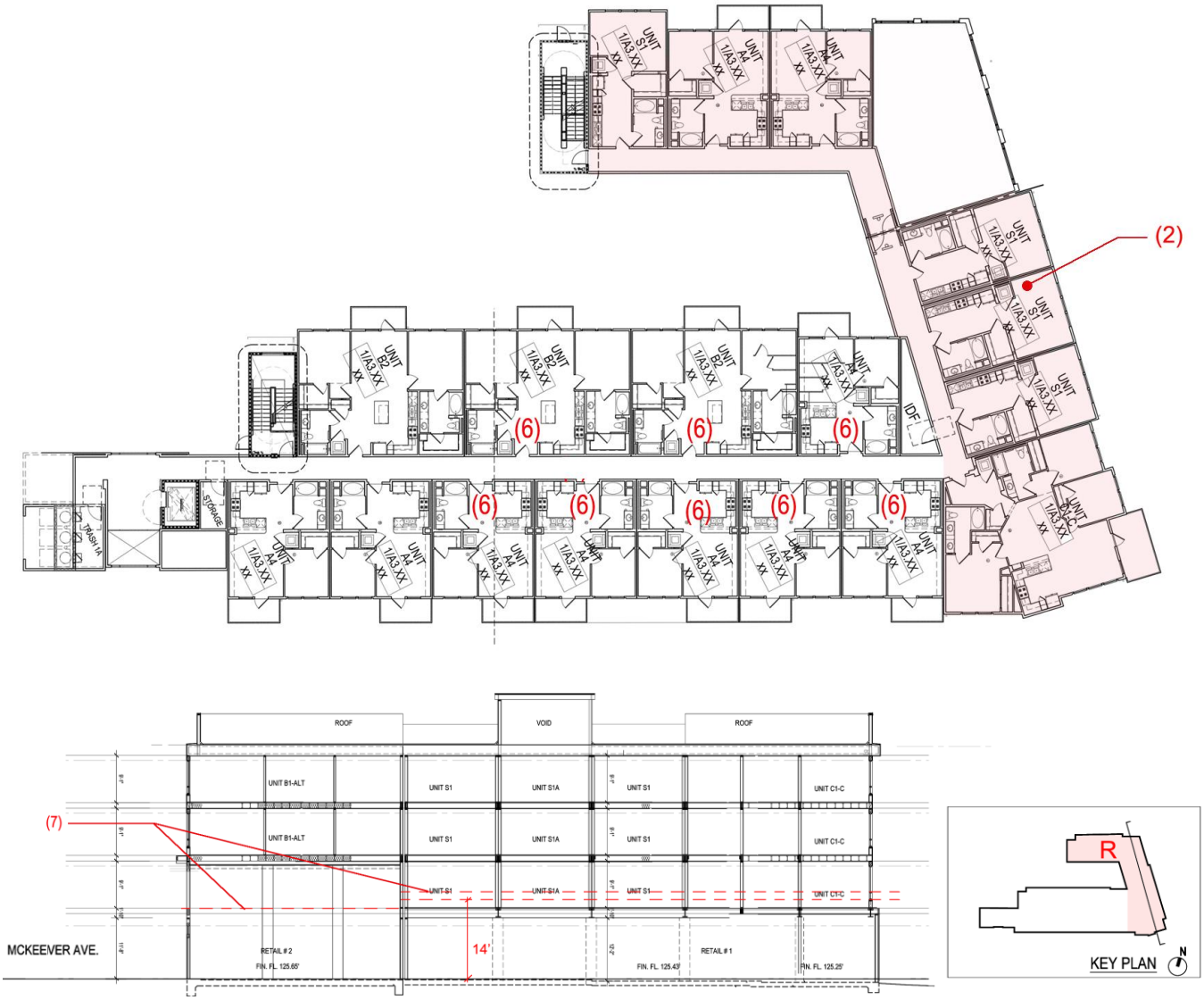
Ground Floor Commercial Ceiling Height - Per 10-28.2.2.060 - URBAN NEIGHBORHOOD (UN), the minimum required Retail Height is 14'. Although the Project exceeds this standard at the retail corner, the retail heights are reduced to +/-12' over approximately 85% of the retail frontage. This is a result of sloping grade at the retail corner of the Project site and the retail spaces have been designed to follow the slope of the adjacent streets. (1) The second level floor plate that acts as the ceiling for the retail space is a single level plane. (2) The lowest plate height (ceiling height) is 11'-8" along McKeever (3). The lowest plate height (ceiling height) is 12'-2" along Maple (4). The tallest plate (ceiling height) is located at the corner of McKeever and Maple street and was accomplished by eliminating a second level unit. That plate (ceiling height) exceeds 18'-0" (5)

Extending the ceiling line of the McKeever and Maple street retail space to the remaining retail spaces would require the loss of the market-rate residential units above those retail spaces which would result in an identifiable substantial loss of revenue needed to subsidize the affordable units. Alternatively, raising the entire building by 2'4" to meet the minimum retail height requirements in all retail spaces would require structural steel lateral bracing elements throughout the 1st level of the building. Avoiding the need to use structural steel in the building design would result in a substantial construction cost reduction to help offset the costs of the

affordable units.[1]



[1] These same factors would support the use of a waiver. The loss of units would physically preclude construction of the density bonus project. The structural steel would result in intrusions into the residential units to accommodate the steel on the first floor that would reduce floor area and would impact required accessible clearances in kitchens and bathrooms along the corridor side of the units and physically precluding construction of the density bonus project (6)(7) (upper dashed line represents raised residential floor height and lower dashed line represents raised 14' retail ceiling height). Even if a waiver is not requested, the City would be required to grant one for a development standard that "would physically preclude construction of [the] project as designed . . . ." (*Bankers Hill 150*, 74 Cal.App.5th 755 at 775.)



Requested Waivers

Government Code Section 65915(e)(1) provides, in part, that "[I]n no case may a city, county, or city and county apply any development standard that will have the effect of physically precluding the construction of a development meeting the criteria of subdivision (b) at the densities or with the concessions or incentives permitted by this section." The right to waivers has been broadly interpreted by the courts. (See *Wollmer v. City of Berkeley* (2011) 193 Cal.App.4th 1329, 1346–1347 ["Standards may be waived that physically preclude construction of a housing development meeting the requirements for a density bonus, period. [] The statute

does not say that what must be precluded is a project with no amenities, or that amenities may not be the reason a waiver is needed.") "[A] city must offer a *waiver or reduction* of development standards that would have the effect of physically precluding the construction of a development at the density, or with the requested incentives, permitted by the Density Bonus Law. [] For example, if a city ordinance imposes a building height limitation, a city must waive that limitation for a development that is eligible for a density bonus if imposing the height limit would physically preclude construction of the proposed building with the requested incentives and at the density allowed by the Density Bonus Law. There are no financial criteria for granting a waiver." (*Bankers Hill 150*, 74 Cal.App.5th at 770.)

The Applicant is requesting a waiver from the following development standard that physically preclude the development of the proposed density bonus project:

1. **Lined Building Width along Main Street** - Per 10-28.3.3.140 - LINED BUILDING, the maximum allowed width of the exterior building main body is 320'. The project Lined Building width is 350' which exceeds the maximum allowed width. Reducing the building width or breaking the building into multiple structures would result in the loss of residential units. Therefore, compliance with the Lined Building Width requirements would physically preclude construction of the proposed density bonus project.

Other Density Bonus Requests

Government Code Section 65915(f) provides that an applicant may request a lesser density bonus than it is entitled to, including "no increase in density." The Project requests a 0% density bonus.

The Applicant also does not request the reduced parking ratios set forth in Government Code Section 65915(p) be applied to the project.

The Applicant may adjust its Density Bonus request as the Project proceeds through processing. We look forward to working with you on the Project. Please feel free to call me if you have any questions.

Sincerely,

/s/ *Christian Cebrian*

Christian H. Cebrian

CHC

086852\14732193v3

EXHIBIT C

STATEMENT OF COMPLIANCE
S. 10-17.510 h. of the Hayward AHO

The Affordable Units are to be integrated with the overall project. The Affordable Units will share the same sewer, water and other utilities that are utilized for the market rate units. The Affordable Units may have different interior finishes and features than market-rate units, but the interior features will be durable, of good quality and consistent with contemporary standards for new housing.

The Affordable Units consist of approximately 6% of the Studio/1-bedroom units, approximately 6% of the 2-bedroom units, and approximately 6% of the 3-bedroom units.

Building permits for market rate units and Affordable Units shall be obtained simultaneously, as the market rate units and Affordable Units will be integrated. Certificates of occupancy for market rate units and Affordable Units shall be issued simultaneously as well.

FEHR PEERS

Memorandum

Date: June 7, 2021

To: Derrick Matano, Project Management Advisors, Inc.

From: Rob Rees, PE and Gaby Picado-Aguilar, Fehr & Peers

Subject: Maple & Main Mixed-Use Development – Parking Management Plan Update

OK20-0391

This Parking Management Plan (PMP) is an update of the original PMP developed by Wood Rogers in July of 2016 for a previous project application of the Maple & Main Mixed-Use Development (Project) in Hayward, California. Fehr & Peers reviewed the previous project's PMP as well as the Hayward City Council Resolution No. 17-013 Conditions of Approval (COA) to ensure PMP and COA are still relevant for the Project. This PMP summarizes existing on-street parking demand for the surrounding area, compares the Project parking supply with code requirements, and outlines potential parking management strategies to minimize parking spillover into the surrounding area.

Project Overview

The Project is a mixed-use development located on McKeever Avenue, between Maple Court and Main Street in Hayward, California. The project would consist of 314 multi-family residential units, 63 of which are designated as affordable housing. The Project also includes 7,100 square feet of retail. The 251 market rate units are located in a 5-story building facing both Main Street and Maple Court, while the 63 affordable housing units and 7,100 SF of retail are located in a 4-story building at the corner of McKeever Avenue and Maple Court. Additional amenities for the use of residents include a club house, a gym, and a leasing center.

On-street Parking Demand

Fehr & Peers conducted a project site visit on Monday April 12, 2021 within the proposed project study area bounded by A Street to the south, Foothill Blvd and San Lorenzo Creek to the east, Rose Street to the north, and Mission Boulevard to the west. This area consists primarily of single-family residential with some multi-family residential and medical offices. Street parking on the roadways directly surrounding the Project site currently exist on the north side of A Street, both sides of Main Street, the west side of Maple Court, and both sides of McKeever Avenue. Parking on the north side of A Street is subject to a two-hour time limit from 9 AM to 4 PM. Parking on Main Street, McKeever Avenue, and Maple Court is subject to a two-hour time limit from 7 AM to 6 PM, except Saturday and Sunday.

Fehr & Peers conducted a parking occupancy survey between 10 PM and 11 PM on Wednesday April 14th, 2021 to capture typical peak parking demand. This survey time (late evening on a typical weekday) was determined to represent peak parking occupancy along adjacent residential streets as residents are most likely to be home during this time. While on-street parking occupancy data collection was conducted during COVID, residential parking demand in the late evening hours is expected to be similar to pre-COVID conditions. We estimated parking supply by measuring the length of each block, removing space for driveways and parking restrictions, and assuming a conservative 25-feet requirement per parked vehicle to compensate for curb fragments between closely spaced driveways and sub-optimally parked vehicles. **Table 1** shows a parking demand summary for each study segment during the study hour.

We counted a parking supply of 423 spaces with a parking occupancy of 276 vehicles at 10 PM, resulting in an average parking occupancy for the entire study area of 65 percent. Of the 21 blocks surveyed, 19 had available capacity during the observed period. Main Street had two blocks, McKeever Avenue to Simon Street and Hazel Avenue to Sunset Blvd, with parking occupancy at 100 percent. The blocks nearest the proposed project generally had lower average occupancy of 37 percent (43 spaces). Parking demand is slightly higher (67 percent) than observed in 2016 (54 percent) for blocks in common with the previous PMP. Therefore, the 2021 parking analysis reflects slightly higher occupancies than in 2016.

Table 1: Existing Peak Parking Demand (Wednesday, April 14,2021 at 10 PM)

Roadway	Limits	Parking Supply (Spaces)	Parking Occupancy (Spaces)	Peak Occupancy (%)
Hazel Ave	Rio Vista St to Driveway	16	3	19%
	Foothill Blvd to Driveway	6	0	0%
Hotel Ave	Mission Blvd to Main St	31	8	26%
Main St	A St to Hotel Ave	13	5	38%
	Hotel Ave to Levine Ct	7	1	14%
	Levine Ct to McKeever Ave	10	1	10%
	McKeever Ave to Simon St	**37**	**37**	**100%**
	Simon St to Hazel Ave	3	0	0%
	Hazel Ave to Sunset Blvd	**33**	**33**	**100%**
	Sunset Blvd to Rose St	31	21	68%
Maple Ct	A St to McKeever Ave	10	2	20%
	McKeever Ave to San Lorenzo Creek	4	0	0%
McKeever Ave	Main St to Maple Ct	24	16	67%
Prospect St	Rose St to Sunset Blvd	26	20	77%
	Sunset Blvd to Simon St	35	30	86%
	Simon St to Warren St	47	42	89%
Simon St	Mission Blvd to Prospect St	28	21	75%
	Prospect St to Main St	16	11	69%
Sunset Blvd	Mission Blvd to Prospect St	26	13	50%
	Prospect St to Main St	13	2	15%
Warren St	Prospect St to Main St	11	10	91%
Total		**427**	**276**	**65%**

Source: Occupancy observed Wednesday, 4/14/2021 between 10 PM and 11 PM. Fehr & Peers, 2021.

Project Parking Demand

The Project is in an area of Downtown Hayward zoned as Urban Neighborhood and regulated by the Downtown Specific Plan. The Project would provide parking for residents, visitors, and retail patrons. Each of these uses has different requirements. **Table 2** shows a summary of the required and proposed parking based on each use.

Table 2: Parking Requirements

Parking Type	Size	Minimum Required Parking Supply	Proposed Parking Supply	Meets Requirement?
Residential Parking[1]	314 DU4	314	375	**Yes**
Guest Parking[2]		32	33	**Yes**
Subtotal Resident & Guest Parking		346	408	
Retail Parking3	7.1 KSF5	13	18	**Yes**
Total Parking		**356**	**426**	**Yes**

1. SEC.2.2.060.F – Urban Neighborhood Parking and Driveways, Hayward Downtown Specific Plan, Chapter 6 – Development Code. Residential parking required is the minimum of:
   - 1 parking space per unit OR
   - 1/500 SF
2. SEC. 10-2.310 – Residential Uses, City of Hayward Municipal Code: 10% of parking spaces shall clearly be marked for visitors.
3. SEC. 2.2.060.F – Urban Neighborhood Parking and Driveways, Hayward Downtown Specific Plan, Chapter 6 – Development Code (for non-residential uses): 1 parking space per every 500 SF above the first 1,000 SF.
4. DU = dwelling unit
5. KSF = 1,000 square feet

Source: Fehr & Peers, 2021.

Parking Management Strategies

Fehr & Peers reviewed and updated the parking management strategies provided in the original PMP and required by the COA to regulate the proposed project's parking demand and reduce spillover from resident, retail, and visitor parking onto the adjacent streets. The relevant strategies related to parking management are listed below:

- **Unbundled Parking** – The COA dictates that the Project must separate reserved parking fees from residential and retail lease fees and include a statement in the lease prohibiting off-site overnight parking in the surrounding areas. This strategy can reduce automobile parking demand by giving tenants the option to reduce their monthly rent, forgo a reserved parking space, and use alternative modes of travel (i.e. walking, biking, and transit).
- **Preferential Parking** – The COA requires the provision of at least two carshare vehicles, other shared vehicles, and electric vehicles in preferential parking spaces within the Project garage. Providing residents with preferential parking access to shared vehicles can further reduce private car ownership and further reduce parking demand.
- **Hayward BART Station Shuttle** – The COA requires either a fair-share contribution to a city shuttle service or the provision of a private shuttle between the proposed project

and the Hayward Bay Area Rapid Transit (BART) station operating with 20- to 30-minute headways on weekdays. The Hayward BART station located less than a half-mile from the Project, provides access to regional employment/education/retail centers in Oakland, Berkeley, San Francisco, and San Jose (estimated 2030). Providing a first-mile-last-mile (FMLM) shuttle connection to the BART station will increase the convenience of transit travel to regional destinations.

- **Discounted Transit Passes** – The COA requires the provision of discounted transit passes for residents. In combination with the FMLM shuttle, discounted transit passes will incentivize building tenants to reduce automobile use and potentially forgo automobile ownership.
- **On-site Bicycle Parking and Bikeshare** – Storage for 81 bicycles (79 for residents and 2 for retail) as required by Hayward City Code. The COA also requires the provision of at least five bicycles available for rent to building tenants. When combined with carshare and transit, bicycle amenities provide an alternative to automobile use for shorter trips.
- **Deliveries** – Deliveries will need to be accommodated within the Project site or the Project may stripe a designated loading zone along Main Street, subject to City review and approval.

Parking Monitoring & Enforcement

The COA requires on-street parking surveys with methodology in accordance with Section 3.95 of the City's Traffic Regulations, the Preferential Permit Parking Program (PPP Program). On-street parking surveys shall be conducted at 6-month intervals for the first five years of project occupancy once the project achieves at least 75% occupancy. An on-street permit parking program may be developed if survey results meet PPP Program criteria including:

1. A city-provided PPP Program petition form containing the signatures of residents representing 55% of the addresses within the proposed PPP area;
2. A proposed PPP area with a minimum of six blocks and 80% in a residential zone;
3. A minimum parking occupancy of 75% of all on-street parking spaces within the proposed PPP area during any two one-hour periods between 8 AM and 6 PM or other hours determined appropriate by the Director of Public Works.

This PPP Program shall:

1. Specify the area subject to the PPP along with parking restriction days and hours;
2. Include street signage in the program area;
3. Make permits available to owners, residents, and guests in the program area, with permit quantities determined by City Council as recommended by Public Works Director;

The Project shall pay for developing the PPP Program, costs for signage and permits, and costs for enforcement of the program area. If the City Council or Public Works Director as designated by the City Council, determine that other developments in the proposed project study area are impacting on-street parking, the cost of implementing such a program would be shared by those developments proportionally using a methodology determined by the City.

Based on the on-street parking survey, if the Project were to consistently add more than 44 parked vehicles to the surrounding streets they would meet the minimum 75% occupancy threshold for a PPP Program.

Plan Recommendations

The Project site plan exceeds the City of Hayward minimum parking requirements and is projected to provide adequate parking for the residential, guest, and retail parking demand. Peak residential parking demand is projected to occur during the evenings/overnight hours while peak retail/commercial parking demand is projected to occur during midday and afternoon hours. Building management may modify allocation of resident, retail, and commercial parking spaces within on-site parking areas as demand indicates.

All Project-generated parking demand is expected to be provided on-site. However, some Project users may use available surrounding street parking for short periods of time, subject to posted parking restrictions and time limits. These uses include visitors to the proposed project's retail who find on-street parking more convenient than the parking garage, short-term visitors to apartments, and apartment residents making short stops/trips during the day. Should spillover parking from the Project onto nearby residential streets become an issue, a possible future solution would be to implement a PPP Program to residents in the neighborhoods surrounding the Project. The potential problem of spillover parking would be analyzed and addressed at the time that it is identified as an issue.

FEHR PEERS

Memorandum

Date: June 7, 2021

To: Derrick Matano, Project Management Advisors, Inc.

From: Rob Rees, PE and Gaby Picado-Aguilar, Fehr & Peers

Subject: Preliminary Transportation Demand Management Plan

OK20-0391

The proposed Maple & Main development (Project) is required to prepare a Transportation Demand Management (TDM) Plan per the City of Hayward's Conditions of Approval (COA) from the Hayward City Council Resolution No. 17-013 dated February 7th, 2017 approving the project for the previous applicant. This memorandum describes the project and setting, lists the required TDM strategies that the project shall implement to achieve a 20 percent Vehicle Trip Reduction (VTR) as stated in the COA, provides the additional strategies that should be considered if the 20 percent VTR is not achieved, and provides recommendations for monitoring, evaluation, and enforcement of the TDM Plan.

According to our TDM analysis results, the proposed project and required COA TDM measures could achieve a 15 percent VTR under typical conditions and up to 40 percent VTR with a high level of support and marketing. If monitoring shows the Project is below the 20 percent VTR threshold, additional effective TDM strategies are available given the Project specific characteristics.

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www.fehrandpeers.com

Project Context

Project Description

The Project is a mixed-use project located on McKeever Avenue, between Maple Court and Main Street in Hayward, California. The Project would consist of 314 multi-family residential units, 63 of which are designated as affordable housing. Additionally, it includes 7,100 square feet of retail. The 251 market rate units are located in a 5-story building facing both Main St and Maple Court, while the 63 affordable housing units and 7,100 SF of retail are located in a 4-story building at the corner of McKeever Ave and Maple Court. Additional amenities in the project for the resident use include a club house, a gym, and a leasing center. The Project would provide a total of 426 automobile parking spaces with 375 reserved residential spaces, 32 guest spaces, and 18 retail spaces. Once brought into compliance with minimum requirements, the Project would also provide 79 secure long-term and 31 short-term bicycle parking spaces for the residential units as well as four secure long-term and two short-term bicycle parking spaces for the retail land uses.

Project Location

The Project is in Downtown Hayward, a moderately dense urban area with regional commuter rail access, multiple bus routes, and good pedestrian connectivity. The Project has a Walk Score of 93[1], indicating that most daily errands can be achieved without a car. Consistent with this score, the Project is within walking distance of a variety of neighborhood-serving retail and restaurants. It is within 0.5 miles of the Hayward Bay Area Rapid Transit (BART) station, one mile of the Amtrak station and within 0.4 miles of several Alameda-Contra Costa Transit District (AC Transit) lines:

- 20-minute headway: Line 10
- 30-minute headway: Line 801
- 40-minute headway: Lines 60 and 95
- 60-minute headway: Lines 28 and 93

The Project's proximity to both local and regional transit as well neighborhood amenities is likely to result in relatively high rates of walking, bicycling, and transit use by residents and visitors. This is confirmed in part by the travel patterns of the area's existing residents shown in **Table 1**.

[1] https://www.walkscore.com/score/maple-ct-hayward-ca-94541

According the U.S. Census American Community Survey (ACS) nearly one third of Downtown Hayward employed residents commute to work without the use of an automobile, almost twice as high as the non-auto commute mode share for all employed Hayward residents. This is largely due to a much higher transit commute mode share at 23% for Downtown Hayward compared to 9% for Hayward as a whole.

Table 1: Commute Mode for Employed Residents

Transportation Mode	Mode Share	
	Downtown Hayward	Hayward City
Automobile	69%	83%
Public Transit	23%	9%
Bicycle	1%	1%
Walking	1%	2%
Work from Home	5%	4%

Source: U.S. Census Bureau, 2015-2019 American Community Survey 5-Year Estimates, Census Tract 4034, Table B08006.

TDM Relevant Project Features

In addition to being in an area that supports alternatives to driving, the Project has multiple land use, parking, and bicycle/pedestrian access features that are likely to reduce vehicle trips compared to existing land uses in Downtown Hayward.

Land Use

The Project contains a mix of complimentary residential and retail land uses that have been shown to capture trips internally to the site that would otherwise leave the site (e.g. ground floor retail and a gym for proposed project residents). Taking the mix of land uses into account reduces estimated automobile travel by up to 3% for daily trips, 3% for AM peak hour trips, and 5% for PM peak hour trips compared to Institute of Transportation Engineers (ITE) Trip Generation Manual rates discussed in more detail in the *Maple & Main Local Transportation Analysis Report*.

The Project also contains 63 affordable housing units. Affordable housing often generates fewer trips than market-rate housing when easily accessible by transit. Suburban low-income multi-family housing generates about 29 percent fewer trips than suburban market-rate single-family

housing, and about 15 percent fewer trips than suburban market-rate multi-family housing.[2] While the research is limited the affordable housing units could reduce automobile trips by up to 4% compared to unadjusted automobile trip generation for the Project. The affordable housing is likely to be an effective TDM measure.

Parking

The Project minimizes the provision of automobile parking while also including preferential parking for shared vehicles and secure long-term residential and retail bicycle parking as well as short-term bicycle parking for resident guests and retail patrons.

Bicycle & Pedestrian Access

Consistent with the City of Hayward Bicycle and Pedestrian Master Plan, the Project includes the following off-site bicycle infrastructure improvements adjacent the project frontage:

- A Class IV bikeway along Main Street between A Street and McKeever Avenue
- A Class III bikeway along McKeever Avenue between Main Street and City Center Drive. Fehr & Peers recommended in the Project's local transportation assessment that this facility be upgraded to Class II bike lanes.

The Project would also provide pedestrian oriented design by continuous building frontage along the perimeter of the site, ground level retail, and multiple pedestrian access points into the Project's buildings. Furthermore, the Project would limit automobile access to one parking garage driveway on Main Street.

TDM Analysis

Conditions of Approval TDM Strategies

The COA dictated that the Project must provide both a Parking Management Plan (PMP) and a TDM Plan. Though some required measures were included as part of the PMP instead of the TDM

[2] Howell, A., Currans, K., Norton, G., & Clifton, K., 2018. Transportation impacts of affordable housing: Informing development review with travel behavior analysis. Journal of Transport and Land Use, 11(1). doi:10.5198/jtlu.2018.1129. Available at: https://www.jtlu.org/index.php/jtlu/article/download/1129/986

Plan, they would have a quantifiable VTR as part of a TDM Plan. All relevant TDM measures from the COA are listed below:

- A **Parking Management Plan** (PMP) that details how on-site parking will be managed and enforced, including how to minimize off-site parking[3]
- **Unbundled parking**, which requires all on-site parking spaces to be provided separate from the lease rates of rental units and retail uses
- **Preferential parking** for electric vehicles and shared vehicles in the parking garage
- **Shuttle service**, either through contribution toward the funding of the City sponsored shuttle or the provision of a private shuttle with 20- to 30-minute headways on weekdays, and on weekends as demand dictates, which would provide shuttle service to and from the Hayward BART station
- **Discounted transit passes** for residents
- **Shared vehicle program** (e.g., Zipcar), comprised of at least two spaces in the garage
- **Bike rental program** that offers at least five bikes for rent to building residents

In addition to the measures listed above, the COA requires TDM reporting on an annual basis for five years. TDM reporting must provide evidence acceptable to the Public Works Director that identifies how TDM measures have reduced project trip generation by 20% compared to the baseline trip generation included as part of the report titled *2021 Local Transportation Assessment for Maple and Main Mixed-Use Development* prepared for the Project.

TDM+ Results

Fehr & Peers estimated potential trip reduction benefits of the proposed strategies using Fehr & Peers' proprietary TDM+ tool. This tool was created through research and reporting for the California Air Pollution Control Officer's Association (CAPCOA) and the Bay Area Air Quality Management District. The TDM+ tool was validated and recalibrated based on sites in the Bay Area to verify its reliability in providing real world results. This tool has been adopted by the Bay Area Air Quality Management District as its recommended TDM evaluation tool.

Table 2 lists all mandatory TDM strategies that apply to the Project, as well as the anticipated effectiveness of each strategy based on research compiled in Quantifying Greenhouse Gas Mitigation Measures (California Air Pollution Control Officers Association [CAPCOA], August 2010)

[3] *Maple and Main Mixed-Use Development – Parking Management Plan Update, 2021.*

and other available sources. The CAPCOA report is a resource for local agencies to quantify the benefit, in terms of reduced travel demand, of implementing various TDM strategies.

The mandatory strategies in **Table 2** are generally targeted at residents. While some of the mandatory strategies would also affect the travel behavior of residential visitors and commercial employees and customers, these groups are not directly targeted with the TDM programs. The number of commercial employees would be small relative to the total number of residents, and visitors and customers would likely not be aware of TDM programs or visit frequently enough to make them cost effective.

Table 2: TDM Analysis Results

TDM Strategy	Description	Estimated Vehicle Trip Reduction[1]
Infrastructure Improvements	Off-site bicycle improvements consistent with Hayward Bicycle Pedestrian Master Plan	N/A[2]
Unbundled Parking	Residents are required to pay for a parking space separately from their monthly rent	<16%
Preferential EV & Carpool Parking	Dedicated parking spaces for EVs and carpool vehicles	N/A[2]
Last Mile Shuttle	Shuttle to Hayward BART with at least 30-minute weekday frequency	<23%
Transit Subsidies	Offer to provide a monthly transit subsidy to residents[3]	2% - 5%
Carshare	Dedicate at least two on-site carshare parking spaces	<1%
Bikeshare	Make at least five bicycles available for rent to residents.	<2%
Pedestrian-Oriented Design	Pedestrian-scale design, with direct access to primary approaches for pedestrian traffic	<3%
Required Measures Trip Reduction Estimates		**Low 2%, Mid 15%, High 40%**

1. The focus of the CAPCOA document is reductions to VMT but the research used to generate the reductions also indicates vehicle trip reductions are applicable as well. For the purposes of this analysis the VTR is assumed to equal the VMT reduction. See the cited CAPCOA research for more information and related information on page 8 of the BAAQMD *Transportation Demand Management Tool User's Guide* (June 2012).
2. The effectiveness of this strategy cannot be quantified at this time. This does not necessarily imply that the strategy is ineffective. It only demonstrates that existing literature does not provide a robust methodology for calculating its effectiveness. In addition, many strategies are complementary to each other and isolating their specific effectiveness may not be feasible.
3. Assuming a 50% subsidy available to residents that request it.

Source: Fehr & Peers, 2021

VTR results from **Table 2** range from *Planning Low* to *Planning Ambitious* defined as:

- **Planning Low (Low)** – indicates a conservative estimate, suitable for use in environmental documents. Not all strategies provide a reduction suitable for EIR/EIS use.
- **Planning Moderate (Mid)** – indicates an estimated effectiveness under typical conditions, with standard marketing and enforcement.
- **Planning Ambitious (High)** – indicates a potential upper limit to reductions, and requires a high level of support, marketing, and investment in most cases.

Based on the TDM analysis results, the Project can expect a *Planning Moderate* VTR of about 15 percent, and could reach 20 percent with higher support level. The actual VTR reduction would be confirmed through monitoring described in the *TDM Monitoring* section of this memorandum.

Additional Operational Strategies

If the mandatory measures do not meet the required goal of 20 percent VTR, the Project shall consider implementing some or all the following additional strategies to reduce automobile trips and encourage non-automotive travel. The *Planning Moderate* reduction estimate is listed for each strategy:

- **Residential Ride-match Program (<1%)** – Assist potential carpoolers in finding other individuals with similar travel routes.
- **Carshare Subsidy (<1%)** - Provide residents with free or discounted carshare membership to offset the cost of car sharing programs and reduce the demand for private vehicle ownership.
- **Transit Subsidy Increase (<2%)** - Increase the transit fare subsidy for Project residents and retail employees.
- **Commute Marketing Program (<3%)** - In the form of in-person assistance or as a web tool, provides residents and retail employees with a customized menu of options for commuting. Trip planning reduces the barriers the residents and employees see to making a walk, bike, or transit trip to the site. Transit trip making tools, such as those available from Google Maps or 511.org, could be promoted to inform residents and employees of transit options to/from work.
- **TNC Partnerships (<3%)** – Provide pooled ridesharing options, ideally as a last-mile connection to transit or as an aspect of an Emergency Ride Home Program.
- **Carpool/Vanpool Incentives (<1%)** – Include monetary assistance for fares, gas cost, or parking costs for carpool or vanpool users.

TDM Monitoring

The City's COA requires regular periodic evaluation to determine if the program goal of reducing automobile trips has been satisfied and to assess the effectiveness of the implemented strategies. Therefore, Fehr & Peers recommends the following strategy. Beginning the first year after the development and 75% occupancy of the Project, the site management shall prepare an annual TDM monitoring report consisting of the following:

- Summary of implemented TDM measures and their effectiveness (e.g. bicycle parking occupancy, number of transit passes issued, car share use, bike rental use, etc.)
- Results of Project resident and employee transportation surveys to monitor the vehicle trip generation and mode share for the Project residents and employees
- Weekday AM and PM peak period and daily traffic volume counts at the Project garage driveway and the internal gate for the secure residential parking

As previously discussed, the goal of the TDM program is to reduce the number of Project generated vehicle trips, relative to the Project's baseline vehicle trip generation estimates, by 20 percent. Based on ITE trip generation calculations in the *2021 Local Transportation Assessment for Maple and Main Mixed-Use Development* the Project would generate 1,980 unadjusted weekday daily automobile trips, 120 AM peak hour trips, and 165 PM peak hour trips. To be successful the TDM program would need to reduce these trips by 20% to 1,584 daily trips, 96 AM peak hour trips, and 132 PM peak hour trips.

The first monitoring report should be prepared one year after 75% occupancy of the residential component of the Project, and subsequent monitoring reports should be prepared annually for a minimum of five years. This program ensures the implementation of the mandatory TDM measures and related requirements through the COA adopted for the Project.

If deemed necessary, the City may elect to have a peer review consultant, paid for by the Project, review the annual report. If timely reports are not submitted and/or the annual reports indicate that the Project has failed to implement the TDM Plan, the Project will be considered in violation of the COA and the City may initiate enforcement action as provided for in the Project COA. Typically, the Project should not be considered in violation of this COA if the TDM Plan is implemented but the VTR goal is not achieved.

If in two successive years the Project's TDM goals are not satisfied, site management should implement additional TDM measures. If in five successive years the project is found to meet the stated TDM goals, additional surveys and monitoring should be suspended until such time as the City deems they are needed.

IMPACT SCIENCES
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MEMORANDUM

To: Jeremy Lochirco
From: John Anderson, Impact Sciences, Inc.
Subject: Maple & Main Development and Environmental Justice
Date: May 27, 2022
Job No. 1324.003

PURPOSE OF THIS MEMORANDUM

The Maple & Main project was originally proposed in 2015. At the time, the site was occupied by a medical office complex consisting of three medical office buildings and one single-family residence, along with a large parking lot. This project proposes a high-density residential mixed-use development with on-site retail and amenities located near transit. The Hayward BART station is located within a half mile while a bus stop is located two blocks away. Given the location, the project is within walking distance of local retail establishments, schools, and employment centers in Downtown Hayward.

However, since City Council approved the Maple & Main project in 2017, the former property owner—Bay Area Property Developers, LLC—made no visible progress on development and failed to maintain the site free of trespassing, vandalism, other criminal activity, along with illegal occupation by people using its vacant structures for shelter. In December 2019, Alameda County Superior Court granted a City request to appoint a receiver to take control of the property, agreeing with Hayward that the property's condition presents a substantial danger to public safety. Subsequently, all buildings on the site were demolished.

In 2020, the City received a new application from the current owner to develop a residential mixed-use project at the site that increases the number of residential units from the previous proposal and includes additional ground floor retail uses. In 2022, the City received a density bonus application and revised site plan for the project.

This memorandum is prepared to document to all stakeholders how the currently proposed project addresses the societal priority of environmental justice. Note that this memorandum is <u>for informational purposes only</u>; it is <u>not a</u>

requirement of the California Environmental Quality Act ("CEQA"); and is not part of any required regulatory or permitting process. Rather, it presents how the project will serve this diverse and vibrant City and all residents, workers, businesses, service providers and visitors.

INTRODUCTION

Since 1994, with the issuance by Executive Order 12898—Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations—Environmental Justice (EJ) has been an important part of planning for public agencies and private or non-profit developers.

Guiding Principles of Environmental Justice

- To avoid, minimize, or mitigate disproportionately high and adverse human health and environmental effects, including social and economic effects, on minority populations and low-income populations.
- To ensure the full and fair participation by all potentially affected communities in the decision-making process for proposed projects.
- To prevent the denial of, reduction in, or significant delay in the receipt of benefits by minority and low-income populations.

In 2016, the California State Legislature passed Senate Bill (SB) 1000 into law, requiring local governments to identify environmental justice communities (called "disadvantaged communities") in their jurisdictions and address EJ in their General Plans. In June 2020, the Governor's Office of Planning and Research (OPR) issued updated General Plan Guidelines, including guidance for EJ Elements of General Plans to identify environmental justice policies and gaps in existing policies in relation to disadvantaged communities.

The City of Hayward is currently soliciting proposals for the next update to the General Plan, including an EJ Element.[1] However, as described in more detail below, the City of Hayward has been a leader with regard to sustainability, justice, equity, and inclusivity. In 2015, Hayward served as a case study:

1 City of Hayward recently solicited proposals for General Plan and Zoning Related Services, which includes a comprehensive update to the Housing Element, the Climate Action Plan and related policies and programs, Environmental Justice related policies and the Safety Element.

Advancing Social Equity Goals to Achieve Sustainability: Case Study Series[2] and has continued to apply the lessons learned to the betterment of the City.

PRIORITIZATION OF IMPROVEMENTS FOR DISADVANTAGED COMMUNITIES

Environmental justice communities are identified as disadvantaged communities. Disadvantaged communities are defined as an area identified by the California Environmental Protection Agency pursuant to Section 39711 of the Health and Safety Code[3] or an area that is a low-income area that is disproportionately affected by environmental pollution and other hazards that can lead to negative health effects, exposure, or environmental degradation by a variety of means, including history and adverse environmental living conditions. Indicators for disadvantaged communities include **educational attainment, employment, housing-burdened low-income households, income, linguistic isolation, poverty, race and ethnicity, single parent households, U.S. citizenship, violent crime rate, and ability to vote**. These indicators and how they are addressed in the City provide useful metrics for success in serving EJ communities as follows:

- Reduced exposure to pollution, including:
  - Toxic air and greenhouse gas emissions (GHG)
  - Hazardous materials clean-up
- Sustainability (i.e., use of community resources so they are not depleted or permanently damaged)
- Access to:
  - Educational institutions
  - Regional jobs
  - Food and services
  - Parks and recreation, including:
    - o Outdoor spaces (Public Health benefits)

2 Local Governments, Social Equity, and Sustainable Communities. Advancing Social Equity Goals to Achieve Sustainability. Available online at: https://icma.org/sites/default/files/Advancing%20Social%20Equity%20in%20Hayward%20CA.pdf

3 Which states: "These communities shall be identified based on geographic, socioeconomic, public health, and environmental hazard criteria, and may include, but are not limited to, either of the following:
(1) Areas disproportionately affected by environmental pollution and other hazards that can lead to negative public health effects, exposure, or environmental degradation.
(2) Areas with concentrations of people that are of low income, high unemployment, low levels of homeownership, high rent burden, sensitive populations, or low levels of educational attainment."

- Affordable housing opportunities, including:
  - HVAC filtration to current Public Health standards and building codes for all occupants
- Safety
- Accessibility to Civic and Community Engagement

CITY OF HAYWARD DEMOGRAPHICS

Population

According to the most recent estimates from the U.S. Census Bureau (July 2019), the City of Hayward has a total population of 159,203, about 10% more than a population count of 144,186 recorded in 2010.

Census data shows that Hayward's population is diverse consisting of 40% Hispanic, 27% Asian, 16% White, and 9.6% Black. Two or more races consist of about 7% of the population. The median household income for the City is $86,744, which is lower than Alameda County's average of $99,406. About 60% of residents in Hayward speak a language other than English at home, in comparison to 45.6% for Alameda County. The City's foreign-born population is 38.7%, slightly higher than the County's rate of 32.5%. There are more people per square mile in Hayward (3,181) than there are in Alameda County (2,044).

Housing

The median value of owner-occupied housing units is $581,200 in Hayward in comparison to $769,300 for the rest of Alameda County. The median gross rent in Hayward is $1,825, which is higher than the median rent of the County at $1,797.

Educational Attainment

At least 83% of residents have a high school degree, which is slightly below Alameda County's rate of 88.4 percent. However, the rate of higher education (bachelor's degree or higher) for the City is 27.7%, which is lower than the County's rate of 47.7 percent.

The Regional Housing Needs Assessment (RHNA) 6th Cycle indicates that the City of Hayward needs an additional 4,150 units of housing—an increase from the 2015-2023 RHNA of 3,920. The RHNA indicates the City needs 980 very low income (less than 50% of area median income) units, 564 low income (50-80% of area median income) units, 726 moderate income (80-120% area median income) units, and 1,880 above moderate income (greater than 120% of area median income) units.

Diversity

Hayward has a foreign-born population of nearly 39%. Hispanics represent the largest racial and ethnic community in Hayward with common ancestry groups including Mexican (30.2%), Salvadoran (2.5%), Puerto Rican (1.5%), Nicaraguan (1.2%), Honduran (1%), Peruvian (0.5%), and Cuban (0.2%). Asian-Americans represent the second largest group with common ancestries of Filipino (10.4%), Chinese (3.9%), Indian (3%), Vietnamese (2.7%), Japanese (0.5%), Korean (0.5%), Cambodian (0.2%), and Pakistani (0.1%). Hayward is considered California's second most diverse city and it also ranks very high nationwide.

CITY OF HAYWARD POLICIES RELATED TO JUSTICE, EQUITY AND INCLUSIVITY

In January 2017, the Hayward City Council created a Community Task Force to address community concerns about immigration and human and civil rights that arose after the 2016 elections. The Community Task Force was charged with updating Hayward's 1992 Anti-Discrimination Action Plan and developing new recommendations to address current social challenges.

On November 28, 2017, the task force presented The Commitment for an Inclusive, Equitable, and Compassionate Community, a re-imagining of the Anti-Discrimination Action Plan that provides a road map for proactively making Hayward a safe and welcoming place for people of different backgrounds and experiences.[4] In May 2020, the City Council adopted a successor plan: The Racial Equity Action Plan.

> *The Commitment (CIECC), was founded on key guiding principles and contains an evaluation component to ensure accountability for implementation of the various action plans. The Commitment (CIECC) before the Council contains five sections including: Section I: Encouraging Shared Community Values; Section II: Fostering Accessibility; Section III: Dismantling Illegal Forms of Discrimination; Section IV: Implementing the Hayward Sanctuary City Resolution, and Section V: Enhancing Community and Police Relations.*[5]
>
> *The Racial Equity Action Plan is an aspirational roadmap for effecting organizational change and improving service to the community in the City of Hayward. This plan is an early step toward intentionally working to address racial inequities in the City and realize the City of Hayward's ideal of being a diverse, equitable, and inclusive community. This ideal is included in a number of City plans and documents:*

4 The Commitment for an Inclusive, Equitable, and Compassionate Community. City of Hayward. Available online at: https://www.hayward-ca.gov/residents/commitment-inclusive-equitable-and-compassionate-community

5 Id. at https://www.hayward-ca.gov/sites/default/files/documents/CIECC Accepted.pdf.

- *The guiding vision for the 2040 General Plan imagines a Hayward that is "home to one of the most diverse, inclusive, educated, and healthy populations in the Bay Area."*

- *The Complete Communities Strategic Initiative, completed in 2019, acknowledges that actively valuing diversity and promoting inclusive activities is key to improving quality of life for residents, business owners, and community members in all Hayward neighborhoods.*

- *The recently adopted Strategic Roadmap visualizes a near future in Hayward where "employees from diverse backgrounds are recruited, retained and celebrated, and staff provide culturally responsive services to our community." The Roadmap also calls for the development and implementation of "a racial equity action plan to best serve our community and support our employees" that follows from the Commitment for an Inclusive, Equitable and Compassionate Community.*

- *The Commitment for an Inclusive, Equitable, and Compassionate Community created by the Community Task Force and accepted by Council in November 2017 identifies equity as a core value and envisions Hayward as "a community of inclusive growth and opportunity, where families and individuals are welcome to create their future stories and can be confident in knowing their life chances and outcomes will not be determined by political affiliation, economic status, place of origin, immigration status, religion, age, race, ethnicity, gender, gender identity, sexual orientation, physical ability, or other personal characteristics."*

DOWNTOWN SPECIFIC PLAN PRIORITIES

The Guiding Principles from the Hayward Downtown Specific Plan (2019; Specific Plan)[6] set the long-term vision to establish Downtown Hayward as a regional destination, celebrated for its distinct history, culture, and diversity; providing shopping, entertainment, employment, and housing options for residents and visitors of all ages and backgrounds; that is accessible by bike, foot, public transit, and car, and public transit. Building upon this long-term vision, the following guiding principles were established through a collaborative process:

- Promote Downtown as safe, lively, and business friendly.
- Improve the circulation network to better serve Downtown businesses, residents, and visitors.
- Preserve the history, arts, and culture of Downtown.
- Build on and enhance natural features and open spaces.

6 Downtown Specific Plan. City of Hayward. Available online at: https://www.hayward-ca.gov/sites/default/files/Hayward%20Downtown%20Specific%20Plan.pdf

- Establish Downtown as a regional destination.

In the Specific Plan, the 2017 Maple & Main project is called out as a "catalytic revitalization project" to help the City realize this vision and these priorities.

PROJECT HISTORY

On February 17, 2017, the Hayward City Council adopted a revised Mitigated Negative Declaration (MND) and approved development plans from Bay Area Property Developers and Klein Financial Corporation for a mixed-use project at the corner of Maple Court and McKeever Avenue. The 3.4-acre property, bound by A and Main streets, McKeever Avenue and Maple Court, was the former site of Bryman College and Levin Hospital.

The project proposed to demolish all buildings on the project site except for a portion of an existing medical office building and construct a residential building and six-level parking garage. The new residential building would include 240 rental apartments (192 market-rate apartments, 48 apartments priced affordably to very low-income households), ground floor retail and a leasing office. Amenities would include three outdoor courtyards and clubhouse with fitness facilities. As part of the proposed project, the existing four- and two-story medical office building on the corner of Maple Court and McKeever Avenue would be reduced in size, improved, and modernized. The improved medical office building would include approximately 47,750 square feet of building space.[7]

However, over the following 18 months, the former property owner, Bay Area Property Developers, LLC, made no visible progress on the project and failed to maintain the site free of trespassing, vandalism, other criminal activity, and illegal occupation by people using its vacant structures for shelter. In other words, the site that had become a worsening source of blight, nuisance complaints and health and safety risks.

On December 19, 2019, the City of Hayward was granted a request to appoint a receiver to take control of the property, agreeing with Hayward that the property's condition *presents a substantial danger to public safety*.[8] All remaining structures on the site, including the medical office building, were demolished in 2020.

7 Council Approves Maple & Main. City of Hayward. February 17, 2017. Available online at: https://www.hayward-ca.gov/discover/news/feb17/council-approves-maple-main-development

8 City Wins Ruling to Clean Up Redevelopment Site. SF Gate. December 23, 2019. Available online at: https://www.sfgate.com/news/bayarea/article/City-Wins-Ruling-To-Clean-Up-Redevelopment-Site-14929107.php

CURRENT PROJECT (aka. Revised Project)

Now with a new owner, the currently proposed project proposes to develop 3.93 acres of unutilized parcels with a Mixed-Use development consisting of 314-residential units (27 studios, 126 one-bedroom, 138 two-bedroom, 23 three-bedroom), 7,100 square feet of retail space, and 24,000 square feet of combined open space. Nineteen of the residential units are designated affordable housing. Sixteen of those units (or 5% percent of the 314-unit base project) would be very low-income units restricted to very low-income households, and the other 3 units would be low-income units restricted to low-income households. The Revised Project also proposes to provide 422 vehicle parking spaces, 66 long-term bicycle spaces, and ten motorcycle spaces.

The project location is also within walking distance of local retail establishments, schools, and employment centers in Downtown Hayward. As of this date, the site is under the oversight of the Department of Toxic Substances Control (DTSC), which is preparing a Remedial Action Work Plan to ensure that all existing recognized environmental concerns are addressed so that site is appropriate for residential uses. In addition, the project applicant is proposing to include the following sustainability measures in the project:

- Provide private shuttle service to/from Hayward Bay Area Rapid Transit (BART) station;
- Participate in the City's proposed Shuttle Service;
- Provide electric vehicle charging stations;
- Provide on-site bicycle storage;
- Locate high-density housing in close proximity of downtown core/transit services;
- Provide shared vehicle services (i.e., Zipcar);
- Provide solar power;
- Limit all landscaping to "Bay Friendly Landscape Guidelines" drought tolerant plants;
- Provide on-site water quality and filtration basins;
- Require use of natural stone and other sustainable materials; and
- Require energy- and water-efficient appliances.

CONCLUSION

In consideration of the project history and the features of for the currently proposed project that implement the vision of the Downtown Specific Plan, the project aims to support beneficial, just and equitable outcomes in support of *a diverse, equitable, and inclusive community*. These goals are the result of cooperative efforts from the project applicant, the City and the state Department of Toxic Substances Control (DTSC), as well as several years of engagement from community stakeholders.

The project plans to adhere to certain EJ principles as described for informational purposes only below:

- To avoid, minimize or mitigate disproportionately high and adverse human health and environmental effects, including social and economic effects, on minority populations and low-income populations:
  - Reduce exposure to pollution and airborne disease vectors:
    - Site cleanup and ongoing hazard mitigation (DTSC)
    - Provide on-site water quality and filtration basins
    - Approximately 24,000 sq. ft. of open space including outdoor space for retail occupancies
    - HVAC filtration that meets or exceeds an efficiency standard of MERV 13[9]
  - Toxic air and Greenhouse Gas emissions
    - Transit Oriented Development
    - Provide private shuttle service to/from Hayward Bay Area Rapid Transit (BART) station and/or participate in the City's proposed Shuttle Service;
    - Provide electric vehicle charging stations;
    - Provide on-site bicycle storage;
    - Locate high-density housing in close proximity of downtown core/transit services;
    - Provide shared vehicle services (i.e., Zipcar);
    - Provide solar power;
    - Limit all landscaping to "Bay Friendly Landscape Guidelines" drought tolerant plants;
    - Provide on-site water quality and filtration basins;
    - Require use of natural stone and other sustainable materials; and

9 https://library.municode.com/ca/hayward/codes/municipal_code?nodeId=HAYWARD_MUNICIPAL_CODE_CH10PLZOSU_ART24MIBOCO_SUBARTICLE_10-24.3SUZO_DIV10-24.3.2GEST_10-24.3.2.070AIQUMIME

    - Require energy- and water-efficient appliances

  - Hazardous materials clean-up

    - Site cleanup and ongoing hazard mitigation (DTSC)

  - 6% Affordable Housing

    - Provide nineteen residential units designated for affordable housing. Sixteen of those units (or 5% percent of the 314-unit base project) would be very low-income units restricted to very low-income households, and the other 3 units would be low-income units restricted to low-income households

- *To ensure the full and fair participation by all potentially affected communities in the decision- making process for proposed projects:*

  - The project applicant, City, and DTSC have and continue to comply with the engagement requirements of CEQA.

  - The City completed and implemented Complete Communities Strategic Initiative, which acknowledges that actively valuing diversity and promoting inclusive activities is key to improving quality of life for residents, business owners, and community members in all Hayward neighborhoods.

  - DTSC's environmental justice program is part of the Office of Environmental Equity, which includes its Public Participation and Tribal Affairs programs. By integrating all three programs throughout DTSC, DTSC strives to be part of achieving a healthy California for all.10

  - Project applicant will make a presentation at the Downtown Hayward Improvement Association (DHIA) Land Use Committee as the application process proceeds.

- *To prevent the denial of, reduction in, or significant delay in the receipt of benefits by minority and low-income populations:*

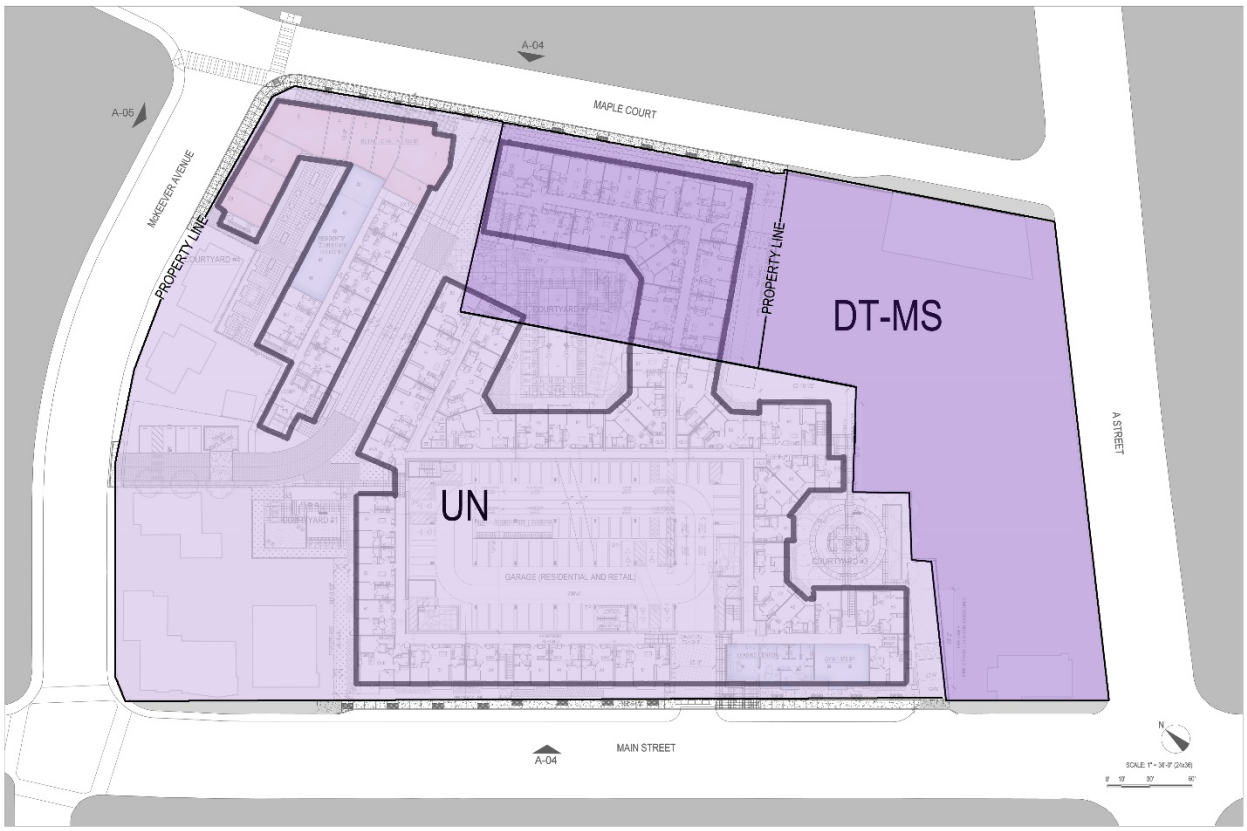
  - Due to inaction by the site prior owner, the City undertook legal action to expeditiously resolve health & safety concerns. On December 19, 2019, the City of Hayward was granted a request to appoint a receiver to take control of the property, agreeing with Hayward that the property's

10 State of California, Department of Toxic Substances Control, Environmental Justice. https://dtsc.ca.gov/environmental-justice/

condition presents a substantial danger to public safety. Remaining structures on the site were demolished in 2020.

As the project applicant submitted preliminary plans for the site, DSTC's process to mitigate hazardous conditions at the site was fully activated, thereby assuring health and safety for site occupants and neighbors.

Zoning Map Exhibit – Maple and Main



UN	Urban Neighborhood	DT-MS	Downtown Main Street

-----Original Message-----
From: Pekon Gupta <[redacted]>
Sent: Sunday, June 5, 2022 9:55 PM
To: CityClerk <CityClerk@hayward-ca.gov>
Cc: Jeremy Lochirco <Jeremy.Lochirco@hayward-ca.gov>; Planning Division <Planning.Division@hayward-ca.gov>
Subject: Public comment: PH-22-029: Mixed-Use Development on Maple Ct : Removing old mature trees

CAUTION:This is an external email. Do not click on links or open attachments unless you know the content is safe.

Dear City Planning Commission,

I would like to draw your attention towards the proposal to remove 10 mature and protected trees from the property to support Mixed used development on Maple Ct, Hayward. Based on the Arborist report link below.

http://hayward.legistar.com/gateway.aspx?M=F&ID=e75636ee-d912-4aa2-b87e-d63d5b9ef291.pdf

(a) There are a number of issues in the Arborist report, I'm highlighting a few in the attachments.
(b) Also Arborist has suggested 4 x Coast Redwood and 4 x Chinese Tallow for removal. Based on the map, these trees do not impact the building area. With minor deviation in the building plan, these trees could be saved.
(c) There is 1 x Old growth Redwood tree (64"inch Diameter), this could be the last known standing tree of its time in city of Hayward.
The Arborist suggested to preserve this tree in a 20' planter and run a storm water drain nearby. It is well known that such old and giant Redwood tree which are easily more than 1000+ years old. Such trees are found in Redwood forests and have root structure span beyond 50ft, such trees cannot grow in planters or have storm water run near them.
Any permanent structure or impermeable road which shakes due to running vehicles will damage its root system forever.

These missing details in Arborist report clearly state that Arborist either does not have the right experience or has not put enough effort in going through the details.

I have multi-years of experience working as crew volunteer with California State Park. Based on my experience, there is a way to save all the trees. There are lot of apartment complexes in Bay area which have thriving ecosystem with old trees around. We do not need to sacrifice our old trees to give rise to new housing complexes.

Proposals
(1) Since all these trees are protected, I would recommend to ask Owner/Builder to preserve all the trees by incorporating changes to the building plan. The old building was also having these trees in their complex, so there should be no reason why the new building plan has to remove these trees.
Builder/owner can sacrifice some luxury features like swimming pools, saunas or others to make space for these trees.
(2) Recommend getting a review of the report from a senior Arborist in California State Parks.

(3) Develop a native garden 50ft around a large Redwood Tree. There are examples in Apartment complexes in Santa Clara county like (Mansion Grove, LickMill Blvd, Santa Clara) and many others which have done similar to save all the trees in the complex.

In summary, I think all the trees could be saved, if Owner/builder wants to. City and we as individuals cannot allow it to destroy something which has been here for more than 10s of generations before us. I wish to bring this topic for discussion during the city planning commission. Request you to please share this email along with attachments with other members of the Hayward planning commission team.

Attaching the details.

Regards,
Pekon Gupta
Resident city of hayward.

Coast redwood #1 is proposed to be preserved in a 20' x 24' planter in a courtyard on the north side of the residential complex. A storm drain would be located at the south end of the planter. I believe the tree will tolerate the proposed changes, provided the following elements of the ***Tree Preservation Guidelines*** are strictly adhered to throughout the construction process.

- Establish a **TREE PROTECTION ZONE** around the tree at the limit of the new planter and fence this area with 6' chain link fencing on posts driven into the ground. The fence shall not be moved or altered without the prior approval of the Consulting Arborist.
- The **TREE PROTECTION ZONE** defines the above and below ground area in which no disturbance in permitted. No parking vehicles, storage or dumping of materials and no grading, drainage, utility or irrigation work shall occur within this zone without the prior approval of the Consulting Arborist.
- Provide the tree with supplemental irrigation during the dry summer months (typ. May-Oct.). Irrigation should be applied using a temporary irrigation system placed on the ground surface (no excavation) and covered with 3-4" of course wood chip mulch. Expect to apply 5,000 gallons of water during the dry summer months within the **TREE PROTECTION ZONE**.
- Design the storm drain line proposed at the south end of the courtyard planter to stay entirely out of the **TREE PROTECTION ZONE**. No portion of the trench should be within the 20' by 24' planter surrounding the tree and defining the **TREE PROTECTION ZONE**.

Table 3: Recommendations for Action
Maple and Main, Hayward CA

Tree No.	Species	Trunk Diameter (in.)	Protected?	Recommendations
1	Coast redwood	64	Yes	**Preserve**, 24' N. & S., 18' E. & W.
2	Chinese tallow	12	Yes	Remove, impacted by sidewalk replcmnt.
3	Chinese tallow	14	Yes	Remove, impacted by sidewalk replcmnt.
4	Chinese tallow	21	Yes	Remove, impacted by sidewalk replcmnt.
5	Chinese tallow	9	Yes	Remove, impacted by sidewalk replcmnt.
6	NZ Christmas tree	9	Yes	**Preserve**, off-site
7	NZ Christmas tree	12	Yes	**Preserve**, off-site
8	NZ Christmas tree	10	Yes	**Preserve**, off-site
9	NZ Christmas tree	12	Yes	**Preserve**, off-site
10	Flaxleaf paperbark	12,9	Yes	**Preserve**, off-site
11	Flaxleaf paperbark	8	Yes	**Preserve**, off-site
14	Coast redwood	22,20	Yes	Remove, within new buildings
15	Coast redwood	18,9	Yes	Remove, within new buildings
16	Coast redwood	27	Yes	Remove, within new buildings
17	Coast redwood	18,14	Yes	Remove, within new buildings
18	Crape myrtle	6	No	**Preserve**, off-site
19	Crape myrtle	7	No	**Preserve**, off-site

Table 4: Appraised value of trees recommended for removal
Maple and Main, Hayward

Tree No.	Species	Trunk diameter (in.)	Protected?	Appraised value ($)
2	Chinese tallow	12	Yes	2,600
3	Chinese tallow	14	Yes	3,550
4	Chinese tallow	21	Yes	7,900
5	Chinese tallow	9	Yes	1,050
14	Coast redwood	22,20	Yes	3,550
15	Coast redwood	18,9	Yes	2,300
16	Coast redwood	27	Yes	2,950
17	Coast redwood	18,14	Yes	2,100
24	Windmill palm	10	Yes	1,100
27	Mock orange	5	No	450
Total				27,550

Table 5: Appraised value of trees recommended for preservation
Maple and Main, Hayward

Attachment XIV

Tree No.	Species	Trunk diameter (in.)	Protected?	Appraised value ($)
1	Coast redwood	64	Yes	12,100
6	New Zealand Christmas tree	9	Yes	1,700
7	New Zealand Christmas tree	12	Yes	4,200
8	New Zealand Christmas tree	10	Yes	2,950
9	New Zealand Christmas tree	12	Yes	4,200
10	Flaxleaf paperbark	12,9	Yes	3,650
11	Flaxleaf paperbark	8	Yes	1,050
18	Crape myrtle	6	No	1,100
19	Crape myrtle	7	No	1,450
20	Crape myrtle	7	No	1,450
21	Crape myrtle	6	No	800
Total				34,650

than Value of 12"-inch diamter New Zealand Christmas Tree.
Is this really a correct valuation?

Tree Assessment

Maple and Main
Hayward, California
January 2021

HORT SCIENCE
BARTLETT CONSULTING

TREE No.	SPECIES	TRUNK DIAMETER (in.)	PROTECTED	CONDITION 1=poor 5=excellent	SUITABILITY for PRESERVATION	COMMENTS	Driplines (ft.) North	South	East	West
						Tree preserved but in planter. This is old growth and cannot sustain in planter				
1	Coast redwood	64	Yes	3	Moderate	Slight lean S.; crook in upper crown; basal swelling.	15	25	25	15
2	Chinese tallow	12	Yes	4	Moderate	Street tree; good form; beneath very rad utilities; displacing sidewalk 8".	8	10	10	8
3	Chinese tallow	14	Yes	4	Moderate	Street tree; high crown; beneath overhead utilities; displacing sidewalk 10".	8	10	8	10
						Will be removed				
4	Chinese tallow	21	Yes	4	Moderate	Street tree; fair structure; topped for overhead utilities; displacing new sidewalk,curb 3".	15	12	15	12
5	Chinese tallow	9	Yes	3	Moderate	Street tree; small crown; beneath overhead utilities; displacing new sidewalk,curb 1".	8	8	8	8
6	New Zealand Christmas tree	9	Yes	3	Moderate	Off site, no tag; small crown; engulfed in trumpet vine.	5	0	5	5
7	New Zealand Christmas tree	12	Yes	4	Moderate	Off site, no tag; good form; engulfed in trumpet vine.	10	0	10	8
8	New Zealand Christmas tree	10	Yes	4	Moderate	Off site, no tag; good form; engulfed in trumpet vine.	10	0	8	10
9	New Zealand Christmas tree	12	Yes	4	Moderate	Off site, no tag; good form; engulfed in trumpet vine.	12	0	10	12
10	Flaxleaf paperbark	12,9	Yes	3	Moderate	Off site, no tag; codominant trunks at base; base me stem upright, other leans NE.	12	0	12	5
11	Flaxleaf paperbark	8	Yes	3	Moderate	Off site, no tag; suppressed; crown nw one sided SE.	5	10	10	0
14	Coast redwood	22,20	Yes	3	Low	These trees will be removed. Codominant trunks at 2'; upright form; sparse crown; trunk wounds.	12	15	8	10
15	Coast redwood	18,9	Yes	4	Moderate	Codominant trunks at 2'; upright form; dense crown; basal sprouts.	8	12	10	12
16	Coast redwood	27	Yes	3	Moderate	One sided W.; sparse crown; fill at base.	8	15	8	15

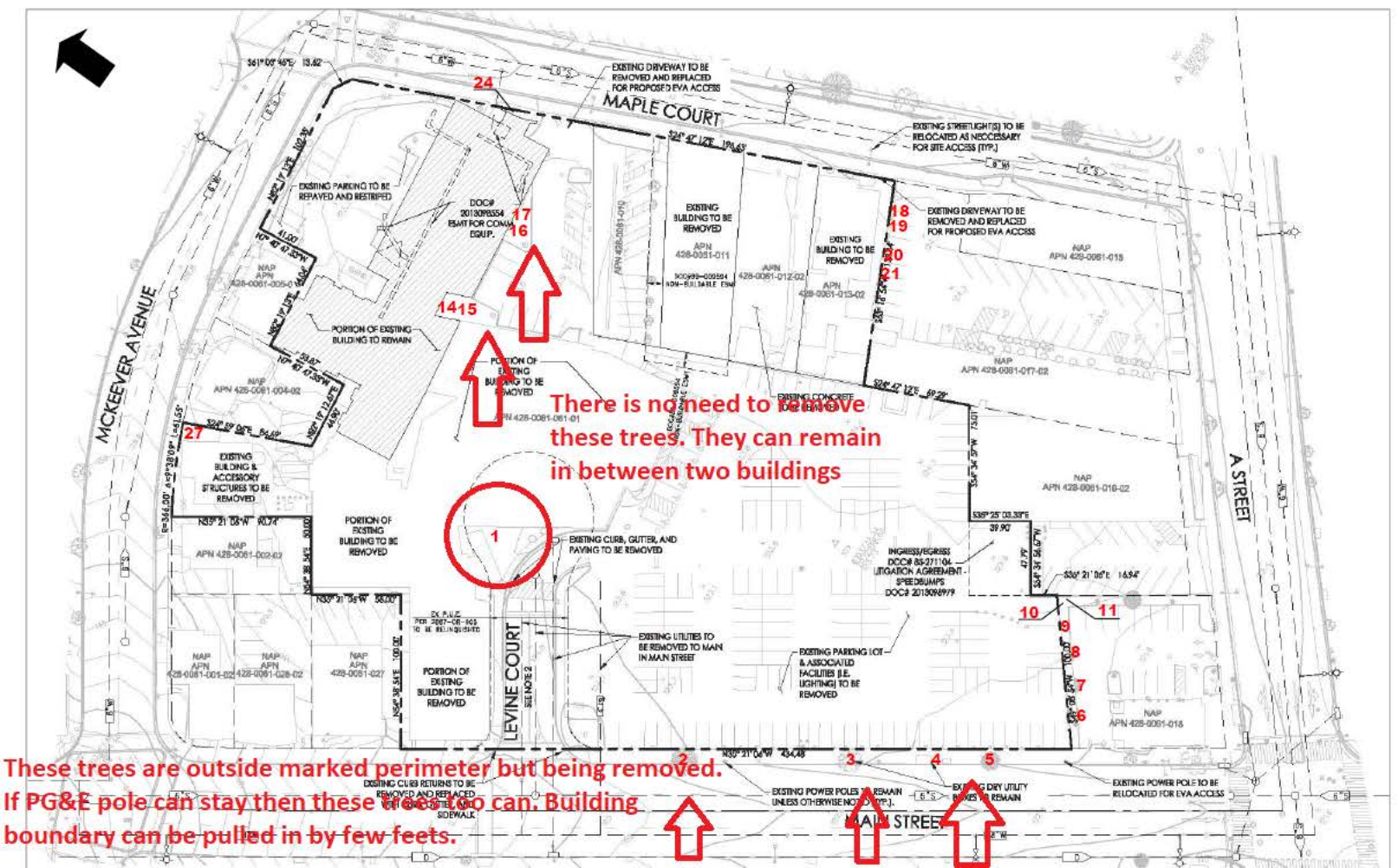
Tree Assessment

Maple and Main
Hayward, California
January 2021

HORT SCIENCE
BARTLETT CONSULTING

TREE No.	SPECIES	TRUNK DIAMETER (in.)	PROTECTED	CONDITION 1=poor 5=excellent	SUITABILITY for PRESERVATION	COMMENTS	Driplines (ft.) North	South	East	West
						Will be removed				
17	Coast redwood	18,14	Yes	3	Moderate	Codominant trunks at 2'; upright form; dense crown; basal sprouts.	8	12	10	8
18	Crape myrtle	6	No	4	Moderate	Off site; multiple attachments at 6; fire damage N.	8	0	12	5
19	Crape myrtle	7	No	4	Moderate	Off site; multiple attachments at 6; upright form; fire damage N.	8	0	5	5
20	Crape myrtle	7	No	4	Moderate	Off site; multiple attachments at 6; upright form; fire damage N.	10	0	8	8
21	Crape myrtle	6	No	3	Moderate	Off site; multiple attachments at 6; one sided SW.; fire damage N.	8	0	5	8
24	Windmill palm	10	Yes	5	High	Slight lean E.; good form and structure; 12' brown trunk.	5	5	5	5
27	Mock orange	5	No	3	Low	Stems removed at 2'; broken branch; trunk damage.	5	5	5	5

Windmill Palm is suitable for preserving but in same report its marked for removal



Hayward, CA

Attachment XIV

Prepared for:

Goel Hayward MF, LLC
Houston, TX

January 2021

No Scale

Notes

- Base map provided by: Kimley Horn Oakland, CA
- Numbered tree locations are approximate.

HORT SCIENCE
BARTLETT CONSULTING
325 Ray Street
Pleasanton, California 94566
Phone 925.484.0211
Fax 925.484.0596

From: Kim Huggett <[redacted]>
Sent: Monday, June 6, 2022 6:03 PM
To: Jeremy Lochirco <Jeremy.Lochirco@hayward-ca.gov>
Cc: Alisha Khan <Alisha.Khan@hayward-ca.gov>
Subject: Support for Maple & Main Before Planning Commission Thursday

Jeremy,

Please attach this letter of support for the Maple & Main project to documents to be presented to the planning commission Thursday night. I will also appear to make comments.

Thanks,

Kim

Kim Huggett
President & CEO
Hayward Chamber of Commerce
Office: 510.537.2424
Mobile: 510.701.7567

HAYWARD
CHAMBER *of*
COMMERCE

June 6, 2022

Mr. Jeremy Lochirco
Planning Manager
City of Hayward
777 B St.
Hayward, CA 94541

Mr. Lochirco,

It is my pleasure to inform you that the Hayward Chamber of Commerce Government Relations Council, comprised of business leaders from throughout the city, on June 3 gave its unanimous endorsement to the Maple and Main project, proposed for development by Goel Hayward MF LLC. It is on the Hayward Planning Commission agenda June 9.

The chamber has had an extraordinary connection with this project for more than six years, beginning with the failed effort by a previous developer, the property's decline into squalor, and then providing background to the Bay Area Receivership Group as it worked to find an appropriate buyer while supervising site demolition. As you know, the property was sold by the receiver in August of 2020.

Since then, the Hayward Chamber of Commerce has had the opportunity to work with Amit Goel's team of Nicholas Clayton of Project Management Advisors and consultant David Bowlby. We have been impressed with their professionalism, solid financial backing, and commitment to meet the original vision for a mixed-use development with 314 apartments, retail space, and site and frontage improvements on 3.93 acres.

The chamber's office is just one block from this project and we are excited on behalf of chamber members throughout the downtown area for the prospects this development will have on continued economic revitalization here.

The chamber requests that the Hayward Planning Commission make a determination in support of this project so Goel Hayward MF LLC can move forward with this much-needed development.

Sincerely,

Kim Huggett
President & CEO

From: Junjie Tian <[redacted]>
Sent: Wednesday, June 8, 2022 12:12 PM
To: CityClerk <CityClerk@hayward-ca.gov>
Subject: PH 22-029, parking management plan

I am more concerned about the parking, because I live in the block that has 100% occupancy in the parking occupancy survey.

1. In the parking occupancy survey, it does not consider the soon-to-be-finished retail and apartment complex at the corner of Hazel and Foothill. There will be more cars once this complex is occupied.

2. The intention is good that " include a statement in the lease prohibiting off-site overnight parking in the surrounding areas. " But how can this be enforced?

3. Basically the survey says that the project's area has low street occupancy, so my residents can spill out to the street parking, then this spillover can ripple to Rose street. This is not fair to homeowners who used to be able to park their cars in front of their own houses, now they have to park further in front of other people's houses.

4. City of Hayward minimum parking requirements are too low. Unless a family has only one adult, many families have more than one car. The parking space should be 1.5 times of the number of units.

Junjie Tian

From: Alisha C. Pember <[redacted]>
Sent: Thursday, June 9, 2022 2:49 PM
To: rocheschram@gmail.com; Miriam Lens <Miriam.Lens@hayward-ca.gov>; Jeremy Lochirco <Jeremy.Lochirco@hayward-ca.gov>; Joseph Brick <Joseph.Brick@hayward-ca.gov>; CityClerk <CityClerk@hayward-ca.gov>
Cc: Christina Caro <[redacted]>; Darien K. Key <[redacted]>
Subject: Agenda Item 1: 22330 Main Street Project, Proposed Mixed-Use Development of 314 Rental Apartments (Project No. 202003725)

Good afternoon,

Please find attached **Comments re Agenda Item 1: 22330 Main Street Project, Proposed Mixed-Use Development of 314 Rental Apartments (Project No. 202003725)**.

If you have any questions, please contact Darien Key.

Thank you.

Alisha Pember

Alisha C. Pember
Adams Broadwell Joseph & Cardozo

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KEVIN T. CARMICHAEL
CHRISTINA M. CARO
THOMAS A. ENSLOW
KELILAH D. FEDERMAN
RICHARD M. FRANCO
ANDREW J. GRAF
TANYA A. GULESSERIAN
DARIEN K. KEY
RACHAEL E. KOSS
AIDAN P. MARSHALL
TARA C. RENGIFO
MICHAEL R. SEVILLE

Of Counsel
MARC D. JOSEPH
DANIEL L. CARDOZO

June 9, 2022

VIA EMAIL AND ONLINE SUBMISSION ONLY

Julie Roche, Chair of the Planning Commission
City of Hayward
777 B Street, 4th Floor
Hayward, CA 94541
rocheschram@gmail.com

Miriam Lens
City Clerk
City of Hayward
777 B Street, 4th Floor
Hayward, CA 94541
Miriam.Lens@hayward-ca.gov

Jeremy Lochirco
Planning Manager
City of Hayward
777 B Street, First Floor
Hayward, CA 94541
Jeremy.Lochirco@hayward-ca.gov

Joseph Brick, City Attorney: Joseph.Brick@hayward-ca.gov

VIA ELECTRONIC SUBMISSION
cityclerk@hayward-ca.gov

Re: Agenda Item 1: 22330 Main Street Project, Proposed Mixed-Use Development of 314 Rental Apartments (Project No. 202003725)

We write on behalf of the East Bay Residents for Responsible Development ("East Bay Residents") to provide comments on **Agenda Item No. 1**, the 22330 Main Street Project (Project No. 202003725), proposed by Nick Clayton, Project Management Advisors, Inc. and Goel Hayward MF LLC ("Applicant"). The Project proposes a 314-unit mixed-use development with 7,000 square feet of retail space at 22330 Main Street (APN 428-0061-061-03; 428-0061-061-04), including 19 units affordable to Very Low and Low-Income Households and related Site and Frontage Improvements. The City prepared an Addendum to a prior Mitigated Negative Declaration ("Addendum") with Mitigation Monitoring and Reporting Program ("MMRP") for the Project. The Project also seeks approval of a Major Site Plan

Review, Administrative Use Permit, and Density Bonus Application No. 202003725.[1]

Agenda Item 1 asks the Planning Commission to adopt the Addendum and MMRP, and to approve the Project subject to attached findings (Attachment II of the Staff Report) and conditions of approval ("COA") (Attachment III of the Staff Report). The COAs implement City land use requirements, including compliance with the Hayward Downtown Specific Plan. COA #14 implements the mandatory contractor prequalification language of Specific Plan Program ED-16, which implements Specific Plan Policy ED-5 (Skilled Labor Force).[2] Program ED-16 requires contractor prequalification for projects 30,000 square feet or larger to ensure compliance with apprenticeship and health care policies set forth in Policy ED-5.[3]

East Bay Residents strongly supports implementation of Specific Plan Policy ED-5, Program ED-16, and COA #14 for the Project. However, the record before the Commission does not contain evidence demonstrating that the Applicant has or will take the necessary steps to comply with these requirements prior to commencing Project construction, as required by the COAs.

East Bay Residents respectfully requests that the Planning Commission continue today's hearing to require the Applicant to provide supporting evidence demonstrating compliance with COA #14. The Project should not be considered for approval until the Commission is presented with substantial evidence demonstrating that the Applicant will comply with COA #14 by meeting contractor prequalification requirements, including demonstrating that the Project contractor utilizes apprentices from state-approved, joint labor-management training programs, and offers employees employer-paid health insurance plans.[4]

[1] Staff Report, p. 1.
[2] Staff Report, pp. 11-12.
[3] City of Hayward Downtown Specific Plan, Policy ED 5, Program ED 16, https://www.hayward-ca.gov/sites/default/files/Hayward%20Downtown%20Specific%20Plan.pdf
[4] Attachment III, COA #14.

I. THE RECORD LACKS SUBSTANTIAL EVIDENCE TO SUPPORT MANDATORY APPROVAL FINDINGS RELATED TO COMPLIANCE WITH SPECIFIC PLAN WORKFORCE POLICIES

In order to approve the Project, the Planning Commission must make findings pursuant to the Hayward Municipal Code Zoning Ordinance ("HMC") Section 10-28.5.3.030 to approve the Major Site Plan Review, and Section 10-28.2.3 to approve the Administrative Use Permit.

In order to approve the Major Site Plan Review, the Commission must make all of the following findings, supported by substantial evidence in the record:[5]

a. The development is compatible with on-site and surrounding structures and uses and is an attractive addition to the City;
b. The development takes into consideration physical and environmental constraints;
c. The development complies with the intent of City development policies and regulations;
d. The development will be operated in a manner determined to be acceptable and compatible with surrounding development.[6]

In order to approve the Administrative Use Permit, the Commission must make all of the following findings, supported by substantial evidence in the record:[7]

a. The proposed use is desirable for the public convenience or welfare;
b. The proposed use will not impair the character and integrity of the zoning district and surrounding area;
c. The proposed use will not be detrimental to the public health, safety, or general welfare; and
d. The proposed use is in harmony with applicable City policies and the intent and purpose of the zoning district involved.[8]

[5] *Topanga Assn. for a Scenic Community v. County of Los Angeles ("Topanga")* (1974) 11 Cal.3d 506, 515 (agency findings must be supported by substantial evidence).
[6] HMC Sec. 10-1.3025 (Findings) (emphasis added).
[7] *Topanga*, 11 Cal.3d at 515.
[8] HMC Sec. 10-1.3125 (Findings) (emphasis added)

Findings required by HMC Sections 10-1.3025(c) and 10-1.3125(d) expressly require compliance with applicable City land use policies, including the Downtown Specific Plan.

COA #14 implements Specific Plan Program ED-16, and Specific Plan Policy ED-5 (Skilled Labor Force) by requiring that:

> The applicant shall comply with contractor prequalification requirements, demonstrating the contractor utilizes apprentices from state-approved, joint labor-management training programs, and offers employees employer-paid health insurance plans. Proof of compliance shall be required prior to the issuance of any site, grading or building permits.

This Condition of Approval is intended to implement provisions of the Downtown Specific Plan which require the City to:

> Require contractor prequalification for projects 30,000 square feet or larger to ensure compliance with apprenticeship and health care policies.[9]

The Applicant to date has not demonstrated the ability to meet these contractor requirements, and has not submitted evidence into the record demonstrating their future ability to comply with COA #14. Thus, the Planning Commission lacks the substantial evidence necessary to make the required HMC Zoning Ordinance approval findings at this hearing as it relates to Conditions of Approval #14 and the Downtown Specific Plan.

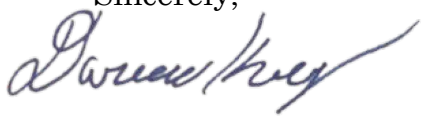
II. CONCLUSION

We urge the Planning Commission to fulfill its responsibilities under the City of Hayward Municipal Code by continuing the hearing until such time that the Applicant provides supporting evidence of their ability to comply with COA #14 and the related workforce policies.

[9] City of Hayward Downtown Specific Plan, Program ED 16, https://www.hayward-ca.gov/sites/default/files/Hayward%20Downtown%20Specific%20Plan.pdf

Thank you for your attention to these comments.

Sincerely,



Darien K. Key

DKK:acp

3644-008acp

From: Cheryl Kojina <[redacted]>
Sent: Thursday, June 9, 2022 1:16 AM
To: CityClerk <CityClerk@hayward-ca.gov>
Subject: Public comment for June 9 Planning Comm meeting (Item #1)

I am a resident of the Prospect Hill neighborhood. After reviewing the document attachments for the Maple Main project, I have the following concerns.

1. Park Impact fee. The developer is paying a significant amount of money in park impact fees. I hope that a portion of that money will be used for park spaces in the neighborhoods directly adjacent to the project. There is a lack of park space in this area.

2. Traffic impacts. My main concern about this project is the potential traffic increases through the Prospect neighborhood both during construction and after occupancy. The neighborhood has small two lane roads that are not meant for major through traffic. If it is not easy and convenient for drivers to take the main arterials (Foothill, Mission, A, etc.) or if there is a traffic backup, they will try to find shortcuts through the neighborhood. We have had bumper to bumper traffic up and down Main Street recently when Foothill was closed for an accident and another time when there was construction blocking an intersection. Occasional incidents may be inevitable but I hope the project and the city make every effort to prevent an increase in traffic cutting through the neighborhood. I believe that the City did a traffic study before the Lincoln Landing project started and promised to do a subsequent study after Lincoln Landing is occupied. My hope is that the City will be receptive to finding solutions if the neighborhood does end up having traffic issues from these two new projects.

3. Parking impacts. The parking survey conducted on April 21, 2021 by Fehr and Peers was done before occupancy at Lincoln Landing so does not include those impacts. While overflow parking from Maple Main may affect the adjacent streets, Lincoln Landing will also affect the streets adjacent to it and both will push resident parking farther away and increase the reach of the impacts into the neighborhood. I hope that the parking management strategies will be effective in dealing with these impacts but we won't know until it happens. Unbundled parking is a great idea if it works. The project needs to market to carless Millennials. Most people I know have one car per person and the average person would try to park on the street for free instead of paying for parking. Hopefully the parking surveys that are planned for every 6 months will help. I hope that those future surveys will cover the same area in the first survey from A Street to Rose. I think the neighborhood residents will know before anyone whether there are negative traffic and parking impacts from both Lincoln Landing and Maple Main. I would ask that the City work with us to find a solution if this happens.

Thank you,
Cheryl Kojina

June 9, 2022

Planning Commission
City of Hayward
c/o David Bowlby
Goel Hayward MF, LLC
2727 Kirby Drive 15C
Houston, Texas 77098

SUBJECT: Letter of Endorsement for the "Main and Maple" project

Dear Planning Commissioners:

The Downtown Hayward Improvement Association, which represents the property owners in Downtown Hayward, would like to encourage the Planning Commission to support the proposed Main and Maple project coming before you this evening. These empty parcels are not serving anyone's interest in Downtown and the fact that someone has picked up this project and seeks to move ahead with it, is fully supported by the Board of the DHIA.

The key to the revitalization of Downtown, especially on A, B, and C Streets will be through the introduction of both market rate and affordable housing projects as these. The Main and Maple project will see 314 housing units built, all within walking or biking distance to the BART station.

While we are not pleased with the many commercial vacancies that exist currently in the core area of Downtown, the project at Main and Maple, along with the opening of Lincoln Landing, sends a clear message to the outside world that Downtown Hayward is going through a tremendous revitalization. Over 700 new housing units, translating to over 1,000 new residents, is exactly what Downtown and the City needs to bring back Downtown from years of under-activity.

We believe this project is worthy of expedited support and strongly encourage the Planning Commission to support this project when it comes before you this evening. This project and others to follow in Downtown, will be able to chip away at the tremendous housing shortage the Bay Area is suffering from.

We are happy to endorse this project and sincerely hope that you will do the same this evening.

Sincerely,

Marco Li Mandri
Executive Director
Downtown Hayward Improvement Association

File #: WS 22-022

DATE: June 23, 2022

TO: Planning Commission

FROM: Leigha Schmidt, Principal Planner

SUBJECT

Work Session on the Housing Resources, Sites Inventory and Housing Plan of the 2023-2031 Housing Element.

RECOMMENDATION

The Planning Commission review and provides feedback on the two draft chapters of the 6th Cycle Housing Element related to Housing Resources and Sites Inventory and the Housing Plan which contains goals, policies and actions to support development of housing at all income levels in the City of Hayward.

SUMMARY

This is a work session on Hayward's 6th Cycle Housing Element (2023-2031). Pursuant to State Law, all local jurisdictions in California must update the Housing Element, a required chapter of the City's General Plan every five to eight years. The City of Hayward is on an eight-year cycle. The last Housing Element was adopted on December 2, 2014, and the updated Housing Element is due January 31, 2023.

The purpose of this work session is to provide the Planning Commission with an overview of public outreach conducted to date and to share the draft materials related to the City's sites inventory to meet the Regional Housing Need Allocation and the Housing Plan, which includes a set of policies and actions to ensure development of a housing at a variety of income levels throughout the City during the next Housing Element cycle. Feedback from this Work Session will be summarized in the Draft Housing Element and addressed prior to submittal to the State Department of Housing and Community Development later this summer.

ATTACHMENTS

Attachment I	Staff Report
Attachment II	Draft Housing Resources & Sites Inventory
Attachment III	Draft Housing Plan

SUBJECT

Work Session on the Housing Resources, Inventory and Housing Plan of the 2023-2031 Housing Element.

RECOMMENDATION

The Planning Commission review and provides feedback on the two draft chapters of the 6th Cycle Housing Element related to Housing Resources and Sites Inventory and the Housing Plan which contains goals, policies and actions to support development of housing at all income levels in the City of Hayward.

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The purpose of this work session is to provide the Planning Commission with an overview of public outreach conducted to date and to share the draft materials related to the City's sites inventory to meet the Regional Housing Need Allocation and the Housing Plan, which includes a set of policies and actions to ensure development of a housing at a variety of income levels throughout the City during the next Housing Element cycle. Feedback from this Work Session will be summarized in the Draft Housing Element and addressed prior to submittal to the State Department of Housing and Community Development later this summer.

BACKGROUND

On March 30, 2021, the City was awarded a Local Early Action Planning (LEAP) grant in the amount of $425,000 to complete updates to the Housing Element and Safety Element and to prepare a new Environmental Justice Element.

On July 20, 2021[1], the City Council adopted a Resolution authorizing the City Manager to execute an agreement with Rincon Consultants to prepare a comprehensive update to the Housing Element, the Climate Action Plan, Safety Element and to prepare an Environmental Justice Element. These updates were combined because issues of housing, environmental

[1] July 20, 2021 City Council Meeting.
https://hayward.legistar.com/LegislationDetail.aspx?ID=5034289&GUID=A1DD2D35-7B4A-42C8-9284-7DEB78AAD470&Options=&Search=

justice, safety and hazard planning and climate change are inextricably linked and conducting outreach and planning for all of these efforts simultaneously will result in a more comprehensive and holistic approach to these issues.

Between August 2021 and May 2022, the Hayward Housing and Climate Team comprised of staff from the Planning Division, Environmental Services Division and the Housing Division conducted extensive outreach related to the Housing Element, Climate Action Plan and Environmental Justice Element including but not limited to:

- Development of a project website with project information, interactive components, readings and videos about housing, Hayward history, climate change and environmental justice.
- Compilation of extensive contact lists for community and advocacy groups, faith-based and school organizations, Homeowners Associations, Neighborhood Groups, Mobile Home Parks, attendees at various events and interested parties who wrote in and requested to be notified about project updates.
- Creation of a graphic, bilingual (English and Spanish) mobile gallery that was posted at City Hall, the Hayward Library and at various meeting sites and community events throughout Hayward
- Social media campaign
- Bilingual flyers in water bills and excise tax bills to all households in Hayward
- Handing out flyers at grocery stores, farmers market, laundromats and BART
- Attendance at numerous community events, meetings and focus groups with community stakeholders such as the NAACP, Hayward Promise Neighborhood, Chabot College and Community Resources for Independent Living
- Development of housing and climate surveys in English, Spanish and Chinese and prizes for participation
- Creation of a Housing Sites Simulation activity
- Three community workshops on Environmental Justice and the Climate Action Plan
- Partnership with Chabot Community College and California State University East Bay to conduct interviews with over 400 Hayward residents about housing, discrimination, segregation, neighborhood pollution and other topics designed to understand people's lived experiences. Development of a GIS site to showcase the Chabot interviews.

The Introduction chapter of the Draft Housing Element will contain detailed descriptions of each of these bullets and appendices of interviews, survey results and public comments received to date. It's important to note that outreach efforts is ongoing and will continue throughout the duration of the project.

On May 24, 2022[2] and May 26, 2022[3], the City Council and Planning Commission, respectively, held work sessions on the Climate Action Plan and Environmental Justice Element Updates.

[2] May 24, 2022 City Council Meeting.
https://hayward.legistar.com/MeetingDetail.aspx?ID=959076&GUID=51DF4603-C08E-45DE-9D67-A7D110A7E4C5&Options=info|&Search=
[3] May 26, 2022 Planning Commission Meeting.
https://hayward.legistar.com/MeetingDetail.aspx?ID=965323&GUID=4648772E-CF9D-4B07-A71F-D6DE1AC3C6F9&Options=info|&Search=

The Safety Element Update is currently being drafted and will come to the Planning Commission and City Council for review later this year.

PROJECT DESCRIPTION

A Housing Element Update is an opportunity for a community conversation about how to address local housing challenges and work to identify possible solutions. The Housing Element addresses a range of housing issues such as affordability, design, housing types, density and location, and establishes goals, policies and programs to address existing and projected housing needs. State law does not require that jurisdictions *build* or *finance* new housing, but they must *plan* for it by identifying sufficient sites, analysis of housing development constraints, and identifying programs and policy that will address the community's needs. It is in a community's Housing Element that local governments make decisions about where safe, accessible, and diverse housing could be developed to offer a mix of housing opportunities for a variety of household incomes. The Housing Element must identify how the city will meet its share of the region's housing need, called the Regional Housing Needs Allocation (RHNA). Per State Law, the Housing Element must contain the following statutorily defined sections:

- **Housing Needs Assessment**: Examine demographic, employment and housing trends and conditions and identify existing and projected housing needs of the community, with attention paid to special housing needs (e.g., large families, persons with disabilities).
- **Evaluation of Past Performance**: Review the prior Housing Element to measure progress in implementing policies and programs.
- **Housing Resources and Sites Inventory**: Identify locations of available sites for housing development or redevelopment to ensure there is enough land zoned for housing to meet the future need at all income levels as provided in the RHNA.
- **Constraints Analysis**: Analyze and recommend remedies for existing and potential governmental and nongovernmental barriers to housing development.
- **Housing Plan**: Establish policies and programs to be carried out during the 2023-2031 planning period to fulfill the identified housing needs.
- **Affirmatively Furthering Fair Housing**: Assembly Bill 686 (AB 686), passed in 2018, created new requirements for jurisdictions to affirmatively further fair housing in this Housing Element Cycle by taking "meaningful actions, in addition to combating discrimination, that overcome patterns of segregation and foster inclusive communities free from barriers that restrict access to opportunity based on protected characteristics" as mandated by the 1968 Fair Housing Act.
- **Community Engagement Plan**: The Housing Element must include a robust community engagement program, reaching out to all economic segments of the community with an emphasis on traditionally underrepresented groups.

STAFF ANALYSIS

The Draft Housing Element will contain all the sections listed above. The purpose of this work session is to provide the Planning Commission with information specifically related to

Housing Resources and Sites Inventory, as well as the draft Housing Plan. A summary of each of those chapters (Attachments II and IV) is provided in Staff Analysis below and it's important to note that the draft chapters are subject to change before the draft Housing Element is released for public review.

Housing Resources and Sites Inventory

The Draft Housing Resources and Sites Inventory is included as Attachments II and III, respectively, to this staff report and provides background on development patterns in the City and how the City plans to meet its RHNA for the 2023-2031 Housing Element Cycle. The chapter provides a list of approved and pending projects in the pipeline which will be used to meet the RHNA; provides a methodology for how the projected housing units on each inventory site and within each Zoning District is calculated; provides samples of development in Hayward to provide evidence for the City's assumptions and a description of constraints to development, infrastructure and services to serve the future development; and, details resources available for affordable housing development.

Regional Housing Needs Allocation. Every Housing Element cycle, HCD projects the housing need for the state, referred to as the RHNA. To determine this calculation, HCD uses demographic population information from the California Department of Finance and develops a formula to calculate a figure for each region/Council of Governments based on projected growth.

In this cycle, the Bay Area was allocated 441,176 units (a 234% increase over the last cycle allocation) with about 26% allocated to Very Low Income, 15% to Low, 16% to Moderate and 43% to Above Moderate-income households. The Association of Bay Area Government's (ABAG) Housing Methodology Committee released the final RHNA in DATE following hearings on appeals[4]. Hayward's final allocation is 4,624 units, approximately 18% higher than the 2015-2023 allocation.

Table 1. RHNA Allocations

	Very Low Income (<50% of Area Median Income)	Low Income (50-80% of Area Median Income)	Moderate Income (80-120% of Area Median Income)	Above Moderate Income (>120% of Area Median Income)	Total
2015-2023 Allocation	851	480	608	1,981	3,920
2023-2031 Allocation	1,075	617	817	2,115	4,624

According to the Draft Housing Resources chapter, there are 1,895 approved or pending developments (Table 4-3 and Figure 4-1). Based on previous permit activity, the City also assumes that an average of 96 Accessory Dwelling Units (ADUs) will be built every year of the Housing Element Cycle (for a total of 320 units at varying income levels), which leaves the City with a total 2,409 units to plan for in the Housing Element.

[4] ABAG's Final Regional Housing Needs Allocation & Methodology Report.
https://abag.ca.gov/sites/default/files/documents/2022-04/Final_RHNA_Methodology_Report_2023-2031_March2022_Update.pdf

New residential development is expected to occur primarily in the Downtown Specific Plan area, along the Mission Boulevard Code area and on Caltrans Route 238 parcels, which are zoned to allow for higher density development. These sites are close to high frequency transit, commercial services and community amenities which align with the City and State's goals to support higher density, infill development and to reduce single occupancy automobile use. Further, development trends in the City signal that most development in the last cycle occurred on these types of sites indicating that the City's assumptions are valid. A detailed, parcel-specific Sites Inventory shows that the identified sites have a potential development capacity of 3,642. Further, the City's analysis (summarizes in Table 4-9, Adequacy of Residential Sites Inventory) shows that there is a 51% buffer for development of lower income units in the event that development does not occur based on the City's assumptions.

Table 2. Adequacy of Residential Sites Inventory

	Lower Income	Moderate Income	Above Moderate Income	Total
RHNA Allocation	**1,692**	**817**	**2,117**	**4,624**
Planned and Approved Units	550	82	1,263	1,895
ADUs Anticipated	192	96	32	320
Remaining RHNA	**950**	**639**	**820**	**2,409**
Downtown Specific Plan Area	650	561	395	1,606
Mission Boulevard Corridor	741	302	483	1,526
Former Route 238 Corridor	41	180	289	510
Total Units on Vacant Sites	255	364	540	1,159
Total Units on Underutilized Sites	1,077	679	627	2,483
Total Units on Vacant and Underutilized Sites	**1,432**	**996**	**1,214**	**3,642**
Total Unit Surplus	**482**	**357**	**394**	**1,233**

It is important to note that while the City's assumptions primarily rest on higher density development in specific areas, there will likely be additional incremental, infill development in lower density neighborhoods throughout the City during the next Housing Element cycle. This is illustrated by the recent implementation of Senate Bill 9 (SB9) which allows for any single-family parcel to be split into two lots and developed with a duplex on each lot, subject to minimum setback and other standards went into effect on January 1, 2022. Since its effective date, the City's Planning staff developed a SB9 Frequently Asked Questions handout and a Checklist application[5] and has received many inquiries from the public about this type of development; however, there isn't enough evidence in the record to assume a specific unit count or locations of development that will occur as a result of this State Law. However, it is safe to assume that the City will see increased development activity over the coming years as the State has relaxed laws related to this type of development, similar to ADUs. The combination of ADU and SB9 projects, along with the adoption of new Objective Standards, will allow site specific increases of development consistent with *Hayward 2040 General Plan*.

[5] Hayward Senate Bill 9 webpage:
https://www.hayward-ca.gov/your-government/departments/planning-division/senate-bill-9

While higher residential densities are anticipated, the number of additional units cannot be predicted at this time.

Housing Plan

The Draft Housing Plan is included as Attachment IV to this staff report. It contains the following Goals:

- Preserve, Conserve and Improve Existing Housing Stock
- Assist in the Development of Affordable Housing
- Provide Adequate Sites
- Remove Constraints on Development
- Provide Housing for Persons with Special Needs and
- Provide Equal Housing Opportunities for All Persons

Each of the Goals is followed by a set of Policies, Actions, Objectives, Timeframes and importantly sets forth the Responsible Agency and Funding Sources for achieving the Action. Some Programs and related Actions are specific and measurable such as providing grants for home repair (Program H-1); conducting a certain number of rental inspections per year (H-2); adopting an updated Density Bonus Ordinance (Program H-5), providing housing subsidies to specific populations and holding a certain number of workshops for tenants and landlords every year (Programs H-7, H-20, H-21, H-22), and adopt a Universal Design Ordinance (Program H-19). And some Programs and Actions are intended to monitor, measure and pivot, if needed, during the Housing Element cycle meet the subject Goal. These include issuing Notices of Funding Availability which can only occur if funding is available (Programs H-3, H-4, H-7, H-19 and H-21); monitoring development of ADUs and SB9 developments and implementing changes in procedures or Municipal Code to incentivize development of this type of housing in high resource, low density areas throughout the City (Program H-17 and H-18); and providing expedited project review for affordable housing, which can take on many forms (Program H-16). Many of these Policies and Actions are prescribed by HCD while some are modified to meet Hayward's specific characteristics, policies, practices and community desires and needs. Similar to the Housing Resources and Inventory Chapter, the Housing Plan is still in draft form and subject to change based on Commission, Council, and public comments noted below.

NEXT STEPS

Following review and feedback by the Planning Commission, a City Council Work Session has been scheduled on July 5, 2022, after which both the Planning Commission and City Council comments will be summarized and included as part of the Draft Housing Element which will be released for a 30-day public review later in July 2022. The City plans to hold an additional community meeting within that 30-day review period, which has tentatively been scheduled for July 20, 2022.

Following the public review, the City will review, address and incorporate any comments into the Draft Housing Element which will then be sent to the State Department of Housing and Community Development (HCD) for a mandatory 90-day review. During that time, the City

will complete environmental analysis for the Housing Element and related General Plan Amendments.

Following the 90-day HCD review, staff will update the Housing Element to address HCD's comments and bring the Housing Element back to the Planning Commission and City Council for public hearings later this Fall prior to adoption of the updated Housing Element, which is slated to occur prior to January 31,2023.

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_____
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_____
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Appendix C – Housing Resources

City of Hayward Housing Element (2023-2031)

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1 Housing Resources

This chapter documents the methodology and results of the housing sites inventory analysis conducted to demonstrate the City of Hayward's ability to satisfy its share of the region's future housing need. Infrastructure, services, and financial and administrative resources that are available for the development, rehabilitation, and preservation of housing in the City of Hayward are also discussed in this chapter.

1.1 Future Housing Needs

State law requires each community to play a role in meeting the region's housing needs. A jurisdiction must demonstrate in its Housing Element that its land inventory is adequate to accommodate its share of the region's projected growth. This section assesses the adequacy of Hayward's land inventory in meeting future housing needs.

1.1.1 Regional Housing Needs Assessment Requirement

This update of the City's Housing Element covers the planning period of January 2023 through January 2031 (called the 6th Cycle Housing Element update). Hayward's share of the regional housing need is allocated by the Association of Bay Area Governments (ABAG) and based on recent growth trends, income distribution, and capacity for future growth. Hayward must identify adequate land with appropriate zoning and development standards to accommodate its assigned share of the region's housing needs.

Hayward's share of regional future housing needs is 4,624 total units. The number of units is distributed among five income categories, as shown below in Table C-1.

Table C-1 Hayward Housing Needs for 2023-2031

Income Category (% of Alameda County Area Median Income [AMI])	Number of Units	Percent of Total Units
Extremely Low (< 30% of AMI)*	547	12.4%
Very Low (30 to 50% of AMI)	528	12.7%
Low (51 to 80% of AMI)	617	15.6%
Moderate (81% to 120% of AMI)	817	16.1%
Above Moderate (> 120% of AMI)	2,115	43.0%
Total	**4,624**	**100%**

Source: Final Regional Housing Needs Allocation, ABAG, 2022

*The RHNA does not project the need for extremely low-income units, but pursuant to State law (AB 2634), the City must project its extremely low-income housing needs based on Census income distribution or assume 50 percent of the very low-income units required by the RHNA as extremely low-income units. The City's very low-income requirement is 1,075 units. The number of extremely low-income units that the City must plan for shown here was projected using Census data. According to the Comprehensive Housing Affordability Strategy (CHAS), data developed by HUD, 25.8 percent of households in the city earned less than 50 percent of the AMI. Among these households, 50.9 percent earned incomes below 30 percent (extremely low). Therefore, the City's RHNA allocation of 1,075 very low-income units was distributed as 547 extremely low (50.9 percent of the 1,075 very low-income units required by the RHNA) and 528 very low-income units. However, for purposes of identifying adequate sites for the RHNA allocation, State law does not mandate the separate accounting for the extremely low-income category.

1.1.2 Units Planned or Approved

Residential developments approved and permitted, but not yet built ("pipeline projects") can be credited towards the City's RHNA for the 6th cycle Housing Element provided it can be demonstrated that the units can be built by the end of the 6th cycle's planning period. Similarly, units within completed projects which have received a certificate of occupancy as of June 30, 2022 can also be credited towards the RHNA. Affordability (the income category in which the units are counted) is based on the actual or projected sale prices, rent levels, or other mechanisms establishing affordability of the units within the project. Single-family homes are usually sold at market-rate prices, with no affordability covenants attached to the land. Multifamily or single-family developments that use density bonuses, public subsidies, or other mechanisms that restrict rents or sales prices would be restricted to specified below-market rate prices affordable to households in the various income categories described above. Local, state, or federal rules would establish rules for which income categories must be served by each development.

Of projects currently in the pipeline, 10 consist solely of market-rate units affordable to above-moderate households, while 18 projects have an affordability component. These projects are generally clustered along the Mission Boulevard corridor as well as within Hayward's Downtown. All projects with affordability components have restricted rents or sales price resulting from city intervention including development subsidy, negotiated land disposition agreement, or in the City's Affordable Housing Ordinance (AHO). In some cases, the project also has been approved for a density bonus as shown by the listed projects that exceed maximum density or exceed the minimum requirements of the City's Affordable Housing Ordinance. Rents are restricted by a regulatory agreement while resale prices are restricted by a Borrower's Occupancy and Resale Restriction Agreement. Table C-2 shows the mechanisms utilized to enable the affordable housing project. Projects that are currently in the pipeline collectively achieve an average density of approximately 88 percent of the zoning district's maximum allowable density. Table C-3 identifies the approved or pending projects that are credited towards meeting the City's RHNA. The locations of these projects are symbolized with the corresponding Map ID numbers on Figure C-1.

Table C-2 Affordability Mechanisms for Pipeline Projects

Project Name	Affordability Mechanism
Oak Street	Affordable Housing Ordinance
Parcel Group 8	SB35, Density Bonus, Publicly Owned Land Regulatory Agreement resulting from (Federal, state, local) government development subsidy.
21659 Mission Boulevard	Affordable Housing Ordinance
Maple and Main	Affordable Housing Ordinance
420 Smalley Avenue	Affordable Housing Ordinance
Pimentel Place	Affordable Housing Developer Regulatory Agreement resulting from (Federal, state, local) government development subsidy.
Pine Vista Condos	Density Bonus
O'Neil Ave Apartments	Density Bonus
La Playa Subdivision	Affordable Housing Ordinance, Concessions for requesting General Plan Amendment
Berry Avenue Multifamily	Affordable Housing Ordinance

Project Name	Affordability Mechanism
Parcel Group 5	Affordable Housing Ordinance, Surplus Land Act, Publicly Owned Land
27177-27283 Mission Blvd	Affordable Housing Ordinance, Density Bonus
Mission Paradise	Affordable Housing Developer Regulatory Agreement resulting from (Federal, state, local) government development subsidy.
Parcel Group 3 – La Vista Residential	Density Bonus, Publicly Owned Land, Low Income Housing Tax Credit, Tax-exempt Bonds, CalHFA MIP
Huntwood	Affordable Housing Ordinance
Mission Terraces	SB35, Density Bonus
SoMi (True Life)	Affordable Housing Ordinance

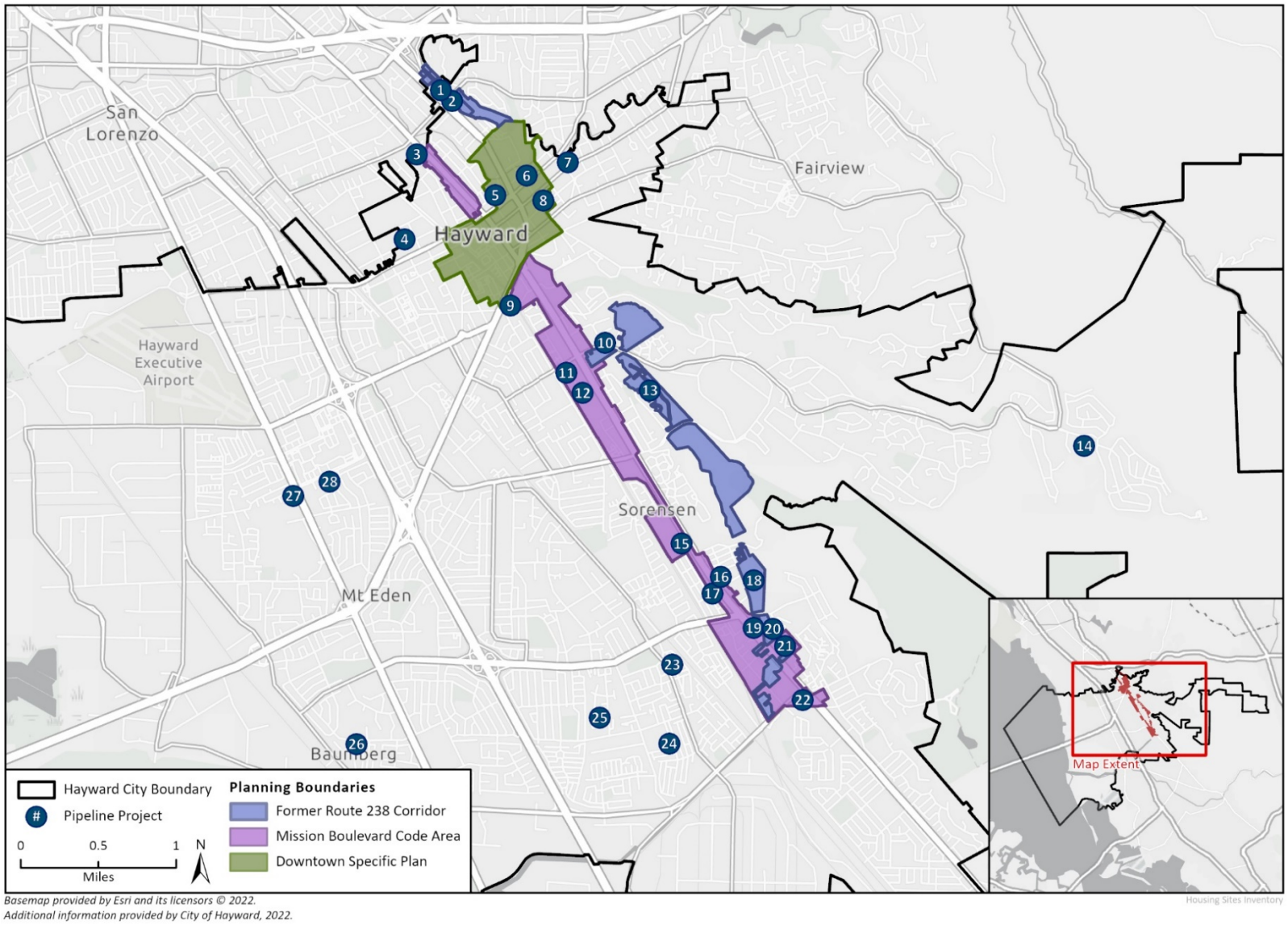
Table C-3 Planned, Approved, and Pending Projects (2021)

Map ID	Project Name	ELI* Units	VLI* Units	LI* Units	MI* Units	AMI* Units	Total Units	Max Units Allowed	% of Max Units Allowed	Entitlement Status
1	Oak Street	-	-	-	4	36	40	56	71%	Approved
2	Parcel Group 8	-	24	51	20	1	96	54	178%	Approved
3	21659 Mission Boulevard	-	1	-	3	41	45	63	72%	Approved
4	420 Smalley Avenue	-	-	-	1	7	8	8	100%	Approved
5	Maple and Main	-	48	-	-	192	235	343	68%	Under Review
6	1200 A Street	-	-	-	-	155	155	149	104%	Approved
7	4th and B	-	-	-	-	41	41	78	53%	Approved
8	Pimentel Place	15	20	11	10	1	57	57	100%	Approved
9	Pine Vista Condos	-	-	-	7	33	40	32	125%	Approved
10	Carlos Bee	-	-	-	6	9	15	14	107%	Approved
11	O'Neil Ave Apartments	-	1	-	-	8	9	13	71%	Approved
12	Berry Avenue Multifamily	-	1	-	1	16	18	29	63%	Approved
13	Parcel Group 5	-	18	-	-	74	92	122	75%	Approved
14	Cavallo Highlands	-	-	-	-	20	20	38	52%	Approved
15	27177-27283 Mission Blvd	-	-	-	6	49	55	86	64%	Approved
16	Mission Paradise	15	20	40	-	-	76	104	73%	Approved
17	28049 Mission Boulevard	-	-	-	-	25	25	37	68%	Approved
18	Parcel Group 3 - La Vista Residential	-	36	138	-	2	176	194	91%	Approved
19	Mission Terraces	-	76	33	-	1	110	91	121%	Approved
20	SoMi (True Life)	-	-	-	20	169	189	174	109%	Approved
21	Mission Seniors	-	-	-	-	203	203	228	89%	Approved
22	Mission Villages	-	-	-	-	72	72	188	38%	Approved
23	Huntwood	-	-	-	1	13	14	21	65%	Approved
24	Vagabond	-	-	-	-	8	8	8	100%	Approved

Map ID	Project Name	ELI* Units	VLI* Units	LI* Units	MI* Units	AMI* Units	Total Units	Max Units Allowed	% of Max Units Allowed	Entitlement Status
25	Harvey Avenue	-	-	-	-	17	17	14	121%	Approved
26	Arf Avenue Subdivision	-	-	-	-	9	9	12	81%	Approved
27	Hesperian Subdivision	-	-	-	-	19	19	16	122%	Approved
28	La Playa Commons	-	-	2	3	42	47	47	100%	Approved
	Total Units	**30**	**245**	**275**	**82**	**1,263**	**1,895**	**Average % of Max Density**	**88%**	

Notes: ELI = Extremely-Low Income; VLI = Very-Low Income: LI = Low Income; MI = Moderate Income; AMI = Above-Moderate Income

Figure C-1 Planned or Approved Projects



Basemap provided by Esri and its licensors © 2022.
Additional information provided by City of Hayward, 2022.

1.1.3 Accessory Dwelling Units

Accessory dwelling units (ADUs) anticipated to be built between 2023 and 2031 are also credited towards the City's RHNA. An ADU is a secondary dwelling unit located on residentially zoned property that has an existing single-family or multi-family residence. Due to its small square footage, it could provide affordable housing options for family members, friends, students, the elderly, in-home health care providers, the disabled, and others.

Trends in Hayward indicate that the number of ADU permit applications have been increasing in recent years. The City of Hayward Building Division permitted and finaled 21 ADUs in 2018, 20 ADU units in 2019, 79 ADUs in 2020 and 44 in 2021. This overall increase in ADU permits is likely due to recent State legislation that has reduced regulatory barriers to build and permit ADUs. Conservatively assuming that annual permits will average 40 units per year, the City has assumed a total of 320 ADUs will be permitted between 2023 and 2031.

Based on rental trends in Hayward and other Bay Area cities, it is assumed that 90 percent would be affordable for moderate-income households and below, and 10 percent would be affordable for above moderate-income households.

1.1.4 Remaining Share of RHNA

After counting anticipated units from pipeline projects and ADUs, the City must demonstrate its ability to meet its remaining housing needs through the identification of sites suitable for housing development. Table C-4 shows the remaining RHNA after accounting for units that are pending or approved as of June 30, 2022, and the number of ADUs assumed to be permitted between 2023 and 2031.

Table C-4 Remaining Share of RHNA

Affordability Category	RHNA Allocation	Units Pending or Approved or under Construction	Estimated ADUs	Remaining RHNA
Very-Low	1,075	275	96	704
Low	617	275	96	246
Moderate	817	82	96	639
Above Moderate	2,115	1,263	32	820
Total	**4,624**	**1,895**	**320**	**2,409**

After accounting for planned and approved units and projected ADU development the City has satisfied approximately 47 percent of its total allocation for the 2023-2031 planning period. The City must demonstrate the availability of sites with appropriate zoning and development standards that allow and encourage the development of an additional 2,409 units. This total includes 704 very low-income, 246 low-income, 639 moderate-income, and 820 above moderate-income units.

1.2 Residential Sites Inventory

New residential development in the City of Hayward is expected to occur primarily in the areas covered by the following plans:

- Downtown Specific Plan
- Mission Boulevard Specific Plan (Mixed Use Corridor PDA)

- Former Route 238 Corridor

The Sites Inventory identifies vacant and underutilized sites within these plan areas that have the capacity to accommodate the City's remaining RHNA. A detailed, parcel-specific Sites Inventory is provided in Appendix B. The sites identified in this inventory have a potential development capacity of 3,642 new housing units.

1.2.1 Methodology

Suitable Sites for Affordable Housing

State law requires that jurisdictions demonstrate in the Housing Element that the land inventory is adequate to accommodate that jurisdiction's share of the regional growth. State law has established "default" density standards for the purpose of estimating potential units by income range:

- A density standard of 0 to 14 units per acre (primarily for single-family homes) is assumed to facilitate the development of housing in the above moderate-income category.
- A density standard of 15 to 29 units per acre (primarily for medium density multi-family developments) would facilitate the development of housing in the moderate-income category.
- A density standard of 30 or more units per acre (primarily for higher density multi-family developments) would facilitate the development of housing in the low- and very low-income category.

In addition to default density standards, the California Legislature established size requirements for parcels intended to support the development of lower income units. Government Code Section 65583.2 establishes that sites between 0.5 and 10 acres in size which are zoned for residential development at greater than 30 units per acre are suitable for lower-income projects. Very small parcels, even when zoned for high densities, may not facilitate the scale of development required to access competitive funding resources. Conversely, typically lower-resource affordable housing developers may be unable to finance the scale of project necessitated by very large parcels.

Suitability of Nonvacant Sites

As part of the Alameda County Housing Collaborative discussion series, developers in Alameda County indicated that nonvacant sites currently occupied by a single-tenant retail or office use are ideal for redevelopment[1]. These sites usually have existing utility connections on site, and single ownership and tenancy reduces the potential complexity of a change in ownership or use. This developer feedback was considered during the site selection process.

To identify potential sites for additional development, geospatial data was used to identify vacant and nonvacant but underutilized properties within the city. Nonvacant parcels were chosen as sites likely to be redeveloped during the planning period based on the following factors:

- Improvement-to-land value ratio: A parcel's improvement-to-land value ratio can help quickly identify properties that are potentially underutilized. A ratio of less than 1.0 indicates that the real estate market values the land itself more highly than what is currently built on that land. These underutilized parcels represent opportunities for property owners and developers to invest in further improvements that increase the overall value of the property. It should be noted that the improvement-to-land value ratio of a property does not necessarily consider

[1] The Alameda County Collaborative held a panel with active, local developers on November 29, 2021.

development standards or environmental constraints that may impact the feasibility of redevelopment on the site.

- Existing use vs. zoned use: A comparison of a site's current use to the use for which it is zoned can also help identify underutilized properties. For example, a parcel currently occupied by a parking lot or single-family home which is zoned for high-density housing or high intensity commercial development represents an opportunity for the property owner to convert the property to a higher value use.
- Age of structure: The age of a structure is most useful in demonstrating that a site is not likely to redevelop. New construction on the site indicates that a property owner is unlikely to invest in additional improvements or redevelop the site in the near future.
- Floor area ratio: Low floor area ratios further indicate underutilization especially in downtown areas or upzoned[2] corridors. Conversely, developed sites with higher floor area ratios are less likely to redevelop as the land and demolition costs would be high.
- Ownership patterns: In cases where site consolidation (i.e., merging parcels) is required for redevelopment, properties owned by a single entity are simpler to consolidate and/or redevelop. Publicly owned land can be more easily developed as affordable housing because land acquisition costs for developers are lower or nonexistent.

Potential sites were then reviewed based on these criteria to eliminate those unlikely to be redeveloped in the near term.

Realistic Development Capacity

The City assumed that the realistic development capacity of the chosen sites may be significantly less than the full development capacity allowed by the parcel's zoning or land use designation. This conservative assumption is based on site specific conditions and development standards that may reduce the development potential of a given site. Steep slopes, protected wetlands or watercourses, open space or parking requirements, and irregularly shaped parcels all impact the ability to achieve the maximum density allowed by the zoning code. The pending and approved projects shown in Table C-3 on average achieved a density equal to approximately 87 percent of the maximum density allowed on the site. Based on that finding, the City assumes the realistic capacity of the Sites Inventory to be 75 percent of the maximum density under the applicable zoning or general plan designation.

[2] Upzone is the reclassification of a site or area to a higher zone, typically allowing for more intensive use, e.g. from residential to commercial or from single- to multiple-family use.

1.2.2 Hayward Downtown Specific Plan

Adopted by the City in 2019, the Hayward Downtown Specific Plan (DSP) and Development Code develops a vision for a resilient, safe, attractive, and vibrant historic downtown which integrates a multi-modal circulation system and new pedestrian oriented public spaces. The specific plan includes a form-based code that is intended to both provide increased predictability to property owners and developers throughout the development permitting process and achieve a well-defined and active streetscape.

The DSP anticipates significant infill development over the next 20 years within five distinct "placetypes" including mixed-use gateway, downtown core, downtown neighborhood, station plaza, and downtown southern gateway. Each of these placetypes is further defined by the DSP Development Code which intends to facilitate the creation of a walkable neighborhood environment within a short distance of neighborhood serving retail and services. The Development Code classifies each site into the following zones and provides clear standards for building types allowed:

- Neighborhood Edge (NE): Small-to medium footprint, lower-intensity housing choices, from detached single-family houses to small multiplex apartment buildings containing up to six units.
- Neighborhood General (NG): Small-to-medium footprint, moderate-intensity, medium house-scale housing choices, from single-family houses and attached townhomes to small-scale apartment buildings and courtyard buildings on medium-sized lots.
- Urban Neighborhood (UN): Small-to-large footprint, moderate-intensity, large house-scale and block-scale housing choices, from rows of townhomes and large multiplex buildings containing between 6 and 18 units, to medium-scale apartment buildings.
- Downtown Main Street (DT-MS): A vibrant urban main street serving as the citywide focal point for Hayward with commercial, retail, entertainment, and civic uses, public transportation, and small-to-large footprint, moderate-to-high-intensity housing choices including large multiplex buildings to large-scale apartment buildings.

- Urban Center (UC): Medium-to-large footprint, moderate-intensity housing choices, from rows of townhomes and large multiplex buildings to large-scale apartment buildings surrounding an enclosed parking structure.

Vacant and Underutilized Properties in the Downtown Specific Plan Area

The DSP Development Code closely regulates building form and character, and it does not directly regulate the density of residential development. Because the DSP Development Code is intended to implement Hayward's General Plan land use designations, this analysis assumes that for sites within the DSP, the maximum allowable residential density is determined by the densities listed in the Land Use Element of the General Plan. The General Plan designates the vast majority of the DSP Area as Central City-Retail and Office Commercial (CC-ROC) and Central City-High Density Residential (CC-HDR). Each of these designations allow mixed-use residential development at a density of 40 to 110 dwelling units per acre.

All potential sites identified in the DSP area meet the criteria to count toward the City's share of the RHNA for lower-income housing based on density and lot size. For the purposes of meeting the City's RHNA for moderate and above-moderate income units, multiple sites that meet HCD's requirements for the development of lower income housing have been allocated to moderate and above-moderate income units. Table C-5 summarizes the capacity of vacant and underutilized sites within the DSP area.

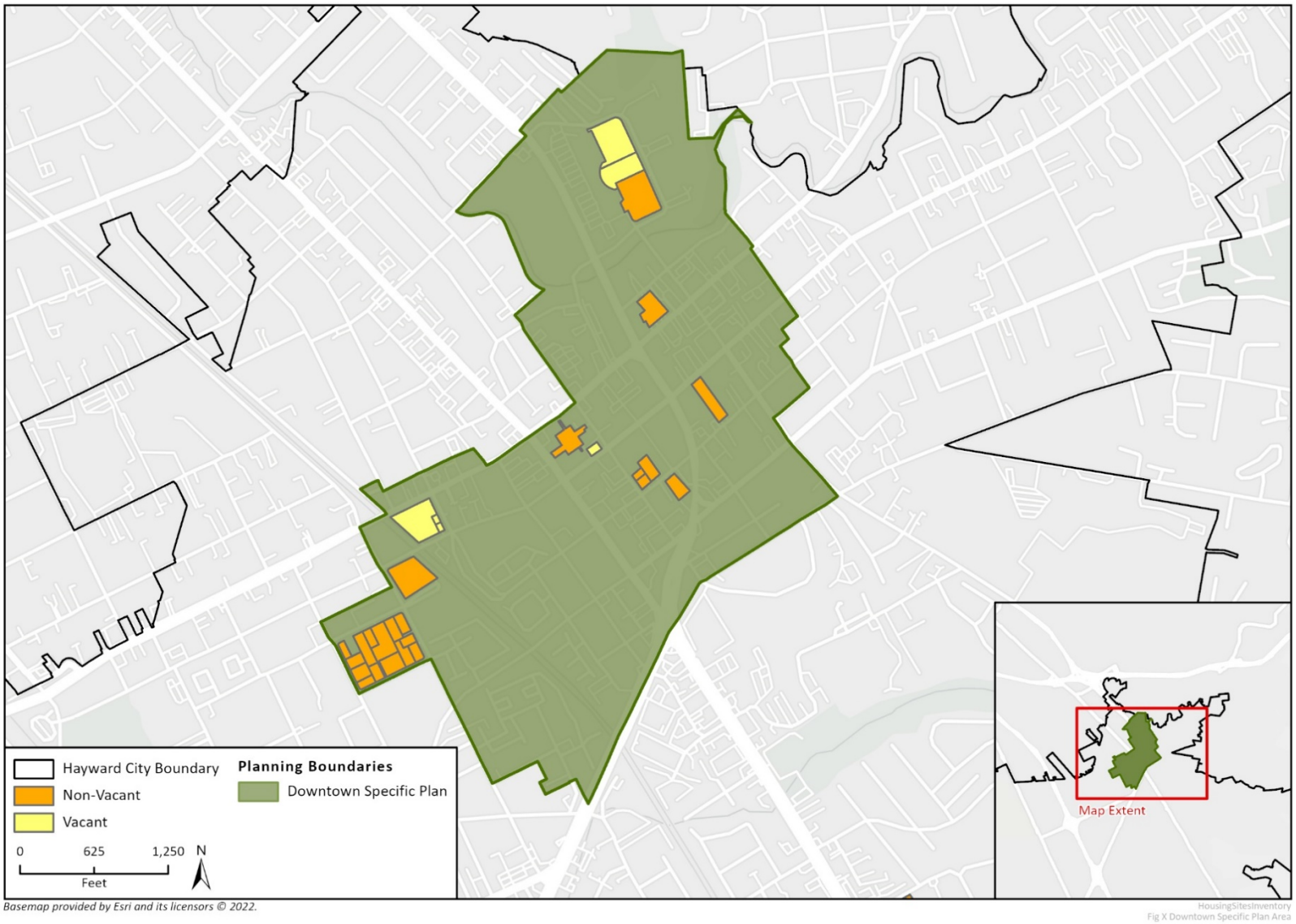
Table C-5 Residential Development Potential in the Downtown Specific Plan Area

General Plan Land Use Designation	Acres	Number of Parcels	Maximum Allowed Density	Potential New Units
Central City – High-Density Residential (CC-HDR)	0.44	2	110 dwelling units per acre	35
Central City – Retail and Office Commercial (CC-ROC)	19.19	27	110 dwelling units per acre	1,571
Total	**19.63**	**29**	**-**	**1,606**

Sites identified within the DSP are well served by transit and other community amenities including grocery stores, medical offices, and entertainment. The vacant former Civic Center site at the northern gateway to downtown is directly adjacent to a shopping and office commercial center and across Foothill Boulevard from the Lincoln Landing mixed-use development. In addition, the Maple and Main mixed-use project has been approved at the intersection of Maple Court and McKeever Avenue in the heart of the DSP area. All sites identified within the DSP are within a one-mile walk of the Hayward Bay Area Rapid Transit (BART) Station and approximately 60 percent of the potential new units are within 0.5-mile walk of the station. Several of the sites identified within the DSP are owned by the City and are currently used for public parking or unoccupied. The City has had success since 2010 in facilitating deed-restricted affordable and market-rate housing projects on City-owned parcels. The City considers the publicly owned parcels in the DSP area as opportunities for high-quality residential infill development.

The Sites Inventory identified 19.63 acres of vacant and underutilized land within the DSP Area (as shown in Figure C-2) which can accommodate 1,606 housing units. This estimate is based on a density factor of 82.5 units per acre (i.e., 75 percent of the maximum density of 110 units per acre allowed by the General Plan).

Figure C-2 Vacant and Underutilized Sites within the Downtown Specific Plan Area



1.2.3 Mission Boulevard Corridor

In 2020, the City of Hayward adopted Ordinance 20-12 which formally consolidated the South Hayward BART/Mission Boulevard Form Based Code and Mission Boulevard Form Based Code and reclassified the ordinance as the Mission Boulevard Corridor Code. This new code implements smart-growth principles and policies outlined in the General Plan. The intent of the Mission Boulevard Corridor Code is to encourage compact, mixed-use, walkable neighborhoods with a variety of housing types in proximity to high-frequency transit stations. Development of this character will help the City advance its goals of decreasing automobile dependency and reducing both traffic congestion and its subsequent greenhouse gas emissions.

The Mission Boulevard Corridor Code looks to encourage and guide infill development through the application of the following zoning districts:

- Corridor Neighborhood (MB-CN): A mixed-use neighborhood environment with moderate intensity, medium-scale residential and non-residential uses compatible with surrounding neighborhoods, along a multi-modal corridor within short walking, biking, or bus distance of neighborhood serving retail and service uses.
- Neighborhood Node (MB-NN): A vibrant, urban neighborhood serving node. This district supports mixed-use infill development to provide a range of commercial, retail, entertainment, civic, and moderate intensity residential uses in a more compact urban setting.
- Corridor Center (MB-CC): A transit-oriented mixed-use, urban center with high-intensity, residential and non-residential uses located within proximity to BART, to facilitate access to BART by biking or walking.
- Civic Space (MB-CS): This zone is intended to provide public open space and civic buildings. When applied to privately owned parcels, existing use may continue until the site is redeveloped or comes under public ownership.

- Planned Development (PD): This zoning district is applied to the South Hayward BART Station property. This district is intended to facilitate close collaboration between the property owner (Bay Area Rapid Transit) and the City to foster well designed residential and mixed-use development. PD districts help encourage redevelopment projects which incorporate a variety of housing types or combinations of residential and nonresidential uses which may not be achievable under other zoning districts. This site is also subject to California AB 2923 which establishes baseline zoning standards for BART owned properties within 0.5 miles of BART stations. Current zoning of the South Hayward BART Station property meets or exceeds the requirements of AB 2923[3].

The Mission Boulevard Code defines and applies the following overlay zones to better regulate portions of the corridor:

- Transit Oriented Development (TOD) Overlay: Properties near public transit centers, as identified on the Mission Boulevard Code, including BART, are allowed an increase in residential density and adjusted building height limits.
- Commercial Overlay Zone 1: Properties designated with a Commercial Overlay Zone 1 designation may be developed with a mix of uses, but commercial uses must occupy the first or ground floors. Uses associated with the residential use, such as leasing office, community space, amenities, etc., are allowed on the ground floor. This requirement may be adjusted through the Major Site Plan Review Process.
- Commercial Overlay Zone 2: Properties designated with a Commercial Overlay Zone 2 designation may be developed with a mix of uses, but commercial uses must occupy the primary street frontage.

Anchored by Downtown to the north and the South Hayward BART Station to the south, development along the corridor is characterized by large-scale commercial and light industrial uses including auto dealerships, auto repair and accessory businesses, single-tenant commercial buildings, and pockets of single-family homes. Since 2010, multiple large-scale residential projects have contributed to a mix of housing types along the corridor including affordable and market-rate townhomes and midrise apartment buildings. These projects have advanced the City's vision of a series of walkable and compact urban neighborhoods along Mission Boulevard. A high-frequency bus line runs along Mission Boulevard and the South Hayward BART Station provides access to regional transit. Several residential projects along the corridor are approved or under review, and the City expects additional development in the upcoming housing cycle.

Vacant and Underutilized Properties in the Mission Boulevard Corridor Code Area

Like the DSP, the Mission Boulevard Corridor Code regulates a potential development's form and character. The Corridor Code also specifies minimum and maximum density for a site, as shown in Table C-6. All potential sites identified within the Mission Boulevard Corridor Code area are assumed to be adequate for the development of lower-income housing. Table C-7 summarizes the capacity of vacant and underutilized sites within the Mission Boulevard Corridor Code Area.

[3]A Technical Guide to Zoning for AB 2923 Conformance
https://www.bart.gov/sites/default/files/docs/00_AB2923_TechGuide_Draft_2020Jun_0.pdf

Table C-6 Mission Boulevard Corridor Code Allowed Densities

Zoning District	Minimum Density	Maximum Density	Maximum with Site Plan Review
Corridor Neighborhood (MB-CN)	17.5 du/ac	35 du/ac	55 du/ac south of A Street
Neighborhood Node (MB-NN)	17.5 du/ac	35 du/ac	65 du/ac
Corridor Center (MB-CC)	35 du/ac TOD Overlay 1: 75 du/ac TOD Overlay 2: 40 du/ac	55 du/ac TOD Overlay 1: 100 du/ac TOD Overlay 2: 65 du/ac	75 du/ac TOD Overlay 2: 100 du/ac

Notes: du/ac = dwelling units per acre

Table C-7 Residential Development Potential in the Mission Boulevard Corridor Code Area

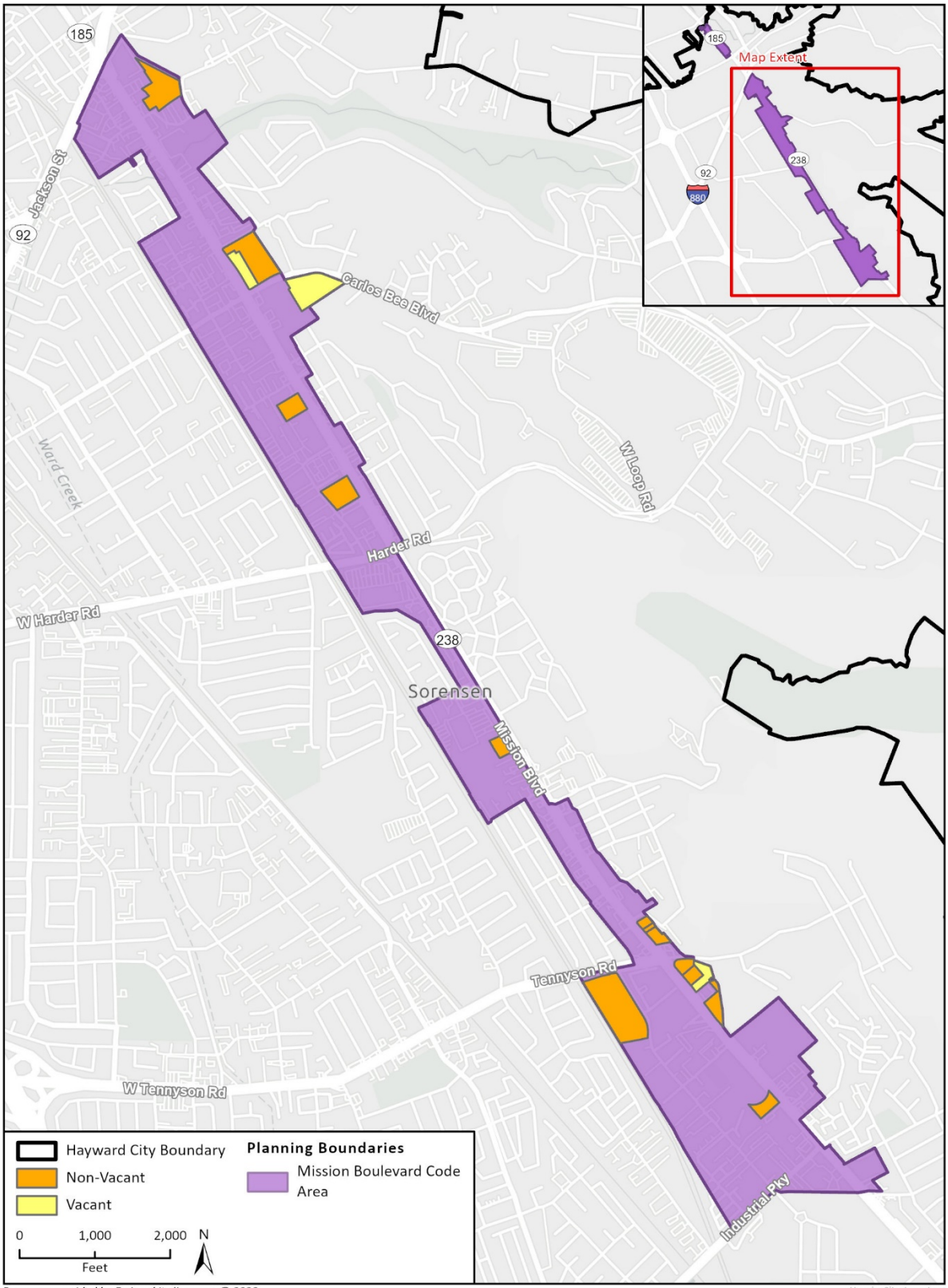
Zoning District	Acres	Number of Parcels	Maximum Allowed Density	Potential New Units
Corridor Neighborhood (MB-CN)	11.7	5	35 – 55 du/ac	428
Neighborhood Node (MB-NN)	2.9	1	65 du/ac	138
Corridor Center (MB-CC)	7.6	8	55 – 100 du/ac	521
South Hayward BART Site - Planned Development (PD)	5.9	1	100*	439
Total	**28.0**	**15**	**-**	**1,526**

Notes: du/ac = dwelling units per acre
The maximum density allowed on each site is determined by the location of the parcel and any applicable overlay zones as detailed in Table C-6. The estimate of new unit potential is based on a conservative 75 percent factor of the maximum number of units allowed on the site.

*Maximum density on South Hayward BART property is based on the Mission Boulevard Code Transit Oriented Development Overlay 1 which allows development up to 100 dwelling units per acre.

The Sites Inventory identified a series of independent auto dealerships, auto repair shops, surface parking lots, and single-tenant commercial buildings as suitable for further housing development. A total of approximately 28 acres of vacant and underutilized land within the Mission Boulevard Corridor Code Area (as shown in Figure C-3) can accommodate an additional 1,526 housing units. This estimate is based on the realistic density factor of 75 percent of the maximum densities allowed.

Figure C-3 Vacant and Underutilized Sites within the Mission Boulevard Corridor Code Area



1.2.4 Former Route 238 Corridor

In the mid-1960s, the State of California purchased 354 acres of vacant, commercial, and residential land in the City of Hayward and unincorporated Alameda County, in preparation for the construction of a Route 238 Bypass. The bypass was never built, and the parcels remain mostly vacant. The area surrounding these parcels has been developed primarily with residential subdivisions, multifamily housing, and institutional uses. In 2007 the City of Hayward received a grant from the State Department of Transportation (Caltrans) to complete a conceptual land use study of the Route 238 Bypass parcels. This study was conducted in preparation for the transfer of State-owned parcels to new ownership.

On January 12, 2016, the City Council adopted Resolution No. 16-004, authorizing the City Manager to negotiate and execute an agreement with Caltrans to acquire 17 properties along the 238 Bypass Corridor to remediate blight; support transit-oriented, mixed-use development; and ensure redevelopment of the properties under a coherent plan that meets the City's land use goals and other public purposes. Since the City of Hayward acquired these parcels in 2016, numerous developers have responded to the City's request for proposals to develop medium and large-scale, affordable mixed-use projects across the nine parcel groups.

- Parcel Groups 1 & 10: The SOHAY project developed 400 attached townhomes and 72 apartments on Parcel Groups 1 & 10. The site aggregated 21 parcels to create a 21.6 acres development site surrounded by existing development. The development included 472 housing units, approximately 20,000 square feet of commercial space, 2.4 acres of designated park land and a network of pedestrian and bicycle trails. Of the 472 residential units developed on this site, 72 were multifamily rental and 400 were condominium ownership units. A total of 20 of the multi-family rental units are restricted to low-income households and 28 condominium units are restricted to moderate income households.

- Parcel Group 2: The City approved the True Life Company's application to develop a mixed-use project including 189 townhomes and stacked flats and 10,500 square feet of retail space. Of these units, 20 will be deed restricted to moderate income households.
- Parcel groups 3 and 4: The City approved Eden Housing's application to develop the La Vista Residential project which includes 176 affordable apartment homes and a 384-student school on the site.
- Parcel Group 5: In 2019 the City adopted the Parcel Group 5 Master Development Plan and released a request for proposals seeking a developer to build up to 74 single family homes and eighteen affordable accessory dwelling units. The City expects to take the entitlement and Disposition and Development Agreement to the City Council in the second quarter of 2022.
- Parcel Group 6: In 2019 the City adopted the Parcel Group 6 Master Development Plan released a request for proposals to solicit a conceptual plan for the property. The Parcel Group 6 Master Plan allowed for maximum 55 units per acre while the underlying SMU General Plan designation allows for up to 100 units/acre. While there has been significant interest from the residential development community, the City has yet to reach final approval of any application to develop the site.
- Parcel Group 7: The City has approved the development of an automobile dealership on the lower portion of Parcel Group 7 adjacent to Mission Boulevard. The remaining portion of Group 7 remains an opportunity site for housing development and is included in the housing Sites Inventory.
- Parcel Group 8: the Parcel Group 8 site is approximately 19.8 acres split between the City of Hayward and unincorporated Alameda County. Approximately half of the site (9.17 acres) will be retained as open space and used as a park. A 96-unit affordable residential project subject to a Senate Bill 35/Density Bonus Application is pending City of Hayward approval on a 1.5-acre portion of the site at the corner of Grove Way and Foothill Boulevard. An existing multi-family cottage development is located at Grove Way and Bridge Court within Alameda County. The remainder of Parcel Group 8 (8.26 acres split between City and County) is intended to be developed with market rate housing.
- Parcel Group 9: This is a 4.53-acre vacant site located at the northern City limits and is split between the City of Hayward and unincorporated Alameda County. The City has not identified a development plan or a developer for this site.

Vacant and Underutilized Properties in the Former Route 238 Corridor

Sites identified in this inventory along the former Route 238 Corridor are designated Sustainable Mixed Use (SMU) in the General Plan which in this context allows development at densities up to 55 dwelling units per acre. These specific sites are assumed to be adequate to support development of a mix of lower, moderate, and above-moderate income housing.

A significant housing opportunity site exists on the upper portion of Parcel Group 7 adjacent to Carlos Bee Road. While the zoning of this site allows residential development at densities up to 55 dwelling units per acre, the topography of the site may limit its realistic development potential. The inventory estimates the 4.9-acre site to be suitable for 98 moderate-income units at a net density of 20 dwelling units per acre.

Parcel Group 6 (the former site of the Carlos Bee Quarry) represents the largest opportunity to encourage the development of a mixed-income neighborhood within the Route 238 Corridor. Based on previous applications and concept plan studies, the parcel's current zoning, and a realistic

density 75 percent of the general plan maximum, the Sites Inventory conservatively estimates that 10 acres of the 29-acre site of the site will yield 412 units. Table C-8 summarizes the capacity of vacant and underutilized sites within the former Route 238 Corridor.

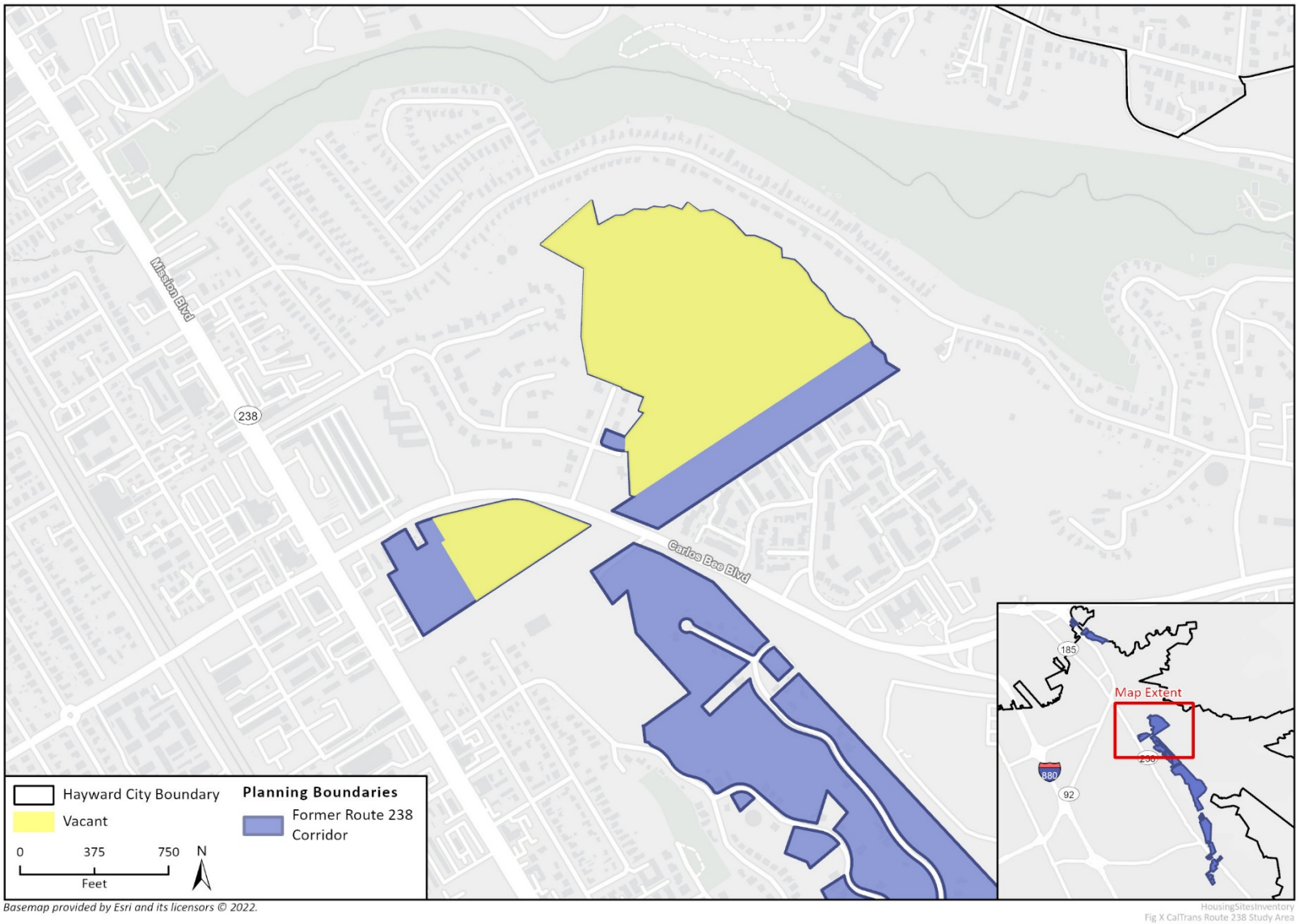
Table C-8 Residential Development Potential along the Former Route 238 Corridor

General Plan Land Use Designation	Acres	Number of Parcels	Maximum Allowed Density	Realistic Potential New Units
Corridor Neighborhood (MB-CN)	4.9	1	35 du/ac	98
Sustainable Mixed Use (SMU)	10.0	1	55 du/ac	412
Total	**14.9**	**2**	**-**	**510**

Notes: Du/ac = dwelling units per acre

The Sites Inventory identified 14.9 acres of vacant and underutilized land within the former Route 238 Corridor (as shown in Figure C-4) that can accommodate an additional 510 housing units. This estimate is based on a realistic density factor which is 75 percent of the maximum densities allowed by the General Plan Designation for each site as well as the assessed realistic development capacity of the parcel Group 6 and 7 sites given their unique topography and site constraints.

Figure C-4 Underutilized Sites within the former Route 238 Corridor



1.3 Adequacy of Residential Sites Inventory in Meeting RHNA

The residential Sites Inventory identified vacant and under-utilized sites in Hayward which can accommodate a total of 3,642 residential units based on residential densities per existing land use designations, zoning districts, and specific plans. The sites are in the following General Plan land use designations: Central City - Retail and Office Commercial (CC-ROC), Central City - High Density Residential (CC-HDR), and Sustainable Mixed Use (SMU) and the following zoning districts: DT-MS, MB-CC, MB-CN, MB-NN, PD, SMU, UC, and UN.

The City intends to include three non-vacant sites which were listed in a previous housing to accommodate a total of 150 lower income units during the planning period. Housing element law requires the City to include a program in the housing element that requires rezoning of these sites to allow residential use by right at specified densities for housing developments in which at least 20 percent of the units are affordable to lower income households. Program H-11 of the Housing Plan allows by-right approval for projects with 20 percent affordable units proposed at 548 Claire Street (431-0040-029-00), Fletcher Lane (445-0001-004-13), and 29459 Mission Boulevard (078C-0438-011-02).

Hayward anticipates meeting its RHNA requirements for the January 2023 through January 2031 planning period without the need to rezone areas of the city. The Sites Inventory shows a surplus of 582 lower-income units, giving the city a 61 percent buffer for this income category. Vacant sites satisfy more than half of the remaining lower income RHNA after ADUs and planned/approved units are accounted for. The results of the residential Sites Inventory are presented in Table C-9.

Table C-9 Adequacy of Residential Sites Inventory

	Lower Income	Moderate Income	Above Moderate Income	Total
RHNA Allocation	**1,692**	**817**	**2,117**	**4,624**
Planned and Approved Units	550	82	1,263	1,895
ADUs Anticipated	192	96	32	320
Remaining RHNA	**950**	**639**	**820**	**2,409**
Downtown Specific Plan Area	481	791	334	1,606
Mission Boulevard Corridor	816	302	408	1,526
Former Route 238 Corridor	0	200	310	510
Total Units on Vacant Sites	508	226	425	1,159
Total Units on Underutilized Sites	1,099	757	627	2,483
Total Units on Vacant and Underutilized Sites	**1,607**	**983**	**1,052**	**3,642**
Total Unit Surplus	**582**	**297**	**354**	**1,233**

1.3.1 Recycling Trends

Much of the recent development relies on the redevelopment (or “recycling”) of underutilized properties or underperforming commercial sites. Examples of recent recycling trends include the following:

- Lincoln Landing: This project located at 22335 Foothill Boulevard consists of a consolidation of four parcels to develop market rate apartments and 80,500 square feet of commercial space. This mixed-use development replaces a vacant large-footprint office building and approximately 8.75 acres of surface parking. The 11.3-acre site accommodates 476 units for a gross density of 42 dwelling units per acre. The project site is zoned Central City Commercial (CC-C) and designated CC-ROC in the General Plan. Lincoln Landing is located in the city's Downtown Opportunity Zone which allows investors and communities to leverage privately sources funds for eligible economic development and community reinvestment projects. The project, which broke ground in September 2019, represents one of the largest Opportunity Zone projects in the country. The project received $300 million in opportunity zone fund investment from Bridge Investment Group. This additional funding complemented traditional financing secured from Bank of America and other capital partners.

- Mission Crossings – This project located at 25501 Mission Boulevard developed 140 market-rate townhome units on 7.3 acres of a 9.6-acre parcel, with 14 of the townhomes deed restricted for Moderate Income households in compliance with the Affordable Housing Ordinance. The remaining 2.3 acres is entitled to accommodate a 93-room hotel and 7,225 square feet of retail space. The mixed-use development replaces two independent auto-dealerships and their associated service facilities. The net density of the townhome portion of the development is approximately 19 dwelling units per acre. The project site is zoned MB-CN and designated SMU in the General Plan.

- Legacy at Hayward – This project is nearing completion as of December 2021 located at 2816 Mission Boulevard. The project includes 97 market rate units near the South Hayward BART Station. The 1.8-acre development replaces a low-FAR auto-accessories store with a 4-story building integrating structured parking and a variety of residential amenities. Gross density of the development is approximately 54 dwelling units per acre. The project site is zoned MB-CC and designated SMU in the General Plan.

- SOHAY – The SOHAY project located at 29504 Dixon Street, developed 400 attached townhomes and 72 apartments on a collection of 21 long-vacant parcels totaling approximately 21.6 acres. The development includes 20 rental units restricted to low-income and 28 ownership units restricted to moderate income residents. Approximately 2.8 acres of the site is devoted to a new public park and flood control infrastructure and the entire project is within short walking distance of the South Hayward BART Station. The residential portion of the development achieved a density of approximately 25 units per acre. The project site is zoned Planned Development (PD) and designated SMU in the General Plan. The SOHAY project is the result of a negotiated Deposition and Development Agreement with the City.

- Alta Mira – Completed in 2017, the Alta Mira project represents an example of high-quality, affordable Transit Oriented Development (TOD). The project located at 28925 Mission Boulevard includes 152 units affordable to residents with an income which is 30 to 50 percent of Alameda County's median income. The project is withing ¼ mile of the South Hayward BART station and provides a variety of amenities and supportive services to both seniors and families. The 1.9-acre site includes a new public park and achieved a gross density of approximately 80 dwelling units per acre. The project site is zoned Planned Unit Development (PUD) and designated SMU in the General Plan. The City provided permanent financing in the amount of $6.95 Million to facilitate the development of this project.

- Cadence – The Cadence project was developed in conjunction with Alta Mira (Alta Mira was built to satisfy the developer's affordable housing requirements) and is located 28850 Dixon St. This mixed-use development replaces 2.9 acres of vacant land and surface parking with 206 market-rate units, extensive amenities, and ground floor retail space. The achieved density of the development is 71 dwelling units per acre.

- Abode – The approved Abode project at 2595 Depot Road consists of a four-story building accommodating 125 studio units of permanent supportive housing. The development plan includes 72 parking spaces for residents. The Project takes advantage of California's Senate Bill (SB) 35 and Assembly Bill (AB) 1763 which allowed for streamlined permitting and unlimited density bonuses for 100% affordable projects within ½ mile of a major transit stop, and received waivers and concessions related to building height and waiver of personal storage space requirements. An existing residential drug and alcohol rehabilitation facility will continue

operating on the 3.1-acre site. The City provided permanent financing of approximately $6.1 million and awarded the City's $18.2 million of Alameda County Measure A1 funds toward the project. The gross density of the development is 40 dwelling units per acre. The project site is zoned Agricultural District and is designated Limited Medium Density Residential (LMDR) in the General Plan.

These recycling activities have taken place since the certification of the 5th Cycle Housing Element and are representative of the conditions within each of the neighborhoods included in the Sites Inventory. The conditions and characteristics of the underutilized commercial sites identified in Appendix B are similar to those that have been redeveloped in recent years.

For example, the Legacy at Hayward project redeveloped a 1.8-acre parcel formerly occupied by an auto-accessories retailer with a large parking lot and service area. The condition of opportunity sites identified along Mission Boulevard mirror the pre-construction conditions of the Legacy at Hayward site.

Similarly, parcel 452-0056-005-00 is a 1.2-acre site which is partially paved and occupied by a single tenant retail store. The two existing structures on the site are in need of repair or refurbishment and the parcel is zoned for a density up to 55 units per acre. Like the Legacy site, this parcel is owned by a single entity and would not require consolidation. Conditions at parcel 444-0078-005-05 also mirror the pre-construction conditions of the Mission Crossings project site. The Mission Crossing project was developed on the site of two former auto-dealerships which fell into vacancy and disrepair. Parcel 444-0078-005-05 is the former site of Hayward Chevrolet which closed in 2009. The 2.9-acre site is currently vacant and zoned for up to 65 units per acre of residential development.

Given current development trends, the City anticipates further interest in recycling activities of underperforming commercial sites at densities similar to those achieved by the projects listed above. Therefore, it can be reasonably assumed that further redevelopment would occur on nonvacant sites throughout the areas discussed in the Sites Inventory.

Recycling activities are also likely to occur on sites zoned for mixed-use. Development trends in the City show that a vast majority of mixed-use zoned projects have a large residential component with a relatively small square footage devoted to commercial use. None of the proposed projects in mixed-use zones are 100 percent devoted to non-residential purposes. Therefore, it can also be reasonably assumed that further residential development would continue to occur in areas zoned mixed-use to accommodate both residential and non-residential uses.

Sites included in the inventory of this Housing Element for the 6th cycle RHNA are very similar to the select projects described above in terms of size, existing conditions and uses. Recycling sites is desirable to help achieve the State Legislature's goal of alleviating California's housing crisis. According to California's Department of Housing and Community Development, during the last ten years, housing production averaged fewer than 80,000 new homes each year, and ongoing production continues to fall far below the projected need of 180,000 additional homes annually.[4] The lack of supply and high rent costs suggests that unit recycling activities is a method to consider when addressing housing needs.

[4] California Department of Housing and Community Development. 2020. Addressing a Variety of Housing Challenges. https://www.hcd.ca.gov/policy-research/housing-challenges.shtml.

1.4 Availability of Infrastructure and Services

The City's budget for all operations in Hayward ensures the continued maintenance and improvement of the city's infrastructure. This includes the design, construction, maintenance of roadways, sidewalks, sewers, and storm drains; construction and maintenance of public buildings; water production, storage, and delivery facilities; the repair of City vehicles and equipment; and the continued operation of transportation services. As such, the City will ensure adequate capacity of all infrastructure and utilities to accommodate the housing growth discussed in this housing element. All sites listed in the inventory that are appropriate for lower income residential development have available infrastructure.

1.4.1 Wastewater System

Hayward is served by two major wastewater systems which provide sewage service and wastewater treatment for all residential, commercial, and industrial users in city limits. A small portion of the city's wastewater at the northern City limits flows to the Oro Loma Sanitary District. The majority of Hayward's wastewater is handled by the City-owned wastewater collection system and is treated at the award-winning City of Hayward Water Pollution Control Facility. Treated wastewater then flows to the East Bay Dischargers Authority which discharges the water deep into the San Francisco Bay. The Hayward Water Pollution Control Facility receives approximately 12 million gallons of untreated sewage per day and has a design capacity of 18.5 million gallons per day which will be enough capacity to serve the city through 2040.

1.4.2 Potable Water System

The City of Hayward owns and operates its own water distribution system which serves approximately 95 percent of the city's residents. The remaining small portion of users are served by the East Bay Municipal Utilities District. The city's potable water is supplied by the San Francisco Public Utilities Commission which sources its water from the Hetch-Hetchy reservoir in the Sierra Nevada.

The 2020 City of Hayward Urban Water Management Plan estimates that the city's current water system has enough supply to meet projected demand through 2040 during a normal precipitation year, but not enough supply to meet projected demand during dry years. During a dry year, Hayward's supply is likely to meet 63 percent of projected demand in 2040.

To address this issue, the City adopted the 2020 Water Shortage Contingency Plan. This strategic planning document is intended to prepare for and respond to water shortages and ultimately prevent supply interruptions. The plan identifies clear steps to manage a water supply shortage integrating public messaging and enforceable water conservation measures.

1.4.3 Storm Water and Drainage

The major storm drainage facilities within Hayward are owned and maintained by the Alameda County Flood Control and Water Conservation District (ACFCWCD). The ACFCWCD manages stormwater flows into several underground storm drain lines and manmade open channels. Stormwater pipes smaller than 30 inches are generally owned by the City of Hayward, which also operates five pump stations that divert stormwater Mt. Eden and Old Alameda Creeks to be discharged into the San Francisco Bay. Most major flood control infrastructure in western Alameda County is 50 or 60 years old.

The City is committed to supporting ACFCWCD in the implementation of best management practices and encouraging Low Impact Development to accommodate new housing and protect water quality.

1.4.4 Circulation System

The Mobility Element of the Hayward General Plan outlines the long-term plan for roadways, including numbers of lanes, right-of-way, and general operating conditions. It also provides guidance relating to the transit system, goods movement system, and nonmotorized travel, including bicycle and pedestrian travel and serves as a comprehensive transportation management strategy to ensure adequate transportation infrastructure is in place to meet population growth. In September 2020, the City adopted an updated Bicycle and Pedestrian Master Plan which details the City's plan to establish a network of accessible, safe, and integrated bicycle and pedestrian facilities. According to the Plan, the City will add 153 miles of new bicycle facilities, including 32 miles of multi-use paths for pedestrians and bicyclists. New developments are required to install improvements consistent with this plan or to pay into a fund to construct the improvements and connections.

The city is a major crossroad for key interstate highways (I-238, I-580 and I-880), and State highways (SR 92 and SR 185). In addition, two BART lines (Fremont-Richmond and Fremont-Daly City/Millbrae) serve the city, with a third line (East Dublin/Pleasanton-SFO Airport) operating just north of the city, and Amtrak service connects the city via a station nearby downtown to Sacramento and San Jose.

1.4.5 Dry Utilities

East Bay Community Energy (EBCE) and PG&E supply electricity in the city. EBCE is the default provider for both residential and commercial customers, but PG&E service is available to residents who choose to opt out of EBCE. Natural gas service is provided by PG&E. In March 2020, the Hayward City Council adopted a reach code ordinance to electrify buildings and vehicles in new construction. As a result, no newly constructed housing units will have natural gas connections. Telephone, internet services, and cable television are serviced by contracted providers including AT&T and Xfinity.

1.5 Environmental Constraints

Pursuant to State law, the City developed and adopted the Hayward Local Hazard Mitigation Plan in 2016. This plan addresses hazard vulnerabilities from natural and human-caused hazards, including flooding, drought, wildfire, landslides, severe weather, terrorism, cyber threats, pandemic, and the impact of climate change on hazards, as well as other hazards.

Approximately 50 percent of Hayward is included in Seismic Hazard Zones for liquefaction as designated by the State Department of Conservation Earthquake Zones of Required Investigation--Hayward Quadrangle map.[5] The City of Hayward implements regulations and programs to minimize the risk of geologic and seismic hazards. These regulations and programs include, among others, the City Building Code and building permit process, the City Grading and Clearing Permit process, the Multi-Jurisdictional Local Hazard Mitigation Plan with City of Hayward Annex document, the City of Hayward Comprehensive Emergency Management Plan, and the Community Emergency Response Team program.[6]

[5] https://www.hayward-ca.gov/sites/default/files/documents/Hayward%20GPU%20Public%20Release%20Draft%20EIR_1-30-14.pdf
[6] https://www.hayward-ca.gov/sites/default/files/documents/Hayward%20GPU%20Public%20Release%20Draft%20EIR_1-30-14.pdf

1.6 Financial Resources for Affordable Housing

Affordable housing development programs in Hayward include inclusionary units developed pursuant to the City's Affordable Housing Ordinance, development subsidy through the City's periodic Notice of Funding Availability, public-private partnerships such as those negotiated on the Caltrans 238 properties, critical residential maintenance, and rental rehabilitation programs. The City administers federally funded Community Development Block Grant program and the City's allocation of the Home Investment Partnership Program under the Alameda County HOME Consortium. These funds are administered consistent with federal guidelines and can be used to leverage other development funds in partnership with affordable housing developers[7]. The City also makes use of the State administered SB 2 and LEAP planning grants which fund and provide technical assistance to jurisdictions in the process of preparing programs which facilitate housing production.

1.6.1 Community Development Block Grant (CDBG)

The CDBG Program is administered by HUD. Through this program, the federal government provides funding to jurisdictions to undertake community development and housing projects.

Projects proposed by the jurisdictions must meet the objectives and eligibility criteria of CDBG legislation. The primary CDBG objective is the development of viable urban communities, including decent housing, a suitable living environment, and expanded economic opportunity, principally for persons of low-and moderate income. Each activity must meet one of the three following national objectives:

- Benefit to low-and moderate income families;
- Aid in the prevention of elimination of slums or blight; or
- Meet other community development needs having a particular urgency because existing conditions pose a serious and immediate threat to the health or welfare of the community.

Hayward uses CDBG funds to stabilize neighborhoods and preserve and upgrade the existing housing stock. In 2021, the City was awarded $2.1 million in CARES Act Community Development Block Grant (CDBG) supplemental funding which was used to support programmatic work in response to the COVID-19 crisis. Much of this programmatic work supported the city's most vulnerable communities, which included Rent Relief Grants and shelter services for unhoused residents.

1.6.2 Home Investment Partnership Program (HOME)

The HOME program provides federal funds for the development and rehabilitation of affordable rental and ownership housing for households with incomes not exceeding 80 percent of area median income. The program gives local governments the flexibility to fund a wide range of affordable housing activities through housing partnerships with private industry and non-profit organizations. HOME funds can be used for activities that promote affordable rental housing and homeownership by low-income households, including:

- Building acquisition
- New construction and reconstruction

[7] City of Hayward. 2021. Preliminary Budget.

- Moderate or substantial rehabilitation
- Homebuyer assistance
- Rental assistance
- Security deposit assistance

The City participates in the Alameda County HOME Consortium. Alameda County receives an annual formula allocation of HOME funds that can be used to promote affordable housing in the County through activities such as homeowner rehabilitation, homebuyer activities, rental housing development, and tenant-based rental assistance.[8] Hayward allocated approximately $482,000 in HOME funds in 2021.[9]

1.6.3 Senate Bill 2 Planning Grant

The Senate Bill 2 Planning Grants provide funding and technical assistance to all local governments in California to help cities and counties prepare, adopt, and implement plans and process improvements that streamline housing approvals and accelerate housing production. Funding supports cities and counties in accelerating housing production, streamlining the approval of housing development, facilitate housing affordability, promote development consistent with the State Planning Priorities (Government Code Section 65041.1), and ensure geographic equity in the distribution and expenditure of the funds. The City will be using the funds to complete three projects:

- Creating an overlay zoning district with CEQA review to up zone properties currently zoned for single family and create objective design and development standards to maximize unit potential and allow for a variety of housing types.
- Develop Objective Design Standards to allow for streamlining for compliant projects.
- Update the City's density bonus with CEQA clearance to allow for tiering. The City will explore ways to provide additional density bonus beyond state law requirements

1.6.4 Local Early Action Planning Grant

The Local Action Planning Grants (LEAP) provides over-the-counter grants complemented with technical assistance to local governments for the preparation and adoption of planning documents, and process improvements that accelerate housing production facilitate compliance to implement the sixth-cycle Regional Housing Needs Assessment. The City of Hayward is utilizing the LEAP funding for the following actions:

- Prepare and adopt General Plan Updates (including the sixth cycle Housing Element update, Environmental Justice Element and Safety Element);
- Develop innovative programs and policies that will be embedded within the updated Housing Element to fund housing development, ownership, and rental opportunities for all income levels and to provide housing-related services and programs for all segments of the population.
- Development an Accessory Dwelling Unit program that analyzes impediments to development of ADUs in Hayward and provide services and strategies to address those impediments.

[8] Alameda County Department of Housing and Community Development. 2021. HOME Program. https://www.acgov.org/cda/hcd/rhd/homefunding.htm.
[9] City of Hayward. 2022. Adopted Budget. https://hayward-ca.gov/sites/default/files/documents/FY-2022-Adopted-Operating-Budget.pdf

1.6.5 Local Funding Sources

The City of Hayward implements programs related to housing using a variety of local funding sources. The following funds were included in the Adopted Budget Fiscal Year 2022[10]:

- Housing Authority Fund
- Affordable Housing Monitoring Funds
- Inclusionary Housing Fund
- Rental Housing Program Fund
- General Fund

1.7 Administrative Resources

This section describes administrative resources available to Hayward. These include building, code enforcement, housing programs, and partnerships with nonprofit organizations that help Hayward achieve the goals and objectives laid out in this Housing Element.

1.7.1 City of Hayward Planning Division

The Planning Division of the Development Services Department provides and coordinates development information and services to the public. Specifically, the Planning Division provides staff support to the City Council and Planning Commission in formulating and administering plans, programs, design guidelines and legislation for guiding the city's development in a manner consistent with the community's social, economic, and environmental goals.

The Planning Division is tasked with ensuring that land uses and new development in Hayward comply with City codes, the General Plan, City Council and Planning Commission policies, and California law. Approval of projects through the planning process is required before the City issues grading or building permits. Advanced planning programs provided by the division include a comprehensive General Plan update (including periodic update of the Housing Element), preparing and amending specific plans and design guidelines, and conducting special land use studies as directed by the City Council.

1.7.2 County of Alameda

The Housing Authority of the County of Alameda (HACA) operates several programs funded by the U.S. Department of Housing and Urban Development (HUD) that provide rental housing or rental assistance for low-income families, the elderly, people with disabilities, and others, in much of Alameda County. The programs include[11]:

- Section 8 Housing Voucher Program
- The Project-Based Moderate Rehabilitation Programs
- Section 8 Helping Veterans Achieve Housing Stability – The Veterans Affairs Supportive Housing (VASH) Voucher Program
- Mainstream Voucher Program
- Family Obligations

[10] Adopted Budget Fiscal Year 2022, https://www.hayward-ca.gov/sites/default/files/documents/FY-2022-Adopted-Operating-Budget.pdf
[11] Housing Authority of Alameda County, https://www.haca.net/housing-programs/

1.7.3 Affordable Housing Providers

Affordable housing providers are a critical resource for accomplishing the goals and objectives of this Housing Element. This can be accomplished through private/public partnerships. Since 1997, the City of Hayward, the Former Hayward Redevelopment Agency and the Hayward Housing Authority has been successful in supporting the development 18 affordable housing project through private/public partnerships which provide 1278 units of affordable housing to low and very low-income households.[12] In 2018, the City Issued a Notice of Funding Availability and awarded development subsidy loans to three non-profit affordable housing development projects that will add an additional 258 units of affordable housing. Table C-10 details active affordable housing providers active and the associated affordable housing developments in Hayward.

Table C-10 Affordable Housing Providers in Hayward

Organization	Development Name	Address	Type
Eden Housing Management Inc	Altamira	28901 & 28937 Mission Boulevard Hayward California, 94544	Multifamily
	Cypress Glen	25100 Cypress Avenue Hayward, CA 94544	
	EC Magnolia Court	22880 Watkins Street, Hayward, CA 94541	
	Glen Berry	625 Berry Avenue, Hayward, CA 94544	
	Glen Eden	561 A Street, Hayward, CA 94541	
	Harris Court Apts	742 and 734 - 751 Harris Court, Hayward, CA 94544	
	Hayward Senior	568 C Street Hayward California, 94541	Senior
	Huntwood Commons	27901 Huntwood Avenue, Hayward, CA, 94545	Multifamily
	Josephine Lum Lodge	2747 Oliver Drive, Hayward, CA 94545	
	Leidig Court	27751 Leidig Court, Hayward, CA, 94541	Multifamily
	Sparks Way Commons	2750 Sparks Way Hayward, CA 94541	Multifamily
	Villa Springs Apartments	22328-22330 South Garden Avenue Hayward, CA 94541	Multifamily
	Walker Landing	1433 North Lane Hayward, CA 94545	Multifamily
	Tennyson Gardens/Faith Manor	973 West Tennyson Road, Hayward, CA, 94545	Multifamily
	Sara Conner Court	32540 Pulaski Drive, Hayward, CA, 94545	Multifamily

[12] Affordable Rental Housing in Alameda County, HCD. 2021. https://www.hcd.ca.gov/about/contact/affordable-housing-rental-directory/docs/alameda.pdf

Organization	Development Name	Address	Type
Volunteers of America National Services	Lord Tennyson	2181 W. Tennyson Road Hayward California, 94545	
	Park Manor Apartments	24200 Silva Avenue Hayward California, 94544	
Hayward Pacifica Associates, LP	The Majestic	959 Torrano Avenue Hayward California, 94542	
FESCO	Banyan House	21568 Banyan St, Hayward, CA 94541	Transitional Housing
	Les Marquis Emergency Shelter	22671 3rd St, Hayward, CA 94541	Emergency Shelter

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Table A Housing Element Sites Inventory

Jurisdiction Name	Site Address/ Intersection	5 Digit ZIP Code	Assessor's Parcel Number	Consolidated Sites	General Plan Designation (Current)	Zoning Designation (Current)	Minimum Density Allowed (units/acre)	Max Density Allowed (units/acre)	Parcel Size (Acres)	Existing Use/Vacancy	Infrastructure	Publicly-Owned	Site Status	Identified in Last/Last Two Planning Cycle(s)	Lower Income Capacity	Moderate Income Capacity	Above Moderate Income Capacity	Total Capacity	Improvement to Land Value Ratio	Year Built
HAYWARD	22765 GRAND ST	94541	431-0040-026-00		CC-ROC	UN	40	110	0.23	Commercial repair garage	YES - Current	NO - Privately-Owned	Available	Used in Prior Housing Element - Non-Vacant			18	18	0.00	N/A
HAYWARD	507 C ST	94541	431-0040-017-00		CC-HDR	UN	40	110	0.20	Industrial	YES - Current	NO - Privately-Owned	Available	Used in Prior Housing Element - Non-Vacant			16	16	0.34	1945
HAYWARD	548 CLAIRE ST	94541	431-0040-029-00		CC-ROC	UN	40	110	0.62	Industrial Light/ Manufacturing	YES - Current	NO - Privately-Owned	Available	Used in Prior Housing Element - Non-Vacant	51			51	2.39	N/A
HAYWARD	529 C ST	94541	431-0040-020-02		CC-ROC	UN	40	110	0.58	Warehouse	YES - Current	NO - Privately-Owned	Available	Used in Prior Housing Element - Non-Vacant			47	47	0.79	1954
HAYWARD	22756 ALICE ST	94541	431-0040-031-00		CC-HDR	UN	40	110	0.24	Commercial repair garage	YES - Current	NO - Privately-Owned	Available	Used in Prior Housing Element - Non-Vacant		19		19	0.79	1955
HAYWARD	548 CLAIRE ST	94541	431-0040-028-00		CC-ROC	UN	40	110	0.42	Warehouse	YES - Current	NO - Privately-Owned	Available	Used in Prior Housing Element - Non-Vacant		34		34	0.12	N/A
HAYWARD	577 C ST	94541	431-0040-023-00		CC-ROC	UN	40	110	0.41	Warehouse	YES - Current	NO - Privately-Owned	Available	Used in Prior Housing Element - Non-Vacant	33			33	0.06	1940
HAYWARD	597 C ST	94541	431-0040-024-02		CC-ROC	UN	40	110	0.33	Veterinarian Office	YES - Current	NO - Privately-Owned	Available	Used in Prior Housing Element - Non-Vacant	27			27	2.33	1955
HAYWARD	575 C ST	94541	431-0040-022-00		CC-ROC	UN	40	110	1.07	Automobile dealership	YES - Current	NO - Privately-Owned	Available	Used in Prior Housing Element - Non-Vacant	88			88	0.74	N/A
HAYWARD	22765 GRAND ST	94541	431-0040-027-00		CC-ROC	UN	40	110	0.30	Commercial repair garage	YES - Current	NO - Privately-Owned	Available	Used in Prior Housing Element - Non-Vacant	24			24	0.52	N/A
HAYWARD	541 C ST	94541	431-0040-021-01		CC-ROC	UN	40	110	0.27	Commercial towing company	YES - Current	NO - Privately-Owned	Available	Used in Prior Housing Element - Non-Vacant	22			22	1.29	N/A
HAYWARD	22740 ALICE ST	94541	431-0040-032-00		CC-ROC	UN	40	110	0.40	Industrial Light/Manufactu ring	YES - Current	NO - Privately-Owned	Available	Used in Prior Housing Element - Non-Vacant	33			33	1.50	1963
HAYWARD	516 CLAIRE ST	94541	431-0040-030-00		CC-ROC	UN	40	110	0.29	Commercial repair garage	YES - Current	NO - Privately-Owned	Available	Used in Prior Housing Element - Non-Vacant	23			23	1.06	1947

Jurisdiction Name	Site Address/ Intersection	5 Digit ZIP Code	Assessor's Parcel Number	Consolidated Sites	General Plan Designation (Current)	Zoning Designation (Current)	Minimum Density Allowed (units/acre)	Max Density Allowed (units/acre)	Parcel Size (Acres)	Existing Use/Vacancy	Infrastructure	Publicly-Owned	Site Status	Identified in Last/Last Two Planning Cycle(s)	Lower Income Capacity	Moderate Income Capacity	Above Moderate Income Capacity	Total Capacity	Improvement to Land Value Ratio	Year Built
HAYWARD	22722 ALICE ST	94541	431-0040-033-00		CC-ROC	UN	40	110	0.33	Commercial repair garage	YES - Current	NO - Privately-Owned	Available	Used in Prior Housing Element - Non-Vacant		27		27	0.23	1968
HAYWARD	25375 MISSION BLVD	94544	444-0060-012-02		SMU	MB-CN	17.5	35	1.86	Automobile dealership	YES - Current	NO - Privately-Owned	Available	Used in Prior Housing Element - Non-Vacant		48		48	0.02	1965
HAYWARD	28824 MISSION BLVD	94544	078C-0461-006-04		SMU	MB-CC	40	100	1.33	Vacant	YES - Current	NO - Privately-Owned	Available	Used in Prior Housing Element - Non-Vacant	99			99	0.00	N/A
HAYWARD	FLETCHER LN	94544	445-0001-004-13		SMU	MB-CN	17.5	35	1.70	Auto-Storage	YES - Current	NO - Privately-Owned	Available	Used in Prior Housing Element - Non-Vacant	44			44	0.02	N/A
HAYWARD	29459 MISSION BLVD	94544	078C-0438-011-02		SMU	MB-CC	35	55	1.34	Surface parking	YES - Current	NO - Privately-Owned	Available	Used in Prior Housing Element - Non-Vacant	55			55	0.00	N/A
HAYWARD	OVERLOOK AVE	94542	445-0180-001-00		SMU	SMU	25	55	10.00	Vacant	YES - Current	YES - City-Owned	Available	Used in Two Consecutive Prior Housing Elements - Vacant		102	310	412	0.00	N/A
HAYWARD	1026 C ST	94541	428-0066-038-01		CC-ROC	DT-MS	40	110	0.20	Public Owned Parking	YES - Current	YES - City-Owned	Available	Not Used in Prior Housing Element		16		16	0.00	N/A
HAYWARD	1026 C ST	94541	428-0066-037-00		CC-ROC	DT-MS	40	110	0.45	Public Owned Parking	YES - Current	YES - City-Owned	Available	Not Used in Prior Housing Element		37		37	0.00	N/A
HAYWARD	22696 MAIN ST	94541	428-0066-038-02		CC-ROC	DT-MS	40	110	0.14	Public Owned Parking	YES - Current	YES - City-Owned	Available	Not Used in Prior Housing Element		11		11	0.00	N/A
HAYWARD	22300 FOOTHILL BLVD	94541	415-0250-112-00		CC-ROC	UC	40	110	1.40	Vacant	YES - Current	YES - City-Owned	Available	Not Used in Prior Housing Element		115		115	0.00	1968
HAYWARD	MISSION BLVD	94541	428-0056-066-00		CC-ROC	DT-MS	40	110	0.98	Public Owned Parking	YES - Current	YES - City-Owned	Available	Not Used in Prior Housing Element		80		80	0.00	N/A
HAYWARD	24874 MISSION BLVD	94544	445-0150-058-04		SMU	MB-CN	17.4	55	1.82	Vacant commercial land	YES - Current	NO - Privately-Owned	Available	Not Used in Prior Housing Element		75		75	0.00	N/A
HAYWARD	27143 MISSION BLVD	94544	452-0056-005-00		SMU	MB-CN	17.4	55	1.22	Single-tenant Retail Store	YES - Current	NO - Privately-Owned	Available	Not Used in Prior Housing Element		50		50	0.88	1961

Jurisdiction Name	Site Address/ Intersection	5 Digit ZIP Code	Assessor's Parcel Number	Consolidated Sites	General Plan Designation (Current)	Zoning Designation (Current)	Minimum Density Allowed (units/acre)	Max Density Allowed (units/acre)	Parcel Size (Acres)	Existing Use/Vacancy	Infrastructure	Publicly-Owned	Site Status	Identified in Last/Last Two Planning Cycle(s)	Lower Income Capacity	Moderate Income Capacity	Above Moderate Income Capacity	Total Capacity	Improvement to Land Value Ratio	Year Built
HAYWARD	28534 MISSION BLVD	94544	078C-0626-003-12		SMU	MB-CC	40	100	0.47	Automobile dealership	YES - Current	NO - Privately-Owned	Available	Not Used in Prior Housing Element	35			35	0.20	N/A
HAYWARD	28546 MISSION BLVD	94544	078C-0626-003-23		SMU	MB-CC	40	100	0.21	Automobile dealership	YES - Current	NO - Privately-Owned	Available	Not Used in Prior Housing Element			16	16	0.04	N/A
HAYWARD	28564 MISSION BLVD	94544	078C-0626-003-26		SMU	MB-CC	40	100	0.92	Automobile dealership	YES - Current	NO - Privately-Owned	Available	Not Used in Prior Housing Element	69			69	0.10	1961
HAYWARD	28700 MISSION BLVD	94544	078C-0461-004-00		SMU	MB-CC	40	100	0.89	Single-tenant Retail Store	YES - Current	NO - Privately-Owned	Available	Not Used in Prior Housing Element			66	66	1.03	1973
HAYWARD	28722 MISSION BLVD	94544	078C-0461-005-00		SMU	MB-CC	40	100	0.87	Single-tenant Retail Store	YES - Current	NO - Privately-Owned	Available	Not Used in Prior Housing Element			65	65	0.67	1970
HAYWARD	FOOTHILL BLVD	94541	415-0250-111-02		CC-ROC	UC	40	110	2.14	Vacant	YES - Current	YES - City-Owned	Available	Not Used in Prior Housing Element	176			176	0.00	N/A
HAYWARD	24732 MISSION BLVD	94544	445-0150-059-02		SMU	MB-CN	17.4	55	5.12	Warehouse-Self Storage	YES - Current	NO - Privately-Owned	Available	Not Used in Prior Housing Element			211	211	0.92	1979
HAYWARD	1045 C ST	94541	428-0066-055-01		CC-ROC	DT-MS	40	110	0.51	Single-tenant Retail Store	YES - Current	NO - Privately-Owned	Available	Not Used in Prior Housing Element			41	41	0.41	1947
HAYWARD	C ST	94541	427-0011-020-00		CC-ROC	DT-MS	40	110	0.89	Public Owned Parking	YES - Current	YES - City-Owned	Available	Not Used in Prior Housing Element	73			73	0.00	N/A
HAYWARD	A ST	94541	415-0240-038-00		CC-ROC	UN	40	110	0.95	Public Owned Parking	YES - Current	YES - City-Owned	Available	Not Used in Prior Housing Element		78		78	0.00	N/A
HAYWARD	C ST	94541	431-0044-035-04		CC-ROC	UC	40	110	1.76	Surface Parking	YES - Current	YES - City-Owned	Available	Not Used in Prior Housing Element	145			145	0.00	N/A
HAYWARD	DIXON ST	94544	078C-0441-001-29		SMU	PD	75	100	5.86	Surface Parking	YES - Current	YES - City-Owned	Available	Not Used in Prior Housing Element	439			439	0.00	N/A
HAYWARD	FOOTHILL BLVD	94541	415-025-0113-00		CC-ROC	UC	40	110	2.28	Public Agency - Parking Garage	YES - Current	YES - City-Owned	Available	Not Used in Prior Housing Element	188			188	0.00	N/A

Jurisdiction Name	Site Address/ Intersection	5 Digit ZIP Code	Assessor's Parcel Number	Consolidated Sites	General Plan Designation (Current)	Zoning Designation (Current)	Minimum Density Allowed (units/acre)	Max Density Allowed (units/acre)	Parcel Size (Acres)	Existing Use/Vacancy	Infrastructure	Publicly-Owned	Site Status	Identified in Last/Last Two Planning Cycle(s)	Lower Income Capacity	Moderate Income Capacity	Above Moderate Income Capacity	Total Capacity	Improvement to Land Value Ratio	Year Built
HAYWARD	966 B ST	94542	428-0056-057-00		CC-ROC	DT-MS	40	110	0.17	Vacant	YES - Current	NO - Privately-Owned	Available	Not Used in Prior Housing Element		14		14	0.00	N/A
HAYWARD	685 A ST	94542	428-0046-053-00		CC-ROC	UC	40	110	0.08	Vacant	YES - Current	YES - City-Owned	Available	Not Used in Prior Housing Element		6		6	0.00	N/A
HAYWARD	685 A ST	94543	428-0046-054-00		CC-ROC	UC	40	110	0.08	Vacant	YES - Current	YES - City-Owned	Available	Not Used in Prior Housing Element		6		6	0.00	N/A
HAYWARD	685 A ST	94541	428-0046-052-02		CC-ROC	UC	40	110	1.92	Vacant	YES - Current	YES - City-Owned	Available	Not Used in Prior Housing Element	158			158	0.00	N/A
HAYWARD	25000 MISSION BLVD	94544	4450200-012-04		SMU	MB-CN	17.4	35	4.92	Vacant	YES - Current	YES - City-Owned	Available	Not Used in Prior Housing Element		98		98	0.00	N/A
HAYWARD	25715 MISSION BLVD	94544	444-0078-005-05		SMU	MB-NN	17.4	65	2.85	Automobile dealership - Vacant	YES - Current	NO - Privately-Owned	Available	Not Used in Prior Housing Element		138		138	0.01	1984
HAYWARD	28900 MISSION BLVD	94544	078C-0461-009-01		SMU	MB-CC	40	100	1.56	Automobile dealership	YES - Current	NO - Privately-Owned	Available	Not Used in Prior Housing Element		116		116	0.29	N/A

Table C Land Use

Zoning Designation from Table A, Column G and Table B, Columns L and N (e.g., "R-1")	General Land Uses Allowed (e.g., "Low-Density Residential")
MB-CN	Medium Density Residential/Mixed-Use
MB-CC	High Density Residential/Mixed-Use
MB-NN	Medium High Density Residential/Mixed-Use
DT-MS	High Density Residential/Mixed-Use
PD	Planned Development
SMU	High Density Residential/Mixed-Use
UN	Medium High Density Residential/Mixed-Use
UC	Very High Density Residential/Mixed-Use

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6 Housing Plan

The Housing Plan identifies the City of Hayward's housing goals, policies, and programs. The overall strategy is to present a balanced and diverse array of programs which address the main issue areas of construction, preservation of affordable housing, conservation of naturally occurring affordable housing, rehabilitation, and administration. Hayward's Housing Plan includes the six following themes:

1. Preserving, Conserving, and Improving Existing Housing
2. Assisting in the Development of Affordable Housing
3. Providing Adequate Housing Sites
4. Removing Constraints on Housing Development
5. Housing for Persons with Special Needs
6. Equal Housing Opportunities for All Persons

The Housing Plan seeks to address community needs as identified in Appendix B, *Housing Needs Assessment*, governmental constraints as identified in Appendix D, *Housing Constraints*, and patterns of segregation and barriers that restrict access to opportunity for protected classes as identified in Appendix F, *Fair Housing Assessment*. Programs from the 2023-2031 Housing Element have been carried forward where applicable, as identified in Appendix E, *Review of Past Accomplishments*. The Housing Plan aligns with the work that the City has already completed and is planning as provided in the City's Strategic Roadmap and other related plans for the coming years.

6.1 Goals Policies, and Programs

The goals and policies contained in the Housing Element address the identified housing needs in Hayward and are implemented through a series of housing programs. Housing programs define the actions the City will take to achieve specific goals and policies. Housing programs include programs currently in operation as well as new programs that address identified housing constraints and fair housing issues. This section provides a housing program description as well as qualitative and quantitative objectives for each program.

6.1.1 Preserving, Conserving, Improving, Existing Housing Stock

Preserving, conserving and improving the housing stock helps maintain investment in the community and promotes affordable housing. A survey administered by the City indicated that 55 percent of survey participants rated the condition of their residents as "excellent" while 45 percent or participants had housing problems that would require minor to major rehabilitation. As described in Appendix F, *Fair Housing Assessment Section 8.1, Housing Problems,* most of the housing stock in Hayward is more than 30 years old. Typically, housing over 30 years old is more likely to have rehabilitation needs that may include new plumbing, roof repairs, foundation work, and other repairs. Some older housing units may have health risks such as lead paint and asbestos. Further, housing problems in Hayward disproportionately impact households of color. Preventing these problems from occurring and addressing them when they do occur protects the safety and welfare of residents and assists in meeting housing needs throughout Hayward, particularly the most vulnerable residents. The City will focus its efforts on rehabilitation, code enforcement, rental

housing inspection, preserving existing affordable units, and implementing anti-displacement policies and programs to take a proactive approach to preserving, conserving and improving the current housing stock. An important part of preserving the existing affordable housing stock is ensuring that subsidized affordable housing units maintain their affordability and do not convert to market-rate units. Policies in this section focus on improving the existing housing stock and assisting in the preservation of affordable housing.

Goal H-1: Maintain and enhance the existing housing opportunities, viable housing stock and neighborhoods within Hayward.

Policies

H-1.1: Code Enforcement: The City shall enforce adopted code requirements that set forth the acceptable health and safety standards for the occupancy of housing units.

H-1.2: Preserve Affordable Single-Family Housing: The City shall preserve the existing single-family housing stock occupied by lower-income households by rehabilitating single-family, owner-occupied conventional and mobile homes.

H-1.3: Residential Rehabilitation: The City shall administer residential rehabilitation programs that assist lower-income households to ensure the safety and habitability of housing units and the quality of residential neighborhoods.

H-1.4: Preserve At-Risk Units and Naturally Occurring Affordable Housing: The City shall avoid the loss of publicly assisted and unassisted ("naturally occurring") affordable housing units and the resulting displacement of low-income residents by providing funds, as available, to nonprofit developers to be used for the acquisition of subsidized housing developments at risk of converting to market rate units.

H-1.5: Funding for Accessibility Retrofits: The City shall provide funding to homeowners for home retrofits that improve accessibility.

Program H-1: Minor Home Repair Program

The Minor Home Repair Program provides rehabilitation grants up to $10,000 to qualified lower-income households, including elderly and/or disabled homeowners, to make minor home repairs to address health and safety problems, correct code deficiencies, and improve the exterior appearance of homes. Priority will be given to work that corrects health and safety issues, and to accessibility modifications for people who have disabilities.

Actions	Objective and Timeframe
Action 1.1: Provide housing rehabilitation assistance to lower-income, elderly, and/or disabled households.	Annually assist ten households with larger repairs and 40 households with smaller repairs.
Action 1.2: Continue existing partnerships with nonprofit housing rehabilitation agency Rebuilding Together Oakland/East Bay and Habitat for Humanity East Bay/Silicon Valley to provide property rehabilitation assistance to targeted Hayward homeowners.	Ongoing.
Action 1.3: Disseminate information regarding rehabilitation standards, preventative maintenance, and energy conservation measures to eligible homeowners.	Maintain current information on the City's website and disseminate to at least 100 qualified homeowners annually.
Implements the Following Policies	H-1.2, H-1.5, H-1.3, H-2.5
Responsible Agency	City Manager's Office
Funding Sources	CDBG

Program H-2: Residential Rental Inspection Program

The Residential Rental Inspection Program safeguards the stock of safe, sanitary rental units within the city and protects persons entering or residing in rental units through systematic inspection of rental housing throughout the city. The program focuses attention on rental housing in higher-density areas with priority given to units displaying signs of substandard conditions. Properties outside higher-density areas are routinely monitored for indicators of substandard conditions unless they are the subject of a complaint and prioritized for inspection. All rental units are subject to inspection. The program has a goal of inspecting units once every five years. In addition to an annual per-unit fee, fees are charged for every unit in which a violation is found. Penalties are also assessed for lack of timely correction of violations.

Actions	Objective and Timeframe
Action 2.1: Systematically inspect rental units throughout the city to safeguard the stock of safe, sanitary rental units within the city and protect persons entering or residing in rental units.	Annually inspect 250 single-family homes and 750 multi-family units. Focus attention on rental housing in higher density areas with the goal of inspecting these units every three to four years.
Action 2.2: Amend the Hayward Municipal Code (HMC) to comply with Section 17970.5 of the California Health and Safety Code requiring that upon a rental tenant complaint, the respective landlord a) conducts a mandatory inspection and b) specifies specific actions that can be taken to mitigate any hazards present.	Amend the HMC by January 2025.
Action 2.3: Disseminate information to residents about the mandatory rental inspections and up to-date information on the City's adopted laws and regulations specific to housing.	Maintain current information on the City's website and disseminate to at least 100 qualified homeowners annually.
Action 2.4: Provide annual trainings during the planning period to improve capacity of Code Enforcement staff to work with diverse communities, in a culturally competent manner with a focus on problem solving and with connections to social and economic support services.	Begin providing annual trainings to staff by 2024.
Implements the Following Policies	H-1.1, H-1.2, H-1.3
Responsible Agency	Development Services
Funding Sources	General Funds

Program H-3: Preservation of At-Risk Affordable Housing

This program is intended to support the preservation or acquisition of restricted affordable units and unrestricted affordable units that could potentially convert to market-rate units during the planning period. The City will monitor all units and assist property owners in maintaining the affordability of these units and assist tenants if preservation is unsuccessful.

Actions	Objective and Timeframe
Action 3.1: Monitor the status of the five projects and 295 units at risk of conversion to market-rate units during the planning period and seek to preserve these affordable units for extremely low-income households and very low-income households. The five projects include: ▪ Hayward Villa ▪ Josephine Lum Lodge ▪ Sycamore Square	Annually.

Actions	Objective and Timeframe
▪ Wittenberg Manor II ▪ Weireb Place	
Action 3.2. Reach out to property owner to inquire about their plans for the property with the expiring regulatory controls and assess the risk of loss of affordable housing units.	Send correspondence to property owner three years prior to termination of regulatory controls. Objective is to ascertain risk of loss of affordable units and identify if the City as resources to preserve the units.
Action 3.3: Inform property owners of their obligation to comply with noticing requirements stipulated under state law to ensure that qualified non-profit entities from the State's qualified entities list are informed of the opportunity to acquire the affordable property and that tenants are informed about their rights and potential resources. If the property was built before July 1, 1979, inform property owner that rent increase limits stipulated in the City's Residential Rent Stabilization Ordinance will apply post conversion to market rate.	Send notice to property owner three years prior to potential project conversion. Provide follow-up with contacts one year and six months prior to conversion if property owner fails to comply. Objective is to ensure qualified non-profit entities are notified of acquisition opportunities and to ensure tenants are aware of the impending changes.
Action 3.4: Contingent of funding availability, in the event that a property is scheduled for conversion, contact property owner regarding funding availability. If the property owner intends to sell the property encourage sale to a qualified non-profit entity.	Inform property owner three years prior to potential project conversion whether funding is available to preserve the affordability restrictions. The objective is to incentivize the sale to a qualified non-profit entity.
Action 3.5: Include naturally affordable housing at risk of conversion to higher rates as an eligible project type for funding under the City's Notice Of Funding Availability (NOFA) to preserve these units through long-term affordability covenants as a condition of funding.	Subject to availability of Inclusionary Housing Trust funds, issue NOFA at least once during compliance period and establish an affordable housing development pipeline inclusive of project that convert market rate housing to affordable housing.
Action 3.6: Support qualified affordable housing developers that acquire and convert naturally occurring affordable housing to restricted affordable housing meet state or federal funding application requirements that subject to City review or support. The City may choose not to support projects that pose a high risk of displacement of existing tenants.	On a case-by-case basis.
Action 3.7: As necessary, provide technical assistance to tenants to access other affordable housing resources.	Ongoing on a case-by-case basis.
Implements the Following Policies	H-1.4, H-6.4
Responsible Agency	Development Services, City Manager
Funding Sources	HOME, Inclusionary Housing In-Lieu Fees, Housing Choice Vouchers, and other federal and state housing funds

6.1.2 Assisting in the Development of Affordable Housing

Providing affordable housing is essential for a healthy community. Seeking funding from varied sources increases the opportunities for the development of affordable housing units. The City works with both non-profit and for-profit developers in the production of affordable for-sale and rental housing. Recognizing a variety of housing needs, the City supports the development of affordable housing opportunities ranging from creation of rental housing that meets the needs of extremely low, very low, and low income households to creation of ownership housing for lower and moderate income households to improve housing stability, help instill a pride of ownership, and increase wealth building opportunities.

Goal H-2: Assist in the provision of housing that meets the needs of all socioeconomic segments of the community.

Policies

H-2.1: Homeownership Housing: The City shall encourage the development of ownership housing and assist tenants to become homeowners to increase owner occupancy rate within the parameters of federal and state housing laws.

H-2.2: Provide Incentives for Affordable Housing: The City shall promote the use of density bonuses and waive or reduce park, transportation and other impact fees to facilitate the development of new housing for extremely low-, very low-, and low-income households.

H-2.3: Inclusionary 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 or to ensure the payment of affordable housing in-lieu fees to subsidize the development of affordable housing.

H-2.4: Integration of Affordable Housing: 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-2.5: Partnership with Affordable Housing Developers: The City shall maintain a funding process to award affordable housing in-lieu fees to affordable housing builders to support the development of affordable housing

H-2.6: Financial Assistance: The City shall identify new funding sources and strategies to support affordable housing.

Program H-4: Affordable Housing Development Assistance

The City of Hayward is committed to increasing the supply of affordable housing. The City will prioritize households at the extremely low-income level and seek new funding opportunities and partnerships to greater improve housing conditions amongst the vulnerable and lower-income communities.

Actions	Objective and Timeframe
Action 4.1: Partner with qualified housing developers to identify affordable housing development opportunities with emphasis on promoting housing choices that serve the needs of special needs populations, including seniors, homeless, female-headed households, large families, low-income, and/or persons with disabilities.	Subject to availability of Inclusionary Housing Trust funds, issue NOFA at least once during compliance period and establish and affordable housing development pipeline of at least three affordable housing projects.
Action 4.2: Monitor availability of State and federal funding and support developers with their applications for state and other local development incentives and funding programs that provide financial assistance to develop affordable housing for special needs populations.	Annually, review proposed development budgets and schedules for City funded affordable housing projects to identify the need for City support with funding applications. Upon request, provide support for non-city funded affordable housing development project.
Action 4.3: Subject to funding availability, provide development subsidy for at least three affordable housing developments. Prioritize subsidy for financing for rental housing units affordable to lower-income households and households with special needs and projects that promote the City's goals relating to transit-oriented development and	Assist in the development of at least 200 lower income units over the eight-year planning period.

Actions	Objective and Timeframe
jobs/ housing balance.	
Action 4.4: Use state, federal, and local In-Lieu Fees to reimburse the cost of land for the development of extremely low-, very low-, low-, and moderate-income housing.	Any development subsidy awarded to affordable housing developers can be applied to acquisition costs at the time the project closes all project funding
Action 4.5: Subsidize the development of affordable housing through disposition of City-owned land where feasible and provision of development subsidy when available.	Support at least two affordable housing developments on City owned land during the planning period.
Implements the Following Policies	H-2.4, H-2.5, H-2.6, H-3.10
Responsible Agency	Development Services, City Manager
Funding Sources	State and federal funds, local funds (In-Lieu Fees, General Fund)

Program H-5: Density Bonus

Consistent with State law (Government Code Sections 65915 through 65918), the City offers residential density bonuses as a means of encouraging affordable housing development. In exchange for setting aside a portion of the development as units affordable to lower- and moderate-income households, developing senior or student housing or installing on-site childcare, the City shall grant a density bonus over the otherwise allowed maximum density, a reduction in parking standards, up to four regulatory incentives or concessions and unlimited waivers to development standards. These units must remain affordable for a period of no less than 55 years and each project must enter into an agreement with the City to be monitored by the Housing Services Division for compliance.

The density bonus increases with the proportion of affordable units set aside and the depth of affordability. For market-rate projects, the maximum density bonus a developer can receive currently is 50 percent when a project provides 15 percent of the units for very low-income households, 24 percent for low-income households, or 44 percent for moderate-income households. 100 percent affordable housing projects can receive up to 80 percent increase in density or unlimited density when the project is within ½ mile of major transit. Incentives and regulatory concessions may include, but are not limited to, fee waivers, reduction or waiver of development standards, in-kind infrastructure improvements, an additional density bonus above the requirement, mixed-use development where it normally wouldn't be permitted, or other financial or regulatory incentives or concessions.

Actions	Objective and Timeframe
Action 5.1: Ensure that housing developers are informed about the City's density bonus program during pre-development conferences, inquiries, and at application and highlight the additional development potential available.	Ongoing on a case-by-case basis.
Action 5.2: Update the Density Bonus Ordinance to bring it into compliance with State Law and remove the requirement for Planning Commission approval of Density Bonus applications. Through the update process.	Adopt updated Density Bonus Ordinance by June 2023.
Action 5.3: As part of Density Bonus Ordinance update, discuss incentives and concessions with qualified housing developers to determine if increasing density bonus for market-rate projects beyond state law is appropriate for Hayward.	Meet with four qualified housing developers annually. Adopt updated Density Bonus Ordinance by June 2023.

Actions	Objective and Timeframe
Action 5.4: Provide technical assistance to developers on how to use the Density Bonus incentives.	Maintain current information on the City's website and publish informational bulletin by September 2023.
Implements the Following Policies	H-2.2, H-2.4, H-3.1
Responsible Agency	Development Services
Funding Sources	General Fund

Program H-6: Inclusionary Housing

Inclusionary housing regulations help increase the availability of affordable housing stock in the city. Hayward's Inclusionary Housing program requires that a certain percentage of new residential developments units be made affordable to very low-, low- and moderate-income households, depending on whether the project is intended as ownership or rental housing. Having these programs for inclusionary requirements in place proactively as new markets for investment emerge through the city can serve as a program to mitigate displacement and meet the needs of vulnerable populations. The inclusionary housing ordinance specifies the following:

Affordable Rental Units

A total of six percent of the units must be affordable at the following income levels:

- 50 percent of affordable units restricted at very low-income.
- 50 percent of affordable units at low-income.

Affordable Ownership Units

- Ten percent of the units must be made affordable to moderate-income households.

Developers may also pay an affordable housing in-lieu fee as an alternative to providing affordable units. These fees are placed in the City's Affordable Housing Trust Fund and are used to fund affordable housing development.

Actions	Objective and Timeframe
Action 6.1: Complete a new feasibility study to determine the appropriate on-site affordable housing requirements and fees for rent and ownership of residential units that appropriately reflect market conditions.	Complete feasibility study by June 2023.
Action 6.2: Based on the findings of the feasibility study, modify the ordinance as necessary to maximize production of affordable units without adversely affecting market-rate development.	Modify the ordinance by January 2024.
Action 6.3: Following the adoption of the modifications to the Affordable Housing Ordinance, monitor the effectiveness of the current Inclusionary Housing Program to determine if modifications would be necessary. Conduct a subsequent feasibility study if monitoring results in findings that ordinance may not be maximize production of affordable units or may be adversely affecting market-rate development.	Assess program by January 2027
Implements the Following Policies	H-2.3, H-2.4
Responsible Agency	Development Services, City Manager.
Funding Sources	General Fund; In-Lieu Fees

Program H-7: Housing Choice Vouchers

The Housing Choice Voucher (HCV) Program is the federal government's major program for assisting very low-income families, the elderly, and the disabled to afford decent, safe, and sanitary housing in the private market. This program is administered by the Housing Authority of the County of Alameda (HACA). Under this program, very low-income renters receive supplemental assistance for rent so they can afford standard housing without becoming rent burdened.

Since housing assistance is provided on behalf of the family or individual, participants can find their own housing, including single-family homes, townhouses, and apartments. The participant is free to choose any housing that meets the requirements of the program and is not limited to units located in subsidized housing projects. A family that is issued a voucher is responsible for finding a suitable housing unit of the family's choice where the owner agrees to rent under the program. This unit may include the family's present residence. Rental units must meet minimum standards of health and safety, as determined by HACA. A housing subsidy is paid to the landlord directly by the HACA on behalf of the participating family. The family then pays the difference between the actual rent charged by the landlord and the amount subsidized by the program.

Actions	Objective and Timeframe
Action 7.1: Cooperate with the HACA to provide tenant-based rental assistance through.	Assist approximately 1,844 households through Section 8 Vouchers during the planning period.
Action 7.2: Refer Housing Choice voucher holders to a list of properties compiled by HACA that actively participating in the Housing Choice Voucher Program throughout the housing cycle.	Ensure Hayward Housing Staff is aware of the HACA "For Rent" directory.
Action 7.3: Provide outreach and education to potential tenants and landlords/property management regarding State law that prohibits housing discrimination based on source of income, including public subsidies.	Annually conduct one workshop for tenants and one workshop in multiple languages for landlords.
Action 7.4: Disseminate information on HCV opportunities offered by HACA through the City website, newsletters, and brochures at public counters.	Publish material on the City's website by June 2023.
Action 7.5: Provide support to HACA as necessary to seek additional funding that can be used, in addition to Housing Choice Voucher funds, to provide subsidies to lower-income households to bring monthly rents in line with affordability guidelines.	Upon request by HACA.
Action 7.6: In collaboration with HACA, provide education to property owners and managers to expand awareness of the Housing Choice Voucher program in an effort to increase acceptance of tenant-based Housing Choice Vouchers and to facilitate mobility and provide choices for lower-income households throughout the city.	Annually conduct one workshop for tenants and one workshop for landlords in multiple languages.
Action 7.7: Inform HACA of affordable homeownership opportunities to provide participants of the Family Self-Sufficiency Program the opportunity to transition from renter to homeowner and begin to build assets.	Identify the appropriate contact at HACA to disseminate information to participants by June 2023. Send information about application process for affordable homeownership opportunities as they become available.
Implements the Following Policies	H-2.4, H-2.5, H-2.6
Responsible Agency	Alameda County Department of Housing and Community Development.
Funding Sources	HUD

6.1.3 Providing Adequate Sites

A major part of meeting the housing needs of all segments of the community is the provision of adequate sites to facilitate the development of all types, sizes, and prices of housing throughout the City. Persons and households of different ages, types, incomes, and lifestyles have a variety of housing needs and preferences that evolve over time and in response to changing life circumstances. Providing an adequate supply and diversity of housing accommodates changing housing needs of residents. The Hayward General Plan, Zoning Ordinance, and various design/concept plans establish where and what types of housing may locate in the city. To provide adequate housing and maximize use of limited land resources, new development should be constructed at appropriate densities that maximize the intended use of the land.

Goal H-3: Provide suitable sites for housing development that can accommodate a range of housing by type, size, location, price, and tenure.

Policies

H-3.1: Diversity of Housing Types: The City shall continue to 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, Accessory Dwelling Units (ADUs), and units in mixed-use developments.

H-3.2: Transit-Oriented Development: The City shall encourage transit-oriented developments in close proximity to BART and high frequency bus lines.

H-3.3: Sustainable Housing Development: The City shall promote sustainable housing practices that incorporate a "whole system" approach that considers sustainable siting, design, and construction of housing that is integrated into the building site, consuming less water, improving water quality, reducing energy use and the use of other resources, and minimizing development impacts on the surrounding environment.

H-3.4: Residential Uses Close to Services: The City shall encourage development of residential uses close to employment, recreational facilities, schools, neighborhood commercial areas, and transportation routes.

H-3.5: Compatible Development of Underutilized Sites: The City shall encourage compatible residential development in areas with underutilized land.

H-3.6: Flexible Standards and Regulations: The City shall allow flexibility within the City's standards and regulations to encourage a variety of housing types.

H-3.7: Facilitate Lot Consolidation: The City shall facilitate lot consolidation to encourage the development of housing on infill sites.

H-3.8: Adaptive Reuse: The City shall support innovative strategies for the adaptive reuse of residential, commercial, and industrial buildings to provide for a variety of housing types and residential uses.

H3.9: No Net Loss Zoning: The City shall make findings related to the potential impact on the City's ability to meet its share of the regional housing need when approving discretionary entitlements to rezone residentially designated properties or develop a residential project with fewer units or at a higher income than what is assumed for the site in the Housing Element Sites Inventory, consistent with "no-net-loss" zoning requirements in Government Code Section 65863.

H3.10: Residential Sites Inventory: Maintain a vacant and underutilized residential sites inventory and assist residential developers in identifying land suitable for residential development.

Program H-8: Ensure Adequate Sites to Accommodate Regional Fair Share of Housing Growth

The City was allocated a RHNA of 4,624 units for the 2023-2031 Housing Element planning period. With anticipated pipeline projects and projected ADUs, a total 2,215 units can be credited toward the City's RHNA. The remaining 2,409 RHNA units (950, 639 moderate, and 820 above moderate-income units) must be accommodated through adequate sites planning. The sites inventory capacity analysis found that existing land use designations can accommodate the RHNA on vacant and underutilized land (see Appendix C, *Housing Resources,* for more information). Future residential growth is expected to occur primarily on vacant and nonvacant parcels in the Downtown Specific Plan area and Mission Boulevard corridor and on the former Caltrans Route 238 corridor.

Actions	Objective and Timeframe
Action 8.1: Maintain an updated inventory of housing sites and actively promote sites available for lower- and moderate-income housing development to potential developers, private and non-profit organizations, and other interested persons and organizations. Post such information on the City's website and update as necessary to maintain accurate information.	Publish on the City's website by June 2023 and update annually as needed.
Action 8.2: Maintain an updated list of residential housing developments that have been submitted, approved, and denied throughout the housing cycle.	Publish by June 2023 and update annually as part of the Annual Progress Report (APR).
Action 8.3: Comply with California law regarding reporting requirements including, without limitation, annual reporting in accordance with Government Code Section 65400.	Annually as part of the APR.
Action 8.4: Provide technical assistance and information on available parcels for lower-income developments to private or non-profit housing providers. Technical assistance includes land development counseling by City planners.	Provide technical assistance at the City's Permit Center Monday through Thursday from 9 am to 1 pm. Accept electronic correspondence and respond within two to three business days.
Action 8.5: Maintain a list of publicly owned properties with potential for residential development	Publish on the City's website by June 2023.
Implements the Following Policies	H-3.5, H-3.10
Responsible Agency	Development Services
Funding Sources	General Fund

Program H-9: No Net Loss Zoning

Government Code Section 65863, otherwise known as "No Net Loss" law, prevents the loss of existing housing and land available for future residential development by ensuring that cities and counties "identify and make available" additional adequate sites if a housing project is approved with fewer units by income category than what is identified in the Housing Element. In compliance with State law, the City will expand and improve upon the ongoing no net loss efforts to develop a procedure to track:

- Unit count and income/affordability assumed on parcels included in the sites inventory

- Actual number of units achieved and income/ affordability when parcels are developed
- Net change in capacity and summary of remaining capacity in meeting remaining RHNA

Unit count and income/affordability are identified in the Sites Inventory (see Appendix C).

Actions	Objective and Timeframe
Action 9.1: Implement a monitoring program that evaluates the current capacity of housing sites on the Sites Inventory for all income levels throughout the duration of the planning period to ensure the City remains on track towards satisfying its RHNA target. Should an approval of development result in a shortfall of sites to accommodate the City's remaining RHNA requirements, the City will identify and, if necessary, rezone sufficient sites within 180 days to accommodate the shortfall and ensure "no net loss" in capacity to accommodate the RHNA.	Implement program by January 2025.
Action 9.2: Maintain an administrative list of additional sites with appropriate zoning that can be added to the City's Sites Inventory if and when an analysis provided through Action 9.1 or the Annual Progress Report indicates that sufficient sites may not exist to accommodate the City's remaining RHNA, by income level, for the planning period.	Create list by June 2023 and update annually as needed.
Implements the Following Policies	H-3.1, H-3.5, H-3.10
Responsible Agency	Development Services
Funding Sources	General Fund

Program H-10: Replacement Housing

Pursuant to AB 1397 (Adequate Sites) passed in 2017, the City will amend the Zoning Code to require the replacement of existing residential units on nonvacant RHNA sites as a condition of project approval for development. Specifically, sites that currently have residential uses, or within the past five years have had residential uses that have been vacated or demolished, that are or were subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of low or very low income, subject to any other form of rent or price control, or occupied by low- or very low-income households, shall replace those units affordable to the same or lower income level as a condition of any development on the site. Replacement requirements shall also be consistent with those set forth in the State Density Bonus Law.

Actions	Objective and Timeframe
Action 10.1: Amend the Zoning Code to establish the replacement requirements pursuant to AB 1397.	Amend HMC by January 2025.
Implements the Following Policies	H-3.9, H-6.3
Responsible Agency	Development Services
Funding Sources	General Fund

Program H-11: By-Right Approval for Projects with 20 Percent Affordable Units

Pursuant to AB 1397 (Adequate Sites) passed in 2017, the City will allow by-right approval process for housing development that includes 20 percent of the units as housing affordable to lower income households, on sites being used to meet the 6th cycle RHNA if the site were:

- A vacant site for RHNA identified in the previous two Housing Element cycles
- A nonvacant site for RHNA identified in the previous one Housing Element cycle

- A site rezoned for RHNA after the statutory deadline of the current Housing Element cycle

By-right approval means the jurisdiction shall not require:

- A Site Plan Review, Administrative or Conditional Use Permit
- A Planned Development District or
- Other discretionary, local-government review or approval that would constitute a "project" as defined in Section 21100 of the Public Resources Code (California Environmental Quality Act "CEQA")

The Sites Inventory includes four nonvacant opportunity sites that would be subject to by-right approval.

Actions	Objective and Timeframe
Action 11.1: Amend HMC to implement a by-right approval process pursuant to Government Code Section 65583.	Amend HMC by January 2025.
Implements the Following Policy	H-3.9
Responsible Agency	Development Services
Funding Sources	Departmental Budget

Program H-12: Adaptive Reuse

The City has numerous older commercial buildings that are no longer being occupied by the highest and best uses or compatible uses with its surrounding neighborhoods. The economic impacts of the COVID-19 pandemic have further accelerated the decline of these properties. The City will pursue amendments to HMC to establish alternative building regulations for the conversion of existing buildings to other uses.

Actions	Objective and Timeframe
Action 12.1: Evaluate, and if appropriate, amend the HMC to remove potential constraints for adaptive reuse, such as review/approval process and minimum parking standards.	Evaluate the HMC by June 2024 and, if necessary, revise HMC within one year.
Action 12.2: Promote adaptive reuse to property owners and interested developers through public outreach.	Publish material on the City's website by June 2023.
Implements the Following Policy	H-3.8
Responsible Agency	Development Services
Funding Sources	Departmental Budget

Program H-13: Variety of Housing Types

Government Code Sections 65583 and 65583.2 require the housing element to provide for a variety of housing types including multifamily rental housing, factory-built housing, mobile homes, housing for agricultural employees, supportive housing, single-room occupancy units, emergency shelters, and transitional housing. Providing development opportunities for a variety of housing types promotes diversity in housing price, style, and size, and contributes to neighborhood stability by offering more affordable and move-up homes and accommodating a diverse income mix.

Actions	Objective and Timeframe
Action 13.1: Explore innovative and alternative housing options that provide greater flexibility and affordability in the housing stock. This may include allowing shelters, transitional housing and tiny homes with wraparound services on site at churches, social services agencies/nonprofits that do this work in the community and on publicly owned land.	Explore options by January 2025 and amend the HMC as needed.
Action 13.2: Review all residential zoning districts and land use designations to determine feasibility for additional development in low-density neighborhoods. Amend the HMC to allow, by right or via streamlined review process, a mix of dwelling types and sizes, specifically missing middle housing types (e.g., duplexes, triplexes, fourplexes, courtyard buildings) in lower-density residential areas.	Complete review by January 2025 and, if necessary, amend HMC within one year.
Implements the Following Policy	H-3.1
Responsible Agency	Development Services
Funding Sources	Departmental Budget

6.1.4 Removing Constraints on Housing Development

Pursuant to State law, the City is obligated to address, and where legally possible, remove governmental constraints affecting the maintenance, improvement, and development of housing. Removing constraints on housing development can help address housing needs in the city by expediting construction and lowering development costs.

Goal H-4: Mitigate any potential constraints to housing production and affordability to the greatest extent feasible.

Policies

H-4.1: Clear Development Standards and Approval Procedures: The City shall strive to create and administer clear objective development standards and streamlined approval procedures for a variety of housing types, including, but not limited to, multifamily housing and emergency shelters.

H-4.2: Offer Development Incentives: The City shall offer financial and/or regulatory incentives, such as density bonuses and fee reductions, deferrals, or waivers, where feasible, to reduce the costs and/or to remove impediments to developing affordable housing.

Program H-14: Development Incentives

Jurisdictions can provide a variety of incentives to encourage development of affordable housing and other projects that meet community needs. The City shall incentivize both market-rate and affordable housing production to address the State's housing shortage and high housing costs. Topics to incentivize housing production include:

- Policies related to zoning and housing approvals
- Accessory dwelling units
- Large sites
- Lot consolidation

- Impact fee deferrals, waivers and fee transparency
- Funding sources
- Public land disposition
- Streamlining the approval process

Actions	Objective and Timeframe
Action 14.1: Create "Package of Incentives" that identifies the benefits of providing on-site affordable housing	Create by January 2025.
Action 14.2: Evaluate the effectiveness and appropriateness of available incentives in encouraging development of identified sites, particularly for housing affordable to lower-income households in moderate-resource areas with available land for multi-family residential opportunities and report back to appropriate Task Force(s) and City Council on a bi-annual basis. If incentives are not effective in encouraging and facilitating affordable housing development, the City will reassess to develop alternative strategies to incentivize development.	Report on housing programs and incentives to housing production included in the Strategic Roadmap and Incentives to Housing Production Work Plan Program twice a year and update if necessary.
Action 14.3: Encourage land divisions and specific plans of large sites resulting in parcels sizes that facilitate multifamily developments affordable to lower-income households.	Ongoing on a case-by-case basis.
Action 14.4: Promote incentives to interested developers and provide technical assistance regarding the potential use of various incentives through pre-application meetings.	Ongoing on a case-by-case basis.
Action 14.5: Meet with qualified affordable housing developers to promote the use of regulatory incentives and development of inventory sites.	. Regularly meet with developers at the City's Permit Center Monday through Thursday from 9 am to 1 pm. Accept electronic correspondence and respond within two to three business days.
Implements the Following Policies	H-2.2, H-4.2
Responsible Agency	Development Services
Funding Sources	General Fund

Program H-15: Lot Consolidation

This program aims to expand opportunities for additional affordable housing developments. The City will encourage the consolidation of small parcels to facilitate larger-scale developments that are compatible with existing neighborhoods.

Actions	Objective and Timeframe
Action 15.1: Make available an inventory of vacant and nonvacant properties to interested developers and identify sites where potential consolidation can occur based on current site usage and ownership.	Publish to the City's website by June 2023.
Action 15.2: Facilitate lot consolidation by providing appropriate technical assistance to developers to encourage negotiations between property owners.	Ongoing on a case-by-case basis.
Implements the Following Policies	H-3.7, H-3.10
Responsible Agency	Development Services
Funding Sources	General Fund

Program H-16: Expedited Project Review

The City continues to improve the efficiency of the development review process. As a response to the housing shortage in the State of California, Government Code Section 81560 was amended to restrict local rules that limit housing production. Amendments to Government Code Section 81560 changed the Permit Streamlining Act by creating a more ministerial, rather than discretionary, two-step application process. The City will continue to identify efficiencies for the development process in line with Government Code Section 81560 and further streamline the permit process. The City will also coordinate with developers to ensure a timely application and development process.

Actions	Objective and Timeframe
Action 16.1: Continue to offer free Pre-Application Review process for developers or applicants that submit a planning application. This serves as a "free" first submittal so developers can see any major costs or issues with the proposed development without spending money.	Ongoing on a case-by-case basis.
Action 16.2: Expedite review for the subdivision of larger sites into buildable lots when development application is consistent with the General Plan, applicable specific plan, and master environmental impact report.	Ongoing on a case-by-case basis.
Action 16.3: Assess existing processes to investigate additional review processes may be delegated to a streamlined, ministerial review for projects that include a percentage of affordable housing units.	Develop recommendations by January 2025 and, if necessary, revise the process within one year.
Action 16.4: Identify new or improved data and technology solutions to support faster development project review and greater access to housing and land use information such as online dashboards and other publicly accessible online resources.	Ongoing.
Action 16.5: Upzone approximately 1,558 Single Family District properties that have a higher density General Plan land use designation and develop Objective Design Criteria for residential development to streamline the development review process, allow missing middle housing and small lot single family development without requiring Zone Change to Planned Development District.	This process is currently underway through a Senate Bill 2 grant. Anticipate rezoning and adoption of new objective standards by December 2023.
Implements the Following Policies	H-3.2, H-3.3, H-3.4, H-3.6
Responsible Agency	Development Services
Funding Sources	General Fund & Senate Bill 2 grant

Program H-17: Accessory Dwelling Unit Program

Accessory Dwelling Units (ADUs) and Junior Accessory Dwelling Units (JADUs) represent an important opportunity to create more affordable housing for lower and moderate-income households. The State has passed multiple bills in recent years to remove constraints to the development of ADUs and JADUs (including AB 587, AB 671, AB 68, and SB 13, among others). The City's current ADU regulations do not comply with state law. However, the City has developed an ADU/JADU Frequently Asked Questions fact sheet and streamlined Checklist based on State Law to facilitate the review and approval of J/ADUs. Further, in 2021, the City combined Planning and Building permit review in order to minimize review time for JADUs. The City will monitor ADU development trends and new legislation to update the HMC to comply with changes in ADU and JADU law. This program aims to annually monitor provisions made to ADU legislation and amend the City's Zoning Ordinance as necessary to ensure compliance with state law.

Actions	Objective and Timeframe
Action 17.1: Pursue mechanisms to facilitate the construction of ADUs, including but not limited to: ▪ pre-approved standards for ADU foundation plans or prefabricated plans. ▪ Refer property owners to programs that assist lower and moderate-income homeowners in constructing ADUs ▪ Consider expanding/extending fee waivers for ADUs beyond state law	Facilitate the development of 320 ADUs over the planning period. Initiate efforts in 2023.
Action 17.2: Perform a review of ADU trends and commit to adjustments if assumptions are not met. If the City is not meeting ADU goals, implement additional action(s) depending on the severity of the gap. Additional actions could include consideration of public outreach efforts, ADU incentives, and/or rezoning to bridge the gap. Encourage equitable distribution of ADU development throughout the City through targeted outreach. Monitor review times for ADU and JADU permit applications and explore ways to streamline review.	Review ADU trends every two years starting in 2023.
Action 17.3: Provide informational workshop(s) and/or publish resources on City's website on building ADUs and JADUs. Target outreach to property owners in low- and moderate-resource areas and provide workshops and materials in English and Spanish.	Publish material on the City's website by June 2023 and facilitate one workshop annually in multiple languages.
Implements the Following Policy	H-3.1
Responsible Agency	Development Services
Funding Sources	Departmental budget

Program H-18: Duplexes and Lot-Splits

In 2021, SB 9 was passed to allow for the ministerial approval of certain housing development projects containing up to two dwelling units (i.e., duplexes) on a single-family zoned parcel. In addition to permitting two units on a single-family lot, SB 9 allows qualifying lot splits to be approved ministerially (i.e., without discretionary review or hearings) pursuant to a parcel map, upon meeting a number of criteria. SB 9 is designed to increase the housing stock in single-family residential zones, as it allows not only two dwelling units per parcel, but also certain lot splits with two housing units on each. The City will implement a monitoring program that evaluates the current capacity of housing sites for all income levels throughout the duration of the planning period.

Actions	Objective and Timeframe
Action 18.1: The City will amend the HMC to address the requirements of SB 9.	Amend the HMC by January 2025.
Action 18.2: Monitor state law and SB 9 projects in the City to: ▪ Monitor who is utilizing this process ▪ Identify how many units are being created ▪ Identify what barriers exist to implementation of SB 9 and what solutions can be developed to address those barrier ▪ Encourage equitable distribution of such development throughout the City through targeted workshops and outreach	Begin monitoring in January 2024.
Implements the Following Policies	H-3.1, H-3.5, H-3.6
Responsible Agency	Community Development Department/Planning
Funding Sources	General Fund

6.1.5 Housing For Persons with Special Needs

The City of Hayward is a diverse community with people of all backgrounds, lifestyles, family types, and income levels. Many residents also have special housing needs. State law requires the housing element to address the needs of specific special needs groups, including seniors, persons with disabilities, large families with children, female-headed households, and individuals experiencing homelessness. Meeting the needs of these residents requires a broad range of strategies for housing and other services.

Goal H-5: Provide housing choices that serve the needs of special needs populations, including seniors, homeless, female-headed households, large families, and persons with disabilities, including developmental disabilities.

Policies

H-5.1: Address Special Housing Needs: The City shall address the housing needs of special populations and extremely low-income households through emergency shelters, transitional housing, and supportive housing.

H-5.2: Housing and Supportive Services: The City shall promote housing and supportive services for households with special needs including seniors, persons with disabilities, single parents, and individuals experiencing homelessness.

H-5.3: Reasonable Accommodation: The City shall continue to implement a reasonable accommodation process for persons with disabilities to request exceptions or modifications of zoning, permit processing, and building regulations to ensure housing is accessible.

H-5.4: Support Alameda County Continuum of Care Council: The City shall support the efforts of the Alameda Countywide Continuum of Care Council in its efforts to meet the needs of homeless families and individuals.

H-5.5: Support Organizations Serving the Homeless Community: The City shall support the efforts of non-profit and community organizations that provide emergency shelter and other assistance for the homeless population, including alcohol and drug recovery programs.

H-5.6: Range of Housing for Seniors: The City shall facilitate and encourage the development of a range of housing types for seniors from which support services are readily accessible.

H-5.7: Family Housing: The City shall facilitate and encourage the development of larger rental and ownership units for families with children, including lower- and moderate-income families, and the provision of services such as childcare and after-school care when feasible.

H-5.8: Universal Design Standards: The City shall implement universal design standards or guidelines that promote accessibility for everyone regardless of age or physical ability.

Program H-19: Housing for Special Needs Populations

The HMC is periodically updated to address a wide range of issues and California and federal law. The City will continue to monitor its policies, standards, and regulations to ensure that they comply with applicable law. The City will also facilitate development that serves the needs of special needs populations, including seniors, homeless, female-headed households, large families, and persons with disabilities, including developmental disabilities.

Actions	Objective and Timeframe
Action 19.1: Provide technical assistance for development of opportunity sites near commercial and civic services and public transit for senior housing development.	On a case-by-case basis
Action 19.2: Develop incentives for the provision of childcare in multifamily housing projects. Incentives could include parking reductions and density bonuses.	Develop incentives January 2025.
Action 19.3: Prioritize funding awards for affordable housing projects that provide units that serve the needs of at least one special needs group by creating scoring criteria that encourage the inclusion of units and services needed to support individuals with special needs.	Subject to availability of Inclusionary Housing Trust funds, issue NOFA at least once during compliance period and establish and affordable housing development pipeline of at least 3 affordable housing projects.
Action 19.4: Provide financial support to organizations such as Project Independence, Covenant House or other programs to provide a continuum of supportive and transitional services, including tenant-based rental assistance, to emancipated youth in Alameda County (youth from 18 to 24 who have aged out of the foster care system).	Annually provide ten transition age youth with a housing subsidy.
Action 19.5: Assess the City's capacity to accommodate individuals experiencing homelessness by comparing the most recent homeless point-in-time count to the number of shelter beds available on a year-round and seasonal basis, the number of beds that go unused on an average monthly basis, and the percentage of those in emergency shelters that move to permanent housing. If capacity is not sufficient, amend the HMC as necessary to continue to meet the City's need (see Action 13.1).	Bi-annually with release of point-in-time counts.
Action 19.6: Support services and programs that are part of the Continuum of Care system for the homeless.	Annually as part of the City's funding allocation process.
Action 19.7: Continue to pursue CDBG funds and other funds, as available, to support any additional need for emergency shelters, and transitional and supportive housing programs for the homeless and those who are at-risk of becoming homeless.	As needed during annual NOFA process.
Action 19.8: Continue to fund and operate the Hayward Navigation Center and Annex, which provides transitional housing and navigation services to Hayward individuals experiencing homelessness, with the goal of transitioning residents to permanent placements.	Annually as part of the City's funding allocation process.
Action 19.9: Develop and implement a shallow rent subsidy program to provide small monthly rental subsidies to extremely low-income households with prior experiences of homelessness to prevent future homelessness and reduce housing cost burden.	Annually through January 2025, with option to extend if additional funding is identified.
Action 19.10: Develop a public education campaign to educate the Hayward community about ongoing homelessness and housing development efforts and how the homeless system of care operates to build community trust and buy-in for homelessness services and housing efforts.	Implement by January 2025.

Actions	Objective and Timeframe
Action 19.11: Explore funding and feasibility options for safe parking and safe camping programs to provide additional safe, secure, and sanitary options for individuals and families experiencing homelessness.	Begin exploring funding and feasibility by January 2024.
Action 19.12: Submit feasible and eligible projects for State Homekey funding as available, leveraging local resources such as HOME for operating funding.	Ongoing, based on State Homekey NOFA schedule.
Action 19.13: Develop Universal Design guidelines or standards to require the use of Universal Design Principles in new construction and/or rehabilitation of housing.	Develop ordinance by January 2025.
Implements the Following Policies	H-5.1, H-5.2, H-5.2, H-5.3, H-5.4, H-5.6, H-5.8
Responsible Agency	Development Services; City Manager
Funding Sources	CDBG; HOME; American Rescue Plan Act (ARPA); State grants

Program H-20: Community Outreach and Education

Community outreach is a key component to developing a comprehensive and inclusive housing market in the city. It is critical to engage local community groups and stakeholders from all sectors of the community in order to educate and provide inclusive housing opportunities and to understand housing needs. The goal of this program is to provide community groups that are affected by restrictions to fair and equitable housing greater opportunities for becoming informed and engaged in the City's housing and overall planning process.

Actions	Objective and Timeframe
Action 20.1: Work with local organizations such as East Bay Regional Center and La Familia to inform residents of the housing and available services.	Identify and maintain a point of contact with the local organizations.
Action 20.2: Increase accessibility by conducting public workshops at suitable times, using online methods such as Zoom, having meetings be accessible to persons with disabilities, having meetings be accessible to nearby transit centers, and provide additional resources such as childcare, translation, and food services.	Ongoing on a case-by-case basis.
Action 20.3: Develop a list of neighborhood groups and other community organizations that advocate for protected housing groups including seniors, individuals with disabilities, large households, and other groups, and disseminate information about housing opportunities and participate in community meetings as requested.	Develop list by January 2025 and update contact information annually. Disseminate information on an ongoing basis as opportunities become available.
Action 20.4: As opportunities become available, conduct a multimedia campaign regarding available homeownership, rental, housing accessibility, and rehabilitation programs in the city.	Maintain current information on the City's website and disseminate to at least 100 individuals annually.
Action 20.5: Work with local partners to deliver monthly housing workshops on topics including local ordinances; tenant and landlord rights and responsibilities; fair housing; habitability and health and safety code; and foreclosure prevention. Determine best method of holding meetings (online, in person) and offer childcare, translation and/or food services, if desired by community.	Monthly.
Action 20.6: Develop a language access policy to ensure residents with limited English proficiency have accessible information.	Implement policy by January 2024.
Implements the Following Policies	H-5.2, H-6.1, H-6.4

Actions	Objective and Timeframe
Responsible Agency	Development Services, City Manager, Community and Media Relations
Funding Sources	General Fund, Rent Review Administration Fee

6.1.6 Equal Housing Opportunities for All Persons

The City recognizes the importance of extending equal housing opportunities for all persons, regardless of regardless of race, religion, sex, family status, marital status, ancestry, national origin, color, age, physical or mental disability, sexual orientation, source of income, or any other arbitrary factor.

Goal H-6: Ensure Fair and Equal Housing Opportunity.

Policies

H-6.1: Fair Housing Services: The City shall support services and programs that eliminate housing discrimination and ensure that residents are aware of their rights and responsibilities regarding fair housing.

H-6.2: Housing Discrimination: The City shall prohibit discrimination in the sale or rental of housing with regard to race, ethnic background, religion, disability, income, sex, age, and household composition.

H-6.3: Rent Stabilization, Tenant Protections & Tenant Relocation Assistance: The City shall stablish programs and actions to mitigate development impacts on displacement and gentrification and offer tenant protection.

H-6.4: Fair Housing Outreach: The City shall conduct fair housing outreach and education for Hayward residents, property owners, and housing providers to ensure each understands their rights and responsibilities.

H-6.5: Address Foreclosures: The City shall strive to prevent foreclosures and alleviate individual and community issues associated with foreclosures to preserve homeownership and promote neighborhood stability.

H-6.6 Rental Assistance: The City shall continue to support rental assistance for lower-income households who are overpaying for housing.

Program H-21: Foreclosure Prevention and Counseling

The Foreclosure Prevention and Counseling program is intended to assist at-risk homeowners with foreclosure-prevention resources including counseling, refinance loans, and legal services. The City provides assistance to at-risk homeowners through partnerships with HUD-approved non-profit counseling organizations.

Actions	Objective and Timeframe
Action 21.1: Continue existing partnerships with non-profit organizations such as Housing and Economic Rights Advocates to provide mortgage delinquency, default resolution negotiation, and legal advocacy services.	Annually host 10 educational workshops in multiple languages on foreclosure prevention, provide mortgage delinquency and debt resolution services to 100 eligible homeowners and financial assistance loans up to $15,000 to an estimated 8 eligible homeowners for three years through December 2024.
Action 21.2: Continue to pursue CDBG funds and other funds, as available, to support non-profit organizations offering foreclosure prevention services.	As needed during annual NOFA process.
Action 21.3: Continue to partner with A1 Community Housing to provide free foreclosure prevention workshops as well as free one-on-one counseling for households at risk of foreclosure.	Monthly host three educational workshops in multiple languages on Foreclosure Prevention.
Action 21.4: Provide information about foreclosure prevention resources in the housing programs section of the City's website, including information about the programs available for refinancing at-risk loans, and contact information for legal services agencies and HUD-approved counseling organizations in the area. Mail foreclosure prevention materials to local residents who receive notices of default and notices of trustee sale.	Maintain current information on the City's website and disseminate to at least 100 qualified homeowners annually.
Implements the Following Policies	H-6.4, H-6.5
Responsible Agency	City Manager
Funding Sources	CDBG and other state and federal funds

Program H-22: Fair Housing Services

The City of Hayward contracts with the Eden Council for Hope and Opportunity (ECHO) to provide fair housing and tenant/landlord services. ECHO's Fair Housing Counseling Program conducts site investigations and enforcement in response to reports of housing discrimination complaints, performs audit-based investigations to determine degrees of housing discrimination existing in designated areas, and provides fair housing education for members of the housing industry including managers, owners, and realtors. ECHO's Tenant/Landlord Counseling Program provides information to tenants and landlords in Southern Alameda County on their housing rights and responsibilities. Additionally, ECHO has trained mediators to assist in resolving housing disputes through conciliation and mediation. The primary objective of the program is to build awareness of housing laws and prevent homelessness.

Actions	Objective and Timeframe
Action 22.1: Coordinate with ECHO and the East Bay Community Law Center (EBCLC) to provide fair housing and tenant/landlord services, including fair housing counseling and education and tenant/landlord counseling and mediation.	Annually assist 200 persons with at least 50 percent of services in areas with higher levels of housing discrimination.
Action 22.2: Provide training for property owners and managers to have access to information about requirements of federal, state and local real estate, housing discrimination, tenant protection, housing inspection, and community preservation laws; and promote training of tenants in the requirements of federal, state, and local laws so that they are aware of their rights and obligations.	Provide two training sessions annually.

Actions	Objective and Timeframe
Action 22.3: Conduct an annual workshop presented by local organizations including ECHO and Centro Legal de la Raza and/or other advocacy organizations to conduct an annual fair housing and rental housing law workshops targeted to lower-income households, senior households, and individuals with disabilities.	Hold one workshop annually in multiple languages.
Action 22.4: As funding permits, continue to support neighborhood and community groups with training, services and technical support related to fair housing.	Annually assist 20 residents.
Action 22.5: Work with ECHO to conduct random testing at least once a year during the planning period.	Annual testing.
Implements the Following Policies	H-5.1, H-5.2, H-5.5, H-5.6 H-6.1, H-6.2, H-6.3, H-6.4
Responsible Agency	Development Services; City Manager's Office
Funding Sources	CDBG

Program H-23: Rent Stabilization and Tenant Protections

Through the Residential Rent Stabilization and Tenant Protection Ordinance (RRSO) and the Mobile home Space Rent Stabilization Ordinance (MRSO), the City implements rent increase thresholds on covered rental units and mobile home spaces. The thresholds are intended to prevent unpredictable, large rent increases promoting more housing stability, particularly for lower income residents. The City operates the rent dispute resolution process for eligible tenants and landlords, which provides mediation and arbitration paid for through and annual fee shared by the tenant and landlord to resolve disputes regarding rent increases, health and safety issues, and reduction in services. The RRSO also creates tenant retaliation protections and just cause protections for all rental units, with few exceptions, while the MRSO protects against retaliatory evictions.

Actions	Objective and Timeframe
Action 23.1: Continue partnership with consultant to implement the RRSO and MRSO, including the rent dispute resolution process.	Ongoing.
Action 23.2: Continue to monitor implementation and impact of the RRSO.	Annually provide update to Homelessness-Housing Task Force.
Action 23.3: Seek out and participate in opportunities to improve eviction and displacement prevention resources	Ongoing.
Action 23.4: Continue to provide tenants and landlords with information about local requirements and referrals to outside resources to assist with other tenant landlord disputes.	Ongoing.
Implements the Following Policies	H-6.6, H-6.3
Responsible Agency	City Manager
Funding Sources	Rent Review Administration Fee

Program H-24: Tenant Relocation Assistance

Through the Tenant Relocation Assistance Ordinance (TRAO), the City implements temporary and permanent relocation assistance policies. The TRAO requires landlords to pay permanent assistance when performing a no-fault eviction and to pay temporary assistance when making substantial repairs or when there is a government-issued order to vacate for health and safety reasons. The City also implements an Emergency Relocation Assistance Program for low-income tenants displaced

due to natural disaster or when landlord refuses to pay required relocation assistance. Collectively, these programs are intended to provide tenants with financial resources to find alternative temporary or permanent housing when displaced from their units by no fault of their own.

Actions	Objective and Timeframe
Action 24.1: Continue cross collaboration among Housing Division Code Enforcement Division, Building Services, Fire Department to streamline communication and process for identifying eligible relocation assistance cases.	Ongoing on a case-by-case basis.
Action 24.2: Provide training to tenants and landlords to educate them about their rights and responsibilities related to relocation assistance.	Annually conduct one workshop for tenants and one workshop for landlords in multiple languages.
Action 24.3: Enforce relocation payment requirement through assessment of liens in cases where landlords fail to pay required assistance.	Ongoing.
Action 24.4: Continue to implement and monitor the Emergency Relocation Assistance Program and work to identify additional funding sources to provide ongoing program support.	Ongoing.
Action 24.5: Provide displaced tenants referrals to housing resources.	Ongoing.
Implements the Following Policies	H-1.1, H-5.1, H 6.3
Responsible Agency	City Manager
Funding Sources	Rent Review Administration Fee; ARPA

Program H-25: Consolidated Plan Update

Hayward's Consolidated Plan describes and prioritizes the City's housing and community development needs, as well as activities to address those needs as defined and funded by HUD. The current Plan will be updated in 2024 to strategically align with and help implement the 2023-2031 Housing Element and strengthen place-based strategies to expand housing mobility and housing supply in high-opportunity areas. The update will also seek to improve areas through targeted investment in areas with identified fair housing impediments.

Actions	Objective and Timeframe
Action 25.1: Update funding policies to prioritize the improvement of public facilities and infrastructure projects that improve the quality of life and accessibility for all residents.	Annually as part of the NOFA process.
Action 25.2: Identify mechanisms to increase production and access to housing in high resource areas, such as through acquisition, rehabilitation and conversion of existing housing units to be affordable, the construction of ADUs, or through financial incentives in exchange for deed restriction of housing units for low-income use.	Adopt consolidated plan update by August 2025.
Implements the Following Policies	H-2.6, H-6.3
Responsible Agency	City Manager's Office
Funding Sources	CDBG

6.2 Summary of Quantified Objectives

The City's quantified objectives for the 2023-2031 planning period are:

- Sites to facilitate new housing units, including the City's RHNA of 547 units for extremely low-income, 528 units for very low-income households, 617 units for low-income households, 817 units for moderate-income households, and 2,115 above moderate-income households
- Rehabilitation of 80 affordable units
- Construction of 200 affordable units
- Construction of 320 ADUs
- Conservation of 1,844 Section 8 Housing Choice Vouchers
- Preservation of 295 units at risk of converting to market-rate units

Table 6-1 summarizes these objectives for the 2023-2031 planning period by income group.

Table 6-1 Quantified Housing Objectives (2023-2031)

	Extremely Low Income	Very Low Income	Low Income	Moderate Income	Above Moderate Income	Total
RHNA	547	528	617	817	2,115	4,624
Units To be Rehabilitated	20		60	–	–	80
New Construction	50		150	–	–	400
ADUs	96		96	96	32	320
Section 8 Housing Choice Vouchers to be Conserved	1,844		–	–	–	1,844
At-Risk Housing Units to be Preserved	295		–	–	–	295

Note: Government Code Section 65583 mandates that localities calculate the subset of the very-low income regional need that constitutes the communities need for extremely low-income housing. As an alternative to calculating the subset, local jurisdictions may assume that 50 percent of the very low-income category is represented by households of extremely low income (less than 30 percent of the median family income).

File #: MIN 22-083

DATE: June 23, 2022

TO: Planning Commission

FROM: Assistant City Manager / Development Services Director

SUBJECT

Minutes of the Planning Commission Meeting of May 26, 2022

RECOMMENDATION

That the Planning Commission approve the minutes of the Planning Commission meeting of May 26, 2022

SUMMARY

The Planning Commission held a meeting on May 26, 2022

ATTACHMENTS

Attachment I Draft Minutes of May 26, 2022

PLANNING COMMISSION MEETING
COUNCIL CHAMBERS AND VIRTUAL (ZOOM) PARTICIPATION
Thursday, May 26, 2022, 7:00 p.m.

The Planning Commission meeting was called to order at 7:00 p.m. by Chair Oquenda.
The Planning Commission held a hybrid meeting in the Council Chambers and virtually via Zoom.

ROLL CALL

Commissioner Goldstein joined the meeting virtually at 7:05 p.m.

Present:	COMMISSIONERS:	Ali-Sullivan, Goldstein, Lowe, Roche, Stevens
	CHAIRPERSON:	Oquenda
Absent:	COMMISSIONER:	Bonilla

Staff Members Present:
Grucky, Lens, Lochirco, Madhukansh, Pearson, Schmidt, Vigilia, Weisman

PUBLIC COMMENT:

City Attorney Lawson announced that Assistant City Attorney would be leaving the City. Assistant City Attorney Brick thanked staff and the Planning Commission.

WORK SESSION:

1. Proposed 2023 Reach Code Update

Environmental Services Manager Pearson provided a synopsis of the staff report and PowerPoint presentation.

Chair Oquenda opened the Public Hearing at 7:27 p.m.

Mr. Andre Van Horn, asked for clarification on two level 2 chargers for residential homes. He said in his experience, it is not necessary to have both cars plugged in at the same time.

Environmental Services Manager Pearson responded that it is dependent if the outlet is capable of charging two cars; he said this could require load management software and that staff will research this.

Chair Oquenda closed the Public Hearing at 7:30 p.m.

Commissioner Roche commented on the following: affordable housing complexes will need to have EV charging infrastructure as residents need this benefit; stated there needs to be a solution in place when there are power outages especially for high rise residential as

during a power outage, residents are not able to cook, elevators will not work and asked about having batteries in each unit. Environmental Services Manager Pearson said staff is focusing on EV ready requirements for market rate housing and requirements for affordable housing will be lower; the State code does not require batteries yet for high rise complexes for each unit; and added that newer gas appliances and gas heaters require an electronic ignition. In response to Ms. Roche's question on who is responsible to install the EV charging systems, Mr. Pearson said this would be the responsibility of the developer to install the EV infrastructure and the option to have tenants pay for the electricity would require extra meters and this wiring would need to be done during of installation.

Commissioner Stevens was excited to have this item before the Planning Commission and stated that staff should research renewal natural gas as this could change how the City views natural gas. Mr. Stevens encouraged staff to look at how natural gas applies to industrial uses especially in the biotechnology and other commercial manufacturing sectors. Mr. Stevens suggested that the City stay as close as possible to the State Codes as there are lot of great experts who work on developing these codes that builders and contractors can implement. Mr. Stevens said when the City exceeds the State's requirements, this causes a lot of complexities for the Building and Planning Divisions.

Commissioner Lowe asked about the charging equipment costs for developers and which option would be highly used in the future; Environmental Services Manager Pearson said that staff will have to research this and that for residential settings there will be a lot of low power charges as an overnight charge is sufficient for a typical commute. He said the high-power level 2 EVSE would more likely be found in commercial settings where one would need a quick charge. Mr. Pearson said that staff prefers option B of 80% low power level 2 EV Ready and 20% High Power Level 2 EVSE.

Commissioner Goldstein asked about the reality of having the two level 2 EV ready spaces per dwelling unit since the State is trying to do away with residential parking spaces; Environmental Services Manager Pearson said the current ordinance addresses if there was only a one car garage then one EV ready would be required and staff can write in flexibility into the ordinance in single family residences as a percentage similar to the multifamily complexes. Mr. Goldstein recommended to have an Option C to let the developer choose the percentage of EV Ready for Low Power and High Power. Mr. Goldstein shared his experience volunteering with the Alameda County Sheriff's Office of Emergency Communications and that safety issues come up often when there are power outages when residents make wrong decisions in using other methods to connect to power that can end up with disastrous and sometimes tragic results. Mr. Goldstein recommended resident training on safety protocols during power outages and to provide residents with options such as have solar powered generators which may cost more but are much safer

than using gas generators. Mr. Goldstein requested that staff make this a part of the presentation to Council.

Commissioner Ali-Sullivan commented that there could be cost savings for builders as they would not have to run gas lines and he is leaning towards option B as noted by staff previously. Mr. Ali-Sullivan favored Commissioner Goldstein's suggestion of having an option C to allow developers to make their own choice between the amount of low and high-powered EV chargers to be installed. He favors 100 percent of parking spaces for non-residential be EV ready and likes that this is reviewed every three years as more EV are on the road and would like the City to be reaching for non-residential as is done for residential. He agreed with Commissioner Roche's comments for emergency preparedness and stated this is an item that the City should be thinking about. Mr. Ali-Sullivan stated that in his newer community there are EV chargers on the street as a benefit the residents but so far, these EV charging units have not been powered up which results in a non-benefit for residents. Mr. Ali-Sullivan said the City needs to go further and make sure that builders/developers complete the work with the EV charging stations for new developments and make sure that all the charging units are connected to power for residents to have this benefit.

Chair Oquenda said his questions were answered during the discussion.

2. Climate Action Plan Update and Proposed Environmental Justice Element: Considerations for New General Plan Policies and Programs for the Hayward 2040 General Plan

Environmental Services Manager Pearson introduced Climate Corps Fellow Carolyn Weisman and Sustainability Specialist Nicole Grucky.

Climate Corp Fellow Weisman and Sustainability Specialist Grucky provided a synopsis of the staff reports and PowerPoint presentation.

Chair Oquenda opened and closed the public hearing at 8:20 p.m.

Commissioner Ali-Sullivan commented he found it interesting the results presented by staff, the community did not consider the two issues just discussed in Item 1 on natural gas and EV charging a priority.

Commissioner Goldstein said that an avenue to be more fully explored is working with the Metropolitan Transportation Commission (MTC) on a solution to reduce traffic congestion; recommended to task employers to come up solutions for reducing GHG emissions and down the road make this a requirement for employers and noted during the pandemic how traffic

was decreased immensely by residents working from home and suggesting approaching MTC with this strategy. In response to Mr. Goldstein's question about food rescue, Sustainability Specialist Grucky said there is a new statewide requirement SB 1383 that went into effect in January requiring food rescue. Environmental Services Manager Pearson added that at the county level StopWaste is coordinating this effort, such as how excess food is distributed. Mr. Goldstein asked what programs are in place to assist individuals in the safe and sanitary homes section; Principal Planner Schmidt responded that there are programs and policies administered by the Housing Division. Ms. Schmidt said for services for unhoused individuals, the need is larger than the capacity, noting that South Hayward Parish is where individuals can go to receive wrap around services. Ms. Schmidt shared that staff will be coming to the Planning Commission in the next couple of months with the Housing Element which will take a deeper look into these issues. Mr. Goldstein recommended that Council look at the option of public banking to assist individuals who are struggling and in need of this service especially when conventional options are not available because of an individual's circumstances.

In response to Commissioner Lowe who referred to the community comment on attachment 5, and Ms. Lowe's question if the City has considered having bicycles for rent at/near bus stops to help reduce GHG; Sustainability Specialist Grucky said staff is looking into this Ms. Lowe said she is aware of the City successes by being on the Planning Commission but that the general public would not know where to find this on the City's website and/or know about these and recommended that the City/staff needs to advertise successes more widely and make this information more easily accessible to the public.

Commissioner Roche stated that she is proud for the City's GHG successes; and asked what is being done regionally about the continuous stream of cars that travel through the City daily and recommended that the City needs to work regionally on this issue; Environmental Services Manager Pearson spoke about the efforts to reduce GHG emissions with electric cars and that this is being addressed as there is an Executive order where gasoline cars will not be sold after 2035; he shared that East Bay Community Energy (EBCE) is working on having an electric fleet. Sustainability Specialist Grucky noted that items are being explored at the State level to pass the cost onto the drivers that pass through the City who contribute to the GHG emissions. Ms. Roche suggested the following: explore ways for employers to assist with employee transportation; address food scarcity by having pop up events where grocery stores have closed; the City should have a model for food truck events; and have staff research traveling pharmacies that can provide those services for residents in need. Ms. Roche noted that she has been concerned about the trend towards reducing residential parking and suggested focusing on reducing parking at corporations and requiring corporations to get their employees to work. Mr. Pearson said that staff will review the suggestions and said that there is discussion about having Farmer's Markets in other parts of the City.

Commissioner Stevens asked which agency is responsible for implementing the Food Rescue Program; Environmental Services Manager Pearson stated that the implementation is at the County level. Mr. Stevens said he regularly finds tons of food in garbage cans as this is an economic indicator of the area. Mr. Stevens commented that there are a lot of laws created that can increase the complexities for a program and he feels that this program could be difficult to administer.

Chair Oquenda commented that his questions had been answered during the discussion.

APPROVAL OF MINUTES

3. Approval of the Planning Commission Meeting Minutes of March 24, 2022

A motion was made by Commissioner Roche, seconded by Commissioner Stevens, to approve the Planning Commission Meeting Minutes of March 24, 2022.

The motion passed with the following roll call votes:

AYES:	Commissioners Ali-Sullivan, Goldstein, Lowe, Roche, Stevens Chair Oquenda
NOES:	None
ABSENT:	Bonilla
ABSTAIN:	None

APPROVAL OF MINUTES

4. Approval of the Planning Commission Meeting Minutes of April 14, 2022.

A motion was made by Commissioner Stevens, seconded by Commissioner Lowe, to approve the Planning Commission Meeting Minutes of April 14, 2022.

The motion passed with the following roll call votes:

AYES:	Commissioners Ali-Sullivan, Goldstein, Lowe, Stevens Chair Oquenda
NOES:	None
ABSENT:	Bonilla
ABSTAIN:	Roche

PLANNING COMMISSION MEETING
COUNCIL CHAMBERS AND VIRTUAL (ZOOM) PARTICIPATION
Thursday, May 26, 2022, 7:00 p.m.

STAFF AND COMMISSION ANNOUNCEMENTS

Staff announcements on Planning and Zoning Matters:

Planning Manager Lochirco announced there is one item for the June 9, 2022, meeting and wished everyone a happy and safe holiday weekend.

City Clerk Lens announced Senior Secretary Chan will be retiring after 13 years of service to the City of Hayward and to the Planning Commission. Ms. Lens shared that the City Clerk's Office new Deputy City Clerk, Avinta Madhukansh will be staffing the Planning Commission Meetings until the recruitment for the senior secretary position is completed.

Commissioners' Announcements, Referrals:

Commissioner Stevens thanked everyone for having the Planning Commission meeting back in the Council Chambers.

Chair Oquenda congratulated both Assistant City Attorney Brick and Senior Secretary Chan on going on to the next phases of their lives. Mr. Oquenda welcomed Deputy City Clerk Madhukansh back to the Planning Commission.

Commissioner Roche congratulated both Assistant City Attorney Brick and Senior Secretary Chan for their service.

ADJOURNMENT

Chair Oquenda adjourned the meeting at 8:50 p.m.

APPROVED:

_____
Briggitte Lowe, Secretary
Planning Commission

ATTEST:

_____
Avinta Madhukansh for Denise Chan, Senior Secretary
Office of the City Clerk