CITY OF HAYWARD

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



Agenda

Thursday, September 8, 2022 7:00 PM

Remote Participation

Planning Commission

PLANNING COMMISSION MEETING

NOTICE: The Planning Commission will hold a virtual meeting via the Zoom platform.

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 Planning Commission Meeting:

Please click the link below to join the meeting: https://hayward.zoom.us/j/87561683624?pwd=ZWFvY3Nzd1hxa2NralcreW9Zem9QUT09

Webinar ID: 875 6168 3624 Passcode: PCmtg/9822

Or Telephone: Dial (for higher quality, dial a number based on your current location): US: +1 669 900 6833 or +1 646 931 3860 (Toll Free)

Webinar ID: 875 6168 3624 Passcode: 7663537768

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 July 14, 2022] For agenda item No. 1, The Planning Commission may make a recommendation to the City Council.

1	<u>PH 22-046</u>	Proposed Development with 22 Rental Townhome Units and Related Site Improvements at 27865 Manon Avenue, Assessor Parcel Number 453-0090-014-00, Requiring Approval of Zone Change, Density Bonus, and Site Plan Review Application 202101491. Ragini Vecham for Sunflower Manon LLC (Applicant and Property Owner).			
	<u>Attachments:</u>	Attachment I Staff Report			
		Attachment II Findings for Approval			
		Attachment III Conditions of Approval			
		Attachment IV Project Plans			
		Attachment V Affordable Housing and Density Bonus Plan			
		Attachment VI CEQA Infill Checklist			

For agenda item No. 2, the decision of the Planning Commission is final unless appealed. The appeal period is 10 days from the date of the decision. If appealed, a public hearing will be scheduled before the City Council for final decision.

Planning Commission		Agenda	September 8, 2022
2	<u>PH 22-044</u>	Vesting Tentative Tract Map (Tract 8461) Appli 202004359 for a 40-unit Townhouse-Style Resi Condominium on a Vacant 1.66-acre Site locate 21339-21447 Oak Street for which a Correspon Review Application (201800932) was Previous	ication No. idential d at iding Site Plan ly Approved in
		0,)-023-00,)170-029-02). hitects; Owner: ent LLC.	
	<u>Attachments:</u>	<u>Attach I Staff Report</u> <u>Attach II Draft Findings for Approval</u> <u>Attach III Recommended Conditions of Approva</u> Attach IV Vesting Tentative Tract Map Exhibits	<u>1</u>

For agenda item No. 3, 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.

3	<u>PH 22-045</u>	 Proposal to Add Full-Service Automobile Detailing to the Existing Heart of the Bay Self-Service Car Wash Located at the Mobil Gas Station at 391 West A Street (Assessor Parcel Nos. 429-0077-025-01 and 429-0077-026-00) Requiring Approval of Conditional Use Permit Modification No. 202203390. Daljit Singh, New Raja Enterprises LLC (Applicant/Owner). 					
	Attachments:	<u>Attach I - Staff Report</u>					
		Attach II Draft Findings for Approval					
		Attach III - Recommended Conditions of Approval					
		Attach III Exhibit A Resolution No. 95-235					
		Attach IV Applicant's Project Narrative					
		<u>Attach V - Project Plans</u>					

APPROVAL OF MINUTES

 4
 MIN 22-101
 Minutes of the Planning Commission Meeting on June 9, 2022

 Attachments:
 Attachment I Draft Minutes of June 9, 2022

COMMISSION REPORTS

Oral Report on Planning and Zoning Matters

Commissioners' Announcements, Referrals

ADJOURNMENT

NEXT MEETING, SEPTEMBER 22, 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 22-046

DATE: September 8, 2022

- TO: Planning Commission
- **FROM:** Elizabeth Blanton, Senior Planner

SUBJECT

Proposed Development with 22 Rental Townhome Units and Related Site Improvements at 27865 Manon Avenue, Assessor Parcel Number 453-0090-014-00, Requiring Approval of Zone Change, Density Bonus, and Site Plan Review Application 202101491. Ragini Vecham for Sunflower Manon LLC (Applicant and Property Owner).

RECOMMENDATION

That the Planning Commission recommend approval of the Zone Change, Density Bonus, and Site Plan Review application to the Council based on the analysis set forth in this report and the required Findings (Attachment II) and subject to the Conditions of Approval (Attachment III).

SUMMARY

The applicant is requesting approval of a Zone Change, Density Bonus, and Site Plan Review application to construct a four building, three story townhome development on a vacant infill site located just north of Tennyson Road and west of Huntwood Avenue on Manon Avenue. The development will include 22 rental townhome units, 41 parking spaces, and new site landscaping and open spaces. The project site is located within the Single Family Residential (RS) zoning district and is designated as Medium Density Residential (MDR) in the Hayward 2040 General Plan. The applicant is requesting a rezoning from Single Family Residential (RS) to Medium Density Residential (RM) and a density bonus to accommodate the 22 townhomes proposed with two units designated for very low-income households. As part of the density bonus, the applicant is requesting a waiver to reduce the required front and rear yard setbacks and to reduce the parking requirement for 3-bedroom units.

The Planning Commission is being asked to review the proposed project and forward a recommendation to the Council for consideration at a future date.

ATTACHMENTS

Attachment IStaff ReportAttachment IIFindings for Approval

File #: PH 22-046

Attachment III	Conditions of Approval
Attachment IV	Project Plans
Attachment V	Affordable Housing and Density Bonus Plan
Attachment VI	CEQA Infill Checklist



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Proposed Development with 22 Rental Townhome Units and Related Site Improvements at 27865 Manon Avenue, Assessor Parcel Number 453-0090-014-00, Requiring Approval of Zone Change, Density Bonus, and Site Plan Review Application 202101491. Ragini Vecham for Sunflower Manon LLC (Applicant and Property Owner).

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The Planning Commission is being asked to review the proposed project and forward a recommendation to the Council for consideration at a future date.

BACKGROUND

<u>Public Outreach.</u> On April 23, 2021, a Notice of Application Receipt was sent to 289 addresses, including all property owners, businesses, and residents within a 300-foot radius of the project site, as well as interested parties including the Harder-Tennyson Neighborhood Task Force, Harder-Tennyson Community Organization, South Hayward Neighborhood Group, Tennyson-Alquire Neighborhood Task Force, and South Hayward Parish. In response to this notice, staff received one request from a member of the public to view the project plans.

On July 1, 2022, a Notice of Public Hearing for this Planning Commission public hearing was again circulated to a mailing list of 262 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. The hearing date was later postponed from July 14, 2022, to September 8, 2022, and as a result, a second notice was sent on August 26, 2022, to the same mailing list and an additional ad was published in *The Daily Review* with the rescheduled hearing date. As of the writing of this report, staff has received no additional correspondence on the proposed project.

PROJECT DESCRIPTION

<u>Existing Site Conditions.</u> The project site is an approximately one-acre lot situated 150-feet north of Tennyson Road and one block west of Huntwood Avenue. The site is 143-feet deep with 320 lineal-feet of frontage along Manon Avenue. The topography of the property is relatively flat. Currently, the site is vacant with no trees or significant vegetation.

Surrounding development and land uses include single family residential development to the north and west, two story multifamily development to the east and commercial uses to the south along Tennyson. Additionally, the site is approximately one-half mile west of the South Hayward BART station and within a quarter-mile of Cesar Chavez Middle School, Tennyson Park, Mia's Dream Playground, and the future Stack Center.

<u>Proposed Project.</u> As shown in the project plans (Attachment IV), the proposed development would feature four buildings comprised of a total of 22 townhomes. The three-story buildings are oriented so that the shorter ends of the structures face Manon Avenue and the single-family residential properties to the west, minimizing the perceived massing of the new structures. A u-shaped access road circulates through the site providing access to each townhome's one car garage as well as an additional 19 uncovered parking spaces at the rear of the site. A landscaped paseo-style pedestrian walkway and common open space area are located in the center of the site and additional trees and landscaping create a buffer to the surrounding development. Each townhome has its own patio and balcony, providing for private open space as well.

The architecture takes a modern approach, incorporating varied roof lines and wall planes; projecting balconies and patio covers; a mix of wood, stucco, and metal elements; and 360 degree design with architectural interest on each facade. The proposed 22 townhomes range from three to five bedrooms in size, while each has four bathrooms (1,671 to 2,307 square feet of living area per townhome). All will be rental units and as detailed further below, two will be restricted to be rented at levels affordable to Very Low-income households.

As stated above, there are no existing trees onsite. The proposed project's landscape plan includes the installation of 17 new trees as well as a lush palette of additional shrubbery, groundcovers, and ornamental plantings. All landscaping is subject to the Bay-Friendly Water Efficient Landscape Ordinance and the buildings will be subject to the California Green Building Standards Code (CALGreen) and the City's Reach Code. The next section further discusses compliance with the City's General Plan and Municipal Code requirements.

POLICY CONTEXT AND CODE COMPLIANCE

The project site is designated Medium Density Residential (MDR)¹ in the *Hayward 2040 General Plan,* which allows for a residential density range of 8.7 to 17.4 dwelling units per net acre. While the proposed project exceeds the allowable General Plan density at approximately 22 dwelling units per acre, as discussed further below, the requested Density Bonus allows for the additional proposed units. The MDR land use designation generally applies to suburban and urban areas that contain a mix of housing types. Typical building types include single-family homes, duplexes, triplexes, fourplexes, townhomes, and multistory apartment and condominium buildings.

The project is consistent with numerous goals and policies of the General Plan in that the development will increase the housing stock within the City of Hayward, provide on-site affordable units, and take advantage of easy access to the South Hayward BART station as well as nearby parks, schools, and amenities. The project consistency with the *Hayward 2040 General Plan* goals and policies are further discussed in greater detail in the Required Findings (Attachment II).

<u>Zoning Ordinance.</u> The project site is within the Single Family Residential (RS) zoning district. The RS district does not allow for townhomes nor the proposed project density, so as a result, the applicant is requesting a rezoning of the parcel to Medium Density Residential (RM). The RM district seeks to promote and encourage a suitable environment for family life in areas where a compatible mingling of single-family and multiple-family dwellings is possible. As proposed, the development complies with the development standards of the RM zoning district, as demonstrated in Table 1 below.

Given that the types of residential uses permitted in the RM district directly align with what is envisioned for the MDR land use designation in the *Hayward 2040 General Plan*, the proposed rezoning is compatible with the planned future development of the neighborhood. Further, if the property remained zoned as RS, the full range of residential types and densities described in the General Plan for the MDR land use designation would not be possible.

In order to recommend approval of the proposed Zone Change and Site Plan Review to the City Council, the Planning Commission must make the following required findings:

Zone Change

- Substantial proof exists that the proposed change will promote the public health, safety, convenience, and general welfare of the residents of Hayward;
- The proposed change is in conformance with the purposes of the Zoning Ordinance and all applicable, officially adopted policies and plans;
- Streets and public facilities existing or proposed are adequate to serve all uses permitted when the property is reclassified; and

¹ Hayward 2040 General Plan, Residential Land Use Designations: <u>https://www.hayward2040generalplan.com/land-use/residential</u>

• All uses permitted when the property is reclassified will be compatible with present and potential future uses, and further, a beneficial effect will be achieved which is not obtainable under existing regulations.

Site Plan Review

- 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 development policies and regulations; and
- The development will be operated in a manner determined to be acceptable and compatible with surrounding development.

Staff has included additional analysis to support the proposed findings for approval in Attachment II.

<u>Density Bonus.</u> The applicant is requesting a Density Bonus, two waivers from standards in the Hayward Municipal Code, and a reduction in parking pursuant to Section 65915 of the Government Code.² A density bonus is a zoning tool granted by State law that allows for an increase in density with concessions and/or waivers to development standards when affordable housing units are included on-site.

According to the submitted Affordable Housing and Density Bonus Plan (Attachment V), the applicant is proposing to restrict two units with rents affordable to Very Low-Income households in accordance with State Density Bonus Law. In exchange, the applicant is entitled to a 38.5 percent density increase, which allows for the additional five units proposed.

In addition to increased density, State Law also affords density bonus projects a reduced parking standard for certain units. For this project, the 10 three-bedroom units only require 1.5 parking spaces per unit, instead of the 2.1 parking spaces that would typically be required by the Municipal Code. The 12 four- and five-bedroom units are still required to provide 2.1 parking spaces per unit.

In exchange for restricting two dwelling units as affordable to Very Low-Income households, the project is further entitled to up to three concessions and unlimited waivers from development standards as necessary. Pursuant to State law, the City <u>shall</u> grant the concessions and waivers proposed by the developer unless it finds that the proposed concessions do not result in identifiable and actual cost reductions or the waivers are not necessary to construct the project at the permitted density. Proposed concessions and waivers could be rejected if they would cause a public health or safety problem, cause an environmental problem, harm historical property, or are contrary to law.

While the applicant has requested no concessions as part of their Density Bonus application, the following two waivers are requested:

² Section 65915 of Government Code (State Density Bonus Law): <u>http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=65915.&lawCode=GOV</u>

- 1. *Waiver #1 –Front Yard Setback:* The RM zoning district requires a 20-foot minimum front yard setback. All four proposed buildings encroach into the required front yard setback. The majority of the building facades would be setback 11-feet 4-inches from the front property line, while the front porch entryways would be setback 6-feet 11-inches. This reduced setback is necessary to maintain the required widths of the proposed one-car garages in each townhome, meaning that if the front setback standard was enforced, the project would not be able to be constructed at the permitted density. Additionally, there is an existing five-foot landscape buffer in the public right of way between the front property line and the back of the sidewalk, which effectively will make the proposed front setbacks appear to be 16-feet 4-inches and 11-feet 11-inches respectively.
- 2. *Waiver #2 –Rear Yard Setback:* The RM zoning district requires a 20-foot minimum rear yard setback. The project proposes a 13-foot setback for Buildings A and D due to limited space and the site constraints discussed above.

As shown in Table 1, the project complies with all applicable zoning requirements with the proposed rezoning of the property to RM and the Density Bonus provisions and waivers permitted by State law.

Standard	HMC (RM)/GP Requirement	Proposed	Consistent?				
Density	17.4 du/ac	22.4 du/ac	Yes (with Rezoning				
With Density Bonus	24 du/ac		and Density Bonus)				
Lot Coverage	40%	40%	Yes				
Setbacks			Yes (with Density				
Front	20' minimum	6' 11" minimum	Bonus)*				
Side	10' minimum	10' minimum					
Rear	20' minimum	13' minimum					
Building Height	40' maximum	39' maximum	Yes				
Parking	47 spaces	41 spaces	Yes (with Density				
With Density Bonus	41 spaces		Bonus)				
Open Space	350 s.f./unit (7,700 s.f.)	8,662 s.f.	Yes				

 Table 1: Zoning Compliance with Rezoning to RM and Density Bonus

*Requested Density Bonus Waiver

<u>Housing Element, RHNA & Affordable Housing.</u> Local jurisdictions report progress annually on meeting their Regional Housing Needs Allocation (RHNA) goals which are included in the City's Housing Element. The following table demonstrates progress made toward meeting Hayward's RHNA goals for the period between 2015-2023 as of the last report year (2020), which is shown in the column titled "Reported 2020." The State allows local jurisdictions to "report" the units when building permits are issued to construct the units. The "Approved" and "Pending Approval" columns provide an estimate of potential compliance by counting both entitled projects and projects going through the entitlement process.

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	168	20%	293	34%	26	3%	487	57%	364	43%
Low	480	174	36%	226	47%	4	1%	404	84%	76	16%
Moderate	608	128	21%	60	10%	0	0%	188	31%	420	69%

Table 2: 2023 RHNA Goal Progress in the City of Hayward

*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.³ An applicant may satisfy the requirements of the ordinance by paying an affordable housing in lieu fee or including affordable units within the proposed development. Pursuant to HMC Section 10-17.215, rental projects shall deed restrict no less than 6 percent of units on-site for Low- and Very Low-Income households. 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 specified in Attachment V, the applicant is meeting and exceeding the AHO requirements by providing a total of two units as affordable to Very Low-Income households.

<u>SB330 and Housing Crisis Act</u>. 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 specific written findings. The proposed project includes a zone change from RS to RM, and as a result, is *not eligible* for SB 330 streamlining.

STAFF ANALYSIS

Staff believes the Planning Commission can make the required Findings to recommend approval of the Zone Change, Density Bonus, and Site Plan Review application based on the analysis provided herein and included within the required Findings in Attachment II. The proposed project complies with the applicable development standards and meets the intent of the RM zoning district as well as the goals and policies of the *Hayward 2040 General Plan*.

The proposed development includes 22 new housing units, including two rental units that will be affordable to Very Low-Income households. With the requested State mandated density bonus, not only is the proposed project consistent with the underlying Medium Density Residential General Plan land use designation, but it provides a higher density of units within walking and biking distance of the South Hayward BART station, allowing for easy commuting to and from the site. In addition, a number of other community facilities and

³ HMC Chapter 10, Article 17, Affordable Housing Ordinance:

https://library.municode.com/ca/hayward/codes/municipal_code?nodeId=HAYWARD_MUNICIPAL_CODE_CH10PLZOSU_ART17AFH00_R

amenities are within a quarter mile of the site, including Tennyson Park, which features a popular all-abilities playground, the Matt Jimenez Community Center, and the future Stack Center, which will house health and dental clinics, a childcare center, and community meeting rooms.

As designed, the project and proposed rezoning is compatible with the surrounding neighborhood as the proposed townhomes are directly across the street from other multifamily housing on RM zoned land and adjacent to commercial spaces. New landscaping will help buffer the site from lower density single family housing on RS zoned land to the west and north. While reductions to the required setbacks were requested as waivers within the Density Bonus application, bigger reductions were proposed along the front property line to preserve as much distance as possible from the existing single-family homes to the rear of the project. Additionally, the alignment of the short sides of the buildings with the front and rear of the property reduces the visual bulk and massing of the project, helping it to better fit with the existing surrounding development.

ENVIRONMENTAL REVIEW

In 2014, the City certified the EIR for the *Hayward 2040 General Plan*^{4.} Pursuant to CEQA Guidelines Section 15183, projects consistent with the development density established by existing zoning, community plan, or general plan policies for which an EIR was certified may not require additional review unless there may be project-specific effects that are peculiar to the project or site that were not adequately addressed in the EIR for the General Plan.

As the proposed project is consistent with the site's Medium Density Residential General Plan land use designation, an Infill Consistency checklist was prepared (Attachment VI), which tiers off the Hayward 2040 General Plan EIR. The checklist concludes that the proposed project would not have any significant effects on the environment that have not already been analyzed in a prior EIR, are more significant than previously analyzed, or that uniformly applicable development policies would not substantially mitigate. As a result, no further environmental analysis is required.

NEXT STEPS

Following the Planning Commission hearing, the City Council will consider the proposed project along with the Planning Commission's recommendation at a duly noticed public hearing, tentatively scheduled for a date in October 2022. If the project is approved by the City Council, the applicant may proceed with submitting improvement plans and building permit applications to the City for review and approval.

⁴ Hayward 2040 General Plan EIR: <u>https://www.hayward-ca.gov/your-government/documents/planning-documents</u>

Prepared by: Elizabeth Blanton, AICP, Senior Planner

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 ZONE CHANGE, DENSITY BONUS, AND SITE PLAN REVIEW MANON TOWNHOMES APPLICATION NO. 202101491 27865 MANON AVENUE

DRAFT FINDINGS FOR APPROVAL

ZONE CHANGE

Pursuant to Section 10-1.3425 of the Hayward Municipal Code (HMC), the Planning Commission may recommend approval of a Zone Change application when all of the following findings are met:

1. Substantial proof exists that the proposed change will promote the public health, safety, convenience, and general welfare of the residents of Hayward;

The site's General Plan land use designation is Medium Density Residential, which envisions a mix of single-family and multifamily residential development nearby neighborhood serving uses, in order to create more complete, walkable, and sustainable neighborhoods. Rezoning the site from Single Family Residential (RS) to Medium Density Residential (RM) will not only bring the zoning in alignment with the MDR General Plan land use designation, but it will also create a benefit to the neighborhood and community at large by providing the opportunity for more units within a half mile of the South Hayward BART station and within a quarter mile of other community amenities, such as Tennyson Park, Cesar Chavez Middle School and the future Stack Center. Further, the properties across Manon Avenue are also zoned as RM, meaning that the rezoning of this property will create a more cohesive look at the southern terminus of Manon, just north of the mix of comercial and residential uses along Tennyson Road.

2. The proposed change is in conformance with the purposes of the Zoning Ordinance and all applicable, officially adopted policies and plans;

As stated in Section 10-1.115 of the Hayward Municipal Code, the Zoning Ordinance is a tool for implementing the goals, objectives and policies of the *Hayward 2040 General Plan*. As stated above, this property's RS zoning designation is not consistent with its General Plan land use designation of MDR. Rezoning the property to RM brings the property's zoning in alignment with the General Plan, as is the intent of the Zoning Ordinance and required by State law.

The MDR General Plan land use designation allows for a residential density range of 8.7 to 17.4 dwelling units per net acre. While the proposed project's density exceeds this range at 22.4 dwelling units per acre, the number of units proposed is permitted under State Density Bonus law due to two on-site deed-restricted units that will be made affordable to Very Low-Income households. The project is further consistent with applicable General Plan policies in that it will increase the housing inventory for the City of Hayward and is considered an infill development that will increase density and result in a more complete neighborhood.

The project supports the following General Plan policies:

- <u>Land Use Policy LU-1.3 Growth and Infill Development.</u> 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.
- <u>Economic Development Policy ED-5.5– Quality Development.</u> The City shall require new development to include quality site, architectural and landscape design features to improve and protect the appearance and reputation of Hayward.
- <u>Housing Policy H-3.1 Diversity of Housing Types.</u> The City shall implement land use policies that allow for a range of residential densities and housing types, prices, ownership, and size, including low-density single family uses, moderate-density townhomes, and higher-density apartments, condominiums, transit-oriented developments, live-work units, and units in mixed-use developments.
- <u>Housing Policy H-3.4 Residential Uses Close to Services.</u> The City shall encourage development of residential uses close to employment, recreational facilities, schools, neighborhood commercial areas, and transportation routes.

3. Streets and public facilities existing or proposed are adequate to serve all uses permitted when the property is reclassified; and

The vacant infill site is located in the middle of an established neighborhood with a built-out street grid and adequate public infrastructure and utilities. While the applicant proposes a Zone Change, the proposed development is still consistent with the underlying General Plan land use designation of MDR, which anticipated the development of a range of residential uses, including townhomes within this area.

4. All uses permitted when the property is reclassified will be compatible with present and potential future uses, and further, a beneficial effect will be achieved which is not obtainable under existing regulations.

When rezoned from RS to RM, the site will still allow residential units by right, though a greater range of housing types will be permitted, including townhomes and multifamily dwellings. Besides the greater variety of residential types that are permitted in the RM district, the only other deviations in permitted and conditionally permitted uses between the two zoning districts is that apiaries and wind energy conversion systems are not allowed in the RM district, while boarding homes and dormitories are.

Given that the types of residential uses permitted in the RM district directly align with what is envisioned for the MDR land use designation in the *Hayward 2040 General Plan*, the proposed rezoning is compatible with the planned future development of the neighborhood. Further, if the property remained zoned as RS, the full range of residential types and densities described in the General Plan for the MDR land use designation would not be possible.

SITE PLAN REVIEW

Pursuant to Hayward Municipal Code Section 10-1.3025, the Planning Commission may recommend approval of an application when all of 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 development is compatible with surrounding structures and uses in that the project consists of four three-story residential buildings, which are similar in massing and scale with other multifamily residential development across Manon Avenue. The site is also bordered by commercial uses to the south and is nearby a number of other amenties, including the South Hayward BART Station, Tennyson Park, Cesar Chavez Middle School, and the future Stack Center. The result is a mixed-use, mixed residential density neighborhood that is aligned with the goals of the *Hayward 2040 General Plan*.

The proposed buildings are attractively designed, incorporating varied roof lines and wall planes, projecting balconies and patio covers, and a mix of wood, stucco, and metal elements to create visual interest. The site features all new landscaping, serving to further beautify Manon Avenue.

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

The development takes into consideration physical and environmental constraints in that the proposed project is situated on a 0.98-acre vacant infill site that will accommodate four new residential buildings, on-site parking, common and private open spaces, and functional site circulation. The site is generally flat with site dimensions of 143 feet deep with 320 linear feet of frontage. The existing site does not have value as habitat for endangered, rare, or threatened species; and, as conditioned, construction of the project would not result in any significant impacts relating to noise, air quality or water quality. The project site is within City limits and is adequately served by all required utilities and public services.

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

As specified in Findings above, the project is consistent with the goals and policies of the *Hayward 2040 General Plan*, including the Medium Density Residential land use designation, the Medium Density Residential zoning district, and all other relevant requirements and standards in the Hayward Municipal Code.

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 proposed project will result in the construction of a multifamily residential complex, similar to other residential uses adjacent to the project site, along Manon Avenue. Multi-family residential is permitted by-right within the RM zoning district, and a mix of single-family and multifamily uses is intended within the MDR General Plan land use designation.

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 Approval (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, and use of equipment to prevent adverse negative impacts onto adjacent properties.

ENVIRONMENTAL REVIEW

Pursuant to CEQA Guidelines Section 15183, projects consistent with the development density established by existing zoning, community plan, or general plan policies for which an EIR was certified may not require additional review unless there may be project-specific effects that are peculiar to the project or site that were not adequately addressed in the EIR for the General Plan. As the proposed project is consistent with the site's Medium Density Residential General Plan land use designation, an Infill Consistency Checklist which tiers off of the *Hayward 2040 General Plan* EIR was prepared (Attachment VI). The checklist concludes that the proposed project would not have any significant effects on the environment that have not already been analyzed in a prior EIR, are more significant than previously analyzed, or that uniformly applicable development policies would not substantially mitigate. As a result, no further environmental analysis is required.

CITY OF HAYWARD PLANNING COMMISSION ZONE CHANGE, DENSITY BONUS, AND SITE PLAN REVIEW MANON TOWNHOMES APPLICATION NO. 202101491 27865 MANON AVENUE

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. Site Plan is approved subject to the Architectural, Civil and Landscape plans stamped May 13, 2022, May 12, 2022, and May 12, 2022, respectively, 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 Approving Body. 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. 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 the issuance of the Certificate of Occupancy and/or Final Building Permit approval, 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, including architectural materials, colors and design, have been satisfied. The cost of inspection, including any subsequent inspections that are deemed necessary by the City, shall be paid by the applicant.

MAILBOXES/ADDRESSES

- 14. Mailboxes shall be installed in accordance with Post Office policy and include locking mechanisms to minimize opportunities for theft.
- 15. Property addresses will be assigned by the Development Services Department prior to issuance of a building permit.

LIGHTING

16. 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

- 17. 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 dated May 13, 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.
- 18. 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.

SCREENING OF MECHANICAL EQUIPMENT

- 19. 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.
- 20. 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.

SIGNAGE

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

IMPACT FEES

22. 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.

ENVIRONMENTAL

- 23. If human remains, archaeological resources, prehistoric or historic artifacts are discovered during construction or excavation, the following procedures shall be followed: Construction and/or excavation activities shall cease immediately and the Planning Division shall be notified. A qualified archaeologist shall be retained to determine whether any such materials are significant prior to resuming groundbreaking construction activities. Standardized procedure for evaluation accidental finds and discovery of human remains shall be followed as prescribed in Sections 15064.f and 151236.4 of the California Environmental Quality Act.
- 24. In the event that cultural resources of Native American origin are identified during construction, all earth disturbing work within the vicinity of the find must be temporarily suspended or redirected until an archaeologist has evaluated the nature and significance of the find and an appropriate Native American representative, based on the nature of the find, is consulted. If the City determines that the resource is a tribal cultural resource and thus significant under CEQA, a mitigation plan shall be prepared and implemented in accordance with state guidelines and in consultation with Native American groups. The plan would include avoidance of the resource or, if avoidance of the resource is infeasible, the plan would outline the appropriate treatment of the resource in coordination with the archeologist and the appropriate Native American tribal representative.
- 25. As applicable, if project construction activities occur between February 15 and August 31, a qualified biologist shall conduct a pre-construction survey for nesting birds no more than 14 days prior to construction. The survey shall include the entire project site and a 300-foot buffer to account for nesting raptors. If nests are found, the qualified biologist shall establish an appropriate species-specific avoidance buffer of sufficient size to prevent disturbance to the nest by project activity (up to 300 feet for raptors, up to 150 feet for all other birds). The qualified biologist shall perform at least two hours of pre-construction monitoring of the nest to characterize "typical" bird behavior. During construction, if active nests are present, the qualified biologist shall monitor the nesting birds to determine if construction activities are causing disturbance to the bird and shall increase the buffer if it is determined the birds are showing signs of unusual or distressed behavior associated with project activities. Atypical nesting behaviors that may cause reproductive harm include, but are not limited to, defensive flights, vocalizations directed towards project personnel/activities, standing up from a brooding position, and flying away from the nest. The qualified biologist shall have authority, through the resident engineer, to order the cessation of all project activities if the nesting birds exhibit atypical behavior that may cause reproductive failure (nest abandonment and loss of eggs and/or young) until a refined appropriate buffer is established. To prevent encroachment, the established buffer(s) should be marked

clearly by high visibility material. The established buffer(s) should remain in effect until the young have fledged or the nest has been abandoned, as confirmed by the qualified biologist. Any sign of nest abandonment should be reported to the City and CDFW within 48 hours. The monitoring biologist, in consultation with the resident engineer and project manager shall determine the appropriate protection for active nests on a case-by-case basis using the criteria described above.

- 26. The following control measures for geologic hazards shall be adhered to, unless otherwise approved by the Planning Director or City Engineer. Per standard City project approval procedures, the City must review final project design plans for conformity with building code requirements prior to project construction. All earthwork, including site grading, wall foundation excavations, placement and compaction of engineered fill, and final surface drainage installation, would be performed in accordance with the recommendations contained in the geotechnical report, as applicable.
- 27. The following control measures for construction noise, grading and construction activities shall be adhered to, unless otherwise approved by the Planning Director or City Engineer:
 - a. Construction activities shall occur in conformance with the City's Municipal Code unless otherwise permitted by the City Engineer or Chief Building Official;
 - b. Grading and construction equipment shall be properly muffled;
 - c. Stationary noise-generating construction equipment, such as compressors, shall be located as far as practical from occupied residential housing units;
 - d. Applicant/developer shall designate a "noise disturbance coordinator" who will be responsible for responding to any local complaints about construction noise; and
 - e. Letters shall be mailed to surrounding property owners and residents within 300 feet of the project boundary with this information.
- 28. In order to meet the BAAQMD fugitive dust threshold, the following BAAQMD Basic Construction Mitigation Measures shall be implemented:
 - a. All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day.
 - b. All haul trucks transporting soil, sand, or other loose material off-site shall be covered.

- c. All visible mud or dirt tracked-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.
- d. All vehicle speeds on unpaved roads shall be limited to 15 mph.
- e. All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible.
- f. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.
- g. Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 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.
- h. 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.
- i. A publicly visible sign shall be posted with the telephone number and person to contact at the City of Hayward regarding dust complaints. This person shall respond and take corrective action within 48 hours. The BAAQMD phone number shall also be visible to ensure compliance with applicable regulations.

EXPIRATION

- 29. In accordance with Hayward Municipal Code (HMC) Section 10- 1.3055, approval of this Site Plan Review is void 36 months after the effective date of approval unless:
 - a. 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
 - b. 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.

BUILDING

- 30. All of the proposed buildings in this project fall under a new local green building ordinance called the "Reach Code". This local regulation modifies the CA Energy Code to prohibit natural gas in new one and two-family buildings. The Reach Code requires these units to be designed as all-electric buildings. To offset any increased costs of all-electric designs, do not bring natural gas infrastructure to the site. The reach code also expands CalGreen's requirements for EV charging infrastructure. To learn more about the Reach Code and to find a checklist for your project, please see the City of Hayward website here: https://www.hayward-ca.gov/reach-code
- 31. The project will require a building permit application and the associated plan review process. The project shall comply with the building code in effect at the date of building permit submittal. Additional comments will be provided during that review. If you have any code questions or plan review concerns, please don't hesitate to contact me at steve.osborne@hayward-ca.gov

LANDSCAPING

- 32. Source of Future Conflict with Neighboring Properties. All proposed tree canopy shall not encroach over to the neighboring properties to the best practice possible. Proposed tree canopy shall not hang over existing structure in any of the neighboring properties for possibly creating fire hazard and clogging roof gutter. Two Quercus agrifolia at both ends of western property shall be replaced with another tree species with smaller canopy or relocate these two trees elsewhere in the project. The same comment applies to two Pistacia chinensis proposed along the western property line. Pistacia canopy will reach beyond 35 feet at maturity and about a half of the canopy will be in the neighboring properties to the west.
- 33. Irrigation Legend. Controller listed in the legend should read "irrigation controller."
- 34. No building permit shall be issued prior to approval of landscape and irrigation improvement plans.
- 35. Pursuant to HMC Section 10-12.07 (4), a qualified soil testing laboratory shall complete a soil fertility test prior to amending the planting soil and shall provide recommendations for 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. The final testing results, recommendations and organic compost shall be submitted to the project landscape architect for review and approval and shall be submitted to City Landscape Architect prior to requesting the final landscape inspection with Appendix C Certification of Completion.
- 36. Pursuant to HMC Section 10-12.07(a)(4)(D), organic recycled chipped wood mulch in the shade of Dark Brown color shall be placed in all planting area including biotreatment areas. Mulch size shall not exceed 1-1/2-inch in diameter.

- 37. Any slope exceeds 3:1 but less than 2:1 shall receive jute netting or erosion material regardless of the length of the sloped area before installing mulch.
- 38. Tree shall be located a minimum of 5 feet from lateral service lines and driveways, a minimum 9 feet from the center line of fire hydrant, 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.
- 39. All final tree locations shall be field verified by the project landscape architect prior to planting and resolve any conflicts arise in the field.
- 40. 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.
- 41. All above ground mechanical equipment shall be screened from the street with fivegallon shrubs.
- 42. 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.
- 43. All common area landscaping, irrigation and other required improvements shall be installed in accordance with the approved improvement plans prior to acceptance of tract improvements, or occupancy of eighty percent (80%) of the dwelling units, whichever first occurs. Certificate of Completion, as-built Mylar and an Irrigation Schedule shall be submitted upon acceptance of the landscape improvements for the Tract to the Department of Public Works Engineering by the developer.
- 44. Landscape Maintenance:
 - a. 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.
 - b. The owner's representative shall inspect the landscaping on a monthly basis and any dead or dying plants (plants that exhibit over 30% dieback) shall be replaced within ten days of the inspection.
 - c. Three 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.
 - d. All nursery stakes shall be removed during tree installation and staking poles shall be removed when the tree is established or when the trunk diameter of the tree is equal or larger to the diameter of the staking pole.

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

Prior to the Issuance of Building Permit

45. Prior to issuance of the first building permit, detailed landscape and irrigation improvement plans prepared by a licensed landscape architect on an accurately surveyed base plan shall be submitted as a part of grading permit application for approval 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.

Prior to Issuance of Certificate of Occupancy

- 46. 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.
- 47. HMC Section 10-12.11: In large projects or projects with multiple landscape installations (i.e. production home developments) an auditing rate of one (1) in seven (7) lots or approximately fifteen percent (15%) will satisfy this requirement. All landscape irrigation audits shall be conducted by a third-party certified landscape irrigation auditor. Landscape audits shall not be conducted by the person who designed the landscape or installed the landscape.
- 48. Prior to the issuance of Certificate of Occupancy, all landscape and irrigation shall be completed in accordance to the approved plan and accepted by the City Landscape Architect. Before requesting an inspection from the City Landscape Architect, the project landscape architect shall inspect and accept landscape improvements and shall complete Appendix C. Certificate of Completion in the City's Bay-Friendly Water Efficient Landscape Ordinance. The completed Certificate of Completion Part

1 through Part 7 or applicable parts shall be e-mailed in prior to requesting an inspection from the City Landscape Architect.

ENGINEERING

49. City's grading permit will be required for the land disturbance and the proposed site improvements. Plans for grading permit shall be prepared by the state licensed and qualified Civil Engineer considering the recommendations of a geotechnical engineering study and the site's seismic liquefaction potential. Such plans shall require approval of a geotechnical engineer retained by the project developer and the City Engineer.

Prior to Issuance of Building Permit

- 50. Improvement Plans and related design documents prepared by or under the direction of State licensed and qualified professionals shall be submitted to the City Engineer for all public and private improvements.
- 51. Applicant shall secure the City Fire Marshal's approval of Improvements for all weather emergency vehicle access and fire protection before flammable material is brought on-site.
- 52. All grading shall comply with Chapter 10, Article 8 (Subdivision Ordinance) of the Hayward Municipal Code as determined by the City Engineer. A fine grading and drainage plan prepared by a State licensed civil engineer shall be submitted as part of the Improvement Plans for review and approval by the City Engineer prior to the issuance of building permits. Developer has the option to apply for a grading permit to rough grade the project site.
- 53. A soils report prepared by a licensed civil or geotechnical engineer subject to approval by the City Engineer shall be submitted and the grading, retaining walls, surface and sub-surface drainage, lot drainage, and utility trench backfilling shall be designed in accordance with the recommendations of the soils report. Final grading and drainage plans for the grading permit shall be reviewed and signed by the soils report engineer certifying that the recommendations in the report have been followed.
- 54. Structural calculations and details prepared by a licensed civil or structural engineer are required for all earth retaining structures greater than 4-feet in height (top of wall to bottom of footing) and shall be reviewed and approved by the Building Division of the Development Services Department.
- 55. The project shall not block runoff from, or augment runoff to, adjacent properties. The developer shall be required to mitigate augmented runoff to maintain postdevelopment site discharge rates to less than or equal to pre-development discharge rates to the satisfaction of the City Engineer.

- 56. The Alameda County Flood Control and Water Conservation District's Hydrology and Hydraulics Criteria Summary shall be used to design the storm drain system. On site surface drainage shall be collected and conveyed to a public drainage system as per plans approved by the City Engineer. The storm drainage system shall be designed to convey a 10-year storm event.
- 57. Drainage plans should include all proposed underground pipes, building drains, area drains and inlets. All building sites shall be graded to slope away from the building foundations per California Building Code, Chapter 18, Section 1804.3 Site Grading or as required by the Soils Engineer. On-site collector storm drains shall be sized to minimize potential for blockages. Storm drains shall be designed to prevent standing water.
- 58. The On-site storm conveyance and treatment systems shall be owned and maintained by the property owner.
- 59. The project's Stormwater Control Plan and updated Stormwater Requirements Checklist shall be submitted and shall show, at a minimum, drainage management areas, location and details of all treatment control measures and site design measures, and numeric sizing calculations in conformance with Alameda County Clean Water Program C3 design guidelines.
- 60. All broken, cracked, or uplifted curb, gutter, and sidewalk shall be removed and replaced along the project frontage. The existing street section shall be removed and replaced to the centerline of the street if the existing pavement is either damaged or the structural section is determined by the City Engineer to be inadequate for the intended traffic.
- 61. Existing unused or unapproved driveway fronting the project shall be replaced with concrete curb, gutter and sidewalk matching adjoining such improvements in form and color.
- 62. Street lighting along the development frontage and on-site lighting shall comply with current City lighting standards and the City's Security Ordinance. Lighting shall be designed by a qualified lighting designer and erected and maintained so that light is confined to the property and will not cast a direct light or glare upon adjacent properties or rights-of-way. Photometric analysis/studies shall be submitted for review and approval by the City Engineer.
- 63. All service to the development shall be an "underground service" designed and installed in accordance with the Pacific Gas and Electric Company, AT&T (phone) Company and local cable company regulations. Transformers and switch gear cabinets shall be placed underground unless otherwise approved by the Planning Director and the City Engineer. Underground utility plans must be submitted for City approval prior to installation. (Required by HMC Section 10-3.815)

64. The developer shall provide and install the appropriate facilities, conduit, junction boxes, etc., to allow for installation of a fiber optic network within the development.

During Construction

- 65. Construction Stormwater Management: Developer shall be responsible for the preventing the discharge of pollutants (sediments) into the street and/or the public storm drain system from the project site during construction in accordance with the Hayward Municipal Code Section 11-5.19. Projects proposed for construction between October 1st and April 30th, must have an erosion and sedimentation control program approved, and implemented to the maximum extent possible, prior to the start of any land disturbing activity. Trash and debris must be adequately contained at all times. Such measures shall be maintained during the project's construction period. Violations or other noncompliance with stormwater management measures may result in the project being shut down, including any building permit activity, until full compliance with stormwater management requirements is achieved.
- 66. Construction Damage: The Developer shall remove and replace any damaged curb, gutter, sidewalks, driveways, signs, pavement, pavement markings, etc. within the public right-of-way along the project frontage and at any locations damaged by the construction of the proposed project. Damaged pavement surfaces shall be overlain or micro-surfaced. Damaged pavement surfaces shall be repaired or resurfaced as required by the City Engineer. Unused driveways or unused portions thereof shall be removed and replaced with curb, gutter and sidewalk matching adjoining in form and color.

Prior to Issuance of Certificate of Occupancy

- 67. All public improvements, including the complete installation of all street improvements, fencing, sanitary sewer, storm drainage, water system, underground utilities, streetlights etc., shall be completed and attested to by the City Engineer before approval of occupancy of any unit in each phase of the subdivision. Where facilities of other agencies are involved, such installation shall be verified as having been completed and accepted by those agencies.
- 68. 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.
- 69. Conceptual Multi-Phased Exhibit (Unit Release Plan): Prior to issuance of certificates of occupancy for any unit within the project, an exhibit showing the proposed phased closures/openings during construction. The exhibit shall detail the number and locations of units to be released and portion of public street and sidewalk to be opened/closed to the public at each phase. Exhibits shall also show access routes and include traffic control plans. Proper measures such as fencing,

gates, and signs must be in place to separate adjacent construction activities from occupied units. These measures shall be reviewed and approved by the City Inspector prior to installation and occupancy of units.

- 70. 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.
- 71. Geotechnical Letter: Prior to the issuance of any Certificates of Occupancy, Developer shall submit a confirming letter from the project geologic and/or geotechnical team confirming they have observed all grading activities and that those activities were performed in conformance with their recommendations. All material testing reports shall be attached to the certification letter report.
- 72. 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.
- 73. 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.

UTILITIES

Prior to Issuance of Building Permit

- 74. 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.
- 75. All connections to existing water mains shall be performed by City Water Distribution Personnel at the Applicant/Developer's expense.
- 76. Where a public water main is in an unpaved easement, unpaved surface, or under decorative, stamped, or colored concrete (including turf-blocks), the water main shall be constructed of ductile iron. Shut-off valves are required where a water main transitions from a paved area to an unpaved easement.
- 77. Existing water services, if any, that cannot be reused for the proposed development shall be abandoned by City Water Distribution Personnel at the Applicant/Developer's expense.

- 78. Each residential property shall have its own water meter. Combined residential domestic and fire service is permitted per City of Hayward Standard Detail SD-216.
- 79. A separate irrigation meter shall be installed for landscape purposes.
- 80. The Applicant/Developer shall install an above ground Reduced Pressure Backflow Prevention Assembly (RPBA) on each non-residential domestic and irrigation water meter, per City Standard Detail SD-202. Backflow prevention 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.
- 81. The fire service size shall be determined by the Fire Department's requirements. All fire services must have an above-ground double check valve assembly (DCVA), per City Standard Detail 204 (SD-204) and 201 (SD-201). New fire service line must be installed by the City's Water Distribution personnel at the Applicant/Developer's expense.
- 82. A fire flow test must be completed by Water Distribution personnel. The current cost for a fire flow test is \$326. For instructions on obtaining existing fire flow data and filling out an application for new fire flow data, please visit the City's website at https://www.hayward-ca.gov/services/city-services/fire-flow-testing.
- 83. 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.
- 84. Water mains and services, including the meters, must be located at least ten (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.
- 85. All sanitary 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
- 86. The development's sanitary sewer mains and manholes shall be public, owned, and maintained by the City. If sewer mains are located in a private roadway, either the entire roadway shall be a public utility easement or a minimum 10-foot-wide easement shall be granted to the City with rights for reasonable access for repairs and maintenance.
- 87. Each dwelling unit shall have its own sanitary sewer lateral.

88. The Applicant/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.

SOLID WASTE

- 89. The owner or 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.
- 90. Residents shall not place carts at the curb any earlier than 6:00 a.m. the day before scheduled collection and are required to retrieve them no later than midnight the days the carts are emptied. (Hayward Municipal Code Section 5-1.15).

TRANSPORTATION

Prior to Issuance of Building Permit

- 91. Applicant shall submit the following items as part of Improvement Plans to Public Works-Transportation for review prior to issuance of Building Permits:
 - a. An on-site and off-site (fronting City right-of-way) Signing and Striping Plan in accordance with Caltrans' latest Standard Plans (refer to Caltrans Standard Plans Sheet A90A for more information on marking complaint disabled stalls).
 - b. A 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
 - c. Turning Analysis using the largest vehicle expected on-site (typically a delivery vehicle) using AutoTurn software. Turning Analysis shall not depict vehicles backing into public streets/right-of-way.
- 92. Applicant shall not modify the existing on-street parking regulations along Manon Avenue unless directed to do so by the Public Works & Utilities Director or his/her designee.
- 93. Applicant shall not modify the existing speed hump, or any other traffic calming device currently located along Manon Avenue unless directed to do so by the Public Works & Utilities Director or his/her designee.

- 94. Proposed "Sliding Privacy Gates" shall not be installed within 25 feet of the public sidewalk on Manon Avenue.
- 95. 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).

FIRE

General

96. Submit appropriate building permits for the construction of all proposed building(s) to the City of Hayward Building Department. Construction shall conform to all standards according to the current edition of the California Building and Fire Code(s) respectively.

Fire Prevention

- 97. 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.
- 98. 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.
- 99. A fire apparatus access road 20 feet to 26 feet wide shall be posted on both sides as a fire lane; a 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.
- 100. 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.

- 101. Where a fire hydrant is located on a fire apparatus access road, the minimum road width shall be 26ft. exclusive of shoulders.
- 102. Electrified gates shall be provided with a Knox product Keyswtich at a location approved by the AHJ.

Water Supply

- 103. A fire flow shall be provided in accordance with the current edition of the California Fire Code (CFC) Table B105.1 based on the construction type and building area when building exceeding 3,600 square feet. A fire flow reduction of up to 50 percent is allowed when the building is provided with automatic sprinkler system in accordance with NFPA 13. The resulting fire flow shall not be less than 1,500gpms. (Provide with submittal of building drawings)
- 104. 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. With the determination of existing fire hydrants on Manon Ave., an additional hydrant may be required based on available water supply and water/fire flow demand of the site.

Fire Protection

- 105. All buildings are required to install an overhead automatic fire sprinkler system in accordance with NFPA 13/NFPA 13R as reflected on the current proposal. (a separate submittal by a licensed C16 Contractor is required to the Hayward Fire Department)
- 106. 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.
- 107. Underground fire service lines shall be installed in accordance with NFPA 24 and City of Hayward SD204/216. The underground fire line will be determined based on type of fire sprinkler system proposed.
- 108. Fire sprinkler monitoring systems should be provided for multi-family residential buildings in accordance with the California Fire Code and NFPA 72. At a minimum,
each fire sprinkler system riser shall have exterior local alarm bell(s). Interior notification device(s) shall be installed within each residential unit.

- 109. 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.
- 110. Interior audible alarm device(s) shall be installed within each dwelling unit in a location approved by the AHJ. The device shall activate upon any fire sprinkler system water flow activity.
- 111. Interconnected smoke detectors shall be installed at approved locations based on the California Building (CBC), California Fire (CFC) Code(s) and NFPA 72 Standards.

Hazardous Materials

- 112. Environmental and Health Based Site Clearance A Phase I Environmental Site Assessment and any other records regarding site contamination, investigation, remediation, or clearances from other regulatory agencies shall be submitted. Provide clearance documentation from either the California Regional Water Quality Control Board or the Department of Toxic Substance Control to ensure that the property meets residential development investigation and cleanup standards.
- 113. The Alameda County Department of Environmental Health's Local Oversight Program (LOP). The LOP contact, Paresh Khatri, can be reached at (510) 567-6700 or (510) 777-2478. Clearance from the LOP will ensure that the proposed residential project meets development investigation and cleanup standards, including, if necessary, any clearance stipulations, such as a deed restriction or the need for any groundwater/soil vapor/soil management plan. LOP clearance shall be submitted to the Hayward Fire Department's Hazardous Materials Office, the City of Hayward Planning Division and City of Hayward Public Works/Engineering Division prior to issuance of any grading and building permits.
- 114. 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.
- 115. 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.

- 116. Wells, Septic Tank Systems or Subsurface Structures Any wells, septic tank systems and other subsurface structures shall be 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.
- 117. 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.
- 118. 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.
- 119. Hazardous Materials/Waste During Construction During grading and construction hazardous materials and hazardous waste shall be properly stored, managed, and disposed.

AFFORDABLE HOUSING

120. 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 applicant 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. 121. Pursuant to Hayward Municipal Code Sections 10-17.515 and 10-17.525, the applicant 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 V 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.



PROJECT TEAM:

OWNER

SUNFLOWER MANON LLC 467 SARATOGA AVE. SUITE #1450 SAN JOSE, CA 95129 CONTACT: KISHORE PAL PHONE: 408.627.1334 EMAIL: KIS998877@GMAIL.COM

ARCHITECT

HUNT HALE JONES ARCHITECTS 444 SPEAR STREET, SUITE 105 SAN FRANCISCO, CA 94105 CONTACT: BOB IWERSEN, ARCHITECT PHONE: 415.568.3843 EMAIL: biwersen@hhja.com

MANON TOWNHOMES SUNFLOWER MANON LLC 27865 MANON AVE. HAYWARD, CA 94544 APN: 453-90-14

27865 MANON AVENUE HAYWARD, CALIFORNIA 94544 APN: 453-90-14

CIVIL ENGINEER

P/A DESIGN RESOURCES, INC. 3021 CITRUS CIRCLE, SUITE 150 WALNUT CREEK, CA 94598 CONTACT: MARK WOODS PHONE: 925.210.9300 EMAIL: mwoods@padesignresources.com

LANDSCAPE ARCHITECT

RIPLEY DESIGN GROUP
1615 BONANZA STREET, SUITE 314
WALNUT CREEK, CA 94596
CONTACT: ANNIKA CARPENTER
PHONE: 925.938.7377
EMAIL:ACARPENTER@RIPLEYDESIGN.COM

SHEET INDEX:

GENER CS G1.0 G2.0	AL COVER SHEET PHOTOGRAPHIC DISPLAY PROJECT DATA	LANDS L1 L2 L3	CAPE PRELIMINARY SITE PLAN PASEO PLAN & BIO EXAMPLES PRELIMINARY DETAILS
ARCHIT	FECTURAL SITE PLAN	L4 L5	PRELIMINARY DETAILS PRELIMINARY IRRIGATION PLAN
A1.1 A2.0 A2.1 A2.2 A2.3 A2.4 A2.5 A2.6 A2.7 A2.6 A2.7 A2.8 A2.9 A3.0 A3.1 A3.2 A3.3	STREETSCAPE BLDG A - GROUND FLOOR PLAN BLDG A - MAIN FLOOR PLAN BLDG A - UPPER FLOOR PLAN BLDG A - ROOF PLAN BLDG A - ROOF PLAN BLDG C - GROUND FLOOR PLAN BLDG C - GROUND FLOOR PLAN BLDG C - MAIN FLOOR PLAN BLDG C - UPPER FLOOR PLAN BLDG C - EXTERIOR ELEVATIONS PLAN 1 - FLOOR PLANS PLAN 2 - 3 INT FLOOR PLANS PLAN 2 - 3 END A - FLOOR	CIVIL C1 C2 C3 C4 C5 C6 C7 C8 C9	COVER SHEET EXISTING CONDITIONS SITE PLAN SITE PLAN GRADING PLAN GRADING PLAN UTILITY PLAN UTILITY PLAN STORMWATER CONTROL PLAN
\3.4	PLANS PLAN 2 - 3 END C - FLOOR PLANS_UNIT 8 ADA		
\4.0 \5.0 \5.1 \5.2	MATERIAL BOARD FIRE SAFETY - TRAVEL DISTANCE FIRE SAFETY - LADDER PAD ACCESS WASTE MANAGEMENT REMOVAL		
			SITE



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SUBMITTAL DATE:	03.29.2021
RESUBMITTAL:	07.27.2021
RESUBMITTAL:	10.06.2021
RESUBMITTAL:	05.13.2022









SCALE: N.T.S. DATE: 5.13.2022 359002 PROJECT:



MANON TOWNHOMES SUNFLOWER MANON LLC 27865 MANON AVE. HAYWARD, CA 94544 APN: 453-90-14



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MAP OF SITE LOCATION

PHOTOGRAPHIC DISPLAY

G1.0

SCALE: PROJECT:

N.T.S. DATE: 5.13.2022 359002

RS ZONING SUMMARY - REZONE TO RM:

					•••
CATEGORY	REQUIRED/ALLOWED	PROPOSED	COMPLIES	PROJECT DATA	
GENERAL	RM ZONING			APN:	27865 MAN 453-0090-01
PRIMARY USES PERMITTED	SINGLE FAMILY/ TOWNHOME APARTMENTS	22 TOWNHOME STYLE RENTAL UNITS	SEE BELOW	GENERAL PLAN: ZONING:	MDR: MEDIU RS
LOT REQUIREMENTS	2,500 SQ.FT. / UNIT = (42,688.8 SQ FT./UNIT)/2,500 = 17	42,588.8 SQ.FT / 22 UNITS. = 1,936.9 SQ. FT./UNIT	NO - STATE DENSITY	LOT AREA:	42,688.8 SQ
MIN AVG I OT WIDTH	60 FT	319' - 10 ¹ / ₂ "	YES	FLOOR AREA RATIO (FAR):	47,810 SQ.F
MIN. AVG. I OT DEPTH	80 FT.	$142' - 6\frac{1}{2}''$	YES	PROPOSED USE:	MULTI-FAMI
	400/ 17.070 00 FT		VEO	CONSTRUCTION TYPE	R∠, U VR
MAX. LUT COVERAGE:	40% = 17,076 SQ. FT.	(INCLUDING AREA BELOW DECKS)	YES	FIRE SPRINKLER SYSTEM:	N.F.P.A. 13F
YARD REQUIREMENTS				NO OF STORIES	THREF FOR
MIN. FRONT SETBACK	20 FT.			NUMBER OF BLDGS.	4
	10 FT. 20 FT	\pm 12-9 TO DECK AT ZND LEVEL 13' 0" TO METER CLOSET 15' 10" TO MAIN BLOG		GROSS SQ.FT.	47,810 SQ.F
HEAN SETBACK				NUMBER OF UNITS:	22 UNITS
	NO			DENSITY (UNITS PER ACRE):	(20.4) DUA F
HEIGHT LIMIT:	40 FT.	±39'-3" FT.	YES	PARKING	
MAX. ACCESSORY BUILDING HT.	14 FT.	12 FT.	YES		22 SPACES
PROJECTIONS INTO SETBACKS					19 SPACES (41) PARKIN
FRONT	5 FT.	5 FT. @BUILDING BAY / OPEN DECKS EXCEPTED	NO - SEE SETBACK	BUILDING SQ.FT.	
SIDE	2 FT.	N/A	YES	BLDG A & D	
REAR	5 FT.	BUILDING IS SEEKING REAR YARD SETBACK WAIVER	NO- SEE SETBACK	GROUND FLOOR PLAN	
OPEN SPACE			VEO	UPPER ELOOR PLAN	
GENERAL PRIVATE OPENI SPACE	(MIN. 350 SQ. FI./UNIT) 22 UNITS = 7,700 SQ. FI. PRIVATE LISARI E OPENI SPACE MAY BE DOLIBI ED TOWARD TOTAL BEO'D	8,032 SQ.FT.	YES	TOTAL	
AT GRADE	100 SQ. FT. MIN. $/ > 10$ FT. IN ANY DIRECTION	YARDS: 3.456 SQ.FT. (1.940 SQ.FT. X 2 = 3.880 SQ.FT.)			
ABOVE GRADE	60 SQ. FT. MIN. /> 6 FT, IN ANY DIRECTION	DECKS: 2,668 SQ.FT. $(1,400 \times 2 = 2,800 \times 2.51)$		BLDG B & C	
	TOTAL PRIVATE X 2	6,680 SQ. FT. TOTAL PRIVATE		GROUND FLOOR PLAN	
GROUP OPEN SPACE	400 SQ. FT. MIN. / $>$ 20 FT. IN ANY DIRECTION	<u>1,952 SQ. FT. (20 FT. MIN.)</u>		MAIN FLOOR PLAN	
		TOTAL OPEN SPACE = $8,662$ SQ.FT.		TOTAL	
SPACES REOLIIRED	2 + BEDROOMS = (1 COVERED + 1 1 OPEN)(12 UNITS) = 14 BEO'D	22 PBO/(DED) (22 COVERED/15 OPEN) = 37 SPACES	YES		
	AND OR 1.5 PER)(10 UNITS) = 15 REQ'D	15 PROVIDED		TOTAL BUILDING SQ.FT. ON SIT	Ē
VISITOR	10% TOTAL SPACES MARKED = 47 X 0.1 = 5 SPACES	5 PROVIDED @ OPEN PARKING	YES	UNIT LIVING AREA SQUARE FOO	DTAGE COUNTS
ACCESSIBLE SPACES	2 FOR (26-50) SPACES	4 TOTAL: 3 WITHIN UNITS / 1 @ OPEN PARKING	YES	PROPOSED USES	
LOCATION	NO CLOSER THAN 5 FT. TO ANY BUILDING/PROP. LINE	7 FT. W/ 2FT. OVERHANG	YES		$(0) \times 1.710$ SO ET
	2 OR 2 $\frac{1}{2}$ FT OVERHANG REQUIRES / FT OR / $\frac{1}{2}$ FT.		VEO	UNIT TYPE 1 INT / LADA	$(2) \times 1,712 \text{ SQ.F1}.$ (10) x 1 671 SO FT
	TIFT. X 19 FT. COVERED	TTFT. X 19 FT. (ALL SINGLE CAR)	YES	UNIT TYPE 3 INT	(2) x 1,982 SQ.FT.
SET. A 1911. OF LIVE ANKING	8ET X 15 ET COMPACT OPEN PARKING			UNIT TYPE 3 END A	(4) x 2,307 SQ.FT.
	*2FT_OVERHANG USED @ OPEN PARKING			UNIT TYPE 3 END B	(2) X 2,237 SQ.FT.
EMERGENCY VEHICLE REQMT.	REQ'D WHEN DWELL UNITS MORE THAN 150 FT.	LOT DEPTH FROM CURB = $153 \text{ FT.}/\text{ NOT REQ'D}$	YES	UNIT TYPE 3 END C INC. ADA	(2) X 2,119 SQ.FT.
				TOTAL UNIT SQ.IT.	22 01113
		BUILDING UNIT PLAN ACCESSIBL	E TOTAL ROOMS		
		NUMBER NUMBER TYPE UNIT QTY	UNIT QTY BEDS FLEX BATHS		
		1 3 END A	1 5 0 4		
		A 3 1 INT 1			
		7 3 END B	$\begin{array}{c ccccccccccccccccccccccccccccccccccc$		
		8 3 END A 1	1 5 0 4		
		B 9, 10 2 INT 11 3 END C	2 3 1 4 1 4 0 4		
		C 12 3 END A C 13, 14 2 INT	1 5 0 4 2 3 1 4		
		15 3 END C 16 3 END A			
		17, 19, 21 2 INT D 18 3 INT	3 3 1 4 1 5 0 4		
		20 1 INT 1 22 3 END B	1 4 0 4 1 5 0 4		
		3	TOTAL DU FLOOR 22 84 10 88		

MANON TOWNHOMES SUNFLOWER MANON LLC 27865 MANON AVE. HAYWARD, CA 94544 APN: 453-90-14

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DATE: 5.013.2022

PROJECT DATA OVERVIEW:

ROJECT DATA ROPERTY ADDRESS: 27865 MANON AVE. HAYWARD, CA 453-0090-014-00 PN: MDR: MEDIUM DENSITY RESIDENTIAL ENERAL PLAN: ONING: RS 42,688.8 SQ. FT. / 0.98 ACRES OT AREA: LOOR AREA RATIO (FAR): 47,810 SQ.FT. / 42,688.8 SQ.FT. = 1.12 ROPOSED USE: MULTI-FAMILY RESIDENTIAL CCUPANCIES: R2, U ONSTRUCTION TYPE: VB N.F.P.A. 13R **RE SPRINKLER SYSTEM:** EIGHT LIMIT: 30'-0" - 40FT.AT RM (±33' - 9" PROPOSED) IO. OF STORIES THREE FOR ALL BUILDING UMBER OF BLDGS. 4 47,810 SQ.FT. ROSS SQ.FT. UMBER OF UNITS: 22 UNITS (20.4) DUA PER TOTAL LOT AREA ENSITY (UNITS PER ACRE): ARKING INTERIOR 22 SPACES ON SITE 19 SPACES (41) PARKING SPACES TOTAL UILDING SQ.FT. LDG A & D TOTAL SQ.FT. 4,869 SQ.FT. ROUND FLOOR PLAN 5,272 SQ.FT. AIN FLOOR PLAN PPER FLOOR PLAN 5,174 SQ.FT. 15,415 SQ.FT. x (2) = OTAL 30,830 SQ.FT. LDG B & C ROUND FLOOR PLAN 2,798 SQ.FT. 3,070 SQ.FT. 1AIN FLOOR PLAN PPER FLOOR PLAN 2,963 SQ.FT. 8,831 SQ.FT. X (2) = OTAL 17,662 SQ.FT. OTAL BUILDING SQ.FT. ON SITE = 48,492 SQ.FT. NIT LIVING AREA SQUARE FOOTAGE COUNTS ROPOSED USES TOTAL SQ.FT. NIT TYPE 1 INT /1 ADA 3,424 SQ.FT. (2) x 1,712 SQ.FT. 16,710 SQ.FT. NIT TYPE 2 INT (10) x 1,671 SQ.FT. 3,964 SQ.FT. NIT TYPE 3 INT (2) x 1,982 SQ.FT. 9,228 SQ.FT. INIT TYPE 3 END A (4) x 2,307 SQ.FT. NIT TYPE 3 END B (2) X 2,237 SQ.FT. 4,474 SQ.FT.

PROJECT DATA & ZONING REQUIREMENTS



SCALE: N.T.S. DATE: 5.13.2022 359002 PROJECT:

4,238 SQ.FT.

42,038 SQ.FT.



MANON TOWNHOMES SUNFLOWER MANON LLC 27865 MANON AVE. HAYWARD, CA 94544 APN: 453-90-14

MULTIFAMILY RESIDENTIAL RM ZONING ACROSS STREET

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MANON STREETSCAPE

MANON TOWNHOMES

SUNFLOWER MANON LLC 27865 MANON AVE. HAYWARD, CA 94544 APN: 453-90-14



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Attachment IV



MANON TOWNHOMES SUNFLOWER MANON LLC

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APN: 453-90-14

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Attachment IV

SQ.FT.: 5272 SQ. FT.

BLDG. A (D REVERSED) - MAIN FLOOR PLAN

A2.1

SCALE: 1/4" = 1'-0" DATE: 5.13.2022 PROJECT: 359002

SUNFLOWER MANON LLC

27865 MANON AVE. HAYWARD, CA 94544

APN: 453-90-14

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A2.2

SCALE: 1/4" = 1'-0" DATE: 5.13.2022 359002 PROJECT:

ROOF PLAN BUILDING A (BUILDING D REVERSED)

MANON TOWNHOMES SUNFLOWER MANON LLC 27865 MANON AVE. HAYWARD, CA 94544

APN: 453-90-14

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MANON TOWNHOMES SUNFLOWER MANON LLC 27865 MANON AVE. HAYWARD, CA 94544 APN: 453-90-14

Architecture Planning Interiors BUILDING A (BLDG. D REVERSED) - EXTERIOR ELEVATIONS

444 Spear Street, Suite 105 San Francisco, CA 94105 www.hunthalejones.com

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ELE	VATION NOTES
MAT	ERIALS
1.	PARAPET ROOF
2.	STUCCO
З.	BOARD & BATTEN
4.	HORIZONTAL SIDING
5.	VERTICAL SIDING
6.	WOOD RAILING
7.	WOOD TRIM
8.	GARAGE DOOR
9.	VINYL WINDOWS
10.	FRENCH DOOR
11.	SLIDING DOOR
12.	ENTRY DOOR
13.	METAL DOOR W/ HOLLOW METAL FRAME
14.	CONTROL JOINTS

A2.4

SCALE: 1/4" = 1'-0" DATE: 5.13.2022 PROJECT: 359002

SUNFLOWER MANON LLC 27865 MANON AVE. HAYWARD, CA 94544 APN: 453-90-14

PLAN 3 END A PLAN 2 INT PLAN 2 INT UNIT 13 & (10) UNIT 12 & (11) UNIT 14 & (9) PATIO _____ 80 SQ. FT. 10-0" NOT PART PATIO PATIO OF OPEN 110 SQ. FT. 155 SQ. FT. SPACE --1-4<u>'-47</u>"-11'-0" 8¹-0¹¹ FLEX 2 BD. 4 2 FLEX 30×54 CFB ¦ | _____ (BD. 5)

8070 SECT ROLL-UP 8070 SECT ROLL-UP · -----_____l L_____ 72'-5"

GROUND FLOOR PATIO SPACE = (2 UNITS)(110 SQ. FT.) + (1 UNIT)(155 SQ. FT.) = 375 SQ. FT X (2) BLDGS = 750 SQ. FT.

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SQ.FT.:2798 SQ. FT.

BLDG. B (C REVERSED) - GROUND FLOOR PLAN

A2.5

SCALE: 1/4" = 1'-0" DATE: 5.13.2022 PROJECT: 359002

SUNFLOWER MANON LLC

27865 MANON AVE. HAYWARD, CA 94544

APN: 453-90-14

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BLDG. B (C REVERSED) - MAIN FLOOR PLAN

A2.6

SCALE: 1/4" = 1'-0" DATE: 5.13.2022 359002 PROJECT:

SUNFLOWER MANON LLC 27865 MANON AVE. HAYWARD, CA 94544

APN: 453-90-14

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BLDG. B (C REVERSED) - UPPER FLOOR PLAN

A2.7

SCALE: 1/4" = 1'-0" DATE: 5.13.2022 PROJECT: 359002

ROOF PLAN BUILDING C (BUILDING B REVERSED)

MANON TOWNHOMES

SUNFLOWER MANON LLC 27865 MANON AVE. HAYWARD, CA 94544 APN: 453-90-14)

Architecture Planning Interiors

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SCALE: 1/4" = 1'-0" DATE: 5.13.2022 PROJECT: 359002

BUILDING C SHOWN - UNIT 15 (BUILDING B REVERSED)

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BUILDING C SHOWN - UNITS 12 - 15 (BUILDING B REVERSED)

Architecture Planning Interiors BUILDING C (BLDG. B REVERSED) - EXTERIOR ELEVATIONS

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ELE	VATION NOTES
MATE	ERIALS
1.	PARAPET ROOF
2.	STUCCO
3.	BOARD & BATTEN
4.	HORIZONTAL SIDING
5.	VERTICAL SIDING
6.	WOOD RAILING
7.	WOOD TRIM
8.	GARAGE DOOR
9.	VINYL WINDOWS
10.	FRENCH DOOR
11.	SLIDING DOOR
12.	ENTRY DOOR
13.	METAL DOOR W/ HOLLOW METAL FRAME
14.	CONTROL JOINTS

A2.9

SCALE: 1/8" = 1'-0" DATE: 5.13.2022 PROJECT: 359002

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UPPER FLOOR

15'-7"

5'-8¹/₂

W.I.C.

BASE

9'-11"

5050 SL*

┝═╄

PLAN 1 INT

MAIN LIVING: 715 SQ. FT. 61 SQ. FT. DECK:

MAIN FLOOR

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UNIT 1 FLOOR PLANS

A3.0 SCALE: 1/4" = 1'-0"

DATE: 5.13.2022 PROJECT: 359002

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UPPER FLOOR

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Attachment IV

UNITS 2-3 INT FLOOR PLAN

A3.1

SCALE: 1/4" = 1'-0" DATE: 5.13.2022 359002 PROJECT:

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APN: 453-90-14

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Attachment IV

UNITS 2-3 END A FLOOR PLAN

A3.2

SCALE: 1/4" = 1'-0" DATE: 5.13.2022 PROJECT: 359002

MANON TOWNHOMES SUNFLOWER MANON LLC 27865 MANON AVE. HAYWARD, CA 94544 APN: 453-90-14

UPPER FLOOR

PLAN 2 INT UPPER LIVING: 715 SQ. FT. PLAN 3 END B UPPER LIVING: 742 SQ. FT.

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SCALE: 1/4" = 1'-0" DATE: 5.13.2022 359002 PROJECT:

UNITS 2-3 END B - FLOOR PLAN

A3.3

MANON TOWNHOMES SUNFLOWER MANON LLC 27865 MANON AVE. HAYWARD, CA 94544 APN: 453-90-14

UPPER FLOOR

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UNITS 2-3 END C FLOOR PLAN

A3.4

SCALE: 1/4" = 1'-0" DATE: 5.13.2022 PROJECT: 359002 ROOFITEM / MAT:TPO - COOL ROOFCO:FIRESTONE OR E.Q.COLOR:WHITE

4-----**COPING & FASCIA** ITEM /MAT: 24 GA. STEEL PETERSEN ALUMINUM CO: COLOR: BURNISHED SLATE CONTROL JOINT FOR VERTICAL CONT. WALLS PLATE LINE CONTROL JOINT (SHOWN) #XJ-15 DOUBLE J CONTROL JOINT ITEM: #15 SOLID LEG CONTROL JOINT ITEM: CO: CEMCO CO: CEMCO STEEL COLOR: STEEL COLOR: HORIZONTAL WINDOW LINE & WINDOW HEATHER ITEM: #15 DOUBLE "V" CONTROL JOINT CEMCO CO: COLOR: PAINT TO MATCH WALL HORIZONTAL SIDING ITEM / MAT: 7.25" SELECT CEDARMILL PLANK JAMES HARDIE CO: COLOR: SHERWIN WILLIAMS WORLDLY GRAY SW 7043 VERTICAL SIDING ITEM / MAT: 7.25" SELECT CEDARMILL PLANK JAMES HARDIE CO: SHERWIN WILLIAMS COLOR: INTELLECTUAL GRAY - SW 7045 BODY 2 ITEM / MAT: 3 COAT STUCCO SYSTEM

LIGHT DASH CO: SHERWIN WILLIAMS COLOR: INCREDIBLE WHITE - SW 7028 BODY 1

ITEM / MAT: 3 COAT STUCCO SYSTEM LIGHT DASH CO: SHERWIN WILLIAMS COLOR: REALISTIC BEIGE - SW 6078

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MATERIAL BOARD

A4.0

 SCALE:
 N.T.S.

 DATE:
 5.13.2022

 PROJECT:
 359002

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APN: 453-90-14

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Attachment IV

FIRE SAFETY - TRAVEL DISTANCES

A5.0

SCALE: NTS DATE: 5.13.2022 PROJECT: 359002

FIRE SAFETY - LADDER PAD ACCESS

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FIRE SAFETY - LADDER PAD ACCESS

A5.1

SCALE: NTS DATE: 5.13.2022 PROJECT: 359002

MANON TOWNHOMES SUNFLOWER MANON LLC

27865 MANON AVE. HAYWARD, CA 94544 APN: 453-90-14

WASTE MANAGEMENT - REMOVAL PLAN

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WASTE MANAGEMENT - REMOVAL PLAN

A5.2

SCALE: NTS DATE: 5.13.2022 PROJECT: 359002

I HAVE COMPLIED WITH THE CRITERIA OF CITY OF HAYWARD BAY-FRIENDLY WATER EFFICIENT LANDSCAPE ORDINANCE AND APPLIED THEM FOR THE EFFICIENT USE OF WATER IN TEH LANDSCAPE AND IRRIGATION DESIGN PLAN. MAY 12, 2022 CALIF. LANDSCAPE ARCH. #3684 ANNIKA M. CARPENTER

NOTES:

- ALL TREES SHALL BE PLANTED AND STAKED PER CITY STANDARD SD-122.
- 2. TREES BE PLANTED WITHIN 7' OF HARDSCAPE ELEMENTS,
- CURRENT WATER-EFFICIENT LANDSCAPE ORDINANCE.
- PER CITY STANDARDS. USING LOW-FLOW SPRAY, BUBBLERS OR DRIP METHODS.
- 5. WILL BE ON SEPARATE VALVES.
- ALL PLANTING AREAS, INCLUDING BIO-RETENTION AREAS, 6. SHALL BE MULCHED TO A MINIMUM DEPTH OF 3" WITH SIZE NOT TO EXCEED I-1/2 INCHES.
- 7. A MINIMUM OF 12" WIDE BAND OF LARGE SIZED NOIYA COBBLESTONE SHALL BE INSTALLED AROUND OVERFLOW CATCH BASIN OR BUBBLE UP BASIN.

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REGIONAL AND MICRO-CLIMATE CONDITIONS, SOLAR ORIENTATION AND SOIL CONDITIONS WILL BE TAKEN INTO ACCOUNT WITH REGARDS TO PLANT SELECTION AND PLACEMENT. THE PLANT PALETTE PROVIDES MANY PLANTS WITH VARYING GROWTH HABITS, PREFERENCES AND TOLERANCES, TO ENSURE THAT JUST THE RIGHT PLANT IS SELECTED. A HIGH PERCENTAGE OF PLANTS SELECTED WILL BE DROUGHT TOLERANT AND ALL PLANTS WILL BE APPROPRIATE FOR THE CLIMATE. THIS PALETTE, ALONG WITH A DRIP IRRIGATION SYSTEM WILL CONSERVE WATER WITHIN THE PROJECT.

BY SPECIFYING PLANTS WHICH REQUIRE LITTLE TO NO PRUNING, THE GREEN WASTE WILL BE REDUCED. PLANTS SELECTED WILL COMPLEMENT THE ARCHITECTURE.

ENTRYWAYS AND PICTURE WINDOWS WILL BE FRAMED BY SPECIMEN SHRUBS AND NODES WILL HAVE ACCENT PLANTINGS PLANT SPECIES WHICH ENHANCE THE ARCHITECTURAL ELEVATIONS SHALL BE USED. A DIVERSE USE OF PLANT SPECIES WILL DISPLAY VARIOUS TEXTURES, FORMS, FOLIAGE COLOR, AND FLOWERS; WILL CREATE A BEAUTIFUL LANDSCAPE TO CONTRIBUTE AESTHETICALLY TO THE SURROUNDING NEIGHBORHOODS.

THE TREES HAVE BEEN SELECTED TO HAVE NON-INVASIVE ROOT SYSTEMS, AND PLACED WITH ADEQUATE SETBACKS TO ENSURE NO CONFLICT WITH UTILITIES AND HARDSCAPE. OR CONFLICT WITH ANY SITE LINE DISTANCES. ROOT BARRIERS WILL BE INSTALLED ON ALL TREES NEAR PAVING AND UTILITIES. WHERE FEASIBLE, TREES HAVE BEEN PLACED TO MITIGATE SOLID BUILDING SURFACES AND FENCES. TALLER SHRUBS WILL ALSO BE LOCATED AT SOLID BUILDING SURFACES AND FENCES, WHILE LOWER SHRUBS WILL BE LOCATED WHERE GROUND LEVEL WINDOWS AND ARCHITECTURAL FEATURES OCCUR, AND AT CORNERS TO MAINTAIN SITE LINE DISTANCES.

THE PROJECT FEATURES A COMMON PASEO SPACE THAT PROVIDES OPPORTUNITIES FOR ADULTS AND CHILDREN TO INTERACT. SEATING OPTIONS PROVIDE A FAMILY FRIENDLY SPACE THAT ALLOWS ITS USERS TO ENJOY THE OUTDOORS.

THE IRRIGATION SYSTEM WILL USE WEATHER-BASED CONTROLLERS TO CONSERVE THE USE OF WATER. PLANTING AREAS WILL BE IRRIGATED USING DRIP IRRIGATION METHODS. THE TREES WILL BE ON SEPARATE VALVES AND WILL BE IRRIGATED WITH BUBBLERS. SHRUBS WILL BE HYDROZONED ACCORDING TO THEIR WATER REQUIREMENTS AND MICROCLIMATES.

IT IS OUR INTENT TO SPECIFY IN THE LANDSCAPE CONSTRUCTION DOCUMENTS THE USE OF RECYCLED MATERIALS SUCH AS RECYCLED WOOD MULCH, INGREDIENTS WITHIN THE CONCRETE, FORMWORK, SITE FURNITURE, ETC. IT IS OUR INTENT TO STOCKPILE THE TOPSOIL FOR RE-USE, UNLESS SOIL TESTS DEEM THE SOIL INADEQUATE AND RECOMMEND IMPORTED SOIL. WE INTEND TO RECYCLE A MINIMUM OF 50% OF THE LANDSCAPE CONSTRUCTION AND GREEN WASTES.

[X]

Preliminary Landscape Plan

SHALL HAVE A LINEAR ROOT BARRIER INSTALLED ADJACENT TO THE HARDSCAPE ELEMENT AT TIME OF TREE PLANTING. 3. LANDSCAPE AND IRRIGATION SHALL COMPLY WITH CITY'S 4. ALL PLANTING AREAS SHALL BE AUTOMATICALLY IRRIGATED

BIO-TREATMENT AREAS WILL BE IRRIGATED BY MEANS THAT IS CURRENT WITH ORDINANCE REQUIREMENTS. BIO IRRIGATION

ORGANIC RECYCLED WOOD IN DARK BROWN COLOR. MULCH

 \square

Attachment IV

		PRELIMINARY	TREE PALETT	E	\bowtie
		BOTANICAL NAME	COMMON NAME	SIZE	WATER USE
	we for the second	TREES			
		ACER BUERGERIANUM GINKGO B. 'PRINCETON SENTRY	TRIDENT MAPLE MAIDENHAIR TREE	24" BOX	MEDIUM
		ACER PALMATUM	JAPANESE MAPLE	24" BOX	MEDIUM
ITH TE.	a contraction of the second se	ARBUTUS 'MARINA' LAURUS NOBILIS	STRAWBERRY TREE SWEET BAY	24" BOX	LOW
G FAT		LAGERSTROEMIA X 'TUSCARORA	A CRAPE MYRTLE	24" BOX	LOW
AT ETAIL B,		PISTACHIA CHINENSIS TRISTANIA CONFERTA	CHINESE PISTACHE BRISBANE BOX	24" BOX	LOW

PRELIMINARY PROPOSED PLANT PALETTE

MEN	SYMBOL	BOTANICAL NAME		NATER USE•	SPACING	MATURE SIZE
	SHRUBS					(HIGH X WIDTH)
	ABU 'HYB'	ABUTILON X HYBRIDUM 'VAR'	HYBRID FLOWERING MAPL	LE MED	4'	6' X 4'
			LITTEREN WATLE	LOW	4 [.]	2.5' X 4'
	BUD 'B.K.'				6' 7'	
	BUD P.H.	BUDDLEIA D. PURPLE HAZE *	PURPLE HAZE SUMMER L		3 21	
			DWARE CARE DUSH		ב זי	∠ ∧ ∠ コ' ∨ コ'
					25	3 A 3 2 5' V 2 5'
NTION		FRIGERON KARVINSKIANUS	SANTA BARBARA DAISY		2.5	5" X 2 5'
INTION		FLIONYMUS J 'GREEN SPIRES'	GREEN SPIRES FLIONYMU	S LOW	2'	6' X 2'
DEB	FES MAL	FESTUCA MAIRFI	ATLAS FESCUE		2.5'	25' X 25'
	HYP MOS	HYPERICUM MOSERIANUM	GOLD FLOWER	LOW	3'	3' X 3'
WITH	JUN 'MED'	JUNIPERUS S. 'MEDORA'	COLUMNAR JUNIPER	LOW	3.5'	IO' X 3.5'
** 1 1 1 1	LAN 'CHY'	LANTANA 'CHAPEL HILL YELLOW'	C.H. YELLOW LANTANA	LOW	2.5'	2.5' X I.5'
DN	LAV MAR	LAVATERA MARITIMA	TREE MALLOW	LOW	5'	5' X 5'
	LIM CAL	LIMONIUM CALIFORNICUM*	MARSH ROSEMARY	LOW	ľ	' X '
ETAIL E.	LIM PER	LIMONIUM PEREZII	SEA LAVENDER	LOW	2'	2' X 2'
)	LOR 'C.C.'	LOROPETALUM C. 'CERISE CHARM'	CHINESE FRINGE FLOWER	LOW	3'	3' X 3'
	LOR CHI	LOROPETALUM CHINENSE	CHINESE FRINGE FLOWER	LOW	3.5'	4' X 4'
	MAH REP	MAHONIA REPENS*	CREEPING MAHONIA	LOW	3'	2' X 3'
	MIM CAR	MIMULUS CARDINALIS*	MONKEY FLOWER	LOW	2'	2' X 2'
	MIM HYB	MIMULUS HYBRIDS*	MONKEY FLOWER	LOW	1.5'	1.5' X 1.5'
	MUH RIG	MUHLENBERGIA RIGENS*	DEER GRASS	LOW	3'	3' X 4'
	MYR 'COM'	MYRTUS C. 'COMPACTA'	DWARF MYRTLE	LOW	4'	5' X 4'
	NAN G.S.	NANDINA D. 'GULF SIREAM'	G.S. HEAVENLY BAMBOO	LOW	2.5'	2.5' X 2.5'
	NEP FAA	NEPETA FAASSINII*		LOW	2'	2' X 2'
PAVERS.	OLE 'L.O.'	OLEA E. 'LITTLE OLLIE'	DWARF OLIVE	LOW	3.5	4' X 3.5'
	PEN 'M.B.'	PENSTEMON MARGARITA BOP	FOUTHILLS PENSIEMON	LOW	1.5	1.5° X 2°
		PHORMIUM DARK DELIGHT	NEW ZEALAND FLAX	LOW	4	4 X 4 15 X 15
			NEW ZEALAND FLAX		2	
					4	4 A 4 3' Y 6'
	ROS 'T B'	ROSMARINUS O 'TUSCAN BLUE'	BOSEMARY		3 5'	5 X 0 6' X 3 5'
		SALVIA LEUCANTHA	MEXICAN BUSH SAGE		ט.ט זי	0 × 0.0 3' X 3'
	STA BY7	STACHY'S BYZANTINA*	LAMB'S FARS		15'	
		TELICRIUM ERUTICANS 'AZUREUM'	AZURE BUSH GERMANDER		6'	6' X 6'
	VFR PUR	VERBENA PERIJVIANA	PERUVIAN VERBENA	LOW	2.5'	I' X 2 5'
	WFS 'G.B.'	WESTRINGIA F. 'GREY BOX'	DWARE COAST ROSEMARY	r low	2'	2.5' X 2.5'
	WES 'W.H.'	WESTRINGIA F. 'WYNYABBIE HIGHLIGHT'	COAST ROSEMARY	LOW	3.5'	3.5' X 3.5'
	XYL 'COM'	XYLOSMA C. 'COMPACTA'	COMPACT XYLOSMA	LOW	4'	6' X 4'
	ZAU 'CAT'	ZAUSCHNERIA CALIFORNICA 'CATALINA'*	CALIFORNIA FUCHSIA	LOW	3'	4' X 3'
	GROUNDCOVE					
	+ $+$ $+$ $+$	CAREX TUMULICOLA*	BERKELEY SEDGE	LOW		I.5' X 6'
	+ + +	<u>+</u> I GALLON @ 30" O.C.				
					71	
		CEANUTHUS G. H. DIAMOND HEIGHTS	DIAMOND H CEANOTHUS	LOW	5	L X S
		△ I GALLON @ 36 0.0.				
			WOOLY THYME	LOW	קי	IX 3'
		1 GALLON = 36" O C			5	
		A FORLEON & OU U.U.				
		T BOLERO SODDED TURE	TALL FESCUE	HIGH		
	TURF	AVAILABLE FROM DELTA BLUE GRASS				
	L					

NOTE: PLANT MATERIAL WATER USE VERIFIED WITH ONLINE WUCOLS LANDSCAPE WATER-USE PLANNING TOOL. WWW. WATERWONK.US

* ALSO C3 PLANTS

Sunflower Manon

Hayward, California

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BIO EXAMPLE #1: MASS OF GRASSES AND PERENNIALS

BIO EXAMPLE #2: MEADOW GRASS

BIO EXAMPLE #3: MIXED PERENNIALS AND GRASSES

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Paseo Plan & Bio Examples

SUNFLOWER MANON LLC

[X]

 \bowtie

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- BIO-RETENTION AREA

-PEDESTAL MAILBOXES, DETAIL A, SHEET L3

- PERVIOUS PAVERS/CONCRETE, OR PERMEABLE PAVERS.

⁻ 15-GALLON SPECIMEN SHRUB, BETWEEN PATIO AREAS.

⁻ DECORATIVE STORMWATER INFILTRATION AREA WITH BOULDERS, COBBLE, AND PLANTING.

- 24 IN SQUARE PRECAST PAVERS TO ACCESS UTILITY METERS.

BIO EXAMPLE #4: GRASSES WITH COBBLE

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Hayward, California

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Preliminary Details

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Hayward, California

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 \bowtie

Preliminary Details

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Sunflower Manon

Hayward, California

GRAPHIC SCALE

BACKFLOW ASSEMBLIES INSTALLED ON POTABLE WATER SERVICES SHALL BE LEAD FREE.

2. BACKFLOW ASSEMBLIES SHALL BE AT LEAST THE SIZE OF THE WATER METER OR THE WATER SUPPLY LINE ON THE PROPERTY SIZE OF THE METER, WHICHEVER IS LARGER.

 Image: Standard - Reduced
 DWG. ND.

 DRW BY:
 RS
 DATE: 11/30/12
 STANDARD - REDUCED
 DWG. ND.

 DRW BY:
 RS
 DATE: 11/30/12
 PRESSURE PRINCIPAL
 SD-202

 DRW BY:
 RA
 SCALE: NTS
 BACKFLOW PREVEN SMT.
 1 of 1

 REV
 DATE
 BY
 CTY ENGINEER
 DIR: PUBLIC WORKS
 TION ASSEMBLIES
 SMT.
 1 of 1

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NOTES:

- I. ALL TREES SHALL BE PLANTED AND STAKED PER CITY STANDARD SD-I22.
- 2. TREES BE PLANTED WITHIN 7' OF HARDSCAPE ELEMENTS, SHALL HAVE A LINEAR ROOT BARRIER INSTALLED ADJACENT TO THE HARDSCAPE ELEMENT AT TIME OF TREE PLANTING.
- 3. LANDSCAPE AND IRRIGATION SHALL COMPLY WITH CITY'S CURRENT WATER-EFFICIENT LANDSCAPE ORDINANCE.
- 4. ALL PLANTING AREAS SHALL BE AUTOMATICALLY IRRIGATED PER CITY STANDARDS. USING LOW-FLOW SPRAY, BUBBLERS OR DRIP METHODS.
- 5. BIO-TREATMENT AREAS WILL BE IRRIGATED BY MEANS THAT IS CURRENT WITH ORDINANCE REQUIREMENTS. BIO IRRIGATION WILL BE ON SEPARATE VALVES.
- 6. ALL PLANTING AREAS, INCLUDING BIO-RETENTION AREAS, SHALL BE MULCHED TO A MINIMUM DEPTH OF 3" WITH ORGANIC RECYCLED WOOD IN DARK BROWN COLOR. MULCH SIZE NOT TO EXCEED I-1/2 INCHES.
- 7. A MINIMUM OF I2" WIDE BAND OF LARGE SIZED NOIYA COBBLESTONE SHALL BE INSTALLED AROUND OVERFLOW CATCH BASIN OR BUBBLE UP BASIN.

SUNFLOWER MANON LLC

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Preliminary Irrigation Plan

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LANDSCAPE HYDROZONE LEGEN

ZONE A: 8,903 SQ. FEET

PARTIAL TO FULL SUN, DROUGHT TOLERANT PLANTING WITH DRIP EMITTERS. LOW WATER USE.

ZONE B: 970 SQ FEET BIO-RETENTION PLANTING WITH DRIP EMITTERS, LOW WATER USE ZONE C: 230 SQ FEET

STREET TREES AND ACCENT TREES WITH INDIVIDUAL BUBBLERS (NOT SHOWN)

WATER BUDGET CALCULATIONS:

LOW WATER USE PLANTING AREA= 10,053 SFMEDIUM WATER USE PLANTING AREA= 120 SFHIGH WATER USE AREA -TURF= 0 SFTOTAL PLANTING AREA= 10,173 SF						
ESTIMATED TOTAL WATER US	E:					
ETWU (LOW WATER USE)	= (44.2) X	(0.62) X <u>(0.2 X 10,053)</u> 0.71	_ = 77,603 GAL/YR			
ETWU (MEDIUM WATER USE)	= (44.2) X	(0.62) X <u>(0.4 X I20)</u> 0.7I	= 1,853 GAL/YR			
ETWU (HIGH WATER USE)	= (44.2) X	(0.62) X <u>(0.7 X 0)</u> 0.71	= O GAL/YR			
TOTAL ETWU			= 79,455 GAL/YR			

MAXIMUM APPLIED WATER ALLOWANCE:

MAWA (TOTAL LANDSCAPED AREA) = (44.2) X (0.62) X (0.45 X 10,173) = 125,451 GAL/YR

NOTE: MEDIUM WATER USE SHRUB PLANTING AREAS SHALL NOT EXCEED 20% OF TOTAL LANDSCAPED AREA. SEPARATE VALVES TO BE USED FOR MEDIUM WATER USE SHRUBS.

I HAVE COMPLIED WITH THE CRITERIA OF CITY OF HAYWARD BAY-FRIENDLY WATER EFFICIENT LANDSCAPE ORDINANCE AND APPLIED THEM FOR THE EFFICIENT USE OF WATER IN TEH LANDSCAPE AND IRRIGATION DESIGN PLAN.

May 12, 2022 CALIF. LANDSCAPE ARCH. #3684 ANNIKA M. CARPENTER

IRRIGATION SYSTEM LEGEND

SYMBOL	DESCRIPTION	SPECIFICATION	NOZZLE GPM	OPERATING PSI
	IRRIGATION WATER METER IRRIGATION CONTROLLER BACKFLOW PREVENTOR MASTER VALVE	-BY OTHER SECTION OF CONTRACT -TORO-EVO-4ID/EMOD-4/EUO-SC/EVO-WS (ET-BAS -WILKINS 1" 975XL - REFER TO CIVIL PLANS & CITY OF HAYWARD STANDARD DETAIL SD-202 -TORO REMOTE CONTROL ELECTRIC GLOBE VALVE W/ ELOW CONTROL NO 220-26-06	ED)	
	FLOW SENSOR REMOTE CONTROL VALVES REMOTE CONTROL VALVES BALL VALVE (master shut off) QUICK COUPLER FLUSHING VALVE SUB-SURFACE EMITTER TUBING CIRCUIT (REPRESENTS COVERAGE AREA)	-TORO FLOW CONTROL NO. 220-26-06 -TORO FLOW SENSOR-TFS-150 OR EQUIVALENT -HUNTER ICV-101G-OR EQUAL -HUNTER ICV-101G W/REGULATOR & FILTER - OR I -NIBCO-T-560-BR-20-IRR-LINE SIZE -RAINBIRD-44LRC OR EQUAL -HUNTER AFV OR EQUAL -HUNTER HDL SUB-SURFACE DRIPLINE OR EQUAL (0.4 GPH, 24" SPACING BOTH WAYS, COVER W/ 3"	EQUAL SOIL)	
•	BUBBLER (TREE) BUBBLER (SHRUB)	–HUNTER AFB (2 PER TREE) –PEPCO–OCTA–BUBBLER	.25 .16	30 30
Ð	4" POP–UP TURF SPRAY HEADS	-HUNTER-MP800SR-ORANGE-90-8'R,10'R,12'R	0.23	30
()	4" POP-UP TURF SPRAY HEADS 4" POP-UP TURF SPRAY HEADS	-HUNTER-MP800SR-ORANGE-180-8'R,10'R,12'R -HUNTER-MP800SR-ORANGE-210-8'R,10'R,12'R	0.42 0.49	30 30
E E 	IRRIGATION SUPPLYLINE – 1" IRRIGATION SPRINKLERLINE ELECTRICAL CONDUIT SLEEVING CONTROLLER STATION NUMBER GALLONS PER MINUTE THROUGH VALVE CONTROL VALVE SIZE (INCHES)	-1120/SCHEDULE 40 PVC PIPE -18" COVER -1120/CLASS 200 PVC PIPE -12" COVER -1120/SCHEDULE 80 PVC PIPE -24" COVER -1120/SCHEDULE 80 PVC PIPE -24" COVER		

Sunflower Manon

Hayward, California

27865 MANON AVENUE **RESIDENTIAL DEVELOPMENT & PRELIMINARY STORMWATER CONTROL PLAN** CITY OF HAYWARD, CALIFORNIA

<u>OWNER & DEVELOPER</u>

SUNFLOWER MANON LLC 467 SARATOGA AVE., SUITE 1450 SAN JOSE, CA 95129 CONTACT: KISHORE PAL (408) 627-1334

ARCHITECT

HUNT HALE JONES ARCHITECTS 444 SPEAR STREE, SUITE 105 SAN FRANCISCO, CA 94105 CONTACT: BOB IWERSEN, ARCHITECT (415) 568-3843

CIVIL ENGINEER

P/A DESIGN RESOURCES, INC 3021 CITRUS CIRCLE, SUITE 150 WALNUT CREEK, CA 94598-2635 CONTACT: R. ROSS AVEDIAN (925) 210-9300

LANDSCAPE ARCHITECT

RIPLEY DESIGN GROUP 1615 BONANZA STREET, SUITE 314 WALNUT CREEK, CA 94596 CONTACT: ANNIKA CARPENTER (925) 938-7377

<u>APN</u>

453-0090-014-00

ZONING

EXISTING: RM PROPOSED: MULTI-FAMILY RESIDENTIAL

<u>UTILITIES</u>

WATER:	CITY OF HAYWARD
SEWER:	CITY OF HAYWARD
DRAINAGE:	CITY OF HAYWARD
FIRE:	CITY OF HAYWARD
ELECTRIC:	P.G.&E.
GAS:	P.G.&E.

FLOOD ZONE

THERE ARE NO EXISTING AREAS SUBJECT TO INUNDATION OR PONDING WITHIN THE PROPOSED SUBDIVISION. THE SUBJECT PROPERTY CAN BE FOUND ON THE FLOOD INSURANCE RATE MAP (FIRM), PANEL 06001C0289G AND IS LOCATED IN AN AREA DESIGNATED AS "ZONE X". ZONE X DEFINED AS OTHER AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN.

> I, RAZMIK AVEDIAN, CERTIFY THAT THIS TENTATIVE MAP WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT IT COMPLIES WITH THE CITY OF HAYWARD SUBDIVISION ORDINANCE AND THE STATE MAP ACT.

RAZMIK AVEDIAN P/A DESIGN RESOURCES, INC.

DATED: MAY 12, 2022

I, RAZMIK AVEDIAN, A LICENSED LAND SURVEYOR IN THE STATE OF CALIFORNIA, HEREBY STATE THAT THIS TENTATIVE MAP IS BASED UPON A SURVEY UNDER MY DIRECT SUPERVISION AND THAT IT COMPLIES WITH THE CITY OF HAYWARD SUBDIVISION ORDINANCE AND STATE MAP ACT.

DATE

RAZMIK AVEDIAN P/A DESIGN RESOURCES, INC. DATE

ABBREVIATIONS

-	
BB	BOTTOM OF BASIN
BW	BOTTOM OF WALL (GROUND AT FACE OF WALL)
CL	CENTER LINE
С	COMPACT STALL
DCDA	DOUBLE CHECK DETECTOR ASSEMBLY (SD-204)
EP	EDGE OF PAVEMENT
EX.	EXISTING
F/C	FACE OF CURB
FG	FINISHED GRADE
GF	GARAGE FINISHED FLOOR ELEVATION
GL	GARAGE LIP ELEVATION
HADU	HANDICAP ACCESSIBLE DWELLING UNIT
HP	HIGH POINT
ML	MAIN LEVEL TOP OF SLAB/TOP OF SHEATHING ELEVATION
M-M	MONUMENT TO MONUMENT
R/W	RIGHT OF WAY
ТС	TOP OF CURB ELEVATION
ΤW	TOP OF WALL
TBW	TOP OF BASIN WALL
W	WATER SERVICE LATERAL
WM	WATER METER

LEGEND

0	EXISTING FENCE
+ O +	EXISTING FIRE HYDRANT
	EXISTING STORM DRAIN
	STORM DRAIN
P=25.0	BUILDING PAD ELEVATION
	PAD
	PROPERTY LINE
	SETBACK LINE
1.0%	SLOPE
	RETAINING WALL
	PERVIOUS PAVERS

3021 Citrus Circle, Suite 150 Walnut Creek, California 94598-2635

TEL (925) 210-9300

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27865 MANON AVENUE RESIDENTIAL DEVELOPMENT CITY OF HAYWARD, CALIFORNIA

SITE PLAN

DATED: MAY 12, 2022

<u>СЗ</u> ог 9

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27865 MANON AVENUE RESIDENTIAL DEVELOPMENT CITY OF HAYWARD, CALIFORNIA

SITE PLAN

DATED: MAY 12, 2022

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27865 MANON AVENUE







27865 MANON AVENUE RESIDENTIAL DEVELOPMENT

CITY OF HAYWARD, CALIFORNIA **GRADING PLAN** DATED: MAY 12, 2022





202012-10



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27865 MANON AVENUE **RESIDENTIAL DEVELOPMENT** CITY OF HAYWARD, CALIFORNIA UTILITY PLAN DATED: MAY 12, 2022





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27865 MANON AVENUE RESIDENTIAL DEVELOPMENT CITY OF HAYWARD, CALIFORNIA UTILITY PLAN DATED: MAY 12, 2022









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27865 MANON AVENUE **RESIDENTIAL DEVELOPMENT**

CITY OF HAYWARD, CALIFORNIA STORMWATER CONTROL PLAN DATED: MAY 12, 2022

LEGEND



VATERSHED BOUNDARY ROOF AREA IMPERVIOUS PAVEMENT PERVIOUS PAVERS BIORETENTION AREA

AREA SUMMARY

AREA TYPE	DMA-1	DMA-2	DMA-3	DMA-4	DMA-5	DMA-6	DMA-7	TOTAL (SF)
ROOF (SF)	4,868	0	1,442	1,594	2,786	0	4,868	15,558
IMPERVIOUS PAVEMENT (SF)	1,503	4,303	134	134	36	5,916	1,531	13,557
LANDSCAPE (SF)	2,498	1,276	591	440	1,621	1,625	2,609	10,660
PERVIOUS PAVERS (SF)	0	919	0	162	1,549	2,070	0	4,700
IMP ID	IMP-1	IMP-2	IMP-3	IMP-4	IMP-5	IMP-6	IMP-7	TOTAL (SF)
BIORETENTION REQUIRED (SF)*	199	136	49	54	94	189	200	921
BIORETENTION PROVIDED (SF)	229	162	82	72	95	196	282	1, 118
TOTAL (SF)	9,098	6,660	2,249	2,402	6,087	9,807	9,290	45,593

* MINIMUM BIORETENTION IS 3% OF EFFECTIVE IMPERVIOUS AREA BASED ON THE ALAMEDA COUNTY SIZING CALCULATOR FOR COMBINATION FLOW AND VOLUME.





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AFFORDABLE HOUSING PLAN for MANON TOWNHOMES PLANNING APPLICLICATION NO. 202101491

AFFORDABLE HOUSING PLAN for MANON TOWNHOMES PLANNING APPLICLICATION NO. 202101491

Project information

Project Developer/Owner	Sunflower Manon LLC.
Project Address	27865 Manon Ave.
	Hayward, California 94544
Assessor's Parcel Number(s)	453-0090-014-00
Gross Project Site Area	0.98 Acre(s)
Maximum Density	2,500 sq. ft./unit = 17 units
Project Residential Type	Apartments with individual entrance
	Townhome design/style
Project Tenure Type	Rental
Total Units (if applicable, include	22 units
Density Bonus)	
Target Population	Large Families
Density Bonus	Yes – See below section 'State Density Bonus Compliance
Density Bonus	Yes – See below section 'State Density Bonus Compliance Calculation – Rental Project'

Project Amenities

The project is solely residential with common and private open space meeting the size requirements of zoning.

Affordable Housing Compliance

The Developer is providing on-site deed-restricted rental Affordable Units to comply with the City's Affordable Housing Ordinance (AHO) and State Density Bonus Law (DB). The project will be providing a total of 2 Affordable Units.

Per the AHO, the Developer is required to deed-restrict a minimum of 6% of units which equates to 1.02 Affordable Units for this project. The Developer has elected to round up to the next whole number and provide an additional unit which results in the project providing a total of 2 Affordable Units restricted under the AHO and in perpetuity. These units will be made available to very low-income households whose income does not exceed the income limits for Alameda County published annually by the California Department of Housing and Community (HCD).

In conjunction with the project's planning entitlement application, the Developer is applying for a 30% increase in density and for concessions and waivers related to development standards with the intent to develop a total of 22 rental units. The Affordable Units restricted under the AHO will overlap and be counted towards the affordability requirements for the DB. As per the DB, the Developer will be deed-restrict 10% of units, a total of 2 units, to very low-income households whose income does not exceed the income limits published annually by HCD.

The tables below provide details of the project's compliance method for both the AHO and DB:

Affordable Housing Compliance Calculation - Rental Project

Total # of units without Density Bonus (max. density units allowed)	17 units
Total Affordable Units	2 Affordable Units per City's Affordable Housing Ordinance (AHO) and State Density Bonus Law. Per AHO, 6% of 17 units = 2 Affordable Units (rounded up from 1.02)
No. of very low-income units	2 Very-low income unit

State Density Bonus Compliance Calculation – Rental Project

Total # of units without Density Bonus	17 units
(max. density allowed)	
Total # of units with Density Bonus	22 units
Total density percentage increase	30% (rounded up from 29.41%)
Total Affordable Units restricted under AHO	2 units – including:
	2 Very low-income units
Total Affordable Units	2 units – including:
	• 2 Very low-income units

Unit Mix Summary Table

Unity Type (bedroom)	Size (sq ft)	Ext Low-	remely I n c o m e	Very Low- Income	Low	Income Jnits	Mo Incor	derate ne Units	Market Rate Units
		AHO	Density Bonus	AHO and Density Bonus	AHO	Density Bonus	AHO	Density Bonus	
Plan1 Interior 4- bedroom	1,712								2
Plan2 interior 3-Bedroon	1,671			1 Unit 19					9
Plan 3 Interior 4-bedroom	1,982								2
Plan 3 End A 5-bedroom	2,307			1 Unit 1					3

AFFORDABLE HOUSING PLAN for MANON TOWNHOMES PLANNING APPLICLICATION NO. 202101491

Plan 3 End B 5-Bedroom	2,237					2
Plan 3 End C 4-Bedroom	2,119					2
Total			2			20

Site Plan

Affordable Units are integrated within the project and of the same construction. There are 4 separate buildings each with recurring unit plans. Two buildings contain 7 units and two contain 4 units. There are 3 types of interior units and 3 types of end units. They are all the same height and have similar floor plans except end units have end walls with windows rather than walls separating between units at the interior units.

Construction of a building cannot occur without including all units within the building. The buildings are relatively small and will be constructed at the same time. Therefore, the affordable units will be constructed simultaneously.

The units are representative across the site and amenities are equally accessed throughout the site.

Attachment A is a Site Plan of the project showing the locations of the Affordable Units.

Phasing Plan

The project will be built as a whole.

Marketing Plan

A preliminary marketing and management plan has been submitted to the Housing Division for review.

The Developer will submit final marketing and management plans the earlier of (a) 120 days prior to completion of construction or (b) 60 days prior to marketing the units in the development.

Waivers and Incentives

State Density Bonus

The Developer is seeking a 30% increase in density and (2) incentives/waivers through the DB – from 17 units allowed by zoning ("base density") to 22 units proposed. Per the DB, for a 30% increase in density, 10 % of the base density is required to be deed-restricted for very low-income households at very low-income rents which may not exceed (50% of the area median income times 30%)/12 for a household size suitable for unit. Area median income is determined annually by regulation of HCD.

Front & Back Setbacks

Two Waivers are sought – Two setback waivers (rear and front) are requested. Buildings A and D encroach at both the front and rear. Buildings B and C encroach at the front setback only.



27865 Manon Avenue Townhome Project

Environmental Consistency Checklist Pursuant to CEQA Guidelines Section 15183

prepared by

City of Hayward Development Services Department, Planning Division 777 B Street Hayward, California 94541 Contact: Elizabeth Blanton, AICP, Senior Planner

prepared with the assistance of

Rincon Consultants, Inc. 449 15th Street, Suite 303 Oakland, California 94612

June 2022



Attachment VI

Attachment VI

27865 Manon Avenue Townhome Project

Environmental Consistency Checklist Pursuant to CEQA Guidelines Section 15183

prepared by

City of Hayward Development Services Department Planning Division 777 B Street Hayward, California 94541 Contact: Elizabeth Blanton, AICP, Senior Planner

prepared with the assistance of

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April 2022



Attachment VI

This report prepared on 50% recycled paper with 50% post-consumer content.

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Appendix B	Cultural Resources Report
Appendix C	Geotechnical Report
Appendix D	Greenhouse Gas Emissions Modeling Results
Appendix E	Phase I Environmental Site Assessment
Appendix F	AB 52 Correspondence

Project Description

1. Project Title

27865 Manon Avenue Townhome Project

2. Lead Agency Name and Address

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

3. Lead Agency Contact

Elizabeth Blanton, AICP, Senior Planner City of Hayward, Planning Division Via email: Elizabeth.Blanton@hayward-ca.gov

4. Project Location

The project site is approximately 0.98 acres in size and consists of one assessor's parcel (453-0090-014-00) on a rectangular-shaped site at 27865 Manon Avenue in the City of Hayward. The site is on the west side of Manon Avenue just north of its intersection West Tennyson Road. The site is bordered by single-family residences to the north and west, Manon Avenue to the east, and a small commercial center to the south. Figure 1 shows the regional location of the proposed project and Figure 2 shows the location of the project site in its immediate context.

5. Project Applicant

Sunflower Manon LLC 467 Saratoga Ave. Suite #1450 San Jose, CA 95129

City of Hayward 27865 Manon Avenue Townhome Project





Project Description





Imagery provided by Microsoft Bing and its licensors © 2022.

ig 2 Project Site Map

6. General Plan Designation

The project site is designated as Medium Density Residential (MDR) in the Hayward 2040 General Plan (City of Hayward 2014a). The City of Hayward's 2040 General Plan Land Use and Community Character Element defines the MDR category as "Suburban and urban areas that contain a mix of housing types... Allowed uses include detached single-family homes, attached single-family homes, and multi-family homes. Development density within MDR is 8.7 to 17.4 dwelling unit per net acre."

7. Zoning

The project site is currently zoned Single Family Residential (RS). The RS zoning district regulations are intended to "promote and encourage a suitable environment for family life... The RS district is to be used only for single-family homes and the community services appurtenant thereto" (Hayward Municipal Code [HMC] Section 10-1.205).

8. Surrounding Land Uses and Setting

The project vicinity is characterized primarily by residential and commercial uses. As shown in Figure 2, the project site is bordered by single-family residences to the north and west, Manon Avenue and multi-family residential housing to the east, and a small commercial center to the south with retail market uses and a bar. Across Manon Avenue to the east are multi-family residential buildings.

Roadways in the project vicinity include Manon Avenue immediately to the east of the site, Tennyson Road approximately 200 feet to the south, Huntwood Avenue approximately 400 feet to the east, and Harris Road approximately 755 feet to the north.

The project site is rectangular in shape, undeveloped, and generally flat with ruderal grasses and no trees. Photographs of the project site are shown on Figure 3.

9. Description of the Project

The proposed project would involve rezoning the project site from RS to Medium Density Residential (RM) to allow for the construction of 22 townhomes. The purpose of the RM zone is to "promote and encourage a suitable environment for family life in areas where a compatible mingling of single-family and multiple-family dwellings is possible" (HMC Section 10-1.405).

The proposed project would also involve a Site Plan Review (SPR) and Density Bonus entitlement, consistent with State law allowing density bonuses for the provision of affordable housing. The proposed project would include two affordable housing units at the very-low income level. The project applicant has requested to use two density bonus waivers consistent with State law, one for a deviation from the building disposition (setback) requirements for all four buildings from a minimum front yard distance of 20 feet to 11 feet and 4 inches, and another for a deviation from a minimum rear yard distance for Buildings A and D from 20 feet to 15 feet and 10 inches.

Project Description

Figure 3 Photographs of Project Site



Photograph 1: View of project site from the southern boundary of the site facing north towards Manon Avenue.



Photograph 2: View of the project site looking west from Manon Avenue.

City of Hayward 27865 Manon Avenue Townhome Project

Of the proposed four buildings, two would contain seven units, and two would contain four units. The units would range in size from 1,671 square feet to 2,307 square feet. Total building square footage on the site for the four proposed buildings would be 48,492 square feet. All units would be three stories with a single car garage and private open space in the form of a private patio and deck. The two center buildings (Building B and Building C) would be separated by a 1,952 square foot paseo available to all residents. A 148 square-foot property manager's office would be located in front of Building B, fronting Manon Avenue. This office would be used by one part-time employee that would manage this property and other properties in the project vicinity.

Table 1 summarizes the project characteristics and Figure 4 shows the proposed site plan.

Proposed Project Characteristics	RM Requirements ¹	Proposed by Project
Density	17 units	22 units ²
Minimum Lot Area per Dwelling Unit	2,500 sf	1,937 sf ²
Open Space	350 sf/unit (minimum) (350 sf * 22 units = 7,700 sf)	8,662 sf
Building Height	40 ft (maximum)	39 ft and 3 in
Lot Dimensions	RM Requirements	Proposed by Project
Average Lot Width	60 ft (minimum)	319 ft 10.5 in
Average Lot Depth	80 ft (minimum)	142 ft 6.5 in
Lot Coverage (percent)	40 percent (maximum)	40 percent
Yard Dimensions	RM Requirements	Proposed by Project
Front Setback	20 ft (minimum)	11 ft and 4 in to buildings ³
Side Setback	10 ft (minimum)	12 ft and 9 in to deck at second level
Rear Setback	20 ft (minimum)	15 ft and 10 in ³
Parking	RM Requirements	Proposed by Project
Covered	22	22
Uncovered	25	19 ³
Dimensions	11 ft	11 ft

Table 1Project Summary

 $^{\rm 1}$ Per HMC Section 10-1.400, development standards for the RM district.

² 30% State Density Bonus required

³ Density bonus waiver requested, as permitted per State law

Notes: sf = square feet; ft = feet; in = inches

Figure 4 Proposed Site Plan



MULTIFAMILY RESIDENTIAL RM ZONING ACROSS STREET

Source: Hunt Hale Jones Architect, 2022.

Environmental Consistency Checklist Pursuant to CEQA Guidelines Section 15183

30

Feet

60

Site Access, Circulation, and Parking

The project site would be accessed by pedestrians, vehicles, and bicycles from two driveways fronting Manon Avenue, one in between proposed buildings A and B, and one in between proposed buildings C and D. Both driveway entries would be gated and would lead to a two-way private driveway that loops around the site. Residents would also be able to access the units via walkways that run vertically down the site in front of their yards.

As shown in Table 1, the project would provide a total of 22 spaces in enclosed garages (one space per unit) as well as 19 uncovered parking spaces for residents and visitors.

Construction

Project construction would occur over approximately 13 months from 2022 to 2023 and would involve approximately 20 days of site preparation, 40 days of grading, 200 days of building construction, 100 days of architectural coating, and 20 days of paving. Construction would be based on a five-day work schedule. Approximately 1,250 cubic yards of material would be imported, with 250 cubic yards of cut and 1,500 cubic yards of fill. Excavation would involve a maximum depth of up to approximately 7 feet.

Stormwater Management

The project would include 1,118 square feet of bio-retention areas along the northeastern, southeastern, and northwestern boundaries of the site as well as 4,700 square feet of permeable pavers to meet stormwater requirements to reduce pollutants and surface runoff.

Landscaping and Trees

The site is currently undeveloped and does not contain trees, therefore, no Tree Removal Permit is required. The project would include the planting of approximately 11 trees outlining the project site, as well as approximately seven trees within or near the common paseo area in between proposed buildings B and C. Trees would include Trident maple, Japanese Maple, Strawberry Tree, Crape Myrtle, and Chinese Pistache. The trees were selected to have non-invasive root systems and would be placed with adequate setbacks to ensure no conflict with utilities, hardscape, or site line distances. The project would also include plants to enhance the architecture of the proposed buildings and would utilize drip irrigation, low-flow spray, and bubblers to conserve water. All landscaping and irrigation would comply with the City's Bay-Friendly Water Efficient Landscape Ordinance pursuant to HMC Article 12.

Open Space and Amenities

The proposed project would provide private open space areas in the form of a private patio and deck in each unit. Common open space would include the 1,952 square foot paseo located in between proposed buildings B and C which would contain grasses and perennials.

10. Other Public Agencies Whose Approval is Required (e.g., Permits, Financing Approval, or Participation Agreement)

The City of Hayward is the lead agency with responsibility for approving the project. Discretionary approval from other public agencies is not necessary. The project would require the following discretionary approvals from the City of Hayward:

- Site Plan Review
- Density Bonus Application
- Medium Density Residential rezoning

In addition to the discretionary approvals and permits listed above, the project would require several ministerial permits from the City of Hayward. For example, a ministerial building permit would be needed from the City's Building Division, following review and approval of detailed building construction plans. A ministerial sewer connection permit would be required for the project to connect with the City's existing sanitary sewer system. Ministerial encroachment permits for work in the City's right-of-way would be needed from the City. Examples of project-related work proposed in the City's right-of-way include sidewalk and curb improvements along the proposed project frontage.

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11. Environmental Factors Potentially Affected

This project would potentially affect the environmental factors checked below as indicated by the checklist on the following pages.

	Aesthetics		Agriculture and Forestry Resources	Air Quality
	Biological Resources	•	Cultural Resources	Energy
•	Geology and Soils		Greenhouse Gas Emissions	Hazards and Hazardous Materials
	Hydrology and Water Quality		Land Use and Planning	Mineral Resources
•	Noise		Population and Housing	Public Services
	Recreation		Transportation and Traffic	Tribal Cultural Resources
	Utilities and Service Systems		Wildfire	Mandatory Findings of Significance

12. Determination

On the basis of this initial evaluation:

- I find that the Proposed Project qualifies as a Residential Project pursuant to a Specific Plan I find that the Proposed Project qualifies as a Residential Project pursuant to a Specific Plan and is EXEMPT from CEQA in accordance with CEQA Guidelines Section 15182.
- I find that pursuant with CEQA Guidelines Section 15183, the Proposed Project is a Project consistent with a Community Plan or Zoning, that there are no project-specific significant effects which are peculiar to the project or its site, and NO ADDITIONAL ENVIRONMENTAL REVIEW IS REQUIRED.
- □ I find that the Proposed Project qualifies as an Infill Project that would result in new specific effects. However, these effects would be substantially mitigated under uniformly applicable development policies. NO FURTHER REVIEW required.

City of Hayward 27865 Manon Avenue Townhome Project

- □ I find that the Proposed Project qualifies as an Infill Project but would result in new specific effects that would not be substantially mitigated under uniformly applicable development policies. A STREAMLINED MITIGATED NEGATIVE DECLARATION is recommended.
- □ I find that the Proposed Project qualifies as an Infill Project but would result in new specific effects that would not be substantially mitigated under uniformly applicable development policies, and an ENVIRONMENTAL IMPACT REPORT is required.

Signature

Elizabeth Blanton

Printed Name

June 8, 2022	
Date	
Senior Planner	
Title	

This report follows a checklist format that outlines eligibility criteria for streamlined review under the California Environmental Quality Act (CEQA) Section 15183. A consistency checklist may be prepared by a lead agency to streamline the environmental review process for eligible projects by limiting the topics subject to review at the project level where the effects of development have been addressed in a previous Environmental Impact Report (EIR). In accordance with CEQA Guidelines Section 15183, if the project would result in new specific effects or more significant effects, and uniformly applicable development policies or standards would not substantially mitigate such effects, those effects are subject to CEQA. With respect to the effects that are subject to CEQA, the lead agency is to prepare a Mitigated Negative Declaration or EIR if the written checklist shows the effects of the infill project would be potentially significant.

The checklist concludes that the project would not have significant effects on the environment that either have not been analyzed in a prior EIR or are more significant than previously analyzed, or that uniformly applicable development policies would not substantially mitigate. Pursuant to Public Resources Code (PRC) Section 21094.5, such effects are exempt from further CEQA review.

California PRC Section 21083.3 also limits the application of CEQA to effects on the environment peculiar to the parcel or to the project and that were not addressed as significant effects in the prior environmental impact report, or about which substantial new information shows will be more significant than described in the prior EIR, when projects are consistent with the development density established by existing zoning, community plan, or general plan policies for which an EIR was certified (CEQA Guidelines Section 15183[a], also PRC Section 21083.3[b]).

This CEQA Guidelines Section 15183 Consistency Checklist has been prepared in accordance with PRC Section 21000 et seq. and the CEQA Guidelines, California Code of Regulations Section 15000 et seq.

Environmental Checklist

Pursuant to CEQA Guidelines Section 15183, projects consistent with the development density established by existing zoning, community plan, or general plan policies for which an EIR was certified may not require additional review unless there may be project-specific effects that are peculiar to the project or site that were not adequately addressed in the EIR for the general plan. In approving a project meeting the requirements of Section 15183 of the CEQA Guidelines, a public agency must limit its examination of environmental effects to those the agency determines in an Initial Study or other analysis:

- 1. Are peculiar to the project or the parcel on which the project would be located
- 2. Were not analyzed as significant effects in a prior EIR on the zoning action, general plan, or community plan, with which the project is consistent
- 3. Are potentially significant off-site impacts and cumulative impacts which were not discussed in the prior EIR prepared for the general plan, community plan or zoning action
- 4. Are previously identified significant effects which, as a result of substantial new information which was not known at the time the EIR was certified, are determined to have a more severe adverse impact than discussed in the prior EIR

The purpose of this checklist is to assess consistency between the proposed project and the City of Hayward General Plan, and to compare the environmental effects of the proposed project with the those identified in the City's General Plan EIR to determine if additional environmental review is required under CEQA, in accordance with CEQA Guidelines Section 15183.

Relationship of the Proposed Project to Previous EIR Analysis

The City of Hayward adopted the 2040 General Plan on July 1, 2014. It includes goals and polices that convey the City's long-term vision and guide local decision making to reach that vision. The General Plan EIR assessed impacts from the implementation of the General Plan and was certified in 2014 when then City Council approved the General Plan.

Consistency of the Project with Adopted City Plans and Ordinances

City of Hayward 2040 General Plan

The project would be located entirely in the City of Hayward. The General Plan is the fundamental document that governs land use development. It includes goals and policies relating to economic vitality, land use, growth management, transportation, parks, open space, conservation, safety, noise, public facilities, and utilities. The project would be required to abide by all applicable goals and policies in the adopted General Plan. The General Plan land use designation for the project site is MDR, which allows detached single-family residences, attached single-family residences, and multi-family buildings with residential densities of between 8.7 to 17.4 dwelling units per acre. Although the density of the proposed project (20.4 dwelling units per acre) would exceed 17.4 dwelling units per acre, it would be allowed with the request of a 30 percent State Density Bonus since the project would include two affordable housing units. The MDR designation is intended for

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suburban and urban areas that contain a mix of housing types including single-family residences, second units, duplexes, triplexes, fourplexes, townhomes, multi-story apartments and condominium buildings, and ancillary structures. Consistent with General Plan Policies LU-1.3 and LU-1.4, the project would add residential density at a vacant site.

City of Hayward Development Code

The project includes requests for the approval of permits, described under Project Approvals.

The project site is zoned RS (Single-Family Residential with a 5,000 square foot minimum lot size) pursuant to the Hayward Zoning Map. The RS District is intended to accommodate single-family residences and the community services appurtenant thereto (HMC Section 10-1.205). The proposed project would involve a zone change for the project site from RS to RM. The purpose of the RM District is to "promote and encourage a suitable environment for family life in areas where a compatible mingling of single-family and multiple-family dwellings is possible" (HMC Section 10-1.405).

As shown in Table 1, the project would generally be consistent with the development standards in the RM zone, with the exception of the number of units allowed, the minimum lot area per dwelling unit, and yard dimensions for front and rear setbacks. However, assuming approval of the request of zoning and Density Bonus concessions, the proposed project and use would be consistent with the zoning provisions of the HMC and density bonus regulations.

Pending approval of the requested zone change, the project would not conflict with the City's General Plan or Zoning Ordinance.

CEQA Guidelines Updates

Since the time the City of Hayward 2040 General Plan EIR was certified, the *CEQA Guidelines* have been updated by the State of California; the revised *Guidelines* are in effect as of December 2018. Therefore, this report is based on the current 2022 Appendix G checklist questions in the updated *CEQA Guidelines*. The current Appendix G checklist questions form the basis for this analysis.

1 Aesthetics

	Significant Impact	Less than Significant	No Impact	Analyzed in the Prior EIR	Substantially Mitigated by Uniformly Applicable Development Policies
Except as provided in Public Resources Code Section 21099, 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. In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from a publicly accessible vantage point). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?		•			
 Create a new source of substantial light or glare that would adversely affect daytime 					
or nighttime views in the area?					

Analysis in Previous Environmental Documents

Impacts related to aesthetics were analyzed on pages 5-1 through 5-34 of the General Plan EIR. Impacts to aesthetics from implementation of the General Plan were determined to be less than significant.

The following summarizes the applicable analysis from the General Plan EIR and provides a review to determine if project-specific impacts would occur that 1) are peculiar to the project or the parcel on which the project is located; 2) were not previously analyzed in previous environmental documents as significant effects; 3) are potentially significant off-site impacts and cumulative

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impacts that were not previously discussed in the previous environmental documents; and 4) are now determined to have a more severe impact than discussed in the previous environmental documents due to substantial new information.

Project-Specific Impacts

a. Would the project have a substantial adverse effect on a scenic vista?

☑ LESS THAN SIGNIFICANT

The aesthetic quality in the City of Hayward is characterized by a relatively urban, dense development pattern that can restrict scenic views. However, locations in the hills and some points on the shoreline provide scenic vistas of San Francisco Bay and the East Bay Hills. The General Plan EIR finds that impacts to these scenic vistas from expected future development would be minimal with the implementation of General Plan policies that include preserving open space at or near the vistas and design guidelines that call for the protection of views.

The project site is located in a relatively flat area and is not immediately adjacent to the shoreline or the hills. The site is bordered by single-family residences to the north and west, Manon Avenue to the east, and a small retail commercial center to the south. Views of the shoreline or hills are currently not available through the site. Accordingly, existing lines of site from or to the shoreline and hills would not be affected adversely. Thus, the project would comply with General Plan policies that protect scenic vistas, and impacts of the project to scenic vistas would be less than significant and consistent with the findings of the General Plan EIR.

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

☑ LESS THAN SIGNIFICANT

Interstate (I-) 580 (north of Hayward), I-880 (Nimitz Freeway), and State Route (SR) 92 (Jackson Freeway) are designated by Alameda County as scenic routes. I-580 is an eligible but not officially designated State Scenic Highway. The General Plan EIR finds the impacts to these scenic highways from development would be less than significant with the implementation of General Plan policies that call for consistency with city design guidelines, clustering of residential units to ensure the protection of visual resources, and protection of the visual characteristics of transportation corridors officially designated as having outstanding scenic qualities.

The project site is located approximately 1 mile east of I-880 and approximately 1.6 miles southeast of SR-92. Due to distance and the presence of intervening structures, the project site is not visible from I-880 or SR-92. Moreover, the project would not affect trees, rock outcroppings or historic buildings, as none of these features are present on the site. Therefore, as analyzed in the General Plan EIR there would be no damage to scenic resources in a State Scenic Highway. This impact would be less than significant.

c. Would the project, in non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from a publicly accessible vantage point.) If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?

☑ LESS THAN SIGNIFICANT

The project site is in an urbanized area. The project would alter the existing visual character and quality of the currently vacant site by introducing 22 new residential units in four buildings. The General Plan EIR analyzed construction of infill developments such as the proposed project and found no significant impacts to the existing visual character would occur. The existing visual quality at the project site is low to moderate as the site is vacant and provides visual relief in its urban context but does not support trees or other significant vegetation or topographic features of visual interest. Since the project would be required to comply with applicable development standards and includes new landscaping, it would not substantially degrade the existing visual character at the site.

As noted under *Consistency of the Project with Adopted City Plans and Ordinances*, although the project would conflict with applicable standards for the number of units allowed, the minimum lot area per dwelling unit, and yard dimensions for front and rear setbacks, , it would be consistent with all other RM District requirements and would implement General Plan Policies LU-1.3, and LU-1.4 which call for additional residential density on underutilized sites. Additionally, at three stories, the scale of the project would be generally consistent with that of surrounding development, which ranges from one to three stories in height. The proposed project would feature contemporary design with rectangular windows, wood paneling, and painted stucco, similar to surrounding buildings in the project vicinity. Therefore, the proposed project would be architecturally compatible with existing surrounding residential uses, and would be compatible with neighboring building forms. The project would also be subject to Site Plan Review by the City via the RM rezoning to ensure its compliance with applicable development standards. Overall, the proposed project would not conflict with applicable zoning and other regulations governing scenic quality. This impact would be less than significant.

d. Would the project create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?

☑ LESS THAN SIGNIFICANT

The project site is located in an urbanized area with existing lighting. Lighting sources around the project site include streetlights, lights from residential and commercial uses, and lights from vehicles on Manon Avenue. The primary source of glare in the vicinity is sunlight reflected off light-colored and reflective building materials and finishes, and metallic and glass surfaces of vehicles parked in parking lots or along Manon Avenue.

The project would be required to comply with light and glare standards outlined in HMC Section 10-1.445(j) related to building exteriors and parking lots, as well as General Plan Policy LU-3.6 which would require new development to include pedestrian-scaled lighting on new streets. Project landscaping and trees on site would minimize glare that could adversely affect daytime views in the area. Since the project site would not be located near light-sensitive receptors and would be consistent with surrounding land uses, impacts would be less than significant, and implementation of the project would result in no new or more severe impacts concerning lighting beyond those identified in the General Plan EIR.

Conclusion

The project would have no new significant or substantially more severe or peculiar impacts to aesthetics and visual resources, nor would there be potentially significant off-site impacts, cumulative impacts, or previously identified significant effects that were not discussed in the prior environmental documents. Further, there are no previously identified significant effects which, as a result of substantial new information not known at the time of the previous environmental review,

have been determined to have a more severe adverse impact than those discussed in the previous environmental documents. Accordingly, no additional review is required.

Environmental Checklist Agriculture and Forestry Resources

2 Agriculture and Forestry Resources

		Significant Impact	Less than Significant	No Impact	Analyzed in the Prior EIR	Substantially Mitigated by Uniformly Applicable Development Policies		
Wo	Would the project:							
a.	Convert Prime Farmland, Unique Farmland, Farmland of Statewide Importance (Farmland), as shown on 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?			П	-			

Analysis in Previous Environmental Documents

The General Plan EIR discusses agricultural impacts in the agricultural and forestry resources section, on pages 6-1 through 6-6, and identifies a less than significant impact to agricultural resources.

The following describes applicable analysis in the General Plan EIR and provides a review to determine if project-specific impacts would occur that 1) are peculiar to the project or the parcel on which the project is located; 2) were not previously analyzed in previous environmental documents as significant effects; 3) are potentially significant off-site impacts and cumulative impacts that were not previously discussed in the previous environmental documents; and 4) are now determined to have a more severe impact than discussed in the previous environmental documents due to substantial new information.

Project-Specific Impacts

- a. Convert Prime Farmland, Unique Farmland, Farmland of Statewide Importance (Farmland), as shown on 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?

$\ensuremath{\ensuremath{\boxtimes}}$ ANALYZED IN THE PRIOR EIR

The project site is in the urbanized, relatively densely developed City of Hayward. The project site is currently zoned Single Family Residential (RS). According to the California Department of Conservation (DOC), the project site is categorized as urban and built up land and is not zoned or used for agricultural or forest uses. Furthermore, there are no active Williamson Act contracts for the project site or adjacent properties (DOC 2017). According to the General Plan EIR, no lands in the Hayward Planning Area are designated as Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (City of Hayward 2014a). The project consists of infill development in an urban area and would not convert existing farmland or change agriculture resources to a non-agricultural use. As the proposed project is an infill development, it would not encroach on existing or potential grazing land or forest land. There would be no impact to agricultural or forest resources beyond those identified in the previous environmental documents.

Conclusion

The project would have no new significant or substantially more severe or peculiar impacts to agricultural and forestry resources, nor would there be potentially significant off-site impacts, cumulative impacts, or previously identified significant effects that were not discussed in the prior environmental documents. Further, there are no previously identified significant effects which, as a

result of substantial new information not known at the time of the previous environmental review, have been determined to have a more severe adverse impact than those discussed in the previous environmental documents. Accordingly, no additional review is required.

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3 Air Quality

		Significant Impact	Less than Significant	No Impact	Analyzed in the Prior EIR	Substantially Mitigated by Uniformly Applicable Development Policies
Wc	ould the project:					
a.	Conflict with or obstruct implementation of the applicable air quality plan?		-			
b.	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?					
c.	Expose sensitive receptors to substantial pollutant concentrations?		-			
d.	Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?					

Analysis in Previous Environmental Documents

The General Plan EIR discusses air quality impacts on pages 7-1 through 7-40 and finds that odorrelated impacts would be less than significant. Impacts associated with short-term construction, long-term operational emissions, and health risk exposure to toxic air contaminants (TAC) and particulate matter 2.5 (PM_{2.5}) would be significant and unavoidable, even after application of all feasible mitigation. The General Plan EIR includes the incorporation of specific source-reduction and receptor-oriented risk reduction measures and best management practices (BMP) in the General Plan, although the overall effectiveness of these measures in reducing communitywide health risk could not be quantified. These impacts would, therefore, remain significant and unavoidable. Because the General Plan would not be fully consistent with the primary goals of the Bay Area 2010 Clean Air Plan with the elevated emissions projected, the General Plan EIR found that this impact would be significant and unavoidable.

The following describes the applicable analysis in the General Plan EIR and provides a review to determine if project-specific impacts would occur that 1) are peculiar to the project or the parcel on which the project is located; 2) were not previously analyzed in previous environmental documents as significant effects; 3) are potentially significant off-site impacts and cumulative impacts that were not previously discussed in the previous environmental documents; and 4) are now determined to

have a more severe impact than discussed in the previous environmental documents due to substantial new information.

Project-Specific Impacts

a. Would the project conflict with or obstruct implementation of the applicable air quality plan?

☑ LESS THAN SIGNIFICANT

The primary goals of the Bay Area Air Quality Management District's (BAAQMD) 2010 Clean Air Plan are as follows:

- Attain air quality standards
- Reduce population exposure and protect health in the Bay Area
- Reduce greenhouse gas (GHG) emissions and protect the climate

As addressed in the General Plan EIR, buildout of the General Plan would be substantially consistent with the 2010 Clean Air Plan, but the General Plan would still have significant and unavoidable impacts associated with short-term construction and long-term operational emissions, as well as health risk exposure associated with TACs and PM_{2.5}. Because the General Plan exceeds BAAQMD thresholds of significance even after implementation of all feasible mitigation, it would not be fully consistent with the Bay Area Clean Air Plan goals.

The General Plan does not include control measures that apply directly to individual development projects. Instead, the control strategy includes compliance with the 2010 Clean Air Plan's air quality control measures. These measures fall into five categories: stationary source measures, transportation control measures, mobile-source measures, land use and local impact measures, and energy and climate measures. The General Plan policies and implementation programs are consistent with these control measures. A project that would not support these measures would not be considered consistent with the Clean Air Plan. On an individual project basis, consistency with BAAQMD quantitative thresholds is interpreted as demonstrating support for the 2010 Clean Air Plan goals. The project would not generate emissions exceeding those anticipated by the General Plan EIR, as discussed in items b and c, and therefore, the project would not conflict with the 2010 Clean Air Plan's goals. For this reason, this impact would be less than significant.

The most current clean air plan, *Spare the Air Cool the Climate: A Blueprint for Clean Air and Climate Protection in the Bay Area* (2017 Clean Air Plan) was adopted by BAAQMD in April 2017 (BAAQMD 2017b). The legal impetus for the 2017 Clean Air Plan was to update the 2010 Clean Air Plan to comply with state air quality planning requirements codified in the California Health and Safety Code. Although the General Plan EIR was prepared before BAAQMD adopted the 2017 Clean Air Plan and does not evaluate potential conflicts with the 2017 Clean Air Plan, the 2017 Clean Air Plan utilizes the growth and population forecasts that were part of the City's General Plan. The proposed project would involve population growth within what was anticipated under the City's General Plan. Therefore, the project would be consistent with growth and population forecasts used in the 2017 Clean Air Plan and would not conflict with or obstruct the implementation of an applicable air quality plan. This impact would be less than significant.

b. Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard?

☑ LESS THAN SIGNIFICANT

The General Plan EIR assesses air quality impacts on a programmatic level and recognizes that sitespecific impacts are assessed during project review.

The proposed project would result in temporary construction emissions and long-term operational emissions. Construction activities such as the operation of construction vehicles and equipment over unpaved areas, grading, trenching, and disturbance of stockpiled soils have the potential to generate fugitive dust (PM₁₀) through the exposure of soil to wind erosion and dust entrainment. In addition, exhaust emissions associated with heavy construction equipment would potentially degrade regional air quality. Long-term emissions associated with operational impacts would include emissions from vehicle trips (mobile sources), electricity use (energy sources), and landscape maintenance equipment, consumer products, and architectural coating associated with on-site development (area sources).

Construction Emissions

Project construction for the proposed project would occur over approximately 13 months. Table 2 summarizes the estimated maximum daily emissions of pollutants during construction on the project site. As shown in the table, the BAAQMD thresholds would not be exceeded. Therefore, impacts would be less than significant.

	Emissions (lbs/day)							
Year	ROG	NO _X	со	PM ₁₀ (exhaust)	PM _{2.5} (exhaust)	SOx		
Maximum Daily Emissions	6	12	10	1	<1	<1		
BAAQMD Thresholds (average daily emissions)	54	54	N/A	82	54	N/A		
Threshold Exceeded?	No	No	No N/A No No N/A					

Table 2 Estimated Construction Air Pollution Emissions

See Appendix A for CalEEMod worksheets; emission data presented is the highest of winter or summer outputs.

N/A = not applicable; lbs/day = pounds per day; ROG = reactive organic gases; $NO_x =$ oxides of nitrogen; CO = Carbon Monoxide; $PM_{2.5}$ = fine particulate matter with an aerodynamic resistance diameter of 2.5 micrometers or less; PM_{10} = respirable particulate matter with an aerodynamic resistance diameter of 10 micrometers or less; SO_x = oxides of sulfur.

No BAAQMD threshold for CO or SO_x

Operational Emissions

As shown in Table 3, operational emissions would not exceed BAAQMD thresholds for any criteria pollutant.¹ Operational impacts would be less than significant.

¹ The proposed solar panels on building roofs were not included in the air quality modelling. Therefore, this analysis presents a conservative estimate of daily emissions due to energy use.

	Emissions (lbs/day)					
Sources	ROG	NOx	СО	PM ₁₀	PM _{2.5}	SOx
Average Daily Emissions						
Area	1	<1	2	<1	<1	<1
Energy	<1	<1	<1	<1	<1	<1
Mobile	<1	<1	3	1	<1	<1
Total Emissions	1	<1	5	1	<1	<1
BAAQMD Thresholds	54	54	N/A	82	54	N/A
Threshold Exceeded?	No	No	N/A	No	No	N/A

Table 3 Estimated Operational Air Pollution Emissions

See Appendix A for CalEEMod worksheets; emission data presented is the highest of winter or summer outputs.

N/A = not applicable; lbs/day = pounds per day; ROG = reactive organic gases; $NO_x =$ oxides of nitrogen; CO = Carbon Monoxide; $PM_{2.5}$ = fine particulate matter with an aerodynamic resistance diameter of 2.5 micrometers or less; PM_{10} = respirable particulate matter with an aerodynamic resistance or less; $SO_x =$ oxides of sulfur.

No BAAQMD threshold for CO or SO_x,

Note: numbers may not add up due to rounding

Construction and operational emissions would not exceed BAAQMD thresholds for any criteria pollutant and would comply with BAAQMD criteria pollutant thresholds. The proposed project would not result in individually or cumulatively significant impacts to air quality. This impact would be less than significant.

c. Would the project expose sensitive receptors to substantial pollutant concentrations?

LESS THAN SIGNIFICANT

The General Plan EIR indicates that implementation of development projects consistent with the General Plan could involve placing sensitive receptors near major roadways, railroads, or other sources of TAC and PM_{2.5} emissions (City of Hayward 2014b). The General Plan contains a Community Risk Reduction Strategy (CRRS) that includes specific policies, as well as more detailed emission source reduction and receptor-oriented risk reduction measures and best management practices (BMPs). However, the General Plan EIR found that this impact would be significant and unavoidable.

Certain population groups such as children, the elderly, and people with health issues are particularly sensitive to air pollution. The majority of sensitive receptor locations are schools, residences and hospitals. The closest sensitive receptors to the project site are multi-family residences located adjacent to the west. The project also includes the siting of new sensitive receptors in the form of 22 new units. Localized air quality impacts to sensitive receptors typically result from CO hotspots and TACs, which are discussed in the following subsections.

Carbon Monoxide Hotspots

A CO hotspot is a localized concentration of CO that is above a CO ambient air quality standard. Localized CO hotspots can occur at areas with high vehicle density, such as intersections with heavy peak hour traffic. A project's localized air quality impact is considered significant if CO concentrations exceed the federal one-hour standard of 35.0 ppm and state one-hour standard of 20 ppm, or the federal and state eight-hour standard of 9.0 ppm (California Air Resources Board [CARB] 2021).

BAAQMD recommends comparing a project's attributes with the following screening criteria as a first step to evaluating whether the project would result in the generation of CO concentrations that would substantially contribute to an exceedance of the *Thresholds of Significance* (BAAQMD 2017a). The project would result in a less than significant impact to localized CO concentrations if:

- 1. The project is consistent with an applicable congestion management program for designated roads or highways, regional transportation plan, and local congestion management agency plans.
- 2. The project would not increase traffic volumes at affected intersections to more than 44, 000 vehicles per hour.
- 3. The project traffic would not increase traffic volumes at the affected intersections to more than 24,000 vehicles per hour where vertical and/or horizontal mixing is substantially limited (e.g., tunnel, parking garage).

The project would include 22 residential units. Due to the project's size, it would not generate a substantial number of trips such that it would affect localized CO concentrations. As discussed in Section 17, *Transportation*, the project is presumed to have no VMT or congestion impacts because it is under 25 units. The project would not conflict with the Alameda County Transportation Commission Congestion Management Program. Therefore, the project would result in less than significant impacts to localized CO emissions.

Toxic Air Contaminants

TACs are defined by California law as air pollutants that may cause or contribute to an increase in mortality or an increase in serious illness, or which may pose a present or potential hazard to human health. The following subsections discuss the project's potential to result in impacts related to TAC emissions during construction and operation.

Construction

Construction-related activities would result in temporary project-generated emissions of diesel particulate matter (DPM) exhaust emissions from off-road, heavy-duty diesel equipment for site preparation, grading, building construction, and other construction activities. DPM was identified as a TAC by CARB in 1998 (CARB 2021).

Generation of DPM from construction projects typically occurs in a single area for a short period. Construction of the proposed project would occur over approximately 13 months. The dose to which the receptors are exposed is the primary factor used to determine health risk. Dose is a function of the concentration of a substance or substances in the environment and the extent of exposure that person has with the substance. Dose is positively correlated with time, meaning that a longer exposure period would result in a higher exposure level for the Maximally Exposed Individual. The risks estimated for a Maximally Exposed Individual are higher if a fixed exposure occurs over a longer period of time. According to the California Office of Environmental Health Hazard Assessment, health risk assessments, which determine the exposure of sensitive receptors to toxic emissions, should be based on a 70-year exposure period; however, such assessments

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should be limited to the period/duration of activities associated with the project. Thus, the duration of proposed construction activities (i.e., 13 months) is approximately four percent of the total exposure period used for 30-year health risk calculations. Current models and methodologies for conducting health-risk assessments are associated with longer-term exposure periods of 9, 30, and 70 years, which do not correlate well with the temporary and highly variable nature of construction activities, resulting in difficulties in producing accurate estimates of health risk (BAAQMD 2017a).

The maximum PM₁₀ and PM_{2.5} emissions would occur during site preparation and grading activities. These activities would last for approximately 60 days. PM emissions would decrease for the remaining construction period because construction activities such as building construction and architectural coating would require less intensive construction equipment. While the maximum DPM emissions associated with site preparation and grading activities would only occur for a portion of the overall construction period, these activities represent the worst-case condition for the total construction period. This would represent less than one percent of the total 30-year exposure period for health risk calculation. Given the aforementioned discussion, DPM generated by project construction would not create conditions where the probability is greater than one in one million of contracting cancer for the Maximally Exposed Individual or to generate ground-level concentrations of non-carcinogenic TACs that exceed a Hazard Index greater than one for the Maximally Exposed Individual. Therefore, project construction would not expose sensitive receptors to substantial TAC concentrations, and this impact would be less than significant.

Operation

Sources of operational TACs include, but are not limited to, land uses such as freeways and highvolume roadways, truck distribution centers, ports, rail yards, refineries, chrome plating facilities, dry cleaners using perchloroethylene, and gasoline dispensing facilities. The project does not include construction of new gas stations, dry cleaners, highways, roadways, or other sources that could be considered new permitted or non-permitted source of TAC or PM_{2.5} in proximity to receivers. In addition, the project would not introduce a new stationary source of emissions and the mobile emissions generated from the project would be minimal and spread over a broad geographical area. Therefore, project operation would not expose sensitive receptors to substantial TAC concentrations. This impact would be less than significant.

d. Would the project result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?

☑ LESS THAN SIGNIFICANT

As addressed in the General Plan EIR, implementation of residential development projects, such as the proposed project, would not create objectionable odors affecting a significant number of people (City of Hayward 2014b). According to the BAAQMD, odor-generating projects include wastewater treatment plants, landfills, confined animal facilities, composting stations, food manufacturing plants, refineries, and chemical plants, none of which are proposed (BAAQMD 2017a). The project involves residential uses which would not create objectionable odors. Therefore, the project would not emit odors beyond those previously assessed; no impacts beyond those previously analyzed would occur.

Conclusion

Based on the air quality policies in the General Plan EIR along with the project-specific comparison to BAAQMD emissions thresholds included above, no significant impacts or peculiar circumstances

associated with the proposed project would occur that require additional review. The project would be required to comply with applicable City and BAAQMD regulations, and, thus, would not result in new significant or substantially more severe or peculiar impacts to air quality. In addition, there would not be any potentially significant off-site impacts, cumulative impacts, or previously identified significant effects, which were not discussed in the prior environmental documents. Furthermore, there are no previously identified significant effects which, because of substantial new information that was not known at the time of the previous environmental review, are determined to have a more severe adverse impact that discussed in the previous environmental documents. Accordingly, no additional review is required. This page intentionally left blank.

Environmental Checklist Biological Resources

4 Biological Resources

		Significant Impact	Less than Significant	No Impact	Analyzed in the Prior EIR	Substantially Mitigated by Uniformly Applicable Development Policies
Wo	ould 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 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, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?			-		
C.	Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?			-		
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?			•		

		Significant Impact	Less than Significant	No Impact	Analyzed in the Prior EIR	Substantially Mitigated by Uniformly Applicable Development Policies
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?			-		

Analysis in Previous Environmental Documents

The General Plan EIR discusses biological resources impacts on pages 8-1 through 8-32 and finds impacts to be less than significant.

The following describes applicable analysis in the General Plan EIR and provides a review to determine if project-specific impacts would occur that 1) are peculiar to the project or the parcel on which the project is located; 2) were not previously analyzed in previous environmental documents as significant effects; 3) are potentially significant off-site impacts and cumulative impacts that were not previously discussed in the previous environmental documents; and 4) are now determined to have a more severe impact than discussed in the previous environmental documents due to substantial new information.

Project-Specific Impacts

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

☑ SUBSTANTIALLY MITIGATED BY UNIFORMLY APPLICABLE DEVELOPMENT POLICIES

Rincon Consultants conducted a desktop review of agency databases and relevant literature related to biological resources in February 2022. The literature review included database research on special-status biological resource occurrences within the *Hayward, California* U.S. Geological Survey (USGS) 7.5-minute quadrangle and surrounding eight quadrangles. Sources included the CDFW California Natural Diversity Data Base (CNDDB)(CDFW 2022a), Biogeographic Information and Observation System (BIOS – http://www.bios.dfg.ca.gov) (CDFW 2022b), USFWS Critical Habitat Portal (http://criticalhabitat.fws.gov) (USFWS 2022a), USFWS Information for Planning and Consultation (IPaC) (USWFS 2022b), and USFWS National Wetlands Inventory (NWI) (USFWS 2022c). Other resources included the California Native Plant Society's (CNPS) online Inventory of Rare and Endangered Plants of California (CNPS 2022), CDFW's Special Animals List (February 2022), and CDFW's Special Vascular Plants, Bryophytes, and Lichens List (February 2022). Aerial photographs and topographic maps were also examined. A review of the information contained within these databases supported by the expert opinion of Rincon's biological staff resulted in a list of special-status species and other resources to be evaluated for their presence or potential to occur at the project site.

The project site is currently undeveloped; however, it is surrounded by development. Vegetation on the project site consists of escaped ornamental species, invasive species and ruderal habitat surrounded by development that does not provide potentially suitable habitat for special-status species.

Forty-four special-status plant species and 60 special-status animal species have been documented previously in the regional vicinity of the project site. These species were evaluated for the potential to occur on the project site based on the project site's general condition and location.

Special-status Plants

Forty-four special-status plant species were found to have potential to occur in the region. All 44 were excluded from potentially occurring on the project site based on a lack of suitable habitats such as chaparral, coastal salt marsh, or alkaline meadows on the site, or on the site being outside of the species' known ranges.

Special-status Wildlife

Sixty special-status animal species were identified as potentially occurring in the region. All 60 species were excluded from potentially occurring on the project site based on a lack of suitable habitat conditions and the isolation of the site from natural habitat in the region.

Although vegetation communities on the project site are primarily non-native and/or ruderal, the site could be used by migratory birds that utilize sparse ground cover or ornamental shrubs and landscaping as nesting habitat. CFGC Section 3503 protects native bird nests. Migratory nesting birds that could nest in this type of habitat and that were observed on the site include house finch (*Haemorhous mexicanus*) and western bluebird (*Sialia mexicana*). Other species are expected to occur in the area and may nest in the project site or the immediate vicinity including bush tit (*Psaltriparus minimus*), dark-eyed junco (*Junco hyemalis*), and mourning dove (*Zenaida macroura*). The nesting season generally extends from February through August in California but can vary based upon annual climatic conditions. Thus, construction activities could result in impacts to birds or their nests as the result of vegetation removal or disturbance-related nest abandonment. However, incorporation of the following City of Hayward standard condition of approval would ensure no violations of CFGC occur as a result of project development. With implementation of the standard condition of approval outlined below, impacts to nesting birds would be substantially mitigated by uniformly applicable development policies.

STANDARD CONDITION OF APPROVAL

As applicable, if project construction activities occur between February 15 and August 31, a qualified biologist shall conduct a pre-construction survey for nesting birds no more than 14 days prior to construction. The survey shall include the entire project site and a 300-foot buffer to account for nesting raptors. If nests are found, the qualified biologist shall establish an appropriate species-specific avoidance buffer of sufficient size to prevent disturbance to the nest by project activity (up to 300 feet for raptors, up to 150 feet for all other birds). The qualified biologist shall perform at least two hours of pre-construction monitoring of the nest to characterize "typical" bird behavior. During construction, if active nests are present, the qualified biologist shall monitor the nesting birds to determine if construction activities are causing disturbance to the bird and shall increase the buffer if it is determined the birds are showing signs of unusual or distressed behavior associated with project activities. Atypical nesting behaviors that may cause reproductive harm include, but are not limited to, defensive

flights, vocalizations directed towards project personnel/activities, standing up from a brooding position, and flying away from the nest. The qualified biologist shall have authority, through the resident engineer, to order the cessation of all project activities if the nesting birds exhibit atypical behavior that may cause reproductive failure (nest abandonment and loss of eggs and/or young) until a refined appropriate buffer is established. To prevent encroachment, the established buffer(s) should be marked clearly by high visibility material. The established buffer(s) should remain in effect until the young have fledged or the nest has been abandoned, as confirmed by the qualified biologist. Any sign of nest abandonment should be reported to the City and CDFW within 48 hours. The monitoring biologist, in consultation with the resident engineer and project manager shall determine the appropriate protection for active nests on a case-by-case basis using the criteria described above.

b. Would the project have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?

☑ NO IMPACT

Based on a review and analysis of aerial imagery and site photographs conducted by Rincon Consultants, no riparian habitats or sensitive natural communities are present on or adjacent to the project site; therefore, no impacts to sensitive natural communities would occur.

c. Would the project have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?

☑ NO IMPACT

No federally protected wetlands as defined by Section 404 of the Clean Water Act occur at or adjacent to the project site; therefore, no impacts to federally protected wetlands would occur.

d. Would the project 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?

☑ NO IMPACT

The project site consists of disturbed areas with primarily escaped ornamental and weedy species dispersed throughout. Land uses surrounding the project site include residential, commercial and transportation in an urban setting, with no near-by natural lands or open space, and no known or potential wildlife movement corridors. No impacts to wildlife movement corridors would occur.

e. Would the project conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?

☑ NO IMPACT

Hayward Municipal Code Chapter 10, Article 15, Tree Preservation, requires a permit for the removal, destruction, or cutting of branches over one inch in diameter, or disfigurement of protected trees, among other requirements. There are no trees located within the proposed project footprint.

f. Would the project conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?

☑ NO IMPACT

No habitat conservation plans, natural community conservation plans, or other similar plans are in place that govern activities on the project site. Therefore, the project would not be in conflict with a habitat conservation plan and no impact would occur.

Conclusion

With incorporation of the standard condition of approval described in this section, the project would have no new significant or substantially more severe or peculiar impacts to biological resources, nor are there any potentially significant off-site impacts, cumulative impacts, or previously identified significant effects, which were not discussed in the prior environmental documents. Also, there are no previously identified significant effects which, because of substantial new information that was not known at the time of the previous environmental review, are determined to have a more severe adverse impact than discussed in the previous environmental documents. Accordingly, no additional review is required.

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5 Cultural Resources

		Significant Impact	Less than Significant	No Impact	Analyzed in the Prior EIR	Substantially Mitigated by Uniformly Applicable Development Policies
Wo	ould 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 as defined in Section 15064.5?					•
c.	Disturb any human remains, including those interred outside of formal cemeteries?					-

Analysis in Previous Environmental Documents

The General Plan EIR analyzes cultural resources on pages 12-1 through 12-13 and finds that impacts to sites of local importance, overall historic setting, and previously undiscovered archaeological resources would be less than significant and impacts to paleontological resources would be less than significant.

The following describes applicable analysis in the General Plan EIR and provides a review to determine if project-specific impacts would occur that 1) are peculiar to the project or the parcel on which the project is located; 2) were not previously analyzed in previous environmental documents as significant effects; 3) are potentially significant off-site impacts and cumulative impacts that were not previously discussed in the previous environmental documents; and 4) are now determined to have a more severe impact than discussed in the previous environmental documents due to substantial new information.

Project-Specific Impacts

a. Would the project cause a substantial adverse change in the significance of a historical resource as defined in Section 15064.5?

☑ NO IMPACT

There are no built structures on the project site. Rincon Consultants conducted a cultural resources desktop analysis for the project in March 2022; it is included as Appendix B to this checklist. As part of the report, a records search of the California Historical Resources Information System (CHRIS) at the Northwest Information Center (NWIC) was conducted to identify previous cultural resources studies and previously recorded cultural resources within 0.5 mile of the project site. The NWIC

record included a review of the National Register of Historic Places, the California Register of Historic Resources, the California Points of Historical Interest list, the California Historical Landmarks list, the Archaeological Determinations of Eligibility list, and the California Historical Resources Inventory list. No previously recorded historic structures were identified on the project site. The field survey and background research did not identify any built-environment historical resources in or adjacent to the project site. Therefore, no impact would occur.

- b. Would the project cause a substantial adverse change in the significance of an archaeological resource as defined in Section 15064.5?
- c. Would the project disturb any human remains, including those interred outside of formal cemeteries?

☑ SUBSTANTIALLY MITIGATED BY UNIFORMLY APPLICABLE DEVELOPMENT POLICIES

The cultural resources records search, Sacred Lands File search, field survey, and informal Native American scoping process identified no archaeological resources within the project site. The project site is not known to contain human remains. Nonetheless, the discovery of remains or resources is always a possibility during ground-disturbing activities. With incorporation of the following City of Hayward standard condition of approval to account for unanticipated discovery, impacts would be mitigated substantially by uniformly applicable development policies.

STANDARD CONDITION OF APPROVAL

If human remains, archaeological resources, prehistoric or historic artifacts are discovered during construction or excavation, the following procedures shall be followed: Construction and/or excavation activities shall cease immediately and the Planning Division shall be notified. A qualified archaeologist shall be retained to determine whether any such materials are significant prior to resuming groundbreaking construction activities. Standardized procedure for evaluation accidental finds and discovery of human remains shall be followed as prescribed in Sections 15064.f and 151236.4 of the California Environmental Quality Act.

Conclusion

Cultural resource assessments of the project area were conducted, and their findings incorporated into the analysis above. Adherence to General Plan policies and the standard condition of approval listed above would be implemented to reduce impacts to historical resources, archaeological resources, and human remains to less than significant levels. Accordingly, the project would have no new significant or substantially more severe or peculiar impacts to cultural resources, nor are there any potentially significant off-site impacts, cumulative impacts, or previously identified significant effects, which were not discussed in the prior environmental documents. Also, there are no previously identified significant effects which, because of substantial new information that was not known at the time of the previous environmental review, are determined to have a more severe adverse impact that discussed in the priore environmental documents. Accordingly, no additional review is required.

6 Energy

		Significant Impact	Less than Significant	No Impact	Analyzed in the Prior EIR	Substantially Mitigated by Uniformly Applicable Development Policies
Wo	ould the project:					
a.	Result in a potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?					
b.	Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?					

CEQA Guidelines Appendix F (Energy Conservation) and the updated Appendix G guidelines published in December of 2018 require that environmental analysis include a discussion of the potential energy impacts of proposed projects, with particular emphasis on avoiding or reducing inefficient, wasteful, and unnecessary consumption of energy.

Energy consumption accounts for energy consumed during construction and operation of the proposed project, such as fuel consumed by vehicles, natural gas consumed for heating and/or power, and electricity consumed for power.

Analysis in Previous Environmental Documents

The General Plan EIR analyzes impacts on energy on pages 21-9 through 21-24. This discussion addresses the issues of inefficient, wasteful, or unnecessary consumption of energy. The General Plan EIR identifies impacts related to energy consumption as less than significant.

The following describes applicable analysis in the General Plan EIR and provides a review to determine whether there would be project-specific impacts that 1) are peculiar to the project or the parcel on which the project is located; 2) were not previously analyzed in previous environmental documents as significant effects; 3) are potentially significant off-site impacts and cumulative impacts that were not previously discussed in the previous environmental documents; and 4) are now determined to have a more severe impact than discussed in the previous environmental documents due to substantial new information.

a. Would the project result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?

☑ LESS THAN SIGNIFICANT

Pacific Gas and Electric (PG&E) is the only purveyor of electricity and natural gas in Hayward and would supply energy to the project site. Construction of the proposed project would result in short-term consumption of energy from the use of construction equipment and processes. The California Green Building Standards Code includes specific requirements related to recycling, construction materials, and energy efficiency standards that would apply to construction of the proposed project to minimize wasteful, inefficient, and unnecessary energy consumption.

The proposed project would involve the use of energy during construction and operation. Energy use during construction would be primarily from fuel consumption to operate heavy equipment, light-duty vehicles, machinery, and generators. Temporary grid power may be provided to construction trailers or electric construction equipment. Energy use during construction would be temporary. Construction equipment used would be typical of construction projects in the region.

Operation of the proposed project would generate energy demand in the form of transportation fuel from vehicle trips with the additional population anticipated at the project site. In addition to this transportation energy use, operation of the project would require permanent grid connections for electricity. Construction of the proposed project would be required to comply with the HMC, which incorporates the latest iterations of the California Green Building Standards Code. This code requires the provision of electric vehicle charging stations, water efficient plumbing fixtures and fittings, recycling services, and other energy-efficient measures. The project would also be required to comply with the City's Reach Code which states that all new low-rise residential buildings (three stories and less) be all electric and requires electric vehicle charging infrastructure beyond that required in the 2019 California Green Building Standards Code (City of Hayward 2021a). Consistent with the City's Reach Code, it is assumed that the project would not use natural gas.

Overall, operation of the proposed project would result in consumption of fuels from vehicle trips and electricity from proposed residential buildings. Project energy consumed would represent an incremental increase in energy usage compared to existing conditions, and the proposed project would implement energy-efficient components to reduce energy demand. The General Plan EIR notes that population growth in the city is a key driver for increasing energy demands. The proposed project would increase population density incrementally in the City of Hayward. However, as discussed in Section 14, *Population and Housing*, population growth facilitated by the proposed residential units would be within with General Plan population growth forecasts. According to the General Plan EIR, the City's energy supply is sufficient to meet the needs of projected growth until 2040 (City of Hayward 2014b). Overall, the project would not result in wasteful, inefficient, or unnecessary energy consumption and this impact would be less than significant.

b. Would the project conflict with or obstruct a state or local plan for renewable energy or energy efficiency?

☑ LESS THAN SIGNIFICANT

The City of Hayward adopted a Climate Action Plan (CAP) in 2009 to bring the City into compliance with Senate Bill (SB) 375 and statewide GHG reduction goals. The CAP was adopted in response to State mandates and regional guidance on reducing GHG emissions (City of Hayward 2014b). While

targeted toward reducing citywide GHG emissions, the CAP includes energy efficiency measures to reach emissions reduction targets. Energy-related measures described in the CAP include building energy efficiency strategies, conducting outreach programs to encourage renewable energy installation, and encouraging the use of alternatively fueled construction and landscape equipment. As a part of the General Plan update process for the 2040 General Plan, the City re-evaluated the greenhouse gas reduction estimates assigned to individual actions contained in the 2009 CAP. This analysis resulted in the development of new and modified actions that were incorporated into the 2040 General Plan and its overall policy framework. Therefore, the energy efficiency measures contained in the CAP are required and would be adhered to with implementation of the proposed project.

The General Plan EIR analyzed the policies contained within the planning document to identify goals, policies, implementation programs, and potential outcomes that address the significance criteria for impacts related to energy consumption. Several policies in the General Plan aim to avoid or reduce inefficient, wasteful, or unnecessary consumption of energy resources. These policies include actions designed to reduce electricity and natural gas use or to reduce fuel consumption (e.g., less driving), and implementation of these policies and actions would therefore reduce energy consumption. Several 2040 General Plan policies, including LU-1.1, LU-1.3, LU-1.5, LU-1.6, LU-1.8, and LU-1.9, promote local growth patterns and sustainable development practices to reduce resource and energy consumption overall. This is consistent with the type of infill development planned for the proposed project. Other policies focus specifically on energy-efficient design and renewable energy use to reduce wasteful energy consumption. These include policies NR-4.1 through NR-4.15, which define implementation programs to encourage development of green buildings and infrastructure, and to promote collaboration with energy-efficient contractors. Because the proposed project would comply with the HMC which incorporates the latest iterations of the California Green Building Standards Code as well as the City's Reach Code, it would be consistent with these energy-efficiency policies. The proposed project would not interfere with the 2040 General Plan or the CAP's energy-efficiency policies and would not conflict with or obstruct the state plan for renewable energy; therefore, this impact would be less than significant.

Conclusion

The project would have no new significant or substantially more severe or peculiar impacts with regard to energy consumption, nor would there be potentially significant off-site impacts, cumulative impacts, or previously identified significant effects that were not discussed in the prior environmental documents. Further, there are no previously identified significant effects which, as a result of substantial new information not known at the time of the previous environmental review, have been determined to have a more severe adverse impact than those discussed in the previous environmental documents. Accordingly, no additional review is required.

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Environmental Checklist Geology and Soils

7 Geology and Soils

			Significant Impact	Less than Significant	No Impact	Analyzed in the Prior EIR	Substantially Mitigated by Uniformly Applicable Development Policies
W	ould t	he project:					
a.	Dire pote effe inju	ectly or indirectly cause ential substantial adverse cts, including the risk of loss, ry, or death involving:					
	1.	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?			•		
	2.	Strong seismic ground shaking?		•			
	3.	Seismic-related ground failure, including liquefaction?		-			
	4.	Landslides?			•		
b.	Res or t	ult in substantial soil erosion he loss of topsoil?		•			
c.	Be l soil resu pote lanc sub coll	ocated on a geologic unit or that is made unstable as a ult of the project, and entially result in on or offsite dslide, lateral spreading, sidence, liquefaction, or apse?		-			
d.	Be l defi Unit crea proj	ocated on expansive soil, as ned in Table 1-B of the form Building Code (1994), ating substantial risks to life or perty?					-

		Significant Impact	Less than Significant	No Impact	Analyzed in the Prior EIR	Substantially Mitigated by Uniformly Applicable Development Policies
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?			-		
f.	Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?			•		

Analysis in Previous Environmental Documents

The General Plan EIR discusses geology and soils impacts on pages 9-1 through 9-18 and concludes that impacts related to geology and soils would be less than significant.

The following describes applicable analysis in the General Plan EIR and provides a review to determine project-specific would occur impacts that 1) are peculiar to the project or the parcel on which the project is located; 2) were not previously analyzed in previous environmental documents as significant effects; 3) are potentially significant off-site impacts and cumulative impacts that were not previously discussed in the previous environmental documents; and 4) are now determined to have a more severe impact than discussed in the previous environmental documents due to substantial new information.

Project-Specific Impacts

a.1. Would the project expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault?

☑ NO IMPACT

The project is not within an earthquake fault zone (DOC 2018; ABAG 2021). The Hayward Fault is the closest fault line to the project site, located approximately 0.8 miles to the east. The project would not expose people or structures to adverse effects due to fault rupture. No impact would occur.

- a.2. Would the project expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving strong seismic ground shaking?
- a.3. Would the project expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving seismic-related ground failure, including liquefaction?

☑ LESS THAN SIGNIFICANT

The project site is in an area subject to seismic ground shaking. The General Plan EIR evaluated the potential for fault rupture and strong seismic ground shaking from seismic events. As noted in the General Plan EIR, ground shaking in the Hayward area could cause significant damage, but with implementation of General Plan policies, impacts would be less than significant. Additionally, the project would be required to be constructed in compliance with the California Building Code to minimize earthquake-related hazards. The project site is located on a liquefaction zone subject to moderate liquefaction (DOC 2018; ABAG 2021). However, according to the geotechnical report prepared by GeoEngineering Consultants in June 2021 (Appendix C), the project site is considered to have a low potential for liquefaction and there would not be a possibility for liquefaction-induced ground rupture to occur at the site during a major earthquake on a nearby fault. This impact would be less than significant.

a.4. Would the project expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving landslides?

☑ NO IMPACT

The project site is located in a generally flat area and not surrounded by substantial slopes, as shown in Figure 9 -3 of the 2040 General Plan Background Report (City of Hayward 2014c). There is no risk of landslide affecting the project site. No impact would occur.

b. Would the project result in substantial soil erosion or the loss of topsoil?

☑ LESS THAN SIGNIFICANT

As stated in the General Plan EIR, areas in Hayward most susceptible to soil erosion include those where new development in hilly areas would require extensive grading (City of Hayward 2014b). The project site and surroundings are generally flat. In addition, construction of the project would be required to adhere to applicable General Plan policies and building codes including the California Building Code Section 1804 *Excavation, Grading, and Fill*, along with HMC Chapter 10, Article 8 (Grading and Clearing). Compliance with these requirements would ensure that substantial erosion would during construction would not occur. Following construction, the majority of the project site would be developed with structures and landscaping, and areas of exposed soils would be minimal. Therefore, this impact would be less than significant.

c. Would the project be located on a geologic unit or soil that is made unstable as a result of the project, and potentially result in on or offsite landslide, lateral spreading, subsidence, liquefaction, or collapse?

☑ LESS THAN SIGNIFICANT

The project site is not located on a geologic unit or soil that is unstable, or that would become unstable because of the project (City of Hayward 2014c). As analyzed in the General Plan EIR, compliance with General Plan Policies, the California Building Code, and associated seismic provisions for this region of California would reduce impacts related to unstable soils to less than significant levels. Additionally, the project site is in a generally flat area where landslides are unlikely and not in an area with high or very high liquefaction potential (City of Hayward 2014b; GeoEngineering Consultants 2021). According to the geotechnical report prepared by GeoEngineering Consultants in June 2021 (Appendix C), the project site is considered to have a low potential for liquefaction there would not be a possibility for liquefaction-induced ground rupture or lateral spread to occur at the site during a major earthquake on a nearby fault. This impact would be less than significant.

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

☑ SUBSTANTIALLY MITIGATED BY UNIFORMLY APPLICABLE DEVELOPMENT POLICIES

The General Plan EIR analyzes the potential for expansive soils to create risks to life and property and finds this impact to be less than significant with incorporation of General Plan policies to reduce impacts. According to the geotechnical report prepared by GeoEngineering Consultants (Appendix C), the project site is on near surface soils that have high expansion potential when subject to fluctuations in moisture. The report recommends that the foundations and slabs underlying the proposed buildings should be designed for such a condition. In addition, GeoEngineering Consultants recommended that grading be performed during dry months and that flexible joints be used along the utility lines entering the building in order to accommodate for total and differential settlement.

The project would be required to comply with the Uniform Building Code, the California Building Code, and applicable General Plan Policies, including Policy HAZ-2.1 and Policy HAZ-2.2, that feature requirements to evaluate geologic, seismic, and soil-related conditions and risks for new construction on sites in geologic hazard zones, and to design structures and buildings pursuant to applicable standards and codes.

Adherence to the City's standard condition of approval below, which requires implementation of the recommendations of the geotechnical consultant related to geologic hazards, would reduce impacts related to expansive soils. With implementation of the standard condition of approval outlined below, impacts related to expansive soils would be substantially mitigated by uniformly applicable development policies.

STANDARD CONDITION OF APPROVAL

The following control measures for geologic hazards shall be adhered to, unless otherwise approved by the Planning Director or City Engineer. Per standard City project approval procedures, the City must review final project design plans for conformity with building code requirements prior to project construction. All earthwork, including site grading, wall foundation excavations, placement and compaction of engineered fill, and final surface drainage installation, would be performed in accordance with the recommendations contained in the geotechnical report, as applicable.

e. Would the project have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?

☑ NO IMPACT

The City's comprehensive, integrated wastewater collection, treatment, and disposal municipal sanitary sewer system serves the project site. Implementation of the project would not involve the use of septic tanks or other alternative wastewater disposal systems; therefore, no impact would occur.

f. Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?

☑ NO IMPACT

According to the General Plan EIR, a search of the University of California Museum of Paleontology, University of California, identified five paleontological resources in the City of Hayward. The project site is underlain by Holocene alluvial deposits (Qha) (GeoEngineering Consultants 2021; Appendix C). The younger Quaternary deposits are composed of alluvial fan facies comprised of unconsolidated brown to tan gravely sand and silt, fluvial facies of brown sand and silty clay. Holocene sedimentary deposits, particularly those younger than 5,000 years old, are generally too young to contain fossilized material. Therefore, the Holocene alluvial fan and fluvial deposits mapped at the surface of the project area have been assigned a low paleontological sensitivity, in accordance with SVP (2010) guidelines. This means they are likely too young to contain fossilized material. Overall, no impact related to paleontological resources would occur as a result of the project. No impact would occur.

Conclusion

The project would have no new significant or substantially more severe or peculiar impacts to geology and soils, nor would there be potentially significant off-site impacts, cumulative impacts, or previously identified significant effects that were not discussed in the prior environmental documents. Further, there are no previously identified significant effects which, as a result of substantial new information not known at the time of the previous environmental review, have been determined to have a more severe adverse impact than those discussed in the previous environmental documents. Accordingly, no additional review is required.

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Environmental Checklist Greenhouse Gas Emissions

8 Greenhouse Gas Emissions

		Significant Impact	Less than Significant	No Impact	Analyzed in the Prior EIR	Substantially Mitigated by Uniformly Applicable Development Policies
Wo	ould 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 adopted for the purposes of reducing the emissions of greenhouse gases?				-	

Analysis in Previous Environmental Documents

The General Plan EIR analyzes GHG emissions on pages 10-1 through 10-42 and concludes that impacts would be less than significant.

The following describes applicable analysis in the General Plan EIR and provides a review to determine if project-specific impacts would occur that 1) are peculiar to the project or the parcel on which the project is located; 2) were not previously analyzed in previous environmental documents as significant effects; 3) are potentially significant off-site impacts and cumulative impacts that were not previously discussed in the previous environmental documents; and 4) are now determined to have a more severe impact than discussed in the previous environmental documents due to substantial new information.

Project-Specific Impacts

- a. Would the project generate GHG emissions, either directly or indirectly, that may have a significant impact on the environment?
- ☑ LESS THAN SIGNIFICANT

The project's proposed construction activities, energy use, daily operational activities, and mobile sources (traffic) would generate GHG emissions. CalEEMod was used to calculate emissions resulting from project construction and long-term operation (see Appendix D for GHG model output).

Construction Emissions

Emissions generated by construction of the proposed project are estimated to be 103 MT of CO_2e . However, as the BAAQMD does not have a recommended threshold for construction-related GHG emissions, emissions associated with construction are not included in Table 4 and compared to BAAQMD significance thresholds.

Operational Indirect and Stationary Direct Emissions

Long-term emissions relate to area sources, energy use, solid waste, water use, and transportation. Each of the operational sources of emissions is discussed further below.

Area Source Emissions

CalEEMod was used to calculate direct sources of air emissions associated with the proposed project. These include consumer product use and landscape maintenance equipment. Area emissions are estimated at less than 1 MT of CO_2e per year.

Energy Use Emissions

Operation of the project would consume electricity. The generation of electricity through combustion of fossil fuels emits CO₂, and to a smaller extent, N₂O and CH₄. The proposed project would generate approximately 19 MT of CO₂e per year associated with overall energy use.

Solid Waste Emissions

Based on the estimate of GHG emissions from project-generated solid waste as it decomposes, solid waste associated with the proposed project would generate approximately 5 MT of CO₂e per year.

Water Use Emissions

Based on the amount of electricity generated to supply and convey water for the project, the proposed project would generate an estimated 2 MT of CO₂e per year.

Transportation Emissions

As calculated by CalEEMod, the proposed project would generate an estimated 265,410 annual VMT. Since CalEEMod does not calculate N_2O emissions related to mobile sources, N_2O emissions were calculated based on the project's VMT using calculation methods provided by the CCAR General Reporting Protocol (CCAR 2009). The proposed project would emit an estimated 89 MT of CO_2e per year from mobile sources.

Combined Stationary and Mobile Source Emissions

Table 4 combines the operational and mobile GHG emissions associated with the proposed project. The annual emissions would total approximately 115 MT of CO₂e per year. These emissions do not exceed the BAAQMD bright-line threshold of 660 MT of CO₂e per year as adjusted for SB 32 targets. Since GHG emissions would not exceed the adjusted BAAQMD threshold, the project would not generate a substantial increase in GHG emissions and would not conflict with SB 32. This impact would be less than significant.

Environmental Checklist Greenhouse Gas Emissions

Emissions Source	Annual Emissions (MT of CO ₂ e/year)					
Area	<1					
Energy	19					
Waste	5					
Water	2					
Mobile	89					
Total	115					
BAAQMD Bright-Line Threshold (adjusted for SB 32)	660					
Exceeds Threshold?	No					
See Table 2.2 "Overall Operational" emissions CalFEMod worksheets for GHG in Appendix D						

Table 4 Estimated Operational Greenhouse Gas Emissions

b. Would the project conflict with any applicable plan, policy, or regulation adopted for the

purpose of reducing the emissions of greenhouse gases?

☑ ANALYZED IN THE PRIOR EIR

The General Plan EIR includes a discussion of the City-adopted Climate Action Plan (CAP) of 2009 that brings the City into compliance with Senate Bill (SB) 375 and statewide GHG reduction goals. The CAP was adopted in response to state mandates and regional guidance on reducing GHG emissions (City of Hayward 2014b). As a part of the update process for the 2040 General Plan, the City re-evaluated the GHG reduction estimates assigned to individual actions in the 2009 CAP. This analysis resulted in the development of new and modified actions that were incorporated into the 2040 General Plan and its overall policy framework. This integrated approach allows the 2040 General Plan to be recognized as a "Plan for the Reduction of Greenhouse Gas Emissions" and as a "Qualified Greenhouse Gas Reduction Strategy" by BAAQMD (City of Hayward 2014b). Although the CAP was adopted in 2009, it established targets using the Executive Order S-3-05 emissions trajectory and aligns with SB 32 and the 2017 Scoping Plan. The CAP included a 2005 emissions inventory that estimated the total GHG emissions in Hayward at approximately 1,183,279 metric tons (MT) of carbon dioxide equivalence (CO_2e) in 2005. Implementation of the CAP would result in a citywide emissions reduction target of 12.5 percent below 2005 levels by the year 2020 and 82.5 percent below 2005 levels by 2050 (City of Hayward 2014a). As stated in the General Plan EIR, forecasted GHG emissions for the City of Hayward in 2050 without mitigation is 1,670,080 MT of CO_2e . With implementation of the CAP, there is projected to be a reduction of 1,152,398 MT CO_2e emissions for 2050, which results in an 82.5 percent reduction below the 2005 baseline and 87.6 percent below business as usual projections for 2050.

As concluded in the General Plan EIR, the General Plan contains a comprehensive strategy that achieves a communitywide GHG emission reduction target of 20 percent below 2005 levels by the year 2020 and puts the City on course to achieve ongoing GHG emission reductions through the year 2050. Thus, the project would not conflict with any applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of GHGs. Estimated GHG emissions per service population (residents + employees) in 2020, 2040, and 2050 would be below the BAAQMD recommended threshold of 4.6 MT CO₂e per service population per year. Thus, the proposed project would not generate GHG emissions, either directly or indirectly, that may have a significant impact on the

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environment. Since the population growth from the proposed project would be within General Plan estimates, implementation of the General Plan, including development of the proposed project, would not result in significant GHG emissions impacts. No impacts beyond those analyzed in the previous environmental documents would occur.

Conclusion

The project would have no new significant or substantially more severe or peculiar impacts to greenhouse gas emissions, nor would there be potentially significant off-site impacts, cumulative impacts, or previously identified significant effects that were not discussed in the prior environmental documents. Further, there are no previously identified significant effects which, as a result of substantial new information not known at the time of the previous environmental review, have been determined to have a more severe adverse impact than those discussed in the previous environmental documents. Accordingly, no additional review is required.

Environmental Checklist Hazards and Hazardous Materials

9 Hazards and Hazardous Materials

		Significant Impact	Less than Significant	No Impact	Analyzed in the Prior EIR	Substantially Mitigated by Uniformly Applicable Development Policies
Wo	ould 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 0.25 mile of an existing or proposed school?					
d.	Be located on a site that is included on a list of hazardous material 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 in an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area?			-		
f.	Impair implementation of or physically interfere with an				•	

		Significant Impact	Less than Significant	No Impact	Analyzed in the Prior EIR	Substantially Mitigated by Uniformly Applicable Development Policies
	adopted emergency response plan or emergency evacuation plan?					
g.	Expose people or structures, either directly or indirectly, to a significant risk of loss, injury, or death involving wildland fires?					

Analysis in Previous Environmental Documents

The General Plan EIR discusses hazardous materials impacts on pages 11-1 through 11-24 and finds that impacts related to hazards and hazardous materials use in the City would be less than significant.

The following describes applicable analysis in the General Plan EIR and provides a review to determine if project-specific impacts would occur that 1) are peculiar to the project or the parcel on which the project is located; 2) were not previously analyzed in previous environmental documents as significant effects; 3) are potentially significant off-site impacts and cumulative impacts that were not previously discussed in the previous environmental documents; and 4) are now determined to have a more severe impact than discussed in the previous environmental documents due to substantial new information.

Project-Specific Impacts

- a. Would the project create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?
- b. Would the project create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?

☑ LESS THAN SIGNIFICANT

Residential uses, such as those proposed by the project, typically do not use or store large quantities of hazardous materials other than minor amounts needed for cleaning or landscaping maintenance. During grading and construction activities, limited quantities of miscellaneous hazardous substances, such as gasoline, diesel fuel, hydraulic fluid, solvents, oils, paints, may be transported to the site, used on site, and disposed over after use. However, the project would be required to comply with applicable Federal, State, and local regulations that address the handling, storage, use, and disposal of hazardous substances, including the Occupational Safety and Health Act and the Toxic Substances Control Act. This would eliminate potential significant hazards to the public or the environment through the routine transport, use, or disposal of hazardous materials. Construction contractors would be required to comply with applicable Federal and State environmental and

workplace safety laws. Adherence to these regulatory requirements would ensure that impacts would be less than significant.

c. Would the project emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within 0.25 mile of an existing or proposed school?

☑ LESS THAN SIGNIFICANT

One school, the Cesar Chavez Middle School, is located within 0.25 mile of the project site (approximately 0.18 miles northeast of the site). As a residential project, the proposed project would not emit substantial quantities of hazardous materials or hazardous waste. As discussed above under criterion a and b, the use, storage, transportation, and disposal of hazardous materials associated with construction activities would be required to adhere to numerous regulatory requirements which would prevent emissions of hazardous substances. As discussed below under criterion d, there is no evidence of soil or groundwater contamination on-site, and therefore release of contaminated soil or groundwater during construction is not anticipated. This impact would be less than significant.

d. Would the project be located on a site included on a list of hazardous material 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?

☑ LESS THAN SIGNIFICANT

A Phase I Environmental Site Assessment (ESA) was prepared by Silicon Valley Environmental Group, Inc. in November 2021 (Silicon Valley Environmental Group 2021; Appendix E). As part of the 2021 Phase I ESA, Environmental Data Resources, Inc. (EDR) was contracted to provide a database search of public lists of sites that generate, store, treat, or dispose of hazardous materials or sites for which a release or incident has occurred for the project site and surrounding area. Federal, state, and county lists were reviewed as part of the research effort. The project site was not listed on any of the environmental regulatory databases. Therefore, the project site is not included on a list compiled pursuant to Section 65962.5 of the Government Code.

The EDR records search identified 13 potential contamination or clean-up sites within a mile of the project site. Of these sites, all were found to be either closed cases (meaning cleanup activities have occurred in accordance with regulatory standards and no further cleanup action is required at this time) or significantly down-gradient from the project site. Therefore, the Phase I ESA determined that the sites do not pose a risk for the proposed project. Overall, the Phase I ESA concluded that the site contains no evidence of illegal or improper use, storage, or disposal of hazardous materials and that no sites in the vicinity of the project site would pose as a significant environmental concern or liability (Silicon Valley Environmental Group, Inc, Appendix E). Therefore, the project would not create a significant hazard to the public environment and this impact would be less than significant.

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

☑ NO IMPACT

There are no private airstrips near the project site. The nearest airport, Hayward Executive Airport, is approximately 2.8 miles northwest of the project site. Since the project is not located within 2

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miles of a public airport or a private airstrip, it would not pose as a safety hazard or generate excessive noise for people residing or working in the project area. No impact would occur.

f. Would the project impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?

☑ ANALYZED IN THE PRIOR EIR

As stated in the General Plan EIR, the City must maintain its status as a Certified Unified Program Agency and implement a Comprehensive Emergency Management Plan to outline its responsibilities in emergencies and coordinate the response and recovery efforts of City departments, local energy providers, and federal, State, and local agencies. The project would not block access or permanently constrain evacuation routes adopted in an emergency response plan or emergency evaluation plan. With the required implementation of the Comprehensive Emergency Management Plan, impacts would be less than significant.

g. Would the project expose people or structures, either directly or indirectly, to a significant risk of loss, injury, or death involving wildland fires?

☑ NO IMPACT

The project site is in an urbanized area of Hayward, surrounded primarily by paved surfaces and structures. The project site is not intermixed with or adjacent to wildlands. Figure 5-3 of the 2040 General Plan Background Report indicates the project site is a low fire hazard risk (City of Hayward 2014c). No impact would occur.

Conclusion

The project would have no new significant or substantially more severe or peculiar impacts to hazards and hazardous materials, nor would there be potentially significant off-site impacts, cumulative impacts, or previously identified significant effects that were not discussed in the prior environmental documents. Further, there are no previously identified significant effects which, as a result of substantial new information not known at the time of the previous environmental review, have been determined to have a more severe adverse impact than those discussed in the previous environmental documents. Accordingly, no additional review is required.

Attachment VI

Environmental Checklist Hydrology and Water Quality

10 Hydrology and Water Quality

			Significant Impact	Less than Significant	No Impact	Analyzed in the Prior EIR	Substantially Mitigated by Uniformly Applicable Development Policies
Wo	ould the	project:					
a.	Violate or was otherw surface	e any water quality standards te discharge requirements or vise substantially degrade e or ground water quality?		•			
b.	Substa ground substa rechar imped manag	ntially decrease dwater supplies or interfere ntially with groundwater ge such that the project may e sustainable groundwater gement of the basin?					
C.	Substa draina includi the cou throug surface	ntially alter the existing ge pattern of the site or area, ng through the alteration of urse of a stream or river or th the addition of impervious es, in a manner which would:					
	(i)	Result in substantial erosion or siltation on- or off-site;					
	(ii)	Substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site;					
	(iii)	Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or					
	(iv)	Impede or redirect flood flows?		•			
d.	In floo zones,	d hazard, tsunami, or seiche risk release of pollutants due			•		

		Significant Impact	Less than Significant	No Impact	Analyzed in the Prior EIR	Substantially Mitigated by Uniformly Applicable Development Policies
	to project inundation?					
e.	Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?					

Analysis in Previous Environmental Documents

The General Plan EIR discusses hydrology and water quality impacts on pages 13-1 through 13-40. The EIR found that potential impacts to hydrology and water quality would be less than significant.

The following describes applicable analysis in the General Plan EIR and provides a review to determine if project-specific impacts would occur that 1) are peculiar to the project or the parcel on which the project is located; 2) were not previously analyzed in previous environmental documents as significant effects; 3) are potentially significant off-site impacts and cumulative impacts that were not previously discussed in the previous environmental documents; and 4) are now determined to have a more severe impact than discussed in the previous environmental documents due to substantial new information.

Project-Specific Impacts

- a. Would the project violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?
- ☑ LESS THAN SIGNIFICANT

The General Plan EIR concluded that with compliance with existing regulations, City of Hayward Standard Conditions of Approval, and General Plan policies, impacts related to water quality associated with General Plan implementation would be less than significant. The proposed project would modify the site conditions which could affect water quality during construction and operation. However, as explained in the following discussions, there are no project-specific impacts peculiar to the project and impacts related to the project would be less than significant.

Construction Impacts

During grading activities, the site's soils would be exposed to wind and water erosion that could transport sediments into local stormwater drainages. Furthermore, accidental spills of fluids or fuels from construction vehicles and equipment, or miscellaneous construction materials and debris, could be mobilized and transported off-site in overland flow. These contaminant sources could degrade the water quality of receiving water bodies (i.e., San Francisco Bay), potentially resulting in a violation of water quality standards.

As part of Section 402 of the CWA, the U.S. EPA has established regulations under the National Pollution Discharge Elimination System (NPDES) program to control both construction and operation (occupancy) stormwater discharges. The Federal CWA was first adopted in 1972 and is intended to
protect and preserve water supply and quality in the "waters of the nation." In the Bay Area, the San Francisco Regional Water Quality Control Board (RWQCB) administers the NPDES permitting program and is responsible for developing permitting requirements. According to General Plan Policy NR-6.8 (NPDES Permit Compliance), the City must continue to comply with the NPDES program. The project would be subject to the San Francisco Bay Region Municipal Regional Stormwater Permit (MRP), NPDES Permit Order No. R2-2015-0049, and the provisions set forth in Section C.3 *New Development and Redevelopment*. However, because the project would disturb less than one acre of land, the project would not be required to obtain coverage under the General Permit for Discharges of Storm Water Associated with Construction Activity (Construction General Permit Order 2009-0009-DWQ or 2009-0009-DWQ General Permit).

Nonetheless, the project would be subject to HMC Chapter 10, Article 8 (Grading and Clearing), which requires all construction projects in the City to conduct grading activities in a manner that will minimize the potential for erosion from the site. Furthermore, Article 8 states that if requested by the City Engineer, the project applicant would be required to prepare and implement an Erosion and Sediment Control Plan that specifies control techniques that would prevent erosion during construction. Therefore, with compliance with City construction-related water quality and erosion control requirements, construction of the project would not violate any water quality standards, substantially alter the drainage pattern of the area such that substantial erosion or siltation would occur and would not degrade water quality. Impacts during construction would be less than significant.

Operational Impacts

The project site is currently undeveloped and unpaved. The project would increase the total area of impervious surfaces on the project site by approximately 29,115 square feet. Increasing the total area of impervious surfaces could result in a greater potential to introduce pollutants to receiving waters. Urban runoff could carry a variety of pollutants, including oil and grease, metals, sediment, and pesticide residues from roadways, parking lots, rooftops, and landscaped areas and deposit them into adjacent waterways via the storm drain system.

Stormwater discharge during operation is regulated by the Municipal Separate Storm Sewer System (MS4) Permit, issued by the RWQCB, pursuant to NPDES regulations. Water quality in stormwater runoff is regulated locally by the Alameda County Clean Water Program, which includes the C.3 provisions set by the San Francisco Bay RWQCB. Provision C.3 of the MRP addresses post-construction stormwater requirements for new development and redevelopment projects that add and/or replace 10,000 square feet or more of impervious area. Because the project would replace in excess of 10,000 square feet of the impervious surface of the project site, it must comply with the C.3 provisions set by the RWQCB. Therefore, the project must meet certain criteria including 1) incorporate site design, source control, and stormwater treatment measures into the project design; 2) minimize the discharge of pollutants in stormwater runoff and non-stormwater discharge; and 3) minimize increases in runoff flows as compared to pre-development conditions. A Stormwater Control Plan (SCP) that details the site control, source control, and stormwater measures that would be implemented at the site must be submitted to the City. In addition, Low Impact Development (LID) requirements apply. The Alameda County Clean Water Program's C.3 Technical Guidance document (2016) provides guidance on how to meet the C.3 requirements.

Pursuant to C.3 requirements, the project would be required to include design features that would reduce impacts associated with the increased impervious surfaces. Stormwater runoff from the project site would be directed to and treated in the 1,118 square feet of bio-retention areas along

the northern, southern, and western boundaries of the site. The project would also include 4,700 square feet of permeable pavers in order to meet stormwater requirements to reduce pollutants and surface runoff. By adhering to the provisions of NPDES Section C.3, and the stormwater control plan, the project would not result in adverse effects on water quality and or in the violation of water quality standards or waste discharge requirements during construction or operation. Therefore, the project would have a less than significant impact on water quality. With implementation of the measures contained in these plans, excessive stormwater runoff, erosion, and sedimentation would not occur and the potential for the project to violate water quality standards and substantially degrade water quality would be reduced. This impact would be less than significant.

b. Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?

☑ ANALYZED IN THE PRIOR EIR

The General Plan EIR concluded that General Plan policies would ensure that future development would not deplete groundwater supplies substantially. As stated in the 2040 General Plan Background Report (City of Hayward 2014c), the City of Hayward stopped using groundwater to supply water to the city in 1963, except in cases of emergency. The project would not rely on groundwater. Development under the project would not include installation of new groundwater wells or use of groundwater from existing wells. Although the project may increase impervious surfaces on the site, development of the project site was anticipated under the General and would not use water or prevent recharge at a rate beyond that anticipated in the General Plan. Therefore, the project would have no impacts beyond those previously identified in the prior environmental documents.

- c.(i) Would the project substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would result in substantial erosion or siltation on- or off-site?
- c.(ii) Would the project substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?
- c.(iii) Would the project substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner that would 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?

☑ LESS THAN SIGNIFICANT

The closest water body to the project is the Ward Creek located approximately 0.9 miles southwest of the site and does not flow through the site. Project construction would not alter the course of Ward Creek or any other stream or river since no other surface water features are identified in the project vicinity. The project site connects to an existing stormwater drainage system located in the County of Alameda's Flood Control and Water Conservation District's Zone 3A. Stormwater runoff in the project area currently flows through existing City stormwater drains to the Hayward Canal and eventually to the San Francisco Bay (Alameda County Flood Control District 2022).

The project would increase the site's impervious surface area, thereby increasing the potential for offsite runoff. This increased runoff could result in on- or offsite erosion or siltation. However, pursuant to the Alameda County Municipal Regional Stormwater Discharge Permit, the project would be required to implement Low Impact Development techniques to reduce the potential for on or offsite erosion or siltation.

Increased stormwater from the project site would enter the City's existing stormwater conveyance system. While the project would alter the existing drainage pattern of the site by increasing impervious surfaces, as noted in criteria a. and e. above, it would be required to comply with Provision C.3 of the MRP which requires new developments disturbing more than 10,000 square feet 1) incorporate site design, source control, and stormwater treatment measures into the project design; 2) minimize the discharge of pollutants in stormwater runoff and non-stormwater discharge; and 3) minimize increases in runoff flows as compared to pre-development conditions. Therefore, the proposed project would not create or contribute runoff that would exceed the capacity of the existing stormwater conveyance infrastructure or otherwise substantially alter the course of the Ward Creek or other water features. Impacts would be less than significant.

c.(iv) Would the project substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would impede or redirect flood flows?

☑ ANALYZED IN THE PRIOR EIR

The project site is not within a 100-year flood hazard area (1 percent chance annually); the project site is located within Zone X, defined as an area of minimal flood hazard (FEMA 2009). In addition, the project site is not located within proximity to any dam failure inundation area and would not expose people and structures to a significant risk of loss involving flooding as a result of dam failure. Furthermore, compliance with Federal, State, and local policies such as FEMA National Flood Insurance Program; California Water Code; the HMC; Floodplain Management Ordinance; the City of Hayward Local Hazard Mitigation Plan; and the 2040 General Plan policies would ensure impacts be reduced to a less than significant level.

d. In flood hazard, tsunami, or seiche zones, would the project risk release of pollutants due to project inundation?

☑ NO IMPACT

The project site is not located in a tsunami inundation area, nor is there a water body near the project site capable of seiche. The nearest large body of water to the project is the San Francisco Bay, which is approximately 4.2 miles west of the project site. Based on the topography of the project site and its surroundings, there would be no risk of mudflow on the site. There would be no impact.

e. Would the project conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?

☑ LESS THAN SIGNIFICANT

The City of Hayward is under the jurisdiction of the San Francisco Bay Regional Water Quality Control Board (RWQCB). The San Francisco Bay RWQCB provides permits for projects that may affect surface waters and groundwater locally and is responsible for preparing the Water Quality Control Plan for the San Francisco Bay Basin (Basin Plan). The Basin Plan designates beneficial uses of water in the region and establishes narrative and numerical water quality objectives. The Basin

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Plan serves as the basis for the San Francisco Bay RWQCB's regulatory programs and incorporates an implementation plan for achieving water quality objectives (California Water Board 2017). The proposed project would not interfere with the objectives and goals in the Basin Plan. This impact would be less than significant.

Conclusion

The project would have no new significant or substantially more severe or peculiar impacts to hydrology and water quality, nor would there be potentially significant off-site impacts, cumulative impacts, or previously identified significant effects that were not discussed in the prior environmental documents. Further, there are no previously identified significant effects which, as a result of substantial new information not known at the time of the previous environmental review, have been determined to have a more severe adverse impact than those discussed in the previous environmental documents. Accordingly, no additional review is required.

Environmental Checklist Land Use and Planning

11 Land Use and Planning

		Significant Impact	Less than Significant	No Impact	Analyzed in the Prior EIR	Substantially Mitigated by Uniformly Applicable Development Policies
Wc	ould the project:					
a.	Physically divide an established community?			•		
b.	Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?	П	_			

Analysis in Previous Environmental Documents

The General Plan EIR addresses land use and planning on pages 14-1 through 14-42. Impacts to land use and planning were determined to be less than significant in the document.

The following describes applicable analysis in the General Plan EIR and provides a review to determine whether there would be project-specific impacts that 1) are peculiar to the project or the parcel on which the project is located; 2) were not previously analyzed in previous environmental documents as significant effects; 3) are potentially significant off-site impacts and cumulative impacts that were not previously discussed in the previous environmental documents; and 4) are now determined to have a more severe impact than discussed in the previous environmental documents due to substantial new information.

Project-Specific Impacts

a. Would the project physically divide an established community?

☑ NO IMPACT

The project would be infill development on vacant land and would not result in new obstructions or divisions between established communities. The project would be limited to the project site and would not include linear or other features that could impede access between or within neighborhoods. Therefore, the project would have no impact.

b. Would the project cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?

☑ LESS THAN SIGNIFICANT

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The project site is designated as Medium Density Residential (MDR) in the Hayward 2040 General Plan (City of Hayward 2014a). The City of Hayward's 2040 General Plan Land Use and Community Character Element defines the MDR category as "Suburban and urban areas that contain a mix of housing types... Allowed uses include detached single-family homes, attached single-family homes, and multi-family homes. Development density within MDR is 8.7 to 17.4 dwelling unit per net acre." Although the density of the proposed project (20.4 dwelling units per acre) would exceed 17.4 dwelling units per acre, it would be allowed with the request of a 30 percent State Density Bonus since the project would include two affordable housing units. The project would be consistent with the MDR designation.

The project site is zoned RS pursuant to the Hayward Zoning Map. The RS District is intended to accommodate only single-family residences and the community services appurtenant thereto (HMC Section 10-1.205). The proposed project would involve a zone change from RS to RM. The purpose of the RM district is to "promote and encourage a suitable environment for family life in areas where a compatible mingling of single-family and multiple-family dwellings is possible" (HMC Section 10-1.405).

As shown in Table 1 in the Project Description, the project would conflict with certain development standards set forth in the Hayward Development Code for the RM District. However, the proposed project would be subject to a 30 percent State Density Bonus since it would include two affordable housing units, which would allow for an increase in the number of units from 17 to 22 and would allow for a decrease in minimum lot area per dwelling unit from 2,500 square feet to 1,937 square feet. The applicant would request a density bonus waiver which would allow for a decrease in yard front setback from a minimum of 20 feet pursuant to HMC Section 10-1.430 to 11 feet and 4 inches to buildings, as well as a decrease in rear setback from a minimum of 20 feet to 15 feet and 10 inches. Assuming the request for rezoning is approved and the waivers are approved, the proposed project and use would be consistent with the RM zoning provisions of the HMC.

Pending approval of the requested zone change, the project would not conflict with the City's General Plan or Zoning Ordinance. Therefore, impacts of the proposed project would be less than significant.

Conclusion

The project would have no new significant or substantially more severe or peculiar impacts to land use and planning, nor would there be potentially significant off-site impacts, cumulative impacts, or previously identified significant effects that were not discussed in the prior environmental documents. Further, there are no previously identified significant effects, which as a result of substantial new information not known at the time of the previous environmental review, have been determined to have a more severe adverse impact than those discussed in the previous environmental documents. Accordingly, no additional review is required.

12 Mineral Resources

Significant Impact	Less than Significant	No Impact	Analyzed in the Prior EIR	Substantially Mitigated by Uniformly Applicable Development Policies
3		•		
		_		
	Significant Impact	Significant Less than Impact Significant	Significant Less than No Impact Significant Impact	Significant Impact Less than Significant No Analyzed in the Prior EIR □ □ □ □ □ □ □ □ □ □ □ □

Analysis in Previous Environmental Documents

The General Plan EIR analyzes mineral resources, along with geology and soils on page 9-1 to 9-18 and finds that impacts would be less than significant.

The following describes applicable analysis in the General Plan EIR and provides a review to determine whether there would be project-specific impacts that 1) are peculiar to the project or the parcel on which the project is located; 2) were not previously analyzed in previous environmental documents as significant effects; 3) are potentially significant off-site impacts and cumulative impacts that were not previously discussed in the previous environmental documents; and 4) are now determined to have a more severe impact than discussed in the previous environmental documents due to substantial new information.

Project-Specific Impacts

- a. Would the project 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. Would the project result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan?

☑ NO IMPACT

The project site is not zoned or designated for mining uses and no active mining operations are in the project site or vicinity. The project site is not classified as a Mineral Resource Zone (MRZ) and would not result in the loss of availability of a known mineral resource that would be of value to the residents of the state and the region, nor would it result in loss of a locally important mineral resource recovery site (USGS 2021). The project site is an infill site and does not involve developing currently undeveloped land with the potential to contain valuable mineral resources. There would be no impact.

Conclusion

The project would have no new significant or substantially more severe or peculiar impacts to mineral resources, nor would there be potentially significant off-site impacts, cumulative impacts, or previously identified significant effects that were not discussed in the prior environmental documents. Further, there are no previously identified significant effects which, as a result of substantial new information not known at the time of the previous environmental review, have been determined to have a more severe adverse impact than those discussed in the previous environmental documents. Accordingly, no additional review is required.

13 Noise

		Significant Impact	Less than Significant	No Impact	Analyzed in the Prior EIR	Substantially Mitigated by Uniformly Applicable Development Policies
Wo	ould the project:					
a.	Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?					•
b.	Generation of excessive groundborne vibration or groundborne noise levels?		•			
c.	For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?			•		

Analysis in Previous Environmental Documents

The General Plan EIR analyzes noise on pages 15-1 through 15-32. Impacts due to constructionrelated ground vibration, railroad generated noise, and noise generated from stationary sources are found to be less than significant. Impacts related to short-term and long-term constructiongenerated noise are found to be significant and unavoidable.

As discussed under Impact 15-1 of the General Plan EIR, the General Plan Goal HAZ-8 (minimize human exposure to excessive noise) and Policies HAZ-8.17 (Community Noise Control Ordinance), HAZ-8.20 (Construction Noise Study), and HAZ-8.21 (Construction and Maintenance Noise Limits) establish the overall goal and intentions of the City with regards to construction-related noise. Policy HAZ-8.17 refers to a community noise control ordinance for the purposes of regulating community noise levels. The City has adopted Section 4-1.03.4 of the Municipal Code (Construction and Alteration of Structures; Landscaping Activities), which states that individual devices/pieces of construction equipment are not to exceed 83 dB at a distance of 25 feet from the source and 86 dB at any point of the property plane Monday through Saturday from 7:00 AM to 7:00 PM and Sundays

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from 10:00 AM to 6:00 PM, "unless otherwise provided pursuant to a duly-issued permit or a condition of approval." Thus, while the code establishes specific standards to reduce construction noise from typical construction activities, these standards may not apply to all development projects requiring discretionary approval.

Furthermore, the General Plan EIR analyzes vibration related impacts and the implementation of Policies HAZ-8.22 (Vibration Impact Assessment) and HAZ-8.23 (Transportation Vibration) would require a project-level noise and vibration study to determine vibration-related impacts on humans. Policy HAZ-8.22 would require construction activities using heavy-duty construction equipment within 200 feet of an existing structure or sensitive receptor to conduct a vibration impact assessment. Policy HAZ-8.23 would require all new development located in proximity to major vibration sources (e.g., railroads, freeways, BART lines) to conduct a ground vibration and vibration noise evaluation consistent with City approved methodologies. Therefore, conducting project-level vibration studies would ensure individuals and structures are not exposed to excessive vibration levels.

As discussed under Impact 15-2 of the General Plan EIR, implementation of the policies included in the Hazards Element, such as Policy HAZ-8.2 (Noise Study and Mitigation) and Policy HAZ-8.5 (Residential Noise Standards), require new projects to evaluate noise exposure and provide mitigation measures, if applicable, to reduce noise exposure at sensitive land uses and meet noise standards for the specific project type. Therefore, conducting project-level noise studies to comply with adopted noise standards would ensure that individuals are not exposed to excessive noise levels.

Although adoption of General Plan policies would ensure that new development would comply with adopted noise standards and therefore would not expose new receptors to excessive noise levels, the General Plan would still result in increases in traffic-related noise (i.e., increases of 3 or more dB and up to 15 dB in some areas of the City). As a result, project-generated increases in noise would result in a substantial permanent increase in community noise levels that could adversely affect existing receptors.

The following describes applicable analysis in the General Plan EIR and provides a review to determine whether there would be project-specific impacts that 1) are peculiar to the project or the parcel on which the project is located; 2) were not previously analyzed in a previous environmental documents as significant effects; 3) are potentially significant off-site impacts and cumulative impacts that were not previously discussed in the previous environmental documents; and 4) are now determined to have a more severe impact than discussed in the previous environmental documents due to substantial new information.

Project-Specific Impacts

- a. Would the project result in generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?
- ☑ SUBSTANTIALLY MITIGATED BY UNIFORMLY APPLICABLE DEVELOPMENT POLICIES

Construction Impacts

Project construction activities on-site and traffic noise from construction vehicles would increase noise levels in the project vicinity. Nearby noise-sensitive land uses, including the multi-family residences adjacent to the project site would be exposed to temporary construction noise during development of the project. Noise impacts are a function of the type of activity being undertaken and the distance to the receptor location. Table 5 estimates construction noise at a reference distance of 50 feet from the source equipment. Although there are single-family residences adjacent to the south project boundary, reference noise levels for construction equipment cannot be adapted with precision to much closer distances.

Equipment	Typical Noise Level (dBA Leq) 50 ft from Source*
Air Compressor	81
Backhoe	80
Compactor	82
Concrete Mixer	85
Concrete Pump	82
Concrete Vibrator	76
Crane Derrick	88
Crane Mobile	83
Dozer	85
Generator	81
Grader	85
Impact Wrench	85
Jack Hammer	88
Loader	85
Paver	89
Pneumatic Tool	85
Pump	76
Rail Saw	90
Roller	74
Saw	76
Scarifier	83
Scraper	89
Shovel	82
Truck	88

Table 5 Estimated Construction Noise

As shown in Table 5, construction noise could reach as high as an estimated 90 dBA L_{eq} at the nearest noise-sensitive receptors during construction. Such levels would exceed ambient noise and would be audible on adjacent properties, including residences immediately north and west of the project site. However, Section 4-1.03.4 of the HMC limits the hours of construction and maintenance activities to the less sensitive hours of the day (7:00 a.m. – 7:00 p.m. Monday through Saturday and 10:00 a.m. – 6:00 p.m. on Sundays and holidays); therefore, construction impacts would not occur during recognized sleep hours for residences. The HMC also imposes noise limit requirements stating that no individual piece of equipment may produce a noise level exceeding 83 dBA at a distance of 25 feet from source, and that no activities may produce a noise level in excess

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of 86 dBA outside project property lines. Additionally, construction noise would be typical of normal construction in urban areas and would not use techniques or equipment that generate unusually high levels of noise or vibration such as pile driving. Adherence to the City's standard conditions of approval related to construction noise would further reduce construction noise at nearby sensitive receptors and compliance with this uniformly applicable development policy would reduce impacts to a less than significant level. The project would have no impacts beyond those identified in previous environmental documents.

Standard Condition of Approval

The following control measures for construction noise, grading and construction activities shall be adhered to, unless otherwise approved by the Planning Director or City Engineer:

- a) In conformance with Section 4-1.03-4 of the City's Municipal Code, construction activities between 7:00 a.m. and 7:00 p.m. Monday through Saturday or between 10:00 a.m. and 6:00 p.m. on Sundays or holidays, unless other construction hours are permitted by the City Engineer or Chief Building Official, shall not include any individual equipment that produces a noise level exceeding 83 dB measured at 25 feet, nor shall activities produce a noise level outside the project property lines in excess of 86 dB. During all other hours, noise shall not exceed the limits defined in Municipal Code Section 4-1.03.1 (70 dB daytime or 60 dB nighttime, measured at residential property lines).
- b) Grading and construction equipment shall be properly muffled;
- c) Unnecessary idling of grading and construction equipment is prohibited;
- d) Stationary noise-generating construction equipment, such as compressors, shall be located as far as practical from occupied residential housing units;
- e) Applicant/developer shall designate a "noise disturbance coordinator" who will be responsible for responding to any local complaints about construction noise.
- f) Letters shall be mailed to surrounding property owners and residents within 300 feet of the project boundary with this information.
- g) The developer shall post the property with signs that shall indicate the names and phone number of individuals who may be contacted, including those of staff at the Bay Area Air Quality Management District, when occupants of adjacent residences find that construction is creating excessive dust or odors, or is otherwise objectionable. Letters shall also be mailed to surrounding property owners and residents with this information prior to commencement of construction.

Operational Impacts

Operation of the project would generate noise typical of multi-family residential development and would be consistent with nearby residential and commercial land uses. Mechanical equipment on the project site and vehicle trips associated with the new building could increase noise level. However, the project involves residential development on a site designated for residential uses and noise levels would be consistent with surrounding development. Noise associated with project operation would primarily result from new motor vehicle trips to and from the project site. As analyzed in Section 16, *Transportation*, the proposed project would not generate traffic volumes in excess of that assumed for the project site in the General Plan EIR, and therefore, traffic noise would be at or below levels assumed in the EIR for the General Plan buildout year of 2040. The

General Plan EIR found that changes in traffic patterns may create a permanent increase in ambient noise levels. However, General Plan Policies HAZ-8.2, HAZ-8.5, HAZ- 8.11, HAZ-8.12, HAZ-8.17, and HAZ-8.23 call for actions aimed at reducing impacts from traffic noise, such as enforcing maximum acceptable interior and exterior noise levels for multi-family residences. Therefore, the project would not have an impact beyond that analyzed previously.

b. Would the project result in generation of excessive groundborne vibration or groundborne noise levels?

☑ LESS THAN SIGNIFICANT

Construction of the project would intermittently generate vibration on and adjacent to the project site. The project would be a typical construction project as analyzed in the Hayward General Plan EIR. Heavy vibration-generating equipment can include bulldozers and loaded trucks. The distance to the nearest sensitive receptors from the project site, the multi-family residences located adjacent to the west, is estimated at 25 feet to be conservative. Although the multi-family residences are adjacent to the site boundary, construction equipment would not typically operate at the property lines, and reference vibration levels for construction equipment apply to a distance of 25 feet from the source and cannot be adapted with precision to much closer distances.

Table 6 identifies vibration velocity levels at a distance of 25 feet from the source.

Equipment	Estimated VdB at 25 feet	PPV at 25 feet (in/sec)
Large bulldozer	87	0.089
Loaded trucks	86	0.076
Jack hammer	79	0.035
Small bulldozer	58	0.003
Source: FTA 2018		

Table 6	Estimated	Construction	Vibration	Levels
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Based on Table 6, noise-sensitive receptors would experience the strongest vibration of up to 87 VdB or 0.089 in/sec PPV with the use of large bulldozers, which would not exceed the AASHTO threshold of 0.3 in/sec PPV for damage to nearby sensitive structures. Furthermore, a vibration level of 0.089 in/sec PPV would not exceed the Caltrans distinctly perceptible vibration threshold of 0.24 in/sec PPV (Caltrans 2020). In addition, construction activities generating loud noises and vibration would also be limited to 7:00 a.m. – 7:00 P.M. Monday through Saturday and 10:00 A.M. – 6:00 P.M. on Sundays pursuant to HMC 4-1.03.4, which would prevent the exposure of sensitive receivers to vibration during evening and nighttime hours. Moreover, project construction would be typical of urban projects in Hayward as envisioned in the General Plan EIR analysis. Impacts would be less than significant.

d. For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?

☑ NO IMPACT

There are no private airstrips near the project site. The nearest airport, Hayward Executive Airport, is approximately 2.8 miles northwest of the project site. The project site is located within the

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Hayward Executive Airport Influence Area. However, according to Figure 3-3 of the Hayward Executive Airport Land Use Compatibility Plan, the project site is not located within the existing noise level contours for the airport (Alameda County Airport Land Use Commission 2010). The project would not subject construction workers or residents at the site to excessive noise and impacts would be less than significant.

Conclusion

With standard conditions of approval incorporated, the project would not have peculiar or substantial noise impacts, nor would there be any potentially significant off-site impacts, cumulative impacts, or previously identified significant effects, which were not discussed in the prior environmental documents. Also, there are no previously identified significant effects which, as a result of substantial new information that was not known at the time of the previous environmental review, are determined to have a more severe adverse impact that discussed in the previous environmental documents. Accordingly, no additional review is required.

Environmental Checklist Population and Housing

14 Population and Housing

		Significant Impact	Less than Significant	No Impact	Analyzed in the Prior EIR	Substantially Mitigated by Uniformly Applicable Development Policies
Wo	ould the project:					
a.	Induce substantial unplanned population growth in an area, either directly (e.g., by proposing new homes and businesses) or indirectly (e.g., through extension of roads or other infrastructure)?				-	
b.	Displace substantial amounts of existing housing, necessitating the construction of replacement housing elsewhere?					

Analysis in Previous Environmental Documents

The General Plan EIR discusses population and housing on pages 16-1 through 16-7. The General Plan EIR accounts for a population of 265,962 people at full buildout of the Hayward Planning Area and finds that impacts would be less than significant.

The following describes applicable analysis in the General Plan EIR and provides a review to determine whether there would be project-specific impacts that 1) are peculiar to the project or the parcel on which the project is located; 2) were not previously analyzed in previous environmental documents as significant effects; 3) are potentially significant off-site impacts and cumulative impacts that were not previously discussed in the previous environmental documents; and 4) are now determined to have a more severe impact than discussed in the previous environmental documents due to substantial new information.

Project-Specific Impacts

a. Would the project 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)?

☑ ANALYZED IN THE PRIOR EIR

The project would involve the construction of 22 townhome units on an infill site, consistent with the goals of the General Plan regarding efficient urban growth. The project would directly generate population growth. Based on the City of Hayward's average household size of 3.21 persons per household (California Department of Finance [DOF] 2021), the project would add an estimated 71 new residents to the City. The project would increase the population of Hayward from 158,089 to

158,160 people, an increase that falls within the residential buildout analyzed in the General Plan EIR of 208,047. Accordingly, it would not induce substantial population growth directly or indirectly because the project would be part of planned growth in the region and within the growth projection analyzed in the General Plan EIR. In addition, since the project would include only one part-time employee at the property manager's office, and maintenance and similar support positions would be expected to be filled from people already in the city or region, it would not result in substantial employment growth. Population growth related to the project would be less than significant and would not be more than that analyzed in previous environmental documents.

b. Would the project displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?

☑ NO IMPACT

The project site is currently vacant. Therefore, construction and development of the site would not displace substantial numbers of people or residences. The project would not displace housing or people.

Conclusion

The project would not involve development in areas not analyzed previously in the General Plan EIR, nor would it result in impacts to population and housing not covered in the General Plan EIR. The project would have no new significant or substantially more severe or peculiar impacts concerning population and housing, nor would there be any potentially significant off-site impacts, cumulative impacts, or previously identified significant effects, which were not discussed in the prior environmental documents. Also, there are no previously identified significant effects which, as a result of substantial new information that was not known at the time of the previous environmental review, are determined to have a more severe adverse impact that discussed in the previous environmental documents. Accordingly, no additional review is required.

Environmental Checklist Public Services

15 Public Services

			Significant Impact	Less than Significant	No Impact	Analyzed in the Prior EIR	Substantially Mitigated by Uniformly Applicable Development Policies
a.	Wo sub imp pro alte or t phy gov con cau env ord serv or c obje serv	build the project result in estantial adverse physical pacts associated with the evision of new or physically ered governmental facilities, the need for new or vsically altered vernmental facilities, the estruction of which could use significant vironmental impacts, in ler to maintain acceptable vice ratios, response times other performance ectives for any of the public vices:					
	1	Fire protection?				•	
	2	Police protection?				•	
	3	Schools?				•	
	4	Parks?		•			
	5	Other public facilities?				-	

Analysis in Previous Environmental Documents

The General Plan EIR analyzes public services on pages 17-1 through 17-42 and concludes that impacts regarding public services would be less than significant.

The following describes applicable analysis in the General Plan EIR and provides a review to determine whether there would be project-specific impacts that 1) are peculiar to the project or the parcel on which the project is located; 2) were not previously analyzed in previous environmental documents as significant effects; 3) are potentially significant off-site impacts and cumulative impacts that were not previously discussed in the previous environmental documents; and 4) are now determined to have a more severe impact than discussed in the previous environmental documents due to substantial new information.

Project-Specific Impacts

- a.1. Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered fire protection facilities, or the 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?
- a.2. Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered police protection facilities, or the need for new or physically altered police protection facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives?

☑ ANALYZED IN THE PRIOR EIR

The General Plan EIR evaluates fire and police protection demand impacts and finds them to be less than significant with implementation of applicable General Plan policies, including required enforcement of fire and building codes, and implementation of defensible space and Crime Prevention Through Environmental Design concepts. The project involves infill residential development as envisioned in the General Plan, in an area currently served by police and fire protection services; it would result in no impacts beyond those previously identified in the prior environmental documents.

a.3. Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered schools, or the need for new or physically altered schools, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives?

☑ ANALYZED IN THE PRIOR EIR

While new development, including the proposed project, would increase the demand for new school facilities, the General Plan EIR analyzes this issue and finds impacts to be less than significant with implementation of General Plan policies. Hayward Unified School District (HUSD) provides public school services in Hayward. The school district has experienced a substantial decline in its student population, which is expected to continue. While the General Plan Area covers an area that is served by other public schools, the project site only occurs within the HUSD area. Additionally, the project applicant would be required to pay development impact fees that would be used by the local school district to mitigate impact associated with long-term operation and maintenance of school facilities. Pursuant to Section 65996(3)(h) of the California Government Code, payment of these fees "is deemed to be full and complete mitigation of impacts of any legislative or adjudicative act, or both, involving but not limited to, the planning, use, or development of real property, or any change in government organization or reorganization." The project would therefore have a less than significant impact that would not be greater than that analyzed in the previous environmental documents.

a.4. Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered parks, or the need for new or physically altered parks, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios or other performance objectives?

☑ LESS THAN SIGNIFICANT

Please refer to Section 15, Recreation.

a.5. Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, or the need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for other public facilities?

☑ ANALYZED IN THE PRIOR EIR

The proposed project does not include and would not require new or physically altered governmental facilities. Population growth facilitated by the proposed residential units included in the project would generate additional demand for library and other public services, but this growth would be consistent with and accounted for in the General Plan. Impacts of the project would not be greater than those analyzed previously.

Conclusion

The project would have no new significant or substantially more severe or peculiar impacts to public services, nor would there be potentially significant off-site impacts, cumulative impacts, or previously identified significant effects that were not discussed in the prior environmental documents. Further, there are no previously identified significant effects which, as a result of substantial new information not known at the time of the previous environmental review, have been determined to have a more severe adverse impact than those discussed in the previous environmental documents. Accordingly, no additional review is required.

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16 Recreation

		Significant Impact	Less than Significant	No Impact	Analyzed in the Prior EIR	Substantially Mitigated by Uniformly Applicable Development Policies
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?		•			

Analysis in Previous Environmental Documents

The General Plan EIR analyzes recreation on pages 17-1 through 17-42, in the Public Services section, and identifies a less than significant impact to recreation.

The following describes applicable analysis in the General Plan EIR and provides a review to determine whether there would be project-specific impacts that 1) are peculiar to the project or the parcel on which the project is located; 2) were not previously analyzed in previous environmental documents as significant effects; 3) are potentially significant off-site impacts and cumulative impacts that were not previously discussed in the previous environmental documents; and 4) are now determined to have a more severe impact than discussed in the previous environmental documents due to substantial new information.

Project-Specific Impacts

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?

☑ LESS THAN SIGNIFICANT

The project includes residential development that would increase population in the Harder Tennyson neighborhood in Hayward. The additional population would increase the use of existing parks and other recreational facilities. There are two existing parks and recreational facilities within the project vicinity: Tennyson Park, located approximately 0.1 miles south; Weekes Community Center Park, located approximately 0.5 miles west of the project site; Eden Youth and Family Center, located approximately 0.2 miles southwest; and Matt Jimenez Community Center, located approximately 0.2 miles southwest. Additionally, the project includes on-site amenities including private open space and shared outdoor open space in the form of a 1,952 square foot paseo. Moreover, as described above under Section 14, *Population and Housing*, the estimated number of

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new residents would be consistent with General Plan estimates. Pursuant to HMC Section 10-16.20, the project applicant would be required to pay a development related park impact fee that would be used to cover the cost of new facilities and maintenance of existing facilities. This in lieu fee would ensure adequate parks and recreational facilities would be maintained with the proposed increase in population. Therefore, the increased use resulting from the project would not lead to a substantial physical deterioration of existing parks and recreational facilities. Impacts would be less than significant.

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

☑ LESS THAN SIGNIFICANT

The project would include development of a new 1,952 square foot paseo in between proposed buildings B and C that would be private space for use by future residents only. The impacts associated with provision of this recreational space for on-site residents are analyzed throughout this report as part of overall project construction and operation. As determined in this document, the provision of the park facility would not result in an adverse effect on the environment. This impact would be less than significant.

Conclusion

The project would have no new significant or substantially more severe or peculiar impacts to recreation, nor would there be potentially significant off-site impacts, cumulative impacts, or previously identified significant effects that were not discussed in the prior environmental documents. Further, there are no previously identified significant effects which, as a result of substantial new information not known at the time of the previous environmental review, have been determined to have a more severe adverse impact than those discussed in the previous environmental documents. Accordingly, no additional review is required.

Environmental Checklist Transportation and Traffic

17 Transportation and Traffic

		Significant Impact	Less than Significant	No Impact	Analyzed in the Prior EIR	Substantially Mitigated by Uniformly Applicable Development Policies
Wo	ould the project:					
a.	Conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?				•	
b.	Conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b)?					
c.	Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible use (e.g., farm equipment)?					
d.	Result in inadequate emergency access?				•	

Analysis in Previous Environmental Documents

The General Plan EIR evaluates transportation impacts on pages 18-1 through 18-44. According to the EIR, impacts to traffic volumes as a result of General Plan implementation would result in an exceedance of the City standard for intersection performance and would potentially constitute a "considerable" contribution to the significant cumulative impact at City intersections. The General Plan EIR proposed several mitigation measures to improve the various intersections operating at a substandard level-of-service (LOS), although these intersections do not include those affected by the project. Impacts to Metropolitan Transportation System (MTS) and Congestion Management Program (CMP) roadways are found to be less than significant. Impacts relating to increased pedestrian activity and facilities, bicycle use and facilities, transit ridership and service are found to be less than significant. Additionally, impacts relating to air traffic patterns, transportation network design feature hazards, and emergency access are found to be less than significant.

The following describes applicable analysis in the General Plan EIR and provides a review to determine whether there would be project-specific impacts that 1) are peculiar to the project or the parcel on which the project is located; 2) were not previously analyzed in previous environmental documents as significant effects; 3) are potentially significant off-site impacts and cumulative impacts that were not previously discussed in the previous environmental documents; and 4) are

now determined to have a more severe impact than discussed in the previous environmental documents due to substantial new information.

Project-Specific Impacts

a. Would the project conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?

☑ ANALYZED IN THE PRIOR EIR

As stated in the General Plan EIR, new development would increase bicycle and pedestrian trips on the existing streets, trails, paths, and sidewalks, including during peak commute hours. General Plan policies and programs encourage and support alternative modes and the development of facilities to accommodate alternative modes of transportation. The project would involve infill development and would not directly impact transit, bicycle, or pedestrian facilities. The project would include new sidewalk curbs, pavement replacement, and sidewalk improvements. Bike lanes are present on Tennyson Road and Huntwood Avenue in the vicinity of the site. As the project is of the same type analyzed in the General Plan for the project site, and there are no site-specific issues with the performance and safety of transit, bicycle, or pedestrian infrastructure, the project would introduce no new or more severe impacts related to conflicts with public transit and active transportation modes or their safety than were analyzed previously.

b. Conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b)?

☑ LESS THAN SIGNIFICANT

Pursuant to SB 743, the City of Hayward has adopted vehicle miles traveled (VMT) as the primary metric to analyze transportation impacts instead of the previously used level of service (LOS). According to the City of Hayward Transportation Impact Analysis Guidelines, projects that involve the construction of fewer than 25 units of multi-family housing would satisfy the City's VMT screening criteria and do not require a detailed transportation analysis. In addition, based on Figure 4 of the City's Transportation Impact Analysis Guidelines, the project site is located in an area with more than 15 percent below average VMT per capita and approximately 0.5 miles west of the South Hayward BART station (City of Hayward 2020). Furthermore, the project would not conflict with the Alameda County Transportation Commission Congestion Management Program. The project would be in a location that allows for usage of alternative modes of transportation and would result in less than significant impacts to VMT.

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

☑ LESS THAN SIGNIFICANT

The only new roadway planned for the project would be within the project site boundaries in order to provide internal circulation for the site. The new roadway would not create new hazards due to a design feature and the project would not involve uses that generate use of incompatible vehicles such as farm equipment. The City's Traffic Engineer would review project driveways and internal circulation to ensure design for safe operation. Chapter 10, Article 4 of the HMC includes specific site planning and project design standards intended to address such issues as street design with reference to public safety and compatible use. Therefore, this impact would be less than significant.

Environmental Checklist Transportation and Traffic

d. Would the project result in inadequate emergency access?

☑ ANALYZED IN THE PRIOR EIR

The Hayward Precise Plan Lines for Streets (Chapter 10, Article 4 of the HMC) includes site-specific planning and project design standards intended to address such issues as emergency access. As stated in the General Plan EIR, projects under the General Plan buildout are required to comply with zoning requirements and the HMC. In addition, the Hayward Police Department and Hayward Fire Department would review individual development proposals to ensure that emergency access needs are met. The U-shaped drive aisle on site was designed to accommodate fire access and waste trucks and would not obstruct emergency access. Compliance with Section 10-4.01 of the HMC would ensure accessibility to the project site is maintained. The project would not impair implementation of an emergency plan or physically interfere with an emergency access, nor would it result in the blockage of access routes or evacuation routes adopted within an emergency response plan or emergency evaluation plan. Therefore, the project would have no impacts beyond those previously analyzed and identified in the prior environmental documents.

Conclusion

The project would have no new significant or substantially more severe or peculiar impacts to transportation, nor would there be potentially significant off-site impacts, cumulative impacts, or previously identified significant effects that were not discussed in the prior environmental documents. Further, there are no previously identified significant effects which, as a result of substantial new information not known at the time of the previous environmental review, have been determined to have a more severe adverse impact than those discussed in the previous environmental documents. Accordingly, no additional review is required.

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Environmental Checklist Tribal Cultural Resources

18 Tribal Cultural Resources

			Analyzed	Substantially Mitigated by Uniformly Applicable
Significan	t Less than	No	in the	Development
Impact	Significant	Impact	Prior EIR	Policies

Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in a Public Resources Code Section 21074 as either a site, feature, place, or cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:

а.	Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code Section 5020.1(k), or			I
b.	A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Cod Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resources Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native			
	American tribe.			I

As of July 1, 2015, California Assembly Bill 52 of 2014 (AB 52) was enacted and expands CEQA by defining a new resource category, "tribal cultural resources." AB 52 establishes that "a project with an effect that may cause a substantial adverse change in the significance of a tribal cultural resource is a project that may have a significant effect on the environment" (PRC Section 21084.2). It further states that the lead agency shall establish measures to avoid impacts that would alter the significant characteristics of a tribal cultural resource, when feasible (PRC Section 21084.3).

PRC Section 21074 (a)(1)(A) and (B) defines tribal cultural resources as "sites, features, places, cultural landscapes, sacred places, and objects with cultural value to a California Native American tribe" and is:

- 1. Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k), or
- 2. A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources

Code Section 5024.1. In applying these criteria, the lead agency shall consider the significance of the resource to a California Native American tribe.

AB 52 also establishes a formal consultation process for California tribes regarding those resources. The consultation process must be completed before a CEQA document can be certified. Under AB 52, lead agencies are required to "begin consultation with a California Native American tribe that is traditionally and culturally affiliated with the geographic area of the proposed project." Native American tribes to be included in the process are those that have requested notice of projects proposed within the jurisdiction of the lead agency.

Project-Specific Impacts

- a. Would the project cause a substantial adverse change in the significance of a tribal cultural resource as defined in Public Resources Code Section 21074 that is listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code Section 5020.1(k)?
- b. Would the project cause a substantial adverse change in the significance of a tribal cultural resource as defined in Public Resources Code Section 21074 that is a resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1?

☑ SUBSTANTIALLY MITIGATED BY UNIFORMLY APPLICABLE DEVELOPMENT POLICIES

The City of Hayward mailed a notification letter on February 24, 2022 to one local Native American tribe that has requested notification under AB 52: the Ione Band of Miwok Indians. Correspondence is included in Appendix F. Under AB 52, tribes have 30 days from receipt of the letter to respond and request consultation. The tribe did not respond during that window and request formal consultation under AB 52. Although no tribal cultural resources are expected to be present on-site, there is the possibility of encountering undisturbed subsurface tribal cultural resources. The proposed excavation of the project site could potentially result in adverse effects on unanticipated tribal cultural resources during construction would be less than significant with adherence to the City's standard conditions of approval.

STANDARD CONDITION OF APPROVAL

In the event that cultural resources of Native American origin are identified during construction, all earth disturbing work within the vicinity of the find must be temporarily suspended or redirected until an archaeologist has evaluated the nature and significance of the find and an appropriate Native American representative, based on the nature of the find, is consulted. If the City determines that the resource is a tribal cultural resource and thus significant under CEQA, a mitigation plan shall be prepared and implemented in accordance with state guidelines and in consultation with Native American groups. The plan would include avoidance of the resource or, if avoidance of the resource is infeasible, the plan would outline the appropriate treatment of the resource in coordination with the archeologist and the appropriate Native American tribal representative.

Environmental Checklist Tribal Cultural Resources

Conclusion

The project would have no new significant or substantially more severe or peculiar impacts to tribal cultural resources, nor are there potentially significant off-site impacts, cumulative impacts, or previously identified significant effects that were not discussed in the prior environmental documents. Further, there are no previously identified significant effects which, as a result of substantial new information not known at the time of the previous environmental review, have been determined to have a more severe adverse impact than those discussed in the previous environmental documents. Accordingly, no additional review is required.

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Environmental Checklist Utilities and Service Systems

19 Utilities and Service Systems

		Significant Impact	Less than Significant	No Impact	Analyzed in the Prior EIR	Substantially Mitigated by Uniformly Applicable Development Policies
Would the project:			-			
a.	Require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?				•	
b.	Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?				-	
C.	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?				•	
d.	Generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?				•	
e.	Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?					

Analysis in Previous Environmental Documents

The General Plan EIR analyzes impacts on utilities and service systems on pages 19-1 through 19-34. This discussion addresses the issues of water supply and delivery, wastewater collection and treatment, and solid waste disposal, recycling, and composting. The General Plan EIR identifies impacts to all utilities and service systems as less than significant.

The following describes applicable analysis in the General Plan EIR and provides a review to determine whether there would be project-specific impacts that 1) are peculiar to the project or the parcel on which the project is located; 2) were not previously analyzed in previous environmental documents as significant effects; 3) are potentially significant off-site impacts and cumulative impacts that were not previously discussed in the previous environmental documents; and 4) are now determined to have a more severe impact than discussed in the previous environmental documents due to substantial new information.

Project-Specific Impacts

- a. Would the project require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?
- b. Would the project have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?
- c. Would the project 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?
- ☑ ANALYZED IN THE PRIOR EIR

Water

The City of Hayward owns and operates its own water distribution system and purchases all of its water from the San Francisco Public Utilities Commission (SFPUC). In the case of emergency or disruption of water delivery from the SFPUC, water supplies are available through the Alameda County Water District and East Bay Municipal Utility District. With new development in the city, the General Plan EIR finds that water demand will increase from 19,537 acre-feet per year (AFY) in 2010 to 37,390 AFY year by 2035 (City of Hayward 2014c). According to the City of Hayward 2020 Urban Water Management Plan (UWMP), the City is expected to have adequate water supplies during normal years to meet its projected demands through 2040. Although there remains uncertainty for water supply availability during single and multiple dry years, the City, SFPUC, and Bay Area Water Supply & Conservation Agency (BAWSCA) have developed strategies and actions to address dry-year supply shortfalls (City of Hayward 2021b). In addition, the City has implemented its 2020 Water Shortage Contingency Plan in order to address water shortages by incorporating implementation actions to reduce the potential for and impacts of catastrophic service disruptions (City of Hayward 2021c). Furthermore, the General Plan also contains policies and programs to ensure water demand projections and development facilitated under the General Plan would be accommodated. Additional population facilitated by new residential units constructed under the project are included in and consistent with the population growth forecasts of the General Plan. Therefore, water demand resulting from implementation of the proposed project was evaluated in the prior environmental review documents and it is not anticipated that SFPUC would need new or expanded entitlements or facilities to serve the project. With implementation of General Plan policies, sufficient water supplies would be available for the project demand, and the project would not result in impacts beyond those identified in the prior environmental review documents.

Wastewater

The project would connect to the City of Hayward Sanitary District sanitary sewer system. Sanitary sewage from the City's system is treated at the Hayward Water Pollution Control Facility (WPCF). The treatment facility discharges into the San Francisco Bay under a permit with the RWQCB. Since the WPCF is considered a publicly-owned treatment facility, operational discharge flows treated at the WPCF would be required to comply with applicable water discharge requirements issued by the RWQCB. Compliance with conditions or permit requirements established by the City as well as water discharge requirements outlined by the RWQCB would ensure that wastewater discharges coming from the project site are treated by the WPCF system would not exceed applicable RWQCB wastewater treatment requirements.

The proposed project would increase population density incrementally in the City of Hayward. However, population growth facilitated by the proposed residential units would be consistent with General Plan population growth forecasts. The project would not generate growth beyond that anticipated in the General Plan. The General Plan EIR found that there would be adequate capacity at the WPCF to serve development under the General Plan. Therefore, there is adequate capacity at the WPCF to service the project and no expansion of the WPCF would be required (City of Hayward 2014b).

The General Plan EIR states that General Plan buildout is not anticipated to require significant upgrades to water supply infrastructure. Additionally, the General Plan EIR states that implementation of General Plan would not require or result in the construction of new water or wastewater treatment facilities whose construction would cause significant environmental effects. Projects under the General Plan would not result in an increase of capacity of the City's wastewater treatment system, which is anticipated to have capacity to serve development under the 2040 General Plan in addition to its existing commitments. No impacts beyond those analyzed in the General Plan EIR would occur because of the project.

Stormwater

As discussed in Section 9, *Hydrology and Water Quality*, the project would involve development and grading activities and the development of more than 10,000 square feet of impervious surfaces. Therefore, the project would comply with Provision C.3 of the Municipal Regional Stormwater NPDES Permit. Adherence to the C.3 requirements would minimize water quality impacts from new development to maintain regional compliance with the Municipal Regional Permit. Provision C.3 includes a LID provision (C.3.c) requires that low-impact development techniques be utilized to employ appropriate source control, site design, and stormwater treatment measures to prevent increases in runoff flows from new development projects.

As stated in the General Plan, development projects must comply with the requirement to maintain stormwater flows at pre-construction levels, pursuant to Provision C.3 of the Municipal Regional Stormwater NPDES permit. The General Plan EIR concludes that new development consistent with this policy would not require or result in the construction of new stormwater drainage facilities of expansion of existing facilities whose construction would cause significant environmental effects. As the project involves development of a site with residential uses consistent with the development envisioned for the site under the General Plan, and the project would be required to adhere to

Provision C.3 of the Municipal Regional Stormwater NPDES Permit, it would not result in new or more severe impacts beyond those identified in the prior environmental review documents.

Gas/Electricity/Telecommunications

Electricity and natural gas service to the City is provided by PG&E. As discussed in Section 6, *Energy*, population growth facilitated by the proposed project would be within with General Plan population growth forecasts. According to the General Plan EIR, the City's energy supply is sufficient to meet the needs of projected growth until 2040 (City of Hayward 2014b). The project would also be required to comply with the California Energy Code pursuant to HMC Section 9-1.01 which includes policies that reduce energy use from buildings and equipment, as well as the City's Reach Code which states that all new low-rise residential buildings (three stories and less) be all electric, and requires electric vehicle charging infrastructure beyond that required in the 2019 California Green Building Standards Code (City of Hayward 2021a). Therefore, the project would not result in impacts beyond those identified in the prior environmental review documents.

- *d.* Would the project generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?
- *g.* Would the project comply with federal, state, and local management and reduction statutes and regulations related to solid waste?

☑ ANALYZED IN THE PRIOR EIR

Solid waste from the project would be disposed of at the Altamont Landfill. In 2001, Altamont Landfill received County approval to increase capacity to allow the closure date to be extended to 2040. According to the General Plan EIR, the City's solid waste capacity is sufficient to meet the needs of projected growth until 2040 (City of Hayward 2014b). The General Plan also finds that impacts would be less than significant, as projected population growth under the General Plan is not anticipated to generate significant additional solid waste demand, and the General Plan contains policies to reduce solid waste impacts. Furthermore, the HMC includes development standards relating to solid waste, recycling, and green waste materials storage. Projects under the General Plan buildout would comply with Federal, State, and local statutes and regulations related to solid waste. The project would have no impacts beyond those analyzed previously.

Conclusion

The project would have no new significant or substantially more severe or peculiar impacts to utilities and service systems, nor would there be potentially significant off-site impacts, cumulative impacts, or previously identified significant effects that were not discussed in the prior environmental documents. Further, there are no previously identified significant effects which, as a result of substantial new information not known at the time of the previous environmental review, have been determined to have a more severe adverse impact than those discussed in the previous environmental documents. Accordingly, no additional review is required.

Environmental Checklist Wildfire

20 Wildfire

	Significant Impact	Less than Significant	No Impact	Analyzed in the Prior EIR	Substantially Mitigated by Uniformly Applicable Development Policies		
If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:							
a. Substantially impair an adopted emergency response plan or emergency evacuation plan?			•				
b. Due to slope, prevailing winds, a other factors, exacerbate wildfire risks and thereby expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?	nd e r						
c. Require the installation or maintenance of associated infrastructure (such as roads, fue breaks, emergency water source power lines or other utilities) tha may exacerbate fire risk or that r result in temporary or ongoing impacts to the environment?	el s, at may						
d. Expose people or structures to significant risks, including downslopes or downstream flooding or landslides, as a result runoff, post-fire slope instability, drainage changes?	cof , or □		-				

The updated CEQA Appendix G guidelines published in December of 2018 require that environmental analysis include a discussion of the potential wildfire impacts of proposed projects, with particular emphasis on the exposure of people and structures to as well as the exacerbation of wildfire risks.

Analysis in Previous Environmental Documents

The General Plan EIR analyzes impacts related to wildfire on pages 11-1 through 11-24. The General Plan EIR identifies impacts related to wildfire as less than significant.

The following describes applicable analysis in the General Plan EIR and provides a review to determine whether there would be project-specific impacts that 1) are peculiar to the project or the parcel on which the project is located; 2) were not previously analyzed in previous environmental documents as significant effects; 3) are potentially significant off-site impacts and cumulative

impacts that were not previously discussed in the previous environmental documents; and 4) are now determined to have a more severe impact than discussed in the previous environmental documents due to substantial new information.

- a. If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project substantially impair an adopted emergency response plan or emergency evacuation plan?
- b. If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project, due to slope, prevailing winds, and other factors, exacerbate wildfire risks and thereby expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?
- c. If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?
- d. If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project expose people or structures to significant risks, including downslopes or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?

☑ NO IMPACT

The project site is not within or near State Responsibility Areas (SRA) or lands classified as very high fire hazard severity zones (VHFHSZ). The nearest SRA or land classified as VHFHSZ is east of Garin Regional Park approximately 5 miles east of the project site (Cal Fire 2008). The project site is generally flat and surrounded by numerous firebreaks such as freeways and urban development. Therefore, the risk of wildfire on the project site would be low. No impact would occur.

Conclusion

The project would have no new significant or substantially more severe or peculiar impacts with regard to wildfire risks, nor would there be potentially significant off-site impacts, cumulative impacts, or previously identified significant effects that were not discussed in the prior environmental documents. Further, there are no previously identified significant effects which, as a result of substantial new information not known at the time of the previous environmental review, have been determined to have a more severe adverse impact than those discussed in the previous environmental documents. Accordingly, no additional review is required.
Environmental Checklist Mandatory Findings of Significance

21 Mandatory Findings of Significance

	Significant Impact	Less than Significant	No Impact	Analyzed in the Prior EIR	Substantially Mitigated by Uniformly Applicable Development Policies
Does the project:					
a. Have the potential to substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?					•
b. Have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?				•	
 c. Have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly? 					

Project-Specific Impacts

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

☑ SUBSTANTIALLY MITIGATED BY UNIFORMLY APPLICABLE DEVELOPMENT POLICIES

Consistent with the findings of the General Plan EIR and as discussed in Section 4, *Biological Resources*, with incorporation of the standard condition of approval related to nesting birds, the project would not substantially reduce the habitat of a fish or wildlife species; cause a fish or wildlife

species population to drop below self-sustaining levels; threaten to eliminate a plant or animal community; or reduce the number or restrict the range of a rare or endangered plant or animal.

As discussed in Section 5, *Cultural Resources*, and Section 18, *Tribal Cultural Resources*, with incorporation of the standard condition of approval related to the unanticipated discovery of cultural resources, the project would not eliminate important examples of the major periods of California history or prehistory, including archaeological or paleontological resources. As such, the project would not result in impacts peculiar to the project beyond those identified in the General Plan EIR and subsequent environmental documents.

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

☑ ANALYZED IN THE PRIOR EIR

Conformance with General Plan policies and standard conditions of approval specified in this document would ensure that potential impacts are individually limited and not cumulatively considerable in the context of impacts associated with other pending and planned development projects. As part of the General Plan EIR, cumulative impacts associated with buildout of infill projects were analyzed. The project involves residential development on a site designated for residential development under the General Plan and other existing and allowable land uses near the project are not significantly different than those studied in the cumulative analysis of the General Plan EIR. The General Plan is a document that establishes a land use scenario and goals, policies, and objectives for development and growth throughout the city, through the year 2040. Thus, the impact analyses in the General Plan EIR effectively constitute cumulative analyses of the approved land uses in the planning boundaries. The project would not result in significant impacts peculiar to the project site, as indicated in sections 1 through 20 above. Nearby development would be required to be consistent with the local planning documents or mitigation would be required to assess the impacts that were not addressed in the General Plan EIR. Therefore, the project's consistency with the General Plan and subsequent analysis above in sections 1 through 20 indicate that the project would not result in significant cumulative impacts that were not addressed in the General Plan EIR.

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

☑ SUBSTANTIALLY MITIGATED BY UNIFORMLY APPLICABLE DEVELOPMENT POLICIES

In general, impacts to human beings are associated with air quality, hazards and hazardous materials, geology and soils, noise, and traffic safety. As detailed in the preceding sections, the project would not result, either directly or indirectly, in substantial adverse impacts related to these issue areas. The project's effects on regional air quality and transportation/traffic would be less than significant or were analyzed under prior environmental review. As discussed in Section 7, *Geology and Soils*, adherence to the City's standard condition of approval related to geologic hazards would reduce impacts related to expansive soils. As discussed in Section 8, *Hazards and Hazardous Materials*, on-site construction and operations would not expose residents or customers to known hazardous materials. The generation of noise and vibration from construction activity, as discussed in Section 12, *Noise*, would be reduced to a level that is less than significant with adherence to HMC

Section 4-1.03.4 and the City's standard condition of approval for construction noise. Therefore, the project would not have substantial direct or indirect adverse effects on human beings.

Conclusion

The proposed project would be consistent with the development density established by the site's General Plan land use designation and General Plan policies for which an EIR was certified. Accordingly, based on the assessments presented in the environmental checklist, the project does not require additional environmental review as the impacts:

- 1. Are not peculiar to the project or the parcel on which the project would be located
- 2. Were analyzed as significant effects in a prior EIR on the zoning action, general plan, and specific plan, with which the project is consistent where applicable
- 3. Are not potentially significant off-site impacts and cumulative impacts which were not discussed in the prior EIR prepared for the general plan and specific plan
- 4. Are not previously identified significant effects which, as a result of substantial new information which was not known at the time the EIR was certified, are determined to have a more severe adverse impact than discussed in the prior EIR

The majority of impacts would be less than significant or were analyzed previously in the General Plan EIR. Additional impacts would be reduced or mitigated by the imposition of uniformly applied development policies or standards. Accordingly, implementation of the project complies with Section 15183 of the CEQA Guidelines and no further environmental review is required.

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List of Preparers

Rincon Consultants, Inc. prepared this Environmental Consistency Checklist pursuant to CEQA Guidelines Section 15183 under contract to the City of Hayward. Persons involved in data gathering analysis, project management, and quality control include:

RINCON CONSULTANTS, INC.

Abe Leider, AICP CEP, Principal Karly Kaufman, Project Manager Nichole Yee, Associate Planner Christian Knowlton, Biologist Elaine Foster, Archaeologist Debra Jane Seltzer, Production Specialist This page intentionally left blank.



File #: PH 22-044

DATE: September 8, 2022

- TO: Planning Commission
- **FROM:** Development Services Director

SUBJECT

Vesting Tentative Tract Map (Tract 8461) Application No. 202004359 for a 40-unit Townhouse-Style Residential Condominium on a Vacant 1.66-acre Site located at 21339-21447 Oak Street for which a Corresponding Site Plan Review Application (201800932) was Previously Approved in 2019 (APN 415-0170-019-00, 415-0170-020-00, 415-0170-021-00, 415-0170-022-00, 415-0170-023-00, 415-0170-024 -00, 415-0170-025-00 and 415-0170-029-02). Applicant: Steven Kodama, Kodama Diseño Architects; Owner: Robert Chen, Golden Oak Real Estate Development LLC.

RECOMMENDATION

That the Planning Commission approve the proposed Vesting Tentative Tract Map for Condominium Purposes for Tract 8461 as shown in Attachment IV based on the analysis set forth in this staff report and the findings contained in Attachment II, and subject to the conditions of approval contained in Attachment III.

SUMMARY

The applicant is requesting approval of a Vesting Tentative Tract Map for Condominium Purposes (Tract 8461) to create a 40-unit townhouse-style condominium subdivision with a private street on a vacant 1.66-acre site at 21339-21447 Oak Street. In 2019, the Planning Commission and Council, on appeal, approved a corresponding Site Plan Review application for the same 40-unit development. Prior to construction of the project, the owner is proposing to subdivide the development in order to be able to sell each of the units individually, and this requires approval of a Vesting Tentative Tract Map for Condominium Purposes. The proposed subdivision would feature a single parcel with each condominium owner owning the airspace within their individual unit and an equal share of the common areas and improvements within the development, which would be maintained by a Homeowners Association. To comply with the requirements of the City's Affordable Housing Ordinance (AHO), the owner has committed to paying the applicable in-lieu fees for the project. The in-lieu fees will be required to be paid either prior to issuance of a certificate of occupancy for each unit.

ATTACHMENTS

File #: PH 22-044

Attachment I	Staff Report
Attachment II	Draft Findings for Approval
Attachment III	Recommended Conditions of Approval
Attachment IV	Vesting Tentative Tract Map Exhibits



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That the Planning Commission approve the proposed Vesting Tentative Tract Map for Condominium Purposes for Tract 8461 as shown in Attachment IV based on the analysis set forth in this staff report and the findings contained in Attachment II, and subject to the conditions of approval contained in Attachment III.

SUMMARY

The applicant is requesting approval of a Vesting Tentative Tract Map for Condominium Purposes (Tract 8461) to create a 40-unit townhouse-style condominium subdivision with a private street on a vacant 1.66-acre site at 21339-21447 Oak Street. In 2019, the Planning Commission and Council, on appeal, approved a corresponding Site Plan Review application for the same 40-unit development. Prior to construction of the project, the owner is proposing to subdivide the project requiring approval of a Vesting Tentative Tract Map for Condominium Purposes in order to be able to sell each of the units individually. The proposed subdivision would feature a single parcel with each condominium owner owning the airspace within their individual unit and an equal share of the common areas and improvements within the development, which would be maintained by a Homeowners Association.

To comply with the requirements of the City's Affordable Housing Ordinance (AHO), the owner has committed to paying the applicable in-lieu fees for the project. The in-lieu fees will be required to be paid either prior to issuance of building permits or prior to issuance of a certificate of occupancy for each unit.

BACKGROUND

The project site consists of eight contiguous vacant parcels totaling 1.66 acres which were acquired by the State Department of Transportation (Caltrans) prior to the abandoned 238 Corridor Bypass Project. Several years ago, Caltrans auctioned individual parcels that it no

longer intended to use. The property owner purchased the eight subject parcels in 2016 and subsequently submitted an application for Site Plan Review and a Vesting Tentative Tract Map for a 40-unit townhouse-style project in February 2018. In 2019, the owner decided to withdraw the Tentative Tract Map application and move forward with only the Site Plan Review application, with the intent of resubmitting the subdivision proposal at a later date.

On April 19, 2019, the Site Plan Review application was approved administratively by the Planning Manager; however, the approval was subsequently appealed to the Planning Commission by Ann Maris on behalf of the Grove Way Neighborhood Association on May 6, 2019. The Commission considered the appeal on July 25, 2019¹. At the public hearing, the appellant asserted the following: 1) that a plan should be prepared for all of the former Caltrans-owned properties before any new development projects were approved; 2) that the project's open space should align with the adjacent coffee shop on Foothill Boulevard to enable residents to walk from the project to the Boulevard; 3) that 50 percent of the units in the project should be affordable to lower income households; and 4) that the project should provide a significant public benefit to the community. The Planning Commission ultimately voted 5-0 to uphold the Planning Manager's decision and denied the appeal.

The appellant subsequently appealed the Planning Commission's decision to the Council on August 5, 2019, arguing the following: 1) that the project did not provide significant benefits to the surrounding neighborhood; 2) that it would result in increased traffic in the area; 3) that it should include smaller, more affordable units as opposed to solely larger, more expensive market-rate units; and 4) that the Park Impact Fees from the project should go fully toward preserving open space in the neighboring former Caltrans-owned properties. The Council considered the appeal on October 29, 2019² and voted 4-3 to uphold the Commission's decision and deny the appeal. The applicant subsequently filed the subject application for a Vesting Tentative Tract Map on behalf of the property owner nearly one year later on October 26, 2020.

Per Hayward Municipal Code (HMC) Section 10-1.3055(a)³, Site Plan Review approval lapses 36 months after the approval date unless either a building permit application for the project has been submitted or a time extension has been granted by the Planning Director. Pursuant to HMC Section 10-1.3055(b), the Planning Director may grant an extension of up to two additional years for Site Plan Review approval. The Site Plan Review approval for the project was scheduled to expire on October 29, 2022; however, on May 25, 2022, the applicant submitted a request for a time extension for the approval. Staff intends to grant the extension and extend the life of the Site Plan Review to coincide with the Vesting Tentative Tract Map.

<u>Public Outreach</u>: On November 4, 2020, the Planning Division mailed out 511 Notice of Receipt of Application (NOR) for the proposed Vesting Tentative Tract Map to the owners and occupants of all property within 300 feet of the site, as well as to the North Hayward Neighborhood Task Force, the Friends of San Lorenzo Creek, the Prospect Hill Neighborhood Association, and the Grove Way Neighborhood Association (care of the appellant of the Site Plan Review application, Ann Maris). No comments were submitted in response to the NOR.

¹ July 25, 2019 Planning Commission Meeting Minutes

² October 29, 2019 City Council Meeting Minutes

³ Hayward Municipal Code Section 10-1.3055 Lapse of Approval

On August 26, 2022, a total of 518 public hearing notices were mailed to the owners and occupants of all properties within a 300-foot radius of the project site, as well as the same neighborhood groups who received the NOR. A public hearing notice was also published in *The Daily Review* newspaper on this same date. As of the date this staff report was published, Planning Division staff has not received any comments from any members of the public regarding the proposed project.

PROJECT DESCRIPTION

<u>Existing Conditions.</u> The project site is currently vacant and is located along the southwestern side of Oak Street between Grove Way and Apple Avenue. It is surrounded by a mix of single-family homes, multi-family apartments and vacant lots along Oak Street and commercial development below the site to the southwest along Foothill Boulevard. The land slopes gradually down in the southwest direction from Oak Street to the rear of the site and contains 10 existing trees. The Site Plan Review application that has already been approved for the development calls for the removal of nine of the trees and the preservation of the lone, large Canary Island Palm tree as a focal point at the center of the development.

<u>Proposed Project</u>: The proposed project consists of a Vesting Tentative Map for Condominium Purposes for a previously approved residential development (Site Plan Review Application No. 201800932). The approved plan features 40 three-story townhomes housed in six separate buildings laid out along an H-shaped private street having two driveway connections to Oak Street and two centrally located common outdoor open spaces (see Figure 1 depicting the approved site plan, below). All units feature three-bedroom, two and one half-bathroom floor plans with attached two-car garages that range in size from 1,327 to 1,441 square feet each. The private street will serve as a joint private access easement, public utility easement and emergency vehicle access easement and will have a sidewalk along one side of its length, along with nine vehicular parking spaces and eight motorcycle parking spaces. The proposed Vesting Tentative Map would overlay the previously approved Site Plan and enable the owner to subdivide the development and sell each of the units individually (see Figure 2 depicting the proposed subdivision). No changes to the previously approved plans are proposed.



Figure 1 - Previously Approved Site Plan (for reference only)



Figure 2 – Proposed Subdivision

In accordance with the approved Site Plan Review application, the development will connect to existing water, sewer and storm drain facilities in Oak Street. Street improvements to be constructed along the segment of Oak Street fronting the project site will include a new curb, gutter and sidewalk with accessible curb ramps at the private street driveway entrances, as well as streetlights. This segment of Oak Street is county right-of-way; therefore, all street improvements will be required to conform to Alameda County Public Works Agency standards, not City of Hayward standards. Stormwater runoff will be collected and treated in four separate bioretention areas located along the rear property line before being discharged into the storm drain line in Oak Street.

<u>Sustainability Features</u>: The project will be required to comply with the California Green Building Standards Code (CALGreen) and the City's Reach Code by featuring all-electric homes that contain no gas-powered appliances, garages that are electric vehicle-ready, and solar panels on each home. Additionally, all landscaping will be required to comply with the City's Bay-Friendly Water Efficient Landscape Ordinance.

POLICY CONTEXT AND CODE COMPLIANCE

<u>Hayward 2040 General Plan</u>: The project site is designated Commercial/High Density Residential in the *Hayward 2040 General Plan*⁴. This land use designation allows for multifamily residential development, including townhomes, apartments and condominiums, at a maximum density of 34.8 dwelling units per net acre (no minimum density is prescribed). The approved development plan features 40 townhomes with a density of 24.1 units per net acre; as such, the project is consistent with the site's General Plan land use designation. The project is also consistent with a number of General Plan Goal and Policies, including but not limited to the following:

⁴ Hayward 2040 General Plan

- The City shall encourage property owners to revitalize or redevelop abandoned, obsolete, or underutilized properties to accommodate growth (General Plan Land Use Policy LU-1.4).
- The City shall implement land use policies that allow for a range of residential densities and housing types, prices, ownership, and size, including low-density single family uses, moderate-density townhomes, and higher-density apartments, condominiums, transit-oriented developments, live-work units, and units in mixed-use developments (Housing Policy H-3.1).
- The City shall encourage development of residential uses close to employment, recreational facilities, schools, neighborhood commercial areas, and transportation routes (Housing Policy H-3.4).

<u>Zoning Ordinance</u>: The project site is zoned Commercial Office (CO) District⁵. This zoning classification allows for a wide variety of professional office and service commercial uses which are generally compatible with abutting residential uses. It also allows for multi-family residential development such as apartments, condominiums and townhomes. As a 40-unit townhouse-style condominium development, the proposed subdivision complies with the property's zoning classification. The project's density, site plan design and building design were all found to be in compliance with the applicable standards of the CO zoning district when the Site Plan Review application was approved by the Commission and Council in 2019, and no changes to the approved plans are proposed.

<u>Subdivision Ordinance</u>⁶: In accordance with the Subdivision Map Act, in order to approve an application for a Vesting Tentative Tract Map, the Planning Commission must make the following findings:

- 1. The proposed map is consistent with applicable general and specific plans as specified in Government Code Section 65451;
- 2. The design or improvement of the proposed subdivision is consistent with applicable general and specific plans;
- 3. The site is physically suitable for the type of development being proposed;
- 4. The site is physically suitable for the proposed density of development;
- 5. The design of the subdivision or the proposed improvements are not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat;
- 6. The design of the subdivision or type of improvements is not likely to cause serious public health problems; and
- 7. The design of the subdivision or the type of improvements will not conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision.

⁵ Hayward Municipal Code Section 10-1.1100 – Commercial Office District

⁶ Hayward Municipal Code Chapter 10, Article 3 – Subdivision Ordinance

As stated above, the proposed subdivision conforms to the *Hayward 2040 General Plan* and complies with the applicable requirements of the Zoning Ordinance. A geotechnical investigation was completed for the project which concluded that the site was physically suitable for the type and density of development being proposed, and the project is not likely to have an adverse impact on public health and safety in that its construction will be required to comply with the California Building and Fire Codes and all improvements will be required to be constructed in accordance with applicable City and County standards. The subdivision will not cause substantial environmental damage or avoidably injure fish or wildlife or their habitat in that the site does not contain any environmentally sensitive features or habitats save for the trees to ensure that no protected bird species are utilizing them for nesting or foraging purposes. Finally, the subdivision design will not conflict with any existing public easements in that no such easements currently encumber the property. More detail for each of the required findings is provided in the Draft Findings for Approval contained in Attachment II.

<u>SB330 and Housing Crisis Act</u>: In 2019, the State of California adopted new legislation (SB 330) that is intended to address the State's housing crisis. SB 330 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 cannot be disapproved or conditioned upon development at a lower density unless the City is able to make written findings based on the preponderance of the evidence in the record that : (1) the housing development project would have a specific, adverse impact upon the public health or safety unless the project is disapproved or developed at a lower density; and (2) there is no feasible method to satisfactorily mitigate or avoid the adverse impact other than disapproval or development at a lower density.; "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. As described above, the project was approved in 2019 after being found consistent with the General Plan and Zoning Ordinance and the proposed subdivision is also consistent with applicable objective criteria.

<u>Regional Housing Needs Allocation & Affordable Housing Ordinance</u>: Local jurisdictions report progress annually on meeting their Regional Housing Needs Allocation (RHNA) goals which are included in the City's Housing Element. The Table below demonstrates progress made toward meeting Hayward's RHNA goals for the period between 2015-2023 as of the last report year (2021), which is shown in the column titled "Reported 2021." The State allows local jurisdictions to report the units when building permits are issued to construct the units. The "Approved" and "Pending Approval" columns provide an estimate of potential compliance by counting both entitled projects and projects going through the entitlement process.

Income Category*	Unit Goal	Reported 2015-2021		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	168	20%	293	34%	26	3%	487	57%	364	43%
Low	480	174	36%	226	47%	4	1%	404	84%	76	16%
Moderate	608	128	21%	60	10%	0	0%	188	31%	420	69%

Table 1: 2023 RHNA Goal Progress in the City of Hayward

*The City has achieved the Above Market Rate housing goals for the 2015-2023 RHNA cycle.

The proposed project is subject to the requirements of the City's Affordable Housing Ordinance set forth in HMC Chapter 10, Article 17 - Affordable Housing Ordinance⁷. An applicant may satisfy the requirements of the ordinance by paying an affordable housing in-lieu fee or including affordable units within the proposed development. In this case, the applicant has elected to pay the in-lieu fee for the project. Affordable housing in-lieu fees are required to be paid either prior to issuance of a building permit for each dwelling unit or prior to approval of a final inspection or issuance of an occupancy permit for the unit.

<u>Parkland Dedication</u>: HMC Chapter 10, Article 16 – Property Developers-Obligations for Parks and Recreation⁸ sets forth the parkland dedication requirements for private development based on residential unit count. Pursuant to the Ordinance, the applicant must pay fees in lieu of land dedication (also referred to as Park Impact Fees). Currently, Park Impact Fee rates are \$17,034 for a 3-bedroom unit. The proposed plans feature 40 total 3-bedroom units. As such, if and when the project is developed, the developer would be obligated to pay \$681,360 in Park Impact Fees under the current fee rates. A condition of approval is included requiring the applicant to pay the applicable Park Impact Fees in effect at the time of building permit issuance.

STAFF ANALYSIS

Staff believes the Planning Commission can make the findings required to approve the Vesting Tentative Map for Condominium Purposes. The findings to support the recommendation for approval and related conditions of approval are included in Attachments II and III to this staff report, respectively. The findings required for approval of Vesting Tentative Map mandate that the subdivision be consistent with the City's General Plan and adhere to all applicable standards of the Zoning Ordinance and Subdivision Ordinance, and this project was found to do both when the corresponding Site Plan Review application was approved by the City in 2019. The proposed subdivision would not result in any modifications to the previously approved plans and would simply enable the property owner to sell each of the units individually as condominiums. Furthermore, the proposed subdivision design does not require any variances from or exceptions to the applicable standards for a townhouse-style condominium development. For these reasons, staff believes that the Commission can make the findings to approve the project.

⁷ Hayward Municipal Code Chapter 10, Article 17 – Affordable Housing Ordinance

⁸ Hayward Municipal Code Chapter 10, Article 16 – Property Developers-Obligations for Parks and Recreation

ENVIRONMENTAL REVIEW

In 2019 the Site Plan Review application was determined to be categorically exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15332, In-fill Development Projects. The application for a Vesting Tentative Tract Map for Condominium Purposes would not result in any physical changes to the project; it would only enable the subdivision of the development which would provide the owner with the option to either rent or sell each unit individually. As such, the Vesting Tentative Tract Map application is exempt from CEQA pursuant to Guidelines Section 15061(b)(3), which exempts projects from CEQA where it can be seen with certainty that there is no possibility that the proposed activity could have a significant effect on the environment.

NEXT STEPS

Following the Planning Commission hearing, a ten-day appeal period will take place. If no appeal is received, then the Commission's decision will become final, and the applicant would then be able to proceed with the application for the Final Map and Subdivision Improvement Plans for the project. If an appeal is filed, then a hearing by the City Council will be scheduled for a date to be determined.

Prepared by: Steve Kowalski, Associate Planner

Recommended by: Jeremy Lochirco, Planning Manager

Approved by:

Sara Buizer, AIĆP Deputy Development Services Director

Jennifer Ott Assistant City Manager/Development Services Director

VESTING TENTATIVE TRACT MAP 8461 APPLICATION NO. 202004359 OAK STREET TOWNHOMES

DRAFT FINDINGS FOR APPROVAL

<u>Findings for Vesting Tentative Tract Maps</u> – In accordance with the Subdivision Map Act, in order for a vesting tentative tract map to be approved, the decision-making body shall make the following findings:

A. That the proposed map is consistent with applicable general and specific plans as specified in Section 65451. [Subdivision Map Act §66474(a)]

The proposed map is consistent with the General Plan in that it features a density of 24.1 units per net acre when 34.8 units per net acre is the maximum allowed under the Commercial/High Density Residential land use designation of the *Hayward 2040 General Plan*. Per the General Plan, there is no minimum density is prescribed. Furthermore, the subdivision is also consistent with the following General Plan policies:

- The City shall encourage property owners to revitalize or redevelop abandoned, obsolete, or underutilized properties to accommodate growth (Land Use Policy LU-1.4)
- The City shall promote urban design principles that support active use of public spaces in neighborhoods, commercial areas, and employment centers at all times of day. Active use of public spaces provides "eyes on the street" to enhance public safety in these areas (Community Health and Quality of Life Policy HQL-5.3)
- The City shall implement land use policies that allow for a range of residential densities and housing types, prices, ownership, and size, including low-density single family uses, moderate-density townhomes, and higher-density apartments, condominiums, transit-oriented developments, live-work units, and units in mixed-use developments (Housing Policy H-3.1)
- The City shall encourage development of residential uses close to employment, recreational facilities, schools, neighborhood commercial areas, and transportation routes (Housing Policy H-3.4)

B. That the design or improvement of the proposed subdivision is consistent with applicable general and specific plans. [Subdivision Map Act §66474(b)]

The design of the proposed subdivision is consistent with the density range prescribed for residential projects by the Commercial/High Density Residential (CHDR) General Plan land use designation, as well as specific goals and policies outlined in Finding (A), above. The proposed internal street is designed to accommodate the anticipated traffic that the project will generate and complies with the applicable City standards for a private street, and all necessary utilities, including water, sewer, and storm drain facilities, will be provided to accommodate the proposed development and be required to be constructed in accordance with City and, where applicable, County standards.

C. That the site is physically suitable for the type of development. [Subdivision Map Act §66474(c)]

A Soil Investigation Report was prepared by Geotechnical Engineering, Inc. on May 3, 2016, which demonstrates that the site is physically suitable for the proposed type of development provided that the recommendations presented in the report for site preparation and compaction, as well as the design of all in-ground and subsurface structures and facilities, including foundations, retaining walls, and driveways, are adhered to. Conditions of approval have been included requiring adherence to the recommendations contained in the Soil Investigation Report.

D. That the site is physically suitable for the proposed density of development. [Subdivision Map Act §66474(d)]

A Soil Investigation Report was prepared by Geotechnical Engineering, Inc. on May 3, 2016, which demonstrates that the project site is physically suitable for the proposed development provided that the recommendations presented in the investigation are adhered to. Additionally, the property is of sufficient size to accommodate the proposed density of development in that it contains adequate room for the units and their individual driveways, common and private open space, and separation from surrounding development, as well as emergency vehicle access that conforms to the applicable City standards to each unit through the proposed private street.

E. That the design of the subdivision or the proposed improvements are not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat. [Subdivision Map Act §66474(e)]

The project site is surrounded by existing commercial and residential uses and does not contain any environmentally sensitive habitat except for several existing trees. The proposed development will include Standard Conditions of Approval that will reduce potential impacts to protected bird species that may be nesting or foraging in these trees to a less-than-significant level by requiring pre-construction surveys of the trees in accordance with the requirements of the Federal Migratory Bird Treaty Act. Furthermore, the design of the subdivision and the improvements needed to construct and provide services to it will not cause substantial environmental damage in that there are existing utilities in place within Oak Street that the project will be able to connect to without requiring significant extensions or upsizing, and a geotechnical investigation was conducted for the project which confirmed that the subdivision could be developed safely on the site from a geological standpoint as long as the recommendations in the investigation were followed during its construction (a condition of approval has been included requiring adherence to the investigation's recommendations).

F. That the design of the subdivision or type of improvements is not likely to cause serious public health problems. [Subdivision Map Act §66474(f)]

The development utilizes an infill site surrounded by existing infrastructure with adequate capacity to serve the proposed subdivision. The improvements to be installed for the subdivision, including the necessary infrastructure as well as the designs of the grading, foundations, and buildings will be required to comply with the applicable engineering and life safety standards which ensure that they function properly and safely with no adverse effects on the public health and welfare.

G. That the design of the subdivision or the type of improvements will not conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision. [Subdivision Map Act §66474(g)]

The proposed project will not conflict with existing easements for access through or use of the property in that no such easements currently encumber the property. The proposed private street will serve as a private access easement for the project's residents and their guests, as well as an emergency vehicle access easement and public utility easement and, as such, will enable emergency vehicles and all utility companies that serve the project to enter the development whenever necessary.

<u>CEQA Findings</u> – The following findings are made in support of the adoption of a Mitigated Negative Declaration for the project:

1. This Vesting Tentative Tract Map application is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15061(b)(3), which exempts projects from CEQA where it can be seen with certainty that there is no possibility that the proposed activity could have a significant effect on the environment. The Site Plan Review application previously approved for the development project which would be covered by the proposed Vesting Tentative Map was determined to be categorically exempt pursuant to CEQA Guidelines Section 15332, In-fill Development Projects. The application for a Vesting Tentative Tract Map for Condominium Purposes would not result in any physical changes to the previously approved project; it would only enable the subdivision of the development which would afford the owner the ability sell each unit individually.

CITY OF HAYWARD PLANNING COMMISSION VESTING TENTATIVE TRACT MAP 8461 APPLICATION NO. 202004359 OAK STREET TOWNHOMES

DRAFT CONDITIONS OF APPROVAL

<u>General</u>

Planning

- 1. The applicant 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. Vesting Tentative Tract Map Application No. 202004359 is approved subject to the Vesting Tentative Tract Map exhibits prepared by Kister, Savio & Rei, Inc. dated February 15, 2022, and the accompanying civil plans dated February 18, 2022, except as modified by the conditions listed below. The adopted conditions of approval for Site Plan Review Application No. 201800932 shall remain in effect for that application.
- 3. This Vesting Tentative Tract Map approval shall align with the timeframe set forth in the Subdivision Map Act and all related automatic and applicant-initiated extensions.
- 4. The permittee, property owner or designated representative shall allow the City's staff to access the property for site inspections to confirm all approved conditions have been satisfied and all improvements are being maintained in compliance with all adopted city, state and federal laws and regulations.
- 5. All permit charges accrued in the processing of Vesting Tentative Tract Map Application No. 202004359 shall be paid in full prior to consideration of a request for approval of any extensions and/or submittal of a Final Map for the project.
- 6. The applicant shall apply for and obtain all necessary permits from the City and/or outside agencies prior to commencing any site work.
- 7. The property owner shall be responsible for securing and maintaining the site in accordance with Hayward Municipal Code (HMC) Chapter 4, Article 1 Public Nuisances, HMC Chapter 5, Article 7 Community Preservation and Improvement, and the California Building Code, among other applicable regulations.
- 8. Property addresses will be assigned by the Development Services Department prior to issuance of building permits.

9. 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 park impact fees. The park impact fee rate charged shall be the rate that is in effect at the time of building permit issuance.

Housing

10. This development is subject to the requirements of the Affordable Housing Ordinance (AHO) set forth in HMC Chapter 10, Article 17. The applicant shall comply with the requirements in Section 10-17.410 of the AHO by paying the applicable affordable housing in-lieu fee as set by resolution in effect at the time of payment. The applicant shall pay the in-lieu fee either prior to issuance of building permits or prior to approval of final inspection/issuance of an occupancy permit. No final inspections for occupancy will be approved and no occupancy permit will be issued for any unit unless the affordable housing in-lieu fees have been paid in full.

Fire Department

- 11. Fire apparatus access roads and side slopes shall not exceed 10 percent on grade. Grades steeper than 10 percent shall be approved by the Fire Chief.
- 12. Fire apparatus access roads shall be designed and maintained to support 75,000 pounds 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 access roads.
- 13. Fire apparatus access roads 20 to 26 feet in width shall be posted on both sides as a fire lane. Fire apparatus access roads 26 to 32 feet in width shall be posted on one side of the road as a fire lane. "No Parking" signs shall comply with Hayward Fire Department requirements.
- 14. The minimum number of fire hydrants shall be provided in accordance with the Hayward Fire Code Ordinance and the current edition of the California Fire Code. The average spacing between hydrants is 300 feet. All portions of the project shall be within 400 feet of a fire hydrant. Spacing and location of fire hydrants shall be subject to review and approval by the Hayward Fire Department.

Hazardous Materials

15. Prior to grading, any existing 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 construction workers, the environment, future uses, and other persons are mitigated.

- 16. Any wells, septic tank systems and other subsurface structures shall be removed properly to minimize threats to the health and safety of construction workers, future residents, or the environment. These structures shall be documented and removed under permit from the appropriate regulatory agency when required.
- 17. 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. Specific requirements for the various types of vessels/structures that may be found are as follows:
 - 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 removal plan, including appropriate sampling, and follow-up report is required.
 - c. Hydraulic Lifts: An approved removal plan, including appropriate sampling, and follow-up report is required.

Engineering

- 18. The subdivision shall comply with Chapter 10 Article 3 (Subdivision Ordinance) of the Hayward Municipal Code as determined by the City Engineer. Subdivision improvements required for public health, safety and welfare shall comply with the current Standard Details of the City of Hayward and other agencies standards as applicable. Such improvements include, but are not limited to, the ones needed for: vehicular and pedestrian access, fire protection, safety lighting and signage, drainage collection and disposal, sanitary sewer and solid waste collection and distribution of water electricity, telecommunication, and natural gas.
- 19. All required and conditioned improvements shall be complete as per plans approved by the City Engineer or the subdivider shall execute a Subdivision Improvement Agreement prior to Final Map Approval.
- 20. Unless otherwise stated, all necessary easements shall be dedicated and all improvements shall be designed and installed, at no cost to the City of Hayward. Prior to or concurrent with applicable final map recordation, the applicant shall record a reciprocal easement, ingress/egress easement and maintenance agreement(s) for common use facilities and access ways.
- 21. A Homeowners Association (HOA) shall be formed, and its related Covenants, Conditions and Restrictions (CC&Rs) documents shall be filed in the public records of Alameda County prior to the sale of any parcel. Said documents shall be submitted to the City for its review and approval before submittal to the State Department of Real

Estate (DRE) and filing in the County's public records. The CC&Rs shall include the following provisions:

- a. The HOA shall be managed and maintained by a professional property management company and maintain updated registration information with the Secretary of State.
- b. The HOA shall own and maintain in fully functional condition and good repair all areas, improvements, common area retaining wall systems, and facilities created for common use of the property owners within the project but not dedicated or accepted by the City for its maintenance.
- c. The HOA shall be responsible for complying with the current and all future updates to the Community Preservation and Improvement Ordinance, Hayward Municipal Code Chapter 5, Article 7.
- d. The HOA shall maintain the common area landscaping in a healthy, weed-free condition and maintain its irrigation system consistent with project development approvals.
- e. The CC&Rs shall describe how the stormwater treatment and site-design measures associated with privately owned improvements and landscaping shall be maintained by the association.
- f. On-site streetlights and pedestrian lighting shall be owned and maintained by the HOA and shall have a decorative design approved by the Planning Director and the City Engineer.
- g. Street sweeping of the private street and private parking stalls shall be conducted at least once a month.
- 22. A Current title report shall be submitted to identify current ownership and any existing easements or land use restrictions.
- 23. The applicant shall apply for and obtain all necessary permits from the City and/or outside agencies prior to any site work, including but not limited to the Alameda County Public Works Agency's permit for construction of concrete curb, gutter, accessibility compliant sidewalk with driveways, street pavement rehabilitation and streetlight improvements in Oak Street across the project frontage, East Bay Municipal Utility District's permit for its water service, Oro Loma Sanitary District for sewer service, and other public utility companies for their respective services.
- 24. The boundary between the City of Hayward and unincorporated County is at the property line fronting Oak Street. A road encroachment permit is required from the Alameda County Public Works Agency for all work within the public right-of-way. The Alameda County Public Works Agency's encroachment permit shall be obtained prior to or concurrent with approval of Improvement Plans for on-site work and prior to recording of the Final Map.
- 25. All new utility service connections to the project shall be installed underground.

Utilities

- 26. East Bay Municipal District (EBMUD) provides water service for this property and has provided the following conditions:
 - a. Separate dwelling units on the same property shall require separate water meters.
 - b. A main extension, at the project sponsors expense, shall be required to serve the proposed development. When the development plans are finalized, the project sponsors shall contact EMUD's New Business Office and request a water service estimate to determine the costs and conditions of providing water service to the development.
 - c. Engineering and installation of water mains and meters requires substantial lead time, which should be provided for in the project sponsor's development schedule.
 - d. No water meters shall be allowed to be located in driveways.
 - e. The project sponsor should be aware that Section 31 of EBMUD's Water Service Regulations requires that water service shall not be furnished for new or expanded service unless all the applicable water-efficiency measures described in the regulation are installed at the project sponsor's expense.
 - f. Due to EBMUD's limited water supply, all customers shall plan for shortages in time of drought.
- 27. Oro Loma Sanitary District (OLSD) provides sanitary sewer service for this property. Plans shall be forward to OLSD for review and approval.

Transportation

28. The HOA or property manager shall be responsible for maintaining adequate visibility and sight distance at all project driveways at all times.

Alameda County Public Works Agency

- 29. A new sidewalk designed to allow for inclusion of a continuous longitudinal ADA accessible pathway shall be installed along the southerly side of Oak Street and provided with accessible pedestrian ramps at the curb return with Grove Way and Apple Avenue.
- 30. The applicant shall obtain formal permission from the owner of the existing 12-inch storm drainage system located in Oak Street to connect to it prior to issuance of a road encroachment permit for the project. Also, the applicant shall be required to provide formal back-up hydrology calculations to the Alameda County Public Works Agency that show that the subject 12-inch storm drain will still have adequate capacity to accommodate the additional stormwater runoff discharge from the developed condition of the project.
- 31. The subdivision improvement plans shall specify that: "A road encroachment permit shall be obtained from Alameda County prior to commencement of any work within the Oak Street right-of-way and for the construction, modification or connection to Alameda County-maintained facilities. All workmanship, equipment, and materials shall conform to Alameda County standards and specifications."

- 32. Streetlights shall be provided along Oak Street in accordance with Alameda County standards.
- 33. An Alameda County signature block shall be provided on the cover sheet of the Subdivision Improvement Plans.

Prior to the Issuance of Building and/or Grading Permit

Hazardous Materials

34. The applicant shall provide an environmental screening clearance from the Alameda County Department of Environmental Health's Local Oversight Program (LOP). The LOP contact, Paresh Khatri, can be reached at (510) 567-6700 or (510) 777-2478. Clearance from the LOP will ensure that the proposed residential project meets development investigation and cleanup standards, including, if necessary, any clearance stipulations, such as a deed restriction or the need for any groundwater/soil vapor/soil management plan. The LOP clearance shall be submitted electronically 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.

Landscaping

- 35. Prior to recordation of Final Map or issuance of a grading permit, detailed landscape and irrigation improvement plans, including construction details and specifications, shall be approved by the City Landscape Architect. The improvement plans shall fully comply with the City's Bay-Friendly Water Efficient Landscape Ordinance, California Green Building Code Title 23, and other relevant Hayward Municipal Code requirements. The plans shall include a tree inventory and tree mitigation plan and summary chart and water budget calculations. The landscape and irrigation improvement plans shall be submitted to Public Works Engineering as a part of Civil Improvement Plan submittal.
- 36. A tree preservation bond of \$3,840 that is equal to the appraised tree value including the Juglans hindsii located on the neighboring property to the south shall be submitted to City Landscape Architect prior to issuance of a grading permit. The bond will remain in place until completion of construction. A written request for releasing the bond shall be submitted to the City Landscape Architect.

Engineering

37. All grading shall comply with Chapter 10, Article 8 (Subdivision Ordinance) of the Hayward Municipal Code as determined by the City Engineer. A fine grading and drainage plan prepared by a State licensed civil engineer shall be submitted as part of the Improvement Plans for review and approval by the City Engineer prior to the

issuance of building permits. The applicant has the option to apply for a grading permit to rough grade the project site.

- 38. The project shall not block runoff from, or augment runoff to, adjacent properties. The drainage area map developed for the hydrology design shall clearly indicate entire area tributary to the project site. The applicant is required to mitigate augmented runoff with on-site improvements, including but not limited to on-site detention or ground percolation to control site discharge rate to pre-existing levels to the satisfaction of the City Engineer.
- 39. Earth-retaining structures of height not exceeding four feet (top of wall to bottom of footing) may be reviewed and approved by Public Works Department. Earth-retaining structures exceeding four feet in height shall be reviewed and approved by the City's Building Division.
- 40. The site improvement plans shall include all proposed underground pipes, building drains, area drains, drain inlets and structures. The on-site storm drainage system (if applicable) shall be designed to convey not less than a 10-year storm event.
- 41. The applicant shall submit to the State Water Resources Control Board a Stormwater Pollution Prevention Plan (SWPPP) prepared by a Qualified SWPPP Developer (QSD) for controlling stormwater discharges associated with construction activity. Printed and electronic copies of these documents and the Notice of Intent shall be submitted to the City Engineer prior to issuance of a grading permit.
- 42. Plans for the site grading and earth-retaining structures shall be designed per the recommendations of a geotechnical engineering study report and reviewed/approved by a qualified and state licensed professional retained by the applicant. The related soils report must be submitted to the City prior to the issuance of a grading permit.
- 43. The project's Stormwater Control Plan and updated Stormwater Requirements Checklist shall be submitted which shall show, at a minimum, drainage management areas, location and details of all treatment control measures and site design measures, and numeric sizing calculations in conformance with Alameda County Clean Water Program C.3 design guidelines.
- 44. The Alameda County Flood Control and Water Conservation District's Hydrology and Hydraulics Criteria Summary shall be used to design the storm drain system.
- 45. On-site collector storm drains shall be not less than 8 inches in diameter to minimize potential for blockages. Storm drains shall be designed to prevent standing water.
- 46. On-site stormwater conveyance and treatment systems shall be owned and maintained by the property owner or HOA.

- 47. The site improvement plans shall include details for access for vehicles providing emergency and waste collection services. Details are also required for pedestrian and vehicular access to condominium units. Such access routes shall have traffic control signs, markings and illumination as required by the City Engineer.
- 48. The site improvement plans shall provide details for public utility services for each condominium unit and common use facilities.
- 49. Unless required otherwise by the County of Alameda, Oak Street pavement across the development frontage will be improved to a traffic index 5.5 and width not less than 28 feet for parking lane and emergency vehicle access. The widened street, at its south end, shall have a barrier with reflectors and pavement markings to direct traffic away from the pavement end and above ground facilities.

Transportation

- 50. The applicant shall submit the following items as part of Improvement Plans to Public Works-Transportation for review prior to issuance of building permits:
 - a. An on-site Signing and Striping Plan prepared in accordance with Caltrans' latest Standard Plans (refer to Caltrans Standard Plans Sheet A90A for more information on marking complaint disabled stalls).
 - b. A Photometrics Plan refer to Hayward's Standard Plans Sheet SD-120 for roadway lighting criteria at this link: <u>https://www.hayward-ca.gov/documents/hayward-standard-detail</u>.

Alameda County Public Works Agency

- 51. A pre-construction joint inspection between the applicant and Alameda County representatives shall be conducted to establish the road condition of Oak Street prior to the start of any work. After the completion of the project, and prior to the County's signing-off/closing-out of the road encroachment permit, a joint post-construction inspection shall be conducted and any identified damage to Oak Street resulting from the project's construction activities that will require repairs, restoration, and/or replacement shall be done at the applicant's sole expense.
- 52. Prior to Alameda County's issuance of a road encroachment permit, the applicant shall provide a detailed traffic control plan for the County's review and approval.
- 53. As a condition for the issuance of road encroachment permit, the applicant shall provide Alameda County copies of the performance bonds for the full value of the project including the work within the Oak Street right-of-way that the City of Hayward will be holding. In consideration of such performance bond, Alameda County accepts such bonding as satisfactorily meeting the County requirements and a separate redundant bonding will not be necessary provided that such performance bond will also name Alameda County as beneficiary.

During Grading/Construction

54. In accordance with HMC Section 4-1.03-4, construction activities conducted between 7:00 a.m. and 7:00 p.m. Monday through Saturday or between 10:00 a.m. and 6:00 p.m. on Sundays or holidays shall not include any individual equipment that produces a noise level exceeding 83 dB measured at 25 feet from the source, nor shall activities produce a noise level outside the project property lines in excess of 86 dB. During all other hours, noise shall not exceed the limits defined in HMC Section 4-1.03.1 (70 dB daytime or 60 dB nighttime, measured at residential property lines).

Hazardous Materials

- 55. During all grading and construction activities, hazardous materials and hazardous waste shall be properly stored, managed and disposed of.
- 56. If any hazardous materials/wastes or their containers are discovered during grading/construction, the Hayward Fire Department shall be notified immediately at 510-583-4910.

Landscaping

- 57. <u>Pre-construction and Demolition Measures for Tree Preservation</u>
 - a. Establish a Tree Protection Zone around each tree to be preserved. For design purposes, the Tree Protection Zone shall be the dripline or property line for trees. No grading, excavation, construction or storage of materials shall occur within the protection zone.
 - b. A non-movable chain link fence shall be installed around the Protection Zone of each tree to be preserved. No entry is permitted into a Tree Protection Zone without permission of the Project Arborist.
 - c. Trees to be preserved may require pruning to provide clearance and/or correct defects in structure. All pruning shall be performed by an ISA Certified Arborist or Certified Tree Worker and shall adhere to the latest edition of the ANSI Z133 and A300 safety standards as well as the ISA Best Management Practices for Tree Pruning with a tree pruning permit from the City. The pruning contractor shall have the C-27/D-49 license specification.
 - d. 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. To the extent feasible tree pruning and removal should be scheduled outside of the breeding season. Breeding bird surveys should be conducted prior to tree work. Qualified biologists should be involved in establishing work buffers for active nests.

Engineering

- 58. The applicant shall implement the following measures to control dust and exhaust emissions during all grading and construction activities. These measures shall be noted on the construction documents prior to issuance of a grading or building permit:
 - a. All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day.
 - b. All haul trucks transporting soil, sand, or other loose material off-site shall be covered.
 - c. 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.
 - d. All vehicle speeds on unpaved roads shall be limited to 15 miles per hour (mph).
 - e. All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.
 - f. 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.
 - g. 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.
- 59. The applicant shall post a publicly visible sign with the telephone number and person to contact at the Lead Agency regarding dust complaints. This person shall respond and take corrective action within 48 hours. The BAAQMD's phone number shall also be visible to ensure compliance with applicable regulations.
- 60. The applicant shall be responsible for preventing the discharge of pollutants (sediments) into the street and/or the public storm drain system from the project site during construction in accordance with the Hayward Municipal Code Section 11-5.19. Projects proposed for construction between October 1st and April 30th, must have an erosion and sedimentation control program approved, and implemented to the maximum extent possible, prior to the start of any land disturbing activity. Trash and debris must be adequately contained at all times. Such measures shall be maintained during the project's construction period. Violations or other noncompliance with stormwater management measures may result in the project being shut down, including any building permit activity, until full compliance with stormwater management requirements is achieved.
- 61. The applicant shall remove and replace any damaged curb, gutter, sidewalks, driveways, signs, pavement, pavement markings, etc., within the public right-of-way along the project frontage and at any locations damaged by the construction of the proposed project. Damaged pavement surfaces shall be overlain or micro-surfaced. Damaged pavement surfaces shall be repaired or resurfaced as required by the City

Engineer. Unused driveways or unused portions thereof shall be removed and replaced with curb, gutter and sidewalk per City Standards.

62. The applicant shall be responsible for adjusting existing utility boxes/vaults to grade, locating and protecting the existing communication conduits (fiber optic and copper) along the project frontage.

Prior to Issuance of Tract Acceptance/Certificate of Occupancy

Landscaping

- 63. Prior to the issuance of Certificate of Occupancy for each building, all landscape and irrigation improvements shall be completed in accordance with the approved plans and accepted by the City Landscape Architect. Before requesting a landscape 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, Project Landscape Architect's punchlist, and landscape contractor's corrected photographs of all punchlist items (or applicable parts) shall be e-mailed in prior to requesting an inspection from the City Landscape Architect.
- 64. Prior to tract acceptance, entire landscape improvements including production homes and common landscape area shall be completed and well maintained until the acceptance by the City. The acceptance inspection shall be performed by City Landscape Architect. Prior to requesting an inspection by City Landscape Architect, the project landscape architect shall field inspect and accept landscape improvements and shall submit completed Appendix C. Certificate of Completion Part 1 through 7 in the City's Bay-Friendly Water Efficient Landscape Ordinance to City Landscape Architect. If green waste was diverted to an authorized facility and the weigh tag was submitted and signed off by the City's Solid Waste Division, then a copy of the signed document will replace Part 7.
- 65. As-built records of landscape improvements completed by the applicant shall be provided to the City Engineer on electronic media in AutoCAD and pdf formats.

Engineering

66. All public improvements, including the complete installation of all street improvements, fencing, sanitary sewer, storm drainage, water system, underground utilities, streetlights etc., shall be completed and attested to by the City Engineer before approval of occupancy of any unit in each phase of the subdivision. Where facilities of other agencies are involved, such installation shall be verified as having been completed and accepted by those agencies. Improvements within Oak Street shall be approved by the Alameda County Public Works Agency prior to occupancy of any unit.

- 67. 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.
- 68. The project QSP shall prepare and file a Final SWPPP Report with the City and the Regional Water Quality Control Board.
- 69. 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.
- 70. Prior to the issuance of any Certificates of Occupancy, the applicant shall submit a letter from the project geologic/geotechnical team confirming they have observed all grading activities and that those activities were performed in conformance with their recommendations.
- 71. Prior to the issuance of any Certificates 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.
- 72. As-built records of site grading and improvements completed by the applicant shall be provided to the City Engineer on electronic media in AutoCAD and pdf formats.

- End of Conditions -







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<u>PROPOSED SANITARY SEWER & WATER PIPE LEGEND</u>	<u></u>
6"SS – SDR-26 PVC SANITARY SEWER PIPE, OR APPROVED EQUAL, SIZE AS SHOWN; SLOPE=1% MIN.	6"
SS-FM) - SCHEDULE 80 PVC SANITARY SEWER FORCE MAIN, OR EQUAL, SIZE TO BE DETERMIENED.	6"
6"W – ESTIMATED 6" PIPE SIZE FOR PROJECT WATER SERVICE. E.B.M.U.D. TO PROVIDE ULTIMATE DESIGN/SIZE FOR WATER MAIN.	SD-
BACK-UP DIESEL GENERATOR FOR SANITARY SEWER LIFT STATION ON TOP OF (4'x8') CONCRETE PAD. PIPE SIZE TO BE DETERMINED.	(4" <u>l</u>





CITY OF HAYWARD

File #: PH 22-045

DATE: September 8, 2022

- **TO:** Planning Commission
- **FROM:** Development Services Director

SUBJECT

Proposal to Add Full-Service Automobile Detailing to the Existing Heart of the Bay Self-Service Car Wash Located at the Mobil Gas Station at 391 West A Street (Assessor Parcel Nos. 429-0077-025-01 and 429-0077-026-00) Requiring Approval of Conditional Use Permit Modification No. 202203390. Daljit Singh, New Raja Enterprises LLC (Applicant/Owner). **RECOMMENDATION**

That the Planning Commission approve the Conditional Use Permit (CUP) Modification to allow the addition of full-service automobile detailing to the existing self-service car wash operation located at 391 West A Street based on the analysis set forth in this report and the required findings contained in Attachment II, and subject to the conditions of approval contained in Attachment III.

SUMMARY

The applicant is requesting approval of a CUP Modification to allow the addition of full-service automobile detailing to the existing Heart of the Bay Car Wash self-service car wash currently operating at the Mobil gas station located at 391 West A Street. The detailing service would be provided by one (1) new full-time employee who would detail one vehicle at a time using one of two existing vacuum bay parking stalls on the site. The project plans also feature a new freestanding shade structure with benches adjacent to the parking stalls where customers would be able to sit and wait for their vehicles. The existing self-service car wash was permitted under the approval of CUP Application No. 201600398 by the Planning Commission on June 23, 2016. The proposed change to add full-service detailing to the car wash operation requires approval of a modification to the original CUP since it would change the nature of the operation from a self-service facility to one that offers a full-service option.

ATTACHMENTS

Attachment I	Staff Report
Attachment III	Recommended Conditions of Approval
Attachment III Attachment IV	Exhibit A Resolution No. 95-235 Applicant's Project Narrative

File #: PH 22-045

Attachment V

Project Plans



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BACKGROUND

On November 28, 1995, the Council adopted Resolution No. 95-235 approving Conditional Use Permit No. 94-102 allowing Unocal 76 Petroleum Products Company to construct a Unocal 76 service station featuring a canopy with six fuel dispensers and 12 refueling stations, and a 2,343-square-foot building housing a Circle K convenience store and a drive-through restaurant facility. In addition, Variance No. 95-180-10 was approved allowing a monument sign to be located within the required front yard setback along West A Street and allowing directional signage to include the company's logo. Further, a Negative Declaration prepared pursuant to the California Environmental Quality Act was adopted for the project by the Council in conjunction with the project approval. The drive-through restaurant facility housed a Taco Bell up until 2004, after which time it sat vacant.

In January 2016, the applicant submitted CUP Application No. 201600398 to replace the drive-through restaurant facility with a new self-service car wash facility which the Planning Commission approved on June 23, 2016. On March 29, 2016, the applicant also obtained approval from the Alameda County Board of Supervisors for a General Plan Amendment to change the land use designation of the vacant, wedge-shaped property located directly across the street from the gas station at 22083 Arbor Avenue from Medium Density Residential to General Commercial to allow a full-service automobile detailing facility as an extension of the car wash on that property. The detailing facility was planned to accommodate up to eight vehicles, with vacuums, a small building with laundry facilities and storage room, and a waiting area for customers. The applicant completed construction of the car wash facility on the gas station site located within Hayward city limits in 2018, but never constructed the detailing facility on the County site. Since then, the applicant has added self-service vacuum stations to the gas station site which customers are able to use for free when washing their vehicles. On June 28, 2022, the applicant submitted the subject CUP Modification application to allow the addition of full-service detailing to the car wash, as well as the construction of a shade structure and customer waiting area (the CUP Modification also originally included a proposal to sell beer and wine from the convenience store, but the applicant withdrew that component after receiving negative feedback from staff and the City Council). The applicant still intends to construct the detailing facility on the County site at a future date if the proposed detailing service is successful.

<u>Public Outreach</u>. On July 7, 2022, the City mailed 86 Notices of Application Receipt for the project to the owners and occupants of all properties within a 300-foot radius of the project site. Staff received no inquiries from the public as a result of this notification.

On August 26, 2022, a Notice of Public Hearing for this Planning Commission meeting was sent to the same list of addresses that received the Notice of Application Receipt and also published in *The Daily Review* newspaper. As of the date this staff report was published, Planning Division staff has not received any comments from any members of the public regarding the proposed CUP Modification.

PROJECT DESCRIPTION

<u>Existing Conditions</u>. The applicant currently owns and operates the existing gas station and selfservice car wash facility located on the northeast corner of West A Street and Arbor Avenue at 391 West A Street. The site measures 0.65 acres and contains a 2,343-square-foot convenience store, canopy with six gas pumps and 12 refueling stations, a hydrogen vehicle refueling station, a drive-through car wash tunnel, an air/water station, and 12 parking spaces (six of which are equipped with self-service vacuums). Currently, approximately 21 percent of the site is landscaped. Customers who use the car wash are allowed to use the vacuums for free, but the operation is currently entirely self-service. The project site is surrounded by other commercial and multi-family residential uses and is zoned CN, Neighborhood Commercial.

<u>Proposed Project</u>. The applicant is proposing to offer full-service automobile detailing as an option to its car wash customers seven days a week from 9:00 AM to 5:00 PM and to construct a new 216-square-foot shade structure over a small outdoor seating area for the customers

utilizing the service. The service would consist of one new full-time employee who would take the vehicles to be detailed through the drive-through car wash and over to one of two vacuumequipped parking stalls nearest the shade structure, where the vehicle's interior and exterior would be detailed while the customer waits. Two stalls would be reserved for the service in case a second customer arrives while the detailer is already working on a vehicle. Customers would be able to choose to have either their vehicle exteriors or interiors cleaned, or both.

The self-service component of the car wash would continue to be available to customers who do not wish to have their cars detailed, and four vacuum stalls would remain available to those customers on a first-come, first-served basis.

POLICY CONTEXT AND CODE COMPLIANCE

<u>Hayward 2040 General Plan.</u> The project site has a land use designation of Commercial/High Density Residential in the *Hayward 2040 General Plan*. Allowable uses on properties having this land use designation include retail and service uses, professional offices, multi-family residential development, live-work units, and mixed-use developments containing both residential and commercial uses.

The proposed detailing service would be consistent with the following *Hayward 2040 General Plan* goals and policies:

- *Land Use Policy LU-4.1: Mixed-Use Corridors.* The City shall encourage a variety of development types and uses along corridors to balance the needs of residents and employees living and working in surrounding areas with the needs of motorists driving through the community.
- <u>Economic Development Policy ED-1.11: Local-Serving Retail.</u> The City shall encourage the establishment and expansion of commercial businesses that increase local spending within Hayward and provide needed goods and services to local residents and businesses.
- *Economic Development Goal ED-3*: Grow the local economy and employment base by supporting efforts to expand and retain local businesses.

By allowing the applicant to expand the existing car wash service to include an optional fullservice detailing component, the City would be assisting a local small business owner to expand their business offerings and, at the same time, providing a specialized service for Hayward residents and workers who choose to pay for full-service car wash and detailing services. Further discussion of the consistency between the proposed use and policies are included in the Staff Analysis section below and in Attachment II, Findings.

<u>Zoning Ordinance.</u> The project site is located within the Neighborhood Commercial (CN) zoning district¹, along a busy commercial segment of West A Street. The CN district allows the establishment of a car wash facility subject to approval of a Conditional Use Permit.² The

¹ Section 10-1.800 (Neighborhood Commercial District) of Hayward Municipal Code:

https://library.municode.com/ca/hayward/codes/municipal_code?nodeId=HAYWARD_MUNICIPAL_CODE_CH10PLZOSU_ART1ZOOR_S10-1.800NECODICN

² Section 10-1.3200 (Conditional Use Permit) of Hayward Municipal Code:

https://library.municode.com/ca/hayward/codes/municipal_code?nodeId=CD_ORD_CH10PLZOSU_ART1ZOOR_S10-1.3200COUSPE

applicant obtained approval of CUP Application No. 201600398 for the existing self-service car wash facility on June 23, 2016. In order to add the full-service detailing component and change the nature of the operation from a self-service facility to one that offers a full-service option, the applicant is requesting approval of a modification to the previously approved CUP.

The proposed change to add full-service detailing to the car wash operation and construct the new freestanding shade structure would result in the addition of one new full-time employee to the establishment's workforce and 216 square feet of additional lot coverage. These changes affect the use's degree of compliance with the minimum parking requirements and minimum site landscaping requirements. The following table shows how the proposal would comply with the applicable development standards pertaining to minimum parking and site landscaping:

Development Standard	Requirement	Required	Proposed	In Compliance?
Minimum Parking Requirement	1 space for each employee during largest work shift plus 1 space for air/water dispenser plus 1 space for each 400 sq. ft. of gross floor area of convenience store	9 spaces	12 spaces	Yes
Minimum Site Landscaping	20% of total site	20% (21% existing)	20%	Yes

<u>Parking</u>: As this table shows, the project will comply with the minimum parking requirements even with the addition of one full-time employee during the largest work shift. The existing operation requires a minimum of eight parking spaces: one for the lone employee staffing the cash register; one for the air/water dispenser; and six for the convenience store. The additional employee that will provide the detailing service would bring the total required parking to nine spaces. The site currently features 12 parking spaces, so the site exceeds the minimum parking requirement even with the addition of detailing service.

Landscaping: For all drive-in establishments including gas stations and car washes, a minimum of 20 percent of the site is required to be landscaped. Currently, 21 percent of the project site is landscaped. The construction of the new 216-square-foot shade structure and customer waiting area would reduce the total site landscaping by one percent to 20 percent; nevertheless, the site would still be in compliance with the minimum standard.

<u>Conditional Use Permit Modification</u>: The Planning Commission may approve a modification to an existing CUP when all of the required findings prescribed by Section 10-1.3225 of the Hayward Municipal Code can be met. The required findings are as follows:

- 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.

As stated above, allowing the applicant to offer full-service detailing as a menu item for car wash customers would provide Hayward residents with a convenient option to get their vehicles professionally cleaned at an appropriate location where self-service car washing and refueling are already taking place. Additionally, staff has included a number of operational conditions of approval (Attachment III) that will ensure that the proposed detailing service does not adversely impact the public or the adjacent land uses. Further analysis related to the findings is included in the Staff Analysis section below and contained in Attachment II, Findings.

STAFF ANALYSIS

Staff has reviewed the project application and believes that the Planning Commission can make the required Findings to conditionally approve the addition of the full-service detailing component to the existing self-service car wash operation. As mentioned previously, the proposed use is located along a busy segment of a major commercial corridor, so the addition of a full-service component to an existing self-service car wash at the site would not be an inappropriate or incompatible change in land uses that could have an adverse impact on the adjacent properties. Furthermore, the proposed modification would be consistent with the Neighborhood Commercial Zoning District, as well as the goals and policies of the City's General Plan, which calls for supporting local small businesses and providing a wide range of goods and services within the City that meet the everyday and specialized needs of Hayward residents and workers.

The existing operational conditions governing the self-service car wash from the current CUP that aim to mitigate any adverse impacts from the facility on the neighboring residential uses would remain in effect, and new operational conditions applicable to the full-service detailing component would be included to ensure that it, too, does not pose any nuisances to the surrounding neighborhood. Included among these new conditions will be a limitation on the number of employees that the detailing service can utilize at any given time and the number of parking stalls that it can occupy. These limitations will ensure that the detailing operation does not overburden the site when combined with all the other existing services being offered on the premises. Finally, the addition of detailing service is not expected to result in a significant increase in traffic to and from the site or in existing noise levels being generated by the car wash, and the overall change to the nature and intensity of the entire operation is expected to be minimal since customers will likely only utilize the service on an occasional basis due to the length of time it can take to complete a full-service detailing.

ENVIRONMENTAL REVIEW

The proposed project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15301, Existing Facilities and Section 15303, New Construction of Small Structures, in that the project involves the minor alteration of an existing self-service car wash facility through the provision of an

optional full-service detailing service to be provided by one additional full-time employee and the construction of a single, small freestanding shade structure for the customer waiting area. Therefore, no environmental review is necessary.

NEXT STEPS

If the Planning Commission approves the Conditional Use Permit, 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 heard by the Council for final disposition.

Prepared by: Steve Kowalski, Associate Planner

Recommended by: Jeremy Lochirco, Planning Manager

Approved by:

Sara Buizer, AICP, Deputy Development Services Director

Jennifer Ott, Assistant City Manager/Development Services Director

CONDITIONAL USE PERMIT MODIFICATION APPLICATION NO. 202203390 HEART OF THE BAY CAR WASH 391 WEST A STREET

DRAFT FINDINGS FOR APPROVAL

<u>Findings for Conditional Use Permits/Modifications</u> – Pursuant to Hayward Municipal Code (HMC) Section 10-1.3260, the Planning Commission may modify a Conditional Use Permit if it is able to make the following findings prescribed by HMC Section 10-1.3225:

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

The proposed use is desirable for the public convenience and welfare in that it would provide Hayward residents with an option to get their vehicles professionally cleaned at an appropriate location where self-service car washing, vacuuming and refueling are already taking place and where they may purchase some sundries or food from the onsite convenience store or one of the nearby eating establishments to consume while they wait for their vehicles.

b. 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 in that self-service car washing and vacuuming are already occurring at the site under a previously approved Conditional Use Permit, and the addition of full-service detailing will not materially alter the nature of the operation since it would only involve one additional employee who would utilize existing parking stalls with vacuum stations to conduct the detailing. Additionally, staff has included a number of operational conditions that will ensure the proposed detailing service does not adversely impact the public or the adjacent land uses.

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

The proposed use will not be detrimental to the public health, safety or general welfare in that it would merely expand the car washing services already being offered on the site by adding a full-service detailing option for those customers who wish to have their vehicles professionally cleaned. The detailing service would utilize the same cleaning equipment as the existing self-service operation, as well as some hand-held equipment such as car buffers that would not generate a significant increase in existing noise levels, and would not involve any dangerous chemicals or processes.

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

The proposed use is in harmony with applicable City policies and the intent and purpose

of the Neighborhood Commercial zoning district in that allowing the applicant to expand the existing car wash service to include an optional full-service detailing component would assist a local small business owner and create additional jobs and, at the same time, provide a specialized service for Hayward residents and workers who choose to pay for full-service car wash and detailing services, consistent with the following goals and policies of the Land Use and Economic Development Elements of the Hayward 2040 General Plan:

Land Use Policy LU-4.1: Mixed-Use Corridors. The City shall encourage a variety of development types and uses along corridors to balance the needs of residents and employees living and working in surrounding areas with the needs of motorists driving through the community.

<u>Economic Development Policy ED-1.11: Local Serving Retail.</u> The City shall encourage the establishment and expansion of commercial businesses that increase local spending within Hayward and provide needed goods and services to local residents and businesses.

Economic Development Goal ED-3: Grow the local economy and employment base by supporting efforts to expand and retain local businesses.

<u>CEQA Findings</u> – The following findings are made in support of the adoption of a Mitigated Negative Declaration for the project:

1. The proposed project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15301, Existing Facilities and Section 15303, New Construction of Small Structures, in that the project involves the minor alteration of an existing self-service car wash facility through the provision of an optional full-service detailing service to be provided by one new employee, and the construction of a new customer seating area with a single, 216-square-foot freestanding shade structure.

CITY OF HAYWARD PLANNING COMMISSION CONDITIONAL USE PERMIT MODIFICATION APPLICATION NO. 202203390 HEART OF THE BAY CAR WASH 391 WEST A STREET

RECOMMENDED CONDITIONS OF APPROVAL

<u>General</u>

- 1. Conditional Use Permit Modification Application No. 202203390 shall supersede Conditional Use Permit Application No. 201600398 and shall permit full-service detailing at the existing self-service car wash at 391 West A Street in accordance with the description contained in the attached staff report for this item and as shown in the plans labeled as Attachment IV, unless otherwise indicated below. This permit shall become void three years after the effective date of approval unless the use is established, or a time extension of the approval has been granted by the Planning Director. A request for an extension, approval of which is not guaranteed, must be submitted to the Planning Division at least 15 days prior to the expiration date.
- 2. A copy of the conditions of approval for this Conditional Use Permit Modification must be kept on the premises of the establishment and posted in a place where it may readily be viewed by the general public. Improvements shall be installed per the approved plans labeled as Attachment V. Violation of any conditions of approval or requirements contained herein shall result in enforcement action by the Code Enforcement Division. Enforcement may include, but is not limited to, fines, fees/penalties, special assessments, liens, or any other legal remedy required to achieve compliance, including revocation.
- 3. The applicant/operator 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.
- 4. All permit charges accrued in the processing of Conditional Use Permit Modification Application No. 202203390 shall be paid in full prior to consideration of a request for approval of any extensions and/or submittal of a building permit for the customer seating area and shade structure.
- 5. Any proposal for alterations to the proposed site plan and/or design which does not require a variance to any zoning ordinance standard must be approved by the Development Services Director or his/her designee prior to implementation.
- 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. 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.

Planning

- 7. The operation of the gas station and convenience store shall comply with the conditions of approval of Use Permit Application No. 94-102 and Variance Application No. 95-180-10 except as amended herein (attached hereto as Exhibit A to Attachment III).
- 8. The north side of the car wash shall have exterior lighting to illuminate the adjacent landscape planter. The light source shall be incorporated into the structure and the design of the lighting shall be reviewed and approved by the Planning Director.
- 9. Any new exterior lighting shall be LED and shall not spillover onto any adjacent parcels.
- 10. The hours of operation of the car wash shall be limited from 7:00 AM to 9:00 PM daily. The hours of the detailing service shall be limited from 9:00 AM to 5:00 PM daily.
- 11. The detailing service shall consist of no more than one employee per shift and cars undergoing full-service detailing shall not occupy more than two parking stalls at any given time.
- 12. All self-service and full-service car washing and detailing activities shall occur on the subject property. No washing, detailing or temporary parking of vehicles utilizing the self-service or full-service car wash facilities/services shall occur offsite or on any of the adjacent streets.
- 13. A sign shall be posted reminding customers to be considerate of the neighbors and turn off audio systems while cleaning their vehicles.
- 14. The ambient noise level at the north property line shared with the senior housing development shall not exceed 75 dBA. If the ambient noise level is found to exceed 75 dBA, the car wash entry and exit doors shall be closed during all wash and dry cycles.
- 15. All signage shall comply with the provisions of the Sign Regulations contained in Chapter 10, Article 7 of the Hayward Municipal Code.
- 16. The gas station operator shall maintain in good repair all building exteriors, walls, equipment/trash enclosures, lighting, landscaping, driveways, parking areas and drainage facilities. Any graffiti on the property shall be painted over or removed within 48 hours of occurrence to the satisfaction of the Planning Director.

17. Vending machines are not permitted outside of the convenience store.

Landscaping

- 18. Existing landscape improvements shall be maintained in accordance with the City's standard maintenance practice and conditions of approval for CUP Application No. 201600398.
 - a. Landscaping shall be maintained in a healthy, weed-free condition at all times and shall maintain irrigation system to function as designed performance, and minimize the use of fertilizers and pesticides, which contribute pollution to the Bay.
 - b. The owner's representative shall inspect the landscaping on a monthly basis and any dead or dying plants (plants that exhibit over 30% dieback) shall be replaced within ten days of the inspection.
 - c. Three 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.
 - d. All nursery stakes shall be removed during tree installation and staking poles shall be removed when the tree is established or when the trunk diameter of the tree is equal or larger to the diameter of the staking pole.
 - e. All trees planted as a part of the development as shown on the approved landscape plans shall be "Protected" and shall be subjected to Tree Preservation Ordinance. Tree removal and pruning shall require a tree pruning or removal permit prior to removal by City Landscape Architect.
 - f. 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.
 - g. 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.

Transportation

- 19. The applicant and/or property owner shall maintain adequate visibility and sight distance at all project driveways and access points.
- 20. Car detailing/car wash operations, including any customer vehicular queuing, shall not encroach into the public right-of-way at any time.

Solid Waste

21. The applicant and/or property owner 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 Hayward Municipal Code Section 11-5.22.

During Construction

22. In accordance with Hayward Municipal Code Section 4-1.03-4, construction activities shall be limited from 7:00 AM to 7:00 PM Monday through Saturday and 10:00 AM to 6:00 PM on Sundays or holidays, unless other construction hours are permitted by the City Engineer or Chief Building Official. Construction shall not include any individual equipment that produces a noise level exceeding 83 dBA measured at 25 feet, nor shall construction activities produce a noise level outside the project property lines in excess of 86 dBA.

- End of Conditions -

HAYWARD CITY COUNCIL

RESOLUTION NO. 95-235

Introduced by Council Member ____WARD

RESOLUTION APPROVING USE PERMIT APPLICATION NO. 94-102 AND VARIANCE APPLICATION NO. 95-180-10 OF UNOCAL 76 PETROLEUM PRODUCTS COMPANY

WHEREAS, Use Permit Application No. 94-102 and Variance Application No. 95-180-10 concerns a request of Unocal 76 Petroleum Products Company to construct a Unocal 76 gasoline station/food mart/drive-through restaurant building and a new pump island canopy with three islands for six fuel dispensers, and a request for a sign variance to allow a monument sign to be located 3 feet from the front property line where 10 feet is required and to allow a directional sign to include a business logo, on property located at 391 West A Street; and

WHEREAS, the Planning Commission denied the project applications at its meeting on September 14, and the matter has been appealed to the City Council in the time and manner required by law; and

WHEREAS, the City Council of the City of Hayward hereby finds and determines that the City Council has independently reviewed and considered the information contained in the initial study upon which the negative declaration is based, certifies that the negative declaration has been completed in compliance with the requirements of the California Environmental Quality Act, and finds that the negative declaration reflects the independent judgment of the City of Hayward; and

WHEREAS, the City Council hereby finds and determines that:

- The negative declaration was prepared for the project in conformance with California Environmental Quality Act guidelines;
- 2. The proposed project, as conditioned, will not impair the character and integrity of the zoning district and surrounding area as the gasoline station and proposed food mart and drive-through restaurant should be compatible with adjacent residential uses to the north and with the surrounding commercial uses;
- 3. The proposed project, as conditioned, will not be detrimental to the public health, safety, or general welfare as evidenced by the fact that the operation of

this facility has not been a problem in the past and that this project will have added conditions of approval which will regulate the operational aspects of the business;

- 4. The proposed gasoline station, food mart, and drivethrough restaurant uses, as conditioned, will be in harmony with applicable City policies, including the Hayward Design Guidelines and the performance standards for drive-in restaurants;
- 5. The existing location of the underground gasoline storage tanks and the close proximity to the I-880 freeway are special circumstances applicable to the subject property in support of granting the variance requests to allow the monument sign to be placed within three feet of the front property line and the placement of the restaurant logo on the two directional signs;
- 6. The strict application of the Zoning Ordinance would deprive the property of privileges enjoyed by other property in the vicinity under the same zoning classification, because the proposed businesses would not be able to adequately identify themselves due to the particular location of the site and the historic placement of the underground tanks;
- 7. The granting of the variances would not constitute a grant of a special privilege inconsistent with the limitations upon other properties in the vicinity in that the location of this site is unique; other properties in the vicinity do not have the same constraints presented by the proximity of I-880 and the historic location of the underground tanks.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Hayward that, based on the foregoing findings, Use Permit Application No. 94-102 and Variance Application No. 95-180-10 are hereby approved, subject to the attached conditions.

IN COUNCIL, HAYWARD, CALIFORNIA November 28, 1995

ADOPTED BY THE FOLLOWING VOTE:

AYES: COUNCIL MEMBERS: Jimenez, Ward, Hulteen, Henson MAYOR: Cooper NOES: COUNCIL MEMBERS: Rodriguez ABSTAIN: COUNCIL MEMBERS: None

ABSENT: COUNCIL MEMBERS: Hilson

ATTEST: clerk of Ci the 02 Hayward

APPROVED AS TO FORM:

City Attorney of the City of Hayward

Page 3 of Resolution No. 95-235

FINAL CONDITIONS OF APPROVAL

Use Permit Application No. 94-102 Variance Application No. 95-180-10 Unocal 76 Gasoline Station/Food Mart/Drive-Through Restaurant

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The proposed Use Permit Application No. 94-102 and Variance No. 95-180-10, to construct a new 2,343-square-foot Unocal 76 gasoline station/food mart/drive-through restaurant building and new pump island canopy with three islands for six fuel dispensers and request for a Sign Variance to allow a monument sign to be located 3 feet from the front property line, where 10 feet is required and to allow a directional sign to include a business logo 391 West "A" Street shall be constructed according to the plans approved by the City Council on November 28, 1995, labeled Exhibit "A". This approval is void one year after the effective date of approval unless a building permit application has been submitted and accepted for processing by the Building Official. Any modification to the approved plans shall require review and approval by the Director of Community and Economic Development/Planning Director.

Prior to occupancy of the building, all pertinent conditions of approval and all improvements shall be completed to the satisfaction of the Director of Community and Economic Development/Planning Director.

Prior to construction, a building permit must be obtained from the Development Inspection Services Division. All improvements must be completed in accordance with the Uniform Building Code and Uniform Fire Code as adopted by the City of Hayward.

4. Before issuance of a building permit, the applicant shall submit the following to the Director of Community and Economic Development/Planning Director for review and approval:

- a. Revised building and pump island canopy elevations that incorporate a Spanish tile roof material in place of the standing metal seam roof.
- b. Revised building and pump island canopy elevations that eliminate the internally illuminated orange light tube.
- c. A detailed color scheme of all building exteriors and materials.
- d. A final sign program in compliance with the Hayward Sign Regulations, that includes details of all proposed on-site signage, including menu boards.
- e. The base and framing of all freestanding signs shall reflect the architectural character, colors and materials of the building.
- 5. Submit to the Landscape Architect for approval before issuance of a building permit a detailed landscape and irrigation plan, prepared by a licensed landscape architect, that conforms to the City's Water Efficient Landscape Ordinance and includes:
 - a. Raised planter boxes on either side of the main entrance, to be sided with decorative gray tile to match the building.
 - b. Where landscaped areas adjoin driveways or parking areas, Class B Portland Cement concrete curbs shall be constructed to a height of 6 inches above the

EXHIBIT "A" TO RESOLUTION NO. 95-235

finished pavement.

- c. Parking and driveway areas shall be buffered from the street with continuous shrubs and a two-foot high earth berm. The type and spacing of shrubs shall create a continuous 30-inch high screen within two years.
- d. Above ground utilities shall be screened from the street with shrubs. Any new transformers shall not be located within required front or side yard setbacks.
- e. Continuous vine and shrub planting shall be provided along the north and east property lines and around the trash enclosure to buffer the masonry walls.
 f. The type and quantity of trees shall be installed and maintained per the approved.
 - The type and quantity of trees shall be installed and maintained per the approved landscape plan.
- g. The on-site sidewalks and flat concrete areas shall exhibit a decorative finish, such as stamped concrete or exposed aggregate with tile bands. The material shall be approved by the City before issuance of a building permit.
- h. Within all landscaped areas a complete automatic sprinkler system with an automatic on/off mechanism shall be installed and maintained. This system shall utilize a double-check, double-gate backflow device and shall include an individual adjustable flood bubbler to each tree.

Landscaping and irrigation plans shall comply with the City's Water Efficient Landscape Ordinance.

- 6. A tree removal permit is required prior to the removal of any tree 10 inches or more in diameter. Replacement trees shall be required for any trees authorized for removal as determined by the City Landscape Architect.
- 7. Landscaping shall be maintained in a healthy weed-free condition at all times with replacement plants provided where necessary. Required street trees that are severely pruned or topped shall be immediately replaced.
- 8. Before building occupancy or connection of utilities the following shall be completed:
 - a. Landscaping shall be installed per the approved plans and a Certificate of Substantial Completion and an Irrigation Schedule shall be submitted prior to approval of occupancy.
 - b. All parking stalls and maneuvering areas shall meet the minimum standards of the City Parking Ordinance, the parking stalls shall be striped; and any compact stalls shall be clearly marked for compact vehicles only.
 - c. The new parking lot shall be paved to the satisfaction of the City Engineer.
 - d. The existing curb, gutter, curb-cuts, sidewalk and tie-in pavement along the West "A" Street and Arbor Avenue frontages shall be replaced, repaired or removed as determined to be necessary by the City Engineer.
 - e. Street numbers shall be no less than 10 inches in height with a minimum 1/2 inch stroke width and of a contrasting color to the background.
 - f. All mechanical roof equipment shall be screened from view.
 - g. Any broken, damaged or cracked curb, gutter, or sidewalk along either the West "A" Street and Arbor Avenue frontages shall be repaired to the satisfaction of the City Engineer.
 - h. Driveways shall be constructed to City standard SD 110.

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- A drainage plan that incorporates a closed conduit system that connects to the storm water inlet at West "A" Street. The plan shall meet the approval of the Director of Community and Economic Development/Planning Director.
- The applicant shall comply with all requirements of the Uniform Fire Code and the City's Hazardous Materials Ordinance including but not limited to the following:
 - a. Must meet requirements of Article 87 of the uniform Fire Code for demolition and construction of structures.
 - b. If any commercial cooking is to be done a fire protection system is required and must submit specific plans for approval prior to construction.
 - c. Fuel dispensing subject to all requirements of the Uniform Building and Fire Codes.
 - d. Submittal and approval of a final soil and groundwater remediation system plan including monitoring wells and remediation equipment. Any modifications to the approved remediation system must be cleared through the Hazardous Materials office of the Fire Department.
 - Fire Extinguisher required per the Uniform Fire Code.
 - Any exterior awnings or canopies must meet City standards.
 - g. During demolition and construction the applicant must notify the Fire Department immediately of any tanks, abandoned piping or contamination if encountered.
 - h. Prior to submittal of a building permit the applicant must submit an update to the status of the remediation and indicate if during construction and demolition any contamination is encountered. In the event contamination is encountered within the area of the proposed food mart the applicant must update the existing remediation plan currently on file with the City and must propose a method of remediation that is acceptable to the City's Hazardous Materials Office.
 - i. Fire extinguishers to be placed within 75 feet of travel from any point in the building per UFC 10.505.a. 40BC type of extinguisher shall be required in the kitchen, 2A10BC type shall be provided in all other areas. Fire extinguishers to be provided within 75 feet of travel during construction as per UFC 87.103d.
 - j. Kitchen hood and duct system as per UFC 10.513a. The system shall provide protection to ventilating hoods, ducts, and cooking appliances. These shall be in accordance with UFC 10.513b. The type of system installed shall be in accordance with UFC 10.513c.
 - k. The working drawings shall be submitted to the Alameda County Health Services Department for approval.
- 10. Management of the use shall take necessary steps to assure the orderly conduct of employees, patrons, and visitors on the premises, including requesting that motorists not play radios to the degree that surrounding residents and commercial uses would be bothered and that loitering is not permitted. Signs shall be posted indicating that loitering is prohibited. Signs shall be approved by Police Chief. Station Management shall discourage patrons from loitering on the premises.
- 11. Free air, water and window washing facilities shall be provided to the public during hours of operation.

12. The sale of alcoholic beverages is strictly prohibited.

- 13. The facility shall be made handicapped accessible in compliance with Title 24 and ADA requirements.

14. The premises shall be kept clean, and the operator shall make all reasonable efforts to see that no trash or litter originating from the use is deposited on adjacent properties. Employees shall be required to daily pick up trash or litter originating from the site upon the site and within 300 feet of the perimeter of the property.

- 15. No obnoxious odors shall be generated on the site.
- 16. A minimum of two restrooms shall be made available to the public during hours of operation.
- 17. The property owner/applicant shall maintain in good repair all building exteriors, awnings, walls, lighting, trash enclosure, drainage facilities, driveways and parking areas. The premises shall be kept clean. Any graffiti painted on the property shall be painted out or removed within seven days of occurrence.
- 18. The project shall comply with the requirements of the Hayward Security Ordinance.
- 19. Public telephone(s) shall be located within the interior of the building, unless otherwise authorized by the Director of Community and Economic Development/Planning Director.
- 20. The applicant/business operator shall not display any illegal banner signs, portable signs or other illegal signs on the property.
- 21. The permittee shall provide and maintain exterior lighting for the establishment which is adequate for the illumination and protection of the premises. Lighting shall be installed in such a manner that it does not shine into adjacent residential properties.
- 22. The permittee shall provide and maintain interior lighting for the establishment which is adequate for the illumination and protection of the premises and which allows the unaided inspection of personal identification by members of the Hayward Police Department while inside the premises.
- 23. No outside storage of material, crates, boxes, etc. shall be permitted anywhere on site, except within the trash enclosure area as permitted by fire codes.
- 24. The permittee shall discourage patrons and visitors from loitering in public rights-of-way, parking areas, and in front of adjacent properties.
- 25. Prior to issuance of a building permit the parcel of land (APN: 0429-0077-026) located in Alameda County shall be annexed to the City of Hayward and the three separate parcels of land shall be merged into one parcel.

- 26. The loud speaker for ordering food items for the drive-through restaurant shall be shifted 20 feet further south. All loud speakers shall be monitored to ensure that the speaker is not audible from the adjacent residential properties. Noise levels measured at the property line shall not exceed the level of background noise normally found in the area or 65 db, whichever is greater.
- 27. The hours of operation of the drive-through restaurant and food mart shall be restricted to between 6:30 AM to 10:00 PM on Monday through Thursday, between 7:00 AM to 11:00 PM on Friday and Saturday and between 7:00 AM to 10:00 PM on Sunday. Gasoline sales may occur 24 hours a day.
- 28. Water Pollution Source Control requirements shall be as follows:
 - a. If there are to be any roof HVAC units, no polluted waters from these units shall be discharged to the storm drain via roof drains. Uncontaminated condensate is acceptable for storm drain discharge.
 - b. All washing operations shall be discharged to the sanitary sewer. This specifically includes mat cleaning and any washing of the trash area.
 - c. No storm water shall be discharged to the sanitary sewer without a Wastewater Discharge Permit, which will be issued only if there is no feasible alternative. This means that if washing takes place in the trash area, the wash water shall be discharged to the sanitary sewer. If this area is covered and protected from storm water runoff, a permit is not necessary. If it is not covered, a permit will be required.
 - d. The sanitary sewer discharge from this facility shall be in compliance with all wastewater discharge regulations, prohibitions and limitations to discharge, including the 300 milligram per liter oil and grease limit.
- 29. Prior to occupancy, the developer shall pay the appropriate tax required by the Interim Supplemental Building Construction and Improvement Tax.
- 30. Parking shall be prohibited (No Stopping Anytime) on the property frontages of West "A" Street.
- 31. The exterior of the trash enclosure shall match the primary structure. Access gates shall be solid decorative architectural metal. The final design shall be approved by the Director of Community and Economic Development/Planning Director before issuance of a building permit.
- 32. A copy of these conditions of approval shall be included in and made part of any rental and/or lease agreement for the subject site and shall be posted alongside the necessary business license and be visible at all times to employees and patrons.
- 33. Violation of these conditions is cause for revocation of permit after public hearing before the duly authorized review body.
- 34. If it comes to the attention of the Director of Community and Economic

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Development/Planning Director that there are problems occurring as a result of the gasoline station, food mart, or drive-through restaurant, the Director may bring this use permit application back to the Planning Commission for consideration of imposing additional conditions or restrictions.

- 35. The following restrictions on vendor deliveries to the site shall be adhered to:
 - (a) No more than two vendor vehicles (trucks, vans, etc.) shall be allowed on the site at any one time.
 - (b) No more than two deliveries per week shall be made by the same vendor.
- 36. The following are additional conditions voluntarily agreed to by the applicant (Note: Conditions which were superseded by, redundant or less restrictive than City imposed conditions have been omitted):
 - (a) The site operator and employees will be required to attend, participate and successfully complete a three week training program which will include and is not limited to training segments on safety, accident prevention, robbery deterrence, personal safety, responsible tobacco retailing, loitering deterrence, facility maintenance and litter control. Facility personnel must participate in quarterly reviews.
 - (b) All products sold at the Fastbreak food mart must be preapproved by Unocal.
 - (c) There shall be no sale or rental of any adult magazines, videos, tapes, discs or film at this location.
 - (d) There will be no coin operated amusement devices or video games on the premises.
 - (e) A sign will be posted in the window to identify that the cash register contains \$50.00 or less in cash and the drop safe is not accessible to employees.
 - (f) Applicant shall post signs at the food mart in compliance with any and all municipal codes notifying the public in both English and predominant second language in the area with regard to loitering and littering.
 - (g) The applicant shall post signage at the food mart precluding loitering and littering.
 - (h) The food mart shall be equipped with a silent alarm system registered at the nearest police department which can be activated by (3) buttons situated at strategic locations through the food mart.
 - (i) The food mart shall be equipped with a security camera that is capable of receiving an image on film or tape that can be made a permanent record and that can be enlarged through projection or other means. Cameras will be maintained in proper working order at all times and shall be subject to periodic inspection by the local police department.

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Attachment IV

Project Narrative

Dear Esteemed Board,

Heart of the Bay Car Wash (New Raja Enterprises) will offer a new full-service auto detailing service in addition to the existing self-service automated car wash tunnel. The detailing service will operate 7-days per week from 9 am to 5 pm. The operation will employ one employee and will service only one vehicle at a time. Our plan is to use the two parking stalls/vacuum stations nearest the entrance to the car wash for the detail service. We will build a new shade structure with benches adjacent to the two stalls where customers will be able to sit and wait for the vehicles to be detailed.

Customers who do not wish to have their vehicles detailed will continue to be able to use the self-service car wash and vacuum stations. The detailing service will be provided as an option to those customers who want to get their cars fully cleaned inside and out.



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54 94 14 CA)-84 ALACO ENGINEERING 612 B ST, HAYWARD, C/ www.alaco.us 510-200-8 DA Improvements Wash Detailing Car Bay Auto the S of for Heart 391 We Plan

SCOPE OF WORK:

IN GENERAL, THIS PLAN IS FOR THE IMPROVEMENT OF FACILITIES TO SUPPORT A NEW FULL SERVICE (STAFFED) AUTOMOBILE DETAILING OPERATION AS AN EXTENSION OF THE EXISTING AUTOMATED CAR WASH TUNNEL.

THE DETAILING SERVICE WILL OPERATE 7-DAYS PER WEEK FROM 9AM - 5 PM. THE OPERATION WILL EMPLOY ONE EMPLOYEE AND WILL SERVE ONLY ONE VEHICLE AT A TIME.

MORE SPECIFICALLY, FACILITY IMPROVEMENTS SHALL INCLUDE A NEW 12'x18'x10' GAZEBO TO BE ERECTED FOR PROVIDING SHADE TO CUSTOMERS AWAITING THE COMPLETION OF DETAILING SERVICES (SHEET 2).

GENERAL NOTES:

ALL WORK SHALL CONFORM TO ALL APPLICABLE CODES AND ORDINANCES AS ADOPTED BY THE CITY OF HAYWARD.

ALL MANUFACTURED MATERIALS AND EQUIPMENT SHALL BE INSTALLED IN ACCORDANCE WITH THE MANUFACTURER'S SPECIFICATIONS AND INSTRUCTIONS.

SHEET INDEX:

- 1 SITE PLAN
- 2 NEW PRE-MANUFACTURED GAZEBO
- 3 LANDSCAPE AREA SIZE









CITY OF HAYWARD

File #: MIN 22-101

DATE: September 8, 2022

- **TO:** Planning Commission
- FROM: Assistant City Manager / Development Services Director

SUBJECT

Minutes of the Planning Commission Meeting on June 9, 2022

RECOMMENDATION

That the Planning Commission approve the minutes of the Planning Commission meeting of June 9, 2022

SUMMARY

The Planning Commission held a meeting on June 9, 2022

ATTACHMENTS

Attachment I Draft Minutes of June 9, 2022



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.

CALL TO ORDER Pledge of Allegiance: Chair Oquenda

ROLL CALL

Present:	COMMISSIONERS:	Ali-Sullivan, Goldstein, Lowe, Roche, Stevens
	CHAIRPERSON:	Oquenda
Absent:	COMMISSIONER:	Bonilla

Staff Members Present: Buizer, Claussen, Lens, Lochirco, Madhukansh, Ochinero, Vigilia

PUBLIC COMMENTS

There were none.

PUBLIC HEARING

1. 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)

Planning Manager Lochirco provided a synopsis of the staff report and PowerPoint presentation. Mr. Lochirco introduced project applicant Mr. Amit Goel who provided an overview of the project.

Chair Oquenda opened the Public Hearing at 8:22 p.m.

Commissioner Oquenda said for the record he had conversations with the Sprinkler Fitters Local 483 representative and with staff; and asked the project applicant if he had come to an agreement with the labor unions. Project applicant Mr. Goel responded that they do not have a project labor agreement, the downtown ordinance requires Condition of Approval No. 14, which they have agreed to. He stated that they have had many conversations with



various unions and that they fully intend to meet the conditions of approval prior to pulling a building permit.

Commissioner Roche followed up on Commissioner Oquenda's Labor Agreement question and expressed that there may be a lack of enforcement mechanisms with the condition of approval. Senior Assistant City Attorney Vigilia responded per the condition of approval, the applicant would have to comply prior to applying for any site grading or building permit.

Commissioner Roche asked the applicant what has been done to have negotiations with local labor groups and trade unions. Mr. Goel stated that their intentions are to fully comply with Condition of Approval No. 14.

Commissioner Roche asked Mr. Lochirco about unbundled parking and wanted to know if that is when the occupancy gets to 75% or is it automatic when people sign up to live there, that they will have an unbundled parking lease option.

Mr. Lochirco stated that there are two components per the parking management plan which specifically deals with opportunities to reduce parking demands, the applicants trigger the threshold to have a fully implemented parking management plan of 75% at building occupancy; however, the plan has to be reviewed and approved before the building is leased. He noted that as part of the TDM (Transportation Demand Management) Program, one option would be to work in collaboration with the parking management plan to make sure that parking demand and trip generation are reduced, and that this is tied to the CEQA analysis that was done when the project was originally approved.

Commissioner Roche stated that per the TDM plan, it seems there was discussion with Prospect Hill neighbors that there was concern about on-street parking and traffic congestion and asked if this had been addressed. Mr. Lochirco noted that community conversations started back in 2017 when the original Maple and Main project was proposed, a condition of approval was applied as a solution to deal with parking demand and trip reduction, adding that the proposed project was implementing the same strategies as the original project. He stated that even though some of the project components have changed such as more residential units but no office building, most of the parking demand issues experienced in the city occur at nighttime. He stated that enforcement mechanisms could be used as well as the implementation of a parking permit program in the event that parking does become an issue. Mr. Lochirco stated that there are contingency plans and conditions of approval that would require regular studies once the building occupancy gets to a certain point.



Commissioner Roche acknowledged that the community is concerned as there are potentially two development projects that may impact the neighborhood. She asked staff per the Fehr & Peers study, which stated that there would be a 40% VMT (vehicle miles traveled) reduction and then 20% and requested if there was data to support how TDM plans could reduce the VMT substantially.

Mr. Nick Clayton with Project Management Advisors, Inc. introduced Mr. Robert Reese with Fehr & Peers. Mr. Reese stated that per the TDM elements, that per the California Air Pollution Control Board (CAPCOLA) which is an air quality agency in the state that undertook a research study to identify the effectiveness of individual TDM measures. In the TDM memo, there is a summary of the estimated VMT associated with the TDM measures, these are from the CAPCOLA document, which is the research document on the effectiveness of TDM measures.

Commissioner Roche requested that the Planning Commission receive information in the future about the effectiveness of TDM plans and how they are working in Hayward. Mr. Lochirco said the TDM programs in the city are tied to air quality mitigation measures. which is primarily why many of those have been adopted. He stated that the city's most recent approach at embracing TDM happened a couple of years ago when we were required by the state to change how we evaluate CEQA impact for traffic and transportation, as a part of this Alameda County and other bay area counties adopted a regional approach at TDM programs that were replicated in Southern California. He stated that there are specific quantifiable options that applicants can choose from in order to be able to meet that threshold for projects that have to mitigate VMT, have the option to go to this Alameda County Transportation Commission which is working on a tool-box to allow applicants to pick which one will be the most effective options such as car share and bike share. If the city decided to launch a shuttle program, the applicant has that as an option if they decide that it could help them achieve or reach that TDM requirement. He stated that these are all options that are available and would require regular reporting, evaluating, and auditing to make sure that they are successful.

With regards to the affordable housing requirement, Commissioner Roche was pleased to see inclusive affordable housing, but noted that in a previous iteration there was a higher rate of affordable housing of 10% and the current project proposed 6% affordable housing. Mr. Lochirco said that 10% affordability requirements are for sale market rates units and for rental units it is 6% which is reflected in the affordable housing plan. Depending on how applicants are proposing to comply, they can have a bare minimum or in this case what the applicant has chosen to do is have a deeper level of affordability than what the ordinance requires, and by exceeding ordinance requirements it qualifies them for state density bonus provisions that would allow additional concessions, waivers and incentives.



Commissioner Roche disclosed that she met with applicant, Mr. Vince Sugrue with Sheet Metal Workers and Mr. Kim Huggett with the Chamber of Commerce. Ms. Roche said with regards to public benefits, she was glad to see that a dog park was added in. Since there would be a lot of residences between the Lincoln Landing project and the proposed development, Ms. Roche asked staff if there was any consideration to include some green space that the public could access.

Mr. Lochirco responded when the Downtown Specific Plan was updated and adopted, which included community conversations over a multi-year period with many public meetings, outreach and community meetings, there were very specific discussions on how the downtown and the urban framework should look. One of the things eliminated in the adoption of the Downtown Specific Plan was the elimination of a common open space requirement. The reason for this was to achieve more residential units and to build out and have a full maximization of this space, it was decided to remove common space dedications as project requirements. Mr. Lochirco noted that the applicant is providing a half-acre of open space to various courtyards on site and although they are not considered a common area like a community garden, it is something that the residents have access to be able to provide them an onsite amenity.

Commissioner Roche asked the applicant about the preservation of old redwood trees that were onsite. Mr. Clayton introduced the project applicant's arborist, Ms. Darya Barar.

Ms. Barar, stated the applicant will be relocating tree number one. In regards to the removal of several street trees, she stated that the reason for removal is based on the condition of the trees as well as the impact from replacement of the sidewalk. She shared that several of the trees in the right of way have lifted the sidewalk egregiously and replacement of the sidewalk may require an intense amount of root pruning in order to get the sidewalk back in that area. The applicant has put into place a streetscape plan with a more appropriate tree species as well as the addition of irrigation and mulch that will provide better growing conditions for the new trees that will be planted. Ms. Barar added that the applicant has also worked to try to preserve the trees that are adjacent to the property, but the trees that are in the center of the site are difficult to work around.

Commissioner Lowe expressed concern that RHNA (Regional Housing Needs Allocation) numbers were being met for very low affordable housing, but not for moderate levels of affordable housing. She stated that it was apparent to her that for Hayward residents who earned a very good income, it was difficult for them to find housing in the city due to a severe lack of moderate level income housing. Ms. Lowe emphasized that although she supported the availability of very low income housing, but by continuing to have project after project with low or very low income affordable housing, she wondered if a whole



group of people are being left out who are unable to get housing in Hayward because they qualify under the moderate income level for housing.

Mr. Lochirco understood Commissioner Lowe's sentiments and responded that the affordable housing ordinance was adopted several years ago, and that staff was in the process of hiring a consultant to perform a feasibility study to update the affordable housing ordinance. He indicated that the points raised were good policy questions and would go before the Housing Homelessness Taskforce as well as the City Council.

Mr. Lochirco commented that when a project application is filed, the Housing Division reviews the application to ensure the applicant is meeting the requirements of the affordable housing ordinance and noted that there were multiple ways to satisfy the ordinance requirements. He indicated that future updates may have changes to the requirements related to the percentages associated with each housing affordability type and may perhaps address those who fall under the moderate income housing level. He added that a displacement study was also completed by the city. Keeping all of these factors in mind, there may be changes with requirements for new developments once a new ordinance has been drafted and adopted. Mr. Lochirco underscored that the proposed project in its current state exceeds the requirements set forth by the affordable housing ordinance and qualifies for a density bonus. He stated that staff can't dictate to the applicant what level of affordability they incorporate in the project, as long as they are meeting and achieving the current adopted standards of the ordinance.

Ms. Lowe had similar concerns as Commissioner Roche about insufficient public benefits. She asked if there was discussion with the developer about adding a public benefit such as art or open space. Mr. Goel stated that his firm was contributing \$2 million towards parks. Mr. Lochirco said that in response to some of the neighborhood feedback received for the original project, there will be a community benefit for the Ohlone tribe which will include a plaque to commemorate this area. He stated that a project requires a community benefit when it is being rezoned to a planned development; however, the proposed project does not have this requirement. He added that the \$2 million of park in lieu of fees that the applicant will contribute will be used to spread across the Hayward Area Recreation and Park District's jurisdiction which will be money going back into the community. Mr. Lochirco shared that the developer was additionally contributing the following: several transportation enhancements, separate class IV bicycle facility, adding bike lanes on the public street, new curb gutter sidewalk, and street lighting to make the neighborhood pedestrian friendly and walkable.

Mr. Lochirco confirmed for Commissioner Lowe that the \$2.1 million in lieu park fee impact fee was assessed due to the number and size of the residential units proposed for the project. He further indicated that each unit type is assessed a different rate; exemplifying



that three bedroom will be assessed to a larger rate than a one bedroom or a studio. As was codified in the Park In-Lieu Fee Ordinance, affordable units do get a 50% reduction in a proposed park fees for these units only, since the developer was providing affordable housing,

Ms. Lowe asked staff that because there is open space included within the development site, and there being additional amenities such as a swimming pool and a gym, are the residents less likely to utilize surrounding amenities. Mr. Lochirco responded that some projects will dedicate private property to be used for the community as a whole to be eligible for a partial reduction of the park in lieu fees; however, this project is not doing a land dedication to the city. He shared that with the previous applicant for the Maple and Main Street development in 2017, a similar review and assessment of paying the in lieu fee was presented to the HARD Board and the project was approved in 2017.

Commissioner Stevens asked that since retail is a requirement as part of this project, does it make sense to build retail given the economic conditions of today and the existing vacancy throughout the downtown.

Mr. Goel said retail was a request by the city and staff to incorporate into the project; that there was an ability to demise the 7,100 square feet of retail space into smaller spaces to promote local businesses, small shops, and neighborhood friendly opportunities to serve the residents in the neighborhood. Mr. Goel noted for Commissioner Stevens that having some level of retail is an important service for residents especially in a downtown setting.

Commissioner Stevens asked the applicant if there was a preferred square footage of retail that works well in other locations. Mr. Goel responded that it was region specific and was dependent on the surroundings and also demographics of the area.

Chair Oquenda asked how the city plans to ensure compliance with conditional of approval 14, which was employer provided healthcare for workers in the development of the project. He noted that there was concern received from the public on this point as well.

Mr. Goel responded that enforcement of the condition would fall on the city, noting that the city was reasonable to work with and equitable. He shared that there was a baseline of trust that the city and his firm were working towards the same goal of building quality housing and affordable housing which was a need in the community. He stated that his firm would have to satisfy city requirements, including the many conditions of approval that were a part of the project, before his firm can acquire building permit.

Chair Oquenda opened the public hearing at 8:22 p.m.


Chair Oquenda closed the Public Hearing at 8:54 p.m.

Mr. Aaron Lanzarin, Hayward resident and a journeymen with Sheetmetal Workers Local Union 104, and because of his union, he is able to afford to raising his family in Hayward. He indicated that he wakes up at 4 a.m. to travel to his job site; having more opportunities to work locally would benefit him and his family tremendously. He requested that the Main Street Project not be approved. He wants other Hayward residents to have similar rights as have been provided to him by being a union worker, which include having health care and an opportunity to one day retire with dignity is a big deal for him. He was proud that the city understand his perspective and approve the downtown plan with included language that developers utilize union workers and hire contractors that provide healthcare for their workers. Mr. Lanzarin stated that currently the developer is not meeting these obligations, and requested that the project be continued to allow labor groups to come to an agreement with the developer.

Mr. Nathan Downs, Vice President of the Prospect Hill Neighborhood Association, stated that although he was excited that there is a benefit to the broader community with tax revenues and developing spaces; however, he indicated that a third party representing the developer reached out two weeks prior to the Planning Commission meeting. He noted that the size of the project had increased significantly. Mr. Downs stated that HARD did not have any green space within 10 minutes of walking distance from his neighborhood; and that the closest green space was Hazel Garden which was owned by the city and managed by his community association. He expressed concern about the immediate impact to the neighborhood resulting from a potential 500 new residents at the proposed development site which included noise, traffic and parking. He requested an extension for consideration of the project so that the community can sit down and discuss their concerns with the developer.

Mr. Carlos Gonzalez, Hayward resident and President of the Prospect Hill Neighborhood, stated that his responsibility was to look out for the best interest of Prospect Hill and was the voice of the residents. He noted that the proposed project and Lincoln Landing site, were within 600 feet of each other. He acknowledged that there was no real positive solution to traffic, and his concerns were related to ingress and egress. He stated that both developments have main arteries that run through Foothill and the residential area of Main Street. He weas unsure about the accuracy of the study which indicated a VTR reduction of 40% reduction and wondered if it included other developments in the area. Mr. Gonzalez stated that with an increase in volume of residents, the following city services would have to be expanded: provision of green space, police services, garbage, lighting, maintenance, and public works. He mentioned that there were two separate lots across from Maple and Main Street, perhaps the city should look into these sites and how it can assist with the projected increase in residents.



s. Avinta announced, next speaker is Casey Huyen:

Mr. KC Huynh, Hayward resident and IBEW Local 595 Journeyman Electrician, shared that he and his family were very dedicated to serving the community; stated that Hayward valued good middle-class jobs and that the developer does not meet this commitment; commuting many hours to get to work negatively impacted his family life. Mr. Huynh underscored that having a commitment to use local workers was a big deal for the community, adding that it will also result in supporting small businesses in Hayward. He stated that the developer is not honoring the city condition to use apprentices in building the project, and the developer has not demonstrated this; for these reasons, he did not support project approval of the project.

Mr. Vince Sugrue, represented hundreds of local construction workers and mechanical craft unions. He stated that have supported other projects previously due to their willingness to utilize local union workforce as these projects provide pathways to the middle class for Hayward residents. He shared that lives are changed for the better when the city approves projects that are built with apprentices from joint labor management programs and projects that hire contractors that provide healthcare for their workers. Mr. Sugrue shared that in 2019, local 104 members and other labor groups, participated in the downtown plan process. The language solidified in the plan helps to expand the shrinking middle class in the city and created opportunities for individuals to get into trades through apprenticeship. Mr. Sugrue underscored that the proposed project did not meet this criteria. He indicated to the Planning Commission that the proposed project was the first of this size since the adoption of this plan and to pass this project presently would not fulfill the obligation and would set a terrible precedent. He requested that you continue this item be continued to allow the developer an opportunity to meet this obligation with trade union groups.

Mr. John Dalrymple, stated that he had the honor of working for the workers and supporting them in their struggle to grow the middle class. He indicated that the residential construction work sites are one of the most exploited conditions of work sites in the country, with exploitation particularly with immigrant workers. The benefit of policies help prevent this from happening, adding that apprentice requirement languages, means providing workers with a pathway to the middle class and to not do so, would be a tremendous setback and would signal to future developers that they can gain greater profits for their investors. Mr. Dalrymple shared that the goal of the General Plan and Downtown Specific Plan was to create a fair deal for working families. He did not believe that the developer intended to meet the condition of approval as he was unable to provide a plan. Mr. Dalrymple did not believe that any of their contractors will bid for this project, and requested a continuance. He stated that in discussions with the developer, the



developer stated that the project may not be financially feasible if the conditions of approval had been met.

Mr. Pekon Gupta (Z), Hayward resident, said that not all of the trees were on the sidewalk and therefore some could be saved; commented that a portion of \$2 million that the developer is contributing towards saving trees; he stated that one of the trees is approximately 1,000 years old. He urged the city take a balanced action and to avoid becoming a concrete city.

Mr. Dominic LiMandri (Z), District Manager of the Downtown Hayward Improvement Association, which provides special benefits in the form of daily sidewalk sweeping, pressure washing, special events and endorsed the proposed project. He indicated that the special benefit district was built in a way to accommodate increased density and traffic through a variety of measures, noting that as the parcels developed there will be an increase in assessments which would allow augmentation of services in the downtown. He expressed his support for the project and hoped that it would come to fruition; requested that the Planning Commission consider this project in light of the housing prices on the rise not only in the Bay Area, but also in the state of California.

Mr. Dylan Bolt, a Sprinkler Fitters Local 483, represented his trade union members, many of whom were longtime Hayward residents and urged the Commission to support the values of the community members and to continue the project to get to an agreement with the developer.

Mr. Kim Huggett (Z), President and CEO of the Hayward Chamber of Commerce, stated that he served on the Downtown Hayward Improvement Association Board, attested that he was looking forward to this project for six years. He shared that the Government Relations Council, which is comprised of 16 business leaders from the city, unanimously endorsed the Maple and Main project as it will lead to continued economic revitalization. He did have opportunity to work with the project applicant's team and were impressed with their professionalism, solid financial backing and commitment to complete the original vision of the project. He stated that per the city's Economic Development Department, there were 450 business failures in Hayward during the darkest days of the pandemic. The Workforce Development Board reported that at one point we had 5,600 layoffs in the manufacturing sector and the proposed project will help really provide economic rejuvenation to the downtown area. The Chamber of Commerce requests the Planning Commission to support the project so Hayward can move forward with this much needed development.

Mr. Carl Gorringe (Z), downtown Hayward resident, expressed his support of the project; appreciated the new bike lanes on the on the Mc Keever Avenue and the TDM plan presented; requested the addition of ride hailing drop off points along Main Street and



Maple Court and I appreciate the TDM plan presented. He offered the following suggestions: temporary bicycle parking or bike racks placed outside of the retail space along Mc Keever Avenue and Maple Court; retail spaces should include rear entrances to the courtyard area and back; and favored more green space in the general area. He encouraged the developer to work out an agreement with the trade unions.

Andre Van Horn (Z) Shannon (Z) – did not speak when called on

Mr. Andre Van Horn (Z), Hayward resident, supported the project. He stated that it was disappointing to see empty lots that present great prime opportunities to get some residents near the Bart Station and residents to help support the businesses in the downtown. I encouraged the Planning Commission to accommodate more development and put pressure on empty lots that have fallen into disrepair and are dangerous.

Commissioner Oquenda Closed Public Comment.

Commissioner Oquenda appreciated the project plans and stated there was a need for housing in the city; stated that there were good additions in this project that will make it a positive addition to the city. On the other hand, he understood the concerns raised by the labor union groups, the exploitation of this workforce and the dangers associated with the job; due to this he was struggling with his decision and requested that staff provide additional information on the procedures for continuance. Chair Oquenda would like to see some agreement worked out between the labor groups and the developer in advance of entitlement.

In response to Mr. Oquenda's question Senior City Attorney Vigilia said continuance of an item is within the discretion of the commission but noted that the City Council is going on recess in July and depending on the outcome of the decision, there's a possibility that Council action may be required. In being mindful of timing, City Council will not reconvene from recess until September. He added that the Planning Commission would not be able to require or direct the applicant to during the continuance period, whether this was to engage with third party stakeholders, community members, and that it would not be appropriate to request this of Applicant; the applicant could choose to engage independently of their own accord.

Mr. Lochirco noted for Chair Oquenda that it was staff's determination that the project does comply with all objective standards, which is why staff recommends approval. The project complies with the city's General Plan, Downtown Specific Plan, and Zoning Ordinance; irrespective of any additional condition that was added as part of the downtown code, which the applicant has agreed to accommodate. Mr. Lochirco reiterated that the staff's



opinion is that the project as it is currently proposed, meets all of the objective standards and is subject to SB330, the city is compelled to approve the project.

Commissioner Goldstein appreciated the project noting that the project has been desired since 2017; however, he stated that the issues with the union could lead to a dangerous hazard, if things aren't worked out with the union. He stated that if things go poorly during the construction phases because of missed opportunities to have good alignment with our labor workforce, the result might be a building that doesn't get a certificate of occupancy, remains empty for some time, and there's potential for lawsuits out of this miscommunication. For these reasons, he did not support voting in favor of the project without the full agreement of the unions. Commissioner Goldstein stated for the record that he met with the Sheet Metal Workers Union, with the Chamber of Commerce and some other individuals discussing the issues. He emphasized that the project is good, but there was a lot of inherent danger if the issues with labor are not resolved. Mr. Lochirco noted for Commissioner Goldstein that the next available date to get the item on the calendar June 23, 2022. Commissioner Goldstein requested that the item be continued to June 23, 2022.

In response to Commissioner Oquenda's question, land use attorney for the applicant, stated that it was his understanding as well as the applicant's view, that the application had been deemed complete; there have been several mentions of having a labor agreement in place tonight before moving forward, which he noted was not a requirement per the Permit Streamlining Act with the city's list of application requirements; the issue was not raised as an objective standard which the applicant did not comply with; and emphasized that the applicant want ready to move forward and did not want a continuance. The attorney mentioned that discussions will continue as the applicant has to comply with the Specific Plan policy in the development code prior to acquiring a building permit, indicating that this policy was very specific about requirements are for use of apprenticeships and healthcare plans, and did not see value in delaying action.

Commissioner Goldstein stated that project plan was great and had fantastic elements to it; however, he cautioned that if the applicant did not authentically work with labor groups, this may impact the outcome of the project and result in costing the city and developer money, and will antagonize the people who do want the project to happen. For these reasons, he supported to continue the item to a date uncertain.

Commissioner Ali-Sullivan appreciated the public comments received and the many members of the local Hayward community who voiced their concerns. The comments by all residents and the labor groups resonated with me. He stated in being cognizant of the SB 330 requirements and the applicability of the project and the limitations of the Planning Commission to not a approve a project, if there was an opportunity for the developer and labor groups of their own accord to have a conversation where all parties agree, this would



be something he would be in favor of. He stated that it would be in the best interest of the developer to work with local labor groups. He sympathized with residents who commented on the empty lots in downtown Hayward, and commented that the project site had been an eyesore for many years and that the proposed project was a good project. He was supportive of the project because it included low income housing, mixed-use retail, and liked the project elements and how it fits in with the community; however, he struggled with the labor piece. Commissioner Ali-Sullivan underscored that the proposed housing units would be for members of the community and if existing residents could not participate in the building of this project in Hayward, this was of concern to him. He stressed the importance of having developers who want to work with local talent and who want to work with local interests to build our city, and would love to see all parties agree to the project. He supported continuing the project to a later date to see if there can be an agreement between labor groups and the applicant.

Commissioner Roche commented that there was consensus in the project being built and that there was no problem with the actual design; she noted that the Prospect Hill neighborhood was not quite satisfied with the project and also the labor groups, and there was potential to have more discussions about the project. She emphasized that Hayward is a labor friendly town and hoped an agreement could be in place before the final decision. Ms. Roche asked Mr. Lochirco if we continue this to June 23rd, would that be a final decision and that it's not absolute that it needs to go to council as well?

In response to Commissioner Roche, Mr. Lochirco stated that if the Planning Commission did not approve the project, and the decision got appealed, then it would go before the City Council sometime in October. Mr. Lochirco added that if the Commission decided to continue the item to June 23, 2022, this in reality was not a lot of time as staff would have to update the report and publish it one week in advance to make it available to the public, he noted that staff was not available in July.

Commissioner Roche made a motion to continue the item to June 23, 2022, seconded by Commissioner Goldstein.

Mr. Vigilia offered clarification on an element of the motion, that it would not be appropriate to include encouragement of the applicant to take any particular action as part of the motion. He shared that based on the discussions at tonight's meeting, it was evident that there are issues that the Applicant may want to address.

Commissioner Lowe expressed that if the project was delayed a couple months due to the continuance, would this make a difference since development at the proposed site had already been delayed six years. Mr. Lochirco responded that per staff, an application has been deemed complete and staff had an obligation to process the application and bring it to



a public hearing. He added that at this stage, the submittal requirements and application requirements for this project have been satisfied and there was no reason to not bring the project forward. Additionally, per the Permit Streamlining Requirements for project reviews, the city is allowed 30 days to review a project and then following that there's an expectation of a timely review and public hearing process to follow. The application for this project was deemed complete several months ago and the project is ready to be presented, he noted that the reason the project didn't come before is because details were being worked out for the Affordable Housing and the Density Bonus Application which was submitted in March. Once this had been submitted, the city has a responsibility to timely processing of the application. As was pointed out by Mr. Vigilia, the Planning Commission has the option in their purview to continue the item.

Commissioner Lowe wondered why the project members of the public thought that a certificate of occupancy would be issued for the project by staff if the applicant had not satisfied Condition of Approval No. 14. Although she supported the project, she was disappointed as the original project had more affordable housing units than the proposed; that the entire ground floor didn't have retail; and that only 12 individuals could be employed at the retail use; was concerned that only one of the trees would be preserved in a pot, and preferred that more trees be saved as it takes decades for trees to mature; and was concerned about the negotiations and hoped that the applicant and labor groups could come to an agreement, and for these reasons supported continuing the matter.

Commissioner Stevens thanked the applicant noting that the proposed project was a complete submittal, like the architecture of the plan, and thanked the applicant for having his team present to address questions. He commented that one of the reasons projects do not get built, is because the city does not move forward due to obstacles that hinder the process; adding that the plans for the proposed site were initiated in 2017 and encouraged members of the public to get involved early on when Specific Plans are being created. He expressed concern that while housing was desired in Hayward, the proposed project was being considered to be continued even though it met all of the requirements. He emphasized that the development was for private land which did not involve public money and was concerned why it was being orchestrated how the developer procures labor to build the project. He stated that best price is achieved through a competitive market where all contractors in the field can bid on a project; this leads to efficiency in construction. He stated that city's Building Division would inspect the project and would ensure that it is constructed consistent with the approved plans and the Building Code. Commissioner Stevens underscored that he was not in favor of continuing the item, and supported approval of the project at the present meeting.

A motion was made by <u>Commissioner Roche</u>, seconded by <u>Comissioner Goldstein</u>, to continue the item to a Planning Commission meeting to be held on June 23, 2022.



The motion passed with the following roll call votes:

AYES:	Commissioners Ali-Sullivan, Goldstein, Lowe, Roche
	Chair Oquenda
NOES:	Commissioner Stevens
ABSENT:	Commissioner Bonilla
ABSTAIN:	None

COMMISSION REPORTS

Planning Manager Lochirco announced that in addition to the proposed project being continued to the June 23, 2022 Planning Commission; staff will present a report on the Housing Element.

ADJOURNMENT

Chair Oquenda adjourned the meeting at 9:33 p.m.

APPROVED:

Briggitte Lowe, Secretary Planning Commission

ATTEST:

Jacquelyn Jacobs for Avinta Madhukansh-Singh Planning Commission Secretary Office of the City Clerk