CITY OF HAYWARD

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



Agenda

Thursday, September 12, 2019 7:00 PM

Council Chambers

Planning Commission

MEMBERS OF THE AUDIENCE WISHING TO ADDRESS THE PLANNING COMMISSION

Obtain a speaker's identification card, fill in the requested information, and give the card to the Commission Secretary. The Secretary will give the card to the Commission Chair who will call on you when the item in which you are interested is being considered. When your name is called, walk to the rostrum, state your name and address for the record and proceed with your comments. The Chair may, at the beginning of the hearing, limit testimony to three (3) minutes per individual and five (5) minutes per an individual representing a group of citizens for organization. Speakers are expected to honor the allotted time.

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

For agenda item No. 1, the decision of the Planning Commission is final unless appealed. The appeal period is 10 days from the date of the decision. If appealed, a public hearing will be scheduled before the City Council for final decision.

For agenda item No. 2 the Planning Commission may make a recommendation to the City Council.

1.	<u>PH 19-073</u>	 Proposed Establishment of an Off-Sale Retail Establishment (Wine Shop) with Ancillary On-Site Tastings Located at 1013 "B" Street, Assessor Parcel No. 428-0066-024-00. Paul Houston (Applicant); B Street Apartments Group LP (Property Owners), Requiring Approval of Conditional Use Permit Application No. 201903274.
	Attachments:	Attachment I Staff Report
		Attachment II Findings for Approval
		Attachment III Conditions of Approval
		Attachment IV Business Plan and Floor Plans

2.	<u>PH 19-072</u>	Proposal to subdivide two existing parcels into 17 parcels to
		allow the construction of 12 detached single-family residences
		and five Accessory Dwelling Units (ADU) with common open
		space areas and related site improvements at 28571 & 29591
		Harvey Avenue (APNs 464-0060-005-02 & 464-0060-006-00)
		requiring a Vesting Tentative Tract Map, Planned Development
		(PD) Rezone, Site Plan Review, and Mitigated Negative
		Declaration with Mitigation Monitoring and Reporting Program
		(MMRP). Application No. 201706649; Nuvera Homes
		(Applicant), Ngai Ming Wang (Owner).
	Attachments:	Attachment I Staff Report
		Attachment II Findings for Approval
		Attachment III Conditions of Approval

 Attachment III Conditions of Approval

 Attachment IV Final Initial Study-Mitigated Negative

 Declaration

 Attachment V Responses to Comments on the Draft IS-MND

 Attachment VI Mitigation Monitoring and Reporting Program

 Attachment VII Email from John Manrique Opposing Project

 Attachment VIII Project Plans

APPROVAL OF MINUTES

3. <u>MIN 19-110</u> Minutes of the Planning Commission Meeting of July 25, 2019

Attachments: Attachment I Draft Minutes of July 25, 2019

COMMISSION REPORTS

Oral Report on Planning and Zoning Matters

Commissioners' Announcements, Referrals

ADJOURNMENT

NEXT MEETING, SEPTEMBER 26, 2019, 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 TDD (510) 247-3340.



File #: PH 19-073

DATE: September 12, 2019

- **TO:** Planning Commission
- **FROM:** Planning Manager

SUBJECT

Proposed Establishment of an Off-Sale Retail Establishment (Wine Shop) with Ancillary On-Site Tastings Located at 1013 "B" Street, Assessor Parcel No. 428-0066-024-00. Paul Houston (Applicant); B Street Apartments Group LP (Property Owners), Requiring Approval of Conditional Use Permit Application No. 201903274.

RECOMMENDATION

That the Planning Commission approve the Conditional Use Permit application 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

Paul Houston of Houston Family Vineyards is requesting approval of a Conditional Use Permit (CUP) application to occupy an existing, vacant 975 square-foot ground floor tenant space located at 1013 "B" Street in the B Street Apartment Building for a new off-sale boutique wine shop, also referred to as a "winery". The proposed artisanal winery will include on-site fermentation, bulk aging, storage, bottling, tasting, and retail wine sales for off-site consumption (Alcoholic Beverage Control License Type 02). The project will also include several tenant improvements, retrofitting the interior tenant space for compliance with the Americans with Disabilities Act (ADA) and to meet compliance with current California Building and Fire Code requirements.

ATTACHMENTS

Attachment I	Staff Report
Attachment II	Findings for Approval
Attachment III	Conditions of Approval
Attachment IV	Business Plan and Floor Plan

File #: PH 19-073



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Paul Houston of Houston Family Vineyards is requesting approval of a Conditional Use Permit (CUP) application to occupy an existing, vacant 975 square-foot ground floor tenant space located at 1013 "B" Street in the B Street Apartment Building for a new off-sale boutique wine shop, also referred to as a "winery". The proposed artisanal winery will include on-site fermentation, bulk aging, storage, bottling, tasting, and retail wine sales for off-site consumption (Alcoholic Beverage Control License Type 02). The project will also include several tenant improvements, retrofitting the interior tenant space for compliance with the Americans with Disabilities Act (ADA) and to meet compliance with current California Building and Fire Code requirements.

BACKGROUND

<u>Project Site.</u> The project site is situated in the core of Downtown Hayward at the southeastern intersection of B and Main Streets. The building in which the tenant space is located was constructed in 1910 and was listed on the National Register of Historical Places (NRHP) in 2004. Since that time, the building has recently completed an interior and exterior remodel to allow for the creation of 41 studio and 1-bedroom apartments and renovation of the ground-floor commercial tenant spaces along both frontages. Most recently, the previous tenant at the project site included a tobacco/vape shop ("It Is Vapor 5") which opened in 2012 and subsequently closed in 2014. Since that time, the tenant space has remained vacant.

<u>Applicant Background and Experience.</u> The applicant, Paul Houston, currently owns and operates Houston Family Vineyards located in the Fairview District of Alameda County just outside of Hayward's jurisdictional boundaries. Mr. Houston has been making wines for 25 years and purchased the Fairview land in 2008 inclusive of 3.5 acres of premium grapevines.

According to the Wine Institute¹, an advocacy and public policy association for California wine, the location of Mr. Houston's vineyard is located within the Central Coast Bay American Viticulture Area (AVA) which includes Alameda, Contra Costa and San Francisco Counties and portions of San Mateo, Santa Clara, and Santa Cruz counties and accounts for a total of 1% of the total state wine grape production. Mr. Houston has been producing wine for Houston Family Vineyards since 2013 from the vineyard which includes Pinot Noirs, Chardonnays, and Merlots. Houston Family Vineyards currently maintains a Type 17 and 20 for his vineyard location that grants him the ability to be a wine wholesaler and retailer (online sales only). His current vineyard location does not accommodate a tasting room or storefront retail operation.

<u>Public Outreach</u>. On June 11, 2019, an initial Notice of Application Receipt for the project application was sent to 216 addresses including property owners, residents, and businesses within a 300-foot radius of the project site. As of the date this staff report was written, Planning Division staff has been contacted by the Hayward Chamber of Commerce and one business owner. No written opposition or support has been submitted to the Planning Division regarding the application.

On August 30, 2019, a Notice of this Public Hearing for the Planning Commission meeting was sent to property owners, residents, and businesses within 300-feet of the project site as well as published in The Daily Review newspaper.

PROJECT DESCRIPTION

<u>Existing Conditions</u>. The project is proposed in a commercial tenant space located within the B Street Apartments Building (formerly known as the Green Shutter Hotel). The project site includes a two-story, mixed-use building with total floor area of approximately 46,659 square-feet inclusive of 41 residential dwelling units and 12 commercial spaces on the ground floor. Currently, six of the commercial tenant spaces are vacant and the other commercial tenants include Nice Salon, the future Bon Mange (currently under construction), The Bistro, Acqua Farina Italian Cuisine, and Golden Tea Garden.

Surrounding land uses include a variety of retail storefronts, personal services (hair salons, tailoring, etc.), professional offices, restaurants, small quick-service eateries, entertainment venues, multi-family apartments and full-service bars. The project location will also be located within the vicinity of Hayward City Hall, Fire Station #1, the new 21st Century Library, and US Postal Office.

<u>Proposed Project</u>. The project plans and business narrative (Attachment IV) provide details on the proposed operation and logistics, hours of operation, and proposed floor plans. The project involves the leasing of an existing, vacant 975 square-foot commercial tenant space to operate an off-sale alcohol related retail establishment specifically for wine as well as ancillary tasting room. The establishment proposes to include on-site fermentation, bulk aging, storage, bottling, and tasting which requires a Type 02 (Winery) alcohol license from the California Department of Alcoholic Beverage Control (ABC)² upon approval of their Conditional Use Permit. ABC defines the Type 02 alcohol license and associated privileges as the following:

¹ Wine Institute American Viticultural Areas: <u>https://www.wineinstitute.org/resources/avas</u>

² California Department of Alcoholic Beverage Control License Types: <u>https://www.abc.ca.gov/licensing/license-types/</u>

Attachment I

"(Winery) Authorizes the sale of wine and brandy to any person holding a license authorizing the sale of wine and brandy, and to consumers for consumption off the premises where sold. Authorizes the sale of all wines and brandies, regardless of source, to consumers for consumption on the premises in a bona fide eating place that is located on the licensed premises or on premises owned by the licensee that are contiguous to the licensed premises and operated by and for the licensee. May possess wine and brandy for use in the preparation of food and beverage to be consumed at the bona fide eating place. May conduct wine tastings under prescribed conditions (Section 23356.1; Rule 53). Minors are allowed on the premises."

Based on the project narrative, the business will be split into two primary operations: one will be the winery for artisanal wine production including aging, bottling, and fermentation; and the other will be the for the retail sales of bottled wine, along with an ancillary tasting room. The winery does <u>not</u> propose to include the sale and/or tasting of brandy as part of their operation. The business will be staffed by two full-time employees and one part-time employee, as needed. Number of actual staff present at the establishment may vary based on the day and time which will correlate with the volume of customers. The applicant has proposed the following hours of operation for the business:

Hours of Operation							
	Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
Winery	Closed	Closed	10 a.m 1 p.m.	10 a.m 1 p.m.	10 a.m 1 p.m.	10 a.m 1 p.m.	Closed
Tasting Room	1 p.m 7 p.m.	Closed	1 p.m 6 p.m.	1 p.m 6 p.m.	1 p.m 6 p.m.	1 p.m 6 p.m.	1 p.m 7 p.m.

The winery portion of the business will primarily be closed to the public, unless otherwise scheduled for instructional and/or educational classes. Processes within the winery section will include artisanal grape crushing, pressing, fermentation, wine aging in stainless steel and oak barrels, bottling, and finished wine storage. The tasting and sales area will be open to the public and include 750 mL wine bottles for sale. One (1) ounce wine samples, consistent with ABC regulations, are proposed to be offered to customers in order to promote wine sales. The operation is not proposed to operate as a "wine bar", which typically offers multiple wines from a variety of vineyards for consumption by the glass. Instead, the applicant proposes to offer tasting of wines produced on-site and from the family vineyard. The varietals of wines available for sale and offered for tasting include Pinot Noirs, Roses, Merlots, Merlot/Cabernet Sauvignons, Chardonnays, and wines from other wineries. The applicant will provide water to customers to pair food with wine. Food will be offered in the tasting room and will include cheeses, crackers, chocolates, fruits, nuts, and olives. Only individuals 21 years of age and over will be permitted to purchase and taste wines.

<u>Tenant Improvements.</u> The project is proposed within an existing 975 square-foot groundfloor commercial tenant space facing B Street. Currently, there is only one wall located within the tenant space that will be demolished to accommodate the proposed business layout. The interior tenant improvements include the construction of a tasting and sales room area with a

Attachment I

wall partition to separate it from the back-of-house operations for the winery. Windows will be also be installed along the partition wall to allow for customers to view portions of the artisan wine-making process which will also be visible from the B Street right-of-way. The project will include the construction of a new ADA-accessible bathroom compliant for staff and patrons. In addition, there will be seating (fixed and non-fixed) situated at the bar counter as well as tables and chairs near the front entrance and near the partition walls with windows. No exterior modifications to the tenant space are proposed aside from the business-specific signage. Lastly, in accordance with the California Building and Fire Codes, the maximum occupant load for the entire space shall not exceed 48 persons including staff and patrons.

<u>Parking and Transportation</u>. The project site is easily accessible by walking, public transit, and automobile. Public transportation options include the Hayward BART Station, which is less than 0.5-miles away, and numerous AC Transit bus stops, which are located along B Street, Mission Boulevard, and Main Street adjacent to the project site. Public parking is available on-street as well as in Municipal Parking Lots #1, #2, #3, and the City Hall parking garage. The University Shuttle for California State University, East Bay (CSUEB) also stops along B and C Streets.

<u>Historic Preservation Ordinance.</u> Due to the historical significance of the building being listed on the NRHP – the project is subject to review under the City's Historic Preservation Ordinance (HPO)³ as well as the Secretary of the Interior Standards for the Treatment of Historic Properties. In addition, the building is bound to the stipulations of its executed Mills Act Contract between the City of Hayward and the property owner which requires the preservation, restoration, rehabilitation and maintenance of the building's historically significant characteristics along the façade. Given that all improvements will be limited to the interior of the tenant space and no exterior modifications are proposed, except for business signage, staff has determined that the project is exempt from obtaining a Historical Alteration Permit and deemed compliant with the provisions of the HPO and their Mills Act Contract.

<u>Sustainability Features</u>. The interior tenant improvement associated with the proposed winery would be reviewed by the Building Division for conformance with State and local requirements related to sustainability (i.e. California Building Code) which require a minimal level of energy efficiency, resource conservation, material recycling, etc.

POLICY CONTEXT AND CODE COMPLIANCE

Zoning Ordinance. The project site is located within the Downtown Main Street (DT-MS) zoning district situated within the recently adopted Downtown Hayward Specific Plan⁴ area. The DT-MS zoning district conditionally permits the establishment of off-sale alcohol related retail establishments such as liquor stores, wine shops, etc. with the review and approval of a CUP by the Planning Commission. As mentioned before, the project includes the leasing of an existing 975 square-foot tenant space which will not impact development standards such as lot coverage, setbacks, height limitations, etc. Consistent with the requirements of the Downtown Specific Plan – no parking is required for non-residential land uses under 1,500 square-feet of

³ Chapter 10, Article 11 (Historic Preservation Ordinance):

https://library.municode.com/ca/hayward/codes/municipal_code?nodeId=CD_ORD_CH10PLZOSU_ART11HIPROR

⁴ Downtown Hayward Specific Plan: <u>https://www.hayward-ca.gov/downtown-specific-plan</u>

floor area. The Planning Commission may conditionally approve a Conditional Use Permit⁵ when all the following Findings pursuant to Section 10-1.3225 of the HMC are met.

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

Staff has provided a more detailed analysis for the required CUP Findings for approval in Attachment II.

<u>Hayward 2040 General Plan.</u> The project site is in an area designated as Central-City Retail and Office Commercial (CC-ROC) in the *Hayward 2040 General Plan⁶*. The CC-ROC land use designation in the *Hayward 2040 General Plan* is focused on the core of the Downtown Hayward and envisions building improvements including the rehabilitation and redevelopment of underutilized properties that will assist in transforming the downtown core area into a vibrant, transit-oriented, and mixed-use city center. Allowed uses based on the land use designation include retail, dining, and service uses as well as entertainment and recreational uses.

The project site is located within one of the City's Priority Development Areas (PDAs) which encourages the private-sector investment into the Downtown City Center of Hayward to create a compact, mixed-use and walkable neighborhood with venues for entertainment experiences as well as recreational and cultural activities. The Economic Development Strategic Plan (EDSP)⁷ states that the downtown area is a key retail area, and Goal SR-2 (Service and Retail Industry) calls to secure new businesses in priority locations that are a good fit for the City of Hayward. Overall, the proposed winery will support the following *Hayward 2040 General Plan* goals and policies:

- <u>Land Use Policy LU-2.1 Downtown Arts and Entertainment.</u> The City shall encourage private-sector investment in Downtown to transform it into a safe, vibrant, and prosperous arts and entertainment district that offers enhanced shopping, dining, recreational, and cultural experiences and events for residents, families, college students, and visitors.
- <u>Land Use Policy LU-2.2 Downtown Activities and Functions</u>. The City shall maintain the Downtown as a center for shopping and commerce, social and cultural activities, and political and civic functions.
- <u>Land Use Policy LU-2.4 Downtown Retail Frontages.</u> The City shall require retail frontages and storefront entrances on new and renovated buildings within the "retail core" of Downtown Hayward.
- <u>Land Use Policy LU-2.16 Uses to Attract the Creative Class.</u> The City shall encourage the development of uses and amenities to attract creative-class professionals and businesses to

⁵ Section 10-1.3200 (Conditional Use Permit) of Hayward Municipal Code: <u>https://library.municode.com/ca/hayward/codes/municipal_code?nodeId=CD_ORD_CH10PLZOSU_ART1ZOOR_S10-1.3200COUSPE</u>

⁶ Hayward 2040 General Plan: <u>https://www.hayward2040generalplan.com/</u>

⁷ Economic Development Strategic Plan: <u>https://www.hayward-ca.gov/your-government/documents/economic-development-strategic-plan</u>

Hayward's s, including restaurants and cafes; art studios and galleries; and entertainment and cultural venues.

- <u>Land Use Policy LU-5.1 Mix of Uses and Activities.</u> The City shall encourage a mix of retail, service, dining, recreation, entertainment, and cultural uses and activities in regional and community centers to meet a range of neighborhood and citywide needs.
- <u>Economic Development Policy ED-1.14 Hospitality and Entertainment Business Clusters.</u> The City shall encourage the development of a hospitality and entertainment business cluster within Downtown Hayward and other appropriate locations to improve opportunities for shopping, dining, arts and entertainment, lodging, business conventions, and cultural events.
- <u>Economic Development Policy ED-2.1 Assist Entrepreneurs.</u> The City shall support and assist local entrepreneurs who are starting businesses within the Hayward community.
- <u>Economic Development Policy ED-3.1 BEAR Program.</u> The City shall develop, maintain, and implement a Business Expansion and Retention (BEAR) program that that helps businesses stay, grow, and become more committed to the Hayward community. The City shall primarily focus its BEAR efforts on small businesses with high growth potential and other local companies that have a demonstrated commitment to the Hayward community.

<u>Alcoholic Beverage Outlet Ordinance.</u> In 2013, new Alcoholic Beverage Outlet regulations⁸ were adopted into the City's Zoning Ordinance with the purpose to provide for the orderly integration of alcohol related uses in a manner that will protect public safety and encourage business growth. The Ordinance recognized that the "proliferation of establishments selling alcoholic beverages within the City of Hayward presents problems that affect residents, businesses, property owners, visitors, and workers in Hayward". However, the ordinance also understood that regulations that promote responsible alcohol consumption can contribute to economic vitality, particularly in the downtown area.

The Use Permit process is used as the means to review the impacts of alcoholic beverage outlets on neighboring properties and land uses on a case-by-case basis to prevent overconcentration and the undesirable impacts on the community. The Hayward Police Department – Vice Unit has reviewed the project proposal with Planning Division staff to collaboratively develop appropriate Conditions of Approval to ensure that patrons will be provided a safe experience and provide assurances that the proposed establishment will not place an additional burden on the Police Department resources. Conditions of Approval (Attachment III) have been included that require that responsible business practices are incorporated into the operation to ensure compliance with the Hayward Municipal Code. Noncompliance with any of the Conditions of Approval and/or ABC standards may result to penalties, fines, and possible revocation of the CUP. If approved, the establishment shall be required to comply with the performance standards listed within the ordinance that include, but are not limited to, discouraging loitering, verifying legal age of patrons, and maintaining their liquor license in good standing with ABC in addition to the Conditions of Approval.

<u>Downtown Hayward Design Plan and Core Area Plan.</u> The Downtown Hayward Design Plan and Core Area Plan were adopted in 1992 and set forth strategies, policies, and actions to revitalize

⁸ Alcoholic Beverage Outlets Ordinance – Section 10-1.2750 of the Hayward Municipal Code: <u>https://library.municode.com/ca/hayward/codes/municipal_code?nodeId=CD_ORD_CH10PLZOSU_ART1ZOOR_S10-1.2750ALBE0U</u>

the economic vitality and livelihood of the downtown core area. Analyses within the document discuss opportunities for better business practices, cultural activities, façade improvements, and public/private partnerships for a dynamic and diverse core neighborhood. Like the Alcoholic Beverage Outlet Ordinance, the Core Area Plan acknowledges that the management of alcohol related establishments in a positive and responsible manner enhances the economic and social character of the downtown stating that "[t]he successful revitalization of downtown will likely include new restaurants and entertainment facilities, many of which will sell alcoholic beverages and will hopefully become an asset to downtown". The proposed boutique winery would be consistent with the goals of the adopted plan to establish a new off-sale retail use into a vacant space which will promote economic activity and pedestrian traffic within the core of Downtown.

STAFF ANALYSIS

Staff has reviewed the project application and believes that the Planning Commission can make the required Findings to conditionally approve the establishment of an off-sale wine shop with ancillary tastings. The boutique winery will assist to catalyze investment in the area and increase pedestrian presence which will further patronize the existing restaurants, service and retail-oriented businesses in downtown. As mentioned previously, the proposed establishment is located within the Hayward Downtown Core Area, which calls for a diverse mix of entertainment, dining, retail land uses to support cultural, social, and recreational experiences consistent with the goals and policies of the City's General Plan and the recently adopted Downtown Specific Plan.

Given that the establishment will primarily operate as a retail establishment as opposed to an on-sale premises (i.e. cocktail lounge, tavern, wine bar) that allow for on-site consumption, Planning Division staff has determined that potential nuisances associated with the operation will be relatively minimal with the implementation of the Conditions of Approval. The winery will also include artisanal winemaking on display for patrons to be educated about the winemaking process from vineyard to bottling and eventually to sales. Further, the costs of the alcoholic beverages offered would be cost prohibitive for daily consumption and would not be attractive to that clientele whose purpose would be to drink in excess.

Based on a Sales Tax Capture & Gap Analysis Report provided by the City's tax specialist consultant, MuniServices, Inc., the City of Hayward is currently losing potential sales tax revenues to neighboring communities and jurisdictions in the category of "Specialty Retail". The Sales Tax Leakage Report indicates that the City is only generating 80% of the potential sales tax that Hayward could support based on our jurisdiction's population and median income. As such, the establishment of a new off-sale retail winery in a designated key retail and service area and PDA will assist in increasing the potential sales tax revenues to the City to close the gap in unmet sales for this category. Establishments with similar business models include Doc's Wine Shop (22570 Foothill Boulevard, Hayward), Minimo (Oakland, CA), Vino (Oakland, CA), The Wine Steward (Pleasanton, CA), and Farmstead Cheeses and Wines (Alameda, CA).

<u>Strategic Initiatives.</u> This agenda item supports the Complete Communities Strategic Initiative. The purpose of the strategic initiative is to create and support structures, services, and amenities to provide inclusive and equitable access with the goal of becoming a thriving and promising place to live, work and play for all consistent with the objectives of the Hayward 2040 General Plan. Further, the item supports the following goals and objectives:

Goal 1: Improve quality of life for residents, business owners, and community members in all Hayward neighborhoods.

Objective 2: Foster a sense of place and support neighborhood pride.

Objective 3: Increase collaboration with businesses, non-profits and neighborhood groups on placemaking projects.

ENVIRONMENTAL REVIEW

The proposed project is exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15301, Class 1 for existing facilities in that the project involves the leasing approximately 975 square-feet of existing tenant space that will create a negligible impact on the environment. Therefore, no environmental review is necessary.

NEXT STEPS

If the Planning Commission approves the Conditional Use Permit application, then a 10-day appeal period will commence from the date of decision. If no appeal is filed, then the decision will be deemed final. If an appeal is filed within the 10-day time frame, then the application will be heard by the City Council for final disposition.

Prepared by: Marcus Martinez, Associate Planner

Approved by:

Sara Buizer, AICP, Planning Manager

Laura Simpson, AICP, Development Services Director

CITY OF HAYWARD PLANNING DIVISION PROPOSED WINERY (OFF-SALE RETAIL ESTABLISHMENT) LOCATED AT 1013 "B" STREET CONDITIONAL USE PERMIT APPLICATION NO. 201903274

FINDINGS FOR APPROVAL

Conditional Use Permit

Pursuant to Hayward Municipal Code Section 10-1.3200, The Planning Commission or other approving authority may approve or conditionally approve an application when all of the following findings are made:

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

The proposed wine shop (also known as "winery") will be desirable for the public convenience and welfare in that the winery will allow individuals of legal age (21 and over) to taste and purchase wines at a retail establishment located in Downtown Hayward. The winery proposes to incorporate a unique experience into the business model as the tenant space will include a small-scale, artisan wine making operation for display by patrons where grape crushing/pressing, fermentation, wine aging, bottling, and storage will take place. The wine making processes will be accompanied by wine tastings to promote sales of quality wines including Pinot Noirs, Roses, Merlots, Merlot/Cabernet Sauvignons, and Chardonnays. The establishment of a winery also supports the growing trend and market where individuals are interested in artisan, locally crafted and sourced products using high quality ingredients. In the current age of technology where high volumes of sales are conducted online, the proposed winery creates an experience where one can be educated about the artisan wine making process from vineyard to production to sales.

In addition, the *Hayward 2040 General Plan* calls for land uses that will attract creative-class professionals and businesses, provide for arts and entertainment in the Downtown, and to activate underutilized buildings to create a vibrant, transit-oriented, and mixed-use city center. This establishment at the project will reduce the percentage of vacant storefronts within the downtown area and allow the ability for private investment to significantly improve and remodel the interior of the building which supports making Downtown Hayward a destination for all. The proposed winery is accessible by walking, numerous bus lines along Mission Boulevard, Main Street and B Street, and the Hayward Bay Area Rapid Transit (BART) Station which are all within a half-mile of the subject site to allow for convenient.

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

The proposed winery will not impair the character and integrity of the zoning district and surrounding area in that the project site is located within the Downtown Main Street (DT-MS) zoning district, which encourages the establishment of a diverse mix of businesses and other activities which will enhance the economic activity of the downtown core area. Currently, there is one existing retail wine store, Doc's Wine Shop, located in Downtown Hayward and several liquor stores. By allowing the proposed winery, this will assist in transforming the image of Downtown Hayward with boutique retail shops, eateries, and unique experiences. The proposed establishment would activate a previously underutilized and vacant space at the

corner of B and Main Street that will be compatible and may assist in patronizing neighboring businesses in the revitalization of the Downtown core area.

Further, as conditioned, the operation of the winery will be required to adhere to the performance standards of the Hayward Municipal Code and the California Department of Alcoholic Beverage Control (ABC) which regulate the production, bottling, and sales of wine which will further incorporate protections to prevent impairment of the character and integrity of the zoning district and surrounding area.

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

The proposed winery, as conditioned, will not be detrimental to the public health, safety, or general welfare in that establishment shall be subject Alcoholic Beverage Outlet Ordinance, regulations set forth by ABC, and other codes as applicable. As stated above, the referenced ordinances and regulations contain operating and performance standards for establishments that include the sale of alcoholic beverages and permitted tastings to minimize nuisances on neighboring properties. As stated in the business plan, the applicant intends on selling wines with an average bottle price of \$25-\$30 to correlate with the higher quality wines the applicant plans to offer. Further, violations of any of the Condition of Approval or any of the ordinances and regulations listed above may result in administrative citations to the business owner, Code Enforcement action, or the revocation of licenses and permits, including this Conditional Use Permit at the expense of the business owner.

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

The proposed winery will be in harmony with the applicable City policies and the intent and purpose of the zoning district involved in that the subject site is located within the DT-MS zoning district which aims to create a citywide focal point for Hayward with commercial, retail, and entertainment. The project involves the leasing of an existing tenant space and does not involve the expansion of the building footprint; thus, is compliant with all development standards including lot coverage, setbacks, height, etc. Also, as prescribed with the Downtown Specific Plan, nonresidential uses with 1,500 square-feet of floor area or less do not require the provision of off-street parking spaces. In addition, the tenant improvement for the project will be limited to the interior only and does not involve any exterior modifications to the historic building except for business signage which complies with the City's Historic Preservation Ordinance.

The project site is also designated as Central-City Retail and Office Commercial (CC-ROC) in the *Hayward 2040 General Plan*. which focuses on the core of the Downtown Hayward and envisions building improvements including the rehabilitation and redevelopment of underutilized properties that will assist in transforming the downtown core area into a vibrant, transit-oriented, and mixed-use city center. Allowed uses for the CC-ROC land use designation include retail, dining, and service uses as well as entertainment and recreational uses which is also consistent with the vision/goals of the recently adopted Downtown Hayward Specific Plan.

Further, the project site is located within one of the City's Priority Development Areas (PDAs) which further encourages the private-sector investment into the Downtown City Center of Hayward to create a compact, mixed-use and walkable neighborhood with venues for

entertainment experiences as well as recreational and cultural activities. The Economic Development Strategic Plan (EDSP) states that the downtown area is a key retail area, and Goal SR2 (Service and Retail Industry) calls to secure new businesses in priority locations that are a good fit for the City of Hayward. Overall, the proposed winery will support the following Hayward 2040 General Plan goals and policies:

- <u>Land Use Policy LU-2.1 Downtown Arts and Entertainment.</u> The City shall encourage private-sector investment in Downtown to transform it into a safe, vibrant, and prosperous arts and entertainment district that offers enhanced shopping, dining, recreational, and cultural experiences and events for residents, families, college students, and visitors.
- <u>Land Use Policy LU-2.2 Downtown Activities and Functions</u>. The City shall maintain the Downtown as a center for shopping and commerce, social and cultural activities, and political and civic functions.
- <u>Land Use Policy LU-2.4 Downtown Retail Frontages.</u> The City shall require retail frontages and storefront entrances on new and renovated buildings within the "retail core" of Downtown Hayward.
- <u>Land Use Policy LU-2.16 Uses to Attract the Creative Class.</u> The City shall encourage the development of uses and amenities to attract creative-class professionals and businesses to Hayward including: restaurants and cafes; art studios and galleries; and entertainment and cultural venues.
- <u>Land Use Policy LU-5.1 Mix of Uses and Activities.</u> The City shall encourage a mix of retail, service, dining, recreation, entertainment, and cultural uses and activities in regional and community centers to meet a range of neighborhood and citywide needs.
- <u>Economic Development Policy ED-1.14 Hospitality and Entertainment Business</u> <u>Clusters.</u> The City shall encourage the development of a hospitality and entertainment business cluster within Downtown Hayward and other appropriate locations to improve opportunities for shopping, dining, arts and entertainment, lodging, business conventions, and cultural events.
- <u>Economic Development Policy ED-3.1 BEAR Program.</u> The City shall develop, maintain, and implement a Business Expansion and Retention (BEAR) program that that helps businesses stay, grow, and become more committed to the Hayward community. The City shall primarily focus its BEAR efforts on small businesses with high growth potential and other local companies that have a demonstrated commitment to the Hayward community.
- <u>Economic Development Policy ED-3.3</u> <u>Buy Local</u>. The City shall encourage residents, local businesses, colleges, trade schools, and community organizations to purchase goods and services from other local businesses to support local jobs and to recirculate money within the local economy.

Lastly, the Downtown Hayward Design Plan and Core Area Plan were adopted in 1992 and set forth strategies, policies, and actions to revitalize the economic vitality and livelihood of the downtown core area. Analyses within the document discuss opportunities for better business practices, cultural activities, façade improvements, and public/private partnerships for a dynamic and diverse core neighborhood. Like the Alcoholic Beverage Outlet Ordinance, the Core Area Plan acknowledges that the management of alcohol related establishments in a positive and responsible manner enhances the economic and social character of the downtown stating that "[t]he successful revitalization of downtown will likely include new restaurants and entertainment facilities, many of which will sell alcoholic beverages and will hopefully become an asset to downtown". The proposed winery would be consistent with the goals of the adopted plan to introduce entertainment uses into underutilized and vacant buildings which will promote economic activity and pedestrian traffic that will further patronize other businesses.

Environmental Review

The proposed project is exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15301, Class 1 for existing facilities in that the project involves the leasing approximately 975 square-feet of existing tenant space that will create a negligible impact on the environment. Therefore, no environmental review is necessary.

CITY OF HAYWARD PROPOSED WINE SHOP (OFF-SALE RETAIL ESTABLISHMENT) LOCATED AT 1013 "B" STREET CONDITIONAL USE PERMIT APPLICATION NO. 201903274

DRAFT CONDITIONS FOR APPROVAL

1. The approval of Conditional Use Permit No. 201903274 shall allow the operation of a winery with ancillary wine tastings (Alcoholic Beverage Control License Type 02) within an existing 975 square-foot tenant space located at 1013 "B" Street, Assessor Parcel No. 428-0066-024-00.

Permitted winery operations at the site are to include on-site fermentation, bulk aging, storage, bottling, incidental instructional wine tasting, and wine sales consistent with the privileges granted by the Type 02 ABC License, unless otherwise further restricted by the Conditions of Approval herein.

- 2. The permittee 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.
- 3. All outstanding fees owed to the City, including staff time spent processing this application, shall be paid in full prior to issuance of a building permit
- 4. The proposed winery shall conform to these conditions of approval and the narrative/plans on file with the Planning Division stamped "Exhibit A".
- 5. Any proposal for modifications to the proposed site plan and/or design, which does not require a Variance to any zoning code, shall be approved by the Planning Director prior to implementation. Modifications may be required to be reviewed by the Planning Commission.
- 6. A copy of these conditions of approval shall be scanned and included on a separate full-sized sheet(s) within the plan check review set submitted to the Building Division.
- 7. A copy of the Conditions of Approval for the Conditional Use Permit must be kept on the premises of the establishment and posted in a place where it may readily be viewed by the public.
- 8. Prior to final inspection of all pertinent conditions of approval and all improvements shall be completed to the satisfaction of the Planning Director, Building Official, Police Chief, and Fire Chief.
- 9. This approval shall be void three years after the effective date of approval unless a building permit application with plans matching the approved plans have been submitted and accepted for processing by the Building Official.
- 10. The applicant shall be required to obtain and maintain a current valid business license in the City of Hayward at all times of operation.

11. 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. Violation of any of the conditions of approval of this conditional use permit may constitute grounds for revocation pursuant to the Zoning Ordinance.

PLANNING

- 12. The applicant shall maintain their winery license (Type 02) in good standing with the California Department of Alcoholic Beverage Control (ABC). Failure to maintain the license in good standing may cause the revocation of this Conditional Use Permit. Modification in the type of ABC license required and/or requested by the applicant shall require the modification of this Conditional Use Permit and review by the Planning Commission.
- 13. The winery shall be limited to the sales and tasting of wine. The sale and/or tasting of other alcohols including, but not limited to beer, brandy, liquors, distilled spirits (e.g. whiskey, tequila, vodka), or sake shall be prohibited.
- 14. The establishment and/or any portion thereof shall not be rented out to thirdparty organizations for private events unless the business owner is present for instructional and/or educational classes or tastings.
- 15. The facility shall not charge a cover or similar fee for entrance, and there shall be no minimum drink purchase requirement.
- 16. The establishment shall be prohibited from operating as an On-Sale Alcohol-Related Establishment (i.e. bar, tavern) where alcoholic beverages sold at the premises are intended to be consumed at the premises except for incidental instructional pours and/or tastings of wine.
- 17. Customers of legal age shall be limited to no more than one (1) series of tastings, which consists of no more than three, one (1) ounce servings of wine per person per day. No reduced-price and/or no-cost alcoholic beverage tasting promotion shall be permitted.
- 18. Instructional pours and tastings shall only be furnished as incidental to the operation of the business as a winery (off-sale retail establishment). Alcoholic beverages shall only be served in recyclable and/or reusable containers but shall not be served within the original bottle or can.
- 19. The total occupancy for the establishment shall be limited **48 persons** (including staff and patrons) as established by the licensed architect and approved by the City Building Official per the California Building and Fire Codes. The occupancy shall be clearly posted and enforced by the establishment staff to not exceed the limit.

- 20. The hours of the operation for the establishment shall be limited from 10 a.m. to 8 p.m., seven days a week.
- 21. Patrons eligible for wine tasting and/or purchasing wine for off-site consumption shall be limited to those individuals 21 years of age and older. Minors under the age of 21 shall not be permitted within the premises.
- 22. All promotional and/or permanent signage for the establishment shall be required to obtain a sign permit by Planning and Building Divisions. The proposed signs shall comply with Chapter 10, Article 7 (Sign Ordinance) of the Hayward Municipal Code.
- 23. All tenant improvements, except for business signage, shall be limited only to the interior of the commercial tenant space and building. Any exterior modifications to the building shall be submitted for review to the Planning Division to evaluate compliance with Chapter 10, Article 11 (Historic Preservation Ordinance) of the Hayward Municipal Code and the executed Mills Act contract between the City of Hayward and property owner.
- 24. The permittee shall maintain compliance with all local, County, State, and Federal laws for the production, storage, fermentation, distribution and sale of wine. The permitted shall maintain compliance with the City's Zoning Ordinance, Alcoholic Beverage Outlet Ordinance and the Hayward Municipal Code, as applicable.

POLICE DEPARTMENT

General Operations

- 25. The premises shall be kept in a clean, well-maintained condition. Paint and windows shall be kept clean and cracked or broken glass shall be replaced promptly. The licensee(s) shall be responsible for removing graffiti from the premises under the control of the licensee(s) within 48 hours. Public sidewalks adjacent to the establishment shall be cleaned daily. The management shall ensure that no trash or litter originating from the establishment is deposited on neighboring properties or the street.
- 26. One information sign with a maximum area of six square feet providing hours of operation, emergency contact information, etc. may be placed on the exterior and interior of the establishment. The storefront glass shall not be tinted or clouded to reduce transparency into the establishment.

Police Department and Safety

- 27. The occurrence of more than two critical incidents during business hours of the establishment within a one-year period may constitute grounds for revocation of this permit.
 - a. "Critical Incident" is defined as any event in the sole discretion of the Police Chief that results in a crime of violence or large unruly gathering necessitating a police response of five or more police officers. Crimes of violence may include but are not limited to discharge of firearms, robbery, physical assault or assault with a deadly weapon.

b. "Premises or its adjoining grounds" will include within the structure of 1013 B Street, the sidewalk where queuing for admission occurs, the area to the rear of the building, including any parking lots within 50 feet of the building.

Nothing in this condition restricts the authority of the City to seek revocation of this permit for a single incident of extreme severity.

- 28. If an undue demand is put on police resources, as determined by the Chief of Police, then such determination would be grounds for revocation of the Conditional Use Permit.
- 29. Commission of a criminal offense by the permittee or any employee of the permittee of which the permitted establishment was the location where the offense was committed or where there is a direct correlation between the permittee's establishment and the criminal offense; and such criminal offense is found to be detrimental to public health, safety, or general welfare shall be independent grounds for revocation of this permit.
- 30. The business operator shall be responsible to reimburse the City Police Department for calls for service in response to events that are determined to be a demand on police resources as determined by the Chief of Police. Failure to pay costs within 30 days of billing for the Hayward Police Department response to the incident may constitute grounds for revocation of this use permit.
- 31. All employees and the permittee of the establishment shall work collaboratively with the Hayward Police Department, with the goal of maintaining a safe, secure facility. The permittee and employees will call the Hayward Police Department as needed to work with intoxicated, uncooperative, or disruptive patrons. Failure to work collaboratively with the Hayward Police Department or to reasonably call for assistance, as needed, may result in revocation of this permit.
- 32. The permittee shall take all necessary steps to ensure that permittee's patrons and visitors refrain from incidents of violence, intoxication, and/or loud or obnoxious behavior that adversely impact the safety and welfare of patrons in the facility and citizens in the surrounding area and the community.
- 33. A fully enhanced operating/recording digital video surveillance system with retrievable memory and containing points of entry/exit, sales of food/beverages (cash registers), locations of cash/monies storage (Safes/Manager's Office), and overall locations of where alcoholic beverages may be consumed within the property. Recordings of this system shall be available to law enforcement upon demand and as a condition of operating. The applicant shall check the digital video surveillance system daily and keep a daily log to ensure that the digital video surveillance system and remote access is operable.
- 34. Interior illumination shall allow for the unaided inspection of personal identification by members of the Hayward Police Department while inside premises.

- 35. The owner, manager, and employees shall make appropriate efforts to discourage loitering from the premises including calling the police to ask that they move loiters who refuse to leave. Persons hanging around the exterior of the establishment with no apparent business for more than ten minutes shall be asked to leave. Signage at the entrances and visible from the outside shall be posted that state "No Loitering." These signs shall be no less than 18" x24" and have 2-inch block lettering.
- 36. The exterior of the premises, including adjacent public sidewalks and all parking lots under the control of the licensee, shall be illuminated during all hours of darkness during, which the premises are open for business in a manner so persons standing in those areas are identifiable by law enforcement personnel. However, the position of such lighting shall not disturb the normal privacy and use of neighboring residences and are subject to approval by the City of Hayward.

Alcohol Sales Procedures

- 37. Snacks and light refreshments shall be available, either complimentary or for purchase, by patrons at all times. Examples may include, but not be limited to, water, pre-packaged goods including chips, cheeses, popcorn, crackers, fruit, etc.
- 38. The sale and service of alcoholic beverage to patrons shall be discontinued no later than 15-minutes prior to the closure of the establishment.
- 39. Patrons shall be prohibited from leaving the establishment with open beverage containers. No tastings of wine shall be permitted outdoors.
- 40. The establishment's employees, except those employees with no customer contact, shall attend and successfully complete a training class on Responsible Beverage Service within ninety (90) days of being employed. The training class shall be certified by the Department of Alcoholic Beverage Control (ABC). As proof of attending the training, the certificate of completion shall be submitted by the permittee for each employee upon completion of such training to the Hayward Police Department. The applicant may contact Detective Gabrielle Wright at the Hayward Police Department at 510-293-7013 for further information.
- 41. Pursuant to Section 4-16-.20, it is unlawful for any person to manage, supervise, maintain, provide, produce, possess or use one (1) or multiple simulated gambling devices. Each individual act to manage, supervise, maintain, provide, produce, possess or use a simulated gambling device constitutes a separate violation of this section. Simulated gambling devices shall be prohibited.
- 42. No billiard tables and/or cabaret entertainment are permitted with the approval of this Conditional Use Permit.

Pre-Operations

43. Not more than 25 percent of the store front windows shall be obstructed to allow a clear view into the establishment.

44. Any work done in the right-of-way (sidewalk, street, partial street closure) requires an encroachment permit from the City.

BUILDING DIVISION

- 45. Applicant shall apply for all necessary building permits and/or all other related permits from the Building Division. All structures and/or tenant improvements shall be constructed and installed in accordance with the California Building Code, Uniform Mechanical and Plumbing Code, National Electrical Code, and the California Fire Code as adopted by the City of Hayward.
- 46. Per the California Building Code and Fire Code, occupant load signage shall be installed conspicuously within of the establishment.
- 47. The bar/counter seating shall comply with 2016 California Building Code Section 11B-226.3. Provide a 60-inch accessible seating section at the bar/counter that is between 28 inches high minimum and 30 inches high maximum above the floor. This code section is intended to allow a person in a wheelchair to sit at the bar with a companion at the same level.
- 48. Prior to submitting for a building permit application, please submit these plans to the Alameda County Department of Environmental Health for review.

FIRE DEPARMENT

Fire Prevention

- 49. Fire Sprinkler System Alteration Fire Sprinkler Alterations required to provide the appropriate fire sprinkler coverage in the new tenant space. (Deferred Submittal by a Licensed C16 Contractor)
- 50. Fire Alarm System Fire alarm/notification with audible and visual horn/strobe device activated by water flow of sprinkler system and manual pull stations shall be installed to meet the California Fire Code (CFC), NFPA 72 Standards and ADA requirements. The work shall be performed by qualified persons holding C-7, C-10 electrical contracting licensed. Ventilation system greater than 2,000 CFM shall be connected to the fire alarm system and monitored for integrity. (deferred submittal by Licensed C10 Contractor to provide notification in the tenant space).
- 51. Portable Fire Extinguishers Portable fire extinguishers shall be installed throughout in the improvement area at every 30 feet of travel and at each exit from the space. Portable fire extinguishers shall have a minimum rating of 2A:10BC. Signage shall be provided for each portable fire extinguisher and shall be acceptable to the Fire Department.
- 52. Building Address Minimum building address shall be 12" high with 1.5" stroke. When building is located greater than 50 feet from street frontage, address shall be minimum 16" high with 1.5" stroke. Tenant space number shall be 6" high with 0.75" stroke on a contrasting background so as to be visible from the street.

<u>Hazardous Materials</u>

- 53. Seismic Restraints Tanks shall be provided with seismic restraints and meet appropriate requirements of the Hayward Building Department.
- 54. Flammable liquid transfers Appropriate grounding and bonding systems shall be required for flammable liquid transfers and movement of vessels.
- Flammable and Combustible Liquid Storage and Use The storage and use of flammable and combustible liquids shall meet the requirements of Chapter 57 of the 2016 California Fire Code as adopted by the City of Hayward.
- 56. Hazardous Materials Limits Hazardous materials storage shall not exceed the maximum allowable quantities (MAQs) given in Chapter 50 of the 2016 California Fire Code (CFC).
- 57. Hazardous Materials The storage and use of hazardous materials shall meet the requirements of Chapter 50 of the 2016 California Fire Code as adopted by the City of Hayward.
- 58. Chemical Inventory- Chemical Inventory Packet including the hazardous materials/waste stored/used shall be prepared and submitted with building plans to the City of Hayward.
- 59. Signage and Labeling Requirements All tanks, containers shall be properly identified with signage stating the contents within the vessel, the hazard identification (as per NFPA 704 Standards). All associated piping leading to and from each of the aboveground tanks (vessels) shall be appropriately labeled with the type of contents and arrows showing the direction of flow of the product. Additional containers and storage areas for hazardous materials shall also be appropriately identified.
- 60. Placarding Hazard placards shall be provided for the exterior building per the Guidelines for the Placarding of Hazardous Materials Facilities, which can be obtained by calling the Hazardous Materials Office at (510) 583-4910.

General Requirements

- 61. Start of Work The developer or contractor shall not start work on a project without approved plans, unless otherwise specifically allowed by the Fire Chief.
- 62. Inspections The developer or contractor shall provide at least a 24-hour notice to the Fire Department to schedule an inspection. Inspection requests shall be made by calling the Fire Marshal's Office at (510) 583-4900 to schedule either a morning inspection (10:00 a.m. to 12:00 p.m.) or an afternoon inspection (1:00 p.m. to 4:00 p.m.). The job copy of APPROVED plans and the job card shall be available on the job site during a scheduled inspection.
- 63. Additional Fire Inspection Fees Additional fees will be charged for any requested or required fire inspections beyond the normal number of inspections allowed for the project.

- 64. Water Supply During Construction A permanent water source capable of supplying the required fire flow shall be made available as soon as combustible materials accumulate at the site. Hydrants shall be maintained clear of obstructions and accessible for fire protection during construction.
- 65. Fire Department Permanent Access During Construction Permanent access to the immediate job site by a heavy fire-fighting apparatus shall be provided at the start of construction. The all-weather road shall be at least twenty (20) feet in width, shall have an unobstructed vertical clearance of at least thirteen feet six inches (13' 6"), and shall be capable of supporting the imposed load of a fire apparatus weighing at least 75,000 pounds (gross vehicle weight).

UTILITIES

- 66. Existing Water Services. This tenant space shares a 2" domestic water meter with multiple tenant spaces (account 28420). It is anticipated that no modifications to the existing water service will be needed.
- 67. Sewer Services. The tenant space has an existing permitted sewer capacity of 210 gallons per day of domestic-strength wastewater discharge. Additional information will be required from the applicant to determine the minimum required sewer capacity for the proposed business. The applicant shall complete and return the attached Wastewater Discharge Survey with the plans for the building permit application. Additional sewer capacity may need to be purchased to accommodate any anticipated wastewater discharge over the permitted sewer capacity.

SOLID WASTE & RECYCLING

- 68. Submit the Construction and Demolition Debris Recycling Statement at the time of your building permit. The applicant shall will only need to submit the top "applicant" half of the form during the building permit. The bottom half of the form should be completed upon completion of the project to receive final building inspection approval. The form can be located online at http://www.hayward-ca.gov/services/city-services/construction-and-demolition-debris-disposal.
- 69. Per City Ordinance, all businesses are required to arrange for separate collection of recyclables. In addition, food related businesses are required to separately collect organics (compostable materials). For more information, please visit <u>http://www.recyclingrulesac.org/city/city-of-hayward/</u>. Please see Section 2 of attached for capacity needs. Also, see Section 3 of attached for trash enclosure design requirements, should an enclosure be deemed necessary.

Business plan

For a new boutique size winery at 1013 B Street

Hayward



Strategic Plan

Mission Statement

My name is Paul Houston. I have two vineyards in the Hayward hills producing wine grapes. My objective is to start a winery in downtown Hayward, to receive and process my Hayward grown wine grapes, from Houston Family Vineyards, and process these grapes into premium wines, and sell the wine at the winery premises. The goal would be for 100% of the wine to be sold here at the new winery.

Plan of Operation

Objectives

- Obtain Hayward city conditional use permit for winery with a tasting room;
- Landlord (B Street Apartment Group, LP) to submit and obtain building plans/permit, and build ADA bathroom, floor drain, venting/ducting HVAC, electric baseboard heaters, electrical sub-panel;
- Obtain California Alcoholic Beverage Control (ABC) type 02 winemaker license / Alcohol and Tobacco Tax, and Trade Bureau (TTB) wine producer basic permit, in parallel with landlords construction work;
- Leaser (Paul Houston) to submit and obtain building plan approval for winery/tasting room for the remainder of work, once landlord has completed their construction work;
- Build winery/tasting room at 1013 B Street;
- Open wine tasting room to public. The majority of wine coming from Hayward grown grapes processed by custom crush agreement with Tenuta Vineyards Livermore and Houston Family Vineyards. The wine vintages from 2013 to 2018 to sell first;
- First harvest and fermentation at new B Street winery in September 2020;
- First estate wine sold from new B Street winery in August 2022;

Houston Family Vineyards Origin

Houston Family Vineyard is already established. At this time 3.5 acres of premium grapevines are producing about 8 tons of grapes each year off of Fairview Avenue (nearest address is 24867 Fairview Ave., 94541). Eight tons of grapes is equivalent to about 400 cases of wine (960 gallons). Roughly 65% of the grapes vines are Pinot Noir, 20% Chardonnay, and 15% Merlot. I have spent over two decades researching grapevines that will produce top quality wine grapes for the Hayward hills. Mostly by trial and error, I have found the best rootstocks, grape varieties, and grape clones to fit the Hayward Hills climate. There is room for two additional acres of grapevines to be planted at this site on Fairview. Hayward is part of the San Francisco Bay American Viticulture Area (AVA). This AVA has produced some very high scoring premium quality

wines. It should be possible to get the East Bay Hills, which Hayward is right in the middle of, to be known for being a premium wine growing region.

Since 2013 Houston Family Vineyards has been a custom crush grape client at a bonded winery in Livermore CA. Since 2013 my Hayward grown grapes have been shipped to this winery to be made and bottled into commercial wines. Since it takes about two years to produce wine from grapes, the first sales at the new B street winery will be mainly from these 2013 to 2018 vintages. My ABC license information is below in Table 1, where I currently have an active type 17/20 ABC license (wine wholesaler/retail).

Table 1: California Department of Alcoholic Beverage Control License Information

License Information			
License Number:	563886		
Primary Owner:	HOUSTON, PAUL I	RICKY	
ABC Office of Application:	22 - OAKLAND		
Business Name			
HOUSTON FAMILY VINEYARI	DS		
License Types			
1) License Type:	17 - BEER AND	WINE WHOLESALER	
License Type Status:	ACTIVE		
Status Date:	13-JAN-2016	Term:	12 Month(s)
Original Issue Date:	12-JAN-2016	Expiration Date:	31-DEC-2019
2) License Type:	20 - OFF-SALE E	BEER AND WINE	
License Type Status:	ACTIVE		
Status Date:	13-JAN-2016	Term:	12 Month(s)
Original Issue Date:	12-JAN-2016	Expiration Date:	31-DEC-2019
Conditions:			
INTERNET SALES ONLY			

I have been making wines for the last 25 years. I recently retired from a pharmaceutical career, where I was a Formulation Senior Research Scientist at two successful biotech companies that met their end goals of new NDA approved medicine. Once the new drug products were approved by the FDA large pharmaceutical companies, Johnson and Johnson (JNJ), and Pfizer (PFE), purchased the companies that I worked for. I have a Bachelors of Science (BS) degree in Materials Science and Engineering from UC Davis. My wife is also employed at a Biotech pharmaceutical company, where she holds a position of Senior Director of Pharmaceutical Development. She has a BS in Chemical Engineering from UC Berkeley. My oldest daughter graduated last year with a Chemical Engineering BS degree, from UC Davis, and my youngest daughter is currently going to school at Chabot College and her goal is to transfer to a UC for a Biology degree.

Short-Term Winery Marketing Goals

Wine sales goals at start, would be 500 cases per year. From the 500 cases of wine, sales are estimated to be \$150,000 per year. With an average bottle selling price at 25 dollars. The price per bottle is a combination of tasting charges and bottle sales. Some

outside wine varieties, possibly from local wineries, will be offered in the tasting room to give a larger selection of wines to sample in the tasting room. Wine production in the B Street winery in 2020, is projected to start at 400 cases per year. These new estate wines produced at the winery will start being available to sell in 2022. See wine sales and production estimates in table below for more clarity.

	2019	2020	2021	2022	2023	2024
Estate Wine Production*	0	400	450	500	550	600
Estate Wine Sales	0	0	0	100	350	500
2013 to 2019 Vintage Sales	0	500	500	450	200	100
Total Wine Sales	0	500	500	550	550	600

Fable 2: Number of	cases of wine	produced and	sold each	year

*Estate bottled, which means that the winery listed on the label owns 100 percent of the grapes that went into the bottle, and the wine was made in the same place.

Long-Term Winery Marketing Goals

The sales goal in 7 years would be estimated at \$250,000 per year from 700 cases of wine produced at the winery at a selling price averaging 30 dollars per bottle.

New B Street Winery Hours of Operation

The proposed tasting room hours of operation are 6 days a week (closed Mondays), with two full time employees, and one part time employee. The winery hours of operation, closed to the public, would be in the mornings before the tasting room is open. One ounce size wine samples would be offered from 6 different wines at about 10 dollars, and bottled wine would be offered to take home from 20 to 30 dollars at start.

Hours of operation	Sunday	Monday	Tuesday	Wednesday	Thrusday	Friday	Saturday
Winery			10am - 1pm	10am - 1pm	10am - 1pm	10am - 1pm	
Tasting Room	1pm - 7pm		1pm - 6pm	1pm - 6pm	1pm - 6pm	1pm - 6pm	1pm - 7pm

Table 3: H	ours of	operation
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<u>Floor Plan</u>

There are to be two main rooms in the Winery not counting the ADA bathroom. The 600 square foot winery area is for wine production. The processes in the winery section would be crushing, pressing, fermentation, wine aging in stainless steel and oak barrels, bottling, and finished wine storage. The second room, about 290 square feet, is for wine tasting and 750mL size wine bottle sales, as shown in the floor plan.

Wine Production Process



• Grape Crushing,

Equipment: Destemmer/Crusher Enoitalia Jolly 25,

The crushing/destemming operation can be completed either at the vineyard or winery.

- If the process is to be completed at the winery grapes are brought in with 30 pound stackable bins. The grapes in the stackable bins are poured out, one bin at a time, into the continuous operating crusher/destemmer. The crusher/destemmer has a built in pump that pumps the grape juice into the fermentation containers, and the process takes about one hour. The grape stems from the process are returned to the vineyard for composting.
- 2. If crushing/destemming is to be completed in the vineyard, then the grape juice is delivered to the winery in a tank in the back of a pickup truck. Grape jucie is pumped into the Winery to fermentation containers. The pumping process would take place in the morning sometime between 7AM and 9AM before the area is busy. The delivery of the grape juice would take about 15 minutes to complete.

Crushing operation are completed at harvest time, one time only per year for each grape variety. The juice is filled into fermentation containers which are stainless steel or polyethylene food grade 1000 pound microbins containers.

- Yeast addition and fermentation, Takes about 1 to 3 weeks.
 Emissions control for fermentation process: Winery to have 12 inch exhaust fan rated at 2000 CFM, with carbon dioxide ventilation controller set to switch on the exhaust fan automatically at 5000 ppm.
- Grape/wine Pressing,

Equipment: Lancman VSPX bladder press 250L,

After pressing the pomace will be returned to the vineyard for composting.

- Wine Aging, Equipment: 60 gallon barrels, 50 gallon to 200 gallon stainless steel tanks. Normally, the wine is aged for the first 6 months in stainless steel followed by 18 months in oak barrels.
- Wine finishing activities: Possible processes after wine aging are blending, protein stability for wine clarification, and/or filtering before the wine is bottled.
- Bottling activities, filling, corking, foils, and labeling.
- Equipment Cleaning: All stainless steel, oak barrels, and polyethylene (HDPE, and LDPE) containers are cleaned with high pressure water. After cleaning stainless steel and polyethylene containers a sanitization rinse is done with potassium metabisulfite powder (200 ppm) and water. After cleaning oak barrels the sanitization rinse is done with a combination of potassium metabisulfite (200 ppm) and citric acid powder (200 ppm) and water. Oak barrels will be stored in this solution when not being used for wine storage. Pump hoses are cleaned in three steps. First step is with a powder alkaline cleaner, such as PBW (powder brewery wash) at 1 to 2 oz per gallon of water, or sodium carbonate (soda ash) at about 1.5 oz (~1/4 cup) per gallon of water, or sodium percarbonate at 0.5 oz per gallon of water. The second cleaning step is with water. The third step is sanitization cleaning. There will be about 5 to 10 pounds of each cleaner and sanitation agent stored in the winery for use. See Table 4.

Chemicals	Perpose	Concentration in Water	Storage Quantities ^a
Sodium Carbonate <s>^b</s>	Cleaning	1.5 oz / gallon (vol./vol.)	7 lbs
Sodium Percarbonate <s></s>	Cleaning	0.5 oz / gallon (vol./vol.)	10 lbs
PBW <solid></solid>	Cleaning	1.5 oz / gallon (vol./vol.)	10 lbs
Potassium Metabisulfite <s></s>	Sanitization	200 ppm (0.02%)	10 lbs
Citric Acid <solid>^c</solid>	pH adjustment	200 ppm (0.02%)	7 lbs

Table 4: Chemical Inventory list used in water dilutions

^a Estimated one year supply

^b Sodium carbonate is well known for use as a water softener in laundry, also commonly used on concrete floors and other porous surfaces. Wine spilled on the winery floors can corrode the floor. Sodium carbonate water solution can be put on the floor to sanitize, and also neutralize the acids in the wine.

^c Citric acid has many uses in the wine production. Citric acid is a week organic acid, which is often used as a natural preservative or additive to food or drink to add a sour taste to food. It can also be used to neutralize surfaces that have been treated with basic substances.

• Aging of wine in 60 gallon oak barrels, and in 750 mL finished bottles.

Tasting Room Activities

- Wine tasting to the public to promote wine bottle sales. All varieties of wine offered for tasting and sales are under 16 percent alcohol. The possible types of wine samples for tasting are:
 - 1. Pinot Noir: fermented with skins for about 2-3 weeks then pressed and aged in oak barrels, 2 year process.
 - 2. Pinot Noir Rose': pressed before fermentation, no oak aging, filtered, 1 year process.
 - 3. Merlot: fermented with skins for about 2-3 weeks then pressed and aged in oak barrels, 2 year process.
 - 4. Merlot/Cabernet Sauvignon, Merlot grapes from Hayward and Cabernet Sauvignon grapes possible from Livermore or Lodi, both processed separately as the Merlot above, and then blended together at the best ratio.
 - 5. Chardonnay no oak aging, filtered (one year process)
 - 6. Chardonnay aged in oak, non-filtered (two year process)
 - 7. Outside wine, different winery.
- Water will be provided with tasting.
- Fast and easily prepared Hors d'oeuvres/appetizers, finger foods, can be served with wine samples such as: Cheese and crackers
 Chocolate fruits puts olives

Chocolate, fruits, nuts, olives

• There is a 10 foot long bar counter where wine samples will be served. The majority of sales take place in the tasting room and thus distribution is not an issue. The wine is aged in the winery and when it is ready to be sold it is brought into the tasting room as needed. Wines are then sold from a cash register in the tasting room.

Summary

This business plan is to give support for obtaining a Hayward city conditional use permit for a boutique winery at 1013 B Street. The starting volume of wine produced here per year is projected to be 400 cases. The 7 year long-term outlook would be to increase production to 700 cases per year. The goal is to sell all the wine at the tasting room located at the winery.





Attachment IV



THIRGEUJB YAB TEAE



File #: PH 19-072

DATE: September 12, 2019

- TO: Planning Commission
- **FROM:** Planning Manager

SUBJECT

Proposal to subdivide two existing parcels into 17 parcels to allow the construction of 12 detached single -family residences and five Accessory Dwelling Units (ADU) with common open space areas and related site improvements at 28571 & 29591 Harvey Avenue (APNs 464-0060-005-02 & 464-0060-006-00) requiring a Vesting Tentative Tract Map, Planned Development (PD) Rezone, Site Plan Review, and Mitigated Negative Declaration with Mitigation Monitoring and Reporting Program (MMRP). Application No. 201706649; Nuvera Homes (Applicant), Ngai Ming Wang (Owner).

RECOMMENDATION

That the Planning Commission recommend approval of Vesting Tentative Tract Map No. 8442, PD Rezone, Site Plan Review Application No. 201706649, and adoption of a Mitigated Negative Declaration (MND) with a Mitigation Monitoring and Reporting Program (MMRP) to the City Council, based on the analysis set forth in this report and the attached Findings (Attachment II) and subject to the Conditions of Approval.

SUMMARY

The applicant is requesting approval of Vesting Tentative Tract Map No. 8442, PD Rezone and Site Plan Review Application No. 201706649, and the adoption of a Mitigated Negative Declaration (MND) with a Mitigation and Monitoring Reporting Program (MMRP) to subdivide two existing parcels totaling 1.83 acres into 17 parcels to allow the construction of 12 single-family residences with common open space areas, bio-retention ponds and a private street at 28571/28591 Harvey Avenue. Five of the single-family residences would have attached Accessory Dwelling Units (ADU). The project site is currently zoned RS, Single-Family Residential District and designated as LDR, Low Density Residential, in the *Hayward 2040 General Plan*.

ATTACHMENTS

Attachment I	Staff Report
Attachment II	Findings for Approval
Attachment III	Conditions of Approval
File #: PH 19-072

Attachment IV	Final Initial Study - Mitigated Negative Declaration
Attachment V	Responses to Comments on the Draft IS-MND
Attachment VI	Mitigation Monitoring and Reporting Program
Attachment VII	Email from John Manrique opposing project
Attachment VIII	Project Plans



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BACKGROUND

The proposed project would involve a subdivision of the 1.83 -acre site into 12 lots to develop 12 single-family residential units and a private street and court that would have access from Harvey Avenue. Five of the detached single-family units would include attached Accessory Dwelling Units (ADU). The proposed project would include both private open space (i.e. rear yard areas) for each residence and approximately 2,790 sq. ft. group open space area. The proposed project would involve a Vesting Tentative Tract Map and a zone change for both parcels from RS (Single-Family Residential) to PD (Planned Development) to allow for smaller minimum lot sizes, reduced setbacks and increased lot coverage than the RS zoning district allows. The existing building on the two parcels will be demolished to make way for this new development. Staff has outlined the project and additional analysis in the sections below.

<u>Public Outreach</u>. Following receipt of application, staff conducted the following public outreach:

- On December 1, 2017, a Notice of Receipt of Application was sent to all property owners and interested stakeholders within 300 feet of the subject property. The City received one public comment opposing the development of the property (Attachment VIII).
- On July 18, 2019, a Notice of Intent (NOI) to adopt a Mitigated Negative Declaration (MND) was posted at City Hall, the Alameda County Clerk's Office and delivered to the Hayward library. Copies of the NOI were also sent to interested parties and property owners within 300 feet of the project site and posted in the newspaper. Following the posting of the NOI, the City received one comment from the Department of Toxic Substances Control inquiring about an uncovered 55-gallon drum on site.
- On August 26, 2019, a Notice of Public Hearing was published in the Daily Review newspaper and sent to all property owners and interested stakeholders within 300 feet of the subject property. To date, staff has not received any additional comments from the public regarding the project.

PROJECT DESCRIPTION

Existing Conditions. The 1.83-acre project site consists of two parcels, each containing a single-family dwelling, which will be demolished. There are 14 trees protected by the City's Tree Preservation Ordinance on site and 10 protected trees that are off-site but have canopies encroaching onto the site. The site, located in the Harder-Tennyson neighborhood is bordered by single-family residential development to the north, south and west. To the east is a church and more single-family dwellings.

Project Overview. The project requires a rezoning and subdivision of two existing parcels into 17 parcels to allow the construction of 12 single-family residences with common open space area and a private street that provides vehicular access from Harvey Avenue. Twelve of the parcels will be for the single-family residences, the others are for the common open space, the private street and three for the bioretention areas. Five of the parcels will also contain an attached Accessory Dwelling Unit (ADU). A zone change from RS District to a new PD District is required to allow for exceptions to the development standards for single-family homes related to lot size, lot coverage, and setbacks. More detail regarding the requested exceptions is provided later in this report in Table 1. The proposed lots range in size between 2,971 and 6,747 square feet. The project will also include numerous frontage and site improvements including on-site water and sewer utilities, a new private street, new landscaping, and reconstruction and repair of existing road and sidewalks along Harvey Avenue. A copy of the site plans with proposed architecture and landscaping are included as Attachment IX.

Building Architecture. The development includes two floor plans. One floor plan will feature 2,255 sq. ft. of living space with 4 bedrooms and 3 baths. The other floor plan includes an Accessory Dwelling Unit. The main house will be 2,530 sq. ft. with 5 bedrooms and 4 baths with option for a bedroom for the main house or the Accessory Dwelling Unit. The Accessory Dwelling Unit will be 866 sq. ft. with one bedroom and one bath. Each floor plan has a one-

bedroom suite on the first floor. Each floor plan has the option of two exterior architectural styles, Cottage and French.

Six color and material schemes will be used to add an additional layer of detail to the homes and the selection of color and materials of the homes will be harmonious with each other. The proposed building colors consist of warm shades of off white to earthy browns and grays with contrasting trim and door colors. Architectural details include stone veneer, detailed garage doors, front porches, exterior shutters, and sill treatments.



Proposed Building Elevation – Cottage

<u>Parking and Circulation</u>. Each home will contain a two-car garage and a driveway that could accommodate two additional vehicles. A 27-foot wide private street (Drive Aisle A) from Harvey Avenue is proposed to provide vehicular access to the site. The street widens to 31 feet to accommodate on-street parallel parking and tapers down to 22 feet. The private street, which will be maintained by the HOA, provides six on-street parking spaces for guests and ends in a hammerhead configuration to provide adequate turnaround space for fire apparatus. The project includes the replacement of the sidewalk on the project frontage along Harvey Road. The project also includes a 5-foot-wide sidewalk on one side of the private street to provide direct pedestrian access to Harvey Avenue.

Landscaping and Open Space. The project proposes to plant 31 new trees throughout the project site and a varied palette of shrubs and groundcover in the common open space area and front yards of the homes. The common open space area will be 2,790 square feet in size and located in the rear of the site at the end of the private street. The common open space area will be improved with landscaping and provide an outdoor seating area. Each home will also have a private yard ranging from 515 sq. ft to 2,063 sq. ft. All proposed landscaping and irrigation will meet the City's landscape water efficiency standards. Additionally, the project will treat storm water run-off on-site with three new bioretention treatment areas. The bioretention treatment areas will enhance the entry into the development as well as serve as a focal point at the end of the drive aisle.

<u>Tree Removals.</u> The project requires the removal of 14 trees which are protected by the City's Tree Preservation Ordinance¹ requires mitigation equal in value to the total appraised value of all protected trees to be removed through replacement trees or alternative forms of mitigation acceptable to the City Landscape Architect. The project proposes mitigation in the form of 23 larger replacement trees. The City

¹ Tree Preservation Ordinance:

https://library.municode.com/ca/hayward/codes/municipal_code?nodeId=CD_ORD_CH10PLZOSU_ART15TRPR_S10-15.10PUIN

Landscape Architect will review the final landscape plan to confirm that the proposed mitigation cost matches or exceeds the appraised value of the removed trees prior to the issuance of a building permit.

<u>Planned Development Project Amenities</u>. The project requires a PD Rezone to provide flexibility in the site layout and allow for exceptions to certain development standards related to lot size, lot coverage, and setbacks. Any requested exceptions to development regulations or policies must be adequately offset or compensated for by providing amenities not otherwise required or exceeding required development standards. As such, the project proposes the following amenities:

- Rooftop solar panels on each home;
- A bedroom suite on the first floor of all homes to allow for aging in place;
- Five of the single-family homes will include an Accessory Dwelling Unit for multigenerational housing;
- 2,790 square feet of common open space area, which is typically not provided or required for detached single-family home developments; and
- Accent permeable pavers will be provided at the entry to the development.

<u>Homeowners Association</u>: As part of the standard conditions of approval, the project is required to form a new Homeowners' Association (HOA) with required Covenants, Conditions and Restrictions (CC&R's) to ensure the future homeowners will be responsible for maintaining all the project components, including the private street, street lights, utilities, and other privately owned common areas and facilities on the site, including the bio-retention areas, landscaped areas, preservation and replacement of trees, and decorative paving. The CC&R's will also contain a standard condition that if the HOA fails to maintain the common areas, private streets, lights and utilities, the City of Hayward will have the right to enter the subdivision and perform the necessary work to maintain these areas and special assessment and/or lien the properties for their proportionate share of the costs as described in Attachment III.

<u>Utilities and Street Improvements.</u> The existing utilities that serve the project site, including sanitary sewer, water, and storm drain systems, have sufficient capacity to adequately serve the proposed development. On-site sewer and water utilities will be installed within the new public utility easement within the project site and connect to the existing utilities on Harvey Avenue. As previously discussed, the project will be served by a new private street. While the existing roadway is sufficient to accommodate the additional traffic generated from the project, frontage improvements will be required, including the reconstruction and repair of the existing road and sidewalks along Harvey Avenue to meet the City's street standards.

<u>Sustainability Features</u>. As mentioned earlier, the project will provide rooftop solar panels on each home. The project is also required to meet CALGreen and 2016 California Energy Code standards for energy efficiency and will meet the City's requirements with respect to water efficient landscaping. Additionally, the project will comply with the City standards for recycling of waste during construction and operation and will comply with the Municipal Regional Stormwater requirements for storm water runoff prevention and treatment.

POLICY CONTEXT AND CODE COMPLIANCE

Hayward 2040 General Plan. The project site is designated as LDR, Low Density Residential, in the *Hayward 2040 General Plan*², which allows for a residential density range of 4.3-8.7 dwelling units per net acre. Properties with the LDR land use designation are typically characterized by suburban areas located throughout the Hayward Planning Area. Typical building types include single-family homes, second units, and ancillary structures. The project is consistent with the *Hayward 2040 General Plan* in that it is a single-family residential development with a density of 8.7 dwelling units per net acre, which is within the allowable density range. The project is also consistent with applicable General Plan policies in that it will increase the housing inventory for the City of Hayward, is located close to services and amenities, and is considered an in-fill development that will result in a more complete neighborhood. The project's consistency with the *Hayward 2040 General Plan* and its specific goals and policies is discussed in greater detail in the project findings (Attachment II).

Zoning Ordinance. The project site is currently zoned RS, Single-Family Residential District³. The project proposes to rezone both parcels to a PD District to allow for exceptions to the lot size, lot coverage, and setback requirements that are required of the RS District. As proposed, the project is proposing modified development standards related to lot size, lot width, lot coverage, and building setbacks for the front, side and rear yards. The subject parcels are narrow and deep, which limits the number of dwelling units the project site can accommodate under the typical single-family residential development standards. As such, these modified standards are necessary to allow the project to provide more dwelling units and still comply with the maximum allowable density in the *Hayward 2040 General Plan*. PD Districts are also subject to the development standards of the zoning district most similar to the proposed use, which is the RS (Single-Family Residential) District in this case. The project will meet the applicable development standards of the RS District related to building height and off-street parking as shown in the table below.

Development Standard	HMC Requirement	Proposed Project
Min. Lot Size	5,000 sq. ft. (interior)/	2,971- 5,802 sq. ft. ¹ /
	5,915 sq. ft. (Corner)	6,747 sq. ft.1
Min. Average Lot Width	50 ft. (interior) /	55 ft-87 ft ¹ (interior)
	60 ft. (corner)	90 ft. ¹ (corner)
Min. Average Lot Depth	80 ft.	51 ft-94 ft. ¹
Max. Lot Coverage	40%	26%-51%1
Min. Front Yard Setback	20 ft.	8 ft. 1
Min. Side Yard Setback	5 ft. or 10% of lot width (10 ft. max.)	4 ft. ¹
Min. Side Street Yard Setback	10 ft.	5 ft. ¹
Min. Rear Yard Setback	20 ft.	5 ft. 1
Max. Building Height	30 ft.	28 ft. 7 in.
Min. Off-Street Parking Req.	24 covered spaces	24 covered; 5 uncovered

Table 1

1. The PD Rezone is required to allow for an exception to this development standard.

² Hayward 2040 General Plan Land Use & Community Character Element:

https://www.hayward-ca.gov/sites/default/files/documents/HayGPU_Part%203.1_LU-Element_Approved_2014-07-01.pdf ³ RS, Single Family Residential Zoning District:

https://library.municode.com/ca/hayward/codes/municipal_code?nodeld=CD_ORD_CH10PLZOSU_ART1ZOOR_S10-1.200SIMIREDIRS

<u>Planned Development Rezone.</u> Pursuant to Section 10-1.2505⁴ of the HMC, the purpose of the PD District is to facilitate development of land in an innovative fashion to allow for flexibility in site design and encourage development that is sensitive to environmental and site-specific considerations. Any requested exceptions to development regulations or policies must be adequately offset or compensated for by providing amenities not otherwise required or exceeding required development standards. Per Section 10-1.2535 of the HMC, the City Council must make the following PD Rezone findings for the project:

- The development is in substantial harmony with the surrounding area and conforms to the General Plan and applicable City policies;
- Streets and utilities, existing or proposed, are adequate to serve the development;
- In the case of a residential development, that the development creates a residential environment of sustained desirability and stability, that sites proposed for public facilities, such as playgrounds and parks, are adequate to serve the anticipated population and are acceptable to the public authorities having jurisdiction thereon, and the development will have no substantial adverse effect upon surrounding development;
- In the case of nonresidential uses, that such development will be in conformity with applicable performance standards, will be appropriate in size, location, and overall planning for the purpose intended, will create an environment of sustained desirability and stability through the design and development standards, and will have no substantial adverse effect upon surrounding development;
- In the case of a development in increments, each increment provides a sufficient proportion of total planned common open space, facilities, and services so that it may be self-contained in the event of default or failure to complete the total development according to schedule; and
- Any latitude or exception(s) to development regulations or policies is adequately offset or compensated for by providing functional facilities or amenities not otherwise required or exceeding other required development standards.

<u>Vesting Tentative Map</u>. The project proposes to create a total of 17 new parcels, including 12 single-family parcels, one parcel for the private road and four common parcels containing open space or bioretention areas. Pursuant to Section 10-3.010 of the Hayward Municipal Code (HMC), the purpose of the Subdivision Ordinance⁵ is to ensure that all proposed subdivisions are consistent with the procedures, policies, and programs of the *Hayward 2040 General Plan*, underlying zoning district, and Subdivision Map Act. Per Section 10-3.150 of the HMC, the following Vesting Tentative Tract Map findings are required for the project:

- The proposed subdivision is not in conflict with the General Plan and applicable specific plans and neighborhood plans;
- The proposed subdivision meets the requirements of the City Zoning Ordinance; and

⁵ Subdivision Ordinance:

⁴ Planned Development Districts:

https://library.municode.com/ca/hayward/codes/municipal_code?nodeId=CD_ORD_CH10PLZOSU_ART1ZOOR_S10-1.2500PLDEDIPD_S10-1.2505PU

https://library.municode.com/ca/hayward/codes/municipal_code?nodeId=CD_ORD_CH10PLZOSU_ART3SUOR

• No approval of variances or other exceptions are required for the approval of the subdivision.

If approved, the applicant may submit a Final Map and Improvement Plans to the City for review. The City Engineer must determine that the Final Map and Improvement Plans are in substantial compliance with the approved Vesting Tentative Tract Map prior to approving the Final Map. Prior to approval of the Final Map, the developer shall enter into a Subdivision Agreement and post bonds with the City at which time the map can be recorded with the Alameda County Recorder's Office and commence construction activities. In accordance with HMC Section 10-3.246, approval of this Vesting Tentative Tract Map shall expire 36 months after the effective date of approval subject to statutory and discretionary extensions as allowed by the HMC and Subdivision Map Act. A copy of the Vesting Tentative Tract Map is included within the Project Plans (Attachment IX).

<u>Site Plan Review</u>. Pursuant to Section 10-1.3005⁶ of the HMC, the purpose of the Site Plan Review is to foster development that complies with the intent of City development policies and regulations and is operated in a manner determined to be acceptable and compatible with surrounding development. Per Section 10-1.3025 of the HMC, the following Site Plan Review findings are required for the project:

- 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 provided a more detailed analysis for the required Vesting Tentative Map, PD Rezone, and Site Plan Review findings in Attachment II.

Affordable Housing Ordinance. The project is subject to the City's Affordable Housing Ordinance (AHO), which allows residential development projects to pay an affordable housing in-lieu fee instead of providing affordable units on site. The in-lieu fee for single-family residential projects for Fiscal Year 2020 is \$18.33 per square foot of habitable space if paid prior to issuance of a building permit or \$20.16 per square foot of habitable space if paid prior to approval of final inspection, or issuance of a certificate of occupancy. The applicant has decided to pay the affordable housing in-lieu fee.

<u>Strategic Initiatives</u>. The project supports several of the City's Strategic Initiatives, including Complete Communities and Complete Streets. The purpose of the Complete Communities strategy is to create and support services and amenities that provide inclusive and equitable access with the goal of becoming a thriving and promising place to live, work and play for all. The purpose of the Complete Streets Strategic Initiative is to build streets that are safe, comfortable, and convenient for travel for everyone, regardless

⁶ Site Plan Review:

https://library.municode.com/ca/hayward/codes/municipal code?nodeId=CD ORD CH10PLZOSU ART1ZOOR S10-1.3000SIPLRE

of age or ability, including motorists, pedestrians, bicyclists, and public transportation riders. The project, as proposed, will create new housing opportunities that provide a mix of housing in the City and will require the construction of a new private street that will be designed to accommodate vehicles and pedestrians. The project supports the following Strategic Initiative goals and objectives that were established by the City Council:

Complete Communities

- Goal 1: Improve quality of life for residents, business owners, and community members in all Hayward neighborhoods.
- Objective 4: Create resilient and sustainable neighborhoods.
- Goal 2: Provide a mix of housing stock for all Hayward residents and community members, including the expansion of affordable housing opportunities and resources.
- Objective 2: Facilitate the development of diverse housing types that serve the needs of all populations.

Complete Streets

- Goal 1: Prioritize safety for all modes of travel.
- Objective 3: Ensure that roadway construction and retrofit programs and projects include complete streets elements.

STAFF ANALYSIS

As referenced above and pursuant to the required findings for a Tentative Tract Map, PD Rezone, and Site Plan Review included in Attachment II, staff believes the project complies with the intent of City development policies and regulations, including the *Hayward 2040 General Plan*, Zoning Ordinance, and Subdivision Ordinance. The project also supports several of the City's Strategic Initiatives. Staff's analysis regarding the key features of the project is discussed below.

Land Use Compatibility. The project would be compatible with the land uses and developmental pattern of the existing neighborhood, which consists largely of single-family dwellings including Planned Developments with single-family dwelling on smaller lots. The project would complement the mix of housing types in the neighborhood and be consistent with surrounding land use densities. Furthermore, the new homes would be compatible in size and scale of other single-family homes nearby.

<u>Building Architecture.</u> Overall, the homes are attractively designed and compatible with the existing character of the neighborhood. The development provides two plan types and two architectural styles with varied building colors and materials to provide a diverse and interesting street scene. The building facades are articulated to provide visual interest from all sides of the homes, especially the front elevations, which incorporate recesses and projections through windows with sill treatments and shutters, front entry porches, stone veneer, and breaks in the building mass. Furthermore, each of the units will have a driveway in front of the garage that can accommodate two additional cars and each Accessory Dwelling Unit will have an uncovered parking space.

<u>Vehicular and Pedestrian Circulation.</u> The project will be well-integrated into the existing neighborhood. The private street and sidewalk provide vehicular and pedestrian access to each home from Harvey Avenue, which is a public street. The new private street will be designed to meet the City's public street standards and will provide adequate circulation throughout the development and from Harvey Avenue. The project also provides driveways and street parking within the private street to accommodate the vehicles of guests and minimize street parking on Harvey Avenue. In addition, each Accessory Dwelling Unit would include an uncovered parking space.

<u>PD Amenities.</u> Staff believes the project amenities adequately offset the requested exceptions. The rooftop solar panels result in a more environmentally sensitive development and the multigenerational-friendly floor plan and Accessory Dwelling Units allows the homes to accommodate a more diverse population. The additional group open space, which will be maintained by a homeowner's association, provide the future residents with a usable outdoor space for social interaction.

Additionally, staff believes the project is well-designed and appropriate for the neighborhood. The project is considered an in-fill development and will replace an underutilized site with attractive homes to complement the existing neighborhood.

ENVIRONMENTAL REVIEW

Pursuant to CEQA Guidelines Section 15220, an Initial Study was prepared by Rincon Consultants on behalf of the City of Hayward (Lead Agency) for this project with the finding that a Mitigated Negative Declaration (MND) was appropriate because all potential impacts could be mitigated to a level of less than significant with the implementation of mitigation measures. The Initial Study found that the project would result in potential impacts to Biological Resources, Cultural Resources, Geology and Soils, Noise and Tribal Cultural Resources. With mitigation, any potential impacts would be reduced to a level of less than significant.

A Notice of Intent (NOI) to adopt the MND with Mitigation Monitoring and Reporting Plan (MMRP) was filed with the Alameda County Clerk on July 18, 2019. The NOI and MND were posted at City Hall and delivered to the Weekes library, and copies of the NOI were sent to interested parties and property owners within 300 feet of the project site on July 18, 2019. The public comment period for the MND expired on August 9, 2018 and the City received one comment from the Department of Toxic Substances Control recommending the collection and analysis of soil samples for CAM metals and asbestos and requesting information on a 55-gallon drum present on the site. These comments have been addressed and incorporated into the MND Response to Comments Memorandum through minor modifications to the recommended mitigation measures. The modifications do not change the impact analysis, or the level of mitigation required to reduce possible impacts to a level of less than significant. The Initial Study and MMRP have been updated to reflect these modifications. A copy of the MND, MMRP, and MND Response to Comments Memorandum are attached to this report for the Commission's review and consideration (Attachments IV, V, and VII). The MND, MMRP, and MND Response to Comments Memorandum should be considered together as part of the complete CEOA document.

NEXT STEPS

Following the Planning Commission hearing, the City Council will consider the proposed project, along with the Planning Commission's recommendation, at a noticed public hearing, tentatively scheduled for October 15, 2019.

If the project is approved by the City Council, the applicant may proceed with submitting a Precise Development Plan, Final Tract Map and improvement plans to the City for review. The City Engineer must find that the Map and site improvement plans are in substantial compliance with the approved Vesting Tentative Tract Map and recommend to the City Council for approval and recordation with the Alameda County Recorder's Office. Once the Precise Plan, Final Map and improvement plans are approved by the City, the applicant may then proceed with obtaining building permits.

Prepared by:

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Approved by:

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Laura Simpson, AICP, Development Services Director

CITY OF HAYWARD PLANNING DIVISION APPLICATION NO. 201706649 VESTING TENTATIVE TRACT MAP 8442, PD REZONE, SITE PLAN REVIEW AND MITIGATED NEGATIVE DECLARATION WITH MITIGATION MONITORING AND REPORTING PROGRAM 28571 & 29591 HARVEY AVENUE DRAFT FINDINGS OF APPROVAL

VESTING TENTATIVE TRACT MAP FINDINGS

Pursuant to Section 10-3.150 of the Hayward Municipal Code (HMC), the City Council may conditionally approve a Vesting Tentative Tract Map application when all the following findings are met:

A. The proposed subdivision is not in conflict with the General Plan and applicable specific plans and neighborhood plans;

The proposed project would result in a residential density of approximately 8.7 dwelling units per net acre, which is consistent with the Low Density Residential (LDR) land use designation of the *Hayward 2040 General Plan.* The LDR land use designation allows detached, single-family homes and Accessory Dwelling Units. Anticipated future changes include additional residential development, building and landscaping improvements, and neighborhood enhancements that create more complete, walkable, and sustainable neighborhoods. The project is considered an infill development, which will increase the housing inventory for the City of Hayward and result in a more complete neighborhood. The project is also consistent with the following General Plan policies:

• <u>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, livework units, and units in mixed-use developments.

The project will subdivide an existing parcel into 17 lots and allow for 12 new single-family homes, five of which will include an attached Accessory Dwelling Unit. This development helps to diversify the housing stock and provides a new single-family housing model in the City.

• <u>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.

The project is located in an established neighborhood near the West Tennyson commercial corridors. Furthermore, recreational facilities such as the Tennyson Park Ruus Park and Eden Youth and Family Center and educational facilities such as Ruus School.

• Land Use Policy LU-1.3 Growth and Infill Development: The City shall direct local population and employment growth toward infill development sites within the city,

especially the catalyst and opportunity sites identified in the Economic Development Strategic Plan.

The project is surrounded by other single-family homes developments, and is considered an in-fill project, which is appropriate for new housing development.

In addition, the project is not located within any specific plan area but is located within the Tennyson Alquire Neighborhood Plan area and is consistent with those relevant policies. Therefore, the proposed subdivision is not in conflict with the General Plan and applicable specific plans and neighborhood plans.

B. The proposed subdivision meets the requirements of the City Zoning Ordinance; and

The project requires a Planned Development (PD) Rezone to provide flexibility in the site layout and allow for exceptions to certain development standards related to lot size, lot coverage, and setbacks. With the PD Rezone, the proposed subdivision will provide modified development standards of the new PD District related to lot size, lot coverage, and setbacks. PD Districts are also subject to the development standards of the zoning district most similar to the proposed use, which is the RS (Single-Family Residential) District in this case. As proposed, the project meets the development standards of the RS District related to building height, off-street parking, and landscaping. The subdivision will also allow for the construction of twelve new detached single-family homes, and five attached Accessory Dwelling Units, which is permitted in the RS District.

C. No approval of variances or other exceptions are required for the approval of the subdivision.

As proposed, the new Planned Development district would establish the zoning development standards for this project. In addition, the project will also meet the requirements of the Subdivision Ordinance. Therefore, the project will not require a variance or any other exceptions from the requirements of the HMC.

PLANNED DEVELOPMENT REZONE FINDINGS

Pursuant to Section 10-1.2535 of the HMC, the City Council may conditionally approve a Planned Development Rezone application when all the following findings are met:

A. The development is in substantial harmony with the surrounding area and conforms to the General Plan and applicable City policies;

The project is considered an in-fill development and will complete the neighborhood, which primarily consists of detached single-family homes developments. The project proposes detached single-family homes, which is compatible with the surrounding neighborhood. Additionally, the project is consistent with the LDR land use designation and policies in the *Hayward 2040 General Plan*. The proposed density is within the density range allowed by the LDR land use designation and compatible with the surrounding residential neighborhood.

B. Streets and utilities, existing or proposed, are adequate to serve the development;

The existing utilities that serve the project site, including sanitary sewer, water, and storm drain systems, have sufficient capacity to adequately serve the proposed development. On-site sewer and water utilities will be installed within the new public utility easement within the project site and connect to the existing utilities on Harvey Avenue. The project will be served by a new private street. While the existing roadway is sufficient to accommodate the additional traffic generated from the project, frontage improvements will be required, including the reconstruction and repair of the existing road and sidewalks along Harvey Avenue to meet the City's current roadway standards.

C. In the case of a residential development, that the development creates a residential environment of sustained desirability and stability, that sites proposed for public facilities, such as playgrounds and parks, are adequate to serve the anticipated population and are acceptable to the public authorities having jurisdiction thereon, and the development will have no substantial adverse effect upon surrounding development;

The project is considered an in-fill development and will replace two single family dwelling with attractive single-family homes to complete the neighborhood. The scale and design of the homes are compatible with the existing neighborhood. The homes will also be served by both private and public open space within the development. Each home will have usable private outdoor yards and the project provides a 2,790-square-foot group open space area. The development will also be well-integrated into the existing neighborhood since it will be served by a new private street with street parking and a sidewalk providing vehicular and pedestrian access to and from Harvey Avenue.

D. In the case of nonresidential uses, that such development will be in conformity with applicable performance standards, will be appropriate in size, location, and overall planning for the purpose intended, will create an environment of sustained desirability and stability through the design and development standards, and will have no substantial adverse effect upon surrounding development;

The project does not include any nonresidential uses and as such, this finding is not applicable to this project.

- E. In the case of a development in increments, each increment provides a sufficient proportion of total planned common open space, facilities, and services so that it may be self-contained in the event of default or failure to complete the total development according to schedule; and The project will be developed in one phase, ensuring that the infrastructure, facilities, and services will be available to all future residents in the development in a timely manner.
- F. Any latitude or exception(s) to development regulations or policies is adequately offset or compensated for by providing functional facilities or

amenities not otherwise required or exceeding other required development standards.

The project requires a PD Rezone to provide flexibility in the site layout and allow for exceptions to certain development standards related to lot size, lot coverage, and setbacks. To offset these requested exceptions, the project proposes the following amenities:

- Rooftop solar panels on each home;
- A bedroom suite on the first floor to allow for aging in place and multigenerational lifestyles;
- Five of the single-family homes will have an attached Accessory Dwelling Unit
- Accent permeable pavers at the entry; and
- 2,790 square feet of common open space.

The rooftop solar panels result in a more environmentally sensitive development and the multigenerational-friendly floor plan and attached Accessory Dwelling Unit allows the homes to accommodate a more diverse population. The common open space, which will be maintained by a homeowner's association, provides the future residents a usable, outdoor space for recreation and public interaction.

SITE PLAN REVIEW FINDINGS

Pursuant to Section 10-1.3025 of the HMC, the City Council may conditionally approve a Site Plan Review application when all the following findings are met:

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

The proposed 12 single-family residences would be compatible with on-site and surrounding structures and uses and would be an attractive addition to the City in that it would be consistent with the developmental pattern of the existing neighborhood, which consists of both small and minimum size single-family residential lots. The homes would also be similar in scale to other homes nearby. In addition, the building facades are articulated to provide visual interest from all sides of the homes, especially the front elevations, which incorporate recesses and projections through windows treatments, front entry porches, and stone veneer. The design, materials, and color palette of the new homes are also compatible with the character of other homes in the neighborhood. The new homes will have composition shingle roofs and a stucco exterior with stone veneer accents, which provide additional architectural detailing. Overall, the homes are attractively designed and compatible with the existing neighborhood character.

B. The development takes into consideration physical and environmental constraints.

The project takes into consideration physical and environmental constraints in that the scale and character of the new homes are harmonious with the surrounding neighborhood, which consists of a mix of housing types including detached singlefamily homes. The new lots range between 2,971 to 6,747 square feet in size and the new homes will be two stories in height. The architectural design of the new homes is compatible with the design of the existing homes nearby and as such, the new development will blend into the existing neighborhood. In addition, the project is an in-fill development with minimal impact on the existing development. Furthermore, a private street will provide access to the new homes, which will allow for safe and efficient vehicular circulation.

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

As previously discussed, the project is consistent with the LDR land use designation in the *Hayward 2040 General Plan*. The LDR land use designation is intended for a mix of housing types including single-family residences and the proposed density is within the allowable density range. The project is also consistent with the goals and policies of the *Hayward 2040 General Plan*, which encourage a diverse housing inventory and in-fill development. Furthermore, with the PD Rezone, the project meets all the applicable regulations of the Zoning Ordinance, including the development standards of the new PD District and applicable standards of the RS District. Therefore, the project complies with the intent of City development policies and regulations.

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

The project will operate in a manner determined to be acceptable and compatible with surrounding development in that the project will comply with all applicable zoning regulations, building codes, and other regulations in the HMC. The proposed site improvements will also have to meet all City standards and details to the satisfaction of the Director of Public Works as shown on the final map and improvement plans. The project will also be subject to various conditions of approval intended to protect the surrounding neighborhood from any potentially harmful impacts. In addition, the project includes guest parking spaces and a private street, which will minimize potential parking and traffic impacts on Harvey Avenue after construction of the homes.

CALIFORNIA ENVIRONMENTAL QUALITY ACT

- A. Pursuant to California Environmental Quality Act (CEQA) Guidelines Section 15220, an Initial Study was prepared for this project with the finding that a Mitigated Negative Declaration was appropriate because all potential impacts could be mitigated to a level of less than significant with the implementation of mitigation measures.
- B. The proposed MND was prepared by Rincon Consultants on behalf of the City of Hayward, Lead Agency, and the MND was circulated to the State, all interested parties, and posted in the newspaper with a minimum 20-day public review period between July 19, 2019 and August 9, 2019. The City received one comment from the Department of Toxic Substances Control (DTSC) related to possible hazardous materials on-site. The City reviewed and responded to this comment by amending the text that was included in Section 4.9, Hazards and Hazardous Materials. This change does not result in a greater number of impacts or impacts of substantially greater

severity than those set forth in the revised IS/MND and therefore no additional mitigations are necessary,

- C. The proposed MND was independently reviewed, considered and analyzed by the Planning Commission and reflects the independent judgement of the Planning Commission; such independent judgement is based on substantial evidence in the record (even though there may be differences between or among the different sources of information and opinions offered in the documents, testimony, public comments and such responses that make up the proposed MND and the administrative record as a whole); the Planning Commission recommends the City Council adopt the proposed MND and its findings and conclusions as its source of environmental information; and the proposed MND is legally adequate and was completed in compliance with CEQA.
- D. The proposed MND identified all potential adverse impacts and based on the MND and the whole record before the Planning Commission, there is no substantial evidence that the Project, with mitigation measures incorporated, will have a significant effect on the environment.
- E. The project complies with CEQA, and the proposed MND was presented to the Planning Commission, which reviewed and considered the information contained therein prior to recommending approval of the Project. The custodian of the record of proceedings upon which this decision is based is the Development Services Department of the City of Hayward located at 777 B Street, Hayward, CA 94544.

CITY OF HAYWARD PLANNING DIVISION APPLICATION NO. 201706649 VESTING TENTATIVE TRACT MAP 8442, PD REZONE, SITE PLAN REVIEW AND MITIGATED NEGATIVE DECLRATION WITH MITIGATION MONITORING AND REPORTING PROGRAM CONDITIONS OF APPROVAL

<u>General</u>

- 1. The permittee 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 (VTTM) 8442, Preliminary Development Plan, and Site Plan Review application are approved subject to the vesting tentative tract map and project plans date stamped August 16, 2019, except as modified by the conditions listed below.
- 3. Approval of VTTM 8442 and the Preliminary Development Plan and Site Plan Review application shall expire 36 months after the effective date of approval subject to statutory and discretionary extensions as allowed by the HMC and Subdivision Map Act.
- 4. 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.
- 5. Applicant shall apply for all necessary building permits and/or all other related permits from the Building Division. All structures shall be constructed and installed in accordance with the California Building Code, Uniform Mechanical and Plumbing Code, National Electrical Code, and the California Fire Code as adopted by the City of Hayward.
- 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. 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.
- 8. Prior to final inspection, all pertinent conditions of approval and all other improvements shall be completed to the satisfaction of the Planning Director.
- 9. 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 pulled to construct the project.

- 10. Affordable housing in-lieu fees shall be paid either prior to issuance of a building permit or prior to approval of a final inspection or issuance of an occupancy permit. Regardless of the option chosen, no final inspection will be approved and no occupancy permit will be issued for any Dwelling Unit unless all required affordable housing impact fees have been paid in full.
- 11. Prior to the issuance of building permit for the accessory dwelling unit, the applicant shall file with Alameda County Recorder a deed restriction approved by the City stating compliance with provisions of Section 10-1.2740 Accessory Dwelling Units (ADU's) and the Hayward Municipal Code and such deed is binding upon any successor in ownership of the property, and lack of compliance shall be grounds for Code Enforcement action and removal of the accessory dwelling unit.
- 12. The applicant shall be responsible for adhering to the Mitigation Monitoring and Reporting Program (MMRP) for the adopted Mitigated Negative Declaration in compliance with the California Environmental Quality Act (CEQA) Guidelines. The applicant shall provide a copy of the adopted MMRP with the building permit submittal.
- 13. 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.
- 14. 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.
- 15. Mailboxes shall be installed in accordance with Post Office policy and include locking mechanisms to minimize opportunities for theft. Approved address numbers shall be at least four inches in height on a contrasting background. Font strokes shall be of sufficient width such that they are legible to the public from the street fronting the property.
- 16. Property addresses will be assigned by the Development Services Department prior to issuance of a building permit.
- 17. Lighting within the parking area(s) shall be provided and be maintained at a minimum of one foot-candle. Exterior lighting and parking lot lighting shall be provided in accordance with the Security Standards Ordinance (No. 90-26 C.S.) and be designed by a qualified lighting designer and erected and maintained so that light is confined to the property and will not cast direct light or glare upon adjacent

properties or public rights-of-way. Such lighting shall also be designed such that it is decorative and in keeping with the design of the development.

- 18. Plans submitted for building permit shall include a photometric site lighting plan that includes fixtures, mounting heights, light wattage and that demonstrates adequate site lighting without excessive glare, off-site impacts or "hot spots." All lighting shall be reviewed and approved by the City Engineer, Planning Division and Hayward Police Department prior to Building Permit issuance.
- 19. 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.
- 20. 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.

Mitigation Measures

21. **Mitigation Measure BIO-1: Nesting Bird Avoidance and Minimization Efforts** 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 by project activity to the nest (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 any 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 clearly marked 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.

22. Mitigation Measure BIO-2: Special-status Bat Species Avoidance and Minimization

Focused surveys to determine the presence/absence of roosting bats shall be conducted prior to the initiation of demolition of buildings and removal of mature trees large enough to contain crevices and hollows that could support bat roosting. If active maternity roosts are identified, a qualified biologist shall establish avoidance buffers applicable to the species, the roost location and exposure, and the proposed construction activity in the area. If active non-maternity day or night roosts are found on the project site, measures shall be implemented to passively relocate bats from the roosts prior to the onset of construction activities. Such measures may include removal of roosting site during the time of day the is unoccupied or the installation of one-way doors, allowing the bats to leave the roost but not re-enter.

23. Mitigation Measure BIO-3: Tree Preservation Measures

As outlined in the arborist report (HortScience Inc. 2017), Tree Preservation measures are required to protect trees that will be preserved in place and replacement trees that will be planted as required under measures BIO-2.

<u>Design Measures</u>

- a. Include trunk locations and tag numbers on all plans.
- b. Use only herbicides safe for use around trees and labeled for that use, even below pavement.
- c. Design irrigation systems so that no trenching will occur within the Tree Protection Zone.

Pre-construction and Demolition Measures

- a. Prepare a site work plan which identifies access and haul routes, construction trailer and storage areas, etc.
- b. 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 11, 86, and 87. No grading, excavation, construction or storage of materials shall occur within that zone.
- c. Install protection around all trees to be preserved. Use 6-foot chain link fence attached posts sunk into the ground. No entry is permitted into a Tree Protection Zone without permission of the Project Arborist.
- d. Trees to be removed shall be felled so as to fall away from Tree Protection Zone and avoid pulling and breaking of roots of trees to remain. If roots are entwined, the consultant may require first severing the major woody root mass before extracting the trees, or grinding the stump below ground.
- e. Trees to be retained may require pruning to provide clearance and/or correct defects in structure. All pruning is to be performed by an ISA Certified Arborist or Certified Tree Worker and shall adhere to the latest editions of the ANSI Z133 and A300 standards as well as the ISA Best Management Practices for Tree Pruning. The pruning contractor shall have the C25/D61 license specification.

f. 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.

Tree Protection During Construction

- a. Prior to beginning work, the contractors working in the vicinity of trees to be preserved are required to meet with the Project Arborist at the site to review all work procedures, access routes, storage areas and tree protection measures.
- b. Any grading, construction, demolition or other work that is expected to encounter tree roots should be monitored by the Project Arborist.
- c. If injury should occur to any tree during construction, it should be evaluated as soon as possible by the Project Arborist so that appropriate treatments can be applied.
- d. Fences will be erected to protect trees to be preserved. Fences are to remain until all site work has been completed. Fences may not be relocated or removed without permission of the Project Arborist.
- e. Any additional tree pruning needed for clearance during construction must be performed by a qualified arborist and not by construction personnel.
- f. Trees shall be irrigated, except oaks, on a schedule to be determined by the Project Arborist. Each irrigation session shall wet the soil within the Tree Protection Zone to a depth of 30 inch.

24. Mitigation Measure BIO-4: Tree Replacement and Maintenance

Replacement trees shall be planted with sufficient space to accommodate the mature size of the species and maintained sufficiently to ensure establishment. Preserved trees shall also be maintained to ensure the continued long-term health of the tree. Trees on-site will require monitoring and routine maintenance by a landscape specialist such as occasional pruning, fertilization, mulch, pest management, replanting, and irrigation.

25. Mitigation Measure CR-1: Unanticipated Discovery of Cultural Resources

If cultural resources are encountered during ground disturbing activities, work in the immediate area shall be halted and an archaeologist meeting the Secretary of the Interior's Professional Qualification Standards for archaeology (NPS 1983) shall be contacted immediately to evaluate the find. If necessary, the evaluation may require preparation of a treatment plan and testing for the California Register of Historical Resources (CRHR) eligibility. If the discovery proves to be significant under CEQA and cannot be avoided by the project, additional work, such as data recovery excavation, may be required to mitigate potentially significant impacts to historical resources.

26. Mitigation Measure GEO-1: Geotechnical Considerations

The project applicant shall implement all measures and recommendations set forth in the Preliminary Geotechnical Exploration prepared by Silicon Valley Soil Engineering in October 2017 (Appendix D). Recommendations include but are not limited to the following topic areas:

- Grading (demolition and stripping, existing fill removal, selection of materials, differential fill thickness, fill placement)
- Excavation
- Foundation design criteria (including concrete slab-on-grade or mat slab options)
- Building code seismic design
- Retaining walls
- Drainage
- On-site utility trenching
- Pavement design

27. Mitigation Measure N-1 Construction-Related Noise Reduction Measures

The applicant shall implement the following measures during construction of the project:

- Construction Hours. Construction activity shall not occur between 7:00 p.m. and 7:00 a.m. Monday through Saturday and 6:00 p.m. through 10:00 a.m. on Sundays and holidays.
- Mufflers. Construction equipment shall be properly maintained and all internal combustion engine driven machinery with intake and exhaust mufflers and engines shrouds, as applicable, shall be in good condition and appropriate for the equipment. During construction, all equipment, fixed or mobile, shall be operated with closed engine doors and shall be equipped with properly operating and maintained mufflers, consistent with manufacturer's standards.
- Electrical Power. Electrical power, rather than diesel equipment, shall be used to run compressors and similar power tools and to power any temporary structures, such as construction trailers or caretaker facilities.
- Equipment Staging. All stationary equipment shall be staged as far away from the adjacent multi-family residential development as feasible.
- Equipment idling. Construction vehicles and equipment shall not be left idling for longer than five minutes when not in use.
- Workers' Radios. All noise from workers' radios shall be controlled to a point that they are not audible at sensitive receptors near construction activity.
- Smart Back-up Alarms. Mobile construction equipment shall have smart back-up alarms that automatically adjust the sound level of the alarm in response to ambient noise levels. Alternately, back-up alarms shall be disabled and replaced with human spotters to ensure safety when mobile construction equipment is moving in the reverse direction.
- Disturbance Coordinator. The applicant shall designate a disturbance coordinator who shall be responsible for responding to any local complaints

about construction noise. The noise disturbance coordinator shall determine the cause of the noise complaint (e.g., starting too early, bad muffler, etc.) and shall require that reasonable measures warranted to correct the problem be implemented. A telephone number for the disturbance coordinator shall be conspicuously posted at the construction site.

28. Mitigation Measure TCR-1: Unanticipated Discovery of Tribal Cultural Resources

In the event that cultural resources of Native American origin are identified during construction, all earth-disturbing work in 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.

Precise Plan Submittal

- 29. In accordance with Section 10-1.2550 of the Hayward Municipal Code (HMC) and prior to submitting a building permit application, a Precise Development Plan shall be submitted for review and approval.
- 30. The Precise Development Plan shall be in substantial conformance with the approved Preliminary Development Plan and incorporate conditions herein, and shall be submitted in advance of or in conjunction with the subdivision improvement plans and Final Map.
- 31. The project approval includes the following project amenities to support the finding required to be made that "any latitude or exception(s) to development regulations or policies is adequately offset or compensated for by providing functional facilities or amenities not otherwise required or exceeding other required development standards".
 - A. Photovoltaic systems shall be installed on the rooftops of all units.
 - B. The Plan 3 units shall provide a bedroom suite on the first floor.
 - C. The project shall provide a 2,970-square-foot group open space area with landscaping and an outdoor seating area.
 - D. Five of the units shall have an attached Accessory Dwelling Unit.
- 32. The Precise Development Plan shall include the following information and/or details:
 - A. A copy of these conditions of approval shall be included on a full-sized sheet(s).
 - B. Proposed location for construction staging, designated areas for construction employee parking (on- and off-site), construction office, sales office (if any), hours of construction, provisions for vanpooling construction workers or having them use transit to access the site, provisions for noise and dust control,

and common area landscaping.

- C. Details of address numbers shall be provided. Address numbers shall be decorative and comply with the size requirements of the Fire Department.
- D. Proposed locations, heights, materials and colors of all walls and fences.
- E. A minimum of one exterior hose bib shall be provided for each residential unit.
- F. Proposed pavement materials for all drive aisles, parking areas, and pedestrian paths. All surfaces should be enhanced with decorative pavement materials such as colored, stamped concrete (bomanite or equal), brick, concrete interlocking pavers or other approved materials.
- G. Proposed mailbox design and locations, subject to Post Office approval. All mailboxes shall be locking mailboxes.
- H. A final lighting plan prepared by a qualified illumination engineer shall be included to show exterior lighting design. The final lighting plan shall incorporate pedestrian scale lighting along the sidewalk within and adjacent to the development (Harvey Avenue). All lighting shall be erected and maintained so that adequate lighting is provided along the private street. The Planning Director shall approve the design and location of lighting fixtures, which shall reflect the architectural style of the building(s). Exterior lighting shall be shielded and deflected away from neighboring properties and from windows of houses within the project.
- I. All air conditioners and utility connections for air conditioners shall be located behind solid board fences or walls and shall not exceed the height of the fence or wall, unless otherwise approved. Infrastructure for air conditioning systems is required to be installed as a standard feature.
- J. Proposed color and materials board for all buildings, fences and walls. No changes to colors shall be made after construction unless approved by the Planning Director.
- K. All above-ground utility meters, mechanical equipment and water meters shall be enclosed within the buildings or shall be screened with shrubs and/or an architectural screen.
- L. No mechanical equipment, other than solar panels, shall be placed on the roof unless it is completely screened from view by the proposed roof structure. All roof vents shall be shown on roof plans and elevations. Vent piping shall not extend higher than required by building code. Roof apparatus, such as vents, shall be painted to match the roof color.
- M. Large expanses of blank wall shall not be allowed. Articulate or otherwise treat such expanses to avoid bulkiness.
- N. An area within each garage for individual garbage and recycling receptacles shall be provided and shall be clear of the required area for two cars. As an alternative, an area within the fenced side yard may be used for the garbage and recycling containers but shall be shown.
- 0. All parking stall dimensions shall conform to the City's Off-street Parking Ordinance. All two car garages shall have minimum interior dimensions of 20foot width by 19-foot depth. The dimensions shall be shown on plans. No doors, stairs, landings, laundry facilities, trash/recycle containers or HVAC shall project within the required interior parking areas.

- 33. 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.
- 34. Details of all project amenities shall be submitted for review and approval by the Planning Director during the Precise Plan phase of the project.
- 35. The project shall comply with the provisions of the 2016 California Energy Code section 110.10.

Engineering

- 36. **Subdivision Improvement Agreement**: Prior to the issuance of building permits, the public improvements conditioned as part of this approval require the execution of a Subdivision Improvement Agreement that guarantees the completion of the public improvements to the satisfaction of the Director of Public Works. This agreement includes surety (i.e. bonds), insurance, and additional deposit for City staff time and City resources to be expended on the project.
- 37. **Public Utility Easements:** Applicant shall continue during the review of the final map, utility, and improvement plans to minimize the Public Utility Easement shown on the Tentative Map. Utility Boxes along the southside of the project shall be located within the private sidewalk. Prior to the issuance of building permits, Plans shall be revised to provide acceptable clearances from proposed Public Utility Easement(s). Suggest adjusting the PUE or to be removed where not needed. The proposed water and sewer service laterals shall be relocated closer to driveways to provide clearances required from the proposed trees. Coordinate with Landscape Architect Review comments.
- 38. **Required Improvements**: Privately engineered studies and design documents shall be submitted to the Director of Public Works for review and approval prior to final map approval by City Council.
- 39. **Grading & Drainage:** A grading and drainage plan is required and shall be submitted with the Final Map and Improvement Plans for review and approval by the Director of Public Works prior to the issuance of building permits. Developer has the option to apply for a rough grading permit. The grading and drainage plan shall include, but not be limited to, the following design & submittal requirements:
 - a. All on-site storm drainage conveyance facilities and earth retaining structures 4' foot in height or less (top of wall to bottom of footing) shall be reviewed and approved by Public Works. Earth retaining structures greater than 4-feet in height shall be reviewed and approved by the Building Division of the Development Services Department. The plans should include all proposed underground pipes, building drains, area drains and inlets. The on-site storm drainage system (if applicable) shall be designed to convey a 10-year storm event.
 - b. Because this project involves a land disturbance of one or more acres, the applicant is required to submit a Notice of Intent to the State Water Resources Control Board and to prepare a Storm Water Pollution Prevention Plan (SWPPP) for controlling storm water discharges associated with construction activity. Copies of these documents must be submitted to the Director of Public Works prior to issuance of a grading permit.

- c. A soils report must be submitted to and accepted by the City prior to the issuance of a grading permit.
- d. The project's Stormwater Control Plan shall be submitted which will 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.
- e. Prior to subdivision map approval, the property owner 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.
- 40. **Construction Damages:** The Developer shall be responsible to remove and replace curb, gutter, and sidewalk damaged during construction of the proposed project prior to issuance of the Final Construction Report by the City Engineer.

Site Improvements

- 41. All lots shall be served with underground public utility services for electricity, gas, tele-communication, sewer collection; water supply and drainage collection.
- 42. Harvey Avenue, across the property frontage, shall be improved with:
 - a. New city standard concrete curb, gutter and sidewalk.
 - b. Accessibility compliant driveway for the proposed private street.
 - c. A minimum 2-inch thick hot-mix asphalt-concrete overlay on street pavement to mitigate the project construction impacts. The new pavement shall have thermoplastic striping and markings.
 - d. City standard LED street light(s).
 - e. Underground placement of existing above-ground public utility facilities. This includes electrical, telecommunication and cable TV lines, transformers and signal booster equipment.
- 43. Developer shall offer to the City, for its maintenance, the new curb, gutter, sidewalk along Harvey Avenue and on-site sewer collection mains, water mains and meter boxes, water service laterals from water main and meter box and fire hydrant assemblies. Such improvements shall comply with the City standards.
- 44. The private street (Drive Aisle A) shall have:
 - a. configuration substantially as shown on the City approved tentative Map for Tract 8442,
 - b. pavement Traffic Index not less than 5.5,
 - c. concrete sidewalk not less than 5-ft. wide. This sidewalk shall be accessibility compliant with ramps to accessibility compliant parking space in private street and to public sidewalk in Harvey Avenue.
 - d. turn-around as per the City of Hayward Standard Details SD-103 Sheet 1 of 2. Alternately and with approval of the City's Fire Department, the turn-around may be as per the City of Hayward Standard Details SD-103 Sheet 2 of 2.
 - e. non-exclusive easements for the City's water and sewer systems, public utilities and emergency vehicle access.

Grading and Land Disturbance

- 45. Effective measures for adjacent property protection, storm water pollution prevention and dust control must be in-place before construction starts. Such measures must be maintained during and after construction until ground cover is established.
- 46. Each lot shall drain towards the private street. Drainage shall not be allowed across back and side property lines of the proposed lots or over the street sidewalk.
- 47. Cut, fill or land disturbance on one acre or larger area shall require A *Notice of Intent* (NOI) and *Storm Water Pollution Prevention Plan* (SWPPP). The SWPPP must be submitted to the City and the State for review/approval.
- 48. The SWPPP and its required improvements shall be completed as per the plans prepared by a Qualified SWPPP Developer (QSD) and approved by a Qualified SWPPP Practitioner (QSP) in compliance with the Regional Water Quality Control Board regulations.

Storm Drain System

- 49. The project shall not block runoff from or augment to adjacent properties. Stormwater discharge rate shall not exceed the pre-development rate.
- 50. The drainage improvements shall be designed as per the latest edition of the Alameda County Flood Control and Water Conservation District's Hydrology and Hydraulics Criteria. The drainage plan with supporting calculations shall be approved by the City Engineer.
- 51. New storm drain inlets must be labeled "No Dumping Drains to Bay" using the City approved specifications.
- 52. On-site collector storm drains shall be not less than 12-inch in diameter to minimize potential for blockages.
- 53. The on-site storm drains and storm water treatment systems shall be owned and maintained by the property owners' association.

Storm Water Pollution Prevention

- 54. The site improvements shall include storm water pollution prevention measures required by the Municipal Regional Permit (MRP), including the Best Management Practices (BMP's). BMP's shall be maintained until disturbed ground is protected with ground cover.
- 55. Stormwater shall be treated for trash, oil and other pollutant removal before it is discharged to public drainage system. Stormwater treatment measures included in the project may include trash capture devices in drain inlets, bio-treatment/detention basins, Hydromodification Management (HM), infiltration etc. Stormwater treatment measures shall be designed as per the Alameda County Clean Water Program (ACCWP) C.3 Technical Guidance Manual, available at: <u>https://www.cleanwaterprogram.org/c3-guidance-table.html</u>
- 56. Stormwater treatment facilities included in the project design shall be maintained and kept operational. The City's standard "Stormwater Treatment Measures Maintenance Agreement" shall be executed by the property owner and filed with the Alameda County Recorder.

<u>Final Map</u>

- 57. Subdivider shall provide for the City's review and approval the Final Map prepared substantially in compliance with the Conditionally Approved and unexpired Tentative map, Hayward Municipal Code and the State Subdivision Map Act.
- 58. Final Map shall show exterior boundaries and dimensions of each proposed lot, street rights-of-way, public utilities easements to be dedicated or vacated and other details required by the State Subdivision Map Act and Hayward Municipal Code Section 10-3.
- 59. Provide all map calculations, copies of grant deeds, property ownership records, title report(s) and geo-technical study report(s).
- 60. Homeowners Association documents, defining ownership, responsibilities and financial arrangements for needed repairs, maintenance, construction and reconstruction of common use areas and improvements shall be submitted for the City's review and approval concurrently with the Final Map submittal.
- 61. The common use area improvements shall include but are not limited to streets, parking areas, accessibility compliant walkways; lighting and landscape improvements; sanitary sewer mains; water distribution mains and their laterals up to and including water meters; fire hydrants; storm drains and storm water pollution prevention measures etc.
- 62. Before requesting the City Council approval of the Final Map, all improvements required by the condition of the Tentative Map approval shall be complete or the subdivider must execute an improvement agreement with the City and post improvement securities in the amounts and forms approved by the City Engineer.
- 63. Final Map shall be filed in the County's public records immediately after the City's approval.

<u>Plans and Permits</u>

Plans, studies and design documents for the project related ground disturbing, grading, drainage, water and sewer service connections, and activities in the street right-of-way, shall be approved by the City Engineer before starting any construction. Such plans shall be prepared by the State licensed and qualified professionals and shall comply with the 2017 City Standard Details, available online: https://www.hayward-

ca.gov/sites/default/files/documents/ET_STANDARD%20DETAILS_V042117.pdf

- 64. City shall receive photo-mylar copies (photographic reproduction on a polyester based film of not less than 4 mm thickness) of its approved improvement and grading plans along with digital files of the same in AutoCAD and .pdf format.
- 65. A grading permit shall be secured before starting cuts and fills exceeding five feet in height or 300 cubic yards or land disturbance exceeding limits stated in Section 10-8.10 of the Hayward Municipal Code, available on-line at: <u>https://www.hayward-ca.gov/your-government/codes-regulations</u>
- 66. An encroachment permit shall be secured before starting any construction or traffic disrupting activity within the City street right-of-way.
- 67. Permits required from affected regional, regulatory and utility agencies shall be secured before starting construction. Any work beyond property or connection to any facility not

owned by the property owner shall require prior written permit and shall be per plans approved by the permitting entity.

- 68. Air pollution mitigation plan, approved by the Bay Area Air Quality Management District (BAAQMD), shall be secured before the start of any construction, grading or material hauling to or from the project site. Requirements of the approved plan shall be implemented throughout the duration of construction or grading activity. The dust mitigation plan must specify practices which would ensure that no equipment or operation emits dust and air pollutants exceeding the permitted limits.
- 69. Public infrastructure improvements intended for the City's maintenance shall be constructed within existing public street rights-of-way or new easements acceptable to the City shall be offered for the City's acceptance on the Final Map.

Transportation

- 70. Applicant shall submit a Photometric Plan to Public Works for review and approval as part of Improvement Plans
- 71. Applicant shall install one standard streetlight on project frontage along Harvey Avenue. Streetlight plan and location shall be included in Improvement Plans.
- 72. Applicant shall install one "STOP" sign (CA MUTCD R1-1) on private roadway where the private roadway intersects with Harvey Avenue. "STOP" sign location shall be indicated on Improvement Plans.

Landscape

- 73. Landscape and irrigation plans and details for the Precise Plan submittal shall be in full compliant with the City's Bay-Friendly Water Efficient Landscape Ordinance and other relevant ordinances and regulations.
- 74. Utility easements and individual water meter and sewer cleanouts in the front yard shall be modified to accommodate the required tree planting per the City's Engineering comments. Individual water meter and sewer cleanouts locations shall be coordinated to avoid conflict with providing the required trees.
 - a. One 24"-box tree is required to be planted at every 20 to 40 feet on center, depending upon tree species, within the front yard setback areas.
 - b. Base information shall include individual water meter and sewer cleanouts locations in addition to all proposed above and underground utilities.
- 75. Minimum one fifty (50) gallon covered rain catchment device per residence shall be shown on the plan as required by the Bay-Friendly Water Efficient Landscape Ordinance, Section 10-12.15. The location and specification for the catchment device shall also be provided on the plan. The device shall be located where it would be easily accessible.
- 76. All trees shall be planted a minimum of five feet away from any underground utilities, a minimum of fifteen feet from a light pole, and a minimum thirty feet from the face of a traffic signal, or as otherwise specified by the City. Trees shall be planted according to the City Standard Detail SD-122 which shall be included on the landscape plans.
- 77. Root barriers shall be installed linearly against the paving edge in all instances where a tree is planted within seven of pavement or buildings, and as directed by the landscape architect. The length of root barrier shall be as recommended by the manufacturer.
- 78. Plant spacing shown on the plant palette shall not be closer the minimum spread provided in the reference books in the landscape ordinance.

- 79. Bio-treatment area shall be irrigated with matched precipitation rotator type, or as efficient overhead spray irrigation system when the area is wider than ten feet on a separate valve.
- 80. Minimum twelve inches wide band of large size Noiya Cobblestone shall be provided around overflow catch basin or bubble up basin.
- 81. Three inches deep organic recycled chipped wood mulch in dark brown color shall be installed in bio-treatment areas.
- 82. Backflow prevention device shall conform to the City Standard Detail SD-202 which shall be included on the landscape plans.

Fire Department

- 83. Parking of vehicles is allowed one-side parking on 30-foot-wide road. No parking is allowed on 24-foot-wide road. Where there is no on-street parking, fire lane signage shall be installed in locations required by the Hayward Fire Department. "No Parking" sign shall meet the City of Hayward Fire Department fire lane requirements.
- 84. All public streets, private streets and private courts shall be designed and engineered to withstand 75,000 lbs. gross vehicle weight of fire apparatus. Such standard is also applicable to pavers or decorative concrete.
- 85. Spacing and locations of fire hydrants shall be subject to review and approval by the Hayward Fire Department. The type of fire hydrant shall be Modified Steamer Hydrant (Clow Valve Co. Model LB 614 with one 2-1/2" outlet and one 4-1/2" outlet) in single-family residential area, capable of flowing 1,500 gallons per minute. The design and layout of the hydrants shall be reviewed and approved by the Fire Department.
- 86. Blue reflective pavement markers shall be installed at fire hydrant locations. If fire hydrants are located so as to be subjected to vehicle impacts as determined by the Hayward Fire Department, crash posts shall be installed around the fire hydrant(s).
- 87. Submit for proper building permits for the construction of the building to the Building Department.
- 88. Buildings are required to install fire sprinkler systems in accordance with NFPA 13D. (Deferred submittal by a licensed C-16 Contractor Required)
- 89. Maximum 80 PSI water pressure should be used when water data indicates a higher static pressure. Residual pressure should be adjusted accordingly.
- 90. Underground fire service line serving NFPA 13D sprinkler system shall be installed in accordance with NFPA 24 and the Hayward Public Work Department SD-216. Water meter shall be minimum one-inch in diameter.
- 91. An audible alarm bell (device) shall be installed to sound on the exterior of each individual building. The device shall activate upon any fire sprinkler system waterflow activity.
- 92. An interior audible alarm device shall be installed within the dwelling in a location to be heard throughout the home. The device shall activate upon any fire sprinkler system waterflow activity.
- 93. All bedrooms and hallway areas shall be equipped with smoke detectors, hard-wired with battery backup. Installation shall conform to the California Building Code (CBC).

- 94. When a flow switch is not installed on the riser of a flow thru sprinkler system, smoke alarms shall be interconnected to sound an audible alarm in all sleeping areas within the dwelling unit.
- 95. CO detectors should be placed near the sleeping area on a wall about 5 feet above the floor. The detector may be placed on the ceiling. Each floor needs a separate detector.
- 96. An approved type spark arrestor shall be installed on any chimney cap.
- 97. A minimum 4" self-illuminated address shall be installed on the front of the dwelling in a location to be visible from the street. Otherwise, a minimum 6" address shall be installed on a contrasting background and shall be in a location approved by the Fire Department.

Hazardous Materials

Conditions Prior to Grading Activities and During Construction:

- 98. Prior to issuance of Building or Grading Permits a final clearance shall be obtained from either the California Regional Water Quality Control Board or Department of Toxic Substance Control and submitted to the Hayward Fire Department to ensure that the property meets residential development investigation and cleanup standards. Allowance may be granted for some grading activities if necessary to ensure environmental clearances.
- 99. 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 appropriate professional(s) to ensure hazards posed to development construction workers, the environment, future residents and other persons are mitigated.
- 100. All wells, septic tank systems and others subsurface structures shall be removed properly in order not to pose a threat to the development construction workers, future residents or the environment. These structures shall be documented and removed under permit when required.
- 101. The Hayward Fire Department's Hazardous Materials Office shall be notified immediately at (510) 583-4910 if hazardous materials or associated structures are discovered during demolition or during grading. These shall include, but not be limited to: actual/suspected hazardous materials, underground tanks, or other vessels that may have contained hazardous materials.
- 102. During construction, hazardous materials used and hazardous waste generated shall be properly managed and disposed.
- 103. If hazardous materials storage and/or use are to be a part of the facility's permanent operations then a Chemical Inventory Packet shall be prepared and submittal with building plans to the City of Hayward Fire Department at the time of application for construction permits.

<u>Solid Waste</u>

104. Construction & Demolition Debris: The City requires that construction and demolition debris be recycled per certain ordinance requirements. Submittal of the Debris Recycling Statement will be required at the time of your building permit. The form can also be found at http://www.hayward-ca.gov/services/city-

services/construction-and-demolitiondebris-disposal. You may also visit Hayward's Green Halo webpage and create a waste management plan instead of filling in the Debris Recycling Statement.

105. For units designed to store the trash, recycling, and organics carts on the back side of the property, please ensure residents can roll carts to the street either through the garage without having to move vehicles, or by way of the side yard.

<u>Utilities</u>

- 106. On all utility plans:
 - a. The size and location of the domestic water meters, service line, and backflow device for each dwelling unit shall be shown on the plans.
 - b. The slope of sanitary sewer mains shall meet the standard minimum slope of 0.0050 ft/ft.
 - c. Long water service piping after the water meter is not acceptable. The water service piping shall be run in a straight line perpendicular (90 degrees) to the curb from the water main for units 8 & 9.

<u>Water</u>

- 107. The development's water mains shall be public, owned and maintained by the City. If the water mains are located in a private roadway, either the entire roadway shall be a public utility easement or a minimum 10' wide easement shall be granted to the City.
- 108. Where a public water main is in an unpaved easement or under decorative, stamped, or colored concrete (including turf-blocks), the water main shall be constructed of ductile iron. Shut-off valves are required where a water main transitions from a paved area to an unpaved easement
- 109. All public water mains shall be constructed in accordance with the City's "Specifications for the Construction of Water Mains (12" Diameter or Less) and Fire Hydrants," latest revision at the time of permit approval.
- 110. All water services from existing water mains shall be installed by City Water Distribution Personnel at the applicant's/developer's expense. This includes relocating existing services and water main tie-ins. The developer may only construct new services in conjunction with their construction of new water mains.
- 111. Existing water services, if any, that cannot be reused for the proposed development shall be abandoned by City Water Distribution Personnel at the applicant's/-developer's expense.
- 112. Each dwelling unit shall have an individual domestic water meter. Facilities fees for residential connections are based on the domestic demand for the home. A larger water meter may be installed if the service is combined with a private fire service. The developer is required to pay water facilities fees and installation charges for connections to water mains and work performed by City forces.
- 113. Each structure shall have its own fire service, sized per the requirements of the Fire Department. Fire services shall have an above ground Double Check Valve Assembly, per City Standards SD-201 and SD-204.
- 114. Residential combined domestic and fire services are allowed, per City Standard SD-216. The minimum size for a residential fire service connection is 1".

- 115. Separate irrigation water meter(s) shall be installed for landscaping purposes. The size will be based on the gallon per minute demand of the irrigation system.
- 116. The applicant/developer shall install a Reduced Pressure Backflow Prevention Assembly on each irrigation water meter, per City Standard SD-202. Backflow preventions assemblies shall be at least the size of the water meter or the water supply line on the property side of the meter, whichever is larger.
- 117. All water meters shall be radio-read type.
- 118. Water meters shall be located a minimum of two feet from top of driveway flare as per City Standard Details SD-213 thru SD-218. Water meters in developments must be located along a thru street (road, court, etc.) to facilitate meter reading. Water meters located on narrow dead-end roadways will not be allowed.
- 119. Only Water Distribution Personnel shall perform operation of valves on the Hayward Water System.
- 120. Water service available and subject to standard conditions and fees in effect at time of application and payment.
- 121. Water mains and services, including the meters, must be located at least 10 feet horizontally from and one-foot vertically above any parallel pipeline conveying untreated sewage (including sanitary sewer laterals), and at least four feet from and one foot vertically above any parallel pipeline conveying storm drainage, per the current California Waterworks Standards, Title 22, Chapter 16, Section 64572. The minimum horizontal separation distances can be reduced by using higher grade piping materials, with the City's approval.

<u>Sewer</u>

- 122. The development's sanitary sewer mains and manholes shall be public, owned and maintained by the City. If the sewer mains are located in a private roadway, either the entire roadway shall be a public utility easement or a minimum 10' wide easement shall be granted to the City.
- 123. All sewer mains and appurtenances shall be constructed in accordance to the City's "Specifications for the Construction of Sewer Mains and Appurtenances (12" Diameter or Less)," latest revision at the time of permit approval (available on the City's website at http://user.govoutreach.com/hayward/faq.php?cid=11188). Sewer cleanouts shall be installed on each sewer lateral at the connection with the building drain, at any change in alignment, and at uniform intervals not to exceed 100 feet. Manholes shall be installed in the sewer main at any change in direction or grade, at intervals not to exceed 400 feet, and at the upstream end of the pipeline.
- 124. Each single-family residential dwelling unit shall have an individual sanitary sewer lateral. The sanitary sewer laterals shall have cleanouts and be constructed per City Standard Detail SD-312.
- 125. The developer is responsible for payment of sewer connection fees at the current rates at the time and application for water and sewer service is submitted. Sewer connection fees for residential connections are charged on a flat fee per number of residential units.



28571 and 28591 Harvey Avenue Residential Project

Final Initial Study – Mitigated Negative Declaration

prepared by

City of Hayward 777 B Street Hayward, California 94541 Contact: Carl Emura, Associate Planner

prepared with the assistance of

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

August 2019



Attachment IV

28571 and 28591 Harvey Avenue Residential Project

Final Initial Study - Mitigated Negative Declaration

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August 2019




Attachment IV

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Initial Study

Initial Study

This document is the Final Initial Study – Mitigated Negative Declaration (IS-MND) for 28571 and 28591 Harvey Avenue Residential Project. The Draft IS-MND circulated for a 20-day public review period that began on July 19 and ended on August 9, 2019. Responses to comments on the Draft IS-MND are provided in the Responses to Comments on the Draft IS-MND document. In one instance, the text of the Final IS-MND has been modified in response to comments received. Added text is shown in underline. The change did identify new significant impacts or significant impacts of increased severity compared to the impacts identified in the Draft IS-MND. Because the change to the IS-MND is not considered substantial in accordance with 15073.5(b) and the information added merely clarifies and amplifies the information previously provided in the analysis, recirculation of the MND is not required. The Final IS-MND is not complete until it has been adopted by the City of Hayward City Council; consequently, additional revisions or changes may be made to this document prior to that time.

1. Project Title

28571 and 28591 Harvey Avenue Residential Project

2. Lead Agency Name and Address

City of Hayward Planning Division 777 B Street Hayward, California 94541

3. Contact Person and Phone Number

Carl Emura, Associate Planner, (510) 583-4209

4. Project Location

The project site encompasses approximately 1.83 acres and consists of two assessor's parcels at 28571 and 28591 Harvey Avenue in the City of Hayward (APNs 464-0060-005-02 and 464-0060-006). Figure 1 shows the location of the project site in the regional context. Figure 2 shows an aerial view of the project site and immediate surroundings.

5. Project Sponsor's Name and Address

Nuvera Homes 7041 Koll Center Parkway, Suite 170 Pleasanton, California 94566

Figure 1 Regional Location



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Attachment IV

Initial Study

Figure 2 Project Site Location



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City of Hayward 28571 and 28591 Harvey Avenue Residential Project

6. General Plan Designation

LDR (Low Density Residential)

7. Zoning

RS (Single-Family Residential)

8. Description of Project

The proposed project would involve a subdivision of the approximately 1.83-acre site into 12 lots to develop 12 single-family residential units and a private street and court that would have access from Harvey Avenue. Five of the detached single-family units would include attached Accessory Dwelling Units (ADU). The proposed project would include both private open space (i.e. rear yard areas) for each residence and an approximately 2,900 square-foot shared open space area. The proposed project would involve a Tentative Tract Map and a zone change for both parcels from RS (Single-Family Residential) to PD (Planned Development) to allow for smaller minimum lot sizes than the current RS zoning allows.

Table 1 on the following page summarizes the characteristics of the proposed project. Figure 3 shows the proposed site plan.

Access and Parking

Vehicular access to the project site would be provided from Harvey Avenue to the internal private circulation network (i.e. a private street shown as Drive Aisle A in Figure 3). Each residence would be accessed via a driveway from the new private street and court and would include an attached two-car garage. All of the units would have driveways that could accommodate two additional parked vehicles. Additionally, six spaces of street parking on the proposed new private street would also be available for residents and guests, as well as five additional on-lot accessory parking spaces to serve the ADUs and guests. The internal end of the proposed private street would include a "hammerhead" turn-around area for emergency vehicles.

The proposed project would also involve replacing the sidewalk on the project frontage along Harvey Avenue. The proposed internal private street would include a five-foot-wide sidewalk and private access easement along its north side.

Open Space and Landscaping

The proposed project would include private open space for each residential unit as well as shared open space areas. The amount of private open space for each unit would range between 515 square feet and 2,063 square feet depending on lot area. Shared open space (2,790 square feet) would be provided in the northern portion of the project site at the end of the proposed private street between lots five and six.

Twenty-four trees, including 10 off-site trees with canopies that extend onto the project site, were evaluated as a part of the preliminary arborist report for the proposed project (HortScience, Inc. 2018, Appendix A). According to the arborist report and site plans for the proposed project, all onsite trees (14 in total) would be removed.

Attachment IV

Initial Study

Table 1 Project Summary

Project Size		
Gross area (acres)	1.83 acres	
Net area (acres) ¹	1.38 acres	
Residential Units		
Four-bedroom	7 units	
Five-bedroom with ADU	5 units	
Total	12 units	
Overall Density (excluding ADU) ²	8.7 du/ac	
Lot Sizes		
Lot 1	4,366 sf	
Lot 2	2,971 sf	
Lot 3	4,549 sf	
Lot 4	3,094 sf	
Lot 5	3,141 sf	
Lot 6	5,040 sf	
Lot 7	5,802 sf	
Lot 8	6,747 sf	
Lot 9	3,628 sf	
Lot 10	4,937 sf	
Lot 11	4,963 sf	
Lot 12	3,391 sf	
Parking		
Garage	24 spaces	
Private driveway	28 spaces	
On-street/Guest	6 spaces	
On Lot ADU parking	5 spaces	
Total	63 units	
Open Space		
Private	12,601 sf	
Shared	2,792 sf	
Total	15,393 sf	

Notes: sf = square feet, du/ac = dwelling units per acre

¹Net area = Gross area – private street, sidewalk and dedication

² Accessory dwelling units are excluded from land use density calculations. The density for this project is 12 units divided by 1.38 net acres or 8.7 units per acre. Per the Hayward 2040 General Plan, the maximum allowed density for the LDR land use designation is 8.7 du/ac (City of Hayward 2014).

City of Hayward 28571 and 28591 Harvey Avenue Residential Project



Figure 3 Proposed Site Plan

Source: Carlson, Barbee & Gibson, Inc., 2018



The proposed project would involve planting 31 new trees of varying species including valley oak (*Quercus lobata*), 'October Glory' red maple (*Acer rubrum*) and crape myrtle (*Lagerstroemia x 'Tuscarora'*), throughout the project site. The landscaping and irrigation systems would comply with the City's current Water-Efficient Landscape Ordinance and Bay-Friendly Water Efficient Landscape Ordinance. Low-flow spray, bubbler, or drip irrigation methods would be used. Additionally, rainwater catchment barrels would be installed for each new single-family unit to collect and store rainwater for land and garden watering.

Building Architecture and Design

The proposed single-family detached residential buildings would be similar to each other in height, style, scale, and mass. The residences would each be two stories in height and would range between 2,225 and 3,396 square feet in size (including the square footage of the ADUs on four of the lots). Four different floor plans and architectural styles would be proposed. The architectural style of the residences would consist of two different layouts with a Cottage theme and two layouts in a thematic French style. Architectural details for the Cottage style residences would include flat concrete tiled roofing, stucco finish, cementitious board and batt siding, decorative shutters, and enhanced sills. Generally, the French style residences would include the same architectural details as the Cottage style, although they would include stone veneer as opposed to the cementitious board and batt siding. The proposed project would not include street lights, although the proposed residences would have external lighting to illuminate yards and driveways.

Utilities

Utility services to the project site, including water, sanitary sewer, storm drain, fire protection, and police protection would be provided by the City of Hayward. Solid waste collection and recycling would be provided by Waste Management of Alameda County. Pacific Gas and Electric (PG&E) would provide gas and electric services to the project site.

To reduce stormwater flows from the project site, the entrance to the new private street off Harvey Avenue and an area in the proposed open space onsite would be paved with permeable pavers. Additionally, three stormwater bioretention areas ranging from 500 to 650 square feet in size would be placed throughout the site to capture and treat runoff. The largest bioretention area would be located on the far western side between lots six and seven and the two smaller areas would be located at the eastern project site frontage along Harvey Avenue.

Green Building Features

The proposed project would include rooftop solar photovoltaic (PV) panels on all units.

Construction and Grading

The proposed project would require the demolition of all existing structures on site, including the two existing residences. Construction and preparation of the lots would occur over approximately six months and is estimated to begin in March of 2020. Each of the 12 residences would be built upon purchase and after the prospective owner decides on the architectural style of the unit. It is anticipated that residences would be completed within 12 months, and that the proposed project would be fully operational in the fall of 2021.

9. Surrounding Land Uses and Setting

The project site is located in the Tennyson – Alquire neighborhood, which is characterized by singlefamily and multi-family residential buildings and commercial buildings that are one- to two stories in height with a mix of architectural styles. The suburban location consists largely of residential development constructed after World War II.

The proposed project is bordered by one- and two-story single-family residences to the north and south; the Hayward Free Methodist Church and additional two-story, single-family residences across Harvey Avenue to the east; and Ward Creek, a concrete lined engineer channel managed by the Alameda County Flood Control Agency to the west.

The project site encompasses approximately 1.83 acres on two parcels and is currently developed with two single-family residences. Additionally, each parcel has several accessory structures. The site is generally flat. Approximately 24 trees of varying size and species are dispersed across the project site and around the site boundary. There is a concrete curb, sidewalk and planting strip along the east side of the property along Harvey Avenue and two curb-cut outs which served the single-family residences that currently exist on the site.

10. Required Approvals

The following approvals and permits from the City of Hayward would be required for the proposed project:

- Tentative Tract Map
- Zone change from RS (Single-Family Residential) to PD (Planned Development)
- Other development standard exceptions related to lot size requirements (Hayward Municipal Code Section 10-1.225)
- Grading Permit
- Building Permit

11. Other Public Agencies Whose Approval is Required

The City of Hayward is the lead agency with responsibility for approving the proposed project. No other public agency's approval is required.

12. Have California Native American Tribes Traditionally and Culturally Affiliated with the Project Area Requested Consultation Pursuant to Public Resources Code Section 21080.3.1?

On April 4, 2019, the City of Hayward sent the Ione Band of Miwok Indians an Assembly Bill (AB) 52 notification letter via certified mail. Under AB 52, Native American tribes have 30 days to respond and request further project information and request formal consultation. The City did not receive a request for formal consultation under AB 52. Copies of AB 52 correspondence for this project are included in Appendix H.

Environmental Factors Potentially Affected

This project would potentially affect the environmental factors checked below, involving at least one impact that is "Potentially Significant" or "Less than Significant with Mitigation Incorporated" as indicated by the checklist on the following pages.

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

Determination

Based on this initial evaluation:

- □ I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions to the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
- □ I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
- □ I find that the proposed project MAY have a "potentially significant impact" or "less than significant with mitigation incorporated" impact on the environment, but at least one effect (1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and (2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.

City of Hayward 28571 and 28591 Harvey Avenue Residential Project

I find that although the proposed project could have a significant effect on the environment, because all potential significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

Signature

7/15/2019 Date Accordate Flaumer

ura Printed Name

Title

Environmental Checklist

1	Aesthetics				
		Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Exe	cept as provided in Public Resources Code Se	ction 21099,	would the pro	ject:	
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?			•	
d.	Create a new source of substantial light or glare that would adversely affect daytime or nighttime views in the area?				

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

A scenic vista is generally defined as an expansive view of highly valued landscape as observable from a publicly accessible vantage point. The *Hayward 2040 General Plan* characterizes the City's scenic vistas as views of natural topography, open grassland vegetation, the East Bay hills, and the San Francisco Bay shoreline. In addition, portions of Interstate 580 (I-580), Interstate 880 (I-880), and State Route 92 within the City are designated as Alameda County scenic highways (City of Hayward 2013). The project site is not part of a scenic landscape within the City and is not located within the viewshed of a County scenic highway. The project site is flat and in an urban area surrounded by development. None of the significant view areas identified in the *Hayward 2040 General Plan* are located on or near the project site. In addition, there are no scenic views or views of such features as the East Bay hills available from or through the site, due to the distance from

such features and the intervening buildings and vegetation. The proposed project would not block significant views or other scenic vistas. No impact would occur.

NO IMPACT

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

The closest designated state scenic highway is a portion of I-580 at the northern edge of the city, approximately 4.5 miles north of the project site (California Department of Transportation [Caltrans] 2011). The project site is not visible from I-580 and therefore the proposed project would not damage scenic resources within view of a state scenic highway. No impact would occur.

NO IMPACT

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?

The project site is in an urbanized area. The project site is currently developed with two singlefamily residences with approximately 24 trees. Construction of the proposed project would alter the visual character of the project site by adding 12 single-family residences to the site. The proposed project would further alter the site by removing all existing trees on-site (14 trees) and planting 31 new trees throughout the project site. However, the surrounding area is developed with singlefamily residences similar to those proposed at the project site. The proposed project would be consistent with the height and architectural style of existing residential developments in the surrounding area.

Project entitlements include a Tentative Tract Map and a zone change for both parcels from RS (Single-Family Residential) to PD (Planned Development). The proposed project also includes a request for exceptions from two RS District development standards related to lot and yard size, including setbacks. Upon approval of the requested discretionary actions, development of the proposed project would comply with City zoning standards, including maximum height limits, yard and lot area, and front and side setbacks. Therefore, the proposed project would not conflict with applicable zoning and other regulations governing scenic quality. Impacts would be less than significant.

LESS THAN SIGNIFICANT IMPACT

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

The project site is in an urbanized area with moderate levels of existing light typical of a residential neighborhood. The surrounding residential and roadway uses generate light and glare along all sides of the property. Primary sources of light adjacent to the project site include interior and exterior lighting associated with the existing residential and commercial buildings, vehicle headlights, and street lights. The primary source of glare adjacent to the project site is the sun's reflection from metallic, glass and light-colored surfaces on buildings and on vehicles parked on adjacent streets and in adjacent parking areas.

Environmental Checklist Aesthetics

The proposed project would introduce additional sources of lighting and glare as the project site is currently only developed with two single-family residences. The proposed project would not include street lights on the private roadways, but the residences would have exterior lighting to illuminate driveways and yards. The proposed project would also introduce light and glare from headlights from vehicles entering and exiting the project driveway on Harvey Avenue. Sources of glare associated with the project site include vehicles parked in driveways or in the designated street parking spaces. These sources of light and glare would be similar to existing sources surrounding the site and would be consistent with other uses in the area. No highly-reflective glass or metallic elements are proposed as part of the proposed project. Therefore, impacts would be less than significant.

LESS THAN SIGNIFICANT IMPACT

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Environmental Checklist Agriculture and Forestry Resources

2 Agriculture and Forestry Resources

		Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Wo	ould the project:	-		-	
a.	Convert Prime Farmland, Unique Farmland, or 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?				•

- a. Would the project convert Prime Farmland, Unique Farmland, or 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.* Would the project conflict with existing zoning for agricultural use or a Williamson Act contract?
- c. Would the project 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. Would the project 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?

The project site is located in an urbanized area of Hayward. The site is designated as LDR (Low Density Residential) in the City's General Plan and zoned RS (Single-Family Residential). Neither the project site nor adjacent properties are identified as any of the farmland types under the Farmland Mapping and Monitoring Program or enrolled in Williamson Act contracts, or support forest land or resources (California Department of Conservation [DOC] 2016). The project site is not located on or adjacent to agricultural land or forest land and the project would not involve development that could result in the conversion of farmland to non-agricultural uses. For these reasons, the proposed project would have no impact with respect to conversion of Prime Farmland, Unique Farmland, or Farmland of Statewide Importance to non-agricultural use; conflict with existing agricultural zoning or Williamson Act contract; result in the loss of forest land or conversion of forest land to non-forest use; or other conversion of farmland to non-agricultural use.

NO IMPACT

3 Air Quality

	5				
		Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Wo	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?				

Air Quality Standards and Attainment

The project site is located within the San Francisco Bay Area Air Basin (the Basin), which is under the jurisdiction of the Bay Area Air Quality Management District (BAAQMD). As the local air quality management agency, BAAQMD is required to monitor air pollutant levels to ensure that state and federal air quality standards are met and, if they are not met, to develop strategies to meet the standards.

Depending on whether or not the standards are met or exceeded, the Basin is classified as being in "attainment" or "nonattainment." Under state law, air districts are required to prepare a plan for air quality improvement for pollutants for which the district is in non-compliance. BAAQMD is in non-attainment for the state and federal ozone standards, the state and federal PM_{2.5} (particulate matter up to 2.5 microns in size) standards and the state PM₁₀ (particulate matter up to 10 microns in size) standards and is required to prepare a plan for improvement (BAAQMD 2017a).

The health effects associated with criteria pollutants for which the Basin is in non-attainment are described in Table 2.

Pollutant	Adverse Effects			
Ozone	(1) Short-term exposures: (a) pulmonary function decrements and localized lung edema in humans and animals and (b) risk to public health implied by alterations in pulmonary morphology and host defense in animals; (2) long-term exposures: risk to public health implied by altered connective tissue metabolism and altered pulmonary morphology in animals after long-term exposures and pulmonary function decrements in chronically exposed humans; (3) vegetation damage; and (4) property damage.			
Suspended particulate matter (PM ₁₀)	(1) Excess deaths from short-term and long-term exposures; (2) excess seasonal declines in pulmonary function, especially in children; (3) asthma exacerbation and possibly induction; (4) adverse birth outcomes including low birth weight; (5) increased infant mortality; (6) increased respiratory symptoms in children such as cough and bronchitis; and (7) increased hospitalization for both cardiovascular and respiratory disease (including asthma). ^a			
Suspended particulate matter (PM _{2.5})	 (1) Excess deaths from short- and long-term exposures; (2) excess seasonal declines in pulmonary function, especially in children; (3) asthma exacerbation and possibly induction; (4) adverse birth outcomes, including low birth weight; (5) increased infant mortality; (6) increased respiratory symptoms in children, such as cough and bronchitis; and (7) increased hospitalization for both cardiovascular and respiratory disease, including asthma.^a 			
^a More detailed discussions on the health effects associated with exposure to suspended particulate matter can be found in the				

Table 2 Health Effects Associated with Non-Attainment Criteria Pollutants

^a More detailed discussions on the health effects associated with exposure to suspended particulate matter can be found in th following documents: EPA, Air Quality Criteria for Particulate Matter, October 2004.

Source: U.S. EPA, http://www.epa.gov/airquality/urbanair/

Air Quality Management

The Bay Area 2017 Clean Air Plan (the 2017 Plan) provides a plan to improve Bay Area air quality and protect public health as well as the climate. The legal impetus for the Plan is to update the most recent ozone plan, the 2010 Clean Air Plan, to comply with state air quality planning requirements as codified in the California Health & Safety Code. Although steady progress in reducing ozone levels in the Bay Area has been made, the region continues to be designated as non-attainment for both the one-hour and eight-hour state ozone standards as noted previously. In addition, emissions of ozone precursors in the Bay Area contribute to air quality problems in neighboring air basins. Under these circumstances, state law requires the 2017 Plan to include all feasible measures to reduce emissions of ozone precursors and reduce transport of ozone precursors to neighboring air basins (BAAQMD 2017b).

In 2006, the U.S. Environmental Protection Agency (USEPA) reduced the national 24-hour $PM_{2.5}$ standard regarding short-term exposure to fine particulate matter from 65 µg/m³ (micro-grams per cubic meter) to 35 µg/m³. Based on air quality monitoring data for years 2006-2008 showing that the region was slightly above the standard, USEPA designated the Bay Area as non-attainment for the 24-hour national standard in December 2008. This triggered the requirement for the Bay Area to prepare a State Implementation Plan (SIP) submittal to demonstrate how the region would attain the standard. However, data for both the 2008-2010 and the 2009-2011 cycles showed that Bay Area $PM_{2.5}$ levels currently meet the standard. On October 29, 2012, the USEPA issued a proposed rule-making to determine that the Bay Area now attains the 24-hour $PM_{2.5}$ national standard. Based on this, the Bay Area is required to prepare an abbreviated SIP submittal which includes an emission inventory for primary (directly-emitted) $PM_{2.5}$, as well as precursor pollutants that contribute to formation of secondary PM in the atmosphere; and amendments to BAAQMD New Source Review

(NSR) to address PM_{2.5} (adopted December 2012).¹ However, key SIP requirements to demonstrate how a region will achieve the standard (*i.e.*, the requirement to develop a plan to attain the standard) will be suspended as long as monitoring data continues to show that the Bay Area attains the standard.

In addition to preparing the "abbreviated" SIP submittal, BAAQMD has prepared a report entitled "Understanding Particulate Matter: Protecting Public Health in the San Francisco Bay Area" (BAAQMD 2012). The report will help to guide the BAAQMD's on-going efforts to analyze and reduce PM in the Bay Area in order to better protect public health. The Bay Area will continue to be designated as "non-attainment" for the national 24-hour PM_{2.5} standard until such time as the Air District elects to submit a "redesignation request" and a "maintenance plan" to the U.S. EPA, and the U.S. EPA approves the proposed redesignation.

Air Emission Thresholds

In May 2017, CEQA Air Quality Guidelines BAAQMD has developed screening criteria to provide lead agencies and project applicants with a conservative indication of whether a project could result in potentially significant air quality impacts. If all of the screening criteria are met by a project, then the lead agency or applicant would not need to perform a detailed air quality assessment of their project's air pollutant emissions. These screening levels are generally representative of new development on greenfield sites without any form of mitigation measures taken into consideration. For projects that are infill, such as the proposed project, emissions would be less than the greenfield-type project on which the screening criteria are based (BAAQMD 2017c).

For single-family residences, BAAQMD's operational criteria pollutant screening size is 325 dwelling units and the construction-related screening size is 114 dwelling units. The proposed project involves 12 dwelling units and is well below the screening criteria. According to BAAQMD, if all of the screening criteria are met by a proposed project, then the lead agency or applicant would not need to perform a detailed air quality assessment of their project's air pollutant emissions. However, if a project includes demolition of existing structures on-site, the screening criteria should not be used for construction emissions (BAAQMD 2017c). The proposed project involves the demolition of the two existing residences and associated structures on the project site. Construction and operational emissions associated with the project were quantified using the California Emissions Estimator Model (CalEEMod) version 2016.3.2. Complete CalEEMod results and assumptions are provided in Appendix B.

BAAQMD provides numeric thresholds for criteria pollutants for projects that exceed the screening criteria described above or for projects where the screening criteria do not apply. This analysis uses BAAQMD's May 2017 CEQA Air Quality Guidelines to evaluate air quality impacts for construction and operation. Table 3 presents the numeric significance thresholds for construction and operational-related criteria air pollutant and precursor emissions in the May 2017 BAAQMD CEQA Air Quality Thresholds. These represent the levels at which a project's individual emissions of criteria air pollutants or precursors would result in a cumulatively considerable contribution to the Basin's existing air quality conditions. For the purposes of this analysis, the proposed project would result in a significant impact if emissions would exceed the thresholds shown in Table 3.

¹ PM is made up of particles that are emitted directly, such as soot and fugitive dust, as well as secondary particles that are formed in the atmosphere from chemical reactions involving precursor pollutants such as oxides of nitrogen (NO_x), sulfur oxides (SO_x), volatile organic compounds (VOCs), and ammonia (NH_3).

	Construction-Related Thresholds	Operation-Related Thresholds	
Pollutant/ Precursor	Average Daily Emissions (pounds per day)	Maximum Annual Emissions (tpy)	Average Daily Emissions (Ibs/day)
ROG	54	10	54
NO _x	54	10	54
PM ₁₀	82 (exhaust)	15	82
PM _{2.5}	54 (exhaust)	10	54

Table 3 Air Quality Thresholds of Significance

Notes: tpy = tons per year; lbs/day = pounds per day; ROG = reactive organic gases; NO_x = oxides of nitrogen; PM_{2.5} = fine particulate matter with an aerodynamic resistance diameter of 2.5 micrometers or less; PM₁₀ = respirable particulate matter with an aerodynamic resistance diameter of 10 micrometers or less

Source: Table 2-1, Bay Area Air Quality Management District, CEQA Air Quality Guidelines, May 2017

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

Vehicle use, energy consumption, and associated air pollutant emissions are directly related to population and housing growth. A project may be inconsistent with the applicable air quality plan if it would result in population, housing, or employment growth that exceeds growth estimates included in the plan. Such growth would generate emissions not accounted for in the applicable air quality plan emissions budget. Therefore, projects need to be evaluated to determine whether they would generate population, housing, or employment growth and, if so, whether that growth would exceed the growth rates included in the applicable air quality plan. The most recent and applicable adopted air quality plan is the 2017 Clean Air Plan. Therefore, the proposed project would result in a significant impact if it would conflict with or obstruct implementation of the 2017 Plan.

BAAQMD uses the Association of Bay Area Government's (ABAG) growth forecast. The latest ABAG projections do not include a population forecast but do provide a housing forecast. ABAG estimates that the number of housing units in the city in 2040 will be 54,300 (ABAG 2017a). The California Department of Finance (DOF) estimates the City currently has 49,913 housing units (DOF 2018). Therefore, the addition of 12 housing units associated with the proposed project would bring the City's total housing units to 49,925. The housing growth associated with the project is well within ABAG projections and therefore also within the 2017 Plan projections.

Further, as discussed in responses to question (b) below, the project not would exceed BAAQMD significance thresholds related to air quality. Therefore, the proposed project would not conflict with or obstruct the implementation of an applicable air quality plan. This impact would be less than significant.

LESS THAN SIGNIFICANT IMPACT

b. Would the project 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?

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), natural gas and electricity use (energy sources), and landscape maintenance equipment, consumer products, and architectural coating associated with on-site development (area sources).

Construction Emissions

As described in the project description, construction would occur over approximately 18 months. Table 4 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)	SO _x
Maximum Daily Emissions	4.2	21.1	15.2	1.2	1.1	<0.1
BAAQMD Thresholds (average daily emissions)	54	54	N/A	82	54	N/A
Threshold Exceeded?	No	No	N/A	No	No	N/A

Table 4 Construction Emissions

See Table 2.1 "Overall Construction-Unmitigated" emissions. CalEEMod worksheets in Appendix B; 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

Long-Term Emissions

As shown in Table 5, operational emissions would not exceed BAAQMD thresholds for any criteria pollutant.² Operational impacts would be less than significant.

² The proposed solar panels were not included in the air quality modelling. Therefore, this analysis presents a conservative estimate of daily emissions due to energy use.

Table 5 Operational Emissions

	Emissions (lbs/day)					
Sources	ROG	NO _X	СО	PM ₁₀	PM _{2.5}	SO _x
Average Daily Emissions						
Area	13.0	0.3	17.1	2.3	2.3	<0.1
Energy	<0.1	0.1	0.1	<0.1	<0.1	<0.1
Mobile	0.2	1.3	2.2	0.6	0.2	<0.1
Total Emissions	13.2	1.6	19. 3	2.9	2.5	<0.1
BAAQMD Thresholds	54	54	N/A	82	54	N/A
Threshold Exceeded?	No	No	N/A	No	No	N/A

See Appendix B 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_r}

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.

LESS THAN SIGNIFICANT IMPACT

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

The California Air Resources Board (CARB) has identified diesel particulate matter as the primary airborne carcinogen in the state (CARB 2014). A primary source of diesel particulate matter is exhaust from vehicle traffic on highways. In addition, BAAQMD recommends analyzing permitted stationary sources. In order to assess potential exposure to TACs for new residents near highways and stationary sources, the BAAQMD recommends a risk and hazard screening using BAAQMD's screening tools if the project would subject residents to an excess cancer risk level.

The proposed project does not include construction of new highways or roads which could be considered a new permitted or non-permitted source of TAC or $PM_{2.5}$ in proximity to receptors. In addition, the proposed project is not within 1,000 feet of any major roadways with an average daily traffic volume of 10,000 vehicles per day or that could be considered a permitted source of TAC or PM 2.5. Therefore, the proposed project would not place new residents in the proximity to a source of permitted or non-permitted source of pollutant concentrations. Therefore, impacts under this criterion would be less than significant.

LESS THAN SIGNIFICANT IMPACT

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

Table 3-3 in the BAAQMD's 2017 CEQA Guidelines provides odor screening distances for land uses that have the potential to generate substantial odor complaints. The uses in the table include wastewater treatment plants, landfills or transfer stations, refineries, composting facilities, confined animal facilities, food manufacturing, smelting plants, and chemical plants (BAAQMD 2017c). The proposed project involves residential uses. None of the uses identified in the table would occur with the project. The proposed project would not generate objectionable odors affecting a substantial number of people during operation.

During construction activities, heavy equipment and vehicles would emit odors associated with vehicle and engine exhaust and during idling. However, these odors would be temporary and would cease upon completion. Overall, the proposed project would not generate objectionable odors affecting a substantial number of people. This impact would be less than significant.

LESS THAN SIGNIFICANT IMPACT

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Environmental Checklist Biological Resources

4 Biological Resources

	Less than Significant		
Potentially Significant Impact	with Mitigation Incorporated	Less than Significant Impact	No Impact

Would the project:

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

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Existing Setting

Topography on the project site is generally flat and ranges in elevation from approximately 10 to 20 feet above mean sea level. The site is enclosed by chain link fencing on three sides, with a wooden fence bordering the frontage of the property located at 28571 Harvey Avenue. The site is bordered to the west by Ward Creek, a channelized creek with concrete walls and gravel access roads on either side. The project site is developed with two single family residences. Each residence has several accessory structures on the eastern half of the lots, and large open yards to the west. Information contained in this section comes from background literature, resource agency database reviews, and a biological reconnaissance survey of the project site conducted on April 4, 2019 by Rincon biologist Samantha Kehr.

The majority of the site consists of ruderal vegetation, ornamental trees, and non-native annual grasses. Non-native annual grassland communities observed in the project site are dominated by weedy herbaceous plants such as wild oats (*Avena* spp.), ripgut brome (*Bromus diandrus*), common beet (*Beta vulgaris*), bull mallow (*Malva nicaeensis*), melilotus (*Melilotus indicus*), cut-leaf geranium (*Geranium dissectum*), mustards (*Brassica* spp.), and wild radish (*Raphanus sativus*). Escaped or remnant ornamentals include English ivy (*Hedera helix*), California poppy (*Eschscholzia californica*) and common barley (*Hordeum vulgare*).

In the developed areas, landscaped species such as cabbage palm, fruitless mulberry, and apple (*Malus domestica*) are dominant, with non-native grasses and forbs in the understory.

Regulatory Setting

Federal and State

Regulatory authority over biological resources is shared by federal, state, and local agencies under a variety of laws, ordinances, regulations, and statutes. Primary authority for biological resources lies within the land use control and planning authority of local jurisdictions (in this instance, the City of Hayward).

The California Department of Fish and Wildlife (CDFW) is a trustee agency for biological resources throughout the State under the California Environmental Quality Act (CEQA) and has direct jurisdiction under the California Fish and Game Code (CFGC). Under the California Endangered Species Act (CESA) and the federal Endangered Species Act (FESA), the CDFW and the U.S. Fish and Wildlife Service (USFWS), respectively, have direct regulatory authority over species formally listed as threatened or endangered (and listed as rare for CDFW). Native and/or migratory bird species are protected under the CFGC Sections 3503, 3503.5, and 3511.

Statutes within the Clean Water Act (CWA), CFGC, and California Code of Regulations (CCR) protect wetlands and riparian habitat. The U.S. Army Corps of Engineers (USACE) has regulatory authority over wetlands and waters of the United States under Section 404 of the CWA. The State Water Resources Control Board and the nine Regional Water Quality Control Boards (RWQCBs) ensure water quality protection in California pursuant to Section 401 of the CWA and Section 13263 of the Porter-Cologne Water Quality Control Act. The CDFW regulates waters of the State under the CFGC Section 1600 et seq.

Special status species are those plants and animals: 1) listed, proposed for listing, or candidates for listing as Threatened or Endangered by the USFWS and the National Marine Fisheries Service (NMFS) under the FESA; 2) listed or proposed for listing as Rare, Threatened, or Endangered by the CDFW under the CESA; 3) recognized as California Species of Special Concern (CSSC) by the CDFW; 4)

afforded protection under MBTA or CFGC; and 5) occurring on Lists 1 and 2 of the CDFW California Rare Plant Rank (CRPR) system.

City of Hayward

The City of Hayward Municipal Code (HMC) 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 any Protected Tree. It also requires that all removed or disfigured trees be replaced with like-size, like-kind trees or equivalent value of trees as determined by the City's landscape architect. Protected Trees are defined as:

- Trees having a minimum trunk diameter of eight inches measured 54" above the ground.
 When measuring a multi-trunk tree, the diameters of the largest three trunks shall be added together.
- Street trees or other required trees such as those required as a condition of approval, Use Permit, or other Zoning requirement, regardless of size.
- All memorial trees dedicated by an entity recognized by the City, and all specimen trees that define a neighborhood or community.
- Trees of the following species that have reached a minimum of four inches diameter trunk size:
 - Big Leaf Maple (Acer macrophyllum)
 - California Buckeye (*Aesculus californica*)
 - Madrone (Arbutus menziesii)
 - Western Dogwood (Cornus nuttallii)
 - California Sycamore (Platanus racemosa)
 - Coast Live Oak (Quercus agrifolia)
 - Canyon Live Oak (Quercus chrysolepis)
 - Blue Oak (Quercus douglasii)
 - Oregon White Oak (Quercus garryana)
 - California Black Oak (Quercus kelloggii)
 - Valley Oak (Quercus lobata)
 - Interior Live Oak (Quercus wislizenii)
 - California Bay (Umbellularia californica)
 - A tree or trees of any size planted as a replacement for a Protected Tree.

Additional conditions of approval under the HMC may include, but are not limited to:

- Monitoring of all pruning (including roots), trimming or relocation of Protected Trees by a certified arborist.
- Root zone protection measures including non-movable fencing to establish and maintain protection zones prior to and through completion of construction.
- Maintenance of Protected Trees throughout construction.

Methods

Literature Review

Rincon Consultants, Inc. (Rincon) biologists reviewed agency databases and relevant literature for baseline information on special status species and other sensitive biological resources occurring or potentially occurring at the project site and in the immediate surrounding area. The following sources were reviewed for background information:

- CDFW California Natural Diversity Data Base (CNDDB) (CDFW 2019a) and Biogeographic Information and Observation System (BIOS) (CDFW 2019b)
- CDFW Special Animals List (CDFW 2018) and Special Vascular Plants, Bryophytes, and Lichens List (CDFW 2019c)
- CNPS Online Inventory of Rare and Endangered Plants of California (CNPS 2019)
- USFWS Information for Planning and Consultation (IPaC; USFWS 2019a)
- USFWS Critical Habitat Portal (USFWS 2019b)
- USFWS National Wetlands Inventory (NWI; USFWS 2019c)

Rincon biologists conducted a review of the CNDDB (CDFW 2019a) for recorded occurrences of special status plant and wildlife taxa in the region prior to conducting a reconnaissance-level field survey. For this review, the search included all occurrences within the United States Geological Survey (USGS) 7.5-minute topographic quadrangle encompassing the project site (*Hayward*), and the eight surrounding quadrangles (*Oakland East, Las Trampas Ridge, Dioblo, San Leandro, Dublin, Redwood Point, Newark,* and *Niles*). Strictly marine, estuarine, and aquatic species were excluded from further analysis given the upland terrestrial nature of the project site. Plant species with specific habitat requirements not present at the site such as vernal pools, alkali or serpentine soils, or higher elevation ranges were also excluded from this analysis.

Rincon compiled the results of the background literature review into a list of regionally occurring special status plants and animals and evaluated each species for potential to occur based on habitat conditions and proximity to known occurrences. Rincon also reviewed the NWI (USFWS 2019c) and the National Hydrography Datasets (USGS 2019) for potential aquatic resources, including jurisdictional waters of the United States or waters of the State.

The arborist report prepared by HortScience, Inc. (Appendix A) evaluated 24 trees (10 off-site), representing 11 species, the majority of which were typical of those found in Bay Area landscapes, such as Cabbage palm (*Cordyline australis*), glossy privet (*Ligustrum lucidum*), mulberry (*Morus sp.*), and several other ornamental and fruit tree species (HortScience, Inc. 2018).

Biological Survey

On April 4, 2019, Rincon conducted a reconnaissance-level survey of the project site to document site conditions, assess the presence of on-site habitat, and evaluate the potential for special status species and other sensitive biological resources to occur on the project site.

a. Would the project 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?

Special Status Plants

A review of agency databases for known special status plant occurrences within the nine USGS quadrangles containing and surrounding the project site identified 70 special status plant species (CDFW 2019a; CNPS 2019; USFWS 2019a). All of the reported species have specific habitat requirements including such factors as soil type, elevation and aspect among others. The highly disturbed existing conditions on site and the lack of appropriate soils and native vegetation communities on the site preclude the potential for rare plants to occur on the site. Rincon biologists determined that no special status species have potential to occur within or adjacent to the project site.

Special Status Wildlife

The review of the resource agency databases for known special status animal occurrences within the nine USGS quadrangles containing and surrounding the project site identified 83 special status animal species (CDFW 2019a; USFWS 2019a). This list was reviewed and refined according to the potential for species to occur on the project site based on the presence and quality of habitats within the project site. The site is highly disturbed, predominantly ruderal and includes buildings, and paved areas. Patches of non-native annual grassland are regularly disturbed (mowing and human activity) and other vegetation is limited to ornamental plantings. The site has no natural or native vegetation communities that would support special status animal species. For those select few special status species that can occur in disturbed or ruderal areas (such as burrowing owl), the site is sufficiently isolated from existing natural areas, and surrounded with urban residential, commercial and transportation development, that access to the site is significantly restricted. The site is not considered viable to support federal or state listed species or other special status animals except for bats.

The project site includes several uninhabited structures and old sheds behind the existing residences. These structures may present suitable habitat for pallid bat (*Antrozous pallidus*) Townsend's big-eared bat (*Corynorhinus townsendii*), and western mastiff bat (*Eumops perotis californicus*). No sign of bat colonies on the project site were documented during the biological survey; however, individuals could be present without leaving observable sign. If bat species are present on the project site, construction activities such as building demolition or tree removal could result in impacts to special status bats. Impacts to these species may be considered significant under CEQA and mitigation, as described below, is required.

Although vegetation communities observed in the project site are primarily non-native, ornamental, and/or disturbed, the site could be used by numerous species of migratory birds that utilize sparse ground cover or ornamental shrubs and landscaping as nesting habitat. Native bird nests are protected by CFGC Section 3503. Migratory nesting birds that could nest within this type of habitat and were observed on site include western scrub jay (*Aphelocoma californica*) and Anna's hummingbird (*Calypte anna*). Many other species are expected to occur in the area, and may nest in the project site, including American crow (*Corvus brachyrhynchos*), house finch (*Haemorhous mexicanus*), and American robin (*Turdus migratorius*). The nesting season generally extends from February 1st through August 31st in California but can vary based upon annual climatic conditions.

Thus, construction activities could result in the direct take of birds or their nests during vegetation removal, or disturbance related nest abandonment. Impacts to most bird species through nest destruction or abandonment is not considered significant under CEQA; however, this would be a violation of CFGC code. Impacts to special status birds may be considered significant under CEQA.

Mitigation Measures

The following mitigation measure would be required to avoid or reduce the proposed project's potentially significant impacts to nesting birds and special status wildlife.

BIO-1 Nesting Bird Avoidance and Minimization Efforts

If project construction activities occur during the nesting season (between February 1st and August 31st) 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 by project activity to the nest (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, active nests identified during the preconstruction survey shall be monitored by the gualified biologist to determine if construction activities are causing any 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 nest abandonment 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 nest 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 clearly marked 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. 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. The qualified biologist shall prepare a nest monitoring report at the time monitoring has been completed. The report will document the methods and results of the monitoring, and the final status of the nest (i.e., successful fledging of the nest, nest depredation, nest failure due to construction activity).

BIO-2 Special-status Bat Species Avoidance and Minimization

Focused surveys to determine the presence/absence of roosting bats shall be conducted prior to the initiation of demolition of buildings and removal of mature trees large enough to contain crevices and hollows that could support bat roosting. If active maternity roosts are identified, a qualified biologist shall establish avoidance buffers applicable to the species, the roost location and exposure, and the proposed construction activity in the area. If active non-maternity day or night roosts are found on the project site, measures shall be implemented to passively relocate bats from the roosts prior to the onset of construction activities. Such measures may include removal of roosting site during the time of day the roost is unoccupied or the installation of one-way doors, allowing the bats to leave the roost but not to re-enter.

Significance After Mitigation

Implementation of mitigation measures BIO-1 and BIO-2 would ensure protection of nesting birds and special-status bat species that may be on-site during construction activities. These measures would reduce the potentially significant impact to special-status species to a less than significant level.

LESS THAN SIGNIFICANT WITH MITIGATION INCORPORATED

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?

Based on a review of information on biological resources within the project region and data collected during the reconnaissance site visit, no riparian habitats or sensitive natural communities are present in the project area. No impacts would occur as a result of project activities.

NO IMPACT

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?

Based on a review of information on biological resources within the project region and data collected during the reconnaissance site visit, no vegetated wetlands or potentially jurisdictional features occur within the project area. Ward Creek, which runs adjacent to the project site (approximately 40 feet to the west), is classified by the NWI as an intermittent riverine wetland (USFWS 2019c). The creek is a concrete lined flood control channel and is seasonally flooded with surface water early in the rainy season, but mostly dry by mid-summer. The proposed project would take place entirely outside of the riverine feature, and would not involve direct removal, filling, or hydrological interruption. No impacts to jurisdictional wetlands or waters would occur.

NO IMPACT

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?

The project area consists of developed and disturbed areas with primarily ornamental vegetation and weedy species dispersed throughout. Land use in the vicinity is primarily residential with no connectivity to natural habitats and is therefore not expected to support wildlife movement. No impacts to wildlife movement corridors would occur as a result of project activities.

NO IMPACT

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

Under regulatory setting, HMC 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 any Protected Tree, among other requirements. An arborist report was prepared in October 2017 and updated in October 2018 for submission to the City in support of an application for a tree removal/pruning permit (HortScience, Inc., 2018, see Appendix A of this report). Of the 24 trees
City of Hayward 28571 and 28591 Harvey Avenue Residential Project

assessed in the report (including 10 off-site trees), 21 of the trees qualified as Protected Trees, including 13 on-site and 7 of the off-site trees. The proposed project would involve the removal of all 14 on-site trees, nine of which qualified as Protected Trees according to the arborist report. All ten of the off-site trees evaluated in the arborist report would be preserved, including seven Protected Trees according to the preliminary development plan, existing conditions and demolition plan (Carlson, Barbee & Gibson, Inc., January 2019). As shown in Table 6, the proposed project would involve the removal of 13 Protected Trees. The total estimated value of the 14 trees to be removed is \$12,800 (HortScience, Inc. 2018).

	On-site	Off-site Adjacent (with Canopy On-site)	Total
Existing Number of Trees	14	10	24
Existing Number of Protected Trees	13	7	21
Number of Trees Removed	14	0	14
Number of Protected Trees Removed	13	0	13
Number of Trees Preserved	0	10	10
Number of Protected Trees Preserved	0	7	7

Table 6 Location and Number of Trees to be Removed and Preserved

The current Preliminary Landscape Plan (Ripley Design Group, January 2019) includes planting of 31 new trees and proposed mitigation in the form of design improvements including the use of permeable paving and larger replacement trees and shrubs for a total proposed mitigation cost of \$18,812.40. This meets the HMC requirement for replacement with an equal value tree or trees as those trees planned for removal. Therefore, the proposed project would not conflict with Chapter 10, Article 15, Tree Preservation of the HMC. However, as the arborist report notes, the goal of tree preservation is not merely tree survival during construction but maintenance of tree health over many years. Trees retained on or adjacent to the project site that are injured during construction or are inadequately maintained may decline or die. Measures to protect trees during and after construction are required to ensure long-term health and sustainability of preserved and replacement trees. Mitigation measures BIO-3 and BIO-4 are required to reduce impacts to less than significant.

Mitigation Measures

The following mitigation measures would be required to ensure the proposed project is consistent with the tree preservation requirements included in HMC Chapter 10, Article 15, Tree Preservation. The following measures would help to reduce impacts to trees from development and maintain and improve their health and vitality over time. With implementation of the measures below, the proposed project would not conflict with a local or regional ordinance.

BIO-3 Tree Preservation Measures

As outlined in the arborist report (HortScience Inc. 2018), Tree Preservation measures are required to protect trees that will be preserved in place and replacement trees that will be planted as required by HMC Chapter 10, Article 15.

DESIGN MEASURES

- 1. Verify the location and tag numbers of all trees. Include trunk locations and tag numbers on all plans.
- 2. Establish the vertical and horizontal elevations of any trees that may be preserved. Overlay tree locations with site, grading, utility, etc. plans to determine which trees may be preserved and protected.
- 3. Allow the Project Arborist the opportunity to review project plans, including, but not limited to, site, grading, drainage, and landscape plans
- 4. Use only herbicides safe for use around trees and labeled for that use, even below pavement.
- 5. Design irrigation systems so that no trenching will occur within the Tree Protection Zone.

PRE-CONSTRUCTION AND DEMOLITION MEASURES

- 1. Prepare a site work plan which identifies access and haul routes, construction trailer and storage areas, etc.
- 2. Establish a Tree Protection Zone around each tree to be preserved. For design purposes, the Tree Protection Zone shall be the dripline or 25 feet from the trunk, whichever is larger. No grading, excavation, construction or storage of materials shall occur within that zone.
- 3. Install protection around all trees to be preserved. Use 6-foot chain link fence attached posts sunk into the ground. No entry is permitted into a Tree Protection Zone without permission of the Project Arborist.
- 4. Trees to be removed shall be felled so as to fall away from Tree Protection Zone and avoid pulling and breaking of roots of trees to remain. If roots are entwined, the consultant may require first severing the major woody root mass before extracting the trees or grinding the stump below ground.
- 5. Trees to be retained may require pruning to provide clearance and/or correct defects in structure. All pruning is to be performed by an ISA Certified Arborist or Certified Tree Worker and shall adhere to the latest editions of the ANSI Z133 and A300 standards as well as the ISA Best Management Practices for Tree Pruning. Pruning contractor shall have the C25/D61 license specification.
- 6. All tree work shall comply with the 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.

TREE PROTECTION DURING CONSTRUCTION

- 1. Prior to beginning work, the contractors working in the vicinity of trees to be preserved are required to meet with the Project Arborist at the site to review all work procedures, access routes, storage areas and tree protection measures.
- 2. Any grading, construction, demolition or other work that is expected to encounter tree roots should be monitored by the Project Arborist.
- 3. If injury should occur to any tree during construction, it should be evaluated as soon as possible by the Project Arborist so that appropriate treatments can be applied.

- 4. Fences will be erected to protect trees to be preserved. Fences are to remain until all site work has been completed. Fences may not be relocated or removed without permission of the Project Arborist.
- 5. Any additional tree pruning needed for clearance during construction must be performed by a qualified arborist and not by construction personnel.
- 6. Trees shall be irrigated, except oaks, on a schedule to be determined by the Project Arborist. Each irrigation session shall wet the soil within the Tree Protection Zone to a depth of 24 inches.

BIO-4 Tree Replacement and Maintenance

Replacement trees shall be planted with sufficient space to accommodate the mature size of the species and maintained sufficiently to ensure establishment. Preserved trees shall also be maintained to ensure the continued long-term health of the tree. Trees onsite will require monitoring and routine maintenance by a landscape specialist such as occasional pruning, fertilization, mulch, pest management, replanting and irrigation.

Significance After Mitigation

Implementation of Mitigation Measures BIO-3 and BIO-4 would ensure preservation, replacement, and maintenance of Protected Trees during and after construction activities. These measures would follow the local tree ordinance and would reduce the potentially significant impact to Protected Trees to a less than significant level.

LESS THAN SIGNIFICANT WITH MITIGATION INCORPORATED

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?

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

NO IMPACT

5 Cultural Resources

		Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Wo	ould the project:				
a.	Cause a substantial adverse change in the significance of a historical resource pursuant to §15064.5?				•
b.	Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?				
C.	Disturb any human remains, including those interred outside of formal cemeteries?			•	

Regulations

The California Environmental Quality Act (CEQA) requires a lead agency determine whether a project may have a significant effect on historical resources (Public Resources Code [PRC], Section 21084.1) and tribal cultural resources (PRC Section 21074 [a][1][A]-[B]). A historical resource is a resource listed in, or determined to be eligible for listing, in the California Register of Historical Resources (CRHR), a resource included in a local register of historical resources, or any object, building, structure, site, area, place, record, or manuscript that a lead agency determines to be historically significant (State CEQA Guidelines, Section 15064.5[a] [1-3]).

A resource shall be considered historically significant if it:

- 1. Is associated with events that have made a significant contribution to the broad patterns of California's history and cultural heritage;
- 2. Is associated with the lives of persons important in our past;
- 3. Embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of an important creative individual, or possesses high artistic values; or
- 4. Has yielded, or may be likely to yield, information important in prehistory or history.

In addition, if it can be demonstrated that a project would cause damage to a unique archaeological resource, the lead agency may require reasonable efforts be made to permit any or all of these resources to be preserved in place or left in an undisturbed state. To the extent that resources cannot be left undisturbed, mitigation measures are required (PRC, Section 21083.2[a], [b]).

PRC, Section 21083.2(g) defines a unique archaeological resource as an archaeological artifact, object, or site about which it can be clearly demonstrated that, without merely adding to the current body of knowledge, there is a high probability that it:

- 1. Contains information needed to answer important scientific research questions and that there is a demonstrable public interest in that information;
- 2. Has a special and particular quality such as being the oldest of its type or the best available example of its type; or
- 3. Is directly associated with a scientifically recognized important prehistoric or historic event or person.

Historical and Archaeological Resources Investigation

Rincon Consultants prepared an archaeological resources study for the proposed project in April 2019; it is included as Appendix C. This study was comprised of a records search of the California Historical Resources Information System (CHRIS) at the Northwest Information Center (NWIC), a pedestrian survey, a search of the Sacred Lands File (SLF), and a review of historic aerial maps.

Rincon requested a records search of CHRIS at the NWIC, located at Sonoma State University, on April 8, 2019. The search was performed to identify previously recorded archaeological resources, as well as previously conducted cultural resources studies within the project site and a 0.8-kilometer (0.25-mile) radius surrounding it. The CHRIS search included a review of available records at the NWIC, as well as the National Register of Historic Places (NRHP), the California Register of Historical Resources (CRHR), the Office of Historic Preservation Historic Properties Directory, the California Inventory of Historic Resources, the Archaeological Determinations of Eligibility list, and historic maps.

The NWIC responded with all relevant results on April 15, 2019 identifying three cultural resources studies conducted within a 0.25-mile radius of the project site. All three of these studies are outside the project site. No previously recorded resources are located within 0.25 miles of the project site

On April 8, 2019, Rincon contacted the Native American Heritage Commission (NAHC) and requested a search of the SLF. The NAHC emailed a response on April 9, 2019 stating that the SLF search was returned with negative results.

Rincon Archaeologist Hannah Haas, MA, RPA conducted an intensive pedestrian field survey of the project site on April 4, 2019. Ground visibility within the project site was poor due to thick vegetation. Exposed soils consisted of a brown sand and gravel aggregate. Modern structures, modern refuse, and non-native grasses and herbaceous weeds were noted throughout the project site. No archaeological resources were identified. Two structures are located on the property but are not considered historical resource by the City of Hayward.

a. Would the project cause a substantial adverse change in the significance of a historical resource pursuant to §15064.5?

Two buildings over 50 years in age are located within the project site. The City of Hayward identified both as tract homes developed after 1946 and therefore considers both ineligible for qualification as a historical resource under CEQA. The City's action was based on HMC Section 10-11.050, which states that "properties developed pursuant to a tentative tract map after 1946 are exempted from obtaining historical permits." Because neither property is a historical resource, the demolition of these residences would not result in a significant impact to historical resources. No impact would occur.

NO IMPACT

b. Would the project cause a substantial adverse change in the significance of an archaeological resource as defined in §15064.5?

The results of the cultural resources records search, Native American Heritage Commission, and pedestrian field survey concluded that no known archaeological resources exist within the project site. Based on this, the project site is not considered archaeologically sensitive. Nevertheless, the unanticipated discovery of archaeological resources is always a possibility during ground disturbing activities. If resources are identified during construction, impacts would be potentially significant.

Mitigation Measures

The following mitigation measure is required in the event an unanticipated discovery of cultural resources occurs during project construction.

CR-1 Unanticipated Discovery of Cultural Resources

If cultural resources are encountered during ground-disturbing activities, work in the immediate area shall be halted and an archaeologist meeting the Secretary of the Interior's Professional Qualification Standards for archaeology (National Park Service 1983) shall be contacted immediately to evaluate the find. If necessary, the evaluation may require preparation of a treatment plan and archaeological testing for California Register of Historical Resources (CRHR) eligibility. If the discovery proves to be eligible for listing in the CRHR and cannot be avoided by the project, additional work such as data recovery excavation and Native American consultation and archaeological monitoring may be warranted to mitigate significant impacts to cultural resources.

Significance After Mitigation

Mitigation Measures CR-1 would ensure that cultural resources are preserved in the event they are uncovered during construction. Implementation would reduce impacts regarding disrupting cultural resources to a less than significant level.

LESS THAN SIGNIFICANT WITH MITIGATION INCORPORATED

c. Would the project disturb any human remains, including those interred outside of formal cemeteries?

The discovery of human remains is always a possibility during ground disturbing activities. If human remains are found, existing regulations outlined in the State of California Health and Safety Code Section 7050.5 state no further disturbance may occur until the County Coroner has made a determination of origin and disposition pursuant to PRC Section 5097.98. In the event of an unanticipated discovery of human remains, the County Coroner must be notified immediately. If the human remains are determined to be prehistoric, the coroner will notify the Native American Heritage Commission, which will determine and notify a most likely descendant (MLD). The MLD must complete the inspection of the site within 48 hours of being granted access and provide recommendations as to the treatment of the remains to the landowner. With adherence to existing regulations, impacts to human remains would be less than significant.

LESS THAN SIGNIFICANT IMPACT

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6 Energy

		Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
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?			•	

Electricity and Natural Gas

In 2017, California used 292,039 gigawatt-hours (GWh) of electricity, of which 29 percent were from renewable resources (California Energy Commission [CEC] 2019a). California also consumed approximately 12,500 million U.S. therms (MMthm) of natural gas in 2017. The project site would be provided electricity by Pacific Gas and Electric (PG&E). Table 7 and Table 8 show the electricity and natural gas consumption by sector and total for PG&E. In 2017, PG&E provided approximately 28.2 percent of the total electricity used in California. Also, in 2017, PG&E provided approximately 37.7 percent of the total natural gas usage in California.

Table 7	Electricity	Consumpt	tion in the	PG&E Service	e Area in	2017
	Lioounony	0011001110		1 042 001 1100	/ oa	

Agriculture and Water Pump	Commercial Building	Commercial Other	Industry	Mining and Construction	Residential	Streetlight	Total Usage
5049.7	30,446.9	4,309.6	10,409.9	1,747.3	29,920.2	340.7	82,224.3
Notes: All usage	e expressed in GW	/h					
Source: CEC 20	17a						

Table 8 Natural Gas Consumption in PG&E Service Area in 2017

Agriculture and Water Pump	Commercial Building	Commercial Other	Industry	Mining and Construction	Residential	Total Usage
36.4	864.8	68.0	1,701.3	170.8	1,873.4	4,714.7
Notes: All usage e	expressed in MMthm					
Source: CEC 2017	b					

Petroleum

In 2016, approximately 40 percent of the state's energy consumption was used for transportation activities (United States Energy Information Administration [EIA] 2019). Californians presently consume over 19 billion gallons of motor vehicle fuels per year (CEC 2019b). Though California's population and economy are expected to grow, gasoline demand is projected to decline from roughly 15.8 billion gallons in 2017 to between 12.3 billion and 12.7 billion gallons in 2030, a 20 percent to 22 percent reduction. This decline comes in response to both increasing vehicle electrification and higher fuel economy for new gasoline vehicles (CEC 2019b).

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

Construction Energy Demand

During project construction, energy would be consumed in the form of petroleum-based fuels used to power off-road construction vehicles and equipment on the project site, construction worker travel to and from the project site, and vehicles used to deliver materials to the site. The proposed project would require site preparation and grading, including hauling material off-site; pavement and asphalt installation; building construction; architectural coating; and landscaping and hardscaping.

The total consumption of gasoline and diesel fuel during project construction was estimated using the assumptions and factors from CalEEMod (Appendix B). Table 9 presents the estimated construction phase energy consumption, indicating construction equipment, vendor trips, and worker trips would consume approximately 52,354 gallons of fuel over the project construction period. Construction equipment would consume an estimated 48,709 gallons of fuel; vendor and hauling trips would consume approximately 3,615 gallons of fuel; and worker trips would consume approximately 26 gallons of fuel over the combined phases of project construction.

Fuel Type	Gallons of Fuel	MMBtu ⁴
Diesel Fuel (Construction Equipment) ¹	48,709	6,208
Diesel Fuel (Hauling & Vendor Trips) ²	3,615	333
Other Petroleum Fuel (Worker Trips) ³	26	3
Total	52,354	6,544

Table 9 Estimated Fuel Consumption during Construction

¹ Fuel demand rate for construction equipment is derived from the total hours of operation, the equipment's horse power, the equipment's load factor, and the equipment's fuel usage per horse power per hour of operation, which are all taken from CalEEMod outputs (see Appendix B), and from compression-ignition engine brake-specific fuel consumptions factors for engines between 0 to 100 horsepower and greater than 100 horsepower (U.S. EPA 2018). Fuel consumed for all construction equipment is assumed to be diesel fuel.

² Fuel demand rate for hauling and vendor trips (cut material imports) is derived from hauling and vendor trip number, hauling and vendor trip length, and hauling and vendor vehicle class from "Trips and VMT" Table contained in Section 3.0, *Construction Detail*, of the CalEEMod results (see Appendix B). The fuel economy for hauling and vendor trip vehicles is derived from the United States Department of Transportation (DOT 2018). Fuel consumed for all hauling trucks is assumed to be diesel fuel.

³ The fuel economy for worker trip vehicles is derived from DOT National Transportation Statistics (24 mpg) (DOT 2018). Fuel consumed for all worker trips is assumed to be gasoline fuel.

⁴ CaRFG CA-GREET 2.0 fuel specification of 109,786 Btu/gallon used to identify conversion rate for fuel energy consumption for worker trips specified above (CARB 2015). Low-sulfur Diesel CA-GREET 2.0 fuel specification of 127,464 Btu/gallon used to identify conversion rate for fuel energy consumption for construction equipment specified above (CARB 2015). Totals may not add up due to rounding.

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The construction energy estimates represent a conservative estimate as the construction equipment used in each phase of construction was assumed to be operating every day of construction. Construction equipment would be maintained to all applicable standards as required, and construction activity and associated fuel consumption and energy use would be temporary and typical for construction sites. It is also reasonable to assume contractors would avoid wasteful, inefficient, and unnecessary fuel consumption during construction to reduce construction costs. Therefore, the proposed project would not involve the inefficient, wasteful, and unnecessary use of energy during construction, and the construction-phase impact related to energy consumption would be less than significant.

Operational Energy Demand

The operation of the proposed project would require energy use in the form of electricity, natural gas, and gasoline consumption. Natural gas and electricity would be used for heating and cooling systems, lighting, appliances, water use, and the overall operation of the project. Gasoline consumption would be attributed to vehicular travel from residents and guests traveling to and from the project site. The proposed project's estimated number of average daily trips is used to determine the energy consumption associated with fuel use from project operation. According to the CalEEMod calculations, the proposed project would result in 261,830 annual VMT (Appendix B). Table 10 shows the estimated total annual fuel consumption of the project using the estimated VMT with the assumed vehicle fleet mix (Appendix B).

Vehicle Type ¹	Percent of Vehicle Trips ²	Annual Vehicle Miles Traveled ³	Average Fuel Economy (miles/gallon) ⁴	Total Annual Fuel Consumption (gallons)	Total Fuel Consumption (MMBtu) ⁵
Passenger Cars	55.9	146,457	24.0	6,102	670
Light/Medium Trucks	34.0	89,007	17.4	5,115	562
Heavy Trucks/Other	9.5	24,914	7.4	3,367	429
Motorcycles	0.6	1,452	43.9	33	4
Total	100.0	261,830	-	14,618	1,665

Table 10 Estimated Project Annual Transportation Energy Consumption

¹ Vehicle classes provided in CalEEMod do not correspond exactly to vehicle classes in DOT fuel consumption data, except for motorcycles. Therefore, it was assumed that passenger cars correspond to the light-duty, short-base vehicle class, light/medium trucks correspond to the light-duty long-base vehicle class, and heavy trucks/other correspond to the single unit, 2-axle 6-tire or more class.

² Percent of vehicle trips from Table 4.4 "Fleet Mix" in Air Quality and Greenhouse gas Emissions Study, CalEEMod output (see Appendix B).

³ Mitigated annual VMT found in Table 4.2 "Trip Summary Information" in Air Quality and Greenhouse Gas Emissions Study CalEEMod output (see Appendix B).

⁴ Average Fuel Economy: DOT 2018.

⁵ CaRFG fuel specification of 109,786 Btu/gallon used to identify conversion rate for fuel energy consumption for vehicle classes specified above (CARB 2015).

Notes: Totals may not add up due to rounding.

As shown in Table 9, the proposed project would consume approximately 14,618 gallons of fuel, or 1,665 MMBtu, each year for transportation uses from the operation under the most conservative estimate.

City of Hayward 28571 and 28591 Harvey Avenue Residential Project

Operation of the proposed project would consume approximately 0.1 GWh of electricity per year (electricity use provided in the CalEEMod output of Appendix B). The proposed project's electricity demand would be served by PG&E, which provided 82,224 GWh of electricity in 2017; therefore, PG&E would have sufficient supplies for the proposed project. Estimated natural gas consumption for the proposed project would be approximately 0.005 MMthm per year (electricity use provided in the CalEEMod output of Appendix B). The proposed project's natural gas demand would be serviced by PG&E, which provided approximately 4,715 MMthm per year in 2017; therefore, PG&E would have sufficient supplies for the proposed project. Additionally, each proposed residential unit would include rooftop solar PV panels that would further off set energy consumption.

The proposed project would be required to comply with all standards set in California Building Code (CBC) Title 24, which would minimize the wasteful, inefficient, or unnecessary consumption of energy resources during operation. California's Green Building Standards Code (CALGreen; California Code of Regulations, Title 24, Part 11) requires implementation of energy efficient light fixtures and building materials into the design of new construction projects. Furthermore, the 2019 Building Energy Efficiency Standards (CBC Title 24, Part 6) requires newly constructed buildings to meet energy performance standards set by the Energy Commission. These standards are specifically crafted for new buildings to result in energy efficient performance so that the buildings do not result in wasteful, inefficient, or unnecessary consumption of energy. The standards are updated every three years and each iteration is more energy efficient than the previous standards. For example, according to the CEC, residences built with the 2019 standards will use about seven percent less energy due to energy efficiency measures versus those built under the 2016 standards, or 53 percent less energy with rooftop solar, and nonresidential buildings will use about 30 percent less energy due mainly to lighting upgrades (CEC 2018). Furthermore, the proposed project would continue to reduce its use of nonrenewable energy resources as the electricity generated by renewable resources provided by PG&E continues to increase to comply with state requirements through Senate Bill 100, which requires electricity providers to increase procurement from eligible renewable energy resources to 33 percent of total retail sales by 2020, 60 percent by 2030, and 100 percent by 2045.

In conclusion, project construction would be temporary and typical of similar projects, and would not result in the wasteful, inefficient, or unnecessary consumption of energy. Project operation would involve the consumption of fuel, natural gas, and electricity; however, calculated energy consumption estimates did not deduct existing energy use from the two residences currently on the project site and therefore represent a highly conservative estimate. The proposed project's energy usage would be in conformance with the latest version of California's Green Building Standards Code and the Building Energy Efficiency Standards. In addition, PG&E has sufficient supplies to serve the project and the proposed project would include rooftop solar PV panels that would further off set energy consumption. Therefore, the proposed project would have a less than significant impact.

LESS THAN SIGNIFICANT IMPACT

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

As mentioned above, SB 100 mandates 100 percent clean electricity for California by 2045. Because the proposed project would be powered by the existing electricity grid, the proposed project would eventually be powered by renewable energy mandated by SB 100 and would not conflict with this statewide plan. Additionally, Hayward's Climate Action Plan (CAP) contains emissions-reduction measures the City may implement, several of which are energy-related in nature. The CAP is a

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voluntary planning study undertaken by the City to quantify emissions through an inventory analysis and forecast and to generate possible measures the City could take in the future. The CAP was adopted by the City Council on July 28, 2009 and incorporated into the City's General Plan in 2014. Therefore, the CAP contains mandatory measures and amendments that apply to unincorporated areas of the county (City of Hayward 2014). Therefore, the energy efficiency measures contained in the CAP are required and would be adhered to with implementation of the proposed project.

As demonstrated further in Section 8, *Greenhouse Gas Emissions*, the proposed project is consistent with measures and actions from the City's CAP. Those measures specifically pertaining to energy efficiency include NR-4.1 through NR-4.11, and NR-4.13 though NR-4.15 relating to energy performance in new construction and energy efficient design in new development. Additionally, the proposed project would include "green building" features such as installing roof solar panels on each residence to reduce energy usage. The proposed project would not interfere with the CAP's energy performance in new construction strategy or measures and would not conflict with or obstruct the state plan for renewable energy; therefore, impacts would be less than significant.

LESS THAN SIGNIFICANT IMPACT

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Attachment IV

Environmental Checklist Geology and Soils

7 Geology and Soils

			Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Wo	ould t	the project:				
a.	Dire sub risk	ectly or indirectly cause potential stantial adverse effects, including the of loss, injury, 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 loss	ult in substantial soil erosion or the of topsoil?				
C.	Be l is u uns pot land liqu	ocated on a geologic unit or soil that nstable, or that would become table as a result of the project, and entially result in on or offsite dslide, lateral spreading, subsidence, efaction, or collapse?			•	
d.	Be l in T (199 indi	ocated on expansive soil, as defined able 1-B of the Uniform Building Code 94), creating substantial direct or rect risks to life or property?				
e.	Hav sup alte whe disp	re soils incapable of adequately porting the use of septic tanks or rnative wastewater disposal systems ere sewers are not available for the posal of wastewater?				
f.	Dire pale geo	ectly or indirectly destroy a unique eontological resource or site or unique logic feature?				

A Geotechnical Report for the proposed project was prepared by Silicon Valley Soil Engineering in October 2017 (Appendix D). The purpose of this investigation was to determine the nature of the surface and subsurface soil conditions at the project site through field investigations and laboratory testing. This report presents an explanation of investigative procedures, results of the testing program, conclusions regarding soil conditions, and recommendations for earthwork and foundation design to adapt the proposed development to the existing soil conditions.

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

The project site is not located in an Alquist-Priolo Earthquake Fault Zone and there are no known faults crossing or projecting toward the site (DOC 2012). The nearest known fault is the Hayward Fault which is approximately 1.8 miles east of the project site. The proposed project would comply with State of California standards for building design through the CBC (California Code of Regulations, Title 24), which requires various measures of all construction in California to account for hazards from seismic shaking. Therefore, the proposed project would not directly or indirectly cause substantial adverse impacts associated with surface fault rupture. No impact would occur.

NO IMPACT

- a.2. Would the project directly or indirectly cause substantial potential substantial adverse effects, including the risk of loss, injury, or death involving strong seismic ground shaking?
- a.3. Would the project directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving seismic-related ground failure, including liquefaction?
- c. Would the project be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on or offsite landslide, lateral spreading, subsidence, liquefaction, or collapse?

The San Francisco Bay Area region is one of the most seismically active areas in the country. While seismologists cannot predict earthquake events, the USGS's Working Group on California Earthquake Probabilities (WGCEP) estimates the likelihood that California will experience a magnitude 8 or larger earthquake in the next 30 years is about 7.0 percent (WGCEP 2015). The WGCEP also estimates that each region of California will experience a magnitude 6.7 or larger earthquake in the next 30 years. Additionally, there is a 63 percent chance of at least one magnitude 6.7 or greater earthquake occurring in the Bay Area region between 2007 and 2036.

The project site is located in an area of relatively high seismic potential. The faults in the area are capable of generating earthquakes that could produce strong to violent ground shaking at the project site. The active fault nearest the site is the Hayward fault, which is located approximately 1.8 miles to the east. The effects of earthquake-related ground shaking could include damage to structures, as well as damage to streets and utilities. However, compliance with the current CBC requirements would ensure that the proposed structures would be able to: (1) resist minor earthquakes without damage; (2) resist moderate earthquakes without structural damage, but with some non-structural damage; and (3) resist major earthquakes without collapse, but with some structural as well as nonstructural damage. By adhering to State and City building code requirements, the direct or indirect impacts from development of the proposed project as they relate to strong seismic ground shaking would be less than significant.

According to the Geotechnical Report, the project site is also in a state-designated Liquefaction Hazard Zone (Appendix D). The factors known to influence liquefaction potential include grain size, relative density, groundwater conditions, effective confining pressures, and intensity and duration of ground shaking. Loose, saturated, near-surface, cohesionless soils exhibit the highest liquefaction potential, while dense, cohesionless soils and cohesive soils exhibit low to negligible liquefaction potential. However, the Geotechnical Report concluded that there is no liquefiable soil layer underlying the project site, and therefore the potential for liquefaction is minimal.

Lateral spreading and earthquake-induced landslides involve lateral ground movements caused by seismic shaking. These lateral ground movements are often associated with a weakening or failure of an embankment or soil mass overlying a layer of liquefied sands or weak soils. Due to the relatively flat site topography and lack of liquefiable material, lateral spreading is unlikely at the site (Appendix D). Therefore, impacts related to strong seismic shaking and seismic related ground failure would be less than significant.

LESS THAN SIGNIFICANT IMPACT

a.4. Would the project directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving landslides?

The project site and surroundings are generally level, and no steep slopes are located near the site. Therefore, there is no potential for landslides at the site. No impact would occur.

NO IMPACT

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

Construction of the proposed project would require earthwork activities to prepare the site for the construction of 12 single-family residences. As the proposed project would disturb over one acre of land, the applicant would 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) to comply with Clean Water Act (CWA) National Pollutant Discharge Elimination System (NPDES) requirements. Compliance with these requirements would include preparation of a Storm Water Pollution Prevention Plan (SWPPP), which would specify Best Management Practices (BMP) to quickly contain and clean up accidental spills or leaks. In accordance with HMC Section 10-3.705, the project applicant is also required to prepare and implement an Erosion and Sediment Control Plan to prevent illicit discharge. Appropriate erosion control and permanent site surface drainage elements per the latest California Building Code would also be implemented. With required implementation of these plans, permits, and BMPs, substantial erosion or the loss of top soil would not occur at the project site. Impacts would be less than significant.

LESS THAN SIGNIFICANT IMPACT

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

Based on the laboratory testing results included in the Geotechnical Report (Appendix D), the native surface soil at the project site was found to have a high expansion potential when subjected to fluctuations in moisture. These soils can shrink or swell and cause heaving and cracking of slabs-on-grade, pavements, and structures founded on shallow foundations, resulting in a potentially significant impact. Nonetheless, the report concluded that from a geotechnical viewpoint, the

project is feasible provided the considerations included in Mitigation Measure GEO-1 below are addressed in the project design.

Mitigation Measure

The following mitigation measure shall be implemented prior to and during project construction:

GEO-1 Geotechnical Considerations

The project applicant shall implement all measures and recommendations set forth in the Geotechnical Report prepared by Silicon Valley Soil Engineering in October 2017 (included in Appendix D). Recommendations include but are not limited to the following topic areas:

- Grading (demolition and stripping, existing fill removal, selection of materials, differential fill thickness, fill placement)
- Excavation
- Foundation design criteria (including concrete slab-on-grade or mat slab options)
- Building code seismic design
- Retaining walls
- Drainage
- On-site utility trenching
- Pavement design

Significance After Mitigation

Implementation of Mitigation Measure GEO-1 would reduce the swell potential of the clay by compacting the soil at a high moisture content, controlling the amount of soil compaction. Impacts from expansive soil would be less than significant with implementation of mitigation.

LESS THAN SIGNIFICANT WITH MITIGATION INCORPORATED

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?

The proposed project would not include components that would require the use of septic tanks. The proposed project would connect to the City of Hayward municipal sewer system. There would be no impact.

NO IMPACT

f. Would the project directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?

Consistent with the Society for Vertebrate Paleontology 2010 guidelines, the paleontological sensitivity of the project site is based on a literature review and museum locality search. The project site is mapped at a scale of 1:50,000 by Graymer (2000) and is immediately underlain by Holocene basin deposits (Qhb). These younger Quaternary deposits are composed of organic-rich dark clay to very fine silty-clay deposits occupying the lowest topographic positions either between the Holocene levee deposits or Holocene floodplain deposits (Helley and Graymer 1997). The basin deposits overlie Holocene alluvial fans and stream sediments, which grade into older Pleistocene

alluvium at moderate depth. A search of the paleontological locality records maintained by University of California Museum of Paleontology online database resulted in no previously recorded vertebrate fossil localities within Holocene sedimentary deposits in the project vicinity.

Holocene sedimentary deposits, particularly those younger than 5,000 years old, are generally too young to contain fossilized material. Therefore, the Holocene basin deposits mapped at the surface of the project site have been assigned a low paleontological sensitivity. The project site does not contain a unique geological feature. Therefore, ground disturbance for construction of the proposed project would not unearth paleontological resources. No impacts to paleontological resources or unique geological features would occur.

NO IMPACT

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Environmental Checklist Greenhouse Gas Emissions

8 Greenhouse Gas Emissions

		Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
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 an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of greenhouse			_	

Climate change is the observed increase in the average temperature of the Earth's atmosphere and oceans along with other substantial changes in climate (such as wind patterns, precipitation, and storms) over an extended period of time. Climate change is the result of numerous, cumulative sources of greenhouse gases (GHGs). GHGs contribute to the "greenhouse effect," which is a natural occurrence that helps regulate the temperature of the planet. The majority of radiation from the Sun hits the Earth's surface and warms it. The surface in turn radiates heat back towards the atmosphere, known as infrared radiation. Gases and clouds in the atmosphere trap and prevent some of this heat from escaping back into space and re-radiate it in all directions. This process is essential to supporting life on Earth because it warms the planet by approximately 60° Fahrenheit. Emissions from human activities since the beginning of the industrial revolution (approximately 250 years ago) are adding to the natural greenhouse effect by increasing the gases in the atmosphere that trap heat, thereby contributing to an average increase in the Earth's temperature.

Project implementation would generate GHG emissions through the burning of fossil fuels or other emissions of GHGs, thus potentially contributing to cumulative impacts related to climate change. In response to an increase in man-made GHG concentrations over the past 150 years, California has implemented Assembly Bill (AB) 32, the "California Global Warming Solutions Act of 2006." AB 32 codifies the Statewide goal of reducing emissions to 1990 levels by 2020 (essentially a 15% reduction below 2005 emission levels) and the adoption of regulations to require reporting and verification of statewide GHG emissions. Furthermore, on September 8, 2016, the governor signed Senate Bill 32 (SB 32) into law, which requires the State to further reduce GHGs to 40 percent below 1990 levels by 2030. SB 32 extends AB 32, directing CARB to ensure that GHGs are reduced to 40 percent below the 1990 level by 2030.

On December 14, 2017, CARB adopted the 2017 Scoping Plan, which provides a framework for achieving the 2030 target. The 2017 Scoping Plan does not provide project-level thresholds for land use development. Instead, it recommends that local governments adopt policies and locally-appropriate quantitative thresholds consistent with a statewide per capita goal of six metric tons (MT) CO_2e by 2030 and two MT CO_2e by 2050 (CARB 2017). As stated in the 2017 Scoping Plan,

these goals may be appropriate for plan-level analyses (city, county, subregional, or regional level), but not for specific individual projects because they include all emissions sectors in the State.

The vast majority of individual projects do not generate sufficient GHG emissions to directly influence climate change. However, physical changes caused by a project can contribute incrementally to cumulative effects that are significant, even if individual changes resulting from a project are limited. The issue of climate change typically involves an analysis of whether a project's contribution towards an impact would be cumulatively considerable. "Cumulatively considerable" means that the incremental effects of an individual project are significant when viewed in connection with the effects of past projects, other current projects, and probable future projects (CEQA Guidelines, Section 15064[h][1]).

To evaluate whether a project may generate a quantity of GHG emissions that may have a significant impact on the environment, state agencies have developed a number of operational bright-line significance thresholds. Significance thresholds are numeric mass emissions thresholds that identify the level at which additional analysis of project GHG emissions is necessary. Projects that attain the significance target, with or without mitigation, would result in less than significant GHG emissions. Many significance thresholds have been developed to reflect a 90 percent capture rate tied to the 2020 reduction target established in AB 32. Numerous lead agencies (including the City of Hayward) have identified as appropriate significance screening tools for residential, commercial, industrial, and public land uses and facilities projects with horizon years before 2020.

In the 2017 BAAQMD CEQA Air Quality Guidelines, BAAQMD outlines an approach to determine the significance of projects. For residential, commercial, industrial, and public land use development projects, the thresholds of significance for operational-related GHG emissions are as follows:

- Compliance with a qualified GHG Reduction Strategy
- Annual emissions less than 1,100 metric tons (MT) per year (MT/yr) of carbon dioxide equivalent (CO₂e)
- Service person threshold of 4.6 MT CO₂e/SP/yr (residents + employees)

According to the *CEQA Guidelines*, projects can tier from a qualified GHG reduction plan, which allows for project-level evaluation of GHG emissions through the comparison of the project's consistency with the GHG reduction policies included in a qualified GHG reduction plan. This approach is considered by the Association of Environmental Professionals (AEP) in their white paper, *Beyond Newhall and 2020*, to be the most defensible approach presently available under CEQA to determine the significance of a project's GHG emissions (AEP 2016). The City of Hayward has developed a Climate Action Plan (CAP), which has been adopted as a part of the City's General Plan. This was prior to modifications to the CEQA Guidelines and adoption of guidance from BAAQMD on what qualifies as a quantified GHG reduction strategy used for tiering. Therefore, the CAP does not qualify has a GHG reduction plan and thus cannot be used for project tiering.

BAAQMD annual emissions threshold of 1,100 MT of CO_2e per year was designed to capture 90 percent of all emissions associated with projects in the Basin and require implementation of mitigation so that a considerable reduction in emissions from new projects would be achieved. According to the California Air Pollution Control Officers Association (CAPCOA) white paper, *CEQA & Climate Change*, a quantitative threshold based on a 90 percent market capture rate is generally consistent with AB 32 (CAPCOA 2008). SB 32, codified in 2016, sets a more conservative emission reduction target of 40 percent below the 1990 level by 2030. Because the previously established threshold of 1,100 MT CO_2e was not developed to meet the targets established by SB 32, it must be

adjusted to meet the new, more conservative, emission reduction target of 40 percent below the 1990 level by 2030. As BAAQMD has not published a quantified threshold for 2030 yet, this analysis uses a "Substantial Progress" bright-line threshold of 660 MT of CO₂e per year (or a 40 percent reduction of the 2020 1,100 MT CO₂e per year threshold). The bright-line threshold applies best to the proposed project as Hayward does not have a qualified GHG reduction plan and the project is not a high-density project whose impacts would be more appropriately quantified by a service population threshold to reflect the per-person emission efficiency.

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

Construction and operational emissions associated with the proposed project were quantified using CalEEMod version 2016.3.2. Complete CalEEMod results and assumptions are provided in Appendix B. It was assumed that construction activity would begin March 2020 with completion by the September 2021.

Construction Emissions

Construction emissions associated with the proposed project would generate temporary short-term GHG emissions during the operation of construction equipment and truck trips. GHGs would be emitted from travel to and from the worksite and from the operation of construction equipment such as graders, backhoes, and generators. Site preparation and grading typically generate the greatest amount of emissions due to the use of grading equipment and soil hauling.

Construction activity for the proposed project would generate estimated annual emissions of 413 MT CO₂e. As there is no applicable construction GHG threshold, this calculation is included for informational purposes. Nonetheless, the project applicant would be required to comply with all BAAQMD rules and regulations regarding emission control measures. Therefore, impacts related to GHG emissions will be less than significant.

Operational and Total Project Emissions

Table 11 combines the construction and operational GHG emissions associated with development of the project. As shown, annual emissions from the proposed project would be approximately 189 MT CO_2e . These emissions would not exceed the 660 MT CO_2e per year bright line threshold. Therefore, GHG emissions impacts would be less than significant.

Emission Source	Annual Emissions (CO ₂ e in metric tons)	
Operational		
Area	2	
Energy	55	
Solid Waste	7	
Water	3	
Mobile		
CO_2 and CH_4	120	
N ₂ O	2	
Total	189	
See Appendix B for CalEEMo	d worksheets.	

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LESS THAN SIGNIFICANT IMPACT

b. Would the project conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of greenhouse gases?

As discussed above, the proposed project would not result in GHG emissions above thresholds that were established by BAAQMD to identify projects that require additional mitigation measures to achieve statewide GHG targets contained in AB 32 and SB 32.

As stated above under Section 6, *Energy*, the proposed project would be constructed in accordance with CALGreen (Part 11 of Title 24 of the California Code of Regulations) requirements for Residential Development, which includes implementation of energy efficient light fixtures and building materials into the design of new construction projects. The project site is not within a Priority Development Area as designated in the Plan Bay Area, a regional plan designed to reduce GHG emissions through land use planning and the provision of adequate housing to meet regional needs (ABAG 2017b).

Hayward's Climate Action Plan (CAP) was adopted by the Hayward City Council on July 28, 2009. The purpose of the CAP is to make Hayward a more environmentally and socially sustainable community. The overall objective of the CAP is to reduce Hayward's greenhouse gas emissions by:

- 20 percent below 2005 baseline levels by 2020,
- 62.7 percent below 2005 baseline levels by 2040, and
- 82.5 percent below 2005 baseline levels by 2050.

The CAP includes GHG reduction strategies and actions relating to transportation, land use, energy, solid waste, carbon sequestration, climate change adaptation, and community engagement. The proposed project includes several design features that are consistent with strategies and actions from the City's CAP. As mentioned above, the proposed project would comply with CALGreen requirements, and would therefore, be consistent with *Strategy 4: Energy: Improve Energy Performance of New Buildings* of the City's CAP. This strategy includes community-wide actions to implement the City's Private Development Green Building Ordinance for residential buildings and CALGreen standards. The houses would include solar panels to reduce energy use and associated

GHG emissions. This is consistent with *Strategy 5: Energy: Use Renewable Energy*, which includes community-wide actions to incorporate renewable energy requirements into residential buildings.

The proposed project would support and implement some strategies contained in the City's CAP. Additionally, the project would not conflict with the Climate Change Scoping Plan developed per SB 32, the land use assumptions in the Plan Bay Area, or regulations adopted by the City of Hayward to reduce greenhouse gas emissions. Therefore, the proposed project would have a less than significant impact related to GHG emissions.

LESS THAN SIGNIFICANT IMPACT

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Environmental Checklist Hazards and Hazardous Materials

9 Hazards and Hazardous Materials

		Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact	
Wo	Would the project:					
a.	Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?					
b.	Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?			-		
c.	Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within 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 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?				•	

- 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?

Construction Activities

The proposed project would involve the the construction of 12 single-family residences, paved circulation and parking areas, and landscaping. Construction activities may include the temporary transport, storage, use, or disposal of potentially hazardous materials including fuels, lubricating fluids, cleaners, solvents, or contaminated soils. If spilled, these substances could pose a risk to the environment and to human health. However, the transport, storage, use, or disposal of hazardous materials would be subject to federal, state, and local regulations pertaining to the transport, use, storage, and disposal of hazardous materials, which would assure that risks associated with hazardous materials are minimized. The transport of hazardous materials would be subject to federal, state, and local regulations materials would be subject to federal. In addition, construction activities that transport hazardous materials would be required to transport such materials along designated truck routes in the city in accordance with the City's General Plan policy HAZ-6.8, thereby limiting risk of upset (City of Hayward 2014).

Structures built before the 1970s typically used ACMs in their construction. Because the on-site structures are over 50 years in age and were constructed before the time of the federal ban on the manufacture of polychlorinated biphenyls (PCB), it is possible that light ballasts contain PCBs. However, demolition and construction activities would be required to adhere to Bay Area Air Quality Management District (BAAQMD) Regulation 11, Rule 2, which governs the proper handling and disposal of ACM for demolition, renovation, and manufacturing activities in the Bay Area, and California Occupational Safety and Health Administration (CalOSHA) regulations regarding leadbased materials. The California Code of Regulations, §1532.1, requires testing, monitoring, containment, and disposal of lead-based materials, such that exposure levels do not exceed CalOSHA standards. The California Department of Toxic Substance Control (DTSC) has classified PCBs as a hazardous waste when concentrations exceed 50 parts per million in non-liquids, and the DTSC requires that materials containing those concentrations of PCBs be transported and disposed of as hazardous waste. Light ballasts to be removed would be evaluated for the presence of PCBs and managed appropriately. With required adherence to BAAQMD, CalOSHA, and DTSC regulations regarding ACM, LBP, and PCBs impacts would be less than significant.

As the proposed project would disturb over one acre of land, the applicant would 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) to comply with CWA NPDES requirements. Compliance with these requirements would include preparation of a SWPPP, which would specify BMPs to quickly contain and clean up accidental spills or leaks. Therefore, the potential for an accidental release of hazardous materials to harm the public or the environment would be minor. Impacts related to hazardous materials during construction would be less than significant.

Project Operation

The proposed project would involve construction of 12 new single-family residences. Residential uses typically do not use or store large quantities of hazardous materials other than those typically used for household cleaning, maintenance, and landscaping. Therefore, the proposed project would not involve the use, storage, transportation, or disposal of hazardous materials and would not release such materials into the environment. Impacts would be less than significant.

LESS THAN SIGNIFICANT IMPACT

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?

The project site is located approximately 775 feet (approximately 0.14 miles) east of Ruus Elementary School. As described under parts *a*. and *b*., construction activities may involve the use, storage, or transport of hazardous materials. However, the transport, use, storage, and disposal of hazardous materials associated with construction are subject to applicable federal, state, and local regulations to minimize the release of hazardous materials into the environment.

Operation of the proposed residential use would not involve the handling of hazardous materials, substances, or wastes other than those typically used for household cleaning, maintenance, and landscaping. Handling of hazardous materials is subject to applicable federal, state, and local regulations to reduce emissions of hazardous materials into the environment.

Therefore, through adherence to applicable regulations, impacts would be less than significant.

LESS THAN SIGNIFICANT IMPACT

d. Would the project 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?

California Government Code Section 65962.5 requires various state agencies to compile lists of hazardous waste disposal facilities, unauthorized release from underground storage tanks, contaminated drinking water wells, and solid waste facilities from which there is known migration of hazardous waste and submit such information to the Secretary for Environmental Protection on at least an annual basis. According to the Phase 1 Environmental Site Assessment prepared in August 2017 by B2 Environmental, Inc., the project site is not listed as a known hazardous cleanup site, does not contain a hazardous waste facility, and has no record of known contamination (Department of Toxic Substances Control 2019; B2 Environmental, Inc. [Appendix E]). No cleanup sites are located within a half-mile radius of the project site; therefore, contamination from other sites is not expected to have migrated such that the project site is affected by off-site contamination. Therefore, the proposed project would not create a significant hazard to the public or environment and there would be no impact.

NO IMPACT

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

The nearest airport to the project site is the Hayward Executive Airport, located approximately three miles to the northwest. The project site is not located within the Hayward Executive Airport

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Influence Area and is located outside the existing noise level contours for the airport (Alameda County Airport Land Use Commission [ALUC] 2012). The proposed project would not subject persons working at the site to safety hazards, and there would be no impact from potential air traffic safety risks.

NO IMPACT

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

The City of Hayward adopted the *Local Hazard Mitigation Plan* in 2016 (City of Hayward 2016a). Construction of the proposed project would occur within the boundary of the project site and no street closures would occur. The proposed project does not involve the development of structures that could potentially impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan. No streets or property access points would be closed, rerouted, or substantially altered during or after construction. There would be no impact.

NO IMPACT

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

The project site is located in a developed urbanized area that is surrounded by residential and commercial uses and no adjacent wildlands or densely vegetated areas are located in the area that would represent a significant fire hazard. The project site is not located in a Fire Hazard Severity Zone or Very High Hazard Severity Zone for wildland fires (California Department of Forestry and Fire Protection [CalFire] 2007; 2008). Therefore, the proposed project would not expose people or structures to significant risk of loss, injury, or death involving wildland fires. There would be no impact.

NO IMPACT

Attachment IV

Environmental Checklist Hydrology and Water Quality

10 Hydrology and Water Quality

		Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Wo	ould the project:				
a.	Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?				
b.	Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?				
C.	Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:				
	 Result in substantial erosion or siltation on- or off-site; 				
	 Substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site; 				
	 (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 flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?				
e.	Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management			-	
	μαιι:				

- a. Would the project violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?
- 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?
- e. Would the project conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?

Construction Impacts

During grading activities, the project site's soils would be exposed to wind and water erosion that could transport sediments into local stormwater drainages. Also, 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. The proposed project would be subject to the San Francisco Bay Region Municipal Regional Stormwater National Pollutant Discharge Elimination System (NPDES) Permit (MRP) – NPDES Permit Order No. R2-2015-0049, and the provisions set forth in Section C.3 New Development and Redevelopment. Under the conditions of the permitting program, the applicant would be required to eliminate or reduce non-stormwater discharges to waters of the nation, develop and implement a SWPPP for construction activities, and perform inspections of the stormwater pollution prevention measures and control practices to ensure conformance with the site SWPPP. Because the proposed project would disturb at least one acre of land, the project must provide stormwater treatment and would 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).

Further, in accordance with HMC Chapter 10, Article 8 (Grading and Clearing), all grading activities must be conducted in a manner that will minimize the potential for erosion from the site. 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 construction-related water quality and erosion control requirements, construction of the proposed project would not violate 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 proposed project would increase the total area of impervious surfaces on the project site by approximately 36,346 square feet. Increasing the total area of impervious surfaces can result in a

greater potential to introduce pollutants to receiving waters. Urban runoff can carry a variety of pollutants, including oil and grease, metals, sediment, and pesticide residues from roadways, parking lots, rooftops, and landscaped areas depositing 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 postconstruction stormwater requirements for new development and redevelopment projects that add and/or replace 10,000 square feet or more of impervious area. Because the proposed 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 proposed 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 nonstormwater 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.

The proposed project would increase the amount of impervious surfaces on the site. In accordance with the C.3 requirements, the project is designed to direct runoff from roofs and sidewalks into vegetated areas and would include landscaped bioretention areas to treat runoff before entering the stormwater system.

By adhering to the provisions of NPDES Section C.3, the SWPPP, and the stormwater control plan, the proposed 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 proposed project would have a less than significant impact on water quality. With implementation of the measures contained in these plans, excessive stormwater runoff, substantial erosion or siltation on- or off-site would not occur and the potential for the project to violate water quality standards and substantially degrade water quality would be reduced. Additionally, the proposed project would not conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan. Impacts would be less than significant.

LESS THAN SIGNIFICANT IMPACT

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

As discussed in Section 19, *Utilities and Service Systems*, the proposed project would receive its water from the City of Hayward. Hayward receives its water from the Hetch Hetchy system, owned and operated by the San Francisco Public Utilities Commission (SFPUC). Hayward does not currently, nor does it plan to, use groundwater to meet the City's water demand (City of Hayward 2016b). Therefore, the proposed project would not rely on groundwater for its water supply and would not increase groundwater usage such that a net deficit in aquifer volume would occur.

Development under the proposed project does not include installation of new groundwater wells or use of groundwater from existing wells. The proposed project would increase the total area of impervious surfaces on the project site by approximately 36,346 square feet. However, the construction of stormwater management bio-retention areas would allow much of the stormwater runoff from the project site to infiltrate into the ground surface and would not substantially interfere with groundwater recharge of water supply aquifers. Therefore, the proposed project would not substantially interfere with groundwater recharge. Impacts related to groundwater would be less than significant.

LESS THAN SIGNIFICANT IMPACT

- 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?
- 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?

A portion on the eastern side of the project site is currently developed with two residences and accessory structures. Ward Creek, located immediately west of the project site boundary, is the nearest watercourse to the site and does not flow through the site Construction of the proposed project would not alter the course of this creek or other stream or river (no other surface water features are identified in the project area). Project runoff would maintain pre-project drainage patterns by connecting to existing storm drain facilities and would not be directed to the banks of a creek. No impacts to bank stability would occur.

The proposed project would include bio-retention basins to treat roof, sidewalk, and driveway water runoff, and permeable pavers on driveways. According to the stormwater control plan (Carlson, Barbee & Gibson, Inc. November 2017; Appendix F), the proposed project would involve an effective impervious area³ of approximately 48,543 square feet. In accordance with Alameda County C.3 requirements (see discussion above under questions (*a*, *c.(i)*, and *e*), the proposed project would be required to provide 1,615 square feet of treatment area. The proposed project would provide 1,750 square feet of treatment area; therefore, it is consistent with the County's C.3 requirements. Thus, the proposed project would not substantially increase stormwater discharge, substantially alter drainage patterns on-site or the surrounding area, and would not contribute runoff that would resulting in flooding on- or off-site or exceed the capacity of the existing on-site or offsite stormwater drainage system. Impacts would be less than significant.

The Federal Emergency Management Agency (FEMA) is responsible for the preparation of Flood Insurance Rate Maps (FIRMs). These maps present flood hazard, expressed as areas that are subject

³ Effective impervious area includes all roofs, hardscapes, and streets plus 10 percent of the area that is in landscape that would drain to treatment areas.

Environmental Checklist Hydrology and Water Quality

to inundation in a storm with either a 1 percent Annual Exceedance Probability (AEP), also referred to as a 100-year flood, or a 0.2 percent AEP (500-year flood). The project site is located in Flood Zone X, which is considered an area of minimal flood hazard and is outside of FEMA designated flood zones (FEMA FIRM # 06001C0289G, effective August 3, 2009). Therefore, the proposed project is not located within a flood zone and impacts concerning flood hazards would be less than significant.

LESS THAN SIGNIFICANT IMPACT

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

As discussed above, the project site is not located within the 100-year floodplain or a FEMAdesignated Special Flood Hazard Area. The nearest largest body of water to the project site is the San Francisco Bay, which is approximately 4.5 miles to the west of the project site. The project site is also approximately six miles from Lake Chabot to the northwest. Since the project site is not near a large body of water and is four miles inland from the San Francisco Bay, the project site would not risk release of pollutants due to inundation by seiche, tsunami. The project site is likewise not located within a flood zone and impacts concerning flood hazards would be less than significant.

LESS THAN SIGNIFICANT IMPACT

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Environmental Checklist Land Use and Planning

11 Land Use and Planning

		Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would 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?			•	

a. Would the project physically divide an established community?

The proposed project would involve development of 12 single-family residences on approximately 1.8 acres of land currently occupied by two residences and associated structures over a portion of the site. No operational or structural changes are proposed that would separate connected areas physically or socially, nor are any linear features, new roads or other barriers to movement proposed. There would be no impact.

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?

The proposed project's consistency with the City of Hayward's General Plan land use designation and key Zoning Ordinance provisions is discussed below.

Hayward 2040 General Plan

The project site has a land use designation of LDR (Low Density Residential). As described in the City's General Plan, the LDR designation generally applies to suburban areas that contain a mix of housing types. The LDR designation allows for single-family residences, secondary units, and ancillary structures. Development standards under the LDR designation include density's ranging from 4.3 to 8.7 dwelling units per net acre and a maximum floor area ratio (FAR) of 0.4. The maximum FAR of 0.4 only applies to public and quasi-public uses, neighborhood commercial uses, and neighborhood mixed-use. The proposed project would involve the development of 12 single-family residences. As shown in Table 1, the proposed project would have an overall density of 8.7 dwelling units per acre, which is within the acceptable range.

The City's General Plan identifies goals policies to guide land use patterns to strategically accommodate future growth while preserving and enhancing the city as a whole. The proposed project's consistency with the City's goals and policies is described in Table 12.
Table 12 General Plan Consistency

General Plan Goal or Policy	Proposed Project Consistency
Policy LU-1.3 Growth and Infill Development. The City shall direct local population and employment growth toward infill development sites within the city, especially the catalyst and opportunity sites identified in the Economic Development Strategic Plan.	Consistent. The proposed project is a residential infill project that would be built on two existing parcels designated for residential uses in Hayward.
Policy LU-1.4 Revitalization and Redevelopment. The City shall encourage property owners to revitalize or redevelop abandoned, obsolete, or underutilized properties to accommodate growth.	Consistent. The proposed project would replace two existing residences with 12 new units to accommodate growth within the city.
 Policy LU-1.8 Green Building and Landscaping Requirements. The City shall maintain and implement green building and landscaping requirements for private- and public-sector development to: Reduce the use of energy, water, and natural resources. Minimize the long-term maintenance and utility expenses of infrastructure, buildings, and properties. Create healthy indoor environments to promote the health and productivity of residents, workers, and visitors. Encourage the use of durable, sustainably-sourced, and/or recycled building materials. Reduce landfill waste by promoting practices that reduce, reuse, and recycle. 	Consistent. The proposed project includes a number of sustainability features. For example, the proposed project would install solar panels on every residence, install energy- and water-efficient appliances inside and outside the units, and utilize natural stone and other sustainable materials. In addition, the proposed project would comply with the state mandated CALGreen, which would require the project to reduce water consumption by 20 percent, divert 50 percent of construction waste from landfills, and install low pollutant-emitting materials for interior finish materials such as paints, carpet, vinyl flooring and particle board.
Policy LU-3.7 Infill Development in Neighborhoods. The City shall protect the pattern and character of existing neighborhoods by requiring new infill developments to have complimentary building forms and site features.	Consistent. The proposed project would be consistent with the General Plan designation of LDR and the surrounding character of the neighborhood. The proposed residential units would have similar building form and site features to the residences in the existing neighborhood.

The proposed project would be consistent with these General Plan policies and with the land use designation.

City of Hayward Zoning Ordinance

The project site is zoned RS (Single-Family Residential) per 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 Tentative Tract Map and a zone change for both parcels from RS to PD (Planned Development). The purpose of the PD District is to "encourage development, redevelopment, and rehabilitation" and "foster well designed residential and nonresidential development, encouraging projects incorporating a variety of housing types" (HMC Section 10-1.2505). Land uses permitted in any other district may be permitted in the PD District provided such use or uses are in harmony with each other and serve to fulfill the function of the planned unit development while complying with the General Plan (HMC Section 10-1.2510).

The proposed project also includes a request for exceptions from two RS District development standards related to lot size and yard size, including setbacks. The proposed project involves lots between 2,225 and 3,396 square feet which is smaller than the minimum lot size requirement of 5,000 square feet required by HMC 10-1.225. Assuming the request for rezoning is approved and

Environmental Checklist Land Use and Planning

the exceptions are approved, the proposed project and use would be consistent with the zoning provisions of the HMC. Since the proposed project involves single-family residential uses and would be consistent with the LDR land use designation, it would be a permitted use in the PD District. Building standards such as lot area, frontage and width, coverage, density, building heights, landscaping, open space, fencing, signs, and parking for uses in a PD District include the standards of the zoning district most similar in nature and function to the use proposed. In this case, the proposed project involves single family residential development; therefore, the standards of the RS District would apply.

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.

LESS THAN SIGNIFICANT IMPACT

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12 Mineral Resources

		Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Wo	ould the project:				
a.	Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?				
b.	Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan?				_
	use plan?				

- 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?

Hayward's principal mineral resources are stone, limestone, clay, fire clay, halite, and salt (City of Hayward 2014). The city currently has no active mineral extraction operations (DOC 1987). The proposed project would include involve the construction of 12 single-family residences in a residential neighborhood and would not result in a loss of available minerals. There would be no impact.

NO IMPACT

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Environmental Checklist Population and Housing

13 Population and Housing

		Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
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 numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?				

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

The proposed project would involve the construction of 12 single-family residences, five of which would include ADUs, and would directly generate population growth in the City. The City currently has a population of 162,030, has 49,913 housing units, and has an average household size of 3.24 persons per household (DOF 2018). The City's 2040 General Plan would allow up to approximately 7,472 additional single-family dwelling units, 7,339 additional multi-family housing units, and 25,787 additional jobs over 2010 conditions (City of Hayward 2013). The proposed project would add 12 housing units and five ADUs that may also be occupied or approximately 55 new residents to the City (12+5 households x 3.24 persons per household = 55 new residents). This shows a conservative estimate for population growth, as the ADUs may not indicate additional tenants and may be used solely by the residents of the 12 new dwelling units and also would likely be occupied by fewer residents than the City average of 3.24 persons per unit. As discussed in Section 11, *Land Use and Planning*, the proposed project is consistent with the General Plan's LDR land use designation. The addition of 17 overall units (including the ADUs) and 55 residents to the City of Hayward would be within the growth envisioned under the City's General Plan and would not represent substantial population growth. Impacts would be less than significant.

LESS THAN SIGNIFICANT IMPACT

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

While there are two occupied existing dwellings on the project site that would be demolished, the proposed project would provide 12 new units, and five additional ADUs. Demolition of two units would not displace substantial numbers of people, and the project would result in a net gain of ten units on the project site; thus, the project would not require the construction of replacement housing elsewhere. In addition, the City's General Plan includes goals and policies to avoid the

City of Hayward 28571 and 28591 Harvey Avenue Residential Project

displacement of substantial numbers of existing people or housing elsewhere in the city. Specifically, policy LU-1.12 requires that the City coordinate with local and regional agencies to prepare updates to regional growth plans and strategies, and policy LU-1.13 states that the City shall strive to develop local plans and strategies that are consistent with the Bay Area's Regional Transportation Plan and the Sustainable Communities Strategy (City of Hayward 2014). These policies align new housing, such as the proposed project, with regional growth plans and sustainability strategies. This allows for controlled residential growth within established land use patterns, and thus avoid large-scale displacement of people and housing. The proposed project is consistent with the General Plan's LDR land use designation and as such, would be developed in accordance with the City's General Plan policies regarding the City's efforts to avoid displacement of people and housing. The proposed project would have a less than significant impact related to displacement of housing or people.

LESS THAN SIGNIFICANT IMPACT

14 Noise

		Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Wo	ould the project result in:				
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?				•

Fundamentals of Noise

The unit of measurement used to describe a noise level is the decibel (dB). However, the human ear is not equally sensitive to all frequencies within the sound spectrum. Therefore, a method called "A weighting" is used to filter noise frequencies that are not audible to the human ear. A weighting approximates the frequency response of the average young ear when listening to most ordinary everyday sounds. When people make relative judgments of the loudness or annoyance of a sound, their judgments correlate well with the "A-weighted" levels of those sounds. Therefore, the A-weighted noise scale is used for measurements and standards involving the human perception of noise. In this analysis, all noise levels are A weighted, and "dB(A)" is understood to identify the A weighted decibel.

Decibels are measured on a logarithmic scale that quantifies sound intensity in a manner similar to the Richter scale used for earthquake magnitudes. A 10 dB increase represents a 10-fold increase in sound intensity, a 20 dB change is a 100-fold difference, 30 dB is a 1,000-fold increase, etc. Thus, a doubling of the energy of a noise source, such as doubling of traffic volume, would increase the noise level by 3 dB; a halving of the energy would result in a 3 dB decrease.

Human perception of noise has no simple correlation with acoustical energy. The perception of noise is not linear in terms of dB(A) or in terms of acoustical energy. Two equivalent noise sources combined do not sound twice as loud as one source. It is widely accepted that the average healthy

ear can barely perceive changes of 3 dB(A), increase or decrease; that a change of 5 dB(A) is readily perceptible; and that an increase (decrease) of 10 dB(A) sounds twice (half) as loud (Caltrans 2013).

Descriptors

The impact of noise is not a function of loudness alone. The time of day when noise occurs, and the duration of the noise are also important. In addition, most noise that lasts for more than a few seconds is variable in its intensity. Consequently, a variety of noise descriptors has been developed. The noise descriptors used for this analysis are the one-hour equivalent noise level (L_{eq}) and the community noise equivalent level (CNEL).

- The L_{eq} is the level of a steady sound that, in a stated time period and at a stated location, has the same A-weighted sound energy as the time-varying sound. For example, L_{eq(1h)} is the equivalent noise level over a 1-hour period and L_{eq(8h)} is the equivalent noise level over an 8hour period. L_{eq(1h)} is a common metric for limiting nuisance noise whereas L_{eq(8h)} is a common metric for evaluating construction noise.
- The CNEL is a 24-hour equivalent sound level. The CNEL calculation applies an additional 5 dB(A) penalty to noise occurring during evening hours, between 7:00 p.m. and 10:00 p.m., and an additional 10 dB(A) penalty is added to noise occurring during the night, between 10:00 p.m. and 7:00 a.m. These increases for certain times are intended to account for the added sensitivity of humans to noise during the evening and night.

Propagation

Sound from a small, localized source (approximating a "point" source) radiates uniformly outward as it travels away from the source in a spherical pattern, known as geometric spreading. The sound level decreases or drops off at a rate of 6 dB(A) for each doubling of the distance.

Traffic noise is not a single, stationary point source of sound. Over some time interval, the movement of vehicles makes the source of the sound appear to emanate from a line (line source) rather than a point. The drop-off rate for a line source is 3 dB(A) for each doubling of distance.

Vibration

Vibration levels are usually expressed as single-number measure of vibration magnitude, in terms of velocity or acceleration, which describes the severity of the vibration without the frequency variable. The peak particle velocity (ppv) is defined as the maximum instantaneous positive or negative peak of the vibration signal, usually measured in inches per second. Since it is related to the stresses that are experienced by buildings, ppv is often used in monitoring of blasting vibration. Although ppv is appropriate for evaluating the potential of building damage, it is not suitable for evaluating human response. It takes some time for the human body to respond to vibrations. In a sense, the human body responds to an average vibration amplitude (Federal Transit Administration [FTA] 2018). Because vibration waves are oscillatory, the net average of a vibration signal is zero. Thus, the root mean square (rms) amplitude is used to describe the "smoothed" vibration amplitude (FTA 2018). The rms of a signal is the square root of the average of the squared amplitude of the signal, usually measured in inches per second. The average is typically calculated over a 1second period. The rms amplitude is always less than the ppv and is always positive. Decibel notation is used to compress the range of numbers required to describe vibration. The abbreviation VdB is used in this analysis for vibration decibels to reduce the potential for confusion with sound decibels.

Vibration significance ranges from approximately 50 VdB, which is the typical background vibrationvelocity level, to 100 VdB, the general threshold where minor damage can occur in fragile buildings (FTA 2018). The general human response to different levels of groundborne vibration velocity levels is described in Table 13.

Vibration Velocity Level	Human Reaction
65 VdB	Approximate threshold of perception for many people
75 VdB	Approximate dividing line between barely perceptible and distinctly perceptible. Many people find that transportation-related vibration at this level is unacceptable
85 VdB	Vibration acceptable only if there are an infrequent number of events per day
Source: FTA 2018	

Table 13	Human Res	ponse to Differ	ent Levels of Gro	oundborne Vibration
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Continued vibration of building components can also take the form of an audible low-frequency rumbling noise, which is referred to as groundborne noise. Groundborne noise is usually only a problem when the originating vibration spectrum is dominated by frequencies in the upper end of the range (60 to 200 Hertz), or when foundations or utilities, such as sewer and water pipes, connect the structure and the vibration source.

Regulatory Setting

The goals and policies contained in the *Hayward 2040 General Plan* Hazards Element focus on minimizing human exposure to excessive noise by evaluating noise exposure risks and incorporating appropriate mitigation measures. In support of these goals, the General Plan contains a table of exterior noise compatibility standards for various land uses (shown in Table 14) to determine potential noise exposure impacts, noise compatibility thresholds and the need for mitigation. According to the City's noise standards showing in Table 14 the highest level of exterior noise exposure regarded as "normally acceptable" for single-family residences is 60 DNL. DNL or Day Night Average is an average 24-hour noise measurement that factors day and night noise levels. In addition, consistent with State noise insulation standards (California Building Code Title 24), the City's General Plan policy HAZ-8.5 states the maximum acceptable interior noise level for all new residential units is 45 DNL. (City of Hayward 2014). This policy also specifies the maximum acceptable exterior noise level for the primary open space area of a detached single-family home, duplex or mobile home, which is typically the backyard or a fenced side yard, is 60 DNL. This standard does not apply to secondary open space areas, such as front yards, balconies, stoops and porches, and is to be measured at the approximate center of the primary open space area.

Table 14 City of Hayward Exterior Noise Compatibility Standards for Various Land Uses

Land Use Type	Highest Level of Exterior Noise Exposure that is Regarded as "Normally Acceptable" ¹ (DNL or CNEL)
Residential: Single-Family Homes, Duplex, Mobile Home	60
Residential: Townhomes and Multi-Family Apartments and Condominiums	65
Urban Residential Infill ² and Mixed-Use Projects ³	70
Lodging: Motels and Hotels	65
Schools, Libraries, Churches, Hospitals, Nursing Homes	70
Auditoriums, Concert Hall, Amphitheaters	Mitigation based on site-specific study
Sports Arena, Outdoor Spectator Sports	Mitigation based on site-specific study
Playgrounds, Neighborhood Parks	70
Golf Courses, Riding Stables, Water Recreation, Cemeteries	75
Office Buildings: Business, Commercial, and Professional	70
Industrial Manufacturing, Utilities, Agriculture	75

¹ "Normally Acceptable" means that the specified land uses is satisfactory, based upon the assumption that any building involved is of normal conventional construction, without any special noise mitigation.

² Urban residential infill would include all types of residential development within existing or planned urban areas (such as Downtown, The Cannery Neighborhood, and the South Hayward BART Urban Neighborhood) and along major corridors (such as Mission Boulevard).

³ Mixed-Use Projects would include all mixed-use developments throughout the City of Hayward.

Source: City of Hayward 2014

HMC Section 4-1 contains the City's noise regulations as amended by Ordinance 11-03, adopted March 22, 2011. Section 4-1.03-1 establishes residential property noise limits such that noise above 70 dBA CNEL between the hours of 7:00 a.m. and 9:00 p.m. is prohibited and a noise level of 60 dBA CNEL between the hours of 9:00 a.m. and 7:00 a.m. is prohibited.

Section 4-1.03.4 of the HMC states that during construction no piece of equipment shall produce a noise level exceeding 83 dBA at 25 feet from the source. This section, consistent with General Plan policy HAZ-8.21, also limits construction, alteration, or repair of structures and any landscaping activities to the hours below:

- Sundays and holidays between 10:00 a.m. and 6:00 p.m.
- Monday through Saturday between 7:00 a.m. and 7:00 p.m.

Finally, the City's General Plan policy HAZ-8.22 requires a vibration impact assessment for proposed projects in which heavy-duty equipment would be used (e.g. pile driving, bulldozing) within 200 feet of an existing structure or sensitive receptor. If applicable, the City requires all feasible mitigation measures to be implemented to ensure that no damage or disturbance to structures or sensitive receptors would occur. The City of Hayward has not adopted a significance threshold to assess vibration impacts during construction and operation. Therefore, the FTA guidelines set forth in the FTA *Transit Noise and Vibration Impact Assessment Manual* (2018) are used to evaluate potential

construction vibration impacts related to both potential building damage and human annoyance. Based on the FTA criteria, construction vibration impacts would be significant if construction vibration levels exceed 100 VdB, which is the general threshold where damage can occur to fragile buildings, or 72 VdB at residences during nighttime hours (FTA 2018).

Existing Setting

The noise environment on the project site is dominated by noises typical of residential neighborhoods, including vehicular traffic, pedestrian conversations, and doors slamming. On April 19, 2019, Rincon Consultants, Inc. performed one 15-minute weekday noise measurements using an ANSI Type II integrating sound level meter. The measurement was taken during the a.m. (morning) peak hour, and results are summarized in Table 15. Figure 4 shows the noise measurement location.

Table 15	Noise	Measurement	Results

Measurement Location	Sample Time	Primary Noise Source	L _{eq} [15] (dBA) ¹	
Harvey Ave. project site frontage	8:25 AM – 8:40 AM	Vehicles on Harvey Ave. (15 feet from centerline)	54.8	
See Figure 4 for a map of the noise measurement location.				

¹ The equivalent noise level (L_{eq}) is defined as the single steady A-weighted level that is equivalent to the same amount of energy as that contained in the actual fluctuating levels over a period of time (essentially, the average noise level). For this measurement, the L_{eq} was over a 15-minute period (L_{eq} [15]).

Sensitive Receptors

Noise exposure goals for various types of land uses reflect the varying noise sensitivities associated with those uses. Noise-sensitive receptors generally include single- and multi-family residences, hotels, motels, schools, libraries, places of worship, hospitals, and nursing homes. The predominant noise-sensitive land uses in the project vicinity are residences located adjacent to the project site on all surrounding sides and the church across Harvey Avenue to the east. The nearest sensitive receptors to the project site are the single-family residences along Harvey Avenue located to the west and north of the project site.

Source: Rincon Consultants, field measurements conducted on April 19, 2019, using ANSI Type II Integrating sound level meter. See Appendix G for noise measurement results.

City of Hayward 28571 and 28591 Harvey Avenue Residential Project

Figure 4 Noise Measurement Location



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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?

The proposed project could generate temporary noise increases during construction and long-term increases associated with project operation; however, as discussed below, both construction-related and operational noise would be less than significant with mitigation incorporated.

Construction Noise

Construction noise was estimated using the Federal Highway Administration (FHWA) Roadway Construction Noise Model (RCNM). RCNM predicts construction noise levels for a variety of construction operations based on empirical data and the application of acoustical propagation formulas. Because a specific construction equipment list is not yet available for the project, the construction equipment list used in RCNM was generated using the CalEEMod output for the air quality and GHG analysis (see Appendix B). CalEEMod uses project characteristics, such as land use, building sizes, and lot acreage, to estimate a project's emissions and uses default equipment lists in its modeling based on empirical data. Noise was modeled based on the project's construction equipment list for each phase and distance to nearby receptors. Although the nearest noise sensitive receptors are adjacent to the project site this analysis assumes that on average construction equipment would not operate on the project boundary because on average construction equipment would not operate on the project boundary line. Table 16 identifies the maximum expected noise levels at the nearest sensitive receptors based on the combined use of construction equipment anticipated to be used concurrently during each phase of construction.

Construction Phase	Equipment	Estimated Noise (dBA L _{eq}) at 25 feet
Demolition	Concrete saw, dozer, backhoe	91
Site Preparation	Grader, backhoe, dozer	91
Grading	Grader, backhoe, dozer	91
Building Construction	Generator, tractor, lift, crane, welders	89
Paving	Cement mixers, paver, roller, backhoe, paving equipment	92
Architectural Coating	Air compressors	80
Source: Roadway Construction	on Noise Model. See Appendix G for equipment noise impact data sheets.	

Table 16 Maximum Estimated Noise Levels by Construction Phase

The estimated construction noise levels shown in Table 16 do not take into account the fact that equipment is typically dispersed in various areas of the site. Due to site and equipment limitations, only a limited amount of equipment can operate near a given location at a particular time. Intervening buildings or portions of buildings between construction equipment and noise-sensitive receptors also would reduce exposure to construction noise below the levels shown in Table 16. Therefore, this analysis of construction noise impacts is conservative.

As show in Table 16, construction noise could be as high as approximately 92 dBA L_{eq} at surrounding residential receptors approximately 25 feet from construction activity. Such levels would exceed ambient noise and would be audible on adjacent properties, including residences immediately north and south of the project site.

HMC Section 4-1.03.4 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 would not occur during recognized sleep hours for residences. This section also states that during the construction period listed above no piece of equipment shall produce a noise level exceeding 83 dBA at 25 feet from the source. The project site is located in an urban area where some construction noise is expected, and the construction methods and equipment would be typical for residential construction in urban and suburban areas; for example, no pile driving or major excavation would be required. Therefore, project construction would be within the range of typical construction noise for an urban area. Mitigation Measure N-1 would ensure that construction noise at nearby sensitive receptors in accordance with the levels required by HMC Section 4-1.03.4. Impacts would be less than significant with mitigation incorporated.

Mitigation Measure

The following mitigation measure would be required to reduce construction noise impacts to a less than significant level.

N-1 Construction-Related Noise Reduction Measures

The applicant shall implement the following measures during construction of the project:

- Construction Hours. Construction activity shall not occur between 7:00 p.m. and 7:00 a.m. Monday through Saturday and 6:00 p.m. through 10:00 a.m. on Sundays and holidays.
- Mufflers. Construction equipment shall be properly maintained and all internal combustion engine driven machinery with intake and exhaust mufflers and engine shrouds, as applicable, shall be in good condition and appropriate for the equipment. During construction, all equipment, fixed or mobile, shall be operated with closed engine doors and shall be equipped with properly operating and maintained mufflers, consistent with manufacturers' standards.
- Electrical Power. Electrical power, rather than diesel equipment, shall be used to run compressors and similar power tools and to power any temporary structures, such as construction trailers or caretaker facilities.
- **Equipment Staging.** All stationary equipment shall be staged as far away from the adjacent multi-family residential development as feasible.
- **Equipment Idling.** Construction vehicles and equipment shall not be left idling for longer than five minutes when not in use.
- Workers' Radios. All noise from workers' radios shall be controlled to a point that they are not audible at sensitive receptors near construction activity.
- Smart Back-up Alarms. Mobile construction equipment shall have smart back-up alarms that automatically adjust the sound level of the alarm in response to ambient noise levels. Alternatively, back-up alarms shall be disabled and replaced with human spotters to ensure safety when mobile construction equipment is moving in the reverse direction.
- Disturbance Coordinator. The applicant shall designate a disturbance coordinator who shall be responsible for responding to any local complaints about construction noise. The noise disturbance coordinator shall determine the cause of the noise complaint (e.g., starting too

early, bad muffler, etc.) and shall require that reasonable measures warranted to correct the problem be implemented. A telephone number for the disturbance coordinator shall be conspicuously posted at the construction site.

Significance After Mitigation

With implementation of Mitigation Measure N-1, construction noise would only occur within the hours specified in the HMC. Further, implementation of Mitigation Measure N-1 would reduce overall noise levels from construction activity. The use of manufacturer-certified mufflers associated with construction equipment has been shown to reduce noise levels by 10 dBA L_{eq} or more with optimal systems (FHWA 2017). As shown above in Table 16, construction noise could be as high as approximately 92 dBA L_{eq} at surrounding residential receptors approximately 25 feet from construction activity. With the use of mufflers this noise would be reduced to 82 dBA L_{eq} , which would be below the standards included in the HMC. Impacts would be less than significant with mitigation incorporated.

On-Site Operational Noise

Operational noise associated with the proposed project would be typical of residential uses in a residential neighborhood and would not have a significant impact on ambient noise levels. The primary on-site noise sources associated with operation of the proposed project would include vehicle circulation noise (e.g., engine startups, alarms, parking) associated with the on-site roads; heating, ventilation, and air conditioning (HVAC) equipment at proposed residences; outdoor recreational noise at common and private open space areas; and use of landscaping equipment. The project site is located along Harvey Avenue and is surrounded by residential uses. Therefore, the project site vicinity is already exposed to typical vehicle circulation noise, HVAC noise, recreational noise, and landscape equipment noise associated with existing uses in the project vicinity. Operation of the proposed residences would not generate sources of noise that are new to the existing surrounding area. The proposed project would be subject to the City's exterior noise standards for residential uses, as shown above in Table 14. In addition, residents would be subject to HMC Section 4-1.03-1 regarding creation of nuisance noise, which prohibits noise above 70 dBA CNEL between the hours of 7:00 a.m. and 9:00 p.m. and noise above 60 dBA CNEL between the hours of 9:00 a.m. and 7:00 a.m. on residential properties.

Furthermore, these noise-generating activities would be similar to those of existing single-family residences in the immediate vicinity of the project site and would result in a negligible change to existing noise levels. Therefore, operation of the proposed project would not result in a substantial temporary or periodic increase in ambient noise levels. Impacts would be less than significant.

Off-Site Traffic Noise

The proposed project would generate new vehicle trips and incrementally increase traffic on area roadways, which would increase roadway noise at noise at nearby residences to the north and south along Harvey Avenue. As discussed in Section 17, *Transportation*, the proposed project would generate approximately 114 daily vehicle trips. All new trips would be added to Harvey Avenue as this is the only entrance to the project site. To determine existing traffic volumes along area roadways, a traffic count was taken along Harvey Avenue at the location of NM 1 over a 15-minute interval. During the 15-minute interval at NM 1, 13 vehicles were counted. Traffic numbers were multiplied by four to obtain an approximate hourly traffic volume of 52 vehicles along Harvey

Avenue. Because hourly traffic is equivalent to up to 10 percent of daily traffic, the daily traffic volume along Harvey Avenue was estimated at approximately 520 vehicles (Precision Traffic 2018).

The proposed project's contribution to roadway noise was evaluated through a calculation by comparing existing traffic noise levels with operation of the project. Generally, a doubling of traffic (i.e., 100 percent traffic increase) would increase noise levels by approximately 3 dBA, which is the human level of perception for an increase in noise (FTA 2018). Therefore, a 10 percent increase in the number of vehicles on a roadway would result in a noise increase of approximately 0.4 dBA increase. The 114 daily trips added by the project would constitute a 22 percent increase in traffic volume along Harvey Avenue, resulting in a noise increase of approximately 0.8 dBA. Such an increase would be imperceptible and would not result in a substantial permanent increase in ambient noise levels. Traffic noise would be less than significant.

LESS THAN SIGNIFICANT WITH MITIGATION INCORPORATED

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

Construction of the proposed project would intermittently generate vibration on and adjacent to the project site. Vibration-generating equipment may include bulldozers and loaded trucks to move materials and debris, and vibratory rollers for paving. It is assumed that pile drivers, which generate strong groundborne vibration, would not be used during construction. The distance to the nearest sensitive receptors to the project site include single-family residences located adjacent to the south and north of the project site at approximately 25 feet. Table 17 identifies vibration velocity levels at a distance of 25 feet from the source.

Estimated VdB at Nearest Sensitive Receptors			
Construction Equipment	25 feet		
Vibratory roller	94		
Large bulldozer	87		
Loaded trucks	86		
Small bulldozer	58		
Source: FTA 2018			

Tabla 17	Vibration Loval	a for Construction	- Equipment at I	Noico Consitivo	Docontoro
	VIDIATION Level		i cquipinent at i	NOISe-Sensitive	Receptors

As shown in Table 17, noise-sensitive receptors would experience the strongest vibration of up to 94 Vdb during paving with vibratory rollers and up to 87 Vdb during grading activity with large bulldozers. Compliance Mitigation Measure N-1, in accordance with Section 4-1.03.4 of the HMC, would restrict vibration-generating construction activity to daytime hours that are outside of normal sleeping hours, i.e., 7:00 a.m. – 7:00 p.m. Monday through Saturday and 10:00 a.m. – 6:00 p.m. on Sundays and holidays. While vibration from construction activity could be perceptible at adjacent residences during daytime hours, this timing restriction would ensure that vibration does not exceed the FTA's criterion of 72 VdB during normal sleeping hours at residential uses (FTA 2018). In addition, no fragile historic buildings are located in close proximity to the project site. Therefore, no fragile buildings would be damaged by construction vibration. The project construction would have a less than significant impact from groundborne vibration with mitigation incorporated.

As a residential development, the proposed project would not generate significant stationary sources of vibration, such as manufacturing or heavy equipment operations. Operational vibration

in the project vicinity would be generated by additional vehicular travel on local roadways; however, any increase in traffic-related vibration levels would not be perceptible because the proposed project would only increase existing traffic volumes by approximately 22 percent over existing conditions on Harvey Avenue. Therefore, operational vibration impacts would be less than significant.

LESS THAN SIGNIFICANT WITH MITIGATION INCORPORATED

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?

As discussed in Section 9, *Hazards and Hazardous Materials*, the nearest airport to the project site is the Hayward Executive Airport, located approximately three miles northwest. The project site is not located within the Hayward Executive Airport Influence Area and is located outside the existing noise level contours for the airport (ALUC 2012). The proposed project would not subject workers at the site to excessive noise and there would be no impact.

NO IMPACT

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15 Public Services

			Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
a.	Wo adv the gov new faci cau in o rati per pub	uld the project result in substantial erse physical impacts associated with provision of new or physically altered ernmental facilities, or the need for v or physically altered governmental lities, the construction of which could se significant environmental impacts, order to maintain acceptable service os, response times or other formance objectives for any of the blic services:				
	1	Fire protection?			-	
	2	Police protection?			-	
	3	Schools?			•	
	4	Parks?			-	
	5	Other public facilities?			-	

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 fire protection facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives?

Fire protection is provided to the City by the Hayward Fire Department (HFD). The HFD provides fire suppression, advanced life support/emergency medical, emergency services, and public education. Station 7 is the closest fire station to the project site. Located at 28270 Huntwood Avenue, this station is located approximately three minutes driving time, 0.7 miles northeast of the project site. Hayward adopted the 2015 edition of the International Fire Code and the 2016 California Fire Code as the city's Fire Code in 2017 (HMC Section 3-14.00).

The proposed project involves the development of 12 residential units on a currently developed site surrounded by residential development that is currently served by the HFD. Therefore, the proposed project would incrementally increase the demand for fire and medical services. The proposed project would be required to comply with City requirements for fire access and onsite fire prevention facilities (e.g., fire hydrants and sprinkler systems). The proposed project involves residential development on a site that is planned for residences. As described under Section 11, *Land Use and Planning*, and Section 13, *Population and Housing*, the proposed project would be consistent with the General Plan's LDR land use designation and would not generate growth beyond

that anticipated in the General Plan. Therefore, the proposed project would not place an unanticipated burden on fire protection services or affect response times or service ratios such that new or expanded fire facilities would be needed. Impacts would be less than significant.

LESS THAN SIGNIFICANT IMPACT

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?

The Hayward Police Department (HPD) provides law enforcement services in Hayward. The nearest police station to the site is located at 300 West Winton Avenue, 3.4 miles northwest of the project site (approximately nine minutes driving time). The proposed project would involve the construction of 12 single-family residences on a site surrounded by existing development that is currently served by the HPD. Although the proposed project would incrementally increase the demand for police services, the project site is located in the close vicinity (within four miles) of the City's police headquarters, was envisioned for future residential development in the City's General Plan and would not require the construction or expansion of police protection facilities beyond those already planned under General Plan assumptions (City of Hayward 2013). Impacts would be less than significant.

LESS THAN SIGNIFICANT IMPACT

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 or other performance objectives?

The project site is served by the Hayward Unified School District (HUSD). The proposed project would involve the construction of 12 single-family residences. Assuming a conservative student generation rate of one student per residence, the proposed project would increase the number of students attending schools operated by HUSD by approximately 12 additional students. The addition of 12 students to the HUSD would not result in the need for additional school facilities. In addition, pursuant to Senate Bill 50 (Section 65995(h)), payment of mandatory fees to the affected school district would reduce potential school impacts to less than significant level under CEQA. Therefore, the proposed project would have a less than significant impact with respect to schools.

LESS THAN SIGNIFICANT IMPACT

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?

The Hayward Area Recreation and Park District is an independent special use district created to provide park and recreational services for over 280,000 residents in the City (City of Hayward 2019). The proposed project would include both private open space for each residence and two shared open space areas. The closest park to the project site is Ruus Park, located less than 0.1 mile to the west. Pursuant to City Code (Chapter 10.16), payment of mandatory park in-lieu fees would reduce

potential park impacts to less than significant level under CEQA. Therefore, the proposed project would have a less than significant impact with respect to city parks.

LESS THAN SIGNIFICANT IMPACT

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

As discussed in Section 13, *Population and Housing*, the proposed project would not add substantial population to Hayward and is consistent with growth anticipated in the City's General Plan. The proposed project involves infill development and the addition of 12 units would not result in a material effect on the need for additional public facilities. Therefore, the proposed project would not substantially increase demand for public facilities and resources. Impacts to stormwater, wastewater, and water facilities are discussed in Section 19, *Utilities and Service Systems*. Impacts would be less than significant.

LESS THAN SIGNIFICANT IMPACT

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16 Recreation

		Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
а.	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?			-	

- 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?

The proposed project would include both private open space for each residence and two shared open space areas. The amount of private open space for each residence would range between 515 and 2,063 square feet. Shared open space (2,790 square feet) would be provided in the northern portion of the project site at the end of the proposed private street between lots five and six. The impacts of these open space areas are discussed throughout this document as part of the analysis of project construction as a whole. In addition, the project site is within walking distance of Ruus Park. Future residents would be able to utilize these recreational areas and facilities. In addition, pursuant to City Code (Chapter 10.16), payment of mandatory park in-lieu fees would reduce potential park impacts to less than significant level.

LESS THAN SIGNIFICANT IMPACT

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17 Transportation

		Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Wc	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?				-

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

Table 18 shows the estimated trip generation from the project based on trip generation rates provided by the Institute of Transportation Engineers.

Table 18 Proposed Project Trip Generation - Single-Family Homes

Dwalli		Daily	A.M. Peak Hour Trips			P.M. Peak Hour Trips		
Land Use	Units	Trips	In	Out	Total	In	Out	Total
Single-Family Homes ¹	12	114	2	7	9	8	4	12

¹ Trip generation rates from Institute of Transportation Engineers (ITE) *Trip General Manual, 9th Edition*, land use category 210 (Single Family Homes).

As shown in Table 18, the proposed project would generate approximately 114 daily trips including 9 a.m. peak hour trips and 12 p.m. peak hour trips. The primary roadway that would be affected is Harvey Avenue, a two-lane road designed to carry relatively low levels of vehicle traffic. The modest number of new trips associated with the proposed project do not warrant a detailed traffic study and would not significantly alter the area's transportation network and operations. Alameda County does not require transportation impact analyses for projects generating fewer than 100 p.m. peak hour trips; the proposed project would generate approximately 12 p.m. peak hour trips. The proposed project would not create conflicts with applicable plans, ordinance or policies related to the City's circulation system. Therefore, impacts would be less than significant.

As the Congestion Management Agency (CMA) for Alameda County, the Alameda County Transportation Commission (ACTC) is responsible for establishing, implementing, and monitoring the County's Congestion Management Program (CMP). Through its implementation of the CMP, the ACTC works to ensure that roadways operate at acceptable levels of service (LOS) and reviews development proposals to ensure that transportation impacts are minimized. The additional trips from the proposed project would not create conflicts with Alameda County CMP impact criteria.

Additionally, the proposed project would not conflict with adopted policies, plans, or programs regarding alternative transportation as the proposed project does not include alterations to existing bike access, pedestrian pathways, or transit routes. Because the proposed project construction and operations would be contained within the boundary of the project site no changes to the existing transportation policies, plans, or programs would result, either directly or indirectly, from development on the project site. In addition, the proposed project would not involve the obstruction, removal or relocation of, or excessive additional demand for, existing transit, pedestrian, or bicycle facilities. Therefore, impacts would be less than significant.

LESS THAN SIGNIFICANT IMPACT

b. Would the project conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b)?

CEQA Guidelines Section 15064.3(b) identifies criteria for evaluating transportation impacts. Section 15064.3(c) states that the requirement to use these criteria only applies on and after July 1, 2020. Although a lead agency may elect to apply the criteria in Section 15064.3(b) sooner, the City of Hayward has not adopted these criteria as of the date of this Initial Study. Therefore, this section does not apply to the proposed project or the analysis in this Initial Study.

NO IMPACT

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

Project implementation would occur on the existing parcels and would not alter or effect existing street and intersection networks. The proposed project would be required to comply with the City's design standards for vehicular access and circulation and the Fire Code. Compliance would prevent hazardous design features and would ensure adequate and safe site access and circulation. The proposed project involves residential uses on a site designated for residential uses and would not introduce an incompatible use. There would be no impact.

NO IMPACT

d. Would the project result in inadequate emergency access?

The project site is directly accessible via a private street that would connect to Harvey Avenue. The proposed project would be required to comply with all building, fire, and safety codes and specific development plans would be subject to review and approval by the City's Public Works Department and HFD. Required review by these departments would ensure the circulation system for the project site would provide adequate emergency access. In addition, the proposed project would not require temporary or permanent closures to roadways. There would be no impact.

NO IMPACT

Environmental Checklist Tribal Cultural Resources

18 Tribal Cultural Resources

	Less than Significant		
Potentially	with	Less than	
Significant	Mitigation	Significant	
Impact	Incorporated	Impact	No Impact

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	•	
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.		

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.

- 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?

The City of Hayward mailed a notification letter on April 4, 2019 to one local Native American tribe that has requested notification under AB 52: the lone Band of Miwok Indians. Correspondence is included in Appendix H. 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 Mitigation Measure TCR-1.

Mitigation Measure

The following mitigation measure would reduce impacts regarding disrupting tribal cultural resources to a less than significant level.

TCR-1 Unanticipated Discovery of Tribal Cultural Resources

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.

Significance After Mitigation

Mitigation Measure TCR-1 would ensure that tribal cultural resources are identified properly and preserved in the event they are uncovered during construction and would reduce impacts regarding disrupting tribal cultural resources to a less than significant level.

LESS THAN SIGNIFICANT WITH MITIGATION INCORPORATED

Attachment IV

Environmental Checklist Utilities and Service Systems

19 Utilities and Service Systems

		Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Wo	ould 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?			•	

- 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?

Water Supply

A significant impact would occur if a project would increase water consumption or wastewater generation to such a degree that the capacity of facilities currently serving the project site would be exceeded or that new water sources would need to be identified. The proposed project would receive its water from the City of Hayward. The City of Hayward provides water for residential, commercial, industrial, governmental, and fire suppression uses. The City owns and operates its own water distribution system and receives its water from the Hetch Hetchy system, owned and operated by the San Francisco Public Utilities Commission (SFPUC). Emergency water supplies are available through connections with Alameda County Water District (ACWD) and East Bay Municipal Utility District (EBMUD) in case of disruption of delivery (City of Hayward 2016b).

The City's Urban Water Management Plan (UWMP) assesses Hayward's water supply reliability, and describes the City's anticipated water demand, water shortage contingency plans, and water conservation strategies. The UWMP is based on the growth projections in the City's General Plan. Major water system projects in the near-term focus on replacing and renovating existing water storage reservoirs to increase storage capacity and improve structural reliability. Hayward has also made extensive efforts to improve the seismic safety of the water system, including seismic retrofits of several reservoirs and improvements to pipes at fault line crossings (City of Hayward 2016b).

As determined in the City's UWMP, there is adequate water supply available to serve anticipated growth in Hayward. The proposed project is consistent with the General Plan's LDR land use designation and would not generate growth beyond that anticipated in the General Plan. Therefore, there would be sufficient potable water supply to accommodate the anticipated demand increases resulting from the proposed project. Impacts would be less than significant.

Wastewater Generation

A significant impact to wastewater facilities would occur if a project would:

- Discharge wastewater with pollutant concentrations that exceed the regulatory limits established by the governing agency;
- Increase wastewater generation to such a degree that the capacity of facilities currently serving the project site would be exceeded; or
- Increase wastewater flows such that a sewer or treatment plant is constrained or would become constrained.

Water quality in the State of California is regulated by the State Water Resources Control Board (State Water Board) and the nine Regional Water Quality Control Boards. The City of Hayward is located in the jurisdiction of the San Francisco Bay Regional Water Quality Control Board (RWQCB). Section 303(d) of the CWA requires that states identify water bodies including bays, rivers, streams, creeks, and coastal areas that do not meet water quality standards and the pollutants that are causing the impairment. Total Maximum Daily Loads (TMDLs) describe the maximum amount of a pollutant that a water body can receive while still meeting established water quality standards. A TMDL requires that all sources of pollution and all aspects of a watershed's drainage system be reviewed and set forth action plans that examine factors and sources adversely affecting water quality and identify specific plans to improve overall water quality and reduce pollutant discharges into impaired water bodies.

The proposed 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

Environmental Checklist Utilities and Service Systems

(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 and treated by the WPCF system would not exceed applicable RWQCB wastewater treatment requirements. Therefore, impacts would be less than significant.

The project site is located in an urban area within the boundaries of the City of Hayward Water District. Utility infrastructure would not require significant improvements other than infrastructure to service the proposed 12 single-family residences. The proposed project is consistent with the General Plan's LDR land use designation and would not generate growth beyond that anticipated in the General Plan. The EIR for the City's General Plan found that there was adequate capacity at the WPCF to serve development under the General Plan. Therefore, there is adequate capacity at the WPCF to service the proposed project and no expansion of the WPCF would be required (City of Hayward 2013). Impacts would be less than significant.

Stormwater

A significant impact to stormwater facilities may occur if the volume of stormwater runoff would increase to a level exceeding the capacity of the storm drain system serving a project site, resulting in the construction of new stormwater drainage facilities. The project site is currently developed with two existing residences. Stormwater runoff from the site drains into the existing 12 inch storm pipe in Harvey Avenue at the east side, and the 15 inch storm drain system in the Alameda County Flood Control channel at the west side of the project site. Major storm drainage facilities in Hayward are owned and maintained by the Alameda County Flood Control and Water Conservation District (ACFCWCD), and include gravity pipelines predominantly made of reinforced concrete, which discharge to underground storm drain lines or manmade open channels. Storm drain pipes smaller than 30 inches are typically owned by the City and are generally provided within local streets and easements.

This system of stormwater collection and filtration would not change with implementation of the project. The proposed project would increase the amount of impervious surfaces on the project site by approximately 36,346 square feet, which would incrementally reduce the potential for groundwater recharge, increasing stormwater runoff from the site. However, as discussed in Section 10, *Hydrology and Water Quality*, the proposed project would include permeable pavement and three stormwater bioretention areas to assist with groundwater recharge and would be required to comply with all applicable stormwater management requirements. Therefore, the proposed project would not result in the need for new off-site storm water drainage facilities. All site runoff would be directed to the City's existing municipal storm drainage system, which was designed to accommodate flows resulting from buildout in the project area. The proposed project would be subject to local policies requiring that post-construction runoff volumes be less than or equal to preconstruction volumes (MS4 C.3, discussed further in Section 10). Therefore, expansion of the existing stormwater collection system is not required. Impacts would be less than significant.

Electricity, Natural Gas, and Telecommunications

A significant impact to electricity, natural gas, and telecommunications facilities may occur if the demand for services exceeds the capacity of local providers. Electricity and natural gas would be

provided to the project site by PG&E. Telecommunications services would be provided by AT&T, SBC Telecom, or other providers, at the discretion of future tenants. Telecommunications are generally available in the project area, and facility upgrades would not likely be necessary.

As described in Section 6, *Energy*, the proposed project would require approximately 0.1GWh of electricity and approximately 0.0005 MMthm per day of natural gas. The proposed project's electricity demand would be served by PG&E, which provided 82,224 GWh of electricity in 2017; therefore, PG&E would have sufficient supplies for the proposed project (CEC 2017a). The proposed project's natural gas demand would be serviced by PG&E, which provided approximately 4,715 MMthm per year in 2017; therefore, PG&E would have sufficient supplies for the proposed project (CEC 2017b). Additionally, each proposed residential unit would include rooftop solar PV panels that would further off set energy consumption. Improvements to existing facilities or the provision of new electricity and natural gas facilities is not anticipated. The proposed project would have a less than significant impact on local electricity, natural gas, and telecommunications providers.

LESS THAN SIGNIFICANT IMPACT

- 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. Would the project comply with federal, state, and local management and reduction statutes and regulations related to solid waste?

The City of Hayward provides weekly garbage collection and disposal services through a Franchise Agreement with Waste Management, Inc. (WMI), a private waste management company. WMI subcontracts with a local non-profit, Tri-CED Community Recycling, for residential collection of recyclables. Altamont Landfill is the designated disposal site in the City's Franchise Agreement with WMI, which is approximately 24 miles northeast of the project site. Altamont Landfill is a Class II facility that accepts municipal solid waste from various cities, including Hayward. The landfill occupies a 2,170-acre site of which 472 acres are permitted for landfill. In 2001, the landfill received County approval to increase capacity, adding 25 years to the life of the landfill and extending the anticipated closure date to the year 2040.

HMC Chapter 5, Article 10 requires that applicants for all construction and demolition projects that generate significant debris recycle 100 percent of all asphalt and concrete and 50 percent of remaining materials. Through these measures, the City plans to meet the State-wide diversion goal of 75 percent by 2020.

The Altamont Landfill processes approximately 1,500,000 tons of solid waste per year and has a remaining permitted capacity of 42.4 million tons (WMI 2014). Given the available capacity at the landfill, the incremental additional of solid waste generated by the proposed 12 single-family residences would not cause the facility to exceed its daily permitted capacity. In addition, implementation of the City's recycling programs, including construction debris, would further reduce solid waste generation. Therefore, impacts would be less than significant.

LESS THAN SIGNIFICANT IMPACT

20 Wildfire

Potentially Significant Impact I	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
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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, 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.	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.	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?		

- 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?

The project site is not located within or near a Very High Fire Hazard Severity Zone or state responsibility area. The nearest Very High Fire Hazard Severity Zone is located approximately one mile east of the project site (CalFire 2007; 2008). Because the site is not within or near a state responsibility area or a Very High Fire Hazard Severity Zone, no impacts related to wildfires would occur.

NO IMPACT

Environmental Checklist Mandatory Findings of Significance

21 Mandatory Findings of Significance

	Less than Significant		
Potentially Significant Impact	with Mitigation Incorporated	Less than Significant Impact	No Impact

Does the project:

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

2			
9			
	•		
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a. Does the project have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?

Based on the information and analysis provided throughout this Initial Study, implementation of the proposed project would not substantially degrade the quality of the environment and would not substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of rare or endangered plants or animals, or eliminate important examples of California history or prehistory. Cultural resources, which illustrate examples of California history, are discussed in Section 5, *Cultural Resources*, and Section 18,
Tribal Cultural Resources. Mitigation Measures CUL-1 and TCR-1 have been designed to reduce potential impacts of disturbing archaeological and tribal cultural resources and human remains. Biological resources are addressed in Section 4, *Biological Resources*. With Mitigation Measures BIO-1 and BIO-2 related to nesting birds and special status bats, the proposed project would not substantially reduce wildlife habitat or population. Based on the ability of the identified mitigation measures to reduce potential impacts to less than significant levels, the proposed project's impacts would be less than significant with mitigation incorporated.

LESS THAN SIGNIFICANT WITH MITIGATION INCORPORATED

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)?

Cumulative impacts associated with some of the resource areas are addressed in the individual resource sections above: Air Quality, Greenhouse Gases, Water Supply, and Solid Waste (CEQA Guidelines Section 15064(h)(3)) and would be less than significant. Some of the other resource areas were determined to have no impact in comparison to existing conditions and therefore would not contribute to cumulative impacts, such as Mineral Resources and Agricultural Resources. As such, cumulative impacts in these issue areas would also be less than significant (not cumulatively considerable). The proposed project would incrementally increase traffic compared to existing conditions. However, due to the low volume of traffic generated by the proposed project, the proposed project would not significantly contribute to cumulative impacts to nearby roadways. The proposed project involves development of 12 residential units and would be consistent with the City's General Plan designation and density for the site. The proposed project would not result in a significant contribution to cumulatively considerable impacts.

LESS THAN SIGNIFICANT IMPACT

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

Effects to human beings are generally associated with air quality, noise, traffic safety, geology/soils and hazards/hazardous materials. As discussed in this Initial Study, implementation of the proposed project would result in less than significant environmental impacts with respect to these issue areas with mitigation incorporated. The geotechnical recommendations and mitigation measure discussed in Section 7, *Geology and Soils*, would ensure that soils and grounds are stable, and that liquefaction risks are less than significant. Mitigation Measure GEO-1 would reduce health and safety risks to human beings and would result in less than significant impacts. In addition, Mitigation Measure N-1 discussed in Section 14, *Noise*, would ensure that construction noise impacts as well as impacts due to onsite vibration are less than significant and would reduce exposure and health risks to nearby sensitive receptors. With mitigation, the proposed project would not cause substantial adverse effects on human beings, either directly or indirectly. Impacts would be less than significant with mitigation.

LESS THAN SIGNIFICANT WITH MITIGATION INCORPORATED

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List of Preparers

Rincon Consultants, Inc. prepared this IS-MND under contract to the City of Hayward. Persons involved in data gathering analysis, project management, and quality control are listed below.

RINCON CONSULTANTS, INC.

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Appendix A

Preliminary Arborist Report

Preliminary Arborist Report

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Appendix B

Air Quality and GHG Modelling Worksheets

Air Quality and GHG Modelling Worksheets

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Appendix C

Archaeological Resources Assessment

Archaeological Resources Assessment

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Appendix D

Geotechnical Report

Geotechnical Report

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Appendix E

Phase I Environmental Site Assessment

Phase I Environmental Site Assessment

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Appendix F

Stormwater Control Plan

Stormwater Control Plan

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Appendix G

Noise Data

Stormwater Control Plan

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<u>Appendix</u> H

Assembly Bill 52 Correspondence

Noise Data

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28571 and 28591 Harvey Avenue Residential Project

Responses to Comments on the Draft IS-MND

prepared by

City of Hayward 777 B Street Hayward, California 94541 Contact: Carl Emura, Associate Planner

prepared with the assistance of

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

August 2019

Responses to Comments on the Draft IS-MND

1.0 Introduction

1.1 PURPOSE OF THE RESPONSE TO COMMENTS

This document includes comments received during the circulation of the Draft Initial Study-Mitigated Negative Declaration (IS-MND) prepared for the 28571 and 28591 Harvey Avenue Residential Project (proposed project) and responses to those comments. The Draft IS-MND identifies the likely environmental consequences associated with development of the proposed project, and recommends mitigation measures to reduce potentially significant impacts. This Response to Comments (RTC) Document provides a response to comments on the Draft IS-MND and makes revisions to the Draft IS-MND, as necessary, in response to those comments or to make clarifications to material in the Draft IS-MND. This document, together with the Draft IS-MND, constitutes the Final IS-MND for the proposed project.

1.2 ENVIRONMENTAL REVIEW PROCESS

Pursuant to the California Environmental Quality Act (CEQA), lead agencies are required to circulate a Notice of Intent to Adopt a Mitigated Negative Declaration (NOI) and provide the general public with an opportunity to comment on the Draft IS-MND. The Draft IS-MND was circulated for a public review period that began on July 19, 2019 and ended on August 9, 2019. Copies of the NOI were mailed to local and state agencies and posted with the County Clerk's Office. The Draft IS-MND was posted electronically on the City's website, and a paper copy was available for public review at the Hayward City Hall Permitting Center and at the Hayward Public Library Weeks Branch Library. The City of Hayward received one comment letter on the Draft IS-MND.

1.3 DOCUMENT ORGANIZATION

This Response to Comments (RTC) Document consists of the following chapters:

- **Chapter 1.0: Introduction**. This chapter discusses the purpose and organization of this RTC Document and summarizes the environmental review process for the project.
- **Chapter 2.0: Comments and Responses.** This chapter contains reproductions of all comment letters received on the Draft IS-MND as well as transcripts of verbal comments provided at the public hearings. A written response for each CEQA-related comment received during the public review period is provided. Each response is keyed to the corresponding comment.
- **Chapter 3.0: Draft IS-MND Revisions**. Corrections to the Draft IS-MND that are necessary in light of the comments received and responses provided, or necessary to amplify or clarify material in the Draft IS-MND, are contained in this chapter. <u>Underlined</u> text represents language that has been added to the Draft IS-MND.

2.0 COMMENTS AND RESPONSES

This chapter includes written comments received during the circulation of the Draft IS-MND prepared for the 28571 and 28591 Harvey Avenue Residential Project (proposed project) and responses to those comments.

The City of Hayward received one comment letter on the Draft IS-MND from Elizabeth Chung-Huynh from the Department of Toxic Substances Control.

The comment letter and responses follow. Each separate issue raised by the commenter has been assigned a number. The responses to each comment identify first the number of the comment letter, and then the number assigned to each issue (Response 1.1, for example, indicates that the response is for the first issue raised in comment Letter 1).

Letter 1

COMMENTER:Elizabeth Chung-Huynh, Department of Toxic Substances Control (DTSC)DATE:August 6, 2019

Response 1.1

The commenter states that DTSC is a responsible agency for the project. The commenter asks if a Phase 2 Environmental Site Assessment (ESA) or other sampling has been conducted for the site. The commenter also states that because the existing structures were built in 1940, demolition could result in soil contamination with asbestos, lead, and other materials. The commenter states that DTSC recommends the collection and analysis of soil samples for CAM 17 metals and asbestos.

A Phase 2 ESA has not been prepared for the project. However, the proposed project would be subject to the following standard conditions of approval required by the City of Hayward that would ensure the project site would meet residential development investigation and cleanup standards prior to issuance of grading permit. As stated in the first condition of approval, the project would be subject to Regional Board or DTSC approval.

Hazardous Materials - Conditions Prior to Grading Activities and During Construction

- Prior to issuance of Building or Grading Permits a final clearance shall be obtained from either the California Regional Water Quality Control Board or Department of Toxic Substance Control and submitted to the Hayward Fire Department to ensure that the property meets residential development investigation and cleanup standards. Allowance may be granted for some grading activities if necessary to ensure environmental clearances.
- 2. 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 appropriate professional(s) to ensure hazards posed to development construction workers, the environment, future residents and other persons are mitigated.
- 3. All wells, septic tank systems and others subsurface structures shall be removed properly in order not to pose a threat to the development construction workers, future residents or the environment. These structures shall be documented and removed under permit when required.
- 4. The Hayward Fire Department's Hazardous Materials Office shall be notified immediately at (510) 583-4910 if hazardous materials or associated structures are discovered during demolition or during grading. These shall include, but shall not be limited to: actual/suspected hazardous materials, underground tanks, or other vessels that may have contained hazardous materials.
- 5. During construction, hazardous materials used and hazardous waste generated shall be properly managed and disposed.
- 6. If hazardous materials storage and/or use are to be a part of the facility's permanent operations then a Chemical Inventory Packet shall be prepared and submittal with building plans to the City of Hayward Fire Department at the time of application for construction permits.

With respect to lead-based paint and asbestos containing materials (ACM), because the project involves demolition of structures over 50 years in age, there is a potential for lead-based paint or ACMs to be present. Demolition of the existing structure could result in soil contamination or health hazard impacts to workers if these materials are not remediated or properly handled prior to construction activities. Therefore, in response to this comment, text revisions have been made to the Draft IS-MND to discuss this issue. These revisions are shown in Chapter 3.0 of this document.

Response 1.2

The commenter requests additional information about the 55-gallon uncovered drum that was noted as present on the site in the Phase I ESA. The commenter asks if the oil substance found in the drum was properly characterized, labeled, and correctly disposed.

As stated on page 13 of the Phase I ESA prepared for the project site, one 55-gallon drum containing used oil was found on site. However, no spill, leaks, or staining associated with the drum were observed. However, as stated on page 62 of the Draft IS-MND, the transport, storage, use, or disposal of hazardous materials associated with the project would be subject to federal, state, and local regulations pertaining to the transport, use, storage, and disposal of hazardous materials. The project applicant or proponent would be required to follow hazardous waste regulations to ensure that potential hazardous materials on-site are properly characterized and disposed of. Further, as stated in Response 1.1, the project would be subject to the City's standard conditions of approval related to hazardous materials. As stated in Condition #5, during construction, hazardous materials used and hazardous waste generated must be properly managed and disposed.

3.0 DRAFT IS-MND TEXT REVISIONS

This chapter presents the specific change to the text of the Draft IS-MND that is being made to the Draft IS-MND in response to comments received during the public review period. This change does not result in a greater number of impacts or impacts of a substantially greater severity than those set forth in the Draft IS-MND. Added text is indicated with <u>underlined</u> text. The page number corresponds to the page numbers of the Draft IS-MND.

Page 62 of the Draft IS-MND in Section 4.9, *Hazards and Hazardous Materials*, is revised to include the following additional information:

Structures built before the 1970s typically used ACMs in their construction. Because the onsite structures are over 50 years in age and were constructed before the time of the federal ban on the manufacture of polychlorinated biphenyls (PCB), it is possible that light ballasts contain PCBs. However, demolition and construction activities would be required to adhere to Bay Area Air Quality Management District (BAAQMD) Regulation 11, Rule 2, which governs the proper handling and disposal of ACM for demolition, renovation, and manufacturing activities in the Bay Area, and California Occupational Safety and Health Administration (CalOSHA) regulations regarding lead-based materials. The California Code of Regulations, §1532.1, requires testing, monitoring, containment, and disposal of lead-based materials, such that exposure levels do not exceed CalOSHA standards. The California Department of Toxic Substance Control (DTSC) has classified PCBs as a hazardous waste when concentrations exceed 50 parts per million in non-liquids, and the DTSC requires that materials containing those concentrations of PCBs be transported and disposed of as hazardous waste. Light ballasts to be removed would be evaluated for the presence of PCBs and managed appropriately. With required adherence to BAAQMD, CalOSHA, and DTSC regulations regarding ACM, LBP, and PCBs impacts would be less than significant.

Mitigation Monitoring and Reporting Program

The Initial Study-Mitigated Negative Declaration (IS-MND) for the 28571 and 28591 Harvey Avenue Residential Project identifies the mitigation measures that will be implemented to reduce the impacts associated with the project. The California Environmental Quality Act (CEQA) requires a public agency to adopt a monitoring and reporting program for assessing and ensuring compliance with any required mitigation measures applied to proposed development. As stated in section 21081.6(a)(1) of the Public Resources Code:

...the public agency shall adopt a reporting or monitoring program for the changes made to the project or conditions of project approval, adopted in order to mitigate or avoid significant effects on the environment.

Section 21081.6 also provides general guidelines for implementing mitigation monitoring programs and indicates that specific reporting and/or monitoring requirements, to be enforced during project implementation, shall be defined as part of adopting a mitigated negative declaration.

The mitigation monitoring table lists those mitigation measures that may be included as conditions of approval for the project. To ensure that the mitigation measures are properly implemented, a monitoring program has been devised which identifies the timing and responsibility for monitoring each measure. The project applicant will have the responsibility for implementing the measures, and the various City of Hayward departments will have the primary responsibility for monitoring and reporting the implementation of the mitigation measures.

The first column identifies mitigation measures that were identified in the Final IS-MND. The second column, entitled "Action Required," refers to the monitoring action that must be taken to ensure the mitigation measure's implementation. The third column, entitled "Monitoring Timing," refers to when the monitoring will occur to ensure that the mitigation action is complete. The fourth column, "Responsible Agency," refers to the agency responsible for oversight or ensuring that the mitigation measure is implemented. The "Compliance Verification" column is where the Responsible Agency verifies that the measures have been implemented.

City of Hayward 28571 and 28591 Harvey Avenue Residential Project

Attachment VI

Mitigation Measure/ Condition of Approval	Monitoring and Reporting Actions	Monitoring Timing	Manitarina	Compliance Verification			
			Responsibility	Initial	Date	Comments	
Biological Resources							
BIO-1: Nesting Bird Avoidance and Minimization Efforts							
If project construction activities occur during the nesting season (between February 1st and August 31st) 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 by project activity to the nest (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, active nests identified during the preconstruction survey shall be monitored by the qualified biologist to determine if construction activities are causing any 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 nest abandonment 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 nest 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 clearly marked 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. 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	Verify that if initial ground disturbing activities occurs between February 1 and August 31, a qualified biologist has prepared a pre-construction survey two weeks prior to start of construction. If active nests are discovered, verify that buffers have been established and work is avoided in in the buffer as appropriate.	Once before construction to review pre- construction survey; as needed during construction to verify buffers established and work is avoiding buffer zones.	City of Hayward Planning Division				

depredation, nest failure due to construction activity).

City of Hayward 28571 and 28591 Harvey Avenue Residential Project

Attachment VI

Mitigation Measure/ Condition of Approval	Monitoring and Reporting Actions	Monitoring Timing	Monitoring Responsibility	Compliance Verification			
				Initial	Date	Comments	
BIO-2: Special-status Bat Species Avoidance and Minimization							
Focused surveys to determine the presence/absence of roosting bats shall be conducted prior to the initiation of demolition of buildings and removal of mature trees large enough to contain crevices and hollows that could support bat roosting. If active maternity roosts are identified, a qualified biologist shall establish avoidance buffers applicable to the species, the roost location and exposure, and the proposed construction activity in the area. If active non-maternity day or night roosts are found on the project site, measures shall be implemented to passively relocate bats from the roosts prior to the onset of construction activities. Such measures may include removal of roosting site during the time of day the roost is unoccupied or the installation of one-way doors, allowing the bats to leave the roost but not to re-enter.	Verify that a qualified biologist has conducted focused surveys. If active maternity roosts are identified, verify that buffers have been established and work is avoided in in the buffer as appropriate. If active non-maternity roosts are identified, verify that bats have been relocated from roosts prior to construction.	Once before construction to review pre- construction surveys; as needed during construction to verify buffers established and roosts are relocated.	City of Hayward Planning Division				

BIO-3: Tree Preservation Measures

As outlined in the arborist report (HortScience Inc. 2018), Tree Preservation measures are required to protect trees that will be preserved in place and replacement trees that will be planted as required by HMC Chapter 10, Article 15.

Design Measures

- 1. Verify the location and tag numbers of all trees. Include trunk locations and tag numbers on all plans.
- 2. Establish the vertical and horizontal elevations of any trees that may be preserved. Overlay tree locations with site, grading, utility, etc. plans to determine which trees may be preserved and protected.
- 3. Allow the Project Arborist the opportunity to review project plans, including, but not limited to, site, grading, drainage, and landscape plans
- 4. Use only herbicides safe for use around trees and labeled for that use, even below pavement.
- 5. Design irrigation systems so that no trenching will occur within the Tree Protection Zone.

Pre-construction and Demolition Measures

1. Prepare a site work plan which identifies access and haul routes, construction trailer and storage areas, etc.

Verify adherence to tree	Periodically	City of
preservation measures	during	Hayward
	construction	Planning
		Division

54	sation Moasuro/	Monitoring and	Monitoring	Monitoring	Comp	oliance Ve	erification
Condition of Approval	Reporting Actions	Timing	Responsibility	Initial	Date	Comments	
2.	Establish a Tree Protection Zone around each tree to be preserved. For design purposes, the Tree Protection Zone shall be the dripline or 25 feet from the trunk, whichever is larger. No grading, excavation, construction or storage of materials shall occur within that zone.						
3.	Install protection around all trees to be preserved. Use 6-foot chain link fence attached posts sunk into the ground. No entry is permitted into a Tree Protection Zone without permission of the Project Arborist.						
4.	Trees to be removed shall be felled so as to fall away from Tree Protection Zone and avoid pulling and breaking of roots of trees to remain. If roots are entwined, the consultant may require first severing the major woody root mass before extracting the trees or grinding the stump below ground.						
5.	Trees to be retained may require pruning to provide clearance and/or correct defects in structure. All pruning is to be performed by an ISA Certified Arborist or Certified Tree Worker and shall adhere to the latest editions of the ANSI Z133 and A300 standards as well as the ISA Best Management Practices for Tree Pruning. Pruning contractor shall have the C25/D61 license specification.						
6.	All tree work shall comply with the 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.						
Tre	ee Protection During Construction						
1.	Prior to beginning work, the contractors working in the vicinity of trees to be preserved are required to meet with the Project Arborist at the site to review all work procedures, access routes, storage areas and tree protection measures.						
2.	Any grading, construction, demolition or other work that is expected to encounter tree roots should be monitored by the Project Arborist.						
3.	If injury should occur to any tree during construction, it should be evaluated as soon as possible by the Project Arborist so that appropriate treatments can be applied.						
4.	Fences will be erected to protect trees to be preserved. Fences are to remain until all site work has been completed. Fences may not be relocated or removed without permission of the Project Arborist.						
5.	Any additional tree pruning needed for clearance during construction must be performed by a qualified arborist and not by construction personnel.						
6.	Trees shall be irrigated, except oaks, on a schedule to be determined by the Project Arborist. Each irrigation session shall wet the soil within the Tree Protection Zone to a depth of 24 inches.						

City of Hayward 28571 and 28591 Harvey Avenue Residential Project

Attachment VI

Mitigation Measure/ Condition of Approval	Monitoring and Reporting Actions	Monitoring Timing	Monitoring	Compliance Verification			
			Responsibility	Initial	Date	Comments	
BIO-4: Tree Replacement and Maintenance							
Replacement trees shall be planted with sufficient space to accommodate the mature size of the species and maintained sufficiently to ensure establishment. Preserved trees shall also be maintained to ensure the continued long-term health of the tree. Trees onsite will require monitoring and routine maintenance by a landscape specialist such as occasional pruning, fertilization, mulch, pest management, replanting and irrigation.	Verify replacement trees are properly planted and maintained	Once after tree planting, and periodically thereafter	City of Hayward Planning Division, City of Hayward Landscape Architect				
Cultural Resources							
CR-1: Unanticipated Discovery of Cultural Resources							
If cultural resources are encountered during ground-disturbing activities, work in the immediate area shall be halted and an archaeologist meeting the Secretary of the Interior's Professional Qualification Standards for archaeology (National Park Service 1983) shall be contacted immediately to evaluate the find. If necessary, the evaluation may require preparation of a treatment plan and archaeological testing for California Register of Historical Resources (CRHR) eligibility. If the discovery proves to be eligible for listing in the CRHR and cannot be avoided by the project, additional work such as data recovery excavation and Native American consultation and archaeological monitoring may be warranted to mitigate significant impacts to cultural resources.	Verify that in the event that archaeological artifacts are encountered during project construction, all work in the vicinity of the find has been halted until such time as the find is evaluated	As needed during construction activities; work must stop immediately if resources are discovered, and consultation initiated as soon as practical	City of Hayward Planning Division				

City of Hayward

28571 and 28591 Harvey Avenue Residential Project

Attachment VI

Mitigation Massuro/	Monitoring and Reporting Actions	Monitoring Timing	Monitoring Responsibility	Compliance Verification			
Condition of Approval				Initial	Date	Comments	
Geology and Soils							
GEO-1: Geotechnical Considerations							
 The project applicant shall implement all measures and recommendations set forth in the Geotechnical Report prepared by Silicon Valley Soil Engineering in October 2017 (included in Appendix D). Recommendations include but are not limited to the following topic areas: Grading (demolition and stripping, existing fill removal, selection of materials, differential fill thickness, fill placement) Excavation Foundation design criteria (including concrete slab-on-grade or mat slab options) Building code seismic design Retaining walls Drainage On-site utility trenching Pavement design 	Verify that building plans incorporate all design and construction criteria specified in the geotechnical report	Once prior to approval of grading permit; periodically on site during grading and construction	City of Hayward Planning Division				
City of Hayward

28571 and 28591 Harvey Avenue Residential Project

Mitigation Mossure/	Monitoring and	Monitoring	Monitoring Responsibility	Compliance Verification		
Condition of Approval	Reporting Actions	Timing		Initial	Date	Comments
Noise						
N-1: Construction-Related Noise Reduction Measures						
 The applicant shall implement the following measures during construction of the project: Construction Hours. Construction activity shall not occur between 7:00 p.m. and 7:00 a.m. Monday through Saturday and 6:00 p.m. through 10:00 a.m. on Sundays and holidays. Mufflers. Construction equipment shall be properly maintained and all internal combustion engine driven machinery with intake and exhaust mufflers and engine shrouds, as applicable, shall be in good condition and appropriate for the equipment. During construction, all equipment, fixed or mobile, shall be operated with closed engine doors and shall be equipped with properly operating and maintained mufflers, consistent with manufacturers' standards. Electrical Power. Electrical power, rather than diesel equipment, shall be used to run compressors and similar power tools and to power any temporary structures, such as construction trailers or caretaker facilities. Equipment Staging. All stationary equipment shall be staged as far away from the adjacent multi-family residential development as feasible. Equipment Idling. Construction vehicles and equipment shall not be left idling for longer than five minutes when not in use. Workers' Radios. All noise from workers' radios shall be controlled to a point that they are not audible at sensitive receptors near construction activity. Smart Back-up Alarms. Mobile construction equipment shall have smart back-up alarms that automatically adjust the sound level of the alarm in response to ambient noise levels. Alternatively, back-up alarms shall be disabled and replaced with human spotters to ensure safety when mobile construction equipment is moving in the reverse direction. Disturbance Coordinator. The applicant shall designate a disturbance coordinator who shall be responsible for responding to any local complaints about construction noise. The noise disturbance coordinator shall determine the cause of the noise complaint (e.g., startin	Verify noise reduction measures in place.	Periodically during construction	City of Hayward Planning Division			

City of Hayward 28571 and 28591 Harvey Avenue Residential Project

Mitigation Moacuro /	Monitoring and	Monitoring Monitoring		Compliance Verification		
Condition of Approval	Reporting Actions	Timing	Responsibility	Initial	Date	Comments
Tribal Cultural Resources						
TCR-1: Unanticipated Discovery of Tribal Cultural Resources						
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.	Verify that in the event that cultural artifacts of Native American origin are encountered during project construction, all work in the vicinity of the find has been halted until such time as the find is evaluated	As needed during construction activities; work must stop immediately if resources are discovered, and consultation initiated as soon as practical	City of Hayward Planning Division			

From: john manrique <john.manrique3@gmail.com>

Sent on: Wednesday, December 20, 2017 4:21:26 AM

To: Carl Emura <Carl.Emura@hayward-ca.gov>

Subject: 28571 Harvy ref 201706649

Dear Carl,

I have lived here on Fabian way for 35 years. we bought this location due to the rual area. I strongly oppose this Application to build 16 2 story homes on this land. these

fields have existed for the 35 years I have lived here and the past owners had animals back there from chickens to horses. All the feral cats hunt there and we have lizards, possums, raccoons, 3 to 4 different types of birds including Humming birds that frequent

our flowers every summer. Our cats bring home the occasional garner snake and field mouse which they are so proud of. I will loose our privacy that we enjoyed for so long and one of the reasons we bought this location. Keep ion mind there are only 9 homes

on my street and 3 are rentals that can voice an opinion. Even if we all complain it would not seem to be enough to stop the builders. When the city has the public hearing I would like others that could come to voice their opinion on loosing our last open

area off of tennyson. i also remind you every home here now has 2-4 cars per house. that means traffic and parking will be horrible. 32 plus cars is a modest estimate and there will norm for over flow parked cars on Harvey. while they level the land I remind you the dirt and noise we would have to endure for 6 months or more. once built the skyline we now enjoy and privacy will be gone forever. i has sent out e mail to organize some help when you approve and send to the city council. In the pst it was said they could only build 3 home back at this location due to limited access by emergency vehicles and only 1 way in or out as an escape route. If you must succumb to building pressure by the land developers only allow 1 story homes and give us our back yard privacy . thank you for your time.

John Manrique 1124 Fabian way 510 825-4442 john.manrique3@gmail.com

SHEET INDEX

<u>NO.</u>

- COVER SHEET SHEET INDEX
 - CIVIL PLANS
- TM.1 EXISTING CONDITIONS
- TM.2 SITE PLAN
- TM.3 GRADING PLAN
- TM.4 UTILITY PLAN
- TM.5 FIRE TRUCK CIRCULATION PLAN
- STORMWATER CONTROL PLAN TM.6
- PLANNED DEVELOPMENT SITE PLAN C.1





NO. LANDSCAPE PLANS

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10	L.2a	PRELIMINARY LANDSCAPE CONSTRUCTION DETAILS
11	L.2b	PRELIMINARY LANDSCAPE CONSTRUCTION DETAILS
12	L.3	PRELIMINARY LANDSCAPE ENLARGEMENT PLAN
13	L.4	PRELIMINARY TREE MITIGATION MEASURES PLAN
14	L.5	CONCEPTUAL HYDROZONE PLAN
15	L.6	CONCEPTUAL IRRIGATION PLAN

ARCHITECTURAL PLANS NO.

16	A1.0	PLAN 1 FRONT ELEVATIONS
17	A1.1	PLAN 1 FLOOR PLAN
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19	A1.2	EXTERIOR ELEVATIONS - 1A
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28	A2.5	ROOF PLANS - PLAN 2
		DIGITAL COLOR BOARD

HARVEY AVENUE

PLANNED DEVELOPMENT

HAYWARD, CALIFORNIA

DEVELOPER

NUVERA HOMES 7041 KOLL CENTER PARKWAY, SUITE 170 PLEASANTON, CA 94566 (925) 309-8888 CONTACT: JEFFREY LAWRENCE

CIVIL ENGINEER

CARLSON, BARBEE & GIBSON INC. 2633 CAMINO RAMON, SUITE 350 SAN RAMON, CA 94582 (925) 866-0322 CONTACT: LEE ROSENBLATT

LANDSCAPE ARCHITECT

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

ARCHITECT

KTGY GROUP INC.



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LEGEND



DESCRIPTION

SUBDIVISION BOUNDARY		
RIGHT-OF-WAY		
EASEMENT		
ADJACENT LOT LINE		
CURB, GUTTER & SIDEWALK		
FENCE		
SPOT ELEVATIONS		

ABBREVIATIONS

ACFC	ALAMEDA COUNTY FLOOD CONTROL
DW	DRIVEWAY
EX	EXISTING
FC	FACE OF CURB
PL	PROPERTY LINE
PUE	PUBLIC UTILITY EASEMENT
RW	RIGHT-OF-WAY
SW	SIDEWALK
TYP	TYPICAL

15.	WELLS ONSITE:	
16.	WATER:	

- 17. SEWER: 18. GAS & ELECTRIC:
- 19. TELEPHONE:
- 20. CABLE TV:
- 21. DIMENSIONS:
- 22. FINAL MAP:
- 23. MAINTENANCE:



SHEET INDEX				
Sheet Number	Sheet Title			
TM.1	EXISTING CONDITIONS			
TM.2	SITE PLAN			
TM.3	GRADING PLAN			
TM.4	UTILITY PLAN			
TM.5	FIRE TRUCK CIRCULATION PLAN			
TM.6	STORMWATER CONTROL PLAN			



Attachment VIII

<u>C</u> (DNTACTS			
	1. DEVELOPER:	NUVERA HOMES 7041 KOLL CENTER PARKWAY, SUITE 170 PLEASANTON, CALIFORNIA 94566 (925) 309–8888 JEFFREY LAWRENCE		
	2. ENGINEER:	CARLSON, BARBEE & GIBSON, INC. 2633 CAMINO RAMON, SUITE 350 SAN RAMON, CALIFORNIA 94583 (925) 866-0322 LEE ROSENBLATT, RCE 65469		
	3. SOILS ENGINEER:	SILICON VALLEY SOIL ENGINEERING 2391 ZANKER ROAD, SUITE 350 SAN JOSE, CALIFORNIA 95131 (408) 324–1400 SEAN DEIVERT		
(ENERAL NOT	ES <u>VICINITY MAP</u>		
 1.	ACCESSORS PARCEL NO.:	464-0060-005-02, (NOT TO SCALE)		
2	SITE ADDRESS:	464-0060-006 28571 & 28591 HARVEY AVENUE, HAYWARD, CA		
3.	EXISTING SITE AREA (GROSS): PROPOSED SITE AREA (NET):	1.83± ACRES (GROSS) 1.38± ACRES (NET) (NET AREA = GROSS AREA – DRIVE AISLE – SIDEWALK – DEDICATION)		
4.	EXISTING ZONING: PROPOSED ZONING:	RS – SINGLE FAMILY RESIDENTIAL PD – PLANNED DEVELOPMENT DISTRICT		
5.	EXISTING USE: PROPOSED USE:	SINGLE FAMILY RESIDENTIAL; 2 SINGLE FAMILY LOTS SINGLE FAMILY RESIDENTIAL; 12 SINGLE FAMILY LOTS, 5 WITH ACCESSORY UNITS, 5 PARCELS		
6.	BENCHMARK:	MONUMENT DISK AT INTERSECTION OF FOLSOM AVENUE AND HARVEY AVENUE ELEVATION = 12.18 NGVD29, CITY OF HAYWARD DATUM MONUMENTATION PLAT FILE NO. 1-42		
7.	EXISTING STRUCTURES:	ALL EXISTING BUILDINGS AND PAVEMENT WITHIN BOUNDARY TO BE REMOVED		
8.	STREETS:	ALL ROADWAYS WITHIN THE SUBDIVISION WILL BE PRIVATE AND WILL BE PRIVATELY MAINTAINED BY THE HOMEOWNER'S ASSOCIATION. ALL PRIVATE STREETS WILL BE WITHIN PUE'S. THE MINIMUM LONGITUDINAL SLOPE OF ALL STREETS IS TO BE 0.50%.		
9.	TREES:	ALL TREES WITHIN SITE BOUNDARY TO BE REMOVED.		
10.	STREET TREES:	STREET TREES SHALL BE INSTALLED PER SD-122		
11.	WALLS AND FENCING:	ALL WALLS AND FENCING WILL BE PRIVATE FACILITIES AND PRIVATELY MAINTAINED		
12.	STORM DRAIN:	OPOSED ONSITE STORM DRAIN FACILITIES WILL BE PRIVATE FACILITIES AND WILL BE PRIVATELY INTAINED BY THE HOMEOWNER'S ASSOCIATION		
13.	PUBLIC UTILITIES:	PROPOSED ONSITE WATER AND SANITARY SEWER FACILITIES ARE PUBLIC AND WILL BE WITHIN A SANITARY SEWER AND/OR WATER EASEMENT. PROPOSED WATER AND SANITARY SEWER FACILITIES WILL BE CONSTRUCTED PER CITY OF HAYWARD STANDARDS AND DEDICATED TO THE CITY.		
14.	FLOOD ZONE:	ZONE X REFER TO: FLOOD INSURANCE RATE MAP PANEL 06001C0289G, AUGUST 3, 2009		
15.	WELLS ONSITE:	NONE		
16.	WATER:	CITY OF HAYWARD		
17.	SEWER:	CITY OF HAYWARD		
18.	GAS & ELECTRIC:	PG&E		
19.	TELEPHONE:	SBC		
20.	CABLE TV:	COMCAST CABLE		
21.	DIMENSIONS:	ALL DIMENSIONS ARE PRELIMINARY AND SUBJECT TO FINAL MAP		
22.	FINAL MAP:	ONE FINAL MAP SHALL BE FILED FOR THIS SITE		
23.	MAINTENANCE:	A HOMEOWNER'S ASSOCIATION SHALL BE CREATED FOR THE DEVELOPMENT TO MAINTAIN ALL PRIVATE FACILITIES		
	VECTIN			
	VESIIN	U IENIAIIVE MAP		
	FXIST	ING CONDITIONS		
V	EY AV	VENUE-TRACT 8442		
	CITY OF HAYWA	RD ALAMEDA COUNTY CALIFORNIA		
	90' 12	0' Carlson, Barbee & Gibson, Inc. SHEET NO.		
		CIVIL ENGINEERS • SURVEYORS • PLANNERS www.cbandg.com		
DA	TE: JANUARY 30, 2018	SAN RAMON, CALIFORNIA (925) 866 - 0322 SACRAMENTO, CALIFORNIA (916) 375 - 1877		

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GROSS AREA	1.83 AC
NET AREA	1.38 AC
12 LOTS	8.7 DU/ACRE

PARKING SUMMARY				
	PARKING PROVIDED			
PARKING TYPE	RATIO	NUMBER OF SPACES		
GARAGE	2 SPACES/DU	24		
DRIVEWAY	2 SPACES/DU	28		
ON-STREET/GUEST	0.5 SPACE/DU	6		
ON LOT ACCESSORY	0.42 SPACE/DU	5		
TOTAL	4.75 SPACES/DU	63		

BACK OF CURB	
BACK OF ROLLED CURB	f
COMPACT PARKING STALL	F
CENTERLINE	
DRIVEWAY	
EMERGENCY VEHICLE ACCESS EASEMENT	
FACE OF CURB	
VAN ACCESSIBLE PARKING STALL	
LANDSCAPE	
PRIVATE ACCESS EASEMENT	

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PAVEMENT DESIGN CHART					
STREET	TI	R	HOT MIX ASPHALT (HSM)	CALTRANS CLASS 2 AGGREGATE BASE (AB)	TOTAL PAVEMENT THICKNESS
DRIVE AISLE A	5.5	6.0	4"	9"	13"

NOTE: 1. R-VALUE TO BE FINALIZED BY GEOTECHNICAL ENGINEER WITH FINAL DESIGN.

BOUNDARY	PL	PROPERT
BACK OF ROLLED CURB	PUE	PUBLIC U
CURB CUT	RW	RIGHT-OF
DRIVEWAY	SD	STORM DF
FINISH FLOOR	SD-T	TREATED
GRADE BREAK	SW	SIDEWALK
VAN ACCESSIBLE PARKING STALL	TC	TOP OF C
HIGH POINT	TCD	THRU CUF
LOW POINT	TG	TOP OF G
LANDSCAPE	TSM	TOP OF S
PAD		

EXISTING	PROPOSED	DESCRIPTION
		SUBDIVISION BOUNDARY
		RETAINING WALL
		PRECAST WALL
	— X X X	FENCE
	\$	SIDEWALK, PATHWAY
		VALLEY GUTTER
x 100.0	x 100.0	SPOT ELEVATIONS
		DECORATIVE PAVING
	* * * * * * *	BIORETENTION AREA
	0	CURB CUT

LEGEND

Attachment VIII

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TYPICAL LOT UTILITIES

1" = 30'

LEGEND

EXISTING	PROPOSED
EX INV 59.0	INV 59.0
EX SD	
— — EX SS — —	
—— — EX W — —	W
\boxtimes	M
<	<u> </u>
\rightarrow	

DESCRIPTION
SUBDIVISION BOUNDARY
SIDEWALK
VALLEY GUTTER
RIGHT OF WAY
INVERT ELEVATIONS
STORM DRAIN LINE
SANITARY SEWER
WATER
SANITARY SEWER MANHOLE (SSMH)
STORM DRAIN MANHOLE (SDMH)
CATCH BASIN (CB)
FIELD INLET (FI)
FIRE HYDRANT
CURB CUT
BIORETENTION AREA
ELECTROLIER

UTILITY NOTES

1.	EXISTING UTILITIES	ALL EXISTING UTILITIES SERVING ORIGINAL USE WITHIN THE BOUNDARY TO BE REMOVED. EXISTING STORM DRAIN, SANITARY SEWER AND WATER WITHIN EASEMENTS TO REMAIN.
2.	PUBLIC UTILITIES	PROPOSED WATER AND SANITARY SEWER FACILITIES WITHIN PRIVATE ROADWAYS ARE PUBLIC AND WILL BE WITHIN A SANITARY AND/OR WATER EASEMENT. PROPOSED WATER AND SANITARY SEWER FACILITIES WILL BE CONSTRUCTED PER CITY OF HAYWARD STANDARDS AND BE DEDICATED TO THE CITY.
3.	PRIVATE UTILITIES	STORM DRAIN SYSTEM
		PROPOSED ONSITE STORM DRAIN FACILITIES WILL BE PRIVATE AND WILL BE PRIVATELY MAINTAINED BY THE HOMEOWNER'S ASSOCIATION. MIN SLOPE OF PROPOSED STORM DRAIN PIPE = 0.0025 . PUBLIC STORM DRAIN FACILITIES TO BE CONSTRUCTED TO CITY OF HAYWARD STANDARDS. ALL STORM PIPE TO BE RCP OR NDS N-12 PER CITY OF HAYWARD STANDARDS.
4.	WATER	A. WATER SHALL BE CONSTRUCTED PER CITY OF HAYWARD STANDARDS B. PROVIDE KEYS/ACCESS CODE/AUTOMATIC GATE OPENER TO UTILITIES FOR ALL METERS ENCLOSED BY A FENCE/GATE AS PER HAYWARD MUNICIPAL CODE 11–2.02.1. ONLY WATER DISTRIBUTION PERSONNEL SHALL PERFORM OPERATION OF VALVES ON THE HAYWARD WATER SYSTEM.
		 C. WATER SERVICE AVAILABLE SUBJECT TO STANDARD CONDITIONS AND FEES IN EFFECT AT TIME OF APPLICATION. D. ALL WATER MAINS OUTSIDE OF ROADWAY OR UNDER DECORATIVE PAVEMENT TO BE DUCTILE IRON PIPE.
5.	SEWER	CITY OF HAYWARD STANDARD MIN SLOPE OF PROPOSED SEWER PIPE = 0.0035 MIN SIZE OF PROPOSED SEWER MAIN IS 8". SEWER SHALL BE CONSTRUCTED OF PVC PIPE PER CITY OF HAYWARD STANDARDS. SEWER SERVICE AVAILABLE SUBJECT TO STANDARD CONDITIONS AND FEES IN EFFECT AT TIME OF APPLICATION.
7.	GAS & ELECTRIC	PG&E
8.	TELEPHONE	SBC
9.	CABLE TV	COMCAST CABLE
10.	UTILITIES	UTILITIES SHOWN ARE TO BE USED AS A GUIDE AND MAY CHANGE DURING FINAL DESIGN. DESIGN SHALL ADHERE TO CITY OF HAYWARD STANDARDS.

TYPICAL UTILITIES IN DRIVE AISLE WITH PARKING (NOT TO SCALE)

ABBREVIATIONS

ACFC	ALAMEDA COUNTY FLOOD CONTROL
EVAE	EMERGENCY VEHICLE ACCESS EASEMENT
ΕX	EXISTING
INV	INVERT
ΡL	PROPERTY LINE
PUE	PUBLIC UTILITY EASEMENT
S	SLOPE
SD	STORM DRAIN (PRIVATE)
SSE	SANITARY SEWER EASEMENT
WLE	WATER LINE EASEMENT

Attachment VIII

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SHEET NO.

TM.5

PRELIMINARY STORM WATER TREATMENT SUMMARY						
AREA ID	TREATMENT TYPE	PERVIOUS AREA (SF)	IMPERVIOUS AREA (SF)	TREATMENT AREA REQUIRED (SF)*	TREATMENT AREA PROVIDED (SF)	
A	BIORETENTION	5,097	15,169	459	500	
В	BIORETENTION	4,866	18,828	566	600	
С	BIORETENTION	12,675	18,878	590	650	

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TYPICAL SETBACKS NOT TO SCALE

LOT #	LOT AREA (SF)	GROSS BUILDING AREA (SF)	BUILDING COVERAGE	PRIVATE OPEN SPACE
1	4,366	2,152	49%	941
2	2,971	1,510	51%	515
3	4,549	2,152	47%	1,124
4	3,094	1,510	49%	637
5	3,141	1,510	48%	686
6	5,040	1,510	30%	1,632
7	5,802	1,510	26%	2,063
8	6,747	2,152	32%	1,709
9	3,628	1,510	42%	605
10	4,937	2,152	44%	1,077
11	4,963	2,152	43%	967
12	3,391	1,510	45%	645

NOTES:

GRC SPACE 100

1. ALL AREAS SHOWN ARE APPROXIMATE AND SUBJECT TO CHANGE WITH FINAL DESIGN. 2. PRIVATE OPEN SPACE SHOWN IN GREEN

DUP OPEN	NUMBER OF	GROUP OPEN SPACE	GROUP OPEN SPACE
E REQUIRED	LOTS	REQUIRED (SF)	PROVIDED (SF)
0 SF/LOT	12	1,200	2,792

SETBACKS

- PORCH: 6' MIN
- FRONT LIVING SPACE: 8' MIN
- GARAGE: 18' MIN • SIDE: 4' MIN
- REAR: 5' MIN

DENSITY

- NET AREA = 1.38 AC
- MAX DENSITY PROPOSED FOR RS ZONING: 4.3-8.7 DU/AC • MAX DENSITY PROPOSED FOR PD ZONING: 8.70 DU/AC

Attachment VIII

UNIT MIX

PLAN	SF	TOTAL	%
1	1,217	7	45%
2	2,049	5	55%
TOT	ΓAL	12	100%

NOTE: ALL SQUARE FOOTAGES AND PRODUCT MIX IS APPROXIMATE AND SUBJECT TO CHANGE WITH FINAL DESIGN.

VESTING TENTATIVE MAP PLANNED DEVELOPMENT SITE PLAN HARVEY AVENUE-TRACT 8442 ALAMEDA COUNTY CALIFORNIA

CITY OF HAYWARD

120'

cbg

SAN RAMON, CALIFORNIA SACRAMENTO, CALIFORNIA www.cbandg.com

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SHEET NO. \frown U.

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BOTANICAL NAME	COMMON NAME	SIZE	WATER USE	SPACING		
SHRUBS					(HIGH X WIDTH)	BOTANICAL NAME
ACACIA 'COUSIN IT'	LITTLE RIVER WATTLE	I GALLON	LOW	4'	2.5' X 4'	
AGAVE ATTENUATA	FOX TAIL AGAVE	I GALLON	LOW	6'	4' X 6'	GROUNDCOVERS
AGAVE 'BLUE GLOW'	BLUE GLOW AGAVE	I GALLON	LOW	3'	1.5' X 3'	MYOPORUM PARVIFOLIUM
ALOE 'BLUE ELF'	DWARF ALOE	I GALLON	LOW	2'	2' X 2'	/// I GALLON @ 36" O.C.
BUDDLEJA DAVIDII	BUTTERFLY BUSH	5 GALLON	LOW	6'	6' X 6'	
CHORONDOPETALUM TECTORUM	CAPE RUSH	I GALLON	LOW	2.5'	2.5' X 2.5'	THYMUS PSEUDOLANUGINOSUS
DIETES BICOLOR	FORTNIGHT LILY	I GALLON	LOW	2.5'	2.5' X 2.5'	🔆 🔆 🖌 I GALLON @ 36" O.C.
DIETES IRIDIODES	FORTNIGHT LILY	I GALLON	LOW	2.5'	2.5' X 2.5'	
ERIGERON KARVINSKIANUS	SANTA BARBARA DAISY	I GALLON	LOW	4'	2' X 4'	SCAEVOLA 'MAUVE CLUSTERS'
EUONYMUS J. 'MICROPHYLLUS'	BOXLEAF EUONYMUS	I GALLON	LOW	2.5'	2.5' X 2.5'	//// I GALLON @ 36" O.C.
FESTUCA GLAUCA	BLUE FESCUE	I GALLON	LOW	Ľ	' X '	
GREVILLEA 'NOELLI'	WOOLY GREVILLEA	I GALLON	LOW	5'	4' X 5'	SENECIO MANDRALISCAE
HELICTOTRICHON SEMPERVIRENS	BLUE OAT GRASS	I GALLON	LOW	3'	2.5' X 3'	GALLON @ 36" O.C.
JUNIPERUS S. 'MEDORA'	COLUMNAR JUNIPER	5 GALLON	LOW	2.5'	10' x 2.5'	
LANTANA MONTEVIDENSIS	TRAILING LANTANA	I GALLON	LOW	8'	l' x 8'	
LAVATERA MARITIMA	TREE MALLOW	5 GALLON	LOW	5'	5' X 5'	NOTE: PLANT MATERIAL WATER USE VERIFIED
LOROPETALUM CHINENSE	CHINESE FRINGE FLOWER	5 GALLON	LOW	6'	6' X 6'	PLANNING TOOL. WWW. WATERWONK.US
LOROPETALUM C. 'RAZZLEBERRI'	RED FRINGE FLOWER	5 GALLON	LOW	6'	6' X 6'	
MUHLENBERGIA RIGENS	DEER GRASS	I GALLON	LOW	3'	3' X 4'	
MYRTUS C. 'COMPACTA'	DWARF MYRTLE	I GALLON	LOW	4'	5' X 4'	
OLEA E. 'LITTLE OLLIE'	DWARF OLIVE	5 GALLON	LOW	5'	5' X 5'	
PENNISETUM 'HAMELN'	DWARF FOUNTAIN GRASS	I GALLON	LOW	2'	2.5' X 2'	
PHORMIUM T. 'MAORI MAIDEN'	NEW ZEALAND FLAX	I GALLON	LOW	3'	3' X 3'	
PITTOSPORUM 'WHEELER'S DWARF'	DWARF TOBIRA	I GALLON	LOW	4'	4' X 4'	
RHAPHIOLEPIS I. 'BALLERINA'	INDIA HAWTHORN	5 GALLON	LOW	4'	2.5' X 4'	
RHAPHIOLEPIS I. WHITE ENCHANTE	RESS' INDIA HAWTHORN	5 GALLON	LOW	5'	4' X 5'	
ROSMARINUS O.'COLLINGWOOD ING	RAM' ROSEMARY	I GALLON	LOW	3'	4' x 3'	
XYLOSMA C. 'COMPACTA'	COMPACT XYLOSMA	5 GALLON	LOW	4'	6' X 4'	

Place the barrel beside the downspout to measure and mark your required cut. Make sure to allow enough room for the barrel, lid and elbow spout. Wearing safety glasses and gloves, cut the downspout using a hacksaw. Attach your existing elbow spout (F) to the new downspout end.

Step 4 Overflow

Choose which side overflow spout you will use. Both spouts are blocked by a plastic disc by default. Remove the disc by inserting a slot screwdriver or chisel into the overflow tube from the outside, and gently tap with a hammer around the edges of the disc until it pops free. Attach the overflow hose using the hose clamp and a slot screwdriver. Direct the other end of the hose to wherever your downspout originally drained, which should be either a splash pad or sewer drain.

Step 5 Attach Lid & Place

Place the lid on the barrel and affix using the four provided screws and a crosshead screwdriver. Hand-tighten only. Over-tightening may crack the plastic. Place assembled bin under downspout and make ensure it is level and stable.

FreeGarden RAIN

Option Connecting Multiple Barrels

Multiple FreeGarden" RAIN barrels can be connected to collect additional water from the same downspout. On each additional barrel tap out BOTH plastic discs in the overflow spouts as in Step 4 above, then connect and clamp the end of the first barrel's overflow hose to one of the spouts of the additional barrel. Clamp and connect another overflow hose to the other spout of the additional barrel and direct the open end to wherever your downspout originally drained (usually a splash pad or sewer drain)

Usage

Congratulations! You can use your collected rainwater for many purposes, such as:

- Watering lawns
- Watering gardens
- Washing cars Cleaning outdoor furniture
- · Washing garden tools and containers
- Watering indoor and outdoor potted plants

Note: NEVER DRINK OR INGEST STANDING WATER. Do not allow ingestion by pets and animals, and do not cook or wash anything in collected rainwater in any way that may result in ingestion. Ingestion may cause serious illness or death. See below for further important warnings.

Maintenance

SUMMER Clean the screen once a month to prevent clogging. Check for erosion under/around rain barrel; platform/support must remain level and stable at all times.

WINTER

Drain barrel and store in shed or garage. If left outside with freezing water inside, the barrel may crack.

WARNINGS

Ingesting rain barrel water may cause

Installation Hazards

may be sharp. Wear protective gloves

Drowning Hazard

Never permit children to play on, in, or near a rain barrel. Always affix the lid securely to avoid drowning. Never use a result in ingestion of the water by humans Never place rain barrels on non-level or rain barrel without the lid securely affixed, and/or animals. Water in rain barrels may uneven surfaces. Always use a solid, or with a damged, cracked, warped or broken cover. Never place a rain barrel near a deck, stairs, chair, or other serious illness or death. Use only for structures or items that may allow a child watering plants and cleaning of outdoor the platform must be level and provide to climb above, on, or in the rain barrel. items not related to eating or drinking.

Electrical Hazard

If the downspout contains heating cables. Rain barrels are for water collection there is a potential electrocution or fire and outdoor use only. No other uses hazard during installation. Ensure power are recommended. Downspout edges is disconnected at the electrical panel before manipulating heated downspouts. when cutting and handling downspouts. any damages or injuries casued by or Consult a qualified electrician for modifications to heated downspouts.

Water Contamination Hazard Tipping Hazard

Do not use collected water for drinking, A misinstalled rain barrel may tip over cooking, washing or in any way that may causing bodily injury or property damage. become stagnant and/or contaminated. stable platform under the rain barrel. Water is very heavy. The preparation and placement of the installation are critical; robust support for a filled rain barrel.

Warning and Limitations

Improper installation and maintenance may result in property damage, bodily injury and/or death. Enviro World Corporation is not responsible for Always wear safety glasses when cutting resulting from improper installation and/or or drilling to prevent eye injuries. Protect continued maintenance. Retain this sheet siding from damage by inserting a sheet for future reference.

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.

GREEN WASTES.

Enviro World Corporation • www.enviroworld.us • solutions@enviroworld.us

of plywood between the downspout and

siding. Read all instructions and warnings

thoroughly before installing this product.

CONCEPTUAL LANDSCAPE STATEMENT

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. SO SELECTION OF JUST THE RIGHT PLANT SHOULD NOT BE DIFFICULT. A HIGH PERCENTAGE OF PLANTS SELECTED WILL BE DROUGHT TOLERANT AND 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.

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

RAIN BARREL INFORMATION

55 GALLON RAIN BARREL W/ BRASS SPIGOT - LOCATE AT AND CONNECT TO NEAREST DOWNSPOUT - SET ON LEVEL 3'X3' PRECAST CONCRETE PAVER. CONNECT OVERFLOW HOSE TO DRAINAGE SYSTEM. REFER TO DETAIL X, SHEET L.2. RAIN BARREL TO BE MODEL NUMBER 'EWC-IO' BY ENVIRO WORLD. AVAILABLE FROM HOME DEPOT OR EQUAL. 3'X3' PRECAST PAVER TO BE DIVERSITECH MODEL '2YJ85' AVAILABLE FROM GRAINGER OR EQUAL. WWW.GRAINGER.COM

RETAINING WALL W/ 6'-0" WOOD **PRODUCTION FENCE ON TOP REFER TO DETAIL C, SHEET L.2**

> 6'-0" WOOD **PRODUCTION FENCE** W/ GATE, TYPICAL: **REFER TO DETAIL B**, SHEET L.2

2'X 2' CONCRETE STEPPING STONES W/ 6" GRAVEL BETWEEN, TYPICAL

PRELIMINARY LANDSCAPE ENLARGEMENT PLAN HARVEY AVENUE-TRACT 8442 CITY OF HAYWARD ALAMEDA COUNTY

GROUP

WALNUT CREEK, CALIFORNIA

CALIFORNIA

Ripley Design Group, Inc. LANDSCAPE ARCHITECTURE • LAND PLANNING www.ripleydesign.com

(925) 938 - 7377

SHEET NO.

otected	Disposition
Yes	Remove; low suit.
No	Preserve? Off site near P/L
Yes	Preserve? Off site near P/L
Yes	Remove; low suit.
No	Preserve? Off site near P/L
No	Preserve? Off site near P/L
Yes	Remove; low suit.
Yes	Preserve? Off site near P/L
Yes	Remove; low suit.
Yes	Remove; low suit.
Yes	Remove
Yes	Preserve? Off site near P/L
Yes	Preserve; off site
Yes	Preserve; off site
Yes	Preserve; off site
Yes	Preserve? Off site near P/L
Yes	Remove: low suit

COST OF MATERIALS- TREE UPGRADES		
	15 GALLON	24" BC
Replace (5) 15 Gallon Trees with (5) 24" Box Trees	\$70.00	\$150.00
Replace (24) 24" Box Trees with (24) 36" Box Trees	n/a	\$150.00
Replace (2) 24" Box Trees with (2) 60" Box Trees	n/a	\$150.00

COST OF MATERIALS- PERMEABLE PAVERS					
	STANDARD CONCRETE	PERMEABLE PAVER	IMPROVEMENT COST	PROPOSED S.F.	COST OF IMPROVEMENT
Upgrade Vehicular Concrete Paving to Permeable Pavers	\$3.75	\$9.90	\$6.15	376	\$2 312 40
	\$0.70	\$5.50	\$ 0.10	010	φ2,012.40
			TOTAL MA	TERIAL UPGRADES=	\$2,312.40
				_	

SHEET NO. Ripley Design Group, Inc. LANDSCAPE ARCHITECTURE • LAND PLANNING www.ripleydesign.com L.4 G R O U P WALNUT CREEK, CALIFORNIA (925) 938 - 7377

LANDSCAPE HYDROZONE LEGEND

ZONE A: PARTIAL TOLERAN EMITTERS
ZONE B: PARTIAL LANDSCAI
 ZONE C:

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

ZONE B: PARTIAL TO FULL SUN, SPECIAL LANDSCAPE AREA

PARTIAL TO FULL SUN, SHRUBS. MEDIUM WATER USE.

> ZONE D (NOT SHOWN): PARTIAL TO FULL SUN, TREES. MEDIUM WATER USE.

ZONE D: BIORETENTION PLANTING WITH DRIP

EMITTERS, LOW WATER USE

WATER BUDGET CALCULA

LOW WATER USE SHRUB PLA MEDIUM WATER USE SHRUB MEDIUM WATER USE TREE PI <u>SPECIAL LANDSCAPE AREA-T</u> TOTAL PLANTING AREA	NTING AREA = 10,176 SF PLANTING AREA = 1,505 SF _ANTING AREA = 252 SF <u>URF = 697 SF</u> = 12,630 SF	
ESTIMATED TOTAL WATER US	<u>E:</u>	
ETWU (LOW WATER USE)	= (44.2) X (0.62) X <u>(0.2 X</u> 0.7I	<u>10,176)</u> = 78,553 GAL/YR
ETWU (MEDIUM WATER USE)	= (44.2) X (0.62) X <u>(0.4 X</u> 0.7I	<u>252)</u> = 3,891 GAL/YR
ETWU (SPECIAL LANDSCAPE)	= (44.2) X (0.62) X <u>(0.7 X</u> 0.7I	<u>697)</u> = 26,523 GAL/YR
TOTAL ETWU		= 108,967 GAL/YR

MAXIMUM APPLIED WATER ALLOWANCE:

MAWA (TOTAL LANDSCAPED AREA) = (44.2) X (0.62) X (0.45 X 12,630) = 155,751 GAL/YR MAWA (SPECIAL LANDSCAPED AREA) = (44.2) X (0.62) X (0.55 X 697) = 10,505 GAL/YR

MAWA (TOTAL LANDSCAPED AREA)

TRACT 5814

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•	-			

NOTES:

- I. ALL TREES SHALL BE PLANTED AND STAKED PER CITY STANDARDS.
- 2. TREES BE PLANTED WITHIN 3' OF HARDSCAPE REQUIRE ROOT BARRIERS 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. ALL PLANTING AREAS SHALL BE MULCHED TO A MINIMUM DEPTH OF 3".
- 6. AN AUTOMATIC WEATHER-BASED IRRIGATION CONTROLLER WITH SOIL MOISTURE AND/OR RAIN SENSOR SHALL BE USED.
- 7. SHRUBS AND TREES SHALL BE IRRIGATED ON SEPARATE VALVES AND PLANTS SHALL BE HYDROZONED.
- 8. REFER TO ARCHITECTURE PLANS FOR LOCATION OF REQUIRED PLUMBED 'LAUNDRY TO LANDSCAPE' SYSTEM IN ACCORDANCE WITH THE STATE OF CALIFORNIA MWELO CODE, SECTION 10-12-14.
- 9. CONTRACTOR TO INSTALL ONE LIDDED RAINWATER CATCHMENT DEVICE (MINIMUM 50 GALLONS) FOR EACH NEW SINGLE FAMILY HOME IN ACCPRDANCE WITH SECTION 10-12-15.

= 166,256 GAL/YR

Scheme 4 Plan 1B- French

HARVEY AVENUE HAYWARD, CA

#2017-0641

SCHEMATIC DESIGN 10-05-2018

Attachment VIII

PLAN 1 FRONT ELEVATIONS

A1.0

#2017-0641

SCHEMATIC DESIGN 10-05-2018

4 Bedrooms 3 Baths 2255 Sq. Ft.

PLAN 1 A1.1

#2017-0641

SCHEMATIC DESIGN 10-05-2018

Attachment VIII

4 Bedrooms 3 Baths 2255 Sq. Ft.

PLAN 1B A1.1.1

Cottage Material Legend: Flat Concrete Tile Roofing Stucco Finish Cementitious Board and Batt Siding Decorative Shutters Enhanced Sills 1x Stucco Finish Trim

Architecture + Planning 888.456.5849 ktgy.com

HARVEY AVENUE HAYWARD, CA

#2017-0641

SCHEMATIC DESIGN

EXTERIOR ELEVATIONS - 1A

A1.2

French Material Legend: Flat Concrete Tile Roofing Stucco Finish Decorative Shutters Stone Veneer Enhanced Sills 1x Stucco Finish Trim

Architecture + Planning 888.456.5849 ktgy.com

SCHEMATIC DESIGN

0 2 4 8

EXTERIOR ELEVATIONS - 1B

A1.3

Scheme 5

Plan 2B-French

HARVEY AVENUE HAYWARD, CA

#2017-0641

SCHEMATIC DESIGN 10-05-2018

A2.0

#2017-0641

SCHEMATIC DESIGN 10-05-2018

5 Bedrooms + Loft **Optional Bedroom 6** 4 Baths 3396 Sq. Ft.

PLAN 2 A2.1

#2017-0641

SCHEMATIC DESIGN 10-05-2018

OR	1077 SQ. FT.	455 SQ. FT.	1532 SQ. FT.
FLOOR	1453 SQ. FT.	411 SQ. FT.	1864 SQ. FT.
VING	2530 SQ. FT.	866 SQ. FT.	3396 SQ. FT.

5 Bedrooms + Loft **Optional Bedroom 6** 4 Baths 3396 Sq. Ft.

#2017-0641

SCHEMATIC DESIGN 10-05-2018

5 Bedrooms + Loft Optional Bedroom 6 4 Baths 3396 Sq. Ft.

PLAN 2B A2.1.1

#2017-0641

SCHEMATIC DESIGN 10-05-2018

LOOR	1077 SQ. FT.	455 SQ. FT.	1532 SQ. FT
ND FLOOR	1453 SQ. FT.	411 SQ. FT.	1864 SQ. FT
. LIVING	2530 SQ. FT.	866 SQ. FT.	3396 SQ. FT

5 Bedrooms + Loft **Optional Bedroom 6** 4 Baths 3396 Sq. Ft.

Plan 2A-Cottage

Scale: 1/8" = 1'-0" 0 4 8 16

HARVEY AVENUE HAYWARD, CA

SCHEMATIC DESIGN 10-05-2018

EXTERIOR ELEVATIONS - 2A

A2.3

Scale: 1/8" = 1'-0" 0 4 8 16

HARVEY AVENUE HAYWARD, CA

SCHEMATIC DESIGN 10-05-2018

EXTERIOR ELEVATIONS - 2B

Attachment VIII

ROOF PLANS - PLAN 2

SCHEME 01 SCHEME 02 STUCCO BODY KM 4930 KM 5761 YOUNG COLT COLUSA WETLANDS SIDING / BATTEN KM 4562 KM 5787 PARISIAN CASHMERE OYSTER HAZE FASCIA / EAVES / TRIM / GARAGE DOORS KM 23 KM 5735 SWISS COFFEE **BEACHSIDE VILLA** ENTRY DOOR 1 / SHUTTERS 1 KM 5826 KM 5762 VOLCANIC ROCK HIKING BOOTS ENTRY DOOR 2 / SHUTTERS 2 HLS 4284 HLS 4242 SEVILLE SCARLET RITZY **ROOF MATERIAL -**FLAT SLATE 4697 SCB 8802 SLATE RANGE NANTUCKET BLEND

Architecture + Planning 888.456.5849 ktgy.com

HOMES

WINTERFALL **URBAN CRAFT**

HLS 4228 RUSKIN RED

KM 5790 **GRAPEVINE CANYON**

SAND DOLLAR

URBAN CRAFT

SCB 8827

TACOMA BLEND

KM 5297 DIAMOND DUST

KM 4731 GRASS SKIRT

KM 4746

COUNTRY CHARM

KM 4579

GHOST TOWN

KM 4566 CITY LOFT

KM 4730

PEARLY SWIRLY

SCHEME 05

Attachment VIII

MANUFACTURERS

Kelly Moore

Eagle Roofing Creative Mines

CITY OF HAYWARD

File #: MIN 19-110

DATE: September 12, 2019

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

SUBJECT

Minutes of the Planning Commission Meeting of July 25, 2019

RECOMMENDATION

That the Planning Commission approve the minutes of the Planning Commission meeting of July 25, 2019

SUMMARY

The Planning Commission held a meeting on July 25, 2019

ATTACHMENTS

Attachment Draft Minutes of July 25, 2019

MEETING

A regular meeting of the Hayward Planning Commission was called to order at 7:00 p.m. by Vice-Chair Willis.

CALL TO ORDER Pledge of Allegiance

Commissioner Patton led in the Pledge of Allegiance.

ROLL CALL

Present: COMMISSIONERS: Andrews, Patton, McDermott, Goldstein VICE-CHAIR: Willis Absent: Bonilla, Faria

Staff Members Present: Brick, Buizer, Chan, Emura, Ott, Stefanski

General Public Present: 16

PUBLIC COMMENT:

There were none.

PUBLIC HEARINGS: For agenda Items No. 1 and 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.

Commissioner McDermott made a motion to hear Item #2 first as there were many members of the public in attendance for Item #1. Commissioner Andrews seconded the motion.

1. Appeal of the Planning Director's approval of a three story 40-unit townhouse style development on a 1.66-acre site located at 21229 Oak Street requiring Site Plan Review Application No. 201800932. The project site is zoned Commercial Office (CO) and contains a Commercial/High Density residential (CHDR) land use designation in the Hayward 2040 General Plan. Ann E. Maris PhD, Organizer, Grove Way Neighborhood Association (Appellant); Steven Kodama, Kodama Diseno Architects (Applicant)/Robert Chen (Owner)

MINUTES OF THE REGULAR MEETING OF THE CITY OF HAYWARD PLANNING COMMISSION Council Chambers Thursday, July 25, 2019, 7:00 p.m. 777 B Street, Hayward, CA 94541

Associate Planner Emura provided a synopsis of the staff report and a PowerPoint presentation. Mr. Emura said staff was contacted by the Walgreen's store owner who supported the project as it will generate more business for the existing businesses in the area.

Mr. Steve Kodama, the project architect, said they have been working on this project for over a year and are very sensitive to the neighborhood concerns. Mr. Kodama said National Mattress contacted them about a concern with their retaining wall and the project engineers will work with National Mattress about any issues. Mr. Kodama said they are present to answer any questions.

Dr. Ann Maris, resident of Grove Way, appellant and organizer of Grove Way Neighborhood Association, said this is not a sustainable development and planning needs to be done for the Route 238 properties. Dr. Maris suggested more affordable housing and to benefit the community there should be a pedestrian walkway to Hill's Coffee Shop. Dr. Maris said it is important to maintain the natural wildlife habitat and disagrees that this project will add to the City's gateway. Dr. Maris said the neighborhood was not given the opportunity to provide input.

Mr. Kodama responded to Commissioner Patton that the building will include wood siding with stucco with a variation of color. Associate Planner Emura responded to Mr. Patton that for the portion of Oak Street in Hayward, the developer will be required to install lighting, sidewalks and trees, and the developer has been informed to contact the County about the County portion of Oak Street. Principal Planner Lochirco said there is a park-in-lieu fee requirement for multi-family developments regardless if the project is for rental or for homeownership. Mr. Emura said in reviewing the appellant's requests, staff will include a COA to require deciduous trees on the south facing buildings. Mr. Emura said the added COA will be included when the developer comes in for the Tentative Tract Map.

Commissioner Andrews disclosed that her company reviewed the project and decided not to move forward with it. Mr. Kodama said they were not aware of the Grove Way Neighborhood Association but upon receiving the appeal they had a conversation with Dr. Maris. Mr. Kodama said that the applicant wanted to include affordable housing and that if they knew about the neighborhood groups, they would have worked with them. Mr. Kodama and the applicant wanted to bring this mixed housing project to Hayward.

Associate Planner Emura said staff did not know about the Grove Way Neighborhood Association until after the Notice of Decision went out and that it is unfortunate that the group did not contact staff when the Notice of Intent was mailed out.

Commissioner Andrews said developers should endeavor to conduct community outreach. Mr. Kodama said the applicant has reduced the project from 60 to 40 units and that in working with City staff, as far as the developer knew, they had done everything that was necessary. Mr. Kodama said they had projects in cities such as San Francisco and Berkeley and that they always meet with staff to find out what they are required to do. Mr. Kodama relayed that City staff took care of the mailing of the official notices.

Associate Planner Emura said one of difficulties is that the Grove Way Neighborhood Association is located in Alameda County. Mr. Emura said this is a lesson learned for all that if there are developments near County jurisdiction, staff will need to contact the County to improve the City's mailing lists to include County households in the official notice mailings.

Commissioner Goldstein asked about the affordable housing requirement, Associate Planner Emura said with the Site Plan Review, the developer must have rental units and provide a maximum of six percent affordable housing units, with 50% for low income and 50% very low income. Mr. Goldstein stated that the City recently adopted these new Inclusionary Affordable Housing requirements to have affordable housing units integrated with market rate units and that this is positive social benefit for Hayward residents.

Commissioner McDermott said the Commission has read the appellant's letter and acknowledges that community outreach can be difficult. Ms. McDermott said staff has explained why the County households were left out and the official notice mailing lists issue will be addressed for future developments. Ms. McDermott said this is a positive improvement for this area of the City and that the surrounding businesses will benefit from the new development.

Vice-Chair Willis opened and closed the public hearing at 8:41 p.m.

Dr. Ann Maris, Castro Valley resident and representing the Grove Way Neighborhood Association, said the fences in the design will detract from the neighborhood. Associate Planner Emura said the fences are limited to four feet in height.

Mr. Bruce King, Castro Valley resident, said this has been frustrating for the neighbors that the three agencies, the City, the County and Hayward Area Recreation and Park Department (HARD) need to work together to create a plan that will benefit the community.

Mr. Jared Perkins, Castro Valley resident, said this is a dense neighborhood and the project would be a liability. He provided a history of the area. Mr. Perkins said that HARD needs to


address the lack of parks for this neighborhood and then the children can stop using their schools in place of parks.

Mr. Jason Moreno, Castro Valley resident, spoke against the project and suggested staff research building tiny houses that can help more people.

Dr. Marlina Selva, Hayward resident, said this area needs to be looked at as a whole and that there needs to be a coherent plan for the Route 238 properties.

Vice-Chair Willis closed the public hearing at 8:54 p.m.

Commissioner Goldstein was moved by the appellant's concerns, expressed concern about the lack of coordination for this area, and disappointed that the County households were not included in the official notice mailing list. Mr. Lochirco said the applicant and the neighborhood group can work with staff to initiate conversations, then it can be determined if any proposed changes can be made at the staff level or if the proposed changes would need to come before the Commission. Mr. Goldstein asked about denving the appeal but including a COA regarding having these discussions to resolve differences with all parties present. Mr. Lochirco said the COA would need to be very specific as the appellant has a list of requests that can border on legal issues such as access easements that would encumber other peoples' properties. He added that the Commission would need to be careful because of the legalities involved. Assistant City Attorney Brick cautioned the Commission about the new Housing Accountability Act regarding projects that contain inclusionary affordable housing as there must be specific findings that need to be made regarding inconsistencies if the Planning Director's decision is not upheld. Mr. Goldstein stated that the applicant needs to keep moving this project forward to keep his investors happy. Mr. Goldstein said the appellant can contact HARD regarding park issues.

Commissioner McDermott suggested staff work on improving outreach so that this does not happen again and asked staff for suggestions. Principal Planner Lochirco said that it can be difficult when there are multiple agencies involved and shared that staff did contact the County's planning department with no response which usually indicates that the County had no objections to the project. Mr. Lochirco shared that the County was involved during the adoption of the General Plan in which this area was identified as high density residential. Mr. Lochirco said staff will work with the County to obtain the list of households in the area to make sure those households will be included in the noticing of future projects where developments cross municipalities' jurisdictions. Mr. Lochirco said the Planning Director's approval was based on the fact that the development met underlying land use designation that the City had already envisioned for this site.

Commissioner Patton expressed disappointment about the lack of coordination and public



noticing issues, and that the County households had been included then issues could have been resolved prior to this meeting. Mr. Patton suggested that, as a general rule, developers should conduct neighborhood outreach. Mr. Patton said the project is a positive addition, this is a good location for the project, there will be beneficial public street improvements, and this will provide additional rental properties in the City. Mr. Patton supports the project with the added landscape condition of deciduous trees along the south facing buildings.

Commissioner Andrews empathized with the developer as projects are very expensive and time delays will add to an already expensive endeavor. Ms. Andrews reiterated the suggestion that developers need to conduct community outreach, which is especially true as there are many neighborhood associations throughout the City. Ms. Andrews agrees with Commissioner Patton that this is a rental development and the Commission has a responsibility, per the Housing Accountability Act, to approve projects that include an affordable housing element. Ms. Andrews encouraged the appellant to contact HARD and let them know about the neighborhood's park issues.

Commissioner Patton made a motion to approve the staff recommendation with the added Condition of Approval under the Landscape section to plant deciduous trees along the south facing buildings. Commissioner Goldstein seconded the motion.

Commissioner Goldstein encouraged the appellant and the applicant to continue their conversation.

The motion passed with the following vote:

AYES:	Commissioners Andrews, Patton, McDermott, Goldstein
	Vice-Chair Willis
NOES:	None
ABSENT:	Bonilla, Faria
ABSTAIN:	None

2. Proposed Establishment of a restaurant at 27915 Mission Boulevard (APN: 452-0068-024-05) Nicandro Barrita, (Applicant/Owner) Requiring approval of Site Plan Review and Exceptions to the South Hayward BART/Mission Boulevard Form Based Code related to Building Hight and Common Outdoor Space; Application No. 201900610

Associate Planner Emura provided a synopsis of the staff report and a PowerPoint Presentation.

Mr. Bob Hencken, representative for applicant, requested the Commission's support.



MINUTES OF THE REGULAR MEETING OF THE CITY OF HAYWARD PLANNING COMMISSION Council Chambers Thursday, July 25, 2019, 7:00 p.m. 777 B Street, Hayward, CA 94541

Mr. Hencken responded to Commissioner McDermott that the applicant would like to expand their business into Hayward and the project would be a positive addition to the City.

In response to Commissioner Patton's questions about the height exception request, Associate Planner Emura said this has to do with complying with the South Hayward BART/Mission Boulevard Form Base Code related to building height and common outdoor space requirements. Mr. Emura said staff is supportive of the building design which is different from what is existing along Mission Boulevard. Mr. Patton is in favor of relocating the outdoor seating to the north side of the building. Mr. Hencken said the design plan is to create a pedestrian friendly environment with the outdoor seating and to move this to the north side would cause a problem with the parking spaces and conflict with a planned employee seating area.

Commissioner Goldstein asked about bulb-outs that were required of other developments along Mission Boulevard. Principal Planner Lochirco responded that the bulb-out idea is currently being reevaluated, the City does not have a definitive design for bulb-outs, and it is not always necessary for every project. Mr. Lochirco said this location was not identified by the Public Works Engineering and Transportation Department as needing bulb-outs.

Commissioner Andrews asked about including a Condition of Approval (COA) to address trash issues, Associate Planner Emura said he will make sure this is included in the COAs. Principal Planner Lochirco said that to include items such as hedges can pose a sight distance issue and can have safety implications. Mr. Lochirco added that COA number 90 addresses the trash issues and this came from Stop-Waste. Mr. Emura said that staff will look at the Starbuck's COA and will ensure the specific language to address trash will be included in COA 90 for this project.

Commissioner McDermott commented that this business is a much needed improvement for Mission Boulevard and she likes the architecture of the building. Ms. McDermott said this project will be a positive addition for the residents in the area.

Vice-Chair Willis opened the public hearing at 7:25 p.m.

Mr. Jason Moreno, Hayward resident, has concerns about graffiti and vandalism and suggested reducing both the building height and the amount of glass. He spoke about another parking lot that has not been properly maintained and requested the City address parking lot maintenance and mitigate flooding in parking lots.

Vice-Chair Willis closed the public hearing at 7:28 p.m.



Commissioner McDermott made a motion to approve the staff recommendation. Commissioner Goldstein seconded the motion.

Commissioner Goldstein commented that this project elevates the quality of businesses along the Mission corridor and this project makes it more attractive for the residents in that area and is a visual magnet for other businesses.

The motion passed with the following vote:

Commissioners Andrews, Patton, McDermott, Goldstein
Vice-Chair Willis
None
Faria, Bonilla
None

WORK SESSION

3. Route 238 Corridor Lands Development-Parcel Group 6 Carlos Bee Quarry: discussion on Master Development Plan Vision and Concept

Management Analyst Stefanski provided a synopsis of the staff report and a PowerPoint Presentation.

Deputy City Manager Ott explained to Commissioner Goldstein that staff will bring forward a City recommended Master Development Plan (MDP) in which staff has incorporated elements from Mr. Sherman Lewis's Bay View Concept Plan. Ms. Ott said to test the market, staff may solicit responses from developers regarding the parking element included in Mr. Lewis' Bay View Concept Plan.

In response to Commissioner Patton, Deputy City Manager Ott said staff is preparing an addendum to the 2014 General Plan Environmental Impact Report (EIR) and a detailed study has been prepared as part of the addendum. This will be presented as part of the project when staff comes back in October 2019. Ms. Ott said the document will include the traffic study that looks at the impacts, Carlos Bee Boulevard, the new signalized intersection and cumulative impacts through 2040. Mr. Patton commented that he is supportive of the student village concept mixed with other types of housing, but that developers must be mindful between planning student housing and family homes and cautioned staff of reducing the parking too much.

Commissioner Andrews asked about outreach with California State University East Bay (CSUEB), Deputy City Manager Ott said there have been discussions with student



associations that advocated for more student housing, student government, rental tenant collective, and a student housing developer that specializes in student housing on CSU campuses. Ms. Ott said they have not had the opportunity to speak with University staff. Ms. Ott said staff is proposing a plan for a multi-purpose flexible space.

Vice-Chair Willis said he has reviewed the MDP and supports the plan.

Vice-Chair Willis opened the public hearing at 9:48 p.m.

Mr. Bruce King, with Friends of San Lorenzo Creek, said he has met with and provided comments to City staff and Hayward Area Recreation and Park Department (HARD). Mr. King spoke about Ward Creek in this area and that the Friends of San Lorenzo Creek want to define the creek setbacks and maintain the natural habitat.

Dr. Marlina Selva, Hayward resident, lives near the 4th and Main Street development and understands when the community is not listened to. She asked that staff, Planning Commissioners and Council have conversations with the residents and students. Ms. Selva said it is important to take care of the creeks and invest in the environment.

Mr. Jason Moreno, Hayward resident, said he will share with Sherman Lewis that staff did not agree with the one car to five-unit concept. He spoke about the crimes along Carlos Bee Boulevard and suggested a requirement to have onsite security. Mr. Moreno said there needs to be a noise ordinance to address when students have loud parties in the student housing areas.

Vice-Chair Willis closed the public hearing at 9:57 p.m.

Commissioner Goldstein suggested having a mandatory neighborhood watch program. Deputy City Manager Ott said staff can include in the development agreement certain covenants to require specifics such as a homeowner's association (HOA), private security, and maintenance standards. Mr. Goldstein asked to include in the development agreement that the HOA have the ability to enforce parking requirements.

Deputy City Manager Ott responded to Commissioner Andrews that the City is supportive of the creek setbacks and preserving the riparian creeks. Ms. Ott shared that engineering still needs to be conducted and staff will place a reference to the creek setbacks in the MDP and once the specifics are outlined, they will be included in the MDP. Ms. Andrews suggested staff work with the Friends of the San Lorenzo creek, as they have already conducted some engineering, and wants to make sure this is included in the Request for Proposals (RFP) process.



Vice-Chair Willis asked staff to address Commissioner Goldstein's concerns regarding parking enforcement. He also requested that staff include the creek setback requirements as it is important to protect the creek's environment.

APPROVAL OF MINUTES

4. Approval of the Planning Commission Meeting Minutes of June 27, 2019

Commissioner Patton made a motion, seconded by Commissioner Andrews, to approve the Planning Commission Meeting Minutes of June 27, 2019. The motion passed with the following votes:

AYES:	Commissioners Andrews, Patton, McDermott
	Vice-Chair Willis
NOES:	None
ABSENT:	Faria, Bonilla
ABSTAIN:	Goldstein

COMMISSION REPORTS

Oral Report on Planning and Zoning Matters:

Principal Planner Lochirco reminded the Commission that there is an August recess and that currently both meetings are scheduled for September with the first meeting to be held on September 12, 2019.

Commissioners' Announcements, Referrals:

Commissioner McDermott asked about procedure, as this is her last term as a Planning Commissioner. Principal Planner Lochirco said the Commissioner terms end at the end of September and requested that Commissioner McDermott attend the September meetings.

Commissioner Andrews announced the Keep Hayward Clean and Green Clean-up event at the Matt Jimenez Community Center and the Palma Ceia Festival on Saturday.

ADJOURNMENT

Vice-Chair Willis adjourned the meeting at 10:07 p.m.



MINUTES OF THE REGULAR MEETING OF THE CITY OF HAYWARD PLANNING COMMISSION Council Chambers Thursday, July 25, 2019, 7:00 p.m. 777 B Street, Hayward, CA 94541

APPROVED:

Ray Bonilla Jr., Secretary Planning Commission

ATTEST:

Denise Chan, Senior Secretary Office of the City Clerk