

# **CITY OF HAYWARD**

Hayward City Hall  
777 B Street  
Hayward, CA 94541  
[www.Hayward-CA.gov](http://www.Hayward-CA.gov)



CITY OF  
**HAYWARD**  
HEART OF THE BAY

## **Agenda**

**Thursday, September 10, 2020**

**7:00 PM**

**Remote Participation**

**Planning Commission**

**SPECIAL PLANNING COMMISSION MEETING**

COVID-19 Notice: Consistent with State of California Executive Order No. 29-20 dated March 17, 2020, and Alameda County Health Officer Order No. 20-10 dated April 29, 2020, the Task Force will be participating in public meetings via phone/video conferencing.

Please note that we are now using the Zoom Webinar platform to conduct meetings and receive live public comment.

*How to watch the meeting from home:*

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

*How to submit written Public Comment:*

*Send an email to [cityclerk@hayward-ca.gov](mailto:cityclerk@hayward-ca.gov) by 3:00 p.m. the day of the meeting. Please identify the Agenda Item Number in the subject line of your email. Emails will be compiled into one file, distributed to the Planning Commission and staff, and published on the City's Meeting & Agenda Center under Documents Received After Published Agenda. Written comments received after 3:00 p.m. that address an item on the agenda will still be included as part of the record.*

*How to provide live Public Comment during the meeting:*

*Click this link below to join the webinar: <https://hayward.zoom.us/j/91371357756?pwd=Z0VFZDloUnRkMUJGYkRSbG1wb081UT09>  
Passcode: yp0ttX?N*

*or*

*Dial: +1 669 900 6833 or +1 253 215 8782 or +1 346 248 7799 or +1 301 715 8592 or +1 312 626 6799  
or +1 929 205 6099*

*Webinar ID: 913 7135 7756*

*Passcode: 77016638*

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



**CALL TO ORDER: Chair Bonilla****ROLL CALL****PUBLIC COMMENT**

*The PUBLIC COMMENT 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 live public comment as each item is called at the time indicated by the Meeting Chair.*

**PUBLIC HEARING**

**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.**

1.      [PH 20-061](#)      Appeal of the Planning Director's Decision to Approve a Two-year Extension of the Approved Mixed Use Development consisting of 72 Residential Townhomes and 8,000 square feet of commercial space on a 5.88-acre parcel located at the Southwest corner of Mission Boulevard and Industrial Parkway (APNs: 078G-2651-012-08, 078G-2651-011-02, 078G-2651-010-03, 078G-2651-009-02, and 078G-2651-008-00) requiring Approval of a Vesting Tentative Tract Map and Site Plan Review; Application No. 201504677; (Appellant: Rosemarie Aguilar and Glenn Kirby); (Applicant: Doug Rich, Valley Oak Partners)

**Attachments:**[Attachment I Staff Report](#)[Attachment II Submitted Appeal](#)[Attachment III Correspondence from Lozeau Drury](#)[Attachment IV Applicant's Response](#)[Attachment V Original Conditions of Approval](#)[Attachment VI Revised Conditions of Approval](#)[Attachment VII Environmental Clean-up Chronology](#)[Attachment VIII Community Correspondence Received](#)

2. [PH 20-062](#) Proposed Multi-Family Residential Development with 27 Townhome-Style Condominiums and 18 Apartments Units on a Vacant 1.12-Acre Infill Site Located at 21659 Mission Boulevard, Assessor Parcel No. 428-0006-058-01 requiring Approval of Vesting Tentative Tract Map #8520 and a Site Plan Review and Density Bonus Application No. 201902713. Erik Waterman, Studio KDA (Applicant) on behalf of Pargat Singh (Property Owner)

**Attachments:** [Attachment I Staff Report](#)  
[Attachment II Findings for Approval](#)  
[Attachment III Conditions of Approval](#)  
[Attachment IV Project Plans](#)  
[Attachment V Affordable Housing Unit Plan](#)  
[Attachment VI Public Correspondence](#)

#### APPROVAL OF MINUTES

3. [MIN 20-089](#) Minutes of the Planning Commission Meeting of July 9, 2020

**Attachments:** [Attachment I Draft Minutes of July 9, 2020](#)

#### COMMISSION REPORTS

Oral Report on Planning and Zoning Matters

Commissioners' Announcements, Referrals

#### ADJOURNMENT

**NEXT MEETING, SEPTEMBER 24, 2020, 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.*



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**File #:** PH 20-061

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**DATE:** September 10, 2020

**TO:** Planning Commission

**FROM:** Planning Manager

**SUBJECT**

Appeal of the Planning Director's Decision to Approve a Two-year Extension of the Approved Mixed Use Development consisting of 72 Residential Townhomes and 8,000 square feet of commercial space on a 5.88-acre parcel located at the Southwest corner of Mission Boulevard and Industrial Parkway (APNs: 078G-2651-012-08, 078G-2651-011-02, 078G-2651-010-03, 078G-2651-009-02, and 078G-2651-008-00) requiring Approval of a Vesting Tentative Tract Map and Site Plan Review; Application No. 201504677; (Appellant: Rosemarie Aguilar and Glenn Kirby); (Applicant: Doug Rich, Valley Oak Partners)

**RECOMMENDATION**

That the Planning Commission deny the appeal and uphold the Planning Director's decision to approve the two-year extension of the entitlements based on the analysis set forth in this report, including the required Findings, and subject to the original and amended Conditions of Approval (Attachments V and VI).

**SUMMARY**

The Mission Village project, consisting of 72 townhomes and 8,000 sq. ft. of commercial space requiring a Vesting Tentative Tract Map and Site Plan Review, was approved by the Planning Commission in January 2017. Since approval the developer has been working closely with the Regional Water Quality Control Board (RWQCB) related to clean up efforts on the site previously caused by a dry-cleaning establishment. While the developer has continued to move forward to obtain approval of the Improvement Plans and Final Map, the coordination with the RWQCB took longer than anticipated and the developer approached the City to request an extension of their approved entitlements to allow them time to finalize those plans and construct the project. As part of the extension, staff imposed some new conditions of approval to address timely demolition of the existing buildings on site and to ensure the commercial component of the project is developed simultaneously with the residential component. Shortly following approval of the entitlement extension, that decision was appealed. The developer has invested a considerable amount of effort and money into the environmental clean-up of the site to ultimately allow for development of this site which has been vacant for nearly 15 years to develop with much needed housing and retail development at a key location along Mission Boulevard and as such staff is recommending the

Planning Commission deny the appeal and uphold the Planning Director's decision to extend the entitlements with the additional conditions requiring timely demolition of the existing structures and simultaneous development of the commercial component with the development of the townhomes. This project was originally scheduled to be heard by the Planning Commission on June 25, but due to the receipt of some late correspondence (Attachment III), the applicant requested a continuance so they could properly review the letter and provide a detailed response (Attachment IV).

## **ATTACHMENTS**

Attachment I	Staff Report
Attachment II	Submitted Appeal
Attachment III	Correspondence from Lozeau Drury
Attachment IV	Applicant's Response
Attachment V	Original Conditions of Approval
Attachment VI	Revised Conditions of Approval
Attachment VII	Environmental Clean-up Chronology
Attachment VIII	Community Correspondence Received



## **SUBJECT**

Appeal of the Planning Director's Decision to Approve a Two-year Extension of the Approved Mixed Use Development consisting of 72 Residential Townhomes and 8,000 square feet of commercial space on a 5.88-acre parcel located at the Southwest corner of Mission Boulevard and Industrial Parkway (APNs: 078G-2651-012-08, 078G-2651-011-02, 078G-2651-010-03, 078G-2651-009-02, and 078G-2651-008-00) requiring Approval of a Vesting Tentative Tract Map and Site Plan Review; Application No. 201504677; (Appellant: Rosemarie Aguilar and Glenn Kirby); (Applicant: Doug Rich, Valley Oak Partners).

## **RECOMMENDATION**

That the Planning Commission deny the appeal and uphold the Planning Director's decision to approve the two-year extension of the entitlements based on the analysis set forth in this report, including the required Findings, and subject to the original and amended Conditions of Approval (Attachments V and VI).

## **SUMMARY**

The Mission Village project, consisting of 72 townhomes and 8,000 sq. ft. of commercial space requiring a Vesting Tentative Tract Map and Site Plan Review, was approved by the Planning Commission in January 2017<sup>1</sup>. Since approval, the developer has been working closely with the Regional Water Quality Control Board (RWQCB) related to clean up efforts on the site previously caused by a dry-cleaning establishment. While the developer has continued to move forward to obtain approval of the Improvement Plans and Final Map, the coordination with the RWQCB took longer than anticipated and the developer approached the City to request an extension of their approved entitlements to allow them time to finalize those plans and construct the project. As part of the extension, staff imposed some new conditions of approval to address timely demolition of the existing buildings on site and to ensure the commercial component of the project is developed simultaneously with the residential component. Shortly following approval of the entitlement extension, that decision was appealed. The appellant's basis for the appeal is that there was not a housing crisis when the project was first approved in 2017 and that the expiration of the entitlements was an opportunity to deny the request and to seek higher density development, including affordable housing, given the site's proximity to transit and services. The developer has invested a considerable amount of effort and money into the environmental clean-up of the site to

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<sup>1</sup> Planning Commission Meeting:  
<https://hayward.legistar.com/LegislationDetail.aspx?ID=2924977&GUID=76A9CE61-FEEE-4905-992F-C02C0ED2575D&Options=&Search=>

ultimately allow for development of this site which has been vacant for nearly 15 years to develop with much needed housing and retail development at a key location along Mission Boulevard and as such staff is recommending the Planning Commission deny the appeal and uphold the Planning Director's decision to extend the entitlements with the additional conditions requiring timely demolition of the existing structures and simultaneous development of the commercial component with the development of the townhomes. This project was originally scheduled to be heard by the Planning Commission on June 25, but due to the receipt of some late correspondence (Attachment III), the applicant requested a continuance so they could properly review the letter and provide a detailed response (Attachment IV).

## **EXTENSION CRITERIA AND DECISION**

Requests for extensions of time are evaluated based on the type of entitlement, each of which have their own review criteria. The following are the criteria for the extension of the entitlements involved in this appeal:

### Site Plan Review

Pursuant to Hayward Municipal Section 10-1.3055, "In making a decision on approval of an extension, the following shall be considered: (a) the cause for delay in submittal of the building permit; and (b) whether the proposal is in conformance with existing development regulations." This section also permits conditions of approval to "be added or modified by the Planning Director as a result of the processing of an extension of time." This is not an exhaustive list of considerations, but they are the mandatory considerations in evaluating an extension request.

### Vesting Tentative Map

Under Section 10-3.246 of the Hayward Municipal Code, an extension may be granted in relation to a tentative map as follows:

Upon application of the subdivider, the first extension of the term of the map, not exceeding 36 months, may be granted by the Planning Director, who is designated the advisory agency for this purpose, upon the determination that circumstances under which the map was approved or conditionally approved have not changed to the extent which would warrant a change in the design or improvement of the tentative map.

### Decision

Upon reviewing the above criteria, the Director of Development Services found that there was sufficient support for the requested extension. The cause of the delay was determined to be delays in the environmental cleanup of the site which were out of the direct control of the project proponent. Additionally, the project is still in conformance with current development regulations, including density as set forth below. There were no circumstances which would

warrant a change in design or improvement as the project still complies with all City requirements. Conditions of approval were added to ensure prompt demolition and construction of the entitled retail further mitigating any impact to the residents caused by the delay. Based on these findings and conditions, the extension was administratively granted.

## BACKGROUND

Pre-dating a formal submittal to develop this site, the applicant prepared a conceptual plan for consideration which was presented to the City Council at a work session on July 15, 2014<sup>2</sup> and the Planning Commission at a work session on July 24, 2014<sup>3</sup>. The formal submittal was received by the City on October 8, 2015, incorporating feedback received at those July work sessions. On September 21, 2016, the developer also held a community meeting at the Mission Hills Golf Club. On January 12, 2017, the Planning Commission held a public meeting whereby they approved the Vesting Tentative Tract Map and Site Plan Review to construct 72 townhomes and 8,000 sq. ft. of commercial space on the 5.88-acre parcel at the corner of Mission Boulevard and Industrial Parkway.

Prior to the approval and in the years following the Planning Commissions' decision, the site has been the subject of a series of investigations to characterize the nature and extent of impacts to soil, soil vapor, and groundwater so that construction of new residential units could move forward (Attachment VII). Understanding the process with the RWQCB was taking longer than anticipated, in December 2019, the developer requested a two-year extension of the entitlements to allow them time to finalize: (1) clean-up efforts with the RWQCB, (2) the Improvements Plans and Final Map and (3) the construction plans. The RWQCB finally conditionally approved the Vapor Intrusion Mitigation Plan in February 2020. In March 2020, Staff issued a decision approving a two-year extension of the project, subject to additional conditions of approval requiring timely demolition of the buildings on site and simultaneous development of the commercial component with the residential component. On March 23, 2020, staff's decision was appealed (Attachment II) by the appellant, on the basis that they believe the project site should contain a project with a higher density and increased number of affordable units.

The appeal was originally scheduled to be heard by the Planning Commission on June 25, however, at the request of the applicant the item was continued. Staff received some late correspondence from legal firm Lozeau Drury, LLP, representing the Laborers International Union of North America (LIUNA) Local Union 304 (Attachment III), which claimed the City needed to reevaluate the CEQA analysis for the project based on new information. The applicant requested the continuance so they could fully analyze the details of that letter and provide a detailed response (Attachment IV). The applicant's response to the LIUNA letter in summary states that the comments were not timely filed as an appeal and cannot be considered by the City. However, the response also states that the trigger for subsequent

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<sup>2</sup> City Council Work Session:

<https://hayward.legistar.com/MeetingDetail.aspx?ID=454201&GUID=5E7ABCBF-4D5D-4F97-A37A-6BC87706476A&Options=info&Search=>

<sup>3</sup> Planning Commission Work Session:

<https://hayward.legistar.com/MeetingDetail.aspx?ID=454245&GUID=DF635C9B-1355-4D78-AA54-0A8453D9F44D&Options=info&Search=>



environmental review under CEQA was not made and as such the arguments, even if the comments could be considered, have no merit in this particular case.

## **PROJECT DESCRIPTION**

Existing Conditions: The proposed mixed-use project is proposed on an approximately 5.88-acre site within the South Hayward BART/Mission Boulevard Form-Based Code area at the southwest corner of Mission Boulevard and Industrial Parkway, which is the former Holiday Bowl use that consisted of a bowling alley and restaurant/banquet facility that closed in 2005, and a small commercial strip center along Industrial Parkway that is currently vacant. The site is located within an urbanized area consisting of a mix of commercial, residential and recreational uses constructed after World War II, including a multi-family residential apartment complex to the southwest, Mission Hills Golf Course to the south, multi-family residential complexes and a commercial center across Industrial Parkway to the northwest and a variety of commercial uses across Mission Boulevard to the east. The Holiday Bowl structure was recently partially destroyed by a fire and is in demolition pursuant to the Fire Chief's ability to abate the fire damage for public health and safety.

Approved Project Subject to Appeal: The previously approved Mission Village project is a mixed-use development designed to create a destination for the South Hayward area comprised of 72 primarily three-story townhomes and an 8,000 square foot commercial space developed around a common green plaza. The development proposes eight different floor plans, which are configured in either 4-plex, 5-plex or 7-plex buildings. The units range in size from a little over 1,600 square feet to a little over 2,000 square feet. Each unit has a minimum of three bedrooms while some plans offer a den or option for a fourth bedroom. All units have a side by side two-car garage. Two of the floor plans or seven of the total units (one per townhome building) have only two stories and are identified as ADA accessible, meaning the unit provides a kitchen or food preparation area, in addition to rooms and spaces for living, bathing, sleeping, and the like. Four units offer a ground floor bedroom and bathroom on the same level as the primary living space which supports aging in place.

An 8,000 square-foot, one-story commercial building is proposed for the corner of Mission Boulevard and Industrial Parkway, which has been designed for either one or multiple tenants. As the plans show, on-site amenities include a 2,400 square-foot plaza located directly behind the proposed commercial building that can be utilized for outdoor seating and gathering, a 11,542 square-foot central green area connected to the plaza via a pedestrian crosswalk zone, a 1,500 square-foot zen garden, a 2,800 square foot tot lot, and a 2,400 square-foot view overlook area at the central rear portion of the site that would provide views toward the Mission Hills golf course. In addition to the covered residential parking, there are an additional 79 shared parking spaces for use by residential guests and by patrons of the commercial development.

Sustainability Features: The project as proposed will incorporate the following sustainability features:

*Energy:* The proponent proposes to install solar panels on the commercial building, but the exact size of the system has not yet been determined. This will be evaluated once a determination is made regarding existing cellular carriers that may be utilizing the commercial roof space to relocate their existing facilities. In addition, the project has been conditioned to be GreenPoint Rated, and that such rating or certification be submitted prior to issuance of certificates of occupancy.

*Water:* The project will follow the Bay Friendly Landscape standards incorporating the use of native species and reducing toxic herbicides into local waterways. The use of drought tolerant species, coupled with separate meters for both the outdoor landscaping and commercial space, will improve water conservation.

*Solid Waste:* The asphalt and concrete in the existing parking lots will be crushed and reused on-site as base material reducing the amount of public waste sent to landfill and also reducing greenhouse gas emissions as the number of trucking trips bringing in materials to the site will be reduced.

*Transportation:* The project provides bicycle parking, street trees along bike paths, accessible seating and overhead shade structures to promote walking, biking and utilization of surrounding public transportation. The project provides a continuous system of connected sidewalks and pedestrian paths from each home through the central park area and commercial building ultimately connecting to Mission Blvd and Industrial Parkway providing a safe mode of travel highlighted by convenient greenways. Sidewalks and paths have been designed at sufficient widths to accommodate pedestrians; parking for the commercial is located behind the building providing a safe buffer from the street and creating a buffered space for the outdoor plaza. The project provides long term bike lockers for four bicycles as well as short term bike racks for an additional 20 bicycles promoting the use of bicycles for both internal residents as well as those biking to the new commercial center.

## **POLICY CONTEXT AND CODE COMPLIANCE**

Hayward 2040 General Plan: The *Hayward 2040 General Plan* was adopted in July of 2014 and designates the project site as SMU, Sustainable Mixed-Use, which generally applies to areas near regional transit that are planned as walkable urban neighborhoods. Typical building types will vary based on the zoning of the property, but will generally include single-family homes, duplexes, triplexes, fourplexes, second units, townhomes, live-work units, multi-story apartment and condominium buildings, commercial buildings, and mixed-use buildings that contain commercial uses on the ground floor and residential units or office space on upper floors. Allowed uses generally include retail, dining, and service uses, professional office uses, detached or attached single-family homes, multi-family homes, live-work units, and vertical mixed-use with multi-family homes or office on upper floors. The established maximum floor area ratio (FAR) is 2.0 for the Sustainable Mixed-Use designation. The proposed FAR is .76, based on a total project square footage of 196,186 sq. ft. on a 5.88-acre parcel. Per the SMU land use designation, the project, as proposed, is in compliance with typical land uses and allowable FAR and is also consistent with several goals and policies of the General Plan, including those detailed in the Site Plan Review Findings (Attachment V).

**Zoning Ordinance:** The project site is located in the S-T4, Urban General Zone, as part of the South Hayward BART/Mission Boulevard Form Based Code. The S-T4 Zone consists of mixed uses, but primarily a residential urban fabric. The general character of the S-T4 Zone is a mix of townhomes and apartment buildings with scattered commercial activity; a balance between landscape and buildings; and a presence of pedestrians. The project as proposed is consistent with the development standards of the S-T4 district as shown in the table below.

<b>Development Standard</b>	<b>Required</b>	<b>Proposed</b>
Residential Density	17-35 units per net acre	18 units per net acre
Front Setback	6 ft. min / 24 ft. max	Townhomes: 10.1 ft. along Mission/ between 16 and 17 ft. along Industrial Commercial: Varies between 12 ft. and 20 ft.
Side Setback	0 ft. min	Varies between 9 ft. and 14 ft.
Rear Setback	3 ft. min	3 ft.
Building Height	2 stories min / 4 stories max (57 feet max measured to midpoint of ridge and eave)	Townhomes: 3 stories / 33 feet to midpoint of ridge and eave Commercial: 51 feet to midpoint of ridge and eave of corner tower element
Lot Coverage	80% max per lot	Townhomes: 72% of lot Commercial: 19% of lot

## **STAFF ANALYSIS**

On March 23, 2020, staff received an appeal of the Planning Director's decision to extend the entitlements for the development of the Mission Village project. The appellant indicates that there was not a housing crisis when the project was first approved in 2017 and that the expiration of the entitlements was an opportunity deny the request and to seek higher density development, including affordable housing, given the site's proximity to transit and services.

While staff understands that the lack of housing, including affordable housing, has become a much bigger issue lately, the failure of the region to provide sufficient housing to meet its needs has been an ongoing issue for much longer than the past several years. In addition, the Mission Village project that was approved by the Planning Commission in 2017 complies with all development standards, including density, and those circumstances have not changed. Had the environmental clean-up issues not been so extensive, the development of this site would have already occurred.

The appellant recommends that the property be put out to bid for a plan that requires high density housing at 25-35 units per acre, that it set aside a percentage of units for low and

middle income and require that all vacant buildings be demolished within 60 days of the approval of that new development.

The property is privately owned and is currently under contract with the applicant to develop the site as it was originally entitled, which is consistent with all the development standards of the General Plan and Zoning Ordinance. The City cannot control who the property owner chooses to do business with. In addition, the City could not mandate a future project incorporate a percentage of units for low and middle income. Staff can only require compliance with the City's Affordable Housing Ordinance. The project as proposed and approved, was in compliance with those applicable requirements. Under the administrative extension, staff did impose a new condition requiring demolition of all vacant buildings within 60 days of that approval. Had there been no appeal, those buildings would be in demolition right now. In the scenario painted by the appellant, a new developer would need to be found at the discretion of the property owner. That developer would need to submit their development plan request for review and approval and then subsequently work with the RWQCB on a revised plan for environmental clean-up. Under this scenario, it could easily take another 3-5 years to obtain all those approvals as it has for the applicant, thus delaying the demolition of the vacant buildings and ultimate construction of much needed housing units. If the appeal is denied and the extension of entitlements upheld, the developer can move swiftly toward demolition of those vacant buildings, Improvement Plan and Final Map approval as well as begin construction within the next 6-9 months.

Required Findings: As previously mentioned, the Planning Commission is required to make the following findings related to the approval of the Vesting Tentative Tract Map and Site Plan Review. Staff believes the Planning Commission can make the same findings for approval to grant the extension of the Vesting Tentative Tract Map and Site Plan Review, as detailed below:

*Vesting Tentative Tract Map Findings*

1. The proposed map is consistent with applicable general and specific plans as specified in Section 64541 of the Subdivision Map Act. [Subdivision Map Act §66474(a)]
2. The design and improvement of the proposed subdivision are consistent with applicable general plan and specific plans. [Subdivision Map Act §66474(b)]
3. The site is physically suitable for the type of development, as demonstrated through the findings of the Initial Study and Mitigated Negative Declaration. Subdivision Map Act §66474(c)]
4. The site is physically suitable for the proposed density of development, as it is consistent with the General Plan designation for the site and the traffic infrastructure in the area is sufficient to support the density of the project. [Subdivision Map Act §66474(d)]
5. That the design of this infill project and the proposed improvements are not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat. A Mitigated Negative Declaration prepared pursuant to the guidelines of the

California Environmental Quality Act (CEQA) for the development of this site demonstrates that substantial adverse environmental damage, including to fish or wildlife and their habitat, would not result from the proposed project. [Subdivision Map Act §66474(e)]

6. That the design of the subdivision or type of improvements are not likely to cause serious public health problems as adequate capacity exists to provide sanitary sewer service to the Project site. There are no other aspects of the Project with the potential to cause serious public health problems. [Subdivision Map Act §66474(f)]

7. That the design of the subdivision or type of improvements will not conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision. There are no existing public easements within the boundary of the proposed subdivision, nor are any easements necessary. Upon completion of the proposed improvements, the streets and utilities would be adequate to serve the project. New public easements are to be offered for dedication as necessary. [Subdivision Map Act §66474(g)]

*Site Plan Review Findings:*

1. The development is compatible with on-site and surrounding structures and uses and is an attractive addition to the City in that the proposed mixed-use development is well designed and takes into consideration the mix of surrounding uses, including detached single-family homes, multifamily apartments and commercial development; takes advantage of the adjacent recreational golf course by providing units that front the golf course; and provides common open spaces that connect the commercial uses and the residential uses. In addition, the development proposes the redevelopment of a significant site which will help catalyze additional redevelopment of the Mission Boulevard corridor.

2. The development takes into consideration physical and environmental constraints in that appropriate structural design criteria and the California Building Code will be met to assure that the project can withstand an earthquake. In addition, since the project site is adjacent to Mission Boulevard, the development has been designed and will be conditioned to address potential noise and air quality impacts to ensure minimum standards are met for future residents of these townhome units.

3. The development complies with the intent of City development policies and regulations in that the project complies with land uses and density limits of the Sustainable Mixed Use General Plan Land Use designation, complies with the S-T4 Urban General Zone development standards and is consistent with many policies of the Hayward 2040 General Plan including:

Policy LU-1.3, Growth and Infill Development in that the project site is an infill development sites within the city, and identified as a catalyst site in the Economic Development Strategic Plan.

Policy LU-1.6, Mixed-Use Neighborhoods, in that the project provides new residential and commercial opportunities in an already developed area thus providing both existing and future residents with convenient access to goods, services, parks and recreation, and other community amenities.

Policy LU-2.8, South Hayward BART Urban Neighborhood and Mixed Use Corridor, in that the project has the potential to be a vibrant, compact, mixed-use and walkable urban neighborhood within the South Hayward BART Neighborhood and the South Hayward BART Mixed-Use Corridor.

Policy ED-1.11, Local Serving Retail, in that the project proposes an 8,000 square foot commercial building offering opportunities to expand retail opportunities that increase local spending within Hayward and can provide needed goods and services to local residents and businesses.

Policy ED-1.12, Neighborhood Commercial, in that project's proposed 8,000 square feet of commercial space provides integrated commercial and residential development to support the concept of "complete neighborhoods."

Policy H-3.1, Diversity of Housing Types, in that the project proposes a mixed-use development that incorporates both two- and three-story townhomes in an area that already has a mix of multi-family apartments and detached single family homes. The townhomes provide a different form of ownership housing that can provide the diversity in housing types.

4. The development will be operated in a manner determined to be acceptable and compatible with surrounding development, and a Homeowners Association will be required to be formed which will ensure that the development is maintained in good condition.

## **ENVIRONMENTAL REVIEW**

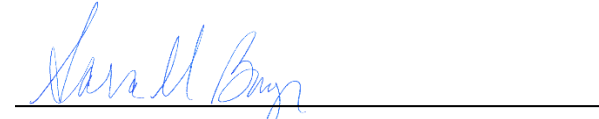
An Initial Study/Mitigated Negative Declaration (IS/MND) evaluating the potential environmental Impacts of the project was prepared in accordance with the California Environmental Quality Act (CEQA). The Initial Study discussed potential impacts in the areas of Air Quality, Biological, Cultural Resources, Geology, Hazards and Hazardous Materials, and Noise and contains mitigation measures reducing the identified impacts to less-than significant levels. The draft Initial Study and Mitigated Negative Declaration was posted with the Alameda County Clerk on December 9, 2016 as well as posted at City Hall and on the city's website. In addition, copies were delivered to the Hayward libraries and notice was sent to all interested parties and property owners and residents within 1,000 feet of the project site. The public comment period for the proposed IS/MND expired on January 3, 2017. Following the Planning Commission's decision to approve the project on January 12, 2017, a Notice of Determination was filed with the Alameda County Clerk Recorder on January 26, 2017.

## **NEXT STEPS**

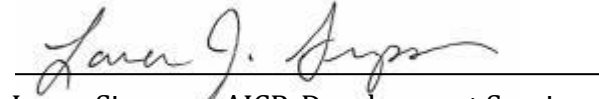
Should the Planning Commission deny the appeal and uphold the decision of the Planning Director, that will start a 10-day appeal period. If there is no appeal or City Council call-up, that decision will remain final and the developer will move forward within 60 days toward demolition of vacant buildings and finalize the Improvements Plans, Final Map and

Construction drawings and begin construction. Should the Planning Commission uphold the appeal and deny the extension, the applicant may file an appeal to the City Council.

Prepared, Recommended and Approved by:



Sara Buizer, AICP, Planning Manager



Laura Simpson, AICP, Development Services Director

**Rosemarie Aguilar and Glenn Kirby**

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City of Hayward  
Planning Commission  
Sara Buizer, AICP, Planning Manager  
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March 23, 2020

Re: Appeal of Planning Director's approval of 2-year extension of entitlements granted under VTM 8304 and SPR application 201504677

When this development plan was first approved, there was no housing crisis. Now we are clearly in the housing crisis. Business as usual is irresponsible. Middle- and low-income families and individuals find it extremely difficult, if not impossible, to find safe and affordable housing in the Bay Area. The City has this golden opportunity to mitigate this problem in Hayward. The bowling alley property is the gold mine in terms of a best use location for higher density (25-35 units per acre). The current plan for these parcels is for the minimum allowed! This property has access to 2 kinds of public transit – BART and AC Transit. There is commercial within walking distance – commercial that will become more robust with the addition of more residents. There is recreation nearby – Garin Regional Park and the planned community center at Bidwell. The location is ideal for lower income and others who can't buy or don't want a car, thus generating less traffic.

We support the following:

1. Do NOT recommend the extension of the current plan/developer entitlements for this property.
2. Recommend this property be put out to bid for a plan that:
  - A. Requires a design for high density housing (25-35 units per acre) as allowed in the zoning;
  - B. Sets aside a required percentage of units for low and middle income applicants;
  - C. Requires that within 60 days of the approval of the new development, demolition of all vacant buildings shall begin and the site shall be returned to a pre-development condition.

Hayward needs higher density development and is fortunate in having many acres of undeveloped and underdeveloped land. As planners for the City of Hayward, you have a responsibility to plan for the FUTURE. "Where are our teachers, young professionals, service workers, children, and grandchildren going to live?" We have a Housing Crisis! The State Legislature is currently considering various forms of legislation requiring cities to approve their "fair share" of high density housing. Hayward has the resources to get ahead of the curve and become a model for other cities.

Sincerely,

*Rosemarie Aguilar*

*Glenn Kirby*

CC: Hayward City Council Members





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June 25, 2020

Via E-Mail

City of Hayward  
Planning Commission  
c/o Sara Buizer, Planning Manager  
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**Re: Mission Village Mixed Use Development, PH 20-046 (June 25, 2020 Planning Commission Meeting, Agenda Item 1)**

Dear Planning Commissioners and Ms. Buizer:

I am writing on behalf of the Laborers International Union of North America, Local Union 304 and its members living in and around the City of Hayward ("LIUNA") regarding the pending appeal of various time extensions for the Mission Village Mixed Use Development proposed for the corner of Mission Boulevard and Industrial Parkway. The Planning Commission is considering an appeal of the Planning Director's approval of the applicant's request to extend the deadline for the Project's entitlements for two years. LIUNA recommends that the Commission find in favor of the appeal and deny the requested time extension because the City must address new significant information concerning the Project identifying a significant health risk to future workers and residents of the Project that was not and could not have been addressed at the time of the City's initial approval of the Project. Certified Industrial Hygienist Francis "Bud" Offermann, PE, CIH has reviewed the documents provided to the Planning Commission and prepared expert comments on the Project's indoor air emissions and associated health risks, especially from the emission of formaldehyde from interior building materials that will be included in the Project. Mr. Offermann's comments and his curriculum vitae are attached as Exhibit A.

Formaldehyde is a toxic air contaminant that has significant carcinogenic and other health impacts. When the Project was originally approved by the City in early 2017, it was reasonable to assume that health risks from formaldehyde emissions would have been addressed by the California Air Resources Board's adoption in April 2007 of the composite wood airborne toxic control measure ("ATCM") to reduce formaldehyde emissions from composite wood products that are sold, supplied, used, or manufactured

for sale in California. Mr. Offermann was involved in a study of indoor air quality in homes that was instrumental in the development of the composite wood ATCM. As Mr. Offermann's comments explain, although the ATCM has resulted in significant reductions of formaldehyde emissions in the indoor air of homes and offices throughout California, a new 2019 study of homes constructed after the ATCM's implementation demonstrates that, even when new buildings are constructed and furnished using materials that comply with the CARB ATCM, those new residences and other occupied structures will still contain materials that will emit formaldehyde into the interior air that pose significant cancer risks to residents and workers. Mr. Offermann calculates the cancer risk to future residents of the Project will be 112 cancers per million people, assuming the Project will only use CARB compliant materials. That cancer rate is about 11 times higher than the BAAQMD health risk significance threshold established for CEQA. Workers also will be exposed to a health risk of 16.4 per million, also well above the significance threshold. The newly available data from the 2019 study revealing that the CARB ATCM does not reduce formaldehyde emissions to indoor air to levels less than the BAQMD significance threshold is significant new information that requires the City to reopen the prior mitigated negative declaration adopted for the Project and prepare a supplemental environmental impact report to address the Project's significant health risks.

## **I. LEGAL STANDARD**

When changes to a project's circumstances or new substantial information comes to light subsequent to the certification of an EIR or MND for a project, the agency must prepare a subsequent or supplemental EIR if the changes are "[s]ubstantial" and require "major revisions" of the previous CEQA document. *Friends of Coll. of San Mateo Gardens v. San Mateo Cty. Cmty. Coll. Dist.* (2016) 1 Cal.5th 937, 943. "[W]hen there is a change in plans, circumstances, or available information after a project has received initial approval, the agency's environmental review obligations 'turn[ ] on the value of the new information to the still pending decisionmaking process.'" *Id.*, 1 Cal.5th at 951–52. The agency must decide under CEQA's subsequent review provisions whether new information "will require major revisions to the original environmental document because of the involvement of new, previously unconsidered significant environmental effects." *Id.*, 1 Cal.5th at 952.

Section 15162 provides, in relevant part,

(a) When an EIR has been certified or a negative declaration adopted for a project, no subsequent EIR shall be prepared for that project unless the lead agency determines, on the basis of substantial evidence in the light of the whole record, one or more of the following:

(1) Substantial changes are proposed in the project which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;

(2) Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or

(3) New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete or the negative declaration was adopted, shows any of the following:

(A) The project will have one or more significant effects not discussed in the previous EIR or negative declaration;

(B) Significant effects previously examined will be substantially more severe than shown in the previous EIR;

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

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

(b) If changes to a project or its circumstances occur or new information becomes available after adoption of a negative declaration, the lead agency shall prepare a subsequent EIR if required under subdivision (a).

14 Cal. Admin. Code § 15162(a)-(b).

The California Supreme Court has addressed the application of Section 21166 and CEQA Guidelines § 15162 to a previously certified MND and unequivocally stated those provisions “do[] not permit agencies to avoid their obligation to prepare subsequent or supplemental EIRs to address new, and previously unstudied, **potentially significant environmental effects**.” *Friends of the College of San Mateo Gardens v. San Mateo County Community College District* (2016) 1 Cal.5th 937, 958 (emphasis added). Thus, potential significant effects must be addressed in any subsequent EIR or negative declaration. Plaintiffs in that case had argued that CEQA Guidelines § 15162 should be voided in part because its language would create a loophole around CEQA’s fair argument standard. The Court assuaged that concern by explaining that Section 15162 does not change the application of the fair argument standard to issues that had not previously been addressed in a negative declaration or EIR:

In short, the substantial evidence standard prescribed by CEQA Guidelines section 15162 requires an agency to prepare an EIR whenever there is substantial evidence that the changes to a project for which a negative declaration was previously approved might have a significant

environmental impact not previously considered in connection with the project as originally approved, and courts must enforce that standard. (See *Friends of “B” Street v. City of Hayward*, *supra*, 106 Cal.App.3d at p. 1002, 165 Cal.Rptr. 514.) ***It therefore does not permit agencies to avoid their obligation to prepare subsequent or supplemental EIRs to address new, and previously unstudied, potentially significant environmental effects.*** So understood, CEQA Guidelines section 15162 constitutes a valid gap-filling measure as applied to projects initially approved via negative declaration, including the project at issue in this case.

1 Cal.5th at 959 (emphasis added).

Under the “fair argument” standard, an EIR is required if any substantial evidence in the record indicates that a project may have an adverse environmental effect—even if contrary evidence exists to support the agency’s decision. 14 CCR § 15064(f)(1); *Pocket Protectors* (2004) 124 Cal.App.4th 903, 931; *Stanislaus Audubon Society v. County of Stanislaus* (1995) 33 Cal.App.4th 144, 150-15; *Quail Botanical Gardens Found., Inc. v. City of Encinitas* (1994) 29 Cal.App.4th 1597, 1602. The “fair argument” standard creates a “low threshold” favoring environmental review through an EIR rather than through issuance of negative declarations or notices of exemption from CEQA. *Pocket Protectors*, 124 Cal.App.4th at 928.

The “fair argument” standard is virtually the opposite of the typical deferential standard accorded to agencies. As a leading CEQA treatise explains:

This ‘fair argument’ standard is very different from the standard normally followed by public agencies in making administrative determinations. Ordinarily, public agencies weigh the evidence in the record before them and reach a decision based on a preponderance of the evidence. [Citations]. The fair argument standard, by contrast, prevents the lead agency from weighing competing evidence to determine who has a better argument concerning the likelihood or extent of a potential environmental impact. The lead agency’s decision is thus largely legal rather than factual; it does not resolve conflicts in the evidence but determines only whether substantial evidence exists in the record to support the prescribed fair argument.

Kostka & Zischke, *Practice Under CEQA*, §6.29, pp. 273-274. The Courts have explained that “it is a question of law, not fact, whether a fair argument exists, and the courts owe no deference to the lead agency’s determination. Review is de novo, with a preference for resolving doubts in favor of environmental review.” *Pocket Protectors*, 124 Cal.App.4th at 928.

Mr. Offermann’s comments identify new information of substantial importance, which was not known and could not have been known prior to 2019, showing that the

Project will have a significant effect on health risks from formaldehyde emissions, which impact was not discussed in the prior MND. In addition, Mr. Offermann also identifies mitigation measures which are considerably different from those addressed in the MND and which would substantially reduce the health risks posed by the project. For these reasons, the prior MND must be substantially changed. Indeed, an EIR is required for the Project because Mr. Offermann's expert comments and analysis are substantial evidence of a fair argument that potential significant health risks will result from the Project.

**II. Important New Information Showing the Project's Potentially Significant Health Risk Impacts the Project May Have From Its Emission of Formaldehyde to Indoor Air Requires the Preparation of an EIR.**

One component of an air quality impact analysis under CEQA is evaluating the health risk impacts of toxic air contaminant ("TACs") emissions contributed by a proposed project as well as cumulatively with other nearby TAC sources. Mr. Offermann has conducted a review of the Project and relevant documents regarding the Project's indoor air emissions. Indoor Environmental Engineering Comments (June 22, 2020) (attached as Exhibit A). Mr. Offermann is one of the world's leading experts on indoor air quality, in particular emissions of formaldehyde, and has published extensively on the topic. As discussed below and set forth in Mr. Offermann's comments, as of the release of the study entitled "Chan, W., Kim, Y., Singer, B., and Walker I. 2019. Ventilation and Indoor Air Quality in New California Homes with Gas Appliances and Mechanical Ventilation. Lawrence Berkeley National Laboratory, Energy Technologies Area, LBNL-2001200, DOI:10.20357/B7QC7X", it is now shown that, despite the Project's use of materials that are compliant with CARB's composite wood ATCM, the Project's emissions of formaldehyde to indoor air nevertheless will result in significant cancer risks to future workers at the Project. As a result of this important new information, an EIR or at least a new mitigated negative declaration must be prepared for the Project.

BAAQMD has established significance thresholds for a project's TAC emissions as well as cumulative emissions from a project and other nearby TAC sources. BAAQMD considers an increased risk of contracting cancer that is 10 in one million chances or greater to be significant risk for a single source. BAAQMD also has established a significance threshold for cumulative exposure as an excess cancer risk of 100 in one million. The MND for the Project does not address whether the Project's indoor air emissions will exceed the 10 in a million threshold. Nor does the MND consider any cumulative health risks posed by those indoor emissions of formaldehyde when considered in light of the acknowledged TACs that will be present at and within the completed Project based on its proximity to Mission Boulevard. See MND, p. 19.

Mr. Offermann explains that many composite wood products typically used in home, hotel and office building construction contain formaldehyde-based glues which

off-gas formaldehyde over a very long time period. He states, “The primary source of formaldehyde indoors is composite wood products manufactured with urea-formaldehyde resins, such as plywood, medium density fiberboard, and particleboard. These materials are commonly used in building construction for flooring, cabinetry, baseboards, window shades, interior doors, and window and door trims.” Offermann Comment, p. 3.

Formaldehyde is a known human carcinogen. Mr. Offermann states that future residents of the Project will be exposed to a cancer risk from formaldehyde of approximately 112 per million, assuming all materials are compliant with CARB’s formaldehyde ATCM. Offermann Comment, pp 4-5. Future workers at the Project will be exposed to a cancer risk from formaldehyde of approximately 16.4 per million. *Id.*, p. 4. These risk levels exceed the BAAQMD’s CEQA significance threshold for airborne cancer risk of 10 per million. Mr. Offermann concludes that this significant environmental impact should be analyzed in an EIR and mitigation measures should be imposed to reduce the risk of formaldehyde exposure. *Id.*, pp. 4-10. He prescribes a methodology for estimating the Project’s formaldehyde emissions in order to do a more project-specific health risk assessment. *Id.*, pp. 6-10. Mr. Offermann identifies a feasible mitigation measure that would address the formaldehyde emissions - requiring the use of no-added-formaldehyde composite wood products, which are readily available. *Id.*, p. 10. Mr. Offermann notes the existing condition requiring installation of MERV-13 filters to address contaminants from the adjacent roadway, noting that the filters do not remove formaldehyde and would not significantly reduce indoor formaldehyde levels. *Id.*, pp. 11-12. He also notes the absence of any cumulative health risk assessment to evaluate the health risks posed by the remaining levels of outdoor TACs as well as the indoor TAC emissions. *Id.*

The carcinogenic formaldehyde emissions identified by Mr. Offermann are not an existing environmental condition. Those emissions to the air will be from the Project. People will be residing in, employed in and using the Project once it is built and begins emitting formaldehyde. Once built, the Project will begin to emit formaldehyde at levels that pose significant health risks. The Supreme Court in *California Building Industry Ass’n v. Bay Area Air Quality Mgmt. Dist.* (2015) 62 Cal.4th 369, 386 expressly finds that this type of air emission and health impact by the project on the environment and a “project’s users and residents” must be addressed in the CEQA process. Because the Project itself will pose significant health risks to the project’s residents and workers, an EIR or MND for the Project also would have to evaluate the cumulative health risks posed by the Project’s indoor air pollution combined with the significant air pollution from the nearby highway as well.

In addition, based on the above, the Planning Commission cannot make a number of key findings identified by staff in order to extend the Project’s entitlement deadlines. In regard to the Vesting Tentative Tract Map, the Commission cannot make the finding that the design of the Project is “not likely to cause substantial environmental damage.” See Staff Report, p. 7. The Commission also cannot find that the Project is

not likely to cause serious public health problems. *Id.*, pp. 7-8. Lastly, the Commission cannot make the finding that the “development has been designed and will be conditioned to address potential noise and air quality impacts to ensure minimum standards are met for future residents of these townhome units.” *Id.*, p. 8.

## **CONCLUSION**

For the foregoing reasons, the Project’s entitlement deadlines should not be extended and any future application for the Project must be accompanied by a legally adequate CEQA document addressing the above health risks. Thank you for considering our comments.

Sincerely,



Michael R. Lozeau  
Lozeau | Drury LLP

# EXHIBIT A





## INDOOR ENVIRONMENTAL ENGINEERING



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Date: June 24, 2020

To: Michael Lozeau  
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1939 Harrison Street, Suite 150  
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From: Francis J. Offermann PE CIH

Subject: Indoor Air Quality: Mission Village Project, Hayward, CA  
(IEE File Reference: P-4369)

Pages: 16

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### **Indoor Air Quality Impacts**

I am writing this letter as there is new information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the December 2016 Initial Study and Proposed Mitigated Negative Declaration (City of Hayward, 2016), that shows the Project will have significant effects from formaldehyde emission not discussed in the previous EIR. This new information relates to the recent Chan 2019 study that shows that new residences built with composite wood products that are CARB Phase 2 certified, do not insure indoor formaldehyde concentrations that are below the CEQA cancer risk of 10 per million.

Indoor air quality (IAQ) directly impacts the comfort and health of building occupants, and the achievement of acceptable IAQ in newly constructed and renovated buildings is a well-recognized design objective. For example, IAQ is addressed by major high-performance building rating systems and building codes (California Building Standards Commission, 2014; USGBC, 2014). Indoor air quality in homes is particularly important because occupants, on average, spend approximately ninety percent of their time indoors

with the majority of this time spent at home (EPA, 2011). Some segments of the population that are most susceptible to the effects of poor IAQ, such as the very young and the elderly, occupy their homes almost continuously. Additionally, an increasing number of adults are working from home at least some of the time during the workweek. Indoor air quality also is a serious concern for workers in hotels, offices and other business establishments.

The concentrations of many air pollutants often are elevated in homes and other buildings relative to outdoor air because many of the materials and products used indoors contain and release a variety of pollutants to air (Hodgson et al., 2002; Offermann and Hodgson, 2011). With respect to indoor air contaminants for which inhalation is the primary route of exposure, the critical design and construction parameters are the provision of adequate ventilation and the reduction of indoor sources of the contaminants.

Indoor Formaldehyde Concentrations Impact. In the California New Home Study (CNHS) of 108 new homes in California (Offermann, 2009), 25 air contaminants were measured, and formaldehyde was identified as the indoor air contaminant with the highest cancer risk as determined by the California Proposition 65 Safe Harbor Levels (OEHHA, 2017a), No Significant Risk Levels (NSRL) for carcinogens. The NSRL is the daily intake level calculated to result in one excess case of cancer in an exposed population of 100,000 (i.e., ten in one million cancer risk) and for formaldehyde is 40 µg/day. The NSRL concentration of formaldehyde that represents a daily dose of 40 µg is 2 µg/m<sup>3</sup>, assuming a continuous 24-hour exposure, a total daily inhaled air volume of 20 m<sup>3</sup>, and 100% absorption by the respiratory system. All of the CNHS homes exceeded this NSRL concentration of 2 µg/m<sup>3</sup>. The median indoor formaldehyde concentration was 36 µg/m<sup>3</sup>, and ranged from 4.8 to 136 µg/m<sup>3</sup>, which corresponds to a median exceedance of the 2 µg/m<sup>3</sup> NSRL concentration of 18 and a range of 2.3 to 68.

Therefore, the cancer risk of a resident living in a California home with the median indoor formaldehyde concentration of 36 µg/m<sup>3</sup>, is 180 per million as a result of formaldehyde alone. The CEQA significance threshold for airborne cancer risk is 10 per million, as established by the Bay Area Air Quality Management District (BAAQMD, 2017).

Besides being a human carcinogen, formaldehyde is also a potent eye and respiratory irritant. In the CNHS, many homes exceeded the non-cancer reference exposure levels (RELs) prescribed by California Office of Environmental Health Hazard Assessment (OEHHA, 2017b). The percentage of homes exceeding the RELs ranged from 98% for the Chronic REL of  $9 \mu\text{g}/\text{m}^3$  to 28% for the Acute REL of  $55 \mu\text{g}/\text{m}^3$ .

The primary source of formaldehyde indoors is composite wood products manufactured with urea-formaldehyde resins, such as plywood, medium density fiberboard, and particleboard. These materials are commonly used in building construction for flooring, cabinetry, baseboards, window shades, interior doors, and window and door trims.

In January 2009, the California Air Resources Board (CARB) adopted an airborne toxics control measure (ATCM) to reduce formaldehyde emissions from composite wood products, including hardwood plywood, particleboard, medium density fiberboard, and also furniture and other finished products made with these wood products (California Air Resources Board 2009). While this formaldehyde ATCM has resulted in reduced emissions from composite wood products sold in California, they do not insure that homes built with composite wood products meeting the CARB ATCM will have indoor formaldehyde concentrations that are below cancer and non-cancer exposure guidelines.

A follow up study to the California New Home Study (CNHS) was conducted in 2016-2018 (Chan et. al., 2019), and found that the median indoor formaldehyde in new homes built after 2009 with CARB Phase 2 Formaldehyde ATCM materials had lower indoor formaldehyde concentrations, with a median indoor concentrations of  $22.4 \mu\text{g}/\text{m}^3$  (18.2 ppb) as compared to a median of  $36 \mu\text{g}/\text{m}^3$  found in the 2007 CNHS.

Thus, while new homes built after the 2009 CARB formaldehyde ATCM have a 38% lower median indoor formaldehyde concentration and cancer risk, the median lifetime cancer risk is still 112 per million for homes built with CARB compliant composite wood products, which is more than 11 times the OEHHA 10 in a million cancer risk threshold (OEHHA, 2017a).

With respect to this Project, the buildings in the Mission Village Project, Hayward, CA consist of a 72 residential townhomes and 8,000 ft<sup>2</sup> of commercial space.

The employees of the commercial spaces are expected to experience significant indoor exposures (e.g., 40 hours per week, 50 weeks per year). These exposures for employees are anticipated to result in significant cancer risks resulting from exposures to formaldehyde released by the building materials and furnishing commonly found in offices, warehouses, residences and hotels.

Because the commercial spaces will be constructed with CARB Phase 2 Formaldehyde ATCM materials, and be ventilated with the minimum code required amount of outdoor air, the indoor formaldehyde concentrations are likely similar to those concentrations observed in residences built with CARB Phase 2 Formaldehyde ATCM materials, which is a median of 22.4 µg/m<sup>3</sup> (Chan et. al., 2019)

Assuming that the commercial space employees work 8 hours per day and inhale 20 m<sup>3</sup> of air per day, the formaldehyde dose per work-day at the offices is 149 µg/day.

Assuming that these employees work 5 days per week and 50 weeks per year for 45 years (start at age 20 and retire at age 65) the average 70-year lifetime formaldehyde daily dose is 65.8 µg/day.

This is 1.64 times the NSRL (OEHHA, 2017a) of 40 µg/day and represents a cancer risk of 16.4 per million, which exceeds the CEQA cancer risk of 10 per million. This impact should be analyzed in an environmental impact report (“EIR”), and the agency should impose all feasible mitigation measures to reduce this impact. Several feasible mitigation measures are discussed below and these and other measures should be analyzed in an EIR.

The residential occupants in the townhouses will potentially have continuous exposure (e.g. 24 hours per day, 52 weeks per year). These exposures are anticipated to result in significant cancer risks resulting from exposures to formaldehyde released by the

building materials and furnishing commonly found in residential construction.

Because these residences will be constructed with CARB Phase 2 Formaldehyde ATCM materials, and be ventilated with the minimum code required amount of outdoor air, the indoor residential formaldehyde concentrations are likely similar to those concentrations observed in residences built with CARB Phase 2 Formaldehyde ATCM materials, which is a median of 22.4  $\mu\text{g}/\text{m}^3$  (Chan et. al., 2019)

Assuming that the residential occupants inhale 20  $\text{m}^3$  of air per day, the average 70-year lifetime formaldehyde daily dose is 448  $\mu\text{g}/\text{day}$  for continuous exposure in the residences. This exposure represents a cancer risk of 112 per million, which is more than 11 times the CEQA cancer risk of 10 per million. For occupants that do not have continuous exposure, the cancer risk will be proportionally less but still substantially over the CEQA cancer risk of 10 per million (e.g. for 12/hour/day occupancy, more than 5 times the CEQA cancer risk of 10 per million).

Appendix A, Indoor Formaldehyde Concentrations and the CARB Formaldehyde ATCM, provides analyses that show utilization of CARB Phase 2 Formaldehyde ATCM materials will not ensure acceptable cancer risks with respect to formaldehyde emissions from composite wood products.

Even composite wood products manufactured with CARB certified ultra low emitting formaldehyde (ULEF) resins do not insure that the indoor air will have concentrations of formaldehyde that meet the OEHHA cancer risks that substantially exceed 10 per million. The permissible emission rates for ULEF composite wood products are only 11-15% lower than the CARB Phase 2 emission rates. Only use of composite wood products made with no-added formaldehyde resins (NAF), such as resins made from soy, polyvinyl acetate, or methylene diisocyanate can insure that the OEHHA cancer risk of 10 per million is met.

The following describes a method that should be used prior to construction in the environmental review under CEQA, for determining whether the indoor concentrations

resulting from the formaldehyde emissions of the specific building materials/furnishings selected for the building exceed cancer and non-cancer guidelines. Such a design analyses can be used to identify those materials/furnishings prior to the completion of the City's CEQA review and project approval, that have formaldehyde emission rates that contribute to indoor concentrations that exceed cancer and non-cancer guidelines, so that alternative lower emitting materials/furnishings may be selected and/or higher minimum outdoor air ventilation rates can be increased to achieve acceptable indoor concentrations and incorporated as mitigation measures for this project.

#### Pre-Construction Building Material/Furnishing Formaldehyde Emissions Assessment.

This formaldehyde emissions assessment should be used in the environmental review under CEQA to assess the indoor formaldehyde concentrations from the proposed loading of building materials/furnishings, the area-specific formaldehyde emission rate data for building materials/furnishings, and the design minimum outdoor air ventilation rates. This assessment allows the applicant (and the City) to determine before the conclusion of the environmental review process and the building materials/furnishings are specified, purchased, and installed if the total chemical emissions will exceed cancer and non-cancer guidelines, and if so, allow for changes in the selection of specific material/furnishings and/or the design minimum outdoor air ventilations rates such that cancer and non-cancer guidelines are not exceeded.

1.) Define Indoor Air Quality Zones. Divide the building into separate indoor air quality zones, (IAQ Zones). IAQ Zones are defined as areas of well-mixed air. Thus, each ventilation system with recirculating air is considered a single zone, and each room or group of rooms where air is not recirculated (e.g. 100% outdoor air) is considered a separate zone. For IAQ Zones with the same construction material/furnishings and design minimum outdoor air ventilation rates. (e.g. hotel rooms, apartments, condominiums, etc.) the formaldehyde emission rates need only be assessed for a single IAQ Zone of that type.

2.) Calculate Material/Furnishing Loading. For each IAQ Zone, determine the building material and furnishing loadings (e.g.,  $m^2$  of material/ $m^2$  floor area, units of

furnishings/m<sup>2</sup> floor area) from an inventory of all potential indoor formaldehyde sources, including flooring, ceiling tiles, furnishings, finishes, insulation, sealants, adhesives, and any products constructed with composite wood products containing urea-formaldehyde resins (e.g., plywood, medium density fiberboard, particleboard).

3.) Calculate the Formaldehyde Emission Rate. For each building material, calculate the formaldehyde emission rate (µg/h) from the product of the area-specific formaldehyde emission rate (µg/m<sup>2</sup>-h) and the area (m<sup>2</sup>) of material in the IAQ Zone, and from each furnishing (e.g. chairs, desks, etc.) from the unit-specific formaldehyde emission rate (µg/unit-h) and the number of units in the IAQ Zone.

NOTE: As a result of the high-performance building rating systems and building codes (California Building Standards Commission, 2014; USGBC, 2014), most manufacturers of building materials furnishings sold in the United States conduct chemical emission rate tests using the California Department of Health “Standard Method for the Testing and Evaluation of Volatile Organic Chemical Emissions for Indoor Sources Using Environmental Chambers”, (CDPH, 2017), or other equivalent chemical emission rate testing methods. Most manufacturers of building furnishings sold in the United States conduct chemical emission rate tests using ANSI/BIFMA M7.1 Standard Test Method for Determining VOC Emissions (BIFMA, 2018), or other equivalent chemical emission rate testing methods.

CDPH, BIFMA, and other chemical emission rate testing programs, typically certify that a material or furnishing does not create indoor chemical concentrations in excess of the maximum concentrations permitted by their certification. For instance, the CDPH emission rate testing requires that the measured emission rates when input into an office, school, or residential model do not exceed one-half of the OEHHA Chronic Exposure Guidelines (OEHHA, 2017b) for the 35 specific VOCs, including formaldehyde, listed in Table 4-1 of the CDPH test method (CDPH, 2017). These certifications themselves do not provide the actual area-specific formaldehyde emission rate (i.e., µg/m<sup>2</sup>-h) of the product, but rather provide data that the formaldehyde emission rates do not exceed the maximum rate allowed for the certification. Thus for example, the data for a certification of a specific type of flooring may be used to calculate that the area-specific emission rate

of formaldehyde is less than 31  $\mu\text{g}/\text{m}^2\text{-h}$ , but not the actual measured specific emission rate, which may be 3, 18, or 30  $\mu\text{g}/\text{m}^2\text{-h}$ . These area-specific emission rates determined from the product certifications of CDPH, BIFA, and other certification programs can be used as an initial estimate of the formaldehyde emission rate.

If the actual area-specific emission rates of a building material or furnishing is needed (i.e. the initial emission rates estimates from the product certifications are higher than desired), then that data can be acquired by requesting from the manufacturer the complete chemical emission rate test report. For instance if the complete CDPH emission test report is requested for a CDHP certified product, that report will provide the actual area-specific emission rates for not only the 35 specific VOCs, including formaldehyde, listed in Table 4-1 of the CDPH test method (CDPH, 2017), but also all of the cancer and reproductive/developmental chemicals listed in the California Proposition 65 Safe Harbor Levels (OEHHA, 2017a), all of the toxic air contaminants (TACs) in the California Air Resources Board Toxic Air Contamination List (CARB, 2011), and the 10 chemicals with the greatest emission rates.

Alternatively, a sample of the building material or furnishing can be submitted to a chemical emission rate testing laboratory, such as Berkeley Analytical Laboratory (<https://berkeleyanalytical.com>), to measure the formaldehyde emission rate.

4.) Calculate the Total Formaldehyde Emission Rate. For each IAQ Zone, calculate the total formaldehyde emission rate (i.e.  $\mu\text{g}/\text{h}$ ) from the individual formaldehyde emission rates from each of the building material/furnishings as determined in Step 3.

5.) Calculate the Indoor Formaldehyde Concentration. For each IAQ Zone, calculate the indoor formaldehyde concentration ( $\mu\text{g}/\text{m}^3$ ) from Equation 1 by dividing the total formaldehyde emission rates (i.e.  $\mu\text{g}/\text{h}$ ) as determined in Step 4, by the design minimum outdoor air ventilation rate ( $\text{m}^3/\text{h}$ ) for the IAQ Zone.

$$C_{in} = \frac{E_{total}}{Q_{oa}} \quad (\text{Equation 1})$$

where:



$C_{in}$  = indoor formaldehyde concentration ( $\mu\text{g}/\text{m}^3$ )

$E_{total}$  = total formaldehyde emission rate ( $\mu\text{g}/\text{h}$ ) into the IAQ Zone.

$Q_{oa}$  = design minimum outdoor air ventilation rate to the IAQ Zone ( $\text{m}^3/\text{h}$ )

The above Equation 1 is based upon mass balance theory, and is referenced in Section 3.10.2 “Calculation of Estimated Building Concentrations” of the California Department of Health “Standard Method for the Testing and Evaluation of Volatile Organic Chemical Emissions for Indoor Sources Using Environmental Chambers”, (CDPH, 2017).

6.) Calculate the Indoor Exposure Cancer and Non-Cancer Health Risks. For each IAQ Zone, calculate the cancer and non-cancer health risks from the indoor formaldehyde concentrations determined in Step 5 and as described in the OEHHA Air Toxics Hot Spots Program Risk Assessment Guidelines; Guidance Manual for Preparation of Health Risk Assessments (OEHHA, 2015).

7.) Mitigate Indoor Formaldehyde Exposures of exceeding the CEQA Cancer and/or Non-Cancer Health Risks. In each IAQ Zone, provide mitigation for any formaldehyde exposure risk as determined in Step 6, that exceeds the CEQA cancer risk of 10 per million or the CEQA non-cancer Hazard Quotient of 1.0.

Provide the source and/or ventilation mitigation required in all IAQ Zones to reduce the health risks of the chemical exposures below the CEQA cancer and non-cancer health risks.

Source mitigation for formaldehyde may include:

- 1.) reducing the amount materials and/or furnishings that emit formaldehyde
- 2.) substituting a different material with a lower area-specific emission rate of formaldehyde

Ventilation mitigation for formaldehyde emitted from building materials and/or furnishings may include:

- 1.) increasing the design minimum outdoor air ventilation rate to the IAQ Zone.

NOTE: Mitigating the formaldehyde emissions through use of less material/furnishings, or use of lower emitting materials/furnishings, is the preferred mitigation option, as mitigation with increased outdoor air ventilation increases initial and operating costs associated with the heating/cooling systems.

Further, we are not asking that the builder to “speculate” on what and how much composite materials be used, but rather at the design stage to select composite wood materials based on the formaldehyde emission rates that manufacturers routinely conduct using the California Department of Health “Standard Method for the Testing and Evaluation of Volatile Organic Chemical Emissions for Indoor Sources Using Environmental Chambers”, (CDPH, 2017), and use the procedure described earlier (i.e. Pre-Construction Building Material/Furnishing Formaldehyde Emissions Assessment) to insure that the materials selected achieve acceptable cancer risks from material off gassing of formaldehyde.

## **Indoor Air Quality Impact Mitigation Measures**

The following are recommended mitigation measures to minimize the impacts upon indoor quality:

Indoor Formaldehyde Concentrations Mitigation. Use only composite wood materials (e.g. hardwood plywood, medium density fiberboard, particleboard) for all interior finish systems that are made with CARB approved no-added formaldehyde (NAF) resins (CARB, 2009). CARB Phase 2 certified composite wood products, or ultra-low emitting formaldehyde (ULEF) resins, do not insure indoor formaldehyde concentrations that are below the CEQA cancer risk of 10 per million. Only composite wood products manufactured with CARB approved no-added formaldehyde (NAF) resins, such as resins made from soy, polyvinyl acetate, or methylene diisocyanate can insure that the OEHHA cancer risk of 10 per million is met.

Alternatively, conduct the previously described Pre-Construction Building Material/Furnishing Chemical Emissions Assessment, to determine that the combination

of formaldehyde emissions from building materials and furnishings do not create indoor formaldehyde concentrations that exceed the CEQA cancer and non-cancer health risks.

With respect to the Conditions of Approval as Approved by the Planning Commission on January 12, 2017, Condition 6 - Mitigation Measure Air-2, in italics below, I have the following comments regarding the use of air filtration to reduce the indoor concentration of formaldehyde emitted from composite wood products.

*6. Mitigation Measure AIR-2: The applicant shall install, operate and maintain in good working order a central heating and ventilation (HV) system or other air take (sic, intake) system in the buildings or in each of the units, that meets or exceeds an efficiency standard of MERV 13. The HV system shall include the following features: installation of a high efficiency filter and/or carbon filter to filter particulates and other chemical matter from entering the building, either HEPA filters or ASHRAE 85% supply filters may be used.*

Agreed that including an MERV 13 air filter in the mechanical outdoor air delivery system for each of the units is necessary as the Project is located in the San Francisco Bay Area Air Basin, which is a State and Federal non-attainment area for PM<sub>2.5</sub> as well as being in close proximity to roads with high traffic (e.g., Mission Boulevard and Industrial Parkway). An air quality analyses should to be conducted to determine the concentrations of PM<sub>2.5</sub> in the outdoor and indoor air that people inhale each day. This air quality analyses needs to consider the cumulative impacts of the project related emissions, existing and projected future emissions from local PM<sub>2.5</sub> sources (e.g. stationary sources, motor vehicles, and airport traffic) upon the outdoor air concentrations at the project site. If the outdoor concentrations are determined to exceed the California and National annual average PM<sub>2.5</sub> exceedence concentration of 12 µg/m<sup>3</sup>, or the National 24-hour average exceedence concentration of 35 µg/m<sup>3</sup>, then the buildings need to have a mechanical supply of outdoor air that has air filtration with sufficient PM<sub>2.5</sub> removal efficiency, such that the indoor concentrations of outdoor PM<sub>2.5</sub> particles is less than the California and National PM<sub>2.5</sub> annual and 24-hour standards.

It is my experience that based on the projected high traffic noise levels, the annual average concentration of PM<sub>2.5</sub> will exceed the California and National PM<sub>2.5</sub> annual and 24-hour standards and warrant installation of high efficiency air filters (i.e. MERV 13 or higher) in all mechanically supplied outdoor air ventilation systems.

With respect to the statement “*installation of a high efficiency filter and/or carbon filter to filter particulates and other chemical matter from entering the building, either HEPA filters or ASHRAE 85% supply filters may be used*”, neither MERV 13, carbon, HEPA, or ASHRAE 85% air filters remove gas phase air contaminants, such as formaldehyde, as they only remove particulate phase air contaminants. Even if an air filter that was effective at removing formaldehyde was installed in the outdoor air ventilation system, since there is very little formaldehyde in the outdoor air, the filtration of the outdoor air would not significantly reduce the indoor formaldehyde concentrations which are created by emissions from composite wood products inside of the building.

Increasing the delivery of outdoor air to the units can reduce the indoor concentrations of formaldehyde, however mitigating the formaldehyde emissions through use of less material/furnishings, or use of lower emitting materials/furnishings, is the preferred mitigation option, as mitigation with increased outdoor air ventilation substantially increases initial and operating costs associated with the heating/cooling systems.

Only use of composite wood products made with no-added formaldehyde resins (NAF), such as resins made from soy, polyvinyl acetate, or methylene diisocyanate can insure that the OEHHA cancer risk of 10 per million is met.

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Health, Richmond, CA. <https://www.cdph.ca.gov/Programs/CCDPHP/DEODC/EHLB/IAQ/Pages/VOC.aspx>.

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OEHHA (Office of Environmental Health Hazard Assessment). 2017a. Proposition 65 Safe Harbor Levels. No Significant Risk Levels for Carcinogens and Maximum Allowable Dose Levels for Chemicals Causing Reproductive Toxicity. Available at: <http://www.oehha.ca.gov/prop65/pdf/safeharbor081513.pdf>

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Environmental Research Program. Collaborative Report. CEC-500-2009-085.  
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## APPENDIX A

### INDOOR FORMALDEHYDE CONCENTRATIONS AND THE CARB FORMALDEHYDE ATCM

With respect to formaldehyde emissions from composite wood products, the CARB ATCM regulations of formaldehyde emissions from composite wood products, do not assure healthful indoor air quality. The following is the stated purpose of the CARB ATCM regulation - *The purpose of this airborne toxic control measure is to “reduce formaldehyde emissions from composite wood products, and finished goods that contain composite wood products, that are sold, offered for sale, supplied, used, or manufactured for sale in California”*. In other words, the CARB ATCM regulations do not “assure healthful indoor air quality”, but rather “reduce formaldehyde emissions from composite wood products”.

Just how much protection do the CARB ATCM regulations provide building occupants from the formaldehyde emissions generated by composite wood products ? Definitely some, but certainly the regulations do not “*assure healthful indoor air quality*” when CARB Phase 2 products are utilized. As shown in the Chan 2019 study of new California homes, the median indoor formaldehyde concentration was of  $22.4 \mu\text{g}/\text{m}^3$  (18.2 ppb), which corresponds to a cancer risk of 112 per million for occupants with continuous exposure, which is more than 11 times the CEQA cancer risk of 10 per million.

Another way of looking at how much protection the CARB ATCM regulations provide building occupants from the formaldehyde emissions generated by composite wood products is to calculate the maximum number of square feet of composite wood product that can be in a residence without exceeding the CEQA cancer risk of 10 per million for occupants with continuous occupancy.

For this calculation I utilized the floor area ( $2,272 \text{ ft}^2$ ), the ceiling height (8.5 ft), and the number of bedrooms (4) as defined in Appendix B (New Single-Family Residence Scenario) of the Standard Method for the Testing and Evaluation of Volatile Organic Chemical Emissions for Indoor Sources Using Environmental Chambers, Version 1.1, 2017, California



Department of Public Health, Richmond, CA. <https://www.cdph.ca.gov/Programs/CCDPHP/DEODC/EHLB/IAQ/Pages/VOC.aspx>.

For the outdoor air ventilation rate I used the 2019 Title 24 code required mechanical ventilation rate (ASHRAE 62.2) of 106 cfm (180 m<sup>3</sup>/h) calculated for this model residence. For the composite wood formaldehyde emission rates I used the CARB ATCM Phase 2 rates.

The calculated maximum number of square feet of composite wood product that can be in a residence, without exceeding the CEQA cancer risk of 10 per million for occupants with continuous occupancy are as follows for the different types of regulated composite wood products.

Medium Density Fiberboard (MDF) – 15 ft<sup>2</sup> (0.7% of the floor area), or  
Particle Board – 30 ft<sup>2</sup> (1.3% of the floor area), or  
Hardwood Plywood – 54 ft<sup>2</sup> (2.4% of the floor area), or  
Thin MDF – 46 ft<sup>2</sup> (2.0 % of the floor area).

For offices and hotels the calculated maximum amount of composite wood product (% of floor area) that can be used without exceeding the CEQA cancer risk of 10 per million for occupants, assuming 8 hours/day occupancy, and the California Mechanical Code minimum outdoor air ventilation rates are as follows for the different types of regulated composite wood products.

Medium Density Fiberboard (MDF) – 3.6 % (offices) and 4.6% (hotel rooms), or  
Particle Board – 7.2 % (offices) and 9.4% (hotel rooms), or  
Hardwood Plywood – 13 % (offices) and 17% (hotel rooms), or  
Thin MDF – 11 % (offices) and 14 % (hotel rooms)

Clearly the CARB ATCM does not regulate the formaldehyde emissions from composite wood products such that the potentially large areas of these products, such as for flooring, baseboards, interior doors, window and door trims, and kitchen and bathroom cabinetry,

could be used without causing indoor formaldehyde concentrations that result in CEQA cancer risks that substantially exceed 10 per million for occupants with continuous occupancy.

Even composite wood products manufactured with CARB certified ultra low emitting formaldehyde (ULEF) resins do not insure that the indoor air will have concentrations of formaldehyde that meet the OEHHA cancer risks that substantially exceed 10 per million. The permissible emission rates for ULEF composite wood products are only 11-15% lower than the CARB Phase 2 emission rates. Only use of composite wood products made with no-added formaldehyde resins (NAF), such as resins made from soy, polyvinyl acetate, or methylene diisocyanate can insure that the OEHHA cancer risk of 10 per million is met.

If CARB Phase 2 compliant or ULEF composite wood products are utilized in construction, then the resulting indoor formaldehyde concentrations should be determined in the design phase using the specific amounts of each type of composite wood product, the specific formaldehyde emission rates, and the volume and outdoor air ventilation rates of the indoor spaces, and all feasible mitigation measures employed to reduce this impact (e.g. use less formaldehyde containing composite wood products and/or incorporate mechanical systems capable of higher outdoor air ventilation rates). See the procedure described earlier (i.e. Pre-Construction Building Material/Furnishing Formaldehyde Emissions Assessment) to insure that the materials selected achieve acceptable cancer risks from material off gassing of formaldehyde.

Alternatively, and perhaps a simpler approach, is to use only composite wood products (e.g. hardwood plywood, medium density fiberboard, particleboard) for all interior finish systems that are made with CARB approved no-added formaldehyde (NAF) resins.

# **Francis (Bud) J. Offermann III PE, CIH**

## **Indoor Environmental Engineering**

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## **Education**

M.S. Mechanical Engineering (1985)

Stanford University, Stanford, CA.

Graduate Studies in Air Pollution Monitoring and Control (1980)

University of California, Berkeley, CA.

B.S. in Mechanical Engineering (1976)

Rensselaer Polytechnic Institute, Troy, N.Y.

## **Professional Experience**

President: Indoor Environmental Engineering, San Francisco, CA. December, 1981 - present.

Direct team of environmental scientists, chemists, and mechanical engineers in conducting State and Federal research regarding indoor air quality instrumentation development, building air quality field studies, ventilation and air cleaning performance measurements, and chemical emission rate testing.

Provide design side input to architects regarding selection of building materials and ventilation system components to ensure a high quality indoor environment.

Direct Indoor Air Quality Consulting Team for the winning design proposal for the new State of Washington Ecology Department building.

Develop a full-scale ventilation test facility for measuring the performance of air diffusers; ASHRAE 129, Air Change Effectiveness, and ASHRAE 113, Air Diffusion Performance Index.

Develop a chemical emission rate testing laboratory for measuring the chemical emissions from building materials, furnishings, and equipment.

Principle Investigator of the California New Homes Study (2005-2007). Measured ventilation and indoor air quality in 108 new single family detached homes in northern and southern California.

Develop and teach IAQ professional development workshops to building owners, managers, hygienists, and engineers.

Air Pollution Engineer: Earth Metrics Inc., Burlingame, CA, October, 1985 to March, 1987.

Responsible for development of an air pollution laboratory including installation a forced choice olfactometer, tracer gas electron capture chromatograph, and associated calibration facilities. Field team leader for studies of fugitive odor emissions from sewage treatment plants, entrainment of fume hood exhausts into computer chip fabrication rooms, and indoor air quality investigations.

Staff Scientist: Building Ventilation and Indoor Air Quality Program, Energy and Environment Division, Lawrence Berkeley Laboratory, Berkeley, CA. January, 1980 to August, 1984.

Deputy project leader for the Control Techniques group; responsible for laboratory and field studies aimed at evaluating the performance of indoor air pollutant control strategies (i.e. ventilation, filtration, precipitation, absorption, adsorption, and source control).

Coordinated field and laboratory studies of air-to-air heat exchangers including evaluation of thermal performance, ventilation efficiency, cross-stream contaminant transfer, and the effects of freezing/defrosting.

Developed an *in situ* test protocol for evaluating the performance of air cleaning systems and introduced the concept of effective cleaning rate (ECR) also known as the Clean Air Delivery Rate (CADR).

Coordinated laboratory studies of portable and ducted air cleaning systems and their effect on indoor concentrations of respirable particles and radon progeny.

Co-designed an automated instrument system for measuring residential ventilation rates and radon concentrations.

Designed hardware and software for a multi-channel automated data acquisition system used to evaluate the performance of air-to-air heat transfer equipment.

Assistant Chief Engineer: Alta Bates Hospital, Berkeley, CA, October, 1979 to January, 1980.

Responsible for energy management projects involving installation of power factor correction capacitors on large inductive electrical devices and installation of steam meters on physical plant steam lines. Member of Local 39, International Union of Operating Engineers.

Manufacturing Engineer: American Precision Industries, Buffalo, NY, October, 1977 to October, 1979.

Responsible for reorganizing the manufacturing procedures regarding production of shell and tube heat exchangers. Designed customized automatic assembly, welding, and testing equipment. Designed a large paint spray booth. Prepared economic studies justifying new equipment purchases. Safety Director.

Project Engineer: Arcata Graphics, Buffalo, N.Y. June, 1976 to October, 1977.

Responsible for the design and installation of a bulk ink storage and distribution system and high speed automatic counting and marking equipment. Also coordinated material handling studies which led to the purchase and installation of new equipment.

### **PROFESSIONAL ORGANIZATION MEMBERSHIP**

American Society of Heating, Refrigeration and Air Conditioning Engineers (ASHRAE)

- Chairman of SPC-145P, Standards Project Committee - Test Method for Assessing the Performance of Gas Phase Air Cleaning Equipment (1991-1992)
- Member SPC-129P, Standards Project Committee - Test Method for Ventilation Effectiveness (1986-97)
  - Member of Drafting Committee
- Member Environmental Health Committee (1992-1994, 1997-2001, 2007-2010)
  - Chairman of EHC Research Subcommittee
  - Member of Man Made Mineral Fiber Position Paper Subcommittee
  - Member of the IAQ Position Paper Committee
  - Member of the Legionella Position Paper Committee
  - Member of the Limiting Indoor Mold and Dampness in Buildings Position Paper Committee
- Member SSPC-62, Standing Standards Project Committee - Ventilation for Acceptable Indoor Air Quality (1992 to 2000)
  - Chairman of Source Control and Air Cleaning Subcommittee
- Chairman of TC-4.10, Indoor Environmental Modeling (1988-92)
  - Member of Research Subcommittee
- Chairman of TC-2.3, Gaseous Air Contaminants and Control Equipment (1989-92)
  - Member of Research Subcommittee

American Society for Testing and Materials (ASTM)

- D-22 Sampling and Analysis of Atmospheres
  - Member of Indoor Air Quality Subcommittee
- E-06 Performance of Building Constructions

American Board of Industrial Hygiene (ABIH)

American Conference of Governmental Industrial Hygienists (ACGIH)

- Bioaerosols Committee (2007-2013)

American Industrial Hygiene Association (AIHA)

Cal-OSHA Indoor Air Quality Advisory Committee

International Society of Indoor Air Quality and Climate (ISIAQ)

- Co-Chairman of Task Force on HVAC Hygiene

U. S. Green Building Council (USGBC)

- Member of the IEQ Technical Advisory Group (2007-2009)
- Member of the IAQ Performance Testing Work Group (2010-2012)

Western Construction Consultants (WESTCON)

## **PROFESSIONAL CREDENTIALS**

Licensed Professional Engineer - Mechanical Engineering

Certified Industrial Hygienist - American Board of Industrial Hygienists

## **SCIENTIFIC MEETINGS AND SYMPOSIA**

Biological Contamination, Diagnosis, and Mitigation, Indoor Air'90, Toronto, Canada, August, 1990.

Models for Predicting Air Quality, Indoor Air'90, Toronto, Canada, August, 1990.

Microbes in Building Materials and Systems, Indoor Air '93, Helsinki, Finland, July, 1993.

Microorganisms in Indoor Air Assessment and Evaluation of Health Effects and Probable Causes, Walnut Creek, CA, February 27, 1997.

Controlling Microbial Moisture Problems in Buildings, Walnut Creek, CA, February 27, 1997.

Scientific Advisory Committee, Roomvent 98, 6<sup>th</sup> International Conference on Air Distribution in Rooms, KTH, Stockholm, Sweden, June 14-17, 1998.

Moisture and Mould, Indoor Air '99, Edinburgh, Scotland, August, 1999.

Ventilation Modeling and Simulation, Indoor Air '99, Edinburgh, Scotland, August, 1999.

Microbial Growth in Materials, Healthy Buildings 2000, Espoo, Finland, August, 2000.

Co-Chair, Bioaerosols X- Exposures in Residences, Indoor Air 2002, Monterey, CA, July 2002.

Healthy Indoor Environments, Anaheim, CA, April 2003.

Chair, Environmental Tobacco Smoke in Multi-Family Homes, Indoor Air 2008, Copenhagen, Denmark, July 2008.

Co-Chair, ISIAQ Task Force Workshop; HVAC Hygiene, Indoor Air 2002, Monterey, CA, July 2002.

Chair, ETS in Multi-Family Housing: Exposures, Controls, and Legalities Forum, Healthy Buildings 2009, Syracuse, CA, September 14, 2009.

Chair, Energy Conservation and IAQ in Residences Workshop, Indoor Air 2011, Austin, TX, June 6, 2011.

Chair, Electronic Cigarettes: Chemical Emissions and Exposures Colloquium, Indoor Air 2016, Ghent, Belgium, July 4, 2016.

### **SPECIAL CONSULTATION**

Provide consultation to the American Home Appliance Manufacturers on the development of a standard for testing portable air cleaners, AHAM Standard AC-1.

Served as an expert witness and special consultant for the U.S. Federal Trade Commission regarding the performance claims found in advertisements of portable air cleaners and residential furnace filters.

Conducted a forensic investigation for a San Mateo, CA pro se defendant, regarding an alleged homicide where the victim was kidnapped in a steamer trunk. Determined the air exchange rate in the steamer trunk and how long the person could survive.

Conducted *in situ* measurement of human exposure to toluene fumes released during nailpolish application for a plaintiffs attorney pursuing a California Proposition 65 product labeling case. June, 1993.

Conducted a forensic *in situ* investigation for the Butte County, CA Sheriff's Department of the emissions of a portable heater used in the bedroom of two twin one year old girls who suffered simultaneous crib death.

Consult with OSHA on the 1995 proposed new regulation regarding indoor air quality and environmental tobacco smoke.

Consult with EPA on the proposed Building Alliance program and with OSHA on the proposed new OSHA IAQ regulation.

Johnson Controls Audit/Certification Expert Review; Milwaukee, WI. May 28-29, 1997.

Winner of the nationally published 1999 Request for Proposals by the State of Washington to conduct a comprehensive indoor air quality investigation of the Washington State Department of Ecology building in Lacey, WA.

Selected by the State of California Attorney General's Office in August, 2000 to conduct a comprehensive indoor air quality investigation of the Tulare County Court House.

Lawrence Berkeley Laboratory IAQ Experts Workshop: "Cause and Prevention of Sick Building Problems in Offices: The Experience of Indoor Environmental Quality Investigators", Berkeley, California, May 26-27, 2004.

Provide consultation and chemical emission rate testing to the State of California Attorney General's Office in 2013-2015 regarding the chemical emissions from e-cigarettes.

#### **PEER-REVIEWED PUBLICATIONS :**

F.J.Offermann, C.D.Hollowell, and G.D.Roseme, "Low-Infiltration Housing in Rochester, New York: A Study of Air Exchange Rates and Indoor Air Quality," *Environment International*, 8, pp. 435-445, 1982.

W.W.Nazaroff, F.J.Offermann, and A.W.Robb, "Automated System for Measuring Air Exchange Rate and Radon Concentration in Houses," *Health Physics*, 45, pp. 525-537, 1983.

F.J.Offermann, W.J.Fisk, D.T.Grimsrud, B.Pedersen, and K.L.Revzan, "Ventilation Efficiencies of Wall- or Window-Mounted Residential Air-to-Air Heat Exchangers," *ASHRAE Annual Transactions*, 89-2B, pp 507-527, 1983.

W.J.Fisk, K.M.Archer, R.E Chant, D. Hekmat, F.J.Offermann, and B.Pedersen, "Onset of Freezing in Residential Air-to-Air Heat Exchangers," *ASHRAE Annual Transactions*, 91-1B, 1984.

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“Finding Hidden Mold: Case Studies in IAQ Investigations”, AIHA Northern California Professionals Symposium; Oakland, CA, May 8, 2002.

“Assessing and Mitigating Fungal Contamination in Buildings”, Cal/OSHA Training; Oakland, CA, February 14, 2003 and West Covina, CA, February 20-21, 2003.

“Use of External Containments During Fungal Mitigation”, Invited Speaker, ACGIH Mold Remediation Symposium, Orlando, FL, November 3-5, 2003.

Building Operator Certification (BOC), 106-IAQ Training Workshops, Northwest Energy Efficiency Council; Stockton, CA, December 3, 2003; San Francisco, CA, December 9, 2003; Irvine, CA, January 13, 2004; San Diego, January 14, 2004; Irwindale, CA, January 27, 2004; Downey, CA, January 28, 2004; Santa Monica, CA, March 16, 2004; Ontario, CA, March 17, 2004; Ontario, CA, November 9, 2004, San Diego, CA, November 10, 2004; San Francisco, CA, November 17, 2004; San Jose, CA, November 18, 2004; Sacramento, CA, March 15, 2005.

“Mold Remediation: The National QUEST for Uniformity Symposium”, Invited Speaker, Orlando, Florida, November 3-5, 2003.

“Mold and Moisture Control”, Indoor Air Quality workshop for The Collaborative for High Performance Schools (CHPS), San Francisco, December 11, 2003.

“Advanced Perspectives In Mold Prevention & Control Symposium”, Invited Speaker, Las Vegas, Nevada, November 7-9, 2004.

“Building Sciences: Understanding and Controlling Moisture in Buildings”, American Industrial Hygiene Association, San Francisco, CA, February 14-16, 2005.

“Indoor Air Quality Diagnostics and Healthy Building Design”, University of California Berkeley, Berkeley, CA, March 2, 2005.

“Improving IAQ = Reduced Tenant Complaints”, Northern California Facilities Exposition, Santa Clara, CA, September 27, 2007.

“Defining Safe Building Air”, Criteria for Safe Air and Water in Buildings, ASHRAE Winter Meeting, Chicago, IL, January 27, 2008.

“Update on USGBC LEED and Air Filtration”, Invited Speaker, NAFA 2008 Convention, San Francisco, CA, September 19, 2008.

“Ventilation and Indoor air Quality in New California Homes”, National Center of Healthy Housing, October 20, 2008.

“Indoor Air Quality in New Homes”, California Energy and Air Quality Conference, October 29, 2008.

“Mechanical Outdoor air Ventilation Systems and IAQ in New Homes”, ACI Home Performance Conference, Kansas City, MO, April 29, 2009.

“Ventilation and IAQ in New Homes with and without Mechanical Outdoor Air Systems”, Healthy Buildings 2009, Syracuse, CA, September 14, 2009.

“Ten Ways to Improve Your Air Quality”, Northern California Facilities Exposition, Santa Clara, CA, September 30, 2009.

“New Developments in Ventilation and Indoor Air Quality in Residential Buildings”, Westcon meeting, Alameda, CA, March 17, 2010.

“Intermittent Residential Mechanical Outdoor Air Ventilation Systems and IAQ”, ASHRAE SSPC 62.2 Meeting, Austin, TX, April 19, 2010.

“Measured IAQ in Homes”, ACI Home Performance Conference, Austin, TX, April 21, 2010.

“Respiration: IEQ and Ventilation”, AIHce 2010, How IH Can LEED in Green buildings, Denver, CO, May 23, 2010.

“IAQ Considerations for Net Zero Energy Buildings (NZEB)”, Northern California Facilities Exposition, Santa Clara, CA, September 22, 2010.

“Energy Conservation and Health in Buildings”, Berkeley High School Green Career Week, Berkeley, CA, April 12, 2011.

“What Pollutants are Really There ?”, ACI Home Performance Conference, San Francisco, CA, March 30, 2011.

“Energy Conservation and Health in Residences Workshop”, Indoor Air 2011, Austin, TX, June 6, 2011.

“Assessing IAQ and Improving Health in Residences”, US EPA Weatherization Plus Health, September 7, 2011.

“Ventilation: What a Long Strange Trip It’s Been”, Westcon, May 21, 2014.

“Chemical Emissions from E-Cigarettes: Direct and Indirect Passive Exposures”, Indoor Air 2014, Hong Kong, July, 2014.

“Infectious Disease Aerosol Exposures With and Without Surge Control Ventilation System Modifications”, Indoor Air 2014, Hong Kong, July, 2014.

“Chemical Emissions from E-Cigarettes”, IMF Health and Welfare Fair, Washington, DC, February 18, 2015.

“Chemical Emissions and Health Hazards Associated with E-Cigarettes”, Roswell Park Cancer Institute, Buffalo, NY, August 15, 2014.

“Formaldehyde Indoor Concentrations, Material Emission Rates, and the CARB ATCM”, Harris Martin’s Lumber Liquidators Flooring Litigation Conference, WQ Minneapolis Hotel, May 27, 2015.

“Chemical Emissions from E-Cigarettes: Direct and Indirect Passive Exposure”, FDA Public Workshop: Electronic Cigarettes and the Public Health, Hyattsville, MD June 2, 2015.

“Creating Healthy Homes, Schools, and Workplaces”, Chautauqua Institution, Athenaeum Hotel, August 24, 2015.

“Diagnosing IAQ Problems and Designing Healthy Buildings”, University of California Berkeley, Berkeley, CA, October 6, 2015.

“Diagnosing Ventilation and IAQ Problems in Commercial Buildings”, BEST Center Annual Institute, Lawrence Berkeley National Laboratory, January 6, 2016.

“A Review of Studies of Ventilation and Indoor Air Quality in New Homes and Impacts of Environmental Factors on Formaldehyde Emission Rates From Composite Wood Products”, AIHce2016, May, 21-26, 2016.

“Admissibility of Scientific Testimony”, Science in the Court, Proposition 65 Clearinghouse Annual Conference, Oakland, CA, September 15, 2016.

“Indoor Air Quality and Ventilation”, ASHRAE Redwood Empire, Napa, CA, December 1, 2016.

# Holland & Knight

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August 19, 2020

## By E-Mail and U.S. Mail

Planning Commission  
City of Hayward  
c/o Sara Buizer, Planning Manager  
777 B. Street  
Hayward, CA 94541  
[sara.buizer@hayward-ca.gov](mailto:sara.buizer@hayward-ca.gov)

Re: Appeal of Mission Village Mixed Use Development Entitlement Extension

Dear Members of the Planning Commission:

I am writing on behalf of Valley Oak Partners, LLC to urge you to deny the appeal submitted by Rosemarie Aguilar and Glenn Kirby and Confirm/Approve the March 9, 2020 Planning Commission staff decision to grant a two year extension of entitlements for Vesting Tentative Tract Map (“VTTM”) No. 8304 and Site Plan Review (“SPR”) application No. 201504677 for the Mission Village Mixed Use Development (the “Project”), proposed for the corner of Mission Boulevard and Industrial Parkway.

### **I. Background**

The Project is a 72 townhome development with 8,000 square feet of stand-alone retail on a 5.880 acre site. The Project would also create open space, including a zen garden and a children’s play area. The Project would redevelop the Project site, including the Holiday Bowl building, which was destroyed by a fire on July 18, 2020. The Project was initially approved by the City Planning Commission in January 2017, after substantial work with both the City and the community to develop a project that would fulfil the needs of the surrounding neighborhood and the City of Hayward. The City prepared an Initial Study and Mitigated Negative Declaration (“MND”) for the Project under the California Environmental Quality Act (“CEQA”), which analyzed the environmental impacts of full buildout of the Project, and adopted a Mitigation Monitoring and Reporting Program.

Following a protracted three-year remediation process with the Regional Water Quality Control Board to address contaminants on the Project site from a former drycleaner, Valley Oak Partners applied for an extension of the VTTM and SPR in July 2019. The City Planning Director approved the extension on March 9, 2020 and the extension became final and effective on March 24, 2020. Two local citizens, Rosemarie Aguilar and Glenn Kirby filed an appeal of the extension (“Aguilar appeal”) on March 23, 2020. On June 25, 2020, the day the appeal was



to be heard by the City of Hayward Planning Commission, the Laborers' International Union of North America ("LIUNA") filed a letter on the extension of the VTTM and SPR.

## **II. The LIUNA Letter Was Not a Properly Filed Appeal**

As an initial matter, the Hayward Municipal Code requires that any appeal of a Planning Director determination must be filed prior to the effective date of the decision being appealed. Hayward Municipal Code § 10-1.2845. The effective date of the extension of the SPR and VTTM was March 24, 2020. For this reason the LIUNA comment letter, which was filed with the City on June 25, 2020, was not timely filed as an appeal of the extension of the Project's entitlements under the Hayward Municipal Code and thus LIUNA is not an appellant in this action. The notice for the extension of entitlements clearly states that "[w]ritten appeals, along with the appropriate fee, must be received no later than 5:00 p.m. Monday, March 23, 2020..." Because the public had notice of this date and the Hayward Municipal Code only allows for an appeal of a Planning Director determination before the action becomes final, LIUNA has not properly appealed the Planning Director's action.

In contrast, the Aguilar appeal was filed within the timeframe for an appeal under the Hayward Municipal Code and thus we address its allegations below.

## **III. The Aguilar Appeal Does Not Have Merit**

The Aguilar appeal claims that when the Project was first approved there was no housing crisis, but that now there is and thus the City should recommend that the property be designed for a higher density development. The Aguilar appeal states that the City should:

- Require a design for high density housing (25-35 dwelling units per acre ("DU/acre")) as allowed in the zoning;
- Set aside a required percentage of units for low and middle income applicants;
- Require that within 60 days of the approval of the new development, demolition of all vacant buildings shall begin and the site shall be returned to a pre-development condition.

First, the housing crisis in California has been ongoing since the 1970s, though it has significantly worsened in the recent decades. It is clear however that California had a housing problem in 2017 and that the Aguilar appeal raises no new issues that were not known to the City at the time it approved the Project in 2017. In addition, the Project complies with the Hayward 2040 General Plan, the land uses and densities in the Sustainable Mixed Use General Plan Land use designation, and the S-T4 Urban General Zone development standards. It should be noted as well that the Project's compliance with these standards was achieved with no requested variances from any development standards.

The Project site is zoned for 17-35 DU/acre and the Project proposed 18 DU/acre. This is within the density allowed for the Project site. In addition, while the Aguilar appeal argues for more dense residential development and less commercial development, the project is the result of extensive collaboration and feedback with the local neighborhood and citizens of Hayward. The

current project design, including density, reflects this feedback. Local support of the Project design continues to this day, as evidenced by the numerous letters in support of denying the appeal. Thus, it is clear that the Project was significantly vetted to respect the desires of all, residents, the City, Planning Staff, and the Planning Commission.

The Hayward Municipal Code requires any project with more than 50 units to comply with the City's Affordable Housing Ordinance, which allows the developer to either incorporate the required number of affordable units (7.5% of total units) within the development, pay an in-lieu fee, or some combination of both units and fees. The Project complies with the Hayward Municipal Code affordable housing ordinance and has chosen to pay the in-lieu fee in satisfaction of this requirement. The developer has relied on this option as it has compromised with various constituents on the design features of the project and expended considerable monies on the environmental cleanup of the site. Payment of the fee is part of the Conditions of Approval for the Project.

Finally, it appears that the Aguilar appellants are eager to see redevelopment of this site and the fastest way for that to occur is to approve the extension of the Project entitlements and allow the developer to proceed with the Project. Rescinding the extension or "recommend this property be put out to bid", as suggested by the Aguilar appellants, would require the Project to go back to square one and would set up a new, likely multi-year process of planning and entitlement before any activity on the Project site would occur.

For these reasons, the Planning Commission should reject the Aguilar appeal and Confirm/Approve the Planning Staff extension of the Project's entitlements.

#### **IV. The LIUNA Comments Do Not Prove Subsequent CEQA Review is Required**

As explained above, the LIUNA comments were not timely presented to the City under Hayward Municipal Code § 10-1.2845 and thus LIUNA has not perfected its appeal and the City may not consider their arguments in this appeal. However, for clarity and informational purposes, we respond here to LIUNA's claims that further CEQA review of the Project is necessary.

Once CEQA review is completed for a project and an EIR or negative declaration is adopted by the lead agency, further environmental review is governed by Public Resources Code ("PRC") § 21166 and CEQA Guidelines ("Guidelines")<sup>1</sup> § 15162. After initial CEQA review, "section 21166 prohibits agencies from requiring a subsequent or supplemental [review] unless substantial changes are proposed in the project or in circumstances which will require major revisions . . . , or unless certain new information becomes available." *Id.* Although section 21166 speaks only in terms of the EIR, the CEQA Guidelines apply section 21166 to project changes following an agency's adoption of a negative declaration or MND. Guidelines § 15162(b); *Benton v. Board of Supervisors* (1991) 226 Cal.App.3d 1467, 1477-81. Therefore in order for the City to be required to conduct subsequent CEQA review of the Project, LIUNA must demonstrate one or more of the following:

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<sup>1</sup> All references to the CEQA Guidelines are to Title 14 of the California Code of Regulations.

(1) Substantial changes are proposed in the project which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;

(2) Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR or Negative Declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or

(3) New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete or the Negative Declaration was adopted, shows any of the following:

(A) The project will have one or more significant effects not discussed in the previous EIR or negative declaration;

(B) Significant effects previously examined will be substantially more severe than shown in the previous EIR;

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

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

The trigger for subsequent environmental review is whether (a) substantial changes in the project, (b) substantial changes in the circumstances under which the project is undertaken, or (c) new information of substantial importance which was not known and could not have been known at the time of the prior EIR, would lead to the identification of new significant environmental effects or a substantial increase in the severity of previously identified significant effects.

Contrary to LIUNA's claims that the "fair argument standard" for when CEQA review is required applies here, the standard for whether further environmental review is required when an EIR or MND has already been adopted is more deferential than the standard for whether initial CEQA review is required. In *Friends of the College of San Mateo Gardens v. San Mateo Community College District* (2016) 1 Cal.5th 937, 951-53, the Supreme Court held that an agency's decision to proceed under CEQA's subsequent review provisions is subject to substantial evidence review, reasoning that the previous environmental review retains relevance and warrants increased deference to the agency's determination. The test for subsequent review is not the "fair argument standard", but is "markedly different, however, if a project is evaluated

after an initial environmental review has occurred.” *Moss v. County of Humboldt* (2008) 162 Cal. App. 4th 1041, 1049.

Thus, LIUNA must demonstrate much more than a mere fair argument that the Project may have potential impacts on the environment in order to prove that further CEQA review is necessary. Instead, the question turns on whether there is “substantial evidence” that one of the above triggers will be met. LIUNA must show that there is not substantial evidence to support the City’s determination that the previously approved MND retains informational value for analyzing the Project and they have not carried that burden here.

1. LIUNA Has Not and Cannot Allege Any Change in the Project.

The Project has not changed in any significant way since the 2017 approval and thus there is no change to the environmental effects of the Project. In the absence of any project changes, no further environmental review can be required.

2. LIUNA Has Not and Cannot Allege Any “Substantial” Changes in the Project’s Circumstances That Will Require Major Revisions.

The circumstances under which the project is undertaken have not significantly changed and LIUNA makes no argument that they have. The MND was approved only three years ago and there have been no significant changes in the vicinity of the Project that would require “major revisions” to the MND.

3. LIUNA Has Not and Cannot Offer Any New Information of “Substantial Importance” That Demonstrates a New or Worsened Significant Impact that Cannot Be Mitigated.

In order to trigger additional review, an appellant needs to demonstrate not only that there is new information which could not have been known at the time of the approval, but that this new information would lead to a new or worsened significant impact that cannot be mitigated. LIUNA’s allegedly new evidence of formaldehyde does not meet this standard.

a. *The Emission of Indoor Formaldehyde Is Not New Information.*

First, as explained by LIUNA in their letter, formaldehyde emissions and their potential impacts on air quality were known in 2017. LIUNA claims that a 2019 study shows that even using products that meet CARB’s standards would not eliminate potential formaldehyde impacts, but that study is not new information about the potential for formaldehyde risks. This potential was known at the time of the MND. The only thing that has changed is the study (Chan, W. et al. “Ventilation and Indoor Air Quality in new California Homes with Gas Appliances and Mechanical Ventilation”, May 22, 2019, Lawrence Berkeley National Lab) which LIUNA overstates and which has questionable application to the Project.

LIUNA claims that the 2019 study shows that, even with houses built with CARB-compliant materials, formaldehyde off-gassing may create impacts to sensitive receptors. The 2019 study reviewed 70 homes built between 2011 and 2017. While the CARB composite wood standards were adopted in 2007 and the phase 2 standards went into effect in July 2012, under

the regulation retailers could legally sell Phase 1 compliant products from their existing inventory through December 31, 2013. See ARB Composite Wood Products FAQ, p. 2 [https://www.arb.ca.gov/toxics/compwood/consumer\\_faq.pdf](https://www.arb.ca.gov/toxics/compwood/consumer_faq.pdf) (“Retailers (such as big box stores, small retailers) are allowed to sell Phase 1 compliant products until December 31, 2013”). Thus, it was not until January 2014 that all wood composite products in the marketplace were compliant with CARB’s standards. Therefore, at least some, if not many, of the homes in the study (built between 2011 and 2017) had products that were not in compliance with the now required phase 2 CARB standards. This fact would affect the calculations of health risk that Mr. Offerman relies on to allege that the Project will have significant health impacts.

Second, the 2019 study required participants to keep their windows closed for the duration of the study and rely on mechanical ventilation, creating an atypical situation. In reality, many participants related that they generally keep their windows open for hours at a time during spring, summer, and fall and prior research showed that self-reported window usage was below actual usage. Chan et al. at 40 (“[i]n summer, fall, and spring, approximately half of the homes (47% on average) reported substantial window use (>2 hours per day on average); but during winter more than half (57%) reported not opening their windows at all. For context, it is important to note the finding of Offermann (2009) that actual window use exceeded seasonal projected use in the sample of homes for which both types of data were available”). This use of ventilation would greatly reduce formaldehyde concentrations in indoor air and thus the studies do not accurately capture real-world behavior. In addition, the studies on indoor formaldehyde assume a continuous 24-hour exposure and 100% absorption by the respiratory system, further unrealistic assumption unsupported by substantial evidence. For these reasons, the Project can be distinguished from the homes studied in the 2019 study.

Finally, Mr. Offermann’s claim that the Project would result in significant impacts is based on pure speculation and assumption, regarding Project construction and materials, regarding health risk modeling of formaldehyde, regarding how much ventilation there will be in Project homes, and regarding application of a significance threshold that is not formaldehyde specific. CEQA does not require speculation. CEQA Guidelines § 15145; *Laurel Heights Improvement Association v. Regents of the University of California* (1988) 47 Cal. 3d 376 (where future development is unspecified and uncertain, no purpose can be served by requiring an EIR to engage in sheer speculation as to future environmental consequences). The 2019 study relied on by the commenter simply does not conclude that formaldehyde constitutes a significant impact.

Nor does anything in the LIUNA letter trigger further analysis under the California Supreme Court’s decision in *California Building Industry Ass’n v. Bay Area Air Quality Mgmt. Dist.* (2015) 62 Cal.4th 369 (“CBIA”). In that case, the Supreme Court held that “when a proposed project risks exacerbating those environmental hazards or conditions that already exist, an agency must analyze the potential impact of such hazards on future residents or users.” *Id.* at 377 (emphasis added). As the formaldehyde emissions at issue do not “already exist”, nothing in CBIA suggests that this impact must be considered under CEQA. In CBIA the court firmly declined to expand CEQA, and held that the CEQA Guidelines at issue “are valid to the extent they call for evaluating a project’s potentially significant *exacerbating* effects on existing environmental hazards—effects that arise because the project brings “development and people into the area affected.” *Id.* at 388 (emphasis in original). Thus, CBIA was about analyzing the

potential impacts from existing environmental conditions, such as emissions from nearby roadways, flood zone location, or earthquake hazards, that could be exacerbated by a project and thus cause impacts on a project's residents or other residents. There is no "area affected" by indoor air quality issues from the Project at this time because the Project does not exist.

Like LIUNA, the appellants in *Concerned Dublin Citizens v. City of Dublin* argued that evolving regulations necessitated supplementation. *Concerned Dublin Citizens*, 214 Cal. App. 4th at 1318. In that case, the petitioner argued that the city was required to supplement prior CEQA review due to new information regarding the effects of greenhouse gas emissions ("GHGs"). The court disagreed finding that, even though the prior EIR in question failed to analyze emission impacts at all, the impacts were known at the time the EIR was prepared and the evolving standards did not constitute new information. *Id.* at 1319. In this proceeding, LIUNA has not illustrated how the formaldehyde study constitutes new information about potential health risks or even health risks from formaldehyde specifically. As LIUNA admits, the effects of indoor formaldehyde emissions were known in 2017. None of the assumption on which the City relied on in the MND have changed. The City cannot be compelled to supplement its environmental analysis because LIUNA has offered a study which in fact shows nothing has changed.

*b. LIUNA Has Not Demonstrated a New or Worsened Significant Impact.*

LIUNA and Mr. Offermann argue that new information shows that CARB's regulation of formaldehyde in composite wood products has not reduced indoor formaldehyde emissions below the Bay Area Air Quality Management District's ("BAAQMD") CEQA threshold. Essentially, LIUNA and Mr. Offermann are arguing that nothing has changed from 2017. If emissions have not changed, then there can be no new or worsened significant impact from what was analyzed in 2017.

The MND completed for the Project in 2017 addressed potentially significant impacts to sensitive receptors from air pollutants and required Mitigation Measure AIR-2, which requires central heating and ventilation systems that meet an efficiency standard of MERV 13 and must include installation of a high efficiency filter and/or carbon filter. Mission Village Initial Study/Mitigation Negative Declaration, p. 19. Thus, the potential impact on sensitive receptors of air pollution was already assessed in the MND and as explained above, the 2019 study does not support the conclusion that indoor air emissions of formaldehyde are now somehow a new or worse significant impact than in 2017.

*c. LIUNA Has Not Identified Any New or Previously Infeasible Mitigation that the Applicant Has Declined to Adopt.*

LIUNA has not identified any new mitigation measures or mitigation measures previously found infeasible that would reduce an effect, that the Applicant has declined to adopt.

For these reasons, we urge the City to deny the Aguilar appeal of the Planning Commission staff extension of the VTTM and SPR for the Mission Village Mixed Use Development.

Sincerely,

HOLLAND & KNIGHT LLP



Marne S. Sussman

cc: Doug Rich, Valley Oak Partners, LLC

Joseph Brick, Assistant City Attorney, [Joseph.Brick@hayward-ca.gov](mailto:Joseph.Brick@hayward-ca.gov)

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Michael Lawson, City Attorney, [Michael.Lawson@hayward-ca.gov](mailto:Michael.Lawson@hayward-ca.gov)

**CONDITIONS OF APPROVAL  
AS APPROVED BY THE PLANNING COMMISSION ON  
January 12, 2017**

**Mission Village Mixed-Use Development**

Macdonald & Sommer, LP/Edwin Sommer, LLC Etal./GAR Corp /Caltrans (owners)  
Doug Rich, Valley Oak Partners (applicant)

**Vesting Tentative Tract Map 8304 and Site Plan Review Application No. 201504677**

**Proposed Mixed Use Development consisting of 72 residential townhomes and 8,000 square feet of commercial space on a 5.88-acre parcel located at the southwest corner of Mission Boulevard and Industrial Parkway**

**GENERAL**

1. The developer shall assume the defense of and shall pay on behalf of and hold harmless the City, its officers, employees, volunteers and agents from and against any or all loss, liability, expense, claim costs, suits and damages of every kind, nature and description directly or indirectly arising from the performance and action of this permit.
2. Any proposal for alterations to the conditionally approved site plan and/or design that does not require a variance to any zoning ordinance standard shall be approved by the Development Services Director (Development Services Director) or his/her designee, prior to implementation. Alterations requiring a variance shall be subject to review by the Planning Commission.
3. Site Plan Review Application No. 201504677 is a request to construct 72 townhomes and 8,000 square feet of commercial space at the corner of Mission Boulevard and Industrial Parkway. The project shall be built and the site shall be maintained in accordance with these Conditions of Approval and the approved plans, labeled **Exhibit A - Site Plan Review and Vesting Tentative Tract Map 8304, dated September 26 and 28, 2016**. Project approval shall be void two years after issuance of the building permits, or three years after approval of vesting tentative tract map application, whichever is later, unless the construction authorized by the building permits has been substantially completed or substantial sums have been expended in reliance upon the project approval.
4. This approval is subject to the approved Mitigation Monitoring and Reporting Program mitigation measures, which are included herein below.



## **ENVIRONMENTAL IMPACT MITIGATION MEASURES**

5. **Mitigation Measure AIR-1:** The construction contractor(s) shall implement the following BMPs during project construction:
  - All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day.
  - All haul trucks transporting soil, sand, or other loose material off-site shall be covered.
  - All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.
  - All vehicle speeds on unpaved roads shall be limited to 15 mph.
  - All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible and feasible. Building pads shall be laid as soon as possible and feasible after grading, unless seeding or soil binders are used.
  - Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to five minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations [CCR]). Clear signage shall be provided for construction workers at all access points.
  - All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation.
  - Post a publicly visible sign with the telephone number and person to contact at the Lead Agency regarding dust complaints. This person shall respond and take corrective action within 48 hours. The Air District's phone number shall also be visible to ensure compliance with applicable regulations.
6. **Mitigation Measure AIR-2:** The applicant shall install, operate and maintain in good working order a central heating and ventilation (HV) system or other air take system in the buildings or in each of the units, that meets or exceeds an efficiency standard of MERV 13. The HV system shall include the following features: installation of a high efficiency filter and/or carbon filter to filter particulates and other chemical matter from entering the building, either HEPA filters or ASHRAE 85% supply filters may be used. In addition, the project applicant shall prepare an operation and maintenance manual for the HV system and filter. The manual shall contain the operating instructions and the maintenance and replacement schedule

for the HV system and the filters. This manual shall be included in the CC&Rs for the project. Alternatively, the applicant shall retain a qualified air quality consultant to prepare a health risk assessment (HRA) in accordance with the CARB and the Office of Environmental Health and Hazard Assessment requirements to determine the exposure of project residents to air pollutants and submit that HRA to the Development Services Department for review and approval prior to issuance of a grading or building permit. The approved HRA recommendations shall be incorporated within the final project design.

7. **Mitigation Measure BIO-1:** If construction activities commence outside the nesting season (generally September 1 through February 28), pre-construction surveys are not required. However, if construction commences outside the nesting season and extends into the nesting season, and is suspended for more than 14 days, a pre-construction survey that is detailed in **Mitigation Measure BIO-2**, below, will be implemented.
8. **Mitigation Measure BIO-2:** If construction commences during the nesting season (March 1 through August 31), a pre-construction survey for active nests will be conducted within 15 days prior to the start of work. Given the urban setting of the project site and the construction staging area, the radius of the pre-construction survey will be determined in consultation with the California Department of Fish and Wildlife (CDFW). Typically, a 250-foot buffer for passerines and other unlisted/non-raptor species, 500-foot buffer for unlisted raptor species, and 0.5-mile buffer for listed raptor species are required. However, exceptions can be made based on the species of bird nesting, activities proposed, and for noise attenuation provided by intervening buildings in urban areas. Once the survey area is established, a survey of all appropriate nesting habitat will be conducted to locate any active nests. In the event that active nests are identified, appropriate buffer zones and types of construction activities restricted within the buffer zones will be determined through consultation with the CDFW. The buffer zones will be implemented and maintained until the young birds have fledged and no continued use of the nest is observed, as determined by a qualified biologist.
9. **Mitigation Measure CUL-1:** In the event human remains, archaeological resources, paleontological resources, prehistoric artifacts are discovered during construction excavation, the following procedures shall be followed:
  - a) Construction and/or excavation activities shall cease immediately and the Planning Division shall be notified.
  - b) A qualified archaeologist shall be consulted to determine whether any such material is significant prior to resuming groundbreaking construction activities.
  - c) Standardized procedures for evaluating accidental finds and discovery of human remains shall be followed as prescribed in Section 15064.5 of the California Environmental Quality Act.

- d) Standard procedures for grading operations would be followed during development, which require that such remains or resources are discovered grading operations are halted and the resources/remains evaluated by a qualified professional and, if necessary mitigation plans are formulated and implemented.
10. **Mitigation Measure GEO-1:** Prior to issuance of a Building permit, the applicant shall conduct a site- specific design level geotechnical evaluation and submit that for review and approval and any recommendations shall be incorporated into the final design of the project.
  11. **Mitigation Measure HAZ-1:** Prior to issuance of Building or Grading Permits, a determination indicating the property is deemed suitable for the proposed redevelopment shall be obtained from either the California Regional Water Quality Control Board or the Department of Toxic Substance Control and submitted to the Hayward Fire Department, with copy to the Planning Division. The determination will verify that the property meets investigation and cleanup standards for residential development. Allowance may be granted for some grading activities, if necessary, to ensure environmental clearances
  12. **Mitigation Measure HAZ-2:** Prior to the demolition of the existing structures, asbestos containing materials (ACM) and lead-based paint (LBP) surveys shall be conducted to determine the presence of hazardous building materials. Should ACMs, LBP or other hazardous substance containing building materials be identified, these materials would be removed using proper techniques in compliance with all applicable State and federal regulations, including the BAAQMD rule related to asbestos.
  13. **Mitigation Measure NOI-1:** The following measures shall be incorporated into the proposed project to reduce interior noise levels:
    - a) Based on a review of the available site plan provided at the time of this analysis, preliminary calculations indicate that first row of townhomes along Industrial Parkway shall require windows and doors with a minimum STC rating of 36 to meet the interior noise threshold established by the City. The second row of townhomes along Industrial Parkway shall require windows and doors with a minimum STC rating of 28.
    - b) The first row of townhomes along Mission Boulevard shall require windows and doors with a minimum STC rating of 40, while the second row would require a minimum STC rating of 28 to satisfy the City's 45 dBA Ldn threshold.
    - c) Standard construction materials with the incorporation of forced-air mechanical ventilation would be adequate for the remaining residential buildings on the property. Figure 2 shows the required STC ratings for windows and doors.

- d) A suitable form of forced-air mechanical ventilation, as determined by the local building official, shall be provided for all units on the project site, so that windows can be kept closed at the occupant's discretion to control interior noise and achieve the interior noise standards.
- e) A qualified acoustical consultant shall review the final site plan, building elevations, and floor plans prior to issuance of building or grading permits and recommend building treatments to reduce interior noise levels at the residential units to 45 dBA Ldn or lower. At the proposed commercial building, the consultant should ensure that the interior noise levels are at or below 50 dBA Leq(1-hr).

#### Sustainability/Green Features

- 14. The project shall comply with the California Energy Code standards for Solar Ready Homes that are in effect at the time of building permit application submittal, as determined by the City Building Official, which shall require coordination between the project architect and energy consultant regarding the design and orientation of roof surfaces. Additionally, solar photovoltaic systems shall be installed atop the roofs of the commercial and residential buildings.
- 15. The residential component of the project shall be GreenPoint Rated, with evidence of such certification/rating to be submitted **prior to issuance of certificates of occupancy**.
- 16. Conduit and fiber is required to be installed in the private streets from Mission Boulevard and Industrial Parkway to serve the residents of the 72 townhomes.
- 17. The developer shall provide bicycle parking as proposed including the 4 bike lockers and 20 bike racks.
- 18. Per CalGreen standards, each garage shall be equipped with infrastructure for electrical vehicle charging.
- 19. All improvements shall be designed and constructed in accordance with the State Subdivision Map Act, City of Hayward Subdivision Ordinance (Municipal Code – Chapter 10, Article 3), and Standard Specifications and Details – unless otherwise indicated hereinafter.
- 20. All final exterior building finishes, paint colors and other architectural details shall be reviewed and approved by the Planning Division in accordance with the City of Hayward's Design Guidelines prior to issuance of a building permit for the project.

**Planning Division**

21. The Project shall adhere to the following Bay Area Air Quality Management District (BAAQMD) “Basic Construction Mitigation Measures”.
  - a. All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day.
  - b. All haul trucks transporting soil, sand, or other loose material off-site shall be covered.
  - c. All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.
  - d. All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.
  - e. All diesel powered equipment ( $\geq 100$  horsepower) shall be California Air Resources Board (CARB) Tier 3 Certified or better.
  - f. Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to five minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations [CCR]). Clear signage shall be provided for construction workers at all access points.
  - g. All construction equipment shall be maintained and properly tuned in accordance with manufacturer’s specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation.
  - h. Post a publicly visible sign with the telephone number and person to contact at the Lead Agency regarding dust complaints. This person shall respond and take corrective action within 48 hours. The Air District’s phone number shall also be visible to ensure compliance with applicable regulations.
22. Prior to building permit issuance, developer must pay all applicable development fees, as determined by the City Engineer in accordance with the most current approved fee schedule adopted by the City Council, including but not limited to, utility connection fees.
23. Park Dedication In-Lieu Fees are required for all new dwelling units. Fees shall be those in effect at the time of the Vesting Tentative Tract Map is approved. All Park dedication in-lieu fees shall be paid prior to issuance of a Certificate of Occupancy for a residential unit.
24. The developer/subdivider shall be obligated for the following additional fees. The amount of the fee shall be in accordance with the fee schedule in effect at the time Vesting Tentative Tract Map was accepted as complete, unless otherwise indicated herein:
  - a. Supplemental Building Construction and Improvement Tax,

b. School Impact Fee

25. Unless otherwise stated, all necessary easements shall be dedicated, and all improvements shall be designed and installed, at no cost to the City of Hayward.
26. Unless indicated otherwise, the design for development shall comply with the following:
  - a) All improvements shall be designed and constructed in accordance with the City of Hayward Municipal Code – Chapter 10, Articles 1 and 3, and Standard Specifications and Details.
  - b) All construction shall meet the California Building Codes (CBC) and all applicable City of Hayward Building Codes and amendments, including Green Building standards.
  - c) Design and construction of all pertinent life safety and fire protection systems shall meet the California Fire Code and all applicable City of Hayward Fire Codes and amendments.
27. A Registered Civil Engineer shall prepare all Civil Engineering improvement plans; a Licensed Architect shall prepare all architectural plans; and a Licensed Landscape Architect shall prepare all landscape unless otherwise indicated herein.
28. The developer shall not obstruct the noted sight distance areas. Overall cumulative height of the grading, landscaping & signs as determined by sight distance shall not exceed 2 feet when measured from street elevation
29. All existing public utilities shall be protected in place and if necessary relocated as approved by the City Engineer. No permanent structure is permitted within City easements and no trees or deep rooted shrubs are permitted within City utility easements, where the easement is located within landscape areas.
30. Prior to any work within public right of way or City easement, the developer shall obtain an encroachment permit from the City.
31. It is applicant's responsibility to get permit or approval from all affected agencies or private parties. Please provide a copy of these permits or approval to the City with your building permit application submittal.
32. Prior to building permit issuance, final map shall be recorded and subdivision improvement agreement approved and bonding for improvement provided.
33. Prior to or concurrent with final map recordation, developer shall dedicate necessary easements for the project development, including but not limited to 4-foot Public Utility easement along Mission Boulevard frontage.

34. Prior to or concurrent with final map recordation, developer shall vacate or quit claim all un-necessary easements as depicted on the Tentative map.
35. Prior to issuance of any building permits, developer shall obtain approval from the City Engineer of the water, sewer, and storm drain studies for this development, if such studies are deemed necessary by the pertinent City department. These studies shall identify the development's effect on the City's present infrastructure and the impact of this development on the trunk lines. If the results of the study indicate that this development contributes to the over-capacity of the trunk line, it is anticipated that the developer will be required to mitigate the overflow or shortage by construction of a parallel line or pay a mitigation charge, if acceptable to the City Engineer.
36. Storm Water Pollution Prevention Plan (SWPPP) shall be submitted to the City for review and approval of the City Engineer. All reports such as Soil Report, SWPPP, and SWMP are to be submitted in bound form. The Soil Report and SWMP shall be wet-stamped and signed by the engineer. The certification page of the SWPPP shall be signed by a Qualified SWPPP Developer (QSD) person who prepared the report. Documents that are clipped or stapled will not be accepted.
37. The developer shall submit an AutoCAD file format (release 2010 or later) in a CD of approved map and 'as-built' improvement plans showing all public improvements and utility layouts that can be used to update the City's Base Maps.
38. Prior to recordation, a proposed Final Tract Map shall be submitted for review by the City. The Final Tract Map shall be presented to the City Council for review and action. The City Council meeting will be scheduled approximately sixty (60) days after the Final Map is deemed technically correct, and Subdivision Improvement Plans with supporting documents, reports and agreements are approved by the City. Executed Final Map shall be returned to the City Public Works Department if Final Map has not been filed in the County Recorder's Office within ninety (90) days from the date of City Council's approval.
39. The Developer/Applicant shall submit a proposed construction phasing and scheduling for the installation of improvements prior to the approval of Final Map.
40. Prior to the recordation of the Final Tract Map, all documents that need to be recorded with the final map shall be approved by the City Engineer and any unpaid invoices or other outstanding charges accrued to the City for the processing of the subdivision application shall be paid.
41. The final map shall reflect all easements needed to accommodate the project development. The private streets shall be designated as a Public Utility Easement (PUE), Public Assess Easement (PAE), Water Line Easement (WLE), Sanitary Sewer Easement (SSE), and Emergency Vehicle Access Easement (EVAE).

42. Prior to building permit issuance, the developer shall obtain design approval and bond for all necessary public improvements along Mission Boulevard and Industrial Parkway, including but not limited to the following:
- a) Removal and replacement of all street trees, curb, gutter, and sidewalk.
  - b) Grind and overlay and restripe half the width of Mission Boulevard and half the width of Industrial Parkway, with 2" hot mix asphalt, and dig outs and repair failed pavements as necessary, as directed by the City Engineer and consistent with determinations per Condition No. 43, after all underground work is completed, including median modifications as noted in Condition No. 139..
  - c) Remove and replace street lights on street frontage.
  - d) Install new Storm Drain line along property frontage on Mission Boulevard and Industrial Parkway, conveying and connecting the storm water to the existing manhole on Industrial Parkway. If construction for the Mission Boulevard Improvement – Phase 2 Project starts prior to the start of construction of Tract 8304 development, then the developer/property owner shall install the proposed storm drain along Mission Boulevard and Industrial Parkway prior to the completion of the pavement improvements or pay for the restoration of the new street improvements.
  - e) Remove, replace, and plant street trees along project frontages per City Landscape Architect direction.

Plans for all public improvements shall be prepared on Mylar (22"X34" sheets) and developer shall submit a digital format of the Record Drawings (AutoCAD format is preferred) upon completion of improvements. The public facilities such as water meters, RP backflow preventers, sewer clean outs, etc., shall be placed so access is maintained and kept clear of traffic. All improvements must be in accordance with the City of Hayward standard detail and specs and built to the city Engineer's satisfaction, and accepted by the City prior to issuance of any first certificate of occupancy for the project.

43. The frontage improvements along Mission Boulevard shall be consistent with the concept plan for the Phase 2 Mission Boulevard Corridor Improvements. Developer shall construct the project frontage along Mission Boulevard, including concrete curb, gutter, sidewalk, landscape, lighting, utilities and drainage system, and required pavement repairs to the center-line of Mission Boulevard. Developer may pay the City the estimated cost of \$250,000 for installing the pavement improvements, with the developer to install the remaining improvements along the Mission Boulevard frontage. The estimated cost for the pavement improvements shall be paid prior to building permit issuance.



44. Prior to building permit issuance, developer shall execute a public improvement agreement and post bonds with the City that shall secure the construction of the public improvements. Insurance shall be provided per the terms of the agreement. The agreement shall be secured for an amount of 100% of the engineer's estimate of the construction cost for faithful performance and 100% of the engineer's estimate of the construction cost for labor & materials.
45. Developer shall comply with the regional permits requirements for both pre-construction and post-construction requirements. Storm water management shall be in compliance with Municipal Regional Permit.
46. The following materials related to the Storm water quality treatment facility requirements shall be submitted with improvement plans and/or grading permit application:
  - a) A Stormwater Treatment Measures Maintenance Agreement shall be submitted to Public Works - Engineering and Transportation Department staff for review and approval. Once approved, the Maintenance Agreement shall be recorded with the Alameda County Recorder's Office to ensure that the maintenance is bound to the property in perpetuity.
  - b) The project plans shall include the storm drain design in compliance with post-construction stormwater requirements to provide treatment of the stormwater according to the National Pollutant Discharge Elimination System (NPDES) permit's numeric criteria. The design shall comply with the C.3 established thresholds and shall incorporate measures to minimize pollutants to the maximum extent practicable (MEP).
  - c) The project plans shall identify Best Management Practices (BMPs) appropriate to the uses conducted on-site to effectively prevent the entry of pollutants into storm water runoff. Roof leaders and direct project runoff shall be treated prior to discharging into the Public Storm Drain system.
  - d) The proposed BMPs shall be designed to comply with the hydraulic sizing criteria listed in Provision C.3 of the Alameda County Clean Water Program (ACCWP) NPDES permit.
  - e) The bioretention treatment area shall be designed using a Bioretention Soil Mix (BSM) per Attachment L of the C.3 Stormwater Technical Guidance dated May 14, 2013, with a minimum infiltration rate of 5 inches per hour.
  - f) The following documents pursuant to the Cleanwater Program requirements:
    - i. Hydromodification Management Worksheet;
    - ii. Infiltration/Rainwater Harvesting and Use Feasibility Screening Worksheet;

- iii. Development and Building Application Information Impervious Surface Form;
  - iv. Project Applicant Checklist of Stormwater Requirements for Development Projects;
  - v. C.3 and C.6 Data Collection Form; and,
  - vi. Numeric Sizing Criteria used for stormwater treatment (Calculations).
47. The Stormwater Treatment Measures Maintenance Agreement for the project, prepared by Public Works Engineering and Transportation Division staff, shall be signed and recorded in concurrence with the Final Map at the Alameda County Recorder's Office to ensure that the maintenance is bound to the property in perpetuity.
  48. Construction activities which disturb 1 acres or greater are viewed as a source of pollution and the RWQCB requires a Notice of Intent (NOI) be filed, along with obtaining an NPDES Construction Permit prior to the start of construction. Followings are the specific requirements for regulated construction sites:
    - a. A Storm Water Pollution Prevention Plan (SWPPP) shall be submitted with a design to reduce discharge of pollutants and sediments into the downstream storm drain system during the construction. The plan shall meet the approval of the City Engineer. The certification page of the SWPPP shall be signed by a Qualified SWPPP Developer (QSD) person who prepared the report.
    - b. Before commencing any grading or construction activities at the project site, the developer may need to obtain a National Pollutant Discharge Elimination System (NPDES) permit and provide evidence of filing of a Notice of Intent (NOI) with the State Water Resources Control Board.
  49. The developer is responsible for ensuring that all contractors are aware of all storm water quality measures and implement such measures. Failure to comply with the approved construction BMPs will result in the issuance of correction notices, citations or a project stop order.
  50. The onsite and offsite improvement plans shall be approved by the Alameda County Flood Control and- Water Conservation District (AFC&WCD), prior to the City Engineer approval. If the project storm drainage study indicates that the project contributes to the over-capacity of the trunk line, the developer will be required by the AFC&WCD to mitigate the overflow or shortage by construction of a parallel line, or upsizing of the existing facility. The offsite improvement plan shall reflect the ACFC&WCD recommendation/requirement, based on the drainage study.
  51. The on-site storm drain system is privately owned and maintained by the property management association.

52. A detailed drainage plan, to be approved by the Alameda County Flood Control and Water Conservation District (ACFC&WCD) and the City Engineer, designing all on-site drainage facilities to accommodate the runoff associated with a ten (10) year storm and incorporating onsite storm water detention measures sufficient to reduce the peak runoff to a level that will not cause capacity of downstream channels to be exceeded. Existing offsite drainage patterns, i.e., tributary areas, drainage amount and velocity shall not be altered by the development. The detailed grading and drainage plan with supporting calculations and a completed Drainage Review Checklist shall be approved by the City Engineer and by the ACFC&WCD prior to issuance of any construction or grading permit.
53. At the time of final map approval, the developer shall submit a grading plan and a drainage study prepared by a registered Civil Engineer. The drainage study shall analyze the existing and ultimate conditions and facilities. The study shall be reviewed and approved by the City Engineer and the developer shall satisfy the conclusions and recommendations of the approved drainage study prior to final map approval of the first phase of development.
54. The project plan measures shall also include erosion control measures to prevent soil, dirt, debris and contaminated materials from entering the storm drain system, in accordance with the regulations outlined in the ABAG Erosion and Sediment Control Handbook.
55. Improvements for storm drain systems shall incorporate the following:
  - a) The locations and design of storm drains shall meet the City's standard design and be approved by the City Engineer and if necessary, the Alameda County Flood Control and Water Conservation District (ACFC&WCD). Any alternative design shall be approved by the City Engineer prior to installation.
  - b) Storm drain pipes in streets and alleys shall be a minimum of twelve inches in diameter with a minimum cover of three feet over the pipe.
  - c) The latest edition of the Alameda County Flood Control and Water Conservation District's Hydrology and Hydraulics Criteria Summary shall be used to determine storm drainage runoff. A detailed grading and drainage plan with supporting calculations and a completed Drainage Review Checklist shall be submitted, which shall meet the approval of the Alameda County Flood Control and Water Conservation District (ACFC&WCD) and the City. Development of this site shall not augment runoff to the ACFC&WCD's downstream flood control facilities. The hydrology calculations shall substantiate that there will be no net increases in the quantity of runoff from the site versus the flow rate derived from the original design of downstream facilities.
  - d) The project shall not block runoff from, or augment runoff to, adjacent properties. The drainage area map developed for the project hydrology design shall clearly

indicate all areas tributary to the project area. The developer is required to mitigate unavoidable augmented runoffs with offsite and/or on-site improvements.

- e) No surface runoff is allowed to flow over the sidewalks and/or driveways. Area drains shall be installed behind the sidewalks to collect all runoff from the project site.
  - f) All storm drain inlets must be labeled "No Dumping - Drains to Bay," using City-approved methods.
  - g) The starting water surface elevation(s) for the proposed project's hydraulic calculations and the corresponding determination of grate/rim elevations for all the on-site storm drainage structures shall be based on Federal Emergency Management Agency's Flood Insurance Study for the 100-year storm event.
  - h) Post-development flows should not exceed the existing flows. If the proposed development warrants a higher runoff coefficient or will generate greater flow, mitigation measures shall be implemented.
- 56. Sewer service is available from the City of Hayward and is subject to standard conditions and fees in effect at the time of application.
  - 57. Water service is available from the City of Hayward and is subject to standard conditions and fees in effect at the time of application.
  - 58. 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.
  - 59. All water series from existing water mains shall be installed by City Water Distribution Personnel at the applicant/developer's expense. This includes relocating existing services and water main tie-ins. The developer may only construct new services in conjunction with the construction of new water mains. Only Water Distribution Personnel shall perform operation of valves on the Hayward Water
  - 60. Each different proposed use, residential and commercial, shall have an individual water meters.
    - a) All water meters shall be radio-read type.

- b) Water meters shall be located a minimum of two feet from the top of driveway flare as per City Standard SD-213 thru SD-218.
61. 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 Standard SD-201 and SD-204.
  62. Where water mains are in on unpaved easement or under decorative, stamped, or colored concrete (including turf-block), the water mains shall be constructed of ductile iron pipe. Shut-off valves are required where a water main transitions from a paved area to an unpaved easement.
  63. Separate irrigation water meter shall be installed for landscaping purposes. The applicant/developer shall install a Reduced Pressure Backflow Prevention Assembly on each irrigation water meter, per City Standard SD-202. Backflow prevention assemblies shall be at least the size of the water meter or the water supply line on the property side of the meter, whichever is larger.
  64. All service to the development shall be an "underground service" designed and installed in accordance with the Pacific Gas and Electric Company, AT&T (phone) Company and local cable company regulations. Transformers and switch gear cabinets shall be placed underground unless otherwise approved by the Planning Director and the City Engineer. Underground utility plans must be submitted for City approval prior to installation.
  65. All proposed surface-mounted hardware (fire hydrants, electroliers, etc.) along the Mission Boulevard shall be located outside of the sidewalk within the proposed Public Utility Easement in accordance with the requirements of the City Engineer or, where applicable, the Fire Chief.
  66. The developer shall provide and install the appropriate facilities, conduit, junction boxes, etc., to allow for installation of a fiber optic network within the development.
  67. All utilities shall be designed in accordance with the requirements of the City of Hayward and applicable public agency standards.
  68. The improvements associated with the Pacific Gas and Electric Company, AT&T (phone) company and local cable company shall be installed to the satisfaction of the respective companies.
  69. Prior to building permit issuance, submit the following documents for review and approval, or for City project records/files:
    - a. Copy of the Notice of Intent filed with State Water Resources Control Board;
    - b. Engineer's estimate of costs, including landscape improvements;

- c. Easement document;
  - d. Signed Public Improvement Agreement; and
  - e. Public Improvement bonds.
70. To avoid or reduce the potential impact related to the site specific geotechnical hazards related to seismic hazards, the project developer shall implement the following mitigation measures:
- a. The applicant shall submit a final grading plan subject to review by the City Engineer prior to issuance of grading permits.
  - b. New construction will comply with the latest California Building Code and mitigation measures outlined in the Geotechnical Investigation report.
  - c. For each building constructed in the development plan area, the required site specific geotechnical investigation shall address expansive soils and provide appropriate engineering and construction techniques to reduce potential damage to buildings.
  - d. To reduce the potential impacts related to the presence of low to moderately expansive clays in the subsurface soils of the project site, mitigation measures to avoid the effects of expansive soils outlined in the Geotechnical Investigation shall be followed.
71. The developer shall ensure that unpaved construction areas are sprinkled with water as necessary to reduce dust generation. Construction equipment shall be maintained and operated in such a way as to minimize exhaust emissions. If construction activity is postponed, graded or vacant land shall immediately be revegetated.
72. Prior to the issuance of a grading permit and/or the beginning of any construction activity on-site, the Developer's Engineer shall complete a Development and Building Application information comprising of: (1) Impervious Material Form, and (2) Operation and Maintenance Information for Storm Water Treatment Measures.
73. All diesel powered equipment (&#8805; 100 horsepower) shall be California Air Resources Board (CARB) Tier 3 Certified or better.
74. The following control measures for construction noise, grading and construction activities shall be adhered to, unless otherwise approved by the Planning Director or City Engineer:
- a. Grading and site construction activities shall be limited to the hours of 7:30 AM to 6:00 PM Monday through Friday with no work on weekends and Holidays,

unless revised hours and days are authorized by the City Engineer. Building construction hours are subject to Building Official's approval;

- b. Grading and construction equipment shall be properly muffled;
- c. Unnecessary idling of grading and construction equipment is prohibited;
- d. Stationary noise-generating construction equipment, such as compressors, shall be located as far as practical from occupied residential housing units;
- e. Applicant/developer shall designate a "noise disturbance coordinator" who will be responsible for responding to any local complaints about construction noise. Letters shall be mailed to surrounding property owners and residents within 300 feet of the project boundary with this information.
- f. The developer shall post the property with signs that shall indicate the names and phone number of individuals who may be contacted, including those of staff at the Bay Area Air Quality Management District, when occupants of adjacent residences find that construction is creating excessive dust or odors, or is otherwise objectionable. Letters shall also be mailed to surrounding property owners and residents with this information prior to commencement of construction.
- g. Daily clean-up of trash and debris shall occur on project street frontages, and other neighborhood streets utilized by construction equipment or vehicles making deliveries.
- h. Gather all construction debris on a regular basis and place them in a dumpster or other container which is emptied or removed on a weekly basis. When appropriate, use tarps on the ground to collect fallen debris or splatters that could contribute to storm water pollution;
- i. Remove all dirt, gravel, rubbish, refuse and green waste from the sidewalk, street pavement, and storm drain system adjoining the project site. During wet weather, avoid driving vehicles off paved areas and other outdoor work;
- j. The site shall be watered twice daily during site grading and earth removal work, or at other times as may be needed to control dust emissions;
- k. All grading and earth removal work shall follow remediation plan requirements, if soil contamination is found to exist on the site;
- l. Pave, apply water three times daily, or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas and staging areas at construction sites;
- m. Sweep daily (with water sweepers) all paved access roads, parking areas and staging areas at construction sites;

- n. Sweep public streets daily if visible soil material is carried onto adjacent public streets;
  - o. Apply (non-toxic) soil stabilizers or hydroseed to inactive construction areas (previously graded areas inactive for 10-days or more);
  - p. Enclose, cover, water twice daily or apply (non-toxic) soil binders to exposed stockpiles (dirt, sand, etc.).
  - q. Broom sweep the sidewalk and public street pavement adjoining the project site on a daily basis. Caked on mud or dirt shall be scraped from these areas before sweeping;
  - r. No site grading shall occur during the rainy season, between October 15 and April 15, unless approved erosion control measures are in place.
  - s. Install filter materials (such as sandbags, filter fabric, etc.) at the storm drain inlet nearest the downstream side of the project site prior to: 1) start of the rainy season; 2) site dewatering activities; or 3) street washing activities; and 4) saw cutting asphalt or concrete, or in order to retain any debris or dirt flowing into the City storm drain system. Filter materials shall be maintained and/or replaced as necessary to ensure effectiveness and prevent street flooding. Dispose of filter particles in the trash;
  - t. Create a contained and covered area on the site for the storage of bags of cement, paints, flammables, oils, fertilizers, pesticides or any other materials used on the project site that have the potential for being discharged to the storm drain system through being windblown or in the event of a material spill;
  - u. Never clean machinery, tools, brushes, etc., or rinse containers into a street, gutter, storm drain or stream. See "Building Maintenance/Remodeling" flyer for more information;
  - v. Ensure that concrete/gunite supply trucks or concrete/plasters finishing operations do not discharge washwater into street gutters or drains; and
  - w. The developer shall immediately report any soil or water contamination noticed during construction to the City Fire Department Hazardous Materials Division, the Alameda County Department of Health and the Regional Water Quality Control Board.
75. The minimum soils sampling and testing frequency shall conform to Chapter 8 of the Caltrans Construction Manual. The subdivider shall require the soils engineer to daily submit all testing and sampling and reports to the City Engineer.
76. In the event that human remains, archaeological resources, prehistoric or historic artifacts are discovered during construction of excavation, the following procedures



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

77. Prior to final inspections, all pertinent conditions of approval and all improvements shall be completed to the satisfaction of the Planning Director.
78. All buildings shall be designed using the California Building Codes in effective at the time of submitting building permit applications.
79. All common area landscaping, irrigation and other required improvements shall be installed according to the approved plans.
80. All public improvements, including the complete installation of all improvements relative to streets, fencing, sanitary sewer, storm drainage, water system, underground utilities, etc., shall be completed and attested to by the City Engineer before approval of occupancy of any unit. Where facilities of other agencies are involved, such installation shall be verified as having been completed and accepted by those agencies.
81. Prior to the sale of any parcel, or prior to the acceptance of site improvements, whichever occurs first, Condominium Plan, and Conditions, Covenants and Restrictions (CC&R's) creating a homeowners' association (HOA) for the residential component of the property shall be reviewed and approved by the Planning Director and City Attorney and recorded. The CC&R's shall describe how the stormwater BMPs associated with privately owned improvements and landscaping shall be maintained by the association. The CC&Rs shall include the following provisions:
  - a) The CC&R's shall include provisions to allow future adjacent developments to annex into HOA if appropriate.
  - b) Each owner shall automatically become a member of the association(s) and shall be subject to a proportionate share of maintenance expenses.
  - c) A reserve fund shall be maintained to cover the costs of improvements and landscaping to be maintained by the HOA.
  - d) The HOA shall be managed and maintained by a professional property management company.
  - e) The HOA shall own and maintain on-site storm drain systems.
  - f) The HOA shall maintain the common area irrigation system and maintain the common area landscaping in a healthy, weed-free condition at all times. The

- home owner's association(s) representative(s) shall inspect the landscaping on a monthly basis and any dead or dying plants (plants that exhibit over 30% die-back) shall be replaced within fifteen days of notification to the homeowner. Plants in the common areas shall be replaced within two weeks of the inspection. Trees shall not be severely pruned, topped or pollarded. Any trees that are pruned in this manner shall be replaced with a tree species selected and size determined by the City Landscape Architect, within the timeframe established by the City and pursuant to the Hayward Municipal Code.
- g) A provision that if the HOA fails to maintain the decorative walls, landscaping and irrigation in all common areas for which it is responsible so that owners, their families, tenants, or adjacent owners will be impacted in the enjoyment, use or property value of the project, the City shall have the right to enter upon the project and to commence and complete such work as is necessary to maintain the common areas and private streets, after reasonable notice, and lien the properties for their proportionate share of the costs, in accordance with Section 10-3.385 of the Hayward Subdivision Ordinance.
  - h) A requirement that the building exteriors and fences shall be maintained free of graffiti. The owner's representative shall inspect the premises on a weekly basis and any graffiti shall be removed within 72 hours of inspection or within 72 hours of notification by the City.
  - i) A tree removal permit is required prior to the removal of any protected tree, in accordance with the City's Tree Preservation Ordinance.
  - j) The garage of each unit shall be maintained for off-street parking of two vehicles and shall not be converted to living or storage areas. An automatic garage door opening mechanism shall be provided for all garage doors.
  - k) The residents shall not use parking spaces for storage of recreational vehicles, camper shells, boats or trailers. These parking spaces shall be monitored by the HOA. The HOA shall remove vehicles parked contrary to this provision. The CC&R's shall include authority for the HOA to tow illegally-parked vehicles.
  - l) Individual homeowners shall maintain in good repair the exterior elevations of their dwellings. The CC&Rs shall include provisions as to a reasonable time period that a unit shall be repainted, the limitations of work (modifications) allowed on the exterior of the building, the formation of a design review committee and its power to review changes proposed on a building exterior and its color scheme, and the right of the home owners association to have necessary work done and to place a lien upon the property if maintenance and repair of the unit is not executed within a specified time frame. The premises shall be kept clean and free of debris at all times. Color change selections shall be compatible with the existing setting.

- m) Any future major modification to the approved site plan shall require review and approval by the Planning Commission.
  - n) Streetlights and pedestrian lighting shall be owned and maintained by the home owners association and shall have a decorative design approved by the Planning Director and the City Engineer.
  - o) Street sweeping of private streets, alleys and parking bays shall be conducted at least once a month.
  - p) Balconies may not be used for storage and personal items may not be draped over the railings.
  - q) The HOA shall ensure that no less than 75 percent of the units shall be owner-occupied. The CC&Rs shall further provide that the leasing of units as a regular practice for business, speculative investment or other similar purpose is not permitted. However, to address special situations and avoid unusual hardship or special circumstances, such as a loss of job, job transfer, military transfer, change of school or illness or injury that, according to a doctor, prevents the owner from being employed, the CC&Rs may authorize the governing body to grant its consent, which consent shall not be unreasonably withheld, to a unit owner who wishes to lease or otherwise assign occupancy rights to a specified lessee for a specified period.
  - r) The HOA shall maintain all fencing, parking surfaces, common landscaping, lighting, trash enclosures, drainage facilities, project signs, exterior building elevations, etc. The CC&Rs shall include provisions as to a reasonable time period that the building shall be repainted, the limitations of work (modifications) allowed on the exterior of the buildings, and its power to review changes proposed on a building exterior and its color scheme, and the right of the home owners association to have necessary work done and to place a lien upon the property if maintenance and repair of the unit is not executed within a specified time frame. The premises shall be kept clean.
  - s) The CC&Rs shall include a disclosure statement about the proximity of the development to the Mission Hills Golf Course.
82. The developer shall submit an "as built" plans indicating the following:
- a. Approved landscape and irrigation improvements;
  - b. All underground facilities, sanitary sewer mains and laterals, water services (including meter locations), Pacific Gas and Electric, AT&T (phone) facilities, local cable company, etc.;
  - c. All the site improvements, except landscaping species, buildings and appurtenant structures; and

d. Final Geotechnical Report.

**Building Division**

83. A demolition permit is required for the demolition of the existing building. A demo plan and a "J-Number" is required from the Bay Area Air Quality Management District prior to demolition.
84. Provide all the governing codes on plans. Applicable codes shall include the 2013 CA Building Code, 2013 CA Electrical Code, 2013 CA Mechanical Code, 2013 CA Plumbing Code, 2013 CA Green Building Standards Code, 2013 CA Energy Efficiency Standards and the City of Hayward Municipal Code and Ordinances.
85. Provide the type of construction, occupancy group and fire sprinkler info.
86. Provide fire-resistance rated wall assemblies (fire partitions) between dwelling units in the same building as required by CBC 420.2. Also, provide or verify fire-resistance rated wall and opening protection requirements based on the fire separation distance between buildings.
87. The project shall comply with the housing accessibility requirements per Ch. 11A and the common areas shall also comply with the accessibility requirements (such as parking, picnic/garden/play areas/components/etc.).
88. For clarity, show all the accessible route to and from the accessible parking, the public right-of-way (sidewalk), community park, community garden, play area, brand new retail space to the accessible units.
89. Provide capability for electric vehicle charging in new townhouses with attached private garages and 3 percent of total parking spaces, as specified, for multifamily dwellings.
90. The building shall be solar-ready and shall comply with the requirements as stipulated in CEC Section 110.10(b) through 110.10(d).
91. Other building code requirements (i.e. life and safety) shall be reviewed along with accessibility, structural calc's, T24 energy compliance, CALGreen compliance and others at the building permit review process.
92. Supplemental building construction and improvement tax may be required at the time of issuance of building permit.
93. School fee payment is required prior to issuance of building permit.
94. Provide all the governing codes on plans. Applicable codes shall include the 2013 CA Building Code, 2013 CA Electrical Code, 2013 CA Mechanical Code, 2013 CA

Plumbing Code, 2013 CA Green Building Standards Code, 2013 CA Energy Efficiency Standards and the City of Hayward Municipal Code and Ordinances.

95. Provide the type of construction, scope of work, floor area of the project, occupancy group, number of stories and fire sprinkler info.
96. Provide an accessible route from the public sidewalk and accessible parking to the building entrance.
97. Provide the minimum plumbing fixtures analysis on plans. Verify and amend as applicable the required number of plumbing fixtures for male and female. The project appears to require additional plumbing fixtures based on the new addition of outdoor covered patio. CPC 412 and Table 4-1.
98. Designated parking for low-emitting, fuel-efficient and carpool/van pool may be required.
99. The building shall be solar-ready and shall comply with the requirements as stipulated in CEC Section 110.10(b) through 110.10(d).
100. The capability for electric vehicle charging may be required.
101. Other typical Building Division requirements (i.e. life and safety) such as accessibility, structural calculations, plumbing, mechanical, electrical, T24 energy, CALGreen compliance and others may be required. An in-depth plan review shall be provided at the time of building permit process.
102. Payment of school impact fees is required prior to issuance of permits.
103. Supplemental building construction and improvement tax is required at the time of issuance of building permit.

### **Fire Department**

104. 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. Design of the public streets and private streets and courts shall meet City of Hayward Fire Department Standards.
105. Private streets and private court "A" and "B" shall be dedicated fire lanes. Parking of vehicles shall only be allowed in designated parking stalls. Where there is no on-street parking, fire lane signage shall be installed in locations required by the Hayward Fire Department.
106. Fire lane of 20 to 26 feet wide shall be posted on both sides as a fire lane; 26 feet to 32 feet shall be posted on one side of the road as a fire lane. "No Parking" sign shall meet the City of Hayward Fire Department fire lane requirements.

107. Addressing of the buildings shall be in compliance with the Hayward Fire Department requirements. All buildings shall have a minimum 4 inch self-illuminated address installed on the front of the building so as to be visible from the street. A decorative address monument sign shall be installed at each court entrance, indicating the building addresses for the units served by such court. Minimum size numbers shall be 6 inches in height on a contrasting background.
108. 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).
109. The minimum fire flow of 1,500 GPM shall be provided on site.
110. All new fire hydrants shall be Modified Steamer Hydrant (Clow Valve Co. Model LB 614 with one 2-1/2" outlet and one 4-1/2" outlet). The capacity of each individual hydrant shall be 1,500 GPM. Vehicular protection may be required for the fire hydrants. Blue reflective fire hydrant blue dot markers shall be installed on the roadways indicating the location of the fire hydrants.
111. Submit for proper building permits for the construction of the building to the Building Department. All building construction shall meet the requirements of the 2010 California Residential Code.
112. Buildings are required to install fire sprinkler systems in accordance with NFPA 13/13D.
113. Per the requirement of Hayward Public Works Department, a static pressure of 80 PSI should be used when a water test data indicates a higher pressure. The residual pressure should be adjusted accordingly.
114. Underground fire service line serving NFPA 13/13D sprinkler systems shall be installed in accordance with the Hayward Public Work Department SD-216. Water meters shall be minimum one-inch in diameter.
115. An interior audible alarm device shall be installed within the dwelling in a location so as to be heard throughout the home. The device shall activate upon any fire sprinkler system water flow activity.
116. 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).
117. 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.
118. An approved type spark arrestor shall be installed on any chimney cap.
119. Prior to issuance of Building or Grading Permits, a determination indicating the property is suitable for the proposed redevelopment shall be obtained from either the California Regional Water Quality Control Board or the Department of Toxic Substance Control and submitted to the Hayward Fire Department. The determination will verify that the property meets investigation and cleanup standards for residential development. Allowance may be granted for some grading activities, if necessary, to ensure environmental clearances.

120. 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 that hazards posed to development construction workers, neighbors, the environment, future residents and other persons are mitigated. All hazardous materials and hazardous waste must be properly managed and disposed of in accordance with state, federal and local regulations.
121. Any wells, septic tank systems and other subsurface structures - including hydraulic lifts for elevators - shall be removed properly in order not to pose a threat to the development, construction workers, future residents or the environment. Notification shall be made to the Hayward Fire Department at least 24 hours prior to removal. Removal of these structures shall be documented and done under permit, as required by law.
122. The Hayward Fire Department's Hazardous Materials Office shall be notified immediately at (510) 583-4910 if hazardous materials are discovered during demolition or during grading. These shall include, but shall not be limited to, actual/suspected hazardous materials, underground tanks, vessels that contain or may have contained hazardous materials.
123. During construction, hazardous materials used and hazardous waste generated shall be properly managed and disposed.

### **Utilities and Environmental Services**

124. The development's proposed water main and valves shall be public, owned and maintained by the City. If the water mains are located in a private roadway, either the entire roadway shall be a public utility easement or a minimum 10' wide easement shall be granted to the City.
125. All public water mains and appurtenances shall be constructed in accordance to the City's "Specifications for the Construction of Water Mains and Fire Hydrants," latest revision at the time of permit approval (available on the City's website at <http://user.govoutreach.com/hayward/faq.php?cid=11188>).
126. All water mains must be looped. Dead end water mains will not be allowed. Water mains must be connected to other water mains, through easements if necessary.
127. 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
128. All connections to existing water mains shall be performed by City Water Distribution Personnel at the applicant's/developer's expense. The developer may

only construct new services in conjunction with their construction of new water mains.

129. If existing water services on the property cannot be reused for the proposed development, they shall be abandoned by City Water Distribution Personnel at the applicant's/developer's expense.
130. Domestic & Fire Services
  - a) **Domestic:** Each single-family residence (SFR) shall have an individual domestic water meter. Based on the water fixtures shown on the plans, each unit would have 30 to 39.5 water fixture units, which would require a minimum  $\frac{3}{4}$ " water meter. Facilities fees for residential meters are calculated based on the domestic water demand for the home (excluding fire service demand). The current cost for the installation of a 1" domestic meter (required to meet the fire demand) on an existing service line is \$10,240 (\$310 installation fee + \$9,730 facilities fee + \$200 radio read fee). Each commercial space shall be served by a separate domestic water meter. The proposed utility plan indicates that one (1) 2" domestic service will be installed to serve the commercial building, which will need to be revised.
  - b) **Fire:** Fire service shall be sized per the requirements of the Fire Department. Dedicated fire services shall be installed per City Standards SD-201 and SD-204.
  - c) **Combined Residential Services:** The development could use combined residential domestic and fire services for each residence. Residential combined domestic and fire services are allowed, per City Standard SD-216. The minimum size for a residential fire service connection is 1 inch (combined or not) and the maximum size for combined services is 2 inches. If the calculated fire demand exceeds 160 GPM, a separate fire service will be required. Note that, per CBC 2010 R313, flow-through or multipurpose systems may not require a backflow device
131. It is anticipated that one or more separate irrigation water meters and services shall be installed for development landscaping. The applicant/developer shall install an above ground Reduced Pressure Backflow Prevention Assembly (RPBA) on each irrigation water meter, per SD-202. Backflow preventions assemblies shall be at least the size of the water meter or the water supply line on the property side of the meter, whichever is larger.
132. All water meters shall be radio-read type.
133. Water meters and services are to be located a minimum of two feet from top of driveway flare as per SD-213 thru SD-218. Water meter boxes in driveway aisle areas shall have H2O traffic rated lids.



134. 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 on foot vertically above any parallel pipeline conveying storm drainage, per the current California Waterworks Standards, Title 22, Chapter 16, Section 64572. The minimum horizontal separation distances can be reduced by using higher grade (i.e., pressure) piping materials.
135. 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.
136. 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.
137. Each SFR shall have an individual sanitary sewer lateral. Each sanitary sewer lateral shall have at least one cleanout and be constructed per SD-312.
138. The current Sanitary Sewer Connection fee for a SFR is \$7,700 per unit. Sewer Connection fees are due and payable prior to final inspection.

### **Public Works - Engineering and Transportation**

139. Modify the existing median on Industrial Parkway between Dixon Street/Arrowhead Way and Mission Blvd. as follows:
  - a) Remove the existing westbound left turn pocket into the existing project site driveway (according to the plans, the existing driveway will be removed and replaced with Building 11).
  - b) Extend the median continuously from Mission Blvd to the existing median east of the Industrial Pkwy/Dixon St/Arrowhead Way intersection.
  - c) Relocate median streetlight(s) as appropriate.
  - d) Provide median landscaping as appropriate.
140. Applicant shall modify Industrial Parkway as follows to accommodate a shared bicycle/pedestrian pathway:
  - a) Narrow eastbound auto travel lanes to 11 feet each
  - b) Install an 8 foot shared bicycle/pedestrian pathway in lieu of sidewalk between project's western-most property line and "A" Street, where "A" Street is the private roadway with Public Access Easement as shown on

project plan sheets. The shared bicycle/pedestrian path shall also include a 2 foot graded area on both sides of the path.

141. Applicant shall sign "A" Street, where "A" Street is the private roadway with Public Access Easement as shown on project plan sheets, as a Class III Bike Route with directional arrows to provide bicycle connectivity between Industrial Parkway and Mission Boulevard.

## **Landscape**

142. Prior to the approval of improvement plans or issuance of the first building permit, detailed landscape and irrigation plans shall be reviewed and approved by the City and shall be a part of building permit submittal. The plans shall be prepared by a licensed landscape architect on an accurately surveyed base plan and shall comply with the City's *Bay-Friendly Water Efficient Landscape Ordinance, Hayward Environmentally Friendly Landscape Guidelines and Checklist for the landscape professional, and Municipal Codes*. Dripline of the existing trees to be saved shall be shown on the plan.
143. Mylar of the approved landscape and irrigation improvement plans shall be submitted to the Engineering Department. The size of Mylar shall be twenty-two (22) inches by thirty-four (34) inches without an exception. A signing block shall be provided in the low right side on each sheet of Mylar. The signing block shall contain a signature line and a date line for City of Hayward, Landscape Architect. Upon completion of installation, As-built/Record Mylar shall be submitted to the Engineering Department by the developer.
144. Open space calculation shall not include bioretention areas or the area exceeds five percent (5%) cross slope.
145. Bioretention areas are allowed to be located within required landscape setback areas as long as all required trees would be planted. Otherwise wider landscape setback areas shall be provided to meet the required tree planting. Internal streets including private streets shall comply with the street tree planting requirement of one tree per every twenty to forty feet on center.
146. Bio-retention area shall be recessed two feet from the edge of hardscape and building, and shall be irrigated with matched precipitation rotator type of irrigation on separate valves. There are bioretention areas are located in conflict with paseo walkways and too close to the edge of paving.
147. Root barriers shall be installed linearly against the paving edge in all instances where a tree is planted within seven feet of pavement or buildings, and as directed by the landscape architect.

148. Minimum eighteen inches wide Noiya Cobblestone bands shall be placed around all catch basins; Cobblestones shall be placed at the back of every curb openings in a sand leveling bed without filter fabrics.
149. The landscape in the parking lot must conform to Zoning Ordinance Chapter 10, Article 2 Off-Street Parking Regulation: Section 10-2.650 LANDSCAPING: A 6-foot wide landscape endcap that is measure from face of curb to face of curb shall be provided at the end of each row with shade trees, shrubs and live groundcovers. In addition, a fifteen-gallon medium to large shade tree shall be provided at every 6 spaces in each row in an island or a tree well. A minimum tree well dimension shall be 6' x 6' measured from face of curb to curb of curb. The curb shall be Class B Portland Cement Concrete constructed to a height of 6 inches above the finished pavement.
150. A separate irrigation water meter shall be required for landscape around the retail development and the residential development unless a joint maintenance agreement would be entered by the two developments.
151. **For Model Homes:** Municipal Code Article 12, Section 10-12.17 Public Education, Model Homes: All model homes that are landscaped shall use signs and written information to demonstrate the principles of water efficient landscapes described in this Article.
  - a) Signs shall be used to identify the model as an example of a water efficient landscape featuring elements such as hydrozones, irrigation equipment, and others that contribute to the overall water efficient theme.
  - b) Information shall be provided about designing, installing, managing, and maintaining water efficient landscapes.
152. **Inspection for Models:** Landscape inspection shall be required prior to issuance of TCO, and another inspection prior to issuance of Certificate of Occupancy at the time of converting the model for sale. The project landscape architect shall inspect and accept the installation prior to requesting an inspection from City Landscape Architect. The project landscape architect shall complete Appendix C. Certificate of Completion in the City's Bay-Friendly Water Efficient Landscape Ordinance. The completed Certificate of Completion Part 1 through Part 7 shall be faxed/e-mailed/turn in prior to requesting an inspection from the City Landscape Architect.
153. Ordinance Section 10-12.11: In large projects or projects with multiple landscape installations (i.e. production home developments) an auditing rate of one (1) in seven (7) lots or approximately fifteen percent (15 %) will satisfy this requirement. All landscape irrigation audits shall be conducted by a third party certified landscape irrigation auditor. Landscape audits shall not be conducted by the person who designed the landscape or installed the landscape.

154. Backflow prevention device shall conform to City Standard Detail SD-202.
155. Landscape and tree improvements shall be installed according to the approved plans prior to the occupancy of each building. All common area landscaping, irrigation and other required improvements shall be installed prior to acceptance of tract improvements, or occupancy of eighty percent (80%) of the dwelling units, whichever first occurs.
156. Children's playground equipment certification: Health and Safety Code in Chapter 4 titled "Safe Recreational Land Use (115725 – 115800)" calls for compliance with standard of ASTM and federal Consumer Protection and Safety Commission. Playground equipment is required an inspection by a certified playground safety inspector by the National Playground Safety Institute, and the certification letter shall be submitted City Landscape Architect prior to the final inspection and issuance of Certificate of Occupancy.
157. Upon completion of landscape and irrigation installation, the project landscape architect shall conduct an inspection for compliance with the approved landscape and irrigation improvement plans, and the conditions of approval above. Once the installation is fully accepted, Attachment C. Document of Final Acceptance and Appendix C. Certificate of Completion Part 1 through Part 7 shall be completed by the project landscape architect and submitted to City Landscape Architect and request for a landscape inspection for the City's approval for issuance of Certificate of Occupancy. Re-inspection fees of \$212 shall be applied for each subsequent inspection.
158. Landscaping shall be maintained in a healthy, weed-free condition at all times and shall be designed with efficient irrigation practices to reduce runoff, promote surface filtration, and minimize the use of fertilizers and pesticides, which can contribute to runoff pollution. The owner's representative shall inspect the landscaping on a monthly basis and any dead or dying plants (plants that exhibit over 30% dieback) shall be replaced within ten days of the inspection. Trees shall not be severely pruned, topped or pollarded. Any trees that are pruned in this manner shall be replaced with a tree species selected by, and size determined by the City Landscape Architect, within the timeframe established by the City and pursuant to the Municipal Code.
159. The homeowners' association shall maintain all developer installed landscape areas including front yards, paseo, common area landscaping and trees in rear yards in a healthy, weed-free condition at all times, and the irrigation system with efficient irrigation water management practices to provide uniform distribution, reduce runoff and promote surface filtration. The landscape maintenance practices shall minimize the use of fertilizers and pesticides that can contribute to runoff pollution. Minimum three inches of organic recycled chipped wood mulch shall be maintained at all times. The owner's representative shall inspect the landscaping on a monthly

basis and any dead or dying plants (plants that exhibit over thirty percent dieback) shall be replaced within ten days of the inspection.

160. A covenant or deed restriction shall address that all trees planted by the developer are “Protected Tree” in accordance with the City’s Tree Preservation Ordinance. A tree removal and a pruning permit from City Landscape Architect shall be required prior to removal and pruning of all Protected Tree. All removed trees shall be replaced in accordance with the City’s Tree Preservation Ordinance. Trees shall not be severely pruned, topped or pollarded. Any trees that are pruned in this manner shall be replaced with a tree species selected by, and size determined by the City Landscape Architect, within the timeframe established by the City and pursuant to the Municipal Code.

### **Housing**

161. In accordance with the Affordable Housing Ordinance, the developer is obligated to either provide affordable housing units or pay the applicable in-lieu fee per required affordable unit. Payment of fees is due at the time of building permit submittal.

### **Caltrans**

162. A Transportation Management Plan (TMP) or construction TIS may be required of the developer for approval by Caltrans prior to construction where traffic restrictions and detours affect State highways. TMPs must be prepared in accordance with California *Manual on Uniform Traffic Control Devices*. For further TMP assistance, please contact the Office of Traffic Management Plans/Operations Strategies at 510-286-4579 and see the following website:  
<http://www.dot.ca.gov/trafficops/camuted/camuted2014rev1.html>.
163. Any work or traffic control that encroaches onto the State right-of-way (ROW) requires an Encroachment Permit that is issued by Caltrans. Traffic-related mitigation measures should be incorporated into the construction plans prior to the encroachment permit process. To apply, a completed Encroachment Permit application, environmental documentation, and five (5) sets of plans clearly indicating State ROW must be submitted to the following address:

David Salladay, District Office Chief  
Office of Permits, MS 5E  
California Department of Transportation, District 4  
P.O. Box 23660  
Oakland, CA 94623-0660



**UPDATED CONDITIONS OF APPROVAL  
AS APPROVED BY THE PLANNING COMMISSION  
On June 25, 2020**

**Mission Village Mixed-Use Development**

**Vesting Tentative Tract Map (TR 8304) and Site Plan Review  
Application No. 201504677**

**The Original Conditions of Approval dated January 12, 2017 (Attachment III) are amended as follows:**

**Revised Conditions**

42. Prior to building permit issuance, the Developer shall obtain approval by the City Engineer and submit bonds for all required public improvements along Mission Boulevard and Industrial Parkway project frontages, including but not limited to the following:
  - a. Remove and replace all existing curb, gutter, sidewalk, driveway and streetlight improvements as per plans approved by the City Engineer.
  - b. Construct an island with landscape improvements to separate a portion of bike lane from vehicular lanes in Mission Boulevard as per the City's Mission Boulevard Phase II Improvement Plans.
  - c. Grind, overlay, and restripe full width street pavement lane(s) requiring development project related excavations as per the City Standard Detail SD-126 and micro-surface half the width of Mission Boulevard.
  - d. Grind, overlay and restripe half the width of Industrial Parkway with 2" hot mix asphalt, dig outs, and repair failed pavements as necessary and as directed by the City Engineer.
  - e. Install new Storm Drain line along property frontage on Mission Boulevard and Industrial Parkway, redirecting the existing storm water system to the existing manhole on Industrial Parkway.
  - f. Remove, replace, and plant street trees along project frontages to the satisfaction of the City Landscape Architect.
  
43. The Developer shall pay the City \$240,000 prior to the issuance of any building permits for the design and construction of the street pavement repair and improvements consistent with the approved plans for the Phase 2 Mission Boulevard Corridor Improvements. Payment to the City may be reduced by a credit to the developer for micro-surfacing of Mission Boulevard pavement.

**Added Conditions**

164. The retail/commercial-use building(s) shall be under vertical construction prior to the issuance of a certificate of occupancy for the fifty-fifth (55<sup>th</sup>) "for sale" residential unit and shall be completed to a "cold shell" condition prior to issuance of the seventy-second (72<sup>nd</sup>) certificate of occupancy for the "for sale" residential unit or as otherwise allowed by the Development Services Director.

165. Unless otherwise specified, all vacant building(s) on-site shall be demolished within sixty (60) days of the granting of the Tentative Map extension or by September 4, 2020, and the site shall be returned to a “pre-development condition” which includes the capping of any utilities, the planting of sod to prevent erosion, and a 6 foot tall perimeter fence shall be erected within the required front, side and rear yards of a vacant parcel, subject to the standards set forth in Section 10-1.2735.k, Fence Regulations for Vacant Properties. In addition, the property shall be maintained in a weed-free condition and if applicable, by subject to any pre-construction or demolition mitigation required as pursuant to CEQA.
166. 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.



The Site has been the subject of a series of investigations to characterize the nature and extent of impacts to soil, soil vapor, and groundwater. In March 2016, Engeo Inc, on behalf of Valley Oak Partners, completed a Phase 1 and Phase 2 site assessment. The investigation concluded that while there was no indication of groundwater impairments associated with the Rainbow Dry Cleaners, additional risk evaluations and soil gas sampling would likely be required by the RWQCB upon completion of demolition of the existing structure.

In June 2016, Genesis Engineering, on behalf of the current property owner, completed a Soil Vapor Investigation Report which stated that soil vapor had been impacted by PCE. In order to obtain a No Further Action determination to allow residential redevelopment on the site, remediation must occur to reduce PCE concentrations below the current residential screening level of 240 µg/m<sup>3</sup>. Soil venting was recommended as the preferred remediation option.

After a July 15, 2016 with the RWCQB who agreed that soil venting was an acceptable remediation alternative, Genesis filed a Corrective Action Workplan with the RWQCB which called for aeration of on-site soils and collection of post-mitigation soil vapor samples. On November 10, 2016, the RWQCB approved this workplan so work could commence.

In January 2017, the Mission Village project entitlements were approved by Planning Commission.

The interior building demolition and aeration of the former Rainbow Cleaners was performed between January 24, 2017 and February 22, 2017. Demolition included removing the concrete floor and the building material down to the studs in walls. Aeration inside the building was limited to a depth of approximately 5 feet because only a mini-excavator could work inside the building. To increase the depth of aeration, the upper 2-3 of accessible soil was removed and temporarily stockpiled beneath the Holiday Bowl covered parking area.

An initial round of post-aeration sampling showed that the soil vapor had not reached the required screening threshold. In order to maximize the conditions for success, Valley Oak Partners elected to completely demolish the existing retail building which was completed in June 2017. Following removal of demolition debris, the soil aeration process continued as originally planned. The soil stockpiled in the Holiday Bowl covered parking area was moved back into the footprint of the demolished building. Additional aeration events were performed June 29 and 30, 2017 and on July 13, 2017

Multiple rounds of testing (testing events are required to be a minimum one month apart) showed that soil aeration was partly successful, but had not reduced the sampling below the then current screening levels. In order to achieve the cleanup objective, the cleanup strategy was revised at this point to soil excavation and off-site disposal and a Revised Corrective Action Workplan was submitted to the RWQCB in September 2017 and approved by the RWQCB on October 23, 2017.

Excavation was completed in January 2018 with post-excavation testing events occurring on February 19, 2018 and March 27<sup>th</sup> 2018. The test results showed that the site had still not achieved cleanup objectives. In April 2018, Valley Oak Partners and the owner requested a

meeting with the RWQCB to discuss probable paths to closure for the site including a Vapor Intrusion Mitigation System (a “VIM system”). At the meeting, which occurred on May 7<sup>th</sup>, the RWQCB informed the developer that their policy for site closure was changing. Up to this point, projects implementing a VIM system could obtain case closure upon successful implementation of the VIM system. The RWQCB was revising this process to require cases stay open even after implementation of a VIM system (until testing levels fell below the then current screening level).

A follow up meeting was held with the RWQCB on May 16<sup>th</sup> (after sufficient time for the RWQCB to discuss with the City of Hayward the revised approach regarding delayed close-out of the property). At the meeting, the RWQCB outlined additional requirements for obtaining a redevelopment determination letter from the RWQCB to the City of Hayward:

- New testing to determine offsite vapor intrusion contamination adjacent to the former Rainbow Cleaners, if any.
- Completion of a feasibility study outlining options and impacts of alternative cleanup and mitigation strategies
- Development of a Vapor Intrusion Mitigation Plan
- Determination of long-term financial commitment to ensure remaining cleanup and implementation of VIM operations and maintenance plan
- The use of a 13304 order or CLRRRA agreement to regulate the VIM plan

Valley Oak Partners stated that a CLRRRA agreement would be required in order to facilitate financing, insurance and constructability of the project due to the policy change eliminating case closure upon VIM system implementation. On this same day, the RWQCB sent their form template for a CLRRRA for drafting to begin.

In June 2018 offsite testing for soil vapor contamination was conducted and demonstrated no off-site impacts. This provided the remaining information needed in order to develop the feasibility study and recommended remedial activities.

In July 2018, the excavated soil from the former rainbow cleaners was off-hauled and disposed of at the required hazardous material landfill.

From July 2018 through March 2019, the RWQCB, owner and Valley Oak Partners worked concurrently on the feasibility study, response plan and CLRRRA. During this time period, the RWQCB, DTSC, and USEPA were in discussions to revise their policy regarding the required attenuation factor for vapor intrusion and indoor air impacts (the attenuation factor is a key input in determining the required screening level and cleanup objective) which would reduce the cleanup objective from the previous level of 240  $\mu\text{g}/\text{m}^3$  down to a level of 16  $\mu\text{g}/\text{m}^3$ .

In September 2018, as satisfaction of a requirement for CLRRRA issuance, Engeo Inc, on behalf of Valley Oak Partners, completed a new Environmental Impact Assessment.

In January 2019, the San Francisco RWQCB is the first official adopter of the new attenuation factor and updates its environmental screening levels to reflect this attenuation factor.

After finalization of these new screening levels, the owner submitted its completed Response Plan including the feasibility study to the RWQCB on March 4, 2019. Approval of the Response Plan required public notice and receipt of any comments. Consequently, a notice and fact sheet were issued by the RWQCB that same month.

With no comments received, the RWCQB approved the new Response Plan and issued an approval letter on May 29, 2019.

On June 26, 2019, the RWCQB approved and signed the CLRRA with Valley Oak Partners.

In July 2019, the RWQCB determined that active sub slab depressurization systems (SSDS) were considered preferable to their previous allowed use of passive VIMS systems. In order to implement an active system and to satisfy the requirements of the approved Response Plan, the owner and Valley Oak Partners were required to develop a Vapor Intrusion Mitigation Plan which included:

1. Detailed engineering drawings of the SSD system to be installed during the construction of the residential building planned for the Site;
2. Post construction indoor air sampling before occupation;
3. An Operations and Monitoring Plan, and
4. Periodic monitoring reports

During this period, the owner and Valley Oak Partners prepared the VIM plan. In order to complete the Operations and Monitoring portion of the plan, the owner was required to complete a model of the Estimated Operational Time of the Sub-Slab Depressurization System to project the amount of time that the SSD would operate before the Cleanup Objective in the *Response Plan* is achieved. The operation time estimate was also needed as the basis for the cost of operating the SSD and ultimate Financial Assurance needed as required by the *Vapor Intrusion Mitigation Plan*.

On September 9, 2019, the RWQCB issued their redevelopment determination letter to the City of Hayward contingent upon completion and approval of the Vapor Intrusion Mitigation Plan.

Modeling and estimates for the Estimated Operational Time were submitted to the RWQCB on February 5, 2020 and were conditionally approved on February 25, 2020.

NOTE: Concurrently with pursuit of the environmental clearance, Valley Oak Partners has been processing the Final Map and Improvements Plans so that development could begin as soon as environmental clearance was obtained. The first submittal occurred in May 2017 and Valley Oak Partners and the City of Hayward have been working together since then through the necessary comment and revision process so that the Final Map and Improvements Plans were complete and ready for approval by City Council. This process has successfully been completed and the Final Map and Improvements are ready for recordation.

**Sara Buizer**

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**From:** Fairway Park Neighborhoods Association <fairwaypark94544@gmail.com>  
**Sent:** Wednesday, June 10, 2020 7:38 PM  
**To:** Sara Buizer; List-Mayor-Council; machetez@sbcglobal.net; Jameson, Minane; Miskic, Cecilia; Cormier, Evelyn  
**Subject:** Mission Village Project

**CAUTION:**This is an external email. Do not click on links or open attachments unless you know the content is safe.

Hello,

I don't have the email addresses for the Planning Commission. Sara, please forward this to the Planning Commission.

It has come to my attention that a few people are trying to stop a project that was supported by the community; one that we had worked with the developer for over a year to get right. The Fairway Park Neighborhoods Association continues to be in full support of the Mission Village Project as approved several years ago.

It would be a travesty if the City went back and tried to change things after they approved the project. After the costs incurred by the developer to-date and all the effort the Fairway Park Community put towards making this a project we could all be proud, it would be a rejection of our community participation and a signal to other developers not to trust the city. What is being considered would be the same as when a few people who didn't like the results of the city's outreach for the new library they tried to have all that hard work and cooperation thrown out the door. They didn't get away with it and neither should the few people who are trying to circumvent the collaborative work that went into this project.

Best Regards,  
Mimi Bauer  
FWPNA, President

**Sara Buizer**

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**From:** Minane Jameson <m77jameson@gmail.com>  
**Sent:** Thursday, June 11, 2020 10:54 AM  
**To:** Sara Buizer  
**Cc:** Miriam Lens; Mimi; Cecilia Miskic; Evelyn Cormier  
**Subject:** Mission Village project

**CAUTION:**This is an external email. Do not click on links or open attachments unless you know the content is safe.

*Sara and Miriam,  
Could one of you please forward my letter to the Planning Commission?  
Thank you,  
Minane  
P.S. Hope you and your families are staying well!*

Dear Planning Commission Members,

I am so frustrated to know that the Mission Village project to be located at the Holiday Bowl site is on hold until an extension to precede is granted.

Valley Oak Partners, the developer of this project, came to our community on several occasions for almost two years and listened to our concerns and desires. A couple of us even went to their office in Oakland to go over ideas. We asked that they include solar, electric charging stations, a public space/park, retail, lots of vegetation and ample parking, among other things, and they listened. A lot of their time (and ours!) and money was spent on making this project the best fit possible for our community at this very busy intersection of Industrial and Mission. The Fairway Park neighborhoods appreciated their efforts and supported this beautiful project which not only will supply 72 new homes to south Hayward (PLUS retail, PLUS a small public park), but will compliment the Mission Hills Golf Course next door and finally beautify a horrible eyesore that we've been living with for over 16 years! (If you've not seen this corner of Hayward for some time, please come by).

Please do not allow this project to be held up a second longer. This project is still a great one and it should be allowed to move forward once and for all.

Thank you for your consideration,

Minane Jameson  
FWPNA, Vice President

**Sara Buizer**

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**Subject:** FW: Mission Village project

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**From:** ev.cormier@comcast.net <ev.cormier@comcast.net>

**Sent:** Thursday, June 11, 2020 1:34 PM

**To:** Sara Buizer <Sara.Buizer@hayward-ca.gov>

**Subject:** RE: Mission Village project

**CAUTION:** This is an external email. Do not click on links or open attachments unless you know the content is safe.

Dear Sara Buizer,

I agree with Minane, Mimi, and others that this is a project that needs a go-ahead. We have been looking at this empty weedy site for more years than I want to count. We all thought the plan was well designed and really fitted a project that would fit the needs of our area and be attractive besides. That project has been so long on hold it seems to me it should be put on fast track- not put on hold Pleadse give this a "green light" to go ahead.

Evelyn Cormier, FPNA

**Sara Buizer**

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**Subject:** FW: Mission Village project

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**From:** Cecilia Miskic <ceciliamiskic@gmail.com>

**Sent:** Friday, June 12, 2020 8:59 AM

**To:** Minane Jameson <m77jameson@gmail.com>

**Cc:** Sara Buizer <Sara.Buizer@hayward-ca.gov>; Miriam Lens <Miriam.Lens@hayward-ca.gov>; Mimi <CMBauer97@aol.com>; Evelyn Cormier <ev.cormier@comcast.net>

**Subject:** Re: Mission Village project

**CAUTION:** This is an external email. Do not click on links or open attachments unless you know the content is safe.

Thank you Minane for expressing exactly what I feel.

I was appart of of all the meetings mentioned in Minane's email. We put in lots of hours and really relayed our desires. The plan is fantastic as is. With all the other projects currently going on in the very close proximity, the density of this project is already perfect.

Please do not hold it up any further.

Cecilia Miskic

**Sara Buizer**

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**From:** Jamie Heston <jheston@hestonsystems.com>  
**Sent:** Wednesday, June 17, 2020 11:27 AM  
**To:** Sara Buizer  
**Subject:** Bowling Alley Site - develop it NOW

CAUTION: This is an external email. Do not click on links or open attachments unless you know the content is safe.

Hello Sara,

I am really upset that the bowling alley site has not been developed yet. When I heard of all of the hoops the developer has had to go through, the delays, and now someone is holding it up due to wanting to change the plan yet again, I was dismayed. I am in Fairway park at 31923 Chicoine Ave, Hayward and this eyesore needs to go away. I look forward to the rapid development and improvement of that corner, it is LONG overdue.

Jamie Heston

510-305-8878



**Sara Buizer**

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**From:** ev.cormier@comcast.net  
**Sent:** Wednesday, June 17, 2020 1:41 PM  
**To:** 'Fairway Park Neighborhoods Association'  
**Cc:** Sara Buizer  
**Subject:** RE: Mission Village Project in Jeopardy

**CAUTION:** This is an external email. Do not click on links or open attachments unless you know the content is safe.

Dear Sara Bruizer,

There are already many projects constructed or being constructed and this project could serve as a refreshing project for the whole neighborhood with the amenities this project has. So I hope you will not deny this project going forward for the reason the opposer wants to stop it. This person has had a monumental task of cleaning up the old bowling alley and meeting the various codes involved in order to get his project built. This late in the game so to speak it seems very unreasonable to deny this project. I am sure that the person objecting could find another area of land where he could build 72 houses. And it is not fair to reject the project and let someone who has not gone to the expense required to clean it up and so getting the land without having put out all that time and money to do so. Please, at long last it is time to get the project approved and let him get on with it if for no other reason that we are getting very tired of the big old bowling alley sign.

I urge you to let this project go forward.

Evelyn Cormier  
 Fairway Park Neighborhoods Assocation

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**From:** Fairway Park Neighborhoods Association <fairwaypark94544@gmail.com>  
**Sent:** Wednesday, June 17, 2020 11:08 AM  
**To:** Fairway Park Neighborhoods Assoc. <fairwaypark94544@gmail.com>  
**Subject:** Mission Village Project in Jeopardy

Hello Everyone,

Remember several years ago when the developers for the property where the bowling alley is came to us numerous times? They altered their project in numerous ways to address our concerns. It took two years from when they first reached out to the community, but we got an excellent project that was going to start the change of derelict properties along Mission Blvd.

Many have asked what happened. Well, just after the project was approved and they started to take down some of the buildings on the site a county rule changed and they have been working with the county to remedy the environmental issues that came with the property to the county's new higher expectation. Time consuming and costly, but they still believe in the project and are moving forward now that the extra environmental issue is behind them.

However, with the time passing they have to go back to the city for renewal of the project and someone has decided to block the project because they/he/she want to see higher density there.

This company spent two years with us to get it to a point where we overwhelmingly supported the project. They have endured additional regulations and the costs that came with it to be able to continue the project with the understanding that the first thing they do is tear down the dangerous bowling alley building within a short window frame of time from when they get the renewal of the approval for the project from the city.

But this is now in grave jeopardy, due to someone (they/he/she) coming in at this late point to kill this project. The developer has already borne a crushing financial burden to get the project right for approval and then remedy a new environmental ruling. This will put the nail in the coffin for this project.

I still believe this is an excellent project with several parks and retail at the corner of Mission and Industrial that will have a Class A designated restaurant with outdoor seating around a fire pit looking out at the golf course. Additionally, how will it look to other developers if after all they went through to be able to build a project in Hayward they lose it for something like this? What if they then have to cut their losses and put it up for sale? How long would we have to wait for another company to come along and try to take on a project there after something like this? How long should the community have to put up with the property in such a derelict condition because someone (they/he/she) decided that they think there should be more than 72 townhomes on the site?

I have already sent an email supporting the current project and rejection of the to try to change the project to a higher density development. I have made it clear where I stand but, whichever way you feel about this, you need to make your voice heard by June 25 and/or attend the June 25 virtual meeting to speak on the issue. The staff person to contact is Sara Buizer at 510.583.4191 or [sara.buizer@hayward-ca.gov](mailto:sara.buizer@hayward-ca.gov). And PLEASE share this message to everyone you know in the community.

Please see the attached.

Best Regards,  
Mimi Bauer  
FWPNA, President

**Sara Buizer**

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**From:** Alisa Curry <bodyphysics@yahoo.com>  
**Sent:** Wednesday, June 17, 2020 1:59 PM  
**To:** Sara Buizer  
**Subject:** Mission Village project

CAUTION: This is an external email. Do not click on links or open attachments unless you know the content is safe.

I am a resident of Fairway Park and I highly disagree with delays asking for increased townhomes for this area. There are at least 8-10 other housing projects all along Mission Blvd. and this will be costly to traffic flow and services. I am supporting the current project and rejection of the attempts to change the project to a higher density development.

Thanks!  
Alisa Curry  
5103294586  
Bodyphysics@yahoo.com

**Sara Buizer**

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**From:** Diana Thornton <dt745kitty@yahoo.com>  
**Sent:** Wednesday, June 17, 2020 3:20 PM  
**To:** Sara Buizer  
**Subject:** Re: Project at Mission and Industrial

CAUTION: This is an external email. Do not click on links or open attachments unless you know the content is safe.

Thank you for your response, Sara. After reading your recap of the situation, it does make sense to give them an extension, in my opinion. It would be great to see the buildings come down. Good call! We were/are happy with plans for the 72 units plus commercial originally approved.

Thank you

Diana Thornton

> On Jun 17, 2020, at 9:13 AM, Sara Buizer <Sara.Buizer@hayward-ca.gov> wrote:

>

> Diana,

>

> Thank you for your comments. The developer for the Mission Village  
 > project at the former Holiday Bowl site had an approved development  
 > for 72 townhomes and 8,000 sq. ft. of commercial space approved in  
 > January 2017 and that approval was good for three years. The  
 > following link is to the original approval documents:  
 > [https://hayward.legistar.com/LegislationDetail.aspx?ID=2924977&GUID=76](https://hayward.legistar.com/LegislationDetail.aspx?ID=2924977&GUID=76A9CE61-FEEE-4905-992F-C02C0ED2575D&Options=&Search=)  
 > [A9CE61-FEEE-4905-992F-C02C0ED2575D&Options=&Search=](https://hayward.legistar.com/LegislationDetail.aspx?ID=2924977&GUID=76A9CE61-FEEE-4905-992F-C02C0ED2575D&Options=&Search=)

>

> Since that time, they have been working with the Regional Water Quality Control Board (RWQCB) regarding the environmental clean-up of the site left from a former dry cleaning establishment on that site. The developer finally received a determination from the RWQCB to move forward with ongoing monitoring this past February 2020, but in order to continue moving forward toward obtaining their Building permits, they required an extension of their approval. They are not proposing any additional changes to their project, just simply a request to continue building the project for which they received approval in January 2017.

>

> As part of that extension, staff recommended some additional conditions of approval, requiring demolition of the buildings on-site within 60 days and requiring the commercial component of the project be constructed simultaneously with the residential units. Had that decision remained, the buildings on-site would have been demolished this past May 2020. However, an appeal was filed of that decision and the request will be brought before the Planning Commission on June 25 for their consideration. The report for the June 25 meeting will be available on the city's website on Friday of this week (June 19).

>

> I understand your concerns about the site being an eyesore. Please note that if the extension is granted, the developer is ready to move forward and will be required to demolish the buildings on site within 60 days. The developer is ready to move forward with construction and aside from the required demo in 60 days, you will likely see construction activity within the next 6-9 months. If the extension is ultimately denied, then the site will likely sit in its current condition for however long it takes for a new developer to enter into an agreement with the property owner, receive approvals for the new project, work with the RWQCB and ultimately pull building permits for construction. This endeavor would likely take a minimum of 3-5 years, given the process for the initial developer.

>

> If you have additional questions or comments, please feel free to contact me. Thanks.

>

> Sara

>

>

> Sara Buizer, AICP | Planning Manager

> Development Services Department | 777 B Street, Hayward, CA 94541

> (510) 583-4191 | sara.buizer@hayward-ca.gov

>

> PLEASE NOTE COVID-19 response:

> In order to prevent the spread of the COVID-19 virus the City of Hayward has declared a State of Emergency. The Permit Center will be closed to the public.

>

> The Planning Division will continue to accept new planning

> applications and resubmittals. For more information, please review

> the submittal requirements on the City's website at:

> <https://www.hayward-ca.gov/your-government/departments/planning-divisi>

> on

>

> During this time building permits will be issued in accordance with the revised County Order issued on 4/29/2020; for assistance please contact Alexandra Sepulveda at 510-583-4136 Alexandra.Sepulveda@hayward-ca.gov. Building inspections will take place during this time frame provided that Social Distancing Requirements are met, including maintaining a minimum 6 feet from other individuals.

>

> Most other staff are working from home, so to reach other divisions, call the numbers below, or e-mail your staff contact directly.

> For Building Division, 510-583-4005

> For Fire Department, 510-583-4900

> For Planning Division, 510-583-4216 or email:

> [planning.division@hayward-ca.gov](mailto:planning.division@hayward-ca.gov) For Code Enforcement Division, please contact your code inspector directly or the telephone number shown on the letter you received.

>

> You may also be able to find general information on the City's web page at [www.hayward-ca.gov](http://www.hayward-ca.gov). For the latest COVID-19 data, please visit: [www.hayward-ca.gov/covid-19](http://www.hayward-ca.gov/covid-19).

>

> -----Original Message-----

> From: Diana Thornton <[dt745kitty@yahoo.com](mailto:dt745kitty@yahoo.com)>

> Sent: Tuesday, June 16, 2020 8:57 PM

> To: Sara Buizer <[Sara.Buizer@hayward-ca.gov](mailto:Sara.Buizer@hayward-ca.gov)>

> Cc: CityClerk <[CityClerk@hayward-ca.gov](mailto:CityClerk@hayward-ca.gov)>

> Subject: Project at Mission and Industrial

>

> CAUTION:This is an external email. Do not click on links or open attachments unless you know the content is safe.

>

> I received a postcard today regarding a public hearing on this 72 unit townhouse development. I checked the city website to look at the document details. Either they are not posted, or I do not understand how to access the information.

> As I understand the postcard, the developers are requesting a two-year extension of the townhouse/commercial development. I do not see where they are changing any other plans. Although that may be in some of the documents I cannot access.

> IF the meeting is being held solely to decide on a two-year extension, my vote is to deny that extension. The Holiday Bowl building is the biggest area of blight in Hayward. And I am sick and tired of looking at it, the trash, the cars, the fencing, the often overgrown vegetation. And who knows what is going on inside. I have heard it was becoming a homeless camp. It's an embarrassment.

> The builder spent years preparing the project proposal, and then three years after approval. Just how much time is needed?

> IF there are more requests from the builder, please tell me how to get that information.

>

> Otherwise, let's get on with this!

>

> Thank you,

> Diana Thornton

**Sara Buizer**

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**From:** Barnecut <barnecut@sbcglobal.net>  
**Sent:** Wednesday, June 17, 2020 3:54 PM  
**To:** Sara Buizer  
**Subject:** Industrial Blvd area project

CAUTION: This is an external email. Do not click on links or open attachments unless you know the content is safe.

To whom it concerns,

Please honor the work that has been done in the past years to upgrade and recover the land for neighbors living in the area over the past 50 years near the golf course in industrial Park Boulevard area. We are in need of the things that it will offer by way of parks and commercial.

The proposition of making it high density housing adds to all that has already been added in nearby Union City and Hayward. We have seen a great increase in traffic and people to the area not invested in a long time neighborhood.

Please go forward with the original plan, Pat Gowin Jeff and Cherie Barnecut

Sent from my iPhone

**Sara Buizer**

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**From:** Gil Russell <g8russ@pacbell.net>  
**Sent:** Thursday, June 18, 2020 5:39 AM  
**To:** Sara Buizer  
**Cc:** Mimi Bauer  
**Subject:** Mission Village Project in Jeopardy

**CAUTION:** This is an external email. Do not click on links or open attachments unless you know the content is safe.

Hi Sara,

Mimi Bauer, a neighbor, alerted us to the blocking of a previously agreed upon plan for the Mission Village Project. We as long term residents of Fairway Park are concerned with what on the surface appears to be one of "hidden agendas not shared" by the County and further, would like to understand why the plan was suddenly changed without it being communicated with the community.

Please include us in any further communications on this subject.

Please answer to this email address.

Gil Russell  
CTO  
WebFeet Research Inc.  
C: 1 (510) 589-9568  
[russell@webfeetresearch.com](mailto:russell@webfeetresearch.com)  
[www.webfeetresearch.com](http://www.webfeetresearch.com)





**Sara Buizer**

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**From:** Suzette Garrido <suzette.garrido@yahoo.com>  
**Sent:** Thursday, June 18, 2020 11:11 AM  
**To:** Sara Buizer  
**Cc:** suzette.garrido@yahoo.com  
**Subject:** Mission Village Project

**CAUTION:** This is an external email. Do not click on links or open attachments unless you know the content is safe.

Hi Sara,

I've been informed that the project is on hold and might be rejected. We as residents have been very patient and hoping this project can move forward so we can get the 20+ years of the abandoned bowling alley demolished. It is such an eye sore and affects our neighborhood and property values. The proposed plan was approved and we are all excited to see it come to fruition.

Thank you for all you do!

Suzette Garrido  
Twin Bridges Resident

**Sara Buizer**

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**From:** Paige Bennett <paigeforce@aol.com>  
**Sent:** Thursday, June 18, 2020 12:58 PM  
**To:** Sara Buizer  
**Subject:** Mission Village Project

**CAUTION:** This is an external email. Do not click on links or open attachments unless you know the content is safe.

Hi Sara,

I was a resident of Twin Bridges from 1999 to 2020. I received notice from Mimi Bauer that the Mission Village Project is now in jeopardy of not happening and I wish to express my extreme displeasure at City of Hayward for not allowing this project to proceed forward. Having had to look at that ugly Holiday Bowl for over 20 years, let alone deal with vermin it created within Twin Bridges, was the main reason I chose to leave Hayward. I now live in Fremont. I was very active in Hayward working as a volunteer for HPD as a block captain and a volunteer for HAC. I attended the initial meetings at the Mission Hills Golf Course with the Developer on this project and I completely support their design and I sincerely hope the City will let this project move forward.

Thank you

Paige Bennett  
formerly of  
313 Bridgecreek Way  
510-816-0954

**Sara Buizer**

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**From:** Robin Beck <krose2b@sbcglobal.net>  
**Sent:** Thursday, June 18, 2020 11:36 AM  
**To:** Sara Buizer  
**Subject:** Holiday Bowl

CAUTION: This is an external email. Do not click on links or open attachments unless you know the content is safe.

Dear Sara,

It has come to my knowledge that the project at Holiday Bowl has been put on hold AGAIN. This is ridiculous. We have been to meetings and met with the developer who has jumped through hoops for you and the city. Now at the end they want to contest this. I say to little too late. Go forward with the project. This has been an eyesore in south Hayward for way to long now. We don't need anymore high density housing along the Mission Blvd corridor. The traffic is already horrendous. I don't understand why you can't get something done in a timely manner. Two years working with the city and now you want to change things. Come on, do the right thing and finish this project. I've lived here all my life and so little ever gets done especially is South Hayward. They stop short of coming all the way down Mission to the end of Hayward even though we still live in Hayward. Always some excuse for not getting the job done completely. I'd like to see you finish Mission Blvd all the way to UC. I don't care who owns what figure it out and take care of it. It's so frustrating as a person who lives here. No more high density housing along Mission Blvd pretty soon we won't be able to see the hills.

Please take into consideration our feelings on this matter.

Thank you,  
Robin Beck

**Sara Buizer**

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**From:** SONIA DAKOS <sotiria94537@icloud.com>  
**Sent:** Thursday, June 18, 2020 1:21 PM  
**To:** Sara Buizer  
**Subject:** Mission Village Project

**CAUTION:** This is an external email. Do not click on links or open attachments unless you know the content is safe.

As a resident of Twin Bridges, I approve the originally approved development plan for the Mission Village Project. To add more housing than originally planned now at the eleventh hour stalling this well thought out development proposal by a member of the City Council or another City agency is APPALLING!!! Residents of the area have patiently waited for this project to break ground and raise the area to from a dilapidated mess of dirt, weeds, transient and rodent heaven for far too long. The problem with Hayward is that there far too much housing in condensed plans. If you want more housing don't burden existing approved plans. Start a new project up in the hills and leave the rest of us alone to finally get the approved plan (we carefully assessed and worked with the developer to redesign) started and completed without further strange delay tactics...is someone getting a payoff or kick back to stall or finally derail this project? - this is what we all think is happening...

Best, Sonia

**Sara Buizer**

---

**From:** Dr. Helen Shoemaker <helenjshoemaker@yahoo.com>  
**Sent:** Thursday, June 18, 2020 1:42 PM  
**To:** Sara Buizer  
**Subject:** Planning project at Industrial Parkway and Mission Blvd

CAUTION: This is an external email. Do not click on links or open attachments unless you know the content is safe.

I live on Garin Avenue. I want the extension granted. I feel strongly that we have lots of high density projects/more traffic congestion along the Mission Blvd corridor and the plans for a commercial/low density housing project sounds like a positive improvement. Please do not allow the appeal.

Helen Shoemaker

Sent from my iPhone

**Sara Buizer**

---

**From:** Sherry Revak <sherryannie@gmail.com>  
**Sent:** Thursday, June 18, 2020 4:08 PM  
**To:** Sara Buizer  
**Cc:** Matthew Revak  
**Subject:** Holiday Bowl development

CAUTION: This is an external email. Do not click on links or open attachments unless you know the content is safe.

Hello,

I want to voice my support for the original Agreement for the current development. I live in Fairway Park and DO NOT want more high density housing. We need what was originally planned with the class A Retail. Stop changing it on the developer. It's not their fault so much time passed because of the new environmental ordinance in order to comply.

I am SICK of looking at that horrid area everytime I go home. We live in the richest area in the country. It should not look like that. It's a disgrace. Especially with all the work on Mission. What a joke!

Regards,  
Sherry Revak  
Brae Burn Ave

Sent from my iPhone

June 18, 2020

Dear Neighbors,

We are the appellants in the approval of the extension for the 72-unit townhouse development on the Bowling Alley site at Mission and Industrial. We live in Fairway Park and want the area around the South Hayward BART Station and our Fairway Park neighborhood to be economically sustainable, even vibrant. This property is a perfect site for higher density specifically because this property is less than a mile from South Hayward BART Station, physically separated from the single-family residential neighborhood and in an URBAN General Zone designated *Sustainable Mixed Use* in the Hayward 2040 General Plan.

We are not trying to “kill the current project”. We do want to see it expanded to be inclusive, rather than exclusionary. All of the 72 units currently planned for this development will have a **minimum** of 3 bedrooms, catering to a wealthier market. If the density were increased from the current 18 units per acre to around 30 units per acre (Max allowed 35 units), a variety of housing could be offered including one- and two-bedroom condos, live-work units, as well as apartments on top of the 8000 sq. ft commercial building. The footprint could remain essentially the same (with the park and other amenities), the higher end townhouses could mostly remain intact, AND with affordable units added, a more diverse portion of Hayward’s residents will have an opportunity for economic stability.

While we acknowledge this may have been a difficult project for the developer, we believe the city’s primary responsibility is encouraging and providing housing that addresses the needs of all Hayward’s residents. Now the City and we as residents have been given a second chance to reimagine this development and increase its beneficial impact. The current developer could be given the choice to continue to work with the City on the higher density project, if they so desire.

In conclusion, we appealed this development because we have consistently lobbied in the past (with no previous Council support) that this BART area should provide housing for a spectrum of Hayward’s residents, that the housing crisis will continue to predominantly impact lower and moderate income workers, and that we want to be part of the solution to the question: “Where will our children and future generations live? If you would like to support this modest proposal, please let the City Council know.

Thank you,  
Ro Aguilar and Glenn Kirby

Cc: Hayward City Council

## Sara Buizer

---

**From:** Isabel Welch <isawelch@yahoo.com>  
**Sent:** Thursday, June 18, 2020 4:24 PM  
**To:** Sara Buizer  
**Subject:** Mission Development (Bowling Alley)

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

**CAUTION:** This is an external email. Do not click on links or open attachments unless you know the content is safe.

I live in Fairway Park & been here for 35 years. I have seen many changes in my neighborhood & have been anticipating the development of the old bowling alley site on Mission. The planned development has been delayed for numerous years due to environmental cleanup requirements. Now I hear you want these already approved plans resubmitted by developer after they have spent years trying to get the site ready for development & are changing site to high density. What the heck are you doing to our South Hayward neighborhood? We already have numerous HIGH DENSITY condos built right off Industrial & Mission & all along Mission Blvd to Harder. These projects are huge monstrosities of dense concrete buildings that will only add more traffic to area & tax occupancy of our schools. And now you want to add more high density on bowling site! I do not support this change. And I think it is unethical for Hayward to do this to the developer. Do you have any idea how many times I have been told by business owners that they hate doing business with the City of Hayward. Hayward does not have a good reputation for welcoming new business. Please do not change this site to high density.

Isabel Welch  
Hayward Fairway Park Resident

[Sent from Yahoo Mail on Android](#)



## Sara Buizer

---

**From:** Nate Rizvi <naterizvi@hotmail.com>  
**Sent:** Thursday, June 18, 2020 4:31 PM  
**To:** Sara Buizer; Al Mendall for Hayward 2018  
**Subject:** Mission Village Development Project

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

**CAUTION:** This is an external email. Do not click on links or open attachments unless you know the content is safe.

Hi Sara,

We are very concerned about Mission Village Development project and all the proposed changes described below by Mimi.

A high density development project to replace original Townhouses plan will be disastrous for near by neighborhood specially Twin Bridges.

We already have too many parking problems from tenants living in two apartment complexes on Industrial Pkwy. We aren't able to park our own cars in-front of our homes which is very unfair.

I would like you and Al to please reject new proposals and to stick with original plans.

best

Nate Rizvi

[Mission Village \(Bowling Alley\) Development Project.](#)

Hello Everyone,

Remember several years ago when the developers for the property where the bowling alley is came to us numerous times? They altered their project in numerous ways to address our concerns. It took two years from when they first reached out to the community, but we got an excellent project that was going to start the change of derelict properties along Mission Blvd. Many have asked what happened. Well, just after the project was approved and they started to take down some of the buildings on the site a county rule changed and they have been working with the county to remedy the environmental issues that came with the property to the county's new higher expectation. Time consuming and costly, but they still believe in the project and are moving forward now that the extra environmental issue is behind them. However, with the time passing they have to go back to the city for renewal of the project and someone has decided to block the project because they/he/she want to see higher density there. This company spent two years with us to get it to a point where we overwhelmingly supported the project. They have endured additional regulations and the costs that came with it to be able to continue the project with the understanding that the first thing they do is tear down the dangerous bowling alley building within a short window frame of time from when they get the renewal of the approval for the project from the city. But this is now in grave jeopardy, due to someone (they/he/she) coming in at this late point to kill this project. The developer has already borne a crushing financial burden to get the project right for approval and then remedy a new environmental ruling. This will put the nail in the coffin for this project. I still believe this is an excellent project with several parks and retail at the corner of Mission and

Industrial that will have a Class A designated restaurant with outdoor seating around a fire pit looking out at the golf course. Additionally, how will it look to other developers if after all they went through to be able to build a project in Hayward they lose it for something like this? What if they then have to cut their losses and put it up for sale? How long would we have to wait for another company to come along and try to take on a project there after something like this? How long should the community have to put up with the property in such a derelict condition because someone (they/he/she) decided that they think there should be more than 72 townhomes on the site? I have already sent an email supporting the current project and rejection of the to try to change the project to a higher density development. I have made it clear where I stand but, whichever way you feel about this, you need to make your voice heard by June 25 and/or attend the June 25 virtual meeting to speak on the issue. The staff person to contact is Sara Buizer at 510.583.4191 or [sara.buizer@hayward-ca.gov](mailto:sara.buizer@hayward-ca.gov).

And PLEASE share this message to everyone you know in the community. Please see the attached.

Best Regards,

Mimi Bauer

FWPNA, President

## Sara Buizer

---

**From:** Gayle Facciola <gaylefacciola@gmail.com>  
**Sent:** Thursday, June 18, 2020 4:33 PM  
**To:** Sara Buizer  
**Subject:** Mission/Industrial

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

CAUTION: This is an external email. Do not click on links or open attachments unless you know the content is safe.

I am a resident of Fairway Park. That eyesore of a dilapidated bowling alley needs to go however I highly oppose high density housing going in. I do support retail with outdoor dining though.

There are MANY new high density housing developments that have been built or are in the process of being built along Mission. Traffic is bad enough. No more!

Gayle Facciola  
(510) 673-1981

Sent from my iPhone

## Sara Buizer

---

**From:** Irene Salazar <irene.salazar@rocketmail.com>  
**Sent:** Thursday, June 18, 2020 4:53 PM  
**To:** Sara Buizer  
**Subject:** Holiday Bowl

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

CAUTION: This is an external email. Do not click on links or open attachments unless you know the content is safe.

Hello there Sara,

I would like to express my opinion regarding the future of Holiday Bowl. I feel like the 72 unit housing in addition to retail and park is what we need in our neighborhood. We already have enough housing projects on Mission. I'm afraid more housing is going to create even more traffic. I understand the need for affordable housing so maybe a compromise would be to make the 72 units more affordable? I'm not an expert in housing so I'm not even sure if that's possible or if would help, but I do know there is already lack of parking and a lot of traffic. I would much rather see a nice place we can visit in the evenings and weekends that provides retail.

Thank you for the opportunity to share my thoughts.

Best Regards,

Irene Salazar Najlis  
42 Geneva Avenue  
Hayward CA 94544  
(408) 390-1460

## Sara Buizer

---

**From:** Sylvia Pagan <pagansy@yahoo.com>  
**Sent:** Thursday, June 18, 2020 5:03 PM  
**To:** Sara Buizer  
**Subject:** Mission Village

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

**CAUTION:** This is an external email. Do not click on links or open attachments unless you know the content is safe.

Hello,

A notice was posted on Nextdoor from the Twin Bridges neighborhood regarding the current state of the Mission Village project. I understand that the city is now thinking of moving in a different direction.

I am sending you this message to express my support of the original plans and that we move forward without additional delays. The corner of Industrial & Mission Blvd has been an eyesore for far too long. High density property is going up everywhere along Dixon, Industrial and Mission Blvd without the infrastructure to support it. We need retail in South Hayward equivalent to the downtown area. A decent restaurant near the golf course would do well. Please approve this project to move forward as originally planned.

Sincerely,

Sylvia Pagan  
510-449-9523

## Sara Buizer

---

**From:** Glen Lombardi <lumpy447@gmail.com>  
**Sent:** Thursday, June 18, 2020 5:15 PM  
**To:** Sara Buizer  
**Subject:** Holiday bowl

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

**CAUTION:** This is an external email. Do not click on links or open attachments unless you know the content is safe.

This site is a disgrace and I would like to know who in the hell I holding up this project to make it more dense with housing!! I've been here for a very long time and never seen anything like this, ok the damn project and get it done!

## Sara Buizer

---

**From:** Sohaila <sohailahasan@hotmail.com>  
**Sent:** Thursday, June 18, 2020 7:28 PM  
**To:** Sara Buizer  
**Subject:** Mission Village (Bowling Alley) Development Project.

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

CAUTION: This is an external email. Do not click on links or open attachments unless you know the content is safe.

Dear Sara,

We have too many apartments in this part of Hayward. So we need a beautiful parking lot for these apartments. As residents of Twin Bridges we have no place to park our cars which sometimes is no big deal. However, when strangers park their cars any times of the night 2 or 3 we don't know if he/she breaking our houses/cars or parking. This has made our life miserable. I hope you guys feel us once. Maybe these people should buy these old apartments on the side of it then built houses with three Parking's at least.

Thank you,  
Sohaila

## Sara Buizer

---

**From:** Jeanne V Gopez <tjgopez@pacbell.net>  
**Sent:** Thursday, June 18, 2020 8:55 PM  
**To:** Sara Buizer  
**Cc:** St. Scho; fairwaypark94544@gmail.com  
**Subject:** Bowling alley @ industrial & Mission

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

**CAUTION:** This is an external email. Do not click on links or open attachments unless you know the content is safe.

Ms. Sara Buizer,

We have been residents of Twin Bridges Village since its inception in 1999. We are writing to you in regards to the project that is supposed to ensue to raze the defunct bowling alley at the corner of Industrial Boulevard and Mission in Hayward.

We are privy to the current project that includes parks, a restaurant, outdoor seating with a view to the golf course—a project many of us have all been patiently waiting for. However, it appears the powers at be are pushing back ONCE AGAIN because there are “people” who are strongly killing this project to build 72 townhomes instead.

The thought of yet another higher density project will prove to be a pernicious nonsense. There are two lanes on mission boulevard and Industrial that cannot support the hundreds of vehicles that will traverse to and from this corner. These builders do not care what happens after they build and sell. It’s the residents who are left to carry the burden. There are already several townhomes being built in this area and there is another project that just started construction along Mission.

There has to be a line drawn to create balance. We are in dire need of recreational areas. We need some room to breathe—where we do not have to travel so far to feel some space. We are so close to attaining this. Please do not let us suffer any longer in staring at this defunct corner for over TWENTY YEARS! I thought this red tape is more prevalent in other countries yet it is happening right here in our backyards.

Please allow this current project to continue. You are not only penalizing them who have spent so much time and money to get this project going, you are also penalizing us—THE TAXPAYERS who are footing your salaries. By scratching this current project, you will be sending a bad message to other investors who will turn away from Hayward in fear of their project becoming stifled and highly politicized.

My son was 13 when we moved here. We used to enjoy going to the bowling alley for some family time. He is now over 30 with 2 kids and has yet to see that corner improve. IT CERTAINLY HAS BEEN A LIFETIME!

We are strongly urging you to allow this current project to commence. Please hear our voices. Enough is enough.

Sincerely,  
Tomas and Jeanne Gopez



## Sara Buizer

---

**From:** Marty Froomin <marty.froomin@gmail.com>  
**Sent:** Thursday, June 18, 2020 9:29 PM  
**To:** Sara Buizer  
**Subject:** Holiday bowling alley project

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

CAUTION: This is an external email. Do not click on links or open attachments unless you know the content is safe.

Just wanted to drop a note that I support this project moving forward.

Marty

Sent from my iPhone

## Sara Buizer

---

**From:** slowhndb@aol.com  
**Sent:** Thursday, June 18, 2020 9:48 PM  
**To:** Sara Buizer  
**Subject:** Development at Industrial & Mission - Holiday Bowl

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

**CAUTION:** This is an external email. Do not click on links or open attachments unless you know the content is safe.

Hello Sara,

I just caught wind of the development running into more delays. It is my understanding that this delay is because there was objection to the resident density not being high enough. Really?? Someone entertained this objection and may delay the project? Worse yet, have the developer say they have had enough and scrub the project??

With all of the new developments in progress, I am concerned about the inevitable traffic problems. We will be crawling on Mission Blvd from Industrial Blvd. to Jackson St.--- Higher density seems so incredibly absurd.

Hayward has struggled with an image problem for years. We are making progress with that image. Let's keep upgrading the image/perception ---- not add unconquerable traffic to the list.

Regards,

Bruce Richman  
315 Inwood Lane  
Hayward

Sent from [Mail](#) for Windows 10

## Sara Buizer

---

**From:** ed feria <edferia@gmail.com>  
**Sent:** Thursday, June 18, 2020 9:54 PM  
**To:** Sara Buizer  
**Cc:** St. Scho; fairwaypark94544@gmail.com  
**Subject:** Re: [twin-bridges] Bowling alley @ industrial & Mission

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

**CAUTION:** This is an external email. Do not click on links or open attachments unless you know the content is safe.

Ms. Buizer,

I strongly agree with the sentiments expressed by Tomas and Jeanne Gopez. We too have lived at Twin Bridges since 1999.

Enough has been said. Thank you.

Ed and Nonette Feria

On Thu, Jun 18, 2020 at 8:54 PM Jeanne V Gopez [tjgopez@pacbell.net](mailto:tjgopez@pacbell.net) [twin-bridges] <[twin-bridges@yahoogroups.com](mailto:twin-bridges@yahoogroups.com)> wrote:

Ms. Sara Buizer,

We have been residents of Twin Bridges Village since its inception in 1999. We are writing to you in regards to the project that is supposed to ensue to raze the defunct bowling alley at the corner of Industrial Boulevard and Mission in Hayward.

We are privy to the current project that includes parks, a restaurant, outdoor seating with a view to the golf course—a project many of us have all been patiently waiting for. However, it appears the powers at be are pushing back ONCE AGAIN because there are “people” who are strongly killing this project to build 72 townhomes instead.

The thought of yet another higher density project will prove to be a pernicious nonsense. There are two lanes on mission boulevard and Industrial that cannot support the hundreds of vehicles that will traverse to and from this corner. These builders do not care what happens after they build and sell. It’s the residents who are left to carry the burden. There are already several townhomes being built in this area and there is another project that just started construction along Mission.

There has to be a line drawn to create balance. We are in dire need of recreational areas. We need some room to breathe—where we do not have to travel so far to feel some space. We are so close to attaining this. Please do not let us suffer any longer in staring at this defunct corner for over TWENTY YEARS! I thought this red tape is more prevalent in other countries yet it is happening right here in our backyards.

Please allow this current project to continue. You are not only penalizing them who have spent so much time and money to get this project going, you are also penalizing us—THE TAXPAYERS who are footing your salaries. By

scratching this current project, you will be sending a bad message to other investors who will turn away from Hayward in fear of their project becoming stifled and highly politicized.

My son was 13 when we moved here. We used to enjoy going to the bowling alley for some family time. He is now over 30 with 2 kids and has yet to see that corner improve. IT CERTAINLY HAS BEEN A LIFETIME!

We are strongly urging you to allow this current project to commence. Please hear our voices. Enough is enough.

Sincerely,  
Tomas and Jeanne Gopez

---

Posted by: Jeanne V Gopez <[tjgopez@pacbell.net](mailto:tjgopez@pacbell.net)>

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## Sara Buizer

---

**From:** Curtisjj02 <curtisjj02@aol.com>  
**Sent:** Thursday, June 18, 2020 10:56 PM  
**To:** Sara Buizer  
**Cc:** twin-bridges@yahooogroups.com; fairwaypark94544@gmail.com  
**Subject:** Re: [twin-bridges] Bowling alley @ industrial & Mission

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

**CAUTION:**This is an external email. Do not click on links or open attachments unless you know the content is safe.

Ms Buizer,

I totally agree with my neighbors. I've been since 1999 as well. The City of Hayward need this as it strives to become an All American City.  
Please do what's right. The redevelopment on Mission Blvd looks good. This project would put us on the map.

Curtis & Dana Johnson

-----Original Message-----

From: ed feria edferia@gmail.com [twin-bridges] <twin-bridges@yahooogroups.com>  
To: sara.buizer@hayward-ca.gov  
Cc: St. Scho <twin-bridges@yahooogroups.com>; fairwaypark94544@gmail.com <fairwaypark94544@gmail.com>  
Sent: Thu, Jun 18, 2020 9:53 pm  
Subject: Re: [twin-bridges] Bowling alley @ industrial & Mission

Ms. Buizer,

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Enough has been said. Thank you.

Ed and Nonette Feria

On Thu, Jun 18, 2020 at 8:54 PM Jeanne V Gopez [tjgopez@pacbell.net](mailto:tjgopez@pacbell.net) [twin-bridges] <[twin-bridges@yahooogroups.com](mailto:twin-bridges@yahooogroups.com)> wrote:

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We are privy to the current project that includes parks, a restaurant, outdoor seating with a view to the golf course—a project many of us have all been patiently waiting for. However, it appears the powers at be are pushing back ONCE AGAIN because there are “people” who are strongly killing this project to build 72 townhomes instead.

The thought of yet another higher density project will prove to be a pernicious nonsense. There are two lanes on mission boulevard and Industrial that cannot support the hundreds of vehicles that will traverse to and from this corner. These builders do not care what happens after they build and sell. It's the residents who are left to carry the burden. There are

already several townhomes being built in this area and there is another project that just started construction along Mission.

There has to be a line drawn to create balance. We are in dire need of recreational areas. We need some room to breathe—where we do not have to travel so far to feel some space. We are so close to attaining this. Please do not let us suffer any longer in staring at this defunct corner for over TWENTY YEARS! I thought this red tape is more prevalent in other countries yet it is happening right here in our backyards.

Please allow this current project to continue. You are not only penalizing them who have spent so much time and money to get this project going, you are also penalizing us—THE TAXPAYERS who are footing your salaries. By scratching this current project, you will be sending a bad message to other investors who will turn away from Hayward in fear of their project becoming stifled and highly politicized.

My son was 13 when we moved here. We used to enjoy going to the bowling alley for some family time. He is now over 30 with 2 kids and has yet to see that corner improve. IT CERTAINLY HAS BEEN A LIFETIME!

We are strongly urging you to allow this current project to commence. Please hear our voices. Enough is enough.

Sincerely,  
Tomas and Jeanne Gopez

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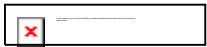
Posted by: ed feria <edferia@gmail.com>

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## Sara Buizer

---

**From:** Kim Williams <williamskim888@gmail.com>  
**Sent:** Friday, June 19, 2020 9:14 AM  
**To:** Homeowners  
**Cc:** Sara Buizer; fairwaypark94544@gmail.com  
**Subject:** Re: [twin-bridges] Bowling alley @ industrial & Mission

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

**CAUTION:** This is an external email. Do not click on links or open attachments unless you know the content is safe.

We also agree and have lived in this neighborhood for over 20 years. It's an eye sore and action on this property has taken way too long! Action needs to be taken with the current project and it's not their fault rules keep changing. We have enough dilapidated buildings in Hayward. You have someone who wants to better the area and has waited way too long. Please work with them to get closure on this now. We have been paying taxes to look at this eye sore for way too long.

Regards,  
Brad & Kim Williams

On Thu, Jun 18, 2020 at 10:56 PM Curtisjj02 <[curtisjj02@aol.com](mailto:curtisjj02@aol.com)> [twin-bridges] <[twin-bridges@yahoogroups.com](mailto:twin-bridges@yahoogroups.com)> wrote:

Ms Buizer,

I totally agree with my neighbors. I've been since 1999 as well. The City of Hayward need this as it strives to become an All American City.  
Please do what's right. The redevelopment on Mission Blvd looks good. This project would put us on the map.

Curtis & Dana Johnson

-----Original Message-----

From: ed feria <[edferia@gmail.com](mailto:edferia@gmail.com)> [twin-bridges] <[twin-bridges@yahoogroups.com](mailto:twin-bridges@yahoogroups.com)>  
To: [sara.buizer@hayward-ca.gov](mailto:sara.buizer@hayward-ca.gov)  
Cc: St. Scho <[twin-bridges@yahoogroups.com](mailto:twin-bridges@yahoogroups.com)>; [fairwaypark94544@gmail.com](mailto:fairwaypark94544@gmail.com) <[fairwaypark94544@gmail.com](mailto:fairwaypark94544@gmail.com)>  
Sent: Thu, Jun 18, 2020 9:53 pm  
Subject: Re: [twin-bridges] Bowling alley @ industrial & Mission

Ms. Buizer,

I strongly agree with the sentiments expressed by Tomas and Jeanne Gopez. We too have lived at Twin Bridges since 1999.  
Enough has been said. Thank you.

Ed and Nonette Feria

On Thu, Jun 18, 2020 at 8:54 PM Jeanne V Gopez <[tjgopez@pacbell.net](mailto:tjgopez@pacbell.net)> [twin-bridges] <[twin-bridges@yahoogroups.com](mailto:twin-bridges@yahoogroups.com)> wrote:

Ms. Sara Buizer,

We have been residents of Twin Bridges Village since its inception in 1999. We are writing to you in regards to the project that is supposed to ensue to raze the defunct bowling alley at the corner of Industrial Boulevard and Mission in Hayward.

We are privy to the current project that includes parks, a restaurant, outdoor seating with a view to the golf course—a project many of us have all been patiently waiting for. However, it appears the powers at be are pushing back ONCE AGAIN because there are “people” who are strongly killing this project to build 72 townhomes instead.

The thought of yet another higher density project will prove to be a pernicious nonsense. There are two lanes on mission boulevard and Industrial that cannot support the hundreds of vehicles that will traverse to and from this corner. These builders do not care what happens after they build and sell. It's the residents who are left to carry the burden. There are already several townhomes being built in this area and there is another project that just started construction along Mission.

There has to be a line drawn to create balance. We are in dire need of recreational areas. We need some room to breathe—where we do not have to travel so far to feel some space. We are so close to attaining this. Please do not let us suffer any longer in staring at this defunct corner for over TWENTY YEARS! I thought this red tape is more prevalent in other countries yet it is happening right here in our backyards.

Please allow this current project to continue. You are not only penalizing them who have spent so much time and money to get this project going, you are also penalizing us—THE TAXPAYERS who are footing your salaries. By scratching this current project, you will be sending a bad message to other investors who will turn away from Hayward in fear of their project becoming stifled and highly politicized.

My son was 13 when we moved here. We used to enjoy going to the bowling alley for some family time. He is now over 30 with 2 kids and has yet to see that corner improve. IT CERTAINLY HAS BEEN A LIFETIME!

We are strongly urging you to allow this current project to commence. Please hear our voices. Enough is enough.

Sincerely,  
Tomas and Jeanne Gopez

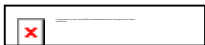
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Posted by: Curtisjj02 <[curtisjj02@aol.com](mailto:curtisjj02@aol.com)>

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## Sara Buizer

---

**From:** Sumana Kasar <sumana\_kasar@yahoo.com>  
**Sent:** Friday, June 19, 2020 10:03 AM  
**To:** Sara Buizer  
**Cc:** fairwaypark94544@gmail.com; twin-bridges@yahoogroups.com  
**Subject:** Re: [twin-bridges] Bowling alley @ industrial & Mission

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

**CAUTION:** This is an external email. Do not click on links or open attachments unless you know the content is safe.

Ms Buizer,

I agree with the sentiments expressed below. We moved to Twin Bridges in 1999 and our son was born there. Please allow the current project to continue with out further roadblocks.

On Jun 18, 2020, at 10:56 PM, Curtisjj02 [curtisjj02@aol.com](mailto:curtisjj02@aol.com) [twin-bridges] <[twin-bridges@yahoogroups.com](mailto:twin-bridges@yahoogroups.com)> wrote:

Ms Buizer,

I totally agree with my neighbors. I've been since 1999 as well. The City of Hayward need this as it strives to become an All American City. Please do what's right. The redevelopment on Mission Blvd looks good. This project would put us on the map.

Curtis & Dana Johnson

-----Original Message-----

From: ed feria [edferia@gmail.com](mailto:edferia@gmail.com) [twin-bridges] <[twin-bridges@yahoogroups.com](mailto:twin-bridges@yahoogroups.com)>  
To: [sara.buizer@hayward-ca.gov](mailto:sara.buizer@hayward-ca.gov)  
Cc: St. Scho <[twin-bridges@yahoogroups.com](mailto:twin-bridges@yahoogroups.com)>; [fairwaypark94544@gmail.com](mailto:fairwaypark94544@gmail.com) <[fairwaypark94544@gmail.com](mailto:fairwaypark94544@gmail.com)>  
Sent: Thu, Jun 18, 2020 9:53 pm  
Subject: Re: [twin-bridges] Bowling alley @ industrial & Mission

Ms. Buizer,

I strongly agree with the sentiments expressed by Tomas and Jeanne Gopez. We too have lived at Twin Bridges since 1999. Enough has been said. Thank you.

Ed and Nonette Feria

On Thu, Jun 18, 2020 at 8:54 PM Jeanne V Gopez [tjgopez@pacbell.net](mailto:tjgopez@pacbell.net) [twin-bridges] <[twin-bridges@yahooogroups.com](mailto:twin-bridges@yahooogroups.com)> wrote:

Ms. Sara Buizer,

We have been residents of Twin Bridges Village since its inception in 1999. We are writing to you in regards to the project that is supposed to ensue to raze the defunct bowling alley at the corner of Industrial Boulevard and Mission in Hayward.

We are privy to the current project that includes parks, a restaurant, outdoor seating with a view to the golf course—a project many of us have all been patiently waiting for. However, it appears the powers at be are pushing back ONCE AGAIN because there are “people” who are strongly killing this project to build 72 townhomes instead.

The thought of yet another higher density project will prove to be a pernicious nonsense. There are two lanes on mission boulevard and Industrial that cannot support the hundreds of vehicles that will traverse to and from this corner. These builders do not care what happens after they build and sell. It's the residents who are left to carry the burden. There are already several townhomes being built in this area and there is another project that just started construction along Mission.

There has to be a line drawn to create balance. We are in dire need of recreational areas. We need some room to breathe—where we do not have to travel so far to feel some space. We are so close to attaining this. Please do not let us suffer any longer in staring at this defunct corner for over TWENTY YEARS! I thought this red tape is more prevalent in other countries yet it is happening right here in our backyards.

Please allow this current project to continue. You are not only penalizing them who have spent so much time and money to get this project going, you are also penalizing us—THE TAXPAYERS who are footing your salaries. By scratching this current project, you will be sending a bad message to other investors who will turn away from Hayward in fear of their project becoming stifled and highly politicized.

My son was 13 when we moved here. We used to enjoy going to the bowling alley for some family time. He is now over 30 with 2 kids and has yet to see that corner improve. IT CERTAINLY HAS BEEN A LIFETIME!

We are strongly urging you to allow this current project to commence. Please hear our voices. Enough is enough.

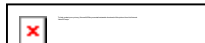
Sincerely,  
Tomas and Jeanne Gopez

---

Posted by: Curtisjj02 <[curtisjj02@aol.com](mailto:curtisjj02@aol.com)>

---

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## Sara Buizer

---

**From:** Edgar Espanola <espanola.edgar@yahoo.com>  
**Sent:** Friday, June 19, 2020 10:03 AM  
**To:** twin-bridges@yahoogroups.com; Homeowners  
**Cc:** Sara Buizer; fairwaypark94544@gmail.com  
**Subject:** Re: [twin-bridges] Bowling alley @ industrial & Mission

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

**CAUTION:** This is an external email. Do not click on links or open attachments unless you know the content is safe.

Jeanne,  
My family are the very first ones to move into the Masters complex back in 1998. I have the same concerns. Thanks for voicing out in hopes that no more housings are built in that location.

Regards, Edgar

On Fri, Jun 19, 2020 at 9:13 AM, Kim Williams [williamskim888@gmail.com](mailto:williamskim888@gmail.com) [twin-bridges] <[twin-bridges@yahoogroups.com](mailto:twin-bridges@yahoogroups.com)> wrote:

We also agree and have lived in this neighborhood for over 20 years. It's an eye sore and action on this property has taken way too long! Action needs to be taken with the current project and it's not their fault rules keep changing. We have enough dilapidated buildings in Hayward. You have someone who wants to better the area and has waited way too long. Please work with them to get closure on this now.. We have been paying taxes to look at this eye sore for way too long.

Regards,  
Brad & Kim Williams

On Thu, Jun 18, 2020 at 10:56 PM Curtisjj02 [curtisjj02@aol.com](mailto:curtisjj02@aol.com) [twin-bridges] <[twin-bridges@yahoogroups.com](mailto:twin-bridges@yahoogroups.com)> wrote:

Ms Buizer,

I totally agree with my neighbors. I've been since 1999 as well. The City of Hayward need this as it strives to become an All American City.  
Please do what's right. The redevelopment on Mission Blvd looks good. This project would put us on the map.

Curtis & Dana Johnson

-----Original Message-----

From: ed feria [edferia@gmail.com](mailto:edferia@gmail.com) [twin-bridges] <[twin-bridges@yahoogroups.com](mailto:twin-bridges@yahoogroups.com)>  
To: [sara.buizer@hayward-ca.gov](mailto:sara.buizer@hayward-ca.gov)  
Cc: St. Scho <[twin-bridges@yahoogroups.com](mailto:twin-bridges@yahoogroups.com)>; [fairwaypark94544@gmail.com](mailto:fairwaypark94544@gmail.com) <[fairwaypark94544@gmail.com](mailto:fairwaypark94544@gmail.com)>  
Sent: Thu, Jun 18, 2020 9:53 pm  
Subject: Re: [twin-bridges] Bowling alley @ industrial & Mission

Ms. Buizer,

I strongly agree with the sentiments expressed by Tomas and Jeanne Gopez. We too have lived at Twin Bridges since 1999.

Enough has been said. Thank you.

Ed and Nonette Feria

On Thu, Jun 18, 2020 at 8:54 PM Jeanne V Gopez [tjgopez@pacbell.net](mailto:tjgopez@pacbell.net) [twin-bridges] <[twin-bridges@yahoogroups.com](mailto:twin-bridges@yahoogroups.com)> wrote:

Ms. Sara Buizer,

We have been residents of Twin Bridges Village since its inception in 1999. We are writing to you in regards to the project that is supposed to ensue to raze the defunct bowling alley at the corner of Industrial Boulevard and Mission in Hayward.

We are privy to the current project that includes parks, a restaurant, outdoor seating with a view to the golf course—a project many of us have all been patiently waiting for. However, it appears the powers at be are pushing back ONCE AGAIN because there are “people” who are strongly killing this project to build 72 townhomes instead.

The thought of yet another higher density project will prove to be a pernicious nonsense. There are two lanes on mission boulevard and Industrial that cannot support the hundreds of vehicles that will traverse to and from this corner. These builders do not care what happens after they build and sell. It's the residents who are left to carry the burden. There are already several townhomes being built in this area and there is another project that just started construction along Mission.

There has to be a line drawn to create balance. We are in dire need of recreational areas. We need some room to breathe—where we do not have to travel so far to feel some space. We are so close to attaining this. Please do not let us suffer any longer in staring at this defunct corner for over TWENTY YEARS! I thought this red tape is more prevalent in other countries yet it is happening right here in our backyards.

Please allow this current project to continue. You are not only penalizing them who have spent so much time and money to get this project going, you are also penalizing us—THE TAXPAYERS who are footing your salaries. By scratching this current project, you will be sending a bad message to other investors who will turn away from Hayward in fear of their project becoming stifled and highly politicized.

My son was 13 when we moved here. We used to enjoy going to the bowling alley for some family time. He is now over 30 with 2 kids and has yet to see that corner improve. IT CERTAINLY HAS BEEN A LIFETIME!

We are strongly urging you to allow this current project to commence. Please hear our voices. Enough is enough.

Sincerely,  
Tomas and Jeanne Gopez

---

Posted by: Kim Williams <[williamskim888@gmail.com](mailto:williamskim888@gmail.com)>

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## Sara Buizer

---

**From:** guz's MGB <guzsmgb@hotmail.com>  
**Sent:** Friday, June 19, 2020 10:20 AM  
**To:** Sara Buizer  
**Subject:** Mission Village (Bowling Alley) Development Project.  
**Attachments:** Bowling Alley.png

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

**CAUTION:** This is an external email. Do not click on links or open attachments unless you know the content is safe.

I want to make my voice heard on the disasters going on with the defunct bowling alley at Industrial Blvd and Mission Blvd.

**I am in FULL agreement with the current proposed plan for redevelopment of this property.**

I find it reprehensible that "someone" can come in and just bring this project to a screeching halt. I understand "this person" is unnamed and that I find to be a slap in the face. The City has an obligation to inform its Citizens of ALL proceedings attached to this project. I demand that this person, Company or whoever be made Public so we as Citizens know just what "interests" they have in this property.

I am sick and tired at looking at this horrible eye-sore every single day and it should have been torn down years ago. Graffiti, homeless people, fires, weeds, ugliness, a parking lot for big rigs, cars, etc., have all plagued this property.

**Let this Project continue as proposed.**

Gary Guzman  
31214 Tepic Place #31  
Hayward 94544

## Sara Buizer

---

**From:** Nani Seele <naniseele@yahoo.com>  
**Sent:** Friday, June 19, 2020 10:39 AM  
**To:** twin-bridges@yahoogroups.com  
**Cc:** Sara Buizer; fairwaypark94544@gmail.com  
**Subject:** Re: [twin-bridges] Bowling alley @ industrial & Mission

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

**CAUTION:** This is an external email. Do not click on links or open attachments unless you know the content is safe.

Ms. Buizer,

I agree with the sentiments expressed below. We also moved into Twin Bridges in 1998 and I too do not want to see another housing project there. Please ensure the current project to continue without any further roadblocks. We have waited too long.

Thank you,

Johanna Nani Seele

Sent from my iPhone

On Jun 19, 2020, at 10:22 AM, Sumana Kasar sumana\_kasar@yahoo.com [twin-bridges] <twin-bridges@yahoogroups.com> wrote:

Ms Buizer,

I agree with the sentiments expressed below. We moved to Twin Bridges in 1999 and our son was born there. Please allow the current project to continue with out further roadblocks.

On Jun 18, 2020, at 10:56 PM, Curtisjj02 [curtisjj02@aol.com](mailto:curtisjj02@aol.com) [twin-bridges] <[twin-bridges@yahoogroups.com](mailto:twin-bridges@yahoogroups.com)> wrote:

Ms Buizer,



I totally agree with my neighbors. I've been since 1999 as well. The City of Hayward need this as it strives to become an All American City. Please do what's right. The redevelopment on Mission Blvd looks good. This project would put us on the map.

Curtis & Dana Johnson

-----Original Message-----

From: ed feria [edferia@gmail.com](mailto:edferia@gmail.com) [twin-bridges] <[twin-bridges@yahoogroups.com](mailto:twin-bridges@yahoogroups.com)>  
To: [sara.buizer@hayward-ca.gov](mailto:sara.buizer@hayward-ca.gov)  
Cc: St. Scho <[twin-bridges@yahoogroups.com](mailto:twin-bridges@yahoogroups.com)>; [fairwaypark94544@gmail.com](mailto:fairwaypark94544@gmail.com) <[fairwaypark94544@gmail.com](mailto:fairwaypark94544@gmail.com)>  
Sent: Thu, Jun 18, 2020 9:53 pm  
Subject: Re: [twin-bridges] Bowling alley @ industrial & Mission

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Ed and Nonette Feria

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Ms. Sara Buizer,

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We are privy to the current project that includes parks, a restaurant, outdoor seating with a view to the golf course—a project many of us have all been patiently waiting for. However, it appears the powers at be are pushing back ONCE AGAIN because there are “people” who are strongly killing this project to build 72 townhomes instead.

The thought of yet another higher density project will prove to be a pernicious nonsense. There are two lanes on mission boulevard and Industrial that cannot support the hundreds of vehicles that will traverse to and from this corner. These builders do not care what happens after they build and sell. It's the residents who are left to carry the burden. There are already several townhomes being built in this area and there is another project that just started construction along Mission.

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Please allow this current project to continue. You are not only penalizing them who have spent so much time and money to get this project going, you are also penalizing us—THE TAXPAYERS who are footing your salaries. By scratching this current project, you will be sending a bad message to other investors who will turn away from Hayward in fear of their project becoming stifled and highly politicized.

My son was 13 when we moved here. We used to enjoy going to the bowling alley for some family time. He is now over 30 with 2 kids and has yet to see that corner improve. IT CERTAINLY HAS BEEN A LIFETIME!

We are strongly urging you to allow this current project to commence. Please hear our voices. Enough is enough.

Sincerely,  
Tomas and Jeanne Gopez

---

Posted by: Sumana Kasar <sumana\_kasar@yahoo.com>

---

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## Sara Buizer

---

**From:** justmaris@aol.com  
**Sent:** Friday, June 19, 2020 11:01 AM  
**To:** twin-bridges@yahoogroups.com  
**Cc:** Sara Buizer; fairwaypark94544@gmail.com  
**Subject:** Re: [twin-bridges] Bowling alley @ industrial & Mission

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

**CAUTION:** This is an external email. Do not click on links or open attachments unless you know the content is safe.

All,

After ready through the emails, I am confused on what TB residents are agreeing to or not. Here is what my understanding of the current Holiday bowl project is supposed to be:

- 72 townhomes
- parks
- retail

Please refer to the link below:

<https://www.eastbaytimes.com/2017/01/19/hayward-board-oks-development-plans-for-former-holiday-bowl-site/>

It appears some of the residents think that there are NOT supposed to be any housing built but the current project defines that 72 townhomes will be built. That was the original proposal that was approved. I believe that the current opposition and appeal is to build more units.

Regardless, I, too agree that we should keep as is and move forward with this project as further changes may hinder the chances of this site ever being developed.

Thanks,

Jim

-----Original Message-----

From: Nani Seele naniseele@yahoo.com [twin-bridges] <twin-bridges@yahoogroups.com>  
To: twin-bridges@yahoogroups.com  
Cc: sara.buizer@hayward-ca.gov <sara.buizer@hayward-ca.gov>; fairwaypark94544@gmail.com <fairwaypark94544@gmail.com>  
Sent: Fri, Jun 19, 2020 10:38 am  
Subject: Re: [twin-bridges] Bowling alley @ industrial & Mission

Ms. Buizer,

I agree with the sentiments expressed below. We also moved into Twin Bridges in 1998 and I too do not want to see another housing project there. Please ensure the current project to continue without any further roadblocks. We have waited too long.

Thank you,

Johanna Nani Seele

Sent from my iPhone

On Jun 19, 2020, at 10:22 AM, Sumana Kasar [sumana\\_kasar@yahoo.com](mailto:sumana_kasar@yahoo.com) [twin-bridges] <[twin-bridges@yahooogroups.com](mailto:twin-bridges@yahooogroups.com)> wrote:

Ms Buizer,

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On Jun 18, 2020, at 10:56 PM, Curtisjj02 [curtisjj02@aol.com](mailto:curtisjj02@aol.com) [twin-bridges] <[twin-bridges@yahooogroups.com](mailto:twin-bridges@yahooogroups.com)> wrote:

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Curtis & Dana Johnson

-----Original Message-----

From: ed feria [edferia@gmail.com](mailto:edferia@gmail.com) [twin-bridges] <[twin-bridges@yahooogroups.com](mailto:twin-bridges@yahooogroups.com)>

To: [sara.buizer@hayward-ca.gov](mailto:sara.buizer@hayward-ca.gov)

Cc: St. Scho <[twin-bridges@yahooogroups.com](mailto:twin-bridges@yahooogroups.com)>; [fairwaypark94544@gmail.com](mailto:fairwaypark94544@gmail.com) <[fairwaypark94544@gmail.com](mailto:fairwaypark94544@gmail.com)>

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We are strongly urging you to allow this current project to commence. Please hear our voices. Enough is enough.

Sincerely,  
Tomas and Jeanne Gopez

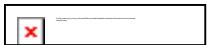
---

Posted by: Nani Seele <naniseele@yahoo.com>

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## Sara Buizer

---

**From:** Pat Coghill <pcoghill@levita.com>  
**Sent:** Friday, June 19, 2020 11:21 AM  
**To:** Sara Buizer  
**Subject:** Redevelopment of Holiday Bowl site / appeal of extension

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

**CAUTION:** This is an external email. Do not click on links or open attachments unless you know the content is safe.

My opinion on the appeal.....

Redevelopment of the site is long overdue and it's time for the eyesore to be demolished! I commend the city on conditioning the extension approval on swift demolition of the existing structures that are a huge blight and safety hazard.

The site would already be redeveloped if government agencies had not caused delays outside the developers control.

I'm 100% in favor of upholding the administrative extension to move forward with the currently approved project that is compliant with applicable requirements.

Pat Coghill  
1056 Silver Maple Lane  
Hayward, CA 94544  
650-390-4390

## Sara Buizer

---

**From:** chris Stockinger <aretheseallyours@sbcglobal.net>  
**Sent:** Friday, June 19, 2020 12:13 PM  
**To:** Sara Buizer  
**Subject:** Bowling Alley Project

**CAUTION:** This is an external email. Do not click on links or open attachments unless you know the content is safe.

Hi,

I would like to voice my opinion to come ti us with the project at Industrial and Mission as intended. I strongly oppose more high density housing in this location, and would love to see the original plan move forward.

Thanks

Chris Stockinger

Hayward Resident

<https://peacewithgod.net/>

## Sara Buizer

---

**From:** kadijoan@aol.com  
**Sent:** Friday, June 19, 2020 3:23 PM  
**To:** Sara Buizer  
**Subject:** Regarding Holiday Bowl Project

**CAUTION:** This is an external email. Do not click on links or open attachments unless you know the content is safe.

Dear Sara,

Regarding the project...time to take a vote if it come down to one "neighbor" objecting and wanting a higher density project.

It sounds so suspect...

Hayward and Mission Blvd already has enough, unfinished high density projects in the works.

That corner will be busy enough as is.

Vote to complete project as was once approved.

Seriously, what does Hayward think it is? Beverly Hills?

Long Time resident,

Joan Kayson



## Sara Buizer

---

**From:** fides rojo <mrsfaithred@aol.com>  
**Sent:** Friday, June 19, 2020 7:28 PM  
**To:** Sara Buizer  
**Cc:** #314 Fifi Vanderbilt  
**Subject:** Development Project

**Follow Up Flag:** Flag for follow up  
**Flag Status:** Flagged

CAUTION: This is an external email. Do not click on links or open attachments unless you know the content is safe.

Dear Sara Buizer:

RE: Mission Village (Bowling Alley) Development Project

I am a Hayward homeowner, directly residing across the street from the old Holiday Bowl on Mission Blvd and Industrial Pkwy. This email is to highly support the current above referenced project and to strongly reject any changes of this project to a higher density development. Please hear my voice! Thank you.

Sincerely,  
Mrs Fides Rojo

Sent from my iPhone

## Sara Buizer

---

**From:** Jeanne Gopez <tjgopez@pacbell.net>  
**Sent:** Saturday, June 20, 2020 2:13 AM  
**To:** twin-bridges@yahoogroups.com  
**Cc:** Sara Buizer; fairwaypark94544@gmail.com  
**Subject:** Re: [twin-bridges] Bowling alley @ industrial & Mission

**Follow Up Flag:** Flag for follow up  
**Flag Status:** Flagged

**CAUTION:** This is an external email. Do not click on links or open attachments unless you know the content is safe.

I read the letter of the appellants, Ro Aguilar and Glen Kirby. For specificity's sake, they are appealing to the Hayward city council to increase the number of units from the current 18 units per acre to 30 units per acre. That is the "higher density" being discussed here. They want to increase the number of units to almost double. Who benefits the most here? To realtors, they will get more money with more units sold.

No more! Our disposition remains intact and that is to end any change/upgrades to the current project. Enough discussion, let's get some action. Stick to the current plan and let's do this already.

Thank you,  
Tom & Jeanne Gopez

On Jun 19, 2020, at 1:44 PM, Nani Seele naniseele@yahoo.com [twin-bridges] <twin-bridges@yahoogroups.com> wrote:

Thank you for the clarification and link. Very helpful. My comment was due in large part to the email responses.

Based on your email Jim, I agree, we should keep project as is and move forward.

Johanna Nani Seele

On Friday, June 19, 2020, 11:01:06 AM PDT, justmaris@aol.com [twin-bridges] <twin-bridges@yahoogroups.com> wrote:

All,

After ready through the emails, I am confused on what TB residents are agreeing to or not. Here is what my understanding of the current Holiday bowl project is supposed to be:

- 72 townhomes
- parks
- retail

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<https://www.eastbaytimes.com/2017/01/19/hayward-board-oks-development-plans-for-former-holiday-bowl-site/>

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Thanks,

Jim

-----Original Message-----

From: Nani Seele naniseele@yahoo.com [twin-bridges] <twin-bridges@yahoogroups.com>

To: twin-bridges@yahoogroups.com

Cc: sara.buizer@hayward-ca.gov <sara.buizer@hayward-ca.gov>; fairwaypark94544@gmail.com <fairwaypark94544@gmail..com>

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Ms Buizer,

I agree with the sentiments expressed below. We moved to Twin Bridges in 1999 and our son was born there. Please allow the current project to continue with out further roadblocks.

On Jun 18, 2020, at 10:56 PM, Curtisjj02 [curtisjj02@aol.com](mailto:curtisjj02@aol.com) [twin-bridges] <[twin-bridges@yahoogroups.com](mailto:twin-bridges@yahoogroups.com)> wrote:

Ms Buizer,

I totally agree with my neighbors. I've been since 1999 as well. The City of Hayward need this as it strives to become an All American City. Please do what's right. The redevelopment on Mission Blvd looks good. This project would put us on the map.

Curtis & Dana Johnson

-----Original Message-----

From: ed feria [edferia@gmail.com](mailto:edferia@gmail.com) [twin-bridges] <[twin-bridges@yahoogroups.com](mailto:twin-bridges@yahoogroups.com)>

To: [sara.buizer@hayward-ca.gov](mailto:sara.buizer@hayward-ca.gov)

Cc: St. Scho <[twin-bridges@yahoogroups.com](mailto:twin-bridges@yahoogroups.com)>; [fairwaypark94544@gmail.com](mailto:fairwaypark94544@gmail.com) <[fairwaypark94544@gmail.com](mailto:fairwaypark94544@gmail.com)>

Sent: Thu, Jun 18, 2020 9:53 pm

Subject: Re: [twin-bridges] Bowling alley @ industrial & Mission

Ms. Buizer,

I strongly agree with the sentiments expressed by Tomas and Jeanne Gopez. We too have lived at Twin Bridges since 1999. Enough has been said. Thank you.

Ed and Nonette Feria

On Thu, Jun 18, 2020 at 8:54 PM Jeanne V Gopez [tjgopez@pacbell.net](mailto:tjgopez@pacbell.net) [twin-bridges] <[twin-bridges@yahoogroups.com](mailto:twin-bridges@yahoogroups.com)> wrote:

Ms. Sara Buizer,

We have been residents of Twin Bridges Village since its inception in 1999. We are writing to you in regards to the project that is supposed to ensue to raze the defunct bowling alley at the corner of Industrial Boulevard and Mission in Hayward.

We are privy to the current project that includes parks, a restaurant, outdoor seating with a view to the golf course—a project many of us have all been patiently waiting for. However, it appears the powers at be are pushing back ONCE AGAIN because there are “people” who are strongly killing this project to build 72 townhomes instead.

The thought of yet another higher density project will prove to be a pernicious nonsense.. There are two lanes on mission boulevard and Industrial that cannot support the hundreds of vehicles that will traverse to and from this corner. These builders do not care what happens after they build and sell. It's the residents who are left to carry the burden. There are already several townhomes being built in this area and there is another project that just started construction along Mission.

There has to be a line drawn to create balance. We are in dire need of recreational areas. We need some room to breathe—where we do not have to travel so far to feel some space. We are so close to attaining this. Please do not let us suffer any longer in staring at this defunct corner for over TWENTY YEARS! I thought this red tape is more prevalent in other countries yet it is happening right here in our backyards.

Please allow this current project to continue. You are not only penalizing them who have spent so much time and money to get this project going, you are also penalizing us—THE TAXPAYERS who are footing your salaries. By scratching this current project, you will be sending a bad message to other investors who will turn away from Hayward in fear of their project becoming stifled and highly politicized.

My son was 13 when we moved here. We used to enjoy going to the bowling alley for some family time. He is now over 30 with 2 kids and has yet to see that corner improve. IT CERTAINLY HAS BEEN A LIFETIME!

We are strongly urging you to allow this current project to commence. Please hear our voices. Enough is enough.

Sincerely,  
Tomas and Jeanne Gopez

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Posted by: Nani Seele <naniseele@yahoo.com>

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## Sara Buizer

---

**From:** Sylvia Pagan <pagansy@yahoo.com>  
**Sent:** Thursday, June 18, 2020 5:03 PM  
**To:** Sara Buizer  
**Subject:** Mission Village

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

**CAUTION:** This is an external email. Do not click on links or open attachments unless you know the content is safe.

Hello,

A notice was posted on Nextdoor from the Twin Bridges neighborhood regarding the current state of the Mission Village project. I understand that the city is now thinking of moving in a different direction.

I am sending you this message to express my support of the original plans and that we move forward without additional delays. The corner of Industrial & Mission Blvd has been an eyesore for far too long. High density property is going up everywhere along Dixon, Industrial and Mission Blvd without the infrastructure to support it. We need retail in South Hayward equivalent to the downtown area. A decent restaurant near the golf course would do well. Please approve this project to move forward as originally planned.

Sincerely,

Sylvia Pagan  
510-449-9523

## Sara Buizer

---

**From:** Ellen Green <busyellen@yahoo.com>  
**Sent:** Monday, June 22, 2020 8:32 AM  
**To:** Sara Buizer  
**Subject:** Re: 201504677 Bowling Alley Property

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

CAUTION: This is an external email. Do not click on links or open attachments unless you know the content is safe.

Dear Sara,

In regards to the bowling alley property:

I am in favor with the current plan of 72 townhomes.

I don't want any additional units (higher density) built.

Keep the current plan "as is" and let the developer move forward and get this project completed.

No more delays!

Sincerely,  
Ellen Green  
31263 Hershey Way  
Hayward CA 94544

## Sara Buizer

---

**From:** James McCrea <jamesmccrea@outlook.com>  
**Sent:** Monday, June 22, 2020 1:43 PM  
**To:** Sara Buizer  
**Subject:** Mission village development project

**Follow Up Flag:** Flag for follow up  
**Flag Status:** Flagged

CAUTION: This is an external email. Do not click on links or open attachments unless you know the content is safe.

>  
> Ms Buizer  
>  
> I live at 659 Gleneagle Avenue Hayward. I am writing in support of renewal of this project as previously approved and in opposition to a higher density development project. The project as approved reflects the agreement of the community at the time and nothing has occurred to alter that agreement. Please forward this message to the appropriate authority.  
>  
> Thank you.  
> James McCrea  
>  
> The message above was dictated to Siri. Any typos you may see are likely caused by Siri's inability to overcome my poor elocution.



## Sara Buizer

---

**From:** Allan Jones <allan.jones@sbcglobal.net>  
**Sent:** Monday, June 22, 2020 6:53 PM  
**To:** Sara Buizer  
**Subject:** Renewal of project application of former Holiday Bowl site at Mission and Industrial Nlvd

**Follow Up Flag:** Flag for follow up  
**Flag Status:** Flagged

**CAUTION:** This is an external email. Do not click on links or open attachments unless you know the content is safe.

Sara Buizer , A I C P, Planning Manager

Ms Buizer, it has come to my attention that the applicant for the above noted project has finally managed to comply with all requirements imposed by city and county and is ready to proceed with razing existing on site buildings . I understand in order to do this a renewal of the project is required . I also understand an appeal has been filed by an appellant to require modifications to the approved plans . This project has encountered many delays and to further delay it by : hashing and rehashing : the density that has agreed to by the city and neighborhood is not acceptable . The developer spent considerable time and effort to design a project that the neighbors here in south Hayward are excited about. With the under grounding of utilities , landscaping and other improvements along Mission Blvd this project will serve to compliment that work . It is time to stop stonewalling and give this project the green light is deserves .

Thank You

Allan L Jones  
248 Lafayette Ave  
Hayward, Ca 94544

cc City Council  
City Planning Commission

## Sara Buizer

---

**From:** Kelly Sullivan <kellys1rr@gmail.com>  
**Sent:** Tuesday, June 23, 2020 1:58 PM  
**To:** Sara Buizer  
**Subject:** Regarding App NO: 201504677 VTM 8304

**CAUTION:** This is an external email. Do not click on links or open attachments unless you know the content is safe.

Hello Sara,

As a resident living in the South Hayward community, I am in support of the currently approved project of 72 townhomes and 8,000 square feet of commercial space; and opposed the relook at the possibility of higher density living for this area.

Please forward this to the Planning Commission for their consideration for the June 25 meeting.

Thank you,  
Kelly Sullivan

## Mission Village, from Minane Jameson

Minane Jameson &lt;m77jameson@gmail.com&gt;

Fri 7/10/2020 1:53 PM

To: Sara Buizer &lt;Sara.Buizer@hayward-ca.gov&gt;

<b>CAUTION:</b> This is an external email. Do not click on links or open attachments unless you know the content is safe.
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Hi Sara,

Could you please make sure each PC member gets my letter ASAP?

Thank you for your troubles and hope all is well!

Minane

Dear Planning Commission Members,

I would like to once again share my concerns about the Mission Village project to be built on the Holiday Bowl property at the corner of Mission Blvd and Industrial Pk

Many developers planning to build in south Hayward have been encouraged by city staff to bring their proposed projects to the Fairway Park Neighborhood Association. The city for these opportunities and understand that there is no guarantee that all our input will be included in the final project. Still, we take this task seriously, and do developer, the city and our community. I should point out that the neighbors here oppose more residential development as they don't want more traffic and parked cars, nice full service grocery store, sit down restaurants, and better stores. Convincing them that more housing will lead to these amenities coming to south Hayward is a challenge this either, anymore).

Over the last 7-8 years we've met with numerous developers who we assume are working within the guidelines set by the city. We aren't picking the developers, or that we did 'shop' around for a developer to look at doing something at the Holiday Bowl site, with no luck. When Mimi Bauer and I got an invitation to go to Oakland to meet, we were working on a project at this location, we were over the moon.

Valley Oak Partners presented us with their initial project and asked for our opinions. I cannot remember the details, but I do remember we were fairly impressed with the plan to include solar, make the park a public space, make sure the commercial spaces have quality tenants, and they have as much parking and vegetation as possible. Whether we can't say; but again, I assumed they were addressing whatever the city required. As for density, we can't imagine more people, more traffic and more cars in this already developed area may have not actually crossed our minds to ask for more.

There have been a number of affordable/low income projects built in our community and there are several in the pipeline:

1. SoHay added affordable units to their project.
2. META is planning to build an affordable/low income high density project (140 units?) about a block north of Industrial on Mission. No market rate at this location.
3. A church about 3 blocks south of Industrial had to close and plans to build affordable/low income senior apartments. We met with their architect and suggested an adjacent property (an abandoned dental office?) to expand and improve this project.
4. We enthusiastically supported the Sara Conner affordable/low income apartment project on the corner of Lafayette and Mission (across from Mexico Supermarket/affordable/low income apartment project near BART. Both high density.
5. Rumor has it that the property adjacent to the Sara Conner apartments (currently a restaurant that constantly changes hands) is slated to be a high density project which would be great for this site.
6. Union City just approved an affordable/low income high density project on vacant land also on Mission, not far from the Sara Conner project.

The permit for the Athashri high end senior condo project that the city approved several years ago will probably expire soon. This project will likely never get built and instead for a high density, affordable housing or mixed use project. True Life just received entitlements for a large project on the old skating rink property, and this permit might give them the rights to build (I believe this project contains some affordable housing). Both these projects are very near the BART station.

I bring all these projects to your attention in case you might have forgotten about them. I know there is an endless need for more housing of all kinds, especially affordable housing in Hayward. I applaud Hayward for having built so many affordable housing projects and for wanting to build so many more. However, I don't think that Hayward has to run out of every pocket book, nor be high density, even when it's close to BART; quality of life is important too. More importantly, I don't feel that Valley Oak Partners who has spent a lot of time and money to create a project that the community supports and that the city approved several years ago, should have to go back to the drawing board. I think it's not fair to 'kill' this project, they just want to add more units. This isn't a LEGO kit where you can just snap on more pieces! Requiring more units at this time will cost the developer a lot more money, and yes, this could basically kill the project (and scare off other developers who I'm sure know what's going on). And please don't suggest a commercial portion as this would make the corner of the project 'top heavy', something the architect did their best to avoid.

Hayward FINALLY got a developer to take on this contaminated, oddly shaped parcel of land next to an apartment complex that is pretty much everyone's nightmare. If they clean up the bowling alley building and clean up the site better, then PLEASE let them move forward with the project as originally approved.

This is my second letter to you regarding Mission Village. Please let me know that you received my letter and where you stand on this project.

Thank you in advance for your consideration,

Minane Jameson



Reply

Forward



## South Hayward Holiday Bowl Site

Julie Goebel <jtgoebel@gmail.com>

Fri 7/10/2020 10:43 AM

To: Sara Buizer <Sara.Buizer@hayward-ca.gov>

**CAUTION:** This is an external email. Do not click on links or open attachments unless you know the content is safe.

Greetings!

I am a long-time resident of South Hayward and am very concerned about the perpetual delays that seem to be happening with the former Holiday Bowl property. I understand there are a couple of individuals who have raised some objections to the planned development and those objections may cause even further delays.

Please let me know if there is anything I can do as a citizen to affirm that this development needs to start sooner rather than later. We have been waiting far too long for the transformation from dangerous blight to much needed retail and housing. Who do my neighbors and I need to appeal to...is it the City Council, the Planning Commission, the Developer? What needs to happen to finally move this project forward?

Thank you for your time and consideration,

Julie Goebel



Virus-free. [www.avast.com](http://www.avast.com)

## Holiday Bowl

Janice <jvarvell14@gmail.com>

Wed 7/8/2020 1:06 PM

To: Sara Buizer <Sara.Buizer@hayward-ca.gov>

CAUTION: This is an external email. Do not click on links or open attachments unless you know the content is safe.

Hi,

I as many other tax paying community members are frustrated with the continuous stalling of this Holiday Bowl project that began in 2014 with the developer and the community working together.

I would to request a response from each city member associated with this project as to what their position is regarding the progress (or lack of it) is on this project.

I would like to receive it in writing via email if possible from them as to their stand in support of this project.

It is only a matter of time with the terrible condition of the building and homeless living there that something devastating will result this jeopardizing the safety of the community.

That will effect our decision on whether to support them in the future.

I have been told by the community to send my email to you so you can forward it to the appropriate individuals within the City of Hayward.

Respectfully,  
Janice Varvell

## Holiday Bowl

Christopher Parker <chris.parker@me.com>

Wed 7/8/2020 11:49 AM

To: Sara Buizer <Sara.Buizer@hayward-ca.gov>

CAUTION: This is an external email. Do not click on links or open attachments unless you know the content is safe.

Hi Sara,

I have been living in the Twin Bridges location for over twenty years. After the Holiday bowl closed, it has been an eyesore and a place for drug addicts and homeless people to gather. I have witnessed an increase in homeless people living in the Holiday Bowl and an increase in crime around the area. In the past three months, my car has been broken into twice, I had a homeless person attempt into my house, and I had to chase two people who were trying to steal mail out my mailbox.

No person should be forced to live in fear because the Mayor, the City Council, and the Planning commission refused to do their job. If they cannot do their job, it's time to vote for people ready to help fight crime and make Hayward a safe place to live. It's time to remove those whose personal agenda does not align with the residents of Hayward. Our community is tired of increased crime, homelessness, abandoned cars, and slow development over the years. My request is simple, get rid of the Holiday Bowl, which will help reduce crime and the homelessness population. Build something in that area and stop forcing us to live next to that eyesore because of two people and someone who has a personal agenda with the union. Help us, and we'll help you or be slow to do your job, and we'll replace you!

Regard's

Christopher Parker

## Mission Village Project Hindrance

Mimi <cmbauer97@aol.com>

Wed 7/8/2020 9:26 AM

To: Sara Buizer <Sara.Buizer@hayward-ca.gov>; Kelly McAdoo <Kelly.McAdoo@hayward-ca.gov>

 12 attachments (785 KB)

Mission Village Hindrance Andrews.docx; Mission Village Hindrance Bonilla.docx; Mission Village Hindrance Goldstein.docx; Mission Village Hindrance Halliday.docx; Mission Village Hindrance Lamnin.docx; Mission Village Hindrance Marquez.docx; Mission Village Hindrance Mendall.docx; Mission Village Hindrance Patton.docx; Mission Village Hindrance Roche.docx; Mission Village Hindrance Salinas.docx; Mission Village Hindrance Wahab.docx; Mission Village Hindrance Zermeno.docx;

**CAUTION:** This is an external email. Do not click on links or open attachments unless you know the content is safe.

Hello Sara and Kelly,

I am very disturbed about the hindrance that is happening with the Mission Village project. So disturbed, that I have addressed my concern in the letters attached addressed **individually** to each member of the Planning Commission and City Council **separately requesting an individual response from each**. I would appreciate you forwarding the individually addressed message to each commissioner and council member by printing out or emailing the appropriately addressed message to each. If you are not able to do so, please let me know so that I can find another way to do so.

Sincerely,

Mimi Bauer  
Fairway Park Neighborhoods Association, President



## Developing Hayward versus Infrastructure

Ian Carisi <iancarisi@yandex.ru>

Tue 7/7/2020 12:01 AM

To: Francisco C Zermeno <machetez@sbcglobal.net>; CityClerk <CityClerk@hayward-ca.gov>; Sara Buizer <Sara.Buizer@hayward-ca.gov>

**CAUTION:** This is an external email. Do not click on links or open attachments unless you know the content is safe.

Ian Carisi  
390 Industrial Parkway  
Apt. 8  
Hayward, Ca 94544

First off let me introduce myself. I live and work in Hayward. And I think this city is great.

In the 1940's after World War II the new American Dream had arrived. The dream shifted from the city life to the desire to have a house in the suburbs and a car. The Bay Area Rapid Transit District was formed in the 1950s to meet the demand of the 1950's and not much has been done since to meet the demands of today. Thirty years ago the average home in the East Bay had 1.5 automobiles. Today that number has increased to 2.5 automobiles per household in increasing. Today, that American Dream has become the American nightmare. Look around you what do you see? Massive development in Residential and Commercial development but absolutely no increase in infrastructure. This includes Transit and power. I estimate in the city of Hayward, in the next 5 years alone there will be 10,000 new automobiles. I look around and I see single family homes with garages and driveways with the capacity to park six automobiles off street. When I ask people why so many cars they say: (1) The expensive cost in using transit and/or (2) The lack of frequency of transit. Today in Hayward BART normally runs a train every 15 or 20 minutes. That is not good when the people are demanding that service interval not exceed five minutes per train.

Do you remember when the American car was the street car? Rail vehicles are the most efficient means to transport a large volume of people. They recently had simultaneous Infrastructure improvements on Hesperian and Mission Blvd. and both were nothing more than a waste of money that did absolutely nothing to increase capacity. So what is the solution? Light Rail. Rail is the future and it should be the present, not the personal automobile. And again, interval cannot exceed 5 minutes. If this is met we can eliminate 10,000 automobiles out of Hayward.

Added:

1. Metering Lights are not the solution
2. Express lanes are not the solution

Both just cause backups in the neighboring community.

I apologize if this message is fragmented, but I think you get the picture.

I recently received a post card regarding development of 411 Industrial Parkway and 29705, 29827, 29851, and 29875 Mission Blvd. I am 100% against future development due to the fact this corridor is already saturated. We need to develop our infrastructure before we develop more residential and commercial properties.

Regards,

Ian Carisi  
Chief Flight Instructor California Airways  
Hayward Executive Airport (KHWD)

## Regarding development on corner of Mission and Industrial

Kevin Chen <kecchen2@gmail.com>

Sun 6/28/2020 7:38 PM

To: Sara Buizer <Sara.Buizer@hayward-ca.gov>

**CAUTION:** This is an external email. Do not click on links or open attachments unless you know the content is safe.

Hello,

I am writing this email regarding the Holiday Bowl site and the plan to change the current project to a high density development. I would like to voice my opinion and strongly decline the high density development plan. I live in the neighborhood that's literally a block away (Alquire Pkwy). I believe the sudden spike in population in that area will negatively affect my commute time. I would much prefer the original plan with the 72 townhomes, where there will be less families to cause any congestion with traffic and parking around the area.

Best Regards,  
Kevin

## I am supportive of the 72 townhome development for the holiday bowling site

Tai chen <twnor@gmail.com>

Sat 6/27/2020 11:57 AM

To: Sara Buizer <Sara.Buizer@hayward-ca.gov>

**CAUTION:** This is an external email. Do not click on links or open attachments unless you know the content is safe.

Hello,

My name is Tai Chen, I'm a resident of the Elms community across the street from the Holiday bowling establishment. In 2017, my family and I were overwhelmed with joy when we heard the development planning for that site. However, many years have gone by without any progress. Today, I was made aware of what's going on with the site from a post on the Nextdoor app. I would like to share my thoughts on the matter with you:

I don't believe we need a higher density housing community at this site. We need more retail stores to support the community that's already here.

Being a resident in Hayward, I often find myself going to Union City and Fremont to take care of my retail needs, simply because there is nothing to do or buy in Hayward. I also feel that the Hayward infrastructure is not built to support a much higher population, as some major streets are already experiencing bad traffic problems during rush hour before the Covid-19 pandemic.

I hope the city council can consider supporting the original plan to be executed, and disapprove the high density housing change.

Thank you,  
Tai and Sharon



# CITY OF HAYWARD

Hayward City Hall  
777 B Street  
Hayward, CA 94541  
[www.Hayward-CA.gov](http://www.Hayward-CA.gov)

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**File #:** PH 20-062

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**DATE:** September 10, 2020

**TO:** Planning Commission

**FROM:** Planning Manager

**SUBJECT**

Proposed Multi-Family Residential Development with 27 Townhome-Style Condominiums and 18 Apartments Units on a Vacant 1.12-Acre Infill Site Located at 21659 Mission Boulevard, Assessor Parcel No. 428-0006-058-01 requiring Approval of Vesting Tentative Tract Map #8520 and a Site Plan Review and Density Bonus Application No. 201902713. Erik Waterman, Studio KDA (Applicant) on behalf of Pargat Singh (Property Owner)

**RECOMMENDATION**

That the Planning Commission approve the Vesting Tentative Tract Map, Site Plan Review and Density Bonus applications 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**

Erik Waterman of Studio KDA is requesting approval of a Vesting Tentative Tract Map (VTTM), Site Plan Review (SPR) and Density Bonus application to develop a multi-family residential development on a vacant 1.12-acre infill site located approximately  $\frac{3}{4}$ -mile from the Hayward BART Station. The development will include a total of 45 dwelling units including 27 townhome-style condominiums for ownership and 18 apartment units intended for rent each with on-site affordability. Pursuant to State Density Bonus law, the applicant is requesting an increase in density and that two (2) concessions/incentives be granted with respect to exceeding the height limitation and requesting a reduction in the amount of common open space required at the project site. The project site is located within the Urban General Zone with Height Overlay (MB-T4-1H) of the Mission Boulevard Corridor Form Based Code area with a Sustainable Mixed Use (SMU) land use designation in the *Hayward 2040 General Plan*. This project was deemed complete prior to the adoption of the recent Mission Boulevard Code (Form-Based Code update), effective August 14, 2020, and thus is subject to the former development standards.

**ATTACHMENTS**

Attachment I      Staff Report

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**File #:** PH 20-062

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Attachment II	Findings for Approval
Attachment III	Conditions of Approval
Attachment IV	Project Plans
Attachment V	Affordable Housing Unit Plan
Attachment VI	Public Correspondence



## **SUBJECT**

Proposed Multi-Family Residential Development with 27 Townhome-Style Condominiums and 18 Apartments Units on a Vacant 1.12-Acre Infill Site Located at 21659 Mission Boulevard, Assessor Parcel No. 428-0006-058-01 requiring Approval of Vesting Tentative Tract Map #8520 and a Site Plan Review and Density Bonus Application No. 201902713. Erik Waterman, Studio KDA (Applicant) on behalf of Pargat Singh (Property Owner)

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## **BACKGROUND**

Public Outreach. On May 23, 2019, a Notice of Application Receipt was sent to 233 addresses including property owners, businesses, and residents within a 300-foot radius of the project site, as well as interested parties including the Friends of San Lorenzo Creek, North Hayward Neighborhood Task Force, and Prospect Neighborhood Association.

On August 28, 2020, a Notice of Public Hearing for the Planning Commission public hearing was circulated to all property owners, businesses, residents and interested stakeholders within a 300-foot radius of the project site as well as published within The Daily Review

newspaper as a Legal Ad. To date, the Planning Division has received one (1) letter of support for the proposed development from the County of Alameda Community Development Agency in support of the project due to the regional housing shortage crisis and that this undeveloped lot is surrounded by compatible land uses. Public correspondence received thus far has been included to this report as Attachment VI.

## **PROJECT DESCRIPTION**

Existing Site Conditions. The project site consists of one individual parcel with a dual frontage along Mission Boulevard and Montgomery Street. The parcel has a total lot area of 1.12-acres situated approximately 600-feet northwest of the Mission Boulevard and Sunset Boulevard intersection, abutting the County of Alameda jurisdictional boundary at the north of the project site. The topography of the property is relatively flat and is currently a secured paved lot. Currently, there are eleven (11) protected trees on-site that will be removed and subject to the City's Tree Preservation Ordinance and no existing structures on-site.

Surrounding development and land uses include several automobile services and sales establishments to the north located within the County of Alameda's jurisdiction, commercial businesses to the east including a laundromat/cleaners, a commercial business (Stereo Maxx) to the south, and a mix of single-family and multi-family residences toward the west on Montgomery Street.

Proposed Project. The proposed project includes the development of 27 townhome-style condominiums intended for ownership fronting Montgomery Street and 18 apartments intended for rent oriented toward the Mission Boulevard right-of-way. The townhome-style portion of the development will consist of five separate buildings with either five or six condominiums in each building (see Sheet C3 on project plans). This portion of the development will be primarily accessed via Montgomery Street for vehicles, bicycles, and pedestrians. The three-bedroom, townhome-style condominiums are designed to be three-stories tall and contain approximately 1,470 square-feet with common facilities (kitchen, dining room, and living room) located on the ground floor, and private bedrooms and offices located on the second and third floors with balcony access. The remainder of the development is comprised of a singular, four-story apartment building which will include 18, two-bedroom dwelling units. The ground floor of the apartment building includes podium-level parking, a common lobby area with secured mail access, a bike storage room, utility closets, and a trash room. The second, third, and fourth floors will include the apartment units and the rooftop area will include a landscaped roof deck area for the residents. Dwelling units will range between 744 square-feet and 888 square-feet of net area. The project site will also include a common open space in the middle of the development with a children's playground, community vegetable garden area, and community lawn area that will be accessible to the townhome and apartments residents.

Architecture. The proposed development will include a total of six separate structures: five 3-story townhome-style condominium buildings and one 4-story apartment building. The structures all share a common contemporary, modern architectural approach incorporating flat and shed roofs coupled with varying wall planes, materials, and reliefs to avoid blank, monotonous facades. In addition, the buildings are proposed with compact setbacks along



their street frontages to align with the intent of the Form-Based Code for a more urban, dense form. Both the townhomes and apartments will utilize consistent materials such as cement plaster, fiber cement siding, metal awnings, and El Dorado stone veneer. The proposed primary colors for the development consist of robust orange, lighter blue, darker blue with secondary colors of darker gray and aged white for building trims, bases, and awning features.

The townhome-style condominiums are measured between 30 and 35-feet tall at their highest points, which more closely resembles the single-family and multi-family residential character along Montgomery Street. In addition, the twelve townhome units with a direct street frontage will maintain an attractive landscaped entrance and façade to further support creating a walkable, activated street presence. The apartment building will be situated closer toward Mission Boulevard (eastern portion of the site) and will similarly include modern architectural elements into its design. The roof for the apartment building will incorporate parapet walls to screen required rooftop mechanical equipment from the public right-of-way. The apartment building is measured at 45-feet from finished grade to the parapet roof. At the pedestrian level, there will be landscaping between the building and the sidewalk as well as significant glazing at the lobby area to create a welcoming entrance for residents, guests, and passing traffic.

Parking and Site Circulation. Pursuant to the Mission Boulevard Corridor Form Based Code (FBC), there is no minimum parking requirement for residential uses; however, the FBC establishes a maximum cap of 1.75 parking spaces per rental unit and 2.0 per ownership unit, as well as requires minimum bicycle parking for short- and long-term use. As proposed, the project will include a total of 35 parking spaces for automobiles: 24 for the townhomes and 11 for the apartment units. The project will include surface parking spaces for the townhome units and podium level parking for the apartment building. In addition, the project will also include capacity for 32 bicycle parking spaces; 20 of which will be located in the bicycle storage room and 12 will be located adjacent to the children's playground area to support alternative modes of transportation to/from mass transit stations and neighborhood commercial land uses. Based on the existing roadway network it is approximately a 14-minute walk or a 4-minute bicycle ride via Montgomery Street, a designated bike lane, to the Hayward BART Station which will be supported by the project's ample, secure bike storage.

Given that project site maintains two street frontages with two distinct product types, access to the project site for the apartments will be secured along Mission Boulevard that will lead to the podium garage, and the townhomes will utilize Montgomery Street to access the surface parking area – each driveway approach will be able to accommodate two-way vehicular traffic. In order to further support bicycle use and walking, there will be a landscaped path and cross-access easement recorded as part of the tentative map process between the apartment building and townhome properties that will allow residents of both areas to access Mission Boulevard or Montgomery Street, respectively.

Landscaping, Open Space and Tree Removals. The project plans (Attachment IV) include preliminary landscape and irrigation plans for the proposed development which consist of

new trees, shrubs and groundcovers to be planted at the site in compliance with the City's Bay Friendly Water Efficient Landscape Ordinance (WELO)<sup>1</sup>. WELO requires new developments with landscape areas greater than 500 square-feet to prepare water budget calculations and design for drought-tolerant, native trees and plantings appropriate for the project climate to ensure sustainable and water efficient landscaping and irrigation practices.

Pursuant to the FBC, new developments within the MB-T4-1H zoning district are required to reserve 15% of the lot area for common open space within the development, and plant street trees for every 30 linear-feet along the project frontage. The applicant has requested to utilize a Density Bonus concession/incentive to reduce the common open space requirement from 15% (7,332 square-feet) to 8% (4,139 square-feet). The common open space areas will include a children's playground, community vegetable garden, community lawn areas, lobby area, and landscape rooftop deck for a total of 4,139 square-feet. Additional discussion is included below in the Density Bonus section of this report.

An Arborist Report was prepared by a certified arborist which evaluated existing on-site and off-site perimeter trees at the project site in accordance with the City's Tree Preservation Ordinance<sup>2</sup>. Based on the landscaping plans, eleven existing trees on-site will need to be removed to accommodate the site improvements and construction of the new development. The species of the protected trees to be removed include southern magnolia, crape myrtles, and Italian cypress trees. The arborist report has appraised the value of the nine trees at \$14,690, which will require mitigation through the on-site planting of trees with like size, or like kind to meet or exceed the appraised value of the removed trees. As proposed, the project will mitigate the removal of these trees with the planting of 12 new street trees, 8 parking lot trees, and 11 additional shade trees, all sized at a 24-inch box size, plus the installation of permeable pavers for a total value of \$18,750. As conditioned, the landscaping and irrigation plans will be reviewed in greater detail during the building permit phase to ensure that all mitigation is adequate. Additionally, the City Landscape Architect will inspect the construction site to verify the trees are planted correctly with proper irrigation that will maximize the health of the trees.

Sustainability Features. The project will be required to be designed to meet all applicable California Building Code and CalGreen Standards, which require a minimal level of energy efficiency, conservation, material recycling, and air quality, for new construction. In addition, the landscaping areas and irrigation system will be compliant with Bay Area-Friendly Water Efficient Landscape Ordinance, which requires the use of drought tolerant planting with water-efficient irrigation systems. The project will seek a Greenpoint rating certification per Chapter 10, Article 22 of the HMC. Furthermore, the applicant will comply with ordinances related to construction debris and recycling to divert waste from landfills. Project specific sustainability features include the installation of solar panels on the roof, placement of an

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<sup>1</sup> Chapter 10, Article 12 of the Hayward Municipal Code – Bay Friendly Water Efficient Landscape Ordinance:  
[https://library.municode.com/ca/hayward/codes/municipal\\_code?nodeId=HAYWARD\\_MUNICIPAL\\_CODE\\_CH10PLZOSU\\_ART12BIEWA\\_EFLAOR](https://library.municode.com/ca/hayward/codes/municipal_code?nodeId=HAYWARD_MUNICIPAL_CODE_CH10PLZOSU_ART12BIEWA_EFLAOR)

<sup>2</sup> Chapter 10, Article 15 of the Hayward Municipal Code – Tree Preservation Ordinance:  
[https://library.municode.com/ca/hayward/codes/municipal\\_code?nodeId=HAYWARD\\_MUNICIPAL\\_CODE\\_CH10PLZOSU\\_ART15TRPR](https://library.municode.com/ca/hayward/codes/municipal_code?nodeId=HAYWARD_MUNICIPAL_CODE_CH10PLZOSU_ART15TRPR)

on-site vegetable garden, and installation of electric vehicle chargers. Further, the project aims to be developed as fully electric to reduce reliance on gas infrastructure.

## **POLICY CONTEXT AND CODE COMPLIANCE**

Hayward 2040 General Plan. The project site is designated Sustainable Mixed Use (SMU)<sup>3</sup> in the *Hayward 2040 General Plan* which allows for a residential density range of 4.3 to 100 dwelling units per net acre, and up to a maximum floor area ratio (FAR) of 2.0. Based on the General Plan density and cumulative lot area of the project site, the proposed development falls within the permissible density range of 4 to 112 dwelling units, and the FAR of the development does not exceed the maximum cap of 97,574 square-feet of floor area.

The SMU land use designation generally applies to properties that are regional transit adjacent and are planned as walkable urban neighborhoods. Typical building types will vary based on the zoning of the property, but will generally include single-family homes, duplexes, triplexes, fourplexes, second units, townhomes, live-work units, multi-story apartment and condominium buildings, commercial buildings, and mixed-use buildings that contain commercial uses on the ground floor and residential units or office space on upper floors. SMU areas are expected to change substantially in the future, as properties are planned to be developed or redeveloped at relatively high densities and intensities to create walkable and mixed-use neighborhoods and multi-modal corridors.

In addition, the project site is located within approximately ¾-mile from the Hayward BART station where the General Plan has identified this site within one of the City's five Priority Development Areas (PDAs); the Mission Boulevard Corridor Form-Based Code Specific Plan. This PDA is intended to decrease dependency on the automobile and offer more people multi-modal options to walk, bike, or take transit for commute and daily trips through high-density TODs; thus, assisting to reduce automobile use, local and regional traffic congestion, and related greenhouse gas emissions.

The project is also consistent with numerous goals and policies of the General Plan in that the development will increase the housing stock of affordable housing within the City of Hayward, the site is located adjacent to a major transportation hub at the Hayward BART station coupled with multiple bus lines along Mission Boulevard, and that the development is considered an infill development that will result in more complete community. The project consistency with the *Hayward 2040 General Plan* goals and policies are further discussed in greater detail in the Required Findings (Attachment II).

Zoning Ordinance. The project site is within the Urban General Zone with Height Overlay (MB-T4-1H) of the Mission Boulevard Corridor Form Based Code<sup>4</sup> area which allows for a residential density range of 17.5 to 35 dwelling units per net acre. Of the subdistricts within the MB-FBC, the MB-T4-1 zone is of moderate intensity with respect to development given that it is envisioned to consist of higher density mixed-use buildings that accommodate

<sup>3</sup> Hayward 2040 General Plan: <https://www.hayward2040generalplan.com/land-use/mixed>

<sup>4</sup> Chapter 10, Article 25 of the Hayward Municipal Code (Mission Boulevard Corridor Form Based Code):

[https://library.municode.com/ca/hayward/codes/municipal\\_code?nodeId=HAYWARD\\_MUNICIPAL\\_CODE\\_CH10PLZOSU\\_ART24SOHAB\\_AMIBOFOSECO](https://library.municode.com/ca/hayward/codes/municipal_code?nodeId=HAYWARD_MUNICIPAL_CODE_CH10PLZOSU_ART24SOHAB_AMIBOFOSECO)

retail, office, and residential uses, along with townhouses and apartment buildings. The zone consists of mixed use but primarily residential urban fabric. It envisions a mix of building types: townhouses, apartment buildings, mixed-use buildings, and commercial buildings. Setbacks and landscaping are variable. Based on the project lot area, the maximum dwelling unit cap for the site is 39 dwelling units; however, the applicant has requested to incorporate a density bonus to increase the total unit count to 45 dwelling units (14% increase). As proposed, the development complies with most of the development standards such as minimum/maximum setbacks, lot coverage, building design and materials, frontage buildout except for those standards requested to be reduced and/or waived through state density bonus law. Additional information on the requested density bonus and concessions/incentives to exceed the building height and reduce the common open space requirement are further described in the sections below.

Site Plan Review. Major development applications which require environmental review are subject to the Site Plan Review process and the associated findings contained in Section 10-1.3025 of the Hayward Municipal Code<sup>5</sup>. Per the HMC, the Planning Commission may approve or conditionally approve an application for Site Plan Review when all the following findings are made:

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

Vesting Tentative Map – Tract 8520. The proposed project includes a Vesting Tentative Tract Map (8520) for the subdivision to create a separate lot for the apartments and the creation of the townhome-style condominiums (27 airspace units) and common areas. The proposed project site is an infill site and the City of Hayward provides water and sanitary sewer service to the site and has adequate capacity to serve the proposed development. Access to the site would be provided through a combination of public and privately dedicated streets. Per Section 10-3.150 of the Hayward Municipal Code, if the tentative map is a tentative tract map or vesting tentative tract map, the Planning Commission shall have final jurisdiction to approve, conditionally approve or disapprove the tentative map where:

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

Staff has provided a more detailed analysis on the required Site Plan Review and Vesting

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<sup>5</sup> Chapter 10, Article 1, Section 10-1.3000 (Site Plan Review):

[https://library.municode.com/ca/hayward/codes/municipal\\_code?nodeId=HAYWARD\\_MUNICIPAL\\_CODE\\_CH10PLZOSU\\_ART1ZOOR\\_S10-1.3000SIPLRE](https://library.municode.com/ca/hayward/codes/municipal_code?nodeId=HAYWARD_MUNICIPAL_CODE_CH10PLZOSU_ART1ZOOR_S10-1.3000SIPLRE)

Tentative Tract Map findings above in Attachment II of this report.

**Density Bonus Ordinance.** The applicant is requesting a Density Bonus and two concessions/incentives from the Mission Boulevard Corridor Form Based Code pursuant to Section 65915 of the Government Code<sup>6</sup> and the City's Density Bonus Ordinance (DBO). A density bonus is a zoning tool granted by State law that allows for an increase in density with concessions and/or incentives to development standards when affordable housing units are included on-site. According to the submitted Affordable Housing Unit Plan/Density Bonus Plan (Attachment VI), the applicant is proposing that 4 of the 45 dwelling units be restricted by the City of Hayward for moderate-income households or lower – see Table 1 below. Given that the project is restricting 8% of the 12 rental units and 11% of the 27 ownership units (maximum dwelling unit cap per zoning) for moderate-income and a very-low income households, the project is entitled up to a 14% increase in density, resulting in the addition of 6 units for total of 45 dwelling units.

**Table 1. Density Bonus Unit Matrix**

	<b>Base Unit Count</b>	<b>Affordable Units Proposed</b>	<b>Affordable Income Level</b>	<b>Affordable On-Site (%)</b>	<b>Eligible Density Bonus</b>	<b>Density Bonus Units</b>	<b>Total Unit Count</b>
<b>Townhomes</b>	27	3	Moderate	11%	6%	2	27
<b>Apartments</b>	12	1	Very Low	8%	27.50%	4	18
<i>Subtotal:</i>	39					6	45

In exchange for restricting 4 dwelling units as affordable, the project is entitled to two (2) concessions or incentives. Concessions/incentives are defined as a reduction in site development standards or a modification of zoning code, or other regulatory incentives or concessions which result in identifiable and actual cost reductions. In addition, pursuant to state law, the City shall grant the concessions or incentives proposed by the developer unless it finds that the proposed concession or incentive does not result in identifiable and actual cost reductions, would cause a public health or safety problem, would cause an environmental problem, would harm historical property, or would be contrary to law. Accordingly, the applicant has requested the following concessions/incentives:

1. **Building Height.** Within the MB-T4-1H zoning district located north of A Street, there is a height overlay limitation of three-stories which is different from the rest of the form-based code area which allows four-story structures. The applicant is requesting a density bonus to increase the maximum building height to accommodate one (1) additional floor of six (6) dwelling units to subsidize the costs of incorporating affordable units on-site.
2. **Open Space Requirement.** For the MB-T4-1 zoning district, the FBC establishes a minimum common open space area requirement of 15% of the net lot area (7,332 square-feet). The applicant is proposing to provide 4,139 square-feet of common open space (8%) which is seven (7) percent below the required amount. To assist in supplementing the on-site

<sup>6</sup> Section 65915 of Government Code (State Density Bonus Law):

[http://leginfo.ca.gov/faces/codes\\_displaySection.xhtml?sectionNum=65915.&lawCode=GOV](http://leginfo.ca.gov/faces/codes_displaySection.xhtml?sectionNum=65915.&lawCode=GOV)

open space, the applicant has included private balconies for the townhome units and some of the townhome units have access to small personal landscaped backyard areas.

**Affordable Housing Ordinance.** Residential development projects with two or more dwelling units are subject to the City's Affordable Housing Ordinance (AHO)<sup>7</sup> where projects may either provide affordable units on-site or pay an in-lieu fee. For rental projects, the AHO requires 6% of units be restricted as affordable units with half of those required to be reserved for very-low income households. For ownership projects, the AHO required 10% of units to be restricted for moderate-income households. Pursuant to the AHO, the minimum requirement for the project is calculated on the base density cap for each tenure type which equates to 6% of 12 = 0.72 units (rounded up to 1 unit), and 10% of 27 = 2.7 (rounded up to 3 units); thus, 1 rental unit (apartment) are required to be restricted for a very-low income household and 3 ownership units (townhome) are required to be restricted for moderate income households. All restricted units, either to satisfy the AHO or DBO, will be maintained as affordable in perpetuity. As a Condition of Approval and per the AHO, the applicant will be required to execute an Affordable Housing Agreement with the coordination of the City's Housing Division prior to the issuance of building permits. AHO units are counted toward the DBO unit requirements.

**Strategic Roadmap.** In January 2020, the Council adopted six Strategic Priorities as part of its three-year Strategic Roadmap. This agenda item supports the Strategic Priority of Preserve, Protect & Produce Housing. Specifically, this item relates to the implementation of the following project(s):

- *Project 5, Part 5.a: Add a section to Housing and Housing Development staff reports to track accomplishments of Housing Element goals and programs including progress toward meeting RHNA goals.*

The proposed development not only includes the development of multi-family residential housing for ownership and rental, but the project incorporates on-site affordable units for both tenure types that will accommodate both very low and moderate-income households. This aligns with the critical focus of the priority to construct new housing at all income levels and stabilize rents to reduce displacement. In addition, the density of the project coupled with the location of the site further strives to reduce the City's carbon footprint by reducing the reliance on personal automobiles for each household when residences are within reasonable distance to mass transit to combat climate change.

## **STAFF ANALYSIS**

Staff believes that the Planning Commission can make the required Findings to approve the Site Plan Review and Density Bonus application based on the analysis provided herein and included within the required Findings. Aside from the two requested concessions/incentives granted through Density Bonus law, the proposed project complies with all objective

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<sup>7</sup> Chapter 10, Article 17 of the Hayward Municipal Code (Affordable Housing Ordinance):

[https://library.municode.com/ca/hayward/codes/municipal\\_code?nodeId=HAYWARD\\_MUNICIPAL\\_CODE\\_CH10PLZOSU\\_ART17AFHOOR](https://library.municode.com/ca/hayward/codes/municipal_code?nodeId=HAYWARD_MUNICIPAL_CODE_CH10PLZOSU_ART17AFHOOR)



development standards of the FBC and meets the intent of the MB-T4-1 zoning district as well as the goals and policies of the *Hayward 2040 General Plan*.

The proposed project represents sustainable planning principles by focusing infill developments within proximity of transit corridors along Mission Boulevard that provide multi-modal options for residents to commute via walking, scootering, bicycle, bus, and train. As mentioned above, AC Transit has northbound and southbound stops on Mission Boulevard located within 400 to 600-feet of the project site (approximately 3-minute walk). The 10 and 801 lines have 15-30 minute headways and provide connections between San Leandro, Hayward, Union City and Fremont with stops at the San Leandro, Bay Fair, Hayward, South Hayward, Union City, and Fremont BART stations as well as the Fremont Amtrak station which expands the regional connections available via transit. These options provide working class families, students, opportunities to commute via public transit versus single-occupancy automobiles. Staff understands that there may be perceived issues related to parking, but for the reasons identified above and considering technological advancements that allow for ridesharing, carsharing, carpooling, autonomous vehicles, etc., the necessity for owning a personal vehicle as a primary form of transportation has dropped.

Land Use Compatibility. As indicated previously, the project site is located within the FBC area which stretches the majority of the Mission Boulevard, except for the Downtown Specific Plan area. Within this FBC area, numerous new developments<sup>8</sup> for housing, mixed-use, and commercial have been approved (e.g. SoHay, Campways, Mission Seniors, Mission Crossings, Mission Family Apartments) that will transform the image and scale of the Mission Boulevard corridor within the next 5 years. Staff understands that the proposed urban compact development does not currently align with the existing scale of the abutting properties; however, the project does align with the majority of the FBC standards and the project architect has taken efforts to provide ample setbacks along the side property lines to avoid the massing impact onto adjacent structures while articulating the front facade. Further, as properties continue to redevelop along and in proximity to the Mission Boulevard corridor in accordance with the vision and standards of the FBC – the project will become more compatible in size and intensity to support the shift from suburban pattern to a more urban, compact form with walkable streets, nearby uses, and greater emphasis on utilizing mass transit to reduce vehicular congestion.

Housing Element. According to the 2014 Housing Element<sup>9</sup>, the proposed project site was identified within the Sites Inventory (Table B-4) for the Mission Boulevard Corridor Specific Plan Area for the potential development of future housing. The inventory indicated that the project site had a realistic capacity of fourteen (14) dwelling units on-site for lower-income housing. Given that the proposed development will consist of 45 dwelling units, inclusive of a density bonus, the project site will further assist the City in meeting its Regional Housing Needs Allocation (RHNA) targets for moderate-income and very-low income households. In consideration that some sites identified within the Residential Sites Inventory have already been entitled and/or developed at lower densities than originally forecasted for in the

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<sup>8</sup> Major Development Activity, City of Hayward: <https://www.hayward-ca.gov/business/for-developers/development-activity>

<sup>9</sup> City of Hayward Housing Element (2014): [https://www.hayward-ca.gov/sites/default/files/documents/HayHE\\_FINAL\\_Adopted.pdf](https://www.hayward-ca.gov/sites/default/files/documents/HayHE_FINAL_Adopted.pdf)

Housing Element, the proposed project will fill in the gap for much-needed affordable housing units to alleviate the State's housing crisis.

### **ENVIRONMENTAL REVIEW**

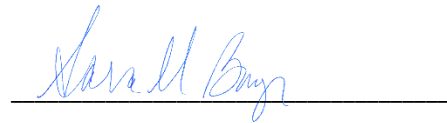
The proposed project is deemed categorically exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15332, Class 32 of the CEQA Guidelines for infill development. Further analysis is included within the required Findings in Attachment II.

### **NEXT STEPS**

If the Planning Commission approves the Vesting Tentative Tract Map, Site Plan Review and Density Bonus application, then a 10-day appeal period will commence from the date of decision. If no appeal is filed, then the decision will be deemed final. If an appeal is filed within the 10-day time frame, then the application will be heard by the City Council for final disposition.

Prepared by: Marcus Martinez, Associate Planner

Approved by:

A handwritten signature in blue ink, appearing to read "Sara M. Buizer", is written over a horizontal line.

Sara Buizer, AICP, Planning Manager

A handwritten signature in black ink, appearing to read "Laura J. Simpson", is written over a horizontal line.

Laura Simpson, AICP, Development Services Director



**CITY OF HAYWARD PLANNING COMMISSION  
PROPOSED MULTI-FAMILY RESIDENTIAL DEVELOPMENT  
LOCATED AT 21659 MISSION BOULEVARD  
VESTING TENTATIVE TRACT NO. 8520  
SITE PLAN REVIEW AND DENSITY BONUS APPLICATION NO. 201902713**

**FINDINGS FOR APPROVAL**

**SITE PLAN REVIEW**

Pursuant to Hayward Municipal Code Section 10-1.3025, the Planning Commission or other approving authority may approve or conditionally approve an application when all of the following findings are made:

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

The proposed development will be compatible with surrounding structures and uses in that the project consists of a new multi-family residential development on a vacant site. The development of the vacant 1.12-acre infill site will result in the construction of 27 three-story, townhome-style condominiums and an apartment building with 18 dwelling units (including 4 total units of affordable housing). Along the western frontage of the project site (Montgomery Street), the project site is bordered by existing single-family and multi-family residential properties, and along the eastern, northern, and southern boundaries toward Mission Boulevard, there are commercial land uses.

Further, the project site and adjacent parcels are located within the Mission Boulevard Coddior Form-Based Code (FBC) area, which allows for the construction of denser, mixed-use developments between two- and four-story structures given their proximity public to transit. To date, numerous new housing, mixed-use, and commercial developments have been approved in the Form Based Code area that will transform the the Mission Boulevard corridor within the next 5 to 10 years. As proposed, the new three-story townhomes is generally the same height of surrounding structures and aligns with the intent, goals, and policies of the FBC and the Sustainable Mixed-Use (SMU) land use designation of the *Hayward 2040 General Plan*.

The proposed buildings will all share a common contemporary, modern architectural approach incorporating flat and shed roofs coupled with varying wall planes, materials, and reliefs to avoid blank, monotonous facades. In addition, the buildings are proposed with compact setbacks along their street frontages to align with the intent of the Form-Based Code for a more urban, dense form. Both the townhomes and apartments will utilize consistent materials such as cement plaster, fiber cement siding, metal awnings, and El Dorado stone veneer. The proposed primary colors for the development consist of robust orange, lighter blue, darker blue with secondary colors of darker gray and aged white for building trims, bases, and awning features. In addition, the project will include approximately 31 total trees, 12 of which will be street trees, along with new street frontage improvements including landscaping, sidewalks, curb and gutter to beautify the street and enhance pedestrian connections. Thus, the project will be an attractive addition to the City of Hayward.

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

The development takes into consideration physical and environmental constraints in that the proposed project situated on a vacant 1.12-acre infill site that will accommodate a multi-family residential building, on-site parking, common open space, emergency vehicular access, functional site circulation and off-street trash service. The undeveloped site is relatively flat with no site improvements and will not require the demolition of any existing buildings or structures. Eleven (11) trees will be removed and will require mitigation to be incorporated on-site to the satisfaction of the City Landscape Architect per the City's Tree Preservation Ordinance. The proposed residential buildings also took into consideration the existing development pattern along both streets by situating the less dense townhomes along Montgomery Street and the denser apartments towards Mission Boulevard. Thus, the proposed development has taken into consideration the physical and environmental constraints of the project site.

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

The project site is within the Urban General Zone (MB-T4-1H) of the Mission Boulevard Corridor Form Based Code area with a corresponding land use designation of Sustainable Mixed-Use (SMU). Of the subdistricts within the FBC, the MB-T4-1 zone is of moderate intensity with respect to development given that it is envisioned to consist of higher density mixed-use buildings that accommodate retail, office, and residential uses, along with townhouses and apartment buildings with a density range of 17.5 - 35 units per net acre. The project is deemed consistent with the development standards of the form-based code, with the exception of the requested concessions/incentives through density bonus law for modifications to the common open space requirements and height limitations. Staff believes that the modification to the open space requirement and height limitations are considered an actual cost reduction in the project pursuant to State law. To offset the impact of not meeting the common open space requirement, the applicant has incorporated private open space areas into the units to compensate.

The SMU land use designation allows for a residential density range of 4.3 to 100 units per net acre, and up to a maximum floor area ratio (FAR) of 2.0. The SMU land use designation generally applies to properties that are transit adjacent and are planned as walkable urban neighborhoods. Typical building types vary based on the zoning of the property, but will generally include single-family homes, duplexes, triplexes, fourplexes, second units, townhomes, live-work units, multi-story apartment and condominium buildings, commercial buildings, and mixed-use buildings that contain commercial uses on the ground floor and residential units or office space on upper floors. SMU areas are expected to change substantially in the future, as properties are planned to be developed or redeveloped at relatively high densities and intensities to create walkable and mixed-use neighborhoods and multi-modal corridors.

The project will include a mix of ownership and rental units within the project including three-bedroom townhome-style condominiums and two-bedroom apartments with a total of four (4) units being affordable units, specifically one (1) very-low income household for rent, and three

(3) moderate-income households for ownership. Providing affordable housing is essential for a healthy community. In addition to a diverse mix of housing types, it is necessary to make available housing for residents of all income levels. As the population growth in the Bay Area continues to grow, it is important that affordable housing and higher density developments are located adjacent to public transit options and neighborhood commercial land uses. Overall, the proposed development with affordable housing will support the following *Hayward 2040 General Plan* goals and policies:

- 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.
- Land Use Policy LU-1.5 – Transit-Oriented Development. The City shall support high-density transit-oriented development within the city to improve transit ridership and to reduce automobile use, traffic congestion, and greenhouse gas emissions.
- Land Use Policy LU-1.13 – Local Plan Consistency with Regional Plans. The City shall strive to develop and maintain local plans and strategies that are consistent with the Regional Transportation Plan and the Sustainable Communities Strategy to qualify for State transportation funding and project CEQA streamlining.
- Land Use Policy LU-2.12 – Mission Boulevard Mixed-Use Corridor. The City shall encourage the redevelopment of the Mission Boulevard corridor to create an attractive mixed-use boulevard with a variety of commercial functions and residential densities that support walking and transit.
- Land Use Policy LU-2.13 – Mission Boulevard Specific Plan. The City shall maintain and implement the Mission Boulevard to guide and regulate development within the Mission Boulevard Mixed-Use Corridor.
- Economic Development Policy ED-5.5– Quality Development. The City shall require new development to include quality site, architectural and landscape design features to improve and protect the appearance and reputation of Hayward.
- Housing Policy H-2.2 – Provide Incentives for Affordable Housing. The City shall promote the use of density bonuses and other incentives to facilitate the development of new housing for extremely low-, very low-, and low-income households.
- Housing Policy H-3.1 – Diversity of Housing Types. The City shall implement land use policies that allow for a range of residential densities and housing types, prices, ownership, and size, including low-density single family uses, moderate-density townhomes, and higher-density apartments, condominiums, transit-oriented developments, live-work units, and units in mixed-use developments.
- Housing Policy H-3.2 – Transit Oriented Development. The City shall encourage transit-oriented developments that take advantage of the City's convenient availability of transit.
- Housing Policy H-3.4 – Residential Uses Close to Services. The City shall encourage development of residential uses close to employment, recreational facilities, schools, neighborhood commercial areas, and transportation routes.

- Housing Policy H-3.6 – Flexible Standards and Regulations. The City shall allow flexibility within the City's standards and regulations to encourage a variety of housing types.
- Housing Policy H-4.1 – Flexible Development Standards. The City shall review and adjust as appropriate residential development standards, regulations, ordinances, departmental processing procedures, and residential fees that are determined to be a constraint on the development of housing, particularly housing for lower- and moderate-income households and for persons with special needs.

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

The development will be operated in a manner determined to be acceptable and compatible with surrounding developments in that the proposed project will result in the construction of residential building like those abutting the project site along the Montgomery Street frontage. Noted above, the project site does immediately abut commercial land uses along the north, east, and southern boundaries toward Mission Boulevard, and single-family and multi-family residential buildings east of the project site across the street along Montgomery Street. Multi-family residential developments are permitted by-right within the Form-Based Code area. Given that the project site is located along Mission Boulevard, a major arterial street generating traffic-emissions, and includes residential uses within the development – the project is required to adhere Section 10-24.296 of the FBC for air quality mitigation measures which require proper precautions to be taken on the project site such as equipment installation, HVAC systems, site design measures to minimize potential health risks.

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

**VESTING TENTATIVE TRACT MAP**

Per Section 10-3.150 of the Hayward Municipal Code, if the tentative map is a tentative tract map or vesting tentative tract map, the Planning Commission shall have final jurisdiction to approve, conditionally approve or disapprove the tentative map where:

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

The proposed vesting tentative tract map is consistent with the goals and policies of the Hayward 2040 General Plan and Mission Boulevard Corridor Specific Plan in that the project includes a proposed multi-family residential development that aligns with the overall vision for growth along the Mission Boulevard corridor to support compact, urban development to create a more multi-modal network of walking and biking to nearby services.

## **2. The proposed subdivision meets the requirements of the City Zoning Ordinance.**

The proposed subdivision meets the requirements of the City's Zoning Ordinance in that the project site is within the Urban General Zone with Height Overlay (MB-T4-1H) of the Mission Boulevard Corridor Form Based Code area which allows for a residential density range of 17.5 to 35 dwelling units per net acre. Based on the project lot area, the maximum dwelling unit cap for the site is 39 dwelling units; however, the applicant has requested to incorporate a density bonus to increase the total unit count to 45 dwelling units (14% increase). As proposed, the development complies with most of the development standards such as minimum/maximum setbacks, lot coverage, building design and materials, frontage buildout except for those standards requested to be reduced and/or waived through state Density Bonus law.

## **3. No approval of variances or other exceptions are required for the approval of the subdivision.**

As mentioned above, the proposed development incorporates a Density Bonus that includes a request for two (2) concessions/incentives to deviate from the height limitations as well as the minimum common open space requirements of the Form-Based Code. No variances are being requested to accompany this application; rather, the project will utilize the State's zoning tool for density bonus concessions since the residential project will include on-site affordability.

## **ENVIRONMENTAL REVIEW**

The proposed project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to Section 15332 of the CEQA Guidelines for in-fill development as described below:

- A. The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations. As stated previously, the proposed development of the residential building is a permitted land use within the MB-T4-1H zoning district is consistent and is within the maximum floor area ratio of 2.0 of the SMU land use designation.
- B. The proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses. The proposed development is located within the MB-T4-1H district of the City of Hayward and the project site is approximately 1.12-acres in size surrounded by existing residential and commercial developments along the south, north and east of the site, and west of the project site.
- C. The project site has no value as habitat for endangered, rare, or threatened species. According to the Figure 7-1, Existing Vegetation Communities of the City of Hayward General Plan Background Conditions Report (2014), the project site is identified as "developed" and "ruderal" which include properties that have been disked and previously disturbed in some manner, and/or consist of existing development dominated by human use which do not offer suitable habitat for sensitive species. The site is currently a paved lot with minimal trees that will be mitigated in accordance with the City's Tree Preservation Ordinance.

- D. Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality.
- Traffic. According to the Institute of Transportation Engineers (ITE) Trip Generation Manual 9th Edition, the project will generate twelve (12) trips at the PM peak hour for the apartments (Code 220) and fourteen (14) trips at the PM peak hour for residential townhome/condominium (Code 230) for a total of 26 trips during the PM peak hour which will not cause significant traffic impacts.
  - Noise. Construction and operational noise impacts for the project will be subject to the City's existing Noise Ordinance within Chapter 4, Article 1 of Hayward Municipal Code that limits construction hours and acceptable decibel levels.
  - Air Quality. With respect to air quality, the proposed project is less than the thresholds set for operational-related criteria pollutant screening sizes and construction-related screening sizes as prescribed by the 2017 Bay Area Air Quality Management District (BAAQMD) CEQA Guidelines.
  - Water Quality. The proposed project shall be required to satisfy the requirements and standards with the County of Alameda Clean Water Program Municipal Regional Stormwater Permit (MRP 2.0).

**CITY OF HAYWARD PLANNING COMMISSION  
PROPOSED MULTI-FAMILY RESIDENTIAL DEVELOPMENT  
LOCATED AT 21659 MISSION BOULEVARD  
SITE PLAN REVIEW AND DENSITY BONUS APPLICATION NO. 201902713  
VESTING TENTATIVE TRACT NO. 8520**

**DRAFT CONDITIONS FOR APPROVAL**

1. The approval of Site Plan Review, Vesting Tentative Tract Map (#8520) and Density Bonus Application No. 201901824 shall allow for the development of a multi-family residential development including twenty-seven (27) townhouse-style condominiums for ownership and eighteen (18) apartment for rent. The project will include on-site affordability with the reservation of three (3) townhome-style condominiums for moderate income households and one (1) apartment rental for a very-low income household. The application also includes the utilization of two (2) density bonus concessions/incentives, consistent with State law, to modify the common open space requirements and the height limitations. The project site is located on a 1.12-acre vacant infill site at 21659 Mission Boulevard, Assessor Parcel No.428-0006-058-01.
2. The developer shall assume the defense of and shall pay on behalf of and hold harmless the City, its officers, employees, volunteers and agents from and against any or all loss, liability, expense, claim costs, suits and damages of every kind, nature and description directly or indirectly arising from the performance and action of this permit.
3. Site Plan Review and Density Bonus Application No. 201902713 is approved subject to the architectural, civil, and landscaping plans date stamped July 20, 2020, except as modified by the conditions listed below.
4. Any proposal for alterations to the conditionally approved site plan and/or design that does not require a variance to any zoning ordinance standard shall be subject to approval by the Development Services Director or his/her designee, prior to implementation. Alterations requiring a variance or exception shall be subject to review and approval by the Planning Commission.
5. The permittee, property owner and/or designated representative shall allow City staff access to 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.
6. A copy of these conditions of approval shall be included on a full-sized sheet(s) in the plan set submitted to the Building Division for plan check review.
7. 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.

8. In accordance with Hayward Municipal Code (HMC) Section 10- 1. 3055, approval of this Site Plan Review is void 36 months after the effective date of approval unless:
  - a. Prior to the expiration of the 36-month period, a building permit application has been submitted and accepted for processing by the Building Official or his/ her designee. If a building permit is issued for construction of improvements authorized by this approval, said approval shall be void two years after issuance of the building permit, or three years after approval of the application, whichever is later, unless the construction authorized by the building permit has been substantially completed or substantial sums have been expended in reliance on this approval; or
  - b. A time extension of the approval has been granted by the Development Services Director or his/her designee, which requires that a request for an extension of this approval must be submitted in writing to the Planning Division at least 15 days prior to the expiration date of this approval.
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 filed to construct the project.
10. The Planning Director or designee may revoke this permit for failure to comply with, or complete all, conditions of approval or improvements indicated on the approved plans.
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.
12. Consistent with General Plan Policies NR-2.2 and NR-2.7, in order to meet the BAAQMD fugitive dust threshold, the following BAAQMD Basic Construction Mitigation Measures shall be implemented:
  - a. All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day.
  - b. All haul trucks transporting soil, sand, or other loose material off-site shall be covered.



- c. All visible mud or dirt tracked-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.
  - d. All vehicle speeds on unpaved roads shall be limited to 15 mph.
  - e. All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible.
  - f. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.
  - g. Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations [CCR]). Clear signage shall be provided for construction workers at all access points.
  - h. All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation.
  - i. A publicly visible sign shall be posted with the telephone number and person to contact at the City of Hayward regarding dust complaints. This person shall respond and take corrective action within 48 hours. The BAAQMD phone number shall also be visible to ensure compliance with applicable regulations.
13. In compliance with the General Plan Policy NR-2.2 and NR-2.15, the project applicant shall implement the following design features to ensure that operational air quality impacts would not occur.

Indoor Air Quality:

In accordance with the recommendations of the California Air Resources Board (CARB) and the Bay Area Air Quality Management District, appropriate measures shall be incorporated into the project design in order to reduce the potential health risk due to exposure to diesel particulate matter to achieve an acceptable interior air quality level for sensitive receptors. The appropriate measures shall include one of the following methods:

- a. The project applicant shall implement all of the following features that have been found to reduce the air quality risk to sensitive receptors and these measures shall be included in the project construction plans. These features shall be submitted to the City's Planning Division for review and approval prior to the issuance of a demolition, grading, or building permit and shall be maintained on an ongoing basis during operation of the project.
  - 1. For sensitive uses (residences, day care centers, and playgrounds) sited within the overlay zone from Mission Boulevard, the applicant shall install, operate and maintain in good working order a central heating and ventilation

(HV) system or other air take system in the building, or in each individual unit, that meets or exceeds an efficiency standard of MERV 13. The HV system shall include the following features: Installation of a high efficiency filter and/or carbon filter to filter particulates and other chemical matter from entering the building. Either HEPA filters or ASHRAE 85 percent supply filters shall be used.

The project applicant shall maintain, repair and/or replace HV system on an ongoing and as needed basis or shall prepare an operation and maintenance manual for the HV system and the filter. The manual shall include the operating instructions and the maintenance and replacement schedule. This manual shall be included in the project CC&Rs and/or distributed to the building maintenance staff. In addition, the applicant shall prepare a separate homeowners manual. The manual shall contain the operating instructions and the maintenance and replacement schedule for the HV system and the filters.

Exterior Air Quality:

- b. To the maximum extent practicable, individual and common exterior open space, including playgrounds, patios, and decks, shall either be shielded from the source of air pollution by buildings or otherwise buffered to further reduce air pollution for project occupants.
  - c. Alternative to (c) above, an HRA could be prepared and implemented to take into account the risk specifics of the site, as more fully described in item (b) above.
14. If human remains, archaeological resources, prehistoric or historic artifacts are discovered during construction or excavation, the following procedures shall be followed: Construction and/or excavation activities shall cease immediately, and the Planning Division shall be notified. A qualified archaeologist shall be retained to determine whether any such materials are significant prior to resuming groundbreaking construction activities. Standardized procedure for evaluation accidental finds and discovery of human remains shall be followed as prescribed in Sections 15064.f and 151236.4 of the California Environmental Quality Act.

**GENERAL**

Planning Division.

15. All final exterior building finishes, paint colors, materials and other architectural details shall be reviewed and approved by the Planning Division prior to issuance of a building permit for the project. The applicant shall be required to submit a physical color and materials board to the Planning Division at the building plan check phase for final approval of all exterior building finishes, colors, materials, and other architectural details.

16. Prior to recordation of the Final Map, a pedestrian and bicycle cross-access easement shall be recorded between the common area for the townhome-style condominium and the apartment building parcels at the southern edge of the project site between the two properties. Residents of the apartment dwelling units shall be authorized to utilize the common open space that is centrally located to the entire development including the playground, community vegetable garden, and community lawn area as well as obtain access to/from Montgomery Street.
17. All proposed townhome-style condominiums with a Montgomery Street frontage shall be required to install low-perimeter decorative fencing up to three-feet tall with accent landscaping features to be approved by the Planning Division.
18. All vents gutters, downspouts, flashings, electrical conduits, etc. shall be painted to match the color of the adjacent material unless specifically designed as an architectural element.
19. 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 from all perspectives, unless other noise mitigation is required. The applicant shall apply for and obtain all necessary permits from the City and/or outside agencies prior to any site work.
20. The owner shall maintain in good repair all building exteriors, walls, lighting, drainage facilities, landscaping, driveways, and parking areas. The premises shall be kept clean and weed-free.
21. 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 enough width such that they are legible to the public from the street fronting the property.
22. 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.
23. 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.
24. No building signage are approved with this project. Any signs placed on-site or off-site shall be reviewed and approved by the Planning Division and a separate Sign Permit application shall be required, consistent with Sign Ordinance requirements of the Hayward Municipal Code (HMC).

25. All rooftop mechanical equipment, other than solar panels, shall be fully and completely screened from view by the proposed roof structure or appropriate screening that is reviewed and approved by the Planning Division. All roof vents shall be shown on roof plans and elevations. Vent piping shall not extend higher than required by building code. Roof apparatus and utilitarian equipment such as vents shall be painted to match surface to which it is adhered.
26. Utilities, meters, and mechanical equipment when not enclosed in a cabinet, shall be screened by either plant materials or decorative screen so that they are not visible from the street. Sufficient access for meter-reading by utility staff must be provided to all meters.
27. Any transformer shall be located underground or screened from view by landscaping and shall be located outside any front or side street yard.
28. This development is subject to the requirements of the Property Developers – Obligations for Parks and Recreation set forth in HMC Chapter 10, Article 16. Per HMC Section 10-16.10, the applicant shall pay in lieu fees for each residential unit. The in-lieu fees shall be those that are in effect at the time of building permit issuance.

Affordable Housing.

29. This development is subject to the requirements of the Affordable Housing Ordinance (AHO) set forth in Chapter 10, Article 17 of the HMC. The applicant shall comply with the affordable housing requirements as reflected in the attached Affordable Housing Plan, on file with the Planning Division and included as **Attachment V** and detailed per Section 10-17.510 Affordable Housing Plan. No building permit(s) will be issued for any non-City restricted units in the Project until permits for all affordable units have been obtained or are obtained simultaneously. No Certificate(s) of Occupancy will be issued for any non-City restricted units in the Project until Certificate(s) of Occupancy for all affordable units have been obtained or are obtained simultaneously.
30. In addition to the Affordable Housing Plan and pursuant to HMC Section 10-17.515 and Section 10-17.525, the developer shall also enter into and record against the property an Affordable Housing Agreement (AHA) that shall include all elements set forth in the ordinance and the Affordable Housing Plan, on file with the Planning Division and included as **Attachment V** to the staff report, prior to the approval of a final map or issuance of the first building permit, whichever occurs first. Additional rental or resale restrictions, deeds of trust, option agreements and/or other documents acceptable to the City Manager or designee shall be recorded.
31. If the developer decides to phase the project, then prior to the execution of the Affordable Housing Agreement, the developer shall submit a Phasing Plan subject to the review and approval of the City Council or designated reviewing authority as specified in the City's Affordable Housing Ordinance(AHO) in effect at the time. Phasing of the project includes any situation where the developer elects to obtain building permits for the market-rate units prior to all affordable units per the AHO, any

situation where the developer seeks to obtain Certificates of Occupancy(COO) for any market-rate units prior to the issuance of COO for all affordable units included in the project, or any other situation specified in the AHO.

Building Division.

32. 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 Hayward REACH Code, California Building Code, Uniform Mechanical and Plumbing Code, National Electrical Code, and the California Fire Code as adopted by the City of Hayward.
33. The project shall comply with disabled access provisions of 2019 California Building Code Chapter 11A, as amended. All required accessible and/or adaptable units shall be called out on the plans and unit counts shall comply with the counts required in the code.
34. Prior to issuance of certificate of occupancy or final inspection, the developer shall pay the following additional fees/taxes, in accordance with existing regulations. The amounts of the fees/taxes shall be in accordance with the fee schedule or codes in effect at the time of building permit application submittal, unless otherwise indicated herein:
  - a. Building Construction and Improvement Tax;
  - b. Supplemental Building Construction and Improvement Tax;
  - c. School Impact Fee; and
  - d. Park Dedication In-Lieu Fees.

Fire Department.

Fire Access:

35. Fire apparatus access roads shall have an unobstructed width of not less than 20 feet an unobstructed vertical clearance of not less than 13 feet 6 inches. The minimum fire apparatus access road with a fire hydrant is 26 feet.
36. All driveways 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. Design of the public streets and private streets and courts shall meet City of Hayward Fire Department Standards.

Building Construction:

37. Building Address – A minimum 4” self-illuminated address shall be installed on the front of the dwelling in a location to be visible from the street. A minimum 6” address shall be installed on a contrasting background and shall be in a location approved by the Fire Department.
38. Building construction shall be in accordance with the current California Building Code (CBC) cycle, as amended.

Land Development – Engineering.

39. Construction Damages: The Developer shall be responsible to remove and replace curb, gutter, sidewalks, driveways, signs, pavements raised pavement markers, thermoplastic pavement markings, etc. damaged during construction of the proposed project prior to issuance of the Final Construction Report by the City Engineer. Developer is responsible for documenting the existing conditions prior to the start of construction to serve as a baseline for this requirement.
40. Utility Services: All new utility service connections to the project shall be installed underground.

County of Alameda Public Works Agency (County Engineering).

41. This project will likely increase the quantity of urban runoff pollution entering the storm drain system. Storm Water Quality Control issues must be appropriately addressed. It is the responsibility of the applicant to comply with Federal, State, or local water quality standards and regulations.
42. The project should be designed so that the development of the property will not result in augmentation in runoff from the site.
43. Prior to the issuance of any building permits on this site, a detailed grading and drainage plan with supporting calculations and a completed Drainage Review Checklist must be submitted to the Alameda County Public Works Agency office for review. The proposed curb elevations are not to be less than 1.25 feet above the hydraulic grade line, as shown in figure 14 of the Hydrology and Hydraulic Criteria Summary, and at no point shall the curb grade be below the energy grade line.  
  
Copies of the Drainage Review Checklist and Criteria Summary are available from the ACPWA office.
44. Do not block runoff from adjacent properties. The drainage area map developed for the hydrology design shall clearly indicate all areas tributary to the project area.
45. Do not augment runoff to adjacent properties. If development associated with a higher runoff coefficient (C'-value) than the originally anticipated value is proposed, the augmented storm runoff will have to be mitigated.
46. Adequate provision for silt and erosion control in both construction and post-construction phases of development should be provided. Grading should be done in accordance with grading, erosion, and sedimentation control plans approved by the City of Hayward.
47. The ACPWA office recommends that all storm drains be no less than 18-inches in diameter to minimize maintenance problems.
48. The applicant shall be required to obtain an encroachment permit from the County Permit Center before beginning work on Mission Boulevard.
49. Any water well, cathodic protection well, or exploratory boring that is shown on this map, is known to exist, is proposed, or is located during the course of field

operations must be properly destroyed, backfilled, or maintained in accordance with applicable groundwater protection ordinances. The owner or other responsible party should call the Alameda County Water District for additional information.

50. The County of Alameda is planning the construction of street improvements along Mission Blvd including in the vicinity of 21659 Mission Boulevard. The property owner shall be responsible for the installation of the frontage improvements (i.e. Portland cement concrete curb, gutter and sidewalk, a raised Class IV bikeway, landscape areas, street trees, street and pedestrian scale lighting, driveways and pavement tie-in) per the County's Mission Boulevard Improvement Project plans. The owner may defer the improvements by agreeing to contribute their share of the cost of the County administered roadway improvement project by entering into an "AGREEMENT FOR COMPLETION OF PUBLIC STREET IMPROVEMENT WORK" with the County for said improvements along the entire Mission Boulevard frontage of the site prior to the approval of the Project Improvement Plans. Please contact Amber Lo or Kyin Yee Yin, County Public Works Agency at [amberl@acpwa.org](mailto:amberl@acpwa.org) or [kyin@acpwa.org](mailto:kyin@acpwa.org) for any questions.

#### Solid Waste

51. Waste containers for the townhomes and apartment complex will be placed in the staging area no later than 6 a.m. on collection days. Empty waste containers for the apartment complex must be removed from the staging area by noon on collection days.

#### Water Pollution Source Control.

52. The only acceptable sanitary sewer discharge shall be from normal potable water usage, such as bathroom wastewater. Any other use of water or generation of wastewater, inside or outside the building, requires the user to contact Water Pollution Source Control at 881-7900 for approval and further information.

### **CONDITIONS DUE PRIOR TO THE ISSUANCE OF PERMITS.**

#### Land Development – Engineering.

53. Mission Boulevard Permit: Applicant shall secure a permit from the Alameda County Public Works Department before start of any construction or traffic disrupting activity in Mission Boulevard right-of-way.
54. Tract Map 8520: The property owner shall submit for the City's approval a technically correct Final Map, substantially complying with the City approved Tentative Map and showing all easements. The Final map shall be prepared by a California State Licensed Surveyor or qualifying Civil Engineer and shall be submitted together with the following:
  - a. Recently issued Title Report listing current property rights, easements and encumbrances
  - b. Lot closure calculations

- c. Proposed Homeowners Association documents including Covenant, Conditions and Restrictions.
55. Improvement Agreement: The property owner shall execute an Improvement Agreement with the City for completion of the required improvements in a timely manner as per plans approved by the City Engineer and post the required securities and liability insurance documents therefor. The required improvements shall include, but not be limited to the following:
- a. On-site grading and drainage improvements shall comply with the requirements of the geotechnical engineering report and stormwater pollution prevention requirements.
  - b. Montgomery Avenue shall have new concrete curb, gutter, sidewalk and driveway fronting the property as per the City Standard Details.
  - c. Montgomery Avenue street pavement, fronting the development, shall be repaired and resurfaced with hot-mix A.C. to provide a minimum Traffic Index 5 (minimum two-inch thick) and mitigate the impacts of the development required pavement cuts.
  - d. City standard LED streetlights on metal poles shall be installed on Montgomery Avenue fronting the development.
  - e. All Utility services to the property shall be underground.
  - f. Improvements required in Mission Boulevard and Montgomery Avenue, north of the Hayward city limits as per plans and permits approved by the Alameda County Public Works Agency.
  - g. Improvements required for potable water service as per plans and permits issued by the East Bay Municipal Utility District.
56. Grading and Drainage: A grading permit issued by the City's Public Works Department is required prior to the issuance of any building permit. The grading permit application shall include privately engineered grading and drainage plans approved by the City Engineer and providing the following:
- a. Existing and finished lot grades; cut and fill quantities; stormwater pollution prevention measures; surface and sub-surface drains, drain inlets and structures shall be shown on the grading and drainage plans.
  - b. Earth retaining structures greater than 4-feet in height (top of wall to bottom of footing) shall require Building Permit(s) from the Building Division of the City's Development Services Department.
  - c. Land disturbance of one or more acres require a Notice of Intent filed with the State Water Resources Control Board (Water Board) along with a Storm Water Pollution Prevention Plan (SWPPP) prepared by a Qualified SWPPP Developer (QSD). Copies of these documents and WDID Number issued by the Water Board must be submitted to the City Engineer when a grading permit is requested.
  - d. The Alameda County Flood Control and Water Conservation District's Hydrology and Hydraulics Criteria shall be used to design the storm drain system.
  - e. The project's Stormwater Control Plan shall include drainage management areas, locations and details of all treatment control measures and numeric sizing



calculations in conformance with Alameda County Clean Water Program C3 Technical Design Guidance available online.

57. Plans and construction permits for drainage and other improvements on Montgomery Avenue, north of the project shall be approved by the Alameda County Public Works Agency.
58. Before issuance of a building permit, existing utility pole and its cables on the property shall be removed, relocated or placed underground.
59. Before issuance of a building permit, plans for potable water service shall be approved by the East Bay Municipal Utility District.
60. Before issuance of a building permit, a site grading and improvement permit from the City of Hayward Public Works Department will be required. This permit shall require plans prepared by qualified State licensed professionals and approved by the City Engineer.
61. Before issuance of a building permit, the tract map, condominium plan and its related covenant, conditions and restrictions shall be approved by the City and filed in the County records.

#### Transportation Engineering.

62. Applicant shall prepare, include, and submit the following items as part of the Project's Improvement Plans:
  - a. On-site and Off-site Signing and Striping Plans which shall be prepared in accordance with the latest edition of Caltrans Standard Plan Drawings, the California Manual of Uniform Traffic Control Devices, and the City of Hayward's 2017 Standard Details;
  - b. Turning Analysis using a WB-50 vehicle and the AutoTurns software; and
  - c. On-site and off-site outdoor Photometric Analysis and Lighting Plan(s), including on-street lighting on Montgomery Avenue, prepared in accordance with Hayward Standard Details sheet SD-120 (Lighting Requirements). Please refer to: [www.hayward-ca.gov/documents/hayward-standard-details](http://www.hayward-ca.gov/documents/hayward-standard-details) for additional information

#### Fire Department.

##### *Access:*

63. 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.
64. When buildings or portion of buildings or facilities exceeding 30 feet in height above the lowest level of fire department vehicle access, fire apparatus roads shall have

unobstructed width of 26 feet in the immediate vicinity of the building (Mission Blvd.). At least one of the required access routes shall be located within a minimum of 15 feet and a maximum of 30 feet from the building and shall be positioned parallel to one entire side of the building.

65. Building or facilities exceeding 30 feet or three stories in height shall have at least two means of fire apparatus access for each structure.

*Water Supply:*

66. 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. (if applicable based on existing fire hydrant spacing on Mission Blvd. and Montgomery St.)
67. Blue reflective pavement markers shall be installed at fire hydrant locations. If fire hydrants are located to be subjected to vehicle impacts as determined by the Hayward Fire Department, crash posts shall be installed around the fire hydrant(s).
68. A fire flow shall be provided in accordance with the California Fire Code Table B105.1 based on the construction type and building area when building exceeding 3,600 square feet. A fire flow reduction of up to 50 percent is allowed when the building is provided with automatic sprinkler system in accordance with NFPA 13/13D Standards. The resulting fire flow shall not be less than 1,500gpm. (Provide with submittal of building drawings)
69. The minimum number of fire hydrants shall be provided in accordance with the Hayward Fire Code Ordinance and the California Fire Code. The average spacing between hydrants is 300 feet. Any portion of the building or facility shall be within 400 feet of a fire hydrant. Spacing and locations of fire hydrants shall be subject to review and approval by the Hayward Fire Department. With the determination of existing fire hydrants, an additional hydrant may be required based on available water supply in proximity to the proposed (on Montgomery St).

*Fire Protection:*

70. All buildings are required to install a fire sprinkler system in accordance with NFPA 13/13D based on construction. (Deferred submittal by a licensed C-16 Contractor Required)
71. Maximum 80 PSI water pressure should be used when water data indicates a higher static pressure. Residual pressure should be adjusted accordingly.
72. Underground fire service line serving NFPA 13/13D sprinkler system(s) shall be installed in accordance with NFPA 24 and the Hayward Public Work Department SD-204/216. Water meter shall be minimum one-inch in diameter (if applicable).

73. A fire alarm system with occupant notification shall be provided in accordance with CFC Section 907 and NFPA 72 Standards for all buildings. Fire alarm system shall be equipped with phase 1 recall and phase 2 in-car recall per the California Fire Code (CFC) sec. 607. (a separate submittal is required to the Hayward Fire Department by a Licensed C-10 Contractor)
74. The (R2) apartment building shall be equipped with a Class 3 Standpipe system in accordance with the California Fire Code section 905.
75. 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.
76. An interior audible alarm device shall be installed within each dwelling (R3, R2) in a location to be heard throughout the residence. The device shall activate upon any fire sprinkler system waterflow activity.
77. All bedrooms and hallway areas shall be equipped with smoke detectors, hard-wired with battery backup. Installation shall conform to the California Building Code (CBC) and California Fire Code (CFC) respectively.
78. 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.
79. 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.

80. Environmental and Health Based Site Clearance – There exists environmental documentation for this site, including information available from the California State Water Resources Control Board's (SWRCB) GeoTracker website, which identifies existing contamination in soil, groundwater and soil vapor on the site. The contaminants identified include petroleum, volatile organic compounds (VOCs), and perchloroethylene (PCE). There also exists a deed restriction, dated June 8, 2017, that requires various approvals, plans (including Site Mitigation Plan), notifications, remediations and mitigations (including vapor intrusion mitigation). These requirements, as well as certain prohibitions are triggered by actual and potential activities. Such activities include, but are not limited to, excavation, drilling, grading, construction, development, ground water extraction/use, etc.

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

vapor/soil management plan. LOP clearance shall be submitted to the Hayward Fire Department's Hazardous Materials Office and the City of Hayward Planning Division prior to issuance of any grading and building permits. In order to obtain these clearances and to meet conditions of the established deed restriction, the applicant shall also work and coordinate with the San Francisco Bay Regional Water Quality Control Board (SFBRWQB).

The applicant shall provide reasonable access as required by the environmental oversight agency for the investigation/mitigation of potential offsite sources of contamination.

81. Electronic Submittal of Environmental Documentation – Environmental Documentation associated with the evaluation, investigation and/or clearance of this site shall be provided in an electronic format to the City of Hayward Fire Department and Planning Division prior to the issuance of the Building or Grading Permit.
82. Grading – A condition of approval prior to grading: Structures and their contents shall be removed or demolished under permit in an environmentally sensitive manner. Proper evaluation, analysis and disposal of materials shall be done by an appropriate professional(s) to ensure that hazards posed to development construction workers, the environment, future uses, and other persons are mitigated.
83. Wells, Septic Tank Systems or Subsurface Structures – Any wells, septic tank systems and other subsurface structures shall be removed properly to minimize threats to the health and safety of the development construction workers, future residents or the environment. These structures shall be documented and removed under permit from the appropriate regulatory agency when required.
84. Underground Storage Tanks, Oil Water Separators, Hydraulics Lifts – If found on the property, underground vessels and/or structures shall be removed under an approved plan filed with the Hayward Fire Department (HFD) and appropriate samples shall be taken under the direction of a qualified consultant to ensure that contamination has not occurred to soil or groundwater. A follow-up report shall be required to be submitted to document the activities performed and any conclusions. Below are specific requirements on each:
  - a. Underground storage tank and associate piping: An approved removal plan, including appropriate sampling, a Hayward Fire Department permit for the removal, and follow-up report is required.
  - b. Oil Water Separators: An approved plan, including appropriate sampling, and follow-up report is required.
  - c. Hydraulic Lifts: An approved plan, including appropriate sampling, and follow-up report is required.
85. Future Commercial Uses – No commercial use is proposed at this time for the project. If changes are approved that allow commercial uses, then the applicant

shall provide adequate information associated with the use or storage of hazardous materials/waste for evaluation and approval by the Hayward Fire Department to ensure adequate conditions are met.

Solid Waste.

86. All trash enclosures must adhere to all the basic design guidelines provided in Section 3 of the City's Standard Design Requirements for Collection & Storage of Trash, Recyclables and Organics for Commercial (Business) and Multi-Family Projects. The building permit submittal shall include a detailed set of plans that show the design details of the enclosures, including the location of all bins and label each bin with the capacity (ex: three cubic yards, four cubic yards, etc.) as well as the type of waste (trash, recyclables, organics).
87. Submit the Construction and Demolition Debris Recycling Statement at the time of your building permit. The applicant 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>.
88. 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 <http://www.recyclingrulesac.org/city/city-of-hayward/>. 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.

Utilities – Water (East Bay Municipal Utility District - EBMUD).

Water:

89. Water service for the proposed development for domestic, irrigation, and fire purposes shall be provided by EBMUD. The applicant and/or developer shall be responsible for coordinating with EBMUD to obtain water service and obtain all required authorizations from their office, including but not limited to, related on- and off-site improvements, infrastructure upgrades, etc.
90. More than one parcel may not be served from a single meter. Separate water meters shall be required for each residential dwelling unit, irrigation, and fire service unless otherwise directed by EBMUD.
91. A main extension, at the applicant/developer's expense, shall be required depending on EBMUD metering requirements and fire flow requirements set by the Hayward Fire Department. Off-site pipeline improvements, also at the applicant/developer's expense, shall be required to serve the proposed development as determined by EBMUD. Off-site pipeline improvements include, but are not limited to, replacement of existing pipelines to the project site.

92. When the development plans are finalized, the project sponsor shall contact EBMUD's New Business Office and request a water service estimate to determine the costs and conditions of providing water service to the proposed development. Engineering and installation of water mains, off-site pipeline improvements, and meters requires substantial lead time, which should be included within the project sponsor's development schedule. Applicant/Developer must apply for water and fire service with EBMUD's New Business Office. Approved EBMUD requirements must be incorporated into the project improvement plans submitted to the City.
93. Water meters are not allowed to be located in driveways.
94. The applicant/developer shall be aware that Section 31 of EBMUD's Water Service Regulations requires that water service shall not be furnished for new or expanded service unless all the applicable water-efficiency measures described in the regulation are installed at the project sponsor's expense. Due to EBMUD's limited water supply, all customers should plan for shortages in time of drought.

Utilities - Sewer Services (City of Hayward).

95. 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 sanitary sewer easement or a minimum 10' wide easement shall be granted to the City.
96. All sewer mains and appurtenances shall be constructed in accordance to the City's "Specifications for the Construction of Sanitary Sewer Mains and Appurtenances (12" Diameter or Less)," latest revision at the time of approval (refer to the City's website at <https://www.hayward-ca.gov/your-government/departments/engineering-division>).
97. Applicant/Developer shall be responsible for payment of its share of the cost of upgrading the sanitary sewer collection system in Montgomery Avenue and Sunset Boulevard to accommodate the proposed development. The Applicant/Developer share is as follows:
  - a. Apartment Building Project: \$17,718.59 for the 18-unit apartment building (to be paid at issuance of building permit for Apartment Building).
  - b. Townhomes Residential Project: \$984.37 per dwelling unit (to be paid at issuance of building permit for each townhome residential unit).

The developer is responsible for payment of sewer connection fees at the current rates at the time and application for sewer service is submitted. The sewer connection fees are in addition to the sewer impact fee that is described in the sewer comment above related to the upgrade of the sewer collection system.

98. 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. 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

Landscaping.

99. Prior to issuance of the first building permit, detailed landscape and irrigation improvement plans shall be approved by the City. Once approved, electronic copy of the approved improvement plans shall be submitted to the City for approval signature. Copies of the signed improvement plans shall be submitted as a part of the building permit submittal.
100. No building permit shall be issued prior to approval of landscape and irrigation improvement plans.
101. A tree removal permit shall be obtained prior to the removal of any tree in addition to grading and/or demolition permits.
102. Upon completion of installation and acceptance of the project, As-built/Record electronic plans shall be submitted to the Engineering Department by the developer.
103. The improvement plans shall be prepared by a licensed landscape architect on an accurately surveyed base plan. The plans shall comply with the City's water efficient landscape ordinance (California Building Code Title 23) and all relevant Municipal Codes.
104. Landscape Improvement Plans shall include landscape statement: "I have complied with the criteria of City of Hayward Bay-Friendly Water Efficient Landscape Ordinance and applied them for the efficient use of water in the landscape and irrigation design plan."
105. Tree protection plan shall be included on the plans. Tree protection fence or other barriers as recommended by the project arborist shall be provided at the drip line in compliance with Tree Preservation Ordinance during the entire construction period. Construction material, vehicle or construction activities shall not be taken within the drip line or within fenced areas.
106. Correction to Maximum Applied Water Allowance calculation shall be made to show the proposed lawn area as special landscape area.
107. Landscape improvement plan shall be reviewed and approved by EBMUD prior to submitting the improvement plans to the City.
108. Recommendations to placement of Lagerstroemia. Lagerstroemia species is susceptible to mildew and must be located where well ventilated. The species does not like to be in wet-soil condition. Lagerstroemia located at northwest corner of Building 5, between Apartment Building and Building 4 and northeast corner of Building 3 should be evaluated and consider substituting with another tree species that would be more suitable in this microclimate condition or adjust the locations to improve the ventilation.

## **CONDITIONS APPLICABLE DURING CONSTRUCTION**

### **Hazardous Materials.**

109. Hazardous Materials/Waste and their vessels discovered during Grading/Construction – If hazardous materials/waste or their containers are discovered during grading/construction the Hayward Fire Department shall be immediately notified at (510) 583-4910.
110. Hazardous Materials/Waste during Construction - During grading and construction hazardous materials and hazardous waste shall be properly stored, managed and disposed.

### **Land Development – Engineering.**

111. Stormwater City standard curb, gutter, sidewalk, and driveway shall be constructed across the property frontage per plans approved by the City Engineer.
112. Stormwater Pollution Prevention: Stormwater pollution prevention measures approved by the city engineer shall be in place before any ground disturbing activity.
  - a. Stormwater pollution prevention measures shall be upgraded and maintained as needed during construction.
  - b. Qualified SWPPP Practitioner (QSP) shall regularly inspect and submit monthly and final reports to the Public Works Inspector in addition to the submittals to the State Water Quality Control Board.
113. The following control measures for construction noise, grading and construction activities shall be adhered to, unless otherwise approved by the City Engineer:
  - a. Construction activities on the project site shall be in conformance with Section 4-1.03-4 of the City's Municipal Code unless otherwise permitted by the City Engineer or Chief Building Official and shall not include any individual equipment that produces a noise level exceeding 83 dB measured at 25 feet, nor shall activities produce a noise level outside the project property lines in excess of 86 dB. During all other hours, noise shall not exceed the limits defined in Municipal Code Section 4-1.03.1 (70 dB daytime or 60 dB nighttime, measured at residential property lines).
  - b. The developer shall post the property with signs that shall indicate the names and phone number of individuals who may be contacted, including those of staff at the Bay Area Air Quality Management District, when occupants of adjacent residences find that construction is creating excessive dust or odors, or is otherwise objectionable. Letters shall also be mailed to surrounding property owners and residents with this information prior to commencement of construction.
  - c. Daily clean-up of trash and debris shall occur on project street frontages, and other neighborhood streets utilized by construction equipment or vehicles making deliveries.
  - d. Remove all dirt, gravel, rubbish, refuse and green waste from the sidewalk, street pavement, and storm drain system adjoining the project site. During wet weather, avoid driving vehicles off paved areas and other outdoor work;



- e. Sweep daily (with water sweepers) all paved access roads, parking areas and staging areas at construction sites;
- f. Sweep public streets daily if visible soil material is carried onto adjacent public streets;
- g. Broom sweep the sidewalk and public street pavement adjoining the project site on a daily basis. Caked on mud or dirt shall be scraped from these areas before sweeping;
- h. The developer shall immediately report any soil or water contamination noticed during construction to the City Fire Department Hazardous Materials Division, the Alameda County Department of Health and the Regional Water Quality Control Board.

Utilities – Water (East Bay Municipal Utility District - EBMUD).

- 114. Any upgrades to existing water mains or water main extensions shall be performed by EBMUD per Regulations Governing Water Service to Customers of the EBMUD at the Applicant/Developer expense.
- 115. All water services from existing water mains shall be installed by EDMUD Personnel at the Applicant/Developer expense.

Utilities – Other.

- 116. All service to the development shall be an "underground service" designed and installed in accordance with the Pacific Gas and Electric Company, AT&T (phone) Company and local cable company regulations. Transformers and switch gear cabinets shall be placed underground unless otherwise approved by the Planning Director and the City Engineer. Underground utility plans must be submitted City approval as part of the Improvement Plans prior to installation. (DS/PW-ET)

**CONDITIONS DUE PRIOR TO ISSUANCE OF CERTIFICATE OF OCCUPANCY AND POST-CONSTRUCTION:**

Land Development – Engineering.

- 117. Stormwater Treatment Maintenance: The property owner shall execute the City's standard "Stormwater Treatment Measures Maintenance Agreement" provided by the City. This agreement shall be filed in the public records of the Alameda County.
- 118. Construction of Improvements: All public and private improvements, including punch list items, must be complete prior to the issuance of a certificate of occupancy.
- 119. As-Built Records: As-built records of site grading and improvements completed by the property owner shall be provided to the City Engineer on electronic media in AutoCAD and pdf formats.

Landscaping.

120. If model homes would be opened, model homes shall comply with Municipal Code Article 12, Section 10-12.17 Public Education, Model Homes. All model homes that are landscaped shall use signs and written information to demonstrate the principles of water efficient landscapes described in this Article. Proposed signs shall be submitted to the City as a part of the model home permit for an approval:
  - a. Signs shall be used to identify the model as an example of a water efficient landscape featuring elements such as hydrozones, irrigation equipment, and others that contribute to the overall water efficient theme.
  - b. Information shall be provided about designing, installing, managing, and maintaining water efficient landscapes.
121. All common area landscaping, irrigation and other required improvements shall be installed in accordance with the approved improvement plans prior to acceptance of tract improvements, or occupancy of eighty-percent (80%) of the dwelling units, whichever first occurs. Certificate of Completion, as-built Mylar and an Irrigation Schedule shall be submitted upon acceptance of the landscape improvements for the Tract to the Department of Public Works Engineering by the developer.
122. Inspection for Models: Landscape inspection shall be required prior to issuance of TCO, and another inspection prior to issuance of Certificate of Occupancy at the time of converting the model for sale. The project landscape architect shall inspect and accept the installation prior to requesting an inspection from City Landscape Architect. The project landscape architect shall complete Appendix C. Certificate of Completion in the City's Bay-Friendly Water Efficient Landscape Ordinance. The completed Certificate of Completion Part 1 through Part 7 shall be faxed/e-mailed/turn in prior to requesting an inspection from the City Landscape Architect.
123. Children's playground equipment certification: Health and Safety Code in Chapter 4 titled "Safe Recreational Land Use (115725 – 115800)" calls for compliance with standard of ASTM and federal Consumer Protection and Safety Commission. Playground equipment is required an inspection by a certified playground safety inspector by the National Playground Safety Institute, and the certification letter shall be submitted City Landscape Architect prior to the final inspection and issuance of Certificate of Occupancy.
124. Issuance of Certificate of Occupancy:
  - a. Pursuant to HMC Section 10-12.09. Prior to the issuance of Certificate of Occupancy, all landscape and irrigation shall be completed in accordance to the approved plan and accepted by the City Landscape Architect. Before requesting an inspection from the City Landscape Architect, the project landscape architect shall inspect and accept landscape improvements and shall complete Appendix C. Certificate of Completion in the City's Bay-Friendly Water Efficient Landscape Ordinance. The completed Certificate of Completion Part 1 through Part 7 or applicable parts shall be submitted to the City prior to requesting an inspection from the City Landscape Architect.

- b. Pursuant to HMC Section 10-12.11. For new construction and rehabilitated landscape projects installed after December 1, 2015, the project applicant shall submit an irrigation audit report done by the third party as required in Appendix C - Certificate of Completion Part 5 to the City. The report may include, but not limited to inspection, system tune-up, system test with distribution uniformity, overspray or run off causing overland flow, an irrigation schedule, irrigation controllers with application rate, soil types, plant factors, slope, exposure and any other factors necessary for accurate programming.
  - c. Prior to the issuance of Certificate of Occupancy for each unit, all landscape and irrigation shall be installed in accordance with the approved plan and accepted by the City Landscape Architect. Before requesting an inspection from the City Landscape Architect, the project landscape architect shall inspect and accept landscape improvements and shall complete Appendix C. Certificate of Completion in the City's Bay-Friendly Water Efficient Landscape Ordinance. The completed Certificate of Completion Part 1 through Part 7 or applicable parts shall be faxed/e-mailed/turn in prior to requesting an inspection from the City Landscape Architect. Re-inspection fees shall be applied for each subsequent inspection.
125. Irrigation systems shall be tested periodically to maintain uniform distribution of irrigation water; irrigation controller shall be programmed seasonally; irrigation system should be shut-off during winter season; and the whole irrigation system should be flushed and cleaned when the system gets turn on in the spring.
126. All landscape improvements installed by the developer shall be maintained in a healthy, weed-free condition at all times and shall maintain irrigation system to function as designed to reduce runoff, promote surface filtration, and minimize the use of fertilizers and pesticides, which contribute pollution to the Bay. The owner's representative shall inspect the landscaping monthly and any dead or dying plants (plants that exhibit over 30% dieback) shall be replaced within ten days of the inspection. Three inches deep mulch should be maintained in all planting areas. Mulch shall be organic recycled chipped wood in the shades of Dark Brown Color, and the depth shall be maintained at three inches deep. All nursery stakes shall be removed during tree installation and staking poles shall be removed when the tree is established or when the trunk diameter of the tree is equal or larger to the diameter of the staking pole. All trees planted as a part of the development as shown on the approved landscape plans shall be "Protected" and shall be subjected to Tree Preservation Ordinance. Tree removal and pruning shall require a tree pruning or removal permit prior to removal by City Landscape Architect. Any damaged or removed trees without a permit shall be replaced in accordance with Tree Preservation Ordinance or as determined by City Landscape Architect within the timeframe established by the City and pursuant to the Municipal Code. Irrigation system shall be tested periodically to maintain uniform distribution of irrigation water; irrigation controller shall be programmed seasonally; irrigation system should be shut-off during winter season; and the whole irrigation system should be flushed and cleaned when the system gets turn on in the spring.

**--END--**







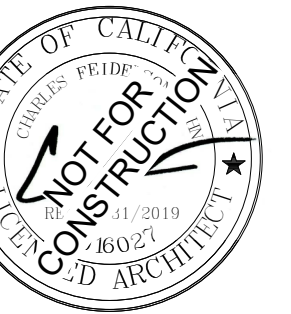
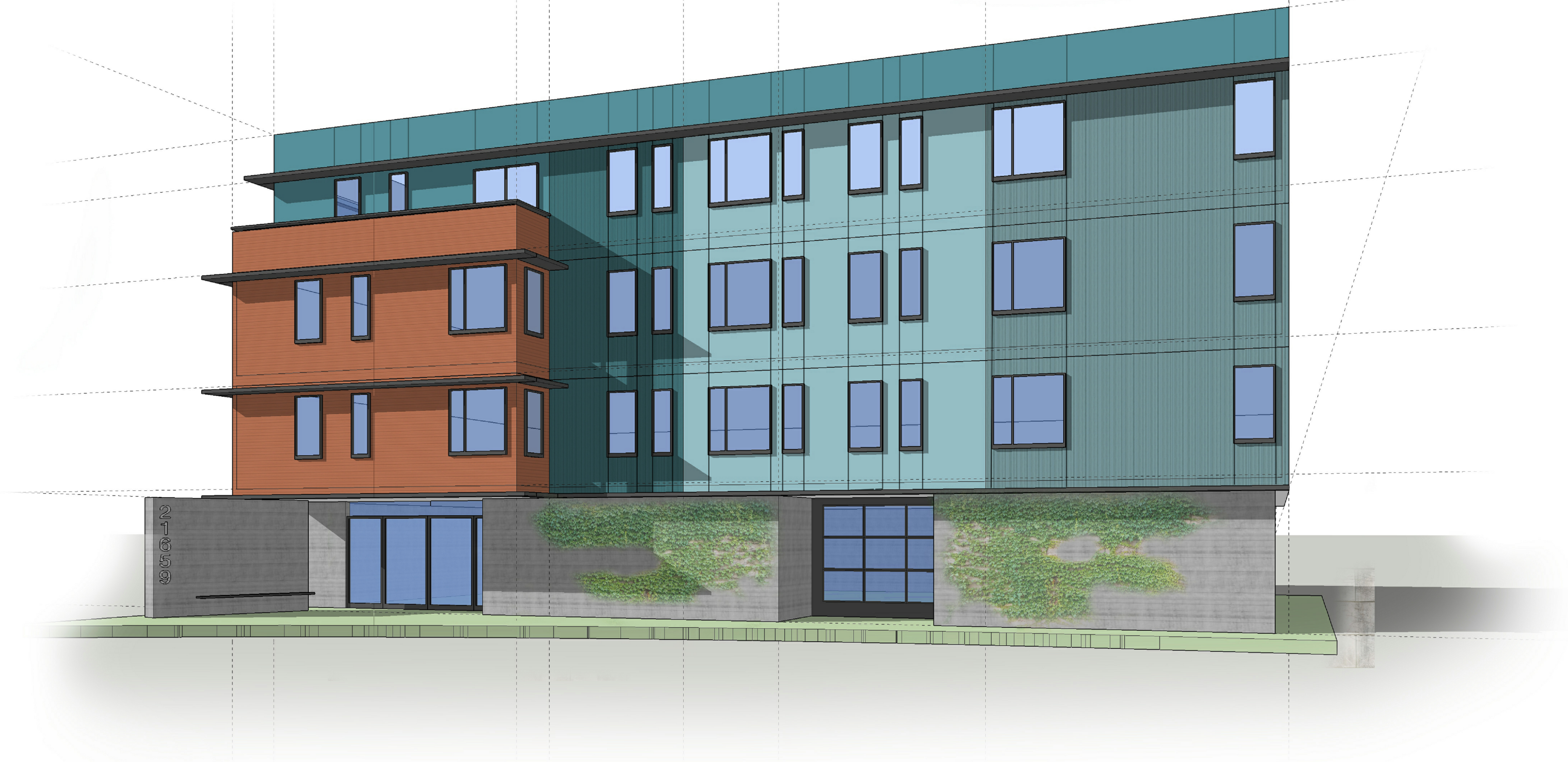
21659 MISSION BOULEVARD  
HAYWARD, CA 94541

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ISSUE DATE: 03/05/2020

## SITE CONTEXT PHOTOGRAPHY

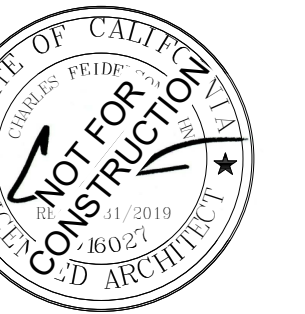


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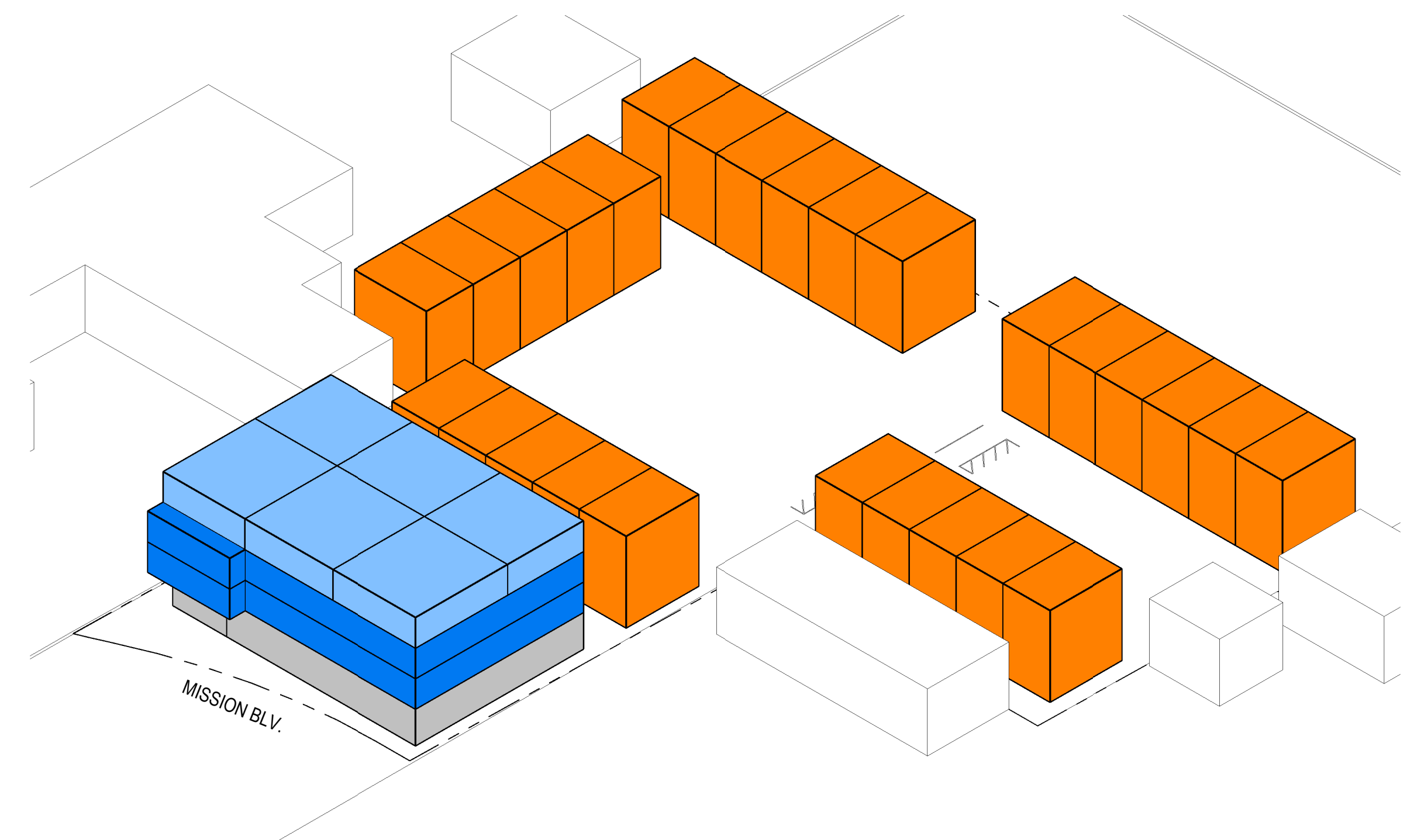






	BASE UNIT COUNT	AFFORDABLE UNITS	AFFORDABLE INCOME LEVEL	AFFORDABLE PERCENTAGE	DENSITY BONUS UNIT COUNT	DENSITY BONUS UNITS	TOTAL UNIT COUNT
TOWNHOMES	27	3	Moderate Income	11%	6%	2	27
APARTMENTS	12	1	Very Low Income	8%	27.50%	4	18
Total Unit Count Base Project:	39					6	45

-  27 TOWNHOMES (BASE UNITS)
-  12 APARTMENTS (BASE UNITS)
-  (6) DENSITY BONUS UNITS

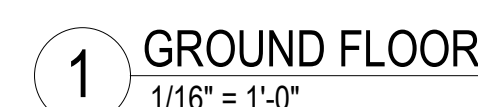
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SUBJECT #: SIN01

E DATE: 03/05/2020

### AFFORDABLE UNITS / DENSITY BONUS DIAGRAM

21659 MISSION BOULEVARD  
HAYWARD, CA 94541



PROJECT #: SIN0

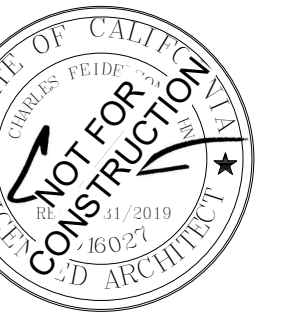
ISSUE DATE: 03/05/2020

SITE PLAN

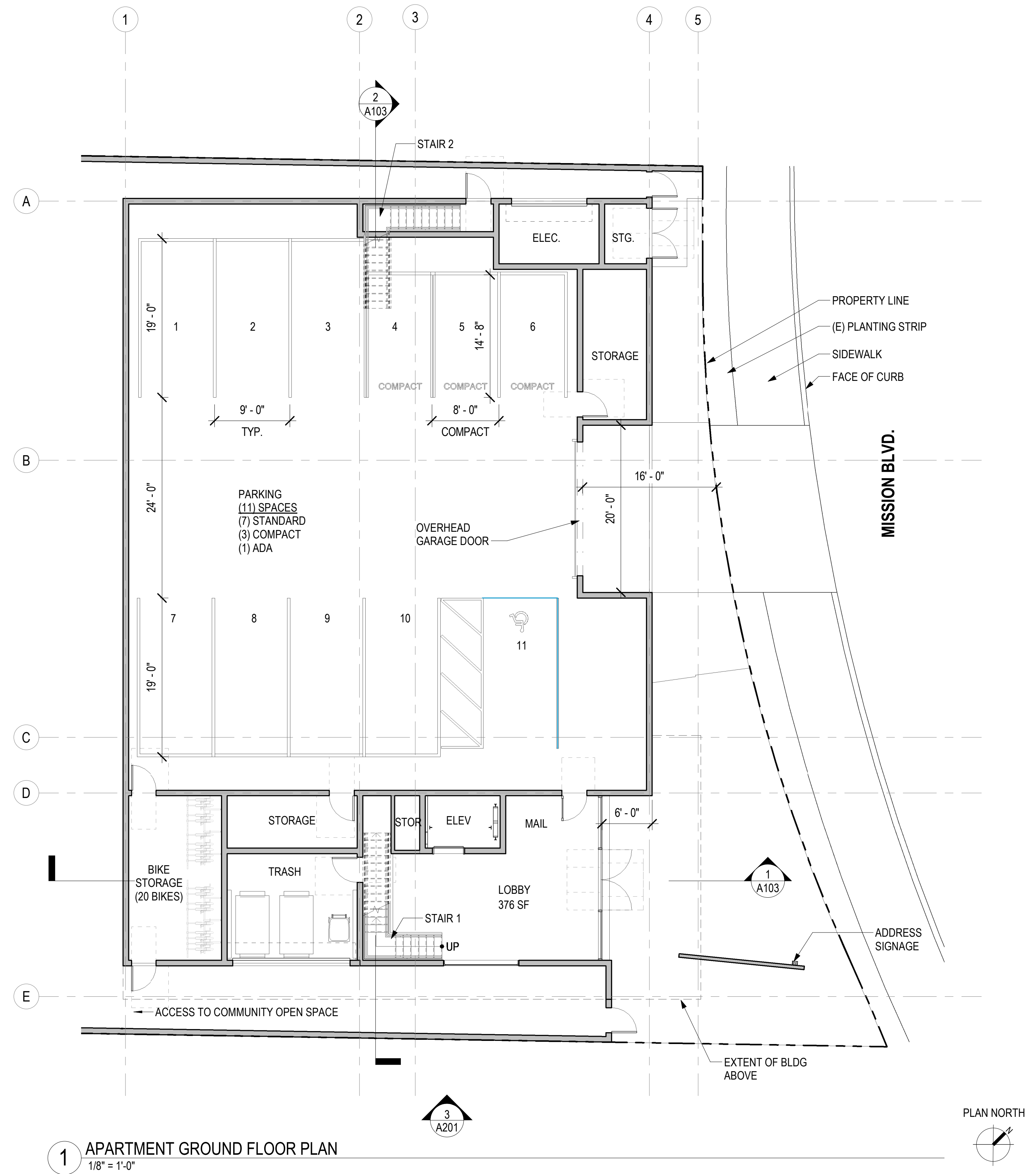
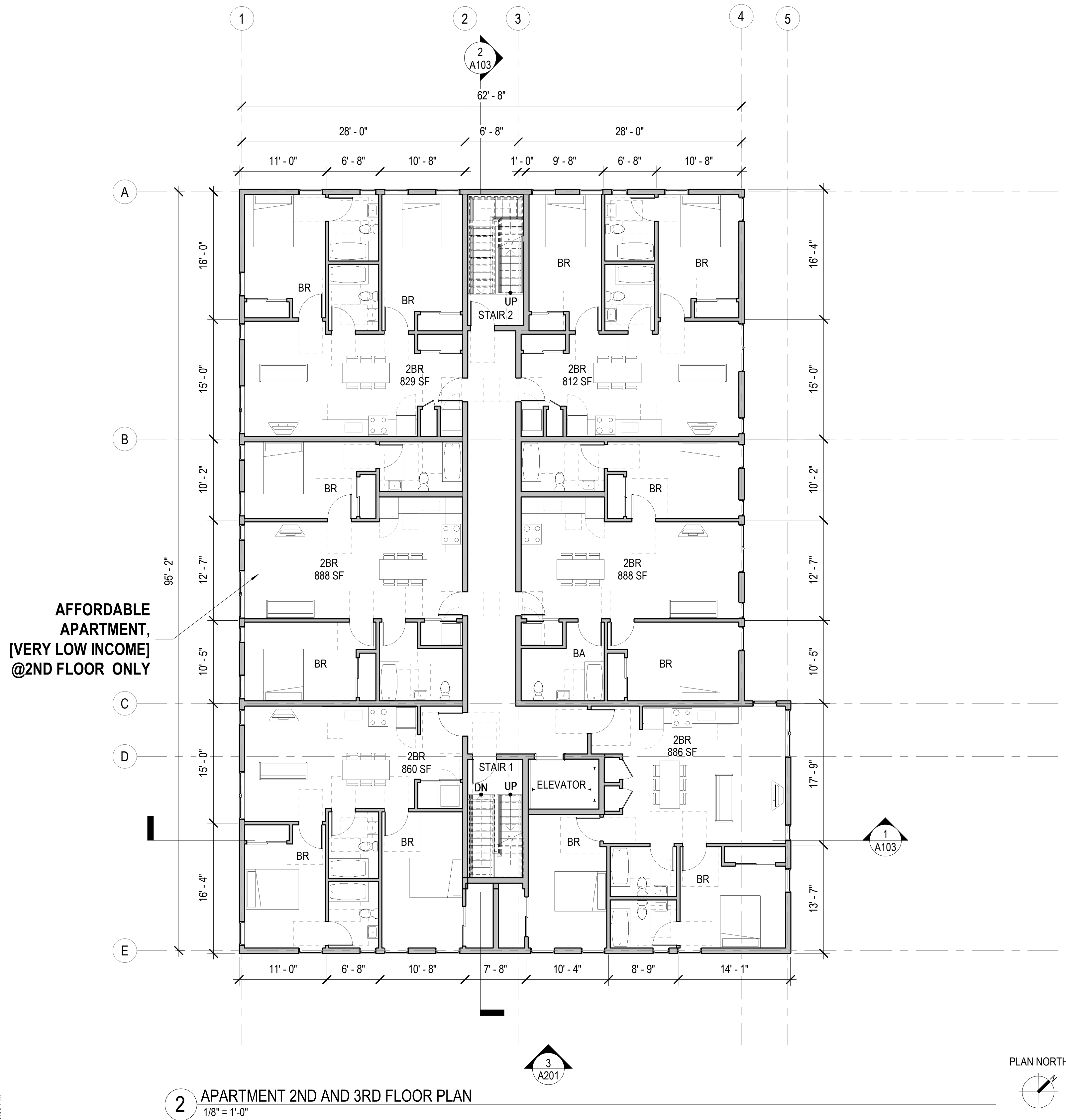
SITE PLAN

# A100





## WHITE PLAN REVIEW

[illegible]

SUBJECT #: SIN01

E DATE: 03/05/2020

## APARTMENT GROUND AND TYPICAL PLANS

1659 MISSION BOULEVARD  
HAYWARD, CA 94541



2 APARTMENT ROOF PLAN  
1/8" = 1'-0"



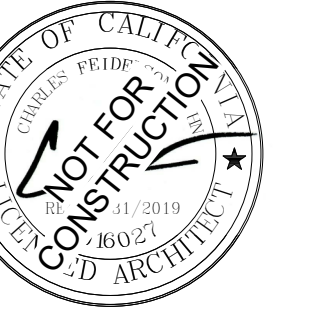
1 APARTMENT 4TH FLOOR PLAN  
1/8" = 1'-0"

### APARTMENT 4TH FLOOR AND ROOF PLAN AND SECTION

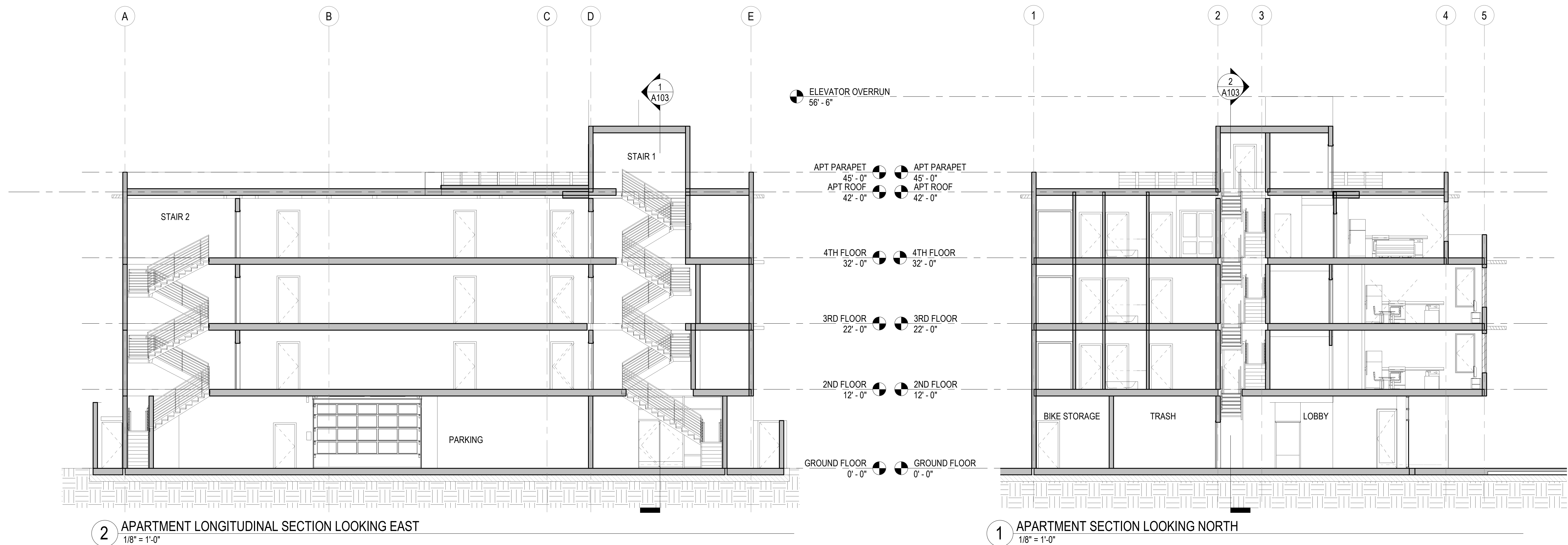
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1659 MISSION  
BLVD

1659 MISSION BOULEVARD  
HAYWARD, CA 94541



## SITE PLAN REVIEW

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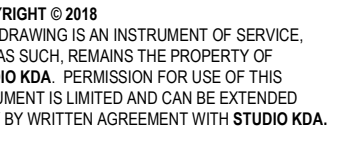
SUBJECT #: SIN01

E DATE: 03/05/2020

APARTMENT SECTION

# A103





1659 MISSION BOULEVARD  
HAYWARD, CA 94541



- ## 8 CABLE MESH WITH IVY

- 5 FINISH LEGEND -SEE G004 FOR COLOR SAMPLES  
NTS

PROJECT #: SIN01

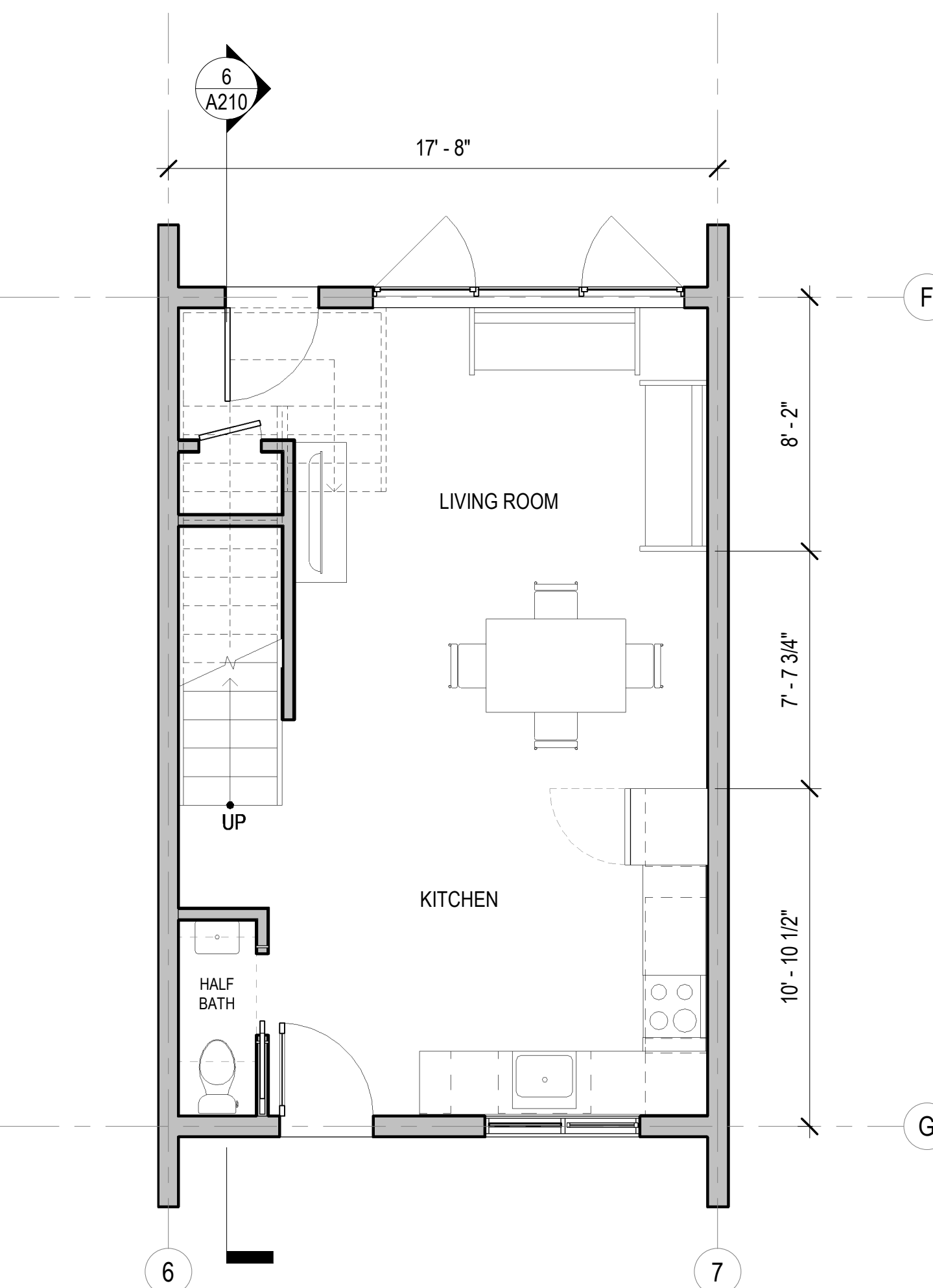
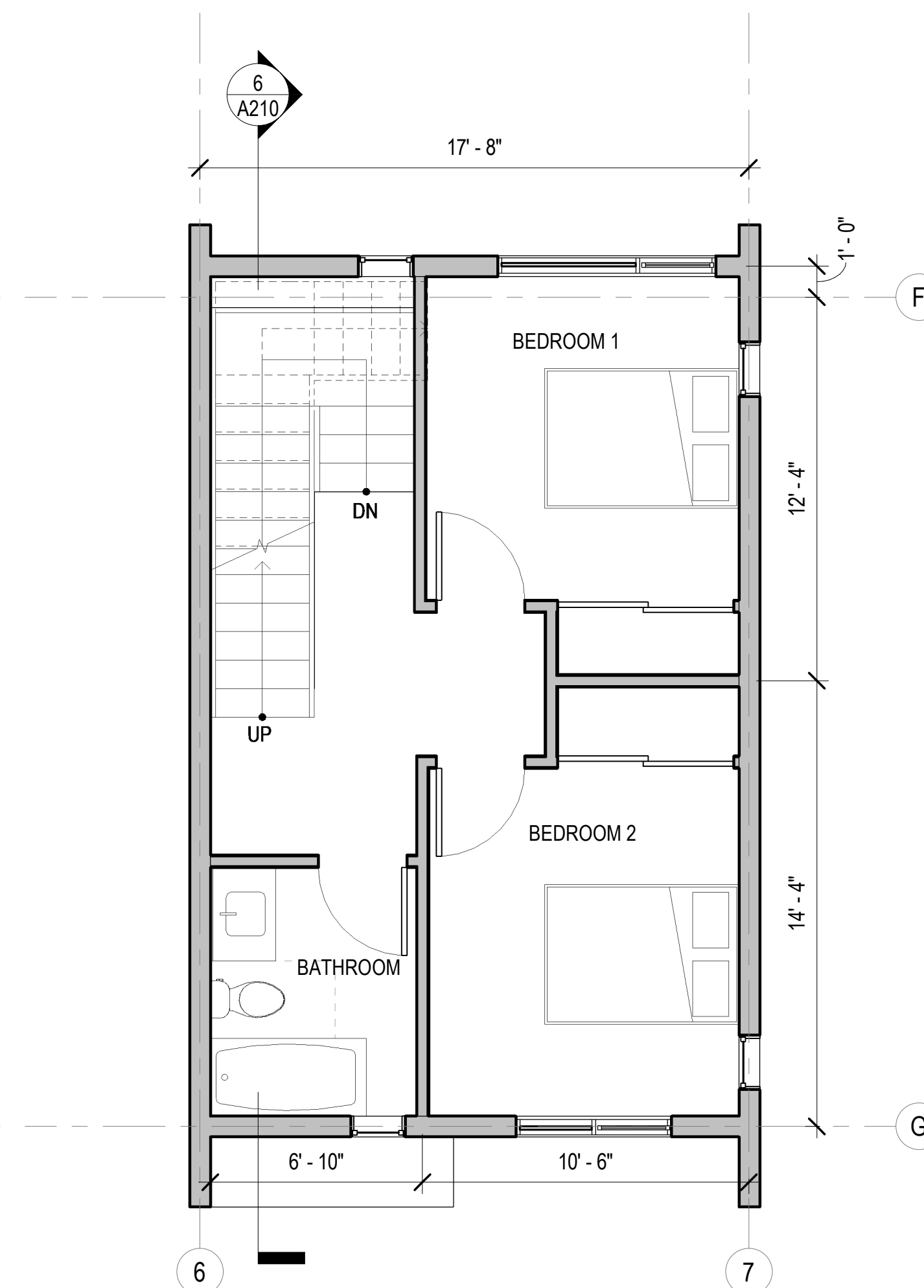
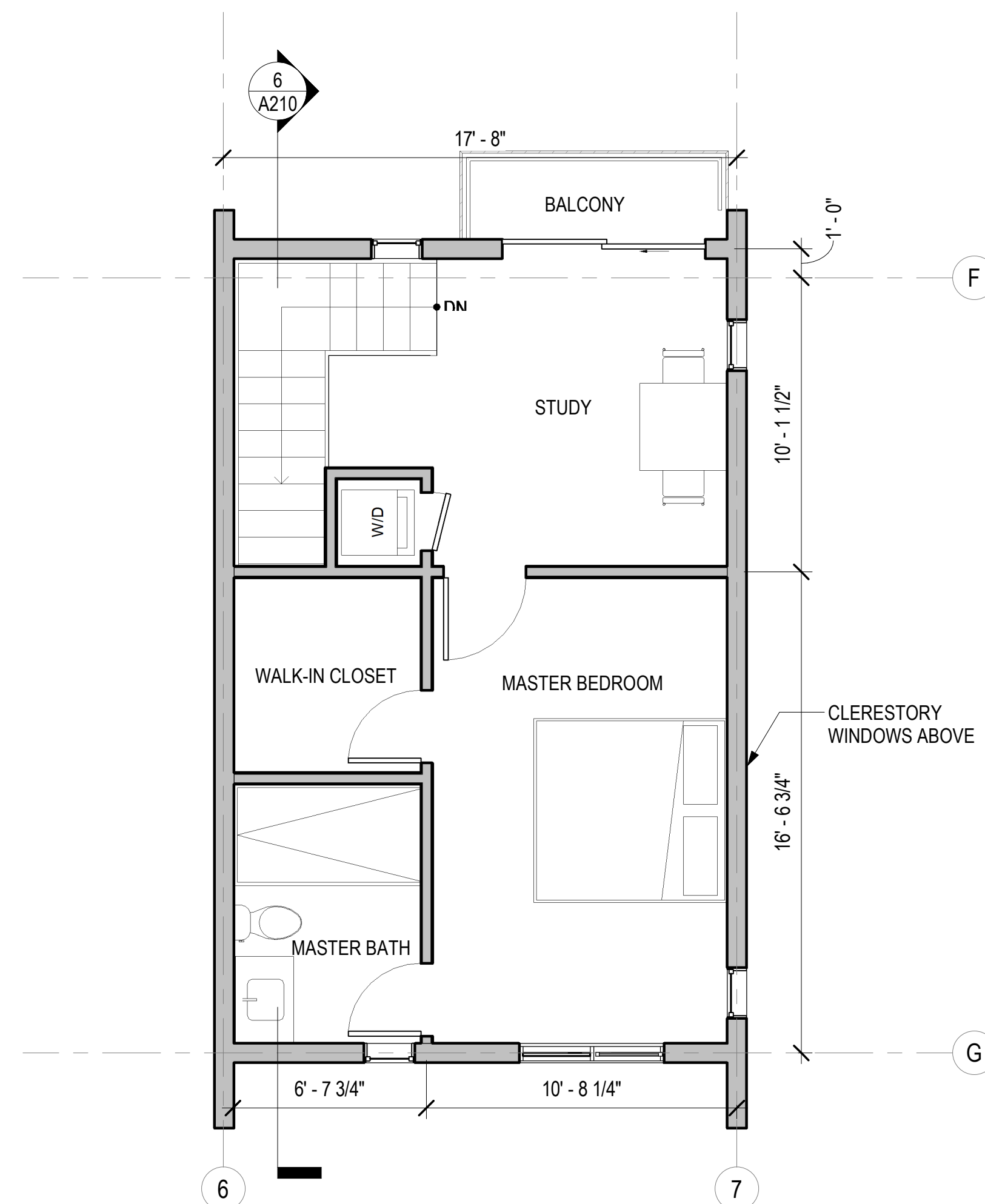
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DATE: 03/05/2020

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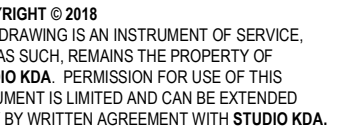
DEPARTMENT ELEVATIONS

# A201

[illegible]







1659 MISSION BOULEVARD  
HAYWARD, CA 94541



SUBJECT #: SIN01

E DATE: 03/05/2020

## OWNHOME ELEVATIONS

A212



ALL IDEAS, DESIGNS, ARRANGEMENTS AND PLANS INDICATED BY THIS DRAWING ARE OWNED BY AND THE PROPERTY OF THIS OFFICE AND WERE CREATED, DEVELOPED AND DEVELOPED FOR USE ON \_\_\_\_\_ AND IN CONNECTION WITH THE SPECIFIED PROJECT. NONE OF SUCH IDEAS, DESIGNS, ARRANGEMENTS OR PLANS SHALL BE USED BY OR DISCLOSED TO ANY PERSON, FIRM OR CORPORATION FOR ANY PURPOSE WHATSOEVER WITHOUT THE WRITTEN PERMISSION OF GREENWOOD & MOORE, INC. WRITTEN DIMENSIONS ON THESE DRAWINGS SHALL HAVE PRECEDENCE OVER SCALE DIMENSIONS. CONTRACTORS SHALL VERIFY AND BE RESPONSIBLE FOR ALL DIMENSIONS AND CONDITIONS ON THE JOB. THIS OFFICE MUST BE NOTIFIED OF ANY VARIATION FROM THE DIMENSIONS AND CONDITIONS SHOWN BY THESE DRAWINGS. SHOP DETAILS OF ADEQUATE SCALE MUST BE SUBMITTED TO THIS OFFICE FOR APPROVAL BEFORE PROCEEDING WITH FABRICATION ON THE ITEMS SO NOTED.

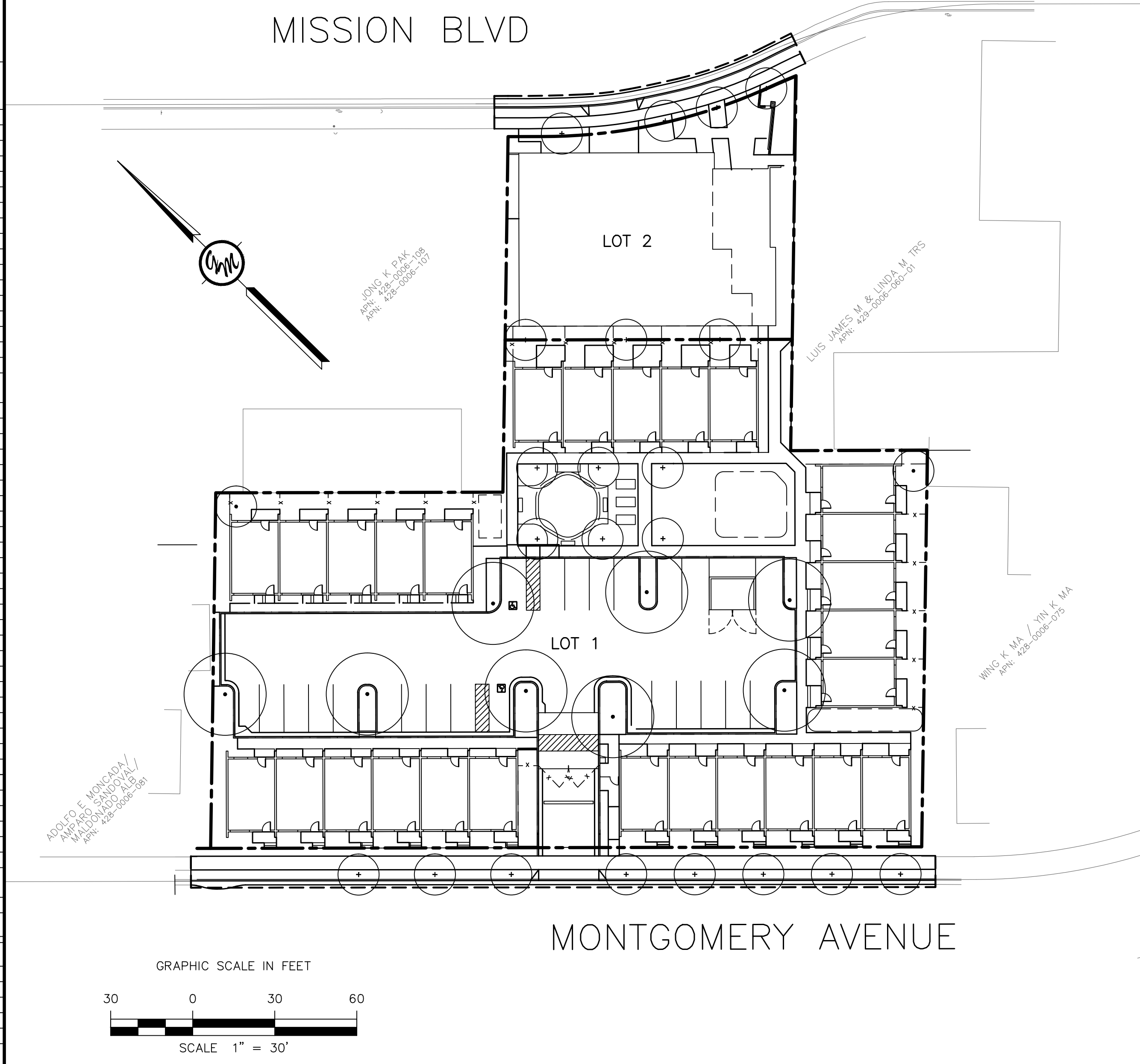
AB	AGGREGATE BASE	R	RADIUS
AC	ASPHALTIC CONCRETE	(R)	RADIAL LINE
AD	AREA DRAIN	RCP	REINFORCED CONCRETE PIPE
AL	AREA LIGHT	RIM	RIM ELEVATION
ANC	ANCHOR	RT	RIGHT
ANG PT	ANGLE POINT	ROW	RIGHT OF WAY
AP	ANCHOR POLE	S	SLOPE
ARV	AIR RELIEF VALVE	SD	STORM DRAIN
ASB	AGGREGATE SUB-BASE	SDMH	STORM DRAIN MANHOLE
BC	BEGINNING OF CURVE	SF	SQUARE FEET
BOC	BACK OF CURB	SHT	SHEET
BOW	BACK OF SIDEWALK	SL	STREET LIGHT
BM	BENCH MARK	SS	SANITARY SEWER
BO	BLOWOFF	SSCO	SANITARY SEWER CLEANOUT/RISER
BPD	BACKFLOW PREVENTION DEVICE	SSMH	SANITARY SEWER MANHOLE
BVC	BEGINNING OF VERTICAL CURVE	STA	STATION
BW	BOTTOM OF WALL	STD	STANDARD
CATV	CABLE TELEVISION	SW	SIDEWALK
C&G	CURB AND GUTTER	T	TELEPHONE LINE
CB	CATCH BASIN	TC	TOP OF CURB
CIP	CAST IRON PIPE	TELE	TELEPHONE
CL	CENTERLINE	TS	TRAFFIC SIGNAL
CMP	CORRUGATED METAL PIPE	TW	TOP OF WALL
CO	CLEANOUT	TYP	TYPICAL
CONF	CONFORM	UNO	UNLES NOTED OTHERWISE
CONC	CONCRETE	VAR	VARIES
COTG	CLEANOUT TO GRADE	VC	VERTICAL CURVE
DDCV	DOUBLE DETECTOR CHECK VALVE	VCP	VITRIFIED CLAY PIPE
DI	DROP INLET	VERT	VERICAL
DIP	DUCTILE IRON PIPE	W	WATER
DWG	DRAWING	W/O	WITHOUT
DWY	DRIVEWAY	WM	WATER METER
(E)	EXISTING	WV	WATER VALVE
EA	EACH	YL	YARD LIGHT
EC	END OF CURVE		
EG	EXISTING GRADE		
ELEC	ELECTRIC		
ELECTRO	ELECTROLIER		
ELEV	ELEVATION		
EP	EDGE OF PAVEMENT		
EVC	END OF VERTICLE CURVE		
FM	FIELD MEASUREMENT		
FC	FACE OF CURB		
FF	FINISH FLOOR		
FG	FINISH GRADE		
FH	FIRE HYDRANT		
FI	FIELD INLET		
FL	FLOW LINE		
G	GAS MAIN		
GAS V	GAS VALVE		
GM	GAS METER		
GB	GRADE BREAK		
GR	GRATE ELEVATION		
GV	GATE VALVE		
HC	HANDICAP		
HGL	HYDRAULIC GRADE LINE		
HOR	HORIZONTAL		
HP	HIGH POINT		
INT	INTERSECTION		
INV	INVERT ELEVATION		
JP	JOINT POLE		
LP	LOW POINT		
LT	LEFT		
MAX	MAXIMUM		
MH	MANHOLE		
MIN	MINIMUM		
MON	MONUMENT		
(N)	NEW		
NTS	NOT TO SCALE		
OD	OUTSIDE DIAMETER		
P	PAVEMENT		
PCC	PORTLAND CONCRETE CEMENT		
PI	POINT OF INTERSECTION		
PIV	POST INDICATOR VALVE		
POC	POINT OF CURVE		
PRC	POINT OF REVERSE CURVATURE		
PUE	PUBLIC UTILITY EASEMENT		
PVC	POLY VINYL CHLORIDE		
PIVC	POINT OF VERTICAL INTERSECTION		
PL	PROPERTY LINE		

ABBREVIATIONS

EXISTING	PROPOSED	DESCRIPTION
		AREA LIGHT
		BLOWOFF
		BRUSH LINE
		BUILDING CABLE TV LINE
		CATCH BASIN
		CONCRETE
		CURB
		CURB & GUTTER
		CURB, GUTTER & SIDEWALK
		CUT/FILL LINE
		DAYLIGHT LINE
		DROP INLET
		ELECTRIC LINE
		ELECTROLIER
		FENCE
		FIRE HYDRANT
		FIRE MAIN
		FLAG POLE
		GAS MAIN
		GAS VALVE
		GAS METER
		GUY ANCHOR
		JOINT TRENCH
		MONUMENT
		SANITARY SEWER CLEANOUT
		SANITARY SEWER
		SANITARY SEWER MANHOLE
		SIGN
		SLOPE
		STORM DRAIN LINE
		STORM DRAIN MANHOLE
		TELEPHONE LINE
		TELEPHONE VAULT
		TRAFFIC SIGNAL
		TRANSFORMER
		UTILITY POLE
		VALLEY GUTTER
		WALL
		WATER GATE VALVE
		WATER MAIN
		WATER METER
		WATER VALVE

LEGEND

VESTING TENTATIVE  
TRACT MAP 8520  
21659 MISSION BLVD.  
CITY OF HAYWARD ALAMEDA COUNTY CALIFORNIA  
LOT 1 FOR CONDOMINIUM PURPOSES (27 AIRSPACE CONDOMINIUM UNITS)  
LOT 2 FOR AN 18-UNIT APARTMENT BUILDING



SITE

- |      |                                      |
|------|--------------------------------------|
| C1.0 | COVER SHEET                          |
| C2.0 | TOPOGRAPHIC SURVEY & DEMOLITION PLAN |
| C3.0 | VESTING TENTATIVE MAP                |
| C3.1 | SITE PLAN                            |
| C4.0 | GRADING PLAN                         |
| C4.1 | GRADING PLAN                         |
| C5.0 | STORMWATER CONTROL PLAN              |
| C6.0 | UTILITY PLAN                         |

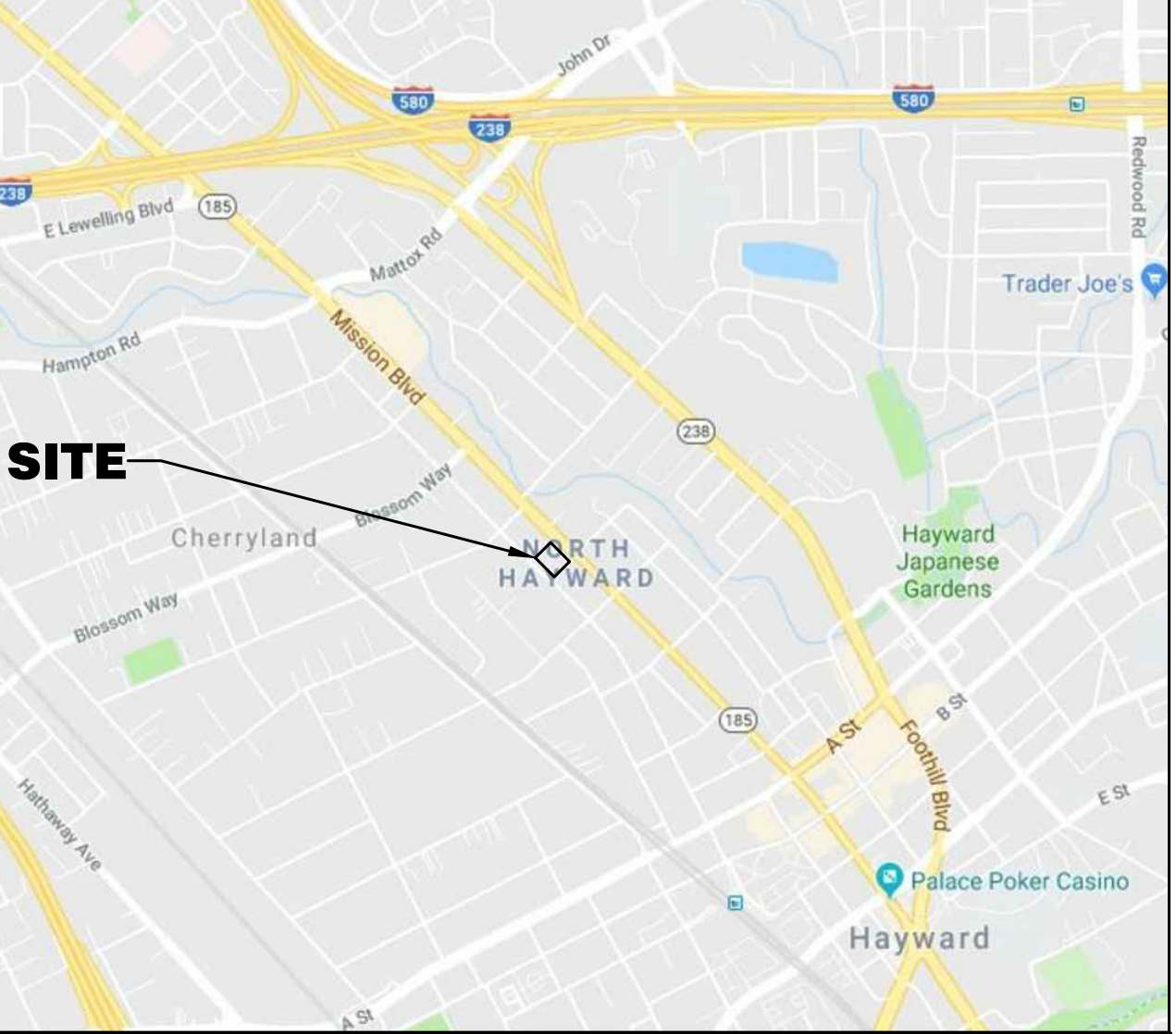
SHEET INDEX

**OWNER & APPLICANT SIGNATURES:**  
I, PARGAT SINGH, AGREE TO THE FILING OF SAID MAP AND AGREE TO COMPLY WITH THE PROVISIONS OF THE CITY OF HAYWARD SUBDIVISION ORDINANCE AND THE STATE MAP ACT AS THEY APPLY TO THE PROCESSING AND APPROVAL OF THE SAID MAP.

PARGAT SINGH \_\_\_\_\_ DATE \_\_\_\_\_

**ENGINEER SIGNATURE:**  
THIS TENTATIVE MAP HAS BEEN PREPARED UNDER MY DIRECT SUPERVISION AN IN ACCORDANCE WITH THE SUBDIVISION MAP ACT.

JEFFREY R. MOORE \_\_\_\_\_ DATE \_\_\_\_\_



VICINITY MAP

**ENGINEER:**  
GREENWOOD & MOORE, INC.  
JEFFREY MOORE  
3111 CASTRO VALLEY BLVD.  
CASTRO VALLEY, CA 94546  
(510) 581-2772

**GEOTECHNICAL ENGINEER:**  
GROUND ZONE ENVIRONMENTAL SERVICES LLC  
1361 B STREET  
HAYWARD CA 94541

**OWNER/APPLICANT:**  
PARGAT AULAKH  
4527 HEYER AVE  
CASTRO VALLEY CA 94546  
510-314-3019

**PROPERTY ADDRESS:**  
21659 MISSION BLVD  
HAYWARD, CA 94541

**EXISTING AND PROPOSED ZONING:**  
MB-14-1-HEIGHT

**EXISTING LAND USE:**  
VACANT

**PROPOSED LAND USE:**  
MULTI-FAMILY RESIDENTIAL

**ASSESSOR'S PARCEL NO.:**  
428-0006-058-01

**SITE AREA:**  
48,877 SQ. FT. / 1.122 ACRES

**# OF UNITS:**  
27 CONDOMINIUMS (LOT 1)  
18 APARTMENTS (LOT 2)

**SANITARY SEWER BY:**  
CITY OF HAYWARD

**WATER SERVICE BY:**  
EAST BAY MUNICIPAL UTILITY DISTRICT

**GAS & ELECTRIC SERVICE BY:**  
PACIFIC GAS & ELECTRIC COMPANY

**FIRE PROTECTION BY:**  
HAYWARD FIRE DEPARTMENT

**TELECOMMUNICATIONS:**  
AT&T

**CABLE:**  
COMCAST

**FLOOD ZONE:**  
THE SUBJECT PROPERTY LIES ENTIRELY WITHIN FLOOD HAZARD UNSHADED ZONE X, AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOOD PLAIN. COMMUNITY PANEL NO. 06001C 0287 G, DATED AUGUST 3, 2009.

**BENCHMARK:**  
ELEVATIONS FOR THIS PROJECT ARE BASED ON ASSUMED DATUM AND HAVE NOT BEEN REFERENCED TO A BENCHMARK.

**BASIS OF BEARING:**  
BEARINGS ARE BASED UPON PARCEL MAP NO. 3439, FILED AUGUST 4TH, 1981 IN BOOK 128 OF MAPS, AT PAGES 50-51, ALAMEDA COUNTY RECORDS.

**HOA'S:**  
A HOMEOWNER ASSOCIATION AND CC&R'S WILL BE FORMED TO OWN AND MAINTAIN PRIVATE DRIVEWAYS, DRIVE AISLES, PRIVATE UTILITIES, STORM DRAINAGE FACILITIES, LANDSCAPE, AND COMMON AREAS FOR LOT 1. THE CC&R'S SHALL PROVIDE DETAILED DESCRIPTIONS OR ALL RIGHTS AND RESPONSIBILITIES OF THE HOA AND MEMBERS.

ALL RESIDENTIAL UNITS ON LOT 1 ARE AIRSPACE CONDOMINIUMS WITH THE REMAINING AREAS ON LOT 1 BEING COMMON AREAS AS DESCRIBED BELOW.

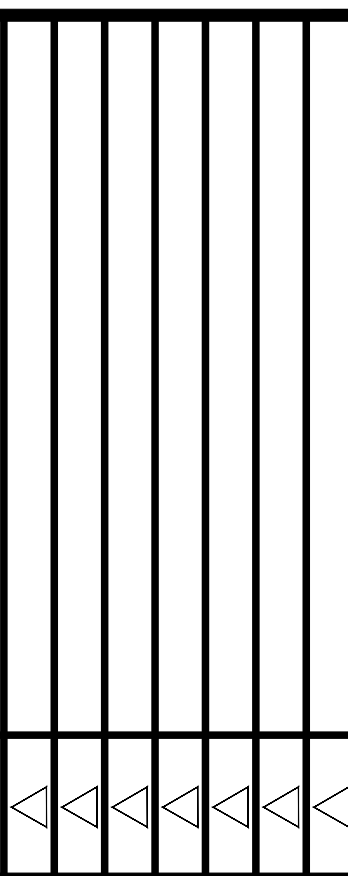
ALL RESIDENTIAL UNITS ON LOT 2 ARE APARTMENT UNITS.

THE TOTAL AREA OF COMMON AREA 1 AND 2 IS 21,292± SQ.FT. COMMON AREA 1 IS THE LANDSCAPED AREAS, INCLUDING THE BIORETENTION AREAS, WHICH TOTAL 9,213± SQ.FT. COMMON AREA 2 IS THE VEHICLE AREAS WHICH TOTAL 12, 079± SQ.FT.

LOT 2 IS NOT PART OF HOA. HOWEVER, RESIDENTS OF LOT 2 SHALL HAVE ONLY THE FOLLOWING RIGHTS IN LOT 1:

- ACCESS AND USE OF THE COMMON CHILDRENS PLAY AREA
- USE OF THE TRASH ENCLOSURE
- PEDESTRIAN AND BIKE ACCESS THROUGH THE COMMON AREAS TO MONTGOMERY AVE
- STORMWATER DRAINAGE EASEMENT ON LOT 1 AND USE OF BIORETENTION AREA 2 FOR PURPOSES OF STORM WATER TREATMENT FOR LOT 2.
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- BLANKET UTILITY EASEMENTS ARE PROPOSED WITHIN THE COMMON AREAS 1 AND 2 FOR UTILITIES SERVING LOT 2.

GREENWOOD & MOORE, INC.  
Civil Engineers • Designers  
Land Surveyors • Planners  
3111 Castro Valley Blvd., Ste. 200, Castro Valley, California, 94546  
Tel: 510-581-2772 Fax: 510-581-5693 www.greenwoodmore.com



REGISTERED PROFESSIONAL ENGINEER  
JEFFREY R. MOORE  
No. C042628  
Exp. 03/31/2022  
CIVIL  
STATE OF CALIFORNIA

VESTING TENTATIVE  
TRACT MAP 8520  
21659 MISSION BLVD.  
HAYWARD, CA, ALAMEDA COUNTY  
428-0006-058-01

COVER SHEET

CHECKED BY: JRM  
DRAWN BY: KY  
SCALE: AS SHOWN  
DATE: 07/17/2020  
PROJECT NO.: 2018.013  
PHASE NO.:  
SHEET NO.:

C1.0



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#### DEMOLITION KEY NOTES

1. REMOVE (E) AC PAVEMENT
2. REMOVE (E) CONCRETE
3. SAWCUT LINE
4. LIMIT OF REMOVAL
5. REMOVE (E) CURB AND GUTTER
6. REMOVE (E) DRIVEWAY
7. REMOVE (E) SIDEWALK
8. REMOVE (E) GATE/FENCE
9. REMOVE (E) ELECTRICAL SERVICE POLE (BY OTHERS) COORDINATE REMOVAL WITH PG&E.
10. REMOVE (E) DRAIN INLET
11. REMOVE (E) LIGHT POST
12. REMOVE (E) BLOCK WALL
13. REMOVE (E) WATER VALVE
14. REMOVE (E) ELECTRIC BOX
15. EXISTING TREE TO REMAIN
16. EXISTING FIRE HYDRANT
17. REMOVE AND REPLACE (E) WATER LINE

REMOVE (E) TREE

REMOVE (E) TREE

GRAPHIC SCALE IN FEET

20 0 20 40  
SCALE 1" = 20'

MISSION BLVD

L=10.19, R=200.00  
Δ=2° 55'

L=85.67, R=200.00  
Δ=24° 33'

JONG K PAK  
APN: 428-006-108  
APN: 428-006-107

LUIS JAMES M & LINDA M TRS  
APN: 428-006-09-01  
APN: 428-6-60-1

WING K MA  
APN: 428-006-075  
APN: 428-6-75

ADOLFO E MOLOCA  
AMPARO SANDOVAL  
MALDONADO ALBA  
APN: 428-006-081

SUNSET BLVD

MONTGOMERY AVENUE

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& MOORE, INC  
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VESTING TENTATIVE  
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428-0006-058-01

TOPOGRAPHIC SURVEY  
&  
DEMOLITION PLAN

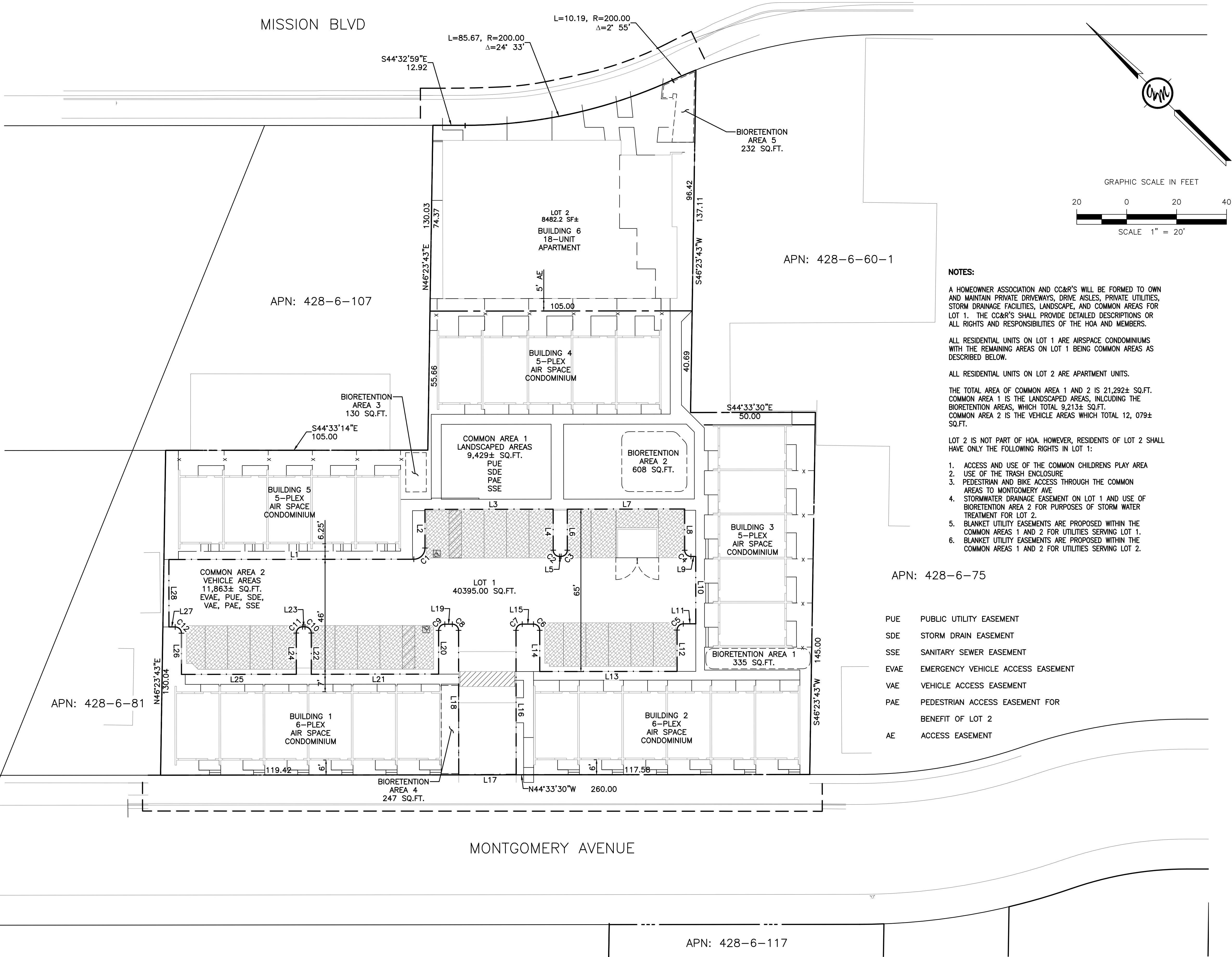
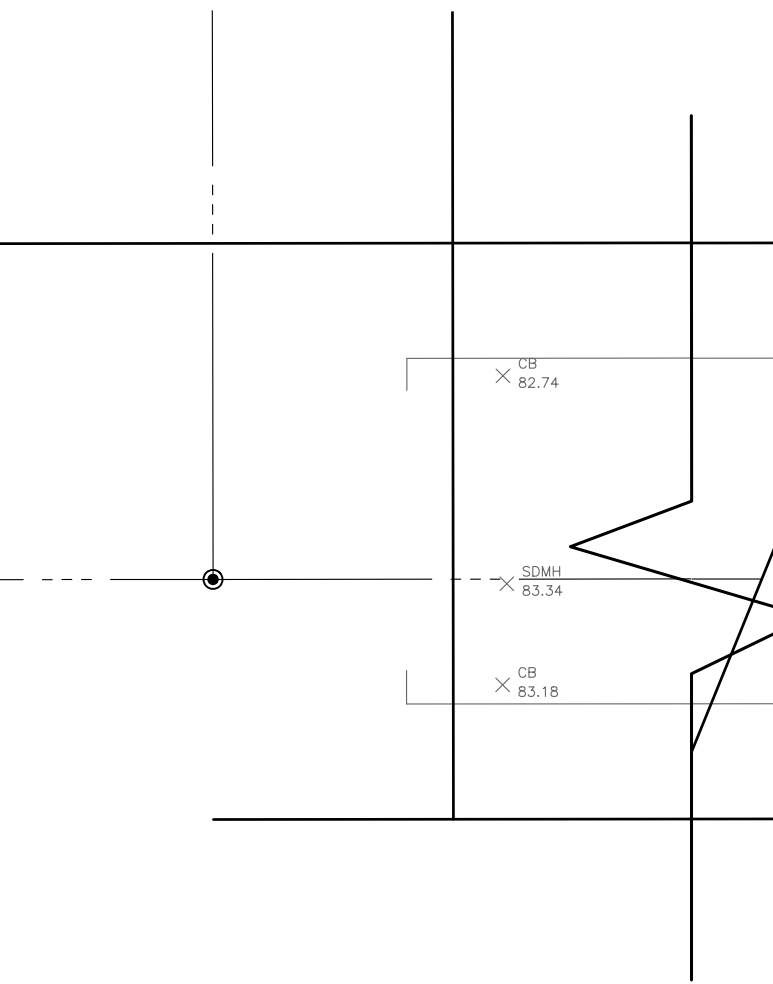
CHECKED BY: JRM  
DRAWN BY: KY  
SCALE: 1"=20'  
DATE: 07/17/2020  
PROJECT NO.: 2018.013  
PHASE NO.:

SHEET NO.  
C2.0

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CURVE TABLE				
CURVE #	LENGTH	RADIUS	DELTA	OBJECT
C1	7.07	4.50	Δ90°00'00"	CURB
C2	3.93	2.50	Δ89°58'31"	CURB
C3	3.93	2.50	Δ89°59'53"	CURB
C4	3.93	2.50	Δ90°00'00"	CURB
C5	3.93	2.50	Δ90°00'00"	CURB
C6	3.93	2.50	Δ89°59'58"	CURB
C7	3.93	2.50	Δ90°00'00"	CURB
C8	3.93	2.50	Δ90°00'00"	CURB
C9	3.93	2.50	Δ90°00'00"	CURB
C10	3.93	2.50	Δ90°00'00"	CURB
C11	3.93	2.50	Δ90°00'00"	CURB
C12	3.93	2.50	Δ90°00'00"	CURB

Line Table		
Line #	Length	Direction
L1	98.083	S44° 33' 30.00"E
L2	15.458	N45° 26' 30.00"E
L3	51.327	S44° 34' 52.64"E
L4	16.397	S45° 25' 07.36"W
L5	0.667	S44° 33' 30.00"E
L6	16.398	N45° 26' 30.00"E
L7	47.000	S44° 34' 52.64"E
L8	16.500	S45° 26' 30.00"W
L9	1.917	S44° 33' 30.00"E
L10	26.958	S45° 26' 30.00"W
L11	5.000	N44° 33' 30.00"W
L12	16.542	S45° 26' 30.00"W
L13	55.000	N44° 33' 29.98"W
L14	16.500	N45° 26' 30.00"E
L15	4.500	N44° 33' 30.00"W
L16	57.833	S45° 26' 30.00"W
L17	23.000	N44° 33' 30.00"W
L18	57.833	N45° 26' 30.00"E
L19	3.000	N44° 33' 30.00"W
L20	17.500	S45° 26' 30.00"W
L21	51.000	N44° 33' 29.98"W
L22	16.500	N45° 26' 30.00"E
L23	1.000	N44° 33' 30.00"W
L24	16.500	S45° 26' 30.00"W
L25	46.000	N44° 33' 29.98"W
L26	16.500	N45° 26' 30.00"E
L27	2.501	N45° 42' 57.63"W
L28	27.051	N45° 26' 30.00"E



**NOTES:**

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2. USE OF THE TRASH ENCLOSURE
3. PEDESTRIAN AND BIKE ACCESS THROUGH THE COMMON AREAS TO MONTGOMERY AVE
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PUE PUBLIC UTILITY EASEMENT  
SDE STORM DRAIN EASEMENT  
SSE SANITARY SEWER EASEMENT  
EVAE EMERGENCY VEHICLE ACCESS EASEMENT  
VAE VEHICLE ACCESS EASEMENT  
PAE PEDESTRIAN ACCESS EASEMENT FOR  
BENEFIT OF LOT 2  
AE ACCESS EASEMENT

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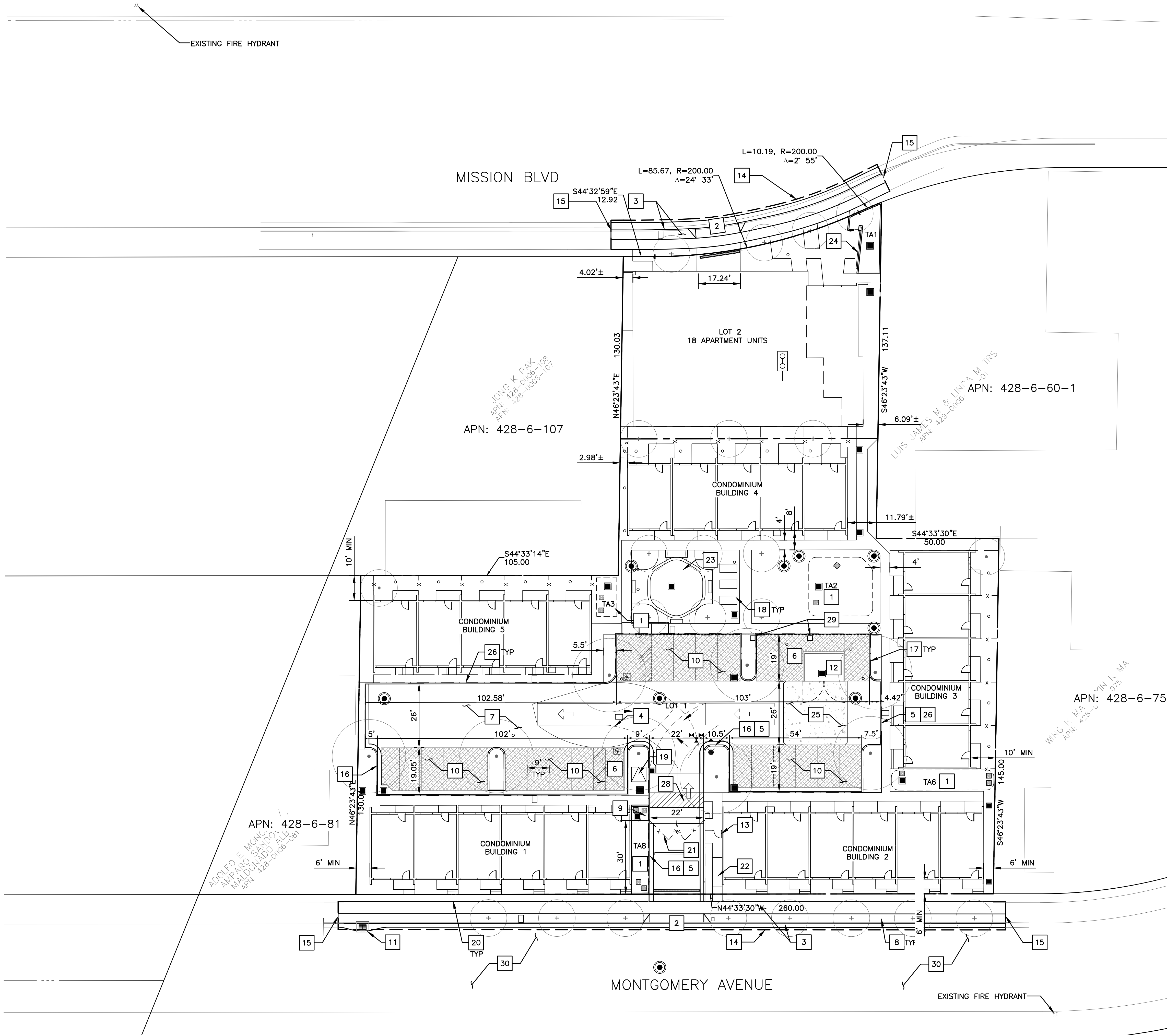
REGISTERED PROFESSIONAL ENGINEER  
JEFFREY R. MOORE  
No. C042628  
Exp. 03/31/2022  
CIVIL  
STATE OF CALIFORNIA

VESTING TENTATIVE  
TRACT MAP 8520  
21659 MISSION BLVD.  
HAYWARD, CA, ALAMEDA COUNTY  
428-0006-058-01

VESTING TENTATIVE MAP  
C3.0

CHECKED BY: JRM  
DRAWN BY: KY  
SCALE: 1"=20'  
DATE: 07/17/2020  
PROJECT NO.: 2018.013  
PHASE NO.:  
SHEET NO.:

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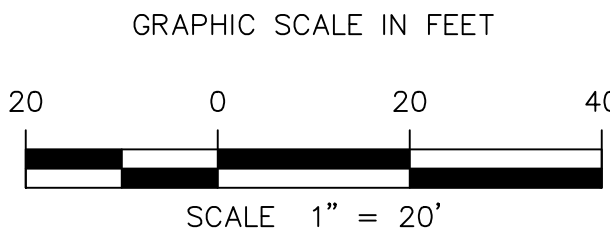
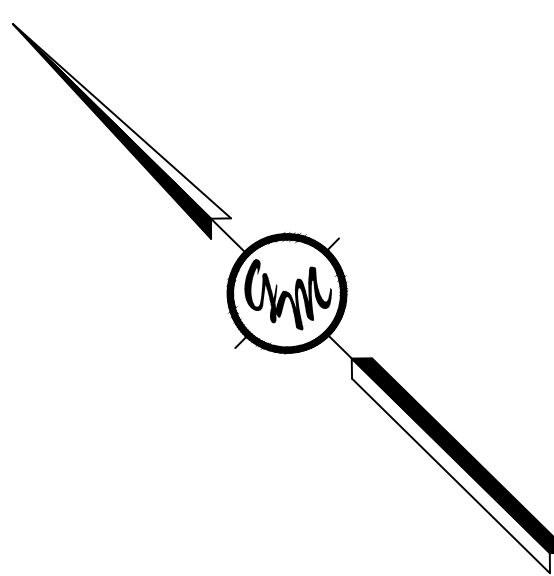


KEYNOTES

1. BIORETENTION TREATMENT AREA. SEE SHEET 5.0 FOR ADDITIONAL INFORMATION
2. (N) DRIVEWAY PER CITY DETAIL SD-108A, ALTERNATE B
3. REMOVE & REPLACE (E) CURB GUTTER & SIDEWALK PER CITY STANDARD DETAIL SD-108 OR AS DIRECTED BY CITY ENGINEER.
4. FIRE TRUCK TURN AROUND
5. PAINT CURB RED WITH WORDING "NO PARKING FIRE LANE" PER HAYWARD FIRE DEPARTMENT REQUIREMENTS
6. ACCESSIBLE PARKING STALL
7. 3" AC ON 8" CL II AB VERIFY DRIVEWAY SECTION WITH GEOTECHNICAL ENGINEER
8. WATER METER, SEE UTILITY SHEET C6.0 FOR MORE INFO
9. RETAINING WALL AT BIORETENTION AREA
10. PERMEABLE PAVEMENT WITH SUBDRAIN SYSTEM
11. DRAIN INLET
12. TRASH ENCLOSURE
13. PEDESTRIAN ACCESS GATE
14. SAWCUT LINE
15. CONFORM TO (E)
16. CURB AND GUTTER
17. VERTICAL CURB
18. PLANTER BED
19. TRANSFORMER
20. STEPS
21. AUTOMATIC GATE AT DRIVEWAY
22. PEDESTRIAN ACCESSIBLE RAMP
23. PLAY STRUCTURE
24. DECORATIVE WALL
25. 6" CONCRETE SLAB OVER 4" BASE AT TRASH ENCLOSURE WITH 12" CHAMFER
26. CURB AND SIDEWALK
27. NOT USED
28. CROSSWALK
29. EVCS CHARGING STATION PER CBC AND CALGREEN
30. PAVEMENT TO BE REPAIRED AND RESURFACED WITH A MINIMUM TWO-INCH THICK HOT-MIX A.C.

NOTES

1. AN ENCROACHMENT PERMIT FROM THE CITY IS REQUIRED FOR ANY WORK WITHIN THE PUBLIC RIGHT OF WAY.
2. AUTOMATIC FIRE SPRINKLERS IN ACCORDANCE WITH NFPA 13 WITH A STANDPIPE PER NFPA 13 SHALL BE PROVIDED FOR THE NEW BUILDINGS (DESIGN BY OTHERS)
3. A FIRE ALARM SYSTEM PER CFC 907 & NFPA 72 SHALL BE PROVIDED FOR THE NEW BUILDINGS (DESIGN BY OTHERS).
4. TA# = TREATMENT AREA



VESTING TENTATIVE  
TRACT MAP 8520  
21659 MISSION BLVD.  
HAYWARD, CA, ALAMEDA COUNTY  
428-0006-058-01

SITE PLAN

CHECKED BY: JRM  
DRAWN BY: KY  
SCALE: 1" = 20'  
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SHEET NO.:

C3.1



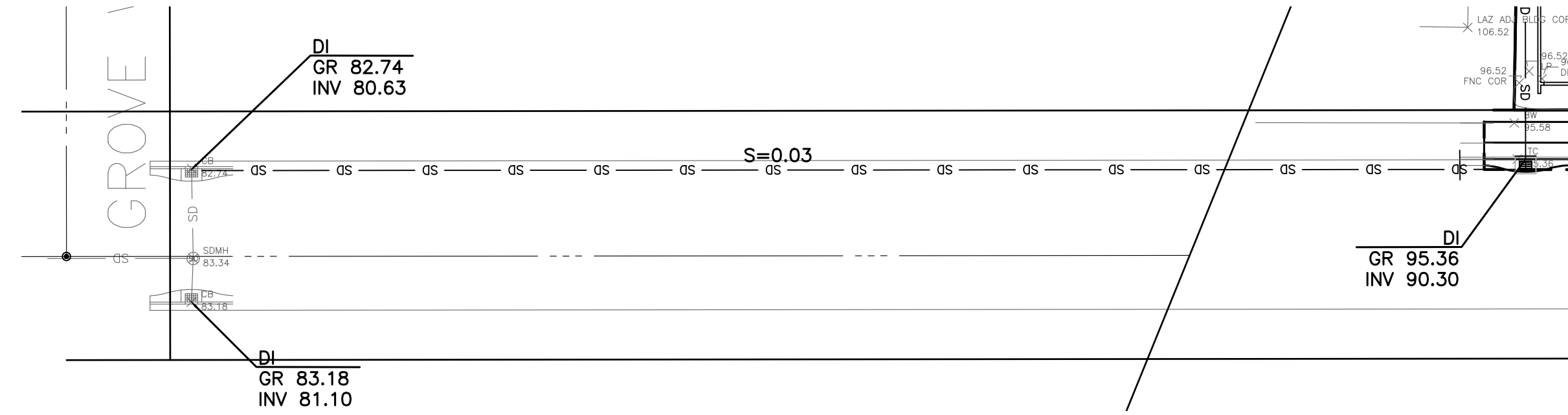
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#### NOTE

1. ALL STORM DRAIN SHALL BE PVC SDR35 UNLESS SPECIFICALLY NOTED ON THE PLANS.
2. HGL IS ASSUMED TO BE 1.25' BELOW SDMH RIM ELEVATION.
3. ALL INLETS TO BE MARKED "NO DUMPING! FLOWS TO BAY" USING CITY APPROVED METHODS.
4. ALL ONSITE STORM SHALL BE PRIVATE AND MAINTAINED BY THE HOME OWNERS ASSOCIATION.
5. ALL INLET RIMS IN THE BIORETENTION TREATMENT AREA SHALL BE 6" MINIMUM ABOVE THE FLOW LINE OF BTA. THE DESIGN OF THE LONGITUDINAL FLOW LINE SHALL BE LEVEL.

#### GRADING KEYNOTE

1. BIORETENTION AREA. SEE SHEET 5.0 FOR ADDITIONAL INFORMATION
2. DISCHARGE ROOF DRAINS TO BIORETENTION AREA AT COBBLE DISSIPATER. VIF RWL (BY OTHERS)
3. DRAIN INLET PER CITY STANDARD DETAIL SD-402
4. TRENCH DRAIN TO COLLECT RUNOFF FROM DRIVEWAY DRAINAGE AND DRAIN TO BIORETENTION AREA
5. 2' GAP IN CURB TO ALLOW DRAINAGE INTO PLANTER WITH 2X2 COBBLE PAD
6. OVERLAND RELEASE
7. NEW 12" RCP STORM DRAIN. CONNECT TO EXISTING CATCH BASIN ON GROVE WAY. SEE DETAIL 1 ON THIS SHEET. VIF ALL UTILITY CROSSINGS (BY OTHERS)

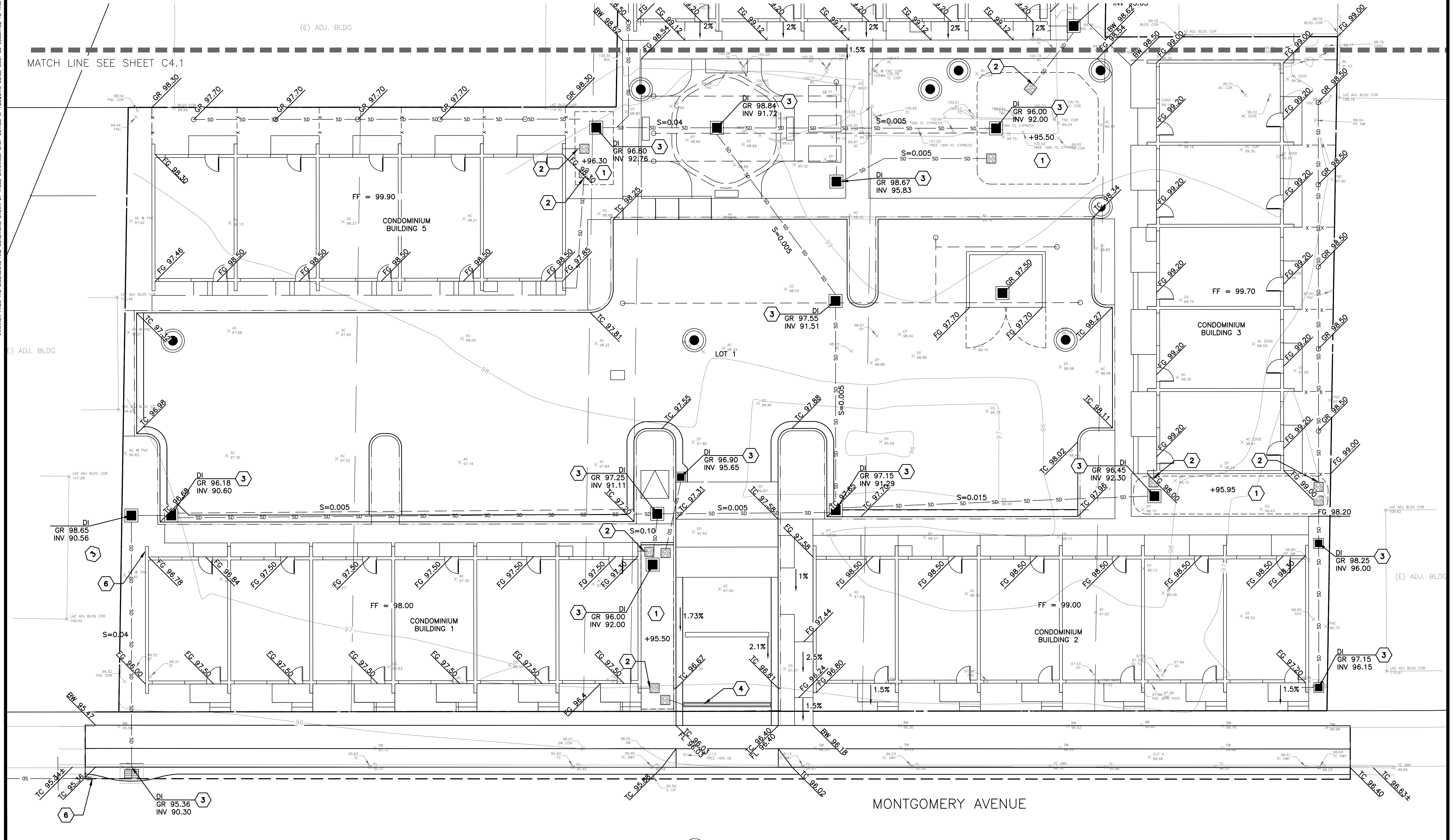


#### DETAIL 1

SCALE: 1"=30'

GRAPHIC SCALE IN FEET

10 0 10 20  
SCALE 1" = 10'



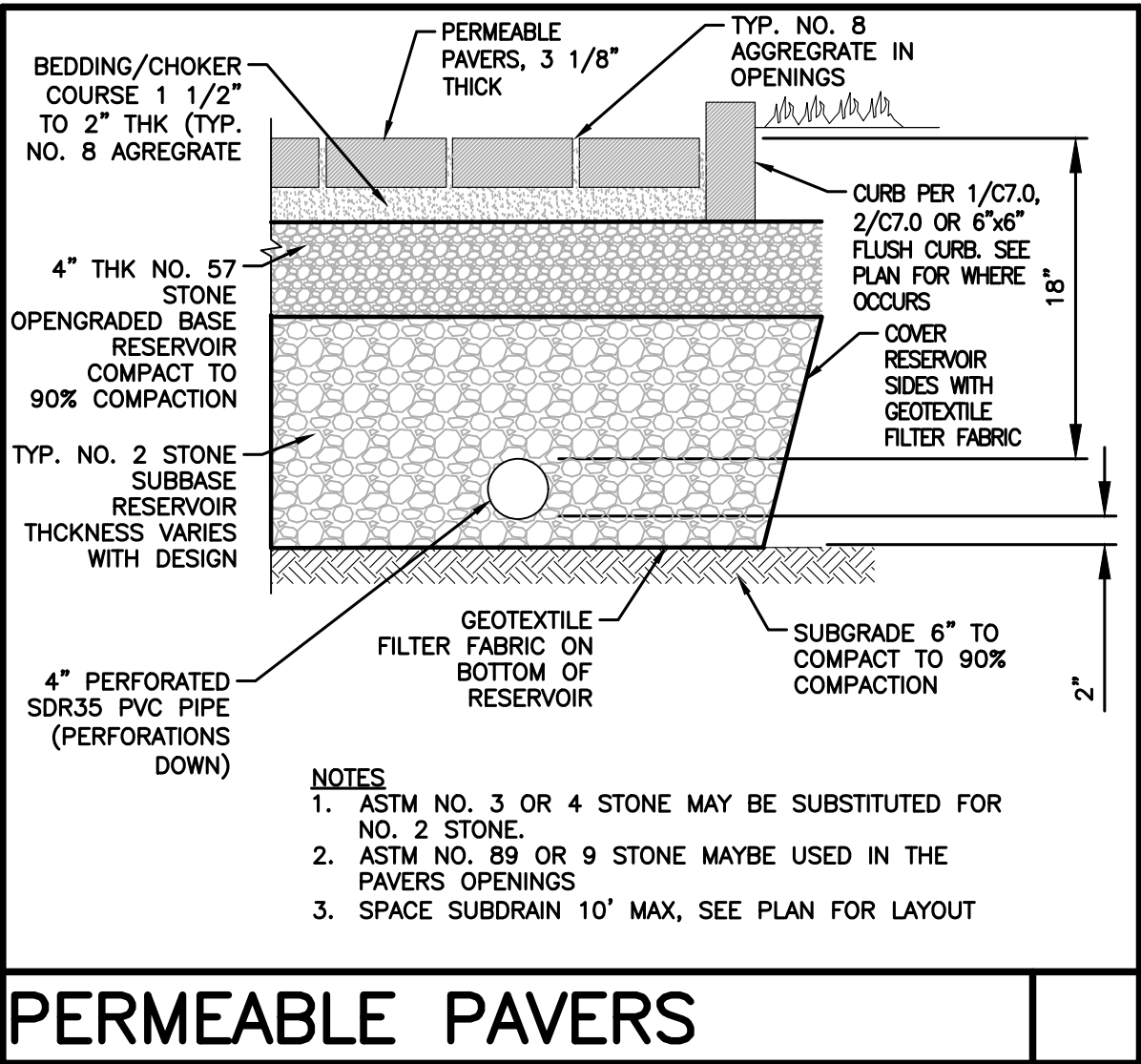
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NOTE

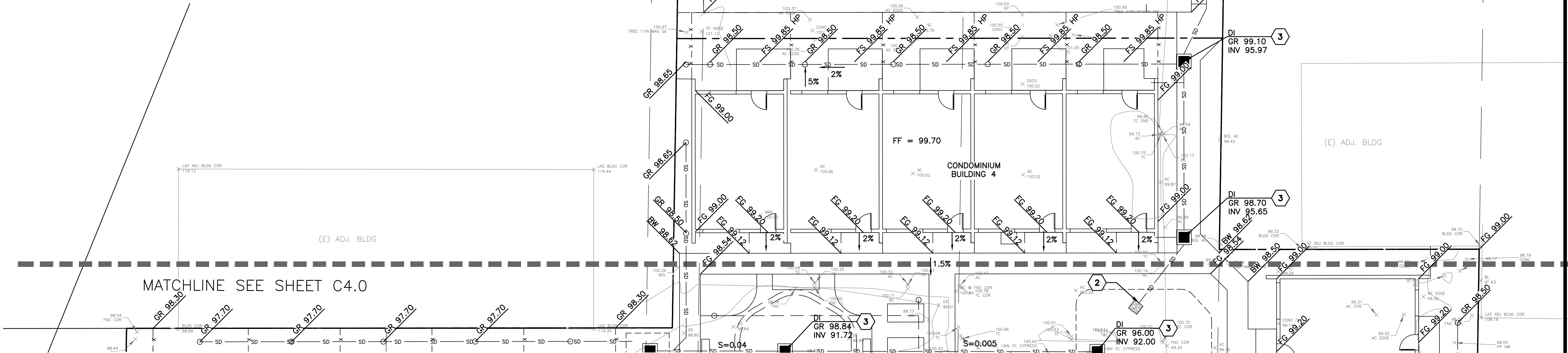
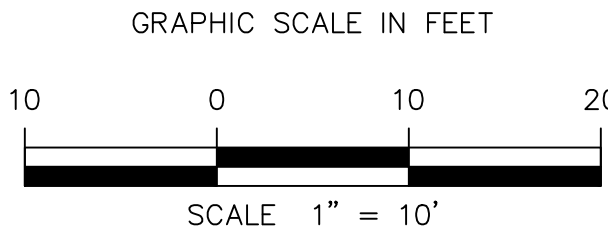
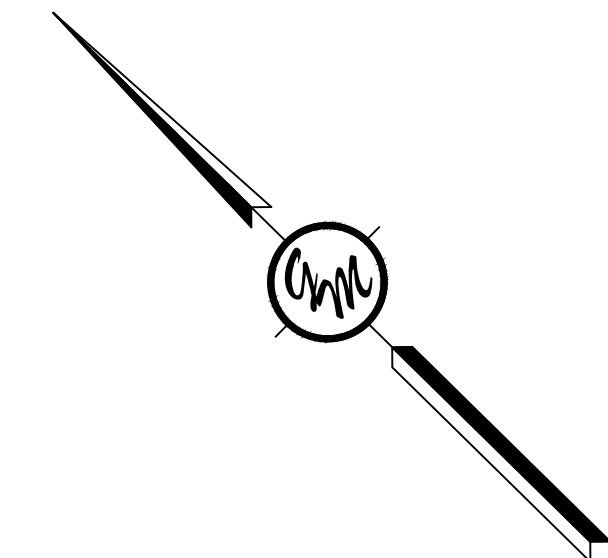
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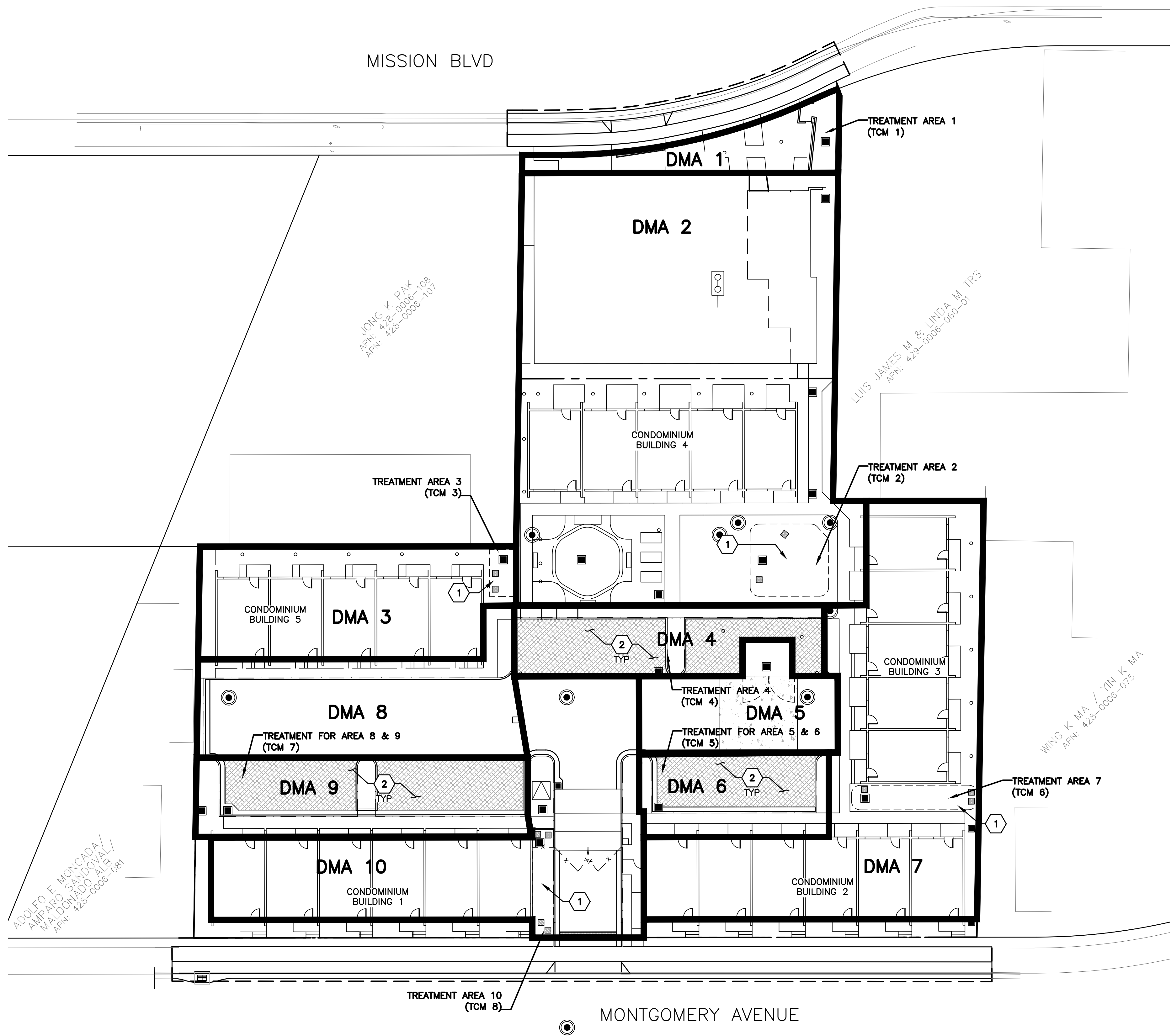


## PERMEABLE PAVERS

[illegible]



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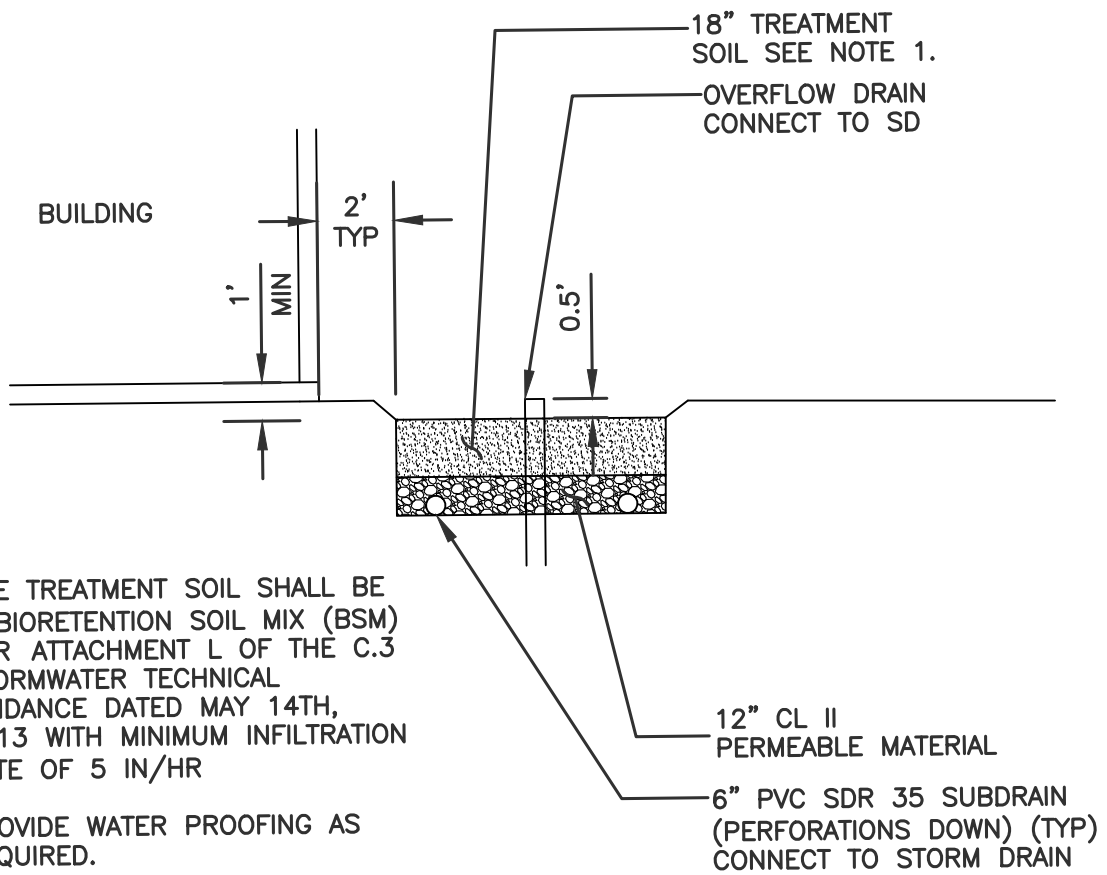


KEYNOTES

1. BIORETENTION AREA, SEE SECTION A
2. PERMEABLE PAVEMENT

NOTES

1. THE OWNER SHALL PROVIDE AN OPERATION AND MAINTENANCE PLAN DESCRIBING HOW THE STORM WATER CONTROL MEASURES ARE TO BE OPERATED AND MAINTAINED.
2. THE DEVELOPER/OWNER SHALL ENTER INTO A MAINTENANCE AGREEMENT TO ENSURE MAINTENANCE OF THE STORM WATER CONTROL MEASURES.
3. SEE GRADING PLAN SHEET C4.0 & C4.1 FOR GRADING AND DRAINAGE INFORMATION.



NOTES:

1. THE TREATMENT SOIL SHALL BE A BIORETENTION SOIL MIX (BSM) PER ATTACHMENT L OF THE C.3 STORMWATER TECHNICAL GUIDANCE, DATED MAY 14TH, 2013 WITH MINIMUM INFILTRATION RATE OF 5 IN/HR
2. PROVIDE WATER PROOFING AS REQUIRED.

SECTION A

1"=5'

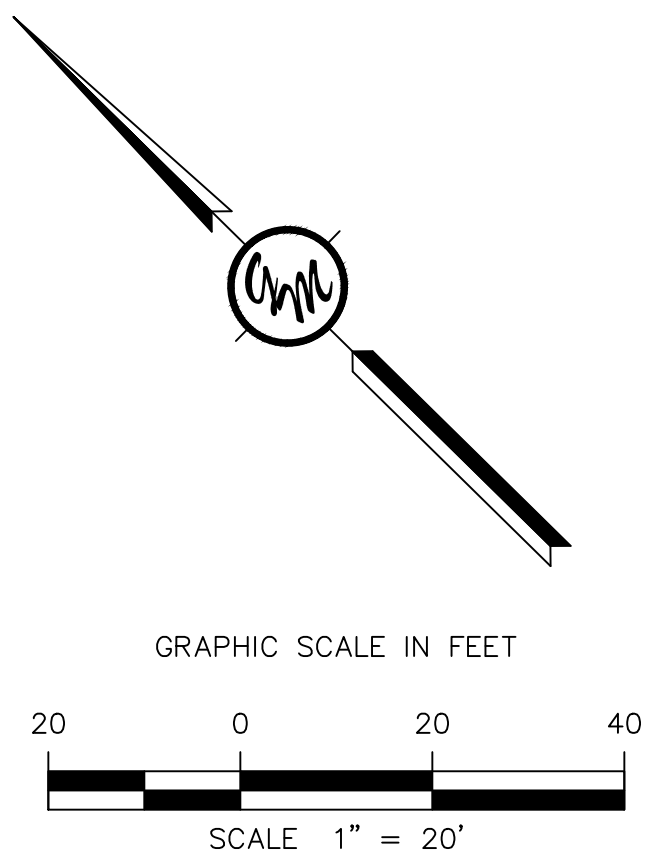
TABLE 1  
IMPERVIOUS/PERVIOUS AREA SUMMARY

	IMPERVIOUS AREA	PERVIOUS AREA	LANDSCAPE	TOTAL
	(SQ. FT)	(SQ. FT)	(SQ. FT)	(SQ. FT)
EXISTING	41,778	0	7,099	48,877
PROPOSED/POST CONSTRUCTION	33,485	4,583	10,809	48,877

TABLE 2  
BIORETENTION DESIGN

DRAINAGE MANAGEMENT AREA (DMA)	TREATMENT CONTROL MEASURES (TCM)	a TOTAL DRAINAGE AREA (SF)	b PERVIOUS AREA (SF)	REQUIRED PERVIOUS PAVE (SF)	PROVIDED PERVIOUS PAVE (SF)	c IMPERVIOUS AREA (SF)	d EFFECTIVE PERVIOUS AREA (SF)	e EFFECTIVE IMPERVIOUS AREA (SF)	f TREATMENT AREA REQUIRED (SF)	TREATMENT AREA PROVIDED (SF)	DEPTH OF PONDING (INCHES)	TREATMENT TYPE	SIZING METHOD	RUN-ON AREA (PERVIOUS PAVEMENT ONLY)	RUN-ON RATIO (RUN-ON AREA/PERVIOUS AREA), MUST BE LESS <= 3.0
DMA 1	TCM 1	1,307	610	N/A	N/A	697	610	697	30	78	6	BIORETENTION	AREA METHOD*	N/A	
DMA 2	TCM 2	15,472	5696	N/A	N/A	9,776	5696	9,776	414	608	6	BIORETENTION	AREA METHOD*	N/A	
DMA 3	TCM 3	3,749	1,154	N/A	N/A	2,595	1,154	2,595	108	129	6	BIORETENTION	AREA METHOD*	N/A	
DMA 4	TCM 4	2,214	1,752	1,295	1,626	462	1,752	462	0	N/A	N/A	PERVIOUS PAVERS		462	0.264
DMA 5	TCM 5	1,900	0	N/A	N/A	1,900	0	1,900	0	N/A	N/A	INTO DMA 6 (TCM 5)		1900 SF TO DMA 6	
DMA 6	TCM 5	1,755	1,207	835	916	548	1207	548	0	N/A	N/A	PERVIOUS PAVERS		2,448	2.028
DMA 7	TCM 6	8,200	1,953	N/A	N/A	6,247	1,953	6,247	258	334	6	BIORETENTION	AREA METHOD*	N/A	
DMA 8	TCM 7	3,685	358	N/A	N/A	3,327	358	3,327	0	N/A	N/A	INTO DMA 9 (TCM 7)		3,327 SF TO DMA 9	
DMA 9	TCM 7	2,900	2,086	1,387	1,607	814	2086	814	0	N/A	N/A	PERVIOUS PAVERS		4,141	1.694
DMA 10	TCM 8	6,194	576	N/A	N/A	5,618	576	5,618	227	247	6	BIORETENTION	AREA METHOD*	N/A	

\* REQUIRED TREATMENT AREA = 0.04\*(IMPERVIOUS AREA)+0.10\*0.04\*(PERVIOUS AREA)  
SEE SECTION A FOR TYPICAL BIORETENTION SECTION



GREENWOOD & MOORE, INC.  
Civil Engineers • Designers  
Land Surveyors • Planners  
3111 Castro Valley Blvd., Ste. 200, Castro Valley, California 94546  
Tel: 510-581-2772 Fax: 510-581-6913 www.greenwoodmore.com

REGISTERED PROFESSIONAL ENGINEER  
JEFFREY R. MOORE  
No. C042628  
Exp. 03/31/2022  
CIVIL  
STATE OF CALIFORNIA

VESTING TENTATIVE  
TRACT MAP 8520  
21659 MISSION BLVD.  
HAYWARD, CA, ALAMEDA COUNTY  
428-0006-058-01

STORMWATER CONTROL PLAN

CHECKED BY: JRM  
DRAWN BY: KY  
SCALE: 1"=20'  
DATE: 07/17/2020  
PROJECT NO.: 2018.013  
PHASE NO.:  
SHEET NO.: C5.0



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WATER/FIRE FLOW DATA PROVIDED BY EBMUD

**MONTGOMERY AVENUE:**

FIRE SERVICE CONNECTION #1  
OFF THE EBMUD 6-INCH MAIN (6C56) IN MONTGOMERY AVENUE, ON THE NORTH SIDE OF MONTGOMERY AVENUE, APPROXIMATELY 490 FEET EAST OF GROVE WAY.

PRESSURE ZONE: CENTRAL

CONNECTION POINT ELEVATION (FEET): 85

CONNECTION POINT STATIC PRESSURE (PSI): 44

RESIDUAL PRESSURE AT 400 GPM (PSI): 38

RESIDUAL PRESSURE AT 800 GPM (PSI): 24

TO BE USED FOR:

- 1) FIRE SPRINKLERS FOR CONDOMINIUM BUILDINGS 1-5 ON LOT 1
- 2) DOMESTIC WATER FOR CONDOMINIUM BUILDINGS 1-5 ON LOT 1

**MISSION BLVD:**

FIRE SERVICE CONNECTION #2  
OFF THE EBMUD 8-INCH MAIN (8SMM58) IN MISSION BOULEVARD, ON THE SOUTH SIDE OF MISSION BOULEVARD, APPROXIMATELY 460 FEET EAST OF GROVE WAY.

PRESSURE ZONE: CENTRAL

CONNECTION POINT ELEVATION (FEET): 88

CONNECTION POINT STATIC PRESSURE (PSI): 43

RESIDUAL PRESSURE AT 750 GPM (PSI): 41

RESIDUAL PRESSURE AT 1500 GPM (PSI): 36

TO BE USED FOR:

- 1) FIRE SPRINKLERS FOR APARTMENT BUILDING ON LOT 2
- 2) DOMESTIC WATER FOR APARTMENT BUILDING ON LOT 2
- 3) NEW PRIVATE FIRE HYDRANT ON LOT 1

**ENGINEER'S COMMENTS:**

THE PRESSURE AND FLOW INFORMATION STATED IS AVAILABLE AT THE STREET MAIN CONNECTION IN MONTGOMERY AVENUE AND MISSION BOULEVARD. AVAILABLE FLOW IS LIMITED TO 800 GPM DUE TO DEAD-END 6-INCH MAIN. OFFSITE PIPELINE IMPROVEMENTS AT THE APPLICANT'S EXPENSE MAY BE REQUIRED TO MEET FIRE FLOW REQUIREMENTS SET BY THE LOCAL FIRE AGENCY. OFFSITE PIPELINE IMPROVEMENTS INCLUDE, BUT ARE NOT LIMITED TO, REPLACEMENT OF EXISTING WATER MAINS TO THE PROJECT SITE. FLOW AND PRESSURE DATA IS VALID FOR ONE YEAR AFTER THE APPROVAL DATE. YOU WILL NEED TO SUBMIT A NEW REQUEST AND PAY APPLICABLE FEES AFTER THE EXPIRATION DATE.

EXISTING PUBLIC FIRE HYDRANT  
200 FEET NORTH OF PROPOSED  
PROPERTY (OFF PAGE)  
(SEE SHEET C2.0 FOR  
LOCATION)

MISSION BLVD

LOT 2

APARTMENT BUILDING

CONDOMINIUM  
BUILDING 4

CONDOMINIUM  
BUILDING 5

CONDOMINIUM  
BUILDING 1

CONDOMINIUM  
BUILDING 2

CONDOMINIUM  
BUILDING 3

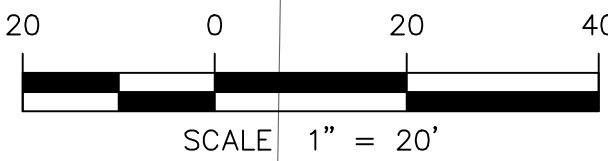
MONTGOMERY AVENUE

MONTGOMERY AVENUE

GROVE WAY

EXISTING PUBLIC FIRE  
HYDRANT

GRAPHIC SCALE IN FEET



**SEWER KEYNOTES**

- S1 (N) SSMH ON (E) SEWER MAIN PER CITY STANDARD DETAIL SD-304. FIELD VERIFY INVERT ELEVATION.
- S2 (N) SSMH PER CITY STANDARD DETAIL SD-304.
- S3 8" SEWER MAIN
- S4 (N) SEWER CLEAN OUT IN TRAFFIC RATED BOX
- S5 CONNECT TO (E) SEWER MAIN (VIF LOCATION)
- S6 4" SEWER LATERAL
- S7 SAND/OIL SEPARATOR PER CITY STANDARDS
- S8 8" COURTYARD SEWER MAIN
- S9 DRAIN TO SEWER PER PLANS

**WATER KEYNOTES**

- W1 CONNECT TO (E) WATER MAIN MAIN PER EBMUD STANDARDS
- W2 DUAL DOMESTIC/FIRE SERVICE WATER METER PER EBMUD STANDARDS. VERIFY METER SIZE WITH PLUMBING PLANS.
- W3 WATER MAIN PER EBMUD STANDARDS. VERIFY SIZE.
- W4 (N) FIRE HYDRANT PER EBMUD STANDARDS
- W5 IRRIGATION WALTER METER PER EBMUD STANDARDS. VEIFY SIZE WITH LANDSCAPE PLANS.
- W6 IRRIGATION WATER SERVICE WITH BACKFLOW PREVENTION ASSEMBLY PER EBMUD STANDARDS
- W7 FIRE SERVICE WITH DOUBLE CHECK DETECTOR VALVE PER EBMUD STANDARDS. VERIFY SIZE WITH SPRINKLER CONTRACTOR.
- W8 APPROXIMATE LOCATION OF (E) FIRE HYDRANT
- W9 UPSIZE 480 LF± OF (E) 6" WATER LINE TO AN 8" WATER LINE PER EBMUD STANDARDS. REQUIREMENTES, AND SPECIFICATIONS. VERIFY AND CONFIRM WITH EBMUD THAT 8" WATER LINE WILL MEET FIRE DEPARTMENTS FLOW REQUIREMENTS.

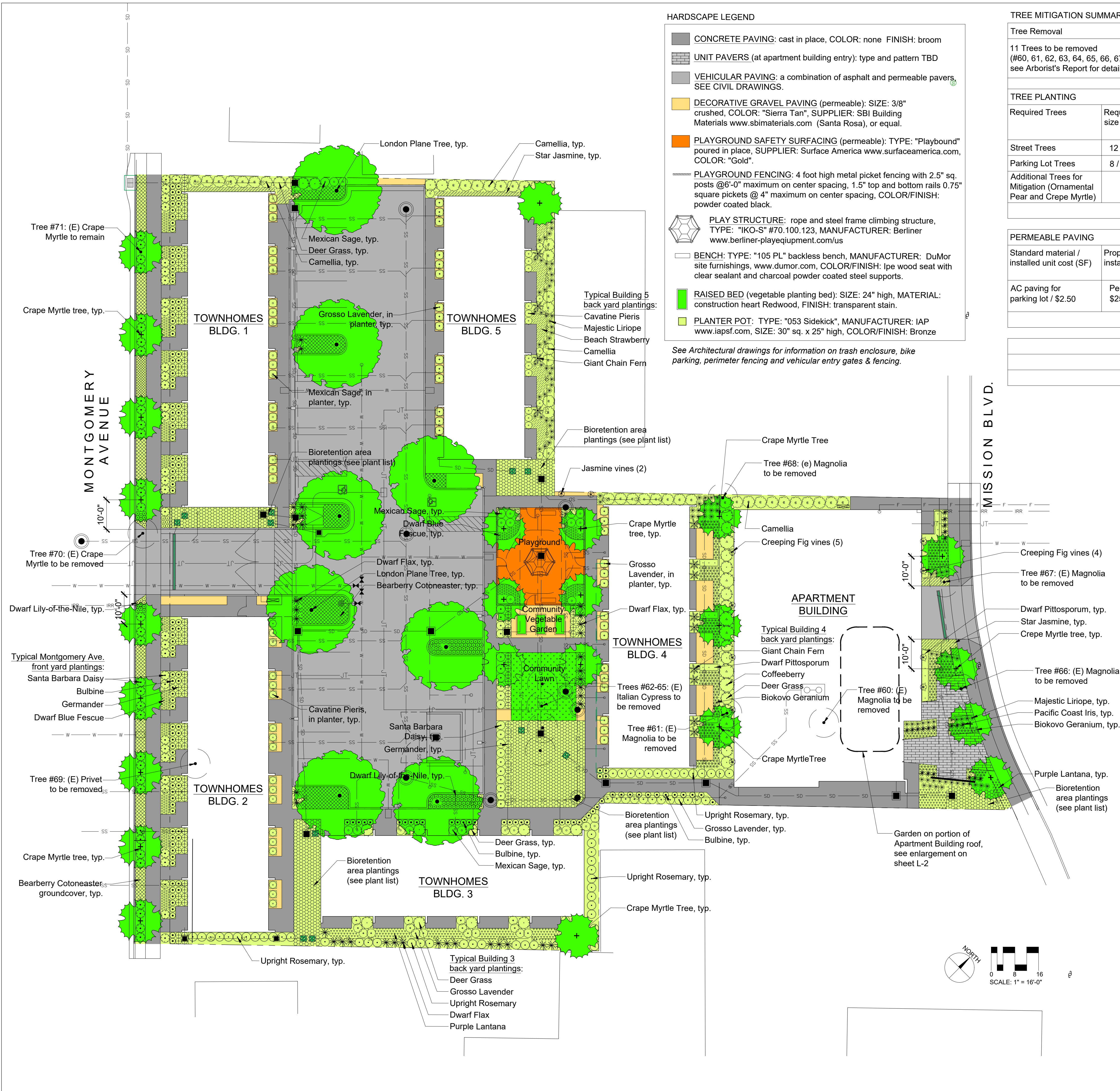
**UTILITY KEYNOTES**

- U1 (N) STREET LIGHT. COORDINATE LOCATION WITH CITY. PHOTOMETRIC STUDY, IF REQUIRED, TO BE PROVIDED WITH IMPROVEMENT PLANS
- U2 PROVIDE INDIVIDUAL GAS AND ELECTRIC METERS IN UTILITY ROOM. DESIGN BY OTHERS. VIF SIZE.
- U3 PROVIDE DUAL GAS AND ELECTRICAL METER IN CABINET PER EBMUD SPECIFICATIONS.
- U4 PROVIDE EVCS CHARGING STATIONS PER CALGREEN AND CBC

**NOTE**

1. THE PROJECT REQUIRES 5 (N) DUAL DOMESTIC/FIRE RESIDENTIAL WATER SERVICES. 1 FOR EACH CONDOMINIUM BUILDING AND 1 (N) COMMERCIAL WATER SERVICE FOR THE APARTMENT. VERIFY METER SIZE WITH PLUMBING PLANS.
2. COORDINATE NEW ELECTRICAL AND GAS SERVICE WITH PG&E. ABANDON (E) ELECTRICAL AND GAS SERVICE WITH PG&E.





LANDSCAPE DESIGN NARRATIVE

The landscape design proposed for this project is intended to provide a beautiful environment for the residents and make a positive contribution to the neighborhood. It is also designed to be water conserving and environmentally beneficial according to Bay Friendly practices.

The landscape design starts with improvements to the two street edges of the site, with new Crepe Myrtle street trees which are the City's standard for both Montgomery Avenue and Mission Boulevard. In between the street edges and the proposed buildings will be plantings that complement the architecture with geometric patterns of low shrubs and groundcovers. These plantings all have a mature height of two feet or less to provide high visibility and deter crime. Along Mission Boulevard the paving and planting design combine together with a sculptural sign element to create a series of angular lines that open out towards the street and provide a welcoming feel. In the center of the site is a beautiful community open space, with a children's play area, a small lawn, and raised vegetable beds as a source of healthy food and a place to bring people together. Bio-retention areas are located strategically throughout the site to collect roof rainwater and filter it through native riparian plantings prior to discharge into the storm sewer system. The back yards of the townhome buildings include small outdoor patios and pleasant gardens of low flowering plants, with larger evergreen plantings at the edges to provide screening. Lawn is intentionally avoided in the townhome yards to conserve water and allow for more environmentally beneficial plantings. The parking lot is shaded with numerous trees and the property's side boundaries are screened with fencing, trees, shrubs, and vines in key locations.

All of the plantings for the landscaping of this project are selected for their visual appeal and grouped to create pleasing combinations of textures and colors, along with interesting seasonal variety. The plants are also carefully selected for their suitability to various micro-climatic site conditions, grouped according to their water needs, and chosen for their ability to thrive and look good with a minimum of maintenance. For example, along Montgomery Avenue the main plant combination consists of: Santa Barbara Daisy (*Erigeron karvinskianus*) which provides lovely flowers Spring through Fall, Bulbine (*Bulbine frutescens*) which adds succulent-like foliage and interesting flower spikes, Germander (*Teucrium x lucidrys*) contributes tidy evergreen foliage and summer flowers that bees love, and lastly Dwarf Blue Fescue (*Festuca idahoensis 'Siskyou Blue'*) adds its grassy texture and interesting blue color, also valuable because it is a California native plant.

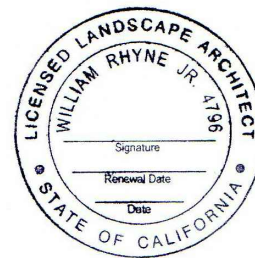
Bay Friendly Practices

The landscape design is intended to follow environmentally responsible Bay Friendly practices to help heal this paved urban site and create long-lasting and resource conserving gardens that are comfortable to the residents. The lead landscape architect, Mr. Rhyne, has been a certified Bay Friendly Landscape Design Professional since 2013 and very much understands the importance of these practices. The intent is to stockpile any healthy topsoil available and recycle at least 50% of landscape construction and green waste. Planting area soil will be tested and amended according to the testing report's recommendations, including organic compost and mycorrhizal fungi to create healthy living soil with an array of beneficial organisms that increase plant growth, improve water infiltration, and protect plants from disease and harmful insects. The plants are carefully selected and located based on their mature size so that they can grow to their natural shape without producing excessive yard waste. A significant number of locally native plants are part of the design, including several that provide habitat to native birds, bees and other insects. By using California native plants along with plants native to other Mediterranean climate zones, the intent is to eliminate or greatly decrease the need for synthetic fertilizers and pesticides. A three-inch layer of organic mulch will be applied to all planting areas to promote soil health and reduce weed growth.

Irrigation Design Intent

The planting design groups plants according to their water needs to create distinct hydrozones, allowing the irrigation system to deliver the right amount of water separately to each zone. All of the irrigation on the project will be drip irrigation and have a high efficiency, weather-based control system. The community recreational lawn is the one exception: high-efficiency spray irrigation heads will be used to keep the lawn adequately watered. The overall irrigation water use for the project will exceed the requirements of the Water Efficient Landscape Ordinance, as shown in the calculations included in this submittal package. See the notes on the following sheets for more details on the irrigation design.

STAMP:



PROJECT:

21659  
Mission  
Blvd.

APN: 428-006-058-01  
21659 Mission Boulevard  
Hayward, CA  
94541

NO.	ISSUE TITLE:	DATE:
	ENTITLEMENTS PERMIT SET	05.08.19
	ENTITLEMENTS PERMIT RESUBMIT	10.31.19
	ENTITLEMENTS PERMIT - SECOND RESUBMITTAL	2.24.20

SHEET TITLE:

CONCEPTUAL  
LANDSCAPE  
PLAN

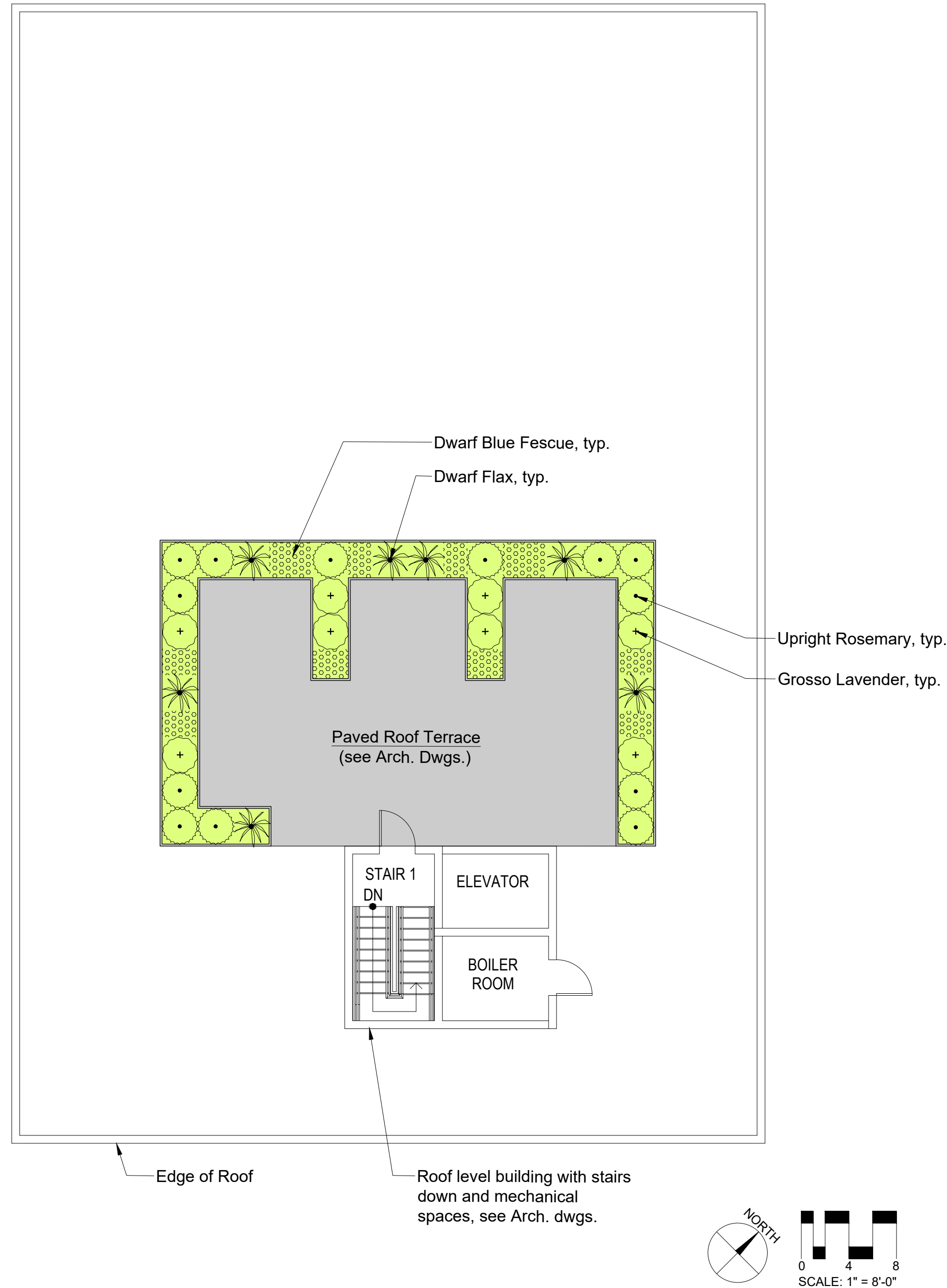
DATE: 2/24/20  
SCALE: 1" = 16'-0"

DRAWN BY:

SHEET NUMBER:

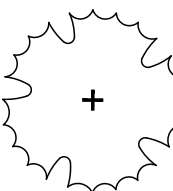
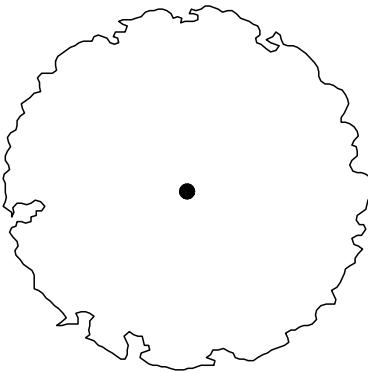






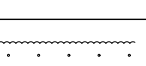











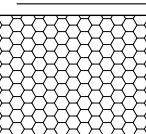
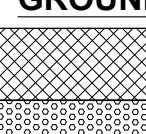
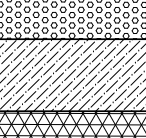
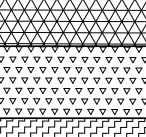

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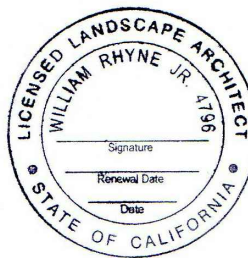


1 ROOF GARDEN LANDSCAPE PLAN  
SCALE: 1/8" = 1'-0"

PLANT LIST

TREES								
SYMBOL	BOTANICAL NAME	COMMON NAME	CONTAINER SIZE	WATER USE (PER WUCOLS)	NOTES	MATURE HEIGHT	MATURE WIDTH	PROPOSED SPACING
	<i>Lagerstroemia hybrid</i> (variety to be specified by City)	Crape Myrtle	24" box	Low	Minimum clear trunk height 6 feet.	25'	12'	15'
	<i>Platanus acerifolia</i> 'Columbia'	London Plane Tree	24" box	Moderate	Minimum clear trunk height 6 feet.	40' to 80'	30' to 40'	30'
MEDIUM & LARGE SHRUBS (2 FT TALL OR MORE)								
SYMBOL	BOTANICAL NAME	COMMON NAME	CONTAINER SIZE	WATER USE (PER WUCOLS)	NOTES	MATURE HEIGHT	MATURE WIDTH	PROPOSED SPACING
	<i>Camellia</i> x 'Buttermint'	Camellia	5 gallon	Moderate	source: Monrovia Nursery	6'	4'	4'
	<i>Frangula californica</i> 'Mound San Bruno'	Coffeeberry	5 gallon	Low	California native plant	4' - 6'	4' - 6'	5'
	<i>Lavandula</i> x <i>intermedia</i> 'Grosso'	Grosso Lavender	1 gallon	Low		30"	30"	3'
	<i>Muhlenbergia rigens</i>	Deer Grass	1 gallon	Low	California native plant	4'	4'	4'
	<i>Phormium tenax</i> 'Bronze Baby'	Dwarf Flax	1 gallon	Low		3' - 5'	3' - 5'	3'
	<i>Pieris japonica</i> 'Cavatine'	Cavatine Pieris	1 gallon	Moderate		2' - 3'	2' - 3'	30"
	<i>Pittosporum</i> 'Creme de Mint'	Dwarf Pittosporum	1 gallon	Moderate		24" - 30"	24" - 30"	2'
	<i>Rosmarinus officinalis</i> 'Tuscan Blue'	Upright Rosemary	5 gallon	Low		6' - 7'	18" - 24"	3'
	<i>Salvia leucantha</i>	Mexican Sage	1 gallon	Low		3' - 4'	3' - 6'	3'
	<i>Woodwardia fimbriata</i>	Giant Chain Fern	5 gallon	Moderate	California native plant	4' - 5'	3'	3'
SMALL SHRUBS (MAXIMUM 2 FT TALL)								
	<i>Agapanthus</i> 'Tinkerbell'	Dwarf Lily-of-the-Nile	1 gallon	Moderate		12" - 18"	12" - 18"	16"
	<i>Bulbine frutescens</i>	Bulbine	1 gallon	Low		12"	24" - 36"	24"
	<i>Erigeron karvinskianus</i>	Santa Barbara Daisy	1 gallon	Low		10" - 20"	36"	36"
	<i>Iris douglasiana</i> 'Pacific Coast Hybrids'	Pacific Coast Iris	1 gallon	Low	California native plant	18" - 24"	18" - 24"	24"
	<i>Liriope muscari</i> 'Majestic'	Majestic Liriope	1 gallon	Moderate		18"	18"	24"
	<i>Teucrium</i> x <i>lucidrys</i>	Germander	1 gallon	Low		12"	24"	24"
VINES								
	<i>Ficus pumila</i>	Creeping Fig	5 gallon	Moderate		N.A.		
	<i>Jasminum polyanthum</i>	Jasmine	5 gallon	Moderate		N.A.		
BIO-RETENTION AREAS								
	<i>Carex tumulicola</i>	Foothill Sedge	1 gallon	Low	A mix of these 2 plants, exact arrangement to be determined (both are California native plants)	18"	24"	24" o.c.
	<i>Juncus patens</i>	California Grey Rush	1 gallon	Low		24"	24"	24" o.c.
GROUNDCOVERS (MAXIMUM 2 FT TALL)								
	<i>Cotoneaster</i> x <i>dammeri</i> 'Streib's Finding'	Bearberry Cotoneaster	1 gallon	Low		8"	10'	10' o.c.
	<i>Festuca idahoensis</i> 'Siskyou Blue'	Dwarf Blue Fescue	1 gallon	Very Low	California native plant	24"	24"	24" o.c.
	<i>Fragaria chiloensis</i>	Beach Strawberry	1 gallon	Moderate	California native plant	4" - 8"	18" - 24"	24" o.c.
	<i>Geranium</i> x <i>cantabrigiense</i> 'Biokovo'	Biokovo Geranium	1 gallon	Moderate		6" - 8"	24" - 36"	36" o.c.
	<i>Lantana montevidensis</i>	Purple Lantana	1 gallon	Low		24"	3' - 6'	48" o.c.
	<i>Trachelospermum jasminoides</i>	Star Jasmine	1 gallon	Moderate		24"	10'	10' o.c.

STAMP:



PROJECT:

21659  
Mission  
Blvd.

APN: 428-006-058-01  
21659 Mission Boulevard  
Hayward, CA  
94541

NO.	ISSUE TITLE:	DATE:
	ENTITLEMENTS PERMIT SET	05.08.19
	ENTITLEMENTS PERMIT RESUBMIT	10.31.19
	ENTITLEMENTS PERMIT - SECOND RESUBMITTAL	2.24.20

SHEET TITLE:

ROOF GARDEN &  
CONCEPTUAL  
PLANT LIST

DATE: 2/24/20

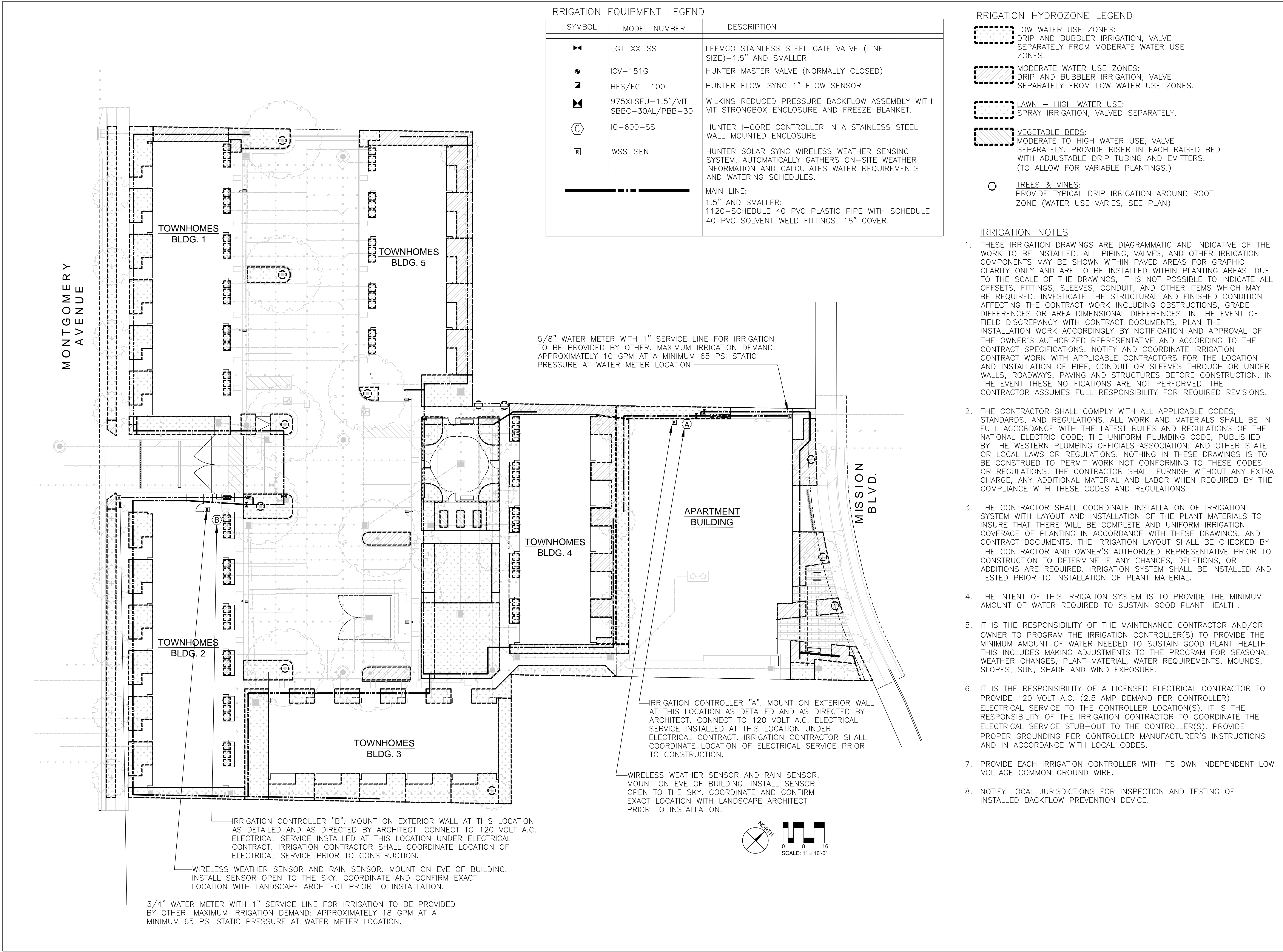
SCALE: AS NOTED

DRAWN BY:

SHEET NUMBER:

L-2





**Rhyne designs**  
l a n d s c a p e

Rhyne Designs Landscape Architecture  
1062 Curtis Street  
Albany, CA 94706  
t: 510-684-6619  
www.rhynelandscape.com

**Russell D. Mitchell Associates, Inc.**  
2760 Camino Diablo  
Walnut Creek, CA 94597  
tel 925.939.3985 t fax 925.932.5671  
www.rmairrigation.com

STAMP:

LICENSED LANDSCAPE ARCHITECT  
WILLIAM RHYNE JR. JPA  
Rhyne  
Rhyne  
STATE OF CALIFORNIA

PROJECT:

**21659 Mission Blvd.**

APN: 428-006-058-01  
21659 Mission Boulevard  
Hayward, CA 94541

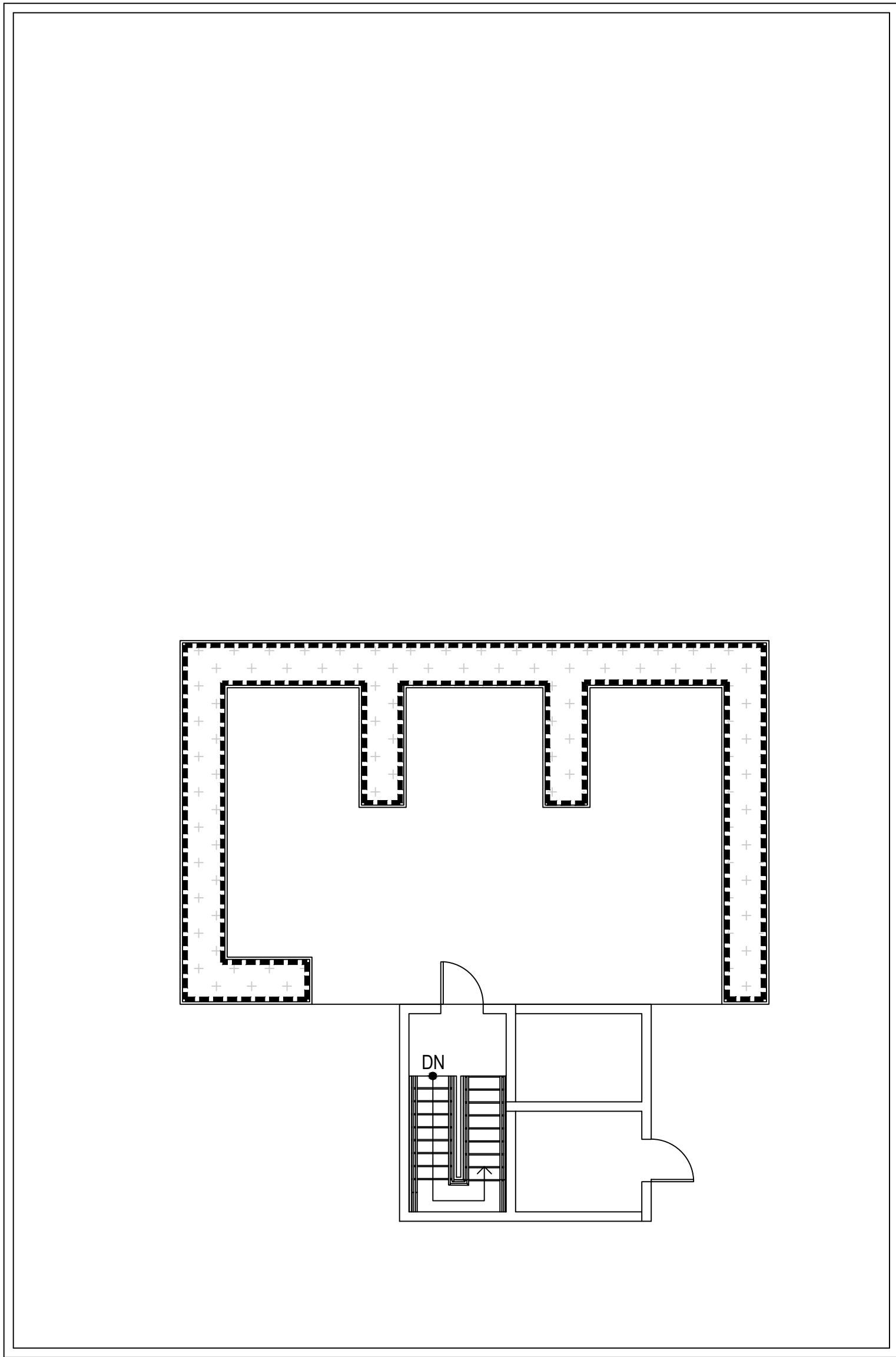
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	ENTITLEMENTS PERMIT SET	05.08.19
	ENTITLEMENTS PERMIT RESUBMIT	10.31.19
	ENTITLEMENTS PERMIT - SECOND RESUBMITTAL	2.24.20

SHEET TITLE:

**CONCEPTUAL IRRIGATION PLAN**

DATE:	2/24/20
SCALE:	1" = 16'-0"
DRAWN BY:	
SHEET NUMBER:	<b>L-3</b>

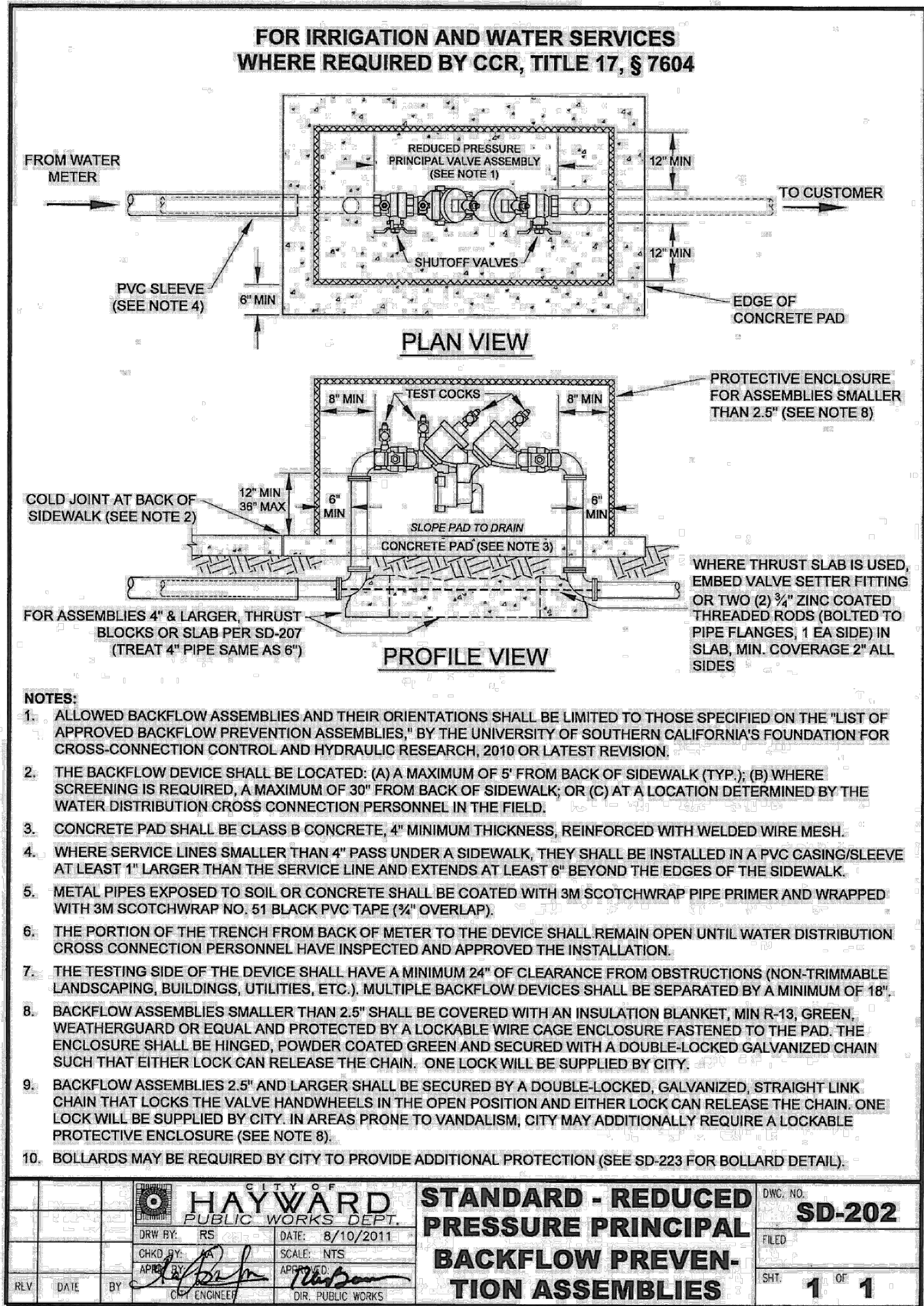
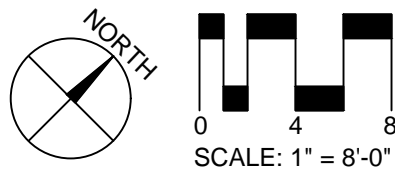




1 ROOF GARDEN IRRIGATION PLAN  
SCALE: 1/8" = 1'-0"

IRRIGATION HYDROZONE LEGEND

LOW WATER USE ZONES:  
DIP AND BUBBLER IRRIGATION, VALVE  
SEPARATELY FROM MODERATE WATER USE  
ZONES.



Water Use Calculations - 21659 Mission Blvd Apartments

WATER TYPE	POTABLE
SITE ETO=	44.2

HYDROZONE #	HYDROZONE NAME	PLANT WATER USE TYPE	PLANT FACTOR (PF)	IRRIGATION METHOD	IRRIGATION EFFICIENCY	ETAF (PF/IE)	AREA (SQ. FT) (HA)	ETAF X AREA (HA)	ETWU (GAL/YR)	ACRE FEET/ YEAR	HCF/ YEAR	PERCENTAGE OF LANDSCAPE
1	MIXED SHRUB/GROUND COVER	LOW	0.2	DRIP	0.81	0.25	978	241	6,618	0.02	8.85	55%
2	BIO SWALE	LOW	0.2	DRIP	0.81	0.25	121	30	819	0.00	1.09	7%
3	MIXED SHRUB/GROUND COVER	MOD	0.5	DRIP	0.81	0.62	652	402	11,029	0.03	14.75	37%
4	TREES	LOW	0.2	BUBBLER	0.81	0.25	21	5	142	0.00	0.19	1%
TOTALS							1,772	679	18,608	0.06	24.88	100%

SPECIAL LANDSCAPE AREAS

HYDROZONE #	HYDROZONE NAME											
N/A	N/A											
TOTALS												

MAWA	GALLONS/YR	21,852
	ACRE FEET/YR	0.07
	HCF/YR	29.21
ETWU	GALLONS/YR	18,608
	ACRE FEET/YR	0.06
	HCF/YR	24.88

SITE IRRIGATION EFFICIENCY	SITE PLANT FACTOR	MAWA COMPLIANT
45.7%	0.11	YES

ETAF Calculations	
REGULAR LANDSCAPE AREAS	
TOTAL ETAF x AREA	679
TOTAL AREA	1,772
AVG. ETAF	38.32%

MAWA FORMULA	
MAXIMUM APPLIED WATER ALLOWANCE (MAWA) GALLONS PER YEAR	
MAWA = (ETO)(0.62)[(LA x 0.45) + (0.55 x SLA)]	

ETO = REFERENCE EVAPOTRANSPIRATION  
0.45= ET ADJUSTMENT FACTOR  
LA=LANDSCAPED AREA (SQUARE FEET)  
0.62 = CONVERSION FACTOR (GALLONS/SQ.FT/YR)

ETWU FORMULA	
ESTIMATED TOTAL WATER USE (ETWU) GALLONS PER YEAR	
ETWU= ((ETO)(.62)(ETAF x LA))	

ETO = REFERENCE EVAPOTRANSPIRATION  
PF = PLANT FACTOR FOR HYDROZONES  
HA = HYDROZONE AREA (SQ. FT)  
0.62 = CONVERSION FACTOR (GALLONS/SQ.FT/YR)  
IE = IRRIGATION EFFICIENCY (0.81)-BUBBLER/DRIP  
IE = IRRIGATION EFFICIENCY (0.75)-ROTORS/SPRAY

Water Use Calculations - 21659 Mission Blvd Townhomes

WATER TYPE	POTABLE
SITE ETO=	44.2

HYDROZONE #	HYDROZONE NAME	PLANT WATER USE TYPE	PLANT FACTOR (PF)	IRRIGATION METHOD	IRRIGATION EFFICIENCY	ETAF (PF/IE)	AREA (SQ. FT) (HA)	ETAF X AREA (HA)	ETWU (GAL/YR)	ACRE FEET/ YEAR	HCF/ YEAR	PERCENTAGE OF LANDSCAPE
1	MIXED SHRUB/GROUND COVER	LOW	0.2	DRIP	0.81	0.25	6,373	1,574	43,122	0.13	57.65	60.78%
2	MIXED SHRUB/GROUND COVER	MOD	0.5	DRIP	0.81	0.62	1,881	1,161	31,819	0.10	42.54	17.94%
3	VINES	MOD	0.5	BUBBLER	0.81	0.62	14	9	237	0.00	0.32	0.13%
4	TREES	MOD	0.5	BUBBLER	0.81	0.62	35	22	592	0.00	0.79	0.33%
5	LAWN	HIGH	0.7	SPRAY	0.75	0.93	505	472	12,942	0.04	17.30	4.83%
6	BIO SWALE	LOW	0.3	DRIP	0.81	0.37	1,610	596	16,341	0.05	21.85	15.36%
7	VEGETABLE GARDEN	MOD	0.5	DRIP	0.81	0.62	54	33	913	0.00	1.22	0.52%
8	TREES	LOW	0.2	BUBBLER	0.81	0.25	12	3	81	0.00	0.11	0.11%
TOTALS							10,485	3,870	106,048	0.33	141.78	100%

SPECIAL LANDSCAPE AREAS

HYDROZONE #	HYDROZONE NAME											
7	VEGETABLE GARDEN											
TOTALS												

MAWA	GALLONS/YR	130,113
	ACRE FEET/YR	0.40
	HCF/YR	173.95
ETWU	GALLONS/YR	106,048
	ACRE FEET/YR	0.33
	HCF/YR	141.78

SITE IRRIGATION EFFICIENCY	SITE PLANT FACTOR	MAWA COMPLIANT
67.5%	0.25	YES

ETAF Calculations	
REGULAR LANDSCAPE AREAS	
TOTAL ETAF x AREA	3,870
TOTAL AREA	10,485
AVG. ETAF	36.91%

MAWA FORMULA	
MAXIMUM APPLIED WATER ALLOWANCE (MAWA) GALLONS PER YEAR	
MAWA = (ETO)(0.62)[(LA x 0.45) + (0.55 x SLA)]	

ETO = REFERENCE EVAPOTRANSPIRATION  
0.45= ET ADJUSTMENT FACTOR  
LA=LANDSCAPED AREA (SQUARE FEET)  
0.62 = CONVERSION FACTOR (GALLONS/SQ.FT/YR)

ETWU FORMULA	
ESTIMATED TOTAL WATER USE (ETWU) GALLONS PER YEAR	
ETWU= ((ETO)(.62)(ETAF x LA))	

ETO = REFERENCE EVAPOTRANSPIRATION  
PF = PLANT FACTOR FOR HYDROZONES  
HA = HYDROZONE AREA (SQ. FT)  
0.62 = CONVERSION FACTOR (GALLONS/SQ.FT/YR)  
IE = IRRIGATION EFFICIENCY (0.81)-BUBBLER/DRIP  
IE = IRRIGATION EFFICIENCY (0.75)-ROTORS/SPRAY

STAMP:



PROJECT:

21659  
Mission  
Blvd.

APN: 428-006-058-01  
21659 Mission Boulevard  
Hayward, CA  
94541

NO.	ISSUE TITLE:	DATE:
	ENTITLEMENTS PERMIT SET	05.08.19
	ENTITLEMENTS PERMIT RESUBMIT	10.31.19
	ENTITLEMENTS PERMIT - SECOND RESUBMITTAL	2.24.20

SHEET TITLE:  
ROOF GARDEN  
CONCEPTUAL IRRIGATION  
PLAN, DETAIL AND  
WATER USE  
CALCULATIONS

DATE: 2/24/20

SCALE: N/A

DRAWN BY:

SHEET NUMBER: 1" = 8'-0"









## AFFORDABLE HOUSING PLAN

**21659 MISSION BLVD.,  
HAYWARD, CA**

**September 2, 2020**

### SEC. 10-17.510 - AFFORDABLE HOUSING PLAN

Unless the Applicant proposes to pay affordable housing in-lieu fees consistent with Section 10-17.400—10-17.415, an Applicant shall submit an Affordable Housing Plan (AHP) as part of the earliest application for a Residential Development Project. In accordance with the Permit Streamlining Act, the Planning Director shall determine whether the AHP is complete. The elements of a complete AHP are described below. If the AHP is incomplete, the AHP will be returned to the Applicant with a list of the deficiencies or the information required. No application for a discretionary or ministerial permit to which this Article applies shall be deemed complete until the AHP is deemed complete by the Planning Director. At any time during the review process, the Planning Director may require from the Applicant additional information reasonably necessary to clarify and supplement the application or to determine the consistency of the proposed AHP with the requirements of this Article.

1. The location, structure (attached or detached), proposed tenure (for-sale or rental), and size of the proposed market-rate units and Affordable Units and the basis for calculating the number of Affordable Units provided;
  - a. Location: 21659 Mission Blvd., Hayward, CA
  - b. Structures: Attached
  - c. Proposed tenure: Townhomes (For-Sale) + Apartments (Rental)
  - d. Residential Size: Townhomes (37,692 SF) + Apartments (19,864 SF, includes Density Bonus Units)
  - e. Affordable Units: The Base Unit Count includes (27) Townhomes for sale and (12) Apartments for rent. Per the 2017 Affordable Housing Ordinance, a minimum of 10% of the Townhomes (For-Sale) at Moderate Income and 6% of the Apartments (Rental) at Very Low Income shall be provided as on-site Affordable Units.

#### Affordable Housing Ordinance Compliance

Calculation: 27 Townhomes (For-Sale) X 10% = 3 Townhomes (Rounded up from 2.7)  
 12 Apartments (Rental) X 6% = 1 Apartment (Rounded up from 0.7)

Includes: 3 Townhomes at Moderate Income  
 1 Apartment at Very Low Income

Result: **In compliance with Affordable Housing Ordinance**

2. A floor or site plan depicting the location of the Affordable Units;

Please refer to Sheet G005 for Affordable Unit locations. The Affordable Units will be equally distributed throughout the development by location and size.

3. The income levels to which each Affordable Unit will be made affordable;

The (3) Affordable For-Sale Townhomes will be made available at Moderate Income and the (1) Affordable Rental Apartment will be made available at Very Low Income.

4. For phased Residential Development Projects, a phasing plan that provides for the timely development of the number of Affordable Units proportionate to each proposed phase of development as required by this Article;

A final phasing plan will be submitted to City Council for approval prior to execution of the Affordable Housing Agreement.

5. A description of any incentives that are requested by the Applicant;

We will be seeking a Density Bonus Concession in the form of a 4th floor of (6) additional apartments on the Apartment Building. The construction of these additional units will help offset the cost of the Affordable Units.

Useable Open Space - A concession for a reduction in required Useable Open Space is being requested to offset the cost of the Affordable Units by creating amenity space for backyards and efficient vehicular access.

Expedited Processing - As available for Residential Development Projects with on-site Affordable Units, the project is requesting expedited processing of development approvals and permits in order to meet development milestones set forth by project financing requirements and start construction in a timely manner.

6. If off-site units, rental units, or other alternatives are proposed under Sections 10-17.205, 10-17.225, or 10-17.230, the information necessary to support the findings required for approval of such alternatives;

No off-site units are included in this project.

7. A marketing plan that describes how the Applicant will inform the public, and those within the appropriate income groups, of the availability of Affordable Units;

We acknowledge the requirement of the Marketing Plan set forth in the Affordable Housing Ordinance and will be working closely with the City's Housing Division staff to comply with this requirement and will submit a marketing plan prior to execution of the **Affordable Housing Agreement**.

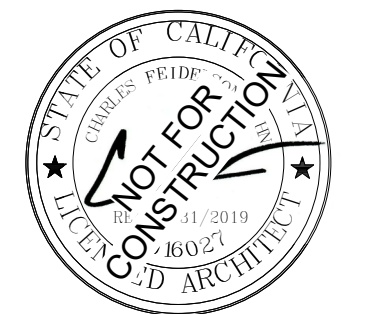
9. A written statement demonstrating compliance with the requirements of Section 10-17.220 for on-site Affordable Unit

Per the submitted unit plans, all units will be distributed throughout the project and are of equal size and finishes to all units in the project.



21659 MISSION  
BLVD

21659 MISSION BOULEVARD  
HAYWARD, CA 94541






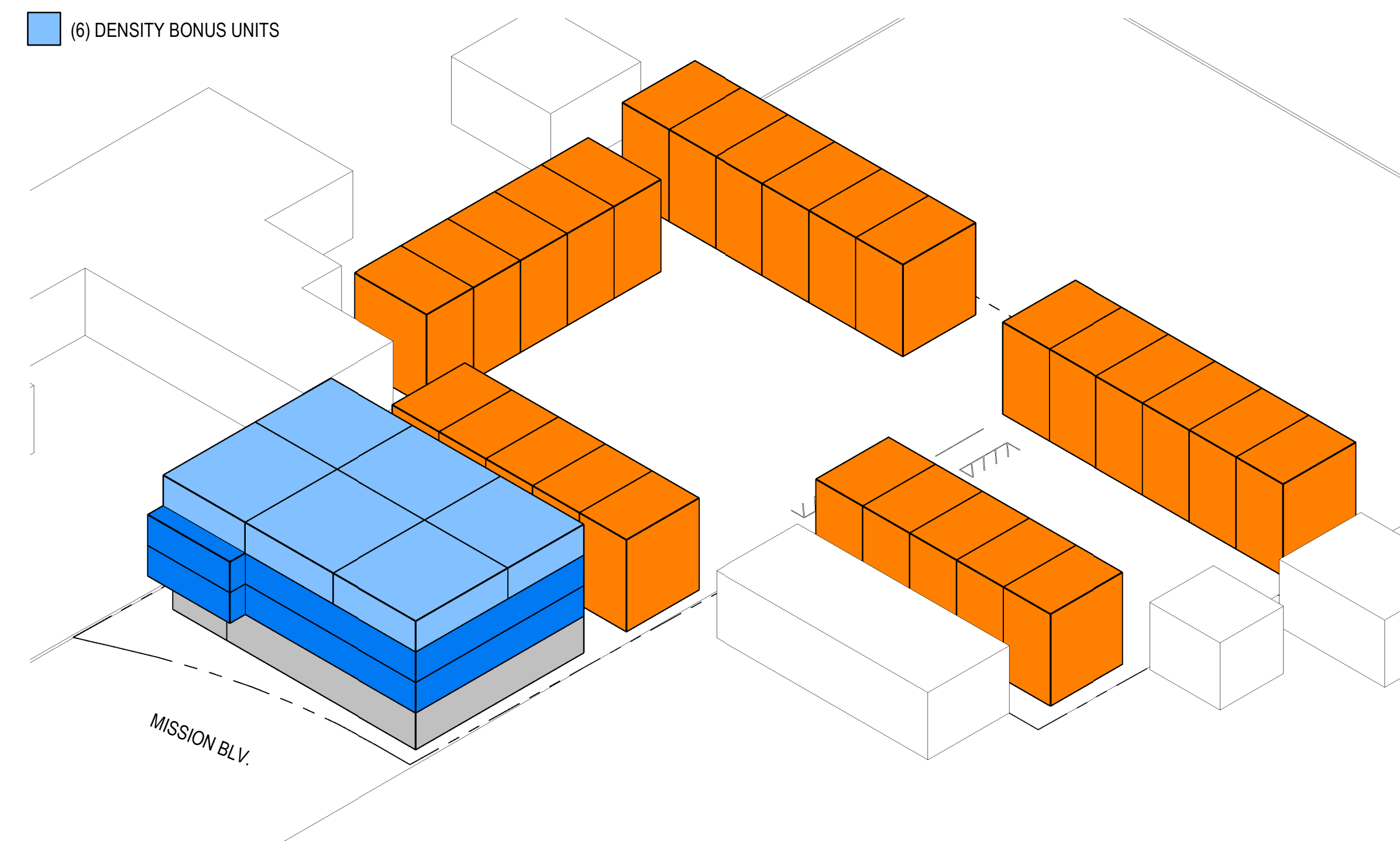
## SITE PLAN REVIEW



21659 MISSION BLVD - DENSITY BONUS

	BASE UNIT COUNT	AFFORDABLE UNITS	AFFORDABLE INCOME LEVEL	AFFORDABLE PERCENTAGE	DENSITY BONUS UNIT COUNT	DENSITY BONUS UNITS	TOTAL UNIT COUNT
TOWNHOMES	27	3	Moderate Income	11%	6%	2	27
APARTMENTS	12	1	Very Low Income	8%	27.50%	4	18
<b>Total Unit Count Base Project:</b>	<b>39</b>					<b>6</b>	<b>45</b>

-  27 TOWNHOMES (BASE UNITS)
-  12 APARTMENTS (BASE UNITS)
-  (6) DENSITY BONUS UNITS

[illegible]

PROJECT #: SIN01

ISSUE DATE: 03/05/2020

### AFFORDABLE UNITS / DENSITY BONUS DIAGRAM



**ALAMEDA COUNTY COMMUNITY DEVELOPMENT AGENCY**

**P L A N N I N G   D E P A R T M E N T**

**Chris Bazar**  
Agency Director

June 7, 2019

**Albert Lopez**  
Planning Director

Marcus Martinez, Assistant Planner  
City of Hayward Planning Division  
777 B Street  
Hayward, CA 94541-5007

224 West Winton Ave  
Room 111

Hayward, California  
94544-1215

**Subject: Site Plan Review Comments for Proposed Development at 21659 Mission Boulevard, Hayward, CA 94541**

phone

510.670.5400

fax

510.785-8793

[www.acgov.org/cda](http://www.acgov.org/cda)

Marcus:

The Alameda County Planning Department has reviewed the proposal to construct 39 residential units comprising a 3-story apartment building with 12 units and 27 3-story townhomes on 1.14 acres at 21659 Mission Boulevard in Hayward, California. We appreciate the opportunity to comment on proposed projects that may impact unincorporated County land.

The project site is adjacent to three unincorporated Alameda County parcels. Two parcels, which are adjacent to Mission Boulevard, are located within the County's Ashland and Cherryland Business District Specific Plan, and both parcels are zoned as Corridor Mixed-Use Commercial with an Auto Overlay. This zoning designation allows residential development as a secondary use with a maximum density of 43 dwelling units/acre. The third lot, which is adjacent to Montgomery Avenue, is located within the Eden Area General Plan. The general plan land use designation is Medium Density Residential, which allows a density of 10-22 dwelling units/acre. This parcel is zoned R-2, which is the two-family residence district in which duplex dwellings are located. The intent of the R-2 zone is to provide a transitional area between single- and multiple-residence districts or between single-residence districts and areas of light commercial use. We encourage the City of Hayward to consult with the Alameda County Transportation Commission to coordinate traffic management strategies for this proposed development.

Given the regional housing shortage crisis and the fact that this undeveloped lot is surrounded by compatible land uses, we support this project.

Sincerely,

Nisha Chauhan  
Senior Planner



# CITY OF HAYWARD

Hayward City Hall  
777 B Street  
Hayward, CA 94541  
[www.Hayward-CA.gov](http://www.Hayward-CA.gov)

---

**File #:** MIN 20-089

---

**DATE:** September 10, 2020

**TO:** Planning Commission

**FROM:** Director of Development Services

**SUBJECT**

Minutes of the Planning Commission Meeting of July 9, 2020

**RECOMMENDATION**

That the Planning Commission approve the minutes of the Planning Commission meeting of July 9, 2020

**SUMMARY**

The Planning Commission held a meeting on July 9, 2020

**ATTACHMENTS**

Attachment I      Draft Minutes of July 9, 2020



**MINUTES OF THE SPECIAL MEETING OF THE  
CITY OF HAYWARD PLANNING COMMISSION  
REMOTE PARTICIPATION  
Thursday, July 9, 2020, 7:00 p.m.**

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This meeting was conducted utilizing teleconference and electronic means consistent with State of California Executive Order No. 29-20 dated March 17, 2020, and Alameda County Health Officer Order No. 20-10 dated April 29, 2020, regarding the COVID-19 pandemic.

**MEETING**

A special meeting of the Hayward Planning Commission was called to order at 7:00 p.m. by Chair Bonilla.

**ROLL CALL**

Present: COMMISSIONERS: Andrews, Faria, Goldstein, Roche, Stevens  
CHAIRPERSON: Bonilla  
Absent: COMMISSIONER: Patton

Staff Members: Billoups, Brick, Buizer, Chan, Martinez, Solla

**PUBLIC COMMENT:**

Public Comments were limited only to items on the Agenda.

Chair Bonilla announced that there has been a request to hear Item #2 first. There were no objections.

**WORK SESSION**

1. Draft Hayward Bicycle and Pedestrian Master Plan

Senior Transportation Engineer Solla provided a synopsis of the staff report and a presentation.

Planning Commissioner Andrews disclosed that she attended a pedestrian safety meeting and thanked staff for holding the meetings and engaging the community. Ms. Andrews asked how the community has reacted to the new bike lanes, and if there had been any studies on traffic impacts, as she received comments from bike-focused organizations about the lack of data after the lanes were installed. Ms. Andrews appreciated the intersection of Tennyson and 880 as an area of focus as there have been quite a few deaths at that intersection and is concerned for pedestrians and cyclists as it still looks unsafe and communication with Caltrans has been spotty.



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Senior Transportation Engineer Solla stated there was a lot of community feedback and a lot of confusion as people did not understand what the bike lanes were there for; staff discussed this feedback and the next time the program is implemented there will be information on the City's website about the separated bike lane program. Ms. Solla mentioned that some people thought these new areas were for parking and staff decided to add additional delineators, striping and reflective pavement markers on the ground, to let motorists know that this was a separation and to treat it like a sidewalk. Ms. Solla said that studies have shown that the physical separation has encouraged more people to bike along that corridor and more people walking on the sidewalk; people do not feel comfortable without some type of separation; and for the vehicular traffic this has been a traffic calming measure. Ms. Solla noted that there has been policy coordination with other agencies such as Caltrans, Hayward Area Regional Park District (HARD), East Bay Regional Park District (EBRPD), and Alameda County; and this includes creating policy on how to coordinate joint projects such as this, as technically this is not Hayward's right of way but it does affect the City; and spoke about the improvements made at this freeway onramp which is now one lane as opposed to two lane. This helps with visibility for pedestrians and bicyclists. Caltrans also installed rapid flashing beacons which pedestrians and cyclists can activate. Ms. Andrews said that the offramp needs to have safety measures also.

Planning Commissioner Faria asked about youth participation, including the Hayward Youth Commission; Senior Transportation Engineer Solla said there is a portion in the plan that talks about age demographics and considered ages 16 and older as staff did not want to skew the data of people choosing to walk to work; and other charts did not include children under the age of 16. Ms. Faria said this is an opportunity to get feedback from younger children ages 10-12 years old who ride their bikes to school and other places and can offer a different perspective on their experiences.

Planning Commissioner Roche said it is great to be focusing on this now as people want to be outside; asked about a dedicated staff person; bike sharing programs; and data post COVID. Senior Transportation Engineer Solla said there are currently Transportation staff who, along with their regular duties, also take care of implementing the bicycle and pedestrian improvements and pursuing grants. Ms. Solla said that studies have shown that for every 100,000 residents that a local government should have a dedicated staff person for the pedestrian and bicycle programs which will enable the City to obtain more quickly other types of funding grants. Ms. Solla said included in the plan that speaks to bike share and other types of micro-mobility transportation such as electric scooters; there are a lot of grants that help with this and Alameda County was offering a grant to assist with this type of program and spoke about programs at other cities. Ms. Solla said data is too recent and staff was not able to include it with the Plan.



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Planning Commissioner Stevens said with the increase in popularity of micro-mobility, especially related to e-scooters and e-bikes, as in Oakland, there is a huge transition to people using these devices and the density of use increases; if there is a class 4 bikeway built with a minimal width and then there is a massive demand for these devices, the bikeway will reach capacity quickly. He suggested if the new Master Plan could include flexibility and thought to future innovations and future popularity, so the bikeways can be increased in size as space permits. Senior Transportation Engineer Solla said that Transportation staff tries to implement a plan that is flexible such as the class 4 bicycle facility, that instead of installing a curb, like on Mission Boulevard, another option for vertical separation is the safe hit posts, the delineators, which are easily removable and provides the flexibility to be moved over as needed.

Chair Bonilla opened the public hearing at 8:52 p.m.

Mr. Steven Dunbar, Board Member, Bike East Bay, thanked staff for their work on this item and said this is a great solid plan and is a big change from 2007. He shared the dangers of bike riding in the City. He supported the item and spoke about elements of the plan and the importance of hiring a dedicated staff person to be able to obtain grants. Mr. Dunbar said the City should set more specific goals. Senior Transportation Engineer Solla stated that staff will have more specific goals in the final Plan.

Chair Bonilla closed the public hearing at 8:56 p.m.

Planning Commissioner Andrews recommended that as staff conducts more community outreach, they have a plan to educate and inform the public, in addition to what has already been done as this is a huge change; agrees that staff needs to specify goals and appreciated the speaker's comments; agrees with Commissioner Faria's comments about obtaining children's comments as this is their mode of transportation; would like more data on where people are going when using their bikes such as what type of jobs are they go to as there is the drastic differences in income in the City as this will speak to job balance; and requested data of bike sharing post COVID.

Planning Commissioner Faria commented that bike and pedestrian safety is a priority and there should be a focus on improving areas of high danger such as the loop and other areas as mentioned by Commissioner Andrews; encourages having lead times in crosswalks, need more current data and is glad to hear that it will be part of the final version of the Plan, make sure staff follows up with schools that they are encouraging bike safety and that HUSD are aware of how to use bike lanes appropriately to be able to educate the children.





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Planning Commissioner Roche commented that she would not have ridden her bike along Mission Boulevard prior to the bike lanes being installed and said that she has seen a huge resurgence in our local community as they feel safer with the bike lanes. Ms. Roche noted that the bike lanes are also working as a traffic calming measure and that drivers will just have to get used to them, and she appreciated the speaker's comments. Ms. Roche said it is the time to capitalize on the resurgence of bike riding because of the pandemic and the importance of having a dedicated staff person for this program.

Planning Commissioner Stevens thanked staff for the great Plan and especially likes the existing and recommended facilities map as it is easy to understand and follow. Mr. Stevens agrees with Commissioner Andrews' comments about the complexity and education regarding class 4 facilities; he thinks that having implemented these throughout other parts of the bay area that he sees challenges with them and that a two way cycle track will create more challenges for the community to learn about. Mr. Stevens recommended educating the community and reminded everyone about the great presentation in June about equity in outreach and that this is key to helping the community understand the benefits and use of the cycle tracks. Mr. Stevens said the Mission Boulevard's class 4 state of the art facility that has beautiful new pavement, sidewalks, buffers, and lights and said that when a City implements a lot of these facilities through grants or other sources, there is not always the benefit of having all these great features. Mr. Stevens encouraged the City to look at the pavement condition as poor pavement condition can be difficult for cyclists to navigate and the more complex issue is the lighting which is key for safety and give more thought to uniform lighting.

Planning Commissioner Goldstein said this is a great Plan and spoke about being on the General Plan Task Force where a lot of the topics in this Plan were discussed and he is encouraged by the greater detail, depth, and expansion of the Complete Streets and specifically the bicycle and pedestrian components. Mr. Goldstein said that as a resident in the Fairway Park area, the Mission Boulevard improvements are brilliant and are doing exactly what was hoped, which is residents coming out and actually walking on Mission Boulevard and riding their bikes and feeling safe and utilizing the bike lanes. Mr. Goldstein said it is inviting and welcome and spoke about the effective traffic calming measures. He said that the hoop type bicycle lockups are not ideal because of the cost of a bicycle is so high and recommended that the Plan encourage the use of bike lockers.

Chair Bonilla agreed with his fellow Commissioners that this was a very comprehensive plan and he appreciates it. Mr. Bonilla said because Hayward has flat roads it is conducive to bicycle usage, the City has great weather and spoke about the benefits of being a green community and the City's strategic goals to being green and the Plan will help the City be a cleaner, greener, and healthier community. Mr. Bonilla said there is a desire to make sure this plan is interconnected with other modes of transportation across the City. He said that



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it is important to gather the data post COVID to see if there will be different types of ridership patterns on public transportation such as whether the ride share program be as attractive as it was pre-COVID. He said it is important that the City has a well-rounded plan that is not tone deaf to the current situation that the community is dealing with. Mr. Bonilla emphasized looking at the interconnectivity of biking and walking; noted it would be advantageous for the City to have a dedicated staff person especially if people will be working from home more; the importance of lighting and safety that go hand in hand and whatever the City can do to brighten up the streets and provided the example of Oakland's Lake Merritt of how well it is lit up, people are out enjoying the environment and walking was very comfortable.

**PUBLIC HEARING**

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

2. Proposed Multi-Family Residential Development with Nine Dwelling Units on a Vacant 0.27-Acre Infill site Located at 24997 O'Neil Avenue, APN: No. 444-0057-006-00 Requiring Approval of Site Plan Review and Density Bonus Application 201901824. Marc DiGiacomo (Applicant) on Behalf of Pawan Kumar (Property Owner)

Associate Planner Martinez provided a synopsis of the staff report and a presentation.

Planning Commissioner Andrews asked about onsite bicycle parking; if there were any auto parking issues and impacts as this has been the subject of emails received from the community; Associate Planner Martinez spoke about the table in the Form Based Code (FBC) that identifies the different bicycle types and the methods to accommodate bicycle storage and he described the different types. Mr. Martinez said the proposed bicycle accommodation of U Racks is allowed by right in the FBC and the other types would require a warrant which is an additional review process. Ms. Andrews asked if the applicant would consider upgrading the bicycle racks as bike theft is an issue. Mr. Kumar (applicant) said he is open to considering options for upgraded bicycle parking, he said there is limited open space as to why they kept the design simple. Mr. Martinez said the project site is in compliance related to parking in the Hayward Municipal Code and the FBC standards as in the FBC it is intentional to set the maximum parking standards to further shy away from automobile reliance. Mr. Martinez said that in addition to the nine private parking spaces onsite and the proposed on street improvements including the sidewalk, curb and gutter, and frontage improvements, which the applicant is responsible to perform, there will be an additional two to three on street parking spaces that previously did not exist.



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Planning Commissioner Faria asked about green improvements for the development and changing the affordable housing unit from a one bedroom to a two-bedroom unit. Associate Planner Martinez said per the 2019 California Building Code the minimum requirements for multi-family structures include some form of solar component in the development and in addition to the State building code, the City has adopted the Reach Codes that might require onsite vehicle charging stations. Mr. Martinez said a change to the affordable unit would be at the discretion of the owner and said that the proposed unit that has been identified as the affordable unit has been reviewed by the Housing Division and deemed compliant with the City's Affordable Housing Ordinance. Mr. Kumar would like to have added more affordable units, but it would not be affordable as he is a regular person and not a developer. Mr. Kumar said that he will be living in one of the units and renting out the others. Mr. Kumar said that the affordable unit is ADA compliant and is in a prime location and requested the Commission keep the project as proposed.

Planning Commissioner Goldstein asked about the frontage improvements; BBQ area design; can the color scheme be changed to be more creative and not so bland. Associate Planner Martinez spoke about the current state of the project site that does not have a continuous sidewalk on the west side of the site and the street improvements will include a street dedication in which the City will be taking some frontage of the property line in order to accommodate a continuous sidewalk, curb and gutter and will create pedestrian continuity on the west side of the project site. Mr. Martinez noted that there are sidewalks, curbs and gutters to the right and left of the project site; and the BBQ design will be finalized during the post entitlement phase of the building permit process. Mr. Martinez said pursuant to State law and the Housing Crisis Act of 2019 the State is pushing more objective standards provided there are not more specific guidance in the City's zoning documents on specific color palettes and the City is precluded from including subjective comments or requirements. He added that this does not preclude the applicant from working with the Planning Commission on appropriate colors. Mr. Martinez said there is a Condition of Approval (COA) that all final colors and materials will be approved by the Planning Director prior to the building permit issuance. Mr. Kumar is happy to accommodate and is very open to changing the color scheme if the color is not too bright and shiny and hard on the eyes. Mr. Goldstein thanked the applicant for being flexible and for the infill project and the much-needed housing.

Planning Commissioner Roche also had concerns about the parking impacts and the amount of parking and to achieve parking closer to the maximum percentage; there is a larger issue of community parking impacts; and the need to provide upgraded bicycle security. Associate Planner Martinez said neighborhoods can apply for the residential permit parking program to help mitigate parking issues; this site includes the affordable housing element; he is optimistic and one item to strive for in the future is that these developments will create density that will bring mass transit to the area. Mr. Martinez noted we are in a transitional stage and building for the future. Ms. Roche suggested that the multi-unit residences come together and



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communicate about how to mitigate the parking issues. Mr. Kumar is open to considering the upgrade for bike security.

Planning Commissioner Stevens thanked for the staff and applicant for such detailed answers to our questions.

Chair Bonilla asked about the affordable housing requirements and noted the density bonus incentives when an affordable unit is included in a proposed project do not seem comparable; asked the difference in price for the affordable unit versus a market rate unit. Associate Planner Martinez responded that per the 2019 Alameda County AMI a one-bedroom affordable unit at very low would rent for \$1,117.00 and a two-bedroom rent is \$1,257.00. Mr. Martinez said the market rent would be up to the owner. Mr. Bonilla asked if the applicant would consider having a two-bedroom affordable unit; Mr. Kumar responded that originally the plan was for seven units and to pay the in-lieu fee. He said after discussion with staff and understanding the need for affordable housing and how this will positively impact the Hayward community, he decided to make this a nine-unit project. Mr. Kumar said the costs to build a two-bedroom unit as opposed to a one-bedroom unit are very high and reiterated that he is not a developer and wants to be sustainable to the community and his financial situation. Mr. Kumar said that he is very happy and open to suggestions on numerous items and requested the Commission to help keep him financially viable and to accept his request. Chair Bonilla asked the applicant if he would be amendable to building two one-bedroom and seven two-bedroom units and make one of the two bedroom the affordable unit; Mr. Kumar said that in looking at the site he would not be able to build that configuration of units and still have the parking and open space amenities.

Chair Bonilla opened the public hearing at 7:45 p.m.

Mr. Steven Dunbar, Board Member, Bike East Bay, said he is glad that the applicant is open to upgrading to the secure bike lockers which will require a warrant per the Form Based Code (FBC). Mr. Dunbar said he researched the FBC and that it says that that secure bicycle parking is defined by a locker and asked if staff can look at this in the future and change the FBC to have secure bicycle lockers by right.

John Burham, Hayward resident, asked about the plan for the greenery outside the project and how it will look aesthetically to the area for people walking by. Associate Planner Martinez explained the landscaping plans for the project and the street improvements.

Chair Bonilla closed public hearing at 7:49

Planning Commissioner Andrews said that she is happy that the proposed development has affordable housing included; she agrees that affordable housing needs to be viewed from



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an equity lens as well as including this element as part of the project; she agrees with the comments about having a two-bedroom affordable unit as there seems to be a lot of focus on landscaping and open space and though these elements are important, the focus should be on housing people. She suggested that for future developments, consider what elements can be cut to be able to have another unit that will provide more habitable housing, which should be the goal of these projects. Ms. Andrews is concerned about the number of people that will reside in the one-bedroom units and said that infill projects are difficult and spoke about the parking impacts and that the City is not where it needs to be to address neighborhood parking issues. Ms. Andrews said the staff needs to provide information to communities regarding residential parking permits. She spoke about having a well-designed project that will not attract graffiti; thanked her colleagues for the insightful questions and comments.

Planning Commissioner Faria appreciated Planning Commissioner Andrews comments and feels there will be parking impacts in this area. She spoke about an opportunity to parking in the warehouse area during the evenings and suggested the applicant work with the warehouse property owner and the neighborhood regarding parking issues. Ms. Faria appreciated the affordable unit but the recommended that the City look at having the maximum units be made a requirement and the affordable housing units should be at least two or more bedrooms. Ms. Faria shared Commissioner Roche's concerns about the mother and daughter email on safety and the parking issues.

Assistant City Attorney Brick said regarding the discussion about converting the one-bedroom affordable unit to a two-bedroom unit or decrease the number of units, he reminded the Commission of the high threshold under the Housing Accountability Act, to deny a project or reduce the number of units in a project there has to be specific findings when there is a project that complies with the General Plan and the zoning. The Commission would have to specify what exactly is the conflict with the General Plan and zoning or there must be a significant health and safety issue.

Planning Commissioner Goldstein thanked the applicant for the inclusion of the affordable housing unit and how much it helps the Hayward community and how it will make this affordable unit available sooner rather than later.

Planning Commissioner Roche thanked Associate Planner Martinez and the applicant. Ms. Roche spoke about the consideration of in-lieu fees as opposed to the need to build affordable units. Mr. Roche suggested bringing the in-lieu fees in line with construction costs or eliminating the fees will be only way there will be satisfaction to be able to address the affordable housing needs of the Hayward community. Ms. Roche said that developers will meet the minimum requirements and said that there needs more work to be done. Ms.



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Roche echoed her colleague's comments about parking options for the applicant and the community to look at.

Planning Commissioner Stevens said this is a complex site and commended the applicant, appreciated the design and the use of the land and the City is going to get a sidewalk and parking. Mr. Stevens asked about the outdoor amenity space which is a great feature but that this might not have been the best use of space and that an additional two more two-bedroom units, which could have been designated affordable, had the outdoor space been designed differently. Mr. Stevens said he wished there were a way in the planning code in which the project was developed to really provide some additional flexibility.

Chair Bonilla echoed the comments of his fellow Commissioners on affordability and the in-lieu fees. He has been dissatisfied with in-lieu fees the entire time he has been on the Planning Commission and would like the fees to either be increased or eliminated. Mr. Bonilla mentioned that this an election year, Council Members can make an impact on these requirements, and that if we want our voices to be heard and for our hands to not be continually tied by policies that is being put in place which leaves the Commissioners feeling dissatisfied, he encouraged people to get out and talk to our City Council Members and Council candidates and make sure that everyone is aligned to do the best for the Hayward community. He said that as much as he wants to be happy about the proposed project and the inclusion of the affordable unit it is only a one-bedroom and would rather see a two-bedroom unit. Mr. Bonilla said that he hopes that staff and Council Members hears this message and that this message is taken back to the entire Council. Mr. Bonilla said that he truly appreciates the design, affordable housing unit built onsite and echoes Planning Commissioner Goldstein comment that the affordable unit will be available sooner rather than later.

A motion was made by Planning Commissioner Goldstein, seconded by Commissioner Stevens, to approve the staff recommendation.

Chair Bonilla offered a friendly amendment for on-site bicycle lockers.

Discussion ensued between staff and the Commissioners about the requirement of a warrant for the bicycle lockers. After discussion, Commissioner Goldstein and Commissioner Stevens accepted the friendly amendment.

Commissioner Goldstein restated the motion to approve the staff recommendation and grant a warrant to require the installation of on-site bicycle enclosers in lieu of the proposed bicycle racks as a Condition of Approval.

The motion carried with the following roll call vote:





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AYES: Commissioners Andrews, Faria, Goldstein, Roche, Stevens  
Chair Bonilla  
NOES: None  
ABSENT: Patton  
ABSTAIN: None

3. Approval of the Planning Commission Meeting Minutes of June 25, 2020.

Commissioner Stevens made a motion, seconded by Commissioner Faria to approve the Planning Commission Meeting Minutes of June 25, 2020.

The motion passed with the following roll call votes:

AYES: Commissioners Andrews, Faria, Goldstein, Roche, Stevens  
Chair Bonilla  
NOES: None  
ABSENT: Patton  
ABSTAIN: None

**COMMISSION REPORTS**

***Oral Report on Planning and Zoning Matters:***

Principal Planner Lochirco announced currently there are no items on the agenda for the July 23 Planning Commission meeting and since there is an August recess, staff will see the Commissioners in September.

***Commissioners' Announcements, Referrals:***

Planning Commissioner Goldstein wished everyone a nice summer.

Planning Commissioner Stevens noted there are plans for a new beach park south of Half Moon Bay and that the San Mateo County Parks and Recreation are seeking the public's feedback on this new park.

Chair Bonilla announced that there will be Saturday street closures in the downtown area and invited everyone to come down to shop and eat local, and there will be social distancing protocols for the outdoor dining and hopes to see everyone there.



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**ADJOURNMENT**

Chair Bonilla adjourned the meeting at 9:19 p.m.

**APPROVED:**

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Julie Roche, Secretary  
Planning Commission

**ATTEST:**

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Denise Chan, Senior Secretary  
Office of the City Clerk