

Cover Memo

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**DATE:** October 1, 2015

**TO:** Planning Commission

**FROM:** Planning Manager

## **SUBJECT**

Proposed subdivision and construction of 24 single-family homes on a 1.9-acre site at 23645 and 23653 Eden Avenue, requiring adoption of a Resolution and Introduction of an Ordinance for a Zone Change from Medium Density Residential to Planned Development, Vesting Tentative Tract Map 8242 and Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program. Tony Dutra, Dutra Enterprises, Inc. (Applicant/Owner), Ruben and Ruby Dorris (Owners).

## RECOMMENDATION

That the Planning Commission recommends approval to the City Council of the proposed project, including the adoption of the <u>Initial Study, Mitigated Negative Declaration (MND), Mitigation Monitoring</u> and Reporting Program (MMRP) <http://www.hayward-ca.gov/CITY-GOVERNMENT/DEPARTMENTS/DEVELOPMENT-

<u>SERVICES/documents/2015/puer/Signed\_IS\_MND.pdf></u> and approval of the Zone Change and Vesting Tentative Tract Map application to build twenty-four detached single-family homes, subject to the findings in this report and attached Conditions of Approval (Attachment II).

## SUMMARY

The project is supported by staff because the proposed density of 14.0 dwelling units per net acre is consistent with the General Plan designation of Medium Density Residential, which allows up to 17.4 dwelling units per net acre. In addition, the project is consistent with the adjacent residential development, Camden Place, currently under construction, and the Eden Pointe development (final map and building permits currently under review) and the existing KB Home development located to the south of the project site. The homes are well-designed with high-quality architectural features that are consistent with the neighborhood character that has been created in surrounding residential developments. In addition, as described in this report, the project includes amenities to support making the required Planned Development (PD) rezone findings.

## BACKGROUND

This area and project site was previously located in unincorporated Alameda County and was part of the Mt. Eden Phase I Annexation that was annexed into Hayward in March 2007. The area southeast of the project site to the south of West Street, Mt. Eden Phase II, followed in 2010. In November 2011, the City

Council adopted a Mitigated Negative Declaration, Mitigation Monitoring and Reporting Plan, and approved Zone Change and Vesting Tentative Tract Map 8086 for Dutra Enterprises to construct 144 attached and detached single-family homes on multiple parcels totaling 10.9 acres. In 2013, Standard Pacific Homes acquired the development, now known as Camden Place, which is currently under construction. Standard Pacific recently obtained entitlements to construct an additional 20 units in the Camden Place Development, bringing the total number of units to 164.

Subsequent new infrastructure improvements in both annexation areas and approval and construction of recent developments have transformed the character of this area of Hayward, which used to contain larger one-acre single-family lots. This project will continue to build upon renewal of this part of Hayward, continuing the high quality development standards established by Standard Pacific and KB Home.

The project site is an infill site, totaling 1.9 acres, located immediately adjacent to the Standard Pacific Camden Place development. The proposed project has been designed to be consistent with the adjacent development through the use of similar architectural design and landscaping. The 1.90-acre property is bordered by the existing Standard Pacific development to the west and south, existing detached single-family homes on large lots to the north, and a mobile home park across Eden Avenue to the east.

## **DISCUSSION AND STAFF ANALYSIS**

This project requires a Zone Change from Medium Density Residential to Planned Development, because it does not meet certain development standards of the existing zoning district (e.g., minimum lot size, setbacks), as identified later in this report; and a Vesting Tentative Tract Map is proposed to subdivide the property in order to construct twenty-four detached single-family homes and open space (see plans, Attachment III).

The proposed units are accessed off Eden Avenue, which is an existing public street, via a new private street and private courts. All of the units have attached two-car garages and nine units have private driveways that can also accommodate two additional off-street parking spaces. All guest parking is available on the new private street and existing public streets.

All private streets and private courts shall have a minimum twenty-four-foot wide travel lane, and will be constructed to the same standards as a public street. The proposed travel lane is adequate for circulation and meets the Fire Department accessibility requirements. The private streets are to be designated as fire lanes and no parking will be allowed except in the designated parking areas along the private streets that have a curb-to-curb width of twenty-eight feet for parking on one side of the street. Fire lane signage will be installed on private streets and curbs will be painted red as directed by the Fire Chief and City Engineer. Full frontage improvements, including curb, gutter and sidewalk, will be installed along Eden Avenue, and the existing sidewalk along Sylvia Street will be installed along the property frontage to Eden Avenue. Any damage to these public and private streets with project frontage shall be slurry sealed prior to the issuance of a final construction report for tract acceptance. Fire lane signage shall be installed to the satisfaction of the Fire Chief and City Engineer.

<u>Site Plan</u> - The proposed homes will be constructed on lots ranging from 1,753 to 3,092 square feet. The largest of the units (2,205 sf) are located on the larger lots and the smaller units (1,444 sf and 1,603 sf)

located on the smaller lots, with an average lot size of 2,352 square feet, consistent with the surrounding development.

<u>Building Elevations and Floor Plans</u> - As shown on Attachment III, the project proposes three different floor plans. The smallest of the three units has three-bedrooms and three and a half bathrooms and the largest has three-bedrooms with an optional fourth bedroom and two and a half bathrooms, ranging from 1,444 to 2,205 square feet. The optional fourth bedroom in the largest unit is located on the ground floor, on the same level as a half-bath (optional full-bath), kitchen and main living area, which could accommodate multi-generational households or aging in place. The proposed units will all be two-stories and will have architectural styles similar to the adjacent Camden Place development. The exterior design of the homes include tile hipped and gable roofs, stucco exterior finishes, ornamental metal railings, use of stonework and wooden brackets on several units and decorative shutters accenting some windows. The architectural design includes articulation with recessed wall planes, window reveals, covered front porches, cantilevered second floors, and a mix of contrasting building colors. The proposed exterior colors will continue the same color palette of warm earth tones that are being used on the surrounding Camden Place development currently under construction. In summary, the architectural design will blend in with the surrounding development and will be compatible with the City's Design Guidelines.

The preliminary landscape plan provides a smooth transition between these proposed projects and the existing Camden Place development through the use of the same variety of trees, shrubs and ground cover that are water conserving and are native to California. The on-site stormwater treatment areas are located throughout the site and will be accomplished through a combination of landscaped bio-retention areas and the use of permeable paving. Bio-retention areas collect water during rainstorm events where water is filtered back into the ground water ecosystem. Final landscape plan details will be reviewed and approved during the Precise Plan phase of the projects.

Parking - The City's parking regulations require a minimum of two on-site covered parking spaces per unit, provided street parking is provided on either side of the street. If a lot abuts a public or private street that has no parking on either side of the street, then two additional open parking spaces are required per unit. The plan provides 48 covered parking spaces (2 per unit in garages) and 10 uncovered/open on-site parking spaces. Nine of the units also have private driveways that can accommodate two additional off-street parking spaces, resulting in 18 additional uncovered off-street parking spaces. Additionally, nine of the units front on existing public and private roads (Eden Avenue and Sylvia Street) that provide additional on-street parking. Including the ten uncovered on-site parking spaces, the proposed parking ratio of parking spaces to units is 2.42, which is consistent with other approved Planned Developments in the City (Standard Pacific's Camden Place = 2.40). All proposed uncovered parking spaces are centrally located within the development and do not include parking provided on public street frontages (within the public right-of-way). Such parking would be along public streets and available to the general public and not specifically for this development's residents. Based on the single-family residential parking standards applied to similar developments, the project is deficient in the number of required uncovered spaces by four (4) spaces. However, the eighteen uncovered driveway spaces would offset the deficiency and result in an additional fourteen spaces.

<u>Open Space</u> -Developments within the Medium Density Residential District (RM) are required to provide a total of 350 square feet of usable open space per unit. This open space requirement can be accomplished through a combination of private and group open space, provided that a minimum of 100 square feet per unit is allocated toward group open space. Retention basins, landscaped bulb-outs,

required landscaping or substandard sized yards are not allowed to be counted toward open space.

The project provides a total of 2,611 square feet of group open space, including children's play area, benches and bicycle parking (see Plan Sheet A0.10 and L2 in Attachment III). Additionally, nineteen of the units have a private rear yard ranging from 118 square feet to 364 square feet and five units have private second floor balconies. Each unit has a minimum of 100 square feet of conforming private open space, with an overall average of 346 square feet per unit. Overall, the combined conforming private and common open space areas exceed the minimum requirements. Furthermore, the future residents will enjoy the benefits of being located in close proximity to an expanded and improved Greenwood Park, for which a building permit application is being processed.

<u>Public Parkland Obligations</u> - Because the project entails less than 50 units, the City can only require payment of park in-lieu fees (versus dedication of parkland) to meet parkland obligations. Based on 24 units, a total of \$286,872 in in-lieu fees is required. This fee is paid prior to certificate of occupancy of the respective units (recommended condition of approval (COA's) #66).

<u>Community Facilities District-</u> As a standard condition of approval and related to adopted City Council policy, the City requires developers to pay the cost of providing public safety services to the proposed project through the formation of, or annexation to a Community Facilities District (CFD), should the project generate the need for additional public safety services. This requires the project developer to post an initial deposit of \$20,000 with the City prior to, or concurrently with, the submittal of the final subdivision map and improvement plans, to offset the City's cost of analyzing the project's need for additional public safety services that the project creates a need for additional public safety services warranting the formation of, or annexation to, a Community Facilities District, the project developer is required to pay all costs of formation of, or annexation to, the district, which costs may be paid from the developer's deposit to the extent that funds remain after payment of the City's costs of analysis as described above (recommended condition of approval (COA's) #109).

*Affordable Housing Ordinance*- The project is required to comply with the Affordable Housing Ordinance that became effective on April 1, 2015. Prior to the approval of the Final Map or obtaining building permits the developer must enter into an "Affordable Housing Agreement" with the City to memorialize the applicable affordable housing requirements and the developer's intended means of compliance. As of the date of this report, developers of single-family detached residential projects are allowed to pay a fee of \$4 per square foot of livable space for all the units that are developed, if they choose to pay the fees prior to building permits. The developer may also choose to wait and pay the fees at certificate of occupancy and pay ten-percent more as their final obligation (\$4.40 per square foot). The Developer may also to elect to comply by providing ten percent of units on site and make them affordable and sell at affordable prices to moderate income households (those earning 120% or less of area median income).

<u>Mount Eden Benefit District Payment</u> - The Mount Eden Benefit District was established to fund the sewer, water, and storm drain infrastructure improvements installed in the Mount Eden Annexation area, which includes the project site. Dutra Enterprises, Inc. provided a loan of \$2,251,800 to the City in 2007 to pay for such improvements. New development in the Benefit District area will be assessed Benefit District fees to pay back this loan amount, plus interest. The interest rate varies each fiscal year and is calculated by the City's Finance Director, equal to the average annual rate earned by the City on its deposits the preceding fiscal year. Therefore, each unit will be assessed a Benefit District Fee of \$12,140 per unit, plus an additional \$300 administration cost per additional unit (COA #111).

<u>Zone Change/Preliminary Development Plan</u> - Under the current zoning designation, the project would not be feasible without modifications to some of the development standards. The purpose of the Planned Development District is to encourage development through efficient and attractive space utilization that might not otherwise be achieved through strict application of the existing zoning development standards.

The development proposes smaller lots than the minimum size of 2,500 square feet under existing zoning standards. The smallest lot is 1,753 square feet and the largest is 3,092 square feet with the average lot size of 2,362 square feet. However, as stated previously, the overall proposed density is consistent with the existing Medium Density Residential General Plan designation and with the surrounding development.

There are other code requirements not met as part of this request that are related to the smaller lot sizes proposed, such as minimum lot width and lot coverage, front and rear setbacks, and driveway length. To offset such deviations, the applicant is proposing project amenities in order for the findings to be made for project approval (see discussion below under Planned Development District Finding No. 4).

*Findings for the Zone Change/Preliminary Development Plan -* In order for a Planned Development District to be approved, the City Council must make the following findings, as recommended by the Planning Commission and staff:

## (1) The development is in substantial harmony with the surrounding area and conforms to the General Plan and applicable City policies.

The project is consistent with the existing General Plan designation and policies related to density and providing a variety of housing types, specifically:

LU-3.6 Residential Design Strategies: The City shall encourage residential developments to incorporate design features that encourage walking within neighborhoods by:

- Creating a highly connected block and street network.
- Designing new streets with wide sidewalks, planting strips, street trees, and pedestrianscaled lighting.
- Orienting homes, townhomes, and apartment and condominium buildings toward streets or public spaces.
- Locating garages for homes and townhomes along rear alleys (if available) or behind or to the side of the front facade of the home.
- Enhancing the front facade of homes, townhomes, and apartment and condominium buildings with porches, stoops, balconies, and/or front patios.
- Ensuring that windows are provided on facades that front streets or public spaces.

LU-3.7 Infill Development in Neighborhoods: The City shall protect the pattern and character of existing neighborhoods by requiring new infill developments to have complimentary building forms and site features.

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.

H-3.3 Sustainable Housing Development: The City shall improve affordability by promoting sustainable housing practices that incorporate a 'whole system' approach to siting, designing, and constructing housing that is integrated into the building site, consumes less water and improves water quality, reduces the use of energy use, and other resources, and minimizes its impact on the surrounding environment.

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

H-3.6 Flexible Standards and Regulations: The City shall allow flexibility within the City's standards and regulations to encourage a variety of housing types.

H-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.

The Project is located on infill sites adjacent to an existing residential development currently being constructed by Standard Pacific Corp. The proposed development utilizes similar architecture as the surrounding community. Utilizing similar architecture and private roadways for this infill development ensures the entire area maintains a harmonious, cohesive appearance. In addition, the site design is consistent with the surrounding area with homes fronting onto private streets or along common walkways or paseos that run between rows of homes.

## (2) Streets and utilities, existing or proposed, are adequate to serve the development.

The proposed project sites are in-fill development sites surrounded by existing streets and there are utilities available with adequate capacity to serve the proposed development. Much of the existing infrastructure was constructed as part of the Mount Eden Annexation and funded by the Benefit District. In addition, the project is required to underground any overhead utilities in front of their project site and fronting any public street.

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

The project applicant has proposed a development that integrates density, livability and renewable energy sources (solar energy systems). The project provides a well-balanced neighborhood of small lot, detached single-family homes that include usable private outdoor yards, along with group open space. The site design maintains the continuity of the surrounding development by using similar architecture, building finishes, landscaping and pedestrian connectivity to provide a seamless transition. Useable open space and pedestrian connectivity is provided, allowing for better circulation and access to surrounding amenities such as the expanded Greenwood Park and public transit. Lastly, the home designs offer a wide and flexible range of livability and lifestyles by offering an optional bedroom suite on the first floor of nine of the units to allow for aging in place and multi-generational lifestyles.

Furthermore, as demonstrated by the Mitigated Negative Declaration, Initial Study and Mitigation Monitoring and Reporting Plan, which identifies potential impacts associated with the development of the proposed project and provided mitigation measures to eliminate or reduce those impacts, the Project will have no significant impacts or adverse impacts on surrounding development, with mitigation measures implemented.

# (4) Any latitude or exception(s) to development regulations or policies is adequately offset or compensated for by providing functional facilities or amenities not otherwise required or exceeding other required development standards.

The project is consistent with the General Plan and Mt. Eden Neighborhood Plan in that it is consistent with the density in the Medium Density Residential General Plan designation. The applicant is seeking a Planned Development zoning designation to provide flexibility in the site layout of the units, and to deviate from certain development standards, such as lot sizes and widths, setbacks, and lot coverage. To offset these deviations from development standards, including uncovered parking standards, the following project amenities are proposed to support the Planned Development zoning and shall be required and shown/indicated on the Precise Plan:

- Install photovoltaic solar systems on all units;
- Provide conforming group and private open space within the development in excess of the minimum required;
- Provision of surplus parking spaces via private driveways to offset the deficiency in uncovered parking spaces; and
- Use of attractive pervious paving throughout the development, in excess of what is required for tree mitigation, creating an attractive and cohesive landscape and hardscape design.

<u>Vesting Tentative Tract Map 8242</u>- A vesting tentative tract map application is being processed with the proposal to create individual parcels of land onto which each residential unit will be constructed. If the vesting tentative map application is approved, a final map for each project will be processed and recorded, improvement plans submitted and subdivision agreements entered into with the developer. The developer is proposing a vesting tentative map for each project so that the developer gains, for a period of three years after the date of approval or conditional approval, the right to proceed with the proposed developments in substantial compliance with the ordinances, policies, and standards in effect on the date the vesting tentative map applications were deemed complete, which was June 12, 2015.

A Homeowners' Association (HOA) will be required to be formed and will own and maintain the common areas and private street system. Parallel on-street parking spaces, measuring 8 feet by 23 feet, will be provided on one side of the street, leaving 22 feet for two travel lanes and a 4-foot sidewalk on the south side of the street. The proposed private street right-of-way is adequate for circulation and meets the Fire Department accessibility requirements. The private courts/driveways shall be

designated as fire lanes and no parking will be allowed except in the designated parking areas. Fire lane signage shall be installed to the satisfaction of the Fire Chief and City Engineer.

The existing utilities in the project vicinity, including sanitary sewer, water and storm drain systems, have sufficient capacity to adequately serve the proposed development. On-site sewer and water utilities will be installed within the new public utility easements within the project site and connected to existing utilities in Eden Avenue and Sylvia Street. On-site storm drainage will be connected to an existing system within Sylvia Street. Sanitary sewer and water mains will be publicly owned and maintained by the City. However, the proposed on-site storm drain system and clean water treatment facilities will be privately owned and maintained by the HOA. Any overhead utility lines as well as any new utility lines will be required to be placed underground as part of the site improvements.

The formation of a HOA and the creation of CC&R's will be required so that the HOA will be responsible for maintaining all private streets, private street lights, private utilities, and other privately owned common areas and facilities on the site, including, but not limited to, clean water treatment facilities, landscaping, preservation and replacement of trees, as well as decorative paving. For any necessary repairs performed by the City in locations under the on-site decorative paved areas, the City shall not be responsible for the replacement cost of the decorative paving. The replacement cost shall be borne by the HOA established to maintain the common areas within the association boundary. The common area landscaping includes all areas except the private yards. The CC&R's will also contain a standard condition that if the HOA fails to maintain the common areas, private streets, lights and utilities, the City of Hayward, after adequate notice, will have the right to enter the subdivision and perform the necessary work to maintain these areas and lien the properties for their proportionate share of the costs.

<u>Findings for the Vesting Tentative Tract Map (8242)</u> - In order for a Vesting Tentative Tract Map to be approved, the City Council must make the following findings, as recommended by the Planning Commission. Staff's responses to the findings are below.

## (1) That 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)]

The vesting tentative tract map, as conditioned, substantially conforms to the State Subdivision Map Act, the City's Subdivision Regulations, and the General Plan. No Specific Plan applies to the Project.

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

The proposed subdivision, as demonstrated by the findings associated with the Zone Change Application, is of a design consistent with the City's General Plan.

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

The preliminary geotechnical investigation and geotechnical exploration report performed by ENGO (dated February 19, 2015) demonstrates that the proposed residential development is feasible and the proposed subdivision would occur on a site suitable for the proposed development with the recommendation that a design level geotechnical investigation be conducted prior to construction to review the geotechnical aspects of the project. The site provides sufficient lane widths and ingress/egress points, pedestrian facilities and infrastructure locations, such as water and sewer lines, storm drains and stormwater treatment areas, to support the number of units being proposed.

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

The preliminary geotechnical investigation and geotechnical exploration report performed by ENGO (dated February 19, 2015) demonstrates that the proposed residential development is feasible and the proposed subdivision would occur on a site suitable for the proposed development with the recommendation that a design level geotechnical investigation be conducted prior to construction to review the geotechnical aspects of the project. Density is not a factor that makes the site suitable or less suitable for development.

The Mitigated Negative Declaration prepared for the Project determined that the project would not result in significant impacts to traffic since it would not generate sufficient traffic to cause nearby intersections to operate at an unacceptable level of service, nor would it create any issues with safe ingress and egress from the site.

## (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. [Subdivision Map Act §66474(e)]

The approval of Vesting Tentative Map Tract 8242, as conditioned, will have no significant impact on the environment, cumulative or otherwise. 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.

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

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.

# (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. [Subdivision Map Act §66474(g)]

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.

## ENVIRONMENTAL REVIEW

Staff has prepared a Mitigated Negative Declaration and Initial Study <a href="http://www.hayward-ca.gov/CITY-">http://www.hayward-ca.gov/CITY-</a>

<u>GOVERNMENT/DEPARTMENTS/DEVELOPMENT-SERVICES/documents/2015/puer/Signed IS\_MND.pdf></u> which indicate there will be no significant environmental impacts resulting from the project, provided the mitigation measures are incorporated. Such measures include implementing tree protection measures and tree replacement, and performing a design level geotechnical analysis and following all recommendations in the preliminary geotechnical assessment. The environmental document was made available for public review from August 4, 2015 through August 24, 2015. One comment letter from the Alameda County Public Works Agency was received as of the writing of this report (Attachment IV) related to compliance with runoff and stormwater provisions.

## PUBLIC OUTREACH

Initial notices of the proposed projects were sent on August 3, 2015 to property owners within a 300-foot radius as well as interested parties in the neighborhood. No comments were received at the time of publishing of this report.

Five-hundred and sixty-five (565) notices of this public hearing and availability of a Draft Mitigated Negative Declaration were sent to all property owners within a 300-foot radius of the two infill projects on August 4, 2015. In addition, notice of this public hearing was published in *The Daily Review* on September 19, 2015. No additional comments have been received as of the writing of this staff report. Any additional comments that are received before the Planning Commission meeting will be forwarded to the Commission for consideration.

#### NEXT STEPS

Following the Planning Commission hearing and assuming the Commission recommends approval of the project, the City Council will hear the items along with the Planning Commission's recommendation at a noticed public hearing, tentatively scheduled for October 27, 2015. Should the Council approve the project, the applicant will be required to incorporate project conditions of approval and submit a more detailed Precise Plan, Final Map and Improvement Plans for staff review prior to the

City Council's approval of the Final Map. Grading and building permit applications will then be processed and permits issued to allow for construction of the tract improvements and homes.

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Approved by:

Sand Bay

Sara Buizer, AICP, Planning Manager

David Ref.

David Rizk, AICP Development Services Director

Attachments:

Attachment I:	Area and Zoning Map
Attachment II:	Draft Conditions of Approval
Attachment III:	Project Plans
Attachment IV:	Public Comments