



CITY OF
HAYWARD
HEART OF THE BAY

CITY COUNCIL AGENDA

MARCH 22, 2011

**MAYOR MICHAEL SWEENEY
MAYOR PRO TEMPORE FRANCISCO ZERMEÑO
COUNCIL MEMBER BARBARA HALLIDAY
COUNCIL MEMBER OLDEN HENSON
COUNCIL MEMBER BILL QUIRK
COUNCIL MEMBER MARVIN PEIXOTO
COUNCIL MEMBER MARK SALINAS**

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CITY COUNCIL MEETING FOR TUESDAY, MARCH 22, 2011

CLOSED SESSION
Closed Session Room 2B – 5:00 PM

1. **PUBLIC COMMENTS** *(Limited to items agendaized for Closed Session)*
 2. Performance Evaluation
Pursuant to Government Code 54957
 - City Clerk
 3. Conference with Legal Counsel
Pursuant to Government Code 54956.9
 - Anticipated Litigation (One Case)
 4. Conference with Legal Counsel
Pursuant to Government Code 54956.9
 - Anticipated Litigation (One Case)
 5. Adjournment to Regular Meeting
-

SPECIAL JOINT CITY COUNCIL/HOUSING AUTHORITY MEETING
Council Chambers - 7:00 PM

CALL TO ORDER Pledge of Allegiance Council Member Zermeño

ROLL CALL

CLOSED SESSION ANNOUNCEMENT

PUBLIC COMMENTS: *(The Public Comment section provides an opportunity to address the City Council on items not listed on the agenda or Work Session, or Informational Staff Presentation items. The Council 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 Council 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.)*

HAYWARD CITY COUNCIL, 777 B STREET, HAYWARD, CA 94541
[HTTP://WWW.HAYWARD-CA.GOV](http://www.hayward-ca.gov)

NON-ACTION ITEMS: *(Work Session and Informational Staff Presentation items are non-action items. Although the Council may discuss or direct staff to follow up on these items, no formal action will be taken. Any formal action will be placed on the agenda at a subsequent meeting in the action sections of the agenda.)*

WORK SESSION (60-Minute Limit)

1. Update on the Development of a Gang Injunction Program

[Staff Report](#)
[Attachment I](#)

ACTION ITEMS: *(The Council will permit comment as each item is called for the Consent Calendar, Public Hearings, and Legislative Business. In the case of the Consent Calendar, a specific item will need to be pulled by a Council member in order for the Council to discuss the item or to permit public comment on the item. Please notify the City Clerk anytime before the Consent Calendar is voted on by Council if you wish to speak on a Consent Item.)*

CONSENT CALENDAR

2. Approval of Minutes of the Special Joint City Council/Redevelopment Agency Meeting on March 8, 2011

[Draft Minutes](#)

3. Measure B Pavement Rehabilitation FY12: Approval of Plans and Specifications and Call for Bids

[Staff Report](#)
[Attachment I - Resolution](#)
[Attachment II - Location Maps](#)
[Attachment III - List of Streets](#)

4. Authorizing the Obligation of Energy Efficiency and Conservation Block Grant Funds for the Tennyson Road Streetlight Conversion Project

[Staff Report](#)
[Attachment I - Resolution](#)
[Attachment II - Map](#)

5. Adoption of Ordinance Amending Article 1 of Chapter 4, Section 4-1.02 through 4-1.04, of the Hayward Municipal Code Relating to Noise

[Staff Report](#)
[Attachment I](#)



The following order of business applies to items considered as part of Public Hearings and Legislative Business:

- *Disclosures*
 - *Staff Presentation*
 - *City Council Questions*
 - *Public Input*
 - *Council Discussion and Action*
-

PUBLIC HEARING

6. I-880/SR 92 Reliever Route - Phase 1 Project: Adoption of Mitigated Negative Declaration and Approval of Project

[Staff Report](#)

[Attachment I - Resolution - Adopt MND](#)

[Attachment II - Resolution - Approve Phase I of Project](#)

[Attachment III - Project Location Map](#)

[Attachment IV - MND and Initial Study](#)

[Attachment V - Mitigation Monitoring & Reporting Pgm](#)

[Attachment VI - W Winton and Hesperian](#)

7. Request to Change the General Plan Designation from Medium Density Residential to High Density Residential and to Introduce an Ordinance to Change the Zoning from Medium Density Residential to Planned Development to Accommodate Twenty-two Affordable Senior Housing Rental Units Proposed at the Corner of B and Grand Streets - General Plan Amendment Application No. PL-2010-0368 and Zone Change Application No. PL-2010-0369 - Eden Housing (Applicant); City of Hayward (Owner)

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[Attachment V Negative Declaration](#)

[Attachment VI Planning Commission report with COA](#)

[Attachment VII Planning Commission Meeting minutes](#)

[Attachment VIII Project Plans](#)

LEGISLATIVE BUSINESS

8. Disposition and Development Agreement Between the City of Hayward and Eden Housing, Inc. ("Eden") for the "B" and Grand Senior Housing Project; Loan Agreement for Tax Increment Funds Between the Housing Authority of the City of Hayward and Eden in the Amount of \$250,000 to Help Finance Construction of the "B" and Grand Senior Housing Project; and Loan Agreement for HOME Funds Between the City of Hayward and Eden in the Amount of \$900,000 to Help Finance Construction of the "B" and Grand Senior Housing Project

[Staff Report](#)

MARCH 22, 2011



- [Attachment I - Site Map](#)
- [Attachment II - City Resolution](#)
- [Attachment III - Authority Resolution](#)

COUNCIL REPORTS, REFERRALS, AND FUTURE AGENDA ITEMS

Oral reports from Council Members on their activities, referrals to staff, and suggestions for future agenda items

ADJOURNMENT

PUBLIC COMMENT RULES: The Mayor may, at the beginning of the hearing, limit testimony to three (3) minutes per individual and five (5) minutes per an individual representing a group of citizens or organization. Speakers will be asked for their name and their address before speaking and are expected to honor the allotted time. A Speaker's Card must be completed by each speaker and is available from the City Clerk at the meeting.

PLEASE TAKE NOTICE that if you file a lawsuit challenging any final decision on any public hearing or legislative business item listed in this agenda, the issues in the lawsuit may be limited to the issues that 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 the agenda submitted to the Council after distribution of the agenda packet are available for public inspection in the City Clerk's Office, City Hall, 777 B Street, 4th Floor, Hayward, during normal business hours. An online version of this agenda and staff reports are available on the City's website. All Council Meetings are broadcast simultaneously on the website and on Cable Channel 15, KHRT. ****

NEXT REGULAR MEETING – 7:00 PM, TUESDAY, APRIL 5, 2011

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.

MARCH 22, 2011





DATE: March 22, 2011
TO: Mayor and City Council
FROM: Chief of Police
SUBJECT: Update on the Development of a Gang Injunction Program

RECOMMENDATION

This report updates the City Council on the final stages of development of a Gang Injunction Program, the culmination of which involves the actual filing of an application with the Superior Court for approval of the City’s first injunction against a Hayward gang. Staff requests review and comment from Council and anticipates providing a ten to fifteen-minute presentation to supplement this report.

BACKGROUND

On July 28, 2009, the City of Hayward was awarded funding by the Office of Community Oriented Policing Services (COPS) for nine new police officer positions. As required by the solicitation, the City pledged to dedicate the increased staffing to enhancing community policing in Hayward. In January 2010, three of the nine new positions were dedicated to the formation of a Gang Investigations Unit to augment existing prevention and enforcement strategies with an increased focus on the investigative and intelligence-gathering aspects critical to our gang violence reduction effort.

During the FY 2010 budget development process, Council directed the City Manager to investigate the feasibility of implementing a Gang Injunction program in Hayward. The Gang Injunction concept was subsequently identified as a strategy to incorporate into the City’s overall effort to combat gang violence, and the framework of a new Gang Injunction program has since been under development through the combined efforts of the Police Department and the City Attorney’s office. This report provides the City Council with a brief overview of the City’s multi-faceted efforts to reduce gang-related violence in Hayward, and a description of how staff anticipates a Gang Injunction program would complement existing gang violence reduction strategies; it will also provide a general description of the mechanics of the Gang Injunction program and a status report of the program underway in Hayward.

DISCUSSION

The Effectiveness of a Multi-faceted Approach to Gang Violence Reduction:

In September 2006, the National League of Cities (NLC) and the National Center on Crime and Delinquency (NCCD) together launched a campaign to identify successful policies and practices for reducing gang violence. The impetus of that campaign focuses on the result of a three-year study of thirteen California cities that participated as a network to provide the NLC and the NCCD with data

regarding best practices in gang violence reduction strategies. Participants of this network study were the cities of Richmond, Sacramento, Santa Rosa, San Bernardino, San Francisco, Oakland, Oxnard, Stockton, San Jose, Fresno, Salinas, Los Angeles, and San Diego. The crux of the study ultimately underscores how important it is for a city to employ “a blend of prevention, intervention, and enforcement strategies, and a clear role for the expression of the community’s moral voice,” as the most effective way to comprehensively and effectively reduce gang violence¹.

The City of Hayward has recognized for some time the validity of a comprehensive approach to dealing with gang violence, although in earlier years, the City’s best efforts were confined mainly to enforcement-related approaches. This was largely due to a recurring lack of resources and the realization that enforcement was the only effective means of applying the resources available at the time. During a surge of gang violence in the mid to late 1990s, the Hayward school district was not poised to appreciate the violence happening on the streets of Hayward after hours and on weekends, and the nexus between the young people involved in that violence and the young people comprising the student body of Hayward schools. While the Police Department’s enforcement-centered approach to dealing with gangs has been effective for the short term and in dealing with isolated trends in violence, the lack of comprehensive prevention and intervention strategies eventually set the stage for several new initiatives that would follow over the course of the next decade.

In recent years, a number of prevention-based strategies have emerged to augment traditional enforcement efforts. Not only has the school district become an active partner in helping the Police Department rid school campuses of gang violence, but also staff from all City departments work together in providing services that directly and indirectly contribute to the reduction of gang violence in Hayward. Consistent with the notion that effectiveness in dealing with gangs requires a combination of prevention, intervention, and enforcement, the City currently provides the following programs and services:

1. Gang Reduction, Intervention and Prevention (CalGRIP) Program: This grant-funded program is a collaboration between the Police Department and the school district. This grant-funded program is specific to gang intervention and providing wrap around services to youth identified as “at-risk” to gang influence. At-risk adolescents, teens and young adults receive crisis intervention, case management, youth mentoring, and offender diversion. Elementary (fifth grade) and middle school (seventh-grade) students receive gang awareness training, and many diverted youth receive job readiness training and work experience. The current two-year funding term expires March 31, 2011, but a new two-year funding cycle has already been awarded and will commence without interruption. A third partner on the previous grant term, Associated Community Action Program (ACAP), a nonprofit organization, will no longer participate as a result of pending agency closure. Arrangements are being made for the Hayward Adult School – another resource of the school district – to provide life skills and job readiness training services previously provided by ACAP. A review of the first two years of this program yields positive outcomes thus far:
 - Gang awareness education was provided to over 2,100 fifth and seventh grade HUSD students, over 100 teachers, and over 150 parents and community members. Approximately 85% of recipients reported increased awareness of gang-related behaviors and signs.

¹ "Preventing Gang Violence and Building Communities Where Young People Thrive." *National League of Cities Institute for Youth, Education and Families* January, 2010: n. pag. Web. 24 Feb 2011. http://www.nlc.org/ASSETS/A2179E500B6D4A4896A23874CFBA013B/IYEF_CCGPN_Toolkit_01-10.pdf.

- Over 80% of program recipients reported in post-intervention interviews that their awareness of gang influences was significantly enhanced and that they felt better equipped to resist the gang lure.
 - Nearly 100 at-risk or gang-involved youth have received intensive case management intervention services.
 - Over 250 youth participants received employment-related services including job-readiness training. Seventy-five recipients were actually placed in jobs.
2. Gang Resistance, Education And Training (G.R.E.A.T.) Program: School Resource Officers provide a thirteen-session, in-class violence prevention curriculum designed to provide students with the skills they need to avoid gang pressure and youth violence. This service is provided to a limited number of sixth and seventh-grade HUSD students. The curriculum is derived from the nationally-acclaimed G.R.E.A.T. Program. With prevention as its primary objective, the program is intended as an immunization against delinquency, youth violence, and gang membership.
 3. Rookie Ball Program: Administered by the Police Department and delivered with the support of the San Francisco Giants and the Hayward Area Recreation District (H.A.R.D.), the Rookie Ball program provides summer baseball for kids as an alternative to idle mischief; it focuses mainly on providing important sports-related life skills to Hayward kids, ages 5-14, many of whom are at-risk to violence and most of whom reside in South Hayward. No outcome data is available for this program in terms of its measurable effect in deterring kids from gang influences, although the program is anecdotally revered by kids and parents alike as a positive alternative to idleness.
 4. Diversion Counseling Program: Counselors of the Police Department's Youth and Family Services Bureau provide professional counseling for minors who get in trouble with the law for non-violent behavior (i.e. vandalism, theft, minor drug offenses, and less serious anger-based behavior such as minor altercations or early-stage bullying). Although recipients of diversion counseling initially come to the attention of the police by way of arrest, this service seeks to divert the minor away from the criminal justice system under the premise that intervention will reduce the chance of future at-risk behavior. This counseling is delivered at no cost to all Hayward youths and families. Approximately 80% of all youth diverted through this program do not reoffend within a twelve-month period following the counseling intervention.
 5. Truancy and Curfew Sweep Program: City Council's January 5, 2010 adoption of a revised Daytime and Nighttime Curfew Ordinance led the way to more productive ways of dealing with wayward youth whose truant daytime behavior and dangerous nighttime behavior put them at risk of victimization and involvement in criminal activity – including the influences of gangs. As a consequence, the Police Department organized the Truancy and Curfew Sweep program, which focuses on finding wayward kids, returning them to school during the day or to home at night, and using the intervention as a means to apply other intervention resources such as counseling or more strict measures of accountability. The effectiveness of this program is also strengthened by the fact the new Ordinance is tied to the City's Administrative Citation program, giving the program stronger teeth for ensuring follow through from parents. Hayward School District records from January 2011 reveal an increase in district-wide attendance by 450 students compared to the same period in 2010. The District attributes this 2.5% increase in part to the Truancy Sweep program.

6. Work Force Investment Board (WIB) – Youth Employment Program: This program, coordinated by the City’s Neighborhood Services and Library Departments, is a multi-agency collaboration focusing on job training, education, leadership, and support services to benefit low income at-risk teens in the Eden Area (including Hayward and the adjacent unincorporated areas of Alameda County). Resources from the Hayward School District and Eden Area Regional Occupational Program join together to provide intense academic support, career exploration, job readiness training, and job search skills. This program also provides case management services and civic engagement opportunities.
7. Gang Violence Enforcement Program: This program is a core service to deal directly with gang violence that does occur and the Police Department’s Enforcement program is accomplished principally through the efforts of the Special Duty Units. Sworn uniformed police officers highly trained in detecting, deterring, and responding to gang violence patrol Hayward neighborhoods and try to prevent gang violence before it occurs, act as first-responders when gang violence does occur, and intervene with brewing gang hostilities when gang-on-gang retaliation is imminent.
8. Gang Investigations Unit: The Gang Investigations Unit (GIU), described earlier in the background section of this report, serves to fill a component the Police Department previously did not have, but sorely needed, in its effort to combat gang violence. The GIU focuses predominately on handling complex gang-related investigations, but even more importantly, mining and investigating gang intelligence information in support of the enforcement and intervention efforts. To effectively intervene in gang violence before it occurs, enforcement officers need viable, credible intelligence information. To best know where and when to apply the most creative or substantive early intervention strategies, counselors and gang prevention personnel need to know the latest information about the ever-changing dynamics of the gangs that seek to prey on those who are most at risk. The GIU focuses its efforts on those initiatives, and it is the primary program responsible for the development of the intelligence and investigative information that supports the creation of the Gang Injunction program.

Mechanics of a Gang Injunction Program:

Gang injunctions have been implemented in some urban California cities (e.g., Los Angeles, San Francisco, and Oakland) and have been credited as a valuable tool in the fight against gang violence. An important distinction is that a Gang Injunction program is *merely a tool* in support of an overarching multi-faceted approach to prevention, intervention, and enforcement of gang violence. Standing alone without these overriding strategies, the effects of gang injunctions on gang violence would be negligible.

Existing Gang Injunction programs operate under the theory that gang activity constitutes a public nuisance that threatens the peace, safety, and livability of others in the community. While they have proven effective in the overall approach to combating gang proliferation, gang injunctions are complex instruments requiring significant levels of intelligence gathering, investigation, documentation, and preparation to meet the legal thresholds required for an application to be approved by a court. Gang injunctions by their nature are obtained through the civil court process whereby known gangs are deemed public nuisances and legally-declared members of the gang are restrained from engaging in specific behaviors spelled out by the court.

To present a compelling argument to the court that a particular gang should be deemed a public nuisance, the City must present ample evidence in support of the nuisance claim. The evidence-gathering process,

even when seeking a single injunction, often involves hundreds of police reports, preparing lengthy declarations, mining thousands of intelligence files, and spending hundreds of staff hours assembling a case to present to a court. Without a combined commitment of police investigative personnel and legal staff, meeting the required burden of a successful gang injunction program would likely be impossible.

When a gang injunction is authorized by a court, it becomes an enforceable tool when gang members named on the injunction are found to be in violation of the conditions specified in the order (e.g., violating curfew hours, associating in public with other known gang members, or being in proximity of certain public places). Although the injunction itself is a civil document, a violation constitutes a crime for which the violator is arrested and may be held to account in criminal court. Depending on the disposition of the case, a gang member who violates the order could ultimately be jailed, although other sanctions are available to the judge.

Two general program models are used throughout California: (1) the Gang Organization Centric Model, which seeks to enjoin behaviors of the entire gang as a single entity, and (2) the Individual Gang Member Model, which identifies specific members of a particular gang and seeks to enjoin their individual gang-related behavior. The City of Oakland is the first in Alameda County to seek an injunction, which was applied for and approved under the Individual Gang Member model. Full implementation of Oakland's second injunction has been stymied due to numerous due process challenges by individually-named gang members who have retained counsel to help them disavow the City's claims of their injurious gang-related behavior as a means to fend off the injunction.

A March 15th article in the San Francisco Chronicle characterizes the recent development as a tactic of forty alleged gang members to frustrate the process and bleed the City's resources to the point where accommodating the due process hearings becomes too costly to pursue. While the broader Organization Centric Model is still an option for Hayward's application strategy, the Oakland's Individual Gang Member Model has established a constraining precedent in Alameda County, to which Hayward's program model may ultimately be subject.

Status of Hayward's Gang Injunction Program:

The City's Gang Injunction program has been developed similarly to that which is described as a model program. The structure of the program establishes the Gang Investigations Unit as the administrator of the program. GIU detectives will mine the intelligence information, disseminate real-time gang activity information to enforcement and prevention officers, and communicate regularly with the City Attorney's office regarding the development, condition, and progress of cases that relate to existing gang injunctions or circumstances that may rise to the level of seeking new or additional injunctions.

The City Attorney's office has dedicated personnel to work in conjunction with the Police Department. Assigned attorneys are committed to case preparation, evidence evaluation, and ultimate filing of injunction applications to the Superior Court.

Development of the City's Gang Injunction program is on schedule. The first case focuses on a Hayward gang whose combined membership exceeds 400 and whose documented violent behavior staff believes rises to the level of being a public nuisance.

FISCAL IMPACT

Staffing of the newly formed Gang Investigations Unit may be in jeopardy as the City continues to close its staggering General Fund budget gap. Although the three GIU investigators are fully funded by grant monies, the funding will expire in 2013. Potential staffing cuts in other areas of the Police Department

may also present challenges on whether the GIU generally, or the Gang Injunction program specifically, is sustainable. The GIU – created with three of the nine officers funded by the federal COPPS grant – is an essential element of a Gang Injunction Program. Without these dedicated resources, a Gang Injunction program would be extremely problematic.

PUBLIC CONTACT

The creation of a new Gang Injunction program has been routinely communicated to the community – not only as a priority of the City Council, but also as a strategy of the Police Department’s Strategic Plan. Through various forums such as Neighborhood Partnership meetings, gang awareness presentations, and other community meetings, staff has described to the public the effort to incorporate gang injunctions as a part of the new Gang Investigations Unit. Assuming the Court approves a gang injunction, and prior to actual implementation, staff will attempt to showcase the new program through the local news media and on the City’s website and will provide additional information about how the injunction program will work in Hayward.

NEXT STEPS

The Police Department and the City Attorney’s office will continue to work together in completing the final steps in compiling the first injunction case. The next benchmark step is the actual filing of the first case in Superior Court, which staff anticipates will occur at or near the start of FY 2012, although strategic adjustments may be necessary to improve the likelihood of success.

Prepared by: Captain Darryl C. McAllister, Special Operations Division Commander

Recommended by: Ron Ace, Chief of Police

Approved by:



Fran David, City Manager

Attachments:

Attachment I: Matrix of Citywide Services to Reduce Gang Influences and Gang Violence

CITYWIDE SERVICES TO REDUCE GANG INFLUENCES AND GANG VIOLENCE

	PROGRAM DESCRIPTION	APPROACH			ADMINISTERING DEPARTMENT(S)							TARGET RECIPIENTS	SERVICE MODEL	PROGRAM STAFFING	FUNDING SOURCE
		PREVENTION	ENFORCEMENT	INVESTIGATION	POLICE	NEIB. SVCS.	CITY ATTY	CITY MGR	LIBRARY	HUSD	NON PROFIT				
CaIGRIP (California Gang Reduction, Intervention & Prevention)	Collaboration between HPD and HUSD. This program, entitled Hayward Positive Alternatives for Youth (HPAY), is specific to gang intervention and provides wrap around services to youth identified as "at-risk" to gang influence.	X			X					X	X	Prevention: Gang Awareness Presentations: <ul style="list-style-type: none"> • 2,500 5th & 7th graders • 300 Parents • 100 Teachers • 500 Rookie Ball Youth Intervention: Life Skills Training, Job Training & Family Services: <ul style="list-style-type: none"> • 50 Middle School Youth • 20 High School Youth • 100 High School Youth • 40 High School Youth • 180 Youth • 25 Youth & Families 3,715 total served over 2 years	Counseling, crisis intervention, case management, Youth mentoring, offender diversion, and: <ul style="list-style-type: none"> • Gang awareness education for 5th and 7th grade students, professional development for 5th-12th grade teachers and workshops for parents. • Multi-disciplinary Teams (MDT) comprised of YFSB, HUSD, Probation Dept. & other partners provide services to high risk youth. • Job readiness training and work experience and/or paid work will be provided the most high risk youth. 	(1/2) 0.5 FTE Gang Prevention Specialist (HPD) (1/2) 0.5 FTE Case Manager (HPD) (7) HUSD administrative personnel (4 HS principals & 3 District staff) provide relative reimbursed staff hours in support of this program. Undesignated personnel at Hayward Adult School	100% Grant Funded (State of California) (\$369,000 total funding) (\$190k to City, \$179k to HUSD reimbursed hours) City also provides 100% In-Kind Match equivalent to \$190k
G.R.E.A.T. (Gang Resistance Education and Training)	National school-based, law enforcement officer-instructed classroom curriculum. Program is intended as an immunization against delinquency, youth violence, and gang membership. G.R.E.A.T. partners nationally with the Boys & Girls Clubs of America and the National Association of Police Athletic Leagues.	X			X					X		6th and 7th grade HUSD students. Current program extends to 6th grade Bowman School classes and 7th grade Cesar Chavez classes. Average recipients are 250 to 300 kids per year.	Police officers provide instruction in the classroom based on an established curriculum of the G.R.E.A.T. Program. Lessons focus on providing life skills to avoid using delinquent behavior and violence to solve problems.	(2) School Resource Officers deliver this service as an acillary duty, approximately 1 hour per officer per week.	All supplies funded by ATF, who sponsors the national program. No funding is provided for personnel costs. City incurs relative cost of the officer's duty time for each hour service is delivered.

	PROGRAM DESCRIPTION	APPROACH			ADMINISTERING DEPARTMENT(S)							TARGET RECIPIENTS	SERVICE MODEL	PROGRAM STAFFING	FUNDING SOURCE	
		PREVENTION	ENFORCEMENT	INVESTIGATION	POLICE	NEIB. SVCS.	CITY. ATTY	CITY MGR	LIBRARY	HUSD	NON PROFIT					
Rookie Ball	Provides summer baseball for kids as an alternative to idle mischief.	X			X							X	Kids age 5-14, many of whom are at-risk to violence, most of whom reside in South Hayward.	Average recipients are 300 youth and 100 parents per year.	(1) Police lieutenant serves as the program commissioner as a collateral duty. PD supplies (2) SROs and (2) HPD Counselors serve as coaches a Three to five community volunteers, most often older youth, also serve as coaches and are paid a small stipend.	SF Giants supply equipment at no cost to the City.. H.A.R.D. Provides game facilities and maintenance at no cost to the City. \$3,000/yr provided thru CalGRIP funding for distribution to youth coaches as stipends. \$1,000/yr provided thru ALCO "Our Kids" funding for distribution to youth coaches as stipends.
Our Kids Program	School-based prevention program that links high-risk elementary, middle and high school students & their families to resources to reduce the need for more expensive, intensive and restrictive systems of care or intervention.	X			X						X	At-risk youth K-12th grade Average recipients are 200 youth per year	HPD counselors provide case management, crisis intervention, and youth, family & group counseling. Services are currently afforded to (6) HUSD school sites: Brenwitz, Continuation, Bret Harte, Martin Luther King, & Ochoa Middle Schools, and Bowman & Harder Elementary Schools.	(3) Counselors (HPD)	\$203,000 from Alameda County and \$175,000 from Medi-Cal Administrative Activities (MAA) reimbursement (State)	
Diverston Counseling	Professional counseling for minors who get in trouble with the law for non-violent behavior. Although initially arrested, this services seeks to divert the minor away from the criminal justice system with the premise that intervention will eliminate recidivism. This counseling is free to all Hayward residents.	X			X							Diversion counseling focused mostly at first-time and early age offenders.	Private session-based counseling delivered specifically to eligible juvenile offenders and their families. Focus is on personal accountability, decision making and character building. Most cases originate by initial arrest or police action, then referred to counseling as diversion.	(1) Counselor (HPD)	\$88,000 from Alameda County and \$37,000 HPD	

	PROGRAM DESCRIPTION	APPROACH			ADMINISTERING DEPARTMENT(S)							TARGET RECIPIENTS	SERVICE MODEL	PROGRAM STAFFING	FUNDING SOURCE	
		PREVENTION	ENFORCEMENT	INVESTIGATION	POLICE	NEIB. SVCS.	CITY ATTY	CITY MGR	LIBRARY	HUSD	NON PROFIT					
Special Duty Unit	Sworn uniformed police officers highly trained in detecting, deterring, and responding to gang violence, predominately through enforcement strategies.	X	X	X	X								Validated and suspected Hayward gang members, kids at risk of becoming gang members, and those involved in gang-related criminal enterprise.	Enforcement is accomplished seven days per week by two Special Duty Unit Teams. Although the unit's primary focus is enforcement, curtailing brewing violence, and responding to incidents of gang violence, SDU officers by nature of their assignment also interact with parents and at-risk youth as means of intervention. Young people who are still reachable are funneled through prevention & intervention resources. SDU Officers, by nature of their expertise, are also involved in public education efforts as well as investigation of gang crimes not handled by gang detectives.	Two SDU teams, each consisting of a sergeant and four officers: (2) Police Sergeants (8) Police Officers	General Fund:
Gang Injunction Program	A compliment to existing prevention and enforcement efforts, the Gang Injunction Program offers a civil remedy as a tool for reducing gang violence. Injunctions are court orders directed to specific members of specific gangs, regulating their behavior.		X	X	X		X						Known, documented members of criminal street gangs in Hayward (mostly young adults).	The Police Department's Gang Investigations Unit coordinates the gang injunction program. Investigators mine intelligence information, disseminate real-time gang activity information to enforcement and prevention officers, and communicate regularly with the City Attorney's office regarding the development, condition, and progress of cases that rise to the level of seeking civil injunctions. Named gang members who violate the conditions of court orders issued against them are arrested and held to account for the violation of the order.	(3) Police FTE Officers Staff time of (1) Assistant City Attorney	Federal Grant (COPS Recovery)

	PROGRAM DESCRIPTION	APPROACH			ADMINISTERING DEPARTMENT(S)							TARGET RECIPIENTS	SERVICE MODEL	PROGRAM STAFFING	FUNDING SOURCE	
		PREVENTION	ENFORCEMENT	INVESTIGATION	POLICE	NEIB. SVCS.	CITY ATTY	CITY MGR	LIBRARY	HUSD	NON PROFIT					
Curfew & Truancy Sweeps	Program for dealing with wayward youth whose truant daytime behavior and dangerous nighttime behavior put them at risk of victimization and involvement in criminal activity – including the influences of gangs.	X	X		X					X			Kids wandering the streets of Hayward during school hours, and kids out in the streets late at night, without supervision, participating in behavior that endangers themselves and/or others.	During sweeps, police officers find wayward kids, return them to school during the day or to home at night, using the intervention as a means to apply other intervention resources such as counseling or more strict measures of accountability.	Sweeps are conducted approximately once a month by members of the SRO program, DC officers, and patrol on their regular workdays. Typically, ten officers will participate in a sweep, and the operations last 4 to 5 hours.	City incurs relative cost of the officer's duty time for each hour service is delivered.
Work Force Investment Board (WIB) <small>Youth Employment Program</small>	This program, coordinated by HUSD'S Hayward Adult School in collaboration with the City's Neighborhood Services and Library Departments, and Eden ROP is a multi-agency collaboration focusing on education, job training, civic engagement, leadership, and case mgnt. support services.	X			X			X	X	X	X		Low income, at-risk teens in the Eden Area (including Hayward and the adjacent unincorporated areas of Alameda County).	Resources from HUSD and Eden Area Regional Occupational Program join together to provide intense academic support, career exploration, job readiness training, and job search skills. This program also provides case management services and civic engagement opportunities.	Hayward Adult School serves as the lead agency, is fiscal agent, and primary administrator of this program. The City's Neighborhood Services Program will provide service-learning and civic engagement activities to program participants in coordination with the Neighborhood Partnership Program. The Hayward Library's After-school Tutoring Program will provide supplemental academic support to program participants in coordination with their primary education service provider, and HPD/YFSB will provide case management and mental health services to eligible Hayward residents on an as needed basis.	Alameda County Workforce Investment Board (WIB) - as pass through of federal Workforce Investment Act funds to Alameda County. City's portion of this two year grant is \$15,000 per year.

	PROGRAM DESCRIPTION	APPROACH			ADMINISTERING DEPARTMENT(S)							TARGET RECIPIENTS	SERVICE MODEL	PROGRAM STAFFING	FUNDING SOURCE	
		PREVENTION	ENFORCEMENT	INVESTIGATION	POLICE	NEIB. SVCS.	CITY ATTY	CITY MGR	LIBRARY	HUSD	NON PROFIT					
After School Homework Support Center	This program provides quality homework assistance to students in grades K-12 in two City library facilities during the after school hours.	x							x				Kids in grades K-12 who need a safe environment after school to receive help with their homework, or to find computers and study materials to help with their homework.	Onsite homework help is provided by trained volunteer tutors. 25 laptop computers and a printer are also available for student use at no charge. The program also provides free live online homework help through the Tutor.com service, which can be accessed in the library or at home with a library card. Tutor.com also provides college-level academic assistance and a career/job skills center.	Contract educational consultant manages day-to-day operations, supported by trained community volunteers who provide tutoring 1:1 and in small groups. Library staff provide program oversight and additional support as needed.	Program is funded through a grant from the U.S. Dept. of Ed. , with additional staffing, tech and facilities support provided by COH.
Youth Courts and Restorative Justice	The Hayward Police Department has MOUs with McCullum Youth Court (Oakland), TriValley Youth Court (Pleasanton) and Restorative Justice of Oakland to provide diversion services to some youth offenders who do not otherwise qualify for in-house diversion programs.	x			x								Diversion counseling focused mostly on first-time, non-violent, juvenile offenders who accept responsibility for their actions but do not live in the City of Hayward.	These programs offer youth offenders a second chance through restorative justice, peer accountability, and empowering opportunities; and engage all youth – especially those at risk for entering the juvenile justice system - in experiences related to law and justice with the aim of changing young lives and impacting communities. Most cases originate by initial arrest or police action, then are referred to these programs by HPD.	These programs are self-staffed. COH employees are not utilized for these programs.	These programs are self-supported. No COH funds are used to participate in these programs.

	PROGRAM DESCRIPTION	APPROACH			ADMINISTERING DEPARTMENT(S)							TARGET RECIPIENTS	SERVICE MODEL	PROGRAM STAFFING	FUNDING SOURCE	
		PREVENTION	ENFORCEMENT	INVESTIGATION	POLICE	NEIB. SVCS.	CITY ATTY	CITY MGR	LIBRARY	HUSD	NON PROFIT					
Literacy Plus	Skilled 1:1 literacy training for illiterate and low-literate English speaking adults 18 years of age and older.	x							x				Illiterate and low-literate English speaking adults, typically low income, unemployed or underemployed, in Hayward. A percentage of past clients have included at-risk young adults, recovering gang members and recovering drug addicts.	Library staff provide intensive training to community volunteers three times per year. Clients are matched with tutors, goals are set. Clients and tutors are asked to pledge a minimum six months commitment of the program. Clients often require assistance with related issues such as drug abuse, counseling, employment, and legal issues.	Library staff provide program oversight, tutor and client training and matching services. Trained volunteers provide the 1:1 tutoring. Additional contract staff provide tutor-client training and tracking support.	Program is funded by State of California and COH general fund.



**MINUTES OF THE SPECIAL CITY COUNCIL/
REDEVELOPMENT AGENCY MEETING OF
THE CITY OF HAYWARD
City Council Chambers
777 B Street, Hayward, CA 94541
Tuesday, March 8, 2011, 7:00 p.m.**

MEETING

The Special Meeting of the City Council/Redevelopment Agency was called to order by Mayor/Chair Sweeney at 7:00 p.m., followed by the Pledge of Allegiance led by Council/RA Member Salinas.

ROLL CALL

Present: COUNCIL/RA MEMBERS Zermeño, Quirk, Halliday, Peixoto, Salinas,
Henson
MAYOR/Chair Sweeney
Absent: COUNCIL/RA MEMBER None

CLOSED SESSION ANNOUNCEMENT

Mayor Sweeney reported that Council met pursuant to Government Code 54957, regarding the City Clerk's Performance Evaluation. There were no reportable items.

PRESENTATION

Business Recognition Award

The City of Hayward presented the Business Recognition Award for March 2011 to Olive Garden Italian Restaurant. Located at 24688 Hesperian Boulevard, Olive Garden was founded in 1982. Operating from the 9,100 square foot Hayward location, they have 120 employees, many of whom live in Hayward. Olive Garden invests in their community through a variety of local efforts such as delivering meals in times of need and sponsoring a range of charity and school events. The award was given in recognition of the contribution this company has made to the community by: providing a positive restaurant experience for Hayward business, residents and visitors; being an industry leader; making donations to local organizations; and contributing to the overall economic well being of the City. Mr. Bill Anderson, Restaurant Manager, accepted the award on behalf of Olive Garden Italian Restaurant and thanked Council for such recognition.

PUBLIC COMMENTS

Mr. John Kyle, Teakwood Street resident, referred to his recent My Word article entitled "Getting tough with parents of truants will solve the issue," and spoke about residents who perform building modifications to their properties without the proper City permits and requested that the City work with the Hayward Unified School District to seek a solution to building code enforcement.

Mr. Jim Drake, Franklin Avenue resident, spoke favorably of the current Noise Ordinance. Mr. Drake said the proposed amendments to the ordinance contain vague wording and he was concerned the citizen's arrest process could create retaliation.

Mr. Andreas Cluver, Secretary/Treasurer of the Alameda County Building Construction Trades Council, spoke on behalf of the membership, many of whom reside in Hayward, and expressed solidarity for the proposed elimination of the redevelopment agency. Mr. Culver supported continuing the South Hayward BART Project and commended the developers for moving forward. Mr. Cluver requested Council's continuing support for the membership's efforts on having the Project covered under the Community Workforce Agreement, and added that this facilitates skilled union members' access to jobs generated by the proposed project.

WORK SESSION (60-Minute Limit)

1. Developer-Proposed Revisions to the Transit-Oriented Development Mixed-Use Project at the South Hayward BART Station

Staff report submitted by Development Services Director Rizk and
Director of Public Works Bauman, dated March 8, 2011, was filed.

Development Services Director Rizk summarized the report and introduced Mr. Kurt Wittek with Wittek Development, LLC and Montana Properties, Inc., (Wittek-Montana).

Mr. Kurt Wittek, Danville resident and Wittek-Montana representative, delivered a presentation providing a background of the hurdles the developer has been facing regarding the original South Hayward BART project (Project), and noted that the proposed modifications to the Project are deemed "minor" modifications to the approved Planning Development (PD) District. Mr. Wittek added that the State Housing & Community Development (HCD) Department requires the City to be a participant in order to obtain the Proposition 1-C grant monies.

Ms. Linda Mandolini, Eden Housing Executive Director, reiterated the points delivered by Mr. Wittek's presentation and noted that, per HCD, the modification process would be a rescoring of the existing application. Ms. Mandolini mentioned that this Project could be a catalyst that creates a transit-oriented district (TOD) near BART.

In response to Council Member Zermeño's question related to when the groundbreaking would occur, Mr. Wittek replied that if the developers were allowed to proceed with the project, then the groundbreaking would be approximately September 2012.

In response to Council Member Peixoto's question regarding the rationale of labeling the modification minor, Mr. Wittek replied that the developers are asking for re-phasing to be able to focus funding efforts on Phase 1, which would be funded by HCD Proposition 1-C grant funds.

In response to Council Member Henson's question about the HCD process, Mr. Wittek responded that the City would be a co-applicant and the rescoring would take place after the developers submit a plan outlining the changes in the re-phasing process. Mr. Wittek said BART's representative



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agreed with the modification of the plan. City Manager David confirmed for Mr. Henson that if the Redevelopment Agency (RDA) is in place the \$7.1 million would be available, but without the RDA, there is the possibility that some funds would be needed from the General Fund.

In response to Council Member Halliday's question regarding housing density, Development Services Director Rizk confirmed the proposed modification increased housing density, but is consistent with neighboring residential density along Mission Boulevard. Ms. Halliday favored having more open space and pedestrian walkways to access BART. In response to Ms. Halliday's concern about the lack of interest by grocery stores to occupy the space, Mr. Rizk noted that staff was working with a broker regarding opportunities for grocers in locations in close proximity.

Mr. Wittek noted for Council Member Salinas that Council's re-designation is vital for the developers' application process and explained how development improves an area and could spur further economic development activity. In response to Mr. Salinas' question about jobs generated by the Project, Ms. Mandolini confirmed that the Project is subject to prevailing wage requirements. In response to Mr. Salinas, City Manager David said if the minor modification is not approved, future funding for this Project would most likely be non-existent.

In response to Council Member Quirk's question regarding funding if the RDA is eliminated, City Manager David said if Housing funds stay intact there is the possibility of accessing available funds for the Project, but there would be restrictions on how the funds are spent. Mr. Quirk requested that prior to the item returning to Council for final action, the risks need to be quantified and staff would need to confirm the City's participation with HCD. Mr. Quirk favored having the entire project subject to prevailing wage requirements and enforced by a Community Workforce Agreement. Development Services Director Rizk confirmed for Mr. Quirk that the planned traffic improvements would go forward proportionately to the level of improvements to the section being developed. Mr. Quirk favored accepting the modification as a minor modification because of the community's need for affordable rental housing and because the planned traffic improvements would occur. Mr. Quirk urged his colleagues to support the change as a minor modification and noted that the re-phasing is a good plan.

Mayor Sweeney inquired if the item would return to Council as a public hearing. Development Services Director Rizk explained that the item would not need to come back to Council because the Zoning Ordinance allows the Planning Manager to deem the modification minor or major and if deemed a minor change, the applicant would submit a precise plan to be reviewed by the Planning Commission at a public hearing.

Discussion ensued about available funding. Mayor Sweeney expressed concern that the City's General Fund would end up being responsible for any financial obligations incurred by this Project and consequently jeopardize maintaining City's service levels. Ms. Mandolini explained that the \$15.8 million would go towards infrastructure, which would include: acquiring the Caltrans property; road and street improvements; and pedestrian access. Ms. David clarified for Council that

if the agreement between the City and the RDA were recognized as valid obligations by the State, that \$4.3 million would be borrowed from the low-mod fund to make the SERAF payment which could be another source of funds for the Project. Mayor Sweeney expressed concern that if Wittek-Montana or Eden Housing drop out, the obligation would fall to the City. Ms. David said that the City would have the right to seek another developer and that the City would have a Joint Powers Agreement (JPA) with BART. Mayor Sweeney commented that perhaps a public hearing should be held.

Council Member Halliday commented that the work session was publicly noticed and mentioned meeting with leaders of the Fairway Park Neighborhood Association some of who expressed their disappointment at the loss of the Safeway's interest in participating, but understood the challenges of the area. Ms. Halliday concurred with Council Member Quirk that the change is a minor modification, and on the need for development in the area. Ms. Halliday requested Mr. Wittek address his concerns. Mr. Wittek said he understood that another official action on this item would cause the developer to be disqualified from the HCD 1-C entitlements. Staff did not have the information and deferred to the developer's knowledge. Ms. Halliday urged Council to support the change as a minor modification and urged the Planning Manager to deem the changes as minor and allow Wittek-Montana to proceed.

Council Member Henson strongly agreed that the change was a minor modification and that the integrity of the Project was not deterred because there were other components such as affordable housing, market rental housing, and increased ridership for BART. Mr. Henson noted this was a re-phasing and did not want the City to miss this opportunity. As a resident of the Project area, he viewed this as a starting point and noted that the infrastructure improvements were still in place. Mr. Henson supported moving forward and accepting the change as a minor modification.

Council Member Zermeño concurred with his colleagues in accepting the change as a minor modification and allowing the developers to continue to seek a retail element. Mr. Zermeño emphasized three items: ensuring there is a pedestrian walkway connecting Mission Boulevard and Dixon Street; subjecting the Project to prevailing wage requirements; and breaking ground no later than July or August 2012. Mr. Zermeño commented that activity creates a catalyst to prompt more activity.

Council Member Peixoto believed the proposed amendment to be a major modification and not what the public or Planning Commission envisioned as part of the project. He felt the change was an in-fill project and expressed concern that the planned market rate housing would be replaced with rental housing. Development Services Director Rizk noted the current market is conducive to rental housing and that the units could be converted to condominiums in the future. Mr. Peixoto mentioned concerns with other City transit-oriented district projects where units were rented out and became problematic with graffiti and crime. Mr. Peixoto felt that the urgency to obtain the HCD 1-C grant funds should not be the driving force to accept the modification and said he would like to see the total operational transit-oriented district elements as they were presented to the Planning Commission and City Council.

Council Member Salinas commented that the City is in a difficult economic climate and projects will need to be adjusted. He said the South Hayward BART Project will complement the Mission



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Boulevard and will help generate jobs. Mr. Salinas supported accepting the change as a minor modification.

Council Member Quirk concurred with Mayor Sweeney that General Fund monies should not be used to support this Project.

Mayor Sweeney indicated that due to the Governor's proposed legislation to eliminate the RDA, it was difficult to make rational decisions about available resources for the community. Mayor Sweeney stated that once the City commits to the Project and the HCD 1-C grant funds, the General Fund would be affected if all RDA monies are taken by the State. Mayor Sweeney concurred with Council Member Peixoto that the proposed change was a major modification, but noted there was Council consensus to accept the change as a minor modification.

CONSENT

Consent No. 5 was moved for further discussion.

2. Approval of Minutes of the City Council Meeting on February 15, 2011

It was moved by Council Member Henson, seconded by Council Member Halliday, and carried unanimously, to approve the minutes of the City Council Meeting of February 15, 2011.

3. Resolution to Approve Temporary Staffing of the Director of Finance and Budget Officer Positions and to Approve an Appropriation in the Amount of \$160,000

Staff report submitted by Director of Human Resources Robustelli, dated March 8, 2011, was filed.

It was moved by Council Member Henson, seconded by Council Member Halliday, and carried unanimously, to adopt the following:

Resolution 11-018, "Resolution Authorizing the City Manager to Negotiate and Execute Agreements for Temporary Staffing of the Director of Finance and Budget Officer Positions and Approving an Appropriation in the Amount of \$160,000"

4. Resolution Authorizing the City Manager to Negotiate and Execute a Commercial Aviation Site Lease and Associated Letter of Agreement with Field Aviation LLC, at the Hayward Executive Airport

Staff report submitted by Interim Airport Manager Covalt, dated March 8, 2011, was filed.

It was moved by Council Member Henson, seconded by Council Member Halliday, and carried unanimously, to adopt the following:

Resolution 11-019, “Resolution Authorizing the City Manager to Negotiate and Execute a New Fixed Base Operation Lease Agreement and NonBinding Letter of Intent with Field Aviation LLC for Lease of a Parcel of Land at the Hayward Executive Airport”

5. Approval of Contract Amendment in an Amount Not to Exceed \$160,000 with AMEC Geomatrix, Inc. for Cinema Place Groundwater Remediation and Environmental Consultation

Staff report submitted by Assistant City Manager/Interim Redevelopment Agency Director Morariu, dated March 8, 2011, was filed.

Council/RA Member Peixoto shared an email received from Mr. Frank Goulart, in which Mr. Goulart expressed concern that drilling to assess possible groundwater contamination at Cinema Place could disturb an old cemetery. Director of Public Works Bauman responded that nothing was identified during an environment review conducted at the Cinema Place site. Mr. Bauman said that staff will be monitoring the groundwater remediation process and did not anticipate any problems.

It was moved by Council/RA Member Peixoto, seconded by Council/RA Member Halliday, and carried unanimously, to adopt the following:

Redevelopment Agency Resolution 11-08, “Resolution Authorizing the Executive Director to Execute a Contract Amendment with AMEC Geomatrix Consultants, Inc., for Cinema Place Groundwater Remediation and Environmental Consultation”

COUNCIL REPORTS, REFERRALS, AND FUTURE AGENDA ITEMS

There were none

ADJOURNMENT

Mayor/Chair Sweeney adjourned the meeting at 8:51 p.m.

APPROVED:

Michael Sweeney, Mayor, City of Hayward
Chair, Redevelopment Agency

ATTEST:

Miriam Lens, City Clerk, City of Hayward
Secretary, Redevelopment Agency



DATE: March 22, 2011
TO: Mayor and City Council
FROM: Director of Public Works
SUBJECT: Measure B Pavement Rehabilitation FY12: Approval of Plans and Specifications and Call for Bids

RECOMMENDATION

That Council adopts the attached resolution approving the plans and specifications for the Measure B-funded pavement rehabilitation FY12 project and calls for bids to be received on April 19, 2011.

BACKGROUND

The Measure B-funded pavement rehabilitation project is a continuation of the City's ongoing program to repair failed pavement sections with localized pavement section repairs and the application of asphalt concrete overlay on streets city-wide. This work extends the useful life of the pavement before it deteriorates to the point where more costly reconstruction work is needed. To satisfy the requirements of the Americans with Disabilities Act (ADA), accessible ramps must be installed at the curb returns of street intersections located within the limits of the project.

DISCUSSION

The selection of City streets for rehabilitation is based on staff's analysis of the pavement condition indices identified through the City's computerized Pavement Management Program (PMP), field examination, and the functional classification of each street. The streets identified for rehabilitation include: Telford Court, Cliffwood Avenue, Henderson Lane, Broadmore Avenue, Orchard Avenue, Calaroga Avenue, Lucia Street, and Lucia Court. Attachments II and III identify the streets.

Pavement rehabilitation for this project consists of removing a depth of four to eight inches of localized failed pavement, compacting the base, and plugging it with asphalt concrete. Engineering fabric is then placed over the existing pavement to minimize cracking through the asphalt cement overlay. Finally, a two-inch-thick asphalt overlay is placed over the entire width of the pavement surface.

The project is categorically exempt under section 15301 (c) of the California Environmental Quality Act Guidelines for the operation, repair, maintenance, or minor alteration of existing facilities.

FISCAL IMPACT

The estimated project costs are as follows:

Pavement Rehabilitation/Reconstruction Contract Construction	\$ 960,000
Design and Administration	100,000
Inspection and Testing	<u>90,000</u>
Total:	\$1,150,000

The FY 2011 Capital Improvement Program includes \$1,000,000 in the Measure B Tax Fund (Local Transportation) for the Measure B Pavement Rehabilitation FY12 project. Depending on the actual bids received, additional funding may be requested at the time Council awards the construction contract.

PUBLIC CONTACT

Because of the temporary inconvenience the pavement work will cause, immediately after the construction contract is awarded, staff will distribute a preliminary notice explaining the pavement rehabilitation project to all residents and businesses along the affected streets. After the construction work has been scheduled, signs on barricades will be posted seventy-two hours prior to commencement of work indicating the date and time of work for each street.

SCHEDULE

Open Bids	April 19, 2011
Award Contract	May 17, 2011
Begin Work	July 5, 2011
Complete Work	September 26, 2011

Prepared by: Morad Fakhrai, Deputy Director of Public Works

Recommended by: Robert A. Bauman, Director of Public Works

Approved by:



Fran David, City Manager

Attachments:

- Attachment I: Resolution
- Attachment II: Project Location Maps
- Attachment III: List of Streets

HAYWARD CITY COUNCIL

RESOLUTION NO. 11-

Introduced by Council Member _____

RESOLUTION APPROVING PLANS AND SPECIFICATIONS FOR THE MEASURE B PAVEMENT REHABILITATION FY12 PROJECT, PROJECT NO. 5129, AND CALL FOR BIDS

WHEREAS, those certain plans and specifications for the Measure B Pavement Rehabilitation FY12 Project, Project No. 5129, on file in the office of the City Clerk, are hereby adopted as the plans and specifications for the project;

WHEREAS, the City Clerk is hereby directed to cause a notice calling for bids for the required work and material to be made in the form and manner provided by law;

WHEREAS, sealed bids therefor will be received by the City Clerk’s office at City Hall, 777 B Street, 4th Floor, Hayward, California 94541, up to the hour of 2:00 p.m. on Tuesday, April 19, 2011 and immediately thereafter publicly opened and declared by the City Clerk in the Public Works Conference Room, 4D, located on the 4th Floor of City Hall, Hayward, California;

NOW, THEREFORE, BE IT FURTHER RESOLVED, the City Council will consider a report on the bids at a regular meeting following the aforesaid opening and declaration of same.

NOW, THEREFORE, BE IT RESOLVED, the project is categorically exempt under section 15301(c) of the California Environmental Quality Act Guidelines for the operation, repair, maintenance, or minor alteration of existing facilities.

IN COUNCIL, HAYWARD, CALIFORNIA _____, 2011

ADOPTED BY THE FOLLOWING VOTE:

AYES: COUNCIL MEMBERS:
MAYOR:

NOES: COUNCIL MEMBERS:

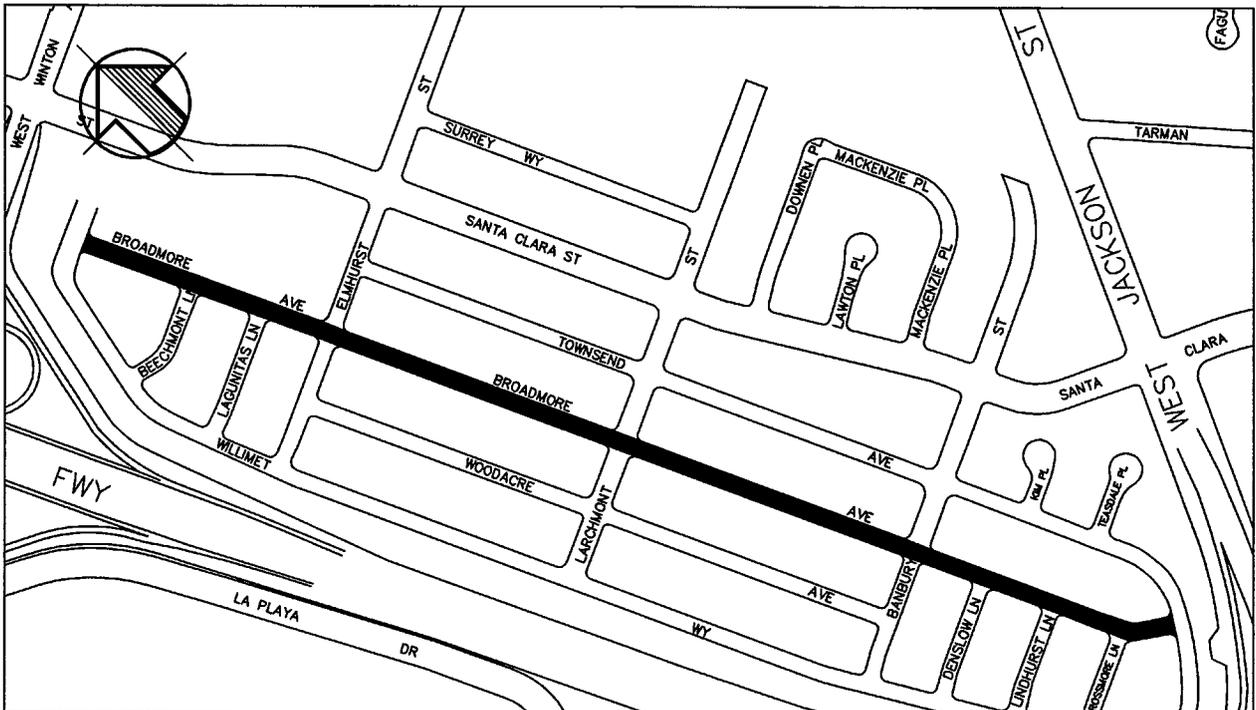
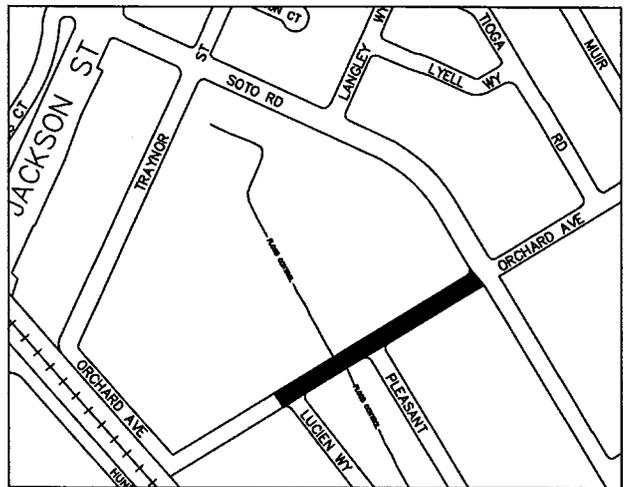
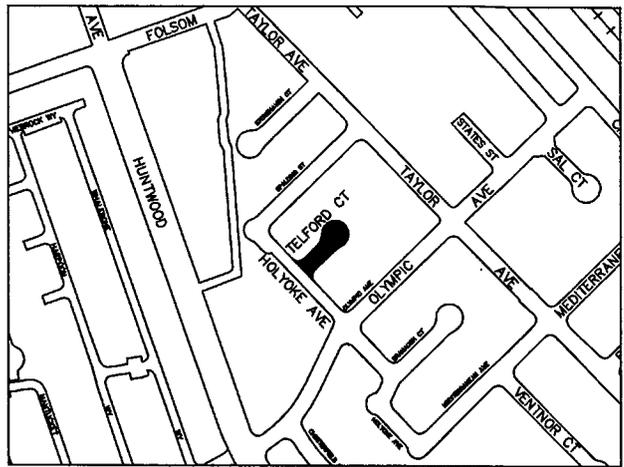
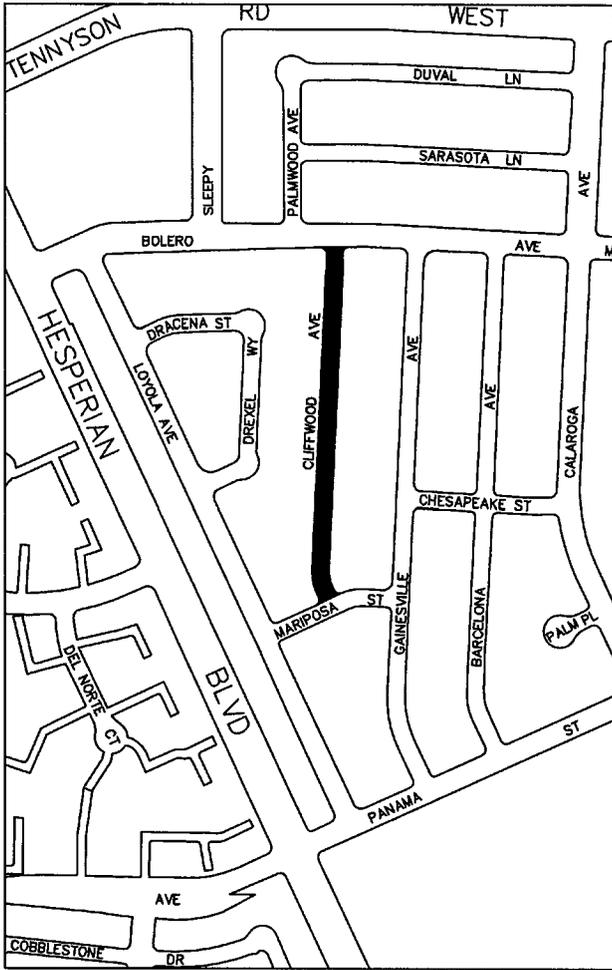
ABSTAIN: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

ATTEST: _____
City Clerk of the City of Hayward

APPROVED AS TO FORM:

City Attorney of the City of Hayward



PAVEMENT REHABILITATION FY12-PROJECT NO. 5129

NO.	STREET NAME	LIMITS	
		FROM	TO
1	TELFORD COURT	HOLYOKE AVENUE	CUL DE SAC
2	CLIFFWOOD AVENUE	MARIPOSA STREET	BOLERO AVENUE
3	HENDERSON LANE	ELDRIDGE AVENUE	UNDERWOOD AVENUE
4	BROADMORE AVENUE	WILLIMET WAY	WILLIMET WAY
5	ORCHARD AVENUE	LUCIEN WAY	SOTO ROAD
6	CALAROGA AVENUE	TENNYSON ROAD	SOUTHGATE
7	LUCIA STREET	LESTER AVENUE	SUEIRRO STREET
8	LUCIA COURT	LUCIA STREET	CUL DE SAC

LIST OF STREETS

DATE: March 22, 2011

TO: Mayor and City Council

FROM: Director of Public Works

SUBJECT: Authorizing the Obligation of Energy Efficiency and Conservation Block Grant Funds for the Tennyson Road Streetlight Conversion Project

RECOMMENDATION

That Council adopts the attached resolution (Attachment I) that authorizes the use of Federal Energy Efficiency and Conservation Block Grant funds for the Tennyson Road Streetlight Conversion Project, and appropriates \$70,000 in the Transportation System Improvement fund for the project.

BACKGROUND

The Federal American Recovery and Reinvestment Act (ARRA) has allocated \$1,361,900 in formula-based Energy Efficiency and Conservation Block Grant (EECBG) funds to the City of Hayward. Per Federal EECBG requirements, on January 25, 2011 Council approved the obligation of funding for three of the programs included as part of the grant.

- Energy Efficiency Program for Large Energy Users
- Energy Efficiency Retrofit Grants for Nonprofits and Government Agencies
- Residential and Commercial Energy Audits

In addition to these programs, the City received approval for \$70,000 to install low energy (Light Emitting Diodes) LED streetlights along Tennyson Road near the South Hayward BART station. Staff selected this location to coincide with the proposed mixed use development at the South Hayward BART station. Staff introduced these programs to the Council Sustainability Committee on May 5, 2010 and provided detailed descriptions of the programs that make up the EECBG. Federal regulation is again requiring a Council resolution to formally obligate these funds as part of EECBG grant procedures, which is the purpose of this report.

DISCUSSION

The City has been evaluating the possibility of converting existing streetlights to LEDs as part of the City's commitment to energy savings and its "green initiative." As an example, all of the streetlights to be installed as part of the Route 238 Corridor Improvement project will be LED streetlights. In addition, the City may potentially require the installation of LED streetlights in new developments.

As noted above, the City received \$70,000 in block grant funding to install LED streetlights. Staff decided that the most appropriate location to install these lights is in the area around the South Hayward BART station along Tennyson Road. Attachment II shows the proposed location of the estimated 72 replacement LED streetlights to be installed. The new lighting will provide better illumination along this section of Tennyson Road at a reduced cost.

ECONOMIC IMPACT

There is no direct economic impact of this project. However, it does support the goals of the Climate Action Plan.

FISCAL IMPACT

This project will generate an annual savings to the General Fund in the amount of \$2,200; much of the savings is the result of reduced energy use and maintenance. All of the costs for materials and labor will be reimbursed by the City's EECBG funds. If approved, staff is requesting an appropriation of \$70,000 from the Transportation System Improvement Fund in order to create this project.

PUBLIC CONTACT

Staff presented information on all of the programs funded through the EECBG to the Council Sustainability Committee on May 5, 2010.

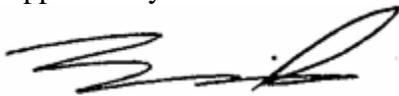
SCHEDULE

Issue RFP to purchase LED lights	April 8, 2011
Purchase LED lights	May 10, 2011
Start installation	June 17, 2011
Complete installation	July 8, 2011

Prepared by: Morad Fakhrai, Deputy Director of Public Works/City Engineer

Recommended by: Robert A. Bauman, Public Works Director

Approved by:



Fran David, City Manager

Attachments:

Attachment I: Resolution ; Attachment II: Location Map

HAYWARD CITY COUNCIL

RESOLUTION NO. 11-

Introduced by Council Member _____

RESOLUTION AUTHORIZING OBLIGATION OF THE USE OF FEDERAL ENERGY EFFICIENCY AND CONSERVATION BLOCK GRANT FUNDS FOR THE TENNYSON ROAD STREETLIGHT LED CONVERSION PROJECT AND APPROPRIATING FUNDS

WHEREAS, the City of Hayward has been allocated \$1,361,900 in formula-based Energy Efficiency and Conservation Block Grant (EECBG) funds through the Federal American Recovery and Reinvestment Act; and

WHEREAS, approximately \$70,000 of the EECBG funds will be used for the conversion of streetlights on Tennyson Road to Light Emitting Diode (LED), as described in the Council agenda report dated March 22, 2011; and

WHEREAS, EECBG regulations requires Council action to obligate these funds; and

WHEREAS, the City Council Sustainability Committee reviewed this program on May 5, 2010.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Hayward finds that the approval of the Tennyson Road Streetlight LED Conversion Project is categorically exempt from environmental review under the California Environmental Quality Act pursuant to California Code of Regulations, Title 21, Sections 15301 (repairs and minor alterations to existing facilities).

BE IT FURTHER RESOLVED by the City Council of the City of Hayward that \$70,000 from EECBG funds are hereby obligated for the Tennyson Road Streetlight LED Conversion Project.

BE IT FURTHER RESOLVED by the City Council of the City of Hayward that \$70,000 is appropriated in the Transportation System Improvement Fund for the Tennyson Road Streetlight LED Conversion Project.

IN COUNCIL, HAYWARD, CALIFORNIA _____, 2011

ADOPTED BY THE FOLLOWING VOTE:

AYES: COUNCIL MEMBERS:
MAYOR:

NOES: COUNCIL MEMBERS:

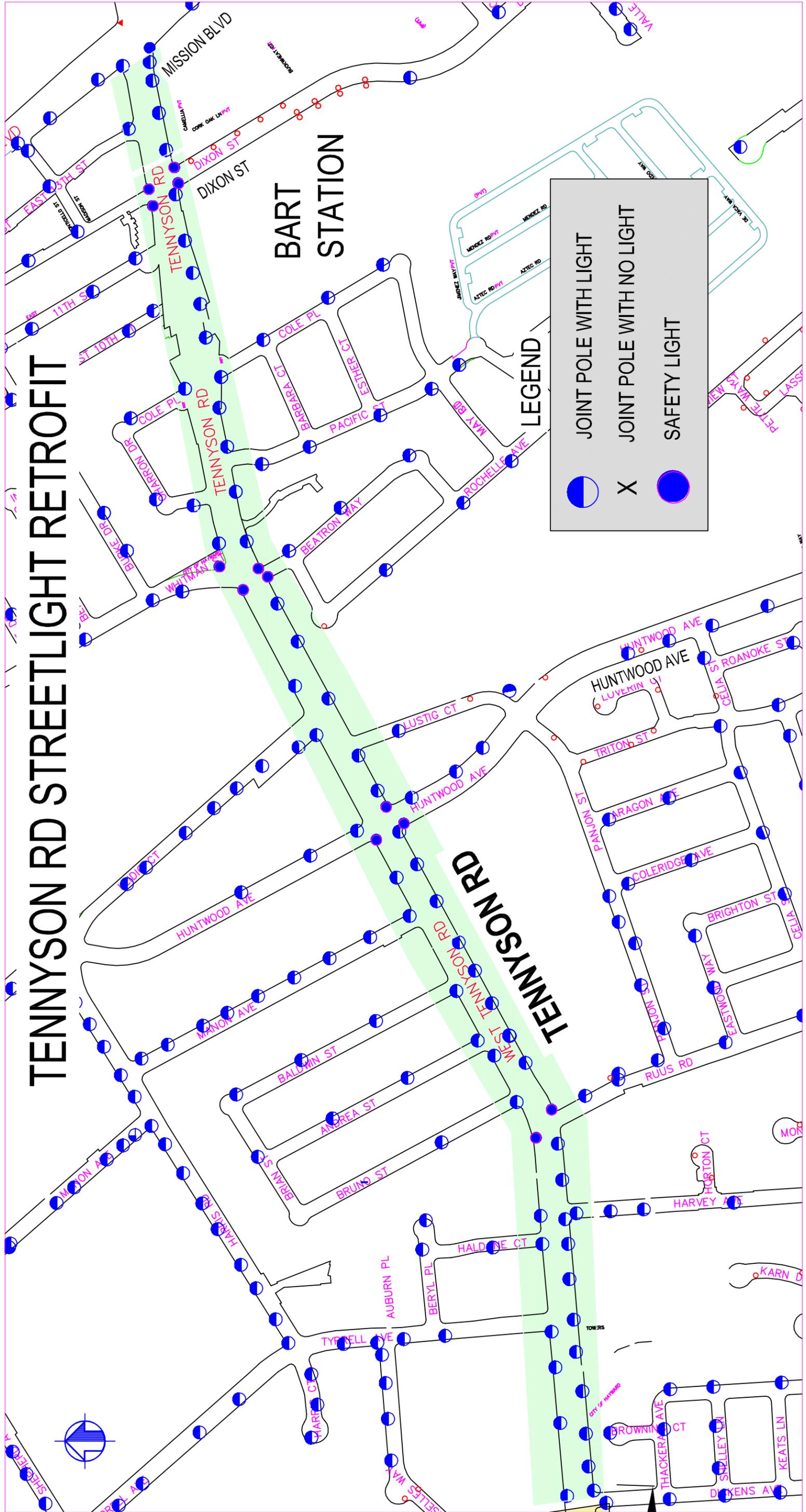
ABSTAIN: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

ATTEST: _____
City Clerk of the City of Hayward

APPROVED AS TO FORM:

City Attorney of the City of Hayward





DATE: March 22, 2011
TO: Mayor and City Council
FROM: City Clerk
SUBJECT: Adoption of Ordinance Amending Article 1 of Chapter 4, Section 4-1.02 through 4-1.04, of the Hayward Municipal Code Relating to Noise

RECOMMENDATION

That the City Council adopts the Ordinance introduced on March 15, 2011. The Ordinance was introduced with an amendment to Section 4-1.03.3 (a) Noise from Vehicles, by decreasing the distance from fifty feet to twenty-five feet, and consequently to read as follows:

Sec. 4-1.03.3 Noise from Vehicles

- (a) No person shall use or operate any radio, tape player, record player, compact disc player, or any similar device in or on a vehicle located on any public property within the City in a manner that is audible to a person of normal hearing sensitivity more than **twenty-five feet** from such vehicle, nor shall any person use or operate any such device on or in a vehicle located on private property in a manner that renders the device audible to a person of normal hearing sensitivity more than twenty-five feet from the vehicle or beyond the property line of such private property, whichever is greater. Noise from a radio, tape player, record player, compact disc player, or other similar device in or on a vehicle located on a public highway shall be regulated in the manner provided for by the California Vehicle Code.

BACKGROUND

The ordinance was introduced by Council Member Peixoto at the March 15, 2011, meeting of the City Council with the following vote:

AYES:	Council Members:	Zermeño, Quirk, Halliday, Peixoto, Salinas, Henson
	Mayor	Sweeney
NOES:	Council Members:	None
ABSENT:	Council Members:	None
ABSTAIN:	Council Members:	None

The ordinance was published in the Hayward Daily Review on Saturday, March 19, 2011. Adoption at this time is therefore appropriate.

Recommended by: Miriam Lens, City Clerk

Approved by:

A handwritten signature in black ink, appearing to read 'Fran David', written over a horizontal line.

Fran David, City Manager

Attachment: Draft Ordinance Published on March 19, 2011

**PUBLIC NOTICE OF AN INTRODUCTION OF AN ORDINANCE
BY THE CITY COUNCIL OF THE CITY OF HAYWARD**

ORDINANCE AMENDING ARTICLE 1 OF CHAPTER 4, SECTIONS 4-1.02 THROUGH 4-1.04, OF THE HAYWARD MUNICIPAL CODE RELATING TO NOISE

THE CITY COUNCIL OF THE CITY OF HAYWARD DOES ORDAIN AS FOLLOWS:

Section 1. It is hereby declared to be the policy of the City that the peace, health, safety, and welfare of the residents of Hayward require protection from unreasonable noises from any and all sources in the community. It is the intention of the City Council to regulate and control the adverse effect of unreasonable noises on residents under conditions of use that may have a severe impact upon the auditory senses of a reasonable person.

Section 2. Upon the adoption of this Ordinance, Sections 4-1.02 through 4-1.04 of the Hayward Municipal Code are hereby repealed and, in substitution thereof, new Sections 4-1.02 through 4-1.04.3 of the Hayward Municipal Code are hereby enacted to read as follows:

NOISE REGULATIONS

- SEC 4-1.02 UNREASONABLE NOISES
- SEC 4-1.03 APPLICATION AND ENFORCEMENT; DEFINITIONS
- SEC 4-1.03.1 NOISE RESTRICTION BY DECIBEL
- SEC 4-1.03.2 UNREASONABLE NOISE NOT MEASURED BY DECIBEL EMANATING FROM PRIVATE PROPERTY
- SEC 4-1.03.3 NOISE FROM VEHICLES
- SEC 4-1.03.4 CONSTRUCTION AND ALTERATION OF STRUCTURES; LANDSCAPING ACTIVITIES
- SEC 4-1.03.5 CATEGORICAL EXEMPTIONS
- SEC 4-1.04 EXEMPTIONS AUTHORIZED BY PERMIT - IMMEDIATE COMPLIANCE IMPRACTICAL OR UNREASONABLE
- SEC 4-1.04.1 EXEMPTIONS AUTHORIZED BY PERMIT- SPECIAL EVENTS ON PUBLIC PROPERTY WITH NOISE PRODUCED BY MECHANICAL OR AMPLIFYING EQUIPMENT
- SEC 4-1.04.2 CONFLICT OF LAW
- SEC 4-1.04.3 CUMULATIVE REMEDIES; PENALTIES; ADMINISTRATIVE HEARINGS

Section 3. Severance. Should any part of this ordinance be declared by a final decision by a court or tribunal of competent jurisdiction to be unconstitutional, invalid, or beyond the authority of the City, such decision shall not affect the validity of the remainder of this ordinance, which shall continue in full force and effect, provided that the remainder of the ordinance, absent the unexcised portion, can be reasonably interpreted to give effect to the intentions of the City Council.

Section 4. In accordance with the provisions of Section 620 of the City Charter, this ordinance shall become effective 30 days upon adoption.

Introduced at a meeting of the Hayward City Council held March 15, 2011, the above-entitled ordinance was introduced by Council Member Peixoto.

This ordinance will be considered for adoption at the next meeting of the Hayward City Council, to be held on March 22, 2011, at 7:00 p.m., in the Council Chamber, 777 B Street, Hayward, California. The full text of this ordinance is available for examination by the public in the Office of the City Clerk.

Dated: March 19, 2011
Miriam Lens, City Clerk
City of Hayward

DATE: March 22, 2011

TO: Mayor and City Council

FROM: Director of Public Works

SUBJECT: I-880/SR 92 Reliever Route - Phase 1 Project: Adoption of Mitigated Negative Declaration and Approval of Project

RECOMMENDATION

That Council adopts the attached resolutions that:

1. Adopt the Mitigated Negative Declaration and approve the Mitigation Monitoring and Reporting Program; and
2. Approve the I-880/SR 92 Reliever Route - Phase 1 Project

BACKGROUND

The I-880/SR 92 Reliever Route Project will provide for better access in and out of the industrial area located north of State Route 92 and west of Interstate 880. It will help to relieve the congestion on Interstate 880, State Route 92 and several major arterials, such as Winton Avenue, Clawiter Road, and Depot Road. The Project is fully funded from the 2000 Measure B half-cent transportation sales tax, which was administered and monitored by the Alameda County Transportation Improvement Agency (ACTIA). This agency recently merged with the Alameda County Congestion Management Agency (CMA) to form the Alameda County Transportation Commission (ACTC).

On October 23, 2007, Council approved the execution of a funding agreement with ACTIA for the scoping, preliminary engineering, and environmental work for Phase 1 of the I-880/SR 92 Reliever Route Project. In 2008, the City contracted with Kimley-Horn and Associates, Inc. (KHA) to perform this work. Previously, KHA had performed scoping and preliminary traffic analyses under an earlier contract.

The Project was originally split into two phases during the scoping phase due to amount of Measure B funding available. Phase 1 would consist of: the extension of West A Street from Hesperian Boulevard to Corsair Avenue; the extension of Whitesell Street from Depot Road to Enterprise Avenue; and the widening of Whitesell Street from Enterprise Avenue to Breakwater Avenue. A portion of the West A Street extension, from Hesperian Boulevard to Golf Course Road, was previously constructed with City funds to help facilitate the Skywest Commons development at West A Street and Hesperian Boulevard. Phase 2 would be the construction of a new combined

interchange on SR 92 at Clawiter Road/Whitesell Street and would proceed when additional funding became available.

During the preliminary design of the Project, the extension of West A Street to Corsair Avenue became infeasible when a change in the classification of the Hayward Executive Airport by the Federal Aviation Administration (FAA) resulted in an FAA requirement to increase the length of the safety area at the end of the runway from 300 feet to 1,000 feet. The City pursued other alternatives; in June 2010, the ACTC Board approved the City's proposal to replace the original portion of the Project pertaining to the West A Street extension with intersection improvements at Hesperian Boulevard and West Winton Avenue.

DISCUSSION

The Project consists of several improvements: extending and widening Whitesell Street from Depot Road to Breakwater Avenue; adding a second westbound left turn lane at the intersection of Hesperian Boulevard and Winton Avenue; installing a traffic signal at Clawiter Road and the eastbound SR 92 off-ramps/Eden Landing Road; constructing a westbound right turn lane at Clawiter Road and Breakwater Avenue; and modifying traffic signals at the intersections of Hesperian Boulevard and Middle Lane and Winton Avenue and Clawiter Road (Please refer to Attachment III - Location Map). The work will include new street construction and installation of new curb, gutter, sidewalk, LED streetlights, landscaping, irrigation, and storm drains, as well as the relocation of utilities and installation and modification of traffic signals. The new roadway section on Whitesell Street will include two travel lanes and a bike lane in each direction, as well as sidewalk and planting strips on both sides.

City staff reviewed the proposed Project according to the standards and requirements of the California Environmental Quality Act (CEQA). Kimley-Horn and Associates, Inc. (KHA) prepared an Initial Study Environmental Evaluation Checklist for the Project. The Initial Study indicated that the Project would not result in significant environmental impacts after implementation of the proposed mitigation measures; therefore, KHA prepared a draft Mitigated Negative Declaration (MND) (Please refer to Attachment IV).

As shown in the Initial Study, the Project will have "no impact" or "less than significant impact" on the following environmental factors: Aesthetics; Agriculture and Forestry Resources; Greenhouse Gas Emissions; Land Use and Planning; Mineral Resources; Noise; Population and Housing; Public Services; Recreation; Transportation/Traffic; and Utilities and Service Systems. The following environmental factors will also be "less than significant" after implementation of the mitigation measures: Air Quality; Biological Resources; Cultural Resources; Geology and Soils; Hazards and Hazardous Materials; and Water Quality.

To evaluate the impact on existing and future traffic, KHA prepared a Traffic Report for the Project, which evaluated AM and PM peak hour conditions at thirteen intersections under the following conditions: existing conditions, future conditions without the Project, and future conditions with the Project. KHA conducted an intersection capacity analysis using Highway Capacity Manual (HCM) procedures and estimated future year traffic volumes using the Alameda County Congestion Management Agency's (ACCMA) Countywide travel demand forecast model. The Traffic Report concluded that implementation of the Project improvements would alleviate congestion and all

thirteen of the intersections analyzed would meet the City’s minimum performance standard during both peak hours for future conditions with the Project.

The proposed improvements at the intersection of Winton Avenue and Hesperian Boulevard are expected to reduce the congestion at the intersection and help expedite traffic flow through the intersection. As a separate project, the City will use Transportation for Clean Air (TFCA) Grant funds for signal retiming and controller replacement on Winton Avenue from Southland Drive to Clawiter Road, and on Hesperian Boulevard from A Street to Tripaldi Way. This signal retiming and controller replacement will provide signal interconnectivity along the Winton and Hesperian corridor to enable communication with the Traffic Management Center (TMC) in City Hall, which is being developed as a part of the Route 238 Corridor Improvement Project. When the signal coordination is complete, the intersections will be optimized and coordinated to further reduce traffic congestion, thereby improving traffic flow, decreasing fuel consumption, and ultimately reducing greenhouse gas emissions, which is consistent with the goals of the City’s Climate Action Plan.

Attachment V, entitled “Mitigation Monitoring and Reporting Program,” identifies the feasible mitigations for Project impacts on the environment. The program outlines the specific mitigations, the timing of implementation, the implementing party and the monitoring party. The Public Works Department will be responsible for implementing and monitoring the majority of the mitigation measures.

Based on the determination that the proposed Project will not have a significant effect on the environment after implementation of the identified mitigation measures, staff recommends that the City Council adopt the Mitigated Negative Declaration (MND) and Mitigation Monitoring and Reporting Program, and approve the I- 880/SR 92 Reliever Route Phase I Project as outlined in this report.

FISCAL AND ECONOMIC IMPACT

Most of the proposed Project is funded with Measure B funds, totaling \$27,300,000, now programmed for the City in the latest ACTC Strategic Plan. The FY 2011 Capital Improvement Program (CIP) includes \$900,000 for the preliminary design phase of this Project. That amount covers approximately \$300,000 spent by the City on the previous scoping and traffic studies for the Project and \$600,000 in Measure B-reimbursable expenses for the preliminary engineering and environmental studies. All of the future work will also be funded by Measure B; there will be no additional impact to the City’s General Fund.

The following is a summary of the estimated costs for the project:

DESCRIPTION:	ESTIMATED COST:
Previous Scoping and Traffic Studies	\$ 300,000
Preliminary Engineering/Envr. Studies	600,000
Design	2,000,000
Right-of-Way	9,100,000
Construction	14,000,000
Inspection, Surveying & Testing	<u>1,300,000</u>
TOTAL:	\$ 27,300,000

PUBLIC CONTACT

The Notice of Intent to Adopt the MND and Notice of Public Hearing were published in the *Daily Review* on February 9, 2011. The notices and copies of the MND and Initial Study were sent to the State Clearinghouse for the 30 day review required by CEQA. Copies of the MND and Initial Study were available for public review at City Hall, the Hayward libraries, the Alameda County Clerk's Office, and on the City's website. The public and all interested agencies were invited to review the documents and submit comments between February 9, 2011 and March 11, 2011.

City staff held a public information meeting on February 17, 2011 at Ochoa Middle School to provide information and details of the proposed Project to the property/business owners and residents that may be affected by the Project. Staff mailed a public notice to approximately 1,300 property owners within the vicinity of the Project. Fifteen people attended the meeting, and staff members present answered questions and discussed the potential impacts to their properties.

Property owners in the vicinity of the Winton Avenue and Hesperian Boulevard intersection raised questions about the existing congestion that occurs at that intersection. Staff explained how the improvements should improve the circulation through the intersection by eliminating the bottleneck caused by the left turn vehicles. The available capacity for the left turn movements will be doubled with the addition of another left turn lane, which will eliminate the existing issue of westbound through vehicles being blocked by the overflow in the westbound left turn lane. Additionally, another westbound through lane will be added that will help vehicles clear the intersection more quickly.

Staff and Council also received a recent letter from the owner of the Valero Gas station. This station will be impacted by the proposed improvements at Winton/Hesperian intersection. The owner believes that the widening will have minimal impact to the overall congestion and suggests the improvements should not be made or should be modified so his property is not impacted.

Staff has attempted to further explain to the property owner that the project will increase the capacity and provide an improved Level of Service (LOS) at that intersection. Per the Traffic Report, the future level of service would be LOS F if the project is not constructed but would be improved to LOS D if the project is constructed. Staff realizes that there will be impacts to the gas station for which the property owner will need to be compensated during the right-of-way process. The acquisition of a portion of the gas station property is necessary to accomplish the intersection widening. (See Attachment VI) Staff will also provide any updated information from these discussions at the Council meeting.

In regard to the Whitesell Street extension and widening, property owners agreed that a direct route to the industrial area will be beneficial. The owners of the wrecking/salvage yards had questions about the continued use of their businesses. Staff advised them that the issuance of Conditional Use Permits for their properties will be coordinated with Planning and Engineering staff during the design and property acquisition.

Staff also received two e-mails asking if bike lanes could be added on Winton Avenue. In response, staff explained that Winton Avenue was not wide enough to allow for bike lanes or bike routes. Widening of the street would require extensive property acquisition and will have serious impact to

many businesses along Winton Avenue. The City's Bicycle Master Plan does identify alternate routes to Winton Avenue for bicyclists along Southland Drive and Middle Lane.

SCHEDULE

If Council adopts the MND and approves the Project, as recommended, staff will develop an updated design cost estimate and coordinate with ACTC to prepare an agreement for the design and right-of-way phases of the project. After reaching agreement with ACTC, the next action for Council will be approval of the final design consultant agreement later this spring.

The estimated schedule for the Project is as follows:

Begin Final Design Process	April 2011
Begin Right-of-Way Acquisition	September 2011
Start Construction	April 2013
Complete Construction	January 2015

Prepared by: Morad Fakhrai, Deputy Director of Public Works

Recommended by: Robert A. Bauman, Director of Public Works

Approved by:



Fran David, City Manager

Attachments:

- Attachment I: Resolution – Mitigated Negative Declaration Adoption
- Attachment II: Resolution – Project Approval
- Attachment III: Project Location Map
- Attachment IV: Mitigated Negative Declaration and Initial Study
- Attachment V: Mitigation Monitoring and Reporting Program
- Attachment VI: Hesperian Blvd. and West Winton Ave. Intersection

HAYWARD CITY COUNCIL

RESOLUTION NO. 11-_____

Introduced by Council Member _____

RESOLUTION ADOPTING THE MITIGATED NEGATIVE DECLARATION AND APROVING THE MITIGATION MONITORING AND REPORTING PROGRAM FOR THE I-880/SR 92 RELIEVER ROUTE – PHASE I PROJECT, PROJECT NO. 6961

WHEREAS, the City staff prepared an Initial Study and Draft Mitigated Negative Declaration for the I-880/SR 92 Reliever Route – Phase I Project; and

WHEREAS, the Initial Study was sent to the State Clearinghouse and was distributed for public review and comment on February 8, 2011, and a legal notice was published on February 9, 2011; and

WHEREAS, a Public Information meeting was held on February 17, 2011 at Ochoa Middle School to provide information and details of the proposed project to the property owners, business owners and residents that may be affected by the project; and

WHEREAS, City staff responded to comments and inquiries that were received at the Public Information meeting and during the review period for the Draft Mitigated Negative Declaration and Initial Study; and

WHEREAS, the City Council of the City of Hayward hereby finds and determines that the City Council has independently reviewed and considered the information contained in the Initial Study upon which the Draft Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program is based, certifies that the Draft Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program has been completed in compliance with the requirements of the California Environmental Quality Act, and finds that the Draft Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program reflect the independent judgment of the City of Hayward.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Hayward hereby adopts the Draft Mitigated Negative Declaration and approves the Mitigation Monitoring and Reporting Program prepared in connection with the I-880/SR 92 Reliever Route - Phase I Project, Project No. 6961.

IN COUNCIL, HAYWARD, CALIFORNIA _____, 2011

ADOPTED BY THE FOLLOWING VOTE:

AYES: COUNCIL MEMBERS:
MAYOR:

NOES: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

ATTEST: _____
City Clerk of the City of Hayward

APPROVED AS TO FORM:

City Attorney of the City of Hayward

HAYWARD CITY COUNCIL

RESOLUTION NO. 11-_____

Introduced by Council Member _____

RESOLUTION APPROVING THE I-880/SR 92 RELIEVER ROUTE – PHASE I PROJECT, PROJECT NO. 6961

WHEREAS, the I-880/SR 92 Reliever Route Phase I Project will provide for better access in and out of the industrial area and will help relieve congestion on Interstate 880, State Route 92 and several major arterials, such as Winton Avenue, Clawiter Road, and Depot Road; and

WHEREAS, the project is fully funded from the 2000 Measure B half cent transportation sales tax, which funding was administered and monitored by the Alameda County Transportation Improvement Agency (ACTIA). This agency was recently merged with the Alameda County Congestion Management Agency (CMA) to form the Alameda County Transportation Commission (Alameda CTC); and

WHEREAS, on October 23, 2007, Council approved the execution of a funding agreement with ACTIA (now Alameda CTC), for the scoping, preliminary engineering and environmental work for Phase 1 of the I-880/SR 92 Reliever Route Project.; and

WHEREAS, the project consists of several improvements: extension and widening of Whitesell Street from Depot Road to Breakwater Avenue; addition of a second westbound left turn lane at the intersection of Hesperian Boulevard and Winton Avenue; installation of a traffic signal at Clawiter Road and the eastbound SR 92 off ramps/Eden Landing Road; a westbound right turn lane at Clawiter Road and Breakwater Avenue, and traffic signal modifications at Hesperian Boulevard and Middle Lane and at Winton Avenue and Clawiter Road.; and

WHEREAS, the work will include new street construction and installation of new curb, gutter, sidewalk, LED streetlights, landscaping, irrigation, and storm drains; relocation of utilities and traffic signal installation and modification. The new roadway section on Whitesell Street will include two travel lanes and a bike lane in each direction; as well as sidewalk and planting trees on both sides.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Hayward hereby approves the I-880/SR 92 Reliever Route - Phase I Project and directs staff to take all steps necessary to implement the project.

IN COUNCIL, HAYWARD, CALIFORNIA _____, 2011

ADOPTED BY THE FOLLOWING VOTE:

AYES: COUNCIL MEMBERS:
MAYOR:

NOES: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

ATTEST: _____
City Clerk of the City of Hayward

APPROVED AS TO FORM:

City Attorney of the City of Hayward



Not to Scale

- Existing Roadway
- Road Widening
- New Roadway
- Intersection Modification
- New Traffic Signal



Interstate 880 / State Route 92 Reliever Route

DRAFT MITIGATED NEGATIVE DECLARATION

I-880-SR 92 RELIEVER ROUTE PROJECT – PHASE I



Notice is hereby given that the City of Hayward finds that no significant effect on the environment as prescribed by the California Environmental Quality Act of 1970, as amended will occur for the following project:

I. PROJECT DESCRIPTION

The Interstate 880 (I-880)/State Route 92 (SR 92) Reliever Route - Phase I - is a roadway improvement project located in the western portion of the City of Hayward, California. Figure 1 depicts the location of the project in a regional context. The project is situated in a generally built out area of the City which is characterized by primarily industrial land uses. The City of Hayward proposes to improve the West Winton Avenue/Hesperian Boulevard intersection and to widen and extend portions of Whitesell Street situated north of SR 92. The proposed improvements would relieve congestion on both freeways and arterial roadways by providing a route to facilitate truck access from the I-880 and SR 92 freeways to industrial areas within the City of Hayward. The proposed Project would involve improvements to approximately 0.60 miles of existing roadways and construction of 0.35 miles of new facilities, as illustrated in Figure 2.

The proposed roadway improvements have been divided into four segments which are described in detail below:

- Segment 1: West Winton Avenue, from I-880 to Cabot Boulevard
- Segment 2: Extension of Whitesell Street from Depot Road to Enterprise Avenue
- Segment 3: Widening of Whitesell Street from Enterprise Avenue to just north of Bay Center Place
- Segment 4: Widening and realignment of Whitesell Street to Breakwater Avenue

Construction of the proposed Project is anticipated to begin in 2013 and would last approximately two years. Construction equipment would include typical heavy construction equipment such as bulldozers, backhoes, backhoe loaders, front end loaders, scrapers, graders, compactors, asphalt paving machines, rollers, grapples, dump trucks and cranes. Construction staging areas would be situated within previously-disturbed or developed areas to facilitate project construction while avoiding potential environmental impacts resulting from additional ground disturbance.

Segment 1: West Winton Avenue, from I-880 to Cabot Boulevard

Segment 1 of the I-880/SR 92 Reliever Route Project would extend westward from the I-880 freeway interchange to Cabot Boulevard along West Winton Avenue. Proposed physical

improvements along this segment are limited to the intersection of West Winton Avenue and Hesperian Boulevard. At this location, a second westbound left turn lane would be added and the existing westbound exclusive right turn would be restriped to become a shared through/right-turn lane. In order to accommodate this new through lane, the southern curb line of the existing raised traffic channelization island (sometimes referred to as a “pork chop”) on the intersection’s west leg would be shifted northward. Also, the north side of West Winton Avenue would be widened by approximately 10 feet for a distance of 400 feet to accommodate the third westbound through lane. The three westbound through lanes would transition back down to two lanes approximately 800 feet to the west of Hesperian Boulevard. The proposed improvements would necessitate right-of-way acquisition on the north side of West Winton Avenue, to the east of Hesperian Boulevard. No other right-of-way acquisition is needed for the proposed improvements on Segment 1. In addition to the proposed improvements at West Winton Avenue/Hesperian Boulevard, the existing traffic signal at West Winton Avenue/Clawiter Road would be modified to permit overlapping northbound right turns and westbound turns. This signal modification would result in the prohibition of westbound u-turns, which would conflict with the northbound right turn movements.

Segment 2: Extension of Whitesell Street from Depot Road to Enterprise Avenue

The proposed Project would extend Whitesell Street from Enterprise Avenue north to the intersection of Depot Road and Cabot Boulevard within new right-of-way. The proposed new alignment of Whitesell Street would follow the eastern perimeter of the City of Hayward Water Pollution Control Facility and continue north and veer west through a container yard, an RV lot and a salvage yard. In addition to constructing a new street, associated utilities (such as a storm drain system) would be designed and constructed. Stop signs for eastbound and westbound traffic at the Whitesell Street/Cabot Boulevard/Depot Road intersection would be provided. Storm drain facilities and treatment methods would be designed in compliance with Provision C.3 of the Alameda Countywide National Pollutant Discharge Elimination System (NPDES) municipal stormwater permit. The proposed extension would include two 12-foot travel lanes and a 5-foot bike lane in each direction with 6-foot sidewalks. Street lighting would also be included in the proposed improvements.

Segment 3: Widening of Whitesell Street from Enterprise Avenue to just north of Bay Center Place

The proposed widening of Whitesell Street from Enterprise to just north of Bay Center Place would require a relatively minor amount of additional right-of-way to accommodate modifications to the existing curblines, relocation of utilities such as street lighting, and improvements to drainage facilities. The proposed Project may remove up to 17 trees along this segment (as explained further in the Biology section). Four-way stop sign traffic control would be provided at the intersection of Whitesell Street and Enterprise Avenue.

Segment 4: Widening and Realignment of Whitesell Street to Breakwater Avenue

Segment 4 of the proposed Project would include widening and realignment of Whitesell Street from just north of Bay Center Place to Breakwater Avenue. The western approach of Breakwater Avenue would be realigned to intersect with Whitesell Street. The realignment of Whitesell Street would require drainage improvements, utilities relocation and right-of-way

acquisition. While new landscape and street lighting would likely be included in the proposed improvements, one (1) tree may be removed along this segment (as explained further in the Biology section). The cross section of this portion of Whitesell Street would be the same as that identified for Segment 2.

In addition to the improvements described above, the proposed project would provide the following transportation improvements at intersections not located along any of the four above segments:

- **Clawiter Road/SR 92 Westbound/Breakwater Avenue:** The proposed project would install an exclusive westbound right turn lane on the SR 92 Westbound off-ramp and restripe the westbound through-shared-right lane to a through lane.
- **Clawiter Road/SR 92 Eastbound/Eden Landing Road:** The proposed project would install a traffic signal at the intersection with split-phasing for all approaches. The project would also add an eastbound exclusive right turn lane of at least 400 feet length on the SR 92 off-ramp and convert the existing lane to shared through-left turn lane.
- **Hesperian Boulevard/Middle Lane/Southland Drive:** The proposed project would modify signal phasing to provide a protected left turn phase (i.e., a “green arrow”) for eastbound left turning vehicles.

II. FINDING PROJECT WILL NOT SIGNIFICANTLY AFFECT ENVIRONMENT

The proposed project will not have a significant effect on the environment after implementation of the mitigation measures provided in the corresponding Initial Study and included below:

Mitigation Measures

Air-1: The following measures, as recommended by the BAAQMD, shall be implemented during grading and construction activities:

1. Water all active construction areas at least twice daily and more often during windy periods. Active areas adjacent to residences should be kept damp at all times.
2. Haul trucks carrying soil, sand, or loose material shall be covered.
3. Pave, apply water at least twice daily, or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas, and staging areas.
4. Sweep daily (with water sweepers) all paved access roads, parking areas, and staging areas and sweep streets daily (with water sweepers) if visible soil material is deposited onto the adjacent roads.
5. Hydroseed or apply (non-toxic) soil stabilizers to inactive construction areas (i.e., previously-graded areas that are inactive for 10 days or more).

6. Enclose, cover, water twice daily, or apply (non-toxic) soil binders to exposed stockpiles.
7. Limit traffic speeds on any unpaved roads to 15 mph.
8. Replant vegetation in disturbed areas as quickly as possible.
9. Suspend construction activities that cause visible dust plumes to extend beyond the construction site.
10. Post publicly visible signs with telephone number and person to contact at the City regarding air quality complaints from construction. This person shall respond and take corrective action within 48 hours. The Air District's phone number shall also be posted to ensure compliance with applicable regulations.

Air-2: Include measures to reduce diesel particulate matter exhaust from construction equipment.

1. Opacity is an indicator of exhaust particulate emissions from off-road diesel powered equipment. Emissions from all construction diesel powered equipment used on the project site shall not exceed 40 percent opacity for more than three minutes in any one hour. Any equipment found to exceed 40 percent opacity (or Ringelmann 2.0) shall be repaired immediately
2. Diesel equipment standing idle for more than five minutes shall be turned off. This would include trucks waiting to deliver or receive soil, aggregate, or other bulk materials. Rotating drum concrete trucks could keep their engines running continuously as long as they were onsite. The contractor shall post clear signage indicating the idling restrictions.
3. Properly tune and maintain equipment for low emissions.

Bio-1: Common and Special-Status Nesting Passerine Birds. A nesting survey shall be conducted no more than 15 days prior to commencing any grading activities if this work would commence between March 1 and September 1.

1. If special-status birds, such as loggerhead shrike, are identified nesting within or near the proposed Project site, a 200-foot radius around the nest must be staked with bright orange construction fencing.
2. No construction or earth-moving activity shall occur within this 200-foot staked buffer until it is determined by a qualified biologist that the young have fledged (that is, left the nest) and have attained sufficient flight skills to avoid project construction zones. This typically occurs by July 1, but may not occur until August 1. This date would have to be determined by a qualified ornithologist.
3. If common (that is, not special-status) ground, shrub, or tree nesting birds are identified nesting on the proposed Project site, grading activities in the immediate area shall be postponed until it is determined by a qualified ornithologist that the

young have fledged and have attained sufficient flight skills to leave the area. A non-disturbance buffer shall be demarcated with orange construction fencing that is of sufficient size so that “take” of nesting birds (i.e., loss of eggs and/or young) will not occur from project activities. A qualified ornithologist shall determine the size of the buffer at the time any nesting bird is found and shall monitor nesting activities until young fledge. Typically, most passerine birds can be expected to complete nesting by July 1, with young attaining sufficient flight skills by early July.

Bio-2: Tree Survey. Prior to construction, the Project area shall be surveyed by a Certified Arborist for Protected Trees according to the parameters of Municipal Code Section 10-15.13 stated as follows: “The following trees, when located on properties to which this Ordinance applies as set forth in Section 10-15.11 above, shall be Protected Trees:

1. Trees having a minimum trunk diameter of eight inches measured 54” above the ground. When measuring a multi-trunk tree, the diameters of the largest three trunks shall be added together.
2. Street trees or other required trees such as those required as a condition of approval, Use Permit, or other Zoning requirement, regardless of size.
3. All memorial trees dedicated by an entity recognized by the City, and all specimen trees that define a neighborhood or community.
4. Trees of the following species that have reached a minimum of four inches diameter trunk size:
 - a. Big Leaf Maple Acer (macrophyllum)
 - b. California Buckeye (Aesculus californica)
 - c. Madrone (Arbutus menziesii)
 - d. Western Dogwood (Cornus nuttallii)
 - e. California Sycamore (Platanus racemosa)
 - f. Coast Live Oak (Quercus agrifolia)
 - g. Canyon Live Oak (Quercus chrysolepis)
 - h. Blue Oak (Quercus douglassii)
 - i. Oregon White Oak (Quercus garryana)
 - j. California Black Oak (Quercus kelloggi)
 - k. Valley Oak (Quercus lobata)
 - l. Interior Live Oak (Quercus wislizenii)
 - m. California Bay (Umbellularia californica)

5. A tree or trees of any size planted as a replacement for a Protected Tree.

Bio-3: Tree Permit. After completion of Mitigation Measure Bio-2, a Tree Permit shall be obtained prior to removal of any Protected Tree, according to the provisions of Municipal Code Section 10-15.20 et. seq.

Cult-1: Pedestrian Survey. Prior to construction, an intensive pedestrian survey shall be undertaken by a qualified archaeologist meeting federal criteria under 36 CFR 61 in the areas that were inaccessible at the time of WSA's survey. The survey shall be conducted once access to the parcels is granted and prior to ground disturbing activities within that area. Should prehistoric or historic cultural resources be present, they shall be recorded on Department of Parks and Recreation 523 Forms and evaluated for their eligibility to the CRHR. Mitigation recommendations shall be developed based on the results of the significance evaluation.

Cult-2: Resource Discovery. If deposits of prehistoric or historic archeological materials are encountered during project activities, all work within 25 feet of the discovery shall be stopped and a qualified archeologist meeting federal criteria under 36 CFR 61 shall be contacted to assess the deposit(s) and make recommendations.

While deposits of prehistoric or historic archeological materials should be avoided by project activities, if the deposits cannot be avoided, they shall be evaluated for their potential historic significance. If the deposits are recommended to be non-significant, avoidance is not necessary. If the deposits are determined to be potentially significant, they shall be avoided. If avoidance is not feasible, project impacts shall be mitigated in accordance with the recommendations of the evaluating archaeologist and CEQA Guidelines §15126.4 (b)(3)(C), which require development and implementation of a data recovery plan that shall include recommendations for the treatment of the discovered archaeological materials. The data recovery plan shall be submitted to the City of Hayward for review and approval. Upon approval and completion of the data recovery program, project construction activity within the area of the find may resume, and the archaeologist shall prepare a report documenting the methods and findings. The report shall be submitted to the City of Hayward. Once the report is reviewed and approved by the City, a copy of the report shall be submitted to the Northwest Information Center (NWIC).

Cult-3: Pre-Construction Training. Prior to construction, all construction crews that work on the project shall undergo an approximate one-hour training session by a qualified archaeologist to inform them of the potential for previously undiscovered archaeological resources and human remains within the project area; of the laws protecting these resources and associated penalties; and of the procedures to follow should they discover cultural resources during project-related work.

Cult-4: Remains Discovery. Section 7050.5(b) of the California Health and Safety code will be implemented in the event that human remains, or possible human remains, are located during project-related construction excavation. Section 7050.5(b) states - "In the event of discovery or recognition of any human remains in any location other than a dedicated cemetery, there shall be no further excavation or disturbance of the site or any nearby

area reasonably suspected to overlie adjacent remains until the coroner of the county in which the human remains are discovered has determined, in accordance with Chapter 10 (commencing with Section 27460) of Part 3 of Division 2 of Title 3 of the Government Code, that the remains are not subject to the provisions of Section 27492 of the Government Code or any other related provisions of law concerning investigation of the circumstances, manner and cause of death, and the recommendations concerning treatment and disposition of the human remains have been made to the person responsible for the excavation, or to his or her authorized representative, in the manner provided in Section 5097.98 of the Public Resources Code.”

Geo-1: Erosion Control Plan. An Erosion Control Plan shall be prepared by the City of Hayward in conjunction with design of the project. The Erosion Control Plan shall include winterization, dust control, erosion control and pollution control measures conforming to the ABAG Manual of Standards for Erosion and Sediment Control Measures. The Erosion Control Plan shall describe the "best management practices" (BMPs) to be used during and following construction to control pollution resulting from both storm and construction water runoff. The Plan shall include locations of vehicle and equipment staging, portable restrooms, mobilization areas, and planned access routes. Recommended soil stabilization techniques include placement of straw wattles, silt fences, berms, and gravel construction entrance areas or other control to prevent tracking sediment onto city streets and into storm drains. Public works staff or representatives shall visit the site during grading and construction to ensure compliance with the Erosion Control Plan, and note any violations, which shall be corrected immediately.

Geo-2: Use of Non-Expansive Fill under pavement sections and for proper pavement construction. Any expansive material present in near surface soils shall be excavated and replaced with non-expansive fill in accordance with recommendations of the Geotechnical Investigation. Pavement design recommendations regarding use of Class II aggregate base and asphalt concrete thicknesses shall be followed to mitigate effects of expansive soils on pavement sections.

Haz-1: Compliance with recommendations of a Phase II Environmental Site Assessment. The Phase I Site Assessment recommended a Phase II investigation for properties situated within Segment 1, Segment 3 and Segment 4, to identify, for example, the extent of petroleum related soil and groundwater contamination. If this (these) investigation(s) encounters contamination exceeding environmental screening levels for industrial/commercial/office land uses, then remedial action shall be taken. The specific actions to be taken will be determined as part of the Phase II investigation, but will require compliance with Department of Toxic Substance Control and State Water Resource Control Board (SWRCB) and the City of Hayward Fire Department regulations. If measures, including removal or remediation of site soils, are necessary, then required permits shall be obtained from the SWRCB and Hayward Fire Department. Specific measures shall include removal of soil and remedial treatment of groundwater for locations where road construction will require disturbance of contaminated soil.

Haz-2: Compliance with California Department of Transportation (Caltrans) Unknown Hazards Procedure. Should evidence of environmental hazards be found during construction

activities, the resident engineer shall follow the unknown hazards procedure laid out in the Caltrans Construction Manual, Chapter 7.

Hyd-1: Stormwater Pollution Prevention Plan (SWPPP). A SWPPP shall be prepared and implemented for the proposed project. The SWPPP and Notice of Intent (NOI) must be submitted to the State Water Resources Control Board to receive a Construction General Permit. The SWPPP shall address National Pollutant Discharge Elimination System (NPDES) requirements and be designed to protect water quality both during and after construction. The Project SWPPP shall include the following mitigation measures for the construction period:

1. “Best Management Practices” (BMPs) as outlined by the Alameda Countywide NPDES Municipal Stormwater Permit C.3 Provisions shall be implemented for preventing the discharge of other construction-related NPDES pollutants beside sediment (i.e. paint, concrete, etc) to downstream waters.
2. After construction is completed, all drainage facilities shall be inspected for accumulated sediment, and these drainage structures shall be cleared of debris and sediment.

II. FINDINGS SUPPORTING DECLARATION

1. The proposed project has been reviewed according to the standards and requirements of the California Environmental Quality Act (CEQA) and an Initial Study Environmental Evaluation Checklist has been prepared for the project. The Initial Study has determined that the proposed project could not result in significant effect on the environment after implementation of mitigation measures included therein.
2. The project will not result in any development that would adversely affect any scenic resources.
3. The project will not result in any development that would have an adverse effect on agricultural land.
4. The project will not result in any development that would have significant impacts related to changes in air quality.
5. The project will not result in any development that would have significant impacts to biological resources such as wildlife and wetlands.
6. The project will not result in any development that would have significant impacts to known cultural resources including historical resources, archaeological resources, paleontological resources, unique topography or disturb human remains.
7. The project will not affect geological hazards.
8. The project will not generate significant greenhouse gas emissions or be in conflict with an applicable plan, policy or regulation adopted to reduce greenhouse gas emissions.

9. The project will have less than significant impacts on hazards or hazardous materials.
10. The project will adhere to all applicable water quality standards.
11. The project is not in conflict with the policies of the Hayward General Plan, Hayward Zoning Ordinance or Alameda County Airport Land Use Policy Plan.
12. The project will not result in significant impact to mineral resources since no such resources are located within the project area or vicinity.
13. The project will not result in significant noise impacts.
14. The project will have no impact on population or housing.
15. The project will not result in a significant impact to public services.
16. The project will have no impact on recreational facilities.
17. The project will result in less than significant impacts to traffic including those relating to emergency access.
18. The project will not result in a significant impact with respect to traffic circulation.
19. The project will have no impact on utilities or service systems.

IV. PERSON WHO PREPARED INITIAL STUDY:

Signature:  _____ Dated: 2/7/2011
Morad Fakhrai, Deputy Director of Public Works

V. COPY OF INITIAL STUDY IS ATTACHED

For additional information, please contact the City of Hayward, Engineering and Transportation Division, 777 B Street, Hayward, CA 94541-5007 or telephone (510) 583-4740.

When submitting a comment, please include the name of a contact person in your agency or organization. Comments regarding the scope of the environmental analysis to be conducted for the proposed project may be submitted by mail, e-mail, or fax to the address below:

Morad Fakhrai, Deputy Director of Public Works
City of Hayward, Engineering and Transportation Division
777 B Street
Hayward, CA 94541-5007
E-mail: morad.fakhrai@hayward-ca.gov
Fax: (510) 583-3620

All comments must be received by **5:00 p.m. on March 11, 2011** for consideration.

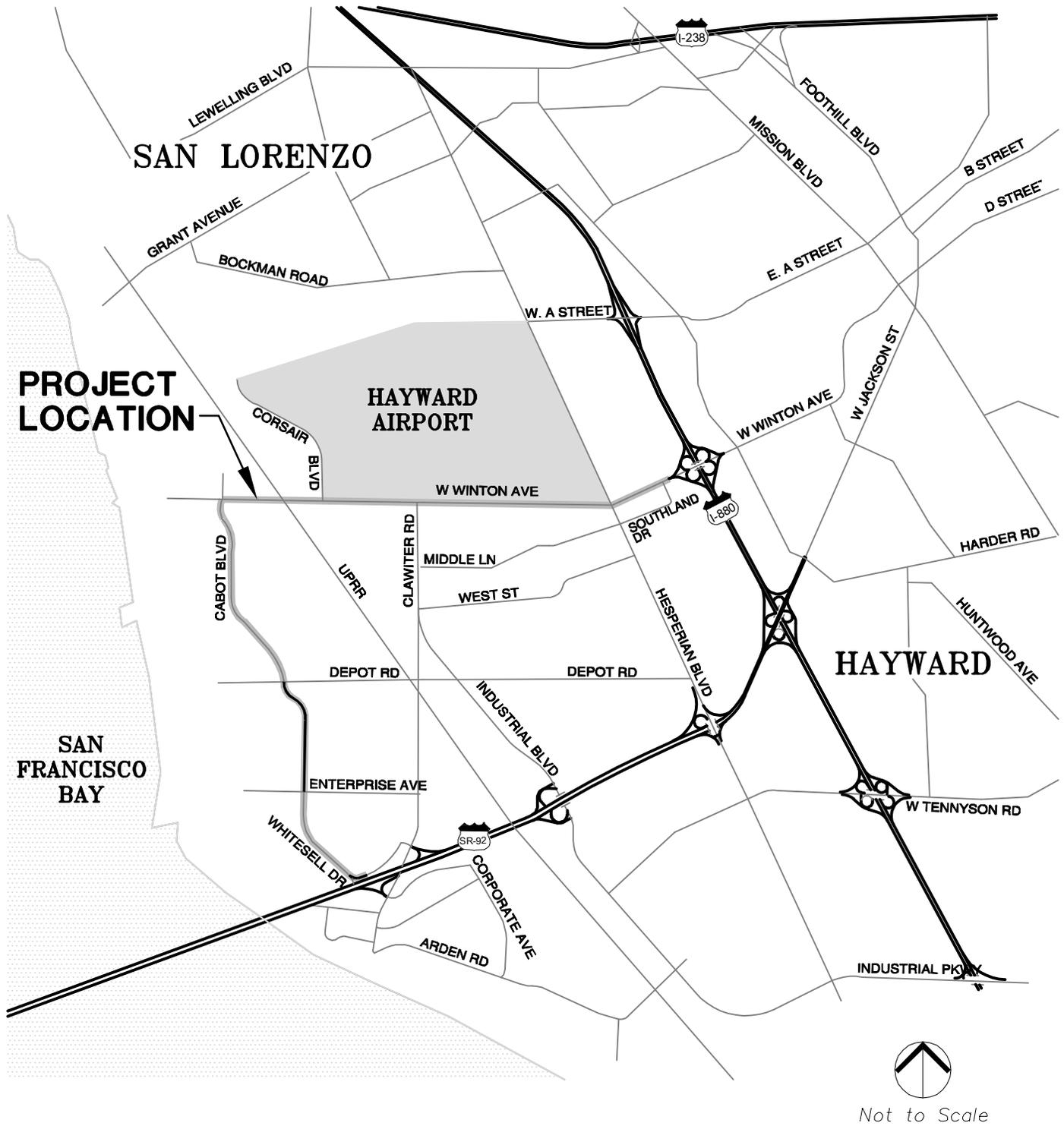




Figure 2.0
 Aerial Map
 Interstate 880 / State Route 92 Reliever Route

INITIAL STUDY

I-880-SR 92 RELIEVER ROUTE PROJECT – PHASE I

PREPARED FOR:
CITY OF HAYWARD, PUBLIC WORKS DEPARTMENT

FEBRUARY 7, 2011

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INITIAL STUDY

GENERAL PROJECT INFORMATION

REQUESTED ENTITLEMENTS

The Project requires no local land use entitlements. It does, however, constitute a “Project” within the meaning of the California Environmental Quality Act (CEQA) Section 21065 because it would result in a direct physical change in the environment and include a discretionary action from a public agency.

LEAD AGENCY

City of Hayward
Public Works Department
777 B Street
Hayward, CA 94541

CONTACT PERSON

Morad Fakhrai, Deputy Director of Public Works
City of Hayward
510-583-4740 or morad.fakhrai@hayward-ca.gov

PROJECT SPONSOR

City of Hayward
Public Works Department
Hayward, CA 94541

PROJECT LOCATION

The project consists of four roadway segments, one in the northern portion of the project and three in the southern portion of the project, located in the western portion of Hayward; east of US Interstate 880 (I-880) and north of State Route 92 (SR 92).

The northern roadway segment change is primarily to the intersection of West Winton Avenue and Hesperian Boulevard with minor modifications to other traffic signals in the vicinity, as discussed below. A southern roadway segments would continue Cabot Boulevard through private property presently used for auto part salvage and the City's wastewater treatment plant until connecting with Whitesell Street. The remaining two southern roadway segments include Whitesell Street and its immediate environs; to just north of SR 92.

GENERAL PLAN DESIGNATION

The Project would, as correlated to the segments described in the Project Description below, traverse through the following City of Hayward General Plan Land Use Plan designations:

Segment 1: Retail and Office, Public and Quasi-Public

Segment 2: Industrial Corridor

Segment 3: Industrial Corridor

Segment 4: Industrial Corridor

ZONING

The Project would, as correlated to the segments described in the Project Description below, traverse through the following City of Hayward Zoning Map designations:

Segment 1: Neighborhood Commercial, Air Terminal-Operations

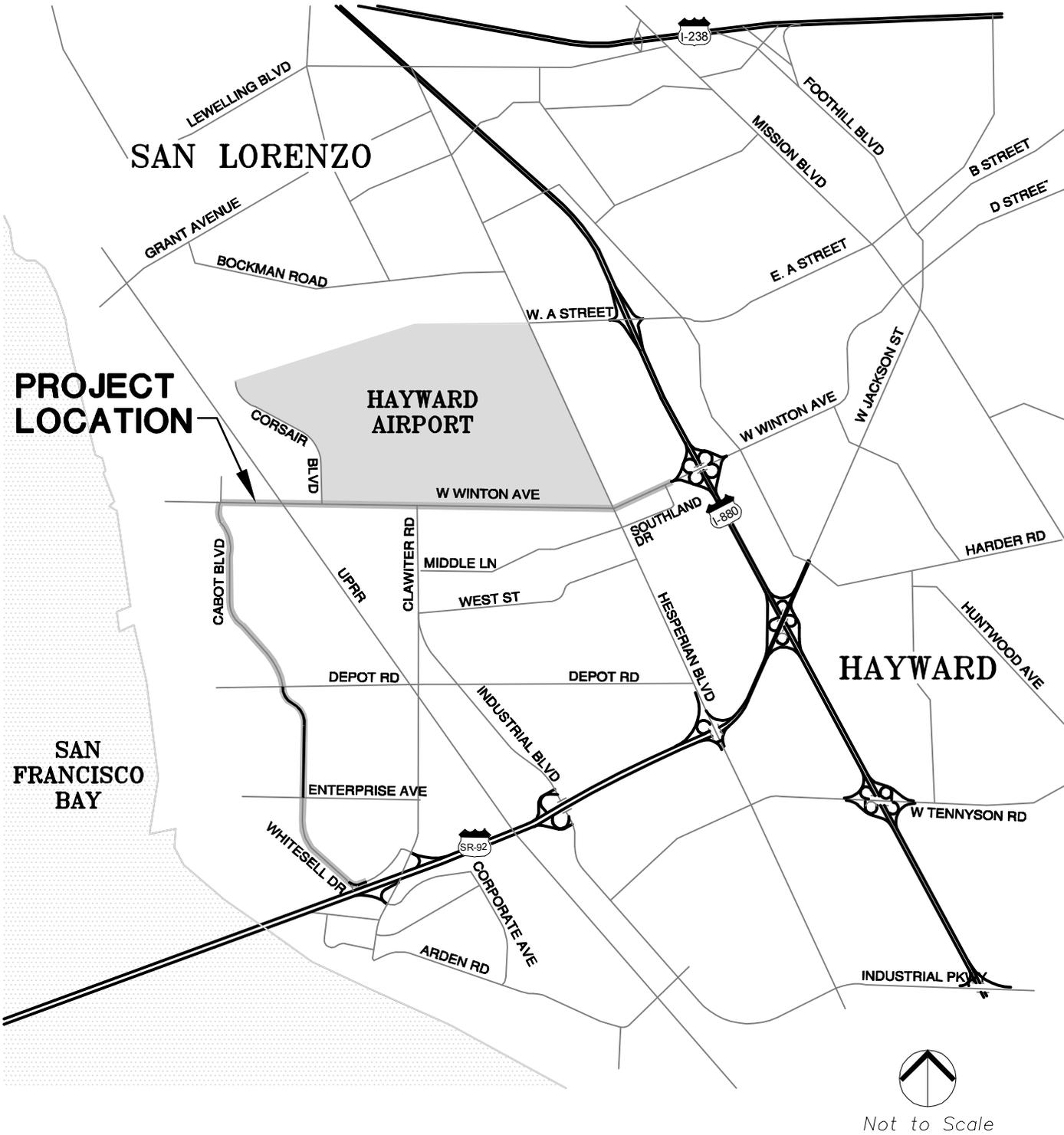
Segment 2: Industrial

Segment 3: Industrial

Segment 4: Industrial

DESCRIPTION OF PROJECT

The Interstate 880 (I-880)/State Route 92 (SR 92) Reliever Route – Phase I - is a roadway improvement project located in the western portion of the City of Hayward, California. Figure 1 depicts the location of the project in a regional context. The project is situated in a generally built out area of the City which is characterized by primarily industrial land uses. The City of Hayward proposes to improve the West Winton Avenue/Hesperian Boulevard intersection and to widen and extend portions of Whitesell Street situated north of SR 92. The proposed improvements would relieve congestion on both freeways and arterial roadways by providing a more direct route to facilitate truck access from the I-880 and SR 92 freeways to industrial areas within the City of Hayward. The proposed Project would involve improvements to approximately 0.60 miles of existing roadways and construction of 0.35 miles of new facilities, as illustrated in Figure 2.



The proposed roadway improvements have been divided into four segments which are described in detail below:

- Segment 1: West Winton Avenue, from I-880 to Cabot Boulevard
- Segment 2: Extension of Whitesell Street from Depot Road to Enterprise Avenue
- Segment 3: Widening of Whitesell Street from Enterprise Avenue to just north of Bay Center Place
- Segment 4: Widening and realignment of Whitesell Street to Breakwater Avenue

Construction of the proposed Project is anticipated to begin in 2013 and would last approximately two years. Construction equipment would include typical heavy construction equipment such as bulldozers, backhoes, backhoe loaders, front end loaders, scrapers, graders, compactors, asphalt paving machines, rollers, grapples, dump trucks and cranes. Construction staging areas would be situated within previously-disturbed or developed areas to facilitate project construction while avoiding potential environmental impacts resulting from additional ground disturbance.

Segment 1: West Winton Avenue, from I-880 to Cabot Boulevard

Segment 1 of the I-880/SR 92 Reliever Route Project would extend westward from the I-880 freeway interchange to Cabot Boulevard along West Winton Avenue. Proposed physical improvements along this segment are limited to the intersection of West Winton Avenue and Hesperian Boulevard. At this location, a second westbound left turn lane would be added and the existing westbound exclusive right turn would be restriped to become a shared through/right-turn lane. In order to accommodate this new through lane, the southern curb line of the existing raised traffic channelization island (sometimes referred to as a “pork chop”) on the intersection’s west leg would be shifted northward. Also, the north side of West Winton Avenue would be widened by approximately 10 feet for a distance of 400 feet to accommodate the third westbound through lane. The three westbound through lanes would transition back down to two lanes approximately 800 feet to the west of Hesperian Boulevard. The proposed improvements would necessitate right-of-way acquisition on the north side of West Winton Avenue, to the east of Hesperian Boulevard. No other right-of-way acquisition is needed for the proposed improvements on Segment 1. In addition to the proposed improvements at West Winton Avenue/Hesperian Boulevard, the existing traffic signal at West Winton Avenue/Clawiter Road would be modified to permit overlapping northbound right turns and westbound left turns. This signal modification would result in the prohibition of westbound u-turns, which would conflict with the northbound right turn movements.

Segment 2: Extension of Whitesell Street from Depot Road to Enterprise Avenue

The proposed Project would extend Whitesell Street from Enterprise Avenue north to the intersection of Depot Road and Cabot Boulevard within new right-of-way. The proposed new alignment of Whitesell Street would follow the eastern perimeter of the City of Hayward Water

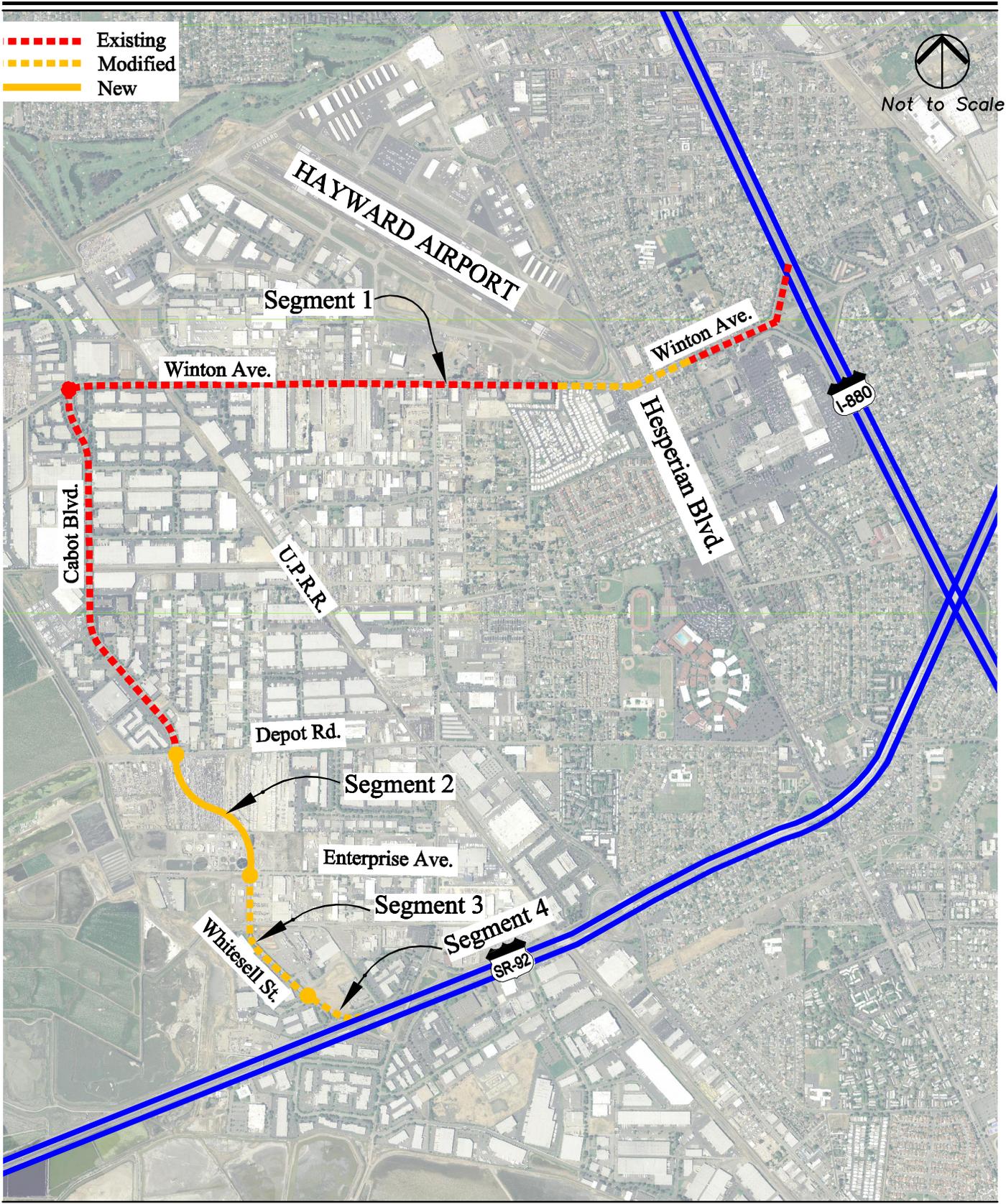


Figure 2.0
Aerial Map
Interstate 880 / State Route 92 Reliever Route

Pollution Control Facility and continue north and veer west through a container yard, an RV lot and a salvage yard. In addition to constructing a new street, associated utilities (such as a storm drain system) would be designed and constructed. Stop signs for eastbound and westbound traffic at the Whitesell Street/Cabot Boulevard/Depot Road intersection would be provided. Storm drain facilities and treatment methods would be designed in compliance with Provision C.3 of the Alameda Countywide National Pollutant Discharge Elimination System (NPDES) municipal stormwater permit. The proposed extension would include two 12-foot travel lanes and a 5-foot bike lane in each direction with 6-foot sidewalks. Street lighting would also be included in the proposed improvements.

Segment 3: Widening of Whitesell Street from Enterprise Avenue to just north of Bay Center Place

The proposed widening of Whitesell Street from Enterprise to just north of Bay Center Place would require a relatively minor amount of additional right-of-way to accommodate modifications to the existing curbline, relocation of utilities such as street lighting, and improvements to drainage facilities. The proposed Project may remove up to seventeen (17) trees along this segment (as explained further in the Biology section). Four-way stop sign traffic control would be provided at the intersection of Whitesell Street and Enterprise Avenue.

Segment 4: Widening and Realignment of Whitesell Street to Breakwater Avenue

Segment 4 of the proposed Project would include widening and realignment of Whitesell Street from just north of Bay Center Place to Breakwater Avenue. The western approach of Breakwater Avenue would be realigned to intersect with Whitesell Street. The realignment of Whitesell Street would require drainage improvements, utilities relocation and right-of-way acquisition. While new landscape and street lighting would likely be included in the proposed improvements, one (1) tree may be removed along this segment (as explained further in the Biology section). The cross section of this portion of Whitesell Street would be the same as that identified for Segment 2.

In addition to the improvements described above, the proposed project would provide the following transportation improvements at intersections not located along any of the four above segments:

- **Clawiter Road/SR 92 Westbound/Breakwater Avenue:** The proposed project would install an exclusive westbound right turn lane on the SR 92 Westbound off-ramp and restripe the westbound through-shared-right lane to a through lane.
- **Clawiter Road/SR 92 Eastbound/Eden Landing Road:** The proposed project would install a traffic signal at the intersection with split-phasing for all approaches. The project would also add an eastbound exclusive right turn lane of at least 400 feet length on the SR 92 off-ramp and convert the existing lane to shared through-left turn lane.
- **Hesperian Boulevard/Middle Lane/Southland Drive:** The proposed project would modify signal phasing to provide a protected left turn phase (i.e., a “green arrow”) for eastbound left turning vehicles.

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED

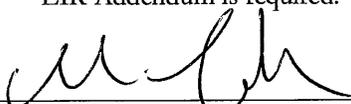
Environmental factors which may be affected by the proposed Project, as defined by the California Environmental Quality Act are listed alphabetically below. Factors marked with a filled in block (■) were determined to be potentially affected by the proposed Project, involving at least one impact that has been identified as a “Potentially Significant Impact”, as indicated in the Environmental Evaluation Form Checklist and related discussion that follows. Unmarked factors (□) were determined to not be significantly affected by the proposed Project, based on discussion provided in the Initial Study Checklist portion of this document.

<input type="checkbox"/> Aesthetics	<input type="checkbox"/> Hazards and Hazardous Materials	<input type="checkbox"/> Population and Housing
<input type="checkbox"/> Agriculture Resources	<input type="checkbox"/> Hydrology and Water Quality	<input type="checkbox"/> Public Services
<input type="checkbox"/> Air Quality	<input type="checkbox"/> Land Use and Planning	<input type="checkbox"/> Recreation
<input type="checkbox"/> Biological Resources	<input type="checkbox"/> Mineral Resources	<input type="checkbox"/> Transportation and Circulation
<input type="checkbox"/> Cultural Resources	<input type="checkbox"/> Noise	<input type="checkbox"/> Utilities and Service Systems
<input type="checkbox"/> Geology and Soils		

LEAD AGENCY DETERMINATION

On the basis of this initial evaluation:

- I find that the proposed project **COULD NOT** have a significant effect on the environment, and a **NEGATIVE DECLARATION** will be prepared.
- I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the proposed Project have been made by or agreed to by the proposed project proponent. A **MITIGATED NEGATIVE DECLARATION** will be prepared.
- I find that the proposed project **MAY** have a significant effect on the environment, and an **ENVIRONMENTAL IMPACT REPORT** is required.
- I find that the proposed project **MAY** have a “potentially significant impact” or “potentially significant unless mitigated” impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An **ENVIRONMENTAL IMPACT REPORT** is required, but it must analyze only the effects that remain to be addressed.
- I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR, including revisions or mitigation measures that are imposed upon the proposed project, an **EIR Addendum** is required.


 Morad Fakhrai, Deputy Director of Public Works

2/7/2011
 Date

INITIAL STUDY CHECKLIST

The Checklist portion of the Initial Study begins below, with explanations of each CEQA issue topic. A “*no impact*” response indicates that no action that would have an adverse effect on the environment would occur due to the proposed Project. A “*less-than-significant*” response indicates that while there may be potential for an environmental impact, there are standard procedures or regulations in place, or other features of the proposed Project as proposed, which would limit the extent of this impact to a level of “*less-than-significant*.” Responses that indicate that the impact of the proposed Project would be “*less-than-significant with mitigation*” indicate that mitigation measures, identified in the subsequent discussion, will be required as a condition of Project approval in order to effectively reduce potential Project-related environmental effects to a level of “*less-than-significant*.” A “*potentially significant impact*” response indicates that further analysis is required to determine the extent of the potential impact and identify any appropriate mitigation. Topics with a “*potentially significant impact*” response will be analyzed in an Environmental Impact Report to be subsequently prepared for the proposed Project.

Environmental Factors and Focused Questions for Determination of Environmental Impact	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
I. AESTHETICS — Would the project:				
a) Have a substantial adverse effect on a scenic vista?	[]	[]	[]	[●]
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	[]	[]	[]	[●]
c) Substantially degrade the existing visual character or quality of the site and its surroundings?	[]	[]	[●]	[]
d) Create a new source of substantial light or glare, which would adversely affect day or nighttime views in the area?	[]	[]	[●]	[]

The Project area consists of existing transportation infrastructure (including paved travel lanes, curbs, gutter, and sidewalks) and industrial land uses. All portions of the Project area have been paved, landscaped, or otherwise disturbed.

a) Scenic Vistas. The Project site is not located within, nor is it visible from, a scenic vista. The proposed Project is located within a predominantly industrial area of the City of Hayward and as such would have *no impact* to scenic vistas.

b) Scenic Highways. No scenic highways exist within the project area nor can they be seen from the project area. Therefore, the proposed Project would have *no impact* upon a designated scenic highway.

c) Visual Character. The proposed Project does not involve the construction of new building(s), however it may involve the reconfiguration of building access, such as driveways, as approximately 10 feet of ROW will be acquired along Whitesell Street. The existing landscaping in these areas consists of turf and ornamental tree and hedge species commonly used in urban environments and as such do not create a unique or memorable visual experience. The new segment (i.e., Segment 2) would be constructed within an existing industrial district that does not contain any scenic views. Therefore, the proposed Project would result in minimal changes to the existing visual character of the site, providing a *less-than-significant* impact.

d) Light and Glare. The proposed Project includes some additional lighting and traffic signals and as such would add minimal light and glare to the area. However, existing uses within the area also provide significant sources of light and glare and as such the project would have a *less-than-significant* affect under this criterion.

Environmental Factors and Focused Questions for Determination of Environmental Impact	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
<p>II. AGRICULTURE AND FORESTRY RESOURCES: In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. Would the project:</p> <p>a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?</p> <p>b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?</p> <p>c) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use?</p>	<p>[]</p> <p>[]</p> <p>[]</p>	<p>[]</p> <p>[]</p> <p>[]</p>	<p>[]</p> <p>[]</p> <p>[]</p>	<p>[●]</p> <p>[●]</p> <p>[●]</p>

a) Prime Farmland. According to the 2008 Alameda County farmland designation, the project area and surrounding land uses are classified as “Urban and Built Up Land.” No Prime Farmland, Unique Farmland, or Farmland of Statewide Importance would be converted to non-agricultural use by the proposed Project; and therefore, there would be no impact with respect to this threshold. *No impact* would result.

b) Williamson Act Contracts. The Williamson Act is California State legislation that allows the creation of agricultural preserves. According to the City of Hayward General Plan Land Use Map, land uses adjacent to the intersection are classified as Retail and Office, Public and Quasi-Public, and Industrial Corridor. No land within the City is designated for agricultural use, or identified as being within an existing Agricultural Preserve or under a Williamson Act Contract. Accordingly, the proposed Project would have *no impact* with respect to this threshold.

c) Farmland Conversion. As discussed above, the proposed Project is not located within an area containing existing agriculture or land designated for this use. The proposed Project would not change the designation or use of any area. Given these considerations, the proposed Project would have *no impact* with respect to this threshold.

Environmental Factors and Focused Questions for Determination of Environmental Impact	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
III. AIR QUALITY — Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:				
a) Conflict with or obstruct implementation of the applicable air quality plan?	[]	[]	[●]	[]
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	[]	[]	[●]	[]
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions, which exceed quantitative thresholds for ozone precursors)?	[]	[]	[●]	[]
d) Expose sensitive receptors to substantial pollutant concentrations?	[]	[●]	[]	[]
e) Create objectionable odors affecting a substantial number of people?	[]	[]	[●]	[]

This Initial Study section is based upon an air quality evaluation performed by Illingworth & Rodkin, Inc. dated November 9, 2010. This included an assessment of long-term local and regional impacts as well as temporary air quality impacts from construction. Impacts were evaluated in accordance with CEQA guidelines developed by the Bay Area Air Quality Management District (BAAQMD).¹

According to the standards of the federal Clean Air Act, the Bay Area is in attainment with all ambient air quality standards except for state and national ozone standards and national particulate matter ambient air quality standards. The nonattainment status is attributed to the region's development history. Past, present and future development projects contribute to the region's adverse air quality impacts on a cumulative basis. By its very nature, air pollution is largely a cumulative impact. No single project is sufficient in size to, by itself, result in nonattainment of ambient air quality standards. Instead, a project's individual emissions contribute to existing cumulatively significant adverse air quality impacts. If a project's contribution to the cumulative impact is considerable, then the project's impact on air quality would be considered significant.

The Bay Area Air Quality Management District (BAAQMD) is the regional governmental agency that regulates sources of air pollution in the nine counties of the San Francisco Bay Area. In order to address this, BAAQMD has developed two plans for the air district: the Bay Area 2001 Ozone Attainment Plan and the 2005 Bay Area Ozone Strategy, which was recently updated with the Bay Area 2010 Clean Air Plan. The Bay Area 2001 Ozone Attainment Plan demonstrates how the

¹ 2010 Bay Area Air Quality Management District (BAAQMD), BAAQMD CEQA Guidelines.

region would achieve the national ozone standard, was prepared jointly by the BAAQMD, the Metropolitan Transportation Commission, and the Association of Bay Area Governments. The Bay Area 2010 Clean Air Plan is an update to the 1992 Clean Air Plan that shows progress toward meeting the California ozone standard.

These two plans rely heavily upon reductions from transportation sources as well as stationary source set forth in the BAAQMD's Rules and Regulations. Transportation control measures (TCMs) are a key strategy in reducing air pollutant emissions. Transportation control measures are implemented by regional and local agencies as well as incorporated into projects through the General Plan process.

a) Air quality plan consistency. The proposed Project would not change population forecasts and is not expected to change the rate of vehicle miles traveled growth in the Bay Area. Sidewalks and bicycle lanes would be constructed as part of the roadway improvements that would assist with implementation of Clean Air Plan transportation control measures. As a result, the proposed Project would have a *less-than-significant impact*.

b) Violate ambient air quality standards. The proposed Project is a combination of a new road and modification of existing roadways. Changes to traffic circulation could result in changes to local air quality conditions. Carbon monoxide is the pollutant of greatest concern at the local level. However, measured levels of carbon monoxide in the Bay Area have been below ambient air quality standards and continuing to decrease since the early 1990's. The closest monitoring station to the project, located in Fremont, has measured maximum levels of 3 parts per million (ppm) for 1-hour averaging periods and 2 ppm for 8-hour averaging periods. These levels are well below the State ambient air quality standards of 20 ppm for 1-hour periods and 9.0 ppm for 8-hour periods. While monitoring stations may measure low concentrations, intersections with a combination of high traffic volumes and congestion may result in localized high carbon monoxide concentrations. These are referred to as "hot spots."

The BAAQMD CEQA Guidelines include a methodology for screening calculations of carbon monoxide concentrations using traffic volumes and emission factors produced by the State's EMFAC2007 emission factor model. Intersections affected by the proposed Project with congestion (measured as LOS D, E, or F) and relatively high traffic volumes were assessed using this procedure. Emission rates associated with congested operating conditions of 5 miles per hour are used in this assessment along with peak hour traffic volumes.

Traffic counts and projections show that the project would have the greatest impact at the intersection of West Winton Avenue and Hesperian Boulevard. A screening analysis of carbon monoxide concentrations at this intersection shows that levels would actually decrease slightly with the project. Traffic volumes on Hesperian Boulevard decrease while volumes increase on Clawiter Road. Screening predictions of carbon monoxide concentrations at other large intersections affected by the proposed Project indicate that levels would be below State and federal standards with or without the project.

CO Levels at Intersections with Highest Volume (ppm)

Intersection	Existing (2008)		No-Project (2015)		Project (2015)	
	8-hr	1-hr	8-hr	1-hr	8-hr	1-hr
Hesperian Blvd. & W. Winton Ave.	4.6	6.8	3.9	5.7	3.8	5.6
Clawiter Road & W. Winton Ave.	3.3	4.9	3.0	4.4	3.1	4.5
Corsair Blvd. & W. Winton Ave	2.7	4.0	2.5	3.7	2.6	3.9
BAAQMD Threshold of significance	20.0	9.0	20.0	9.0	20.0	9.0

This would be a *less-than-significant impact*.

c) Cumulatively considerable net increase in regional air pollutants. The proposed Project would provide an alternative route to accommodate traffic traversing city streets between SR 92 and I-880. Therefore, it would reduce traffic congestion and provide more direct travel routes. The proposed Project would result in either little change or a reduction in area vehicle emissions of regional air pollutants. The proposed Project may reduce emissions through a reduction in idling times and more efficient travel. This would be a *less-than-significant impact*.

d) Expose sensitive receptors to substantial pollutant concentrations. The proposed Project is not located near sensitive receptors such as residences. Operation of the proposed Project is not expected to cause any localized emissions that could expose sensitive receptors to unhealthy air pollutant levels. Construction activities would result in localized emissions of dust and diesel exhaust that could result in temporary impacts to adjacent land uses. In June of 2010 the BAAQMD released their new CEQA Air Quality Guidelines which outline procedures and guidelines for evaluating project level impacts in the Bay Area. Thresholds of significance were developed to assess construction impacts from roadway projects and mitigation measures are also recommended to reduce potentially significant impacts to a less-than-significant level.

During grading and construction activities, dust would be generated. Most of the dust would result during grading activities. The amount of dust generated would be highly variable and is dependent on the size of the area disturbed, amount of activity, soil conditions and meteorological conditions. Typical winds during late spring through summer are from the southwest. Land uses adjacent to construction activities could be adversely affected by dust generated during construction activities.

Although grading and construction activities would be temporary, they would have the potential to cause both nuisance and health air quality impacts. PM₁₀ is the pollutant of greatest concern associated with dust. If uncontrolled, PM₁₀ levels downwind of actively disturbed areas could possibly exceed State ambient air quality standards. In addition, dust fall on adjacent properties could be a nuisance. If uncontrolled, dust generated ground clearing, grading and construction activities represents a significant impact.

Another source of construction impacts would be exhaust emissions from construction vehicles. Exhaust from construction equipment and associated heavy-duty truck traffic emits diesel particulate matter, which is a known Toxic Air Contaminant. In the new CEQA Guidelines the BAAQMD has developed procedures or guidelines for identifying impacts from temporary construction activities

where emissions are transient. The construction emissions from this proposed Project and the BAAQMD thresholds are shown in the following table.

Activity	Average Daily Emissions (lb/day)				
	ROG	NO _x	PM10 ¹	PM2.5 ¹	CO ₂
Construction Emissions	5.3	38.6	2.0	1.9	3,887.9
Bay Area AQMD thresholds	54	54	82 ¹	54 ¹	NA

For all proposed projects, BAAQMD recommends the implementation of all Basic Construction mitigation measures whether or not construction-related emissions exceed applicable thresholds of significance. In addition, all projects must implement any applicable air toxics control measures. Therefore, with the implementation of Mitigation Measures Air-1 and Air-2, the potentially significant impacts are reduced to a *less-than-significant level*.

Mitigation Measure:

Air-1:

The following measures, as recommended by the BAAQMD, shall be implemented during grading and construction activities:

1. Water all active construction areas at least twice daily and more often during windy periods. Active areas adjacent to residences should be kept damp at all times.
2. Haul trucks carrying soil, sand, or loose material shall be covered.
3. Pave, apply water at least twice daily, or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas, and staging areas.
4. Sweep daily (with water sweepers) all paved access roads, parking areas, and staging areas and sweep streets daily (with water sweepers) if visible soil material is deposited onto the adjacent roads.
5. Hydroseed or apply (non-toxic) soil stabilizers to inactive construction areas (i.e., previously-graded areas that are inactive for 10 days or more).
6. Enclose, cover, water twice daily, or apply (non-toxic) soil binders to exposed stockpiles.
7. Limit traffic speeds on any unpaved roads to 15 mph.
8. Replant vegetation in disturbed areas as quickly as possible.
9. Suspend construction activities that cause visible dust plumes to extend beyond the construction site.

10. Post publicly visible signs with telephone number and person to contact at the City regarding air quality complaints from construction. This person shall respond and take corrective action within 48 hours. The Air District's phone number shall also be posted to ensure compliance with applicable regulations.

Air-2:

The following measures shall be adhered to for all construction equipment utilized during grading and construction activities:

1. Opacity is an indicator of exhaust particulate emissions from off-road diesel powered equipment. Emissions from all construction diesel powered equipment used on the project site shall not exceed 40 percent opacity for more than three minutes in any one hour. Any equipment found to exceed 40 percent opacity (or Ringelmann 2.0) shall be repaired immediately
2. Diesel equipment standing idle for more than five minutes shall be turned off. This would include trucks waiting to deliver or receive soil, aggregate, or other bulk materials. Rotating drum concrete trucks could keep their engines running continuously as long as they were onsite. The contractor shall post clear signage indicating the idling restrictions.
3. Properly tune and maintain equipment for low emissions.

e) Create objectionable odors that cause complaints. During construction, the various diesel-powered vehicles and equipment in use on the site would create odors. These odors would be temporary and not likely to be noticeable more than 100 feet from the constructions areas. Since these odor impacts would be temporary and not affect a substantial amount of people, this impact is *less-than-significant* and is further reduced by measures to reduce construction exhaust in mitigation measure Air-2 above. Therefore, no mitigation is required.

Environmental Factors and Focused Questions for Determination of Environmental Impact	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
IV. BIOLOGICAL RESOURCES — Would the project:				
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	[]	[●]	[]	[]
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or US Fish and Wildlife Service?	[]	[]	[]	[●]
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	[]	[]	[]	[●]
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	[]	[●]	[]	[]
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	[]	[●]	[]	[]
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	[]	[]	[]	[●]

This Initial Study section is based upon the following documents prepared by Wetland Research Associates, Inc. (WRA): (1) Biological Resource Assessment, dated October 19, 2010; and (2) Preliminary Section 404 Determination (i.e., Wetland Delineation Report), dated November 4, 2008. The Biological Resource Assessment is based upon the results of a field survey, records search and literature review which assessed the Project area for: (1) the potential to support special status species and (2) the presence of other sensitive biological resources protected by local, state, and federal laws and regulations. Note: the Preliminary Section 404 Determination reports the results of a wetland delineation which includes information for a roadway segment (i.e., “West A Street Extension”) previously considered for inclusion in the Project area but subsequently removed.

a) & d) Special Status Species and Habitat & Movement. The Project Area is comprised of urban development and ruderal non-native grassland areas which are not sensitive biological communities and, therefore, are considered unsuitable for most special status plant and wildlife species.

Within Segment 1, land cover types include paved roads, landscaped sidewalks, and a landscaped lot at the northwestern corner. At Segments Two through Four, existing paved roads, paved commercial development with minimal landscaped vegetation, and one mowed, ruderal grassland are present.

A field survey and literature research indicates no special status plant species have the potential to occur in the Project area. Seventy-six (76) special status species of wildlife have been recorded in the vicinity of the Project area. None of these species were observed in the Project area during preparation of the Biological Resource Assessment. However, one special status wildlife species - Loggerhead Shrike (*Lanius ludovicianus*) - has a moderate potential to occur in the Project area.

Loggerhead Shrike (*Lanius ludovicianus*), California Department of Fish & Game (CDFG) Species of Special Concern, United States Fish & Wildlife Service (USFWS) Bird of Conservation Concern. The loggerhead shrike is a common resident and winter visitor in lowlands and foothills throughout California. It prefers open habitats with scattered trees, shrubs, posts, fences, utility lines or other perches. Nests are usually built on a stable branch in a densely foliated shrub or small tree and are usually well-concealed. The highest densities occur in open canopied valley foothill hardwood, valley foothill hardwood-conifer, valley foothill riparian pinyon juniper, juniper, and desert riparian habitats. While this species eats mostly arthropods, they also take amphibians, small to medium-sized reptiles, small mammals and birds, and are also known to scavenge on carrion. Though the Project area does not contain ideal habitat, it is within the known range for this species and offers several suitable habitat characteristics, such as perches from which this bird can forage. The habitat in the vicinity of Sulfur Creek may support prey items for this species; therefore, this species has a moderate potential to occur in the Project area.

Therefore, given the potential for a sensitive bird species to occur within the Project area, implementation of Mitigation Measure Bio-1 will reduce potential impacts to sensitive bird species to a *less-than-significant level*.

Mitigation Measure

Bio-1:

Common and Special-Status Nesting Passerine Birds. A nesting survey shall be conducted no more than 15 days prior to commencing any grading activities if this work would commence between March 1 and September 1.

- If special-status birds, such as loggerhead shrike, are identified nesting within or near the proposed Project site, a 200-foot radius around the nest must be staked with bright orange construction fencing.
- No construction or earth-moving activity shall occur within this 200-foot staked buffer until it is determined by a qualified biologist that the young have fledged (that is, left the nest) and have attained sufficient flight skills to avoid project construction zones. This typically occurs by July 1, but may not occur until August 1. This date would have to be determined by a qualified ornithologist.

- If common (that is, not special-status) ground, shrub, or tree nesting birds are identified nesting on the proposed Project site, grading activities in the immediate area shall be postponed until it is determined by a qualified ornithologist that the young have fledged and have attained sufficient flight skills to leave the area. A non-disturbance buffer shall be demarcated with orange construction fencing that is of sufficient size so that “take” of nesting birds (i.e., loss of eggs and/or young) will not occur from project activities. A qualified ornithologist shall determine the size of the buffer at the time any nesting bird is found and shall monitor nesting activities until young fledge. Typically, most passerine birds can be expected to complete nesting by July 1, with young attaining sufficient flight skills by early July.

b) - c) Riparian Habitat, Other Sensitive Habitat and Wetlands. As confirmed by the Wetland Delineation Report and Biological Resource Assessment prepared for the proposed Project, no potentially jurisdictional wetland areas, riparian habitat or other sensitive natural community were observed within the Project area. Land cover types within the Project area include paved roads, landscaped sidewalks, paved commercial development with minimal landscaped vegetation, and one mowed, ruderal grassland. Therefore, the proposed Project would result in *no impact*, with regard to wetlands.

e) – f) Tree Preservation Ordinance/Conservation Plan. The City of Hayward is not subject to the provisions of a Habitat Conservation Plan, Natural Community Conservation Plan or comparable plan addressing biological resources. Thus, there would be *no impact* with respect to this threshold. Municipal Code Sections 7-2.50 to 7-2.65 (Street Trees) do not pertain to biological resources. However, the City does have a Tree Preservation Ordinance codified as Municipal Code Chapter 10, Article 15.

The Hayward Tree Preservation Ordinance is intended to, “protect and preserve significant trees and control the re-shaping, removal or relocation of those trees that provide benefits for the neighborhood or the entire community while recognizing that there are rights to develop private property.” Trees subject to the ordinance are termed “Protected Trees,” as defined by Section 10-15.13.

Segments 3 and 4 of the Project includes or is adjacent to a number of trees potentially qualifying as Protected Trees under the ordinance. A pedestrian survey identified that a total of eighteen (18) trees may be removed through Project implementation. This includes: eight (8) Sycamore (*Planatus occidentalis*), three (3) pine (*Pinus*) trees, and seven (7) Black acacia (*Acacia melanoxylo*) trees. The precise location of trees has not yet been accomplished since final construction documents may indicate minor adjustments to the alignment of Segment 4; including potential avoidance of any Protected Trees.

Therefore, to assure compliance with the Hayward Tree Preservation Ordinance, implementation of Mitigation Measures Bio-2 and Bio-3 will reduce potential impacts on this topic to a *less-than-significant level*.

Mitigation Measures**Bio-2:**

Tree Survey. Prior to construction, the Project area shall be surveyed by a Certified Arborist for Protected Trees according to the parameters of Municipal Code Section 10-15.13 stated as follows: “The following trees, when located on properties to which this Ordinance applies as set forth in Section 10-15.11 above, shall be Protected Trees:

(1) Trees having a minimum trunk diameter of eight inches measured 54” above the ground. When measuring a multi-trunk tree, the diameters of the largest three trunks shall be added together.

(2) Street trees or other required trees such as those required as a condition of approval, Use Permit, or other Zoning requirement, regardless of size.

(3) All memorial trees dedicated by an entity recognized by the City, and all specimen trees that define a neighborhood or community.

(4) Trees of the following species that have reached a minimum of four inches diameter trunk size:

- a. Big Leaf Maple Acer (*macrophyllum*)
- b. California Buckeye (*Aesculus californica*)
- c. Madrone (*Arbutus menziesii*)
- d. Western Dogwood (*Cornus nuttallii*)
- e. California Sycamore (*Platanus racemosa*)
- f. Coast Live Oak (*Quercus agrifolia*)
- g. Canyon Live Oak (*Quercus chrysolepis*)
- h. Blue Oak (*Quercus douglassii*)
- i. Oregon White Oak (*Quercus garryana*)
- j. California Black Oak (*Quercus kelloggii*)
- k. Valley Oak (*Quercus lobata*)
- l. Interior Live Oak (*Quercus wislizenii*)
- m. California Bay (*Umbellularia californica*)

(5) A tree or trees of any size planted as a replacement for a Protected Tree.

The results of this survey shall be conveyed in an Arborist Report to be submitted in conjunction with the Tree Permit application described in Mitigation Measure Bio-3 below.

Bio-3:

Tree Permit. After completion of Mitigation Measure Bio-2, a Tree Permit shall be obtained prior to removal of any Protected Tree, according to the provisions of Municipal Code Section 10-15.20 et. seq.

Environmental Factors and Focused Questions for Determination of Environmental Impact	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
V. CULTURAL RESOURCES — Would the proposed Project:				
a) Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5?	[]	[●]	[]	[]
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?	[]	[●]	[]	[]
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	[]	[]	[]	[●]
d) Disturb any human remains, including those interred outside of formal cemeteries?	[]	[●]	[]	[]

This Initial Study section is based upon a Cultural Resources Assessment Report completed by William Self Associates, Inc. (WSA) in October 2008, and an Addendum Report prepared by WSA in October 2010. These Reports summarize the results of cultural resources investigations including records searches, consultation with the Native American Heritage Commission (NAHC) and archaeological field surveys conducted by archaeologists meeting federal criteria under 36 CFR 61.

Records searches conducted by the Northwest Information Center (NWIC) at Sonoma State University, Rohnert Park, indicated that approximately 30% of the northern section of the project area and the entirety of the southern section had been previously surveyed. However, the portion of the revised route alignment at the intersection of Hesperian Boulevard and West Winton Avenue, had not been previously surveyed.

Prior to WSA's archaeological surveys conducted in 2008 and 2010, there were no previously recorded sites within the proposed Project area. Seven previously recorded historic sites and one historic district are, however, located within ¼ mile of the northern and southern sections of the proposed Project area, and two historic buildings have been recorded within ¼-mile of the intersection of West Winton Avenue and Hesperian Boulevard. No prehistoric sites have been recorded within ¼ mile of any portion of the proposed Project area. There are three historic properties listed on the OHP Directory of Properties in the Historic Property Data File located within ¼ mile of the proposed Project area.

On August 21, 2008, WSA contacted the Native American Heritage Commission (NAHC) by letter to request information on known Native American sacred lands within the project area and to request a listing of individuals or groups with a cultural affiliation to the project area. The NAHC responded by letter on September 25, 2008. The letter stated that a search of the sacred land file had failed to indicate the presence of Native American cultural resources in the immediate project area. A list of Native American contacts was included in the response. On October 6, 2008, WSA sent letters to the seven contacts identified by the NAHC, requesting comment on this project. On

October 4, 2010, WSA again contacted the NAHC by letter to request information on known Native American traditional or cultural properties within the vicinity of the revised project area, and to request a listing of individuals or groups with cultural affiliation to the area. The NAHC replied to the WSA letter on October 11, 2010, stating that “a record search of the sacred land file has failed to indicate the presence of Native American cultural resources in the immediate project area.” Included in the NAHC response was a list of interested Native American contacts. On October 11, 2010, WSA sent letters to the seven contacts identified by the NAHC in both 2008 and 2010, requesting comment on the inclusion of the West Winton Avenue and Hesperian Boulevard intersection into the proposed Project area. WSA also sent letters to two additional contacts who had not been identified by the NAHC in 2008, and who had not previously been advised of the proposed Project. The letters included maps of both the original route alignment and the West Winton Avenue and Hesperian Boulevard intersection. As of the writing of this Initial Study, no Native American contact has raised objection(s) to the proposed Project; in writing or verbally.

a) Historical Resources. There are no known historical resources within the surveyed portion of the proposed Project area. However, two sections of the proposed Project area – within Segment 3 and 4 - were not surveyed, as permission to access the properties had not been obtained. These areas include private property (auto junk yard) between Depot Road and Enterprise Avenue as well as private property at the northeast corner of Whitesell Street and Breakwater Avenue. Review of online databases revealed the presence of two structures older than 50 years; however, these areas should be surveyed once permission to access the properties is obtained. Should significant cultural resources exist, project impacts should be analyzed and mitigation measures developed to reduce impacts to a *less-than-significant level* (see Mitigation Measure Cult-1, below).

Mitigation Measure

Cult-1: Pedestrian Survey. Prior to construction, an intensive pedestrian survey shall be undertaken by a qualified archaeologist meeting federal criteria under 36 CFR 61 in the areas that were inaccessible at the time of WSA’s survey. The survey shall be conducted once access to the parcels is granted and prior to ground disturbing activities within that area. Should prehistoric or historic cultural resources be present, they shall be recorded on Department of Parks and Recreation 523 Forms and evaluated for their eligibility to the CRHR. Mitigation recommendations shall be developed based on the results of the significance evaluation.

b) Archaeological Resources. There are three archaeological resources located within the surveyed portion of the proposed Project area, labeled Southern Pacific Railroad (SPRR) Spur 1, SPRR Spur 2, and Hayward Army Air Field Runway. SPRR Spur 1 is recommended as ineligible for listing in the California Register of Historical Resources (CRHR) due, in part, to its absence of association with persons important to California’s past and inability to likely yield information important to prehistory or history. SPRR Spur 2 and Hayward Army Air Field Runway are recommended as ineligible for listing in the CRHR because they do not retain integrity. As these sites are recommended as ineligible for listing in the CRHR, the project would not cause a substantial change in the significance of these archaeological resources.

The two aforementioned un-surveyed areas related to inaccessible properties should also be surveyed for potential archaeological resources once permission to access is obtained. Should potentially significant archaeological resources be identified, proposed Project impacts should be analyzed and mitigation measures developed to reduce impacts to a *less-than-significant level* (see Mitigation Measure Cult-1, above). Additionally, site preparation, grading, and construction activities could adversely impact previously undiscovered belowground archeological resources not revealed by the pedestrian survey required by Mitigation Measure Cult-1. Therefore, implementation of Mitigation Measures Cult-2 and Cult-3 will reduce potential impacts to undiscovered archeological resources to a *less-than-significant level*.

Mitigation Measures

Cult-2: **Resource Discovery.** If deposits of prehistoric or historic archeological materials are encountered during project activities, all work within 25 feet of the discovery shall be stopped and a qualified archeologist meeting federal criteria under 36 CFR 61 shall be contacted to assess the deposit(s) and make recommendations.

While deposits of prehistoric or historic archeological materials should be avoided by project activities, if the deposits cannot be avoided, they shall be evaluated for their potential historic significance. If the deposits are recommended to be non-significant, avoidance is not necessary. If the deposits are determined to be potentially significant, they shall be avoided. If avoidance is not feasible, project impacts shall be mitigated in accordance with the recommendations of the evaluating archaeologist and CEQA Guidelines §15126.4 (b)(3)(C), which require development and implementation of a data recovery plan that shall include recommendations for the treatment of the discovered archaeological materials. The data recovery plan shall be submitted to the City of Hayward for review and approval. Upon approval and completion of the data recovery program, project construction activity within the area of the find may resume, and the archaeologist shall prepare a report documenting the methods and findings. The report shall be submitted to the City of Hayward. Once the report is reviewed and approved by the City, a copy of the report shall be submitted to the Northwest Information Center (NWIC).

Cult-3: **Pre-Construction Training.** Prior to construction, all construction crews that work on the project shall undergo an approximate one-hour training session by a qualified archaeologist to inform them of the potential for previously undiscovered archaeological resources and human remains within the project area; of the laws protecting these resources and associated penalties; and of the procedures to follow should they discover cultural resources during project-related work.

c) Geologic/Paleontological Features. The project is situated within an urbanized area on flat terrain in the western portion of Hayward bordering the San Francisco Bay. Lowlands along the Bay margins in western Hayward were reclaimed for development by the placement of artificial fill. This fill was placed directly on undifferentiated Bay Mud and Holocene fluvial deposits along the Bay margins. Consequently, the project area contains no known unique geologic feature(s) including, for example, a rock outcropping, dunes, sinkholes or caves. Additionally, no paleontological resources are known to exist in Hayward.² Therefore, the project would result in *no impact* concerning geologic or paleontological features.

d) Human Remains. Ground disturbing activities associated with site preparation, grading, and construction activities could disturb human remains, including those interred outside of formal cemeteries. The potential to uncover Native American human remains exists in locations throughout California. Although not anticipated, human remains may be identified during site-preparation and grading activities, resulting in a significant impact to Native American cultural resources. Implementation of the following mitigation measure will reduce potential adverse impacts to human remains to a *less-than-significant level*.

Mitigation Measure

Cult-4: Remains Discovery. Section 7050.5(b) of the California Health and Safety code will be implemented in the event that human remains, or possible human remains, are located during project-related construction excavation. Section 7050.5(b) states - “In the event of discovery or recognition of any human remains in any location other than a dedicated cemetery, there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent remains until the coroner of the county in which the human remains are discovered has determined, in accordance with Chapter 10 (commencing with Section 27460) of Part 3 of Division 2 of Title 3 of the Government Code, that the remains are not subject to the provisions of Section 27492 of the Government Code or any other related provisions of law concerning investigation of the circumstances, manner and cause of death, and the recommendations concerning treatment and disposition of the human remains have been made to the person responsible for the excavation, or to his or her authorized representative, in the manner provided in Section 5097.98 of the Public Resources Code.”

² Hayward General Plan Update, Draft Environmental Impact Report, November 2001.

Environmental Factors and Focused Questions for Determination of Environmental Impact	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
VI. GEOLOGY AND SOILS — Would the proposed Project:				
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:				
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.	[]	[]	[●]	[]
ii) Strong seismic ground shaking?	[]	[]	[●]	[]
iii) Seismic-related ground failure, including liquefaction?	[]	[]	[●]	[]
iv) Landslides?	[]	[]	[●]	[]
b) Result in substantial soil erosion or the loss of topsoil?	[]	[●]	[]	[]
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of roadway improvements, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	[]	[]	[●]	[]
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?	[]	[●]	[]	[]
e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?	[]	[]	[]	[●]

This Initial Study section is based upon a Geotechnical Investigation completed by Questa Engineering, Inc. dated November 11, 2008. This investigation included a detailed review of the geology, soils and seismicity of the study area, a subsurface investigation to determine soil properties, laboratory soils testing, and presentation of preliminary design recommendations for road improvements and road construction. The preliminary recommendations include site preparation and grading, pavement section design alternatives, and pavement reconstruction alternatives for existing sections.

Regional Geology. The proposed Project site lies near the southeastern margin of San Francisco Bay, in the western portion of the city of Hayward. San Francisco Bay lies within the California Coast Ranges geomorphic and physiographic province, a region dominated by northwest to southeast trending ridges and valleys. The San Andreas Fault system controls the active tectonism of the

region and includes the San Andreas Fault, the Hayward Fault, the Calaveras Fault, and numerous other, minor faults. The Franciscan Complex, consisting of subducted oceanic crustal material metamorphosed under low temperature and low to high pressure is the basement rock throughout much of the region. The project site is underlain by quaternary age sediment, however bedrock outcroppings in the hills east of the project site include gabbros of the Jurassic age coast range ophiolite; mudstone, siltstone, conglomerate, and shale of the Redwood Canyon, Oakland, Joaquin Miller, and Knoxville formations of the Jurassic to Cretaceous age Great Valley Sequence; and sandstone, shale, and conglomerate of the Tertiary age Briones and Rodeo Formations, as well as numerous unnamed sedimentary units.

Regional Seismicity. Active faulting and seismicity in the bay area is controlled by the San Andreas Fault system. Movement along this system is primarily right-lateral strike-slip (western side of a fault moves to the northwest relative to the southeastern side of the fault) and earthquake hypocenters are relatively shallow (less than 5 kilometers/3 miles). Fault movement is accommodated along the San Andreas, Hayward, and Calaveras Faults, as well as other faults of the system capable of generating moderate to large earthquakes. The Hayward Fault is the nearest to the project site (3 miles to the northeast), running parallel to Mission Boulevard along the base of the Hayward hills and through downtown Hayward in the northeastern part of the city. The Hayward fault has the most potential ground shaking influence on the project area, although a large earthquake on any of the regional faults would impact the entire region.

Site Geology. The Project site is located on nearly level terrain (<1% slope downward to the west-southwest), at the distal edges of the east bay alluvial plain. Surficial deposits consist of alluvial fan deposits, alluvial terrace deposits and basin deposits. A geotechnical investigation performed by Questa Engineering encountered sandy clay, clayey sand and clayey silt soils at the project location.

a & c) Seismic Impacts & Unstable Soils

- i.) The nearest earthquake fault subject to the provisions of the Alquist-Priolo Earthquake Fault Zone Act of 1974 is the Hayward Fault located approximately three miles east of the project site. There are no known or suspected faults crossing the project site on any published maps. Therefore rupture of a known surface fault is a *less-than-significant* impact.
- ii.) The Project site is located in a seismically active region and according to the California Geological Survey will be subject to peak ground accelerations of approximately 54% that of gravity, with a 10% chance of being exceeded in the next 50 years. However, the proposed Project includes no aboveground structures that would be subject to potential failure during a seismic event. Therefore, impacts related to seismically related ground shaking are *less-than-significant*.
- iii.) According to the Association of Bay Area Governments' liquefaction hazard maps, portions of the proposed Project site are rated as moderately and highly susceptible to liquefaction. However, according to the limited geotechnical investigation, soils encountered in the upper 10 feet below ground surface in the Whitesell Street extension area are not liquefiable and any deeper liquefiable layers that may be present would be sufficiently deep so as not to

result in significant failure of the road extension. Therefore, potential impacts related to liquefaction are *less-than-significant*.

iv.) The Project site is nearly flat and slope stability would not impact the road construction. Landslides are a *less-than-significant* impact.

b) Erosion. The proposed Project would involve grading and excavation in locations that result in stormwater being conveyed to the San Francisco Bay. Excavation of soil for pavement sections would also be performed and temporary stockpiles of loose soil would be created. Soils exposed during site grading would be subject to erosion during storm events. Grading would disturb site soils potentially leading to impacts to the San Francisco Bay. Implementation of Mitigation Measure **Geo-1** will reduce the impact of loss of topsoil and erosion to a level of *less-than-significant*.

Mitigation Measures

Geo-1: **Erosion Control Plan.** An Erosion Control Plan shall be prepared by the City of Hayward in conjunction with design of the project. The Erosion Control Plan shall include winterization, dust control, erosion control and pollution control measures conforming to the ABAG Manual of Standards for Erosion and Sediment Control Measures. The Erosion Control Plan shall describe the "best management practices" (BMPs) to be used during and following construction to control pollution resulting from both storm and construction water runoff. The Plan shall include locations of vehicle and equipment staging, portable restrooms, mobilization areas, and planned access routes. Recommended soil stabilization techniques include placement of straw wattles, silt fences, berms, and gravel construction entrance areas or other control to prevent tracking sediment onto city streets and into storm drains. Public works staff or representatives shall visit the site during grading and construction to ensure compliance with the Erosion Control Plan, and note any violations, which shall be corrected immediately.

d) Expansive Soils. Expansive clay soils are present on the proposed Project site. Soils sampled during the geotechnical investigation exhibited plasticity indices ranging from 10 to 33, indicating low to moderately expansive soils. Implementation of Mitigation Measure **Geo-2** will reduce potential impacts from expansive soils to a *less-than-significant* level.

Mitigation Measure

Geo-2: **Use of Non-Expansive Fill under pavement sections and for proper pavement construction.** Any expansive material present in near surface soils shall be excavated and replaced with non-expansive fill in accordance with recommendations of the Geotechnical Investigation. Pavement design recommendations regarding use of Class II aggregate base and asphalt concrete thicknesses shall be followed to mitigate effects of expansive soils on pavement sections.

e) Septic Tanks. The proposed Project is a road construction and improvement project that will not include the use of septic tanks. Therefore, there is *no impact*.

Environmental Factors and Focused Questions for Determination of Environmental Impact	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
VII. GREENHOUSE GAS EMISSIONS — Would the proposed Project:				
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	[]	[]	[●]	[]
b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	[]	[]	[]	[●]

Pursuant to Senate Bill 97, the California Natural Resources Agency reviewed and adopted the amendments to the CEQA Guidelines on December 30, 2009 prepared and forwarded by the Governor's Office of Planning and Research (OPR). The Amendments became effective on March 18, 2010, including the addition of the above greenhouse gas (GHG) emissions environmental topic and checklist items.

The Project site falls within the San Francisco Bay Area Air Basin and therefore under the jurisdiction of the Bay Area Air Quality Management District (BAAQMD). BAAQMD provides a document titled California Environmental Quality Act Air Quality Guidelines ("Guidelines"), which provides guidance for consideration by lead agencies, consultants, and other parties evaluating air quality impacts in the San Francisco Bay Area Air Basin conducted pursuant to CEQA. The document also includes guidance on evaluating and mitigating greenhouse gas emissions impacts.

BAAQMD has recently updated these Guidelines in coordination with adoption of new thresholds of significance on June 2, 2010.³ The most recent version of the Guidelines is dated June 2010.⁴ This GHG analysis is consistent with the recently adopted 2010 thresholds and the June 2010 Guidelines and recommended methodologies.

This Initial Study section is based upon the emissions analysis performed by Illingworth & Rodkin, Inc. dated November 9, 2010, discussed in the Air Quality section of this document.

In addition to the air pollutants discussed in the Air Quality section, other emissions may not be directly associated with adverse health effects, but are suspected of contributing to "global warming". Global warming has occurred in the past as a result of natural processes, but the term is often used now to refer to the warming predicted by computer models to occur as a result of increased emissions of greenhouse gases (GHG).

The Global Warming Potential concept is used to compare the ability of each GHG to trap heat in the atmosphere relative to carbon dioxide (CO₂), which is the most abundant GHG. CO₂ has a warming potential of 1, expressed as CO₂ equivalent (CO₂e). Other GHGs, such as methane and

³ Bay Area Air Quality Management District. June 2, 2010. News Release http://www.baaqmd.gov/~media/Files/Communications%20and%20Outreach/Publications/News%20Releases/2010/ceqa_100602.ashx.

⁴ Bay Area Air Quality Management District. June 2010. *California Environmental Quality Act Air Quality Guidelines*.

nitrous oxide are commonly found in the atmosphere at much lower concentrations, but with higher warming potentials, having CO₂e ratings of 21 and 310, respectively.

In 2006, the governor of California signed AB 32, the Global Warming Solutions Act, into legislation. The Act requires that California cap its GHG emissions at 1990 levels by 2020.

Hayward's Climate Action Plan (CAP) was adopted by the Hayward City Council on July 28, 2009 with changes that were incorporated into the current October 2009 version. According to this CAP, in the year 2005, the City of Hayward emitted 1,183,274 metric tons of equivalent carbon dioxide (CO₂e), with the transportation sector contributing 62 percent of total emissions, the single largest source of emissions.

Hayward based its GHG reductions goals on the goals established in the state's Global Warming Solutions Act (AB 32). Hayward's emissions reduction target represents a percentage by which the community aims to decrease emissions below the 2005 baseline, as follows:

- 6 percent below 2005 levels by 2013 (interim target)
- 12.5 percent below 2005 levels by 2020
- 82.5 percent below 2005 levels by 2050

Specific reduction strategies under the CAP and the proposed Project's consistency with them are discussed under item b), below.

a) Generate greenhouse gas emissions. BAAQMD has determined that GHG emissions and global climate change represent cumulative impacts. No single project could generate enough GHG emissions to noticeably change the global average temperature, but the combination of GHG emissions from past, present, and future projects contribute substantially to the phenomenon of global climate change and its associated environmental impacts. In developing thresholds of significance for GHG emissions, BAAQMD considered the emission levels for which a project's individual emissions would be cumulatively considerable. If a project exceeds the identified significance thresholds, its emissions would be cumulatively considerable, resulting in significant adverse GHG emissions impacts.⁵

Construction Period

BAAQMD does not have an adopted threshold of significance for construction-related GHG emissions, though recommends quantification and a determination regarding significance in relation to meeting AB 32 goals. Though construction-period emissions would be temporary only, BAAQMD's operational GHG emissions threshold of more than 1,100 metric tons per year of

⁵ Ibid, p. 2-1.

CO₂e is used as a conservative construction-period threshold of significance for this analysis, with total emissions averaged across the construction period.⁶

Construction-period emissions of CO₂ have been calculated according to the BAAQMD-recommended methodology for roadway projects, as per the analysis presented in the Air Quality section. Consistent with U.S. EPA assumptions, BAAQMD assumes CO₂ accounts for 95% of the GHG from vehicles, so the CO₂ emissions were multiplied by 1.0526 to account for other GHGs and convert the emissions to CO₂ equivalent (CO₂e). The project would result in annual emissions of 415 metric tons CO₂e per year over the two year construction period. While BAAQMD has proposed no thresholds for construction-period emissions, these have been conservatively compared to the operational threshold of 1,100 metric tons CO₂e per year and therefore determined to be a *less-than-significant* impact.

These emissions would be further reduced through implementation of measures to reduce diesel particulate matter exhaust from construction equipment identified in mitigation measure Air-2.

BAAQMD also encourages implementation of best management practices to reduce GHG emissions during construction, as applicable. One best management practice to be used by the Project includes:

- Recycling or reuse of at least 50 percent of construction waste or demolition materials.

While the above measures could further reduce construction-period GHG emissions, these are not required as mitigation.

Operational Period

The proposed Project would have a significant environmental impact if it would exceed BAAQMD's GHG emissions threshold of more than 1,100 metric tons per year of CO₂e or 4.6 metric tons CO₂e per service population per year.

This project represents an improvement to the interconnectivity of the roadway system and would not in itself generate additional traffic or traffic-related emissions. The reduction in congestion anticipated following construction could actually reduce emissions by reducing travel times and idling. Therefore, there would be a *less-than-significant* impact related to operational greenhouse gas emissions.

b) Consistency with GHG Reduction Plans. The proposed Project would have a significant environmental impact if it was inconsistent with a plan, policy or regulation adopted for the purpose of reducing the emission of greenhouse gases.

The City of Hayward has an adopted Climate Action Plan (CAP), intended to reduce the emission of greenhouse gases. While many of the strategies and actions outlined in the CAP would not directly relate to a roadway construction project, the following strategies would be fully or partially

⁶ Ibid, p. 8-7.

applicable to a project of the type proposed. The proposed Project's consistency is discussed following each excerpted CAP strategy.

Strategy 1 – Transportation and Land Use: Reduce Vehicle Miles Traveled

The goal of Strategy 1 is to reduce vehicle miles traveled (VMT) by encouraging residents to use alternative modes of transit, by improving the effectiveness of the transportation circulation system, and through land-use and zoning mechanisms. In the context of this report, alternative mode of transit means any mode that is not driving alone. This could include walking, biking, carpooling, or riding public transit.

This proposed Project is intended to improve the effectiveness of the transportation circulation system, consistent with Strategy 1. Additionally, through the planned provision of bicycle lanes and sidewalks on the proposed roadway extension, the proposed Project would also improve the circulation system for these alternative modes as well.

Strategy 6 – Solid Waste: Increase Waste Reduction and Recycling

The goal of Strategy 6 is to reduce GHG emissions associated with the disposal of solid waste. This will be achieved by continuing to implement waste reduction and recycling programs.

Within the context of this proposed Project, this strategy is implemented by the City's Construction and Demolition Debris Waste Reduction and Recycling Ordinance (section 5-10 of the Municipal Code), with which this project would comply. This ordinance requires a Debris Recycling Statement that demonstrates 100% of the asphalt, concrete and other similar material, and at least 50%, by weight, of all other C&D Debris generated by the proposed Project would be diverted or demonstrates good cause as to why the requirements cannot be met. Included in the ordinance are provisions for monitoring and determination of compliance upon completion.

Additionally, emissions associated with the development of the proposed Project were analyzed per the BAAQMD June 2010 CEQA Air Quality Guidelines. BAAQMD's thresholds and methodologies take into account implementation of state-wide regulations and plans, such as the AB 32 Scoping Plan and adopted state regulations such as Pavley and the low carbon fuel standard.

In summary, the proposed project is consistent Hayward's CAP and would contribute greenhouse gases below BAAQMD's thresholds, which incorporate state-wide plans. Therefore, there would be ***no impact*** in relation to consistency with GHG reduction plans. (See the Air Quality section for an analysis of the proposed Project's consistency with the Clean Air Plan and Ozone Strategy.)

Environmental Factors and Focused Questions for Determination of Environmental Impact	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
VIII. HAZARDS AND HAZARDOUS MATERIALS — Would the project:				
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	[]	[]	[]	[●]
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	[]	[●]	[]	[]
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	[]	[]	[]	[●]
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	[]	[●]	[]	[]
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?	[]	[]	[]	[●]
f) For a Project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?	[]	[]	[]	[●]
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	[]	[]	[●]	[]
h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	[]	[]	[●]	[]

This Initial Study section is based upon a Phase I Environmental Site Assessment completed by Questa Engineering, Inc. dated October 27, 2010. This assessment was designed to meet the guidelines outlined in the American Society for Testing and Materials (ASTM), Standard Practice for Environmental Site Assessments: Phase I Environmental Site Assessment Process (ASTM Standard F-1527-05). In addition, the investigations and report were prepared, in general terms, using the guidelines contained in the Caltrans Standard Environmental Reference (SER), Chapter 10, Hazardous Materials, as modified for corridor studies.

a) Transport, Use or Disposal of Hazardous Materials. The proposed Project consists of

roadway segments intended to accommodate truck traffic in and through an industrial area of Hayward, CA. Hazardous materials would be regularly transported via these roadways. However, the proposed Project would not, in and of itself, generate hazardous materials. Therefore, the proposed Project is considered to have *no impact* concerning the routine transport of hazardous materials.

b) Hazardous Materials Release. The proposed Project consists of roadway segments and the proposed Project itself is not a site listed on government hazardous materials lists. However, the prepared Phase I Environmental Site Assessment identified that there are a number of sites adjacent to the road on government hazardous material lists. These include sites listed for leaking underground storage tanks containing petroleum products and routine disposal of hazardous wastes. A number of these cases have impacted groundwater and soil contamination remains which could potentially be encountered during project construction. This impact will be reduced to a level of *less-than-significant* by mitigation measures **Haz- 1** and **Haz- 2** above.

Mitigation Measures

Haz-1: **Compliance with recommendations of a Phase II Environmental Site Assessment.** The Phase I Site Assessment recommended a Phase II investigation for properties situated within Segment 1, Segment 3 and Segment 4, to identify, for example, the extent of petroleum related soil and groundwater contamination. If this (these) investigation(s) encounters contamination exceeding environmental screening levels for industrial/commercial/office land uses, then remedial action shall be taken. The specific actions to be taken will be determined as part of the Phase II investigation, but will require compliance with Department of Toxic Substance Control and State Water Resource Control Board (SWRCB) and the City of Hayward Fire Department regulations. If measures, including removal or remediation of site soils, are necessary, then required permits shall be obtained from the SWRCB and Hayward Fire Department. Specific measures shall include removal of soil and remedial treatment of groundwater for locations where road construction will require disturbance of contaminated soil.

Haz-2: **Compliance with California Department of Transportation (Caltrans) Unknown Hazards Procedure.** Should evidence of environmental hazards be found during construction activities, the resident engineer shall follow the unknown hazards procedure laid out in the Caltrans Construction Manual, Chapter 7.

Compliance with mitigation measures **Haz- 1** and **Haz- 2** will reduce the impact of an accidental hazardous material release to a level of *less-than-significant*.

c) Hazardous Materials Near Schools. Segment 1 of the proposed Project is located within ¼ mile of Winton Grove School and Longwood Elementary School. However, Project roadway

segments would not route vehicular traffic by either school. Remaining roadway segments are not located within $\frac{3}{4}$ miles of a school or day care center. Also, the proposed Project would not, in and of itself, generate hazardous materials. Therefore, the proposed Project is considered to have *no impact* concerning hazardous materials near schools.

d) Hazardous Materials List. The project is a road and the project itself is not a site listed on government hazardous materials lists. However, there are a number of sites adjacent to the road on government hazardous material lists. These include sites listed for leaking underground storage tanks containing petroleum products and routine disposal of hazardous wastes. A number of these cases have impacted groundwater and soil contamination remains. This impact will be reduced to a level of *less-than-significant* by mitigation measures **Haz- 1** and **Haz- 2** above.

e) Airport Land Use Plan. Segment 1 of the proposed Project abuts the southeast corner of a public airport – the Hayward Executive Airport which is owned and operated by the City of Hayward.

Physical changes involved with Segment 1 include no aboveground structures; only a modest change to existing pavement widths and corresponding curbs; all within the existing right-of-way. The nearest new public road (i.e., Segment 3) would contain street lights and street trees but be located at least 1.25 miles southwest of the Hayward Executive Airport. These above aboveground structures within Segment 3 would not conflict with the height limitations of the City of Hayward Airport Approach Zoning Regulations (i.e., Section 10-6.30 (Height Limits)).

Therefore, the proposed Project would result in *no impact* with regard to an Airport Land Use Plan.

f) Private Airstrips. The Project is not located near any private airstrips. Therefore, there is *no impact* under this criterion.

g) Emergency Response Plan. The Project would serve to improve ease of transportation in and through the proposed Project area, and would not interfere with any emergency response plan for the City of Hayward or the County of Alameda. This represents a *less-than-significant* impact.

h) Wildland Fires. The Project site is located in an urban environment away from any wildfire hazard areas. The most common types of fire in this location would be structure fires; therefore the impact of wildland fires is *less-than-significant*.

Environmental Factors and Focused Questions for Determination of Environmental Impact	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
IX. HYDROLOGY AND WATER QUALITY — Would the project:				
a) Violate any water quality standards or waste discharge requirements?	[]	[●]	[]	[]
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?	[]	[]	[]	[●]
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?	[]	[]	[]	[●]
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner, which would result in flooding on- or off-site?	[]	[]	[]	[●]
e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?	[]	[]	[]	[●]
f) Otherwise substantially degrade water quality?	[]	[]	[]	[●]
g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	[]	[]	[]	[●]
h) Place within a 100-year flood hazard area structures, which would impede or redirect flood flows?	[]	[]	[]	[●]
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?	[]	[]	[]	[●]
j) Inundation by seiche, tsunami, or mudflow?	[]	[]	[]	[●]

Impervious surfaces such as rooftops, paved parking lots and roadways all contribute to surface water runoff. This type of runoff is classified as nonpoint source pollution because it flows across a surface in sheets rather than from a specific point. Rainstorms cause the oil, grease, and other

chemicals which have accumulated on the paved surfaces to wash off into the surrounding soils or drainage system, similar to runoff from roadways and parking lots. This type of runoff can affect water quality by carrying sediment and chemical contaminants into nearby waterways. The proposed Project is being constructed within an already developed area containing impermeable surfaces; however, it would result in approximately 57,000 square feet of new impervious surfaces primarily due to the extension, widening, and realignment of Whitesell Street, as described above in the Description of the Project for Segments 2 through 4. The areas are distributed throughout the corridor as follows:

- Segment 1: 4,000sf
- Segment 2: 25,100
- Segment 3: 6,750
- Segment 4: 21,000 sf

Additional stormwater runoff from the proposed Project would sheet flow from the roadway surface into gutters, which would convey the water into the municipal stormwater collection system, which eventually discharges into San Francisco Bay.

The Project is addressed in the City of Hayward's General Plan. Appendix F of this document identified the I-880/SR 92 reliever route among the proposed transportation improvements that are incorporated into the Circulation Element. The project included in Appendix F was the predecessor to the current Project, which involved an extension and realignment of West A Street to the north of the Hayward Executive Airport runways, with a new bridge across Sulphur Creek, connecting to Corsair Boulevard. In other respects, the previous project is identical to the current proposal. Because the West A Street segment has been replaced by the West Winton Avenue segment, which would involve 4,000 square feet of additional impervious surface, the proposed Project would involve less impervious surface than the previous project.

New roadway design will be in compliance with the Alameda County C.3 requirements to provide post construction stormwater controls that reduce impacts to stormwater quality. Post construction alternatives include providing pervious surfaces promoting infiltration in the bikelane/shoulder area of the roadway and/or in the area at the back of curb in the sidewalk area. Treatment through tree wells located along the roadway or other landscape or drain inlet filtration system are other alternatives that can be considered during final design.

a) Water Quality Standards. If not managed properly, grading and construction activities could cause soils and other pollutants to enter the storm drain system or surface water. During heavy rains, this could degrade stormwater quality at downstream locations. A potentially significant impact could result with respect to water quality standards unless mitigation is incorporated. Implementation of Mitigation Measure **Hyd- 1** will reduce the impact to a level of *less-than-significant*.

Hyd-1: **Stormwater Pollution Prevention Plan (SWPPP).** A SWPPP shall be prepared and implemented for the proposed project. The SWPPP and Notice of Intent (NOI) must be submitted to the State Water Resources Control Board to receive a Construction General Permit. The SWPPP shall address National Pollutant Discharge Elimination System (NPDES) requirements and be designed to protect water quality both during and after construction. The Project SWPPP shall include the following mitigation measures for the construction period:

- “Best Management Practices” (BMPs) as outlined by the Alameda Countywide NPDES Municipal Stormwater Permit C.3 Provisions shall be implemented for preventing the discharge of other construction-related NPDES pollutants beside sediment (i.e. paint, concrete, etc) to downstream waters.
- After construction is completed, all drainage facilities shall be inspected for accumulated sediment, and these drainage structures shall be cleared of debris and sediment.

b) Groundwater Supply. Implementation of the proposed Project would not increase demand for potable or irrigation water. The proposed Project’s typical maximum depth of excavation would be 2.5 feet, with depths of up to 10 feet in limited locations to connect to existing utilities, no dewatering activities are required during construction, and no water wells are proposed as part of the project. Thus, groundwater recharge occurring within the study area would not be affected, and the proposed Project would have *no impact*.

c) – d) Alteration of Drainage Patterns. As noted, to the proposed project would increase impervious surface by approximately 57,000 square feet. The project does not propose any ground disturbance that would alter or affect the existing drainage pattern in the area. Stormwater currently percolates through the soil and landscaping adjacent to the proposed improvements or is conveyed into the municipal storm drain system, and will continue to do so after implementation of the proposed Project. No erosion or siltation is anticipated to occur as a result of the proposed project. As noted, construction and post-construction BMPs would be developed as specified in the SWPPP. *No impact* would result.

e) – f) Drainage and Water Quality. As discussed above, the proposed Project would add approximately 57,000 square feet (or 1.31 acres) of new impervious surfaces. The additional run-off is not a significant change to the total amount of stormwater run-off that is conveyed through the network of existing pipes and channels for this developed industrial area. Given these considerations, the proposed Project would have *no impact* on the capacity of the storm drain system capacity. As discussed above, the proposed Project final design will include drainage improvements and stormwater treatment in compliance with Alameda County’s C.3 Provisions for post-construction water quality design features, and therefore would not substantially degrade water

quality in the area. Therefore there is *no impact*.

g) – j) Flood Hazards, Seiche, Tsunami.

According to Flood Insurance Rate Maps prepared by the Federal Emergency Management Agency (FEMA), the proposed Project is not located in any special flood hazard areas. Implementation of the proposed Project would not involve the construction of housing or other structures in a 100-year flood hazard area. No levees or dams are located in proximity to the proposed Project area. The Project would have *no impact* with respect to flood hazards.

A tsunami is a rapidly moving wave or series of waves caused by earthquakes or undersea landslides. Given its location along the western side of San Francisco Bay, approximately 21 miles from the Pacific Ocean, it is unlikely that Project would be struck or impacted by a tsunami. As noted in the Tsunami Inundation Emergency Planning Map, the proposed Project does not traverse the tsunami evacuation area (ABAG, 2010).

Seiches are oscillating waves in enclosed or partially enclosed bodies of water (e.g., lakes, bays, or gulfs) for varying lengths of time as a result of seismic or atmospheric disturbances. There are no large open water bodies in proximity to the proposed Project area that may pose a seiche hazard. The Project area is also not located on or immediately adjacent to hillside areas that may present mudflow hazards. Implementation of the proposed Project would not expose users or the public to the risk of significant loss, injury, or death involving flooding, as a result of seiche or mudflow. Given the above conclusions, the proposed Project would not be susceptible to flood hazard, seiche or tsunami. There is *no impact* under this criterion.

Environmental Factors and Focused Questions for Determination of Environmental Impact	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
X. LAND USE AND PLANNING — Would the project:				
a) Physically divide an established community?	[]	[]	[]	[●]
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	[]	[]	[]	[●]
c) Conflict with any applicable habitat conservation plan or natural community conservation plan?	[]	[]	[]	[●]

a) Divide Established Community. The Project area, in general, is substantially urbanized with industrial land uses. The expansion and modification of existing roadway segments (i.e., Whitesell Street) within this urbanized setting would not divide an established community. Existing roadway segments do not presently divide any community and a minor expansion of their width would not change this situation.

The construction of a new roadway segment connecting Cabot Boulevard and Whitesell Street crosses private industrial properties and the City’s wastewater treatment plant. The new roadway segment would provide greater connectivity between the East/West streets of Depot Road and Enterprise Avenue.

The Project would, given the above-stated reasons, not divide an established community and, consequently, result in *no impact*.

b) - c) Conflict with Policies or Plans. The Project is specifically identified in the General Plan Circulation Element as a proposed transportation improvement project (Figure 3-2). Therefore, the proposed Project implements, rather than conflicts with, the City’s General Plan. The City’s Zoning Ordinance has no provisions relating to the proposed Project for purposes of avoiding or mitigating an environmental effect.

The General Plan calls for more direct access to the western portions of Hayward’s industrial area from both I-880 and Route 92, including enhanced circulation within the area. This is memorialized in General Plan Policy 12.4 stating, “Improve access to and circulation within the Industrial Corridor, especially with regard to public transportation.” Additional explanation of the proposed Project and its components is provided in General Plan Appendix F (Page F-3). The Project would carry out the General Plan including its intent to mitigate an environmental effect relating to traffic congestion in the City’s industrial area.

Given the above stated reasons, the proposed Project would have ***no impact*** concerning Hayward General Plan policy or plan conflicts.

As mentioned in the Hazards topic above, the Project is located within two (miles) of the Hayward Executive Airport. The airport and surrounding environs are presently subject to an Airport Land Use Compatibility Plan (i.e., the 1986 *Alameda County Airport Land Use Policy Plan*). That Plan is presently undergoing revision. However, under both the existing and current draft Airport Land Use Compatibility Plans, the Project would not conflict with the provisions of either.

As explained above, Segment 1 of the proposed Project abuts the southeast corner of the Hayward Executive Airport. However, Physical changes involved with Segment 1 include no aboveground structures; only a modest change to existing pavement widths and corresponding curbs; all within the existing right-of-way.

The Project's nearest new public road (i.e., Segment 3) would contain street lights and street trees but be located at least 1.25 miles southwest of the Hayward Executive Airport. These aboveground structures within Segment 3 would not conflict with the height limitations of the City of Hayward Airport Approach Zoning Regulations (i.e., Section 10-6.30 (Height Limits)).

Therefore, the proposed Project would also result in ***no impact*** with regard to an Airport Land Use Plan.

Environmental Factors and Focused Questions for Determination of Environmental Impact	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
XI. MINERAL RESOURCES — Would the Project:				
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	[]	[]	[]	[●]
b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	[]	[]	[]	[●]

a) - b) Mineral Resources. No mineral resources of value to the region and the residents of the state have been identified at the Project site. The Project site has not been delineated as a locally important mineral recovery site on the City of Hayward General Plan⁷, on any specific plan, or on any other land use plan; therefore, the proposed Project would have *no impact* on mineral resources.

⁷ City of Hayward, *General Plan*, Conservation and Environmental Protection Element, Mineral Resources.

	Environmental Factors and Focused Questions for Determination of Environmental Impact	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
XII.	NOISE — Would the Project:				
	a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	[]	[]	[●]	[]
	b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?	[]	[]	[]	[●]
	c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	[]	[]	[●]	[]
	d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	[]	[]	[●]	[]
	e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	[]	[]	[]	[●]
	f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?	[]	[]	[]	[●]

Noise is generally defined as loud, unpleasant, unexpected, or undesired sound typically associated with human activity and that interferes with or disrupts normal activities. The human environment is characterized by a certain consistent noise level which varies with each area. This is called ambient noise. Although exposure to high noise levels has been demonstrated to cause hearing loss, the principal human response to environmental noise is annoyance. The response of individuals to similar noise events is diverse and influenced by the type of noise, perceived importance of the noise and its appropriateness in the setting, time of day and type of activity during which the noise occurs, and sensitivity of the individual.

Sound is a physical phenomenon consisting of minute vibrations that travel through a medium, such as air, and are sensed by the human ear. Sound is generally characterized by several variables, including frequency and intensity. Frequency describes the sound's pitch and is measured in cycles per second, or hertz (Hz), whereas intensity describes the sound's loudness and is measured in decibels (dB). Decibels are measured using a logarithmic scale. A sound level of 0 dB is approximately the threshold of human hearing and is barely audible under extremely quiet listening conditions. Normal speech has a sound level of approximately 60 dB. Sound levels above about 120 dB begin to be felt inside the human ear as discomfort and eventually as pain at still higher levels. The minimum change in the sound level of individual events that an average human ear can detect is about 3 dB. The average person perceives a change in sound level of about 10 dB as a doubling (or

halving) of the sound's loudness; this relation holds true for sounds of any loudness. Sound levels of typical noise sources and environments are provided in the table below.

Because of the logarithmic nature of the decibel unit, sound levels cannot be added or subtracted directly and are somewhat cumbersome to handle mathematically. A simple rule is useful, however, in dealing with sound levels. If a sound's intensity is doubled, the sound level increases by 3 dB, regardless of the initial sound level. Thus, for example, 60 dB + 60 dB = 63 dB, and 80 dB + 80 dB = 83 dB.

The normal human ear can detect sounds that range in frequency from about 20 Hz to 20,000 Hz. However, all sounds in this wide range of frequencies are not heard equally well by the human ear, which is most sensitive to frequencies in the range of 1,000 Hz to 4,000 Hz. This frequency dependence can be taken into account by applying a correction to each frequency range to approximate the human ear's sensitivity within each range. This is called A-weighting and is commonly used in measurements of community environmental noise. The A-weighted sound pressure level (abbreviated as dBA) is the sound level with the "A-weighting" frequency correction. In practice, the level of a noise source is conveniently measured using a sound level meter that includes a filter corresponding to the dBA curve.

City of Hayward General Plan

Figure 1: Land Use Compatibility Standards for Community Noise Environments in Appendix N of the City of Hayward General Plan indicates that noise levels under 60 dBA Ldn at single-family land uses or 65 dBA Ldn at multifamily land uses are normally acceptable. Section B of the Guidelines for the Review of New Development states that "In general, the City will require the evaluation of mitigation measures for projects that would cause the Ldn to increase by 3 dB(A) or more at an existing residential area."

Sound Levels of Typical Noise Sources and Noise Environments

Noise Environment	Noise Source (at Given Distance)	A- Weighted Sound Level	Human Judgment of Noise Loudness (Relative to Reference Loudness of 70 Decibels*)
Carrier Flight Deck	Military Jet Takeoff with Afterburner (50 ft)	140 Decibels	128 times as loud
	Civil Defense Siren (100 ft)	130	64 times as loud
	Commercial Jet Take-off (200 ft)	120	32 times as loud Threshold of Pain
Rock Music Concert Inside Subway Station (New York)	Pile Driver (50 ft)	110	16 times as loud
	Ambulance Siren (100 ft) Newspaper Press (5 ft)	100	8 times as loud Very Loud

Noise Environment	Noise Source (at Given Distance)	A- Weighted Sound Level	Human Judgment of Noise Loudness (Relative to Reference Loudness of 70 Decibels*)
	Gas Lawn Mower (3 ft)		
Boiler Room Printing Press Plant	Food Blender (3 ft) Propeller Plane Flyover (1,000 ft) Diesel Truck (150 ft)	90	4 times as loud
Noisy Urban Daytime	Garbage Disposal (3 ft)	80	2 times as loud
Commercial Areas	Passenger Car, 65 mph (25 ft) Living Room Stereo (15 ft) Vacuum Cleaner (10 ft)	70	Reference Loudness Moderately Loud
Data Processing Center Department Store	Normal Speech (5 ft) Air Conditioning Unit (100 ft)	60	1/2 as loud
Large Business Office Quiet Urban Daytime	Light Traffic (100 ft)	50	1/4 as loud
Quiet Urban Nighttime	Bird Calls (distant)	40	1/8 as loud Quiet
Library and Bedroom at Night Quiet Rural Nighttime	Soft Whisper (5 ft)	30	1/16 as loud
Broadcast and Recording Studio		20	1/32 as loud Just Audible
		0	1/64 as loud Threshold of Hearing
<i>Source: Compiled by Kimley-Horn and Associates, Inc.</i>			

Noise Sensitive Areas

The project is proposed within a developed, urbanized area consisting of a variety of land uses, including industrial, commercial, institutional, and residential land uses. Some land uses are considered sensitive to noise. Noise sensitive areas (NSAs) are land uses associated with indoor and/or outdoor activities that may be subject to stress and/or significant interference from noise. NSAs typically include residential dwellings, mobile homes, hotels, motels, hospitals, nursing homes, educational facilities, and libraries. Industrial, commercial, and agricultural land uses are generally considered not sensitive to noise. Existing land use within the project area was determined through field reconnaissance and the interpretation of aerial photography. Noise-sensitive land uses in the project vicinity occur in the area of Segment 1, in the vicinity of the West Winton Avenue intersection with Hesperian Boulevard.

This Initial Study section is based upon a Noise Study Report completed by Kimley-Horn and Associates, Inc., dated October 19, 2010. This assessment involved the collection of existing sound level measurements to identify background noise levels in the vicinity of the proposed improvements. The analysis used the Federal Highway Administration (FHWA) Traffic Noise Model (TNM) version 2.5 to project future noise levels resulting from the proposed Project.

a) & c) Noise Exposure in Excess of Standards. As discussed below in the Population and Housing section, the proposed Project is not expected to induce growth. However, the reliever route would result in a traffic volume increase along the route alignment. The noise report evaluated the traffic noise impacts of the proposed Project on NSAs located in the vicinity of Segment 1 to determine if the City's mitigation criteria of 3 dBA. As shown on Table 5 of the noise report, the proposed Project would result in a 1 dBA increase at one of the three sensitive receptors, and no change at the other two locations. Accordingly, there would be *a less-than-significant impact*.

b) Groundborne Vibration. The Project would not induce groundborne noise or vibration because the proposed Project would not require pile driving or any similar activities. Thus, *no impact* would occur.

d) Temporary or Periodic Increase in Ambient Noise. Construction at the proposed Project site is not expected to substantially elevate ambient noise levels in the Project vicinity. Construction noise sources are short-term and would not affect the long-term noise levels in the Project vicinity. The proposed Project's impacts would be *less-than-significant*.

e) - f) Public and Private Airport Noise. As discussed above, Segment 1 of the proposed Project abuts the southeast corner of a public airport – the Hayward Executive Airport which is owned and operated by the City of Hayward. However, the proposed Project would not involve the construction of any buildings or other facilities that would expose residents or workers to excessive noise levels; therefore, *no impact* would occur. The Project is not located near any private airstrips. Therefore, there is *no impact* under this criterion.

Environmental Factors and Focused Questions for Determination of Environmental Impact	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
XIII. POPULATION AND HOUSING — Would the project:				
a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	[]	[]	[●]	[]
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	[]	[]	[]	[●]
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	[]	[]	[]	[●]

The table below provides a brief overview of current demographics for the City of Hayward and Alameda County. According to the State of California Department of Finance, the population of Hayward in 2009 was 150,983; the population increased to 153,104 in 2010. This growth rate of 1.4 percent is generally consistent with growth in Alameda County over the same period. The level of housing growth between 2009 and 2010 was 0.42 percent.

Population and Housing Growth

	January 2009	January 2010
Population - City of Hayward	150,983	153,104
Population – Alameda County	1,557,749	1,574,857
Housing Units – City of Hayward	48,561	48,767
State of California, Department of Finance, <i>E-4 Population Estimates for Cities, Counties and the State, 2001-2010, Sacramento, California, May 2010.</i>		
State of California, Department of Finance, <i>E-5 Population and Housing Estimates for Cities, Counties and the State, 2001-2010, with 2001 Benchmark. Sacramento, California, May 2010.</i>		

The Project area consists of roadways and related improvements (i.e., curb, gutter, sidewalk, etc.) and industrial land uses. Surrounding uses consist of institutional, commercial, industrial, and residential developments

a) Substantial Population Growth. The Project does not include the development of new housing, businesses or related infrastructure that would induce growth. Although an incremental increase in the number of vehicles in the area is projected due to the extension and expansion of existing roads, the improvements are intended to accommodate existing and projected future traffic diversion on City streets, not to stimulate or support development. The impact is *less-than-significant*.

b) - c) Displace People and Housing. The project would not displace any residents or housing units since none exist within the proposed Project footprint. Therefore, *no impact* would result.

Environmental Factors and Focused Questions for Determination of Environmental Impact	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
XIV. PUBLIC SERVICES —				
a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:				
i) Fire protection?	[]	[]	[]	[●]
ii) Police protection?	[]	[]	[]	[●]
iii) Schools?	[]	[]	[]	[●]
iv) Parks?	[]	[]	[]	[●]
v) Other public facilities?	[]	[]	[]	[●]

Public services include those services necessary to ensure public health and safety. Services are defined as fire and police protection, schools, libraries, and parks. The Project is not expected to change demand for public services.

a i) Fire Protection. Fire protection and emergency services within the proposed Project area are provided by the City of Hayward Fire Department. Completion of the proposed Project is not expected to have an adverse affect on the provision of fire and other emergency services; in fact, the extension of Whitesell Street and the construction of improvements at the West Winton Avenue/Hesperian Boulevard intersection are expected to improve access for emergency vehicles. Therefore, the proposed Project would have *no impact*.

a ii) Police Protection. The City of Hayward Police Department provides law enforcement services for the Project area. All street segments and the West Winton Avenue/Hesperian Boulevard intersection would remain open to traffic during construction, and implementation of the proposed improvements is expected to have no adverse impact on police service in the area. The proposed Project would not induce population growth; thus, no additional law enforcement personnel would be necessary as a result of proposed Project improvements. Thus, *no impact* would occur.

a iii) Schools. The Project would not increase or contribute to an increase in the existing student population in the Project area. Thus, the expansion of existing schools or the construction of new schools within the study area would not be necessary, and accordingly the proposed Project would have *no impact*.

a iv) Parks. Development of the proposed Project would not change demand for park services or impact existing park resources within the Project area. There would be *no impact*.

a v) Other Public Facilities. Development of the proposed Project would not increase the population within the area. As proposed, the proposed Project would not create direct physical impacts to public facilities or require the construction of new facilities that may impact the environment. Thus, *no impact* would occur.

Environmental Factors and Focused Questions for Determination of Environmental Impact	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
XV. RECREATION —				
a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	[]	[]	[]	[●]
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities, which might have an adverse physical effect on the environment?	[]	[]	[]	[●]

There are no neighborhood parks, private neighborhood parks, regional parks, or community centers located within or adjacent the proposed improvements or route alignment. The nearest recreational facilities to the proposed improvements are in the vicinity of the West Winton Avenue/Hesperian Boulevard improvements. Longwood Park is located approximately 0.31 miles to the north and east of the intersection, and Greenwood Park is located about 0.38 miles to the south and west.

a) - b) Recreational Facilities. All improvements would occur within currently disturbed areas or paved areas within existing roadways or adjacent industrial or institutional land uses. The Project as planned would not directly impact park or recreation facilities. Further, the proposed Project is not expected to induce population growth within the vicinity. Thus, demand for existing recreation facilities in the area would not be affected. Accordingly, *no impact* would result.

Environmental Factors and Focused Questions for Determination of Environmental Impact	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
XVI. TRANSPORTATION/TRAFFIC — Would the project:				
a) Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths and mass transit?	[]	[]	[●]	[]
b) Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?	[]	[]	[]	[●]
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?	[]	[]	[]	[●]
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	[]	[]	[]	[●]
e) Result in inadequate emergency access?	[]	[]	[]	[●]
f) Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities or otherwise decrease the performance or safety of such facilities?	[]	[]	[]	[●]

City of Hayward Minimum Performance Standards

As discussed in Chapter 3 of the City of Hayward General Plan, the City seeks a minimum Level of Service⁸ (LOS) D at intersections during the peak commute periods except when a LOS E may be acceptable due to costs of mitigation or when there would be other unacceptable impacts. For the purposes of this project, LOS E was designated as the standard.

This Initial Study section is based upon the Final Traffic Report completed by Kimley-Horn and Associates, Inc. completed in January 2011. As discussed above in the Description of the Project, construction is expected to commence in the year 2013, with opening day anticipated to be in the year 2015. This report evaluated peak hour conditions at 13 intersections under Existing, Year 2015 (Opening Day) No Project, and Year 2015 (Opening Day) With Project conditions. Intersection

⁸ LOS is a method used to rate the performance of streets, intersections, and other highway facilities. Developed by the Transportation Research Board, and documented in various editions of the Highway Capacity Manual (HCM) (TRB, 2000) since 1950, LOS rates performance on a scale of A to F, with LOS A reflecting free flowing conditions and LOS F representing heavily congested conditions.

capacity analysis was conducted using Highway Capacity Manual (HCM) procedures. Future year traffic volumes were estimated using the Alameda County Congestion Management Agency's (ACCMA) Countywide travel demand forecast model.

a) Circulation System Performance. As noted in the traffic study, all 13 of the intersections evaluated were characterized by LOS E or better conditions during both peak hours under Existing Conditions. Among these intersections only Clawiter Road/Winton Avenue experiences LOS E (i.e., afternoon peak hour only); the remaining intersections have LOS D or better conditions during both peak hours. Projected traffic growth through the year 2015 would result in four intersections having LOS F conditions during one peak commuting hour under Year 2015 (Opening Day) No Project conditions. Implementation of the improvements described above under Description of the Project would alleviate congestion at all four locations. As a result, all 13 of the intersections analyzed would meet the City's minimum performance standard of LOS E during both peak hours under Year 2015 (Opening Day) With Project conditions. Of these intersections, 12 would be characterized by LOS D or better conditions during both peak hours. The sole exception is the Hesperian Boulevard/West A Street intersection, which would experience LOS E during the afternoon peak hour only. It should be noted that the Project would not cause any change in intersection delay or volume-to-capacity ratio at this intersection. The Project will have a *less-than-significant impact* with respect to this criterion.

b) CMP Compliance. This section is not applicable since Alameda County Transportation Commission (CTC), who is responsible for the preparation and monitoring of the Congestion Management Program, does not analyze impacts to the CMP system for projects that are not land use changes or general plan amendments. Moreover, the subject project is consistent with the transportation network that is included in the Congestion Management Agency traffic model. Therefore, there will be *no impact* to the CMP system resulting from this project.

c) Air Traffic Patterns. The Project would construct surface transportation improvements; therefore, there would be *no impact* with respect to air traffic patterns.

d) Hazardous Design Features. All street improvements would be constructed in accordance with applicable design standards and regulations. Accordingly, the proposed Project would not introduce any design features that would create any hazards to traffic, and *no impact* would occur.

e) Emergency Vehicle Access. Construction of the proposed Project is not expected to require road closures or otherwise affect emergency access through the intersection. As a standard practice; however, if road closures (complete or partial) were necessary, the police and fire departments would be notified of the construction schedule and any required detours would allow emergency vehicles to use alternate routes for emergency response. There would be *no impact*.

f) Non-Automobile Modes of Travel. The proposed Project would not impact alternative transportation methods. Existing bus service along the proposed Project alignment would not be affected by the proposed Project, and existing sidewalks would be retained. Thus there would be *no impact*.

Environmental Factors and Focused Questions for Determination of Environmental Impact	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
XVII. UTILITIES AND SERVICE SYSTEMS — Would the project:				
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	[]	[]	[]	[●]
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	[]	[]	[]	[●]
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	[]	[]	[●]	[]
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	[]	[]	[]	[●]
e) Result in a determination by the wastewater treatment provider, which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	[]	[]	[]	[●]
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	[]	[]	[]	[●]
g) Comply with federal, state, and local statutes and regulations related to solid waste?	[]	[]	[]	[●]

Utilities and service systems include the provision of gas, water, sewage disposal, storm water disposal, electricity, and waste management services.

a) Exceed Water Treatment Requirements. The Project would not construct or operate facilities that generate wastewater. Thus, no wastewater treatment would be required. There would be *no impact* with respect to this threshold.

b) New or Expanded Treatment Facilities. The Project would not require potable water or wastewater treatment. Accordingly, the construction of new water or wastewater treatment facilities, or the expansion of existing facilities, is not required. Therefore, the proposed Project's impact would have *no impact*.

c) New or Expanded Storm Drain Facilities. The proposed Project is not expected to significantly increase runoff. As discussed, the proposed Project would result in approximately 57,000 square feet of new impervious surfaces within a developed and urbanized context currently served by a municipal storm drain system. Roadway improvements will include stormwater facilities

and runoff created by this additional impervious area will not exceed capacity of the existing system. Therefore, the proposed Project's impact would be *less-than-significant*.

d) Adequacy of Water Supply. The Project would not require the use of potable water. Thus, existing entitlements and resources are sufficient and no new or expanded entitlements would be required. Accordingly, *no impact* would result.

e) Adequacy of Treatment Capacity. The proposed Project would not create demand for wastewater treatment; thus, an assessment by the City of Hayward regarding adequate capacity is not necessary. Accordingly, there would be *no impact*.

f) Adequacy of Landfill Capacity. The proposed Project would not generate any waste in addition to construction debris (i.e., existing curb, gutter, sidewalk and landscaping). Construction debris would be recycled as practicable or disposed of in a manner that complies with federal, state, and local statutes and regulations related to solid waste, including City's Construction and Demolition Debris Waste Reduction and Recycling Ordinance. Operation of the proposed Project would not generate waste requiring disposal. Accordingly, *no impact* would result.

g) Compliance with Solid Waste Regulations. The Project would not generate solid waste aside from construction debris. Construction debris would be disposed of in a manner that complies with federal, state, and local statutes and regulations related to solid waste. *No impact* would occur.

Environmental Factors and Focused Questions for Determination of Environmental Impact	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
XVIII. MANDATORY FINDINGS OF SIGNIFICANCE —				
a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	[]	[]	[●]	[]
b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a Project are considerable when viewed in connection with the effects of past Projects, the effects of other current Projects, and the effects of probable future Projects.)	[]	[]	[●]	[]
c) Does the project have environmental effects, which will cause substantial adverse effects on human beings, either directly or indirectly?	[]	[]	[●]	[]

a) Environmental Quality. As supported by the discussion above, with the incorporation of appropriate mitigation measures, the proposed Project does not have the potential to degrade the quality of the environment. Moreover, no potentially significant impacts to biological or cultural resources are anticipated. Therefore, the proposed Project would result in a *less-than-significant impact*.

b) Cumulative Impacts. As discussed herein, the proposed Project would not cumulatively contribute to any significant adverse environmental impacts; therefore, the proposed Project would have a *less-than-significant impact*.

c) Adverse Effects on Human Beings. As supported by the Air Quality and Hazards discussion above, the proposed Project would not result in substantial adverse effects on human beings. Therefore, the proposed Project is considered to result in a *less-than-significant impact* in this regard.

APPENDIX A – REFERENCES

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MITIGATION MONITORING AND REPORTING PROGRAM

I-880-SR 92 RELIEVER ROUTE PROJECT – PHASE I



I 880-SR 92 Reliever Route – Phase I

MITIGATION, MONITORING AND REPORTING PROGRAM

A Mitigation, Monitoring, and Reporting Program (MMRP) is required for the proposed Project because the Initial Study/Mitigated Negative Declaration (IS/MND) identified potentially significant impacts and measures were identified to mitigate those impacts.

MMRP has been prepared pursuant to the California Environmental Quality Act (CEQA) §15097, which requires public agencies to “adopt a reporting and monitoring program for the changes made to the project or conditions of project approval, adopted in order to mitigate or avoid significant effects on the environment.

The numbering of the individual mitigation measures follows the numbering sequence as found in the IS/MND.

The City of Hayward will be the primary agency, but not the only agency, responsible for implementing the mitigation measures. The City of Hayward will continue to monitor mitigation measures that are required to be implemented during the operation of the project.

The MMRP is presented in tabular form on the following pages. The components of the MMRP are described briefly below:

- Mitigation Measures: The mitigation measures are taken from the IS/MND, in the same order that they appear in the IS/MND. No revisions were necessary to the mitigation measures included in the IS/MND.
- Mitigation Timing: Identifies at which stage of the project mitigation must be completed.
- Monitoring Responsibility: Identifies the party that is responsible for mitigation monitoring.
- Compliance Verification Responsibility: Identifies the party that is responsible for verifying compliance with the mitigation. In some cases, verification will include contact with responsible state and federal agencies.

**I880-SR92 Reliever Route – Phase I:
Mitigation Monitoring and Reporting Program**

Mitigation Measure	Timing/ Schedule	Implementation Responsibility	Verification		
			Monitoring Action	Monitoring Responsibility	Date Completed
<p><i>Air-1:</i> The following measures, as recommended by the BAAQMD, shall be implemented during grading and construction activities:</p> <ol style="list-style-type: none"> 1. Water all active construction areas at least twice daily and more often during windy periods. Active areas adjacent to residences should be kept damp at all times. 2. Haul trucks carrying soil, sand, or loose material shall be covered. 3. Pave, apply water at least twice daily, or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas, and staging areas. 4. Sweep daily (with water sweepers) all paved access roads, parking areas, and staging areas and sweep streets daily (with water sweepers) if visible soil material is deposited onto the adjacent roads. 5. Hydroseed or apply (non-toxic) soil stabilizers to inactive construction areas (i.e., previously-graded areas that are inactive for 10 days or more). 6. Enclose, cover, water twice daily, or apply (non-toxic) soil binders to exposed stockpiles. 7. Limit traffic speeds on any unpaved roads 	During Grading and Construction	Contractor	Verify that Requirements are Included in Grading Contracts and Confirm Measures are Implemented during Grading and Construction	City Public Works Dept.	

**I880-SR92 Reliever Route – Phase I:
Mitigation Monitoring and Reporting Program**

Mitigation Measure	Timing/ Schedule	Implementation Responsibility	Verification		
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<p>to 15 mph.</p> <p>8. Replant vegetation in disturbed areas as quickly as possible.</p> <p>9. Suspend construction activities that cause visible dust plumes to extend beyond the construction site.</p> <p>10. Post publicly visible signs with telephone number and person to contact at the City regarding air quality complaints from construction. This person shall respond and take corrective action within 48 hours. The Air District's phone number shall also be posted to ensure compliance with applicable regulations.</p>					
<p>Air-2: Include measures to reduce diesel particulate matter exhaust from construction equipment.</p> <p>1. Opacity is an indicator of exhaust particulate emissions from off-road diesel powered equipment. Emissions from all construction diesel powered equipment used on the project site shall not exceed 40 percent opacity for more than three minutes in any one hour. Any equipment found to exceed 40 percent opacity (or Ringelmann 2.0) shall be repaired immediately</p>	During Grading and Construction	Contractor	Verify that Requirements are Included in Grading Contracts; Confirm Measures are Implemented during Grading and Construction	City Public Works Dept.	

**I880-SR92 Reliever Route – Phase I:
Mitigation Monitoring and Reporting Program**

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<p>2. Diesel equipment standing idle for more than five minutes shall be turned off. This would include trucks waiting to deliver or receive soil, aggregate, or other bulk materials. Rotating drum concrete trucks could keep their engines running continuously as long as they were onsite. The contractor shall post clear signage indicating the idling restrictions.</p> <p>3. Properly tune and maintain equipment for low emissions.</p>					
<p>Bio-1: Common and Special-Status Nesting Passerine Birds. A nesting survey shall be conducted no more than 15 days prior to commencing any grading activities if this work would commence between March 1 and September 1.</p> <p>1. If special-status birds, such as loggerhead shrike, are identified nesting within or near the proposed Project site, a 200-foot radius around the nest must be staked with bright orange construction fencing.</p> <p>2. No construction or earth-moving activity shall occur within this 200-foot staked buffer until it is determined by a qualified biologist that the young have fledged (that is, left the nest) and have attained sufficient flight skills to avoid project</p>	No More than 15 Days Prior to Grading	Contractor	Verify Survey is Completed and Recommendations are Implemented Prior to Grading	City Public Works Dept.	

**I880-SR92 Reliever Route – Phase I:
Mitigation Monitoring and Reporting Program**

Mitigation Measure	Timing/ Schedule	Implementation Responsibility	Verification		
			Monitoring Action	Monitoring Responsibility	Date Completed
<p>3. construction zones. This typically occurs by July 1, but may not occur until August 1. This date would have to be determined by a qualified ornithologist.</p> <p>If common (that is, not special-status) ground, shrub, or tree nesting birds are identified nesting on the proposed Project site, grading activities in the immediate area shall be postponed until it is determined by a qualified ornithologist that the young have fledged and have attained sufficient flight skills to leave the area. A non-disturbance buffer shall be demarcated with orange construction fencing that is of sufficient size so that “take” of nesting birds (i.e., loss of eggs and/or young) will not occur from project activities. A qualified ornithologist shall determine the size of the buffer at the time any nesting bird is found and shall monitor nesting activities until young fledge. Typically, most passerine birds can be expected to complete nesting by July 1, with young attaining sufficient flight skills by early July.</p>					
<p>Bio-2: Tree Survey. Prior to construction, the Project area shall be surveyed by a Certified Arborist for Protected Trees according to the</p>	<p>During Design/ Prior to Construction</p>	<p>City/Contractor</p>	<p>Completion of Tree Survey</p>	<p>City Public Works Dept.</p>	

**I880-SR92 Reliever Route – Phase I:
Mitigation Monitoring and Reporting Program**

Mitigation Measure	Timing/ Schedule	Implementation Responsibility	Verification		
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<p>parameters of Municipal Code Section 10-15.13 stated as follows: “The following trees, when located on properties to which this Ordinance applies as set forth in Section 10-15.11 above, shall be Protected Trees:</p> <ol style="list-style-type: none"> 1. Trees having a minimum trunk diameter of eight inches measured 54” above the ground. When measuring a multi-trunk tree, the diameters of the largest three trunks shall be added together. 2. Street trees or other required trees such as those required as a condition of approval, Use Permit, or other Zoning requirement, regardless of size. 3. All memorial trees dedicated by an entity recognized by the City, and all specimen trees that define a neighborhood or community. 4. Trees of the following species that have reached a minimum of four inches diameter trunk size: <ol style="list-style-type: none"> a. Big Leaf Maple Acer (macrophyllum) b. California Buckeye (Aesculus californica) c. Madrone (Arbutus menziesii) d. Western Dogwood (Cornus nuttallii) e. California Sycamore (Platanus 					

**I880-SR92 Reliever Route – Phase I:
Mitigation Monitoring and Reporting Program**

Mitigation Measure	Timing/ Schedule	Implementation Responsibility	Verification		
			Monitoring Action	Monitoring Responsibility	Date Completed
<p>racemosa)</p> <p>f. Coast Live Oak (<i>Quercus agrifolia</i>)</p> <p>g. Canyon Live Oak (<i>Quercus chrysolepis</i>)</p> <p>h. Blue Oak (<i>Quercus douglassii</i>)</p> <p>i. Oregon White Oak (<i>Quercus garryana</i>)</p> <p>j. California Black Oak (<i>Quercus kelloggi</i>)</p> <p>k. Valley Oak (<i>Quercus lobata</i>)</p> <p>l. Interior Live Oak (<i>Quercus wislizenii</i>)</p> <p>m. California Bay (<i>Umbellularia californica</i>)</p> <p>5. A tree or trees of any size planted as a replacement for a Protected Tree.</p>					
<p>Bio-3: Tree Permit. After completion of Mitigation Measure Bio-2, a Tree Permit shall be obtained prior to removal of any Protected Tree, according to the provisions of Municipal Code Section 10-15.20 et. seq.</p>	Prior to Tree Removal	Contractor	Issuance of Tree Permit if Protected Trees are to be Removed	City Public Works Dept. & Development Services Dept.	
<p>Cult-1: Pedestrian Survey. Prior to construction, an intensive pedestrian survey shall be undertaken by a qualified archaeologist meeting federal criteria</p>	During Design, Prior to Grading and Construction	City/Contractor	Completion of Pedestrian Survey	City Public Works Dept.	

**I880-SR92 Reliever Route – Phase I:
Mitigation Monitoring and Reporting Program**

Mitigation Measure	Timing/ Schedule	Implementation Responsibility	Verification		
			Monitoring Action	Monitoring Responsibility	Date Completed
<p>under 36 CFR 61 in the areas that were inaccessible at the time of WSA's survey. The survey shall be conducted once access to the parcels is granted and prior to ground disturbing activities within that area. Should prehistoric or historic cultural resources be present, they shall be recorded on Department of Parks and Recreation 523 Forms and evaluated for their eligibility to the CRHR. Mitigation recommendations shall be developed based on the results of the significance evaluation.</p>					
<p>Cult-2: Resource Discovery. If deposits of prehistoric or historic archeological materials are encountered during project activities, all work within 25 feet of the discovery shall be stopped and a qualified archeologist meeting federal criteria under 36 CFR 61 shall be contacted to assess the deposit(s) and make recommendations.</p> <p>While deposits of prehistoric or historic archeological materials should be avoided by project activities, if the deposits cannot be avoided, they shall be evaluated for their potential historic significance. If the deposits are recommended to be non-significant, avoidance is not necessary. If the deposits are determined to be potentially significant, they shall be avoided. If avoidance is not feasible, project impacts shall be mitigated in accordance with the recommendations of the</p>	<p>During Grading or Construction if Resources are Discovered</p>	<p>Contractor</p>	<p>Observation During Grading and Construction</p>	<p>City Public Works Dept.</p>	

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Mitigation Monitoring and Reporting Program**

Mitigation Measure	Timing/ Schedule	Implementation Responsibility	Verification		
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evaluating archaeologist and CEQA Guidelines §15126.4 (b)(3)(C), which require development and implementation of a data recovery plan that shall include recommendations for the treatment of the discovered archaeological materials. The data recovery plan shall be submitted to the City of Hayward for review and approval. Upon approval and completion of the data recovery program, project construction activity within the area of the find may resume, and the archaeologist shall prepare a report documenting the methods and findings. The report shall be submitted to the City of Hayward. Once the report is reviewed and approved by the City, a copy of the report shall be submitted to the Northwest Information Center (NWIC).					
Cult-3: Pre-Construction Training. Prior to construction, all construction crews that work on the project shall undergo an approximate one-hour training session by a qualified archaeologist to inform them of the potential for previously undiscovered archaeological resources and human remains within the project area; of the laws protecting these resources and associated penalties; and of the procedures to follow should they discover cultural resources during project-related work.	Prior to Construction	Contractor	Completion of Training	City Public Works Dept.	

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Mitigation Monitoring and Reporting Program**

Mitigation Measure	Timing/ Schedule	Implementation Responsibility	Verification		
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<p>Cult-4: Remains Discovery. Section 7050.5(b) of the California Health and Safety code will be implemented in the event that human remains, or possible human remains, are located during project-related construction excavation. Section 7050.5(b) states - “In the event of discovery or recognition of any human remains in any location other than a dedicated cemetery, there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent remains until the coroner of the county in which the human remains are discovered has determined, in accordance with Chapter 10 (commencing with Section 27460) of Part 3 of Division 2 of Title 3 of the Government Code, that the remains are not subject to the provisions of Section 27492 of the Government Code or any other related provisions of law concerning investigation of the circumstances, manner and cause of death, and the recommendations concerning treatment and disposition of the human remains have been made to the person responsible for the excavation, or to his or her authorized representative, in the manner provided in Section 5097.98 of the Public Resources Code.”</p>	<p>During Grading or Construction if Remains are Discovered</p>	<p>Contractor</p>	<p>Observation During Grading and Construction</p>	<p>City Public Works Dept.</p>	
<p>Geo-1: Erosion Control Plan. An Erosion Control Plan shall be prepared by the City of Hayward in conjunction with design of the project. The Erosion</p>	<p>Prior to Grading and Construction</p>	<p>Contractor</p>	<p>Implementation of Erosion Control Plan</p>	<p>City Public Works Dept.</p>	

**I880-SR92 Reliever Route – Phase I:
Mitigation Monitoring and Reporting Program**

Mitigation Measure	Timing/ Schedule	Implementation Responsibility	Verification		
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Control Plan shall include winterization, dust control, erosion control and pollution control measures conforming to the ABAG Manual of Standards for Erosion and Sediment Control Measures. The Erosion Control Plan shall describe the "best management practices" (BMPs) to be used during and following construction to control pollution resulting from both storm and construction water runoff. The Plan shall include locations of vehicle and equipment staging, portable restrooms, mobilization areas, and planned access routes. Recommended soil stabilization techniques include placement of straw wattles, silt fences, berms, and gravel construction entrance areas or other control to prevent tracking sediment onto city streets and into storm drains. Public works staff or representatives shall visit the site during grading and construction to ensure compliance with the Erosion Control Plan, and note any violations, which shall be corrected immediately.					
Geo-2: Use of Non-Expansive Fill under pavement sections and for proper pavement construction. Any expansive material present in near surface soils shall be excavated and replaced with non-expansive fill in accordance with recommendations of the Geotechnical Investigation. Pavement design recommendations	Per Project Specs., During Construction;	Contractor	In Conformance with Project Specs., Removal of Expansive Soil during Construction, if Discovered	City Public Works Dept.	

**I880-SR92 Reliever Route – Phase I:
Mitigation Monitoring and Reporting Program**

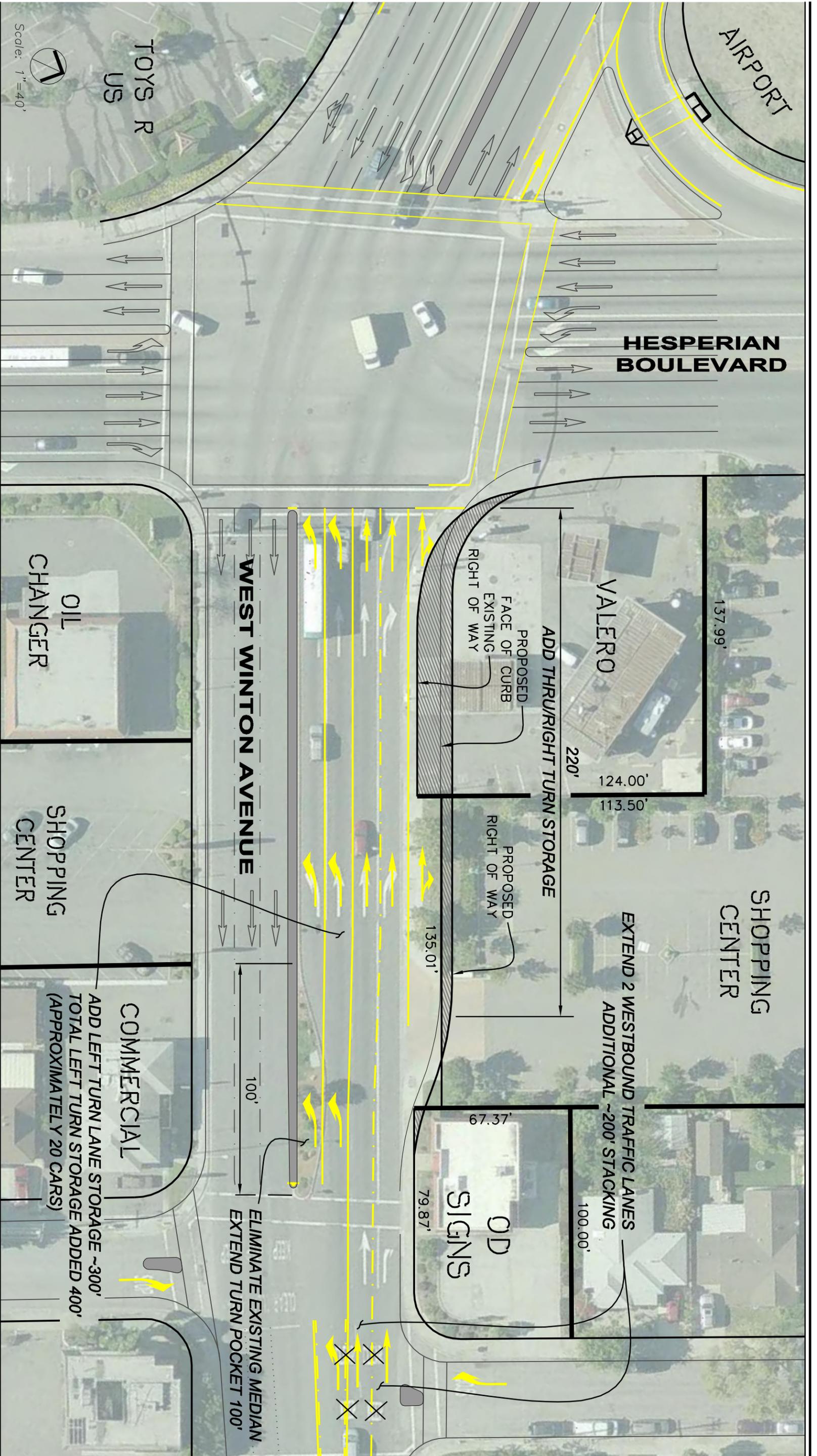
Mitigation Measure	Timing/ Schedule	Implementation Responsibility	Verification		
			Monitoring Action	Monitoring Responsibility	Date Completed
regarding use of Class II aggregate base and asphalt concrete thicknesses shall be followed to mitigate effects of expansive soils on pavement sections.					
<p>Haz-1: Compliance with recommendations of a Phase II Environmental Site Assessment. The Phase I Site Assessment recommended a Phase II investigation for properties situated within Segment 1, Segment 3 and Segment 4, to identify, for example, the extent of petroleum related soil and groundwater contamination. If this (these) investigation(s) encounters contamination exceeding environmental screening levels for industrial/commercial/office land uses, then remedial action shall be taken. The specific actions to be taken will be determined as part of the Phase II investigation, but will require compliance with Department of Toxic Substance Control and State Water Resource Control Board (SWRCB) and the City of Hayward Fire Department regulations. If measures, including removal or remediation of site soils, are necessary, then required permits shall be obtained from the SWRCB and Hayward Fire Department. Specific measures shall include removal of soil and remedial treatment of groundwater for locations where road construction will require disturbance of contaminated soil.</p>	Prior to Grading and Construction	Contractor	Completion of Phase II and Compliance with its Recommendations	City Public Works Dept.	

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Mitigation Monitoring and Reporting Program**

Mitigation Measure	Timing/ Schedule	Implementation Responsibility	Verification		
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<p>Haz-2: Compliance with California Department of Transportation (Caltrans) Unknown Hazards Procedure. Should evidence of environmental hazards be found during construction activities, the resident engineer shall follow the unknown hazards procedure laid out in the Caltrans Construction Manual, Chapter 7.</p>	During Grading and Construction	Contractor	Compliance with Caltrans Requirements if Hazards are Discovered	City Public Works Dept.	
<p>Hyd-1: Stormwater Pollution Prevention Plan (SWPPP). The Public Works Department shall prepare and implement an updated SWPPP for the proposed project. The updated SWPPP and Notice of Intent (NOI) must be submitted to the State Water Resources Control Board to receive a Construction General Permit. The SWPPP shall address National Pollutant Discharge Elimination System (NPDES) requirements and be designed to protect water quality both during and after construction. The Project SWPPP shall include the following mitigation measures for the construction period:</p> <ol style="list-style-type: none"> 1. “Best Management Practices” (BMPs) as outlined by the Alameda Countywide NPDES Municipal Stormwater Permit C.3 Provisions shall be implemented for preventing the discharge of other construction-related NPDES pollutants beside sediment (i.e. paint, concrete, etc) to downstream waters. 	Prior to Grading and Construction	Contractor	Adherence to SWPPP	City Public Works Dept.	

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2. After construction is completed, all drainage facilities shall be inspected for accumulated sediment, and these drainage structures shall be cleared of debris and sediment.					



Kimley-Horn
and Associates, Inc.

Hesperian and West Winton Intersection
Interstate 880 / State Route 92 Reliever Route

DATE: March 22, 2011

TO: Mayor and City Council

FROM: Development Services Director

SUBJECT: Request to Change the General Plan Designation from Medium Density Residential to High Density Residential and to Introduce an Ordinance to Change the Zoning from Medium Density Residential to Planned Development to Accommodate Twenty-two Affordable Senior Housing Rental Units Proposed at the Corner of B and Grand Streets - General Plan Amendment Application No. PL-2010-0368 and Zone Change Application No. PL-2010-0369 - Eden Housing (Applicant); City of Hayward (Owner)

RECOMMENDATION

Staff recommends that the City Council adopts the attached resolution (Attachment I) adopting the attached Negative Declaration (ND), approving the General Plan Amendment, and approving the proposed twenty-two unit Senior Housing facility, and introduces the attached ordinance (Attachment II) related to the zone change to a Planned Development district.

SUMMARY

This proposal from Eden Housing for development of the site at the corner of B and Grand Streets is supported by staff because the proposed density (45 units per acre with density bonus) is consistent with the density of the adjacent property developed by Eden Housing (56 units per acre). The proposed density is also consistent with densities typically found around transit stations in urban settings. The project is well designed with high quality architectural features that will contribute to the character of the neighborhood, and the project will provide additional affordable housing for seniors to meet the needs of a growing population sector. Also, the requested reduction of some development standards is supported by staff for the reasons identified in this report.

BACKGROUND

In 2005, when the City approved the Cannery Place residential development, the City and the developer entered into an Inclusionary Housing Agreement, specifying that the developer would provide very-low income units off-site and moderate-income units on-site. The majority of the obligation for off-site units was fulfilled by the development of the Eden Housing Senior Housing facility (Phase I) located adjacent and to the south of the project site at the northwest corner of C

and Grand Streets. In December 2009, the Cannery Place developer approached the City and requested modification of its Inclusionary Housing Agreement. That request involved, in part, the donation of land at the corner of B and Grand Streets for ultimate development of an additional twenty-two very-low-income units to satisfy its remaining off-site inclusionary housing obligation. In accordance with the Inclusionary Housing Agreement amendments, the developer transferred the site to the City's Redevelopment Agency. Subsequent to that transfer, Eden Housing submitted a request to develop the subject property. On Friday, March 11, the Agency transferred this property to the City and the City now owns the property.

DISCUSSION

Project Description - The proposed development is a combination two and three-story building that has a gross square footage of 20,813 on a 0.5-acre parcel. The proposed building is L-shaped with the main entrance oriented toward the corner of B and Grand Streets similar to the Phase I project, which is oriented toward the corner of C and Grand Streets. Access to the proposed parking will be via Grand Street behind the building. The parking will be situated between the existing Phase I and the proposed Phase II buildings. Also situated behind the proposed building is an outdoor courtyard, including raised vegetable beds that will be a part of the group open space. The two-story portion of the structure faces B Street, while the three-story portion of the structure faces Grand Street and the existing Phase I building. The project proposes to use a combination of horizontal lap siding and board siding for exterior materials. The architectural design is contemporary, but incorporates elements of the Craftsman style as required by the "B" Street Special Design Streetcar District.

In order to accommodate the twenty-two units on the 0.5-acre site, both the General Plan and Zoning designations must be modified. The development must also take advantage of a density bonus under State and City Density Bonus Law.

Density Bonus - Given that the proposed project is comprised entirely of affordable senior housing units, under State Density Bonus Law, the project is entitled to a mandatory 35% density bonus. The proposed development, with the change to the High Density land use designation, could construct a total of seventeen units. However, with the mandatory 35% density bonus, the applicant is entitled to an additional five units for a total of twenty-two units.

A project that applies for a density bonus also is entitled to a maximum of three incentives and an unlimited number of waivers of development standards, if it can be determined that without the waivers, the project would not be feasible. An incentive is a reduction in a site development standard that results in actual cost reductions for the project, whereas a waiver is a modification of development standards that is needed to make the project economically feasible. The incentives the applicant requests include: (1) a reduction in the required amount of group open space and (2) a request not to sub-meter the water system. The waivers requested include: (1) a slight reduction to the required parking spaces sizes and (2) a relaxation of the covered parking requirements.

Incentives- Eden Housing has requested an incentive to provide less than the required group open space. Based on the number of units, the development must provide 7,700 square feet of group open space. The project will be providing 6,305 square feet of group open space. Some of

the proposed group open space will be provided within the building, while the outdoor courtyard will provide an additional portion. Staff is supportive of this incentive as the project is for seniors who staff anticipates will enjoy the indoor gathering spaces as much as the exterior space. The project site is also relatively small as compared with the Phase I development, and, in order to achieve the desired density, some reduction in development standards is necessary. Given the proximity to Phase I, the occupants of this project will be able to take advantage of facilities provided at the adjacent facility to the south, such as the group gathering spaces included in Phase I, which constitute almost 6,000 square feet. In addition, the project is within walking distance of other amenities, including the City's public library and Cannery Park.

The applicant is also requesting an exception to the requirement that the water service be sub-metered for each unit. Typically, multi-family projects are required to provide a water meter to each unit to measure water use; however, water for the project is centrally heated and then distributed to each unit by Eden Housing. Public Works Utilities is supportive of this request not to sub-meter the water, because it is centrally located for distribution to units.

Waivers -The applicant requests a modification to the required parking space sizes. Under City standards, all required parking spaces must be nine feet by nineteen feet. The applicant is proposing that three of the eleven parking spaces be eight feet by nineteen feet, which exceeds the City's compact parking space size of eight feet by fifteen feet. Given the small site, the density bonus requirement, and the desire to save an existing tree located in the southeast corner of the site, staff is supportive of this waiver. In addition, by allowing three of the eleven spaces to have an eight-foot width, the project can provide parking at the ratio of 0.5 spaces per unit, which is consistent with the parking ratio established for Phase I.

The second waiver the applicant requests is to allow only five of the eleven parking spaces to be covered, where all would normally be covered. The covered parking spaces are located below the proposed building. The other six parking spaces will be uncovered. These six parking spaces are adjacent to the outdoor courtyard area, and the applicant would prefer to leave those spaces uncovered to maximize the open feel of the courtyard area and to maintain a clear and visible pedestrian connection between the proposed project and Phase I. Staff is supportive of the request.

Without the granting of the incentives and waivers, the project would not be economically feasible, given the size of the property, the need to maintain consistency with the "B" Street Special Design Streetcar District, and the mandated site density. Staff is supportive of the incentives and waivers, since the tradeoff is a well-designed project that provides an additional twenty-two units of affordable senior housing under unified ownership and management.

General Plan Amendment - As stated previously, the proposed development, with the change to a High Density General Plan land use designation (17-34 units per net acre), would be allowed a total of seventeen units. However, with the 35% density bonus, the applicant is entitled to an additional five units for a total of twenty-two units. The High Density Residential land use designation is consistent with the Downtown City Center Retail and Office Commercial land use density on the adjacent Phase I property, which has a range of thirty to sixty-five units per net acre. Staff is supportive of the request to modify the General Plan land use designation, as it will not only satisfy the inclusionary housing requirements for the Cannery Place development and allow Eden Housing

to construct the second phase of its development, but the City will gain twenty-two affordable senior housing units to serve a growing segment of the population on a site that is in close proximity to transportation and services.

Findings for General Plan Amendment Application - In order to support the changes proposed to the General Plan, the City Council must make the following findings for the project, as recommended by the Planning Commission and staff:

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

The increase in land use density for the site will allow Eden Housing to construct the second phase of its project and will provide an additional twenty-two very-low-income rental units for seniors, a growing portion of the Hayward population. The location of the project site, across from the Downtown Hayward BART station and just west of downtown, is an ideal location as it allows for the future residents to be near alternative transportation as well as services.

- (2) The proposed change is in conformance with the purposes of the General Plan and all applicable, officially adopted policies and plans.

The General Plan modification will allow for the construction of twenty-two additional affordable housing units for seniors. The General Plan has a goal to assist in the development of affordable housing, including programs which specifically aim to provide incentives to developers allowing them to construct affordable housing in the City. Another goal is to provide suitable sites for housing developments including encouraging development that takes advantage of convenient access to the BART station. The proposed project is not only convenient, as it is across the street from the Hayward BART station and near services provided downtown, but it is also adjacent to the existing senior housing facility and will be able to take advantage of shared facilities.

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

The project site is located at the corner of B Street and Grand Street and has adequate public facilities to serve the proposed use.

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

The proposed use is residential and is compatible with the surrounding uses which are also primarily residential uses. The project incorporates appropriate design elements of the Craftsman style in accordance with the "B" Street Special Design Streetcar District. In addition, without the modification to the General Plan land use designation, the density would not permit the construction of twenty-two very-low-income senior housing units.

Rezoning to Planned Development District - The proposal involves a modification of the current zoning designation from Medium Density Residential to Planned Development. 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 designation is to encourage development through efficient and attractive space utilization that might not otherwise be achieved through strict application of the development standards.

The development is proposed to have a ten-foot setback along B Street where a twenty-foot setback would be required. This reduction allows the development to take advantage of a larger group gathering space behind the building for future tenants and protection of an existing redwood tree, while still allowing for a landscape frontage along B Street. In addition, other buildings along B Street west of the project site have varying setbacks. In some cases, the front setback is ten feet, so the proposed building would not be out of character with the neighborhood.

The project also is showing a reduction in the total number of required parking spaces. The project provides eleven parking spaces at a ratio of 0.5 spaces per unit. The amount of parking required for the development is 1.7 parking spaces per unit, for a total of thirty-seven parking spaces. However, the adjacent Phase I project is located within the City's Central Parking District, and as such, was only required to provide 0.5 parking spaces per unit. Given the proximity of the proposed development to public transportation and services as well as the integration of shared facilities with Phase I, staff is supportive of the request to provide parking at the 0.5 parking space per unit ratio.

Findings for the Zone Change/Preliminary Development Plan - In order for a Planned Development District to be approved, the 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 proposed development of a senior housing facility is in harmony with the surrounding area, which is primarily residential. The proposed affordable senior housing facility is consistent with General Plan policies that encourage providing housing that can accommodate a range of sizes, location and tenure as well as policies related to encouraging housing near transit and services which this development will achieve.

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

The project site is surrounded by existing streets and there are utilities available to the site with adequate capacity to serve the proposed development.

- (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 development of twenty-two very-low-income senior rental units by a local reputable affordable housing entity is a residential development that will be sustainable over time. As the population ages, there will be a need to provide housing opportunities for this population. Having a facility closely located to public transit and services, as well as Cannery Park and the main branch of the Hayward Library, will also be beneficial to the sustainability of the development and help serve the needs of the project occupants.

- (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 development is seeking a zone change to Planned Development to allow for a modified building setback along B Street and to allow for a reduction in the required number of parking spaces. Staff is supportive of the B Street setback. The setback will allow for increased space behind the proposed building for future tenant group gathering space and still allow for sufficient landscaping along B Street to enhance the streetscape. Staff is also supportive of the reduction in parking spaces as the development will provide 0.5 parking spaces per unit, which is consistent with what was allowed for the first phase of the development and typical of what has been required for senior housing facilities. In addition, the reduced building setback along B Street and the parking space reductions allow an existing redwood tree to be saved and help enhance the proposed outdoor courtyard. Without the Planned Development zoning, the project would not likely be developed, and with the allowance, the City is adding twenty-two additional very low income senior housing units to its housing stock.

February 10, 2011 Planning Commission Hearing – The Planning Commission heard this proposal at its February 10, 2011 meeting. As reflected in the attached meeting minutes (Attachment VII), the Commission was supportive of the proposal and indicated the project would be a good addition to the Hayward community and that the developer, Eden Housing, always does outstanding projects. Some concerns were expressed over the request for reduced parking and group open space, but overall, the Commission was supportive given the proximity to public transit and other nearby recreational amenities, including the group open space areas in Phase I.

The owner of the adjacent property attended the Planning Commission meeting and indicated concerns with the common property fence design and the redwood tree at the rear of the project site. The applicant indicated they would work with the neighbor regarding her concerns. Staff has included a recommended condition of approval requiring the applicant to work with the neighbor regarding the design of the common property fence and the maintenance of the redwood tree.

The Planning Commission recommended that the City Council approve the proposed project, including adoption of the Negative Declaration, approval of the General Plan Amendment and Zone Change to build twenty-two affordable senior housing rental units using density provisions and related incentives and waivers with modifications to some of the Conditions of Approval. The Commission requested the following changes with respect to Conditions of Approval:

1. That language related to limitations on solar collectors be removed from Planning Condition Number 8, which will allow the applicant to be able to install solar panels;
2. That Development Services Condition Number 10 be removed (duplicative condition); and
3. That Public Works Utilities Water Condition Number 2 regarding submetering be removed as this was one of the incentives requested by the applicant.

Following the Planning Commission Hearing, discussions with the applicant have revealed that due to their reliance on funding to construct the project, the actual construction may take some time. They are requesting that their initial approval be valid for longer than one year. Staff is amenable to this and consistent with language used on other permits, staff has modified recommended Planning Division Condition of Approval number one accordingly to allow for an initial approval of two years with the ability to apply for up to two one-year extensions.

This project was also presented to the Hayward Redevelopment Area Committee on January 12, 2011. Eden Housing submitted their proposal to the Committee for conceptual approval. The project was favorably received and approved by the Committee members. The Committee made some suggestions related to architectural design, which Eden took note of and indicated they would respond to during the City Council hearing.

ECONOMIC/FISCAL IMPACT

The construction of the new rental housing units will add temporary construction jobs. Based on calculations completed by the applicant in conjunction with their contractor, it has been estimated that a typical job of this size, would require approximately 22,000 man hours, which is equivalent to approximately 210 jobs.

However, additional housing units will also add demands on the City's public safety services such as Police and Fire. Based on previous economic analyses completed for other projects in the City, the impact of new residential on public services is typically \$560 per unit per year. The total impact to public services per year by the proposed development is approximately \$12,350. Because this is a low income or affordable housing project, there will be no property tax generated.

PUBLIC CONTACT

An initial notice of the application was sent to property owners and residents within 300 feet of the project site as well as to the Burbank Neighborhood Task Force. Staff received a comment from a neighbor in response to that notice who was not supportive of affordable housing at this location. The neighbor indicated that he always understood that market rate housing was going to be constructed on this site and was disappointed that additional low income senior housing units were being proposed. Notice of both the Planning Commission hearing held on February 10 and this hearing was provided to owners and residents within 300 feet of the project site as well as to the Burbank Neighborhood Task Force. As of the writing of this report, staff has not received any additional community comments.

NEXT STEPS

Assuming the City Council approves the project, the applicant will need to submit a Precise Development Plan and Improvement Plans for review and approval by various City departments. Once the City approves the Precise Development Plan and Improvement Plans, the applicant may submit for building permits which, once approved, could proceed with construction of the project.

Prepared by: Sara Buizer, AICP, Senior Planner

Recommended by: David Rizk, AICP, Development Services Director

Approved by:



Fran David, City Manager

Attachments:

- Attachment I Resolution
- Attachment II Ordinance
- Attachment III Area and Zoning Map
- Attachment IV Recommended Conditions of Approval
- Attachment V Negative Declaration
- Attachment VI February 10, 2011 Planning Commission Staff Report with Previously Recommended Conditions of Approval
- Attachment VII February 10, 2011 Planning Commission meeting minutes
- Attachment VIII Project Plans

HAYWARD CITY COUNCIL

RESOLUTION NO. 11-

Introduced by Councilmember _____

RESOLUTION ADOPTING THE NEGATIVE
DECLARATION AND APPROVING A GENERAL PLAN
AMENDMENT AND ZONE CHANGE APPLICATION
PERTAINING TO A PROPOSED TWENTY-TWO-UNIT
SENIOR HOUSING FACILITY AT B AND GRAND
STREETS

WHEREAS, in December 2009, the City Council authorized an amendment to the Cannery Place Development Inclusionary Housing Agreement allowing for the off-site construction of twenty-two low income units to satisfy the developer's inclusionary housing obligation; and

WHEREAS, on October 4, 2010, Eden Housing (Applicant) submitted General Plan Amendment Application No. PL-2010-0368 and Zone Change Application No. PL-2010-0369, which concerns a request to a) amend the General Plan Land Use Designation from Medium-Density Residential to High Density Residential; and b) change the Zoning from Medium Density Residential to Planned Development to facilitate construction of twenty-two very low income senior housing units at the corner of B and Grand Streets (the "Project"); and

WHEREAS, a Negative Declaration has been prepared to assess the potential environmental impacts of the proposed development; and

WHEREAS, the Planning Commission considered the Project at a public hearing held on February 10, 2011, and has recommended that the City Council adopt the Negative Declaration, approve PL-2010-0368GPA and PL-2010-0369ZC and approve the twenty-two-unit senior housing facility; and

WHEREAS, notice of the hearing was published in the manner required by law and the hearing was duly held by the City Council on March 22, 2011.

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby finds and determines as follows:

CALIFORNIA ENVIRONMENTAL QUALITY ACT

1. The project will have no significant impact on the environment, cumulative or otherwise, the project reflects the independent judgment of the City Council, and, therefore, a negative declaration has been prepared.

GENERAL PLAN AMENDMENT

2. The proposed General Plan Amendment will promote the public health, safety, convenience, and general welfare of the residents of Hayward, in that the High Density Residential land use designation will allow Eden Housing to construct the second phase of its project and will provide an additional twenty-two very-low-income rental units for seniors, which constitutes a growing segment of the City's population. The location of the project site, across from the Hayward BART station and just west of downtown, is an ideal location for housing, because it allows the future residents to be near alternative transportation as well as services.
3. The proposed General Plan Amendment to High Density Residential land use designation is in conformance with the City's General Plan policies and goals, including those which assist in the development of affordable housing and providing suitable sites for housing developments that take advantage of convenient access to the BART station. The proposed project is across the street from the Downtown BART station and near services provided in downtown, and it is adjacent to the existing senior housing facility and will be able to take advantage of shared facilities.
4. Streets and public facilities existing or proposed are adequate to serve all uses permitted when the property is reclassified to the High Density Residential land use designation in that surrounding streets are fully developed with all utilities present.
5. All uses permitted when the property is reclassified to High Density Residential will be compatible with present and potential future uses, and further, the project incorporates appropriate design elements of the Craftsman style in accordance with the "B" Street Special Design Streetcar District. In addition, without the modification to the General Plan land use designation, the density would not permit the construction of twenty-two very-low-income senior housing units.

ZONE CHANGE

6. The proposed development of a senior housing facility is in harmony with the surrounding area which is primarily residential. The project, as it is an affordable senior housing facility, is consistent with General Plan policies that encourage providing housing that can accommodate a range of sizes, location and tenure as well as policies related to encouraging housing near transit and services which this development will achieve.
7. The project site is surrounded by existing streets and there are utilities available to the site with adequate capacity to serve the proposed development.
8. The development of twenty-two very-low-income senior rental units by a local reputable affordable housing entity is a residential development that will be sustainable over time. As the population ages, there will be a need to provide housing opportunities for seniors. Having a facility located in close proximity to public transit and services, as well as Cannery

Park and the main branch of the Hayward Library, will also be beneficial to the sustainability and long-term viability of the development and help serve the needs of the project occupants.

9. The zone change to Planned Development allows for a modified building setback along B Street and a reduction in the required number of parking spaces. The reduced setback will allow increased space behind the proposed building for group gathering space for the future tenants and still allow sufficient landscaping along B Street to enhance the streetscape. The reduction in parking spaces to 0.5 parking spaces per unit is consistent with that allowed for the first phase of the development and typical of what has been required for senior housing facilities in the past. In addition, the reduced building setback along B Street and the parking space reductions allow the retention of an existing redwood tree and helps enhance the proposed outdoor courtyard. Without the Planned Development zoning, the project would not likely be developed, and with the zone change, the City is benefitting from an additional 22 additional very low income senior housing units, under unified management and operation.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Hayward, based on the foregoing findings, that the Negative Declaration is hereby adopted and General Plan Amendment No. PL-2010-0368, and Zone Change Application No. PL-2010-0369 are approved, subject to the adoption of the companion ordinance rezoning the properties located at the corner of B and Grand Streets (APNs 431-0040-012-02, 431-0040-011, and 431-0040-010) from Medium Density Residential to Planned Development District, and subject to the attached conditions of approval.

IN COUNCIL, HAYWARD, CALIFORNIA _____, 2011

ADOPTED BY THE FOLLOWING VOTE:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

ATTEST: _____
City Clerk of the City of Hayward

APPROVED AS TO FORM:

City Attorney of the City of Hayward

CONDITIONS OF APPROVAL

General Plan Amendment Application No. PL-2010-0368 and
Zone Change Application No. PL-2010-0369

Eden Housing (Applicant)

Planning Division

1. General Plan Amendment Application No. PL-2010-0368 and Zone Change Application No. PL-2010-0369 is approved subject to the plans labeled Exhibit "A" and the conditions listed below. The Preliminary Development Plan Approval becomes void two years after the effective date of approval, unless prior to that time a Precise Development Plan has been submitted for review and processing in accordance with all conditions of the Preliminary Development Plan approval. A request for up to two, one-year extensions, approval of which is not guaranteed, must be submitted to the Planning Division at least 15 days prior to the expiration date.
2. If a building permit is issued for construction of improvements authorized by the General Plan Amendment and Zone Change approvals, said approvals shall be void two years after issuance of the building permit, or three years after approval of the Precise Development Plan Approval, whichever is later, unless the construction authorized by the building permit has been substantially completed or substantial sums have been expended in reliance upon the Precise Plan approval.
3. The permittee shall assume the defense of and shall pay on behalf of and hold harmless the City, its officers, employees, volunteers and agents from and against any or all loss, liability, expense, claim costs, suits and damages of every kind, nature and description directly or indirectly arising from the performance and action of this permit.
4. Prior to application for a Building Permit or a Grading Permit, a Precise Development Plan shall be submitted for review and approval and include the following:
 - a) A copy of these conditions of approval shall be included on a full-sized sheet(s) in the set of plans.
 - b) In addition to the architectural and landscape drawings, a lighting plan, prepared by a qualified illumination engineer meeting the requirements of the City's Building Security Ordinance. Exterior lighting shall be erected and maintained so that adequate lighting is provided in all common areas. Exterior lighting shall be shielded and deflected away from neighboring properties and from windows of units within the project.

The fixtures shall be decorative and designed to keep the light from spilling onto adjacent properties. Wall-mounted light fixtures shall not be mounted greater than 12 feet in height unless otherwise permitted by the Planning Director. Luminaires shall be of a design that complements the architectural style of the building and shall be approved by

the Planning Director prior to issuance of the building permit. The maximum height of the luminaires shall be 12 feet unless otherwise permitted by the Planning Director. The lighting and its related photometric plan shall be reviewed and approved by the Planning Director. Lighting standards shall be placed so as to not conflict with the location of trees or where they would shine directly into windows.

- c) A color board shall be submitted for review and approval by the Planning Director.
 - d) The developer shall work with Planning staff to design secure bicycle parking to the extent feasible.
5. In conjunction with the Precise Plan submittal and prior to issuance of a building permit:
- a) The developer shall cause to be recorded a covenant agreement to ensure that the 22 rental units remain affordable to low and very low income seniors for a minimum of 55 years. The agreement shall be approved by the Planning Director prior to recordation.
 - b) The developer shall cause the three parcels to be merged into one.
 - c) The developer shall submit a soils investigation report for review and approval by the City Engineer.
 - d) The developer shall submit improvement plans for review and approval by the City Engineer.
6. Prior to the installation of any signs, the applicant shall submit a Sign Permit Application to the Planning Director for review and approval.
7. The owner shall maintain in good repair all fencing, parking and driveway surfaces, common landscaping, lighting, exterior elevations, trash enclosures, drainage facilities, project signs, etc. The premises shall be kept clean. Any graffiti painted on the property shall be painted out or removed within 72 hours of occurrence.
8. No mechanical equipment may be placed on the roof unless it is incorporated into the design of the roof. Prior to construction, documentation shall be provided that the roof-mounted mechanical equipment is adequately screened.
9. In the event that 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 consulted 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.
10. Construction noise from the development of this site shall adhere to standard restrictions on hours and days of operation as specified in the City of Hayward Municipal Code, Article 1,

Section 4-1.03(2). Construction equipment is required to have sound reduction devices to reduce noise impacts on surrounding properties. The name and telephone number of an individual responsible for responding to complaints regarding noise, and who is hired by the developer, shall be posted at the site during construction.

11. Prior to final inspection, all pertinent conditions of approval and all improvements shall be completed to the satisfaction of the Planning Director.
12. Any proposal for alterations to the proposed site plan and/or design, which does not require a variance to any zoning code, must be approved by the Planning Director prior to implementation.
13. Any future modification to the approved site plan shall require review and approval by the Planning Director.
14. The applicant shall work with the neighboring property owner regarding the design of the fence along the common property line and the maintenance of the redwood tree.

Development Services

15. A Parcel Merger Application with an initial deposit in the amount of \$3,000 shall be submitted prior to or concurrent with the Building Permit Application. All parcels must be under common ownership and title must be held in the exact manner for each parcel.
16. Parcel Merger Notice shall be executed and recorded prior to the issuance of any building permits.
17. A strip of land at the corner of B and Grand Streets shall be dedicated to the City for the installation of a new pedestrian ramp. The dedication of right-of-way shall be completed prior to the issuance of any building permits.
18. Prior to the issuance of any permits for any construction activity on-site, the Developer's Engineer shall submit a completed Development Building Application Form Information consisting of: 1) Impervious Material Form and 2) Operation and Maintenance Information Form.
19. Prior to the issuance of any permits the owner/developer shall execute a Storm Treatment Measures Maintenance Agreement (as prepared by the City of Hayward and is available in the Engineering and Transportation Division); 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.

Improvement Plans

20. Concurrent with the Precise Plan submittal, submit five sets of Improvement plans, hydrology and hydraulic calculations and drainage area map, detailed C.3 plan and calculations, and a \$3,000 initial deposit to cover staff's review time charges.
21. The Improvement Plans shall include a design for the undergrounding of utilities along B Street for review and approval by Public Works staff. An encroachment permit will be required for any work in the public right of way. All undergrounding must be completed prior to a Building Permit final.
22. 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.
23. All improvements shall be designed and constructed in accordance with the City of Hayward Municipal Code – Chapter 10, Article 3, and Standard Specifications and Details – unless otherwise indicated hereinafter.
24. The applicant/developer's Registered Civil Engineer shall perform all design work unless otherwise indicated.
25. Prior to the issuance of any permits for any construction activity on-site, detailed Improvement plans including grading, erosion and sediment control measures and drainage plans with supporting calculations, and a completed Drainage Review Checklist shall be submitted for review and approval of the City Engineer. Subject plans shall include standard improvements and all items depicted on the improvement plans labeled C-1, C-2 and C-3 received on December 3, 2010, and shall incorporate the following conditions and design requirements:
 - a) New driveway approach on Grand Street shall be installed per City Standard SD-109.
 - b) Parking and circulation areas shall be designed to conform to the City off-street parking regulations.
 - c) All paved slopes shall have a minimum 0.5% grade.
 - d) The on-site storm drain system shall be a private system owned and maintained by the owners.
 - e) The development shall not block runoff from, or augment runoff to, adjacent properties. The drainage area map developed for the hydrology design shall clearly indicate all areas tributary to the project site.
 - f) The stormwater runoff generated from the site shall be collected and discharged to existing underground storm pipe system in the complex and shall not disperse as surface flow to the adjacent parking lot.
 - g) All storm drain inlets must be labeled "No Dumping - Drains to Bay," using City-approved methods.

- h) The latest edition of the Alameda County Flood Control and Water Conservation District's Hydrology and Hydraulics Criteria Summary shall be used to design the storm drain system. 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 City Engineer.
 - i) The storm drain design shall comply with the C.3 established thresholds and shall incorporate measures to minimize pollutants to the maximum extent practicable (MEP).
26. The Project plan shall identify Best Management Practices (BMPs) appropriate to the uses conducted on-site in order to limit the entry of pollutants into storm water runoff to the maximum extent practicable. It is highly recommended that grassy swale be installed to intercept the surface runoff and using an engineered soil fill with a minimum infiltration rate of 5 inches per hour.
27. The project shall be designed to direct runoff to the landscaped yards and common space, prior to entering into the underground pipe system. Unit pavers should also be considered for impervious areas such as the driveways, parking areas.
28. The applicant/developer shall be 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.
29. Required water system improvements shall be completed and operational prior to the start of combustible construction.
30. 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 construction activities shall be limited to the hours 7:30 AM to 6:00 PM on weekdays; there shall be no grading or construction activities on the weekend or national holidays.
 - 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 units.
 - e) Applicant/developer shall designate a "noise disturbance coordinator" who will be responsible for responding to any local complaints about construction noise.
 - f) The developer shall participate in the City's recycling program during construction.
 - g) Daily clean up of trash and debris shall occur along all peripheral streets and other neighborhood streets utilized by construction equipment or vehicles making deliveries.

- h) 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.
- i) All grading and earth removal work shall follow remediation plan requirements, if soil contamination is found to exist on the site.
- j) All unpaved access roads, parking areas and staging areas at construction sites shall be paved, have water applied three times daily, or non-toxic soil stabilizers applied.
- k) All paved access roads, parking areas and staging areas at construction sites shall be swept daily (with water sweepers).
- l) Inactive construction areas (previously graded areas inactive for 10-days or more) shall have non-toxic soil stabilizers applied, or shall be hydroseeded.
- m) Exposed stockpiles (dirt, sand, etc.) shall be enclosed, covered, watered twice daily or applied with non-toxic soil binders.
- n) Construction debris shall be gathered on a regular basis and placed in a dumpster or other container that is emptied or removed on a weekly basis. When appropriate, tarps on the ground are to be used to collect fallen debris or splatters that could contribute to storm water pollution.
- o) All dirt, gravel, rubbish, refuse and green waste from the sidewalk, street pavement, and storm drain system adjoining the project site shall be removed. During wet weather, driving vehicles off paved areas and other outdoor work areas shall be avoided.
- p) The sidewalks and public street pavement adjoining the project site shall be broom-swept on a daily basis. Caked-on mud or dirt shall be scraped from these areas before sweeping.
- q) No site grading shall occur during the rainy season, between October 15 and April 15, unless approved erosion control measures are in place.
- r) Filter materials (such as sandbags, filter fabric, etc.) shall be installed 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; 3) street washing activities; or 4) saw cutting asphalt or concrete activities, or in order to retain any debris or dirt flowing into the storm drain system. Filter materials shall be maintained and/or replaced as necessary to ensure effectiveness and prevent street flooding. Dispose of filter particles shall be properly disposed in the trash.
- s) A contained and covered area shall be created 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.
- t) Cleaning machinery, tools, brushes, etc., or rinsing containers, into a street, gutter, storm drain or stream is prohibited (see City's "Building Maintenance/Remodeling" flyer for more information).
- u) Concrete/gunite supply trucks or concrete/plasters finishing operations shall not discharge washwater into street gutters or drains.

v) The applicant/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.

31. A representative of the project soils engineer shall be on the site during grading operations and shall perform such testing as deemed necessary by the City Engineer. The representative of the soils engineer shall observe all grading operations and provide any recommended corrective measures to the contractor and the City Engineer.

Landscape Division

32. Provide a revised arborist report to include all existing trees within the project impact area, street trees on B and Grand Street, including health, species, caliper, approximate height, canopy diameter, and value using the latest edition of "Guide for Plant Appraisal" by the International Society of Arboriculture for the City's review and approval. Provide ISA worksheet per each trees are subjected for valuation.

33. The width of the ADA ramp landing is 4 feet including the width of grooves. See the City Standard Detail SD-108. Modify the entry planting area and the arbor configuration to the courtyard.

34. *Platanus acerifolia* 'Yarwood' was specified for as street trees for the Eden Housing on Grand and C Street according to the approved landscape improvement plan dated 2/5/2007. Add this to the plant list.

35. Proposed tree location at the corner of Grand and B Street on Sheet L1.1 and A1.1 should be the same. Revise one of the plans.

36. All existing trees that are proposed to be saved shall be preserved in accordance with the arborist's recommendations. The report shall include detailed tree protection measures prior, during and post construction. A tree preservation bond shall be posted for all existing trees to remain.

37. A separate tree removal permit shall be required prior to issuance of a grading permit.

38. Pruning existing tree branches larger than 1 inch shall require a tree pruning permit per Tree Preservation Ordinance.

39. Provide hose bib(s) shall be provided in the vegetable garden area.

40. Prior to the approval of the improvement plans, a detailed landscaping and irrigation plan for the site shall be prepared by a licensed landscape architect and submitted for review and

41. Mylar of the approved landscape and irrigation improvement plans shall be submitted to the Engineering Department. The size of Mylar shall be 22" x 34" without an exception. A 4" wide x 4" high blank signing block shall be provided in the low right side on each sheet of Mylar. The signing block shall contain two signature lines and dates for City of Hayward, Landscape Architect/Planner and City Engineer. Upon completion of installation, As-built/Record Mylar shall be submitted to the Engineering Department by the developer.
42. A copy of the approved and signed landscape and irrigation improvement plans shall be included in the building permit submittal set. Building permit shall not be issued without the approved landscape and irrigation improvement plans.
43. 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.

Public Works – Utilities

Water-

44. City records indicate that there are two existing ¾" water service lines with 5/8" water meters on the parcels (account # 04-00750.01 & 04-00800.02). If the existing water services and meters cannot be reused, they must be abandoned by the City Water Distribution Personnel at the owner's/applicant's expense.
45. Based on the water fixture shown on the plans, it is estimated that the finished structure will have a total of 245.5 fixture units. If a single water meter and service line are installed for domestic use, a minimum 2" water service line and 2" domestic water meter shall be installed. The current cost for a 2" meter and 2" water service line is \$45,810 (\$4,300 installation cost + \$45,810 facilities fee).
46. If a single water meter and service line are installed for domestic use, the service will be considered commercial and will require a Reduced Pressure Backflow Prevention Assembly to be installed by the applicant/developer.

47. If there will be 5,000 square feet or more of landscaping, a separate irrigation water meter shall be installed for landscaping purposes.
48. The applicant/developer shall install a Reduced Pressure Backflow Prevention Assembly on each irrigation water meter, per City Standard SD-202.
49. All fire services shall be installed by City Water Distribution Personnel at the applicant's/developer's expense, per City Standard SD-204. Minimum sizing shall be per Fire Department's requirements.
50. Water meters and services to be located a minimum of two feet from top of driveway flare as per City Standard Details SD-213 thru SD-218.
51. 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 piping materials.

Sewer-

52. The developments sanitary sewer laterals shall have cleanouts and be constructed per City Standard Detail SD-312.
53. The current Sanitary Sewer Connection fee for a multi-family residential unit is \$6,457 per unit. Sewer Connection fees are due and payable prior to final inspection.

Fire Department

Project Site Requirements-

54. The minimum fire flow is 2500gpm based on construction type of VA and building area of 20,813 square feet. A fire flow reduction of up to 50 percents is allowed when the building is provided with automatic sprinkler system in accordance with NFPA 13. The resulting fire flow shall not be less than 1,500gpm.
55. An unobstructed vertical clearance of not less than 13 feet 6 inches shall be provided for all apparatus access road.

56. Fire apparatus access roads shall be designed and maintained to support the imposed load of fire apparatus 75,000 lbs and shall be surfaced so as to provide all-weather driving capability.
57. Fire apparatus access roads 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.
58. The fire department connection should face to the new 26' fire apparatus road.

Building Requirements-

59. Submit for proper building permits for the construction/ alterations of the building to the Building Department.
60. Fire sprinkler system shall be installed in accordance with NFPA 13 and California Fire Code. Separate submittals and additional permits are required for the installation of fire sprinkler systems.
61. Fire alarm system shall be installed in accordance with NFPA 72 and California Fire Code, and additional permits are required for the installation of fire alarm system.

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 10, ARTICLE 1 OF THE HAYWARD MUNICIPAL CODE BY REZONING CERTAIN PROPERTY AT THE SOUTHWEST CORNER OF B AND GRAND STREETS IN CONNECTION WITH ZONE CHANGE APPLICATION NO. PL-2010-0369 RELATING TO A 22-UNIT SENIOR HOUSING FACILITY

THE CITY COUNCIL OF THE CITY OF HAYWARD DOES ORDAIN AS FOLLOWS:

Section 1. Rezoning.

Article 1 of Chapter 10 of the Hayward Municipal Code is hereby amended to rezone the property at the corner of B and Grand Streets (APNs 431-0040-012-02, 431-0040-011, and 431-0040-010) from Medium Density Residential to Planned Development District.

Section 2. Severance.

Should any part of this ordinance be declared by a final decision by a court or tribunal of competent jurisdiction to be unconstitutional, invalid or beyond authority of the City, such decision shall not affect the validity of the remainder of this ordinance, which shall continue in full force and effect, provided the remainder of the ordinance, absent the excised portion, can be reasonable interpreted to give effect to intentions of the City Council.

Section 3. Effective Date.

This ordinance shall become effective immediately upon adoption.

INTRODUCED at a regular meeting of the City Council of the City of Hayward, held on the _____ day of March, 2011, by Council Member _____.

ADOPTED at a regular meeting of the City Council of the City of Hayward held the _____ day of March, 2011, by the following votes of members of said City Council.

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

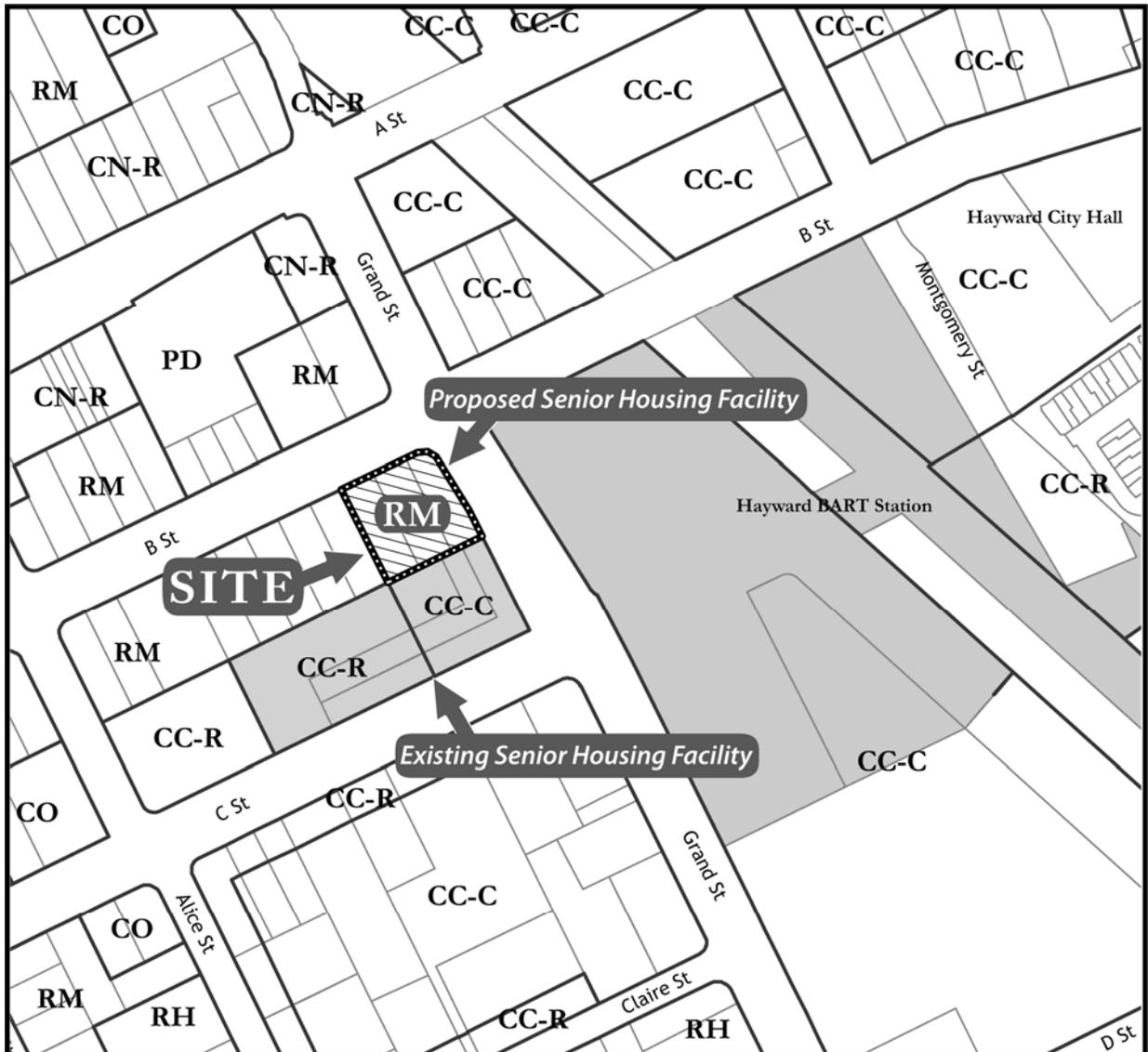
APPROVED: _____
Mayor of the City of Hayward

DATE: _____

ATTEST: _____
City Clerk of the City of Hayward

APPROVED AS TO FORM:

City Attorney of the City of Hayward



Area & Zoning Map

PL-2010-0368 GPA
 PL-2010-0369 ZC
 PL-2010-0370 SPR

Address: 581,585, 597 B Street
Applicant: Woody Karp
Owner: City of Hayward
 Redevelopment Agency

Zoning Classifications

- RESIDENTIAL**
 RH High Density Residential, min lot size 1250 sqft
 RM Medium Density Residential, min lot size 2500 sqft
- COMMERCIAL**
 CN-R Neighborhood Commercial/Residential
 CO Commercial Office
- CENTRAL CITY**
 CC-C Central City - Commercial
 CC-P Central City - Plaza
 CC-R Central City - Residential
- OTHER**
 PD Planned Development



CONDITIONS OF APPROVAL

**General Plan Amendment Application No. PL-2010-0368 and
Zone Change Application No. PL-2010-0369**

Eden Housing (Applicant)

Planning Division

1. General Plan Amendment Application No. PL-2010-0368 and Zone Change Application No. PL-2010-0369 is approved subject to the plans labeled Exhibit "A" and the conditions listed below. The Preliminary Development Plan Approval becomes void two years after the effective date of approval, unless prior to that time a Precise Development Plan has been submitted for review and processing in accordance with all conditions of the Preliminary Development Plan approval. A request for up to two, one-year extensions, approval of which is not guaranteed, must be submitted to the Planning Division at least 15 days prior to the expiration date.
2. If a building permit is issued for construction of improvements authorized by the General Plan Amendment and Zone Change approvals, said approvals shall be void two years after issuance of the building permit, or three years after approval of the Precise Development Plan Approval, whichever is later, unless the construction authorized by the building permit has been substantially completed or substantial sums have been expended in reliance upon the Precise Plan approval.
3. The permittee shall assume the defense of and shall pay on behalf of and hold harmless the City, its officers, employees, volunteers and agents from and against any or all loss, liability, expense, claim costs, suits and damages of every kind, nature and description directly or indirectly arising from the performance and action of this permit.
4. Prior to application for a Building Permit or a Grading Permit, a Precise Development Plan shall be submitted for review and approval and include the following:
 - a) A copy of these conditions of approval shall be included on a full-sized sheet(s) in the set of plans.
 - b) In addition to the architectural and landscape drawings, a lighting plan, prepared by a qualified illumination engineer meeting the requirements of the City's Building Security Ordinance. Exterior lighting shall be erected and maintained so that adequate lighting is provided in all common areas. Exterior lighting shall be shielded and deflected away from neighboring properties and from windows of units within the project.

The fixtures shall be decorative and designed to keep the light from spilling onto adjacent properties. Wall-mounted light fixtures shall not be mounted greater than 12 feet in height unless otherwise permitted by the Planning Director. Luminaires shall be of a design that complements the architectural style of the building and shall be approved by the Planning Director prior to issuance of the building permit. The maximum height of the luminaires

- shall be 12 feet unless otherwise permitted by the Planning Director. The lighting and its related photometric plan shall be reviewed and approved by the Planning Director. Lighting standards shall be placed so as to not conflict with the location of trees or where they would shine directly into windows.
- c) A color board shall be submitted for review and approval by the Planning Director.
 - d) The developer shall work with Planning staff to design secure bicycle parking to the extent feasible.
5. In conjunction with the Precise Plan submittal and prior to issuance of a building permit:
 - a) The developer shall cause to be recorded a covenant agreement to ensure that the 22 rental units remain affordable to low and very low income seniors for a minimum of 55 years. The agreement shall be approved by the Planning Director prior to recordation.
 - b) The developer shall cause the three parcels to be merged into one.
 - c) The developer shall submit a soils investigation report for review and approval by the City Engineer.
 - d) The developer shall submit improvement plans for review and approval by the City Engineer.
 6. Prior to the installation of any signs, the applicant shall submit a Sign Permit Application to the Planning Director for review and approval.
 7. The owner shall maintain in good repair all fencing, parking and driveway surfaces, common landscaping, lighting, exterior elevations, trash enclosures, drainage facilities, project signs, etc. The premises shall be kept clean. Any graffiti painted on the property shall be painted out or removed within 72 hours of occurrence.
 8. No mechanical equipment may be placed on the roof unless it is incorporated into the design of the roof. Prior to construction, documentation shall be provided that the roof-mounted mechanical equipment is adequately screened.
 9. In the event that 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 consulted to determine whether any such materials are significant prior to resuming groundbreaking construction activities. Standardized procedure for evaluation of 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.
 10. Construction noise from the development of this site shall adhere to standard restrictions on hours and days of operation as specified in the City of Hayward Municipal Code, Article 1, Section 4-1.03(2). Construction equipment is required to have sound reduction devices to reduce noise impacts on surrounding properties. The name and telephone number of an individual responsible for responding to complaints regarding noise, and who is hired by the developer, shall be posted at the site during construction.

11. Prior to final inspection, all pertinent conditions of approval and all improvements shall be completed to the satisfaction of the Planning Director.
12. Any proposal for alterations to the proposed site plan and/or design, which does not require a variance to any zoning code, must be approved by the Planning Director prior to implementation.
13. Any future modification to the approved site plan shall require review and approval by the Planning Director.
14. The applicant shall work with the neighboring property owner regarding the design of the fence along the common property line and the maintenance of the redwood tree.

Development Services

15. A Parcel Merger Application with an initial deposit in the amount of \$3,000 shall be submitted prior to or concurrent with the Building Permit Application. All parcels must be under common ownership and title must be held in the exact manner for each parcel.
16. Parcel Merger Notice shall be executed and recorded prior to the issuance of any building permits.
17. A strip of land at the corner of B and Grand Streets shall be dedicated to the City for the installation of a new pedestrian ramp. The dedication of right-of-way shall be completed prior to the issuance of any building permits.
18. Prior to the issuance of any permits for any construction activity on-site, the Developer's Engineer shall submit a completed Development Building Application Form Information consisting of: 1) Impervious Material Form and 2) Operation and Maintenance Information Form.
19. Prior to the issuance of any permits the owner/developer shall execute a Storm Treatment Measures Maintenance Agreement (as prepared by the City of Hayward and is available in the Engineering and Transportation Division); 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.

Improvement Plans

20. Concurrent with the Precise Plan submittal, submit five sets of Improvement plans, hydrology and hydraulic calculations and drainage area map, detailed C.3 plan and calculations, and a \$3,000 initial deposit to cover staff's review time charges.
21. The Improvement Plans shall include a design for the undergrounding of utilities along B Street for review and approval by Public Works staff. An encroachment permit will be required for

any work in the public right of way. All undergrounding must be completed prior to a Building Permit final.

22. 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.
23. All improvements shall be designed and constructed in accordance with the City of Hayward Municipal Code – Chapter 10, Article 3, and Standard Specifications and Details – unless otherwise indicated hereinafter.
24. The applicant/developer's Registered Civil Engineer shall perform all design work unless otherwise indicated.
25. Prior to the issuance of any permits for any construction activity on-site, detailed Improvement plans including grading, erosion and sediment control measures and drainage plans with supporting calculations, and a completed Drainage Review Checklist shall be submitted for review and approval of the City Engineer. Subject plans shall include standard improvements and all items depicted on the improvement plans labeled C-1, C-2 and C-3 received on December 3, 2010, and shall incorporate the following conditions and design requirements:
 - a) New driveway approach on Grand Street shall be installed per City Standard SD-109.
 - b) Parking and circulation areas shall be designed to conform to the City off-street parking regulations.
 - c) All paved slopes shall have a minimum 0.5% grade.
 - d) The on-site storm drain system shall be a private system owned and maintained by the owners.
 - e) The development shall not block runoff from, or augment runoff to, adjacent properties. The drainage area map developed for the hydrology design shall clearly indicate all areas tributary to the project site.
 - f) The stormwater runoff generated from the site shall be collected and discharged to existing underground storm pipe system in the complex and shall not disperse as surface flow to the adjacent parking lot.
 - g) All storm drain inlets must be labeled "No Dumping - Drains to Bay," using City-approved methods.
 - h) The latest edition of the Alameda County Flood Control and Water Conservation District's Hydrology and Hydraulics Criteria Summary shall be used to design the storm drain system. 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 City Engineer.
 - i) The storm drain design shall comply with the C.3 established thresholds and shall incorporate measures to minimize pollutants to the maximum extent practicable (MEP).
26. The Project plan shall identify Best Management Practices (BMPs) appropriate to the uses conducted on-site in order to limit the entry of pollutants into storm water runoff to the

maximum extent practicable. It is highly recommended that grassy swale be installed to intercept the surface runoff and using an engineered soil fill with a minimum infiltration rate of 5 inches per hour.

27. The project shall be designed to direct runoff to the landscaped yards and common space, prior to entering into the underground pipe system. Unit pavers should also be considered for impervious areas such as the driveways, parking areas.
28. The applicant/developer shall be 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.
29. Required water system improvements shall be completed and operational prior to the start of combustible construction.
30. 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 construction activities shall be limited to the hours 7:30 AM to 6:00 PM on weekdays; there shall be no grading or construction activities on the weekend or national holidays.
 - 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 units.
 - e) Applicant/developer shall designate a "noise disturbance coordinator" who will be responsible for responding to any local complaints about construction noise.
 - f) The developer shall participate in the City's recycling program during construction.
 - g) Daily clean up of trash and debris shall occur along all peripheral streets and other neighborhood streets utilized by construction equipment or vehicles making deliveries.
 - h) 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.
 - i) All grading and earth removal work shall follow remediation plan requirements, if soil contamination is found to exist on the site.
 - j) All unpaved access roads, parking areas and staging areas at construction sites shall be paved, have water applied three times daily, or non-toxic soil stabilizers applied.
 - k) All paved access roads, parking areas and staging areas at construction sites shall be swept daily (with water sweepers).
 - l) Inactive construction areas (previously graded areas inactive for 10-days or more) shall have non-toxic soil stabilizers applied, or shall be hydroseeded.

- m) Exposed stockpiles (dirt, sand, etc.) shall be enclosed, covered, watered twice daily or applied with non-toxic soil binders.
 - n) Construction debris shall be gathered on a regular basis and placed in a dumpster or other container that is emptied or removed on a weekly basis. When appropriate, tarps on the ground are to be used to collect fallen debris or splatters that could contribute to storm water pollution.
 - o) All dirt, gravel, rubbish, refuse and green waste from the sidewalk, street pavement, and storm drain system adjoining the project site shall be removed. During wet weather, driving vehicles off paved areas and other outdoor work areas shall be avoided.
 - p) The sidewalks and public street pavement adjoining the project site shall be broom-swept on a daily basis. Caked-on mud or dirt shall be scraped from these areas before sweeping.
 - q) No site grading shall occur during the rainy season, between October 15 and April 15, unless approved erosion control measures are in place.
 - r) Filter materials (such as sandbags, filter fabric, etc.) shall be installed 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; 3) street washing activities; or 4) saw cutting asphalt or concrete activities, or in order to retain any debris or dirt flowing into the storm drain system. Filter materials shall be maintained and/or replaced as necessary to ensure effectiveness and prevent street flooding. Dispose of filter particles shall be properly disposed in the trash.
 - s) A contained and covered area shall be created 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.
 - t) Cleaning machinery, tools, brushes, etc., or rinsing containers, into a street, gutter, storm drain or stream is prohibited (see City's "Building Maintenance/Remodeling" flyer for more information).
 - u) Concrete/gunite supply trucks or concrete/plasters finishing operations shall not discharge washwater into street gutters or drains.
 - v) The applicant/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.
31. A representative of the project soils engineer shall be on the site during grading operations and shall perform such testing as deemed necessary by the City Engineer. The representative of the soils engineer shall observe all grading operations and provide any recommended corrective measures to the contractor and the City Engineer.

Landscape Division

32. Provide a revised arborist report to include all existing trees within the project impact area, street trees on B and Grand Street, including health, species, caliper, approximate height, canopy diameter, and value using the latest edition of "Guide for Plant Appraisal" by the International

Society of Arboriculture for the City's review and approval. Provide ISA worksheet per each trees are subjected for valuation.

33. The width of the ADA ramp landing is 4 feet including the width of grooves. See the City Standard Detail SD-108. Modify the entry planting area and the arbor configuration to the courtyard.
34. *Platanus acerifolia* 'Yarwood' was specified for as street trees for the Eden Housing on Grand and C Street according to the approved landscape improvement plan dated 2/5/2007. Add this to the plant list.
35. Proposed tree location at the corner of Grand and B Street on Sheet L1.1 and A1.1 should be the same. Revise one of the plans.
36. All existing trees that are proposed to be saved shall be preserved in accordance with the arborist's recommendations. The report shall include detailed tree protection measures prior, during and post construction. A tree preservation bond shall be posted for all existing trees to remain.
37. A separate tree removal permit shall be required prior to issuance of a grading permit.
38. Pruning existing tree branches larger than 1 inch shall require a tree pruning permit per Tree Preservation Ordinance.
39. Provide hose bib(s) shall be provided in the vegetable garden area.
40. Prior to the approval of the improvement plans, a detailed landscaping and irrigation plan for the site shall be prepared by a licensed landscape architect and submitted for review and approval by the City's Landscape Architect. Planting and irrigation shall comply with the City's Hayward Environmentally Friendly Landscape Guidelines and Checklist for professional, Bay-Friendly Water Efficient Landscape Ordinance, and Municipal Codes.
41. Mylar of the approved landscape and irrigation improvement plans shall be submitted to the Engineering Department. The size of Mylar shall be 22" x 34" without an exception. A 4" wide x 4" high blank signing block shall be provided in the low right side on each sheet of Mylar. The signing block shall contain two signature lines and dates for City of Hayward, Landscape Architect/Planner and City Engineer. Upon completion of installation, As-built/Record Mylar shall be submitted to the Engineering Department by the developer.
42. A copy of the approved and signed landscape and irrigation improvement plans shall be included in the building permit submittal set. Building permit shall not be issued without the approved landscape and irrigation improvement plans.
43. 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.

Public Works – Utilities

Water-

44. City records indicate that there are two existing ¾" water service lines with 5/8" water meters on the parcels (account # 04-00750.01 & 04-00800.02). If the existing water services and meters cannot be reused, they must be abandoned by the City Water Distribution Personnel at the owner's/applicant's expense.
45. Based on the water fixture shown on the plans, it is estimated that the finished structure will have a total of 245.5 fixture units. If a single water meter and service line are installed for domestic use, a minimum 2" water service line and 2" domestic water meter shall be installed. The current cost for a 2" meter and 2" water service line is \$45,810 (\$4,300 installation cost + \$45,810 facilities fee).
46. If a single water meter and service line are installed for domestic use, the service will be considered commercial and will require a Reduced Pressure Backflow Prevention Assembly to be installed by the applicant/developer.
47. If there will be 5,000 square feet or more of landscaping, a separate irrigation water meter shall be installed for landscaping purposes.
48. The applicant/developer shall install a Reduced Pressure Backflow Prevention Assembly on each irrigation water meter, per City Standard SD-202.
49. All fire services shall be installed by City Water Distribution Personnel at the applicant's/developer's expense, per City Standard SD-204. Minimum sizing shall be per Fire Department's requirements.
50. Water meters and services to be located a minimum of two feet from top of driveway flare as per City Standard Details SD-213 thru SD-218.
51. 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 piping materials.

Sewer-

52. The developments sanitary sewer laterals shall have cleanouts and be constructed per City Standard Detail SD-312.
53. The current Sanitary Sewer Connection fee for a multi-family residential unit is \$6,457 per unit. Sewer Connection fees are due and payable prior to final inspection.

Fire Department

Project Site Requirements-

54. The minimum fire flow is 2500gpm based on construction type of VA and building area of 20,813 square feet. A fire flow reduction of up to 50 percents is allowed when the building is provided with automatic sprinkler system in accordance with NFPA 13. The resulting fire flow shall not be less than 1,500gpm.
55. An unobstructed vertical clearance of not less than 13 feet 6 inches shall be provided for all apparatus access road.
56. Fire apparatus access roads shall be designed and maintained to support the imposed load of fire apparatus 75,000 lbs and shall be surfaced so as to provide all-weather driving capability.
57. Fire apparatus access roads 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.
58. The fire department connection should face to the new 26' fire apparatus road.

Building Requirements-

59. Submit for proper building permits for the construction/ alterations of the building to the Building Department.
60. Fire sprinkler system shall be installed in accordance with NFPA 13 and California Fire Code. Separate submittals and additional permits are required for the installation of fire sprinkler systems.
61. Fire alarm system shall be installed in accordance with NFPA 72 and California Fire Code, and additional permits are required for the installation of fire alarm system.



**DEPARTMENT OF
DEVELOPMENT SERVICES
Planning Division**

NEGATIVE DECLARATION

Notice is hereby given that the City of Hayward finds that no significant effect on the environment as prescribed by the California Environmental Quality Act of 1970, as amended will occur for the following proposed project:

- I. *PROJECT DESCRIPTION:*** Request to change the General Plan designation from Medium Density Residential to High Density Residential and to change the Zoning from Medium Density Residential to Planned Development and to build 22 affordable senior housing rental units with density bonus and incentives and waivers. The project site is located within the urbanized downtown area of Hayward and surrounded by existing residential uses. The existing Eden Housing affordable senior housing facility is located just south. The downtown BART station is located east of the site.

II. *FINDING PROJECT WILL NOT SIGNIFICANTLY AFFECT ENVIRONMENT:*

The proposed project could not have a significant effect on the environment.

III. *FINDINGS SUPPORTING DECLARATION:*

1. The proposed project has been reviewed according to the standards and requirements of the California Environmental Quality Act (CEQA) and an Initial Study Environmental Evaluation Checklist has been prepared for the proposed project. The Initial Study has determined that the proposed project could not result in significant effects on the environment.
2. The project will not adversely affect any scenic resources.
3. The project will not have an adverse effect on agricultural land since the property is surrounded by urban uses and it is too small to be used for agriculture.
4. The project will not result in significant impacts related to changes into air quality. When the property is developed the City will require the developer to submit a construction Best Management Practice (BMP) program prior to the issuance of any grading or building permit.
5. The project will not result in significant impacts to biological resources such as wildlife and wetlands since the site contains no such habitat and it is surrounded by urban uses.
6. The project will not result in significant impacts to known cultural resources including historical resources, archaeological resources, paleontological resources, unique topography or disturb human remains.

7. The project site is not located within a "State of California Earthquake Fault Zone", however, may experience ground shaking due to the proximity to active faults in the region. Construction will be required to comply with the Uniform Building Code standards to minimize seismic risk due to ground shaking.
8. The project will not lead to the exposure of people to hazardous materials.
9. The project will meet all water quality standards. Drainage improvements will be made to accommodate storm water runoff for any future developments.
10. The project is consistent with the policies of the City General Policies Plan, the Downtown Design Plan, the City of Hayward Design Guidelines and the Zoning Ordinance.
11. The project could not result in a significant impact to mineral resources since the site is too small to be developed to extract mineral resources.
12. The project will not have a significant noise impact.
13. The project will not result in a significant impact to public services.
14. The project will not result in significant impacts to traffic or result in changes to traffic patterns or emergency vehicle access.

IV. PERSON WHO PREPARED INITIAL STUDY: Sara Buizer, AICP, Senior Planner

Signature: 

Dated: 1/26/11

V. COPY OF INITIAL STUDY IS ATTACHED

For additional information, please contact the City of Hayward Development Services Division, 777 B Street, Hayward, CA 94541-5007 or telephone (510) 583-4114



**DEPARTMENT OF DEVELOPMENT SERVICES
Planning Division**

INITIAL STUDY CHECKLIST

Project Title: Eden Housing Phase II

Lead agency name/address: City of Hayward / 777 B Street, Hayward, CA 94541

Contact person: Sara Buizer, AICP, Senior Planner

Project location: Corner of B Street and Grand Street

Project sponsors

Name and Address: Eden Housing / 22645 Grand Street, Hayward, CA 94541

General Plan Designation: Medium Density Residential

Zoning: Medium Density Residential

Project description: Request to change the General Plan designation from Medium Density Residential to High Density Residential and to change the Zoning from Medium Density Residential to Planned Development and to build 22 affordable senior housing rental units with density bonus and incentives and waivers.

Surrounding land uses and setting: The project site is located within the urbanized downtown area of Hayward and surrounded by existing residential uses. The existing Eden Housing affordable senior housing facility is located just south. The downtown BART station is located east of the site.

Other public agencies whose approval is required: None.

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

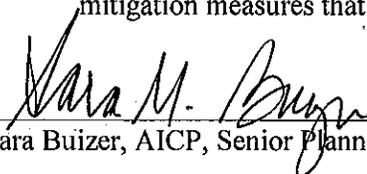
The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages.

- | | | |
|---|---|---|
| <input type="checkbox"/> Aesthetics | <input type="checkbox"/> Agriculture and Forestry Resources | <input type="checkbox"/> Air Quality |
| <input type="checkbox"/> Biological Resources | <input type="checkbox"/> Cultural Resources | <input type="checkbox"/> Geology /Soils |
| <input type="checkbox"/> Greenhouse Gas Emissions | <input type="checkbox"/> Hazards & Hazardous Materials | <input type="checkbox"/> Hydrology / Water Quality |
| <input type="checkbox"/> Land Use / Planning | <input type="checkbox"/> Mineral Resources | <input type="checkbox"/> Noise |
| <input type="checkbox"/> Population / Housing | <input type="checkbox"/> Public Services | <input type="checkbox"/> Recreation |
| <input type="checkbox"/> Transportation/Traffic | <input type="checkbox"/> Utilities / Service Systems | <input type="checkbox"/> Mandatory Findings of Significance |

DETERMINATION: (To be completed by the Lead Agency)

On the basis of this initial evaluation:

- I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
- I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
- I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
- I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.


 Sara Buizer, AICP, Senior Planner

1/26/11
 Date

EVALUATION OF ENVIRONMENTAL IMPACTS:

ENVIRONMENTAL ISSUES:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
I. AESTHETICS -- Would the project:				
a) Have a substantial adverse effect on a scenic vista? Comment <i>There are no designated scenic vistas in the vicinity of the project; thus, no impact.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway? Comment <i>The project is not located within a state scenic highway; thus, no impact.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Substantially degrade the existing visual character or quality of the site and its surroundings? Comment <i>The existing site is a vacant lot and the proposed senior housing facility will add to the visual character of the site; thus, no impact.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area? Comment <i>The new residential units will add some additional light to this vacant corner, but the amount is considered less than significant given the surrounding developed area; no mitigation is required.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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II. AGRICULTURE AND FOREST

RESOURCES: In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board. -- Would the project:

a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use? **Comment** *The project does not involve any Prime Farmland, Unique Farmland or Farmland of Statewide Importance; thus, no impact.*

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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b) Conflict with existing zoning for agricultural use, or a Williamson Act contract? **Comment** *The project site is not zoned for agricultural uses no under a Williamson Act contract; thus, no impact.*

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))? **Comment** *The project does not involve the rezoning of forest land or timberland; thus, no impact.*

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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d) Result in the loss of forest land or conversion of forest land to non-forest use? **Comment** *The project does not involve the loss of forest land or involve conversion of forest land; thus, no impact.*

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use? Comment <i>The project does not involve changes to the environment that could result in conversion of Farmland or forest land; thus no impact.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

III. AIR QUALITY -- Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:

a) Conflict with or obstruct implementation of the applicable air quality plan? Comment <i>The project is a small in-fill project located across from the downtown Hayward BART station and will not conflict with the goals of the air quality plan; thus no impact.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation? Comment <i>The Bay Area Air Quality Management District (BAAQMD) has established screening criteria as part of their CEQA guidance to assist in determining if a proposed project could result in potentially significant air quality impacts. Based on the District's criteria, the proposed project screens below what would require additional evaluation; thus the proposed project will not violate any air quality standard and there is no impact.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)? Comment <i>The proposed project meets the screening criteria in Table 3-1 of the Air District's CEQA Guidelines; thus, it can be determined that the project would result in a less-than-significant cumulative impact to air quality from criteria air pollutants and precursor emissions.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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d) Expose sensitive receptors to substantial pollutant concentrations? Comment <i>The project is a small in-fill development located across from the downtown Hayward BART station that will not involve exposing sensitive receptors to substantial pollutant concentrations; thus no impact.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
e) Create objectionable odors affecting a substantial number of people? Comment <i>The project is a small in-fill residential development that will not create any objectionable odors; thus no impact.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

IV. BIOLOGICAL RESOURCES -- Would the project:

a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service? Comment <i>The project area is largely developed and does not contain plant or wildlife special-status species; thus, no impact.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Game or US Fish and Wildlife Service? Comment <i>The project area is largely developed and does not contain any riparian habitat or sensitive natural communities; thus, no impact.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means? Comment <i>The project site, located in an urban setting, contains no wetlands; thus, no impact.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites? Comment <i>The project site, located in an urban setting, contains no wildlife corridors thus, no impact.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance? Comment <i>The project site does not contain any significant stands of trees. There is one tree on site that will be protected during construction; thus, no impact.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan? Comment <i>The project site is no located in an area covered by an adopted habitat Conservation Plan or Natural Community Conservation Plan; thus, no impact.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

V. CULTURAL RESOURCES -- Would the project:

a) Cause a substantial adverse change in the significance of a historical resource as defined in § 15064.5? Comment <i>The project site is located in an area of Hayward that has historic or architectural character. The project has been designed to comply with the design standards of the Streetcar District; thus the impact to a historical resource is considered to be less-than-significant.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to § 15064.5? Comment <i>There are no known archaeological resources in the vicinity; thus, no impact.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature? Comment <i>There are no known paleontological resources or unique geological features on or near the site; thus, no impact.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
d) Disturb any human remains, including those interred outside of formal cemeteries? Comment <i>There are no known human remains nor cemeteries nearby the project site; however, standard procedures for grading operations would be followed during development, which require that if any such remains or resources are discovered, grading operations are halted and the resources/remains are evaluated by a qualified professional and, if necessary, mitigation plans are formulated and implemented. These standard measures would be applied to the project should it be approved.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

VI. GEOLOGY AND SOILS -- Would the project:

a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42. Comment <i>The project site is located approximately 1600 feet west of the Hayward Fault zone; however, the building will be designed and constructed to withstand an earthquake; thus the impact is considered less-than-significant.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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ii) Strong seismic ground shaking? Comment <i>The project site is located within the downtown Hayward area which will most likely experience strong ground shaking in the event of an earthquake rupturing on the Hayward Fault; however, the building will be designed and constructed to withstand an earthquake; thus the impact is considered less-than-significant.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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iii) Seismic-related ground failure, including liquefaction? Comment <i>The project site is not located in an area prone to liquefaction due to seismic related ground failure; thus, no impact.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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iv) Landslides? Comment <i>The project site is a flat lot located in the downtown Hayward area and not located in an area impacted by landslides; thus, no impact.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
b) Result in substantial soil erosion or the loss of topsoil? Comment <i>The project site is a flat, vacant lot whereby minimal grading will take place to prepare the site for construction. The project will implement soil erosion measures during construction; thus the impact is considered less-than-significant.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse? Comment <i>The project is not proposed on soil that is unstable; thus no impact.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property? Comment <i>The project site does not contain any expansive soils; thus, no impact.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water? Comment <i>The project will be connected to an existing sewer system with sufficient capacity and does not involve septic tanks or other alternative wastewater; thus, no impact.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

VII. GREENHOUSE GAS EMISSIONS --

Would the project:

a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment? Comment <i>The project falls below the allowable screening criteria established by the Bay Area Air Quality Management District thus would not exceed the threshold of significance for Greenhouse gas emissions; thus no impact.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases? Comment <i>The project is a small in-fill residential project for low income seniors that is located across the street from the downtown BSART station and nearby community services and is consistent with applicable plans and policies for reducing greenhouse gas emissions; thus, no impact.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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VIII. HAZARDS AND HAZARDOUS MATERIALS -- Would the project:

a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials? **Comment** *The project is an in-fill residential project that does not involve the transport or use of hazardous materials; thus, no impact.*

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment? **Comment** *The project does not involve the use of any hazardous materials so there will be no accidental release of hazardous materials; thus, no impact.*

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school? **Comment** *The project is an in-fill residential project that does not involve the use of hazardous materials; thus, no impact.*

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment? **Comment** *The project site is not on a list of hazardous materials sites; thus, no impact.*

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area? **Comment** *The project is not located within an airport land use plan area; thus, no impact.*

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area? **Comment** *The project is not located within the vicinity of a private air strip; thus, no impact.*

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan? Comment <i>The project site is located at the corner of B street and Grand Street within an urbanized area and will not interfere with an adopted emergency response plans or evacuation plan; thus, no impact.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands? Comment <i>The project site is not located within the City's Wildland Interface Area; thus no impact.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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IX. HYDROLOGY AND WATER QUALITY -

- Would the project:

a) Violate any water quality standards or waste discharge requirements? Comment <i>The project will comply with all water quality and wastewater discharge requirements of the city; thus, no impact.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)? Comment <i>The project will be connected to the existing water supply and will not involve the use of water wells and will not deplete groundwater supplies or interfere with groundwater recharge; thus, no impact.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site? Comment <i>The project site is an infill site that was previously developed with residential uses. All drainage from the site is required to be treated before it enters the storm drain system and there is sufficient capacity to handle any drainage from the property; thus, no impact.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site? Comment <i>The project site is an infill site that was previously developed with residential uses. All drainage from the site is required to be treated before it enters the storm drain system and managed such that post-development run-off rates do not exceed pre-development run-off rates; thus, no impact.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff? Comment <i>The project site is an infill site that was previously developed with residential uses. All drainage from the site is required to be treated before it enters the storm drain system and there is sufficient capacity to handle any drainage from the property; thus, no impact.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Otherwise substantially degrade water quality? Comment <i>The project site is an infill site that was previously developed with residential uses. All drainage from the site is required to be treated before it enters the storm drain system; thus, no impact.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map? Comment <i>The project site is not located within a 100-year flood hazard area; thus, no impact.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows? Comment <i>The project site is not located within a 100-year flood hazard area; thus, no impact.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam? Comment <i>The project site is not located within a 100-year flood hazard area; thus, no impact.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
j) Inundation by seiche, tsunami, or mudflow? Comment <i>The project site is not located within a 100-year flood hazard area; thus, no impact.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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X. LAND USE AND PLANNING -- Would the project:

a) Physically divide an established community?
Comment *The project site is a small in-fill site located within an existing community; thus, no impact.*

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?

Comment *The project involves a General Plan Amendment to increase the land use designation to support the proposed 22 units. The project site is adjacent to an existing low income senior housing facility and across the street from the downtown Hayward BART station. Although the project involves increasing the land use density, because the project is for low income seniors and is within walking distance of transit and services, the impact is considered less-than-significant.*

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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c) Conflict with any applicable habitat conservation plan or natural community conservation plan? **Comment** *The project site is not covered by any habitat conservation plan or natural community conservation plan; thus, no impact.*

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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XI. MINERAL RESOURCES -- Would the project:

a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state? **Comment** *There are no known mineral resources on the project site; thus no impact.*

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan? **Comment** *The project site is not identified as a site known to have mineral resources; thus, no impact.*

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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XII. NOISE -- Would the project result in:

a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies? **Comment** *The project site is located within an already developed neighborhood and will not generate any noise levels in excess of standards established in the general Plan; thus, no impact.*

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels? **Comment** *The project site is not located in an area where people will be exposed to groundborne vibrations nor will the project generate any groundborne vibrations; thus no impact.*

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project? **Comment** *The project is a residential development for low income seniors and will not involve an increase in the ambient noise levels in the area; thus, no impact.*

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project? **Comment** *Existing residential development will experience a slight increase in ambient noise levels during the construction of the proposed project; construction is limited to the allowable hours per the City's Noise Ordinance; thus the impact is considered less-than-significant and no mitigation is required.*

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels? **Comment** *The project is not located within an airport land use plan area; thus, no impact.*

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels? **Comment** *The project is not located within the vicinity of a private air strip; thus, no impact*

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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XIII. POPULATION AND HOUSING --

Would the project:

a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)? **Comment** *The project involves the construction of 22 new residential units for low income seniors, however, residential development has been envisioned at this location and was anticipated in the City's General Plan; thus, the impact is less than significant and no mitigation is required.*

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere? **Comment** *The project involves the development of additional low income senior housing on a vacant lot and no housing will be displaced as a result of this project; thus, no impact.*

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere? **Comment** *The project involves the development of additional low income senior housing on a vacant lot and nobody will be displaced as a result of this project; thus, no impact.*

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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XIV. PUBLIC SERVICES --

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

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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Fire protection?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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Police protection?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Other public facilities? Comment <i>The project is an in-fill 22-unit affordable senior housing development located within an urbanized area that is already served by police and fire. Since the residential development will be for seniors only, there will not be any impacts to schools. The proposed project will be providing some group open space areas for use by the future residents so there should not be any real impacts to parks. No mitigation is required.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

XV. RECREATION --

a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated? **Comment** *The project is an in-fill 22-unit affordable senior housing development located within an urbanized area. The proposed project will be providing some group open space areas for use by the future residents so there should not be any real impacts to the use of neighborhood or regional parks that would deteriorate the facilities; thus no impact.*

b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment? **Comment** *The proposed senior housing facility will be including group gathering spaces as well as taking advantage of the adjacent facilities existing group open spaces and will not require the construction or expansion of additional recreational facilities; thus, no impact.*

Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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XVI. TRANSPORTATION/TRAFFIC --

Would the project:

a) Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit? **Comment** *The project will not conflict with any plan regarding effective performance of the circulation system., The project is a residential project for low income seniors and will be located across from the downtown BART station; thus, no impact*

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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b) Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways? **Comment.** *No level of service will be impacted by the construction of a low income senior housing facility on an existing in-fill lot. The project is proposed on a small lot across from the downtown BART station; thus, no impact.*

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks? **Comment** *The project involves no change to air traffic patterns; thus, no impact.*

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)? **Comment** *The project has been designed to meet all City requirements, including site distance and will not increase any hazards; thus no impact.*

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
e) Result in inadequate emergency access? Comment <i>The project is on an in-fill site completely accessible and will not result in inadequate emergency access; thus, no impact.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities? Comment <i>The project does not involve any conflicts or changes to policies, plans or programs related to public transit, bicycle or pedestrian facilities. The project site is located across from the downtown BART station and future residents will likely take advantage of this proximity and utilize the transit service; thus, no impact.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

XVII. UTILITIES AND SERVICE SYSTEMS

-- Would the project:

a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board? Comment <i>The project will not exceed wastewater treatment requirements; thus no impact.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects? Comment <i>There is sufficient capacity to accommodate the proposed project; thus, no impact.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects? Comment <i>There is sufficient capacity to accommodate the proposed project; thus, no impact.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed? Comment <i>There is sufficient capacity to accommodate the proposed project; thus, no impact.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments? Comment <i>There is sufficient capacity to accommodate the proposed project; thus, no impact.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs? Comment <i>There is sufficient capacity to accommodate the proposed project; thus, no impact.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Comply with federal, state, and local statutes and regulations related to solid waste? Comment <i>There is sufficient capacity to accommodate the proposed project; thus, no impact.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

XVIII. MANDATORY FINDINGS OF SIGNIFICANCE --

a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory? Comment <i>The project will not have any impacts on wildlife or fish habitat nor eliminate a plant or animal community; thus, no impact.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)? Comment <i>As evidenced in the checklist above, it has been determined that the project will not have any significant impacts; thus no impact to cumulative impacts.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly? Comment <i>The project will not have any environmental impacts thus will not cause substantial adverse effects on human beings; thus no impact.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

2

DATE: February 10, 2011

TO: Planning Commission

FROM: Sara Buizer, AICP, Senior Planner

SUBJECT: **General Plan Amendment Application No. PL-2010-0368 and Zone Change Application No. PL-2010-0369 - Woody Karp of Eden Housing (Applicant); City of Hayward Redevelopment Agency (Owner) - Request to Change the General Plan Designation from Medium Density Residential to High Density Residential and to Change the Zoning from Medium Density Residential to Planned Development to Accommodate 22 Affordable Senior Housing Rental Units using Density Bonus Provisions**

The project is located on a 0.5-acre parcel at the southwest corner of B and Grand Streets, adjacent to the existing Eden Housing senior housing facility and across Grand Street from the Downtown Hayward BART station

RECOMMENDATION

Staff recommends that the Planning Commission recommends approval to the City Council of the proposed project, including the adoption of the attached Negative Declaration (ND), and approval of the General Plan Amendment and Zone Change to build 22 affordable senior housing rental units using density bonus provisions and related incentives and waivers, subject to the attached Findings and Conditions of Approval.

SUMMARY

The proposed development is a combination two and three-story, L-shaped building with a gross square footage of 20,813 on a 0.5-acre parcel located at the corner of B and Grand Streets across from the Downtown Hayward BART station. The architectural design is contemporary but incorporates elements of the Craftsman style as required by the "B" Street Special Design Streetcar District. The project requires a General Plan Amendment and a Zone Change to accommodate the proposed density of 22 units necessary to satisfy the remaining very-low-income inclusionary housing units for the Cannery Place Development. Staff is supportive of the proposed development, inclusive of the density bonus and requested incentives and waiver, since without the requested exceptions, the project would not be economically feasible and the benefit to the City is a well-designed project that provides an additional 22 units of affordable senior housing.

BACKGROUND

In 2005, when the Cannery Place residential development was approved, the City and developer entered into an Inclusionary Housing Agreement which specified the developer would provide very-low income units off-site and moderate-income units on-site. The majority of the obligation for off-site units was fulfilled by the development of the Eden Housing Senior Housing facility (Phase I) located at the corner of C and Grand Streets. In December 2009, the Cannery Place developer approached the City and requested another modification to their Inclusionary Housing Agreement. This request involved the donation of land at the corner of B and Grand Streets for ultimate development of an additional 22 very-low-income units to satisfy their off-site inclusionary housing obligation. With adoption of the Inclusionary Housing Agreement Amendment, the City Redevelopment Agency became the owner of the subject property. Eden Housing submitted a request to develop the site at B and Grand Streets on October 4, 2010.

DISCUSSION AND STAFF ANALYSIS

In order to accommodate the 22 units on the 0.5-acre site, both the General Plan and Zoning designations must be modified and the development must also take advantage of a density bonus under State and City Density Bonus Law.

Density Bonus-

The applicant, Eden Housing, has applied to construct an affordable senior housing facility. Given the proposed project is comprised entirely of affordable senior housing units, under State Density Bonus Law the project is entitled to a mandatory 35% density bonus. The proposed development, under a High Density land use designation, would be allowed a total of 17 units, but, with the mandatory 35% density bonus, an additional 5 units would be permitted for a total of 22 units.

A project that applies for a density bonus also has an opportunity to request up to three incentives and waivers of an unlimited number of development standards if it can be determined without those, the project would not be feasible. An incentive is a reduction in a site development standard that results in actual cost reductions for the project, whereas a waiver is a modification of development standards that is needed to make the project economically feasible. The applicant in this case has requested the maximum number of incentives and waivers. The incentives requested include: (1) a reduction in the required amount of group open space; (2) a deferral of the requirement to underground utilities; and (3) a request to not sub-meter the water system. The waivers requested include: (1) a modification to the required parking spaces sizes; and (2) a relaxation of the covered parking requirements.

Incentives-

The project has requested an incentive to provide less than the required group open space. Based on the number of units, the development is required to provide 7,700 square feet of group open space. The project will be providing 6,305 square feet of group open space. Some of the proposed group open space will be provided within the building, while a portion will be provided by the outdoor courtyard. Staff is supportive of this incentive as the project is for seniors who will enjoy the indoor

gathering spaces as much as the exterior one. The project site is also relatively small as compared with the Phase I development and in order to achieve the desired density, some sacrifices are necessary. The project given its proximity to Phase I, will be able to take advantage of sharing facilities such as the group gathering spaces included in Phase I which constitute almost 6000 square feet. In addition, the project site is within walking distance of other amenities future residents can take advantage of including the Public Library and Cannery Park.

The applicant is requesting a deferral to the utility undergrounding requirement along B Street. The costs associated with undergrounding the utilities at this time due to the need to place them within B Street instead of under the sidewalk, as is typically done because of the potential impacts to the established Sycamore trees, would make the project cost prohibitive. Public Works staff has indicated they are supportive of a deferral of this requirement at this time, but will require the applicant to participate when undergrounding of utilities occurs along B Street in the future.

The applicant is also requesting an exception to the requirement that the water service be sub-metered for each unit. The water is provided to the tenants by Eden Housing. The water is centrally heated and then distributed to each unit. Based on discussions with Public Works Utilities staff, they are supportive of such a request to not sub-meter the water because it is centrally distributed.

Waivers-

The applicant is requesting a modification to the required parking space sizes. All required parking spaces must be 9 feet by 19 feet. The applicant is proposing that three of the 11 parking spaces they are providing be 8 feet by 19 feet, which is consistent with the City's compact parking space size. Given the small site, the density and the desire to save an existing tree located in the southeast corner of the site, staff is supportive of this waiver. In addition, by allowing three of the eleven spaces to have an 8 foot width, the project can provide parking at the ratio of 0.5 spaces per unit which is consistent with the parking ratio established for Phase I.

The second waiver the applicant is requesting is to allow for a portion of the parking spaces to be uncovered where typically all required parking spaces are required to be covered. The project is providing cover for five of the eleven parking spaces. The covered parking spaces are located below the proposed building. The other six parking spaces will be uncovered. These six parking spaces are those that are adjacent to the outdoor courtyard area and the applicant would prefer to leave those spaces uncovered to maximize the open feel of the courtyard area and to maintain a clear and visible pedestrian connection between the proposed project and Phase I. Staff is supportive of the request given the concerns of the applicant and the desire to maintain the connection between the two phases of the senior housing facility.

Without the granting of the incentive and waivers, the project would not be economically feasible given the size of the property, the need to maintain consistency with the "B" Street Special Design Streetcar District, and the need to achieve the site density. Staff is supportive of the incentives and waivers since the tradeoff is a well-designed project that provides an additional 22 units of affordable senior housing.

General Plan Amendment-

The applicant has requested to modify the General Plan designation from Medium Density Residential to High Density Residential. In addition, given the proposed project is comprised entirely of affordable senior units, under State Density Bonus Law, the project is entitled to a mandatory 35% density bonus. The proposed development, under a High Density land use designation, would be allowed a total of 17 units, but, with the mandatory 35% density bonus, an additional 5 units would be permitted for a total of 22 units, satisfying the inclusionary housing obligation for the Cannery Place development. In addition, the High Density Residential land use designation, which allows for a range of 17-34 units per net acre is more consistent with the Downtown City Center Retail and Office Commercial land use density on the adjacent Phase I property, which has a range of 30 to 65 units per net acre. Staff is supportive of the request to modify the General Plan land use designation, as it will not only satisfy the inclusionary housing requirements for the Cannery Place development and allow for Eden Housing to construct the second phase of their development, but the City will gain 22 affordable senior housing units on a site that is in close proximity to transportation and services.

Findings for General Plan Amendment Application-

In order to support the changes proposed to the General Plan, the Planning Commission must make the following findings as follows:

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

The increase in land use density for the site will allow Eden Housing to construct the second phase of its project and will provide an additional 22 very-low-income rental units for seniors, a growing population. The location of the project site, across from the Downtown Hayward BART station and just west of downtown, is an ideal location as it allows for the future residents to be near alternative transportation as well as services.

- (2) The proposed change is in conformance with the purposes of the General Plan and all applicable, officially adopted policies and plans.

The General Plan modification will allow for the construction of 22 additional affordable housing units for seniors. The General Plan has a goal to assist in the development of affordable housing, including programs which specifically aim to provide incentives to developers to allow them to construct affordable housing in the City. Another goal is to provide suitable sites for housing developments including encouraging development that takes advantage of convenient access to the BART station. The proposed project is not only convenient, as it is across the street from the Downtown BART station and near services provided in downtown, but is adjacent to the existing senior housing facility and will be able to take advantage of shared facilities.

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

The project site is located at the corner of B Street and Grand Street and has adequate public facilities to serve the proposed use.

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

The proposed use is residential and is compatible with the surrounding uses which are also primarily residential uses. The project incorporates appropriate design elements of the Craftsman style in accordance with the "B" Street Special Design Streetcar District. In addition, without the modification to the General Plan land use designation, the density would not permit the construction of 22 very-low-income senior housing units.

Rezoning to Planned Development District-

Project Description-

The proposed development is a combination two and three-story building that has a gross square footage of 20,813 on a 0.5 acre parcel. The proposed building is L-shaped with the main entrance oriented toward the corner of B and Grand Streets in a similar fashion that the Phase I project is oriented toward the corner of C and Grand Streets. Access to the proposed parking is off Grand Street behind the building and will be situated between the existing Phase I and the proposed Phase II. Also situated behind the proposed building is an outdoor courtyard including raised vegetable beds that will be part of the development's group open space. The two-story portion of the structure faces B Street, while the three-story portion of the structure faces Grand Street and the existing Phase I. The project proposes to use a combination of horizontal lap siding and board siding for exterior materials. The architectural design is contemporary but incorporates elements of the Craftsman style as required by the "B" Street Special Design Streetcar District.

Zone Change Analysis-

The proposal involves a modification of the current zoning designation from Medium Density Residential to Planned Development. Under the current designation, the project would not be feasible without modifications to some of the development standards. The purpose of the Planned Development designation is to encourage development through efficient and attractive space utilization that might not be achieved through strict application of the development standards.

The development is proposed to have a 10-foot setback along B Street where a 20-foot setback would be required. This reduction allows the development to take advantage of a larger group gathering space behind the building for future tenants and protection of an existing redwood tree, while still allowing for a landscape frontage along B Street. In addition, other buildings along B Street west of the project site have varying setbacks, and in some cases the front setback is 10 feet, so the proposed building would not be out of character with the neighborhood.

The project also is showing a reduction in the total number of required parking spaces. The project provides 11 parking spaces, a ratio of 0.5 spaces per unit. The amount of parking required for the development is 1.7 parking spaces per unit, for a total of 37 parking spaces. However, Phase I, which is adjacent to the project site, is located within the City's Central Parking District. Multiple-family dwellings providing housing exclusively for the elderly within the Central Parking District may provide parking at 0.5 parking spaces per unit. Given the proximity of the proposed development to public transportation and services as well as the integration of shared facilities with Phase I, staff is supportive of the request to provide parking at the 0.5 parking space per unit ratio.

Findings for the Zone Change/Preliminary Development Plan-

In order for a Planned Development District to be approved, certain findings must be made as follows:

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

The proposed development of a senior housing facility is in harmony with the surrounding area which is primarily residential. The project as it is an affordable senior housing facility is consistent with General Plan policies that encourage providing housing that can accommodate a range of sizes, location and tenure as well as policies related to encouraging housing near transit and services which this development will achieve.

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

The project site is surrounded by existing streets and there are utilities available to the site with adequate capacity to serve the proposed development.

- (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 development of 22 very-low-income senior rental units is a residential development that will be sustainable over time. As the population ages, there will be a need to provide housing opportunities for this population. Having a facility closely located to public transit and services will also be beneficial to the sustainability of the development.

- (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 development is seeking a zone change to Planned Development to allow for a modified building setback along B Street and to allow for a reduction in the required number of parking spaces. Staff is supportive of the B Street setback as the setback will allow for increased space behind the proposed building for group gathering space for the future

tenants and still allow for sufficient landscaping along B Street to enhance the streetscape. Staff is also supportive of the reduction in parking spaces as the development will provide 0.5 parking spaces per unit, which is consistent with what was allowed for the first phase of the development and typical of what has been required for senior housing facilities. Without the Planned Development zoning, the project would not likely be developed, and with the allowance, the city is adding 22 additional very low income senior housing units to our housing stock.

ENVIRONMENTAL REVIEW

This proposal is defined as a “project” under the parameters set forth in the California Environmental Quality Act (CEQA) Guidelines. Staff has prepared a Negative Declaration and Initial Study (see attached), which indicates there will be no significant environmental impacts resulting from the project.

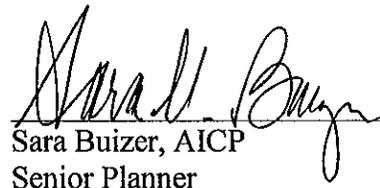
PUBLIC CONTACT

An initial notice of the application was sent to property owners and residents within 300 feet of the project site as well as the Burbank Neighborhood Task Force. Staff received a comment from a neighbor that was not supportive of affordable housing at this location. The applicant has also made attempts to reach out to the neighbors in an effort to hear any concerns they may have about the proposal. Notice of this Planning Commission meeting was sent to all owners and residents within a 300-foot radius of the site as well as the Burbank Neighborhood Task Force.

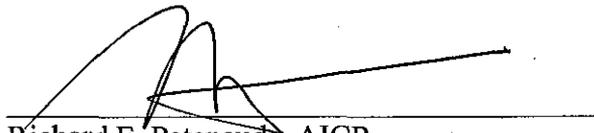
NEXT STEPS

Following the Planning Commission hearing and assuming the Commission recommends approval of the project, the City Council will hear the item along with the Planning Commission’s recommendation and render a decision on the proposed General Plan Amendment and Zone Change Applications. Should the Council approve the project, the applicant will work toward complying with the conditions of approval to allow approval of a precise development plan, and ultimate construction of the project.

Prepared by:


Sara Buizer, AICP
Senior Planner

Recommended by:

A handwritten signature in black ink, appearing to read 'Richard E. Patenaude', is written over a horizontal line.

Richard E. Patenaude, AICP
Planning Manager

Attachments:

- Attachment I Area and Zoning Map
- Attachment II Findings
- Attachment III Conditions
- Attachment IV Negative Declaration
Plans

CONDITIONS OF APPROVAL

General Plan Amendment Application No. PL-2010-0368 and Zone Change Application No. PL-2010-0369

Eden Housing (Applicant)

Planning Division

1. General Plan Amendment Application No. PL-2010-0368 and Zone Change Application No. PL-2010-0369 is approved subject to the plans labeled Exhibit "A" and the conditions listed below. The Preliminary Development Plan Approval becomes void one year after the effective date of approval, unless prior to that time a Precise Development Plan has been submitted for review and processing in accordance with all conditions of the Preliminary Development Plan approval. A request for a one-year extension, approval of which is not guaranteed, must be submitted to the Planning Division at least 15 days prior to the expiration date.
2. If a building permit is issued for construction of improvements authorized by the General Plan Amendment and Zone Change approvals, said approvals shall be void two years after issuance of the building permit, or three years after approval of the Precise Development Plan Approval, whichever is later, unless the construction authorized by the building permit has been substantially completed or substantial sums have been expended in reliance upon the Precise Plan approval.
3. The permittee shall assume the defense of and shall pay on behalf of and hold harmless the City, its officers, employees, volunteers and agents from and against any or all loss, liability, expense, claim costs, suits and damages of every kind, nature and description directly or indirectly arising from the performance and action of this permit.
4. Prior to application for a Building Permit or a Grading Permit, a Precise Development Plan shall be submitted for review and approval and include the following:
 1. A copy of these conditions of approval shall be included on a full-sized sheet(s) in the plans.
 2. A lighting plan, prepared by a qualified illumination engineer meeting the requirements of the City's Building Security Ordinance. Exterior lighting shall be erected and maintained so that adequate lighting is provided in all common areas. Exterior lighting shall be shielded and deflected away from neighboring properties and from windows of units within the project.

The fixtures shall be decorative and designed to keep the light from spilling onto adjacent properties. Wall-mounted light fixtures shall not be mounted greater than 12

feet in height unless otherwise permitted by the Planning Director. Luminaires shall be of a design that complements the architectural style of the building and shall be approved by the Planning Director prior to issuance of the building permit. The maximum height of the luminaires shall be 12 feet unless otherwise permitted by the Planning Director. The lighting and its related photometric plan shall be reviewed and approved by the Planning Director. Lighting standards shall be placed so as to not conflict with the location of trees or where they would shine directly into windows.

3. A color board shall be submitted for review and approval by the Planning Director.
4. The developer shall work with Planning staff to design secure bicycle parking to the extent feasible.
5. In conjunction with the Precise Plan submittal and prior to issuance of a building permit:
 - a) The developer shall cause to be recorded a covenant agreement to ensure that the 22 rental units remain affordable to low and very low income seniors for a minimum of 55 years. The agreement shall be approved by the Planning Director prior to recordation.
 - b) The developer shall cause the three parcels to be merged into one.
 - c) The developer shall submit a soils investigation report for review and approval by the City Engineer.
 - d) The developer shall submit improvement plans for review and approval by the City Engineer.
6. Prior to the installation of any signs, the applicant shall submit a Sign Permit Application to the Planning Director for review and approval.
7. The owner shall maintain in good repair all fencing, parking and driveway surfaces, common landscaping, lighting, exterior elevations, trash enclosures, drainage facilities, project signs, etc. The premises shall be kept clean. Any graffiti painted on the property shall be painted out or removed within 72 hours of occurrence.
8. No mechanical equipment, or solar collectors, may be placed on the roof unless it is incorporated into the design of the roof. Prior to construction, documentation shall be provided that the roof-mounted mechanical equipment is adequately screened.
9. In the event that 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 consulted to determine whether any such materials are significant prior to resuming groundbreaking construction activities. Standardized procedure for evaluation of 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.

10. Construction noise from the development of this site shall adhere to standard restrictions on hours and days of operation as specified in the City of Hayward Municipal Code, Article 1, Section 4.103(2). Construction equipment is required to have sound reduction devices to reduce noise impacts on surrounding properties. The name and telephone number of an individual responsible for responding to complaints regarding noise, and who is hired by the developer, shall be posted at the site during construction.
11. Prior to final inspection, all pertinent conditions of approval and all improvements shall be completed to the satisfaction of the Planning Director.
12. Any proposal for alterations to the proposed site plan and/or design, which does not require a variance to any zoning code, must be approved by the Planning Director prior to implementation.
13. Any future modification to the approved site plan shall require review and approval by the Planning Commission.

Development Services

1. A Parcel Merger Application with an initial deposit in the amount of \$3,000 shall be submitted prior to or concurrent with the Building Permit Application. All parcels must be under common ownership and title must be held in the exact manner for each parcel.
2. Parcel Merger Notice shall be executed and recorded prior to the issuance of any building permits.
3. A strip of land at the corner of B and Grand Streets shall be dedicated to the City for the installation of that new pedestrian ramp. The dedication of right-of-way shall be completed prior to the issuance of any building permits.
4. Prior to the issuance of any permits for any construction activity on-site, the Developer's Engineer shall submit a completed Development Building Application Form Information consisting of: 1) Impervious Material Form and 2) Operation and Maintenance Information Form.
5. Prior to the issuance of any permits the owner/developer shall execute a Storm Treatment Measures Maintenance Agreement (as prepared by the City of Hayward and is available in the Engineering and Transportation Division); 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.

Improvement Plans

6. Concurrent with the Precise Plan submittal, submit five sets of Improvement plans, hydrology and hydraulic calculations and drainage area map, detailed C.3 plan and calculations, and a \$3,000 initial deposit to cover staff's review time charges.
7. 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.
8. All improvements shall be designed and constructed in accordance with the City of Hayward Municipal Code – Chapter 10, Article 3, and Standard Specifications and Details – unless otherwise indicated hereinafter.
9. The applicant/developer's Registered Civil Engineer shall perform all design work unless otherwise indicated.
10. The improvement plan shall, in general, include all items depicted on the improvement plans received on December 3, 2010, and shall incorporate s follows
11. Prior to the issuance of any permits for any construction activity on-site, detailed Improvement plans including grading, erosion and sediment control measures and drainage plans with supporting calculations, and a completed Drainage Review Checklist shall be submitted for review and approval of the City Engineer. Subject plans shall include standard improvements and all items depicted on the improvement plans labeled C-1, C-2 and C-3 received on December 3, 2010, and shall incorporate the following conditions and design requirements:
 - a. New driveway approach on Grand Street shall be installed per City Standard SD-109.
 - b. Parking and circulation areas shall be designed to conform to the City off-street parking regulations.
 - c. All paved slopes shall have a minimum 0.5% grade.
 - d. The on-site storm drain system shall be a private system owned and maintained by the owners.
 - e. The development shall not block runoff from, or augment runoff to, adjacent properties. The drainage area map developed for the hydrology design shall clearly indicate all areas tributary to the project site.
 - f. The stormwater runoff generated from the site shall be collected and discharged to existing underground storm pipe system in the complex and shall not disperse as surface flow to the adjacent parking lot.
 - g. All storm drain inlets must be labeled "No Dumping - Drains to Bay," using City-approved methods.
 - h. The latest edition of the Alameda County Flood Control and Water Conservation District's Hydrology and Hydraulics Criteria Summary shall be used to design the storm drain system. 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 City Engineer.

- i. The storm drain design shall comply with the C.3 established thresholds and shall incorporate measures to minimize pollutants to the maximum extent practicable (MEP).
12. The Project plan shall identify Best Management Practices (BMPs) appropriate to the uses conducted on-site in order to limit the entry of pollutants into storm water runoff to the maximum extent practicable. It is highly recommended that grassy swale be installed to intercept the surface runoff and using an engineered soil fill with a minimum infiltration rate of 5 inches per hour.
13. The project shall be designed to direct runoff to the landscaped yards and common space, prior to entering into the underground pipe system. Unit pavers should also be considered for impervious areas such as the driveways, parking areas.
14. The applicant/developer shall be 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.
15. Required water system improvements shall be completed and operational prior to the start of combustible construction.
16. 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 construction activities shall be limited to the hours 7:30 AM to 6:00 PM on weekdays; there shall be no grading or construction activities on the weekend or national holidays.
 - 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 units.
 - e. Applicant/developer shall designate a "noise disturbance coordinator" who will be responsible for responding to any local complaints about construction noise.
 - f. The developer shall participate in the City's recycling program during construction.
 - g. Daily clean up of trash and debris shall occur along all peripheral streets and other neighborhood streets utilized by construction equipment or vehicles making deliveries.
 - h. 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.
 - i. All grading and earth removal work shall follow remediation plan requirements, if soil contamination is found to exist on the site.
 - j. All unpaved access roads, parking areas and staging areas at construction sites shall be paved, have water applied three times daily, or non-toxic soil stabilizers applied.
 - k. All paved access roads, parking areas and staging areas at construction sites shall be swept daily (with water sweepers).
 - l. Inactive construction areas (previously graded areas inactive for 10-days or more) shall have non-toxic soil stabilizers applied, or shall be hydroseeded.

- m. Exposed stockpiles (dirt, sand, etc.) shall be enclosed, covered, watered twice daily or applied with non-toxic soil binders.
 - n. Construction debris shall be gathered on a regular basis and placed in a dumpster or other container that is emptied or removed on a weekly basis. When appropriate, tarps on the ground are to be used to collect fallen debris or splatters that could contribute to storm water pollution.
 - o. All dirt, gravel, rubbish, refuse and green waste from the sidewalk, street pavement, and storm drain system adjoining the project site shall be removed. During wet weather, driving vehicles off paved areas and other outdoor work areas shall be avoided.
 - p. The sidewalks and public street pavement adjoining the project site shall be broom-swept on a daily basis. Caked-on mud or dirt shall be scraped from these areas before sweeping.
 - q. No site grading shall occur during the rainy season, between October 15 and April 15, unless approved erosion control measures are in place.
 - r. Filter materials (such as sandbags, filter fabric, etc.) shall be installed 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; 3) street washing activities; or 4) saw cutting asphalt or concrete activities, or in order to retain any debris or dirt flowing into the storm drain system. Filter materials shall be maintained and/or replaced as necessary to ensure effectiveness and prevent street flooding. Dispose of filter particles shall be properly disposed in the trash.
 - s. A contained and covered area shall be created 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.
 - t. Cleaning machinery, tools, brushes, etc., or rinsing containers, into a street, gutter, storm drain or stream is prohibited (see City's "*Building Maintenance/Remodeling*" flyer for more information).
 - u. Concrete/gunite supply trucks or concrete/plasters finishing operations shall not discharge washwater into street gutters or drains.
 - v. The applicant/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.
17. A representative of the project soils engineer shall be on the site during grading operations and shall perform such testing as deemed necessary by the City Engineer. The representative of the soils engineer shall observe all grading operations and provide any recommended corrective measures to the contractor and the City Engineer.

Landscape Division

1. Provide a revised arborist report to include all existing trees within the project impact area, street trees on B and Grand Street, including health, species, caliper, approximate height, canopy diameter, and value using the latest edition of "Guide for Plant Appraisal" by the International

Society of Arboriculture for the City's review and approval. Provide ISA worksheet per each trees are subjected for valuation.

2. The width of the ADA ramp landing is 4 feet including the width of grooves. See the City Standard Detail SD-108. Modify the entry planting area and the arbor configuration to the courtyard.
3. *Platanus acerifolia* 'Yarwood' was specified for as street trees for the Eden Housing on Grand and C Street according to the approved landscape improvement plan dated 2/5/2007. Add this to the plant list.
4. Proposed tree location at the corner of Grand and B Street on Sheet L1.1 and A1.1 should be the same. Revise one of the plans.
5. All existing trees that are proposed to be saved shall be preserved in accordance with the arborist's recommendations. The report shall include detailed tree protection measures prior, during and post construction. A tree preservation bond shall be posted for all existing trees to remain.
6. A separate tree removal permit shall be required prior to issuance of a grading permit.
7. Pruning existing tree branches larger than 1 inch shall require a tree pruning permit per Tree Preservation Ordinance.
8. Provide hose bib(s) shall be provided in the vegetable garden area.
9. Prior to the approval of the improvement plans, a detailed landscaping and irrigation plan for the site shall be prepared by a licensed landscape architect and submitted for review and approval by the City's Landscape Architect. Planting and irrigation shall comply with the City's *Hayward Environmentally Friendly Landscape Guidelines and Checklist for professional, Bay-Friendly Water Efficient Landscape Ordinance, and Municipal Codes*.
10. Mylar of the approved landscape and irrigation improvement plans shall be submitted to the Engineering Department. The size of Mylar shall be 22" x 34" without an exception. A 4" wide x 4" high blank signing block shall be provided in the low right side on each sheet of Mylar. The signing block shall contain two signature lines and dates for City of Hayward, Landscape Architect/Planner and City Engineer. Upon completion of installation, As-built/Record Mylar shall be submitted to the Engineering Department by the developer.
11. A copy of the approved and signed landscape and irrigation improvement plans shall be included in the building permit submittal set. Building permit shall not be issued without the approved landscape and irrigation improvement plans.
12. 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.

Public Works – Utilities*Water-*

1. City records indicate that there are two existing ¾" water service lines with 5/8" water meters on the parcels (account # 04-00750.01 & 04-00800.02). If the existing water services and meters cannot be reused, they must be abandoned by the City Water Distribution Personnel at the owner's/applicant's expense.
2. It is highly recommended that each unit have an individual domestic water meter. The current cost for one 5/8" meter and ¾" service line is **\$8,606** (\$2,880 installation cost + \$5,726 facilities fee).
3. Based on the water fixture shown on the plans, it is estimated that the finished structure will have a total of 245.5 fixture units. If a single water meter and service line are installed for domestic use, a minimum 2" water service line and 2" domestic water meter shall be installed. The current cost for a 2" meter and 2" water service line is **\$45,810** (\$4,300 installation cost + \$45,810 facilities fee).
4. If a single water meter and service line are installed for domestic use, the service will be considered commercial and will require a Reduced Pressure Backflow Prevention Assembly to be installed by the applicant/developer.
5. If there will be 5,000 square feet or more of landscaping, a separate irrigation water meter shall be installed for landscaping purposes.
6. The applicant/developer shall install a Reduced Pressure Backflow Prevention Assembly on each irrigation water meter, per City Standard SD-202.
7. All fire services shall be installed by City Water Distribution Personnel at the applicant's/developer's expense, per City Standard SD-204. Minimum sizing shall be per Fire Department's requirements.
8. Water meters and services to be located a minimum of two feet from top of driveway flare as per City Standard Details SD-213 thru SD-218.
9. 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 piping materials.

Sewer-

1. The developments sanitary sewer laterals shall have cleanouts and be constructed per City Standard Detail SD-312.
2. The current Sanitary Sewer Connection fee for a multi-family residential unit is \$6,457 per unit. Sewer Connection fees are due and payable prior to final inspection.

Fire Department*Project Site Requirements-*

1. The minimum fire flow is 2500gpm based on construction type of VA and building area of 20,813 square feet. A fire flow reduction of up to 50 percents is allowed when the building is provided with automatic sprinkler system in accordance with NFPA 13. The resulting fire flow shall not be less than 1,500gpm.
2. An unobstructed vertical clearance of not less than 13 feet 6 inches shall be provided for all apparatus access road.
3. Fire apparatus access roads shall be designed and maintained to support the imposed load of fire apparatus 75,000 lbs and shall be surfaced so as to provide all-weather driving capability.
4. Fire apparatus access roads 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.
5. The fire department connection should face to the new 26' fire apparatus road.

Building Requirements-

1. Submit for proper building permits for the construction/ alterations of the building to the Building Department.
2. Fire sprinkler system shall be installed in accordance with NFPA 13 and California Fire Code. Separate submittals and additional permits are required for the installation of fire sprinkler systems.
3. Fire alarm system shall be installed in accordance with NFPA 72 and California Fire Code, and additional permits are required for the installation of fire alarm system.



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MEETING

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

ROLL CALL

Present:	COMMISSIONERS:	Faria, Mendall, Márquez, Lamnin, McDermott, Lavelle
	CHAIRPERSON:	Loché
Absent:	COMMISSIONER:	None

Commissioner Márquez led in the Pledge of Allegiance.

Staff Members Present: Buizer, Conneely, Patenaude, Pearson, Philis, Rizk

General Public Present: 14

PUBLIC COMMENTS

Jasmir Kaur, Union City resident, reading from a signed petition and speaking on behalf of businesses located on Mission Boulevard, said they would like to lodge a complaint against the ongoing construction. She said store owners have been negatively-impacted by the construction which is wrecking havoc on their businesses. Ms. Kaur said they have lost a tremendous amount of business due to parking restrictions, reduced lanes, and discontinued U-turns. She pointed out that for most of the store owners, the business is their only source of income and if conditions continue they could be ruined financially. They asked the Planning Commission to look into the situation and find a solution. She said the businesses are open to discussions with the City and hope to find an amicable solution. She added that delivery trucks have been receiving parking tickets.

Commissioner McDermott asked Ms. Kaur where her business is located on Mission Boulevard and Ms. Kaur replied between Harder and Jackson. Commissioner Mendall asked her if she's spoken to anyone in Public Works and Ms. Kaur said no, they have only spoken to the contractors doing the work. Commissioner Mendall asked staff to contact Public Works to see if there is anything they can do.

WORK SESSION

1. Draft Mission Boulevard Corridor Specific Plan

Senior Planner Erik Pearson introduced consultants Laura Hall and Robert Alminana of Hall-Alminana, but directed Commissioners' attention to an e-mail received from Greg Jones, the president of the Prospect Hill Neighborhood Association (PHNA). The PHNA made three points

they wanted the Commission to consider: extend the proposed landscape median at the north end of Mission Boulevard through the intersections of Sunset and Simon Streets, and possibly Rose Street, to limit the turning movements into the neighborhood; that building heights included in the form-based code be expressed in feet rather than stories and that building heights be limited to three stories for the area west of Prospect Hill; and three, that the PHNA supports the expansion of the civic space or green space between the intersection of A and Mission and the “Big Mike” statue. Senior Planner Pearson then introduced Mr. Alminana who gave a brief update.

Senior Planner Pearson concluded the presentation with information regarding the process of preparing the Environmental Impact Report (EIR). He said the draft EIR is scheduled to be completed by the end of June 2011 at which time it will be presented to the Planning Commission and City Council in work sessions in July, and using comments from those, present the final EIR in the fall. He listed some of the issues that will be addressed in the draft EIR.

Regarding Variable 1, Option 3, Commissioner Mendall confirmed with Mr. Alminana that the 10-foot sidewalks would remain even with the three-foot median. He said he was pleased to see the slip lanes added at Harder Road and asked if they could continue along the length of Mission Boulevard. Mr. Alminana said the northern portion of Mission has existing viable car dealerships that stop the slip lane from continuing any further. Mr. Alminana also reminded Commissioner Mendall that the area between Pinedale Court and Sycamore Avenue was identified as an “opportunity site.” Senior Planner Pearson said north of A Street Mission Boulevard is narrower and has a lower speed limit, while in the southern area of the project one benefit of the slip lanes would be to provide a buffer for pedestrians. Commissioner Mendall said he’s only talking about the area south of Jackson and in planning for the long term asked if it would be better to indicate the preference of having the slip lane running the entire length of Mission even if it’s not possible to create it now.

Commissioner Mendall said the Planning Commission’s suggestion to have two height limits did not seem to be reflected in Variable 7, regarding the height overlay between Mission Boulevard, Dollar Street and the BART tracks. Mr. Pearson said he was correct and that there must have been a misunderstanding. Commissioner Mendall said a four-story building on the other side of the BART tracks from residential homes was too tall.

Commissioner Mendall said he agreed with the e-mail from the PHNA regarding building heights being reflected in feet rather than stories, but said he thought that was already the case. Mr. Alminana said it wasn’t, and explained that developers will try to squeeze in as many stories as possible when limits are set in feet. Mr. Alminana also pointed out that buildings can change uses more easily when expressed in stories rather than feet. Commissioner Mendall expressed concern that a developer could build a 60-foot, three-story building, but Senior Planner Pearson said there are a maximum number of feet per story in the configuration table for the form-based code.

Commissioner Lavelle thanked staff and the consultants for their work and said she was satisfied that many of the Commissioner’s comments were included. She said her only question was regarding a comment that the draft form-based code would allow auto dealerships by-right rather than by conditions stated under a conditional use permit (CUP). She asked why that would be changed, in particular, for used car sales. Senior Planner Pearson said the design of the dealership property was more important than distinguishing between whether they sell used or new cars. Any new dealership would be required to have the building and/or showroom at the front of the property,



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he explained, and the outdoor display area at the rear or side of the building; the primary presence at the street frontage would be a building. Commissioner Lavelle asked if that would allow for property improvements especially for existing used car dealerships. Mr. Pearson said the existing used car dealership could stay as is until they ask to make a change and then they would be subject to the new code. Commissioner Lavelle said the appendix that lists proposed retail uses needs to be closely adhered to as the plan is implemented. She said that retail uses that have not been pursued have a great opportunity to bring to great shopping to Hayward including stores like Trader Joe's or stores like that.

Commissioner Lamnin pointed out that this is the first time she was looking at the form-based code as a Planning Commissioner and asked why car dealerships are being asked to keep outdoor displays away from the street. Senior Planner Pearson said the main reason was to maintain an attractive, walkable streetscape. Mr. Alminana said car sales should be treated like any other retail business in terms of the impact the display has on the public realm. Commissioner Lamnin said if that is the plan, there appears to be room for the slip lane to continue. She then asked if bicycle lanes are part of the transportation plan and Mr. Alminana said the City has a bicycle plan, which goes around the Specific Plan area, and most streets, except Mission Boulevard, are bike-friendly.

Commissioner Lamnin said she appreciated the comments regarding green roofs and urban farms, but asked if the farms needed refrigeration/storage and if that had been considered under allowed uses. Mr. Pearson said staff can look whether or not that need can be accommodated. Commissioner Lamnin said she understood the reasoning behind spreading assembly places a half mile apart but felt that was too far and asked staff to reconsider the restriction. She also expressed interest in seeing uses that would support Cal State East Bay students' needs especially at the main Mission intersections of Carlos Bee and Harder including research/development spaces and services that students might need including 24-hour copy shop, internet access, and a bagel shop, for example.

Regarding auto dealerships, Planning Manager Richard Patenaude said there is one dealership property in the north portion of Mission that is historic, and although somewhat dated and not the best maintained, could serve as an example of how the form-based code would address car dealership building layout. A newer example, he said is the Honda dealership, which is a new building, and does not have a lot of parking out front.

Commissioner Mendall asked how the suggestion from Commissioners regarding green roofs for the Prospect Hill area is captured in the Specific Plan. Mr. Alminana said there is no language in the Plan and that means nothing would stop them from being built. Commissioner Mendall said that's true, but green roofs are expensive and if developers aren't held to it, they will choose not to use a green roof. He emphasized that he will not be voting for a building at the maximum height if it has an ugly roof. He said he would like to see language in the Plan stating that preference because it wouldn't be fair to not give developers fair warning. He said he liked the auto dealership set-back requirements and he felt the distance limit on assemblies was perfect.

Commissioner McDermott asked Planning Manager Patenaude if the building at Mission and Tennyson Road was an example of the type of building layout the City envisions for car dealerships even though it now has a different retail use. Mr. Patenaude said that building doesn't have the same relationship with the street that the form-based code would require. Commissioner McDermott asked about the stakeholders noted in the report and asked why the Fire Department wasn't included. Mr. Alminana indicated that they were stakeholders, they just weren't included on the list.

Commissioner Márquez asked how slip lanes would impact the transportation system including AC Transit. Mr. Alminana said the system would not be impacted at all; the buses would still stop on the main street which would have a buffer, including a sidewalk, to provide room for stopping. She asked about pedestrian safety and Mr. Alminana said the slip lanes would have pedestrian crosswalks related to the bus stops. Commissioner Márquez asked to see some examples and Mr. Alminana said he will provide plans and images.

Regarding the e-mail from the PHNA president, Commissioner Lamnin asked if Point 1, regarding medians at Sunset and Simon Streets, was viable, and Mr. Pearson said input is needed from Public Works before that can be determined.

Chair Loché said it was a pleasure to see the input of the Commission reflected in the Specific Plan including requests for 10-foot sidewalks and extending the slip lane. Regarding Variable 4 and the rezoning to T5, he read some concerns from residents and asked Mr. Alminana to explain what those specific concerns were. Mr. Alminana said that the existing homes would be rezoned T3 for single family detached homes, and the area nearby to T5. The residents didn't want that much density that close to them, he said, but when it was pointed out that a T4 zone was in between as a buffer, a few indicated they could live with that. Residents also expressed doubt that people would walk from their neighborhood to BART because Jackson Street seemed like a barrier. Chair Loché confirmed that the T4 buffer alleviated some of the residents concerns and Mr. Alminana said yes.

PUBLIC HEARING

2. General Plan Amendment Application No. PL-2010-0368 and Zone Change Application No. PL-2010-0369 - Woody Karp of Eden Housing (Applicant); City of Hayward Redevelopment Agency (Owner) - Request to Change the General Plan Designation from Medium Density Residential to High Density Residential and to Change the Zoning from Medium Density Residential to Planned Development to Accommodate 22 Affordable Senior Housing Rental Units using Density Bonus Provisions.

The project is located on a 0.5-acre parcel at the southwest corner of B and Grand Streets, adjacent to the existing Eden Housing senior housing facility and across Grand Street from the Downtown Hayward BART station.

Senior Planner Sara Buizer gave a brief synopsis of the report.

Commissioner Márquez asked if the Inclusionary Housing Agreement is being fully met if the project is approved and Senior Planner Buizer said yes, these are very low income units that will satisfy that part of the agreement. Commissioner Márquez asked if any of the units are going to be two-bedroom and to describe the amenities including laundry facilities and Ms. Buizer asked her to



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defer those questions to the applicant. In response to Commissioner Márquez' question about the number of handicap parking spaces, Ms. Buizer said there would be one. Regarding visitor parking, Ms. Buizer said the parking spots are not designated for residents and noted there is sufficient street parking to accommodate guests. Commissioner Márquez asked what a reasonable timeline would be for the deferral of the undergrounding of utilities and Senior Planner Buizer explained there wasn't one in place yet because the City is trying to maintain the trees that run along B Street and there are issues relating to the tree roots. Ms. Buizer said that Public Works is looking at alternatives and said that although she wasn't sure of the timeline, Eden Housing would be required to pay their fair share regardless of when the undergrounding occurred.

Commissioner Faria asked if the setback will be the same for Phase II as is established by Phase I at C and Grand Streets. Senior Planner Buizer said the setback along Grand Street would be the same, but there was a portion of the building along B Street that would be a little closer. Commissioner Faria expressed concern about the number of parking spots, their reduced size, and the availability of storage area for scooters. Ms. Buizer deferred the question to the applicant because of his knowledge of the existing parking and storage facilities, but indicated that only some of the spots would be compact width and the handicap parking spot would be the required width. Commissioner Faria asked about the citizen concern noted in the report and Senior Planner Buizer explained that when the property had been owned by the Cannery Place developer market-rate townhomes were proposed for that location. The resident did not want more low-income housing coming into the City.

Commissioner Lavelle asked what kind of sign was envisioned that required condition of approval number six. Senior Planner Buizer explained that staff just wanted the opportunity to review any proposed sign and this condition allowed them to do so. Commissioner Lavelle asked if the sign would have to follow the street car style and Planning Manager Richard Patenaude said no, the sign would be subject to the multi-family housing sign regulations. Commissioner Lavelle asked if the list for condition of approval number 10, which was missing, was the same as the list for condition 11 and Ms. Buizer said yes. Commissioner Lavelle asked if condition of approval two, regarding individual water meters, could be removed since a single water meter was proposed for the project and that was addressed under condition number four and Senior Planner Buizer said yes, condition two could be removed.

Commissioner Mendall asked why the proposed units had to remain affordable for specifically 55 years under condition of approval 5A and the applicant indicated he would answer that question. Regarding condition of approval number eight, Commissioner Mendall asked why there were restrictions on the installment of solar collectors on the roof. He said he understood there is a communal benefit of having attractive buildings, but in terms of green elements there are societal benefits and the two cancel each other out. He said he would like to see the language regarding solar collectors removed from the condition. Commissioner Mendall asked staff to explain the benefits of deferring costs associated with the undergrounding of utilities if Eden Housing is still responsible for those costs. The applicant again indicated that he would address that question, but Planning Manager Patenaude interjected that the City is still determining the location of the undergrounding whether it

would be under the sidewalk area via an easement or under the street to avoid tree roots. Commissioner Mendall said it made sense to underground the utilities all at once, but said he still didn't understand why the timing of the undergrounding could create a financial hardship for the applicant. He also asked the applicant to explain the financial benefits of a single hot water heater for the facility.

Regarding the undergrounding of utilities, Commissioner McDermott said that if the cost was deferred, she would like some kind of time frame in place because leaving it open-ended concerned her. She also said 11 parking spots for 22 units didn't appear to be sufficient and she asked if this was consistent with Phase I and if parking was a problem there. Planning Manager Patenaude explained that it is not unusual to not have a time frame for the undergrounding especially when the whole street will be impacted. Regarding parking he said the half parking space per unit is the standard for downtown senior facilities because of the availability of nearby transit options, but he asked the applicant to address the question during the public hearing.

Commissioner Lamnin asked if this project was consistent with the City's green building standards. Senior Planner Buizer said staff will make that assessment when precise plans are submitted, but suggested that the architect for the applicant address the question. Commissioner Lamnin asked if the City's emergency services had been impacted by Phase I or if the City has received any complaints about parking and staff said no. Commissioner Lamnin asked if the City's paratransit roundabout shuttle stopped near the facility. Ms. Buizer said she wasn't sure about paratransit, but mentioned that 13 or 14 different AC Transit routes had stops at the BART station across the street from the facility. Finally, Commissioner Lamnin asked if the 7 a.m. construction start time was standard and Senior Planner Buizer said yes.

Chair Loché asked if there would be any cost savings to underground the utilities later rather than now and Senior Planner Buizer said potentially, explaining that projects generally have a lot of up-front costs and by deferring the undergrounding Eden Housing could budget the cost into a later phase of development. Director of Development Services Rizk pointed out that there could be some economies of scale savings when the undergrounding of utilities is done by one contractor along the whole street. Chair Loché mentioned the construction noise next to the existing senior housing and asked if hours of construction should be modified. Ms. Buizer said staff could consider it, but noted that modifying construction hours could make the project take longer. Chair Loché then asked if the open space requirement was met for Phase I or if any concessions were given. Senior Planner Buizer said Phase I was 120 square feet short of the required amount.

Chair Loché opened the Public Hearing at 8:40 p.m.

Woody Karp, applicant, thanked staff, and in particular Senior Planner Buizer for her report, explaining that the project is a partnership between Eden Housing and the City of Hayward, and having the Phases located together will allow them to provide residents with better services. He pointed out that certain amenities will be offered at both locations such as laundry facilities and a community room with a fully operational kitchen if family and friends want to visit. There would be no charge for the use of the community room, he said, only a cleaning deposit. Mr. Karp said also included in the required community space would be a sitting area with a large screen TV, and a combination library/computer learning center. There would be a Manager's Office at both facilities but only one Service Coordinator Office in Phase I.



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Because the property is limited in size, Mr. Karp said reducing the setback along B Street allowed them to increase the private community space to include a BBQ, planting beds and a seating area. Regarding a storage area for scooters and bikes, Mr. Karp said most residents store their scooters in their apartment, but there will be a small shed-like structure available in this same outdoor area.

In response to earlier questions, Mr. Karp said most likely the sign envisioned for Phase II will be the name of the building recessed into a low cement wall at the corner of B and Grand. Regarding water, he said the exception from the individual water meter requirement in condition two was important because residents are not charged for water and the facility will use a central boiler at significant savings due to reduced piping. Regarding green building standards, Mr. Karp said Eden Housing recently completed a project in San Leandro that received a score of 184 on the green point rating program, which is the highest score received by any project to date, and Eden has an ongoing project in Fremont that could beat that score. He said that Eden Housing always tries to incorporate green building practices into their projects but cost is a huge factor. He said he appreciated Commissioner Mendall's earlier comments about solar panels. Mr. Karp stated that Eden Housing has received a grant and will be installing solar panels on Phase I buildings within the coming year. For Phase II, solar panels to heat water are already in the budget because of the significant operational cost savings, however, he said they will have to see if they can afford to also include solar panels to generate electricity.

Regarding deferral of undergrounding, Mr. Karp said Eden requested an exemption from that requirement and confirmed Commissioner's comments that deferral of costs to be included in operations would be a tremendous burden, even more so than in development. Mr. Karp explained that Eden Housing has no cash flow and said that the project is funded through HUD (Housing and Urban Development) which will cover the difference between what residents can pay and the cost to operate. He said if undergrounding is a cost Eden has to bear, they would have to budget it out of the development budget rather than operations. He said discussions will have to continue to come up with a dollar amount. Mr. Karp recognized the City as a significant partner by donating land and dollars to cover the gap funding, but he said Eden will be asking the City for more dollars to pay the City for a deferred expense.

Regarding an adequate number of parking spaces, Mr. Karp said Eden Housing has built many senior housing projects and have conducted studies on the impact and need of parking spaces. Using a recently completed project in San Leandro as an example, Mr. Karp said that project had 51 units and 26 parking spaces. At the city's request, he said, Eden was required to create a \$92,000 fund in reserve just in case more parking was needed. After a six month parking study that ended in December of 2010, he said he submitted a report that showed an average of 8-10 parking spaces available on the property and there has never been a complaint. Mr. Karp said he is confident parking in Hayward will be sufficient and if the number of parking spaces were increased, the size of the private courtyard would have to be sacrificed.

Chair Loché asked Mr. Karp if the project in San Leandro had a similar proximity to public

transportation and Mr. Karp said access was great, but still not as good as Hayward.

Commissioner Mendall asked if 55-year limit was a HUD requirement and Mr. Karp said the number is based on a tax credit. He said the project is funded through both a HUD subsidy and through 4% tax credits and the tax credits require a 55 year regulatory period.

In response to Commissioner Márquez' question about unit size, Mr. Karp said there are 21 one-bedroom units and one two-bedroom manager or maintenance employee unit. Regarding age requirement, Mr. Karp said the HUD-mandated age restriction is 62 and above. Commissioner Márquez asked if any allowances are made for those younger than 62 that are wheelchair-dependent and Mr. Karp said no. Commissioner Márquez asked if residents in Phase I use East Bay and Hayward Paratransit services. Mr. Karp said he frequently sees the paratransit buses in front of the facility, and knows the services department works closely with residents to coordinate rides.

Commissioner Lavelle asked Mr. Karp who will be living in Phase II, to define what is meant by "very low" income, and if potential residents are Hayward residents. Mr. Karp explained that under the HUD 202 Program, "very low" income includes seniors at or below 50% of the area median income (ami). Since that is a pretty high threshold to meet, he said HUD will pay an operating subsidy which is the difference between what a resident can pay and the actual operating cost. Even seniors on SSI receiving less than 20% of median income levels will be covered, he said. The net result of that subsidy is Eden Housing has no surplus cash and it would be impossible to anticipate and pay any deferred fees through operations. Commissioner Lavelle pointed out that that's why the agency is called "non-profit." Regarding whether residents will come from Hayward, Mr. Karp said Phase I was different; residents were the parents of Hayward residents and the children agreed to underwrite the difference if their parents could not meet the 50% ami. For Phase II, HUD does not allow Eden Housing to give special treatment to Hayward residents, but Mr. Karp said outreach is primarily in this area. Mr. Karp confirmed that units will be assigned on a lottery basis as they anticipate receiving 10 applications per unit.

Mr. Karp introduced the project's architect, Gary Struthers, and said he was available to answer any questions.

In response to Commissioner McDermott's question regarding the length of the HUD contract, Mr. Karp said 40 years, after which they typically do a financial restructuring, but the regulatory restrictions extend to 55 years. Commissioner McDermott asked for the square footage of the units and Mr. Karp, after consulting with Mr. Struthers, said gross 600-650 square feet, net about 40 square feet less. Commissioner McDermott asked if the project was feasible if Eden had to pay the undergrounding fees and Mr. Karp said there needs to be a determination of what that cost is, but after speaking to PG&E representatives, Eden has budgeted \$70-80,000, but has increased their request to the Redevelopment Agency to cover any gaps. He pointed out that budgets based on schematic designs fluctuate and by the time they reach construction it will have changed. He said they are comfortable that they will be able to "figure it out."

Commissioner Lamnin asked if the units were one story within themselves and had wide doorways and Mr. Karp said yes. She asked if there was a feedback mechanism for residents and Mr. Karp said not formalized. Commissioner Lamnin suggested that parking spaces are prioritized for Phase II residents and Mr. Karp said he preferred to let the property managers handle that.



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Thursday, February 10, 2011, 7:00 p.m.
777 B Street, Hayward, CA 94541**

Chair Loché said the deferral of undergrounding fees seemed more like a problem than a solution and Mr. Karp agreed saying because they didn't know what the timeframe would be, they wouldn't know what round they would receive funding. He said that would still be preferable to having the project complete and operational and then being asked to come up with \$80,000.

Maria Alegria, South San Francisco resident, said she owns the property next to the new development. She said she bought property in 2006 and has concerns about the tree they want to preserve. She said the tree is old and located at the property line, next to a garage at the back of her property, and that it drops leaves and debris on the garage and into gutters. She said she's concerned that the tree will fall down onto the garage or house during a storm. She also wanted to know what kind of fence, and how high a fence, will run between the properties because it will run along the driveway of her property. She said she knows she doesn't have much say in the matter but she wanted the Commissioners to think about these concerns.

Project architect Struthers said the fence will be a standard good neighbor wood fence not taller than 6 feet. Mr. Karp added that they built a new redwood fence along the back of the property and it would be their proposal to extend that same kind of fencing.

Chair Loché closed the Public Hearing at 9:15 p.m.

Commissioner Lavelle said this will be a wonderful addition to downtown and many of them are aware of the quality projects Eden Housing has brought to the Bay Area, starting right here in Hayward. She said this is a great opportunity for a much-needed type of residential community located close to BART and AC transit lines. She said the exemptions requested made sense and thinks there are enough public transportation options that the number of parking spaces will be acceptable. This is a great way to encourage families to stay close to their adult children who will probably also participate in their transportation needs, she said.

Commissioner Lavelle made a motion per staff recommendation to recommend approval to the City Council. Regarding the Conditions of Approval she said it will be very important for Eden Housing to work with City staff to prepare a lighting plan that keeps light deflected away from neighboring properties but still protects the safety of the senior residents entering and exiting the facility. She said she looks forward to the Grand Opening.

Commissioner Mendall seconded the motion.

Commissioner Mendall said the number of parking spaces will be fine because it is senior housing located across the street from a BART station. He said he agreed with the incentives and waivers, but he wants clarity on the cost of undergrounding so the applicant can budget for it. He said he wants to make sure the undergrounding occurs and would support a price cap. Planning Manager Patenaude said staff could explore options when they are working through the precise plan.

Chair Loché asked if deferral details should be part of the motion and staff said no.

Commissioner Mendall said Eden Housing is one developer he is always glad to see; their projects are always outstanding, and they have been building “green” before it was required. Commissioner Mendall concluded it is a good spot, a good development, a wonderful addition, and looks forward to it being completed.

Planning Manager Patenaude confirmed with Commissioner Mendall that the removal of language restricting solar panels was part of the motion.

Commissioner Lamnin said she supported the motion, but asked how vital redevelopment money was to the project due to the governor’s proposal to cut California’s redevelopment agencies. Mr. Patenaude explained that’s why he suggested exploring that issue with all parties when the precise plan comes back to staff. Assistant City Attorney Maureen Conneely noted that the details of this proposal are still being negotiated and would be coming back to Council for both the land use entitlements and the disposition and development agreements. Commissioner Lamnin asked staff if the project could still happen if redevelopment funds were cut and staff said they didn’t know. Commissioner Lamnin concluded by asking staff to consider Ms. Alegria’s concerns about the tree.

Commissioner Márquez said she would be supporting the motion but encouraged future developments to include more 2-bedroom units. She pointed out that many seniors require live-in caregivers.

Chair Loché said he would also be supporting the motion and based on the location of the facility and that it is for seniors he was didn’t see a problem with a greater number of units with a lower number of parking spaces. He said his concerns about open space were also addressed because of the proximity of other open space options. He concluded by asking Commissioner Lavelle to repeat the motion with any additions.

Commissioner Lavelle moved, seconded by Commissioner Mendall, and approved unanimously (7-0-0), that per staff recommendation the Planning Commission recommend approval to the City Council, including the adoption of the Negative Declaration, and approval of the General Plan Amendment and Zone Change to build 22 affordable senior housing rental units using density bonus provisions and related incentives and waivers, subject to the Findings and Conditions of Approval, with amendments to delete condition of approval number two, and remove language restricting installation of solar panels in condition of approval number eight.

COMMISSION REPORTS:

3. Oral Report on Planning and Zoning Matters

Planning Manager Patenaude announced a public meeting regarding the proposed 880/92 Reliever Route at Ochoa Elementary School next Thursday at 7 p.m.

Mr. Patenaude then gave an update on upcoming Commission meetings: March 10th, a Public Hearing for the Chalk It Up billiard hall, which would like to add a liquor license, and a work session on telecommunications facilities; April 14th, a work session on the regional sustainability



Attachment VII

**MINUTES OF THE REGULAR MEETING OF THE
CITY OF HAYWARD PLANNING COMMISSION
Council Chambers
Thursday, February 10, 2011, 7:00 p.m.
777 B Street, Hayward, CA 94541**

community strategy; April 28th, a Public Hearing regarding the supplemental EIR for the South Hayward BART station project; May 26th, a Public Hearing on the South Hayward form-based code; June 9th, a work session on the Residential Energy Conservation Ordinance (RECO); June 23rd, a update of implementation of the Historic Preservation Program; and July 28th, a work session on the draft EIR for the project heard tonight.

Commissioner Lamnin asked if there would be a second meeting in March and staff said nothing was scheduled yet, but something could come up.

4. Commissioners' Announcements, Referrals

Commissioner Mendall complemented Senior Planner Buizer on her presentation and mentioned that at the last Sustainability Committee meeting they worked on refining RECO to make it easier to understand and expect to have a draft ordinance ready in the next month or so.

Commissioner McDermott reminded the commissioners that the Hayward Educational Foundation fundraiser was coming up at Cal State East Bay featuring former CBS anchor John Kessler and the Survivor Marquesas million dollar winner who lives in Hayward. The Foundation supports teacher grants in the Hayward area and she said commissioners should call her if are interested in buying tickets.

Commissioner Lamnin suggested that as soon as the July date is confirmed that staff should start publicizing the work session that will discuss the draft EIR for the Mission Boulevard Corridor Specific Plan so the community can be educated on what the City is trying to do and make sure residents attend. Commissioner Lamnin also announced that the South Hayward Parish is working with the community to try to end panhandling in Hayward. The Parish is asking business owners to offer a small brochure that informs the public that panhandler activities are a scam, she said. Commissioner Lamnin explained that the brochure lists all the food, housing, and employment programs that are available so people who really need these services can access them and stops panhandling from being profitable.

APPROVAL OF MINUTES

5. Minutes from September 23, 2010 were approved with minor changes.

ADJOURNMENT

Chair Loché adjourned the meeting at 9:35 p.m.

APPROVED:

Mariellen Faria, Secretary
Planning Commissioner

ATTEST:

Suzanne Philis, Senior Secretary
Office of the City Clerk

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HAYWARD SENIOR HOUSING II

B STREET & GRAND HAYWARD, CA

Revision	Date
PLANNING SUBMITTAL	20 SEP 2010
PLANNING REVISIONS	3 DEC 2010

Stamp

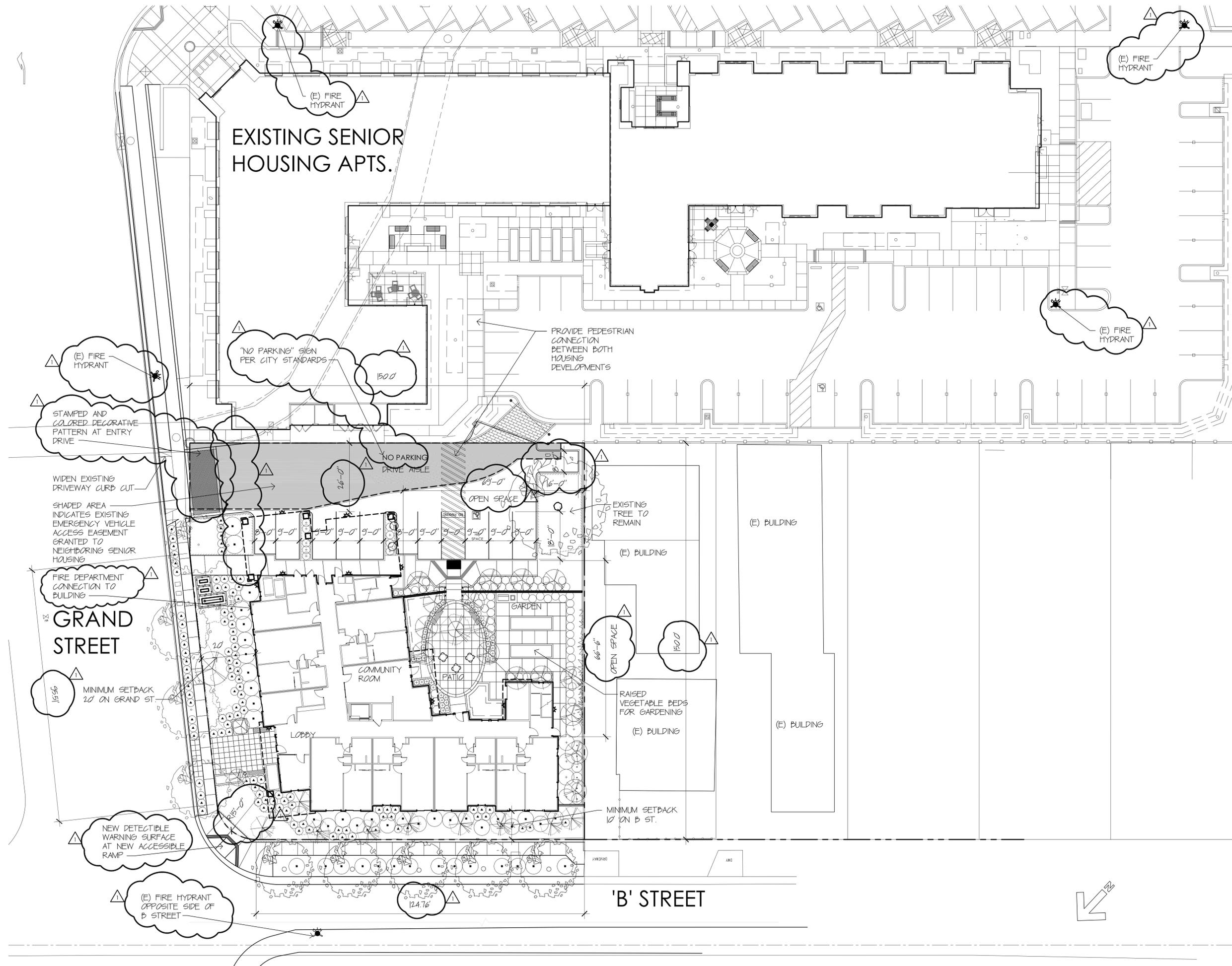


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Title
 SITE PLAN

Sheet

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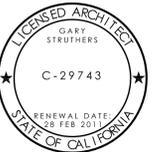
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HAYWARD SENIOR
HOUSING II

B STREET & GRAND
HAYWARD, CA

Revision	Date
PLANNING SUBMITTAL	10 SEP 2010
PLANNING REVISIONS	3 DEC 2010

Stamp

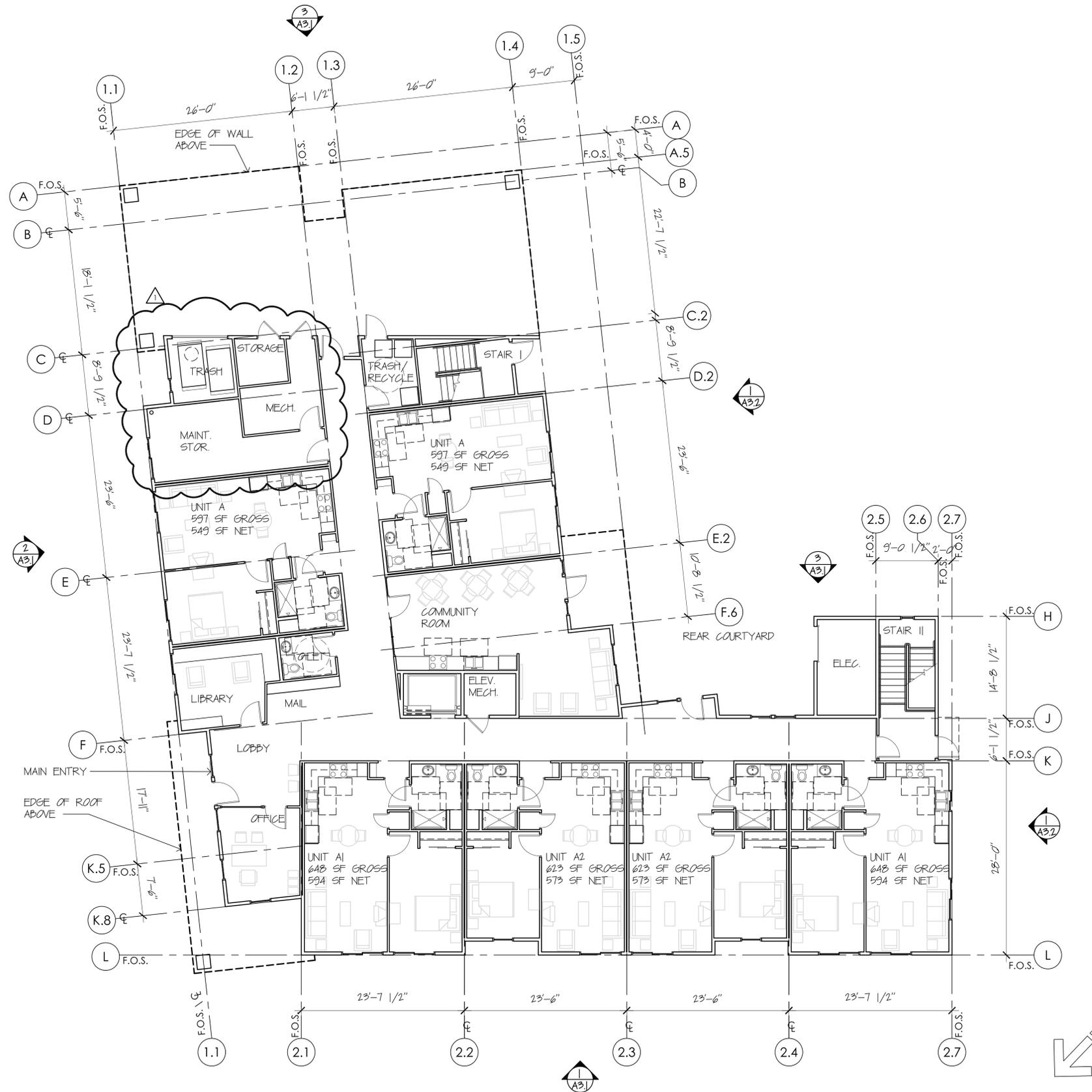


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Title
 BUILDING PLANS:
 FIRST FLOOR

Sheet

A2.1



1 BUILDING PLAN: FIRST FLOOR
 Scale: 1/8"=1'-0"

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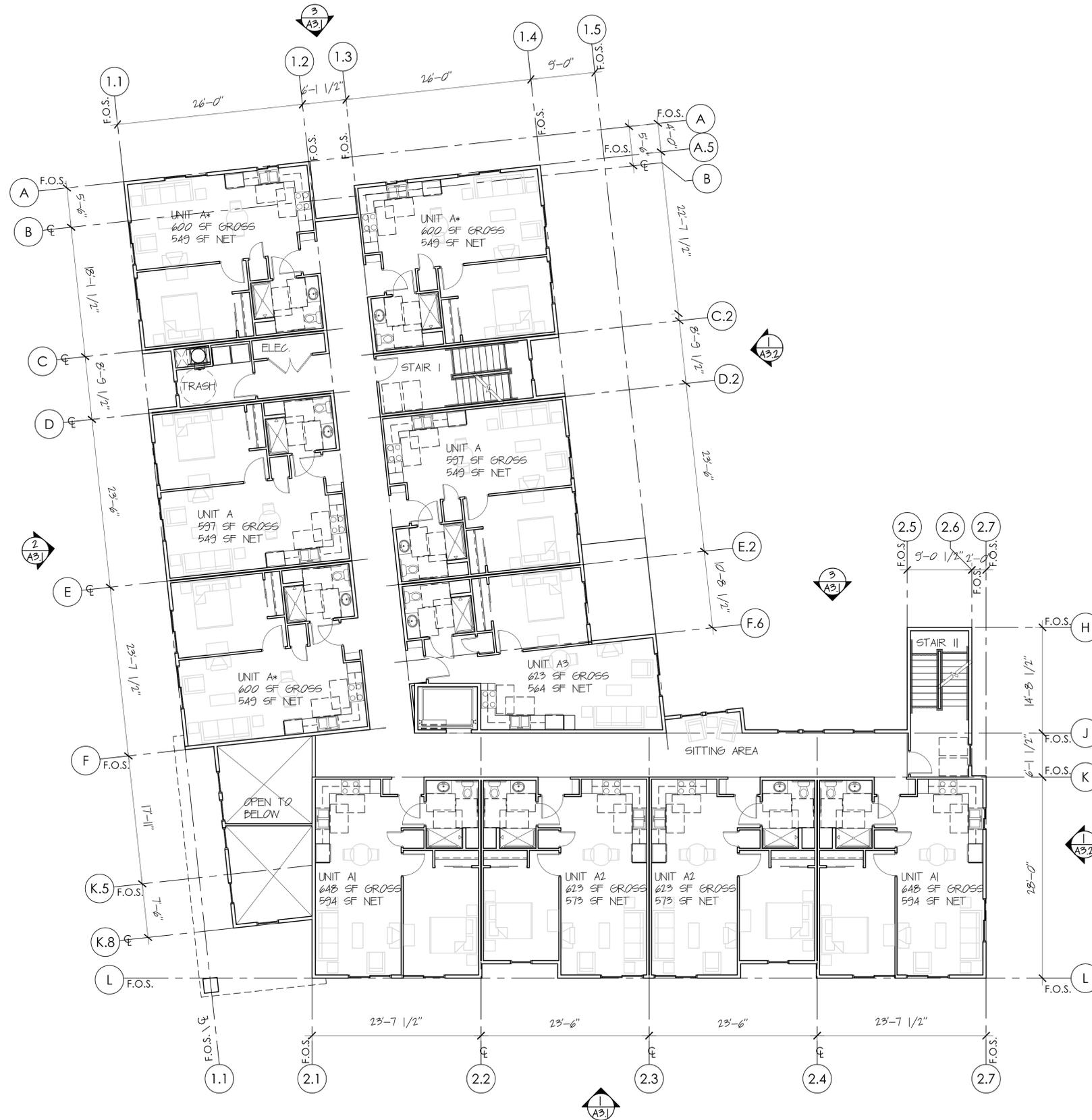


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 Checked by: TBD
 Date: 28 SEPT 2010
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Title
 BUILDING PLANS:
 SECOND FLOOR

Sheet

A2.2



1 BUILDING PLAN: SECOND FLOOR
 Scale: 1/8"=1'-0"

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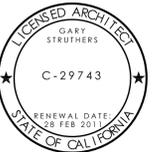
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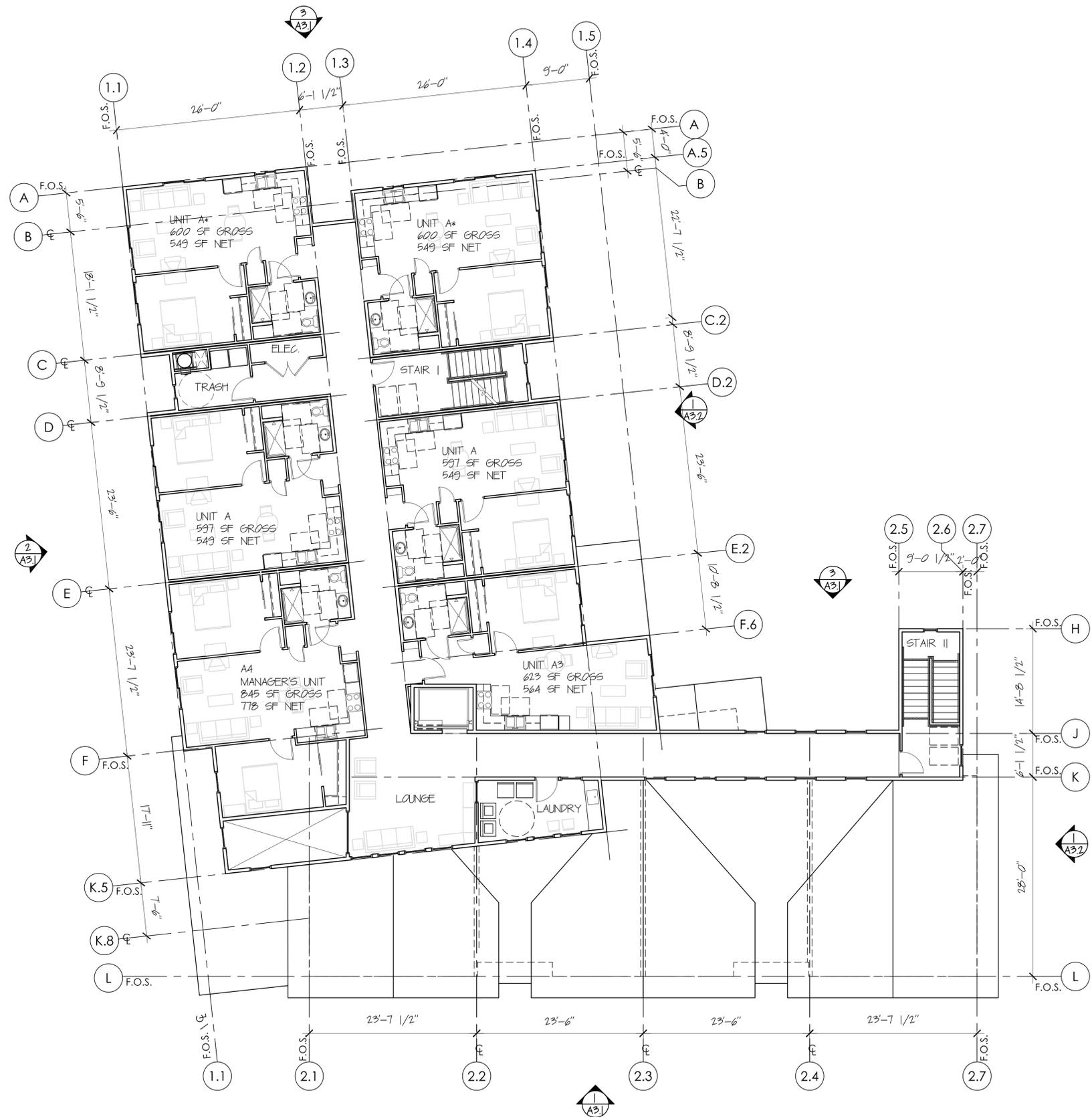


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Title
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 THIRD FLOOR

Sheet

A2.3



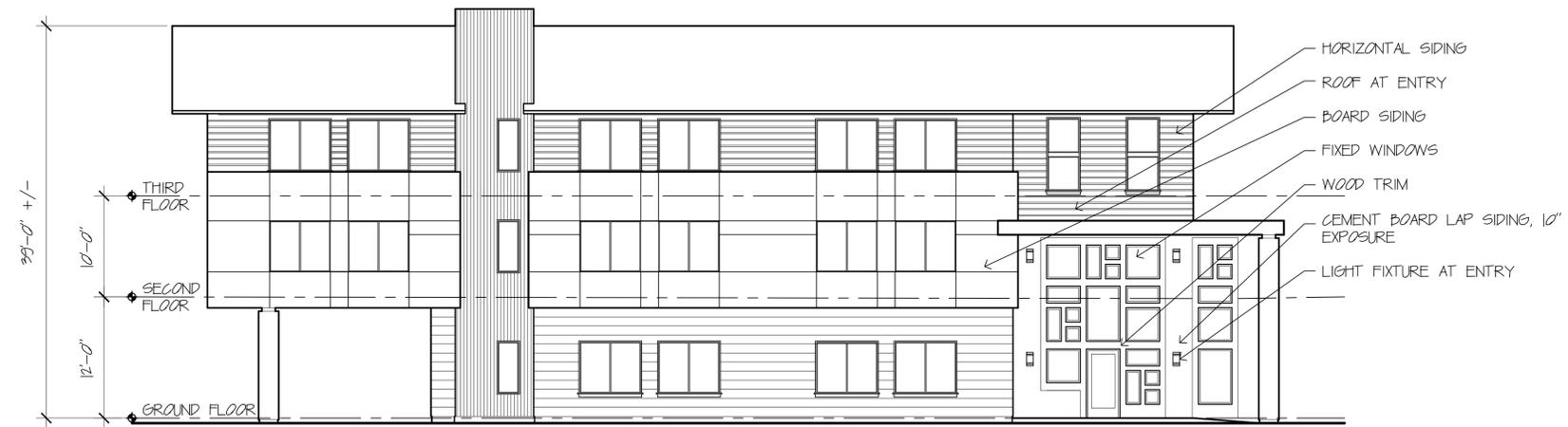
1 BUILDING PLAN: THIRD FLOOR
 Scale: 1/8"=1'-0"

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3 BUILDING ELEVATIONS: SOUTHEAST (FACING PARKING)
Scale: 1/8" = 1'-0"



2 BUILDING ELEVATIONS: NORTHEAST (FACING GRAND STREET)
Scale: 1/8" = 1'-0"



1 BUILDING ELEVATIONS: NORTHWEST (FACING 'B' STREET)
Scale: 1/8" = 1'-0"

HAYWARD SENIOR
HOUSING II

B STREET & GRAND
HAYWARD, CA

Revision	Date
PLANNING SUBMITTAL	20 SEP 2010
PLANNING REVISIONS	3 DEC 2010

Stamp



Job Number: 1036
 Drawn by: BD/WJ
 Checked by: TBD/GS
 Date: 28 SEPT 2010
 Scale: 1/8" = 1'-0"

Title
 BUILDING ELEVATIONS

Sheet

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HOUSING II

B STREET & GRAND
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PLANNING REVISIONS	3 DEC 2010

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Job Number: 1036
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 Checked by: TBD/GS
 Date: 23 SEPT 2010
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Title
 BUILDING ELEVATIONS

Sheet

A3.2



1 BUILDING ELEVATIONS: SOUTHWEST
 Scale: 1/8"=1'-0"

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HAYWARD SENIOR
HOUSING II

B STREET & GRAND
HAYWARD, CA

Revision	Date
PLANNING SUBMITTAL	10 SEP 2010
PLANNING SUBMITTAL II	09 DEC 2010

Stamp



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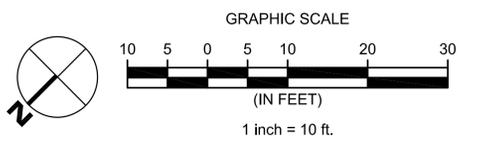
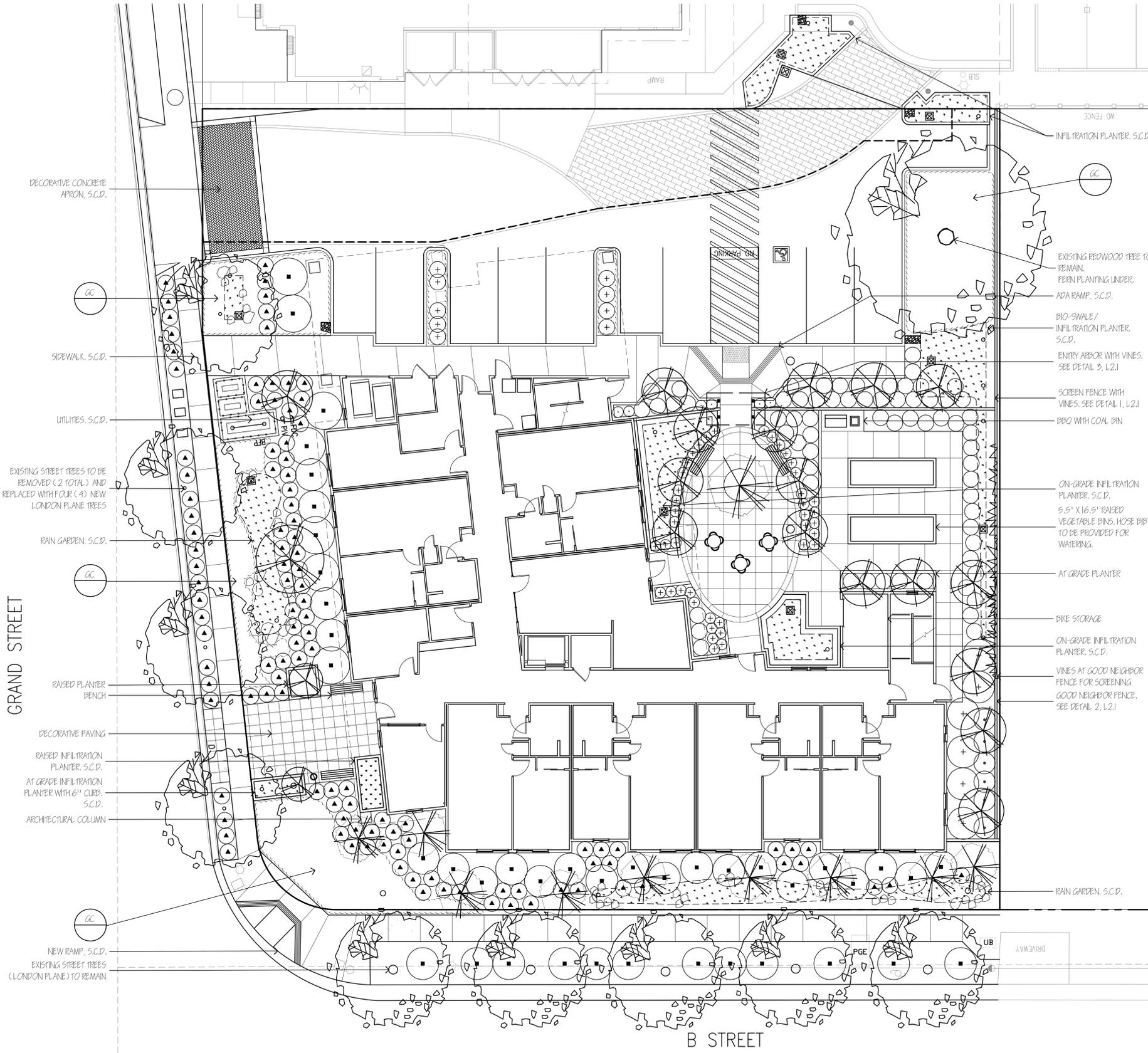
Title
PRELIMINARY
LANDSCAPE
PLAN

Sheet



PRELIMINARY PLANT LIST

SYMBOL	BOTANICAL NAME	COMMON NAME	QTY.	SIZE	SPACING	PF	IG
STREET TREES							
	EXISTING STREET TREES (LONDON PLANE) ALONG B STREET TO REMAIN						
	EXISTING REDWOOD TO REMAIN						
	EXISTING STREET TREES (CERCIS OCCIDENTALIS) ALONG GRAND STREET TO BE REMOVED (2 TOTAL) AND REPLACE WITH FOUR (4) LONDON PLANE TREES, TO MATCH EXISTING STREET TREES ALONG GRAND STREET						
TREES							
	ACER PALMATUM 'BLOODGOOD'	JAPANESE MAPLE	24"	BOX AS SHOWN	H	1	
	CERCIS OCCIDENTALIS	WESTERN REDBUD	24"	BOX AS SHOWN	M/L	2	
	PYRUS CALLERYANA 'NEW BRADFORD'	BRADFORD PEAR	24"	BOX AS SHOWN	M	1	
	ACER GRiseum	PAPERBARK MAPLE	24"	BOX AS SHOWN			
	TRISTANIOPSIS LAURINA	QUEENSLAND BOX	24"	BOX AS SHOWN			
SHRUBS/ PERENNIALS/ GRASSES							
	BERBERIS THUNDERGII 'CRIMSON PYGMY'	CRIMSON PYGMY DWARF JAPANESE BARBERY	5 GAL	3' O.C.	M	1	
	DIETES BICOLOR	NCN	5 GAL	2' O.C.	M	1	
	GALVEZIA SPECIOSA 'FIRE CRACKER'	FIRE CRACKER ISLAND SNAPDRAGON	5 GAL	4' O.C.	M/L	2	
	HELICHRYSUM PETIOLARE 'LIMELIGHT'	LIMELIGHT LICORICE PLANT	1 GAL	3 1/2 O.C.	M/L	2	
	HEMEROCALLIS HYBRIDS	PAVILLY	5 GAL	3' O.C.	M	1	
	IRIS CALIFORNICA 'PACIFIC COAST'	PACIFIC COAST IRIS	1 GAL	1' O.C.			
	LAVANDULA ANGSTIFOLIA	ENGLISH LAVENDER	5 GAL	3' O.C.	M/L	2	
	NANDINA DOMESTICA 'COMPACTA'	NANDINA	1 GAL	3' O.C.	M	1	
	PHORMIUM TENAX 'DARK DELIGHT'	NEW ZEALAND FLAX	5 GAL	8' O.C.	M	1	
	RHAMNUS CALIFORNICA 'EVE CASE'	EVE CASE COFFEEBERRY	5 GAL	8' O.C.	M/L	2	
	RHAPHIOLEPIS INDICA 'BALLERINA'	BALLERINA INDIA HAWTHORN	5 GAL	3' O.C.	M	1	
	RHAPHIOLEPIS INDICA 'CLARA'	CLARA INDIA HAWTHORN	5 GAL	6' O.C.	M	1	
	RIBES SANGUINEUM 'WHITE ICICLE'	WHITE ICICLE FLOWER CURRANT	5 GAL	3 1/2' O.C.	H/M	2	
	SALVIA GREGLII	AUTUMN SAGE	5 GAL	3' O.C.	L/V/L	2	
INFILTRATION PLANTERS - GRASSES AND SEDGES							
	CAREX ALBULA	PROSTRY CURLS SEDGE	1 GAL	2' O.C.	M	1	
	CAREX BUCHANANII	FOX REED CURLY SEDGE	1 GAL	3' O.C.	M	1	
	CAREX ELATA 'AUREA'	YELLOW SEDGE	1 GAL	2' O.C.	M	1	
	CAREX MORROWII	VARIABLE SEDGE	1 GAL	1' O.C.	M	1	
	CHONDROPTERIGIUM TECTORIUM	SMALL CAPE RUSH	1 GAL	2' O.C.	M	1	
	PESTUCA MARIEI	ATLAS PESTUCA	1 GAL	2' O.C.	M	1	
	HELICTOTRICHON SEMPERVIRENS	BULLE OAT GRASS	1 GAL	2' O.C.	M	1	
	IRIS LAEVIGATA	JAPANESE IRIS	1 GAL	1' O.C.	H	1	
	JUNCUS EFFLUSUS	SOFT RUSH	1 GAL	2' O.C.	H	1	
GROUNDCOVERS							
	ARCHOSTAPHYLOS EDMUNDISII 'CARMEL SUR'	CARMEL SUR MANZANITA	5 GAL	4' O.C.	M/L	2	
	BERGENIA CRASSIFOLIA	WINTER BLOOMING BERGENIA	1 GAL	2' O.C.	M	1	
	LANTANA MONTEVIDENSIS	TRAILING LANTANA	1 GAL	4' O.C.	M/L	2	
	POLYSTICHUM CALIFORNICA	CALIFORNIA SWORD FERN	1 GAL	3' O.C.	H/M	2	
	THYMUS PRAECOX SPP.	CREeping THYME	FLATS	3' O.C.	M	1	
	TRACHELOSPERMUM JASMINOIDES	STAR JASMINE	FLATS	3' O.C.	M	1	
VINES							
	CLEMATIS ARMANDII	EVERGREEN CLEMATIS	15 GAL	AS SHOWN	M	1	
BOLLERS							
	BOLLERS AT RAIN GARDEN						
PAVING SCHEDULE							
	DECORATIVE PAVING ENTRY TREATMENT						
	CONCRETE PAVING AT OUTDOOR PATIO						
SITE FURNISHINGS							
	VEGETABLE BIN						
	BBQ						
	COAL BIN						
	TRASH RECEPTACLE						
GENERAL NOTES:							
1. ALL PLANTING AND IRRIGATION WILL BE DESIGNED AND INSTALLED IN ACCORDANCE WITH THE CITY OF HAYWARD'S STANDARDS AND REQUIREMENTS.							
2. S.C.D. - SEE CIVIL DRAWINGS							
TREE PRESERVATION NOTES:							
1. TREE BRANCHES INTERFERING WITH CONSTRUCTION EQUIPMENT SHALL BE PROPERLY PRUNED PRIOR TO COMMENCEMENT OF CONSTRUCTION. PRUNING SHALL BE APPROVED BY THE CITY AND SHALL COMPLY WITH CITY APPROVED PRACTICES.							
2. A PROTECTIVE FENCE SHALL BE PLACED AT THE DRIPLINE OF THE EXISTING TREES DURING THE ENTIRE CONSTRUCTION PERIOD. NO WORK SHALL OCCUR WITHIN THE DRIPLINE EXCEPT UNDER DIRECT SUPERVISION OF A CERTIFIED ARBORIST APPROVED BY THE CITY.							
3. SOIL COMPACTION AND GRADING SHALL BE AVOIDED WITHIN THE DRIPLINE OF THE TREES. MAINTAIN A POSITIVE DRAINAGE AWAY FROM TREE TRUNK. IRRIGATION SHALL BE AVOIDED UNDER NATIVE OAK TREES.							
4. NO STORAGE OF MATERIALS OR EQUIPMENT SHALL OCCUR WITHIN 25 FEET OF THE DRIPLINE OF TREES.							
5. ALL ROOTS 1" OR LARGER THAT MUST BE SEVERED SHALL BE CUT MANUALLY TO PRODUCE A CLEAN CUT AND TREATED WITH A TREE SEALANT. BORING, RATHER THAN TRENCHING SHALL BE REQUIRED WHERE IT IS UNAVOIDABLE FOR PIPING TO CROSS THROUGH THE DRIPLINE OF THE TREE.							
6. CONTRACTOR SHALL BE RESPONSIBLE FOR PROVIDING COMPARABLE REPLACEMENT TREES FOR ANY EXISTING TREES THAT ARE FOUND BY THE CITY TO BE IRREPARABLY DAMAGED DUE TO CONSTRUCTION ACTIVITY.							



DATE: March 22, 2011

TO: Mayor and City Council
Housing Authority Board Members

FROM: Assistant City Manager

SUBJECT: Disposition and Development Agreement between the City of Hayward and Eden Housing, Inc. ("Eden") for the "B" and Grand Senior Housing Project

Loan Agreement for Tax Increment Funds between the Housing Authority of the City of Hayward and Eden in the Amount of \$250,000 to Help Finance Construction of the "B" and Grand Senior Housing Project

Loan Agreement for HOME Funds between the City of Hayward and Eden in the Amount of \$900,000 to Help Finance Construction of the "B" and Grand Senior Housing Project

RECOMMENDATION

That the City Council approves

1. The disposition of certain real property located at 581 "B" Street ("B" and Grand Streets) for the development of a twenty-two (22) unit very low income senior housing project to be constructed by Eden (the "Project") and adopt the attached resolution authorizing the City Manager to negotiate and execute a Disposition and Development Agreement evidencing such transaction.
2. A \$900,000 loan of HOME funds to Eden to help finance the construction of the Project and adopt the attached resolution authorizing the City Manager to negotiate and execute loan documents evidencing such construction financing.

That the Housing Authority of the City of Hayward

1. Approves a \$250,000 loan to Eden of tax increment funds received by the Authority from the Redevelopment Agency pursuant to that certain cooperation agreement between the Housing Authority and the Redevelopment Agency of the City of Hayward dated March 7, 2011; and
2. Adopts the attached resolution authorizing the Authority's Executive Director to negotiate and execute the loan documents evidencing such financing.

BACKGROUND

According to the *California Statistical Abstract*,¹ the 2008 population of Hayward was 149,205. If approximately 10% of the population in Hayward is aged sixty-five or older (2000 U.S. Census)², then there are approximately 15,000 City residents who may require senior housing. If only 30% of Hayward's estimated senior population require *affordable* housing units, then over 2,250 units would currently be needed to house this population assuming that each senior household had two persons. There are approximately 460 affordable housing units currently reserved for seniors in Hayward (1,790 unit current gap). The need for affordable senior housing will continue to rise as demographic trends point to an aging population.

In July of 2010, Citation Homes deeded a small parcel located at 581 "B" Street ("Site") to the Redevelopment Agency in order to meet its inclusionary housing obligations. The Redevelopment Agency subsequently transferred the site to the City. Owing to the small size of the parcel, the City has chosen to partner with Eden Housing, Inc., to develop the Site as a twenty-two-unit addition to an existing affordable senior housing project located at "C" and Grand Streets. Partnering with the adjacent senior housing project will allow for cost savings through shared facilities and parking. Shared facilities will also allow for the twenty-two units of senior housing to be constructed on a constrained site. Development of the Project was a 2010 priority set for the Executive Board of the Redevelopment Agency.

DISCUSSION

The Project will be made available to seniors who are very-low income (about \$31,650 for a one-person household in 2010). The affordability of the units in the Project will be protected via legal covenants for a period of fifty-five years.

The Project will generally adhere to a modified Craftsman architecture. The height of the two-story building will be stepped back along "B" Street to be more complementary to the residential units across the street. The Project will offer recreation spaces and outdoor open space to tenants as well as access to the facilities at the adjacent "C" and Grand senior project. A large redwood tree located on-site has been incorporated into the Project design. The site map and elevations (to be provided at the Council meeting) will give a general idea as to the form and layout of the final project.

City staff proposes conveying the property at "B" and Grand Streets to Eden Housing pursuant to a Disposition and Development Agreement. Pursuant to the Disposition and Development Agreement, the land would be conveyed to Eden for \$1 in exchange for the twenty-two affordable housing units held under long-term legal covenant. While the land has a tax valuation of \$650,000, the Project will not generate sufficient income to pay for a higher land value. The City and Housing Authority are restricting all of the units to very low income senior households earning 50% of Area Median Income (AMI) or less. The AMI for a one-person household is \$63,200. Therefore,

¹ http://www.dof.ca.gov/HTML/FS_DATA/STAT-ABS/documents/CaliforniaStatisticalAbstract2008.pdf

² <http://www.census.gov/acs/www/>

"B" and Grand Housing Project
March 22, 2011

project rents will be affordable to seniors earning approximately \$32,000 per year or less. The Developer also anticipates obtaining HUD Section 202 and/or tax credit financing, both of which will also restrict the units to affordable levels. With land value of one dollar, the Developer is currently showing project costs at \$8.5 million, while project revenues will include a HUD operating subsidy with rules that will prohibit the project from ever earning a profit. As such, the Project cannot support a higher land cost. Although the Agency originally received the property from Citation Homes, the Agency transferred the property to the City on Friday, March 11. As such, any future agreements regarding the land will be between the City and Eden Housing.

The City and Housing Authority's collective total subsidy for the project is estimated at \$1.8 million (or approximately \$81,000 per unit in subsidy) and will be taken from \$250,000 of tax increment monies provided by the Agency to the Housing Authority, \$900,000 in HOME funds from the Alameda Housing Consortium, and a land write down in the approximate amount of \$650,000. Eden Housing will raise developer equity and funds from other lending sources in the amount of \$8.5 million. The City and Housing Authority will enjoy an approximate 5:1 funding match for the Project.

Authority and City staff propose that their respective loans bear 3% simple interest, deferred for five years, with a 50/50 split of net proceeds above project operating costs. The term of the loans would be 55 years.

ECONOMIC IMPACT

In the short term, a proposed project will position the City to better meet its affordable housing obligations from the Regional Housing Needs Assessment. The housing needs assessment in the Housing Element indicates a need in the City for 359 housing units affordable to extremely low income households, 409 housing units affordable to very low income households, 483 housing units affordable to lower income households, and 569 housing units affordable to moderate income households (1,820 total units). In the long term, the project has the capacity to create jobs and local supplies purchases. Once in construction, Eden Housing will both pay prevailing wages and agree to a best effort that 20% of local trade hiring and materials purchases will occur within the Hayward city limits.

FISCAL IMPACT

The Housing Authority will lend up to \$250,000 of tax increment money obtained from the Agency to help finance the construction of the Project. The remaining \$900,000 of costs lent to the Project will also fund unit development and will come from HOME Investment Partnership Act funds available to the City via the Alameda County funding consortium. Total land and other subsidies total approximately \$1,800,000.

The "B" and Grand parcel has a 2010 tax valuation of \$650,000. The Agency has previously spent \$795 in care/maintenance for the site since taking ownership in July of 2010. As mentioned above, the City has recently taken ownership of this parcel and has spent no funds to date on the site.

PUBLIC CONTACT

On January 12, 2011, staff presented the Project to the Hayward Redevelopment Advisory Committee (RAC). On February 17, 2011, the Project was also presented to the Community Advisory Committee. The RAC reviewed the recommendations and unanimously endorsed the proposed Project as presented and directed staff to forward the recommendations to the Agency Board/Council.

RAC Chair Halliday requested that Eden Housing explore the concept of using brick on the first floor Grand Street frontage rather than the current wood slat material. Eden Housing and its architects believe that the introduction of another material for that limited area would be inconsistent with the creation of a strong connection to the existing Hayward Senior project and the Craftsman design that is an important connection to the properties along "B" Street. They would be willing to explore changing the Grand Street frontage with brick but their recommendation is to use wood materials for the entire building façade to create visual consistency between the existing and proposed senior projects.

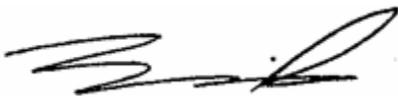
NEXT STEPS

The Council will consider the Planning entitlements for the project at this same meeting. Upon approval, Eden will proceed to final plan development and approvals. Staff will continue to provide updates on the Project to the City Council and Housing Authority Board on an as-needed basis. The Project is slated for completion in late 2012.

Prepared by: Jeff McLaughlin, Housing Manager

Recommended by: Kelly Morariu, Assistant City Manager

Approved by:



Fran David, Executive Director

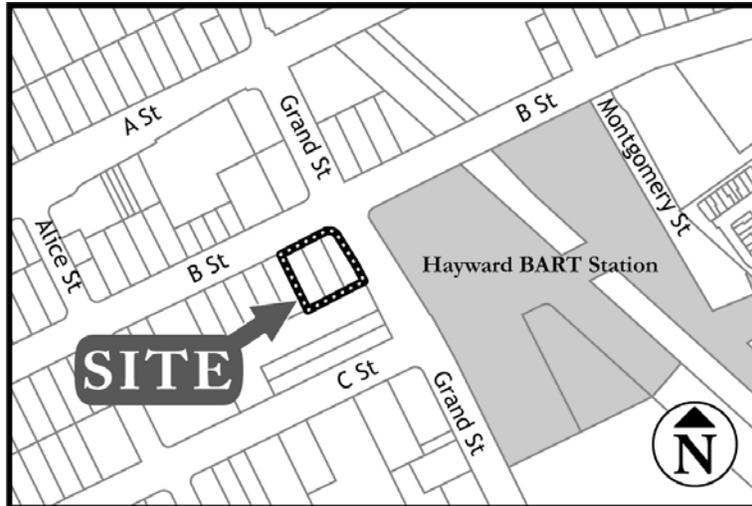
Attachments:

Attachment I - Site Map

Attachment II - City Council Resolution

Attachment III – Housing Authority Resolution

Site Map



CITY COUNCIL OF THE CITY OF HAYWARD

RESOLUTION NO. _____

A RESOLUTION APPROVING EXECUTION AND NEGOTIATION BY THE CITY MANAGER OF (1) A DISPOSITION AND DEVELOPMENT AGREEMENT WITH EDEN HOUSING, INC. TO CAUSE THE DEVELOPMENT OF A VERY LOW INCOME SENIOR HOUSING PROJECT AT THE CORNER OF B AND GRAND STREETS AND (2) LOAN DOCUMENTS BETWEEN THE CITY AND EDEN HOUSING, INC., FOR A HOME INVESTMENT PARTNERSHIP ACT LOAN TO ENABLE THE DEVELOPMENT OF SUCH PROJECT

WHEREAS, the City has received Home Investment Partnership Act funds from the United States Department of Housing and Urban Project pursuant to the Cranston-Gonzales National Housing Act of 1990 ("HOME Funds"), through its membership in the Alameda County HOME Consortium. Such funds must be used by the City in accordance with 24 C.F.R. Part 92; and

WHEREAS, as specified in California Government Code Section 65583(c)(2), the City has an obligation to assist in the development of adequate housing to meet the needs of low to moderate income households; and

WHEREAS, the City owns certain real property located at 581, 585, and 587 "B" Street (the "Property"); and

WHEREAS, the City desires to cause redevelopment of the Property through construction of a twenty-two unit senior housing project affordable to very low income and low income households (the "Project"); and

WHEREAS, the City has selected Eden Housing, Inc., a California nonprofit public benefit corporation (the "Developer") to serve as the developer of the Project on the Property; and

WHEREAS, the City desires to enter into a disposition and development agreement (the "DDA") with the Developer, substantially in the form on file with the City Clerk, under which the City would sell the Property to the Developer for One Dollar (\$1) and the Developer would develop the Project on the Property; and

WHEREAS, the Developer has requested one Million One Hundred Fifty Thousand Dollars (\$1,150,000) in funding from the City and the Housing Authority of the City of Hayward (the "Housing Authority") in order to help finance the construction of the Project and City staff has determined, based on other sources available for the Project and financial proforma modeling the Project, that such funding is necessary in order to cause the development of the Project; and

WHEREAS, the City staff has determined, based upon the impact of affordable housing restrictions on the Property, and financial proforma modeling the Project, that the consideration to be given by the Developer under the DDA is reasonable and necessary given the use and with the covenants, conditions, and development costs authorized by the DDA; and

WHEREAS, Borrower wishes to borrow from the City and the City wishes to extend to Borrower Nine Hundred Thousand Dollars (\$900,000) in HOME Funds to assist in the construction of the Project (the "Loan"). The Loan will be evidenced by a long agreement and a promissory note executed by Borrower in favor of City and secured by a deed of trust; and

WHEREAS, the Loan is being made to finance construction costs associated with the Project in order to help achieve financial feasibility for the Project and to increase the supply of affordable rental housing in the City of Hayward; and

WHEREAS, the Housing Authority is making an additional Two Hundred and Fifty Thousand Dollars (\$250,000) in assistance available for the development of the Project; and

WHEREAS, pursuant to the California Environmental Quality Act (California Public Resources Code Sections 21000 et seq.) ("CEQA"), the City, as the lead agency, approved a Mitigated Negative Declaration for the Project at its meeting on March 22, 2011; and

WHEREAS, the City Council has conducted a duly noticed public hearing on this Agreement pursuant to California Government Code Section 50572 and intends to convey the Property as permitted under Government Code Section 50570 and Government Code Sections 35370 and 37364.

NOW, THEREFORE, BE IT RESOLVED by the City Council that:

1. The City Council finds that the above recitals are accurate.
2. The City Council hereby approves the conveyance of the Property by the City to the Developer for the consideration set forth in the DDA.
3. The City Council hereby finds that the consideration to be given by the Developer under the DDA is reasonable and necessary given the use and with the covenants, conditions, and development costs authorized by the DDA. This finding is based on the facts and analysis set forth in the above recitals.
4. The City Council hereby approves the DDA and all ancillary documents; approves execution and final negotiation by the City Manager of the DDA and all ancillary documents in substantially the form on file with the City Clerk, with such changes as are approved by the City Manager (such approval to be conclusively evidenced by the execution of the DDA); and approves the sale of the Property by the City to the Developer pursuant to the provisions of the DDA.
5. The City Council hereby approves the Loan and approves execution and final negotiation by the City Manager of loan documents substantially the form on file with the City Clerk, including but not limited to a loan agreement, regulatory agreement, promissory note, and

deed of trust, with such changes as are approved by the City Manager (such approval to be conclusively evidenced by the execution of the loan documents) and subject to approval as to form by the City Attorney.

IN COUNCIL, HAYWARD, CALIFORNIA _____, 2011

ADOPTED BY THE FOLLOWING VOTE:

AYES: COUNCIL MEMBERS:

 MAYOR:

NOES: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

ATTEST: _____

City Clerk of the City of Hayward

APPROVED AS TO FORM:

City Attorney of the City of Hayward

HOUSING AUTHORITY OF THE CITY OF HAYWARD

RESOLUTION NO. HA-_____

Introduced by Authority _____

RESOLUTION AUTHORIZING THE EXECUTIVE DIRECTOR
TO NEGOTIATE AND EXECUTE LOAN DOCUMENTS
BETWEEN THE HOUSING AUTHORITY OF THE CITY OF
HAYWARD AND EDEN HOUSING, INC., FOR A LOW AND
MODERATE INCOME HOUSING FUND LOAN TO FUND
THE DEVELOPMENT OF A PROPOSED TWENTY-TWO
UNIT SENIOR HOUSING DEVELOPMENT LOCATED IN
THE CITY OF HAYWARD

WHEREAS, the Housing Authority of the City of Hayward (the "Housing Authority") was formed to provide decent safe and sanitary housing in the City of Hayward; and

WHEREAS, on _____ the Housing Authority and the Redevelopment Agency of the City of Hayward (the "Agency") entered into that certain Affordable Housing Cooperation Agreement for the Downtown Hayward Redevelopment Project Area (the "Cooperation Agreement"); and

WHEREAS, pursuant to the Cooperation Agreement, the Agency granted Forty Million Dollars (\$40,000,000) to the Housing Authority for use in a variety of affordable housing programs; and

WHEREAS, the City of Hayward (the "City") owns certain real property located at 581, 585, and 587 "B" Street (the "Property") and has or will approve the negotiation and execution of a Disposition and Development Agreement with Eden Housing, Inc. (the "Developer") to cause the development of a senior housing project affordable to very low income seniors located on the Property (the "Project"); and

WHEREAS, the Property is located within the Downtown Hayward Redevelopment Project Area, established under the Downtown Hayward Redevelopment Plan adopted by the City Council of the City of Hayward by Ordinance No. 75-029 on December 30, 1975, as amended by Ordinance No. 86-041 on December 6, 1986, Ordinance No. 87-009 on April 21, 1987, Ordinance No. 92-21 on July 28, 1992, Ordinance No. 94-30 on December 20, 1994, Ordinance No. 98-16 on November 10, 1998, Ordinance No. 01-07 on June 25, 2001, Ordinance No. 04-03 on March 16, 2004, and Ordinance No, 06-10 on May 12, 2006; and

WHEREAS, the Developer has requested One Million One Hundred Fifty Thousand Dollars (\$1,150,000) in funding from the City and Housing Authority in order to help finance the construction of the Project and Housing Authority staff has determined that such funding is necessary in order to cause the development of the Project; and

WHEREAS, one program contemplated under the Cooperation Agreement was the Housing Authority's funding of the Project with Low and Moderate Income Housing Funds, established and existing pursuant to Health and Safety Code Section 33334.2, and provided by the Agency to the Housing Authority pursuant to the Cooperation Agreement; and

WHEREAS, pursuant to California Health and Safety Code Section 34312, the Housing Authority is authorized to provide financing for the development of housing for low income persons; and

WHEREAS, the Housing Authority desires to implement the Cooperation Agreement and fund a portion of the Project by providing the Developer with a loan of Two Hundred Fifty Thousand Dollars (\$250,000) in Low and Moderate Income Housing Funds, which Housing Authority staff has determined is necessary to cause the construction of the Project; and

WHEREAS, the City of Hayward is providing additional funds to Developer in the amount of Nine Hundred Thousand Dollars (\$900,000) in HOME Investment Partnership Program Funds to help finance the development of the Project; and

WHEREAS, the Agency intends to utilize the Project to obtain affordable housing production credits pursuant to Health & Safety Code Section 33413(b)(2)(A)(ii); and

WHEREAS, on March 22, 2011, the City of Hayward, as lead agency, adopted and approved and Housing Authority, as responsible agency, approved the Mitigated Negative Declaration for the Project.

NOW, THEREFORE, BE IT RESOLVED by the Housing Authority Board of the City of Hayward that the above recitals are accurate.

BE IT FURTHER RESOLVED, that the Housing Authority Board of the City of Hayward hereby approves a loan of Two Hundred Fifty Thousand Dollars (\$250,000) in Low and Moderate Income Housing Funds to Developer for the development of the Project (the "Loan").

BE IT FURTHER RESOLVED, the Housing Authority Board hereby approves the execution and final negotiation by the Executive Director of documents evidencing the Loan, in substantially the form on file with the City Clerk, including but not limited to a loan agreement, regulatory agreement, promissory note, and deed of trust, and notice of affordability restrictions with such changes as are approved by the City Manager (such approval to be conclusively evidenced by the execution of the loan documents) and subject to the approval of the City Attorney as to form.

