CITY OF
HAYWARD
HEART OF THE BAY

City Council Agenda

February 25, 2014

Mayor Michael Sweeney
Mayor Pro Tempore Mark Salinas
Council Member Barbara Halliday
Council Member Francisco Zermeño
Council Member Marvin peixoto
Council Member Greg Jones
Council Member Al Mendall

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CITY COUNCIL MEETING FOR FEBRUARY 25, 2014

777 B STREET, HAYWARD, CA 94541

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CLOSED SESSION
Closed Session Room 2B – 4:30 PM

1. **PUBLIC COMMENTS**

2. Public Employment
   Pursuant to Government Code 54957
   - Performance Evaluation

   City Clerk

3. Conference with Legal Counsel
   Pursuant to Government Code 54956.9
   - Pending Litigation

   City of Hayward v. AEDIS, Inc., Alameda County Superior Court, No. HG13673538

4. Conference with Labor Negotiators
   Pursuant to Government Code 54957.6
   - Lead Negotiators: City Manager David; City Attorney Lawson; Assistant City Manager McAdoo; Human Resources Director Robustelli; Finance Director Vesely; Deputy City Attorney Vashi; Director of Maintenance Services McGrath; Senior Human Resources Analyst Collins; Senior Human Resources Analyst Monnastes; Jack Hughes, Liebert, Cassidy and Whitmore

   Under Negotiation: All Groups

5. Adjourn to City Council Meeting

CITY COUNCIL MEETING
Council Chambers – 7:00 PM

CALL TO ORDER **Pledge of Allegiance** Council Member Jones

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.

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

1. Update on the City's Efforts Related to Local Food Production (Report from Library and Community Services Director Reinhart)
   Staff Report

2. Update on Potential Revenue Measure ***(Report from Assistant City Manager McAdoo)***
***** (The report will be available on Monday, February 24, 2014) *****

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

3. Approval of the Alameda County Transportation Expenditure Plan and Recommendation for the Board of Supervisors to Place an Extension and Augmentation of the Existing Transportation Sales Tax on the November 4, 2014 Ballot
   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

4. Request for Adoption of a Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program and approval of a Zone Change from RH-SD4 (High Density Residential with Overlay) to PD (Planned Development) (Application No. PL-2013-0084) and Vesting Tentative Tract Map 7894 (Application No. PL-2013-0085) associated with 105 Townhome-styled Condominiums and 52 Single-family Detached Homes on 8.81 Acres Located at 199 Filbert Street in the Cannery Development – Sullivan Development Group (Applicant); Libitzky Property Companies / Kevin Perkins (Owner)(Report from Development Services Director Rizk)
   - **Staff Report**
   - **Attachment I - Resolution**
   - **Attachment II - Ordinance**
   - **Attachment III - Area & Zoning Map**
   - **Attachment IV - IS, MND & MMRP**
   - **Attachment V - Jan 9th Draft PC Meeting Minutes**
   - **Attachment VI - Project Plans**
   - **Attachment VII - Proponent's Response to Findings**
   - **Attachment VIII - Cannery Area Map Showing All Tracts**

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

NEXT REGULAR MEETING – 7:00 PM, TUESDAY, MARCH 4, 2014

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 before speaking and are expected to honor the allotted time. Speaker Cards are 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. Written comments submitted to the Council in connection with agenda items will be posted on the City's website. All Council Meetings are broadcast simultaneously on the website and on Cable Channel 15, KHRT. ****

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.

Please visit us on:

CITY OF HAYWARD
HEART OF THE BAY

DATE: February 25, 2014

TO: City Council

FROM: Director of Library and Community Services

SUBJECT: Update on the City's Efforts Related to Local Food Production

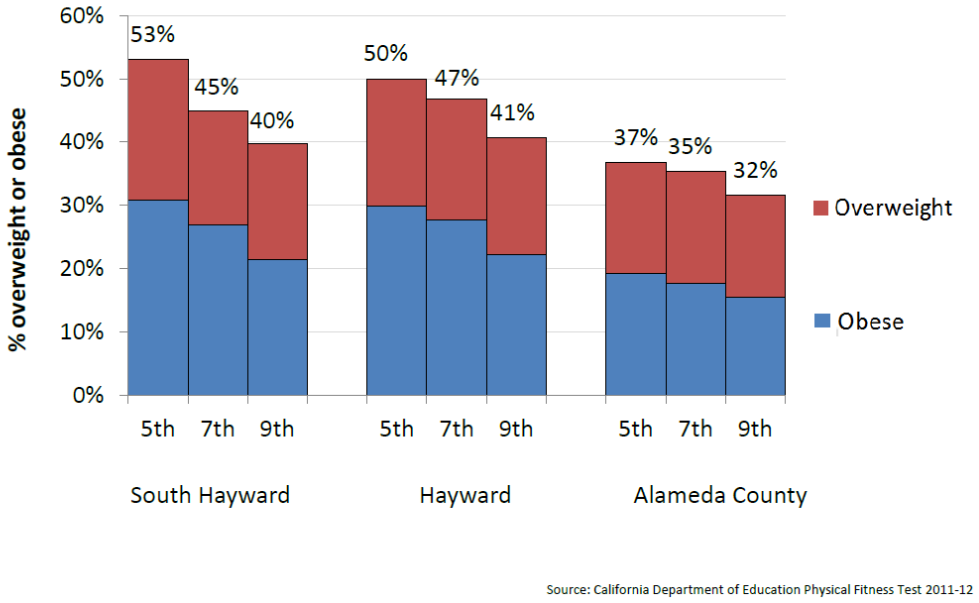
RECOMMENDATION

That the Council reviews and comments on this report.

BACKGROUND

The number of overweight and obese children in Hayward, particularly South Hayward, has climbed precipitously in the past twenty years, and is well above the average in Alameda County (see Table 1). Many children, as well as adults, eat a diet heavy with convenience foods that often taste good but offer little nutritional value, increasing the risk of adverse health conditions such as obesity and diabetes.

Table 1. Weight Status of School-Age Children by Grade Level, 2012



The "Community Health and Quality of Life" draft element of the City of Hayward General Plan Update 2040 includes multiple goals designed to improve community health by increasing the consumption of fresh fruits and vegetables, especially by children and low-income families;

increasing access to and consumption of locally grown fresh produce through seed exchanges; facilitating urban agriculture projects like school farms and community gardens; and producing hands-on nutrition education classes and community programs. What follows is a review of some of the initiatives in which the City is now engaged toward these goals.

DISCUSSION

The Farm at Tennyson High School

The Farm at Tennyson High School is the largest school garden in Hayward, and has been in operation since 2006. The Farm is operated by Project E.A.T. (Educate, Act, Thrive), a program of the Alameda County Office of Education.

In addition to managing twenty-eight school gardens in Hayward, Project E.A.T. provides nutrition education programs to Hayward students. Among the program's goals are to increase consumption of fresh fruits and vegetables, reduce the incidence of childhood obesity and diabetes, and to educate youth about other nutrition-related health issues.

The City of Hayward is partnering with Project E.A.T. and Hayward Unified School District (HUSD) to further develop the Farm at Tennyson High School into a school-based production farm and public access community garden. HUSD is providing funding for much of the construction work; additional funding support is provided by the City of Hayward through the Hayward Promise Neighborhood initiative and Community Development Block Grant program.

The City of Hayward FY 2014 Community Development Block Grant (CDBG) program includes a Council-authorized allocation of $19,000 to Project E.A.T. to support the installation of an ADA-compliant disability access ramp to the Farm from the adjacent parking area. Construction of the ramp will be completed in February, 2014. In addition to improving access to the Farm for students with disabilities and/or special needs, the new ramp will facilitate disabled public access for a planned 120-plot community garden on the site, to be operated by Project E.A.T. staff with the and involvement of Tennyson High School students.

More information about Project E.A.T. and school gardens in Hayward can be found online at the following link: http://projecteat.acoe.org

Hayward Seed Lending Library

The City of Hayward established a seed exchange at the Downtown Main Library in April, 2013. The Hayward Seed Lending Library operates as a community seed exchange in which borrowers are able to "check out" a wide variety of vegetable and flower seeds to plant in their gardens for home use. Seed library borrowers participate in hands-on workshops to learn how to harvest seeds from the fully grown plants to return to the seed exchange. All seeds are GMO-free and ready to germinate.

The Hayward Seed Lending Library service is made possible by a grant from Kaiser Foundation with additional support provided by Friends of the Library. The seed collection itself is maintained by volunteers from Alameda County Master Gardeners. To date, the seed lending

library has approximately three hundred registered borrowers, and has "loaned" hundreds of varieties of seeds.

More information about the Hayward Seed Lending Library and rooftop demonstration garden can be found online at the following link:
http://user.govoutreach.com/hayward/faq.php?cid=26546

Rooftop Demonstration Garden

The Hayward Seed Lending Library was launched in conjunction with a four-week "Seed Read" Book-to-Action event series. The goals of the series were to promote literacy, healthy living, sustainable gardening, and to improve access to locally grown fresh produce.

The main event of the series was a "Plant-a-Thon" event attended by 300 community members who planted seeds from the Hayward Seed Library in biodegradable seed pots. The seeds were then cared for and germinated on the rooftop of the Downtown Main Library. Four weeks later, participants returned to the library to pick up their seedlings for planting in their home gardens – approximately 1,500 seedlings were distributed.

In September and October, 2013 the Library conducted a series of workshops and demonstrations showing how to save seeds from the fully grown and harvested plants and returning a portion of saved seeds to the exchange for others to borrow, thus completing the cycle.

The rooftop garden remains in place at the Main Library as a continuous public demonstration of sustainable gardening practices and reference point for classes.

Zoning for Local Food Production

In response to increased community interest in local food production, staff is reviewing the City's residential zoning regulations to assess what changes, if any, could be recommended to facilitate the adoption of safe and sustainable home gardening and urban agriculture practices in Hayward.

Of particular interest for some residents is the possibility of raising chickens (for organic, locally produced eggs) in residential zones. The keeping of chickens is only permitted in residential zones with approval of an Administrative Use Permit. Community interest during the General Plan 2040 Update process resulted in the creation of draft policy HQL-3.14: Backyard Chicken Keeping, which states "The City shall support the keeping of chickens on single-family residential lots to enable residents to produce their own eggs."

Similarly, some residents have expressed an interest in beekeeping (for pollination and organic, locally produced honey). Beekeeping is currently prohibited in residential zones.

Another area of interest in some quarters, and significantly more complex from a policy and legal perspective, is to develop a process for establishing community gardens and/or urban farms on unused public and/or private lands.

These policy and regulatory questions warrant careful consideration and review, should the Committee and Council desire to explore them further.

More information about the General Plan Update 2040 can be found online at the following link: http://www.hayward-ca.gov/GENERALPLAN/

FISCAL IMPACT

The seed exchange program described above is made possible through the coordinated use of grants, skilled volunteers and community partnerships, which have no significant impact to the General Fund. The Tennyson High School Farm is a program of the Alameda County Office of Education, with additional funding support to be provided in FY 2014 by the Hayward Promise Neighborhood grant as well as federal funds administered by the City of Hayward through the FY 2014 CDBG program, which includes a Council-authorized allocation of $19,000 for the installation of a disability access ramp at the Tennyson High School Farm.

Should Council direct staff to implement changes to the Zoning Ordinance to permit and regulate backyard chicken keeping in residential zones, staff estimates some fiscal impact to the City in staff time and effort spent on the project. The Development Services Department estimates that the process would require the services of one planner for approximately one month. Should Council also direct staff to work with Animal Control to develop a process for inspecting the conditions of chicken enclosures and responding to complaints, some additional cost in time and effort would be involves.

An alternative option for Council's consideration that could prove somewhat more cost-effective from the perspective of staff time and effort would be to delay making any one-off changes to the Zoning Ordinance at this time, and to instead do them in conjunction with the planned implementation of the General Plan update.

PUBLIC CONTACT

The City Council Sustainability Committee discussed this topic during its public meeting of January 29, 2014. The Committee recommended that staff work with the Council to develop regulations to allow backyard chicken keeping in residential lots. The Committee recommended that any permit fees to the resident be kept to the minimum amount possible. The Committee further suggested that the City work toward the establishment of more Farmer's Markets in Hayward, especially in South Hayward. The Committee also noted that an increase in the number of fruit trees in Hayward would be beneficial.

NEXT STEPS

Should Council direct staff to implement the General Plan 2040 Update draft policy "HQL-3.14: Backyard Chicken Keeping", staff will bring back to Council a recommended process and next steps to support and regulate the keeping of chickens on single-family residential lots and/or other areas of the City as directed by Council.

Recommended by: Sean Reinhart, Director of Library and Community Services

Approved by:

Fran David, City Manager

CITY OF
HAYWARD
HEART OF THE BAY

DATE: February 25, 2014

TO: Mayor and City Council

FROM: Director of Public Works – Engineering & Transportation

SUBJECT: Approval of the Alameda County Transportation Expenditure Plan and Recommendation for the Board of Supervisors to Place an Extension and Augmentation of the Existing Transportation Sales Tax on the November 4, 2014 Ballot

RECOMMENDATION

That Council adopts the attached resolution approving the 2014 Alameda County Transportation Expenditure Plan (TEP) and requesting that the Alameda County Board of Supervisors place the Measure funding the plan on the November 4, 2014 ballot.

SUMMARY

During 2011, City staff worked with the Alameda County Transportation Commission (Alameda CTC), other local jurisdictions and community organizations to develop a renewal and augmentation of Measure B2, the existing half-cent sales tax supporting countywide transportation projects. The measure was then placed on the November 6, 2012 ballot. On November 6, 2012, 66.53 percent of Alameda County voters supported the measure, which was 721 votes short of achieving the two-thirds majority required to pass. Due to the strong voter support and the ongoing and growing need for transportation investments in Alameda County, the Alameda CTC unanimously approved a slightly revised 2014 Transportation Expenditure Plan (TEP). Consequently, the revised TEP was approved by the TEP Steering Committee and by the Alameda CTC Board on January 23, 2014.

In order for the funding measure that supports the TEP to be placed on the November 4, 2014 ballot, three criteria must be met. First, a majority (eight) of the cities in Alameda County must approve the TEP. Second, these cities must represent a majority of the County's population. Third, the Alameda County Board of Supervisors must also approve the TEP. Staff recommends Council's approval of the TEP and placement of the sales tax measure funding the plan on the November 4, 2014 ballot.

BACKGROUND

In 1986, voters approved Measure B, a half-cent sales tax to fund transportation improvements and programs throughout Alameda County. The major project approved for the City of Hayward was the Route 238 Bypass. However, after the Route 238 Bypass was found to be infeasible, the City was successful in reprogramming this fund for the Route 238 Corridor Improvement Project, now under construction. In November 2000, Alameda County voters approved Measure B2, an extension of Measure B through 2022, to fund a new set of project and program investments throughout the County. The I-880/SR 92 Reliever Route Project was a significant capital project for the City funded by this measure. Project construction is expected to commence during the summer of 2014. The 2000 TEP included almost $25 million over the life of the plan for local streets and roads maintenance and about $6 million for bicycle and pedestrian projects in Hayward. Another $70 million was allocated for mass transit services and about $28 million was allocated for specialized transportation services for seniors and people with disabilities in the Central County, including Hayward.

The 2012 TEP, which failed passage, would have authorized an additional half-cent sales tax through 2022 and then extended the full cent sales tax in perpetuity. This measure programmed a total of $7.7 billion countywide in new transportation funding during the initial 30 years, or until 2042.

Similar to the 2012 TEP, the 2014 TEP will augment and extend the existing half-cent transportation sales tax by a half-cent through March 31, 2045, instead of being extended in perpetuity. While the existing measure will remain intact through 2022, the 2014 TEP has been developed for several reasons:

- Most capital projects in the existing measure have been completed ahead of schedule. Without a new plan, the County will be unable to fund any new major projects to address pressing mobility needs.
- Bus services in Alameda County have been cut significantly, and the gap between road maintenance needs and available funding is at an all-time high. The 2014 TEP will allow local funding to fill in the gaps created by declining federal revenue, keep needed services in place, and restore service cuts for many providers.
- The demand on Alameda County's roads, highways, BART, and buses is increasing. Alameda County's population is growing, and as the economy improves, more people and goods are moving on roads and transit. Investments are needed to maintain and improve the current transportation system to ensure it can effectively accommodate current and future growth.

DISCUSSION

As noted above, the ballot measure to support this revised plan will augment and extend the existing half-cent transportation sales tax by a half-cent through March 31, 2045. A total of approximately $8 billion countywide in new transportation funding will be raised during the

thirty (30) year life of the measure; the approximate percentage of investment by mode is summarized below:

Table 1 Summary of Investments by Mode

Mode	Funds Allocated in millions*
BART, Bus, Senior, and Youth Transit (48%)	$3,732
Local Streets Maintenance & Safety (30%)	$2,348
Traffic Relief on Highways (9%)	$677
Bicycle and Pedestrian Paths & Safety (8%)	$651
Community Development Investments (4%)	$300
Technology & Innovation (1%)	$77
TOTAL NEW NET FUNDING (2015-45)	**$7,785**

***Estimated in 2015 dollars**

Key Elements of the TEP

- **Expand BART, bus, and commuter rail for reliable, safe, and fast services** – The TEP includes expansions and improvements to BART within Alameda County, bus service expansion and commuter rail service improvements.
- **Keep fares affordable for seniors, youth, and people with disabilities** – The TEP funds affordable senior shuttles, vans, and services that expand transportation choices and help keep seniors independent. The TEP provides critical funding for student transit passes to ensure youth can affordably get to school. It also expands funding for reliable and inexpensive transportation for people with disabilities.
- **Provide Traffic Relief** – The TEP provides critical funds to every city in the County to repave streets, fill potholes, and upgrade local transportation infrastructure. The TEP also invests in key aging highway corridors to upgrade on and off ramps and increase use of modern technology to manage traffic and improve safety.
- **Improve air quality and clean transportation** – The TEP reduces pollution by using innovative technology and investing in alternatives to driving, including significant improvements in bike and pedestrian facilities and BART, bus, and commuter and rail expansion and operations.
- **Create good jobs within Alameda County –** The TEP requires local contracting to create good quality jobs that support residents and businesses in Alameda County.
- **Strict accountability and performance measures** – The 30-year Plan includes strict accountability measures to ensure all $8 billion for County transportation improvements are spent on approved projects. It requires open and transparent public processes to allocate funds, annual independent audits, an independent watchdog committee made up of people who live in Alameda County, and annual compliance reports to the public that detail costs, including strict limits on administrative expenses, and document how specific performance measures are met. The Independent Watchdog Committee and Alameda CTC will evaluate

performance and cost-effectiveness of projects funded in the 2014 Plan as they are being implemented.

A key feature of the local transportation sales tax is that it cannot be used for any purpose other than local transportation needs. It cannot be taken by the state or by any other governmental agency under any circumstance, and over the life of this Plan can only be used for the purposes described in the Plan, or as amended.

Benefits to the City of Hayward

The following capital projects for the City are currently included in the TEP:

Local Streets and Roads – Major Commute Corridors
Tennyson Road Grade Separation ($25 million)

Highway Efficiency and Freight
I-880/Industrial Parkway Interchange Improvements – Construction of Northbound Off-Ramp ($14 million)
I-880/Whipple Road/Industrial Parkway SW Interchange Improvements ($60 million)
I-880/Winton Avenue Interchange Improvements ($25 million)

Sustainable Land Use and Transportation
South Hayward BART Station Area Improvement (including Tennyson Road Bike/Ped Bridge to South Hayward BART ($2 million)

In addition to the capital projects, there are significant funds for local streets and roads, pedestrian and bike projects, and paratransit. A projection for FY 2015 is shown below as compared to the current Measure B. The chart also shows the total funding projected to be available over the life of the Measure.

TRANSPORTATION SALES TAX ALLOCATIONS TO CITY OF HAYWARD				
	First Year of New Measure in Fiscal Year 2015			Total Funding 2015-2045
	Current	With New TEP	Increase	
Local streets and roads	$2,010,000	$3,870,000	93%	$124,560,000
Paratransit for seniors and people with disabilities*	$710,000	$1,360,000	92%	$43,470,000
Bicycle and pedestrian safety	$410,000	$740,000	80%	$22,430,000

There are numerous requirements and guidelines that must be followed in order for the City to receive the Measure B funds. Council will be asked to approve the master and program funding agreements at a future meeting. Two specific requirements should be noted. First, local jurisdictions will be required to expend at least fifteen percent of their local streets and roads funds on the bike and pedestrian elements of those streets. Such elements could include restriping a bike lane or adding in a crosswalk or audible pedestrian signal. Local agencies already spend about eight percent of the local streets and roads funds on these elements. Second, in order to receive funding, local agencies must comply with and adopt a "complete streets" policy, which takes into account the needs of all users – pedestrians, bicyclists, transit riders as well as vehicles, in order to be eligible for funding. This policy was adopted by Council in March of 2013.

FISCAL IMPACT

As noted above, there will be significant benefits to the City if the sales tax measure is approved by the voters. There will be a substantial increase in local streets and roads maintenance and bicycle and pedestrian pass through funding. The local streets and roads funding will help to address the ongoing shortfall of street maintenance funding. The increase in bike and pedestrian funding will enable the City to continue its sidewalk installation program, which has been well received by the community, and to increase and upgrade bicycle and pedestrian projects throughout the City. In addition, many capital projects that have been long desired and long needed will finally have the opportunity to be constructed. Without the reauthorized measure, the current Measure will expire in 2022 and the opportunity to fund important capital and maintenance projects throughout the county will be lost.

PUBLIC CONTACT

Public engagement and transparency were the foundations of the development of these plans. A wide variety of stakeholders, including businesses, technical experts, environmental and social justice organizations, seniors and people with disabilities, all helped shape the plan to ensure that it serves the county's diverse transportation needs. Many Alameda County residents participated through public workshops and facilitated small group dialogues. A website allowed for online questionnaires, access to all project information, and submittal of comments from its users. In addition, advisory committees that represent diverse constituencies were integrally involved in the plan development process from the beginning.

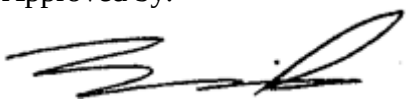
NEXT STEPS

The TEP Steering Committee and the Alameda CTC Board approved the TEP on January 23, 2014. Local jurisdictions are scheduled to complete their approvals of the TEP before early May. As noted above, at least eight cities that include a majority of the County's population and the Alameda County Board of Supervisors must approve the TEP for the measure funding the TEP to be placed on the November 4 ballot. This action needs to be completed by June so the ballot language can be drafted and presented to the County Clerk by early August, 90 days before the election.

Prepared by: Abhishek Parikh, Senior Transportation Manager

Recommended by: Morad Fakhrai, Director of Public Works – Engineering & Transportation

Approved by:



Fran David, City Manager

Attachments:

Attachment I: Resolution

HAYWARD CITY COUNCIL

Resolution No. _____

Introduced by Councilmember _____

RESOLUTION APPROVING THE 2014 ALAMEDA COUNTY TRANSPORTATION EXPENDITURE PLAN AND REQUESTING THAT THE ALAMEDA COUNTY BOARD OF SUPERVISORS PLACE A MEASURE ON THE NOVEMBER 4, 2014 BALLOT

WHEREAS, the Alameda County Transportation Commission has approved a new Alameda County Transportation Expenditure Plan pursuant to the authority of Public Utilities Code Section 180000 et seq., and

WHEREAS, the Transportation Expenditure Plan development was guided by a Steering Committee comprised of thirteen representatives from Alameda County cities, the Board of Supervisors, AC Transit and BART; and

WHEREAS, the Transportation Expenditure Plan was developed in conjunction with the Alameda Countywide Transportation Plan, the long-range policy document that guides transportation investments, programs, policies, and advocacy for Alameda County; a steering committee, technical working group, and community working group guided development of both plans using performance based criteria; and

WHEREAS, the Transportation Expenditure Plan was approved by the governing body of the Alameda County Transportation Commission on January 23, 2014; and

WHEREAS, the detailed, 30-year Transportation Expenditure Plan will expand BART, bus, and rail services within Alameda County; keep transit fares affordable for youth, seniors, and people with disabilities; provide traffic relief on city streets and highways using new technology; improve air quality, reduce greenhouse gas emissions, and support an environmentally sustainable future; create good jobs within Alameda County and meet the County's growing transportation needs; and

WHEREAS, the interests of the City of Hayward and its residents and businesses will benefit by the implementation of the 30-year Transportation Expenditure Plan through the augmentation and extension of the existing half-cent sales tax for transportation in Alameda County.

NOW, THEREFORE BE IT RESOLVED that the City Council of the City of Hayward hereby approves the 2014 Alameda County Transportation Expenditure Plan and requests that the Alameda County Board of Supervisors place a measure funding the Transportation Expenditure Plan and extending the existing one-half cent transportation sales tax on the November 4, 2014 ballot.

IN COUNCIL, HAYWARD, CALIFORNIA _____, 2014

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:

_____
Michael Lawson, City Attorney

CITY OF
HAYWARD
HEART OF THE BAY

DATE: February 25, 2014

TO: Mayor and City Council

FROM: Development Services Director

SUBJECT: Request for Adoption of a Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program and approval of a Zone Change from RH-SD4 (High Density Residential with Overlay) to PD (Planned Development) (Application No. PL-2013-0084) and Vesting Tentative Tract Map 7894 (Application No. PL-2013-0085) associated with 105 Townhome-styled Condominiums and 52 Single-family Detached Homes on 8.81 Acres Located at 199 Filbert Street in the Cannery Development – Sullivan Development Group (Applicant); Libitzky Property Companies / Kevin Perkins (Owner)

RECOMMENDATION

That the City Council approves the attached resolution (Attachment I) adopting the Mitigated Negative Declaration (MND) and Mitigation Monitoring and Reporting Program (MMRP) (Attachment V); and introduces the attached ordinance (Attachment II) approving a zone change to a Planned Development District and the related Vesting Tentative Tract Map for 105 townhome-styled condominiums and 52 single-family detached homes, all of which will be ownership units.

SUMMARY

The proposal involves a request to rezone the site from High Density Residential (RH) to Planned Development (PD). The proposed project's site design, circulation, home type and project amenities are consistent with other Cannery approvals. The proponent will purchase the western half of Panhandle Park from the developer associated with the development to the west, and dedicate and improve the entire approximately 1.52-acre Panhandle Park for public park use. The project is supported by the Planning Commission and staff

BACKGROUND

Local Setting & Context - In 2001, the City Council adopted the "Cannery Area Design Plan" (Cannery Area Plan), amended the City's General Plan and rezoned older industrial properties, and adopted the Cannery Area Special Design Overlay District (SD-4) in the Zoning Ordinance. The Cannery Area is a transit-oriented development area and is identified in the regional "One Bay Area Plan" strategy adopted by the Association of Bay Area Governments and the Metropolitan Transportation Commission as a "Priority Development Area." Such areas are envisioned to include residential and mixed use developments of a dense nature located near public transit.

The Project is proposed on the Filbert Warehouse site identified in the Hayward Cannery Area Design Plan. This is the last large remaining piece of property within the Plan area. The large 225,000 square foot warehouse and parking area serving the site will be demolished as part of this Project. The warehouse has had various uses operating on the site over the years and has operated under a conditional use permit that was last extended in 2010 through August of 2015.

The neighborhood consists of a mix of new townhomes, existing single family residential, the Burbank School campus, the nearby Amtrak and BART stations, Water Tower Park and Cannery Park. Much of the surrounding single-family residential subdivisions to the east were constructed after World War II while those immediately surrounding the site are new two to three story developments. Access to the property is provided by the existing streets that border the site. Those streets are Burbank Street, Filbert Street, Palmer Avenue and Parkhurst Street.

January 9, 2014 Planning Commission Hearing: The Planning Commission heard the matter at its regular meeting on January 9, 2014[1] and recommended approval of the project on a 6:0:1 vote (see meeting minutes, Attachment V). The Commission's recommendation for approval is subject to:

- the developer incorporating universal design elements into the 52 single-family detached homes;
- the deficient on-site group open space of approximately 3,500 square feet would be acceptable if the developer provides additional diagonal parking spaces off-site along Meek Avenue by the triangular park;
- the developer work with the Hayward Area Historical Society in coming up with a design for the public art feature(s) to be installed at the entrance of the project that is consistent with the history of the Cannery;
- streetscape improvements be made to the east side of Filbert Street; and
- vehicles be permitted to park in the parking space designated for electric vehicles after 8:00 p.m. seven days a week.

These measures are included as revisions to the recommended conditions of approval for the project in the attached resolution.

DISCUSSION AND STAFF ANALYSIS

Cannery Area Design Plan and Access to Transit - The proposed project meets or exceeds many of the development criteria contained in the Cannery Area Design Plan with regards to design theme, block pattern and street layout, and development density. Also, the Cannery Plan on page 6 discusses the transportation "linkages" associated with the Plan Area. These include the Hayward BART station and Amtrak as "major assets for the site." The proposed BART extension to San Jose only enhances Hayward's position in relation to jobs and housing needs, specifically to the Cannery Area.

[1] Please see staff report and attachments at: http://www.hayward-ca.gov/CITY-GOVERNMENT/BOARDS-COMMISSIONS-COMMITTEES/PLANNING-COMMISSION/2014/PCA14PDF/pca010914full.pdf .

The Hayward Amtrak station provides service to destinations such as Emeryville, Oakland and Jack London Square as well as San Jose and Sacramento via the Capitol Corridor trains. The Cannery is served by AC Transit and Samtrans bus service. Bus routes serve A Street, Winton Avenue and D Street. Additional bus lines run along Meekland Avenue and Grand Street. Samtrans runs bus service across the San Mateo Bridge and to the Silicon Valley. Bauer Bus Lines provides bus service to specific Bay Area employers departing the City's parking garage on Watkins Street each weekday.

The location of the Cannery area between major transit hubs and services and the design of the development itself lend to transit use, carpooling and bicycling as well as walking for some trips, making this a transit-oriented development. The Cannery is close to Interstate 880, the Nimitz Freeway, with on and off-ramps at Winton Avenue and A Street. This development and the rest of the Cannery Area are walkable to downtown and transit stations.

Existing Project Site Setting - The development of this parcel (Tract No. 7894) and implementation of this project will complete approvals envisioned under the Cannery Area Design Plan within Sub Area 2. The subject property is a significant component to the Cannery Area Plan. Attachment VIII shows the previous developed tracts in the Cannery and the current project site (Tract 7894). In order to ensure development will be substantially consistent with the Cannery Area Plan as adopted by the City, the owners of the subject property and project proponents have cooperated since 2006 with the City as well as the previous owner of other adjacent tracts, SCS Development/Citation Homes, to quitclaim easements and to adjust three lot lines of the subject property, which ultimately reduced the net property acreage. In addition, the City also vacated a street to add land to this project.

This residential project is in keeping with previous residential phases already constructed or under construction. Compared to the four tracts previously approved, this applicant's development proposal is designed to have less massing (with two and three story product), wider paseos between buildings, and more parking. Some residents of the Cannery have expressed concerns regarding parking within the Plan area. Staffs from several City departments have been working with the residents and representatives for the tract developers to improve the parking situation. Staff relayed those efforts, which will result in more parking, to the residents at a February 10 neighborhood meeting and will continue to try to address those concerns if feasible. In addition, parking around the perimeter of this proposed development would also be available to the other residents in the neighborhood, in addition to this project's residents. In summary, over 59 new public parking spaces will be available to the Cannery community, to be provided at the developer's expense.

Project Description - The project requires a Zone Change from High Density Residential/SD-4 to Planned Development (PD), a Vesting Tentative Tract Map to subdivide the property in order to construct 105 townhome-styled condominiums and 52 single-family detached homes. The project density is 24.1 dwelling units per net acre, consistent with the High Density General Plan designation for the property, which allows up to 34.8 dwelling units per net acre.

PD zoning is requested because the design does not meet standard zoning ordinance requirements for the RH District. Specifically, the following project elements do not meet the zoning standards: lot coverage is exceeded; minimum lot size, widths and setbacks are not met; there are no

"live/work" units as designated in the Cannery Plan; minimum group open space proposed is deficient although overall open space standards are met; and total parking is met but the number of uncovered parking spaces is not met. To compensate/offset such deficiencies in development standards, the developer has committed to "providing functional facilities or amenities not otherwise required or exceeding other required development standards." Such facilities/amenities are discussed later in this report.

Site Plan – As shown in the project plans (Attachment VI), 24 of the 52 single-family homes will be built adjacent to Panhandle Park along the western edge of the site on slightly larger lots than typical. The remaining 28 single-family homes will be constructed along Palmer Avenue and within the southern third of the Project site. The 105 townhome-styled condominiums will be constructed within the northern and middle portions of the site. Some of the units will front onto Burbank and Filbert Streets, increasing the "eyes on the street." The site design and massing of the townhome-styled condominiums and single-family units conforms to the Cannery Design Plan. The northern third of the site does not entail "live/work" units as envisioned in the Plan. However, since the original plan was approved in 2001, the City and developers have determined that this unit type may be only marginally successful in the Hayward housing market. The developed site to the west was also slated in the Plan for live/work units, but has been developed with townhome-styled condominium units. All proposed units would be for-sale units, (as opposed to rentals), as is encouraged in the General Plan.

Building Elevations – As shown in Attachment VI, the exterior designs of the townhomes employ a combination of different contemporary styles. A mix of contrasting building colors, interesting roof lines, brick and stonework, and articulation of wall planes provide visually attractive exterior elevations. The proposed exterior elevations are unique and transition well throughout the project. The proposed exterior color selection is warm, not harsh or glaring.

Floor Plans and Quality of Housing Design and Materials – The applicant proposes a mix of floor plans and options within some of the floor plans. There is also a good mix of floor plan types proposed throughout the development. The basic attributes of each proposed townhome and single-family floor plan are summarized on plan sheet T1.1 in Attachment VI. Note that a recommended condition of approval requires that the dimensions of porches and decks be changed during the subsequent Precise Plan submittal so they meet minimum size requirements or alternative private open space be provided to meet minimum requirements.

Grading and Site Work – Construction of the project will require minor earthwork. The project civil engineer estimates that no additional soils would be imported for grading activities. The preliminary grading plan is depicted in Grading Plan – Sheet TM-3. A site plan, circulation plan, preliminary landscape plan and preliminary lighting plan have been assembled for the project. (Attachment VI - Sheets TM.2, C.1, L.1 and L.4 show these project details).

Subdivision of Land - The Project includes a proposed vesting tentative tract map to create a condominium subdivision for the construction of 105 townhome-styled condominiums on 17 lots and 52 single-family lots for a total of 69 new lots created as part of the subdivision request. All public utilities necessary to serve the subdivision are located adjacent to the Project site and utility easements would run within the private road system within the project. All roads and parking areas

within the project will be maintained by the homeowners' association. Also, the homeowners' association will maintain all landscape throughout the development site and all amenities provided.

Lighting – A preliminary lighting plan has been submitted for the project. A combination of bollard and decorative street lights have been proposed throughout the project site. The preliminary lighting plan shows coverage of some areas of the project site. A condition of approval has been included that requires the applicant to provided complete lighting coverage of public streets and sidewalks and complete coverage of the developments private streets and walkways but not be intrusive to where sleeping quarters are within the development. Final lighting details will be evaluated during Precise Plan phase of the project but prior to issuance of a building permit for the project.

Landscaping, Open Space – As previously noted, the project site is located within the Cannery Area Design Plan, which when adopted in March 2001, designated areas within the defined plan area for open space and parks. The park areas for this plan area include Centennial Park, Cannery Park and Burbank School, and Water Tower Square, which is across Palmer Avenue from the site. It was envisioned that these park areas would serve the future plan area residents.

In addition to the site's proximity to these designated open space and park areas, the project provides four central on-site group open spaces. Landscaping is proposed throughout the site (see sheet L.1 in Attachment VI), including along all street frontages. Most open areas of the Project site will be vegetated with trees, shrubs, sod, vines and other ground cover. Four landscaped paseos--18', 24', 25'and 34' wide—provide group open space areas. Multiple stormwater detention areas are located throughout the project site. Bio-retention areas collect water during rainstorm events and filter water back into the ground water ecosystem, and these areas may not be counted as open space. As to private open space, most single-family homes and townhome-styled condominium units include front porch areas and deck space ranging in size from 54 to 80 square feet.

As presented to the Planning Commission, the project plans showed a deficiency of over 27,000 sq. ft. of on-site open space, almost 24,000 sq. ft. of which was private open space. The applicant and his team have provided staff information showing an increase in private open space throughout the project by enlarging patios and deck areas, which would allow the project to meet minimum private open space standards. A recommended condition of approval requires that the increase in private open space areas be provided and shown on plans submitted during the Precise Plan phase of the project and that such areas meet minimum requirements/standards. Related to the deficiency of approximately 3,500 square feet in on-site group open space, another condition requires that the proponent provide new diagonal parking spaces along the triangle park along Meek Avenue when it is converted to a one-way street.

The applicant is required to provide a minimum of 54,950 square feet of total on-site open space and is proposing a total of 72,767 square feet (17,817 square feet more than is required). After incorporating required design revisions to patio and deck areas of some dwelling units as required, the total amount of private open space for the project would total 60,494 square feet. However, the project group open space is only 12,273 square feet, where a minimum of 15,700 square feet is required.

A summary of the open space calculations is shown below in a table.

157 Residential Units	Minimum Open Space Required (per RH Zoning)	Proposed Project Open Space	Surplus or Deficient Open Space
Group Open Space	15,700 sq. ft.	12,273 sq. ft.	Deficient 3,427 sq. ft
Private Open Space	39,250 sq. ft.	60,494 sq. ft.	Surplus of 21,244 sq. ft.
Total Open Space	**54,950 sq. ft. (350 sq. ft. per unit)**	**72,767 sq. ft.**	**Total Surplus 17,817 sq. ft.**

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Public Parkland Obligations - Regarding meeting public park obligations, the developer must dedicate parkland and/or pay park in-lieu fees, as approved by the City Council. The developer will be purchasing the western half of Panhandle Park and, as a recommended condition, dedicating the entire 1.52-acre park for public use. Such acquisition is planned to occur after the vesting tentative map and rezone is approved, and prior to submittal of the Precise Plan. The developer has committed to design and construct enhancements to this park that will include decorative pavers, sidewalk circulation within the development and connecting to the park and streets, seating areas such as park benches and game tables, enhanced landscaping near seating areas, raised planter areas, trash receptacles, decorative lighting including bollard lights, open lawn areas for active uses, three exercise stations, and a three foot wide jogging trail located adjacent to sidewalks. These improvements are over and about what was previously envisioned for Panhandle Park. In summary, the development will entail improvement of over 50,400 square feet of additional public park land (contributing 36,400 square feet of land) to the Cannery Park network.

If no park in-lieu fees were paid, the amount of parkland that would be required to be dedicated for the project is 2.61 acres, or 1.09 acres more than is proposed. The amount of in-lieu fees associated with 1.09 acres is approximately $759,254. The developer would be required to pay this amount, but would get credit (reduction of fees) equal to the cost of improving the park. After evaluation of the applicant's preliminary park improvement cost estimates, an estimated in-lieu fee of more than $200,000 plus would be paid.

Traffic and Parking – The City's off-street parking regulations for the project require a minimum of 1.0 covered and 1.10 open/uncovered spaces per dwelling unit (330 spaces), which is the standard applied to previous development phases within Cannery Area Plan. The proposed project complies with this requirement, in that it provides 368 on-site spaces. However, the plan shows 314 covered parking spaces (two per unit in garages) and 54 uncovered/open spaces. The amount of uncovered/open spaces is 119 short of the minimum required - consisting of 22 onsite guest parking spaces (uncovered spaces) along private streets A and B, 4 driveway spaces that meet dimension requirements, and 28 diagonal parking spaces along Burbank Street. The applicant is also creating approximately 59 spaces along the project perimeter (26 new on-street parking spaces on the east side of Parkhurst Street, 21 spaces along the west side of Filbert Street, and 12 spaces along the north side of Palmer Avenue). If such spaces were counted, the parking ratio of parking spaces to units would be 2.77, which is higher than the 2.42 ratio currently present in the Cannery

development. A condition of approval requires that the garage of each unit be maintained for off-street parking of two vehicles. Since this is a PD rezoning request, the strict application of the on-site open parking standards can be relieved if the applicant provides project amenities "not otherwise required or exceeding other development standards" (see later discussion).

Access and Circulation – The City's Public Works and Fire Department staffs have reviewed the development plan and the previously discussed additional on-street parking improvements and found them to be consistent with the City's design criteria and standards from an access and circulation standpoint. The development plan meets the Park and Street Network and Street Sections and Plans as contained in the Cannery Area Design Plan. The proposal to convert a portion of Palmer Avenue to a one-way street has been allowed by both the Fire and Public Works Departments in keeping with the spirit of the Cannery Plan.

Also, the applicant is responsible for improving and completing the conversion of Meek Avenue to a one-way street per the Cannery Area Plan (and City direction). The delay in this conversion will allow construction traffic to use Meek Avenue and avoid using more local/minor streets through neighborhoods and adjacent to Burbank School. This will involve intersection improvements, signage, and new hardscape adjacent to another tract (Tract 7613).

Green Building – The applicant has committed to pre-wire all homes at this development for solar energy and offer a solar option for every home (where feasible given building orientation). Such solar standard will be required in July when the new State Energy Code standards are effective. In addition, the applicant is going to pre-wire all garages for 240v for electric plug-in vehicles. The applicant will also be required to meet the City's Green Building standards in effect in addition to the State Green Building Code requirements.

Community Facilities District – The applicant will be required to pay the cost of providing public safety services to the proposed project through the formation of, or annexation to, a Community Facilities District (CFD), should the project generate the need for additional public safety services. This will require the project developer to post an initial deposit of $20,000 with the City prior to or concurrently with the submittal of the final subdivision map and improvement plans, to offset the City's cost of analyzing the project's need for additional public safety services. If the analysis determines that the project creates a need for additional public safety services warranting annexation to the existing Cannery Area Community Facilities District, the project developer is required to pay all costs of annexation to the district. Such costs may be paid from the developer's deposit to the extent that funds remain after payment of the City's costs of analysis as described above. Like all other phases of development in the Cannery, the proposed development is expected to annex to the existing Cannery CFD.

Inclusionary Housing Requirements – Compliance with the City's affordable housing provisions will be required for the project. Pursuant to the City's Interim Relief Ordinance (a six month extension of the Relief Ordinance was passed by Council on December 17, 2013), 10% of all detached single family residences and 7.5% of attached residential units in a project must be set aside and sold at affordable prices to moderate-income households (defined as households earning 120% of Area Median Income or less). The Relief Ordinance also allows developers the option to pay an $80,000 per affordable unit in-lieu fee prior to obtaining a certificate of occupancy for new units.

In accordance with previous agreements, the developer has a credit of ten affordable units, based upon the other Cannery developments; thus, only three affordable units are required for this project. The reduced in-lieu fee payment would be $240,000 , which the applicant intends to pay. In order to exercise this option and per the existing Relief Ordinance provisions, the project must obtain all discretionary approvals by June 30, 2014 and all building permits must be issued by June 30, 2016.

Rezoning to Planned Development District - The proposal involves a modification of the current zoning designation from High Density Residential (RH) District to Planned Development (PD) District. Under the current zoning designation, the project would not be feasible without modifications to some of the development standards, including required setbacks, minimum lot size, maximum lot coverage, inclusion of live/work units pursuant to the Cannery Plan, minimum group open space and uncover parking.

The purpose of the Planned Development District is to encourage development through efficient and attractive space utilization that might not otherwise be achieved through strict application of the development standards. The applicant has followed the Hayward Cannery Area Design Plan in proposing townhomes and single-family units resulting in the creation of pedestrian friendly blocks, housing units with well-defined entrances and limited garage frontages facing streets.

The development proposes smaller lots (for the single-family product) than the 2,500 square foot minimum size required for "lots with less than sixty feet of frontage" under the zoning district standards. Proposed lot sizes range from 1,410 square feet to 2,120 square feet with an average lot size of 1,765 square feet. The development also does not meet the setbacks required of the RH district, nor does it meet lot width standards. Because this a PD rezoning request, the applicant has proposed project amenities to offset not meeting the strict requirements of the underlying zoning. By providing the various project amenities, Council can make the findings necessary to approve the project.

Findings for the Zone Change to Planned Development Zoning District - In order for a Planned Development District to be approved, the City Council must make the following findings (below), as recommended by the Planning Commission and staff. Such findings are included in the attached resolution. Also, the applicant has supplied a response to the findings for approval, which is contained in Attachment VII.

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

The project is consistent with the existing General Plan designation, provides diverse housing types and is substantially consistent with the Hayward Cannery Area Design Plan. The townhomes and detached single-family homes proposed on this site are more dense than the existing post-war neighborhood to the east, but are similar to housing types already constructed or currently under construction at the Cannery just to the west and south of the Project site. On-site parking is consistent with the parking required for previous Cannery residential development projects; the off-site parking, or public street parking, provided by the developer is not included in the parking calculation for new residential development.

The exteriors of the homes are consistent with the design of the surrounding homes within the Cannery Area and consistent with the design required under the Cannery Area Design Plan. Front porches are incorporated into the home designs along with second story decks, and the homes are oriented both toward the surrounding streets and the new Panhandle Park. With respect to open space requirements, either an additional amenity will be provided during Precise Plan review or both the private and group open space requirements will be met.

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

The proposed Project is an in-fill development site surrounded by existing streets and there are utilities available to the site with adequate capacity to serve the proposed development. In addition, the Project proponent is required to underground any overhead utility lines in front of/adjacent to the Project site including utilities along Filbert Street.

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

The Project, as proposed, will achieve an integration of density and livability that meets a high standard of quality. The site design maintains the continuity of the existing street design by providing front porches and entry doors that are oriented toward the surrounding streets and in some cases, public parks, which provides the "eyes on the public areas" strategy to encourage community interaction and safer neighborhoods. The home designs will enable a wide and flexible range of livability and lifestyles. Some usable open space and pedestrian connectivity is provided, which allows for better circulation and access to surrounding amenities such as the school, public parks such as Panhandle Park, Cannery Park and Centennial Park, shopping in the Downtown and public transit. To address concerns related to available parking spaces by some Cannery area residents, the Project will include parallel parking available to the public along Filbert Street, Palmer Avenue and Parkhurst Street. On Burbank Street, diagonal parking, as opposed to customary parallel parking will be provided.

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

The Project is substantially consistent with the Cannery Area Design Plan guidelines. The proposed rezoning to a Planned Development district provides flexibility in the site layout of the units.

To offset the exceptions to the City's development regulations, the Project will provide the following amenities: A public art feature with a value equal to at least $20,000 at the entrance to the Project or along a streetscape; four 48-inch box size oak trees planted on the

Project site; improvements along the entire widths of Filbert Street and Palmer Avenue abutting the Project site, including new streetlights along the east side of Filbert Street, where only half of the street widths are normally required to be improved; an electric vehicle charging station installed midblock on private street "B" or at a more publicly available location to be determined during the Precise Plan review; solar option to future buyers will be offered; and inclusion of diagonal parking stalls along the triangular park/open space during the conversion of Meek Avenue from a two-way to a one-way street.

Vesting Tentative Tract Map 7894 - A vesting tentative tract map is being processed with this proposal to create individual parcels of land that would encompass each residential unit, both the townhomes and single-family homes. (For the attached townhouse units, the condominium map will define the area of each unit and each will be a separate lot of record). If the vesting tentative map is approved, a Precise Plan and improvement plans will be processed and then a Final Map will be processed and recorded. The developer is proposing a vesting tentative map so that the developer has the right to proceed with the proposed development in substantial compliance with the ordinances, policies, and standards in effect on the date on which the developer's application for a vesting tentative is deemed complete. The date that the vesting tentative map application was deemed complete was July 22, 2013.

Full frontage improvements such as Portland cement concrete curb (City standard specifications), gutter and sidewalk have been installed with recent street improvements along Filbert Street. Any frontage improvements in Filbert Street damaged during construction will be required to be repaired/replaced by the Project proponent. Existing Portland cement concrete curb, gutter and sidewalks along Parkhurst Street will be removed and replaced with new alignments to facilitate diagonal street parking adjacent to the Project site. Burbank Street will be widened on the project site to include new diagonal parking.

The existing utilities in the project vicinity, including sanitary sewer, water and storm drain systems, have sufficient capacity to adequately serve the proposed development. On-site sewer and water utilities will be installed within a new public utility easement and connected to existing utilities in Burbank and Filbert Streets and Palmer Avenue. On-site storm drainage will be connected to an existing system within Parkhurst Street. Sanitary sewer and water mains will be publicly owned and maintained by the City; however, the proposed on-site storm drain system and cleanwater treatment facilities will be privately owned and maintained by the HOA. Any overhead utility lines serving the site as or along street frontages well as any new utility lines will be required to be placed underground as part of the site improvements.

The formation of a Homeowners' Association (HOA) and the creation of Conditions, Covenants, and Restrictions (CC&R's) will be required. The CC&R's will indicate that the HOA will be responsible for maintaining all private streets, private street lights, private utilities, and other privately owned common areas and facilities on the site, including, but not limited to, clean water treatment facilities, landscaping, preservation and replacement of trees, as well as decorative paving. The public art and the electric vehicle charging station will also be maintained and operated by the HOA. For any necessary repairs performed by the City in locations under the on-site decorative paved areas, the City shall not be responsible for the replacement cost of the decorative paving. The replacement cost shall be borne by the HOA established to maintain the common areas within the

association boundary. The common area landscaping includes all areas except the private yards. The CC&R's will also contain a standard condition that if the HOA fails to maintain the common areas, private streets, lights and utilities and artwork located on the development site; the City will have the right to enter the subdivision and perform the necessary work to maintain these areas and lien the properties for proportionate share of the costs.

Findings for the Vesting Tentative Tract Map - In order for a vesting tentative map to be approved, seven findings are required to be made. The following text conveys staff's analysis of the Project under those findings, which are incorporated into the attached resolution. Attachment VII provides input on the findings from the project proponent.

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

The proposed subdivision is consistent with the Hayward General Plan and allows a development project that is consistent with allowed uses and densities designated by the "High Density Residential (HDR)" land use category of the General Plan. The proposed project is consistent with the Hayward Cannery Area Design Plan that applies to the Project.

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

The proposed subdivision is of a design consistent with the Hayward General Plan and the Hayward Cannery Area Design Plan in that circulation design and roadways are provided to accommodate the anticipated traffic; and utilities, including water, sewer, and storm drain facilities, will be provided to accommodate the proposed development. As demonstrated by the Initial Study/Mitigated Negative Declaration, the Project will have no significant impacts that cannot be reduced to a level less than significant with mitigations.

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

The geotechnical investigation performed by T. Makdissy Consulting, Inc. (dated June 18, 2013), which is referenced in the Project Initial Study/Mitigated Negative Declaration, demonstrates that the "proposed residential development is feasible" and the proposed subdivision would occur on a site suitable for the proposed development. The site provides sufficient lane widths, pedestrian facilities and infrastructure locations to support the number of units being proposed.

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

The geotechnical investigation referenced above demonstrates that the proposed subdivision would occur on a site physically suitable for the proposed density.

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

The Initial Study/Mitigated Negative Declaration prepared for the Project demonstrates that substantial adverse environmental damage, including to fish or wildlife and their habitat, would not result from the proposed subdivision**.**

(6) **It is not likely to cause serious public health problems. [Subdivision Map Act §66474(f)]**

Adequate capacity exists to provide sanitary sewer service and water to the Project site. The Project also adds housing inventory near adjacent transportation resources and retail opportunities in downtown Hayward to reduce vehicle miles traveled, which reduces impacts on air quality and greenhouses gases. The Project provides additional public park lands which fosters better public health. The paseos within the subdivision are of sufficient width to allow light and air to the multi-story units.

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

All existing public easements (for utilities) within the boundary of the proposed subdivision will be quitclaimed to necessitate the establishment of new easements for the new residential development. A new HOA-owned utility easement will be recorded under the development's streets as part of the Final Map. New easements will be established for site access as part of the new development.

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 an Initial Study/Mitigated Negative Declaration (Attachment IV), and finds that there will be no significant environmental impacts resulting from the project provided the mitigation measures are incorporated into the project. The Initial Study/Mitigated Negative Declaration (IS/MND) identifies potentially significant impacts under the environmental topics of Aesthetics, Air Quality, Biological Resources, Cultural Resources, Hazards Materials and Noise. The IS/MND identifies mitigation measures, agreed to by the Project sponsor, that would reduce those impacts to a *less than significant level*. The analysis done associated with traffic concludes that additional peak hour traffic generated by the project compared to the existing warehouse use (additional 17 new trips generated in the AM peak hour and 35 additional trips generated during the PM peak hour) would be seen as negligible. Also, the traffic would be vehicles associated with residential development, versus large warehouse trucks. Therefore, the impacts associated with traffic are less than significant.

Hazardous materials on the project site and must be cleaned up prior to any grading or construction and the site clearance provided by either the State Department of Toxic Substances Control or the Regional Water Quality Control Board. Mitigation measures have been included as project conditions of approval.

The Mitigation Monitoring and Reporting Program (MMRP) identifies responsibility for mitigation implementation and oversight (see Attachment IV). The IS/MND and MMRP were posted at the Alameda County Clerk's Office on November 26, 2013, in compliance with the CEQA Guidelines. The documents were also posted on the City's website for review. Links to supporting materials used to assemble the IS/MNS are on the City's website under http://www.hayward-ca.gov/city-government/departments/development-services/project-permit-status/projects-under-environmental-review/cannery-place

The IS/MND was made available for public review from November 27, 2013 through December 16, 2013. No comments were received on the IS/MND.

Summary of Staff Support - The project is supported by the Planning Commission and staff because:

- The proposed density at 24.1 dwelling units per net acre is consistent with the General Plan and Cannery Area Design Plan;
- The project is well-designed with high-quality architectural features that are reflective of the neighborhood character that have been incorporated in prior Cannery developments;
- The project is consistent with the City and regional objective to provide housing near transit service; and
- Project amenities are proposed "providing functional facilities or amenities not otherwise required or exceeding other required development standards" in support of the proposed PD zoning, including:
    - four 48-inch box oak trees (twice the size normally required);
    - a public art piece at least $20,000 in value and related to the history of the Cannery area;
    - improvements to all of Filbert Street and Palmer Avenue (versus just the typical half bordering the development), including installing new streetlights on the east side of Filbert Street that will help improve lighting and safety along the sidewalks and streets in the neighborhood;
    - a public electric vehicle charging station to be maintained and operated by the Homeowners Association;
    - a solar option to future buyers will be offered; and
    - diagonal parking stalls along the triangular park/open space along Meek Avenue during the conversion of that street to a westbound one-way street (as indicated by the applicant at the Planning Commission hearing).

These amenities are proposed since the project does not meet the following development standards:

1. The minimum group open space required on the site is not met; however, the total project open space is met, but skewed towards more private open space.
2. The development exceeds the maximum lot coverage standard permitted.
3. The development does not meet minimum lot sizes, widths, and setbacks required.
4. There are no "live/work" units proposed as is designated in the Cannery Plan.
5. The required total number of on-site parking spaces are provided by the development; however, the ratio of covered versus uncovered spaces is skewed toward more covered spaces than uncovered spaces.

ECONOMIC IMPACT

The project would contribute to the neighborhood and downtown by allowing for development of 157 ownership homes at a density and massing called out in the Hayward Cannery Area Design Plan and similar to other adjacent developed sites in the Cannery area. Such development would contribute to the character and vitality of downtown given the proximity of the project site.

Per the Hayward Cannery Area Design Plan, the economic potential of the Cannery Area is large. Residential development of higher densities (e.g., townhome-styles condominiums) will generate higher overall land value than traditional large lot detached single-family developments, despite lower sales values per unit.

FISCAL IMPACT

Staff has conducted a rough fiscal impact analysis of the project, which estimates that the project will generate $134,457 of new revenue annually; however, the project is projected to cost the City $258,106, for a net annual cost of $123,650 ($788 per unit). This analysis does not include any revenue from a community facilities district. The estimated selling price of the townhome-styled condominiums will be around $518,000 and the price of the single-family homes is expected to be up to $608,000. The average price range of the homes in this development will be approximately $563,000. Completing the expected annexation to the existing Cannery CFD will offset this fiscal shortfall.

PUBLIC CONTACT

A notice of availability of the draft Initial Study, Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program (IS/MND/MMRP) for the project was sent to all property owners within a 300-foot radius of the Project site on November 22, 2013. No comments on the IS/MND/MMRP during that comment period or addressing the specifics of the project have been received as of the writing of this report.

On February 14, 2014, a Notice of this City Council public hearing was sent to every property owner and occupant within 300 feet of the subject site. Also, a Notice of this hearing was published in *The Daily Review* newspaper on February 15, 2013. At the time of completion of this report, the Planning Division had not received any correspondence related to such notice.

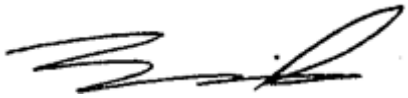
NEXT STEPS

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 will work with City staff to obtain City Council approval of a final map to ultimately allow for processing of building permits and construction of the project.

Prepared by: Damon Golubics, 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	Initial Study Checklist, Mitigated Negative Declaration and Mitigation Monitoring & Reporting Program
Attachment V	January 9, 2014 Draft Planning Commission Meeting Minutes
Attachment VI	Project Plans
Attachment VII	Proponent's Responses to Findings for Approval
Attachment VIII	Cannery Area Map Showing All Tracts

HAYWARD CITY COUNCIL

RESOLUTION NO. 14-

Introduced by Councilmember _____

RESOLUTION ADOPTING THE MITIGATED NEGATIVE DECLARATION AND THE MITIGATION MONITORING AND REPORTING PROGRAM AND APPROVING VESTING TENTATIVE TRACT MAP APPLICATION PL-2013-0085 AND ZONE CHANGE APPLICATION PL-2013-0084 PERTAINING TO THE DEVELOPMENT OF ONE HUNDRED AND FIVE TOWNHOME-STYLED CONDOMINIUMS AND FIFTY-TWO DETACHED SINGLE-FAMILY HOMES AT 199 FILBERT STREET IN THE CANNERY AREA

WHEREAS, on March 3, 2013, Michael Sullivan (Applicant) submitted Zone Change Application No. PL-2013-0084 and Vesting Tentative Tract Map Application No. PL-2013-0085 for the property located at 199 Filbert Street in the Cannery Area, which applications requested a zoning reclassification from High Density Residential/Cannery Area Special Design Overlay District to Planned Development District and a property subdivision to facilitate construction of one hundred and five (105) townhome-styled condominiums and fifty-two (52) detached single-family homes (the "Project'); and

WHEREAS, a Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program has been prepared to assess and mitigate the potential environmental impacts of the Project; and

WHEREAS, the Planning Commission considered the Project at a public hearing held on January 9, 2014, and recommended that the City Council adopt the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program; approve Zone Change Application No. PL-2013-0084, reclassifying the property from High Density Residential/Cannery Area Special Design Overlay District to Planned Development District; and approve Vesting Tentative Tract Map Application No. PL-2013-0085; 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 February 25, 2014.

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

CALIFORNIA ENVIRONMENTAL QUALITY ACT

1. Pursuant to CEQA Guidelines Section 15220, an Initial Study ("IS") was prepared for the Project with the finding that a Mitigated Negative Declaration ("MND") was appropriate because all potentially significant impacts could be reduced to a level of insignificance through mitigation.

2. The MND was prepared by the City of Hayward as the Lead Agency and was circulated with a twenty (20) day public review period, beginning on September 27, 2013 and ending on October 16, 2013.

3. The MND was independently reviewed, considered and analyzed by the City Council and reflects the independent judgment of the City Council; such independent judgment is based on substantial evidence in the record (even though there may be differences between or among the different sources of information and opinions offered in the documents, testimony, public comments and such responses that comprise the proposed MND and the administrative record as a whole); and the proposed MND is legally adequate and was completed in compliance with CEQA.

4. The MND identified all potential significant adverse impacts and feasible mitigation measures that would reduce these impacts to less-than-significant levels, and all of the applicable mitigation measures identified in the MND and Mitigation Monitoring and Reporting Program will be adopted and implemented. Based on the MND and the whole record before the City Council, there is no substantial evidence that the Project will have a significant effect on the environment.

5. The Project complies with CEQA and the MND was presented to the City Council, which reviewed and considered the information contained therein prior approving the project. The custodian of the record of proceedings upon which this decision is based in the Development Services Department of the City of Hayward located at 777 B Street, Hayward, CA 94541.

6. The monitoring and reporting of CEQA mitigation measures in connection with the Project will be conducted in accordance with the Mitigation Monitoring and Reporting Program, which is adopted as conditions of approval for the project. Adoption of this program will constitute fulfillment of the CEQA monitoring and/or reporting requirement set forth in Section 21081.6 of CEQA. All proposed mitigation measures are capable of being fully implemented by the project sponsor, the City of Hayward or other identified public agencies of responsibility.

ZONE CHANGE

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

The Project is consistent with the existing General Plan designation, provides diverse housing types and is substantially consistent with the Hayward Cannery Area Design Plan. The townhomes and detached single-family homes proposed on this site are more dense than the existing post-war neighborhood to the east but are similar to housing types already constructed or currently under construction at the Cannery to the west and south of the Project site. On-site parking is consistent with the parking required for previous Cannery residential development projects; the off-site parking, or public street parking, provided by the developer is not included in the parking calculation for new residential development. The exteriors of the homes are consistent with the design of the surrounding homes within the Cannery Area and consistent with the design required under the Cannery Area Design Plan. Front porches are incorporated into the home designs, along with second story decks, and the homes are oriented both toward the surrounding streets and the new Panhandle Park. With respect to open space requirements, either an additional amenity will be provided during Precise Plan review or both the private and group open space requirements will be met.

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

The proposed Project is an in-fill development site surrounded by existing streets, and there are utilities available to the site with adequate capacity to serve the proposed development. In addition, the Project proponent is required to underground any overhead utility lines in front of/adjacent to the Project site, including utilities along Filbert Street.

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

The Project, as proposed, will achieve an integration of density and livability that meets a high standard of quality. The site design maintains the continuity of the existing street design by providing front porches and entry doors that are oriented toward the surrounding streets and, in some cases, public parks, which provides the "eyes on the public areas" strategy to encourage community interaction and safer neighborhoods. The home designs will enable a wide and flexible range of livability and lifestyles. Some usable open space and pedestrian connectivity is provided, which allows for better circulation and access to surrounding amenities such as the school, public parks such as Panhandle Park, Cannery Park and Centennial Park, shopping in the Downtown and public transit. To address concerns related to available parking spaces by some Cannery area residents, the Project will include parallel parking available to the public along Filbert Street, Palmer Avenue and Parkhurst Street. On Burbank Street, diagonal parking, as opposed to customary parallel parking, will be provided.

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

The Project is substantially consistent with the Cannery Area Design Plan guidelines. The proposed rezoning to a Planned Development district provides flexibility in the site layout of the units.

To offset the exceptions to the City's development regulations, the Project will provide the following amenities: A public art feature with a value equal to at least $20,000 at the entrance to the Project or along a streetscape; four 48-inch box size oak trees planted on the Project site; improvements along the entire widths of Filbert Street and Palmer Avenue abutting the Project site, including new streetlights along the east side of Filbert Street, where only half of the street widths are normally required to be improved; an electric vehicle charging station installed midblock on private street "B" or at a more publicly available location to be determined during the Precise Plan review; solar option to future buyers will be offered; and inclusion of diagonal parking stalls along the triangular park/open space during the conversion of Meek Avenue from a two-way to a one-way street.

VESTING TENTATIVE TRACT MAP

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

The proposed subdivision is consistent with the Hayward General Plan and allows a development project that is consistent with allowed uses and densities designated by the "High Density Residential (HDR)" land use category of the General Plan. The proposed project is consistent with the Hayward Cannery Area Design Plan that applies to the Project.

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

The proposed subdivision is of a design consistent with the Hayward General Plan and the Hayward Cannery Area Design Plan, in that circulation design and roadways are provided to accommodate the anticipated traffic; utilities, including water, sewer, and storm drain facilities, will be provided to accommodate the proposed development. As demonstrated by the Initial Study/Mitigated Negative Declaration, the Project will have no significant impacts that cannot be reduced to a level less than significant with mitigation.

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

The geotechnical investigation performed by T. Makdissy Consulting, Inc. (dated June

18, 2013), which is referenced in the Project Initial Study/Mitigated Negative Declaration, demonstrates that the "proposed residential development is feasible" and the proposed subdivision would occur on a site suitable for the proposed development. The site provides sufficient lane widths, pedestrian facilities and infrastructure locations to support the number of units being proposed.

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

The geotechnical investigation referenced above demonstrates that the proposed subdivision would occur on a site physically suitable for the proposed density.

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

The Initial Study/Mitigated Negative Declaration prepared for the Project demonstrates that substantial adverse environmental damage, including to fish or wildlife and their habitat, would not result from the proposed subdivision**.**

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

Adequate capacity exists to provide sanitary sewer service and water to the Project site. The Project also adds housing inventory near adjacent transportation resources and retail opportunities in downtown Hayward to reduce vehicle miles traveled, which reduces impacts on air quality and greenhouses gases. The Project provides additional public park lands which fosters better public health. The paseos within the subdivision are of sufficient width to allow light and air to the multi-story units.

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

All existing public easements (for utilities) within the boundary of the proposed subdivision will be quitclaimed to necessitate the establishment of new easements for the new residential development. A new HOA-owned utility easement will be recorded under the development's streets as part of the Final Map. New easements will be established for site access as part of the new development.

NOW THEREFORE, BE IT RESOLVED that the City Council of the City of Hayward, based on the foregoing findings, hereby adopts the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program and approves Zone Change Application No. PL-2013-0084 and Vesting Tentative Tract Map Application PL-2013-0085, subject to the adoption of the companion ordinance rezoning the property located at 199 Filbert Street from High Density

Residential/Cannery Area Special Design Overlay District to Planned Development District and the attached conditions of approval (Exhibit "A").

IN COUNCIL, HAYWARD, CALIFORNIA _____, 2014

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

Exhibit A

CONDITIONS OF APPROVAL
Sullivan Development Group/(Applicant/Subdivider)
Zone Change Application No. PL-2013-0084 and
Vesting Tentative Tract Map Application No. PL-2013-0085
Zone Change from High Density Residential – SD4 (RH/SD4) in the Cannery Area Special Design District to Planned Development.
Vesting Tentative Tract Map to construct a Planned Development comprising of 105 Townhome-styled condominiums, 52 Single-family detached homes, and Common Areas on approximately 8.81-acre site located within the Cannery Place development.

Note: Revised conditions reflective of Planning Commission direction and additional conditions from staff agreed to by the applicant is shown in ***bold underlined italicized*** font.

General

1. In accordance with Zoning Ordinance §10-1.2500, subject to all conditions listed below, the approval is for the Zoning Change and Vesting Tentative Tract Map Project as shown in the City's Project files as:

Exhibit A – Cannery Place – Tract 7894 (Vesting Tentative Tract Map) Libitzky Property Planned Development (Zone Change) submitted by Sullivan Development Group, dated March 5, 2013, Sheets 1, TM.1, TM.2, TM.3, TM.4, C.1, L.1, L.2, L.3, L.4, A1.0, A1.1, A1.2, A1.3, A2.0, A2.1, A2.2, A2.3, A2.4, A3.0, A3.1, A3.2, A3.3, A3.4, A4.0,A4.1, A4.2, A4.3, A4.4, A4.5, A5.1, A5.2, A5.3, A5.4, A5.5, A6.1, A6.2, A6.3, A6.4, A6.5, A7.1, A7.2, A7.3, A7.4, A7.5, 8.1, 8.2, and 8.3.

2. Project approval shall be void two years after issuance of the building permits, or three years after approval of vesting tentative tract map application, whichever is later, unless the construction authorized by the building permits has been substantially completed or substantial sums have been expended in reliance upon the project approval.

3. This approval is subject to the Mitigation Monitoring and Reporting Program included in the City's Project files as Exhibit B.

4. The developer/subdivider 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.

PRIOR TO THE APPROVAL OF THE PRECISE PLAN

5. The Precise Plan shall be in substantial conformance with the approved Preliminary Plan and shall be submitted in conjunction with a tract improvement plans and final map.

6. Evidence shall be provided that the developer has acquired or will acquire that certain parcel identified as "Lot S" on the Tract 7749 Final Map. The lot identified as "Lot S" on Tract 7749 shall be combined with approximately 31,400 SF of land from the subject property to create the Panhandle linear Park along the western boundary of Tract 7849. The

aforementioned Panhandle Park is to be improved as shown on the Vesting Tentative Map and is to be offered for dedication to the City of Hayward for Public Park purposes.

7. The applicant shall submit revised project plans for review and approval by the Planning Director that clearly shows the project meets all open space requirements (net of bioretention areas) pursuant to Section 10-1.545(l) [High Density Residential District Minimum Design and Performance Standards] and parking standards, requirements in the Parking Ordinance or provide an appropriate amenity to be approved by the Planning Director. Should the project not meet the minimum open space requirements or parking requirements, the applicant shall submit an additional project amenity to be considered, reviewed and approved by the Planning Director and such details associated with this project amenity shall be included in the Precise Plan submittal for final approval.

8. ***The applicant shall be responsible for new streetscape improvements located on the east side of Filbert Street, including new streetlights. Final streetscape improvements for Filbert Street shall be included in the Precise Plan submittal for final approval.***

9. The applicant shall provide a plan for working with property owners located on the east side of Filbert Street on streetscape improvements, including but not limited to, new fencing and landscaping, while maintaining rear yard access.

10. An improved Parkhurst Panhandle Park design ***shall be incorporated*** to include decorative pavers, sidewalk circulation within the development and to the adjacent areas, a jogging trail and three (3) fitness stations within the Panhandle Park, seating areas (park benches) and game tables, enhanced landscaping near seating areas, raised planter areas, trash receptacles, decorative lighting including bollard lights.

11. The project approval includes the following project amenities to support the finding required to be made that "any latitude or exception(s) to development regulations or policies is adequately offset or compensated for by providing functional facilities or amenities not otherwise required or exceeding other required development standards". These amenities include:

a) Planting of four (4) 48-inch box oak trees (near one of the Filbert Street entrances) that exceed the minimum standard of 24-inch box trees.

b) A public art piece, which is not typically required, will be installed that will be at least $20,000 in value and relate to the history of the Cannery area. This will be located at the development entry monuments, Panhandle Park or public streetscape improvements and be continuously maintained by the Homeowners Association. ***The applicant is strongly encouraged to work with the Hayward Area Historical Society in determining a final design for the public art which will be installed at the entrance of the project. Also, the final design for the public art piece shall be consistent and in keeping with the history of the Cannery.***

c) A public electric vehicle charging station which, as conditioned, will be located in a more publicly available location than within the development at midblock on Street "B" as shown on the plans. The charging station will be maintained and operated by the

Homeowners Association. ***Regular or non-electric vehicles shall be permitted to park in the parking space designated for electric vehicles charging their vehicles each day after 8:00 p.m. The designated parking space for electric vehicles to charge their vehicles shall be made available to electric vehicles by 8:00 p.m. each day. The designated parking space for electric vehicle charging their vehicles shall be signed to inform residents and visitors of the parking space's hourly restrictions.***

d) ***Since the project does not meet the group open space requirement, the applicant shall install diagonal parking in conjunction with the conversion of Meek Avenue from a two-way to a one-way street. The installation of the diagonal parking on Meek Avenue shall be considered a project amenity as required under the Planned Development zoning request. Preliminary plans showing the Meek Avenue diagonal parking shall be submitted during the Precise Plan review of the project. Final plans and specification for the Meek Avenue diagonal parking shall be reviewed and approved prior to issuance and approval of the Improvement Plans for the project.***

e) ***The garage of each new dwelling unit shall be prewired with 240v electricity needed for an electric vehicle charging station. Details of this feature shall be included for review during the Precise Plan phase of the project and final details included for review and approval with the building permit submittal for the project.***.

f) ***All new dwelling units shall be fitted with a solar-ready infrastructure so that each dwelling unit can be easily converted to solar by the installation of solar panels, and a solar option shall be offered to future buyers where building orientation for such installation is feasible.***

The applicant shall submit revised project plans for review and approval by the Planning Director that clearly shows the details of each project amenity. Such project amenity details shall be included in the Precise Plan submittal for final approval.

Planning Division

12. The Precise Plan shall also include provisions for project staging, designated areas for construction employee parking (on- and off-site), construction office, sales office (if any), hours of construction, provisions for vanpooling construction workers or having them use transit to access the site, provisions for noise and dust control, and common area landscaping.

13. The public art piece, or pieces, located on the development site and public electric vehicle charging station also on the development site shall be continuously maintained and operated by the Homeowners' Association.

14. The Precise Plan shall include the following:

a) A copy of these conditions of approval shall be included on a full-sized sheet(s) in the plan set.

b) Details of address numbers shall be provided. Address number shall be decorative. Building addresses shall be minimum 4-inch self-illuminated or 6-inch on contrasting background. Address numbers shall be installed so as to be visible from the street.

c) Details and locations of any decorative walls shall be included and approved by the Planning Director.

d) Show an exterior hose bib for each patio, or porch area.

e) Show fencing and fencing details. The pavement at the private driveway entries shall be enhanced by the use of decorative pavement materials such as colored, stamped concrete (bomanite or equal), brick, concrete interlocking pavers or other approved materials. The location, design and materials shall be approved by the Planning Director. Consideration shall be given to utilizing this material for the entire length of the interior streets.

f) A final lighting plan prepared by a qualified illumination engineer shall be included to show exterior lighting design. Exterior lighting shall be erected and maintained so that adequate lighting is provided in all common areas. The Planning Director shall approve the design and location of lighting fixtures, which shall reflect the architectural style of the building(s). Exterior lighting shall be shielded and deflected away from neighboring properties and from windows of houses within the project.

g) All air conditioners and utility connections for air conditioners shall be located such that all external equipment is located behind solid board fences or walls not to exceed the height of the air conditioner unless otherwise approved by the Planning Director. Infrastructure for air conditioning systems is required to be installed as a standard feature.

h) All parking spaces are to meet minimum City of Hayward on-street and off-street parking standards.

i) An area within each garage for individual garbage and recycling receptacles shall be provided and shall be clear of the required area for two cars. As an alternative, an area within the fenced side yard may be used for the garbage and recycling containers but shall be shown.

j) A final color and materials board shall be submitted to the Planning Director for review and approval. No changes to colors shall be made after construction unless approved by the Planning Director.

k) All above-ground utility meters, mechanical equipment and water meters shall be enclosed within the buildings or shall be screened with shrubs and/or an architectural screen, to be approved by the Planning Director.

l) No mechanical equipment, other than solar panels, shall be placed on the roof unless it is completely screened from view by the proposed roof structure. All roof vents shall be shown on roof plans and elevations. Vent piping shall not extend higher than required by building Code. Roof apparatus, such as vents, shall be painted to match the roof color.

m) If desired, a maximum of one identification sign per public road entrance shall be permitted. The signs shall conform to Section 10-7.403(b)(2) of the Sign Ordinance

regulations, with the locations to be approved by the Planning Director. Sign design, colors, and materials shall reflect the architectural style of the project and shall be approved by the Planning Director.

n) Large expanses of blank wall are not allowed. Articulate or otherwise treat such expanses to avoid bulkiness.

o) All decorative window treatments shall be extended to all elevations.

p) All rear and side entries shall be protected by roofs with rooflines to match the pitch of roof.

q) All parking stall dimensions shall conform to the City's Off-street Parking Ordinance. All two car garages shall have the interior dimensions of 20-foot width by 19-foot depth. The dimensions shall be shown on plans. No doors, stairs, landings, laundry facilities, trash/recycle containers or HVAC shall project within the required interior parking areas.

r) Before the 78th Certificate of Occupancy is issued, the park improvements on panhandle parkland shall be commenced, and before the 117th Certificate of Occupancy is issued, the construction of the park improvements shall be completed.

s) ***The applicant shall incorporate universal design elements into all single-family detached homes.***

15. Any proposal for alterations to the proposed site plan and/or design which does not require a variance to any zoning ordinance standard must be approved by the Development Services Director or his/her designee, prior to implementation.

16. ***Final development plans shall clearly show the dimensions of all porches and deck areas counted towards the project's private open space requirement meet minimum size requirements or alternative private open space shall be provided to meet minimum requirements. The dimensions and plan details of all required private open space areas for the project shall be reviewed and approved during the Precise Plan phase of the project and prior to issuance of a building permit for the project.***

17. ***A final lighting plan for the project shall be reviewed and approved as part of the Precise Plan phase of the project and prior to issuance of a building permit for the project. Final lighting plans shall include adequate site and private roadway lighting pursuant to the City's Security Standards Ordinance (No. 90-26 C.S.). A final lighting plan shall be prepared and designed by a qualified illumination engineer and/or a qualified lighting designer. Exterior lighting shall be erected and maintained so that adequate lighting is provided in all common areas. The Planning Director shall approve the design and location of lighting fixtures, which shall reflect the architectural style of the buildings. Exterior lighting shall be shielded and deflected away from neighboring properties and from windows of the building.***

Landscape Division

18. 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.

Exhibit A

PRIOR TO SUBMITTAL OF IMPROVEMENT PLANS AND FINAL MAP

19. In conjunction with the Precise Plan, applicant/developer shall submit tract improvement plans and final map application for the entire project. Said improvement plans and final map shall meet all City standards and submittal requirements except as expressly approved for this Planned Development. The following information shall be submitted with or in conjunction with improvement plans and final map. The City reserves the right to include more detailed conditions of approval regarding required infrastructure or development features based on these more detailed plans.

20. Unless otherwise stated, all necessary easements shall be dedicated, and all improvements shall be designed and installed, at no cost to the City of Hayward.

21. Unless indicated otherwise, the design for development shall comply with the following:

a) All improvements shall be designed and constructed in accordance with the City of Hayward Municipal Code – Chapter 10, Articles 1 and 3, and Standard Specifications and Details.

b) All construction shall meet the California Building Code (CBC) and all applicable City of Hayward Building Codes and amendments, including Green Building standards.

c) Design and construction of all pertinent life safety and fire protection systems shall meet the California Fire Code and all applicable City of Hayward Fire Codes and amendments.

22. A Registered Civil Engineer shall prepare all Civil Engineering improvement plans; a Licensed Architect shall prepare all architectural plans; and a Licensed Landscape Architect shall prepare all landscape unless otherwise indicated herein.

Subdivision Improvement Plans

23. Tract Improvement Plans shall be approved in concurrence with the Precise Development Plan. Submit the following proposed improvement plans with supporting documents, reports and studies:

a) A detailed drainage plan, to be approved by the Alameda County Flood Control and Water Conservation District (ACFC&WCD) and the City Engineer, designing all on-site drainage facilities to accommodate the runoff associated with a ten (10) year storm and incorporating onsite storm water detention measures sufficient to reduce the peak runoff to a level that will not cause capacity of downstream channels to be exceeded. Existing offsite drainage patterns, i.e., tributary areas, drainage amount and velocity shall not be altered by the development. The detailed grading and drainage plan with supporting calculations and a completed Drainage Review Checklist shall be approved by the City Engineer and by the ACFC&WCD prior to issuance of any construction or grading permit.

b) An Encroachment Permit shall be obtained from the ACFC&WCD prior to commencement of any work within District right-of–way and for the construction, modification or connection to District-maintained facilities.

c) A detailed Stormwater Treatment Plan and supporting documents, following City ordinances and conforming to Regional Water Quality Control Board's Staff recommendations for new development and redevelopment controls for storm water programs.

Final Tract Map

24. Prior to recordation, a proposed Final Tract Map shall be submitted for review by the City. The Final Tract Map shall be presented to the City Council for review and action. The City Council meeting will be scheduled approximately sixty (60) days after the Final Map is deemed technically correct, and Subdivision Improvement Plans with supporting documents, reports and agreements are approved by the City. Executed Final Map shall be returned to the City Public Works Department if Final Map has not been filed in the County Recorder's Office within ninety (90) days from the date of City Council's approval.

25. One Final Map shall be filed for the proposed Vesting Tentative Tract Map pursuant to the Government Code 66452.6(a) (1): *"The number of phased final maps that may be filed shall be determined by the advisory agency at the time of approval or conditional approval of the tentative map."*. The Developer/Applicant shall submit a proposed construction phasing and scheduling for the installation of improvements prior to the approval of Final Map.

26. Community Facilities District for Public Services: The developer shall pay the costs of providing public safety services to the project should the project generate the need for additional public safety services. The developer may pay either the net present value of such costs prior to issuance of building permits, or the developer may elect to annex into a special tax district formed by the City and pay such costs in the form of an annual special tax. The developer shall post an initial deposit of $20,000 with the City prior to submittal of improvement plans to offset the City's cost of analyzing the cost of public safety services to the property and district formation.

27. Prior to approval of the Final Map, an Inclusionary Housing Agreement (IHA) shall be submitted and approved by the Planning Director related to providing affordable housing units. The Inclusionary Housing Agreement shall conform to the requirements of the City's Inclusionary Housing Ordinance, including possibly the option of paying required in-lieu fees pursuant to the ordinance.

28. Prior to the recordation of the Final Tract Map, all documents that need to be recorded with the final map shall be approved by the City Engineer and any unpaid invoices or other outstanding charges accrued to the City for the processing of the subdivision application shall be paid.

29. The final map shall reflect all easements needed to accommodate the project development. The private streets and alleys shall be designated as a Public Utility Easement (PUE), Public Assess Easement (PAE), Water Line Easement (WLE), Sanitary Sewer Easement (SSE), and Emergency Vehicle Access Easement (EVAE).

30. A Public Storm Drain Easement (SDE) shall be dedicated for the public Storm Drain pipeline located in Private Street "A", Parcel "B", and in a portion of the Panhandle Park.

Storm Water Quality Requirements

31. The following materials related to the Storm water quality treatment facility requirements shall be submitted with improvement plans and/or grading permit application:

a) A Stormwater Treatment Measures Maintenance Agreement shall be submitted to Public Works - Engineering and Transportation Department staff for review and approval. Once approved, the Maintenance Agreement shall be recorded with the Alameda County Recorder's Office to ensure that the maintenance is bound to the property in perpetuity.

b) A Storm Water Pollution Prevention Plan (SWPPP) shall be submitted with a design to reduce discharge of pollutants and sediments into the downstream storm drain system. The plan shall meet the approval of the City Engineer. The certification page of the SWPPP shall be signed by a Qualified SWPPP Developer (QSD) person who prepared the report.

c) Before commencing any grading or construction activities at the project site, the developer shall obtain a National Pollutant Discharge Elimination System (NPDES) permit and provide evidence of filing of a Notice of Intent (NOI) with the State Water Resources Control Board.

d) The project plans shall include the storm drain design in compliance with post-construction stormwater requirements to provide treatment of the stormwater according to the National Pollutant Discharge Elimination System (NPDES) permit's numeric criteria. The design shall comply with the C.3 established thresholds and shall incorporate measures to minimize pollutants to the maximum extent practicable (MEP).

e) The project plans shall identify Best Management Practices (BMPs) appropriate to the uses conducted on-site to effectively prevent the entry of pollutants into storm water runoff. Roof leaders and direct runoff shall discharge into a landscaped area or a bioretention area prior to stormwater runoff entering an underground pipe system.

f) The proposed BMPs shall be designed to comply with the hydraulic sizing criteria listed in Provision C.3 of the Alameda County Clean Water Program (ACCWP) NPDES permit.

g) The bioretention treatment area shall be designed using a Bioretention Soil Mix (BSM) per Attachment L of the C.3 Stormwater Technical Guidance dated May 14, 2013, with a minimum infiltration rate of 5 inches per hour.

h) The following documents pursuant to the Cleanwater Program requirements:

1. Hydromodification Management Worksheet;
2. Infiltration/Rainwater Harvesting and Use Feasibility Screening Worksheet;
3. Development and Building Application Information Impervious Surface Form;
4. Project Applicant Checklist of Stormwater Requirements for Development Projects;
5. C.3 and C.6 Data Collection Form; and,
6. Numeric Sizing Criteria used for stormwater treatment (Calculations).

32. The developer is responsible for ensuring that all contractors are aware of all storm water quality measures and implement such measures. Failure to comply with the approved construction BMPs will result in the issuance of correction notices, citations or a project stop order.

Public Streets: (Filbert Street/Meek Place, Burbank Street, Parkhurst Street, and Palmer Avenue)

33. Improvements for public streets shall incorporate the following:

a) The site plan shall be reviewed with the Fire Department and Engineering Division to ensure that the street and driveway layout is adequate to provide access for emergency, service and utility vehicles, and other commercial trucks. Changes may be necessary including increasing corner radii, driveway widths, or intersection alignments and providing truck turn-around.

b) The design and locations of street approaches including pedestrian ramps shall be approved by the City Engineer. Pedestrian ramps shall be installed at all street intersections and as where required by the City.

c) The street design shall utilize standard curb and gutter. The street sections shall be constructed to public street standards and shall be capable of supporting a load of 75,000 GVW, including sections of decorative pavement. Curb returns and bulb outs shall be designed to facilitate street sweeping.

d) The proposed decorative paving shall conform to the City Standard SD-110A and be enhanced with at least ten feet of raised decorative paving (e.g., interlocking pavers or stamped colored concrete, or bands of decorative paving, etc.). The Planning Director shall approve the material, color and design, and the City Engineer shall approve the pavement section for the decorative paving. Decorative pavements shall be capable of supporting a 75,000 lb. GVW load per Fire Department's requirement. Modifications to these requirements, however, may be made when documented by a geotechnical study providing alternative specifications which are necessary to construct and maintain the site in a safe and stable condition.

e) Upon any necessary repairs to the public facilities under the on-site decorative paved areas, the City shall not be responsible for the replacement cost of the decorative paving. The replacement cost shall be borne by the homeowners' association established to maintain the common areas within the subdivision boundary.

f) The subdivider/applicant shall remove and replace any damaged and/or broken curb, gutter, and sidewalks along the property frontage as determined by the City.

g) In order to facilitate construction activities of Tract 7894, the subdivider/applicant shall reconstruct Meek Place to convert Meek Place to one-way street and shall complete the Tract 7613 public park improvements within the existing right-of-way per the approved Tract 7613 improvement and landscape conversion plans. Said work shall include the Filbert Street connection to Palmer Avenue.

h) To facilitate construction of Tract 7894, the subdivider/applicant shall construct Palmer Avenue improvements from Morrow Street to Parkhurst Street per Tract 7625 approved improvement plans.

i) Existing pavement section along the whole width of Filbert Street along the entire project frontage shall be overlaid with a minimum of two inches of Hot Mix Asphalt (HMA) pavement with dig outs as may be required.

j) The existing speed hump located at intersection of Filbert Street with proposed Private Street "B" shall be relocated clear of the proposed intersection.

k) The developer shall install signage and appropriate traffic controls to prohibit left turns from westbound Burbank Street into the angled parking stalls on south side of Burbank Street.

l) Standard L.E.D. street lights shall be installed along the street frontages.

Private Streets and Alleys

34. Improvements for private streets and alleys shall incorporate the following:

a) All of the private alleys shall be designated as fire lanes and no parking will be allowed except in designated parking areas. Curbs shall be painted red and fire lane signage installed. Installation of red-curbing and signs shall meet Fire Department and City Engineer standards.

b) Except for Drive Aisle "F", the interior private alleys shall have a minimum width of 22 feet curb to curb and may utilize rolled curb and gutter when accommodating garages and driveways; Drive Aisle F may have a minimum width of 21 feet curb to curb. Vertical curb and gutter shall be used in all other areas. Any proposed private street and alley improvements and modifications shall be approved by the Fire Chief and the City Engineer prior to the approval of the Final Map.

c) Pavement Sections for proposed private street and alley improvements shall be designed a minimum Asphalt Concrete (AC) thickness of four inches and if permeable pavers are used shall meet City Standard SD-110A.

d) The interior intersections shall be designed as driveway intersections which must meet Fire Department access and turning requirements. Pedestrian curb ramps shall be installed to facilitate access and circulation throughout the development.

e) Streetlights and pedestrian lighting shall be owned and maintained by the homeowners association and shall have a decorative design approved by the Planning Director and the City Engineer.

f) The private alleys shall be dedicated as PUE, PAE, SSE, WLE and EVAE.

Parking and Driveways

35. The applicant/developer shall provide sufficient parking spaces for the development to meet the requirements of the City of Hayward Municipal Code. Parking stall dimensions and driveways shall meet City requirements as approved by the Planning Director and City Engineer.

a) The applicant/developer shall demonstrate that backup space meeting City Standards, typically 26 feet, is being provided from all garages. This backup space shall not require that property owners utilize adjacent driveway approaches. The applicant/developer shall also demonstrate that adequate sight distance is being provided within the courtyards to prevent vehicles from backing into other vehicles and over improvements or items within the courtyard.

b) ADA compliant parking stalls and loading areas shall be located adjacent to the open space "Panhandle" park within the development. Pedestrian curb ramps and pathways shall be provided throughout the project.

c) If feasible, parking spaces shall be provided adjacent to the group mailboxes and shall be designated as 10 minute parking only.

Storm Drainage

36. Except for the 18" and 30" storm drain line along Street "A", the on-site storm drain system shall be a private system owned and maintained by the homeowners association (HOA).

37. The project streets, driveways and parking areas shall be designed to facilitate street sweeping, including the layout of the tree and handicap ramp bulb outs. The HOA shall be responsible for street sweeping on a regular basis.

38. The project plan measures shall also include erosion control measures to prevent soil, dirt, debris and contaminated materials from entering the storm drain system, in accordance with the regulations outlined in the ABAG Erosion and Sediment Control Handbook.

39. Storm water inlets shall be installed at the curb face per the City of Hayward Standard Details. The design and location shall be approved by the City Engineer.

40. Improvements for storm drain systems shall incorporate the following:

a) The locations and design of storm drains shall meet the City's standard design and be approved by the City Engineer and if necessary, the Alameda County Flood Control and Water Conservation District (ACFC&WCD). Any alternative design shall be approved by the City Engineer prior to installation.

b) Storm drain pipes in streets and alleys shall be a minimum of twelve inches in diameter with a minimum cover of three feet over the pipe.

c) The latest edition of the Alameda County Flood Control and Water Conservation District's Hydrology and Hydraulics Criteria Summary shall be used to determine storm drainage runoff. A detailed grading and drainage plan with supporting calculations and a completed Drainage Review Checklist shall be submitted, which shall meet the approval of the Alameda County Flood Control and Water Conservation District (ACFC&WCD) and the City. Development of this site shall not augment runoff to the ACFC&WCD's downstream flood control facilities. The hydrology calculations shall substantiate that there will be no net increases in the quantity of runoff from the site versus the flow rate derived from the original design of downstream facilities.

d) The project shall not block runoff from, or augment runoff to, adjacent properties. The drainage area map developed for the project hydrology design shall clearly indicate all areas tributary to the project area. The developer is required to mitigate unavoidable augmented runoffs with offsite and/or on-site improvements.

e) No surface runoff is allowed to flow over the sidewalks and/or driveways. Area drains shall be installed behind the sidewalks to collect all runoff from the project site.

f) All storm drain inlets must be labeled "No Dumping - Drains to Bay," using City-approved methods.

g) The starting water surface elevation(s) for the proposed project's hydraulic calculations and the corresponding determination of grate/rim elevations for all the on-site storm drainage structures shall be based on Federal Emergency Management Agency's Flood Insurance Study for the 100-year storm event.

h) Post-development flows should not exceed the existing flows. If the proposed development warrants a higher runoff coefficient or will generate greater flow, mitigation measures shall be implemented.

Sanitary Sewer System

41. Sanitary sewer service is available subject to standard conditions and fees in effect at the time of application. The proposed sanitary sewer main shall be a public system, owned and maintained by the City.

42. All public sewer mains and appurtenances shall be constructed in accordance to the City's "Specifications for the Construction of Sewer Mains and Appurtenances (12" Diameter or Less)," latest revision at the time of permit approval.

43. The on-site sanitary sewer system shall have 8-inch public mains, designed with a manhole at all angle points and ending with a manhole. The main design and location shall meet the approval of the City Engineer.

44. Each residential unit shall have an individual sanitary sewer lateral. The sewer laterals shall have cleanouts and be constructed per City Standard Detail SD-312.

Exhibit A

Water System

45. Water service is available from the City of Hayward and is subject to standard conditions and fees in effect at the time of application.

46. The development's water mains shall be public, owned and maintained by the City. The water lines within the proposed development must have a looped design. Dead end water mains will not be allowed. Water mains may be extended utilizing easements if necessary to provide a looped design.

47. Where a public water main is in an unpaved easement or under decorative, stamped, or colored concrete, including turf-blocks), the water main shall be constructed of Ductile iron. Shut-off valves are required where a water main transitions from a paved area to an unpaved easement.

48. All public water mains shall be constructed in accordance with the City's "Specifications for the Construction of Water Mains (12" Diameter or Less) and Fire Hydrants," latest revision at the time of permit approval.

a) Water mains and services, including the meters must be located at least 10 feet horizontally from and one-foot vertically above any parallel pipeline conveying untreated sewage (including sanitary sewer laterals), and at least four feet from and one foot vertically above any parallel pipeline conveying storm drainage, per the current California Waterworks Standards, Title 22, Chapter 16, Section 64572. The minimum horizontal separation distances can be reduced by using higher grade piping materials with the City's approval.

49. All water series from existing water mains shall be installed by City Water Distribution Personnel at the applicant/developer's expense. This includes relocating existing services and water main tie-ins. The developer may only construct new services in conjunction with the construction of new water mains.

a) Only Water Distribution Personnel shall perform operation of valves on the Hayward Water System.

50. Each dwelling unit shall have an individual water meter.

a) All water meters shall be radio-read type.

b) Water meters shall be located a minimum of two feet from the top of driveway flare as per City Standard SD-213 thru SD-218.

c) Water meters must be located along a thru street (road, court, etc.) to facilitate meter reading. Water meters located on narrow dead end roadways will not be allowed.

51. Each structure shall have its own fire service, sized per the requirements of the Fire Department. Fire Services shall have an above ground Double Check Valve Assembly per City Standard SD-201 and SD-204. Residential combined domestic and fire services are allowed, per City Standard SD-216. The minimum size for a residential fire service connection is 1".

52. Separate irrigation water meters shall be installed for landscaping purposes. The applicant/developer shall install a Reduced Pressure Backflow Prevention Assembly on each irrigation water meter, per City Standard SD-202. Backflow prevention assemblies shall be at least the size of the water meter or the water supply line on the property side of the meter, whichever is larger.

Other Utilities

53. All service to dwellings shall be an "underground service" designed and installed in accordance with the Pacific Gas and Electric Company, AT&T (phone) Company and Comcast cable company regulations. Transformers and switch gear cabinets shall be placed underground unless otherwise approved by the Planning Director and the City Engineer. Underground utility plans must be submitted for City approval prior to installation.

54. All proposed surface-mounted hardware (fire hydrants, electroliers, etc.) along the proposed streets shall be located outside of the sidewalk within the proposed Public Utility Easement in accordance with the requirements of the City Engineer or, where applicable, the Fire Chief.

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

56. All utilities shall be designed in accordance with the requirements of the City of Hayward and applicable public agency standards

PRIOR TO ISSUANCE OF BUILDING OR GRADING PERMITS

Planning Division

57. Prior to issuance of building permits, a final map that reflects and is in substantial compliance with the approved vesting tentative tract map, shall be approved by the City Engineer and filed in the office of the Alameda County Recorder.

58. Pursuant to the Municipal Code §10-3.332, the developer shall execute a subdivision agreement and post bonds with the City that shall secure the construction of the public improvements. Insurance shall be provided per the terms of the subdivision agreement.

59. Submit the following documents for review and approval, or for City project records/files:

a) Copy of the Notice of Intent filed with State Water Resources Control Board;
b) Engineer's estimate of costs, including landscape improvements;
c) Signed Final Map;
d) Signed Subdivision Agreement; and
e) Subdivision bonds.

60. All final exterior building finishes, paint colors and other architectural details shall be reviewed and approved by the Planning Division in accordance with the City of Hayward's Design Guidelines prior to issuance of a building permit for the project.

61. Plans for building permit applications shall incorporate the following:

a) A copy of these conditions of approval shall be included on a full-sized sheet(s) in the plan set.

b) A lighting plan prepared by a qualified illumination engineer shall be included to show exterior lighting design. All exterior and parking lot lighting shall be provided in accordance with the Security Standards Ordinance (No. 90-26 C.S.) and be designed by a qualified lighting designer and erected and maintained so that light is confined to the property and will not cast direct light or glare upon adjacent properties or public rights-of-way. Such lighting shall also be designed such that it is decorative and in keeping with the design of the development. Exterior lighting shall be erected and maintained so that adequate lighting is provided in all common areas. The Planning Director or his/her designee shall approve the design and location of lighting fixtures, which shall reflect the architectural style of the buildings. Exterior lighting shall be shielded and deflected away from neighboring properties and from windows of proposed buildings.

c) Plans shall show that all utilities will be installed underground.

d) Each townhome dwelling unit shall be provided a minimum of 90 cubic feet of dedicated storage area, accessible from the exterior of the unit.

62. **Mitigation Measure 9**: To mitigate interior and exterior noise level exposures to normally acceptable levels, all mitigation measures proposed by Illingsworth & Rodkin, Inc. in their project acoustical studies dated August 2013 shall be implemented.

a) Noise barrier fences shall be built at the perimeter of backyards or other private outdoor areas of single-family homes. The top of the fences shall be six feet above yard grade. To be effective as a noise barrier, the fences shall be built without cracks or gaps in the face or large or continuous gaps at the base and have a minimum surface weigh of 3.0 pounds per square foot. Small, dispersed gaps for landscape irrigation or drainage which do not compose more than 0.5 percent of the wall area are acceptable. For a wood wall to meet these requirements, it is typically recommended that the fence be double faced with butted vertical fence boards on each side with a continuous layer of 0.5 inch plywood.

b) To ensure that the barrier effect provided the fence is not degraded by significant gaps at the base or closing and opening faces of a gate, the total area of such gaps should be maintained at 4 percent or less of the total gate area. To ensure that the vertical gaps at the gate edges do not degrade with age, an extra vertical 1x6 (or wider) fence boards are recommended to be placed at the leading gate edge, and the closing fence edge to lap the edges when closed.

c) The design of fences for the single family units shall incorporate sound attenuation features in accordance with the recommendations above and be confirmed via actual readings prior to project finalization and/or issuance of Certificates of Occupancy on units.

d) The applicant shall include triple pane windows and add noise insulation on all residences adjacent to the railroad tracks.

Exhibit A

Landscape

63. If existing trees are proposed to be removed, all removed trees shall be mitigated to the equal value established in the approved arborist report by a certified arborist. Tree mitigation shall be done above and beyond required trees. Any trees that are removed or damaged during construction shall be replaced with trees of equal size and equal value.

64. A separate tree removal permit shall be required for all trees that are to be removed. The permit application shall be obtained from the City Landscape Architect prior to demolition.

65. Grading and improvement plans shall include tree preservation and protection measures, as required by the City Landscape Architect. Trees shall be fenced at the drip line throughout the construction period.

66. Prior to the approval of improvement plans or issuance of the first building permit, detailed landscape and irrigation plans shall be reviewed and approved by the City and shall be a part of approved improvement plans and the building permit submittal. The plans shall be prepared by a licensed landscape architect on an accurately surveyed base plan and shall comply with the City's Tree Preservation Ordinance, Bay-Friendly Water Efficient Landscape Ordinance, Hayward Environmentally Friendly Landscape Guidelines and Checklist for the landscape professional, and Municipal Codes. Dripline of the existing trees to be saved shall be shown on the plan.

67. Mylars of the approved landscape and irrigation improvement plans shall be submitted to the Public Works Department. The size of Mylar shall be twenty-four inches by thirty-six inches without an exception. A four-inch by four-inch 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 City Engineer and City Landscape Architect.

68. Landscape and tree improvements shall be installed according to the approved plans prior to the occupancy of each building. All common area landscaping, irrigation and other required improvements shall be installed prior to acceptance of tract improvements, or occupancy of eighty percent of the dwelling units, whichever first occurs and a Certificate of Completion, as-built Mylar and an Irrigation Schedule shall be submitted prior to the Final Approval of the landscaping for the Tract to the Engineering Department by the developer.

69. Landscaping shall be designed with efficient irrigation to reduce runoff, promote surface infiltration, and minimize the use of fertilizers and pesticides that can contribute to stormwater pollution. Where feasible, as determined by the City Engineer and Landscape Architect, landscaping should be designed and operated to treat stormwater runoff. Landscaping shall also comply with the City's "water efficient landscape ordinance."

70. Landscaping Plans shall incorporate the following:

a) <u>Project data and associated calculations</u>: Shall be provided on plan sheets with the following information: total project area, total irrigated landscape area, required private open space and provided private open space, required group open space and provided group open space, and Maximum Applied Water Allowance (MAWA).

b) Underground Utilities: Locations and layout of all underground utilities lines, boxes and vaults shall be provided as base information on planting plans to minimize conflict with tree planting.

c) Fire Hydrants: The City Standard Detail requires fire hydrants to be located on a six foot wide by six foot long concrete pad. The minimum clearance for tree planting is seven feet from the edge of fire hydrants, not from the edge of the concrete pad. The actual size of the pad shall be shown on the planting plans.

d) Street Tree Planting along Public and Private Streets: One twenty-four-inch box tree shall be planted at every twenty to forty feet on center in addition to required front yard trees per Zoning Ordinance.

   1) Required Screening of Above-Ground Utilities including Trash Enclosures: Above ground utilities (e.g. gas or electric meters, backflow devices) and trash enclosures shall be located from public/street view, and shall be screened with trees, shrubs, groundcovers and vines on all three sides except the side where access is located.

   2) Trees with invasive and shallow root systems such as Magnolia grandiflora shall not be used unless a minimum eight feet by eight feet of planting area can be provided.

   3) All trees shall be planted twenty feet from a corner, a minimum of five feet away from any underground utilities, a minimum of fifteen feet from a light pole, and a minimum thirty feet from the face of a traffic signal, or as otherwise specified by the city. Root barrier shall be provided for all trees that are located within seven feet of paved edges or structure. Trees shall be planted according to the City Standard Detail SD-122.

e) C.3 Stormwater Treatment in Landscape Areas:

   1) A minimum twelve-inch-wide leveled landscape area shall be provided around bio-treatment areas located adjacent to hardscape areas such as curbs, sidewalks, walkways and structures. The City will require a matched precipitation rotator type irrigation system on a separate valve for the stormwater treatment area irrigation. All spray irrigation systems shall be set back twenty-four inches from all impervious hardscape edges such as curbs, sidewalks, walkways and structures.

   2) Utility boxes and vaults, light fixtures and fire hydrants shall have minimum five feet of clearance from the edge of C.3 Stormwater Treatment areas.

   3) Landscape areas may be used to comply with the C.3 Stormwater Treatment requirements; however, all tree planting requirements shall apply. A wider landscape area shall be provided if necessary to accommodate both bio-treatment and tree planting.

   4) Sod shall not be used in bio-treatment areas.

   5) Turf shall not be provided unless provided for recreational purposes.

6) Primary stormwater treatment area shall not be used for recreational purposes; therefore it shall not be counted toward meeting group open space requirements. Sandy-Loam soil type with high percolation rate that meets the C.3 Stormwater Treatment requirements is not suited for recreational surface.

f) Plant Hydrozone shall be provided. Alnus rhombifolia and Sequoia sempervirens are listed for high water requiring plants in WUCOLS (Water Use Classifications of Landscape Species), and shall not be grouped with low water requiring plants. WUCOLS listings in Planting Legend shall be verified again.

g) A hose bib shall be provided within each private yard.

h) Safety site lighting shall be provided along private driveway. Site lighting shall not be located to prohibit tree planting required by Zoning Ordinance.

i) The minimum dimension for all planting areas shall be five feet, including tree wells in parking lots or sidewalks measured from back of curb/paving.

j) Class B Portland Cement concrete curb shall be constructed to a height of six inches above the adjacent finished pavement when landscape area adjoins driveways or parking areas.

71. Upon completion of installation, As-built/Record Mylar shall be submitted to the Engineering Department by the developer.

Technical Reports

72. **Mitigation Measure 5:** To avoid or reduce the potential impact related to the site specific geotechnical hazards related to seismic hazards, the project developer shall implement the following mitigation measures:

a) The applicant shall submit a final grading plan subject to review by the City Engineer prior to issuance of grading permits.

b) New construction will comply with the latest California Building Code and mitigation measures outlined in the Geotechnical Investigation by T. Makdissy Consulting, Inc.

c) For each building constructed in the development plan area, the required site specific geotechnical investigation shall address expansive soils and provide appropriate engineering and construction techniques to reduce potential damage to buildings

73. **Mitigation Measure 6:** To reduce the potential impacts related to the presence of low to moderately expansive clays in the subsurface soils of the project site, mitigation measures to avoid the effects of expansive soils outlined in the Geotechnical Investigation shall be followed.

Exhibit A

Fire Protection

74. Fire apparatus roads shall have unobstructed width of 26 feet in the immediate vicinity of buildings. At least one of the required access routes shall be located within a minimum of 15 feet and a maximum of 30 feet from the building and shall be positioned parallel to one entire side of the building.

75. Fire apparatus access roads shall be designed and maintained to support 75,000 pounds, the imposed load of fire apparatus, and shall be surfaced so as to provide all-weather driving capability. An unobstructed vertical clearance of not less than 13 feet 6 inches shall be provided for all fire apparatus accesses.

76. 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.

77. Dead-end fire apparatus access road in excess of 150 feet in length shall be provided with a turnaround that meets Hayward City standards.

78. Fire hydrants shall be provided throughout the development as approved by the Fire Department prior to start of construction. Fire hydrant locations shall be identified with blue reflective pavement markers installed in the street adjacent to the fire hydrant.

79. Proposed removal/relocation of existing fire hydrants along Parkhurst Street must be reviewed and approved by the Fire Marshall.

80. The minimum number of fire hydrants shall be provided in accordance with the Hayward Fire Code Ordinance and the California Fire Code. The average spacing between hydrants is 300 feet. Any portion of the building or facility shall be within 400 feet of a fire hydrant. Spacing and locations of fire hydrants shall be subject to review and approval by the Hayward Fire Department.

81. Fire hydrants shall be double steamer type hydrants with 2 – 4 1/2" outlets and 1 – 2 1/2" outlet which shall be installed per City standards.

a) Crash posts may be required around the fire hydrants if the hydrants are installed in a location that may be susceptible to potential vehicular impact.

82. Fire flow requirements for this development shall be 3,000 gallons per minute at 20 psi. A 50 percent reduction will be allowed in the fire flow for automatic fire sprinkler systems, which are required to be installed within each building.

a) Provide water/fire flow test data information on the plan, including static pressure, residual pressure, Pitot pressure, test flow, calculated available water flow at 20 psi and test date. This information is available for Hayward Public Works Department. The data shall be less than 5 years old. A new test should be requested if there is no update data available.

83. Each building will be required to have an automatic fire service system installed per the adopted NFPA Standards. This requirement includes the installation of fire sprinklers within all living spaces areas, garages, under combustible decking (if applicable), crawl spaces, foyers and porches, dedicated underground fire service laterals, and any other area deemed hazardous by the Fire Marshal.

84. Addressing for each building as well as individual units shall be assigned and approved by the Fire Department. Numbers shall be a minimum of 4 inches in height (self-illuminated) and be visible from the street.

Hazardous Materials

85. Submit copies of a Phase I Environmental Assessment to the Hayward Fire Department Hazardous Materials Office.

86. Prior to issuance of Building or Grading Permits, a final clearance shall be obtained from either the California Regional Water Quality Control Board or the Department of Toxic Substance Control and submitted to the Hayward Fire Department. The clearance certificate will ensure that the property meets investigation and cleanup standards for residential development. Allowance may be granted for some grading activities, if necessary, to ensure environmental clearances.

87. Prior to grading, structures and their contents shall be removed or demolished under permit in an environmentally sensitive manner. Proper evaluation, analysis and disposal of materials shall be done by appropriate professional(s) to ensure that hazards posed to development construction workers, neighbors, the environment, future residents and other persons are mitigated. All hazardous materials and hazardous waste must be properly managed and disposed of in accordance with state, federal and local regulations.

88. Any wells, septic tank systems and other subsurface structures - including hydraulic lifts for elevators - shall be removed properly in order not to pose a threat to the development construction workers, future residents or the environment. Notification shall be made to the Hayward Fire Department at least 24 hours prior to removal. Removal of these structures shall be documented and done under permit, as required by law.

89. The Hayward Fire Department's Hazardous Materials Office shall be notified immediately at (510) 583-4910 if hazardous materials or associated structures are discovered during demolition or during grading. These shall include, but shall not be limited to, actual/suspected hazardous materials, underground tanks, or other vessels that contain or may have contained hazardous materials.

90. During construction, hazardous materials used and hazardous waste generated shall be properly managed and disposed.

91. Upon completion of construction, the Fire Department will complete a final walk- through inspection. An annual Consolidated Permit for hazardous materials storage may be required for hydraulic elevators, emergency generators, and the operation of general maintenance facilities.

Exhibit A

Solid Waste

Applicants must comply with City standards to obtain building permits, as follows:

92. Residential Collection of Garbage and Recyclables: Residents are required to place their garbage, recycling, and organics carts at the curb for weekly collection service by contracted service providers

a) The standard type of garbage, recycling, and organics containers are (1) 32-gallon cart for Garbage, (1) 64-gallon cart for Recycling, and (1) 64-gallon cart for Organics.

b) The total space required for the standard service is approximately 3 feet by 9 feet. Sufficient space should be allocated in the garage to allow residents to keep the containers inside. Trash and recycle containers shall be stored out of public view on non-pickup days.

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

During Construction

93. Requirements for Recycling Construction & Demolition Debris: City regulations require that applicants for all construction, demolition, and/or renovation projects, in excess of $75,000 (or combination of projects at the same address with a cumulative value in excess of $75,000) must recycle all asphalt and concrete and all other materials generated from the project. Applicants must complete the *Construction & Demolition Debris Recycling Statement*, a *Construction and Demolition Debris Recycling Summary Report*, and weigh tags for all materials disposed during the entire term of the project, and obtain signature approval from the City's Solid Waste Manager prior to the issuance of a building permit.

PRIOR TO CONSTRUCTION WITH COMBUSTIBLE MATERIALS

94. Required water system improvements shall be completed and operational prior to the start of combustible construction.

95. The developer/subdivider shall be responsible to adhere to all aspects of the approved Storm Water Pollution Prevention Plan (SWPPP) per the aforementioned condition of approval.

96. 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.

Exhibit A

PRIOR TO COMPLETION OF SITE IMPROVEMENTS

During Construction

97. The developer shall ensure that unpaved construction areas are sprinkled with water as necessary to reduce dust generation. Construction equipment shall be maintained and operated in such a way as to minimize exhaust emissions. If construction activity is postponed, graded or vacant land shall immediately be revegetated.

98. **Mitigation Measure 1:** All diesel powered equipment (≥ 100 horsepower) shall be California Air Resources Board (CARB) Tier 3 Certified or better.

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

a) Grading and site construction activities shall be limited to the hours 8:00 AM to 5:00 PM Monday through Friday with no work on weekends and Holidays unless revised hours and days are authorized by the City Engineer. Building construction hours are subject to Building Official's approval;

b) Grading and construction equipment shall be properly muffled;

c) Unnecessary idling of grading and construction equipment is prohibited;

d) Stationary noise-generating construction equipment, such as compressors, shall be located as far as practical from occupied residential housing units;

e) Applicant/developer shall designate a "noise disturbance coordinator" who will be responsible for responding to any local complaints about construction noise. Letters shall be mailed to surrounding property owners and residents within 300 feet of the project boundary with this information.

f) The developer shall post the property with signs that shall indicate the names and phone number of individuals who may be contacted, including those of staff at the Bay Area Air Quality Management District, when occupants of adjacent residences find that construction is creating excessive dust or odors, or is otherwise objectionable. Letters shall also be mailed to surrounding property owners and residents with this information prior to commencement of construction.

g) Daily clean-up of trash and debris shall occur on Filbert Street, Burbank Street, Parkhurst Street, and other neighborhood streets utilized by construction equipment or vehicles making deliveries.

h) Gather all construction debris on a regular basis and place them in a dumpster or other container which is emptied or removed on a weekly basis. When appropriate, use tarps on the ground to collect fallen debris or splatters that could contribute to storm water pollution;

i) Remove all dirt, gravel, rubbish, refuse and green waste from the sidewalk, street pavement, and storm drain system adjoining the project site. During wet weather, avoid driving vehicles off paved areas and other outdoor work;

j) The site shall be watered twice daily during site grading and earth removal work, or at other times as may be needed to control dust emissions;

k) All grading and earth removal work shall follow remediation plan requirements, if soil contamination is found to exist on the site;

l) Pave, apply water three times daily, or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas and staging areas at construction sites;

m) Sweep daily (with water sweepers) all paved access roads, parking areas and staging areas at construction sites;

n) Sweep public streets daily if visible soil material is carried onto adjacent public streets;

o) Apply (non-toxic) soil stabilizers or hydroseed to inactive construction areas (previously graded areas inactive for 10-days or more);

p) Enclose, cover, water twice daily or apply (non-toxic) soil binders to exposed stockpiles (dirt, sand, etc.).

q) Broom sweep the sidewalk and public street pavement adjoining the project site on a daily basis. Caked on mud or dirt shall be scraped from these areas before sweeping;

r) No site grading shall occur during the rainy season, between October 15 and April 15, unless approved erosion control measures are in place.

s) Install filter materials (such as sandbags, filter fabric, etc.) at the storm drain inlet nearest the downstream side of the project site prior to: 1) start of the rainy season; 2) site dewatering activities; or 3) street washing activities; and 4) saw cutting asphalt or concrete, or in order to retain any debris or dirt flowing into the City storm drain system. Filter materials shall be maintained and/or replaced as necessary to ensure effectiveness and prevent street flooding. Dispose of filter particles in the trash;

t) Create a contained and covered area on the site for the storage of bags of cement, paints, flammables, oils, fertilizers, pesticides or any other materials used on the project site that have the potential for being discharged to the storm drain system through being windblown or in the event of a material spill;

u) Never clean machinery, tools, brushes, etc., or rinse containers into a street, gutter, storm drain or stream. See "Building Maintenance/Remodeling" flyer for more information;

v) Ensure that concrete/gunite supply trucks or concrete/plasters finishing operations do not discharge washwater into street gutters or drains; and

w) The developer shall immediately report any soil or water contamination noticed during construction to the City Fire Department Hazardous Materials Division, the Alameda County Department of Health and the Regional Water Quality Control Board.

100. The minimum soils sampling and testing frequency shall conform to Chapter 8 of the Caltrans Construction Manual. The subdivider shall require the soils engineer to daily submit all testing and sampling and reports to the City Engineer.

101. In the event that human remains', archaeological resources, prehistoric or historic artifacts are discovered during construction of excavation, the following procedures shall be followed:

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

PRIOR TO CONSTRUCTION COMPLETION AND ISSUANCE OF CERTIFICATES OF OCCUPANCY

During Construction

102. The applicant shall comply with standards identified in General Plan Appendix N – Noise Guidelines for the Review of New Development. Measures to ensure compliance with such standards shall be developed by a state licensed acoustical engineer and incorporated into building permit plans, to be confirmed by the Planning and Building Divisions. Also, confirmation by a state licensed acoustical engineer that such standards are met shall be submitted after construction and prior to issuance of certificates of occupancy.

103. Prior to final inspections, all pertinent conditions of approval and all improvements shall be completed to the satisfaction of the Planning Director.

Landscape

104. Prior to the issuance of Certificate of Occupancy, all landscape and irrigation shall be completed in accordance to the approved plan and accepted by the project landscape architect prior to submitting a Certificate of Completion. The final acceptance form must be submitted prior to requesting an inspection to the City Landscape Architect. An Irrigation Schedule shall be submitted prior to the final inspection and acceptance of improvements.

105. Landscape and tree improvements shall be installed according to the approved plans prior to the occupancy of each building. All common area landscaping, irrigation and other required improvements shall be installed prior to acceptance of tract improvements, or occupancy of eighty percent of the dwelling units, whichever first occurs and a Certificate of Completion, as-built Mylar and an Irrigation Schedule shall be submitted prior to the Final Approval of the landscaping for the Tract to the Engineering Department by the developer.

106. Prior to the sale of any individual unit/lot, or prior to the acceptance of tract improvements, whichever first occurs, a homeowners' association shall be created to maintain the common area landscaping and open space amenities. Each owner shall automatically become a member of the association and shall be subject to a proportionate share of maintenance expenses. A reserve fund shall be maintained to cover the costs of replacement and repair.

107. A covenant or deed restriction shall be recorded with each lot requiring the property owner to properly maintain the front yard landscaping, and street trees, and to replace any dead or dying plant material (over thirty percent of the plant dead) within fifteen days of first notification.

108. A provision that if the property owners' association fails to maintain the landscaping and irrigation in all common areas for which it is responsible so that owners, their families, tenants, or adjacent owners will be impacted in the enjoyment, use or property value of the project, the City shall have the right to enter upon the project and to commence and complete such work as is necessary to maintain the common areas and private streets, after reasonable notice, and lien the properties for their proportionate share of the costs, in accordance with Section 10-3.385 of the Hayward Subdivision Ordinance.

Landscape and Lighting District Zone 13

109. Prior to issuance of the first certificate of occupancy for either a single family home or a townhome building, the developer shall form a Landscape and Lighting District (LLD) or annex into LLD Zone 13 to provide funding for operations, maintenance and servicing of landscaping and lighting improvements in public rights-of-way and public areas as follows (all interior improvements and amenities are to maintained by the HOA):

a) The Water Tower Park and linear parks;

b) Park strips and parkway landscaping (shrubs and ground cover within planter areas) and irrigation;

c) All street trees;

d) All street lights;

e) All paved walkways (sidewalks);

f) Bio-retention within public rights-of-way and parks; and

g) Surface maintenance of decorative concrete walls with the development -- this maintenance includes painting, cleaning, graffiti removal, and minor surface repair as determined during review and approval of the Precise Plan.

110. Prior to approval of the final map, the developer shall provide a $10,000 deposit to the City to cover the costs associated with formation and annexation of the Landscape and Lighting District.

Homeowners association

111. Prior to the sale of any parcel, or prior to the acceptance of site improvements, whichever occurs first, Condominium Plan, and Conditions, Covenants and Restrictions (CC&R's) creating homeowners association for the residential component of the property shall be reviewed and approved by the Planning Director and City Attorney and recorded. The CC&R's shall describe how the stormwater BMPs associated with privately owned improvements and landscaping shall be maintained by the association. The CC&Rs shall include the following provisions:

a) Each owner shall automatically become a member of the association(s) and shall be subject to a proportionate share of maintenance expenses.

b) A reserve fund shall be maintained to cover the costs of improvements and

landscaping to be maintained by the Association(s).

c) The association shall be managed and maintained by a professional property management company.

d) The homeowners association(s) shall own and maintain on-site storm drain systems.

e) The homeowners association(s) shall maintain the common area irrigation system and maintain the common area landscaping in a healthy, weed–free condition at all times. The home owner's association(s) representative(s) shall inspect the landscaping on a monthly basis and any dead or dying plants (plants that exhibit over 30% die-back) shall be replaced within fifteen days of notification to the homeowner. Plants in the common areas shall be replaced within two weeks of the inspection. Trees shall not be severely pruned, topped or pollarded. Any trees that are pruned in this manner shall be replaced with a tree species selected and size determined by the City Landscape Architect, within the timeframe established by the City and pursuant to the Hayward Municipal Code.

f) A provision that if the homeowners association fails to maintain the decorative walls, landscaping and irrigation in all common areas for which it is responsible so that owners, their families, tenants, or adjacent owners will be impacted in the enjoyment, use or property value of the project, the City shall have the right to enter upon the project and to commence and complete such work as is necessary to maintain the common areas and private streets, after reasonable notice, and lien the properties for their proportionate share of the costs, in accordance with Section 10-3.385 of the Hayward Subdivision Ordinance.

g) A requirement that the building exteriors and fences shall be maintained free of graffiti. The owner's representative shall inspect the premises on a weekly basis and any graffiti shall be removed within 72 hours of inspection or within 72 hours of notification by the City.

h) A tree removal permit is required prior to the removal of any protected tree, in accordance with the City's Tree Preservation Ordinance.

i) The garage of each unit shall be maintained for off-street parking of two vehicles and shall not be converted to living or storage areas. An automatic garage door opening mechanism shall be provided for all garage doors.

j) The residents shall not use parking spaces for storage of recreational vehicles, camper shells, boats or trailers. These parking spaces shall be monitored by the homeowners association. The homeowners association shall remove vehicles parked contrary to this provision. The CC&R's shall include authority for the HOA to tow illegally-parked vehicles.

k) Individual homeowners shall maintain in good repair the exterior elevations of their dwelling. The CC&Rs shall include provisions as to a reasonable time period that a unit shall be repainted, the limitations of work (modifications) allowed on the exterior of the building, the formation of a design review committee and its power to review changes proposed on a building exterior and its color scheme, and the right of the homeowners association to have necessary work done and to place a lien upon the property if maintenance and repair of the unit is not executed within a specified time

frame. The premises shall be kept clean and free of debris at all times. Color change selections shall be compatible with the existing setting.

l) Any future major modification to the approved site plan shall require review and approval by the Planning Commission.

m) Streetlights, pedestrian lighting, public art and the electric vehicle charging station shall be owned and continually maintained and operated by the homeowners association and shall have a decorative design approved by the Planning Director and the City Engineer.

n) Street sweeping of private streets, alleys and parking bays shall be conducted at least once a month.

o) Balconies may not be used for storage and personal items may not be draped over the railings.

p) The association shall ensure that no less than 75 percent of the units shall be owner-occupied. The CC&Rs shall further provide that the leasing of units as a regular practice for business, speculative investment or other similar purpose is not permitted. However, to address special situations and avoid unusual hardship or special circumstances, such as a loss of job, job transfer, military transfer, change of school or illness or injury that, according to a doctor, prevents the owner from being employed, the CC&Rs may authorize the governing body to grant its consent, which consent shall not be unreasonably withheld, to a unit owner who wishes to lease or otherwise assign occupancy rights to a specified lessee for a specified period.

112. The applicant or homeowners association shall maintain all fencing, parking surfaces, common landscaping, lighting, trash enclosures, drainage facilities, project signs, exterior building elevations, etc. The CC&Rs shall include provisions as to a reasonable time period that the building shall be repainted, the limitations of work (modifications) allowed on the exterior of the buildings, and its power to review changes proposed on a building exterior and its color scheme, and the right of the homeowners association to have necessary work done and to place a lien upon the property if maintenance and repair of the unit is not executed within a specified time frame. The premises shall be kept clean.

Prior to the Issuance of Certificate of Occupancy or Final Report

113. All buildings shall be designed using the California Building Codes in effective at the time of submitting building permit applications.

114. All common area landscaping, irrigation and other required improvements shall be installed according to the approved plans.

115. All tract improvements, including the complete installation of all improvements relative to streets, fencing, sanitary sewer, storm drainage, water system, underground utilities, etc., shall be completed and attested to by the City Engineer before approval of occupancy of any unit. Where facilities of other agencies are involved, such installation shall be verified as having been completed and accepted by those agencies.

116. All common area landscaping, irrigation and other required improvements shall be installed according to the approved plans.

117. All tract improvements, including the complete installation of all improvements relative to streets, fencing, sanitary sewer, storm drainage, water system, underground utilities, etc., shall be completed and attested to by the City Engineer before approval of occupancy of any unit. Where facilities of other agencies are involved, such installation shall be verified as having been completed and accepted by those agencies.

118. Park Dedication In-Lieu Fees are required for all new dwelling units. Fees shall be those in effect at the time of the Vesting Tentative Tract Map is approved. All Park dedication in-lieu fees shall be paid prior to issuance of a Certificate of Occupancy for a residential unit.

119. The developer/subdivider shall be obligated for the following additional fees. The amount of the fee shall be in accordance with the fee schedule in effect at the time Vesting Tentative Tract Map was accepted as complete, unless otherwise indicated herein:

a) Supplemental Building Construction and Improvement Tax,

b) School Impact Fee

120. Final Hayward Fire Department inspection is required to verify that requirements for fire protection facilities have been met and actual construction of all fire protection equipment have been completed in accordance with the approved plan. Contact the Fire Marshal's Office at (510) 583-4910 at least 24 hours before the desired final inspection appointment.

121. The improvements associated with the Pacific Gas and Electric Company, AT&T (phone) company and local cable company shall be installed to the satisfaction of the respective companies.

122. The Stormwater Treatment Measures Maintenance Agreement for the project, prepared by Public Works Engineering and Transportation Division staff, shall be signed and recorded in concurrence with the Final Map at the Alameda County Recorder's Office to ensure that the maintenance is bound to the property in perpetuity.

123. The subdivider shall submit an AutoCAD file format (release 2010 or later) in a CD of approved final map and 'as-built' improvement plans showing lot and utility layouts that can be used to update the City's Base Maps.

124. The applicant/subdivider shall submit an "as built" plans indicating the following:

a. Approved landscape and irrigation improvements;

b. All underground facilities, sanitary sewer mains and laterals, water services (including meter locations), Pacific Gas and Electric, AT&T (phone) facilities, local cable company, etc.;

c. All the site improvements, except landscaping species, buildings and appurtenant structures; and

d. Final Geotechnical Report.

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 10, ARTICLE 1
OF THE HAYWARD MUNICIPAL CODE BY REZONING
CERTAIN PROPERTY IN CONNECTION WITH ZONE
CHANGE APPLICATION NO. PL-2013-0084 RELATING TO
A RESIDENTIAL DEVELOPMENT AT 199 FILBERT STREET

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 located at 199 Filbert Street (APN: 431-0109-003-04) from High Density Residential/Cannery Area Special Design Overlay District 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 25th day of February, 2014, by Council Member _____.

ADOPTED at a regular meeting of the City Council of the City of Hayward held the _____ day of March, 2014, 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-2013-0084/85 ZC

Address:
199 Filbert Street

Applicant:
Michael Sullivan

Owner:
Libitzky Property Companies/ Kevin Perkins

0 100 200 300 Feet

Zoning Classifications

RESIDENTIAL

RM Medium Density Residential, min lot size 2500 sqft
RS Single Family Residential, min lot size 5000 sqft

OPEN SPACE

OS Open Space

OTHER

PD Planned Development
PF Public Facilities

Attachment IV

CITY OF
HAYWARD
HEART OF THE BAY

ENDORSED
FILED
ALAMEDA COUNTY
NOV 26 2013
PATRICK O'CONNELL, County Clerk
By _____ Deputy

November 26, 2013

Alameda County Clerk
1106 Madison Street, 1st Floor
Oakland, CA 94607

Subject: **Notice of Intent to Adopt a Mitigated Negative Declaration for Zone Change Application No. PL-2013-0084 and Vesting Tentative Tract Map Application No. PL-2013-0085 (VTM 7894) – Located on a Parcel 8.81 Acres in Size and Located at 199 Filbert Street Between Burbank Street and Palmer Avenue in the Cannery Area, Hayward**

Dear Mr. O'Connell,

Please post this letter with the attached Mitigated Negative Declaration and Initial Study for a period of 20 days to conform to CEQA Guideline Section 15072. The specific posted comment period is from Wednesday November 27, 2013 to Monday December 16, 2013.

The Planning Commission of the City of Hayward has scheduled a public hearing on Thursday, December 19, 2013, at 7:00 p.m., Council Chambers, 2nd Floor, City Hall, 777 B Street, Hayward, to obtain citizen input on the proposed project and the Mitigated Negative Declaration and Initial Study. A copy of the staff report can be viewed on the City's website at www.hayward-ca.gov after December 13, 2013.

Following the Planning Commission public hearing this matter will then be heard by the City Council. Notice of the City Council hearing will be sent out at a later date. The Planning Commission can either recommend approval to the City Council or deny the application. If denied, the denial action is appealable. The appeal period is 10 days from the date of the decision. If recommended for approval or appealed, a public hearing will be scheduled before the City Council for final decision. Notice of the City Council hearing will be sent out at a later date.

If the Mitigated Negative Declaration is approved, a copy will be sent to the General Business Division of your office for recordation. If you have any questions, please contact me at (510) 583-4210 or e-mail me at damon.golubics@hayward-ca.gov.

Sincerely,

Damon Golubics
Senior Planner

DEVELOPMENT SERVICES DEPARTMENT
PLANNING DIVISION

777 B STREET, HAYWARD, CA 94541-5007
TEL: 510/583-4200 • FAX: 510/583-3649 • TDD: 510/247-3340 • WEBSITE: www.hayward-ca.gov

CITY OF
HAYWARD
HEART OF THE BAY

DEPARTMENT OF DEVELOPMENT SERVICES
Planning Division

INITIAL STUDY CHECKLIST

Project Title: Cannery Place Residential

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

Contact person: Damon Golubics, Senior Planner, (510) 583-4210

Project location: 199 Filbert Street, Hayward, CA 94541

Project Sponsors
Name and Address: Mike Sullivan, Sullivan Development Group, LLC, 142 Pine Wood Lane, Los Gatos, CA 95032

Existing General Plan Designation: HDR – High Density Residential

Existing Zoning: High Density Residential (RH/SD4)

Background and Introduction: This Initial Study of environmental impacts is being prepared to meet the requirements of the California Environmental Quality Act (CEQA), the CEQA Guidelines (Title 14, California Code of Regulations Section 15000 et. seq.) and the regulations and policies of the City of Hayward. This Initial Study evaluates the potential environmental impacts that might reasonably be anticipated to result from the demolition of a warehouse and the construction of 157 residential units with associated surface parking on an 8.8-acre site in the City of Hayward. The environmental analysis for this project is tiered from the *2001 Hayward Cannery Area Design Plan Environmental Impact Report* (HCADP EIR), which was prepared pursuant to CEQA Guidelines Section 15168 and disclosed program-level, project-specific, and cumulative environmental impacts from future development in the project area.

Per CEQA Guidelines §15152, "tiering" is the use of program-level analysis contained within a broad EIR (in this case the HCADP EIR) and the focus of subsequent project-level environmental review on issues specific to that project. Tiering is considered appropriate when the sequence of analysis is from an EIR prepared for a broad project such as a Specific Plan to a site-specific EIR or Negative Declaration. CEQA Guidelines §15152(d) states that environmental review for the later projects should be limited to affects which:

1) Were not examined as significant effects on the environment in the prior EIR; or,

2) Are susceptible to substantial reduction or avoidance by the choice of specific revisions in the project, by the imposition of conditions, or other means.

This Initial Study should be read in conjunction with the HCADP EIR (State Clearinghouse # 2001032099), which is hereby incorporated by reference. City staff has determined that the FEIR for the Cannery Area remains relevant and that impacts and mitigations from the FEIR may be used for tiering purposes. The purpose of this Initial Study is to evaluate the potential environmental impacts of the project in light of the findings of the HCADP EIR and to determine what level of environmental review, if any, is required for the proposed project. Mitigation measures that were identified in the HCADP EIR that apply to the proposed project would be required to be implemented as part of the project. These mitigation measures may be further clarified in this Initial Study to address project-specific impacts and any environmental changes or setting changes that have occurred since the FEIR was published.. Project-specific mitigation measures for new potentially significant impacts that were not previously identified in the HCADP EIR would also be required to be implemented as part of the proposed project.

Project Description: The 8.8-acre project site (APN 431-109-3-4) is located near the northern boundary of the City of Hayward. The site is developed with a 225,000 square foot warehouse and paved surface parking/truck loading areas. The project site is surrounded by residential development to the east, south, and west, and an elementary school across Burbank Street to the north. See Figures 1, 2, and 3 below for further detail on the site location.

The project proposes to demolish all existing facilities on the site and to construct 157 residential units consisting of 52 single-family residences and 105 townhomes. The townhomes would be constructed in 17 separate buildings, each of which would support between five (5) and nine (9) units. The three-story single-family residences would be approximately 20-30 feet tall at the roof eaves, while the three-story townhome buildings would reach heights of approximately 30 feet. The project would include 336 parking spaces in private garages and on private streets, four (4) driveway spaces, plus 28 on-street parking spaces on private property adjacent to Burbank Street.

The project site is currently zoned *High Density Residential – SD4 (RH/SD4)* in the Cannery Area Special Design District and has a General Plan designation of *High Density Residential (HDR)*. Typical density for the HDR land use designation is between 17.4-34.8 dwelling units per net acre. With a proposed residential density of 17.8 dwelling units per acre (du/ac), the project is consistent with the General Plan designation. The type, location, and density of the residential development is consistent with the HCADP and zoning, with the following exceptions: the residential density is 17.8 du/ac rather than the 25-30 du/ac envisioned by the HCADP. In addition, the project proposes no live-work development in the northern block of the site. In order to accommodate the proposed density and mix of single-family and multi-family housing, the project proposes a rezoning to *Planned Development (PD)*.

As shown in the proposed site plan, on-site circulation would be provided by multiple private streets and drive aisles. Two private streets would connect directly to Filbert Street and indirectly to Palmer Avenue via an on-site drive aisle. Improvements to Palmer Avenue to connect Parkhurst Street (west of the site), Morrow Street (south of the site), and Meek Avenue (southeast of the site) were envisioned in the HCADP and its FEIR; these improvements have been approved and are underway.

Existing on-site vegetation is limited to street trees and landscaping along both Filbert Street and Parkhurst Street, as well as two medians on surface parking lots. The proposed project would remove this vegetation and plant new shrubs, landscaping, and trees on the project site. The project would also construct a park adjacent to Parkhurst Street that would include game tables, benches, three exercise stations, lawns, and a jogging trail. The park would contain bio-retention facilities along the east and west sides to treat stormwater runoff.

Requested Local Approvals: The following actions by the Lead Agency are necessary to carry out the project and are considered the whole of the action for which this initial study/MND is being prepared:

- Planned Development Zoning: The High Density Residential (RH/SD4) zoning district permits multiple-family units by right and single family residential units through processing of an administrative use permit. Approval of a Planned Development zoning is required to allow for the proposed density, minimum lot sizes, setbacks and private road widths.

- Site Plan Review: The zoning regulations require Site Plan Review when a project materially alters the appearance and character of the property or area or may be incompatible with City policies, standards and guidelines.

- Vesting Tentative Map: (Vesting Tentative Tract Map No. 7894) A map for Lots 1 through 69. The total number of single family units shall be no more than 52 for lots 1 through 52.

- Precise Development Plan: The City of Hayward Planning Director and City Engineer would review the Precise Development Plan for conformance with the Planned Development Zoning.

- Building Permit: (Hayward Municipal Code 07-17) The City of Hayward Development Services Department would review the proposed construction activities.

- Encroachment Permit: [Hayward Municipal Code, Article 2 (Streets)] The City of Hayward Public Works Department would review proposed construction activities associated with the project's utility and driveway improvements within Burbank Street, Filbert Street, Palmer Street, and Parkhurst Street and grant encroachement permits as needed.

Surrounding land uses and setting: The project site is surrounded by residential development to the east, south, and west, and an elementary school to the north-northwest.

Other public agencies whose approval is required:

California Regional Water Quality Control Board or Department of Toxic Substances Control (Clearance Letter)

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.

☐	Aesthetics	☐	Agriculture and Forestry Resources	☒	Air Quality
☒	Biological Resources	☒	Cultural Resources	☒	Geology /Soils
☐	Greenhouse Gas Emissions	☒	Hazards & Hazardous Materials	☐	Hydrology / Water Quality
☐	Land Use / Planning	☐	Mineral Resources	☒	Noise
☐	Population / Housing	☒	Public Services	☐	Recreation
☐	Transportation/Traffic	☐	Utilities / Service Systems	☒	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.

Damon Golubics, Senior Planner — Date: 11/26/13

Figure 1 Regional Map

Figure 2 Vicinity Map

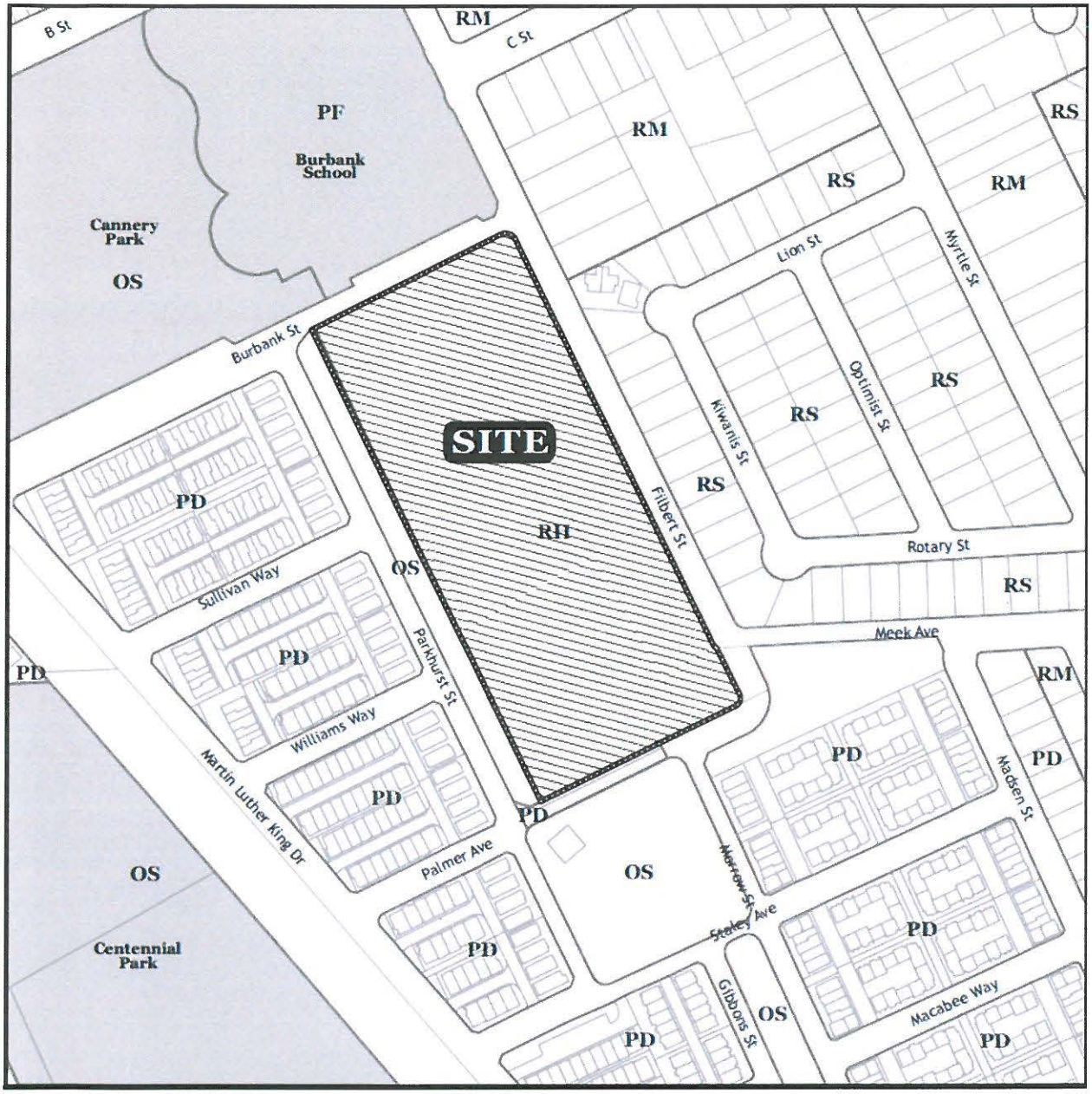
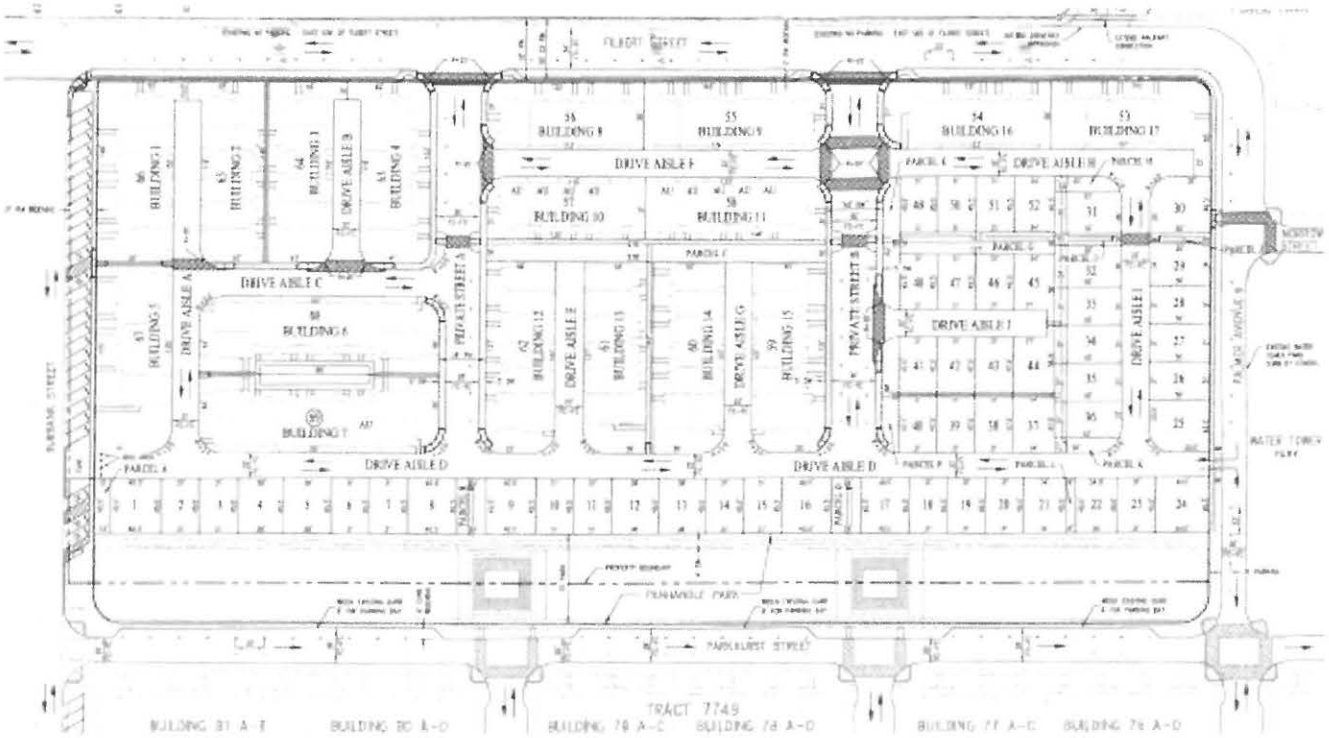


Figure 3 Aerial Photograph and Surrounding Land Uses

Figure 2: Aerial Photograph and Surrounding Land Uses
Source: Aerial Photograph, Google Earth, Aug 26th 2013

Figure 4 Proposed Site Plan



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:** *The project replaces an existing warehouse with residential development and would not adversely affect a scenic vista. As discussed in Section 4.1 Aesthetics and Light and Glare in the HCADP EIR, views of the Hayward Hills may be more available from the west due to breaks between buildings along proposed residential blocks and from public open space. This issue was adequately addressed in the HCACP EIR and does not require mitigation or avoidance. No scenic resources exist in the area, and the project site is located in an urbanized setting, and the surrounding area is entirely developed; thus, no impact.*	☐	☐	☐	☒
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway? **Comment:** *The project site is not located near a state scenic highway. No scenic resources exist in the area and the project site is located in a developed, urbanized setting. The on-site warehouse is not considered historically significant. The project would result in the removal of street and median trees. Since the project proposes to replace the existing trees and plant new landscaping on-site with specifics location and size approved by the City Landscape Architect, impacts to scenic resources would be less than significant. This issue was adequately addressed in the HCACP EIR and does not require mitigation or avoidance. Because new landscaping will be installed and replacement trees will be planted on the site, impacts to scenic resources would be considered less than significant: no mitigation is required.*	☐	☐	☒	☐
c) Substantially degrade the existing visual character or quality of the site and its surroundings? **Comment:** *The project site*	☐	☐	☒	☐

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
consists of paved parking lots, a warehouse, and landscaping along Filbert Street. The design of the proposed project would be compatible with the recently-constructed multi-family and single-family residential buildings to the west and south of the project site. The project proposes a landscape plan that will result in more trees and vegetation than currently exist on the project site and includes public open space in a panhandle park south.[1] *Final landscape and lighting plans are to be approved by the City Landscape Architect prior to issuance of a building permit and shall be installed and pass inspection with any first phase. Therefore the proposed project would not substantially degrade the visual character of the project area. This impact was adequately addressed in the HCACP EIR and does not require mitigation or avoidance. The project will add a different visual character to the site and area but this aesthetic change is considered less than significant; no mitigation is required.*				
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area? **Comment:** *The project site consists of paved parking lots, a warehouse, and landscaping along Filbert Street. The existing street lights along the public perimeter streets would continue to be maintained by the City of Hayward Lighting and Landscape District Zone 13. Street lights on private drive aisles would be privately maintained. The proposed project would comply with the City's Municipal Code and design requirements relating to aesthetics, light, and glare.*	☐	☐	☒	☐
The project site is located in an urbanized setting and the surrounding area is entirely developed. The proposed project would add light to this area, but the amount is considered less than significant given the surrounding developed area and the existing light coming from the project site. This issue was adequately addressed in the HCACP EIR and does not require additional mitigation or avoidance measures. The proposed attached single-family project will add some additional light to this area, but the amount is considered less than				

[1] Zone Change Application PL-2013-0084 and Tentative Tract Map Application PL-2013-0085(Tract 7894). Cannery Place (Libitzky Property). Project plans dated March 6, 2013. Pages L-1 through L-4.

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
significant given the surrounding developed area; no mitigation is required.				
Sources: *Hayward Cannery Area Design Plan EIR* *Project Description and Plans*				
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 site is designated 'Urban and Built-Up Land' in the Alameda County Important Farmland map.*[2] *Land of this designation is occupied by structures with a building density of at least one unit to 1.5 acres. There is no farmland on or near the project site and any redevelopment of the site would have no impact on farmland of any type. This issue was adequately addressed in the HCACP EIR and does not require mitigation or avoidance. The project site is not zoned for agricultural uses, and there are no agricultural resources in the area. The project does not involve any Prime Farmland, Unique Farmland or Farmland of Statewide Importance; thus, no impact.*	☐	☐	☐	☒

[2] California Department of Conservation. *Alameda County Important Farmland 2010.* Map. April 2011. Available at: http://redirect.conservation.ca.gov/DLRP/fmmp/product_page.asp

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract? **Comment:** *Historically the site was used for orchards and food production, however the existing warehouse was constructed by 1952 and the site has been developed since. The project site is not located in an agricultural zoning district nor is it subject to a Williamson Act contract. The project site is not zoned for agricultural uses nor under a Williamson Act contract; thus, no impact.*	☐	☐	☐	☒
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 site is located in an urban area, is not zoned or designated forestland or timberland andthe site has been fully developed with an existing warehouse building and parking lot. The project does not involve the rezoning of forest land or timberland; thus, no impact.*	☐	☐	☐	☒
d) Result in the loss of forest land or conversion of forest land to non-forest use? **Comment:** *There are no forest lands in this area, and the project does not involve the loss or conversion of forest land. The project does not involve the loss of forest land or involve conversion of forest land; thus, 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:** *The project does not involve, nor is it located near, any commercially operated agricultural lands. The project is not located near any forest land. There is no impact to Farmland or forest land. The project does not involve changes to the environment that could result in conversion of Farmland or forest land;*	☐	☐	☐	☒

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
thus no impact.				
Sources: *Hayward Cannery Area Design Plan EIR* *Project Description and Plans* *Alameda County Important Farmland Map, 2010*				
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:** *The BAAQMD's 2010 Clean Air Plan is the latest Clean Air Plan which contains district-wide control measures to reduce ozone precursor emissions (i.e., reactive organic gases (ROG) and nitrogen oxides (NOx)), particulate matter and greenhouse gas emissions. Asbelow, development under the project would not result in potentially significant air quality impacts after the application of mitigation measures included in the project. The project will not conflict with existing air quality management plans or reasonable further progress in meeting air quality standards, and will assist the region in meeting its air quality goals by providing denser housing near transit services. The project is near transit and pedestrian facilities, includes the provision of bicycle parking, and would not interfere with the implementation of control measures in the 2010 Clean Air Plan. There is an existing Amtrak platform on the south side of A Street at Meekland Avenue, the Hayward Bay Area Rapid Transit District (BART) station is east of the project site and AC Transit provided bus service along the major roadways adjacent to the project site. AC Transit bus routes 37, 83 and 85 run along A Street and routes 22, 85 and 86 run along W. Winton Avenue; thus, the project will have a less than significant impact, no mitigation required.*	☐	☐	☒	☐
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation? **Comment:** *The Bay Area Air Quality Management District (BAAQMD) has established screening criteria as part of its CEQA guidance to assist in determining if a proposed project could result in potentially significant air quality impacts.*	☐	☒	☐	☐

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Based on the District's criteria (thresholds of significance; 1999 and 2011), the proposed project screens below levels that would require additional evaluation for criteria pollutants; therefore the proposed project will not violate any air quality standard for these pollutants. Implementation of the project could result in short-term air quality impacts during construction. The source of these impacts would include dust generated by demolition, clearing, and grading and exhaust emissions from construction equipment.				
Based upon an analysis of construction period emission prepared by Illingworth & Rodkin (September 2013), construction of the project would exceed the BAAQMD threshold for Toxic Air Contaminants (TACs), particularly diesel particulate matter (DPM) at the closest sensitive receptors. In order to reduce construction impacts to below the BAAQMD's threshold, the September 2013 community health risk assessment recommended basic measures to control dust and exhaust during construction and the use of California Air Resources Board (CARB) Tier 2 Certified or better for all diesel powered equipment (≥ 50 horsepower). Construction impacts were addressed in the HCACP EIR and further mitigation will avoid or reduce the impact. Implementation of the following measures would reduce construction air quality impacts associated with dust and TACs to a less than significant level with mitigation.				
Mitigation Measure 1:				
During any construction period ground disturbance, the contractor shall implement the following:				
• *All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered at least two times per day, and more often if dust is airborne;*				
• *All haul trucks transporting soil, sand, or other loose material off-site shall be covered;*				
• *All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is*				

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
prohibited; • *All vehicle speeds on unpaved roads shall be limited to 15 mph and signed accordingly;* • *All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders approved by the City Landscape Architect are used;* • *Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes. Clear signage shall be provided for construction workers at.all access points;* • *All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation; and* • *Post a publicly visible sign with the telephone number and person to contact at the Lead Agency regarding dust complaints. This person shall respond and take corrective action within 48 hours. The Air District's phone number shall also be visible to ensure compliance with applicable regulations.* *Construction equipment selection shall include the following:* • *Diesel-powered construction equipment larger than 50 horsepower on site for more than 2 days continuously shall meet U.S. EPA particulate matter emissions standards for Tier 2 engines or equivalent; or the construction contractor shall use other measures to minimize construction period diesel particulate matter emissions to reduce the predicted cancer risk below the threshold. Such measures may include the use of alternative-powered equipment (e.g., LPG-powered forklifts), alternative fuels (e.g., biofuels), added exhaust devices, or a combination of measures, provided that these measures are approved by the lead agency; and* • *Minimize the number of hours that equipment will operate including the use of idling restrictions.*				

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Implementation of these mitigation measures would reduce construction air quality impacts associated with dust and TACs to a less than significant level.				
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:** *The BAAQMD's 2010 Clean Air Plan is the latest Clean Air Plan which contains district-wide control measures to reduce ozone precursor emissions (i.e., reactive organic gases (ROG) and nitrogen oxides (NOx)), particulate matter and greenhouse gas emissions. Development under the project would not result in potentially significant air quality impacts after the application of mitigation measures included in the project. The project is near transit and pedestrian facilities, includes the provision of bicycle parking, and would not interfere with the implementation of control measures in the 2010 Clean Air Plan; The project would result in a less than significant cumulative impact to air quality from criteria air pollutants and precursor emissions; thus, no mitigation required.*	☐	☐	☒	☐
d) Expose sensitive receptors to substantial pollutant concentrations? **Comment:** *Based upon a Community Risk Assessment prepared by Illingworth & Rodkin (September 5, 2013), future residents would not be exposed to substantial health risks from rail traffic on the Union Pacific Railroad tracks 500 feet to the west or cumulative effects from stationary sources in the project vicinity. Additional discussion above explains exposure to sensitive receptors and substantial pollutant concentrations. With Mitigation Measure 1 above, the project will have a less than significant impact.*	☐	☐	☒	☐
e) Create objectionable odors affecting a substantial number of people? **Comment:** *This issue was adequately addressed in the HCACP EIR and does not require mitigation or avoidance. The proposed residential development would not be considered a use that would create objectionable*	☐	☐	☐	☒

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
odors nor would it be located in proximity to an existing source of objectionable odors; thus, no impact.				
Sources: *Hayward Cannery Area Design Plan EIR* *Project Description and Plans* *Illingworth & Rodkin, Cannery Place- Tract 7894* *Community Risk Assessment and Greenhouse Gas Analysis, September 5, 2013.*				
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:** *The project site has been fully developed since 1952. Existing vegetation on-site and along the surrounding streets is ornamental and does not provide habitat for any special status species. The site is located in an urban, developed area and there are no sensitive biological resources in the vicinity. This issue was adequately addressed in the HCACP EIR and does not require mitigation or avoidance. The project would not affect any listed species or the habitat of any listed species; thus, no impact*	☐	☐	☐	☒
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:** *In the vicinity of the site, Sulphur Creek is contained in underground pipes. The nearest waterway is Ward Creek, approximately 3,000 feet east of the project site. Construction and operation of the proposed project would not affect this waterway. No other sensitive natural communities are located in the project area.*	☐	☐	☐	☒
Surface runoff from the site will be treated (e.g., bio-retention) before release to the storm drain system and no adverse impacts to downstream habitats on Sulphur Creek are expected as a result of the project. Best Management Practices (BMPs)				

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
and Low Impact Development (LID) measures will be required of the project by the City of Hayward to improve surface water quality. This issue was adequately addressed in the HCACP EIR and does not require mitigation or avoidance. The project will not affect adjacent creeks or nearby waterways due to both distance from the neareast waterway and due to the BMPs and LID measures that will be incorporated into the project and the development site is not adjacent to or in the vicinity of any significant biological resources affecting any habitats that have been determined as sensitive natural communities; thus, no impact.				
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:** *The project site has been fully developed since 1952 and is primarily impervious. There are no wetlands in the vicinity of the project site; thus, the project would have no impact on any wetlands.*	☐	☐	☐	☒
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:** *The project site is located in an urban, developed area of the City of Hayward. Surrounding properties contain residences, paved parking lots, streets, and landscaping. The project site, located in urban habitat, will not interfere with the movement of migratory fish or wildlife corridors. Limited habitat for nesting birds is provided by street and landscape trees on the Filbert Street frontage and in the warehouse parking lot. Though biological resources are limited, street and landscape trees could support nests for migratory and nesting birds.*	☐	☒	☐	☐
As noted in the HCADP EIR, nesting raptors and other migratory birds are protected under the Migratory Bird Treaty Act and California Fish and Game Code Sections 3503, 3503.5, and 2800. Migratory birds may utilize the trees on-site or adjacent to the site for foraging or nesting. Construction disturbance near nests can result in				

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
the incidental loss of fertile eggs or nestlings, or otherwise lead to nest abandonment. The loss of mature trees along the Filbert Street frontage and in the parking lot could result in birds having to relocate to another site. Relocation of migratory birds would not by itself be significant, but disturbance that causes abandonment and/or loss of reproductive effort is considered a taking by the California Department of Fish and Wildlife (CDFW).				
The project will implement the following mitigation measure to reduce potentially significant impacts to migratory and nesting birds, and as a result, all impacts will be less than significant with mitigation.				
Mitigation Measure 2: • *Tree removal shall be scheduled to avoid the nesting season and shall occur after chicks fledge. The nesting season for most birds, including most raptors in the San Francisco Bay area, extends from February through August.*				
• *If it is not possible to schedule demolition and construction between September and January, pre-construction surveys for nesting birds shall be completed by a qualified ornithologist to ensure that no nests will be disturbed during project implementation. This survey shall be completed no more than 14 days prior to the initiation of construction activities during the early part of the breeding season (February through April) and no more than 30 days prior to the initiation of these activities during the late part of the breeding season (May through August). The survey shall be submitted to the City of Hayward Planning Division prior to any tree trimming or removal.*				
• *During this survey, the ornithologist will inspect all trees and other possible nesting habitats immediately adjacent to the construction areas for nests. If an active nest is found sufficiently close to work areas to be disturbed by construction, the ornithologist, in consultation with CDFW, will determine the extent of a construction-free buffer zone to be*				

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
established around the nest, typically 250 feet, to ensure that raptor or migratory bird nests will not be disturbed during project construction and this information shall be provided in writing to the City of Hayward Planning Division..				
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance? **Comment:** *Sections 10-15.10 through 10-15.31 of the Hayward Municipal Code detail the City of Hayward Tree Preservation requirements. The City of Hayward protects trees having a minimum trunk diameter of eight inches or more (measured 54 inches above the ground), street trees, memorial trees, trees that were planted as replacements for protected trees, and trees of certain species[3] that have a trunk diameter of four inches or more. Protected trees require a permit for removal and all removed trees must be replaced with "like-size, like-kind trees" and approved by the City of Hayward Landscape Architect.*				
The proposed project would require the removal of protected trees from portions of the Filbert Street frontage. Trees in the parking lot may also be protected due to size. The project proponent would obtain a Tree Removal Permit from the City and comply with all requirements for tree replacement. The project's landscape plans detail the location of trees that would be planted as part of the project. If there is insufficient space for on-site replacement mitigation, the project would plant trees off-site based on the judgment of the City Landscape Architect or his or her designated representative. The project proponet will be required to comply with all provisions of the City's Tree Ordinance, including planting of replacement trees. The proposed would implement the following measure to reduce potentially significant impacts to protected trees to a less than significant level.	☐	☒	☐	☐
Mitigation Measure 3: *Final landscape plans shall be reviewed and*				

[3] The following tree species with a trunk diameter of four inches or more are protected under the City of Hayward Tree Preservation Ordinance: Big Leaf Maple, California Buckeye, Madrone, Western Dogwood, California Sycamore, Coast Live Oak, Canyon Live Oak, Blue Oak, Oregon White Oak, California Black Oak, Valley Oak, Interior Live Oak, and California Bay.

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
approved by the City of Hayward Landscape Architect prior to issuance of buidling permits for the project. All applicable requirements shall be followed and all permits obtained as required by the City's Tree Ordinance. Final landscape plans shall clearly identify all "protected trees," all trees to be removed from the project site and the size, location, type and species of all replacement trees.				
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:** *This issue was adequately addressed in the HCACP EIR and does not require mitigation or avoidance. There are no adopted Habitat Conservation Plans or Natural Community Conservation Plans affecting the project site, and none are under consideration that include the project site; thus, no impact.*	☐	☐	☐	☒
Sources: *Hayward Cannery Area Design Plan EIR* *Project Description and Plans*				
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:** *The on-site warehouse was constructed in 1952 by Hunt Foods for use as a storage and workforce housing building. The first Hunt Brothers' Cannery was developed in 1896 adjacent to the railroad tracks between A and B Streets, at the location of what is now Cannery Park. Residential development along lower B Street near the site of the former Hunt Brothers' Cannery dates back to the early 1900s. Historically, rails from the Southern Pacific railroad extended from the Hunt Brothers' Cannery to downtown Hayward along B Street. The B Street Historic Streetcar District was identified as potentially eligible for the California Register of Historical Resources in a 2010 Historical Resources Survey and Inventory, as noted below.*	☐	☐	☒	☐
At the turn of the 20th century, these agricultural facilities and associated railroads led to a population and development boom in Hayward.				

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Agribusiness growth continued to accelerate in the beginning of the 20th century, both in Hayward and in the Santa Clara Valley to the south.[4] *Between 1890 and 1920, Santa Clara Valley was the leading fruit and vegetable canning center in the United States.*[5] *Hayward, though not part of the Santa Clara Valley, experienced similar economic growth from agribusiness until World War II. After World War II, land in Hayward became more valuable and agricultural businesses moved toward the California Central Valley.*[6] *The existing warehouse was constructed in 1952. Therefore the existing building was not constructed during the period of significance (1890-1920) for agricultural processing facilities in this region.*				
The Hunt water tower adjacent to the south corner of the project site was identified as potentially eligible for the California Register of Historical Resources in the 2010 survey.[7] *In 2001, the City of Hayward designated the Hunt's water tower an Architecturally and Historically Significant Building.*[8] *The proposed project would not affect the Hunt's water tower located south of the project site on the south side of Palmer Avenue as part of a new park..*				
As referred to above, in 2010 a reconnaissance-level Historical Resources Survey and Inventory Report was prepared for the City of Hayward by Circa Historic Property Development. *The survey was completed for a 'Focus Area' of the City, which included the project site. According to the report, "all properties within the survey bounds built up to and including 1959 were surveyed to accommodate the 50-year mark for potential historic properties."*[9] *The Report also indicates that evaluation of individual properties was not within the scope of the survey.*				

[4] Circa: Historic Property Development. *City of Hayward Historical Resources Survey & Inventory Report.* July 2010, page 14.
[5] William Self Associates. *Historic Evaluation Report: Cinnabar Commons Project, City of San José, Santa Clara County, California.* May 2001.
[6] Circa: Historic Property Development. *City of Hayward Historical Resources Survey & Inventory Report.* July 2010. page 14.
[7] Circa: Historic Property Development. *City of Hayward Resources Survey & Inventory Report*. July 2010. Page 14.
[8] Ibid, p. 32.
[9] Ibid, p. 6.

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
The sole building on the site—a warehouse--was not identified as a potentially historical resource in either the 2001 HCADP EIR or the 2010 City of Hayward Historical Resources Survey and Inventory Report. Associated agricultural processing facilities that used to surround the project site including the Hunt Brothers' Cannery and the Pacific Vinegar and Pickle Works date back to 1896 and 1903, respectively. These structures have since been demolished and redeveloped with single- and multi-family residential development, parks, and an elementary school. *CEQA Guidelines §15064.5 defines historical resources as resources that are a) listed in or eligible for the California Register of Historical Resources, b) included in a local register, or c) determined by the Lead Agency to be historically significant. The warehouse is not listed in the State or local registers for historic resources and was not identified as eligible in either the 2001 HCADP EIR or the 2010 Historical Resources Survey. Based on the fact that the surrounding former cannery properties have all been redeveloped and that the building was not constructed during its period of significance, the existing warehouse is not eligible for the State Register. The City of Hayward has determined that the building is not historically significant. Impacts to historical resources were addressed in the HCACP EIR and the conclusions regarding the significance of the warehouse building have not changed. Demolition of the existing warehouse would not constitute a significant impact to an historic resource; no mitigation required.*				
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to § 15064.5? **Comment:** *The HCADP EIR found that there is moderate potential for the presence of subsurface archaeological resources in the project area. The project will implement Mitigation Measure 4 below, originally included in the HCADP EIR and expanded, and as a result, all impacts will be less than significant with mitigation.*	☐	☒	☐	☐

Mitigation Measure 4:
In the event human remains, archaeological

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
resources, prehistoric artifacts are discovered during construction 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 material is significant prior to resuming groundbreaking construction activities. Standardized procedures for evaluating accidental finds and discovery of human remains shall be followed as prescribed in Sections 15064 and 151236.4 of the California Environmental Quality Act.				
Standard procedures for grading operations would be followed during development, which require that if such remains or resources are discovered grading operations are halted and the resources/remains would be evaluated by a qualified professional, documented and preserved off-site. These standard measures will be conditions of approval should the project be approved; thus this impact would be less than significant with mitigation incorporated in the project. This impact was addressed in the HCADP EIR and this mitigation will avoid or reduce the impact to a less than significant level.				
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature? **Comment:** *No known paleontological resources or unique geologic features exist on or near the site. Implementation of the mitigation measure listed above would reduce impacts to unknown subsurface resources to a less than significant level. The project will implement Mitigation Measure 4, and as a result, all impacts will be less than significant with mitigation.*	☐	☒	☐	☐
d) Disturb any human remains, including those interred outside of formal cemeteries? **Comment:** *There are no records of any human remains located on the project site. Northwest Information Center records obtained for the HCADP EIR indicate that there are two Native American archaeological sites in the Downtown Hayward Redevelopment Area, but neither are located within the Hayward Cannery Area. Implementation of the Mitigation Measure 4 would reduce the potential impacts to human remains to a*	☐	☒	☐	☐

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
less than significant level. The project will implement Mitigation Measure 4 and as a result, all impacts will be less than significant with mitigation.				
Sources: *Hayward Cannery Area Design Plan EIR* *Project Description and Plans* *Circa Historic Property Development, Historical Resources Survey and Inventory Report, 2010* *AEI Consultants, Phase I Environmental Site Assessment, May, 2013.* *William Self Associates, Historic Evaluation Report: Cinnabar Commons Project, City of San José, Santa Clara County, California, May 2001.*				
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:				
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:** *The project site is not located within an Alquist-Priolo Fault Zone, however, it is located within a Seismic Hazard Zone. The Hayward Fault is mapped approximately one mile east of the site. The next closest fault is the Calaveras Northern Fault, approximately 8.7 miles northeast of the site. Since no faults are mapped in the vicinity of the project site and there is no evidence of faulting on-site, potential hazards to people or structures from fault rupture across the site will have a less than significant impact; no mitigation required.*	☐	☐	☒	☐
ii) Strong seismic ground shaking? **Comment:** *According to the HCACP EIR, moderate to strong ground shaking can be expected in the project area. Based on the* Geotechnical Investigation	☐	☒	☐	☐

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
completed for the proposed project by T. Makdissy Consulting, Inc, violent ground shaking is anticipated at the project site if a strong earthquake occurs along the Hayward Fault.[10] *The proposed residences would be designed and constructed in accordance with the recommendations of a design-specific geotechnical investigation and the latest California Building Code. This impact was addressed in the HCADP EIR and the following mitigation will avoid or reduce the impact:* **Mitigation Measure 5:** • *The applicant shall submit a final grading plan subject to review by the City Engineer prior to issuance of grading permits.* • *New construction will comply with the latest California Building Code and mitigation measures outlined in the Geotechnical Investigation by T. Makdissy Consulting, Inc.* • *For each building constructed in the development plan area, the required site specific geotechnical investigation shall address expansive soils and provide appropriate engineering and construction techniques to reduce potential damage to buildings.* *The project will implement this mitigation measure, and as a result, all impacts will be less than significant with mitigation.*				
iii) Seismic-related ground failure, including liquefaction? **Comment:** *According to the California Geologic Survey, the project site is located in an area with moderate liquefaction potential. Mitigation measures included in the HCADP EIR call for site specific investigation of the presence of potentially liquefiable material. A site-specific Geotechnical Investigation prepared for the project by T. Makdissy Consulting, Inc.*	☐	☐	☒	☐

[10] Geotechnical Investigation on Propsoed Residential Development, Tract 7894, Hayward, California, for Libitzky Property Companies, T. Makdissy Consulting, Inc., Project No. E 284-1, June 18, 2013

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
found that, based on the subsurface soil types and the deep groundwater level at the project site, the potential for liquefaction on the site is low. In addition, the site was not considered susceptible to differential compaction and/or ground lurching during seismic events due to the nature of the subsurface materials. Therefore the potential for substantial adverse effects from seismic-related ground failure is less than significant.				
iv) Landslides? **Comment:** *This impact was addressed in the HCADP EIR and does not require mitigation or avoidance.The project site is relatively fla, does not have sub-surface water flows and thus is not susceptible to landslides.; thus, no impact.*	☐	☐	☐	☒
b) Result in substantial soil erosion or the loss of topsoil? **Comment:** *The proposed project would result in a decrease in impervious surfaces. The site is relatively flat and erosion control measures that are typically required for such projects would minimize erosion impacts. Grading operations on the site will be based upon a final grading plan approved by the City Engineer prior to the issuance of a grading permit. The potential for substantial erosion or loss of topsoil is low and will have a less than significant impact; no mitigation required.*	☐	☐	☒	☐
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:** *The project site is relatively flat and is not susceptible to landslides. Based on the subsurface materials encountered in soil borings for the Geotechnical Investigation and the deep groundwater level, the site is not susceptible to differential compaction and/or ground lurching. Lateral spreading, which is associated with liquefaction, requires an exposed open ground face such as a cliff, river, or trench. There are no open faces near the project site therefore lateral spreading is not a risk .The potential for liquefaction is low and will have a less than significant impact; no mitigation required.*	☐	☐	☒	☐

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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:** *According to the site specific Geotechnical Investigation by T. Makdissy Consulting, subsurface soils contain low to moderately expansive clays. Approximately five feet of fill material will be place over the site once the building and pavements are removed. Fill material will be required to meet specific geotechnical criteria and construction techniques will be required to consider soil moisture, the strength of the foundation/floor systems, and separation of foundations and pavement materials. Implementation of design measures in the geotechnical investigation would reduce potential impacts from expansive soils to a less than significant level. This impact was addressed in the HCADP and the following mitigation will avoid or reduce the impact:*	☐	☒	☐	☐
Mitigation Measure 6: • *Mitigation measures to avoid the effects of expansive soils outlined in the Geotechnical Investigation shall be followed.* *The project will implement this mitigation measure to reduce expansive soil impacts, and as a result, all impacts will be less than significant with mitigation.*				
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:** *The proposed project would connect to the City's existing sanitary sewer system. No septic tanks or other alternative wastewater treatment systems would be involved. The project would have no impact related to the capacity of soils to support wastewater treatment systems; thus, no impact.*	☐	☐	☐	☒

Sources:
Hayward Cannery Area Design Plan EIR
Project Description and Plans
T. Makdissy Consulting, Inc. Geotechnical Investigation Proposed Residential Development Tract 7894, June 18, 2013.

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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:** *A September 5, 2013 analysis of greenhouse gas emissions of the project by Illingworth & Rodkin used the California Emissions Estimator Model (CalEEMod) to evaluate the GHG impacts. The Bay Area Air Quality Management District (BAAQMD) currently recommends using the CalEEMod model in lieu of the Urban Land Use Emissions Model (URBEMIS) in calculating project greenhouse gas emission and evalauating air quality. The BAAQMD establishes two quantitative significance thresholds in its CEQA Air Quality Guidelines against which a project's operational GHG emissions may be compared. If annual emissions of operational-related GHGs are calculated to be below either of the thresholds, the project would result in a less than significant GHG emissions impact. Operation of the project minus emissions from the existing use on site would exceed the bright-line-threshold of 1,100 metric tonnes (MT) of CO_2e/year in 2016. However, the per capita emission rate (3.19) is below the BAAQMD-recommended threshold of 4.6 MT of CO_2e per year per capita and the impact is considered less than significant; no mitigation required. Therefore, the impact is considered less-than-significant.*	☐	☐	☒	☐
b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases? **Comment:** *As discussed above, the project will not exceed the threshold for operational greenhouse gas emissions on as per capita basis The project is within an urban area, near transit, schools, and recreational facilities and will be constructed in compliance with the City of Hayward Green Building Ordinance and the 2013 Uniform Building Code which incorporates green technologies into building permit requirements. It consists of planned growth included in the City of Hayward General Plan and Plan Bay Area assumptions developed to meet the requirements of SB 375. Specifically, this project is within the Planned Development Areas designated by the One*	☐	☐	☒	☐

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Bay Area Plan (MTC, ABAG, BAAQMD, BCDC) which places denser new development close to transit and shopping and employment. For these reasons, the project would not conflict with plans adopted for the purpose of reducing the emissions of greenhouse gases. The impact is considered less than significant; no mitigation is required.				
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.*	☐	☐	☐	☒
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 site has been used for industrial purposes for many years and was previously used for agricultural purposes. Low levels of petroleum hydrocarbons, volatile organic compounds (VOCs), and metals in the groundwater and organochloride pesticides, petroleum hydrocarbons, and metals in the soil are likely present in the subsurface of the subject property. Subsurface sampling and analysis of soil, groundwater and soil vapor completed by AEI (August 1, 2013)[11] concluded there is no indication of a significant release of pesticides, herbicides, and PCBs throughout the property, including the railroad spur, no indication of significant residual petroleum hydrocarbons near the where the offsite underground fuel storage tank (UST) was previously located near the northwest corner of the property, and none of the VOCs detected in soil vapor exceed referenced screening levels for residential land use. Several shallow soil samples reported arsenic above a concentration above 11 mg/kg, the upper bound concentration representing naturally occurring concentrations for arsenic in California soils.*	☐	☒	☐	☐

Mitigation Measure 7:

- *The existing arsenic data for the site shall be*

[11] "Phase I Environmental Site Assessment," AEI Consultants, May 30, 2013.

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
reviewed by the San Francisco Regional Water Quality Control Board (RWQCB) or Department of Toxic Substances Control (DTSC). A Work Plan shall be prepared by the developer to describe the sampling and analysis procedures to be utilized in obtaining soil samples from specific areas of the site. The Work Plan will address arsenic contamination and remediation measures suitable for residential uses and be submitted to the Hayward Planning Division, Hayward Building Division, and to the RWQCB/DTSC for review and approval prior to the issuance of either grading permits or building permits. • *A letter approving remediation measures for known contamination from the RWQCB or DTSC outlining site history and requirements for cleanup will be submitted to the City of Hayward Fire Department (Fire Prevention Office) prior to approval of the Precise Development Plan, Improvement Plans and Building Permits. Development of the site will be conducted in accordance with the requirements identified in the RWQCB or DTSC approval letter.* • *Any contaminated soil shall be removed by properly trained and licensed personnel and contractors. Contaminated soil shall be handled by trained personnel using appropriate protective equipment and engineering and manifest controls, in accordance with local, State, and Federal laws. Contaminated soil shall be transported separate from other soil excavated at the site, and disposed at an appropriate off-site facility in accordance with its characteristics or mitigated by an alternative method, with approval from the RWQCB or DTSC, as appropriate.* • *In addition to the above sampling mitigations, a Site Management Plan (SMP) shall be developed to establish management practices for handling contaminated soil or other materials if encountered during construction activities. The SMP shall be reviewed and approved by the City of Hayward Fire Department (Fire Prevention and Hazardous materials Office) prior to commencing construction activities.* • *Each contractor working at the site shall*				

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
prepare a health and safety plan (HSP) that addresses the safety and health hazards of each phase of site operations that includes the requirements and procedures for employee protection. These plans shall be provided to the City of Hayward Fire Department (Fire Prevention and hazardous Materials Office) prior to the issuance of grading or building permits. • *If evidence of a currently unknown historic release of hazardous materials (e.g., underground storage tanks, buried debris, contamination) is discovered during excavation, work shall be stopped in the immediate area and water/soil samples would be collected and analyzed by a qualified environmental professional to determine the type and extent of release and potential health effects. The analytical results would be compared against applicable hazardous waste criteria, and if necessary, the investigation would provide recommendations regarding management and disposal of affected soil and/or groundwater. Any contaminated soil and/or groundwater found in concentrations above developed threshold criteria shall be removed and disposed of according to California Hazardous Waste Regulations. The Hayward Fire Department must be notified and the situation remedied in accordance with local, county, state, and RWQCB or DTSC requirements.* *The project will implement this mitigation measure to reduce 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, and as a result, all impacts will be less than significant with mitigation.* ***Comment:*** *The warehouse building was constructed prior to regulations limiting the use of asbestos-containing building materials and lead-based paint. These materials and compounds could be encountered during demolition of the warehouse.*				

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Mitigation Measure 8: • *All potentially friable asbestos-containing materials shall be removed and disposed of by a State-registered asbestos abatement contractor in accordance with state and federal regulations. Handling materials containing more than one (1) percent asbestos are also subject to Bay Area Air Quality Management District (BAAQMD) regulations and permits* • *Cal-OSHA "lead-in-construction" standards (Title 8 CCR, Section 1532.1), require protection of workers from exposure to lead. Requirements include worker training, proper hygiene practices, air monitoring, and other controls. Any debris or soil containing lead-based paint or coatings must be disposed of at landfills that are permitted to accept such waste.* • *Universal waste (e.g., common items such as electrical transformers, fluorescent lighting, electrical switches, heating/cooling equipment, and thermostats) that could also contain hazardous materials shall be disposed of in conformance with local, State and Federal regulations by trained workers.* *The project will implement this mitigation measure to reduce hazardous materials contamination impacts, and as a result, all impacts will be less than significant with mitigation.*				
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:** *Burbank School is adjacent to the project site, however, the project would not emit hazardous materials or substances; thus, no impact.*	☐	☐	☐	☒
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 any list compiled pursuant to Government Code section 65962.5; thus, no impact.*	☐	☐	☐	☒

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area? **Comment:** *The project is located within the Hayward Executive Airport Influence Area identified in 2012. The project site is located just outside of the airport's safety compatibility zone. The project site is subject to Federal Aviation Regulations (FAR) Part 77 Surfaces regulations, which limit the height of buildings in the vicinity of airports. According to the Hayward Executive Airport Land Use Compatibility Plan, development on the project site cannot exceed 202 feet above sea level. With a site elevation between 77 and 80 feet and building heights approximately 20-40 feet above ground, the project would be well below the FAR restrictions and would not result in a safety hazard to people residing in the area. Further, no roof mounted lighting is included in the project so glare and potential light interference with flight is not an issue. Because the project is located outside the Hayward Executive Airport's safety compatibility zone and proposed structures are below building height limits set forth in the Hayward Executive Airport Land Use Compatibility Plan, the project would have no safety impact on people residing in the project area; thus, no impact.*	☐	☐	☐	☒
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 site is not located within the vicinity of a private air strip; thus, no impact.*	☐	☐	☐	☒
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan? **Comment:** *The project would not interfere with an adopted emergency response plan or emergency evacuation plan; thus, no impact.*	☐	☐	☐	☒

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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:** *The project site is located within an urban setting, away from areas with wildland fire potential, and outside the City's Urban Wildlife Interface zone; thus, no impact.*	☐	☐	☐	☒

Sources:
Hayward Cannery Area Design Plan EIR
Project Description and Plans
AEI Consultants. Limited Phase II Subsurface Investigation, August 1, 2013.
Alameda County Community Development Agency. *Hayward Executive Airport: Airport Land Use Compatibility Plan.* August 2012.

IX. HYDROLOGY AND WATER QUALITY -- Would the project:

a) Violate any water quality standards or waste discharge requirements? **Comment:** *The project would result in the disturbance of more than one acre of soil, therefore it would be required to obtain permit coverage under the Construction General Permit by filing a Notice of Intent (NOI) and a Storm Water Pollution Prevention Plan (SWPPP) with the State Water Resources Control Board prior to commencement of construction.*				
The proposed project would also be subject to the Municipal Regional Permit (MRP) because it would replace more than 10,000 square feet of impervious surfaces. The MRP requires post-construction storm water runoff to be managed with Low Impact Development methods such as on-site harvest and use of runoff, infiltration, and/or bio retention. The project would include numerically-sized bio retention areas in the recreational space proposed along Parkhurst Street as well as permeable pavers along Filbert Street. The proposed project would comply with all water quality and wastewater discharge requirements of the City. The project would have less impervious surface than what currently exists which would reduce run-off. In addition implementation of Low Impact Development wastewater and run off methods will be a part of the project and the project would comply with all	☐	☐	☒	☐

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
City water quality and discharge requirements, the result would be that the project would have a less than significant impact; thus, no mitigation required.				
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:** *The proposed project would be connected to the existing municipal water supply and would not involve the use of groundwater. The project would decrease the proportion of impervious surfaces on the site, therefore it would not interfere with groundwater recharge; thus, no impact.*	☐	☐	☐	☒
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:** *The project site is an infill site. All drainage from the site is required to be treated before it enters the storm drain system and managed such that post-development runoff rates do not exceed pre-development runoff rates. Runoff from the project site drains to enclosed pipes or culverts, therefore the project would not be subject to hydro modification requirements and would not alter the course of a nearby stream or river; thus, 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:** *As described above, the volume of runoff from the project site would not increase and would not alter the course of a stream or river; thus, no impact.*	☐	☐	☐	☒
e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial	☐	☐	☒	☐

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
additional sources of polluted runoff? **Comment:** *The project site is a developed infill site. As part of its stormwater control plan, the proposed project includes bioretention areas and permeable pavers. 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. Because the project will employ a storm water control plan with the use of permeable pavers, bio retention areas and all site drainage will be treated before discharged into the storm drain system with sufficient capacity, the project will have a less than significant impact; no mitigation required.*				
f) Otherwise substantially degrade water quality? **Comment:** *Since the existing on-site development does not contain any Low Impact Development storm water treatment facilities, the proposed project would improve the quality of storm water runoff from the site through compliance with the MRP and City of Hayward requirements. The project would implement measures through a SWPPP to minimize impacts to water quality during construction. For these reason, the project will have a less than significant impact; no mitigation required.*	☐	☐	☒	☐
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:** *The project site is located in Flood Zone X, which is outside of the 0.2 percent annual chance (or 500-year) floodplain; thus, no impact.*	☐	☐	☐	☒
h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows? **Comment:** *The project site is not located within a 100-year flood hazard area; thus no impact.*	☐	☐	☐	☒
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:** *The project site is not located in a Dam Failure Inundation area and there are no levees near the project site; thus, the project will have no impact.*	☐	☐	☐	☒
j) Inundation by seiche, tsunami, or mudflow? **Comment:** *The project site is not located in a*	☐	☐	☐	☒

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
tsunami inundation area. The site is relatively flat, therefore it would not be subject to mudflow. The project would not be vulnerable to seiche because there are no nearby enclosed water bodies; thus, no impact.				
<u>Sources:</u> *Hayward Cannery Area Design Plan EIR* *Project Description and Plans* *AEI Consultants. Limited Phase II Subsurface Investigation, August, 2013.* *Alameda Countywide Clean Water Program. HMP Susceptibility Map. January 26, 2007; revised September 2009.* *Federal Emergency Management Agency. Flood Insurance Rate Maps 06001C0287G and 06001C0286G. Effective August 3, 2009.* California Department of Conservation. *Alameda County Tsunami Inundation Maps.* 2013.				
X. LAND USE AND PLANNING –				
Would the project:				
a) Physically divide an established community? **<u>Comment</u>:** *The proposed project is at an infill location and is surrounded by urban development. Therefore the project would not physically divide an established community; thus, no impact.*	☐	☐	☐	☒
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? **<u>Comment:</u>** *The project would construct 105 new townhome units and 52 single-family homes. The project site is currently zoned High Density Residential – SD4 (RH/SD4) and has a general plan designation of High Density Residential (HDR). With a proposed residential density of 17.8 dwelling units per acre (du/ac), the project is consistent with the General Plan. In order to accommodate the proposed mix of single-family and multi-family housing, the project proposes a rezoning to Planned Development (PD). Approval of a Planned Development zoning is required to allow for the proposed density, minimum lot sizes, setbacks and private road widths. Approval of PD*	☐	☐	☒	☐

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
exceptions to density, minimum lot sizes, setbaks and private road widths requires the project developer to provide"functional facilites or amenities not otherwise required or exceeding other development standards." The project proponents has proposed to pre-wire all homes for solar, pre-wire all garages for 220 electric for plug-in cars, and installation of plug in stations for guest parking. Other project amenities will be included as conditions of project approval. Installation of tot lots, and bocci ball courts are proposed for the panhandle park. Also proposed is a running circuit with workout stations for the panhandle park. Final details of these amenities will be shown prior to issuance of a building permit for the project. *The project site is surrounded by residential development, a park, and an elementary school, all of which are compatible with the proposed residential project. The proposed density and lot sizes would not result in a significant environmental effect. The reduced setbacks and private road widths have been considered by the Planning Director and will be reviewed by the Planning Director, Fire Department and City Engineer as part of the City of Hayward's design review process for a Site Development Permit and Precise Development Plan to ensure that environmental effects such as visual intrusion will be minimized and that adequate access is available for public safety.* *All impacts are considered less than significant; no mitigation is required.*				
c) Conflict with any applicable habitat conservation plan or natural community conservation plan? **Comment:** *There are no adopted Habitat Conservation Plans or Natural Community Conservation Plans affecting the project site, and none are under consideration that include the project site; thus, no impact.*	☐	☐	☐	☒

Sources:
Hayward Cannery Area Design Plan EIR
Project Description and Plans
Hayward Municipal Code

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	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? **Comment:** *The only mineral sector of regional significance in the City of Hayward to be protected from uses incompatible with mineral extraction is La Vista Quarry. The project site is an urban infill location and there are no known mineral resources on the site. The project site is not located in the vicinity of La Vista Quarry; thus, no impact.*	☐	☐	☐	☒
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 and there are no known mineral resources in the vicinity of the project site; thus, no impact.*	☐	☐	☐	☒
Sources: *Hayward Cannery Area Design Plan EIR* *Hayward General Plan. Adopted March 12, 2002. Page 7-5*				
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:** *Mitigation Measure 4.9.3 in the Cannery Area Design Plan EIR calls for preparation of a site-specific acoustic report to identify noise exposure levels and specific measures to reduce both interior and exterior noise levels to normally acceptable levels. Based upon an Environmental Noise Assessment prepared by Illingworth & Rodkin, Inc. in August 2013, the project site will be exposed to exterior noise levels of between 54 and 60 dBA L_{dn} from roadway traffic, railroad, and school related noises.*[12] *The City of Hayward standards consider low density (single family and duplex) residential projects normally acceptable in noise environments characterized by an L_{dn} of 60*	☐	☒	☐	☐

[12] Fred Svinth. "Cannery Place – Tract 7894 Environmental Noise Assessment Hayward, California." Illingworth & Rodkin, Inc., August 30, 2013.

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
dBA or less. The City of Hayward General Plan contains requirements for limiting nighttime maximum noise levels within residences which are exposed to exterior noise levels of 60 dBA L_{dn} or greater and the State Building Code requires that interior noise levels in residences which are exposed to exterior noise levels of 60 dBA L_{dn} be reduced to an L_{dn} of 45 dBA or less. Existing and future noise levels on the site exterior are not expected to exceed an L_{dn} of 60 dBA. Therefore, the project would not exceed standards related to interior noise levels for the proposed residential uses.				
The City of Hayward General Plan contains requirements for limiting nighttime noise level within residences exposed to an exterior L_{dn} of 60 dBA or greater, and State Building Code require that interior noise levels in residences which are exposed exterior noise levels of 60 dBA L_{dn} or more be reduced to an L_{dn} of 45 dBA or less. Existing and future noise levels on the site are not expected to exceed an L_{dn} of 60 dBA, so neither of these regulatory provisions will be required for this development based upon average noise levels..				
While average noise as expressed as Ldn will not exceed city standards, there will be occasional railroad noise affecting sleeping rooms at all hours of the day and night. As part of their amenity package, the developer will install triple pane windows and additional noise insulation on all units with a façade exposed to the tracks. In addition the 15 foot tall noise wall will be continued along the railroad frontage at the developer's expense.				
The City of Hayward General Plan development standards also contain a goal for exterior noise levels in residential areas. This goal is an L_{dn} of 55 dBA for single-family development in exterior use areas. Per the General Plan guidelines, this is applied where outdoor use is a major consideration, such as in the backyards (or other private outdoor areas) of single family homes. Single family uses on the site could be exposed to exterior noise levels in outdoor use areas that are above the development standards in the General Plan.				

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

Mitigation Measure 9:

- *Noise barrier fences shall be built at the perimeter of backyards or other private outdoor areas of single-family homes. The top of the fences shall be six feet above yard grade. The applicant shall match the wall/fencing design of other adjacent developments (An approximately 15 foot tall concrete block wall with a stucco exterior). To be effective as a noise barrier, the fences shall be built without cracks or gaps in the face or large or continuous gaps at the base and have a minimum surface weigh of 3.0 pounds per square foot. Small, dispersed gaps for landscape irrigation or drainage which do not compose more than 0.5 percent of the wall area are acceptable. For a wood wall to meet these requirements, it is typically recommended that the fence be double faced with butted vertical fence boards on each side with a continuous layer of 0.5 inch plywood.*

  To ensure that the barrier effect provided the fence is not degraded by significant gaps at the base or closing and opening faces of a gate, the total area of such gaps should be maintained at 4 percent or less of the total gate area. To ensure that the vertical gaps at the gate edges do not degrade with age, an extra vertical 1x6 (or wider) fence boards are recommended to be placed at the leading gate edge, and the closing fence edge to lap the edges when closed.

- *The design of fences for the single family units shall incorporate sound attenuation features in accordance with the recommendations above and be confirmed via actual readings prior to project finalization and/or issuance of Certificates of Occupancy on units.*

- *The applicant shall include triple pane windows and add noise insulation on all residences adjacent to the railroad tracks.*

Implementation of this mitigation measure will reduce exterior noise impacts to single family

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
residential uses to a less than significant level.				
b) Exposure of persons to or generation of excessive ground borne vibration or ground borne noise levels? **Comment:** *No residential building structures are proposed within 100 feet of the Union Pacific Railroad track within the Cannery area. In accordance with the requirements of Mitigation Measure 4.9-2 of the Cannery Area Design Plan EIR, a detailed vibration analysis for the site is not required and residential development on the site will not be exposed to excessive rail related ground bourne vibration.* *This impact was adequately addressed in the HCADP EIR and does not require further mitigation or avoidance.* *Construction-related Vibration: Demolition of existing structures on the site and the construction of a project may generate perceptible vibration when heavy equipment or impact tools (e.g. jackhammers, hoe rams) are used. Illingworth & Rodkin (August 30, 2013) estimates that at the nearest residential land uses, typical construction activities would be expected to result in vibration levels of 0.01 in/sec PPV or less, below the threshold of human perceptibility (0.03 in/sec PPV) and well below the 0.20 in/sec PPV significance threshold therefore, construction vibration impacts would be less than significant; no mitigation required.*	☐	☐	☒	☐
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project? **Comment:** *Based upon an Environmental Noise Assessment prepared by Illingworth & Rodkin, Inc. dated August 30, 2013 and review of the trip generation estimate completed for the project, the future trip generation of the project would result in a less than 1 dB noise increase over noise levels which would have resulted from the site development assumed in the Cannery Area Design Plan EIR. The project would not result in a measurable increase in noise at sensitive residential receivers on an average Ldn basis in the vicinity and will have a less than significant impact; no mitigation required.*	☐	☐	☒	☐

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
This impact was adequately addressed in the HCADP EIR and does not require further mitigation or avoidance.				
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 within the Cannery area and nearby residential areas could experience a short-term increase in ambient noise levels during the construction of the proposed project. Construction would be limited to allowable hours per the City of Hayward Noise Ordinance and major noise generating construction activities would be limited to one construction season or less.*				
The HCADP EIR included construction noise mitigation measures to reduce potentially significant construction noise impacts to less-than-significant levels. Mitigation Measure 4.9-1 from the HCADP EIR requires a project proponent to submit to the City for approval a Construction Noise Management Plan that identifies construction noise reduction measures. The measures below will be implemented as part of the project Noise Management Plan.	☐	☒	☐	☐

Mitigation Measure 10:

- *Construction activities shall be limited to the hours between 7:00 a.m. and 7:00 p.m., Monday through Saturday and between the hours of 10:00 a.m. and 6:00 p.m. on Sundays and holidays (Consistent with Section 4-1.03.4 of the Hayward Municipal Code).*
- *Equip all internal combustion engine driven equipment with intake and exhaust mufflers that are in good condition and appropriate for the equipment.*
- *Locate stationary noise generating equipment (e.g., compressors) as far as possible from adjacent residential receivers.*
- *Acoustically shield stationary equipment located near residential receivers with temporary noise barriers.*
- *Utilize "quiet" air compressors and other stationary noise sources where technology*

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
exists. • *The contractor shall prepare a detailed construction plan identifying the schedule for major noise-generating construction activities. The construction plan shall identify a noise, dust and traffic coordinator and signage shall clearly show his/her phone number. All construction activities shall be scheduled by the coordinator to minimize noise disturbance. In addition, flyers showing this information shall be provided to all residents located within ¼ mile of the site and its construction yards. The Planning Division shall receive a copy of this notice to the neighbors.* *Implementation of the above mitigation measures will reduce construction noise impacts to a less than significant level.*				
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 site is located outside of the Hayward Executive Airport 55 dB CNEL Noise Compatibility Zone, therefore the project would not expose people to excessive noise levels from aircraft overflights; thus, not impact.*	☐	☐	☐	☒
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.*				
Sources: *Hayward Cannery Area Design Plan EIR* *Hayward General Plan. Adopted March 12, 2002.* *Illingworth & Rodkin. Cannery Place-Tract 7894 Environmental Noise Assessment Hayward, California, August 30, 2013.* *Hayward Executive Airport: Airport Land Use Compatibility Plan. August 2012.*	☐	☐	☐	☒
XIII. POPULATION AND HOUSING -- Would the project:				
a) Induce substantial population growth in an area,	☐	☐	☒	☐

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)? **Comment:** *The project would not, either directly or indirectly, induce substantial population growth. The project involves the construction of 157 new residential units, however, the residential development is consistent with the density established for the site by the Hayward General Plan. Infrastructure in the project area would not need to be expanded substantially to meet the needs of the proposed project. For these reasons, the project will have less than a significant impact, no mitigation required.*				
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere? **Comment:** *The project would not displace any existing housing, as the project site currently supports only industrial uses; thus, no impact.*	☐	☐	☐	☒
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere? **Comment:** *As stated above, the proposed project would not displace any housing; thus, no impact.*	☐	☐	☐	☒

Sources:
Hayward Cannery Area Design Plan EIR
Project Description and Plans
Hayward General Plan. Adopted March 12, 2002.

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:				
Fire protection? **Comment:** *The project site is located within an area subject to the Hayward Fire Department Five Minute Response Time Standard. Station #1 is closest to the project site and is located approximately 1.1 miles northeast of the site. Although construction of the*	☐	☐	☒	☐

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
proposed project may incrementally increase the demand for fire and medical services, the project site is an infill development that would not require the construction or expansion of fire protection facilities. The proposed project would be designed to comply with City requirements for fire access and on-site fire prevention facilities (e.g. fire hydrants and/or sprinkler systems). For these reasons, the project will have less than a significant impact, no mitigation required.				
Police protection? **Comment:** *The City of Hayward Police Department has an authorized strength of 191 sworn police officers and 112 professional staff.*[13] *The police headquarters is located at 300 West Winton Avenue, approximately one mile southwest of the project site. Although construction of the proposed project may incrementally increase the demand for police services, the project site is an infill development located in the vicinity of the City's police headquarters and would not require the construction or expansion of police protection facilities. For these reasons, the project will have less than a significant impact, no mitigation required. This impact was also adequately addressed in the HCADP EIR and does not require further mitigation or avoidance.*	☐	☐	☒	☐
Schools? **Comment**: *The project site is within the Burbank Elementary School, Winton Middle School, and Hayward High School attendance areas of the Hayward Unified School District. As called for in Mitigation Measure 4.13.2 in the HCADP EIR, the project applicant would be required to pay school impact fees, which, per State law, is considered full mitigation. Payment of school impact fees would reduce school impacts to a less*	☐	☒	☐	☐

[13] City of Hayward. *Police Department – Welcome!* 2013. Accessed August 23, 2013. Available at: http://www.hayward-ca.gov/CITY-GOVERNMENT/DEPARTMENTS/POLICE/

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
than significant level. This impact was identified and adequately addressed in the HCADP EIR and the mitigation listed below will avoid or reduce the impact. **Mitigation Measure 11:** • *The applicant shall pay school impact fees to the City of Hayward. Impact fees will be those in effect at the time building permits are issued.* Implementation of this mitigation measure will reduce school impacts to a less than significant level.				
Parks? **Comment:** *The proposed project would increase the use of local parks by new residents and the overall increase in parkland acreage in the Cannery Area would not be sufficient to meet City standards. The proposed project includes a park adjacent to Parkhurst Street. In addition to containing bio retention areas for stormwater runoff treatment, the park would include game tables, benches, three exercise stations, lawns, and a jogging trail. As called for in Mitigation Measure 4.13.1 in the HCADP EIR, developers of residential projects are required to dedicate parkland and/or pay in-lieu fees. Any parkland obligations to the City not covered by the proposed park would be fulfilled via in-lieu fees.* *This impact was adequately addressed in the HCADP EIR and This impact was identified and adequately addressed in the HCADP EIR and the mitigation listed below will avoid or reduce the impact.* **Mitigation Measure 12:** • *The applicant shall dedicate parkland and/or pay in-lieu fees, or contribute in other ways as deemed acceptable by the Hayward Area Recreation District (HARD) and the City of Hayward to the construction of related facilities.*	☐	☒	☐	☐

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Implementation of this mitigation measure will reduce impacts to parks to a less than significant level.				
Other public facilities? **Comment:** *The project's residents would not be numerous enough to have any material effect on the need for any other public facilities. Approval of the project may impact long-term maintenance of roads, streetlights and other public facilities; however, the project does not exceed density envisioned by the General Plan. For these reasons, the project will have less than a significant impact, no mitigation required.*	☐	☐	☒	☐

Sources:
Hayward Cannery Area Design Plan EIR
Project Description and Plans
Hayward General Plan. Adopted March 12, 2002. Figure 8-1.

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 nearest park to the project site is Cannery Park across Burbank Street to the north. Centennial Park is also located nearby, approximately one-tenth of a mile west of the project site across the Union-Pacific Railroad tracks. The proposed project would increase the use of parks in the project vicinity. The project includes a publicly-accessible park along Parkhurst Street that would include workout areas, benches, and game tables. In addition, the project would be required to pay in-lieu park fees for any additional impacts not offset by the proposed recreational area.*	☐	☒	☐	☐
Implementation of Mitigation Measure 12 for Parks will reduce impacts to existing neighborhood and regional parks or other recreational facilities to a less than significant level. This impact was also addressed in the HCADP EIR and identified mitigation will avoid or reduce the impact.				
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse	☐	☐	☒	☐

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
physical effect on the environment? **Comment:** *The project proposes to include a publicly-accessible recreation area (Panhandle Park). The physical and environmental effects of the development, including the park, are addressed throughout this Initial Study and in the HCADP EIR; thus, no additional mitigation or avoidance measures are required.*				
Sources: *Hayward Cannery Area Design Plan EIR* *Project Description and Plans*				
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 2001 HCADP EIR found that development of the Plan Area would cause the average daily vehicular trips in the project area to increase by 5,174, including an increase of 232 AM peak hour trips and 354 PM peak hour trips. This impact has been determined to have less than a significant impact, no mitigation required. The HCADP EIR also concluded that this increase would be less than significant and would not require any mitigation.*	☐	☐	☒	☐

The trip generation analysis completed for this project by Hexagon Transportation Consultants.[14] *dated August 23, 2013 found that the proposed project would result in a net increase of approximately 305 daily weekday trips, including 17 AM peak hour trips and 35 PM peak hour trips. Since the project proposes a mix of single-family and multi-family residential units, the trips generated by the project are slightly higher than those assumed for the site in the HCADP EIR; however, the overall densities of the actual build-out to date in the Cannery Area is less than was*

[14] Gary Black. "Trip Generation and Parking Analysis for 199 Filbert Street," Prepared by Hexagon Transportation Consultants, August 23,2013.

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
forecast so these effects cancel one another out. *According to the Trip Generation Analysis, development on the site at the density assumed in the EIR would result in a net increase of 222 daily trips, including 9 AM peak hour trips and 20 PM peak hour trips. Compared to the trips associated with the existing warehouse on the site and those assumed for the site in the HCADP EIR, the new trips generated by the proposed project represent a negligible increase. Therefore the project would not conflict with the performance of any circulation systems and will have a less than significant impact; no mitigation required. This impact was adequately addressed in the HCADP EIR and no mitigation or avoidance measures are required.*				
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:** *The HCADP EIR found that build out of the Cannery Area would not conflict with any congestion management programs or level of service standards. As stated above and documented in the* Trip Generation Analysis, *the incremental rise in trip generation from the proposed project compared to what was assumed in the HCADP EIR is comparable, and therefore would not affect the conclusions of the HCADP EIR traffic analysis. For the reasons discussed above, the project will have a less than significant impact; no mitigation required.*	☐	☐	☒	☐
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:** *According to the Hayward Executive Airport Master Plan and EIR, the project is outside all of the airport's safety zones. The project would not increase air traffic levels or alter air traffic patterns, therefore the project would not cause a safety risk associated with air traffic; thus, no impact.*	☐	☐	☐	☒
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous	☐	☐	☐	☒

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
intersections) or incompatible uses (e.g., farm equipment)?)? **Comment:** *The project access points are designed to meet all City requirements, including sight distance standards, and would not create or increase any hazards. The project's proposed main access points are designed to City street standards. Truck access and emergency vehicle access has been reviewed and found to meet City Fire Department standards; thus, no impact.* *This impact was adequately addressed in the HCADP EIR and no further mitigation or avoidance is required.*				
e) Result in inadequate emergency access? **Comment:** *The project is on an infill site that is accessible to fire, medical, and police services. The project would be designed in compliance with the State and City fire code and would include any safety measures required by the Hayward Police Department and the Hayward Fire Department; thus, no impact. This impact was adequately addressed in the HCADP EIR and does not require further mitigation or avoidance measures.*	☐	☐	☐	☒
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:** *The proposed project includes sidewalks around the perimeter of the site and will include bicycle parking facilities (as conditioned by the City of Hayward) in conformance with City of Hayward requirements. The project is within the pedestrian oriented Hayward Cannery Area Design Plan and in close proximity to BART and bus transit, which increases the opportunities for residents of the area to utilize alternative modes of transportation and reduce vehicle trips. The project does not involve any conflicts or changes to policies, plans or programs related to public transit, bicycle or pedestrian facilities, and it would not decrease the safety of these facilities. For the reasons discussed above, the project will have a less than significant impact; no mitigation required.*	☐	☐	☒	☐

Sources:
Hayward Cannery Area Design Plan EIR
Project Description and Plans

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Hayward General Plan. Adopted March 12, 2002. Hexagon Transportation Consultants. Trip Generation and Parking Analysis August, 2013. Hayward Executive Airport: Airport Land Use Compatibility Plan. August 2012.				
XVII. UTILITIES AND SERVICE SYSTEMS -- Would the project:				
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board? **Comment:** *The project would connect to the City of Hayward sanitary sewer system via an eight-inch diameter lateral connecting to an existing twelve-inch line at the intersection of Parkhurst Street and Williams Way. Sanitary sewage from the City is treated at the Hayward Water Pollution Control Facility and discharged into the San Francisco Bay under a permit with the Regional Water Quality Control Board (RWQCB). The Facility meets both RWQCB and U.S. Environmental Protection Agency requirements, and would not exceed any wastewater treatment requirements due to the proposed project. For the reasons discussed above, the project will have a less than significant impact; no mitigation required. This impact was adequately addressed in the HCADP EIR and no additional mitigation or avoidance measures are required.*	☐	☐	☒	☐
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:** *There is sufficient potable water treatment and wastewater treatment capacity to accommodate the anticipated demand increases resulting from the proposed project. For the reasons discussed above, the project will have a less than significant impact; no mitigation required. This impact was adequately addressed in the HCADP EIR and no additional mitigation or avoidance measures are required.*	☐	☐	☒	☐
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:** *The project will connect to existing Alameda County Flood Control and Water Conservation District facilities. The project will*	☐	☐	☒	☐

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
not result in the need for new off-site systems or substantial adverse alterations to existing storm water drainage. The project would be subject to local policies requiring that post-construction runoff volumes be less than or equal to pre-construction volumes. For the reasons discussed above, the project will have a less than significant impact; no mitigation required. This impact was adequately addressed in the HCADP EIR and does not require further mitigation or avoidance measures.				
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed? **Comment:** *The project is part of planned development in the Hayward Cannery Area in the City's General Plan and is accounted for in the growth projections in the City's Urban Water Management Plan, which is reviewed and adopted every five years by the City Council. There is sufficient potable water supply to accommodate the anticipated demand increases resulting from the proposed project. For the reasons discussed above, the project will have a less than significant impact; no mitigation required. This impact was adequately addressed in the HCADP EIR and is does not require further mitigation or avoidance measures.*	☐	☐	☒	☐
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:** *There is sufficient capacity to accommodate the proposed project; thus, no impact.*	☐	☐	☐	☒
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs? **Comment:** *Solid waste generated by the project would contribute incrementally to the use of landfill capacity in the County. There is sufficient capacity to accommodate the proposed project at the Altamont Landfill, which has sufficient capacity until at least the year 2024; thus, no impact. This impact was adequately addressed in the HCADP EIR and does not require mitigation or avoidance.*	☐	☐	☐	☒
	☐	☐	☐	☒

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
g) Comply with federal, state, and local statutes and regulations related to solid waste? **Comment:** *The project will be subject to the regulations stipulated in Chapter 5, Article 1 Solid Waste Collection and Disposal in the City's Municipal Code. There is sufficient capacity to accommodate the proposed project; thus, no impact.*				
Sources: *Hayward Cannery Area Design Plan EIR* *Project Description and Plans* *Hayward General Plan. Adopted March 12, 2002.* *CalRecycles. Solid Waste Facility Details for Altamont Landfill.*				
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:** *The project site has already been fully developed and currently consists of paved parking lots, a warehouse, and street trees. The project would not result in development of any currently undeveloped land. With implementation of the measures identified in their respective sections, potentially significant cultural and biological resources impacts would be reduced to a less than significant level.*	☐	☒	☐	☐
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:** *The HCADP EIR found that all potentially significant cumulative impacts caused by build-out of the Design Plan area would be mitigated to a less than significant level from implementation of the mitigation measures contained within the EIR. Potential impacts to*	☐	☒	☐	☐

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
schools and parks would be mitigated with a combination of impact fees, in-lieu fees, and parkland dedication. Construction air quality, noise, cultural resources, and biological resources impacts would be mitigated by measures included in the project and would not make a substantial impact to cumulative impacts, such as regional air quality. As described in their respective sections, the project proposes to implement these measures in order to mitigate its contribution to cumulative public service and utility impacts.				
c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly? **Comment:** *The project may temporarily affect the area during construction in terms of air quality, noise, and traffic. Construction impacts, impacts to trees, geotechnical and hazardous materials impacts would be mitigated by mitigation measures included in the project. With the implementation of mitigation measures included in the project, the project will not have any significant environmental impacts and therefore will not have direct or indirect adverse impacts on human beings.*	☐	☐	☐	☒

Cannery Place

Mitigation Monitoring and Reporting Program

Zone Change Application No. PL-2013-0084
Vesting Tentative Tract Map Application No. PL-2013-0085
(VTM 7894);
Sullivan Development Group, LLC (Applicant/Project Sponsor)

November 26, 2013

Mitigation 1

Significant environmental Impact:

The Bay Area Air Quality Management District (BAAQMD) has established screening criteria as part of its CEQA guidance to assist in determining if a proposed project could result in potentially significant air quality impacts. Based on the District's criteria (thresholds of significance; 1999 and 2011), the proposed project screens below levels that would require additional evaluation for criteria pollutants; therefore the proposed project will not violate any air quality standard for these pollutants. Implementation of the project could result in short-term air quality impacts during construction. The source of these impacts would include dust generated by demolition, clearing, and grading and exhaust emissions from construction equipment.

Based upon an analysis of construction period emission prepared by Illingworth & Rodkin (September 2013), construction of the project would exceed the BAAQMD threshold for Toxic Air Contaminants (TACs), particularly diesel particulate matter (DPM) at the closest sensitive receptors. In order to reduce construction impacts to below the BAAQMD's threshold, the September 2013 community health risk assessment recommended basic measures to control dust and exhaust during construction and the use of California Air Resources Board (CARB) Tier 2 Certified or better for all diesel powered equipment ($\geq$ 50 horsepower). Construction impacts were addressed in the HCACP EIR and further mitigation will avoid or reduce the impact. Implementation of the following measures would reduce construction air quality impacts associated with dust and TACs to a less than significant level with mitigation.

Mitigation Measure:

During any construction period ground disturbance, the contractor shall implement the following:

- All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered at least two times per day, and more often if dust is airborne;
- All haul trucks transporting soil, sand, or other loose material off-site shall be covered;
- All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited;
- All vehicle speeds on unpaved roads shall be limited to 15 mph and signed accordingly;
- All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders approved by the City Landscape Architect are used;
- Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes. Clear signage shall be provided for construction workers at all access points;
- All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation; and
- Post a publicly visible sign with the telephone number and person to contact at the Lead Agency regarding dust complaints. This person shall respond and take corrective action within 48 hours. The Air District's phone number shall also be visible to ensure compliance with applicable regulations.

Construction equipment selection shall include the following:

- Diesel-powered construction equipment larger than 50 horsepower on site for more than 2 days continuously shall meet U.S. EPA particulate matter emissions standards for Tier 2 engines or equivalent; or the construction contractor shall use other measures to minimize construction period diesel particulate matter emissions to reduce the predicted cancer risk below the threshold. Such measures may include the use of alternative-powered equipment (e.g., LPG-powered forklifts), alternative fuels (e.g., biofuels), added exhaust devices, or a combination of measures, provided that these measures are approved by the lead agency; and
- Maximize the number of hours that equipment will operate including the use of idling restrictions.

Implementation Responsibility: Project developer
Monitoring Responsibility: City of Hayward Planning Division
Timing: During all phases of project construction

Mitigation 2

Significant environmental Impact:

The project site is located in an urban, developed area of the City of Hayward. Surrounding properties contain residences, paved parking lots, streets, and landscaping. The project site, located in urban habitat, will not interfere with the movement of migratory fish or wildlife corridors. Limited habitat for nesting birds is provided by street and landscape trees on the Filbert Street frontage and in the warehouse parking lot. Though biological resources are

limited, street and landscape trees could support nests for migratory and nesting birds.

As noted in the HCADP EIR, nesting raptors and other migratory birds are protected under the Migratory Bird Treaty Act and California Fish and Game Code Sections 3503, 3503.5, and 2800. Migratory birds may utilize the trees on-site or adjacent to the site for foraging or nesting. Construction disturbance near nests can result in the incidental loss of fertile eggs or nestlings, or otherwise lead to nest abandonment. The loss of mature trees along the Filbert Street frontage and in the parking lot could result in birds having to relocate to another site. Relocation of migratory birds would not by itself be significant, but disturbance that causes abandonment and/or loss of reproductive effort is considered a taking by the California Department of Fish and Wildlife (CDFW).

Mitigation Measure:

- Tree removal shall be scheduled to avoid the nesting season and shall occur after chicks fledge. The nesting season for most birds, including most raptors in the San Francisco Bay area, extends from February through August.

- If it is not possible to schedule demolition and construction between September and January, pre-construction surveys for nesting birds shall be completed by a qualified ornithologist to ensure that no nests will be disturbed during project implementation. This survey shall be completed no more than 14 days prior to the initiation of construction activities during the early part of the breeding season (February through April) and no more than 30 days prior to the initiation of these activities during the late part of the breeding season (May through August). The survey shall be submitted to the City of Hayward Planning Division prior to any tree trimming or removal.

- During this survey, the ornithologist will inspect all trees and other possible nesting habitats immediately adjacent to the construction areas for nests. If an active nest is found sufficiently close to work areas to be disturbed by construction, the ornithologist, in consultation with CDFW, will determine the extent of a construction-free buffer zone to be established around the nest, typically 250 feet, to ensure that raptor or migratory bird nests will not be disturbed during project construction and this information shall be provided in writing to the City of Hayward Planning Division.

Implementation Responsibility: Project developer
Monitoring Responsibility: City of Hayward Planning Division
Timing: Prior to issuance of a Building Permit for the project

Mitigation 3

Significant environmental Impact:

Sections 10-15.10 through 10-15.31 of the Hayward Municipal Code detail the City of Hayward Tree Preservation requirements. The City of Hayward protects trees having a minimum trunk

diameter of eight inches or more (measured 54 inches above the ground), street trees, memorial trees, trees that were planted as replacements for protected trees, and trees of certain species[1] that have a trunk diameter of four inches or more. Protected trees require a permit for removal and all removed trees must be replaced with "like-size, like-kind trees" and approved by the City of Hayward Landscape Architect.

The proposed project would require the removal of protected trees from portions of the Filbert Street frontage. Trees in the parking lot may also be protected due to size. The project proponent would obtain a Tree Removal Permit from the City and comply with all requirements for tree replacement. The project's landscape plans detail the location of trees that would be planted as part of the project. If there is insufficient space for on-site replacement mitigation, the project would plant trees off-site based on the judgment of the City Landscape Architect or his or her designated representative. The project proponet will be required to comply with all provisions of the City's Tree Ordinance, including planting of replacement trees. The proposed would implement the following measure to reduce potentially significant impacts to protected trees to a less than significant level.

Mitigation Measure:

Final landscape plans shall be reviewed and approved by the City of Hayward Landscape Architect prior to issuance of buidling permits for the project. All applicable requirements shall be followed and all permits obtained as required by the City's Tree Ordinance. Final landscape plans shall clearly identify all "protected trees," all trees to be removed from the project site and the size, location, type and species of all replacement trees.

Implementation Responsibility: Project developer
Monitoring Responsibility: City of Hayward Planning Division
Timing: Prior issuance of a Building Permit for the project

Mitigation 4

Significant environmental Impact:

The HCADP EIR found that there is moderate potential for the presence of subsurface archaeological resources in the project area. The project will implement Mitigation Measure 4 below, originally included in the HCADP EIR and expanded, and as a result, all impacts will be less than significant with mitigation.

Mitigation Measure:

In the event human remains, archaeological resources, prehistoric artifacts are discovered during construction excavation, the following procedures shall be followed: Construction and/or

[1] The following tree species with a trunk diameter of four inches or more are protected under the City of Hayward Tree Preservation Ordinance: Big Leaf Maple, California Buckeye, Madrone, Western Dogwood, California Sycamore, Coast Live Oak, Canyon Live Oak, Blue Oak, Oregon White Oak, California Black Oak, Valley Oak, Interior Live Oak, and California Bay.

excavation activities shall cease immediately and the Planning Division shall be notified. A qualified archaeologist shall be consulted to determine whether any such material is significant prior to resuming groundbreaking construction activities. Standardized procedures for evaluating accidental finds and discovery of human remains shall be followed as prescribed in Sections 15064 and 151236.4 of the California Environmental Quality Act.

Standard procedures for grading operations would be followed during development, which require that if such remains or resources are discovered grading operations are halted and the resources/remains would be evaluated by a qualified professional, documented and preserved off-site. These standard measures will be conditions of approval should the project be approved; thus this impact would be less than significant with mitigation incorporated in the project. This impact was addressed in the HCADP EIR and this mitigation will avoid or reduce the impact to a less than significant level.

Implementation Responsibility: Project developer
Monitoring Responsibility: City of Hayward Planning Division
Timing: Prior to issuance of grading permits

Mitigation 5

Significant environmental Impact:

According to the HCACP EIR, moderate to strong ground shaking can be expected in the project area. Based on the Geotechnical Investigation completed for the proposed project by T. Makdissy Consulting, Inc, violent ground shaking is anticipated at the project site if a strong earthquake occurs along the Hayward Fault. The proposed residences would be designed and constructed in accordance with the recommendations of a design-specific geotechnical investigation and the latest California Building Code. This impact was addressed in the HCADP EIR and the following mitigation will avoid or reduce the impact.

Mitigation Measure:

- The applicant shall submit a final grading plan subject to review by the City Engineer prior to issuance of grading permits.

- New construction will comply with the latest California Building Code and mitigation measures outlined in the Geotechnical Investigation by T. Makdissy Consulting, Inc.

- For each building constructed in the development plan area, the required site specific geotechnical investigation shall address expansive soils and provide appropriate engineering and construction techniques to reduce potential damage to buildings.

Implementation Responsibility: Project developer
Monitoring Responsibility: City of Hayward Planning Division
Timing: Prior issuance of a Building Permit for the project

Mitigation 6

Significant environmental Impact:

According to the site specific Geotechnical Investigation by T. Makdissy Consulting, subsurface soils contain low to moderately expansive clays. Approximately five feet of fill material will be place over the site once the building and pavements are removed. Fill material will be required to meet specific geotechnical criteria and construction techniques will be required to consider soil moisture, the strength of the foundation/floor systems, and separation of foundations and pavement materials. Implementation of design measures in the geotechnical investigation would reduce potential impacts from expansive soils to a less than significant level. This impact was addressed in the HCADP and the following mitigation will avoid or reduce the impact.

Mitigation Measure:

- Mitigation measures to avoid the effects of expansive soils outlined in the Geotechnical Investigation shall be followed.

Implementation Responsibility: Project developer
Monitoring Responsibility: City of Hayward Planning Division
Timing: Prior issuance of a Building Permit for the project and during project construction

Mitigation 7

Significant environmental Impact:

The site has been used for industrial purposes for many years and was previously used for agricultural purposes. Low levels of petroleum hydrocarbons, volatile organic compounds (VOCs), and metals in the groundwater and organochloride pesticides, petroleum hydrocarbons, and metals in the soil are likely present in the subsurface of the subject property. Subsurface sampling and analysis of soil, groundwater and soil vapor completed by AEI (August 1, 2013)[2] concluded there is no indication of a significant release of pesticides, herbicides, and PCBs throughout the property, including the railroad spur, no indication of significant residual petroleum hydrocarbons near the where the offsite underground fuel storage tank (UST) was previously located near the northwest corner of the property, and none of the VOCs detected in soil vapor exceed referenced screening levels for residential land use. Several shallow soil samples reported arsenic above a concentration above 11 mg/kg, the upper bound concentration representing naturally occurring concentrations for arsenic in California soils.

Mitigation Measure:

- The existing arsenic data for the site shall be reviewed by the San Francisco Regional Water Quality Control Board (RWQCB) or Department of Toxic Substances Control (DTSC). A Work Plan shall be prepared by the developer to describe the sampling and analysis

[2] "Phase I Environmental Site Assessment," AEI Consultants, May 30, 2013.

procedures to be utilized in obtaining soil samples from specific areas of the site. The Work Plan will address arsenic contamination and remediation measures suitable for residential uses and be submitted to the Hayward Planning Division, Hayward Building Division, and to the RWQCB/DTSC for review and approval prior to the issuance of either grading permits or building permits.

- A letter approving remediation measures for known contamination from the RWQCB or DTSC outlining site history and requirements for cleanup will be submitted to the City of Hayward Fire Department (Fire Prevention Office) prior to approval of the Precise Development Plan, Improvement Plans and Building Permits. Development of the site will be conducted in accordance with the requirements identified in the RWQCB or DTSC approval letter.

- Any contaminated soil shall be removed by properly trained and licensed personnel and contractors. Contaminated soil shall be handled by trained personnel using appropriate protective equipment and engineering and manifest controls, in accordance with local, State, and Federal laws. Contaminated soil shall be transported separate from other soil excavated at the site, and disposed at an appropriate off-site facility in accordance with its characteristics or mitigated by an alternative method, with approval from the RWQCB or DTSC, as appropriate.

- In addition to the above sampling mitigations, a Site Management Plan (SMP) shall be developed to establish management practices for handling contaminated soil or other materials if encountered during construction activities. The SMP shall be reviewed and approved by the City of Hayward Fire Department (Fire Prevention and Hazardous materials Office) prior to commencing construction activities
.
- Each contractor working at the site shall prepare a health and safety plan (HSP) that addresses the safety and health hazards of each phase of site operations that includes the requirements and procedures for employee protection. These plans shall be provided to the City of Hayward Fire Department (Fire Prevention and hazardous Materials Office) prior to the issuance of grading or building permits.

- If evidence of a currently unknown historic release of hazardous materials (e.g., underground storage tanks, buried debris, contamination) is discovered during excavation, work shall be stopped in the immediate area and water/soil samples would be collected and analyzed by a qualified environmental professional to determine the type and extent of release and potential health effects. The analytical results would be compared against applicable hazardous waste criteria, and if necessary, the investigation would provide recommendations regarding management and disposal of affected soil and/or groundwater. Any contaminated soil and/or groundwater found in concentrations above developed threshold criteria shall be removed and disposed of according to California Hazardous Waste Regulations. The Hayward Fire Department must be notified and the situation remedied in accordance with local, county, state, and RWQCB or DTSC requirements.

Implementation Responsibility: Project developer
Monitoring Responsibility: City of Hayward Planning Division
Timing: Prior issuance of a Grading or Building Permit for the project

Mitigation 8

Significant environmental Impact:

The warehouse building was constructed prior to regulations limiting the use of asbestos-containing building materials and lead-based paint. These materials and compounds could be encountered during demolition of the warehouse.

Mitigation Measure:

- All potentially friable asbestos-containing materials shall be removed and disposed of by a State-registered asbestos abatement contractor in accordance with state and federal regulations. Handling materials containing more than one (1) percent asbestos are also subject to Bay Area Air Quality Management District (BAAQMD) regulations and permits

- Cal-OSHA "lead-in-construction" standards (Title 8 CCR, Section 1532.1), require protection of workers from exposure to lead. Requirements include worker training, proper hygiene practices, air monitoring, and other controls. Any debris or soil containing lead-based paint or coatings must be disposed of at landfills that are permitted to accept such waste.

- Universal waste (e.g., common items such as electrical transformers, fluorescent lighting, electrical switches, heating/cooling equipment, and thermostats) that could also contain hazardous materials shall be disposed of in conformance with local, State and Federal regulations by trained workers.

Implementation Responsibility: Project developer
Monitoring Responsibility: City of Hayward Planning Division
Timing: Prior issuance of a Building Permit for the project and/or during project construction

Mitigation 9

Significant environmental Impact:

Mitigation Measure 4.9.3 in the Cannery Area Design Plan EIR calls for preparation of a site-specific acoustic report to identify noise exposure levels and specific measures to reduce both interior and exterior noise levels to normally acceptable levels. Based upon an Environmental Noise Assessment prepared by Illingworth & Rodkin, Inc. in August 2013, the project site will be exposed to exterior noise levels of between 54 and 60 dBA L_{dn} from roadway traffic, railroad, and school related noises.

The City of Hayward standards consider low density (single family and duplex) residential projects normally acceptable in noise environments characterized by an L_{dn} of 60 dBA or less. The City of Hayward General Plan contains requirements for limiting nighttime maximum noise levels within residences which are exposed to exterior noise levels of 60 dBA L_{dn} or greater and the State Building Code requires that interior noise levels in residences which are exposed to exterior noise levels of 60 dBA L_{dn} be reduced to an L_{dn} of 45 dBA or less. Existing and future noise levels on the site exterior are not expected to exceed an L_{dn} of 60 dBA. Therefore, the project would not exceed standards related to interior noise levels for the proposed residential uses.

The City of Hayward General Plan contains requirements for limiting nighttime noise level within residences exposed to an exterior L_{dn} of 60 dBA or greater, and State Building Code require that interior noise levels in residences which are exposed exterior noise levels of 60 dBA L_{dn} or more be reduced to an L_{dn} of 45 dBA or less. Existing and future noise levels on the site are not expected to exceed an L_{dn} of 60 dBA, so neither of these regulatory provisions will be required for this development based upon average noise levels..

While average noise as expressed as Ldn will not exceed city standards, there will be occasional railroad noise affecting sleeping rooms at all hours of the day and night. As part of their amenity package, the developer will install triple pane windows and additional noise insulation on all units with a façade exposed to the tracks. In addition the 15 foot tall noise wall will be continued along the railroad frontage at the developer's expense.

The City of Hayward General Plan development standards also contain a goal for exterior noise levels in residential areas. This goal is an L_{dn} of 55 dBA for single-family development in exterior use areas. Per the General Plan guidelines, this is applied where outdoor use is a major consideration, such as in the backyards (or other private outdoor areas) of single family homes. Single family uses on the site could be exposed to exterior noise levels in outdoor use areas that are above the development standards in the General Plan.

Mitigation Measure:

- Noise barrier fences shall be built at the perimeter of backyards or other private outdoor areas of single-family homes. The top of the fences shall be six feet above yard grade. The applicant shall match the wall/fencing design of other adjacent developments (An approximately 15 foot tall concrete block wall with a stucco exterior). To be effective as a noise barrier, the fences shall be built without cracks or gaps in the face or large or continuous gaps at the base and have a minimum surface weigh of 3.0 pounds per square foot. Small, dispersed gaps for landscape irrigation or drainage which do not compose more than 0.5 percent of the wall area are acceptable. For a wood wall to meet these requirements, it is typically recommended that the fence be double faced with butted vertical fence boards on each side with a continuous layer of 0.5 inch plywood.

- To ensure that the barrier effect provided the fence is not degraded by significant gaps at the base or closing and opening faces of a gate, the total area of such gaps should be maintained at 4 percent or less of the total gate area. To ensure that the vertical gaps at the gate edges do

not degrade with age, an extra vertical 1x6 (or wider) fence boards are recommended to be placed at the leading gate edge, and the closing fence edge to lap the edges when closed.

- The design of fences for the single family units shall incorporate sound attenuation features in accordance with the recommendations above and be confirmed via actual readings prior to project finalization and/or issuance of Certificates of Occupancy on units.

- The applicant shall include triple pane windows and add noise insulation on all residences adjacent to the railroad tracks.

Implementation Responsibility: Project developer
Monitoring Responsibility: City of Hayward Planning Division
Timing: Prior to finalization and/or issuance of Certificates of Occupancy on units

Mitigation 10

Significant environmental Impact:

Existing residential development within the Cannery area and nearby residential areas could experience a short-term increase in ambient noise levels during the construction of the proposed project. Construction would be limited to allowable hours per the City of Hayward Noise Ordinance and major noise generating construction activities would be limited to one construction season or less.

The HCADP EIR included construction noise mitigation measures to reduce potentially significant construction noise impacts to less-than-significant levels. Mitigation Measure 4.9-1 from the HCADP EIR requires a project proponent to submit to the City for approval a Construction Noise Management Plan that identifies construction noise reduction measures. The measures below will be implemented as part of the project Noise Management Plan.

Mitigation Measure:

- Construction activities shall be limited to the hours between 7:00 a.m. and 7:00 p.m., Monday through Saturday and between the hours of 10:00 a.m. and 6:00 p.m. on Sundays and holidays (Consistent with Section 4-1.03.4 of the Hayward Municipal Code).

- Equip all internal combustion engine driven equipment with intake and exhaust mufflers that are in good condition and appropriate for the equipment.

- Locate stationary noise generating equipment (e.g., compressors) as far as possible from adjacent residential receivers.

- Acoustically shield stationary equipment located near residential receivers with temporary noise barriers.

- Utilize "quiet" air compressors and other stationary noise sources where technology exists.

- The contractor shall prepare a detailed construction plan identifying the schedule for major noise-generating construction activities. The construction plan shall identify a noise, dust and traffic coordinator and signage shall clearly show his/her phone number. All construction activities shall be scheduled by the coordinator to minimize noise disturbance. In addition, flyers showing this information shall be provided to all residents located within ¼ mile of the site and its construction yards. The Planning Division shall receive a copy of this notice to the neighbors.

Implementation Responsibility: Project developer & City of Hayward Building Division
Monitoring Responsibility: City of Hayward Planning Division
Timing: During project construction

Mitigation 11

Significant environmental Impact:

The project site is within the Burbank Elementary School, Winton Middle School, and Hayward High School attendance areas of the Hayward Unified School District. As called for in Mitigation Measure 4.13.2 in the HCADP EIR, the project applicant would be required to pay school impact fees, which, per State law, is considered full mitigation. Payment of school impact fees would reduce school impacts to a less than significant level. This impact was identified and adequately addressed in the HCADP EIR and the mitigation listed below will avoid or reduce the impact.

Mitigation Measure:

The applicant shall pay school impact fees to the City of Hayward. Impact fees will be those in effect at the time building permits are issued.

Implementation Responsibility: Project developer
Monitoring Responsibility: City of Hayward Planning Division
Timing: Prior issuance of a Building Permit for the project

Mitigation 12

Significant environmental Impact:

The proposed project would increase the use of local parks by new residents and the overall increase in parkland acreage in the Cannery Area would not be sufficient to meet City standards. The proposed project includes a park adjacent to Parkhurst Street. In addition to containing bio retention areas for stormwater runoff treatment, the park would include game tables, benches, three exercise stations, lawns, and a jogging trail. As called for in Mitigation Measure 4.13.1 in the HCADP EIR, developers of residential projects are required to dedicate parkland and/or pay

in-lieu fees. Any parkland obligations to the City not covered by the proposed park would be fulfilled via in-lieu fees.

Mitigation Measure:

The applicant shall dedicate parkland and/or pay in-lieu fees, or contribute in other ways as deemed acceptable by the Hayward Area Recreation District (HARD) and the City of Hayward to the construction of related facilities.

Implementation Responsibility: Project developer
Monitoring Responsibility: City of Hayward Planning Division
Timing: Prior issuance of a Building Permit for the project

MINUTES OF THE REGULAR MEETING OF THE CITY OF HAYWARD PLANNING COMMISSION
Council Chambers
Thursday, January 9, 2014, 7:00 p.m.
777 B Street, Hayward, CA94541

MEETING

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

ROLL CALL

Present:	COMMISSIONERS:	Loché, Trivedi, Faria, Márquez, Lavelle
	CHAIRPERSON:	Lamnin
Absent:	COMMISSIONERS:	McDermott
	CHAIRPERSON:	None

Commissioner Loché led in the Pledge of Allegiance.

Staff Members Present: Conneely, Golubics, Madhukansh-Singh, Rizk, Siefers

General Public Present: 15

ELECTION OF OFFICERS

Commissioner Márquez nominated Commissioner Lamnin to serve as Chair, Commissioner McDermott to serve as Vice Chair, and Commissioner Trivedi to serve as Secretary. Commissioner Loché seconded the motion. An oral vote was taken and the decision was unanimous, with Commissioner McDermott absent. Commissioner Márquez thanked Commissioner Faria for serving as Chair during 2013 and commended her on her leadership.

PUBLIC COMMENTS

None

PUBLIC HEARING

1. Request for Adoption of a Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program and approval of a Zone Change from RH-SD4 (High Density Residential with Overlay) to PD (Planned Development) (Application No. PL-2013-0084) and Vesting Tentative Tract Map 7894 (Application No. PL-2013-0085) associated with 105 Condominiums and 52 Single-family Detached Homes on 8.81 Acres Located at 199 Filbert Street in the Cannery Development – Sullivan Development Group (Applicant); Libitzky Property Companies / Kevin Perkins (Owner)

Senior Planner Golubics provided a synopsis of the report.

Commissioner Márquez disclosed that she had met with the applicant, Mike Sullivan. Senior Planner Golubics confirmed for Commissioner Márquez that the homes in the current Cannery development were all owner occupied.

In response to Commissioner Márquez's question, Senior Planner Golubics clarified that the credit for park in-lieu fees that may potentially be given to the developer are dependent on whether the enhancements made to Panhandle Park in the development site surpass what has been envisioned for the park in the Cannery Design Plan.

Commissioner Márquez noted that along Filbert Street in the proposed development area, there are existing residential houses that have a mixture of different styles, colors and types of fences. She asked staff if the project included a way to make these fences more uniform and consistent with the design plan of the development area.

Senior Planner Golubics stated that he was not aware of any enhancements being made to existing homes that had fences backing into the project site. He shared that a new sidewalk was installed on a portion of Filbert Street leading to Burbank Elementary School.

Development Services Director Rizk added that the fences in question were not proposed to be changed as a part of the project. He stated that the proposed project did include improvements on Filbert Street and all the way to the curb on the east side.

In response to Commissioner Loché's question, Senior Planner Golubics indicated that the additional parking proposed in the project will help to alleviate some of the current parking issues in the Cannery area. Mr. Golubics stated that the developer has offered to add diagonal parking spaces near Burbank Elementary School. He commented that the City has been trying to facilitate a way to resolve the parking issues involving the other Cannery developments and he noted that there will be a meeting held in late January to address this.

Senior Planner Golubics confirmed for Commissioner Loché that in previous phases of the Cannery development, the ratio of parking spaces per dwelling was defined to be 2.42. Mr. Golubics emphasized that the developer has surpassed the parking requirement by including 2.77 parking spaces per dwelling in the current project.

Commissioner Loché noted that increasing the deck sizes would assist in increasing the amount of private open space of the dwelling units and he asked staff how much the developer planned to increase the deck size by. Senior Planner Golubics said that some of the floor plans were close to meeting the requirement for private open space, noting that these units would need to increase the deck size by a couple of inches. He added that other units would have to increase the deck size by approximately one foot.

Commissioner Loché disclosed that he had met with the developer.

Senior Planner Golubics pointed out that the developer would install the public artwork at the gateway to the development on Filbert Street and added that staff has not seen any preliminary plans for what the artwork will look like.

Commissioner Trivedi disclosed that he had met with the developer. He was concerned as to what the parking needs were in the Cannery development and wondered if the current parking spaces requirement would exacerbate the problem of having a development that was deficient in parking. Commissioner Trivedi asked if staff felt that 2.77 parking spaces per unit were sufficient for the development area.

Senior Planner Golubics responded that 2.77 parking spaces per unit would benefit the Cannery development as a whole and shared that other developments in the Bay Area with similar parameters to the proposed project had fewer than 2.77 parking spaces per unit. He stated that staff was comfortable with the additional parking being made available by the developer in this project.

Commissioner Trivedi asked staff if the current occupant of the warehouse where the development is to be located is going out of business or will they be relocating to a different site. Senior Planner Golubics responded that he was unaware of who the current occupant of the warehouse was; however, he stated that the occupant's lease was valid until 2015.

Commissioner Trivedi asked staff to elaborate on what the deficiencies in the development were, specifically the RH and SD-4 setback requirements and the lot coverage standards. Senior Planner Golubics responded that the developer's plans did not meet the front, rear, side, and lot coverage for a high density residential development. He stated that the Cannery Design Plan encouraged that developments in the project area go through the Planned Development (PD) process to accomplish what has been articulated in the design plan, such as making the development pedestrian and transit oriented. Mr. Golubics noted that there was some flexibility built into the PD process to help facilitate this. He indicated that the developer was close to achieving what is outlined in the Cannery Design Plan and exemplified that the plan requires 65% lot coverage and the developer's plans consisted of 70% lot coverage, noting that this was not a huge variance. Mr. Golubics stated that the developer's plans did not deviate greatly from the RH standards, with the exception of the open space requirements.

Commissioner Trivedi asked how the plan amenities line up with the deficiencies they are to substitute in the proposed development. Senior Planner Golubics said that staff's goals are to make the additional amenities offered by the developer relate to whatever the deficiency may be. He indicated that staff was open to hearing if the Planning Commissioners had recommendations for amenities that staff could work with the applicant on in order to enhance the development project. Mr. Golubics described that one featured amenity in the development would be the publically available electric vehicle charging station.

Commissioner Lavelle suggested that the history of the Cannery be considered as a theme for the public artwork. She noted that it was unusual with the given project that the open space requirements were still unsettled and emphasized that these issues need to be resolved before the Planning Commission considers approving the project.

In response to Commissioner Lavelle's question on the open space requirements issue, Senior Planner Golubics responded that staff was working with the developer to meet the open space requirements. He indicated that in the event that the developer does not fulfill these requirements, then the developer would have to propose some type of amenity through the precise plan process.

Director Rizk pointed out that Condition of Approval No. 6 states that prior to submitting the precise plan, the project will provide the minimum amount of required open space and parking on-site. Furthermore, this condition required that the developer provide an additional amenity if the previous requirement could not be met, and the amenity would have to be approved by the Planning Director. Mr. Rizk shared that some of the private open space was not being calculated in the total open space figure for the project because the private open space areas of some of the decks were short in size. He noted that there might be a way to adjust the dimensions of the deck areas so that it may be included in the calculation of the total private open space. Director Rizk added that per Code, the amount of private open space can be doubled when meeting open space obligations.

Commissioner Lavelle complimented the developer for adding more parking on Filbert Street and stated that 2.77 parking spaces was a reasonable amount of parking per residential unit. As a reminder, she noted that the development is intended to be transit oriented and a dense development. She shared that the number of units proposed for the development site is lower than what is maximally possible for the area. Commissioner Lavelle said that in current times, it is more common for a household to have more than two cars and this was being experienced in Hayward. She emphasized that because the development project was transit oriented, when the housing units are marketed, they should be marketed towards individuals who will utilize public transit such as BART.

In response to Commissioner Lavelle's question, Senior Planner Golubics confirmed that every garage in the development will be wired so that it is possible to have charging stations for electric vehicles.

Commissioner Lavelle recommended that it be permissible for a non-electric vehicle to park after 8:00 p.m. in the public parking spot where the charging station will be located for electric vehicles.

Commissioner Lavelle asked staff to clarify what type of affordable housing the developer was being required to provide under Condition of Approval No. 22 which discussed the Inclusionary Housing Agreement (IHA). Senior Planner Golubics stated that the developer is required to provide 10 affordable housing units per the Inclusionary Housing Ordinance. He said that the developer currently has credit for 7 affordable homes from previous phases of the Cannery development and has to either provide for 3 more affordable units or pay the in-lieu fees, the cost of which was $80,000 per unit.

Commissioner Faria asked staff if there was currently a problem with the open space requirement for previous Cannery developments which the City was trying to help resolve with current residents.

Director Rizk shared that there was a neighborhood meeting in the Cannery development where it was suggested that some of the park area be eliminated to accommodate more parking in the development and he noted that Mayor Sweeney did not agree with this. Mr. Rizk responded that the

concerns of the residents did not involve open space requirements but were related to parking issues and the cut-through traffic experienced in the area.

In response to Commissioner Lavelle's question, Senior Planner Golubics reported that there are two Community Facilities District (CFD) in the City, one of which is located in the Cannery development. He stated that the proposed development would join this CFD and a study will be conducted to determine what the needs of the units are.

Director Rizk said that the City will hire a consultant to determine what the demands are for similar developments, such as demands for police services, and what residents in these developments are paying for CFD fees. He pointed out that CFDs are gaining popularity as the fiscal constraints of municipalities continued to increase.

Commissioner Márquez suggested to staff that a certain number of housing units within a development project be required to implement universal design elements in future development projects.

Commissioner Márquez asked staff how the funds generated from the affordable housing units' in-lieu fees would be utilized. Director Rizk stated that the City did have a Housing Authority and that the City recently extended its Interim Relief Ordinance related to Inclusionary Housing. He noted that the City has a hired a consultant to perform an analysis and it was being considered how to use the in-lieu funds for rehabilitation of existing affordable housing. Commissioner Márquez recommended that the in-lieu fees be used towards projects such as home modifications for seniors or improving accessibility.

Senior Planner Golubics indicated for Commissioner Márquez that no comments were received from the public regarding the present public hearing. Planning Manager Siefers added that the noticing for the project was done beyond the 300 feet standard requirement typically used for noticing due to the many concerns that staff has heard from Cannery residents regarding the parking issue.

Chair Lamnin asked staff to discuss why Live/Work Units were not viable for the development project. Senior Planner Golubics responded that based upon the developments to the west in combination with the advice gathered from the various developers in the Cannery, it was determined that Live/Work Units would not be a viable product for this location.

Chair Lamnin asked if amenities such as the availability of Wi-Fi service to residents in the Cannery or a shuttle service, and contributions towards a library have been considered. Senior Planner Golubics stated that none of these have been considered and added that the applicant could address this if such amenities would be feasible to provide.

Chair Lamnin opened the public hearing at 7:46 p.m.

Mike Sullivan, project applicant, expressed his appreciation to staff for all their hard work on the project. He stated that the aim of the project was to be consistent with the Cannery Design Plan approved by the City Council in 2001. Mr. Sullivan said that the development will feature a range of products, including townhomes and Single-family Detached Homes. He noted that the project will strive to have better open spaces and mentioned that he was confident that the project will meet the private open spaces requirement. He stated that he was aware of the parking concerns held by residents in the Cannery and for this reason, the proposed project included additional parking. He described that all homes have side-by-side garages for two vehicles and that there will be sufficient guest parking on-site. Mr. Sullivan added that he was working with City staff in identifying additional areas near the development site that could be improved to provide more parking. He noted that there will be 22 additional public parking spaces on Parkhurst Street and 12 additional parking spaces on Palmer Avenue next to the Water Tower Park. Mr. Sullivan shared that a new proposition which he is working on with staff is creating 27 additional diagonal parking spaces on Meek Avenue.

In response to Commissioner Márquez's question, he pointed out there will be improvements made to Filbert Street which will consist of new pavers, lighting, trees, and shrubs.

Commissioner Faria stated that there were existing homes in the development area which had fences with rear access, she asked the applicant how he would address the issues with these residences being able to continue to use the rear access of the fences on their property. She also asked the applicant who would be responsible for maintaining the amenities proposed for the development. Mr. Sullivan responded that he will be working with each homeowner individually regarding the rear fence access and would also work with these individuals on whether the changes proposed in the project are acceptable to them. He noted that most of the improvements being made will be on the public right of way. He noted that for the homes that have a mixture of different fence types and styles, he will try to work with these homeowners in improving these fences because it may impact the development project's marketing potential.

Mr. Sullivan noted for Commissioner Márquez that the ongoing maintenance of the amenities in the development will be managed by the Homeowner's Association and he pointed out that any changes made to the public right of way will be discussed with City staff in order to ensure that it is acceptable to the City.

In response to Commissioner Loché's question regarding the deck sizes, he mentioned that the minimum calculation for deck sizes is 60 square feet per unit, and he stated that the dimensions of the decks in the project which are currently 53 square feet will be increased so that it is consistent with the minimum requirement. Mr. Sullivan noted that he was considering using a theme that would incorporate the history of the Cannery into the public artwork.

Mr. Sullivan confirmed for Commissioner Loché that increasing the deck size in the units would help to fulfill the private open space requirement.

Commissioner Márquez encouraged the applicant to work with the Hayward Area Historical Society (HAHS) in developing a theme for the public artwork because she recalled that HAHS had expressed a few years ago the idea of having a Memorial Walk in the Cannery development.

Mr. Sullivan clarified for Chair Lamnin that in the development location, it would not be economically viable to have Live/Work Units and he noted that most of the townhomes would contain a den that could be converted to an office area.

Commissioner Trivedi asked the applicant where the parking space of the electric vehicle charging station would be located and whether it would be possible to have a charging station that had the capability to charge multiple electric vehicles at once. Mr. Sullivan responded that the location identified for the charging station was on Private Street B near the crosswalk and he mentioned that this location was selected because it would allow the charging station to be a little removed from being too near the development units. Mr. Sullivan said that he would explore the idea of having a charger that could charge multiple electric vehicles. He confirmed for Chair Lamnin that the intent of this charging station was so that it could be utilized for individuals visiting residents in the Cannery development.

Commissioner Márquez asked the applicant to elaborate on the bio-retention area presented in the Landscape Preliminary Plan. Mr. Sullivan indicated that the bio-retention areas were designated for treating storm water.

Commissioner Trivedi asked the applicant how the 3,400 square feet of deficient open space would be addressed. Mr. Sullivan said that his team did not have enough time to review this open space deficiency because the document was provided recently to him. He stated that City staff computed the group open space and in order to meet this requirement, an amenity might be needed to substitute for this. He pointed out that a potential off-setting condition for the open space requirement might be the 27 additional diagonal parking spaces that will be created on Meek Avenue.

Commissioner Trivedi asked the applicant who the current occupant of the warehouse was. Mr. Sullivan stated that there were two tenants at the warehouse; however one of the tenants had moved out and the second tenant was on 60-day month-to-month lease and would most probably be relocating to San Leandro.

Chair Lamnin disclosed that she met with the applicant. She asked the applicant whether it would be possible for potential homeowners of the development units to request that special ADA design features be included in the units. Lauri Fehlberg, architect with Dahlin Group, stated that it was possible to have wider doors as an option for the Single-family Detached Units and that future homeowners in the development could place this request with the developer. Ms. Fehlberg noted that in developing the plans for the project site, the development team did not go through the process of discussing universal design elements for the current project and pointed out that incorporating universal design elements can become complex for high density residential areas. She added that the development of the architecture could be further explored for the project site when evaluating the building permits and precise plans.

Chair Lamnin said that considering that Hayward is an educational area, she asked whether it would be possible to put in place infrastructure for community Wi-Fi. Ms. Fehlberg responded that her professional experience was that the provision of community Wi-Fi is usually not done for developments that are strictly residential with individual ownership. She added that it would make sense to add community Wi-Fi if the project included a retail component or if it was a large apartment complex with common areas. She noted that the improvements with Panhandle Park, the improvements in parking, and the extra elements such as the jogging path and the exercise station, were amenities in the environment that everyone, including non-residents, could enjoy.

In response to Commissioner Loché, Mr. Sullivan responded that there was a Lighting Plan in the staff report and that a more detailed Lighting Plan would be submitted along with the Precise Plan Process.

Chair Lamnin closed the public hearing at 8:07 p.m.

Senior Planner Golubics confirmed for Commissioner Lavelle that the bio-retention area could not be included in the calculation of the open space area.

Director Rizk clarified for Commissioner Faria that it was typical for Planned Development (PD) Zoning to have a preliminary plan such as the one presented to the Planning Commission at the present meeting. He noted that if the preliminary plan is approved by the City Council, there will be a subsequent Precise Plan submittal that is reviewed and approved by Staff.

Chair Lamnin recommended that the development project include opportunities to have reasonable ADA accommodations as options.

Director Rizk suggested that the Planning Commissioners consider that a condition including opportunities to have ADA accommodations be specific to Single-family Detached Homes as there would be challenges to requiring the townhomes in the development project to be subjected to the same conditions.

Commissioner Trivedi made a motion to approve staff's recommendation, subject to the findings in the report and the conditions of approval, with the following amendments: that the developer will incorporate universal design elements into Single-family Detached Homes; that Condition of Approval No. 6 be modified to state that the current deficient group open space of 3,427square feet be acceptable if the developer provides additional diagonal parking spaces along Meek Avenue adjacent to the triangular park; the developer was encouraged to work with the Hayward Area Historical Society in coming up with a design for the public art to be installed at the entrance of the project that is consistent with the history of the Cannery; that improvements be made to the East side of Filbert Street; and that non-electric vehicles be permitted to be parked in the public parking space designated for electric vehicles after 8:00 p.m.

Commissioner Márquez seconded the motion.

MINUTES OF THE REGULAR MEETING OF THE CITY OF HAYWARD PLANNING COMMISSION
Council Chambers
Thursday, January 9, 2014, 7:00 p.m.
777 B Street, Hayward, CA94541

AYES:	Commissioners Loché, Trivedi, Faria, Márquez, Lavelle Chair Lamnin
NOES:	None
ABSENT:	Commissioner McDermott
ABSTAINED:	None

COMMISSION REPORTS:

2. Oral Report on Planning and Zoning Matters

Development Services Director Rizk noted that the next item on the Planning Commission's agenda was the Integral Communities Development Project which was scheduled for January 23, 2014; however, Director Rizk stated that this item may not be ready by the said date. He polled the Planning Commissioners to see if they would be available to hold a Special Planning Commission Meeting on January 30, 2014. All Planning Commissioners responded that they were available to attend a Planning Commission Meeting on January 30, 2014, with the exception of Commissioner McDermott who was absent. Planning Manager Siefers noted that the January 23, 2014 Planning Commission Meeting would be cancelled.

3. Planning Commissioners Academy, San Francisco, March 26-28, 2014. Please let Pat Siefers know if you are interested in attending.

Planning Manager Siefers asked the Planning Commissioners if they were interested in attending the Planning Commissioners Academy, noting the City of Hayward would pay for the registration fees. Commissioners Lamnin and Trivedi expressed interest in attending the mentioned trainings.

4. Commissioners' Announcements, Referrals

Commissioner Márquez asked staff for an update on the status of the Hayward Amtrak station. Planning Manager Siefers responded that staff would be attending a meeting at the end of the month where issues about which train tracks of the Capitol Corridor will continue to operate will be discussed.

Commissioner Márquez asked staff if it would be possible to organize a Work Session sometime in the future on universal design concepts and compliance with Americans with Disabilities Act guidelines so that Planning Commissioners can be better informed when considering future development projects occurring in Hayward.

Chair Lamnin stated that with recent development projects, it was often too late for developers to incorporate feedback such as universal design elements into the projects. Chair Lamnin suggested that it might be helpful to hold something like a charette that would allow Planning Commissioners to have a conversation with different stakeholders regarding upcoming development projects so that way, the applicant of the project receives clear direction on what staff, residents and the Planning

Commissioners hope to see in the project. Planning Manager Siefers said that it would also be useful for staff to occasionally present the Planning Commission with a study session so that the Planning Commissioners are aware of what projects are underway and are thus able to make their comments available to developers earlier on in the process.

APPROVAL OF MINUTES

5. The minutes of November 21, 2013 were approved with Commissioners Lamnin and Trivedi abstaining and Commissioner McDermott absent.

ADJOURNMENT

Chair Lamnin adjourned the meeting at 8:27 p.m.

APPROVED:

_____
Vishal Trivedi, Secretary
Planning Commission

ATTEST:

_____
Avinta Madhukansh-Singh, Senior Secretary
Office of the City Clerk

SHEET INDEX

NO.		
1		COVER SHEET - SHEET INDEX
		CIVIL PLANS
2	TM.1	VESTING TENTATIVE MAP - EXISTING PROPERTY
3	TM.2	VESTING TENTATIVE MAP - SITE & CIRCULATION PLAN
4	TM.3	VESTING TENTATIVE MAP - GRADING PLAN
5	TM.4	VESTING TENTATIVE MAP - UTILITY PLAN
6A	C.1	PLANNED DEVELOPMENT SITE PLAN
6B	C.2	PLANNED DEVELOPMENT OPEN SPACE
		LANDSCAPE PLANS
7	L.1	PRELIMINARY LANDSCAPE PLAN
8	L.2	PLANT PALETTE, FILBERT ST., AND PARK PLANTING
9	L.3	SITE FURNISHINGS AND ILLUSTRATIVE IMAGES
10	L.4	PRELIMINARY LANDSCAPE LIGHTING PLAN

NO.		ARCHITECTURAL PLANS
11A	V.1	TYPICAL SINGLE FAMILY PASEO
11B	V.2	TYPICAL PASEO VIGNETTE
11C	T1.1	ARCHITECTURAL TITLE SHEET
		SINGLE FAMILY
12	A1.0	PLAN 1 ELEVATIONS
13	A1.1	PLAN 1 FLOOR PLANS
14	A1.2	PLAN 1 ROOF PLAN & ELEVATIONS - ELEVATION A
15	A1.3	PLAN 1 ROOF PLAN & ELEVATIONS - ELEVATION B
16	A2.0	PLAN 2 ELEVATIONS
17	A2.1	PLAN 2 FLOOR PLANS
18	A2.2	PLAN 2 ROOF PLAN & ELEVATIONS - ELEVATION A
19	A2.3	PLAN 2 ROOF PLAN & ELEVATIONS - ELEVATION B
20	A2.4	PLAN 2 ROOF PLAN & ELEVATIONS - ELEVATION C
21	A3.0	PLAN 3 ELEVATIONS
22	A3.1	PLAN 3 FLOOR PLANS
23	A3.2	PLAN 3 ROOF PLAN & ELEVATIONS - ELEVATION A
24	A3.3	PLAN 3 ROOF PLAN & ELEVATIONS - ELEVATION B
25	A3.4	PLAN 3 ROOF PLAN & ELEVATIONS - ELEVATION C

NO.		ARCHITECTURAL PLANS, CONT.
		MULTI-FAMILY
26	A4.1	BUILDING 500 FIRST FLOOR PLAN
27	A4.2	BUILDING 500 SECOND FLOOR PLAN
28	A4.3	BUILDING 500 THIRD FLOOR PLAN
29	A4.4	BUILDING 500 ROOF PLAN & ELEVATIONS
30	A4.5	BUILDING 500 ELEVATIONS
31	A5.1	BUILDING 600 FIRST FLOOR PLAN
32	A5.2	BUILDING 600 SECOND FLOOR PLAN
33	A5.3	BUILDING 600 THIRD FLOOR PLAN
34	A5.4	BUILDING 600 ROOF PLAN & ELEVATIONS
35	A5.5	BUILDING 600 ELEVATIONS
36	A6.1	BUILDING 700 FIRST FLOOR PLAN
37	A6.2	BUILDING 700 SECOND FLOOR PLAN
38	A6.3	BUILDING 700 THIRD FLOOR PLAN
39	A6.4	BUILDING 700 ROOF PLAN & ELEVATIONS
40	A6.5	BUILDING 700 ELEVATIONS
41	A7.1	BUILDING 900 FIRST FLOOR PLAN
42	A7.2	BUILDING 900 SECOND FLOOR PLAN
43	A7.3	BUILDING 900 THIRD FLOOR PLAN
44	A7.4	BUILDING 900 ROOF PLAN & ELEVATIONS
45	A7.5	BUILDING 900 ELEVATIONS
46	8.1	PLAN 4 FLOOR PLANS
47	8.2	PLAN 5 FLOOR PLANS
48	8.3	PLAN 6 & 7 FLOOR PLANS

DEVELOPER

SULLIVAN DEVELOPMENT GROUP, LLC
142 PINE WOOD LANE
LOS GATOS, CA 95032
(408) 628-4280
CONTACT: MICHAEL SULLIVAN

CIVIL ENGINEER

CARLSON, BARBEE & GIBSON, INC.
2633 CAMINO RAMON, SUITE 350
SAN RAMON, CA 94583
(925) 866-0322
CONTACT: LEE ROSENBLATT

LANDSCAPE ARCHITECT

RANDALL PLANNING AND DESIGN, INC.
1475 N. BROADWAY, SUITE 290
WALNUT CREEK, CA 94596
(925) 934-8002
CONTACT: GREG RANDALL

ARCHITECT

DAHLIN GROUP
5865 OWENS DRIVE
PLEASANTON, CA 94588
(925) 251-7200
CONTACT: DONALD RUTHROFF

JANUARY 22, 2014

RANDALL PLANNING & DESIGN INC.
Landscape Architecture * Golf Facilities
Site and Environmental Planning
1475 N. Broadway Suite 290
Walnut Creek, California 94596
Office: (925) 934-8002
Facsimile: (925) 934-8033

DAHLIN group
5865 Owens Drive
Pleasanton, CA 94588
925-251-7200

CANNERY PLACE-TRACT 7894
LIBITZKY PROPERTY

PLANNED DEVELOPMENT

HAYWARD, CALIFORNIA

SDG CONSULTING

cbg
Carlson, Barbee & Gibson, Inc.
CIVIL ENGINEERS • SURVEYORS • PLANNERS
2633 Camino Ramon, Suite 350 • San Ramon, CA 94583
925-866-0322 • fax 925-866-8575
www.cbandg.com

LEGEND

EXISTING	PROPOSED	DESCRIPTION
		SUBDIVISION BOUNDARY
		PROPERTY LINE
		CURB, GUTTER AND SIDEWALK
		VALLEY GUTTER
		PUBLIC UTILITY EASEMENT
		FENCE
x 100.0	x 100.0	SPOT ELEVATIONS
12	53	LOT NUMBER
		DECORATIVE PAVING

ABBREVIATIONS

AC	ASPHALT CONCRETE
EVAE	EMERGENCY VEHICLE ACCESS EASEMENT
FC	FACE OF CURB
LS	LANDSCAPE
PL	PROPERTY LINE
PSD	PRIVATE STORM DRAIN PIPE
PUE	PUBLIC UTILITY EASEMENT
RW	RIGHT-OF-WAY
SDE	STORM DRAIN EASEMENT
SSE	SANITARY SEWER EASEMENT
SW	SIDEWALK
WLE	WATER LINE EASEMENT

SHEET INDEX

TM.1	EXISTING PROPERTY
TM.2	SITE & CIRCULATION PLAN
TM.3	GRADING PLAN
TM.4	UTILITY PLAN
C.1	PLANNED DEVELOPMENT SITE PLAN

CONTACTS

1. DEVELOPER: SULLIVAN DEVELOPMENT GROUP, LLC
142 PINE WOOD LANE
LOS GATOS, CA 95032
(408) 628-4280
MICHAEL SULLIVAN

2. ENGINEER: CARLSON, BARBEE & GIBSON, INC.
2633 CAMINO RAMON, SUITE 350
SAN RAMON, CA 94583
(925) 866-0322
LEE ROSENBLATT, RCE 65469

3. SOILS ENGINEER: T. MAKDISSY CONSULTING, INC.
23 LAS COLINAS LANE, SUITE 106
SAN JOSE, CA 95119
(408) 227-8595
TOM MAKDISSY, RCE, RGE 556

4. TOPOGRAPHIC SOURCE: AERIAL TOPOGRAPHY COMPILED BY:
AEROMETRIC SURVEYS
915 CLAREMONT STREET
SAN MATEO, CA 94402

WE, LIBITZKY HOLDINGS, L.P., AGREE TO THE FILING OF SAID MAP AND TO COMPLY WITH THE PROVISIONS OF THE CITY OF HAYWARD SUBDIVISION ORDINANCE AND THE STATE MAP ACT AS THEY APPLY TO THE PROCESSING AND APPROVAL OF SAID MAP.

BY: _____ DATE: _____

WE, CONTRA COSTA INDUSTRIAL PARK II, L.P., AGREE TO THE FILING OF SAID MAP AND TO COMPLY WITH THE PROVISIONS OF THE CITY OF HAYWARD SUBDIVISION ORDINANCE AND THE STATE MAP ACT AS THEY APPLY TO THE PROCESSING AND APPROVAL OF SAID MAP.

BY: _____ DATE: _____

WE, FILBERT/ORTON PROPERTIES, LLC, AGREE TO THE FILING OF SAID MAP AND TO COMPLY WITH THE PROVISIONS OF THE CITY OF HAYWARD SUBDIVISION ORDINANCE AND THE STATE MAP ACT AS THEY APPLY TO THE PROCESSING AND APPROVAL OF SAID MAP.

BY: _____ DATE: _____

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

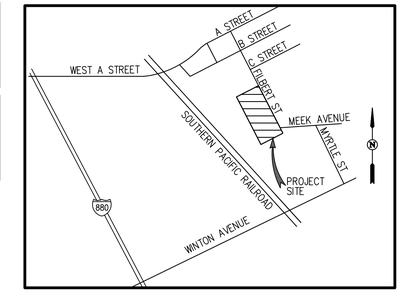
BY: _____ DATE: _____
LEE ROSENBLATT, RCE #65469

A SOILS REPORT ON THIS PROPERTY HAS BEEN PREPARED BY T. MAKDISSY CONSULTING, INC. ENTITLED UPDATE OF PRELIMINARY GEOTECHNICAL REPORT, DATED APRIL 29, 2013, WHICH HAS BEEN FILED WITH THE CITY OF HAYWARD.

BY: _____ DATE: _____
TOM MAKDISSY, RGE #556

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

BY: _____ DATE: _____
CHRISTOPHER S. HARMISON, PLS #7176

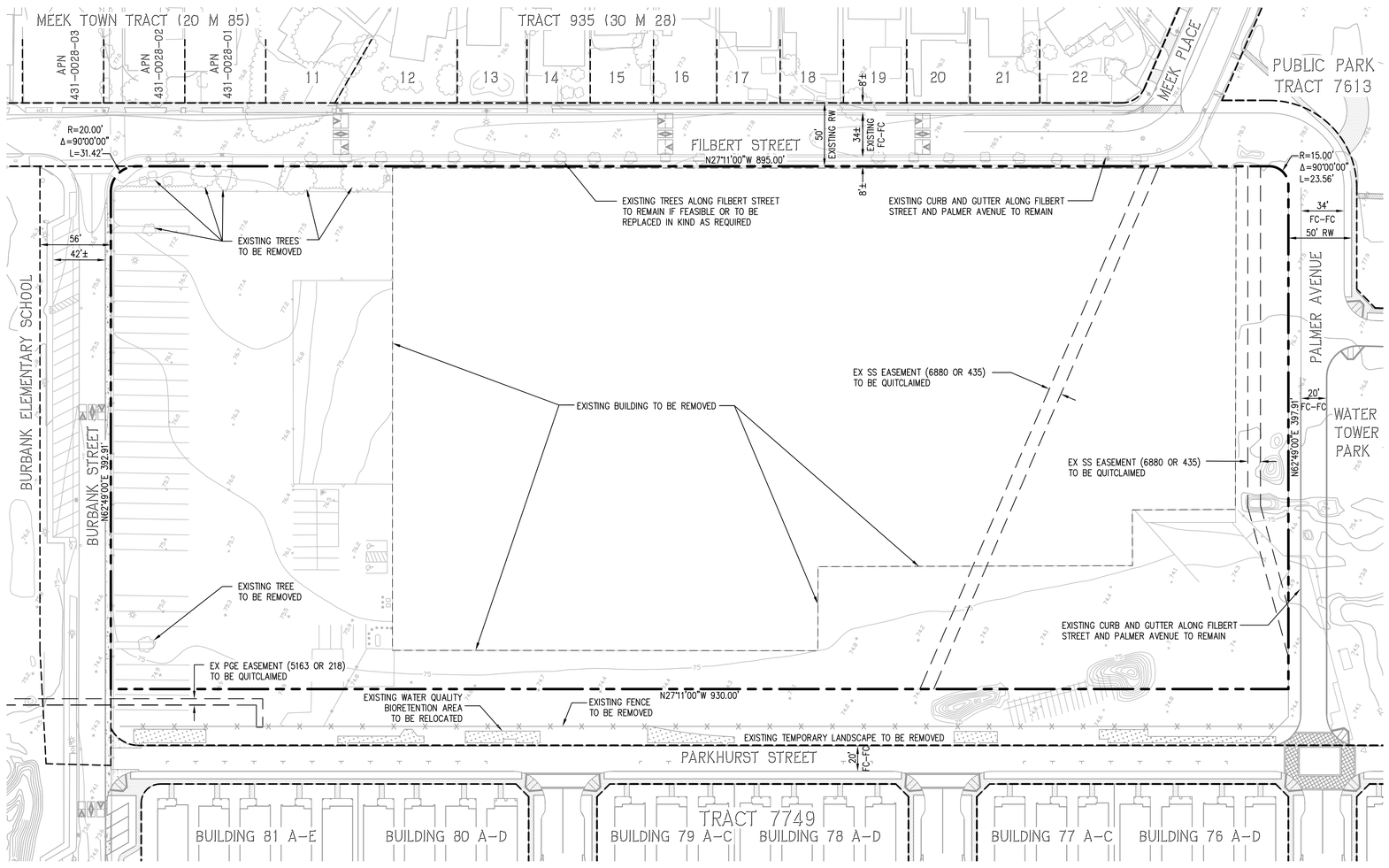


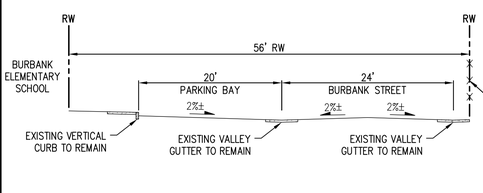
VICINITY MAP
(NOT TO SCALE)

GENERAL NOTES

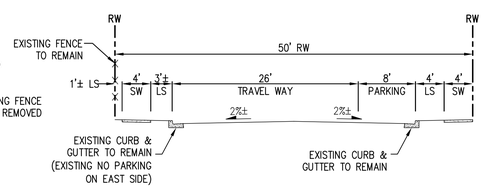
1.	ASSESSORS PARCEL NO:	431-0024-010-10
2.	SITE ADDRESS:	FILBERT STREET @ BURBANK STREET HAYWARD, CA.
3.	SITE AREA:	8.81± ACRES
4.	EXISTING ZONING: PROPOSED ZONING:	MIXED INDUSTRIAL PLANNED DEVELOPMENT
5.	EXISTING USE: PROPOSED USE:	MIXED INDUSTRIAL SINGLE FAMILY RESIDENTIAL – 52 SINGLE FAMILY LOTS MULTI-FAMILY RESIDENTIAL – 17 BUILDINGS; 105 UNITS TOTAL UNITS 157
6.	MINIMUM SINGLE FAMILY LOT SIZE:	31' X 45.5' (1,410.5 SF)
7.	BENCHMARK:	TOP OF DISC, STANDARD STREET MONUMENT, CENTERLINE WINTON AVENUE, 41 FEET NORTHEAST OF UNION PACIFIC RAILROAD RIGHT-OF-WAY; ELEVATION = 77.72, NGVD29, 1959 ADJUSTMENT.
8.	EXISTING STRUCTURES:	ALL EXISTING BUILDINGS, PAVEMENT, AND TREES WITHIN BOUNDARY TO BE REMOVED.
9.	LIGHTING AND LANDSCAPE DISTRICT:	THIS PROJECT IS ADJACENT TO AND SHALL BE ANNEXED INTO LIGHTING AND LANDSCAPE DISTRICT ZONE 13.
10.	STREETS:	ALL ROADWAYS WITHIN THE SUBDIVISION WILL BE PRIVATE AND WILL BE PRIVATELY MAINTAINED BY THE HOMEOWNER'S ASSOCIATION. ALL PRIVATE DRIVES AISLES WILL BE WITHIN PUE'S. THE MINIMUM LONGITUDINAL SLOPE OF ALL STREETS IS 0.60%
11.	STREET TREES:	STREET TREES SHALL BE PROVIDED AS REQUIRED BY THE CITY AND INSTALLED PER CITY STD SD-122. STREET TREES ALONG ALL PUBLIC PERIMETER STREETS TO BE MAINTAINED BY THE LIGHTING AND LANDSCAPE DISTRICT ZONE 13. ALL OTHER TREES WITHIN THE PROJECT WILL BE PRIVATELY MAINTAINED BY THE HOMEOWNER'S ASSOCIATION.
12.	STREET LIGHTS:	STREET LIGHTS ALONG PUBLIC PERIMETER STREETS TO BE MAINTAINED BY THE LIGHTING AND LANDSCAPE DISTRICT ZONE 13. ALL OTHER STREET LIGHTS ON PRIVATE DRIVE AISLES WILL BE PRIVATELY MAINTAINED.
13.	WALLS AND FENCING:	ALL WALLS AND FENCING WILL BE PRIVATE FACILITIES AND PRIVATELY MAINTAINED.
14.	STORM DRAIN:	PROPOSED ONSITE STORM DRAIN FACILITIES WHICH CONNECT FILBERT STREET TO PARKHURST STREET AND THE PANHANDLE PARK WILL BE PUBLIC FACILITIES AND WILL BE OWNED AND MAINTAINED BY THE CITY OF HAYWARD. ALL OTHER PROPOSED ONSITE STORM DRAIN FACILITIES WILL BE PRIVATE FACILITIES AND WILL BE PRIVATELY MAINTAINED BY THE HOMEOWNER'S ASSOCIATION.
15.	PUBLIC UTILITIES:	PROPOSED ONSITE WATER AND SANITARY SEWER FACILITIES ARE PUBLIC AND WILL BE WITHIN A SANITARY AND/OR WATER EASEMENT. PROPOSED WATER AND SANITARY SEWER FACILITIES WILL BE CONSTRUCTED PER CITY OF HAYWARD STANDARDS AND BE DEDICATED TO THE CITY.
16.	PRIVATE UTILITIES:	ALL PROPOSED ONSITE IN-TRACT STORM DRAIN FACILITIES (EXCEPT PUBLIC WEIR BYPASS AND FACILITIES CONNECTING FILBERT STREET TO PARKHURST STREET WITHIN PRIVATE STREET A).
17.	FLOOD ZONE:	ZONE B – BETWEEN LIMITS OF 100 YEAR AND 500 YEAR FLOOD ZONE C – AREAS OF MINIMAL FLOODING REFER TO: FLOOD INSURANCE RATE MAP PANEL 06001C0286G (AUGUST 3, 2009) PANEL 06001C0287G (AUGUST 3, 2009)
18.	WELLS ONSITE:	NONE
19.	WATER:	CITY OF HAYWARD
20.	SEWER:	CITY OF HAYWARD
21.	GAS & ELECTRIC:	PG&E
22.	TELEPHONE:	SBC
23.	CABLE TV:	COMCAST CABLE
24.	DIMENSIONS:	ALL DIMENSIONS ARE PRELIMINARY AND SUBJECT TO FINAL MAP
25.	FINAL MAP:	ONE FINAL MAP SHALL BE FILED FOR THIS SITE
26.	PHASING:	SUBDIVISION MAY BE CONSTRUCTED IN PHASES
27.	EASEMENTS:	ALL EXISTING EASEMENTS TO BE QUITCLAIMED OR ABANDONED UNLESS OTHERWISE SPECIFIED
28.	HOMEOWNER'S ASSOCIATION:	A HOMEOWNER'S ASSOCIATION SHALL BE CREATED FOR THE DEVELOPMENT TO MAINTAIN PRIVATE AMENITIES.
29.	CFD:	THIS PROJECT IS WITHIN THE SPHERE OF INFLUENCE OF AND SHALL BE ANNEXED INTO CFD 2.

REGISTERED PROFESSIONAL ENGINEER
LEE JORDAN ROSENBLATT
65469
EXP 9/30/13
CIVIL
STATE OF CALIFORNIA

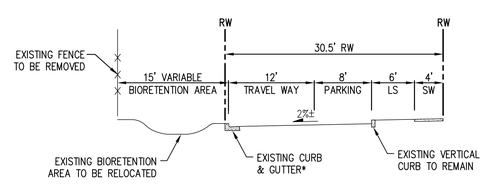




BURBANK STREET
(EXISTING CONDITION)
NOT TO SCALE



FILBERT STREET
(EXISTING CONDITION)
NOT TO SCALE



PARKHURST STREET
(EXISTING CONDITION)
NOT TO SCALE
*NOTE: SEE SHEET TM.2 FOR PARKING BAY WIDENING DETAILS

VESTING TENTATIVE MAP
EXISTING PROPERTY
CANNERY PLACE - TRACT 7894
LIBITZKY PROPERTY

CITY OF HAYWARD ALAMEDA COUNTY CALIFORNIA

0' 50' 150' 200'
SCALE: 1" = 50' DATE: DECEMBER 2, 2013

cbg
Carlson, Barbee & Gibson, Inc.
CIVIL ENGINEERS • SURVEYORS • PLANNERS
2633 CAMINO RAMON, SUITE 350
SAN RAMON, CALIFORNIA 94583
(925) 866-0322

SHEET NUMBER
TM.1
2 OF 48

12/20/2013 11:53 AM
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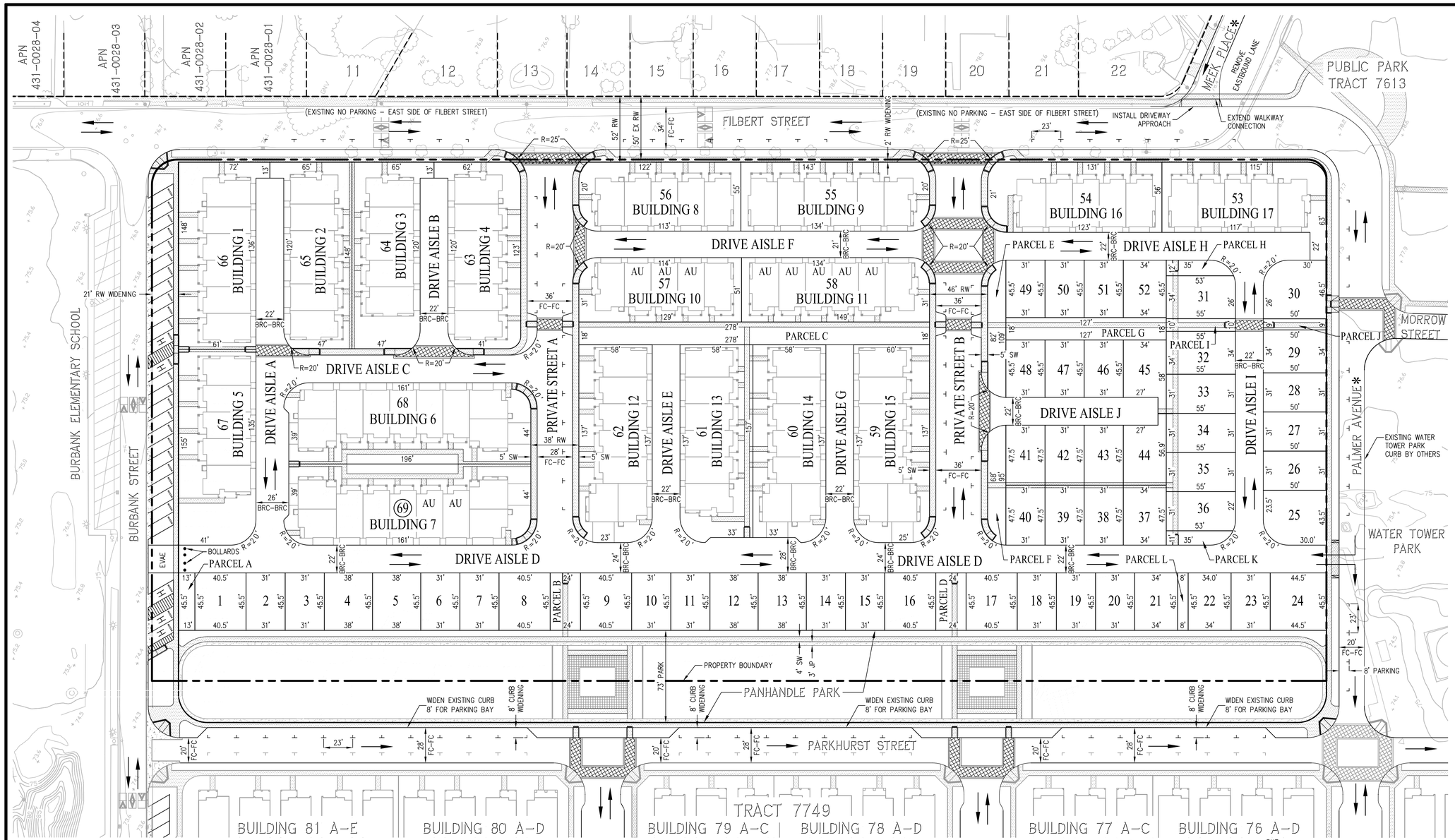


LEGEND

EXISTING	PROPOSED	DESCRIPTION
		SUBDIVISION BOUNDARY
		PROPERTY LINE
		SIDEWALK, PATHWAY
		VALLEY GUTTER
		PUBLIC UTILITY EASEMENT
	AU	ACCESSIBLE UNIT
	H	HANDICAP PARKING STALL
x 100.0	x 100.0	SPOT ELEVATIONS
12	53	LOT NUMBER
		TRAFFIC CIRCULATION
		DECORATIVE PAVING
	BRC	BACK OF ROLLED CURB
	DW	DRIVEWAY
	EVAE	EMERGENCY VEHICLE ACCESS EASEMENT
	FC	FACE OF CURB
	JP	JOGGING PATH
	LS	LANDSCAPE
	PL	PROPERTY LINE
	PSD	PUBLIC STORM DRAIN
	PUE	PUBLIC UTILITY EASEMENT
	RW	RIGHT-OF-WAY
	SDE	STORM DRAIN EASEMENT
	SSE	SANITARY SEWER EASEMENT
	SW	SIDEWALK
	TC	TOP OF CURB
	WLE	WATER LINE EASEMENT

GENERAL NOTES

1. EXISTING ZONING: MIXED INDUSTRIAL
2. PROPOSED ZONING: PD RESIDENTIAL
3. EXISTING LAND USE: INDUSTRIAL
4. PROPOSED LAND USE: SINGLE FAMILY RESIDENTIAL / MULTI-FAMILY RESIDENTIAL
5. TOTAL SITE AREA: 8.81± AC
6. TOTAL NUMBER OF LOTS: 69 LOTS; 12 PARCELS; 157 TOTAL UNITS
7. GROSS DENSITY: 17.8 UNITS/AC; NET DENSITY: 24.1 UNITS/AC
8. STREETS: ALL DRIVE AISLES WITHIN THE SUBDIVISION WILL BE PRIVATE AND WILL BE PRIVATELY MAINTAINED BY THE HOMEOWNER'S ASSOCIATION. ALL PRIVATE DRIVES AISLES WILL BE WITHIN PUE'S. THE MINIMUM LONGITUDINAL SLOPE OF ALL STREETS IS 0.60%.
9. SIDEWALKS: ALL SIDEWALKS AND PATHWAYS TO BE 4' WIDE MINIMUM
10. TOTAL IMPERVIOUS SURFACE: 6.17± AC

* OFF-SITE NOTES:

1. MEEK PLACE:
   CONVERT MEEK PLACE TO ONE WAY STREET, COMPLETE TRACT 7613 PUBLIC PARK IMPROVEMENTS WITHIN EXISTING RIGHT-OF-WAY, AND CONSTRUCT FILBERT STREET CONNECTION TO PALMER AVENUE PER APPROVED TRACT 7613 IMPROVEMENT AND LANDSCAPE CONVERSION PLANS.
2. PALMER AVENUE:
   COMPLETE PALMER AVENUE IMPROVEMENTS FROM MORROW STREET TO PARKHURST STREET PER TRACT 7625 APPROVED IMPROVEMENT PLANS.

PAVEMENT DESIGN CHART

STREET	TI	R	ASPHALTIC CONCRETE (AC)	CALTRANS CLASS 2 AGGREGATE BASE (AB)	TOTAL PAVEMENT THICKNESS
PRIVATE STREETS A & B	6.5	5	3"	17.0"	20.0"
DRIVE AISLE D	6.5	5	3"	17.0"	20.0"
ALL OTHER DRIVE AISLES	6.0	5	3"	18.0"	21.0"

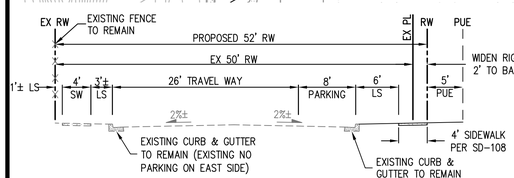
NOTES:
1. R-VALUE TO BE FINALIZED BY GEOTECHNICAL ENGINEER WITH FINAL DESIGN.

TOWNHOME UNIT SUMMARY

BUILDING TYPE	BUILDING COUNT	UNIT COUNT
5-PLEX	6	30
6-PLEX	6	36
7-PLEX	3	21
9-PLEX	2	18
TOTAL	17	105

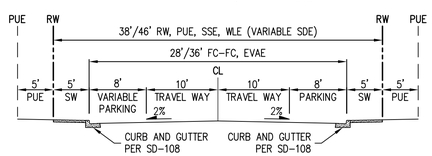
PROJECT UNIT SUMMARY

PRODUCT TYPE	UNIT COUNT
TOWNHOMES	105
SINGLE FAMILY	52
TOTAL UNITS	157

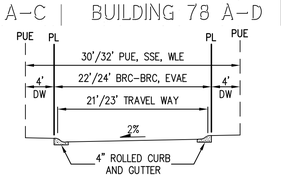


FILBERT STREET

NOT TO SCALE

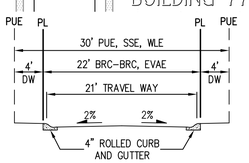


PRIVATE STREETS A & B



DRIVE AISLE C-E, & G-I

NOT TO SCALE



DRIVE AISLE J

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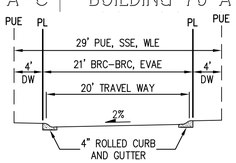


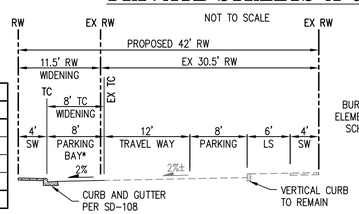
DRIVE AISLE F

NOT TO SCALE

PARKING SUMMARY

PARKING TYPE	PARKING REQUIRED: RATIO	PARKING REQUIRED: NUMBER OF SPACES	PARKING PROVIDED: RATIO	PARKING PROVIDED: NUMBER OF SPACES
GARAGE	2 SPACES/DU	314 SPACES	2 SPACES/DU	314 SPACES
DRIVEWAY	–	–	0.02 SPACES/DU	4 SPACES
ON-STREET/GUEST	0.25 SPACE/DU	39 SPACES	0.14 SPACE/DU	22 SPACES
ON-STREET/EXTERNAL			0.55 SPACE/DU	87 SPACES
TOTAL	2.25	353 SPACES	2.72 SPACE/DU	427 SPACES

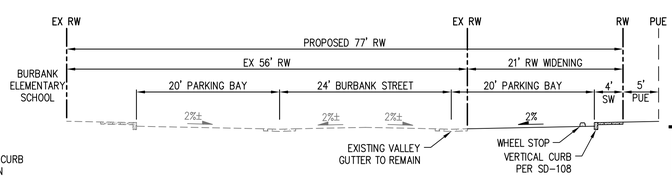
NOTES:
1. ON-STREET/GUEST PARKING INCLUDES BOTH PUBLIC AND INTERNAL STREET PARKING.
2. FIVE HANDICAP SPACES ARE PROVIDED ALONG BURBANK STREET WITH REQUIRED LOADING ZONES INCLUDING VAN SPACES (DENOTED BY "H" ON PLAN ABOVE).



PARKHURST STREET

NOT TO SCALE

*NOTE: SEE ABOVE FOR PARKING BAY WIDENING LOCATIONS



BURBANK STREET

NOT TO SCALE

VESTING TENTATIVE MAP
SITE & CIRCULATION PLAN
CANNERY PLACE - TRACT 7894
LIBITZKY PROPERTY

CITY OF HAYWARD ALAMEDA COUNTY CALIFORNIA

0' 40' 120' 160'

SCALE: 1" = 40' DATE: DECEMBER 2, 2013

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SHEET NUMBER
TM.2
3 OF 48

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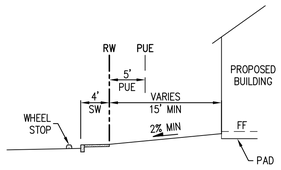

SECTION A-A
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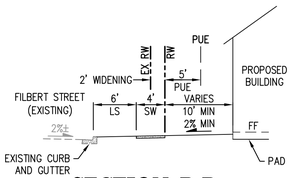

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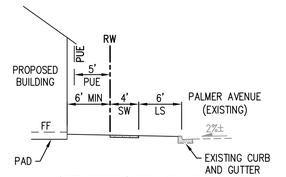

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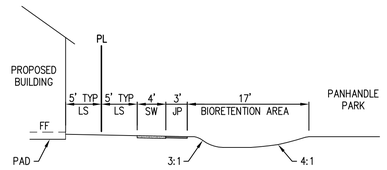

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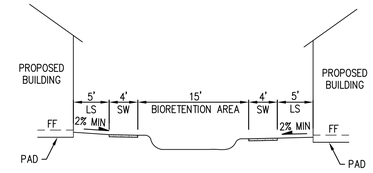

SECTION E-E
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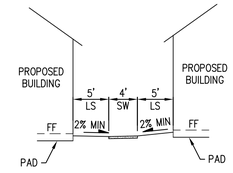

SECTION F-F
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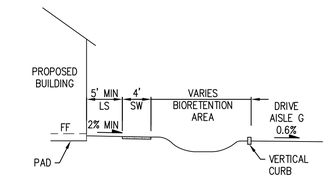

SECTION G-G
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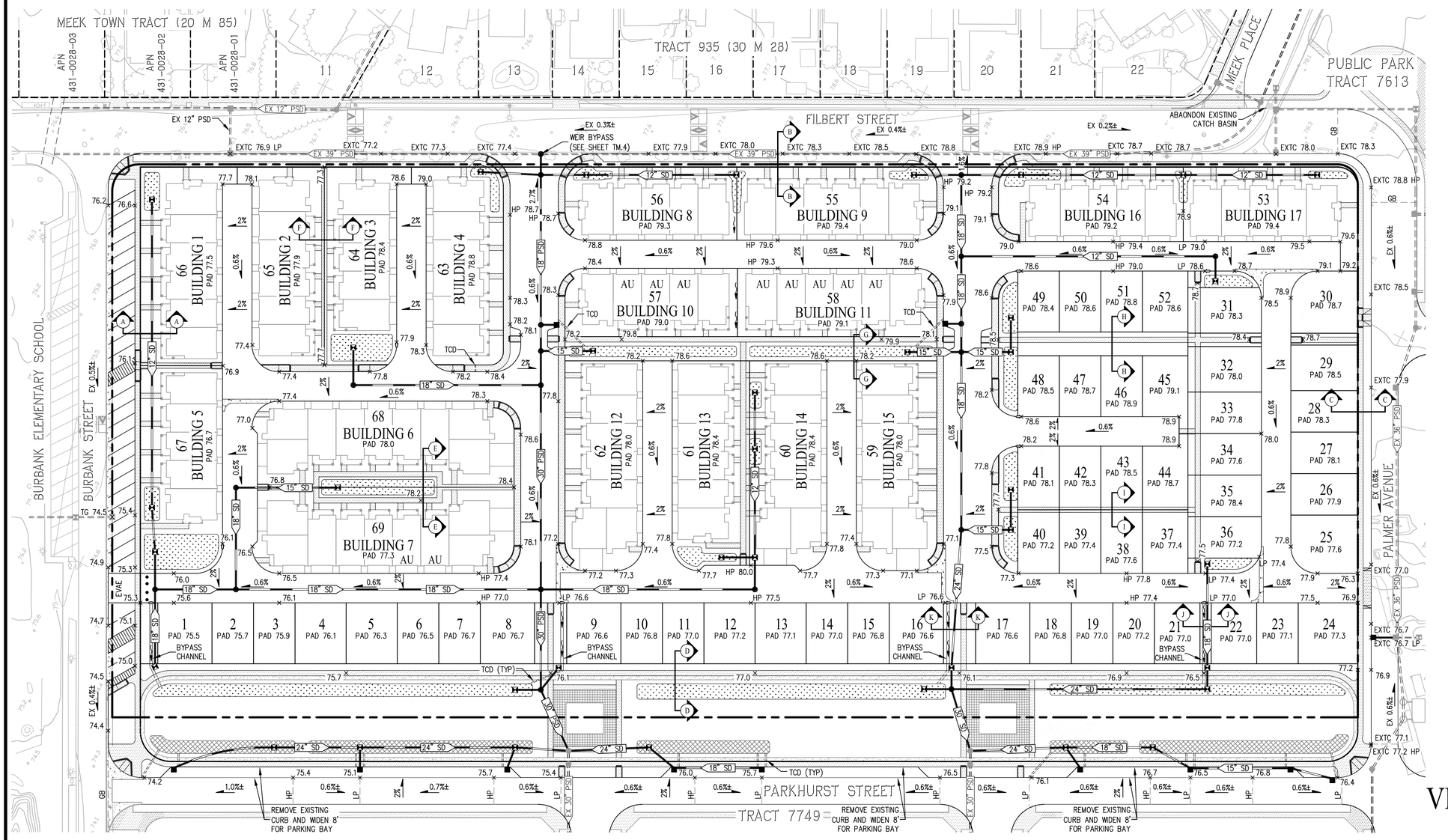


LEGEND

EXISTING	PROPOSED	DESCRIPTION
		SUBDIVISION BOUNDARY
		PROPERTY LINE
		CURB, GUTTER AND SIDEWALK
		VALLEY GUTTER
		FENCE
x 777.0	x 777.70	SPOT ELEVATIONS
EX SD	SD	STORM DRAIN LINE (PRIVATE)
EX PSD	PSD	STORM DRAIN LINE (PUBLIC)
		STORM DRAIN MANHOLE
		CURB INLET
		FIELD INLET
12	53	LOT NUMBER
		CURB CUT
	BD	BOUNDARY
	EVAE	EMERGENCY VEHICLE ACCESS EASEMENT
	FF	FINISH FLOOR
	GB	GRADE BREAK
	HP	HIGH POINT
	JP	JOGGING PATH
	LP	LOW POINT
	LS	LANDSCAPE
	PL	PROPERTY LINE
	PSD	PUBLIC STORM DRAIN
	PUE	PUBLIC UTILITY EASEMENT
	RW	RIGHT-OF-WAY
	SD	STORM DRAIN (PRIVATE)
	SW	SIDEWALK
	TCD	THRU CURB DRAIN
		BIORETENTION AREA
		BIORETENTION AREA TO BE RELOCATED

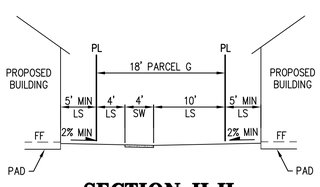
GRADING NOTES

1.	GRADING	GRADING WILL BE DONE AS PART OF THIS TRACT
2.	LIMIT OF GRADING	THE LIMIT OF GRADING IS THE PROPOSED SUBDIVISION BOUNDARY AND PANHANDLE PARK
3.	SOILS REPORT	ELEMENTS OF GRADING ARE IN CONFORMANCE WITH PRELIMINARY SOILS REPORT

EARTHWORK SUMMARY

DESCRIPTION	CUT	FILL
ROUGH GRADING	2,500 C.Y.	15,000 C.Y.
BALANCE	12,500 C.Y.	
TOTAL	15,000 C.Y.	15,000 C.Y.

NOTES:
1. EARTHWORK QUANTITIES ARE APPROXIMATE AND REPRESENT RAW NUMBERS ONLY.
2. EARTHWORK QUANTITIES DO NOT INCLUDE USING ROCK GENERATED FROM EXISTING PARKING AREA OR BUILDING FOUNDATION.



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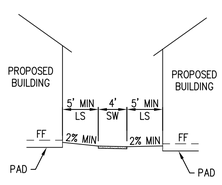

SECTION I-I
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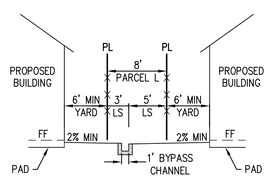

SECTION J-J
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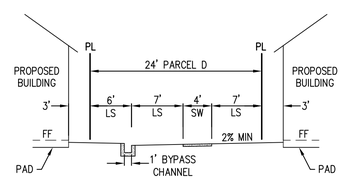

SECTION K-K
NOT TO SCALE

VESTING TENTATIVE MAP
GRADING PLAN
CANNERY PLACE - TRACT 7894
LIBITZKY PROPERTY

CITY OF HAYWARD ALAMEDA COUNTY CALIFORNIA

0' 40' 120' 160'

SCALE: 1" = 40' DATE: DECEMBER 2, 2013

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4 OF 48

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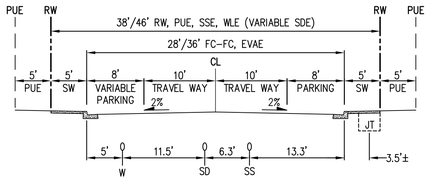
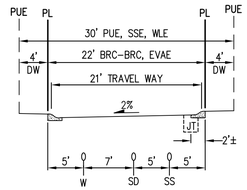


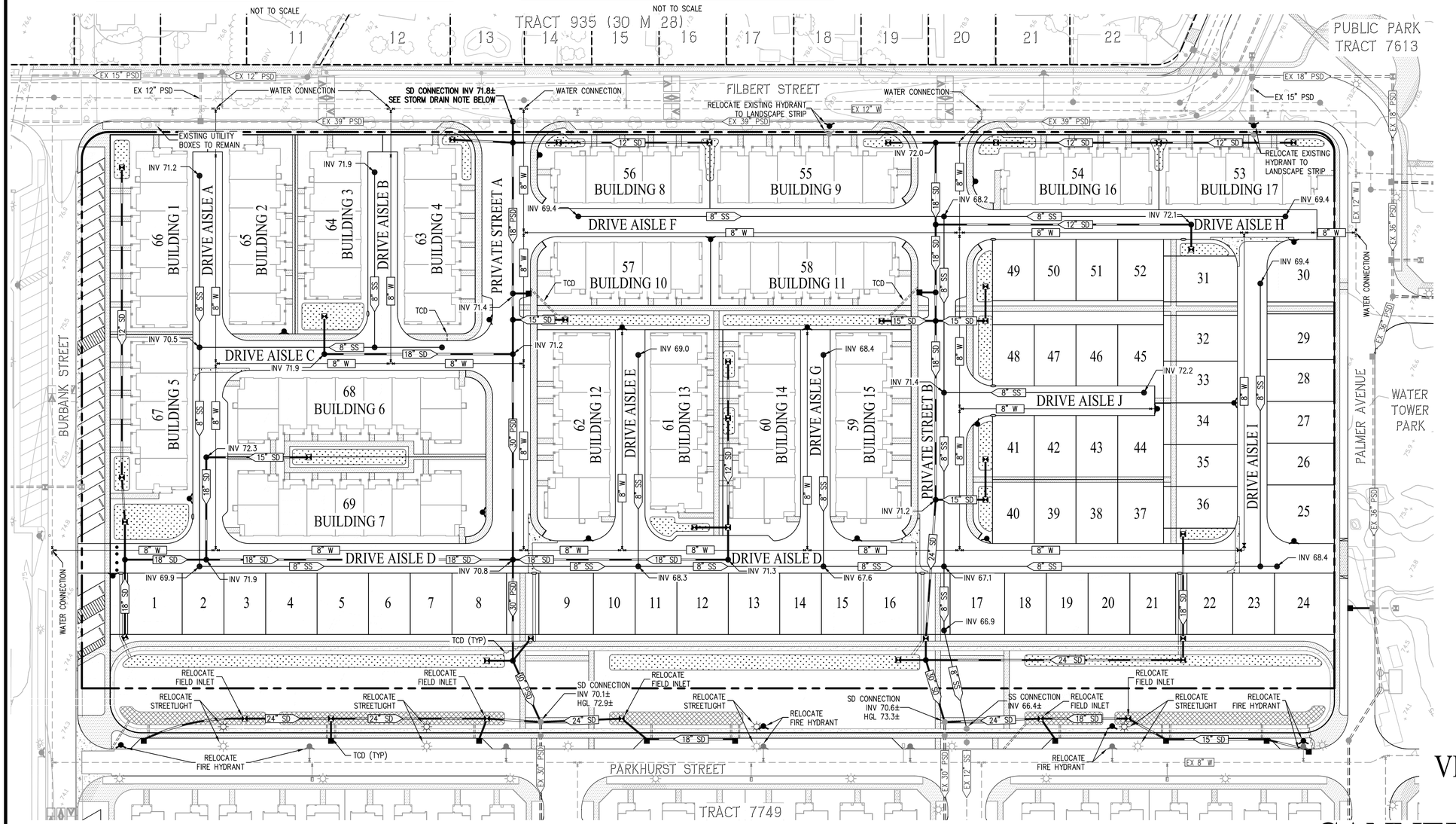
TYPICAL UTILITIES IN PRIVATE STREETS

NOT TO SCALE



TYPICAL UTILITIES IN DRIVE AISLE

NOT TO SCALE



UTILITY NOTES

1. EXISTING UTILITIES: ALL EXISTING UTILITIES WITHIN THE BOUNDARY TO BE REMOVED UNLESS OTHERWISE NOTED.
2. PUBLIC UTILITIES: PROPOSED WATER AND SANITARY SEWER FACILITIES WITHIN PRIVATE ROADWAYS ARE PUBLIC. PROPOSED WATER AND SANITARY SEWER FACILITIES WITHIN DRIVE AISLES ARE PUBLIC AND WILL BE WITHIN A SANITARY AND/OR WATER EASEMENT. PROPOSED WATER AND SANITARY SEWER FACILITIES WILL BE CONSTRUCTED PER CITY OF HAYWARD STANDARDS AND BE DEDICATED TO THE CITY.
3. PRIVATE UTILITIES: N/A
4. STORM DRAIN: PROPOSED ONSITE STORM DRAIN FACILITIES ALONG PRIVATE STREET A WILL BE PUBLIC AND PUBLICLY MAINTAINED BY THE CITY OF HAYWARD. ALL OTHER PROPOSED ONSITE STORM DRAIN FACILITIES WILL BE PRIVATE AND WILL BE PRIVATELY MAINTAINED BY THE HOMEOWNER'S ASSOCIATION. MIN SLOPE OF PROPOSED STORM DRAIN PIPE = 0.002. PUBLIC STORM DRAIN FACILITIES TO BE CONSTRUCTED TO CITY OF HAYWARD STANDARDS. ALL STORM PIPE TO BE RCP OR NDS N-12 PER CITY OF HAYWARD STANDARDS.
5. WATER:
   A. WATER SHALL BE CONSTRUCTED PER CITY OF HAYWARD STANDARDS.
   B. PROVIDE KEYS/ACCESS CODE/AUTOMATIC GATE OPENER TO UTILITIES FOR ALL METERS ENCLOSED BY A FENCE/GATE AS PER HAYWARD MUNICIPAL CODE 11-2.02.1.
   C. ONLY WATER DISTRIBUTION PERSONNEL SHALL PERFORM OPERATION OF VALVES ON THE HAYWARD WATER SYSTEM.
   D. WATER AND SEWER SERVICE AVAILABLE SUBJECT TO STANDARD CONDITIONS AND FEES IN EFFECT AT TIME OF APPLICATION.
   E. DUCTILE IRON PIPE TO BE INSTALLED UNDER ALL NON PAVED AND DECORATIVE PAVEMENT AREAS.
6. SEWER: CITY OF HAYWARD
   STANDARD MIN SLOPE OF PROPOSED SEWER PIPE = 0.005
   MIN SIZE OF PROPOSED SEWER MAIN IS 8". SEWER SHALL BE CONSTRUCTED OF PVC PIPE PER CITY OF HAYWARD STANDARDS.
7. GAS & ELECTRIC: PG&E
8. TELEPHONE: SBC
9. CABLE TV: COMCAST CABLE
10. UTILITIES: UTILITIES SHOWN ARE TO BE USED AS A GUIDE AND MAY CHANGE DURING FINAL DESIGN. DESIGN SHALL ADHERE TO CITY OF HAYWARD STANDARDS.

LEGEND

EXISTING	PROPOSED	DESCRIPTION
		SUBDIVISION BOUNDARY
		PROPERTY LINE
		CURB, GUTTER AND SIDEWALK
		VALLEY GUTTER
		CENTERLINE
x 777.0	x 777.70	SPOT ELEVATIONS
EX SD	SD	STORM DRAIN LINE (PRIVATE)
EX PSD	PSD	STORM DRAIN LINE (PUBLIC)
EX SS	SS	SANITARY SEWER
EX W	W	WATER
		SANITARY SEWER MANHOLE
		STORM DRAIN MANHOLE
		CURB INLET
		FIELD INLET
		FIRE HYDRANT
		STREETLIGHT (SEE LANDSCAPE LIGHTING PLAN)
		OVERHEAD POLES
20	20	LOT NUMBER
		CURB CUT
	EVAE	EMERGENCY VEHICLE ACCESS EASEMENT
	FC	FACE OF CURB
	HGL	HYDRAULIC GRADE LINE
	JT	JOINT TRENCH
	PSD	PUBLIC STORM DRAIN
	PUE	PUBLIC UTILITY EASEMENT
	SD	STORM DRAIN (PRIVATE)
	SDE	STORM DRAIN EASEMENT
	SSE	SEWER SYSTEM EASEMENT
	TCD	THRU CURB DRAIN
	WLE	WATER LINE EASEMENT
		BIORETENTION AREA
		BIORETENTION AREA TO BE RELOCATED

STORM DRAIN NOTE:

PER THE DIRECTION OF ALAMEDA COUNTY FLOOD CONTROL AND THE CITY OF HAYWARD, AS SHOWN IN THE CANNERY TRACTS 7613, 7625, 7748 AND 7749 HYDROLOGY CALCULATIONS, INSTALL AN 18" STORM DRAIN CONNECTION WITH WEIR BYPASS TO THE EXISTING 39" STORM DRAIN PIPE IN FILBERT AVENUE TO DIVERT APPROXIMATELY 4.5 CFS OF DRAINAGE INTO THE TRACT 7894 STORM SYSTEM.

VESTING TENTATIVE MAP
UTILITY PLAN
CANNERY PLACE - TRACT 7894
LIBITZKY PROPERTY

CITY OF HAYWARD ALAMEDA COUNTY CALIFORNIA

0' 40' 120' 160'

SCALE: 1" = 40' DATE: DECEMBER 2, 2013

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5 OF 48

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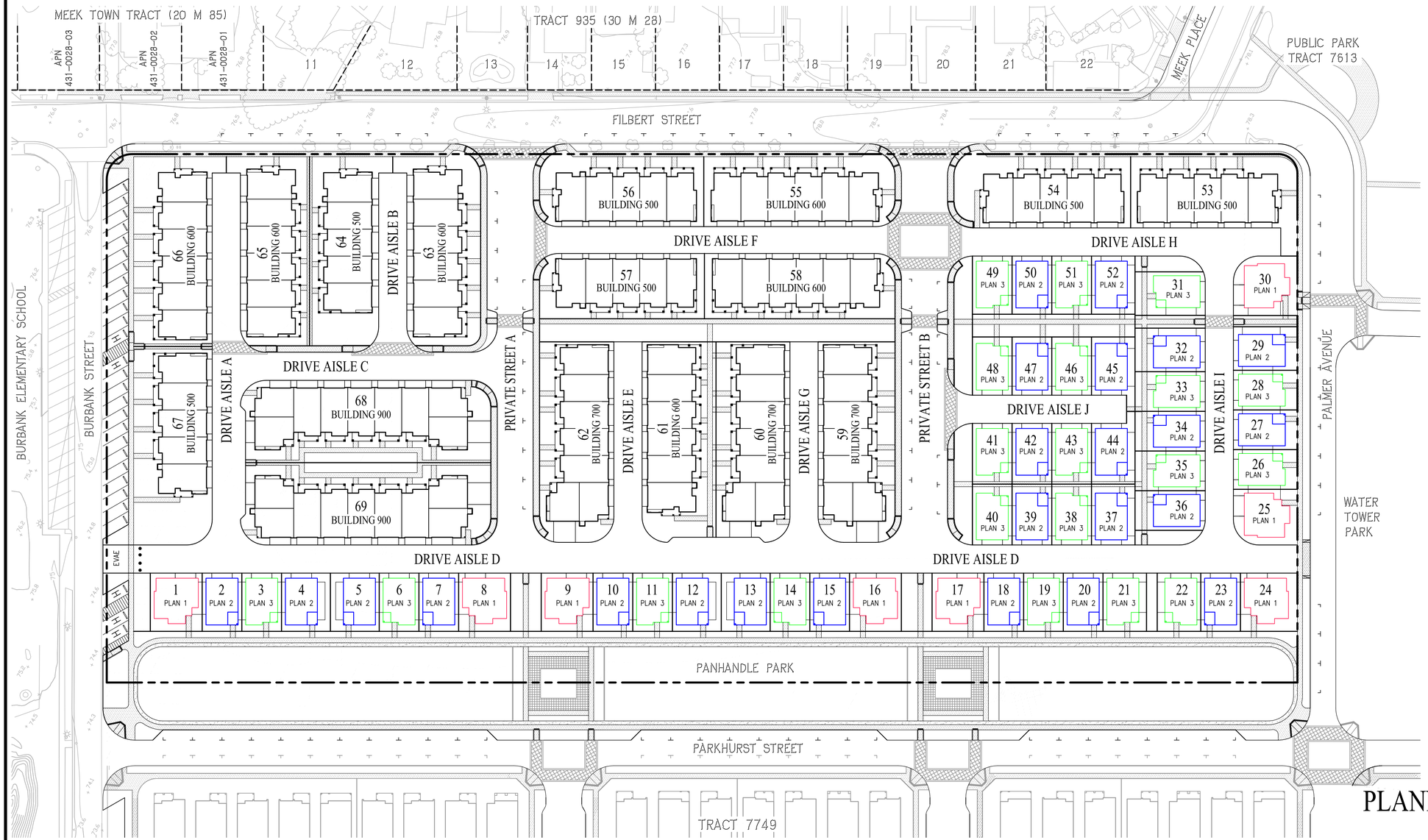
SINGLE FAMILY

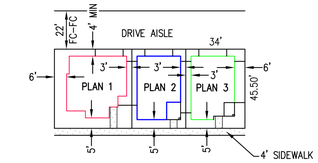
PLAN	PLAN SF	PLAN TOTAL	PLAN MIX (% TOTAL)	MIN LOT AREA, SF	BUILDING FOOTPRINT, SF	MAX LOT COVERAGE
1	1,647	8	16%	1,843	1072	58%
2	1,663	22	42%	1,410	912	65%
3	1,908	22	42%	1,410	842	60%
TOTAL	–	52	100%	–	–	–

MULTI-FAMILY

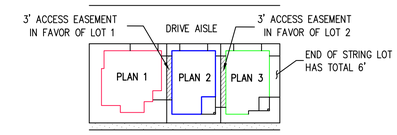
BUILDING TYPE	BUILDING TOTAL	BUILDING MIX (% TOTAL)	UNIT TOTAL	BUILDING SF* (TOTAL OF ALL UNITS)	MIN LOT AREA, SF	BUILDING FOOTPRINT, SF	MAX LOT COVERAGE
500	6	35%	30	8,661	6,588	3,911	59%
600	6	35%	36	10,396	7,510	4,690	62%
700	3	18%	21	11,380	8,964	5,148	57%
900	2	12%	18	14,085	12,462	6,401	51%
TOTAL	17	100%	105	–	–	–	–

*BUILDING SQUARE FOOTAGE IS THE TOTAL SQUARE FOOTAGE OF ALL THE UNITS WITHIN THE BUILDING.

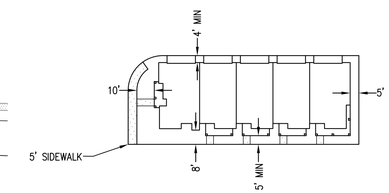




TYPICAL SINGLE FAMILY LAYOUT & SETBACKS



TYPICAL CROSSOVER EASEMENT & LOT CONFIGURATION



TYPICAL MULTI-FAMILY SETBACKS

SETBACKS:

- **SINGLE FAMILY**
  GARAGE: 4' MIN
  SIDE: 3' MIN
  FRONT LIVING SPACE: 5' MIN
  PORCH: 5' MIN
  BUILDING TO BUILDING: 6' MIN
- **MULTI-FAMILY**
  GARAGE: 4' MIN
  SIDE: 5' MIN
  FRONT LIVING SPACE: 8' MIN
  PORCH: 5' MIN
  BUILDING TO BUILDING: 10' MIN

SINGLE FAMILY LOT SIZE:

34'X45.5' (1,547 SF) MIN

DENSITY

GROSS: 17.9 UNITS/AC
NET: 24.1 UNITS/AC

PLANNED DEVELOPMENT SITE PLAN

CANNERY PLACE - TRACT 7894

LIBITZKY PROPERTY

CITY OF HAYWARD ALAMEDA COUNTY CALIFORNIA

0' 40' 120' 160'

SCALE: 1" = 40' DATE: DECEMBER 2, 2013

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SHEET NUMBER C.1
6 OF 48

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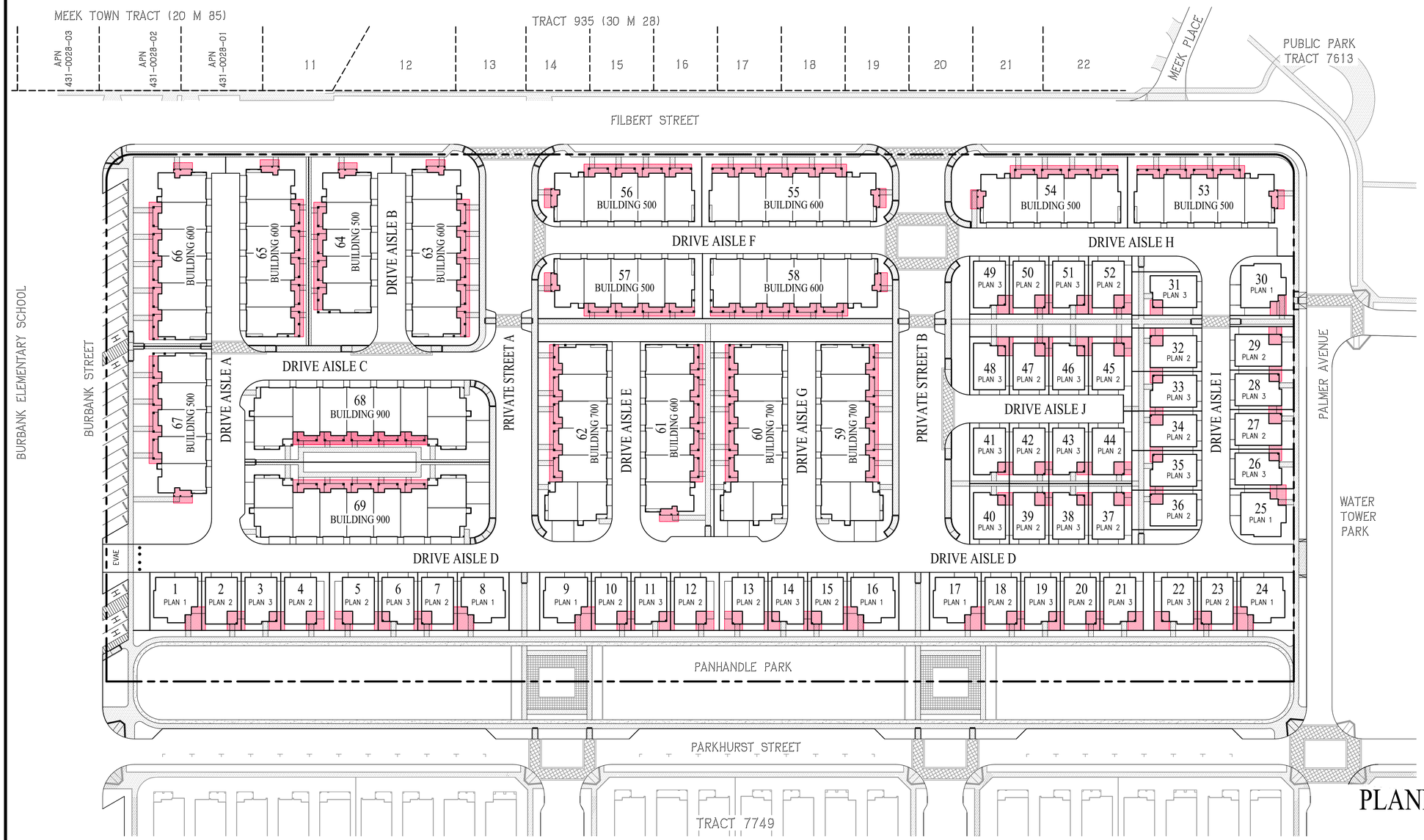

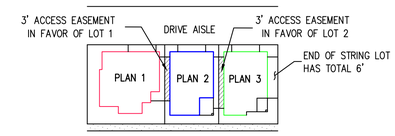

TYPICAL CROSSOVER EASEMENT & LOT CONFIGURATION

PLANNED DEVELOPMENT OPEN SPACE

CANNERY PLACE - TRACT 7894

LIBITZKY PROPERTY

CITY OF HAYWARD ALAMEDA COUNTY CALIFORNIA

0' 40' 120' 160'

SCALE: 1" = 40' DATE: DECEMBER 2, 2013

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SHEET NUMBER
C.2
6B OF 51

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PRELIMINARY LANDSCAPE PLAN

SCALE: 1"=40'

PRELIMINARY LANDSCAPE PLAN

LIBITZKY PROPERTY

CANNERY PLACE - TRACT 7894

CITY OF HAYWARD ALAMEDA COUNTY CALIFORNIA

SCALE: 1" = 40'

0 20 40 80 120

DATE: MARCH 6, 2013

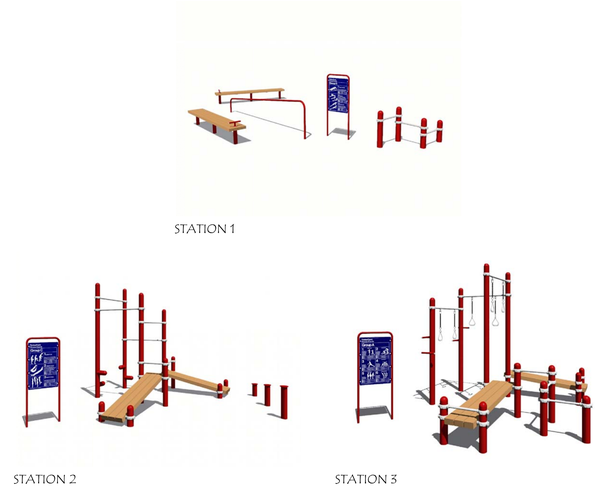
RANDALL PLANNING & DESIGN INC.
Landscape Architecture * Golf Facilities
Site and Environmental Planning
1475 N. Broadway Suite 290
Walnut Creek, California 94596
Office: (925) 934-8002
Facsimile: (925) 934-8053

SHEET NUMBER
L.1
7 OF 47

FILBERT STREET - PLANTING ON OPPOSITE SIDE OF STREET

SCALE: 1"=50'

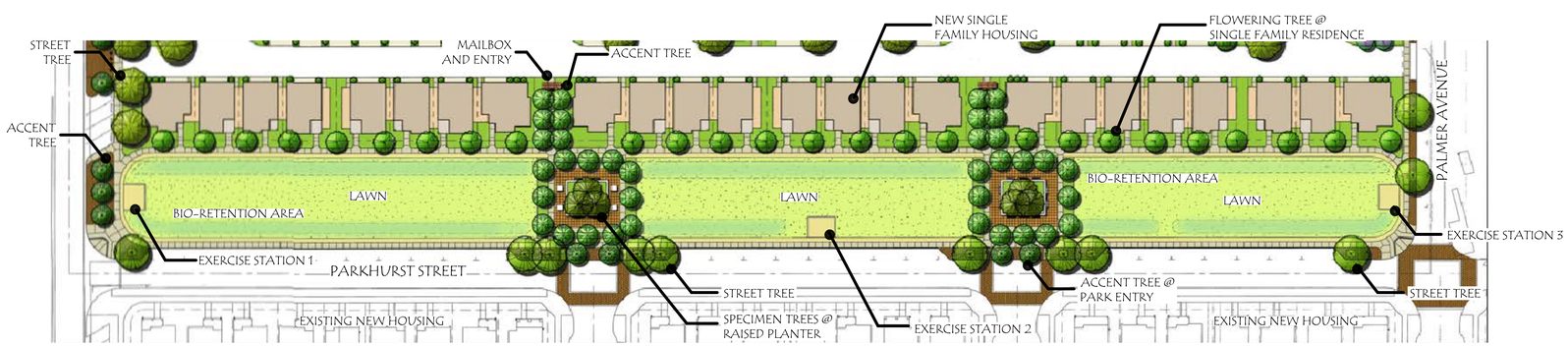
EXISTING FENCE AND NEW SCREEN PLANTING-ELEVATION



EXCERCISE EQUIPMENT

FILBERT STREET - ELEVATION AND SECTION

NOT TO SCALE



PANHANDLE PARK- PLANTING CONCEPT

SCALE: 1"=50'

PLANT PALETTE

SIZE	BOTANICAL NAME	COMMON NAME	COMMENTS/ SPACING
TREES			
15 gal.	Acer p. 'Bloodgood'	Japanese Maple	Accent Tree
24" box	Acer r. 'Red Sunset'	Red sunset Red Maple	Street Tree
15 gal.	Cercis c. 'Forest Pansy'	Eastern Redbud	Accent Tree
24" box	Lagerstroemia i. 'Tuscarora'	Crape Myrtle	Accent Tree
15 gal.	Malus floribunda	Flowering Crabapple	Accent Tree
24" box	Pistacia chinensis	Chinese Pistache	Internal Street Tree
15 gal.	Podocarpus macrophyllus 'Maki'	Podocarpus	Screen Tree / Drive Aisles
24" box	Prunus c. 'Krauter Vesuvius'	Purple Leaf Plum	Accent Tree
24" box	Pyrus c. 'Chanticleer'	Flowering Pear	Street Tree
56" box	Quercus agrifolia	Coast Live Oak	Bioretention and Park
24" box	Quercus virginiana	Southern Live Oak	Street Tree
24" box	Tilia cordata	Little Leaf Linden	Street Tree
SHRUBS			
5 gal.	Agapanthus orientalis	Lily-of-the-Nile	
5 gal.	Agapanthus 'Peter Pan'	Dwarf Lily-of-the-Nile	
5 gal.	Azalea 'Varieties'	Azalea (selected)	
5 gal.	Buxus j. 'Green Beauty'	Japanese Boxwood	
5 gal.	Camellia s. 'Varieties'	Camellia	
5 gal.	Cotoneaster 'Varieties'	Cotoneaster (selected)	
5 gal.	Escallonia 'Fradesii'	Frades Escallonia	
5 gal.	Euonymus j. 'Varieties'	Euonymus	
1 gal.	Hemerocallis 'Stella d'Oro'	Stella d'Oro Daylilly	
5 gal.	Ilex vomitoria 'Nana'	Dwarf Yaupon	
1 gal.	Liriope muscari	Big Blue Lily Turf	
5 gal.	Loropetalum c. 'Razzleberri'	Loropetalum	
1 gal.	Ophiopogon japonicus	Mondo Grass	
5 gal.	Rhamnus alaternus	Italian Buckthorn	
5 gal.	Rhaphiolepis i. 'Varieties'	Indian Hawthorn	
5 gal.	Rosmarinus o. 'Prostrata'	Rosemary	
5 gal.	Rosa 'Meidiland Varieties'	Meidiland Rose	
5 gal.	Photinia x fraseri	Photinia	
5 gal.	Pittosporum t. 'Wheeler's Dwarf'	Dwarf Pittosporum	
5 gal.	Pittosporum varieties'	Dwarf Pittosporum	
5 gal.	Westringia f. 'Morning Light'	Coast Rosemary	
GROUNDCOVERS & VINES			
1 gal.	Cistus salvifolius	Sageleaf Rockrose	
1 gal.	Erigeron karvinskianus	Daisy Fleabane	
1 gal.	Liriope spicata	Creeping Liriope	
1 gal.	Trachelospermum jasminoides	Star Jasmine	
1 gal.	Vinca minor	Periwinkle	
5 gal.	Wisteria sinensis	Chinese Wisteria	
SOD	Dwarf Fescue	Medallion Dwarf Bonsai	

RED SUNSET MAPLE

FLOWERING PEAR

SOUTHERN LIVE OAK

CHINESE PISTACHE

LITTLE LEAF LINDEN

COAST LIVE OAK

CRAPE MYRTLE

PURPLE LEAF PLUM

REDBUD

CRABAPPLE

PLANT PALETTE, FILBERT STREET AND PARK PLANTING

LIBITZKY PROPERTY

CANNERY PLACE - TRACT 7894

CITY OF HAYWARD ALAMEDA COUNTY CALIFORNIA

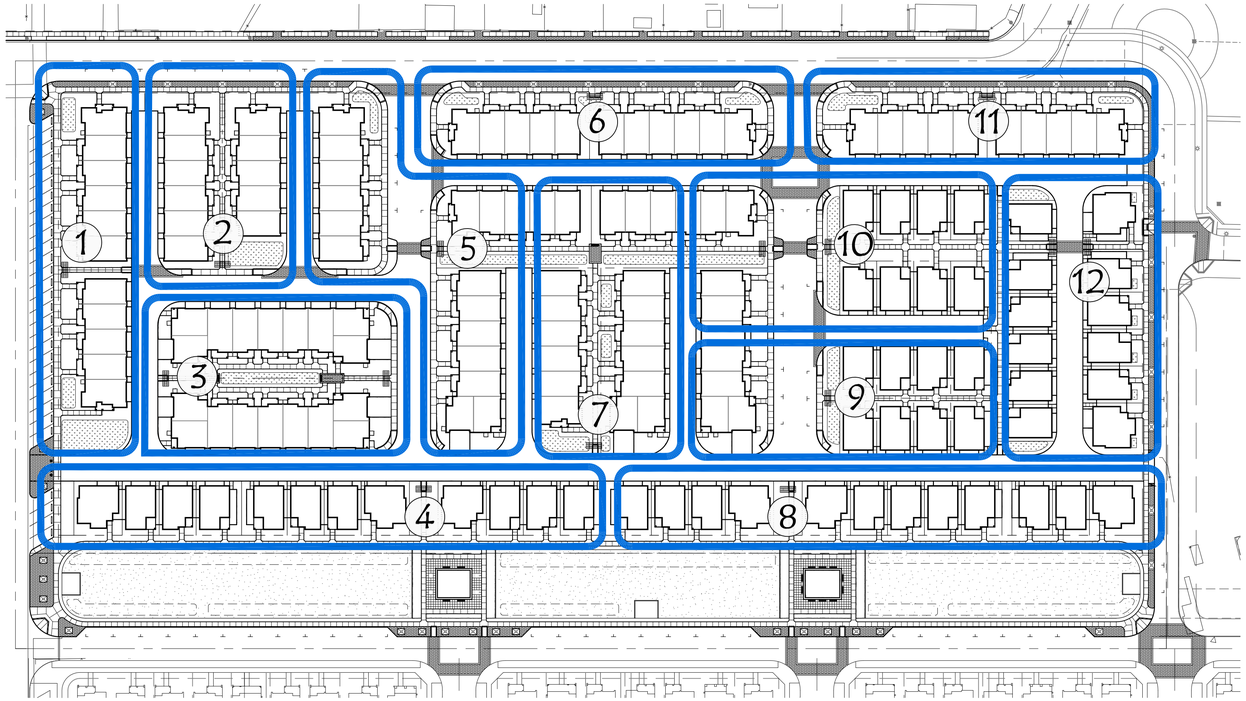
SCALE: 1" = 50'

0 25 50 100 150

DATE: MARCH 6, 2013

RANDALL PLANNING & DESIGN INC.
Landscape Architecture * Golf Facilities
Site and Environmental Planning
1475 N. Broadway Suite 290
Walnut Creek, California 94596
Office: (925) 934-8002
Facsimile: (925) 934-8053

SHEET NUMBER
L.2
8 OF 47

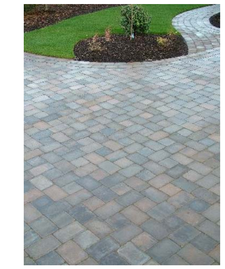


MAILBOX LAYOUT AND DISTRIBUTION PLAN

SCALE: 1″=60′

PERMEABLE UNIT PAVER EXAMPLE

TYPICAL PERMEABLE PAVERS - STYLE A



TYPICAL PAVERS - STYLE B

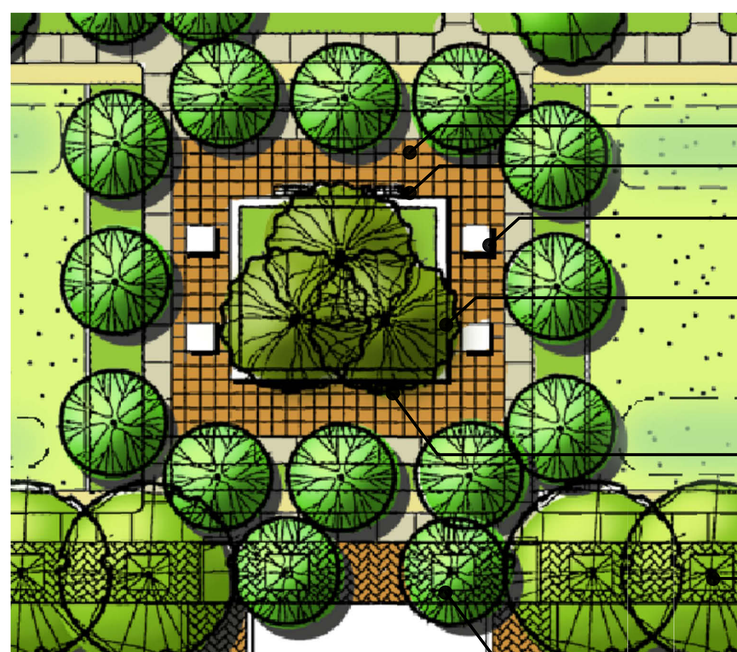
PERMEABLE UNIT PAVERS

IRON STREET TREE GRATES

SCALE: 1″ = 60′

0 30 60 120 180

ENTRY TRELLIS AND MAILBOX CLUSTER CONCEPT



RAISED PLANTER IN PANHANDLE PARK

TYPICAL METAL BENCH, GAME TABLES AND TRASH RECEPTACLE

SITE FURNISHINGS AND IMAGES

LIBITZKY PROPERTY

CANNERY PLACE - TRACT 7894

CITY OF HAYWARD ALAMEDA COUNTY CALIFORNIA

DATE: MARCH 6, 2013

RANDALL PLANNING & DESIGN INC.
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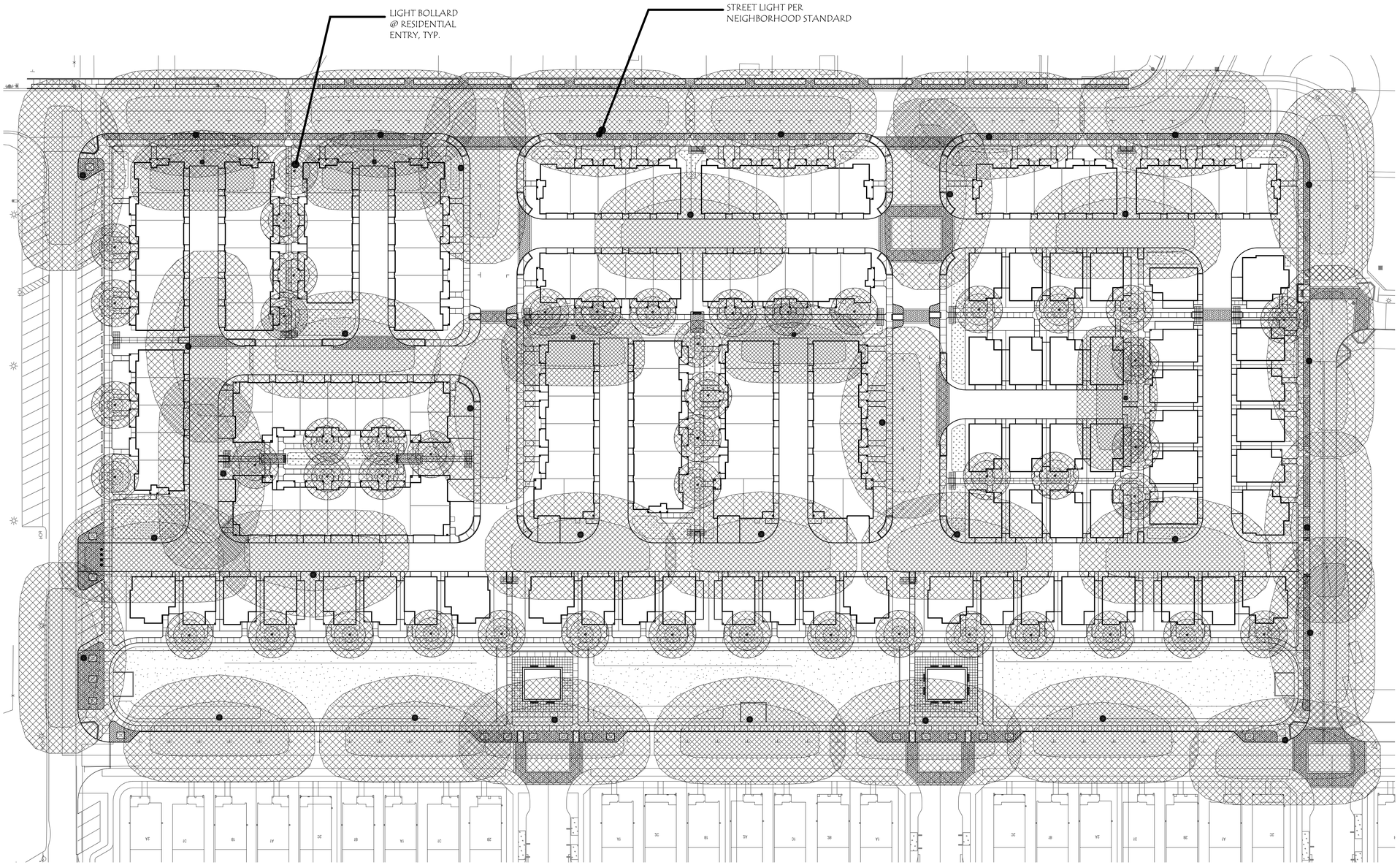
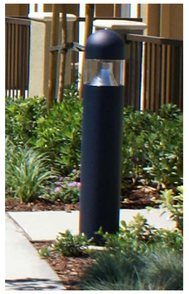
SHEET NUMBER
L.3
9 OF 47





LIGHT BOLLARD - TYPICAL

STREET LIGHT - TYPICAL
ERA - LED by Kim Lighting

LIGHT BOLLARD

POLE LIGHT

LIGHTING LEGEND

PRELIMINARY LANDSCAPE LIGHTING PLAN

SCALE: 1"=40'

LANDSCAPE LIGHTING NOTES:

1. BOLLARD LOCATIONS SHOWN ARE FOR REFERENCE ONLY. A COMPREHENSIVE LIGHTING PLAN SHALL BE DONE BY A QUALIFIED LIGHTING CONSULTANT.
2. PHOTOMETRIC DATA IS FOR REFERENCE ONLY AND IS INTENDED ONLY TO SHOW ESTIMATED COVERAGE.
3. ANY ADDITIONAL STREET AND ALLEY LIGHTING SHALL BE DONE BY A QUALIFIED LIGHTING CONSULTANT AND SHALL CONFORM TO CITY OF HAYWARD STANDARDS.
4. TREE LOCATIONS SHOWN ON SHEETS L.1 THRU L.3 SHALL BE ADJUSTED AS NECESSARY PENDING LOCATIONS OF STREET AND/ OR ALLEY LIGHTING.

PRELIMINARY LANDSCAPE LIGHTING PLAN

LIBITZKY PROPERTY

CANNERY PLACE - TRACT 7894

CITY OF HAYWARD ALAMEDA COUNTY CALIFORNIA

SCALE: 1" = 40'

0 20 40 80 120

DATE: MARCH 6, 2013

RANDALL PLANNING & DESIGN INC.
Landscape Architecture * Golf Facilities
Site and Environmental Planning
1475 N. Broadway Suite 290
Walnut Creek, California 94596
Office: (925) 934-8002
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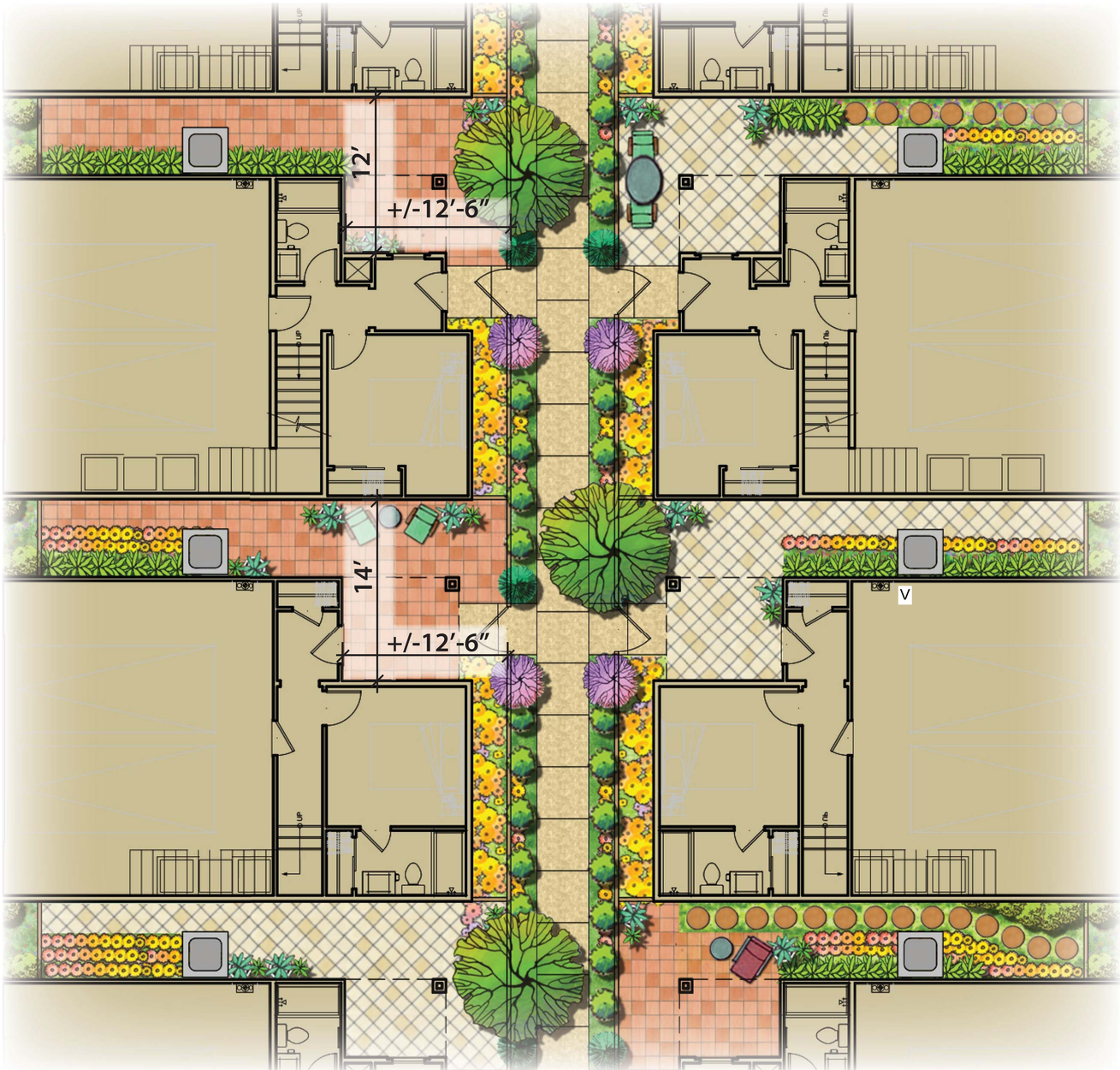
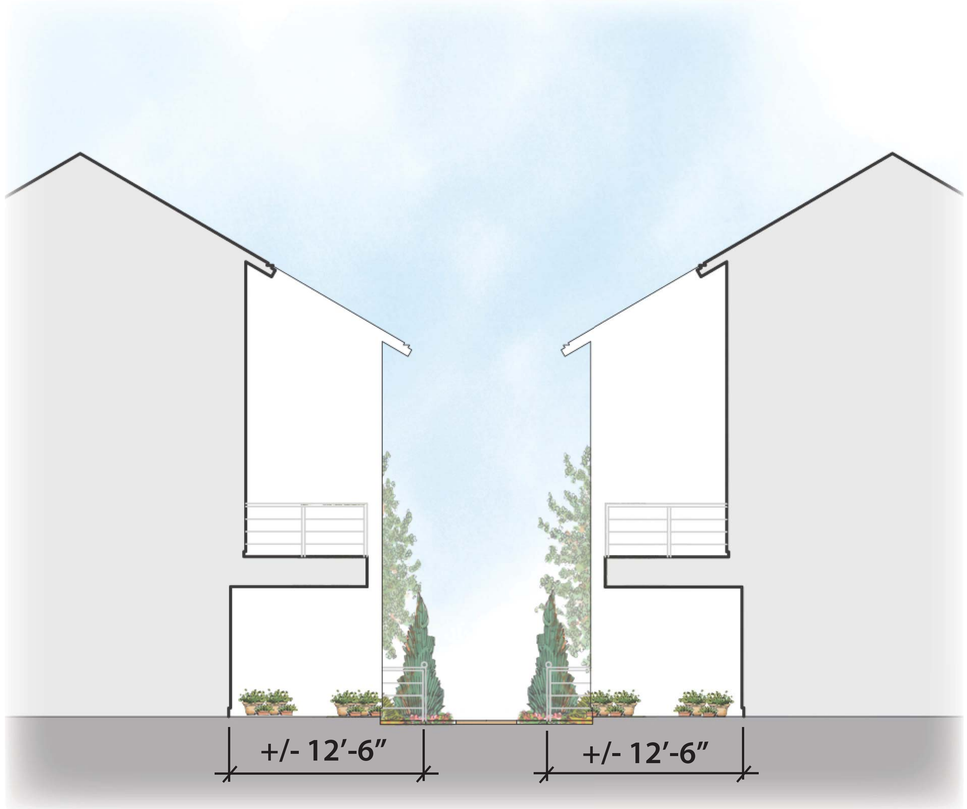
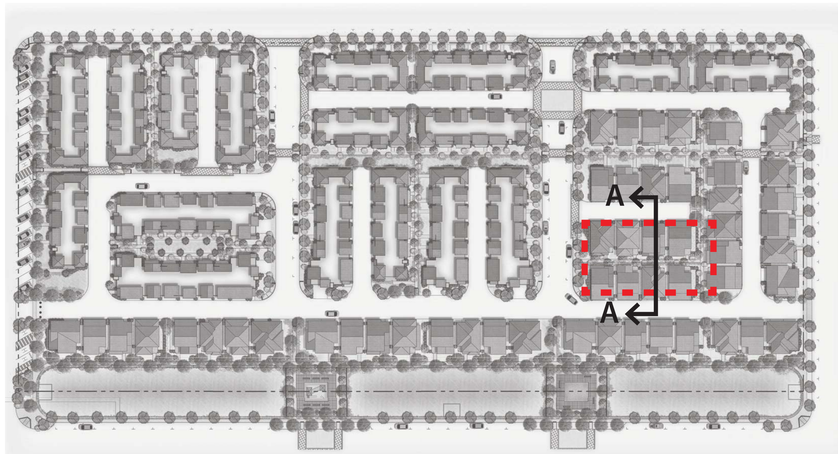
SHEET NUMBER
L.4
10 OF 47



TYPICAL SINGLE FAMILY PASEO



TYPICAL SINGLE FAMILY PASEO SECTION A



KEY MAP

LIBITZKY PROPERTY

HAYWARD, CA

DAHLIN group

0 10 20 40

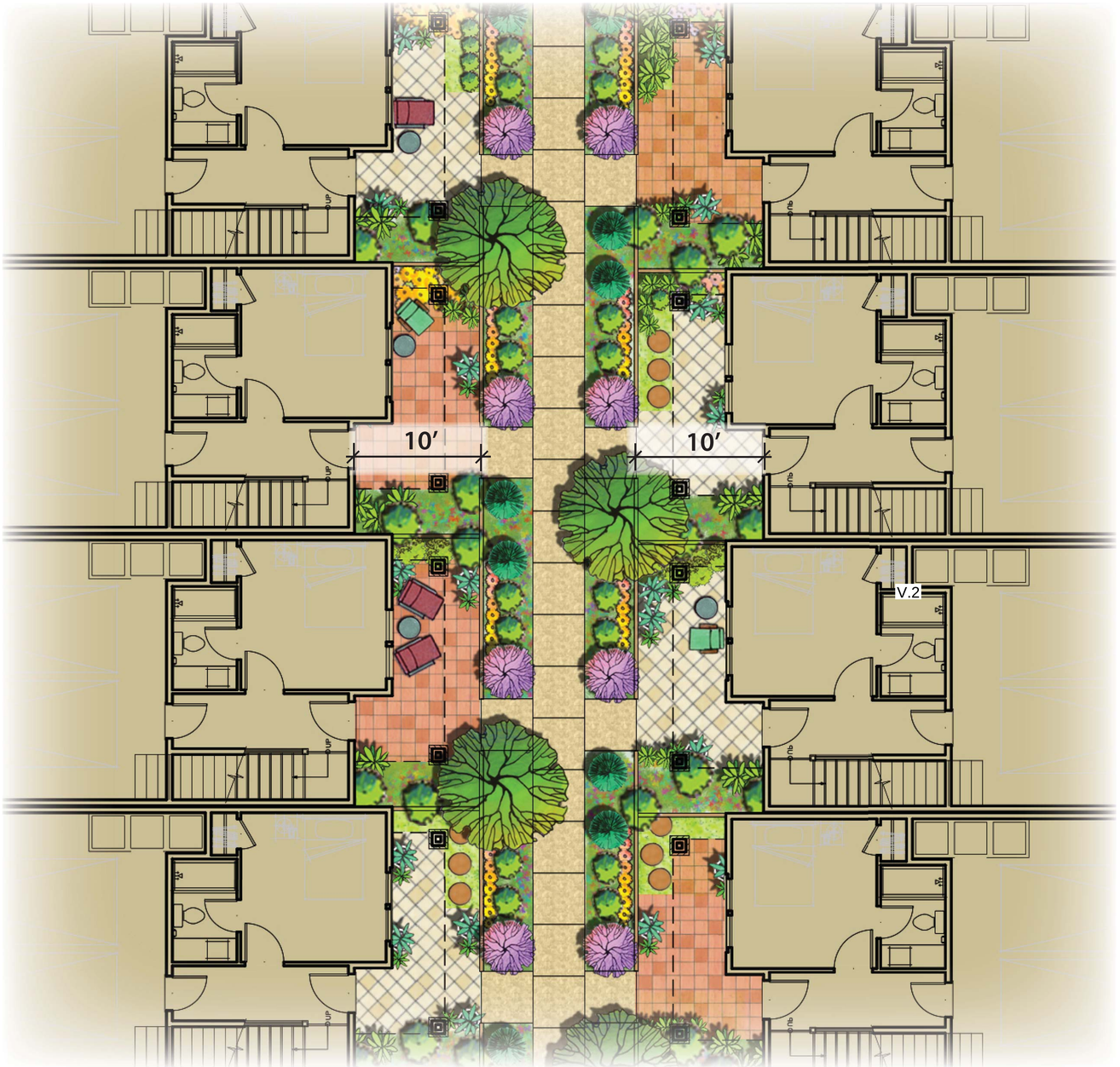
JOB NO. 1126.001

DATE 01-20-2014

5865 Owens Drive
Pleasanton, CA 94588
925-251-7200

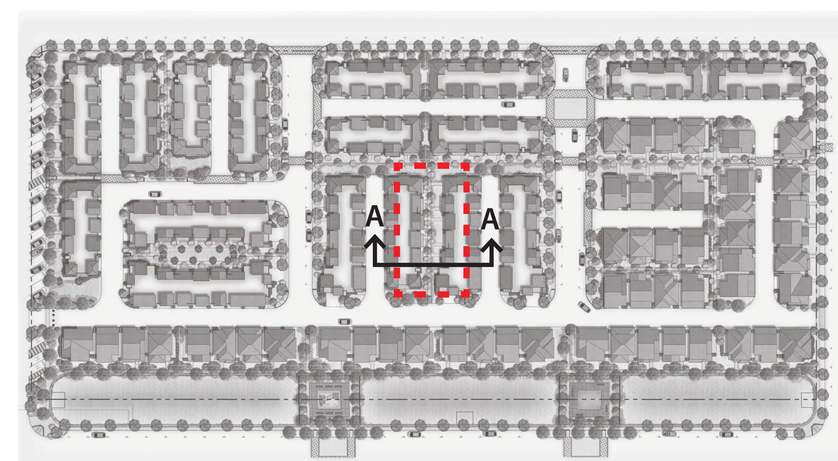
N

V.1



TYPICAL PASEO VIGNETTE

TYPICAL PASEO SECTION A



KEY MAP

LIBITZKY PROPERTY

HAYWARD, CA

0 10 20 40

JOB NO. 1126.001

DATE 01-17-2014

N

DAHLIN group
5865 Owens Drive
Pleasanton, CA 94588
925-251-7200

V.2

BUILDING 500 COLOR RENDERING

Plan Mix

Single Family Plans	
PLANS	TOTAL
1	8
2	22
3	22
Total Single Family	52

500 Buildings	
# of Buildings	6
PLANS	TOTAL
4	4
5	1
Total 500 Building Units	30

600 Buildings	
# of Buildings	6
PLANS	TOTAL
4	5
5	1
Total 600 Building Units	36

700 Buildings	
# of Buildings	3
PLANS	TOTAL
4	5
6	1
7	1
Total 700 Building Units	21

900 Buildings	
# of Buildings	2
PLANS	TOTAL
4	5
6	2
7	2
Total 700 Building Units	18

Total Townhouse Units:	105

ARCHITECTURAL SHEET INDEX

T.1 TITLE SHEET

A0.1 SCHEMATIC SITE PLAN

PLAN 1
A1.0 PLAN 1 ELEVATIONS
A1.1 PLAN 1 FLOOR PLANS
A1.2 PLAN 1 ROOF PLAN & ELEVATIONS - ELEVATION A
A1.3 PLAN 1 ROOF PLAN & ELEVATIONS - ELEVATION B

PLAN 2
A2.0 PLAN 2 ELEVATIONS
A2.1 PLAN 2 FLOOR PLANS
A2.2 PLAN 2 ROOF PLAN & ELEVATIONS - ELEVATION A
A2.3 PLAN 2 ROOF PLAN & ELEVATIONS - ELEVATION B
A2.4 PLAN 2 ROOF PLAN & ELEVATIONS - ELEVATION C

PLAN 3
A3.0 PLAN 3 ELEVATIONS
A3.1 PLAN 3 FLOOR PLANS
A3.2 PLAN 3 ROOF PLAN & ELEVATIONS - ELEVATION A
A3.3 PLAN 3 ROOF PLAN & ELEVATIONS - ELEVATION B
A3.4 PLAN 3 ROOF PLAN & ELEVATIONS - ELEVATION C

500 BUILDING
A4.1 500 BUILDING FIRST FLOOR PLAN
A4.2 500 BUILDING SECOND FLOOR PLAN
A4.3 500 BUILDING THIRD FLOOR PLAN
A4.4 ROOF PLAN & ELEVATIONS
A4.5 ELEVATIONS

600 BUILDING
A5.1 600 BUILDING FIRST FLOOR PLAN
A5.2 600 BUILDING SECOND FLOOR PLAN
A5.3 600 BUILDING THIRD FLOOR PLAN
A5.4 ROOF PLAN & ELEVATIONS
A5.5 ELEVATIONS

700 BUILDING
A6.1 700 BUILDING FIRST FLOOR PLAN
A6.2 700 BUILDING SECOND FLOOR PLAN
A6.3 700 BUILDING THIRD FLOOR PLAN
A6.4 ROOF PLAN & ELEVATIONS
A6.5 ELEVATIONS

900 BUILDING
A7.1 900 BUILDING FIRST FLOOR PLAN
A7.2 900 BUILDING SECOND FLOOR PLAN
A7.3 900 BUILDING THIRD FLOOR PLAN
A7.4 ROOF PLAN & ELEVATIONS
A7.5 ELEVATIONS

TOWNHOME PLANS
8.1 PLAN 4 FLOOR PLANS
8.2 PLAN 5 FLOOR PLANS
8.3 PLAN 6 & 7 FLOOR PLANS

PLAN 1
TOTAL LIVING AREA: 1647 sq. ft.
First Floor: 631 sq. ft.
Second Floor: 1016 sq. ft.
Garage: 441 sq. ft.
3 BR, 3.5 BA

PLAN 2
TOTAL LIVING AREA: 1663 sq. ft.
First Floor: 302 sq. ft.
Second Floor: 891 sq. ft.
Third Floor: 470 sq. ft.
Garage: 530 sq. ft.
Entry Porch: 80 sq. ft.
Deck: 72 sq. ft.
3 BR, 3.5 BA
OPTIONAL DEN @ FIRST FLOOR

PLAN 3
TOTAL LIVING AREA: 1908 sq. ft.
First Floor: 302 sq. ft.
Second Floor: 871 sq. ft.
Third Floor: 735 sq. ft.
Garage: 540 sq. ft.
Deck: 55 sq. ft.
3 BR, 3.5 BA & Den

PLAN 4
TOTAL LIVING AREA: 1735 sq. ft.
First Floor: 297 sq. ft.
Second Floor: 745 sq. ft.
Third Floor: 693 sq. ft.
Garage: 411 sq. ft.
Front Porch: 71 sq. ft.
Deck: 65 sq. ft.
3 BR, 3.5 BA
OPTIONAL ACCESSIBLE BED & BATH
(MEASURED FROM INSIDE FACE OF STUDS)

PLAN 5
TOTAL LIVING AREA: 1721 sq. ft.
First Floor: 318 sq. ft.
Second Floor: 751 sq. ft.
Third Floor: 652 sq. ft.
Garage: 402 sq. ft.
Front Porch: 75 sq. ft.
Deck: 65 sq. ft.
3 BR, 3.5 BA
(MEASURED FROM INSIDE FACE OF STUDS)

PLAN 6
TOTAL LIVING AREA: 1342 sq. ft.
First Floor: 153 sq. ft.
Second Floor: 633 sq. ft.
Third Floor: 556 sq. ft.
Garage: 442 sq. ft.
Front Porch: 29 sq. ft.
Deck: 38 sq. ft.
3 BR, 2.5 BA
(MEASURED FROM INSIDE FACE OF STUDS)

PLAN 7
TOTAL LIVING AREA: 1363 sq. ft.
First Floor: 124 sq. ft.
Second Floor: 625 sq. ft.
Third Floor: 614 sq. ft.
Garage: 466 sq. ft.
Front Porch: 39 sq. ft.
Deck: 57 sq. ft.
3 BR, 2.5 BA
(MEASURED FROM INSIDE FACE OF STUDS)

LIBITZKY PROPERTY, HAYWARD, CA

PRELIMINARY PACKAGE

DAHLIN group
5865 Owens Drive
Pleasanton, CA 94588
925-251-7200

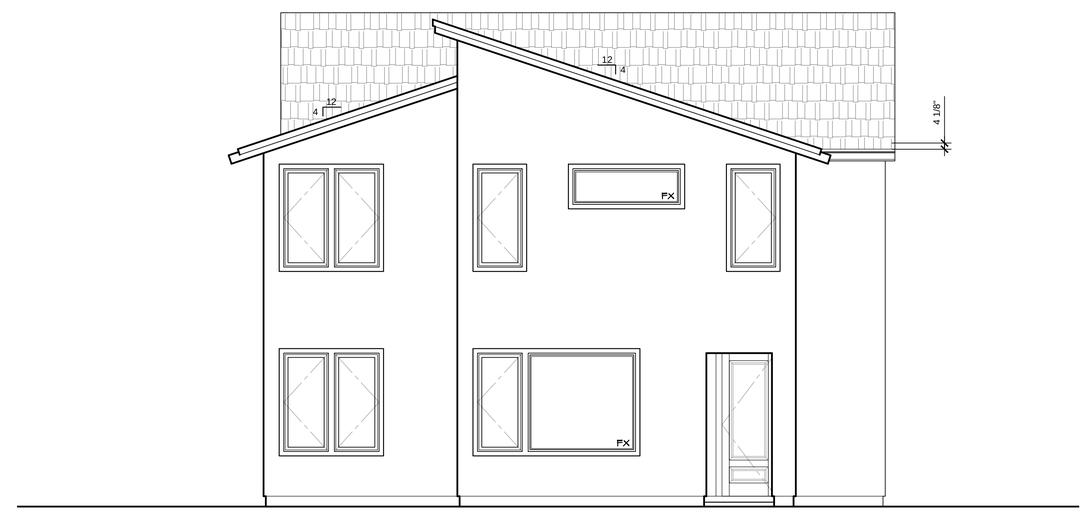
JOB NO. 1126.001
DATE 3-05-2013

T1.1

J:\1126\1126.001\Arch\Plot\SD\1126001_T101.dwg, 3/5/2013 1:12:29 PM, dcummins

PLAN 1 - ELEVATION B - FRONT

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



PLAN 1 - ELEVATION A - FRONT

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

Plan 1
Single Family
Elevations

LIBITZKY PROPERTY, HAYWARD, CA

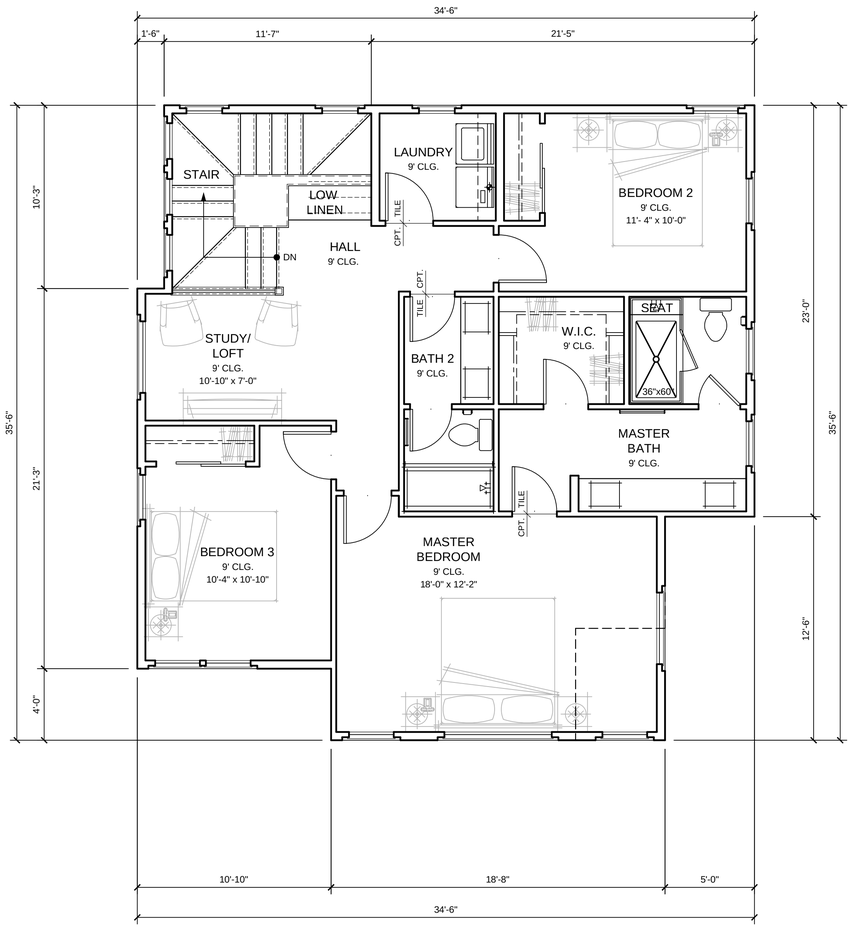
PRELIMINARY PACKAGE

DAHLIN group
5865 Owens Drive
Pleasanton, CA 94588
925-251-7200

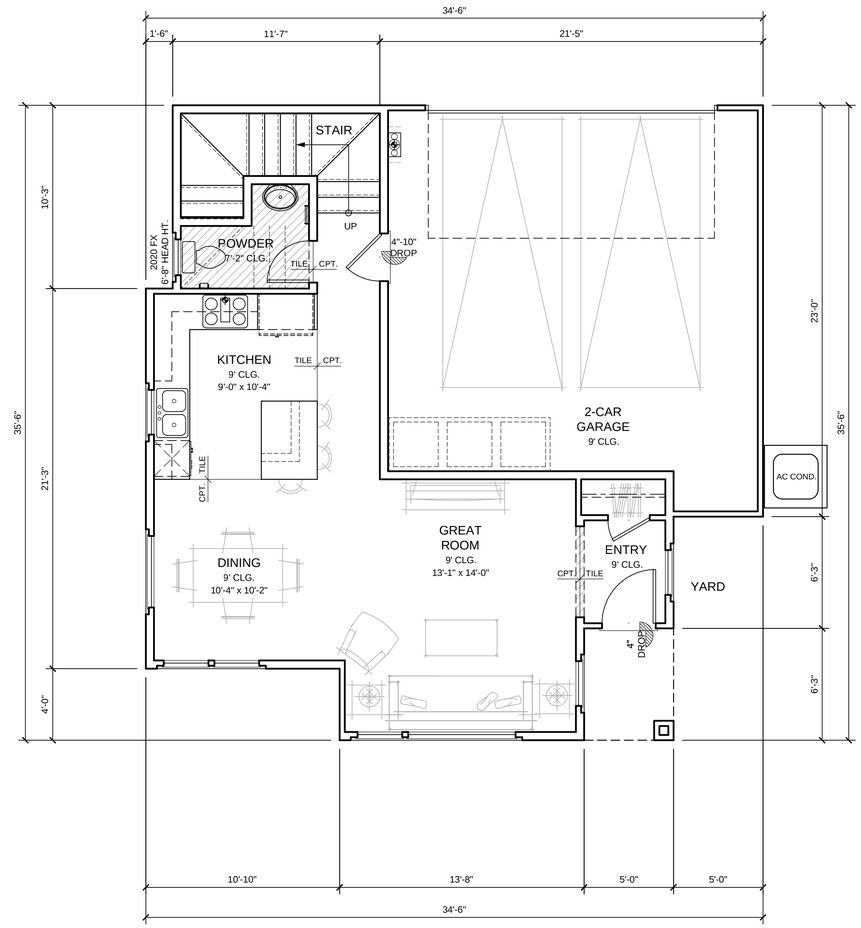
JOB NO. 1126.001

DATE 2-28-2013

A1.0



PLAN 1 SECOND FLOOR
ELEVATION A
SCALE: 1/4" = 1'-0"



PLAN 1 FIRST FLOOR
ELEVATION A
SCALE: 1/4" = 1'-0"

PLAN 1	
TOTAL LIVING AREA:	1647 sq. ft.
First Floor:	631 sq. ft.
Second Floor:	1016 sq. ft.
Garage:	441 sq. ft.
3 BR, 3.5 BA	

LIBITZKY PROPERTY, HAYWARD, CA

PRELIMINARY
PACKAGE

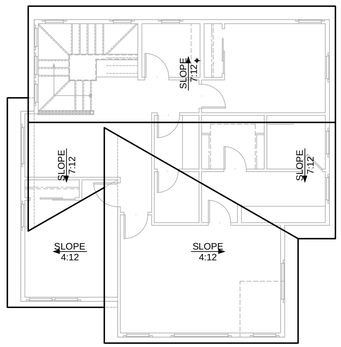
DAHLIN group
5865 Owens Drive
Pleasanton, CA 94588
925-251-7200

Plan 1
Single Family
Elevation A
Floor Plans

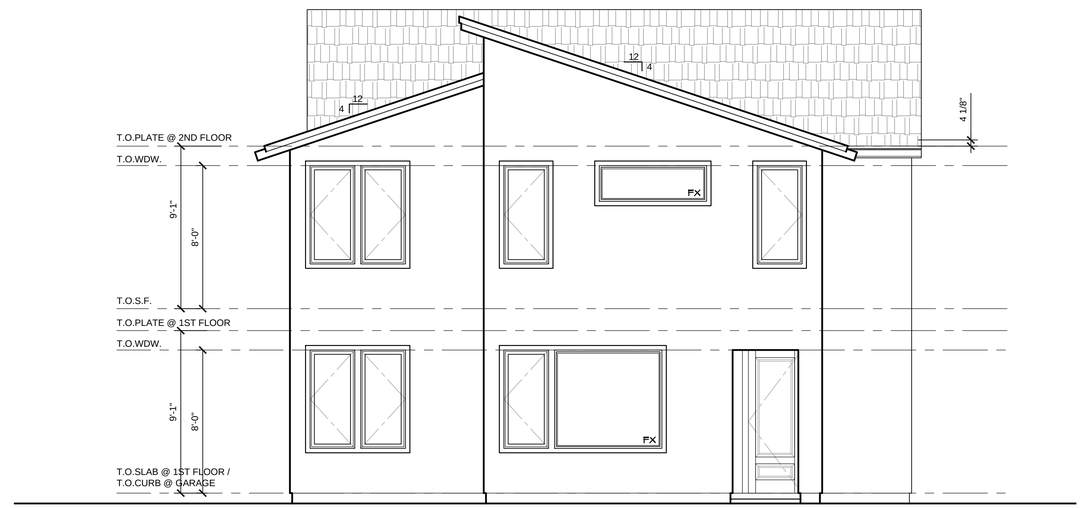
JOB NO. 1126.001

DATE 2-28-2013

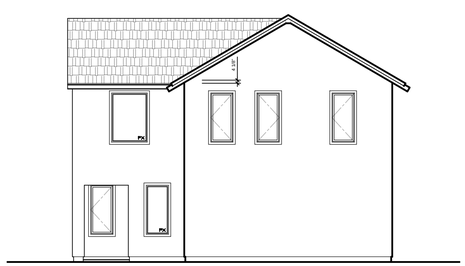
A1.1



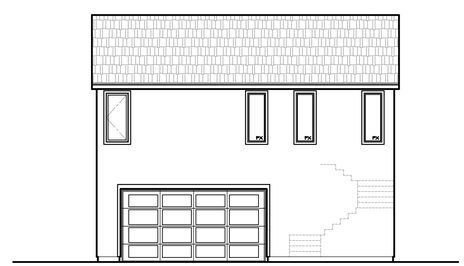
PLAN 1 - ELEVATION A
ROOF PLAN
SCALE: 1/8" = 1'-0"



PLAN 1 - ELEVATION A - FRONT
SCALE: 1/4" = 1'-0"



PLAN 1 - ELEVATION A - RIGHT



PLAN 1 - ELEVATION A - REAR

PLAN 1 - ELEVATION A - LEFT

LIBITZKY PROPERTY, HAYWARD, CA

PRELIMINARY
PACKAGE

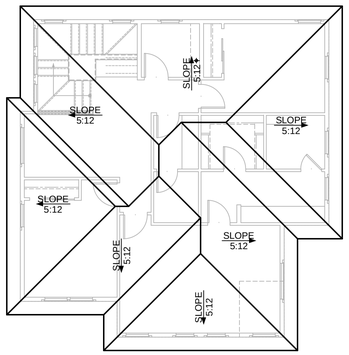
DAHLIN group
5865 Owens Drive
Pleasanton, CA 94588
925-251-7200

Plan 1
Single Family
Elevation A
Roof Plan & Elevations

JOB NO. 1126.001

DATE 2-28-2013

A1.2

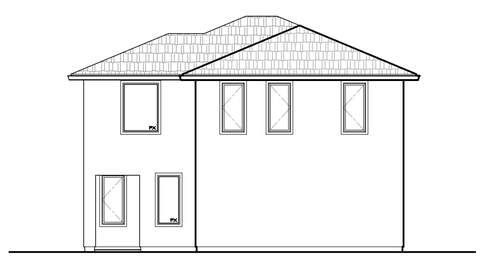


PLAN 1 - ELEVATION B ROOF PLAN

SCALE: 1/8" = 1'-0"

PLAN 1 - ELEVATION B - FRONT

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



PLAN 1 - ELEVATION B - RIGHT

PLAN 1 - ELEVATION B - REAR

PLAN 1 - ELEVATION B - LEFT

LIBITZKY PROPERTY, HAYWARD, CA

PRELIMINARY PACKAGE

DAHLIN group

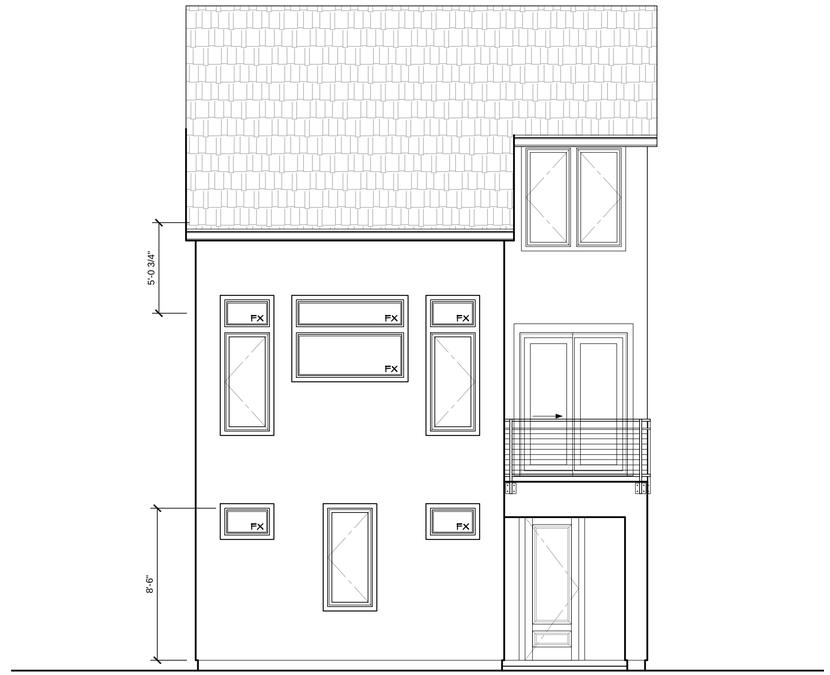
5865 Owens Drive
Pleasanton, CA 94588
925-251-7200

Plan 1
Single Family
Elevation B
Roof Plan & Elevations

JOB NO. 1126.001

DATE 2-28-2013

A1.3



PLAN 2 - ELEVATION A - FRONT

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

PLAN 2 - ELEVATION B - FRONT

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

PLAN 2 - ELEVATION C - FRONT

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

Plan 2
Single Family
Elevations

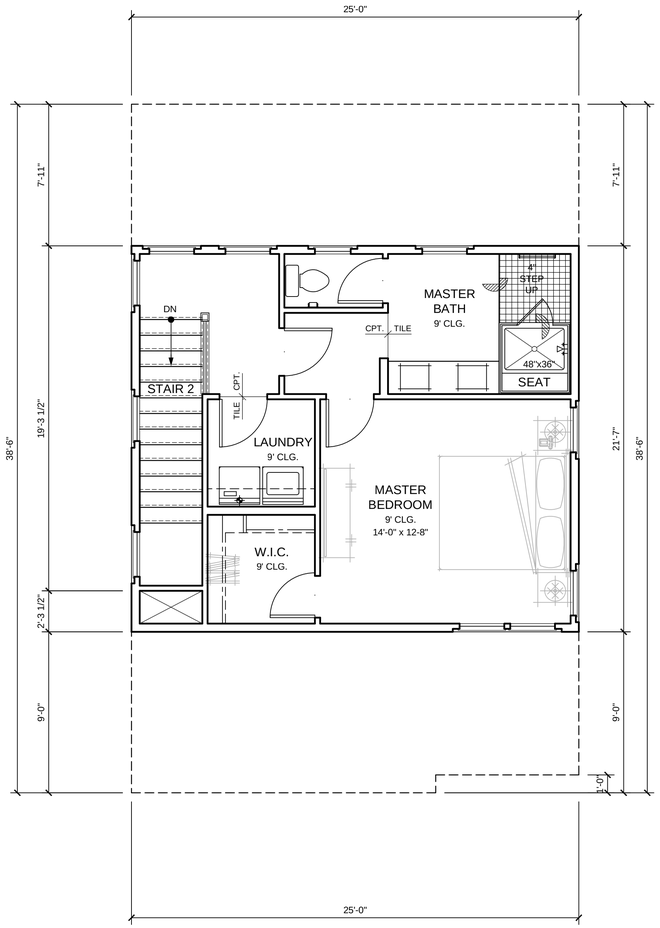
LIBITZKY PROPERTY, HAYWARD, CA

PRELIMINARY PACKAGE

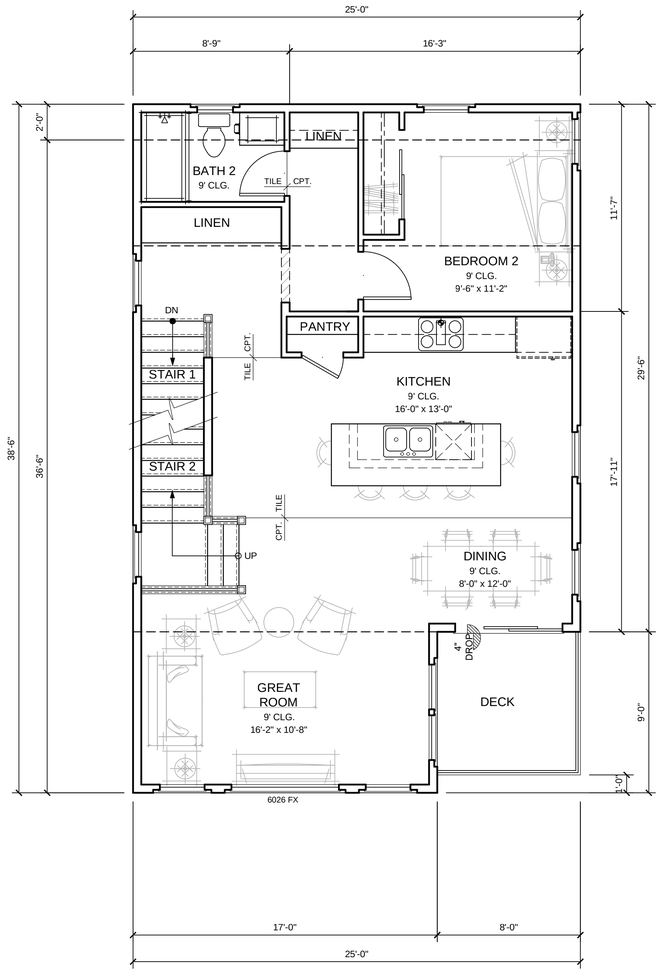
DAHLIN group
5865 Owens Drive
Pleasanton, CA 94588
925-251-7200

JOB NO.	1126.001
DATE	2-28-2013

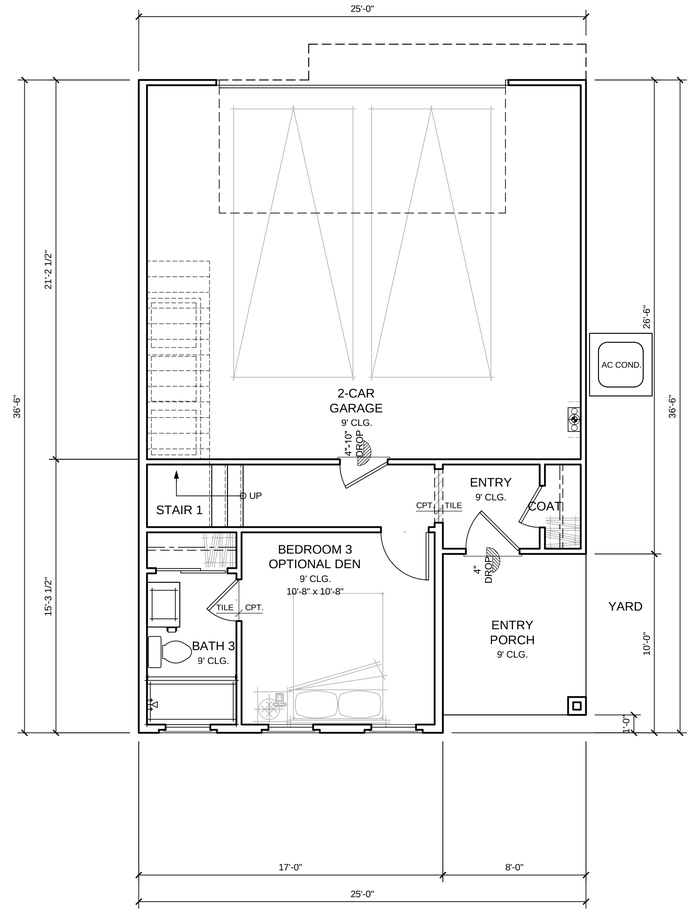
A2.0



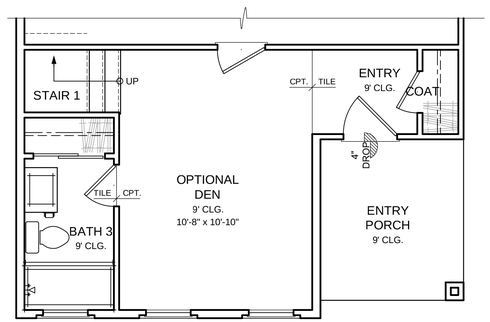
PLAN 2 THIRD FLOOR
ELEVATION A
SCALE: 1/4" = 1'-0"



PLAN 2 SECOND FLOOR
ELEVATION A
SCALE: 1/4" = 1'-0"



PLAN 2 FIRST FLOOR
ELEVATION A
SCALE: 1/4" = 1'-0"



PLAN 2 FIRST FLOOR
OPTIONAL DEN
SCALE: 1/4" = 1'-0"

PLAN 2	
TOTAL LIVING AREA:	1663 sq. ft.
First Floor:	302 sq. ft.
Second Floor:	891 sq. ft.
Third Floor:	470 sq. ft.
Garage:	530 sq. ft.
Entry Porch:	80 sq. ft.
Deck:	72 sq. ft.
3 BR, 3.5 BA	
OPTIONAL DEN @ FIRST FLOOR	

Plan 2
Single Family
Elevation A
Floor Plans

LIBITZKY PROPERTY, HAYWARD, CA

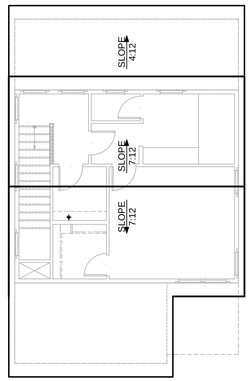
PRELIMINARY
PACKAGE

DAHLIN group
5865 Owens Drive
Pleasanton, CA 94588
925-251-7200

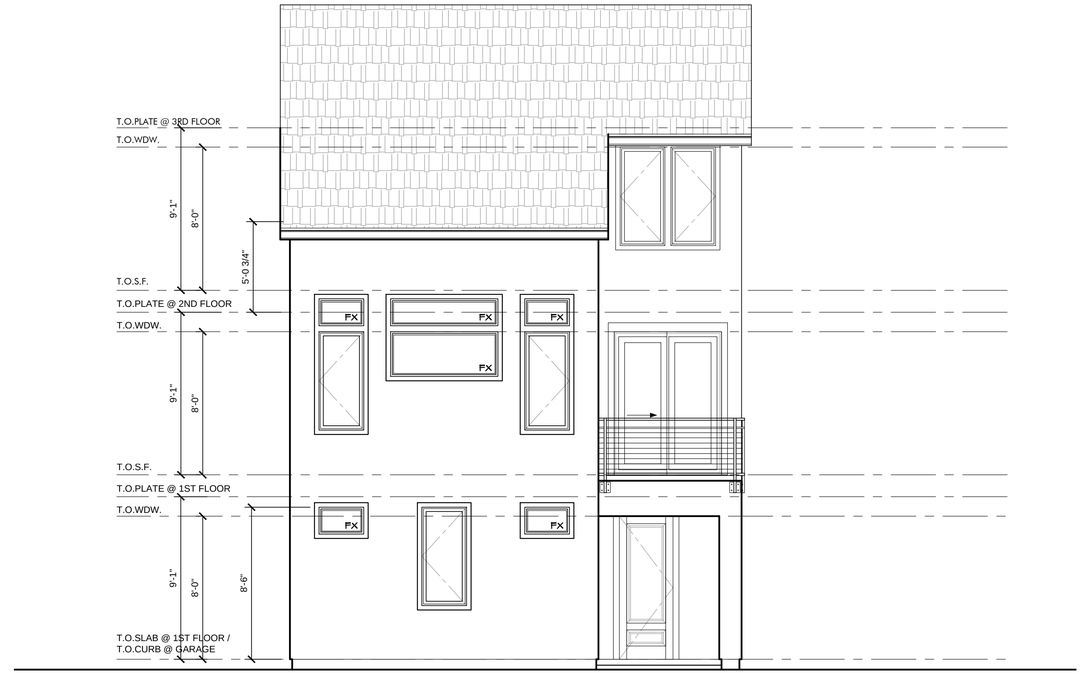
JOB NO. 1126.001

DATE 2-28-2013

A2.1



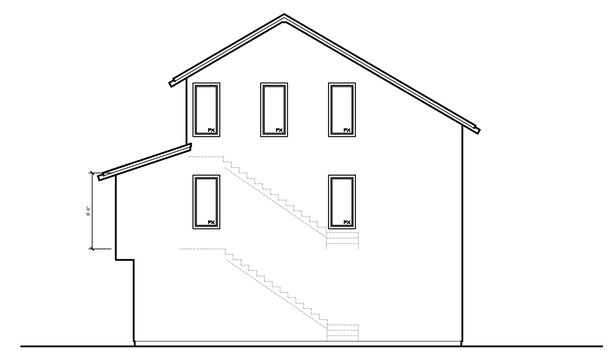
PLAN 2 - ELEVATION A
ROOF PLAN
SCALE: 1/8" = 1'-0"



PLAN 2 - ELEVATION A - FRONT
SCALE: 1/4" = 1'-0"

PLAN 2 - ELEVATION A - RIGHT

PLAN 2 - ELEVATION A - REAR



PLAN 2 - ELEVATION A - LEFT

Plan 2
Single Family
Elevation A
Roof Plan & Elevations

LIBITZKY PROPERTY, HAYWARD, CA

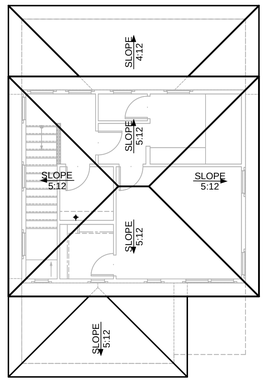
PRELIMINARY
PACKAGE

DAHLIN group
5865 Owens Drive
Pleasanton, CA 94588
925-251-7200

JOB NO. 1126.001

DATE 2-28-2013

A2.2



PLAN 2 - ELEVATION B
ROOF PLAN
SCALE: 1/8" = 1'-0"

PLAN 2 - ELEVATION B - FRONT
SCALE: 1/4" = 1'-0"

PLAN 2 - ELEVATION B - RIGHT

PLAN 2 - ELEVATION B - REAR

PLAN 2 - ELEVATION B - LEFT

Plan 2
Single Family
Elevation B
Roof Plan & Elevations

LIBITZKY PROPERTY, HAYWARD, CA

PRELIMINARY
PACKAGE

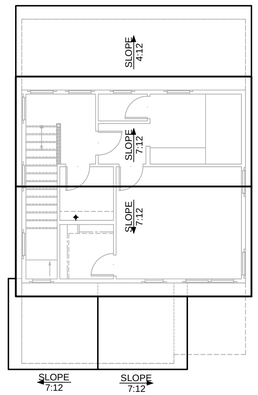
DAHLIN group

5865 Owens Drive
Pleasanton, CA 94588
925-251-7200

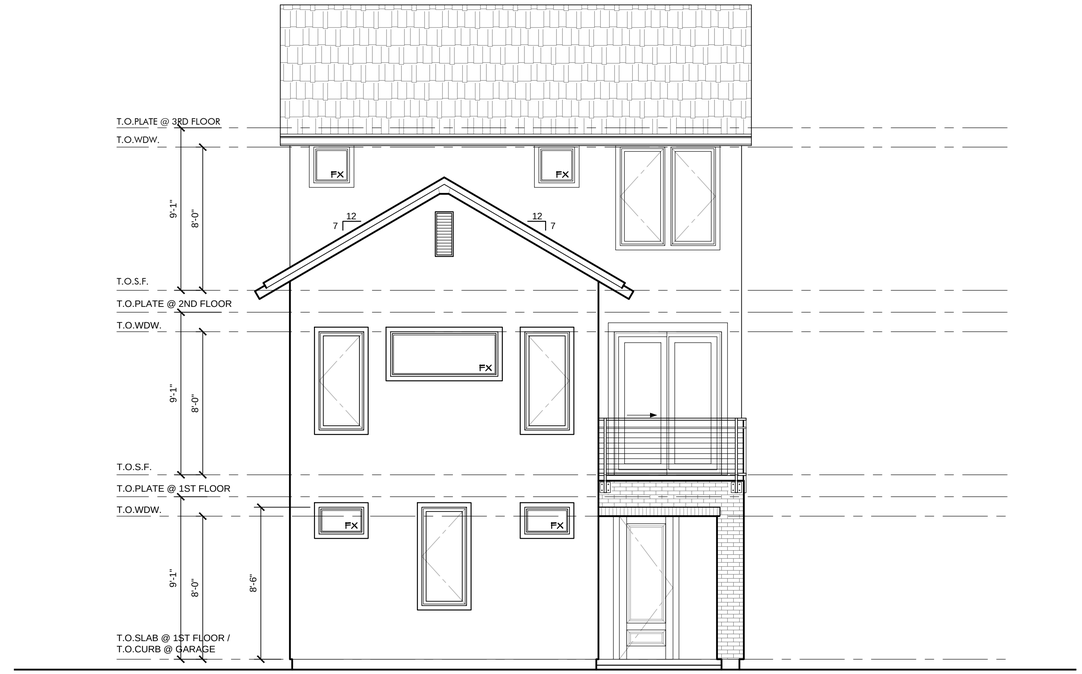
JOB NO. 1126.001

DATE 2-28-2013

A2.3



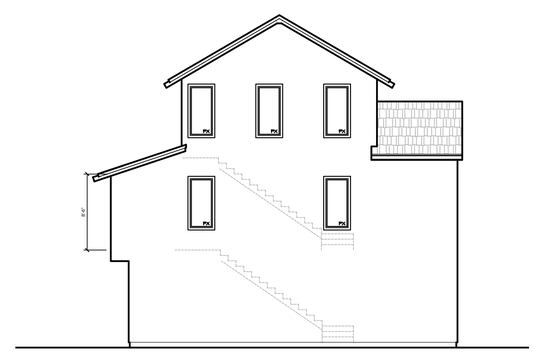
PLAN 2 - ELEVATION C
ROOF PLAN
SCALE: 1/8" = 1'-0"



PLAN 2 - ELEVATION C - FRONT
SCALE: 1/4" = 1'-0"

PLAN 2 - ELEVATION C - RIGHT

PLAN 2 - ELEVATION C - REAR



PLAN 2 - ELEVATION C - LEFT

Plan 2
Single Family
Elevation C
Roof Plan & Elevations

LIBITZKY PROPERTY, HAYWARD, CA

PRELIMINARY
PACKAGE

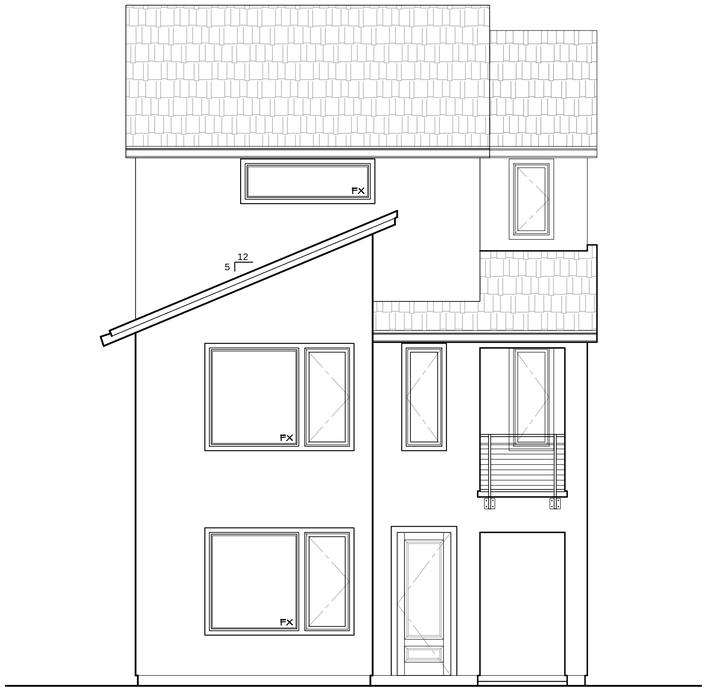
DAHLIN group

5865 Owens Drive
Pleasanton, CA 94588
925-251-7200

JOB NO. 1126.001

DATE 2-28-2013

A2.4



PLAN 3 - ELEVATION A - FRONT

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

PLAN 3 - ELEVATION B - FRONT

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

PLAN 3 - ELEVATION C - FRONT

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

Plan 3
Single Family
Elevations

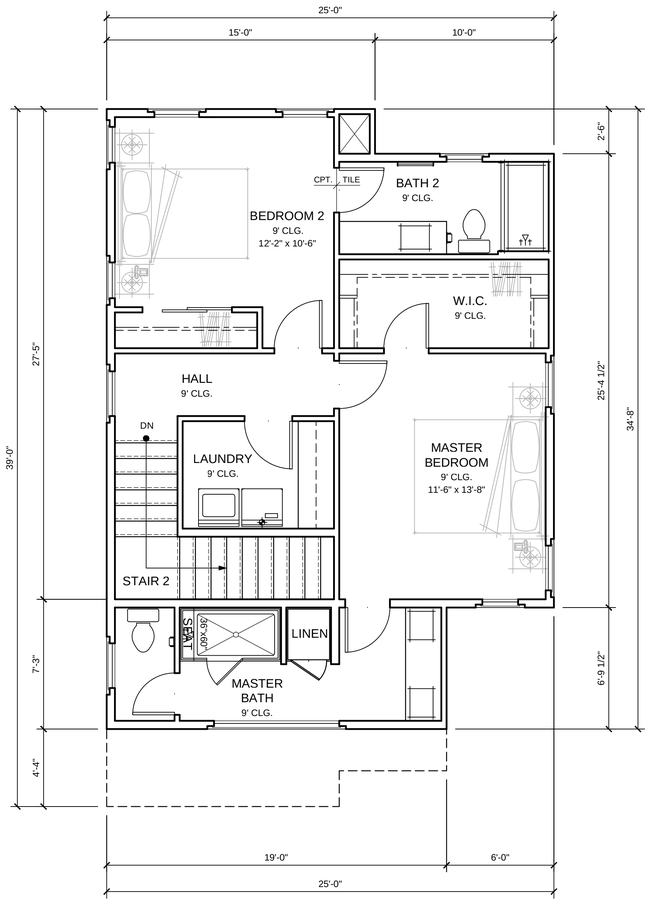
LIBITZKY PROPERTY, HAYWARD, CA

PRELIMINARY PACKAGE

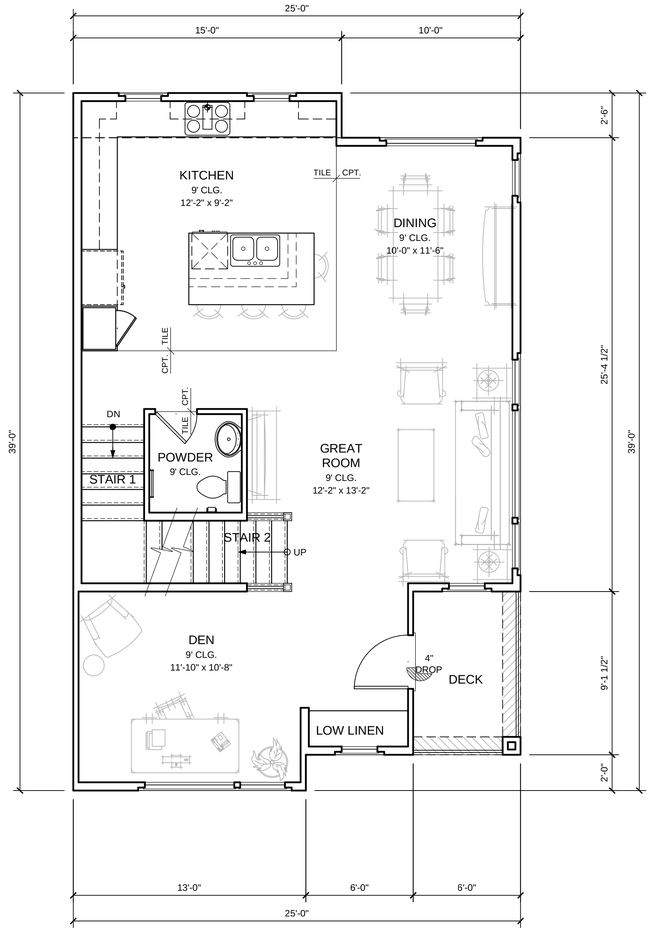
DAHLIN group
5865 Owens Drive
Pleasanton, CA 94588
925-251-7200

JOB NO.	1126.001
DATE	2-28-2013

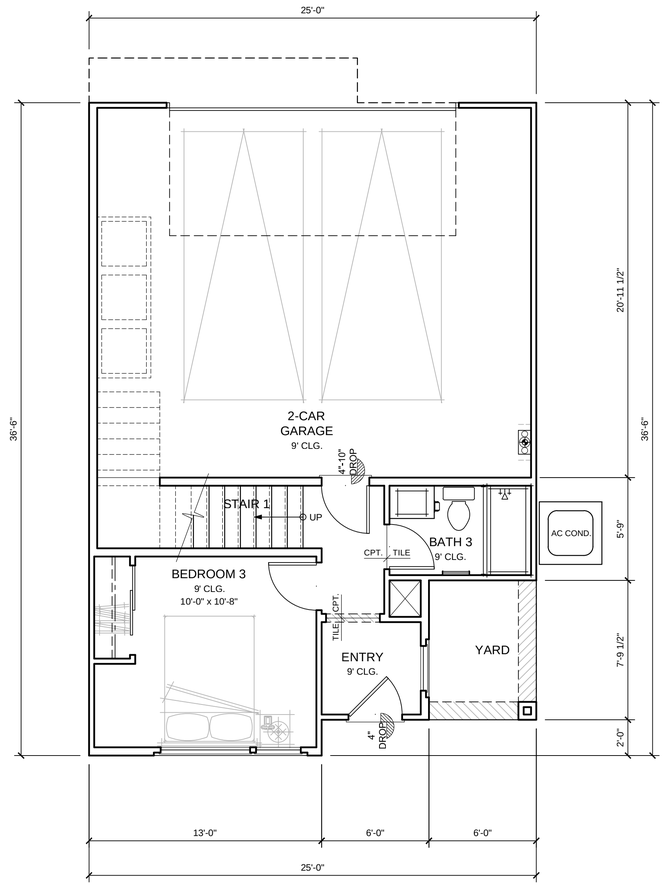
A3.0



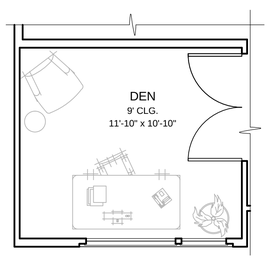
PLAN 3 THIRD FLOOR
ELEVATION A
SCALE: 1/4" = 1'-0"



PLAN 3 SECOND FLOOR
ELEVATION A
SCALE: 1/4" = 1'-0"



PLAN 3 FIRST FLOOR
ELEVATION A
SCALE: 1/4" = 1'-0"



PLAN 3 SECOND FLOOR
OPTIONAL ENCLOSED DEN
SCALE: 1/4" = 1'-0"

PLAN 3	
TOTAL LIVING AREA:	1908 sq. ft.
First Floor:	302 sq. ft.
Second Floor:	871 sq. ft.
Third Floor:	735 sq. ft.
Garage:	540 sq. ft.
Deck:	55 sq. ft.
3 BR, 3.5 BA & Den	

Plan 3
Single Family
Elevation A
Floor Plans

LIBITZKY PROPERTY, HAYWARD, CA

PRELIMINARY
PACKAGE

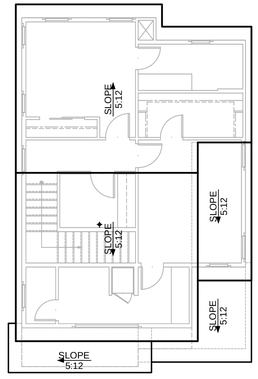
DAHLIN group

5865 Owens Drive
Pleasanton, CA 94588
925-251-7200

JOB NO. 1126.001

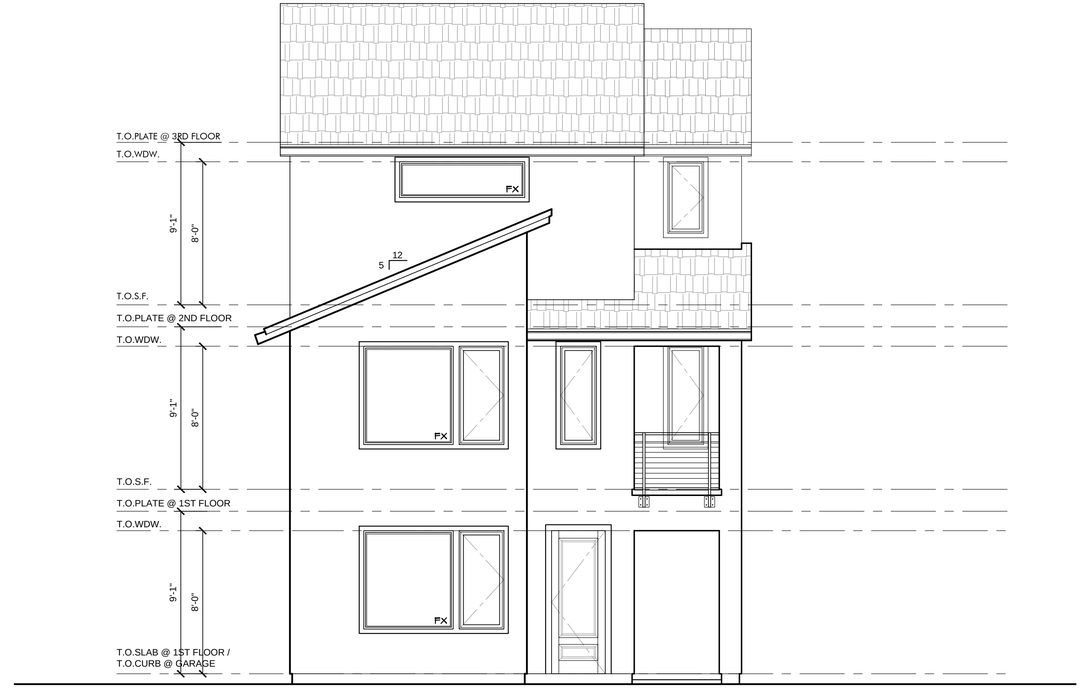
DATE 2-28-2013

A3.1



PLAN 3 - ELEVATION A ROOF PLAN

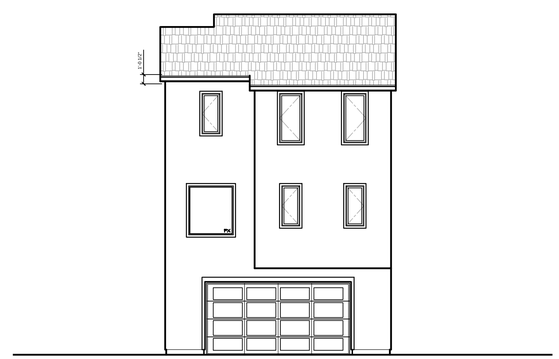
SCALE: 1/8" = 1'-0"



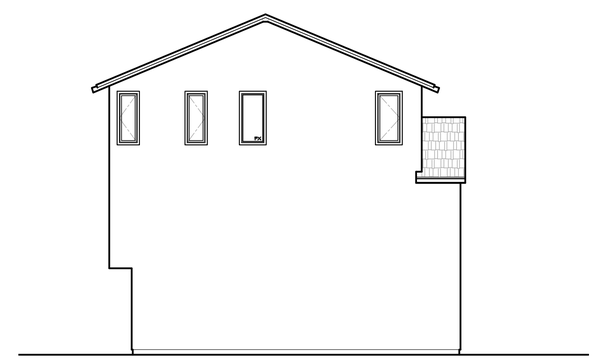
PLAN 3 - ELEVATION A - FRONT

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

PLAN 3 - ELEVATION A - RIGHT



PLAN 3 - ELEVATION A - REAR



PLAN 3 - ELEVATION A - LEFT

Plan 3
Single Family
Elevation A
Roof Plan & Elevations

LIBITZKY PROPERTY, HAYWARD, CA

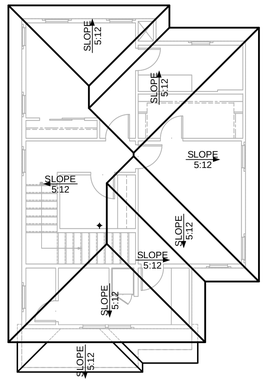
PRELIMINARY PACKAGE

DAHLIN group
5865 Owens Drive
Pleasanton, CA 94588
925-251-7200

JOB NO. 1126.001

DATE 2-28-2013

A3.2



PLAN 3 - ELEVATION B ROOF PLAN

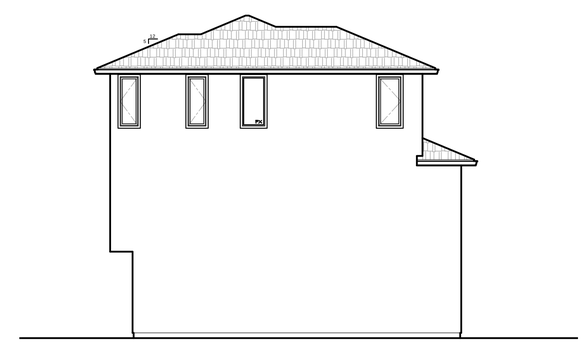
SCALE: 1/8" = 1'-0"

PLAN 3 - ELEVATION B - FRONT

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

PLAN 3 - ELEVATION B - RIGHT

PLAN 3 - ELEVATION B - REAR



PLAN 3 - ELEVATION B - LEFT

LIBITZKY PROPERTY, HAYWARD, CA

PRELIMINARY PACKAGE

DAHLIN group

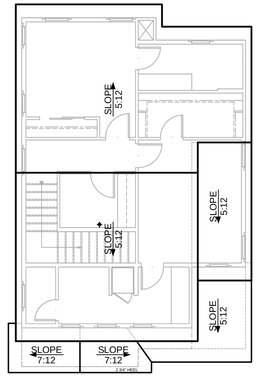
5865 Owens Drive
Pleasanton, CA 94588
925-251-7200

Plan 3
Single Family
Elevation B
Roof Plan & Elevations

JOB NO. 1126.001

DATE 2-28-2013

A3.3



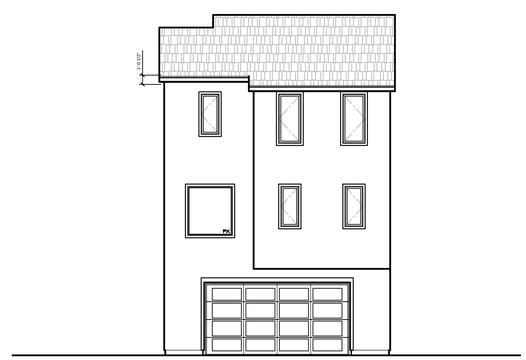
PLAN 3 - ELEVATION C ROOF PLAN

SCALE: 1/8" = 1'-0"

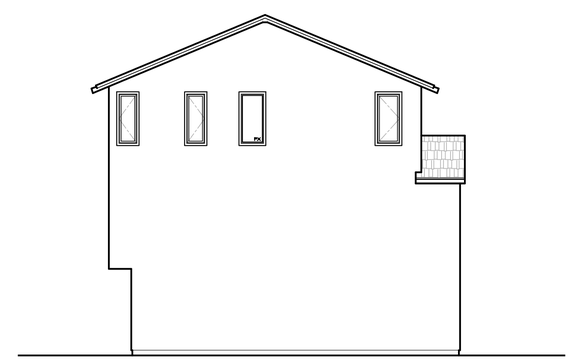
PLAN 3 - ELEVATION C - FRONT

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

PLAN 3 - ELEVATION C - RIGHT



PLAN 3 - ELEVATION C - REAR



PLAN 3 - ELEVATION C - LEFT

LIBITZKY PROPERTY, HAYWARD, CA

PRELIMINARY PACKAGE

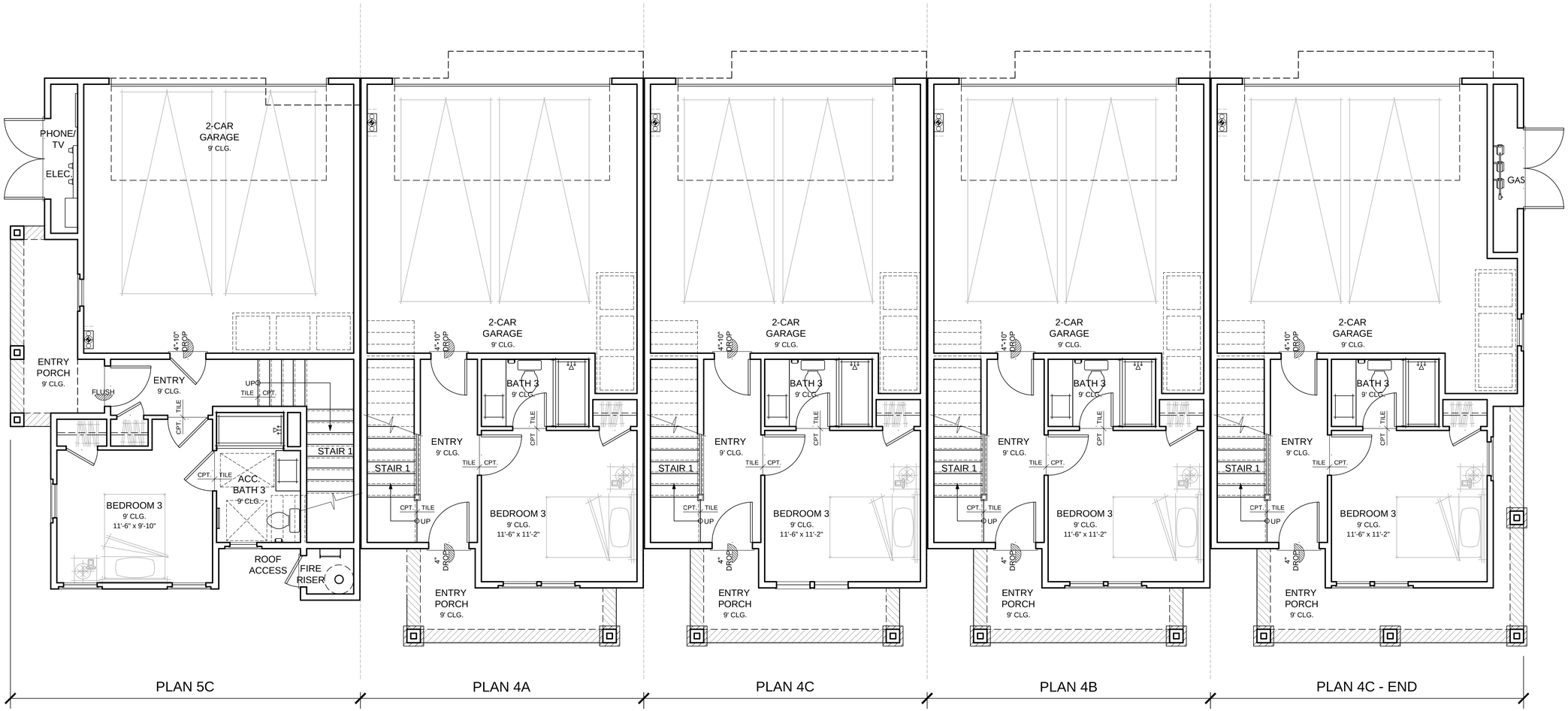
DAHLIN group
5865 Owens Drive
Pleasanton, CA 94588
925-251-7200

Plan 3
Single Family
Elevation C
Roof Plan & Elevations

JOB NO. 1126.001

DATE 2-28-2013

A3.4



500 BUILDING - FIRST FLOOR PLAN

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

500 Building Townhouse First Floor Plan

LIBITZKY PROPERTY, HAYWARD, CA

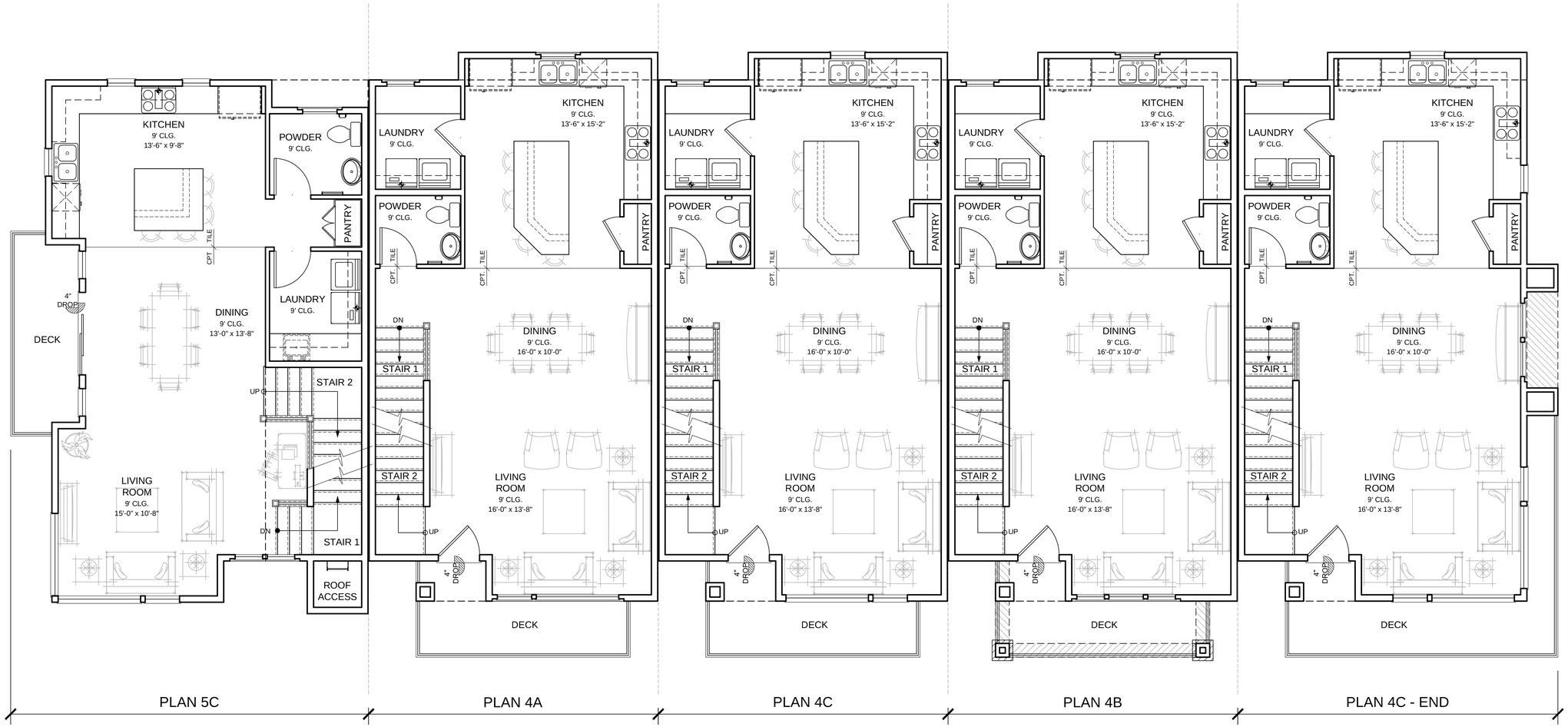
PRELIMINARY PACKAGE

DAHLIN group

5865 Owens Drive
Pleasanton, CA 94588
925-251-7200

JOB NO.	1126.001
DATE	2-28-2013

A4.1



500 BUILDING - SECOND FLOOR PLAN

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

500 Building
Townhouse
Second Floor Plan

LIBITZKY PROPERTY, HAYWARD, CA

PRELIMINARY
PACKAGE

DAHLIN group

5865 Owens Drive
Pleasanton, CA 94588
925-251-7200

JOB NO.	1126.001
DATE	2-28-2013

A4.2

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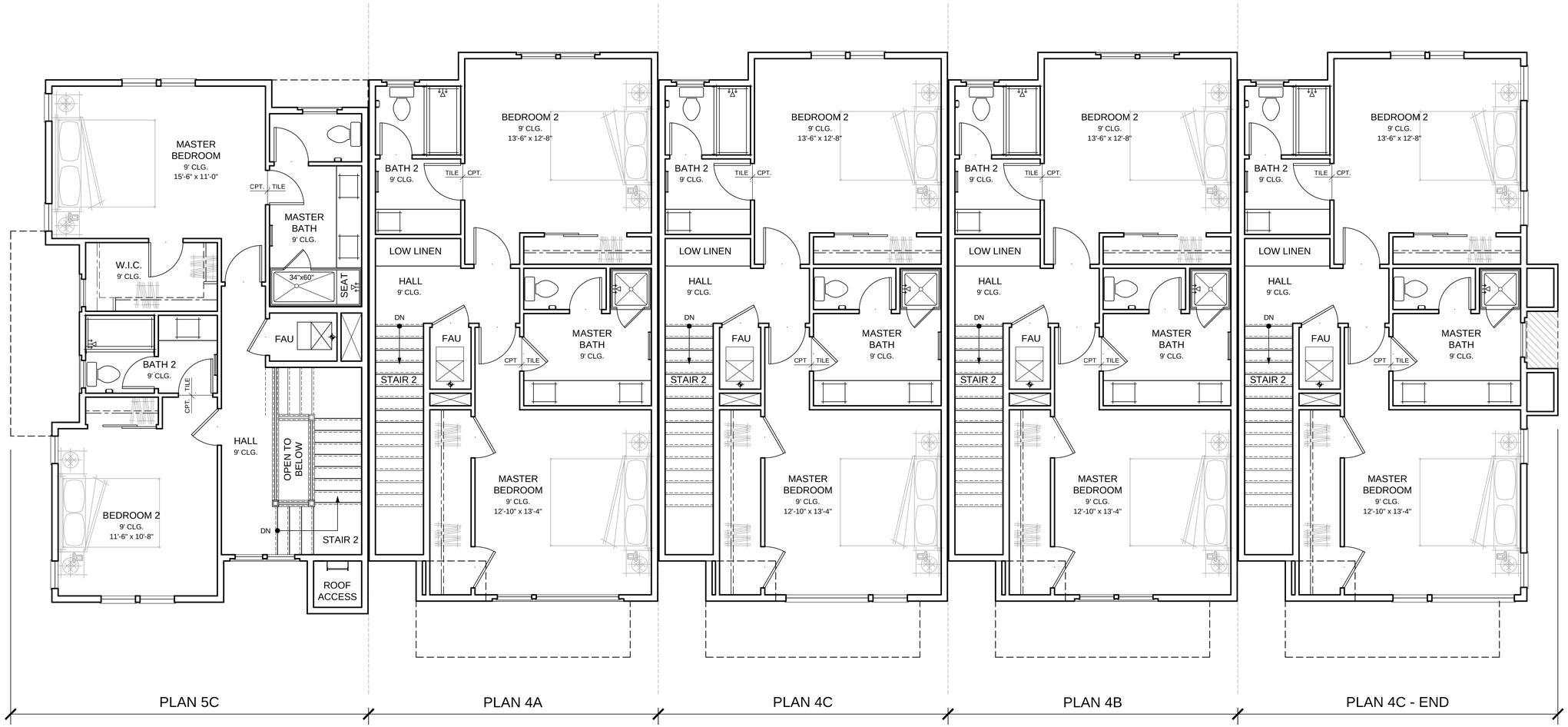

500 BUILDING - THIRD FLOOR PLAN

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

500 Building
Townhouse
Third Floor Plan

LIBITZKY PROPERTY, HAYWARD, CA

PRELIMINARY PACKAGE

DAHLIN group

5865 Owens Drive
Pleasanton, CA 94588
925-251-7200

JOB NO. 1126.001

DATE 2-28-2013

A4.3

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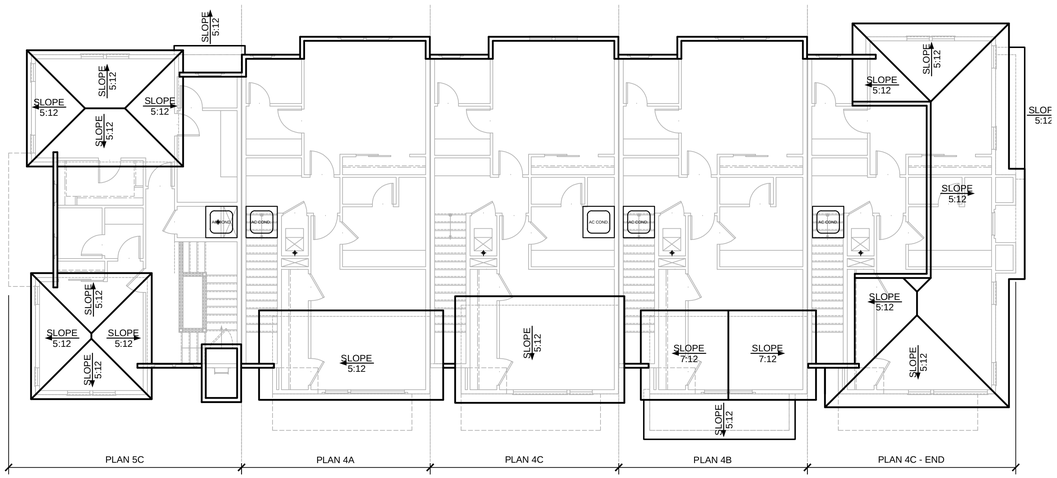


500 BUILDING ROOF PLAN

SCALE: 1/8" = 1'-0"

500 BUILDING - FRONT

500 BUILDING - LEFT

500 Building
Townhouse
Roof Plan & Elevations

LIBITZKY PROPERTY, HAYWARD, CA

PRELIMINARY PACKAGE

DAHLIN group

5865 Owens Drive
Pleasanton, CA 94588
925-251-7200

JOB NO. 1126.001

DATE 2-28-2013

A4.4

500 BUILDING - FRONT

500 BUILDING - RIGHT

500 Building Townhouse Elevations

LIBITZKY PROPERTY, HAYWARD, CA

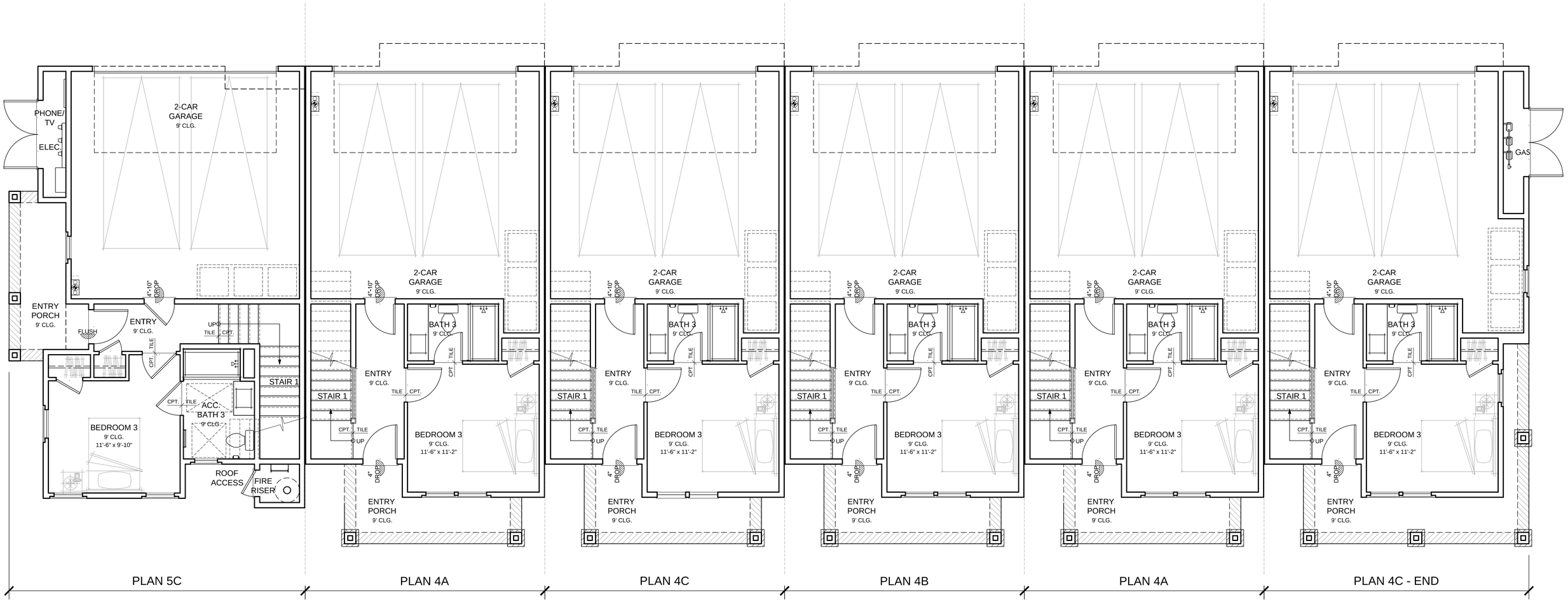
PRELIMINARY PACKAGE

DAHLIN group
5865 Owens Drive
Pleasanton, CA 94588
925-251-7200

JOB NO. 1126.001

DATE 2-28-2013

A4.5



600 BUILDING - FIRST FLOOR PLAN

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

600 Building
Townhouse
First Floor Plan

LIBITZKY PROPERTY, HAYWARD, CA

PRELIMINARY
PACKAGE

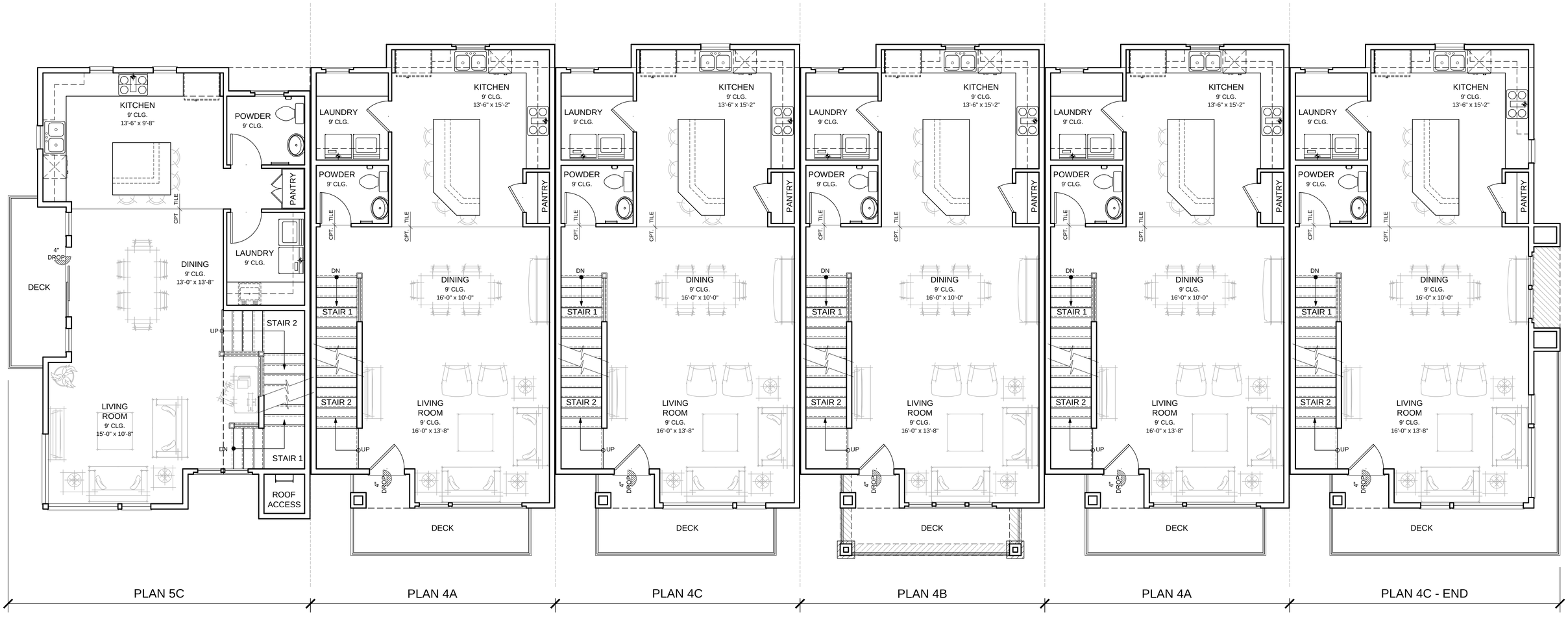
DAHLIN group

5865 Owens Drive
Pleasanton, CA 94588
925-251-7200

JOB NO. 1126.001

DATE 2-28-2013

A5.1



600 BUILDING - SECOND FLOOR PLAN

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

600 Building
Townhouse
Second Floor Plan

LIBITZKY PROPERTY, HAYWARD, CA

PRELIMINARY PACKAGE

DAHLIN group

5865 Owens Drive
Pleasanton, CA 94588
925-251-7200

JOB NO.	1126.001
DATE	2-28-2013

A5.2

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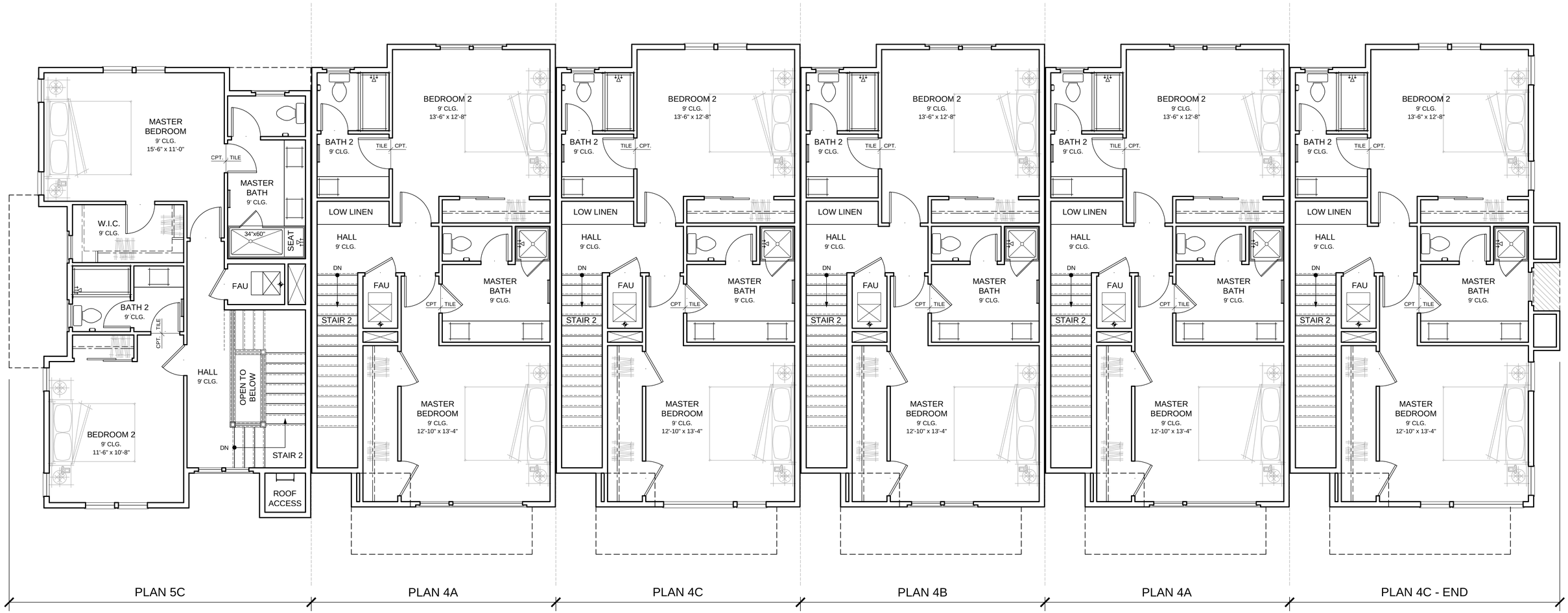


600 BUILDING - THIRD FLOOR PLAN

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

600 Building
Townhouse
Third Floor Plan

LIBITZKY PROPERTY, HAYWARD, CA

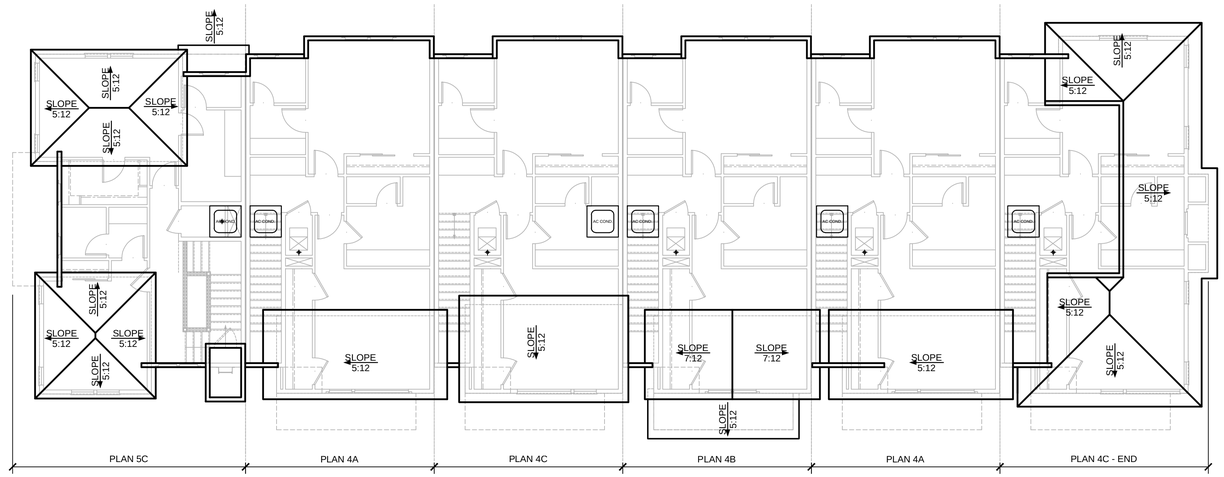
PRELIMINARY PACKAGE

DAHLIN group

5865 Owens Drive
Pleasanton, CA 94588
925-251-7200

JOB NO.	1126.001
DATE	2-28-2013

A5.3



600 BUILDING ROOF PLAN

SCALE: 1/8" = 1'-0"

600 BUILDING - LEFT

600 BUILDING - FRONT

600 Building
Townhouse
Roof Plan & Elevations

LIBITZKY PROPERTY, HAYWARD, CA

PRELIMINARY PACKAGE

DAHLIN group
5865 Owens Drive
Pleasanton, CA 94588
925-251-7200

JOB NO.	1126.001
DATE	2-28-2013

A5.4

600 BUILDING - FRONT

600 BUILDING - RIGHT

600 Building Townhouse Elevations

LIBITZKY PROPERTY, HAYWARD, CA

PRELIMINARY PACKAGE

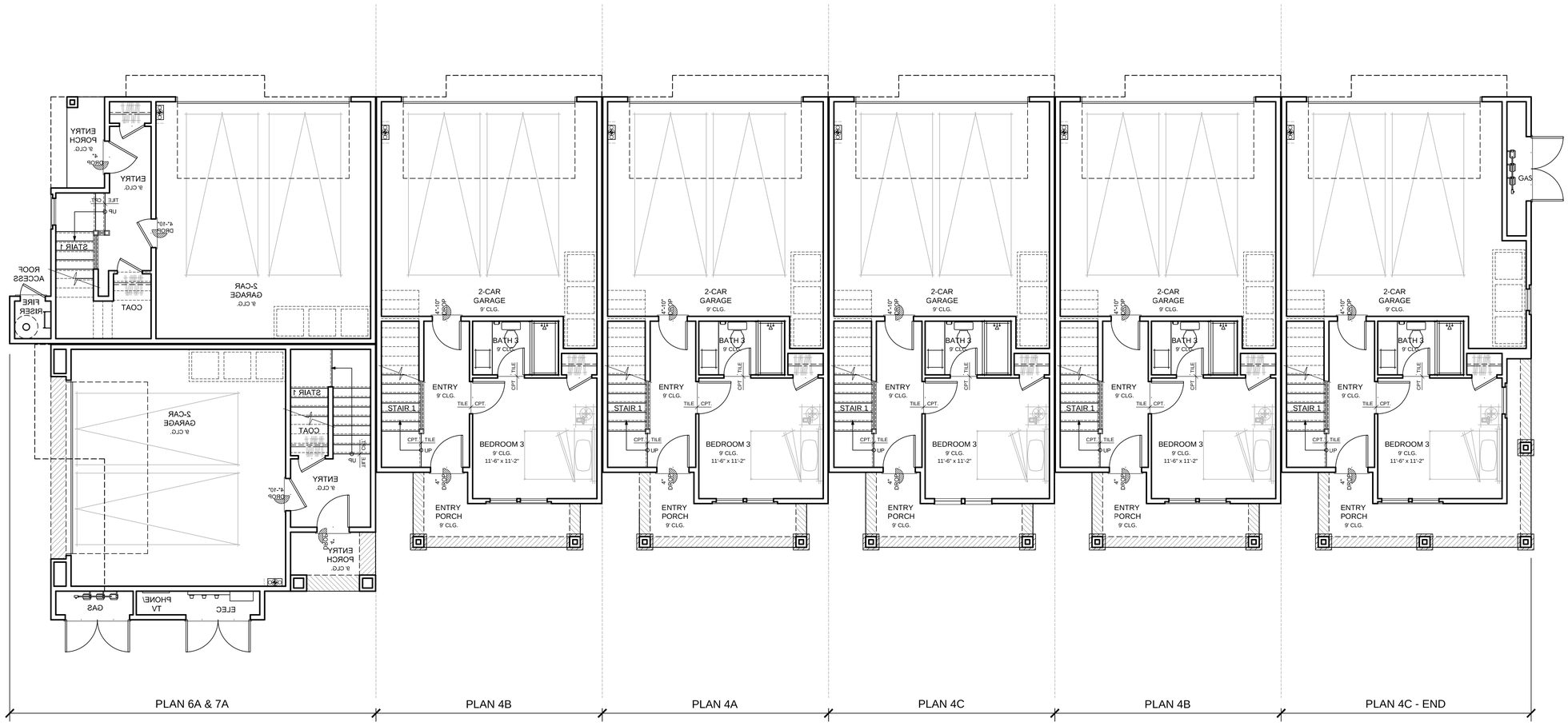
DAHLIN group

5865 Owens Drive
Pleasanton, CA 94588
925-251-7200

JOB NO. 1126.001

DATE 2-28-2013

A5.5



700 BUILDING - FIRST FLOOR PLAN

SCALE: 1/8" = 1'-0"

700 Building
Townhouse
First Floor Plan

LIBITZKY PROPERTY, HAYWARD, CA

PRELIMINARY PACKAGE

DAHLIN group
5865 Owens Drive
Pleasanton, CA 94588
925-251-7200

JOB NO.	1126.001
DATE	2-28-2013

A6.1

700 BUILDING - SECOND FLOOR PLAN

SCALE: 1/8" = 1'-0"

700 Building
Townhouse
Second Floor Plan

LIBITZKY PROPERTY, HAYWARD, CA

PRELIMINARY
PACKAGE

DAHLIN group

5865 Owens Drive
Pleasanton, CA 94588
925-251-7200

JOB NO. 1126.001

DATE 2-28-2013

A6.2

700 BUILDING - THIRD FLOOR PLAN

SCALE: 1/8" = 1'-0"

700 Building
Townhouse
Third Floor Plan

LIBITZKY PROPERTY, HAYWARD, CA

PRELIMINARY PACKAGE

DAHLIN group

5865 Owens Drive
Pleasanton, CA 94588
925-251-7200

JOB NO. 1126.001

DATE 2-28-2013

A6.3

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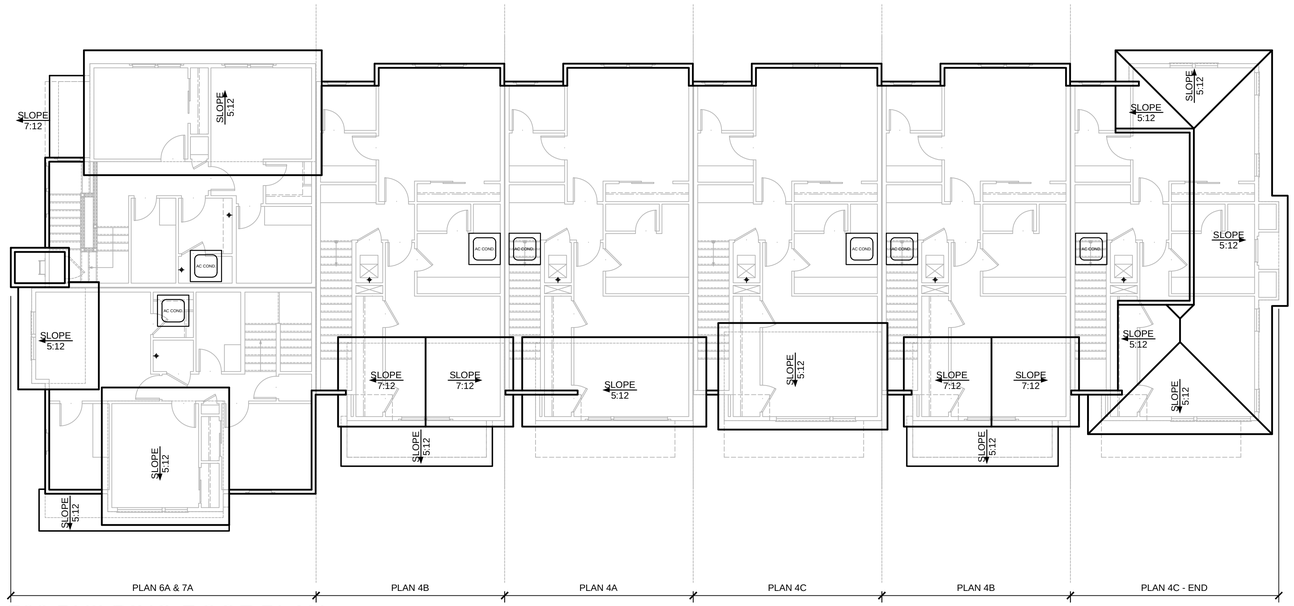


700 BUILDING ROOF PLAN

SCALE: 1/8" = 1'-0"

700 BUILDING - LEFT

700 BUILDING - FRONT

700 Building
Townhouse
Roof Plan & Elevations

LIBITZKY PROPERTY, HAYWARD, CA

PRELIMINARY PACKAGE

DAHLIN group
5865 Owens Drive
Pleasanton, CA 94588
925-251-7200

JOB NO. 1126.001

DATE 2-28-2013

A6.4

700 BUILDING - REAR

700 BUILDING - RIGHT

700 Building Townhouse Elevations

LIBITZKY PROPERTY, HAYWARD, CA

PRELIMINARY PACKAGE

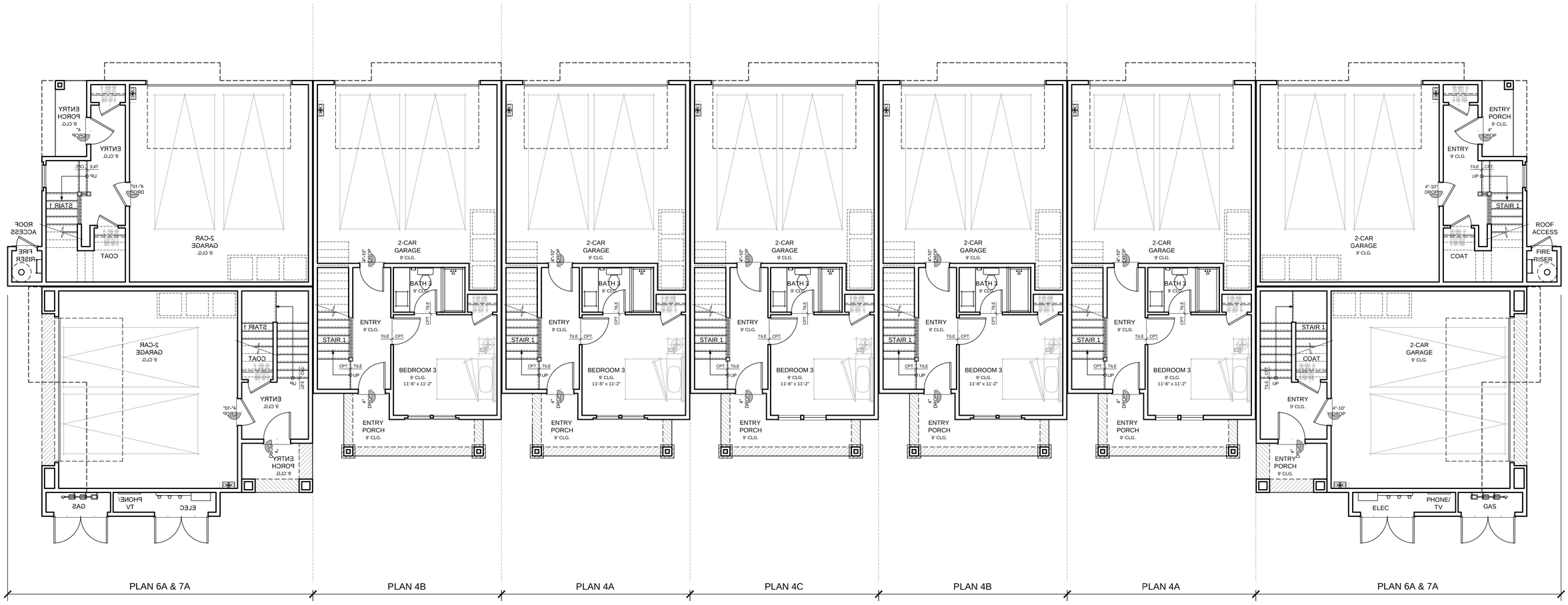
DAHLIN group

5865 Owens Drive
Pleasanton, CA 94588
925-251-7200

JOB NO. 1126.001

DATE 2-28-2013

A6.5



900 BUILDING - FIRST FLOOR PLAN

SCALE: 1/8" = 1'-0"

900 Building
Townhouse
First Floor Plan

LIBITZKY PROPERTY, HAYWARD, CA

PRELIMINARY PACKAGE

DAHLIN group

5865 Owens Drive
Pleasanton, CA 94588
925-251-7200

JOB NO.	1126.001
DATE	2-28-2013

A7.1

900 BUILDING - SECOND FLOOR PLAN

SCALE: 1/8" = 1'-0"

900 Building
Townhouse
Second Floor Plan

LIBITZKY PROPERTY, HAYWARD, CA

PRELIMINARY
PACKAGE

DAHLIN group

5865 Owens Drive
Pleasanton, CA 94588
925-251-7200

JOB NO.	1126.001
DATE	2-28-2013

A7.2

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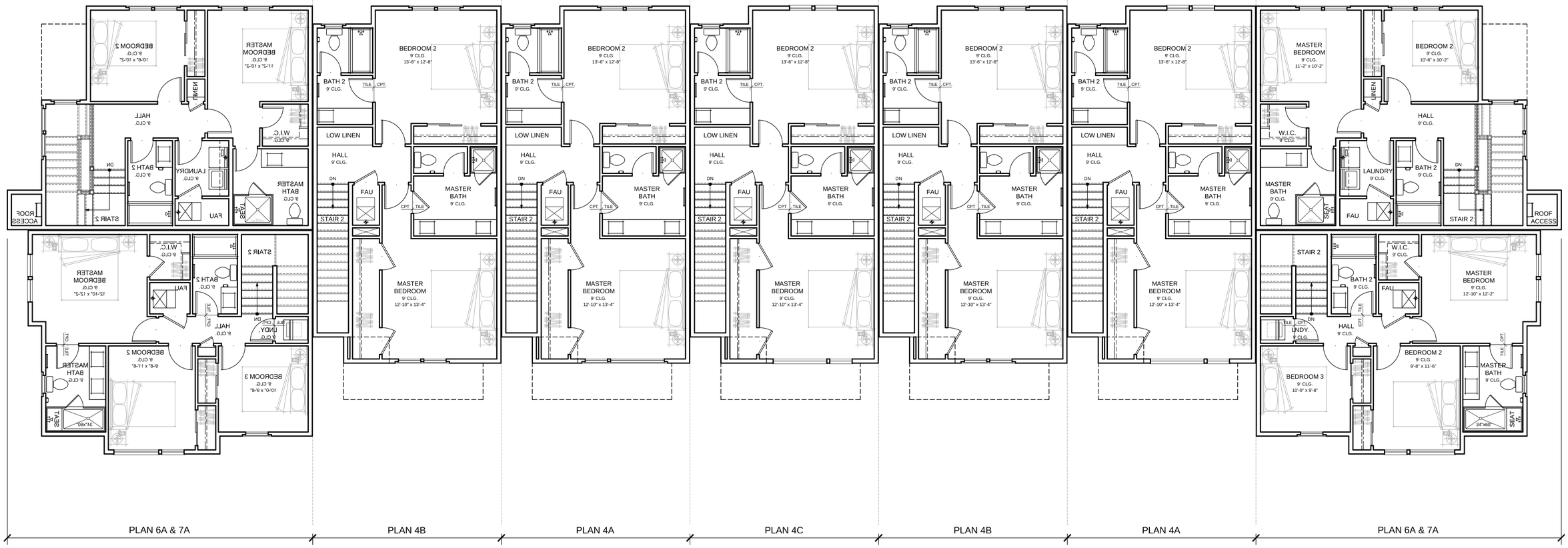


900 BUILDING - THIRD FLOOR PLAN

SCALE: 1/8" = 1'-0"

900 Building
Townhouse
Third Floor Plan

LIBITZKY PROPERTY, HAYWARD, CA

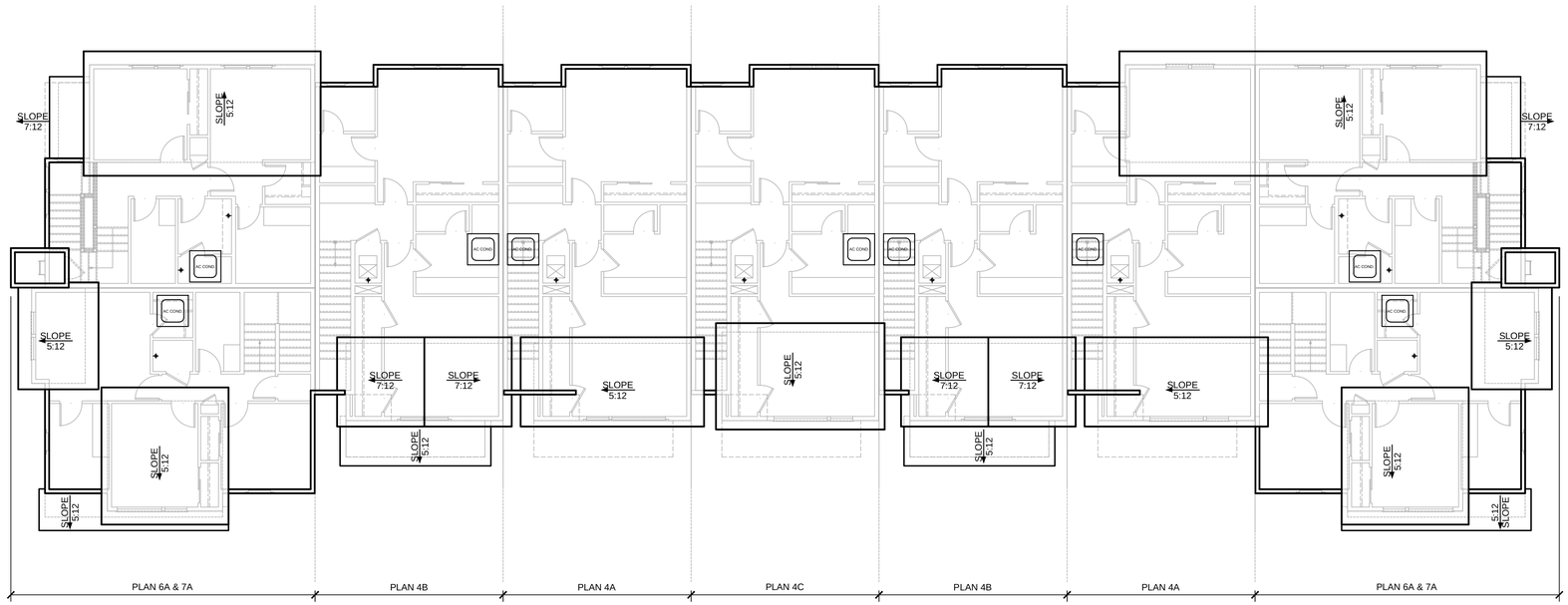
PRELIMINARY PACKAGE

DAHLIN group

5865 Owens Drive
Pleasanton, CA 94588
925-251-7200

JOB NO.	1126.001
DATE	2-28-2013

A7.3



900 BUILDING ROOF PLAN

SCALE: 1/8" = 1'-0"

900 BUILDING ROOF PLAN

SCALE: 1/8" = 1'-0"

900 BUILDING - FRONT

900 Building
Townhouse
Roof Plan & Elevations

LIBITZKY PROPERTY, HAYWARD, CA

PRELIMINARY PACKAGE

DAHLIN group
5865 Owens Drive
Pleasanton, CA 94588
925-251-7200

JOB NO. 1126.001

DATE 2-28-2013

A7.4

900 BUILDING - REAR

900 BUILDING - LEFT

900 BUILDING - RIGHT

900 Building Townhouse Elevations

LIBITZKY PROPERTY, HAYWARD, CA

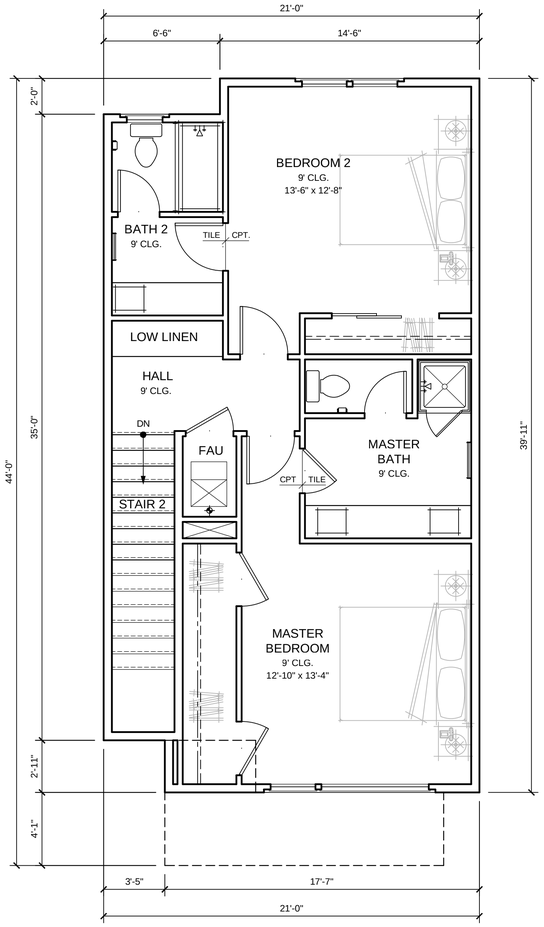
PRELIMINARY PACKAGE

DAHLIN group
5865 Owens Drive
Pleasanton, CA 94588
925-251-7200

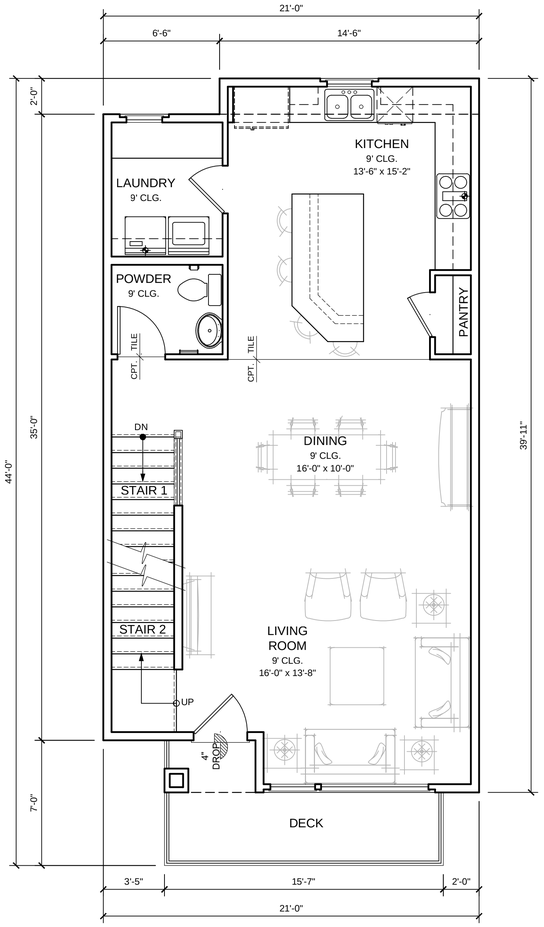
JOB NO. 1126.001

DATE 2-28-2013

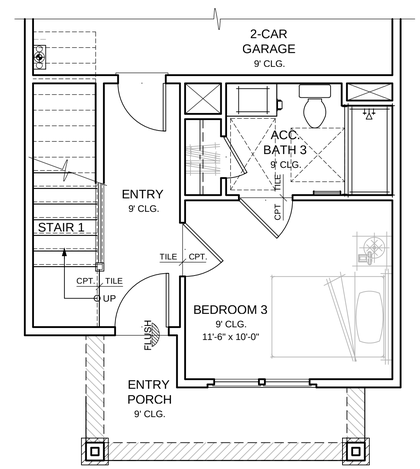
A7.5



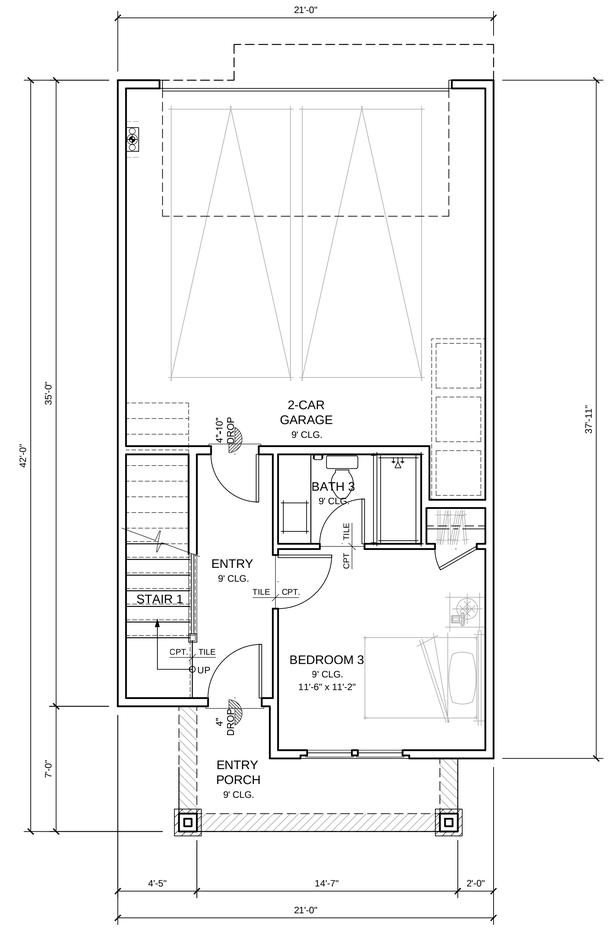
PLAN 4 THIRD FLOOR
ELEVATION A
SCALE: 1/4" = 1'-0"



PLAN 4 SECOND FLOOR
ELEVATION A
SCALE: 1/4" = 1'-0"



PLAN 4 FIRST FLOOR
OPTIONAL ACCESSIBLE
BED & BATH
SCALE: 1/4" = 1'-0"



PLAN 4 FIRST FLOOR
ELEVATION A
SCALE: 1/4" = 1'-0"

PLAN 4	
TOTAL LIVING AREA:	1735 sq. ft.
First Floor:	297 sq. ft.
Second Floor:	745 sq. ft.
Third Floor:	693 sq. ft.
Garage:	411 sq. ft.
Front Porch:	71 sq. ft.
Deck:	65 sq. ft.
3 BR, 3.5 BA	
OPTIONAL ACCESSIBLE BED & BATH	

(MEASURED FROM INSIDE FACE OF STUDS)

Plan 4
Townhouse
Elevation A
Floor Plans

LIBITZKY PROPERTY, HAYWARD, CA

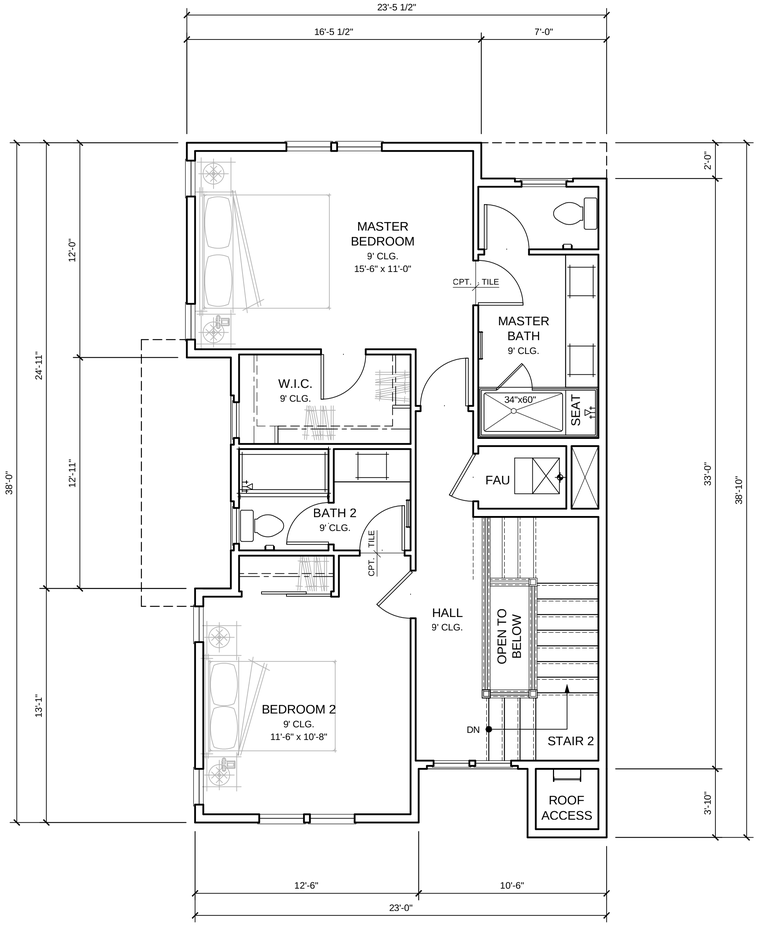
PRELIMINARY
PACKAGE

DAHLIN group
5865 Owens Drive
Pleasanton, CA 94588
925-251-7200

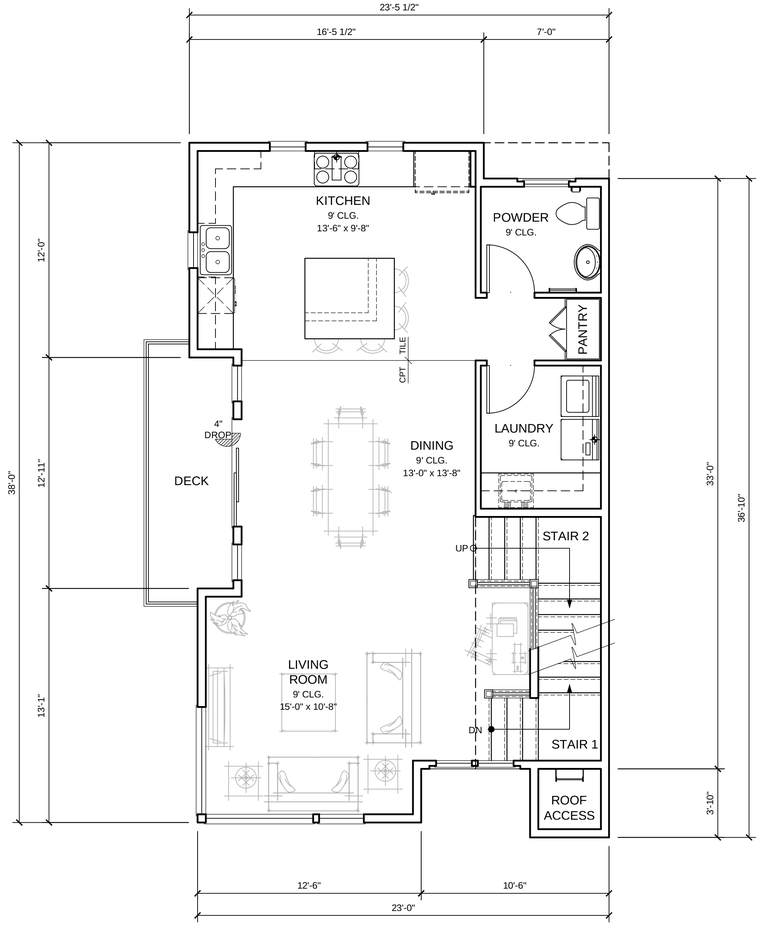
JOB NO. 1126.001

DATE 2-28-2013

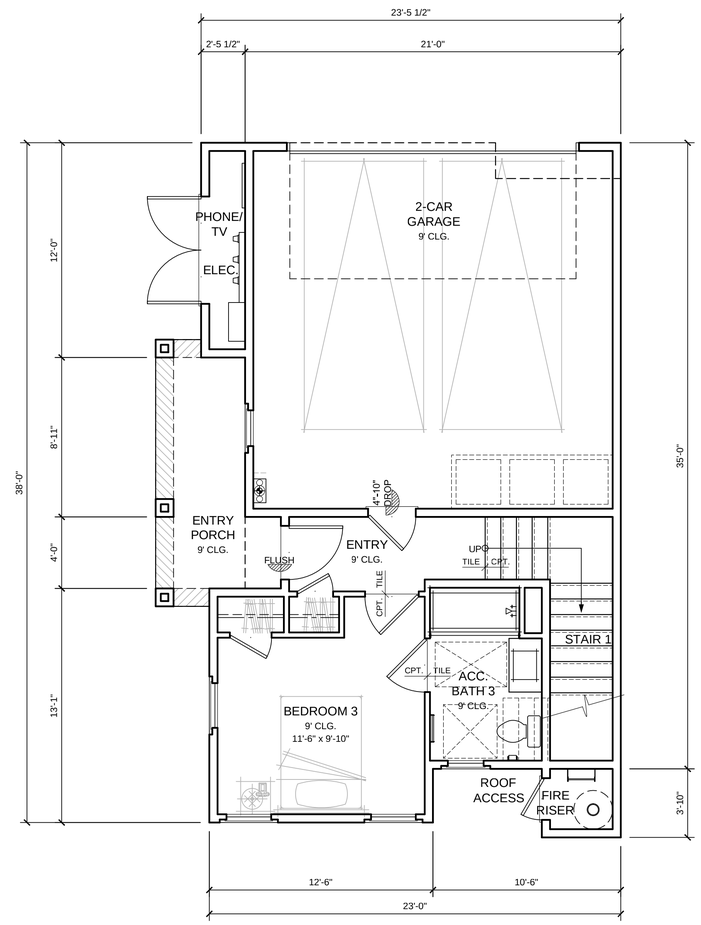
A8.1



PLAN 5 THIRD FLOOR
ELEVATION C
SCALE: 1/4" = 1'-0"



PLAN 5 SECOND FLOOR
ELEVATION C
SCALE: 1/4" = 1'-0"



PLAN 5 FIRST FLOOR
ELEVATION C
SCALE: 1/4" = 1'-0"

PLAN 5	
TOTAL LIVING AREA:	1721 sq. ft.
First Floor:	318 sq. ft.
Second Floor:	751 sq. ft.
Third Floor:	652 sq. ft.
Garage:	402 sq. ft.
Front Porch:	75 sq. ft.
Deck:	65 sq. ft.
3 BR, 3.5 BA	

(MEASURED FROM INSIDE FACE OF STUDS)

Plan 5
Townhouse
Elevation C
Floor Plans

LIBITZKY PROPERTY, HAYWARD, CA

PRELIMINARY PACKAGE

DAHLIN group
5865 Owens Drive
Pleasanton, CA 94588
925-251-7200

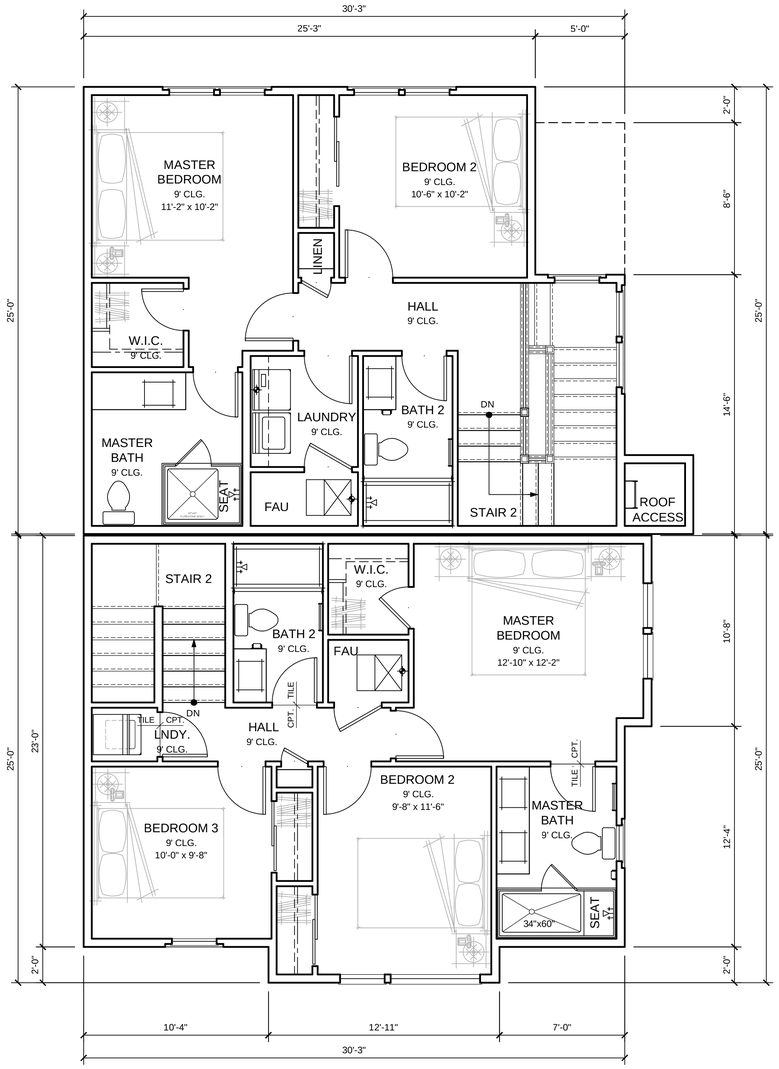
JOB NO. 1126.001

DATE 2-28-2013

A8.2

PLAN 6 THIRD FLOOR ELEVATION A

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

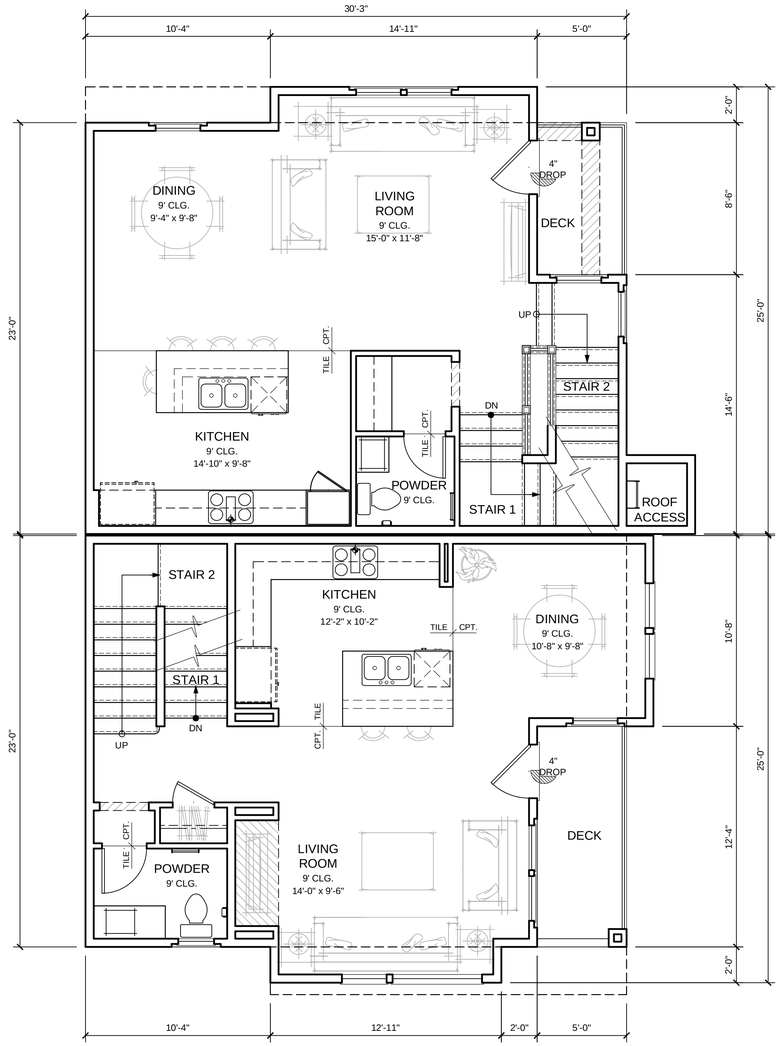


PLAN 7 THIRD FLOOR ELEVATION A

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

PLAN 6 SECOND FLOOR ELEVATION A

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

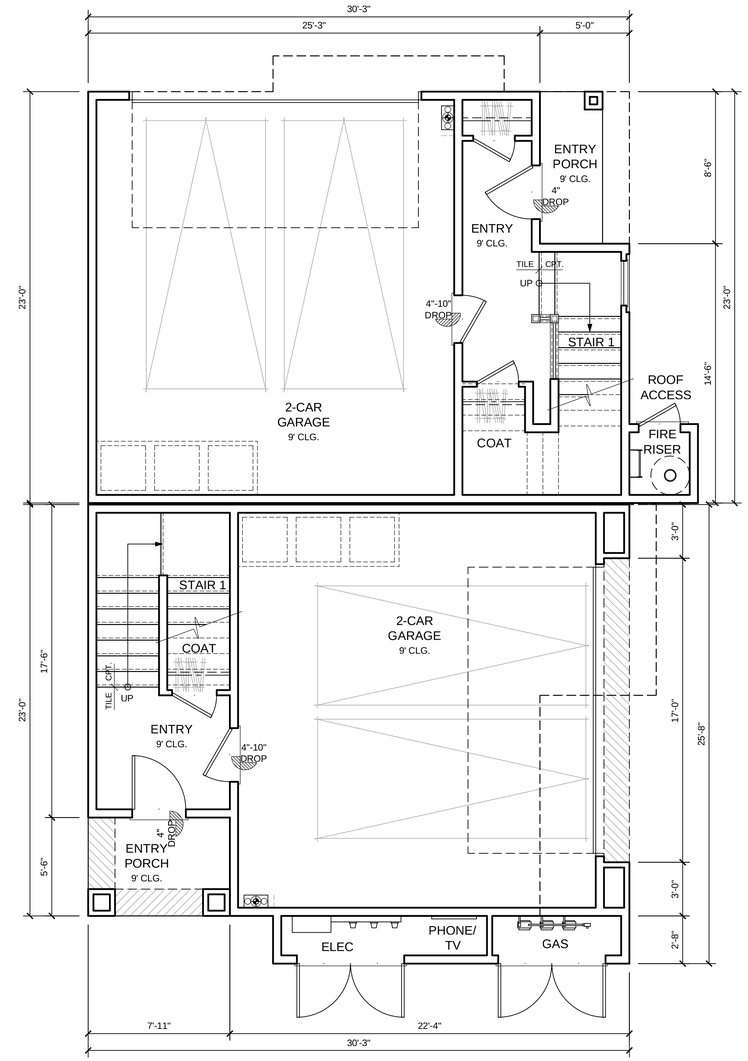


PLAN 7 SECOND FLOOR ELEVATION A

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

PLAN 6 FIRST FLOOR ELEVATION A

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



PLAN 7 FIRST FLOOR ELEVATION A

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

PLAN 6	
TOTAL LIVING AREA:	1342 sq. ft.
First Floor:	153 sq. ft.
Second Floor:	633 sq. ft.
Third Floor:	556 sq. ft.
Garage:	442 sq. ft.
Front Porch:	29 sq. ft.
Deck:	38 sq. ft.
3 BR, 2.5 BA	

(MEASURED FROM INSIDE FACE OF STUDS)

PLAN 7	
TOTAL LIVING AREA:	1363 sq. ft.
First Floor:	124 sq. ft.
Second Floor:	625 sq. ft.
Third Floor:	614 sq. ft.
Garage:	466 sq. ft.
Front Porch:	39 sq. ft.
Deck:	57 sq. ft.
3 BR, 2.5 BA	

(MEASURED FROM INSIDE FACE OF STUDS)

Plans 6 & 7 Townhouse Elevation A Floor Plans

LIBITZKY PROPERTY, HAYWARD, CA

PRELIMINARY PACKAGE

DAHLIN group
5865 Owens Drive
Pleasanton, CA 94588
925-251-7200

JOB NO. 1126.001

DATE 2-28-2013

A8.3

PROPONENT'S RESPONSES TO FINDINGS FOR APPROVAL

<u>Findings for Approval – Planned Development District</u>

The Development is in substantial harmony with the surrounding area and conforms to the General Plan and applicable City polices.

The Development is in substantial harmony with the surrounding area, the General Plan, as well as the Cannery Area Design Concept. The Development is adjacent to the new Burbank Elementary School to the North, along with the Cannery Park and residential communities. To the East of the Development are existing single family detached homes in mature communities. The Development is bordered to the south and west by a network of public parks and newer residential homes that were all developed based on the Cannery Area Design Concept.

The Development is consistent with the General Plan and Cannery Area Design Concept of developing a master-planned medium density residential community with public amenities. The Development conforms to the City policies by providing new housing opportunities, parking for future and existing residents within the Cannery Area, and additional public park land for the community.

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

The Development Vesting Tentative Map includes a thoroughly vetted Site & Circulation Plan as well as a Utility Plan that more than adequately serves the Development. The Development will be responsible for installing significant street improvements, new utilities, and interconnectivity with the Cannery Area and existing neighborhoods.

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

This Development is a residential community that with provide sustained desirability and stability. As part of the Cannery Area Design Concept, this Development was part of a long-range planning effort to ensure sustainable and desirable planning practices. This Development is the last major phase of the Cannery Area that will benefit from 5.9 acres of public park, walking distance to multi-modal transportation as well as the recently constructed Burbank School and Cannery Park adjacent to the Development site.

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

The Development will eliminate the existing Mixed Industrial land use which is highly

inconsistent with the surrounding area. The Development will replace this use with a residential use that is entirely consistent with the surrounding community.

In the case of a development in increments, each increment provides a sufficient proportion of total planned common open space, facilities, and services so that it may be self-contained in the event of a default or failure to complete the total development according to schedule.

This Development is the last increment of a master-planned community. The Development is designed to complement and enhance the existing open space and facilities that are within the Cannery Area (and under construction). This Development will bring forward the balance of the Cannery Area open space of approximately 1.52 acres of additional park land. The Development will also be required to bond for public street improvements that are necessary. The street improvements will be installed at the front-end of then development schedule since the Development relies upon public streets for access.

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 t standards.

This Development will construct a host of new improvements for the community that will greatly enhance the lifestyle and livability of the Cannery Area for existing and future residents. The Development will provide the following new improvements:

Parking: The Development will provide an abundance of new parking, with over 80 new public parking spaces that will be available to the existing Cannery residents without restrictions. A portion of this new parking requires demolition and construction of new improvements that are off-site.

Oak Trees: The Development will incorporate Oak Trees at or near the entrance to the community off of Filbert Street to increase the aesthetic appeal of the existing community and Development.

Panhandle Park: This Development will construct and dedicate the Parkhurst Panhandle Park in addition to designing enhanced amenities within the Panhandle Park (discussed below). This development will contribute over 1.5 acres of additional public park land to the Cannery Park network in addition to taking over SCS Development's responsibility to build and dedicate the western half of the park.

Parkhurst Park Design Improvements: The Development will incorporate new active programming into the Panhandle Park that will be improved and dedicated to the City with this Development.

Public Art: This development will install public art in connection with entry monuments to be located at the entrance to the community on Filbert Street. The Development will incorporate art that will be consistent with the neighborhood and provide a unique statement upon entering the neighborhood.

Electric Vehicle Charging Station: The Development will install an electric vehicle charging station within the development for use by visitors to the community. In addition, each home includes a side-by-side garage that will be pre-wired for electric vehicle charging.
Meek Place: The Development will convert Meek from the current 2-way street to a 1-way street per the Cannery Area Design Concept (and City direction). This will involve intersection improvements as well as new hardscape adjacent to Parcel D of Tract 7613. This improvement was formerly a Condition of Approval for Tract 7613 and this Development is taking over this obligation.

Palmer Avenue: The development will complete construction of Palmer Avenue and will dedicate the public street to allow for circulation running east-west along the future Water Tower Park. This improvement will also help complete the vision for the Water Tower Park by providing full street access around the park.

Filbert Street: This development envisions surface improvements as well as landscape improvements on both sides of Filbert Street. The improvements include new landscape, pavers, and street trees on the east side of Filbert Street which will directly benefit existing homeowners in the community. Filbert Street is in disrepair and this improvement will beautify the community and add value to the surrounding neighborhoods.

<u>Findings for Approval – Vesting Tentative Tract Map</u>

1. That the proposed map is consistent with applicable general and specific plans as specified in Section 65451.

The proposed subdivision is consistent with the Hayward General Plan as well as the Cannery Area Design Concept. The Development has participated in the long range planning document, known as the Cannery Area Design Concept, and represents the last major phase of this master-planned residential community.

2. That the design or improvement of the proposed subdivision is consistent with applicable general and specific plans.

The proposed subdivision is consistent with the Hayward General Plan as well as the Cannery Area Design Concept. The Development will enhance the existing community with new housing, open space, and public amenities that will be beneficial to existing residents as well as aesthetically pleasing.

3. That the site is physically suitable for the type of development.

The geotechnical investigation performed by T Makdissy Consulting (June 18, 2013), which is referenced in the IS/MND, demonstrates that the proposed subdivision would occur on a site suitable for the proposed development. Much of the adjacent properties have recently been developed with similar densities, further demonstrating that the site is

physically suitable for this type of development.

4. That the site is physically suitable for the proposed density of development.

The geotechnical investigation performed by T Makdissy Consulting (June 18, 2013), which is referenced in the IS/MND, demonstrates that the proposed subdivision would occur on a site suitable for the proposed development. Three of the adjacent Development boundaries have been recently developed with similar improvements, demonstrating that the site is physically suitable for this type of development.

5. That the design of the subdivision or the proposed improvements are not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.

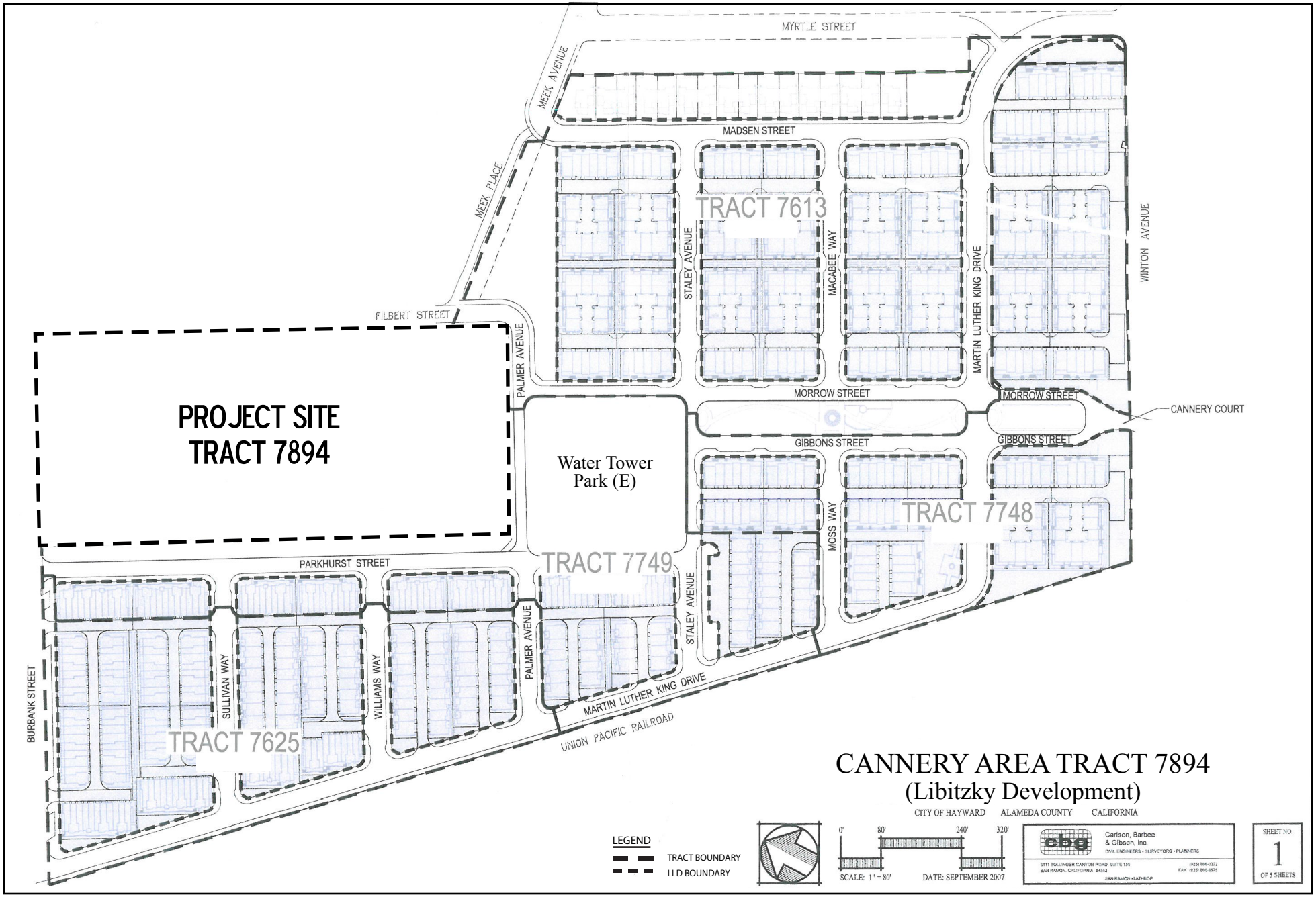
The IS/MND prepared for the Project demonstrates that substantial adverse environmental damage, including to fish or wildlife and their habitat, would not result from the proposed subdivision. Moreover, the existing property is fully improved with surface parking and an industrial building, and as a result, no fish, wildlife or habitats exist on the Project site. In fact, the proposed residential development is much more consistent and environmentally suitable compared to the existing Mixed Industrial land use zoning.

6. That the design of the subdivision or type of improvements is not likely to cause serious public health problems.

The Development will replace the existing Mixed Industrial land use with a new residential Planned Development. This Development will provide a land use that is much more consistent with the surrounding community and should reduce environmental risk factors. Adequate capacity exists to provide sanitary sewer service to the Project site, as analyzed in the IS/MND. There are no other aspects of the Project with the potential to cause serious public health problems. The Project also adds housing inventory near adjacent employment and retail centers to reduce vehicle miles traveled, reducing greenhouse gases and impacts on air quality.

7. That the design of the subdivision or the type of improvements will not conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision.

There are no existing public easements for access within the boundary of the subject property, nor are any easements necessary. The Project site is fully developed and currently consists of a 250,000 square foot industrial building located on private property. The Development will, upon build-out, provide enhanced access for the public through and within the proposed subdivision.



CANNERY AREA TRACT 7894
(Libitzky Development)
CITY OF HAYWARD ALAMEDA COUNTY CALIFORNIA