



CITY OF
HAYWARD
HEART OF THE BAY

PLANNING COMMISSION

OCTOBER 17, 2013

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CITY OF HAYWARD
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LIVE BROADCAST – LOCAL CABLE CHANNEL 15

AGENDA
HAYWARD PLANNING COMMISSION
THURSDAY, OCTOBER 17, 2013 , AT 7:00 PM
COUNCIL CHAMBERS

MEMBERS OF THE AUDIENCE WISHING TO ADDRESS THE PLANNING COMMISSION:

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

ROLL CALL

SALUTE TO FLAG

PUBLIC COMMENT: (The PUBLIC COMMENTS section provides an opportunity to address the Planning Commission on items not listed on the agenda. The Commission welcomes your comments and requests that speakers present their remarks in a respectful manner, within established time limits and focus on issues which directly affect the City or are within the jurisdiction of the City. As the Commission is prohibited by State law from discussing items not listed on the agenda, your item will be taken under consideration and may be referred to staff for further action).

ACTION ITEMS: (The Commission will permit comment as each item is called for Public Hearing. Please submit a speaker card to the Secretary if you wish to speak on a public hearing item).

PUBLIC HEARINGS: For agenda item No. 1, the Planning Commission may make a recommendation to the City Council. For agenda item No. 2, the decision of the Planning Commission is final unless appealed. The appeal period is 10 days from the date of the decision. If appealed, a public hearing will be scheduled before the City Council for final decision

1. Request for adoption of a Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program associated with a Text Amendment Application (No. PL-2013-0097 TA) that would add "Health Club" and "Kennel Ancillary to Pet Store" as primary uses and "Kennel (Pet Boarding and Day Care Only)" as an administrative use in the Central Business Zoning District (Hayward Municipal Code Section 10-1.1300); and approval of a proposed new 44,983 square-foot health club at 24518 Hesperian Boulevard (Southland Mall property). Sean Wood for Rouse Properties, Inc. (Applicant/Owner)



Assistance will be provided to persons requiring accommodations for disabilities in compliance with the Americans with Disabilities Act of 1990. Persons needing accommodation should contact Sonja Dal Bianco 48 hours in advance of the meeting at (510) 583-4204, or by using the TDD line for those with speech and hearing disabilities at (510) 247-3340.

- [Staff Report](#)
- [Attachment I - Area & Zoning Map](#)
- [Attachment II - Mit Neg Dec, IS & Mit](#)
- [Attachment III - Proposed Text Amendment](#)
- [Attachment IV - Recommended Findings](#)
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- [Attachment VII - Applicant's Justification for Approval](#)

2. Request for adoption of a Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program and approval of a Conditional Use Permit (Application No. PL-2012-0069) and Vesting Tentative Tract Map (Application No. PL-2013-0070) associated with 194 townhomes and 16,800 square feet of commercial space on an 11.33 acre site located at 22301 Foothill Boulevard. Integral Communities (Applicant); MDS Realty II & 22301 Foothill Hayward, LLC (Owners)

- [Staff Report](#)
- [Attachment I - Area and Zoning Map](#)
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COMMISSION REPORTS:

3. Oral Report on Planning and Zoning Matters
4. Commissioners' Announcements, Referrals

APPROVAL OF MINUTES

5. [September 5, 2013](#)
[September 19, 2013](#)

ADJOURNMENT

PLEASE TAKE NOTICE that if you file a lawsuit challenging any final decision on any public hearing item listed in this agenda, the issues in the lawsuit may be limited to the issues which were raised at the City's public hearing or presented in writing to the City Clerk at or before the public hearing. **PLEASE TAKE FURTHER NOTICE** that the City Council has adopted Resolution No. 87-181 C.S., which imposes the 90 day deadline set forth in Code of Civil Procedure section 1094.6 for filing of any lawsuit challenging final action on an agenda item which is subject to Code of Civil Procedure section 1094.5.

NOTE: Materials related to an item on this agenda submitted to the Planning Commission after distribution of the agenda packet are available for public inspection in the Permit Center, first floor at the above address. Copies of staff reports for agenda items are available from the Commission Secretary and on the City's website the Friday before the meeting.

DATE: October 17, 2013

TO: Planning Commission

FROM: Arlynn J. Camire, AICP, Associate Planner

SUBJECT: Request for adoption of a Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program associated with a Text Amendment Application (No. PL-2013-0097 TA) that would add “Health Club” and “Kennel Ancillary to Pet Store” as primary uses and “Kennel (Pet Boarding and Day Care Only)” as an administrative use in the Central Business Zoning District (Hayward Municipal Code Section 10-1.1300); and approval of Site Plan Review for a 44,983 square-foot health club at 24518 Hesperian Boulevard (Southland Mall property). Sean Wood for Rouse Properties Inc. (Applicant/Owner)

RECOMMENDATION

Staff recommends that the Planning Commission recommends that the City Council adopts the attached Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program (Attachment II) and approves the requested text amendment and site plan review applications, subject to the attached findings (Attachment IV) and conditions of approval (Attachment V).

SUMMARY

Staff supports approval of the site plan review application for the proposed health club, because an additional health club in the City of Hayward would provide a facility that encourages physical activity by providing amenities that are currently lacking at Southland Mall, such as a basketball court, racquetball courts, a swimming pool and spa, and convenient child care for health club patrons. Such facility is supported by policies in the draft General Plan and the adopted policies of the California Cities’ “Healthy Eating Active Living” (HEAL) campaign. Furthermore, staff supports approval of the text amendment because an opportunity will be provided for pet boarding and pet day care facilities, which are services that are increasing in demand and are lacking at Southland Mall.

Finally, the proposed health club building would not preclude a future grocery store being developed at Southland Mall to replace the previously existing *Lucky’s* supermarket, a use that has been requested for some time by the surrounding neighborhoods and that would provide access to healthy foods, which is also supported by HEAL campaign and new draft General Plan policies.

BACKGROUND

Local Setting - The site of the proposed health club is an 18.43-acre parcel at Southland Mall and is near the intersection (near the southeastern corner) of Hesperian Boulevard and Southland Drive. The project site consists of a vacant supermarket building, 3,000-square-foot loading dock, and 8,600 square feet of a retail space that is attached to the market loading dock. The site is surrounded by surface parking to the north, west and east, and attached to a retail commercial store to the south.

Adjacent businesses include *Wells Fargo Bank*, *Mimi's Café*, and a *Chevron* gasoline service station to the north. All are within the Central Business Zoning District.

Hayward Executive Airport Land Use Compatibility Plan - The proposed health club would be located within Safety Compatibility Zone 2 of the Hayward Executive Airport Land Use Compatibility Plan (ALUCP). Under California law, applications for development on property within an ALUCP area must be submitted to the Airport Land Use Commission (ALUC) for review. Because of the project's location, an application was submitted to the ALUC for review on August 13, 2013. On September 18, 2013, the ALUC conducted a hearing on the application but took no action. Because the ALUC did not take formal action disapproving the project or finding the project inconsistent with the ALUCP, the project is deemed consistent with the ALUCP and an overrule action by the Planning Commission is not required.

HEAL Campaign - In July of 2011, the City Council adopted a "Resolution for City of Hayward to Join the League of California Cities' "Healthy Eating Active Living (HEAL) Cities" Campaign. This campaign is to encourage cities to embrace policies that facilitate activities to promote healthier lifestyles and communities, including healthy diet and nutrition, and adoption of city design and planning principles that enable citizens of all ages and abilities to undertake exercise. The staff report and resolution are available as agenda item #4 at <http://www.hayward-ca.gov/CITY-GOVERNMENT/CITY-COUNCIL-MEETINGS/2011/CCA11PDF/cca072611full.pdf>. The resolution contains policies that deal with the built environment. The policies that support the approval of the proposed health club and the text amendment include:

- "Revise zoning ordinances to increase opportunities for physical activity."
- "Plan and construct a built environment that encourages, walking, biking and other forms of physical activity."

DISCUSSION AND STAFF ANALYSIS

Proposed Health Club Description – The project entails the demolition of an existing approximately 30,000-square-foot vacant *former Lucky's* supermarket building, demolition of a 3,000-square-foot loading dock, and demolition of 8,600-square-foot of retail space, to allow the construction and operation of a 44,983-square-foot health club that will be attached to an adjacent existing retail building at Southland Mall. The building would be 40 feet tall from finished grade to the flat roof.

The design of the health club would be similar to the *City Sports Club* located at 2401 Whipple Road. The multi-textured, contemporary designed building will be finished with earth-toned brick veneer, masonry split-face, and cornices and molding. The entrance to the health club will be located on the north end of the building facing Southland Drive. This elevation will contain large panels of windows surrounded by decorative cornices. This entrance is enhanced by a crown and canopy feature located above the *City Sports Club* business sign located on a masonry split-face façade. The west (facing Hesperian Boulevard) and east (facing the interior of the Southland Mall site) elevations near the east face of the building will contain a bank of faux windows surrounded by a brick veneer. The west and east elevations will also contain four graphic panels, in sets of two, surrounded by brick veneer and accented with cornice and molding. The south elevation will be attached to the existing retail space (see Attachment VI – Plans).

The interior of the building is proposed to include a basketball court, three racquetball courts, a personal training room, a cycling room, a free weights area, circuits and cardio located in the middle of the facility, an aerobics room, men’s and women’s locker room, showers and restrooms, a twenty-five yard lap pool and spa. The health club will also contain a juice bar, a small retail store, childcare area for the children of members working out known as “Kids Klub,” and reception and sales offices (see Attachment VI – Plans).

There is adequate parking for the patrons of the health club. According to the trip analysis, the health club would generate fewer trips than the market and the retail uses did, which are to be demolished. The following is an analysis of the trips that would be generated by the health club:

Health Club – 45,000 square feet x 3.53 trips/1000 square feet = 159 trips

Previous uses:

Grocery Store – 30,000 square feet x 10.50 trips/1000 square feet = 315 trips

Retail – 8,600 square feet x 2.71 trips/1000 = 23 trips

→ Net reduction of 179 trips.

There are two major Congestion Management Program routes near the project: Hesperian Boulevard and Winton Avenue. Since the project generates fewer trips than did the *Lucky’s* supermarket and retail space, there will be less of an impact on these routes caused by this project; thus, there will be a less-than-significant impact to traffic, as more fully explained in the attached Mitigated Negative Declaration .

According to the applicant, the proposed hours of operation of the health club would be 5:00 am to 12:00 am daily.

Potential for Future Grocery Store –Staff has expressed concern to the applicant that the neighborhood became underserved with the closing of *Lucky’s* supermarket. Therefore, the applicant submitted a site plan that indicates a vacant retail space adjacent and south of the proposed health club comparable in size to the former *Lucky’s* supermarket that could be available for a future grocery store (see Attachment VI- page 1). A grocery store at this location would meet the policies of HEAL and the proposed Community Health and Quality of Life Element of the General Plan (see discussion below). The applicant’s leasing team has met with a variety of grocery stores; however,

there has not been substantial interest. Hayward's economic development manager has offered to assist with securing a tenant for this retail space.

The policies of HEAL and the proposed Community Health and Quality of Life Element of the General Plan relate to the goal to facilitate healthy eating. The applicable policies in the draft General Plan element are:

- “The City shall strive to ensure that all residents are within walking distance of sources of fresh and healthy foods (e.g., grocery stores, healthy corner stores, farmers’ markets, and community gardens (HQL-3.1 - Access to Healthy Foods).”
- “The City shall support and consider incentives to encourage the development of new retail venues that sell local, fresh produce, including farmers’ markets, community –supported agriculture programs, and grocery stores, especially in underserved areas and near schools (HQL-3.2 - New Healthy Food Venues).”

A specific policy of HEAL is to “Facilitate the siting of new grocery stores, where possible, to increase public access to healthy food in underserved communities, including access to fresh fruits and vegetables.”

ALUCP Implications - The indicated potential future grocery store site to the south of the proposed health club building is located within Safety Compatibility Zone 3 of the Hayward Executive Airport Land Use Compatibility Plan (ALUCP). The occupancy levels allowed for a retail store or a grocery store are the same, per the California Building Code and therefore, the number of occupants of a future similarly sized grocery store would be no more than what the retail space could accommodate. However, until the City were to take an overrule action on the entire ALUCP, a proposal for a new grocery store at this site would be required to be submitted to the Alameda County Airport Land Use Commission (ALUC) for review for consistency with the ALUCP. If the ALUC does not find that the project is consistent, then the City of Hayward could move forward with an overrule of that decision (or the entire ALUCP) to assure that the policies of the HEAL campaign and the proposed General Plan can be met.

Protection of economic development efforts at Southland Mall has been an ongoing concern of the City Council. Therefore, staff is currently moving forward with hiring a consultant to assist in developing findings and/or strategy related to an overrule of the entire ALUCP document scheduled for Planning Commission and City Council review in the Spring of 2014. With an adopted overrule, proposed projects within the Airport Influence Area would not be subject to ALUC review and only subject to City of Hayward review, thereby decreasing the time required for project approval.

Text Amendment Project Description – The application request consists of the text amendment to the to add “Health Club” and “Kennel” ancillary to “Pet Store” as primary uses and “Kennel (Pet Boarding and Day Care only)” as an administrative use in the Central Business Zoning District. The text amendment, along with approval of the site plan review application, would facilitate the construction of a 44,983-square-foot health club.

Southland Mall does have a physical fitness studio, *Planet Fitness*. The addition of “Health Club” as a primary use to the Central Business District is necessary in order to construct the proposed

facility, which would contain a swimming pool, locker rooms, etc. The existing definition of “Physical Fitness Studio,” related to the existing *Planet Fitness* studio, states: “[d]oes not include facilities typically of large health clubs such as, showers, a pool, racquetball or tennis courts.” “Health Club” is defined as “[a]n establishment which provides physical fitness equipment, classes, and facilities such as racquetball and tennis courts and/or swimming pools for patrons to use for a fee.”

The applicant has taken this opportunity to request that the Zoning Ordinance be amended to add “Pet Boarding and Pet Day Care” as authorized uses in the Central Business District. These facilities are commonly offered at pet stores and at regional shopping centers. The addition of these uses will increase the economic viability of Southland Mall.

Text Amendment Findings – In order for the text amendment to be approved, the following findings must be made. Staff provides reasons below to support the findings, which are also included in Attachment IV.

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

The proposed text amendment will promote the public health, safety, convenience, and general welfare of the residents of Hayward by providing the opportunity for an additional health club in the City of Hayward. In addition, the health club will provide amenities that are currently lacking at Southland Mall, such as a basketball court, racquetball courts, a swimming pool and spa, and convenient child care for health club patrons. Furthermore, the text amendment will provide an opportunity for pet boarding and pet day care facilities, which are services that are currently not available at Southland Mall and are increasing in demand and would provide such service to Hayward residents when they are away on vacation, extended trips, etc.

B. The proposed change is in conformance with all applicable, officially adopted policies and plans.

The proposed text amendment is in conformance with all applicable, officially adopted policies. The stated purpose of the Central Business District is to “...make provision for a principal downtown area of regional importance, and several outlying areas of more than neighborhood importance, where concentrations of comparison shopping facilities, financial and business services, and amusement or recreation may be found in quantity.” The provision of the proposed uses of “Health Club”, “Kennel” ancillary to “Pet Store,” and “Kennel (Pet Boarding and Pet Day Care, Only)” will provide more opportunity for retail, services, and recreation facilities at Southland Mall, which will better serve the residents, employees and visitors of the City of Hayward with minimal impacts. In addition, the proposed text amendment is in conformance with the City Council resolution to join and implement the League of California Cities’ “Healthy Eating Active Living (HEAL) Cities” campaign, especially related to HEAL policies to “Revise zoning ordinances to increase opportunities for physical activity” and “Plan and construct a built environment that encourages, walking, biking and other forms of physical activity.”

C. Streets and public facilities existing or proposed are adequate to serve all uses permitted when the property is reclassified.

No properties are proposed to be reclassified; however, uses are proposed to be added to the Central Business District zoning regulations. It has been determined through environmental analysis that the proposed health club construction and operation can be accommodated by existing streets, and future additional kennels or boarding facilities for pets would not impact the capacity of streets to accommodate those uses. There are two major Congestion Management Program routes near the project: Hesperian Boulevard and Winton Avenue. Since the project generates fewer trips than did the *Lucky's* Supermarket and retail space, there will be less of an impact on these routes caused by this project; thus, less than significant impact. In addition, it has been determined through environmental analysis that the proposed health club construction and operation and the future additional kennels or boarding facilities for pets would not impact fire protection, police protection, schools and parks. Furthermore, it has been determined that waste water treatment facilities, landfill capacity, water supplies, and storm water drainage facilities have the capacities to serve the proposed health club and future kennels or boarding facilities for pets.

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

No properties are proposed to be reclassified. The proposed text amendment would provide opportunity for additional uses at Southland Mall in the Central Business Zoning District. As the result of the introduction of the primary use of health club in the Central Business District, *City Sports Club* will be built and offer amenities to that are not currently available at Southland Mall. The amenities include a swimming pool, racquetball courts, a basketball court and child care for those using the health club facilities.

In addition, the introduction of the primary use of kennel ancillary to a pet store and the administrative use of Kennel (Pet Boarding and Pet Day Care only) provides the opportunity for pet boarding facilities at Southland Mall. The pet boarding facilities would provide a convenient option to Hayward residents to provide care for their pets when they are out of town. The uses proposed are compatible with existing primary and conditional uses of the Central Business District in that construction noise will be temporary and will comply with the construction hours specified in the Hayward Municipal Code. The potential for noise from the operation of pet boarding and pet day care will be minimal on adjacent businesses and will not affect residential properties due to the distances. In addition, the potential for fugitive dust and dirt will be dealt with through the adopted mitigation measures and monitoring program. It has been determined that the health club will generate fewer trips than the former *Lucky's* supermarket and 8,600 square feet of retail space; therefore, adequate parking will be available for health club patrons and for the surrounding businesses including *Mimi's Café*, *Wells Fargo Bank*, and the remaining retail space. Since all uses of the health club will be contained within the building, noise will not be generated by the operation of the health club. Traffic will be generated during

the proposed daily hours of operation of 5:00 am to midnight. However, since the health club will not be adjacent to residences, traffic noise impacts will be insignificant.

Site Plan Review Findings - In order for the Site Plan Review application to be approved, the following findings must be made.

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

The proposed health club is compatible with on-site and surrounding structures and uses and is an attractive addition to the City and Southland Mall in that the health club structure is designed to be compatible with the surrounding structures, including adjacent restaurants, retail, and commercial uses surrounding health club and the site. The development is also compatible with surrounding structures in terms of mass and bulk. Some surrounding structures are large and monolithic, such as the main Southland Mall building/complex, while others are smaller, such as the free-standing restaurants on the Mall property. The structure is designed and detailed to be an attractive addition to the City. Lastly, the project will meet current landscape and development standards.

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

The proposed health club meets the development standards and the criteria specified in the Hayward Design Guidelines. The building meets height, lot coverage, landscape, and parking standards. The site of the proposed health club is within the Hayward Executive Airport, Airport Land Use Compatibility Plan Safety Compatibility Zone 2, and the parcel is within Safety Compatibility Zones 2 and 3. Environmental analysis has been completed and it was determined that the proposed 40-foot height (90-foot elevation above sea level) of the health club is within the allowable acceptable height of a building that would not be a hazard to air navigation. In addition, the design of the health club will incorporate design features to increase the safety of the building occupants, which will include reinforced concrete block walls, limited number of windows, no skylights, a fire sprinkler system and an increased number of emergency exits. Furthermore, the applicant and health club operator agree to limit the building occupancy to a maximum of 494 people, which is the maximum allowed at the previous *Lucky's* supermarket.

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

The proposed health club complies with the intent of City development policies and regulations through compatibility with the context and conformity to contextual constraints of the site, surrounding uses and existing traffic patterns. As conditioned, City staff will assure that the construction and operation of the health club will meet all development standards, and minimum design and performance standards. In addition, the project is consistent with the purpose of the Central Business Zoning District, which states the that zoning district exists to, "...make provision for a principal downtown area of regional importance, and several outlying areas of more than neighborhood importance, where concentrations of comparison

shopping facilities, financial and business services, and amusement or recreation may be found in quantity.” The health club provides an additional health/recreation amenity at Hayward’s only regional mall that is consistent with the mall setting. Furthermore, the proposed site plan review is in conformance with the City Council resolution to join and implement the League of California Cities’ “Healthy Eating Active Living (HEAL) Cities” campaign, especially related to HEAL policies to “Revise zoning ordinances to increase opportunities for physical activity” and “Plan and construct a built environment that encourages, walking, biking and other forms of physical activity.”

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

The proposed health club will operate in a manner acceptable and compatible with surrounding development in that construction noise will be temporary and will comply with the construction hours specified in the Hayward Municipal Code. In addition, the potential for fugitive dust and dirt will be dealt with through the adopted mitigation measures and monitoring program. It has been determined that the health club will generate fewer trips than the former *Lucky’s* supermarket and 8,600 square feet of retail space; therefore, adequate parking will be available for health club patrons and for the surrounding businesses including *Mimi’s Café*, *Wells Fargo Bank*, and the remaining retail space. Since all uses of the health club will be contained within the building, noise will not be generated by the operation of the health club. Traffic will be generated during the proposed daily hours of operation of 5:00 am to midnight. However, since the health club will not be adjacent to residences, traffic noise impacts will be insignificant.

Environmental Review - Staff prepared an Initial Study/Mitigated Negative Declaration (IS/MND) (Attachment II) that identifies potentially significant impacts under the environmental topics of: Air Quality, Geologic/Soils, Hazards & Hazardous Materials and Noise. However, the IS/MND identifies mitigation measures, agreed to by the applicant, that would reduce those impacts to a *less than significant level*. The IS/MND was made available for public review from August 30, 2013 through September 24, 2013.

The Mitigation Monitoring and Reporting Program that identifies responsibility for mitigation implementation and oversight are included in Attachment II and the mitigation measures have been included in the recommended conditions of approval (Attachment VI). The Initial Study, Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program were also posted at the Alameda County Clerk’s Office on August 30, 2013, in compliance with the California Environmental Quality Act (CEQA) Guidelines.

PUBLIC OUTREACH

On March 21, 2013, an Official Notice of Receipt of Application was sent to every property owner and occupant within 300 feet of the subject parcel, as noted on the latest assessor’s records and the Southgate Homeowners Association. The Southgate Homeowners Association requested a copy of the plans to review.

On August 29, 2013, a Notice of Notice of Availability of a Mitigated Negative Declaration and Public Hearing was sent to every property owner and occupant within 300 feet of the subject parcel, as noted on the latest assessor's records, and to the Southgate Homeowners Association. In addition, on August 31, 2013, a public notice of Availability of a Mitigated Negative Declaration was published in *The Daily Review*. The published review period began August 30, 2013 and ended September 24, 2013, which is more than the minimum 20 days required. Staff did not receive comments.

On October 7, 2013, a Notice of Public Hearing was sent to every property owner and occupant within 300 feet of the subject parcel, as noted on the latest assessor's records and the Southgate Homeowners Association. As of the writing of this report, staff had not received comments.

NEXT STEPS

The Planning Commission's recommendation will be forwarded to the City Council.

At the regularly scheduled City Council meeting, tentatively scheduled for November 19, 2013, the City Council will review the recommendation of the Planning Commission and staff related to the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program and the proposed Site Plan Review and Text Amendment applications. If the Site Plan review application is approved, it would be effective immediately. If the Text Amendment application is approved, it would also be effective immediately.

Prepared by: Arlynn J. Camire, AICP

Recommended and Approved by:



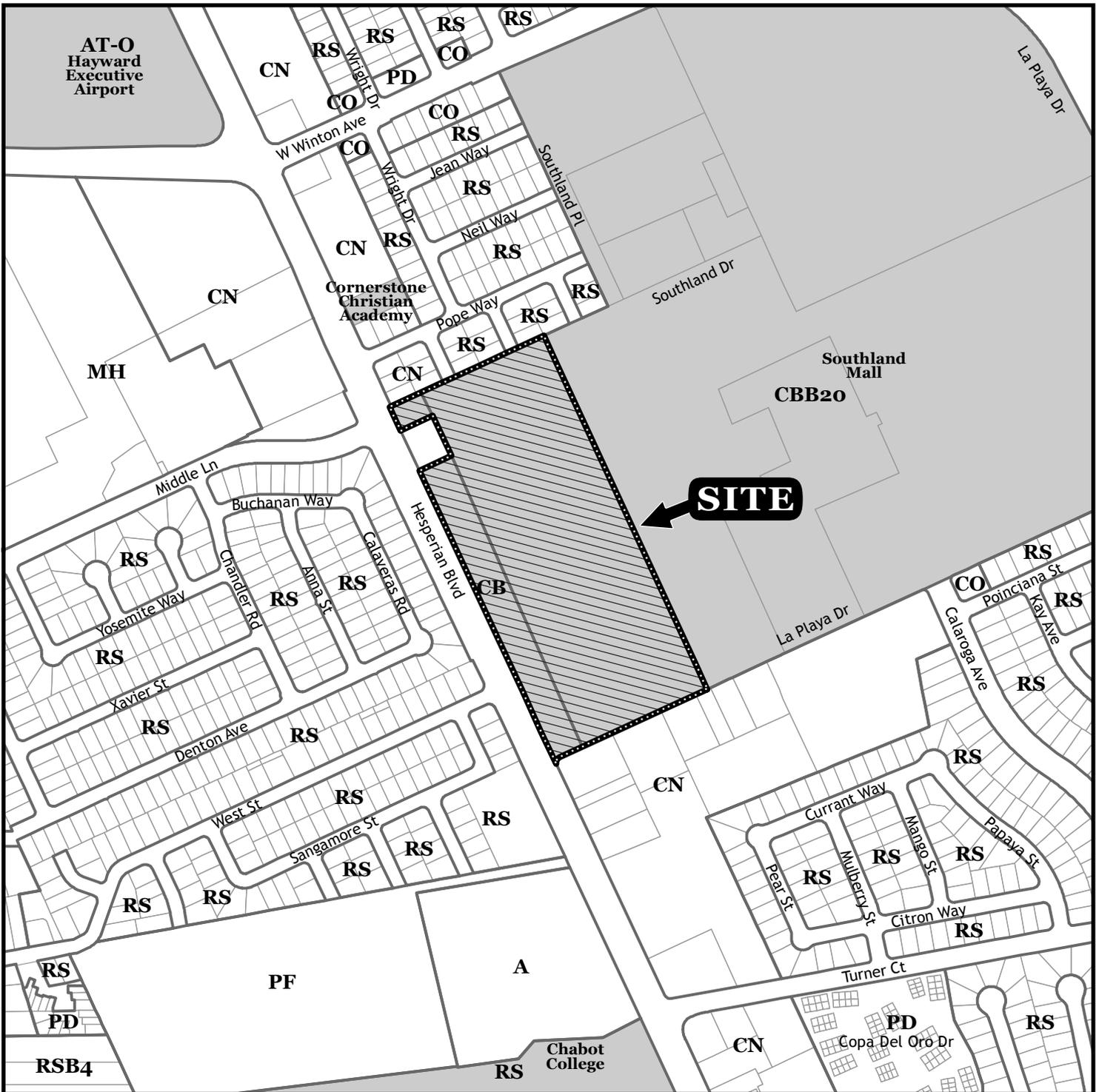
David Rizk, AICP
Development Services Director

Attachments:

Attachment I	Area and Zoning Map
Attachment II	Initial Study Checklist/Mitigated Negative Declaration/Mitigation Monitoring & Reporting Program
Attachment III	Proposed Text Amendment to the Central Business Zoning District provisions
Attachment IV	Recommended Findings for Approval for the Text Amendment and Site Plan Review applications
Attachment V	Recommended Conditions of Approval for the Site Plan Review Application
Attachment VI	Project Plans
Attachment VII	Proponent's Justification for approval of the Text Amendment and Site Plan Review applications



Area & Zoning Map



PL-2013-0097&0098 TA&SPR

Address:
24500 Hesperian

Applicant:
Steve Backman

Owner:
Rouse Properties

Zoning Classifications

RESIDENTIAL

- MH Mobile Home Park
- RM Medium Density Residential, min lot size 2500 sqft
- RMB3.5 Medium Density Residential, min lot size 3500 sqft
- RS Single Family Residential, min lot size 5000 sqft
- RSB4 Single Family Residential, min lot size 4000 sqft

COMMERCIAL

- CB Central Business
- CBB20 Central Business, min. lot size 20,000 sqft
- CN Neighborhood Commercial
- CO Commercial Office

OPEN SPACE

A Agricultural

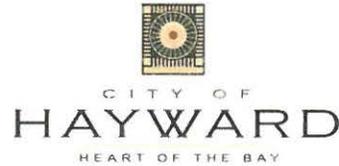
AIR TERMINAL

AT-O Air Terminal - Operations

OTHER

- PD Planned Development
- PF Public Facilities

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Feet



**DEPARTMENT OF
DEVELOPMENT SERVICES
Planning Division**

MITIGATED NEGATIVE DECLARATION

Notice is hereby given that the City of Hayward finds that the Project summarized below (and described in detail of the attached Initial Study) would not result in a significant effect on the environment as prescribed by the California Environmental Quality Act of 1970, Public Resources Code Section 2100 *et seq.*

I. PROJECT DESCRIPTION:

Text Amendment No. PL-2013-0097 and Site Plan Review No. PL-2013-0096- Request to amend the Hayward Municipal Code (Zoning Ordinance) Section 10-1.1315 a. Uses Permitted, a. Primary Uses, (3) Personal Services to allow Health Club as a primary use; Section 10-1.1315 Uses Permitted, a. Primary Uses, (5) Retail Commercial Uses to allow Kennel ancillary to Pet Store, and Section 10-1.1320 Conditionally Permitted Uses, a. Administrative Uses, (5) Retail Commercial Uses to allow Kennel (Pet Boarding and Day Care only) (see attached Text Amendment.) In addition, proposed demolition of an existing approximately 30,000-square-foot vacant market, demolition of 3,000-square-foot loading dock, and demolition of 8,600-square-foot of retail space to allow the construction and operation of a 44,983-square-foot health club that will be attached to adjacent an existing retail building.

II. FINDING PROJECT WILL NOT SIGNIFICANTLY AFFECT ENVIRONMENT:

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

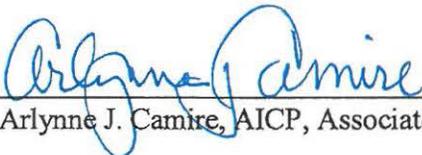
III. FINDINGS SUPPORTING DECLARATION:

1. The proposed Project has been reviewed according to the standards and requirements of the California Environmental Quality Act (CEQA) and an Initial Study Environmental Evaluation Checklist has been prepared for the proposed project. The Initial Study has determined that the proposed project could not result in significant effects on the environment.
2. The Project will not result in any development that would adversely affect any scenic resources.
3. The Project will not result in any development that would have an adverse effect on agricultural land. The text amendment and site plan review pertain to the Central Business District only.

4. The Project will temporarily effect air quality during the construction phase to less than significant levels since construction would include use of best practices (as recommended by the Bay Area Air Quality Management District; see Air-Mitigation Measures 1-8).
5. The Project will not result in any development that would have significant impacts to biological resources such as wildlife and wetlands. The Project site is in an urbanized setting, devoid of natural habitats.
6. The Project will not result in any development that would have significant impacts to known cultural resources including historical resources, archaeological resources, paleontological resources, unique topography or disturb human remains since the project site is in an urbanized area developed with buildings.
7. The text amendment and site plan review would have a less than significant impact from geological hazards due to mitigation. The project site not located within the Hayward Fault Zone. A health club will be built on soils know to be expansive and be subject to liquefaction; however, California Building Codes will be followed to alleviate possible effects (see Geology and Soils-Mitigation Measures 9 and 10).
8. The text amendment and the site plan review would not generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment.
9. The text amendment and the site plan review would not create a significant hazard to the public or the environment through the routine transport, use, disposal, storage, release or handling of hazardous materials. The height of the health club is 90 feet above sea level and therefore would not interfere with air navigation. The health club is an in-fill Project that meets the standards set forth in California Airport Land Use Planning Handbook (January 2002) and the Hayward Executive Airport, Airport Land Use Compatibility Plan (HWD ALUCP). However, mitigation is recommended to incorporate design features to increase the safety of the building occupants (See Hazards and Hazardous Materials-Mitigation Measure 11.)
10. The text amendment and site plan review would not affect water quality standards since all the construction of the health club will follow mandatory water quality requirements during construction.
11. The text amendment and site plan review are not in conflict with the policies of the City General Policies Plan and the Zoning Ordinance since the proposed uses are appropriate for a regional mall and are consistent with other uses in the Central Business District. In addition, the project is within the Retail and Office Commercial General Plan Designation which includes regional shopping centers.
12. The text amendment and site plan review would not result in a significant impact to mineral resources since the project site is a regional mall in an urban setting.
13. The text amendment and site plan review would not result in population growth or the displacement of residents.

14. The text amendment and site plan review would not result in a significant noise impact to the surrounding area. Construction noise impacts would be temporary. Due to the proximity of the Hayward Executive Airport interior noise requirements of 50 dBA will be met (See Noise Mitigation Measure 12.)
15. The text amendment and conditional use permit could not result in a significant impact to public services. Conditions of approval of the site plan review for proper security at the proposed health club and Fire Code compliance is required.
16. The text amendment and site plan review would not result in a significant impact to traffic or result in changes to traffic patterns or emergency vehicle access. The health club would generate fewer trips than the market and retail space combined. In addition, emergency vehicle access will be maintained. Adequate parking will be provided to accommodate health club patrons.
17. The text amendment and site plan review would not result in a significant impact to utilities and city services. Existing stormdrains, sewers and water treatment capacities are adequate. In addition, the proposed project would not impact schools, recreational facilities or parks.

IV. PERSON WHO PREPARED INITIAL STUDY:

Signature:  Dated: August 13, 2013
Arlynn J. Camire, AICP, Associate Planner

V. COPY OF INITIAL STUDY IS ATTACHED

For additional information, please contact the City of Hayward Development Review Services Division, 777 B Street, Hayward, CA 94541-5007 or telephone (510) 583-4206

DISTRIBUTION/POSTING

Provide copies to project applicants and all organizations and individuals requesting it in writing.
Provide copy to Alameda County Clerks Office.

- Reference in all public hearing notices to be distributed 20 days in advance of initial public hearing and/or published once in Daily Review 20 days prior to hearing.
- Project file.
- Post immediately upon receipt at the City Clerk's Office, the Main City Hall bulletin board, and in all City library branches, and do not remove until the date after the public hearing.

**Mitigation Monitoring and Reporting Program
Text Amendment No. PL-2013-0097
Site Plan Review Application No. PL-2013-0096
Rouse Properties, Inc. (Applicant/Project Sponsor)**

August 13, 2013

Air Quality:

Significant Environmental Impact: *The construction of the health club would cause carbon monoxide emissions and emissions of PM10 particulate matter, which will be mitigated to less than significant levels though required implementation of basic construction mitigation measures (see below), and as a result, all impacts will be less than significant. Construction of the project could exceed the BAAQMD threshold for NOx. In order to reduce construction impacts to below the BAAQMD's threshold for NOx and therefore, to insignificant levels, during construction activity, all diesel powered equipment (≥ 100 horsepower) shall be California Air Resources Board (CARB) Tier 3 Certified or better (see Mitigation Measure 8 below). Operation of the Project would not exceed any applicable screening threshold of the Bay Area Air Quality Management District (BAAQMD). Based on the District's criteria (thresholds of significance; 1999 and 2011), the proposed operation of the project screens below what would require additional evaluation; thus the proposed Project will not violate any air quality standard for NOx, Co and PM10; thus, the impact is less than significant.*

The Project shall demonstrate proposed compliance with all applicable regulations and operating procedures prior to issuance of demolition, building or grading permits, including implementation of the following Bay Area Air Quality Management District "Basic Construction Mitigation Measures."

- Mitigation Measure 1:** All exposed surfaces including parking areas, staging areas, soil piles, grading areas and unpaved access roads shall be watered two times per day.
- Mitigation Measure 2:** All haul trucks transporting soil, sand, or other loose material off-site shall be covered.
- Mitigation Measure 3:** All visible mud or dirt tracked-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power is prohibited.
- Mitigation Measure 4:** All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. The building pad shall be laid as soon as possible after grading unless seeding or soil binders are used.

Mitigation Measure 5: Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to five minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations [CCR].) Clear signage shall be provided for construction workers at all access points.

Mitigation Measure 6: 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.

Mitigation Measure 7: The applicant shall post a publicly visible sign with the telephone number and person to contact regarding dust complaints. This person shall respond and take corrective action within 48 hours of receiving a complaint. BAAQMD's telephone number shall also be visible to ensure compliance with applicable regulations.

Mitigation Measure 8: All diesel powered equipment (≥ 100 horsepower) shall be California Air Resources Board (CARB) Tier 3 Certified or better.

Implementation Responsibility: Project developer

Monitoring Responsibility: City of Hayward Planning Division

Timing: During all phases of project construction

Geology and Soils

Significant environmental Impact: *Proposed health club - According to Figure 9.5, Liquefaction Hazard Map, of the General Plan EIR, the project site is located in an area of liquefaction susceptibility that is classified as Moderate. According to Table 9.5 in the EIR, Classification of Liquefaction Susceptibility, the project site is in an area with potential impacts during an earthquake that could involve localized ground cracking, isolated liquefaction-induced ground deformation, and localized damage. The proposed health club will be designed using sound engineering judgment and adhere to the latest California Building Code (CBC). Therefore, with the mitigation measure below, the anticipated impact is considered less than significant.*

Mitigation Measure 9: Prior to issuance of a Building Permit, the applicant shall conduct a design level geotechnical evaluation and submit such evaluation to the City for review and approval. Any recommendations shall be incorporated into the final design and construction of the health club building.

Implementation Responsibility: Project developer

Monitoring Responsibility: City of Hayward Planning Division

Timing: Prior to issuance of a Building Permit for the project

Significant environmental Impact: *The text amendment to amend the Hayward Municipal Code (Zoning Ordinance) to allow “Health Club” and “Kennel ancillary to Pet Store” as permitted primary uses and “Kennel (Pet Boarding and Day Care only)” as conditional uses in the Central Business (CB) Zoning District is to facilitate the construction of a health club. There are no kennel facilities proposed at this time. Figure 9-3, Soils Map of the Hayward General Plan EIR, shows much of the health club building site is on Danville-Botella soils, which are silty clay loams with a high shrink-swell potential. A design level geotechnical evaluation shall be conducted and submitted for review and approval prior to issuance of building permits and if liquefaction is determined to be probable, measures as recommended by the project geotechnical consultant shall be implemented. Such measures, such as special foundation construction, will reduce the significance of liquefaction-related impacts to a level of insignificance. Hayward’s development review and construction oversight requires the incorporation of recommendations of a registered geotechnical engineer in accordance with the California Building Code and geotechnical practices. Therefore, with the mitigation measure below, the anticipated impact is considered less than significant.*

Mitigation Measure 10: Prior to issuance of a Building Permit, the applicant shall conduct a design level geotechnical evaluation and submit that for review and approval and any recommendations shall be incorporated into the final design and construction of the project.

Implementation Responsibility: Project developer

Monitoring Responsibility: City of Hayward Planning Division

Timing: Prior to issuance of a Building Permit for the project

Hazards and Hazardous Materials

Significant environmental Impact: *The text amendment to amend the Hayward Municipal Code (Zoning Ordinance) to allow “Health Club” and “Kennel ancillary to Pet Store” as permitted primary uses and “Kennel (Pet Boarding and Day Care only)” as conditional uses in the Central Business (CB) Zoning District would allow uses in the CB Zoning District and at Southland Mall that are within two miles of a public airport within the Airport Influence Area of the Hayward Airport Land Use Compatibility Plan (HWD ALUCP). The text amendment would facilitate the demolition of existing 30,000-square-foot vacant supermarket building and 8,600 square feet of retail space, and the construction of the health club. The 18.43-acre parcel on which the health club is proposed is located within the Airport Influence Area of the HWD ALUC within Safety Compatibility Zones 2 and 3. Safety Compatibility Zone 2 is developed with a*

parking lot, Mimi's Café (6,785 square feet), Wells Fargo Bank (5,858 square feet) and an approximately 21,776-square-foot portion of a 43,532 retail space, which is split between Safety Compatibility Zones 2 and 3. Safety Compatibility Zone 3 contains a separate 29,119 square foot retail building and an Olive Garden Restaurant (9,215 square feet). All structures are located on an 18.43-acre parcel.

The proposed health club meets the requirements for infill development of the HWD ALUCP (Section 2.7.5.7 Special Conditions, a. Infill), in that the development is similar or below the occupant loads of existing surrounding land uses, such as Mimi's Café, which is a land use (small eatery) that would be prohibited to be built or expanded in Safety Compatibility Zone 2. The parcel containing the proposed health club is less than 20 acres in size and meets the maximum parcel size threshold required for infill projects. Also, as required by the Infill provisions, the proposed health club would not extend the perimeter of the parcel or the area already developed with the existing restaurant and retail uses. The existing use of small eateries is classified as an incompatible use within Safety Compatibility Zone 2, but is a conditionally compatible land use within Safety Compatibility Zone 3.

Also, HWD ALUCP Section 3.3.2.10 states "The ALUC generally supports clustering as a means for both enhancing safety compatibility in the vicinity of airport and accomplishing other developments objectives." The health club would occupy the pad of the Lucky Supermarket that was developed in 1961 as part of the Palma Ceia Shopping development. **By developing the health club on the pad of the former Lucky Supermarket, the Project continues to cluster development at the Southland Mall property, consistent with the policies of the HWD ALUCP.** According to the HWD ALUCP, "No development shall be clustered in a manner that would exceed the intensity limits listed as incompatible to Table 3-2." However, Section 3.3.2.7 Nonresidential Development Criteria, subsection a, of the HWD ALUCP states "Nonresidential intensity criteria derive from "urban" (heavily developed) settings (as set forth in Table 9C of the Caltrans Handbook), which reflects the current environment around HWD. Subsection b states "The compatibility of a proposed nonresidential land use shall be evaluated using the land use types listed in Table 3-2." Using this list, the 18.44-acre site can be classified as a Mixed Use Retail Center with Restaurant Facilities (approx. 110 s.f./person), which is listed as a conditionally compatible use for Safety Zone 2 in Table 3-2 of the HWD ALUCP.

As shown below, the number of people anticipated for the site exceeds the standard of 40 people per acre for Zone 2. **However, the calculated number of maximum occupants per acre for the parcel and proposed and existing uses, including the proposed health club, does not exceed the 2011 California Airport Land Use Planning Handbook standard (Safety Zone 2-Inner Approach/Departure Zone, Figure 4C Maximum Single Acre Urban Setting) of 120-160 people per acre.**

In analyzing the maximum number of occupants per acre, two methods were utilized; Building Code Occupant Load Method and Parking Requirement Method. Both of these methods are described in the example calculations found in Exhibit 9C-2 of the California Airport Land Use Planning Handbook. Parking counts are based on the required parking per the City of Hayward Off-Street Parking Regulations and calculations are based on the California Building Code occupant load tables sited in Exhibit C-1 of the HWD ALUCP with adjustments according to the instructions. The calculations are as follows:

Building Code Occupant Load Method

Zone 2 acreage: 9.99

Building Occupant Load in Zone 2: Wells Fargo (59) + Mimi's (452) + Proposed Fitness Center (900) + Vacant Retail #1 (1,452) = 2,863 x .50** = 1,432 occupants

Zone 2 allowed per Table 9c: 40 – 60 people per acre (2001 California Airport Land Use Planning Handbook)

Zone 2 allowed per Figure 4C Safety Zone 2-Inner Approach/Departure Zone Urban:120-160 people per acre (2011 California Airport Land Use Planning Handbook)

Zone 2 people per acre: 1,432 people ÷ 9.99 acres = 143 people per acre – **Does not comply with the 2001 Handbook; however, complies with the 2011 Handbook.**

Zone 3 acreage: 8.44

Building Occupant Load in Zone 3: ½ of Vacant Retail #1 (726) + Vacant Retail #2 (971) + Olive Garden (614) = 2,311 x .50 = 1,156 occupants.

Zone 3 allowed per Table 9C: 80 – 100 people per acre (2001 California Airport Land Use Planning Handbook). Zone 3 allowed per Figure 4D Safety Zone 3-Inner Turning Zone Urban: 300-450 people per acre (2011 California Airport Land Use Planning Handbook)

Zone 3 people per acre: 1,156 people ÷ 8.44 acres = 137 people per acre – **Does not comply with the 2001 Handbook, but complies with the 2011 Handbook.**

Parking Requirement MethodZone 2 acreage: 9.99

Parking Requirements: Wells Fargo -- 1 space/250 ft² (24 spaces) + Mimi's--1 space/200 ft² (34 spaces) + Proposed Fitness Center--1 space/200 ft² (225 spaces) + Vacant Retail #1-- 1 space/250 ft² (174 spaces*) = 457 required spaces x 1.5 people per space = 686 people

Zone 2 allowed per Table 9C:40 – 60 people per acre (2001 California Airport Land Use Planning Handbook)

Zone 2 allowed per Figure 4C Safety Zone 2-Inner Approach/Departure Zone Urban:120-160 people per acre (2011 California Airport Land Use Planning Handbook)

Zone 2 people per acre: 686 people ÷ 9.99 acres = 69 people per acre -- **Does not comply with 2001 Handbook, but complies with the 2011 Handbook.**

Zone 3 acreage: 8.44

Parking Requirements: Olive Garden--1 space/200 ft² (46 spaces) + Vacant Retail #2--1 space/250 ft² (116 spaces) + Vacant Retail #1--1 space/250 ft² (only half of the building is in zone 3, so half of the required parking is counted: 87 spaces) = 249 required spaces x 1.5 people / space = 374 people

Zone 3 allowed per Table 9c: 80 – 100 people per acre (2001 California Airport Land Use Planning Handbook). Zone 3 allowed per Figure 4D Safety Zone 3-Inner Turning Zone Urban: 300-450 people per acre (2011 California Airport Land Use Planning Handbook)

Table 3-2 HWD ALUCP 80 people

Zone 3 people per acre: 374 ÷ 8.44 acres = 44 people per acre -- **Complies with Table 3-2, and 2001 and 2011 Handbooks.**

In summary, the intensity of use of the entire parcel with the proposed health club is compliant for Safety Zone 2 per the 2011 California Airport Land Use Planning Handbook and compliant with the 2001 and 2011 California Airport Land Use Planning Handbooks for Safety Zone 3. In other words, the more recent Handbook lists an intensity of use that is greater than that in the 2001 Handbook, on which the HWD ALUCP Table 3-2 is based. A Mixed Use Retail Center is listed as a conditionally compatible Zone 2 use in Table 3-2. Safety design features can be incorporated to mitigate the hazards to building occupants. The applicant has reduced the window area to accomplish this and would provide seven emergency exits while the California Building Code requires four emergency exits (See attachment 7).

Mitigation Measure 11: The proposed health club structure shall incorporate design features to increase the safety of the building occupants. Safety design features may include but not limited to: reinforced concrete block walls, limited number of windows, no skylights, a fire sprinkler system, and increased number of emergency exits.

Implementation Responsibility: Project developer

Monitoring Responsibility: City of Hayward, Planning and Building Divisions

Timing: At time of Building Permit submittal.

Noise

Significant environmental Impact: *The text amendment to amend the Hayward Municipal Code (Zoning Ordinance) to allow “Health Club” and “Kennel ancillary to Pet Store” as permitted primary uses and “Kennel (Pet Boarding and Day Care only)” as conditional uses in the Central Business (CB) Zoning District will facilitate construction of a new health club. No kennel facilities are proposed at this time. People working within and visiting the health club will not be exposed to excessive noise levels since the interior project noise levels are required to be 50 dBA. In reference to the General Plan EIR, based on a 24 hour average; according to Table 7.5, Summary of Long-Term Noise Measurements, noise levels would be 61 Ldn; Table 7.6, Summary of Short-Term Noise Measurements, general aviation and aircraft noise peaked at 71 Ldn. Both are exterior readings and will be mitigated for building occupants. In addition, as required by the HWD ALUCP Section 3.3.1.3 c, “All proposed land use changes beyond the 60 CNEL contour are considered consistent with the noise compatibility policies set forth in this ALUCP, provided they are consistent with local policies.” The Hayward General Plan Noise Mitigation Policy 13 states “The City will seek to protect the public health, safety, and welfare against the adverse effects of excessive noise.” In addition, a Noise Mitigation Strategy of the General Plan states “8. Continue to monitor the effectiveness of noise control programs at the Hayward Executive Airport.” Enforcement of the Noise Control Program will help to abate airport related noise. Since the interior noise levels will be mitigated to 50 dBA, the impact is in compliance with the General Plan policy and the impact is less than significant impact.*

Mitigation Measure 12: Interior project noise levels are required to be 50 dB CNEL as required by the HWD ALUCP.

Implementation Responsibility: Project developer

Monitoring Responsibility: City of Hayward, Planning and Building Divisions

Timing: At time of Building Permit submittal.



**DEPARTMENT OF DEVELOPMENT SERVICES
Planning Division**

INITIAL STUDY CHECKLIST

Project Title: Text Amendment Application No. PL-2013-0097 and Site Plan Review Application No. PL-2013-0096

Lead agency name/address: City of Hayward, Development Services Department; 777 B Street, Hayward, CA 94541-5007

Contact person: Arlynn J. Camire, AICP, Associate Planner
(510) 583-4206
arlynn.camire@hayward-ca.gov

Project location: 24518 Hesperian Boulevard, Hayward, CA (APN: 442-0010-006-01)

Project Sponsor's Name and Address: Rouse Properties Inc.
Sean Wood
1114 Avenue of the Americas
Suite 2800
New York, NY 10036-7703

General Plan Designation: Retail and Office Commercial (see Attachment 1- General Plan Map)
Zoning Designation: Central Business District with a minimum lot size of 20,000 square feet (CB and CBB20) (see Attachment 2 - Zoning Map)

Project description: Amendment to Article 1, Chapter 10 of the Hayward Municipal Code (Zoning Ordinance) to add language under the following Sections of the Central Business (CB) Zoning District : Section 10-1.1315 Uses Permitted, a. Primary Uses, (3) Personal Services - to allow "Health Club" as a primary use; Section 10-1.1315 Uses Permitted, a. Primary Uses, (5) Retail Commercial Uses - to allow "Kennel ancillary to Pet Store" as a primary use, and Section 10-1.1320 Conditionally Permitted Uses, a. Administrative Uses, (5) Retail Commercial Uses - to allow "Kennel (Pet Boarding and Day Care only)" as a conditional use (see Attachment 3 - Proposed Text Amendment). The Central Business Zoning District includes Southland Mall.

In addition, Site Plan Review Application No. PL-2013-0096, associated with the proposed demolition of an existing approximately 30,000-square-foot vacant former *Lucky's* supermarket building, demolition of a 3,000-square-foot loading dock, and demolition of 8,600-square-foot of retail space to allow the construction and operation of a 44,983-square-foot health club that will be attached to an adjacent existing retail building. The building would be 40 feet tall from finished grade. The proposed hours of operation are 5:00 am to 12:00 am. The health club would be located on an 18.43-acre portion of Southland Mall (a regional mall).

Surrounding land uses and setting:Regional Setting

The City of Hayward is known as the “Heart of the Bay” due to its central location in Alameda County along the east side of the San Francisco Bay, twenty-five miles southeast of San Francisco, fourteen miles south of Oakland, twenty-six miles north of San Jose, and ten miles west of the valley communities of San Ramon, Dublin, and Pleasanton. The City of Hayward lies along the southeastern shore of the San Francisco Bay, at the western end of the Diablo Mountain Range. Topography in the eastern portion of Hayward generally consists of moderately steep foothills descending from the Diablo Range, leveling into a valley before reaching the San Francisco Bay.

The Nimitz Freeway (US 880) passes through the City of Hayward on its path between the City of San Jose and the San Francisco-Oakland Bay Bridge. The Hayward-San Mateo Bridge, State Route 92, spans the San Francisco Bay between the cities of Hayward and Foster City. The City of Hayward borders the cities of San Leandro, Union City, Fremont and Pleasanton. The census-designated places bordering Hayward within Alameda County are Castro Valley, San Lorenzo, Cherryland, and Fairview.

City Setting

The City of Hayward is highly urbanized, with the shoreline and hillsides containing natural open space. Commercial development tends to be located along major arterial streets such as Mission Boulevard, Foothill Boulevard, Jackson Street, Tennyson Road, and Hesperian Boulevard. The western and southern portions of Hayward primarily consist of industrial land uses. To the east and north of the industrial corridor lie numerous tracts of residential development often centered upon public school sites.

Local Setting

The project site is located at Southland Mall, a regional shopping center that is bordered by the Nimitz Freeway (I-880) to the east, residential tracts and Winton Avenue to the north, Hesperian Boulevard with residential tracts to the west and La Playa Drive with commercial development and a residential neighborhood to the south. The Hayward Executive Airport is located northwest of the project site. See Attachment 4 - Local Setting.

Existing Project Site Setting

The site of the proposed health club is located at 24518 Hesperian Boulevard on an 18.43 acre parcel at Southland Mall and is near the intersection (near the southeastern corner) of Hesperian Boulevard and Southland Drive. The project consists of a vacant supermarket building, loading dock, and 8,600 square feet of a retail space that is attached to the market loading dock. The site is surrounded by surface parking to the north, west and east, and attached to a retail commercial store to the south.

Adjacent businesses include Wells Fargo Bank, Mimi’s Café, and Chevron Gasoline Service Station to the north. See Attachment 5 – Site Plan. All are within the Central Business Zoning District (CB and CB), which is where future kennels (as primary uses or ancillary to pet stores) associated with the proposed text amendment (see below) could be allowed, though no specific proposal or application has been submitted for such uses at this time.

Requested Local Approvals: The following actions by the Lead Agency are necessary to carry out the project:

- Text Amendment to the Zoning Ordinance: The Applicant proposes to amend the Hayward Municipal Code (Zoning Ordinance) to allow “Health Club” and “Kennel ancillary to Pet Store” as permitted primary uses and “Kennel (Pet Boarding and Day Care only)” as conditional uses in the Central Business (CB) Zoning District.
- Site Plan Review: The zoning regulations require such 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. Proposed demolition of an existing approximately 30,000-square-foot vacant supermarket building, demolition of 3,000-square-foot loading dock, and demolition of 8,600-square-foot of retail space to allow the construction and operation of a 44,983-square-foot health club that will be attached to adjacent an existing retail building constitutes such a project.
- Building Permit: (Hayward Municipal Code 07-17) The City of Hayward Development Services Department would review the proposed construction activities.
- Grading Permit: (Hayward Municipal Code Section 10-8.10: The City of Hayward Public Works Department would review the proposed grading plans and issue a permit.

Other public agencies whose approval is required:

Federal Aviation Administration requires a *Form FAA 7460-1* (Notice of Proposed Construction or Alteration) to be filed for a finding of determination that the construction of the proposed health club project will not be a hazard to air navigation.

The Alameda County Airport Land Use Commission requires the filing of a *Land Use Compatibility Determination Application Form* to allow review of the project since the location of the proposed health club is located within the Airport Influence Area of the Hayward Executive Airport and to determine compliance with the Airport Land Use Compatibility Plan.

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

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

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

DETERMINATION: (To be completed by the Lead Agency)

On the basis of this initial evaluation:

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

Signature Arlynn J. Camire

August 13, 2013
Date

Arlynn J. Camire
Printed Name

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? <i>Comment: The text amendment to amend the Hayward Municipal Code (Zoning Ordinance) to allow "Health Club" and "Kennel ancillary to Pet Store" as permitted primary uses and "Kennel (Pet Boarding and Day Care only)" as conditional uses in the Central Business (CB) Zoning District that encompasses Southland Mall would not have an effect on scenic vistas; thus, no impact. The health club requires review by the City of Hayward through the site plan review process. The health club site is not visible from any designated scenic vista and would not have a substantial adverse effect on a scenic vista. The Project site is located in a developed, urbanized setting at a regional mall. The surrounding area is entirely developed; thus, no impact.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway? <i>Comment: The text amendment and proposed health club would not result in a negative effect on scenic resources since development is in an urban setting at a regional mall that is devoid of natural features due to development; thus, no impact. Refer to I a.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Substantially degrade the existing visual character or quality of the site and its surroundings? <i>Comment: The text amendment and proposed health club would not result in development that will result in a negative effect on the visual character or quality of the site and its surroundings. Additional landscaping will be planted with the construction of the health club to meet current City of Hayward landscape requirements and future projects will be subject to Site Plan Review, if required; thus, no impact.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area? Comment: <i>The text amendment to amend the Hayward Municipal Code (Zoning Ordinance) to allow "Health Club" and "Kennel ancillary to Pet Store" as permitted primary uses and "Kennel (Pet Boarding and Day Care only)" as conditional uses in the Central Business (CB) Zoning District and proposed health club would not result in development that will result in a new source of substantial light or glare. The health club project and future projects will comply with the Hayward Municipal Code and design requirements related to aesthetics, light and glare. Any security lighting for the health club and future developments within the CB Zoning District would be confined to the Project site directed downward towards parking lots and walkways; not towards the sky and away from residential neighborhoods. Refer to I a.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<p>a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use? Comment: <i>The text amendment would only affect the Central Business Zoning District via amending the Hayward Municipal Code (Zoning Ordinance) to allow "Health Club" and "Kennel ancillary to Pet Store" as permitted primary uses and "Kennel (Pet Boarding and Day Care only)" as conditional uses. The proposed health club will be located within the Central Business Zoning District. The project would not affect the Agricultural District. The health club project would be located in the Central Business District and not affect farmland; thus, no impact.</i></p>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>b) Conflict with existing zoning for agricultural use, or a Williamson Act contract? Comment: <i>The text amendment to modify the Hayward Municipal Code (Zoning Ordinance) to allow "Health Club" and "Kennel ancillary to Pet Store" as permitted primary uses and "Kennel (Pet Boarding and Day Care only)" as conditional uses in the Central Business (CB) Zoning. The proposed health club will be located within the Central Business Zoning District. The project site for the construction of a health club is not located in the Agricultural District nor is it subject to a Williamson Act contract; thus, no impact.</i></p>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>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: <i>The Project does not impact such lands or zoning for such lands.</i></p>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>d) Result in the loss of forest land or conversion of forest land to non-forest use? Comment: <i>Refer to II c.</i></p>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use? Comment: <i>Refer to II b and II c.</i></p>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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III. **AIR QUALITY** -- Where applicable, the significance criteria established by the Bay Area Air Quality Management District (BAAQMD) is relied upon to make the following determinations. Would the project:

a) Conflict with or obstruct implementation of the applicable air quality plan? **Comment:** *The text amendment to amend the Hayward Municipal Code (Zoning Ordinance) to allow "Health Club" and "Kennel ancillary to Pet Store" as permitted primary uses and "Kennel (Pet Boarding and Day Care only)" as conditional uses in the Central Business (CB) Zoning District, the demolition of existing 30,000-square-foot market and 8,600 square feet of retail space, and the construction of the health club would not conflict with or obstruct implementation of the Bay Area Air Quality Management Plan. At this time, only the health club is proposed to be built. The operational air quality would improve since the 44,983-square-foot health club generates fewer trips (159 PM Peak period) than the market and the retail space combined (338 PM Peak Period). Based on the District's criteria (thresholds of significance; 1999 and 2011), the proposed project screens below what would require additional evaluation; therefore the proposed Project will not violate any air quality standard; thus no impact.*

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation? **Comment:** *The construction of the health club would cause carbon monoxide emissions and emissions of PM10 particulate matter, which will be mitigated to less than significant levels, though required implementation of basic construction mitigation measures (see below), and as a result, all impacts will be less than significant. Construction of the project could exceed the BAAQMD threshold for NOx. In order to reduce construction impacts to below the BAAQMD's threshold for NOx and therefore, to insignificant levels, during construction activity, all diesel powered equipment (≥ 100 horsepower) shall be California Air Resources Board (CARB) Tier 3 Certified or better (see Mitigation Measure 8 below). Operation of the Project would not exceed any applicable screening threshold of the Bay Area Air Quality Management District (BAAQMD). Based on the District's criteria (thresholds of significance; 1999 and 2011), the proposed operation of the project screens below what would require additional evaluation; thus the proposed Project will not violate any air quality standard for NOx, Co and PM10; thus, the impact is less than significant.*

Mitigation Measure 1: All exposed surfaces including parking areas, staging areas, soil piles, grading areas and unpaved access roads shall be watered two times per day.

Mitigation Measure 2: All haul trucks transporting soil, sand, or other loose material off-site shall be covered.

Mitigation Measure 3: All visible mud or dirt tracked-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power is prohibited.

Mitigation Measure 4: All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. The building pad shall be laid as soon as possible after grading unless seeding or soil binders are used.

Mitigation Measure 5: Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to five minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations [CCR].) Clear signage shall be provided for construction workers at all access points.

<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<p>Mitigation Measure 6: 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.</p> <p>Mitigation Measure 7: The applicant shall post a publicly visible sign with the telephone number and person to contact regarding dust complaints. This person shall respond and take corrective action within 48 hours of receiving a complaint. BAAQMD’s telephone number shall also be visible to ensure compliance with applicable regulations.</p> <p>Mitigation Measure 8: All diesel powered equipment (≥ 100 horsepower) shall be California Air Resources Board (CARB) Tier 3 Certified or better.</p>				
<p>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)? <i>Comment: Refer to III a & b.</i></p>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>d) Expose sensitive receptors to substantial pollutant concentrations? <i>Comment: There are no sensitive receptors located near Southland Mall and the health club site that would be impacted by the Project. Refer to III a & b.</i></p>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>e) Create objectionable odors affecting a substantial number of people? <i>Comment: The Project would not create such odors. Refer to III a & b.</i></p>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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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 Wildlife Service or U.S. Fish and Wildlife Service? **Comment:** *The text amendment to amend the Hayward Municipal Code (Zoning Ordinance) to allow "Health Club" and "Kennel ancillary to Pet Store" as permitted primary uses and "Kennel (Pet Boarding and Day Care only)" as conditional uses in the Central Business (CB) Zoning District and the construction of the health club would not affect any fish and wildlife species or California Department of Fish and Wildlife Service or U.S. Fish and Wildlife Service regional plans, policies, or regulations. The project site is in an urban setting that is developed with a regional mall. Pet Store is designated currently as a permitted primary use in the Central Business Zoning District, and the text amendment would allow pets to be boarded within buildings, which will not affect wildlife. The project will not cause any additional land within or outside the project site to be paved or otherwise developed. The project site is not adjacent to or in the vicinity of any significant biological resources as it is an infill site at a regional mall. The site is devoid of plant or wildlife special-status species; thus, no impact.*

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Wildlife Service or US Fish and Wildlife Service? **Comment:** *The Project and Project site do not contain or involve any riparian habitat or other sensitive natural communities; thus, no impact.*

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<p>c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means? Comment: <i>The Project will not affect any wetlands since the project site is located in an urban setting, which contains no wetlands; thus, no impact.</i></p>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites? Comment: <i>The Central Business Zoning District lands, including the health club project site, is not adjacent to or in the vicinity of any significant biological resources nor will the Project interfere with the movement of any migratory fish or wildlife species; thus, no impact.</i></p>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance? Comment: <i>The introduction of kennel services; pet boarding and pet day care is in compliance with ordinances protecting biological resources. The introduction of household pets to the Southland Mall would follow the requirements of the Animal Welfare Act. The health club project site is at a regional mall in an urban setting. The health club project is required to comply with the City's Bay-Friendly Water Efficient Landscape Ordinance, Hayward Environmentally Friendly Landscape Guidelines and Checklist for the landscape professional, and Municipal Codes. As a condition of approval of the site plan review, the applicant is required to provide a comprehensive arborist's report by a licensed arborist on all existing trees that are proposed to be saved and removed within the limit of project area and to comply with the City's tree preservation ordinance that requires all protected trees to be preserved or if removed, to be replaced with trees equal in value to those removed; thus, no impact.</i></p>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan? <i>Comment: The health club project site is at a regional mall in an urban setting. The site is not adjacent to or in the vicinity of any significant biological resources as it is an infill site. The Project site is not within an area designated in a Habitat Conservation Plan, nor within a local, regional or state habitat conservation plan. The text amendment would allow pets to be boarded within buildings which will not affect biological resources. Any new kennel as an administrative use requiring environmental review; thus, no impact.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

V. CULTURAL RESOURCES -- Would the project:

a) Cause a substantial adverse change in the significance of a historical resource as defined in California Environmental Quality Act, Title 14; Chapter 3; Article 5; Section 15064.5? <i>Comment: The Project would not affect historical resources as defined in § 15064.5. The site of the health club and properties within the Central Business District are not identified on any federal, state, or local register of historic places; thus, no impact.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to § 15064.5? <i>Comment: Project would not affect archeological resource in that the site has been developed. However, as a condition of approval of the site plan review and any application that requires construction that requires excavation, if archaeological resources were discovered during construction, work shall stop in the area of the discovery until a qualified archaeologist can assess the significance of the find and appropriate measures taken to mitigate impacts to any significant resources to levels of insignificance. The impact would be less than significant.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<p>c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature? Comment: <i>The Project would not affect paleontological resources or geologic features. The site and all properties in the Central Business District have been developed and contain no visible, unique geologic features. Past extensive urban use of the site has substantially disturbed the soil; thus, no impact.</i></p>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

<p>d) Disturb any human remains, including those interred outside of formal cemeteries? Comment: <i>There are no records of any human remains located on the health club project site, properties within the Central Business District, nor cemeteries nearby. In the event that human remains, archaeological resources, prehistoric or historic artifacts are discovered during construction or excavation, the following procedures shall be followed: Construction and/or excavation activities shall cease immediately and the Planning Division shall be notified. A qualified archaeologist shall be consulted to determine whether any such materials are 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.f and 151236.4 of the California Environmental Quality Act guidelines. Due to extensive prior disturbance, there is a very low likelihood of disturbing human remains. Standard procedures for grading operations would be followed during development, which require that if any such remains or resources are discovered, grading operations are halted and the resources/remains are evaluated by a qualified professional and, if necessary, mitigation plans are formulated and implemented. These standard measures would be conditions of approval should the Project be approved; thus, no impact.</i></p>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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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:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<p>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?</p> <p>Comment: <i>The site of the proposed health club is located approximately 2 miles from the Hayward fault zone, therefore would not be subject to fault rupture. The text amendment to amend the Hayward Municipal Code (Zoning Ordinance) to allow "Health Club" and "Kennel ancillary to Pet Store" as permitted primary uses and "Kennel (Pet Boarding and Day Care only)" as conditional uses in the Central Business (CB) Zoning District would also be located 2 miles from the Hayward fault zone since Southland Mall contains the only Central Business District parcels in the City of Hayward; thus, no impact.</i></p>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>ii) Strong seismic ground shaking? Comment: <i>The text amendment to amend the Hayward Municipal Code (Zoning Ordinance) to allow "Health Club" and "Kennel ancillary to Pet Store" as permitted primary uses and "Kennel (Pet Boarding and Day Care only)" as conditional uses in the Central Business (CB) Zoning District would not be affected by strong seismic ground shaking until construction or tenant improvements to Southland Mall take place to accommodate the proposed uses. The construction of the health club would not result in development that would expose people to any geologic hazard. This portion of the city is located on a broad alluvial plain deposited from the East Bay Hills. The site is not in a known fault zone. However, an earthquake of moderate to high magnitude could cause considerable ground shaking at the proposed health club site. The proposed health club will be designed using sound engineering judgment and adhere to the latest California Building Code (CBC). Therefore, the anticipated impact would be less than significant.</i></p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<p>iii) Seismic-related ground failure, including liquefaction? Comment: <i>The text amendment to amend the Hayward Municipal Code (Zoning Ordinance) to allow "Health Club" and "Kennel ancillary to Pet Store" as permitted primary uses and "Kennel (Pet Boarding and Day Care only)" as conditional uses in the Central Business (CB) Zoning District would not be affected by seismic-related ground failure, including liquefaction until construction or tenant improvements to Southland Mall take place to accommodate the proposed uses.</i></p> <p><i>Proposed health club - According to Figure 9.5, Liquefaction Hazard Map, of the General Plan EIR, the project site is located in an area of liquefaction susceptibility that is classified as Moderate. According to Table 9.5 in the EIR, Classification of Liquefaction Susceptibility, the project site is in an area with potential impacts during an earthquake that could involve localized ground cracking, isolated liquefaction-induced ground deformation, and localized damage. The proposed health club will be designed using sound engineering judgment and adhere to the latest California Building Code (CBC). Therefore, with the mitigation measure below, the anticipated impact is considered less than significant.</i></p> <p>Mitigation Measure 9: Prior to issuance of a Building Permit, the applicant shall conduct a design level geotechnical evaluation and submit such evaluation to the City for review and approval. Any recommendations shall be incorporated into the final design and construction of the health club building.</p>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<p>iv) Landslides? Comment: <i>The text amendment would only allow the proposed uses within the Central Business Zoning District area, including at Southland Mall, which is located in a flat area not in the hillside; thus, no impact.</i></p>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>b) Result in substantial soil erosion or the loss of topsoil? Comment: <i>Refer to VI a.</i></p>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>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?</p> <p>Comment: <i>Refer to VI a.</i></p>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<p>d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property? Comment: <i>The text amendment to amend the Hayward Municipal Code (Zoning Ordinance) to allow "Health Club" and "Kennel ancillary to Pet Store" as permitted primary uses and "Kennel (Pet Boarding and Day Care only)" as conditional uses in the Central Business (CB) Zoning District is to facilitate the construction of a health club. There are no kennel facilities proposed at this time. Figure 9-3, Soils Map of the Hayward General Plan EIR, shows much of the health club building site is on Danville-Botella soils, which are silty clay loams with a high shrink-swell potential. A design level geotechnical evaluation shall be conducted and submitted for review and approval prior to issuance of building permits and if liquefaction is determined to be probable, measures as recommended by the project geotechnical consultant shall be implemented. Such measures, such as special foundation construction, will reduce the significance of liquefaction-related impacts to a level of insignificance. Hayward's development review and construction oversight requires the incorporation of recommendations of a registered geotechnical engineer in accordance with the California Building Code and geotechnical practices. Therefore, with the mitigation measure below, the anticipated impact is considered less than significant.</i></p> <p>Mitigation Measure 10: Prior to issuance of a Building Permit, the applicant shall conduct a design level geotechnical evaluation and submit that for review and approval and any recommendations shall be incorporated into the final design and construction of the project.</p>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<p>e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water? Comment: <i>The proposed health club and possible future kennel facilities are required to connect to the Hayward Municipal sewer system.</i></p>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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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:** *The text amendment to amend the Hayward Municipal Code (Zoning Ordinance) to allow “Health Club” and “Kennel ancillary to Pet Store” as permitted primary uses and “Kennel (Pet Boarding and Day Care only)” as conditional uses in the Central Business (CB) Zoning District would not generate greenhouse gas emissions. The text amendment would facilitate the construction of a health club. An August 8, 2013 study of the health club project was performed by Urban Crossroads (Attachment 6). This study used the California Emissions Estimator Model (CalEEMod) to evaluate the GHG impacts. The Bay Area Air Quality Management District (BAAQMD) recommends using the CalEEMod model in lieu of the Urban Land Use Emissions Model (URBEMIS) in calculating project greenhouse gas emission and evaluating air quality, as required by the BAAQMD. The Project site is currently developed with a 30,000- square- foot grocery building, 3,000-square-foot loading dock, and 8,600 square feet of retail space (Entitled Land Use) that will be demolished. The proposed Project includes development of approximately 45,000 SF of health club. While the Project would produce GHG emissions, the potential GHG emissions associated with the Project would not exceed GHG emissions that would otherwise occur under the Entitled Land Use. This report concludes that there are no new significant GHG impacts resulting from the Project nor is there any substantial increase in the severity of GHG impacts. Therefore, this impact is less than significant.*

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases? <i>Comment: The August 8, 2013 Urban Crossroads study concluded that the health club project would produce GHG emissions, however, the potential GHG emissions associated with the health club project would not exceed GHG emissions that would otherwise occur under the Entitled Land Use. Moreover, the project will be in compliance with the City of Hayward Green Building Ordinance. As discussed in VIIa above, the project will not exceed the threshold for operation greenhouse gases; thus no impact.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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? <i>Comment: The Project would result in an infill commercial use which would have no effect on the transport, storage, use, or disposal of hazardous materials; thus, no impact.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment? <i>Comment: The text amendment to amend the Hayward Municipal Code (Zoning Ordinance) to allow "Health Club" and "Kennel ancillary to Pet Store" as permitted primary uses and "Kennel (Pet Boarding and Day Care only)" as conditional uses in the Central Business (CB) Zoning District would not introduce uses that would produce or require the use of hazardous materials that would create a significant hazard to the public or the environment, based on similar types of uses that exist in other areas of Hayward. The text amendment would facilitate the construction of a health club, which would not result in uses that could create a significant hazard to the public or the environment through the reasonable foreseeable upset and accidental conditions involving the release of hazardous materials into the environment; thus, no impact.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<p>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: <i>The Project would result in the construction of a health club and adding the uses of health club and kennel to the Central Business District regulations. The project would not result in hazardous emissions or handling of hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school; thus, no impact.</i></p>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>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: <i>The Project would result in the construction of a health club and adding the uses of health club and kennel to the Central Business District. The project site is not included among 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; thus, no impact.</i></p>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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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 text amendment to amend the Hayward Municipal Code (Zoning Ordinance) to allow "Health Club" and "Kennel ancillary to Pet Store" as permitted primary uses and "Kennel (Pet Boarding and Day Care only)" as conditional uses in the Central Business (CB) Zoning District would allow uses in the CB Zoning District and at Southland Mall that are within two miles of a public airport within the Airport Influence Area of the Hayward Airport Land Use Compatibility Plan (HWD ALUCP). The text amendment would facilitate the demolition of existing 30,000-square-foot vacant supermarket building and 8,600 square feet of retail space, and the construction of the health club. The 18.43-acre parcel on which the health club is proposed is located within the Airport Influence Area of the HWD ALUC within Safety Compatibility Zones 2 and 3. Safety Compatibility Zone 2 is developed with a parking lot, Mimi's Café (6,785 square feet), Wells Fargo Bank (5,858 square feet) and an approximately 21,776-square-foot portion of a 43,532 retail space, which is split between Safety Compatibility Zones 2 and 3. Safety Compatibility Zone 3 contains a separate 29,119 square foot retail building and an Olive Garden Restaurant (9,215 square feet). All structures are located on an 18.43-acre parcel.*

The proposed health club meets the requirements for infill development of the HWD ALUCP (Section 2.7.5.7 Special Conditions, a. Infill), in that the development is similar or below the occupant loads of existing surrounding land uses, such as Mimi's Café, which is a land use (small eatery) that would be prohibited to be built or expanded in Safety Compatibility Zone 2. The parcel containing the proposed health club is less than 20 acres in size and meets the maximum parcel size threshold required for infill projects. Also, as required by the Infill provisions, the proposed health club would not extend the perimeter of the parcel or the area already developed with the existing restaurant and retail uses. The existing use of small eateries is classified as an incompatible use within Safety Compatibility Zone 2, but is a conditionally compatible land use within Safety Compatibility Zone 3.

Also, HWD ALUCP Section 3.3.2.10 states "The ALUC generally supports clustering as a means for both enhancing safety compatibility in the vicinity of airport and accomplishing other developments objectives." The health club would occupy the pad of the Lucky Supermarket that was developed in 1961 as part of the Palma Ceia Shopping development. By developing the health club on the pad of the former Lucky Supermarket, the Project continues to cluster development at the Southland Mall property, consistent with the policies of the HWD ALUCP.

Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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According to the HWD ALUCP, "No development shall be clustered in a manner that would exceed the intensity limits listed as incompatible to Table 3-2." However, Section 3.3.2.7 Nonresidential Development Criteria, subsection a, of the HWD ALUCP states "Nonresidential intensity criteria derive from "urban" (heavily developed) settings (as set forth in Table 9C of the Caltrans Handbook), which reflects the current environment around HWD. Subsection b states "The compatibility of a proposed nonresidential land use shall be evaluated using the land use types listed in Table 3-2." Using this list, the 18.44-acre site can be classified as a Mixed Use Retail Center with Restaurant Facilities (approx. 110 s.f./person), which is listed as a conditionally compatible use for Safety Zone 2 in Table 3-2 of the HWD ALUCP.

As shown below, the number of people anticipated for the site exceeds the standard of 40 people per acre for Zone 2. However, the calculated number of maximum occupants per acre for the parcel and proposed and existing uses, including the proposed health club, does not exceed the 2011 California Airport Land Use Planning Handbook standard (Safety Zone 2-Inner Approach/Departure Zone, Figure 4C Maximum Single Acre Urban Setting) of 120-160 people per acre.

In analyzing the maximum number of occupants per acre, two methods were utilized; Building Code Occupant Load Method and Parking Requirement Method. Both of these methods are described in the example calculations found in Exhibit 9C-2 of the California Airport Land Use Planning Handbook. Parking counts are based on the required parking per the City of Hayward Off-Street Parking Regulations and calculations are based on the California Building Code occupant load tables sited in Exhibit C-1 of the HWD ALUCP with adjustments according to the instructions. The calculations are as follows:

Building Code Occupant Load Method
Zone 2 acreage: 9.99

Building Occupant Load in Zone 2: Wells Fargo (59) + Mimi's (452) + Proposed Fitness Center (900) + Vacant Retail #1 (1,452) = 2,863 x .50** = 1,432 occupants

Zone 2 allowed per Table 9c: 40 – 60 people per acre (2001 California Airport Land Use Planning Handbook)

Zone 2 allowed per Figure 4C Safety Zone 2-Inner Approach/Departure Zone Urban: 120-160 people per acre (2011 California Airport Land Use Planning Handbook)

Zone 2 people per acre: 1,432 people ÷ 9.99 acres = 143 people per acre – **Does not comply with the 2001 Handbook; however, complies with the 2011 Handbook.**

Zone 3 acreage: 8.44

Building Occupant Load in Zone 3: ½ of Vacant Retail #1 (726) + Vacant Retail #2 (971) + Olive Garden (614) = 2,311 x .50 = 1,156 occupants.

Zone 3 allowed per Table 9C: 80 – 100 people per acre (2001 California Airport Land Use Planning Handbook). Zone 3 allowed per Figure 4D Safety Zone 3-Inner Turning Zone Urban: 300-450 people per acre (2011 California Airport Land Use Planning Handbook)



Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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Zone 3 people per acre: 1,156 people ÷ 8.44 acres = 137 people per acre – **Does not comply with the 2001 Handbook, but complies with the 2011 Handbook.**

Parking Requirement Method

Zone 2 acreage: 9.99

Parking Requirements: Wells Fargo -- 1 space/250 ft2 (24 spaces) + Mimi's--1 space/200 ft2 (34 spaces) + Proposed Fitness Center--1 space/200 ft2 (225 spaces) + Vacant Retail #1-- 1 space/250 ft2 (174 spaces*) = 457 required spaces x 1.5 people per space = 686 people

Zone 2 allowed per Table 9C: 40 – 60 people per acre (2001 California Airport Land Use Planning Handbook)

Zone 2 allowed per Figure 4C Safety Zone 2-Inner Approach/Departure Zone Urban: 120-160 people per acre (2011 California Airport Land Use Planning Handbook)

Zone 2 people per acre: 686 people ÷ 9.99 acres = 69 people per acre -- **Does not comply with 2001 Handbook, but complies with the 2011 Handbook.**

Zone 3 acreage: 8.44

Parking Requirements: Olive Garden--1 space/200 ft2 (46 spaces) + Vacant Retail #2--1 space/250 ft2 (116 spaces) + Vacant Retail #1--1 space/250 ft2 (only half of the building is in zone 3, so half of the required parking is counted: 87 spaces) = 249 required spaces x 1.5 people / space = 374 people

Zone 3 allowed per Table 9c: 80 – 100 people per acre (2001 California Airport Land Use Planning Handbook). Zone 3 allowed per Figure 4D Safety Zone 3-Inner Turning Zone Urban: 300-450 people per acre (2011 California Airport Land Use Planning Handbook)

Table 3-2 HWD ALUCP 80 people

Zone 3 people per acre: 374 ÷ 8.44 acres = 44 people per acre -- **Complies with Table 3-2, and 2001 and 2011 Handbooks.**

<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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In summary, the intensity of use of the entire parcel with the proposed health club is compliant for Safety Zone 2 per the 2011 California Airport Land Use Planning Handbook and compliant with the 2001 and 2011 California Airport Land Use Planning Handbooks for Safety Zone 3. In other words, the more recent Handbook lists an intensity of use that is greater than that in the 2001 Handbook, on which the HWD ALUCP Table 3-2 is based.

A Mixed Use Retail Center is listed as a conditionally compatible Zone 2 use in Table 3-2. Safety design features can be incorporated to mitigate the hazards to building occupants. The applicant has reduced the window area to accomplish this and would provide seven emergency exits while the California Building Code requires four emergency exits (See attachment 7).

Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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The proposed 40-foot height of the proposed health club (90-foot elevation above sea level) is within the allowable height per Figure 7-8, Inner Portion of the Approach, Surface Plan-Runway 28L of the Hayward Executive Airport, Airport Layout Plan Update. **Therefore, the height of the building would not be a hazard to air navigation.**

Since the Project site is located in an urbanized setting at a regional mall, the surrounding parking lots at Southland Mall can be considered acceptable open lands for the landing of aircraft according to the California Airport Land Use Planning Handbook (October 2011) Chapter 4, Developing Airport Land Use Compatibility Policies, "Characteristics of Open Land" page 4-2. The mitigation measure below will ensure impacts will be less than significant.

Mitigation Measure 11: The proposed health club structure shall incorporate design features to increase the safety of the building occupants. Safety design features may include but not limited to: reinforced concrete block walls, limited number of windows, no skylights, a fire sprinkler system, and increased number of emergency exits.

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: There is no private airstrip within the vicinity of the CB Zoning District and Southland Mall; therefore, no impact

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?

Comment: The text amendment to amend the Hayward Municipal Code (Zoning Ordinance) to allow "Health Club" and "Kennel ancillary to Pet Store" as permitted primary uses and "Kennel (Pet Boarding and Day Care only)" as conditional uses in the Central Business (CB) Zoning District, the construction of the health club and operation of the health club would not impair implementation of adopted emergency response or emergency evacuation plans. An evacuation plan will be posted in the health club and in any pet store or kennel; thus, 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 text amendment, and the health club would not expose people or structures to a significant risk of loss, injury or death involving wildland fires since the site and the Central Business District are not located in areas of wildlands; thus no impact.

Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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IX. HYDROLOGY AND WATER QUALITY -
 - Would the project:

a) Violate any water quality standards or waste discharge requirements? ***Comment:** The text amendment to amend the Hayward Municipal Code (Zoning Ordinance) to allow “Health Club” and “Kennel ancillary to Pet Store” as permitted primary uses and “Kennel (Pet Boarding and Day Care only)” as conditional uses in the Central Business (CB) Zoning District would facilitate the construction of a health club but kennel facilities are not proposed at this time. All commercial uses in the City of Hayward are required to meet clean water standards. The health club project would not result in any development that would cause a violation of any water quality standards or waste discharge requirements. New construction in the City of Hayward is subject to mandatory water quality requirements imposed as a condition of construction. New development projects are required to implement Best Management Practices for both construction and post-construction periods that limit periods during which grading occurs, filtration of stormwater prior to entering public drainage systems and similar requirements. Implementation of those practices would ensure no violation of water quality standards results from the construction of the health club.*

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	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<p>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)?</p> <p>Comment: <i>The text amendment to amend the Hayward Municipal Code (Zoning Ordinance) to allow "Health Club" and "Kennel ancillary to Pet Store" as permitted primary uses and "Kennel (Pet Boarding and Day Care only)" as conditional uses in the Central Business (CB) Zoning District and the construction of a health club would not result in any development that would affect ground water supplies or interfere substantially with ground water recharge. The underlying groundwater basin at Southland Mall in the Central Business District is not utilized as a water supply and no pumping activities occur within the City of Hayward.</i></p>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site? Comment: <i>All drainage from the health club site and Southland Mall is required to be treated before it enters the storm drain system and managed such that post-development run-off rates do not exceed pre-development run-off rates; thus, no impact.</i></p>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site? Comment: <i>All drainage from the health club site and Southland Mall is required to be treated before it enters the storm drain system and managed such that post-development run-off rates do not exceed pre-development run-off rates; thus, no impact.</i></p>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<p>e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff? <u>Comment:</u> All drainage from the health club site and Southland Mall is required to be treated before it enters the storm drain system and there is sufficient capacity to handle any drainage from the property; thus, the impact is considered less than significant.</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>f) Otherwise substantially degrade water quality? <u>Comment:</u> The text amendment and the construction of the health club would not result in substantially degradation of water quality. The health club will be serviced by existing water systems.</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>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? <u>Comment:</u> No new housing is associated with this Project; thus, no impact.</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows? <u>Comment:</u> The Project site is not located within a mapped 100-year flood hazard are; thus, no impact.</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>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? <u>Comment:</u> The Project site is not near a levee or dam; thus, no impact.</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>j) Inundation by seiche, tsunami, or mudflow? <u>Comment:</u> The Project site and Southland Mall located in the Central Business District is not be subject to inundation by seiche, tsunami or mudflow; thus, no impact.</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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

a) Physically divide an established community?

Comment: The text amendment to amend the Hayward Municipal Code (Zoning Ordinance) to allow "Health Club" and "Kennel ancillary to Pet Store" as permitted primary uses and "Kennel (Pet Boarding and Day Care only)" as conditional uses in the Central Business Zoning District would facilitate the construction of a proposed health club and future proposed kennel uses at Southland Mall. The Project would not result in any development that would physically divide an established community; thus, no impact.

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

Comment: The text amendment to amend the Hayward Municipal Code (Zoning Ordinance) to allow "Health Club" and "Kennel ancillary to Pet Store" as permitted primary uses and "Kennel (Pet Boarding and Day Care only)" as conditional uses in the Central Business (CB) Zoning District is consistent with the uses that are allowed in the Central Business District that encourages development at a regional mall and therefore, not in conflict with the Zoning Ordinance or the Hayward General Plan. The construction of the health club would not be in conflict with the Zoning Ordinance or the General Plan. The proposed uses are appropriate for a regional mall and are consistent with other uses in the Central Business District. In addition, the project is within the Retail and Office Commercial General Plan Designation which includes regional shopping centers; thus, no impact. Also, see discussion under VIII e.

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	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
c) Conflict with any applicable habitat conservation plan or natural community conservation plan? <u>Comment:</u> <i>The text amendment and the health club would not result in any development that would conflict with a habitat conservation plan or a natural community conservation plan since the health club project site and Southland Mall in the Central Business District is not in an area covered by a conservation plan; thus, no impact.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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? <u>Comment:</u> <i>The text amendment to amend the Hayward Municipal Code (Zoning Ordinance) to allow "Health Club" and "Kennel ancillary to Pet Store" as permitted primary uses and "Kennel (Pet Boarding and Day Care only)" as conditional uses in the Central Business (CB) Zoning District would allow uses to be located only in an urbanized developed setting. There aren't mineral resource on the Project site or at Southland Mall; thus, no impact.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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? <u>Comment:</u> <i>There aren't mineral resources on the Project site; thus, no impact.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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?

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<p><u>Comment:</u> The text amendment to amend the Hayward Municipal Code (Zoning Ordinance) to allow “Health Club” and “Kennel ancillary to Pet Store” as permitted primary uses and “Kennel (Pet Boarding and Day Care only)” as conditional uses in the Central Business (CB) Zoning District would not result in uses that would generate noise levels in excess of standards established in the Hayward General Plan or the Noise Ordinance. Temporary health club construction noise and any future construction noise will be controlled by the Hayward Noise Ordinance, and specifically, the project will comply with the construction hours specified in the City’s Noise Ordinance; therefore, any impacts will be less than significant.</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels? <u>Comment:</u> No significant vibration impacts are anticipated for the health club project site; thus no impact.</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project? <u>Comment:</u> The text amendment to amend the Hayward Municipal Code (Zoning Ordinance) to allow “Health Club” and “Kennel ancillary to Pet Store” as permitted primary uses and “Kennel (Pet Boarding and Day Care only)” as conditional uses in the Central Business (CB) Zoning District will not result in noise levels in excess of the vehicle traffic produced by those using Hesperian Boulevard. The Project would not involve an increase in the ambient noise levels in the area; thus, no impact.</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<p>d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project? <u>Comment:</u> <i>The text amendment to amend the Hayward Municipal Code (Zoning Ordinance) to allow "Health Club" and "Kennel ancillary to Pet Store" as permitted primary uses and "Kennel (Pet Boarding and Day Care only)" as conditional uses in the Central Business (CB) Zoning District will not result in an increase in ambient noise levels. However, the construction of the health club will affect existing residential development and businesses near with a slight increase in ambient noise levels during the construction of the proposed health club project. Construction is limited to the allowable hours per the City's Noise Ordinance; thus the impact is considered less-than-significant and no mitigation is required.</i></p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact	
<p>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: <i>The text amendment to amend the Hayward Municipal Code (Zoning Ordinance) to allow “Health Club” and “Kennel ancillary to Pet Store” as permitted primary uses and “Kennel (Pet Boarding and Day Care only)” as conditional uses in the Central Business (CB) Zoning District will facilitate construction of a new health club. No kennel facilities are proposed at this time. People working within and visiting the health club will not be exposed to excessive noise levels since the interior project noise levels are required to be 50 dBA. In reference to the General Plan EIR, based on a 24 hour average; according to Table 7.5, Summary of Long-Term Noise Measurements, noise levels would be 61 Ldn; Table 7.6, Summary of Short-Term Noise Measurements, general aviation and aircraft noise peaked at 71 Ldn. Both are exterior readings and will be mitigated for building occupants. In addition, as required by the HWD ALUCP Section 3.3.1.3 c, “All proposed land use changes beyond the 60 CNEL contour are considered consistent with the noise compatibility policies set forth in this ALUCP, provided they are consistent with local policies.” The Hayward General Plan Noise Mitigation Policy 13 states “The City will seek to protect the public health, safety, and welfare against the adverse effects of excessive noise.” In addition, a Noise Mitigation Strategy of the General Plan states “8. Continue to monitor the effectiveness of noise control programs at the Hayward Executive Airport.” Enforcement of the Noise Control Program will help to abate airport related noise. Since the interior noise levels will be mitigated to 50 dBA, the impact is in compliance with the General Plan policy and the impact is less than significant impact.</i></p> <p>Mitigation Measure 12: <i>Interior project noise levels are required to be 50 dB CNEL as required by the HWD ALUCP.</i></p>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No 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: <i>There is no private airstrip near the Southland Mall located in the Central Business District; thus, no impacts.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

XIII. POPULATION AND HOUSING -- Would the project:

a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)? Comment: <i>The text amendment and health club would not induce substantial population growth in any area of the City. There are no aspects of the project that would induce population growth; thus, no impact.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere? Comment: <i>The Project would not displace any residents; thus no impact.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere? Comment: <i>The text amendment and health club would not result in any development that would displace substantial numbers of people, necessitating the construction of replacement housing elsewhere. The construction would take place at a regional mall in the Central Business District not within a residentially zoned area; thus, no impact.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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XIV. PUBLIC SERVICES --

a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Fire protection? Comment: No new fire protection facilities would be required as a result of the Project. The health club would be equipped with a fire sprinkler system and all Fire Codes are required to be met; thus, no impact.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Police protection? Comment: The text amendment and the health club would not result in a need for additional police protection. The health club would have a security system and would employ security; thus, no impact.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Schools? Comment: No new school facilities would be required as a result of the text amendment and the health club project; thus, no impact.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Parks? Comment: The text amendment and health club project would not generate additional use of the park systems in the area; thus, no impact.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Other public facilities? Comment: No other public facilities would be significantly impacted; thus, no impact.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

XV. RECREATION --

a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated? Comment: The text amendment would facilitate an additional recreation opportunities in the Central Business District and not negatively impact parks or facilities; thus, no impact.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment? Comment: The Project would not generate such impacts, as described in this document; thus, no impact.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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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 text amendment to amend the Hayward Municipal Code (Zoning Ordinance) to allow "Health Club" and "Kennel ancillary to Pet Store" as permitted primary uses and "Kennel (Pet Boarding and Day Care only)" as conditional uses in the Central Business (CB) Zoning District. The text amendment facilitates the construction of a health club that would include a revised circulation and parking plan for the health club within the limit of work, which will be required to be approved by City staff and implemented as a normal development standard requirement. Street circulation, mass transit and sidewalks would not be affected; thus, no impact.*

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<p>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: <i>The health club would generate fewer trips than the market and the retail uses did, which are to be demolished.</i></p> <p><i>Fitness Center – 45,000 square feet x 3.53 trips/1000 square feet = 159 trips</i></p> <p><i>Previous uses</i></p> <p><i>Grocery – 30,000 square feet x 10.50 trips/1000 square feet = 315 trips</i></p> <p><i>Retail – 8,600 square feet x 2.71 trips/1000 = 23 trips, resulting in a net difference of 179 trips. Adequate parking will be provided to meet the demands of the health club patrons. There are two major Congestion Management Program routes in the vicinity of the project; Hesperian Boulevard and Winton Avenue. Since the Project generates fewer trips than the existing Lucky Supermarket and retail space, there will be less of an impact on these routes caused by this project; thus, less than significant impact.</i></p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>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: <i>The text amendment to amend the Hayward Municipal Code (Zoning Ordinance) to allow “Health Club” and “Kennel ancillary to Pet Store” as permitted primary uses and “Kennel (Pet Boarding and Day Care only)” as conditional uses in the Central Business (CB) Zoning District and the construction of a health club would not result in an increase to air traffic levels and would not result in a change to air traffic patterns; thus, no impact.</i></p>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<p>d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)? Comment: <i>The text amendment to amend the Hayward Municipal Code (Zoning Ordinance) to allow "Health Club" and "Kennel ancillary to Pet Store" as permitted primary uses and "Kennel (Pet Boarding and Day Care only)" as conditional uses in the Central Business (CB) Zoning District and the construction of a health club would not result in hazards due to design features. The health club would have clearly marked fire lanes and emergency access aisles will be maintained; thus, no impact.</i></p>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>e) Result in inadequate emergency access? Comment: <i>The text amendment would not result in inadequate emergency access. The health club would not include any construction that would result in inadequate emergency access. Fire lanes will be marked and emergency access aisles will be maintained. . The health club would have an evacuation plan and fire lanes marked and emergency access aisles will be maintained; thus, no impact.</i></p>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>f) Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities? Comment: <i>The text amendment and the health club project would not conflict with adopted policies, plans, or programs supporting alternative transportation. The project involves no changes to existing public roadways, bicycle or pedestrian facilities; thus, no impact.</i></p>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

XVII. UTILITIES AND SERVICE SYSTEMS

-- Would the project:

<p>a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board? Comment: <i>The proposed uses and the proposed health club will use existing storm drains and sewers. The amount of waste water produced by the construction and operation of the health club can be accommodated by existing infrastructure and would not cause the City of Hayward wastewater treatment plan to exceed requirements of the Regional Water Quality Control Board or exceed its treatment capacity; thus, no impact.</i></p>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
b) 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: Refer to XVIII.a.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects? Comment: There is sufficient capacity to accommodate the proposed uses and the proposed health club project; thus, no impact.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed? Comment: here is sufficient capacity to accommodate the proposed text amendment and the proposed health club project. Utility fees will be paid for adequate access to City of Hayward water; thus, no impact.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Result in a determination by the City of Hayward that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments? Comment: The City of Hayward is the wastewater treatment provider for Southland Mall including the health club project site. There is sufficient capacity to accommodate the proposed project; thus, no impact.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs? Comment: The health club project and any future kennel use 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. Landfill capacity at Altamont Landfill would be able to accommodate health Club operations; thus, no impact.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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g) Comply with federal, state, and local statutes and regulations related to solid waste?

Comment: Construction waste guidelines for the recycling of construction waste would be followed and are required to be followed for all new construction. In addition, health club operations and any future kennel operations would be required to comply with City of Hayward Solid Waste commercial requirements; thus, no impact.

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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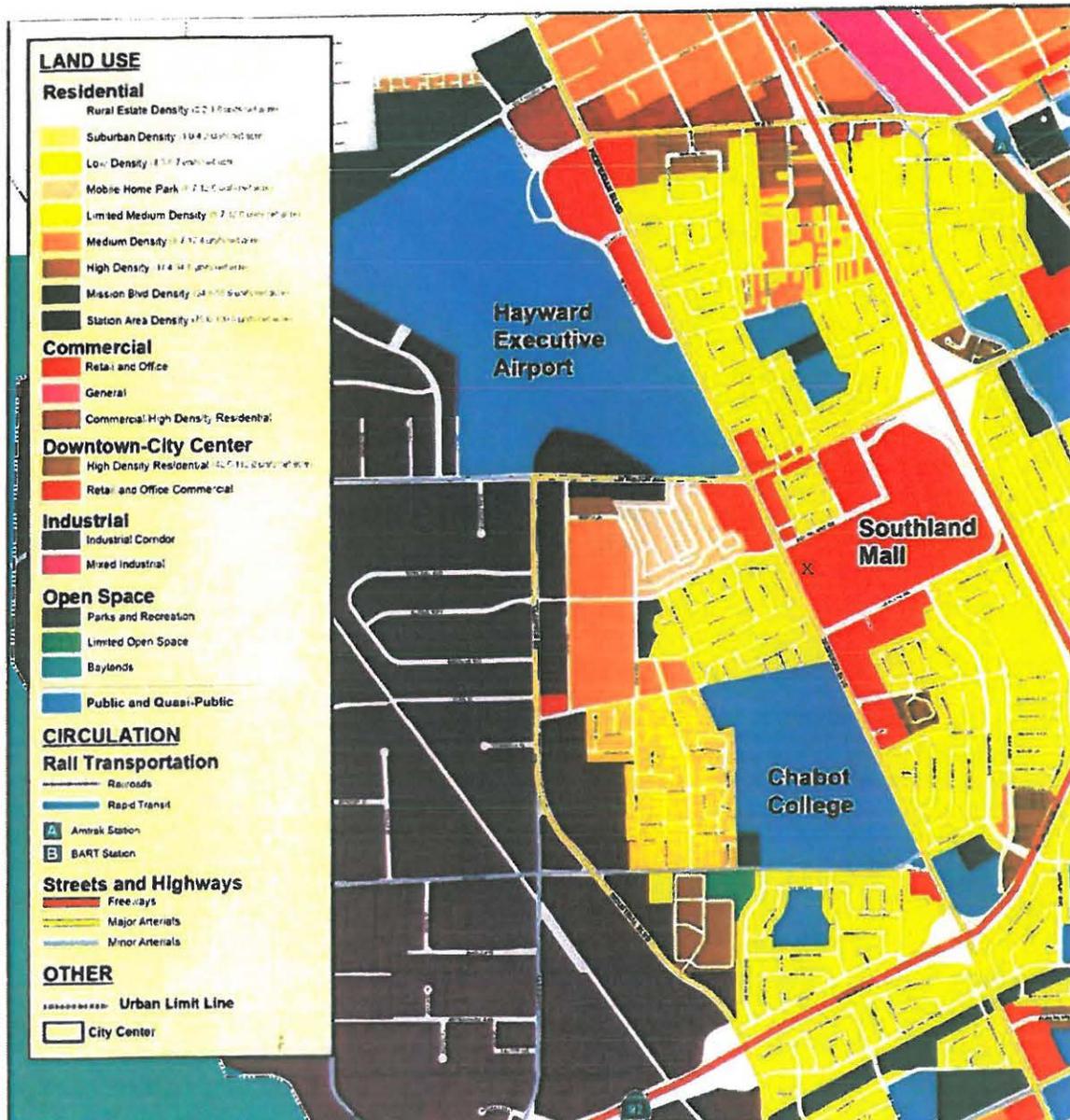
XVIII. MANDATORY FINDINGS OF SIGNIFICANCE --

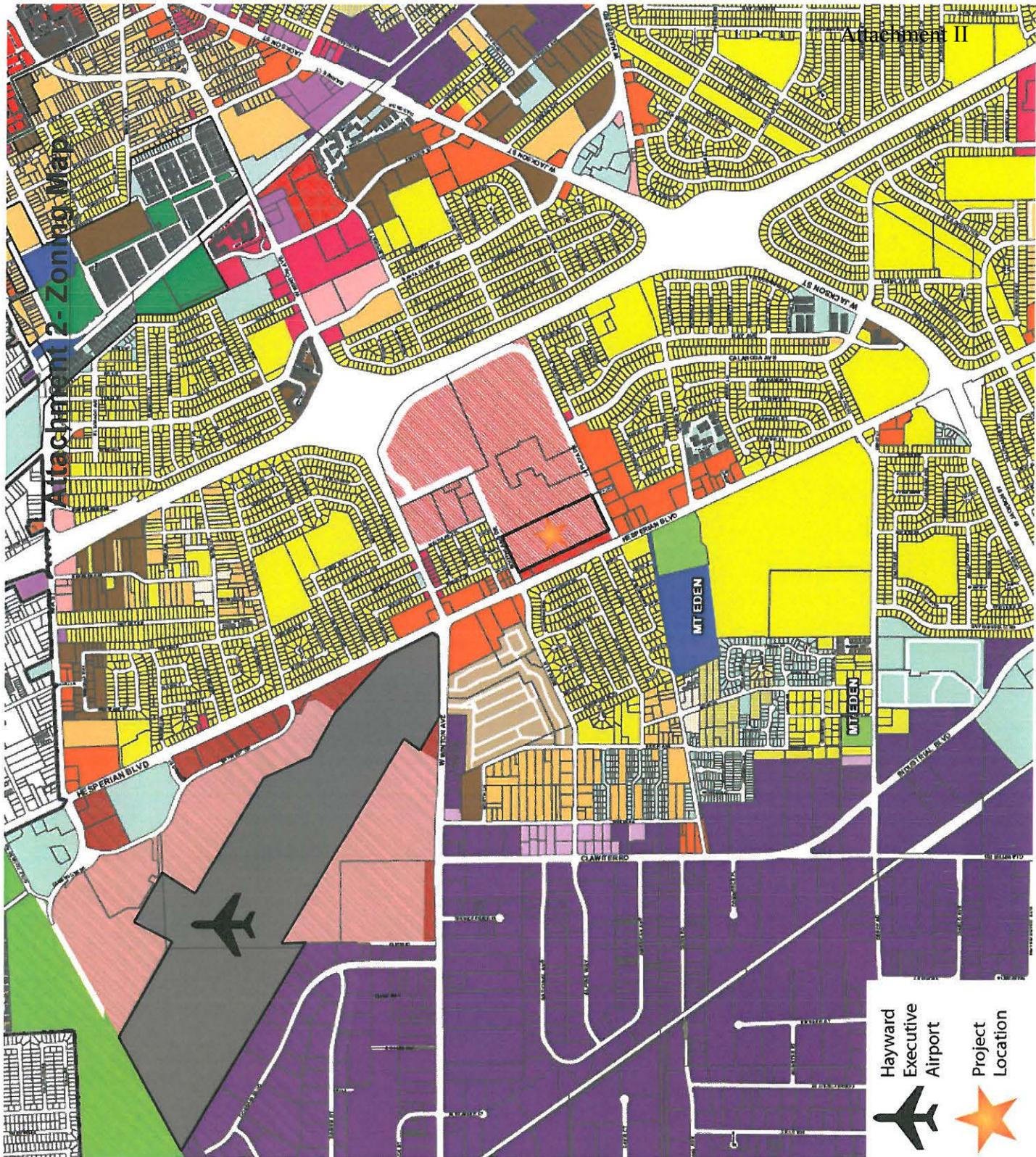
a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict 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 text amendment and the proposed health club project would not result in development of any currently undeveloped land. The health club project would have no impact on the natural environment, as this infill project exclusively calls for the development of land that has already been developed at a regional mall (Southland Mall in the Central Business District); In addition, any kennel activities will be required to meet Animal Welfare Act requirements. Thus, the project will have no impact and specifically will not 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.

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<p>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)?</p> <p>Comment: <i>The text amendment and the health club project are consistent with the density of development identified in the City's General Plan in the Retail and Office designation which recognizes development at Southland Mall and encourages uses that are regional serving. As evidenced in the checklist above, with mitigation, it has been determined that the Project would not have any significant impacts; thus no impact regarding cumulative impacts.</i></p>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?</p> <p>Comment: <i>The text amendment and the proposed health club project, per mitigation measures identified in this document, would not have any environmental impacts that will cause substantial adverse effects on human beings, either directly or indirectly.</i></p>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>





Residential	Commercial	Central City	Mission Boulevard Corridor Form-Based Code	South Hayward BART Form-Based Code	Industrial	Air Terminal	Open Space	Other	Special Design Districts
RSB40 Single Family Residential, minimum lot size 40,000sqft	RO Residential Office	CC-C Central City Commercial	M-T3 Sub-urban Zone, 4.3 to 17.5 units/net acre	S-T4 Urban General Zone, 17.5 to 35 units/net acre	I Industrial	AT-IP Air Terminal Industrial Park	A Agriculture, includes Combining Districts	PF Public Facilities	SD 1 B Street Special Design District
RSB20 Single Family Residential, minimum lot size 20,000sqft	CN Neighborhood Commercial	CC-R Central City Residential	M-T4 Urban General Zone, 17.5 to 35 units/net acre	S-T5 Urban Center Zone, 35 to 55 units/net acre	LM Light Manufacturing	AT-C Air Terminal Commercial	FP Flood Plain	PD Planned Development	SD 3 College Special Design District
RSB10 Single Family Residential, minimum lot size 10,000sqft	CN-R Neighborhood Commercial/Residential	CC-P Central City Plaza	M-T4-2 Urban General Zone, 17.5 to 35 units/net acre	S-T5-2 TOD Density Overlay 2, 40 to 85 units/net acre	BP Business Park	AT-RM Air Terminal Medium Density Residential	OS Open Space	RNP Residential Natural Preserve	SD 4 Cannery Area Special Design District
RSB8 Single Family Residential, minimum lot size 8,000sqft	CR Regional Commercial		M-T4-1 Urban General Zone, 17.5 to 35 units/net acre	S-T5-1 TOD Density Overlay 1, 75 to 100 units/net acre		AT-AC Air Terminal Airport Commercial			SD 5 Mission-Gain Area Special Design District
RSB6 Single Family Residential, minimum lot size 6,000sqft	CO Commercial Office		M-T5 Urban Center Zone, 35 to 55 units/net acres	S-CS Civic Space Zone		AT-O Air Terminal Operations			Hayward Foothills Trail Special Design District
RSB4 Single Family Residential, minimum lot size 5,000sqft	CB Central Business		M-T5-2 Height Overlay 2, 2 to 3 stories			AT-R Air Terminal Recreation			
RSB4 Single Family Residential, minimum lot size 4,000sqft	CBB20 Central Business, minimum lot size 20,000sqft		M-T5-1 Height Overlay 1, 2 to 4 stories						
RMB3.5 Medium Density Residential, minimum lot size 3,500sqft	CG General Commercial		M-CS Civic Space Zone						
RM Medium Density Residential, minimum lot size 2,500sqft	CL Limited Access Commercial								
RH High Density Residential, minimum lot size 1,250sqft									
RHB7 Mobile Home Park									
MH Mobile Home Park									
SMU Sustainable Mixed Use, 17.4 to 100.0 dwelling units/net acre									

Hayward Executive Airport
 Project Location

Labeled on Map
 SD 1 B Street Special Design District
 SD 3 College Special Design District
 SD 4 Cannery Area Special Design District
 SD 5 Mission-Gain Area Special Design District
 Hayward Foothills Trail Special Design District

SEC. 10-1.1300 CENTRAL BUSINESS DISTRICT (CB)

Sections:

- Section 10-1.1305 Purpose.
- Section 10-1.1310 Subdistricts.
- Section 10-1.1315 Uses Permitted.
- Section 10-1.1320 Conditionally Permitted Uses.
- Section 10-1.1325 Lot Requirements.
- Section 10-1.1330 Yard Requirements.
- Section 10-1.1335 Height Limit.
- Section 10-1.1340 Site Plan Review Required.
- Section 10-1.1345 Minimum Design and Performance Standards.

SEC. 10-1.1305 PURPOSE.

The CB District shall be subject to the following specific regulations in addition to the general regulations hereinafter contained in order to make provision for a principal downtown area of regional importance, and several outlying areas of more than neighborhood importance, where concentrations of comparison shopping facilities, financial and business services, and amusement or recreation may be found in quantity.

SEC. 10-1.1310 SUBDISTRICTS.

Any combining B District (see Section 10-1.2400).

SEC. 10-1.1315 USES PERMITTED.

- a. **Primary Uses.** The following uses, or uses determined to be similar by the Planning Director, are permitted in the CB District.
 - (1) **Administrative and Professional Offices/Services.**
 - (a) Accounting and financial offices. (excluding check cashing stores)
 - (b) Architectural and engineering offices.
 - (c) Banks and financial institutions.
 - (d) Chiropractic and acupuncture offices.
 - (e) Insurance and real estate offices.
 - (f) Law offices.
 - (g) Medical and dental offices.
 - (h) Travel and airline agency offices.
 - (2) **Automobile Related Uses.**
 - Automobile parts store.

Attachment 3 – Proposed Text Amendment

- (3) Personal Services.
 (a) Barber or beauty shop.
 (b) Dance studio.
 (c) Dry cleaner/laundry.
 (d) **Health Club**
~~(d)~~ (e) Martial arts studio.
~~(e)~~ (f) Music studio.
~~(f)~~ (g) Nail salon.
~~(g)~~ (h) Palm reading.
~~(h)~~ (i) Photography studio.
~~(i)~~ (j) Physical fitness studio.
~~(j)~~ (k) Shoe repair shop.
~~(k)~~ (l) Tailor/seamstress shop.
- (4) Residential Uses.
 Residential dwelling unit(s). (Above first floor commercial uses only)
- (5) Retail Commercial Uses.
 (a) Antique store.
 (b) Appliance store.
 (c) Art and art supplies store.
 (d) Bakery.
 (e) Bicycle shop.
 (f) Bookstore.
 (g) Camera store.
 (h) Card shop.
 (i) Carpet/drapery store.
 (j) Clothing store.
 (k) Coffee/espresso shop.
 (l) Delicatessen.
 (m) Fabric store.
 (n) Floral shop.
 (o) Furniture store.
 (p) Garden supplies store.
 (q) Gift shop.
 (r) Hardware store.
 (s) Jewelry store.
 (t) Locksmith shop.
 (u) Music store.
 (v) Nursery (plant).
 (w) Paint/wallpaper store.
 (x) Pet grooming shop.
 (y) Pet store. **(Kennel-When ancillary to Pet Store)**
 (z) Plumbing and heating store.
 (aa) Restaurant. (Where not abutting a residential district or

property and no bar)

- (bb) Sporting goods store.
- (cc) Stationary store.
- (dd) Supermarket.
- (ee) Theater
- (ff) Toy store.
- (gg) Variety store.
- (hh) Video sales and rental store.

(Small Motion Picture or Live Performance only.)

(6) Service Commercial Uses.

- (a) Copying or reproduction facility.
- (b) Mailing or facsimile service.
- (c) Reverse vending machine(s).

(When located within a convenience zone)

(7) Other Uses.

- (a) Banquet hall.
- (b) Broadcasting studio.
- (c) Catering facility.
- (d) Christmas tree or pumpkin patch lot.
- (e) Day care home.
- (f) Day Care Center.
- (g) Public agency facilities.

(Where not abutting a residential district or property and where no alcohol is served)

(See General Regulations Section 10-1.2735d. for standards)

(State-licensed, less than 24-hour care for children or adults, 14 or fewer persons, excluding staff. See definitions)

(State-licensed, less than 24-hour care for children or adults, 15 or more persons, excluding staff. See definitions.)

b. **Secondary Uses.** The following uses are permitted as secondary or subordinate uses to the uses permitted in the CB District:

- (1) Accessory buildings and uses.
- (2) Garage sales.
- (3) Home Occupation.
- (4) Household pets.

(See Section 10.1.845d.)

(4 per year per dwelling. See General Regulations Section 10-1.2735e.)

(See definitions.)

SEC. 10-1.1320 CONDITIONALLY PERMITTED USES.

- a. **Administrative Uses.** The following uses, or uses determined to be similar by the Planning Director, are permitted in the CB District subject to approval of an administrative use permit:
- (1) **Administrative and Professional Offices/Services.**
None.
 - (2) **Automobile Related Uses.** (See Section 10-1.1045h. for special requirements)
 - (a) Automobile repair (minor and major).
 - (b) Automobile service station.
 - (c) Car wash.
 - (d) Parking lot.
 - (3) **Personal Services.**
Suntan parlor.
 - (4) **Residential Uses.**
None.
 - (5) **Retail Commercial Uses.**

(a) Convenience market.	(See General Regulations Section 10-1.2735b. for regulations of alcohol)
(b) Kennel	(Pet Boarding and Pet Day Care only)
(b) (c) Restaurant.	(Where abutting a residential district or property and no bar)
 - (6) **Service Commercial Uses.**

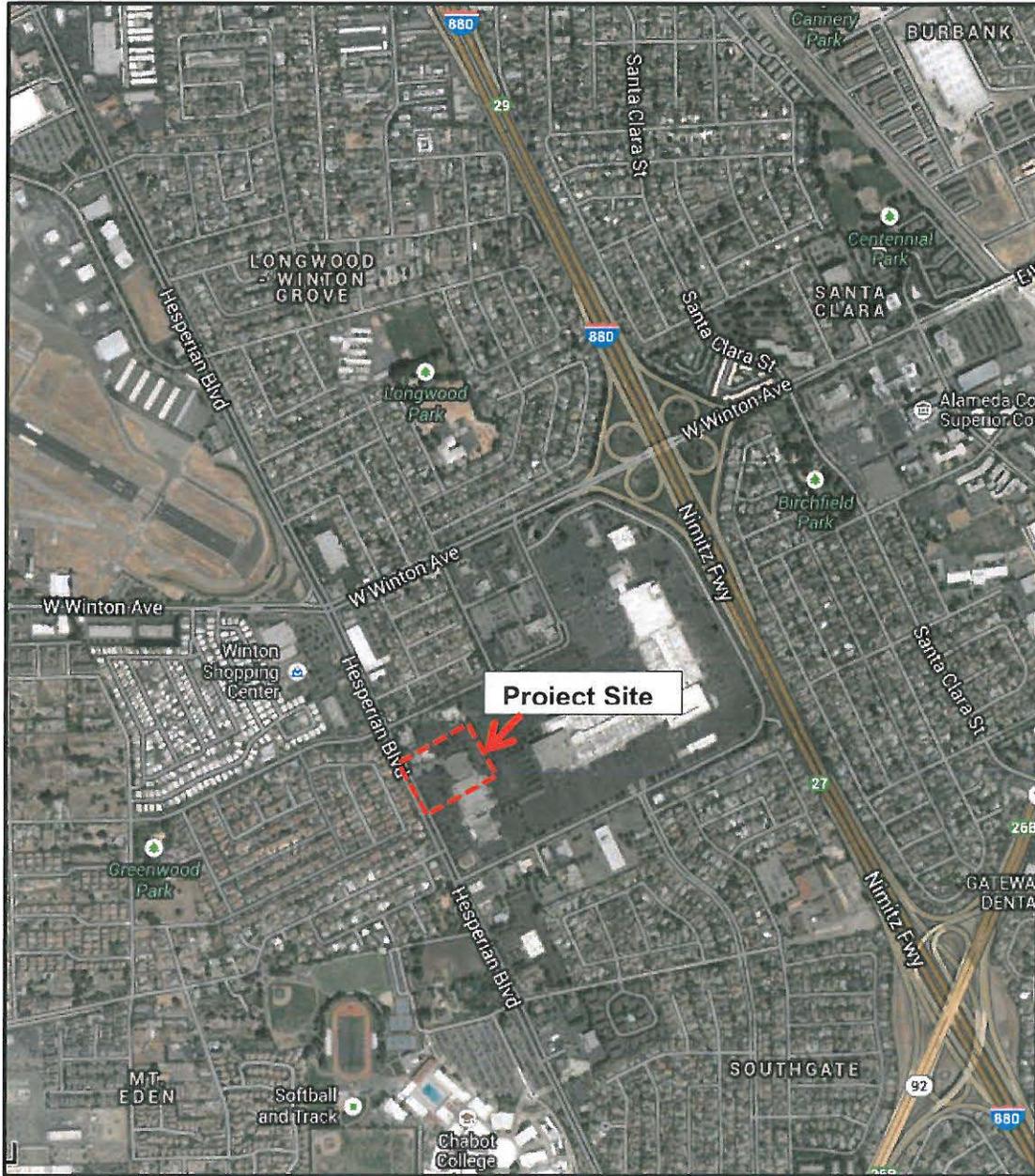
(a) Appliance repair shop.	(Not ancillary to primary use)
(b) Hotel or motel.	(Where not abutting a residential district or property)
(c) Recycling Collection Area.	(When located within a convenience zone)
 - (7) **Other Uses.**

(a) Ambulance service.	
(b) Auction.	
(c) Banquet hall.	(Where not abutting a residential district or property)
(d) Carnival.	
(e) Catering facility.	(Where not abutting a residential district or property)
(f) Commercial Amusement.	
(g) Cultural facility.	
(h) Educational facility.	

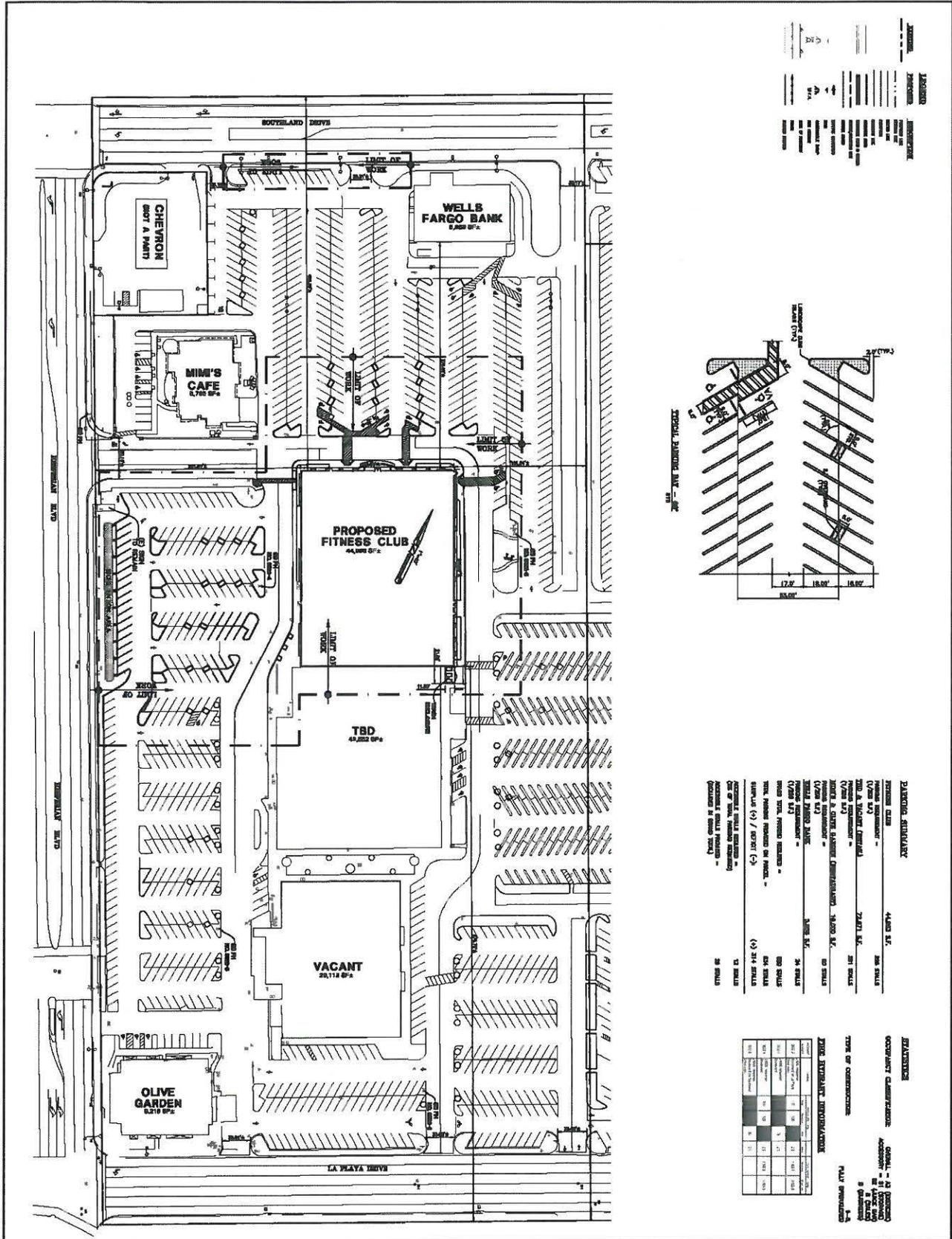
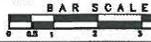
- (i) Home occupation - expanded.
- (j) Hospital, convalescent home.
- (k) Outdoor gathering.

(See General Regulations Section 10-1.2735h.)

- (l) Passenger transportation terminal.
- (m) Recreational facility.
- (n) Religious facility.
- (o) Temporary use.

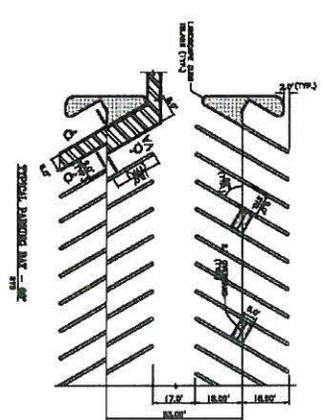


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LEGEND

Symbol	Description
...	...



PARKING SUMMARY

PROPOSED CLUB	4,400 SF	26 STALLS
WELLS FARGO BANK	2,500 SF	20 STALLS
MINI'S CAFE	2,700 SF	20 STALLS
PROPOSED FITNESS CLUB	44,000 SF	260 STALLS
TBD	49,200 SF	295 STALLS
VACANT	20,174 SF	124 STALLS
OLIVE GARDEN	6,210 SF	34 STALLS
TOTAL	120,184 SF	759 STALLS

PERMITS SUMMARY

PERMITS	STATUS	DATE
...

ROUSE PROPERTIES, INC.
SOUTHLAND MALL
HAYWARD, CA

OVERALL SITE PLAN

ERIC Engineering
ASSOCIATES, INC.
600 The Arcade, Suite 200
San Jose, CA 95128-2747
Tel: (408) 241-8184
Fax: (408) 241-8187

NO.	DATE	DESCRIPTION



August 8, 2013

Mr. Sean Wood
ROUSE PROPERTIES
6225 North State Highway 161, Suite 425
Irving, TX 75038

Subject: Southland Mall Fitness Center Greenhouse Gas Evaluation

Dear Mr. Wood:

As requested, Urban Crossroads, Inc. is pleased to submit this greenhouse gas evaluation associated with the proposed Southland Mall Fitness Center (Project) which includes the development of approximately 45,000 square feet (SF) of fitness center space in the City of Hayward.

PROJECT DESCRIPTION AND LOCATION

The Project site is currently developed with a 30,000 square foot grocery building, 3,000 SF loading dock, and 8,600 SF of retail space that will be demolished. The proposed Project includes development of approximately 45,000 SF of fitness center space. The Project site is generally located at 24500 Hesperian Boulevard in the City of Hayward.

On July 26, 2013, the South Coast Air Quality Management District (SCAQMD), in consultation with the California Air Pollution Control Officers Association (CAPCOA) and other air districts, released the latest version of the California Emissions Estimator Model (CalEEMod™) version 2013.2. The purpose of this model is to more accurately calculate air quality and greenhouse gas (GHG) emissions from direct and indirect sources and quantify applicable air quality and GHG reductions achieved from applicable mitigation measures. As such, the latest version of CalEEMod was used for this project¹.

The purpose of this evaluation is to evaluate the potential impacts to greenhouse gases associated with construction and operation of the proposed Project, and recommend measures to mitigate impacts considered potentially significant in comparison to established regulatory thresholds.

STANDARDS OF SIGNIFICANCE

The Bay Area Air Quality Management District (BAAQMD) has developed significance thresholds for regulated pollutants, as summarized at Table 1.

¹ The Bay Area Air Quality Management District (BAAQMD) also recommends using the CalEEMod model in lieu of the URBEMIS Model (personal communication with Alison Kirk, Bay Area Air Quality Management District on 05/13/13).

Mr. Sean Wood
ROUSE PROPERTIES
August 8, 2013
Page 2

TABLE 1

May 2011 Air Quality Guidelines		
Pollutant	Construction	Operational
GHGs	Compliance with Qualified Climate Action Plan OR 1,100 MT of CO ₂ e/year OR 4.6 MT CO ₂ e/SP/yr (residents + employees)	

GREENHOUSE GAS EVALUATION

While the Project would produce GHG emissions, the potential GHG emissions associated with the Project would not exceed GHG emissions that would otherwise occur under the Entitled Land Use. Thus, this report concludes that there are no new significant GHG impacts resulting from the Project nor is there any substantial increase in the severity of GHG impacts. The following discussion provides additional information that supports this finding.

Table 2 provides a summary of the Proposed Project's and Entitled Land Use Operational emissions. The net project emissions will not exceed any applicable threshold. In fact, the Project would not exceed GHG emissions that would otherwise occur under the Entitled Land Use.

CONCLUSION

The Project will not exceed any of the applicable BAAQMD thresholds for greenhouse gas emissions during construction or operational-related activity and a less than significant impact will occur.

If you have any questions, please contact me directly at (949) 660-1994 ext. 217.

Respectfully submitted,

URBAN CROSSROADS, INC.



Haseeb Qureshi, MES
Senior Air Quality Specialist

HQ

JN: 08837-02 MEMO

Mr. Sean Wood
ROUSE PROPERTIES
August 8, 2013
Page 3

TABLE 2
SUMMARY OF OPERATIONAL GREENHOUSE GAS EMISSIONS (ANNUAL)
PROPOSED PROJECT VS. ENTITLED LAND USE

Scenario	Emissions (metric tons per year)			
	CO ₂	CH ₄	N ₂ O	Total CO ₂ E
Proposed Project				
Annual Construction related emissions amortized over 30 years	8.76	0.0019	--	8.80
Area	8.00E-04	--	--	8.50E-04
Energy	169.93	6.08E-03	2.14E-03	170.72
Mobile	1,063.39	0.0553	--	1,064.55
Waste	52.07	3.08	--	116.69
Water	6.69	0.09	2.10E-03	9.17
Total CO₂E (All Sources)	1,370.93			
Entitled Land Use (Grocery/Retail Store)				
Area	6.90E-04	--	--	7.30E-04
Energy	432.13	0.0179	4.62E-03	433.94
Mobile	2,208.22	0.1214	--	2,210.77
Waste	36.18	2.14	--	81.08
Water	8.71	0.1416	3.40E-03	12.74
Total CO₂E (All Sources)	2,738.53			
Net Project Emissions Potential (Proposed minus Entitled) (CO₂E)	-1,367.60			
2011 BAAQMD Threshold	1,100			
Threshold Exceeded?	NO			

Source: CalEEMod™ model output, See Attachment "B" for detailed model outputs.
Note: Totals obtained from CalEEMod™ and may not total 100% due to rounding.

Mr. Sean Wood
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ATTACHMENT "A"
CalEEMod Model Outputs

Existing Land Uses (grocery store/retail)
 Bay Area AQMD Air District, Annual

1.0 Project Characteristics

1.1 Land Usage

Land Uses	Size	Metric	Lot Acreage	Floor Surface Area	Population
Supermarket	30.00	1000sqft	0.69	30,000.00	0
Regional Shopping Center	8.60	1000sqft	0.20	8,600.00	0

1.2 Other Project Characteristics

Urbanization	Urban	Wind Speed (m/s)	2.2	Precipitation Freq (Days)	64
Climate Zone	5			Operational Year	2014

78 Utility Company Pacific Gas & Electric Company

CO2 Intensity (lb/MW/hr)	641.35	CH4 Intensity (lb/MW/hr)	0.029	N2O Intensity (lb/MW/hr)	0.006
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1.3 User Entered Comments & Non-Default Data

- Project Characteristics -
- Land Use -
- Demolition -
- Architectural Coating -
- Construction Phase - No construction emissions
- Off-road Equipment - No construction emissions

Table Name	Column Name	Default Value	New Value
tbiConstructionPhase	NumDays	10.00	1.00
tbiOffRoadEquipment	OffRoadEquipmentUnitAmount	1.00	0.00
tbiOffRoadEquipment	OffRoadEquipmentUnitAmount	1.00	0.00
tbiOffRoadEquipment	OffRoadEquipmentUnitAmount	2.00	0.00

2.0 Emissions Summary

2.1 Overall Construction

Unmitigated Construction

Year	tons/yr										MT/yr					
	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
2014											0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Total											0.0000	0.0000	0.0000	0.0000	0.0000	0.0000

Mitigated Construction

Year	tons/yr										MT/yr					
	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
2014											0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Total											0.0000	0.0000	0.0000	0.0000	0.0000	0.0000

Percent Reduction	tons/yr										MT/yr					
	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
0.0000											0.0000	0.0000	0.0000	0.0000	0.0000	0.0000

**2.2 Overall Operational
Unmitigated Operational**

Category	tons/yr										MT/yr						
	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio-CO2	NBio-CO2	Total CO2	CH4	N2O	CO2e	
Area											0.0000	6.9000e-004	6.9000e-004	0.0000	0.0000	0.0000	7.3000e-004
Energy											0.0000	432.1323	432.1323	0.0179	4.6200e-003	4.6200e-003	433.9386
Mobile											0.0000	2,208.2247	2,208.2247	0.1214	0.0000	0.0000	2,210.7749
Waste											36.1791	0.0000	36.1791	2.1381	0.0000	0.0000	81.0797
Water											1.3753	7.3379	8.7132	0.1416	3.4000e-003	3.4000e-003	12.7419
Total											3.00044	2.40000	2.00020	2.410	0.00000	0.00000	2.13003

2.2 Overall Operational Mitigated Operational

Category	tons/yr										MT/yr					CO2e	
	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O		
Area											0.0000	6.9000e-004	6.9000e-004	0.0000	0.0000	0.0000	7.3000e-004
Energy											0.0000	432.1323	432.1323	0.0179	4.6200e-003		433.9386
Mobile											0.0000	2,208.2247	2,208.2247	0.1214	0.0000		2,210.7749
Waste											36.1791	0.0000	36.1791	2.1381	0.0000		81.0797
Water											1.3753	7.3379	8.7132	0.1416	3.4000e-003		12.7397
Total											36.1791	2,440.1323	2,476.3118	2.4100	0.0200e-003		2,478.3318

3.0 Construction Detail

Percent Reduction	CO	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	1.2402e-003	0.0000

Construction Phase

Phase Number	Phase Name	Phase Type	Start Date	End Date	Num Days Week	Num Days	Phase Description
1	Demolition	Demolition	1/1/2014	1/1/2014	5	1	

Off Road Equipment

Phase Name	Offroad Equipment Type	Amount	Usage Hours	Horse Power	Load Factor
Demolition	Concrete/Industrial Saws	0	8.00	81	0.73
Demolition	Rubber Tired Dozers	0	1.00	255	0.40
Demolition	Tractors/Loaders/Backhoes	0	6.00	97	0.37

Trips and Miles

Phase Name	Offroad Equipment Count	Worker Trip Number	Vendor Trip Number	Hauling Trip Number	Worker Trip Length	Vendor Trip Length	Hauling Trip Length	Worker Vehicle Class	Vendor Vehicle Class	Hauling Vehicle Class
Demolition	0	0.00	0.00	0.00	12.40	7.30	20.00	LD_Mix	HDT_Mix	HHT

3.1 Mitigation Measures Construction

3.2 Demolition - 2014

Unmitigated Construction On-Site

Acres of grading

Category	tons/yr										MT/yr						
	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio-CO2	NEIO-CO2	Total CO2	CH4	N2O	CO2e	
Fugitive Dust											0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Off-Road											0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Total											0.0000						

3.2 Demolition - 2014
Unmitigated Construction Off-Site

Acres of rading

Category	tons/yr										MT/yr					
	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Hauling											0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Vendor											0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Worker											0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
total											0.0000	0.0000	0.0000	0.0000	0.0000	0.0000

Mitigated Construction On-Site

Category	tons/yr										MT/yr					
	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Fugitive Dust											0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Off-Road											0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
total											0.0000	0.0000	0.0000	0.0000	0.0000	0.0000

3.2 Demolition - 2014
Mitigated Construction Off-Site

Acres of rading

Category	tons/yr										MT/yr					
	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Hauling											0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Vendor											0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Worker											0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Total											0.0000	0.0000	0.0000	0.0000	0.0000	0.0000

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4.0 Operational Detail - Mobile

4.1 Mitigation Measures Mobile

Category	tons/yr										MT/yr					
	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Mitigated											0.0000	2,208.224 ₇	2,208.224 ₇	0.1214	0.0000	2,210.774 ₉
Unmitigated											0.0000	2,208.224 ₇	2,208.224 ₇	0.1214	0.0000	2,210.774 ₉

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4.2 rip Summary Information

Land Use	Average Daily Trip Rate			Unmitigated Annual VMT	Mitigated Annual VMT
	Weekday	Saturday	Sunday		
Regional Shopping Center	369.28	429.74	217.06	624,484	624,484
Supermarket	3,067.20	5,327.70	4993.20	4,169,039	4,169,039
Total	3,436.48	5,757.44	5,210.26	4,793,523	4,793,523

4.3 Trip Type Information

Land Use	Miles				Trip %				Trip Purpose %			
	H-W or C-W	H-S or C-C	H-O or C-NW	H-O or C-NW	H-W or C-W	H-S or C-C	H-O or C-C	H-O or C-NW	Primary	Diverted	Pass-by	
Regional Shopping Center	9.50	7.30	7.30	7.30	16.30	64.70	19.00	19.00	54	35	11	
Supermarket	9.50	7.30	7.30	7.30	6.50	74.50	19.00	19.00	34	30	36	

4.4 Fleet Mix

LDA	LDT1	LDT2	MDV	LHD1	LHD2	MHD	HHD	OBUS	UBUS	MCY	SBUS	MH
0.546249	0.062948	0.174600	0.125189	0.034587	0.004960	0.015036	0.022157	0.002053	0.003311	0.006538	0.000702	0.001670

0 Energy Detail

Historical Energy Use: N

1 Mitigation Measures Energy

Category	tons/yr										MT/yr					
	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Electricity Mitigated											0.0000	368.2782	368.2782	0.0167	3.4500e-003	369.6960
Electricity Unmitigated											0.0000	368.2782	368.2782	0.0167	3.4500e-003	369.6960
Natural Gas Mitigated											0.0000	63.8541	63.8541	1.2200e-003	1.1700e-003	64.2427
Natural Gas Unmitigated											0.0000	63.8541	63.8541	1.2200e-003	1.1700e-003	64.2427

□2 Energy by Land Use - Natural Gas

Unmitigated

Land Use	Natural Gas Use kBTU/yr	tons/yr										MT/yr					
		ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Supermarket	1.1553e+006											0.0000	61.6512	61.6512	1.1800e-003	1.1300e-003	62.0264
Regional Shopping Center	41280											0.0000	2.2029	2.2029	4.0000e-005	4.0000e-005	2.2163
total												0.0000	3.3341	3.3341	1.2200e-003	1.100e-003	4.2427

2 Energy by Land Use - Natural Gas Mitigated

Land Use	Natural Gas Use kBtu/yr	tons/yr										MT/yr							
		SO2	CO	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio-CO2	NBio-CO2	Total CO2	CH4	N2O	CO2e	
Supermarket	1.1553e+006												0.0000	61.6512	61.6512	1.1800e-003	1.1300e-003		62.0264
Regional Shopping Center	41280												0.0000	2.2029	2.2029	4.0000e-005	4.0000e-005		2.2163
Total													0.0000	63.8541	63.8541	1.2200e-003	1.1100e-003		64.2427

3 Energy by Land Use - Electricity Unmitigated

Land Use	Electricity Use kWh/yr	MT/yr											
		Total CO2	CH4	N2O	CO2e	Total CO2	CH4	N2O	CO2e	Total CO2	CH4	N2O	CO2e
Regional Shopping Center	99846	29.0464	1.3100e-003	2.7000e-004	29.1582								
Supermarket	1.1661e+006	339.2319	0.0153	3.1700e-003	340.5378								
Total		368.2883	0.0153	3.4400e-003	368.6960								

3 Energy by Land Use - Electricity

Mitigated

Land Use	Electricity Use kWh/yr	Total CO2	CH4	N2O	CO2e
Regional Shopping Center	99846	29.0464	1.3100e-003	2.7000e-004	29.1582
Supermarket	1.1661e+006	339.2319	0.0153	3.1700e-003	340.5378
Total		368.2783	0.0153	3.4400e-003	368.7700

0 Area Detail

1 Mitigation Measures Area

Category	tons/yr																
	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio-CO2	NBio-CO2	Total CO2	CH4	N2O	CO2e	
Mitigated											0.0000	6.9000e-004	6.9000e-004	0.0000	0.0000	0.0000	7.3000e-004
Unmitigated											0.0000	6.9000e-004	6.9000e-004	0.0000	0.0000	0.0000	7.3000e-004

□ 2 Area by SubCategory

Unmitigated

SubCategory	tons/yr										MT/yr					
	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Architectural Coating											0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Consumer Products											0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Landscaping											0.0000	6.9000e-004	6.9000e-004	0.0000	0.0000	7.3000e-004
□ total											0.0000	□.0000e-004	□.0000e-004	0.0000	0.0000	□.3000e-004

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Mitigated

SubCategory	tons/yr										MT/yr					
	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Architectural Coating											0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Consumer Products											0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Landscaping											0.0000	6.9000e-004	6.9000e-004	0.0000	0.0000	7.3000e-004
□ total											0.0000	□.0000e-004	□.0000e-004	0.0000	0.0000	□.3000e-004

□ 0 Water Detail

□ 1 Mitigation Measures Water

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Category	Total CO2	CH4	N2O	CO2e
Mitigated	8.7132	0.1416	3.4000e-003	12.7397
Unmitigated	8.7132	0.1416	3.4000e-003	12.7419

CO2 Water by Land Use

Unmitigated

Land Use	Indoor/Outdoor Use	Total CO2	CH4	N2O	CO2e
Regional Shopping Center	0.637024 / 0.390434	1.6024	0.0208	5.0000e-004	2.1956
Supermarket	3.69805 / 0.114373	7.1109	0.1208	2.9000e-003	10.5463
Total		8.7132	0.1416	3.4000e-003	12.7419

□ 2 Water by Land Use

Mitigated

Land Use	Indoor/Outdoor Use	Total CO2	CH4	N2O	CO2e
	Mgal	MT/yr			
Regional Shopping Center	0.637024	1.6024	0.0208	5.0000e-004	2.1953
Supermarket	0.390434	7.1109	0.1208	2.9000e-003	10.5444
total		1.132	0.141	3.4000e-003	12.13

□ 0 Waste Detail

□ 1 Mitigation Measures Waste

Category/Year

Category/Year	Total CO2	CH4	N2O	CO2e
	MT/yr			
Unmitigated	36.1791	2.1381	0.0000	81.0797
Mitigated	36.1791	2.1381	0.0000	81.0797

2 Waste by Land Use

Unmitigated

Land Use	Waste Disposed tons	Total CO2	CH4	N2O	CO2e
Regional Shopping Center	9.03	1.8330	0.1083	0.0000	4.1079
Supermarket	169.2	34.3461	2.0298	0.0000	76.9718
total		36.1791	2.1381	0.0000	81.0797

3 Mitigated

Land Use	Waste Disposed tons	Total CO2	CH4	N2O	CO2e
Regional Shopping Center	9.03	1.8330	0.1083	0.0000	4.1079
Supermarket	169.2	34.3461	2.0298	0.0000	76.9718
total		36.1791	2.1381	0.0000	81.0797

0 Operational Offroad

Equipment Type	Number	Hours/Day	Days/Year	Horse Power	Load Factor	Fuel Type

10.0 Vegetation

Hayward Fitness Center
 Bay Area AQMD Air District, Annual

1.0 Project Characteristics

1.1 Land Usage

Land Uses	Size	Metric	Lot Acreage	Floor Surface Area	Population
Health Club	45.00	1000sqft	1.03	45,000.00	0

1.2 Other Project Characteristics

Urbanization	Urban	Wind Speed (m/s)	2.2	Precipitation Freq (Days)	64
Climate Zone	5			Operational Year	2014

Utility Company Pacific Gas & Electric Company

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CO2 Intensity (lb/MW/hr)	641.35	CH4 Intensity (lb/MW/hr)	0.029	N2O Intensity (lb/MW/hr)	0.006
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1.3 User Entered Comments & Non-Default Data

Project Characteristics -

Land Use -

Demolition - 30,000 SF of grocery/3,000 SF loading dock/8,600 SF existing retail

Architectural Coating -

Table Name	Column Name	Default Value	New Value
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2.0 Emissions Summary

2.1 Overall Construction
Unmitigated Construction

Year	tons/yr										MT/yr					
	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
2014											0.0000	263.1840	263.1840	0.0559	0.0000	264.3587
Total											0.0000	263.1840	263.1840	0.0559	0.0000	264.3587

Mitigated Construction

Year	tons/yr										MT/yr					
	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
2014											0.0000	262.9197	262.9197	0.0559	0.0000	264.0930
Total											0.0000	262.9197	262.9197	0.0559	0.0000	264.0930

Percent Reduction	tons/yr										MT/yr					
	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.1004	0.1004	0.1211	0.0000	0.1000

**2.2 Overall Operational
Unmitigated Operational**

Category	tons/yr										MT/yr					
	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio-CO2	NBio-CO2	Total CO2	CH4	N2O	CO2e
Area											0.0000	8.0000e-004	8.0000e-004	0.0000	0.0000	8.5000e-004
Energy											0.0000	169.9299	169.9299	6.0800e-003	2.1400e-003	170.7220
Mobile											0.0000	1,063.3895	1,063.3895	0.0553	0.0000	1,064.5506
Waste											52.0672	0.0000	52.0672	3.0771	0.0000	116.6859
Water											0.8444	5.8503	6.6947	0.0870	2.1000e-003	9.1732
total											2.11	1,231.10	1,220.20	3.224	4.2400e-003	1,311.132

**2.2 Overall Operational
Mitigated Operational**

Category	tons/yr										MT/yr					
	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio-CO2	NBio-CO2	Total CO2	CH4	N2O	CO2e
Area											0.0000	8.0000e-004	8.0000e-004	0.0000	0.0000	8.5000e-004
Energy											0.0000	169.9299	169.9299	6.0800e-003	2.1400e-003	170.7220
Mobile											0.0000	1,063.3895	1,063.3895	0.0553	0.0000	1,064.5506
Waste											52.0672	0.0000	52.0672	3.0771	0.0000	116.6859
Water											0.8444	5.8503	6.6947	0.0870	2.1000e-003	9.1718
Total											2.1111	1,231.10	1,231.10	3.2214	4.2400e-003	1,311.1312

3.0 Construction Detail

Construction Phase

Percent Reduction	CO	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio-CO2	NBio-CO2	Total CO2	CH4	N2O	CO2e
		0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	2.0000e-004	0.0000

Phase Number	Phase Name	Phase Type	Start Date	End Date	Num Days Week	Num Days	Phase Description
1	Demolition	Demolition	1/1/2014	1/28/2014	5	20	
2	Site Preparation	Site Preparation	1/29/2014	1/30/2014	5	2	
3	Grading	Grading	1/31/2014	2/5/2014	5	4	
4	Building Construction	Building Construction	2/6/2014	11/12/2014	5	200	
5	Paving	Paving	11/13/2014	11/26/2014	5	10	
6	Architectural Coating	Architectural Coating	11/27/2014	12/10/2014	5	10	

Offload Equipment

Phase Name	Offroad Equipment Type	Amount	Usage Hours	Horse Power	Load Factor
Demolition	Concrete/Industrial Saws	1	8.00	81	0.73
Demolition	Rubber Tired Dozers	1	8.00	255	0.40
Demolition	Tractors/Loaders/Backhoes	3	8.00	97	0.37
Site Preparation	Graders	1	8.00	174	0.41
Site Preparation	Rubber Tired Dozers	1	7.00	255	0.40
Site Preparation	Tractors/Loaders/Backhoes	1	8.00	97	0.37
Grading	Graders	1	6.00	174	0.41
Grading	Rubber Tired Dozers	1	6.00	255	0.40
Grading	Tractors/Loaders/Backhoes	1	7.00	97	0.37
Building Construction	Cranes	1	6.00	226	0.29
Building Construction	Forklifts	1	6.00	89	0.20
Building Construction	Generator Sets	1	8.00	84	0.74
Building Construction	Tractors/Loaders/Backhoes	1	6.00	97	0.37
Building Construction	Welders	3	8.00	46	0.45
Paving	Cement and Mortar Mixers	1	6.00	9	0.56
Paving	Pavers	1	6.00	125	0.42
Paving	Paving Equipment	1	8.00	130	0.36
Paving	Rollers	1	7.00	80	0.38
Paving	Tractors/Loaders/Backhoes	1	8.00	97	0.37
Architectural Coating	Air Compressors	1	6.00	78	0.48

rips and M

Phase Name	Offroad Equipment Count	Worker Trip Number	Vendor Trip Number	Hauling Trip Number	Worker Trip Length	Vendor Trip Length	Hauling Trip Length	Worker Vehicle Class	Vendor Vehicle Class	Hauling Vehicle Class
Demolition	5	13.00	0.00	189.00	12.40	7.30	20.00	LD_Mix	HDT_Mix	HHDT
Site Preparation	3	8.00	0.00	0.00	12.40	7.30	20.00	LD_Mix	HDT_Mix	HHDT
Grading	3	8.00	0.00	0.00	12.40	7.30	20.00	LD_Mix	HDT_Mix	HHDT
Building Construction	7	19.00	7.00	0.00	12.40	7.30	20.00	LD_Mix	HDT_Mix	HHDT
Paving	5	13.00	0.00	0.00	12.40	7.30	20.00	LD_Mix	HDT_Mix	HHDT
Architectural Coating	1	4.00	0.00	0.00	12.40	7.30	20.00	LD_Mix	HDT_Mix	HHDT

3.1 Mitigation Measures Construction

3.2 Demolition - 2014

Unmitigated Construction On-Site

101 Acres of rading 1

Category	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
MTR/yr																
Fugitive Dust											0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Off-Road											0.0000	22.9494	22.9494	5.8300e-003	0.0000	23.0718
Total											0.0000	22.9494	22.9494	5.8300e-003	0.0000	23.0718

3.2 Demolition - 2014

Unmitigated Construction Off-Site

Acres of rating 1

Category	tons/yr										MT/yr					
	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Hauling											0.0000	6.6460	6.6460	6.0000e-005	0.0000	6.6473
Vendor											0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Worker											0.0000	1.1456	1.1456	7.0000e-005	0.0000	1.1471
Total											0.0000	0.0010	0.0010	1.3000e-004	0.0000	0.0044

Mitigated Construction On-Site

Category	tons/yr										MT/yr					
	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Fugitive Dust											0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Off-Road											0.0000	22.9221	22.9221	5.8200e-003	0.0000	23.0443
Total											0.0000	22.9221	22.9221	0.0200e-003	0.0000	23.0443

3.2 Demolition - 2014
Mitigated Construction Off-Site

Acres of rading

Category	tons/yr										MT/yr						
	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e	
Hauling											0.0000	6.6460	6.6460	6.0000e-005	0.0000	0.0000	6.6473
Vendor											0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Worker											0.0000	1.1456	1.1456	7.0000e-005	0.0000	0.0000	1.1471
Total											0.0000	7.7916	7.7916	1.3000e-004	0.0000	0.0000	7.7916

3.3 Site Preparation - 2014
Unmitigated Construction On-Site

Acres of rading

Category	tons/yr										MT/yr						
	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e	
Fugitive Dust											0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Off-Road											0.0000	1.6521	1.6521	4.9000e-004	0.0000	0.0000	1.6623
Total											0.0000	1.6521	1.6521	4.9000e-004	0.0000	0.0000	1.6623

3.3 Site Preparation - 2014
Unmitigated Construction Off-Site

Acres of rading 1.

Category	tons/yr										MT/yr					
	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Hauling											0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Vendor											0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Worker											0.0000	0.0705	0.0705	0.0000	0.0000	0.0706
Total											0.0000	0.0705	0.0705	0.0000	0.0000	0.0706

Mitigated Construction On-Site

Category	tons/yr										MT/yr					
	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Fugitive Dust											0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Off-Road											0.0000	1.6501	1.6501	4.9000e-004	0.0000	1.6603
Total											0.0000	1.6501	1.6501	4.9000e-004	0.0000	1.6603

**3.3 Site Preparation - 2014
Mitigated Construction Off-Site**

Acres of grading 1.0

Category	tons/yr										MT/yr					
	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio-CO2	NBio-CO2	Total CO2	CH4	N2O	CO2e
Hauling											0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Vendor											0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Worker											0.0000	0.0705	0.0705	0.0000	0.0000	0.0706
Total											0.0000	0.0705	0.0705	0.0000	0.0000	0.0706

3.4 grading - 2014

Unmitigated Construction On-Site

Category	tons/yr										MT/yr					
	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio-CO2	NBio-CO2	Total CO2	CH4	N2O	CO2e
Fugitive Dust											0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Off-Road											0.0000	2.7137	2.7137	8.0000e-004	0.0000	2.7306
Total											0.0000	2.7137	2.7137	8.0000e-004	0.0000	2.7306

3.4 rading - 2014

Unmitigated Construction Off-Site

Category	tons/yr										MT/yr					
	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Hauling											0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Vendor											0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Worker											0.0000	0.1410	0.1410	1.0000e-005	0.0000	0.1412
Total											0.0000	0.1410	0.1410	1.0000e-005	0.0000	0.1412

Mitigated Construction On-Site

Category	tons/yr										MT/yr					
	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Fugitive Dust											0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Off-Road											0.0000	2.7105	2.7105	8.0000e-004	0.0000	2.7273
Total											0.0000	2.7105	2.7105	8.0000e-004	0.0000	2.7273

3.4 **grading - 2014**

Mitigated Construction Off-Site

Category	tons/yr										MT/yr					
	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio-CO2	NBio-CO2	Total CO2	CH4	N2O	CO2e
Hauling											0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Vendor											0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Worker											0.0000	0.1410	0.1410	1.0000e-005	0.0000	0.1412
Total											0.0000	0.1410	0.1410	1.0000e-005	0.0000	0.1412

3. **Building Construction - 2014**

Unmitigated Construction On-Site

Acres of Pa ing 0

Category	tons/yr										MT/yr					
	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio-CO2	NBio-CO2	Total CO2	CH4	N2O	CO2e
Off-Road											0.0000	187.2502	187.2502	0.0454	0.0000	188.2036
Total											0.0000	187.2502	187.2502	0.0454	0.0000	188.2036

3. Building Construction - 2014
Unmitigated Construction Off-Site

Acres of Paing 0

Category	tons/yr										MT/yr					
	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Hauling											0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Vendor											0.0000	15.5137	15.5137	1.6000e-004	0.0000	15.5171
Worker											0.0000	16.7427	16.7427	1.0400e-003	0.0000	16.7646
total											0.0000	32.2564	32.2564	1.2000e-003	0.0000	32.2564

Mitigated Construction On-Site

Category	tons/yr										MT/yr					
	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Off-Road											0.0000	187.0274	187.0274	0.0454	0.0000	187.9797
total											0.0000	187.0274	187.0274	0.0454	0.0000	187.9797

3. Building Construction - 2014
Mitigated Construction Off-Site

Acres of Paving

Category	tons/yr										MT/yr					
	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Hauling											0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Vendor											0.0000	15.5137	15.5137	1.6000e-004	0.0000	15.5171
Worker											0.0000	16.7427	16.7427	1.0400e-003	0.0000	16.7646
Total											0.0000	32.2564	32.2564	1.2000e-003	0.0000	32.2564

3. Paving - 2014

Unmitigated Construction On-Site

Category	tons/yr										MT/yr					
	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Off-Road											0.0000	6.3336	6.3336	1.8400e-003	0.0000	6.3722
Paving											0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Total											0.0000	6.3336	6.3336	1.8400e-003	0.0000	6.3722

3. Paing - 2014

Unmitigated Construction Off-Site

Category	tons/yr										MT/yr					
	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Hauling											0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Vendor											0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Worker											0.0000	0.5728	0.5728	4.0000e-005	0.0000	0.5735
Total											0.0000	0.5728	0.5728	4.0000e-005	0.0000	0.5735

Mitigated Construction On-Site

Category	tons/yr										MT/yr					
	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Off-Road											0.0000	6.3260	6.3260	1.8400e-003	0.0000	6.3646
Paving											0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Total											0.0000	6.3260	6.3260	1.8400e-003	0.0000	6.3646

3. Paing - 2014

Mitigated Construction Off-Site

Category	tons/yr										MT/yr					
	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio-CO2	NBio-CO2	Total CO2	CH4	N2O	CO2e
Hauling											0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Vendor											0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Worker											0.0000	0.5728	0.5728	4.0000e-005	0.0000	0.5735
total											0.0000	0.5728	0.5728	4.0000e-005	0.0000	0.5735

3. Architectural Coating - 2014

Unmitigated Construction On-Site

esidential Indoor 0.0000 Non-esidential Indoor 0.0000 Non-esidential Outdoor 22.0000

Category	tons/yr										MT/yr					
	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio-CO2	NBio-CO2	Total CO2	CH4	N2O	CO2e
Archit. Coating											0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Off-Road											0.0000	1.2766	1.2766	1.8000e-004	0.0000	1.2805
total											0.0000	1.2766	1.2766	1.8000e-004	0.0000	1.2805

3. Architectural Coating - 2014

Unmitigated Construction Off-Site

Residential Indoor 0 Residential Outdoor 0 Non-Residential Indoor 0,000 Non-Residential Outdoor 22,000

Category	tons/yr										MT/yr					
	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Hauling											0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Vendor											0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Worker											0.0000	0.1762	0.1762	1.0000e-005	0.0000	0.1765
Total											0.0000	0.1762	0.1762	1.0000e-005	0.0000	0.1765

Mitigated Construction On-Site

Category	tons/yr										MT/yr					
	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Archit. Coating											0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Off-Road											0.0000	1.2751	1.2751	1.8000e-004	0.0000	1.2789
Total											0.0000	1.2751	1.2751	1.8000e-004	0.0000	1.2789

3. Architectural Coating - 2014

Mitigated Construction Off-Site

Residential Indoor 0 Residential Outdoor 0 Non-Residential Indoor 0, 0 Non-Residential Outdoor 22, 00

Category	tons/yr										MT/yr					
	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Hauling											0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Vendor											0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Worker											0.0000	0.1762	0.1762	1.0000e-005	0.0000	0.1765
Total											0.0000	0.1762	0.1762	1.0000e-005	0.0000	0.1765

4.0 Operational Detail - Mobile

4.1 Mitigation Measures Mobile

Category	tons/yr										MT/yr					
	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Mitigated											0.0000	1,063.3895	1,063.3895	0.0553	0.0000	1,064.5506
Unmitigated											0.0000	1,063.3895	1,063.3895	0.0553	0.0000	1,064.5506

4.2 Strip Summary Information

Land Use	Average Daily Trip Rate			Unmitigated Annual VMT	Mitigated Annual VMT
	Weekday	Saturday	Sunday		
Health Club	1,481.85	939.15	1202.85	2,357,339	2,357,339
Total	1,481.85	939.15	1,202.85	2,357,339	2,357,339

4.3 Trip Type Information

Land Use	Miles				Trip %				Trip Purpose %			
	H-W or C-W	H-S or C-C	H-O or C-NW	H-W or C-W	H-S or C-C	H-O or C-NW	H-O or C-NW	Primary	Diversified	Pass-by		
Health Club	9.50	7.30	7.30	16.90	64.10	19.00	19.00	52	39	9		

4.4 Fleet Mix

LDA	LDT1	LDT2	MDV	LHD1	LHD2	MHD	HHD	OBUS	UBUS	MCY	SBUS	MH
0.546249	0.062948	0.174600	0.125189	0.034587	0.004960	0.015036	0.022157	0.002053	0.003311	0.006538	0.000702	0.001670

0 Energy Detail

Historical Energy Use: N

1 Mitigation Measures Energy

Category	tons/yr										MT/yr					CO ₂ e
	ROG	NOx	CO	SO ₂	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH ₄	N ₂ O	
Electricity Mitigated											0.0000	108.2627	108.2627	4.9000e-003	1.0100e-003	108.6795
Electricity Unmitigated											0.0000	108.2627	108.2627	4.9000e-003	1.0100e-003	108.6795
Natural Gas Mitigated											0.0000	61.6672	61.6672	1.1800e-003	1.1300e-003	62.0425
Natural Gas Unmitigated											0.0000	61.6672	61.6672	1.1800e-003	1.1300e-003	62.0425

□ 2 Energy by Land Use - Natural Gas Unmitigated

Land Use	tons/yr										MT/yr					CO ₂ e	
	Natural Gas Use kBTU/yr	ROG	NOx	CO	SO ₂	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH ₄		N ₂ O
Health Club	1.1556e+006											0.0000	61.6672	61.6672	1.1800e-003	1.1300e-003	62.0425
□ total												0.0000	1.1300e-003	1.1300e-003	1.1300e-003	1.1300e-003	2.0425

2 Energy by Land Use - Natural Gas

Mitigated

Land Use	Natural Gas Use kBTU/yr	tons/yr										MT/yr							
		SO2	CO	NOx	CO2	ROG	PM10	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio-CO2	NBio-CO2	Total CO2	CH4	N2O	CO2e
Health Club	1.1556e+006													0.0000	61.6672	61.6672	1.1800e-003	1.1300e-003	62.0425
Total													0.0000	61.6672	61.6672	1.1800e-003	1.1300e-003	62.0425	

3 Energy by Land Use - Electricity

Unmitigated

Land Use	Electricity Use kWh/yr	MT/yr									
		Total CO2	CH4	N2O	CO2e						
Health Club	372150	108.2627	4.9000e-003	1.0100e-003	108.6795						
Total		108.2627	4.9000e-003	1.0100e-003	108.6795						

3 Energy by Land Use - Electricity

Mitigated

Land Use	Electricity Use kWh/yr	Total CO2	CH4	N2O	CO2e
Health Club	372150	108.2627	4.9000e-003	1.0100e-003	108.6795
Total		108.2627	4.9000e-003	1.0100e-003	108.6795

0 Area Detail

1 Mitigation Measures Area

Category	ions/yr										MT/yr					
	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Mitigated											0.0000	8.0000e-004	8.0000e-004	0.0000	0.0000	8.5000e-004
Unmitigated											0.0000	8.0000e-004	8.0000e-004	0.0000	0.0000	8.5000e-004

□ 2 Area by SubCategory

Unmitigated

SubCategory	tons/yr										MT/yr					
	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Architectural Coating											0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Consumer Products											0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Landscaping											0.0000	8.0000e-004	8.0000e-004	0.0000	0.0000	8.5000e-004
□ total											0.0000	□ 0.0000e-004	□ 0.0000e-004	0.0000	0.0000	□ 0.0000e-004

Mitigated

SubCategory	tons/yr										MT/yr					
	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Consumer Products											0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Landscaping											0.0000	8.0000e-004	8.0000e-004	0.0000	0.0000	8.5000e-004
Architectural Coating											0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
□ total											0.0000	□ 0.0000e-004	□ 0.0000e-004	0.0000	0.0000	□ 0.0000e-004

□ 0 Water Detail

□ 1 Mitigation Measures Water

Category	Total CO2	CH4	N2O	CO2e
	MT/yr			
Mitigated	6.6947	0.0870	2.1000e-003	9.1718
Unmitigated	6.6947	0.0870	2.1000e-003	9.1732

2 Water by Land Use

Unmitigated

Land Use	Indoor/Outdoor Use	Total CO2	CH4	N2O	CO2e
	Mgal	MT/yr			
Health Club	2.66144 / 1.63121	6.6947	0.0870	2.1000e-003	9.1732
Total		6.6947	0.0870	2.1000e-003	9.1732

2 Water by Land Use

Mitigated

Land Use	Indoor/Outdoor Use	Total CO2	CH4	N2O	CO2e
	Mgal	MT/yr			
Health Club	2.66144 / 1.63121	6.6947	0.0870	2.1000e-003	9.1718
Total		6.6947	0.0870	2.1000e-003	9.1718

0 Waste Detail

1 Mitigation Measures Waste

Category/Year

Category/Year	Total CO2	CH4	N2O	CO2e
	MT/yr			
Mitigated	52.0672	3.0771	0.0000	116.6859
Unmitigated	52.0672	3.0771	0.0000	116.6859

2 Waste by Land Use

Unmitigated

Land Use	Waste Disposed tons	MT/yr			
		Total CO2	CH4	N2O	CO2e
Health Club	256.5	52.0672	3.0771	0.0000	116.6859
Total		52.0672	3.0771	0.0000	116.6859

Mitigated

Land Use	Waste Disposed tons	MT/yr			
		Total CO2	CH4	N2O	CO2e
Health Club	256.5	52.0672	3.0771	0.0000	116.6859
Total		52.0672	3.0771	0.0000	116.6859

0 Operational Offroad

Equipment Type	Number	Hours/Day	Days/Year	Horse Power	Load Factor	Fuel Type
10.0 Vegetation						

SEC. 10-1.1300 CENTRAL BUSINESS DISTRICT (CB)

Sections:

- Section 10-1.1305 Purpose.
- Section 10-1.1310 Subdistricts.
- Section 10-1.1315 Uses Permitted.
- Section 10-1.1320 Conditionally Permitted Uses.
- Section 10-1.1325 Lot Requirements.
- Section 10-1.1330 Yard Requirements.
- Section 10-1.1335 Height Limit.
- Section 10-1.1340 Site Plan Review Required.
- Section 10-1.1345 Minimum Design and Performance Standards.

SEC. 10-1.1305 PURPOSE.

The CB District shall be subject to the following specific regulations in addition to the general regulations hereinafter contained in order to make provision for a principal downtown area of regional importance, and several outlying areas of more than neighborhood importance, where concentrations of comparison shopping facilities, financial and business services, and amusement or recreation may be found in quantity.

SEC. 10-1.1310 SUBDISTRICTS.

Any combining B District (see Section 10-1.2400).

SEC. 10-1.1315 USES PERMITTED.

- a. **Primary Uses.** The following uses, or uses determined to be similar by the Planning Director, are permitted in the CB District.
 - (1) **Administrative and Professional Offices/Services.**
 - (a) Accounting and financial offices. (excluding check cashing stores)
 - (b) Architectural and engineering offices.
 - (c) Banks and financial institutions.
 - (d) Chiropractic and acupuncture offices.
 - (e) Insurance and real estate offices.
 - (f) Law offices.
 - (g) Medical and dental offices.
 - (h) Travel and airline agency offices.
 - (2) **Automobile Related Uses.**
 - Automobile parts store.

- (3) Personal Services.
 (a) Barber or beauty shop.
 (b) Dance studio.
 (c) Dry cleaner/laundry.
 (d) **Health Club**
~~(e)~~ (e) Martial arts studio.
~~(f)~~ (f) Music studio.
~~(g)~~ (g) Nail salon.
~~(h)~~ (h) Palm reading.
~~(i)~~ (i) Photography studio.
~~(j)~~ (j) Physical fitness studio.
~~(k)~~ (k) Shoe repair shop.
~~(l)~~ (l) Tailor/seamstress shop.
- (4) Residential Uses.
 Residential dwelling unit(s). (Above first floor commercial uses only)
- (5) Retail Commercial Uses.
 (a) Antique store.
 (b) Appliance store.
 (c) Art and art supplies store.
 (d) Bakery.
 (e) Bicycle shop.
 (f) Bookstore.
 (g) Camera store.
 (h) Card shop.
 (i) Carpet/drapery store.
 (j) Clothing store.
 (k) Coffee/espresso shop.
 (l) Delicatessen.
 (m) Fabric store.
 (n) Floral shop.
 (o) Furniture store.
 (p) Garden supplies store.
 (q) Gift shop.
 (r) Hardware store.
 (s) Jewelry store.
 (t) Locksmith shop.
 (u) Music store.
 (v) Nursery (plant).
 (w) Paint/wallpaper store.
 (x) Pet grooming shop.
 (y) Pet store. (Kennel-When ancillary to Pet Store)
 (z) Plumbing and heating store.
 (aa) Restaurant. (Where not abutting a residential district or

property and no bar)

(bb) Sporting goods store.

(cc) Stationary store.

(dd) Supermarket.

(ee) Theater

(Small Motion Picture or Live Performance only.)

(ff) Toy store.

(gg) Variety store.

(hh) Video sales and rental store.

(6) Service Commercial Uses.

(a) Copying or reproduction facility.

(b) Mailing or facsimile service.

(c) Reverse vending machine(s).

(When located within a convenience zone)

(7) Other Uses.

(a) Banquet hall.

(Where not abutting a residential district or property and where no alcohol is served)

(b) Broadcasting studio.

(c) Catering facility.

(d) Christmas tree or pumpkin patch lot.

(See General Regulations Section 10-1.2735d. for standards)

(e) Day care home.

(State-licensed, less than 24-hour care for children or adults, 14 or fewer persons, excluding staff. See definitions)

(f) Day Care Center.

(State-licensed, less than 24-hour care for children or adults, 15 or more persons, excluding staff. See definitions.)

(g) Public agency facilities.

b. **Secondary Uses.** The following uses are permitted as secondary or subordinate uses to the uses permitted in the CB District:

(1) Accessory buildings and uses.

(See Section 10.1.845d.)

(2) Garage sales.

(4 per year per dwelling. See General Regulations Section 10-1.2735e.)

(3) Home Occupation.

(See definitions.)

(4) Household pets.

SEC. 10-1.1320 CONDITIONALLY PERMITTED USES.

- a. **Administrative Uses.** The following uses, or uses determined to be similar by the Planning Director, are permitted in the CB District subject to approval of an administrative use permit:
- (1) Administrative and Professional Offices/Services.
None.
 - (2) Automobile Related Uses. (See Section 10-1.1045h. for special requirements)
 - (a) Automobile repair (minor and major).
 - (b) Automobile service station.
 - (c) Car wash.
 - (d) Parking lot.
 - (3) Personal Services.
Suntan parlor.
 - (4) Residential Uses.
None.
 - (5) Retail Commercial Uses.

(a) Convenience market.	(See General Regulations Section 10-1.2735b. for regulations of alcohol)
(b) Kennel	(Pet Boarding and Pet Day Care only)
(b) (c) Restaurant.	(Where abutting a residential district or property and no bar)
 - (6) Service Commercial Uses.

(a) Appliance repair shop.	(Not ancillary to primary use)
(b) Hotel or motel.	(Where not abutting a residential district or property)
(c) Recycling Collection Area.	(When located within a convenience zone)
 - (7) Other Uses.

(a) Ambulance service.	
(b) Auction.	
(c) Banquet hall.	(Where not abutting a residential district or property)
(d) Carnival.	
(e) Catering facility.	(Where not abutting a residential district or property)
(f) Commercial Amusement.	
(g) Cultural facility.	

- (h) Educational facility.
- (i) Home occupation - expanded.
- (j) Hospital, convalescent home.
- (k) Outdoor gathering.

(See General Regulations Section 10-1.2735h.)

- (l) Passenger transportation terminal.
- (m) Recreational facility.
- (n) Religious facility.
- (o) Temporary use.

**CITY OF HAYWARD
PLANNING COMMISSION
Text Amendment No. PL-2013-0097 and Site Plan Review No. PL-2013-0098
Sean Wood For Rouse Properties, Inc. (Applicant/Owner)
24518 Hesperian Boulevard
(APN: 442-0010-006-01)**

Findings for Approval – California Environmental Quality Act

- A. Pursuant to CEQA Guidelines Section 15220, an Initial Study (“IS”) was prepared for this 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.
- B. That the proposed MND was prepared by the City of Hayward as the Lead Agency and was circulated with a twenty (24) day public review period, beginning on August 30, 2013 and ending on September 24, 2013.
- C. That the proposed MND was independently reviewed, considered and analyzed by the Planning Commission and reflects the independent judgment of the Planning Commission; that 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 make up the proposed MND and the administrative record as a whole); that the Planning Commission adopts the proposed MND and its findings and conclusions as its source of environmental information; and that the proposed MND is legally adequate and was completed in compliance with CEQA.
- D. That the proposed MND identified all potential significant adverse impacts and feasible mitigation measures that would reduce these impacts to less-than-significant levels, and that 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 Planning Commission, there is no substantial evidence that the project will have a significant effect on the environment.
- E. That the project complies with CEQA, and that the proposed MND was presented to the Planning Commission, 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 is the Development Services Department of the City of Hayward, located at 777 B Street, Hayward, CA 94544.
- F. The monitoring and reporting of CEQA mitigation measures in connection with the project will be conducted in accordance with the attached Mitigation Monitoring 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 efforts of the project sponsor, City of Hayward or other identified public agencies of responsibility.

Text Amendment Findings for Approval

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

The proposed text amendment will promote the public health, safety, convenience, and general welfare of the residents of Hayward by providing the opportunity for an additional health club in the City of Hayward. In addition, the health club will provide amenities that are currently lacking at Southland Mall, such as a basketball court, racquetball courts, a swimming pool and spa, and convenient child care for health club patrons. Furthermore, the text amendment will provide an opportunity for pet boarding and pet day care facilities, which are services that are currently not available at Southland Mall and are increasing in demand and would provide such service to Hayward residents when they are away on vacation, extended trips, etc.

B. The proposed change is in conformance with all applicable, officially adopted policies and plans.

The proposed text amendment is in conformance with all applicable, officially adopted policies. The stated purpose of the Central Business District is to "...make provision for a principal downtown area of regional importance, and several outlying areas of more than neighborhood importance, where concentrations of comparison shopping facilities, financial and business services, and amusement or recreation may be found in quantity." The provision of the proposed uses of "Health Club", "Kennel" ancillary to "Pet Store," and "Kennel (Pet Boarding and Pet Day Care, Only)" will provide more opportunity for retail, services, and recreation facilities at Southland Mall, which will better serve the residents, employees and visitors of the City of Hayward with minimal impacts. In addition, the proposed text amendment is in conformance with the City Council resolution to join and implement the League of California Cities' "Healthy Eating Active Living (HEAL) Cities" campaign, especially related to HEAL policies to "Revise zoning ordinances to increase opportunities for physical activity" and "Plan and construct a built environment that encourages, walking, biking and other forms of physical activity."

C. Streets and public facilities existing or proposed are adequate to serve all uses permitted when the property is reclassified.

No properties are proposed to be reclassified; however, uses are proposed to be added to the Central Business District zoning regulations. It has been determined through environmental analysis that the proposed health club construction and operation can be accommodated by existing streets, and future additional kennels or boarding facilities for pets would not impact the capacity of streets to accommodate those uses. There are two major Congestion Management Program routes near the project: Hesperian Boulevard and Winton Avenue. Since the project generates fewer trips than did the *Lucky's* Supermarket and retail space, there will be less of an impact on these routes caused by this project; thus, less than significant impact. In addition, it has been determined through environmental analysis that the proposed health club construction and operation and the future additional

kennels or boarding facilities for pets would not impact fire protection, police protection, schools and parks. Furthermore, it has been determined that waste water treatment facilities, landfill capacity, water supplies, and storm water drainage facilities have the capacities to serve the proposed health club and future kennels or boarding facilities for pets.

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

No properties are proposed to be reclassified. The proposed text amendment would provide opportunity for additional uses at Southland Mall in the Central Business Zoning District. As the result of the introduction of the primary use of health club in the Central Business District, *City Sports Club* will be built and offer amenities to that are not currently available at Southland Mall. The amenities include a swimming pool, racquetball courts, a basketball court and child care for those using the health club facilities.

In addition, the introduction of the primary use of kennel ancillary to a pet store and the administrative use of Kennel (Pet Boarding and Pet Day Care only) provides the opportunity for pet boarding facilities at Southland Mall. The pet boarding facilities would provide a convenient option to Hayward residents to provide care for their pets when they are out of town. The uses proposed are compatible with existing primary and conditional uses of the Central Business District in that construction noise will be temporary and will comply with the construction hours specified in the Hayward Municipal Code. The potential for noise from the operation of pet boarding and pet day care will be minimal on adjacent businesses and will not affect residential properties due to the distances. In addition, the potential for fugitive dust and dirt will be dealt with through the adopted mitigation measures and monitoring program. It has been determined that the health club will generate fewer trips than the former *Lucky's* supermarket and 8,600 square feet of retail space; therefore, adequate parking will be available for health club patrons and for the surrounding businesses including *Mimi's Café*, *Wells Fargo Bank*, and the remaining retail space. Since all uses of the health club will be contained within the building, noise will not be generated by the operation of the health club. Traffic will be generated during the proposed daily hours of operation of 5:00 am to midnight. However, since the health club will not be adjacent to residences, traffic noise impacts will be insignificant.

Site Plan Review Findings

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

The proposed health club is compatible with on-site and surrounding structures and uses and is an attractive addition to the City and Southland Mall in that the health club structure is designed to be compatible with the surrounding structures, including adjacent restaurants, retail, and commercial uses surrounding health club and the site. The development is also compatible with surrounding structures in terms of mass and

bulk. Some surrounding structures are large and monolithic, such as the main Southland Mall building/complex, while others are smaller, such as the free-standing restaurants on the Mall property. The structure is designed and detailed to be an attractive addition to the City. Lastly, the project will meet current landscape and development standards.

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

The proposed health club meets the development standards and the criteria specified in the Hayward Design Guidelines. The building meets height, lot coverage, landscape, and parking standards. The site of the proposed health club is within the Hayward Executive Airport, Airport Land Use Compatibility Plan Safety Compatibility Zone 2, and the parcel is within Safety Compatibility Zones 2 and 3. Environmental analysis has been completed and it was determined that the proposed 40-foot height (90-foot elevation above sea level) of the health club is within the allowable acceptable height of a building that would not be a hazard to air navigation. In addition, the design of the health club will incorporate design features to increase the safety of the building occupants, which will include reinforced concrete block walls, limited number of windows, no skylights, a fire sprinkler system and an increased number of emergency exits. Furthermore, the applicant and health club operator agree to limit the building occupancy to a maximum of 494 people, which is the maximum allowed at the previous *Lucky's* supermarket.

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

The proposed health club complies with the intent of City development policies and regulations through compatibility with the context and conformity to contextual constraints of the site, surrounding uses and existing traffic patterns. As conditioned, city staff will assure that the construction and operation of the health club will meet all development standards, and minimum design and performance standards. In addition, the project is consistent with the purpose of the Central Business Zoning District, which states that that zoning district exists to, "...make provision for a principal downtown area of regional importance, and several outlying areas of more than neighborhood importance, where concentrations of comparison shopping facilities, financial and business services, and amusement or recreation may be found in quantity." The health club provides an additional health/recreation amenity at Hayward's only regional mall that is consistent with the mall setting. Furthermore, the proposed site plan review is in conformance with the City Council resolution to join and implement the League of California Cities' "Healthy Eating Active Living (HEAL) Cities" campaign, especially related to HEAL policies to "Revise zoning ordinances to increase opportunities for physical activity" and "Plan and construct a built environment that encourages, walking, biking and other forms of physical activity."

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

The proposed health club will operate in a manner acceptable and compatible with surrounding development in that construction noise will be temporary and will comply

with the construction hours specified in the Hayward Municipal Code. In addition, the potential for fugitive dust and dirt will be dealt with through the adopted mitigation measures and monitoring program. It has been determined that the health club will generate fewer trips than the former *Lucky's* supermarket and 8,600 square feet of retail space; therefore, adequate parking will be available for health club patrons and for the surrounding businesses including *Mimi's Café*, *Wells Fargo Bank*, and the remaining retail space. Since all uses of the health club will be contained within the building, noise will not be generated by the operation of the health club. Traffic will be generated during the proposed daily hours of operation of 5:00 am to midnight. However, since the health club will not be adjacent to residences, traffic noise impacts will be insignificant.

CONDITIONS OF APPROVAL
Site Plan Review No. PL-2013-0098
Sean Wood For Rouse Properties, Inc. (Applicant/Owner)
24518 Hesperian Boulevard

Request to construct and operate a health club

Site Plan Review No. PL-2013-0098 is approved subject to the conditions listed below. This permit becomes void three years after the effective date of approval, unless the business has been established in accordance with these conditions of approval, or a time extension of this application is approved. All conditions shall be met prior occupancy of the building and prior to the issuance of a business license. A request for a one-year extension, approval of which is not guaranteed, must be submitted to the Planning Division fifteen days prior to November 21, 2016.

If a building permit is issued for construction authorized by the site plan review approval, said approval shall be void two years after issuance of the building permit, or three years after approval of the application, whichever is later, unless the construction authorized by the building permit has been substantially completed or substantial sums have been expended in reliance upon the use permit approval.

General

1. The permittee shall assume the defense of and shall pay on behalf of and hold harmless the City, its officers, employees, volunteers and agents from and against any or all loss, liability, expense, claim costs, suits and damages of every kind, nature and description directly or indirectly arising from the performance and action of this permit.
2. Hours of operation shall be limited to 5:00 am to midnight daily. A change to the hours of operation shall be approved by the Planning Director.
3. The property owner shall be responsible for graffiti-free maintenance on all exterior elevations of the building. Graffiti shall be removed within forty-eight hours after the applicant or owner has become aware of the occurrence.
4. No pay phones shall be permitted on the exterior of the building or premises. Pay telephone(s) maintained on the interior of the premises shall be limited to outgoing calls only.
5. The building shall comply with the California Building, Electrical, Plumbing, and Mechanical Codes with emphasis on occupancy separation, exiting requirements, ventilation, disabled access, and restroom numbers and design.
6. The building shall comply with the California Energy Code and the City of Hayward Green Building Ordinance.

7. Submit for proper building permits for the construction of the building to the Building Division.
8. If it comes to the attention of the Planning Director that there are problems occurring as a result of the health club operations, the Planning Director may call the site plan review application up to the Planning Commission for consideration of imposing additional conditions or revocation. Violation of any of the conditions of approval of this site plan review may constitute grounds for revocation pursuant to Section 10-1.3260 of the Zoning Ordinance.

Airport Land Use Commission

9. The occupant load shall be limited to 494. Per the California Building Code and Fire Code, occupant load signage shall be installed on all levels of the establishment.
10. The “Kids Klub” shall be limited to children that are accompanied by a parent or guardian using the health club facilities.
11. To the satisfaction of the Building Official, the applicant shall provide additional emergency exits. The additional emergency exits shall be shown on the plans submitted for building permit.

Fire Department

12. Submit for proper building permits for the construction/alterations of the building to the Building Department.
13. Fire sprinkler system shall be installed to meet all requirements of the current California Fire Code and NFPA 13. The maximum water pressure used in the sprinkler design shall not exceed eighty PSI.
14. Building fire alarm system shall be provided when the occupant load of the building exceeds 300 persons. When the occupant load exceeds 1,000 persons, an emergency voice/alarm communications system shall be provided in accordance with the current California Fire Code and NFPA 72.

Hazardous Materials Office

15. Pool and sanitary chemicals containers will require labeling and secondary containment.
16. Provide building occupancy ratings and indicate on building permit plans if demolition will involve removing any existing hazardous materials.

Landscape

17. Prior to the approval of the first building permit, detailed landscape and irrigation plans shall be reviewed and approved by the City Landscape Architect 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 *Hayward Environmentally Friendly Landscape Guidelines and Checklist for Professionals, Bay-Friendly Water Efficient Landscape Ordinance, Off-Street Parking Regulations, and Municipal Codes*.
18. As part of the building permit submittal, provide a tree mitigation summary chart on the landscape plan listing trees to be removed, value of trees to be removed, trees with assigned identification numbers in the arborists report, total value of mitigation, and proposed tree sizes and their value equaling the mitigation value. The tree mitigation goal of \$21,150 must be met above and beyond providing required trees in compliance with the City Ordinances. One of the acceptable mitigation methods is upsizing required trees.
 19. A tree preservation bond will be required for all trees that are to remain, and the bond will be in effect throughout the construction period and until completion of the entire project improvements. If any trees that are designated as saved are removed or damaged during construction shall be replaced with trees of equal size and equal value.
 20. Tree preservation guidelines and design recommendations in the arborist report shall be included on a tree preservation and mitigation plan and shall be implemented during the construction. Tree mitigation summary shall be included in the tree preservation and mitigation plan as well.
 21. All trees shall be planted a minimum of five feet away from any underground utilities, a minimum of fifteen feet from a light pole, and a minimum thirty feet from the face of a traffic signal, or as otherwise specified by the City of Hayward, Landscape Architect. Trees shall be planted according to the City Standard Detail SD-122 and the detail shall be included in the landscape plans.
 22. When bio-infiltration, bio-retention, or bio-detention areas are located adjacent to pavement including curbs, sidewalks, walkways and structure, additional one-foot wide leveled landscape area shall be provided before the side slopes in the treatment area.
 23. A matched precipitation (MP) rotator type of irrigation system is required. Set the heads back two-feet from the back of curb. Revise estimated total water use (ETWU) accordingly.
 24. Root barriers shall be installed linearly against the paving edge in all instances where a tree is planted within seven-feet of pavement or buildings, and as directed by the landscape architect.
 25. Planting backfill mix shall be one-part organic compost and two-parts native soil. Provide an adequate rootable soil volume of a minimum of eighty-five cubic feet

- when planting trees in tree wells in parking lots to comply with Hayward Environmentally Friendly Landscape Guidelines and Checklist for Professionals.
26. On-grade planting area shall be amended with minimum nine-cubic-yards of organic compost per 1,000 square feet (one-to-four ratio), and shall be rototill thoroughly into minimum top nine-inches of soil.
 27. All planting areas shall receive three-inches deep organic recycled chipped wood mulch in the shade of Dark Brown Color.
 28. Any slope equal or greater than three-to-one ratio shall receive erosion control netting.
 29. 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.
 30. Landscaping shall be maintained in a healthy, weed-free condition at all times and shall be designed with efficient irrigation practices to reduce runoff, promote surface filtration, and minimize the use of fertilizers and pesticides, which can contribute to runoff pollution. The owner's representative shall inspect the landscaping on a monthly basis and any dead or dying plants (plants that exhibit over dieback) shall be replaced within ten days of the inspection. Trees shall not be severely pruned, topped or pollarded. Any trees that are pruned in this manner shall be replaced with a tree species selected by, and size determined by the City Landscape Architect, within the timeframe established by the City and pursuant to the Municipal Code.

Public Works, Solid Waste

31. All businesses must subscribe to at least weekly trash service with the City's franchisee. As of July 1, 2012, all businesses with four cubic yards or more of weekly trash service are required to arrange for weekly collection of mixed recyclables, e.g., paper; glass, metal and plastic food and beverage containers.
32. Adequate indoor and outdoor storage space for recyclables is required by state law (California Public Resources Code 42910-42912) and Hayward Municipal Code 5-1.27. For more information, please contact Paul Rosenbloom, Recycling Specialist at (510) 583-4724 or at paul.rosenbloom@hayward-ca.gov.
33. Federal law requires a roof on an outdoor trash enclosure where food or other organics is generated for disposal (Federal Clean Water Act). For questions about the requirement for a roof on enclosures, please contact Jim Lear, Public Works Engineering & Transportation at (510) 583-4785.

34. A trash enclosure shall be provided and shall meet the following requirements:
- a. For trash enclosure size requirements to meet the needs of the health club, please contact Paul Rosenbloom at (510) 583-4724 or email at paul.rosenbloom@hayward-ca.gov
 - b. The trash enclosure shall have eight-inch CMU walls.
 - c. A six-inch-wide curb or bumper is required along the interior perimeter of the enclosure and extending at least three feet long between the garbage, recycling, and/or organics bins.
 - d. A minimum space of one-foot is required between containers and the walls of the enclosure to allow for maneuvering the containers.
 - e. Gates are required to hinge from the corners of the enclosure to allow for maximum accessibility to the containers.
 - f. The enclosure must be constructed on a flat area with no more than a two-percent grade.
 - g. A roof over the enclosure is required. For questions, contact Jim Lear, Associate Civil Engineer at (510) 583-4785.
 - h. A concrete pad extending twenty feet from the enclosure to accommodate for truck weight is recommended.
 - i. Signage indicating "Garbage Only" on one side of the enclosure is required and "Recyclables Only" on the other. If an organics bin is required, signage indicating "Organics" is required.
 - j. If a compactor will be used or if washing inside the trash enclosure is planned, a drain inlet connected to the sanitary sewer line is required. If the compactor is proposed for a below-grade loading area, the minimum loading height is thirty feet. For questions about these requirements, contact Jim Lear, Associate Civil Engineer at (510) 583-4785.
 - k. On plans as part of the building permit submittal, dashed lines indicating the collection vehicles' path of travel to enter the property, service each container, and exit are required. For safety reasons, a forty-foot turning radius or turnaround is required for any street that would otherwise require the collection truck to back up a distance greater than 150 feet.
 - l. If gates with locks are planned to limit access to the trash enclosure, the applicant must provide keys or cards to the service provider, Waste Management of Alameda County (510) 537-5500. Keys and locks may also be obtained from Waste Management for a nominal fee.

35. City regulations require that applicants for all construction, demolition, and/or renovation projects in excess of \$75,000 must recycle all asphalt and concrete and at other materials generated from the project. To obtain a building permit, applicants must complete a Construction & Demolition Debris Recycling Statement and obtain signature approval from the City's Solid Waste Manager. City regulations also stipulate that applicants MUST a Debris Recycling Summary Report, along with all weigh tags, at the conclusion of the project. Weigh tags MUST indicate actual quantities recycled and disposed for each facility to which materials were delivered for processing and/or disposal, and must indicate the City of Hayward as the jurisdiction of origin. (HMC Chapter 5, Article 10).
36. The applicant shall comply with City's Franchise Agreement with Waste Management of Alameda County.
37. Construction and demolition (C&D) debris may be collected and transported by authorized haulers, other than Waste Management of Alameda County (WMAC) provided that such C&D debris is (1) removed from a premise by a licensed contractor as an incidental part of a total construction, remodeling, or demolition service offered by that contractor, rather than as a separately contracted or subcontracted hauling service using debris boxes or similar apparatus; or (2) directly loaded onto a fixed body vehicle and hauled directly to a facility for recycling, composting or disposal and that holds all applicable permits.
38. In order to comply with the City's Franchise Agreement with WMAC, all building permit applicants and contractors are required to remove the C&D debris from a project site in one of the ways approved by the City of Hayward, Solid Waste Management. For a list of authorized haulers and processing facilities, please contact Paul Rosenbloom at (510) 583-4724. The following is required to be completed:
 - a. Separate Loads by Material: The contractor shall separate the materials as "clean" loads (e.g., wood, or metals), and hauls the loads to a facility that accepts the materials for processing. For a booklet listing these facilities, please contact the Public Works Department at (510) 583-4700.
 - b. Source Separated Recyclable Materials: The contractor may hire an authorized hauler or deliver the collected materials to a recycling facility other than WMAC. Contact Paul Rosenbloom at (510) 583-4724 for material compliance requirements.
39. Source Separated Recyclable Materials means Recyclable Materials, segregated by the generator, at the site of generation and taken to be recycled at a recycling facility that holds all applicable permits, provided that: (1) loads which consist of mixed paper contain no more than ten-percent by weight of non-recyclables; and (2) loads which consist of commingled recyclable materials other than mixed paper contain no more than five-percent by weight of non-recyclable material.

Recyclable Materials include, but are not limited to: cardboard; paper; plastic; scrap metal; beverage containers; clean (untreated and unpainted) wood; unpainted drywall; carpet and carpet padding; soil; and inserts (concrete, asphalt, brick, rock, gravel, tiles). Source Separated Organic Materials means Organic Materials, segregated by the generator, at the site of generation, which are taken to be composted at a facility that holds all applicable permits, provided that loads of organic materials contain no more than five-percent by weight of non-compostable materials.

40. If any load(s) of C&D debris does not comply with the required provisions, then all such debris must be removed by WMAC.

Public Works, Utilities

41. The building is currently served by one-inch domestic water meter (account 160610003), an eight-inch fire service (account 160616002) and a two-inch irrigation meter (account 160443001). If the existing water service lines and meters cannot be reused, they must be abandoned by City of Hayward Water Distribution Personnel at the owner's/applicant's expense.
42. A four-inch water service line and a three-inch domestic water meter are required to be installed. Water service installations for services larger than two-inches are billed on an actual cost basis with a time and materials deposit due prior to the start of installation. The final billing of the job will be the actual costs of the work performed and materials used. If actual costs are less than the deposit amount, the applicant will receive a refund in the amount of the unused deposit. If actual costs exceed the deposit amount, the owner/applicant will receive an invoice in the amount of the overage. The current cost for the installation of a four-inch water service line and three-inch domestic water meter is \$117,740 (\$14,000 installation cost + \$103,740 facilities fee).
43. Separate irrigation water meter shall be installed for landscaping purposes. The existing two-inch irrigation meter is allowed to be reused.
44. A Reduced Pressure Backflow Prevention Assembly shall be installed on each domestic and irrigation water and domestic 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 bigger.
45. The plans indicate that a six-inch fire service line will be installed. All fire services shall be installed by City Water Distribution Personnel at the applicant's/developer's expense, per City Standard SD-204. Minimum sizing shall be per Fire Department's requirements. Fire service installations are billed on an actual cost basis with a time and materials deposit due prior to the start of installation. The final billing of the job will be the actual costs of the work performed and materials used. If actual costs are less than the deposit amount, the owner/applicant will receive a refund in the amount of the unused deposit. If actual costs exceed the deposit amount, the owner/applicant will receive an invoice in the amount of the overage. The cost for the installation of an eight-inch

- fire service line has been calculated at \$19,984 (\$13,500 time & materials deposit for installation + \$6,484 facilities fee).
46. Water mains and services, including the meters, must be located at least ten feet horizontally from and one-foot vertically above any parallel pipeline conveying untreated sewage (including sanitary sewer laterals), and at least six 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.
 47. The sanitary sewer laterals shall have cleanouts and be constructed per City Standard Detail SD-312.
 48. It is projected that the health club will discharge an average of 7,068 gallons per day. The Sanitary Sewer Connection fee has been calculated at \$259,313. If additional information is available at the time the sewer connection fee is due (such as water consumption history for the City Sports Club location at 2401 Whipple Road), the new information may be used to recalculate the amount of the sewer connection fee.
 49. Complete the following on the plan submittal for the building permit
 - a. If it will not be reused, indicate that the existing one-inch domestic water meter and service will be abandoned at the main.
 - b. If it will not be reused, indicate that the existing eight-inch fire service line will be abandoned at the main.
 - c. Revise the plans to show that the new domestic water service line will be four-inches, not three-inches.
 - d. Show the locations and sizes of the existing backflow prevention assemblies and the new backflow prevention assemblies. The 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 bigger.

Mitigation Measures

50. **Mitigation Measure 1:** All exposed surfaces including parking areas, staging areas, soil piles, grading areas and unpaved access roads shall be watered two times per day.
51. **Mitigation Measure 2:** All haul trucks transporting soil, sand, or other loose material off-site shall be covered.
52. **Mitigation Measure 3:** All visible mud or dirt tracked-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power is prohibited.

53. **Mitigation Measure 4:** All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. The building pad shall be laid as soon as possible after grading unless seeding or soil binders are used.
54. **Mitigation Measure 5:** Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to five minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations [CCR].) Clear signage shall be provided for construction workers at all access points.
55. **Mitigation Measure 6:** 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.
56. **Mitigation Measure 7:** The applicant shall post a publicly visible sign with the telephone number and person to contact regarding dust complaints. This person shall respond and take corrective action within 48 hours of receiving a complaint. BAAQMD's telephone number shall also be visible to ensure compliance with applicable regulations.
57. **Mitigation Measure 8:** All diesel powered equipment (≥ 100 horsepower) shall be California Air Resources Board (CARB) Tier 3 Certified or better.
58. **Mitigation Measure 9:** Prior to issuance of a Building Permit, the applicant shall conduct a design level geotechnical evaluation and submit such evaluation to the City for review and approval. Any recommendations shall be incorporated into the final design and construction of the health club building.
59. **Mitigation Measure 10:** Prior to issuance of a Building Permit, the applicant shall conduct a design level geotechnical evaluation and submit that for review and approval and any recommendations shall be incorporated into the final design and construction of the project.
60. **Mitigation Measure 11:** The proposed health club structure shall incorporate design features to increase the safety of the building occupants. Safety design features may include but not limited to: reinforced concrete block walls, limited number of windows, no skylights, a fire sprinkler system, and increased number of emergency exits.
61. **Mitigation Measure 12:** Interior project noise levels are required to be 50 dB CNEL as required by the HWD ALUCP.

EXISTING	PROPOSED	DESCRIPTION
---	---	PROPERTY LINE
---	---	SETBACK LINE
---	---	CENTER LINE
---	---	EXCEPTION
---	---	EASEMENT LINE
---	---	CONCRETE CURB
---	---	CONCRETE CURB & GUTTER
---	---	SMOOTH/CONFORM LINE
---	---	HEADER BOARD
---	---	TRAFFIC MARKINGS
---	---	SIGN
---	---	ACCESSIBLE RAMP
---	---	FIRE HYDRANT
---	---	EDGE OF PAVEMENT
---	---	FENCE
---	---	PARKING STRIP

STATISTICS

OCCUPANCY CLASSIFICATION: OVERALL = A3 (EXERCISE)
 ACCESSORY = S1 (STORAGE)
 B2 (JUICE BAR)
 B (SALES)
 B (BUSINESS)

TYPE OF CONSTRUCTION: II-B,
 FULLY SPRINKLERED

FIRE HYDRANT INFORMATION

NO.	TYPE	DATE	STATUS	REMARKS
1	1.5"	11/15/02	OK	
2	1.5"	11/15/02	OK	
3	1.5"	11/15/02	OK	
4	1.5"	11/15/02	OK	
5	1.5"	11/15/02	OK	
6	1.5"	11/15/02	OK	
7	1.5"	11/15/02	OK	
8	1.5"	11/15/02	OK	
9	1.5"	11/15/02	OK	
10	1.5"	11/15/02	OK	

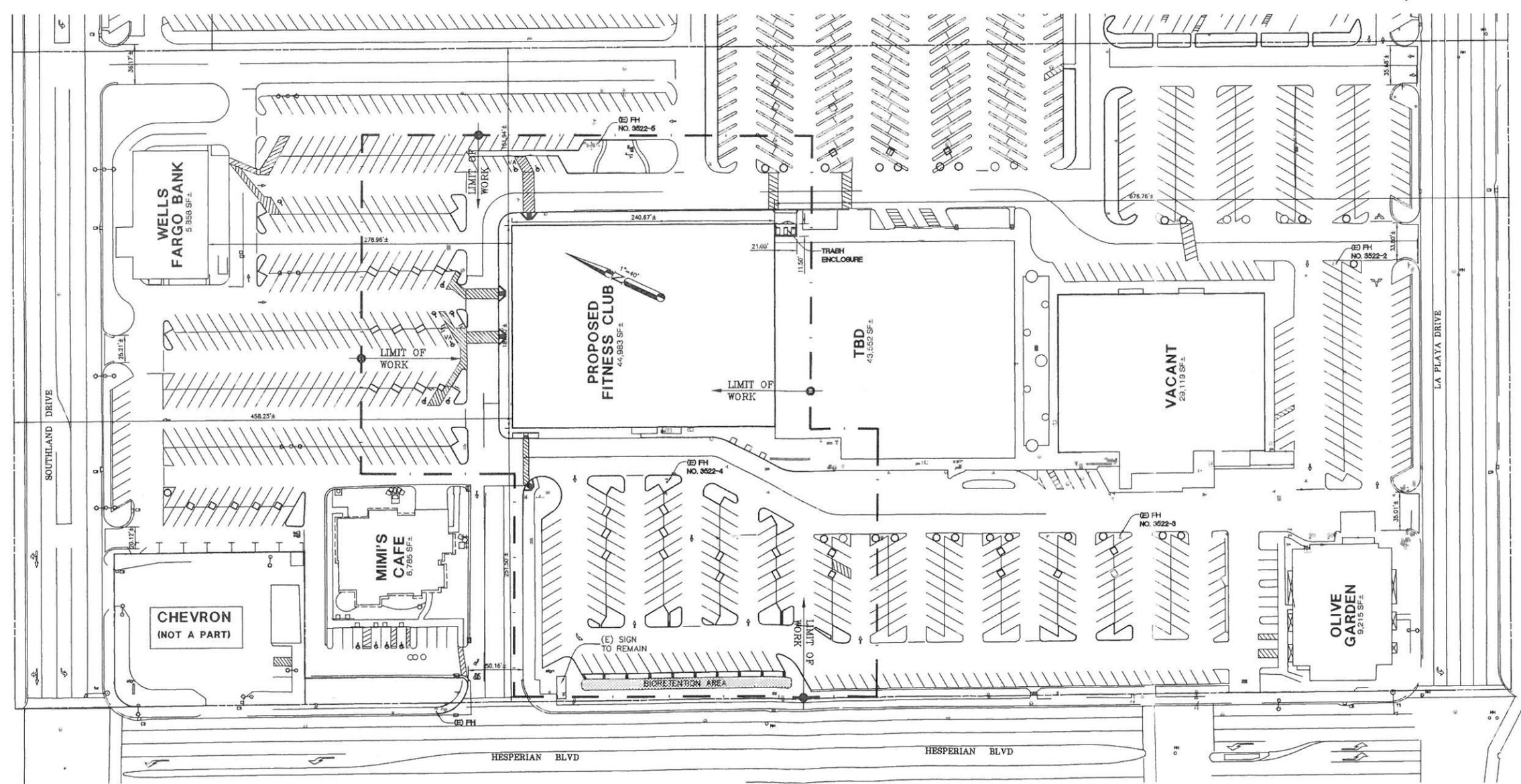
PROGRESS PRINT
 02-25-13

BRIC Engineering
 ASSOCIATES, INC.
 1885 The Alameda, Suite 210
 San Jose, CA 95126-1747
 Fax: (408) 241-3483

OVERALL
 SITE
 PLAN

ROUSE PROPERTIES, INC.
 SOUTHLAND MALL
 HAYWARD, CA

Date: _____
 Checked: D. VALDEZ
 Designer: D. VALDEZ
 Drawn By: K. NAGAR
 Scale: AS SHOWN
 Job: SLND1203
 Sheet: C-1
 Of Sheet(s): 1



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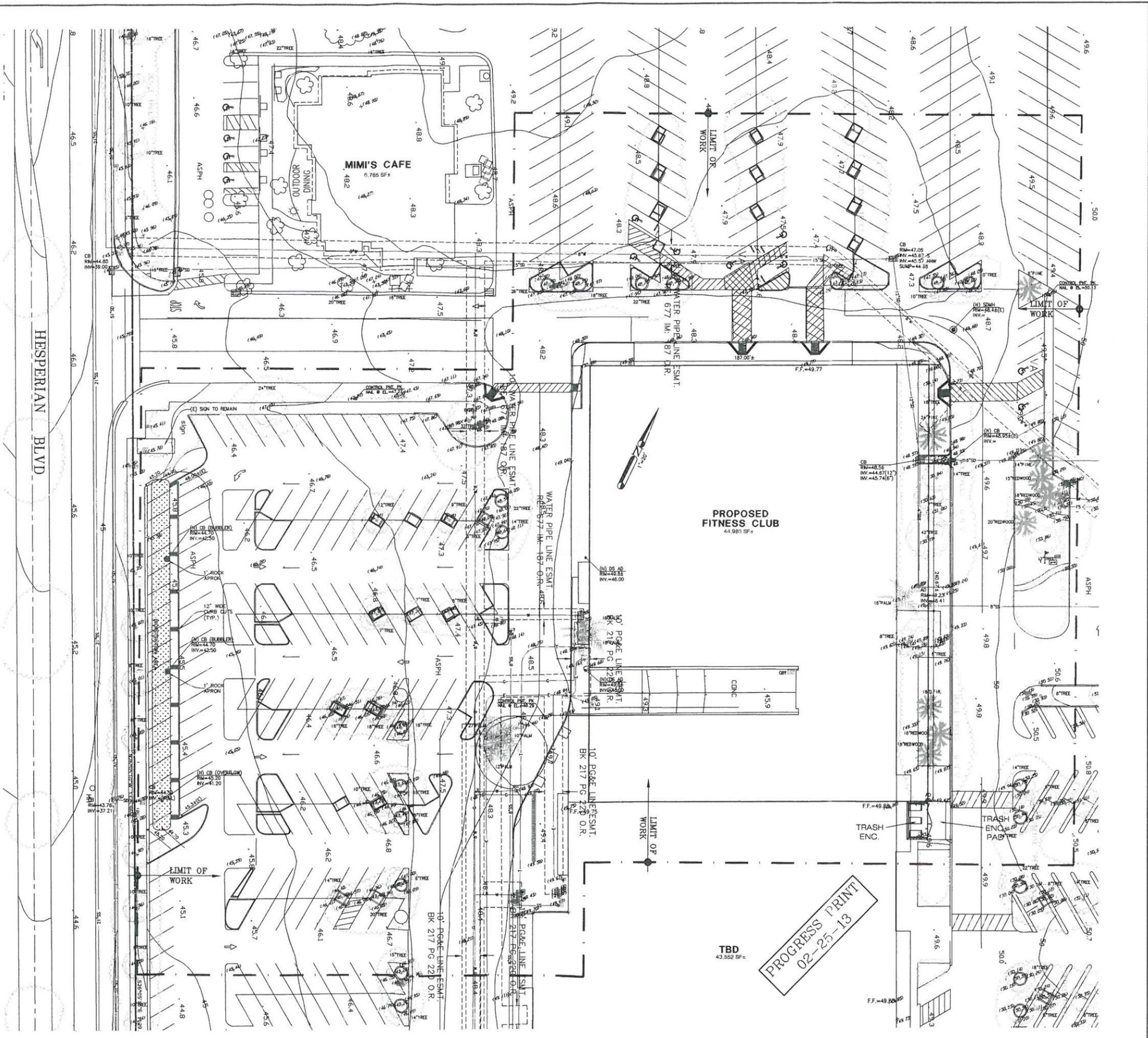


EXISTING	PROPOSED	DESCRIPTION
---	---	PROPERTY LINE
---	---	EXISTING LINE
---	---	CONCRETE CURB
---	---	CONCRETE CURB & GUTTER
---	---	SWATCH/CONFORM LINE
---	---	HEADER BOARD
---	---	TRAFFIC MARKINGS
---	---	SIGN
---	---	ACCESSIBLE RAMP
---	---	FIRE HYDRANT
---	---	EDGE OF PAVEMENT
---	---	FENCE
---	---	STORM DRAIN & SIZE
---	---	SEWER & SIZE
---	---	DOMESTIC WATER LINE
---	---	TELEPHONE LINE
---	---	JOINT TRENCH (ELECTRICAL & GAS)
---	---	FIRE SERVICE LINE & SIZE
---	---	ELECTRIC LINE
---	---	GAS LINE & SIZE
---	---	(E) UTILITY TO BE ABANDONED OR REMOVED IF IT IS WITHIN THE NEW BLOCK FOOTPRINT/LOADING AREA.
---	---	GRADE BEAK
---	---	CONFORM LINE
---	---	CLEAN OUT TO GRADE
---	---	CURB SIGN
---	---	AREA DRAIN
---	---	DRAINAGE JUNCTION
---	---	BACK FLOW PREVENTER
---	---	POST INSULATOR VALVE
---	---	FIRE STOP CONVENTION
---	---	SAFETY ZONE MARKER
---	---	STORM DRAIN MANHOLE
---	---	WATER VALVE
---	---	STREET LIGHT
---	---	QUI WIRE
---	---	JUNCTION POLE
---	---	TELEPHONE BOX
---	---	UNKNOWN UTILITY BOX
---	---	POWER (ELECTRICAL) BOX
---	---	WATER METER
---	---	WATER BOX
---	---	VALVE OUTER
---	---	SPOT ELEVATION
---	---	TREE 1/2" SEE

- GRADING NOTES:**
- UNDERGROUND UTILITY LOCATIONS SHOWN HEREON WERE TAKEN FROM RECORD DATA. NO GUARANTEE IS MADE OR IMPLIED AS TO THE ACCURACY OF SUCH RECORD DATA. NO EXCAVATIONS WERE MADE TO CONFIRM LOCATIONS. CONTRACTORS SHALL CONTACT U.S.A. UNDERGROUND (1-800-227-2600) AND TO EXERCISE EXTREME CARE IN VERIFYING ALL LOCATIONS PRIOR TO COMMENCING EXCAVATIONS OR OTHER WORK WHICH MAY AFFECT THESE UTILITIES.
 - IRRIGATION LATERALS, PARKING LOT LIGHTING WIRING AND SIGNAL WIRING NOT SHOWN. VERIFY LOCATION BEFORE COMMENCING TRENCHING. REPLACE OR REPAIR IMMEDIATELY WHERE BROKEN TO PROVIDE UNINTERRUPTED SERVICE.
 - ALL FINISH GRADES SHOWN ARE TO TOP OF PAVEMENT NOT TOP OF CURB UNLESS NOTED OTHERWISE.
 - GRADING CONFORM LINE AND MATCH POINTS (EXAMPLES: 38.05+1[E]) TO EXISTING CONDITIONS ARE BASED ON ESTIMATED ELEVATIONS FROM AERIAL AND TOPOGRAPHIC SURVEYS. CONTRACTOR SHALL VERIFY ELEVATIONS AT CONFORM AND MATCH POINTS BEFORE GRADING TO ENSURE PROPER DRAINAGE AND SLOPES.
 - ALL CATCH BASINS SHALL BE CHRISTY U21 (24"x24") WITH TRAFFIC WEIGHT GRATES. WHEN PIPE SIZES ARE 15" OR GREATER USE CATCH BASIN CHISTRY U22 (24"x36"). UNLESS NOTED OTHERWISE FOR CATCH BASINS IN WALKWAY AREAS, INCLUDING EXISTING CATCH BASINS, USE HELL PROOF AND ADA GRATE BY GRATING PACIFIC (800) 491-7999 OR APPROVED ALTERNATE. SEE DTL. 1/2" - (TYP.)
 - ALL GRADING, EXCAVATION AND COMPACTION SHALL BE OBSERVED BY THE SOIL ENGINEER. CONTACT SOIL ENGINEER 48 HOURS PRIOR TO COMMENCING WORK.
SOIL ENGINEER: ***** INC. (***)
SOIL REPORT PROJECT NO. ***** - DATED: ***** 2004

PAVING LEGEND

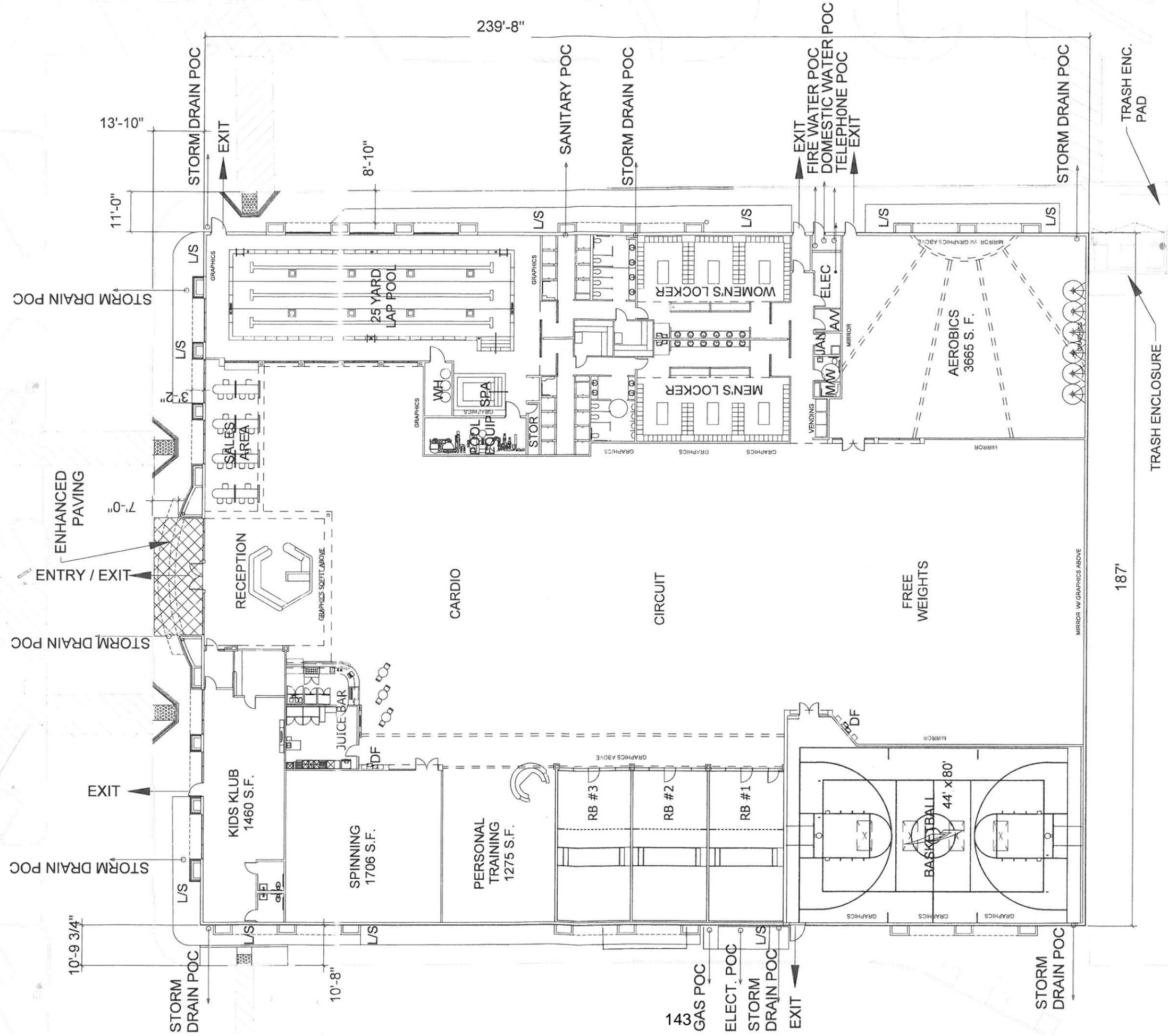
---	NEW PAVING SECTION 3" AC OVER 6" A.B. SEE DTL. 1/2" - (TYP.) WHERE (N) PAVT. MEETS LANDSCAPE, (N) HEADER BOARD PER DTL. 1/2" - (TYP.)
---	NEW TRUCK PAVING SECTION 4" AC OVER 8" A.B. SEE DTL. 1/2" - (TYP.) WHERE (N) PAVT. MEETS LANDSCAPE, (N) HEADER BOARD PER DTL. 1/2" - (TYP.)
---	NEW CONCRETE PAVING SECTION 4" CONC. W/ #3 @ 18" O.C. OVER 8" A.B. EXPANSION JOINTS @ 24" O.C. AND SCORED @ 4" O.C. WHERE (N) CONC. MEETS LANDSCAPE, (N) THICKENED EDGE CONC. PER DTL. 1/2" - (TYP.)
---	NEW TRUCK CONCRETE PAVING SECTION 4" CONC. W/ #3 @ 18" O.C. OVER 8" A.B. EXPANSION JOINTS @ 24" O.C. AND SCORED @ 4" O.C. WHERE (N) CONC. MEETS LANDSCAPE, (N) THICKENED EDGE CONC. PER DTL. 1/2" - (TYP.)
---	NEW BORESTATION AREA SEE DTL. 1/2" - (TYP.)



<p>BRIC Engineering ASSOCIATES, INC. 1885 The Alameda, Suite 210 San Jose, CA 95126-7747 Tel. (408) 241-5484 Fax (408) 241-5483</p>	<p>NO. DATE</p>
<p>GRADING AND DRAINAGE PLAN</p>	
<p>ROUSE PROPERTIES, INC. SOUTHLAND MALL HAYWARD, CA</p>	
<p>Date: _____ Checked: D. VALDEZ Designer: D. VALDEZ Drawn By: K. NAGAR Scale: AS SHOWN Job: SUND1203 Sheet</p>	
<p>C-2 Of Sheet(s)</p>	

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187'

239'-8"

13'-10"

11'-0"

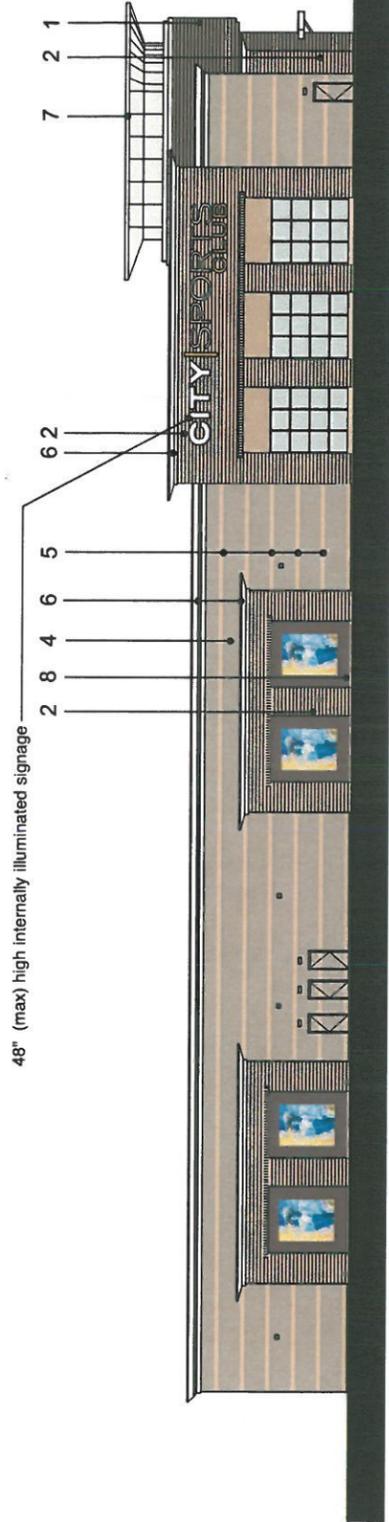
7'-0"

10'-9 3/4"

10'-8"

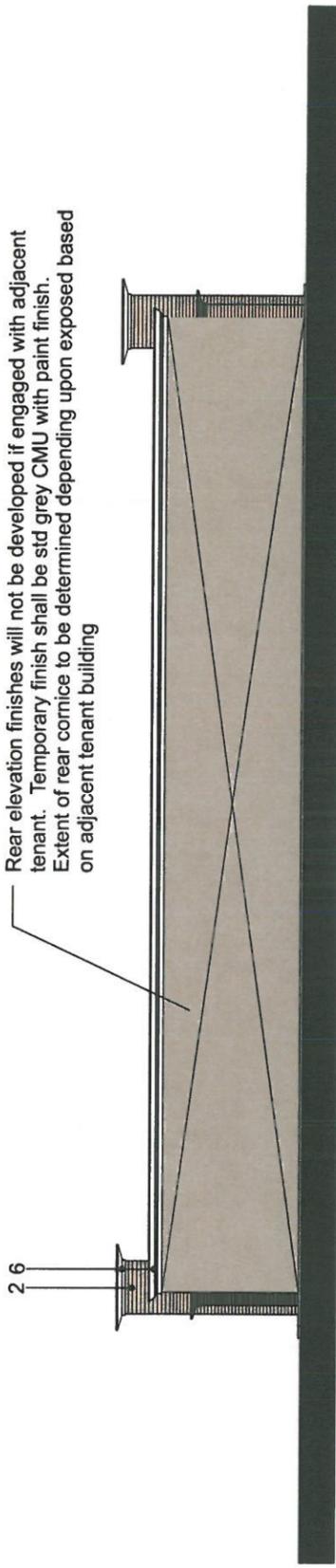
8'-10"

143



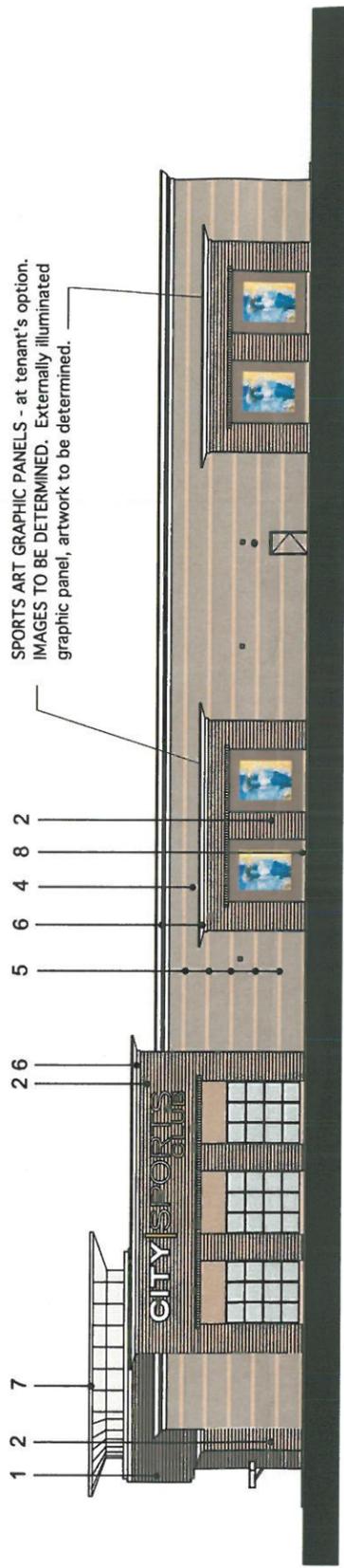
East Elevation

Rear elevation finishes will not be developed if engaged with adjacent tenant. Temporary finish shall be std grey CMU with paint finish. Extent of rear cornice to be determined depending upon exposed based on adjacent tenant building



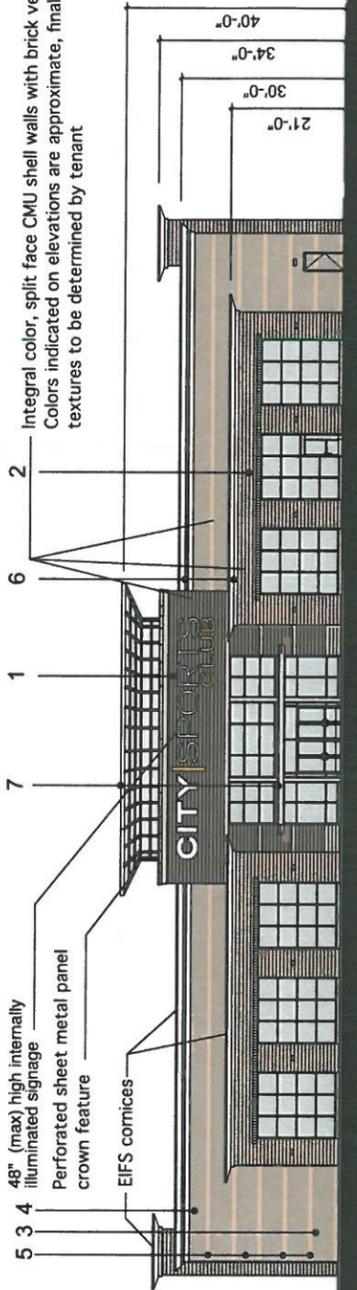
South Elevation

SPORTS ART GRAPHIC PANELS - at tenant's option. IMAGES TO BE DETERMINED. Externally illuminated graphic panel, artwork to be determined.



West Elevation

48" (max) high internally illuminated signage
Perforated sheet metal panel crown feature
EIFS cornices



North Elevation

INFORMATION PROVIDED FOR DESIGN INTENT ONLY. DESIGN PROFESSIONAL OF RECORD IS RESPONSIBLE FOR VERIFICATION OF APPLICABLE CODE REQUIREMENTS.

Color Legend

- 1 Interstate Brick - Smokey Mountain
- 2 Interstate Brick - Desert Sand
- 3 Base Color - Mutual Masonry Co. - 8x16" Face Dimension Mountain Brown Split Face
- 4 Field Color Mutual - Masonry Co. - 8x16" Face Dimension Mesa Tan Split Face
- 5 Stripes Accent Color - Mutual Masonry Co. - 8x16" Face Dimension Mesa Tan Ground Face
- 6 Cornice & Moulding - #20YR 58/085 - ICI#548
- 7 Metal Crown Element & Canopy - #30GG 52/011 - ICI#A 1158 or Match Berridge Color "Parchment"
- 8 Insets Color - #70YR 16/128 - ICI#A307



Concept Elevations - Hayward, CA - Southland Mall

02.27.13

Proposed text amendment to Section 10-1.1300 - Central Business District (CB)

**SEC. 10.1.130 USES PERMITTED **

a. Primary- Uses

(3) Personal Service

Add: Health Clubs (allowed in the CBB20 – Central Business (Minimum lot size 20,000 Sq. Ft.) only)

Justification:

As indicated in the Purpose Section of the Central Business District (CB), this district provides for regulations that makes provisions for “...several outlying areas of other than neighborhood importance, where concentrations of comparison shopping facilities, financial and business services, and amusement or recreation may be found in quantity.”

Large health clubs are typically intended to serve the greater local residential neighborhoods and employment areas. Currently in Hayward, commercial zoning districts in which personal services uses such as health clubs are permitted are primarily concentrated on the east side of the freeway. Permitting Health Club uses in the CBB20 (Minimum lot size 20,000 Sq. Ft.) district, specifically at Southland Mall, would allow that use on the west side of the freeway where much of the residential population resides.

This amendment would not affect any of the other properties zoned CB as there are currently no other properties zoned CBB20 in Hayward. .

Southland Mall is a large centrally-located commercial center that serves the residential neighborhoods on the west side of Highway 880. In addition, the city’s industrial/business park and light manufacturing uses are found on the east side of Highway 880 and Southland Mall’s adjacency to Highway 880 positions the mall to serve

these employment areas as well. These businesses generally benefit from personal services such as health clubs.

Having this use centrally located in Hayward may also help reduce VMTs (vehicle miles traveled) in the east and central areas of Hayward by allowing a health club closer to both residents and employees in the area..

The proposed Health Club would be located on the west end of the Mall property. This area has frontage along Hesperian Blvd and the Health Club will have parking and signage along Hesperian Blvd, which would be in keeping with neighborhood commercial uses along this corridor.

Due to the following factors, we believe that a text amendment allowing Health Clubs in CBB20 districts within Hayward should be approved:

- Health Clubs are consistent with the intent of the CB district which is to provide uses that serve "...several outlying areas of other than neighborhood importance".
- Southland Mall's central location along 880 uniquely positions it to serve residential areas to the west, employment areas to the east and various other outlying areas along the heavily-traveled 880 corridor.
- A Health Club use at Southland Mall would bring a fresh look and feel to the portion of the mall located along Hesperian and may encourage other users to locate along that portion of the property.

- The investment in a new high-quality Health Club will help to create a critical mass and daily traffic that may attract other tenants to the center.
- The addition of a Health Club use along the 880 could help to reduce vehicle miles traveled which is a welcome relief to many commuters.
- There are no other properties that have the CBB20 District designation in Hayward; therefore, the proposed amendment would not affect development of any other properties that are zoned CB.



DATE: October 17, 2013

TO: Planning Commission

FROM: Damon Golubics, Senior Planner

SUBJECT: **Request for adoption of a Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program and approval of a Conditional Use Permit (Application No. PL-2012-0069) and Vesting Tentative Tract Map (Application No. PL-2013-0070) associated with 194 townhomes and 16,800 square feet of commercial space on an 11.33 acre site located at 22301 Foothill Boulevard. Integral Communities (Applicant); MDS Realty II & 22301 Foothill Hayward, LLC (Owners)**

RECOMMENDATION

Staff recommends that the Planning Commission adopts the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program (Attachment III) and approves the requested conditional use permit and vesting tentative tract map applications, subject to the attached findings (Attachment IV) and conditions of approval (Attachment V).

SUMMARY

The proposed Project involves a request for a conditional use permit to allow ground-floor residential units and a vesting tentative tract map, in order to permit the construction of one hundred and ninety four (194) townhomes and 16,800 square feet of commercial space at the former Mervyn’s headquarters site in the Central City-Commercial (CC-C) zoning district. The proposal, which entails removal of all buildings from the site, including the existing garage structure, offers home ownership in three-story units (including ground floor garages) within walking distance to downtown shopping and along one of the City’s major arterials. Because of the downward slope of the project site towards San Lorenzo Creek, the three- story units have the appearance of being two stories, as viewed from Foothill Boulevard. The project also incorporates private and group open spaces to serve the future homeowners, as well as a public access trail along the rear (west) of the property along the flood control channel. The project is consistent with Strategy No. 5 in the Land Use Chapter of the General Plan, which encourages “residential development in the downtown area to increase market support for business and to extend the hours of downtown activity.”

It is anticipated that the project, which will incorporate green building measures, including the option for rooftop solar photovoltaic cells, will provide higher quality housing that will attract new residents to the Downtown with expected average annual incomes of \$133,600 (considered middle-income levels). Such population will help support and foster business activity in the downtown area. As discussed in this report, the project’s economic consultant anticipates that the residents of

the proposed units would spend several million dollars annually in Hayward, and the commercial space in the project would generate annual sales of several million dollars. Recent market analyses show that the potential for a non-residential development on the site is limited. Significant environmental impacts, including those related to traffic, are not anticipated with this project.

BACKGROUND

Local Setting & Context - The Project is located on the northern edge of the downtown area. This location consists of a mix of office, commercial and residential development, with the bulk of the office and retail uses situated along Foothill Boulevard and the residential uses located behind the commercial and offices uses away from the Foothill Boulevard corridor. Much of the surrounding residential subdivisions were constructed after World War II. With the closure of the Mervyn's retail chain of department stores in 2008, there was no need for the headquarters building anymore. Since the closure, reflective of the sluggish economy, the building has remained vacant and no other interested parties have leased or purchased the building or site. Current access to the property is from Hazel Avenue (two access points), City Center Drive (one entrance), and right turn in and out from/to Foothill Boulevard (one access point).

The Project site is surrounded on all sides by urbanized development consisting of residential, office and commercial land uses. Most residential properties near the project site include single-family and multi-family homes one (1) to two (2) stories in height with adjacent surface parking and landscaped areas. The San Lorenzo Creek flood control channel, maintained and owned by the Alameda County Flood Control and Water Conservation District, physically separates the project from existing residential properties to the west. Located immediately south of the project site is the beginning of existing downtown retail establishments, which provide retail shopping and personal services for the neighborhood. East of the project site across Foothill Boulevard is a mix of retail, commercial and office uses set back from Foothill Boulevard. Further east and behind these uses are some high density residential complexes, along with the former City Hall building and garage, and Centennial Hall facility. North of the project site is a mix of uses with commercial establishments fronting Foothill Boulevard and behind these businesses are single family and multi-family housing. The adjacent gas station at the corner of Hazel Avenue and Foothill Boulevard will remain. Carlos Bee Park, a neighborhood park in an unincorporated area nearby, is about a one-mile walk from the project site. AC Transit Route 48 stops hourly at Grove Way and Foothill Boulevard. The bus stop is on the east side of Foothill Boulevard.

Existing Project Site Setting - The Project site consists of two developed parcels, irregularly-shaped and approximately 11.33 acres in size. The Project site gently slopes downward and west towards the middle of the site from Foothill Boulevard towards the San Lorenzo Creek concrete flood control channel. Two hundred and thirty three (233) trees of varying sizes, species and health are dispersed across the project site, all but five of which (located along Hazel Ave.) are proposed to be removed and replaced with new trees and landscaping (see later discussion in the report).

DISCUSSION AND STAFF ANALYSIS

Project Description – The project entails construction of 194 dwelling units, as well as 16,800 square feet of commercial space in two buildings along Foothill Boulevard: one located at the corner of City Center Drive and Foothill and the other adjacent to the existing gas station located at Foothill and Hazel Avenue. The existing office building, parking garage and auto center will be demolished and removed from the site to make room for the project.

Site Plan - A parking area between the two commercial buildings along Foothill would be for exclusive use of the new commercial structures. There are no existing structures on the site that have any significant historic significance or value. The 194 dwelling units would not be rentals, but for-sale units, as is encouraged in the General Plan. A condominium map has been filed with this project submittal (see Attachment V). The resulting project density would be 20.9 dwelling units per acre, well under the allowable maximum density of 65 dwelling units per acre.

Building Elevations – As shown in Attachment V, the commercial portion of the Project is a contemporary style compatible with other newer commercial structures in the downtown area. The building colors are harmonious with the surroundings. Offsetting of wall planes are used effectively to break up the building mass into different components, consistent with the City's Design Guidelines that encourage breaking up bulky buildings into components that relate to interior and exterior functions with variations in height, color and texture. Brick and stucco dominate the exterior treatment of the buildings. Simple awnings break up the mass of the building and add interest to exterior elevations. Placement of trees and landscaping along the Foothill Boulevard frontage is done in a way to not hide any of the buildings' architecture.

The exterior designs of the townhomes employ five different and distinct styles. Plans show Agrarian Contemporary, Contemporary Craftsman, Contemporary Monterey, Contemporary Spanish and Coastal Contemporary styles that would be used. Each is unique and can be seen as a transition to the existing neighborhood beyond Hazel Avenue. The proposed exterior color selection for each design style is warm, not harsh or glaring.

Floor Plans and Quality of Housing Design and Materials – Besides ensuring amenities exist in the immediate area, the residential unit types and the quality of design and amenities to be provided within the project are key to attracting the targeted population for the townhomes. The basic attributes of part of the proposed condominiums and townhomes are summarized in the following table.

Unit Type	# of Bed-rooms	# of Bath-rooms	Floor Area (sq. ft.)	Number Of Units	Percent of Total (by type)
Townhomes					
Unit 1	2	2.5	1,485	28	14%
Unit 2	3	2.5	1,570	62	32%
Unit 3	3 + Den	2.5	1,850	62	32%
Unit 4	4 + Multi-Purpose Room	4	2,115	42	22%
GRAND TOTAL				194	100%

The project proponents have indicated that the unit mix for this project, suggested floor plan layouts, fit and finishes of the construction, and amenities provided within each unit and the complex will ensure that these units are seen as “high end” dwellings.

The townhomes will have tile entries, wood cabinets, pre-wiring, etc. There will be numerous optional upgrades typical of today's new homes, such as granite counter tops, hard wood flooring, upgraded fixtures, solar roof panels, etc. Pricing for the townhomes should range from \$518,000 to \$608,000.

Grading and Site Work – Construction of the Project will require some earthwork. The project civil engineer estimates that no additional soils would be imported for grading activities. The final site topography after grading will entail a series of benches for road and structures, to slope down from along Foothill Boulevard toward the San Lorenzo Creek flood control channel. A retaining wall system will be built adjacent to internal “D” Alley, “E” Alley, “I” Alley, “J” Alley, “A” Street and City Center Drive. The preliminary grading plan is depicted in Attachment V (Preliminary Grading Plan – Sheet TM-4). Architectural site plans have been crafted by for the townhomes. Sheets TM-3, A0.2 and A.TH.1 in Attachment V show the layout of the condominiums, commercial space and public streets abutting the site. Architectural elevations of the commercial buildings are shown on sheets A2.0 and A2.1. and architectural elevations of the townhomes is shown on sheets A.TH.2, A.TH.3 and A.TH.4 in Attachment V.

Subdivision of Land - The Project includes a proposed vesting tentative tract map to create a condominium subdivision for the construction of 194 residential units, two commercial parcels and parcels held in common ownership for access, parking, open space and utilities. 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. No new public roads are proposed; meaning all roads and parking areas within the project will be maintained by the homeowners’ association or commercial businesses.

Landscaping and Open Space - Proposed landscaping is proposed throughout the site (see sheet L1 of Attachment V), including along all street frontages. Most open areas of the Project site will be vegetated with trees, shrubs, grasses and natural turf. The preliminary landscape plan shows approximately 275 replacement trees, related to the proposed removal of 228 trees from the property. A tree appraisal report was submitted for the Project that indicates that irrigation to the existing trees had been turned off, some trees have died and others are in a severe state of decline. The condition of the existing trees range from poor to good, but most suffer from a variety of problems that are listed in the report. Twenty-two stormwater detention areas are located throughout the project site. These bio-retention areas collect water during rainstorm events where water is filtered back into the ground water ecosystem. The largest bio-retention area was designed for not only storm water collection, but also as an open space area to be shared and enjoyed by residents of the site and users of the pedestrian and bicycle pathway located along San Lorenzo Creek. This area was excluded from the group open space required on the project site but can still be enjoyed by project residents and trail users.

The City's Zoning regulations require a total minimum of 19,400 square feet of open space for the Project (100 square feet of open space per dwelling unit). Of that amount, the Project must provide a minimum of 5,820 square of group open space (30 square feet per unit). Each townhome has built-in private outdoor deck areas in excess of 100 square feet. Group open spaces areas are shown throughout the development site that add up to 10,625 square feet, which is almost double the minimum amount of group open space required. In summary, substantially more than the minimum amount of required private and group open spaces will be provided.

Public Parkland – City regulations and State law allows the City to require dedication of parkland, payment of park dedication in-lieu fees, or a combination of both. Based upon the number of proposed dwelling units and per City standards, if only parkland dedication was required with no payment of fees, the applicant would need to dedicate 3.2 acres of the 11.33-acre site for public park purposes. If only park dedication in-lieu fees were required, a payment of \$2,210,630 would be owed. The project proponent is proposing to pay full in-lieu fees and also construct a public access trail along the rear of the property, as described below.

The bicycle/pedestrian path and related public trail/access easement is proposed at the rear of the project property along/above the San Lorenzo Creek flood control channel. This path will provide a needed link in this section of the San Lorenzo Creek trail and would allow a more attractive pedestrian and bike path away from Foothill Boulevard from Hazel Avenue to City Center Drive. The Hayward Area Recreation and Park District (HARD) staff is in support of this project amenity for use by the public, including the project residents. HARD has requested that any proposed path be wide enough to accommodate both pedestrian and bicycle access.

Traffic – The proposed development is expected to generate approximately 2,680 daily trips on a typical weekday, including 117 trips (39 inbound, 78 outbound) during the a.m. peak hour and 257 trips (143 inbound and 114 outbound) during the p.m. peak hour. Such figures incorporate application of internal trip and BART-related reductions, reflective of commonly accepted assumptions (for example by the Valley Transportation Authority) that fewer vehicle trips will occur due to Project residents walking to/from BART, riding buses, and walking to the adjacent and nearby commercial businesses.

Hayward General Plan's Circulation Element contains an established environmental impact threshold policy for roadway intersection levels of service (LOS). The policy states, "Seek a minimum Level of Service D at intersections during the peak commute periods, except when a LOS E may be acceptable due to costs of mitigation or when there would be other unacceptable impacts." LOS D equates to delays at an intersection of between 15 and 25 seconds. For situations where there exists a LOS E or F, the City's threshold for environmental impact significance is an additional delay of five or more seconds; meaning that a project impact would not be considered significant if an additional delay caused by the project was less than five seconds.

Prior to the Hayward Downtown One-way Loop (Loop) Project implementation, all the Project study intersections operated at LOS D or better during both the a.m. and p.m. peak hours. With the Loop Project, the traffic impact analysis indicates that all of the study intersections remain at LOS D or better and the A Street/Foothill Boulevard intersection improves to LOS B during the peak commute hours.

Under projected future intersection levels of service *without* the project, the intersection of Foothill Boulevard / City Center Drive is expected to operate at LOS E during the p.m. peak hour. The intersection of A Street / Mission Boulevard is expected to operate at LOS F during both the a.m. and p.m. peak hours. With the proposed project, the future intersection of Foothill Boulevard / City Center Drive is expected to continue operating at LOS E during the p.m. peak hour, while the intersection of A Street / Mission Boulevard is expected to continue operating at LOS F during both the a.m. and p.m. peak hours. The increases in delays at both intersections are expected to be less than five seconds. This is expected due to the beneficial effects of the adaptive signal system recently implemented for the Loop Project. Therefore, the addition of project traffic is not expected to result in a significant impact at these locations in the future.

A link to the traffic impact analysis prepared for the project by TJKM Transportation Consultants is on the City's website under <http://www.hayward-ca.gov/city-government/departments/development-services/project-permit-status/projects-under-environmental-review/@-the-boulevard>

Access and Circulation - On-site vehicular and pedestrian access would be provided by a series of new private roads, alleys and sidewalks internal to the development. Some curbside parking will be available on Foothill and Hazel. Currently shown on the development plans are "mountable median" islands that are proposed to be installed in Hazel Avenue, forcing traffic exiting from the development site to turn right towards Foothill Boulevard. Placement of the mountable medians will also stem the flow of traffic from the development into the existing neighborhood to the west and fire trucks will be able to drive over them in the event of an emergency (see Sheet TM-3 of Attachment V for details). Instead, staff is recommending as a condition of approval that "pork chop" features be installed on the property at the entrance points along Hazel Avenue, which will reduce maintenance issues and enhance visual quality, while achieving the same effects as the proposed "mountable median" islands that would eliminate the possibility for left turns out of the project site.

Parking for the commercial spaces will be provided by surface parking lots located adjacent to

Foothill Boulevard. Accessible parking spaces are strategically located throughout the development site.

TJKM Transportation Consultants also reviewed the project site plan to evaluate on-site circulation and access. The plan shows that primary access will be provided using the right-in/right-out only driveway on Foothill Boulevard. Secondary accesses will be provided through driveways on Hazel Avenue and City Center Drive/Maple Court, with the Hazel driveways prohibiting outbound left turns, as indicated previously. All three accesses are expected to be adequate for the project site. Related to safe traffic movements, staff is recommending as a condition of approval that “STOP” signs be installed facing exiting vehicles at the three project exit driveways.

Parking - Based on the City’s Off-Street Parking Regulations and as shown in the table below, the Project would comply with most of the City’s minimum parking standards.

Land Use	Units/Size	Requirement	<i>Total Required</i>	Total Provided
Retail/Commercial	16,800 sq.ft	1 space per 315 sq.ft.	53	53
Townhomes	194 Units	1.0 covered & 0.05 open spaces per dwelling unit	194 covered 97 open spaces	450 covered 82 open spaces
Total Parking			344	585

The Project would provide more than double the amount of covered parking spaces. There would be enough parking spaces designed for the commercial buildings; however, the plans show a shortage of fifteen (15) open on-site parking spaces. It appears that there are areas throughout the development site, not infringing on required open spaces areas, to create 15 additional open/uncovered parking spaces. A condition of approval has been included requiring 15 additional on-site open parking spaces or other resolution; such as payment of in-lieu fees, credit for a Transportation Systems Management Program, issuance of an administrative use permit for shared or off-site parking or some other acceptable exclusion, reduction, or exception allowed by the Off-Street Parking Regulations, prior to issuance of a building permit for the Project.

Also, there are no designated loading areas for the commercial buildings. The number and location for such areas shall be determined by the Development Services Director. A condition of approval has been included for the creation of visually-screened loading area(s), if needed, prior to issuance of a building permit for the Project.

According to on-street parking surveys conducted by TJKM staff, there are 60 spaces available on public streets within one block segment of the project, which include Hazel Avenue between Main

Street and Foothill Boulevard and McKeever Avenue between City Center Drive and Main Street. During the a.m. peak period, the maximum parking occupancy within the project vicinity is approximately 45 percent and during the p.m. peak period, it is approximately 37 percent. Based on the parking survey, there are 33 on-street parking spaces available during the a.m. peak period and 38 parking spaces available during the p.m. peak period. These available on-street parking spaces could be utilized by project residents and visitors/guests to the proposed development, in addition to the on-site parking spaces.

Community Facilities District - As a standard condition of approval and related to adopted City Council policy, the City requires developers to pay the cost of providing public safety services to the proposed project through the formation of, or annexation to, a Community Facilities District (CFD), should the project generate the need for additional public safety services. This 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 the formation of, or annexation to, a Community Facilities District, the project developer shall be required to pay all costs of formation of, or annexation to, the district, which costs may be paid from the developer's deposit to the extent that funds remain after payment of the City's costs of analysis as described above.

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 (the Relief Ordinance – Ordinance No. 13-01), 7.5 percent of attached residential units in a project must be set aside and sold at affordable prices to moderate-income households (households earning 120 percent 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 those units.

All 194 units in the project are subject to the Relief Ordinance. Therefore, the applicant has to set aside fifteen (15) units (7.5% times 194 = 14.55) or pay a total of \$1,200,000.00 (15 times \$80,000). Staff understands that the applicant intends to pay the in-lieu fees to meet inclusionary ordinance obligations. In order to exercise this option, the project must obtain all discretionary approvals by December 31, 2013 and pull all building permits by December 31, 2015.

If the applicant decides to comply with the Relief Ordinance requirements by providing at least 15 units on site that would be affordable to moderate income households, all the Inclusionary Housing Ordinance provisions will apply.

Findings for the Conditional Use Permit - In order for a Conditional Use Permit to be approved that would allow first floor residential units, the Planning Commission must make four findings, per Section 10-1.3225 of the Zoning Ordinance. The following text conveys staff's analysis of the Project under those findings and Attachment VIII provides input on the findings from the project proponent.

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

The Project, and specifically, a residential use on the first floor of the Project, is desirable for the public convenience and welfare because the Project will convert a large, vacant commercial building into a mixed-use community, create economic stimulus and housing inventory near adjacent employment and retail centers to reduce vehicle miles traveled. The design and features of the Project will attract middle-income residents who are expected to spend their incomes to support businesses in Hayward, particularly in the Downtown, and/or attract new businesses. The Project would provide higher end, aesthetically-pleasing ownership housing with on-site amenities (open spaces and the San Lorenzo Creek pathway) within walking distance of transit. Providing ground-floor residential units would provide more active “eyes on the street” later in evenings, in line with “crime prevention through environmental design” (CPTED) principles, which would not necessarily be realized with commercial ground floor development.

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

The Project site is surrounded by residential uses and similarly-zoned properties, and is in the vicinity of multi-storied residential complexes, and as such, the Project will not impair the character and integrity of the surrounding area. As conditioned, traffic leaving the project on Hazel Avenue would not be able to turn westward and drive through the neighborhoods to the west, directing traffic generated by the project onto Foothill Boulevard, a major arterial. The project would entail higher quality materials/finishes and architecture, and entail the planting of new, irrigated landscaping, including the planting of 278 new trees. The standard specification level for the townhomes will consist of tile entries, wood cabinets, pre-wiring, etc. There will be numerous optional upgrades typical of today's new homes, such as granite counter tops, hard wood flooring, upgraded fixtures, solar roof panels, etc. Pricing for the townhomes should range from \$518,000 to \$608,000.

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

The initial study/mitigated negative declaration prepared for the Project demonstrates that no substantial adverse environmental effects would occur after implementation of mitigation measures included therein, including no significant impacts on public services or hazards. Traffic impacts are not expected to be significant and would be less than peak-hour trips compared with the previously existing Mervyn’s office building use. Therefore, the Project’s proposed residential and commercial uses will not have a negative effect on the public health, safety, or general welfare. Specifically, a conditional use permit allowing first-floor residential units has no effect on the public health, safety or general welfare. If analysis demonstrates that public services demands warrant it, the Project proponent would be required to make a one-time payment for such costs or form/be annexed into an existing community facilities district, which through assessments, would pay for needed public safety services.

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

The current General Plan designation of the site is Downtown - City Center / Retail and Office Commercial (CC-ROC). On page C-4 of Appendix C of the General Plan, the Downtown - City Center Area has the following text that explains the unique vision for this area:

“This area is a major activity center in the planning area. It contains major public facilities such as City Center and the Main Library, retail and office areas, and high-density residential areas. Mixed-use development is encouraged to promote the pedestrian orientation and to maintain the downtown area as an integrated living, working, shopping and recreational area. The boundary of this area is delineated in the Downtown Hayward Design Plan.”

Page C-3 of that General Plan appendix lays out the vision for areas with a Retail and Office Commercial land use designation:

“These areas include the regional shopping center (Southland Mall), community shopping centers, concentrations of offices and professional services, and portions of the downtown area and South Hayward BART Station area where mixed retail and office uses are encouraged. Not shown are neighborhood convenience centers that support and are compatible with residential areas.”

One additional section of the General Plan further supports the project as related to City policies:

“Recognize the importance of continuous retail frontage to pedestrian shopping areas by discouraging unwarranted intrusion of other uses that weaken the attractiveness of retail areas; encourage residential and office uses to locate above retail uses.”

These sections of the General Plan indicate the proposed project is consistent with the policies of the General Plan in that the project provides residential use with some commercial use in the Downtown in close proximity to the Downtown BART station. The current development, with the surface parking lot, unoccupied Mervyn’s office building and parking garage, does not create a continuous retail frontage interfacing with the more pedestrian-oriented part of Downtown. It should be noted that this section of Foothill Boulevard is quite different from other sections of Downtown Hayward. Specifically, this section of Foothill is a multi-lane arterial with high-speed, high-volume vehicular traffic that is not very pedestrian-friendly. B Street is considered an example of a more pedestrian-friendly environment with a continuous retail frontage and presence, with lower volumes of traffic traveling at lower speeds in just two lanes.

The zoning designation of the project site is Central City Commercial (CC-C). Allowable permitted uses not requiring a use permit include residential dwelling units above the first floor and a variety of commercial uses (as is proposed at the southeast and northeast corners of the project site). Approval of a conditional use permit (CUP) is required for ground-floor

residential use. Note that ground-floor residential is not outright prohibited by the CC-C regulations.

The purpose of the Central City – Commercial (CC-C) is, “to establish a mix of business and other activities which will enhance the economic vitality of the downtown area. Permitted activities include, but are not limited to, retail, office, service, lodging, entertainment, education, and multi-family residential.”

The project could be viewed as one that adds synergy to Downtown. Adding townhomes along with commercial space would contribute to the goal of Downtown being an active and vibrant area as referenced in the General Plan and Zoning Ordinance. Recent economic studies done for Downtown and this specific project show that this type of project would add to Hayward’s revitalization of Downtown by providing housing to attract middle-income households that would spend disposable income in Downtown. The Project also fulfills the intent and purpose of the CC-C zone by replacing an underutilized site with a vibrant, pedestrian-friendly mixed use development, and as a result, revitalizing the Central City and creating economic stimulus.

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 and Attachment VIII 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 “City Commercial – Residential Office Commercial (CC – ROC)” land use category of the General Plan. No Specific Plan applies to the Project.

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

The proposed subdivision is of a design consistent with the Hayward General Plan in that circulation design and roadways are provided to accommodate the anticipated traffic, and utilities, including water, sewer, and stormdrain facilities, will be provided to accommodate the proposed development. As demonstrated by the project initial study/mitigated negative declaration, the Project will have no significant impacts on aesthetics or land use.

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

The geotechnical investigation performed by Berlogar, Stevens & Associates (February 10, 2012), which is referenced in the project initial study/mitigated negative declaration, demonstrates that the proposed subdivision would occur on a site suitable for the proposed development.

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

The geotechnical investigation performed by Berlogar, Stevens & Associates (February 10, 2012) demonstrates that the proposed subdivision would occur on a site suitable for the proposed density, in compliance with the City's parking, open space, and traffic impact standards.

- (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, with incorporation of required mitigation measures. Moreover, the Project site has already been fully developed, and as a result, no fish or wildlife habitats exist on the Project site.

- (6) 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 to the Project site, nor are air quality impacts to future residents considered significant, as analyzed in the initial study/mitigated negative declaration. The Project also adds housing inventory near adjacent employment and retail centers to reduce vehicle miles traveled, which reduces impacts on air quality and greenhouse gases.

- (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)]**

There are no existing public easements within the boundary of the proposed subdivision, nor are any easements necessary. The Project site is fully developed and currently consists of a 336,000 square foot unused office building and parking facilities, and therefore, there is currently no public access through the property.

Environmental Review - Staff prepared an Initial Study/Mitigated Negative Declaration (IS/MND) (Attachment II) that identifies potentially significant impacts under the environmental topics of: Aesthetics, Air Quality, Biological Resources, Cultural Resources and Noise. However, 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 traffic generated by the project would generate less peak-hour trips than that associated with the former Mervyn's office use, and therefore, the impacts associated with traffic are less than significant. The IS/MND was made available for public review from September 27, 2013 through October 16, 2013. No comments were received on the IS/MND as of the writing of this report. Any comments that are received before the Planning Commission meeting will be forwarded to the

Commission, and staff will provide a response to each comment at the public hearing, if warranted.

The Mitigation Monitoring and Reporting Program identifies responsibility for mitigation implementation and oversight (see Attachment II). The Initial Study, Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program were also posted at the Alameda County Clerk's Office on September 26, 2013, in compliance with the California Environmental Quality Act (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/@-the-boulevard>

ECONOMIC AND FISCAL IMPACTS

Market Analyses – According to analysis provided by the applicant's consultant, the Concord Group, this project seeks to meet the needs of a new Hayward resident who is interested in a downtown-proximate product with upscale features and amenities of a newly constructed community. Because of Hayward's central location, the applicant is confident the Project will attract young couples with dual commutes to different job centers. The units will appeal to young professionals and local families. Unit features will include upgraded flooring, some with master bedrooms and walk-in closets, loft space, large decks, large garage space for two cars with extra storage space, and some units will have multi-purpose rooms.

Per the Concord Group, annual sales of spending by Project residents in Hayward is estimated to be up to almost \$7M annually (assumes an optimistic capture rate of 75 percent of total spending to occur in Hayward). The capture rate of 75 percent is considered high by the City's economic development staff. Given the type of retail goods and services that Hayward has to offer consumers, a more realistic capture rate of 60 percent is more appropriate. The proposed commercial space in the project is expected to involve up to \$3.9M in sales annually, which is also considered optimistic by staff.

Staff also has concerns about the potential type of commercial uses that could occupy the building spaces along Foothill Boulevard, related to their potential impact to existing local businesses. Neighborhood serving retail may compete with similar established businesses, thus reducing sales of those businesses and projected revenue generated by the commercial component of the project. The project consultant's analysis assumes that the project retail sales would be \$290 a square foot, which is similar to mall levels. A lesser amount would be more reflective of neighborhood-serving establishments in the City.

The applicant's economic impact analysis assumes that 20 percent of all sales will be generated by new residents. Since the type of future tenants that will lease the project's commercial spaces had yet to be determined, the 20 percent sales generation number may not be accurate.

A link to the economic impact analysis is on the City's website under <http://www.hayward-ca.gov/city-government/departments/development-services/project-permit-status/projects-under-environmental-review/@-the-boulevard>

Fiscal Impacts - Staff has conducted a fiscal impact analysis of the project, which estimates that the project will generate \$393,058 of new revenue annually; however, the project is projected to cost the City \$429,061, for a net annual cost of \$36,002 (\$186 per unit). This analysis does not include any revenue from a community facilities district.

PUBLIC NOTICE & OUTREACH

A notice of this public hearing and availability of the draft Mitigated Negative Declaration for the project was sent to all property owners within a 300-foot radius of the Project site and published in the Daily Review. No comments had yet been received as of the writing of this report. Any comments that are received before the Planning Commission meeting will be forwarded to the Commission for consideration.

Staff has been asked to include a previous letter of support for the project from the Hayward Chamber of Commerce. The letter, which is included as Attachment VI, states that the Chamber has expressed “full support for the proposed redevelopment of the former Mervyn’s Headquarters . . .”

NEXT STEPS

Should the Planning Commission’s decision be appealed by an interested party or called up by a member of the City Council, a future hearing and decision by the City Council would then become the final action on this project. If the project is approved, the applicant will subsequently submit a final map and related subdivision improvement plans for processing, with the final map to be approved by the City Council. A vesting tentative tract map provides, for a period of three years after the date of approval or conditional approval of the vesting tentative map, 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 vesting tentative map application was deemed complete. However, the Project will be required to meet the building codes in effect at the time building permit applications are submitted. Subsequent to filing of the final map, building, grading and encroachment permit applications will be processed and issued, allowing for project construction.

Prepared by: Damon Golubics, Senior Planner

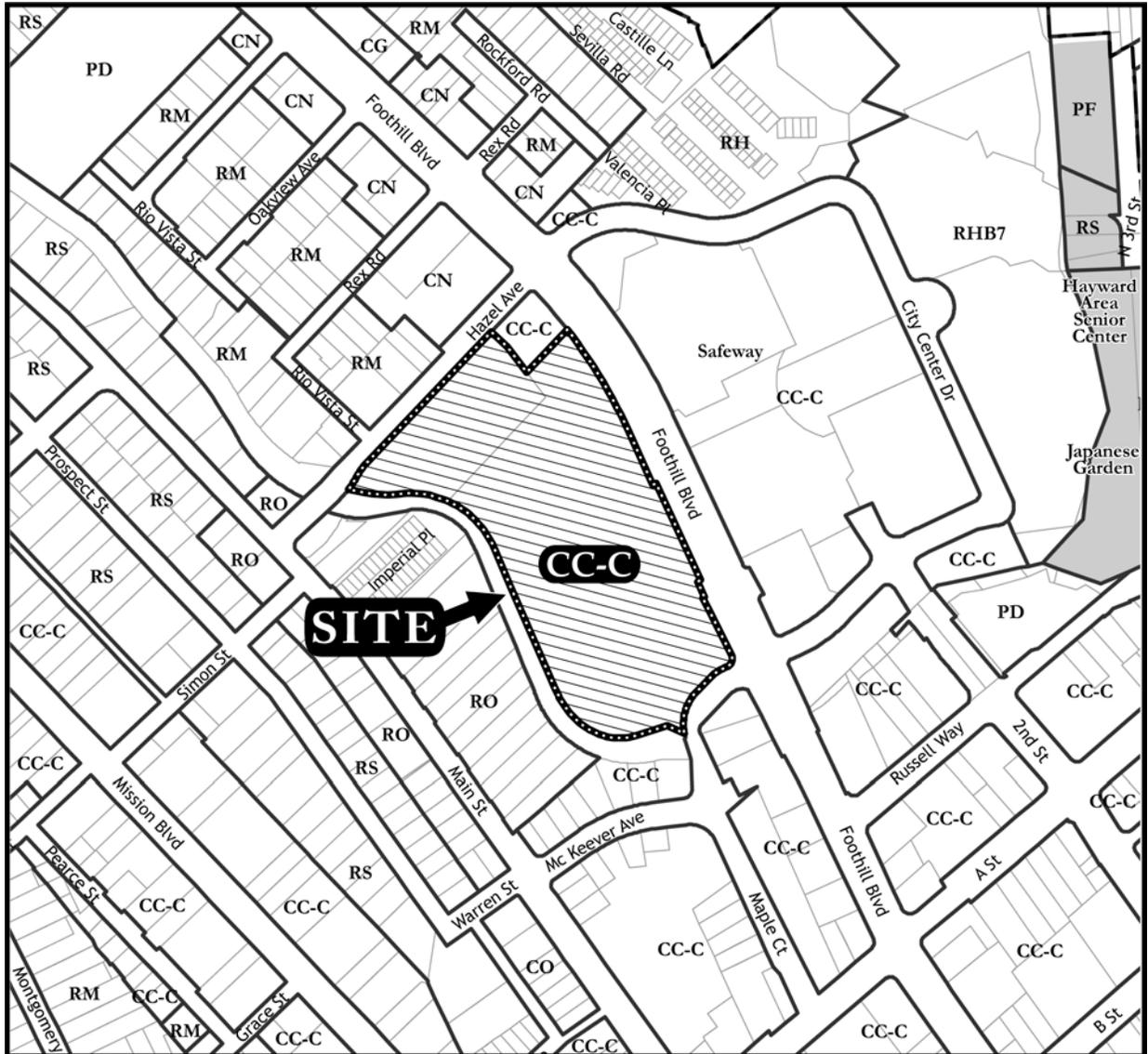
Approved by:



David Rizk, AICP
Development Services Director

Attachments:

Attachment I	Area and Zoning Map
Attachment II	Initial Study Checklist/Mitigated Negative Declaration/Mitigation Monitoring & Reporting Program
Attachment III	Recommended Findings for Approval
Attachment IV	Recommended Conditions of Approval
Attachment V	Project Plans
Attachment VI	Comments Received as of October 4, 2013
Attachment VII	General Plan Map for the Project Site & Surrounding Area
Attachment VIII	Proponent's Responses to Findings for Approval



Area & Zoning Map

PL-2012-0068

PL-2012-0069

Address: 22301 Foothill Boulevard

Applicant: Integral Communities

Owner: 22301 Foothill Hayward, LLC
& MDS Realty II, LLC

Zoning Classifications

RESIDENTIAL

- RH** High Density Residential, min lot size 1250 sqft
- RHB7** High Density Residential, min lot size 750 sqft
- RM** Medium Density Residential, min lot size 2500 sqft
- RS** Single Family Residential, min lot size 5000 sqft

COMMERCIAL

- CG** General Commercial
- CN** Neighborhood Commercial
- CO** Commercial Office

CENTRAL CITY

- CC-C** Central City - Commercial

OTHER

- PD** Planned Development





CITY OF
HAYWARD
HEART OF THE BAY

**ENDORSED
FILED**
ALAMEDA COUNTY
SEP 26 2013

PATRICK O'CONNELL, County Clerk
By  Deputy

September 26, 2013

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

Subject: Notice of Intent to Adopt a Mitigated Negative Declaration for Conditional Use Permit Application No. PL-2012-0069 and Vesting Tentative Tract Map Application No. PL-2013-0070 (VTM 8129) – Located on Two (2) Parcels Totaling 11.33 Acres and Located at 22301 Foothill Boulevard Between City Center Drive and Hazel Avenue in the Downtown Area, Hayward

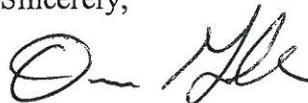
Dear Mr. O'Connell,

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 Planning Commission of the City of Hayward has scheduled a public hearing on Thursday, October 17, 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 October 11, 2013. Planning Commission action at the hearing will be the final decision in this matter unless appealed to the City Council or called up by a Councilmember.

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: 510/583-247-3340 • WEBSITE: www.hayward-ca.gov



**CITY OF HAYWARD
MITIGATED NEGATIVE DECLARATION**

Attachment II
**ENDORSED
FILED**
ALAMEDA COUNTY

SEP 26 2013

PATRICK O'CONNELL, County Clerk
By  Deputy

Notice is hereby given that the City of Hayward finds that could not have a significant effect on the environment as prescribed by the California Environmental Quality Act of 1970, as amended will occur for the following proposed project:

I. PROJECT DESCRIPTION:

Project title: @ The Boulevard; Conditional Use Permit Application No. PL-2012-0069 and Vesting Tentative Map Application No. PL-2013-0070 (Map No. 8129).

Description of project: The project calls for a mixed-use development with 194 townhome units and 16,800 square feet of retail on 11.33 acres of land. The project is an in-fill development, and the project site currently consists of paved surface parking lots, a parking garage, and a vacant commercial office building. The surface lots, existing office building and existing parking structure will be removed as part of the construction of the Project.

Project review involves consideration of a vesting tentative map, conditional use permit and site plan review.

II. FINDING PROJECT WILL NOT SIGNIFICANTLY AFFECT ENVIRONMENT:

The proposed project, with the mitigation measures identified in the attached initial study checklist, will not have a significant effect on the environment.

FINDINGS SUPPORTING DECLARATION:

1. The proposed project has been reviewed according to the standards and requirements of the California Environmental Quality Act (CEQA) and an Initial Study Environmental Evaluation Checklist has been prepared for the proposed project. The Initial Study has determined that the proposed project, with the recommended mitigation measures, could not result in significant effects on the environment.
2. The project will not adversely affect any scenic resources. A lighting plan will be required to ensure that light and glare do not affect area views. Also, compliance with the City's Design Guidelines will ensure visual impacts are minimized. Landscape plans will also be required to ensure that structures are appropriately screened.
3. The project will not have an adverse effect on agricultural land since the subject site is not used for such purposes, does not contain prime, unique or Statewide important farmland.
4. The project will not result in significant impacts related to changes in air quality. When the property is developed the City will require the developer to submit a construction Best Management Practice (BMP) program prior to the issuance of any grading or building permit.

5. The project, proposed on properties surrounded by other residential development and within an urbanized area, will not result in significant impacts to biological resources. Any trees removed are required to be replaced as per the City's Tree Preservation ordinance.
6. The project will not result in significant impacts to known cultural resources including historical resources, archaeological resources, paleontological resources, unique topography or disturb human remains.
7. The project will not result in significant impacts to geology and soils. The project is located west of the Hayward fault, which poses potential risk to any development in the city of Hayward. Recommendations of the project geotechnical engineer will be required to be incorporated into project design and implemented throughout construction, to address such items as seismic shaking. Construction will also be required to comply with the California Building Code standards to minimize seismic risk due to ground shaking.
8. The project will not lead to the exposure of people to hazardous materials.
9. The project will be required to meet all water quality standards as part of the normal development review and construction process, to be addressed in a Stormwater Pollution Prevention Plan and Erosion Control Plan that utilize best management practices. Drainage improvements will be required to accommodate stormwater runoff, so as not to negatively impact the existing downstream drainage system of the Alameda County Flood Control and Water Conservation District.
10. The project is consistent with the overall density supported by the Hayward General Plan. In addition, the project will be required to be consistent with the City of Hayward's Design Guidelines.
11. The project will not result in any long-term noise impacts. Construction noise will be mitigated through restriction on construction hours, mufflers, etc., to be approved as part of the future building permits for the homes and commercial structures..
12. The project will not result in significant impacts related to population and housing in that the amount of development proposed is within the range of development analyzed in the Hayward General Plan.
13. The project will not result in a significant impact to public services in that development is at least as intensive as that proposed was analyzed in the Hayward General Plan EIR and found to have less-than-significant impacts.

ENDORSED
FILED
ALAMEDA COUNTY
SEP 26 2013

PATRICK O'DONNELL, County Clerk
Deputy

III. PERSON WHO PREPARED INITIAL STUDY:



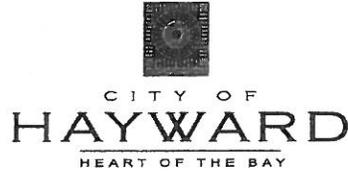
Damon Golubics, Senior Planner
Dated: September 26, 2013

I. COPY OF ENVIRONMENTAL CHECKLIST IS ATTACHED

For additional information, please contact the City of Hayward, Planning Division, 777 B Street, Hayward, CA 94541-5007, telephone (510) 583-4200

DISTRIBUTION/POSTING

- Provide copies to all organizations and individuals requesting it in writing.
- Provide a copy to the Alameda County Clerk's Office.
- Reference in all public hearing notices to be distributed 20 days in advance of initial public hearing and/or published once in Daily Review 20 days prior to hearing.
- Project file.
- Post immediately upon receipt at the City Clerk's Office, the Main City Hall bulletin board, and in all City library branches, and do not remove until the date after the public hearing.



**DEPARTMENT OF DEVELOPMENT SERVICES
Planning Division**

INITIAL STUDY CHECKLIST

Project Title: @ The Boulevard

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

Contact person: Damon Golubics, Senior Planner

Project location: 22301 Foothill Boulevard, Hayward, CA 94541

Project sponsors

Name and Address: Mark Butler, Integral Communities, 675 Hartz Avenue, Suite 202, Danville, CA 94526

Existing General Plan Designation: CC-ROC

Existing Zoning: Central City – Commercial (CC - C)

Project description: The project calls for mixed-use development with 194 residential units and 16,800 square feet of retail on 11.33 acres of land. The 194 residential units will consist entirely of townhomes. The Project also provides a significant amount of open space, including a park. The project is an infill development, and the project site currently consists of paved surface parking lots, a parking garage, and a vacant commercial office building. All existing buildings (the surface lots, the parking garage and the office building) will be removed as part of the construction of the Project.

Requested Local Approvals: The following actions by the Lead Agency are necessary to carry out the project:

- **Conditional Use Permit:** The Central City – Commercial zoning permits retail uses and residential dwelling units above first-floor commercial by right, and conditionally permits residential development, including multi-family units, on the first floor. Processing of a conditional use permit is required in order to allow for residential dwelling units on the first floor.
- **Site Plan Review:** The zoning regulations require that when a project materially alters the appearance and character of the property or area or may be incompatible with City policies, standards and guidelines. Since the current site development is that of an office use, the proposed mixed use development of 16,800 square feet of retail and 194 townhomes on 11.33 acres of land requires review of the proposed site plan.

- Vesting Tentative Map: (Vesting Tentative Tract Map No. 8129) A condominium map for Lots 1 through 23. The total number of residential condominium dwelling units shall be no more than 194 units for lots 1 through 23.
- 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, driveway and traffic control improvements within Foothill Boulevard, Hazel Avenue and City Center Drive.

Surrounding land uses and setting: The project site is near other similarly-zoned properties, including residential, mixed use and commercial properties.

Other public agencies whose approval is required: Alameda County Flood Control and Water Conservation District and the Hayward Area Recreation and Park District.

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

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

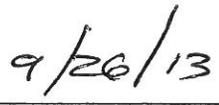
- | | | |
|---|---|---|
| <input type="checkbox"/> Aesthetics | <input type="checkbox"/> Agriculture and Forestry Resources | <input checked="" type="checkbox"/> Air Quality |
| <input type="checkbox"/> Biological Resources | <input type="checkbox"/> Cultural Resources | <input checked="" type="checkbox"/>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

DETERMINATION: (To be completed by the Lead Agency)

On the basis of this initial evaluation:

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


 Damon Golubics, Senior Planner


 Date

EVALUATION OF ENVIRONMENTAL IMPACTS:

ENVIRONMENTAL ISSUES:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
I. AESTHETICS -- Would the project:				
a) Have a substantial adverse effect on a scenic vista? Comment: <i>There are no designated scenic vistas in the vicinity of the project and the project is not located within or visible from a designated scenic vista; thus, no impact.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway? Comment: <i>The project is not located within a state scenic highway. 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.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Substantially degrade the existing visual character or quality of the site and its surroundings? Comment: <i>The project site has already been fully developed, and currently consists of paved parking lots, a parking garage, and a vacant office building. The project will create a different massing of building that may be visible from existing neighborhoods surrounding the site. The project includes a proposed landscape plan that will result in more greenery than currently exists on the project site. The project site is located in an urbanized setting, and the surrounding area is entirely developed. The project will add a different visual character of the site and area but this aesthetic change is considered less than significant; no mitigation is required.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area? Comment: <i>The project site is fully developed, and currently consists of paved parking lots, a parking garage, and a vacant office building parking lot lighting and building lighting. The project will comply with the City's Municipal Code and design requirements relating to aesthetics, light and glare. The mixed use project proposes lighting to public streets abutting the project site, the internal street system of the project, interior pathways and each townhome</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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will have exterior building lights. The applicant's preliminary lighting plan strategically illuminates the project site with little light spillage onto adjacent properties, therefore the proposed project lighting will have a less than significant impact ; no mitigation is required.

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 in a substantially urbanized area, which includes residential and commercial land uses consistent with the Hayward General Plan and Zoning Map. The project site has already been fully developed, and currently consists of paved parking lots, a parking garage, and a vacant office building. 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.*

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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b) Conflict with existing zoning for agricultural use, or a Williamson Act contract? **Comment** *The project 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*

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is it 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 in a substantially urbanized area, which includes residential and commercial land uses consistent with the Hayward General Plan and Zoning Map. The project site has already been fully developed, and currently consists of paved parking lots, a parking garage, and a vacant office building. The project site is not zoned for agricultural uses, and there are no agricultural resources in the area. The project does not involve the rezoning of forest land or timberland; thus, no impact.*

Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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 of forest land or involve conversion of forest land. Since the project does not involve the loss of forest land or involve conversion of forest lands, there is no impact.*

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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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; thus no impact.*

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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 Bay Area Air Quality Management District*

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Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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(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 what would require additional evaluation; therefore the proposed project will not violate any air quality standard; thus no impact.

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 their CEQA guidance to assist in determining if a proposed project could result in potentially significant air quality impacts. Based on the District's criteria (thresholds of significance; 1999 and 2011), the proposed project screens below what would require additional evaluation According to a September 10, 2013 air quality study performed by Urban Crossroads, there are two types of air quality impacts to evaluate with any development project; construction and operation air quality impacts. An evaluation of the operational aspects of the project reveals that the proposed development would not exceed any applicable threshold. Construction activities associated with the project would exceed the BAAQMD threshold for NOx. In order to reduce construction impacts to below the BAAQMD's threshold for NOx, the September 10, 2013 air quality study recommended that during construction activity, all diesel powered equipment (≥ 100 horsepower) shall be California Air Resources Board (CARB) Tier 3 Certified or better. The project will implement this mitigation measure, and as a result, all impacts will be less than significant with mitigation.*

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

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 proposed project complies with the BAAQMD's CEQA Guidelines (thresholds of significance; 1999 and 2011). The*

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	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<i>proposed project meets the screening criteria in Table 3-1 of the Air District's CEQA Guidelines; thus, it can be determined that the project would result in a less-than-significant cumulative impact to air quality from criteria air pollutants and precursor emissions.</i>				

d) Expose sensitive receptors to substantial pollutant concentrations? Comment: <i>The proposed project complies with the BAAQMD's CEQA Guidelines (thresholds of significance; 1999 and 2011). The mixed-use project is located in an already developed area that will not involve exposing sensitive receptors to substantial pollutant concentrations; thus the impact is less than significant.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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e) Create objectionable odors affecting a substantial number of people? Comment: <i>The project is not considered a use that would create objectionable odors nor is it located in proximity to an existing source of objectionable odors. The mixed-use development will not create any objectionable odors; thus, no impact.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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IV. BIOLOGICAL RESOURCES -- Would the project:

a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service? Comment: <i>The project site has already been fully developed, and currently consists of paved parking lots, a parking garage, and a vacant office building. The project will not cause any additional land within or outside the project site to be paved or otherwise developed. The site is not adjacent to or in the vicinity of any significant biological resources as it is an infill site and the flood control channel is a concrete culvert. The project will therefore not affect any listed species. The project site is located in an area that is largely developed and does not contain plant or wildlife special-status species; thus, no impact.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<p>b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or US Fish and Wildlife Service? Comment: <i>The project site has already been fully developed, and currently consists of paved parking lots, a parking garage, and a vacant office building. The project will not cause any additional land within or outside the project site to be paved or otherwise developed. The site is not adjacent to or in the vicinity of any significant biological resources as it is an infill site. The project will not affect any habitats. The project area is largely developed and the flood control channel is a concrete culvert which does not contain any riparian habitat or sensitive natural communities; thus, no impact.</i></p>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means? Comment: <i>The project site has already been fully developed, and currently consists of paved parking lots, a parking garage, and a vacant office building. The project will not cause any additional land within or outside the project site to be paved or otherwise developed. The site is not adjacent to or in the vicinity of any significant biological resources as it is an infill site. The project will not affect any wetlands since the project site is located in an urban setting, which contains no wetlands; thus, no impact.</i></p>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites? Comment: <i>The project site is not adjacent to or in the vicinity of any significant biological resources, as it is an infill site. The project site, located in an urban setting, will not interfere with the movement of any migratory fish or wildlife species; thus, no impact.</i></p>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance? Comment: <i>The project will comply with all local policies and ordinances, and considering the project site is a fully</i></p>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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developed site, the project will not affect any biological resources; thus, no impact.

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: *In order to accommodate the development request, only five (5) existing on-site trees located on the project site along Hazel Avenue will be saved. All other trees on the site will be removed. A tree appraisal report has been submitted in conjunction with the project and "the majority of the mature trees on the site are in various levels of decline due to a number of factors." Some of those factors include lack of water to trees, poor maintenance and disease. A "tree mitigation plan" has also been submitted pursuant to the City's Tree Preservation ordinance along with a "preliminary landscape plan." The landscape plan shows replace tree type, species and locations for planning on the site. Lastly, the tree mitigation plan includes an appraisal of trees to be removed and remain on-site consistent with the Tree Preservation ordinance. Consistent with this ordinance, an application for a Protected Tree Removal or Cutting permit shall be required as a condition of approval for the use permit and subdivision request. All replacement trees shall be equal in size and species or value as required by ordinance. Also, there are no habitat conservation plans affecting the property, specifically, the project site is not located in an area covered by an adopted Habitat Conservation Plan or Natural Community Conservation Plan. Since the project proponent will be required to comply with all provisions of the City's Tree Ordinance, the proposed impact is less than significant.*

Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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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:** *There are no historical resources associated with the improvements on the site or the affected parcels. Moreover, the project site has already been fully developed, and the existing buildings are of relatively recent origin and are of no significant historical or cultural significance. Due to extensive prior disturbance, there is a very low likelihood of impacting archeological or paleontological resources or disturbing human remains. In addition, the surrounding properties have no historical significance. Should any disturbance occur below developed areas, a remote possibility exists that historical or cultural resources might be discovered. If that should occur, standard measures should be taken to stop all work adjacent to the find and contact the City of Hayward Development Services Department for ways to preserve and record the uncovered materials. If standard procedures are followed in the event cultural/historical resources are uncovered at the project site, the proposed impact is less than significant.*

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to § 15064.5? **Comment:** *No known archaeological resources exist on the site, which has already been fully developed. Due to extensive prior disturbance, there is a very low likelihood of impacting archeological resources. Should any disturbance occur below developed areas, a remote possibility exists that historical or cultural resources might be discovered. If that should occur, standard measures should be taken to stop all work adjacent to the find and contact the City of Hayward Development Services Department for ways to preserve and record the uncovered materials. If standard procedures are followed in the event cultural/historical resources are uncovered at the project site, the proposed impact is less than significant.*

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature? **Comment:** *No known paleontological resources exist on the site, which has*

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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already been fully developed. Due to extensive prior disturbance, there is a very low likelihood of impacting paleontological resources. There are no unique geological features on or near the site; thus, no impact.

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 nor cemeteries nearby. In the event that human remains, archaeological resources, prehistoric or historic artifacts are discovered during construction or excavation, the following procedures shall be followed: Construction and/or excavation activities shall cease immediately and the Planning Division shall be notified. A qualified archaeologist shall be consulted to determine whether any such materials are significant prior to resuming groundbreaking construction activities. Standardized procedure for evaluating 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. Due to extensive prior disturbance, there is a very low likelihood of disturbing human remains. Standard procedures for grading operations would be followed during development, which require that if any such remains or resources are discovered, grading operations are halted and the resources/remains are evaluated by a qualified professional and, if necessary, mitigation plans are formulated and implemented. These standard measures will be conditions of approval should the project be approved; thus, no impact.*

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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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.

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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Comment: *The State of California Fault Zone is located about 300 feet southwest of the nearest project site boundary. The*

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<p><i>Hayward fault is mapped approximately 800 feet southwest of the site. A geotechnical investigation performed by Berlogar, Stevens & Associates on February 10, 2012 concluded that the project site shows no evidence of faulting and the likelihood of a surface fault rupture at the project site is low; thus, impacts related to fault rupture are expected to be less than significant.</i></p>				
<p>ii) Strong seismic ground shaking? <u>Comment:</u> <i>The project site is near, but not located in, both the California Fault Zone and the Hayward Fault. However, the proposed buildings will be designed and constructed to withstand ground shaking in the event of an earthquake; specifically, the project requires a building permit which would involve the mandatory implementation of design features to minimize seismic-related hazards. An earthquake of moderate to high magnitude could cause considerable ground shaking at the site; however, all structures will be designed using sound engineering judgment and adhere to the latest California Building Code (CBC) requirements, thus the impact is considered less than significant.</i></p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>iii) Seismic-related ground failure, including liquefaction? <u>Comment:</u> <i>The site is located within a State of California liquefaction seismic hazard zone. The site is underlain by Older Alluvium as shown in on Plate 3, Geologic Map (geotechnical investigation performed by Berlogar, Stevens & Associates dated February 10, 2012). Borings indicate the site is underlain predominately by very stiff to hard clayish soil. A lens of gravelly and silty sand was encountered at a depth of 20 feet in boring (B1). There is a potential that lens of gravelly and silty sand at the site could liquefy during an earthquake. However, the amount of settlement caused by liquefaction of these lenses should be muted at the ground surface due to the cap of clayish soil. Lateral spreading is unlikely since the sandy material is not</i></p>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<p><i>believed to be a continuous layer. A design level geotechnical evaluation shall be conducted and submitted for review and approval prior to issuance of building permits and if liquefaction is determined to be probable, measures as recommended by the project geotechnical consultant shall be implemented. Such measures, such as special foundation construction, will reduce the significance of liquefaction-related impacts to a level of insignificance.</i></p> <p>Mitigation Measure 2: <i>Prior to issuance of a Building Permit, the applicant shall conduct a design level geotechnical evaluation and submit that for review and approval and any recommendations shall be incorporated into the final design of the project.</i></p>				
<p>iv) Landslides? Comment: <i>The project site consists of flat lots not subject to landslides. Due to the relatively flat site topography, landslides are not likely; thus, no impact.</i></p>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>b) Result in substantial soil erosion or the loss of topsoil? Comment: <i>Although the project would result in an increase in impervious surface, the project site is relatively flat and erosion control measures that are typically required for such projects, including but not limited to gravelling construction entrances and protecting drain inlets, will address such impacts. Therefore, the potential for substantial erosion or loss of topsoil is considered insignificant.</i></p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse? Comment: <i>The site is relatively flat and such impacts are not anticipated.</i></p>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property? Comment: <i>According to the Due-Diligence Geotechnical Investigation, the site is underlain with predominately very stiff to hard clayish soil. The assessment recommends that a design-level geotechnical investigation be performed and recommendations thereof be incorporated into</i></p>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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the project design and construction. Provided the recommendations of a design-level geotechnical assessment are followed, the impacts of the expansive soils will be mitigated to a less than significant level.

Mitigation Measure 3: *All recommendations outlined in a design-level geotechnical investigation shall be incorporated in the final design in order to mitigate for the presence of expansive soils on the project site.*

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 project will be connected to an existing sewer system with sufficient capacity and does not involve septic tanks or other alternative wastewater; thus, no impact.*

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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 10, 2013 study of the project performed by Urban Crossroads concluded that while the project would produce GHG emissions, these emissions will be significantly less than the currently entitled land use. This study used the California Emissions Estimator Model (CalEEMod) to evaluate the GHG impacts. The Bay Area Air Quality Management District (BAAQMD) recommends using the CalEEMod model in lieu of the Urban Land Use Emissions Model (URBEMIS) in calculating project greenhouse gas emission and evaluating air quality, as required by the BAAQMD. The BAAQMD has established screening criteria as part of their CEQA guidance to assist in determining if a proposed project could result in operational-related impacts to Greenhouse Gases. Based on the Urban Crossroads study, it has been determined that the project does not exceed the applicable threshold for operational greenhouse gas emissions using CalEEMod. Urban Crossroads used both the 1999 and 2011 BAAQMD thresholds of significance and the project will not exceed any of these thresholds. The operational threshold (impact) was below 4.6MT of CO²e/SP/year, which is less than the allowable maximum daily thresholds; thus the impact is*

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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:** *The September 10, 2013 Urban Crossroads study concluded that Project's GHG emissions will not exceed any applicable thresholds (1999 or 2011 thresholds) articulated by the BAAQMD. Moreover, the project will be in compliance with the City of Hayward Green Building Ordinance. As discussed in VIIa above, the project will not exceed the threshold for operation greenhouse gases; thus no impact.*

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VIII. HAZARDS AND HAZARDOUS MATERIALS -- Would the project:

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

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b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment? **Comment:** *The site contains an underground fuel tank that will be removed during construction of the project. The applicant's Phase I and II environmental reports confirm that there has been no fuel leakage on the project site. Phase I and Phase II assessments were conducted on the subject property by Haley and Aldrich and although the property has an underground diesel storage tank used for powering a back-up generator for the previous office use and a former auto repair facility, no hydrocarbon-related compounds were detected in boring samples taken on-site. It is the opinion of Haley and Aldrich that the underground storage tank or the former auto repair facility has not impacted soil or groundwater quality at the site, therefore no further environmental assessment is warranted; therefore, no impact..*

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c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school? **Comment:** *The project will not emit hazardous materials or substances, thus no impact.*

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	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<p>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: <i>The project site has been analyzed through Phase I and Phase II environmental reports, which conclude that no contamination or hazardous substances are present on the project site. The project site is not on any list compiled pursuant to Government Code section 65962.5; thus, no impact.</i></p>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>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: <i>The project is not located within an airport land use plan area or within two miles of a public airport; therefore, no impact.</i></p>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>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: <i>The site is not located within the vicinity of a private air strip and therefore, no such impacts would occur as a result of the project.</i></p>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan? Comment: <i>The project would not interfere with an adopted emergency response plan or emergency evacuation plan. In fact, the project would result in an improved on-site water system, thereby improving fire-fighting capabilities. Therefore, no impact.</i></p>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands? Comment: <i>The project site is located within an urban setting, away from areas with wildland fire potential, and outside the City's Urban Wildlife Interface zone. Therefore, no such impacts related to wildland fires are anticipated.</i></p>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
IX. HYDROLOGY AND WATER QUALITY -- Would the project:				
a) Violate any water quality standards or waste discharge requirements? Comment: <i>The project will comply with all water quality and wastewater discharge requirements of the city; thus, no impact.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)? Comment: <i>The project will be connected to the existing water supply and will not involve the use of water wells and will not deplete groundwater supplies or substantially interfere with groundwater recharge; thus, no impact.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site? Comment: <i>The project site is an infill site. All drainage from the site is required to be treated before it enters the storm drain system and managed such that post-development run-off rates do not exceed pre-development run-off rates; thus, no impact.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site? Comment: <i>The project site is an infill site. All drainage from the site is required to be treated before it enters the storm drain system and managed such that post-development run-off rates do not exceed pre-development run-off rates; thus, no impact.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

polluted runoff? **Comment:** *The project site is a previously developed infill site. All drainage from the site is required to be treated before it enters the storm drain system and there is sufficient capacity to handle any drainage from the property; thus, the impact is considered less than significant.*

f) Otherwise substantially degrade water quality? **Comment:** *The project site has been analyzed through Phase I and Phase II environmental reports, which did not identify any impacts to surface or groundwater quality. There will be an increase in open space that currently exists on the site as part of the project, including implementation of a Provision C.3 storm water treatment system, which will actually improve groundwater quality. The project site is an infill. All drainage from the site is required to be treated before it enters the storm drain system; thus, no impact.*

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 not located within a 100-year flood hazard area; 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 within a 100-year flood hazard area; thus, no impact.*

j) Inundation by seiche, tsunami, or mudflow? **Comment:** *The project site is not located within a 100-year flood hazard area; thus, no impact.*

X. LAND USE AND PLANNING -- Would the project:

a) Physically divide an established community? **Comment:** *The project is proposed in a developed urban setting and would not divide an established*

Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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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? **Comment:** *The project involves construction of 194 townhomes and 16,800 square feet of retail space, which is consistent with the General Plan and does not exceed the maximum permitted density. The Central City – Commercial zoning permits retail uses and residential dwelling units above first-floor commercial by right, and conditionally permits residential development on the first floor. Processing of a conditional use permit is currently underway allowing for residential dwelling units on the first floor. The proposed uses are also consistent with surrounding adjacent abutting uses, which consists of mixed-use, commercial and residential uses; thus, no impact.*

Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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c) Conflict with any applicable habitat conservation plan or natural community conservation plan? **Comment:** *The project site is not covered by any habitat conservation plan or natural community conservation plan; thus, no impact.*

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XI. MINERAL RESOURCES -- Would the project:

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

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b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan? **Comment:** *The project site is not identified as a site known to have mineral resources and there are no known mineral resources on the project site; thus, no impact.*

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Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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XII. NOISE -- Would the project result in:

a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?

Comment: *Temporary construction noise will be controlled by the Hayward Noise Ordinance, and specifically, the project will comply with the construction hours specified in the City's Noise Ordinance. Individual living units will need to be designed to standards called out in the Hayward General Plan for noise impacts. A qualified consultant will need to complete future noise readings, and if such readings result in indoor or outdoor noise levels that exceed the standards contained in Appendices M and N of the City of Hayward General Plan, then design of the units should incorporate sound attenuation features that are to be in accordance with the consultant's and/or architect's recommendations and be confirmed via actual readings prior to project finalization and/or C of Os on units. Efforts to reduce noise level of all dwelling units to be in compliance with standards in the General Plan will reduce the significance of noise-related impacts to a level of insignificance.*

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Mitigation Measure 4: *Prior to issuance of a Building Permit, the applicant shall conduct acoustical analysis by a qualified consultant to ensure that indoor or outdoor noise levels of each new residential unit does not that exceed the standards contained in Appendices M and N of the City of Hayward General Plan. If those standards are exceeded, the design of the units should incorporate sound attenuation features that are to be in accordance with the consultant's and/or architect's recommendations and be confirmed via actual readings prior to project finalization and/or C of Os on units.*

b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels? **Comment:** *No significant vibration impacts are anticipated for the project site; thus, no impact.*

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c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project? **Comment:** *The*

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project site has already been fully developed, and currently consists of paved parking lots, a parking garage, and a vacant office building. Under the project site's previous use, more than 1,000 individuals worked at the site. The proposed residential and retail uses will not produce noise levels in excess of the vehicle traffic produced by those using Foothill Boulevard. The mixed use development project is in the City Central – Commercial (CC-C) zoning district and will not involve an increase in the ambient noise levels in the area; thus, no impact.

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 nearby will experience a slight increase in ambient noise levels during the construction of the proposed project, construction is limited to the allowable hours per the City's Noise Ordinance; thus the impact is considered less-than-significant and no mitigation is required.

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

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f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels? **Comment:** The project is not located within the vicinity of a private air strip; thus, no impact.

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XIII. POPULATION AND HOUSING --

Would the project:

a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)? **Comment:** The project will not, either directly or indirectly, induce substantial population growth. The project involves the construction of 194 new residential units, however, the residential development is consistent with the

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density established by the City's General Plan; thus, no impact.

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere? **Comment:** *The project will not displace any existing housing, as the project site currently consists of only commercial uses; thus, no impact.*

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c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere? **Comment:** *The project will not displace any existing housing, as the project site does not currently consist of any residential uses; thus, no impact.*

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XIV. PUBLIC SERVICES --

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

Fire protection? **Comment:** *No such facilities are required and therefore, no such impacts are expected to occur.*

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Police protection? **Comment:** *No such facilities are required and therefore, no such impacts are expected to occur.*

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Schools? **Comment:** *The project site is within the Stobridge Elementary School, Bret Harte Middle School and Hayward High School attendance areas of the Hayward Unified School District. The developer will be required to pay school impact mitigation fees, which, per State law, is considered full mitigation. Such measures would reduce such impacts to levels of insignificance.*

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Parks? **Comment:** *The project proponent would be required to dedicate parkland and/or pay park dedication in-lieu fees. Such measures would reduce such impacts*

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to levels of insignificance.

Other public facilities? **Comment:** *The project's residents will 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 thus the impact is considered less than significant.*

Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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XV. RECREATION --

a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated? **Comment:** *The project includes amenities and private spaces for residents, including a park. The project proposes to include some amenities and common areas within the development for residents. The developer will be required to pay applicable park in-lieu fees; thus the impact is considered less-than-significant.*

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b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment? **Comment:** *The project proposes to include some amenities and common areas within the developments, as well as a park. The developer will also be required to pay applicable park in-lieu fees. The project proposes a new bicycle and pedestrian pathway along the western boundary of the site adjacent to San Lorenzo Creek. This new recreational facility is well integrated into the project design and doesn't create any adverse physical effect on the environment on the adjacent creek; in fact, the proposed path respects the existing site topography and existing infrastructure controlling creek flow through this part of the City. Also, the Hayward Area Recreation and Park District (HARD) submitted project comments that the path provides a needed link in this section of San Lorenzo Creek and is pathway supported by their agency. Construction of the pathway/sidewalk may have minimal short-term environmental effects but once complete any impacts associated with this new pathway or recreational facility would be considered*

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Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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less-than-significant.

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?

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Comment: *The project will not conflict with any plan regarding the circulation system. The applicant commissioned a traffic study analyzing the project, which was completed by TJKM Transportation Consultants on September 26, 2013. This study concluded that the project will generate approximately 2,680 daily weekday trips, including 117 a.m. peak hour trips and 257 p.m. peak hour trips. The conclusion of the traffic study was that the project will not cause a significant impact to any study intersection and thus should not disrupt the existing transportation system; thus the impact is considered less than significant.*

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?

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Comment: *The applicant commissioned traffic study analyzing the project completed by TJKM Transportation Consultants on September 26, 2013, concluded that the project will not cause any significant impacts on traffic because all intersections will continue operating at the same level of service ("LOS") after the project that these intersections currently operate under the existing conditions. The same conclusion was reached under "near term plus project" and "cumulative plus project" conditions. Under "cumulative plus project" conditions, the Foothill Boulevard / City Center Drive intersection is expected to operate at LOS E during the p.m. peak hour, and the A Street / Mission Boulevard intersection is expected to operate at LOS F during both a.m. and p.m. peak hours. TJKM*

concluded that the LOS E and F condition at these intersections are not significant impacts because the increases in delay due to project traffic is less than 5.0 second, which is the City's standard measure of significance. Therefore, the addition of project traffic is not expected to result in a significant impact. No level of service will be impacted by the construction of the new residential units and new retail/commercial space on an existing infill lot. The Alameda County Transportation Commission does not have an adopted level of service standard for intersections. In absence of such a standard the City has defaulted to the level of service standard in the General Plan. Using that standard as a guide, along with the SR 238 Corridor Improvement Project EIR, TJKM determined that there are less than significant traffic impacts. .

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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? <u>Comment:</u> The project involves no change to air traffic patterns; thus, no impact.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?)? <u>Comment :</u> The project has been designed to meet all City requirements, including site distance and will not increase any hazards; thus no impact.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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e) Result in inadequate emergency access? <u>Comment:</u> The project is on a completely accessible infill site and will not result in inadequate emergency access; thus, no impact.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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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? <u>Comment</u> The project does not involve any conflicts or changes to policies, plans or programs related to public transit, bicycle or pedestrian facilities; thus, no impact.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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XVII. UTILITIES AND SERVICE SYSTEMS -- Would the project:

a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board? <u>Comment:</u> The project will not exceed wastewater treatment requirements; thus no impact.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects? Comment: <i>There is sufficient capacity to accommodate the proposed project; thus, no impact.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects? Comment: <i>There is sufficient capacity to accommodate the proposed project; thus, the impact is considered less than significant.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed? Comment: <i>There is sufficient capacity to accommodate the proposed project; thus, no impact.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project' s projected demand in addition to the provider' s existing commitments? Comment: <i>There is sufficient capacity to accommodate the proposed project; thus, no impact.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Be served by a landfill with sufficient permitted capacity to accommodate the project' s solid waste disposal needs? Comment: <i>There is sufficient capacity to accommodate the proposed project; thus, no impact.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Comply with federal, state, and local statutes and regulations related to solid waste? Comment: <i>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.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

XVIII. MANDATORY FINDINGS OF SIGNIFICANCE --

a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels,	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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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 parking garage, and a vacant office building. The project will not result in development of any currently undeveloped land. The project will have no impact on the environment, as this infill project exclusively calls for the development of land that has already been developed; thus, the project will have no impact and specifically will not degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory.*

b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?

Comment: *The proposed mixed-use development is consistent with the density of development identified in the City's General Plan. An evaluation was done of past projects, the effects of other nearby current projects, and the effects of probable future projects in the immediate vicinity of the subject properties in crafting this Initial Study and it was determined and there were no foreseeable cumulatively considerable impacts associated with the development request and other adjacent projects (past, present and future); thus, no impact.*

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?

Comment: *The project will not have any environmental impacts therefore will not cause substantial adverse effects on human beings; thus, no impact.*

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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@ The Boulevard

Mitigation Monitoring and Reporting Program

**Conditional Use Permit Application No. PL-2012-0069
Vesting Tentative Tract Map Application No. PL-2013-0070
(VTM 8129);**

Integral Communities (Applicant/Project Sponsor)

September 26, 2013

Mitigation 1

Significant environmental Impact: *The Bay Area Air Quality Management District (BAAQMD) has established screening criteria as part of their CEQA guidance to assist in determining if a proposed project could result in potentially significant air quality impacts. Based on the District's criteria (thresholds of significance; 1999 and 2011), the proposed project screens below what would require additional evaluation. According to a September 10, 2013 air quality study performed by Urban Crossroads, there are two types of air quality impacts to evaluate with any development project; construction and operation air quality impacts. An evaluation of the operational aspects of the project reveals that the proposed development would not exceed any applicable threshold. Construction activities associated with the project would exceed the BAAQMD threshold for NOx. In order to reduce construction impacts to below the BAAQMD's threshold for NOx, the September 10, 2013 air quality study recommended that during construction activity, all diesel powered equipment (≥ 100 horsepower) shall be California Air Resources Board (CARB) Tier 3 Certified or better. The project will implement this mitigation measure, and as a result, all impacts will be less than significant with mitigation.*

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

Implementation Responsibility: Project developer

Monitoring Responsibility: City of Hayward Planning Division

Timing: During all phases of project construction

Mitigation 2

Significant environmental Impact: *The site is located within a State of California liquefaction seismic hazard zone. The site is underlain by Older Alluvium as shown in on Plate 3, Geologic Map (geotechnical investigation performed by Berlogar, Stevens & Associates dated February 10, 2012). Borings indicate the site is underlain predominately by very stiff to hard clayish soil. A lens of gravelly and silty sand was encountered at a depth of 20 feet in boring (B1). There is a*

potential that lense of gravelly and silty sand at the site could liquefy during an earthquake. However, the amount of settlement caused by liquefaction of these lenses should be muted at the ground surface due to the cap of clayish soil. Lateral spreading is unlikely since the sandy material is not believed to be a continuous layer. A design level geotechnical evaluation shall be conducted and submitted for review and approval prior to issuance of building permits and if liquefaction is determined to be probable, measures as recommended by the project geotechnical consultant shall be implemented. Such measures, such as special foundation construction, will reduce the significance of liquefaction-related impacts to a level of insignificance.

Mitigation Measure: Prior to issuance of a Building Permit, the applicant shall conduct a design level geotechnical evaluation and submit that for review and approval and any recommendations shall be incorporated into the final design of the project.

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: *According to the Due-Diligence Geotechnical Investigation, the site is underlain with predominately very stiff to hard clayey soil. The assessment recommends that a design-level geotechnical investigation is performed and recommendations thereof are incorporated into the project design and construction. Provided the recommendations of a design-level geotechnical assessment are followed, the impacts of the expansive soils will be mitigated to a less than significant level.*

Mitigation Measure: All recommendations outlined in a design-level geotechnical investigation shall be incorporated in the final design in order to mitigate for the presence of expansive soils on the project site.

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: *Temporary construction noise will be controlled by the Hayward Noise Ordinance, and specifically, the project will comply with the construction hours specified in the City's Noise Ordinance; therefore, any impacts will be less than significant. Individual living units will need to be designed to standards called out in the Hayward General Plan for noise impacts. Future noise readings by a qualified consultant will need to be done and if such readings result in indoor or outdoor noise levels that exceed the standards contained in Appendices M and N of the City of Hayward General Plan, then design of the units should incorporate sound attenuation features that are to be in accordance with the consultant's and/or architect's recommendations and be confirmed via actual readings prior to project finalization and/or C of O's on units. Efforts to reduce noise level of all dwelling units to be in compliance with standards in the General Plan will reduce the significance of noise-related impacts to a level of insignificance.*

Mitigation Measure: Prior to issuance of a Building Permit, the applicant shall conduct acoustical analysis by a qualified consultant to ensure that indoor or outdoor noise levels of each new residential unit does not that exceed the standards contained in Appendices M and N of the City of Hayward General Plan. If those standards are exceeded, the design of the units should incorporate sound attenuation features that are to be in accordance with the consultant's and/or architect's recommendations and be confirmed via actual readings prior to project finalization and/or C of Os on units.

Implementation Responsibility: Project developer

Monitoring Responsibility: City of Hayward Planning Division

Timing: Prior to issuance of a Building Permit for the project

FINDINGS FOR APPROVAL**Conditional Use Permit Application No. PL-2012-0069, and
Tentative Tract Map Application No. PL-2013-0070***Findings for Approval – California Environmental Quality Act:*

1. Pursuant to CEQA Guidelines Section 15220, an Initial Study (“IS”) was prepared for this 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.
2. That the proposed 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. That the proposed MND was independently reviewed, considered and analyzed by the Planning Commission and reflects the independent judgment of the Planning Commission; that 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 make up the proposed MND and the administrative record as a whole); that the Planning Commission adopts the proposed MND and its findings and conclusions as its source of environmental information; and that the proposed MND is legally adequate and was completed in compliance with CEQA.
4. That the proposed MND identified all potential significant adverse impacts and feasible mitigation measures that would reduce these impacts to less-than-significant levels, and that 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 Planning Commission, there is no substantial evidence that the project will have a significant effect on the environment.
5. That the project complies with CEQA, and that the proposed MND was presented to the Planning Commission, 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 is the Development Services Department of the City of Hayward, located at 777 B Street, Hayward, CA 94544.
6. The monitoring and reporting of CEQA mitigation measures in connection with the project will be conducted in accordance with the attached Mitigation Monitoring 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 efforts of the project sponsor, City of Hayward or other identified public agencies of responsibility.

*Findings for Approval – Conditional Use Permit:***1. The proposed use is desirable for the public convenience or welfare;**

The Project, and specifically, a residential use on the first floor of the Project, is desirable for the public convenience and welfare because the Project will convert a large, vacant commercial building into a mixed-use community, create economic stimulus and housing inventory near adjacent employment and retail centers to reduce vehicle miles traveled. The design and features of the Project will attract middle-income residents who are expected to spend their incomes to support businesses in Hayward, particularly in the Downtown, and/or attract new businesses. The Project would provide higher end, aesthetically-pleasing ownership housing with on-site amenities (open spaces and the San Lorenzo Creek pathway) within walking distance of transit. Providing ground-floor residential units would provide more active “eyes on the street” later in evenings, in line with “crime prevention through environmental design” (CPTED) principles, which would not necessarily be realized with commercial ground floor development.

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

The Project site is surrounded by residential uses and similarly-zoned properties, and is in the vicinity of multi-storied residential complexes, and as such, the Project will not impair the character and integrity of the surrounding area. As conditioned, traffic leaving the project on Hazel Avenue would not be able to turn westward and drive through the neighborhoods to the west, directing traffic generated by the project onto Foothill Boulevard, a major arterial. The project would entail higher quality materials/finishes and architecture, and entail the planting of new, irrigated landscaping, including the planting of 278 new trees. The standard specification level for the townhomes will consist of tile entries, wood cabinets, pre-wiring, etc. There will be numerous optional upgrades typical of today's new homes, such as granite counter tops, hard wood flooring, upgraded fixtures, solar roof panels, etc. Pricing for the townhomes should range from \$518,000 to \$608,000.

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

The initial study/mitigated negative declaration prepared for the Project demonstrates that no substantial adverse environmental effects would occur after implementation of mitigation measures included therein, including no significant impacts on public services or hazards. Traffic impacts are not expected to be significant and would be less than peak-hour trips compared with the previously existing Mervyn’s office building use. Therefore, the Project’s proposed residential and commercial uses will not have a negative effect on the public health, safety, or general welfare. Specifically, a conditional use permit allowing first-floor residential units has no effect on the public health, safety or general welfare. If analysis demonstrates that public services demands warrant it, the Project proponent would be required to make a one-time payment for such costs or form/be annexed into an existing community facilities district, which through assessments, would pay for needed public safety services.

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

The current General Plan designation of the site is Downtown - City Center / Retail and Office Commercial (CC-ROC). On page C-4 of Appendix C of the General Plan, the Downtown - City Center Area has the following text that explains the unique vision for this area:

“This area is a major activity center in the planning area. It contains major public facilities such as City Center and the Main Library, retail and office areas, and high-density residential areas. Mixed-use development is encouraged to promote the pedestrian orientation and to maintain the downtown area as an integrated living, working, shopping and recreational area. The boundary of this area is delineated in the Downtown Hayward Design Plan.”

Page C-3 of that General Plan appendix lays out the vision for areas with a Retail and Office Commercial land use designation:

“These areas include the regional shopping center (Southland Mall), community shopping centers, concentrations of offices and professional services, and portions of the downtown area and South Hayward BART Station area where mixed retail and office uses are encouraged. Not shown are neighborhood convenience centers that support and are compatible with residential areas.”

One additional section of the General Plan further supports the project as related to City policies:

“Recognize the importance of continuous retail frontage to pedestrian shopping areas by discouraging unwarranted intrusion of other uses that weaken the attractiveness of retail areas; encourage residential and office uses to locate above retail uses.”

These sections of the General Plan indicate the proposed project is consistent with the policies of the General Plan in that the project provides residential use with some commercial use in the Downtown in close proximity to the Downtown BART station. The current development, with the surface parking lot, unoccupied Mervyn’s office building and parking garage, does not create a continuous retail frontage interfacing with the more pedestrian-oriented part of Downtown. It should be noted that this section of Foothill Boulevard is quite different from other sections of Downtown Hayward. Specifically, this section of Foothill is a multi-lane arterial with high-speed, high-volume vehicular traffic that is not very pedestrian-friendly. B Street is considered an example of a more pedestrian-friendly environment with a continuous retail frontage and presence, with lower volumes of traffic traveling at lower speeds in just two lanes.

The zoning designation of the project site is Central City Commercial (CC-C). Allowable permitted uses not requiring a use permit include residential dwelling units above the first floor and a variety of commercial uses (as is proposed at the southeast and northeast corners of the project site). Approval of a conditional use permit (CUP) is required for ground-floor residential

use. Note that ground-floor residential is not outright prohibited by the CC-C regulations.

The purpose of the Central City – Commercial (CC-C) is, “to establish a mix of business and other activities which will enhance the economic vitality of the downtown area. Permitted activities include, but are not limited to, retail, office, service, lodging, entertainment, education, and multi-family residential.”

The project could be viewed as one that adds synergy to Downtown. Adding townhomes along with commercial space would contribute to the goal of Downtown being an active and vibrant area as referenced in the General Plan and Zoning Ordinance. Recent economic studies done for Downtown and this specific project show that this type of project would add to Hayward’s revitalization of Downtown by providing housing to attract middle-income households that would spend disposable income in Downtown. The Project also fulfills the intent and purpose of the CC-C zone by replacing an underutilized site with a vibrant, pedestrian-friendly mixed use development, and as a result, revitalizing the Central City and creating economic stimulus.

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.

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 “City Commercial – Residential Office Commercial (CC – ROC)” land use category of the General Plan. No Specific Plan applies to the Project.

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

The proposed subdivision is of a design consistent with the Hayward General Plan in that circulation design and roadways are provided to accommodate the anticipated traffic, and utilities, including water, sewer, and stormdrain facilities, will be provided to accommodate the proposed development. As demonstrated by the project initial study/mitigated negative declaration, the Project will have no significant impacts on aesthetics or land use.

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

The geotechnical investigation performed by Berlogar, Stevens & Associates (February 10, 2012), which is referenced in the project initial study/mitigated negative declaration, demonstrates that the proposed subdivision would occur on a site suitable for the proposed development.

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

The geotechnical investigation performed by Berlogar, Stevens & Associates (February 10, 2012) demonstrates that the proposed subdivision would occur on a site suitable for the proposed density, in compliance with the City’s parking, open space, and traffic impact standards.

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, with incorporation of required mitigation measures. Moreover, the Project site has already been fully developed, and as a result, no fish or wildlife habitats exist on the Project site.

6. 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 to the Project site, nor are air quality impacts to future residents considered significant, as analyzed in the initial study/mitigated negative declaration. The Project also adds housing inventory near adjacent employment and retail centers to reduce vehicle miles traveled, which reduces impacts on air quality and greenhouses gases.

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)]

There are no existing public easements within the boundary of the proposed subdivision, nor are any easements necessary. The Project site is fully developed and currently consists of a 336,000 square foot unused office building and parking facilities, and therefore, there is currently no public access though the property.

CONDITIONS OF APPROVAL

Integral Communities (Applicant/Subdivider)

Conditional Use Permit Application No. PL-2012-0069 and Vesting Tentative Tract Map Application No. PL-2013-0070

Condominium Purposes for the Construction of 194 Townhomes and 16,800 square feet of Commercial Space on an 11.33-acre site located at 22301 Foothill Boulevard

General

1. In accordance with Zoning Ordinance §10-1.1520, subject to all conditions listed below, the approval is for the Conditional Use Permit and Vesting Tentative Tract Map Project as shown in the City's Project files as:

Exhibit A – Conditional Use Permit and Vesting Tentative Tract Map,” submitted by Integral Communities, dated September 10, 2013, Sheets T1, TM-1, TM-2, TM-3, TM-4, TM-5, TM-6, TM-7, TM-8, A0.1, A0.2, A2.0, A2.1, A3.0, A4.0, A.TH.1, A.TH.2, A.TH.3, A.TH.4, A.TH.5, A.TH.6, L1, L2, L3, L4, L5, and EXH, and labeled Conditional Use Permit (CUP) No. PL-2012-0069 and Tentative Tract Map No. PL-2013-0070 (TTM 8129).

2. Project approval shall be void two years after issuance of the building permits, or three years after approval of the conditional use permit and vesting tentative tract map applications, 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 SUBMITTAL OF IMPROVEMENT PLANS AND FINAL MAP

5. The applicant shall include the location of the public access easement to be located adjacent to the San Lorenzo Creek. This easement area shall be wide enough to incorporate some landscape area and an eight (8) foot wide pedestrian bicycle pathway within the easement area. All details related to the public access easement shall be included with the final map for the project. The final map shall be accepted by the City Council once all conditions have been met.
6. 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.
7. Unless indicated otherwise, the design for development shall comply with the following:

- a) All improvements shall be designed and constructed in accordance with the City of Hayward Municipal Code – Chapter 10, Articles 1 and 3, and Standard Specifications and Details.
 - b) All construction shall meet the California Building Codes (CBC) and all applicable City of Hayward Building Codes and amendments, including Green Building standards.
 - c) Design and construction of all pertinent life safety and fire protection systems shall meet the California Fire Code and all applicable City of Hayward Fire Codes and amendments.
8. A Registered Civil Engineer shall prepare all Civil Engineering improvement plans, and a Licensed Architect shall prepare all architectural plans, unless otherwise indicated herein.

Subdivision Improvement Plans

9. The subdivider shall also submit proposed subdivision improvement plans and Final Map that are in substantial compliance with the approved Vesting Tentative Tract Map. Said plans and map shall meet all City standards and submittal requirements. The following information shall be submitted with or in conjunction with improvement plans and final map:
- 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 drainage plan shall be approved by the City Engineer and if necessary, the ACFC&WCD prior to issuance of any construction or grading permit.
 - b. A detailed Stormwater Treatment Plan and supporting documents, following City ordinances and conforming to Regional Water Quality Control Board's "Staff recommendation for new and redevelopment controls for storm water programs."

Final Tract Map

10. 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.
11. One Final Map shall be filed for the proposed Vesting Tentative Tract Map pursuant to the Government Code 66452.6(a) (1). The Developer/Applicant shall submit a proposed construction phasing and scheduling for the installation of improvements prior to the approval of Final Map.
12. Prior to issuance of a building permit for the project, the developer/subdivider shall submit expected and/or revised sales price information for all residential components of the project. The Applicants estimated pricing for the town homes based on current market condition ranges from

approximately \$518,000 to \$608,000. However, pricing will ultimately be governed by market conditions.

13. 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.
14. 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 (WLS), Sanitary Sewer Easement (SSE), and Emergency Vehicle Access Easement (EVAE).
15. The final map shall reflect dedication of a strip of land approximately 9.4-foot wide, and a request for quit claim of approximately 5-foot wide along Foothill Boulevard frontage., and dedication of a strip of land 0.5-foot wide as right-of-way, and 9.5-foot wide as Public Utilities, Sidewalk and Access Easement (PUS and PUE) encompassing a 5-foot wide sidewalk and 4.5-foot wide planter strip along City Center Drive frontage.

Planning Division

16. 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.
17. All commercial signage shall conform to Section 10-1.1555(q) of the Zoning Ordinance and Chapter 10 Article 7 of the Hayward Municipal Code.
18. All uses located in the 16,800 square feet of commercial space located adjacent to Foothill Boulevard shall conform to Zoning Ordinance Section 10-1.1522: CC-C Permitted Uses.
19. The applicant shall work with the City's Landscape Architect and City Engineer to allow for the large bio-retention area located adjacent to San Lorenzo Creek to be used for a usable open space area for project residents and trail users. The main function of the large bio-retention area is to collect water during rainstorm events where water is filtered back into the ground water ecosystem. This large bio-retention area is excluded from the group open space required on the project site.
20. The applicant or property-owners' 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 property-owners' association to have necessary work done and to place a lien upon the property if maintenance and repair of the unit is not executed within a specified time frame. The premises shall be kept clean.
21. Any satellite dishes for retail use shall be located as near as possible to the center of roofs to limit visibility from the ground.

22. 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 property-owners' association. The property-owners' association shall remove vehicles parked contrary to this provision. The developer shall include in the CC&Rs authority to tow illegally-parked vehicles.

Landscape

23. Both property owners' associations shall maintain the common area landscaping in a healthy, weed-free condition at all times, and the irrigation system with efficient irrigation water management practices to provide uniform distribution, reduce runoff and promote surface filtration. The landscape maintenance practices shall minimize the use of fertilizers and pesticides that can contribute to runoff pollution. Minimum three inches of organic recycled chipped wood mulch shall be maintained at all times. The owner's representative shall inspect the landscaping on a monthly basis and any dead or dying plants (plants that exhibit over thirty percent dieback) shall be replaced within ten days of the inspection. All trees planted by the developer are "Protected Trees" in accordance with the City's Tree Preservation Ordinance. A tree removal and a pruning permit are required prior to removal and pruning of all Protected Tree. All removed trees shall be replaced in accordance with the City's Tree Preservation Ordinance. Trees shall not be severely pruned, topped or pollarded. Any trees that are pruned in this manner shall be replaced with a tree species selected by, and size determined by the City Landscape Architect, within the timeframe established by the City and pursuant to the Municipal Code.

Storm Water Quality Requirements

24. 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.
 - 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) 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."
- h) The bioretention treatment area shall be designed using a Bioretention Soil Mix (BSM) per Attachment L of the C.3 Technical Guidance dated May 14, 2013, with a minimum infiltration rate of 5 inches per hour. The proposed bioretention area shall not be used as a turf play field and shall have a decorative fence along the inside perimeter of the meandering sidewalk.
- i) The following documents pursuant to the Cleanwater Program requirements:
 - i. Hydromodification Management Worksheet;
 - ii. Infiltration/Rainwater Harvesting and Use Feasibility Screening Worksheet;
 - iii. Development and Building Application Information Impervious Surface Form;
 - iv. Project Applicant Checklist of Stormwater Requirements for Development Projects;
 - v. C.3 and C.6 Data Collection Form; and,
 - vi. Numeric Sizing Criteria used for stormwater treatment (Calculations).

25. The subdivider 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: (Foothill Boulevard, Hazel Avenue and City Center Drive)

26. Improvements for public streets shall incorporate the following:

- a) 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.
- b) The subdivider shall remove and replace any damaged and/or broken sidewalk associated with project demolition and construction, as determined by the City.
- c) The subdivider shall install additional LED illuminated street lights along Hazel Avenue and City Center Drive, of a design identical to the existing lights installed as part of the Route 238 Corridor Improvement Project improvements, at locations approved by the City Engineer. These new street lights shall be part of the City lighting system.
- d) The proposed project entrances off Foothill Boulevard, City Center Drive, and Hazel Avenue 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) Foothill Boulevard is on moratorium for planned work involving pavement cuts. If the applicant finds it necessary to cut into Foothill Boulevard to provide utility services and/or

street improvements required for development, Foothill Boulevard pavement sections shall be reconstructed with a minimum of two inches of Hot Mix Asphalt (HMA) pavement after the installation of the proposed water main, and fire and irrigation service lines. The limits of pavement reconstruction shall be determined by the City Engineer.

- f) Existing street improvements along the City Center Drive project frontage shall be removed and replaced with a new five-foot wide Portland Cement Concrete sidewalk behind the planter strip and a minimum 4.5-foot wide planter strip behind the curb.
- g) Existing Portland Cement Concrete improvements on Hazel Avenue along the project frontage shall be removed and replaced with a five-foot wide sidewalk adjacent to the property line and a minimum 4.5-foot wide planter strip behind the curb.
- h) Raised medians shall be installed on Hazel Avenue to prohibit left-turn movements from the project site onto Hazel Avenue in a southbound direction. The design and location of such medians shall be approved by the City Engineer and Fire Chief.
- i) Existing pavement section along the Hazel Avenue project frontage shall be reconstructed with a minimum of two inches of Hot Mix Asphalt (HMA) pavement to the lane line.

Private Streets and Alleys

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

- a) Proposed Street ‘A’ and Foothill Boulevard intersection shall be redesigned to accommodate truck turning movements (ingress to and egress from retail parking areas.) The redesign shall be approved by the Fire Chief and City Engineer.
- b) Proposed private street and alley improvements and modifications shall be designed and 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 with a Traffic Index (TI) of five and minimum Asphalt Concrete (AC) thickness of four inches.
- d) The minimum pavement width of “B” Street on the project site shall be twenty-two (22) feet, unless a lesser width is approved by the City Engineer and Fire Marshal.
- e) Except for designated open parking spaces, no curbside parking shall be allowed. “No Parking Fire Lane” (T29 – ‘No Parking Sign’ in a specific industry format) signs shall be installed and curbs shall be painted red in locations approved by the Fire Chief and City Engineer.
- f) The interior intersections shall be designed to meet Fire Department access and turning movements. Pedestrian ramps shall be installed to facilitate access and circulation throughout the development.
- g) L.E.D. luminaire lights shall be installed within the development and proposed walkway along San Lorenzo Creek. Locations and design shall be approved by the City Engineer and Planning Director.

Storm Drainage

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

- a) The proposed realignment of the existing storm drain in Foothill Boulevard upstream of the subdivision shall not create adverse impacts to the existing upstream drainage system.
- b) 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.
- c) 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.
 - d) 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. If there is augmented project-generated runoff, off-site and/or on-site mitigation shall be provided.
 - e) 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.
 - f) 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.
 - g) All storm drain inlets must be labeled "No Dumping - Drains to Bay," using City-approved methods. Refer to City Standard SD-401A.
 - h) An encroachment permit from ACFC&WCD is required for any modification and/or alteration of the existing outfall structures or connections to San Lorenzo Creek, or any work within District right-of-way and facilities. All workmanship, equipment, and materials shall conform to ACFC &WCD standards and specifications.
 - i) 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.
 - j) 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

29. The proposed sewer services shall be approved by the Oro Loma Sanitary District (OLSD), the utility purveyor for the project development.

Water System

30. The proposed water services shall be approved by the East Bay Municipal Utility District (EBMUD), the utility purveyor for the project development.

Fire Protection

31. A fire flow shall be provided in accordance with the 2010 California Fire Code Table B105.1 based on the construction type and building area when building exceeding 3,600 square feet. A fire flow reduction of up to 50 percent is allowed when the building is provided with automatic sprinkler system in accordance with NFPA 13. The resulting fire flow shall not be less than 1,500gpm.
32. The minimum number of fire hydrants shall be provided in accordance with the Hayward Fire Code Ordinance and the 2010 California Fire Code Table C105.1. 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.

All new fire hydrants shall be double steamer type, equipped with (2) 4-1/2" outlets and (1) 2-1/2" outlet. The capacity of each individual hydrant shall be 1,500 GPM. Vehicular protection may be required for the fire hydrants. Blue reflective fire hydrant blue dot markers shall be installed on the roadways indicating the location of the fire hydrants. Blue reflective pavement markers shall be installed at fire hydrant locations.

A fire apparatus access road 20 feet to 26 feet wide shall be posted on both sides as fire lanes; a fire apparatus access road 26 feet to 32 feet wide shall be posted on one side of the road as a fire lane. "No Parking" signs along fire lanes shall be installed and shall meet the City of Hayward Fire Department fire lane requirements.

Other Utilities

33. 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 local cable company regulations. All facilities necessary to provide service to the dwellings, including transformers and switchgear, shall also be undergrounded.
34. All electric system, including transformers, shall be installed underground within the development. Design and installation shall be in accordance with Pacific Gas and Electric Company regulations.
35. The joint trench design and location shall meet the approval of the City Engineer.
36. All surface-mounted hardware (fire hydrants, electroliers, etc.) along the private streets and driveways shall be located outside of the sidewalk within the Public Utility Easement in accordance with the requirements of the City Engineer or, where applicable, the Hayward Fire Chief.
37. The developer/subdivider shall provide and install appropriate facilities such as conduit, junction boxes, individual stub-outs, etc., to allow for future installation of a City-owned and maintained fiber optic network within the subdivision.

PRIOR TO ISSUANCE OF BUILDING OR GRADING PERMITS***Planning Division***

38. 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.
39. 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.
40. 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.
41. Pursuant to the City of Hayward Design Guidelines, exposed or visible retaining walls shall be a maximum of six (6) feet in height. Walls abutting a public street shall be provided a ten (10) foot wide landscape area in front of the walls. Any retaining wall over the maximum six (6) foot height limit shall be screened with vegetation that is irrigated. All plan details associated with the retaining wall screening shall be reviewed and approved by the Development Services Director prior to issuance of a building permit for any retaining wall structure over six (6) feet in height.
42. 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.
43. The project shall comply with building performance that exceeds 2010 State Title 24 energy efficiency standards by at least 15 percent and the City's green building standards for private residential development if a building permit is issued for the project prior December 31, 2013. Should a building permit be issued for the project after January 1, 2014, new building code standards shall apply to the project including new energy efficiency standards and green building code standards. Regardless of when a building permit is issued for the project, the following green building features shall be incorporated into the final project design: water efficient landscaping, use of engineered lumber, high efficiency shower heads, efficient bathroom fixtures and kitchen faucets, energy star appliances, high efficiency HVAC systems, use of low-voc paints, and installation of carbon monoxide detectors. All final green building details shall be reviewed and approved by the Planning and Building Divisions prior to issuance of building permits for the project.
44. 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.

45. Prior to issuance of building permits:

- a. Documentation including, but not limited to, Covenants, Codes and Restrictions (CC&Rs) shall be recorded to establish the living units and the retail space(s) as condominiums. Before recordation, the CC&Rs shall be submitted to the City Attorney and Planning Director for review and approval.
- b. The developer shall submit a soils investigation report to the satisfaction of the City Engineer.

46. Prior to submittal of building permit applications and plans, the developer/subdivider shall submit information showing that all proposed residential units will attract higher income households. Higher income households has been defined as having an average annual income of \$133,600. Such information and documentation, shall include, but not be limited to, construction details and standard specifications that show that all residential units will employ high quality materials and finishes, including for the condominiums/apartments a variety of on-site amenities for all residents, and that each residential unit will incorporate the highest quality construction that caters to executive or higher income households. This information shall be submitted to the Development Services Department for review, consideration and approval.

47. Prior to issuance of a building permit for the project, the developer/subdivider shall submit expected and/or revised sales price information for all residential components of the project. Pricing for the townhomes range from \$518,000 to \$608,000. This information shall be reviewed and considered by the Development Services Department.

48. The applicant shall include 15 additional on-site open uncovered parking spaces for the residential component of the project, or obtain approval of a variance, exception or some other resolution to address on-site parking deficiency, in accordance with City regulations, prior to issuance of a building permit for the Project.

49. The applicant shall provide a designated loading area(s) for the commercial buildings. The number and location for such areas shall be determined by the Development Services Director.

All loading areas shall be designed to be visually-screened loading area(s) for the commercial component of the project. Details involving all loading areas shall be reviewed and approved by the Planning Division prior to issuance of a building permit for the Project.

50. **Mitigation Measure 4:** Prior to issuance of a Building Permit, the applicant shall conduct acoustical analysis by a qualified consultant to ensure that indoor or outdoor noise levels of each new residential unit does not that exceed the standards contained in Appendices M and N of the City of Hayward General Plan. If those standards are exceeded, the design of the units should incorporate sound attenuation features that are to be in accordance with the consultant's and/or architect's recommendations and be confirmed via actual readings prior to project finalization and/or C of Os on units.

Landscape

51. 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 *Design Guidelines, 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.
52. A tree mitigation plan shall be submitted that identifies those trees to be removed and those that will remain, total dollar amount of mitigation and proposed mitigation trees with sizes and values. Mitigation trees to offset the loss of removed trees shall be provided above and beyond trees required to comply with the City's standards for new development. All removed trees shall be mitigated by replacing them with new trees that are equal in value to removed trees, as established in the approved certified arborist's report. A bond will be required for all trees that are to remain or be relocated. Any trees that are removed or damaged during construction shall be replaced with trees of equal size and equal value.
53. A tree removal permit will be required for all trees that are to be removed, which can be obtained from the City Landscape Architect prior to site demolition.
54. **Pedestrian Circulation and Experience:** Adequate landscape buffers that meet the City's minimum design standards shall be provided for all walkways, including walkways to residential entrances located next to property lines, especially in regards to reducing visual impacts associated with the adjacent service station property. On-site retail uses shall have a landscape-enhanced pedestrian connection with the residential component of the development, to be approved by the City's Landscape Architect, in order to promote a safe pedestrian-oriented environment/village. The overall pedestrian-oriented experience shall be enhanced with sequencing of spaces in conjunction with walkways that avoids long stretches of sameness and overly large or lineal spaces, with focal elements and site enhancement to be provided offering places to rest and converse with visual interest, to be approved by the City's Landscape Architect.
55. **Bicycle Path:** A bicycle/pedestrian pathway shall be provided along San Lorenzo Creek.

56. Pedestrian Circulation for Service: Clear path of travel for using communal trash and recycling receptacles shall be provided.
57. Landscaping Plans shall incorporate the following:
- a) Project data and associated calculations: 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) Required and Proposed Landscape Setback: All setback dimensions shall be clearly provided on the plan.
 - c) 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.
 - d) Fire Hydrants: The City Standard Detail requires fire hydrants to be located on a six feet by six feet 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.
 - e) Required Street Tree: Per City standards, one twenty-four-inch-box street tree is required for every twenty to forty feet of street frontage within the public right-of-way planting strip or along the following public street frontages: 'A', 'B', 'C', 'D', 'E', 'F', 'G' and 'H' Streets.
 - f) Required Private Front Yard Tree: One twenty-four-inch street tree is required for every unit; no unit should be without a tree, except where there are utilities that are located in the proposed planting location. Alternate tree locations shall be reviewed and considered by the Planning Division.
 - g) Required Screening Tree: One fifteen-gallon evergreen tree at every twenty feet on center, or an equal/similar tree species approved by the City's Landscape Architect, shall be planted in the setback area along those abutting property lines.
 - h) Landscape Buffer: Different landscape buffer zones shall be established based on the adjacent use and site conditions such as public streets, alleys, neighboring commercial/retail and the Alameda County Flood Control and Water Conservation District's concrete channel. A landscape buffer shall be provided between the flood control channel property line and the public pedestrian and bicycle pathway abutting it. The bicycle and pedestrian pathway along San Lorenzo Creek shall be interrupted with pockets of varying scale spaces to enhance the experience to be approved by the City's Landscape Architect.
 - i) Required Screening of Above-Ground Utilities including Trash Enclosures and Gas Station Pump Stations: 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.
 - j) Required Parking Shade Tree: Parking areas shall include a minimum of one fifteen-gallon parking lot tree for every six parking stalls. Each parking bay shall end with endcap islands at both ends.
 - k) Group Open Space and Site Amenities: A minimum one hundred square feet per unit shall be utilized for group open space. Each group open space shall be identified and square footage of each space shall be provided on building permit application plans. Group open space shall not be counted toward meeting the requirement where the noise level exceeds Ldn levels over sixty-five decibels (db), or where site gradient exceeds five percent slope. Group open space shall be centrally located

for all residents and shall be visible. Group open space shall not include the required bio-retention areas, setback areas along the front, side and rear of the property.

l) C.3 Stormwater Treatment in Landscape Areas:

- i. 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.
 - ii. 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.
 - iii. Landscape areas could 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.
 - iv. Sod shall not be used in bio-treatment areas.
 - v. Turf shall not be provided unless provided for recreational purposes.
 - vi. 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.
- m) 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.
- n) 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.
- o) Coniferous trees, such as *Pinus canariensis* and *Sequoia sempervirens* shall not be proposed where those trees will block the views as well as sun exposure to the residential units. Those trees shall be replaced with another type of tree(s). These trees are large trees that shed needles, and require plenty of growing room. Plant these trees only where there would be adequate room to accommodate mature growth and natural growth patterns.
- p) 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.
- q) Irrigation Meter: A separate irrigation meter for the commercial development shall be provided from a dedicated irrigation meter(s) for the residential development. The adequate number of irrigation meters for the residential development shall be determined and provided by the developer.
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.
- r) 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.

Technical Reports

58. **Mitigation Measure 2:** Prior to issuance of a Building Permit, the applicant shall conduct a design level geotechnical evaluation and submit that for review and approval and any recommendations shall be incorporated into the final design of the project.
59. **Mitigation Measure 3:** All recommendations outlined in a design-level geotechnical investigation shall be incorporated in the final design in order to mitigate for the presence of expansive soils on the project site.

Fire Protection

60. 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.
61. 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.
62. The proposed 'Extended Fire Access Area' at turning area/corner of "A Street" shall be designed to meet Fire Department's requirement so that Building TH-11 will be provided with a parallel fire apparatus access.

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

63. Building permit plans shall incorporate the following:
- a) All buildings shall have automatic fire sprinkler systems installed in accordance with NFPA 13. Fire permits are required for sprinkler installation.
 - b) Underground fire service lines shall be installed in accordance with NFPA 24.
 - c) Fire sprinkler monitoring systems should be provided for multi-family residential townhouse buildings in accordance with the California Fire Code and NFPA 72. Each fire sprinkler system riser shall have exterior local alarm bell(s). Interior notification device(s) shall be installed within each residential unit.
 - d) Extinguisher placement shall conform to the California Fire Code.
 - e) Address and premise identification numbers shall be placed on all buildings in such a position as to be plainly visible and legible from the road or street fronting the property. Dimensions of address numbers or letters on the front of buildings shall be approved by the Fire Department.

Hazardous Materials

64. The developer/applicant shall comply to the following:

- a) Contact the Hazardous Materials office at (510) 583-4927 to obtain a Hazardous Materials permit for the removal of the underground fuel storage tank (UST).
- b) Until such time as the existing underground fuel storage tank (UST) is removed, it shall be properly maintained by the property owner. The owner shall obtain and keep current all conditions of a valid City of Hayward Fire Department Hazardous Materials Consolidated Permit and Underground Storage Tank Operating Permit, including the submittal of all required paperwork, testing results and fees to the City of Hayward Fire Department.
- c) Removal of the UST will require the submittal of formal work plans to the City of Hayward Fire Dept., Hazardous Materials Division. These plans shall include scope of work, and a site plan showing the physical layout of the facility and locations of UST and existing equipment. In addition, State of California UST forms shall be completed and submitted (State forms A/B/C). The tank shall be properly removed prior to obtaining a grading permit from the City of Hayward Fire Department.
- d) 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.
- e) 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.
- f) 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.
- g) 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.
- h) During construction, hazardous materials used and hazardous waste generated shall be properly managed and disposed.
- i) 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.

Solid Waste

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

65. Roof Required on Trash Enclosures: Adequate indoor and outdoor storage space for recyclables is required by state law (California Public Resources Code 42910-42912 and Hayward Municipal Code 5-1.27). Federal provisions require a roof on all outdoor trash enclosures (Federal Clean Water Act).

66. Residential Collection of Garbage and Recyclables from Townhomes: All residential property owners are required to arrange for weekly collection of recyclables.

The four cubic-yard bins in each enclosure are appropriate for collection of trash and recyclables. However, none of the enclosures includes an interior curb to protect the walls of each enclosure from the metal bins, nor is there a divider to secure each bin in their respective location, as is required and further described below. To deter illegal dumping, a gate on each enclosure is required.

The locations of the enclosures require residents to transport their trash and recyclables for as much as 360 feet. As an alternative, staff recommends providing townhome residents with separate carts for garbage, recyclables and organics (i.e., food scraps, food-soiled paper) that can be stored in each resident's garage. The carts could be placed in front of each garage and serviced weekly by Waste Management. The enclosures accommodate recyclables and trash, not organics (i.e., food scraps or food-soiled paper). The market value of the property will be better maintained if cart services are provided, rather than bin service.

Enclosure design shall be submitted to the City for review and approval.

67. Access to Trash Enclosures by Residents with Physical Disability: Adequate provisions must be made by the property owner and manager to ensure that all residents, regardless of physical ability, are able to easily dispose of their garbage and recyclables in the bins. Any arrangements required to provide reasonable access to these containers is the sole responsibility of the property owner and manager and shall be included in any Covenants, Codes and Restrictions for the property.

68. Commercial Garbage and Recyclables Collection for Two 8,400 Square Foot Retail Buildings: All commercial properties with four cubic yards or more of weekly trash service are required to arrange for weekly collection of recyclables. The enclosures shown on the site plans are inside each of the two retail buildings. The two 10' x 18' enclosures must be retained. An eight-foot long roll-up door is required, rather than the three-foot length shown, to ensure sufficient access to service the bins for trash, recyclables and organics in each enclosure and due to the 5' wide x 7' long bin dimensions. The largest bin with wheels that will fit in each of the two enclosures is four cubic yards.

69. Collection Vehicle Access

- a) If collection vehicles must enter or exit under a structure, the minimum clearance is 14 feet.
- b) If gates with locks are planned to limit access to the property, the applicant must provide keys or cards to the service provider, Waste Management of Alameda County (510) 537-5500. Keys and locks may also be obtained from Waste Management for a nominal fee

70. **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 and obtain signature approval from the City's Solid Waste Manager prior to the issuance of a building permit.

During Construction

71. A Construction and Demolition Debris Recycling Statement must be submitted with the building permit application. A Construction and Demolition Debris Recycling Summary Report must be completed, including weigh tags, at the COMPLETION of the project.

Other Requirements

72. **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.
73. All utilities shall be designed in accordance with the requirements of the City of Hayward and applicable public agency standards.

PRIOR TO CONSTRUCTION WITH COMBUSTIBLE MATERIALS

74. Required water system improvements shall be completed and operational prior to the start of combustible construction.
75. 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.
76. 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.

PRIOR TO COMPLETION OF SITE IMPROVEMENTS

During Construction

77. 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.

78. **Mitigation Measure 1:** All diesel powered equipment (≥ 100 horsepower) shall be California Air Resources Board (CARB) Tier 3 Certified or better.
79. Any transformer shall be located underground or screened from view by landscaping and shall be located outside any front or side street yard.
80. 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.
81. 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. The developer shall participate in the City's recycling program during construction;
 - h. Daily clean-up of trash and debris shall occur on City Center Drive, Hazel Avenue and Foothill Boulevard and other neighborhood streets utilized by construction equipment or vehicles making deliveries.
 - i. 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;
 - j. All grading and earth removal work shall follow remediation plan requirements, if soil contamination is found to exist on the site;
 - k. 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;
 - l. Sweep daily (with water sweepers) all paved access roads, parking areas and staging areas at construction sites;

- m. Sweep public streets daily if visible soil material is carried onto adjacent public streets;
- n. Apply (non-toxic) soil stabilizers or hydroseed to inactive construction areas (previously graded areas inactive for 10-days or more);
- o. Enclose, cover, water twice daily or apply (non-toxic) soil binders to exposed stockpiles (dirt, sand, etc.).
- p. 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;
- q. 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;
- r. 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;
- s. No site grading shall occur during the rainy season, between October 15 and April 15, unless approved erosion control measures are in place.
- t. 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;
- u. 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;
- v. 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;
- w. Ensure that concrete/gunite supply trucks or concrete/plasters finishing operations do not discharge washwater into street gutters or drains; and
- x. 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.

82. 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.

PRIOR TO CONSTRUCTION COMPLETION AND ISSUANCE OF CERTIFICATES OF OCCUPANCY

During Construction

83. 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.

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

Landscape

85. A mylar 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.
86. 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.

Property-Owners' Association

87. Property-owners' association for the commercial and/or residential components of the property shall be created and shall be responsible for maintaining all private streets, alleys, parking bays, private street lights, private utilities, retaining walls and other privately owned common areas and facilities on the site, including, but not limited to landscaping, preservation and replacement of trees, as well as decorative paving that extends into public streets. For any necessary repairs done 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 property-owners' association established to maintain the common areas within the subdivision boundary.
88. 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 property -owners association for the commercial and/or 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 property-owners' association(s) shall own and maintain on-site storm drain systems.
- e. The property-owners' 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 property-owners' 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 property-owners' association fails to maintain the decorative retaining 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. 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 property-owners' association to have necessary work done and to place a lien upon the property if maintenance and repair of the unit is not executed within a specified time frame. The premises shall be kept clean and free of debris at all times. Color change selections shall be compatible with the existing setting.
- k. Utilities, meters, and mechanical equipment when not enclosed in a cabinet, shall be screened by either plant materials or decorative screen so that they are not visible from the street. Sufficient access for reading must be provided to meters.
- l. Any transformer shall be located underground and shall be located within the right-of-way or public utility easement.
- m. Any future major modification to the approved site plan shall require review and approval by the Planning Commission.
- n. The CC&Rs shall specify the outdoor collection locations of trash and recycle containers. Adequate provisions shall be made to ensure that all residents, regardless of physical ability, are able to easily dispose of their garbage and recyclables in the centralized

- collection containers provided by the City's franchisee.
- o. Streetlights and pedestrian lighting shall be owned and maintained by the property-owners' association and shall have a decorative design approved by the Planning Director and the City Engineer.
 - p. Street sweeping of private streets, alleys and parking bays shall be conducted at least once a month.
 - q. Balconies may not be used for storage and personal items may not be draped over the railings.
 - r. 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.

Prior to the Issuance of Certificate of Occupancy or Final Report

- 89. All buildings shall be designed using the California Building Codes in effective at the time of submitting building permit applications.
- 90. All common area landscaping, irrigation and other required improvements shall be installed according to the approved plans.
- 91. 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.
- 92. All common area landscaping, irrigation and other required improvements shall be installed according to the approved plans.
- 93. 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.
- 94. 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.

95. 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
96. 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.
97. 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.
98. 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.
99. The subdivider shall submit an Auto CAD 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.
100. The developer/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.

@ THE BOULEVARD

CONDITIONAL USE PERMIT

22301 FOOTHILL BOULEVARD
HAYWARD, CALIFORNIA

RECEIVED

SEP 10 2013

PLANNING DIVISION



VICINITY MAP
NOT TO SCALE

PROJECT TEAM :

DEVELOPER

INTEGRAL COMMUNITIES
MARK BUTLER
500 LA GONDA WAY, SUITE 102
DANVILLE, CA 94526
(925) 382-0418

CIVIL ENGINEER

CARLSON, BARBEE & GIBSON, INC.
RYAN HANSEN
2633 CAMINO RAMON, SUITE 350
SAN RAMON, CA 94583
(925) 866-0322

ARCHITECT (MULTI-FAMILY AND RETAIL)

KTGY ARCHITECTURE + PLANNING
JILL WILLIAMS
580 SECOND STREET, SUITE 200
OAKLAND, CA 94607
(510) 272-2910

ARCHITECT (TOWNHOMES)

ANGELENO ASSOCIATES, INC.
CHRISTINE LY
147 CITY PLACE DRIVE
SANTA ANA, CA 92705
(714) 285-1888

LANDSCAPE ARCHITECT

URBAN ARENA
JORDAN LAIL
5230 CARROL CANYON ROAD, SUITE 226
SAN DIEGO, CA 92121
(858) 625-0112

JOINT TRENCH

GIACALONE DESIGN SERVICES, INC
PAUL GIACALONE
5820 STONERIDGE MALL ROAD, SUITE 345
PLEASANTON, CA 94588-3200
(925) 467-1740



PROJECT INFORMATION :

SITE AREA: 11.33± AC (NET 11.27± AC)
A.P.N. : 428-0026-067-03, 428-0029-068-01
EXISTING / PROPOSED ZONING: CENTRAL CITY - COMMERCIAL (CC-C)
EXISTING ZONING: VACANT OFFICE BUILDING
PROPOSED LAND USE: 194 RESIDENTIAL TOWNHOME UNITS
16,800 SF OF RETAIL

SHEET INDEX:

T1 TITLE SHEET

CIVIL PLANS:

TM-1 VESTING TENTATIVE TRACT MAP 8129
TM-2 EXISTING CONDITIONS
TM-3 PRELIMINARY SITE PLAN
TM-4 PRELIMINARY GRADING PLAN
TM-5 PRELIMINARY UTILITY PLAN
TM-6 GRADING AND STREET SECTIONS
TM-7 PRELIMINARY STORMWATER MANAGEMENT PLAN
TM-8 FIRE ACCESS AND SERVICE PLAN

ARCHITECTURAL PLANS (RETAIL) :

A0.1 TITLE SHEET, SHEET INDEX, & ARTIST'S RENDERING
A0.2 CONCEPT SITE PLAN
A2.0 CONCEPT ELEVATIONS
A2.1 CONCEPT ELEVATIONS
A3.0 CONCEPT FLOOR PLAN
A4.0 CONCEPT SECTIONS

ARCHITECTURAL PLANS (TOWNHOMES)

A.TH.1 ARCHITECTURAL SITE PLAN
A.TH.2 TOWNHOMES STREET ELEVATIONS
A.TH.3 TOWNHOMES STREET ELEVATIONS
A.TH.4 TOWNHOMES BUILDING 5 SIDE & REAR ELEVATIONS
A.TH.5 TOWNHOMES BUILDING "TH-5" FLOOR PLANS
A.TH.6 TOWNHOMES UNIT PLANS

LANDSCAPE PLANS:

L1 PRELIMINARY LANDSCAPE PLAN
L2 PRELIMINARY LANDSCAPE PLAN
L3 PRELIMINARY LIGHTING PLAN
L4 PRELIMINARY IRRIGATION PLAN
L5 TREE MITIGATION PLAN

JOINT TRENCH PLANS

EXH CONCEPTUAL JOINT TRENCH ROUTE

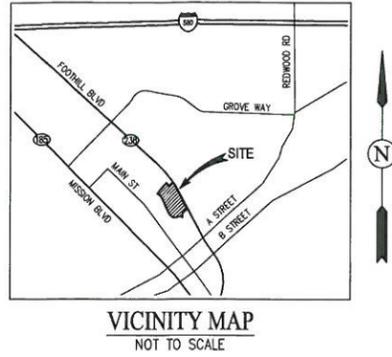
PROJECT NUMBER
PL-2012-0068 & 0069
CUP & SPR

PROJECT NUMBER
PL-2013-0070 TTM 8129



T1

SEPTEMBER 10, 2013



WE, 22301 FOOTHILL HAYWARD, 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: _____
 AS IT APPLIES TO THE REAL PROPERTY IDENTIFIED AS A.P.N. #428-0026-068-01

WE, MDS REALTY II, 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: _____
 AS IT APPLIES TO THE REAL PROPERTY IDENTIFIED AS A.P.N. #428-0026-067-03

I, RYAN HANSEN, 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: _____
 RYAN HANSEN, RCE #80557

THIS TENTATIVE MAP SUBMITTAL HAS BEEN PREPARED IN ACCORDANCE WITH THE DUE DILIGENCE LEVEL REPORT DATED FEBRUARY 10, 2012 AND A SUPPLEMENTAL GEOTECHNICAL RECOMMENDATION DATED MARCH 13, 2013.
 BY: _____ DATE: _____
 WILLIAM R. STEVENS, RGE #2339

VESTING TENTATIVE TRACT MAP 8129 FOR CONDOMINIUM PURPOSES @ THE BOULEVARD

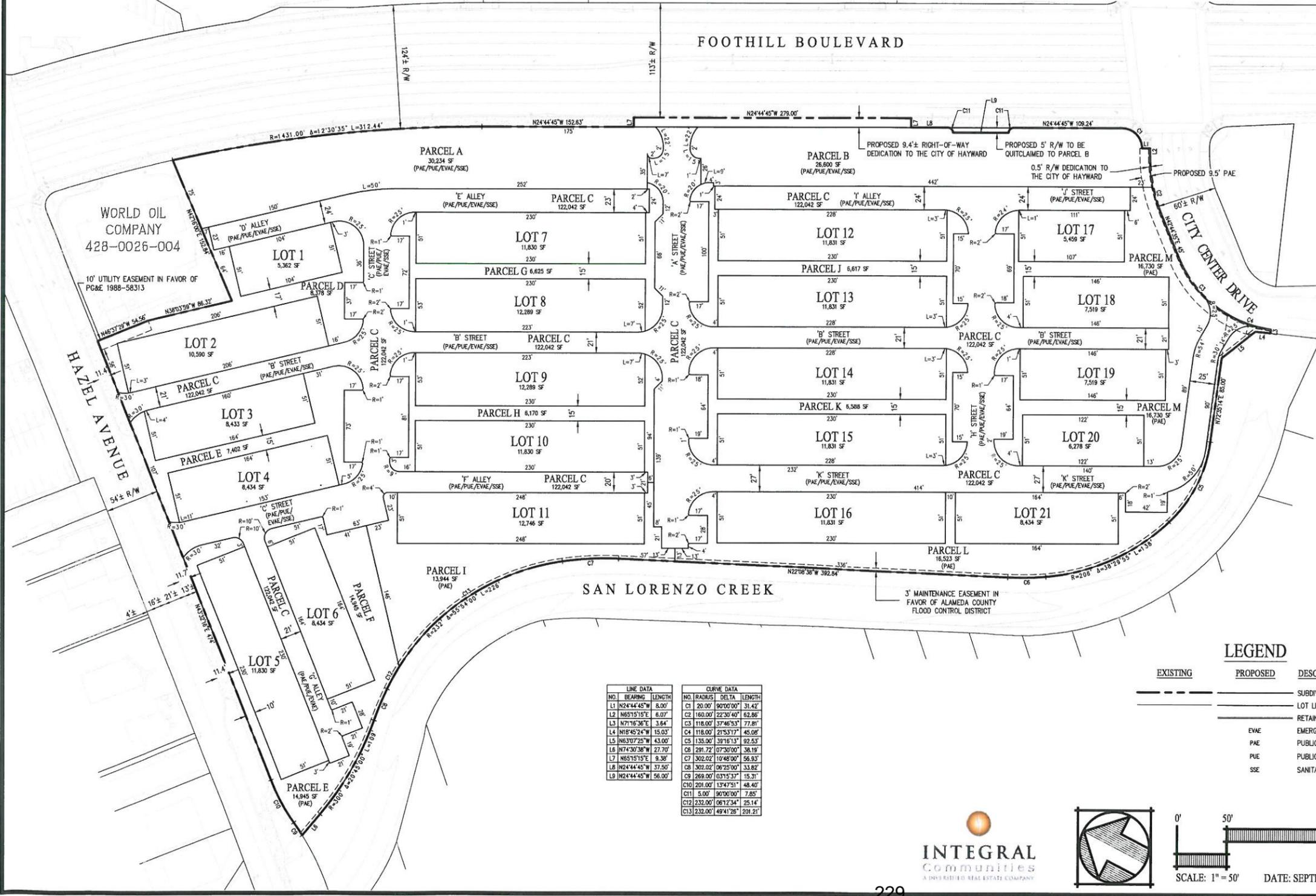
CITY OF HAYWARD ALAMEDA COUNTY CALIFORNIA
FOR THE CONSTRUCTION OF 194 UNITS AND COMMERCIAL USE

CONTACTS:

1. OWNER (PARCEL 1): 22301 FOOTHILL HAYWARD, LLC.
C/O CHAVEZ MANAGEMENT GROUP
1860 EL CAMINO REAL, STE 250
BURLINGAME, CA 94010
ATTN: DR. MARCO CHAVEZ
2. OWNER (PARCEL 2): MDS REALTY II, LLC.
C/O KLAFF REALTY, LP
122 SOUTH MICHIGAN AVENUE, STE 1000
CHICAGO, IL 60603
ATTN: LESLIE MARSHAL
3. APPLICANT: INTEGRAL COMMUNITIES
500 LA FONDA WAY, STE 102
DANVILLE, CA 94526
ATTN: MARK BUTLER
4. CIVIL ENGINEER: CARLSON, BARBEE & GIBSON, INC.
2633 CAMINO RAMON, SUITE 350
SAN RAMON, CA 94583
ATTN: RYAN HANSEN
REGISTRATION #80557
5. GEOTECHNICAL ENGINEER: BERLOGAR STEVENS AND ASSOCIATES
567 SUNOL BLVD.
PLEASANTON, CA 94566
ATTN: WILLIAM R. STEVENS
REGISTRATION #2339

GENERAL NOTES:

6. BENCHMARK: CITY OF HAYWARD BENCHMARK - PLATE MONUMENT AT THE CENTERLINE INTERSECTION OF CITY CENTER DRIVE AND FOOTHILL BOULEVARD. EL: 118.45 (NGVD 29)
7. BASIS OR BEARINGS: THE BASIS OF BEARINGS FOR THIS SURVEY IS DETERMINED BY FOUND MONUMENTS IN FOOTHILL BOULEVARD AS SHOWN HEREON. THE BEARING BEING N24°44'45"W PER PARCEL MAP 9058 (292 MAPS 77).
8. SITE ADDRESS: 22301 FOOTHILL BOULEVARD, HAYWARD, CA.
9. A.P.N.: 428-0026-067-03 & 428-0026-068-01
10. SITE AREA: GROSS: 11.33± AC (NET 11.27± AC)
11. EXISTING/PROPOSED ZONING: CENTRAL CITY - COMMERCIAL CC
12. EXISTING LAND USE: VACANT OFFICE BUILDING
13. PROPOSED LAND USE: MULTI-FAMILY RESIDENTIAL & COMMERCIAL
14. RESIDENTIAL UNITS: TOWNHOMES: 194 UNITS
15. DENSITY: TOWNHOMES: 17.2 DU/AC
PRIVATE STREETS ARE TO BE PRIVATELY MAINTAINED. THE MINIMUM LONGITUDINAL SLOPE OF ALL STREETS IS 0.50%.
16. STREETS: STREET TREES AND LIGHTS ARE TO BE PRIVATELY MAINTAINED.
17. STREET TREES AND LIGHTS: STREET TREES AND LIGHTS ARE TO BE PRIVATELY MAINTAINED.
18. SEWER: ORO LOMA SERVICES DISTRICT
19. STORM DRAIN: CITY OF HAYWARD
20. WATER: EAST BAY MUNICIPAL UTILITIES DISTRICT
21. GAS & ELECTRIC: PACIFIC GAS & ELECTRIC
22. TELEPHONE: TBD
23. CABLE TV: TBD
24. FLOOD ZONE: LOMA DETERMINATION - 5/5/12, CASE NO. 12-09-1833A
THE SITE IS IN ZONE X - AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOOD PLAIN, COMMUNITY PANEL NO. 06001C 0287 G DATED AUGUST 3, 2009
25. EXISTING STRUCTURES: ALL EXISTING BUILDINGS ON-SITE ARE TO BE REMOVED.
26. CONTOURS: EXISTING CONTOUR INTERVAL: 2 FOOT
27. GRADING: PROPOSED GRADING AS SHOWN IS PRELIMINARY, FINISHED GRADING IS SUBJECT TO FINAL DESIGN.
28. HOA'S: A HOMEOWNER ASSOCIATION WILL BE FORMED TO OWN AND MAINTAIN PRIVATE STREETS, DRIVE AISLES, PRIVATE UTILITIES, STORM DRAINAGE FACILITIES AND LANDSCAPE WITHIN PARCELS C THROUGH M AND LOTS 1-21.
29. WALLS: ALL WALLS ARE TO BE PRIVATELY MAINTAINED BY THE HOA.
30. DIMENSIONS: DIMENSIONS AS SHOWN ARE PRELIMINARY AND SUBJECT TO THE FINAL MAP.
31. FINAL MAP: THIS PROJECT MAY BE PHASED. THE SUBDIVIDER RESERVES THE RIGHT TO RECORD MULTIPLE FINAL MAPS ON THE LANDS SHOWN ON THIS VESTING TENTATIVE MAP IN ACCORDANCE WITH ARTICLE A SECTION 66.456.1 OF THE SUBDIVISION ACT.
32. CONDOMINIUM MAP: A CONDOMINIUM MAP WILL BE RECORDED FOR LOTS 1 THROUGH 21. THE SUBDIVISION IS A CONDOMINIUM PROJECT AS DEFINED IN SECTION 1350 ET. SEQ. OF THE CIVIL CODE OF THE STATE OF CALIFORNIA AND FILED PURSUANT TO THE SUBDIVISION MAP ACT. THE TOTAL NUMBER OF RESIDENTIAL CONDOMINIUM DWELLING UNITS SHALL BE NO MORE THAN 194 UNITS FOR LOTS 1 THROUGH 21.



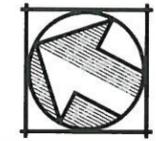
LINE DATA			CURVE DATA		
NO.	BEARING	LENGTH	NO.	RADIUS	DELTA
L1	N24°44'45"W	8.00'	C1	20.00'	90°00'00"
L2	N65°15'15"E	6.00'	C2	160.00'	25°30'40"
L3	N77°16'36"E	3.64'	C3	118.00'	37°46'53"
L4	N18°45'24"W	15.03'	C4	118.00'	21°53'17"
L5	N63°07'25"W	43.00'	C5	135.00'	38°18'13"
L6	N74°30'36"W	27.70'	C6	291.72'	07°30'00"
L7	N65°15'15"E	9.38'	C7	302.02'	10°48'00"
L8	N24°44'45"W	37.50'	C8	302.02'	06°25'00"
L9	N24°44'45"W	56.00'	C9	269.00'	03°15'37"
			C10	201.00'	13°47'51"
			C11	5.00'	90°00'00"
			C12	232.00'	06°12'34"
			C13	232.00'	49°41'28"

LEGEND

- | | | | | | |
|-----|----------|-----|----------|-----|--------------------------|
| --- | EXISTING | --- | PROPOSED | --- | DESCRIPTION |
| --- | | --- | | --- | SUBDIVISION BOUNDARY |
| --- | | --- | | --- | LOT LINE |
| --- | | --- | | --- | RETAINING WALL |
| --- | | --- | | --- | EMERGENCY VEHICLE ACCESS |
| --- | | --- | | --- | PUBLIC ACCESS EASEMENT |
| --- | | --- | | --- | PUBLIC UTILITY EASEMENT |
| --- | | --- | | --- | SANITARY SEWER EASEMENT |

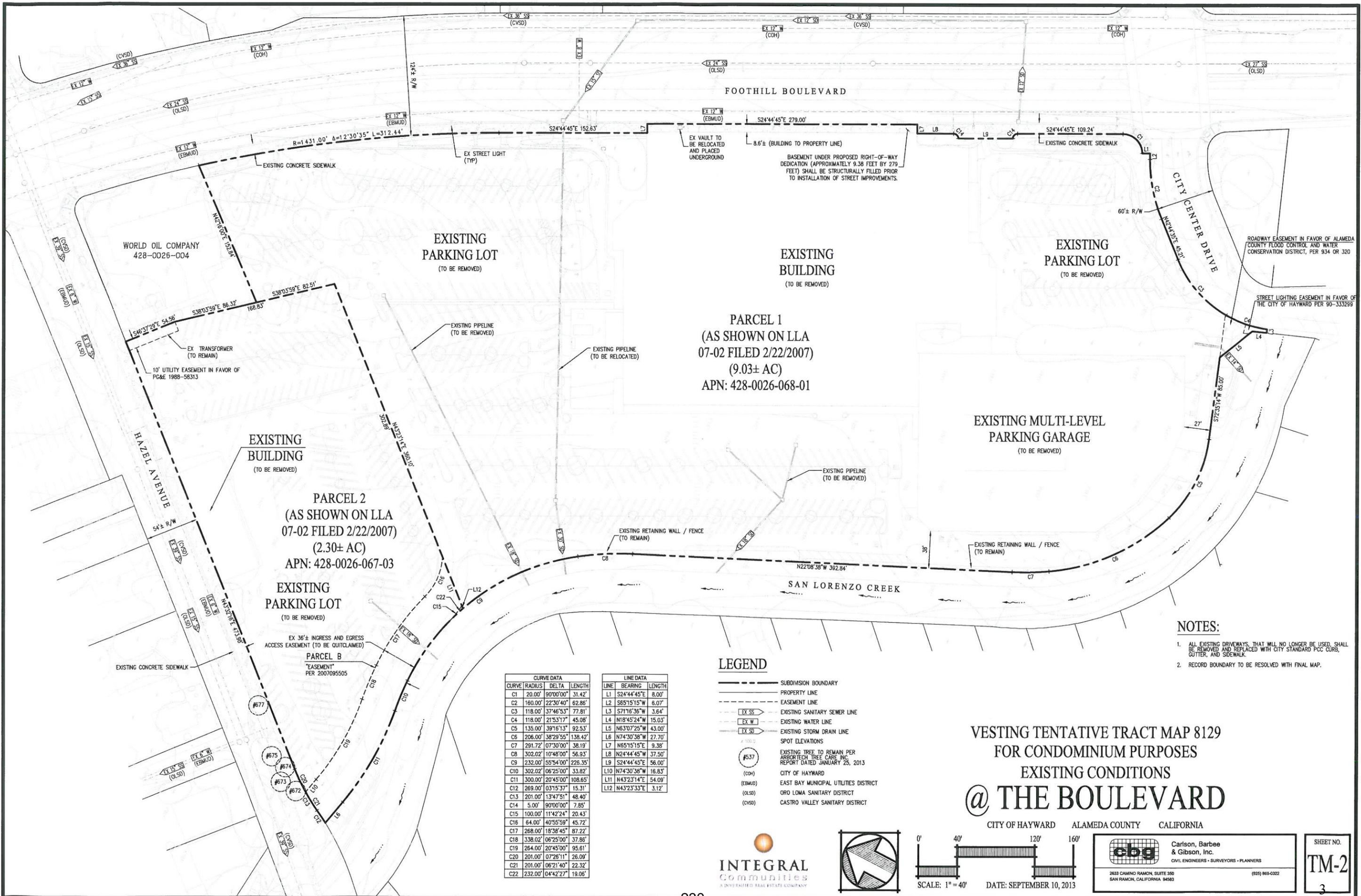
SHEET INDEX

- | | |
|------|--|
| TM-1 | VESTING TENTATIVE TRACT MAP 8129 |
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| TM-8 | FIRE ACCESS AND SERVICE PLAN |



cbg Carlson, Barbee & Gibson, Inc.
CIVIL ENGINEERS - SURVEYORS - PLANNERS
2633 CAMINO RAMON, SUITE 350
SAN RAMON, CALIFORNIA 94583
(925) 868-0322
FAX (925) 868-8575

SHEET NO.
TM-1
2



PARCEL 1
 (AS SHOWN ON LLA
 07-02 FILED 2/22/2007)
 (9.03± AC)
 APN: 428-0026-068-01

PARCEL 2
 (AS SHOWN ON LLA
 07-02 FILED 2/22/2007)
 (2.30± AC)
 APN: 428-0026-067-03

- NOTES:**
- ALL EXISTING DRIVEWAYS, THAT WILL NO LONGER BE USED, SHALL BE REMOVED AND REPLACED WITH CITY STANDARD PCC CURB, GUTTER, AND SIDEWALK.
 - RECORD BOUNDARY TO BE RESOLVED WITH FINAL MAP.

CURVE DATA

CURVE	RADIUS	DELTA	LENGTH
C1	20.00'	90°00'00"	31.42'
C2	160.00'	22°30'40"	62.86'
C3	118.00'	37°46'53"	77.81'
C4	118.00'	21°53'17"	45.08'
C5	135.00'	39°16'13"	92.53'
C6	206.00'	38°29'55"	138.42'
C7	291.72'	07°30'00"	38.19'
C8	302.02'	10°48'00"	56.93'
C9	232.00'	55°54'00"	226.35'
C10	302.02'	06°25'00"	33.82'
C11	300.00'	20°45'00"	108.65'
C12	269.00'	03°15'37"	15.31'
C13	201.00'	13°47'51"	48.40'
C14	5.00'	90°00'00"	7.85'
C15	100.00'	11°42'24"	20.43'
C16	64.00'	40°55'59"	45.72'
C17	268.00'	18°38'45"	87.22'
C18	338.02'	06°25'00"	37.86'
C19	264.00'	20°45'00"	95.61'
C20	201.00'	07°26'11"	26.09'
C21	201.00'	06°21'40"	22.32'
C22	232.00'	04°42'27"	19.06'

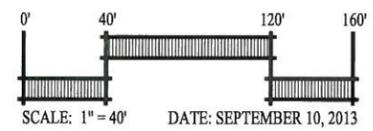
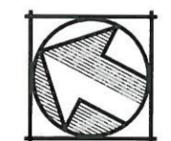
LINE DATA

LINE	BEARING	LENGTH
L1	S24°44'45"E	8.00'
L2	S85°15'15"W	6.07'
L3	S71°16'36"W	3.64'
L4	N18°45'24"W	15.03'
L5	N83°07'25"W	43.00'
L6	N74°30'38"W	27.70'
L7	N65°15'15"E	9.38'
L8	N24°44'45"W	37.50'
L9	S24°44'45"E	56.00'
L10	N74°30'38"W	16.83'
L11	N43°23'14"E	54.09'
L12	N43°23'33"E	3.12'

- LEGEND**
- SUBDIVISION BOUNDARY
 - PROPERTY LINE
 - EASEMENT LINE
 - EXISTING SANITARY SEWER LINE
 - EXISTING WATER LINE
 - EXISTING STORM DRAIN LINE
 - SPOT ELEVATIONS
 - EXISTING TREE TO REMAIN PER ARBORTECH TREE CARE INC. REPORT DATED JANUARY 25, 2013
 - CITY OF HAYWARD
 - EAST BAY MUNICIPAL UTILITIES DISTRICT
 - ORO LOMA SANITARY DISTRICT
 - CASTRO VALLEY SANITARY DISTRICT

**VESTING TENTATIVE TRACT MAP 8129
 FOR CONDOMINIUM PURPOSES
 EXISTING CONDITIONS
 @ THE BOULEVARD**

CITY OF HAYWARD ALAMEDA COUNTY CALIFORNIA



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SHEET NO.
TM-2
 3

COMMERCIAL GARBAGE CAPACITY

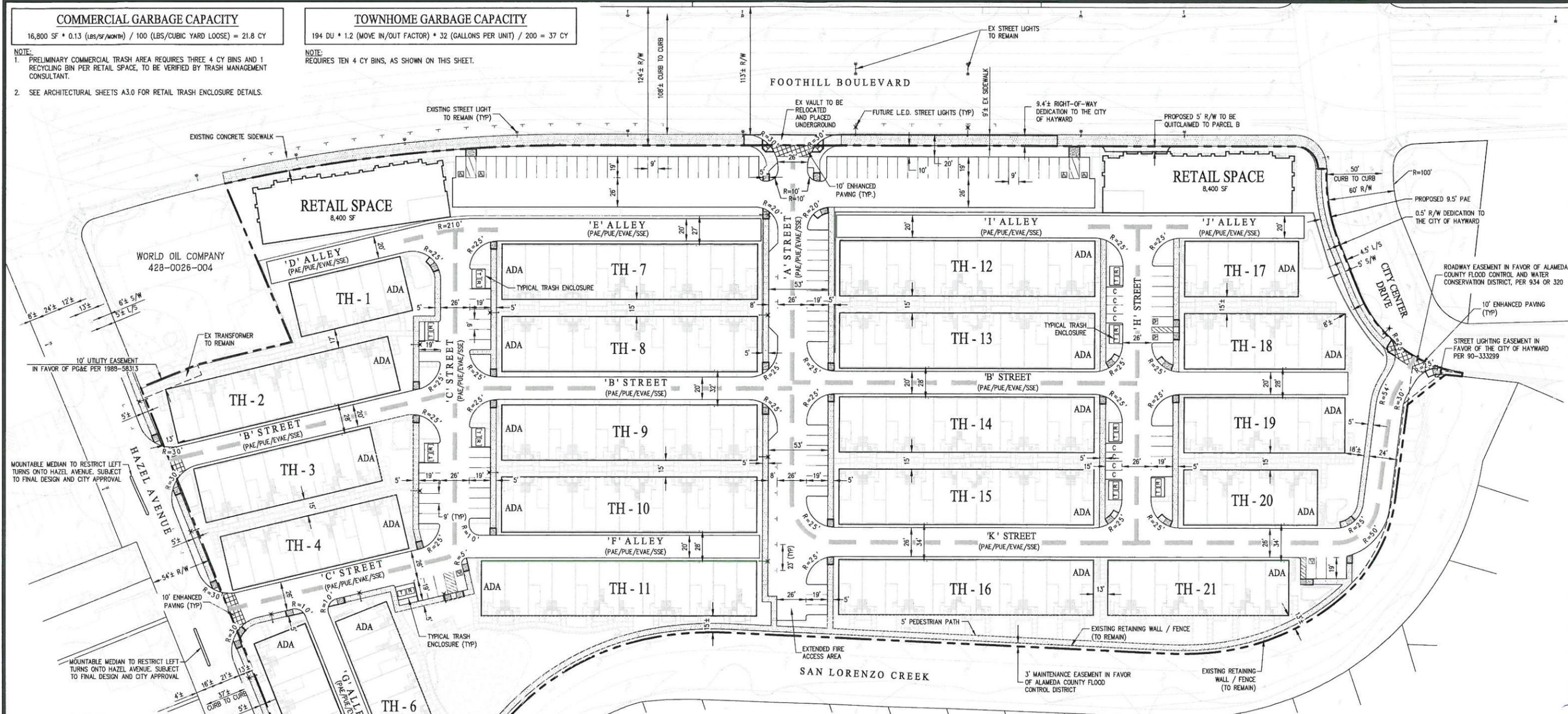
16,800 SF * 0.13 (LBS/SF/MONTH) / 100 (LBS/CUBIC YARD LOOSE) = 21.8 CY

TOWNHOME GARBAGE CAPACITY

194 DU * 1.2 (MOVE IN/OUT FACTOR) * 32 (GALLONS PER UNIT) / 200 = 37 CY

- NOTE:
- PRELIMINARY COMMERCIAL TRASH AREA REQUIRES THREE 4 CY BINS AND 1 RECYCLING BIN PER RETAIL SPACE, TO BE VERIFIED BY TRASH MANAGEMENT CONSULTANT.
 - SEE ARCHITECTURAL SHEETS A3.0 FOR RETAIL TRASH ENCLOSURE DETAILS.

NOTE:
REQUIRES TEN 4 CY BINS, AS SHOWN ON THIS SHEET.



LEGEND

- EXISTING PROPERTY BOUNDARY
- - - PROPOSED PROPERTY BOUNDARY
- TRASH COLLECTION ROUTE
- ADA ACCESSIBLE UNIT
- TH-1 BUILDING NUMBER (TOWNHOME)
- TRASH/RECYCLING ENCLOSURE
- CONCRETE SIDEWALK
- GROUP OPEN SPACE
- PARALLEL PARKING SYMBOL
- ACCESSIBLE PARKING STALL
- PRELIMINARY STREET LIGHT LOCATION
- C COMPACT PARKING STALL
- EVAE EMERGENCY VEHICLE ACCESS EASEMENT
- PAE PUBLIC ACCESS EASEMENT
- PUE PUBLIC UTILITY EASEMENT
- SSE SANITARY SEWER EASEMENT
- S/W SIDEWALK
- L/S LANDSCAPE

TOWNHOME PARKING

REQUIRED PARKING			
PARKING TYPE	UNITS	CITY REQUIREMENT	TOTAL
RESIDENTIAL (PRIVATE GARAGE)	194 UNITS	1.5 SPACES / DU	291 SPACES
ON-SITE GUEST	194 UNITS	0.5 SPACES / DU	97 SPACES
TOTAL REQUIRED PARKING			388 SPACES
PROVIDED ON-SITE PARKING			
UNIT	QUANTITY	GARAGE STALLS	TOTAL
UNIT 1	28	2	56 SPACES
UNIT 2	62	3 (1)	186 SPACES
UNIT 3	62	2 (1)	124 SPACES
UNIT 4	42	2 (1)	84 SPACES
GUEST (ON-SITE)	-	-	82 SPACES
TOTAL ONSITE PARKING			532 SPACES
PROVIDED OFF-SITE PARKING			
GUEST (HAZEL AVE.)	-	-	7 SPACES
TOTAL PROVIDED PARKING			539 SPACES

- NOTES:
- GARAGE INCLUDES EXTRA STORAGE SPACE
 - INCLUDES 8 COMPACT SPACES

RETAIL PARKING

REQUIRED/PROVIDED PARKING				
PARKING TYPE	RETAIL SIZE	CITY REQUIREMENT	TOTAL REQUIRED	TOTAL PROVIDED
ON-SITE	16,800 SF	1 SPACE/315 SF	53 SPACES	53 SPACES
OFF-SITE	-	-	-	20 SPACES
TOTAL			53 SPACES	73 SPACES

- NOTES:
- THIS PRELIMINARY SITE PLAN IS INTENDED TO SHOW BASIC PROJECT FEATURES, STREET SECTIONS AND CRITICAL DIMENSIONS. SEE SHEETS A.TH.1 FOR THE ARCHITECTURAL SITE PLAN AND ADDITIONAL BUILDING INFORMATION.

BUILDING CONSTRUCTION TYPE

TOWNHOMES RESIDENTIAL: V-B
RETAIL: V-B

OPEN SPACE CALCULATION

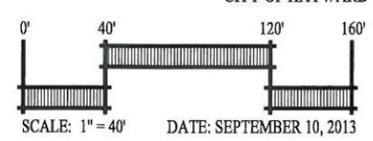
TOWNHOMES	REQUIRED	UNITS	TOTAL REQUIRED	TOTAL PROVIDED
COMMON OPEN SPACE	100 SF / UNIT	194	19,400 SF	59,300 SF
GROUP OPEN SPACE	30 SF / UNIT	194	5,820 SF	29,900 ⁽¹⁾ SF
TOTAL			25,200 SF	59,300 SF

- NOTES:
- GROUP OPEN SPACE OF 30 SF/UNIT IS INCLUDED IN THE REQUIRED 100 SF/UNIT OF COMMON OPEN SPACE.

**VESTING TENTATIVE TRACT MAP 8129
FOR CONDOMINIUM PURPOSES
PRELIMINARY SITE PLAN**

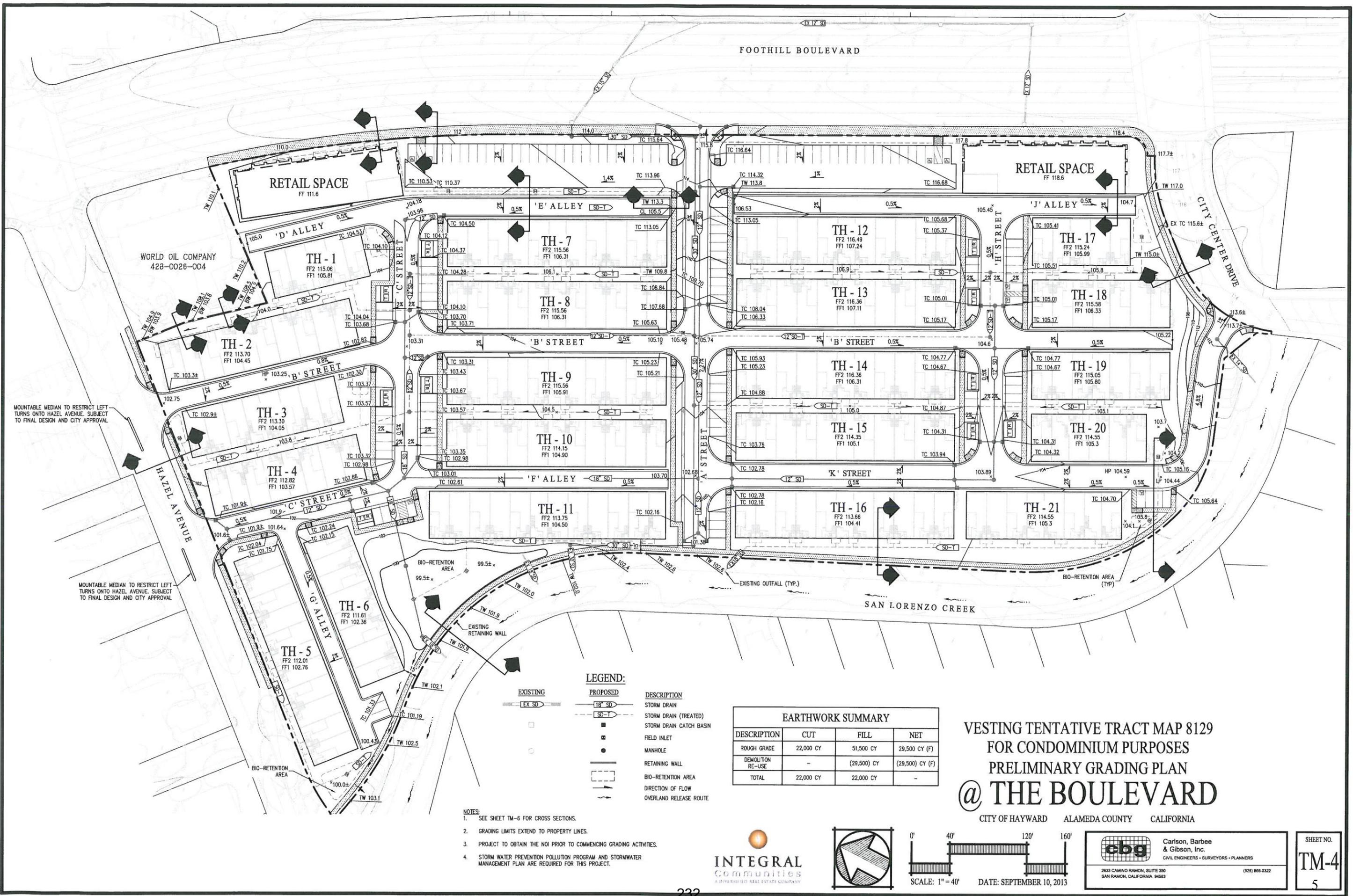
@ THE BOULEVARD

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SHEET NO.
TM-3
4



WORLD OIL COMPANY
428-0026-004

MOUNTABLE MEDIAN TO RESTRICT LEFT
TURNS ONTO HAZEL AVENUE. SUBJECT
TO FINAL DESIGN AND CITY APPROVAL

MOUNTABLE MEDIAN TO RESTRICT LEFT
TURNS ONTO HAZEL AVENUE. SUBJECT
TO FINAL DESIGN AND CITY APPROVAL

LEGEND:

EXISTING	PROPOSED	DESCRIPTION
EX SD	18" SD	STORM DRAIN
	SD-T	STORM DRAIN (TREATED)
		STORM DRAIN CATCH BASIN
		FIELD INLET
		MANHOLE
		RETAINING WALL
		BIO-RETENTION AREA
		DIRECTION OF FLOW
		OVERLAND RELEASE ROUTE

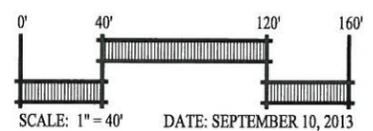
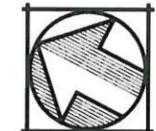
EARTHWORK SUMMARY

DESCRIPTION	CUT	FILL	NET
ROUGH GRADE	22,000 CY	51,500 CY	29,500 CY (F)
DEMOLITION RE-USE	-	(29,500) CY	(29,500) CY (F)
TOTAL	22,000 CY	22,000 CY	-

- NOTES:**
- SEE SHEET TM-6 FOR CROSS SECTIONS.
 - GRADING LIMITS EXTEND TO PROPERTY LINES.
 - PROJECT TO OBTAIN THE NOI PRIOR TO COMMENCING GRADING ACTIVITIES.
 - STORM WATER PREVENTION POLLUTION PROGRAM AND STORMWATER MANAGEMENT PLAN ARE REQUIRED FOR THIS PROJECT.

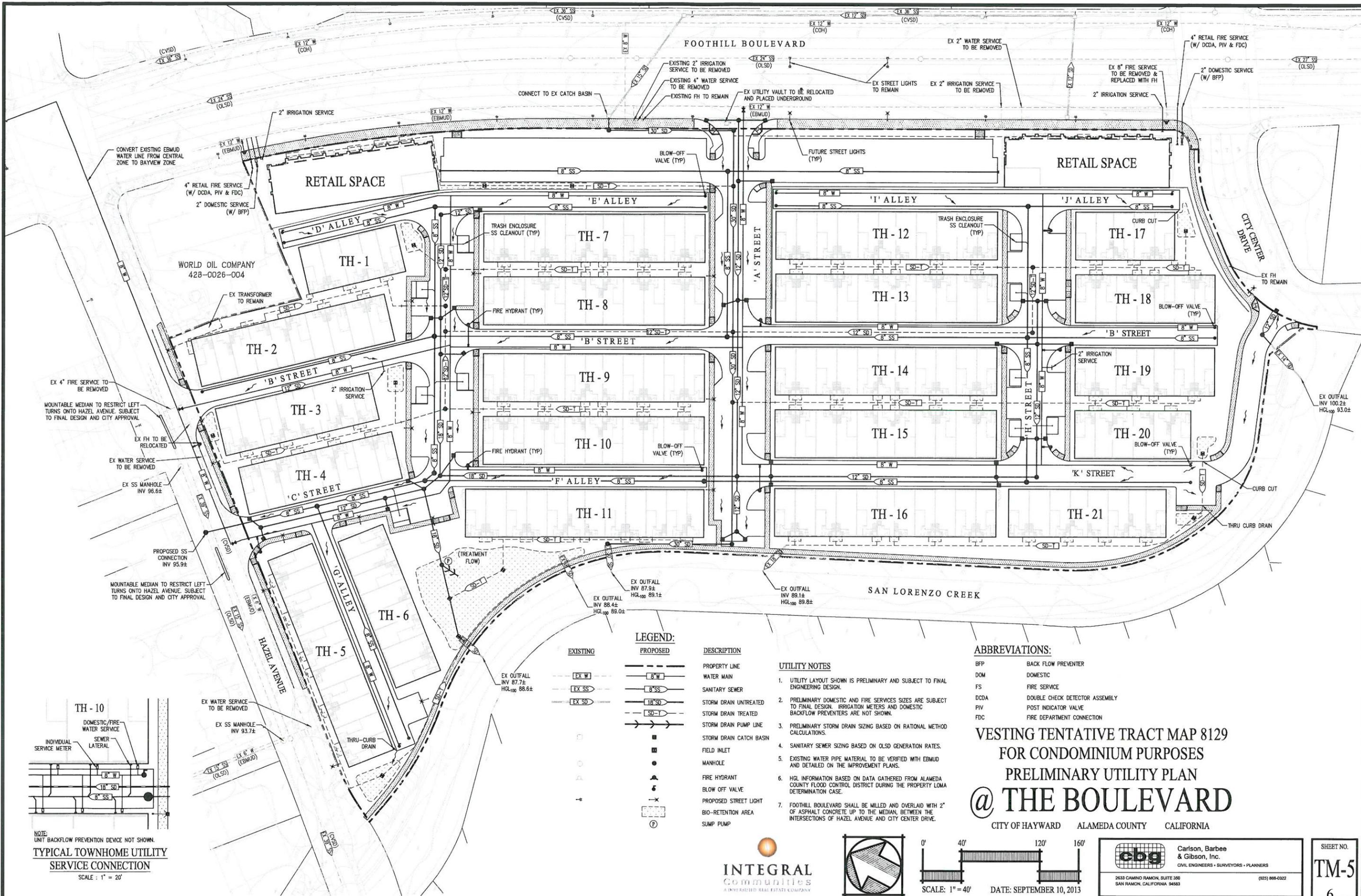
VESTING TENTATIVE TRACT MAP 8129
FOR CONDOMINIUM PURPOSES
PRELIMINARY GRADING PLAN
@ THE BOULEVARD

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SHEET NO.
TM-4
5



LEGEND:

EXISTING	PROPOSED	DESCRIPTION
EX W	8" W	PROPERTY LINE
EX SS	8" SS	WATER MAIN
EX SD	18" SD	SANITARY SEWER
	SD-T	STORM DRAIN UNTREATED
	SD-T	STORM DRAIN TREATED
	SD-T	STORM DRAIN PUMP LINE
	SD-T	STORM DRAIN CATCH BASIN
		FIELD INLET
		MANHOLE
		FIRE HYDRANT
		BLOW OFF VALVE
		PROPOSED STREET LIGHT
		BIO-RETENTION AREA
		SUMP PUMP

UTILITY NOTES

- UTILITY LAYOUT SHOWN IS PRELIMINARY AND SUBJECT TO FINAL ENGINEERING DESIGN.
- PRELIMINARY DOMESTIC AND FIRE SERVICES SIZES ARE SUBJECT TO FINAL DESIGN. IRRIGATION METERS AND DOMESTIC BACKFLOW PREVENTERS ARE NOT SHOWN.
- PRELIMINARY STORM DRAIN SIZING BASED ON RATIONAL METHOD CALCULATIONS.
- SANITARY SEWER SIZING BASED ON OLSO GENERATION RATES.
- EXISTING WATER PIPE MATERIAL TO BE VERIFIED WITH EBMUD AND DETAILED ON THE IMPROVEMENT PLANS.
- HGL INFORMATION BASED ON DATA GATHERED FROM ALAMEDA COUNTY FLOOD CONTROL DISTRICT DURING THE PROPERTY LOMA DETERMINATION CASE.
- FOOTHILL BOULEVARD SHALL BE MILLED AND OVERLAID WITH 2" OF ASPHALT CONCRETE UP TO THE MEDIAN, BETWEEN THE INTERSECTIONS OF HAZEL AVENUE AND CITY CENTER DRIVE.

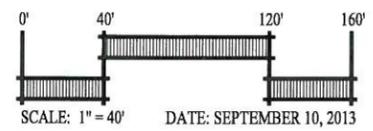
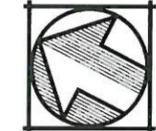
ABBREVIATIONS:

BFP	BACK FLOW PREVENTER
DOM	DOMESTIC
FS	FIRE SERVICE
DCDA	DOUBLE CHECK DETECTOR ASSEMBLY
PIV	POST INDICATOR VALVE
FDC	FIRE DEPARTMENT CONNECTION

**VESTING TENTATIVE TRACT MAP 8129
FOR CONDOMINIUM PURPOSES
PRELIMINARY UTILITY PLAN
@ THE BOULEVARD**

CITY OF HAYWARD ALAMEDA COUNTY CALIFORNIA

NOTE:
UNIT BACKFLOW PREVENTION DEVICE NOT SHOWN.
**TYPICAL TOWNHOME UTILITY
SERVICE CONNECTION**
SCALE: 1" = 20'

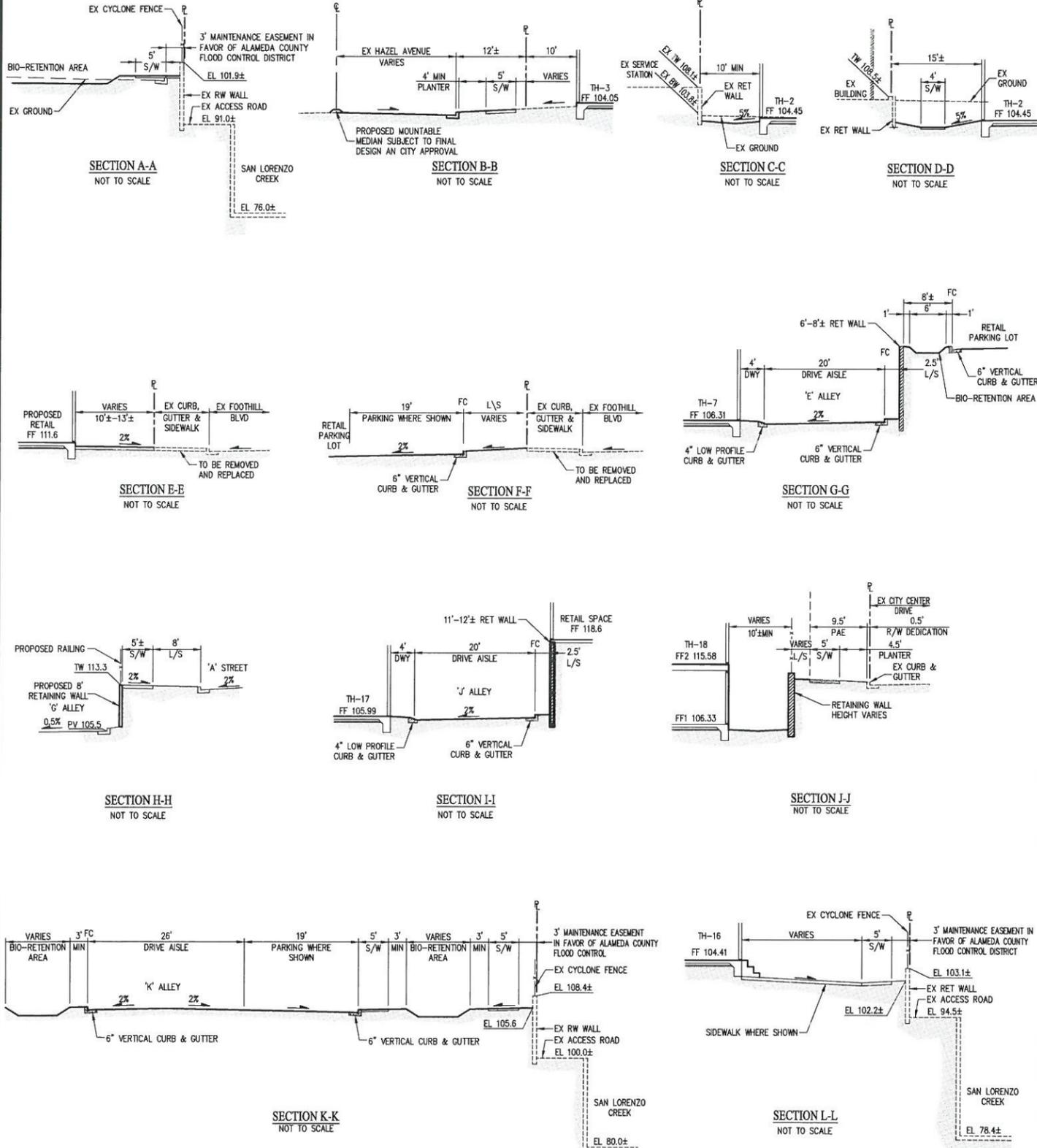


DATE: SEPTEMBER 10, 2013

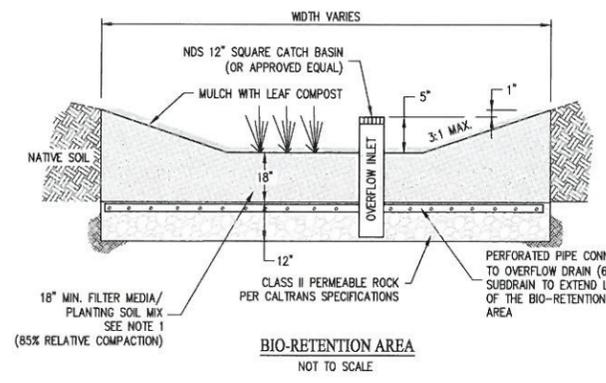
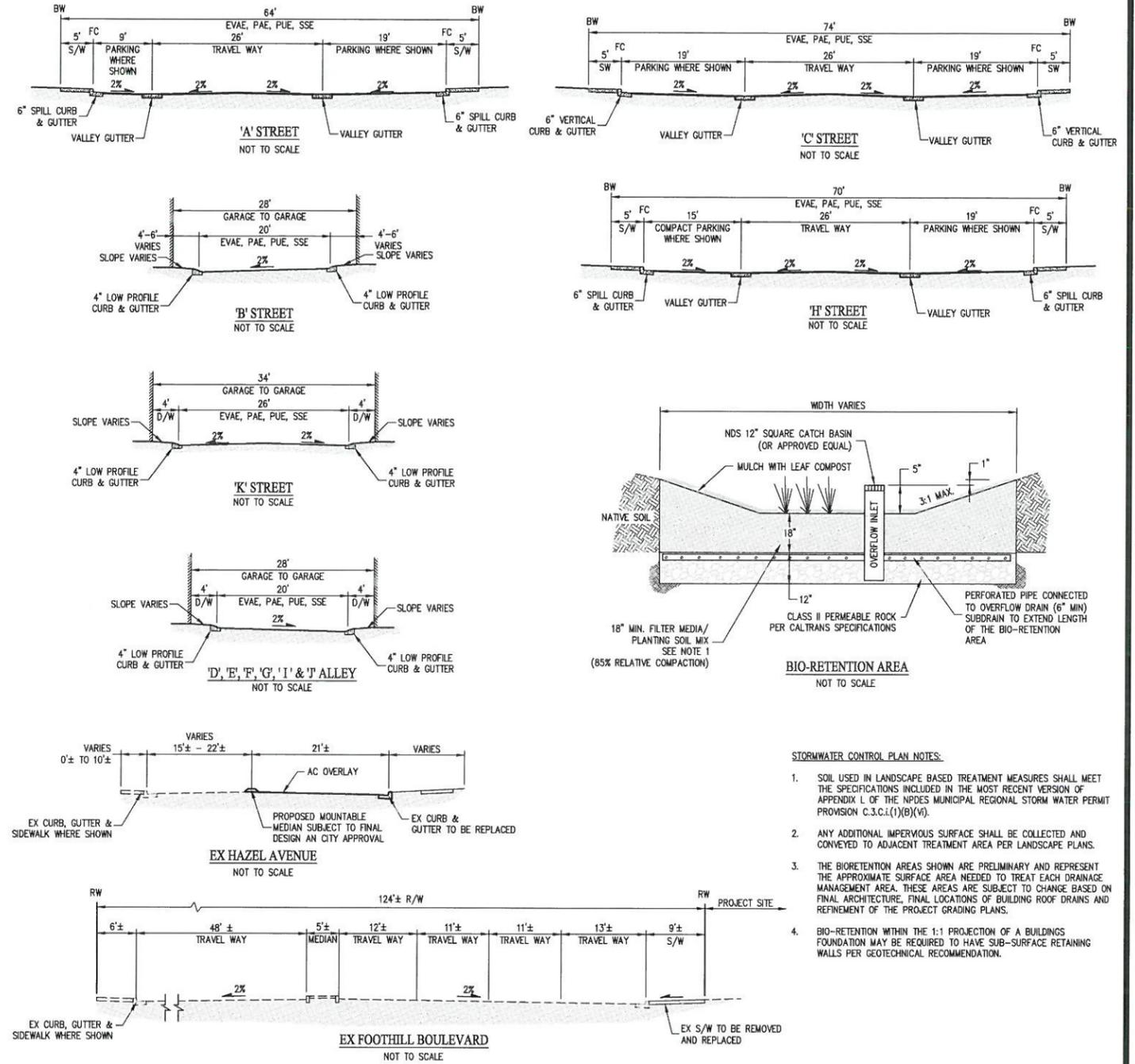
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SHEET NO.
TM-5
6

GRADING SECTIONS



STREET SECTIONS



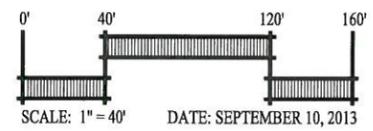
- STORMWATER CONTROL PLAN NOTES:**
- SOIL USED IN LANDSCAPE BASED TREATMENT MEASURES SHALL MEET THE SPECIFICATIONS INCLUDED IN THE MOST RECENT VERSION OF APPENDIX L OF THE NPDES MUNICIPAL REGIONAL STORM WATER PERMIT PROVISION C.3.C.1.(1)(B)(v).
 - ANY ADDITIONAL IMPERVIOUS SURFACE SHALL BE COLLECTED AND CONVEYED TO ADJACENT TREATMENT AREA PER LANDSCAPE PLANS.
 - THE BIORETENTION AREAS SHOWN ARE PRELIMINARY AND REPRESENT THE APPROXIMATE SURFACE AREA NEEDED TO TREAT EACH DRAINAGE MANAGEMENT AREA. THESE AREAS ARE SUBJECT TO CHANGE BASED ON FINAL ARCHITECTURE. FINAL LOCATIONS OF BUILDING ROOF DRAINS AND REFINEMENT OF THE PROJECT GRADING PLANS.
 - BIO-RETENTION WITHIN THE 1:1 PROJECTION OF A BUILDINGS FOUNDATION MAY BE REQUIRED TO HAVE SUB-SURFACE RETAINING WALLS PER GEOTECHNICAL RECOMMENDATION.

ABBREVIATIONS

- BW BACK OF WALK
- EL ELEVATION
- EVAE EMERGENCY VEHICLE ACCESS EASEMENT
- EX EXISTING
- FC FACE OF CURB
- FF FINISHED FLOOR
- L/S LANDSCAPE
- PL PLANTER
- PUE PUBLIC UTILITY EASEMENT
- RET RETAINING
- R/W RIGHT OF WAY
- S/W SIDEWALK
- TC TOP OF CURB
- SSE SANITARY SEWER EASEMENT
- TW TOP OF WALL

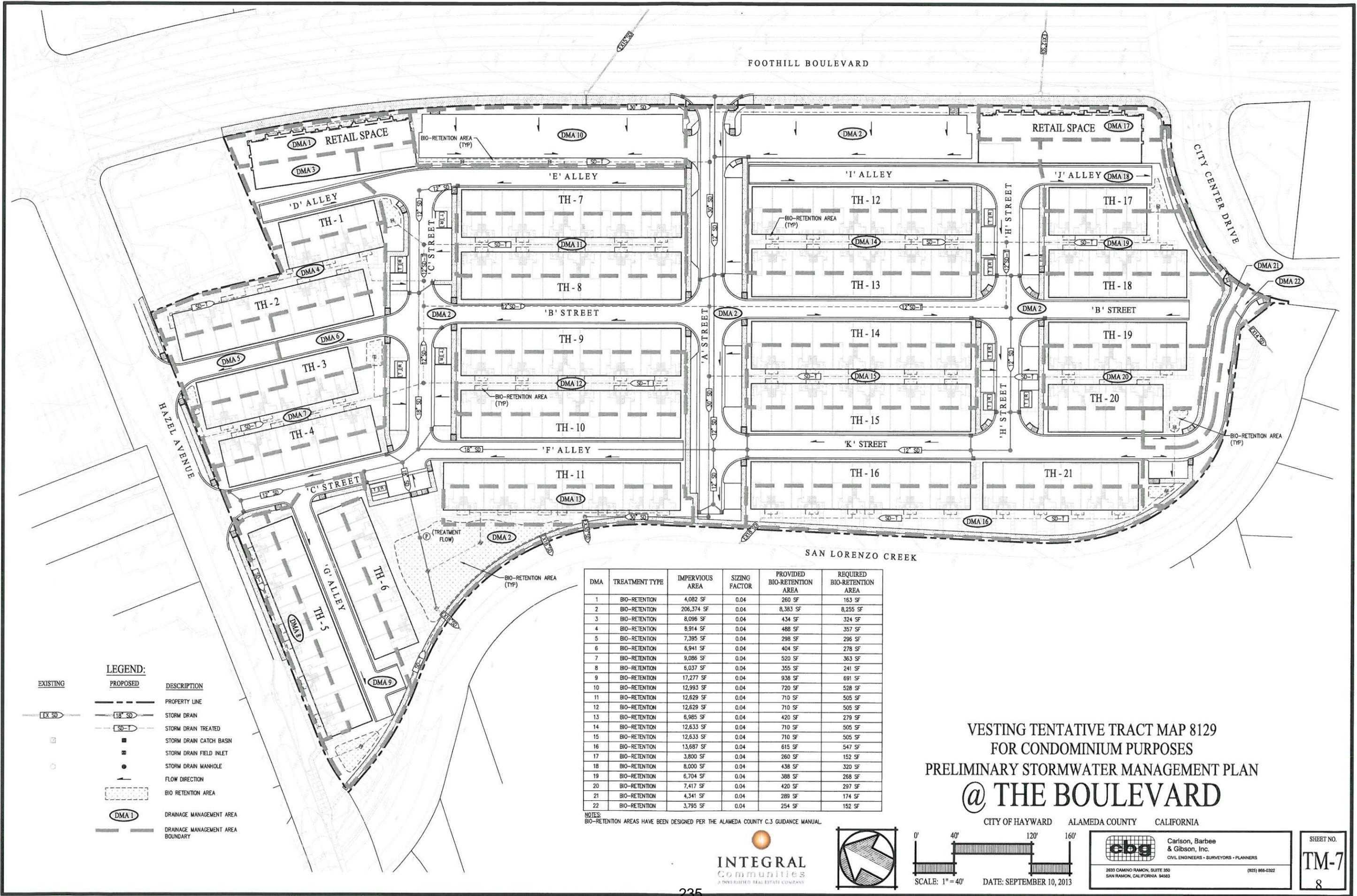
VESTING TENTATIVE TRACT MAP 8129 FOR CONDOMINIUM PURPOSES GRADING AND STREET SECTIONS @ THE BOULEVARD

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SHEET NO.
TM-6
7



LEGEND:

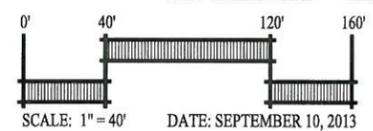
EXISTING	PROPOSED	DESCRIPTION
---	---	PROPERTY LINE
EX SD	SD	STORM DRAIN
	SD-T	STORM DRAIN TREATED
	■	STORM DRAIN CATCH BASIN
	■	STORM DRAIN FIELD INLET
	●	STORM DRAIN MANHOLE
	→	FLOW DIRECTION
	▨	BIO RETENTION AREA
	DMA 1	DRAINAGE MANAGEMENT AREA
	---	DRAINAGE MANAGEMENT AREA BOUNDARY

DMA	TREATMENT TYPE	IMPERVIOUS AREA	SIZING FACTOR	PROVIDED BIO-RETENTION AREA	REQUIRED BIO-RETENTION AREA
1	BIO-RETENTION	4,082 SF	0.04	260 SF	163 SF
2	BIO-RETENTION	206,374 SF	0.04	8,383 SF	8,255 SF
3	BIO-RETENTION	8,096 SF	0.04	434 SF	324 SF
4	BIO-RETENTION	8,914 SF	0.04	488 SF	357 SF
5	BIO-RETENTION	7,395 SF	0.04	298 SF	296 SF
6	BIO-RETENTION	6,941 SF	0.04	404 SF	278 SF
7	BIO-RETENTION	9,086 SF	0.04	520 SF	363 SF
8	BIO-RETENTION	6,037 SF	0.04	355 SF	241 SF
9	BIO-RETENTION	17,277 SF	0.04	938 SF	691 SF
10	BIO-RETENTION	12,993 SF	0.04	720 SF	528 SF
11	BIO-RETENTION	12,629 SF	0.04	710 SF	505 SF
12	BIO-RETENTION	12,629 SF	0.04	710 SF	505 SF
13	BIO-RETENTION	6,985 SF	0.04	420 SF	279 SF
14	BIO-RETENTION	12,633 SF	0.04	710 SF	505 SF
15	BIO-RETENTION	12,633 SF	0.04	710 SF	505 SF
16	BIO-RETENTION	13,687 SF	0.04	615 SF	547 SF
17	BIO-RETENTION	3,800 SF	0.04	260 SF	152 SF
18	BIO-RETENTION	8,000 SF	0.04	438 SF	320 SF
19	BIO-RETENTION	6,704 SF	0.04	388 SF	268 SF
20	BIO-RETENTION	7,417 SF	0.04	420 SF	297 SF
21	BIO-RETENTION	4,341 SF	0.04	289 SF	174 SF
22	BIO-RETENTION	3,795 SF	0.04	254 SF	152 SF

NOTES:
BIO-RETENTION AREAS HAVE BEEN DESIGNED PER THE ALAMEDA COUNTY C.3 GUIDANCE MANUAL.

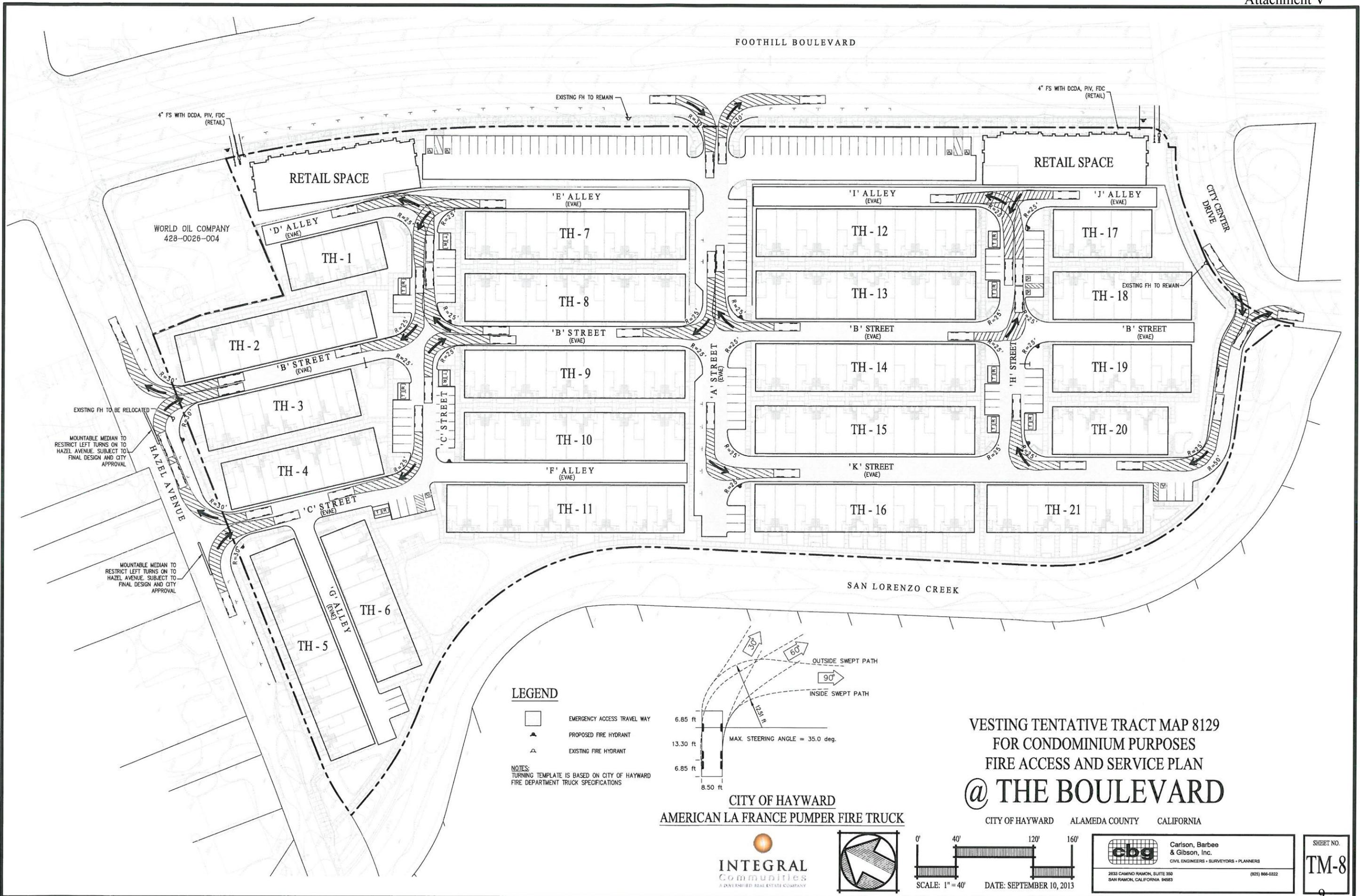
VESTING TENTATIVE TRACT MAP 8129
FOR CONDOMINIUM PURPOSES
PRELIMINARY STORMWATER MANAGEMENT PLAN
@ THE BOULEVARD

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SHEET NO.
TM-7
8



4" FS WITH DODA, PIV, FDC (RETAIL)

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428-0026-004

4" FS WITH DODA, PIV, FDC (RETAIL)

EXISTING FH TO REMAIN

EXISTING FH TO BE RELOCATED

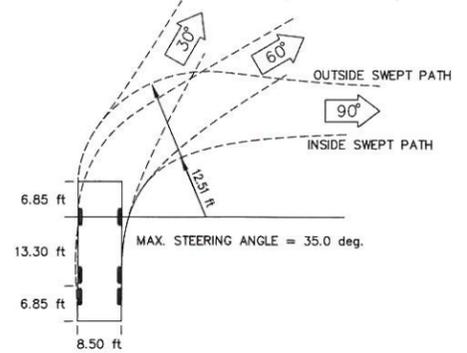
MOUNTABLE MEDIAN TO RESTRICT LEFT TURNS ON TO HAZEL AVENUE. SUBJECT TO FINAL DESIGN AND CITY APPROVAL

MOUNTABLE MEDIAN TO RESTRICT LEFT TURNS ON TO HAZEL AVENUE. SUBJECT TO FINAL DESIGN AND CITY APPROVAL

LEGEND

- EMERGENCY ACCESS TRAVEL WAY
- PROPOSED FIRE HYDRANT
- EXISTING FIRE HYDRANT

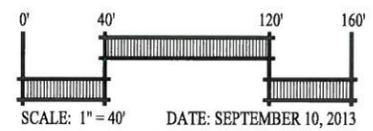
NOTES:
TURNING TEMPLATE IS BASED ON CITY OF HAYWARD FIRE DEPARTMENT TRUCK SPECIFICATIONS



CITY OF HAYWARD
AMERICAN LA FRANCE PUMPER FIRE TRUCK

VESTING TENTATIVE TRACT MAP 8129
FOR CONDOMINIUM PURPOSES
FIRE ACCESS AND SERVICE PLAN
@ THE BOULEVARD

CITY OF HAYWARD ALAMEDA COUNTY CALIFORNIA



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SHEET NO.
TM-8

SHEET INDEX

- A0.1 Title Sheet, Index and Render
- A1.0 Site Plan
- A2.0 Elevations
- A2.1 Elevations
- A3.0 Floor Plan
- A4.0 Conceptual Section



1. View from Foothill Blvd. near the intersection with City Center Dr.

@ THE BOULEVARD



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ARTIST'S CONCEPT RENDERING

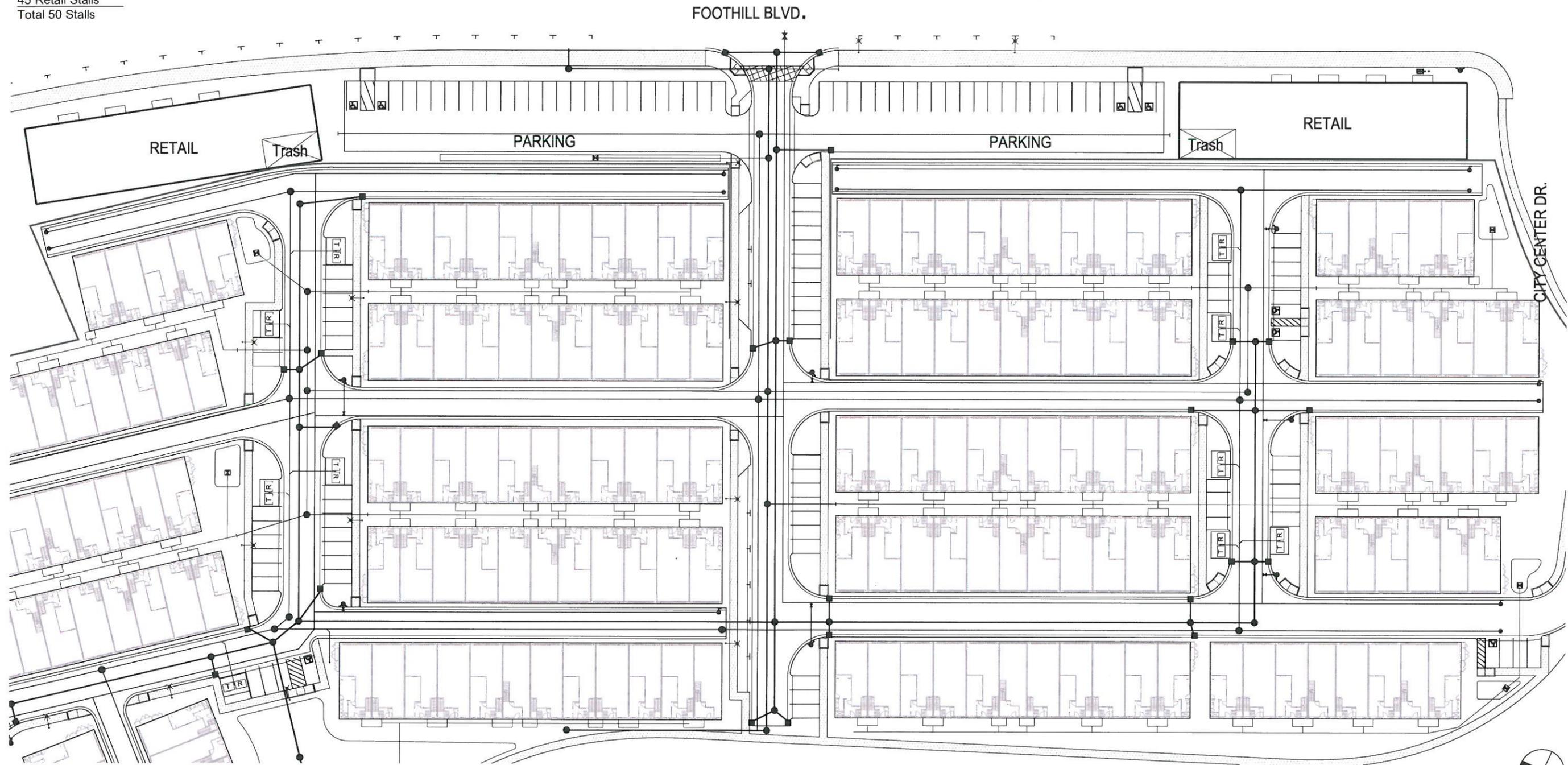
HAYWARD, CA
 K T G Y # 2011-0597 09.05.2013

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Architecture+Planning
 580 Second St., Suite 200
 Oakland, CA 94607
 510.272.2910
 ktgy.com



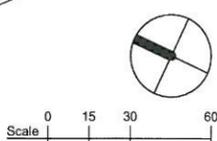
Parking

4 Accessible Stalls
45 Retail Stalls
Total 50 Stalls



@ THE BOULEVARD

CONCEPT SITE PLAN



A0.2



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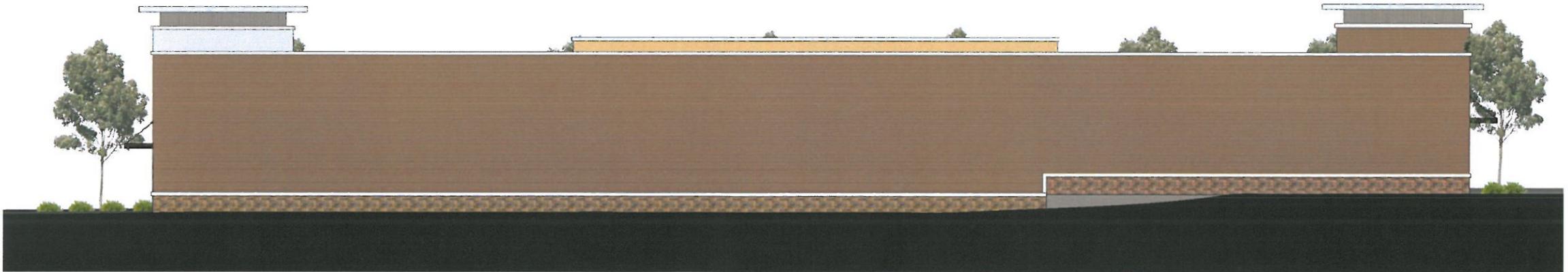
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Front Elevation



Rear Elevation

@ THE BOULEVARD



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CONCEPT ELEVATIONS

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A2.0

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Right Elevation



Left Elevation

@ THE BOULEVARD



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CONCEPT ELEVATIONS

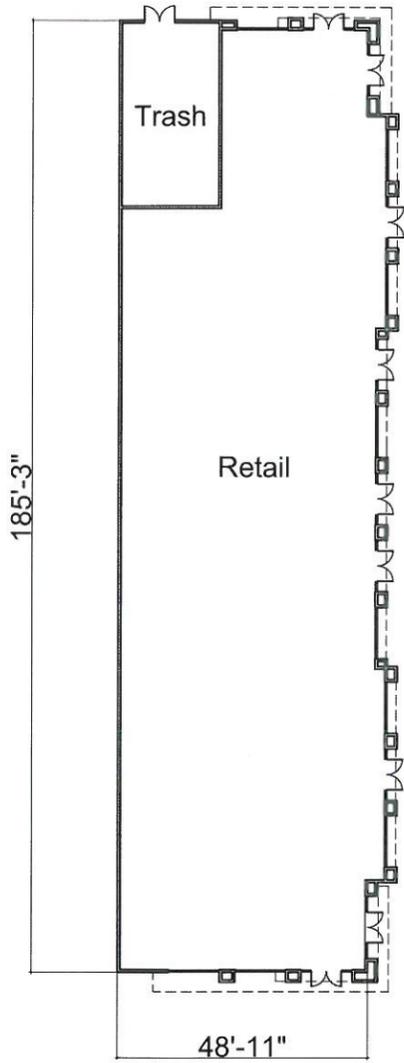
HAYWARD, CA
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A2.1

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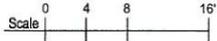
@ THE BOULEVARD



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CONCEPT FLOOR PLAN

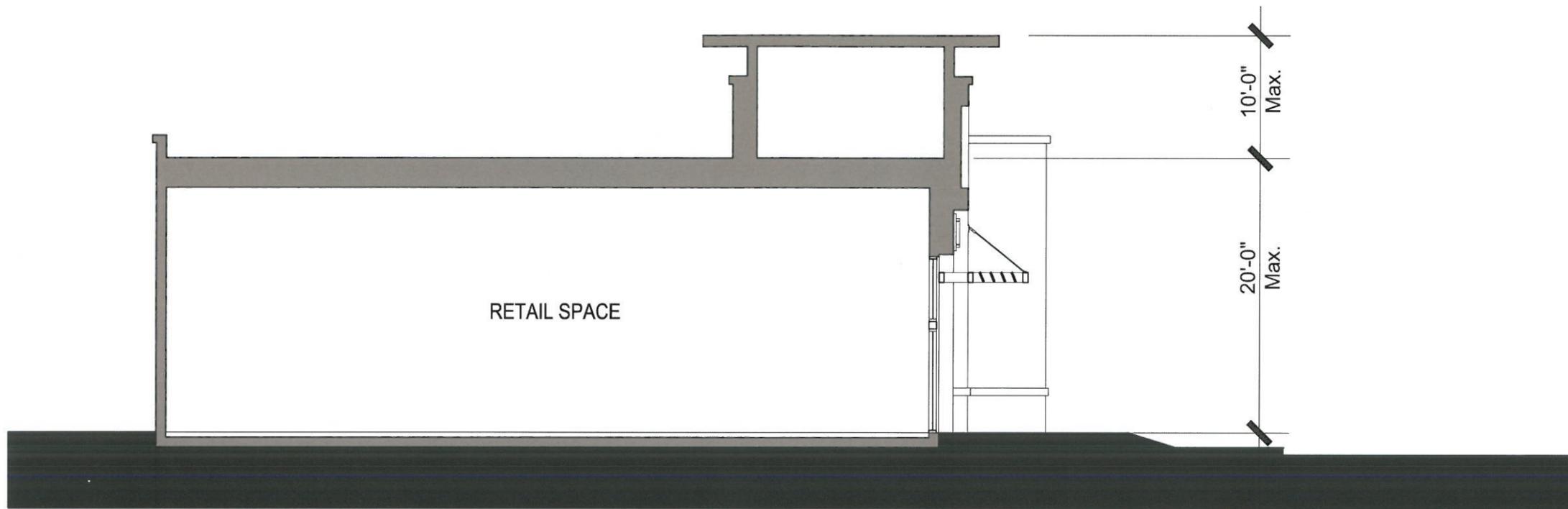
HAYWARD, CA
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A3.0

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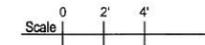
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CONCEPT SECTION

HAYWARD, CA
 K T G Y # 2011-0597 09.05.2013



A4.0

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TOWNHOMES - ARCHITECTURAL SITE PLAN

@ THE BOULEVARD

HAYWARD, CALIFORNIA



3 SAN JUAQUIN PLAZA, SUITE 100
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949.720.3612

Angeleno Associates, Inc. **A.T.H.1**

147 City Place Drive, Santa Ana, Ca 92705
www.angelenoarchitects.com Tel: (714) 285-1888
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BUILDING TH5 - FRONT ELEVATION ALONG HAZEL



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TOWNHOMES STREET ELEVATIONS
 @ THE BOULEVARD
 HAYWARD, CALIFORNIA

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A.TH.2
 17



POCKET PARK BUILDING 6 - 8 PLEX - PLAN 4 COASTAL CONTEMPORARY "G" ALLEY BUILDING 5 - 11 PLEX - PLAN 4 AGRARIAN CONTEMPORARY HAZEL AVE.

BUILDING TH6 & TH5 - SIDE ELEVATIONS ALONG CREEK SIDE



ENTRY STREET - B BUILDING 8 - 11 PLEX - PLAN 4 AGRARIAN CONTEMPORARY PASEO BUILDING 7 - 11 PLEX - PLAN 4 COASTAL CONTEMPORARY "E" ALLEY FOOHILL BLVD.

BUILDING TH8 & TH7 - SIDE ELEVATIONS AT STREET "A"



FOOHILL BLVD. "E" ALLEY BUILDING 7 - 11 PLEX - PLAN 4 AGRARIAN CONTEMPORARY PASEO BUILDING 8 - 11 PLEX - PLAN 4 COASTAL CONTEMPORARY ENTRY STREET - B BUILDING 9 - 11 PLEX - PLAN 4 AGRARIAN CONTEMPORARY PASEO

BUILDING TH7, TH8 & TH9 - SIDE ELEVATIONS AT STREET "C"



TOWNHOMES STREET ELEVATIONS @ THE BOULEVARD

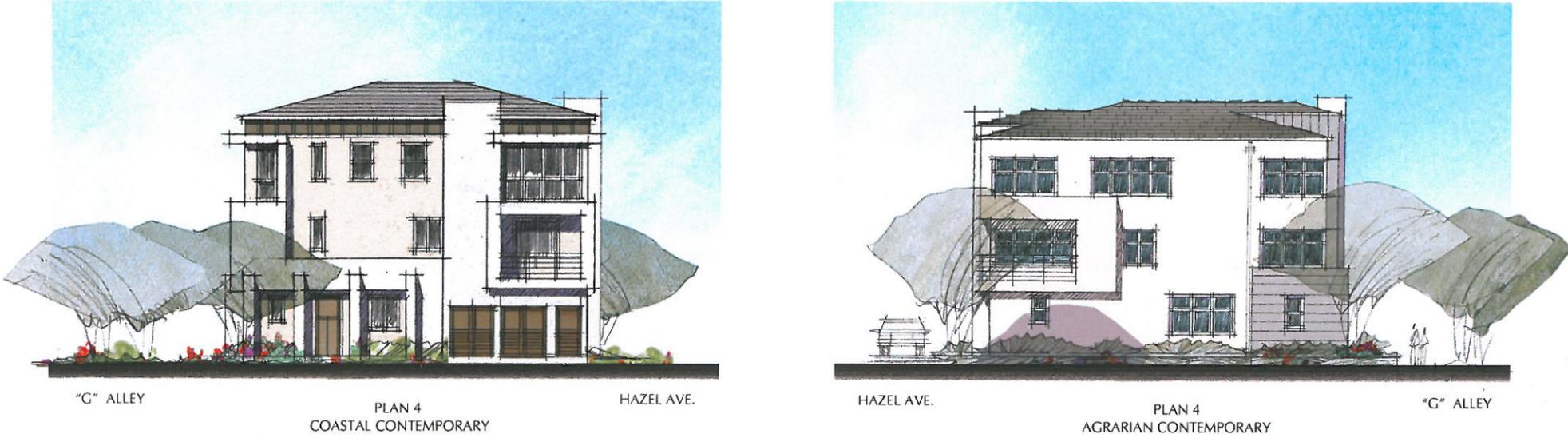
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3 SAN JUAQUIN PLAZA, SUITE 100
NEWPORT BEACH, CA 92660
949.720.3612

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BUILDING TH5 - SIDE ELEVATIONS



BUILDING TH5 - MOTOR COURT ELEVATION

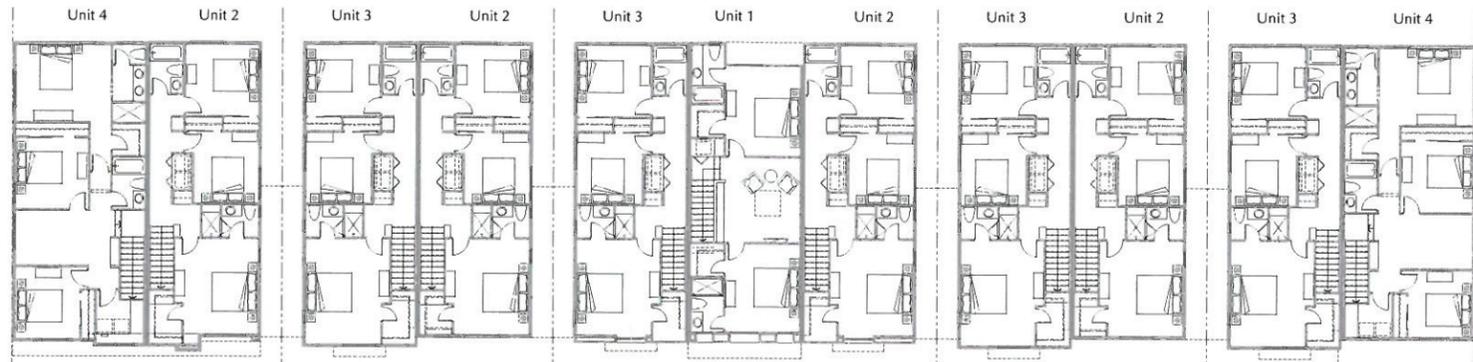
TOWNHOMES BUILDING 5 SIDE & REAR ELEVATIONS
@ THE BOULEVARD

HAYWARD, CALIFORNIA

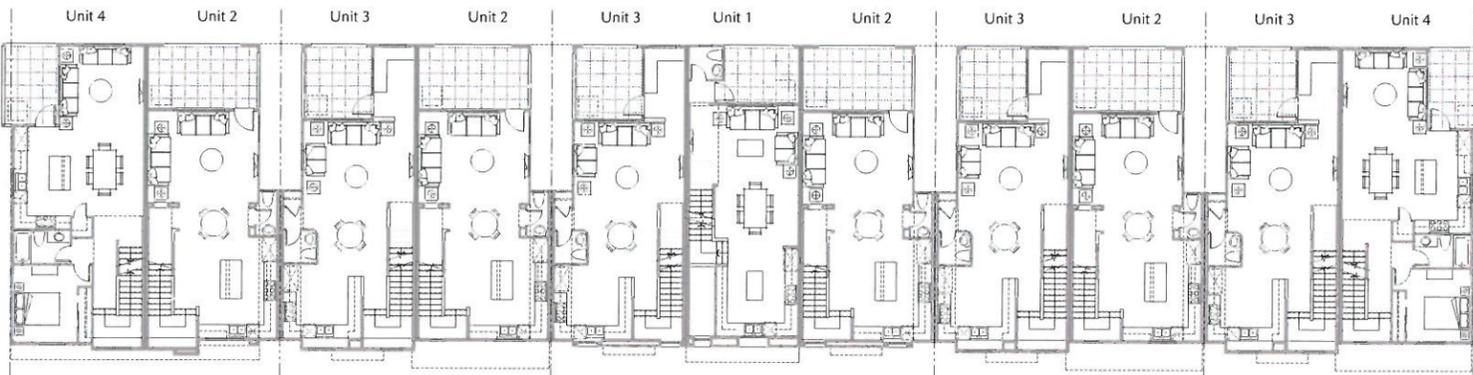


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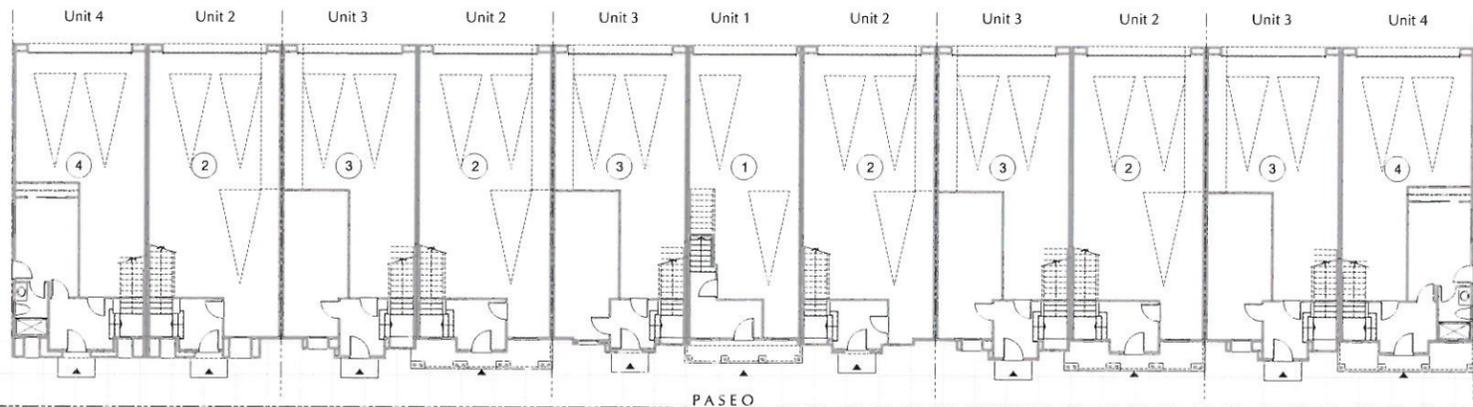
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LEVEL 3



LEVEL 2



LEVEL 1

TOWNHOMES BUILDING "TH 5"
 FLOOR PLANS
 (BUILDINGS TH2, 3, 4, 5, 6, 15, 16, 17, 18, 19 SIMILAR)



@ THE BOULEVARD

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A.TH.5

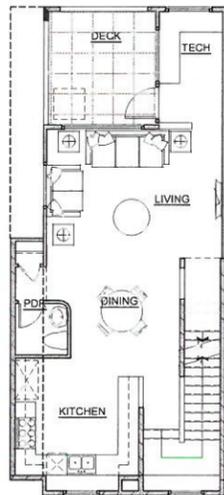


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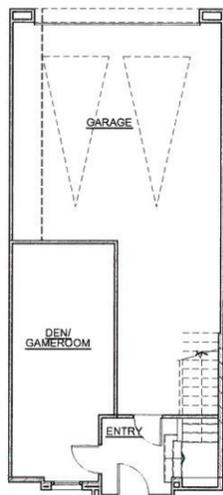
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LEVEL 3



LEVEL 2

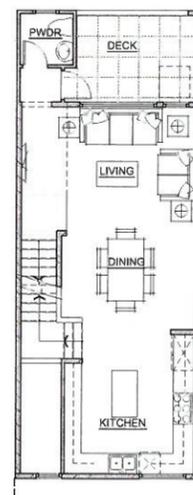


LEVEL 1

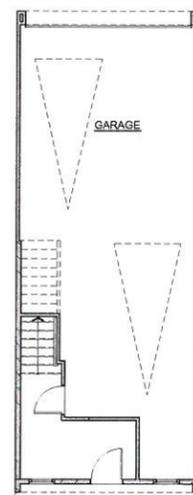
UNIT 3
 3 BED, DEN, 2.5 BA, 1,850 SF
 GARAGE 596 SF
 DECK 120 SF



LEVEL 3



LEVEL 2

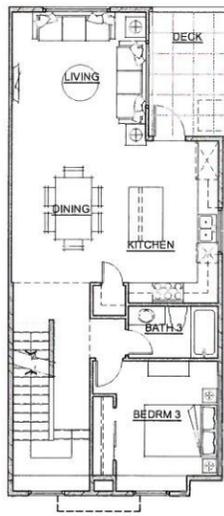


LEVEL 1

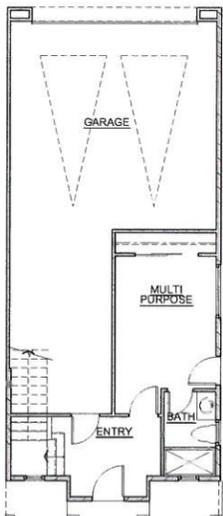
UNIT 1
 2 BED, 2.5 BA, 1,485 SF
 GARAGE 640 SF
 DECK 104 SF
 PORCH 56 SF



LEVEL 3



LEVEL 2



LEVEL 1

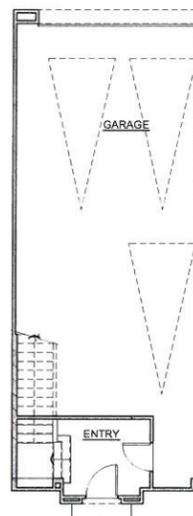
UNIT 4
 4 BED, MULTI PURPOSE RM, 2,115 SF
 GARAGE 596 SF
 DECK 105 SF
 PORCH 78 SF



LEVEL 3



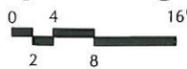
LEVEL 2



LEVEL 1

UNIT 2
 3 BED, 2.5 BA, 1,570 SF
 GARAGE 814 SF
 DECK 166 SF

TOWNHOMES - UNIT PLANS



@ THE BOULEVARD

HAYWARD, CALIFORNIA



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PLANTING LEGEND

EXISTING TREE					PROPOSED SHRUBS SUCH AS:				
SYMBOL	BOTANICAL NAME	COMMON NAME	SIZE	WUCOLS	SYMBOL	BOTANICAL NAME	COMMON NAME	SIZE	WUCOLS
(Symbol)	EXISTING TREE	SEE ARBORIST REPORT FOR SPECIFIC TREE, LOCATIONS AND INFORMATION			(Symbol)	AEONIUUM ARBOREUM ZWARTKOP	N.C.N.	5 GAL.	L
PROPOSED STREET TREES SUCH AS:					PROPOSED WATER TREATMENT AREA SHRUBS AND GRASSES:				
(Symbol)	CARPINUS BETULUS	EUROPEAN HORNBEAM	36" BOX	M	(Symbol)	CAREX DIVULSA	BERKELEY SEDGE	1 GAL.	AA
(Symbol)	PLATANUS ACERIFOLIA COLUMBIA	COLUMBIA LONDON PLANE TREE	76" BOX	M	(Symbol)	CHONDROPETALUM ELEPHANTIUM	CAPE RUSH	5 GAL.	AA
(Symbol)	PODOCARPUS GRACILIOR	FERN PINE	36" BOX	M	(Symbol)	IRIS DOUGLASSIANA	DOUGLAS IRIS	1 GAL.	L
PROPOSED ACCENT TREES SUCH AS:					TURF				
(Symbol)	ALNUS RHOMBIFOLIA	WHITE ALDER	36" BOX	M	(Symbol)	TURF - FESCUE BLUEGRASS BLEND	BOLERO PLUS - DELTA BLUEGRASS CO.	5 GAL.	H
(Symbol)	ARBUTUS JAMAICA	INCEN	36" BOX	L	NOTES:				
(Symbol)	CERCIS CANADENSIS FOREST PANSY	FOREST PANSY REDDUD	36" BOX	M	1. ALL SHRUB AND GROUND COVER AREAS (WITH SLOPES LESS THAN 2:1) SHALL RECEIVE A 3" LAYER OF MULCH.				
(Symbol)	LAGERSTROMIA MIJSKOGEE	CAPE MYSTLE	36" BOX	M	2. ALL TREES PLANTED WITH IN 7" O" PAVEMENT, CURBS, WALLS, OR BUILDINGS SHALL BE INSTALLED WITH LINEAR ROOT BARRIERS.				
(Symbol)	MAGNOLIA GRANDIFLORA LITTLE GEM	LITTLE GEM MAGNOLIA	36" BOX	AA	ROOT BARRIERS SHALL BE PLACED AT THE EDGE OF THE ADJACENT PAVEMENT, CURB, WALL OR BUILDING (DO NOT ENCLOSE ROOTBALLS) AND SHALL EXTEND A MINIMUM EACH SIDE OF THE CENTER OF THE TREE.				
(Symbol)	PYRUS CALLERYANA REDSPIRE	RED SPIRE BRADFORD PEAR	36" BOX	AA	3. SELECT TREES TO BE INSTALLED AT 48" BOX SIZE AS REQUIRED. SEE TREE MITIGATION PLAN.				
(Symbol)	OLEA EUROPAEA	OLIVE	36" BOX	L					
PROPOSED SCREENING TREES SUCH AS:									
(Symbol)	PINUS CANARIENSIS	CANARY ISLAND PINE	36" BOX	L					
(Symbol)	SEQUOIA SEMPERVIRENS	REDWOOD	36" BOX	M					
PROPOSED COLUMNAR TREES SUCH AS:									
(Symbol)	PRUNUS CAROLINIANA BRIGHT LIGHT	BRIGHT LIGHT CAROLINA CHERRY	15 GAL.	AA					
(Symbol)	LIGUSTRUM JAPONICUM TEXANUM	WAX LEAF PRIVET	15 GAL.	M					
(Symbol)	PODOCARPUS MACROCARPUS YLLUS	YEW PINE	15 GAL.	AA					
PROPOSED CULINARY SHRUBS SUCH AS:									
(Symbol)	CAPPARIS SPINOSA	CAPE	5 GAL.	L					
(Symbol)	FELICIA SELLOWIANA	PINEAPPLE GUAVA	5 GAL.	L					
(Symbol)	ROSMARINUS O. HUNTINGTON CARPET	ROSEMARY	5 GAL.	L					
(Symbol)	LAVANDULA ANGSTROFOLIA	ENGLISH LAVENDER	5 GAL.	L					



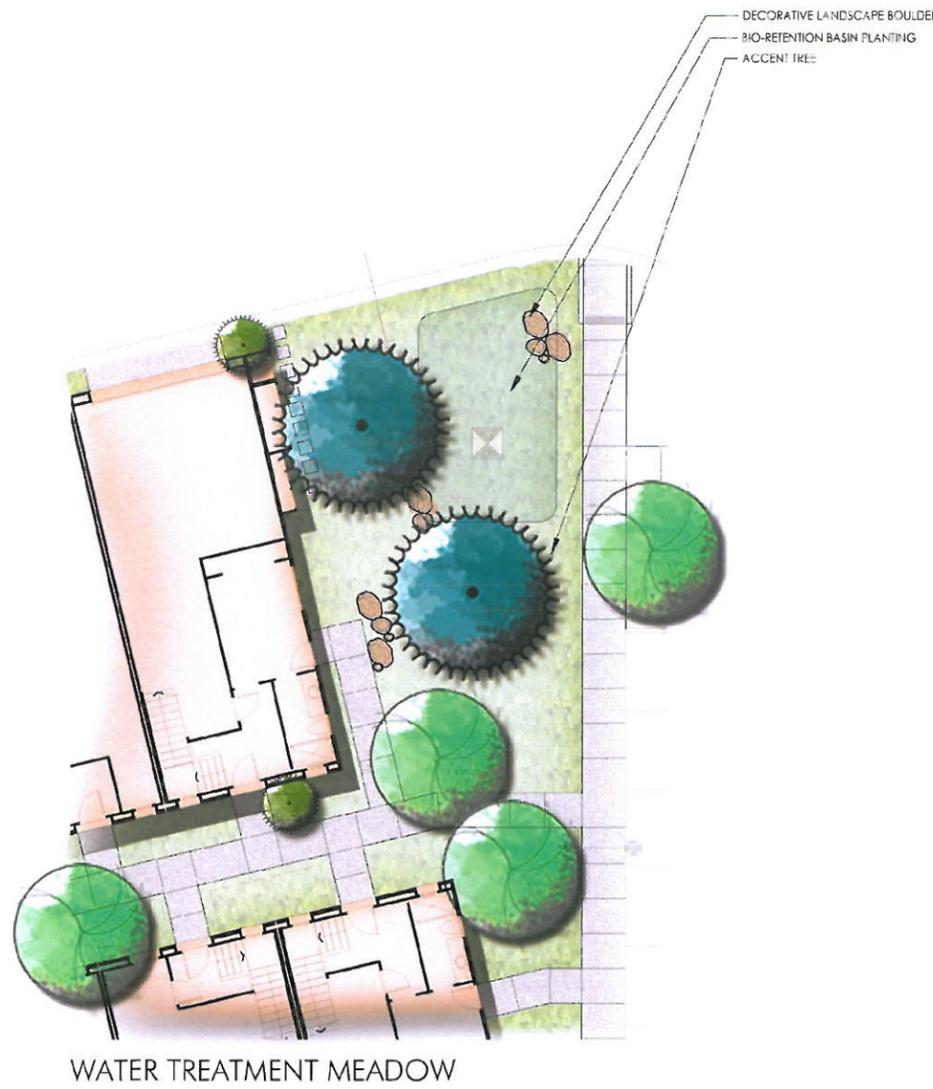
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CITY OF HAYWARD ALAMEDA COUNTY CALIFORNIA



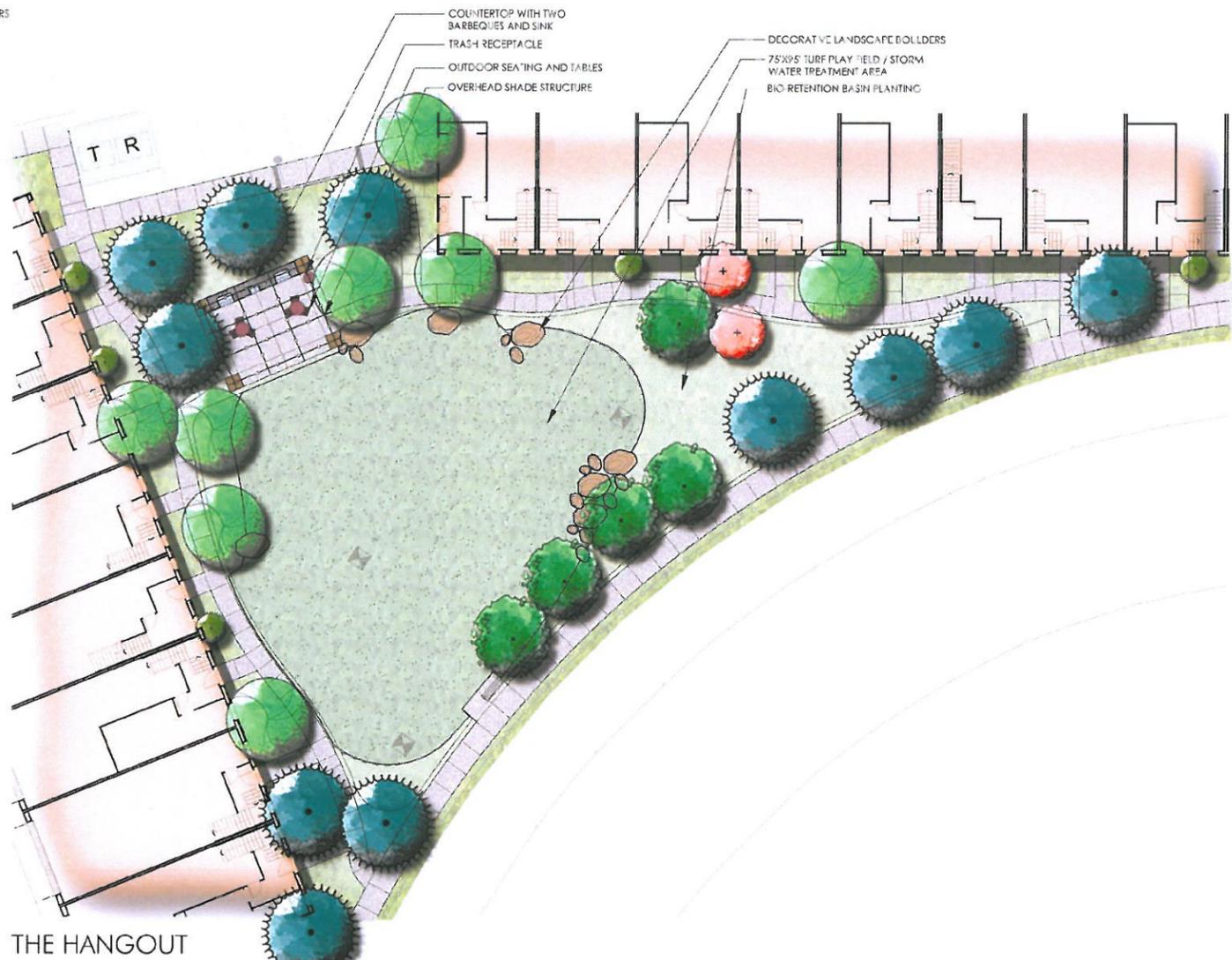
PRELIMINARY LANDSCAPE PLAN



SECTION A-A - SAN LORENZO CREEK



WATER TREATMENT MEADOW



THE HANGOUT

LANDSCAPE STATEMENT:

THE BOULEVARD HAS MUCH TO OFFER. ACCESSIBILITY TO LOCAL NEIGHBORHOOD EATS, BOUTIQUES, AND ENTERTAINMENT ARE A SHORT WALK OR BIKE AWAY. COMFORTABLE LIVING OPTIONS THROUGH A FORTHCOMING PRODUCT ADDRESSES THE CURRENT AND FUTURE NEEDS OF THE NEIGHBORHOOD.

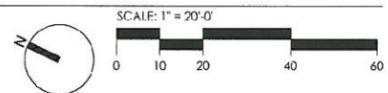
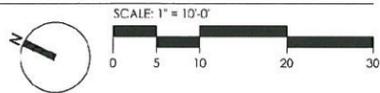
SITE SPECIFIC SELECTION OF CLIMATE ADAPTED PLANT MATERIAL BASED ON ZONE, SOIL, AND SOLAR CONDITIONS WILL BE USED WHERE POSSIBLE TO OPTIMIZE WATER AND RESOURCE USE EFFICIENCY. THE LOCATION OF DECIDUOUS TREES TO COVER SOUTHERN EXPOSED BUILDING FACADES IN THE SUMMER AND ALLOW THE SUN'S RAYS TO WARM IN THE WINTER. LANDSCAPE IRRIGATION WILL IMPLEMENT SMART CONTROLLER TECHNOLOGY, RAIN SHUT OFF SENSORS, AND USE EFFICIENT DISTRIBUTION METHODS SUCH AS DRIP TUBING AND ROTARY TYPE NOZZLES.

GREEN WASTE REDUCTION CAN BE ACHIEVED THROUGH PROPER PLANT SELECTION AND SPACING. TAKING INTO ACCOUNT THE MATURE SIZE OF PLANT MATERIAL WILL ALLOW PLANTS TO HAVE THE SPACE THEY NEED TO GROW, PRODUCING LOWER LEVELS OF PRUNING AND REMOVAL OF GREEN WASTE AS WELL AS MAINTAINING PROPER DISTANCE FROM HARDSCAPE. OTHER SUGGESTED GREEN MAINTENANCE PRACTICES TO BE IMPLEMENTED ARE: MULCHING MACHINES FOR TURF AREAS, MULCH COVER OF 3 INCH DEPTH IN PLANTED AREAS, SOIL PREPARATION UTILIZING ORGANIC PEST CONTROL PRACTICES, AND AMENDING PLANTED AREAS WITH ORGANIC COMPOST.

THE LANDSCAPE WILL COMPLEMENT THE CLEAN LINES, AND SOOTHING NEUTRAL COLOR SCHEME OF THE ARCHITECTURE. SELECTION OF DROUGHT TOLERANT AND NATIVE PLANTING FULL OF COLOR AND TEXTURE WILL STIMULATE AND SENSE AS WELL AS BENEFIT WILDLIFE. BUILDING ENTRANCES WILL BE PLANTED TO SOFTEN THE ARCHITECTURE AND FORM WELCOMING POINTS OF ENTRY. PEDESTRIAN NETWORKS INCLUDING TREE LINED PASEOS WILL CONNECT POINTS OF INTEREST WHILE KEEPING OPEN SIGHT LINES TO ENHANCE ONE'S EXPERIENCE AND GIVE ONE AN EASE OF TRANSIT AND SECURITY THROUGHOUT THE SITE.

PROPOSED LANDSCAPING WILL GREATLY IMPROVE THE CONDITION OF THIS CURRENTLY UNDERUSED SITE. THE IMPROVEMENTS WILL BENEFIT INTENDED RESIDENTS, AS WELL AS THE GREATER COMMUNITY. TREE LINED EDGE CONDITIONS WILL ENHANCE EVEN THE CASUAL PASSEBY'S EXPERIENCE. LANDSCAPE WILL BE UTILIZED TO ENHANCE AND FRAME VIEWS FROM WITHIN AND INTO THE SITE AS WELL AS TO SCREEN PARKING, SERVICE AREAS, AND SOLID BUILDING SURFACES. PARTICULAR ATTENTION IS GIVEN TO SCREEN THE EXISTING GAS STATION ON THE NORTH CORNER OF THE SITE. HARDSCAPE AREAS WILL USE PERMEABLE PAVING WHENEVER POSSIBLE TO INCREASE WATER INFILTRATION AND REDUCE WATER RUNOFF. RECYCLED MATERIALS WILL BE USED WHENEVER POSSIBLE OR APPROPRIATE. RECYCLING A MINIMUM OF 50% OF LANDSCAPE CONSTRUCTION WASTE IS STRONGLY ENCOURAGED WHENEVER POSSIBLE.

INTEGRATED STORM WATER TREATMENT ON SITE WILL SERVE A DUAL FUNCTION IN CLEANING RUNOFF THROUGH ATTRACTIVELY PLANTED VEGETATED SWALES OPENING TO TURF AREAS FOR PLAY AND SMALLER CONTEMPLATIVE SPACES TO RELAX. OUTDOOR SPACES ARE ALSO PROVIDED FOR BARBECUING, OUTDOOR DINING, SWIMMING, AND LOUNGING.

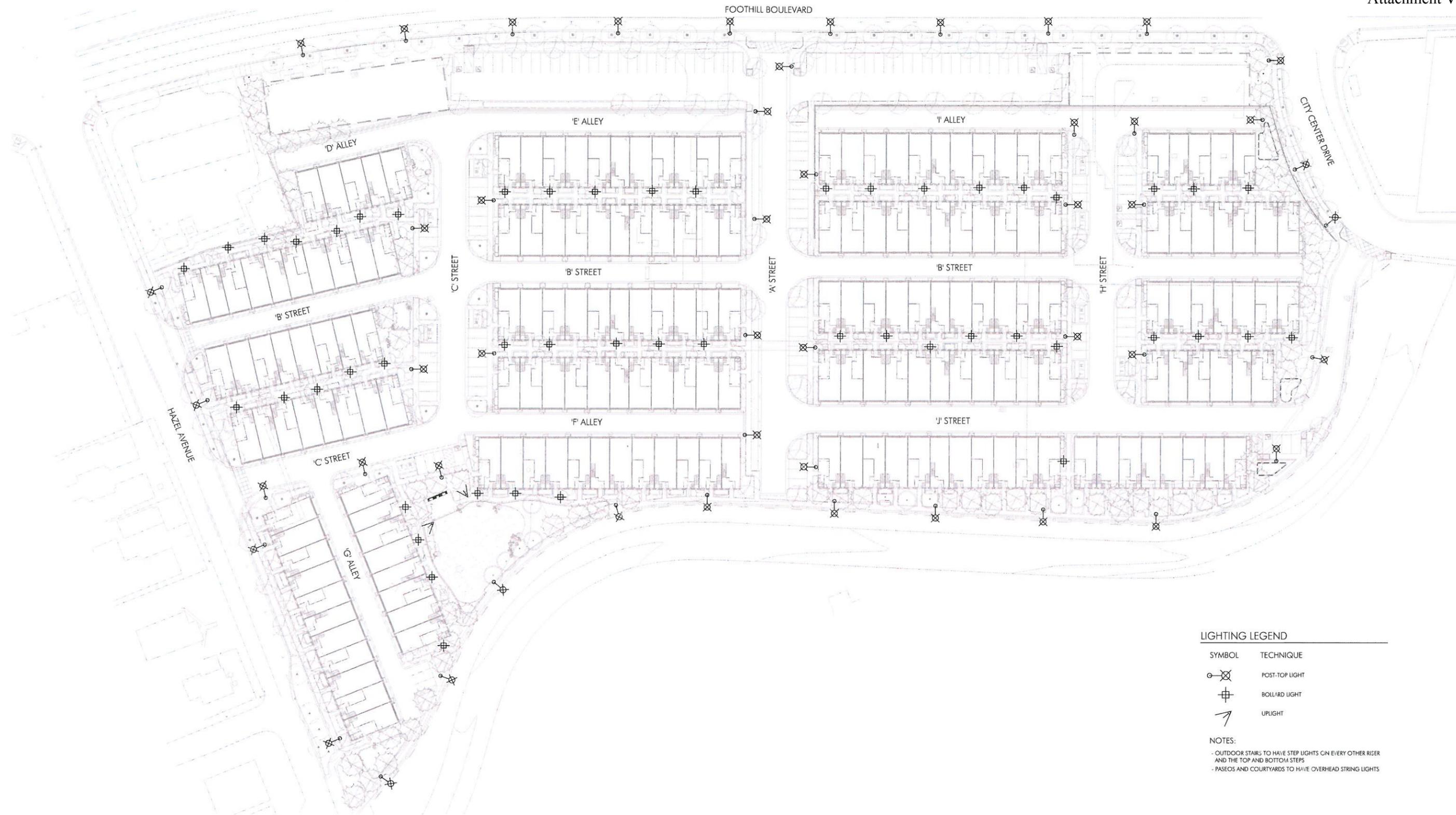


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CITY OF HAYWARD ALAMEDA COUNTY CALIFORNIA



PRELIMINARY LANDSCAPE PLAN



LIGHTING LEGEND

SYMBOL	TECHNIQUE
	POST-TOP LIGHT
	BOLLARD LIGHT
	UPLIGHT

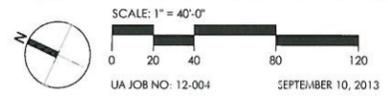
NOTES:
 - OUTDOOR STAIRS TO HAVE STEP LIGHTS ON EVERY OTHER RISER AND THE TOP AND BOTTOM STEPS
 - PASEOS AND COURTYARDS TO HAVE OVERHEAD STRING LIGHTS

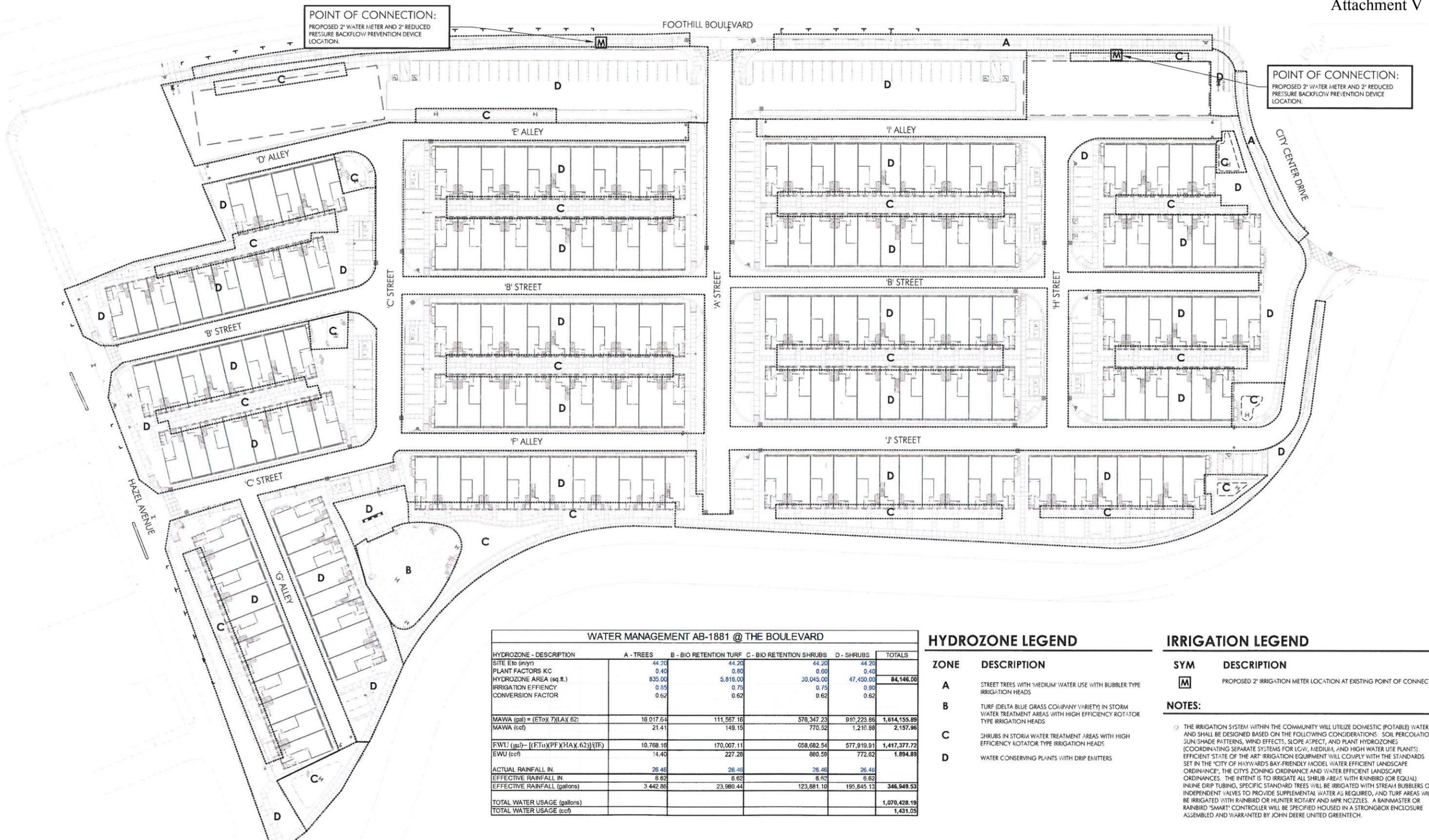


@ THE BOULEVARD
 CITY OF HAYWARD ALAMEDA COUNTY CALIFORNIA



PRELIMINARY LIGHTING PLAN





WATER MANAGEMENT AB-1881 @ THE BOULEVARD					
HYDROZONE - DESCRIPTION	A - TREES	B - BIO RETENTION TURF	C - BIO RETENTION SHRUBS	D - SHRUBS	TOTALS
SITE Eto (in/yr)	44.20	44.20	44.20	44.20	44.20
PLANT FACTORS KC	0.40	0.80	0.60	0.40	
HYDROZONE AREA (sq. ft.)	835.00	5,816.00	30,045.00	47,450.00	84,146.00
IRRIGATION EFFICIENCY	0.95	0.75	0.75	0.90	
CONVERSION FACTOR	0.62	0.62	0.62	0.62	
MAWA (gal) = (Eto) X T X (LAX .62)	10,017.64	111,567.16	576,347.23	910,223.66	1,614,155.69
MAWA (ccf)	21.41	149.15	770.52	1,216.66	2,157.96
FWU (gal) = (Eto) X PF X (LAX .62) X (IF)	10,768.16	170,007.11	658,662.54	577,919.91	1,417,377.72
EWU (ccf)	14.40	227.28	880.59	772.62	1,694.89
ACTUAL RAINFALL IN	26.46	26.46	26.46	26.46	
EFFECTIVE RAINFALL IN	6.62	6.62	6.62	6.62	
EFFECTIVE RAINFALL (gallons)	3,442.66	23,960.44	123,881.10	195,645.13	346,949.53
TOTAL WATER USAGE (gallons)					1,070,428.19
TOTAL WATER USAGE (ccf)					1,431.05

HYDROZONE LEGEND	
ZONE	DESCRIPTION
A	STREET TREES WITH MEDIUM WATER USE WITH BUBBLER TYPE IRRIGATION HEADS
B	TURF (DELTA BLUE GRASS COMPANY VARIETY) IN STORM WATER TREATMENT AREAS WITH HIGH EFFICIENCY ROTATOR TYPE IRRIGATION HEADS
C	SHRUBS IN STORM WATER TREATMENT AREAS WITH HIGH EFFICIENCY ROTATOR TYPE IRRIGATION HEADS
D	WATER CONSERVING PLANTS WITH DRIP EMITTERS

IRRIGATION LEGEND	
SYM	DESCRIPTION
M	PROPOSED 2" IRRIGATION METER LOCATION AT EXISTING POINT OF CONNECTION

NOTES:

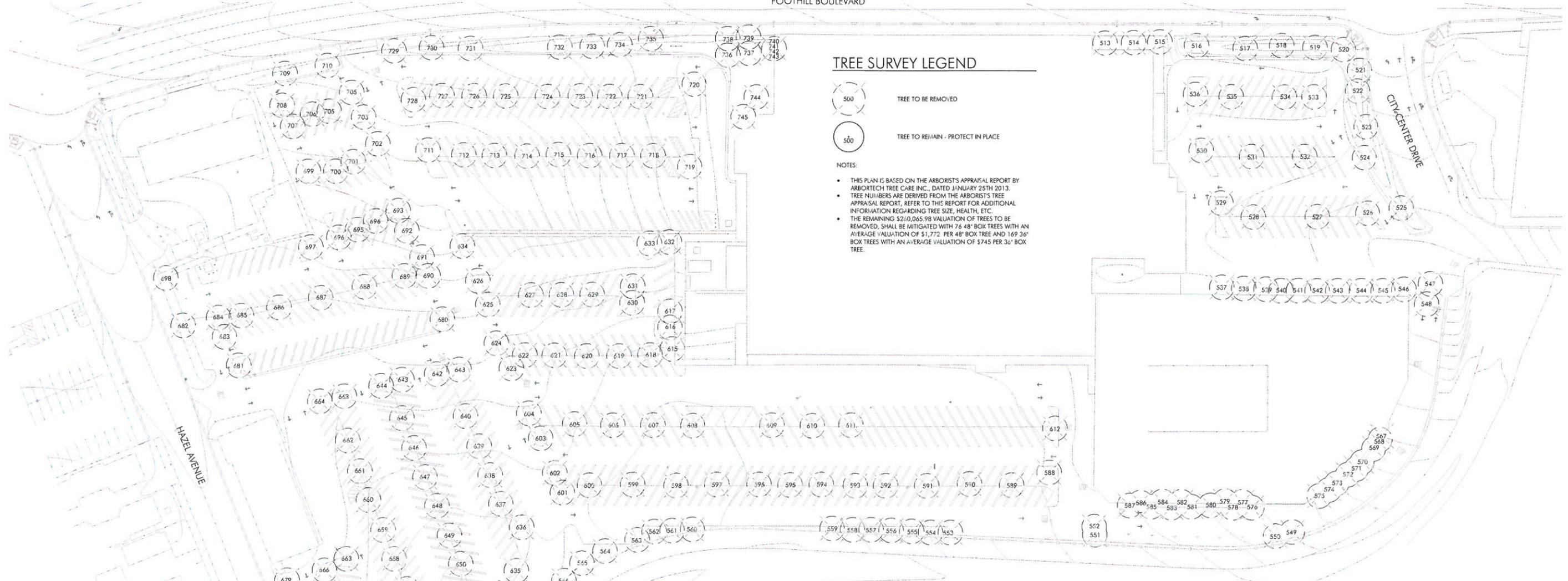
THE IRRIGATION SYSTEM WITHIN THE COMMUNITY WILL UTILIZE DOMESTIC (POTABLE) WATER AND SHALL BE DESIGNED BASED ON THE FOLLOWING CONSIDERATIONS: SOIL PERCOLATION, SUN/SHADE PATTERNS, WIND EFFECTS, SLOPE ASPECT, AND PLANT HYDROZONES (COORDINATING SEPARATE SYSTEMS FOR LOW, MEDIUM, AND HIGH WATER USE PLANTS). EFFICIENT STATE OF THE ART IRRIGATION EQUIPMENT WILL COMPLY WITH THE STANDARDS SET IN THE "CITY OF HAYWARD'S BAY-FRIENDLY MODEL WATER EFFICIENT LANDSCAPE ORDINANCE", THE CITY'S ZONING ORDINANCE AND WATER EFFICIENT LANDSCAPE ORDINANCES. THE INTENT IS TO IRRIGATE ALL SHRUB AREAS WITH RAINBIRD (OR EQUAL) INLINE DRIP TUBING, SPECIFIC STANDARD TREES WILL BE IRRIGATED WITH STREAM BUBBLERS ON INDEPENDENT VALVES TO PROVIDE SUPPLEMENTAL WATER AS REQUIRED, AND TURF AREAS WILL BE IRRIGATED WITH RAINBIRD OR HUNTER ROTARY AND MPR NOZZLES. A RAINMASTER OR RAINBIRD "SMART" CONTROLLER WILL BE SPECIFIED HOUSED IN A STRONGBOX ENCLOSURE ASSEMBLED AND WARRANTED BY JOHN DEERE UNITED GREENTECH.



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PRELIMINARY IRRIGATION PLAN



TREE SURVEY LEGEND

- TREE TO BE REMOVED
- TREE TO REMAIN - PROTECT IN PLACE

NOTES:

- THIS PLAN IS BASED ON THE ARBORIST'S APPRAISAL REPORT BY ARBORTECH TREE CARE INC., DATED JANUARY 25TH 2013.
- TREE NUMBERS ARE DERIVED FROM THE ARBORIST'S TREE APPRAISAL REPORT, REFER TO THIS REPORT FOR ADDITIONAL INFORMATION REGARDING TREE SIZE, HEALTH, ETC.
- THE REMAINING \$260,065.98 VALUATION OF TREES TO BE REMOVED, SHALL BE MITIGATED WITH 76 48" BOX TREES WITH AN AVERAGE VALUATION OF \$1,772 PER 48" BOX TREE AND 169 36" BOX TREES WITH AN AVERAGE VALUATION OF \$745 PER 36" BOX TREE.

Tree #	Species Abbreviation	Appraised Value (Rounded to \$100 or less \$1000.00 to \$10,000.00)	Tree #	Species Abbreviation	Appraised Value (Rounded to \$100 or less \$1000.00 to \$10,000.00)	Tree #	Species Abbreviation	Appraised Value (Rounded to \$100 or less \$1000.00 to \$10,000.00)	Tree #	Species Abbreviation	Appraised Value (Rounded to \$100 or less \$1000.00 to \$10,000.00)	Tree #	Species Abbreviation	Appraised Value (Rounded to \$100 or less \$1000.00 to \$10,000.00)	Tree #	Species Abbreviation	Appraised Value (Rounded to \$100 or less \$1000.00 to \$10,000.00)			
513	Pinus k	\$1,140.00	543	Pinus c	\$2,100.00	578	Capp s	\$745.06	609	Pyrus c	\$745.06	642	Gnligo	\$745.06	675	Seq s	\$23,000.00	709	Plat c	\$745.06
514	Pod g	\$1,840.00	544	Pinus c	\$5,300.00	577	Capp s	\$745.06	610	Pyrus c	\$745.06	643	Gnligo	\$745.06	676	Pyrus c	\$745.06	708	Mlg g	\$745.06
515	Pinus k	\$1,110.00	545	Pinus c	\$4,710.00	576	Capp s	\$745.06	611	Pyrus c	\$745.06	644	Gnligo	\$745.06	677	Lag l	\$745.06	707	Mlg g	\$900.00
516	Mlg g	\$745.06	546	Pinus c	\$4,710.00	575	Capp s	\$745.06	612	Plat c	\$745.06	645	Laur n	\$745.06	678	Rob p	\$745.06	706	Liq s	\$1,330.00
517	Rob p	\$745.06	547	Pinus c	\$7,100.00	574	Capp s	\$745.06	613	Pod g	\$745.06	646	Laur n	\$745.06	679	Rob p	\$745.06	705	Pyrus c	\$745.06
518	Mlg g	\$745.06	548	Pinus c	\$6,400.00	573	Capp s	\$745.06	614	Pod g	\$745.06	647	Laur n	\$745.06	680	Gnligo	\$745.06	704	Pyrus c	\$745.06
519	Mlg g	\$670.00	549	Pinus c	\$2,520.00	572	Capp s	\$745.06	615	Pyrus c	\$745.06	648	Laur n	\$745.06	681	Plat c	\$745.06	703	Pyrus c	\$745.06
520	Mlg g	\$280.00	550	Pinus c	\$1,840.00	571	Capp s	\$745.06	616	Pyrus c	\$745.06	649	Laur n	\$745.06	682	Rob p	\$745.06	702	Pyrus c	\$745.06
521	Rob p	\$745.06	551	Pinus c	\$745.06	570	Capp s	\$745.06	617	Pyrus c	\$745.06	650	Laur n	\$745.06	683	Plat c	\$745.06	701	Pyrus c	\$745.06
522	Mlg g	\$745.06	552	Pinus c	\$2,520.00	569	Capp s	\$745.06	618	Pyrus c	\$745.06	651	Plat c	\$745.06	684	Plat c	\$745.06	700	Pyrus c	\$745.06
523	Mlg g	\$745.06	553	Xyl c	\$745.06	568	Capp s	\$745.06	619	Pyrus c	\$745.06	652	Plat c	\$745.06	685	Laur n	\$745.06	699	Pyrus c	\$745.06
524	Acer r	\$700.00	554	Xyl c	\$745.06	567	Capp s	\$745.06	620	Pyrus c	\$745.06	653	Plat c	\$745.06	686	Laur n	\$745.06	698	Plat r	\$5,400.00
525	Plat r	\$3,580.00	555	Xyl c	\$745.06	566	Plat c	\$745.06	621	Pyrus c	\$745.06	654	Plat c	\$745.06	687	Laur n	\$745.06	697	Liq s	\$1,120.00
526	Pyrus c	\$745.06	556	Xyl c	\$745.06	565	Pyrus c	\$745.06	622	Pyrus c	\$745.06	655	Pyrus c	\$745.06	688	Laur n	\$745.06	696	Plat c	\$745.06
527	Quercus p	\$745.06	557	Xyl c	\$745.06	564	Pyrus c	\$745.06	623	Gnligo	\$745.06	656	Pyrus c	\$745.06	689	Laur n	\$745.06	695	Laur n	\$745.06
528	Quercus p	\$745.06	558	Xyl c	\$745.06	563	Pyrus c	\$745.06	624	Gnligo	\$745.06	657	Pyrus c	\$745.06	690	Laur n	\$745.06	694	Laur n	\$745.06
529	Pyrus c	\$745.06	559	Xyl c	\$745.06	562	Pyrus c	\$745.06	625	Pyrus c	\$745.06	658	Pyrus c	\$745.06	691	Gnligo	\$745.06	693	Liq s	\$1,120.00
530	Pyrus c	\$745.06	560	Plat u	\$3,320.00	561	Pyrus c	\$745.06	626	Gnligo	\$745.06	659	Pyrus c	\$745.06	692	Gnligo	\$745.06	692	Pyrus c	\$745.06
531	Quercus o	\$745.06	561	Plat u	\$745.06	560	Pyrus c	\$745.06	627	Pyrus c	\$745.06	660	Pyrus c	\$745.06	693	Plat r	\$3,080.00	693	Pyrus c	\$745.06
532	Quercus o	\$745.06	562	Plat u	\$3,710.00	559	Pyrus c	\$745.06	628	Pyrus c	\$745.06	661	Pyrus c	\$745.06	694	Laur n	\$745.06	694	Pyrus c	\$745.06
533	Pinus c	\$2,600.00	563	Plat u	\$1,220.00	558	Pyrus c	\$745.06	629	Pyrus c	\$745.06	662	Pyrus c	\$745.06	695	Laur n	\$745.06	695	Plat r	\$1,980.00
534	Pinus c	\$1,900.00	564	Cedrus d	\$3,130.00	557	Pyrus c	\$745.06	630	Plat c	\$745.06	663	Gnligo	\$745.06	696	Liq s	\$1,120.00	696	Wash r	\$745.06
535	Pinus c	\$2,560.00	565	Plat u	\$4,580.00	556	Pyrus c	\$745.06	631	Plat c	\$745.06	664	Gnligo	\$745.06	697	Plat c	\$745.06	697	Rbb p	\$745.06
536	Plat r	\$1,040.00	566	Cedrus d	\$8,100.00	555	Pyrus c	\$745.06	632	Laur n	\$745.06	665	Plat c	\$745.06	698	Rob p	\$745.06	698	Rbb p	\$745.06
537	Pinus c	\$2,300.00	567	Capp s	\$745.06	554	Pyrus c	\$745.06	633	Laur n	\$745.06	666	Plat c	\$745.06	699	Plat r	\$850.00	699	Liq s	\$745.06
538	Pinus c	\$4,710.00	568	Capp s	\$745.06	553	Gnligo	\$745.06	634	Gnligo	\$745.06	667	Pyrus c	\$745.06	700	Laur n	\$745.06	700	Rbb p	\$745.06
539	Pinus c	\$4,010.00	569	Capp s	\$745.06	552	Gnligo	\$745.06	635	Plat c	\$745.06	668	Pyrus c	\$745.06	701	Laur n	\$745.06	701	Mlg g	\$800.00
540	Pinus c	\$3,710.00	570	Capp s	\$745.06	551	Gnligo	\$745.06	636	Plat c	\$745.06	669	Pyrus c	\$745.06	702	Liq s	\$745.06	702	Rbb p	\$745.06
541	Pinus c	\$3,800.00	571	Capp s	\$745.06	550	Gnligo	\$745.06	637	Laur n	\$745.06	670	Plat c	\$745.06	703	Gnligo	\$745.06	703	Pinus t	\$745.06
542	Pinus c	\$4,710.00	572	Capp s	\$745.06	549	Pyrus c	\$745.06	638	Laur n	\$745.06	671	Plat c	\$745.06	704	Plat r	\$2,610.00	704	Pinus t	\$745.06
			573	Capp s	\$745.06	548	Pyrus c	\$745.06	639	Laur n	\$745.06	672	Lag l	\$745.06	705	Pyrus c	\$745.06	705	Pinus t	\$500.00
			574	Capp s	\$745.06	547	Pyrus c	\$745.06	640	Laur n	\$745.06	673	Lag l	\$745.06	706	Pyrus c	\$745.06	706	Pinus t	\$745.06
			575	Capp s	\$745.06	546	Pyrus c	\$745.06	641	Gnligo	\$745.06	674	Lag l	\$745.06	707	Plat r	\$1,140.00	707	Pod g	\$745.06

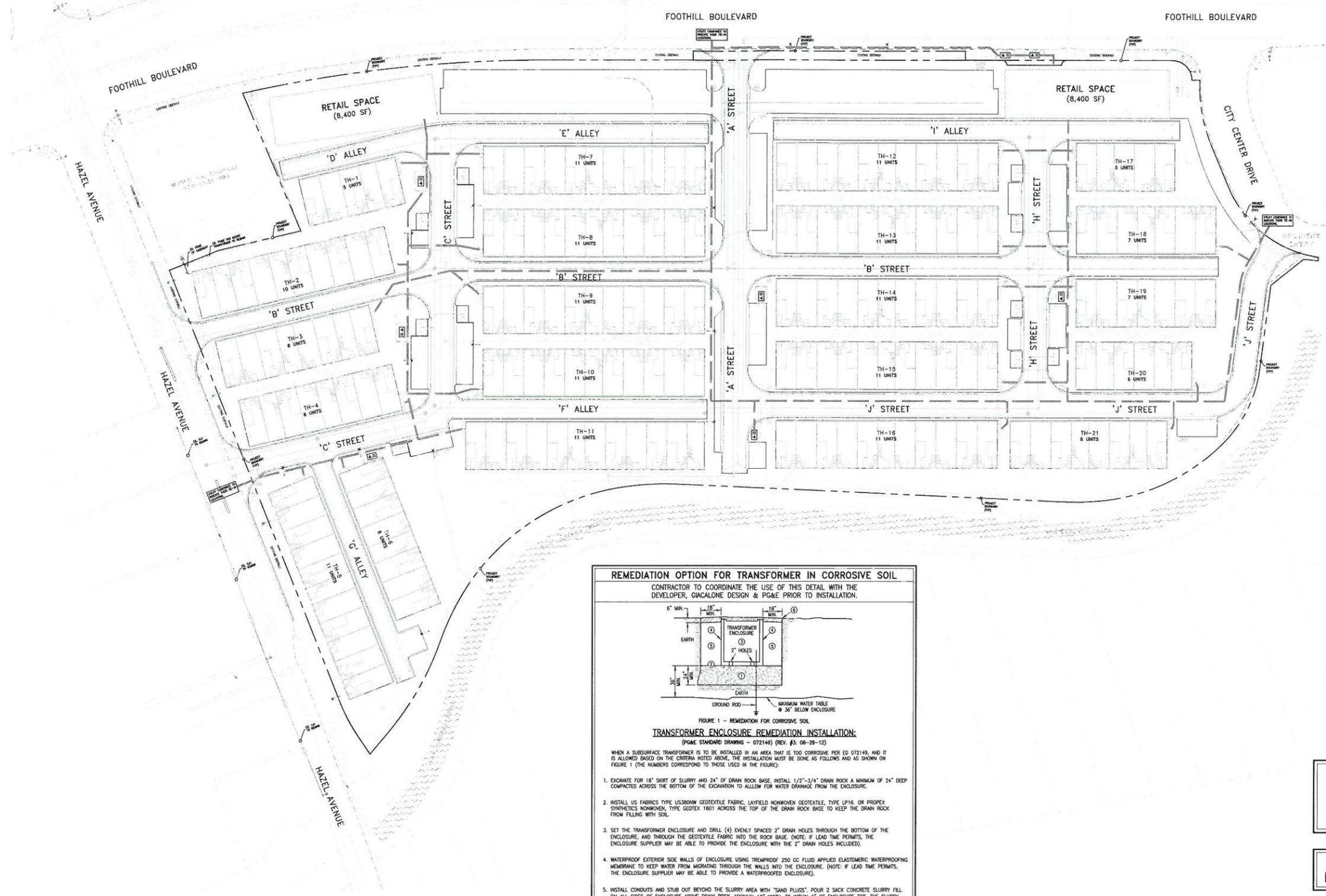
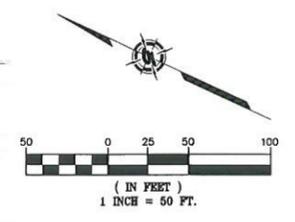
APPRaisal SUB-TOTAL \$300,066.22
 LESS TREES TO REMAIN \$ 25,980.24
 TOTAL MITIGATION REQUIRED \$274,085.98



@ THE BOULEVARD
 CITY OF HAYWARD ALAMEDA COUNTY CALIFORNIA

TREE MITIGATION PLAN





REMEDATION OPTION FOR TRANSFORMER IN CORROSIVE SOIL
 CONTRACTOR TO COORDINATE THE USE OF THIS DETAIL WITH THE DEVELOPER, GIACALONE DESIGN & PG&E PRIOR TO INSTALLATION.

TRANSFORMER ENCLOSURE REMEDIATION INSTALLATION:
 (PG&E STANDARD DRAWING - 072140) (REV. #3. 08-29-12)

WHEN A SUBSURFACE TRANSFORMER IS TO BE INSTALLED IN AN AREA THAT IS TOO CORROSIVE PER ED 072149, AND IT IS ALLOWED BASED ON THE CRITERIA NOTED ABOVE, THE INSTALLATION MUST BE DONE AS FOLLOWS AND AS SHOWN ON FIGURE 1 (THE NUMBERS CORRESPOND TO THOSE USED IN THE FIGURE):

- EXCAVATE FOR 18" SKIRT OF SLURRY AND 24" OF DRAIN ROCK BASE, INSTALL 1/2"-3/4" DRAIN ROCK A MINIMUM OF 24" DEEP COMPACTED ACROSS THE BOTTOM OF THE EXCAVATION TO ALLOW FOR WATER DRAINAGE FROM THE ENCLOSURE.
- INSTALL US FABRICS TYPE US380KNW GEOTEXTILE FABRIC, LAYFIELD NONWOVEN GEOTEXTILE, TYPE LP16, OR PROPEX SYNTHETICS NONWOVEN, TYPE GEOTEX 1801 ACROSS THE TOP OF THE DRAIN ROCK BASE TO KEEP THE DRAIN ROCK FROM FILLING WITH SOIL.
- SET THE TRANSFORMER ENCLOSURE AND DRILL (4) EVENLY SPACED 2" DRAIN HOLES THROUGH THE BOTTOM OF THE ENCLOSURE, AND THROUGH THE GEOTEXTILE FABRIC INTO THE ROCK BASE. (NOTE: IF LEAD TIME PERMITS, THE ENCLOSURE SUPPLIER MAY BE ABLE TO PROVIDE THE ENCLOSURE WITH THE 2" DRAIN HOLES INCLUDED).
- WATERPROOF EXTERIOR SIDE WALLS OF ENCLOSURE USING TREMPROOF 250 GC FLUID APPLIED ELASTOMERIC WATERPROOFING MEMBRANE TO KEEP WATER FROM MIGRATING THROUGH THE WALLS INTO THE ENCLOSURE. (NOTE: IF LEAD TIME PERMITS, THE ENCLOSURE SUPPLIER MAY BE ABLE TO PROVIDE A WATERPROOFED ENCLOSURE).
- INSTALL CONDUITS AND STUB OUT BEYOND THE SLURRY AREA WITH "SAND PLUGS"; POUR 2 SACK CONCRETE SLURRY FILL ON ALL SIDES OF ENCLOSURE ABOVE DRAIN ROCK, MINIMUM 18" WIDTH, TO WITHIN 4" OF ENCLOSURE TOP; THE SLURRY IS TO FURTHER IMPEDE THE MIGRATION OF WATER INTO THE ENCLOSURE WHILE STILL ALLOWING FOR FUTURE ACCESS TO THE CONDUITS.
- POUR A 6" CONCRETE CAP AROUND THE TOP EDGE OF THE ENCLOSURE, MIN. 18" WIDTH, MATCHING THE GRADE OF THE ENCLOSURE LID AND WITH A MINIMUM 2% MAXIMUM 10% SLOPE AWAY FROM THE ENCLOSURE LID. USE 10% SLOPE IF ENCLOSURE IS NOT IN A MONOTONIC SIDEWALK AREA. THE CONCRETE CAP IS TO PROTECT THE SLURRY MIX FROM DAMAGE AND TO IMPROVE THE FLOW OF SURFACE WATER INTO THE ENCLOSURE. (NOTE: THE STANDARD CURB AND GUTTER MAY SUBSTITUTE FOR PART OF THE CONCRETE CAP AND SLURRY).

ESTIMATING NOTE:
 ACCOUNT FOR THE EXCAVATION, ROCK BASE, SLURRY, AND CONCRETE CAP IN THE ESTIMATED TRENCH COSTS. INCLUDE INSTALLATION OF THE GEOTEXTILE FABRIC AND THE WATERPROOFING MEMBRANE IN THE COSTS TO INSTALL THE ELECTRIC SUBSTRUCTURE. COSTS AND ORDERING INFORMATION FOR THE FABRIC AND MEMBRANE TO FOLLOW.

LEGEND

--- PROPOSED JOINT TRENCH ROUTE

--- PROPOSED 4'6"X8'6"X7'6" PG&E SUBSURFACE UCD TRANSFORMER

**PRELIMINARY PLANS
 NOT FOR CONSTRUCTION**

TWO DAYS BEFORE YOU DIG
 CALL USA TOLL FREE
811
 CALL BEFORE YOU DIG



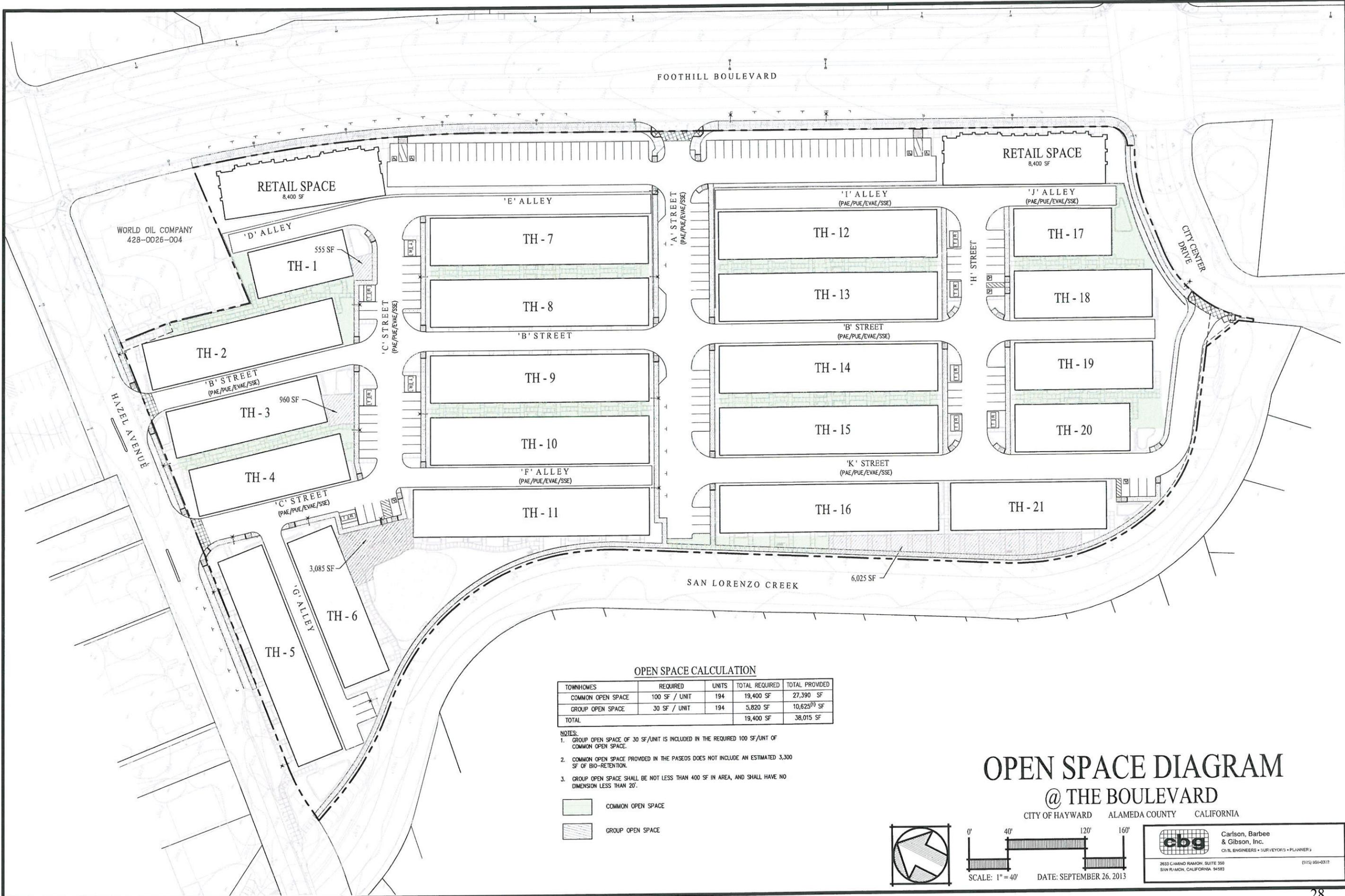
APPROVED	REVISIONS	DESCRIPTION	SYMBOL	DATE

GIACALONE
 DESIGN SERVICES, INC.
 5820 STONEMERE WALK RD., #345 | PLEASANTON, CA 94588
 925.407.1740 | WWW.GIACALONEDSIGN.COM

CONCEPTUAL JOINT TRENCH ROUTE

INTEGRAL COMMUNITIES
 THE BOULEVARD
 22301 FOOTHILL BOULEVARD
 HAYWARD CALIFORNIA

PROJECT MANAGER: P. GIACALONE
DRAWN BY: CVN
CHECKED BY: PG
SCALE: 1"=50'
JOB NUMBER: 12-013
DATE LAST MODIFIED: 09-09-13
SHEET EXH OF 27 SHEETS



WORLD OIL COMPANY
428-0026-004

RETAIL SPACE
8,400 SF

RETAIL SPACE
8,400 SF

OPEN SPACE CALCULATION

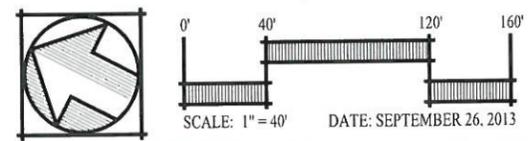
TOWNHOMES	REQUIRED	UNITS	TOTAL REQUIRED	TOTAL PROVIDED
COMMON OPEN SPACE	100 SF / UNIT	194	19,400 SF	27,390 SF
GROUP OPEN SPACE	30 SF / UNIT	194	5,820 SF	10,625 ⁽¹⁾ SF
TOTAL			19,400 SF	38,015 SF

- NOTES:
- GROUP OPEN SPACE OF 30 SF/UNIT IS INCLUDED IN THE REQUIRED 100 SF/UNIT OF COMMON OPEN SPACE.
 - COMMON OPEN SPACE PROVIDED IN THE PASEOS DOES NOT INCLUDE AN ESTIMATED 3,300 SF OF BIO-RETENTION.
 - GROUP OPEN SPACE SHALL BE NOT LESS THAN 400 SF IN AREA, AND SHALL HAVE NO DIMENSION LESS THAN 20'.

- COMMON OPEN SPACE
- GROUP OPEN SPACE

OPEN SPACE DIAGRAM
@ THE BOULEVARD

CITY OF HAYWARD ALAMEDA COUNTY CALIFORNIA



cbg Carlson, Barbee & Gibson, Inc.
CIVIL ENGINEERS • SURVEYORS • PLANNERS

2633 CAMINO RAMON, SUITE 350
SAN RAMON, CALIFORNIA 94583 (925) 950-0372

Damon Golubics

From: Damon Golubics
Sent: Friday, June 07, 2013 1:30 PM
To: 'ann seitz'
Subject: RE: 22301 Foothill/Mervyns/Ref: PL-2012 0068 SPR & PL-2012 -0069 CUP & PL-2013-0070 VTM 8129

Dear Ms. Seitz:

You bring up some excellent points. The traffic patterns are different when you compare and contrast the existing and proposed projects. Your point about a signature project at a key location in the city is also something that I hope decision makers will weigh when reviewing this development request.

If I may make a suggestions; I would request that you put your thoughts in writing and submit them to The City of Hayward Development Services Department Planning Division to my attention so that your thoughts can be forwarded to the Planning Commission prior to their meeting on June 27th. That way your thoughts will be part of the official public record and may serve as a point of discussion during the Planning Commission meeting. Specifically as it related to the project Initial Study/Mitigated Negative Declaration/Mitigation Monitoring and Reporting Program (aesthetics and transportation sections), the official comment period is now open but ends on June 19th at 5:00 p.m. Comments collected during this time period will be evaluated and responded to pursuant to state law.

I hope this information helps. If not, please get a hold of me via my contact information listed below.

Thanks again for your interest in this important development project.

Best regards,

Damon

Damon Golubics

Senior Planner

City of Hayward - Development Services Department

Planning Division – Lobby Level

777 B Street

Hayward, CA 94541

Office: (510) 583-4200

Direct Line: (510) 583-4210

Fax: (510) 583-3649

E-mail: Damon.Golubics@hayward-ca.gov

From: ann seitz
Sent: Friday, June 07, 2013 11:33 AM
To: Damon Golubics
Subject: Re: 22301 Foothill/Mervyns/Ref: PL-2012 0068 SPR & PL-2012 -0069 CUP & PL-2013-0070 VTM 8129

Dear Mr. Golubics,
 Traffic as people came to work at Mervyns, park for the day and leave at 5pm is one situation. The difference for

condos/apartments is traffic may leave for work out of Hayward during the day but then come home looking for parking. Despite what any study says how can this pattern be otherwise when people live there?

Since this site is one of the first things people see entering Hayward from the freeway I would much rather see it used for some kind of signature business, high tech, etc, not condo/apartments.

Ann Seitz

From: Damon Golubics <Damon.Golubics@hayward-ca.gov>

To: ann seitz

Sent: Friday, June 7, 2013 11:25 AM

Subject: RE: 22301 Foothill/Mervyns/Ref: PL-2012 0068 SPR & PL-2012 -0069 CUP & PL-2013-0070 VTM 8129

Good morning Ms. Seitz:

The past Friday our offices discussed the same concerns you've raised regarding the potential for significant traffic impacts caused by the 22301 Foothill Boulevard (@ The Boulevard) project. After much discussion and analysis by Public Work's staff, it was determined that the existing conditions (the very large existing Mervyn's office building) and the new project (445 living units and 30,000 square feet of commercial space) would have less traffic impacts than the existing Mervyn's office building development.

The Alameda County Transportation Commission (CTC) staff also asked about the potential traffic impacts since their agency requires a Congestion Management Analysis (CMA) for projects requiring a general plan amendment (GPA) or other large scale project that meet a 100 p.m. peak-hour threshold. The trip generation of the @ The Boulevard development vs. the trips generated by the Mervyn's office building and old auto care center showed that the new development generates fewer pm peak hour trips than the previous uses on site and consequently does not meet the threshold to require a CMP analysis. The Alameda CTC was informed of the analysis and concurred with the City's assessment and determination.

The 4 ½ years that the Mervyn's building has been vacant with no employees working in the building has certainly brought about less traffic to the area during that time period. Should the latest project be approved, there will be an increase in traffic to the area but less than when the Mervyn's building was in operation.

I very much appreciate your concerns and interesting in this project. Please feel free to contact me with other questions and concerns should they arise or if you would like to continue the discussion about traffic generated by the @ The Boulevard development. My contact information is listed below.

I hope you have a nice weekend.

Best regards,

Damon

Damon Golubics

Senior Planner

City of Hayward - Development Services Department

Planning Division - Lobby Level

777 B Street

Hayward, CA 94541
Office: (510) 583-4200
Direct Line: (510) 583-4210
Fax: (510) 583-3649
E-mail: Damon.Golubics@hayward-ca.gov

From: ann seitz
Sent: Thursday, June 06, 2013 2:35 PM
To: Damon Golubics
Subject: Re: 22301 Foothill/Mervyns/Ref: PL-2012 0068 SPR & PL-2012 -0069 CUP & PL-2013-0070 VTM 8129

Dear Mr. Golubics,

Yes, I'm curious how the parking matter will be "formally" dismissed. I'd also like to point out when the excitement of the builder's project is over, they've made their money and are long gone that long-time homeowners in the area will live with the traffic mess they created for what is for most of them the rest of their lives.

Thank you.

Ann

From: Damon Golubics <Damon.Golubics@hayward-ca.gov>
To: ann seitz
Sent: Thursday, June 6, 2013 1:42 PM
Subject: RE: 22301 Foothill/Mervyns/Ref: PL-2012 0068 SPR & PL-2012 -0069 CUP & PL-2013-0070 VTM 8129

Dear Ms. Seitz:

Thank you for the comments pertaining to the @ The Boulevard project.

A quick question for you: Are these submitted comments addressing the Initial Study/Mitigated Negative Declaration/Mitigation Monitoring and Reporting Program for the project? Is it your desire to have a formal response to the issues you've raised below?

Thank you in advance for your interest in this important City development request.

Best regards.

Damon

Damon Golubics
Senior Planner
City of Hayward - Development Services Department
Planning Division – Lobby Level
777 B Street
Hayward, CA 94541
Office: (510) 583-4200
Direct Line: (510) 583-4210
Fax: (510) 583-3649
E-mail: Damon.Golubics@hayward-ca.gov

From: ann seitz
Sent: Thursday, June 06, 2013 1:29 PM
To: Damon Golubics
Subject: 22301 Foothill/Mervyns/Ref: PL-2012 0068 SPR & PL-2012 -0069 CUP & PL-2013-0070 VTM 8129

Dear Mr. Golubics,

Seriously; "the project will not have a significant negative impact on the environment..." when somewhere between 600-1,000 cars will be used by the residents of these units? It defies logic that the law requires a builder only provide garage space for 1 & 5/8's car? Those 5/8th cars are going to be parked on the street. Why did the city even spend on this study at all?

Ann Seitz

COMMERCIAL / RETAIL / ONLY / LIKE IT IS NOW! YES!

STEVE WRIGHT /

NEIGHBOR

JOHN H. SISK /

Neighbor

Cynthia Kennedy /

Neighbor

Sean O'Brien /

Neighbor

Abraham Cruz

neighbor

MUE LEVY

Elizabeth Juarez

Lucero Perez

LEON JONES

Patricia Davila

SARL WILLIAMS

Armi do Aguilera

RECEIVED

JUN 9 2013

PLANNING DIVISION

From: Damon Golubics
Sent: Tuesday, June 11, 2013 4:30 PM
To: 'Valerie Snart'
Subject: RE: Mervyn's

Dear Ms. Snart:

Thank you for taking the time to submit your thoughts and comments on this project. You bring up some good points. I will be forwarding your e-mail to the Planning Commission which will be reviewing the development request at their June 27th meeting. Should you have any additional thoughts and comment regarding this project please forward them to me and I will see to it that the Planning Commission receives those comments before or at their June 27th meeting.

Thanks again for taking an interest in this important development request.

Best regards,

Damon

Damon Golubics
Senior Planner
City of Hayward - Development Services Department Planning Division – Lobby Level
777 B Street
Hayward, CA 94541
Office: (510) 583-4200
Direct Line: (510) 583-4210
Fax: (510) 583-3649
E-mail: Damon.Golubics@hayward-ca.gov

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

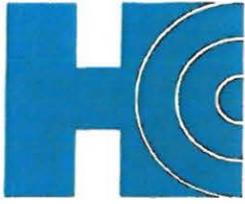
From: Valerie Snart
Sent: Tuesday, June 11, 2013 3:56 PM
To: Damon Golubics
Subject: Mervyn's

I am against any more high density housing in Hayward especially at the Mervyn's location. I live at 921 Warren St. and the curb at the front of my property is painted red - no parking! However, that means nothing as cars park there all the time for 10 minutes to a few hours. High density housing will bring even more vehicles to the Prospect Hill area. Rumors are that the Zaballos building on Main St. (off Hotel and A Sts.) will be a brew pub. Parking is limited at that location and will involve more vehicles on Prospect Hill.

Hayward does not need more housing, but does need businesses. Look at the many vacancies on B Street. I would suggest a hotel, medical clinic, office building or something of that ilk be placed in the Mervyn's building. There is high density housing being built on Winton. There are no schools in the Prospect area, which might require more cars than space allows at Mervyn's. Students will drive to high school.

Hayward will collect more property taxes with condos and perhaps that is why it is being considered.

Valerie Snart



HAYWARD
CHAMBER of
COMMERCE

June 17, 2013

Hayward Planning Commission
City of Hayward
777 B Street
Hayward, Calif, 94541

Commissioners,

On behalf of the Hayward Chamber of Commerce I would like to express full support for the proposed redevelopment of the former Mervyn's Headquarters at 22301 Foothill Blvd. by Integral Communities. Additional households from this new modern development will have a significant positive impact on downtown.

The chamber has worked closely with Integral Communities since early 2012. During that time Integral has hosted numerous informational meetings at their local office in downtown Hayward and I was personally responsible for the attendance of more than two dozen downtown business persons. We have yet to find a business owner that does not support the project, including those along B Street as well as on Foothill Boulevard.

I have been told by downtown bank branch managers, restaurant owners, managers of retail stores, our historical society, our theatre complex manager, and countless other business owners and executives of how this project will contribute to the rejuvenation of economic development downtown.

During their 18 months of planning, Integral Communities has made several important changes to the site plan that are good for Hayward and the downtown business community. The chamber's Government Relations Council and its full Board of Directors have reviewed the project and voted in support.

We urge the members of the Planning Commission to join us in supporting this positive development for the City of Hayward, its businesses, and residents.

Sincerely


Kim Huggett
President & CEO

①

PLANNING DIVISION

JUN 19 2013

RECEIVED

TRAFFIC

FROM: NEIGHBORS ^{Attachment VI}

(A) GOING (S) ON FOOTHILL (L) ON CIVIC CENTER RD.
MON-FRI-4-6PM 15-20 TRYING TO MAKE (L).

(SOME WAIT 2 TIMES OR MORE)

- SAFEWAY PARKING LOT 4-6PM TRY TO FIND
A PARKING SPACE!

450 UNITS - HOW MANY WILL JOIN THAT
PARTY? BAD TASTE TRAFFIC

(B) HAZEL (W) WITH GAS STATION 4-6PM
JOIN THE PARTY.

HAZEL (W) CUTTING THRU TRAFFIC / PROSPECT
AREA. THIS IS A NO BRAINER EVENTUALLY WILL
BE CLOSED TO RESIDENTS ONLY, WHY?

(OVER)

TRAFFIC 8

SOLUTION - KEEP AS IS NOW. COMMERCIAL ~~AND~~ RETAIL
MERUYN'S WAS A GREAT PARTNER THEN

STAGGERED TIMES IN + OUT.

WENT AS FAR TO SAY WE WANT TO BE A
GOOD NEIGHBOR ~~AND~~ WORK WITH YOU.

THIS IS A PRIME PIECE OF COMMERCIAL
PROPERTY THAT DESERVES BETTER THAN TO
SUCCUMB TO TOWN HOMES. (TO MANY UNITS)

ELIMINATE A PORTION OF TOWN HOMES / AOT IN
A WHOLE FOODS. OR ETC, ETC, - - - - -

HELPS TRAFFIC / GIVES HAYWARD A DRAWING CARD
TO BRING PEOPLE WITH MONEY TO SEE OR SHOP DOWNTOWN.

PLEASES ALL RESIDENTS

URNS INTO BRAGGING RITES FOR ALL.

BUT WOULD NOT BE A MONEY MAKER (TO MANY UNITS. - - -)

NEIGHBORS VOTE APPEAL

CURRENT PROPOSAL FAVORS DOWNTOWN. NO CONCERN

FOR ALL OTHERS / APPEARANCE / TRAFFIC / CONGESTION

A BAD TASTE FOR HAYWARD

FROM OLD + NEW

**PROPONENT'S RESPONSES TO
FINDINGS FOR APPROVAL**

Findings for Approval – California Environmental Quality Act:

1. Pursuant to CEQA Guidelines Section 15220, an Initial Study (“IS”) was prepared for this 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.
2. That the proposed 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. That the proposed MND was independently reviewed, considered and analyzed by the Planning Commission and reflects the independent judgment of the Planning Commission; that 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 make up the proposed MND and the administrative record as a whole); that the Planning Commission adopts the proposed MND and its findings and conclusions as its source of environmental information; and that the proposed MND is legally adequate and was completed in compliance with CEQA.
4. That the proposed MND identified all potential significant adverse impacts and feasible mitigation measures that would reduce these impacts to less-than-significant levels, and that 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 Planning Commission, there is no substantial evidence that the project will have a significant effect on the environment.
5. That the project complies with CEQA, and that the proposed MND was presented to the Planning Commission, 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 is the Development Services Department of the City of Hayward, located at 777 B Street, Hayward, CA 94544.
6. The monitoring and reporting of CEQA mitigation measures in connection with the project will be conducted in accordance with the attached Mitigation Monitoring 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 efforts of the project sponsor, City of Hayward or other identified public agencies of responsibility.

Findings for Approval – Conditional Use Permit:

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

As demonstrated by the analysis in the Planning Commission’s staff report, the Project, and specifically, a residential use on the first floor of the Project, is desirable for the public convenience and welfare because the Project will convert a large, vacant commercial building into a vibrant mixed-use community, create economic stimulus, and housing inventory near adjacent employment and retail centers to reduce vehicle miles traveled.

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

The Project site is surrounded by residential uses and similarly-zoned properties, and as such, the Project will not impair the character and integrity of the surrounding area. The Project also incorporates a retail element, which is consistent with the mixed-use projects permitted in the Central City – Commercial (“CC-C”) Zone. The IS/MND prepared for the Project also demonstrates that the Project is consistent with the CC-C zoning district and the City’s General Plan, and that no substantial adverse effects would occur on the surrounding area after implementation of the mitigation measures included therein. The Project has been designed to be aesthetically pleasing.

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

The IS/MND prepared for the Project demonstrates that no substantial adverse effects would occur after implementation of mitigation measures included therein, including no significant impacts on public services or hazards. Therefore, the Project’s proposed residential and retail uses will not have a negative effect on the public health, safety, or general welfare. Specifically, a conditional use permit allowing first-floor residential units has no effect on the public health, safety or general welfare. The Project also adds housing inventory near adjacent employment and retail centers to reduce vehicle miles traveled and will be aesthetically pleasing.

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

As demonstrated by the analysis in Planning Commission’s staff report and the IS/MND, the Project is in harmony with the intent and purpose of the CC-C zoning district area and conforms to all applicable City policies, such as the Hayward General Plan and the Design Review Guidelines. The Project also fulfils the intent and purpose of the CC-C zone by replacing an underutilized site with a vibrant, pedestrian-friendly mixed use development, and as a result, revitalizing the Central City and creating economic stimulus.

Findings for Approval – Vesting Tentative Tract Map

1. That the proposed map is consistent with applicable general and specific plans as

specified in Section 65451.

The proposed subdivision is, as demonstrated by the Planning Commission staff report and the IS/MND, consistent with the Hayward General Plan. The Project site is designated by the General Plan as “City Commercial – Residential Office Commercial (CC – ROC),” which allows the Project’s proposed uses. No Specific Plan applies to the Project.

2. That the design or improvement of the proposed subdivision is consistent with applicable general and specific plans.

The proposed subdivision, as demonstrated by the Planning Commission staff report, is of a design consistent with the Hayward General Plan. As demonstrated by the IS/MND, the Project will have no significant impacts on aesthetics or land use. The Project is aesthetically pleasing.

3. That the site is physically suitable for the type of development.

The geotechnical investigation performed by Berlogar, Stevens & Associates (February 10, 2012), which is referenced in the IS/MND, demonstrates that the proposed subdivision would occur on a site suitable for the proposed development. The Project site has already been fully developed, which is strong evidence that the site is suitable for this type of development.

4. That the site is physically suitable for the proposed density of development.

The geotechnical investigation performed by Berlogar, Stevens & Associates (February 10, 2012) demonstrates that the proposed subdivision would occur on a site suitable for the proposed development. Density is not a factor that makes the site suitable or less suitable for development. The Project site has already been fully developed, which is strong evidence that the site is 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 Project site has already been fully developed, and as a result, no fish, wildlife or habitats exist on the Project site.

6. That the design of the subdivision or type of improvements is not likely to cause serious public health problems.

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, which reduces impacts on

air quality and greenhouses gases.

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 within the boundary of the proposed subdivision, nor are any easements necessary. The Project site is fully developed and currently consists of a 336,000 square foot office building and parking facilities, and therefore, there is currently no public access through the property.

Findings for Approval – Site Plan

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

The Project site is surrounded by similarly-zoned properties that incorporate residential and retail uses, and as such, the Project is compatible with the surrounding structures and uses. The Project will demolish the all structures that currently exists on-site except for a parking garage. The parking garage will be used to support both the Project’s residential and retail uses. The Project would add housing in a desirable location in the center of the City, including convenient access to job centers and shopping, replace an underutilized site with a vibrant, pedestrian-friendly mixed use development, and is aesthetically pleasing. Indeed, the IS/MND prepared for the Project found that the Project has no significant impacts on aesthetics.

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

As demonstrated by the analysis in Planning Commission’s staff report and the IS/MND prepared for the Project, no substantial adverse effects on the environment will occur after implementation of mitigation measures included therein. The Project only develops an area that has been previously developed, and utilizes appropriate setbacks and reservation of open space areas.

3. The development complies with the intent of City development policies and regulation.

As demonstrated by the analysis in Planning Commission’s staff report and the IS/MND, the Project complies with the intent and purpose of the CC-C zone and conforms to all applicable City development policies, such as the Hayward General Plan and the Design Review Guidelines. The Project also replaces an underutilized site with a vibrant, pedestrian-friendly mixed use development, and as a result, revitalizing the Central City, fulfilling the intent and purpose of the CC-C zone, creates economic stimulus, and is aesthetically pleasing.

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

The Project site is surrounded by residential uses and similarly-zoned properties, and as

such, will be operated in a manner compatible with surrounding development. The Project also incorporates a retail element, which is consistent with the mixed-use projects permitted in the CC-C Zone. The Project would add housing in a desirable location in the center of the City, including convenient access to shopping. The IS/MND prepared for the Project demonstrates that no substantial adverse effects would occur to surrounding development after implementation of mitigation measures included therein. The Project's addition of housing inventory near adjacent employment and retail centers and replacement of an underutilized site with a vibrant, pedestrian-friendly mixed use development will benefit the surrounding development.



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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, McDermott, Lamnin, Márquez, Lavelle
CHAIRPERSON: Faria
Absent: COMMISSIONER: None
CHAIRPERSON: None

Commissioner Lavelle led in the Pledge of Allegiance.

Staff Members Present: Camire, Conneely, Cruz, Irizarry, Martinez, Madhukansh-Singh, Rizk, Thomas

General Public Present: 19

PUBLIC COMMENTS

Kim Huggett, President of Hayward Chamber of Commerce, announced two upcoming events. The first event he shared was the Hayward Business Expo that will be held on Monday, October 7, 2013 in the St. Rose Hospital's Grand White Tent that will be set up in the parking lot. The second event Mr. Huggett shared was the Leadership Hayward program for which classes will begin in November.

PUBLIC HEARING

1. Conditional Use Permit. Conditional Use Permit No. PL-2013-0121 – Request to operate a banquet hall where alcohol will be served at 22380 Foothill Boulevard, between Russell Way and San Lorenzo Creek, in the Central City–Commercial (CC-C) Zoning Subdistrict. The Proposed Project is Categorically Exempt from Environmental Review in Accordance with the California Environmental Quality Act (CEQA) Guidelines, Section 15301(e)(2), Existing Facilities - Dion Griffin for the Hayward Area Historical Society (Applicant/Owner).

Associate Planner Arlyne Camire provided a synopsis of the staff report. She stated that the Hayward Area Historical Society (HAHS) was a reputable organization and that the proposed banquet hall will provide needed facilities within the community. She indicated that staff supported the interim arrangement of the applicant using the ground floor Foothill Gallery as a temporary space for holding banquets and events. Staff recommended that the Planning Commission approve the project by finding that it was categorically exempt from the environmental review in accordance

with the California Environmental Quality Act Guidelines and approval of the conditional use permit, subject to the attached findings and conditions of approval.

Commissioner Márquez disclosed that in 2008 she participated as an advisory member to the HAHS. She asked staff how the applicant plans on minimizing access to alcohol by youth attending events at the proposed banquet hall.

Detective Irizarry, a representative of the Hayward Police Department, commented that two security guards will be required to be present at events serving alcohol. She indicated that the security guards contracted by the applicant will be retired law enforcement officers. The security guards will know how to differentiate between adults of legal drinking age and minors. She added that one security guard will be present at the entrance point and that the security guards will walk around the banquet hall to ensure that no under-age drinking was occurring.

Associate Planner Camire confirmed for Commissioner Márquez that the applicant has obtained liability insurance and that individuals renting the facility will have to sign a contract with HAHS. She clarified for Commissioner Márquez that the facility may potentially hold brunch events, which was why the applicant had requested permission to serve alcohol beginning at 10:00 a.m.

Associate Planner Camire stated that the only types of alcohol that will be permitted to be served at the facility are beer and wine.

Commissioner Lavelle disclosed that she accepted an offer from HAHS to tour the site and she emphasized that the facility will be very modern and a tremendous improvement to the City's downtown.

Associate Planner Camire responded to Commissioner Lavelle's comments by stating that the facility would need to meet California Building Code standards, Americans with Disabilities Act standards, and Fire Code standards. She noted that the applicant applied for building permits and had already received them; the building permits were reviewed by the Building Division and the Fire Department.

Commissioner Lavelle asked staff if the museum and the café will remain open to the public while private events are occurring at the facility.

Associate Planner Camire stated that the applicant could address this.

Commissioner Lavelle asked if staff heard any comments from the homeowner located behind the facility, the nearby preschool facility, or the large senior residence on Second Street, regarding the proposed use at the facility.

Associate Planner Camire indicated that only two comments were received by staff; one was a letter that had been included in the staff report and the second was a letter received from Mr. Richard Ersted, which was distributed to the Planning Commission by the City Clerk's Office.

Commissioner Lavelle expressed that she hoped the residents of the sites she mentioned as well as the broader nearby neighborhood were aware that there could be some noise caused by the proposed



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use at the facility as a banquet hall. Commissioner Lavelle said that she was aware that the applicant would have to meet the City's noise standards. She stated that although the outdoor patio would be bounded on four sides, her concern was that noise could potentially travel out to the surrounding areas. She said that this will not become evident until some events are actually held at the facility. She expressed that the applicant should be cautious as to what type of music was permitted at the banquet hall, in order to avoid noise disturbances.

In response to Commissioner Loché's question, Detective Irizarry indicated that the number of security guards present will depend upon the type of event and the number of guests in attendance. She exemplified that if the facility was used for a conference meeting, then this type of event would not require security. She shared that per the security plan, if there are one hundred or fewer guests present at an event, a minimum of two security guards would be required to be present at the event. Furthermore, the presence of at least two security guards would be required for events serving alcohol and security guards may be required for event types such as social gatherings or private parties. She noted that for meetings and conferences held at the facility, the security requirement would be at the discretion of the applicant.

Commissioner Loché commented that the section covering the security guard requirement was vaguely addressed in the staff report and he suggested that staff clarify the wording in the report. He asked staff to clarify Condition No. 25 in Attachment VI, as to whether bottles of alcohol would be allowed to be sold on site.

Detective Irizarry said that at private events such as a wedding reception, guests would be allowed to purchase wine bottles from the caterer.

Commissioner Loché raised the question of how many police officers would need to respond to a call for service, thereby warranting a critical incident and he asked where the definition of a critical incident came from.

Detective Irizarry responded that critical incident was a standard term which was applied to when five or more police officers respond or get dispatched to a call for service; she was unsure of where the exact number requiring five officers to respond came from. She stated that her experience was that at a critical incident, quite a few officers get dispatched; however, she noted that the number of police officers present at a scene was also at the discretion of the dispatcher as well as the type of incident involved.

Commissioner Loché commented that the threshold of five officers seems high to him; he indicated that it would be possible to have a critical incident with fewer than five police officers.

In response to Commissioner Loché's question, Associate Planner Camire said that Royal Raspberry Catering was the primary catering company and that it has the first right of refusal for providing catering services at an event to be held at the proposed facility. She noted that there potentially could be other catering companies providing service at the facility. She mentioned that if

other catering companies are to use the facility, they are required to pay a hefty fee, which may discourage outside caterers from serving at an event at the facility. She indicated that the applicant could further explain this.

Detective Irizarry confirmed for Commissioner Trivedi that HAHS has held events at their previous facility without the occurrence of any critical incidents and that there was never a need for undue police presence.

Commissioner Trivedi shared that it was apparent from some of the letters received by the Planning Commission from the public and/or other organizations, that the security issue was a concern.

Associate Planner Camire clarified for Commissioner Trivedi that Royal Raspberry Catering will operate the café as a restaurant and that it also holds a Type 41 ABC license, permitting the sale of beer and wine both at the café and also in the banquet hall.

Commissioner Trivedi asked if the current proposal restricted a third party vendor from serving the banquet hall and Associate Planner Camire confirmed that it would not.

Detective Irizarry confirmed that beer bottles would not be permitted to be sold on site; the beer would have to be poured into cups by the catering company.

Commissioner Trivedi asked staff to speak more about the encroachment on the municipal parking lot and what types of functions could be held there; he also asked what types of regulations would apply to the municipal parking lot.

Associate Planner Camire stated that the municipal parking lot functions would require a separate ABC license, which would be issued as a one-day event license. She added that any type of event to be held in the parking lot would require a permit from the City. She said the permit provisions would require that noise levels could not exceed a certain volume and an event could not continue past 7:00 p.m. She shared that such events would be similar to events that were held in the City Hall Plaza or the evening events that were held in the downtown area.

Associate Planner Camire said that if any of the surrounding neighbors of the municipal parking lots would have questions about the events held there and/or the permitting process, they would be welcome to contact staff.

Commissioner McDermott asked if someone holding an event at the banquet hall would be required to obtain liability insurance coverage separate from coverage that HAHS already had.

Applicant Dion Griffin responded that an individual seeking to have an event at the banquet hall would have to sign a contract and could pay a fee to add liability insurance coverage; the applicant shared that HAHS was currently working on liability insurance coverage with its insurance broker.

Associate Planner Camire confirmed for Commissioner McDermott that even if a third party vendor was licensed to serve other alcoholic beverages besides beer and wine, the facility's restriction was that only beer and wine could be served on the premises.



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Commissioner Lamnin said that she visited the site at the invitation of HAHS and that she currently sits on a non-compensated voluntary advisory board for HAHS; however, she has not attended a meeting in over a year on this board and wished to remain objective on this item.

Commissioner Márquez referenced condition No. 18 of the Conditions of Approval in Attachment VI, which discussed security/private patrol standards. She indicated that her concern was that if one of the security guards was performing security checks in the municipal parking lot, then this would leave only one other security guard to watch over the event inside the facility.

Detective Irizarry responded that two security guards would be present for a minimum of 100 or less people; with a guest count exceeding 100 people, there would be additional security guards. She pointed out that the facility will be equipped with security cameras and also stated that if the security guards need additional assistance, they can always request the assistance of the Hayward Police Department.

Commissioner Márquez asked staff to address how lighting will be in the parking lot at nighttime and whether this will be adequate.

Associate Planner Camire indicated that the City maintains the lighting for municipal parking lots and lighting was adequate.

Commissioner McDermott added that she did visit the facility at HAHS's request, that the facility was beautiful, and the vision of the facility by HAHS was a good one.

Chair Faria disclosed that she also accepted an invitation to tour the facility. She asked staff if the catering company would also provide the entertainment and disc jockey music, or would individuals renting the facility be able to bring their own music.

Associate Planner Camire said that this would be at the discretion of HAHS and this would also be addressed in the contract between HAHS and the individual renting the facility.

Chair Faria opened the public hearing at 7:41 p.m.

Francesca Lomotan, belonging to the organization COMMPRE (Community Prevention of Alcohol-Related Problems) and also affiliated with the Hayward Coalition for Healthy Youth, raised the question of what preventative actions the applicant would take besides having security guards present to ensure that youth do not get access to alcohol at events held at the facility. She asked for clarification on who would hold the alcohol license. She requested that it be written in the conditional use permit that only beer and wine, and not distilled spirits, be served or sold at the facility. Ms. Lomotan pointed out that the wording in the staff report and conditional use permit was inconsistent; she specifically noted that the distinctions between licensee, permittee, and applicant are not defined, and that these words were used differently throughout the staff report. She expressed concern about the classification of a critical incident requiring five or more police officers

to respond to a call for service. She also noted that the proposed conditional use permit would allow the occurrence of more than two critical incidents during a one -year period before revocation of the permit could occur. Her recommendation was that a critical incident be defined as three officers and not five; also, upon the occurrence of one critical incident, the permit should come back to the Planning Commission for revocation. Ms. Lomotan expressed opposition to the use of the City parking lot for events where alcohol could be served or sold, due to safety and liability reasons for the City.

Dion Griffin, Finance and Facilities Manager of the Hayward Area Historical Society, shared that the proposed banquet facility was just one element of the new Center for History and Culture and the intent of the facility was to partially fill the void created by the closure of Centennial Hall. He noted that given the core values and the sensitivity of the Center's collections and archives, HAHS staff realized the importance of maintaining control over the use of the space. Mr. Griffin stated that HAHS will employ discretion when deciding upon the type of events that will be hosted at their facility. Additionally, a minimum of one staff person will be on site during all functions and he stressed that HAHS will not sub-lease the space. The presence of one staff person present at the functions will also help to assist in monitoring the guests. He noted that HAHS has worked closely with the City of Hayward to identify and hopefully address all of the potential issues that may arise during the operation of the facility, and that HAHS will comply with all conditions of approval as put forth by the City of Hayward Planning and Police Departments. He shared that Royal Raspberry Catering, HAHS's café operator and caterer, had been in business for 25 years. The owners of the catering company grew up in Castro Valley and thus they have strong ties to the community.

In response to Commissioner Lavelle's question, Mr. Griffin said that there are two doorways on the first floor of the museum; one leads into the Foothill Gallery, which will be used as the temporary space for holding events, and the other door leads into the main gallery. Both of these doors could be secured, thereby dividing the public from private events. He confirmed that the public space will be open during private events. Mr. Griffin pointed out that the café would be accessible to the public from Foothill Boulevard. He noted that the banquet facility could be secured so that there was separation from the café; he indicated that there are two large doors that can be locked for this purpose.

Commissioner Lavelle asked Mr. Griffin to address Ms. Lomotan's comment about the preferred catering company lacking the Type 41 ABC license. Mr. Griffin indicated that Royal Raspberry Catering was in the process of applying for the Type 41 ABC license, adding that it had shown HAHS the application forms it had already submitted to ABC. He confirmed that the HAHS's expectation was that Royal Raspberry Catering will have the correct license from ABC in the near future in order to be able to serve beer and wine at the facility.

Mr. Griffin clarified that bottles of beer could be served at the facility; buckets of beer would not be permitted.

Commissioner Márquez asked the applicant how HAHS will benefit from the banquet hall in terms of generating revenue.

Mr. Griffin said that although HAHS was hoping to generate some revenue from the event space, the reality was that the Center for History and Culture would profit no more than \$60,000 - \$70,000



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per year. He emphasized that the primary purpose of the banquet facility was to serve the community. He confirmed for Commissioner Márquez that there would be different pricing scales for non-profit organizations or businesses looking to rent the space; there would also be different pricing based on the day or time of use of the facility.

Mr. Griffin indicated for Commissioner Lamnin that the proposed banquet hall should be completed by the end of 2014.

In touring the HAHS facilities, Commissioner Lamnin had previously expressed that the doors might be too heavy for disabled persons to use. In response to that concern, Mr. Griffin stated that access to the restrooms on the second floor could be improved to meet ADA standards by adjusting the bars on top of the doors to make them open more easily.

In response to Commissioner McDermott, Mr. Griffin noted that the hours of operation for the café will be 7:00 a.m. to 2:00 p.m. on weekdays; on weekends, the café may offer brunch, so the café may open at either 10:00 a.m. or 11:00 a.m. and may close at either 2:00 p.m. or 3:00 p.m. Mr. Griffin stated that the weekend hours have not been solidified yet.

Commissioner McDermott asked if HAHS considered any Hayward catering companies as the primary catering company.

Mr. Griffin responded that when HAHS initially put out a request for proposals when seeking potential catering companies, two Hayward-based catering businesses had expressed interest; however, those companies changed their minds about operating a café and/or serving as the primary caterer for the banquet hall.

Commissioner McDermott stated that she was glad that Hayward businesses were given an opportunity to be considered.

Commissioner Trivedi asked if HAHS planned on continuing to use the first floor space for events after the rooftop banquet facility became operational.

Mr. Griffin noted that they probably will not use the lower facility because this would create a price differential in renting the two different spaces. He indicated that the second floor would be more appealing for holding events and that HAHS would want to capitalize their earnings from renting out the second floor.

Mr. Griffin confirmed for Commissioner Trivedi that there was an elevator and stairs that led to the second floor. He added that once the second floor was in operation, HAHS will have to build a ramp next to the adjacent office area which will further increase access to the area. He confirmed that even though guests will be accessing the rooftop garden from the banquet hall on the second floor, the doors leading to the rooftop garden will be kept closed in order to minimize sound traveling out of the building. Mr. Griffin stressed that HAHS will not host any events with Royal Raspberry

Catering until the caterer has obtained its Type 41 ABC license. He also clarified that if an outside catering company was going to provide services at the banquet hall, this company would need to be separately licensed through ABC in order to be able to sell beer or wine at the facility.

Commissioner Loché shared that he toured the HAHS facility. He asked if the person signing the contract to hold an event at the banquet hall had to also attend the event.

Mr. Griffin responded that the person signing the contract has to be present at the event and that this individual would be held responsible for the event; he indicated that the goal was to not have outside third parties signing the contract on someone else's behalf.

Mr. Richard Ersted, owner of property located in the Hayward hills, commented that in contrast to the staff report, the conditional use permit was not well written, as it raised lots of questions. He suggested that the item be continued and that staff rewrite the conditional use permit and condition of approval. Mr. Ersted stated that among some of the concerns raised at the current meeting were questions about the presence of security guards at the banquet hall, which was unclear in the conditions of approval. He said that it would be beneficial to incorporate all of the comments made at the present meeting by staff, the public, and the applicant, into a revised conditional use permit.

Chair Faria closed the public hearing at 8:06 p.m.

Commissioner Lamnin pointed out that the language in the conditions of approval did not indicate that there would be two security guards for up to one hundred guests at the facility, and then potentially more security guards after that.

Detective Irizarry said that the security plan that was presented to her by the South County Security Investigative Services company stated that there would be a minimum of two security officers at each event where one hundred persons or less are in attendance, and there will be one additional security officer for every additional one hundred persons expected to be in attendance at the event, up to the maximum capacity of the building. Detective Irizarry pointed out that there was a discrepancy between what was written in the conditions of approval and the security plan that was submitted to her by the security company.

Assistant City Attorney Conneely stated that there was a typographical error in subsection h of condition number 18 of the conditions of approval, and the language should state "100 persons or less." She also noted that the word "additional" be added to subsection h so that it reads "there should be one additional security guard/patrol operator for each additional 100 persons."

Commissioner Loché asked if security guards would be needed for a small event where alcohol will not be served.

Assistant City Attorney Conneely stated that the conditions of approval speak to security being required at events where alcoholic beverages are sold; she further added that the Police Chief would also have the ability to make adjustments and use her discretion.

Commissioner Loché moved the staff recommendation, seconded by Commissioner McDermott, with the following changes: modify the language to state that alcohol service will start at 11:00 a.m.



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on Saturdays and Sundays; an amendment to conditions of approval number 18(h) by changing wording as follows: “There shall be a minimum of two (2) security guards/private patrol operators at each event where one hundred persons (100) or ~~more~~ *less* are in attendance...one (1) additional security guard/private patrol operator for each additional one hundred (100) persons...”

Commissioner Loché expressed that a banquet hall was desperately needed in the community. He shared that HAHS was an excellent and well-run organization. He commented that a lot of effort went into the development of the banquet hall facility and said that he was looking forward to seeing the banquet hall completed.

Commissioner Lavelle expressed her support of the motion. She added that she was a member of HAHS and was looking forward to visiting the new space upon completion of the facility. She pointed out that there aren't many cities in the Bay Area that were founded as early as 1876 and that some of the artifacts that the museum has are very interesting. She was very heartened by the remarks made by Mr. Griffin about the staff of HAHS all having the discretion to approve or deny an applicant who was interested in renting the space. She was comfortable in knowing that HAHS will only permit events to occur at the facility that are consistent with the Center's mission and liked the fact that HAHS was allowing a staff member to be present during events to ensure that HAHS facilities will be well-maintained.

Commissioner Lavelle offered a friendly amendment to change condition of approval number 22 to have alcohol service start at 11:00 a.m. on Saturdays and Sundays, instead of the staff-recommended time of 10:00 a.m.

Commissioner Loché agreed to this change in the motion.

Commissioner McDermott expressed her excitement about having another option for holding events. She indicated that there was a great need for such a facility due to the closure of Centennial Hall and the size of the Hayward community. She acknowledged the feedback received from COMMPRE, and stated that it was her understanding that this item was continued from a previously scheduled Planning Commission meeting in order to address some of the concerns that COMMPRE raised about the conditional use permit. She stated that the input received was taken into consideration by staff and expressed her support of the amendment to the motion.

Commissioner Trivedi said that he supported the motion and thanked the members of the community who voiced their concerns about the proposed project. He pointed out that there was specific language in the conditional use permit that would allow the Hayward Police Chief discretion in revoking the permit of an establishment as deemed appropriate after the occurrence of a single severe incident.

Commissioner Márquez thanked staff for the time and energy that they put into developing the staff report; she noted that the project involved a lot of collaboration with the Police Department as well as the community. She expressed her support for the motion.

Chair Faria voiced her support for the motion and commented that HAHS was providing the community with the much-needed space to have people socialize and learn more about the history of Hayward.

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

2. Proposed Revisions Related to Hayward’s Alcohol Beverage Outlet Regulations and Proposed New Regulations for Cabarets and Dances to Replace Hayward’s Public Dance Provisions, including Proposed New Fees (Text Amendment Application No. PL-2013-0175); the City has Prepared a Negative Declaration, which Concludes That the Project Will Not Have a Significant Negative Impact on the Environment; Applicant: City of Hayward.

Commissioner Márquez recused herself from this item.

Director David Rizk provided a synopsis of the staff report and staff recommendations.

Commissioner Trivedi asked why the terms nightclub and cabaret were redefined in the proposed changes to the Alcohol Beverage Outlet Regulations. Director Rizk responded that the proposed change was made in order to differentiate between establishments that have live entertainment and establishments that do not, because there are specific issues and concerns with establishments that provide live entertainment. Director Rizk noted for Commissioner Trivedi that the current definition of a nightclub was worded vaguely in Section 10-1.3500, which defined nightclubs as alcoholic beverage sales establishments providing dancing or live entertainment between the hours of 6:00 p.m. to 2:00 a.m.

Commissioner Trivedi commented if cabarets would now serve to be a catchall phrase that could include any establishment where music was played; this could consist of anything ranging from exotic dances, a rock concert, a disc jockey playing, or a theater production.

Director Rizk responded that a cabaret would be any establishment where live entertainment would be provided, which could include a variety of things. He indicated that staff was aware of this, and thus staff made the recommendation that full service restaurants be allowed to have live music without a cabaret permit or license.

Director Rizk clarified for Commissioner Trivedi that live music at licensed cabarets would be unlimited; however, live entertainment at establishments with a cabaret or dance permit for a single event would be limited to having entertainment up to four times a year, or every three months.

Commissioner Trivedi raised a question about whether the recommended prohibition on issuing letters of public convenience and necessity would restrict the opening of a new establishment in an over-concentrated area. Director Rizk stated that such a restriction would prohibit new liquor stores and bars from opening in over-concentrated areas. Director Rizk noted that the recommendation



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was consistent with a policy adopted by the City Council in 2006 as Council resolution number 06-005.

In response to Commissioner Trivedi's question about a potential business owner wanting to open either a bar or a restaurant in the downtown area, Director Rizk highlighted that the business could not be a liquor store or a bar. He added that this establishment could be another type of alcohol serving establishment; however, the business would have to obtain a conditional use permit. In such a circumstance, the City would issue a letter of public convenience and necessity to ABC for the approval of the ABC license.

Commissioner Trivedi asked staff how it was determined that a response of five officers to a scene would constitute a critical incident and wondered if staff had a guideline that contained this definition.

Lieutenant Martinez, a representative of the Hayward Police Department, stated that it was the Police Department's practice that if five officers are dispatched to a call for service, then this may be indicative that things may have gotten out of hand with a particular incident. He noted that a normal response for disturbance related, for example, to loud music or a domestic violence call for service typically would get two officers dispatched to the scene. He shared that if there was a presence of a large group where the loud music complaint occurred, providing the example of a party of 100 people at a residence or at an establishment, then dispatch would send at least three officers due to officer safety reasons. Lieutenant Martinez expressed that the response of five officers to a critical incident was an adequate number.

In regards to the assessment of fees charged for the occurrence of a critical incident, Commissioner Trivedi questioned staff how the determination was made as to who will bear responsibility and also, how can this responsibility be shared between the responsible party and the ABC licensee.

Director Rizk indicated that there would be a review of the facts of the case and this would include addressing what caused the incident. He noted that staff felt strongly about the licensees bearing some of the responsibility; the review would consist of evaluating whether the licensee was responsible with alcohol service and whether security checks were done at the establishment. He noted that in addition to the ABC licensee being responsible for the critical incident, there may be additional responsibility to another party and this was emphasized by the public through comments received at the community meeting held on July 29, 2013.

Commissioner Trivedi noted that this component could allow the perpetrator of a critical incident to bear responsibility. He further expressed that although he understood the need for flexibility in the regulations in determining who will hold responsibility, based on some comments of the owners of alcohol establishments, there was concern that these businesses would be billed for whatever critical incident took place, even if an establishment was not negligent and did provide security.

Assistant City Attorney Conneely commented that there would be a process by which an assessment and allocation of responsibility would be conducted; noting that there could be circumstances where the licensee did everything appropriate, however, a critical incident still occurred. She added that in this case, it might not be suitable to fine the licensee because the City wants to encourage the licensee to make calls for service to the Police Department during the occurrence of an incident and does not want to discourage the licensee from making the calls for service out of concern that there may be a possibility of imposition of a large fine.

Lieutenant Martinez commented that the Police Department would have to justify the response of five officers at the scene and they would have to prove that five officers were warranted for the critical incident. He provided the example of some patrons who have left an establishment and there was a drive-by shooting that occurred afterwards in the parking lot next to the establishment that required a critical incident response. He highlighted that in this scenario, the establishment would not be fined for this critical incident response.

Commissioner Trivedi expressed that it was important to give the alcohol establishment owners some type of recourse that they can pursue, so that they are not irrevocably held responsible.

Lieutenant Martinez added that during an investigation, if staff discovered that there was an over-serving of alcohol to the patrons who were involved in the critical incident, then this would be a circumstance where staff could recoup some of the response costs from the establishment.

Director Rizk noted for Commissioner Trivedi that staff added the additional language to the regulation so that staff could assess each incident individually.

Commissioner Trivedi asked staff to clarify what constituted an “imminent threat to the public” which was the language presented in the new summary suspension provisions. Lieutenant Martinez said one example of an imminent threat could be if there was continuous behavior by a licensee where the establishment was not performing security checks, thereby resulting in a critical incident. He noted that such situations would be evaluated by staff on a case-by-case basis. Director Rizk also gave another example of a fight involving fifty people occurring at an establishment and if additional people came to the establishment to join the fight then this could serve as an example to an imminent threat to the public.

Assistant City Attorney Conneely added that these particular provisions were adapted from the ordinances currently in place in San Jose and San Francisco; furthermore, these ordinances have been used in the summary suspension procedures for unruly incidents where there was gunplay and fighting on a regular basis, which resulted in establishments being shut down. Ms. Conneely indicated that the intent of the provisions was to address the imminent threat to the public within that thirty-day or shorter timeframe, and that if the problem could not be corrected within a maximum of thirty days, then a summary suspension could occur. She indicated that in those situations, the City would have the opportunity to move forward and pursue other legal remedies, such as an injunction seeking to close the establishment after the thirty days.

In response to Commissioner McDermott’s question, Assistant City Attorney Conneely indicated that the only component of the ordinance that had been tested in the court were the deemed approved provisions.



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Director Rizk noted that a specific timeframe has not yet been established for when the fees would be due, nor was there any specific language in the proposed regulation addressing this; he shared that the City does collections on overdue fines and penalties on an annual basis. He conjectured that collections on these fees could be done on a similar annual basis, after which the City would move forward to begin the process to revoke the establishment's deemed approved status or the permit if the fees were unpaid.

Director Rizk confirmed for Commissioner McDermott that the downtown area was considered to have an over-concentration of ABC licensees and confirmed that proposed new liquor stores or bars would be prohibited from doing business in the downtown area due to the overconcentration of these ABC license types.

Commissioner Loché acknowledged that staff put in a lot of effort into this item and commended their hard work.

In response to Commissioner Loché's question, Director Rizk stated that even though some establishments may not need the higher level of compliance checks, they may still end up paying the higher fees.

Lt. Martinez responded that it would be difficult to gauge this and that staff would have to go back and check prior history and delineate each alcohol establishment. He indicated that the fees are related to cost recovery only and he also confirmed for Commissioner Loché that a lot of this work being done was proactive work.

Assistant City Attorney Conneely commented that the summary suspension process would not last more than thirty days and that the appeals process could last longer. She noted for Commissioner Loché that if the licensee was going to pursue an appeals process, then staff would try to expedite the meetings of the Planning Commission and the City Council. She noted that the appeals process was a new trial program that the City was adopting and that staff does not anticipate any particular establishment would be administratively closed longer than thirty days. She further indicated that once the thirty days were up, whether the appeals have been completed or not, the establishment would either reopen or the City would have to take further action to close it down.

Commissioner Loché mentioned that the enhanced noticing requirements were a great addition.

Director Rizk confirmed for Commissioner Lavelle that in order to remove ambiguity, the word "karaoke" could be included in the definition of cabaret.

Assistant City Attorney Conneely clarified for Commissioner Lavelle that the proposed fees are cost recovery so they are not considered a tax. She stated that the proposed fees are annual fees that are based on the estimated visits that the Hayward Police Department will make to the establishment(s); furthermore, she noted that Proposition 26 and Proposition 218 do not require exactitude and

instead, they require a reasonable estimate of what the actual costs are to the jurisdiction and that was what staff used to determine the fees.

Commissioner Lavelle indicated that she did not think that it was fair that some 7-11 establishments could get two visits per year and be expected to pay \$1,120 while other establishments, such as Walgreens, may have a problem and pay only \$280 per year.

Commissioner Lamnin said she appreciated the hard work done by staff on this item, the community outreach that was done, and the community meetings that were held. Although she understood the need for cost recovery, Commissioner Lamnin said she was unsure if we are spreading out the burden in a fair way as it relates to the annual fees.

Director Rizk was agreeable to Commissioner Lamnin's recommendation that staff could add the word "excessive" to subsection f of Section 6-2.27 so it reads "no person under the influence of excessive intoxicating liquor...", if the Commission directed staff to do so.

Director Rizk clarified for Commissioner Trivedi that the fees of \$750, \$1,500, and \$2,500 are fines for violating the regulations.

Commissioner McDermott commented that the wording in Section 10-1.2765 addressing "Informal Procedure" was unclear. Director Rizk suggested that the following change could be made: "The Chief will attempt to discuss with the licensee...to obtain the licensee's consent for voluntary compliance measures..." Commissioner McDermott said she was agreeable to this modification.

Chair Faria opened up the public hearing at 9:35 p.m.

Kim Huggett, President of the Hayward Chamber of Commerce, encouraged the Planning Commission to honor the hard work that had been put in by staff, the community, and the business community over the last two years. He discussed that the proposed ordinance will set the happy hour timeframe from 4:00 p.m. to 9:00 p.m., which was an appropriate accommodation. He noted that over the sixteen-month trial period, the Hayward Police Department concluded that there was no noticeable increase in service calls; he asked that the Planning Commission take that into consideration and to recognize that the business community was ready to move ahead.

Commissioner Lamnin asked Chamber of Commerce President Huggett if the Chamber reached out to its members regarding the proposed fees. Mr. Huggett stated that no chamber will endorse a fee, and there was a concern about that. He added that there was a sense that the Chamber members would like the offenders to carry the weight. He indicated that the Chamber members also recognized that they want to be economically competitive with other communities, especially those that are allowing happy hour and live music.

It was noted that Ravi Bhatnagar filled out a speaker card, but was not present in the audience to speak.

Richard Ersted, owner of property located in the Hayward hills, commended staff on doing an outstanding job on this item. He shared that staff studied a number of other jurisdictions and commented that the staff report and each of the ordinances were well-written. He indicated that he



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had a couple of concerns, which the Planning Commission has already addressed. He spoke about the location of his property, which was two doors down from a legal non-conforming use, and he shared an incident that occurred at that establishment.

Linda Pratt, a member of COMMPRE and member of the Hayward Coalition for Healthy Youth (HCYC), thanked staff for their hard work. She appreciated the numerous community meetings that were held that allowed so much input by the community. She indicated that the organizations that she was representing were supportive of a majority of the ordinances' language, including the performance standards and the proactive enforcement, which the cost recovery fees will cover. She shared that the critical incident fees are for the outliers that are really draining City services and that we want to prevent that from happening, which will be addressed by proactive enforcement. She commented that five officers responding to a call for service sets the number too high for the required number of officers present to classify a situation as a critical incident. She asked if the Hayward Area Historical Society's banquet hall permit that was approved at the current meeting would be subject to the same Alcohol Outlet Beverage regulations.

Lieutenant Martinez confirmed that the banquet hall would be subject to the same regulations.

Chuck Horner, a pastor in Hayward, thanked staff for all the time and effort that was put into the project; especially the deemed approved provisions, which he said he reviewed as a member of the Hayward Coalition for Healthy Youth. He noted that Hayward does not need more nightclubs pretending to be restaurants, nor does it need more distribution points for alcohol. He commented that this was not a healthy way to raise funds in our community, as there are human costs to this. He said that the annual fees should not be viewed as impositions on alcohol establishments, but should be viewed as an investment in our community. Mr. Horner said that the Police Department currently does not have the resources to do sting operations and shoulder taps. He stressed that it was cheaper to make an investment in prevention. He said that we need to equip our officers with all the tools that they need. He expressed that it was not fair that complying restaurants like *Famous Dave's* have to compete with grandfathered legal non-conforming businesses that create issues and raise a stigma for the city.

Carolyn Travels, resident of Hayward, expressed that she was a forty-one year resident of Hayward and has lived in the city all of her adult life. She said that she sees children and adults walking around all day and all night long that are under the influence of alcohol and/or drugs that appear to be potentially dangerous. She does not feel safe to walk out of her home after 7 p.m. She noted that seeing this breaks her heart and makes her sad. She pointed out that alcohol was a debilitating drug and commented that the recommended five-hour long happy hour time period was excessive. She was astounded at the number of alcohol selling establishments located in Hayward. She stated that the profits earned from alcohol sales by alcohol establishments would make them capable of paying the proposed annual fees. She said that we do not have the police force required to deal with all the problems as the Police Department lacks enough funding. Ms. Travels indicated that she recently did a ride-along with one of the officers and expressed that the Police Department needs whatever resources necessary to handle the crime and the problems evident in the city. She requested that the

Planning Commission not enable more alcohol abuse in the city as this was very detrimental to the health of the city, our families and children.

Chair Faria closed the Public Hearing at 9:53pm.

Commissioner Trivedi expressed his support for a majority of the recommendations, especially the deemed approved provisions and the greater oversight of alcohol establishments. He commented that a number of people have voiced concerns and he felt that this new ordinance will allow greater oversight and enforcement so that these establishments do not serve minors or let their patrons get out of hand. He stated that at some point in the future, staff should assess fees based on the number violations over a period of time, raising the costs for the establishments that violate the proposed regulations more frequently. He noted that this would create an incentive to comply with the regulations. Commissioner Trivedi said that he was supportive of restrictions being placed on census tracts that are already over-concentrated with ABC licenses; however, he would like to see some type of an exception for cabarets in the downtown area as these provide live entertainment and these are not alcohol serving establishments exclusively. He underscored that some establishments that have live entertainment provide the community with cultural enrichment and these are the types of businesses that he would like to see in the downtown, preserving the downtown as an entertainment area. Commissioner Trivedi indicated that the intent behind the five-hour long happy hour provision was to have an option in selecting a block of time within these hours.

Commissioner Lamnin echoed the happy hour and live entertainment considerations that Commissioner Trivedi stated. She suggested that staff consider having a flat fee of \$400 fee for all alcohol establishments. She stated that this fee was slightly higher than the immediate cost recovery and thus some establishments will have to pay a little more, and others will pay less. Commissioner Lamnin noted that establishments that have a critical incident happen or if they are a problem business, should bear the cost of violating the regulations by paying higher fees. This would also give problem establishments the opportunity to become a good business through compliance with regulations, which could be incentivized to operate with fewer problems through reducing the fees once compliance was achieved.

Commissioner Lamnin commented on the fairly low attendance at the Planning Commission meeting. She recommended that staff and the Chamber of Commerce review the outreach that was done to get the community and affected businesses engaged as this item comes before the City Council soon.

Commissioner Lavelle recommended language changes be made to Section 6-2.25 on page 11 of the report which states that “Any and all video tape recordings...” be modified to use “video recordings.” She also recommended that language changes be made to Section 6-2.27 on page 13 by removing the word “immoral.” Commissioner Lavelle commented that the City was not in the business of judging what people’s morals are and that by modifying this language, the intent of the language remains the same.

Commissioner Lavelle supported the goals of the proposed ordinance and she commented that the fees should be reviewed and perhaps adjusted in the future. She expressed that improved efforts be made to notice the affected establishments, suggesting that staff send notices on colored postcards and that the notice be available in Spanish as well.



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Commissioner Loché commented that the City will greatly benefit from what was being proposed with the Alcohol Outlet Beverage Regulations. He stated that his concern about the critical incident level involving five police officers was clarified by the Police Department representative. He noted that although the appeal process with the summary suspension provisions seems odd, his concerns had been addressed.

Commissioner Loché indicated that he was not entirely comfortable with the annual fees of \$280 and \$1,120 that had been discussed. He noted that although he agreed with having the annual fees in place, he expressed that the levels should be leaned towards businesses that require more attention by the Police Department or businesses that violate the Alcohol Beverage Outlet Regulations. Commissioner Loché urged that staff and the City Council review the fees and determine if there are ways to balance the fees in order to mitigate the higher fees. He stated that the deemed approved provisions are much needed in the City and indicated his support for the item to be heard by the City Council.

Commissioner McDermott echoed the same concern as Commissioner Lavelle about having a better methodology in place for noticing. She said that it would be frustrating for affected establishments to be surprised with a fee being imposed that they were not aware of. She said that she was supportive of the performance standards. She requested that staff conduct additional outreach to the business community before this item was heard before the City Council.

Director Rizk stated that staff can send out another colored postcard, have this available in Spanish, and specifically list on the notice the two proposed fees and also identify which types of establishments would be subject to the fees prior to the public hearing before the City Council. He commented that \$1,120 amounts to \$21 per week for establishments. He noted that every year, Council adopts a new fee schedule and thus every year these fees will also be reviewed and/or adjusted. Director Rizk commented that the collection of fees was done annually. He appreciated the input and comments about rewarding alcohol establishments with ABC licenses exhibiting compliance with regulations and potentially requiring the noncompliant establishments to have to pay the higher fees.

Commissioner Lamnin disclosed that she met with the Hayward Coalition for Healthy Youth prior to the Planning Commission meeting and she echoed Commissioner Lavelle's comments about the immoral language being removed.

Commissioner Trivedi moved the staff recommendation, seconded by Commissioner Lamnin, with the following changes: modify the language by adding "karaoke" to the definition of cabaret; to replace language in Section 6-2.25 from "video tape recordings" to "video recordings" ; remove the word "immoral" from Section 6-2.27; improve the methodology of noticing to the affected businesses before the Council hearing by sending color postcard notices and sending notices in Spanish and English; reevaluate the alcoholic beverage outlet fees; grant exceptions for cabarets in the downtown area; and include transparency in the appeals process and give recourse to establishments that are shut down.

Chair Faria commented that she was supportive of the proposed changes to the regulations and was also supportive of providing the Police Department with the tools necessary to keep our City safe. She expressed that violators of the proposed regulations should carry the responsibility for a majority of the fees related to cost recovery. She inquired if it would be possible to get an annual report that would display what the outcome of implementing the proposed regulations are. Commissioner Faria commented that she met with the Hayward Coalition for Healthy Youth and also met with Mr. Ersted about this item.

With Commissioner Márquez absent, it was moved by Commissioner Trivedi, seconded by Commissioner Lamnin, and carried that the Planning Commission recommends that the City Council adopts the Negative Declaration/Initial Study and approves the proposed revisions to the City's Alcohol Beverage Outlet Regulations, Zoning Ordinance definitions, various Zoning District regulations related to land uses, new regulations related to Cabarets and Dances, and related new fees, with modifications as stated.

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

COMMISSION REPORTS

3. Oral Report on Planning and Zoning Matters

Planning Manager Ned Thomas stated that the site plan review application number PL-2013-0168 regarding the proposed 60 units of senior housing located at 808 A Street that was approved by the Planning Commission on July 11, 2013, will be heard at the City Council meeting of September 17, 2013. He additionally noted that the Mission Boulevard Corridor Specific Plan and Form Based-Code will be discussed at the September 19, 2013 Planning Commission meeting.

Planning Manager Thomas asked the Planning Commission if they would be available on October 24, 2013 to review the implementation strategies of the new draft General Plan. He also shared that there may be a second item at the October 24th meeting regarding an application for a use at Southland Mall that require a text amendment.

4. Commissioners' Announcements, Referrals

Chair Faria stated that she will not be present at the Planning Commission Meeting on September 19, 2013 and Commissioner Lamnin will act as the vice chair at this meeting.

APPROVAL OF MINUTES

5. None



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ADJOURNMENT

Chair Faria adjourned the meeting at 10:18 p.m.

APPROVED:

Dianne McDermott, Secretary
Planning Commission

ATTEST:

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



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MEETING

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

ROLL CALL

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

Commissioner Márquez led in the Pledge of Allegiance.

Staff Members Present: Conneely, Fakhrai, Madhukansh-Singh, Rizk

General Public Present: 8

PUBLIC COMMENTS

Celeste Perry, resident of Pelham Place, raised concerns about the potential impact that the Mission Boulevard Corridor changes may have on the parking on Pearce Street. She advised the Planning Commission and staff to preserve enough parking spaces for patrons visiting businesses along Mission Boulevard. Ms. Perry also indicated that the Tiburcio Vasquez Health Center has violated their conditions of approval by permitting employees of the health center to park their vehicles on Pearce Street. Ms. Perry shared that when the permit was approved, the health center indicated that employee parking would be designated on-site. The health center has marked a few spaces in their parking lot for staff; however, Ms. Perry reported that not enough spaces are designated for staff.

S.J. Samiul, resident of Aldengate Way, recommended that staff look into making B Street a two-way street in order to alleviate some of the traffic concerns caused by the loop. He suggested that staff should obtain student involvement in the 2040 Hayward General Plan as these students will be impacted by the plan in the future. Mr. Samiul commented that the estimated cost of \$59 million for the proposed new library was expensive. He shared pictures of the new Los Gatos Public Library, noting that it only cost \$18 million to build. Mr. Samuil spoke about tankless water heaters and encouraged the Planning Commission to enable the City of Hayward to be on the forefront of making tankless water heaters a requirement.

PUBLIC HEARING

1. Recommendation to City Council for Certification of a Final Program Environmental

Impact Report in Accordance with the California Environmental Quality Act (CEQA) Guidelines, Section 15168, and Approval of the Mission Boulevard Corridor Specific Plan and Form-Based Code, Applicable to an Area Comprising Approximately 600 Parcels Along Two Miles of the Mission Boulevard Corridor from Harder Road to the Northern City Boundary, Excluding the Downtown Area Between Jackson Street and A Street (General Plan Amendment Application No. PL-2013-0268, Text Amendment Application No. PL-2013-0270, and Zone Change Application No. PL-2013-0271) - City of Hayward (Applicant)

Director Rizk provided a synopsis of the staff report. He stated that staff conducted a lot of public outreach on the project, including a public design charrette held in April of 2010 that led to the regulating plan and standards. Director Rizk noted that staff received a letter of support for the staff recommendation and the commercial overlay zone from the property owner of 671 Berry Street, whose property was adjacent to the former Ford site.

Commissioner Márquez thanked staff for preparing a thorough staff report. She asked staff where the locations of the proposed slip lanes would be.

Director Rizk clarified for Commissioner Márquez that the slip lanes would be located parallel to Mission Boulevard in three locations; one of the locations would be near Pinedale Court, close to the Jack in the Box establishment. He noted that the slip lanes would require drivers to pull off Mission Boulevard and onto the frontage road, which would have slower traffic. He indicated that there would also be diagonal parking within this area. He stated that the three proposed locations for the slip lanes were identified by the City's economic consultant as these could be potential sites for redevelopment.

Public Works Director Morad Fakhrai displayed an aerial view map of where the slip lanes would be and verified that the parking in the slip lanes would be diagonal along the sidewalk.

Commissioner Márquez asked staff if the California State University East Bay (CSUEB) provided any feedback on the proposed plan.

Director Rizk stated that staff sent the University notices; however, they did not receive any responses. He added that he has spoken with a couple of the vice presidents of the University about future uses of the Mission Boulevard area; however, the University did not have any plans at the moment. Director Rizk shared that the University appreciated the fact that the City was trying to respond to the envisioned future growth at CSUEB. In response to Commissioner Márquez's question, Director Rizk said that no responses to the Planning Division's notices were received from any of the nearby native tribes regarding the project.

Commissioner Márquez expressed that she was glad that outreach efforts were made to these groups by staff.

Director Rizk stated that Table 13C of Attachment IV discussed "Sustainability – Food Production," which encouraged use of green space.



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Director Rizk confirmed for Commissioner Márquez that the open spaces discussed in Table 13C would be subject to the noise ordinance. He noted that in order to reduce noise, plastic panels could be utilized to help buffer noise impacts.

Commissioner Loché thanked staff for the in-depth report. He asked staff if it would be beneficial to have terminated vistas north of A Street.

Director Rizk responded that terminated vistas were discussed during charrette community workshops and also with consultants, and it was determined that it would be difficult to incorporate this in the Mission Boulevard Corridor Specific Plan due to the topography and the smaller size of the area.

Commissioner McDermott stated that the Mission Boulevard Corridor Specific Plan project had been a long and arduous process, and that the Planning Commission had several opportunities to express their comments and questions before. She stated that she did not want the public to think that this was the first time the Planning Commission was hearing the item and that the lack of questions was because their concerns had been addressed previously. She noted that this plan was a roadmap as to what steps need to be taken to achieve the goals and the vision of the future of the City. She said that movement towards smart growth and urbanization was a long-term goal and it was important to recognize that this process will take a number of years to accomplish. Commissioner McDermott asked if people will utilize public transportation if they are located near it or will they still prefer having the convenience of their cars. She requested staff to add the word “potentially” to statements made in the plan regarding the reduction of auto traffic because the current wording in the plan was definitive that the proposed plan will reduce auto traffic. Commissioner McDermott commended staff and the public for all of their hard work and input.

Commissioner Trivedi thanked staff for the report. He recognized that although it was late in the process for his input, he did not have the opportunity to offer comments on the Mission Boulevard Corridor Specific Plan. He expressed his support of the plan, indicating his approval of enhancing the commercial aspects of Mission Boulevard, especially the areas near the university. Commissioner Trivedi recommended that all of the overhead utilities should be undergrounded in the proposed plan as it would enhance the visual appeal of the area. He noted that one thing which did not stand out in the report that he felt was important was the connectivity with the university area. He indicated that one of the driving forces of the plan will be to capitalize on the growth of the university. He stated that the plan should enhance the connection between the commercial zones and the university. He expressed that there should be extra transit options for the public to travel between the downtown, the university, and this Mission Corridor area. He mentioned that although there was currently no demand for pedestrian crossing in the area, the way in which the median was proposed to be landscaped seemed to discourage pedestrian crossing. He emphasized that the goal should be to enhance pedestrian access by ensuring that there are enough opportunities for pedestrians to access the commercial developments that the City was hoping to generate.

Commissioner Trivedi asked staff why the T4-1 section across from the Hayward Plunge was not made a commercial overlay even though a slip lane was proposed for that area.

Director Rizk responded that it was not appropriate to have an overlay restriction prohibiting ground floor residential uses in this area due to the nearby single-family residential neighborhood.

Commissioner Trivedi asked staff if it would be possible to have a slip lane in the area between Simon Street and Grace Street, which would potentially provide more parking coverage and could also help to alleviate the concerns expressed earlier by Ms. Perry.

Director Rizk responded that this issue was not raised at the charrette community workshops and thus the area north of A Street was not identified as a place for slip lanes.

In response to Commissioner Trivedi's question, Director Rizk clarified the placement of the public spaces throughout the Mission Corridor. He mentioned that besides encouraging the use of public transportation, it is hoped that future development will provide places where people can walk to go to lunch, for example. Director Rizk stated that the proposed new thoroughfares will reduce block sizes, thereby encouraging pedestrian movement. He pointed out that there was a sidewalk along Carlos Bee Boulevard, which was built as a part of the reconfiguration of the Carlos Bee Project, that leads up to Cal State University. He shared that there has been enhanced transit with the Cal State shuttle and this has provided more transit use opportunities for students.

Vice Chair Lamnin expressed appreciation for all of the work that had been done by staff on the plan. She asked staff if there could be incentives to get some of the CSUEB students to open their business in Hayward upon graduating.

Director Rizk stated that staff has communicated with the University about encouraging business graduates to open businesses in town; he added that he will pass along Vice Chair Lamnin's suggestion to the City's Economic Development staff.

Vice Chair Lamnin asked staff if the provision prohibiting tobacco retailers as an allowed use could be expanded to include nicotine retailers.

Director Rizk commented that it was up to the Planning Commission's discretion to decide whether to make such recommendation to the City Council.

Vice Chair Lamnin asked staff if there was a timeline for the development of the vacant land that the City owns along the Mission Corridor.

Director Fakhrai stated that staff was working with potential developers and was hoping to engage them on properties located along Mission Boulevard at Carlos Bee Boulevard.

Vice Chair Lamnin appreciated the five-year review stated within the plan should occur. She added that staff should monitor bus access to the public in the area.



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Director Rizk shared that the frequency of bus service was related to population density in the area; he indicated that as the area developed, AC Transit may increase the bus service.

Vice Chair Lamnin stated that in the Final EIR report, the riparian habitats could unavoidably be impacted, thereby requiring the need for relocation as part of the mitigation measure. She asked what this could potentially look like.

Director Rizk responded that this was a program level Environmental Impact Report (EIR) and as future specific developments are proposed, and if there were any impact on riparian areas, then this issue would be addressed.

Director Rizk indicated for Vice Chair Lamnin that creek daylighting is encouraged and that there was no implementation plan requiring that this occur. He pointed out that some of those areas fall under Alameda County Flood Control and Water Conservation District to maintain. Director Rizk stated that there will be policies in the general plan that will address this issue.

Vice Chair Lamnin opened the public hearing at 7:58 p.m.

Jesus Armas, a consultant for AutoNation, expressed his support of the plan and indicated that the developer he represented was looking for an opportunity to develop the former Ford site. He spoke about the slip lanes enabling pedestrian movement back and forth between the retail and residential uses in the area and also allowing motorists to easily enter the shopping area. He indicated that once the site was developed, there will be nice treatments along the Mission Corridor with ways to slow the traffic and also make it more inviting for shoppers to visit the retail establishments. He added having housing options attached to some of the retail uses will provide the opportunity to market the site to students, employees, and professors at the University. Mr. Armas noted that depending upon the demand, there should be an opportunity to create a shuttle service, which will ease transportation between major activity nodes along Mission Boulevard. He further expressed that he and the people he represented concur wholeheartedly with the proposed plan. Mr. Armas noted that the Mission Boulevard Corridor Specific Plan will be an important asset and an enhancement to the community.

Steven Schmidt, representative of Cypress Equities, a firm based in Texas, commented that his company was in the process of working on the preliminary plans for developing the former Ford site. He stated that Cypress Equities was working with staff and their consultant, Jesus Armas, to come up with a plan that will incorporate the slip lanes, open space, commercial overlays, as well as a residential project that meets the T4 zoning standards.

Vice Chair Lamnin closed the public hearing at 8:02 p.m.

Commissioner Lavelle expressed that it was very exciting to see this project come to fruition after many meetings and many opportunities for input to make Hayward a better, aesthetically-pleasing city and a better place for people to live, work and move around. She made a motion per

staff recommendation to recommend that the EIR and the Mission Boulevard Corridor Specific Plan and Form-Based Code be approved by the City Council.

Commissioner Márquez seconded the motion with a friendly amendment to ensure that all of the overhead utilities be undergrounded throughout the plan area.

Director Rizk indicated that this would be possible to implement and that the plan will be amended to consistently require that all future utilities be placed underground.

Commissioner Loché noted that this was a very important step in Hayward's future and noted that the proposed plan will take decades to show what it means to the city. He appreciated all of the work that went into the project, especially the charrette and community workshops that took place, which enabled comments and input from the community. Commissioner Loché expressed that it was exciting to see the public getting involved and making their voices heard in Hayward's future. He mentioned that he was glad that the slip lanes would reduce the amount of dedicated land required and he indicated his support for the motion.

Commissioner Trivedi stated that he was excited about the plan and acknowledged that it will take many years before the plan comes to fruition. He indicated that the Mission Corridor was a part of the City that needs to undergo this transition and stated that all of the empty auto lots represent the City's past and that the proposed plan represents the City's future. Commissioner Trivedi said he supported the motion.

Commissioner Márquez indicated that she seconded the motion because she acknowledged all of the hard work that has gone into the plan, especially since she was a participant of the charrettes. She stated that this was a unique opportunity to move Hayward forward. She said that the proposed plan was a great document and it was very informative. She encouraged entrepreneurs to read the plan and to apply it, enabling Hayward to grow.

Vice Chair Lamnin made a couple of requests for friendly amendments. She referenced page 4-36 of the plan, which mentioned no bee keeping or food processing on land where food was produced.

In response to Vice Chair Lamnin's concerns, Director Rizk responded that staff was in the process of addressing beekeeping and local food production in policies that are to be addressed in the draft general plan. He recommended that the Planning Commission hold off on making amendments to the proposed specific plan until some city-wide standards and policies are adopted on this topic.

Vice Chair Lamnin expressed concern about the admission time for homeless shelters, which were referenced on pages 4-48 and 4-49. She noted that standard practice for homeless shelters was to allow admission as beds are available. She was concerned about the presence of security guards at the emergency shelters.

Assistant City Attorney Conneely responded that part of the concern was that the state has preempted the City's authority for homeless shelters and transitional housing. She noted that for some of the facilities, the City was not permitted to require a conditional use permit or an



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administrative use permit; thus, the City has to develop standards for facilities through ordinances.

Director Rizk explained that staff's recommendation in the report was consistent with the feedback that staff received from the public regarding homeless shelters. He stated that for these types of facilities, the law prevents the City from requiring a discretionary use permit; therefore, staff cannot require conditions on a case by case basis. Director Rizk commented that the idea was to have standard operating conditions in the code.

Vice Chair Lamnin requested that staff add the condition that if security guards are required at shelters, then they should also be required at Single Room Occupancy (SRO) facilities.

In response to Commissioner Lavelle's question, Vice Chair Lamnin responded that the City currently does not have SROs.

Vice Chair Lamnin said what was in the proposed plan was to have security guards at homeless shelters, which was not typical practice. She added that the SROs would not be required to have a security employee on site. She used the example of the Green Shutter as a problem location in the downtown, which was caused by lack of oversight.

Commissioner Lavelle commented that removing the requirement that security guards be required at shelters was against what Assistant City Attorney Conneely recommended. She added that there would be a lack of opportunity for the City Council to make changes to uses due to recent changes in the state law and that the proposed plan was an effort to put some restrictions on those uses. Commissioner Lavelle discouraged the Planning Commission from modifying the proposed plan in regards to the homeless shelters and SROs.

Vice Chair Lamnin commented that although she realized the importance of being sensitive to the neighboring community around the shelters, limiting admission times to the shelters to the evening may potentially cause more problems.

Commissioner Trivedi asked Assistant City Attorney Conneely for clarification on whether the issues raised by Vice Chair Lamnin apply to the security and/or the admission time of the shelters.

Assistant City Attorney Conneely responded that the City can only regulate homeless shelters and transitional housing through the imposition of standards that would include the security guards and the hours of operation, plus any other measures that are described in the specific plan. She emphasized that the only way the City can regulate shelters was through the zoning ordinance and not through the discretionary process. She confirmed for Commissioner Trivedi that this addition to the ordinance would apply only to the form based code.

Commissioner Márquez asked Assistant City Attorney Conneely to speak to the upcoming issues in the ordinance that Vice-Chair Lamnin was referencing.

Assistant City Attorney Conneely responded that she was not a member of the Task Force developing the Social Nuisance Ordinance; therefore, she was unable to answer the question.

Commissioner Márquez commented that the Planning Commission had limited information on the issue at the time and asked Vice Chair Lamnin to readdress her question.

Vice Chair Lamnin stated that the current admission times into the shelters are 5:00 p.m. to 8:00 p.m. or until dusk. She stated that if someone needed to go to a shelter at 10:00 p.m. and that there was space available for them, they would not be able to do so. She commented that her professional experience has been that people have gotten hurt because they could not get into a shelter because it was past the admission time. She understood the need for safety and the City being able to regulate good businesses, including shelters in the community.

Commissioner Lavelle stated that the plan was developed with tremendous opportunities for public input and this was the first time the Planning Commission encountered this issue. Commissioner Lavelle stated that she was comfortable concurring with the proposed plan, which was highly reviewed by City staff as well as other professionals. She noted that if there was a reason to change the plan in the future, she would be more than open to having a lengthier discussion on this topic at that time. For now, she stated that there must be a valid reason for the restrictive hours. Commissioner Lavelle indicated that she was against changing her motion without more knowledge or discussion on the issue at hand; she proposed to leave the motion the way it was per staff recommendation. She was amenable to the friendly amendment to make it uniform that utilities be undergrounded in the plan area.

With Chair Faria absent, it was moved by Commissioner Lavelle, seconded by Commissioner Márquez, and carried to find that the Planning Commission recommends that the City Council certifies the Program Environmental Impact Report in accordance with the California Environmental Quality Act (CEQA) Guidelines, Section 15301, Existing Facilities; and approves the Mission Boulevard Corridor Specific Plan and Form-Based Code, including consistent requirements in the Specific Plan to underground all overhead utilities.

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

COMMISSION REPORTS:

2. Oral Report on Planning and Zoning Matters

Director Rizk reported that the next Planning Commission meeting will be scheduled for Thursday, October 3, 2013. The item to be discussed will be a Conditional Use Permit for the business “Chalk It Up,” a basement level billiards hall, that was requesting to modify the existing



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establishment. Director Rizk noted that there was also a text amendment for the City Center Health Fitness Facility located at Southland Mall, which may also be heard at the same meeting.

3. Commissioners' Announcements, Referrals

Commissioner Márquez requested that staff provide the Planning Commission with a schedule of meetings for the remainder of the calendar year. Director Rizk said staff will email this to the Commissioners.

Vice Chair Lamnin asked if future agenda items could be emailed to the Commissioners in advance so that the Planning Commission can be aware of what items are coming up. Director Rizk noted that staff will make an effort to do this; however, this was dependent upon their staffing level.

Vice Chair Lamnin encouraged the citizens of Hayward to get involved in the 2040 General Plan Update development process.

APPROVAL OF MINUTES

4. None.

ADJOURNMENT

Vice Chair Lamnin adjourned the meeting at 8:25 p.m.

APPROVED:

Dianne McDermott, Secretary
Planning Commission

ATTEST:

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