



CITY OF HAYWARD AGENDA REPORT

Meeting Date 07/11/02
Agenda Item 2

TO: Planning Commission

FROM: Dyana Anderly, AICP, Planning Manager

SUBJECT: **Site Plan Review Application No. 2002-0159 – Standard Pacific Homes (Applicant); Acacia Credit Fund 7, LLC (Owner):** Request for Approval of the Design of 109 Single-Family Dwellings to Be Located at 28905 Hesperian Boulevard on Property Commonly Known as Oliver West in the RS (Single-Family Residential) Zoning District

RECOMMENDATION:

Staff recommends that the Planning Commission:

1. Find that there are no changes or circumstances caused by this project that effect the environment and that this project can rely on the previously certified environmental documents for the "South of Route 92" project;
2. Approve the site plan review application, subject to the attached findings and conditions, for the designs of the 2-story homes, some of which will be located on Lots 1-41 and 49-109, and for the common landscape areas, including the neighborhood park, and related improvements;
3. Require further Planning Commission review, at a later date, of the application for Lots 40-48 and the noise barrier behind them, for compliance with interior noise levels; and
4. Require further Planning Commission review, at a later date, of the plans and specific locations for single-story models to be placed on at least 12 lots.

BACKGROUND:

The "South of Route 92" project is a mixed-used development consisting of a 25-acre sports park (under construction), a business park on the easterly portion of the project and single-family housing on the westerly portion. The boundaries of the residential, or westerly, portion of the project are formed by the Baumberg Tract, which is owned by the State of California Wildlife Conservation Board and is comprised of undeveloped baylands extending to San Francisco Bay, and the Union Pacific Railroad right-of-way, which separates the residential portion from the business park.

In 1998, the City Council approved the "*South of Route 92/Oliver & Weber Properties Specific Plan*," the "*South of Route 92 Oliver/Weber Properties Development Guidelines*," the conditions of approval for subsequent projects, and an Environmental Impact Report. Subsequent implementing measures that were approved include tract maps for the project, an addendum to the Environmental Impact Report, and the initiation of landscape and lighting districts to fund most of the landscaping of common areas, and the water buffer system.

The Specific Plan provides for a 5-acre community park, a 2.5-acre neighborhood park, and trails that connect to the Bay Trail along the baylands. An open space buffer with a water channel skirts the edge of the designated residential area and separates it from the adjacent baylands. The tentative maps that were approved for residential development include minimum 5,000, 6,000 and 8,000 square-foot lots.

The first phase of construction associated with the "South of 92" project involves residential development on the westerly side. However, conditions of approval also require significant improvements to the easterly portion of the project in conjunction with this first phase. Requirements include improvement of Eden Shore Boulevard to its end, the Emergency Vehicle Access across the railroad tracks, installation of the buffer along the westerly property line, improvements to Hesperian and Industrial Boulevards, installation of entry signs, storm drainage improvements, water main installation, and completion of the 25-acre Sports Park. Certificates of Occupancy for the residential development may not be issued unless the Sports Park is substantially complete. Currently, completion is scheduled for October 2002. Remaining phases may proceed in any order after the improvements required with Phase I are substantially complete.

Project Description

The Planning Commission is being asked to approve a site plan review application for two-story homes that would be located on the 109 lots to be known as "The Bay," the first phase of the residential area known as "Eden Shores." This project also includes the development of the 5-acre neighborhood park, the common area landscaping, the water buffer along the northerly and westerly edges, and the Bay Trail connection. The minimum lot size within this phase is 5,000 square feet. Four models (floor plans) are proposed, and each of the models can accommodate three of five available elevations with from two to six bedrooms, depending on options for extended garages, lofts or retreats. Model No. 1 contains 2,197 square feet; Model No. 2, 2,322 square feet; Model No. 3, 2,440 square feet; and Model No. 4, 2,687 square feet.

The Development Guidelines for development of the "South of 92" area were adopted to supplement the Specific Plan. These guidelines supplement and refine the City's Design Standards. Pertinent comments regarding these Guidelines are as follows:

- The Guidelines envision single-family detached housing of mixed one- and two-story floor plans. The current phase of single-family homes does not include a single-story model. The developer indicates they will be available in subsequent phases on the larger parcels as follows: 25 percent of the 82 8,000-square-foot lots, 15 percent of the 140 6,000 square-foot-lots, or 41 lots throughout (less than 8 percent of the total lots).

The developer indicates that because this application is for the smallest lots in the project, a single-story house with a two-car garage would provide for homes limited to about 1,050 square feet. However, this phase contains 36 lots with over 6,000 square feet (Lots 1, 3, 4, 6, 9, 12, 19, 20, 41, 43, 59, 60, 62, 64-69, 73, 74, 76-80, 83, 84, 92-96, 98, 99 and 109) and 7 lots with over 8,000 square feet (24, 42, 47, 48, 61, 63 and 70).

Staff recommends that at least 12 lots within this phase contain single-story residences. This would provide for a single-story plan on 10 percent of the total lots, the minimum staff believes would provide for compliance with the intent of the Development Guidelines. There is already a first-floor bedroom option in the three largest models, indicating the ability to provide a single-story model. Plans for the single-story models would have to come back for later review by the Planning Commission.

- The Guidelines call to take advantage of opportunities of views toward the Bay and recognize that views could be had from the second story of certain residences. Lots 1, 13, 14, 24 and 25 face the baylands. The floor plans for the residences on these lots are custom-designed so that there is a view toward the bay from rooms on the second floor.
- Eden Shores Boulevard connects Hesperian Boulevard with the residential area and ends with a *roundabout*, which will function as the entry to each neighborhood, or phase, of the residential project. Entry monumentation will consist of various elements. A 3-foot-6-inch-high entry wall of a rock veneer will face incoming vehicles and will contain the “Eden Shores Community” name. As one turns into each neighborhood, an entry monument, of the same height and materials, will contain the name of the neighborhood – in this case “The Bay.” The roundabout will be landscaped, and pedestrian crossings will be marked by colored stamped concrete.
- Sand Creek Drive, the primary entry street into this neighborhood, will be lined with London Plane trees. Each entry street, as it exits the central roundabout, will be lined with a distinctive tree species to distinguish each neighborhood.
- The Guidelines call for the creation of vertical tree masses on either side of the 5-acre neighborhood park defining the westerly view of wetlands and distant Bay. Large canopy trees are planted along each side of the park, as well as in the central portion, in an east-west orientation. These trees should lead the eye toward the Bay as one enters the neighborhood from the overpass. Distinctive landscaping, reminiscent of historic flower production, is also to be planted on the slopes of the overpass, in the roundabout and along the parkway. The developer has accomplished the flower production theme by planting shrubs with various colors in defined patterns.
- Architectural Character: A variety of traditional architectural expressions are envisioned for the residential section of the *South of Route 92 Residential Plan Area*. The resulting varied street scene should recall neighborhoods established over time. Builders are encouraged to offer products with elevations that are noticeably dissimilar from those of other builders. Roof overhangs, porches, varied front setbacks and entry courtyards will help to distinguish the separate neighborhoods. To accomplish this variety, Standard Pacific will be developing

a minimum of three distinct product lines based on lot size. Each product line will contain 3 – 5 floor plans and 3 – 5 elevation styles. A different architect will create each product line. This neighborhood (the 5000's) contains four floor plans and five elevation styles. These include a Spanish Colonial, Craftsman, Tuscan, California Ranch and Prairie. The creation of additional product lines by different architects for the later neighborhoods will also serve to distinguish each neighborhood. These future designs will also incorporate a further mixture of floor plans and elevation styles. The landscape for these future neighborhoods will be differentiated to lend an identity to each enclave.

- **Materials:** All surface treatments and materials must be designed to appear as an integral part of the design, and not merely applied. Materials changes must occur at inside corners. Materials applied to any elevation must turn the corner a full 4 feet before terminating at a stucco pop-out providing the inside corner. The applicant proposes that the side and/or rear elevations of residences facing public or private rights-of-way, including streets and trails, be enhanced; the developer has provided examples of enhanced elevations. Staff recommends that all elevations of all units be enhanced. These requirements will be reviewed with each building permit to ensure compliance.
- **Massing:** The proposed floor plans are all two-story, but include a variety of single-story elements as well as a porte cochere and setback garage on Plan One. The intent is to mitigate boxiness and enliven the street scene through articulated building elevations, varied plate lines and roof forms, use of porches, courtyards, and color. The proposed residences meet the City's Design Guidelines by providing second stories that are smaller in area than the first story. One side of the second floor on Plans One, Two and Three are set in further from the side property line than the first story. Although this condition is not provided on Plan Four, one side is set back significantly further from the front of the house than the other.
- **Front Porches:** Porches or courtyards in front yards are required on 25 percent of the homes built by each builder. Porch design must be integrated to the architectural theme of the home and include a covered roof. The developer has provided a porch or courtyard on all floor plans. The Development Guidelines state that porches are considered part of the building footprint and must conform to front yard setback requirements. This requirement is more stringent than for Single-Family Districts elsewhere in the City where porches may extend into the front yard up to 5 feet. Staff believes that porches within the front yard help to create the neighborhood feel that the Specific Plan calls for. There is no reason to hold this project to a more stringent standard when it does not serve a higher purpose. Therefore, staff recommends that the Planning Commission approve this exception to the Guidelines allowing the porch extensions into the front yard.

ENVIRONMENTAL REVIEW:

An Environmental Impact Report was previously prepared for the "*South of Route 92/Oliver & Weber Properties Specific Plan.*" This project is in compliance with that Plan and the subsequent "*South of Route 92 Oliver/Weber Properties Development Guidelines.*" No further environmental review is required.

Because of the adjacent railroad, a detailed noise analysis was prepared by Charles M. Salter Associates (Exhibit B) to identify the noise control treatments necessary to achieve an L_{dn} of 45 dBA or less inside the homes. The analysis also addressed how single-event noise levels from individual trains will be controlled so as not to exceed a maximum instantaneous noise level (L_{max}) of 50 dBA in bedrooms and 55 dBA in other noise sensitive rooms, such as living rooms, dining rooms, kitchens, etc.

The noise analysis recommends the use of insulating exterior walls and windows for specific residences and the construction of noise barriers along rear property lines. The noise barriers would vary in height from 6 to 18 feet depending on proximity to the railroad. With these measures, the noise goals can easily be achieved with one exception. The noise from most train passbys would exceed the goal of 50 dBA for the second-floor bedrooms nearest the tracks (Lots 40-48); an indoor L_{max} of 60 dBA could be expected with a 15-foot high noise barrier, and 55 dBA with an 18-foot high barrier. The developer is seeking relief from the requirement to not exceed the 50 dBA level in bedrooms during any single noise event. Salter conducted an analysis of anticipated sleep disturbance among the homeowners who eventually become habituated with the train noise. With a 15-foot barrier, approximately 3 percent of the people who would live in the homes nearest the tracks may be awakened by the current nighttime activity; with an 18-foot barrier, 1½ percent of the people may be awakened. To further mitigate this impact, the applicant proposes to provide a disclosure of the current train activity and the expected noise levels shall be provided to every potential homebuyer.

Staff recommends that the residences on Lots on 40-48 comply with the noise goals established by the earlier conditions of approval of the Tract Map. The inability to comply with the noise goals appears to be limited to the second-floor bedrooms. Therefore, the solution may be a combination of construction methods and placing a single-story model on these lots where the 50 dBA standard cannot be met. This may also allow a reduction in the height of the noise barrier. The proposed height of 15-18 feet would make this the tallest noise barrier approved by the City and creates an undesirable rear yard for the affected lots. This wall is also the first structure visible to residents and visitors as they enter the neighborhood. Staff recommends that the applicant restudy the plans for Lots 40-48 for compliance with the noise goals, and that these lots be brought back to the Planning Commission for later review, including possible reduction in the barrier height. Staff also recommends that "see-thru" panels be included in the barrier behind Lots 25-41 to allow the residents views toward the baylands.

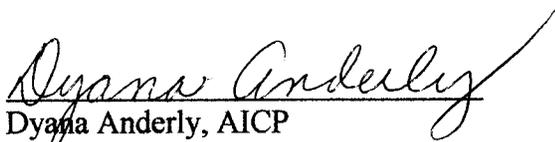
PUBLIC NOTICE:

On July 1, 2002, a Notice of Public Hearing was mailed to every property owner and occupant within 300 feet of the subject site, as noted on the latest assessor's records. Notice was also provided to all interested parties, including HASPA. Staff received no comments from the public regarding the project.

CONCLUSION:

The proposed project is consistent with Specific Plan and the Development Guidelines for the "South of Route 92/Oliver & Weber Properties" project, as well as applicable City-wide development guidelines with the exception of the requirement for single-story residences and compliance with interior noise standards on certain lots. It is recommended that the Planning Commission approve the project subject to later review of the design of single-story models and of plans for compliance with noise standards on Lots 40-48.

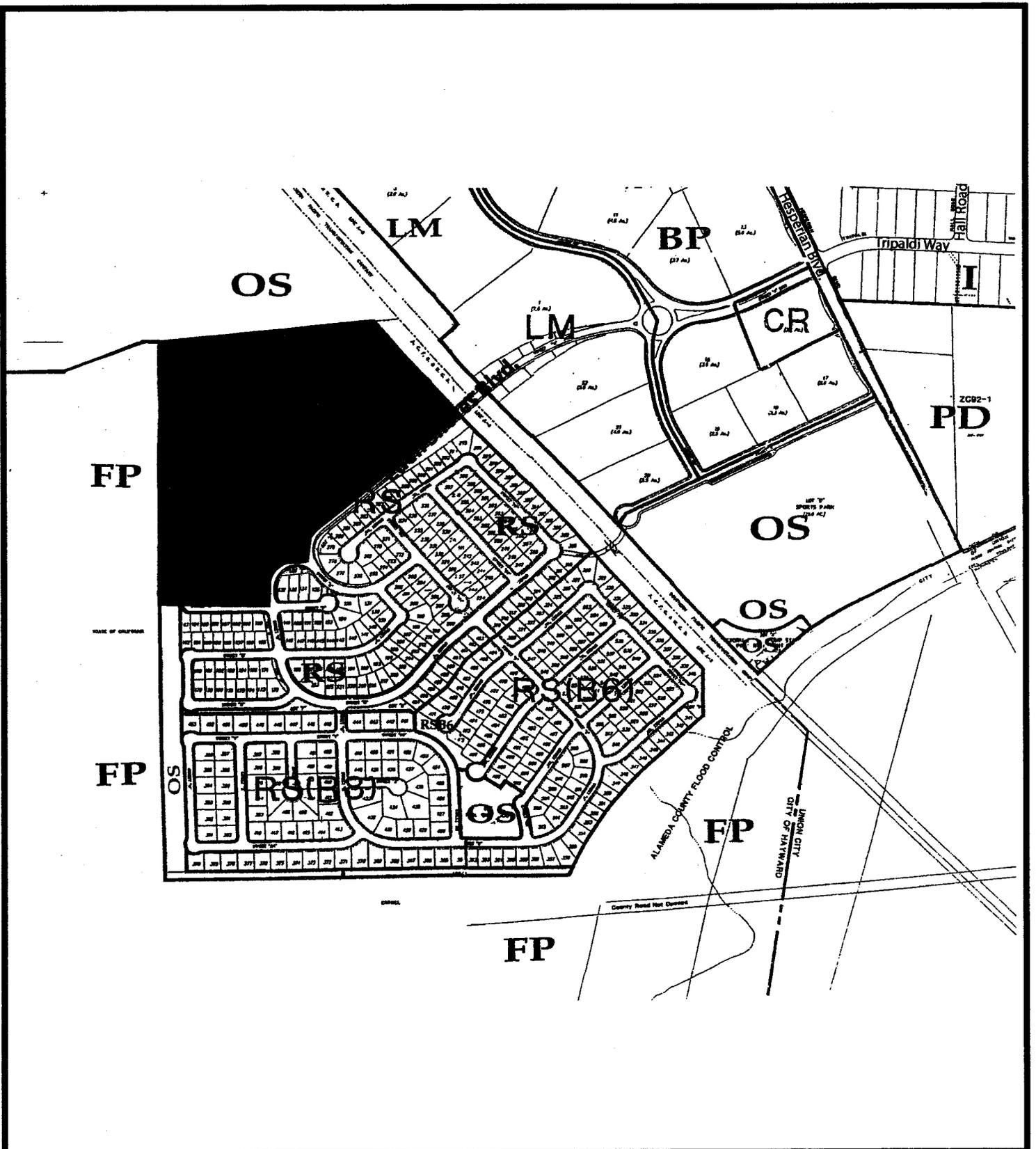
Prepared by:



Dyana Anderly, AICP
Planning Manager

Attachments:

- A. Area & Zoning Map
- B. Noise Study/Map
- C. Findings for Approval
- D. Conditions for Approval
Plans



Area & Zoning Map

PL-2002-0159 SPR

Address: 28905 Hesperian Blvd

Applicant: Standard Pacific

Owner: Acacia Credit Fund 7, LLC, a Delaware Limited Liability Company

Charles M Salter Associates, Inc

Consultants
in Acoustics
& Audio/Visual
System Design

150 Sutter Street
San Francisco
California 94104
Tel: 415 397 0442
Fax: 415 397 0454
cmsalter@cmsalter.com
www.cmsalter.com

25 June 2002

Peter Dunne
Standard Pacific Homes of Northern California
42 W. Campbell Avenue, Suite 300
Campbell, CA 95008

Via FAX: 408/871-4401

Subject: Eden Shores - - Acoustical Consulting
CSA Project No: 01-0460

Dear Peter:

This letter presents our environmental noise analysis for the subject single-family home development in Hayward. For the proposed homes along the UPRC train line, we compared train noise levels to the Conditions of Approval acoustical goals and present noise mitigation alternatives in the form of sound walls and sound-rated exterior assemblies.

Acoustical Goals

Condition of Approval No. 77 requires that a detailed noise analysis be prepared to identify the noise control treatments necessary to achieve a Day-Night Average Sound Level (DNL)¹ of 45 decibels (dB) or less inside the homes. Also the single-event noise levels from individual trains are expected to be controlled to an A-weighted maximum noise level (L_{max}) of 50 dB in bedrooms and 55 dB in other noise-sensitive rooms. These single-event noise levels were originally applied to the project in the Noise Section of the project's Program EIR - Draft, dated October 1997, and are far more stringent than what is currently required in Hayward's Noise Element. (The Noise Element's indoor standard is interpreted to be a maximum hourly average noise level (L_{eq}) of 45 dB for residential land uses.)

Noise Measurements

On 9 to 12 October 2001, we conducted a continuous three-day noise measurement to document the existing noise environment along the northeast property line of the project site at Lot 296 and near the grade-crossing of the UPRC train line. At a distance of 130 feet from the

¹ **Day-Night Average Sound Level (DNL)**—The A-Weighted noise level which corresponds to average human sensitivity to sound. The DNL sound level corresponds to an energy average during a 24-hour period. A 10-decibel penalty is applied during the hours of 10 pm to 7 am due to increased human sensitivity during the night. An A-weighting is applied to the microphone signal to approximate human sensitivity to different frequencies, i.e., pitch.

Charles M Salter, PE
David R Schmidt, FAGE
Anthony F Nash, PE
Eva Duxler
Thomas A Schindler, PE
Alan T Rosen
John C Freytag, PE
Harold S Goldberg, PE
Kenneth W Grawen, PE
Timothy M Orr
Eric L Broadhurst, PE
Michael D Toy, PE
Thomas J Corbett
Dorand R Begault, Ph.D.
Robert B Skye
Rose A Jerozal
Philip N Sanders
Jason R Duty
Christina L Myer
Julie A Malork
Robert P Alvarado
Jocy G D'Angelo
Bifen Brustad
Brenda R Yee
Eric A Yee
Timothy C McLain
Troy Gimbel
Joshua M Pupper
Kevin M Powell
Christopher A Porter
Claudia Krashe
Jessica Johnson
Pamela M Vold
Kevin Frye
Marion G Miles
Marva D Neardzee
Rayko Kurotski

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train tracks, the setback of the proposed sound wall location, we measured DNLs between 63 and 70 dB. The range of DNLs was dictated by the daily variation in train activity, the primary noise source.

During this measurement period, many noise events, which were assumed to be train passbys, exceeded an L_{max} of 80 dB. The L_{max} from the three loudest train horn blasts were 99, 99 and 107 dB. The horns were not utilized consistently near the grade-crossing.

On 28 to 30 May 2002, we conducted additional noise measurements along the northeast property line of the project site at the future location of Lot 69. This time the DNL was calculated to be 73 dB at a distance of 130 feet from the train tracks. Five nighttime train passbys contributed to this higher DNL value.

These additional measurements were primarily conducted to determine the L_{max} and noise spectrum data from train engines only (insignificant train horn contribution at this particular measurement location). The L_{max} from the first eight train engine passbys ranged from 88 to 91 dB at a distance of 130 feet. The purpose of documenting the noise spectrum data was to determine the low frequency noise contribution of the engines for our exterior window/wall calculations.

Impact Analysis

DNL 45 dB Goal: Based on measured DNLs of 63 to 70 dB during the first test in October 2001, and a DNL of 73 dB during the May 2002 test, we used a DNL of 73 dB for our indoor calculations at homes nearest the train line. For the second floor bedrooms nearest the train line, two different window sound ratings and exterior wall assemblies produced the following indoor noise results. RC represents either a staggered-stud or resilient-channel exterior wall assembly.

Table 1: Indoor DNLs (dB) for Various Exterior Window/Wall Assemblies, Assuming a 15-foot-tall Sound Wall

Window Sound Rating	STC 41	STC 41 with RC	STC 45	STC 45 with RC
Outdoor DNL of 73 dB	38	36	36	33

These calculations indicate that the indoor goal of DNL 45 dB can easily be achieved with any combination of the aforementioned window/wall assemblies.

L_{max} 50 dB Goal (for bedrooms): The loudest noise sources affecting the project is that from passing trains. The maximum instantaneous noise level is affected by the type of train and if or where the horn is sounded. Currently the vehicle bridge overpass accessing the site has not yet been constructed. Trains often sound their horn at the level crossing, which will be converted once the bridge overpass is constructed.

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Based on an L_{max} of 107 dB from a train horn blast and an L_{max} of 91 dB from train engines, we calculated the following indoor L_{max} s at second floor bedrooms nearest the train line:

Table 2: Indoor L_{max} s (dB) for Various Exterior Window/Wall Assemblies, Assuming a 15-foot-tall Sound Wall

Train Noise Source	Window Sound Rating			
	STC 41	STC 41 with RC	STC 45	STC 45 with RC
Engine Only (Outdoor L_{max} of 91 dB)	65	63	63	60
Horn Only (Outdoor L_{max} of 107 dB)	68	66	66	63

Table 2 indicates that the loudest measured train horn blast would be approximately 3 dB louder than train engine noise indoors. However, it should be noted that the only noise event that was above 100 dB was the 107 dB event. The next loudest four events were between 97 and 100 dB, followed by 11 events between 90 and 97 dB. Additionally, the loudest event reported in the FEIR measurements of 12 to 16 December 1997 was 102 dB at a distance of 100 feet from the train tracks. For all train horn blasts below 103 dB, the train engine would end up being the louder noise source heard indoors.

Our measurement data also indicated that train engine noise ranged from less than 80 dB up to 91 dB. The L_{max} levels presented in the FEIR are consistent with these levels. With STC 45 windows and RC, we would expect all train engines that are 81 dB or less to generate an L_{max} of no more than 50 dB inside bedrooms.

Recommendations/Alternatives

We understand that a sound wall would be constructed along the northeast property line of the project. Since the future project site elevation would be approximately one foot below the train tracks elevation, one foot plus the train height needs to be considered in determining the optimum height for the wall. Typical trains are estimated to be 17 feet tall above the tracks with the horn mounted on top. Line-of-sight to the second story of homes can be estimated to be 5-1/2 feet to eye level standing on the second floor which is 11 feet above pad grade (1-foot slab + 9-foot ceiling height + 1 foot floor-ceiling assembly), or a total of 16-1/2 feet. Based on a line-of-sight analysis for the houses closest to the train tracks, an 18-foot sound wall would acoustically shield train horn and engine noise to the second story. A 15-foot sound wall would partially shield railcar wheel and some engine noise to the second story, but would also provide shielding for the second stories across the street; a 10-foot sound wall would only acoustically shield some locomotive and wheel noise to the ground floors. Sound walls tend to acoustically shield the higher frequency noises, such as train horns, better than low-frequency sources such as the rumbling of the locomotive engine and railcar wheels. If an 18-foot-tall sound wall could be constructed along the northeast property line, we would estimate that 5 dB of acoustical shielding could be provided for all second-floor bedrooms. The following Table 3 lists the suggested sound wall and acoustical fence heights and locations. The 6-foot-tall acoustical fence could be constructed out of masonry, concrete or wood that would be free of any gaps or cracks.

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Table 3: Suggested Sound Wall Heights and Locations

Noise Barrier	Backyard of Lots
15 to 18-foot tall sound wall	67-75, 295-310, 328-340, and "M"
12-foot tall sound wall	63-66, 341, and 342
9-foot tall sound wall	59-62 and 343-345
6-foot tall acoustical fence	52-58 and 346-355

The drawings prepared by William Hezmalhalch Architects, Inc. indicate that a stucco exterior wall would be used for all four home plans. For our calculations, we are assuming that a 3-coat stucco system would be used.

The exterior window/wall components that we assumed in our impact analysis calculations provide excellent sound transmission loss values, near the technological limitations of standard building construction. Hayward's indoor noise goal of DNL 45 dB can be easily achieved with less than STC 45 windows and sound-rated exterior wall assemblies. This exterior window/wall assembly is proposed to address the L_{max} goal of 50 dB in bedrooms. The exterior wall assembly would consist of two layers of gypsum board attached to either a staggered-stud or resilient channel assembly. However, even with these sound-rated components, the resultant noise from most train passbys would exceed the L_{max} goal of 50 dB for the second floor bedrooms nearest to the train tracks. As a further mitigation measure, we recommend that a disclosure of the current train activity and expected noise levels should be provided to every potential homebuyer.

The following exterior window/wall recommendations for the various lots assume the construction of the aforementioned backyard noise barriers.

1. For the 38 homes located nearest the UPRC train line on Lots 67-75, 295-310, and 328-340: If a staggered-stud or resilient-channel wall assembly along with a minimum of STC 45 windows (consisting of two rows of sliders) were to be provided for the facades of the second floor bedrooms having a line-of-sight to the train line, then an indoor L_{max} of up to approximately 60 dB due primarily to train engines would be expected. This noise level would approximately exceed the Conditions of Approval L_{max} goal by up to 10 dH. Both the staggered-stud and resilient channel exterior wall assembly should consist of two layers of gypsum board on the interior side. We have attached our "Resilient-Channel Wall Installation Guidelines" for your review. Each home would have two or three facades with a line-of-sight to the train line and one or two facades that face away. For the second-floor facades facing away from the train line, provide a minimum of STC 41 windows without a staggered-stud or resilient channel wall assembly.

To meet an L_{max} of 50 dB in the ground floor bedrooms of the row of homes nearest and facing the UPRC train line, provide a minimum of STC 43 windows. Provide STC 38 windows for ground-floor bedrooms facing away from the train line. To meet an L_{max} of 55 dB in other ground floor rooms facing the train line, provide a minimum of STC 38

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sliding glass doors and windows. Provide STC 33 windows for other ground floor rooms facing away.

2. For the next rows of homes located nearest the UPRC train line on Lots 59-66, 76, 77, 128-131, 258-268, 293, 294, 311, 312, 326, 327, 341-345, 524, 525, 538-540, and 553-555: To meet an L_{max} of 50 dB in second-floor bedrooms facing the train line, a minimum of STC 41 windows would be required. Provide STC 35 windows for bedrooms facing away from the train line.

To meet an L_{max} of 50 dB in the ground-floor bedrooms facing the train line, STC 38 windows would be required. Provide STC 33 windows for bedrooms facing away from the train line. To meet an L_{max} of 55 dB in other ground floor rooms facing the train line, provide a minimum of STC 33 sliding glass doors and windows. Provide STC 28 windows for other rooms facing away.

3. For the following homes located on Lots 52-58 and 346-350: To meet an L_{max} of 50 dB in second-floor bedrooms facing the train line, STC 33 windows would be required. To meet an L_{max} of 50 dB in ground floor bedrooms facing the train line, provide STC 30 windows.

All other homes at the project site would not require sound-rated windows to achieve the indoor L_{max} goals. However, in addition to all windows and sliding-glass doors at the aforementioned lots, all windows at second floors of homes located at Lots 78, 79, 106, 125-127, 247, 257, 291, 292, 313, 314, 324, 325, 351-355, 522, 523, 526, 527, 537, 541, 552, and 556 would need to be in the closed position to achieve the indoor noise goals. Therefore, an alternate source of ventilation (i.e., mechanical) should be provided. A mechanical engineer should verify that ventilation requirements can be met.

In our analysis of anticipated sleep disturbance among the homeowners who eventually become habituated with the train noise, we applied ANSI standard S12.90-2000/Part 6 (Abstract). By calculation, it was determined that approximately 3% of the people who would live in the homes nearest the train tracks may be awakened by the current nighttime train activity along the UPRC train line with STC 45 windows and resilient channels used in the construction of the second-floor bedrooms. This calculation assumed train engines passing by at around 91 dB, either sounding their horns or not. As shown in Table 2, the resultant indoor L_{max} would be approximately 60 dB, a noise level somewhat above the L_{max} goal of 50 dB. At the same time, the STC 45 windows and RC on the second floors would reduce the indoor DNL to approximately 33 dB as shown in Table 1. This noise level would be substantially below the DNL goal of 45 dB for all houses located along the train tracks.

If an 18-foot tall sound wall were provided instead of a 15-foot-tall wall, then the indoor L_{max} would be 55 dB instead of 60 dB in second floor bedrooms for a 91 dB train engine passby. Even if a construction method was found to reduce the L_{max} to 50 dB, approximately 1-1/2% of the occupants would still be awakened.

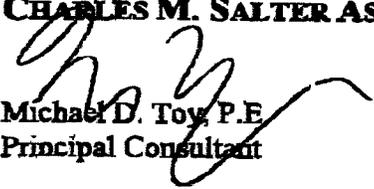
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This concludes our environmental noise analysis for the subject project. Once again, we recommend that disclosure of the current train activity and expected noise levels be provided to every potential homebuyer. Please call with any questions.

Sincerely,

CHARLES M. SALTER ASSOCIATES, INC.



Michael D. Toy, P.E.
Principal Consultant

MDI/mgm/ck/rk/sa/mdn
In25mdt.doc

FAX

STANDARD PACIFIC OF NORTHERN CALIFORNIA—SOUTH BAY

FAX 408 376-0487

Bo Crane 408 871-4400

To: Richard E. Patenaude, Principal Planner, City of Hayward, fax 510 583-3649

Re: Eden Shores—sound study, lot # correlations

From: Bo Crane

Date: 7/2/02

The Charles M. Salter Associates Inc. report dated 6/25/02 titled "Eden Shores - - Acoustical Consulting" used Tentative Map lot numbering. These lot numbers correspond to the approved final map for tract #7317 and the proposed map #7360 as follows:

Table 3: Suggested Sound Wall Heights and Locations (page 4)

Tentative Map Lots	Final Map Lots
67-75	40-48 (Final tract map #7317)
295-310	133-148 (Proposed tract map #7360)
328-340	166-178 (#7360)
M	H (#7360)
63-66	36-39 (#7317)
341, 342	179, 180 (#7360)
59-62	32-35 (#7317)
343-345	181-183 (#7360)
52-58	25-31 (#7317)
346-355	184-186 (#7360), 67-73 (#7361)

Recommendation #1. "For the 38 homes located nearest the UPRC train line . . ." (page 4)

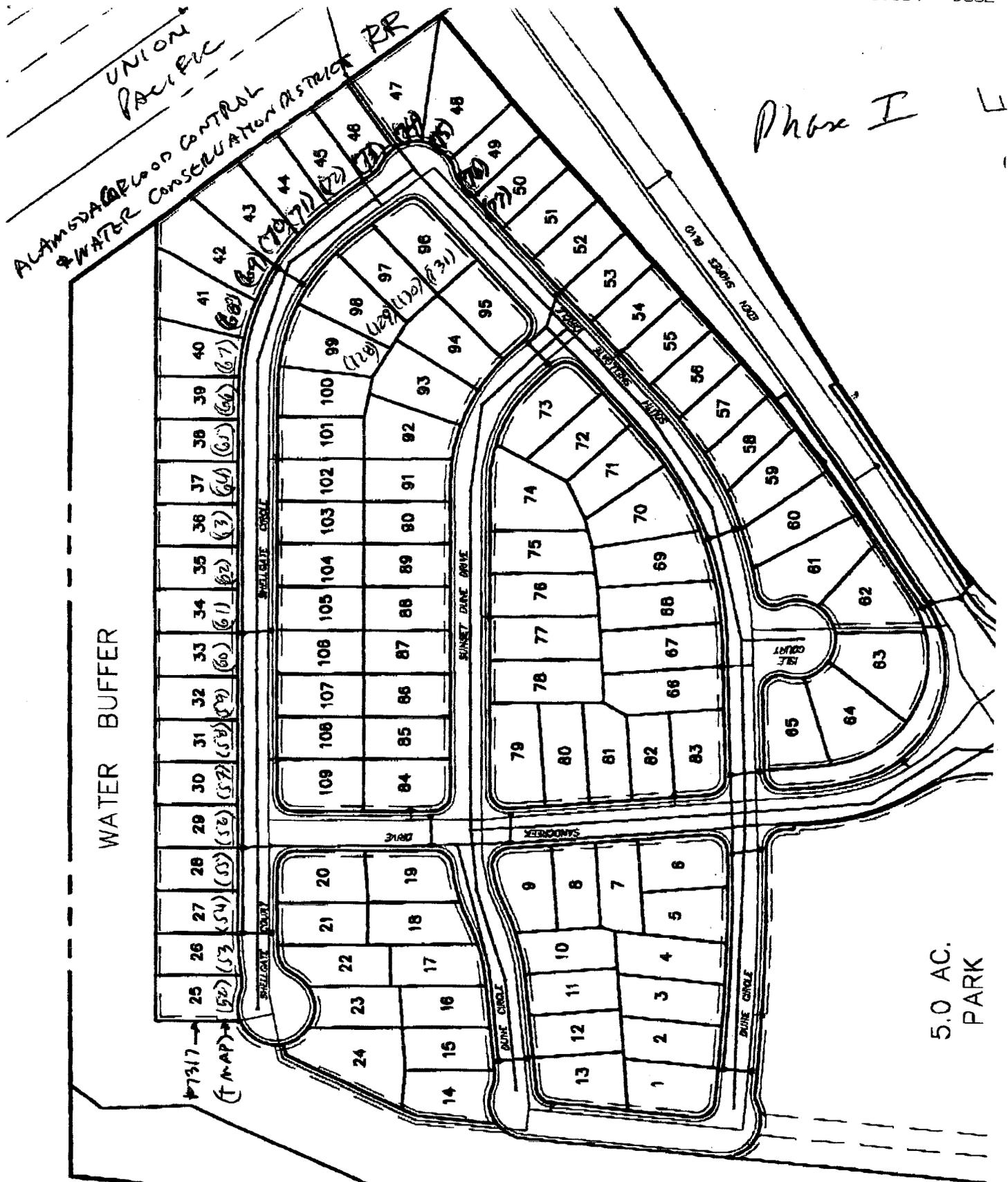
67-75	40-48 (#7317)
295-310	133-148 (#7360)
328-340	166-178 (#7360)

Recommendation #2. "For the next rows of homes nearest the UPRC train line . . ." (page 5)

59-66	32-39 (#7317)
76, 77	49, 50 (#7317)
128-131	99-96 (#7317) (Reverse order: 128=99, 129=98, etc)
258-268	96-106 (#7360)
293-294	131, 132 (#7360)
311, 312	149, 150 (#7360)
326, 327	164, 165 (#7360)
341-345	179-183 (#7360)
524, 525	201, 187 (#7360) (524=201, 525=187)
538-540	216, 202-203 (#7360) (538=216, 539=202, 540=203)
553-555	231, 217-218 (#7360) (553=231, 554=217, 555=218)

Recommendation #3. For the following homes located on Lots 52-58 and 346-350 (page 5)

52-58	25-31 (#7317)
346-350	184-186 (#7360), 67-68 (#7361)



EDEN SHORES #7317

Phase I

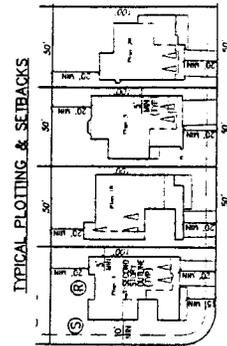
5.0 AC. PARK

Tract 7317 - Eden Shores
Hayward, California

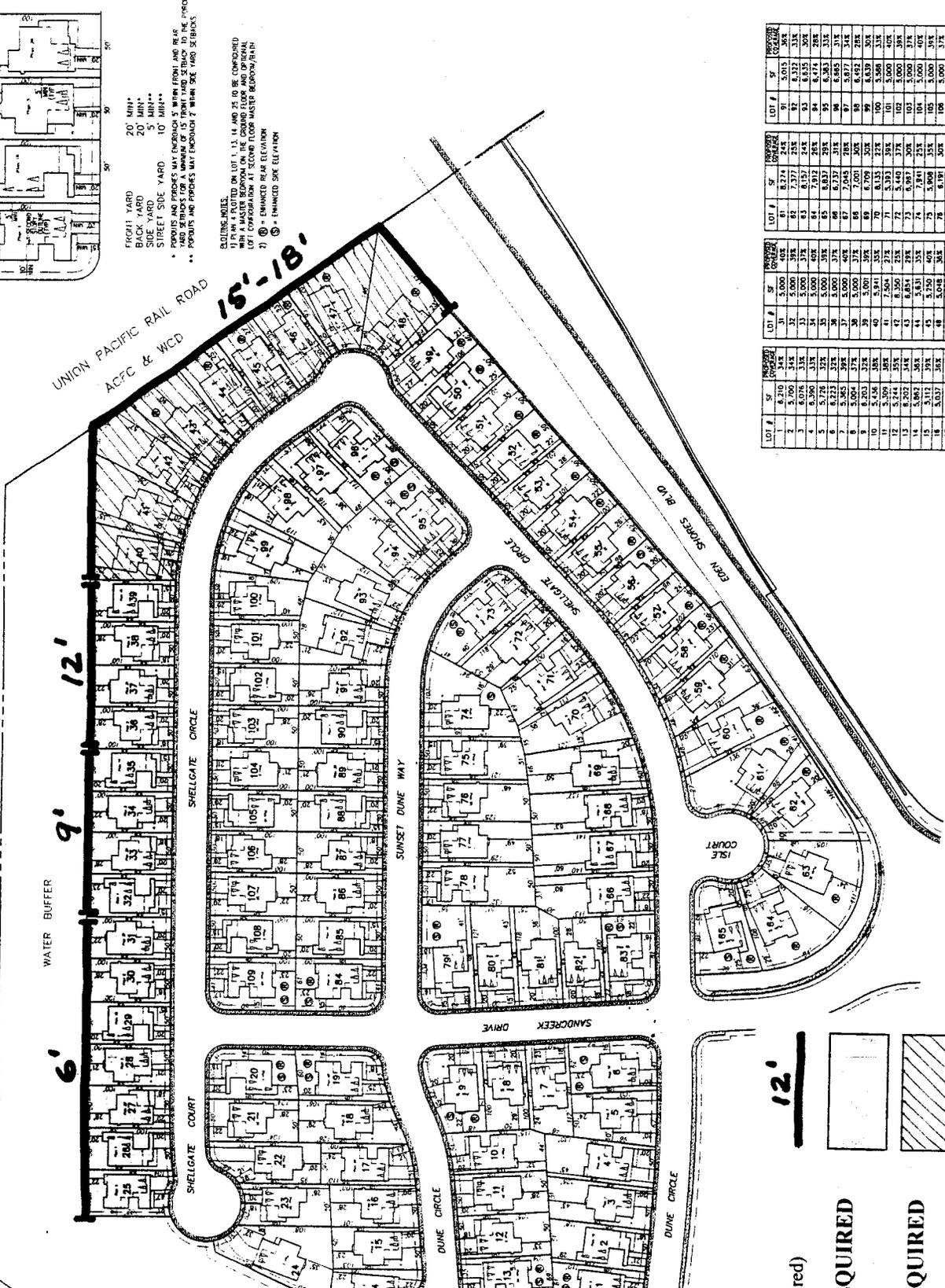
SITE PLAN

DATE: 5/28/02	SHEET REVISIONS:
SCALE: 1"=60'	DATE: FEB 2002
BY: [Signature]	DATE: [Blank]
CHECK: [Signature]	DATE: [Blank]

Ruggen - Jensen & Associates
3025 CAMINO ARROYO, SUITE 100
SAN JOSE, CA 95128
PHONE: (408) 948-0300 FAX: (408) 948-0301

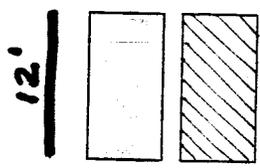


- NOTES:**
- 1) PUM & PLOTTED ON LOTS 1, 11, 14 AND 25 TO BE COMPLETED WITH A MASTER BEDROOM ON THE GROUND FLOOR AND OPTIONAL LOT OF COMPLETION AT SECOND FLOOR MASTER BEDROOM/BA/TH.
 - 2) (E) ENHANCED REAR ELEVATION
 - 3) (E) ENHANCED SIDE ELEVATION



LOT #	SF	PROPOSED	LOT #	SF	PROPOSED
1	8,210	348	81	8,274	248
2	5,000	318	82	8,322	318
3	6,076	338	83	8,197	248
4	5,178	328	84	8,212	258
5	5,178	328	85	8,212	258
6	8,232	328	86	8,212	258
7	5,885	298	87	7,045	288
8	5,004	278	88	7,001	208
9	8,203	328	89	6,709	208
10	5,190	288	90	6,135	218
11	5,190	288	91	6,135	218
12	5,144	258	92	5,743	218
13	8,202	348	93	5,817	208
14	5,882	308	94	7,841	258
15	5,117	298	95	5,808	358
16	5,048	288	96	6,191	208
17	5,026	288	97	6,259	218
18	8,013	348	98	6,259	218
19	8,016	358	99	7,201	278
20	6,042	328	100	6,041	348
21	5,211	358	101	5,841	358
22	5,190	288	102	5,000	278
23	5,096	348	103	5,000	208
24	8,390	218	104	5,000	378
25	5,597	378	105	5,000	378
26	5,009	398	106	5,000	408
27	5,000	378	107	5,000	408
28	5,000	348	108	5,000	408
29	5,000	378	109	5,000	408
30	5,000	378	110	5,000	408

EDEN SHORES RESIDENTIAL COMMUNITY
HAYWARD, CALIFORNIA
STANDARD PACIFIC HOMES



REQUIRED
REQUIRED

FINDINGS OF APPROVAL

Site Plan Review Application No. 2002-0159

Standard Pacific Homes (Applicant); Acacia Credit Fund 7, LLC (Owner)
Phase One of Eden Shores Containing 109 Single-Family Dwellings and a 5-Acre Park
28905 Hesperian Boulevard on Property Commonly Known as Oliver West
RS (Single-Family Residential) Zoning District

- A. An Environmental Impact Report was previously prepared for the "*South of Route 92/Oliver & Weber Properties Specific Plan.*" This project is in compliance with that Plan and the subsequent "*South of Route 92 Oliver/Weber Properties Development Guidelines.*" No further environmental review is required.
- B. The development is compatible with proposed on-site and surrounding structures and uses and is an attractive addition to the City, providing a wide variety of architectural styles and public and private landscaped areas.
- C. The development takes into consideration physical and environmental constraints and opportunities. The adjacent water buffer is attractively landscaped and that homes along the westerly edge of the project are afforded views toward the Bay. All residences will be required to meet City and project noise standards regarding the noise emitted from the adjacent railroad operations.
- D. The development complies with the intent of City development policies and regulations from which the "*South of Route 92 Oliver/Weber Properties Development Guidelines*" were developed. An exception to the Guidelines to allow encroachments into the front yards by porches is appropriate as the strict application of these guidelines would deprive this project of the privileges enjoyed by other properties under the same zoning classification. This exception does not grant a special privilege as it is consistent with the limitations upon other properties in the same zoning district and this project is required to measure up to a stricter level of design guidelines than other properties in the same zoning district.
- E. The development will be operated in a manner determined to be acceptable and compatible with surrounding development in that a homeowners association will be created, which will be charged with the long-term maintenance of public and private improvements.

CONDITIONS OF APPROVAL

Site Plan Review Application No. 2002-0159
Standard Pacific Homes (Applicant); Acacia Credit Fund 7, LLC (Owner)
Phase One of Eden Shores Containing 109 Single-Family Dwellings and a 5-Acre Park
28905 Hesperian Boulevard on Property Commonly Known as Oliver West
RS (Single-Family Residential) Zoning District

GENERAL

1. This permit becomes void on July 11, 2004 unless, prior to that time, substantial and continued progress has been made toward the establishment of the use and/or structure approved or an extension of time is approved. A request for a one-year extension of time, approval of which is not guaranteed, must be submitted to the Planning Director 15 days prior to the above date.
2. 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.
3. All improvements indicated on Exhibit "A", and as amended by these conditions of approval, are hereby approved, and must be installed prior to authorization for final building occupancy. Any proposal for alterations to the proposed site plan and/or design, which does not require a variance to any zoning code, must be approved by the Planning Director prior to implementation.
4. Prior to the issuance of any building permit for any residence, the applicant shall submit a supplemental Site Plan Review application, and gain approval, for 12 single-story residences.
5. Prior to the sale of any individual lot, a homeowners association shall be created to maintain the common area landscaping and all street trees, the water buffer, the Bay Trail connection, maintenance of the neighborhood park and preservation of the wetlands, sidewalks, off-street pedestrian/bike paths, street lighting, street furniture, sound walls, and project signage. Each owner shall automatically become a member of the association and shall be subject to a proportionate share of maintenance expenses. A reserve fund shall be maintained to cover replacement and major repair costs. The homeowners' association shall be authorized to enforce the CC&Rs. The City shall have the ability to place liens on all properties within the subdivision if the homeowners' association fails to fulfill its maintenance obligations. The developer shall prepare project CC&Rs for the entire development for review and approval by the Planning Director.

6. The developer shall inform potential buyers of all obligations associated with the purchase of property using all means necessary (such as brightly-colored paper) to make such disclosure obvious in the sale-related materials.
7. Prior to the sale of any individual lot, the water buffer and the 5-acre neighborhood park shall be installed and completed to the satisfaction of all responsible and appropriate agencies.
8. All masonry wall surfaces (with the exception of the single-family residences) shall be provided with an anti-graffiti coating. Graffiti on any surface shall be removed within 7 days of its occurrence.
9. All project amenities shall be maintained, to the satisfaction of the City Engineer and the Planning Director, by the developer during the construction phase and until acceptance of Tract 7317. Failure to do so within a reasonably acceptable time shall result in a stop-work order for the entire Tract.
10. During construction of any site improvements or residences, pets of any kind may not be brought on to the site. Radios, stereos or any other similar device may not be used without headphones.
11. Violation of conditions is cause for revocation of this permit, subject to a public hearing before the duly authorized reviewing body.

LANDSCAPING

12. Prior to approval of improvement plans or the issuance of a building permit, revised landscaping and detailed irrigation plans shall be prepared by a licensed landscape architect and submitted for review and approval by the City Landscape Architect, including details of features such as benches, pavement materials, trellises, etc. Landscaping and irrigation plans shall comply with the City's Water Efficient Landscape Ordinance. Landscaping shall be installed per the approved plans. A Certificate of Substantial Completion and irrigation Schedule shall be submitted by the project landscape architect prior to approval of occupancy unless otherwise required to be deferred by the City. The landscape plans shall incorporate the following:
 - a. One 15-gallon street tree shall be planted 6 feet behind the sidewalk on each lot and on Parcel "A" for every 50 feet of frontage, or portion thereof. Trees shall be planted according to the City Standard Detail SD-122.
 - b. One 24" box tree shall be planted in each front yard and each side street yard.
 - c. All trees in the streetscapes shall be planted a minimum of 3 feet from structures and other improvements and a maximum of 10 feet from the rear of the sidewalk. Tree limbs extending into the street shall have a minimum ground clearance of 14 feet. Tree trunks shall be kept a minimum distance of 20 feet from any streetlight.
 - d. Front yards shall be limited to a maximum 50% Fescue sod.
 - e. A list of permitted trees shall be developed for Lots 1, 13, 14, and 24 -42 to discourage the harboring of raptors.

13. Planters shall incorporate a temporary decorative barrier to protect plant materials from pedestrian traffic until plants have matured.
14. A complete automatic sprinkler system with an automatic on/off mechanism shall be installed and maintained within all landscaped areas. This system shall utilize a backflow device and shall include an individual adjustable-flow bubbler to each tree.
15. Landscaping shall be maintained in a healthy, weed-free condition at all times with replacement plants provided where necessary. Required street and parking lot trees that are severely topped or pruned shall be immediately replaced as determined by the City Landscape Architect.
16. The planting and maintenance of shrubs must not impair visibility at street intersections. The height of plant materials in areas where sight distance is critical is limited to three feet. Trees in these areas must be pruned such that the canopy provides adequate visibility.
17. All 2:1 sloped areas, or steeper, shall be prepared with jute netting or other approved soil erosion preventative prior to planting of landscape material.
18. Where any landscaped area adjoins driveways and/or parking areas, Class "B" Portland cement concrete curbs shall be constructed to a height of 6 inches above the finished pavement.
19. Front-yard landscaping and street trees shall be installed prior to occupancy of each lot, unless otherwise approved by the City Landscape Architect.
20. A covenant shall be recorded with each lot requiring property owner to properly maintain front-yard landscaping and street trees with replacements provided where necessary. Property owners within the tract shall be allowed to enforce the covenant.
21. A covenant shall be recorded with Lots 1, 13, 14, and 24-42 requiring the property owners to comply with the list of permitted rear yard trees for the purpose of discouraging the harboring of raptors.

DESIGN

22. At least 12 lots shall contain single-story residences. The design of these residences shall be subject to review and approval by the Planning Director prior to the submittal of any building permit application.
23. Lots 1, 13, 14, 24 and 25 shall contain residences with second-story rooms that have views toward the Bay.

24. All surface treatments and materials must be designed to appear as an integral part of the design, and not merely applied. Materials changes must occur at inside corners. Materials applied to any elevation must turn the corner a full 4 feet before terminating at a stucco pop-out providing the inside corner. All side and rear elevations shall be enhanced with the same level of detail as the front elevation to the satisfaction of the Planning Director.
25. The colors and materials used on the exterior of the residences shall be those submitted with this application. No changes shall be made without prior approval by the Planning Director.
26. Prior to issuance of any building permit, all building materials and colors, as well as required modifications to the structures, shall be approved by the Planning Director.
27. Plans for building permits shall indicate the location of all mechanical equipment. Any roof-mounted mechanical equipment shall be fully screened from view by the roof structure.

FEES

28. Park Dedication In-Lieu Fees are required for 109 new dwelling units, to be paid prior to approval of occupancy. Fees will be those in effect at the time of issuance of the building permit.
29. Prior to final inspection, the City of Hayward Interim Supplemental Building Construction & Improvement Fee, the City of Hayward Construction & Improvement Fee, and the Hayward Unified School District Fees shall be paid.

FENCING

30. The noise barriers at the rear property line of Lots 25-48 shall be subject to final review and approval by the Planning Director. The barriers shall be of an enhanced design. The design shall include, where feasible, the use of acrylic panels, or other suitable material, to allow residents to have a view into the adjacent open space/baylands from the rear yards. Should single-story residences be placed on Lots 40-48, a supplemental acoustical study shall be performed for the purpose of re-evaluating the height of the sound barrier with the intent of making it as low as possible while meeting the noise goals contained within the conditions of approval for the Tract Map.

PARKING/DRIVEWAYS (Located within the Park)

31. All parking stalls and maneuvering areas shall meet the minimum standards of the City Parking Ordinance. The parking stalls shall be striped and any compact stalls shall be

clearly marked for compact vehicles only. Compact spaces shall not number more than 40% of the total spaces provided.

32. Vehicular circulation areas shall be signed as fire lanes and posted for "No Parking".
33. Driveways, which serve the proposed use, shall be constructed to City Standard SD-110.
34. Each open parking space shall be provided with a continuous concrete curb not less than 6 inches in height above the finished pavement. All raised concrete curbs, which lie between a landscape planter and the side of a parking stall, shall be widened to 18 inches to accommodate vehicle access.
35. The pavement at the driveway entry shall be enhanced by the use of decorative pavement materials such as colored, stamped concrete (bomanite or equal), brick, concrete interlocking pavers or other approved materials to match the turnaround. The location, design and materials shall be approved by the Planning Director.
36. Decorative pavement (bomanite, concrete interlocking pavers or other approved materials) shall be installed within pedestrian walkways that cross the driveway.

MECHANICAL/UTILITIES

37. Utility meters, when not enclosed in a cabinet, shall be screened by either plant materials or decorative screen, allowing sufficient access for reading.
38. All television or satellite reception antennas shall be completely screened from view by the roof structure.
39. All utilities, including transformers, shall be located underground.

ENVIRONMENTAL

40. The project shall comply with the recommendations of the Acoustical Analysis prepared for the project by Charles M. Salter Associates on June 25, 2002, except that all residences shall comply with Condition of Approval #77 of Tract 7317 requiring an L_{max} of 50 dBA in the second-story bedrooms. This may include a combination of construction methods and placing a single-story model on Lots 40-48. The design of these residences shall be subject to review and approval by the Planning Commission prior to the submittal of any building permit application.
41. Prior to any underground construction, the property owner shall be responsible for the preparation and implementation of a health and safety plan, and the plan shall be in place and implemented during construction so as to minimize or mitigate any negative health

threat to construction workers and other on-site personnel or persons in the vicinity of the project.

POLICE DEPARTMENT

42. Lighting in the 5-acre park and the vehicular parking areas and exterior walkways shall conform to the Security Ordinance and be controlled by photocells. The lighting plan shall be approved by the Planning Director.
43. The project shall comply with the provisions of the Security Ordinance that pertain to address numbers, and all newly-installed doors, windows and locks.