CITY OF HAYWARD
AGENDA REPORT

Planning Commission

Meeting Date 06/9/05
Agenda Item 3

TO: PLANNING COMMISSION

FROM: Carl T. Emura, ASLA, Associate Planner
Andrew Gaber, P.E., Development Review Engineer

SUBJECT: **Site Plan Review PL-2004-0435/Vesting Tentative Map Tract 7563 PL-2004-0436 - The Olson Urban Housing LLC (Applicant)/Regewick Construction Company (Owner)** - Request to Construct 56 Condominium Residences and to Allow a 10-Foot Rear Yard Setback Where 20 Feet is Required, to Allow a 4-Foot Deep Landscape Planter Without a 6 Inch Concrete Curb Where a 5-Foot Deep Landscape Planter With a 6 Inch Concrete Curb is Required, to Allow Parking in the Rear Yard Setback and to Allow Tandem Parking

The Property Is Bounded by Industrial Buildings to the North, a Townhouse Development to the West, Railroad Tracks to the East and West Harder Road to the South and is Located in the Medium Density Residential (RM) District

RECOMMENDATION:

Staff recommends that the Planning Commission recommend to the City Council:

- approval of the Mitigated Negative Declaration, Initial Study and Mitigation Monitoring Plan; and
- approval of Mitigation Monitoring Plan; and
- approval of the Site Plan Review application, subject to the attached findings and conditions of approval; and
- approval of the reduction in development standards; and
- approval of Vesting Tentative Map Tract 7563, subject to the attached findings and conditions of approval.

DISCUSSION:

Background

The property contains 3.14 acres including a segment of Huntwood Avenue and a cul-de-sac. It is used as a construction yard and will cease operation once approvals are obtained. A Phase II Environmental Assessment Report was prepared for the construction yard by SECOR dated May

25, 2004 which determined that the current use would have no impact on the proposed development. The applicant is currently negotiating with the City to purchase the cul-de-sac and vacate Huntwood Avenue.

The site is bounded by railroad tracks to the east and Harder Road to the south and would be affected by trains passing by and vehicular traffic on Harder Road. The State's Land Use Compatibility Standards for Community Noise Standards state that multi-family residential development is considered "normally acceptable" when exposed to an Ldn of 65 dB or less. The City's General Plan calls for a maximum acceptable exterior noise level of 60 dB for multi-family development. The projected noise level along the property line parallel to Harder Road is Ldn of 71 dBA and the train operations generates an Ldn of 68 dBA at a setback of 87 feet from the tracks. The proposed 13-foot-high wall along the railroad tracks and 8-foot-high wall along Harder Road would reduce the noise from the passing trains and vehicular traffic to 65 decibels and less along the sound walls and 60 decibels and less in the courtyards. However, the railroad right-of-way has room left for an additional set of tracks and could raise the noise level if an additional track is installed. At this time there are no plans for the construction of other tracks but future homeowners should be made aware of this potential upon purchasing one of the units directly facing the railroad.

Both the City and the State have an interior noise requirement of Ldn 45 dBA. In addition the City has a single event noise limit of an Lmax of 50 dBA in bedrooms and 55dBA in other rooms. As conditioned, the window and wall treatments shall be specified and installed per recommendations prepared by Rosen, Goldberg & Der, acoustical consultants, to meet these requirements.

A traffic study prepared by Kimley-Horn & Associates, Inc. dated October 1, 2004 determined that the proposed development would generate 26 new AM peak hour trips and 31 new PM peak hour trips and would not require any mitigation measures.

Project Description

The applicant proposes 56 three-story condominium units, housed in 5 buildings and clustered around three garden courtyards. Each of the 5 buildings houses a combination of 4 floor plans ranging in size from 1,415 to 1760 square feet. The homes would offer 3-4 bedrooms, 2 1/2 to 3 bathrooms and a 2-car garage. The project would include a group open space with a play structure, a covered picnic area, barbeques and picnic tables. The applicant requests a 10 percent density bonus and will make 15 percent of the units available for moderate income households. The RM District allows up to 51 units; with the density bonus, 5 additional units are allowed and eight will be affordable units.

The State Density Bonus Law requires that the City, *"...provide the developer with a density bonus or other incentives or concessions for the production of lower income housing units within the development if the developer meets certain requirements, including a requirement that the applicant agree or propose to construct a specified percentage of the total units for specified income households or qualifying residents."*

If the applicant proposes to construct a condominium project in which at least 10 percent of the total dwelling units are reserved for persons and families of moderate income, a density bonus of at least 5 percent shall be granted. If the applicant increases the number of moderate income units, for each 1 percent increase above 10 percent of the percentage of units affordable to moderate-income households, the density bonus shall be increased by 1 percent up to a maximum of 35 percent. In this case the applicant is requesting a 10 percent density bonus and will be providing 15 percent of the units for moderate-income households.

The Density Bonus Law allows the applicant to request up to three concessions or incentives depending on the amount of affordable housing provided. Concessions or incentives may include a waiver or reduction of development standards in order to meet the proposed density. The applicant requests the following reductions: allow a 10-foot rear yard where a 20-feet is required, allow a 4-foot-deep landscape planter without a 6-inch concrete curb where a 5-foot deep landscape planter with a 6-inch concrete curb is required, and to allow parking in the rear setback. The reduction in the rear yard setback would allow for an additional unit and 3 additional visitor parking spaces and the 4-foot deep landscape planter without a 6-inch concrete curb would allow fire truck access through the parking alley and maximize the width of the courtyards. These reductions would allow the applicant to build the maximum units allowed, to maximize open space and to increase the number of visitor parking spaces. The City can deny the request only if the reduction would have an adverse impact upon the health, safety, or the physical environment and where there is no feasible method to mitigate or avoid the impact. Staff believes the proposed reduction would not have an adverse impact upon health, safety, or the physical environment and supports the proposed reduction in development standards because the reductions would improve the overall development by providing needed housing including affordable units, additional visitor parking spaces and increasing the landscape area in the courtyards.

The Density Bonus Law allows a vehicular parking ratio of two onsite parking spaces for two to three bedroom units; and two and half onsite parking spaces for four or more bedroom units which include guest and handicapped parking and allows tandem or uncovered on-site parking spaces. Under these requirements, 121 parking spaces are required. The applicant would be providing 126 stalls, two more stalls than what the City's Parking Ordinance requires and the applicant would be utilizing tandem parking on this project for two thirds of the units. Although the City's Off-Street Parking Regulations preclude tandem parking outside the Central City Districts, the State laws supercedes the City's regulations when a density bonus is part of the project.

The project must also comply with the City's Inclusionary Housing Ordinance, which was adopted to increase the supply of affordable units for low and moderate-income households. It went into effect January 1, 2004 and applicable to new developments with 20 or more units. It requires that *"15 percent of the units must be made affordable to households earning no more than 110% of the Average Monthly Income (AMI)."* As an incentive the City may approve an increase in the number of units per acre in a residential development if the increase is consistent

with the state density bonus law. The applicant would meet this requirement with the eight proposed moderate affordable units.

Site Plan Review

The project, a contemporary adaptation of row houses clustered around three garden courtyards and linked by a landscaped entry road forms the framework for the project. From the entry driveway, a view of the community recreation facility can be seen through a corridor of landscaping, visually linking the entry cul-de-sac and the community recreation facility. The buildings, clustered around the garden courtyards would shield the exterior noise and create a quiet and serene environment. Large specimen trees, seasonal blooming plants and lawn areas would further contribute to this ambience. Each of the interior units would have porches facing the courtyard encouraging interaction between the residents. The buildings spaced 60 feet apart would allow light to permeate into the courtyard.

From the courtyards, the buildings have a pleasing modulated facade but appear massive and could be visually reduced by introducing other exterior surface material (wood siding, stone veneer, etc) and painting the façade to highlight forms and shapes. This would reduce the massiveness of the building. From the entry road, the building would have the appearance of the side of the house rather than the front, and the porch centered in the middle of the building is out of scale with the height and width of the building. The appearance could be improved by widening the front porch and centering the front door between the porch posts. This would bring the porch in scale with the building and help the façade to appear as the front of a house rather than the side. The rear of the building appears stark and massive. Again other exterior surfaces materials and treatments, painting and addition of more arbors would help to reduce the starkness and massiveness. Conditions have been attached to address these issues and the applicant is agreeable to these modifications.

The project requires a minimum of 350 square feet of useable open space (group and private open space) for each dwelling unit with noise levels less than or equal to 60 decibels. It provides open space in the form of common areas comprised of the garden courtyards and a group recreational facility; and private areas comprised of porches and balconies. Overall, the project would provide approximately 710 square feet of private open space per unit, 350 of which complies with the outdoor noise level standards and thereby meeting the minimum open space requirements. In addition to the on-site open space, Eden Parkway located approximately 250 feet from the site provides additional recreational opportunities.

At the entry, the cul-de-sac serves as both an entrance to the project and a termination of Huntwood Road. The landscaping should reflect these functions. The arbor and decorative driveway paving serve to denote an entrance and the trees and shrub planting reinforces the termination of Huntwood Road, however the arbor should be enlarged and enhanced, the pathway should be widen and trees and shrubs pulled away to open up views of the arbor and create a gateway to the site. These recommendations have been attached as conditions of approval to improve the gateway to the site.

Vesting Tentative Tract Map and Utilities

The project is a proposed condominium subdivision that will allow for ownership of each unit. A homeowners association will maintain the common private driveway, private utilities, and all common areas.

The existing storm drain, water and sanitary sewer facilities abutting the subdivision can adequately serve the project. The sanitary sewer main within the subdivision shall be a public system, owned and maintained by the City of Hayward. The on-site storm drain system shall be a private system owned and maintained by the homeowners association.

The electrical, phone, and cable systems have all been undergrounded around the project.

Environmental Review

An Initial Study Checklist was prepared and a Mitigated Negative Declaration issued on May 20, 2005 and determined that the proposed project as conditioned could not have a significant effect on the environment as prescribed by the California Environmental Quality Act of 1970.

PUBLIC NOTICE:

On May 20, 2005, a public hearing notice was mailed to property owners and residents within 300 feet of the property, to the Hayward Area Planning Association and all other interested parties who requested such notice. No response to the notice has been received to date.

CONCLUSION:

The proposed project is compatible with the surrounding uses, takes into consideration the environmental constraints and is an attractive addition to the City. The development complies with the State and City development policies and regulations. It is recommended that the Planning Commission recommend approval of this project, subject to conditions that further enhance the attractiveness of the project.

Prepared by:

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Associate Planner

Andrew Gaber, P.E.
Development Review Engineer

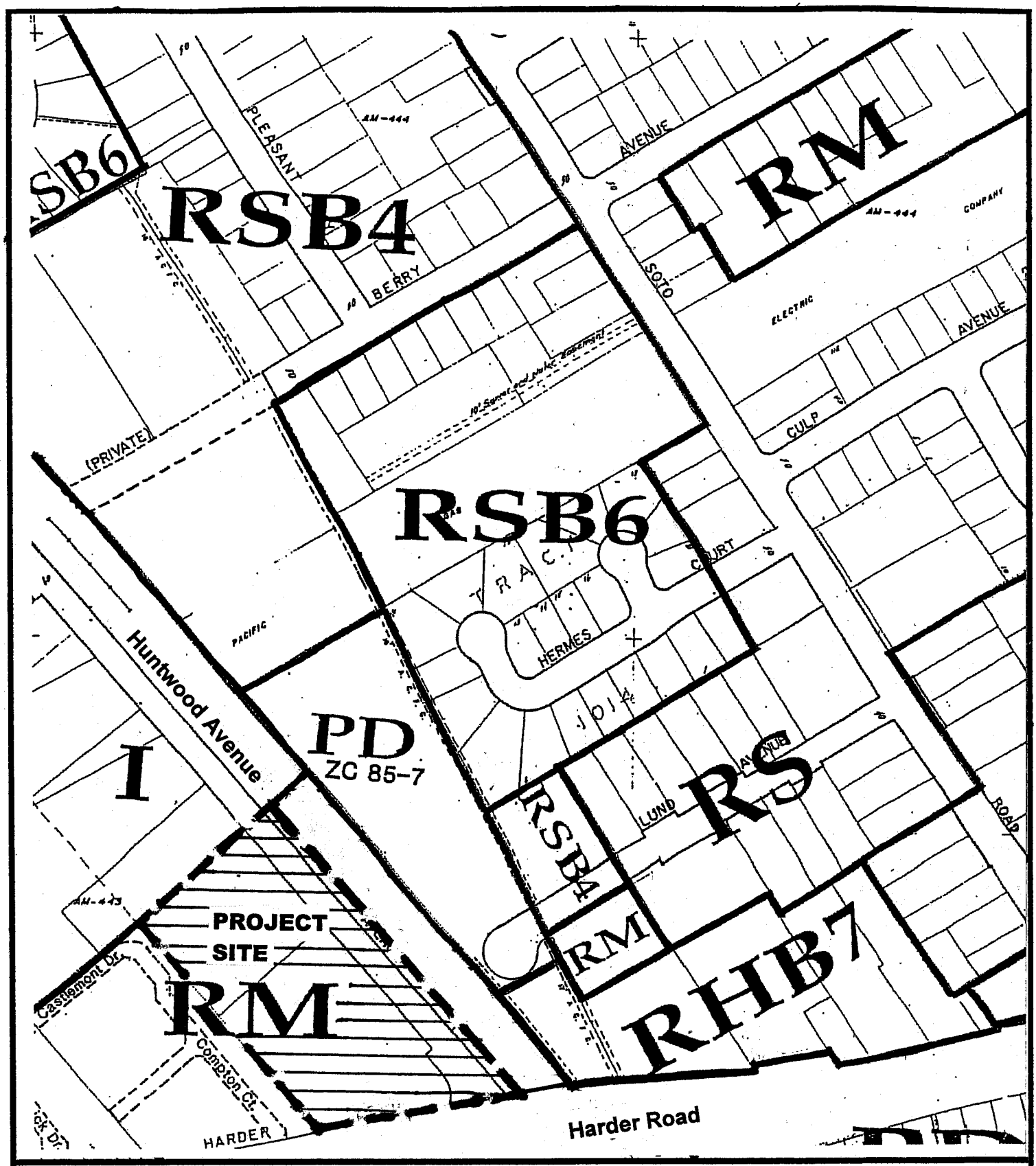
Recommended by:

Dyana Anderly, AICP
Planning Manager

Attachments:

A – Area Map
B – Findings for approval – SPR 2004-0435
C – Conditions of approval – SPR 2004-0435
D – Findings for approval – VTTM 7563
E – Conditions of approval – VTTM 7563
F – Mitigated Negative Declaration, Initial Study Check List & Mitigation Monitoring Plan

Vesting Tentative Map and Project Plans



Area & Zoning Map
SPR PL-2004-0435/TTM 7563 PL-2004-0436
Address: 25599 Huntwood Avenue
Applicant: The Olson Company
Owner: Redewick Construction Company

I – Industrial
RH – High Density Residential, RHB7
RM – Medium Density Residential
RS – Single Family Residential, RSB4, RSB6
PD – Plan Development

North

ATTACHMENT A

FINDINGS FOR APPROVAL
SITE PLAN REVIEW
APPLICATION NUMBER PL-2004-0435
56 Unit Condominium Development
25599 Huntwood Street

1. Approval of PL 2004-0435, as conditioned, will have no significant impact on the environment, cumulative or otherwise, as prescribed by the California Environmental Quality Act and the project reflects the City's independent judgment.

2. The development is compatible with the surrounding structures and uses in that it is adjacent to and in the vicinity of other multi-family developments and as designed creates a harmonious setting and is an attractive addition to the City.

3. The development takes into consideration physical and environmental constraints in that the buildings are situated to minimize the noise impacts by enclosing the courtyards, adding sound walls and situating the building as far away from the railroad track and Harder Road as possible;

4. The development complies with the intent of City development policies and regulations in that it complies with the Neighborhood Plan, the City's design guidelines, noise standards and inclusionary housing ordinance in which eight moderate income housing units will be provided;

5. The development will be operated in a manner determined to be acceptable and compatible with surrounding development in that as conditioned the property will be managed by a homeowner's association and Conditions, Covenants and Restriction would be established to manage the property; and

6. The reduction in development standards would not result in adverse impact upon the health, safety, or the physical environment and would allow the applicant to build the maximum units allowed, to maximize open space and to increase the number of visitor parking spaces.

CONDITIONS OF APPROVAL
SITE PLAN REVIEW
APPLICATION NUMBER PL-2004-0435
56 UNIT CONDOMINIUM DEVELOPMENT
25599 HUNTWOOD AVENUE

General

1. Site Plan Review Application No. PL-2004-0435 is approved subject to the specific conditions listed below. This permit becomes void two years from the effective date of the approval, unless prior to that time a building permit has been accepted for processing by the Building Official, or a time extension is approved. If a building permit is issued, the site plan review approval will become void two years after the issuance of the building permit, or three years after the effective date of the approval of the site plan review 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 site plan review approval.

2. This approval is tied to Vesting Tentative Map Tract 7563 and all conditions of approval of that map shall also apply to this approval.

3. Prior to issuance of a building permit and approval of the final vesting map, all building materials and colors, as well as required modifications to the structures, shall be approved by the Planning Director.

4. The final vesting map shall be filed and approved by the City and recorded in the County Recorders Office prior to the issuance of a Certificate of Occupancy of any unit.

Architecture, Accessory Structures and Entry Features

5. Other exterior surface material (wood siding, stone veneer, etc) shall be provided to visually reduce the massive appearance of the buildings. The exterior surface materials and applications shall be approved by the Planning Director.

6. The building shall be painted to visually reduce the massive appearance of the buildings by highlighting forms and shapes. The colors and application used on the exterior of the building shall be approved by the Planning Director.

7. Window trim shall be provided on all windows including windows on the side and rear of the buildings.

8. The porch for Plan 4 shall be widened and the front door centered between the porch posts. The enlarged porch shall be approved by the Planning Director.

9. The front door for Plan 1 shall be centered between the porch posts.

10. Arbors shall be added over garages where there is no building overhanging in over garage doors. The ends of the top wood members should be perpendicular to the face of the building and create a bold pattern.

11. Arbors shall be added over utility cabinets. The ends of the top wood members should be perpendicular to the face of the building and create a bold pattern.

12. Downspouts and other similar appurtenances shall be enclosed within the structure.

13. No mechanical equipment shall be placed on the roof unless it is completely screened from view by the proposed roof structure. Roof apparatus, such as vents, shall be painted to match the roof color.

14. Concrete driveway aprons fronting garages shall be provided and extended 6 inches beyond planter to fully enclose planter.

15. An automatic garage door opening mechanism shall be provided for all garages doors and shall be maintained in working order.

16. The two decorative entry street paving at the cul-de-sac shall be enclosed with a one-foot concrete band, follow the contour of the cul-de-sac and shall be enlarged to be 15-feet deep minimum.

17. All decorative paving shall be enclosed with a one-foot concrete band.

18. Mail boxes kiosks shall be located along the entry road and be consistent with the overall design theme. The design, material and location of the kiosk shall be approved by the Planning Director.

19. Individual garbage can(s) shall be kept within the garage of each unit except upon pick-up day.

20. An exterior hose bib shall be provided for each unit that has a porch.

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

22. The eight-foot sound wall shall extend to both sides of EVA and the corners of the property.

23. The sound wall color and finish shall be approved by the Planning Director.

24. The project identification sign shall conform to the City's Sign Ordinance regulations, with the location to be approved by the Planning Director. Sign design, colors, and materials shall reflect the architectural style of the project and shall be approved by the Planning Director.

25. The entry arbor shall be a prominent feature with components consistent with a major focal point. Large wood members, trim and stone base are some of the material that may be used to enhance the arbor. The paving leading to the entry arbor shall be widened and trees and shrubs shall be located to frame the arbor. The design and layout of the entry arbor shall be approved by Planning Director.

26. An arbor shall be provided for the group picnic area. The arbor shall be a prominent feature of the group picnic area. The design and layout of the arbor shall be approved by the Planning Director.

27. A play structure with an accessible rubber play surface shall be provided at the group play area. Play structure and play surface shall be approved by the Planning Director.

28. The window and wall treatments shall be as specified and installed per Site Noise Assessment prepared by Rosen, Goldberg & Der, dated February 9, 2005.

29. The building design shall be reviewed by a structural engineer to determine measures that can be implemented to reduce the likelihood that the building structure would amplify train vibration.

Landscape

30. The existing California Pepper tree shall be boxed and relocated to courtyard. Location shall be approved by the Planning Director prior to planting.

31. Four large specimen trees shall be provided. Two trees shall be a minimum of 72- inch box size and the other two shall be a minimum of 60-inch box size. The specimen trees shall be approved by the City Landscape Architect prior to delivery to site. Trees are to planted in courtyards.

32. Trees or shrubs in planters between garage doors shall have a narrow upright form.

33. Vines over garage doors shall not be invasive. Climbing supports shall be provided for vines. Chain or vine ties shall not be acceptable.

34. Plant material shall not conflict with address location, utilities or street lights.

35. Sod shall be provide over turf block.

36. Landscape area shall be limited to a maximum 50% Fescue turf.

37. Courtyards shall have seasonal color. A list indicating the season, plant and color shall be provided to the City Landscape Architect for review and approval.

38. One Street Tree shall be provided for every 25 – 40 feet of frontage along public and private streets. Spacing of the trees is dependant on the species of trees. Smaller trees will require closer spacing. Trees shall be planted according to the City Standard Detail SD-122.

39. A minimum of one 15-gallon evergreen perimeter buffer tree shall be planted for every 20 lineal feet of property. Under story shrubs shall be planted between the trees to achieve a solid screen within 2 years. Vines shall be planted on buffer walls.

40. Final landscape plans shall specify site amenities such as, benches, tables, fencing, play equipment and barbecues, for the common open space areas and shall be approved by the Planning Director.

41. Parking areas shall be capped with a landscaped island.

42. Landscaped areas parking areas shall be separated by a 6" high class "B" Portland Cement concrete curb and planters shall be a minimum 5 feet wide as measured from inside the curbs except for planters at garages.

43. Masonry walls, solid building walls, trash enclosures or fences facing a street or driveway shall be continuously buffered with five-gallon shrubs and vines. All above ground utilities, and mechanical equipment shall be screened from the street or drives with five-gallon shrubs.

44. Landscaping and irrigation plans shall be submitted for review and approval by the City prior to approval of improvement plans or prior to the issuance of building permits. Mylars of the approved Landscape plans shall be submitted to Public Works, Engineering as a part of the approved Civil plans. All common area landscaping, irrigation and other required improvements shall be installed prior to acceptance of tract improvements, or occupancy of 80% of the dwelling units, whichever first occurs.

45. Landscape improvements shall be installed according to the approved plans and a Certificate of Substantial Completion, as-built mylars and an Irrigation Schedule shall be submitted prior to the Final Approval of the landscaping for the Tract.

46. Landscaping shall be maintained in a healthy, weed-free condition at all times. Plants shall be replaced when necessary. All trees shown on the approved Site Plan including street, parking lot and buffer trees that are severely topped or

pruned shall be replaced immediately, as determined by the City Landscape Architect.

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

48. Park Dedication In-Lieu Fees are required for all new dwelling units. Fees shall be those in effect at the time of issuance of the building permit.

49. Prior to the issuance of a grading or building permit, the developer shall provide a tree preservation bond, surety or deposit, equal in value to the tree to be relocated. The bond, surety or deposit shall be returned when the tract is accepted if the trees are found to be in a healthy, thriving and undamaged condition one year after tree has been relocated and planted. The developer shall provide an arborist's report evaluating the condition of the trees.

50. Grading and improvement plans shall include tree preservation and protection measures, as required by the City Landscape Architect. The California Pepper tree shall be protected, watered and maintained in a healthy condition throughout the construction period. Protective fencing shall be provide around the drip line of the tree.-

<u>Homeowners' Association</u>

51. Prior to the sale of any individual unit, or prior to the acceptance of tract improvements, whichever occurs first, a homeowners' association shall be created to maintain the buildings, common area landscaping and open space amenities, drainage systems, including the following:
    a. Buildings.
    b. Fences, gates and walls.
    c. Site features, garden structures and signage.
    d. Landscaping and irrigation throughout the site, including along the private drive, and between the public sidewalks and buildings along the streets.
    e. Private streets and walks.
    f. Site lighting.

52. Prior to the sale of any individual unit, or prior to the acceptance of tract improvements, whichever occurs first, the applicant/developer shall establish a homeowners' association, and prepare Conditions, Covenants and Restrictions for the development, which shall be submitted for review and approved by the Planning Director and include the following conditions:

a. Each owner shall automatically become a member of the association and shall be subject to a proportionate share of related expenses.

b. The Homeowners Association shall be responsible for maintaining the interior private streets, which includes decorative paving and related drainage and oil separator facilities, and the street lighting fixtures. If utility repair underneath the decorative pavement becomes necessary, the homeowners association will be responsible for replacing the decorative paving.

c. A reserve fund shall be maintained to cover the costs of replacement and repair.

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

e. Provisions for towing unauthorized vehicles from the site.

f. A requirement that a Architectural Review Committee be established to review and approve all exterior improvements; including fences, walls or changes to individual homes to ensure consistency with the CC&Rs.

g. The site shall be maintained in good repair, and free of debris at all times.

h. A requirement that the building exteriors and walls 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 48 hours of inspection or within 48 hours of notification by the City's Community Preservation Officer.

i. The homeowners' association shall maintain the irrigation system and maintain the landscaping in a healthy, weed-free condition 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 30% dieback) shall be replaced within 10 days of first notification.

j. Landscaping and irrigation shall be maintained in all common areas or the City shall have the right to enter upon the property to maintain the exterior portions of the common area at the expense of the homeowners association per Section 10-3.385 of the City's Subdivision Ordinance.

k. All trees shall be preserved in accordance with the Tree Preservation Ordinance; a tree removal permit is required prior to the removal of any tree.

l. Trees shall not be severely pruned, topped, or pollarded and any trees that are pruned in this manner shall be replaced with a tree species selected by, and size determined by the Landscape Architect, within the timeframe established by the City and pursuant to the Municipal Code.

m. Each resident shall participate in the City's garbage collection and recycling program.

n. The level of vibration shall be disclosed to seller to buyer prior to the sale of a unit.

o. Future potential noise from the railroad track shall be disclosed from seller to buyer prior to the sale of a unit.

Inclusionary Housing

53. An Inclusionary Housing Agreement shall be submit and approved by the Planning Director. The Inclusionary Housing Agreement shall include:

a. A description of the development, including whether the Affordable Units will be rented or owner-occupied.

b. The number, size and location of Very Low-, Low- or Moderate-Income Units.

c. The inclusionary incentives by the City (if any), including the nature and amount of any local public funding.

d. Provisions and/or documents for resale restrictions, deeds of trust, rights of first refusal or rental restrictions.

e. The Marketing Plan for sale or rental of the Affordable Units.

f. Provisions for monitoring the ongoing affordability of the units, and the process for qualifying prospective resident households for income eligibility.

Disclosures

54. Future potential noise from the railroad track shall be disclosed to buyer prior to the sale of a unit.

55. The level of vibration shall be disclosed to buyer prior to the sale of a unit.

FINDINGS FOR APPROVAL
TENTATIVE TRACT MAP 7563

1. The approval of Tentative Map Tract 7563, as conditioned, will have no significant impact on the environment, cumulative or otherwise. A Mitigated Negative Declaration was prepared per the guidelines of the California Environmental Quality Act (CEQA) for the development of this site.

2. The tentative tract map substantially conforms to the State Subdivision Map Act, the City's Subdivision Regulations, the General Plan, and the City of Hayward Zoning Ordinance.

3. The site is physically suitable for the proposed type of development.

4. The design of the subdivision and the proposed improvements are **not** likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.

5. The design of the subdivision and the proposed improvements are **not** likely to cause serious health problems.

6. Existing streets and utilities are adequate to serve the project.

7. None of the findings set forth in Section 64474 of the Subdivision Map Act[1] have been made.

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[1] [1] The findings of Section 66474 set forth the grounds for denial of a tentative map which are as follows:

(a) That the proposed map is not consistent with applicable general and specific plans as specified in Section 65451.

(b) That the design or improvement of the proposed subdivision is not consistent with applicable general and specific plans.

(c) That the site is not physically suitable for the type of development.

(d) That the site is not physically suitable for the proposed density of development.

(e) That the design of the subdivision or the proposed improvements are likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.

(f) That the design of the subdivision or type of improvements is likely to cause serious public health problems.

(g) That the design of the subdivision or the type of improvements will conflict with easements, acquired by the public at large, for access through or use of, property with the proposed subdivision.

CONDITIONS OF APPROVAL
TENTATIVE TRACT MAP 7563

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.

All improvements shall be designed and constructed in accordance with the City of Hayward Municipal Code – Chapter 10, Article 3, and Standard Specifications and Details – unless otherwise indicated hereinafter.

The applicant/developer's engineer shall perform all design work unless otherwise indicated.

IMPROVEMENTS

Improvement plans shall be submitted to the City Engineer for review and approval. Subject plans shall, in addition to the standard improvements, incorporate the following special design requirements:

Streets

1. An Encroachment Permit must be obtained prior to the start of any construction within the public right-of-way.

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

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

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

Public Portion of Huntwood Avenue

5. An 80 foot diameter cul-de-sac shall be constructed at the end of the public street so that vehicles will not need to utilize private drives to turn around. The entrance shall not be gated to allow free circulation of vehicles through the development. An easement for this purpose shall be provided in perpetuity. Parking shall be prohibited within the cul-de-sac.

6. The right-of-way underlying the existing cul-de-sac at the end of Huntwood Avenue shall be vacated and purchased from the City Of Hayward.

7. The entrances to the development shall be designed as street type openings and not as driveway entrances. Decorative pavements shall be capable of supporting a 50,000 lb. GVW load. Curb returns shall have a minimum radius of 30 feet at the curb face.

8. New standard streetlights shall be installed around the cul-de-sac frontage. The design and location shall be approved by the City Engineer.

Interior Private Drives and Extension of Huntwood Ave.

9. The interior private street shall have a minimum width of 24 feet curb to curb to allow for two travel lanes. The street design shall utilize standard curb and gutter. The street sections shall be constructed to public street standards and shall be capable of supporting a load of 50,000 GVW.

10. The interior intersections shall be designed as street intersections which must meet Fire Department access and turning requirements. Handicap ramps shall be installed to facilitate access and circulation throughout the development.

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

12. The private drives shall be dedicated as PUE, PAE, SSE, WLE and EVAE.

Parking and Driveways

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

15. ADA compliant parking stalls and loading areas shall be located adjacent to each open space within the development. Handicap ramps and pathways shall be provided throughout the project.

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

Landscaping and Irrigation

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

and approval by the City's Landscape Architect. Planting and irrigation shall comply with the City's *Water Efficient Landscape Ordinance.*

18. Within all required landscape areas, a complete automatic sprinkler system with an automatic on/off mechanism shall be installed. A hose bib shall be provided within each private yard.

Storm Drainage

19. The on-site storm drain system shall be a private system owned and maintained by the homeowners association.

20. All storm drain pipe and catch basins to be abandoned shall be removed.

21. The Hydrology and Hydraulics Criteria Summary, Alameda County Flood Control and Water Conservation District, latest edition 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 approved by the Alameda County Flood Control and the City Engineer. Development of this site is not to augment runoff to the District flood control facility downstream. The hydrology study shall substantiate that there will be no net increase in the quantity of runoff from the site versus the flow rate derived from the original design of downstream facilities. If there is augmented runoff, off-site and/or on-site mitigation measures will be necessary.

22. 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.

23. The developer shall provide a copy of the Notice of Intent filed with the State Water Resources Control Board, prior to the issuance of a grading permit for the project site.

24. The project plans shall include storm water measures for the operation and maintenance of the project to be approved by the City Engineer. The project plans shall identify and incorporate Best Management Practices (BMPs) appropriate to the uses conducted onsite to effectively prevent the entry of pollutants into storm water runoff. Roof leaders shall discharge into a landscaped area prior to storm runoff entering a pipe system.

25. The developer shall prepare a Storm Treatment Measures Maintenance Agreement for storm water BMP's constructed as part of this project. The Maintenance Agreement shall be reviewed and approved by the City prior to recordation with the Alameda County Recorder's Office. The Agreement shall be recorded to ensure that the responsibility for maintenance is bound to the property in perpetuity.

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

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

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

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

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

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

Sanitary Sewer System

32. Sanitary sewer service is available subject to standard conditions and fees in effect at the time of application. The proposed sanitary sewer main shall be a public system, owned and maintained by the City. Each residential unit must have a separate sewer lateral.

33. The proposed sewer for the development shall be designed to flow north along Huntwood Avenue towards the existing 27 inch interceptor. A manhole shall be installed at the interceptor to connect the pipe from the development and to provide a connection point for future developments to the north of the interceptor. The existing 8 inch sewer main within Huntwood Avenue shall be removed.

Utilities asked for: Upsize the existing 15 inch sewer main along West Harder Road to a 18 inch main from the manhole at Huntwood Ave. and West Harder Rd. to the manhole west of Underwood Ave., approximately 700 linear feet.

34. The on-site sanitary sewer system shall have 8-inch public mains, designed with a manhole at all angle points and ending with a manhole. Each parcel shall have a separate sanitary sewer lateral stubbed to the edge of the street right-of-way. The main design and location shall meet the approval of the City Engineer.

Water System

35. Water service is available from the City of Hayward and is subject to standard conditions and fees in effect at the time of application. Each residential unit must have an individual water meter which must be a radio read meter.

36. The existing 6 inch water main within Huntwood Avenue from the northerly property line to Private Drive "D" shall be replaced with a 12 inch main and an 8 inch main shall replace the existing 6 inch main from Private Drive "D" to the proposed sound wall on West Harder Road. The proposed 8 inch line in Private Drive "D" shall be a 12 inch line and connected to the existing 12 inch main in West Harder Road.

37. Ductile iron pipe shall be used in all easements and control valves are required in the street prior to easements for all water mains.

38. Private Fire Services shown on the plans must conform to City of Hayward Standard Detail 204. The required water meters must be in sidewalk areas and not in roadways.

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

40. Fire hydrants shall be double steamer type which shall be installed per City standards.

41. Fire flow requirements for this development shall be 2,500 gallons per minute at 20 psi. A 50 percent reduction is included in this flow for automatic fire sprinkler systems, which are required to be installed within each building.

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

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43. All existing overhead facilities along Huntwood Avenue within the project boundaries shall be undergrounded.

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in accordance with the requirements of the City Engineer or, where applicable, the Fire Chief.

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Fire Protection

48. The development has been presented as a condominium subdivision (R-1 occupancy) with 3 story structures having garages at grade level and two floors of living space above the garage. Design and construction shall meet the California Fire Code and all applicable City ordinances and amendments in use by the Hayward Fire Department.

49. The maximum height of the proposed buildings shall not be exceed 35 feet (to the top of the roof pitch)

50. Dedicate and construct an EVA to West Harder Road. The EVA shall be secured with an automated gate which will require a key switch or other approved means for gate access.

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52. Exterior local alarm bell(s) shall be installed on each fire sprinkler system riser.

53. Interior audible devices shall be installed within each condominium unit and shall be capable of activating upon any fire sprinkler system waterflow activity.

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64. The final map shall reflect:

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65. Execute a subdivision agreement and post bonds with the City that shall secure the construction of the public improvements per Section 10-3.332, Security for Installation of Improvements, of the Municipal Code. Insurance shall be provided per the terms of the subdivision agreement.

PRIOR TO CONSTRUCTION WITH COMBUSTIBLE MATERIALS

66. Required water system improvements shall be completed and operational prior to the start of combustible construction to the satisfaction of the Fire Chief.

67. A minimum 24-foot-wide all-weather access road, engineered for 50,000 pounds gross vehicle weight, shall be maintained for emergency vehicle access.

DURING CONSTRUCTION

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

    a. Grading and construction activities shall be limited to the hours 7:00 AM to 6:00 PM on weekdays and Saturdays; there shall be no grading or construction activities on Sundays or holidays;

    b. Grading and construction equipment shall be properly muffled;

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

    d. Stationary noise-generating construction equipment, such as compressors, shall be located as far as practical from occupied residential 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 200 feet of the project boundary) with this information.

    f. The developer shall participate in the City's recycling program during construction;

    g. Daily clean-up of trash and debris shall occur on Huntwood Avenue and West Harder Street and other neighborhood streets utilized by construction equipment or vehicles making deliveries.

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

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

    j. 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;

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

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

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

n. 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;

o. 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;

p. 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;

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

r. 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;

s. 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;

t. 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;

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

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

69. A representative of the 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 grading operations with recommended corrective measures given to the contractor and the City Engineer.

70. 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.

71. The developer shall be responsible to adhere to all aspects of the Storm Water Pollution Prevention Plan (SWPPP) as approved per condition of approval No. 22 above.

72. Construction Administration services shall be provided by the project landscape architect. Services to include:

    a. Observation of irrigation system before burying pipes;

    b. Observation of plant material upon delivery to the site;

    c. Observation of layout and placement of plant material upon delivery to the site;

    d. Observation for maintenance period commencement; and

    e. Observation for final acceptance.

PRIOR TO CONNECTION OF UTILITIES AND ISSUANCE OF CERTIFICATES OF OCCUPANCY

73. The applicant/developer shall pay the following fees, the amount of the fee shall be in accordance with the fee schedule in effect at the time of issuance of the building permits;

    a. Supplemental Building Construction and Improvement Tax;

    b. School Tax; and

    c. Sewer Connection Fee for each dwelling unit at the rate in effect when the utility service permit for the dwelling unit is issued.

    d. Park In-lieu fees for each dwelling unit at the rate in effect when the building permit for unit is issued.

74. Any damaged curb, gutter and/or sidewalk along the Huntwood Avenue and West Harder Street property frontages shall be repaired or replaced to the satisfaction of the City Engineer.

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

76. The on-site street light electroliers shall be in operating condition as approved by the Planning Director and the City Engineer.

PRIOR TO CITY APPROVAL OF THE TRACT IMPROVEMENTS AS BEING COMPLETED

77. 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.

78. All common area landscaping, irrigation and other required improvements shall be installed prior to acceptance of tract improvements, or occupancy of 80 percent of the dwelling units, whichever first occurs.

79. The improvements associated with the Pacific Gas and Electric Company, EBMUD, SBC and ComCast shall be installed to the satisfaction of the respective companies.

80. The subdivider shall submit an "as built" plan indicating the following:

    a. All the underground facilities, sanitary sewer mains and laterals, water services (including meter locations), Pacific Gas and Electric Company, EBMUD, SBC and Comcast, etc; and

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

EXHIBIT H

FINDINGS FOR APPROVAL
TENTATIVE TRACT MAP 7563

1. The approval of Tentative Map Tract 7563, as conditioned, will have no significant impact on the environment, cumulative or otherwise. A Mitigated Negative Declaration was prepared per the guidelines of the California Environmental Quality Act (CEQA) for the development of this site.

2. The tentative tract map substantially conforms to the State Subdivision Map Act, the City's Subdivision Regulations, the General Plan, and the City of Hayward Zoning Ordinance.

3. The site is physically suitable for the proposed type of development.

4. The design of the subdivision and the proposed improvements are **not** likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.

5. The design of the subdivision and the proposed improvements are **not** likely to cause serious health problems.

6. Existing streets and utilities are adequate to serve the project.

7. None of the findings set forth in Section 64474 of the Subdivision Map Act[1] have been made.

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[1] [1] The findings of Section 66474 set forth the grounds for denial of a tentative map which are as follows:

(a) That the proposed map is not consistent with applicable general and specific plans as specified in Section 65451.

(b) That the design or improvement of the proposed subdivision is not consistent with applicable general and specific plans.

(c) That the site is not physically suitable for the type of development.

(d) That the site is not physically suitable for the proposed density of development.

(e) That the design of the subdivision or the proposed improvements are likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.

(f) That the design of the subdivision or type of improvements is likely to cause serious public health problems.

(g) That the design of the subdivision or the type of improvements will conflict with easements, acquired by the public at large, for access through or use of, property with the proposed subdivision.

CONDITIONS OF APPROVAL
TENTATIVE TRACT MAP 7563

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.

All improvements shall be designed and constructed in accordance with the City of Hayward Municipal Code – Chapter 10, Article 3, and Standard Specifications and Details – unless otherwise indicated hereinafter.

The applicant/developer's engineer shall perform all design work unless otherwise indicated.

IMPROVEMENTS

Improvement plans shall be submitted to the City Engineer for review and approval. Subject plans shall, in addition to the standard improvements, incorporate the following special design requirements:

Streets

1. An Encroachment Permit must be obtained prior to the start of any construction within the public right-of-way.

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

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

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

Public Portion of Huntwood Avenue

5. An 80 foot diameter cul-de-sac shall be constructed at the end of the public street so that vehicles will not need to utilize private drives to turn around. The entrance shall not be gated to allow free circulation of vehicles through the development. An easement for this purpose shall be provided in perpetuity. Parking shall be prohibited within the cul-de-sac.

6. The right-of-way underlying the existing cul-de-sac at the end of Huntwood Avenue shall be vacated and purchased from the City Of Hayward.

7. The entrances to the development shall be designed as street type openings and not as driveway entrances. Decorative pavements shall be capable of supporting a 50,000 lb. GVW load. Curb returns shall have a minimum radius of 30 feet at the curb face.

8. New standard streetlights shall be installed around the cul-de-sac frontage. The design and location shall be approved by the City Engineer.

Interior Private Drives and Extension of Huntwood Ave.

9. The interior private street shall have a minimum width of 24 feet curb to curb to allow for two travel lanes. The street design shall utilize standard curb and gutter. The street sections shall be constructed to public street standards and shall be capable of supporting a load of 50,000 GVW.

10. The interior intersections shall be designed as street intersections which must meet Fire Department access and turning requirements. Handicap ramps shall be installed to facilitate access and circulation throughout the development.

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

12. The private drives shall be dedicated as PUE, PAE, SSE, WLE and EVAE.

Parking and Driveways

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

15. ADA compliant parking stalls and loading areas shall be located adjacent to each open space within the development. Handicap ramps and pathways shall be provided throughout the project.

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

Landscaping and Irrigation

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

and approval by the City's Landscape Architect. Planting and irrigation shall comply with the City's *Water Efficient Landscape Ordinance.*

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66. Required water system improvements shall be completed and operational prior to the start of combustible construction to the satisfaction of the Fire Chief.

67. A minimum 24-foot-wide all-weather access road, engineered for 50,000 pounds gross vehicle weight, shall be maintained for emergency vehicle access.

DURING CONSTRUCTION

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

    a. Grading and construction activities shall be limited to the hours 7:00 AM to 6:00 PM on weekdays and Saturdays; there shall be no grading or construction activities on Sundays or holidays;

    b. Grading and construction equipment shall be properly muffled;

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

    d. Stationary noise-generating construction equipment, such as compressors, shall be located as far as practical from occupied residential 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 200 feet of the project boundary) with this information.

    f. The developer shall participate in the City's recycling program during construction;

    g. Daily clean-up of trash and debris shall occur on Huntwood Avenue and West Harder Street and other neighborhood streets utilized by construction equipment or vehicles making deliveries.

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

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

    j. 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;

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

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

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

n. 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;

o. 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;

p. 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;

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

r. 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;

s. 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;

t. 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;

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

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

69. A representative of the 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 grading operations with recommended corrective measures given to the contractor and the City Engineer.

70. 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.

71. The developer shall be responsible to adhere to all aspects of the Storm Water Pollution Prevention Plan (SWPPP) as approved per condition of approval No. 22 above.

72. Construction Administration services shall be provided by the project landscape architect. Services to include:

    a. Observation of irrigation system before burying pipes;

    b. Observation of plant material upon delivery to the site;

    c. Observation of layout and placement of plant material upon delivery to the site;

    d. Observation for maintenance period commencement; and

    e. Observation for final acceptance.

PRIOR TO CONNECTION OF UTILITIES AND ISSUANCE OF CERTIFICATES OF OCCUPANCY

73. The applicant/developer shall pay the following fees, the amount of the fee shall be in accordance with the fee schedule in effect at the time of issuance of the building permits;

    a. Supplemental Building Construction and Improvement Tax;

    b. School Tax; and

    c. Sewer Connection Fee for each dwelling unit at the rate in effect when the utility service permit for the dwelling unit is issued.

    d. Park In-lieu fees for each dwelling unit at the rate in effect when the building permit for unit is issued.

74. Any damaged curb, gutter and/or sidewalk along the Huntwood Avenue and West Harder Street property frontages shall be repaired or replaced to the satisfaction of the City Engineer.

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

76. The on-site street light electroliers shall be in operating condition as approved by the Planning Director and the City Engineer.

PRIOR TO CITY APPROVAL OF THE TRACT IMPROVEMENTS AS BEING COMPLETED

77. 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.

78. All common area landscaping, irrigation and other required improvements shall be installed prior to acceptance of tract improvements, or occupancy of 80 percent of the dwelling units, whichever first occurs.

79. The improvements associated with the Pacific Gas and Electric Company, EBMUD, SBC and ComCast shall be installed to the satisfaction of the respective companies.

80. The subdivider shall submit an "as built" plan indicating the following:

    a. All the underground facilities, sanitary sewer mains and laterals, water services (including meter locations), Pacific Gas and Electric Company, EBMUD, SBC and Comcast, etc; and

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

CITY OF HAYWARD
MITIGATED NEGATIVE DECLARATION

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:

Site Plan Review No. PL-2004-0435/Vesting Tentative Map Tract 7563 PL-2004-0436 - The Olson Urban Housing LLC (Applicant)/Regewick Construction Company (Owner) - Request to construct 56 condominiums and to allow a reduction of the rear yard setback, and to allow a reduction of the landscape planter standard, and to allow parking in the setback. The property is located at 25599 Huntwood Street, in Hayward, California.

II. FINDING PROJECT WILL NOT SIGNIFICANTLY AFFECT ENVIRONMENT:

The proposed project could 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. An existing California Pepper tree will be relocated on site.

3. The project will not have an adverse effect on agricultural land since the property is surrounded by urban uses and it is too small to be used for agriculture.

4. The project will not result in significant impacts related to changes into air quality. When the property is developed the City will require the developer to submit a construction Best Management Practice (BMP) program prior to the issuance of any grading or building permit.

5. The project will not result in significant impacts to biological resources such as wildlife and wetlands since the site contains no such habitat and it is surrounded by urban uses.

ATTACHMENT F

6. The project will not result in significant impacts to known cultural resources including historical resources, archaeological resources, paleonotological resources, unique topography or disturb human remains.

7. The project site is not located within a "State of California Earthquake Fault Zone", however, construction will be required to comply with the Uniform Building Code standards to minimize seismic risk due to ground shaking.

8. The project will not lead to the exposure of people to hazardous materials.

9. The project will meet all water quality standards. Drainage improvements will be made to accommodate storm water runoff.

10. The project is consistent with the policies of the City General Policies Plan, the Downtown Design Plan, the City of Hayward Design Guidelines and the Zoning Ordinance.

11. The project could not result in a significant impact to mineral resources since the site is too small to be developed to extract mineral resources.

12. The project will not result in significant impacts related to noise. The City will require the developer to provide mitigation measures to reduce the noise levels to comply with the City's Noise Standards.

13. The project will not result in a significant impact to public services.

14. The project will not result in a significant impact to recreation facilities.

15. The project will not result in significant impacts to traffic or result in changes to traffic patterns or emergency vehicle access.

16. The project will not result in a significant impact to utilities and service systems.

I. ***PERSON WHO PREPARED INITIAL STUDY:***

Carl T. Emura, ASLA Associate Planner
Dated: May 20, 2005

II. ***COPY OF INITIAL STUDY IS ATTACHED***

For additional information, please contact the City of Hayward, Planning Division, 777 B Street, Hayward, CA 94541-5007, telephone (510) 583-4209, or e-mail carl.emura@hayward-ca.gov .

DISTRIBUTION/POSTING

- Provide copies to 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.

DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT
Development Review Services Division

INITIAL STUDY CHECKLIST FORM

Project title: **Site Plan Review No. PL-2004-0435 & TTM 7563 PL-2004-0436 - Request to Construct 56 Condominiums and to Allow a Reduction of the Rear Yard Setback, and to Allow a Reduction of the Landscape Planter Standard, and to Allow Parking in the Setback**

Lead agency name and address: City of Hayward, 777 "B" Street, Hayward, CA 94541-5007

Contact persons and phone numbers: Carl T. Emura, Associate Planner (510) 583-4209

Project location: The property is located at 25599 Huntwood Avenue at Harder Road in Hayward, California.

Project sponsor's name and address:

Joe Bradford
The Olson Company
3130 Crow Canyon Place Suite 210
San Ramon, CA 94583

General Plan: Medium Density Residential (RM)

Zoning: Medium Density Residential (RM)

Description of project: Proposal to construct 56 condominiums around 3 courtyards. The project would include a group open space with a play structure, a covered picnic area, barbeques and picnic tables. The applicant requests a 10 percent density bonus and will make 15 percent of the units available for moderate income households. The RM District allows 51 units; with the density bonus, 5 additional units are allowed and 8 will be affordable units. The State Density Bonus Law allows the applicant to requests waivers from development standards to make the project feasible. The applicant requests that the City allow a 10-foot rear yard where a 20 feet is required, allow a 4-foot-deep landscape planter without a 6-inch concrete curb where a 5-foot deep landscape planter with a 6-inch concrete curb is required, and to allow parking in the setback.

Surrounding land uses and setting: Along the north property line are industrial buildings. To the west is a townhouse development and to the east is a railroad track. Across the track is a multi-family development. To the south is Harder Road. On the

is a multi-family development. To the south is Harder Road. On the opposite side of Harder Road is a mixture of single and multi-family dwelling units.

Other public agencies whose approval is required: None.

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

☐ Aesthetics	☐ Agriculture Resources	☒ Air Quality
☐ Biological Resources	☐ Cultural Resources	☐ Geology /Soils
☐ Hazards & Hazardous Materials	☐ Hydrology / Water Quality	☐ Land Use / Planning
☐ Mineral Resources	☒ Noise	☐ Population / Housing
☐ Public Services	☐ Recreation	☐ Transportation/Traffic
☐ Utilities / Service Systems	☐ Mandatory Findings of Significance	

DETERMINATION: (To be completed by the Lead Agency)
On the basis of this initial evaluation:

☐ I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.

☒ I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.

☐ I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.

☐ I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.

☐ I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

Signature

April 20, 2005
Date

Carl T. Emura, ALSA Associate Planner

City of Hayward

DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT
Development Review Services Division

INITIAL STUDY CHECKLIST FORM

Project title: **Site Plan Review No. PL-2004-0435, Variance No. PL-2005-0151 & TTM 7563 PL-2004-0436 - Request to Construct 56 Condominiums and Variances to Allow a Reduction of the Rear Yard Setback, and to Allow a Reduction of the Landscape Planter Standard, and to Allow Parking in the Setback**

Lead agency name and address: City of Hayward, 777 "B" Street, Hayward, CA 94541-5007

Contact persons and phone numbers: Carl T. Emura, Associate Planner (510) 583-4209

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General Plan: Medium Density Residential (RM)

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Description of project: Proposal to construct 56 condominiums around 3 courtyards. The project would include a group open space with a play structure, a covered picnic area, barbeques and picnic tables. The applicant requests a 10 percent density bonus and will make 15 percent of the units available for moderate income households. The RM District allows 51 units; with the density bonus, 5 additional units are allowed and 8 will be affordable units. The State Density Bonus Law allows the applicant to requests waivers from development standards to make the project feasible. The applicant requests that the City allow a 10-foot rear yard where a 20 feet is required, allow a 4-foot-deep landscape planter without a 6-inch concrete curb where a 5-foot deep landscape planter with a 6-inch concrete curb is required, and to allow parking in the setback.

Surrounding land uses and setting: Along the north property line are industrial buildings. To the west is a townhouse development and to the east is a railroad track. Across the track

is a multi-family development. To the south is Harder Road. On the opposite side of Harder Road is a mixture of single and multi-family dwelling units.

Other public agencies whose approval is required: None.

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

☐ Aesthetics	☐ Agriculture Resources	☒ Air Quality
☐ Biological Resources	☐ Cultural Resources	☐ Geology /Soils
☐ Hazards & Hazardous Materials	☐ Hydrology / Water Quality	☐ Land Use / Planning
☐ Mineral Resources	☒ Noise	☐ Population / Housing
☐ Public Services	☐ Recreation	☐ Transportation/Traffic
☐ Utilities / Service Systems	☐ Mandatory Findings of Significance	

DETERMINATION: (To be completed by the Lead Agency)
On the basis of this initial evaluation:

☐ I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.

☒ I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.

☐ I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.

☐ I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.

☐ I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

Signature

April 20, 2005
Date

Carl T. Emura, ALSA Associate Planner

City of Hayward

ENVIRONMENTAL ISSUES:

	Potentially Significant Impact	*Potentially Significant Unless Mitigation Incorporation*	*Less Than Significant Impact*	*No Impact*
I. **AESTHETICS** -- Would the project:				
a) Have a substantial adverse effect on a scenic vista? ***Comment:*** *The project will not affect any scenic vista.*	☐	☐	☐	☒
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway? ***Comment:*** *The project will require that one large California Pepper Tree be boxed during construction and relocated later on site.*	☐	☐	☒	☐
c) Substantially degrade the existing visual character or quality of the site and its surroundings? ***Comment:*** *The project will not degrade the existing visual character or quality of the site and its surroundings in that it will be replacing a construction yard with a landscaped residential development.*	☐	☐	☐	☒
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area? ***Comment:*** *The project will not adversely affect day or nighttime views in the area..*	☐	☐	☐	☒
II. **AGRICULTURE RESOURCES**: In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. Would the project:				
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 does not contain farmland.*	☐	☐	☐	☒
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract? ***Comment:*** *The project is not located in an agricultural district nor an area used for agricultural purposes.*	☐	☐	☐	☒
c) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use? ***Comment:*** *The project area does not contain agricultural uses or farmland, See II b.*	☐	☐	☐	☒

	Potentially Significant Impact	*Potentially Significant Unless Mitigation Incorporation*	*Less Than Significant Impact*	*No Impact*
III. **AIR QUALITY** -- Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:				
a) Conflict with or obstruct implementation of the applicable air quality plan? ***Comment:*** *The project will not conflict with the Bay Area 2000 Clean Air Plan or the City of Hayward General Plan policies relating to Air Quality.*	☐	☐	☐	☒
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation? ***Comments:*** *The Bay Area air basin currently exceeds both federal and state standards for ozone and state standards for particulate matter <10 microns in diameter (PM10). The project is not expected to generate enough vehicle trips to make a significant contribution to the existing air quality violation.* ***Impacts:*** *Air pollutants, especially suspended particulates, would be generated intermittently during the construction period. This is a potentially significant impact.* ***Mitigation Measure:*** *In order to reduce intermittent air pollutants during the construction phase, the developer shall ensure that unpaved construction areas are sprinkled with water as necessary to reduce dust generation, construction equipment is maintained and operated in such a way as to minimize exhaust emissions, and if construction activity is postponed, graded or vacant land is immediately revegetated.* *Implementation of this mitigation measure will reduce air quality impacts to a level of insignificance.* ***Monitoring:*** *Condition of Approval*	☐	☒	☐	☐
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:*** *Due to the scale of the project, impacts to air quality will not be cumulatively considerable.*	☐	☐	☒	☐
d) Expose sensitive receptors to substantial pollutant concentrations? ***Comment:*** *The project will not expose sensitive receptors to substantial pollutant concentrations.*	☐	☐	☐	☒

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporation	Less Than Significant Impact	No Impact
e) Create objectionable odors affecting a substantial number of people? ***Comment:*** *The project will not create objectionable odors affecting a substantial number of people.*	☐	☐	☐	☒
IV. BIOLOGICAL RESOURCES -- Would the project:				
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service? ***Comment:*** *The property was formerly a construction yard and is surrounded by urban uses. There is no evidence of any candidate, sensitive, or special status species.*	☐	☐	☐	☒
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:*** *The site contains no riparian or sensitive habitat.*	☐	☐	☐	☒
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means? ***Comment:*** *The site contains no wetlands.*	☐	☐	☐	☒
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites? ***Comment:*** *The site does not contain habitat used by migratory fish or wildlife nor is it a migratory wildlife corridor.*	☐	☐	☐	☒
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance? ***Comment:*** *The project is in conformance with the General Polices Plan and will conform to the requirements of the Tree Preservation Ordinance.*	☐	☐	☐	☒
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional or state habitat conservation plan? ***Comment:*** *There are no habitat conservation plans affecting the property.*	☐	☐	☐	☒

	Potentially Significant Impact	*Potentially Significant Unless Mitigation Incorporation*	*Less Than Significant Impact*	*No Impact*
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:*** *No known historical resources exist on-site.*	☐	☐	☐	☒
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5? ***Comment:*** *No known archaeological resources exist in on-site.* ***Impacts:*** *If previously unknown resources are encountered during future grading activities, the developer and the City of Hayward will take appropriate measures.*	☐	☐	☒	☐
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature? ***Comment:*** *No known paleontological resources exist on-site.*	☐	☐	☐	☒
d) Disturb any human remains, including those interred outside of formal cemeteries? ***Comments:*** *No known human remains are located on-site.* ***Impacts:*** *If any remains are found, all work will be stopped and police called to investigate.*	☐	☐	☒	☐
VI. GEOLOGY AND SOILS -- Would the project:				
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:				
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42. ***Comment:*** *The project is not located within the Hayward Fault Zone.*	☐	☐	☐	☒
ii) Strong seismic ground shaking? ***Comment:*** *The site is not located within a "State of California Earthquake Fault Zone". The project will be required to comply with the Uniform Building Code Standards to minimize seismic risk due to ground shaking.* ***Impacts:*** *Ground shaking can be expected at the site during a moderate to severe earthquake, which is common to virtually all development in the general region. This impact is considered less than significant.*	☐	☐	☒	☐

	Potentially Significant Impact	*Potentially Significant Unless Mitigation Incorporation*	*Less Than Significant Impact*	*No Impact*
iii) Seismic-related ground failure, including liquefaction? ***Comment:*** *Liquefaction and differential compaction is not considered to be likely on this site.*	☐	☐	☐	☒
iv) Landslides? ***Comment:*** *The project is not located within an area subject to landslides.*	☐	☐	☐	☒
b) Result in substantial soil erosion or the loss of topsoil? ***Comment:*** *The Engineering Division will ensure that proper erosion control measures are implemented during construction.*	☐	☐	☐	☒
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:*** *See comment VI (a)(i).*	☐	☐	☐	☒
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:*** *Prior to issuance of a building permit, engineering and building staff will review a soils investigation report to ensure that the building foundations are adequately designed for the soil type on-site.*	☐	☐	☒	☐
e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater? ***Comment:*** *The site would be connected to the City of Hayward sewer system.*	☐	☐	☐	☒
VII. 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:*** *There is no evidence of hazardous materials at the site nor will hazardous materials be used or transported at or near the site.*	☐	☐	☐	☒
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:*** *See VII a.*	☐	☐	☐	☒

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporation	Less Than Significant Impact	No Impact
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:*** *See VII a .*	☐	☐	☐	☒
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:*** *A Phase II Environmental Site Assessment Report prepared by SECOR, dated May 25, 2005, determined that any hazardous materials on the site would not impact on site development activities and would not create a significant hazard to the public or the environment.*	☐	☐	☐	☒
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area? ***Comment:*** *The project is not located within an airport zone.*	☐	☐	☐	☒
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:*** *See VII e.*	☐	☐	☐	☒
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan? ***Comment:*** *The project will not interfere with any known emergency response plan or emergency evacuation plan. The Hayward Fire Department serves the area. Emergency response times will be maintained.*	☐	☐	☐	☒
h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands? ***Comment:*** *The project is not located in an area of wildlands and is not adjacent to wildlands.*	☐	☐	☐	☒
VIII. **HYDROLOGY AND WATER QUALITY** -- Would the project:				
a) Violate any water quality standards or waste discharge requirements? ***Comment:*** *The project will meet all water quality standards. Drainage improvements will be made to accommodate runoff.*	☐	☐	☐	☒

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporation	Less Than Significant Impact	No Impact
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)? ***Comment:*** *The site will be served with water by the City of Hayward. Therefore, water quality standards will not be violated and groundwater supplies will not be depleted. Recharge of the groundwater table will be decreased as the proposal involves increasing the percentage of the site covered with impervious surfaces. This impact is deemed insignificant as there are no known wells nearby that would see a drop in production.*	☐	☐	☒	☐
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site? ***Comment:*** *The project is not located near a stream or a river. Development of the site will not result in substantial erosion or siltation on-or off-site.*	☐	☐	☐	☒
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site? ***Comment:*** *The project is within an urban area and runoff will leave the site via the City's storm drain system. Drainage patterns on the site will not cause flooding.*	☐	☐	☐	☒
e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff? ***Comment:*** *The amount of run-off from the project will not exceed the capacity of the stormwater drainage system. See VIII a.*	☐	☐	☐	☒
f) Otherwise substantially degrade water quality? ***Comment:*** *See VIII a.*	☐	☐	☐	☒
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:*** *According to FEMA Flood Insurance Rate Maps (panel # 065033-0011E dated 2/9/00), this site is not within the 100-year flood hazard area.*	☐	☐	☐	☒
h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows? ***Comment:*** *See VIII g.*	☐	☐	☐	☒

	Potentially Significant Impact	*Potentially Significant Unless Mitigation Incorporation*	*Less Than Significant Impact*	*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 site is not within the 100-year flood zone, is not near any levees and is not located downstream of a dam.*	☐	☐	☐	☒
j) Inundation by seiche, tsunami, or mudflow? ***Comment:*** *The project is not in a location that would allow these phenomena to affect the site.*	☐	☐	☐	☒
IX. LAND USE AND PLANNING - Would the project:				
a) Physically divide an established community? ***Comment:*** *The project will not physically divide the existing community. The site is a former construction which is in the vicinity or adjacent to residential developments.*	☐	☐	☐	☒
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 area is designated on the General Policies Plan Map as Medium Density Residential. The Medium Density General Plan designation and the current zoning designation of Medium Density Residential both allow Multi-family residential uses.*	☐	☐	☐	☒
c) Conflict with any applicable habitat conservation plan or natural community conservation plan? ***Comment:*** *See IV f.*	☐	☐	☐	☒
X. MINERAL RESOURCES – Would the project:				
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state? ***Comment:*** *The project will not result in a significant impact to mineral resources since the subject site is located in an urbanized area that does not contain mineral resources that could be feasibly removed.*	☐	☐	☐	☒
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:*** *See X a.*	☐	☐	☐	☒

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporation	Less Than Significant Impact	No Impact
XI. 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: *According to the Site Noise Assessment prepare by Rosen, Goldberg & Der, dated February 9, 2005 the major noise sources that affect the project site are vehicular traffic on Harder Road and train passbys.*

Traffic Noise: The proposed project is exposed to a level of noise of 70 dBA at the property line facing Harder Road. Based on Future (2025) traffic predictions from the City of Hayward, the level of noise along Harder is expected to increase by 1 dBA. According to the City General Plan, a level of noise of 71 dBA is considered "normally unacceptable"

Train Noise: The train operation generate a noise level of 68 dBA at a setback of 87 feet from the tracks. Union Pacific does not have published forecast for future train activity. When the railroad bridge across Harder Road was built, room was left for an additional set of tracks, west of the existing tracks, however at this time there are no plans for construction of other tracks.

The City of Hayward has set a limit on the level of interior noise due to exterior sources of 45 dBA in all habitable spaces within new homes. These are the same limits required by Title 24 of the California Code of Regulations for multi-family dwellings. In addition the City has a single event nosie lime of an Lmax of 50 dBa in bedrooms and 55 dBa in other rooms. The noise in the surrounding area exceeds those limits set by the City of Hayward and Title 24 of the California Code of Regulations for multi-family dwellings.

Mitigation: *Given the limit on interior noise and the level of exterior noise measured, the degree of noise mitigation measures needed to comply with such criteria will be as followed:*

Interior Noise:

Both the City and the State have an interior noise requirement of L_{dn} 45 dBA. In addition the City has a single event noise limit of an L_{max} of 50 dBA in bedrooms and 55 dBA in other rooms. Of these two requirements, it is the single event noise limit that is more restrictive. If the buildings are located near the setback of Treatment Area A (See Sound Insulation Treatment Areas Map on page 9), windows with an Sound Transmission Class (STC) of approximately 35 can be used to achieve the L_{dn} requirement. However, windows with an STC of up to approximately 47 will be needed to meet the L_{max} requirement. This level of noise reduction will also require special exterior wall construction (e.g. double stud) or, in some cases resilient channels.

some cases resilent channels.

Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporation	Less Than Significant Impact	No Impact

The greatest amount of noise reduction would be required for the bedroom windows closest to the tracks. The proposed 13 foot tall wall along the railroad track would reduce, but not eliminate this requirement for the lower floors. The upper floors will "look over" the wall and not receive any benefit. Since windows need to be in the closed position to achieve the interior noise level, the building code requires that an alternate means of ventilating the rooms with sound-rated windows. The tables below are recommendations for window and wall treatments to reduce interior noise to acceptable levels based on location, floor level and room type.

Table 1: Window and Wall Treatments for Plans 3 & 4 by Treatment Areas

PLAN	LEVEL	Room	Treatment A		Treatment C		Treatment E	
			STC		STC		STC	
			Win	Wall	Win	Wall	Win	Wall
3	1st	Great Room Entry Dining Kitchen	44*	55	36*	55	28	46
	2nd	Bed 2	46	63	41	63	--	--
	2nd	M Bed	46	63	45	55	41	55
	3rd	Bed 3	46	63	41	63	--	--
4	1st	Entry	46*	63	40*	55	--	--
	2nd	Dining/ Stairs	46*	63	40*	55	--	--
	2nd	Great Room	46	55	40	55	32	46
	2nd	Bed 3	46	63	42	63	--	--
	3rd	M Bed	47	63	45	63	36	55
	3rd	Bed 2	46	63	44	55	--	--

***For these rooms, Treatment A and C includes an exterior storm door with laminated glass over the entry or French door. The second floor balconies include a full height solid barrier (wood and/or glass/acrylic) on the side facing the railroad tracks.**

Potentially Significant Impact	*Potentially Significant Unless Mitigation Incorporation*	*Less Than Significant Impact*	*No Impact*

Table 2: Window and Wall Treatment for Plans 1 & 2 by Treatment Area

Rear/Alley Elevation			Treatment B		Treatment C		Treatment D	
			STC		STC		STC	
Plan	Level	Room	Win	Wall	Win	Wall	Win	Wall
1	2nd	Office	35	46	32	46	29	46
2	2nd	Bed 3	45	63	46	55	43	55
1&2	third	Bed 2	45	63	45	55	42	55

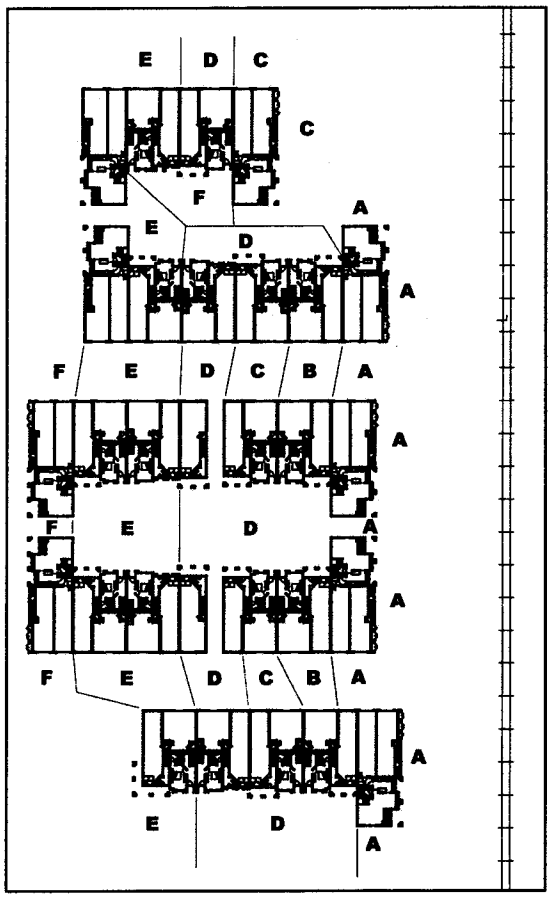
Rear/Alley Elevation			Treatment E		Treatment F	
			STC		STC	
Plan	Level	Room	Win	Wall	Win	Wall
1	2nd	Office	26	46	24	46
2	2nd	Bed 3	41	55	34	55
1&2	3rd	Bed 2	36	55	34	55

Front/Courtyard Elevation			Treatment D		Treatment E		Treatment F	
			STC		STC		STC	
Plan	Level	Room	Win	Wall	Win	Wall	Win	Wall
2	1st	Bed 4	35	46	31	46	28	46
1&2	2nd	Living	35	46	33	46	30	46
1&2	3rd	M Bed	40	55	38	55	40	46

Wall STC	Wall Construction
46	• Stucco • 2x4 or 2x6 Studs • 3-1/2 inch insulation • 1 layer 1/2-inch gypsum board
55	• Stucco • 2x4 or 2x6 studs • 3-1/2 inch insulation • 2 layers 5/8-inch gypsum board attached to studs with resilient channels
63	• Stucco • Two rows of 2x4 Studs separated by 1-inch airspace • 3-1/2 inch insulation in both stud rows • 2 layers 5/8-inch gypsum board

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporation	Less Than Significant Impact	No Impact

Sound Insulation Treatment Areas Map



Outdoor Noise

The City's outdoor noise goal is an Ldn of 60 dBA for multi-family homes. There is a 5 dBA allowance for periodic events which relaxes the requirement to an Ldn of 65 dBA. A certain amount of open space need to meet the Ldn 60 dBA where the noise is continuous. The proposed 13 foot high sound wall along the railroad will reduce the Ldn at the entry porches along the easterly elevations of buildings to an Ldn of 65 dBA. The three courtyards would be exposed to an Ldn less than 60 dBA and meet the allowable for the required open space. The proposed 8 foot high wall along West Harder Road would reduce the Ldn at entry porches facing West Harder Road to an Ldn of less than 60 dBA. The 13 foot and 8 foot wall around the picnic and play area in the southeast corner will reduce the noise level to 65 dBA or less.

Implementation of these mitigation measures will reduce noise impacts to a level of insignificance.

Monitoring: *Conditions of Approval*

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporation	Less Than Significant Impact	No Impact
b) Exposure of persons to or generation of excessive ground borne vibration or ground borne noise levels?	☐	☒	☐	☐

Comment: *The site is located adjacent to the Central (Union) Pacific Railroal railway and the closest buildings would be 200 feet from the track. Neither the City's General Plan nor the States Noise Insulation Standards set standards for acceptable vibration levels in residences However, the Federal Transit Administration (FTA) has criteria for locating residential development in proximity to transit.*

According to the Site Noise Assessment prepare by Rosen, Goldberg & Der, dated February 9, 2005, the Federal Transit Administration (FTA) considers an impact to occur when the vibration velocity level inside a residence from infrequent events (less than 70 per day) exceeds 80Vdb. Outside ground measurement taken from the proposed building location closest to the tracks ranged from 70VdB to 79VdB. According to the FTA, the vibration level decreases as it propagates through a wood-frame building. Counteracting this is the resonance of the floors which amplify the vibration levels. The net effect is that the indoor vibration level is approximately 1VdB less than the vibration level outdoors in the ground. Therefore the vibration is below the FTA's impact threshold of 80VdB for infrequent events.

Regardless of whether the vibration levels are above or below the FTA threshold, the measured vibration levels are expected to be feelable even at the 200 foot distance. Additionally, it appears that the current right-of-way is designed to accommodate at least one more track which could be another 15 to 20 feet closer to the project site and would increase the ground vibration level.

Mitigation:

1) *The building design should be reviewed by a structural engineer to determine measures that can be implemented to reduce the likelihood that the building structure would amplify train vibration.*
2) *The level of vibration will be disclosed to the residents.*

Implementation of these mitigation measures will reduce vibration impacts to a level of insignificance.

Monitoring: *Conditions of Approval*

c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	☐	☐	☐	☒

Comment: *No substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project is expected. A construction yard is being replaced by a multi-family development which is enclosed by railroad tracks to the east and Harder Road to the south. The development is not expected to substantial increase the existing ambient noise level.*

	Potentially Significant Impact	*Potentially Significant Unless Mitigation Incorporation*	*Less Than Significant Impact*	*No Impact*
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project? ***Comment:*** *Exposure of persons living in the surrounding neighborhood to generation of any new noise or noise levels in excess of standards established in the Noise Element of the Hayward General Plan or the Municipal Code, or applicable standards of other agencies if any, will be temporary in nature during the construction of the building and associated improvements. All City noise standards are required to be met and maintained upon completion of construction. Grading and construction will be limited to the hours between 7:00 a.m. and 7:00 p.m. Monday through Saturday. No work will be done on Sundays or national holidays.*	☐	☐	☒	☐
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 zone.*	☐	☐	☐	☒
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 an airport zone.*	☐	☐	☐	☒
XII. **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:*** *Fifty-six residential condominiums are proposed. The increase in population will not be substantial.*	☐	☐	☒	☐
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere? ***Comment:*** *No housing will be removed.*	☐	☐	☐	☒
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere? ***Comment:*** *See XII b.*	☐	☐	☐	☒

XIII. **PUBLIC SERVICES**

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:

	Potentially Significant Impact	*Potentially Significant Unless Mitigation Incorporation*	*Less Than Significant Impact*	*No Impact*
a) Fire protection? **Comment:** *The proposed project would have no effect upon, or result in only a minimal need for new or altered government services in fire and police protection, schools, maintenance of public facilities, including roads, and in other government services.*	☐	☐	☐	☒
b) Police protection? ***Comment:*** *See XIII a.*	☐	☐	☐	☒
c) Schools? ***Comment:*** *See XIII a.*	☐	☐	☐	☒
d) Parks? **Comment:** *See XIII a.*	☐	☐	☐	☒
e) Other public facilities? ***Comment:*** *No other public facilities will be significantly impacted.*	☐	☐	☐	☒

XIV. **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 will not add enough people to cause substantial physical deterioration of recreational facilities in the area. The developer will be required to pay in-lieu park fees which will help maintain existing parks.*	☐	☐	☒	☐
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 proposal includes a group open space and courtyards, which will not cause an adverse physical effect on the environment.*	☐	☐	☐	☒

	Potentially Significant Impact	*Potentially Significant Unless Mitigation Incorporation*	*Less Than Significant Impact*	*No Impact*
XV. TRANSPORTATION/TRAFFIC -- Would the project:				
a) Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)? ***Comment:*** *A traffic study prepared by Kimley-Horn & Associates, Inc. dated October 1, 2004 determined that the proposed development would generate 26 new AM peak hour trips and 31 new PM peak hour trips and would not require a multi-way stop at the intersection of Austin Avenue and Cypress Avenue.*	☐	☐	☒	☐
b) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways? ***Comment:*** *See XV a.*	☐	☐	☐	☒
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks? ***Comment:*** *The project will not affect air traffic patterns.*	☐	☐	☐	☒
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)? ***Comment:*** *The proposal will not substantially increase hazards.*	☐	☐	☐	☒
e) Result in inadequate emergency access? ***Comment:*** *The Hayward Fire Department has reviewed the project and finds the project acceptable to Hayward Fire Department requirements and standards.*	☐	☐	☐	☒
f) Result in inadequate parking capacity? ***Comment:*** *The proposal will meet the requirements for parking as specified in the City's Off-Street Parking regulations*	☐	☐	☐	☒
g) Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)? ***Comment:*** *The project does not conflict with adopted policies supporting alternative transportation.*	☐	☐	☐	☒
XVI. UTILITIES AND SERVICE SYSTEMS - Would the project:				
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board? ***Comment:*** *The project will not exceed wastewater treatment requirements.*	☐	☐	☐	☒

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporation	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:*** *The City's existing wastewater treatment facilities are capable of handling the wastewater generated by the project.*	☐	☐	☐	☒
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects? ***Comment:*** *The project will require the construction of a storm water drainage system that will tie into the existing public system in the adjacent street right-of-way. The construction of this system will not cause any significant environmental effects.*	☐	☐	☐	☒
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed? ***Comment:*** *The City of Hayward supplies water to the site and has sufficient water to serve the project.*	☐	☐	☐	☒
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:*** *The City of Hayward operates its own wastewater facility. This facility has the capacity to accommodate the amount of wastewater that will be generated by the project.*	☐	☐	☐	☒
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs? ***Comment:*** *Waste Management of Alameda County will dispose the solid waste. The Altamont landfill is available to the City of Hayward until 2009 and has sufficient capacity to handle the amount of solid waste generated by the project. The landfill recently received an approval that increases the capacity and adds 25 years to the life of the landfill to the year2034.*	☐	☐	☐	☒
g) Comply with federal, state, and local statutes and regulations related to solid waste? ***Comment:*** *The project study area participates in the Waste Management of Alameda County recycling program. Construction and operation of the project will comply with all federal, state and local statutes and regulations related to solid waste.*	☐	☐	☐	☒

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

MITIGATION MONITORING PROGRAM
56 Unit Condominium Development
25599 Huntwood Street

1. *AESTHETICS*

Mitigation Measure: Relocate existing California Pepper tree
Implementation Responsibility: City
Verification Responsibility: City Planning Division
Monitoring Schedule during Plan Review: N/A
Monitoring Schedule During Construction/Implementation: Condition of Approval - On-going during the construction period prior to issuance of certificate of occupancy

2. *AGRICULTURE RESOURCES* – No mitigation required

3. *AIR QUALITY*

Mitigation Measure: Reduce intermittent air pollutants during construction phase
Implementation Responsibility: City
Verification Responsibility: City Building Division
Monitoring Schedule during Plan Review: N/A
Monitoring Schedule during Construction/Implementation: On-going during construction

4. *BIOLOGICAL RESOURCES* - No mitigation required

5. *CULTURAL RESOURCES* – No mitigation required

6. *GEOLOGY AND SOILS*

Mitigation Measure: Submit final grading plan and comply with UBC
Implementation Responsibility: City
Verification Responsibility: City Building Division
Monitoring Schedule during Plan Review: Prior to approval of building permit
Monitoring Schedule during Construction/Implementation: On-going during construction and prior to issuance of certificate of occupancy

7. *HAZARDS AND HAZARDOUS MATERIALS* – No mitigation required

8. *HYDROLOGY AND WATER QUALITY*

Mitigation Measure: Submit storm drain plan treat surface water prior to discharge into storm drain system
Implementation Responsibility: City
Verification Responsibility: City Engineering Division
Monitoring Schedule during Plan Review: Prior to approval of building permit
Monitoring Schedule During Construction/Implementation: Condition of Approval - On-going during construction and prior to issuance of certificate of occupancy

9. *LAND USE & PLANNING*

Mitigation Measure: Restrict hours of operation for rear yard activities
Implementation Responsibility: City
Verification Responsibility: City Planning Division
Monitoring Schedule during Plan Review: N/A
Monitoring Schedule During Construction/Implementation: Condition of Approval - On-going during the post-construction period throughout the life of the project

10. *MINERAL RESOURCES* – No mitigation required

11. *NOISE*

a. **Mitigation Measure:** Follow Site Noise Assessment recommendations prepared by Rosen, Goldberg & Der, dated February 9, 2005 for window and wall treatment
Implementation Responsibility: City
Verification Responsibility: City Building Division
Monitoring Schedule during Plan Review: Prior to review of building permit
Monitoring Schedule During Construction/Implementation: Condition of Approval - On-going during construction and prior to issuance of certificate of occupancy

b. **Mitigation Measure:** Disclose potential for increase noise level to buyer
Implementation Responsibility: City
Verification Responsibility: City Planning Division
Monitoring Schedule during Plan Review: Condition of Approval
Monitoring Schedule during Construction/Implementation: Condition of Approval

c. **Mitigation Measure:** Disclose vibration level to buyer

Implementation Responsibility: City
Verification Responsibility: City Planning Division
Monitoring Schedule during Plan Review: Condition of Approval
Monitoring Schedule during Construction/Implementation: Condition of Approval

d. **Mitigation Measure:** Structural Engineer shall review building design to determine measures that can be implemented to reduce the likelihood that the building structure would amplify train vibration
Implementation Responsibility: City
Verification Responsibility: City Building Division
Monitoring Schedule during Plan Review: Prior to issuance of building permit
Monitoring Schedule During Construction/Implementation: Condition of Approval - On-going during construction and prior to issuance of certificate of occupancy

12. ***POPULATION AND HOUSING*** – No mitigation required

13. ***PUBLIC SERVICES*** – No mitigation required

14. ***RECREATION*** – No mitigation required

15. ***TRANSPORTATION/TRAFFIC*** – No mitigation required

16. ***UTILITIES AND SERVICES SYSTEMS*** – No mitigation required

DUE TO THE LENGTH OR COLOR OF THE REFERENCED EXHIBITS, THEY HAVE BEEN ATTACHED AS SEPARATE LINKS.