

December 15 2023

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**To:** [Taylor.richard@hayward-ca.gov](mailto:Taylor.richard@hayward-ca.gov)  
**Cc:** [OPR State Clearinghouse](#)  
**Subject:** SCH No. 2023110465. Water Board Comments on the ISMND for the 22422 Rockaway Lane Project in the City of Hayward (APN 415-0230-078-00)  
**Date:** Friday, December 15, 2023 8:32:20 AM  
**Attachments:** [image.png](#)

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## STATE CLEARINGHOUSE

San Francisco Bay Regional Water Quality Control Board (Water Board) staff have reviewed the *Initial Study and Mitigated Negative Declaration for the Rockaway Lane Project in the City of Hayward* (ISMND). We have concerns with the sufficiency of the proposed setback from the top of bank of San Lorenzo Creek and with the proposed treatment of post-construction storm water runoff.

### Setback from Top of Bank of San Lorenzo

We are concerned that the proposed setback from the top of bank of San Lorenzo Creek appears to be insufficient to protect the proposed structure from ongoing channel widening along San Lorenzo Creek. In the ISMND, the stability of the site is assessed from a geotechnical perspective. But the ISMND does not assess the fluvial geomorphic processes that have triggered significant bank failures along San Lorenzo Creek in the past five years.

Section 4.7, *Geology and Soils*, concludes that the project site is vulnerable to liquefaction along the top of bank of San Lorenzo Creek in a seismic event. Mitigation Measure GEO-1 requires the project proponent to incorporate all of the recommendations of the Geotechnical Investigation. The Geotechnical Investigation is included as Appendix C to the ISMND. This investigation requires that a grout wall be installed in the subsurface of the site near the top of bank. Appendix C describes the required grouting.

The “grout wall” will need to consist of a zone extending the length of the property along the creek channel. The grouting must be performed by an experienced grouting contractor, as it will be important to preclude grout migration into the creek channel. We recommend that all grouting insertion points be kept a minimum of 40 feet away from the creek channel.

To effectuate the grout wall, the affected site soils will need to have a minimum horizontal width of 20 feet. This is expected to require four lines of offsetting injection points spaced approximately 6 feet apart in each direction. The grout should be injected starting at a depth of 30 feet and extending up to a depth of 10 feet below ground surface. The grout lines should be located a minimum of 5 feet beyond the margins of the proposed building envelope to minimize potential impacts on differential settlements.

It is not clear if the proposed, 20-foot wide setback of the new building from the top of bank will be sufficient for the installation of the required grout wall, since the Geotechnical Investigation states that the injection points should be located at least 40 feet away from the creek channel.

Also, as was noted above, the channel of San Lorenzo Creek appears to be actively widening. As is typical of urban creeks, San Lorenzo Creek has been incising in response to the change in its hydrograph associated with the significant increase in cover by impervious surfaces in its watershed. In several reaches of the Creek, incision appears to have reached bedrock and the erosional forces are now widening the channel in response to the post-development hydrograph. In the last two years, significant bank failures have occurred along San Lorenzo Creek in the reach behind 1976 Wingate Way (significant bank failures in 2022 and 2023), behind 22322 Center Street, at A Street, and adjacent to the Hayward Japanese Tea Garden.

In order to confirm that the proposed 20-foot-wide buffer is sufficient to protect the proposed structure at the project site, the geotechnical assessment of the site should be supplemented by an assessment of bank stability, performed by an experienced fluvial geomorphologist. This assessment should take into account the multiple areas of recent bank failures along San Lorenzo Creek in the vicinity of the project site.

If the bank of the Creek at the project site does experience significant failure, stabilization of the Creek bank will require permits from the U.S. Army Corps of Engineers (Corps), the California Department of

Fish and Wildlife (CDFW), and the Water Board. In order to preserve aquatic habitat values in the Creek, the Water Board will only permit biotechnical bank stabilization measures at the Project site.

**Post-Construction Stormwater Treatment**

Text in Section 4.10, *Hydrology and Water Quality*, Mitigation Measure HYD-3, Stormwater Control Plan, states that the project proponent is required to submit a Stormwater Control Plan (SCP) to the Planning Director of the City of Hayward to demonstrate compliance with Section C.3 of the Water Board's Municipal Regional Stormwater NPDES Permit (MRP) requirements. The SCP is to include Low Impact Development (LID) designs for stormwater treatment. LID should consist of bioretention areas to provide treatment for post-construction stormwater runoff from the project's impervious surfaces. However, the site plans provided in the ISMND do not appear to have set aside sufficient space for MRP-compliant bioretention areas for stormwater treatment. Please provide the project's SCP with sufficient detail to confirm that adequate surface area has been set aside for stormwater treatment.

Text on page 4-53 of the ISMND states that some of the project's runoff will be treated in self-treating, landscaped areas. However, the largest areas of landscaping at the project site appear to be proposed in the areas adjacent to the top of bank that will be treated with grout to mitigate potential damage from liquefaction in seismic events. The ISMND should assess the impact of the required grouting on the proper functioning of the proposed, self-treating landscaped areas. Please confirm that the parties responsible for developing the SCP were aware of the proposed areas of extensive subsurface grouting in the open space between the proposed building and the top of bank.

Please let me know if you have any questions about these comments.

Brian Wines

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San Francisco Bay Regional Water Quality Control Board

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