



SUBJECT

Hayward Downtown Specific Plan Draft Environmental Impact Report

RECOMMENDATION

That the Planning Commission reviews and provides comments to staff on the proposed Draft Environmental Impact Report (DEIR) for the draft Downtown Specific Plan and Code. No formal action is being requested at this time and the Commission will have another opportunity to review and provide formal recommendation to City Council on the EIR and Downtown Specific Plan at a future date.

SUMMARY

This work session is being held to allow the Planning Commission and members of the public an opportunity to review and provide comments on the DEIR (Attachment II), which is currently within the 45-day public review period that extends thru February 20, 2019. Environmental impacts associated with implementation of the proposed draft Downtown Specific Plan (Attachment III) have been assessed, and the DEIR identifies several significant and unavoidable impacts related to air quality, noise, and transportation/circulation.

BACKGROUND

Staff and the City's consultant team, Lisa Wise Consulting (LWC), have crafted a Downtown Specific Plan following a robust community outreach program. On January 7, 2019, the Draft Downtown Specific Plan document was released for public review and comment as was the DEIR for the project. This document release initiated the required minimum 45-day public review period pursuant to the California Environmental Quality Act, or CEQA. The DEIR review period runs from January 7, 2019 through February 20, 2019.

Upon completion of the 45-day comment period for the Draft EIR, the City will review all written comments received and verbal comments provided at the public meeting and prepare written responses to each comment on the adequacy of the Draft EIR. A Final EIR will then be prepared, which contains all of the comments received, responses to comments raising environmental issues, and any changes to the Draft EIR. The Final EIR will then be presented to the City Council for certification as the environmental document for the proposed project. All persons who commented on the Draft EIR will be notified of the availability of the Final EIR and the date of the public hearing before the City. All responses to comments submitted on the Draft EIR by agencies will be provided to those agencies at least 10 days prior to certification of the EIR. The City Council will make findings regarding the extent and nature of the impacts

as presented in the EIR. The EIR will need to be certified as having been prepared in compliance with CEQA by the City Council prior to making a decision to approve or deny the proposed project. Public input is encouraged at all public hearings before the City Council or Planning Commission.

Public Outreach. In compliance with CEQA section 21080.4, the City circulated the Notice of Preparation (NOP) of the EIR for the proposed project to the Office of Planning and Research State Clearinghouse and interested agencies and persons on Friday, February 23, 2018 for a 30-day-review period. A public Scoping Meeting was held on Monday, March 12, 2018. The NOP and scoping process solicited comments from responsible and trustee agencies, as well as interested parties regarding the scope of the Draft EIR.

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A Notice of Availability (NOA) and notice of this public review was also sent to all interested parties, local agencies, those who commented on the EIR Notice of Preparation, members of the Downtown Specific Plan Task Force, and members of the Hayward community requesting such notification. City staff also held a Community Open House event on Saturday, January 12, 2019 at City Hall for the community to learn more about the draft Downtown Specific Plan and the associated DEIR.

DISCUSSION

An Environmental Impact Report (EIR) is an informational document which informs public agency decisionmakers and the public generally of the significant environmental effects of a project, identifies possible ways to minimize the significant effects, and describes reasonable alternatives to the project. The Draft EIR for the draft Downtown Specific Plan has been prepared in accordance with CEQA and analyzes the potential environmental impacts associated with the proposed draft Downtown Specific. The DEIR analyzes impacts in the following topic areas at the program level rather than the project-specific level. The scope of the EIR was established by the City of Hayward through the EIR scoping process and includes an analysis of the impacts from the proposed project and cumulative impacts in the following issues areas:

- Aesthetics
- Air quality
- Biological Resources
- Cultural and Tribal Cultural Resources
- Geology and Soils
- Greenhouse Gas Emissions
- Hazards and Hazardous Materials

- Hydrology and Water Quality
- Land Use and Planning
- Noise
- Population and Housing
- Public Services and Recreation
- Transportation and Circulation
- Utilities and Service Systems
- CEQA-Mandated Assessment Conclusions
 - Impacts Found Not to Be Significant
 - Significant Unavoidable Impacts
 - Growth-Inducing Impacts
- Significant Irreversible Changes

The City of Hayward, as the lead agency, has reviewed and revised as necessary all submitted drafts, technical studies, and reports to reflect its own independent judgment, including reliance on applicable City technical personnel and review of all consultant-prepared technical reports. Information for the Draft EIR was obtained from onsite field observations; discussions with affected agencies; analysis of adopted plans and policies; review of available studies, reports, data, and similar literature in the public domain; and specialized environmental assessments (e.g., air quality, greenhouse gas emissions, noise, and transportation and circulation). A detailed list of appendices¹ that are included with the DEIR are included on the City's website.

As explained in the Environmental Evaluation (Chapter 4) section of the Draft EIR, adoption and implementation of the proposed project would have no impact to Agriculture, Forestry, and Mineral Resources, therefore, no detailed analysis discussion is warranted in the Draft EIR.

For the majority of the potential impacts, the proposed General Plan policies “self-mitigate” and impacts are reduced to a less than significant level. Section 15126.2(b) of the CEQA Guidelines requires that an EIR describe any significant impacts that cannot be avoided, even with the implementation of feasible mitigation measures. Listed below are four (4) impact areas (air quality, greenhouse gas emissions, noise, and transportation and circulation) within the DEIR that were found to result in Significant and Unavoidable impacts, which are also shown on Table 6-1 in the DEIR:

AIR QUALITY

- *Impact AQ-2.1:* Construction activities associated with implementation of the proposed Specific Plan could potentially violate an air quality standard or contribute substantially to an existing or projected air quality violation.

¹ Draft EIR Appendices: <https://www.hayward-ca.gov/downtown-specific-plan/draft-eir>

- *Impact AQ-2.2:* Operation of development projects accommodated under the proposed Specific Plan could contribute to an existing or projected air quality violation.
- *Impact AQ-3:* Future potential development projects associated with the proposed Specific Plan could cumulatively contribute to the non-attainment designations of the San Francisco Bay Area Air Basin.
- *Impact AQ-4.1:* Construction activities associated with potential future development projects accommodated under the proposed Specific Plan could expose nearby receptors to substantial concentrations of Toxic Air Contaminants.

GREENHOUSE GAS EMISSIONS

- *Impact GHG-1.1:* Construction of future projects resulting from implementation of the proposed Specific Plan would generate greenhouse gas emissions, either directly or indirectly, that exceed the forecast year-2040 GHG emissions efficiency metric (2,811 MTCO₂e/year compared to 1,100 MTCO₂e/year).
- *Impact GHG-1.2:* The operation of future projects resulting from implementation of the proposed Specific Plan would generate GHG emissions, either directly or indirectly, that would exceed the forecast year-2040 GHG emissions efficiency metric.

NOISE

- *Impact NOISE-1:* The construction of future projects in the Specific Plan Area could expose sensitive receptors to noise that exceeds the City's noise limits.
- *Impact NOISE-3:* Implementation of the Specific Plan would result in a permanent substantial increase in ambient noise levels.
- *Impact NOISE-4:* The construction of future projects in the Specific Plan Area could expose sensitive receptors to a substantial temporary increase in ambient noise levels.

TRANSPORTATION AND CIRCULATION

- *Impact TRANS-1:* Implementation of the proposed project would cause or contribute to impacts at 16 intersections.
- *Impact TRANS-2.1:* Implementation of the proposed project would cause or contribute to impacts at 14 MTS arterial and freeway segments.
- *Impact TRANS-2.2:* Implementation of the proposed project would cause or contribute to impacts on 14 AC Transit bus lines in the area.

Impacts identified as Significant and Unavoidable are those impacts where it has been determined that no amount of mitigation would be able to reduce it to a less than significant level. For these impacts, the public agency decision makers need to determine whether the impact is one that they are willing to accept based on other criteria or positive outcomes that outweigh the negative impact. The decision-makers would need to adopt a Statement of Overriding Considerations for each significant and unavoidable impact they are willing to accept as part of certifying the EIR and ultimately adopting the project.

NEXT STEPS

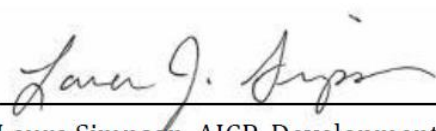
Following the completion of the public comment period, staff will address any comments received from the DEIR and prepare the final EIR for review and consideration. The Planning Commission is scheduled to review the FEIR and Downtown Specific Plan and Code at their regularly scheduled meeting on Thursday March 14, 2019, with the goal of providing a formal recommendation to the City Council. The Council is tentatively scheduled to consider the certification of the FEIR and adoption of the Downtown Specific Plan with Code at their April 9, 2019 meeting.

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