

# **CITY OF HAYWARD**

Hayward City Hall  
777 B Street  
Hayward, CA 94541  
[www.Hayward-CA.gov](http://www.Hayward-CA.gov)



CITY OF  
**HAYWARD**  
HEART OF THE BAY

## **Agenda**

**Tuesday, June 16, 2020**

**7:00 PM**

**Remote Participation**

**City Council**

**CITY COUNCIL MEETING**

This meeting is being conducted utilizing teleconferencing and electronic means consistent with State of California Executive Order No. 29-20 dated March 17, 2020, and Alameda County Health Officer Order No. 20-10 dated April 29, 2020, regarding the COVID-19 pandemic.

*How to observe the Meeting:*

1. Comcast Channel 15
2. Live stream <https://hayward.legistar.com/Calendar.aspx>

*How to submit written Public Comment:*

1. Use eComment on the City's Meeting & Agenda Center webpage at <https://hayward.legistar.com/Calendar.aspx>. eComments are directly sent to the iLegislate application used by City Council and City staff. Comments received before 3:00 p.m. the day of the meeting will be exported into a report, distributed to the City Council and staff, and published on the City's Meeting & Agenda Center under Documents Received After Published Agenda. eComments received after 3:00 p.m. through the adjournment of the meeting will be included as a part of the meeting record and published the following day.

2. Send an email to [List-Mayor-Council@hayward-ca.gov](mailto:List-Mayor-Council@hayward-ca.gov) by 3:00 p.m. the day of the meeting. Please identify the Agenda Item Number in the subject line of your email. Emails will be compiled into one file, distributed to the City Council and staff, and published on the City's Meeting & Agenda Center under Documents Received After Published Agenda.

*How to provide spoken Public Comment during the City Council Meeting:*

Call the City Clerk at (510) 583-4400 prior to the close of public comment on an item as indicated by the Mayor.

**CALL TO ORDER Pledge of Allegiance: Mayor Halliday**

**ROLL CALL**

**CLOSED SESSION**

**PRESENTATIONS**

Proclamation: Elder Abuse Awareness Month

Proclamation: Juneteenth

**PUBLIC COMMENTS**

*The Public Comment section provides an opportunity to address the City Council on items not listed on the agenda or Information Items. The Council welcomes your comments and requests that speakers present their remarks in a respectful manner, within established time limits, and focus on issues which directly affect the City or are within the jurisdiction of the City. As the Council is prohibited by State law from discussing items not listed on the agenda, your item will be taken under consideration and may be referred to staff.*

**ACTION ITEMS**

*The Council will permit comment as each item is called for the Consent Calendar, Public Hearings, and Legislative Business. In the case of the Consent Calendar, a specific item will need to be pulled by a Council Member in order for the Council to discuss the item or to permit public comment on the item. Please notify the City Clerk any time before the Consent Calendar is voted on by Council if you wish to speak on a Consent Item.*

**CONSENT**

1.     [MIN 20-064](#)     Approve City Council Minutes of the Special City Council Meeting on June 2, 2020  
  
      **Attachments:**   [Attachment I Draft Minutes of 6/2/2020](#)
  
2.     [CONS 20-280](#)   Adopt Resolutions Authorizing the City Manager to Negotiate and Execute an Agreement with Alameda County to Accept \$2,870,000 and an Amendment to the Professional Services Agreement with RossDrulisCusenbery for the South Hayward Youth and Family Center Project  
  
      **Attachments:**   [Attachment I Staff Report](#)  
                          [Attachment II Appropriation Resolution](#)  
                          [Attachment III Agreement Resolution](#)  
                          [Attachment IV RDC Proposal](#)
  
3.     [CONS 20-281](#)   Adopt a Resolution Authorizing the City Manager to Accept and Appropriate \$20,000 in Grant Funding to Support Census 2020 Outreach Activities  
  
      **Attachments:**   [Attachment I Staff Report](#)  
                          [Attachment II Resolution](#)

4. [CONS 20-284](#) Adopt a Resolution Authorizing the City Manager to Negotiate and Execute an Agreement with Savant Solutions for Information Technology Department Infrastructure Security Services

**Attachments:** [Attachment I Staff Report](#)  
[Attachment II Resolution](#)

5. [CONS 20-305](#) Adopt a Resolution Extending Terms of Current Hayward Youth Commission Voting Members through June 30, 2021 and Promoting Alternates to Voting Member Status with Terms Expiring June 30, 2021

**Attachments:** [Attachment I Staff Report](#)  
[Attachment II Resolution](#)

#### PUBLIC HEARING

6. [PH 20-043](#) Route 238 Parcel Group 9: Proposal to Rezone Former Caltrans Property known as Rte. 238 Parcel Group 9 Located at the Intersection of Apple Avenue and Oak Street (Assessor Parcel Nos. 415-0160-052-00, & 415-0170-037-00) from High Density Residential (RH) and Commercial Office (CO) to General Commercial (CG), Requiring Approval of Rezoning Subject to an Addendum of the Hayward 2040 General Plan EIR per the California Environmental Quality Act (CEQA) Section 15164; City of Hayward (Applicant/Property Owner; Application No. 202000605) (Report from Development Services Director Simpson)

**Attachments:** [Attachment I Staff Report](#)  
[Attachment II Ordinance](#)  
[Attachment III Resolution](#)  
[Attachment IV EIR Addendum](#)  
[Attachment V Maps](#)  
[Attachment VI Public Comments](#)  
[Attachment VII PC Minutes of 5/14/2020](#)

7. [PH 20-044](#) 2040 General Plan: Introduce an Ordinance Amending the Hayward 2040 General Plan to Comply with Changes to State Law Including the Establishment of New Vehicle Miles Traveled (VMT) CEQA Thresholds and Adopt Updated Greenhouse Gas Emission Reduction Targets (Report from Development Services Director Simpson and Public Works Director Ameri)

**Attachments:**

[Attachment I Staff Report](#)

[Attachment II VMT Resolution](#)

[Attachment III Resolution for GHG Goals](#)

[Attachment IV Ordinance](#)

[Attachment V Exhibit A - Proposed GPA](#)

[Attachment VI Proposed VMT Thresholds Screening Criteria](#)

[Attachment VII Tech Memo for GHG](#)

[Attachment VIII StopWaste Ltr 12.19.19](#)

[Attachment IX Draft PC Minutes of 5/28/2020](#)

**WORK SESSION**

*Work Session items are non-action items. Although the Council may discuss or direct staff to follow up on these items, no formal action will be taken. Any formal action will be placed on the agenda at a subsequent meeting in the action sections of the agenda.*

8. [WS 20-028](#) Review of Capital Improvement Program for FY 2021- FY 2030 & FY 2021 Operating Budget Work Session #2 (Report from Finance Director Claussen and Public Works Director Ameri)

**CITY MANAGER'S COMMENTS**

An oral report from the City Manager on upcoming activities, events, or other items of general interest to Council and the Public.

**COUNCIL REPORTS AND ANNOUNCEMENTS**

Council Members can provide oral reports on attendance at intergovernmental agency meetings, conferences, seminars, or other Council events to comply with AB 1234 requirements (reimbursable expenses for official activities).

**COUNCIL REFERRALS**

Council Members may bring forward a Council Referral Memorandum (Memo) on any topic to be considered by the entire Council. The intent of this Council Referrals section of the agenda is to provide an orderly means through which an individual Council Member can raise an issue for discussion and possible direction by the Council to the appropriate Council Appointed Officers for action by the applicable City staff.

**ADJOURNMENT****NEXT MEETING, June 23, 2020, 7:00 PM****PUBLIC COMMENT RULES**

*Any member of the public desiring to address the Council shall limit her/his address to three (3) minutes unless less or further time has been granted by the Presiding Officer or in accordance with the section under Public Hearings. The Presiding Officer has the discretion to shorten or lengthen the maximum time members may speak. Speakers will be asked for their name before speaking and are expected to honor the allotted time. Speaker Cards are available from the City Clerk at the meeting.*

**PLEASE TAKE NOTICE**

*That if you file a lawsuit challenging any final decision on any public hearing or legislative business item listed in this agenda, the issues in the lawsuit may be limited to the issues that were raised at the City's public hearing or presented in writing to the City Clerk at or before the public hearing.*

**PLEASE TAKE FURTHER NOTICE**

*That the City Council adopted Resolution No. 87-181 C.S., which imposes the 90-day deadline set forth in Code of Civil Procedure section 1094.6 for filing of any lawsuit challenging final action on an agenda item which is subject to Code of Civil Procedure section 1094.5.*

*\*\*\*Materials related to an item on the agenda submitted to the Council after distribution of the agenda packet are available for public inspection in the City Clerk's Office, City Hall, 777 B Street, 4th Floor, Hayward, during normal business hours. An online version of this agenda and staff reports are available on the City's website. Written comments submitted to the Council in connection with agenda items will be posted on the City's website. All Council Meetings are broadcast simultaneously on the website and on Cable Channel 15, KHRT. \*\*\**

*Assistance will be provided to those requiring accommodations for disabilities in compliance with the Americans with Disabilities Act of 1990. Interested persons must request the accommodation at least 48 hours in advance of the meeting by contacting the City Clerk at (510) 583-4400 or TDD (510) 247-3340.*

*Assistance will be provided to those requiring language assistance. To ensure that interpreters are available at the meeting, interested persons must request the accommodation at least 48 hours in advance of the meeting by contacting the City Clerk at (510) 583-4400.*

**CHILDCARE WILL NOT BE PROVIDED UNTIL FURTHER NOTICE DUE TO COUNTYWIDE SHELTER-IN-PLACE ORDER.**



# CITY OF HAYWARD

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**File #:** MIN 20-064

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**DATE:** June 16, 2020

**TO:** Mayor and City Council

**FROM:** City Clerk

**SUBJECT**

Approve City Council Minutes of the Special City Council Meeting on June 2, 2020

**RECOMMENDATION**

That the City Council approves the Special City Council minutes of June 2, 2020.

**SUMMARY**

The City Council held a special meeting on June 2, 2020.

**ATTACHMENTS**

Attachment I      Draft Minutes of 6/2/2020



**SPECIAL CITY COUNCIL MEETING  
REMOTE PARTICIPATION  
Tuesday, June 2, 2020, 7:00 p.m.**

The special meeting was conducted utilizing teleconferencing and electronic means consistent with State of California Executive Order No 29-20 dated March 17, 2020, and the Alameda County Health Officer Order No. 20-10 dated April 29, 2020 regarding the COVID-19 pandemic.

**ROLL CALL**

Present: COUNCIL MEMBERS, Lamnin, Márquez, Mendall, Salinas, Wahab, Zermeño  
MAYOR Halliday  
Absent: None

**CLOSED SESSION ANNOUNCEMENT**

The City Council convened in closed session on June 1, 2020 at 7:00 p.m., regarding a conference with labor negotiators pursuant to Government Code 54957.6 for all labor groups. City Attorney Lawson reported all Council members were present and there was no reportable action.

The City Council convened in closed session on June 2, 2020 at 5:00 p.m., regarding two items: 1) conference with legal counsel pursuant to Government Code 54957(a); and 2) conference with labor negotiators pursuant to Government Code 54957.6 for all labor groups. City Attorney Lawson reported that pursuant to Government Code 54954.2(b)(2) the City Council unanimously approved, with Mayor Halliday motioning and Council Member Zermeño seconding, to add one item to the agenda. City Attorney Lawson added that all Council members were present and there was no reportable action related to any of the items discussed.

**PRESENTATIONS**

Mayor Halliday announced the 2020 City of Hayward Earth Day Poster and Writing Contest and welcomed all winners and their families who were participating virtually. It was noted that 506 entries were received from students representing 24 Hayward schools. Council Member Mendall, who serves as the Chair of the Council Sustainability Committee along with Council Members Zermeño and Márquez, noted it was the 37<sup>th</sup> Annual Earth Day Campaign, and announced the 20 Poster and Writing Contest winners who were recognized with gift certificates and also acknowledged all 17 teachers who were involved and also recognized with gift cards. All students were thanked for their participation and teachers for encouraging the students to participate.



Mayor Halliday gave Council Member Lamnin the opportunity to read a Proclamation declaring the month of June 2020 as Lesbian, Gay, Bisexual, Transgender, Questioning, Queer, Intersex, and 2-Spirit (LGBTQQI2-S) (LGBTQ+) Pride Month in the City of Hayward.

**PUBLIC COMMENTS**

Public comments were limited to items on the Agenda as items were called.

**CONSENT**

Consent Item No. 2 was removed from the Consent Calendar for separate action.

1. Approve City Council Minutes of the Special City Council Meeting on May 19, 2020 **MIN 20-060**

It was moved by Council Member Márquez, seconded by Council Member Lamnin, and carried unanimously, to approve the minutes of the special City Council meeting on May 19, 2020.

2. Adopt a Resolution of Intention to Preliminarily Approve the Engineer’s Report and Assessments for Fiscal Year 2021; and Set June 23, 2020 as the Public Hearing Date for Such Actions for Consolidated Landscaping and Lighting District No. 96-1, Zones 1-18 **CONS 20-150**

Staff report submitted by Maintenance Services Director Rullman, dated June 2, 2020, was filed.

Mayor Halliday read a statement from Mr. Marty Froomin, into the record, which opposed flat fee increases in special assessments during a pandemic.

City Manager McAdoo noted staff has been working with the community to identify individuals facing hardships due to COVID-19.

Council Member Lamnin appreciated staff’s efforts to mitigate financial impact on residents.

Council Member Mendall disclosed he lives in one of the districts, but the City Attorney confirmed he did not need to recuse from participating or voting on the item.

It was moved by Council Member Lamnin, seconded by Mayor Halliday, and carried with the following roll call vote, to approve the resolution:

AYES:	COUNCIL MEMBERS Lamnin, Márquez, Mendall, Salinas, Wahab, Zermeño MAYOR Halliday
NOES:	None
ABSENT:	None
ABSTAIN:	None



**SPECIAL CITY COUNCIL MEETING  
REMOTE PARTICIPATION  
Tuesday, June 2, 2020, 7:00 p.m.**

Resolution 20-072, "Resolution Preliminarily Approving Engineer's Report, Declaring Intention to Levy Assessments for Fiscal Year 2021 for Consolidated Landscaping and Lighting District No. 96-1, Zones 1-18, and Setting June 23, 2020, as the Public Hearing Date"

3. Adopt a Resolution of Intention to Preliminarily Approve the Engineer's Report and Levy Assessments for Fiscal Year 2021 for Maintenance District No. 1 - Storm Drainage Pumping Station and Storm Drain Conduit Located at Pacheco Way, Stratford Road and Ruus Lane, and Set June 23, 2020, as the Public Hearing Date **CONS 20-260**

Staff report submitted by Maintenance Services Director Rullman, dated June 2, 2020, was filed.

It was moved by Council Member Márquez, seconded by Council Member Lamnin, and carried with the following roll call vote, to approve the resolution:

AYES: COUNCIL MEMBERS Lamnin, Márquez, Mendall, Salinas,  
Wahab, Zermeño  
MAYOR Halliday  
NOES: None  
ABSENT: None  
ABSTAIN: None

Resolution 20-067, "Resolution of Intention Preliminarily Approving the Engineer's Report; Declaring Intention to Levy Assessments for Fiscal Year 2021; and Setting June 23, 2020, as the Public Hearing Date Concerning Maintenance District No. 1 - Storm Drainage Pumping Station and Storm Drain Conduit - Pacheco Way, Stratford Road, and Ruus Lane"

4. Adopt a Resolution of Intention to Preliminarily Approve the Engineer's Report and Levy Assessments for Fiscal Year 2021 for Maintenance District No. 2 - Eden Shores Storm Water Facilities and Water Buffer, and Set June 23, 2020, as the Public Hearing Date **CONS 20-261**

Staff report submitted by Maintenance Services Director Rullman, dated June 2, 2020, was filed.

It was moved by Council Member Márquez, seconded by Council Member Lamnin, and carried with the following roll call vote, to approve the resolution:

AYES: COUNCIL MEMBERS Lamnin, Márquez, Mendall, Salinas,  
Wahab, Zermeño  
MAYOR Halliday  
NOES: None  
ABSENT: None  
ABSTAIN: None

Resolution 20-068, “Resolution of Intention Preliminarily Approving Engineer's Report, Declaring Intention to Levy Assessments for Fiscal Year 2021, and Setting June 23, 2020, as the Public Hearing Date Concerning Maintenance District No. 2 - Eden Shores Storm Water Facilities and Water Buffer”

5. Adopt a Resolution Approving a New Ground Lease with Pacific Roller Die Company, Inc., and Authorizing the City Manager to Execute the Lease **CONS 20-238**

Staff report submitted by Public Works Director Ameri, dated June 2, 2020, was filed.

It was moved by Council Member Márquez, seconded by Council Member Lamnin, and carried with the following roll call vote, to approve the resolution:

AYES: COUNCIL MEMBERS Lamnin, Márquez, Mendall, Salinas,  
Wahab, Zermeño  
MAYOR Halliday  
NOES: None  
ABSENT: None  
ABSTAIN: None

Resolution 20-069, “Resolution Authorizing the City Manager to Negotiate and Execute a New Lease Agreement with Pacific Roller Die Company, Inc., for the Lease of Airport Property”

6. Adopt a Resolution Authorizing the City Manager to Execute Amendment No. 3 Increasing the Professional Services Agreement with Advanced Mobility Group, Inc., by \$70,000 for a Total Not-to-Exceed Amount of \$337,500 **CONS 20-275**

Staff report submitted by Public Works Director Ameri, dated June 2, 2020, was filed.

It was moved by Council Member Márquez, seconded by Council Member Lamnin, and carried with the following roll call vote, to approve the resolution:



**SPECIAL CITY COUNCIL MEETING  
REMOTE PARTICIPATION  
Tuesday, June 2, 2020, 7:00 p.m.**

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AYES: COUNCIL MEMBERS Lamnin, Márquez, Mendall, Salinas,  
Wahab, Zermeño  
MAYOR Halliday  
NOES: None  
ABSENT: None  
ABSTAIN: None

Resolution 20-070, "Resolution Authorizing the City Manager to Execute Amendment No. 3 to the Professional Services Agreement with Advanced Mobility Group, Inc., for Traffic Signal Design and Related Services"

7. Adopt a Resolution Authorizing the City Manager to Amend the Professional Services Agreement with Pavement Engineering, Inc., for the FY21 Pavement Improvement Project, Project No. 05227, 05295, 05236, 05238, 05239, by \$362,250, for an Amount Not-to-Exceed \$1,014,705 **CONS 20-276**

Staff report submitted by Public Works Director Ameri, dated June 2, 2020, was filed.

It was moved by Council Member Márquez, seconded by Council Member Lamnin, and carried with the following roll call vote, to approve the resolution:

AYES: COUNCIL MEMBERS Lamnin, Márquez, Mendall, Salinas,  
Wahab, Zermeño  
MAYOR Halliday  
NOES: None  
ABSENT: None  
ABSTAIN: None

Resolution 20-071, "Resolution Authorizing the City Manager to Amend the Professional Services Agreement with Pavement Engineering, Inc., to Provide Engineering Services for the FY21 Pavement Improvement Project, Project No. 05227, 05295, 05236, 05238, 05239"

**WORK SESSION**

8. I-880/Whipple Road - Industrial Parkway Southwest and I-880/Industrial Parkway West Interchange: Interchange Improvement Project (Report from Public Works Director Ameri) **WS 20-020**

Staff report submitted by Public Works Director Ameri, dated June 2, 2020, was filed.

Transportation Manager Kelley announced the report and introduced Mr. Sasha Dansky, Project Manager from the consultant team, and Mr. Gary Sidhu, project lead from the Alameda County Transportation Commission ACTC. Mr. Dansky and Mr. Sidhu provided an overview of the Whipple Road-Industrial Parkway Southwest interchange and Industrial Parkway West interchange; project purpose and need; project context and constraints; and potential improvement alternatives for both interchanges.

There being no public speakers, Mayor Halliday opened and closed the public hearing section at 7:58 p.m.

Discussion ensued among Council members, City staff, Mr. Shasha Dansky, and Mr. Gary Sidhu regarding: Industrial Parkway West interchange alternatives; Whipple Road-Industrial Parkway Southwest interchange design variations; increasing lanes and capacity in the intersections; adding and lengthening dual left turns; community outreach to affected property owners; right-of-way impacts; cost estimates for the three alternatives and anticipated funds from Measure BB; correspondence from Mr. Steven Dunbar from Bike East Bay and alternative options; overview of all three alternatives regarding pedestrian and bicycle access; traffic issues on Tennyson Road and the importance of good lighting in the area. Members of the City Council generally supported improved pedestrian options and protections.

Council Member Mendall preferred the less costly design variation option for the Whipple Road-Industrial Parkway Southwest interchange. Regarding the Industrial Parkway West interchange, Council Member Mendall noted both Alternatives 1 and 2 were viable but had a slight preference for Alternative 1 which would avoid demolishing buildings and was better from a pedestrian and bicycle perspective.

Council Member Márquez supported the safest alternative for cars, bicycles, pedestrians, and public transportation riders. Council Member Márquez recommended engaging the Friends of San Lorenzo Creek to minimize any impacts to the San Lorenzo Creek.

Council Member Lamnin concurred with Council Member Mendall's comments about the design variation and keeping costs down and not requiring property acquisition; and supported a plan that includes good bicycle entrances to enable them to get into their lanes and preferred the pedestrian and bicycle lanes be separate. Council Member Lamnin noted Alternative 3 helps improve pedestrian and bicycle safety.

Council Member Zermeño recommended a well-designed overpass with aesthetic elements for the bridge that do not include chain link fences and noted carnation was the City's flower; supported the alternative for Whipple Road/Industrial Parkway Southwest interchange; preferred spending more funds to improve the Industrial Parkway West interchange; and supported either Alternative 1 or 3.



**SPECIAL CITY COUNCIL MEETING  
REMOTE PARTICIPATION  
Tuesday, June 2, 2020, 7:00 p.m.**

Council Member Salinas expressed he was comfortable with Alternative 3 for the Industrial Parkway West interchange with multi-use pathways and requested staff be mindful of aesthetics as this would be a major gateway to the City's industrial area; and noted Whipple Road would be improved with the project.

Council Member Wahab favored Alternative 2 for the Industrial Parkway West interchange as the design allows for more space and length; requested staff provide clarity on comments from organizations and individuals regarding pedestrian and bicycle safety; and expressed concern about impact of multi-use lanes on slow walkers such as older individuals.

Mayor Halliday concurred with her colleagues about bicycle and pedestrian elements being a priority and for staff to continue working with Bike East Bay; and she noted a key benefit was adding the northbound exit ramp to Industrial Parkway.

**LEGISLATIVE BUSINESS**

9. Presentation of FY 2021 Proposed Operating Budget (Report from Finance Director Claussen) **LB 20-025**

Staff report submitted by Finance Director Claussen, dated June 2, 2020, was filed.

Finance Director Claussen provided a synopsis of the staff report, available on the City's Meeting and Agenda Center under Documents Received After Published Agenda.

Mayor Halliday opened the public hearing at 9:20 p.m.

Public speakers participated by calling the City Clerk's office at (510) 583-4400.

Ms. Cheryl Penick, IFPTE Local 21 representative, pointed out inconsistencies in reporting and expressed a desire for greater transparency in where the revenue projections originated from.

Mayor Halliday closed the public hearing at 9:22 p.m.

Council members acknowledged City staff efforts and discussions with bargaining groups.

Discussion ensued regarding: Other Post-Employment Benefits (OPEB) payment deferrals; employee protections and importance of continuing to provide services to residents; Transient Occupancy Tax (TOT) projections; starting to reopen businesses to help sales tax revenue; voter approved Measure C funds; and funds for Fire Station and Fire Training Center.

Some members of the Council provided the following suggestions: consider moving forward with placing a TOT measure on the November ballot and make sure the proposal is in line with neighboring municipalities; revisit the cannabis permit process; do not reduce OPEB payments; consider a twelve month hiring freeze; separate supplies from services and better define them; consider e-Library for parents and children and continue programs for adults; reassess Public Works projects; do not reduce department budgets for essential services; and evaluate selling City vacant buildings.

The City Council was appreciative of City employees' participation in helping balance the City's budget and welcomed public comment on the proposed budget.

10. Employment Agreement Extensions: Adopt Resolutions Approving a Three-Month Extension to the Employment Agreements Between the City of Hayward, the City Attorney and City Clerk, Amending the Agreements to Eliminate the July 2020 Scheduled 2% Cost of Living Adjustment, and Authorizing the Mayor to Execute Those Agreements (Report from Assistant City Manager/Interim Human Resources Director Hurtado) **LB 20-024**

Staff report submitted by Assistant City Manager/Interim Director of Human Resources Hurtado, dated June 2, 2020, was filed.

Assistant City Manager/Interim Human Resources Director Hurtado provided a synopsis of the staff report.

There being no public comments, Mayor Halliday opened and closed the public hearing at 10:20 p.m.

City Council members thanked City staff, City Attorney and City Clerk for giving up scheduled 2% Cost of Living adjustments and discussed Measure C funds.

Council Member Salinas offered a motion to approve staff's recommendation.

Council Member Márquez seconded the motion.

It was moved by Council Member Salinas, seconded by Council Member Márquez, and carried with the following roll call vote, to approve the resolution:

AYES:	COUNCIL MEMBERS Zermeño, Márquez, Mendall, Lamnin, Wahab, Salinas MAYOR Halliday
NOES:	None
ABSENT:	None
ABSTAIN:	None



**SPECIAL CITY COUNCIL MEETING  
REMOTE PARTICIPATION  
Tuesday, June 2, 2020, 7:00 p.m.**

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Resolution 20-073, "Resolution Approving the Extension and Modification of the City Clerk's Employment Agreement and Authorizing the Mayor to Execute the Agreement on Behalf of the Council"

Resolution 20-074, "Resolution Approving the Extension and Modification of the City Attorney's Employment Agreement and Authorizing the Mayor to Execute the Agreement on Behalf of the Council"

**INFORMATION ITEM**

**11. Informational Report on the Results of Foothill Boulevard and D Street Intersection Safety Analysis and Proposed Improvements RPT 20-058**

Staff report submitted by Public Works Director Ameri, dated June 2, 2020, was filed.

The item was an informational report. City Manager McAdoo noted the item would be presented to the Council Infrastructure Committee in July.

**CITY MANAGER'S COMMENTS**

City Manager McAdoo condemned the actions of the Minneapolis Police officers resulting in the death of Mr. George Floyd, spoke about actions that necessitated instituting a curfew in Hayward on June 1, 2020, and noted Hayward was rescinding the curfew order and following Alameda County's curfew order in effect until June 5, 2020, from 8:00 p.m. to 5:00 a.m. City Manager McAdoo also noted there would be a Town Hall meeting on June 8, 2020, in coordination with the Community Advisory Panel to Police Chief and co-hosted by Mayor Halliday, Police Chief Chaplin, and herself.

**COUNCIL REPORTS AND ANNOUNCEMENTS**

Mayor Halliday spoke on behalf of the City about shared anger over the horrible incident that resulted in the death of Mr. George Floyd while in the custody of four Minneapolis Police officers on May 25, 2020. Mayor Halliday noted it was one of recent tragic incidents of racial injustice in the country that ignited justified pain and anger over continued systemic racism. Mayor Halliday indicated Hayward must try to do its best to live up to the commitment for an inclusive, equitable and compassionate community, and asked residents to help be a force for calm and forward progress.



Council Member Salinas expressed anger after watching the video of Mr. George Floyd which reminded him how far society is from addressing issues of structural inequality, institutional racism, and disparities, and reminded all about the institutions/agencies Hayward has in place to provide more access to historically marginalized communities.

Council Member Wahab shared memories of her upbringing with a Black family and shared her thoughts on the events that occurred recently on systemic racism; offered words of hope and fellowship during the pandemic; thanked the City for its efforts, residents who have been sheltering-in-place, and protesters for exercising their right to speak and the Hayward Police Department for being respectful during a challenging time.

**ADJOURNMENT**

Mayor Halliday adjourned the special meeting at 10:50 p.m., in honor and memory of Mr. George Floyd. Mayor Halliday said may his death be the catalyst to bring about the change that is needed and has been needed to ensure equal treatment under the law of all persons in our community and country.

**APPROVED**

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Barbara Halliday  
Mayor, City of Hayward

**ATTEST:**

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Miriam Lens  
City Clerk, City of Hayward



# CITY OF HAYWARD

Hayward City Hall  
777 B Street  
Hayward, CA 94541  
www.Hayward-CA.gov

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**File #:** CONS 20-280

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**DATE:** June 16, 2020

**TO:** Mayor and City Council

**FROM:** City Manager

**SUBJECT**

Adopt Resolutions Authorizing the City Manager to Negotiate and Execute an Agreement with Alameda County to Accept \$2,870,000 and an Amendment to the Professional Services Agreement with RossDrulisCusenbery for the South Hayward Youth and Family Center Project

**RECOMMENDATION**

That Council adopts the attached resolutions (Attachments II and III) authorizing the City Manager to:

1. Negotiate and execute an agreement with Alameda County to accept and appropriate \$2,870,000 for expenses for the South Hayward Youth and Family Center (SHYFC) project, and
2. Negotiate and execute an amendment to the professional services agreement with RossDrulisCusenbery, Inc. (RDC) for architecture and engineering services for the proposed SHYFC, not to exceed \$2,870,000.

**SUMMARY**

On February 5, 2019, Council authorized the City Manager to negotiate and execute a professional services agreement with RDC for master plan and preliminary design work for the SHYFC project. In addition, Council authorized the City Manager to accept \$500,000 from Alameda County to cover the cost of the agreement.

As of March 2020, RDC has successfully completed the program scope, master plan, and preliminary designs. In light of the COVID-19 pandemic and resulting economic losses, staff is recommending moving forward with the design development and construction documentation to get the project “shovel ready” for any future federal stimulus funding. RDC has submitted a proposal for these tasks, with the goal of completing the design phase by the first quarter of 2021. The total cost is not to exceed \$2,870,000.

Alameda County is prepared to transfer funding to the City to cover the cost of the amendment. Staff is seeking Council authorization for the City Manager to negotiate and execute an agreement with Alameda County to accept \$2,870,000 into Fund 405 and an amendment to the professional services agreement

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**File #:** CONS 20-280

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with RDC for design services.

**ATTACHMENTS**

Attachment I	Staff Report
Attachment II	Appropriation Resolution
Attachment III	Agreement Resolution
Attachment IV	RDC Proposal



**DATE:** June 16, 2020

**TO:** Mayor and City Council

**FROM:** City Manager

**SUBJECT:** Adopt Resolutions Authorizing the City Manager to Negotiate and Execute an Agreement with Alameda County to Accept \$2,870,000 and an Amendment to the Professional Services Agreement with RossDrulisCusenbery for the South Hayward Youth and Family Center Project

### **RECOMMENDATION**

That Council adopts the attached resolutions (Attachments II and III) authorizing the City Manager to:

1. Negotiate and execute an agreement with Alameda County to accept and appropriate \$2,870,000 for expenses for the South Hayward Youth and Family Center (SHYFC) project, and
2. Negotiate and execute an amendment to the professional services agreement with RossDrulisCusenbery, Inc. (RDC) for architecture and engineering services for the proposed SHYFC, not to exceed \$2,870,000.

### **SUMMARY**

On February 5, 2019, Council authorized the City Manager to negotiate and execute a professional services agreement with RDC for master plan and preliminary design work for the SHYFC project. In addition, Council authorized the City Manager to accept \$500,000 from Alameda County to cover the cost of the agreement.

As of March 2020, RDC has successfully completed the program scope, master plan, and preliminary designs. In light of the COVID-19 pandemic and resulting economic losses, staff is recommending moving forward with the design development and construction documentation to get the project “shovel ready” for any future federal stimulus funding. RDC has submitted a proposal for these tasks, with the goal of completing the design phase by the first quarter of 2021. The total cost is not to exceed \$2,870,000.

Alameda County is prepared to transfer funding to the City to cover the cost of the amendment. Staff is seeking Council authorization for the City Manager to negotiate and

execute an agreement with Alameda County to accept \$2,870,000 into Fund 405 and an amendment to the professional services agreement with RDC for design services.

## **BACKGROUND**

Below is a list of major milestones for the South Hayward Youth and Family Center Project:

- In 2015, the City, Alameda County, and the Hayward Area Recreation and Park District (HARD) formed the SHYFC Governance Group to guide the project and obtain the necessary resources.
- In July 2014, the County Board of Supervisors allocated \$9.6 million from District 2's share of one-time residual property tax funds for the SHYFC.
- In June 2015, the County Board of Supervisors approved the acceptance of a \$5 million grant from the Kaiser Regional Foundation. This total funding amount of \$14.6 million was reduced by approximately \$600,000 to help fund Mia's Dream Park, which is located on parcels abutting the SHYFC project site.
- In September 2016, the SHYFC Governance Group issued a Request for Qualifications for Facility Operator and Administrator Services.
- On March 27, 2018, Council authorized the City Manager to negotiate and execute a facility operator agreement with La Family and Eden Youth and Family Center.
- In June 2018, the City issued a Request for Proposals (RFP) for Phases I and II of the project: a community analysis, creation of a building program, and preliminary design. The City received eight proposals. The SHYFC Governance Group evaluated each proposal and ranked RossDrulisCusenbery, Inc. (RDC) as the highest.
- On [February 5, 2019](#), Council authorized the City Manager to negotiate and execute a professional services agreement with RDC for Phase I and II work and accept \$500,000 from Alameda County to cover the cost of the agreement.
- On [July 9, 2019](#), staff provided an update to Council on the project, including the proposed programs, parking, and funding strategy.

## **DISCUSSION**

Since July 2019, the interagency staff group has met bi-weekly with RDC to create the master site plan, building program, and preliminary designs for each of the program spaces. RDC has coordinated closely with HARD on the Tennyson Park master plan designs. In addition, the Governance Group has met three times and approved the master plan and design concepts.

As of March 2020, RDC has successfully completed the master plan, building program, and preliminary designs. Visuals for this work are available for the public at [www.stackcenter.org/center-design.html](http://www.stackcenter.org/center-design.html).

In February 2020, the staff group, with approval from the Governance Group, launched a [project website](#) for the capital fundraising campaign. In addition, the group intended to host a kickoff party on March 21 and begin meeting with the participatory design youth group. Due to the COVID-19 pandemic, these activities were put on hold.

In light of the pandemic and resulting economic losses, staff is recommending altering the funding strategy for this project to focus on potential future federal stimulus opportunities. Historically, the most competitive projects for infrastructure stimulus money are “shovel ready” projects. Because of this, staff is recommending moving forward with the design development and construction documentation as soon as possible.

RDC is able to begin on the design development immediately, with the goal of having the project “shovel ready” by the first quarter of 2021. RDC’s proposal for the design development and construction documentation phase are included as Attachment IV, along with a proposal for additional survey services to supplement preliminary design. The total amendment to the professional services agreement will not exceed \$2,870,000.

Staff recommends that Council adopt the attached resolutions authorizing the City Manager to negotiate and execute a professional service agreement with RDC and an agreement with the County to accept and appropriate \$2,870,000 for this work.

## **FISCAL IMPACT**

The costs associated with the design development, construction documentation, and bid-period support of the SHYFP will be covered by the transfer of funds from Alameda County to Fund 405. There is no anticipated impact to the City’s General Fund. The City will contribute staff time, which will be absorbed into existing positions. All lands associated with SHYFC are owned or controlled by the City.

The current construction cost estimate is approximately \$40 million. The SHYFC Governance Group has identified \$14 million for the project, of which approximately \$11 million will remain for construction. This leaves a funding gap of approximately \$29 million. The current funding strategy is to get the project ready to qualify for any infrastructure stimulus funding that may become available from the federal government. In addition, staff will continue to pursue private and foundation funding.

## **STRATEGIC ROADMAP**

This agenda item supports the Strategic Priority of Support Quality of Life. Specifically, this item relates to the implementation of the following project:

Project 1: Oversee the rebuild of the South Hayward Youth and Family Center.”

## **SUSTAINABILITY FEATURES**

The design phase of the SHYFC project will address and incorporate all City green building ordinances, including the zero-net-energy requirement for new construction.

## **NEXT STEPS**

If Council adopts the attached resolutions, staff will finalize and execute agreements with the County and with RDC, with the goal of beginning design development this month. Staff will also redesign the youth participatory design process this summer to accommodate safety precautions while incorporating community input. Finally, staff will return to Council in the fall for a work session on the design progress.

*Prepared by:* Mary Thomas, Management Analyst  
Dave Hung, Senior Civil Engineer  
Kathy Garcia, Deputy Director of Public Works

Approved by:



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Kelly McAdoo, City Manager

HAYWARD CITY COUNCIL

RESOLUTION NO. 20-

Introduced by Council Member \_\_\_\_\_

RESOLUTION AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE AN AGREEMENT WITH ALAMEDA COUNTY TO ACCEPT AND APPROPRIATE \$2,870,000 TO FUND 405 FOR DESIGN DEVELOPMENT, CONSTRUCTION DOCUMENTATION AND BID-PERIOD SUPPORT FOR THE SOUTH HAYWARD YOUTH AND FAMILY CENTER PROJECT

WHEREAS, The City of Hayward has partnered with Alameda County and Hayward Area Recreation and Parks District since 2013 to work towards a shared vision of constructing and operating a new center at the corner of Tennyson and Ruus Roads called the South Hayward Youth and Family Center (SHYFC); and

WHEREAS, under an existing agreement with the City, RossDrulisCusenbery, Inc (RDC) has successfully completed the master plan, building program and preliminary designs for the SHYFC project; and

WHEREAS, the City of Hayward wishes to amend the professional services agreement with RDC to add design development, construction documentation and bid-period support services; and

WHEREAS, Alameda County has identified funding for the design phases of the SHYFC project that will cover the cost of the contract with RDC and incidental costs.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Hayward that the City Manager is authorized and directed to negotiate and execute an agreement with Alameda County to accept and appropriate \$2,870,000 to Fund 405 for design development, construction documentation and bid-period support expenses for the SHYFC project.



IN COUNCIL, HAYWARD, CALIFORNIA \_\_\_\_\_, 2020.

ADOPTED BY THE FOLLOWING VOTE:

AYES:           COUNCIL MEMBERS:  
                  MAYOR:

NOES:           COUNCIL MEMBERS:

ABSTAIN:       COUNCIL MEMBERS:

ABSENT:        COUNCIL MEMBERS:

ATTEST: \_\_\_\_\_  
          City Clerk of the City of Hayward

APPROVED AS TO FORM:

\_\_\_\_\_  
City Attorney of the City of Hayward

HAYWARD CITY COUNCIL

RESOLUTION NO. 20-

Introduced by Council Member \_\_\_\_\_

RESOLUTION AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE AN AMENDMENT TO THE PROFESSIONAL SERVICES AGREEMENT WITH ROSSDRULISCUSENBERRY, INC. FOR DESIGN DEVELOPMENT, CONSTRUCTION DOCUMENTATION AND BID-PERIOD SUPPORT FOR THE SOUTH HAYWARD YOUTH & FAMILY CENTER PROJECT, NOT-TO-EXCEED \$2,870,000

WHEREAS, The City of Hayward has partnered with Alameda County and Hayward Area Recreation and Parks District since 2013 to work towards a shared vision of constructing and operating a new center at the corner of Tennyson and Ruus Roads called the South Hayward Youth and Family Center (SHYFC); and

WHEREAS, under an existing agreement with the City, RossDrulisCusenbery, Inc (RDC) has successfully completed the master plan, building program and preliminary designs for the SHYFC project; and

WHEREAS, Alameda County has identified funding for the design phases of the SHYFC project that will cover the cost of the contract with RDC.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Hayward that the City Manager is authorized and directed to negotiate an amendment to the professional services agreement with RossDrulisCusenbery, Inc. for design development, construction documentation, and bid-period support for the SHYFC project, not to exceed \$2,870,000.

IN COUNCIL, HAYWARD, CALIFORNIA \_\_\_\_\_, 2020.

ADOPTED BY THE FOLLOWING VOTE:

AYES:           COUNCIL MEMBERS:  
                  MAYOR:

NOES:           COUNCIL MEMBERS:

ABSTAIN:       COUNCIL MEMBERS:

ABSENT:        COUNCIL MEMBERS:

ATTEST: \_\_\_\_\_  
          City Clerk of the City of Hayward

APPROVED AS TO FORM:

\_\_\_\_\_  
City Attorney of the City of Hayward

18294  
Sonoma Highway  
Sonoma  
CA 95476

TEL 707 996 8448  
FAX 707 996 8542

ARCHITECTURE

April 27, 2020

Reference: Proposal for Architecture and Engineering Services, Design Development through Bid for *The South Hayward Youth & Family Center* (aka The Stack Center), Hayward, CA

**RossDrulisCusenbery** Architecture, Inc. (RDC) is pleased to submit this proposal for Architecture and Engineering (A/E) Services for Design Development, Construction Documentation and Bid-period Support for the proposed *South Hayward Youth & Family Center* project (aka **The Stack Center**) in Hayward, CA. The following outlines the proposed scope of work to develop the design of this project, document it in contract documents, and provide bid-period support. This scope outlines the currently assumed project phases, as well as associated services related to complete the project. This document also includes *Attachment A*, a breakdown—by discipline and phase—of the proposed fees associated with this Scope of Work.

## Project Overview

The Stack Center is a multi-building campus, with associated site work, on approximately 4.0 acres at the corner of West Tennyson and Ruus Roads in South Hayward. The primary program for The Stack Center is the *South Hayward Youth & Family Center (SHYFC)*, an array of community services managed by a partnership of two local not-for-profits, and comprised of a set of tenants focused on providing critical community services to the South Hayward community. The services represented by the current mix of tenants includes a pediatric medical and dental clinic; a behavioral health suite; a technology lab; a maker's lab, for art, craft and other hands-on activities; a series of learning labs, flexibly accommodating literacy, career, education, and culinary education; exhibition space; flexible conference and community rooms; and, infant/preschool childcare. Recreational services are available as well, in partnership with the Hayward Area Recreational District (HARD), and utilizing both an existing interior gymnasium and new outdoor recreational plazas. The Stack is being designed and built in partnership with the adjacent Tennyson Park renovation—overseen by HARD —creating a new unified recreational and community service campus.

The above project vision for The Stack was consolidated in a full-campus Concept Design that was formally approved by the SHYFC Governance Group on November 4th, 2019. Subsequent to that, the approved Concept Design has been formalized in the 100% Schematic Design documents, submitted to the City on 04/03/2020.

## Site & Building Components

The proposed campus is principally comprised of two buildings (one new, one remodeled), three discrete outdoor plazas, 3 parking lots, and an interconnecting network of stormwater retention areas and energy-generating photovoltaic panels. The major campus components include:

- North Building (New Construction)
- South Building (Remodel of the MJCC)
- Gateway Plaza
- Program Court
- Community Events Plaza
- Parking Lot #1 (New)
- Parking Lot #2 (New)
- Parking Lot #3 (Expanded and Reconfigured)

Stormwater Retention Areas  
Photovoltaic Arrays  
Public Art Integration Zones

Each campus component will be equipped to accommodate a unique set of program functions, based on anticipated uses. With the exception of administrative and service functions, all areas of The Stack will be open to and available for public use.

The overall design for The Stack Center will target the goal of being a *zero-net energy* (ZNE) campus. This will be achieved through a combination of energy efficient design of the facilities, and production of on-site renewable energy to meet or exceed the project's own energy usage. The project will be registered for LEED Silver certification to meet the City's ordinance for public projects. In addition, the project will also accommodate the potential for adoption of the "reach code," favoring all-electric construction (i.e. no natural gas) and additional EV charging.

## **Project Components (& Potential Project Phasing)**

The design development and documentation phase for Stack project has been structured to provide the City with maximum flexibility in project delivery. The project may be divided into as many as three discrete project bid packages (as defined in Project A through C, below), or consolidated into a single bid package, depending on whichever approach provides strategic beneficial. A single bid package will likely be more cost effective for the overall campus, but separate projects allow incremental development based on funding availability. Either scenario will be preceded by a "due diligence" information gathering *Preparatory Work* phase. In the 3 Projects approach, each project would constitute an independent phase that will be reviewed, permitted and bid independently, and will involve unique contract documents for each project. Under any circumstance, the overall campus and building design will be consistent and uniform throughout, with all details carefully coordinated and integrated, and to create a seamless continuity between components of the campus. Summary description of the current phases is as follows:

**PREPATORY SCOPE.** This component involves obtaining all necessary background information. Some of this work – such as additional topographic surveys—are currently underway, and some will be contracted as part of this proposal. The primary focus will be on obtaining necessary geotechnical information, as-built measurements of existing buildings to remain, and relevant utility/configuration information for the buildings to be demolished, but temporarily retained during the phases of construction. To the extent it is feasible, the *Preparatory Scope* will precede or occur concurrently with the beginning of the phases listed below.

**PROJECT A (Potential PHASE I): Community Events Plaza & Overflow Parking.** This plaza provides a key shared area between The Stack and the renovation of Tennyson Park, and forms a key connector between the Park and the proposed relocation of the entry to the MJCC gymnasium. It provides for exterior uses such as farmer's markets, exterior recreation, as well as overflow parking for both Tennyson Park and Stack uses. Design/engineering work will include the full spectrum of site design, and modifications to the adjacent building (MJCC) as needed to accommodate electrical panels for new site power/lighting. If strategically beneficial, this project can be expedited through the design and approvals process, depending on the timing of HARD's bid package for the Tennyson Park renovation (with which this Project A would be associated, and bid together); this expedited process can be triggered at any point, as needed.

**PROJECT B (Potential PHASE II): Remodel of the Matt Jimenez Community Center (South Building), with New & Reconfigured Site Parking.** This project component involves: minor program- and micro-grid-driven

interior equipment room renovations to the MJCC; relocation of the building's gymnasium entrance and associated site work; substantial site reconfiguration for the re-orientation of the existing parking; site redesign for exterior preschool play yards; new parking lot (Parking Lot #2) with photovoltaic array on A/E-team-designed independent structure; building exterior color redesign for improved campus integration; new exterior doors and windows. If strategically beneficial, this project may also be expedited, depending on a potential timeline driven by deadlines for the micro-grid funding and installation.

The current scope assumes no modernization of the building beyond those made necessary by the proposed program revisions, and no upgrades to building systems--such as the HVAC system—except the revisions required to accommodate the proposed program.

**PROJECT C (Potential PHASE III): New North Building & Associated Site Areas, and New Parking Lot.** This project component involves: relocation of the Computer Clubhouse to temporary quarters in the central bay of the MJCC, removal of all remaining program providers—except the clinic program—from the existing Eden Youth & Family Center (EYFC); temporary utility provisions for the remaining clinic; partial demolition of the existing buildings for EYFC; new construction of a +/- 30K square foot, two story building; demolition of the remaining EYFC facility; new site construction for two plazas and a new parking lot.

These three discrete projects will be designed and documented concurrently. Decisions about whether they are bid as a single bid package, or three separate packages, can be deferred to a date approximately corresponding to the end of Design Development. Approvals for Phases I and Phase II may be expedited if strategically beneficial. The project components will be bid at a final schedule to be determined. For a fuller description of the scope and components of this project, please refer to the 100% Schematic Design milestone documents.

### **Preparatory Scope**

As outlined above, in advance of and/or concurrent with the start of Design Development, additional preparatory work will be undertaken to analyze existing conditions, for both site and buildings. Specific tasks include:

*Geotechnical Report.* A detailed subsurface geotechnical analysis is required to determine soil conditions for structural bearing, drainage/percolation, corrosive soil, vapor mitigation issues, liquefaction, etc.

*Additional Surveys.* Topographic surveys will document the existing MJCC site. Expanded coordination between legacy surveys (provided by the City) and the new survey work will focus on continuity across the larger site. And, some sub-surface utility surveys may be advisable to simplify the phased construction and continued operation of the existing facilities. [*work approved, and underway as of 04/02/20*]

*Existing Building Survey and Documentation.* The MJCC will be measured and documented in REVIT for use in preparing design documentation for any remodel work. The MJCC's mechanical and electrical system will be reviewed for conformance with project program/goals. If necessary, a hazardous material abatement study can be undertaken (by City), including potential remediation plans. [*work approved, and underway as of 04/02/20*]

*Preliminary Code Check Meeting.* Meet with Fire Department, Public Works, etc., to obtain conceptual acceptance of project assumptions. [*included in current proposal as part of Design Development*]

*Arborist Report.* At the request of the Planning Department, a review and quantifying of the existing trees on site is to be undertaken, their value established, and a mitigation plan identified. *[To be contracted separately once the scope of this report has been identified]*

*Exclusions.* This scope assumes no facility assessment for modernization of the existing MJCC in excess of what is required to fit and accommodate the new proposed program. This scope assumes no advance identifying, documenting and addressing any known maintenance issues, and any identified during the course of design will be modified only as needed for the new program. This current scope does not include Construction Administration, which will be the subject of a subsequent proposal as that phase of work is defined.

### **Preliminary/Conceptual Schedule**

*This schedule may vary depending on the timeliness of City approvals, funding availability, bidding timeline, and the provision of project information provided the Architect by the City's project team.*

The preliminary schedule including A/E team quality control review milestones is as follows:

	<b>PROJECT A (Phase I)</b>	<b>PROJECT B (Phase II)</b>	<b>PROJECT C (Phase III)</b>
	<i>Community Events Plaza</i>	<i>Remodel of MJCC, associated site work</i>	<i>New SHYFC building, associated sitework</i>
<b>Q1 2020</b>	Completion of Schematic Design Services		
<b>Q2 2020</b>	(Potential Expedited) Design Development/Construction Documents Phase	Design Development Phase	Design Development Phase
<b>Mid-Year 2020</b>	Permit Approvals Process  <i>If needed: Bid Documents submitted to HARD for bid with Tennyson Park</i>	Approval of DD  NTP for CDs	Approval of DD  NTP for CDs
<b>Q3-Q4 2020</b>	Construction Support Services	Construction Documents Phase	Construction Documents Phase
<b>Winter 2020</b>	Construction Support Services	Permit Approvals Process	Permit Approvals Process
<b>Q1 2021</b>	Construction Support Services	<b>Project Bid</b>	
<b>Q2 2021</b>	Construction Support Services	Construction Administration	
<b>[TBD]</b>			<b>Project Bid</b>

### **A/E SERVICES OUTLINE**

The A/E team will provide basic services that include architecture, civil engineering, structural engineering, mechanical/electrical/plumbing engineering, acoustics engineering, landscape architecture, cost estimating, low voltage consulting (telephone/data), LEED consulting and coordination, integration of user-provided security system, energy modeling consulting, and geotechnical reporting. In addition, the

team will continue to provide previously approved services for participatory design, community outreach. LEED services for the North Building will be to meet LEED Silver requirements (50-59 points); LEED services for the MJCC will be less extensive as it qualifies as a "Minor City Project" (under 20,000sf or \$5 million in construction costs), but it will still require a LEED checklist showing where measures have been implemented up to the equivalent of 20 points min. Extended public art integration, arborist report and tree appraisal, and any associated offsite work is excluded, and will require separate contracting. All work will be based on the approved Concept Design approved by the SHYFC Governance Group on 11/04/2019, and documented in the approved Schematic Design package dated 02/28/20. The phases included in the current services are for Design Development, Construction Documents, and Bid-period support; Construction Administration is not currently included, and will be scoped as the construction period comes closer.

The A/E team configuration will be project-component-dependent, with team members and roles adapted for the requirements of each individual project component. Each project component will share the same project phases, including:

- A. Design Development
- B. Construction Documents & Permitting
- C. Bid Phase Services

Construction Administration is excluded.

For a phase-by-phase breakdown of project teams, and the associated fees by discipline, please see Attachment A: **Professional Services Fee Proposal**.

**END**



	RDC	IDA	Taylor	Summit	BKF	TS Studio	TEECOM	Square Peg	SolData	Rockridge		Cumming	Total
	Architecture	Structural	Mech/Plumbing	Electrical	Civil	Landscape	Low Voltage, Security	Signage	Energy	Geotech	LEED	Cost	
<b>Preparatory Scope</b>													
					\$5,000								\$5,000
<b>Project A - Community Events &amp; Overflow Parking</b>													
Design Development	\$10,250	\$2,000	\$0	\$8,000	\$14,200	\$22,100	\$0	\$0.00	\$0	\$0	\$0	\$6,660	\$63,210
Construction Document	\$20,000	\$5,600	\$0	\$10,000	\$19,525	\$30,388	\$0	\$0.00	\$1,500	\$0	\$0	\$8,263	\$95,276
Bid	\$2,520	\$500	\$0	\$2,000	\$1,775	\$2,763	\$0	\$0.00	\$0	\$0	\$0		\$9,558
<b>Total Project A</b>	<b>\$32,770</b>	<b>\$8,100</b>	<b>\$0</b>	<b>\$20,000</b>	<b>\$35,500</b>	<b>\$55,250</b>	<b>\$0</b>	<b>\$0</b>	<b>\$1,500</b>	<b>\$0</b>	<b>\$0</b>	<b>\$14,923</b>	<b>\$168,043</b>
<b>Project B - Remodel of Matt Jimenez Community Center (South Building), Site Renovation and New and Reconfigured Parking Lots</b>													
Design Development	\$105,840	\$18,000	\$8,500	\$11,000	\$20,800	\$18,200	\$11,000	\$0.00	\$0	\$3,000	\$4,128	\$6,660	\$207,128
Construction Document	\$145,280	\$24,500	\$12,000	\$15,000	\$28,600	\$25,025	\$12,600	\$0.00	\$2,500	\$11,625	\$5,676	\$8,263	\$291,069
Bid	\$15,480	\$1,000	\$2,000	\$2,000	\$2,600	\$2,275	\$3,000	\$0.00	\$0		\$516		\$28,871
<b>Total Project B</b>	<b>\$266,600</b>	<b>\$43,500</b>	<b>\$22,500</b>	<b>\$28,000</b>	<b>\$52,000</b>	<b>\$45,500</b>	<b>\$26,600</b>	<b>\$0</b>	<b>\$2,500</b>	<b>\$14,625</b>	<b>\$10,320</b>	<b>\$14,923</b>	<b>\$527,068</b>
<b>Project C - New North Building &amp; Associated Site Areas, New Parking Lot</b>													
Design Development	\$506,281	\$55,000.0	\$55,500.0	\$23,000.0	\$50,600.0	\$55,900.0	\$55,000.0	\$0.00	\$0.0	\$3,000.0	\$19,008.0	\$6,660	\$829,949
Construction Document	\$630,100	\$139,000.00	\$73,000.00	\$34,500.00	\$69,575.00	\$76,862.50	\$72,300.00	\$0.00	\$1,000.00	\$11,625.00	\$26,136.00	\$8,264	\$1,142,363
Bid	\$12,000	\$2,000.00	\$9,500.00	\$3,000.00	\$6,325.00	\$6,987.50	\$5,100.00	\$0.00	\$0.00		\$2,376.00		\$47,289
<b>Total Project C</b>	<b>\$1,148,381</b>	<b>\$196,000</b>	<b>\$138,000</b>	<b>\$60,500</b>	<b>\$126,500</b>	<b>\$139,750</b>	<b>\$132,400</b>	<b>\$0</b>	<b>\$10,000</b>	<b>\$14,625</b>	<b>\$47,520</b>	<b>\$14,924</b>	<b>\$2,019,600</b>
<b>SUBTOTAL</b>	<b>\$1,447,751</b>	<b>\$247,600</b>	<b>\$160,500</b>	<b>\$108,500</b>	<b>\$219,000</b>	<b>\$240,500</b>	<b>\$159,000</b>	<b>\$0</b>	<b>\$14,000</b>	<b>\$29,250</b>	<b>\$57,840</b>	<b>\$44,770</b>	<b>\$2,714,711</b>
Reimbursables	\$25,000	\$2,500		\$3,300			\$550						\$31,350
<b>TOTAL</b>	<b>\$1,472,751</b>	<b>\$250,100</b>	<b>\$160,500</b>	<b>\$111,800</b>	<b>\$219,000</b>	<b>\$240,500</b>	<b>\$159,550</b>	<b>\$0</b>	<b>\$14,000</b>	<b>\$29,250</b>	<b>\$57,840</b>	<b>\$44,770</b>	<b>\$2,746,061</b>
<b>OPTIONAL SERVICES</b>													
<b>Signage</b>													
Project A - Community Events & Overflow Parking								28000					
Project B - Remodel of Matt Jimenez Community Center								4500					
Project C - New North Building & Associated Site Areas, New Parking Lot								38000					
<b>TOTAL OPTIONAL SERVICES</b>								<b>\$70,500</b>					<b>\$70,500</b>

**RossDrulisCusenbery Architecture**

Proj No 2018071 **South Hayward Youth & Family Center**  
**Change / Additional Services Notification**



Extra Service Request **ESR 001**  
 Date: 2/9/2020  
 Owner's Contract Number: \_\_\_\_\_  
 Owner /Arch Contract Date: \_\_\_\_\_

**Description: *Topographic Survey, Record of Survey & Lot Line Adjustment***

Design Change - Project	_____	Originator	Mallory Cusenbery
Scope Change - Services	<u>X</u>	Reference Documents	N/A
Added Consultants	_____	ASI Number	N/A

**DESCRIPTION OF POTENTIAL CHANGE**

Location: Ruus Road & W Tennyson Road, Hayward, CA

Scope of Services: This extra service request is for the preparation of a topographic and record of survey for the site at Ruus Road and W Tennyson Road.  
 Scope of services include:  
 Task 1: Topographic Survey  
 Task 2: Boundary Resolution & Record of Survey  
 Task 3: Lot Line Adjustment  
 Optional Additional Services: Underground Utility Locating Services

Attachments: BKF proposal letter dated 1/22/20. Phasing Map

**IMPACT OF POTENTIAL CHANGE**

Mark Up per Contract: 1.00

**Schedule Impact - Days**

Delays of Milestone (Work Days)	<u>0</u>	Days
Delays Proj Completion(Work Days)	<u>0</u>	Days

<u>Discipline</u>	<u>Firm</u>	<u>Base Cost</u>	<u>Subtotal w/ markup per Contract</u>
Architect	RDC Architecture	\$0	\$0
Civil	BKF	\$32,400	\$32,400
Civil	BKF Additional	\$15,800	\$15,800
		\$0	\$0

**Architectural Services**

<b>RDC Personnel</b>	Rate	Hours	Subtotal
Principals	\$252	<u>0</u>	\$0
Project Manager	\$201	<u>0</u>	\$0
Sr. Arch	\$184	<u>0</u>	\$0
Architects	\$172	<u>0</u>	\$0
Job Captain	\$143	<u>0</u>	\$0
Designers	\$143	<u>0</u>	\$0
Drafters	\$115	<u>0</u>	\$0
Programmer	\$115	<u>0</u>	\$0
Admin Support	\$92	<u>0</u>	\$0
<b>Total RDC Labor Costs</b>			\$0

<u>Reimbursable Costs</u>	<u>Description</u>		
	Reproduction	\$0	\$0
	Travel	\$0	\$0
	Other	\$0	\$0

**Total Amount Being Requested** **\$48,200**

ACTION	AUTHORIZATION	DATE	COMMENTS
Decline:	Proj Mgr _____ Client _____		
Proceed:	Proj Mgr _____ Client _____		
Other ( Note in Comments)	Proj Mgr _____ Client _____		



# CITY OF HAYWARD

Hayward City Hall  
777 B Street  
Hayward, CA 94541  
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**File #:** CONS 20-281

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**DATE:** June 16, 2020

**TO:** Mayor and City Council

**FROM:** City Manager

**SUBJECT**

Adopt a Resolution Authorizing the City Manager to Accept and Appropriate \$20,000 in Grant Funding to Support Census 2020 Outreach Activities

**RECOMMENDATION**

That Council adopts a resolution (Attachment II) authorizing the City Manager to accept and appropriate \$20,000 in grant funding to support Census 2020 outreach activities.

**SUMMARY**

In 2018, the Alameda County Board of Supervisors established a Complete Count Committee and allocated \$1.5 million for Census Outreach Grants to local partners. The City of Hayward applied for grant funding and was awarded \$20,000. Staff is requesting that Council authorizes the acceptance and appropriation of this funding in the City's Local Grants Fund (Fund 240).

**ATTACHMENTS**

Attachment I	Staff Report
Attachment II	Resolution



**DATE:** June 16, 2020

**TO:** Mayor and City Council

**FROM:** City Manager

**SUBJECT:** Adopt a Resolution Authorizing the City Manager to Accept and Appropriate \$20,000 in Grant Funding to Support Census 2020 Outreach Activities

### **RECOMMENDATION**

That Council adopts a resolution (Attachment II) authorizing the City Manager to accept and appropriate \$20,000 in grant funding to support Census 2020 outreach activities.

### **SUMMARY**

In 2018, the Alameda County Board of Supervisors established a Complete Count Committee and allocated \$1.5 million for Census Outreach Grants to local partners. The City of Hayward applied for grant funding and was awarded \$20,000. Staff is requesting that Council authorizes the acceptance and appropriation of this funding in the City's Local Grants Fund (Fund 240).

### **BACKGROUND AND DISCUSSION**

In 2018, the Alameda County Board of Supervisors established a Complete Count Committee and allocated \$1.5 million for Census Outreach Grants to local partners. The County took this action in part due to the significant reduction in federal resources for the U.S. Census Bureau to conduct the 2020 decennial count.

The City of Hayward applied for grant funding to pay for community-wide communications and special census programming at the Hayward library. The County granted funding to 115 agencies, including community-based organizations, health clinics, educational institutions, and houses of worship. The City was awarded \$20,000.

Staff is requesting that Council authorizes the acceptance and appropriation of this funding. If the Council authorizes this action, staff will work with Alameda County to transfer the funds this month. Due to Covid-19 and the shelter in place orders, staff has amended the form of the community outreach. Part of the \$20,000 will pay for the printing of hundreds of lawn signs throughout the Hayward, which will display the winners of the [census art contest](#).

**FISCAL IMPACT**

This grant does not require a match and will have no impact on the City's funds.

**STRATEGIC ROADMAP**

This agenda item is a routine operational item and does not directly relate to any of the projects outlined in the Council's Strategic Roadmap.

*Prepared by:* Mary Thomas, Management Analyst

Approved by:

A handwritten signature in black ink, appearing to read 'Kelly McAdoo', written in a cursive style.

---

Kelly McAdoo, City Manager

HAYWARD CITY COUNCIL

RESOLUTION NO. 20-\_\_\_\_\_

Introduced by Council Member \_\_\_\_\_

RESOLUTION AUTHORIZING THE CITY MANAGER TO ACCEPT AND APPROPRIATE UP TO \$20,000 IN GRANT FUNDING FROM ALAMEDA COUNTY FOR CENSUS 2020 OUTREACH ACTIVITIES

WHEREAS, Alameda County Board of Supervisors established a Complete Count Committee in 2018 and allocated \$1.5 million for Census Outreach Grants to local partners; and

WHEREAS, the City of Hayward is an active partner in the Complete Count Committee for the 2020 Census and has been awarded \$20,000 for outreach activities by Alameda County.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Hayward authorizes the City Manager to accept and appropriate \$20,000 to Fund 240 in grant funding from Alameda County for Census 2020 outreach activities.

IN COUNCIL, HAYWARD, CALIFORNIA \_\_\_\_\_, 2020.

ADOPTED BY THE FOLLOWING VOTE:

AYES: COUNCIL MEMBERS:  
MAYOR:

NOES: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

ATTEST: \_\_\_\_\_  
City Clerk of the City of Hayward

APPROVED AS TO FORM:

\_\_\_\_\_  
City Attorney of the City of Hayward



# CITY OF HAYWARD

Hayward City Hall  
777 B Street  
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**File #:** CONS 20-284

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**DATE:** June 16, 2020

**TO:** Mayor and City Council

**FROM:** Director of Information Technology/CIO

**SUBJECT**

Adopt a Resolution Authorizing the City Manager to Negotiate and Execute an Agreement with Savant Solutions for Information Technology Department Infrastructure Security Services

**RECOMMENDATION**

That Council adopts a resolution (Attachment II) authorizing the City Manager to negotiate and execute an agreement with Savant Solutions for Information Technology Department infrastructure services in an amount not to exceed \$94,000.

**SUMMARY**

Over the past six months, the City has engaged with Savant Solutions in a pilot program to enhance the Information Technology Department's infrastructure security. This successful pilot project has delivered the desired outcome of serving as a central clearinghouse for cyber-attack log analysis, trend monitoring, as well as augmenting the security defense footprint of the network infrastructure team. Given the success of the pilot phase, staff recommends transitioning to an annual service contract.

**ATTACHMENTS**

Attachment I	Staff Report
Attachment II	Resolution



**DATE:** June 16, 2020

**TO:** Mayor and City Council

**FROM:** CIO/Director of Information Technology

**SUBJECT:** Adopt a Resolution Authorizing the City Manager to Negotiate and Execute an Agreement with Savant Solutions for Information Technology Department Infrastructure Security Services

### **RECOMMENDATION**

That Council adopts a resolution (Attachment II) authorizing the City Manager to negotiate and execute an agreement with Savant Solutions for Information Technology Department infrastructure services in an amount not to exceed \$94,000.

### **SUMMARY**

Over the past six months, the City has engaged with Savant Solutions in a pilot program to enhance the Information Technology Department's infrastructure security. This successful pilot project has delivered the desired outcome of serving as a central clearinghouse for cyber-attack log analysis, trend monitoring, as well as augmenting the security defense footprint of the network infrastructure team. Given the success of the pilot phase, staff recommends transitioning to an annual service contract.

### **BACKGROUND**

One of the primary responsibilities of the IT Department is to manage and protect the City's network infrastructure. This technology, which serves as the backbone of City operations, is under constant threat with the primary goal of many attacks being to disrupt government operations. From staff's comprehensive security assessment, as well as research and analysis of current best practices in cyber security, a need was identified for a central service to analyze the City's network traffic for anomalies, attack threats, and indicators of account compromise. By implementing this service, this creates actionable intelligence for the network team to strategically follow-up on potential threats to decrease the attack service for attackers as well as serve as a 24x7 security expert should the need for resources in cybersecurity arise.

The City and Savant Solutions originally negotiated a competitive price for the pilot program that was nearly 40% below the next closest competitive quote. These savings have been



extended further for the annual service contract with a 60% savings over the closest competitive quote. The SOC-as-a-service is structured as an annual service agreement, which provides flexibility should the City elect to change providers or services in the future.

## **DISCUSSION**

Staff began research into cloud-based cybersecurity providers offering solutions to municipal agencies as part of its broader IT security plan in the Summer of 2019. In that research effort, staff identified a vendor offering the capability to evaluate not only the vendor's technology, but also the vendor's customer service, ticket response time, and customized report generation. The vendor, Savant Solutions, offers the following set of technologies:

**SOC-AS-A-SERVICE:** 24x7 eyes-on-glass monitoring of network traffic including unlimited ingestion of logs and continuous cloud monitoring of Office 365. Within the last month, over 2500 investigations have been performed by the SOC for the City's environment, which demonstrates the volume and breadth of this service.

**DEDICATED SECURITY TEAM:** A dedicated team of security resources who understand the City's network and serve as an extension of the IT team to provide advanced threat detection and incident support to hunt down security threats. Staff would have direct access to this team via phone or email to conduct both routine and non-routine tasks to improve the City's security posture.

**FORCE MULTIPLIER PROTECTION:** The technology ingests billions of real time events every day, prioritizing actual threats to eliminate false positives. Most recently, the technology identified attack vectors and trends related to COVID-19 for the City and have proactively alerted us to investigate emails containing rogue links. Using the collective knowledge of this service as they ingest and learn from the entirety of the information they analyze, the City is afforded the opportunity to be nimble and close off potential attacks efficiently to prevent spread and disruption.

**ACTIONABLE INTELLIGENCE:** The technology proactively hunts for hidden threats, performs remote forensic analysis of incidents, and provides actionable plans to help the City remediate incidents.

**CUSTOM REPORTING:** Monthly security check-ins have revealed the need for generation of custom reports on user account lockouts and web traffic destinations to help staff identify trends to improve customer service and security awareness.

The security mindset has evolved over time where it is unfortunately understood that due to the sophistication and frequency of cyber-attacks, malware attacks such as ransomware, or phishing attempts will eventually be successful. Service organizations with tools in place to alert staff in real time when events occur are at a strategic advantage as compared to conventional toolsets.

## **FISCAL IMPACT**

The proposed annual agreement is not to exceed \$94,000, for which funds are included in the FY20 IT operating budget. Annual extensions would be subject to appropriation of funds by the City Council.

## **STRATEGIC ROADMAP**

This agenda item supports the strategic priority outlined in the Strategic Roadmap related to Improving Organizational Health.

## **NEXT STEPS**

If Council approves the attached resolution, staff will finalize the agreement with Savant Solutions and cause the agreement to be executed.

*Prepared by:* Nathaniel Roush, IT Manager

*Recommended by:* Adam Kostrzak, CIO / Director of Information Technology

Approved by:



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Kelly McAdoo, City Manager

HAYWARD CITY COUNCIL

RESOLUTION NO. 20-\_\_\_\_\_

Introduced by Council Member \_\_\_\_\_

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HAYWARD  
AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE AN  
AGREEMENT WITH SAVANT SOLUTIONS FOR INFORMATION TECHNOLOGY  
INFRASTRUCTURE SERVICES

BE IT RESOLVED that the City Council of the City of Hayward authorizes and directs the City Manager to negotiate and execute an Agreement with Savant Solutions Information Technology infrastructure services in an amount not to exceed \$94,000 per year, in a form approved by the City Attorney.

IN COUNCIL, HAYWARD, CALIFORNIA \_\_\_\_\_, 2020.

ADOPTED BY THE FOLLOWING VOTE:

AYES: COUNCIL MEMBERS:  
MAYOR:

NOES: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

ATTEST: \_\_\_\_\_  
City Clerk of the City of Hayward

APPROVED AS TO FORM:

\_\_\_\_\_  
City Attorney of the City of Hayward



# CITY OF HAYWARD

Hayward City Hall  
777 B Street  
Hayward, CA 94541  
www.Hayward-CA.gov

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**File #:** CONS 20-305

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**DATE:** June 16, 2020

**TO:** Mayor and City Council

**FROM:** City Clerk

**SUBJECT**

Adopt a Resolution Extending Terms of Current Hayward Youth Commission Voting Members through June 30, 2021 and Promoting Alternates to Voting Member Status with Terms Expiring June 30, 2021

**RECOMMENDATION**

That Council adopts a resolution (Attachment II) extending terms of nine (9) Hayward Youth Commission members through June 30, 2021, as well as promoting seven (7) alternates to voting member status with terms expiring June 30, 2021.

**SUMMARY**

It is the City of Hayward's practice to conduct the annual recruitment for the Hayward Youth Commission (HYC) from March to May of every year.

The HYC comprises twenty-one (21) voting members and eleven (11) alternates. During 2019 and 2020, there were two (2) vacancies resulting from resignations. At the beginning of March, twenty (20) members, with terms ending on June 30, 2020, were identified as eligible and in good standing to seek reappointment.

Due to the novel coronavirus (COVID-19) pandemic and California and Alameda County shelter-in-place orders, the City was unable to conduct the 2020 Hayward Youth Commission recruitment. An Informational Report was presented to the City Council on May 5, 2020, to keep the Council abreast of the decision to suspend the recruitment and extend terms of members through June 30, 2021, as well as to promote alternates to voting member status.

**ATTACHMENTS**

Attachment I	Staff Report
Attachment II	Resolution



**DATE:** June 16, 2020

**TO:** Mayor and City Council

**FROM:** City Clerk

**SUBJECT:** Adopt a Resolution Extending Terms of Current Hayward Youth Commission Voting Members through June 30, 2021 and Promoting Alternates to Voting Member Status with Terms Expiring June 30, 2021

### **RECOMMENDATION**

That the Council adopts a resolution (Attachment II) extending terms of nine (9) Hayward Youth Commission members through June 30, 2021, as well as promoting seven (7) alternates to voting member status with terms expiring June 30, 2021.

### **SUMMARY AND BACKGROUND**

It is the City of Hayward's practice to conduct the annual recruitment for the Hayward Youth Commission (HYC) from March to May of every year.

The HYC comprises twenty-one (21) voting members and eleven (11) alternates. During 2019 and 2020, there were two (2) vacancies resulting from resignations. At the beginning of March, twenty (20) members, with terms ending on June 30, 2020, were identified as eligible and in good standing to seek reappointment.

Due to the novel coronavirus (COVID-19) pandemic and California and Alameda County shelter-in-place orders, the City was unable to conduct the 2020 Hayward Youth Commission recruitment. An Informational Report<sup>1</sup> was presented to the City Council on May 5, 2020, to keep the Council abreast of the decision to suspend the recruitment and extend terms of members through June 30, 2021, as well as to promote alternates to voting member status.

### **BACKGROUND AND DISCUSSION**

All thirty (30) current members were contacted to confirm their commitment to serve through June 30, 2021.

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<sup>1</sup> RPT 20-051 Hayward Youth Commission Recruitment  
<https://hayward.legistar.com/LegislationDetail.aspx?ID=4432814&GUID=C89A4BA3-D6EE-4BF8-9CA2-C2B0AA75E29E&Options=&Search=>

Table 1 depicts members' terms recommended to be extended through June 2021 as well as members desiring to complete their terms. Table 2 reflects alternate members recommended to be promoted to voting members. Table 3 represents eight (8) members who will be attending college in the Fall or will have other extracurricular activities and will not be continuing to serve after June 30, 2020; therefore, the Commission will have a total of (10) vacancies that will be filled in 2021. While we do not foresee attendance issues because the quorum would be based on 22 seated/voting members, the City Clerk's office would be amenable to conduct a special recruitment at the end of the year if warranted.

**TABLE 1**

<b>CONTINUING VOTING MEMBERS</b>					
<b>#</b>	<b>VOTING MEMBER</b>	<b>SCHOOL</b>	<b>DATE APPOINTED</b>	<b>TERM EXPIRES</b>	<b>EXTENDED TERM EXPIRES</b>
1	Alessandra Eiras	Mt. Eden High School	6/19/2018	6/30/2021	-
2	Yahya Elshawarbi	Brenkwitz Continuation High School	6/18/2019	6/30/2021	-
3	Joseph Franco	Chabot College	6/18/2019	6/30/2021*	-
4	Harnoor Gill	Tennyson High School	6/19/2018	6/30/2020	6/30/2021
5	Joshua Linares	Tennyson High School	1/15/2019	6/30/2020	6/30/2021
6	Lizbeth Martinez	Mt. Eden High School	1/15/2019	6/30/2020	6/30/2021
7	Ellette Mendall	Leadership Public Schools Hayward	1/15/2019	6/30/2020	6/30/2021
8	Arianna Mendoza	Winton Middle School	6/19/2018	6/30/2020	6/30/2021
9	Camilla San Juan	Impact Academy of Arts & Technology	6/19/2018	6/30/2020	6/30/2021
10	Kaili Spooner	Moreau Catholic High School	6/19/2018	6/30/2020	6/30/2021
11	Anna Tran	Hayward High School	6/18/2019	6/30/2021	-
12	Vanna Van	Mt. Eden High School	6/18/2019	6/30/2020	6/30/2021
13	Cynthia Vertiz-Jimenez	Tennyson High School	6/18/2019	6/30/2021	-
14	Darien West	Bishop O'Dowd High School	6/19/2018	6/30/2021	-
15	Amanda Wei	Moreau Catholic High School	6/19/2018	6/30/2020	6/30/2021

*\*Ineligible for reappointment.*

**TABLE 2**

<b>PROMOTING ALTERNATES TO VOTING MEMBERS</b>					
<b>#</b>	<b>ALTERNATE MEMBER</b>	<b>SCHOOL</b>	<b>DATE APPOINTED</b>	<b>TERM EXPIRED</b>	<b>EXTENDED TERM EXPIRES</b>
1	Ivan Arroyo	Winton Middle School	6/18/2019	6/30/2020	6/30/2021
2	Alejandro Correa-Alejo	Leadership Public Schools Hayward	6/18/2019	6/30/2020	6/30/2021
3	James Mira	Moreau Catholic High School	6/18/2019	6/30/2020	6/30/2021
4	Pooja Rathaur	Mt. Eden High School	6/18/2019	6/30/2020	6/30/2021
5	Sruthy Sabesan	Impact Academy of Arts and Technology	6/18/2019	6/30/2020	6/30/2021
6	Katherine Tran	Moreau Catholic High School	6/18/2019	6/30/2020	6/30/2021
7	Israel Mendez	Bret Harte Middle School	6/18/2019	6/30/2020	6/30/2021

**TABLE 3**

<b>NOT CONTINUING MEMBERS</b>					
<b>#</b>	<b>MEMBERS</b>	<b>SCHOOL</b>	<b>MEMBER STATUS</b>	<b>DATE APPOINTED</b>	<b>TERM WOULD HAVE EXPIRED</b>
1	Saul Arrizon	Anthony Ochoa Middle School	Alternate	6/18/2019	6/30/2020
2	Kimberly Babasa	Mt. Eden High School	Voting	6/28/2016	6/30/2020
3	Cristian Hernandez-Perez	Hayward High School	Voting	11/17/2015	6/30/2021
4	Luis Ledezma	Tennyson High School	Voting	6/18/2019	6/30/2021
5	Yessenia Mendez Cohetero	Mt. Eden High School	Voting	6/19/2018	6/30/2021
6	William Misinale	California Crosspoint Academy	Voting	6/19/2018	6/30/2020
7	Christian Morgan	Cesar Chavez Middle School	Alternate	6/18/2019	6/30/2020
8	Yusef Samimi	Mt. Eden High School	Voting	6/18/2019	6/30/2021
9	Prior Vacancy (10/9/19)	-	Alternate	-	-
10	Prior Vacancy (2/25/20)	-	Alternate	-	-

**STRATEGIC ROADMAP**

This agenda item is a routine operational item and does not relate to the six priorities outlined in the Council’s Strategic Roadmap.

**FISCAL IMPACT**

There is no fiscal impact associated with this report.

**PUBLIC CONTACT**

The agenda was posted according to the Brown Act and Hayward Youth Commission members advisors were notified about staff’s recommendation to the City Council.

**NEXT STEPS**

Hayward Youth Commission members and advisors will be notified of Council’s action and the City’s webpage dedicated to the Hayward Youth Commission will be updated accordingly.

*Prepared and Recommended by:* Miriam Lens, City Clerk

Approved by:



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Kelly McAdoo, City Manager

## HAYWARD CITY COUNCIL

RESOLUTION NO. 20-

Introduced by Council Member \_\_\_\_\_

## RESOLUTION EXTENDING TERMS OF CURRENT HAYWARD YOUTH COMMISSION MEMBERS THROUGH JUNE 30, 2021 AND PROMOTING ALTERNATES TO VOTING MEMBER STATUS WITH TERMS EXPIRING JUNE 30, 2021

WHEREAS, it is the City of Hayward's practice to conduct the annual recruitment for the Hayward Youth Commission from March to May of every year; and

WHEREAS, the Hayward Youth Commission comprises twenty-one voting members and eleven alternates; and

WHEREAS, due to the novel coronavirus (COVID-19) pandemic and California and Alameda County shelter-in-place orders, the City was unable to conduct the 2020 Hayward Youth Commission recruitment.

THEREFORE, BE IT RESOLVED that the City Council of the City of Hayward does hereby confirm term extensions of the below-named persons as members of the Hayward Youth Commission, for terms as designated.

#	VOTING MEMBER	SCHOOL	DATE APPOINTED	TERM EXPIRES	EXTENDED TERM EXPIRES
1	Harnoor Gill	Tennyson High School	6/19/2018	6/30/2020	6/30/2021
2	Joshua Linares	Tennyson High School	1/15/2019	6/30/2020	6/30/2021
3	Lizbeth Martinez	Mt. Eden High School	1/15/2019	6/30/2020	6/30/2021
4	Ellette Mendall	Leadership Public Schools Hayward	1/15/2019	6/30/2020	6/30/2021
5	Arianna Mendoza	Winton Middle School	6/19/2018	6/30/2020	6/30/2021
6	Camilla San Juan	Impact Academy of Arts & Technology	6/19/2018	6/30/2020	6/30/2021
7	Kaili Spooner	Moreau Catholic High School	6/19/2018	6/30/2020	6/30/2021
8	Vanna Van	Mt. Eden High School	6/18/2019	6/30/2020	6/30/2021
9	Amanda Wei	Moreau Catholic High School	6/19/2018	6/30/2020	6/30/2021



ATTACHMENT II

BE IT FURTHER RESOLVED that the City Council of the City of Hayward does hereby confirm the promotion of the below-named alternates as voting members of the Hayward Youth Commission, for terms as designated.

#	MEMBER	SCHOOL	DATE APPOINTED	TERM EXPIRED	EXTENDED TERM EXPIRES
1	Ivan Arroyo	Winton Middle School	6/18/2019	6/30/2020	6/30/2021
2	Alejandro Correa-Alejo	Leadership Public Schools Hayward	6/18/2019	6/30/2020	6/30/2021
3	James Mira	Moreau Catholic High School	6/18/2019	6/30/2020	6/30/2021
4	Pooja Rathaur	Mt. Eden High School	6/18/2019	6/30/2020	6/30/2021
5	Sruthy Sabesan	Impact Academy of Arts & Technology	6/18/2019	6/30/2020	6/30/2021
6	Katherine Tran	Moreau Catholic High School	6/18/2019	6/30/2020	6/30/2021
7	Israel Mendez	Bret Harte Middle School	6/18/2019	6/30/2020	6/30/2021

BE IT FURTHER RESOLVED that the City Council of the City of Hayward does hereby confirm ten vacancies of the below-named persons as they are not seeking to continue serving on the Hayward Youth Commission.

	MEMBERS	SCHOOL	MEMBER STATUS	DATE APPOINTED	TERM WOULD HAVE EXPIRED
1	Saul Arrizon	Anthony Ochoa Middle School	Alternate	6/18/2019	6/30/2020
2	Kimberly Babasa	Mt. Eden High School	Voting	6/28/2016	6/30/2020
3	Cristian Hernandez-Perez	Hayward High School	Voting	11/17/2015	6/30/2021
4	Luis Ledezma	Tennyson High School	Voting	6/18/2019	6/30/2021
5	Yessenia Mendez Cohetero	Mt. Eden High School	Voting	6/19/2018	6/30/2021
6	William Misinale	California Crosspoint Academy	Voting	6/19/2018	6/30/2020
7	Christian Morgan	Cesar Chavez Middle School	Alternate	6/18/2019	6/30/2020
8	Yusef Samimi	Mt. Eden High School	Voting	6/18/2019	6/30/2021
9	Prior Vacancy (10/9/19)	-	Alternate	-	-
10	Prior Vacancy (2/25/20)	-	Alternate	-	-

IN COUNCIL, HAYWARD, CALIFORNIA \_\_\_\_\_, 2020.

ADOPTED BY THE FOLLOWING VOTE:

AYES:           COUNCIL MEMBERS:  
                  MAYOR:

NOES:           COUNCIL MEMBERS:

ABSTAIN:       COUNCIL MEMBERS:

ABSENT:        COUNCIL MEMBERS:

ATTEST: \_\_\_\_\_  
          City Clerk of the City of Hayward

APPROVED AS TO FORM:

\_\_\_\_\_  
City Attorney of the City of Hayward



# CITY OF HAYWARD

Hayward City Hall  
777 B Street  
Hayward, CA 94541  
www.Hayward-CA.gov

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**File #:** PH 20-043

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**DATE:** June 16, 2020

**TO:** Mayor and City Council

**FROM:** Development Service Director

**SUBJECT**

Route 238 Parcel Group 9: Proposal to Rezone Former Caltrans Property known as Rte. 238 Parcel Group 9 Located at the Intersection of Apple Avenue and Oak Street (Assessor Parcel Nos. 415-0160-052-00, & 415-0170-037-00) from High Density Residential (RH) and Commercial Office (CO) to General Commercial (CG), Requiring Approval of Rezoning Subject to an Addendum of the Hayward 2040 General Plan EIR per the California Environmental Quality Act (CEQA) Section 15164; City of Hayward (Applicant/Property Owner; Application No. 202000605)

**RECOMMENDATION**

That the City Council introduces the attached Ordinance (Attachment II) approving the rezoning application for Parcel Group 9 at the intersection of Apple Avenue and Oak Street (Assessor Parcel Nos. 415-0160-052-00, & 415-0170-037-00) from High Density Residential (RH) and Commercial Office (CO) to General Commercial (CG) and adopts a Resolution (Attachment III) approving the Addendum to the Hayward 2040 General Plan EIR, based on Planning Commission's recommendation and the analysis set forth in this report.

**SUMMARY**

The applicant, the City of Hayward, is requesting to rezone 2.67 acres, which is currently zoned High Density Residential (RH), and Commercial Office (CO) (Attachment V Figure 3). The project site is located at the intersection of Apple Avenue and Oak Street and was acquired in 2016 by way of a purchase and sale agreement between the City of Hayward and the California Department of Transportation (Caltrans). Currently known as Parcel Group 9, some of the land acquired from Caltrans is in unincorporated Alameda County. The 1.59-acre portion of land located in Alameda County would remain as is and is not subject to the rezoning request (Attachment V Figure 2). The remainder of Parcel Group 9, 2.67 acres, lies within the City of Hayward jurisdiction, which is subject to the proposed rezoning application (Attachment V Figure 2).

Pursuant to the Hayward 2040 General Plan, the subject parcels have a General Plan designation of Commercial High Density Residential (CHDR), which allows for residential, commercial retail, entertainment and lodging uses. However, the parcels zoned RH (APN: 415-0160-052-00) and CO (APN:

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**File #:** PH 20-043

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415-0170-037-00) do not allow for retail, or entertainment uses and limits the allowed lodging uses. If approved, the rezone would reclassify the RH parcel and the CO parcel as General Commercial (CG) Zone, consistent with the underlining General Plan designation that allows for retail, entertainment, and lodging uses. Additionally, the rezone would not preclude residential projects, and it would maintain the currently allowed maximum residential density of 34.8 units per net acre. Further, this application does not include entitlement for development, but if approved, City staff is likely to release a Request for Proposals (RFP) to potentially develop the site.

## **ATTACHMENTS**

Attachment I	Staff Report
Attachment II	Ordinance
Attachment III	Resolution
Attachment IV	EIR Addendum
Attachment V	Maps
Attachment VI	Public Comments
Attachment VII	Planning Commission Minutes of 5/14/2020



**DATE:** June 16, 2020

**TO:** Mayor and City Council

**FROM:** Development Services Director

**SUBJECT:** Route 238 Parcel Group 9: Proposal to Rezone Former Caltrans Property known as Rte. 238 Parcel Group 9 Located at the Intersection of Apple Avenue and Oak Street (Assessor Parcel Nos. 415-0160-052-00, & 415-0170-037-00) from High Density Residential (RH) and Commercial Office (CO) to General Commercial (CG), Requiring Approval of Rezoning Subject to an Addendum of the Hayward 2040 General Plan EIR per the California Environmental Quality Act (CEQA) Section 15164; City of Hayward (Applicant/Property Owner; Application No. 202000605)

## **RECOMMENDATION**

That the City Council introduces the attached Ordinance (Attachment II) approving the rezoning application for Parcel Group 9 at the intersection of Apple Avenue and Oak Street (Assessor Parcel Nos. 415-0160-052-00, & 415-0170-037-00) from High Density Residential (RH) and Commercial Office (CO) to General Commercial (CG) and adopts a Resolution (Attachment III) approving the Addendum to the Hayward 2040 General Plan EIR, based on Planning Commission's recommendation and the analysis set forth in this report.

## **SUMMARY**

The applicant, the City of Hayward, is requesting to rezone 2.67 acres, which is currently zoned High Density Residential (RH), and Commercial Office (CO) (Attachment V Figure 3). The project site is located at the intersection of Apple Avenue and Oak Street and was acquired in 2016 by way of a purchase and sale agreement between the City of Hayward and the California Department of Transportation (Caltrans). Currently known as Parcel Group 9, some of the land acquired from Caltrans is in unincorporated Alameda County. The 1.59-acre portion of land located in Alameda County would remain as is and is not subject to the rezoning request (Attachment V Figure 2). The remainder of Parcel Group 9, 2.67 acres, lies within the City of Hayward jurisdiction, which is subject to the proposed rezoning application (Attachment V Figure 2).

Pursuant to the Hayward 2040 General Plan, the subject parcels have a General Plan designation of Commercial High Density Residential (CHDR), which allows for residential, commercial retail, entertainment and lodging uses. However, the parcels zoned RH (APN: 415-0160-052-00) and CO (APN: 415-0170-037-00) do not allow for retail, or entertainment

uses and limits the allowed lodging uses. If approved, the rezone would reclassify the RH parcel and the CO parcel as General Commercial (CG) Zone, consistent with the underlining General Plan designation that allows for retail, entertainment, and lodging uses. Additionally, the rezone would not preclude residential projects, and it would maintain the currently allowed maximum residential density of 34.8 units per net acre. Further, this application does not include entitlement for development, but if approved, City staff is likely to release a Request for Proposals (RFP) to potentially develop the site.

## **BACKGROUND**

In the mid-1960s, Caltrans purchased more than 400 parcels of property for construction of a 14-mile 238 Corridor Bypass Freeway to run through the City of Hayward and parts of unincorporated Alameda County. In 1971, a lawsuit, filed in federal court on behalf of residents to be displaced by the freeway construction, blocked the project. Caltrans subsequently abandoned the freeway plan.

In 2011, the City approached Caltrans with a proposal to allow the City to take responsibility for the disposition and development of some Caltrans-owned property. Caltrans agreed to negotiate, and a Purchase and Sale Agreement was approved by City Council and the California Transportation Commission in January 2016.

## **DISCUSSION**

Existing Conditions. The area proposed to be rezoned has a combined acreage of 2.67 acres, it is relatively flat, and primarily consists of vacant grassland with a few scattered trees (Attachment V Figure 3). To the west, the site abuts the I-580 freeway. To the north, the site abuts vacant Alameda County land. To the east, the parcel abuts a multifamily planned development, and to the south, the site fronts on Apple Avenue. The nearest main street is Foothill Boulevard, which has multiple commercial uses such as a church, auto sale dealerships, a discount mattress store, a used appliance store, and a mix of offices.

Proposed Project. There is no proposed entitlement as part of the rezone. However, if approved, City staff is likely to release a RFP to develop the site. If any proposals are received and a proposal is selected, the applicant would be required to obtain any necessary land use entitlements and secure any related site and building permits prior to construction.

As proposed, the rezone would be consistent with the intent of the CHDR General Plan land use designation, which supports retail, entertainment, and lodging uses in addition to residential uses. No changes in General Plan land use designations would be required. The project site would be rezoned from RH and CO to CG to allow for retail, entertainment, and lodging, as well as continue to allow for residential development. Overall, the impacts of the COVID-19 crisis are creating substantial market and financing uncertainty for all types of development for the foreseeable near-term future. However, the Bay Area is well-positioned to recover quickly due to the tech industry, lower transmission rates, and decades of pent up demand. While it may be difficult to know what type of development will be successful at this location in the future, the rezoning of the site to CG provides the most flexibility in terms of allowed uses. A map of the existing and proposed land uses is included as Attachment V.

Hayward 2040 General Plan. The project site is designated Commercial High Density Residential (CHDR) with a small sliver designated as Public-Quasi Public (PQP) in the *Hayward 2040 General Plan*<sup>1</sup>. Allowable uses include retail, dining, and service uses, professional office uses, mixed-use with multi-family homes or office on upper floors, attached single-family homes, multi-family homes, live-work units, and lodging, among other uses.

Zoning Ordinance. The project site is located within the RH (415-0160-052-00) and CO (415-0170-037-00) Zones. Pursuant to the Hayward 2040 General Plan designation, the site allows for retail and lodging uses. However, the existing RH and CO zones preclude retail, entertainment, and limit the allowed lodging uses. As proposed, rezoning the site to CG would allow for retail, entertainment, lodging, and/or residential uses, which would be more consistent with the General Plan land use designation. Additionally, the rezone would not preclude residential projects, and would maintain the currently allowed maximum residential density of 34.8 units per acre.

Pursuant to Section 10.1-3425 of the Hayward Municipal Code, City Council may approve or deny a rezoning application based on several findings. The recommendations for approval shall be based upon all the following:

1. Substantial proof exists that the proposed change will promote the public health, safety, convenience, and general welfare of the residents of Hayward;
2. The proposed change is in conformance with the purposes of this Ordinance and all applicable, officially adopted policies and plans;
3. Streets and public facilities existing or proposed are adequate to serve all uses permitted when property is reclassified; and
4. All uses permitted when property is reclassified will be compatible with present and potential future uses, and, further, a beneficial effect will be achieved which is not obtainable under existing regulations.

Planning Commission Public Hearing:

On May 14, 2020, Planning Commission unanimously voted to recommend approval of the proposed rezone.<sup>2</sup> Planning Commission highlighted that the rezone would:

- Be consistent with the Hayward 2040 General Plan Designation
- Increase the allowed uses while not limiting the existing uses
- Planning Commission also recommended that the City Council-maintain flexibility on what type of land use would be the best use for Parcel Group 9 when soliciting any further developer interest, as a hotel project may not be the best option post COVID-19.

Staff has provided a more detailed analysis and findings to support the proposed rezoning in Attachment III.

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<sup>1</sup> Hayward 2040 General Plan  
<https://www.hayward2040generalplan.com/>

Environmental Review: On February 24, 2020, LSA processed an addendum to the Environmental Impact Report for the Hayward 2040 General Plan adopted in 2014. The addendum was prepared pursuant to CEQA Guidelines Section 15164. Pursuant to CEQA Guidelines Section 15164(e), the purpose of the Addendum was to describe and evaluate the proposed rezone and possibly the future construction of a 150-room hotel project and assess the proposed modifications to the project evaluated in the General Plan Environmental Impact Report, and identify the reasons for the conclusion that changes to the proposed project and associated environmental effects would not require the preparation of a subsequent or supplemental EIR. A copy of the proposed addendum to the Hayward 2040 General Plan EIR is included as (Attachment IV).

## **ECONOMIC IMPACT**

The proposed rezone would allow for more uses on site, such as retail, entertainment, and lodging, while not limiting the existing uses. Rezoning the parcels would allow for flexibility as it relates to development, which will be crucial post COVID-19. Further, development of the site would generate tax revenue for the City while providing temporary employment during construction and permanent employment after construction, depending on the use.

## **FISCAL IMPACT**

If rezoned, the site would allow for flexibility and any proposed project would include significant investment in an existing, vacant parcel that would generate revenues related to provision of building permits, sales tax revenues and/or residential taxes depending on the use.

Any future proposed project would be required to obtain all necessary land use entitlements and secure any related site and building permits prior to construction. Further, the multiple City departments/divisions can add conditions of approval to ensure no fiscal impact to City services.

## **STRATEGIC ROADMAP**

This agenda item supports the Strategic Priority of Grow the Economy. Specifically, this item relates to the implementation of the following project:

Project 2, Part 2b: Engage owners and encourage activation of vacant sites.

## **PUBLIC CONTACT**

On November 15, 2018, the City conducted a community outreach meeting, held at the Matt Jimenez Community Center, to solicit feedback from the community as to their desires for future development of the various parcel groups, including Parcel Group 9.

On March 14, 2019, staff conducted an additional community outreach meeting, held at the Douglas Morrison Theater, to solicit feedback specifically on Parcel Groups 8 and 9.



On August 26, 2019, the City presented work to date and solicited additional feedback about these two parcel groups as part of the Castro Valley Municipal Advisory Council meeting.

On February 4, 2020, an initial Notice of Application Receipt for the project application was sent to property owners, residents, and businesses within a 300-foot radius of the project site. Feedback received during these outreach events included: (1) concerns over hotel management and if not run well could become a draw for crime; (2) wanting more community facilities or spaces; and (3) increased traffic on Grove Way.

Following Notice of Receipt of Application, the City received two items of written correspondence on the project (Attachment VI): one email from the Alameda County Planning Director, who did not see an issue with the proposed rezone, but asked for access to be maintained to the County's land located to the south of the site. The Alameda County Planning Director also asked that staff maintain communication with the Alameda County constituents. The second letter was from a member of the public who did not see the need for a hotel on that site.

On May 1, 2020, a Notice of Public Hearing for the Planning Commission meeting was sent to property owners, residents, and businesses within 300-feet of the project site and published in The Daily Review newspaper. Four public comments were provided by email. Both highlighting that the City should not support a hotel development (Attachment VI).

On June 5, 2020, a Notice of Public Hearing for the City Council meeting was sent to property owners, residents, and businesses within 300-feet of the project site and published in The Daily Review newspaper.

## **NEXT STEPS**

Following City Council approval, the Ordinance approving the rezone will return to the City Council for a second reading. If the Rezoning application and Addendum to the Hayward 2040 General Plan is approved by City Council, City staff would likely release a Request for Proposals to develop the site.

*Prepared by:* Edgar Maravilla, Associate Planner

*Recommended by:* Laura Simpson, AICP, Development Services Director

Approved by:



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Kelly McAdoo, City Manager

ORDINANCE NO. 20-

AN ORDINANCE AMENDING CHAPTER 10, ARTICLE 1 (ZONING ORDINANCE) OF THE HAYWARD MUNICIPAL CODE REZONING CERTAIN PROPERTY TO GENERAL COMMERCIAL IN CONNECTION WITH ZONE CHANGE APPLICATION NO. 202000605 TO ACCOMMODATE THE FUTURE DEVELOPMENT OF PARCEL GROUP 9

WHEREAS, on June 16, 2020, the City Council held a public hearing and adopted findings in support of the requested zone change as set forth in the companion Resolution (No. 20-\_\_);

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF HAYWARD DOES ORDAIN AS FOLLOWS:

Section 1. Provisions.

Chapter 10 of the Hayward Municipal Code is hereby amended to rezone the parcels located at the intersection of Apple Avenue and Oak Street (Assessor Parcel No. 415-0160-052-00, & 415-0170-037-00) from Residential High Density (RH) and Commercial Office (CO) to General Commercial (CG), subject to the findings of approval set forth in the companion Resolution (No. 20-\_\_) to this Ordinance.

Section 2. Severance.

Should any part of this ordinance be declared by a final decision by a court or tribunal of competent jurisdiction to be unconstitutional, invalid, or beyond authority of the City, such decision shall not affect the validity of the remainder of this ordinance, which shall continue in full force and effect, provided the remainder of the ordinance, absent the excised portion, can be reasonably interpreted to give effect to intentions of the City Council.

Section 3. Effective Date.

This ordinance shall become effective immediately upon adoption.

INTRODUCED at a regular meeting of the City Council of the City of Hayward,  
held the 16 day of June, 2020, by Council Member \_\_\_\_\_.

ADOPTED at a regular meeting of the City Council of the City of Hayward,  
held the 23 day of June, 2020, by the following votes of members of said City Council.

AYES: COUNCIL MEMBERS:

MAYOR:

NOES: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

APPROVED: \_\_\_\_\_  
Mayor of the City of Hayward

DATE: \_\_\_\_\_

ATTEST: \_\_\_\_\_  
City Clerk of the City of Hayward

APPROVED AS TO FORM:

\_\_\_\_\_  
City Attorney of the City of Hayward

HAYWARD CITY COUNCIL

RESOLUTION NO. 20-\_\_

Introduced by Council Member \_\_\_\_\_

RESOLUTION ADOPTING THE ADDENDUM TO THE HAYWARD 2040 GENERAL PLAN ENVIRONMENTAL IMPACT REPORT FOR PARCEL GROUP 9 LOCATED AT THE INTERSECTION OF APPLE AVENUE AND OAK STREET (ASSESSOR PARCEL NOS. 415-0160-052-00, & 415-0170-037-00) REZONING FROM HIGH DENSITY RESIDENTIAL (RH) AND COMMERCIAL OFFICE (CO) TO GENERAL COMMERCIAL (CG); CITY OF HAYWARD (APPLICANT/OWNER)

WHEREAS, in the mid-1960s, Caltrans purchased more than 400 parcels of property for construction of a 14-mile 238 Corridor Bypass Freeway to run through the City of Hayward and parts of unincorporated Alameda County; and

WHEREAS, in 1971, a lawsuit, filed in federal court on behalf of residents to be displaced by the freeway construction, blocked the project. Caltrans subsequently abandoned the freeway plan; and

WHEREAS, in 2011, the City approached Caltrans with a proposal to allow the City to take responsibility for the disposition and development of some Caltrans-owned property; and

WHEREAS, in January 2016, Caltrans agreed to negotiate, and a Purchase and Sale Agreement was approved by City Council and the California Transportation Commission; and

WHEREAS, on February 4, 2020, the City of Hayward submitted a rezoning application and addendum to the 2040 Hayward General Plan EIR (Application No. 202000605) , to rezone Parcel Group 9 (Assessor Parcel Nos. 415-0160-052-00, & 415-0170-037-00) from High Density Residential (RH) and Commercial Office (CO) to General Commercial (CG); and

WHEREAS, on May 1, 2020, notice of the Planning Commission public hearing was mailed to all property owners and residents within 300 feet of the project site as well as those who requested such notice; and was published in The Daily Review; and

WHEREAS, on May 14, 2020, the Planning Commission held a duly noticed public hearing on the proposed project and voted unanimously to recommend City Council approval of the rezoning and addendum to the Hayward 2040 General Plan; and

WHEREAS, on June 5, 2020, notice of the City Council public hearing regarding the project was mailed to all property owners and residents within 300 feet of the project site as well as those who requested such notice; and was published in The Daily Review; and

WHEREAS, on June 16, 2020, the City Council held a public hearing and accepted public testimony on the proposed project.

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby adopts the following findings:

**CALIFORNIA ENVIRONMENTAL QUALITY ACT**

- A. On July 2014, City Council certified the Hayward 2040 General Plan Environmental Impact Report (GP EIR)<sup>1</sup>. In accordance with CEQA Guidelines Section 15164, LSA prepared an Addendum (Attachment IV) which tiers off the Hayward 2040 GP EIR and analyzes proposed land use changes and the possible development of a 150-room hotel project.

The purpose of the Addendum is to describe and evaluate the proposed project, assess the proposed modifications to the project evaluated in the Hayward 2040 GP EIR, and identify the reasons for the City's conclusion that changes to the proposed project and associated environmental effects meets the requirements set forward by CEQA Guidelines Section 15164 , while not activating the need to prepare a subsequent or supplemental EIR as set forward by CEQA Guidelines Section 15162.

Further, the Addendum highlights that no new or more severe significant impacts were identified for the proposed project that were not identified and mitigated in the Hayward 2040 GP EIR, and no new mitigation measure would be required for the proposed project.

Overall, there would be no substantial change proposed in the project or the circumstances under which the project is being undertaken, nor is there any new information that would require additional environmental review. Therefore, pursuant to CEQA Guidelines Section 15164:

*“The lead agency or a responsible agency shall prepare an addendum to a previously certified EIR if some changes or additions are necessary, but none of the conditions described in Section 15162 calling for preparation of subsequent EIR have occurred.”*

Therefore, the proposed project complies with CEQA requirements and no subsequent EIR or other CEQA evaluation is required for the project.

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<sup>1</sup> General Plan EIR [https://www.hayward-ca.gov/sites/default/files/documents/Hayward%20GPU%20Final%20EIR\\_5-19-14\\_0.pdf](https://www.hayward-ca.gov/sites/default/files/documents/Hayward%20GPU%20Final%20EIR_5-19-14_0.pdf)

**REZONE AND ADDENDUM TO HAYWARD 2040 GENERAL PLAN EIR****A. Substantial proof exists that the proposed change will promote the public health, safety, convenience, and general welfare of the residents of Hayward.**

As proposed, the rezone would allow for the reclassification of the site to be in line with the land uses allowed per the Hayward 2040 General Plan. No project would be entitled by way of the rezone and any proposed planning application would be required to obtain the necessary land use entitlements. The project would also be subject to, but not limited to, the development standards of the General Commercial zoning districts, the Hayward Municipal Code, and policies as set forward by the Hayward 2040 General Plan. Additionally, the General Plan envisioned and allows for residential, retail, entertainment, and lodging uses on this site. As such, the proposed rezone would be considered a minor land use change and would not be detrimental to public health, safety, convenience, and the general welfare of the community.

**B. The proposed change is in conformance with the purposes of this Ordinance and all applicable, officially adopted policies and plans.**

Pursuant to the Hayward 2040 General Plan, the parcels have a General Plan designation of Commercial High Density Residential (CHDR), which allows for several uses including residential, retail, entertainment, and lodging<sup>2</sup>. However, the existing Residential High Density (RH)<sup>3</sup> & Commercial Office (CO)<sup>4</sup> zones preclude retail, entertainment and limit the allowed lodging uses. If the parcels are rezoned to General Commercial (CG)<sup>5</sup>, the site would be more consistent with the policies and land uses envisioned in the General Plan. Further, if the parcels are reclassified, most of the allowed uses pursuant to the existing RH and CO zones would be maintained, including multifamily residential uses, if developed above a commercial use.

Therefore, by way of the proposed rezone, all future projects would conform with the intent of the Hayward 2040 General Plan and better align with all other adopted policies and plans.

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<sup>2</sup> Hayward 2040 General Plan [https://www.hayward-ca.gov/sites/default/files/documents/General\\_Plan\\_FINAL.pdf](https://www.hayward-ca.gov/sites/default/files/documents/General_Plan_FINAL.pdf)

<sup>3</sup> Residential High Density Allowed Uses  
[https://library.municode.com/ca/hayward/codes/municipal\\_code?nodeId=HAYWARD\\_MUNICIPAL\\_CODE\\_CH10PLZOSU\\_ART1ZOOR\\_S10-1.500HIDEREDIRH](https://library.municode.com/ca/hayward/codes/municipal_code?nodeId=HAYWARD_MUNICIPAL_CODE_CH10PLZOSU_ART1ZOOR_S10-1.500HIDEREDIRH)

<sup>4</sup> Office Commercial Allowed Uses  
[https://library.municode.com/ca/hayward/codes/municipal\\_code?nodeId=HAYWARD\\_MUNICIPAL\\_CODE\\_CH10PLZOSU\\_ART1ZOOR\\_S10-1.1100COOFDICO](https://library.municode.com/ca/hayward/codes/municipal_code?nodeId=HAYWARD_MUNICIPAL_CODE_CH10PLZOSU_ART1ZOOR_S10-1.1100COOFDICO)

<sup>5</sup> General Commercial Allowed Uses  
[https://library.municode.com/ca/hayward/codes/municipal\\_code?nodeId=HAYWARD\\_MUNICIPAL\\_CODE\\_CH10PLZOSU\\_ART1ZOOR\\_S10-1.1000GECODICG](https://library.municode.com/ca/hayward/codes/municipal_code?nodeId=HAYWARD_MUNICIPAL_CODE_CH10PLZOSU_ART1ZOOR_S10-1.1000GECODICG)

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

There is no project being proposed in association with the proposed rezone. However, if approved, the City is likely to release an RFP to develop the site and solicit proposals for development. Currently, the vacant site obtains access by way of two public streets: Apple Avenue and Oak Street. No changes are currently proposed to these roadways; however, any new project application filed with the City may require revisions to the existing access and circulation. Additionally, any project would be required to provide the necessary on and off-site improvements, consistent with adopted policies. Those improvements would include, but not to be limited to the construction of a formal driveway approach, sidewalk upgrades, American with Disability Act (ADA) upgrades, lighting upgrades, noise attenuation measures, and other improvements as required by way of the Hayward Municipal Code, the Hayward 2040 General Plan, and as conditioned by the multiple City Departments and Divisions.

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

Approval of the rezone would reclassify the RH parcel and the CO parcel as GC, making it compatible with the existing underlining General Plan designation of CHDR, which allows for residential, retail, entertainment and lodging uses. The current zoning designations of RH and CO preclude retail, entertainment and limit the allowed lodging uses. By rezoning the site to GC, the allowed uses would be extended to include retail, entertainment and lodging uses.

Thereby, the property would be compatible with the present General Plan designation and with the future General Plan designation as envisioned by the Hayward 2040 General Plan. If the site is left with its current zoning designation, it would remain inconsistent with the General Plan land use designation by preventing retail uses, entertainment uses, and limit lodging uses. Therefore, the proposed rezoning would be beneficial to apply the appropriate land use and development standards of any new development with the adopted policies of the General Plan, which would not be obtainable under the existing land use regulations.

NOW THEREFORE, BE IT RESOLVED that the City Council of the City of Hayward, based on the foregoing findings, hereby adopts the Addendum to the Hayward 2040 General Plan and approves the Rezoning Application (No. 202000605 ).

IN COUNCIL, HAYWARD, CALIFORNIA \_\_\_\_\_, 2020

ADOPTED BY THE FOLLOWING VOTE:

AYES:           COUNCIL MEMBERS:  
                  MAYOR:

NOES:           COUNCIL MEMBERS:

ABSTAIN:       COUNCIL MEMBERS:

ABSENT:        COUNCIL MEMBERS:

ATTEST: \_\_\_\_\_  
          City Clerk of the City of Hayward

APPROVED AS TO FORM:

\_\_\_\_\_  
City Attorney of the City of Hayward



**MEMORANDUM**

**DATE:** February 24, 2020

**To:** Jennifer Ott, Deputy City Manager  
 Monica Davis, Manager

**FROM:** Theresa Wallace, AICP, Principal  
 Shanna Guiler, AICP, Associate/Environmental Planner

**SUBJECT:** California Environmental Quality Act (CEQA) Addendum for the Route 238 Development Project - Apple Avenue/Oak Street (Parcel Group 9)

This document, prepared pursuant to the California Environmental Quality Act (CEQA) and the regulations and policies of the City of Hayward, provides information and analysis concerning the Route 238 Development Project – Apple Avenue/Oak Street (Parcel Group 9) (proposed project). This document is an Addendum to the City of Hayward 2040 General Plan Environmental Impact Report<sup>1</sup> (GP EIR), which was certified by the City of Hayward in July 2014. This Addendum to the GP EIR evaluates whether changes to development assumptions included in the General Plan associated with the proposed project would result in new or substantially more adverse significant effects or require new mitigation measures not identified in the GP EIR. See Attachment A for a full description of the proposed project. The City of Hayward is the Lead Agency under CEQA. In accordance with CEQA Section 21093(b) and CEQA Guidelines Section 15152(a), this Addendum tiers off the GP EIR, certified in July 2014, which is hereby incorporated by reference.

**INTRODUCTION**

Parcel Group 9 is located at the northern end of the City, immediately east of the Interstate 580/State Route 238 (I-580/SR-238) interchange, north of the Apple Avenue and Oak Street intersection. The central portion of the site is located within the City, and the northern portion of the site is located within Castro Valley.

The proposed project would result in the construction of a 150-room hotel and associated parking and landscaping on approximately 2.69 acres of land owned by the City of Hayward (City). The project would require a Zone Change, Site Plan Review, Improvement Plans Review, Grading Permit and Building Permit.

This Addendum is prepared pursuant to CEQA Guidelines Section 15164 which states: “The lead agency or a responsible agency shall prepare an addendum to a previously certified EIR if some changes or additions are necessary, but none of the conditions described in Section 15162 calling for preparation of a subsequent EIR have occurred.” Section 15162 specifies that “no subsequent EIR

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<sup>1</sup> Hayward, City of, 2014. *Final Environmental Impact Report City of Hayward General Plan*. May.

shall be prepared for that project unless the lead agency determines ... one or more of the following:"

1. Substantial changes are proposed in the project which will require major revisions of the previous EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;
2. Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or
3. New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete was adopted, shows any of the following:
  - a. The project will have one or more significant effects not discussed in the previous EIR;
  - b. Significant effects previously examined will be substantially more severe than shown in the previous EIR;
  - c. Mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or
  - d. Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

Pursuant to CEQA Guidelines Section 15164(e), the purpose of this Addendum is to describe and evaluate the proposed project (Route 238 Development Project – Apple Avenue/Oak Street), assess the proposed modifications to the project evaluated in the GP EIR, and identify the reasons for the City's conclusion that changes to the proposed project and associated environmental effects do not meet the conditions described in CEQA Guidelines Section 15162 calling for preparation of a subsequent or supplemental EIR.

Attachment A to this Addendum provides a complete description of the proposed project, its location, existing site characteristics, proposed development, and required approvals and entitlements.

Attachment B to this Addendum provides the Environmental Checklist prepared for the project. This checklist provides information to: (1) compare the environmental impacts of the proposed project with impacts expected to result from development approved in the City of Hayward 2040 General Plan and evaluated in the GP EIR; (2) demonstrate that the proposed project would not result in new or more severe significant environmental impacts; (3) provide new or revised mitigation measures

not identified in the GP EIR; and (4) conclude that no substantial changes with respect to the circumstances under which the project would be undertaken since the GP EIR was certified resulted in new or more severe significant environmental effects.

## **COMPARISON TO THE CONDITIONS LISTED IN CEQA GUIDELINES SECTIONS 15162 AND 15163**

The following discussion summarizes the reasons that a subsequent or supplemental EIR, pursuant to CEQA Guidelines Sections 15162 and 15163, is not required and an Addendum to the GP EIR is the appropriate CEQA document.

### **Substantial Changes**

Per the analysis included in Attachment B, Environmental Checklist, the proposed modifications to the project evaluated in the GP EIR would not result in new significant impacts beyond those identified in the GP EIR, would not substantially increase the severity of impacts identified in the GP EIR, and would not require major revisions to the GP EIR. Therefore, the proposed changes to the project would be minor modifications, not substantial changes, and an Addendum is the appropriate document to address these minor modifications rather than a subsequent or supplemental EIR.

### **Substantial Changes in Circumstances**

As described in the Environmental Checklist for each topic, environmental conditions in and around the project site have not changed such that implementation of the proposed minor modifications to the GP EIR would result in new significant environmental effects or a substantial increase in the severity of environmental effects identified in the GP EIR, and thus would not require major revisions to the GP EIR.

### **New Information**

No new information of substantial importance, which was not known or could not have been known when the GP EIR was certified, has been identified which shows that the proposed modifications to the GP EIR associated with the proposed project would be expected to result in: (1) new significant environmental effects not identified in the GP EIR; (2) substantially more severe environmental effects than shown in the GP EIR; (3) mitigation measures or alternatives previously determined to be infeasible would in fact be feasible and would substantially reduce one or more significant effects of the project, but the City declines to adopt the mitigation measure or alternative; or (4) mitigation measures or alternatives which are considerably different from those analyzed in the GP EIR would substantially reduce one or more significant effects on the environment, but the City declines to adopt the mitigation measure or alternative. As described through the Environmental Checklist, no new or substantially more severe impacts are expected beyond those identified in the GP EIR.

## **STANDARD CONDITIONS OF APPROVAL**

Standard Conditions of Approval (SCAs) have been identified that incorporate development policies and standards from various plans, policies, and ordinances (e.g., Hayward Municipal Code, California Building Code, Uniform Fire Code, the Regional Water Quality Control Board's Municipal Regional Permit, etc.), which have been found to substantially mitigate environmental effects. The City of

Hayward applies SCAs for all projects and amends these conditions as needed. As applicable, the SCAs are adopted as requirements of an individual project when it is approved by the City, and are designed to, and will, avoid or substantially reduce a project's environmental effects.

In reviewing project applications, the City determines which SCAs apply based upon the zoning district, community plan, and the type of permits/approvals required for the project. Depending on the specific characteristics of the project type and/or project site, the City will determine which SCAs apply to a specific project. Because these SCAs are mandatory requirements imposed on a citywide basis, environmental analyses assume that these SCAs will be imposed and implemented by the project, and are not imposed as mitigation measures under CEQA.

## **CONCLUSION**

The proposed modifications to the GP EIR described in this Addendum would not require major revisions to the GP EIR due to new or substantially increased significant environmental effects. The analysis contained in the Environmental Checklist confirms that the modified project is within the scope of the GP EIR and will have no new or more severe significant effects and no new mitigation measures are required. Therefore, no subsequent or supplemental EIR or further CEQA review is required prior to approval of the proposed project, as described in this Addendum.

Attachments: A – Project Description  
B – Environmental Checklist

## ATTACHMENT A PROJECT DESCRIPTION

The following describes the proposed Route 238 Property Development – Apple Avenue/Oak Street (Parcel Group 9) project (proposed project) that includes a 150-room hotel and associated parking and landscaping on approximately 2.69 acres of land owned by the City of Hayward (City). In addition to the description of the proposed project itself, this section includes a summary description of the project’s location and existing site characteristics. This project description is part of the preparation of an Addendum to the City of Hayward 2040 General Plan Environmental Impact Report<sup>1</sup> (GP EIR), certified by the City of Hayward in July 2014. The City is the CEQA lead agency for the proposed project.

### PROJECT BACKGROUND

In the 1960s, the California Department of Transportation (Caltrans) purchased over 400 parcels in the Hayward foothills, east of Foothill and Mission Boulevards, for the construction of the Route 238 Bypass Freeway project. However, in 1971 the community filed a lawsuit to stop the project and it was eventually abandoned. Caltrans has been selling the State-owned properties within the right-of-way because they are no longer required for the freeway project.

In January 2016, the City negotiated a purchase and sale agreement with Caltrans to acquire several remaining parcel groups along the former freeway alignment. The City’s goal is to develop these properties with uses that would be consistent with the comprehensive vision of the City’s General Plan and to integrate these properties with the rest of the community. The acquisition and development of each of these parcel groups is independent from one another, and no part of any one development is related to or dependent on the development of any other group of parcels.

### PROJECT SITE

The following section describes the location and site characteristics for the proposed project area and provides a brief overview of the existing land uses within and in the vicinity of the site.

#### Location and Surrounding Land Uses

The City of Hayward occupies approximately 64 square miles in southwestern Alameda County, approximately 14 miles south of Downtown Oakland, 20 miles southeast of Downtown San Francisco, and 25 miles north of Downtown San Jose. The City’s planning area (Sphere of Influence) encompasses approximately 72 square miles and includes all land within the Hayward City limits and adjacent unincorporated county land, including Garin Regional Park, open space areas east of the City, portions of San Lorenzo and Castro Valley, and the communities of Hayward Acres, Cherryland, and Fairview.

Parcel Group 9 is located at the northern end of the City, immediately east of the Interstate 580/State Route 238 (I-580/SR-238) interchange, north of the Apple Avenue and Oak Street

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<sup>1</sup> Hayward, City of, 2014. *Final Environmental Impact Report City of Hayward General Plan*. May.

intersection. The central portion of the site is located within the City, and the northern portion of the site is located within Castro Valley.

Regional vehicular access to Parcel Group 9 is provided by I-580 located adjacent to the project site and SR-238 that traverses the City. Figures 1 through 3 (attached) show the regional and local context of the proposed project site.

The on-ramp to I-580 East forms the western boundary of Parcel Group 9. Apple Avenue bounds the site to the south. Multifamily housing borders the eastern edge of the site. Foothill Boulevard runs parallel to the site, west of the I-580 on-ramp. A church and commercial uses, including hotels, auto sale dealerships, a discount mattress store, and a used appliance store are located along Foothill Boulevard, to the west and southwest of the site. Strobridge Elementary School is located approximately 800 feet to the east.

### Site Characteristics and Current Site Conditions

The proposed project site is relatively flat and primarily consists of vacant grassland with a few scattered trees. A vacant lot used as a construction materials storage yard is located at the corner of Apple Avenue and the I-580 East on-ramp. An apartment building, located at the corner of Oak Street and Apple Avenue, is within unincorporated Castro Valley. The existing apartment building would be demolished prior to commencement of the development project described herein.

### General Plan

The City's General Plan Land Use Map designates the portion of Parcel Group 9 within the City as Commercial/High Density Residential (up to 34.8 dwelling units per net acre) and Public/Quasi-Public. The site is zoned for Commercial Office, Public Facilities, and High Density Residential (minimum lot size 1,250 square feet). The purpose of the Commercial Office District is to provide for and protect administrative, professional, business, and financial organizations that are compatible with residential use of adjacent properties. The City of Hayward Zoning Ordinance outlines specific development standards and design guidelines for development within the Commercial Office, Public Facilities, and High Density Residential districts.

The proposed project is located solely on land that lies within the City of Hayward. The land adjacent to the project site is located within the unincorporated community of Castro Valley. This land is designated as Public/Institutional on the Castro Valley General Plan Land Use Map and is zoned for Retail Business, Suburban Residential (8 dwelling units per acre), General Business, and Industrial Park. However, the proposed project would be located solely within the portion of the project site that lies within the City of Hayward.

The GP EIR analyzed implementation and buildout of the General Plan over a 26-year planning period. Although no specific development projects were proposed in conjunction with the General Plan, the GP EIR analyzed a development potential of approximately 7,475 additional single-family dwelling units; 7,339 additional multi-family dwelling units; and 25,787 additional jobs. The jobs are generally categorized as follows: retail, service, manufacturing, wholesale, agricultural, and other.

As a largely built-out community, future development opportunities are limited to relatively small infill sites and the redevelopment of underutilized parcels. The development capacity assumptions are derived from already adopted plans and initiatives as well as housing, population, and employment projections issued by the Association of Bay Area Governments. Table A identifies the Hayward 2040 General Plan development capacity assumptions used in the GP EIR.

**Table A: Existing and Proposed Development in the General Plan Planning Period**

Land Use	Existing 2010	Proposed Through 2040	Net New Development
Single-Family Housing	30,989	38,461	7,472
Multi-Family Housing	20,395	27,794	7,399
Employment	76,067	101,854	25,787

Source: City of Hayward (July 2014).

**PROPOSED PROJECT**

The Parcel Group 9 Project would consist of a 150-room hotel and associated parking and roadway improvements, including curbs, gutters, sidewalks, utilities and lighting. The land use concept for the proposed project is shown in Figure 4 (attached).

The proposed project is consistent with the intent of the Commercial/High Density Residential (CHDR) designation, which supports lodging uses. No changes in General Plan land use designations would be required for the proposed project. The project site would need to be re-zoned from High Density Residential (RH) and Commercial Office (CO) to General Commercial (GC) to allow for hotel development.

**Hotel**

The proposed four-story, approximately 100,000-square-foot building would include 150 guest rooms. In addition to the guest rooms, the proposed building could include a meeting room, lounge area with a bar and seating space, office space, and fitness center. An outdoor pool could also be provided. The building frontage would be oriented towards the Oak Street to the east. A conceptual site plan for the proposed project is shown in Figure 4.

**Parking**

Parking would be provide pursuant to City requirements, which require one parking space for each room and one space for every two employees on the largest shift. An approximately 150-space parking area would be provided for hotel guests and employees.

**On-Site Pedestrian and Vehicle Circulation**

Inbound access to the project site would be via Apple Avenue, an existing one-way road from northbound Foothill Boulevard. In the vicinity of the project site, Foothill Boulevard is a two-way street with three to four 11- to 12-foot travel lanes in each direction and a median. Inbound and outbound access would be provided via Oak Street to Grove Way. Grove Way includes one travel lane and street parking in each direction.

Pedestrian facilities are provided along Foothill Boulevard, including sidewalks, continental crosswalks, and ADA-compliant curb ramps. Sidewalk gaps exist on Grove Way east of Foothill Boulevard (north and south side) leading to the Oak Street access point. The Oak Street crosswalk at Grove Way is also fading. No sidewalks are provided along Oak Street or Apple Valley Avenue. As part of the proposed project, sidewalks would be provided along the project frontage, as well as Oak Street and Apple Avenue.

### Open Space and Landscaping

The proposed project would also include landscaping around the project site, particularly along I-580 to provide screening from the freeway. In addition, trees would be provided within the parking area. Signage would be installed that provides visibility from the surrounding streets, consistent with adjacent commercial development.

### Infrastructure Requirements

Oak Street contains existing public utilities and would extend into the project site; therefore, the proposed project would have frontage on a public right-of-way containing public utilities. A description of utilities and infrastructure associated with the project is provided below.

#### Water

The Parcel Group 9 site is located within the EBMUD service area. An 8-inch steel main is located in Apple Avenue and Oak Street. In addition, a 36-inch EBMUD transmission line is located within Oak Street and Apple Avenue.

#### Sewer Service

Wastewater collection is provided by Oro Loma Sanitary District. A 6-inch vitrified clay pipe (VCP) main is located in Apple Avenue and Oak Street. In addition, a 6-inch VCP is located in the undeveloped Oak Street right-of-way within the site.

#### Stormwater/Drainage

No storm drain infrastructure is located in Oak Street. An 18-inch metal storm drain line is located in Apple Avenue adjacent to the site. Proposed development would be required to provide hydromodification of all proposed runoff, to ensure post-construction runoff levels are the same as existing runoff.

#### Gas and Electrical Improvements

Electric service is accessible to the site by overhead electric lines on joint utility poles in Oak Street, and by extending into the undeveloped Oak Street right-of-way on the site. Gas service is distributed to the site by underground mains. A 1.25-inch and a 2-inch gas main are located in Apple Avenue and Oak Street.



### Outdoor Lighting

Outdoor lighting would be in conformance with the City’s Municipal Code. Limited safety and security lighting and indirect shielded lighting would be provided on the outside of the hotel and within the parking area as needed for public safety.

### Grading

The western portion of the site is relatively level, and the eastern portion of the site is moderately to steeply sloping hillside. The proposed project would be located in the southeastern portion of the project site, where it is relatively flat. Grading would be in conformance with the City’s Municipal Code (Chapter 10, Article 18, Grading and Clearing), which requires approval of a grading permit prior to commencement of grading activities and adherence to performance and design standards to prevent erosion, preserve existing slopes and vegetation, protect existing structures, and accommodate site drainage.

### Construction

Construction is anticipated to occur over 12 to 24 months starting in spring 2021. For the purpose of this Addendum, it is assumed that project construction would not require pile driving, but would utilize a typical mix of construction equipment for projects of a similar type and size, including graders, bulldozers, jackhammers, and cement mixers.

## RELATED PROJECTS

When evaluating cumulative impacts, CEQA requires the use of either a list of past, present, and probable future projects, including projects outside the control of the lead agency, or a summary of projections in an adopted planning document, or some reasonable combination of the two approaches.

The cumulative analysis of this Addendum is consistent with Section 15130(b)(1) of the CEQA Guidelines as it is based on both a list of past, present and probable future development projects in the area (short-term cumulative development) and a summary of development projections. Cumulative impacts would most likely result from short-term and long-term development in the immediate vicinity of the proposed project. Where appropriate, this Addendum assesses the short-term and long-term cumulative impacts that would result from the project plus other projected development in the project vicinity. The following sections discuss the anticipated short-term and long-term development in the project vicinity.

### Short-Term Development

As described above, the proposed project is anticipated to start construction in spring 2021, extending approximately 12 to 24 months. Other projects anticipated to be under construction concurrent with the proposed project include other projects located within the Route 238 Study Area. These projects are located in the vicinity of the proposed project and could contribute to cumulative construction impacts. These projects are described below.

- **Parcel Group 2.** The Parcel Group 2 project site is composed of two parcels that total about 12.2 acres. The first parcel totals approximately 4.65 acres and is located at 29212 Mission Boulevard. The second parcels, approximately 7.6 acres, abuts the first parcel on the south and extends from Mission Boulevard on west to Tennyson Road on the north. The proposed project would result in the development of approximately 190 residential units, approximately 10,800 square feet of ground floor commercial uses, and related site improvements.
- **Parcel Group 3.** The Parcel Group 3 project site is located at the northeastern corner of Mission Boulevard and Tennyson Road. The proposed project will consist of 180 affordable rental apartments and a charter school serving approximately 400 elementary students.
- **Parcel Group 5 (Bunker Hill).** Parcel Group 5 is located northwest of Harder Road, approximately 1,000 feet east of Mission Boulevard and adjacent to and southwest of CSU East Bay. Proposed development at this site would include up to 74 single-family residential units and 8 accessory dwelling units (ADUs), approximately 10.5 acres of open space, and associated roadway and infrastructure connections.
- **Parcel Group 6 (Quarry Site).** Parcel Group 6 is located north of Carlos Bee Boulevard, south of Highland Boulevard, approximately 1,000 feet northeast of Mission Boulevard and approximately 2,000 feet northwest of California State University East Bay (CSU East Bay). Proposed development at this site would include a maximum of 500 townhomes/multi-family units and 500 student-housing units, up to 10,000 square feet of retail/commercial space, passive open space, a neighborhood park, and associated roadway and infrastructure connections.
- **Parcel Group 7 (Mission Boulevard/Carlos Bee Boulevard).** Parcel Group 7 is located at the southeastern corner of Mission Boulevard and Carlos Bee Boulevard. Proposed development at this site would include a new auto dealership. The new auto dealership would consist of an approximately 65,000-square-foot facility that will include sales, service, and display. The new dealership would be located on the lower five acres of the site towards Mission Boulevard.
- **Parcel Group 8 (Grove Way/Foothill Boulevard).** Parcel Group 8 is located at the northern end of the City, south of Grove Way and east of Foothill Boulevard. Proposed development at this site would include a mix of townhomes, commercial, multifamily high density residential and a large open space parkland.
- **21339 Oak Street Development.** The 21339 Oak Street Development consists of a 40-unit townhome development on 1.66-acres on Oak Street between Apple Avenue and Grove Way. The proposed project would include 40 townhouse units, housed in six three-story buildings. Units would range in size from 1,327 to 1,441 square feet. The project would also include new landscaping, frontage and site improvements, and two common open space areas. This project was approved by the City Council on October 29, 2019.

### Long-Term Development

The potential development outlined in the 2014 General Plan was considered in the cumulative analysis in this Addendum, along with the specific projects identified above. Because the 2014 General Plan and the GP EIR developed growth forecasts through 2040 to account for growth within the General Plan Planning Area, including the project site, use of the development projections from these two documents is inherently cumulative, in that the projection considers impacts of development generated by future planned uses. Since 2014, updated growth forecasts have projected slightly less growth within the City than was estimated in 2014, therefore use of the 2014 General Plan's assumptions is conservative, potentially overstating growth potential and intensity of environmental effects. Moreover, projects approved within the General Plan Planning Area have not exceeded the growth forecasts or developed in a way that would change the likely environmental impacts associated with future growth. Therefore, the cumulative effects of long-term development are fully reflected in the 2014 General Plan's growth forecasts and analyzed within this Addendum accordingly.

### AMENDMENTS AND PERMITS

As part of the proposed project evaluated in this Addendum, the following approvals and permits would be required:

- Zone Change from RH (High Density Residential) and CO (Commercial Office) to CG (General Commercial) to allow for hotel development
- Site Plan Review
- Improvement Plans review
- Grading Permit
- Building Permit

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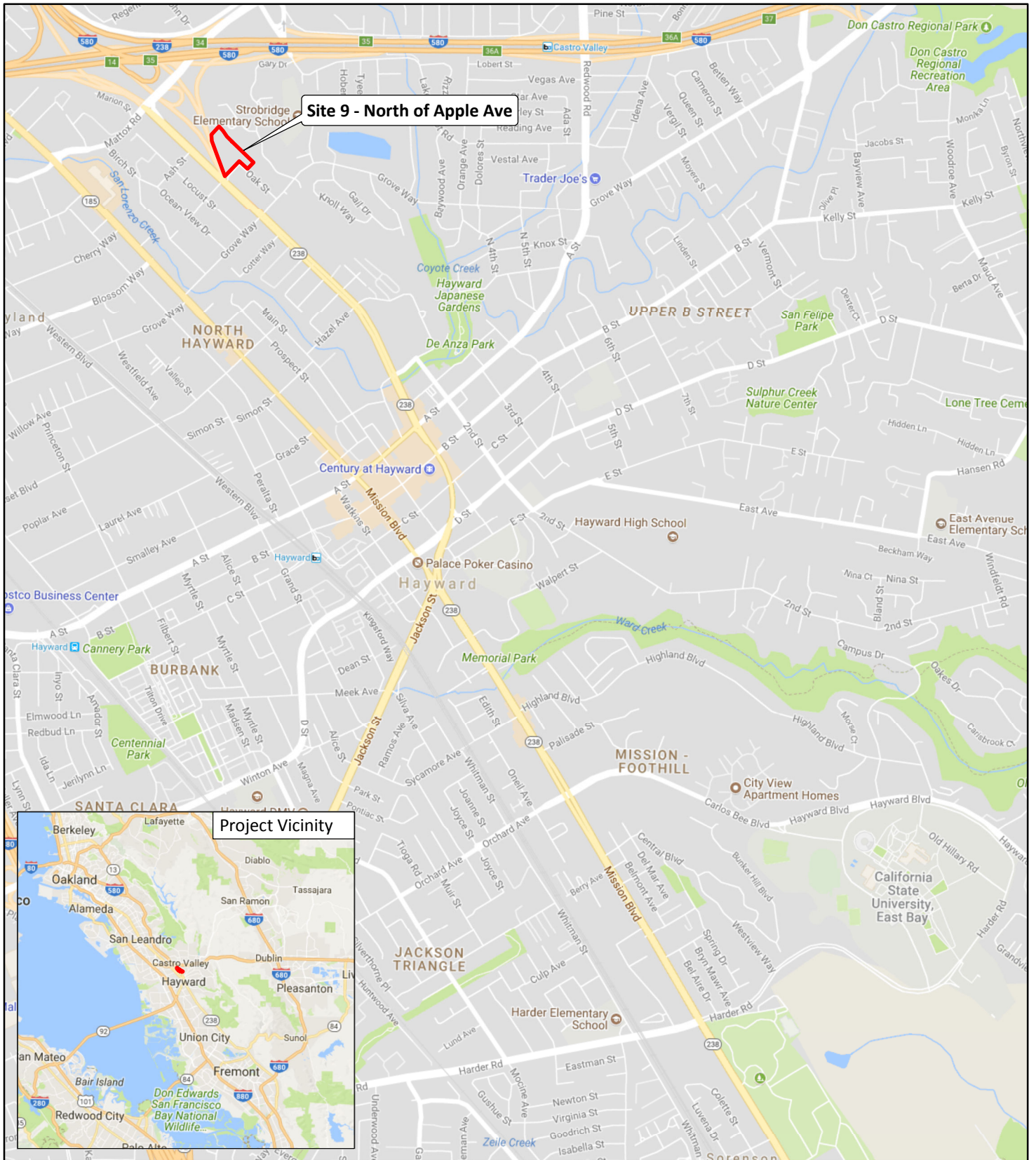
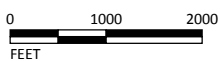


FIGURE 1

LSA

LEGEND

Parcel Group



SOURCE: Google Streets Map (2018); StreetMap NA (2012).

I:\DEW1701\GIS\Maps\Project\Figure 1\_Regional Location.mxd (2/2/2018)

*Hayward Route 238 Properties - Parcel Group 9  
Hayward, Alameda County, California  
Regional Location and Overview Map*

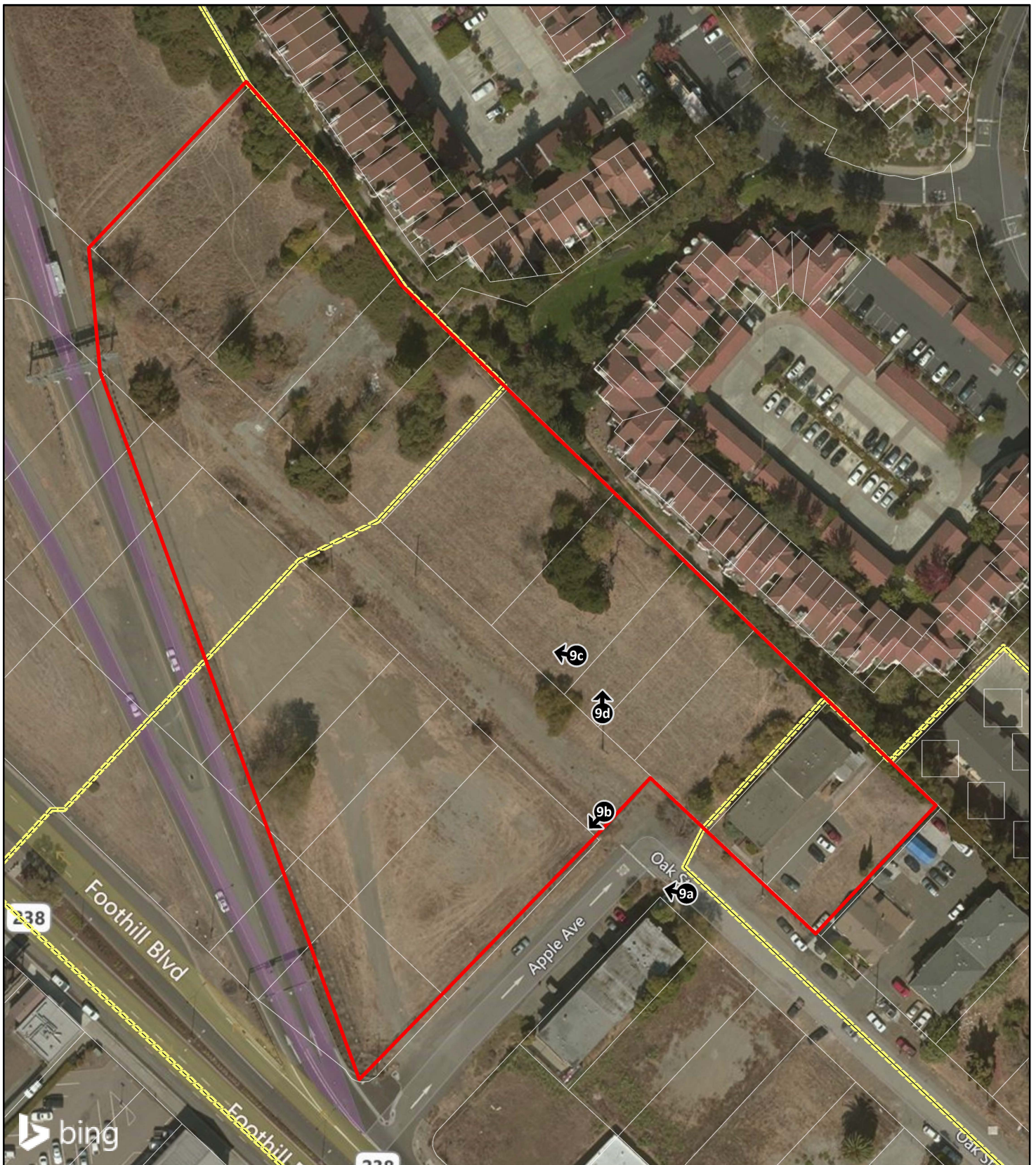


FIGURE 2

LSA

LEGEND

- Parcel Group
- Parcel
- City Limits
- ↑  
5a Photo Point



SOURCE: Microsoft Bing Basemap.

*Hayward Route 238 Properties - Parcel Group 9  
Hayward, Alameda County, California*  
Parcel Group 9 – Aerial and Photo Points



9a. View from intersection of Oak Street and Apple Street, looking northwest towards site



9b. View from site looking southwest towards SR-238 interchange

LSA

FIGURE 3a

*Hayward Route 238 Properties - Parcel Group 9  
Hayward, Alameda County, California*

Parcel Group 9 – Site Photos



9c. View from site looking northwest towards on-ramp to I-580 East



9d. View from site looking northeast towards adjacent residential uses

LSA

FIGURE 3b

*Hayward Route 238 Properties - Parcel Group 9  
Hayward, Alameda County, California*

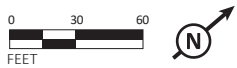
Parcel Group 9 – Site Photos





LSA

FIGURE 4



SOURCE: xxx

P:\HAY1901 Parcel Group 9\PRODUCTS\Graphics\Figures\Figure\_4.ai (2/3/2020)

Hayward Route 238 Properties - Parcel Group 9  
Hayward, Alameda County, California  
Conceptual Site Plan

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## **ATTACHMENT B ENVIRONMENTAL CHECKLIST PURSUANT TO CEQA GUIDELINES SECTION 15168**

CEQA Guidelines 15168(c)(4) recommends using a written checklist or similar device to confirm whether the environmental effects of a subsequent activity were adequately covered in a program EIR. This checklist confirms that the Route 238 Property Development Project – Apple Avenue/Oak Street (Parcel Group 9) (proposed project) described in Attachment A is within the scope of the City of Hayward 2040 General Plan EIR<sup>1</sup> (GP EIR), certified by the City of Hayward in July 2014. The proposed project would not result in new or substantially more severe significant effects, and no new mitigation measures are required for the proposed project.

In accordance with CEQA Section 21093(b) and CEQA Guidelines Section 15152(a), this Addendum tiers off the GP EIR, which is hereby incorporated by reference.

This environmental checklist is used to: (1) compare the environmental impacts of the proposed project with impacts expected to result from the development approved in the City of Hayward 2040 General Plan and evaluated in the GP EIR; (2) identify whether the proposed project would result in new or more severe significant environmental impacts; (3) identify if new or revised mitigation measures would be required by the project sponsor; and (4) identify if substantial changes with respect to the circumstances under which the project would be undertaken since the GP EIR was certified would result in new or more severe significant environmental effects.

In summary, no new or more severe significant impacts were identified for the proposed project that were not identified and mitigated in the GP EIR, and no new mitigation measures would be required for the proposed project. In some cases, Standard Conditions of Approval have been identified to ensure compliance with development policies and standards from various plans, policies, and ordinances, which have been found to substantially mitigate environmental effects. For all environmental topics addressed in the following checklist, there have been no substantial changes in environmental circumstances that would result in new or more severe significant environmental effects than were identified and evaluated in the GP EIR. Therefore, no subsequent EIR or CEQA evaluation is required for the Route 238 Development Project – Apple Avenue/Oak Street (Parcel Group 9).

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<sup>1</sup> Hayward, City of, 2014a. *Final Environmental Impact Report City of Hayward General Plan*. May.

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## 1. AESTHETICS

	New Potentially Significant Impact	New Mitigation Required	Reduced Impact	No New Impact
Except as provided in Public Resources Code Section 21099, would the project:				
a. Have a substantial adverse effect on a scenic vista?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c. Substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage point). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d. Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

### Discussion

#### Scenic Vistas

The project area is within the heavily developed central portion of the City. However, approximately half of the land within the City of Hayward consists of water, baylands, and open space. Marshland along the shoreline creates the western boundary of the City, and rolling hills form the eastern boundary of the City. The higher elevation hillside areas and portions of the shoreline provide scenic vistas of San Francisco Bay. The developed areas of the City can block scenic views, including views of the East Bay Hills. The hillside areas of the City are generally characterized as having a rural character with larger lots and fewer tract-home developments.

Parcel Group 9 is located along the abandoned highway alignment, along Foothill Boulevard. Foothill Boulevard carries high volumes of commuter traffic and is dominated by commercial and residential uses. Parcel Group 9 is located at the City of Hayward/Castro Valley line, adjacent to the I-580/SR-238 interchange, and is surrounded by a mix of residential and commercial uses. The site does not have any scenic vistas of the San Francisco Bay. The site is visible from Foothill Boulevard and the on-ramp to I-580 and SR-238.

The project site is not located in an area considered to be within view of a scenic vista. In addition, development of the proposed project would not obscure any views of scenic vistas from surrounding public vantage points. Therefore, the proposed project would not result in a substantial adverse effect on a scenic vista, and impacts associated with the proposed project would not result in new impacts to scenic vistas or substantially increase the severity of impacts identified in the GP EIR.

## Scenic Resources

County designated-scenic highways within the City include I-580, I-880, and SR-92.<sup>2</sup> In addition, I-580, located just north of Hayward, is a designated State Scenic Highway.<sup>3</sup> As described above, the project site is located adjacent to the I-580/SR-238 interchange, just south of I-580. However, the proposed project does not include the removal of any trees, rock outcroppings, or historic buildings. Therefore, impacts associated with the proposed project would not result in new impacts to scenic resources or substantially increase the severity of impacts identified in the GP EIR.

## Visual Character

The project site is located within an urbanized area. As noted in Attachment A, Project Description, as part of the proposed project, the project site would be rezoned to the CG (General Commercial) zoning district, in which hotel uses are permitted. Consistent with the City's Zoning Ordinance, the proposed project would be required to comply with the Minimum Design and Performance Standards for the CG District as outlined in Section 10-1.1045 of the City of Hayward Municipal Code.

As noted in Section 2.0, Project Description, Site Plan Review would be required for the proposed project, which would provide for the review of the physical improvements to the project site, including the overall building scale, massing, and design to ensure compatibility and compliance with City requirements governing scenic quality.

Because site-specific review of the proposed building would be required as part of the project entitlement process and would be subject to the design and performance standards identified in the City's Municipal Code, the proposed project would not conflict with applicable zoning or other regulations governing scenic quality, and this impact would be less than significant. Therefore, the proposed project would not result in new impacts to visual character beyond those less-than-significant impacts identified in the GP EIR.

## Light and Glare

The site is vacant with the exception of the apartment building at the corner of Apple Avenue and Oak Street, which will be demolished prior to commencement of the proposed project. The apartment building is currently the only existing source of illumination at the project site. Foothill Boulevard and the I-580 on-ramp carry high volumes of vehicle traffic. Taillights and headlights from vehicles traveling along these roadways contribute to existing sources of light and glare in the area.

Development of the proposed project would incrementally increase the amount of nighttime lighting in the surrounding area due to new interior and exterior lighting at the hotel, safety lighting in the parking lot, and lighting associated with additional vehicular traffic to and from the project site. At night these new sources of light would be visible from a distance; however, the addition of

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<sup>2</sup> Hayward, City of, 2014. *Hayward 2040 General Plan Background Report*.

<sup>3</sup> California Department of Transportation, 2020. Scenic Highways. Website: <https://dot.ca.gov/programs/design/lap-landscape-architecture-and-community-livability/lap-liv-i-scenic-highways> (accessed January 23, 2020).

new light sources associated with the proposed project would generally blend in with surrounding development and would represent a continuation of existing commercial development within this area of the City. Design Review of the proposed project would ensure that lighting within the project site is sufficient to protect public safety but does not excessively illuminate the surrounding area. Therefore, the proposed project would not create impacts related to light and glare that would be more severe than those identified in the GP EIR.

### Applicable Mitigation

As described in the GP EIR, 2040 General Plan, impacts on aesthetics and visual resources were determined to be less than significant and no mitigation measures were identified. No substantial changes in environmental circumstances have occurred related to visual resources. In addition, no revisions to the project or new information that could not have been known at the time the GP EIR was certified would lead to new or more severe significant impacts, and no new mitigation measures are required.

### Applicable Policies

#### General Plan Policies

- *Policy LU-1.7 Design Guidelines. The City shall maintain and implement commercial, residential, industrial, and hillside design guidelines to ensure that future development complies with General Plan goals and policies.*
- *Policy LU-3.6 Residential Design Strategies. The City shall encourage residential developments to incorporate design features that encourage walking within neighborhoods by:*
  - *Creating a highly connected block and street network.*
  - *Designing new streets with wide sidewalks, planting strips, street trees, and pedestrian-scaled lighting.*
  - *Orienting homes, townhomes, and apartment and condominium buildings toward streets or public spaces.*
  - *Locating garages for homes and townhomes along rear alleys (if available) or behind or to the side of the front façade of the home.*
  - *Locating parking facilities below or behind apartment and condominium buildings.*
  - *Enhancing the front façade of homes, townhomes, and apartment and condominium buildings with porches, stoops, balconies, and/or front patios.*
  - *Ensuring that windows are provided on facades that front streets or public spaces.*
- *Policy LU-7.2 Ridgelines. The City shall discourage the placement of homes and structures near ridgelines to maintain natural open space and preserve views. If ridgeline development cannot*

*be avoided, the City shall require grading, building, and landscaping designs that mitigate visual impacts and blend development with the natural features of the hillside.*

- *Policy LU-7.3 Hillside Street Layouts. The City shall require curvilinear street patterns in hillside areas to respect natural topography and minimize site grading.*
- *Policy LU-7.4 Hillside Street Design. The City shall encourage narrow streets in hillside areas. Streets should be designed with soft shoulders and drainage swales (rather than sidewalks with curb and gutters) to maintain the rural character of hillside areas and minimize grading impacts. The City shall prohibit parking along narrow street shoulders to provide space for residents to walk and ride horses.*
- *Policy LU-7.5 Clustered Developments. The City shall encourage the clustering of residential units on hillsides to preserve sensitive habitats and scenic resources as natural open space. Sensitive areas and scenic resources include woodlands, streams and riparian corridors, mature trees, ridgelines, and rock outcroppings.*
- *Policy NR-1.7 Native Tree Protection. The City shall encourage protection of mature, native tree species to the maximum extent practicable, to support the local ecosystem, provide shade, create windbreaks, and enhance the aesthetics of new and existing development.*
- *Policy NR-8.1 Hillside Residential Design Standards. The City shall regulate the design of streets, sidewalks, cluster home development, architecture, site design, grading, landscaping, utilities, and signage in hillside areas to protect aesthetics, natural topography, and views of surrounding open space through the continued Hillside Design and Urban/Wildland Interface Guidelines.*
- *Policy NR-8.2 Hillside Site Preparation Techniques. The City shall require low-impact site grading, soils, repair, foundation design, and other construction methods to be used on new residential structures and roadways above 250 feet in elevation to protect aesthetics, natural topography, and views of hillsides and surrounding open space.*
- *Policy M-3.6 Context Sensitive. The City shall consider the land use and urban design context of adjacent properties in both residential and business districts as well as urban, suburban, and rural areas when designing complete streets.*
- *Policy M-3.11 Adequate Street Canopy. The City shall ensure that all new roadway projects and major reconstruction projects provide for the development of an adequate street tree canopy.*
- *Policy M-5.5 Streetscape Design. The City shall require the pedestrian-oriented streets be designed and maintained to provide a pleasant environment for walking including shade trees; plantings; well-designed benches, trash receptacles, and other furniture; pedestrian-scaled lighting fixtures; wayfinding signage; integrated transit shelters; public art; and other amenities.*
- *Policy HQL-8.3 Trees of Significance. The City shall require the retention of trees of significance (such as heritage trees) by promoting stewardship and ensuring that project design provides for*



*the retention of these trees wherever possible. Where tree removal cannot be avoided, the City shall require tree replacement or suitable mitigation.*

- *Policy ED-5.5 Quality Development. The City shall require new development to include quality site, architectural, and landscape design features to improve and protect the appearance and reputation of Hayward.*
- *Policy CS-1.10 Lighting. The City shall encourage property owners to use appropriate levels of exterior lighting to discourage criminal activity, enhance natural surveillance opportunities and reduce fear.*

### **Conclusion**

The GP EIR adequately evaluated the aesthetic impacts of the proposed project. Therefore, potential impacts of the proposed project would be less than significant and additional mitigation is not required.

**2. AGRICULTURE AND FORESTRY 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 Department of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the State’s inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment Project; and the forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board.

	New Potentially Significant Impact	New Mitigation Required	Reduced Impact	No New Impact
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Conflict with existing zoning for agricultural use, or a Williamson Act contract?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c. Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code Section 12220(g)), timberland (as defined by Public Resources Code Section 4526), or timberland zoned Timberland Production (as defined by Government Code Section 51104(g))?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d. Result in the loss of forest land or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e. Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Discussion**

The City of Hayward and surrounding areas primarily consist of developed, urban land, with pockets of vacant properties; undeveloped bayshore and open space exists on the western and eastern margins of the City. No farmland designated by the California Department of Conservation Farmland Mapping and Monitoring Program (FMPP) is located within the City limits. Grazing land is located east of the City limits.<sup>4</sup> No forest lands or timberlands are located on or adjacent to the site.

<sup>4</sup> California Department of Conservation, Division of Land Resource Protection, 2014. *Alameda County Important Farmland 2014*. Available online at: [www.conservation.ca.gov/dlrp/fmmp/Pages/Alameda.aspx](http://www.conservation.ca.gov/dlrp/fmmp/Pages/Alameda.aspx) (accessed June 19, 2019).

The project site is not used for agricultural production or forestry use nor is it located on a parcel under a Williamson Act contract. Additionally, the project site is not zoned for agricultural use. Therefore, the proposed project would have no impacts on agriculture or forestry resources.

### **Applicable Mitigation**

No substantial changes in environmental circumstances have occurred for this topic, nor revisions to the project, nor new information that could not have been known at the time the GP EIR was certified leading to new or more severe significant impacts, and no new mitigation measures are required.

### **Conclusion**

The GP EIR adequately evaluated the agriculture and forestry impacts of the proposed project. Therefore, potential impacts would be less than significant and additional mitigation is not required.

### 3. 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.

	New Potentially Significant Impact	New Mitigation Required	Reduced Impact	No New Impact
Would the project:				
a. Conflict with or obstruct implementation of the applicable air quality plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. 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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c. Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d. Result in other emissions (such as those leading to odors) affecting a substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

#### Discussion

Parcel Group 9 is located within the San Francisco Bay Area Air Basin. The Bay Area Air Quality Management District (BAAQMD) is the regional government agency that monitors and regulates air pollution within the air basin. The Federal Clean Air Act and the California Clean Air Act mandate the control and reduction of specific air pollutants. Under these Acts, the U.S. Environmental Protection Agency and the California Air Resources Board have established ambient air quality standards for specific “criteria” pollutants, designed to protect public health and welfare. Primary criteria pollutants include carbon monoxide (CO), reactive organic gases (ROG), nitrogen oxides (NO<sub>x</sub>), particulate matter (PM<sub>10</sub>), sulfur dioxide (SO<sub>2</sub>), and lead (Pb). Secondary criteria pollutants include ozone (O<sub>3</sub>), and fine particulate matter (PM<sub>2.5</sub>).

Based on the BAAQMD attainment status and ambient air quality monitoring data, ambient air quality in the vicinity of the project site has basically remained unchanged since approval of the GP EIR. However, the BAAQMD has made two key regulatory changes since the GP EIR was certified in 2014. The updated Clean Air Plan was adopted in April 2017 and revised BAAQMD CEQA Guidelines were adopted in May 2017. These changes in the project circumstances, as well as changes to the proposed project itself, are discussed and evaluated in the following section.

#### Clean Air Plan Consistency

An air quality plan describes air pollution control strategies to be implemented by a city, county, or region classified as a non-attainment area. The main purpose of an air quality plan is to bring an area into compliance with the requirements of federal and State air quality standards.

The GP EIR referenced the BAAQMD Bay Area 2010 Clean Air Plan to determine if the General Plan would conflict with or obstruct implementation of an applicable air quality plan. The GP EIR found that the General Plan would be substantially consistent with all applicable control measures in the Bay Area 2010 Clean Air Plan. However, the GP EIR determined that the General Plan would still have significant and unavoidable impacts associated with short-term construction and long-term operational emissions, as well as health risk exposure associated with toxic air contaminants and PM<sub>2.5</sub>, and therefore, would not be considered to be fully consistent with the Clean Air Plan goals. As such, potential conflicts with the applicable air quality plan were considered to be significant.

The current BAAQMD clean air plan is the 2017 Clean Air Plan, adopted on April 19, 2017.<sup>5</sup> The 2017 Clean Air Plan provides a regional strategy to protect public health and protect the climate. To protect public health, the plan describes how the BAAQMD will continue progress toward attaining all State and federal air quality standards and eliminating health risk disparities from exposure to air pollution among Bay Area communities. To protect the climate, the plan defines a vision for transitioning the region to a post-carbon economy needed to achieve ambitious greenhouse gas reduction targets for 2030 and 2050, and provides a regional climate protection strategy that will put the Bay Area on a pathway to achieve greenhouse gas (GHG) reduction targets.

The 2017 Clean Air Plan includes a wide range of control measures designed to decrease emissions of the air pollutants that are most harmful to Bay Area residents, such as particulate matter, ozone, and toxic air contaminants. It also includes control measures to reduce emissions of methane and other “super-GHGs” that are potent climate pollutants in the near-term, and to decrease emissions of carbon dioxide by reducing fossil fuel combustion.

Consistency with the Clean Air Plan can be determined if a project does the following: (1) supports the goals of the Clean Air Plan; (2) includes applicable control measures from the Clean Air Plan; and (3) would not disrupt or hinder implementation of any control measures from the Clean Air Plan. Because the 2017 Clean Air Plan is the most current clean air plan applicable to the region, the proposed project is evaluated for compliance with this plan below.

As discussed in the Project Description, the proposed project is consistent with the intent of the Commercial/High Density Residential (CHDR) designation, which supports lodging uses. No changes in General Plan land use designations would be required for the proposed project. The project site would need to be re-zoned from High Density Residential (RH) and Commercial Office (CO) to General Commercial (GC) to allow for hotel development. However, the proposed project would include a new hotel on an infill site that would locate guests and employees near existing residential and commercial uses, reducing the demand for travel by single occupancy vehicles. Therefore, implementation of the proposed project would not substantially increase population, vehicle trips, or vehicle miles traveled (VMT). As such, the proposed project would not hinder the goals of the Clean Air Plan.

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<sup>5</sup> Bay Area Air Quality Management District, 2017. *Bay Area 2017 Clean Air Plan*. April 19.

In addition, the proposed project would comply with all applicable control measures from the BAAQMD Clean Air Plan, as follows:

**Stationary Source Control Measures.** The stationary source measures, designed to reduce emissions from stationary sources such as metal melting facilities, cement kilns, refineries, and glass furnaces, are incorporated into rules adopted by the BAAQMD and then enforced by BAAQMD Permit and Inspection programs. Since implementation of the proposed project would not include any stationary sources, the Stationary Source Measures of the Clean Air Plan are not applicable.

**Transportation Control Measures.** The BAAQMD identifies control measures as part of the Clean Air Plan to reduce ozone precursor emissions from stationary, area, mobile, and transportation sources. The Transportation Control Measures are designed to reduce emissions from motor vehicles by reducing vehicle trips and VMT in addition to vehicle idling and traffic congestion. The proposed project is consistent with the intent of the CHDR designation and would include a new hotel on an infill site that would locate guests and employees near existing residential and commercial uses, reducing the demand for travel by single occupancy vehicles. Therefore, the proposed project would support the ability to use alternative modes of transportation and would promote initiatives to reduce vehicle trips and vehicle miles traveled. Therefore, the proposed project would not conflict with the identified Transportation and Mobile Source Control Measures of the Clean Air Plan.

**Energy Control Measures.** The Clean Air Plan also includes Energy and Climate Control Measures, designed to reduce ambient concentrations of criteria pollutants and to reduce emissions of CO<sub>2</sub>. Implementation of these measures is intended to promote energy conservation and efficiency in buildings throughout the community, promote renewable forms of energy production, reduce the “urban heat island” effect by increasing reflectivity of roofs and parking lots, and promote the planting of (low-volatile organic compound [VOC]-emitting) trees to reduce biogenic emissions, lower air temperatures, provide shade, and absorb air pollutants. The measures include voluntary approaches to reduce the heat island effect by increasing shading in urban and suburban areas through the planting of trees. Implementation of the proposed project would include paved areas that could result in a heating effect. However, the proposed project would include landscaping around the project site. In addition, the proposed project would be required to comply with the latest CALGreen standard building measures and Title 24 standards. Therefore, the proposed project would not conflict with the Energy and Climate Control Measures.

**Building Control Measures.** The BAAQMD has authority to regulate emissions from certain sources in buildings such as boilers and water heaters, but has limited authority to regulate buildings themselves. Therefore, the strategies in the control measures for this sector focus on working with local governments that do have authority over local building codes, to facilitate adoption of best GHG control practices and policies. As identified above, the proposed project would be required to comply with the latest CALGreen standard building measures and Title 24 standards. Therefore, the proposed project would not conflict with these measures.

**Agriculture Control Measures.** The Agriculture Control Measures are designed to primarily reduce emissions of methane. Since the proposed project does not include any agricultural activities, the Agriculture Control Measures of the Clean Air Plan are not applicable.

**Natural and Working Lands Control Measures.** The Natural and Working Lands Control Measures focus on increasing carbon sequestration on rangelands and wetlands, as well as encouraging local governments to adopt ordinances that promote urban-tree plantings. Since implementation of the proposed project would not include the disturbance of any rangelands or wetlands, the Natural and Working Lands Control Measures of the Clean Air Plan would not be applicable.

**Waste Management Control Measures.** The Waste Management Measures focus on reducing or capturing methane emissions from landfills and composting facilities, diverting organic materials away from landfills, and increasing waste diversion rates through efforts to reduce, reuse, and recycle. The proposed project would comply with local requirements for waste management (e.g., recycling and composting services). Therefore, the proposed project would be consistent with the Waste Management Control Measures of the Clean Air Plan.

**Water Control Measures.** The Water Control Measures focus on reducing emissions of criteria pollutants, TACs, and GHGs by encouraging water conservation, limiting GHG emissions from publicly owned treatment works (POTWs), and promoting the use of biogas recovery systems. Since these measures apply to POTWs and local government agencies, the Water Control Measures are not applicable to the proposed project.

**Super GHG Control Measures.** The Super-GHG Control Measures are designed to facilitate the adoption of best GHG control practices and policies through the BAAQMD and local government agencies. As identified above, the proposed project would be required to comply with the latest CALGreen standard building measures and Title 24 standards reducing GHG emissions. In addition, as discussed in Section 8 of this Environmental Checklist, Greenhouse Gas Emissions, the proposed project would be consistent with the City's Climate Action Plan. Therefore, the proposed project would not conflict with the Super-GHG Control Measures.

As discussed above, implementation of the proposed project would not disrupt or hinder implementation of the applicable measures outlined in the Clean Air Plan, including Transportation and Mobile Source Control Measures, Land Use and Local Impact Measures, and Energy Measures. Therefore, the proposed project supports the goals of the Clean Air Plan and would not conflict with any of the control measures identified in the plan or designed to bring the region into attainment. The proposed project's potential conflicts with the applicable air quality plan would be less than significant. Therefore, the proposed project would not create impacts related to clean air plan consistency that would be more severe than impacts identified in the GP EIR.

### Construction-Related Impacts

The GP EIR did not quantify construction emissions; however the GP EIR determined that implementation of the General Plan would involve construction of development projects that would result in the temporary generation of ROG, NO<sub>x</sub>, PM<sub>10</sub> and PM<sub>2.5</sub> emissions from site preparation (e.g., excavation, grading, and clearing), off-road equipment, material import/export, worker commute exhaust emissions, paving, and other miscellaneous activities. The GP EIR found that emissions from individual construction projects could exceed BAAQMD project-level significance thresholds, and therefore, would result in a significant impact. The GP EIR determined that no additional measures are available that would reduce impacts from short-term construction emissions. All feasible

construction emission reduction measures have been incorporated into the General Plan. Therefore, the GP EIR determined that this impact would remain significant and unavoidable.

During construction of the proposed project, short-term degradation of air quality may occur due to the release of particulate matter emissions (e.g., fugitive dust) generated by grading, hauling, and other activities. Emissions from construction equipment are also anticipated and would include CO, NO<sub>x</sub>, ROG, directly-emitted particulate matter (PM<sub>2.5</sub> and PM<sub>10</sub>), and toxic air contaminants (TACs) such as diesel exhaust particulate matter.

Site preparation and project construction would involve grading, paving, and other activities. Construction-related effects on air quality from the proposed project would be greatest during the site preparation phase due to the disturbance of soils. If not properly controlled, these activities would temporarily generate particulate emissions. Sources of fugitive dust would include disturbed soils at the construction site. Unless properly controlled, vehicles leaving the site would deposit dirt and mud on local streets, which could be an additional source of airborne dust after it dries. PM<sub>10</sub> emissions would vary from day to day, depending on the nature and magnitude of construction activity and local weather conditions. PM<sub>10</sub> emissions would depend on soil moisture, silt content of soil, wind speed, and the amount of operating equipment. Larger dust particles would settle near the source, while fine particles would be dispersed over greater distances from the construction site.

Water or other soil stabilizers can be used to control dust, resulting in emission reductions of 50 percent or more. The BAAQMD has established standard measures for reducing fugitive dust emissions (PM<sub>10</sub>). With the implementation of these Basic Construction Mitigation Measures, fugitive dust emissions from construction activities would not result in adverse air quality impacts.

In addition to dust-related PM<sub>10</sub> emissions, heavy trucks and construction equipment powered by gasoline and diesel engines would generate CO, SO<sub>2</sub>, NO<sub>x</sub>, ROGs and some soot particulate (PM<sub>2.5</sub> and PM<sub>10</sub>) in exhaust emissions. If construction activities were to increase traffic congestion in the area, CO and other emissions from traffic would increase slightly while those vehicles are delayed. These emissions would be temporary and limited to the immediate area surrounding the construction site.

Construction emissions were estimated for the proposed project using the current California Emissions Estimator Model version 2016.3.2 (CalEEMod), consistent with BAAQMD recommendations. Project construction would begin in spring 2021 and would continue for approximately 12 to 24 months; therefore, to be conservative, this analysis assumes construction would occur for 12 months. As discussed in the Project Description, it is assumed that project construction would not require pile driving, but would utilize a typical mix of construction equipment for projects of a similar type and size, including graders, bulldozers, jackhammers, and cement mixers. Other specific construction details are not yet known; therefore, default assumptions (e.g., construction fleet activities) from CalEEMod were used. Construction-related emissions are presented in Table 1. CalEEMod output sheets are included in Appendix 1.



**Table 1: Project Construction Emissions in Pounds Per Day**

Project Construction	ROG	NO <sub>x</sub>	Exhaust PM <sub>10</sub>	Fugitive Dust PM <sub>10</sub>	Exhaust PM <sub>2.5</sub>	Fugitive Dust PM <sub>2.5</sub>
Average Daily Emissions	4.4	12.5	0.5	0.5	0.5	0.1
BAAQMD Thresholds	54.0	54.0	54.0	BMP	82.0	BMP
<b>Exceed Threshold?</b>	<b>No</b>	<b>No</b>	<b>No</b>	<b>No</b>	<b>No</b>	<b>No</b>

Source: LSA (January 2020).

Notes: BMP = Best Management Practices

As shown in Table 1, construction emissions associated with the project would be less than significant for ROG, NO<sub>x</sub>, PM<sub>2.5</sub>, and PM<sub>10</sub> exhaust emissions. The BAAQMD requires the implementation of BAAQMD Basic Construction Mitigation Measures (Best Management Practices), which would be required as a Standard Condition of Approval, to minimize construction fugitive dust impacts. These measures are required for all construction projects:

- In order to meet the BAAQMD fugitive dust threshold, the following BAAQMD Basic Construction Mitigation Measures shall be implemented:
  - All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day.
  - All haul trucks transporting soil, sand, or other loose material off-site shall be covered.
  - All visible mud or dirt tracked-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.
  - All vehicle speeds on unpaved roads shall be limited to 15 mph.
  - All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible.
  - Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.
  - Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations [CCR]). Clear signage shall be provided for construction workers at all access points.
  - All construction equipment shall be maintained and properly tuned in accordance with manufacturer’s specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation.

- A publicly visible sign shall be posted with the telephone number and person to contact at the City of Hayward regarding dust complaints. This person shall respond and take corrective action within 48 hours. The BAAQMD phone number shall also be visible to ensure compliance with applicable regulations.

The proposed project would not create impacts related to construction-related air quality more severe than impacts identified in the GP EIR.

### Regional Air Pollutant Emissions

The proposed project would develop the site with a new four-story, approximately 100,000-square-foot building would include 150 guest rooms. In addition to the guest rooms, the proposed building could include a meeting room, lounge area with a bar and seating space, office space, and fitness center. An outdoor pool could also be provided. The proposed project would result in mobile air quality emissions from increased vehicle trips and area source air quality impacts such as emissions generated from the use of landscaping equipment and water heating. The GP EIR determined that project-related operational emissions of the ozone precursors ROG and NO<sub>x</sub> would be reduced on an annual basis over the General Plan implementation period, as compared with existing conditions. However, the GP EIR also determined that operational PM<sub>10</sub> and PM<sub>2.5</sub> emissions would increase compared to baseline conditions. According to the GP EIR, while the General Plan would be consistent with all applicable control measures in the 2010 Bay Area Clean Air Plan, the rate of increase in VMT and vehicle trips under the General Plan would be higher than the rate of population increase by 2035. Therefore, the GP EIR found that impacts associated with long-term operational emissions under the General Plan would be a significant impact.

The GP EIR determined that no additional measures would substantially reduce impacts from long-term operational emissions. All feasible long-term operational emission reduction measures have been incorporated into the goals, policies, and programs in the General Plan. Therefore, the GP EIR determined that this impact would be significant and unavoidable.

Emission estimates for operation of the proposed project were calculated using CalEEMod. Trip generation rates used in CalEEMod for the project were based on the Transportation Impact Analysis (TIA)<sup>6</sup>, which estimates the proposed project would typically generate approximately 1,254 average daily trips. The daily and annual emissions associated with project operational trip generation, energy, and area sources are identified in Table 2 below for ROG, NO<sub>x</sub>, CO, PM<sub>10</sub>, and PM<sub>2.5</sub>. CalEEMod output sheets are included in Appendix 1.

The results shown in Table 2 indicate that the proposed project would not exceed the significance criteria for daily or annual ROG, NO<sub>2</sub>, PM<sub>10</sub> or PM<sub>2.5</sub> emissions; therefore, the proposed project would not have a significant effect on regional air quality and mitigation would not be required. Therefore, the proposed project would not result in new or more significant operation-related air quality impacts, and these impacts would be less than significant.

<sup>6</sup> Kittelson & Associates, Inc. 2019. *Transportation Impact Analysis – Draft Report. Route 238 Property Development Project (Parcel Group 9)*. November.

**Table 2: Project Operational Emissions**

	ROG	NO <sub>x</sub>	CO	PM <sub>10</sub>	PM <sub>2.5</sub>
<b>Emissions in Pounds Per Day</b>					
Area Source Emissions	2.5	<0.1	<0.1	<0.1	<0.1
Energy Source Emissions	0.1	0.7	0.6	0.1	0.1
Mobile Source Emissions	1.7	2.6	15.5	4.5	1.2
<b>Total Emissions</b>	<b>4.3</b>	<b>3.3</b>	<b>16.2</b>	<b>4.6</b>	<b>1.3</b>
BAAQMD Threshold	54.0	54.0	N/A	82.0	54.0
<b>Exceed?</b>	<b>No</b>	<b>No</b>	<b>N/A</b>	<b>No</b>	<b>No</b>
<b>Emissions in Tons Per Year</b>					
Area Source Emissions	0.4	<0.1	<0.1	<0.1	<0.1
Energy Source Emissions	<0.1	0.1	0.1	<0.1	<0.1
Mobile Source Emissions	0.3	0.4	2.7	0.8	0.2
<b>Total Emissions</b>	<b>0.7</b>	<b>0.6</b>	<b>2.8</b>	<b>0.8</b>	<b>0.2</b>
BAAQMD Threshold	10.0	10.0	N/A	15.0	10.0
<b>Exceed?</b>	<b>No</b>	<b>No</b>	<b>N/A</b>	<b>No</b>	<b>No</b>

Source: LSA (January 2020).

### Local CO Impacts

The BAAQMD 2017 CEQA Guidelines establishes a screening methodology that provides a conservative indication of whether the implementation of a proposed project would result in significant CO emissions. According to the BAAQMD CEQA Guidelines, a proposed project would result in a less-than-significant impact to localized CO concentrations if the following screening criteria are met:

- The project is consistent with an applicable congestion management program established by the county congestion management agency for designated roads or highways, and the regional transportation plan and local congestion management agency plans;
- Project traffic would not increase traffic volumes at affected intersections to more than 44,000 vehicles per hour; and
- The project would not increase traffic volumes at affected intersections to more than 24,000 vehicles per hour where vertical and/or horizontal mixing is substantially limited (e.g., tunnel, parking garage, bridge underpass, natural or urban street canyon, or below-grade roadway).

Implementation of the proposed project would not conflict with the Alameda County Transportation Commission (ACTC) for designated roads or highways, a regional transportation plan, or other agency plans. Additionally, the proposed project is expected to generate approximately 70 AM peak hour trips and approximately 86 PM peak hour trips. Therefore, the proposed project would not increase traffic volumes at affected intersections to more than 44,000 vehicles per hour. The project site is not located in an area where mixing of air is limited. Therefore, because the project does not exceed the screening criteria, the project would not result in localized CO concentrations that would exceed State or federal standards and this potential impact would be less than significant. Therefore, the

proposed project would not create impacts related to local CO more severe than impacts identified in the GP EIR.

### Local Community Risk and Hazard Impacts to Sensitive Receptors

Sensitive receptors are defined as residential uses, schools, daycare centers, nursing homes, and medical centers. Individuals particularly vulnerable to diesel particulate matter are children, whose lung tissue is still developing, and the elderly, who may have serious health problems that can be aggravated by exposure to diesel particulate matter. Exposure from diesel exhaust associated with construction activity contributes to both cancer and chronic non-cancer health risks.

According to the BAAQMD, a project would result in a significant impact if it would: individually expose sensitive receptors to TACs resulting in an increased cancer risk greater than 10.0 in one million, increased non-cancer risk of greater than 1.0 on the hazard index (chronic or acute), or an annual average ambient PM<sub>2.5</sub> increase greater than 0.3 micrograms per cubic meter ( $\mu\text{g}/\text{m}^3$ ). A significant cumulative impact would occur if the project, in combination with other projects located within a 1,000-foot radius of the project site, would expose sensitive receptors to TACs resulting in an increased cancer risk greater than 100.0 in one million, an increased non-cancer risk of greater than 10.0 on the hazard index (chronic), or an ambient PM<sub>2.5</sub> increase greater than 0.8  $\mu\text{g}/\text{m}^3$  on an annual average basis. Impacts from substantial pollutant concentrations are discussed below.

As discussed in the GP EIR, implementation of development projects consistent with the General Plan could involve siting of sensitive receptors near major roadways or near major stationary sources of TAC and PM<sub>2.5</sub> emissions, as well as the siting of potential new sources of these emissions. Such actions could increase community health risk exposure associated with these emissions. The GP EIR found that impacts associated with health risk exposure to TACs and PM<sub>2.5</sub> would be a significant impact.

The GP EIR included a Community Risk Reduction Strategy (CRRS) to address health risk exposure from existing and future sources of TAC and PM<sub>2.5</sub> within the Hayward Planning Area. As part of the development of the CRRS, an inventory of emissions sources was collected and dispersion modeling conducted to determine which areas of the Hayward Planning Area are exposed to higher concentrations of cancer risk associated with the inhalation of TACs and/or higher concentrations of PM<sub>2.5</sub>. The modeling produced four maps for understanding how levels of cancer risk and PM<sub>2.5</sub> concentrations vary throughout the City, which is shown in Exhibits 1 through 4 in the Hayward Community Risk Reduction Plan Technical Support Documentation in the GP EIR Air Quality appendix. Based on Exhibits 1 through 4 of the Community Risk Reduction Plan Technical Support Documentation, Parcel Group 9 is located within a high health risk exposure area. However, the proposed project would include a new hotel, which is not considered a sensitive receptor.

Parcel Group 9 is surrounded by multifamily housing, a church, and commercial uses, including hotels, auto sale dealerships, a discount mattress store, and a used appliance store. Construction of the proposed project may expose surrounding sensitive receptors, including the multifamily housing, to airborne particulates, as well as a small quantity of construction equipment pollutants (i.e., usually diesel-fueled vehicles and equipment). However, construction contractors would be required to implement BAAQMD Basic Construction Mitigation Measures. With implementation of

the Basic Construction Mitigation Measures, project construction emissions would be below BAAQMD significance thresholds. Once the project is constructed, the project would not be a source of substantial emissions. Therefore, implementation of the proposed project would not result in new sources of TACs. Therefore, the project would not expose sensitive receptors to substantial levels of TACs and would remain a less-than-significant impact. The proposed project would not result in new or more significant air quality-related impacts to sensitive receptors.

### Objectionable Odors

As discussed in the GP EIR, implementation of the General Plan could result in the exposure of sensitive receptors to odors, as well as the siting of new sources of odor. As discussed in the GP EIR, existing potential sources of odor in Hayward include the Hayward Wastewater Treatment Plant and Oro Loma Wastewater Treatment Plant. No other major odor sources are identified. Other minor sources of odor associated with typical land uses located in commercial and industrial areas in urban communities are currently present in Hayward, such as restaurants, auto repair facilities, gasoline stations, manufacturing plants, and other similar uses. However, no major new sources of odor are proposed or designated in the General Plan. Therefore, the GP EIR found that since the General Plan would contain specific policies that avoid or minimize odor-related air quality impacts associated with new development, odor-related impacts would be less than significant.

During construction of the proposed project, some odors may be present due to diesel exhaust. However, these odors would be temporary and limited to the construction period. The proposed project would not include any activities or operations that would generate objectionable odors and once operational, the project would not be a source of odors. Therefore, the proposed project would not create objectionable odors affecting a substantial number of people. Therefore, similar to the General Plan, the proposed project would not create objectionable odors affecting a substantial number of people, and no mitigation is required.

### Applicable Mitigation

As described in the GP EIR, impacts related to air quality would be significant and unavoidable, after application of feasible mitigation; however, the proposed project would result in less-than-significant operation-related air quality impacts. With implementation of BAAQMD Basic Construction Mitigation Measures, which would be required as a Standard Condition of Approval, the proposed project would not create impacts related to construction-related air quality more severe than impacts identified in the GP EIR and no mitigation is required.

### Applicable Policies

#### General Plan Policies

- *Policy NR-2.1: Ambient Air Quality Standards. The City shall work with the California Air Resources Board and the Bay Area Air Quality Management District to meet State and Federal ambient air quality standards in order to protect all residents, from the health effects of air pollution.*

- *Policy NR-2.2: New Development. The City shall review proposed development applications to ensure projects incorporate feasible measures that reduce construction and operational emissions for reactive organic gases (ROG), nitrogen oxides (NO<sub>x</sub>), and particulate matter (PM<sub>10</sub> and PM<sub>2.5</sub>) through project location and design.*
- *Policy NR-2.7: Coordination with Bay Area Air Quality Management District. The City shall coordinate with the Bay Area Air Quality Management District to ensure projects incorporate feasible mitigation measures to reduce greenhouse gas emissions and air pollution if not already provided for through project design.*
- *Policy NR-2.9: Fleet Operations. The City shall continue to purchase low-emission or zero-emission vehicles for the City's fleet and to use available clean fuel sources such as bio-diesel for trucks and heavy equipment.*
- *Policy NR-2.10: Zero-Emission and Low-Emission Vehicle Use. The City shall encourage the use of zero-emission vehicles, low-emission vehicles, bicycles and other non-motorized vehicles, and car-sharing programs by requiring sufficient and convenient infrastructure and parking facilities throughout the City.*
- *Policy NR-2.12: Preference for Reduced-Emission Equipment. The City shall give preference to contractors using reduced-emission equipment for City construction projects and contracts for services (e.g., garbage collection), as well as businesses that practice sustainable operations.*
- *Policy NR-2.15: Community Risk Reduction Strategy. The City shall maintain and implement the General Plan as Hayward's community risk reduction strategy to reduce health risks associated with toxic air contaminants (TACs) and fine particulate matter (PM<sub>2.5</sub>) in both existing and new development.*
- *Policy NR-2.16: Sensitive Uses. The City shall minimize exposure of sensitive receptors to toxic air contaminants (TAC), fine particulate matter (PM<sub>2.5</sub>), and odors to the extent possible, and consider distance, orientation, and wind direction when siting sensitive land uses in proximity to TAC- and PM<sub>2.5</sub>-emitting sources and odor sources in order to minimize health risk.*
- *Policy NR-2.17: Source Reduction Measures. The City shall coordinate with and support the efforts of the Bay Area Air Quality Management District, the California Air Resources Board, the U.S. Environmental Protection Agency, and other agencies as appropriate to implement source reduction measures and best management practices that address both existing and new sources of toxic air contaminants (TAC) and fine particulate matter (PM<sub>2.5</sub>), and odors.*
- *Policy NR-2.18: Exposure Reduction BMPs for New Receptors. The City shall require development projects to implement all applicable best management practices that will reduce exposure of new sensitive receptors (e.g., hospitals, schools, daycare facilities, elderly housing and convalescent facilities) to odors, toxic air contaminants (TAC), and fine particulate matter (PM<sub>2.5</sub>).*

- *Policy NR-2.19: Exposure Reduction Measures for both Existing and New Receptors. The City shall work with area businesses, residents and partnering organizations to provide information about best management practices that can be implemented on a voluntary basis to reduce exposure of sensitive receptors to toxic air contaminants (TAC) and fine particulate matter (PM<sub>2.5</sub>).*
- *Policy LU-1.1: Jobs-Housing Balance. The City shall support efforts to improve the jobs-housing balance of Hayward and other communities throughout the region to reduce automobile use, regional and local traffic congestion, and pollution.*
- *Policy LU-1.5: Transit-Oriented Development. The City shall support high-density transit-oriented development within the City's Priority Development Areas to improve transit ridership and to reduce automobile use, traffic congestion, and greenhouse gas emissions.*
- *Policy LU-1.6: Mixed-Use Neighborhoods. The City shall encourage the integration of a variety of compatible land uses into new and established neighborhoods to provide residents with convenient access to goods, services, parks and recreation, and other community amenities.*
- *Policy LU-1.9: Development Standards and Greenhouse Gas Emissions. The City shall explore the use of zoning and development standards that help reduce greenhouse gas emissions when preparing or updating plans and ordinances.*
- *Policy LU-1.12: Regional Planning. The City shall coordinate with regional and local agencies to prepare updates to regional growth plans and strategies, including the Bay Area's Regional Transportation Plan, Sustainable Communities Strategy, and Regional Housing Needs Allocation (RHNA).*
- *Policy LU-6.5: Incompatible Uses. The City shall protect the Industrial Technology and Innovation Corridor from the encroachment of uses that would impair industrial operations or create future land use conflicts.*
- *Policy PFS-2.5: Alternative Fuels. The City shall, wherever possible, require the use of alternative fuels in new services provided by City franchisees.*
- *Policy PFS-2.6: City Facilities Near Transit. When making decisions about where to rent or build new City facilities, the City shall give preference to locations that are accessible to an existing public transit line or ensure that public transit links (e.g. bus lines) are extended to the new locations.*
- *Policy HQL-7.5: Proximity to Pollution Sources. The City shall avoid locating new sensitive uses such as schools, childcare centers, and senior housing, to the extent feasible, in proximity to sources of pollution, odors, or near existing businesses that handle toxic materials. Where such uses are located in proximity to sources of air pollution, odors, or toxic materials, the City shall encourage building design, construction safeguards, and technological techniques to mitigate the negative impacts of hazardous materials and/or air pollution on indoor air quality.*

## Conclusion

As previously discussed, based on the BAAQMD attainment status and ambient air quality monitoring data, ambient air quality in the vicinity of the project site has remained unchanged since approval of the GP EIR; therefore, baseline conditions related to air quality remain essentially unchanged. In addition, no new or more severe significant impacts would result from development of the proposed project as compared to the GP EIR. The GP EIR adequately evaluated the air quality impacts of the proposed project and with implementation of BAAQMD Basic Construction Mitigation Measures, air quality impacts associated with the proposed project would be less than significant. Therefore, no new or more severe impacts related to air quality would be associated with the proposed project.



## 4. BIOLOGICAL RESOURCES

	New Potentially Significant Impact	New Mitigation Required	Reduced Impact	No New Impact
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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 U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c. Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e. Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

### Discussion

#### Special-Status Species

Approximately 40 percent of the lands within the City are developed, recently disturbed, or ruderal. These developed, disturbed, and/or ruderal lands generally do not provide suitable habitat for special-status species. The Hayward Hills on the eastern side of the City and the baylands/salt marsh adjacent to the bay shoreline on the west provide suitable habitat for special-status species, as well as the riparian and woodland areas that cross through the City.<sup>7</sup>

Parcel Group 9 consists of both undeveloped vacant land and existing structures. Three vegetation communities or land cover types were identified to occur on the parcel groups and include: non-native annual grassland, disturbed/ruderal, and development (urban/landscaping).

<sup>7</sup> Hayward, City of, 2014, op. cit.

The California Natural Diversity Database (CNDDDB) review conducted by LSA identified 47 special-status plant species that could potentially occur within 5 miles of the project sites. However, the project sites lack suitable habitat for 36 of these special-status plant species. The remaining 11 special-status plant species that could potentially occur within the project sites include: bent-flowered fiddleneck (*Amsinckia lunaris*), Big-scale balsamroot (*Balsamorhiza macrolepis*), round-leaved filaree (*California macrophylla*), Mount Diablo fairy-lantern (*Calochortus pulchellus*), Congdon's tarplant (*Centromadia parryi* subsp. *congdonii*), western leatherwood (*Dirca occidentalis*), Diablo helianthella (*Helianthella castanea*), Santa Cruz tarplant (*Holocarpha macradenia*), Northern California black walnut (*Juglans hindsii*), robust monardella (*Monardella villosa* subsp. *globosa*), and oval-leaved viburnum (*Viburnum ellipticum*).

The CNDDDB review also identified special-status wildlife species that could potentially occur on the project sites. Due to the previously disturbed nature of the project sites, only two special-status wildlife species have the potential to occur on the project sites: pallid bat (*Antrozous pallidus*) and western mastiff bat (*Eumops perotis*).

If bats are roosting in buildings or trees within the project area, potential disturbance or loss of roosting habitat could occur as a result of construction activity. Implementation of the following Standard Condition of Approval, in compliance with the Migratory Bird Treaty Act and the California Fish and Game Code, would ensure that potential impacts to roosting bats during construction would be less than significant:

- Before the spring breeding season and prior to construction, a qualified biologist shall conduct a survey for roosting bat habitat. The survey shall include work areas adjacent to appropriate roosting habitat that are accessible from public or project areas within 200 feet of a work area. For trees considered to have a high or moderate probability for bat roosting, acoustic monitoring shall be conducted before any construction activities begin during the breeding season to determine if there are any roosting sites present. Surveys shall be conducted at the appropriate times to maximize detectability. If an active roost or maternity roost is found within 100 feet of a work area, the limits of the work area will be clearly marked and a qualified biological monitor shall remain onsite during construction activities within the vicinity of the roost or maternity roost.

The biologist shall ensure that construction activities do not encroach upon the 100-foot buffer around an active roost or maternity colony site. Buffers shall remain in place until the qualified biologist has determined that bats have vacated the occupied roost sites. If buffer reductions are requested and approved, a monthly report shall be submitted to CDFW with all of the information in the buffer reduction requests, monitoring results, and effects on bats. Reports shall be submitted for the duration of construction activities within buffer areas.

Trees containing maternity roosts shall not be removed during the breeding season (March 1 through August 31) to avoid disturbing females with young that cannot fly. No trees containing maternity roosts may be removed until the qualified biologist determines that breeding is complete and young are able to fly.

If fall/winter hibernacula cannot be avoided, humane techniques may be implemented to passively vacate bats from roosts. Methods to passively evict bats from tree roosts may include incrementally trimming limbs to alter the air flow and temperature around the roost feature where slight changes to the surrounding environment of roost features encourage bats to vacate roost features on their own. If acoustic monitoring detects that bats are using trees that need to be cut down, these trees shall be removed only after it has been confirmed that roosting bats have departed.

Landscaping trees and shrubs on the project site may provide nesting habitat for raptors, passerines, and other birds protected under the Migratory Bird Treaty Act and the California Fish and Game Code. Activities that may result in nest abandonment or mortality of eggs or young could result in significant impacts to protected bird species. Implementation of the following Standard Condition of Approval, in compliance with the Migratory Bird Treaty Act and the California Fish and Game Code, would ensure that potential impacts to nesting birds and raptors during construction would be less than significant:

- Prior to any vegetation removal activities, the Project Applicant shall provide written evidence to the City that, if feasible, all vegetation removal shall be undertaken during the non-breeding season (i.e., September 1 to January 31) to avoid direct impacts to nesting birds. If such work is scheduled during the breeding season, and per the direction of the City, the Project Applicant shall retain a qualified biologist or ornithologist to conduct a pre-construction survey of all trees, shrubs, and other suitable nesting habitat in and within 200 feet of the limits of work to search for active nests of native birds. The pre-construction survey shall be conducted within 15 days prior to the start of work from March through May (since there is a higher potential for birds to initiate nesting during this period), and within 30 days prior to start of work from June through July. If active nests are found during the survey, the biologist or ornithologist shall determine an appropriately-sized buffer around the nest. No work shall be allowed within this buffer until the young have successfully fledged and are foraging independently. The size of the nest buffer shall be determined by a qualified biologist based on the nesting species and its sensitivity to disturbance. In general, buffer sizes of 250 feet for raptors and 50 feet for other birds have been used to prevent disturbance. These buffers may be increased or decreased, as appropriate, depending on the bird species and the level of disturbance anticipated or observed near the nest. Buffers shall be identified with environmentally sensitive area fencing placed at the edge of the buffer whenever possible. Given the urban nature of the site and high degree of disturbance already present, buffers may be adjusted to avoid blocking traffic, as needed.

### Sensitive Natural Communities

The California Department of Fish and Wildlife (CDFW) tracks the occurrences of plant communities that are either known or believed to be of high priority for inventory in the CNDDDB. As described above, the project site is located within a developed area and does not support any riparian or other

sensitive natural communities.<sup>8</sup> Therefore, no impact related to riparian habitat or other sensitive natural communities would occur with the proposed project.

### Wetlands

The project site is within a developed area and is not located in an area that supports wetlands, drainages, or water bodies as defined by Section 404 of the Clean Water Act.<sup>9</sup> The proposed project would not result in the direct removal, filling, or hydrological interruption of such wetlands. Therefore, no impact to federally protected wetlands would occur with the proposed project.

### Wildlife Movement

The project site is an undeveloped site that likely supports wildlife species typically associated with urban areas. Because the project site is within a developed area, no major wildlife movement corridors pass through or are adjacent to the site.

Existing trees are located throughout and around the project site. Trees and other landscape vegetation generally have the potential to support nests of common native bird species. All native birds, regardless of their regulatory status, are protected under the federal Migratory Bird Treaty Act and California Fish and Wildlife Code. If conducted during the breeding season (February through August), vegetation removal and construction activities could directly impact nesting birds by removing trees or vegetation that support active nests. Implementation of the Standard Condition of Approval described above would ensure that potential impacts to nesting birds and raptors during construction would be less than significant.

### Local Polices or Ordinances

The City of Hayward Municipal Code, Chapter 10, Article 15 (Tree Preservation Ordinance) requires a permit for any person to remove any protected tree within the City of Hayward. As defined by the City's Municipal Code, Protected Trees include:

- Trees having a minimum trunk diameter of eight inches measured 54 inches above the ground. When measuring a multi-trunk tree, the diameters of the largest three trunks shall be added together.
- Street trees or other required trees such as those required as a condition of approval, Use Permit, or other Zoning requirement, regardless of size.
- All memorial trees dedicated by an entity recognized by the City, and all specimen trees that define a neighborhood or community.
- Trees of the following species that have reached a minimum of four inches diameter trunk size: Big Leaf Maple (*Acer macrophyllum*), California Buckeye (*Aesculus californica*), Madrone

<sup>8</sup> U.S. Fish and Wildlife Service, 2019. National Wetlands Inventory (Map). Website: [www.fws.gov/wetlands/data/mapper.html](http://www.fws.gov/wetlands/data/mapper.html) (accessed January 23, 2020).

<sup>9</sup> Ibid.

(*Arbutus menziesii*), Western Dogwood (*Cornus nuttallii*), California Sycamore (*Platanus racemosa*), Coast Live Oak (*Quercus agrifolia*), Canyon Live Oak (*Quercus chrysolepis*), Blue Oak (*Quercus douglassii*), Oregon White Oak (*Quercus garryana*), California Black Oak (*Quercus kelloggii*), Valley Oak (*Quercus lobata*), Interior Live Oak (*Quercus wislizeni*), California Bay (*Umbellularia californica*).

- A tree or trees of any size planted as a replacement for a Protected Tree.

Any proposed tree removal on private property in conjunction with new development would be required to comply with Chapter 10, Article 15 of the Hayward Municipal Code (Tree Preservation Ordinance) which requires submittal of an Arborist Report and the issuance of a Tree Removal Permit. If approved, the project will be required to submit a landscaping plan that identifies replacement trees of equal value and other replacement measures. Compliance with the City's Tree Preservation Ordinance would ensure that the proposed project does not conflict with any local policies or ordinances protecting biological resources. This impact would be less than significant.

#### Habitat Conservation Plan or Natural Community Conservation Plan

The project site is not within any adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or State habitat conservation plan. Therefore, the proposed project would have no impact.

#### Applicable Mitigation

As described in the GP EIR, 2040 General Plan impacts on biological resources were determined to be less than significant and no mitigation measures were identified. No substantial changes in environmental circumstances have occurred for this topic, nor revisions to the project, nor new information that could not have been known at the time the GP EIR was certified leading to new or more severe significant impacts, and no new mitigation measures are required.

#### Applicable Policies

##### General Plan Policies

- *Policy LU-1.2 Urban Limit Lines. The City shall maintain its established Urban Limit Lines to protect the Hayward shoreline and hillsides as natural open space and recreational resources.*
- *Policy LU-1.7 Design Guidelines. The City shall maintain and implement commercial, residential, industrial, and hillside design guidelines to ensure that future development complies with General Plan goals and policies.*
- *Policy LU-7.5 Clustered Developments. The City shall encourage the clustering of residential units on hillsides to preserve sensitive habitats and scenic resources as natural open space. Sensitive areas and scenic resources include woodlands, streams and riparian corridors, mature trees, ridgelines, and rock outcroppings.*

- *Policy NR-1.1 Native Wildlife Habitat Protection. The City shall limit or avoid new development that encroaches into important wildlife habitat; limits the range of listed or protected species; or creates barriers that cut off access to food, water, or shelter of listed or protected species.*
- *Policy NR-1.2 Sensitive Habitat Protection. The City shall protect sensitive biological resources, including State and Federally designated sensitive rare, threatened, and endangered plant, fish and wildlife species and their habitats from urban development and incompatible land uses.*
- *Policy NR-1.3 Sensitive Species Identification, Mapping, and Avoidance. The City shall require qualified biologists to identify, map, and make recommendations for avoiding all sensitive biological resources on the project site, including State and Federally sensitive, rare, threatened and endangered plant, fish and wildlife species and their habitats using methods and protocols in accordance with the U.S. Fish and Wildlife Services, California Department of Fish and Wildlife, and California Native Plant Society for all development applications proposed within sensitive biological resource areas.*
- *Policy NR-1.9 Native Plant Species Protection and Promotion. The City shall protect and promote native plant species in natural areas as well as in public landscaping.*
- *Policy NR-1.12 Riparian Corridor Habitat Protection. The City shall protect creek riparian habitats by:*
  - *Requiring sufficient setbacks for new development adjacent to creek slopes,*
  - *Requiring sensitive flood control designs to minimize habitat disturbance,*
  - *Maintaining natural and continuous creek corridor vegetation,*
  - *Protecting/replanting native trees, and*
  - *Protecting riparian plant communities from the adverse effects of increased stormwater runoff, sedimentation, erosion, pollution that may occur from improper development in adjacent areas.*
- *Policy PFS-5.8 Enhance Recreation and Habitat. The City shall require new stormwater drainage facilities to be designed to enhance recreation and habitat and shall work with HARD to integrate such facilities into existing parks and open space features.*
- *Policy HQL-8.3 Trees of Significance. The City shall require the retention of trees of significance (such as heritage trees) by promoting stewardship and ensuring that project design provides for the retention of these trees wherever possible. Where tree removal cannot be avoided, the City shall require tree replacement or suitable mitigation.*

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## Conclusion

The GP EIR adequately evaluated the biological resources impacts of the proposed project. Therefore, potential impacts would be less than significant and additional mitigation is not required.

**5. CULTURAL RESOURCES**

	<b>New Potentially Significant Impact</b>	<b>New Mitigation Required</b>	<b>Reduced Impact</b>	<b>No New Impact</b>
Would the project:				
a. Cause a substantial adverse change in the significance of a historical resource pursuant to §15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c. Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d. Disturb any human remains, including those interred outside of formal cemeteries?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Discussion**

As part of the Environmental Constraints Analysis prepared for the proposed project (LSA 2018), LSA conducted background research to identify cultural resources within, and cultural resources studies of, the five parcel groups. The background research consisted of a cultural resources records search at the Northwest Information Center (NWIC), a records search of the Native American Heritage Commission’s (NAHC) Sacred Lands File, and a literature review. Subsequent to this background research a cultural resources field survey was conducted. LSA’s findings are documented in a cultural resources report<sup>10</sup> and are summarized below.

Significant cultural resources in the City include structures that may be eligible for the National Register of Historic Places (NRHP), the California Register of Historical Resources (CRHR), or otherwise listed on the City of Hayward List of Officially-Designated Architecturally and Historically Significant Buildings. Currently, 20 structures have been officially designated by the City as Historically or Architecturally Significant. Additionally, one structure is listed on the national register of historic landmarks.<sup>11</sup>

The City of Hayward is located within the historic territory of the Ohlone tribe. Native Americans occupied the general area between 5,000 and 7,000 years or possibly longer. The modern city of Hayward was settled in the 1850s due to the Gold Rush. The City contains one officially designated historic district and several other areas that could potentially be designated as historic districts.<sup>12</sup>

Based on a records search at NWIC, no cultural resources were recorded on Parcel Group 9. No previous cultural resources studies on file at the NWIC included the site. NAHC was contacted in regards to the project. Frank Lienert, NAHC Associate Government Program Analyst, stated in a

<sup>10</sup> LSA, 2019. *Environmental Constraints Analysis, Route 238 Properties, Hayward, California*. November.

<sup>11</sup> Hayward, City of, 2014, op. cit.

<sup>12</sup> Ibid.



letter sent to LSA via email on March 1, 2018, that a search of the Sacred Lands File “had negative results” for the parcel groups.

LSA reviewed archaeological and environmental data for the project area to assess the potential for buried pre-contact archaeological deposits in the parcel groups. An inverse relationship exists between landform age and the potential for buried cultural deposits. Some landforms predate human occupation of the region and, as such, archaeological deposits on these landforms, if present, would occur at or near the surface. Parcel Group 9 is on landforms that were formed before human occupation (Pre-Quaternary deposits and bedrock [br]), and have a low potential for buried archaeological deposits.

### Historic Resources

For a cultural resource to be considered a historical resource (i.e., eligible for listing in the California Register of Historical Resources [CRHR]), it generally must be 50 years or older. Under CEQA, historical resources can include pre-contact (i.e., Native American) archaeological deposits, historic-period archaeological deposits, historic buildings, and historic districts.

No known historic resources are associated with the project site or the adjacent parcels (City of Hayward Background Conditions Report, Figures 1-3 and 1-4, and Table 1-2). However, the multistory apartment building, situated at the southeastern corner of the site, was constructed circa 1968. This structures has not been formally evaluated for listing in either the NRHP and/or CRHR.

The City of Hayward Municipal Code, Chapter 10, Article 11 (Historic Preservation Ordinance) requires that development projects, involving structures or buildings at least 50 years in age or which are located within an historic district, conduct additional analysis to determine if an historical alteration permit and/or historical resource demolition or relocation permit is required. Such analysis includes an evaluation prepared by a qualified historic consultant consistent with the California Register Criteria for Evaluation and the adopted Hayward Historic Context Statement to determine historical significance. Consistent with the City’s Historic Preservation Ordinance, it is unlawful for any person to tear down, demolish, remove or relocate an historical resource, a potentially significant historical resource, a designated historical resource, a resource that has been listed on the City’s adopted survey list, or a resource that lies within an historic district, without first obtaining an historical resource demolition or relocation permit.

In the unlikely event that historic or archaeological resources are discovered during excavation, Standard Conditions of Approval for all development projects require the contractor to stop all work adjacent to the find and contact the City of Hayward Development Services Department to preserve and record the uncovered materials so it can be safely removed. Compliance with the City’s Historic Preservation Ordinance would ensure that the proposed project would not result in an adverse change in the significance of a historical resource.

### Prehistoric and Historical Archaeological Resources

No archaeological resources have been identified on the project site and the project site is not considered to be sensitive for archaeological resources. As described above, In the unlikely event

that historic or archaeological resources are discovered during excavation, Standard Conditions of Approval for all development projects require the contractor to stop all work adjacent to the find and contact the City of Hayward Development Services Department to preserve and record the uncovered materials so it can be safely removed. Therefore, the proposed project would not lead to new or more severe impacts to archaeological resources beyond those identified in the GP EIR.

### Disturbance of Human Remains

The potential to uncover human remains exists at locations throughout the Bay Area. Due to the existing urban nature of the area, it is not expected that the project would unearth artifacts or resources during project construction. However, as required by the City's Historic Preservation Ordinance (Chapter 10, Article 11 of the City of Hayward Municipal Code), the discovery of human remains shall be treated with respect and dignity and must fully comply with the California Native American Graves Protection and Repatriation Act and other appropriate laws. In the unlikely event that artifacts are uncovered during the construction of the proposed project the City would implement standard conditions of approval that are required of all ground-disturbing development projects within the City. Specifically, if human remains are encountered during construction activities, work would cease and the County Coroner would be notified immediately. A qualified archaeologist would also be contacted to assess the situation in consultation with the appropriate agencies. If the human remains are of Native American origin, the Coroner would notify the Native American Heritage Commission within 24 hours of this identification. The Native American Heritage Commission would provide recommendations for the proper treatment of the remains and associated grave goods. The City of Hayward would follow the recommendations from the Native American Heritage Commission or the archaeologist, as required. Therefore, no impacts to human remains interred outside of formal cemeteries would occur.

### Applicable Mitigation

As described in the GP EIR, 2040 General Plan impacts on historic and cultural resources were determined to be less than significant and no mitigation measures were identified. No substantial changes in environmental circumstances have occurred for this topic, nor revisions to the project, nor new information that could not have been known at the time the GP EIR was certified leading to new or more severe significant impacts, and no new mitigation measures are required.

### Applicable Policies

#### General Plan Policies

- *Policy LU-8.3 Historic Preservation Ordinance. The City shall maintain and implement its Historic Preservation ordinance to safeguard the heritage of the City and to preserve historic resources.*
- *Policy LU-8.4 Survey and Historic Reports. The City shall maintain and expand its records of reconnaissance surveys, evaluations, and historic reports completed for properties located within the City.*
- *Policy LU-8.6 Historic Preservation Standards and Guidelines. The City shall consider The Secretary of the Interior's Standards of the Treatment of Historic Properties with Guidelines for*

*Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings when evaluating development applications and City projects involving historic resources or development applications that may affect scenic views of the historic context of nearby historic resources.*

- *Policy LU-8.14 Demolition of Historic Resources. The City shall prohibit the demolition of historic resources unless one of the following findings can be made:*
  - *The rehabilitation and reuse of the resource is not structurally or economically feasible.*
  - *The demolition is necessary to protect the health, safety, and welfare of the public.*
  - *The public benefits of demolition outweigh the loss of the historic resource.*
- *Policy NR-7.1 Paleontological Resource Protection. The City shall prohibit any new public or private development that damages or destroys a historically- or prehistorically-significant fossil, ruin, or monument or any object of antiquity.*
- *Policy NR-7.2 Paleontological Resource Mitigation. The City shall develop or ensure compliance with protocols that protect or mitigate impacts to paleontological resources, including requiring grading and construction projects to cease activity when a paleontological resource is discovered so it can be safely removed.*

## **Conclusion**

The GP EIR adequately evaluated the potential cultural resources impacts of the proposed project. Therefore, potential impacts would be less-than-significant and additional mitigation is not required.

**6. ENERGY**

	New Potentially Significant Impact	New Mitigation Required	Reduced Impact	No New Impact
Would the project:				
a. Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Discussion**

Energy usage was evaluated in the GP EIR in Chapter 21.6, Energy, and the environmental and regulatory setting of the Hayward Planning Area with respect to energy conservation was described in detail in Section 7.6 Natural Resources: Energy Resources and Efficiency of the General Plan Background Report (City of Hayward, 2013). Pursuant to Section 15150 of the State CEQA Guidelines, the Background Report was incorporated into the GP EIR by reference.

Similar to build out of the General Plan, the proposed project would increase the demand for electricity, natural gas, and gasoline. The discussion and analysis provided below is based on data included in the CalEEMod output, which is included in Appendix 1.

**Construction-Period Energy Use**

The anticipated construction schedule assumes that the proposed project would be built over 12 to 24 months. The proposed project would require grading, site preparation, and building activities during construction.

Construction of the proposed project would require energy for the manufacture and transportation of building materials, preparation of the site for grading activities, and building construction. Petroleum fuels (e.g., diesel and gasoline) would be the primary sources of energy for these activities. In order to increase energy efficiency on the site during project construction, the project would restrict equipment idling times to 5 minutes or less and would require construction workers to shut off idle equipment, as required by BAAQMD Basic Construction Mitigation Measures. Energy usage on the project site during construction would be temporary in nature and would be relatively small in comparison to the State’s available energy sources. Therefore, the proposed project would not result in new or more severe impacts related to energy than were identified in the GP EIR.

**Operational Energy Use**

Energy use consumed by the proposed project would be associated with natural gas use, electricity consumption, and fuel used for vehicle trips associated with the project. LSA estimated energy and natural gas consumption using default energy intensities by land use type in CalEEMod. In addition, the proposed buildings would comply with the latest CALGreen standard building measures and Title 24 standards, which were included in CalEEMod. In addition, the proposed project would also

require energy demand associated with the proposed outdoor pool. Although CalEEMod does not provide default values for electricity or natural gas demand associated with pools, the proposed outdoor pool is expected to require minimal energy demand. Electricity and natural gas usage estimates associated with the proposed project are shown in Table 3.

In addition, the proposed project would result in energy usage associated with gasoline to fuel project-related trips. Based on CalEEMod, the proposed project would result in approximately 2,101,377 vehicle miles traveled (VMT) per year. The average fuel economy for light-duty vehicles (autos, pickups, vans, and SUVs) in the United States has steadily increased from about 14.9 miles per gallon (mpg) in 1980 to 22.0 mpg in 2015.<sup>13</sup> Therefore, using the United States Environmental Protection Agency (USEPA) fuel economy estimates for 2015, the proposed project would result in the consumption of approximately 95,517 gallons of gasoline per year. Table 3, below, shows the estimated potential increased electricity and natural gas demand associated with the proposed project.

**Table 3: Estimated Annual Energy Use of Proposed Project**

Electricity Use (kWh per year)	Natural Gas Use (therms per year)	Gasoline (gallons per year)
<b>772,300</b>	<b>27,703</b>	<b>95,517</b>

Source: LSA (January 2020).

As shown in Table 3, the estimated potential increased electricity demand associated with the proposed project would be 772,300 kilowatt-hours (kWh) per year. In 2018, California consumed approximately 281,120 gigawatt-hours (GWh) (281,120,193,430 kWh).<sup>14</sup> Of this total, Alameda County consumed 10,417 GWh or 10,417,109,747 kWh.<sup>15</sup> Therefore, electricity demand associated with the proposed project would be approximately 0.01 percent of Alameda County’s total electricity demand.

In addition, as shown in Table 3, the estimated potential increased natural gas demand associated with the proposed project would be 27,703 therms per year. In 2018, California consumed approximately 12,638 million therms or 12,368,157,740 therms, while Alameda County consumed approximately 377 million therms or approximately 377,001,740 therms.<sup>16</sup> Therefore, natural gas

<sup>13</sup> U.S. Department of Transportation. Bureau of Transportation Statistics. “Table 4-23: Average Fuel Efficiency of U.S. Light Duty Vehicles.” Website: [www.bts.gov/archive/publications/national\\_transportation\\_statistics/table\\_04\\_23](http://www.bts.gov/archive/publications/national_transportation_statistics/table_04_23) (accessed January 2020).

<sup>14</sup> California Energy Commission, 2018a. Energy Consumption Data Management Service. Electricity Consumption by County. Website: [www.ecdms.energy.ca.gov/elecbycounty.aspx](http://www.ecdms.energy.ca.gov/elecbycounty.aspx) (accessed January 2020).

<sup>15</sup> Ibid.

<sup>16</sup> California Energy Commission, 2018b. Energy Consumption Data Management Service. Gas Consumption by County. Website: [www.ecdms.energy.ca.gov/gasbycounty.aspx](http://www.ecdms.energy.ca.gov/gasbycounty.aspx) (accessed January 2020).

demand associated with the proposed project would be approximately 0.01 percent of Alameda County's total natural gas demand.

The proposed project would also result in energy usage associated with gasoline to fuel project-related trips. As shown above in Table 3, vehicle trips associated with the proposed project would consume approximately 95,517 gallons of gasoline per year. In 2015, vehicles in California consumed approximately 15.1 billion gallons of gasoline.<sup>17</sup> Therefore, gasoline demand generated by vehicle trips associated with the proposed project would be a minimal fraction of gasoline and diesel fuel consumption in California.

The proposed project would develop the site with a new four-story, approximately 100,000-square-foot building would include 150 guest rooms. In addition to the guest rooms, the proposed building could include a meeting room, lounge area with a bar and seating space, office space, and fitness center. An outdoor pool could also be provided. The expected energy consumption during operation of the proposed project would be consistent with typical usage rates for hotel uses; however, energy consumption is largely a function of the physical structure and layout of buildings. The proposed project is consistent with the intent of the CHDR designation and would include a new hotel on an infill site that would locate guests and employees near existing residential and commercial uses, reducing the demand for travel by single occupancy vehicles. Therefore, the proposed project would support the ability to use alternative modes of transportation and would promote initiatives to reduce vehicle trips and vehicle miles traveled, which would allow for a decreased dependence on nonrenewable energy resources.

In addition, as indicated above, the proposed project would be constructed to the latest CALGreen standard building measures and Title 24 standards, which would help to reduce energy and natural gas consumption. Therefore, the proposed project would implement the General Plan's energy-related policies that promote jobs-housing balance, growth and infill development, green building and landscaping, complete neighborhoods, energy efficiency, and bicycling, walking, and transit amenities, and parks access. As such, the proposed project would not result in the wasteful, inefficient or unnecessary consumption of fuel or energy and would incorporate renewable energy or energy efficiency measures into building design, equipment use, and transportation. Therefore, the proposed project would not result in new or more severe impacts related to energy than were identified in the GP EIR.

#### Conflict or Obstruct a State or Local Plan for Renewable Energy or Energy Efficiency

In 2002, the Legislature passed Senate Bill 1389, which required the California Energy Commission (CEC) to develop an integrated energy plan every two years for electricity, natural gas, and transportation fuels, for the California Energy Policy Report. The plan calls for the State to assist in the transformation of the transportation system to improve air quality, reduce congestion, and increase the efficient use of fuel supplies with the least environmental and energy costs. To further this policy, the plan identifies a number of strategies, including assistance to public agencies and fleet operators in implementing incentive programs for zero emission vehicles and their

<sup>17</sup> California Energy Commission, 2017. California Gasoline Data, Facts, and Statistics. Available online at: [www.energy.ca.gov/almanac/transportation\\_data/gasoline](http://www.energy.ca.gov/almanac/transportation_data/gasoline) (accessed January 2020).

infrastructure needs, and encouragement of urban designs that reduce VMT and accommodate pedestrian and bicycle access.

The CEC is in the process of adopting the 2019 Integrated Energy Policy Report.<sup>18</sup> The 2019 Integrated Energy Policy Report provides the results of the CEC's assessments of a variety of energy issues facing California. Many of these issues will require action if the State is to meet its climate, energy, air quality, and other environmental goals while maintaining energy reliability and controlling costs. The 2019 Integrated Energy Policy Report covers a broad range of topics, including implementation of Senate Bill 350, integrated resource planning, distributed energy resources, transportation electrification, solutions to increase resiliency in the electricity sector, energy efficiency, transportation electrification, barriers faced by disadvantaged communities, demand response, transmission and landscape-scale planning, the California Energy Demand Preliminary Forecast, the preliminary transportation energy demand forecast, renewable gas (in response to Senate Bill 1383), updates on Southern California electricity reliability, natural gas outlook, and climate adaptation and resiliency.

As indicated above, energy usage in the project area during construction and operation would be relatively small in comparison to the State's available energy sources and energy impacts would be negligible at the regional level. Because California's energy conservation planning actions are conducted at a regional level, and because the project's total impact to regional energy supplies would be minor, the proposed project would not conflict with California's energy conservation plans as described in the CEC's 2019 Integrated Energy Policy Report. Thus, as shown above, the project would avoid or reduce the inefficient, wasteful, and unnecessary consumption of energy and not result in any irreversible or irretrievable commitments of energy. Impacts would be less than significant.

### Applicable Mitigation

As described in the GP EIR, 2040 General Plan impacts on energy were determined to be less than significant and no mitigation measures were identified. No substantial changes in environmental circumstances have occurred for this topic, nor revisions to the project, nor new information that could not have been known at the time the GP EIR was certified leading to new or more severe significant impacts, and no new mitigation measures are required.

### Applicable Policies

#### General Plan Policies

- *Policy LU-1.1: Jobs-Housing Balance. The City shall support efforts to improve the jobs-housing balance of Hayward and other communities throughout the region to reduce automobile use, regional and local traffic congestion, and pollution.*

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<sup>18</sup> California Energy Commission, 2019. *2019 Integrated Energy Policy Report*. California Energy Commission. Docket # 19-IEPR-01.

- *Policy LU-1.3: Growth and Infill Development. The City shall direct local population and employment growth toward infill development sites within the City, especially the catalyst and opportunity sites identified in the Economic Development Strategic Plan.*
- *Policy LU-1.6: Mixed-Use Neighborhoods. The City shall encourage the integration of a variety of compatible land uses into new and established neighborhoods to provide residents with convenient access to goods, services, parks and recreation, and other community amenities.*
- *Policy LU-1.8: Green Building and Landscaping Requirements. The City shall maintain and implement green building and landscaping requirements for private- and public-sector development to:*
  - *Reduce the use of energy, water, and natural resources.*
  - *Minimize the long-term maintenance and utility expenses of infrastructure, buildings, and properties.*
  - *Create healthy indoor environments to promote the health and productivity of residents, workers, and visitors.*
  - *Encourage the use of durable, sustainably-sourced, and/or recycled building materials.*
  - *Reduce landfill waste by promoting practices that reduce, reuse, and recycle solid waste.*
- *Policy LU-3.1: Complete Neighborhoods. The City shall promote efforts to make neighborhoods more complete by encouraging the development of a mix of complementary uses and amenities that meet the daily needs of residents. Such uses and amenities may include parks, community centers, religious institutions, daycare centers, libraries, schools, community gardens, and neighborhood commercial and mixed-use developments.*
- *Policy NR-2.6: Greenhouse Gas Reduction in New Development. The City shall reduce potential greenhouse gas emissions by discouraging new development that is primarily dependent on the private automobile; promoting infill development and/or new development that is compact, mixed use, pedestrian friendly, and transit oriented; promoting energy-efficient building design and site planning; and improving the regional jobs/housing balance ratio.*
- *Policy NR-4.1: Energy Efficiency Measures. The City shall promote the efficient use of energy in the design, construction, maintenance, and operation of public and private facilities, infrastructure, and equipment.*
- *Policy NR-4.3: Efficient Construction and Development Practices. The City shall encourage construction and building development practices that maximize the use of renewable resources and minimize the use of non-renewable resources throughout the life-cycle of a structure.*



- *Policy NR-4.11: Green Building Standards. The City shall require newly constructed or renovated public and private buildings and structures to meet energy efficiency design and operations standards with the intent of meeting or exceeding the State's zero net energy goals by 2020.*
- *Policy NR-4.12: Urban Forestry. The City shall encourage the planting of native and diverse tree species to reduce heat island effect, reduce energy consumption, and contribute to carbon mitigation.*
- *Policy NR-4.13: Energy Use Data. The City shall consider requiring disclosure of energy use and/or an energy rating for single family homes, multifamily properties, and commercial buildings at certain points or thresholds. The City shall encourage residents to voluntarily share their energy use data and/or ratings with the City as part of collaborative efficiency efforts.*
- *Policy NR-4.15: Energy Efficiency Programs. The City shall promote the use of the Energy Star Portfolio Manager program and energy benchmarking training programs for nonresidential building owners.*
- *Policy PFS-2.7: Energy Efficient Buildings and Infrastructure. The City shall continue to improve energy efficiency of City buildings and infrastructure through implementation of the Municipal Green Building Ordinance, efficiency improvements, equipment upgrades, and installation of clean, renewable energy systems.*
- *Policy M-1.6: Bicycling, Walking, and Transit Amenities. The City shall encourage the development of facilities and services, (e.g., secure term bicycle parking, street lights, street furniture and trees, transit stop benches and shelters, and street sweeping of bike lanes) that enable bicycling, walking, and transit use to become more widely used modes of transportation and recreation.*
- *Policy M-3.8: Connections with New Development. The City shall ensure that new commercial and residential development projects provide frequent and direct connections to the nearest bikeways, pedestrian ways, and transit facilities.*
- *Policy M-3.9: Private Complete Streets. The City shall encourage large private developments (e.g., office parks, apartment complexes, retail centers) to provide internal complete streets that connect to the existing public roadway system and provide a seamless transition to existing and planned transportation facilities.*
- *Policy M-6.2: Encourage Bicycle Use. The City shall encourage bicycle use in all neighborhoods, especially where short trips are most common.*
- *Policy M-6.5: Connections between New Development and Bikeways. The City shall ensure that new commercial and residential development projects provide frequent and direct connections to the nearest bikeways and do not interfere with existing and proposed bicycle facilities.*

- *Policy HQL-2.1: Physical Activity and the Built Environment. The City shall support new developments or infrastructure improvements in existing neighborhoods that enable people to drive less and walk, bike, or take public transit more.*
- *Policy HQL-10.7: Parks Access. The City shall work with HARD to ensure that new parks are accessible to pedestrians and bicyclists, and are connected with transit, to the extent feasible.*

### Conclusion

The GP EIR adequately evaluated the energy impacts of the proposed project. Therefore, potential impacts would be less than significant and additional mitigation is not required.

## 7. GEOLOGY AND SOILS

	New Potentially Significant Impact	New Mitigation Required	Reduced Impact	No New Impact
Would the project:				
a. Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:				
i. Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
ii. Strong seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
iii. Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
iv. Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d. Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating direct or indirect substantial risks to life or property?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e. Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f. Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

### Discussion

Information for this section was obtained from maps and publications published from the United States Geological Survey (USGS), the California Geological Survey (CGS), the Association of Bay Area Governments (ABAG), the City of Hayward General Plan, the GP EIR, and the Preliminary Geotechnical Investigation prepared for the project site.<sup>19</sup>

A portion of the City is underlain with soft alluvial soils and artificial fill along the bay and on slopes in the Hayward Hills. During large earthquakes, saturated fill is susceptible to ground shaking and liquefaction-associated hazards and the slopes are susceptible to earthquake-induced landslides.

<sup>19</sup> ENGeo, 2016a. *Route 238 Bypass – Group 9, Hayward, California, Preliminary Geotechnical Exploration*. March 23.

Potential seismic hazards in the City also include surface rupture, ground shaking, liquefaction, lateral spreading, and fault creep.<sup>20, 21</sup>

A Preliminary Geotechnical Exploration<sup>22</sup> prepared for the site included soil borings, excavation of test pits, and excavation of exploratory trenches to evaluate subsurface conditions and geologic hazards. Preliminary geotechnical recommendations were provided for selection of engineered fill materials, site preparation, removal of existing fill and landslide materials, slope gradients and setbacks, and preliminary foundation recommendations.

### Seismicity and Seismic Hazards

**Fault Rupture.** The City is located within a seismically active region of the San Francisco Bay area. Several major earthquake faults in the region, including the San Andreas, Hayward, and Calaveras Faults, could generate strong earthquakes in the vicinity of the parcel groups. The Hayward Fault traverses the City in a northwest to southeast direction and is considered a seismically active fault under the Alquist-Priolo Earthquake Fault Zoning Act. The Alquist-Priolo program requires the California Geologic Survey (CGS) to establish regulatory zones around fault traces that are considered active and sufficiently defined (i.e., located). These active faults are considered to have the potential for surface fault rupture hazards and pose a hazard to structures. The Chabot and Carlos Bee Faults run parallel to the Hayward Fault and are located approximately 0.6 and 0.2 mile east of the Hayward Fault, respectively. These two faults are considered inactive.<sup>23</sup>

The site is located approximately 500 feet northeast of the Alquist-Priolo Earthquake Fault Zone for the Hayward Fault. Therefore, the proposed project would not directly or indirectly cause substantial adverse effects related to fault rupture, and this impact would be less than significant.

**Strong Seismic Ground Shaking.** The project site is located in the San Francisco Bay Area, a region of intense seismic activity. Ground shaking is likely to occur within the life of the project as a result of future earthquakes. As noted above, the project site is approximately 500 feet northeast of the Hayward Fault. Other active faults within the area that are likely to produce large earthquakes include the Calaveras, located 8.3 miles east, Concord-Green Valley, located 15.8 miles northeast, and San Andreas, located 17 miles west. Due to the location of the project site in a seismically active area, strong seismic ground shaking at the site is highly probable during the life of the project.

The intensity of ground shaking would depend on the characteristics of the fault, distance from the fault, the earthquake magnitude and duration, and site-specific geologic conditions. The Working Group on California Earthquake Probabilities and the USGS have predicted a 14.3 percent probability of a 6.7 magnitude (M<sub>w</sub>, or Moment Magnitude) or greater earthquake on the Hayward Fault, a 7.4 percent chance on the Calaveras Fault, and a total probability of 72 percent that an

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<sup>20</sup> Hayward, City of, 2014, op. cit.

<sup>21</sup> Fault creep is slow, constant slippage that can occur on some active faults without there being an earthquake.

<sup>22</sup> ENGEO, 2016a, op. cit.

<sup>23</sup> Hayward, City of, 2014, op. cit.

earthquake of that magnitude will occur on one of the regional San Francisco Bay Area faults during that time.

The City requires projects to comply with the 2016 California Building Code (Title 24, California Code of Regulations),<sup>24</sup> which provides for stringent construction requirements on projects in areas of high seismic risk based on numerous inter-related factors. Seismic hazards cannot be completely eliminated, even with implementation of advanced building practices. However, the seismic design standards of the 2016 California Building Code (CBC) are intended to prevent catastrophic building failure in the most severe earthquakes currently anticipated.

A site-specific geotechnical investigation would be performed for the proposed project as required by State regulations, and the City of Hayward General Plan policies. Compliance with geotechnical recommendations and the CBC during design and construction would ensure that the potential impacts associated with ground shaking would be less than significant.

**Seismic-Related Ground Failure and Liquefaction.** Soil liquefaction is a phenomenon primarily associated with saturated soil layers located close to the ground surface. These soils lose strength during ground shaking. Due to the loss of strength, the soil may move both horizontally and vertically. In areas where sloping ground or open slope faces are present, this mobility can result in lateral spreading. Soils that are most susceptible to liquefaction are clean, loose, uniformly graded, saturated, fine-grained sands that are relatively close to the ground surface. However, loose sands that contain a significant amount of fines (silt and clay) may also liquefy. The State of California Seismic Hazard Zones Map shows a small area susceptible to liquefaction within the southwest corner of the project site. However, the proposed project would implement recommendations included in the Preliminary Geotechnical Investigation, which would include supporting the proposed building with either a ridged mat foundation, conventional footings in combination with non-expansive import, or pier-and-grade-beam foundation with raised floor. With this foundation, impacts related to liquefaction would be reduced to a less-than-significant level.

**Landslides.** Slope failure can occur as either rapid movement of large masses of soil or imperceptibly slow movement of soils on slopes. The northeastern portion of the property is located on a hillside with a southwest-facing slope. The State of California Seismic Hazard Zones Map shows a portion of the southwest-facing slope as having the potential for earthquake-induced landslides and evidence of sloughing and slope failures of unknown depth were observed on the existing slope during the site reconnaissance performed for the Preliminary Geotechnical Investigation.

The Preliminary Geotechnical Investigation includes recommendations to reduce the potential impacts associated with landslides, including removal of landslide materials and replacement as engineered fill. The design and construction of the project in accordance with geotechnical recommendations would reduce potential impacts related to landslides to a less-than-significant level.

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<sup>24</sup> Hayward, City of. Municipal Code, Chapter 9, Article 1.

### Erosion/Loss of Top Soil

The development of the project site would involve construction activities such as grading and excavation, which could result in temporary soil erosion when the disturbed soils are exposed to wind or rainfall. Because the proposed project would involve over one acre of land disturbance, it would be required to comply with the State Water Resources Control Board's Construction General Permit, which requires the preparation and implementation of a Stormwater Pollution Prevention Plan (SWPPP). The SWPPP would include erosion control best management practices that would minimize erosion during construction. Policy NR-6.5 of the General Plan also requires that the City control site preparation procedures and construction phasing to reduce erosion and exposure of soils to the maximum extent possible. Upon completion of construction, the project site would be covered with structures, pavement, and landscaping and would not include areas of exposed soil. Therefore, the proposed project would result in less-than-significant impacts related to soil erosion or loss of top soil.

### Unstable and Expansive Soils

Expansive soils are characterized by the potential for shrinking and swelling as the moisture content of the soil decreases and increases, respectively. The changes in soil volume can result in substantial cosmetic and structural damage to buildings and hardscape developed over expansive soils. Expansive soils are typically fine grained with high clay content.

According to the Preliminary Geotechnical Investigation, conventional grading operations, incorporating fill placement specifications tailored to the expansive characteristics of the soil, and use of a mat foundation (either post-tensioned or conventionally reinforced) would address the expansive potential of the foundation soils. In addition, the proposed project would be required to comply with the 2016 California Building Code and the geotechnical recommendations identified in the site-specific geotechnical investigation. Compliance with geotechnical recommendations and the CBC during design and construction would ensure that the potential impacts associated with expansive soils would be less than significant.

### Septic Tanks/Wastewater Disposal

Development of the proposed project would not involve the use of septic tanks or alternative wastewater disposal systems. Therefore, the proposed project would have no impact related to septic tanks or alternative wastewater disposal systems.

### Paleontological Resources

The project site rests upon sediments and bedrock comprised of Holocene to Late Pleistocene Surficial Sediments, the Late Jurassic to early Cretaceous Knoxville Formation, the Late Jurassic to Cretaceous Franciscan Assemblage, and the Late Jurassic Coast Range Ophiolite Complex. The geology of the site consists entirely of Surficial Sediments, which have low sensitivity from the surface to a depth of 10 feet and high sensitivity below a depth of 10 feet. In locations with the Surficial Sediments, ground disturbance deeper than 10 feet would also have the potential for impacts to paleontological resources. In the event that paleontological resources are discovered during construction, Standard Conditions of Approval for all development projects require the

contractor to stop all work adjacent to the find and contact the City of Hayward Development Services Department to preserve and record the uncovered materials so it can be safely removed. Compliance with the City's standard conditions of approval would ensure that the proposed project would not directly or indirectly destroy a unique paleontological resource or site or unique geologic feature.

### Applicable Mitigation

As described in the GP EIR, 2040 General Plan impacts related to geology, soils, minerals and paleontological resources were determined to be less than significant and no mitigation measures were identified. No substantial changes in environmental circumstances have occurred for this topic, nor revisions to the project, nor new information that could not have been known at the time the GP EIR was certified leading to new or more severe significant impacts, and no new mitigation measures are required.

### Applicable Policies

#### General Plan Policies

- *Policy LU-7.1 Slopes. The City shall prohibit the construction of buildings on unstable and steep slopes (slopes greater than 25 percent).*
- *Policy LU-7.2 Ridgelines. The City shall discourage the placement of homes and structures near ridgelines to maintain natural open space and preserve views. If ridgeline development cannot be avoided, the City shall require grading, building, and landscaping designs that mitigate visual impacts and blend development with the natural features of the hillside.*
- *Policy LU-7.3 Hillside Street Layouts. The City shall require curvilinear street patterns in hillside areas to respect natural topography and minimize site grading.*
- *Policy LU-7.4 Hillside Street Design. The City shall encourage narrow streets in hillside areas. Streets should be designed with soft shoulders and drainage swales (rather than sidewalks with curb and gutters) to maintain the rural character of hillside areas and minimize grading impacts. The City shall prohibit parking along narrow street shoulders to provide space for residents to walk and ride horses.*
- *Policy NR-6.4 Minimizing Grading. The City shall minimize grading and, where appropriate, consider requiring onsite retention and settling basins.*
- *Policy NR-6.5 Erosion Control. The City shall concentrate new urban development in areas that are the least susceptible to soil erosion into water bodies in order to reduce water pollution.*
- *Policy NR-8.2 Hillside Site Preparation Techniques. The City shall require low-impact site-grading, soils repair, foundation design, and other construction methods to be used on new residential structures and roadways above 250 feet in elevation to protect aesthetics, natural topography, and views of hillsides and surrounding open space.*

- *Policy HAZ-2.1 Seismic Safety Codes and Provisions. The City shall enforce the seismic safety provisions of the Building Code and Alquist-Priolo Special Studies Zone Act to minimize earthquake-related hazards in new construction, particularly as they relate to high occupancy structures or buildings taller than 50 feet in height.*
- *Policy HAZ-2.2 Geologic Investigations. The City shall require a geologic investigation for new construction on sites within (or partially within) the following zones:*
  - *Fault Zone (see Figure 9.2-1 in the Hazards Background Report)*
  - *Liquefaction Zone (see Figure 9.2-2 in the Hazards Background Report)*
  - *Landslide Zone (see Figure 9.2-3 in the Hazards Background Report)*

*A licensed geotechnical engineer shall conduct the investigation and prepare a written report of findings and recommended mitigation measures to minimize potential risks related to seismic and geologic hazards.*

- *Policy HAZ-2.3 Fault Zone Assumption. The City shall assume that all sites within (or partially within) any fault zone are underlain by an active fault trace until a geotechnical investigation by a licensed geotechnical engineer provides otherwise.*
- *Policy HAZ-2.4 New Buildings in a Fault Zone. The City shall prohibit the placement of any building designed for human occupancy over active faults. All buildings shall be set back from active faults by at least 50 feet. The City may require a greater setback based on the recommendations of the licensed geotechnical engineer evaluating the site and the project.*
- *Policy HAZ-2.6 Infrastructure and Utilities. The City shall require infrastructure and utility lines that cross faults to include design features to mitigate potential fault displacement impacts and restore service in the event of major fault displacement. Mitigation measures may include plans for damage isolation or temporary bypass by using standard isolation valves, flexible hose or conduit, and other techniques and equipment.*

## Conclusion

The GP EIR adequately evaluated the geology and soils impacts of the proposed project. Therefore, potential impacts would be less than significant and additional mitigation is not required.



## 8. GREENHOUSE GAS EMISSIONS

	New Potentially Significant Impact	New Mitigation Required	Reduced Impact	No New Impact
Would the project:				
a. Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

### Discussion

Greenhouse gas emissions (GHGs) associated with the General Plan are evaluated in Chapter 10, Global Climate Change and Greenhouse Gas Emissions, of the GP EIR. The following includes a discussion of the potential impacts related to GHG emissions associated with the General Plan as compared to the proposed project.

GHGs are present in the atmosphere naturally, and are released by natural sources, or are formed from secondary reactions taking place in the atmosphere. However, over the last 200 years, human activities have caused substantial quantities of GHGs to be released into the atmosphere. These extra emissions are increasing GHG concentrations in the atmosphere, and enhancing the natural greenhouse effect, which is believed to be causing global climate change. The gases that are widely seen as the principal contributors to human-induced global climate change are:

- Carbon dioxide (CO<sub>2</sub>)
- Methane (CH<sub>4</sub>)
- Nitrous oxide (N<sub>2</sub>O)
- Hydrofluorocarbons (HFCs)
- Perfluorocarbons (PFCs)
- Sulfur Hexafluoride (SF<sub>6</sub>)

While GHGs produced by human activities include naturally-occurring GHGs such as CO<sub>2</sub>, CH<sub>4</sub>, and N<sub>2</sub>O, some gases, like HFCs, PFCs, and SF<sub>6</sub> are completely new to the atmosphere. Certain other gases, such as water vapor, are short-lived in the atmosphere compared to those GHGs that remain in the atmosphere for significant periods of time, contributing to climate change in the long term. Water vapor is generally excluded from the list of GHGs because it is short-lived in the atmosphere and its atmospheric concentrations are largely determined by natural processes, such as oceanic evaporation. For the purposes of this analysis, the term “GHGs” will refer collectively to the six gases identified in the bulleted list provided above.

### Construction Greenhouse Gas Emissions

As discussed in the GP EIR, construction activities would generate GHG emissions through the use of on- and off-road construction equipment in new development projects. While no project-specific details were known at the time the GP EIR was prepared, short-term construction emissions were estimated for worst-case, average annual levels of development assumed to occur under the General Plan through the year 2040. Average annual development assumptions were estimated by dividing the net increase in residential units and commercial building square feet associated with build out of the General Plan by 25 years. Construction emissions were estimated for this annualized average level development within the first full calendar year after anticipated General Plan adoption in order to obtain a “worst case” estimate of average annual construction-related GHG emissions. The GP EIR determined that total construction-related GHG emissions in 2015 would be approximately 1,186 metric tons (MT) of CO<sub>2</sub>e per year.

The BAAQMD does not have an adopted threshold of significance for construction-related GHG emissions. However, lead agencies are encouraged to quantify and disclose GHG emissions that would occur during construction. Using CalEEMod, it is estimated that the proposed project would generate approximately 383.9 MT CO<sub>2</sub>e during construction of the project. In addition, when considered over the 30-year life of the project, the amortized construction emissions would be approximately 12.8 MT of CO<sub>2</sub>e per year. Annual construction-related GHG emissions associated with the proposed project would be lower than the estimated average annual construction-related GHG emissions identified in the GP EIR. In addition, implementation of BAAQMD’s Basic Construction Mitigation Measures would reduce construction-related GHG emissions by reducing the amount of construction vehicle idling and by requiring the use of properly maintained equipment. As noted above, the BAAQMD does not have an adopted threshold of significance for construction-related GHG emissions; therefore, project construction impacts associated with GHG emissions would be considered less than significant. Construction of the proposed project would not result in new or more severe impacts related to construction-period GHG emissions than identified in the GP EIR.

### Operational Greenhouse Gas Emissions

The GP EIR estimated operational emissions from existing development in Hayward in the years 2005 and 2010, as well as projected “Business As Usual” GHG emissions associated with forecasted growth in the City’s population and employment in 2020, 2040 and 2050. The 2020, 2040 and 2050 projections reflect both existing and proposed land uses and population and employment growth assumed in the proposed General Plan, but do not take into account any specific GHG reduction measures associated with State or federal legislative actions or the City’s 2009 CAP. The GP EIR found that any impacts resulting from GHG associated with implementation of the General Plan would be less than significant.

Development of the proposed project would contribute to the GHG emissions identified in the GP EIR. Long-term operation of the proposed project would generate GHG emissions from mobile, area, waste, and water sources as well as indirect emissions from sources associated with energy consumption. Mobile-source GHG emissions would include project-generated vehicle trips. Area-source emissions would be associated with activities such as landscaping and maintenance on the

project site. Energy source emissions are typically generated at off-site utility providers as a result of increased electricity demand generated by a project. Waste source emissions generated by the proposed project include energy generated by land filling and other methods of disposal related to transporting and managing project generated waste. In addition, water source emissions associated with the proposed project are generated by water supply and conveyance, water treatment, water distribution, and wastewater treatment.

The proposed project would develop the site with a new four-story, approximately 100,000-square-foot building would include 150 guest rooms. In addition to the guest rooms, the proposed building could include a meeting room, lounge area with a bar and seating space, office space, fitness center, and outdoor pool. The proposed project is consistent with the intent of the CHDR designation and would include a new hotel on an infill site that would locate guests and employees near existing residential and commercial uses, reducing the demand for travel by single occupancy vehicles. Therefore, the proposed project would support the ability to use alternative modes of transportation and would promote initiatives to reduce vehicle trips and vehicle miles traveled, which would help reduce GHG emissions.

Following guidance from the BAAQMD, GHG emissions were estimated for the proposed project using CalEEMod. Table 4 shows the calculated GHG emissions for the proposed project. Motor vehicle emissions are the largest source of GHG emissions for the project at approximately 70 percent of the total. Energy use is the next largest category at 26 percent of CO<sub>2</sub>e emissions. Solid waste and water use are about 3 percent and 1 percent of the total emissions, respectively. CalEEMod output sheets are included in Appendix 1.

**Table 4: Operational Greenhouse Gas Emissions**

Emissions Source Category	Operational Emissions (Metric Tons per Year)				Percent of Total Project Emissions
	CO <sub>2</sub>	CH <sub>4</sub>	N <sub>2</sub> O	CO <sub>2</sub> e	
Area	<0.1	<0.1	0.0	<0.1	0
Energy	263.0	<0.1	<0.1	264.7	26
Mobile	696.2	<0.1	0.0	696.8	70
Waste	13.3	0.8	0.0	32.9	3
Water	4.6	0.1	<0.1	8.6	1
<b>Total Operational</b>				<b>1,003.0</b>	<b>100</b>
<b>BAAQMD Threshold</b>				<b>1,100</b>	-
<b>Exceed?</b>				<b>No</b>	-

Source: LSA (January 2020).

According to the BAAQMD, a project would result in a less-than-significant GHG impact if it would:

- Result in operational-related greenhouse gas emissions of less than 1,100 metric tons of CO<sub>2</sub>e a year; or

- Result in operational-related greenhouse gas emissions of less than 4.6 metric tons of CO<sub>2</sub>e per service population (residents plus employees).

Based on the analysis results, the proposed project would generate approximately 1,003.0 MT CO<sub>2</sub>e which would be below the BAAQMD's numeric threshold of 1,100 MT CO<sub>2</sub>e. Therefore, operation of the proposed project would not generate significant GHG emissions that would have a significant effect on the environment and would have a less than significant impact related to operational GHG emissions. Operation of the proposed project would not result in new or more severe impacts related to GHG emissions than identified in the GP EIR.

### Consistency with Greenhouse Gas Reduction Plans

The City of Hayward adopted the 2009 Climate Action Plan (CAP) to reduce GHG emissions communitywide. The 2009 CAP was designed to reduce communitywide emissions 12.5 percent below 2005 levels by the year 2020, and to set the City on a course to achieve a long-term emission reduction goal of 82.5 percent below 2005 levels by the year 2050.

As discussed in the GP EIR, the General Plan integrates and updates the comprehensive, community-wide GHG emission reduction strategy contained in the City's 2009 CAP to achieve a GHG emission reduction target of 20 percent below 2005 levels by the year 2020. The proposed General Plan also recommends longer-term goals for GHG reductions of 61.7 percent below 2005 levels by the year 2040 and 82.5 percent below 2005 levels by the year 2050. The GP EIR summarizes the total GHG emission reductions from both State and Federal regulatory actions, as well as locally based GHG emission reductions required to achieve the targets for 2020, 2040 and 2050 in Table 10.2 of the GP EIR. Legislative-adjusted projected emissions take into account GHG emission reductions as a result of State and Federal regulatory actions. Additional net GHG emission reductions would be required to meet the proposed targets for 2020, 2040 and 2050; however, the GP EIR determined that the scale of reductions required to achieve the much more aggressive longer-term emission reduction goals will require significant improvements in the availability and/or cost of technology, as well as potential increased reductions from ongoing State and Federal legislative actions.

As discussed in the GP EIR, the General Plan contains a comprehensive strategy that achieves a communitywide GHG emission reduction target of 20 percent below 2005 levels by the year 2020, and sets the City on course toward achieving ongoing GHG emission reductions in the future through the year 2050. Thus, the GP EIR determined that the General Plan would not conflict with any applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of GHGs. In addition, the GP EIR determined that estimated GHG emissions per service population in 2020, 2040 and 2050 would be below the BAAQMD-recommended threshold of 6.6 MT CO<sub>2</sub>e per service population per year. Thus, the GP EIR determined that the General Plan would not generate GHG emissions, either directly or indirectly, that may have a significant impact on the environment and impacts would be less than significant.

As indicated above, the proposed project would develop the site with a new four-story, approximately 100,000-square-foot building would include 150 guest rooms. In addition to the guest rooms, the proposed building could include a meeting room, lounge area with a bar and seating space, office space, fitness center, and outdoor pool. The proposed project is consistent with the

intent of the CHDR designation and would include a new hotel on an infill site that would locate guests and employees near existing residential and commercial uses, reducing the demand for travel by single occupancy vehicles. Therefore, the proposed project would support the ability to use alternative modes of transportation and would promote initiatives to reduce vehicle trips and vehicle miles traveled, which would help reduce GHG emissions.

In addition, as indicated above, the proposed project would be constructed to the latest CALGreen standard building measures and Title 24 standards, which would help to reduce energy and natural gas consumption. Therefore, the proposed project would implement the General Plan's energy-related policies that promote jobs-housing balance, growth and infill development, green building and landscaping, complete neighborhoods, energy efficiency, and bicycling, walking, and transit amenities, and parks access. As such, the proposed project would be consistent with goals to reduce GHG emissions.

Therefore, the proposed project would implement appropriate GHG reduction strategies and would not conflict with applicable plan, policy, or regulations pertaining to GHGs. Therefore, the proposed project would not result in new significant impacts beyond those identified in the GP EIR. No new mitigation measures are required.

### Applicable Mitigation

As described in the GP EIR, 2040 General Plan impacts on greenhouse gas emissions were determined to be less than significant and no mitigation measures were identified. No substantial changes in environmental circumstances have occurred for this topic, nor revisions to the project, nor new information that could not have been known at the time the GP EIR was certified leading to new or more severe significant impacts, and no new mitigation measures are required.

### Applicable Policies

#### General Plan Objectives

- *Policy NR-2.6: Greenhouse Gas Reduction in New Development. The City shall reduce potential greenhouse gas emissions by discouraging new development that is primarily dependent on the private automobile; promoting infill development and/or new development that is compact, mixed use, pedestrian friendly, and transit oriented; promoting energy-efficient building design and site planning; and improving the regional jobs/housing balance ratio.*
- *Policy NR-2.7: Coordination with Bay Area Air Quality Management District. The City shall coordinate with the Bay Area Air Quality Management District to ensure projects incorporate feasible mitigation measures to reduce greenhouse gas emissions and air pollution if not already provided for through project design.*
- *Policy NR-2.10: Zero-Emission and Low-Emission Vehicle Use. The City shall encourage the use of zero-emission vehicles, low-emission vehicles, bicycles and other non-motorized vehicles, and car-sharing programs by requiring sufficient and convenient infrastructure and parking facilities throughout the City.*

- *Policy NR-4.1: Energy Efficiency Measures. The City shall promote the efficient use of energy in the design, construction, maintenance, and operation of public and private facilities, infrastructure, and equipment.*
- *Policy NR-4.3: Efficient Construction and Development Practices. The City shall encourage construction and building development practices that maximize the use of renewable resources and minimize the use of nonrenewable resources throughout the life-cycle of a structure.*
- *Policy NR-4.11: Green Building Standards. The City shall require newly constructed or renovated public and private buildings and structures to meet energy efficiency design and operations standards with the intent of meeting or exceeding the State's zero net energy goals by 2020.*
- *Policy NR-4.12: Urban Forestry. The City shall encourage the planting of native and diverse tree species to reduce heat island effect, reduce energy consumption, and contribute to carbon mitigation.*
- *Policy NR-4.1:3 Energy Use Data. The City shall consider requiring disclosure of energy use and/or an energy rating for single family homes, multifamily properties, and commercial buildings at certain points or thresholds. The City shall encourage residents to voluntarily share their energy use data and/or ratings with the City as part of collaborative efficiency efforts.*
- *Policy LU-1.1: Jobs-Housing Balance. The City shall support efforts to improve the jobs-housing balance of Hayward and other communities throughout the region to reduce automobile use, regional and local traffic congestion, and pollution.*
- *Policy LU-1.6: Mixed-Use Neighborhoods. The City shall encourage the integration of a variety of compatible land uses into new and established neighborhoods to provide residents with convenient access to goods, services, parks and recreation, and other community amenities.*
- *Policy LU-1.8: Green Building and Landscaping Requirements. The City shall maintain and implement green building and landscaping requirements for private- and public-sector development to:*
  - *Reduce the use of energy, water, and natural resources.*
  - *Minimize the long-term maintenance and utility expenses of infrastructure, buildings, and properties.*
  - *Create healthy indoor environments to promote the health and productivity of residents, workers, and visitors.*
  - *Encourage the use of durable, sustainably-sourced, and/or recycled building materials.*
  - *Reduce landfill waste by promoting practices that reduce, reuse, and recycle solid waste.*

- *Policy M-1.4: Multimodal System Extensions. The City shall require all new development that proposes or is required to construct or extend streets to develop a transportation network that complements and contributes to the City's multimodal system, maximizes connections, and minimizes barriers to connectivity.*
- *Policy M-1.6: Bicycling, Walking, and Transit Amenities. The City shall encourage the development of facilities and services, (e.g., secure term bicycle parking, street lights, street furniture and trees, transit stop benches and shelters, and street sweeping of bike lanes) that enable bicycling, walking, and transit use to become more widely used modes of transportation and recreation.*
- *Policy M-5.1: Pedestrian Needs. The City shall consider pedestrian needs, including appropriate improvements to crosswalks, signal timing, signage, and curb ramps, in long-range planning and street design.*
- *Policy M-5.2: Pedestrian System. The City shall strive to create and maintain a continuous system of connected sidewalks, pedestrian paths, creekside walks, and utility greenways throughout the City that facilitates convenient and safe pedestrian travel, connects neighborhoods and centers, and is free of major impediments and obstacles.*
- *Policy M-5.4: Sidewalk Design. The City shall require that sidewalks, wherever possible, be developed at sufficient width to accommodate pedestrians including the disabled; a buffer separating pedestrians from the street and curbside parking; amenities; and allow for outdoor uses such as cafes.*
- *Policy M-5.5: Streetscape Design. The City shall require that pedestrian-oriented streets be designed and maintained to provide a pleasant environment for walking including shade trees; plantings; well-designed benches, trash receptacles, and other furniture; pedestrian-scaled lighting fixtures; wayfinding signage; integrated transit shelters; public art; and other amenities.*
- *Policy M-6.5: Connections between New Development and Bikeways. The City shall ensure that new commercial and residential development projects provide frequent and direct connections to the nearest bikeways and do not interfere with existing and proposed bicycle facilities.*
- *Policy PFS-7.12: Construction and Demolition Waste Recycling. The City shall require demolition, remodeling and major new development projects to salvage or recycle asphalt and concrete and all other non-hazardous construction and demolition materials to the maximum extent practicable.*

## Conclusion

The GP EIR adequately evaluated the greenhouse gas emissions impacts of the proposed project. Therefore, potential impacts would be less than significant and additional mitigation is not required.

**9. HAZARDS AND HAZARDOUS MATERIALS**

	New Potentially Significant Impact	New Mitigation Required	Reduced Impact	No New Impact
Would the project:				
a. Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c. Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e. For a project located within an airport land use plan or, where such a plan has not been adopted, within 2 miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f. Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g. Expose people or structures, either directly or indirectly to a significant risk of loss, injury or death involving wildland fires?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Discussion**

The following discussion is based on the findings from the Phase I Environmental Site Assessment<sup>25</sup> (Phase I ESA) prepared for the proposed project.

**Transport, Use, Storage, and Disposal of Hazardous Materials**

Although small quantities of commercially available hazardous materials could be used during project construction activities (e.g., oil, gasoline, paint) and for landscape maintenance within the project site, these materials would not be used in sufficient quantities to pose a threat to human or environmental health. Therefore, development of the proposed project would not create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials.

<sup>25</sup> ENGEO, Inc., 2016b. *Phase I Environmental Site Assessment, Route 238 Bypass, Group 9, Hayward, California*. March 25.



### Release of Hazardous Materials and Risk of Upset

The proposed hotel development would not involve storage or use of hazardous materials (except for small quantities for routine maintenance as described above) or generation of significant hazardous wastes. As such, potential significant impacts related to a foreseeable upset would not be expected.

During construction, hazardous materials such as fuel, lubricants, paint, sealants, and adhesives would be transported and used at the project site. Management of these materials at the project site would be subject to the requirements of the National Pollutant Discharge Elimination System (NPDES) Construction General Permit. Compliance with the Construction General Permit would require preparation and implementation of an SWPPP designed to reduce the risk of spills or leaks from reaching the environment. The SWPPP would also include a Spill Response Plan to address minor spills of hazardous materials. Compliance with SWPPP requirements would ensure that potential significant hazards associated with routine transport, use, or disposal of hazardous materials during and after construction would be less than significant.

A Phase I Environmental Site Assessment<sup>26</sup> (ESA) was prepared for the project site. The Phase I ESA evaluated the potential for past land uses to have impacted the environmental condition of the site through the review of historical information sources (e.g., historic aerial photos and maps) and government databases that list hazardous materials release sites and facilities that handle hazardous materials.

The Phase I ESA prepared for the proposed project identified no Recognized Environmental Conditions (RECs), Controlled RECs (CRECs), or Historical RECs (HRECs); however, the following potential Recognized Environmental associated with the current and past use of the property was identified:

- Review of historical photographs found that the central portion of the property had formerly consisted of a public right-of-way, an extension of Oak Street. Additionally, in the 1980s, on-ramps leading to Interstates 238 and 580 were constructed along the western property boundary. Given the proximity to existing and former public right-of-ways, there is a potential for environmental impacts to the near-surface soil from aerially deposited lead (ADL).

Construction of the proposed project could expose workers and/or the public to potentially contaminated soil associated with historical car emissions prior to the elimination of lead in gasoline. If soils are not properly managed during construction, exposure to these hazardous materials could pose a health hazard to construction workers. Exposure to contaminants in soil could occur through inhalation of fugitive dust, incidental ingestion, or dermal contact with contaminated material.

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<sup>26</sup> ENGEO, 2016b. op. cit.

The Phase I ESA recommended that a Phase II ESA, including soil sampling along the alignment of both Oak Street (former) and the on-ramp to I-238/580, be conducted to address potential environmental impacts to near-surface soil from aerially deposited lead (ADL).

If the Phase II ESA identifies soil contamination at levels exceeding regulatory screening levels for the proposed land use (e.g., the Regional Water Board's Environmental Screening Levels [ESLs]), the Project Applicant would be required to submit it to the appropriate regulatory oversight agency (e.g., Alameda County Environmental Health Department [ACDEH], Regional Water Board, or DTSC) for review. The Phase II ESA would recommend corrective actions to address the identified contamination, including developing and implementing a Soil Management Plan (SMP) and/or a Remedial Action Plan (RAP) for the remediation of contaminated soil, if required by a regulatory oversight agency. Any corrective actions would be performed under the oversight of the applicable regulatory oversight agencies, and clearance for the proposed land use would need to be obtained from the applicable regulatory oversight agencies.

Policy HAZ-6.2 of the City's General Plan requires that environmental investigations be prepared before discretionary project approvals are issued by the City in order to ensure that the presence of hazardous materials and/or waste contamination would not have the potential to affect the environment or the health and safety of future property owners or users.

Compliance with all applicable local, State, and federal regulations and standards pertaining to the release of hazardous materials and risk of upset would ensure that impacts associated with the release of hazardous materials would be less than significant.

#### Emission of Hazardous Materials within 0.25 miles of a School

Strobridge Elementary School, located at 2140 Bedford Drive, is located approximately 1,400 feet northeast of the project site. No other schools were identified within a quarter-mile of the project site.<sup>27</sup> As discussed above, the potential for a hazardous materials release during construction and operation activities would be less than significant following required compliance with existing regulations. Therefore, the proposed project would result in a less-than-significant impact to existing or proposed school facilities from the emission of hazardous materials.

#### Hazardous Materials Site Pursuant to Government Code Section 65962.5

Government Code Section 65962.5 requires the Cal/EPA to develop, at least annually, an updated list of hazardous materials release sites known as the Cortese List. The project site was not identified on the Cortese List or other hazardous material release databases during review of regulatory records for the Phase I ESA. Therefore, no impacts associated with locating a project on a site included on a list of hazardous materials is expected to occur.

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<sup>27</sup> Hayward, City of, 2014. op. cit.

## Aviation Hazards

The project site is not located in the vicinity of a private airstrip or within the Airport Influence Area of the Hayward Executive Airport, and therefore the project would not result in impacts related to aviation hazards.

## Emergency Response or Evacuation Plan

The proposed project involves a hotel development on contiguous parcels and would not impair implementation of or interfere with the City of Hayward Local Hazard Mitigation Plan or the Alameda County Local Hazard Mitigation Plan. The proposed project would not impair implementation of, or interfere with, emergency response or evacuation plans because the proposed project would not alter the existing streets surrounding the project site, which could be used for emergency access or evacuation. The proposed project would involve limited short-term use of City streets for delivery of construction equipment and supplies, and commuting workers. During construction activities, all construction equipment would be stored on the project site. Therefore, potential impacts to emergency evacuation routes or emergency response plans from the proposed project are considered less than significant.

## Wild Fire

The project site is in an urban area and is not within or adjacent to a wildland fire hazard area.<sup>28</sup> Therefore, the proposed project would not expose people or structures to a significant loss, injury or death involving wildland fires.

## Applicable Mitigation

As described in the GP EIR, 2040 General Plan impacts related to hazards and hazardous materials were determined to be less than significant and no mitigation measures were identified. No substantial changes in environmental circumstances have occurred for this topic, nor revisions to the project, nor new information that could not have been known at the time the GP EIR was certified leading to new or more severe significant impacts, and no new mitigation measures are required.

## Applicable Policies

### General Plan Policies

- *Policy NR-6.15 Native Vegetation Planting. The City shall encourage private property owners to plant native or drought-tolerant vegetation in order to preserve the visual character of the area and reduce the need for toxic sprays and groundwater supplements.*
- *Policy HAZ-5.1 Wildland/Urban Interface Guidelines. The City shall maintain and implement Wildland/Urban Interface Guidelines for new development within fire hazard areas.*

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<sup>28</sup> California Department of Forestry and Fire Protection, 2008. Alameda County, Very High Fire Hazard Severity Zones in Local Responsibility Areas (map). Available at: [https://osfm.fire.ca.gov/media/6638/fhszl\\_map1.pdf](https://osfm.fire.ca.gov/media/6638/fhszl_map1.pdf) (accessed January 27, 2020). September 3.

- *Policy HAZ-5.2 Fire Prevention Codes. The City shall enforce fire prevention codes that require property owners to reduce wildfire hazards on their property.*
- *Policy HAZ-5.3 Defensible Space and Fuel Reduction. The City shall promote defensible space concepts to encourage property owners to remove overgrown vegetation and to reduce fuel loads on hillside properties, especially near structures and homes.*
- *Policy HAZ-6.1 Hazardous Materials Program. The City shall maintain its status as a Certified Unified Program agency and implement the City's Unified Hazardous Materials and Hazardous Waste Management Program, which includes:*
  - *Hazardous Materials Release Response Plans and Inventories (Hazardous Materials Business Plans – HBMP);*
  - *California Accidental Release Prevention (CalARP) Program;*
  - *Underground Storage Tank (UST) Program;*
  - *Above-ground Petroleum Storage Act (APSA) Program, including Spill Prevention, Control, and Countermeasure (SPCC) Plans;*
  - *Hazardous Waste Generator Program;*
  - *On-site Hazardous Waste Treatment (Tiered Permit) Program; and*
  - *California Fire Code Hazardous Material Management Plans (HMMP) and Hazardous Materials Inventory Statements (HMIS).*
- *Policy HAZ-6.2 Site Investigations. The City shall require site investigations to determine the presence of hazardous materials and/or waste contamination before discretionary project approvals are issued by the City. The City shall require appropriate measures to be taken to protect the health and safety of site users and the greater Hayward community.*
- *Policy HAZ-6.3 Permit Requirements. The City shall direct the Fire Chief (or their designee) and the Planning Director (or their designee) to evaluate all project applications that involve hazardous materials, electronic waste, medical waste, and other hazardous waste to determine appropriate permit requirements and procedures.*
- *Policy HAZ-6.7 Agency Coordination. The City shall coordinate with State, Federal, and local agencies to develop and promote best practices related to the use, storage, transportation and disposal of hazardous materials.*
- *Policy HAZ-6.8 Truck Routes. The City shall maintain designated truck routes for the transportation of hazardous materials through the City of Hayward. The City shall discourage truck routes passing through residential neighborhoods to the maximum extent feasible.*

- *Policy HQL-7.3 Home Use of Hazardous Materials. The City shall encourage and educate residents, non-profits, and businesses to implement integrated pest management principles, and reduce or discontinue the use of pesticides, herbicides, and toxic cleaning substances.*
- *Policy HQL-7.5 Proximity to Pollution Sources. The City shall avoid locating new sensitive uses such as schools, childcare centers, and senior housing, to the extent feasible, in proximity to sources of pollution, odors, or near existing businesses that handle toxic materials, Where such uses are located in proximity to sources of air pollution, odors, or toxic materials, the City shall encourage building design, construction safeguards, and technological techniques to mitigate the negative impacts of hazardous materials and/or air pollution on indoor air quality.*
- *Policy HQL-9.5 Hazards Resiliency. The City shall continue to assess and monitor risks from local environmental (e.g., flooding, earthquake) and man-made hazards and work with community groups and State and regional agencies to prepare residents, businesses, and visitors in the event of an incident.*
- *Policy HQL-9.8 Climate Adaptation in Plans. The City shall address climate adaptation in all disaster preparedness and emergency response plans.*
- *Policy M-4.5 Emergency Access. The City shall develop a roadway system that is redundant (i.e., include multiple alternative routes) to the extent feasible to ensure mobility in the event of emergencies.*

## Conclusion

The GP EIR adequately evaluated the impacts of the proposed project. Therefore, potential impacts would be less than significant and additional mitigation is not required.

10. HYDROLOGY AND WATER QUALITY

	New Potentially Significant Impact	New Mitigation Required	Reduced Impact	No New Impact
Would the project:				
a. Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or groundwater?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would result in substantial erosion or siltation on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
i. result in substantial erosion or siltation on- or off-site;				
ii. substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite;				
iii. 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; or				
iv. impede or redirect flood flows?				
d. In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e. Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion

Water Quality Standards

**Construction.** Construction and demolition activities for the proposed project would involve disturbing, grading, and excavating soil, which could result in temporary erosion and movement of sediments into the storm drain system, particularly during precipitation events. The potential for chemical releases is present at most construction sites due to the use of paints, solvents, fuels, lubricants, and other hazardous materials associated with heavy construction equipment. Once released, these hazardous materials could be transported to nearby surface waterways in stormwater runoff, wash water, and dust control water, potentially reducing the quality of the receiving waters. The release of sediments and other pollutants during construction and demolition could adversely affect water quality in receiving waters.

The proposed project would disturb greater than 1 acre of land, and therefore would be required to obtain coverage under the Construction General Permit (State Water Board Order 2009-0009-DW).<sup>29</sup> On-site construction activities subject to the Construction General Permit include clearing, grading, excavation, and soil stockpiling. As stated above, State Water Resources Control Board's Construction General Permit also requires the development of an SWPPP by a Qualified SWPPP Developer. An SWPPP identifies all potential pollutants and their sources, including erosion, sediments, and construction materials and must include a list of BMPs to reduce the discharge of construction-related stormwater pollutants. An SWPPP must include a detailed description of controls to reduce pollutants and outline maintenance and inspection procedures. Typical sediment and erosion BMPs include protecting storm drain inlets, establishing and maintaining construction exits and perimeter controls to avoid tracking sediment off-site onto adjacent roadways. An SWPPP also defines proper building material staging and storage areas, paint and concrete washout areas, describes proper equipment/vehicle fueling and maintenance practices, measures to control equipment/vehicle washing and allowable non-stormwater discharges, and includes a spill prevention and response plan.

Monitoring wells in the vicinity of the site appear to indicate that local groundwater may occur at depths between 2 and 13 feet. No groundwater seepage or other indication of near-surface groundwater was observed during a geotechnical site reconnaissance performed in 2016.<sup>30</sup> Based on the estimated depths to groundwater at the site, construction related dewatering may be required. Turbid and/or contaminated groundwater could cause degradation of the receiving water quality if discharged directly to storm drains or surface water without treatment. The discharge of dewatering effluent would be subject to permits from the City of Hayward or the Regional Water Board, depending if the discharge were to the sanitary sewer or storm drain system, respectively. The Construction General Permit allows the discharge of dewatering effluent if the water is properly filtered or treated, using appropriate technology. If the dewatering activity is deemed by the Regional Water Board not to be covered by the Construction General Permit, then the discharger could potentially prepare a Report of Waste Discharge, and if approved by the Regional Water Board, be issued site-specific Waste Discharge Requirements (WDRs) under NPDES regulations. If it is infeasible to meet the requirements of the Construction General Permit, acquire site-specific WDRs, or meet the City of Hayward's wastewater discharge requirements, the construction contractor would be required to transport the dewatering effluent off-site for treatment and disposal.

Required compliance with State and local regulations regarding stormwater and dewatering during construction would ensure that the proposed project would result in less-than-significant impacts to water quality during construction.

**Operation.** Because the project would replace over 10,000 square feet of existing impervious surface area, the project would be required to comply with Provision C.3 requirements of the San

<sup>29</sup> State Water Resources Control Board Division of Water Quality, 2009. Construction General Permit Fact Sheet. 2009-0009-DWQ amended by 2010-0014-DWQ & 2012-0006-DWQ.

<sup>30</sup> ENGEO. 2016a. op. cit.

Francisco Bay Region Municipal Regional Stormwater NPDES Permit (MRP).<sup>31</sup> The project would result in alteration of over 50 percent of the existing impervious surface of the project site, and therefore all new and replaced impervious surfaces would require treatment under the MRP. Provision C.3 of the MRP requires implementation of low impact development (LID) source control, site design, and stormwater treatment for regulated projects. LID employs principles such as preserving and recreating natural landscape features and minimizing impervious surfaces to create functional and appealing site drainage that treats stormwater as a resource, rather than a waste product. Practices used to adhere to these LID principles include measures such as rain barrels and cisterns, green roofs, permeable pavement, preserving undeveloped open space, and biotreatment through rain gardens, bioretention units, bioswales, and planter/tree boxes. Additionally, Policy NR-6.6 of the City's General Plan requires the City to promote stormwater management techniques that minimize surface water runoff and impervious ground surface, including requiring LID techniques.

Provision C.3.g of the MRP pertains to hydromodification management.<sup>32</sup> The MRP requires that regulated projects which create and/or replace over 1 acre of impervious surface and increase the amount of impervious surface compared to the existing condition include measures to address hydromodification to ensure that stormwater discharges do not cause an increase in the erosion potential of the receiving stream. Increases in runoff flow and volume must be managed so that the post-project runoff does not exceed estimated pre-project rates and durations, where such increased flow and/or volume is likely to cause increased potential for erosion of creek beds and banks, silt pollutant generation, or other adverse impacts on beneficial uses due to increased erosive force. The proposed project would be subject to hydromodification management requirements because the proposed project would increase the amount of impervious surface compared to the existing condition, and stormwater runoff from the project site is eventually discharged into natural creeks, which are susceptible to erosion. Hydromodification management controls may include the installation of retention/detention systems (e.g., swales, basins, ponds, or cisterns) which would reduce runoff rates and volumes.

Additionally, Policies NR-6.4, NR-6.5, and NR-6.6 of the City's General Plan requires the implementation of BMPs to minimize erosion, sedimentation, and water quality degradation resulting from the construction of new impervious surfaces. Policy PFS-5.3 of the City's General Plan requires new development projects to prepare drainage studies to assess storm runoff impacts on the local and regional storm drain and flood control system, and to develop recommended detention and drainage facilities to ensure that increased risks of flooding do not result from development and to prevent increased erosion and siltation of creek beds and banks.

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<sup>31</sup> San Francisco Bay Regional Water Quality Control Board, 2015. San Francisco Bay Region Municipal Regional Stormwater NPDES Permit, Order No. R2-2015-0049, NPDES Permit No. CAS612008, November 19.

<sup>32</sup> Hydromodification or hydrograph modification causes streambank erosion, channelization, increased flood flows, and other physical modifications that can adversely impact aquatic ecosystems due to increased sedimentation and reduced water quality (e.g., higher water temperatures, lower dissolved oxygen concentrations).



Required compliance with applicable regulations and implementation of City policies, as described above, would reduce potential impacts to water quality from operation of the project to a less-than significant level.

#### Deplete Groundwater Supplies

Dewatering during construction activities may be required. If performed, construction-related dewatering would be temporary and limited to areas of excavation on the project site and would not substantially contribute to depletion of groundwater supplies.

Operation of the proposed project would not involve use of groundwater as potable water, because potable water is supplied to the project site by the City of Hayward. The project site is predominantly undeveloped, and partially covering undeveloped areas with impervious surfaces, as proposed by the project, could reduce infiltration of rainfall and runoff, which in turn could adversely affect aquifer recharge and groundwater supplies. In accordance with the requirements of Provision C.3 of the MRP, site design and treatment measures must be implemented at the project site to encourage infiltration of storm water runoff. Site design and treatment measures may include detention and retention basins, stormwater harvesting, vegetated swales and planters, and pervious pavements. A Storm Water Control Plan that specifies the types of infiltration-based site design and treatment measures to be incorporated into the project would be required by the City prior to construction. Implementation of infiltration-based site design and treatment measures, as required by the MRP and the City, would reduce potential impacts to groundwater supplies to a less-than-significant level.

#### Drainage Pattern and Surface Run-off

The proposed project would not alter the course of a stream or river. However, the project would alter drainage patterns by creating new landscaped areas and impermeable pavement surfaces. As discussed above, the proposed project would be required to comply with the hydromodification requirements of the MRP and Policies NR-6.6 and NR-6.8 of the City's General Plan. The Project Applicant would be required to prepare a drainage study to ensure that the changes in drainage patterns resulting from the project would not adversely impact storm drain and flood control systems or cause erosion and siltation of creek beds and banks.

Required compliance with applicable regulations and implementation of City policies, as described above, would reduce potential impacts of the project related to changes in drainage patterns to a less-than-significant level.

#### Flood Hazard, Tsunami, Seiche Zones

Based on the distance from the Bay, coastal hazards, such as sea level rise, seiche, tsunami, or extreme high tides, would not pose a threat of flooding for the proposed project. Parcel Group 9 is not located within 100-year flood hazard zones as mapped by the Federal Emergency Management

Agency (FEMA);<sup>33</sup> however, 100-year flood hazard zones mapped by FEMA are located along San Lorenzo Creek, downstream of the parcel group. The project site is also not located within a dam failure inundation area.<sup>34</sup> Therefore, the project would not result in impacts related to flooding, inundation by tsunami, or seiche.

### Conflict with Water Quality Control Plan or Sustainable Groundwater Management Plan

As discussed above, due to the size of the proposed project, construction and operation of the project would be subject to State and regional requirements related to stormwater runoff and any contaminated groundwater. Required compliance with State and local regulations regarding stormwater and dewatering during construction would ensure that the proposed project would not conflict or obstruct implementation of a water quality control plan or sustainable groundwater management plan. As a result, a less-than-significant impact would occur.

### Applicable Mitigation

As described in the GP EIR, 2040 General Plan impacts related to hydrology and water quality were determined to be less than significant and no mitigation measures were identified. No substantial changes in environmental circumstances have occurred for this topic, nor revisions to the project, nor new information that could not have been known at the time the GP EIR was certified leading to new or more severe significant impacts, and no new mitigation measures are required.

### Applicable Policies

#### General Plan Policies and Actions

- *Policy LU-1.8 Green Building and Landscaping Requirements. The City shall maintain and implement green building and landscaping requirements for private- and public-sector development to:*
  - *Reduce the use of energy, water, and natural resources.*
  - *Minimize the long-term maintenance and utility expenses of infrastructure, buildings, and properties.*
  - *Create healthy indoor environments to promote the health and productivity of residents, workers, and visitors.*
  - *Encourage the use of durable, sustainably-sources, and/or recycled building materials.*
  - *Reduce landfill waste by promoting practices that reduce, reuse, and recycle solid waste.*

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<sup>33</sup> Federal Emergency Management Agency (FEMA). 2018. Flood Map Services Center. Available online at: <https://msc.fema.gov/portal/search?AddressQuery=Hayward%20CA#searchresultsanchor> (accessed January 27, 2020).

<sup>34</sup> Hayward, City of, 2014, op. cit.

- *Policy NR-1.12 Riparian Corridor Habitat Protection. The City shall protect creek riparian habitats by:*
  - *Requiring sufficient setbacks for new development adjacent to creek slopes,*
  - *Requiring sensitive flood control designs to minimize habitat disturbance,*
  - *Maintaining natural and continuous creek corridor vegetation,*
  - *Protecting/replanting native trees, and*
  - *Protecting riparian plant communities from the adverse effects of increased stormwater runoff, sedimentation, erosion, pollution that may occur from improper development in adjacent areas.*
- *Policy LU-1.10 Infrastructure Capacities. The City shall ensure that adequate infrastructure capacities are available to accommodate planned growth throughout the City.*
- *Policy NR-6.4 Minimize Grading. The City shall minimize grading and, where appropriate, consider requiring onsite retention and settling basins.*
- *Policy NR-6.5 Erosion Control. The City shall concentrate new urban development in areas that are least susceptible to soil erosion into water bodies in order to reduce water pollution.*
- *Policy NR-6.6 Stormwater Management. The City shall promote stormwater management techniques that minimize surface water runoff and impervious ground surfaces in public and private developments, including requiring the use of Low-Impact Development (LID) techniques to best manage stormwater through conservation, onsite filtration, and water recycling.*
- *Policy NR-6.8 NPDES Permit Compliance. The City shall continue to comply with the San Francisco Bay Region National Pollutant Discharge Elimination System (NPDES) Municipal Regional Stormwater Permit.*
- *Policy NR-6.15 Native Vegetation Planting. The City shall encourage private property owners to plant native or drought-tolerant vegetation in order to preserve the visual character of the area and reduce the need for toxic sprays and groundwater supplements.*
- *Policy HAZ-2.7 Dam Failure. The City shall coordinate with agencies responsible for the maintenance of the South Reservoir Dam, the Del Valle Dam, and other small dams along Alameda Creek to ensure that dam infrastructure is maintained and enhanced to withstand potential failure during an earthquake.*
- *Policy HAZ-3.2 Development in Flood Plains. The City shall implement Federal, State, and local requirements related to new construction in flood plain areas to ensure that future flood risks to life and property are minimized.*

- *Policy HAZ-3.3 Flood Plain Management Ordinance. The City shall maintain and enforce a Flood Plain Management Ordinance to:*
  - *Promote public health, safety, and general welfare by minimizing public and private losses due to floods;*
  - *Implement the Cobey-Alquist Flood Plain Management Act, and*
  - *Comply with the eligibility requirements of the National Flood Insurance Program.*
- *Policy PFS-3.9 High Quality Service Provision. The City shall provide water service that meets or exceeds State and Federal drinking water standards.*
- *Policy PFS-4.1 Sewer Collection System Master Plan. The City shall maintain and implement the Sewer Collection System Master Plan.*
- *Policy PFS-4.2 Water Pollution Control Facility Master Plan. The City shall maintain and implement the Water Pollution Control Facility Master Plan.*
- *Policy PFS-5.1 Accommodate New and Existing Development. The City shall work with the Alameda County Flood Control and Water Conservation District to expand and maintain major stormwater drainage facilities to accommodate the needs of existing and planned development.*
- *Policy PFS-5.3 Watershed Drainage Plans. The City shall require developers of proposed large development projects to prepare watershed drainage plans. Drainage plans shall define needed drainage improvements per City standards, estimate construction costs for these improvements, and be implemented through the Stormwater Management and Urban Runoff Control Program and Alameda Countywide Clean Water Program.*
- *Policy PFS-5.4 Green Stormwater Infrastructure. The City shall encourage “green infrastructure” design and Low Impact Development (LID) techniques for stormwater facilities (i.e., using vegetation and soil to manage stormwater) to achieve multiple benefits (e.g., preserving and creating open space, improving runoff water quality).*
- *Policy PFS-5.6 Grading Projects. The City shall impose appropriate conditions on grading projects performed during the rainy season to ensure that silt is not conveyed to storm drainage.*
- *Policy PFS-5.7 Diversion. The City shall require new development to be designed to prevent the diversion of stormwater onto neighboring parcels.*
- *Policy PFS-5.8 Enhance Recreation and Habitat. The City shall require new stormwater drainage facilities to be designed to enhance recreation and habitat and shall work with HARD to integrate such facilities into existing parks and open space features.*

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- *Policy HQL-7.3 Home Use of Hazardous Materials. The City shall encourage and educate residents, non-profits, and businesses to implement integrated pest management principles, and reduce or discontinue the use of pesticides, herbicides, and toxic cleaning substances.*

### **Conclusion**

The GP EIR adequately evaluated the impacts of the proposed project. Therefore, potential impacts would be less than significant and additional mitigation is not required.

## 11. LAND USE AND PLANNING

	New Potentially Significant Impact	New Mitigation Required	Reduced Impact	No New Impact
Would the project:				
a. Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Cause a significant environmental impact due to a conflict with any applicable land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

### Discussion

#### Divide an Established Community

The physical division of an established community typically refers to the construction of a physical feature (such as an interstate highway or railroad tracks) or removal of a means of access (such as a local road or bridge) that would impair mobility within an existing community, or between a community and outlying area. For instance, the construction of an interstate highway through an existing community may constrain travel from one side of the community to another; similarly, such construction may also impair travel to areas outside the community.

The project site is located in an urban area in the City of Hayward/Alameda County and is surrounded by commercial, and residential uses, as well as I-238, and I-580. The proposed project would include the development of the project site with a new hotel. The proposed project would not require the construction of any new infrastructure that would divide an established community, and would not remove any means access. The proposed project would not result in a physical division of an established community or adversely affect the continuity of land uses in the vicinity. This impact would be less than significant. Therefore, this impact would not result in new or more significant impacts beyond those analyzed in the GP EIR.

#### Conformance with Land Use Plans

The City’s General Plan Land Use Map designates the portion of Parcel Group 9 within the City as Commercial/High Density Residential (up to 34.8 dwelling units per net acre) and Public/Quasi-Public. The site is zoned for Commercial Office, Public Facilities, and High Density Residential (minimum lot size 1,250 square feet). The purpose of the Commercial Office District is to provide for and protect administrative, professional, business, and financial organizations that are compatible with residential use of adjacent properties.

The portion of the site within the unincorporated community of Castro Valley is designated as Public/Institutional on the Castro Valley General Plan Land Use Map and is zoned for Retail Business, Suburban Residential (8 dwelling units per acre), General Business, and Industrial Park. However, the proposed project would be located solely within the portion of the project site that lies within the City of Hayward.

The proposed project is consistent with the type and intensity of development allowed within the General Plan Land Use Designation. The proposed project would not require changes to General Plan land use designations; however, as described in Attachment A, Project Description, the project site would need to be re-zoned from High Density Residential (RH) and Commercial Office (CO) to General Commercial (GC) to allow for hotel development. The City of Hayward Planning Commission and City of Hayward City Council would consider approving the re-zone as part of their review of the proposed project. With the proposed change in zoning, the proposed project would be consistent with the City's Zoning Ordinance, including permitted development intensity, setbacks, parking, and other development regulations. Therefore, the proposed project would not result in new or more severe impacts related to conformity with land use plans beyond those already analyzed in the GP EIR.

### Applicable Mitigation

As described in the GP EIR, 2040 General Plan impacts related to land use and planning were determined to be less than significant and no mitigation measures were identified. No substantial changes in environmental circumstances have occurred for this topic, nor revisions to the project, nor new information that could not have been known at the time the GP EIR was certified leading to new or more severe significant impacts, and no new mitigation measures are required.

### Applicable Policies

- *Policy LU-1.3 Growth and Infill Development. The City shall direct local population and employment growth toward infill development sites within the City, especially the catalyst and opportunity sites identified in the Economic Development Strategic Plan.*
- *Policy LU-1.7 Design Guidelines. The City shall maintain and implement commercial, residential, industrial, and hillside design guidelines to ensure that future development complies with General Plan goals and policies.*
- *Policy LU-2.14 University-Oriented Uses. The City shall support the development of university-oriented uses, including student and faculty housing, satellite campuses and university-oriented retail and service uses, within the City's Priority Development Areas (excluding the Cannery Transit Neighborhood).*
- *Policy LU-3.1 Complete Neighborhoods. The City shall promote efforts to make neighborhoods more complete by encouraging the development of a mix of complementary uses and amenities that meet the daily needs of residents. Such uses and amenities may include parks, community centers, religious institutions, daycare centers, libraries, schools, community gardens, and neighborhood commercial and mixed-use developments.*
- *Policy LU-3.6 Residential Design Strategies. The City shall encourage residential developments to incorporate design features that encourage walking within neighborhoods by:*
  - *Creating a highly connected block and street network.*

- *Designing new streets with wide sidewalks, planting strips, street trees, and pedestrian-scaled lighting.*
- *Orienting homes, townhomes, and apartment and condominium buildings toward streets or public spaces.*
- *Locating garages for homes and townhomes along rear alleys (if available) or behind or to the side of the front façade of the home.*
- *Locating parking facilities below or behind apartment and condominium buildings.*
- *Enhancing the front façade of homes, townhomes, and apartment and condominium buildings with porches, stoops, balconies, and/or front patios.*
- *Ensuring that windows are provided on facades that front streets or public spaces.*
- *Policy LU-3.6 Residential Design Strategies. The City shall encourage residential developments to incorporate design features that encourage walking within neighborhoods by:*
  - *Creating a highly connected block and street network.*
  - *Designing new streets with wide sidewalks, planting strips, street trees, and pedestrian-scaled lighting.*
  - *Orienting homes, townhomes, and apartment and condominium buildings toward streets or public spaces.*
  - *Locating garages for homes and townhomes along rear alleys (if available) or behind or to the side of the front façade of the home.*
  - *Locating parking facilities below or behind apartment and condominium buildings.*
  - *Enhancing the front façade of homes, townhomes, and apartment and condominium buildings with porches, stoops, balconies, and/or front patios.*
  - *Ensuring that windows are provided on facades that front streets or public spaces.*
- *Policy LU-7.2 Ridgelines. The City shall discourage the placement of homes and structures near ridgelines to maintain natural open space and preserve views. If ridgeline development cannot be avoided, the City shall require grading, building, and landscaping designs that mitigate visual impacts and blend development with the natural features of the hillside.*
- *Policy LU-7.3 Hillside Street Layouts. The City shall require curvilinear street patterns in hillside areas to respect natural topography and minimize site grading.*



- *Policy LU-7.4 Hillside Street Design. The City shall encourage narrow streets in hillside areas. Streets should be designed with soft shoulders and drainage swales (rather than sidewalks with curb and gutters) to maintain the rural character of hillside areas and minimize grading impacts. The City shall prohibit parking along narrow street shoulders to provide space for residents to walk and ride horses.*
- *Policy LU-7.5 Clustered Developments. The City shall encourage the clustering of residential units on hillsides to preserve sensitive habitats and scenic resources as natural open space. Sensitive areas and scenic resources include woodlands, streams and riparian corridors, mature trees, ridgelines, and rock outcroppings.*
- *Policy NR-6.8 NPDES Permit Compliance. The City shall continue to comply with the San Francisco Bay Region National Pollutant Discharge Elimination System (NPDES) Municipal Regional Stormwater Permit.*
- *Policy NR-8.1 Hillside Residential Design Standards. The City shall regulate the design of streets, sidewalks, cluster home development, architecture, site design, grading, landscaping, utilities, and signage in hillside areas to protect aesthetics, natural topography, and views of surrounding open space through the continued Hillside Design and Urban/Wildland Interface Guidelines.*
- *Policy NR-8.2 Hillside Site Preparation Techniques. The City shall require low-impact site grading, soils, repair, foundation design, and other construction methods to be used on new residential structures and roadways above 250 feet in elevation to protect aesthetics, natural topography, and views of hillsides and surrounding open space.*
- *Policy M-1.3 Multimodal Connections. The City shall implement a multimodal system that connects residents to activity centers throughout the City, such as commercial centers and corridors, employment centers, transit stops/stations, the airport, schools, parks, recreation area, and other attractions.*
- *Policy M-1.4 Multimodal System Extensions. The City shall require all new development that proposes or is required to construct or extend streets to develop a transportation network that complements and contributes to the City's multimodal system, maximizes connections, and minimizes barriers to connectivity.*
- *Policy M-1.6 Bicycling, Walking and Transit Amenities. The City shall encourage the development of facilities and services (e.g., secure term bicycle parking, street lights, street furniture and trees, transit stop benches and shelters, and street sweeping of bike lanes) that enable bicycling, walking, and transit use to become more widely used modes of transportation and recreation.*
- *Policy M-1.7 Eliminate Gaps. The City shall strive to create a more comprehensive multimodal transportation system by eliminating gaps in roadways, bikeways, and pedestrian networks, increasing transit access in underserved areas, and removing natural and man-made barriers to accessibility and connectivity.*

- *Policy M-3.6 Context Sensitive. The City shall consider the land use and urban design context of adjacent properties in both residential and business districts as well as urban, suburban, and rural areas when designing complete streets.*
- *Policy M-3.8 Connections with New Development. The City shall ensure that new commercial and residential development projects provide frequent and direct connections to the nearest bikeways, pedestrian ways and transit facilities.*
- *Policy M-5.2 Pedestrian System. The City shall strive to create and maintain a continuous system of connected sidewalks, pedestrian paths, creekside walks, and utility greenways through the City that facilitates convenient and safe pedestrian travel, connects neighborhoods and centers, and is free of major impediments and obstacles.*
- *Policy M-6.1 Bikeway System. The City shall maintain and implement the Hayward Bicycle Master Plan.*
- *Policy M-6.5 Connections between New Development and Bikeways. The City shall ensure that new commercial and residential development projects provide frequent and direct connections to the nearest bikeways, and do not interfere with existing and proposed bicycle facilities.*
- *Policy HAZ-2.7 Dam Failure. The City shall coordinate with agencies responsible for the maintenance of the South Reservoir Dam, the Del Valle Dam, and other small dams along Alameda Creek to ensure that dam infrastructure is maintained and enhanced to withstand potential failure during an earthquake.*
- *Policy HAZ-3.3 Flood Plain Management Ordinance. The City shall maintain and enforce a Flood Plain Management Ordinance to:*
  - *Promote public health, safety, and general welfare by minimizing public and private losses due to floods;*
  - *Implement the Cobey-Alquist Flood Plain Management Act, and*
  - *Comply with the eligibility requirements of the National Flood Insurance Program.*
- *PFS-1.3 Public Facility Master Plans. The City shall maintain and implement public facility master plans to ensure compliance with appropriate regional, State, and Federal laws; the use of modern and cost-effective technologies and best management practices; and compatibility with current land use policy.*
- *PFS-3.2 Urban Water Management Plan. The City shall maintain and implement the Urban Water Management Plan, including water conservation strategies and programs, as required by the Urban Water Management Planning Act.*

- *PFS-3.14 Water Conservation Standards. The City shall comply with provisions of the State's 20x2020 Water Conservation Plan (California Water Resources Control Board, 2010).*
- *Policy PFS-5.1 Accommodate New and Existing Development. The City shall work with the Alameda County Flood Control and Water Conservation District to expand and maintain major stormwater drainage facilities to accommodate the needs of existing and planned development.*
- *Policy PFS-5.3 Watershed Drainage Plans. The City shall require developers of proposed large development projects to prepare watershed drainage plans. Drainage plans shall define needed drainage improvements per City standards, estimate construction costs for these improvements, and be implemented through the Stormwater Management and Urban Runoff Control Program and Alameda Countywide Clean Water Program.*
- *Policy PFS-5.8 Enhance Recreation and Habitat. The City shall require new stormwater drainage facilities to be designed to enhance recreation and habitat and shall work with HARD to integrate such facilities into existing parks and open space features.*
- *Policy PFS-7.3 Landfill Capacity. The City shall continue to coordinate with the Alameda County Waste Management Authority to ensure adequate landfill capacity in the region of the duration of the contract with its landfill franchise.*
- *Policy PFS-7.4 Solid Waste Diversion. The City shall comply with State goals regarding diversion from landfill, and strive to comply with the provisions approved by the Alameda County Waste Management Authority.*

## Conclusion

The GP EIR adequately evaluated the potential land use impacts of the proposed project. Therefore, potential impacts would be less than significant and additional mitigation is not required.

## 12. MINERAL RESOURCES

	New Potentially Significant Impact	New Mitigation Required	Reduced Impact	No New Impact
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

### Discussion

Mineral resources that exist or existed within the City limits include stone, limestone, clay, fire clay, halite, and salt. The La Vista Quarry, located to the east of Mission Boulevard and Tennyson Road, is designated as a mineral resource site of regional significance; however, all operations at the La Vista Quarry site have been terminated due to depletion of aggregate resources. No other significant mineral resources are located within the City.<sup>35</sup> As such, implementation of the proposed project would have no impacts on mineral resources.

### Applicable Mitigation

As described in the GP EIR, 2040 General Plan, impacts related to mineral resources were determined to be less than significant and no mitigation measures were identified. No substantial changes in environmental circumstances have occurred for this topic, nor revisions to the project, nor new information that could not have been known at the time the GP EIR was certified leading to new or more severe significant impacts, and no new mitigation measures are required.

### Applicable Policies

- *Policy NR-5.1 Mineral Resource Protection. The City shall protect mineral resources in undeveloped areas that have been classified by the State Mining and Geology Board as having statewide or regional significance for possible future extraction by limiting new residential or urban uses that would be incompatible with mining and mineral extraction operations.*

### Conclusion

The GP EIR adequately evaluated the mineral resource impacts of the proposed project. Therefore, potential impacts would be less than significant and additional mitigation is not required.

<sup>35</sup> Hayward, City of, 2014, op. cit.

### 13. NOISE

	New Potentially Significant Impact	New Mitigation Required	Reduced Impact	No New Impact
Would the project result in:				
a. Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Generation of excessive groundborne vibration or groundborne noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c. For a project located within the vicinity of a private airstrip an airport land use plan or, where such a plan has not been adopted, within 2 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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

#### Discussion

The predominant sources of noise include traffic noise from major roadways, freight and passenger trains, and aircraft. Noise generated by industrial facilities and other stationary sources contribute to the ambient noise levels in their general area.<sup>36</sup> Table 5 summarizes the modeled existing traffic noise levels on roadway segments that are in close proximity to Parcel Group 9. The information in Table 5 is summarized from Table 9-11 in the Hayward 2040 General Plan Background Report. The segment of Foothill Boulevard from Mattox Road to Grove Way is in close proximity to Parcel Group 9. Existing noise levels along this stretch of roadway are 73 dB from 50 feet from the roadway centerline.

**Table 5: Summary of Modeled Existing Traffic Noise Levels of Roadways Adjacent to Parcel Group 9**

Roadway Segment	Location	dB at 50 feet from Roadway Centerline	Feet from Roadway Centerline (Distance to Noise Contours)			
			70 dBA	65 dBA	60 dBA	55 dBA
Foothill Boulevard	Mattox Road to Grove Way	73	96	303	957	2,609

Source: Hayward 2040 General Plan Background Report (2014).

Certain land uses are considered more sensitive to noise than others. Examples of these include residential areas, educational facilities, hospitals, childcare facilities, and senior housing. Land uses near Parcel Group 9 include multifamily housing, a church and commercial uses, including hotels, auto sale dealerships, a discount mattress store, and a used appliance store. The closest sensitive

<sup>36</sup> Hayward, City of, 2014, op. cit.

receptors include the multifamily housing located adjacent to the northern and eastern borders of the project site.

The Hayward Executive Airport, located in the northwestern portion of the City, also generates noise from flight operations. However, the parcel group is located outside of the Hayward Executive Airport influence area.<sup>37</sup>

### Construction-Period Impacts

The Hayward Municipal Code limits construction activities to between the hours of 7:00 a.m. and 7:00 p.m. on Monday through Saturday and between the hours of 10:00 a.m. and 6:00 p.m. on Sundays and holidays. In addition, the Hayward Municipal Code limits noise levels generated by an individual device or piece of equipment to no more than 83 dBA at a distance of 25 feet from the source and the noise level at any point outside of the property plane<sup>38</sup> shall not exceed 86 dBA.

The GP EIR determined that implementation of projects under the General Plan would involve construction that would result in temporary noise generated primarily from the use of heavy-duty construction equipment. The GP EIR identified that construction activities associated with future planned development could include site preparation (e.g., excavation, grading), laying of concrete foundations, paving, equipment installation, finishing, and cleanup. These activities typically involve the use of noise-generating equipment such as cranes, excavators, dozers, graders, dump trucks, generators, backhoes, compactors, and loaders.

As discussed in the GP EIR, with regard to construction noise, the site preparation phase typically results in the most noise generated from the use of heavy-duty equipment such as excavators, graders, dozers, loaders, and trucks. Based on typical equipment noise levels and accounting for typical usage factors of individual pieces of equipment associated with a typical site preparation phase of construction, the GP EIR determined that construction noise could result in noise levels of up to 93 dB  $L_{eq}$  and 97 dB  $L_{max}$  at 25 feet from a typical construction site, which would exceed the limits allowed by the adopted Municipal Code.

The GP EIR identified Mitigation 15-1, which would limit construction activities to the less sensitive times of the day, require site-specific noise studies to reduce potential impacts, and preparation and adoption of a Construction Noise Control Ordinance that would apply to all construction projects, including discretionary projects. With adoption of the General Plan Policies and implementation program, the GP EIR concluded that exposure of sensitive receptors located near construction activities to excessive noise levels would be avoided or reduced to a less-than significant level.

As identified above, land uses near Parcel Group 9 include multifamily housing, a church and commercial uses, including hotels, auto sale dealerships, a discount mattress store, and a used

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<sup>37</sup> Alameda County Community Development Agency, 2012. *Hayward Executive Airport - Airport Land Use Compatibility Plan*.

<sup>38</sup> According to the City of Hayward Municipal Code, "property plane" means a vertical plane including the property line, which determines the property boundaries in space.

appliance store. The closest sensitive receptors include the multifamily housing located adjacent to the northern and eastern borders of the project site.

The Hayward Municipal Code also limits noise levels generated by an individual device or piece of equipment to no more than 83 dBA at a distance of 25 feet from the source and the noise level at any point outside of the property plane shall not exceed 86 dBA. The project's construction noise levels could result in an exceedance of the City's allowable construction noise levels from construction equipment and could result in a temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project. Consistent with Mitigation 15-1 identified in the GP EIR, and General Plan Policies HAZ-8.17, *Community Noise Control Ordinance*, HAZ-8.20, *Construction Noise Study*, HAZ-8.21, *Construction and Maintenance Noise Limits*, and HAZ-8.24, *Construction Noise Control Ordinance*, the City will require a noise impact assessment for the proposed project, which will determine construction noise impacts, will limit the hours of construction to less sensitive hours of the day, and will enforce the Construction Noise Control Ordinance to minimize noise impacts associated with construction. In compliance with these policies and Mitigation 15-1, the following Standard Condition of Approval for project construction would be implemented to ensure potential construction period noise impacts for the indicated sensitive receptors would be less than significant.

- The project contractor shall implement the following best management practice measures during construction of the project:
  - Equip all construction equipment, fixed or mobile, with properly operating and maintained mufflers consistent with manufacturers' standards.
  - Place all stationary construction equipment so that emitted noise is directed away from sensitive receptors nearest the active project site.
  - Locate equipment staging in areas that would create the greatest possible distance between construction-related noise sources and noise-sensitive receptors nearest the active project site during all project construction.
  - Construction haul trucks and materials delivery traffic shall avoid residential areas whenever feasible.
  - Prohibit extended idling time of internal combustion engines.
  - Ensure simultaneous operation of multiple pieces of construction equipment would not occur near noise-sensitive receptors. The construction contractor shall limit the use of construction equipment within 20 feet of noise-sensitive receptors to one piece of equipment at a time.
  - Ensure that all general construction related activities are restricted to between the hours of 7:00 a.m. and 7:00 p.m. on Monday through Saturday and between the hours of 10:00 a.m. and 6:00 p.m. on Sundays and holidays.

- Temporary noise control blanket barriers shall be installed in a manner to shield adjacent land uses
- All noise-sensitive receptors located within 500 feet of the project site shall be sent a notice regarding the construction schedule. A sign legible at a distance of 50 feet shall also be posted at the project site. All notices and the signs shall indicate the dates and durations of construction activities, as well as provide a telephone number for a “noise disturbance coordinator.”
- Designate a “disturbance coordinator” at the City of Hayward who would be responsible for responding to any local complaints about construction noise. The disturbance coordinator would determine the cause of the noise complaint (e.g., starting too early, bad muffler) and would determine and implement reasonable measures warranted to correct the problem, and ensure noise levels do not exceed noise ordinance standards.

Implementation of the above best management practices would limit construction activities to the less noise-sensitive periods of the day and would reduce construction impacts to the extent feasible. With implementation of this Standard Condition of Approval, the proposed project would not create impacts related to construction noise more severe than impacts identified in the GP EIR.

### Vibration Impacts

The GP EIR determined that construction activities due to implementation of the General Plan could result in the temporary ground vibration from the use of heavy-duty construction equipment as well as long-term exposure to ground vibration from sources such as trains, busses, and the Bay Area Rapid Transit (BART). The GP EIR also indicated that the General Plan contains policies that require construction activities located in close proximity to existing sensitive land uses, as well as new development projects located in close proximity to vibration noise sources, to conduct vibration noise studies. Noise studies would determine vibration impacts, and the City would require all feasible mitigation to be implemented to ensure that no damage or disturbance to structures or sensitive receptors would occur. Therefore, the GP EIR determined that new development would not be exposed to excessive levels of vibration and this impact would be less than significant.

Typical sources of groundborne vibration are construction activities (e.g., pavement breaking and operating heavy-duty earthmoving equipment), and occasional traffic on rough roads. In general, groundborne vibration from standard construction practices is only a potential issue when within 25 feet of sensitive uses. Groundborne vibration levels from construction activities very rarely reach levels that can damage structures; however, these levels are perceptible near the active construction site. With the exception of old buildings built prior to the 1950s or buildings of historic significance, potential structural damage from heavy construction activities rarely occurs. When roadways are smooth, vibration from traffic (even heavy trucks) is rarely perceptible.

The proposed project is not located within close proximity to major vibration sources (e.g., railroads, freeways, BART lines). In addition, the streets surrounding the project area are paved, smooth, and unlikely to cause significant groundborne vibration. In addition, the rubber tires and suspension systems of buses and other on-road vehicles make it unusual for on-road vehicles to cause



groundborne noise or vibration problems. It is, therefore, assumed that no such vehicular vibration impacts would occur and, therefore, no vibration impact analysis of on-road vehicles is necessary. Therefore, once constructed, the proposed project would not contain uses that would generate groundborne vibration. This impact would be less than significant.

**Construction Vibration.** Construction of the project could result in the generation of groundborne vibration. This construction vibration impact analysis discusses the level of human annoyance using vibration levels in VdB and will assess the potential for building damages using vibration levels in PPV (in/sec) because vibration levels calculated in RMS are best for characterizing human response to building vibration, while vibration level in PPV is best used to characterize potential for damage. The Federal Transit Administration (FTA) Transit Noise and Vibration Impact Assessment guidelines indicate that a vibration level up to 102 VdB (an equivalent to 0.5 in/sec in PPV) is considered safe for buildings consisting of reinforced concrete, steel, or timber (no plaster), and would not result in any construction vibration damage. For a non-engineered timber and masonry building, the construction vibration damage criterion is 94 VdB (0.2 in/sec in PPV).

Table 6 shows the PPV and VdB values at 25 feet from a construction vibration source. As shown in Table 6, bulldozers and other heavy-tracked construction equipment (except for pile drivers and vibratory rollers) generate approximately 87 VdB of groundborne vibration when measured at 25 feet, based on the Transit Noise and Vibration Impact Assessment. At this level, groundborne vibration has the potential to result in annoyance to residents and workers, but would not cause any damage to the buildings.

**Table 6: Vibration Source Amplitudes for Construction Equipment**

Equipment	Reference PPV/L <sub>v</sub> at 25 feet	
	PPV (in/sec)	L <sub>v</sub> (VdB) <sup>a</sup>
Pile Driver (Impact), Typical	0.644	104
Pile Driver (Sonic), Typical	0.170	93
Vibratory Roller	0.210	94
Hoe Ram	0.089	87
Large Bulldozer	0.089	87
Caisson Drilling	0.089	87
Loaded Trucks	0.076	86
Jackhammer	0.035	79
Small Bulldozer	0.003	58

Sources: *Transit Noise and Vibration Impact Assessment* (FTA 2018).

<sup>a</sup> RMS vibration velocity in decibels (VdB) is 1 μin/sec.

μin/sec = micro-inches per second

FTA = Federal Transit Administration

in/sec = inches per second

L<sub>v</sub> = velocity in decibels

PPV = peak particle velocity

RMS = root-mean-square

VdB = vibration velocity decibels

Construction vibration, similar to vibration from other sources, would not have any significant effects on outdoor activities (e.g., those outside of residential buildings in the project vicinity). Outdoor site preparation for the proposed project is expected to include the use of bulldozers and loaded trucks. The greatest levels of vibration are anticipated to occur during the site preparation

phase. All other phases are expected to result in lower vibration levels. The distance to the nearest buildings for vibration impact analysis is measured between the nearest off-site buildings and the project boundary (assuming the construction equipment would be used at or near the project boundary) because vibration impacts occur normally within the buildings. The formula for vibration transmission is provided below.

$$\begin{aligned}L_{\text{vdB}}(D) &= L_{\text{vdB}}(25 \text{ feet}) - 30 \text{ Log}(D/25) \\PPV_{\text{equip}} &= PPV_{\text{ref}} \times (25/D)^{1.5}\end{aligned}$$

As identified above, land uses near Parcel Group 9 include multifamily housing, a church and commercial uses, including hotels, auto sale dealerships, a discount mattress store, and a used appliance store. The closest sensitive receptors include the multifamily housing located adjacent to the northern and eastern borders of the project site. Based on distance attenuation, groundborne vibration levels associated with heavy construction equipment would exceed the FTA threshold of 94 VdB (0.2 in/sec PPV) for building damage when heavy construction equipment is used within 15 feet of existing structures.

Consistent with General Plan Policy HAZ-8.22, *Vibration Impact Assessment*, the City requires a vibration impact assessment for the proposed project, which will determine vibration impacts. Under this policy, the City would require all measures to reduce impacts associated with vibration noise and vibration damage to buildings, if deemed necessary.

For typical construction activity, the equipment with the highest vibration generation potential is the large bulldozer, which would generate 87 VdB at 25 feet. The closest surrounding land uses to the project site include the multifamily housing located adjacent to the northern and eastern borders of the project site. Due to building setbacks, the multifamily buildings located adjacent to the northern border of the project site would be located approximately 20 feet from project construction and the multifamily buildings located adjacent to the eastern border of the project site would be located approximately 10 feet from project construction. The multifamily residences located to the adjacent to the northern border of the project site would experience vibration levels of up to 90 VdB (0.124 PPV [in/sec]) and the multifamily buildings located adjacent to the eastern border of the project site would experience vibration levels of up to 99 VdB (0.352 PPV [in/sec]).

Construction vibration levels at the multifamily buildings located adjacent to the eastern border of the project site from construction equipment or activity could exceed the FTA threshold of 94 VdB (0.2 in/sec PPV) for non-engineered timber and masonry building damage when bulldozers and loaded trucks operate at or near the project construction boundary. Therefore, in compliance with General Plan Policy HAZ-8.22, as a Standard Condition of Approval for the proposed project, the City will require that the use of heavy construction equipment within 15 feet of existing structures be prohibited. With implementation of this Standard Condition of Approval, potential construction-related vibration impacts would not occur and therefore would not result in a new or worsening impact than those identified in the GP EIR.

- The use of heavy construction equipment within 15 feet of existing structures shall be prohibited.

Implementation of the Standard Condition of Approval described above would ensure that construction vibration levels would be below the FTA threshold of 94 VdB (0.2 in/sec PPV) for building damage. Although construction vibration levels at the adjacent sensitive receptors would have the potential to result in annoyance, these vibration levels would no longer occur once construction of the project is completed. Therefore, impacts associated with construction vibration would be considered less than significant. With implementation of Standard Conditions of Approval, the proposed project would not create impacts related to construction vibration more severe than impacts identified in the GP EIR.

### Traffic Noise Impacts

As identified in the GP EIR, future planned development with implementation of the General Plan could be exposed to existing community noise as well as increases in traffic noise due to anticipated traffic increases on transportation networks within the Planning Area. In addition, existing development within the Planning Area may also be exposed to increases in traffic noise as a result of the General Plan.

The GP EIR modeled existing and future traffic noise levels throughout the City to determine the anticipated traffic noise levels along major roadways. Based on the modeling, future projected traffic volumes on modeled roadways would result in some level of traffic noise increase in most cases (in some cases traffic-related noise decreases slightly). The GP EIR identified increases in traffic noise that ranges from 3 dB up to an approximate 15 dB increase. Based on human perception of noise increase, 3 decibels is perceived as barely noticeable. Thus, with regard to traffic noise specifically, a noticeable increase in noise (i.e., 3 dB or greater), for the purposes of this analysis, would be considered a substantial increase in noise.

The GP EIR identified Mitigation 15-2, which requires all new development to comply with the City's noise standards, noise mitigation procedures, and sensitive land use siting policies. Mitigation 15-2 would require new projects to evaluate noise exposure and provide mitigation measures to reduce noise exposure at sensitive land uses and meet noise standards for the specific project type. Therefore, Mitigation 15-2 requires project-level noise studies to comply with adopted noise standards to ensure that individuals are not exposed to excessive noise levels.

Implementation of the proposed project would result in new daily trips on local roadways in the project site vicinity. As indicated above, a characteristic of sound is that a doubling of a noise source is required in order to result in a perceptible (3 dBA or greater) increase in the resulting noise level. The proposed project would generate approximately 1,254 average daily trips. Based on the Hayward 2040 General Plan Background Report, the adjacent Foothill Boulevard carries approximately 43,910 average daily trips. Project trips would represent a small increase in noise level, up to approximately 0.1 dBA CNEL based on the following equation:

$$\text{Change in (dBA)} = 10 * \log_{10} \left( \frac{\text{Current Volume}}{\text{Future Volume}} \right)$$

Project daily trips would not result in a perceptible noise increase along any roadway segment in the project vicinity and therefore, would be less than significant. Therefore, the proposed project would not create impacts related to traffic noise more severe than impacts identified in the GP EIR.

### Stationary Noise Impacts

Stationary and area sources include parking lot activities, landscape and building maintenance activities, stationary mechanical equipment (e.g., pumps, generators, heating, ventilation, and air conditioning [HVAC] units), garbage collection activities, commercial and industrial activities, and other stationary and area sources such as people's voices, amplified music, and public address systems.

As discussed in the GP EIR, adoption of the General Plan would include policies that require project-level noise studies to be conducted for projects prone to high noise exposure. The noise studies would evaluate noise standard compliance of the project as well as provide mitigation measures to reduce noise exposure and meet City noise goals, policies, and standards. Based on the type of development that would occur with implementation of the proposed General Plan (e.g., mostly residential and commercial), it is anticipated that stationary sources would be generally minor (e.g., HVAC units, loading docks, yard maintenance equipment) and would be able to meet adopted noise standards and policies with implementation of feasible mitigation, as recommended by project-level studies. Therefore, the GP EIR determined that additional stationary sources that result from implementation of the General Plan would comply with all City noise standards, and future or existing sensitive receptors would not be exposed to excessive noise levels from these types of sources.

Implementation of the proposed project would generate minimal onsite stationary noise sources, primarily from HVAC mechanical equipment, occasional truck delivery loading/unloading activities, and typical motor vehicle/parking area activities. Of the on-site stationary noise sources during operation of the project, noise associated with motor vehicle/parking area activities would generate the highest maximum noise levels as the proposed parking areas are located adjacent to the surrounding sensitive receptors. Typical parking activities, such as people conversing or doors slamming, would generate noise levels of approximately 60 dBA to 70 dBA  $L_{max}$  at 50 feet.

As identified above, land uses near Parcel Group 9 include multifamily housing, a church and commercial uses, including hotels, auto sale dealerships, a discount mattress store, and a used appliance store. The closest sensitive receptors include the multifamily housing located adjacent to the northern and eastern borders of the project site. This analysis assumes that the closest existing sensitive receptors would be located approximately 20 feet from proposed parking spaces. Adjusted for distance to the nearest off-site sensitive receptors, the off-site residences would be exposed to a noise level of 68 dBA to 78 dBA  $L_{max}$  generated by parking lot activities. However, peak noise levels from parking activities would be intermittent and when averaged over 1 hour, these sources would not exceed the City's noise level standard for residential land uses. Additionally, when averaged over the 24-hour period, noise would not cause an increase in noise levels of more than 3 dBA. Therefore it is not expected that the proposed project would substantially increase noise levels over existing conditions and impacts would be less than significant.

The proposed project could also generate noise associated with landscaping and garbage collection activities; however, these noise levels would be required to comply with the Municipal Code. Therefore, the project would not expose persons to noise levels in excess of noise standards and noise impacts would be less than significant. Therefore, the proposed project would not create impacts related to stationary noise sources more severe than impacts identified in the GP EIR.

### Land Use Compatibility

The City sets forth normally acceptable noise level standards for exterior noise and land use compatibility and interior noise exposure of new development. The normally acceptable exterior noise level for hotel land uses is up to 65 dBA  $L_{dn}$ . The normally acceptable interior noise level for hotel land uses is 45 dBA  $L_{dn}$ . The noise environment at Parcel Group 9 is dominated by vehicle traffic on Foothill Boulevard. The traffic noise modeling presented in Table 5 indicates that traffic noise levels would be approximately 73 dBA  $L_{dn}$  at 50 feet from Foothill Boulevard. The proposed hotel is located approximately 100 feet from Foothill Boulevard; therefore, based on distance attenuation, the proposed project would be subject to traffic noise levels of approximately 67 dBA  $L_{dn}$ . Based on the City's noise compatibility standards, this noise level is above the normally acceptable level for hotel land uses. Therefore, new construction or development should be undertaken only after a detailed analysis of the noise reduction requirements is made and needed noise insulation features are included in the design. Therefore, the land use may be permitted only after detailed analysis of the noise reduction features proposed to be incorporated in the building design.

Based on the USEPA's Protective Noise Levels,<sup>39</sup> with a combination of walls, doors, and windows, standard construction for Northern California buildings (STC-24 to STC-28) would provide more than 25 dBA in exterior-to-interior noise reduction with windows closed and 15 dBA or more with windows open. With windows open, the hotel would not meet the City's normally acceptable interior noise standard of 45 dBA  $L_{dn}$  (i.e., 67.0 dBA – 15 dBA = 52.0 dBA). Therefore, an alternate form of ventilation, such as an air-conditioning system, would be required to ensure that windows can remain closed for a prolonged period of time. A ventilation system would reduce noise levels for guests with windows closed and would meet the City's normally acceptable interior noise level criterion of 45 dBA (i.e., 67.0 dBA – 25 dBA = 42.0 dBA). Therefore, the City should verify that the hotel includes fresh air ventilation. Implementation of the HVAC system would allow windows to remain closed in order to reduce interior noise levels by 25 dBA, resulting in interior noise levels of 42.0 dBA  $L_{dn}$ , which would meet the City's interior noise standard of 45 dBA  $L_{dn}$ . The following Standard Condition of Approval would be implemented to ensure that the proposed project would comply with the City's noise and land use compatibility standards and reduce interior noise impacts to a less-than-significant level.

- In order for windows and doors to remain closed, mechanical ventilation such as air conditioning shall be provided.

<sup>39</sup> U.S. Environmental Protection Agency, 1978. *Protective Noise Levels, Condensed Version of EPA Levels Document*. November.

- All windows and glass doors shall be rated STC-24 or higher such that the noise reduction provided will satisfy the interior noise standard of 45 dBA  $L_{dn}$ .

As identified above, noise levels on the project site would be up to 67 dBA  $L_{dn}$ . Based on the City's noise and land use compatibility standards, this noise level is above the normally acceptable level for hotel land uses. According to the City's guidelines, new construction or development should be undertaken only after a detailed analysis of the noise reduction requirements is made and needed noise insulation features are included in the design. The existing on-site noise level would meet the City's exterior noise level standards if noise reduction requirements and noise insulation features are included in the design to meet the interior noise standard. As discussed above, interior noise levels would meet the City's standards with implementation of the Standard Condition of Approval outlined above. Therefore, the proposed project would not create impacts related to noise and land use compatibility more severe than impacts identified in the GP EIR.

#### Aircraft Noise Source Impacts

The Hayward Executive Airport, located in the northwestern portion of the City, also generates noise from flight operations. However, the parcel group is located outside of the Hayward Executive Airport influence area.<sup>40</sup> Therefore, the proposed project would not expose people residing or working in the project area to excessive noise levels due to the proximity of a public or public use airport. This impact would be less than significant. Therefore, the proposed project would not create impacts related to aircraft noise more severe than impacts identified in the GP EIR.

#### Applicable Mitigation

**Mitigation 15-1.** The proposed General Plan includes Goal HAZ-8; Policies HAZ-8.17, HAZ-8.20, HAZ-8.21, and HAZ-8.24; and Implementation Program HAZ 7, which establish the overall goal and intentions of the City with regards to construction-related noise. Policy HAZ-8.17 refers to a community noise control ordinance for the purposes of regulating community noise levels. The City has adopted Section 4-1.03.4 of the Municipal Code (Construction and Alteration of Structures; Landscaping Activities), which states that individual devices/pieces of construction equipment are not to exceed 83 dB at a distance of 25 feet from the source and 86 dB at any point of the property plane Monday through Saturday from 7:00 AM to 7:00 PM and Sundays from 10:00 AM to 6:00 PM, "unless otherwise provided pursuant to a duly-issued permit or a condition of approval." Thus, while the code establishes specific standards to reduce construction noise from typical construction activities, it may not apply to all development projects requiring discretionary approval. However, Policy HAZ-8.24 establishes the City's intent to develop specific construction noise standards, and Implementation Program HAZ-7 would result in the preparation and adoption of a Construction Noise Control Ordinance that would apply to all construction projects, including discretionary projects.

Policy HAZ-8.20 establishes that a site-specific noise study may be required by the City for discretionary projects requiring land use entitlements. In addition, Policy HAZ-8.21 establishes limits

<sup>40</sup> Alameda County Community Development Agency, 2012, op. cit.

on construction noise-generating activities to the less sensitive times of the day, when people are less likely to be disturbed.

Adoption of these proposed General Plan policies and implementation program would ensure that exposure of sensitive receptors located near construction activities to excessive noise levels would be avoided or reduced to a ***less-than significant level***.

**Mitigation 15-2.** The implementation of the proposed policies and standards included in Tables 15.5 and 15.6 above would require all new development to comply with the City's noise standards, noise mitigation procedures, and sensitive land use siting policies. The proposed policies would require new projects to evaluate noise exposure and provide mitigation measures, if applicable, to reduce noise exposure at sensitive land uses and meet noise standards for the specific project type. Therefore, conducting project-level noise studies to comply with adopted noise standards would ensure that individuals are not exposed to excessive noise levels.

Although adoption of the proposed policies would ensure that new development would comply with adopted noise standards and, therefore, would not expose new receptors to excessive noise levels, the proposed General Plan would still result in increases in traffic-related noise (i.e., increases of 3 or more dB and up to 15 dB in some areas of the City). As a result, project-generated increases in noise would result in a substantial permanent increase in community noise levels that could adversely affect existing receptors.

Much of the City is already built out, and anticipated growth under the proposed General Plan is expected to occur as infill, primarily in PDAs located near transit stations, in the City's downtown, and along major corridors. The ability of the City to reduce adverse effects of increased traffic noise on existing receptors by either constructing sound barriers or walls, or requiring new development to construct these sound walls, is constrained by a number of factors. First, many existing homes and other sensitive uses front on major traffic corridors from which the increased traffic noise is generated, and construction of new sound walls would be infeasible or incompatible with these developed uses. Second, the proposed General Plan contains Policy LU-4.10 (New Sound Walls and Fences), which discourages the construction of new sound walls and fences along corridors, and encourages new developments to front corridors whenever feasible. There are no additional, feasible measures or policies that would reduce this impact. Therefore, this impact would remain ***significant and unavoidable***.

## Applicable Policies

### General Plan Policies

- *Policy HAZ-8.1: Locating Noise Sensitive Uses. The City shall strive to locate noise sensitive uses, (e.g., residences, schools, hospitals, libraries, religious institutions, and convalescent homes) away from major sources of noise.*
- *Policy HAZ-8.2: Noise Study and Mitigation. The City shall require development projects in areas where they may be exposed to major noise sources (e.g., roadways, rail lines, and aircraft or*

*other non-transportation noise sources) to conduct a project level environmental noise analysis. The noise analysis shall determine noise exposure and noise standard compatibility with respect to the noise standards identified in Table HAZ-1 and shall incorporate noise mitigation when located in noise environments that are not compatible with the proposed uses of the project. The City shall use Table HAZ-1 (Exterior Noise Standards for Various Land Uses) and Figure HAZ-1 (Future Noise Contour Maps) to determine potential noise exposure impacts, noise compatibility thresholds, and the need for mitigation. The City shall determine mitigation measures based on project-specific noise studies, and may include sound barriers, building setbacks, the use of closed windows and the installation of heating and air conditioning ventilation systems, and the installation of noise attenuating windows and wall/ceiling insulation.*

- *Policy HAZ-8.5: Residential Noise Standards. The City shall require the design of new residential development to comply with the following noise standards:*
  - *The maximum acceptable interior noise level for all new residential units (single-family, duplex, mobile home, multi-family, and mixed use units) shall be an  $L_{dn}$  of 45 dB with windows closed.*
  - *For project locations that are primarily exposed to aircraft, train, and BART noise, the maximum instantaneous noise level in bedrooms shall not exceed 50dB(A) at night (10:00 p.m. to 7:00 a.m.), and the maximum instantaneous noise level in all interior rooms shall not exceed 55dB(A) during the day (7:00 a.m. to 10:00 p.m.) with windows closed.*
  - *The maximum acceptable exterior noise level for the primary open space area of a detached single-family home, duplex or mobile home, which is typically the backyard or a fenced side yard, shall be an  $L_{dn}$  of 60 dB. This standard shall be measured at the approximate center of the primary open space area. This standard does not apply to secondary open space areas, such as front yards, balconies, stoops, and porches.*
  - *The maximum acceptable exterior noise level for the primary open space area of townhomes and multi-family apartments or condominiums (private rear yards for townhomes; and common courtyards, roof gardens, or gathering spaces for multi-family projects) shall be an  $L_{dn}$  of 65 dB. This standard shall be measured at the approximate center of the primary open space area. This standard does not apply to secondary open space areas, such as front yards, balconies, stoops, and porches.*
  - *The maximum acceptable exterior noise level for the primary open space area of urban residential infill and mixed-use projects (private rear yards for townhomes; and common courtyards, roof gardens, or gathering spaces for multi-family or mixed-use projects) shall be an  $L_{dn}$  of 70 dB. Urban residential infill would include all types of residential development within existing or planned urban areas (such as Downtown, The Cannery Neighborhood, and the South Hayward BART Urban Neighborhood) and along major corridors (such as Mission Boulevard). This standard shall be measured at the approximate center of the primary open space area. This standard does not apply to secondary open space areas, such as front yards, balconies, stoops, and porches.*



- *Policy HAZ-8.8: Park Noise. The City shall coordinate with the Hayward Area Recreation and Park District (HARD) and the East Bay Regional Park District (EBRPD) to establish and enforce hours of operation for park and recreational facilities near residential homes.*
- *Policy HAZ-8.17: Community Noise Control Ordinance. The City shall maintain, implement, and enforce a community noise control ordinance to regulate noise levels from public and private properties, vehicles, construction sites, and landscaping activities.*
- *Policy HAZ-8.20: Construction Noise Study. The City may require development projects subject to discretionary approval to assess potential construction noise impacts on nearby sensitive uses and to minimize impacts on those uses, to the extent feasible.*
- *Policy HAZ-8.21: Construction and Maintenance Noise Limits. The City shall limit the hours of construction and maintenance activities to the less sensitive hours of the day (7:00 a.m. to 7:00 p.m. Monday through Saturday and 10:00 a.m. to 6:00 p.m. on Sundays and holidays).*
- *Policy HAZ-8.22: Vibration Impact Assessment. The City shall require a vibration impact assessment for proposed projects in which heavy-duty construction equipment would be used (e.g., pile driving, bulldozing) within 200 feet of an existing structure or sensitive receptor. If applicable, the City shall require all feasible mitigation measures to be implemented to ensure that no damage or disturbance to structures or sensitive receptors would occur.*
- *Policy HAZ-8.24: Construction Noise Control Ordinance. The City shall develop noise control standards to regulate noise levels generated from temporary construction and landscaping activities.*
- *Implementation Program HAZ 7: Construction Noise Control Ordinance. The City shall prepare and adopt a Construction Noise Control Ordinance to regulate the noise levels generated from temporary construction and landscaping activities. The ordinance shall include decibel level thresholds that should not be exceeded for construction equipment as well as establish appropriate hours and reduction measures for construction and landscaping activities to minimize impacts on nearby sensitive receptors.*

## Conclusion

The GP EIR adequately evaluated the potential noise impacts of the proposed project and, with implementation of Standard Conditions of Approval, the proposed project would not result in significant noise impacts and there would be no new or more severe impacts related to noise than those analyzed in the GP EIR.

## 14. POPULATION AND HOUSING

	New Potentially Significant Impact	New Mitigation Required	Reduced Impact	No New Impact
Would the project:				
a. Induce substantial unplanned 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)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

### Discussion

#### Population Growth

The proposed project includes the construction of a new hotel on the project site. The proposed project does not include housing and is located in a developed urban area. The proposed hotel would generate employees. While the project would generate the need for a small number of employees, this growth is consistent with and within the scope of the planned employment growth assumed in the City’s General Plan. The project site is designated as Commercial/High Density Residential (up to 34.8 dwelling units per net acre), which is intended to provide for townhomes, live-work units, multi-story apartment and condominium buildings, commercial buildings, shopping centers, and mixed-use buildings that contain commercial uses on the ground floor and residential units or office space on upper floors. Because it is anticipated that uses within the Commercial/High Density Residential designation would provide employment, the proposed project would not induce substantial unplanned population growth in the area, and this impact would be less than significant. Therefore, the proposed project would not result in new or more significant population growth than was analyzed and described in the GP EIR.

#### Displacement of Existing People or Housing

As outlined in the project description, an apartment building is located at the corner of Oak Street and Apple Avenue. The apartment building is located adjacent to the project within unincorporated Castro Valley. The apartment building would be demolished as part of a separate project, prior to commencement of the proposed hotel development.

The proposed project is being constructed solely within the City of Hayward’s jurisdiction on land that is currently vacant. Therefore, the proposed project would not displace substantial numbers of existing housing or people, such that replacement housing would need to be constructed elsewhere. The proposed project would not result in new or more significant housing impacts than were analyzed and described in the GP EIR.

## Applicable Mitigation

As described in the GP EIR, 2040 General Plan impacts related to population and housing were determined to be less than significant and no mitigation measures were identified. No substantial changes in environmental circumstances have occurred for this topic, nor revisions to the project, nor new information that could not have been known at the time the GP EIR was certified leading to new or more severe significant impacts, and no new mitigation measures are required.

## Applicable Policies

### General Plan Policies

- *Policy LU-1.2 Urban Limit Lines. The City shall maintain its established Urban Limit Lines to protect the Hayward shoreline and hillsides as natural open space and recreational resources.*
- *Policy LU-1.3 Growth and Infill Development. The City shall direct local population and employment growth toward infill development sites within the City, especially the catalyst and opportunity sites identified in the Economic Development Strategic Plan.*

## Conclusion

The GP EIR adequately evaluated the potential population and housing impacts of the proposed project. Therefore, potential impacts would be less than significant and additional mitigation is not required.

**15. PUBLIC SERVICES**

	New Potentially Significant Impact	New Mitigation Required	Reduced Impact	No New Impact
Would the project:				
a. 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:				
i. Fire protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
ii. Police protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
iii. Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
iv. Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
v. Other public facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Discussion**

**Fire Protection**

The Hayward Fire Department provides fire protection, paramedic advanced life support/emergency medical, and emergency services to all areas within the City limits, and to the Fairview Fire Protection District on a contract basis. The Hayward Fire Department (Fire Department) operates nine stations, seven within the City and two within the Fairview area. Parcel Group 9 is partially located within the response area of Fire Station 1.

The Alameda County Fire Department (ACFD) provides fire and paramedic services to Castro Valley, except to the area that is within the Fairview Fire Protection District.<sup>41</sup> ACFD operates four stations in Castro Valley. ACFD Station 23, located at 19745 Meekland Avenue, responds to portions of unincorporated areas of Hayward, including Parcel Group 9.

Development of the new hotel would increase the daytime and nighttime population of the project site and incrementally increase the demand for emergency fire services and emergency medical services. However, the proposed project would be required to comply with all applicable codes for fire safety and emergency access. In addition, the Fire Department would also review the site plans to ensure that adequate emergency access is provided prior to issuance of a building permit.

The Fire Department would continue providing services to the project site and would not require additional firefighters to serve the proposed project. The construction of a new or expanded fire station would also not be required. The proposed project would not result in a significant impact on the physical environment due to the incremental increase in demand for fire protection and life

<sup>41</sup> Alameda County. 2019. *Fire Stations/Facilities*. Available online at: <https://www.acgov.org/fire/about/station23.htm> (last accessed January 28, 2020).

safety services, and the potential increase in demand for service is not expected to adversely affect existing response times to the site or within the City.

General Plan policies ensure that the City reviews Police Department and Fire Department staffing levels to ensure the availability of adequate police and fire manpower and service facilities. Additionally, General Plan policies would prevent future growth that exceeds the community capability to provide service, including fire and police services. The implementation of these policies would ensure that adequate capital improvements are made to accommodate the increased demand for police and fire protection services. Therefore, because development associated with the proposed project is within the amount analyzed by the GP EIR, potential impacts associated with an increase in demand for police and fire protection services are considered less than significant and need no further mitigation.

### Police Protection

The Hayward Police Department (Police Department) provides police protection services within the City. The Hayward Police Department headquarters are located at 300 West Winton Avenue, and the two district offices are located at 1190 B Street (Northern District Office) and at 28200 Runs Road (Southern District Office).<sup>42</sup> Parcel Group 9 is located closer to the Northern District Office. The City is divided into nine geographic areas called Beats; patrol officers are deployed to the beats during each shift. Parcel Group 9 is partially located within Beat B.<sup>43</sup>

The Alameda County Sheriff's Department provides patrol and investigative services to the unincorporated areas of Alameda County, including Castro Valley. The County Sheriff's Department employs 1,500 staff, including about 1,000 sworn officers.<sup>44</sup> The County Sheriff's Department is located at 24405 Amador Street in the City. The portion of Parcel Group 9 within Castro Valley would be within the response area of the County Sheriff's Department.

Development of the proposed project would increase the daytime and nighttime population on the project site and incrementally increase demand for emergency police services to the project site. However, the Police Department would continue to provide service to the project site and would not require additional officers to serve the project site. The construction of new or expanded police facilities would not be required.

As described above, General Plan policies ensure that the City reviews Police Department and Fire Department staffing levels to ensure the availability of adequate police and fire manpower and service facilities. Additionally, General Plan policies would prevent future growth that exceeds the community capability to provide service, including fire and police services. The implementation of these policies would ensure that adequate capital improvements are made to accommodate the increased demand for police and fire protection services. Therefore, because development associated with the proposed project is within the amount analyzed by the GP EIR, potential impacts

<sup>42</sup> Hayward, City of. 2014. op. cit.

<sup>43</sup> Hayward Police Department. 2019. *Beat Map*. Available online at: <https://www.hayward-ca.gov/police-department/about/beat-map> (last accessed January 28, 2020).

<sup>44</sup> Hayward, City of. 2014. op. cit.

associated with an increase in demand for police and fire protection services are considered less than significant.

### Schools

The Hayward Unified School District (HUSD) provides educational services to the City and operates 22 elementary, five middle, and four high schools within their service area. In addition, Chabot College and CSU East Bay are located within the City. The proposed project does not include any residential uses, and therefore would not directly affect student population. A fraction of the employees of the proposed hotel may move to Hayward solely for employment, but this growth would only result in an incremental increase in student population, and would be spread amongst the whole school district, depending upon place of residence. Therefore, the proposed project would not result in a substantial increase in the number of school-age children in the area.

Further, because it is anticipated that uses within the Commercial/High Density Residential designation would provide employment, the proposed project would not induce substantial unplanned population growth in the area. Therefore, because the level of development and projected population growth associated with the proposed project is consistent with that analyzed in the GP EIR, implementation of the proposed project would not result in demand for school services beyond existing or planned capacity of the Hayward Unified School District.

### Parks

The proposed project would include the development of a new hotel on an existing undeveloped site. The proposed project does not include any residential uses and would not generate a direct need for additional park space. As noted above, a fraction of employees of the proposed hotel may move to Hayward. However, this growth would only result in an incremental increase in demand for parks, and would be spread throughout the City, depending on place of residence. Further, because it is anticipated that uses within the Commercial/High Density Residential designation would provide employment, the proposed project would not induce substantial unplanned population growth in the area. Therefore, because the proposed project would not result in an increase in population above what was already analyzed in the GP EIR, potential impacts associated with the provision of parks are considered less than significant.

### Applicable Mitigation

As described in the GP EIR, 2040 General Plan impacts related to public services were determined to be less than significant and no mitigation measures were identified. No substantial changes in environmental circumstances have occurred for this topic, nor revisions to the project, nor new information that could not have been known at the time the GP EIR was certified leading to new or more severe significant impacts, and no new mitigation measures are required.

## Applicable Policies

### General Plan Policies

- *Policy LU-1.3 Growth and Infill Development. The City shall direct local population and employment growth toward infill development sites within the City, especially the catalyst and opportunity sites identified in the Economic Development Strategic Plan.*
- *Policy LU-3.1 Complete Neighborhoods. The City shall promote efforts to make neighborhoods more complete by encouraging the development of a mix of complementary uses and amenities that meet the daily needs of residents. Such uses and amenities may include parks, community centers, religious institutions, daycare centers, libraries, schools, community gardens, and neighborhood commercial and mixed-use developments.*
- *Policy LU-3.2 Centralized Amenities. The City shall encourage the development of neighborhood amenities and complementary uses in central locations of the neighborhood whenever feasible.*
- *Policy LU-7.6 Open Space Access. The City shall require new hillside development to provide public trail access (as appropriate) to adjacent greenways, open space corridors, and regional parks.*
- *Policy HAZ-5.1 Wildland/Urban Interface Guidelines. The City shall maintain and implement Wildland/Urban Interface Guidelines for new development within fire hazard areas.*
- *Policy HAZ-5.2 Fire Prevention Codes. The City shall enforce fire prevention codes that require property owners to reduce wildfire hazards on their property.*
- *Policy HAZ-5.3 Defensible Space and Fuel Reduction. The City shall promote defensible space concepts to encourage property owners to remove overgrown vegetation and to reduce fuel loads on hillside properties, especially near structures and homes.*
- *Policy CS-1.9 Crime Prevention Through Environmental Design. The City shall continue to include the Police Department in the review of development projects to promote the implementation of Crime Prevention Through Environmental Design (CPTED) principles.*
- *Policy CS-1.10 Lighting. The City shall encourage property owners to use appropriate levels of exterior light to discourage criminal activity, enhance natural surveillance opportunities, and reduce fear.*
- *Policy CS-1.11 Technology. The City shall encourage and support the use of technology (such as private surveillance cameras, deployed public camera systems, theft-prevention devices, emergency call boxes, alarms, and motion-sensor lighting) to discourage crime.*
- *Policy CS-2.2 Police Strategic Plan. The City shall maintain and implement a Police Department Strategic Plan to:*

- *Set near-term goals for the Department in response to a dynamic and changing environment.*
- *Align police services with the community's desires and expectations.*
- *Accurately assess the operational needs of the Police Department to best serve the Hayward community.*
- *Policy CS-2.3 Police Staffing. The City shall maintain optimum staffing levels for both sworn police officers and civilian support staff in order to provide quality police services to the community.*
- *Policy CS-2.4 Response Time for Priority 1 Calls. The City shall strive to arrive at the scene of Priority 1 Police Calls within 5 minutes of dispatch, 90 percent of the time.*
- *Policy CS-2.5 Police Equipment and Facilities. The City shall ensure that Police equipment and facilities are provided and maintained to meet modern standards of safety, dependability, and efficiency.*
- *Policy CS-2.6 Police Facilities Master Plan. The City shall maintain and implement a Police Department Facilities Master Plan that serves as the long-term plan for providing the Police Department with state-of-the-art equipment and facilities, including police headquarters, police substations, training facilities, detention facilities, shooting ranges, and emergency operations centers.*
- *Policy CS-2.13 Community Facilities Districts. The City shall consider the establishment of community facilities districts to ensure the new development does not constrain the City's ability to provide adequate police services to the Hayward community.*
- *Policy CS-2.14 Development Fees. The City shall consider the establishment of development impact fees to help fund Police Department operations.*
- *Policy CS-3.2 Fire and Building Codes. The City shall adopt and enforce fire and building codes.*
- *Policy CS-3.3 Development Review. The City shall continue to include the Fire Department in the review of development proposals to ensure projects adequately address fire access and building standards.*
- *Policy CS-3.4 Adequate Water Supply for Fire Suppression. The City shall require new development projects to have adequate water supplies to meet the fire-suppression needs of the project without compromising existing fire suppression services to existing uses.*
- *Policy CS-3.5 Water Supply Infrastructure. The City shall require development to construct and install fire suppression infrastructure and equipment needed to serve the project.*



- *Policy CS-3.7 Removal of Fire Hazards. The City shall maintain code enforcement programs that require private and public property owners to minimize fire risks by:*
  - *Maintaining buildings and properties to prevent blighted conditions,*
  - *Removing excessive or overgrown vegetation (e.g., trees, shrubs, weeds), and*
  - *Removing litter, rubbish, and illegally dumped items from properties.*
- *Policy CS-4.1 Fire Strategic Plan. The City shall maintain and implement a Fire Department Strategic Plan to:*
  - *Set near-term goals for the Department in response to a dynamic and changing environment.*
  - *Align fire and emergency medical services with the community's desires and expectations.*
  - *Accurately assess the operational needs of the Fire Department to best serve the Hayward community.*
- *Policy CS-4.2 Fire Department Staffing. The City shall maintain optimum staffing levels for sworn, civilian, and support staff, in order to provide quality fire protection and emergency medical services to the community.*
- *Policy CS-4.3 Fire Department Response Times. The City shall maintain the ability to respond to fire and emergency medical calls based on the following standards:*
  - *The first unit shall arrive on scene within five minutes of dispatch, 90 percent of the time.*
  - *All remaining units shall arrive on scene within 8 minutes of dispatch.*
- *Policy CS-4.4 Timing of Services. The City shall ensure that growth and development does not outpace the expansion of Hayward Fire Department staffing and the development of strategically located and fully equipped fire stations.*
- *Policy CS-4.7 Fire Facilities Master Plan. The City shall develop, maintain, and implement Fire Department Facilities Master Plan that serves as the long-term for providing the Fire Department with state-of-the-art equipment and facilities.*
- *Policy CS-4.11 Community Facilities Districts. The City shall consider the establishment of community facilities districts to ensure the new development does not constrain the City's ability to provide adequate fire services to the Hayward community.*
- *Policy CS-4.12 Development Fees. The City shall consider the establishment of development impact fees to help fund Fire Department operations.*

- *Policy HQL-5.3 Eyes on the Street. The City shall promote urban design principles that support active use of public spaces in neighborhoods, commercial areas, and employment centers at all times of day. Active use of public spaces provides “eyes-on-the-street” to enhance public safety in these areas.*
- *Policy HQL-5.4 Safety Measures. The City shall improve safety and the perception of safety by requiring adequate lighting, street visibility, and defensible spaces within new development projects.*
- *Policy HQL-10.1 Parks and Recreation Master Plan. The City shall with HARD to maintain and implement the Parks and Recreation Master Plan.*
- *Policy HQL-10.2 Parks Standard. The City shall seek to increase the number of parks throughout the City by working with HARD to achieve and maintain the following park standards per 1,000 Hayward residents:*
  - *Two acres of local parks,*
  - *Two acres of school parks,*
  - *Three acres of regional parks,*
  - *One mile of trails and linear parks, and*
  - *Five acres of parks district-wide.*
- *Policy HQL-10.3 Miniparks and Tot Lots. The City shall encourage the creation and maintenance of neighborhood “miniparks” and tot lots through partnerships with private, non-profit, and business interests in areas where it is not possible to meet HARD standards related to park size.*
- *Policy HQL-10.12 Maximum Park Dedications. The City shall maintain park dedication requirements and in lieu fees for new residential development at the maximum allowed under State law.*
- *Policy HQL-11.1 Recreational Corridors. The City shall establish and maintain an integrated recreational corridor system that connects regional trails (e.g., Bay Trail, the San Francisco Bay Area Water Trail, San Lorenzo Creek Trail, Ridge Trail, the Juan Bautista DeAnza National Historic Trail), Baylands (i.e., Hayward Regional Shoreline), local creeks and open space corridors, hillside areas, and EBRPD and HARD parks.*
- *Policy HQL-11.2 Greenway Corridors. The City shall coordinate with HARD and the EBRPD to consider additional greenway linkages along fault line corridors and in other areas (e.g., rail line, creek, and utility corridors) to encourage walking and cycling and to provide improved access to activity centers.*

- *Policy HQL-11.3 Creekside Paths and Trails. The City shall seek to accentuate, “daylight”, and “green” creeks, culverts, and underground drainage infrastructure through infrastructure improvements and the development review process to establish or extend pathways and trails.*
- *Policy EDL-3.11 School Impact Fees. The City shall coordinate with school districts to ensure that the impacts of new development are identified and mitigated through the payment of school impact fees in accordance with State law.*
- *Policy EDL-6.1 Standard for Library Space. The City shall strive to expand library space within the community to meet t maintain a minimum standard of 0.75 square feet of space per 1,000 residents (excluding school and college libraries).*
- *Policy EDL-6.8 Library Impact Fee. The City shall consider the establishment of a library impact fee for new residential construction.*

## Conclusion

The GP EIR adequately evaluated the potential public services impacts of the proposed project. Therefore, potential impacts would be less than significant and additional mitigation is not required.

**16. RECREATION**

	<b>New Potentially Significant Impact</b>	<b>New Mitigation Required</b>	<b>Reduced Impact</b>	<b>No New Impact</b>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**Discussion**

As discussed in Section 14 of this Environmental Checklist, Public Services, the proposed project would include the development of a new hotel, the primary use of which would be for temporary lodging rather than permanent residential uses. As such, the proposed project would not generate population growth that would result in an increase in the use existing neighborhood and regional parks or other recreational facilities. In addition, the proposed project would include indoor recreational facilities for use by hotel guests. Therefore, the proposed project would not result in greater impacts to existing neighborhood and regional park facilities than those identified in the GP EIR.

**Applicable Mitigation**

No substantial changes in environmental circumstances have occurred for this topic, nor revisions to the project, nor new information that could not have been known at the time the GP EIR was certified leading to new or more severe significant impacts, and no new mitigation measures are required.

**Conclusion**

The GP EIR adequately evaluated the potential recreation impacts of the proposed project. Therefore, potential impacts would be less than significant and additional mitigation is not required.

## 17. TRANSPORTATION

	New Potentially Significant Impact	New Mitigation Required	Reduced Impact	No New Impact
Would the project:				
a. Conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Conflict or be inconsistent with CEQA Guidelines § 15064.3, subdivision (b)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c. Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d. Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

### Discussion

This section summarizes the findings of the Transportation Impact Analysis (TIA)<sup>45</sup> completed for the proposed project, as well as the analysis included in the GP EIR. The TIA report is available as part of the project file. As discussed in more detail below, no new or substantially more severe impacts related to traffic or circulation impacts were identified for the proposed project as compared to the 2040 General Plan.

### Significance Criteria

The City of Hayward and Alameda County have not yet adopted VMT impact criteria per S.B. 743 legislation, which has set a July 1, 2020 date for adoption. Therefore, this analysis uses level of service according to each jurisdiction's criteria.

Policy M-4.3 in the City's 2040 General Plan requires intersections to maintain a peak-hour level of service (LOS) of E or better for signalized intersections during the peak commute periods, except when a LOS F may be acceptable due to costs of mitigation or when there would be other unacceptable impacts (e.g., right-of-way acquisition, degradation of the pedestrian environment). In addition, the proposed project would have a significant impact on traffic and circulation of an intersection already operating at LOS F under an Existing or No Project scenario if the addition of project traffic results in an increase of 5.0 seconds or more in the intersections average control delay.

Two study intersections are located in unincorporated Alameda County. LOS D is the maximum acceptable level of service for intersections in unincorporated Alameda County. The proposed project would have a significant impact if it would degrade the AM or PM peak hour from an acceptable LOS D or better under the no project scenario to an unacceptable LOS E or F under the

<sup>45</sup> Kittelson & Associates, Inc., 2019. *Transportation Impact Analysis, Route 238 Property Development Project (Parcel Group 5 and Parcel Group 6)*, Hayward, California. June 18.

Plus Project scenario. In addition, the proposed project would have a significant impact on an intersection operating at LOS E or F under an Existing or No Project scenario if the addition of project traffic results in an increase of 5.0 seconds or more in the intersections average control delay.

At unsignalized intersections, the proposed project's impact is based on LOS and delay, and whether any of the following are met: (1) traffic signal warrant; (2) pedestrian signal warrant; or (3) all-way stop warrant. Note that solely triggering a warrant does not constitute a significant impact, but the relevant jurisdiction at an intersection will, at its discretion, determine whether or not a signal will be installed.

### GP EIR

The GP EIR analyzed transportation and circulation conditions in the Plan Area under four different scenarios, which represent two time periods (existing conditions and Year 2035) using the Alameda County Transportation Commission (CTC) Countywide Model with Association of Bay Area Governments (ABAG) Projections 2009 to forecast regional growth totals. In addition, the traffic model was adjusted to include network modifications as part of the 2035 baseline conditions that were not previously included in the Alameda CTC countywide model assumptions.

The impact analysis included AM and PM Peak hour traffic conditions at 42 key intersections, 13 freeway segments and 32 roadway segments. The following scenarios were analyzed for the intersection analysis: (1) Existing Conditions; (2) 2035 No Project Conditions (includes anticipated future cumulative growth under the previous City of Hayward GP, as well as future planned local and regional transportation improvements); and (3) 2035 Project Conditions (includes cumulative growth under the 2040 GP, as well as future planned local and regional transportation improvements).

As noted in the GP EIR, the development program represents buildout of the adopted GP through 2035. The land use data for the 2040 GP was categorized into total households, single-family dwelling units, multi-family dwelling units, total employment, and employment by sector (retail, service, manufacturing, wholesale, and other) by traffic analysis zone (TAZ) for input to the model. A memorandum detailing the assumed development levels at all the sites, comparisons to land use densities assumed as part of the GP EIR, and changes to TAZs used in the City's traffic model is provided in Appendix H of the TIA.

The GP EIR identified two significant transportation and circulation impacts associated with implementation of the General Plan:

- **Impact 18-1: Project Intersection Impacts.** Under the 2035 Project condition, implementation of the GP would result in traffic volumes that exceed the City standard for intersection performance. According to City guidelines, this change due to the proposed General Plan would potentially constitute a considerable project contribution to the significant cumulative impact.

- Impact 18-2: Cumulative Intersection Impacts.** Future growth in Hayward and the region would result in substandard intersection LOS under 2035 conditions with or without the project. These changes constitute a significant cumulative impact.

Mitigation Measures 18-1 and 18-2 identified intersection improvements to reduce traffic impacts; however, even with implementation of mitigation, impacts at some intersections remained significant and unavoidable.

### Parcel Group 9

As outlined in Attachment A, Project Description, the proposed project would consist of up to a 150-room hotel. Inbound access would be provided via Apple Avenue (off of Mission Boulevard); inbound and outbound access would be provided via Oak Street (off of Grove Way). Additional project elements would include street improvements such as curbs, gutters, sidewalks, utilities, and lighting.

Automobile trip generation for the proposed project was derived from average rates, regression equations, and adjustments contained in the Institute of Transportation Engineer’s (ITE) Trip Generation Manual 10th Edition. As shown in Table 7, the proposed project would generate about 70 vehicle trips during the AM peak hour and 86 vehicle trips during the PM peak hour.

**Table 7: Project Vehicle Trip Generation**

Trip Generation Rates									
Land Use	Rate	Daily	Weekday AM Peak Hour			Weekday PM Peak Hour			
			In	Out	Total	In	Out	Total	
Hotel (ITE Code 310)	per Room	8.36	59%	41%	T=0.50(X)-5.34	51%	49%	T=0.75(X)-26.02	
Trip Generation Estimates									
Land Use	Size		Daily	Weekday AM Peak Hour			Weekday PM Peak Hour		
	In	Out		In	Out	Total	In	Out	Total
Hotel (ITE Code 310)	150	Room	1,254	41	29	70	44	42	86

Source: Kittelson & Associates (2019).  
DU = Dwelling Units

**Automobile Level of Service.** The results of the five intersections analyzed for the AM and PM peak hour are presented in Table 8. The table also compares the change in delay between the Existing and Existing Plus Project conditions.

As shown in Table 8, Intersection 3 (Mission Boulevard and Grove Way) operates unacceptably at LOS E during the PM peak hour under Existing Conditions and continues to operate at LOS E under Existing Plus Project Conditions. However, the increase in delay is expected to be less than five seconds. Therefore, the impact at this intersection would be less than significant.

All other study intersections continue to operate acceptably during both the AM and PM peak hours with the addition of project traffic. Therefore, the proposed project would not result in significant impacts at any of the study intersections under Existing Plus Project conditions.

**Table 8: LOS Analysis - Existing and Existing Plus Project**

#	Intersection	Jurisdiction	Control <sup>1</sup>	Peak Hour	Existing		Existing Plus Project		Delay Delta <sup>2</sup>
					Delay <sup>2</sup>	LOS	Delay <sup>2</sup>	LOS	
1	Gary Drive & Grove Way	County	AWSC	AM	14.2	B	14.2	B	0.0
				PM	9.5	A	9.6	A	0.1
2	Foothill Blvd. & Grove Way	Hayward	Signal	AM	31.9	C	33.4	C	1.5
				PM	38.6	D	40.9	D	2.3
3	Mission Blvd. & Grove Way	County	Signal	AM	30.2	C	30.4	C	0.2
				PM	<b>55.5</b>	<b>E</b>	<b>56.6</b>	<b>E</b>	1.1
4	Foothill Blvd. & City Center Dr. (N)/Hazel Ave.	Hayward	Signal	AM	30.7	C	30.8	C	0.1
				PM	34.4	C	34.5	C	0.1
5	Foothill Blvd. & City Center Dr. (S)/Maple Ct.	Hayward	Signal	AM	21.4	C	21.3	C	-0.1
				PM	30.2	C	30.2	C	0.0

Source: Kittelson & Associates, Inc. (2019).

**Bold** signifies unacceptable operations. Shading signifies a significant impact.

<sup>1</sup> AWSC = All-way stop control; TWSC = Two-way stop control

<sup>2</sup> Delay is measured in seconds per vehicle.

**Cumulative Year 2035 Conditions.** The potential impacts to the transportation system were evaluated for the Cumulative Year 2035 Condition using projected peak hour traffic volumes derived from the Hayward General Plan Update version of the Alameda CTC Countywide Model.<sup>46</sup> Given that some level of development at the project site was assumed for the General Plan buildout and the City model, the Cumulative 2035 Plus Project analysis assesses the difference in development under the proposed project as compared to General Plan land use densities. Therefore, the increase in traffic between Cumulative 2035 and Cumulative 2035 Plus Project scenarios has the potential to be less than the increases experienced under the Existing Plus Project scenario.

Table 9 presents the Cumulative 2035 and Cumulative 2035 Plus Project delays and LOS for the study intersections. The table also compares the change in delay between the two scenarios. The traffic generated by the proposed Projects is expected to result in significant impacts at several additional intersections under the Cumulative 2035 Plus Project condition than were identified in the 2014 GP EIR. Mitigation Measures 18-1 and 18-2 identified in the GP EIR will be updated to address these additional intersections, as described below.

As shown in Table 9:

- Intersection 1 (Gary Drive and Grove Way) would operate unacceptably at LOS E during the AM peak hour under Cumulative 2035 Conditions and continues to operate at LOS E under Cumulative Plus Project Conditions. However, the increase in delay is expected to be less than five seconds. Therefore, the impact at this intersection would be less than significant.

<sup>46</sup> Note that while the model version used for the TIA is the 2035 Citywide General Plan Model with ABAG Projections 2009, the Alameda CTC Countywide Model has been extended to 2040 and includes less conservative ABAG Plan Bay Area projections. However, to compare impacts to those identified in the GP EIR, it was determined, in coordination with City staff, that the GP Model should be used for this study.



- Intersection 3 (Mission Boulevard & Grove Way) would operate unacceptably at LOS F during both the AM and PM peak hours under Cumulative 2035 conditions and would continue to operate at LOS F under Cumulative Plus Project conditions. However, the increase in delay is expected to be less than five seconds. Therefore, the impact at this intersection would be less than significant.
- All other study intersections continue to operate acceptably during both the AM and PM peak hours under Cumulative 2035 Plus Project conditions.

Therefore, the proposed project would not result in significant impacts at any of the study intersections under Cumulative Plus Project conditions.

**Table 9: LOS Analysis - Cumulative and Cumulative Plus Project**

#	Intersection	Jurisdiction	Control <sup>1</sup>	Peak Hour	Cumulative		Cumulative Plus Project		Delay Delta <sup>2</sup>
					Delay <sup>2</sup>	LOS	Delay <sup>2</sup>	LOS	
1	Gary Drive & Grove Way	County	AWSC	AM	46.8	E	47.6	E	0.8
				PM	16.7	C	16.8	C	0.1
2	Foothill Blvd. & Grove Way	Hayward	Signal	AM	47.3	D	49.8	D	2.5
				PM	51.9	D	53.9	D	2.0
3	Mission Blvd. & Grove Way	County	Signal	AM	<b>175.8</b>	<b>F</b>	<b>176.3</b>	<b>F</b>	0.5
				PM	<b>290.6</b>	<b>F</b>	<b>291.7</b>	<b>F</b>	1.1
4	Foothill Blvd. & City Center Dr. (N)/Hazel Ave.	Hayward	Signal	AM	57.2	E	58.0	E	0.8
				PM	46.3	D	46.8	D	0.5
5	Foothill Blvd. & City Center Dr. (S)/Maple Ct.	Hayward	Signal	AM	29.6	C	29.6	C	0.0
				PM	32.3	C	32.4	C	0.1

Source: Kittelson & Associates, Inc. (2019).

**Bold** signifies unacceptable operations. Shading signifies a significant impact.

<sup>1</sup> AWSC = All-way stop control; TWSC = Two-way stop control

<sup>2</sup> Delay is measured in seconds per vehicle.

### Transit, Bicycle and Pedestrian Facilities

The proposed project would include installation of street improvements, such as curbs, gutters, sidewalks, utilities, and lighting. At this time, the project site, including Apple Avenue along the southern edge of the project site), does not include any pedestrian amenities.

Inbound vehicular access would be provided via Apple Avenue (off Mission Boulevard), while both inbound and outbound access would be provided via Oak Street (off Grove Way). At both of these intersections, pedestrian crossing facilities are somewhat limited. Consistent with General Plan policies supporting alternative modes, the City would require implementation of treatments to improve pedestrian conditions in these locations, as part of the design review process and conditions of approval for the proposed project. Potential treatments could include: installation of a continental crosswalk and/or signage at the intersection of Oak Street & Grove Way, or installation of ADA curb ramps at the intersections of Oak Street & Grove Way and Foothill Boulevard & Apple Avenue.

The City of Hayward is currently preparing the Hayward Bicycle and Pedestrian Master Plan Update. The draft plan was released in September 2019 and is undergoing community input. At this time, planned bikeways are preliminary, however, current plans include proposed Class II (separated bikeways) bike lanes along Grove Way (which intersects Oak Street).

The proposed project would include direct vehicular access points and generate additional vehicle trips along this planned bikeway. Consistent with General Plan policies supporting alternative modes, the City would require implementation of treatments to improve bicyclist conditions at this location, as part of the design review process and conditions of approval for the proposed project. Potential treatments could include: (1) installation of driveway conflict paint at the intersection with Oak Street; and (2) installation signage at and approaching the intersection with Oak Street.

As noted in the GP EIR, buildout of the General Plan area is not anticipated to generate transit ridership that would exceed the available capacity of the transit system. In addition, the proposed project is not expected to result in any operational impacts at intersections used by local transit, such as AC Transit buses.

Therefore, implementation of the proposed project would not conflict with plans, programs and policies regarding bicycle, pedestrian, or transit facilities, or decrease the performance and safety of such facilities. Therefore, impacts to bicyclists, pedestrians, and transit service providers resulting from implementation of the proposed project would remain less than significant and the proposed project would not result in new or more severe impacts related to alternative forms of transportation beyond those identified in the GP EIR.

#### Air Traffic Patterns

The project site is not located in the vicinity of a private airstrip or within the Airport Influence Area of the Hayward Executive Airport, and therefore the project would not result in impacts related to air traffic patterns.

#### Design Features

As described in Attachment A, Project Description, inbound access would be provided via Apple Avenue (off of Mission Boulevard); inbound and outbound access would be provided via Oak Street (off of Grove Way). Pedestrian facilities are provided along Foothill Boulevard, including sidewalks, continental crosswalks, and ADA-compliant curb ramps. Sidewalk gaps exist on Grove Way east of Foothill Boulevard (north and south side) leading to the Oak Street access point. The Oak Street crosswalk at Grove Way is also fading. No sidewalks are provided along Oak Street or Apple Valley Avenue. As part of the proposed project, sidewalks would be provided along the project frontage, as well as Oak Street and Apple Avenue.

The proposed project would be required to comply with General Plan policies promoting a safe, multi-modal transportation system, and the City's Design Guidelines. Potential design issues would be addressed through the design review process of the proposed project. Therefore, the proposed project would have a less-than-significant impact related to design hazards.

## Emergency Access

General Plan Policies M-1.1, M-1.2, M-1.3, M-1.7, M-3.8 and M-4.5 would require the management and development of the local roadway system to support the Land Use Element, which would mitigate impacts to the emergency access system. Specifically, General Plan Policy M-4.5 requires the City to develop a roadway system that is redundant (i.e., includes multiple alternative routes) to the extent feasible to ensure mobility in the event of emergencies. Additionally, the City has implemented, and will continue to implement, traffic signal system upgrades that help to facilitate more efficient emergency vehicle access and give priority to emergency vehicles.

The design, construction, and maintenance of project access locations and on-site roads would be in compliance with the City's Municipal Code and would meet all emergency access standards. The Hayward Fire Department would also review the proposed site plan and would provide input on final design in relation to emergency access prior to issuance of a building permit. Additionally, as noted in Section 4.17.a, the proposed project would not result in a significant increase in the amount of traffic volume on the local roadway network. Therefore, the proposed project would not result in new or more severe impacts beyond those already analyzed in the GP EIR.

## Consistency with Adopted Policies

The Circulation Element of the City's General Plan provides the policy framework for the regulation and development of transportation systems, balancing demands for moving people and goods through the City while promoting multi-modal transportation. The General Plan contains goals and specific recommendations for facilitating traffic circulation, maintaining an acceptable level of service at signalized intersections, traffic demand management programs, parking management, and improving transit service and facilities for non-motorized transportation.

Policy M-4.3 established that the lowest acceptable LOS at a signalized intersection is LOS E (delay per vehicle greater than 55 seconds but less than 80 seconds) during the peak commute periods, except when a LOS F may be acceptable due to costs of mitigation or when there would be other unacceptable impacts. Additionally, Policy M-1.5 allows for flexible LOS standards as part of a multimodal system approach. Hayward does not have an LOS standard for unsignalized intersections. The proposed project would be required to abide by these and all other applicable goals and policies in the adopted General Plan.

## Applicable Mitigation

As described in the GP EIR, impacts related to transportation at some intersections were determined to be significant and unavoidable, after application of feasible mitigation. Impacts at other intersections were determined to be less than significant with implementation of Mitigation Measures 18-1 and 18-2, identified in the GP EIR. As described above, the proposed project would not result in significant impacts at any of the study intersections with the addition of project traffic. Therefore, the mitigation measures identified in the GP EIR do not apply to the proposed project.

## Applicable Policies

- *Policy M-1.1 Transportation System. The City shall provide a safe and efficient transportation system for the movement of people, goods, and services through and within Hayward.*
- *Policy M-1.2 Multimodal Choices. The City shall promote the development of an integrated, multi-modal transportation system that offers desirable choices among modes including pedestrian ways, public transportation, roadways, bikeways, rail and aviation.*
- *Policy M-1.3 Multimodal Connections. The City shall implement a multimodal system that connects residents to activity centers throughout the City, such as commercial centers and corridors, employment centers, transit stops/stations, the airport, schools, parks, recreation area, and other attractions.*
- *Policy M-1.4 Multimodal System Extensions. The City shall require all new development that proposes or is required to construct or extend streets to develop a transportation network that complements and contributes to the City's multimodal system, maximizes connections, and minimizes barriers to connectivity.*
- *Policy M-1.5 Flexible LOS Standard. The City shall consider flexible Level of Service (LOS) standards, as part of a multimodal system approach for projects that increase transit-ridership, biking, and walking in order to reduce air pollution, energy consumption, and greenhouse gas emissions.*
- *Policy M-1.6 Bicycling, Walking and Transit Amenities. The City shall encourage the development of facilities and services (e.g., secure term bicycle parking, street lights, street furniture and trees, transit stop benches and shelters, and street sweeping of bike lanes) that enable bicycling, walking, and transit use to become more widely used modes of transportation and recreation.*
- *Policy M-1.7 Eliminate Gaps. The City shall strive to create a more comprehensive multimodal transportation system by eliminating gaps in roadways, bikeways, and pedestrian networks, increasing transit access in underserved areas, and removing natural and man-made barriers to accessibility and connectivity.*
- *Policy M-3.1 Serving All Users. The City shall provide safe, comfortable, and convenient travel along and across streets to serve all users, including pedestrians, the disabled, bicyclists, and motorists, movers of commercial goods, and users, and operators of public transportation.*
- *Policy M-3.2 Non-Auto Needs. The City shall consider the needs of transit riders, pedestrians, people in wheelchairs, cyclists, and others in long-range planning and street design.*
- *Policy M-3.6 Context Sensitive. The City shall consider the land use and urban design context of adjacent properties in both residential and business districts as well as urban, suburban, and rural areas when designing complete streets.*

- *Policy M-3.8 Connections with New Development. The City shall ensure that new commercial and residential development projects provide frequent and direct connections to the nearest bikeways, pedestrian ways and transit facilities.*
- *Policy M-3.10 Motorists, Bicyclists, and Pedestrian Conflicts. The City shall develop safe and convenient bikeways and pedestrian crossings that reduce conflicts between pedestrians, bicyclists, and motor vehicles on streets, multi-use trails and sidewalks.*
- *Policy M-312 Americans with Disabilities Act Compliance. The City shall continue to implement the Americans with Disabilities Act when designing, constructing, or improving transportation facilities.*
- *Policy M-4.3 Level of Service. The City shall maintain a minimum vehicle Level of Service E at signalized intersections during the peak commute periods except when a LOS F may be acceptable due to costs of mitigation or when there would be other unacceptable impacts, such as right-of-way acquisition or degradation of the pedestrian environment due to increased crossing distances or unacceptable crossing delays.*
- *Policy M-4.5 Emergency Access. The City shall develop a roadway system that is redundant (i.e., includes multiple alternative routes) to the extent feasible to ensure mobility in the event of emergencies.*
- *Policy M-5.1 Pedestrian Needs. The City shall consider pedestrian needs, including appropriate improvements to crosswalks, signal timing, signage, and curb ramps, in long-range planning and street design.*
- *Policy M-5.2 Pedestrian System. The City shall strive to create and maintain a continuous system of connected sidewalks, pedestrian paths, creekside walks, and utility greenways through the City that facilitates convenient and safe pedestrian travel, connects neighborhoods and centers, and is free of major impediments and obstacles.*
- *Policy M-5.7 Safe Sidewalks. The City shall develop safe and convenient pedestrian facilities that are universally accessible, adequately illuminated, and properly designed to reduce conflicts between motor vehicles and pedestrians.*
- *Policy M-6.1 Bikeway System. The City shall maintain and implement the Hayward Bicycle Master Plan.*
- *Policy M-6.5 Connections between New Development and Bikeways. The City shall ensure that new commercial and residential development projects provide frequent and direct connections to the nearest bikeways, and do not interfere with existing and proposed bicycle facilities.*
- *Policy M-7.1 Transit System. The City shall support a connected transit system by improving connections between transit stops/stations and roadways, bikeways, and pedestrian facilities.*

- *Policy M-7.6 Safe System. The City shall work with AC Transit, BART, and Amtrak to maintain a safe, clean, comfortable, and rider-friendly waiting environment at all transit stops within the City.*
- *Policy M-7.9 Development Impacts on Transit. The City shall require developers of large projects to identify and address, as feasible, the potential impacts of their projects on AC Transit ridership and bus operations as part of the project review and approval process.*
- *Policy M-11.1 Good Movement. The City shall provide an efficient transportation system for the movement of goods and services through and within Hayward, while meeting the safety and mobility needs of all roadway users.*

### Conclusion

The GP EIR adequately evaluated the transportation impacts of the proposed project. Therefore, there would be no new impacts related to traffic and circulation associated with the proposed project.

## 18. TRIBAL CULTURAL RESOURCES

	New Potentially Significant Impact	New Mitigation Required	Reduced Impact	No New Impact
Would the project:				
a. Cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code Section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:				
i. Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code Section 5020.1(k)? Or	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
ii. A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1? In applying the criteria set forth in subdivision (c) of Public Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

### Discussion

As previously discussed in Section 5 of this Environmental Checklist, Cultural Resources, the GP EIR determined that impacts to cultural and historic resources would be reduced to less-than-significant levels with implementation of General Plan policies. This finding applies to tribal cultural resources. Therefore, the proposed project would not result in new or more severe impacts to tribal cultural resources than were identified in the GP EIR.

### Applicable Mitigation

No substantial changes in environmental circumstances have occurred for this topic, nor revisions to the project, nor new information that could not have been known at the time the GP EIR was certified leading to new or more severe significant impacts, and no new mitigation measures are required.

### Applicable Policies

#### General Plan Policies

- *Policy NR-7.1 Paleontological Resource Protection. The City shall prohibit any new public or private development that damages or destroys a historically- or prehistorically-significant fossil, ruin, or monument or any object of antiquity.*

- *Policy NR-7.2 Paleontological Resource Mitigation. The City shall develop or ensure compliance with protocols that protect or mitigate impacts to paleontological resources, including requiring grading and construction projects to cease activity when a paleontological resource is discovered so it can be safely removed.*

### **Conclusion**

The GP EIR adequately evaluated the potential tribal cultural resources impacts for the proposed project. Therefore, potential impacts would be less than significant and additional mitigation is not required.



## 19. UTILITIES AND SERVICE SYSTEMS

	New Potentially Significant Impact	New Mitigation Required	Reduced Impact	No New Impact
Would the project:				
a. Require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c. 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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d. Generate solid waste in excess of state or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e. Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

### Discussion

#### Construction of New or Expanded Utility Facilities

Wastewater collection at the project site is provided by the Oro Loma Sanitary District (District), which serves the communities of unincorporated Alameda County, including San Lorenzo, Ashland, Cherryland, Fairview, portions of Castro Valley, and designated areas of the Cities of Hayward and San Leandro.

Wastewater is collected and transported via underground sewer lines to the District's treatment plant, which is jointly owned by Oro Loma Sanitary District (75%) and Castro Valley Sanitary District (25%). The treatment plant has a permitted capacity of 20 million gallons per day, and treats an average dry weather flow of 12.4 million gallons per day. The District's wastewater collection system includes about 273 miles of sewer mains, and 13 sewage lift stations.

The proposed project would generate domestic wastewater, treated by the District. As described in Attachment A, A 6-inch vitrified clay pipe (VCP) main is located in Apple Avenue and Oak Street. In addition, a 6-inch VCP is located in the undeveloped Oak Street right-of-way within the site. Site-specific plans would be reviewed and approved by the City, consistent with the City's Municipal Code and General Plan Policy PFS-4.9, to ensure the provision of adequate wastewater service prior to issuance of building permits. Implementation of the proposed project would not result in a significant environmental impact related to the extension of water or wastewater lines.

The project site is located within the East Bay Municipal Utility District (EBMUD) service area, which covers approximately 332 square miles from Crockett on the north, southward to San Lorenzo, eastward from San Francisco to Walnut Creek, and south through the San Ramon Valley. Approximately 90 percent of the raw water entering EBMUD's system originates from the Mokelumne River watershed, and 10 percent originates as runoff from the watershed lands in the East Bay Area.<sup>47</sup> EBMUD's potable water system consists of 4,200 miles of pipe, 125 pumping plants, and 165 water distribution reservoirs. EBMUD updated its Urban Water Management Plan (UWMP) in 2015, which was adopted in 2016. According to the UWMP, the annual water use in 2015 was approximately 190 million gallons per day (mgd).

As discussed below, the proposed project would not substantially increase demand for water and would therefore not exceed the capacity of existing water treatment facilities. The proposed project would not require the construction of new water treatment facilities, or the expansion of existing facilities. The proposed project would include the installation of new water lines connecting to the existing 8-inch steel water mains located in Apple Avenue and Oak Street. The proposed project would connect directly to existing mains, which have sufficient capacity to accommodate the proposed project. Therefore, the impact of the proposed project on water infrastructure would be less than significant.

Refer to Section 10, Hydrology and Water Quality, for a discussion of impacts to the storm drain system, which would be less than significant for the proposed project. On-site drainage would be designed consistent with the National Pollutant Discharge Elimination System (NPDES) C.3 requirements for Low Impact Development (LID). As such, the proposed project would not result in any new or more significant impacts than identified in the GP EIR.

Electric service is accessible to the site by overhead electric lines on joint utility poles in Oak Street, and by extending into the undeveloped Oak Street right-of-way on the site. Gas service is distributed to the site by underground mains. A 1.25-inch and a 2-inch gas main are located in Apple Avenue and Oak Street. The proposed project would connect to these existing facilities and would not require the construction of new facilities to accommodate the proposed project.

The proposed project is consistent with the type and intensity of development analyzed in the GP EIR. Therefore, because the proposed project would connect to existing utility services within or adjacent to the project site, the relocation or reconstruction of new or expanded water, wastewater treatment or stormwater drainage, electric power, or telecommunications facilities would not be required. The proposed project would not result in new or more severe impacts beyond those analyzed in the GP EIR.

### Water Supply

EBMUD provides water to the project site. The primary source of water is the Mokelumne River, which is conveyed via the Mokelumne Aqueducts from Pardee Reservoir across the Sacramento-San

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<sup>47</sup> East Bay Municipal Utility District, 2016. *2015 Urban Water Management Plan*. Available online at: <https://www.ebmud.com/water/about-your-water/water-supply/urban-water-management-plan/> (accessed January 28, 2020). July.

Joaquin River Delta to various local storage and treatment facilities in the East Bay. EBMUD has water rights that allow for delivery of up to a maximum of 325 mgd from the Mokelumne River, subject to the availability of Mokelumne River runoff, senior water rights of other users, and downstream fishery flow requirements. EBMUD's secondary water supply source is local runoff from the East Bay area watersheds, which is stored in the terminal reservoirs within EBMUD's service area.

In addition, in 2006, EBMUD signed a Long Term Renewal Contract (LTRC) with United States Bureau of Reclamation (USBR) provides for delivery of up to 133,000 acre-feet (AF) in a single qualifying year, not to exceed a total of 165,000 AF in three consecutive qualifying years from the Central Valley Project (CVP). In 2015, EBMUD received 33,250 acre-feet of CVP water.

The EBMUD 2015 UWMP describes the existing and planned sources of water available in the water system service area over the next 20 years, in 5-year increments. It also includes a Water Shortage Contingency Plan (WSCP) to account for a variety of situations that could affect water supply, including short-term emergencies and longer-term droughts. The 2015 UWMP demand analysis includes information on potential future development as identified in the adopted general plans of the cities and counties in EBMUD's service area and on meetings with local planning agencies.<sup>48</sup> According to the EBMUD 2015 UWMP, with a combination of reductions in water use and acquisition of supplementation supplies, EBMUD can provide adequate water service through 2040 to meet customer demands.

As outlined in Attachment A, Project Description, approximately 2,400 linear feet of new 8-inch water main would be installed in Maitland Drive, connecting to the existing 6-inch water main in Central Boulevard at both ends of Maitland Drive. Approximately 2,500 linear feet of new 8-inch water main would be installed in Bunker Hill Drive, connecting to the existing 6-inch water main in Central Boulevard and to the existing 8-inch water main in Carlos Bee Boulevard at each end of Bunker Hill Drive and the proposed extension to Carlos Bee Boulevard.

General Plan Policies NR-4.3, NR-6.9, NR-6.15, and NR-6.16 require water conservation, use of renewable resources, and native landscaping to reduce water use. The City has also adopted indoor water use efficiency standards for new construction, which mandate installation of the most water-conserving fixtures that are available and which have been shown to work effectively. In addition, the City must approve all connections to the water and sewer system, and new water meters need to be installed before water service can be activated. Compliance with the approval and permitting requirements of the City, which would be incorporated into the conditions of approval for the proposed project, would ensure that no new impacts associated with water services would result from the proposed project.

The proposed project would generate additional water demand to serve the multi-family residential and commercial uses on the project site. The project site was designated for Commercial/High Density Residential use under the City's General Plan and this land use was factored into EBMUD's water demand projections in the 2015 UWMP. The GP EIR determined that buildout of the General

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<sup>48</sup> East Bay Municipal Utilities District, 2016. op. cit.

Plan would have a less-than-significant impact on water supplies. Therefore, because the proposed project would include development consistent with the type and intensity of development evaluated in the GP EIR and the EBMUD 2015 UWMP, the proposed project would not result in greater impacts than those already identified by the GP EIR.

### Solid Waste

The California Integrated Waste Management Board estimates waste generation of approximately 2 pounds per room day for hotel/motel uses.<sup>49</sup> Using this rate, the proposed project would generate approximately 300 pounds of waste per day. This waste generation represents approximately 0.0013 percent of the permitted daily throughput (11,150 tons/day) at the Altamont Landfill facility<sup>50</sup> and approximately 0.007 percent of the permitted daily throughput (2,150 tons/day) at the Vasco Road Landfill.<sup>51</sup> Additionally, the proposed project's solid waste contribution would be minimized by the provision of recycling and green waste collection service. Therefore, because the proposed project would include development consistent with the type and intensity of development evaluated in the GP EIR, the proposed project would not result in greater impacts than those already identified by the GP EIR.

### Applicable Mitigation

As described in the GP EIR, 2040 General Plan impacts related to utilities and service systems were determined to be less than significant and no mitigation measures were identified. No substantial changes in environmental circumstances have occurred for this topic, nor revisions to the project, nor new information that could not have been known at the time the GP EIR was certified leading to new or more severe significant impacts, and no new mitigation measures are required.

### Applicable Policies

- *Policy NR-4.3 Efficient Construction and Development Practices. The City shall encourage construction and building development practices that maximize the use of renewable resources and minimize the use of non-renewable resources throughout the life-cycle of a structure.*
- *Policy NR-6.9 Water Conservation. The City shall require water customers to actively conserve water year-round, and especially during drought years.*
- *Policy NR-6.15 Native Vegetation Planting. The City shall encourage private property owners to plant native or drought-tolerant vegetation in order to preserve the visual character of the area and reduce the need for toxic sprays and groundwater supplements.*

<sup>49</sup> CalRecycle. Estimated Solid Waste Generation Rates Website: [www2.calrecycle.ca.gov/WasteCharacterization/General/Rates](http://www2.calrecycle.ca.gov/WasteCharacterization/General/Rates) (accessed January 28, 2020).

<sup>50</sup> CalRecycle, 2019a. SWIS Facility Detail: Altamont Landfill & Resource Recovery (01-AA-0009). Website: [www2.calrecycle.ca.gov/swfacilities/Directory/01-AA-0009](http://www2.calrecycle.ca.gov/swfacilities/Directory/01-AA-0009) (accessed June 19, 2019).

<sup>51</sup> CalRecycle, 2019b. SWIS Facility Detail: Vasco Road Sanitary Landfill (01-AA-001). Website: [www2.calrecycle.ca.gov/swfacilities/Directory/01-AA-0010](http://www2.calrecycle.ca.gov/swfacilities/Directory/01-AA-0010) (accessed June 19, 2019).

- *Policy NR-6.16 Landscape Ordinance Compliance. The City shall continue to implement the Bay-Friendly Water Efficient Landscape Ordinance.*
- *Policy PFS-1.2 Priority for Infrastructure. The City shall give high priority in capital improvement programming to funding rehabilitation or replacement of critical infrastructure that has reached the end of its useful life or has capacity constraints.*
- *Policy PFS-1.3 Public Facility Master Plans. The City shall maintain and implement public facility master plans to ensure compliance with appropriate regional, State, and Federal laws; the use of modern and cost-effective technologies and best management practices; and compatibility with current land use policy.*
- *Policy PFS-1.4 Development Fair Share. The City shall, through a combination of improvement fees and other funding mechanisms, ensure that new development pays its fair share of providing new public facilities and services and/or the costs of expanding/upgrading existing facilities and services impacted by new development (e.g., water, wastewater, stormwater drainage).*
- *Policy PFS-3.1 Water Distribution System Master Plan. The City shall maintain and implement the Water Distribution System Master Plan.*
- *Policy PFS-3.2 Urban Water Management Plan. The City shall maintain and implement the Urban Water Management Plan, including water conservation strategies and programs, as required by the Urban Water Management Planning Act.*
- *Policy PFS-3.8 Water Treatment Capacity and Infrastructure. In the event that San Francisco Public Utilities Commission is unable to provide water that meets drinking water standards, the City shall plan, secure funding for, and procure sufficient water treatment capacity and infrastructure to meet projected water demands.*
- *Policy PFS-3.13 New Development. The City shall ensure that water supply capacity is in place prior to granting building permits for new development.*
- *Policy PFS-3.14 Water Conservation Standards. The City shall comply with provisions of the State's 20x2020 Water Conservation Plan (California Water Resources Control Board, 2010).*
- *Policy PFS-4.1 Sewer Collection System Master Plan. The City shall maintain and implement the Sewer Collection System Master Plan.*
- *Policy PFS-4.2 Water Pollution Control Facility Master Plan. The City shall maintain and implement the Water Pollution Control Facility Master Plan.*
- *Policy PFS-4.9 Service New and Existing Development. The City shall ensure the provision of adequate wastewater service to all new development, before new developments are approved,*

*and support the extension of wastewater service to existing developed areas where this service is lacking.*

- *Policy PFS-5.1 Accommodate New and Existing Development. The City shall work with the Alameda County Flood Control and Water Conservation District to expand and maintain major stormwater drainage facilities to accommodate the needs of existing and planned development.*
- *Policy PFS-5.3 Watershed Drainage Plans. The City shall require developers of proposed large development projects to prepare watershed drainage plans. Drainage plans shall define needed drainage improvements per City standards, estimate construction costs for these improvements, and be implemented through the Stormwater Management and Urban Runoff Control Program and Alameda Countywide Clean Water Program.*
- *Policy PFS-5.4 Green Stormwater Infrastructure. The City shall encourage “green infrastructure” design and Low Impact Development (LID) techniques for stormwater facilities (i.e., using vegetation and soil to manage stormwater) to achieve multiple benefits (e.g., preserving and creating open space, improving runoff water quality).*
- *Policy PFS-5.6 Grading Projects. The City shall impose appropriate conditions on grading projects performed during the rainy season to ensure that silt is not conveyed to storm drainage.*
- *Policy PFS-5.7 Diversion. The City shall require new development to be designed to prevent the diversion of stormwater onto neighboring parcels.*
- *Policy PFS-7.1 Mandatory Collection. The City shall continue to require weekly solid waste collection through the City.*
- *Policy PFS-7.2 Adequate Services. The City shall monitor its solid waste and recycling services franchisee to ensure that services provided are adequate to meet the needs of the community and to meet the provisions of the City’s Franchise Agreement.*
- *Policy PFS-7.3 Landfill Capacity. The City shall continue to coordinate with the Alameda County Waste Management Authority to ensure adequate landfill capacity in the region for the duration of the contract with its landfill franchisee.*
- *Policy PFS-7.4 Solid Waste Diversion. The City shall comply with State goals regarding diversion from landfill, and strive to comply with the provisions approved by the Alameda County Waste Management Authority.*
- *Policy PFS-7.12 Construction and Demolition Waste Recycling. The City shall require demolition, remodeling, and major new development projects to salvage or recycle asphalt and concrete and all other non-hazardous construction and demolition materials to the maximum extent practicable.*

- *Policy PFS-7.13 Residential Recycling. The City shall encourage increased participation in residential recycling programs, and strive to comply with the recycling provisions approved by the Alameda County Waste Management Authority Board. The City shall work with StopWaste.org to monitor participation in residential recycling programs and educate the community regarding actual composition of waste sent to landfills.*
- *Policy CS-3.4 Adequate Water Supply for Fire Suppression. The City shall require new development projects to have adequate water supplies to meet the fire-suppression needs of the projects without compromising existing fire suppression services to existing uses.*

### Conclusion

The GP EIR adequately evaluated the potential utilities impacts for the proposed project. Therefore, potential impacts would be less than significant and additional mitigation is not required.

**20. WILDFIRE**

	New Potentially Significant Impact	New Mitigation Required	Reduced Impact	No New Impact
a. Substantially impair an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c. Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d. Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Discussion**

As previously discussed in Section 9 of this Environmental Checklist, Hazards and Hazardous Materials, the project site is not located within any state responsibility areas (SRA) for fire service,<sup>52</sup> and is not within a very high fire hazard severity zone.<sup>53</sup> The proposed project would not impair the implementation of, or physically interfere with, and adopted emergency response plan. Additionally, as noted in Section 2.0, Project Description, the portion of the project site proposed for development is generally level, and is surrounded by existing development. Therefore, the proposed project would not exacerbate wildfire risks and thereby expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire, or exacerbate fire risk. Impacts related to wildfire would be less than significant.

**Applicable Mitigation**

No substantial changes in environmental circumstances have occurred for this topic, nor revisions to the project, nor new information that could not have been known at the time the GP EIR was certified leading to new or more severe significant impacts, and no new mitigation measures are required.

<sup>52</sup> California Department of Forestry and Fire Protection, 2007. Alameda County, Fire Hazard Severity Zones in SRA (map). Available at: [https://osfm.fire.ca.gov/media/7271/fhszs\\_map1.pdf](https://osfm.fire.ca.gov/media/7271/fhszs_map1.pdf) (accessed January 27, 2020). November 7.

<sup>53</sup> California Department of Forestry and Fire Protection, 2008. Alameda County, Very High Fire Hazard Severity Zones in Local Responsibility Areas (map). Available at: [https://osfm.fire.ca.gov/media/6638/fhszl\\_map1.pdf](https://osfm.fire.ca.gov/media/6638/fhszl_map1.pdf) (accessed January 27, 2020). September 3.



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## Conclusion

The GP EIR adequately evaluated the potential wildfire impacts of the proposed project. Therefore, potential impacts would be less than significant and additional mitigation is not required.

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## APPENDIX 1

### AIR QUALITY AND GREENHOUSE GAS EMISSIONS DATA



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Route 238 Property Development – Apple Avenue/Oak Street (Parcel Group 9) - Bay Area AQMD Air District, Annual

**Route 238 Property Development – Apple Avenue/Oak Street (Parcel Group 9)**  
**Bay Area AQMD Air District, Annual**

**1.0 Project Characteristics**

**1.1 Land Usage**

Land Uses	Size	Metric	Lot Acreage	Floor Surface Area	Population
Parking Lot	150.00	Space	0.67	60,000.00	0
Hotel	150.00	Room	2.00	100,000.00	0
Recreational Swimming Pool	0.90	1000sqft	0.02	900.00	0

**1.2 Other Project Characteristics**

<b>Urbanization</b>	Urban	<b>Wind Speed (m/s)</b>	2.2	<b>Precipitation Freq (Days)</b>	64
<b>Climate Zone</b>	5			<b>Operational Year</b>	2022
<b>Utility Company</b>	Pacific Gas & Electric Company				
<b>CO2 Intensity (lb/MW hr)</b>	328.8	<b>CH4 Intensity (lb/MW hr)</b>	0.029	<b>N2O Intensity (lb/MW hr)</b>	0.006

**1.3 User Entered Comments & Non-Default Data**

Route 238 Property Development – Apple Avenue/Oak Street (Parcel Group 9) - Bay Area AQMD Air District, Annual

Project Characteristics - CO2 intensity based on 5-year average (PG&E 2015)

Land Use - The Parcel Group 9 Project would consist of an up to 150-room hotel and associated parking and outdoor pool.

Construction Phase - The Parcel Group 9 Project would consist of an up to 150-room hotel and associated parking

Vehicle Trips - Based on the Transportation Impact Analysis prepared for the proposed project

Construction Off-road Equipment Mitigation - assuming compliance with BAAQMD Basic Construction Mitigation Measures

Mobile Land Use Mitigation -

Energy Mitigation - Compliance with 2019 Title 24 improvements

Waste Mitigation - Assuming 25 percent reduction in waste disposed, consistent with the CalRecycle Waste Diversion and Recycling Mandate

Fleet Mix - Revised fleet mix percentages

## Route 238 Property Development – Apple Avenue/Oak Street (Parcel Group 9) - Bay Area AQMD Air District, Annual

Table Name	Column Name	Default Value	New Value
tblConstructionPhase	NumDays	6.00	10.00
tblConstructionPhase	NumDays	3.00	10.00
tblFleetMix	HHD	0.03	1.0000e-003
tblFleetMix	LDA	0.58	0.62
tblFleetMix	LHD2	5.3580e-003	5.0000e-003
tblFleetMix	MHD	0.02	1.0000e-003
tblGrading	AcresOfGrading	5.00	3.00
tblGrading	AcresOfGrading	15.00	4.50
tblLandUse	LandUseSquareFeet	217,800.00	100,000.00
tblLandUse	LotAcreage	1.35	0.67
tblLandUse	LotAcreage	5.00	2.00
tblProjectCharacteristics	CO2IntensityFactor	641.35	328.8
tblVehicleTrips	ST_TR	8.19	8.36
tblVehicleTrips	ST_TR	9.10	0.00
tblVehicleTrips	SU_TR	5.95	8.36
tblVehicleTrips	SU_TR	13.60	0.00
tblVehicleTrips	WD_TR	8.17	8.36
tblVehicleTrips	WD_TR	33.82	0.00

## 2.0 Emissions Summary

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Route 238 Property Development – Apple Avenue/Oak Street (Parcel Group 9) - Bay Area AQMD Air District, Annual

Quarter	Start Date	End Date	Maximum Unmitigated ROG + NOX (tons/quarter)	Maximum Mitigated ROG + NOX (tons/quarter)
1	4-5-2021	7-4-2021	0.6565	0.6565
2	7-5-2021	10-4-2021	0.6962	0.6962
3	10-5-2021	1-4-2022	0.6959	0.6959
4	1-5-2022	4-4-2022	0.9201	0.9201
		Highest	0.9201	0.9201

2.2 Overall Operational

Unmitigated Operational

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Area	0.4481	3.0000e-005	2.7700e-003	0.0000		1.0000e-005	1.0000e-005		1.0000e-005	1.0000e-005	0.0000	5.3800e-003	5.3800e-003	1.0000e-005	0.0000	5.7300e-003
Energy	0.0197	0.1790	0.1503	1.0700e-003		0.0136	0.0136		0.0136	0.0136	0.0000	319.8116	319.8116	0.0148	5.8500e-003	321.9246
Mobile	0.2747	0.4929	2.9218	8.6500e-003	0.8790	8.2700e-003	0.8873	0.2350	7.7000e-003	0.2427	0.0000	784.8445	784.8445	0.0257	0.0000	785.4876
Waste						0.0000	0.0000		0.0000	0.0000	17.7130	0.0000	17.7130	1.0468	0.0000	43.8832
Water						0.0000	0.0000		0.0000	0.0000	1.2240	3.3513	4.5754	0.1260	3.0300e-003	8.6286
<b>Total</b>	<b>0.7425</b>	<b>0.6719</b>	<b>3.0749</b>	<b>9.7200e-003</b>	<b>0.8790</b>	<b>0.0219</b>	<b>0.9009</b>	<b>0.2350</b>	<b>0.0213</b>	<b>0.2564</b>	<b>18.9370</b>	<b>1,108.0128</b>	<b>1,126.9498</b>	<b>1.2133</b>	<b>8.8800e-003</b>	<b>1,159.9298</b>

Route 238 Property Development – Apple Avenue/Oak Street (Parcel Group 9) - Bay Area AQMD Air District, Annual

**2.2 Overall Operational**

**Mitigated Operational**

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Area	0.4481	3.0000e-005	2.7700e-003	0.0000		1.0000e-005	1.0000e-005		1.0000e-005	1.0000e-005	0.0000	5.3800e-003	5.3800e-003	1.0000e-005	0.0000	5.7300e-003
Energy	0.0149	0.1358	0.1140	8.1000e-004		0.0103	0.0103		0.0103	0.0103	0.0000	262.9781	262.9781	0.0130	4.8100e-003	264.7367
Mobile	0.2651	0.4496	2.6781	7.6800e-003	0.7753	7.4300e-003	0.7827	0.2073	6.9200e-003	0.2142	0.0000	696.1747	696.1747	0.0233	0.0000	696.7563
Waste						0.0000	0.0000		0.0000	0.0000	13.2847	0.0000	13.2847	0.7851	0.0000	32.9124
Water						0.0000	0.0000		0.0000	0.0000	1.2240	3.3513	4.5754	0.1260	3.0300e-003	8.6286
<b>Total</b>	<b>0.7281</b>	<b>0.5854</b>	<b>2.7949</b>	<b>8.4900e-003</b>	<b>0.7753</b>	<b>0.0178</b>	<b>0.7930</b>	<b>0.2073</b>	<b>0.0173</b>	<b>0.2246</b>	<b>14.5088</b>	<b>962.5096</b>	<b>977.0183</b>	<b>0.9474</b>	<b>7.8400e-003</b>	<b>1,003.0398</b>

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
<b>Percent Reduction</b>	<b>1.93</b>	<b>12.88</b>	<b>9.11</b>	<b>12.65</b>	<b>11.80</b>	<b>18.83</b>	<b>11.97</b>	<b>11.80</b>	<b>19.05</b>	<b>12.40</b>	<b>23.38</b>	<b>13.13</b>	<b>13.30</b>	<b>21.92</b>	<b>11.71</b>	<b>13.53</b>

**3.0 Construction Detail**

**Construction Phase**



Route 238 Property Development – Apple Avenue/Oak Street (Parcel Group 9) - Bay Area AQMD Air District, Annual

Phase Number	Phase Name	Phase Type	Start Date	End Date	Num Days Week	Num Days	Phase Description
1	Site Preparation	Site Preparation	4/5/2021	4/16/2021	5	10	
2	Grading	Grading	4/19/2021	4/30/2021	5	10	
3	Building Construction	Building Construction	5/3/2021	3/4/2022	5	220	
4	Paving	Paving	3/7/2022	3/18/2022	5	10	
5	Architectural Coating	Architectural Coating	3/21/2022	4/1/2022	5	10	

**Acres of Grading (Site Preparation Phase): 4.5**

**Acres of Grading (Grading Phase): 3**

**Acres of Paving: 0.67**

**Residential Indoor: 0; Residential Outdoor: 0; Non-Residential Indoor: 150,000; Non-Residential Outdoor: 50,000; Striped Parking Area: 3,600 (Architectural Coating – sqft)**

**OffRoad Equipment**

Route 238 Property Development – Apple Avenue/Oak Street (Parcel Group 9) - Bay Area AQMD Air District, Annual

Phase Name	Offroad Equipment Type	Amount	Usage Hours	Horse Power	Load Factor
Site Preparation	Graders	1	8.00	187	0.41
Site Preparation	Scrapers	1	8.00	367	0.48
Site Preparation	Tractors/Loaders/Backhoes	1	7.00	97	0.37
Grading	Graders	1	8.00	187	0.41
Grading	Rubber Tired Dozers	1	8.00	247	0.40
Grading	Tractors/Loaders/Backhoes	2	7.00	97	0.37
Building Construction	Cranes	1	8.00	231	0.29
Building Construction	Forklifts	2	7.00	89	0.20
Building Construction	Generator Sets	1	8.00	84	0.74
Building Construction	Tractors/Loaders/Backhoes	1	6.00	97	0.37
Building Construction	Welders	3	8.00	46	0.45
Paving	Cement and Mortar Mixers	1	8.00	9	0.56
Paving	Pavers	1	8.00	130	0.42
Paving	Paving Equipment	1	8.00	132	0.36
Paving	Rollers	2	8.00	80	0.38
Paving	Tractors/Loaders/Backhoes	1	8.00	97	0.37
Architectural Coating	Air Compressors	1	6.00	78	0.48

**Trips and VMT**

Phase Name	Offroad Equipment Count	Worker Trip Number	Vendor Trip Number	Hauling Trip Number	Worker Trip Length	Vendor Trip Length	Hauling Trip Length	Worker Vehicle Class	Vendor Vehicle Class	Hauling Vehicle Class
Site Preparation	3	8.00	0.00	0.00	10.80	7.30	20.00	LD_Mix	HDT_Mix	HHDT
Grading	4	10.00	0.00	0.00	10.80	7.30	20.00	LD_Mix	HDT_Mix	HHDT
Building Construction	8	68.00	26.00	0.00	10.80	7.30	20.00	LD_Mix	HDT_Mix	HHDT
Paving	6	15.00	0.00	0.00	10.80	7.30	20.00	LD_Mix	HDT_Mix	HHDT
Architectural Coating	1	14.00	0.00	0.00	10.80	7.30	20.00	LD_Mix	HDT_Mix	HHDT

Route 238 Property Development – Apple Avenue/Oak Street (Parcel Group 9) - Bay Area AQMD Air District, Annual

**3.1 Mitigation Measures Construction**

Water Exposed Area

Reduce Vehicle Speed on Unpaved Roads

**3.2 Site Preparation - 2021**

**Unmitigated Construction On-Site**

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Fugitive Dust					2.3900e-003	0.0000	2.3900e-003	2.6000e-004	0.0000	2.6000e-004	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Off-Road	7.7300e-003	0.0914	0.0538	1.2000e-004		3.5100e-003	3.5100e-003		3.2300e-003	3.2300e-003	0.0000	10.7632	10.7632	3.4800e-003	0.0000	10.8502
<b>Total</b>	<b>7.7300e-003</b>	<b>0.0914</b>	<b>0.0538</b>	<b>1.2000e-004</b>	<b>2.3900e-003</b>	<b>3.5100e-003</b>	<b>5.9000e-003</b>	<b>2.6000e-004</b>	<b>3.2300e-003</b>	<b>3.4900e-003</b>	<b>0.0000</b>	<b>10.7632</b>	<b>10.7632</b>	<b>3.4800e-003</b>	<b>0.0000</b>	<b>10.8502</b>

Route 238 Property Development – Apple Avenue/Oak Street (Parcel Group 9) - Bay Area AQMD Air District, Annual

**3.2 Site Preparation - 2021**

**Unmitigated Construction Off-Site**

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Hauling	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Vendor	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Worker	1.2000e-004	8.0000e-005	9.0000e-004	0.0000	3.2000e-004	0.0000	3.2000e-004	8.0000e-005	0.0000	9.0000e-005	0.0000	0.2672	0.2672	1.0000e-005	0.0000	0.2674
<b>Total</b>	<b>1.2000e-004</b>	<b>8.0000e-005</b>	<b>9.0000e-004</b>	<b>0.0000</b>	<b>3.2000e-004</b>	<b>0.0000</b>	<b>3.2000e-004</b>	<b>8.0000e-005</b>	<b>0.0000</b>	<b>9.0000e-005</b>	<b>0.0000</b>	<b>0.2672</b>	<b>0.2672</b>	<b>1.0000e-005</b>	<b>0.0000</b>	<b>0.2674</b>

**Mitigated Construction On-Site**

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Fugitive Dust					1.0700e-003	0.0000	1.0700e-003	1.2000e-004	0.0000	1.2000e-004	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Off-Road	7.7300e-003	0.0914	0.0538	1.2000e-004		3.5100e-003	3.5100e-003		3.2300e-003	3.2300e-003	0.0000	10.7632	10.7632	3.4800e-003	0.0000	10.8502
<b>Total</b>	<b>7.7300e-003</b>	<b>0.0914</b>	<b>0.0538</b>	<b>1.2000e-004</b>	<b>1.0700e-003</b>	<b>3.5100e-003</b>	<b>4.5800e-003</b>	<b>1.2000e-004</b>	<b>3.2300e-003</b>	<b>3.3500e-003</b>	<b>0.0000</b>	<b>10.7632</b>	<b>10.7632</b>	<b>3.4800e-003</b>	<b>0.0000</b>	<b>10.8502</b>

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**3.2 Site Preparation - 2021**

**Mitigated Construction Off-Site**

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Hauling	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Vendor	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Worker	1.2000e-004	8.0000e-005	9.0000e-004	0.0000	3.2000e-004	0.0000	3.2000e-004	8.0000e-005	0.0000	9.0000e-005	0.0000	0.2672	0.2672	1.0000e-005	0.0000	0.2674
<b>Total</b>	<b>1.2000e-004</b>	<b>8.0000e-005</b>	<b>9.0000e-004</b>	<b>0.0000</b>	<b>3.2000e-004</b>	<b>0.0000</b>	<b>3.2000e-004</b>	<b>8.0000e-005</b>	<b>0.0000</b>	<b>9.0000e-005</b>	<b>0.0000</b>	<b>0.2672</b>	<b>0.2672</b>	<b>1.0000e-005</b>	<b>0.0000</b>	<b>0.2674</b>

**3.3 Grading - 2021**

**Unmitigated Construction On-Site**

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Fugitive Dust					0.0317	0.0000	0.0317	0.0167	0.0000	0.0167	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Off-Road	9.1400e-003	0.1011	0.0488	1.0000e-004		4.5800e-003	4.5800e-003		4.2100e-003	4.2100e-003	0.0000	9.0519	9.0519	2.9300e-003	0.0000	9.1251
<b>Total</b>	<b>9.1400e-003</b>	<b>0.1011</b>	<b>0.0488</b>	<b>1.0000e-004</b>	<b>0.0317</b>	<b>4.5800e-003</b>	<b>0.0363</b>	<b>0.0167</b>	<b>4.2100e-003</b>	<b>0.0209</b>	<b>0.0000</b>	<b>9.0519</b>	<b>9.0519</b>	<b>2.9300e-003</b>	<b>0.0000</b>	<b>9.1251</b>

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**3.3 Grading - 2021**

**Unmitigated Construction Off-Site**

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Hauling	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Vendor	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Worker	1.5000e-004	1.1000e-004	1.1200e-003	0.0000	4.0000e-004	0.0000	4.0000e-004	1.1000e-004	0.0000	1.1000e-004	0.0000	0.3340	0.3340	1.0000e-005	0.0000	0.3342
<b>Total</b>	<b>1.5000e-004</b>	<b>1.1000e-004</b>	<b>1.1200e-003</b>	<b>0.0000</b>	<b>4.0000e-004</b>	<b>0.0000</b>	<b>4.0000e-004</b>	<b>1.1000e-004</b>	<b>0.0000</b>	<b>1.1000e-004</b>	<b>0.0000</b>	<b>0.3340</b>	<b>0.3340</b>	<b>1.0000e-005</b>	<b>0.0000</b>	<b>0.3342</b>

**Mitigated Construction On-Site**

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Fugitive Dust					0.0143	0.0000	0.0143	7.5300e-003	0.0000	7.5300e-003	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Off-Road	9.1400e-003	0.1011	0.0488	1.0000e-004		4.5800e-003	4.5800e-003		4.2100e-003	4.2100e-003	0.0000	9.0519	9.0519	2.9300e-003	0.0000	9.1251
<b>Total</b>	<b>9.1400e-003</b>	<b>0.1011</b>	<b>0.0488</b>	<b>1.0000e-004</b>	<b>0.0143</b>	<b>4.5800e-003</b>	<b>0.0189</b>	<b>7.5300e-003</b>	<b>4.2100e-003</b>	<b>0.0117</b>	<b>0.0000</b>	<b>9.0519</b>	<b>9.0519</b>	<b>2.9300e-003</b>	<b>0.0000</b>	<b>9.1251</b>

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**3.3 Grading - 2021**

**Mitigated Construction Off-Site**

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Hauling	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Vendor	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Worker	1.5000e-004	1.1000e-004	1.1200e-003	0.0000	4.0000e-004	0.0000	4.0000e-004	1.1000e-004	0.0000	1.1000e-004	0.0000	0.3340	0.3340	1.0000e-005	0.0000	0.3342
<b>Total</b>	<b>1.5000e-004</b>	<b>1.1000e-004</b>	<b>1.1200e-003</b>	<b>0.0000</b>	<b>4.0000e-004</b>	<b>0.0000</b>	<b>4.0000e-004</b>	<b>1.1000e-004</b>	<b>0.0000</b>	<b>1.1000e-004</b>	<b>0.0000</b>	<b>0.3340</b>	<b>0.3340</b>	<b>1.0000e-005</b>	<b>0.0000</b>	<b>0.3342</b>

**3.4 Building Construction - 2021**

**Unmitigated Construction On-Site**

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Off-Road	0.1789	1.4024	1.2743	2.1900e-003		0.0715	0.0715		0.0685	0.0685	0.0000	181.6927	181.6927	0.0358	0.0000	182.5863
<b>Total</b>	<b>0.1789</b>	<b>1.4024</b>	<b>1.2743</b>	<b>2.1900e-003</b>		<b>0.0715</b>	<b>0.0715</b>		<b>0.0685</b>	<b>0.0685</b>	<b>0.0000</b>	<b>181.6927</b>	<b>181.6927</b>	<b>0.0358</b>	<b>0.0000</b>	<b>182.5863</b>

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**3.4 Building Construction - 2021**

**Unmitigated Construction Off-Site**

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Hauling	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Vendor	7.2200e-003	0.2376	0.0593	6.1000e-004	0.0149	5.2000e-004	0.0154	4.3100e-003	4.9000e-004	4.8100e-003	0.0000	59.0008	59.0008	2.9000e-003	0.0000	59.0733
Worker	0.0183	0.0126	0.1335	4.4000e-004	0.0470	3.1000e-004	0.0473	0.0125	2.8000e-004	0.0128	0.0000	39.7454	39.7454	8.9000e-004	0.0000	39.7677
<b>Total</b>	<b>0.0255</b>	<b>0.2502</b>	<b>0.1928</b>	<b>1.0500e-003</b>	<b>0.0619</b>	<b>8.3000e-004</b>	<b>0.0628</b>	<b>0.0168</b>	<b>7.7000e-004</b>	<b>0.0176</b>	<b>0.0000</b>	<b>98.7462</b>	<b>98.7462</b>	<b>3.7900e-003</b>	<b>0.0000</b>	<b>98.8410</b>

**Mitigated Construction On-Site**

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Off-Road	0.1789	1.4024	1.2743	2.1900e-003		0.0715	0.0715		0.0685	0.0685	0.0000	181.6924	181.6924	0.0358	0.0000	182.5861
<b>Total</b>	<b>0.1789</b>	<b>1.4024</b>	<b>1.2743</b>	<b>2.1900e-003</b>		<b>0.0715</b>	<b>0.0715</b>		<b>0.0685</b>	<b>0.0685</b>	<b>0.0000</b>	<b>181.6924</b>	<b>181.6924</b>	<b>0.0358</b>	<b>0.0000</b>	<b>182.5861</b>



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**3.4 Building Construction - 2021**

**Mitigated Construction Off-Site**

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Hauling	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Vendor	7.2200e-003	0.2376	0.0593	6.1000e-004	0.0149	5.2000e-004	0.0154	4.3100e-003	4.9000e-004	4.8100e-003	0.0000	59.0008	59.0008	2.9000e-003	0.0000	59.0733
Worker	0.0183	0.0126	0.1335	4.4000e-004	0.0470	3.1000e-004	0.0473	0.0125	2.8000e-004	0.0128	0.0000	39.7454	39.7454	8.9000e-004	0.0000	39.7677
<b>Total</b>	<b>0.0255</b>	<b>0.2502</b>	<b>0.1928</b>	<b>1.0500e-003</b>	<b>0.0619</b>	<b>8.3000e-004</b>	<b>0.0628</b>	<b>0.0168</b>	<b>7.7000e-004</b>	<b>0.0176</b>	<b>0.0000</b>	<b>98.7462</b>	<b>98.7462</b>	<b>3.7900e-003</b>	<b>0.0000</b>	<b>98.8410</b>

**3.4 Building Construction - 2022**

**Unmitigated Construction On-Site**

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Off-Road	0.0418	0.3286	0.3230	5.6000e-004		0.0158	0.0158		0.0151	0.0151	0.0000	46.7280	46.7280	9.0200e-003	0.0000	46.9534
<b>Total</b>	<b>0.0418</b>	<b>0.3286</b>	<b>0.3230</b>	<b>5.6000e-004</b>		<b>0.0158</b>	<b>0.0158</b>		<b>0.0151</b>	<b>0.0151</b>	<b>0.0000</b>	<b>46.7280</b>	<b>46.7280</b>	<b>9.0200e-003</b>	<b>0.0000</b>	<b>46.9534</b>

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**3.4 Building Construction - 2022**

**Unmitigated Construction Off-Site**

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Hauling	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Vendor	1.7300e-003	0.0579	0.0143	1.6000e-004	3.8400e-003	1.2000e-004	3.9500e-003	1.1100e-003	1.1000e-004	1.2200e-003	0.0000	15.0229	15.0229	7.1000e-004	0.0000	15.0407
Worker	4.3800e-003	2.9000e-003	0.0315	1.1000e-004	0.0121	8.0000e-005	0.0122	3.2200e-003	7.0000e-005	3.2900e-003	0.0000	9.8456	9.8456	2.1000e-004	0.0000	9.8507
<b>Total</b>	<b>6.1100e-003</b>	<b>0.0608</b>	<b>0.0459</b>	<b>2.7000e-004</b>	<b>0.0159</b>	<b>2.0000e-004</b>	<b>0.0161</b>	<b>4.3300e-003</b>	<b>1.8000e-004</b>	<b>4.5100e-003</b>	<b>0.0000</b>	<b>24.8684</b>	<b>24.8684</b>	<b>9.2000e-004</b>	<b>0.0000</b>	<b>24.8914</b>

**Mitigated Construction On-Site**

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Off-Road	0.0418	0.3286	0.3230	5.6000e-004		0.0158	0.0158		0.0151	0.0151	0.0000	46.7280	46.7280	9.0200e-003	0.0000	46.9534
<b>Total</b>	<b>0.0418</b>	<b>0.3286</b>	<b>0.3230</b>	<b>5.6000e-004</b>		<b>0.0158</b>	<b>0.0158</b>		<b>0.0151</b>	<b>0.0151</b>	<b>0.0000</b>	<b>46.7280</b>	<b>46.7280</b>	<b>9.0200e-003</b>	<b>0.0000</b>	<b>46.9534</b>

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**3.4 Building Construction - 2022**

**Mitigated Construction Off-Site**

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Hauling	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Vendor	1.7300e-003	0.0579	0.0143	1.6000e-004	3.8400e-003	1.2000e-004	3.9500e-003	1.1100e-003	1.1000e-004	1.2200e-003	0.0000	15.0229	15.0229	7.1000e-004	0.0000	15.0407
Worker	4.3800e-003	2.9000e-003	0.0315	1.1000e-004	0.0121	8.0000e-005	0.0122	3.2200e-003	7.0000e-005	3.2900e-003	0.0000	9.8456	9.8456	2.1000e-004	0.0000	9.8507
<b>Total</b>	<b>6.1100e-003</b>	<b>0.0608</b>	<b>0.0459</b>	<b>2.7000e-004</b>	<b>0.0159</b>	<b>2.0000e-004</b>	<b>0.0161</b>	<b>4.3300e-003</b>	<b>1.8000e-004</b>	<b>4.5100e-003</b>	<b>0.0000</b>	<b>24.8684</b>	<b>24.8684</b>	<b>9.2000e-004</b>	<b>0.0000</b>	<b>24.8914</b>

**3.5 Paving - 2022**

**Unmitigated Construction On-Site**

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Off-Road	4.7100e-003	0.0467	0.0585	9.0000e-005		2.4400e-003	2.4400e-003		2.2500e-003	2.2500e-003	0.0000	7.7550	7.7550	2.4600e-003	0.0000	7.8165
Paving	8.8000e-004					0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
<b>Total</b>	<b>5.5900e-003</b>	<b>0.0467</b>	<b>0.0585</b>	<b>9.0000e-005</b>		<b>2.4400e-003</b>	<b>2.4400e-003</b>		<b>2.2500e-003</b>	<b>2.2500e-003</b>	<b>0.0000</b>	<b>7.7550</b>	<b>7.7550</b>	<b>2.4600e-003</b>	<b>0.0000</b>	<b>7.8165</b>

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**3.5 Paving - 2022**

**Unmitigated Construction Off-Site**

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Hauling	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Vendor	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Worker	2.1000e-004	1.4000e-004	1.5500e-003	1.0000e-005	5.9000e-004	0.0000	6.0000e-004	1.6000e-004	0.0000	1.6000e-004	0.0000	0.4826	0.4826	1.0000e-005	0.0000	0.4829
<b>Total</b>	<b>2.1000e-004</b>	<b>1.4000e-004</b>	<b>1.5500e-003</b>	<b>1.0000e-005</b>	<b>5.9000e-004</b>	<b>0.0000</b>	<b>6.0000e-004</b>	<b>1.6000e-004</b>	<b>0.0000</b>	<b>1.6000e-004</b>	<b>0.0000</b>	<b>0.4826</b>	<b>0.4826</b>	<b>1.0000e-005</b>	<b>0.0000</b>	<b>0.4829</b>

**Mitigated Construction On-Site**

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Off-Road	4.7100e-003	0.0467	0.0585	9.0000e-005		2.4400e-003	2.4400e-003		2.2500e-003	2.2500e-003	0.0000	7.7550	7.7550	2.4600e-003	0.0000	7.8165
Paving	8.8000e-004					0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
<b>Total</b>	<b>5.5900e-003</b>	<b>0.0467</b>	<b>0.0585</b>	<b>9.0000e-005</b>		<b>2.4400e-003</b>	<b>2.4400e-003</b>		<b>2.2500e-003</b>	<b>2.2500e-003</b>	<b>0.0000</b>	<b>7.7550</b>	<b>7.7550</b>	<b>2.4600e-003</b>	<b>0.0000</b>	<b>7.8165</b>

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**3.5 Paving - 2022**

**Mitigated Construction Off-Site**

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Hauling	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Vendor	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Worker	2.1000e-004	1.4000e-004	1.5500e-003	1.0000e-005	5.9000e-004	0.0000	6.0000e-004	1.6000e-004	0.0000	1.6000e-004	0.0000	0.4826	0.4826	1.0000e-005	0.0000	0.4829
<b>Total</b>	<b>2.1000e-004</b>	<b>1.4000e-004</b>	<b>1.5500e-003</b>	<b>1.0000e-005</b>	<b>5.9000e-004</b>	<b>0.0000</b>	<b>6.0000e-004</b>	<b>1.6000e-004</b>	<b>0.0000</b>	<b>1.6000e-004</b>	<b>0.0000</b>	<b>0.4826</b>	<b>0.4826</b>	<b>1.0000e-005</b>	<b>0.0000</b>	<b>0.4829</b>

**3.6 Architectural Coating - 2022**

**Unmitigated Construction On-Site**

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Archit. Coating	0.5340					0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Off-Road	1.0200e-003	7.0400e-003	9.0700e-003	1.0000e-005		4.1000e-004	4.1000e-004		4.1000e-004	4.1000e-004	0.0000	1.2766	1.2766	8.0000e-005	0.0000	1.2787
<b>Total</b>	<b>0.5350</b>	<b>7.0400e-003</b>	<b>9.0700e-003</b>	<b>1.0000e-005</b>		<b>4.1000e-004</b>	<b>4.1000e-004</b>		<b>4.1000e-004</b>	<b>4.1000e-004</b>	<b>0.0000</b>	<b>1.2766</b>	<b>1.2766</b>	<b>8.0000e-005</b>	<b>0.0000</b>	<b>1.2787</b>

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**3.6 Architectural Coating - 2022**

**Unmitigated Construction Off-Site**

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Hauling	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Vendor	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Worker	2.0000e-004	1.3000e-004	1.4400e-003	0.0000	5.5000e-004	0.0000	5.6000e-004	1.5000e-004	0.0000	1.5000e-004	0.0000	0.4505	0.4505	1.0000e-005	0.0000	0.4507
<b>Total</b>	<b>2.0000e-004</b>	<b>1.3000e-004</b>	<b>1.4400e-003</b>	<b>0.0000</b>	<b>5.5000e-004</b>	<b>0.0000</b>	<b>5.6000e-004</b>	<b>1.5000e-004</b>	<b>0.0000</b>	<b>1.5000e-004</b>	<b>0.0000</b>	<b>0.4505</b>	<b>0.4505</b>	<b>1.0000e-005</b>	<b>0.0000</b>	<b>0.4507</b>

**Mitigated Construction On-Site**

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Archit. Coating	0.5340					0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Off-Road	1.0200e-003	7.0400e-003	9.0700e-003	1.0000e-005		4.1000e-004	4.1000e-004		4.1000e-004	4.1000e-004	0.0000	1.2766	1.2766	8.0000e-005	0.0000	1.2787
<b>Total</b>	<b>0.5350</b>	<b>7.0400e-003</b>	<b>9.0700e-003</b>	<b>1.0000e-005</b>		<b>4.1000e-004</b>	<b>4.1000e-004</b>		<b>4.1000e-004</b>	<b>4.1000e-004</b>	<b>0.0000</b>	<b>1.2766</b>	<b>1.2766</b>	<b>8.0000e-005</b>	<b>0.0000</b>	<b>1.2787</b>

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**3.6 Architectural Coating - 2022**

**Mitigated Construction Off-Site**

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Hauling	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Vendor	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Worker	2.0000e-004	1.3000e-004	1.4400e-003	0.0000	5.5000e-004	0.0000	5.6000e-004	1.5000e-004	0.0000	1.5000e-004	0.0000	0.4505	0.4505	1.0000e-005	0.0000	0.4507
<b>Total</b>	<b>2.0000e-004</b>	<b>1.3000e-004</b>	<b>1.4400e-003</b>	<b>0.0000</b>	<b>5.5000e-004</b>	<b>0.0000</b>	<b>5.6000e-004</b>	<b>1.5000e-004</b>	<b>0.0000</b>	<b>1.5000e-004</b>	<b>0.0000</b>	<b>0.4505</b>	<b>0.4505</b>	<b>1.0000e-005</b>	<b>0.0000</b>	<b>0.4507</b>

**4.0 Operational Detail - Mobile**

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**4.1 Mitigation Measures Mobile**

Increase Density

Improve Destination Accessibility

Increase Transit Accessibility

Improve Pedestrian Network

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	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Mitigated	0.2651	0.4496	2.6781	7.6800e-003	0.7753	7.4300e-003	0.7827	0.2073	6.9200e-003	0.2142	0.0000	696.1747	696.1747	0.0233	0.0000	696.7563
Unmitigated	0.2747	0.4929	2.9218	8.6500e-003	0.8790	8.2700e-003	0.8873	0.2350	7.7000e-003	0.2427	0.0000	784.8445	784.8445	0.0257	0.0000	785.4876

4.2 Trip Summary Information

Land Use	Average Daily Trip Rate			Unmitigated	Mitigated
	Weekday	Saturday	Sunday	Annual VMT	Annual VMT
Hotel	1,254.00	1,254.00	1,254.00	2,382,513	2,101,377
Parking Lot	0.00	0.00	0.00		
Recreational Swimming Pool	0.00	0.00	0.00		
<b>Total</b>	<b>1,254.00</b>	<b>1,254.00</b>	<b>1,254.00</b>	<b>2,382,513</b>	<b>2,101,377</b>

4.3 Trip Type Information

Land Use	Miles			Trip %			Trip Purpose %		
	H-W or C-W	H-S or C-C	H-O or C-NW	H-W or C-W	H-S or C-C	H-O or C-NW	Primary	Diverted	Pass-by
Hotel	9.50	7.30	7.30	19.40	61.60	19.00	58	38	4
Parking Lot	9.50	7.30	7.30	0.00	0.00	0.00	0	0	0
Recreational Swimming Pool	9.50	7.30	7.30	33.00	48.00	19.00	52	39	9

4.4 Fleet Mix



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Land Use	LDA	LDT1	LDT2	MDV	LHD1	LHD2	MHD	HHD	OBUS	UBUS	MCY	SBUS	MH
Hotel	0.619098	0.039376	0.193723	0.112069	0.016317	0.005000	0.001000	0.001000	0.002614	0.002274	0.005874	0.000887	0.000768
Parking Lot	0.576985	0.039376	0.193723	0.112069	0.016317	0.005358	0.017943	0.025814	0.002614	0.002274	0.005874	0.000887	0.000768
Recreational Swimming Pool	0.576985	0.039376	0.193723	0.112069	0.016317	0.005358	0.017943	0.025814	0.002614	0.002274	0.005874	0.000887	0.000768

**5.0 Energy Detail**

Historical Energy Use: N

**5.1 Mitigation Measures Energy**

Exceed Title 24

Category	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
	tons/yr										MT/yr					
Electricity Mitigated						0.0000	0.0000		0.0000	0.0000	0.0000	115.1817	115.1817	0.0102	2.1000e-003	116.0621
Electricity Unmitigated						0.0000	0.0000		0.0000	0.0000	0.0000	124.9803	124.9803	0.0110	2.2800e-003	125.9355
NaturalGas Mitigated	0.0149	0.1358	0.1140	8.1000e-004		0.0103	0.0103		0.0103	0.0103	0.0000	147.7964	147.7964	2.8300e-003	2.7100e-003	148.6747
NaturalGas Unmitigated	0.0197	0.1790	0.1503	1.0700e-003		0.0136	0.0136		0.0136	0.0136	0.0000	194.8313	194.8313	3.7300e-003	3.5700e-003	195.9891

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**5.2 Energy by Land Use - NaturalGas**

**Unmitigated**

	NaturalGas Use	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Land Use	kBTU/yr	tons/yr										MT/yr					
Hotel	3.651e+006	0.0197	0.1790	0.1503	1.0700e-003		0.0136	0.0136		0.0136	0.0136	0.0000	194.8313	194.8313	3.7300e-003	3.5700e-003	195.9891
Parking Lot	0	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Recreational Swimming Pool	0	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
<b>Total</b>		<b>0.0197</b>	<b>0.1790</b>	<b>0.1503</b>	<b>1.0700e-003</b>		<b>0.0136</b>	<b>0.0136</b>		<b>0.0136</b>	<b>0.0136</b>	<b>0.0000</b>	<b>194.8313</b>	<b>194.8313</b>	<b>3.7300e-003</b>	<b>3.5700e-003</b>	<b>195.9891</b>

**Mitigated**

	NaturalGas Use	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Land Use	kBTU/yr	tons/yr										MT/yr					
Hotel	2.7696e+006	0.0149	0.1358	0.1140	8.1000e-004		0.0103	0.0103		0.0103	0.0103	0.0000	147.7964	147.7964	2.8300e-003	2.7100e-003	148.6747
Parking Lot	0	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Recreational Swimming Pool	0	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
<b>Total</b>		<b>0.0149</b>	<b>0.1358</b>	<b>0.1140</b>	<b>8.1000e-004</b>		<b>0.0103</b>	<b>0.0103</b>		<b>0.0103</b>	<b>0.0103</b>	<b>0.0000</b>	<b>147.7964</b>	<b>147.7964</b>	<b>2.8300e-003</b>	<b>2.7100e-003</b>	<b>148.6747</b>

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**5.3 Energy by Land Use - Electricity**

**Unmitigated**

	Electricity Use	Total CO2	CH4	N2O	CO2e
Land Use	kWh/yr	MT/yr			
Hotel	817000	121.8483	0.0108	2.2200e-003	122.7796
Parking Lot	21000	3.1320	2.8000e-004	6.0000e-005	3.1559
Recreational Swimming Pool	0	0.0000	0.0000	0.0000	0.0000
<b>Total</b>		<b>124.9803</b>	<b>0.0110</b>	<b>2.2800e-003</b>	<b>125.9355</b>

**Mitigated**

	Electricity Use	Total CO2	CH4	N2O	CO2e
Land Use	kWh/yr	MT/yr			
Hotel	751300	112.0498	9.8800e-003	2.0400e-003	112.9062
Parking Lot	21000	3.1320	2.8000e-004	6.0000e-005	3.1559
Recreational Swimming Pool	0	0.0000	0.0000	0.0000	0.0000
<b>Total</b>		<b>115.1817</b>	<b>0.0102</b>	<b>2.1000e-003</b>	<b>116.0621</b>

**6.0 Area Detail**

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**6.1 Mitigation Measures Area**

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Mitigated	0.4481	3.0000e-005	2.7700e-003	0.0000		1.0000e-005	1.0000e-005		1.0000e-005	1.0000e-005	0.0000	5.3800e-003	5.3800e-003	1.0000e-005	0.0000	5.7300e-003
Unmitigated	0.4481	3.0000e-005	2.7700e-003	0.0000		1.0000e-005	1.0000e-005		1.0000e-005	1.0000e-005	0.0000	5.3800e-003	5.3800e-003	1.0000e-005	0.0000	5.7300e-003

**6.2 Area by SubCategory**

**Unmitigated**

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
SubCategory	tons/yr										MT/yr					
Architectural Coating	0.0534					0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Consumer Products	0.3944					0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Landscaping	2.6000e-004	3.0000e-005	2.7700e-003	0.0000		1.0000e-005	1.0000e-005		1.0000e-005	1.0000e-005	0.0000	5.3800e-003	5.3800e-003	1.0000e-005	0.0000	5.7300e-003
<b>Total</b>	<b>0.4481</b>	<b>3.0000e-005</b>	<b>2.7700e-003</b>	<b>0.0000</b>		<b>1.0000e-005</b>	<b>1.0000e-005</b>		<b>1.0000e-005</b>	<b>1.0000e-005</b>	<b>0.0000</b>	<b>5.3800e-003</b>	<b>5.3800e-003</b>	<b>1.0000e-005</b>	<b>0.0000</b>	<b>5.7300e-003</b>

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**6.2 Area by SubCategory**

**Mitigated**

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
SubCategory	tons/yr										MT/yr					
Architectural Coating	0.0534					0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Consumer Products	0.3944					0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Landscaping	2.6000e-004	3.0000e-005	2.7700e-003	0.0000		1.0000e-005	1.0000e-005		1.0000e-005	1.0000e-005	0.0000	5.3800e-003	5.3800e-003	1.0000e-005	0.0000	5.7300e-003
<b>Total</b>	<b>0.4481</b>	<b>3.0000e-005</b>	<b>2.7700e-003</b>	<b>0.0000</b>		<b>1.0000e-005</b>	<b>1.0000e-005</b>		<b>1.0000e-005</b>	<b>1.0000e-005</b>	<b>0.0000</b>	<b>5.3800e-003</b>	<b>5.3800e-003</b>	<b>1.0000e-005</b>	<b>0.0000</b>	<b>5.7300e-003</b>

**7.0 Water Detail**

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**7.1 Mitigation Measures Water**

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	Total CO2	CH4	N2O	CO2e
Category	MT/yr			
Mitigated	4.5754	0.1260	3.0300e-003	8.6286
Unmitigated	4.5754	0.1260	3.0300e-003	8.6286

**7.2 Water by Land Use**

**Unmitigated**

	Indoor/Outdoor Use	Total CO2	CH4	N2O	CO2e
Land Use	Mgal	MT/yr			
Hotel	3.80502 / 0.422779	4.4985	0.1243	2.9900e-003	8.4957
Parking Lot	0 / 0	0.0000	0.0000	0.0000	0.0000
Recreational Swimming Pool	0.0532288 / 0.0326241	0.0769	1.7400e-003	4.0000e-005	0.1329
<b>Total</b>		<b>4.5754</b>	<b>0.1260</b>	<b>3.0300e-003</b>	<b>8.6286</b>

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**7.2 Water by Land Use****Mitigated**

	Indoor/Outdoor Use	Total CO2	CH4	N2O	CO2e
Land Use	Mgal	MT/yr			
Hotel	3.80502 / 0.422779	4.4985	0.1243	2.9900e-003	8.4957
Parking Lot	0 / 0	0.0000	0.0000	0.0000	0.0000
Recreational Swimming Pool	0.0532288 / 0.0326241	0.0769	1.7400e-003	4.0000e-005	0.1329
<b>Total</b>		<b>4.5754</b>	<b>0.1260</b>	<b>3.0300e-003</b>	<b>8.6286</b>

**8.0 Waste Detail****8.1 Mitigation Measures Waste**

Institute Recycling and Composting Services

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**Category/Year**

	Total CO2	CH4	N2O	CO2e
	MT/yr			
Mitigated	13.2847	0.7851	0.0000	32.9124
Unmitigated	17.7130	1.0468	0.0000	43.8832

**8.2 Waste by Land Use**

**Unmitigated**

	Waste Disposed	Total CO2	CH4	N2O	CO2e
Land Use	tons	MT/yr			
Hotel	82.13	16.6717	0.9853	0.0000	41.3033
Parking Lot	0	0.0000	0.0000	0.0000	0.0000
Recreational Swimming Pool	5.13	1.0413	0.0615	0.0000	2.5799
<b>Total</b>		<b>17.7130</b>	<b>1.0468</b>	<b>0.0000</b>	<b>43.8832</b>



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**8.2 Waste by Land Use**

**Mitigated**

	Waste Disposed	Total CO2	CH4	N2O	CO2e
Land Use	tons	MT/yr			
Hotel	61.5975	12.5037	0.7390	0.0000	30.9775
Parking Lot	0	0.0000	0.0000	0.0000	0.0000
Recreational Swimming Pool	3.8475	0.7810	0.0462	0.0000	1.9349
<b>Total</b>		<b>13.2848</b>	<b>0.7851</b>	<b>0.0000</b>	<b>32.9124</b>

**9.0 Operational Offroad**

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

**Fire Pumps and Emergency Generators**

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

Equipment Type	Number	Heat Input/Day	Heat Input/Year	Boiler Rating	Fuel Type
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**User Defined Equipment**

Equipment Type	Number
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Route 238 Property Development – Apple Avenue/Oak Street (Parcel Group 9) - Bay Area AQMD Air District, Annual

## **11.0 Vegetation**

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Route 238 Property Development – Apple Avenue/Oak Street (Parcel Group 9) - Bay Area AQMD Air District, Summer

**Route 238 Property Development – Apple Avenue/Oak Street (Parcel Group 9)**  
**Bay Area AQMD Air District, Summer**

**1.0 Project Characteristics**

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**1.1 Land Usage**

Land Uses	Size	Metric	Lot Acreage	Floor Surface Area	Population
Parking Lot	150.00	Space	0.67	60,000.00	0
Hotel	150.00	Room	2.00	100,000.00	0
Recreational Swimming Pool	0.90	1000sqft	0.02	900.00	0

**1.2 Other Project Characteristics**

<b>Urbanization</b>	Urban	<b>Wind Speed (m/s)</b>	2.2	<b>Precipitation Freq (Days)</b>	64
<b>Climate Zone</b>	5			<b>Operational Year</b>	2022
<b>Utility Company</b>	Pacific Gas & Electric Company				
<b>CO2 Intensity (lb/MW hr)</b>	328.8	<b>CH4 Intensity (lb/MW hr)</b>	0.029	<b>N2O Intensity (lb/MW hr)</b>	0.006

**1.3 User Entered Comments & Non-Default Data**

Route 238 Property Development – Apple Avenue/Oak Street (Parcel Group 9) - Bay Area AQMD Air District, Summer

Project Characteristics - CO2 intensity based on 5-year average (PG&E 2015)

Land Use - The Parcel Group 9 Project would consist of an up to 150-room hotel and associated parking and outdoor pool.

Construction Phase - The Parcel Group 9 Project would consist of an up to 150-room hotel and associated parking

Vehicle Trips - Based on the Transportation Impact Analysis prepared for the proposed project

Construction Off-road Equipment Mitigation - assuming compliance with BAAQMD Basic Construction Mitigation Measures

Mobile Land Use Mitigation -

Energy Mitigation - Compliance with 2019 Title 24 improvements

Waste Mitigation - Assuming 25 percent reduction in waste disposed, consistent with the CalRecycle Waste Diversion and Recycling Mandate

Fleet Mix - Revised fleet mix percentages

## Route 238 Property Development – Apple Avenue/Oak Street (Parcel Group 9) - Bay Area AQMD Air District, Summer

Table Name	Column Name	Default Value	New Value
tblConstructionPhase	NumDays	6.00	10.00
tblConstructionPhase	NumDays	3.00	10.00
tblFleetMix	HHD	0.03	1.0000e-003
tblFleetMix	LDA	0.58	0.62
tblFleetMix	LHD2	5.3580e-003	5.0000e-003
tblFleetMix	MHD	0.02	1.0000e-003
tblGrading	AcresOfGrading	5.00	3.00
tblGrading	AcresOfGrading	15.00	4.50
tblLandUse	LandUseSquareFeet	217,800.00	100,000.00
tblLandUse	LotAcreage	1.35	0.67
tblLandUse	LotAcreage	5.00	2.00
tblProjectCharacteristics	CO2IntensityFactor	641.35	328.8
tblVehicleTrips	ST_TR	8.19	8.36
tblVehicleTrips	ST_TR	9.10	0.00
tblVehicleTrips	SU_TR	5.95	8.36
tblVehicleTrips	SU_TR	13.60	0.00
tblVehicleTrips	WD_TR	8.17	8.36
tblVehicleTrips	WD_TR	33.82	0.00

## 2.0 Emissions Summary

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Route 238 Property Development – Apple Avenue/Oak Street (Parcel Group 9) - Bay Area AQMD Air District, Summer

**2.2 Overall Operational**

**Unmitigated Operational**

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Area	2.4567	2.8000e-004	0.0308	0.0000		1.1000e-004	1.1000e-004		1.1000e-004	1.1000e-004		0.0659	0.0659	1.7000e-004		0.0702
Energy	0.1079	0.9807	0.8238	5.8800e-003		0.0745	0.0745		0.0745	0.0745		1,176.7929	1,176.7929	0.0226	0.0216	1,183.7860
Mobile	1.7684	2.5177	16.5996	0.0508	5.0192	0.0455	5.0647	1.3380	0.0424	1.3803		5,080.1908	5,080.1908	0.1585		5,084.1541
<b>Total</b>	<b>4.3330</b>	<b>3.4986</b>	<b>17.4541</b>	<b>0.0567</b>	<b>5.0192</b>	<b>0.1201</b>	<b>5.1393</b>	<b>1.3380</b>	<b>0.1170</b>	<b>1.4550</b>		<b>6,257.0495</b>	<b>6,257.0495</b>	<b>0.1813</b>	<b>0.0216</b>	<b>6,268.0103</b>

**Mitigated Operational**

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Area	2.4567	2.8000e-004	0.0308	0.0000		1.1000e-004	1.1000e-004		1.1000e-004	1.1000e-004		0.0659	0.0659	1.7000e-004		0.0702
Energy	0.0818	0.7439	0.6249	4.4600e-003		0.0565	0.0565		0.0565	0.0565		892.6994	892.6994	0.0171	0.0164	898.0043
Mobile	1.7145	2.2977	15.0803	0.0451	4.4270	0.0409	4.4678	1.1801	0.0381	1.2182		4,504.7465	4,504.7465	0.1428		4,508.3161
<b>Total</b>	<b>4.2530</b>	<b>3.0419</b>	<b>15.7359</b>	<b>0.0495</b>	<b>4.4270</b>	<b>0.0975</b>	<b>4.5245</b>	<b>1.1801</b>	<b>0.0947</b>	<b>1.2748</b>		<b>5,397.5118</b>	<b>5,397.5118</b>	<b>0.1601</b>	<b>0.0164</b>	<b>5,406.3906</b>

## Route 238 Property Development – Apple Avenue/Oak Street (Parcel Group 9) - Bay Area AQMD Air District, Summer

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio-CO2	Total CO2	CH4	N2O	CO2e
Percent Reduction	1.85	13.05	9.84	12.65	11.80	18.81	11.96	11.80	19.04	12.38	0.00	13.74	13.74	11.70	24.11	13.75

### 3.0 Construction Detail

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#### Construction Phase

Phase Number	Phase Name	Phase Type	Start Date	End Date	Num Days Week	Num Days	Phase Description
1	Site Preparation	Site Preparation	4/5/2021	4/16/2021	5	10	
2	Grading	Grading	4/19/2021	4/30/2021	5	10	
3	Building Construction	Building Construction	5/3/2021	3/4/2022	5	220	
4	Paving	Paving	3/7/2022	3/18/2022	5	10	
5	Architectural Coating	Architectural Coating	3/21/2022	4/1/2022	5	10	

**Acres of Grading (Site Preparation Phase): 4.5**

**Acres of Grading (Grading Phase): 3**

**Acres of Paving: 0.67**

**Residential Indoor: 0; Residential Outdoor: 0; Non-Residential Indoor: 150,000; Non-Residential Outdoor: 50,000; Striped Parking Area: 3,600 (Architectural Coating – sqft)**

#### OffRoad Equipment



Route 238 Property Development – Apple Avenue/Oak Street (Parcel Group 9) - Bay Area AQMD Air District, Summer

Phase Name	Offroad Equipment Type	Amount	Usage Hours	Horse Power	Load Factor
Site Preparation	Graders	1	8.00	187	0.41
Site Preparation	Scrapers	1	8.00	367	0.48
Site Preparation	Tractors/Loaders/Backhoes	1	7.00	97	0.37
Grading	Graders	1	8.00	187	0.41
Grading	Rubber Tired Dozers	1	8.00	247	0.40
Grading	Tractors/Loaders/Backhoes	2	7.00	97	0.37
Building Construction	Cranes	1	8.00	231	0.29
Building Construction	Forklifts	2	7.00	89	0.20
Building Construction	Generator Sets	1	8.00	84	0.74
Building Construction	Tractors/Loaders/Backhoes	1	6.00	97	0.37
Building Construction	Welders	3	8.00	46	0.45
Paving	Cement and Mortar Mixers	1	8.00	9	0.56
Paving	Pavers	1	8.00	130	0.42
Paving	Paving Equipment	1	8.00	132	0.36
Paving	Rollers	2	8.00	80	0.38
Paving	Tractors/Loaders/Backhoes	1	8.00	97	0.37
Architectural Coating	Air Compressors	1	6.00	78	0.48

**Trips and VMT**

Phase Name	Offroad Equipment Count	Worker Trip Number	Vendor Trip Number	Hauling Trip Number	Worker Trip Length	Vendor Trip Length	Hauling Trip Length	Worker Vehicle Class	Vendor Vehicle Class	Hauling Vehicle Class
Site Preparation	3	8.00	0.00	0.00	10.80	7.30	20.00	LD_Mix	HDT_Mix	HHDT
Grading	4	10.00	0.00	0.00	10.80	7.30	20.00	LD_Mix	HDT_Mix	HHDT
Building Construction	8	68.00	26.00	0.00	10.80	7.30	20.00	LD_Mix	HDT_Mix	HHDT
Paving	6	15.00	0.00	0.00	10.80	7.30	20.00	LD_Mix	HDT_Mix	HHDT
Architectural Coating	1	14.00	0.00	0.00	10.80	7.30	20.00	LD_Mix	HDT_Mix	HHDT

Route 238 Property Development – Apple Avenue/Oak Street (Parcel Group 9) - Bay Area AQMD Air District, Summer

**3.1 Mitigation Measures Construction**

Water Exposed Area

Reduce Vehicle Speed on Unpaved Roads

**3.2 Site Preparation - 2021**

**Unmitigated Construction On-Site**

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Fugitive Dust					0.4772	0.0000	0.4772	0.0515	0.0000	0.0515			0.0000			0.0000
Off-Road	1.5463	18.2862	10.7496	0.0245		0.7019	0.7019		0.6457	0.6457		2,372.883 2	2,372.883 2	0.7674		2,392.069 2
<b>Total</b>	<b>1.5463</b>	<b>18.2862</b>	<b>10.7496</b>	<b>0.0245</b>	<b>0.4772</b>	<b>0.7019</b>	<b>1.1791</b>	<b>0.0515</b>	<b>0.6457</b>	<b>0.6973</b>		<b>2,372.883 2</b>	<b>2,372.883 2</b>	<b>0.7674</b>		<b>2,392.069 2</b>

Route 238 Property Development – Apple Avenue/Oak Street (Parcel Group 9) - Bay Area AQMD Air District, Summer

**3.2 Site Preparation - 2021**

**Unmitigated Construction Off-Site**

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Hauling	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000	0.0000		0.0000
Vendor	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000	0.0000		0.0000
Worker	0.0257	0.0150	0.1965	6.4000e-004	0.0657	4.1000e-004	0.0661	0.0174	3.8000e-004	0.0178		63.3568	63.3568	1.4200e-003		63.3922
<b>Total</b>	<b>0.0257</b>	<b>0.0150</b>	<b>0.1965</b>	<b>6.4000e-004</b>	<b>0.0657</b>	<b>4.1000e-004</b>	<b>0.0661</b>	<b>0.0174</b>	<b>3.8000e-004</b>	<b>0.0178</b>		<b>63.3568</b>	<b>63.3568</b>	<b>1.4200e-003</b>		<b>63.3922</b>

**Mitigated Construction On-Site**

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Fugitive Dust					0.2148	0.0000	0.2148	0.0232	0.0000	0.0232			0.0000			0.0000
Off-Road	1.5463	18.2862	10.7496	0.0245		0.7019	0.7019		0.6457	0.6457	0.0000	2,372.8832	2,372.8832	0.7674		2,392.0692
<b>Total</b>	<b>1.5463</b>	<b>18.2862</b>	<b>10.7496</b>	<b>0.0245</b>	<b>0.2148</b>	<b>0.7019</b>	<b>0.9166</b>	<b>0.0232</b>	<b>0.6457</b>	<b>0.6689</b>	<b>0.0000</b>	<b>2,372.8832</b>	<b>2,372.8832</b>	<b>0.7674</b>		<b>2,392.0692</b>

Route 238 Property Development – Apple Avenue/Oak Street (Parcel Group 9) - Bay Area AQMD Air District, Summer

**3.2 Site Preparation - 2021**

**Mitigated Construction Off-Site**

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Hauling	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000	0.0000		0.0000
Vendor	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000	0.0000		0.0000
Worker	0.0257	0.0150	0.1965	6.4000e-004	0.0657	4.1000e-004	0.0661	0.0174	3.8000e-004	0.0178		63.3568	63.3568	1.4200e-003		63.3922
<b>Total</b>	<b>0.0257</b>	<b>0.0150</b>	<b>0.1965</b>	<b>6.4000e-004</b>	<b>0.0657</b>	<b>4.1000e-004</b>	<b>0.0661</b>	<b>0.0174</b>	<b>3.8000e-004</b>	<b>0.0178</b>		<b>63.3568</b>	<b>63.3568</b>	<b>1.4200e-003</b>		<b>63.3922</b>

**3.3 Grading - 2021**

**Unmitigated Construction On-Site**

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Fugitive Dust					6.3402	0.0000	6.3402	3.3446	0.0000	3.3446			0.0000			0.0000
Off-Road	1.8271	20.2135	9.7604	0.0206		0.9158	0.9158		0.8425	0.8425		1,995.6114	1,995.6114	0.6454		2,011.7470
<b>Total</b>	<b>1.8271</b>	<b>20.2135</b>	<b>9.7604</b>	<b>0.0206</b>	<b>6.3402</b>	<b>0.9158</b>	<b>7.2560</b>	<b>3.3446</b>	<b>0.8425</b>	<b>4.1871</b>		<b>1,995.6114</b>	<b>1,995.6114</b>	<b>0.6454</b>		<b>2,011.7470</b>

Route 238 Property Development – Apple Avenue/Oak Street (Parcel Group 9) - Bay Area AQMD Air District, Summer

**3.3 Grading - 2021**

**Unmitigated Construction Off-Site**

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Hauling	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000	0.0000		0.0000
Vendor	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000	0.0000		0.0000
Worker	0.0322	0.0188	0.2456	7.9000e-004	0.0822	5.2000e-004	0.0827	0.0218	4.8000e-004	0.0223		79.1960	79.1960	1.7700e-003		79.2402
<b>Total</b>	<b>0.0322</b>	<b>0.0188</b>	<b>0.2456</b>	<b>7.9000e-004</b>	<b>0.0822</b>	<b>5.2000e-004</b>	<b>0.0827</b>	<b>0.0218</b>	<b>4.8000e-004</b>	<b>0.0223</b>		<b>79.1960</b>	<b>79.1960</b>	<b>1.7700e-003</b>		<b>79.2402</b>

**Mitigated Construction On-Site**

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Fugitive Dust					2.8531	0.0000	2.8531	1.5051	0.0000	1.5051			0.0000			0.0000
Off-Road	1.8271	20.2135	9.7604	0.0206		0.9158	0.9158		0.8425	0.8425	0.0000	1,995.6114	1,995.6114	0.6454		2,011.7470
<b>Total</b>	<b>1.8271</b>	<b>20.2135</b>	<b>9.7604</b>	<b>0.0206</b>	<b>2.8531</b>	<b>0.9158</b>	<b>3.7689</b>	<b>1.5051</b>	<b>0.8425</b>	<b>2.3476</b>	<b>0.0000</b>	<b>1,995.6114</b>	<b>1,995.6114</b>	<b>0.6454</b>		<b>2,011.7470</b>

Route 238 Property Development – Apple Avenue/Oak Street (Parcel Group 9) - Bay Area AQMD Air District, Summer

**3.3 Grading - 2021**

**Mitigated Construction Off-Site**

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Hauling	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000	0.0000		0.0000
Vendor	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000	0.0000		0.0000
Worker	0.0322	0.0188	0.2456	7.9000e-004	0.0822	5.2000e-004	0.0827	0.0218	4.8000e-004	0.0223		79.1960	79.1960	1.7700e-003		79.2402
<b>Total</b>	<b>0.0322</b>	<b>0.0188</b>	<b>0.2456</b>	<b>7.9000e-004</b>	<b>0.0822</b>	<b>5.2000e-004</b>	<b>0.0827</b>	<b>0.0218</b>	<b>4.8000e-004</b>	<b>0.0223</b>		<b>79.1960</b>	<b>79.1960</b>	<b>1.7700e-003</b>		<b>79.2402</b>

**3.4 Building Construction - 2021**

**Unmitigated Construction On-Site**

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Off-Road	2.0451	16.0275	14.5629	0.0250		0.8173	0.8173		0.7831	0.7831		2,288.9355	2,288.9355	0.4503		2,300.1935
<b>Total</b>	<b>2.0451</b>	<b>16.0275</b>	<b>14.5629</b>	<b>0.0250</b>		<b>0.8173</b>	<b>0.8173</b>		<b>0.7831</b>	<b>0.7831</b>		<b>2,288.9355</b>	<b>2,288.9355</b>	<b>0.4503</b>		<b>2,300.1935</b>

Route 238 Property Development – Apple Avenue/Oak Street (Parcel Group 9) - Bay Area AQMD Air District, Summer

**3.4 Building Construction - 2021**

**Unmitigated Construction Off-Site**

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Hauling	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000	0.0000		0.0000
Vendor	0.0806	2.6869	0.6336	7.0900e-003	0.1760	5.8200e-003	0.1818	0.0507	5.5700e-003	0.0562		751.2922	751.2922	0.0353		752.1737
Worker	0.2187	0.1278	1.6703	5.4000e-003	0.5586	3.5100e-003	0.5621	0.1482	3.2400e-003	0.1514		538.5325	538.5325	0.0120		538.8334
<b>Total</b>	<b>0.2993</b>	<b>2.8147</b>	<b>2.3039</b>	<b>0.0125</b>	<b>0.7346</b>	<b>9.3300e-003</b>	<b>0.7439</b>	<b>0.1988</b>	<b>8.8100e-003</b>	<b>0.2076</b>		<b>1,289.8247</b>	<b>1,289.8247</b>	<b>0.0473</b>		<b>1,291.0072</b>

**Mitigated Construction On-Site**

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Off-Road	2.0451	16.0275	14.5629	0.0250		0.8173	0.8173		0.7831	0.7831	0.0000	2,288.9355	2,288.9355	0.4503		2,300.1935
<b>Total</b>	<b>2.0451</b>	<b>16.0275</b>	<b>14.5629</b>	<b>0.0250</b>		<b>0.8173</b>	<b>0.8173</b>		<b>0.7831</b>	<b>0.7831</b>	<b>0.0000</b>	<b>2,288.9355</b>	<b>2,288.9355</b>	<b>0.4503</b>		<b>2,300.1935</b>

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**3.4 Building Construction - 2021**

**Mitigated Construction Off-Site**

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Hauling	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000	0.0000		0.0000
Vendor	0.0806	2.6869	0.6336	7.0900e-003	0.1760	5.8200e-003	0.1818	0.0507	5.5700e-003	0.0562		751.2922	751.2922	0.0353		752.1737
Worker	0.2187	0.1278	1.6703	5.4000e-003	0.5586	3.5100e-003	0.5621	0.1482	3.2400e-003	0.1514		538.5325	538.5325	0.0120		538.8334
<b>Total</b>	<b>0.2993</b>	<b>2.8147</b>	<b>2.3039</b>	<b>0.0125</b>	<b>0.7346</b>	<b>9.3300e-003</b>	<b>0.7439</b>	<b>0.1988</b>	<b>8.8100e-003</b>	<b>0.2076</b>		<b>1,289.8247</b>	<b>1,289.8247</b>	<b>0.0473</b>		<b>1,291.0072</b>

**3.4 Building Construction - 2022**

**Unmitigated Construction On-Site**

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Off-Road	1.8555	14.6040	14.3533	0.0250		0.7022	0.7022		0.6731	0.6731		2,289.2813	2,289.2813	0.4417		2,300.3230
<b>Total</b>	<b>1.8555</b>	<b>14.6040</b>	<b>14.3533</b>	<b>0.0250</b>		<b>0.7022</b>	<b>0.7022</b>		<b>0.6731</b>	<b>0.6731</b>		<b>2,289.2813</b>	<b>2,289.2813</b>	<b>0.4417</b>		<b>2,300.3230</b>



Route 238 Property Development – Apple Avenue/Oak Street (Parcel Group 9) - Bay Area AQMD Air District, Summer

**3.4 Building Construction - 2022**

**Unmitigated Construction Off-Site**

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Hauling	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000	0.0000		0.0000
Vendor	0.0752	2.5465	0.5959	7.0200e-003	0.1760	5.0500e-003	0.1811	0.0507	4.8300e-003	0.0555		743.9757	743.9757	0.0337		744.8186
Worker	0.2035	0.1146	1.5391	5.2000e-003	0.5586	3.4300e-003	0.5620	0.1482	3.1600e-003	0.1513		518.7689	518.7689	0.0108		519.0391
<b>Total</b>	<b>0.2787</b>	<b>2.6611</b>	<b>2.1350</b>	<b>0.0122</b>	<b>0.7346</b>	<b>8.4800e-003</b>	<b>0.7431</b>	<b>0.1988</b>	<b>7.9900e-003</b>	<b>0.2068</b>		<b>1,262.7446</b>	<b>1,262.7446</b>	<b>0.0445</b>		<b>1,263.8577</b>

**Mitigated Construction On-Site**

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Off-Road	1.8555	14.6040	14.3533	0.0250		0.7022	0.7022		0.6731	0.6731	0.0000	2,289.2813	2,289.2813	0.4417		2,300.3230
<b>Total</b>	<b>1.8555</b>	<b>14.6040</b>	<b>14.3533</b>	<b>0.0250</b>		<b>0.7022</b>	<b>0.7022</b>		<b>0.6731</b>	<b>0.6731</b>	<b>0.0000</b>	<b>2,289.2813</b>	<b>2,289.2813</b>	<b>0.4417</b>		<b>2,300.3230</b>

Route 238 Property Development – Apple Avenue/Oak Street (Parcel Group 9) - Bay Area AQMD Air District, Summer

**3.4 Building Construction - 2022**

**Mitigated Construction Off-Site**

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Hauling	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000	0.0000		0.0000
Vendor	0.0752	2.5465	0.5959	7.0200e-003	0.1760	5.0500e-003	0.1811	0.0507	4.8300e-003	0.0555		743.9757	743.9757	0.0337		744.8186
Worker	0.2035	0.1146	1.5391	5.2000e-003	0.5586	3.4300e-003	0.5620	0.1482	3.1600e-003	0.1513		518.7689	518.7689	0.0108		519.0391
<b>Total</b>	<b>0.2787</b>	<b>2.6611</b>	<b>2.1350</b>	<b>0.0122</b>	<b>0.7346</b>	<b>8.4800e-003</b>	<b>0.7431</b>	<b>0.1988</b>	<b>7.9900e-003</b>	<b>0.2068</b>		<b>1,262.7446</b>	<b>1,262.7446</b>	<b>0.0445</b>		<b>1,263.8577</b>

**3.5 Paving - 2022**

**Unmitigated Construction On-Site**

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Off-Road	0.9412	9.3322	11.6970	0.0179		0.4879	0.4879		0.4500	0.4500		1,709.6892	1,709.6892	0.5419		1,723.2356
Paving	0.1755					0.0000	0.0000		0.0000	0.0000			0.0000			0.0000
<b>Total</b>	<b>1.1167</b>	<b>9.3322</b>	<b>11.6970</b>	<b>0.0179</b>		<b>0.4879</b>	<b>0.4879</b>		<b>0.4500</b>	<b>0.4500</b>		<b>1,709.6892</b>	<b>1,709.6892</b>	<b>0.5419</b>		<b>1,723.2356</b>

Route 238 Property Development – Apple Avenue/Oak Street (Parcel Group 9) - Bay Area AQMD Air District, Summer

**3.5 Paving - 2022**

**Unmitigated Construction Off-Site**

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Hauling	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000	0.0000		0.0000
Vendor	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000	0.0000		0.0000
Worker	0.0449	0.0253	0.3395	1.1500e-003	0.1232	7.6000e-004	0.1240	0.0327	7.0000e-004	0.0334		114.4343	114.4343	2.3800e-003		114.4939
<b>Total</b>	<b>0.0449</b>	<b>0.0253</b>	<b>0.3395</b>	<b>1.1500e-003</b>	<b>0.1232</b>	<b>7.6000e-004</b>	<b>0.1240</b>	<b>0.0327</b>	<b>7.0000e-004</b>	<b>0.0334</b>		<b>114.4343</b>	<b>114.4343</b>	<b>2.3800e-003</b>		<b>114.4939</b>

**Mitigated Construction On-Site**

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Off-Road	0.9412	9.3322	11.6970	0.0179		0.4879	0.4879		0.4500	0.4500	0.0000	1,709.6892	1,709.6892	0.5419		1,723.2356
Paving	0.1755					0.0000	0.0000		0.0000	0.0000			0.0000			0.0000
<b>Total</b>	<b>1.1167</b>	<b>9.3322</b>	<b>11.6970</b>	<b>0.0179</b>		<b>0.4879</b>	<b>0.4879</b>		<b>0.4500</b>	<b>0.4500</b>	<b>0.0000</b>	<b>1,709.6892</b>	<b>1,709.6892</b>	<b>0.5419</b>		<b>1,723.2356</b>

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**3.5 Paving - 2022**

**Mitigated Construction Off-Site**

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Hauling	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000	0.0000		0.0000
Vendor	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000	0.0000		0.0000
Worker	0.0449	0.0253	0.3395	1.1500e-003	0.1232	7.6000e-004	0.1240	0.0327	7.0000e-004	0.0334		114.4343	114.4343	2.3800e-003		114.4939
<b>Total</b>	<b>0.0449</b>	<b>0.0253</b>	<b>0.3395</b>	<b>1.1500e-003</b>	<b>0.1232</b>	<b>7.6000e-004</b>	<b>0.1240</b>	<b>0.0327</b>	<b>7.0000e-004</b>	<b>0.0334</b>		<b>114.4343</b>	<b>114.4343</b>	<b>2.3800e-003</b>		<b>114.4939</b>

**3.6 Architectural Coating - 2022**

**Unmitigated Construction On-Site**

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Archit. Coating	106.7904					0.0000	0.0000		0.0000	0.0000			0.0000			0.0000
Off-Road	0.2045	1.4085	1.8136	2.9700e-003		0.0817	0.0817		0.0817	0.0817		281.4481	281.4481	0.0183		281.9062
<b>Total</b>	<b>106.9949</b>	<b>1.4085</b>	<b>1.8136</b>	<b>2.9700e-003</b>		<b>0.0817</b>	<b>0.0817</b>		<b>0.0817</b>	<b>0.0817</b>		<b>281.4481</b>	<b>281.4481</b>	<b>0.0183</b>		<b>281.9062</b>

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**3.6 Architectural Coating - 2022**

**Unmitigated Construction Off-Site**

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Hauling	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000	0.0000		0.0000
Vendor	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000	0.0000		0.0000
Worker	0.0419	0.0236	0.3169	1.0700e-003	0.1150	7.1000e-004	0.1157	0.0305	6.5000e-004	0.0312		106.8054	106.8054	2.2300e-003		106.8610
<b>Total</b>	<b>0.0419</b>	<b>0.0236</b>	<b>0.3169</b>	<b>1.0700e-003</b>	<b>0.1150</b>	<b>7.1000e-004</b>	<b>0.1157</b>	<b>0.0305</b>	<b>6.5000e-004</b>	<b>0.0312</b>		<b>106.8054</b>	<b>106.8054</b>	<b>2.2300e-003</b>		<b>106.8610</b>

**Mitigated Construction On-Site**

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Archit. Coating	106.7904					0.0000	0.0000		0.0000	0.0000			0.0000			0.0000
Off-Road	0.2045	1.4085	1.8136	2.9700e-003		0.0817	0.0817		0.0817	0.0817	0.0000	281.4481	281.4481	0.0183		281.9062
<b>Total</b>	<b>106.9949</b>	<b>1.4085</b>	<b>1.8136</b>	<b>2.9700e-003</b>		<b>0.0817</b>	<b>0.0817</b>		<b>0.0817</b>	<b>0.0817</b>	<b>0.0000</b>	<b>281.4481</b>	<b>281.4481</b>	<b>0.0183</b>		<b>281.9062</b>

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**3.6 Architectural Coating - 2022**

**Mitigated Construction Off-Site**

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Hauling	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000	0.0000		0.0000
Vendor	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000	0.0000		0.0000
Worker	0.0419	0.0236	0.3169	1.0700e-003	0.1150	7.1000e-004	0.1157	0.0305	6.5000e-004	0.0312		106.8054	106.8054	2.2300e-003		106.8610
<b>Total</b>	<b>0.0419</b>	<b>0.0236</b>	<b>0.3169</b>	<b>1.0700e-003</b>	<b>0.1150</b>	<b>7.1000e-004</b>	<b>0.1157</b>	<b>0.0305</b>	<b>6.5000e-004</b>	<b>0.0312</b>		<b>106.8054</b>	<b>106.8054</b>	<b>2.2300e-003</b>		<b>106.8610</b>

**4.0 Operational Detail - Mobile**

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**4.1 Mitigation Measures Mobile**

Increase Density

Improve Destination Accessibility

Increase Transit Accessibility

Improve Pedestrian Network

Route 238 Property Development – Apple Avenue/Oak Street (Parcel Group 9) - Bay Area AQMD Air District, Summer

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Mitigated	1.7145	2.2977	15.0803	0.0451	4.4270	0.0409	4.4678	1.1801	0.0381	1.2182		4,504.7465	4,504.7465	0.1428		4,508.3161
Unmitigated	1.7684	2.5177	16.5996	0.0508	5.0192	0.0455	5.0647	1.3380	0.0424	1.3803		5,080.1908	5,080.1908	0.1585		5,084.1541

4.2 Trip Summary Information

Land Use	Average Daily Trip Rate			Unmitigated	Mitigated
	Weekday	Saturday	Sunday	Annual VMT	Annual VMT
Hotel	1,254.00	1,254.00	1,254.00	2,382,513	2,101,377
Parking Lot	0.00	0.00	0.00		
Recreational Swimming Pool	0.00	0.00	0.00		
Total	1,254.00	1,254.00	1,254.00	2,382,513	2,101,377

4.3 Trip Type Information

Land Use	Miles			Trip %			Trip Purpose %		
	H-W or C-W	H-S or C-C	H-O or C-NW	H-W or C-W	H-S or C-C	H-O or C-NW	Primary	Diverted	Pass-by
Hotel	9.50	7.30	7.30	19.40	61.60	19.00	58	38	4
Parking Lot	9.50	7.30	7.30	0.00	0.00	0.00	0	0	0
Recreational Swimming Pool	9.50	7.30	7.30	33.00	48.00	19.00	52	39	9

4.4 Fleet Mix

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Land Use	LDA	LDT1	LDT2	MDV	LHD1	LHD2	MHD	HHD	OBUS	UBUS	MCY	SBUS	MH
Hotel	0.619098	0.039376	0.193723	0.112069	0.016317	0.005000	0.001000	0.001000	0.002614	0.002274	0.005874	0.000887	0.000768
Parking Lot	0.576985	0.039376	0.193723	0.112069	0.016317	0.005358	0.017943	0.025814	0.002614	0.002274	0.005874	0.000887	0.000768
Recreational Swimming Pool	0.576985	0.039376	0.193723	0.112069	0.016317	0.005358	0.017943	0.025814	0.002614	0.002274	0.005874	0.000887	0.000768

**5.0 Energy Detail**

Historical Energy Use: N

**5.1 Mitigation Measures Energy**

Exceed Title 24

Category	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
	lb/day										lb/day					
NaturalGas Mitigated	0.0818	0.7439	0.6249	4.4600e-003		0.0565	0.0565		0.0565	0.0565		892.6994	892.6994	0.0171	0.0164	898.0043
NaturalGas Unmitigated	0.1079	0.9807	0.8238	5.8800e-003		0.0745	0.0745		0.0745	0.0745		1,176.7929	1,176.7929	0.0226	0.0216	1,183.7860



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**5.2 Energy by Land Use - NaturalGas**

**Unmitigated**

	NaturalGas Use	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Land Use	kBTU/yr	lb/day										lb/day					
Hotel	10002.7	0.1079	0.9807	0.8238	5.8800e-003		0.0745	0.0745		0.0745	0.0745		1,176.7929	1,176.7929	0.0226	0.0216	1,183.7860
Parking Lot	0	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000		0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000
Recreational Swimming Pool	0	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000		0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000
<b>Total</b>		<b>0.1079</b>	<b>0.9807</b>	<b>0.8238</b>	<b>5.8800e-003</b>		<b>0.0745</b>	<b>0.0745</b>		<b>0.0745</b>	<b>0.0745</b>		<b>1,176.7929</b>	<b>1,176.7929</b>	<b>0.0226</b>	<b>0.0216</b>	<b>1,183.7860</b>

**Mitigated**

	NaturalGas Use	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Land Use	kBTU/yr	lb/day										lb/day					
Hotel	7.58795	0.0818	0.7439	0.6249	4.4600e-003		0.0565	0.0565		0.0565	0.0565		892.6994	892.6994	0.0171	0.0164	898.0043
Parking Lot	0	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000		0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000
Recreational Swimming Pool	0	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000		0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000
<b>Total</b>		<b>0.0818</b>	<b>0.7439</b>	<b>0.6249</b>	<b>4.4600e-003</b>		<b>0.0565</b>	<b>0.0565</b>		<b>0.0565</b>	<b>0.0565</b>		<b>892.6994</b>	<b>892.6994</b>	<b>0.0171</b>	<b>0.0164</b>	<b>898.0043</b>

**6.0 Area Detail**

Route 238 Property Development – Apple Avenue/Oak Street (Parcel Group 9) - Bay Area AQMD Air District, Summer

**6.1 Mitigation Measures Area**

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Mitigated	2.4567	2.8000e-004	0.0308	0.0000		1.1000e-004	1.1000e-004		1.1000e-004	1.1000e-004		0.0659	0.0659	1.7000e-004		0.0702
Unmitigated	2.4567	2.8000e-004	0.0308	0.0000		1.1000e-004	1.1000e-004		1.1000e-004	1.1000e-004		0.0659	0.0659	1.7000e-004		0.0702

**6.2 Area by SubCategory**

**Unmitigated**

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
SubCategory	lb/day										lb/day					
Architectural Coating	0.2926					0.0000	0.0000		0.0000	0.0000			0.0000			0.0000
Consumer Products	2.1613					0.0000	0.0000		0.0000	0.0000			0.0000			0.0000
Landscaping	2.8600e-003	2.8000e-004	0.0308	0.0000		1.1000e-004	1.1000e-004		1.1000e-004	1.1000e-004		0.0659	0.0659	1.7000e-004		0.0702
<b>Total</b>	<b>2.4567</b>	<b>2.8000e-004</b>	<b>0.0308</b>	<b>0.0000</b>		<b>1.1000e-004</b>	<b>1.1000e-004</b>		<b>1.1000e-004</b>	<b>1.1000e-004</b>		<b>0.0659</b>	<b>0.0659</b>	<b>1.7000e-004</b>		<b>0.0702</b>

Route 238 Property Development – Apple Avenue/Oak Street (Parcel Group 9) - Bay Area AQMD Air District, Summer

**6.2 Area by SubCategory**

**Mitigated**

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
SubCategory	lb/day										lb/day					
Architectural Coating	0.2926					0.0000	0.0000		0.0000	0.0000			0.0000			0.0000
Consumer Products	2.1613					0.0000	0.0000		0.0000	0.0000			0.0000			0.0000
Landscaping	2.8600e-003	2.8000e-004	0.0308	0.0000		1.1000e-004	1.1000e-004		1.1000e-004	1.1000e-004		0.0659	0.0659	1.7000e-004		0.0702
<b>Total</b>	<b>2.4567</b>	<b>2.8000e-004</b>	<b>0.0308</b>	<b>0.0000</b>		<b>1.1000e-004</b>	<b>1.1000e-004</b>		<b>1.1000e-004</b>	<b>1.1000e-004</b>		<b>0.0659</b>	<b>0.0659</b>	<b>1.7000e-004</b>		<b>0.0702</b>

**7.0 Water Detail**

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**7.1 Mitigation Measures Water**

**8.0 Waste Detail**

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**8.1 Mitigation Measures Waste**

Institute Recycling and Composting Services

**9.0 Operational Offroad**

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

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Route 238 Property Development – Apple Avenue/Oak Street (Parcel Group 9) - Bay Area AQMD Air District, Summer

**Fire Pumps and Emergency Generators**

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

Equipment Type	Number	Heat Input/Day	Heat Input/Year	Boiler Rating	Fuel Type
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**User Defined Equipment**

Equipment Type	Number
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**11.0 Vegetation**

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Route 238 Property Development – Apple Avenue/Oak Street (Parcel Group 9) - Bay Area AQMD Air District, Winter

**Route 238 Property Development – Apple Avenue/Oak Street (Parcel Group 9)**  
**Bay Area AQMD Air District, Winter**

**1.0 Project Characteristics**

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**1.1 Land Usage**

Land Uses	Size	Metric	Lot Acreage	Floor Surface Area	Population
Parking Lot	150.00	Space	0.67	60,000.00	0
Hotel	150.00	Room	2.00	100,000.00	0
Recreational Swimming Pool	0.90	1000sqft	0.02	900.00	0

**1.2 Other Project Characteristics**

<b>Urbanization</b>	Urban	<b>Wind Speed (m/s)</b>	2.2	<b>Precipitation Freq (Days)</b>	64
<b>Climate Zone</b>	5			<b>Operational Year</b>	2022
<b>Utility Company</b>	Pacific Gas & Electric Company				
<b>CO2 Intensity (lb/MW hr)</b>	328.8	<b>CH4 Intensity (lb/MW hr)</b>	0.029	<b>N2O Intensity (lb/MW hr)</b>	0.006

**1.3 User Entered Comments & Non-Default Data**

Route 238 Property Development – Apple Avenue/Oak Street (Parcel Group 9) - Bay Area AQMD Air District, Winter

Project Characteristics - CO2 intensity based on 5-year average (PG&E 2015)

Land Use - The Parcel Group 9 Project would consist of an up to 150-room hotel and associated parking and outdoor pool.

Construction Phase - The Parcel Group 9 Project would consist of an up to 150-room hotel and associated parking

Vehicle Trips - Based on the Transportation Impact Analysis prepared for the proposed project

Construction Off-road Equipment Mitigation - assuming compliance with BAAQMD Basic Construction Mitigation Measures

Mobile Land Use Mitigation -

Energy Mitigation - Compliance with 2019 Title 24 improvements

Waste Mitigation - Assuming 25 percent reduction in waste disposed, consistent with the CalRecycle Waste Diversion and Recycling Mandate

Fleet Mix - Revised fleet mix percentages

## Route 238 Property Development – Apple Avenue/Oak Street (Parcel Group 9) - Bay Area AQMD Air District, Winter

Table Name	Column Name	Default Value	New Value
tblConstructionPhase	NumDays	6.00	10.00
tblConstructionPhase	NumDays	3.00	10.00
tblFleetMix	HHD	0.03	1.0000e-003
tblFleetMix	LDA	0.58	0.62
tblFleetMix	LHD2	5.3580e-003	5.0000e-003
tblFleetMix	MHD	0.02	1.0000e-003
tblGrading	AcresOfGrading	5.00	3.00
tblGrading	AcresOfGrading	15.00	4.50
tblLandUse	LandUseSquareFeet	217,800.00	100,000.00
tblLandUse	LotAcreage	1.35	0.67
tblLandUse	LotAcreage	5.00	2.00
tblProjectCharacteristics	CO2IntensityFactor	641.35	328.8
tblVehicleTrips	ST_TR	8.19	8.36
tblVehicleTrips	ST_TR	9.10	0.00
tblVehicleTrips	SU_TR	5.95	8.36
tblVehicleTrips	SU_TR	13.60	0.00
tblVehicleTrips	WD_TR	8.17	8.36
tblVehicleTrips	WD_TR	33.82	0.00

## 2.0 Emissions Summary

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Route 238 Property Development – Apple Avenue/Oak Street (Parcel Group 9) - Bay Area AQMD Air District, Winter

**2.2 Overall Operational**

**Unmitigated Operational**

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Area	2.4567	2.8000e-004	0.0308	0.0000		1.1000e-004	1.1000e-004		1.1000e-004	1.1000e-004		0.0659	0.0659	1.7000e-004		0.0702
Energy	0.1079	0.9807	0.8238	5.8800e-003		0.0745	0.0745		0.0745	0.0745		1,176.7929	1,176.7929	0.0226	0.0216	1,183.7860
Mobile	1.4887	2.8533	16.8836	0.0472	5.0192	0.0455	5.0647	1.3380	0.0424	1.3804		4,718.4482	4,718.4482	0.1591		4,722.4260
<b>Total</b>	<b>4.0533</b>	<b>3.8342</b>	<b>17.7381</b>	<b>0.0531</b>	<b>5.0192</b>	<b>0.1201</b>	<b>5.1394</b>	<b>1.3380</b>	<b>0.1170</b>	<b>1.4550</b>		<b>5,895.3070</b>	<b>5,895.3070</b>	<b>0.1818</b>	<b>0.0216</b>	<b>5,906.2822</b>

**Mitigated Operational**

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Area	2.4567	2.8000e-004	0.0308	0.0000		1.1000e-004	1.1000e-004		1.1000e-004	1.1000e-004		0.0659	0.0659	1.7000e-004		0.0702
Energy	0.0818	0.7439	0.6249	4.4600e-003		0.0565	0.0565		0.0565	0.0565		892.6994	892.6994	0.0171	0.0164	898.0043
Mobile	1.4357	2.6013	15.5394	0.0419	4.4270	0.0409	4.4679	1.1801	0.0381	1.2182		4,185.4155	4,185.4155	0.1442		4,189.0212
<b>Total</b>	<b>3.9742</b>	<b>3.3455</b>	<b>16.1950</b>	<b>0.0463</b>	<b>4.4270</b>	<b>0.0976</b>	<b>4.5245</b>	<b>1.1801</b>	<b>0.0948</b>	<b>1.2748</b>		<b>5,078.1808</b>	<b>5,078.1808</b>	<b>0.1615</b>	<b>0.0164</b>	<b>5,087.0957</b>

## Route 238 Property Development – Apple Avenue/Oak Street (Parcel Group 9) - Bay Area AQMD Air District, Winter

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio-CO2	Total CO2	CH4	N2O	CO2e
Percent Reduction	1.95	12.75	8.70	12.70	11.80	18.80	11.96	11.80	19.04	12.38	0.00	13.86	13.86	11.19	24.11	13.87

### 3.0 Construction Detail

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#### Construction Phase

Phase Number	Phase Name	Phase Type	Start Date	End Date	Num Days Week	Num Days	Phase Description
1	Site Preparation	Site Preparation	4/5/2021	4/16/2021	5	10	
2	Grading	Grading	4/19/2021	4/30/2021	5	10	
3	Building Construction	Building Construction	5/3/2021	3/4/2022	5	220	
4	Paving	Paving	3/7/2022	3/18/2022	5	10	
5	Architectural Coating	Architectural Coating	3/21/2022	4/1/2022	5	10	

**Acres of Grading (Site Preparation Phase): 4.5**

**Acres of Grading (Grading Phase): 3**

**Acres of Paving: 0.67**

**Residential Indoor: 0; Residential Outdoor: 0; Non-Residential Indoor: 150,000; Non-Residential Outdoor: 50,000; Striped Parking Area: 3,600 (Architectural Coating – sqft)**

#### OffRoad Equipment

Route 238 Property Development – Apple Avenue/Oak Street (Parcel Group 9) - Bay Area AQMD Air District, Winter

Phase Name	Offroad Equipment Type	Amount	Usage Hours	Horse Power	Load Factor
Site Preparation	Graders	1	8.00	187	0.41
Site Preparation	Scrapers	1	8.00	367	0.48
Site Preparation	Tractors/Loaders/Backhoes	1	7.00	97	0.37
Grading	Graders	1	8.00	187	0.41
Grading	Rubber Tired Dozers	1	8.00	247	0.40
Grading	Tractors/Loaders/Backhoes	2	7.00	97	0.37
Building Construction	Cranes	1	8.00	231	0.29
Building Construction	Forklifts	2	7.00	89	0.20
Building Construction	Generator Sets	1	8.00	84	0.74
Building Construction	Tractors/Loaders/Backhoes	1	6.00	97	0.37
Building Construction	Welders	3	8.00	46	0.45
Paving	Cement and Mortar Mixers	1	8.00	9	0.56
Paving	Pavers	1	8.00	130	0.42
Paving	Paving Equipment	1	8.00	132	0.36
Paving	Rollers	2	8.00	80	0.38
Paving	Tractors/Loaders/Backhoes	1	8.00	97	0.37
Architectural Coating	Air Compressors	1	6.00	78	0.48

**Trips and VMT**

Phase Name	Offroad Equipment Count	Worker Trip Number	Vendor Trip Number	Hauling Trip Number	Worker Trip Length	Vendor Trip Length	Hauling Trip Length	Worker Vehicle Class	Vendor Vehicle Class	Hauling Vehicle Class
Site Preparation	3	8.00	0.00	0.00	10.80	7.30	20.00	LD_Mix	HDT_Mix	HHDT
Grading	4	10.00	0.00	0.00	10.80	7.30	20.00	LD_Mix	HDT_Mix	HHDT
Building Construction	8	68.00	26.00	0.00	10.80	7.30	20.00	LD_Mix	HDT_Mix	HHDT
Paving	6	15.00	0.00	0.00	10.80	7.30	20.00	LD_Mix	HDT_Mix	HHDT
Architectural Coating	1	14.00	0.00	0.00	10.80	7.30	20.00	LD_Mix	HDT_Mix	HHDT

Route 238 Property Development – Apple Avenue/Oak Street (Parcel Group 9) - Bay Area AQMD Air District, Winter

**3.1 Mitigation Measures Construction**

Water Exposed Area

Reduce Vehicle Speed on Unpaved Roads

**3.2 Site Preparation - 2021**

**Unmitigated Construction On-Site**

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Fugitive Dust					0.4772	0.0000	0.4772	0.0515	0.0000	0.0515			0.0000			0.0000
Off-Road	1.5463	18.2862	10.7496	0.0245		0.7019	0.7019		0.6457	0.6457		2,372.883 2	2,372.883 2	0.7674		2,392.069 2
<b>Total</b>	<b>1.5463</b>	<b>18.2862</b>	<b>10.7496</b>	<b>0.0245</b>	<b>0.4772</b>	<b>0.7019</b>	<b>1.1791</b>	<b>0.0515</b>	<b>0.6457</b>	<b>0.6973</b>		<b>2,372.883 2</b>	<b>2,372.883 2</b>	<b>0.7674</b>		<b>2,392.069 2</b>

Route 238 Property Development – Apple Avenue/Oak Street (Parcel Group 9) - Bay Area AQMD Air District, Winter

**3.2 Site Preparation - 2021**

**Unmitigated Construction Off-Site**

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Hauling	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000	0.0000		0.0000
Vendor	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000	0.0000		0.0000
Worker	0.0273	0.0186	0.1839	5.9000e-004	0.0657	4.1000e-004	0.0661	0.0174	3.8000e-004	0.0178		58.3629	58.3629	1.3200e-003		58.3960
<b>Total</b>	<b>0.0273</b>	<b>0.0186</b>	<b>0.1839</b>	<b>5.9000e-004</b>	<b>0.0657</b>	<b>4.1000e-004</b>	<b>0.0661</b>	<b>0.0174</b>	<b>3.8000e-004</b>	<b>0.0178</b>		<b>58.3629</b>	<b>58.3629</b>	<b>1.3200e-003</b>		<b>58.3960</b>

**Mitigated Construction On-Site**

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Fugitive Dust					0.2148	0.0000	0.2148	0.0232	0.0000	0.0232			0.0000			0.0000
Off-Road	1.5463	18.2862	10.7496	0.0245		0.7019	0.7019		0.6457	0.6457	0.0000	2,372.8832	2,372.8832	0.7674		2,392.0692
<b>Total</b>	<b>1.5463</b>	<b>18.2862</b>	<b>10.7496</b>	<b>0.0245</b>	<b>0.2148</b>	<b>0.7019</b>	<b>0.9166</b>	<b>0.0232</b>	<b>0.6457</b>	<b>0.6689</b>	<b>0.0000</b>	<b>2,372.8832</b>	<b>2,372.8832</b>	<b>0.7674</b>		<b>2,392.0692</b>

Route 238 Property Development – Apple Avenue/Oak Street (Parcel Group 9) - Bay Area AQMD Air District, Winter

**3.2 Site Preparation - 2021**

**Mitigated Construction Off-Site**

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Hauling	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000	0.0000		0.0000
Vendor	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000	0.0000		0.0000
Worker	0.0273	0.0186	0.1839	5.9000e-004	0.0657	4.1000e-004	0.0661	0.0174	3.8000e-004	0.0178		58.3629	58.3629	1.3200e-003		58.3960
<b>Total</b>	<b>0.0273</b>	<b>0.0186</b>	<b>0.1839</b>	<b>5.9000e-004</b>	<b>0.0657</b>	<b>4.1000e-004</b>	<b>0.0661</b>	<b>0.0174</b>	<b>3.8000e-004</b>	<b>0.0178</b>		<b>58.3629</b>	<b>58.3629</b>	<b>1.3200e-003</b>		<b>58.3960</b>

**3.3 Grading - 2021**

**Unmitigated Construction On-Site**

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Fugitive Dust					6.3402	0.0000	6.3402	3.3446	0.0000	3.3446			0.0000			0.0000
Off-Road	1.8271	20.2135	9.7604	0.0206		0.9158	0.9158		0.8425	0.8425		1,995.6114	1,995.6114	0.6454		2,011.7470
<b>Total</b>	<b>1.8271</b>	<b>20.2135</b>	<b>9.7604</b>	<b>0.0206</b>	<b>6.3402</b>	<b>0.9158</b>	<b>7.2560</b>	<b>3.3446</b>	<b>0.8425</b>	<b>4.1871</b>		<b>1,995.6114</b>	<b>1,995.6114</b>	<b>0.6454</b>		<b>2,011.7470</b>

Route 238 Property Development – Apple Avenue/Oak Street (Parcel Group 9) - Bay Area AQMD Air District, Winter

**3.3 Grading - 2021**

**Unmitigated Construction Off-Site**

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Hauling	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000	0.0000		0.0000
Vendor	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000	0.0000		0.0000
Worker	0.0341	0.0232	0.2298	7.3000e-004	0.0822	5.2000e-004	0.0827	0.0218	4.8000e-004	0.0223		72.9537	72.9537	1.6500e-003		72.9949
<b>Total</b>	<b>0.0341</b>	<b>0.0232</b>	<b>0.2298</b>	<b>7.3000e-004</b>	<b>0.0822</b>	<b>5.2000e-004</b>	<b>0.0827</b>	<b>0.0218</b>	<b>4.8000e-004</b>	<b>0.0223</b>		<b>72.9537</b>	<b>72.9537</b>	<b>1.6500e-003</b>		<b>72.9949</b>

**Mitigated Construction On-Site**

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Fugitive Dust					2.8531	0.0000	2.8531	1.5051	0.0000	1.5051			0.0000			0.0000
Off-Road	1.8271	20.2135	9.7604	0.0206		0.9158	0.9158		0.8425	0.8425	0.0000	1,995.6114	1,995.6114	0.6454		2,011.7470
<b>Total</b>	<b>1.8271</b>	<b>20.2135</b>	<b>9.7604</b>	<b>0.0206</b>	<b>2.8531</b>	<b>0.9158</b>	<b>3.7689</b>	<b>1.5051</b>	<b>0.8425</b>	<b>2.3476</b>	<b>0.0000</b>	<b>1,995.6114</b>	<b>1,995.6114</b>	<b>0.6454</b>		<b>2,011.7470</b>

Route 238 Property Development – Apple Avenue/Oak Street (Parcel Group 9) - Bay Area AQMD Air District, Winter

**3.3 Grading - 2021**

**Mitigated Construction Off-Site**

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Hauling	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000	0.0000		0.0000
Vendor	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000	0.0000		0.0000
Worker	0.0341	0.0232	0.2298	7.3000e-004	0.0822	5.2000e-004	0.0827	0.0218	4.8000e-004	0.0223		72.9537	72.9537	1.6500e-003		72.9949
<b>Total</b>	<b>0.0341</b>	<b>0.0232</b>	<b>0.2298</b>	<b>7.3000e-004</b>	<b>0.0822</b>	<b>5.2000e-004</b>	<b>0.0827</b>	<b>0.0218</b>	<b>4.8000e-004</b>	<b>0.0223</b>		<b>72.9537</b>	<b>72.9537</b>	<b>1.6500e-003</b>		<b>72.9949</b>

**3.4 Building Construction - 2021**

**Unmitigated Construction On-Site**

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Off-Road	2.0451	16.0275	14.5629	0.0250		0.8173	0.8173		0.7831	0.7831		2,288.9355	2,288.9355	0.4503		2,300.1935
<b>Total</b>	<b>2.0451</b>	<b>16.0275</b>	<b>14.5629</b>	<b>0.0250</b>		<b>0.8173</b>	<b>0.8173</b>		<b>0.7831</b>	<b>0.7831</b>		<b>2,288.9355</b>	<b>2,288.9355</b>	<b>0.4503</b>		<b>2,300.1935</b>



Route 238 Property Development – Apple Avenue/Oak Street (Parcel Group 9) - Bay Area AQMD Air District, Winter

**3.4 Building Construction - 2021**

**Unmitigated Construction Off-Site**

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Hauling	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000	0.0000		0.0000
Vendor	0.0854	2.7100	0.7282	6.9100e-003	0.1760	6.0200e-003	0.1820	0.0507	5.7600e-003	0.0564		732.2306	732.2306	0.0382		733.1843
Worker	0.2316	0.1578	1.5627	4.9800e-003	0.5586	3.5100e-003	0.5621	0.1482	3.2400e-003	0.1514		496.0849	496.0849	0.0112		496.3655
<b>Total</b>	<b>0.3170</b>	<b>2.8678</b>	<b>2.2910</b>	<b>0.0119</b>	<b>0.7346</b>	<b>9.5300e-003</b>	<b>0.7441</b>	<b>0.1988</b>	<b>9.0000e-003</b>	<b>0.2078</b>		<b>1,228.3155</b>	<b>1,228.3155</b>	<b>0.0494</b>		<b>1,229.5498</b>

**Mitigated Construction On-Site**

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Off-Road	2.0451	16.0275	14.5629	0.0250		0.8173	0.8173		0.7831	0.7831	0.0000	2,288.9355	2,288.9355	0.4503		2,300.1935
<b>Total</b>	<b>2.0451</b>	<b>16.0275</b>	<b>14.5629</b>	<b>0.0250</b>		<b>0.8173</b>	<b>0.8173</b>		<b>0.7831</b>	<b>0.7831</b>	<b>0.0000</b>	<b>2,288.9355</b>	<b>2,288.9355</b>	<b>0.4503</b>		<b>2,300.1935</b>

Route 238 Property Development – Apple Avenue/Oak Street (Parcel Group 9) - Bay Area AQMD Air District, Winter

**3.4 Building Construction - 2021**

**Mitigated Construction Off-Site**

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Hauling	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000	0.0000		0.0000
Vendor	0.0854	2.7100	0.7282	6.9100e-003	0.1760	6.0200e-003	0.1820	0.0507	5.7600e-003	0.0564		732.2306	732.2306	0.0382		733.1843
Worker	0.2316	0.1578	1.5627	4.9800e-003	0.5586	3.5100e-003	0.5621	0.1482	3.2400e-003	0.1514		496.0849	496.0849	0.0112		496.3655
<b>Total</b>	<b>0.3170</b>	<b>2.8678</b>	<b>2.2910</b>	<b>0.0119</b>	<b>0.7346</b>	<b>9.5300e-003</b>	<b>0.7441</b>	<b>0.1988</b>	<b>9.0000e-003</b>	<b>0.2078</b>		<b>1,228.3155</b>	<b>1,228.3155</b>	<b>0.0494</b>		<b>1,229.5498</b>

**3.4 Building Construction - 2022**

**Unmitigated Construction On-Site**

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Off-Road	1.8555	14.6040	14.3533	0.0250		0.7022	0.7022		0.6731	0.6731		2,289.2813	2,289.2813	0.4417		2,300.3230
<b>Total</b>	<b>1.8555</b>	<b>14.6040</b>	<b>14.3533</b>	<b>0.0250</b>		<b>0.7022</b>	<b>0.7022</b>		<b>0.6731</b>	<b>0.6731</b>		<b>2,289.2813</b>	<b>2,289.2813</b>	<b>0.4417</b>		<b>2,300.3230</b>

Route 238 Property Development – Apple Avenue/Oak Street (Parcel Group 9) - Bay Area AQMD Air District, Winter

**3.4 Building Construction - 2022**

**Unmitigated Construction Off-Site**

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Hauling	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000	0.0000		0.0000
Vendor	0.0797	2.5657	0.6846	6.8400e-003	0.1760	5.2300e-003	0.1812	0.0507	5.0000e-003	0.0557		724.9812	724.9812	0.0364		725.8922
Worker	0.2162	0.1415	1.4340	4.7900e-003	0.5586	3.4300e-003	0.5620	0.1482	3.1600e-003	0.1513		477.8986	477.8986	0.0101		478.1498
<b>Total</b>	<b>0.2958</b>	<b>2.7072</b>	<b>2.1186</b>	<b>0.0116</b>	<b>0.7346</b>	<b>8.6600e-003</b>	<b>0.7433</b>	<b>0.1988</b>	<b>8.1600e-003</b>	<b>0.2070</b>		<b>1,202.8797</b>	<b>1,202.8797</b>	<b>0.0465</b>		<b>1,204.0420</b>

**Mitigated Construction On-Site**

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Off-Road	1.8555	14.6040	14.3533	0.0250		0.7022	0.7022		0.6731	0.6731	0.0000	2,289.2813	2,289.2813	0.4417		2,300.3230
<b>Total</b>	<b>1.8555</b>	<b>14.6040</b>	<b>14.3533</b>	<b>0.0250</b>		<b>0.7022</b>	<b>0.7022</b>		<b>0.6731</b>	<b>0.6731</b>	<b>0.0000</b>	<b>2,289.2813</b>	<b>2,289.2813</b>	<b>0.4417</b>		<b>2,300.3230</b>

Route 238 Property Development – Apple Avenue/Oak Street (Parcel Group 9) - Bay Area AQMD Air District, Winter

**3.4 Building Construction - 2022**

**Mitigated Construction Off-Site**

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Hauling	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000	0.0000		0.0000
Vendor	0.0797	2.5657	0.6846	6.8400e-003	0.1760	5.2300e-003	0.1812	0.0507	5.0000e-003	0.0557		724.9812	724.9812	0.0364		725.8922
Worker	0.2162	0.1415	1.4340	4.7900e-003	0.5586	3.4300e-003	0.5620	0.1482	3.1600e-003	0.1513		477.8986	477.8986	0.0101		478.1498
<b>Total</b>	<b>0.2958</b>	<b>2.7072</b>	<b>2.1186</b>	<b>0.0116</b>	<b>0.7346</b>	<b>8.6600e-003</b>	<b>0.7433</b>	<b>0.1988</b>	<b>8.1600e-003</b>	<b>0.2070</b>		<b>1,202.8797</b>	<b>1,202.8797</b>	<b>0.0465</b>		<b>1,204.0420</b>

**3.5 Paving - 2022**

**Unmitigated Construction On-Site**

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Off-Road	0.9412	9.3322	11.6970	0.0179		0.4879	0.4879		0.4500	0.4500		1,709.6892	1,709.6892	0.5419		1,723.2356
Paving	0.1755					0.0000	0.0000		0.0000	0.0000			0.0000			0.0000
<b>Total</b>	<b>1.1167</b>	<b>9.3322</b>	<b>11.6970</b>	<b>0.0179</b>		<b>0.4879</b>	<b>0.4879</b>		<b>0.4500</b>	<b>0.4500</b>		<b>1,709.6892</b>	<b>1,709.6892</b>	<b>0.5419</b>		<b>1,723.2356</b>

Route 238 Property Development – Apple Avenue/Oak Street (Parcel Group 9) - Bay Area AQMD Air District, Winter

**3.5 Paving - 2022**

**Unmitigated Construction Off-Site**

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Hauling	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000	0.0000		0.0000
Vendor	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000	0.0000		0.0000
Worker	0.0477	0.0312	0.3163	1.0600e-003	0.1232	7.6000e-004	0.1240	0.0327	7.0000e-004	0.0334		105.4188	105.4188	2.2200e-003		105.4742
<b>Total</b>	<b>0.0477</b>	<b>0.0312</b>	<b>0.3163</b>	<b>1.0600e-003</b>	<b>0.1232</b>	<b>7.6000e-004</b>	<b>0.1240</b>	<b>0.0327</b>	<b>7.0000e-004</b>	<b>0.0334</b>		<b>105.4188</b>	<b>105.4188</b>	<b>2.2200e-003</b>		<b>105.4742</b>

**Mitigated Construction On-Site**

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Off-Road	0.9412	9.3322	11.6970	0.0179		0.4879	0.4879		0.4500	0.4500	0.0000	1,709.6892	1,709.6892	0.5419		1,723.2356
Paving	0.1755					0.0000	0.0000		0.0000	0.0000			0.0000			0.0000
<b>Total</b>	<b>1.1167</b>	<b>9.3322</b>	<b>11.6970</b>	<b>0.0179</b>		<b>0.4879</b>	<b>0.4879</b>		<b>0.4500</b>	<b>0.4500</b>	<b>0.0000</b>	<b>1,709.6892</b>	<b>1,709.6892</b>	<b>0.5419</b>		<b>1,723.2356</b>

Route 238 Property Development – Apple Avenue/Oak Street (Parcel Group 9) - Bay Area AQMD Air District, Winter

**3.5 Paving - 2022**

**Mitigated Construction Off-Site**

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Hauling	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000	0.0000		0.0000
Vendor	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000	0.0000		0.0000
Worker	0.0477	0.0312	0.3163	1.0600e-003	0.1232	7.6000e-004	0.1240	0.0327	7.0000e-004	0.0334		105.4188	105.4188	2.2200e-003		105.4742
<b>Total</b>	<b>0.0477</b>	<b>0.0312</b>	<b>0.3163</b>	<b>1.0600e-003</b>	<b>0.1232</b>	<b>7.6000e-004</b>	<b>0.1240</b>	<b>0.0327</b>	<b>7.0000e-004</b>	<b>0.0334</b>		<b>105.4188</b>	<b>105.4188</b>	<b>2.2200e-003</b>		<b>105.4742</b>

**3.6 Architectural Coating - 2022**

**Unmitigated Construction On-Site**

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Archit. Coating	106.7904					0.0000	0.0000		0.0000	0.0000			0.0000			0.0000
Off-Road	0.2045	1.4085	1.8136	2.9700e-003		0.0817	0.0817		0.0817	0.0817		281.4481	281.4481	0.0183		281.9062
<b>Total</b>	<b>106.9949</b>	<b>1.4085</b>	<b>1.8136</b>	<b>2.9700e-003</b>		<b>0.0817</b>	<b>0.0817</b>		<b>0.0817</b>	<b>0.0817</b>		<b>281.4481</b>	<b>281.4481</b>	<b>0.0183</b>		<b>281.9062</b>

Route 238 Property Development – Apple Avenue/Oak Street (Parcel Group 9) - Bay Area AQMD Air District, Winter

**3.6 Architectural Coating - 2022**

**Unmitigated Construction Off-Site**

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Hauling	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000	0.0000		0.0000
Vendor	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000	0.0000		0.0000
Worker	0.0445	0.0291	0.2952	9.9000e-004	0.1150	7.1000e-004	0.1157	0.0305	6.5000e-004	0.0312		98.3909	98.3909	2.0700e-003		98.4426
<b>Total</b>	<b>0.0445</b>	<b>0.0291</b>	<b>0.2952</b>	<b>9.9000e-004</b>	<b>0.1150</b>	<b>7.1000e-004</b>	<b>0.1157</b>	<b>0.0305</b>	<b>6.5000e-004</b>	<b>0.0312</b>		<b>98.3909</b>	<b>98.3909</b>	<b>2.0700e-003</b>		<b>98.4426</b>

**Mitigated Construction On-Site**

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Archit. Coating	106.7904					0.0000	0.0000		0.0000	0.0000			0.0000			0.0000
Off-Road	0.2045	1.4085	1.8136	2.9700e-003		0.0817	0.0817		0.0817	0.0817	0.0000	281.4481	281.4481	0.0183		281.9062
<b>Total</b>	<b>106.9949</b>	<b>1.4085</b>	<b>1.8136</b>	<b>2.9700e-003</b>		<b>0.0817</b>	<b>0.0817</b>		<b>0.0817</b>	<b>0.0817</b>	<b>0.0000</b>	<b>281.4481</b>	<b>281.4481</b>	<b>0.0183</b>		<b>281.9062</b>

Route 238 Property Development – Apple Avenue/Oak Street (Parcel Group 9) - Bay Area AQMD Air District, Winter

**3.6 Architectural Coating - 2022**

**Mitigated Construction Off-Site**

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Hauling	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000	0.0000		0.0000
Vendor	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000	0.0000		0.0000
Worker	0.0445	0.0291	0.2952	9.9000e-004	0.1150	7.1000e-004	0.1157	0.0305	6.5000e-004	0.0312		98.3909	98.3909	2.0700e-003		98.4426
<b>Total</b>	<b>0.0445</b>	<b>0.0291</b>	<b>0.2952</b>	<b>9.9000e-004</b>	<b>0.1150</b>	<b>7.1000e-004</b>	<b>0.1157</b>	<b>0.0305</b>	<b>6.5000e-004</b>	<b>0.0312</b>		<b>98.3909</b>	<b>98.3909</b>	<b>2.0700e-003</b>		<b>98.4426</b>

**4.0 Operational Detail - Mobile**

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**4.1 Mitigation Measures Mobile**

Increase Density

Improve Destination Accessibility

Increase Transit Accessibility

Improve Pedestrian Network



Route 238 Property Development – Apple Avenue/Oak Street (Parcel Group 9) - Bay Area AQMD Air District, Winter

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Mitigated	1.4357	2.6013	15.5394	0.0419	4.4270	0.0409	4.4679	1.1801	0.0381	1.2182		4,185.4155	4,185.4155	0.1442		4,189.0212
Unmitigated	1.4887	2.8533	16.8836	0.0472	5.0192	0.0455	5.0647	1.3380	0.0424	1.3804		4,718.4482	4,718.4482	0.1591		4,722.4260

4.2 Trip Summary Information

Land Use	Average Daily Trip Rate			Unmitigated	Mitigated
	Weekday	Saturday	Sunday	Annual VMT	Annual VMT
Hotel	1,254.00	1,254.00	1,254.00	2,382,513	2,101,377
Parking Lot	0.00	0.00	0.00		
Recreational Swimming Pool	0.00	0.00	0.00		
<b>Total</b>	<b>1,254.00</b>	<b>1,254.00</b>	<b>1,254.00</b>	<b>2,382,513</b>	<b>2,101,377</b>

4.3 Trip Type Information

Land Use	Miles			Trip %			Trip Purpose %		
	H-W or C-W	H-S or C-C	H-O or C-NW	H-W or C-W	H-S or C-C	H-O or C-NW	Primary	Diverted	Pass-by
Hotel	9.50	7.30	7.30	19.40	61.60	19.00	58	38	4
Parking Lot	9.50	7.30	7.30	0.00	0.00	0.00	0	0	0
Recreational Swimming Pool	9.50	7.30	7.30	33.00	48.00	19.00	52	39	9

4.4 Fleet Mix

Route 238 Property Development – Apple Avenue/Oak Street (Parcel Group 9) - Bay Area AQMD Air District, Winter

Land Use	LDA	LDT1	LDT2	MDV	LHD1	LHD2	MHD	HHD	OBUS	UBUS	MCY	SBUS	MH
Hotel	0.619098	0.039376	0.193723	0.112069	0.016317	0.005000	0.001000	0.001000	0.002614	0.002274	0.005874	0.000887	0.000768
Parking Lot	0.576985	0.039376	0.193723	0.112069	0.016317	0.005358	0.017943	0.025814	0.002614	0.002274	0.005874	0.000887	0.000768
Recreational Swimming Pool	0.576985	0.039376	0.193723	0.112069	0.016317	0.005358	0.017943	0.025814	0.002614	0.002274	0.005874	0.000887	0.000768

**5.0 Energy Detail**

Historical Energy Use: N

**5.1 Mitigation Measures Energy**

Exceed Title 24

Category	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
	lb/day										lb/day					
NaturalGas Mitigated	0.0818	0.7439	0.6249	4.4600e-003		0.0565	0.0565		0.0565	0.0565		892.6994	892.6994	0.0171	0.0164	898.0043
NaturalGas Unmitigated	0.1079	0.9807	0.8238	5.8800e-003		0.0745	0.0745		0.0745	0.0745		1,176.7929	1,176.7929	0.0226	0.0216	1,183.7860

Route 238 Property Development – Apple Avenue/Oak Street (Parcel Group 9) - Bay Area AQMD Air District, Winter

**5.2 Energy by Land Use - NaturalGas**

**Unmitigated**

	NaturalGas Use	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Land Use	kBTU/yr	lb/day										lb/day					
Hotel	10002.7	0.1079	0.9807	0.8238	5.8800e-003		0.0745	0.0745		0.0745	0.0745		1,176.7929	1,176.7929	0.0226	0.0216	1,183.7860
Parking Lot	0	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000		0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000
Recreational Swimming Pool	0	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000		0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000
<b>Total</b>		<b>0.1079</b>	<b>0.9807</b>	<b>0.8238</b>	<b>5.8800e-003</b>		<b>0.0745</b>	<b>0.0745</b>		<b>0.0745</b>	<b>0.0745</b>		<b>1,176.7929</b>	<b>1,176.7929</b>	<b>0.0226</b>	<b>0.0216</b>	<b>1,183.7860</b>

**Mitigated**

	NaturalGas Use	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Land Use	kBTU/yr	lb/day										lb/day					
Hotel	7.58795	0.0818	0.7439	0.6249	4.4600e-003		0.0565	0.0565		0.0565	0.0565		892.6994	892.6994	0.0171	0.0164	898.0043
Parking Lot	0	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000		0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000
Recreational Swimming Pool	0	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000		0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000
<b>Total</b>		<b>0.0818</b>	<b>0.7439</b>	<b>0.6249</b>	<b>4.4600e-003</b>		<b>0.0565</b>	<b>0.0565</b>		<b>0.0565</b>	<b>0.0565</b>		<b>892.6994</b>	<b>892.6994</b>	<b>0.0171</b>	<b>0.0164</b>	<b>898.0043</b>

**6.0 Area Detail**

Route 238 Property Development – Apple Avenue/Oak Street (Parcel Group 9) - Bay Area AQMD Air District, Winter

**6.1 Mitigation Measures Area**

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Mitigated	2.4567	2.8000e-004	0.0308	0.0000		1.1000e-004	1.1000e-004		1.1000e-004	1.1000e-004		0.0659	0.0659	1.7000e-004		0.0702
Unmitigated	2.4567	2.8000e-004	0.0308	0.0000		1.1000e-004	1.1000e-004		1.1000e-004	1.1000e-004		0.0659	0.0659	1.7000e-004		0.0702

**6.2 Area by SubCategory**

**Unmitigated**

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
SubCategory	lb/day										lb/day					
Architectural Coating	0.2926					0.0000	0.0000		0.0000	0.0000			0.0000			0.0000
Consumer Products	2.1613					0.0000	0.0000		0.0000	0.0000			0.0000			0.0000
Landscaping	2.8600e-003	2.8000e-004	0.0308	0.0000		1.1000e-004	1.1000e-004		1.1000e-004	1.1000e-004		0.0659	0.0659	1.7000e-004		0.0702
<b>Total</b>	<b>2.4567</b>	<b>2.8000e-004</b>	<b>0.0308</b>	<b>0.0000</b>		<b>1.1000e-004</b>	<b>1.1000e-004</b>		<b>1.1000e-004</b>	<b>1.1000e-004</b>		<b>0.0659</b>	<b>0.0659</b>	<b>1.7000e-004</b>		<b>0.0702</b>

Route 238 Property Development – Apple Avenue/Oak Street (Parcel Group 9) - Bay Area AQMD Air District, Winter

**6.2 Area by SubCategory**

**Mitigated**

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
SubCategory	lb/day										lb/day					
Architectural Coating	0.2926					0.0000	0.0000		0.0000	0.0000			0.0000			0.0000
Consumer Products	2.1613					0.0000	0.0000		0.0000	0.0000			0.0000			0.0000
Landscaping	2.8600e-003	2.8000e-004	0.0308	0.0000		1.1000e-004	1.1000e-004		1.1000e-004	1.1000e-004		0.0659	0.0659	1.7000e-004		0.0702
<b>Total</b>	<b>2.4567</b>	<b>2.8000e-004</b>	<b>0.0308</b>	<b>0.0000</b>		<b>1.1000e-004</b>	<b>1.1000e-004</b>		<b>1.1000e-004</b>	<b>1.1000e-004</b>		<b>0.0659</b>	<b>0.0659</b>	<b>1.7000e-004</b>		<b>0.0702</b>

**7.0 Water Detail**

**7.1 Mitigation Measures Water**

**8.0 Waste Detail**

**8.1 Mitigation Measures Waste**

Institute Recycling and Composting Services

**9.0 Operational Offroad**

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

Route 238 Property Development – Apple Avenue/Oak Street (Parcel Group 9) - Bay Area AQMD Air District, Winter

**Fire Pumps and Emergency Generators**

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

Equipment Type	Number	Heat Input/Day	Heat Input/Year	Boiler Rating	Fuel Type
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**User Defined Equipment**

Equipment Type	Number
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**11.0 Vegetation**

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## Parcel Group 9



## Alameda County & City of Hayward Land



## Existing Zone



## Proposed Rezone





*Grove Way Neighborhood Association Comments on rezoning at 1400 Apple and 21266 Oak St  
February 27, 2020*

To: Edgar Maravilla, Associate Planner  
City of Hayward Planning Division  
777 B Street, 1<sup>st</sup> Floor  
Hayward, CA 94541

From: Ann E. Maris  
Resident, 1490 Grove Way  
Organizer, Grove Way Neighborhood Association

Dear Planner Maravilla,

My comments here are in regard to the rezoning application of a former 238 parcel in my neighborhood to commercial zoning (reference: 2020000605 Zone Change). Any residential zoning should be retained because this site is in a residential neighborhood; we are a neighborhood that is trying to rebuild and stabilize after the fifty-year devastation imposed by the cancelled Caltrans 238 bypass project (officially rescinded in 2010). Adding commercial zoning for a hotel does not benefit our local population or contribute toward stabilizing the neighborhood. We have no hotel shortage—we have a housing shortage!

- **No need for hotels.** There are plenty of nearby hotels (see attached figure). In addition, the nearby hotels have extremely low yelp ratings and none of the nearby Hayward hotels are even rated by AAA.

- **Site is in a residential area.** The proposed rezoned site is at a freeway on-ramp, but is otherwise completely surrounded by residential housing. Housing is located all along the 580 freeway throughout most of urban Castro Valley. The 509-unit Mesa Verde condominium complex sits above the site to the east. To the southwest of the Apple & Oak Street site, there is an attractive, fully occupied, apartment complex that is rehabbed former 238-freeway land. Behind these existing apartments, on other former 238 lands, south along Oak Street, 40 market rate townhomes are planned. Sadly, the apartments on the east side of Oak Street sit boarded up and vandalized. Other apartments are occupied by tenants. Oak Street is usually full of trash, abandoned vehicles, and semi-trucks. The tenant's children have no nearby parks and play in the pot-holed street with broken toys. A hotel is not what we need here. As well as

being close to transportation, the site is one block from Foothill Blvd. businesses. This site should be developed into some type of housing that will benefit the local population and not be rezoned to commercial.

- **We need housing rehabbed and built, not destroyed.** Instead of re-renting, as required by the 2009 Tenant Class action settlement, both Caltrans and Hayward have allowed, and currently allow, housing to go unoccupied in the site area. Just in the few blocks surrounding Oak Street and Grove Way, functional housing units that were occupied by families were torn down. Units are boarded. We have lost community. This redevelopment process not only takes homes away from people who could be living there, but also creates abandoned houses and vacant lots leading to neighborhood blight and increased transients. A stable, safe neighborhood has stable residents.

- **Rezoning is inconsistent with plans.** This rezoning does not follow the 2009 land use study adopted by Hayward City Council nor the North Hayward Plan.

- **What community members are involved?** Who is the North Hayward Task Force? The North Hayward Plan itself is very old and Hayward planning was unable to tell me any information about this current task force. The re-zoning site has Castro Valley on two sides and Cherryland on another side. The site is in a narrow finger of Hayward. Community groups should be involved in major decisions such as rezoning, as well as the local advisory councils (Eden Municipal Advisory Council and Castro Valley Advisory Council).

- **High visibility gateway area requires special planning efforts.** Per the North Hayward Plan and general observation, what happens here is important because the area is a physical gateway to several different communities. Broad public input will help develop the best use for the former 238 land here. Rezoning determines land use and so should not happen prior.

*Grove Way Neighborhood Association Comments on rezoning at 1400 Apple and 21266 Oak St  
February 27, 2020*

- **We need housing quickly.** In a development survey conducted among Grove Way Neighborhood members, neighbors were split about exactly what should be built near Oak Street. A common sentiment is that we want something developed quickly. But that it should be good for neighborhood safety, and a hotel near a freeway and a cannabis dispensary does not bring healthy neighborhood contributions.

Thank you for this early opportunity to comment. We look forward to a public forum regarding redevelopment plans in the Grove/Foothill area, and to any updates.

Sincerely,

Ann E. Maris, PhD

510-303-4968

Organizer, Grove Way Neighborhood Association

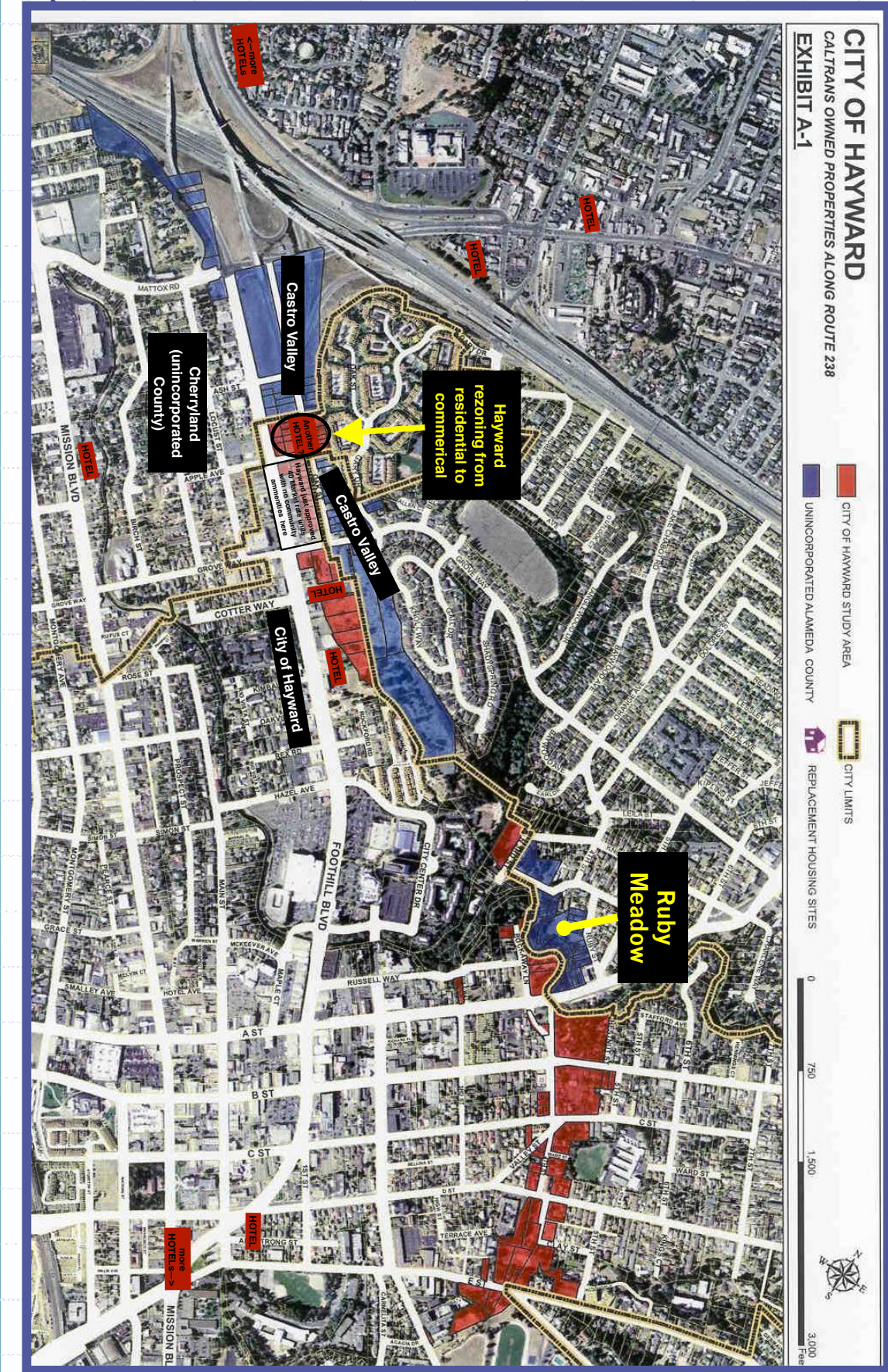
Chair, My Eden Voice! Parks and Open Space Committee

Director, Friends of San Lorenzo Creek

Organizing Director, Eden Community Land Trust

Member, Cherryland Community Association

# County (blue) vs City (red)



Hi Edgar, thanks for allowing us the opportunity to comment on the rezoning for Parcel Group 9 located at Apple Ave and Oak St. The County has been aware of this change for some time, we met with Jennifer Ott on a related matter recently and she also informed us that this was coming soon. Since we share a common boundary at this location it does make good sense to coordinate land uses and to ensure one set of regulations does not hinder the other. That said, we are concerned mostly that access still be provided through this site to another landlocked site that is in County jurisdiction. Our General Plan designation on that site is Medium/High Density residential which does not appear to conflict with a general commercial use, as I understand the final goal is to construct a visitor serving use such as a hotel. We don't have an application for development on that site, nor is it known if one is forthcoming soon, but in any event I'm sure the City would agree that access must be maintained. A cluster of development at that location of multi-story buildings, combined hotel and multi-family seems to be a good use of the location.

South of your project site is also residential, at a lower density, and lies within a different General Plan area (Castro Valley). It is anticipated that a community process for this area including Parcel Groups 8, and possibly 9, will be undertaken over the next few months as the City is eager to begin developing properties it has recently purchased. We anticipate a series of possible changes to better reflect community desire will occur as a result of that process, and it's likely the focus will be on housing and open space for those parcels within County jurisdiction. The CVMAC is likely to be the venue for such a community process, as I've already mentioned to Jennifer Ott, as well as to the larger community.

Thanks again for the chance to comment, please keep us informed as the project moves forward.

Regards,

Albert V. Lopez | Planning Director

ALAMEDA COUNTY | Community Development Agency

Planning Department

224 W. Winton Avenue, Room 111 • Hayward, CA 94544

Office 510-670-5426 | Fax 510-785-8793

[albert.lopez@acgov.org](mailto:albert.lopez@acgov.org) | [www.acgov.org/cda](http://www.acgov.org/cda)



**MINUTES OF THE SPECIAL MEETING OF THE  
CITY OF HAYWARD PLANNING COMMISSION  
REMOTE LOCATION  
Thursday, May 14, 2020, 7:00 p.m.**

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This meeting is being conducted utilizing teleconference and electronic means consistent with State of California Executive Order No. 29-20 dated March 17, 2020, and Alameda County Health Officer Order No. 20-10 dated April 29, 2020, regarding the COVID-19 pandemic.

**MEETING**

A special meeting of the Hayward Planning Commission was called to order at 7:00 p.m. by Chair Bonilla.

**CALL TO ORDER**

**ROLL CALL**

Present: COMMISSIONERS: Stevens, Andrews, Faria, Patton, Roche, Goldstein  
CHAIRPERSON: Bonilla  
Absent: COMMISSIONER: None

Staff Members Present: Ameri, Billoups, Blanton, Brick, Buizer, Byrne, Chan, Davis, Garcia, Kelley, Lo, Maravilla, Ott, Simpson, Vigilia

**PUBLIC COMMENT:**

*Public Comments are limited to only items on the Agenda as items are called.*

**PUBLIC HEARINGS:** For agenda items No. 1 and No. 2, the Planning Commission may make a recommendation to the City Council. For agenda items No. 3 and No. 4, the decision of the Planning Commission is final unless appealed. The appeal period is 10 days from the date of the decision. If appealed, a public hearing will be scheduled before the City Council for final decision.

1. Recommend FY 2021 – FY 2030 Capital Improvement Program

Public Works Director Ameri provided a synopsis of the staff report and PowerPoint presentation.

Commissioner Andrews asked about the following: if the City has look at additional State and federal funding to offset City's loans; when the Tennyson corridor project will be completed and if it will extend to Hesperian or Industrial; and the La Vista Park timeline. Public Works Director Ameri said what is available are the State's revolving fund low interest financing and any stimulus monies; and the Tennyson Corridor project is to be completed in 2021. Deputy Public Works Director Garcia said staff is looking at



**MINUTES OF THE SPECIAL MEETING OF THE  
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implementing several projects for Hesperian Boulevard. Mr. America said the La Vista Park design completion is in December 2020 with construction commencing in April 2021 and will take about a year to complete. Mr. Ameri said the City will be seeking funding sources for the Eden Youth and Family Center and that even though the project has been deferred the project will move forward at a later date.

Commissioner Faria thanked staff for their hard work on these difficult decisions; for seeking other funding sources and asked about the location of the solar project. Public Works Director Ameri said the solar project is located at the end of Enterprise Avenue adjacent to the WasteWater Treatment plant where old ponds are being converted for solar use.

Discussion ensued between Commissioner Patton and staff regarding: does the CIP address the issue of undergrounding of utilities along Jackson Street; the Downtown Specific Plan projects redesign of the downtown one-way street and the Mission/Foothill/Jackson couplet, if this is included in the Mission or Jackson corridor plans; and if the CIP addresses the public improvements in the City's new Industrial Districts. Public Works Director Ameri said that Jackson Street from Mission through Santa Clara is the responsibility of the City and if a development that causes a visual impact, the City has the responsibility to perform the utility undergrounding. Mr. Ameri said depending on the size of a project; the impact and how the street design and sidewalks are affected there are requirements for developers to underground the utilities. Mr. Ameri said if there is a City project, then the City will work with PG&E for the undergrounding of the utilities. Mr. Ameri said for the Mission/Foothill/Jackson one-way streets and turning it into a two way in the downtown area, the City will be researching the feasibility, cost and other impacts for this project and will be making a recommendation to Council. Mr. Ameri said the City will be looking for public improvements in the Industrial District. Mr. Patton would like to see included in the CIP a public improvement study that will include recommendations of how these improvements can be completed and also what conditions can applied to private development so that the City does not have to fund all of the public improvements. Mr. Ameri said this study is not a part of the 2021 CIP, but he will look into this seek the City Council's direction.

Discussion ensued between Commissioner Roche and staff regarding: COVID-19 impacts to City CIP projects because of lack of revenue; deferred projects; allocated projects moving forward; Mission Boulevard Fairway Park linear park improvement project; and to maintain the weeds that are growing between the old and new fences. Public Works Director Ameri said the impact to the CIP projects will depend on how quickly the economy and the City revenues recover from the COVID-19 pandemic; for the linear park the City is requesting a two level design to defer some of the cost and staff will take a look at the weed situation. Mr. Ameri said the Fire Station 6 and Training Center project will move forward



**MINUTES OF THE SPECIAL MEETING OF THE  
CITY OF HAYWARD PLANNING COMMISSION  
REMOTE LOCATION  
Thursday, May 14, 2020, 7:00 p.m.**

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as this is partially funded by Measure C and will also depend on the amount when the bids come in.

Discussion ensued between Commissioner Goldstein and staff about the following: since the East Bay Energy Collective has found a cheaper energy source, it is still cost effective for the City to continue building the solar infrastructure; and how long can the City safely defer the fleet program for Fire and Police. Public Works Director Ameri responded that it is advantageous for the City to have their own solar, the City has land that is part of the WasteWater Treatment plant and that the previous solar project that was built seven years ago has paid for itself already and has twenty-two more years of life left. Mr. Ameri assured the Commissioners that any deferment of the Fleet program has been in consultation with the Fire, Police and Maintenance Services Department and some of the vehicles can still be utilized for one to two years without compromising the safe operation of these vehicles.

Chair Bonilla asked how the City prioritized which projects will move forward and which ones can be deferred and if the projects are prioritized once the economic losses of the pandemic are realized. Public Works Director Ameri responded that staff will review the requirements of the General Plan, the Master Plan, ten-year Water Master Plan, other specific plans developed for other improvements and staff will discuss what the needs are. This is then discussed with City Council and projects will be prioritized based on need and funding availability. Mr. Ameri confirmed that once the City has the true financial picture for FY 2021 then staff can determine which CIP projects can move forward.

Chair Bonilla opened and closed the public hearing at 7:41 p.m.

Chair Bonilla commented from a financing perspective that the City is not bearing all the costs on the projects and sets up strategic partnerships to fund these major projects. Mr. Bonilla appreciated Public Works Director Ameri clearly outlining how the projects align to the City of Hayward's Strategic Plan and priorities.

Commissioner Roche made a motion, seconded by Commissioner Patton to approve the staff recommendation. The motion passed with the following vote:

AYES:	Commissioners Stevens, Andrews, Faria, Patton, Roche, Goldstein Chair Bonilla
NOES:	None
ABSENT:	None
ABSTAIN:	None





**MINUTES OF THE SPECIAL MEETING OF THE  
CITY OF HAYWARD PLANNING COMMISSION  
REMOTE LOCATION**

**Thursday, May 14, 2020, 7:00 p.m.**

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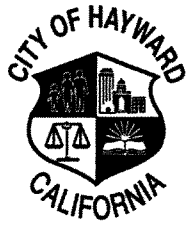
2. Proposal to rezone a 2.67-acre site located at the intersection of Apple Avenue and Oak Street (Assessor Parcel Nos. 415-0160—052-00 & 415-0170-037-00), requiring a zoning map amendment and approval of an addendum to the Hayward 2040 General Plan EIR. Application No. 202000605, City of Hayward (Applicant and Owner)

Associate Planner Maravilla provided a synopsis of the staff report and PowerPoint presentation. Mr. Maravilla announced that the Notice of Public Hearing had an error and he clarified that none of the parcels are to be rezoned public facility (PF).

In response to Commissioner Goldstein's comments about plans to address traffic issues along Foothill Boulevard; Associate Planner Maravilla said that the addendum analyzed traffic as part of the rezone and took into consideration the traffic for a hotel project of up to 150 rooms.

Commissioner Roche asked why a hotel was considered as opposed to housing. Deputy City Manager Ott said staff looked at the different parcels to be able to balance different uses and this site had the potential for commercial use because of the close proximity to the freeway and could potentially generate transient occupancy tax (TOT) which is revenue for the City. Ms. Ott said that generally Hayward's hotel market is strong but because of the COVID-19 crisis, this may take several years to recover and that Council could still be open to exploring other possibilities but at this point it is too early to decide and Council would want to see how quickly the economy recovers. Ms. Ott said during the outreach presentations the concerns from the community were about the existing hotel uses and operations at the hotels including crime. Ms. Ott mentioned that when the City transfers a property to a private owner, the City has the ability to place land covenants and restrictions that require the new owners to operate a first-class hotel. Ms. Roche commented that the community feedback was more about wanting a community at that site where residents would be invested in their neighborhood and have cohesiveness and were concerned about a hotel.

Commissioner Patton said these parcels have access issues particularly where Apple Avenue connects to Foothill Boulevard as you cannot make left turns onto Foothill. He does not see these as viable commercial properties and that they should be designated as residential and is not opposed to the rezoning as that allows for range. Mr. Patton recommended that the City issue a Request for Proposals (RFP) that does not predispose that a hotel is the highest and best use and allow the market to come back with the permitted range of use. Deputy City Manager Ott said because of the COVID-19 crisis, Council's direction is to put a hold on RFPs and to return to Council in three to six months. Ms. Ott said she will pass the recommendation on to Council that the RFP provide flexibility. Ms. Ott shared that feedback from the community besides the access issues was the traffic impacts along Grove and accessing the



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school and with residential there will still be traffic impacts as opposed to a hotel which could have off peak traffic trips. Ms. Ott acknowledges that there will need to be a traffic study for existing traffic accessibility issues. Mr. Patton asked how are entitlements between jurisdictions handled and how is the lead agency determined; Ms. Ott said that under the California Environmental Quality Act (CEQA) the City would be the lead agency since the City owns the land even if the land falls under the jurisdiction of the County. It is important to make sure that the City and County are on the same page so as to not cause any confusion for developers. Planning Manager Buizer shared that the City has a good working relationship with County staff since 2008 when the City conducted the land use study and staff is actively engaged in conversations with the County.

Commissioner Faria asked staff about the following: zone change does not preclude affordable housing as long as there was ground floor commercial; the status of three current hotel projects as the one on Mission Boulevard is almost done and two look like they have not started. Deputy City Manager Ott commented that the City does not want to prevent pivoting to residential and she understand that for the hotel projects if they have been financed and are under construction then they will be moving forward but if the projects are in the entitlement stages it might be difficult to obtain financing. Ms. Ott said Hayward gets the spill over from Silicon Valley, but it might take one to three years for Hayward's hotel market to recover. Ms. Ott said staff will check on the status the two hotels that have not yet started construction.

Commissioner Andrews asked about the amenities for a hotel to be in this area as it seems to be disconnected from the downtown and industrial areas and expressed concern about the traveler's experience and asked about the auxiliary uses for the hotel. Ms. Andrews agreed with Commissioner Patton if this is the best location for a hotel and expressed concern for the residents and cautioned the City about building so much for the traveler. Ms. Andrews asked about the possibility of mixed use.

Deputy City Manager Ott said this would be a business class hotel and the site benefits are easy access off the freeway, the close proximity to a number of business markets; the hotel can attract business from Silicon Valley and TriValley, and the hotel would be visible from the freeway. Ms. Ott said the pros would be that it does not have the best amenities nearby but noted there are other hotels around like the ones near the airport that are in the same situation. Ms. Ott said the hotel might need to have onsite amenities for their guests that could also serve the neighborhood. Ms. Ott commented that she will share Ms. Andrews comments with the City Council.

Commissioner Stevens asked prior to COVID-19 crisis, was there a formal economic/demand analysis conducted; Deputy City Manager Ott said staff did not conduct a full analysis; staff retained a broker who conducted a mini market assessment and did an opinion of value as



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there is a Caltrans base price that the City needs to meet; staff spoke to some hotel developers about the site; and noted that some of this is aspirational as the City Council wanted to attract commercial and staff marketed the site for commercial prior to the COVID crisis.

Chair Bonilla said if the Planning Commission approves the zone change, will the hotel item come before the Planning Commission; Planning Manager Buizer said the zone change does not require any special use permits that would require coming back before the Commission for a decision. The hotel would be subject to a site plan review which is an administrative process and the property because it is owned by the City, would go through a disposition process that would go before the City Council. Ms. Buizer said the site plan review though decided administratively if there is an appeal or concerns, the item could be brought before the Planning Commission. The Chair said it seems that the City is focusing on a hotel for this site and noted there are a lot of hotels being built in the City. Mr. Bonilla said he agrees with Commissioner Patton as he is in favor of the zone change and asked if there was community feedback in support of the project. Deputy City Manager Ott said there was a project specific Parcel Group 8 and 9 neighborhood meetings and most of the comments were focused on Parcel Group 8 with concerns about affordable and multi-housing and traffic along Grove Way and the school. Ms. Ott said there were comments about the hotel being similar to what exists in the area as the current hotels are not great contributors to the neighborhood. Ms. Ott said there was not a lot of pros or cons in regard to Parcel Group 9. Chair Bonilla requested that staff let the City Council know that several Commissioners would like the RFP process to have a broader scope rather than just the hotel especially in light of the COVID crisis impacts.

Deputy City Manager Ott said that she is happy to come back to the Commissioner to provide updates and to provide the City Council with the Commissions comments and recommendations.

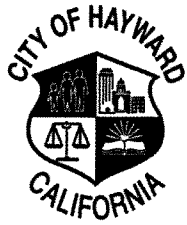
Having no public speakers, Chair Bonilla opened the public hearing at 8:24 p.m.

Commissioner Stevens commented that in a pre-COVID world this site could have been tough to develop and in the post COVID world a lot of things are going to change especially related to commercial office space and a lot of the employment centers in the south bay are likely going to change. Mr. Stevens said rezoning the site and issuing an RFP that offers the highest and best use for the land makes a lot of sense. Mr. Stevens supports the item and cautions staff going into the post COVID world.

Commissioner Faria made a motion to approve the staff recommendation.

Commissioner Stevens seconded the motion

The motion passed with the following vote:



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AYES: Commissioners Stevens, Andrews, Faria, Patton, Roche, Goldstein  
Chair Bonilla  
NOES: None  
ABSENT: None  
ABSTAIN: None

3. Proposed Cannabis Microbusiness with delivery, Distribution, and Manufacturing Activities Located at 23287 Foley Street, Unit B (Assessor Parcel No. 439-0036-104-00) Requiring Approval of Conditional Use Permit Application No. 201901361. Farhad Doctor (Applicant); Liang Xianghua (Property Owner)

Associate Planner Blanton provided a synopsis of the staff report and PowerPoint presentation.

Mr. Farhad Doctor, applicant, thanked the Commission for being able to become a part of the Hayward business community and to be able to have a positive impact.

Commissioner Stevens asked about the neighbors' comments about issues with federal laws if there is an issue can this impact neighboring businesses. Assistant City Attorney Brick said if the businesses are independent and separate, there should not be any impact, if the businesses were codependent in the same space/parcel there may be impacts based on seizure of the assets.

Commissioner Andrews thanked staff for the informative report that answered her questions. Ms. Andrews asked about the following: 24-hour security if it becomes necessary; cost sharing of the 24-hour security among businesses in the area; and consider social equity programs especially for prospective employees who have been convicted of cannabis activity. Mr. Doctor responded that if crime increased and affected his business, they would consider 24-hour security. He said at this point while the business is closed and with the safety measures required by the City 24-hour security is not deemed necessary. Mr. Doctor said in his experience because of the high amount of security measures in place at legal cannabis businesses that any crime against cannabis business is usually against the black market. Associate Planner Blanton said that the commercial cannabis permit is reviewed annually and one of the items looked at is the number of service calls and that the Conditions of Approval (COA) can be revised or the permit revoked at that time. Ms. Blanton said the cost sharing of the 24-hour security has been informally discussed especially if there are more cannabis businesses in the area. Mr. Doctor said that he is open to developing a social equity program for prospective employees who have been convicted of cannabis related activity and said he is a huge advocate for the cannabis industry.



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Commissioner Faria asked if there have been any issues with manufacturing cannabis businesses, neither Planning Manager Buizer nor Associate Planner Blanton know of any incidents with existing permitted cannabis businesses.

Commissioner Roche asked about odor mitigation measures and if there have been any issues; agriculture business versus light industrial; and as long as the product is not shipped out of state this does not trigger any federal laws.

Associate Planner Blanton said the Fire Department organized a tour of Oakland Cannabis businesses for Fire and Development Services Department staff to become acquainted with these types of businesses. Ms. Blanton said that charcoal filters are commonly used to mitigate odors and if there is a noticeable odor, then the businesses can adjust their filtration systems. Ms. Blanton shared that staff feels this is a very important issue and that is why included in the Hayward Municipal Code (HMC) regarding cannabis, there are very specific language that the odor mitigation plan has to be designed by an industrial hygienist or industrial engineer. Ms. Blanton said this is an agricultural business and is in between agriculture and light industrial and similar to food processing. Senior Assistant City Attorney Vigilia said the past two federal administrations have not pursued any policies that would curb the ability of local jurisdictions to allow cannabis business and the City Attorney's Office is not in the position to provide legal advice to applicants as to whether they are complying with federal law.

Commissioner Goldstein said he admires the applicant's support for social justice programs but has concerns and asked what measures are in place during the hiring process to vet the prospective employees who might have a substance abuse issue and any programs in place to address this abuse issue. Mr. Doctor said that he would offer support to any employees who have substance abuse issues. Mr. Doctor said they have a very thorough hiring process which includes drug tests, review of driving records and requiring references from people he personally knows, and he takes his time during the hiring process. He said employees have a probationary period and go through a training program.

Chair Bonilla requested that the applicant speak about his experience in running a cannabis business and to address community members concerns about having the proper safeguards in place. Mr. Doctor provided a brief history and what brought him to the cannabis industry; about attending a trade school for cannabis in Oakland called Oaksterdam that introduced him to the cannabis business which included point of sales, delivery, and learning about policies and procedures.

Having no public speakers, Chair Bonilla opened and closed the public hearing at 9:04 p.m.

Commissioner Roches said the applicant went through the intensive City permitting process



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and met all of the requirements. Ms. Roche supports the item.

Commissioner Andrews asked if there is the possibility of renaming products so as to not be so attractive to youth. Mr. Doctor said that cannabis legalization steers away from being attractive to youth through the names and advertising and he will not be advertising to children. He said this is dependent on the State Bureau of Cannabis Control put in place regulations and develop strict guidelines. Unfortunately, he is not able to change the names of products for legal reasons.

Commissioner Stevens commented that this application is in a multi-tenant building and if the other spaces are occupied, if there is a federal action this could place the other tenants in jeopardy. Mr. Stevens noted that he did not see any comments from businesses within the building. Mr. Stevens supports the item.

Chair Bonilla asked about the applicant's Community Benefits Plan and how will they determine their financial contribution. Mr. Doctor said that he has been in touch with the City and there has been talks about donating to City projects. Mr. Doctor said that initially what they have been doing at their other licensed facilities is donating \$5,000 to schools and other programs as well as donating their time and being a positive part of the community. Chair Bonilla commented that he appreciates the eco-friendly aspect of the business with the electric cars, sustainability, security plan that is consistent with other business plans that the Commission has reviewed. Chair Bonilla appreciates the applicant's preference for local hiring and the robust the security plan.

Commissioner Roche made a motion per the staff recommendation.

Commissioner Stevens seconded the motion.

The motion passed with the following vote:

AYES:	Commissioners Stevens, Andrews, Faria, Patton, Roche, Goldstein Chair Bonilla
NOES:	None
ABSENT:	None
ABSTAIN:	None

4. Proposed Cannabis Microbusiness with Cultivation, Manufacturing, Distribution, and Delivery Activities Located at 2730 Cavanagh Court (APN No. 439-0036-103-00) Requiring Approval of Conditional Use Permit Application No. 201805798. American Holdings (Applicant); Moose and Squirrel Holdings, LLC (Property Owner)



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Associate Planner Blanton provided a synopsis of the staff report and PowerPoint presentation

Ms. Olga Ousherovitch, applicant, said she is happy to answer any questions.

Commissioner Andrews asked if there is any concern about the street located in the back; and if there has been any discussion of shared 24-hour security; and consideration of a social equity hiring program. Associate Planner Blanton said staff and the applicant sat down with the police department regarding the site and per the Police Department (HPD) the proposed security fence is adequate and liked the composition of the metal fence. Ms. Blanton said that the applicant indicated that at this time the 24-hour security would be an expensive endeavor and the HPD did not indicate that the 24-hour security was necessary and if deemed necessary in the future it can be added on.. Ms. Blanton said the prior business Sticky Thumb and the applicant American Holdings could potentially share this cost. Ms. Ousherovitch said that they have advanced security measure in place that includes besides the physical fence, there is an electronic fence and full surveillance of the street and other businesses. She said there will be 24-hour security when high value items are onsite and that all security measures were discussed with HPD and they were comfortable that these security measures were sufficient at this time. Ms. Ousherovitch is open to a social equity hiring program.

Commissioner Faria observed that this business will bring stability and improve the area which is currently vacant and needs maintenance.

Commissioner Roche inquired about the extra thresholds for cannabis applicants; Associate Planner Blanton said cannabis applicants need to address the issues of safety and security, have a unique cannabis odor mitigation plan, and have a sustainability plan. These additional measures are required because the City wants to make sure they attract quality operators. Ms. Roche commented that the cannabis applicants have these elevated requirements because of the nature of the cannabis industry and that the applicants are meeting these additional requirements.

Commissioner Goldstein asked about the following: applicant's Community Benefit Plan and what mitigation measures are in place to curb substance abuse. Ms. Ousherovitch explained her Community Benefit Plan that included donations to the Police and Fire Departments, have their growers be involved in helping with the South Hayward Parish community garden. The applicant will ensure that staff will be aware to assist anyone with a substance abuse issue and other issues.

Chair Bonilla requested the applicant explain her background in the cannabis business,



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Ms. Ousherovitch described her background and her educational and business experience. The applicant spoke on how she taught herself about the cannabis industry and how her company is structured to be successful. Chair Bonilla thanked Ms. Ousherovitch for her response and her responsiveness to the community.

Associate Planner Blanton confirmed for Commissioner Roche that both cannabis applicants will be delivering to both dispensaries and customers.

Chair Bonilla opened the public hearing at 9:49 p.m.

Mr. Michael Wolny, of the City Clerk staff, thanked the Planning Commission on the great job on their first virtual meeting and that he was testing the phone equipment.

Chair Bonilla closed the public hearing at 9:50 p.m.

Commissioner Stevens commented that this is a very solid application and supports the item.

Commissioner Roche agreed with Commissioner Stevens and noted that cannabis is legal in California; this will be a business that is operating legally and have met all of the City's permitting requirements. Ms. Roche is comfortable in supporting the item.

Commissioner Andrews commented that she hopes the applicant is a good neighbor, the annual renewal will be a reminder to be a good neighbor; the applicant continue to communicate with businesses that had concerns and wishes the applicant the best of luck.

Commissioner Faria commented that the business will bring stability to the area; they are engaged in helping the community; and they will be a benefit to the City of Hayward.

Commissioner Goldstein commented that the applicant has done an excellent job bringing her application forward. Mr. Goldstein thanked the applicant for bringing her business to Hayward and wishes her success.

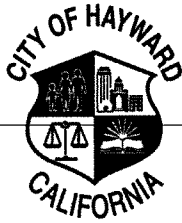
Commissioner Roche made a motion to move the staff recommendation.

Commissioner Stevens seconded the motion

The motion passed with the following votes:

AYES:	Commissioners Stevens, Andrews, Faria, Patton, Roche, Goldstein Chair Bonilla
NOES:	None





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ABSENT: None  
ABSTAIN: None

**APPROVAL OF MINUTES**

5. Approval the Planning Commission Meeting Minutes of March 12, 2020.

Commissioner Andrews made a motion, seconded by Commissioner Faria, to approve the Planning Commission Meeting Minutes of March 12, 2020. The motion passed with the following votes:

AYES: Commissioners Stevens, Andrews, Faria, Patton, Roche, Goldstein  
Chair Bonilla  
NOES: None  
ABSENT: None  
ABSTAIN: None

**COMMISSION REPORTS**

*Oral Report on Planning and Zoning Matters:*

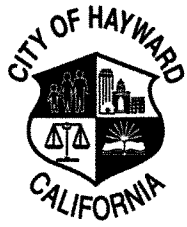
Planning Manager Buizer congratulated the Planning Commission on their first virtual meeting.

*Commissioners' Announcements, Referrals:*

Chair Bonilla thanked everyone for a successful meeting and thanked Planning Manager Buizer for preparing everyone for the meeting.

**ADJOURNMENT**

Chair Bonilla adjourned the meeting at 9:57 p.m.



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**APPROVED:**

A handwritten signature in cursive script, appearing to read "Julie Roche", is written over a horizontal line.

Julie Roche, Secretary  
Planning Commission

**ATTEST:**

A handwritten signature in cursive script, appearing to read "Denise Chan", is written over a horizontal line.

Denise Chan, Senior Secretary  
Office of the City Clerk





# CITY OF HAYWARD

Hayward City Hall  
777 B Street  
Hayward, CA 94541  
www.Hayward-CA.gov

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**File #:** PH 20-044

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**DATE:** June 16, 2020

**TO:** Mayor and City Council

**FROM:** Director of Public Works  
Director of Development Services

## **SUBJECT**

2040 General Plan: Introduce an Ordinance Amending the Hayward 2040 General Plan to Comply with Changes to State Law Including the Establishment of New Vehicle Miles Traveled (VMT) CEQA Thresholds and Adopt Updated Greenhouse Gas Emission Reduction Targets

## **RECOMMENDATION**

That the City Council:

1. Adopts a resolution (Attachment II) with amendments to the *Hayward 2040 General Plan* establishing new Vehicle Miles Traveled (VMT) thresholds for California Environmental Quality Act (CEQA) analysis, consistent with SB 743; and
2. Adopts a resolution (Attachment III) with amendments to the *Hayward 2040 General Plan* establishing the adoption of new Greenhouse Gas Emission reduction goals for the City; and
3. Introduce an ordinance (Attachment IV) to amend the *Hayward 2040 General Plan* per the adopted resolutions.

## **SUMMARY**

This report presents two changes to the *Hayward 2040 General Plan* - one to establish new Vehicle Miles Traveled (VMT) thresholds for California Environmental Quality Act (CEQA) analysis, consistent with SB 743 and one to establish new Greenhouse Gas (GHG) emission reduction goals. As there is a general limitation on the amount of General Plan amendments allowed in a year, these changes were brought together in one amendment.

SB 743 changes the focus of transportation impact analysis in CEQA from measuring impacts on drivers, to measuring the impact of driving. The proposed Amendment will replace intersection Level of Service (LOS) analysis with vehicle miles traveled (VMT) per capita and provide streamlined review of land use and transportation projects that will help reduce future VMT per capita growth. VMT per capita is a quantifiable measure, in miles per capita, of the average total amount of vehicular travel. One single

occupancy vehicle traveling ten miles would equal 10 VMT/capita. Four single occupancy vehicles traveling ten miles would equal 40 VMT or 10 VMT/capita. Typically, development located at greater distance from shopping and employment centers or in areas with few transportation options generates more vehicle trips and of longer distances versus a similar development located in proximity to BART Stations and other areas with more transportation alternatives. VMT is an important input in the analysis of air quality and greenhouse gas emissions and has been used for that purpose within CEQA for several years.

Since 2018, City staff and Nelson Nygaard have been working collaboratively to develop new transportation thresholds that comply with the provisions of SB 743. Currently, the City uses LOS as the threshold used in CEQA evaluations and the proposed changes would replace the current LOS thresholds with new VMT thresholds. The adoption of new thresholds to identify traffic impacts under CEQA will require an amendment to *the Hayward 2040 General Plan*.

The *Hayward 2040 General Plan* currently has goals for reducing GHG emissions with specific targets for 2020, 2040, and 2050. This report provides recommended GHG reduction goals for 2025 and 2030 and a carbon neutrality goal for 2045. This report also presents some of the actions that will be necessary to achieve the new goals as well as potential challenges related to review of new development projects.

## **ATTACHMENTS**

Attachment I	Staff Report
Attachment II	Resolution
Attachment III	Resolution for GHG Goals
Attachment IV	Ordinance
Attachment V	Exhibit A - Proposed GPA
Attachment VI	Proposed VMT Thresholds Screening Criteria
Attachment VII	Tech Memo for GHG
Attachment VIII	StopWaste Letter 12.19.2019
Attachment IX	Draft Planning Commission Minutes of 5/28/2020



**DATE:** June 16, 2020

**TO:** Mayor and City Council

**FROM:** Director of Public Works  
Development Services Director

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## **BACKGROUND**

### **VMT Thresholds**

In September 2013, Governor Brown signed Senate Bill (SB) 743, which creates a process to change the way that transportation impacts are analyzed under CEQA. Specifically, SB 743 requires the Governor's Office of Planning and Research (OPR) to amend the CEQA Guidelines to provide an alternative measurement more reflective of impacts to the environment than Level of Service (LOS). Particularly within areas served by transit, those alternative criteria must "promote the reduction of greenhouse gas emissions, the development of multimodal transportation networks, and a diversity of land uses." (PR Code Section 21099(b)(1)). SB 743 requires that the use of LOS be replaced with VMT per capita by July 1, 2020.

The purpose of SB 743 was to better align transportation impacts analysis under CEQA with the State's goals of reducing greenhouse gas emissions and traffic-related air pollution as well as promoting multimodal transportation networks and a diversity of land uses. Under the existing LOS framework of operational-based analysis, the common solution to improving LOS at intersections is to increase overall roadway capacity (such as constructing new roadways or adding travel/turn lanes to existing roadways), which studies have shown contribute to an increase in transportation impacts to the environment. Because of this, infill and transit-oriented development was often discouraged because such projects are located in or near city centers in areas with limited roadway capacity.

VMT is not a new tool for assessing environmental impacts under CEQA. It is used to assess a project's impact on greenhouse gas emissions, air quality, and energy. Using VMT per capita for analyzing transportation impacts emphasizes reducing the number of trips and distances vehicles are used to travel to, from, or within a development project. Projects located near

transit and/or within infill areas have lower VMT per capita than projects in rural or undeveloped areas because there are more opportunities to walk, bike and take transit or to take short trips. The shift to VMT per capita analysis under CEQA is intended to encourage the development of jobs, housing, and commercial uses in closer proximity to each other and to transit and discourage development of projects in more rural parts of the City. As a result of SB 743, traditional measures for mitigating capacity concerns (e.g., widening roads, adding turn lanes, and similar investments that expand vehicle capacity) will now be replaced with measures that mitigate additional driving, such as increasing transit options, facilitating biking and walking, changing development patterns, and managing parking.

To effectively implement transportation analysis required under SB 743, Nelson Nygaard evaluated the existing legal framework, reviewed applicable policies and programs that support a new approach to traffic impact analysis, and analyzed the City's existing development and environmental review process.

*Stakeholder Interviews.* In an effort to understand current and future transportation analysis needs in the City of Hayward, Nelson Nygaard completed a comprehensive review and analysis of the existing policies and practices contained within various policy documents (*Hayward 2040 General Plan*, *Climate Action Plan*, *Bicycle Master Plan*, etc.) and additionally conducted extensive interviews with City staff and a representative from the Hayward Chamber of Commerce. In the process of interviewing these stakeholders, several key themes emerged including:

- **Hayward's development review process can be improved:** Stakeholders identified the need to make the process more streamlined and predictable. Several stakeholders noted the increased costs of development due to a process that is vulnerable to delay and exposed to litigation risks late in the process.
- **Hayward's transportation system needs to become less car centric and more multimodal:** In the past, the development review process has focused on mitigation of impacts to drivers rather than impacts to people who walk, bike, or use transit.
- **Engineering and transportation staff use vehicle analysis to inform traffic operational needs and want to maintain this outside of CEQA:** Stakeholders identified the need to better communicate potential transportation impacts of a project to the public.
- **Transportation topics in which people are most interested:** At public meetings today, the most vocal and visible stakeholders are most concerned about pedestrian safety, overall vehicle volumes, travel times, and neighborhood traffic intrusion.
- **Transportation mitigations need updating:** The current process focuses on the mitigation to traffic and does not require mitigations to support lower VMT.
- **Additional mechanisms, such as adoption of a transportation impact fee (TIF), could further support a transition from LOS to VMT per capita:** The City has



initiated a Citywide Multi-Modal Study to study how a transportation impact fee could be implemented. The study will be helpful in creating the tools needed to simplify the development review process and ensure the City receives contributions from developers even when LOS mitigations are no longer required under CEQA.

When drafting the local VMT thresholds, Nelson Nygaard considered stakeholder feedback as well as recommendations from the State's Office of Planning and Research (OPR).

*Planning Commission Work Session on VMT.* On March 12, 2020<sup>1</sup>, the Planning Commission held a work session to review the proposed transition from LOS to VMT and although the Commission supported the proposed thresholds, they recommended the City proceed to maintain a local transportation analysis for operational assessment. The Commission supported new policies that provide opportunities to expand the multi-modal network.

*Planning Commission Review of General Plan Amendments.* On May 28, 2020<sup>2</sup>, the Planning Commission reviewed the proposed *Hayward 2040 General Plan* Amendments proposed by staff. The Commission recommended approval of the proposed General Plan Amendments, without modifications, to the City Council. The Planning Commission appreciated the proposal to maintain LOS for Local Transportation Analysis purposes outside of CEQA.

While the Planning Commission's recommendation on the proposed General Plan Amendment for the GHG reduction goals was made on December 12, 2019, staff recommended combining the two Amendments for VMT and GHG into one action for Council consideration. The Commission voted unanimously with six (6) ayes votes and one (1) absent for the consolidation of the two amendments for City Council consideration.

### **GHG Reduction Goals**

Hayward's original Climate Action Plan (CAP), adopted in 2009, included the following goals for reducing GHG emissions in both the community and municipal operations:

- 6% below 2005 levels by 2013
- 12.5% below 2005 levels by 2020
- 82.5% below 2005 levels by 2050

The above goals were established to mirror those identified in the California Global Warming Solutions Act of 2006 (AB 32), which set a statewide GHG emissions limit equivalent to the statewide GHG emissions level in 1990 to be achieved by 2020 and the Governor's Executive Order # S-03-05, which set a target of 80% reduction by 2050. The City's goals were adjusted due to the use of a different baseline year.

When the CAP was incorporated into the General Plan in 2014, the following goals for both the community and municipal operations were included:

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<sup>1</sup> <https://hayward.legistar.com/LegislationDetail.aspx?ID=4389419&GUID=8030691C-F4F4-49CF-897E-E67E6F6678A4&Options=&Search=>

<sup>2</sup> <https://hayward.legistar.com/LegislationDetail.aspx?ID=4544482&GUID=EE8ADF47-56BD-4DC5-8DA3-15AAE93FA438&Options=&Search=>

- reduce emissions by 20% below 2005 baseline levels by 2020
- strive to reduce emissions by 61.7% by 2040
- strive to reduce emissions 82.5% by 2050

On September 8, 2016, SB 32 was signed into law and requires that California’s statewide GHG emissions are reduced to 40% below the 1990 level by 2030.

On July 16, 2018,<sup>3</sup> the Council Sustainability Committee (CSC) recommended that Council adopt an interim goal, which would be to reduce emissions by 40% below 2005 baseline levels by 2030. On September 17, 2019,<sup>4</sup> during discussion of a broader set of new sustainability goals for 2025 and 2030, the Committee acknowledged California’s goal<sup>5</sup> of achieving economy-wide carbon neutrality by 2045, and asked staff to consider incorporating the 2045 carbon neutrality goal and re-evaluate the 2030 goal.

On October 30, 2019,<sup>6</sup> staff proposed GHG emission reduction goals as follows:

- 27% below 2005 levels by 2025
- 50% below 2005 levels by 2030
- 100% below 2005 levels (i.e., carbon neutrality) by 2045

The Committee voted unanimously to round up the 2025 figure and recommend the following GHG emission reduction goals:

- 30% below 2005 levels by 2025
- 50% below 2005 levels by 2030
- 100% below 2005 levels (i.e., carbon neutrality) by 2045

While acknowledging that the 30% reduction goal by 2025 may be challenging to reach, the Committee chose this as an aspirational target.

*Planning Commission’s Review & Recommendation* – Prior to the Planning Commission meeting, staff consulted with an environmental consulting firm regarding the proposed GHG emission reduction goals and how they may affect the City’s review of planning applications in regard to compliance with the California Environmental Quality Act (CEQA). Considering the City’s use of 2005 as the baseline year, it was determined that Hayward’s 2030 goal should be 55% to be consistent with SB 32.<sup>7</sup> Having a local goal that is not as

<sup>3</sup> <https://hayward.legistar.com/View.ashx?M=F&ID=6359386&GUID=70A23070-7298-43DD-BFE8-C5F20A1838FA>

<sup>4</sup> <https://hayward.legistar.com/View.ashx?M=F&ID=7706750&GUID=857C8FDB-84A9-4D43-A0F6-F69031B25ABF>

<sup>5</sup> In September 2018, Governor Brown signed Executive Order #B-55-18, committing California to economy-wide carbon neutrality by 2045.

<sup>6</sup> <https://hayward.legistar.com/View.ashx?M=F&ID=7831513&GUID=CD4CAE5E-6391-4862-A2FA-6961E502C8EF>

<sup>7</sup> While the state’s goal is 40% below 1990 levels by 2030, guidance from the California Air Resources Board indicates that for cities using 2005 as a baseline, a reduction of 55% by 2040 is roughly equivalent.

stringent as state law can complicate the analysis of development applications. Staff also found that a carbon neutrality goal, if adopted as policy in the City's General Plan, could be very difficult for developers to provide emissions analyses showing that projects will be consistent with the General Plan. Staff presented this information to the Planning Commission on December 12, 2019,<sup>8</sup> and the Planning Commission voted unanimously to recommend that Council amend the General Plan to include the following GHG emission reduction goals:

- 30% below 2005 levels by 2025
- 55% below 2005 levels by 2030
- work with the community to develop a plan that may result in the reduction of community-based GHG emissions to achieve carbon neutrality by 2045

In addition, the Commission briefly discussed some of the actions that will be necessary to achieve the new targets – specifically electrification of buildings and vehicles. The Commission recommended staff research the consequences of hazardous waste disposal of batteries for both homes and electric vehicles, including what other communities are doing to mitigate this risk and to maintain the commitment that the City's energy provider be as carbon neutral as possible.

*Final Review by Council Sustainability Committee* – On March 9, 2020, the CSC unanimously supported the Planning Commission's recommendation to establish the 2030 goal as 55% below 2005 levels by 2030. (See Exhibit A to the attached Ordinance for the full text of the recommended goals.)

## **DISCUSSION**

### ***VMT Thresholds***

As mentioned above, SB 743 requires OPR revise the CEQA Guidelines to provide alternative criteria for evaluating transportation impacts to promote the reduction of greenhouse gas emissions, the development of multimodal transportation networks, and a diversity of land uses. Once the City adopts the new CEQA thresholds, LOS or similar measures of vehicular capacity will no longer be considered a measure for impacts under CEQA.

While the City has the discretion to set other thresholds of significance for what constitutes a significant impact under CEQA, the criteria for determining the significance of transportation impacts must promote the reduction of greenhouse gas (GHG) emissions, develop multimodal transportation networks, and create a greater diversity of land uses. As such, OPR recommends cities adopt quantifiable thresholds for residential, employment, and retail land use as these three categories cover a majority of land uses.

For residential and office uses, OPR suggests that reducing VMT per capita and per worker, respectively, to 15% below average, which is achievable at the local, project level and is also consistent with achieving the State's climate goals. Retail land use does not generate VMT in

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<sup>8</sup> <https://hayward.legistar.com/LegislationDetail.aspx?ID=4274107&GUID=B4340074-1179-4CEB-B3EA-28B1BD1C6B5C&Options=&Search=>

the same way that residential and employment land use does. New local retail destinations redistribute rather than generate new trips. Accordingly, OPR recommends defining the threshold of significance as any net increase in VMT, and since local-serving retail redistributes existing trips, it does not generate additional new VMT and can be screened out. Projects that meet local-serving retail criteria, smaller than 50,000 square feet, would not require VMT analysis, while larger projects that do not meet the definition of local retail would require additional transportation analysis to determine the environmental impact. Retail that exceeds the local retail size criteria will be reviewed on a case-by-case basis using local knowledge by City staff to determine if the retail is local-serving. The VMT thresholds and screening criteria proposed for the City are based on OPR recommendations and included as Attachment V.

*Additional Land Use Categories.* The City can determine thresholds of significance for additional land use categories that are not listed in Figure 1, Attachment V by creating a significance threshold using more location-specific information. For example, San José created two separate “employment” land use thresholds, one for office (general employment) and one for industrial employment. Additionally, industrial land use is the least compatible with mixed-use, walkable neighborhoods that tend to have low VMT. Requiring industrial projects to have the same low VMT as an office project would discourage industrial development, which is important to the City and a part of the General Plan. To meet City’s land use and employment goals without increasing VMT, Hayward can adopt the regional average VMT per employee as the threshold, compared to the threshold of 15% below average for office employment, for industrial land use and other land uses which were not identified in Figure 1, Attachment V. This threshold ensures that new development would not increase VMT per employee in Hayward.

#### SCREENING THRESHOLDS FOR LAND USE PROJECTS

Under SB 743, it is assumed that some types of development can be exempt from a transportation analysis under CEQA due to their inherent less than significant impact on VMT per capita. A less than significant impact on VMT per capita may result from a project’s location, size, or the land use of the development. A project only needs to meet one of four screening criteria to be exempt from the requirement to complete a transportation impact analysis under CEQA. OPR’s Technical Advisory provides guidance on screening the following four types of projects:

- Small Project Screen
- Development in low VMT zones
- Transit Based Screens
- Affordable Housing Screen

In general, projects that generate less than 110 total vehicle trips per day, as determined through ITE’s Trip Generation Manual, are assumed to have a less than significant impact; however, for projects that generate more than 110 trips, traffic impact studies or environmental impact reports may be required.

Development in Low VMT Areas. In addition to small project screens, OPR recommends streamlining for residential and employment (office) projects located in areas with low VMT per capita/per employee. Projects located in areas with low VMT per capita/per employee, and incorporate similar features (i.e., density, mix of uses, transit accessibility) will exhibit similarly low VMT. The City has developed a geographic, map-based screen (Attachment V) that identifies where projects could be developed and meet minimum VMT requirements based on Traffic Analysis Zones (TAZ).

Transit Screen. In addition to small project-based criteria, residential, retail, and employment projects within ½ mile from an existing major transit stop or transit corridor are considered to have a less-than-significant impact on VMT per capita. A major transit stop is defined as a rail station or the intersection of two or more bus routes with service every fifteen minutes or less during morning and evening commute periods. The maps included in Attachment V identify where major transit stops are located in Hayward, including those areas within ½ mile of the transit stop.

Affordable Housing Screen. OPR also allows cities to adopt screens for affordable housing projects. To qualify, an affordable housing project needs to be located within Priority Development Areas (PDAs) and have access to high-quality transit, defined as a bus or train at least every 15 minutes during peak hours. The project must also be 100% deed-restricted and meet minimum density, parking, and active transportation requirements.

Local Transportation Analysis and Transportation Impact Fee. Outside of the CEQA process, vehicle LOS can still be retained by lead agencies to study and evaluate road and intersection operations. Some cities refer to this non-CEQA analysis as a Local Transportation Analysis (LTA) and may call for analysis of site access and multimodal circulation, intersection operations, corridor travel time, signal timing, signal warrant needs for study area intersections and road segments, and other transportation assessments. The City will continue to use its Traffic Study Guidelines for its use of LOS for LTA purposes.

The City is in the process of developing the Transportation Impact Fee (TIF) Program and which is anticipated to be submitted to the City Council for consideration in September 2020. Transportation impact fees are one-time fees typically paid prior to the issuance of a building permit and imposed on development projects by local agencies responsible for regulating land use (cities and counties). Generally, the fees are charged per square foot of development or per number of trips generated.

The objective of the TIF is to provide local funding to ensure that adequate transportation facilities, including pedestrian and bicycle improvements, will be available to meet the projected needs of the City as it grows, and that the facilities planned are consistent with the Regional Transportation Plan, the City's General Plan, Bicycle and Pedestrian Master Plan, and SB 743 mitigations.

Hayward 2040 General Plan. The City has several policies to support the transition from LOS to using VMT per capita, including policies in the *Hayward 2040 General Plan*, including:

- M-1.4 Multimodal System Extensions

- M-1.5 Flexible LOS Standards
- M-1.8 Transportation Choices
- M-2.2 Regional Plans
- M-2.5 Regional Traffic Impacts
- M-4.3 Level of Service
- H-3.2 Transit Oriented Development
- H-3.3 Sustainable Housing Development

Additionally, the City's Climate Action Plan contains several goals and policies related to the reduction of VMT and GHG, including:

- M-8.2 Citywide TDM Plan
- M-8.4 Automobile Commute Trip Reduction
- M-9.10 Unbundled Multifamily Parking
- NR-2.6 Greenhouse Gas Reduction in New Development

As previously noted, the adoption of any new thresholds for CEQA analysis requires an amendment to the *Hayward 2040 General Plan* to replace references of LOS with VMT.

*Proposed General Plan Amendment.* As previously mentioned, adoption of new VMT thresholds for CEQA analysis require an Amendment of several goals and policies in the Mobility Section of the *Hayward 2040 General Plan*. Additionally, the adoption of new GHG Reduction Goals for the City will require an Amendment of the Natural Resources section of the General Plan. While the Commission previously reviewed and recommended the adoption of new GHG reduction goals on December 12, 2019, staff has consolidated both Amendments into one request for Council consideration.

Pursuant to HMC Section 10-1.3425(a), the Planning Commission shall hold a public hearing on all map and text amendments to the General Plan and may recommend approval of or denial of a text amendment, reclassification, or pre-zoning to the City Council. Recommendations for approval shall be based upon all the following findings:

1. Substantial proof exists that the proposed change will promote the public health, safety, convenience, and general welfare of the residents of Hayward;
2. The proposed change is in conformance with all applicable, officially adopted policies and plans;
3. Streets and public facilities existing or proposed are adequate to serve all uses permitted when the property is reclassified; and
4. All uses permitted when property is reclassified will be compatible with present and potential future uses, and, further, a beneficial effect will be achieved which is not obtainable under existing regulations.

Moreover, pursuant to HMC Section 10-1.3430, Council shall hold a public hearing on each Planning Commission recommendation for approval of a text amendment, reclassification, or pre-zoning. Council may approve, modify, or disapprove any text

amendment, reclassification, or pre-zoning. The Council's decision, except for interim zonings, shall be based on the findings in Section 10-1.3425.

Staff included detailed findings to support the Amendment in Attachment II and a comprehensive list of all the Amendments being proposed included as Exhibit A to Attachment IV.

### **GHG Reduction Goals**

Updated GHG Emission Inventory Data – On January 13, 2020, staff presented a report to the CSC with Hayward's most recent data for calendar year 2017 and comparisons to the previous three inventories. In 2017, the Hayward community achieved a 14.6% reduction in GHG emissions compared to 2005 and total *per capita* emissions were 23.1% lower in 2017 given the City's increasing population (See Table 1, Attachment VI).

As of the fall of 2018, most of Hayward's households and businesses were subscribed to East Bay Community Energy's (EBCE) Brilliant 100 electricity product, which is 100% carbon free. The reduction in electricity-related emissions is likely to cause the City to meet its 2020 goal, however the EBCE Board may soon be considering an increase in the rate for Brilliant 100, which may affect the City's ability to meet its 2020 goal.

GHG Targets Throughout Alameda County – Most cities in Alameda County have adopted 2030 targets of at least 40% below baseline and some have adopted or are considering 2045 carbon neutrality goals. See Table 2 in Attachment VI for a list of the goals adopted by each city as well as the status of their climate action plans.

Global Leadership – Several large cities around the world have adopted carbon neutrality goals and have formed the Carbon Neutral Cities Alliance. The Alliance defines a carbon neutrality goal as one that seeks to cut emissions by 80 to 100% by 2050 or sooner and refers to the minimum goal as "80x50." In a report<sup>9</sup> from the Alliance titled *Framework for Long-Term Deep Carbon Reduction Planning*, they offer the following reflection on the practice of adopting ambitious goals.

*Leading-edge cities have taken the step of committing to an 80x50 or similar goal without being sure how they will achieve it. They've made such commitments on the basis that achieving the goal is imperative; however, many other cities require evidence the goal is feasible before it is set. The difficulty, of course, is that there remain a great many uncertainties about what a successful path to 80x50 looks like, and many of the factors that have to be managed are not in most cities' direct control. Committing to 80x50 is an act of leadership and a commitment to manage toward a goal that probably may not be achieved with a fixed plan, but instead will require iterative experimentation, measurement, and course correction.*

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<sup>9</sup> <https://carbonneutralcities.org/wp-content/uploads/2018/04/CNCA-Framework-for-Long-Term-Deep-Carbon-Reduction-Planning.pdf>

*Recommendation* – On March 9, 2020, the Sustainability Committee unanimously voted to recommend the following new GHG emission reduction goals. These goals are ambitious and will be difficult to meet. A discussion of how these goals could be met is included in Attachment VI.

- 30% below 2005 levels by 2025
- 55% below 2005 levels by 2030
- 100% below 2005 levels by 2045<sup>10</sup>

## **ENVIRONMENTAL REVIEW**

### **VMT Thresholds**

The proposed Amendment to establish new VMT thresholds is not subject to environmental review. Pursuant to the California Environmental Quality Act of 1970, Public Resources Code §21000, et seq., as amended and implementing State CEQA Guidelines, Title 14, Chapter 3 of the California Code of Regulations (collectively, “CEQA”), the proposed Amendment does not constitute a “project” within the meaning of Public Resources Code Section 21065.

### **GHG Reduction Goals**

The proposed General Plan Amendment for new GHG reduction goals is categorically exempt from CEQA pursuant to Section 15308 of the CEQA Guidelines, Actions by Regulatory Agencies for the Protection of the Environment. However, the adoption of policies with local GHG targets can affect how City staff conducts environmental reviews for development proposals to ensure they do not cause a significant impact to the environment. See Attachment VI for more about how the goals may impact environmental reviews for development proposals.

## **ECONOMIC IMPACT**

### **VMT Thresholds**

Active transportation options like bicycling and walking foster economic health by creating dynamic, connected communities with a high quality of life that helps support small business development, decreases transportation and healthcare costs, and increases property values, employment, and tourism. Providing alternate modes of travel reduces single lane occupancy vehicles, reduces congestion and pollution and costs related to automobile-oriented infrastructure maintenance and construction. The overall transportation system will be more efficient; thus, reducing travel time. Moreover, the City will become a more pedestrian- and bicycle-friendly community, thus creating positive economic and health benefits and reduction of greenhouse gas emissions.

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<sup>10</sup> Carbon neutrality can be defined as achieving net zero GHG emissions caused by fossil fuel use within the City. Technological and societal constraints may prevent the reduction of emissions to absolute zero by 2045. Therefore, in order to achieve carbon neutrality, every ton of CO<sub>2</sub>e still emitted will be balanced with an equivalent amount of CO<sub>2</sub>e removal. CO<sub>2</sub>e removal may come from a combination of carbon-sequestering natural systems and land management practices, as well as from carbon capture technology as it becomes available. This approach is similar to that being taken by the Cities of Fremont and Albany.



### **GHG Reduction Goals**

Meeting the ambitious GHG reduction goals outlined above will require significant investment throughout the community and has the potential to create new local jobs; however some necessary improvements are not currently cost-effective.

A 2016 study conducted by TRC for the City of Palo Alto estimates that retrofitting a single-family home to an all-electric package will cost the customer \$6,891 over 30 years compared to replacing their natural gas appliances (\$5,012 in up-front costs and \$1,880 in higher energy costs).<sup>11</sup>

There are currently no electrification rebates available to Hayward customers. BayREN and PG&E are both working to make rebates available in 2020. EBCE has made building electrification a priority and will likely offer existing building electrification rebates in the future, however how soon and to what extent is unclear.

Sacramento Municipal Utility District offers up to \$8,300 in rebates<sup>12</sup> for residents who switch cooktops, space heaters, and water heaters from gas to electric. SMUD's rebates are seen as a first test to learn how effective electrification rebates are working.

Additionally, climate change is expected to negatively impact national and local economies. Updating Hayward's reduction goals may help make Hayward's economy more resilient to climate change. Meeting the ambitious GHG reduction goals will require significant investment throughout the community and has the potential to create new local jobs.

### **FISCAL IMPACT**

The VMT thresholds will have no impact to the City's General Fund or other funds. The reductions in GHG emissions necessary to achieve the new goals will require significant leadership and coordination by the City, which will not be possible with existing staff resources. As new programs are developed to meet the City's sustainability goals, staff will identify specific resources needed.

### **STRATEGIC ROADMAP**

#### **VMT Thresholds**

This agenda item supports the Strategic Priority of Improve Infrastructure. Specifically, this item relates to the implementation of the following project(s):

Project 4, Part 4d. *Increase transit options and ridership.* Continue to require new development adopt transportation demand management strategies to reduce the use of single occupancy vehicles and encourage the use of alternative modes of travel

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<sup>11</sup> <https://www.cityofpaloalto.org/civicax/filebank/documents/55069>

<sup>12</sup> <https://www.smud.org/en/Rebates-and-Savings-Tips>

### **GHG Reduction Goals**

This agenda item relates to the Strategic Priority of Combat Climate Change. Specifically, this agenda item aligns with the implementation of the following project:

Project 4: Adopt & Implement 2030 GHG Goal & Roadmap

### **SUSTAINABILITY FEATURES**

#### **VMT Thresholds**

The action taken for this agenda report will result in supporting mobility goals established as part of the City's 2040 General Plan, providing for a balanced multi-modal system of transportation facilities and services in Hayward.

This will be a comprehensive effort that will guide, prioritize, and implement a network of quality alternative transportation modes to improve mobility, connectivity, public health, physical activity, and recreational opportunities. By applying best practices, the action will increase transportation options, reduce environmental impacts of the transportation system, and enhance the overall quality of life for residents. The goal is to develop convenient transportation alternatives to motor vehicles for residents, visitors, shoppers, and commuters. The resulting reduction in single occupancy vehicles will reduce vehicle miles traveled and greenhouse gases.

The action will align improvements consistent with the Complete Streets Strategic Initiative, Bicycle Master Plan, Neighborhood Traffic Calming Program, Strategic Roadmap, and major regional improvements.

#### **GHG Reduction Goals**

Meeting GHG reduction goals is the primary objective of the City's Climate Action Plan. Meeting the goals will require reducing emissions in every sector and will entail improving energy efficiency in buildings, decarbonizing buildings, increasing the use of renewable energy, and reducing vehicle-related emissions. All these actions will result in cleaner air for Hayward residents and for the region. Adoption of a 2030 GHG reduction target is a priority project (Climate Change project #4) in the Citywide Strategic Roadmap adopted by Council on January 28, 2020.

### **PUBLIC CONTACT**

#### **VMT Thresholds**

Nelson Nygaard conducted extensive interviews with City staff and a representative from the Hayward Chamber of Commerce. The agenda for this item was posted in compliance with the California Brown Act and a legal notice was published in the newspaper on June 5, 2020.

#### **GHG Reduction Goals**

Prior to the Planning Commission hearing on December 12, 2019, a Notice of Public Hearing was posted at City Hall and published in the Daily Review newspaper. In addition, notice of the proposed General Plan Amendment was provided to the following agencies:

Bay Area Air Quality Management District, , East Bay Community Energy, Alameda County Waste Management Authority and Energy Council, City of Fremont, City of Union City, City of San Leandro, Alameda County Community Development Agency, Hayward Area Recreation and Park District, Hayward Unified School District, California State University East Bay, Local Agencies Formation Commission, Metropolitan Transportation Commission, Association of Bay Area Governments, Bay Area Regional Energy Network, Office of Planning and Research, East Bay Municipal Utility District, the Native American Heritage Commission, and Alameda County Flood Control and Water Conservation District.

An article regarding the proposed GHG reduction goals was published on November 26<sup>th</sup> on the City of Hayward's website and through the City's Leaflet<sup>13</sup> newsletter, which has 3,500 subscribers. Staff received a letter of support from StopWaste (Attachment VII).

### **NEXT STEPS**

Upon approval of the *Hayward 2040 General Plan* Amendments, the proposed amendments would become effective by July 1, 2020. If funded in the FY21 budget, staff will begin the process of updating the City's Climate Action Plan to establish a roadmap for meeting the new targets.

*Prepared by:* Charmine Solla, Senior Transportation Engineer  
Erik Pearson, Environmental Services Manager  
Jeremy Lochirco, Principal Planner

*Recommended by:* Alex Ameri, Director of Public Works  
Laura Simpson, Development Services Director

*Approved by:*



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Kelly McAdoo, City Manager

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<sup>13</sup> <https://www.hayward-ca.gov/your-environment/the-leaflet>

HAYWARD CITY COUNCIL

RESOLUTION NO 20-

Introduced by Council Member \_\_\_\_\_

RESOLUTION ADOPTING FINDINGS SUPPORTING AMENDMENTS TO THE CITY OF HAYWARD 2040 GENERAL PLAN BY ESTABLISHING VEHICLE MILES TRAVELED AS A CEQA THRESHOLD FOR TRANSPORTATION IMPACT ANALYSIS CONSISTENT WITH SB743 LEGISLATION

WHEREAS, the California Environmental Quality Act Guidelines (“CEQA Guidelines”) encourage public agencies to develop and publish generally applicable “thresholds of significance” to be used in determining the significance of a project’s environmental effects; and

WHEREAS, the CEQA Guidelines section 15064.7 (a) defines a thresholds of significance as “an identifiable quantitative, qualitative or performance level of a particular environmental effect, non-compliance with which means the effect will normally be determined to be significant by the agency and compliance with which means the effect normally will be determined to less than significant”; and

WHEREAS, CEQA Guidelines section 15064.7 (b) requires that thresholds of significance must be adopted by ordinance, resolution, rule, or regulations, developed through a public review process, and be supported by substantial evidence; and

WHEREAS, pursuant to CEQA Guidelines section 15064.7 (c), when adopting thresholds of significance, a public agency may consider thresholds of significance adopted or recommended by other public agencies provided that the decision of the agency is supported by substantial evidence; and

WHEREAS, Senate Bill 743, enacted in 2013 and codified in Public Resources Code section 21099, required changes to the CEQA Guidelines regarding the criteria for determining the significance of transportation impacts of projects; and

WHEREAS, In 2018, the Governor’s Office of Planning and Research (“OPR”) proposed, and the California Natural Resources Agency certified and adopted, new CEQA Guidelines section 15064.3 that identifies vehicle miles traveled (“VMT”) – meaning the amount and distance of automobile travel attributable to a project – as the most appropriate metric to evaluate a project’s transportation impacts; and

WHEREAS, as a result, automobile delay, as measured by “level of service” and other similar metrics, generally no longer constitutes a significant environmental effect under CEQA; and

WHEREAS, CEQA Guidelines section 15064.3 goes into effect on July 1, 2020, though public agencies may elect to be governed by this section immediately; and

WHEREAS, Staff worked with Nelson Nygaard to revise the City's Traffic Impact Analysis ("TIA") Guidelines and include new thresholds to ensure consistency with SB 743; and

WHEREAS, On May 28, 2020, at a duly noticed public hearing, the Planning Commission considered staff's presentation and reviewed the recommended thresholds of significance and recommended that the City Council adopt the VMT Analysis Guidelines; and

WHEREAS, notice of the hearing was published in the manner required by law and the hearing was duly held by the City Council on June 5, 2020.

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby finds and determines as follows:

CALIFORNIA ENVIRONMENTAL QUALITY ACT

- A. In accordance with the California Environmental Quality Act ("CEQA"), the City Council has been determined that the adoption of the VMT Thresholds and CEQA Transportation VMT Analysis Guidelines, which is an action consistent with Senate Bill ("SB") 743, will not result in a direct or reasonably foreseeable indirect physical change in the environment, and thus the thresholds and VMT Analysis Guidelines are not subject to CEQA (14 CCR § 15378(a)). In addition, the thresholds and VMT Analysis Guidelines are not a "project" within the meaning of CEQA pursuant to 14 CCR § 15378(b)(5) and constitute an action involving procedures for the protection of the environment, which is exempt from CEQA pursuant to 14 CCR § 15308. Finally, if the thresholds and VMT Analysis Guidelines are determined to be subject to CEQA, they are exempt therefrom because it can be seen with certainty that there is no possibility that these amendments will have a significant effect on the environment. (14 CCR § 15061(b)(3).)
- B. The City Council of the City of Hayward hereby finds the thresholds of significance identified in the VMT Analysis Guidelines have been developed through a public review process and are supported by substantial evidence, as required by CEQA Guidelines section 15064.7.
- C. The City Council of the City of Hayward hereby adopts the CEQA Transportation VMT Analysis Guidelines attached hereto as Exhibit "A" as part of the Traffic Impact Analysis Guidelines thereby establishing the VMT thresholds of significance for transportation impact analysis under CEQA.

FINDINGS FOR GENERAL PLAN AMENDMENT**1. Substantial proof exists that the proposed change will promote the public health, safety, convenience, and general welfare of the residents of Hayward.**

The proposed General Plan Amendment and subsequent adoption of new Vehicle Miles Traveled (VMT) thresholds will have many positive impacts to the City. Lower VMT, or the reduced car travel speeds that are often associated with lower VMT, can lead to lower accident rates, increased physical activity (from pedestrian and bicycle programs and projects), improved air quality, and amenities that range from inviting streetscapes to sidewalk cafes to walking neighborhoods that may be desired by City residents and shoppers. The new thresholds will also encourage the redevelopment of infill sites throughout the City which will promote the public health, safety, convenience and general welfare of the residents and businesses in Hayward in that the thresholds will provide a streamlined process for development review and result in clear, consistent and interpretable standards and processes. The proposed Amendment will also promote walkable, mixed-use developments through the City and near major transit centers to ultimately minimize the reliance of personal automobiles to further reduce greenhouse gas emissions at a local and regional scale.

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

The proposed General Plan Amendment will be in conformance with recently adopted SB 743 legislation that address how transportation analysis is determined in the City of Hayward. Consistent with the Bay Area's Regional Transportation Plan (RTP) and Sustainable Community Strategy (SCS), the adoption of VMT per capita is consistent with regional plans adopted by Metropolitan Transportation Commission (MTC) and the Association of Bay Area Governments (ABAG) to promote employment and housing growth near major transit centers, which also reduce greenhouse gas emissions and lower single-occupancy vehicle trips. Additionally, the City has several policies in the General Plan that support the transition from LOS to using VMT per capita, including:

- **M-1.4 Multimodal System Extensions.** The City shall require all new development that proposes or is required to construct or extend streets to develop a transportation network that complements and contributes to the city's multimodal system, maximizes connections, and minimizes barriers to connectivity.
- **M-1.5 Flexible LOS Standards.** The City shall consider flexible Level of Service (LOS) standards, as part of a multimodal system approach, for projects that increase transit-ridership, biking, and walking in order to reduce air pollution, energy consumption, and greenhouse gas emissions.
- **M-1.8 Transportation Choices.** The City shall provide leadership in educating the community about the availability and benefits of using alternative transportation modes.

- M-2.2 Regional Plans. The City shall support regional and countywide transportation plans (e.g., Plan Bay Area, Countywide Transportation Plan) that make alternatives to automobile use a transportation-system priority.
  - M-2.5 Regional Traffic Impacts. The City shall review and comment on development applications in Alameda County and adjoining cities which may impact Hayward's transportation systems and shall suggest solutions to reduce negative effects on local circulation and mobility.
  - M-4.3 Level of Service. The City shall maintain a minimum vehicle Level of Service E at signalized intersections during the peak commute periods except when a LOS F may be acceptable due to costs of mitigation or when there would be other unacceptable impacts, such as right-of-way acquisition or degradation of the pedestrian environment due to increased crossing distances or unacceptable crossing delays.
  - H-3.2 Transit Oriented Development. The City shall encourage transit-oriented developments that take advantage of the City's convenient availability of transit.
  - H-3.3 Sustainable Housing Development. The City shall improve affordability by promoting sustainable housing practices that incorporate a 'whole system' approach to siting, designing, and constructing housing that is integrated into the building site, consumes less water and improves water quality, reduces the use of energy use, and other resources, and minimizes its impact on the surrounding environment.
- 3. Streets and public facilities existing or proposed are adequate to serve all uses permitted when the property is reclassified; and**

The proposed General Plan Amendment would update the thresholds that is currently used to evaluate transportation impacts in the City. The new thresholds do not directly require the creation of new streets and/or public facilities; rather, the Amendment emphasizes providing multi-modal transportation options and transportation demand and parking management strategies throughout the City. The proposed Amendments will support the expansion of the multi-modal and Complete Streets network to promote walkability, bicycle mobility and the use of mass transit to reduce the overall use of personal, single-occupancy vehicle trips and overall greenhouse gas emissions.

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

The proposed Amendment includes the adoption of new CEQA thresholds related to Vehicle Miles Traveled (VMT), including new project thresholds that apply to small projects, development located near major transit stops, affordable housing and employment centers. The proposed Amendment will replace Level of Service (LOS) with vehicle miles traveled (VMT) per capita and provide streamlined review of land use and transportation projects that will help reduce future VMT per capita growth.

Typically, development located at greater distance from shopping and employment centers or in areas with few transportation options generates vehicle trips of longer distances versus a similar development located in proximity to BART Stations and other areas with more transportation alternatives. The proposed Amendment will provide a beneficial effect which is not obtainable using existing regulations in that using VMT as the CEQA threshold will further reduce greenhouse gas emissions and traffic-related air pollution as well as promote multimodal transportation networks and a diversity of land uses, consistent with the goals and policies of the *Hayward 2040 General Plan* and Climate Action Plan.

NOW THEREFORE, BE IT RESOLVED that the City Council of the City of Hayward, based on the foregoing findings, hereby adopts the findings in support of the General Plan Amendment for the adoption of new Vehicle Miles Traveled (VMT) thresholds for the purposes of CEQA impact analysis within the City of Hayward, subject to the adoption of the companion ordinances.

BE IT FURTHER RESOLVED that this resolution shall become effective on the date that the companion Ordinance (Ordinance No. 20-\_\_) becomes effective.

IN COUNCIL, HAYWARD, CALIFORNIA \_\_\_\_\_, 2020

ADOPTED BY THE FOLLOWING VOTE:

AYES: COUNCIL MEMBERS:  
MAYOR

NOES: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

ATTEST: \_\_\_\_\_  
City Clerk of the City of Hayward

APPROVED AS TO FORM:

\_\_\_\_\_  
City Attorney of the City of Hayward



HAYWARD CITY COUNCIL

RESOLUTION NO. 20-\_\_\_\_\_

Introduced by Council Member \_\_\_\_\_

RESOLUTION ADOPTING FINDINGS TO SUPPORT AMENDING THE GREENHOUSE GAS EMISSION REDUCTION GOALS IN THE HAYWARD 2040 GENERAL PLAN

WHEREAS, on September 27, 2006, the California Governor Arnold Schwarzenegger signed into law Assembly Bill 32 (AB 32), the Global warming Solutions Act of 2006, committing California to reducing statewide greenhouse gas (GHG) emissions to 2000 levels by 2010, to 1990 levels by 2020, and to a level 80 percent below 1990 levels by 2050; and

WHEREAS, in 2009, the City of Hayward adopted a Climate Action Plan including goals for reducing GHG emissions by 12.5% below 2005 levels by 2020 and 82.5% by 2050; and

WHEREAS, in 2014, the City of Hayward adopted the Hayward 2040 General Plan including policies to reduce both community and municipal operational emissions by 20% below 2005 baseline levels by 2020, and strive to reduce emissions by 61.7 percent and 82.5 percent by 2040 and 2050, respectively; and

WHEREAS, on December 12, 2015, the Paris Agreement was adopted by the United Nations Framework Convention on Climate Change (UNFCCC) 21<sup>st</sup> Conference of Parties (COP21), setting a goal of keeping global mean surface temperature (GMST) rise in this century well below 2 degrees Celsius (3.6 degrees Fahrenheit) above pre-industrial levels to pursue efforts to limit the temperature increase even further to 1.5 degrees Celsius (2.7 degrees Fahrenheit); and

WHEREAS, on April 22, 2016, the United States signed onto the Paris Agreement, which obtained enough parties to enter into force on November 4, 2016; and

WHEREAS, on June 1, 2017, President Donald Trump announced his intent to withdraw the United States from the Paris Agreement, and subsequently the United States left the Paris Agreement; and

WHEREAS, on June 9, 2017, Hayward Mayor Halliday signed on to the “We Are Still In” domestic and international coalition statement speaking to the urgency of staving off climate change and demonstrating continued support for the Paris Agreement; and

WHEREAS, the California Air Resources Board released California’s 2017 Climate Change Scoping Plan in November 2017, which included a strategy for achieving California’s 2030 greenhouse gas (GHG) targets. The Scoping Plan states, “climate change is contributing to an escalation of serious problems, including raging wildfires, coastal erosion, disruption of

water supply, threats to agriculture, spread of insect-borne diseases, and continuing health threats from air pollution...Climate change impacts all Californians, and the impacts are often disproportionately borne by the state's most vulnerable and disadvantaged populations.”; and

WHEREAS, on September 18, 2018, California Governor Jerry Brown signed Executive Order B-55-18, committing California to achieving carbon neutrality no later than 2045, and achieving and maintaining net negative emissions thereafter; and

WHEREAS, on October 7, 2018 the Intergovernmental Panel on Climate Change (IPCC) released the Special Report on Global Warming of 1.5 degrees Celsius to the UNFCCC stating the current rate of global warming (approximately +0.2 degrees Celsius/decade) is expected to increase global mean surface temperature (GMST) to 1.5 degrees Celsius above pre-industrial levels between the years of 2030 and 2052. The IPCC Special Report recommends “deep emissions reductions” and “rapid, far-reaching and unprecedented changes in all aspects of society” in order to stay within 1.5 degrees Celsius of GMST rise and avoid the worst impacts of climate change; and

WHEREAS, on January 15, 2019, the Hayward City Council unanimously approved a resolution endorsing the declaration of a climate emergency. The Declaration states that climate change threatens our community, as well as cities across the globe, and requests regional collaboration in restoring a safe concentration of GHG in our atmosphere; and

WHEREAS, on October 30, 2019, Hayward's City Council Sustainability Committee recommended the following GHG reduction goals:

- 30% below 2005 levels by 2025
- 50% below 2005 levels by 2030
- 100% below 2005 levels by 2045; and

WHEREAS, on December 12, 2019, at a duly noticed public hearing, the Planning Commission recommended the following GHG reduction goals:

- 30% below 2005 levels by 2025
- 55% below 2005 levels by 2030
- Work with the community to develop a plan that may result in the reduction of community-based GHG emissions to achieve carbon neutrality by 2045; and

WHEREAS, on March 9, 2020, Hayward's City Council Sustainability Committee agreed with the Planning Commission and recommended the following GHG reduction goals:

- 30% below 2005 levels by 2025
- 55% below 2005 levels by 2030
- Work with the community to develop a plan that may result in the reduction of community-based GHG emissions to achieve carbon neutrality by 2045; and

WHEREAS, notice of the hearing was published in the manner required by law and the hearing was duly held by the City Council on June 5, 2020.

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby finds and determines as follows:

CALIFORNIA ENVIRONMENTAL QUALITY ACT

- A. In accordance with the California Environmental Quality Act (“CEQA”), the City Council has been determined that the adoption proposed General Plan Amendment is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15308 of the CEQA Guidelines, Actions by Regulatory Agencies for the Protection of the Environment.

FINDINGS FOR GENERAL PLAN AMENDMENT

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

The California Air Resources Board released California’s 2017 Climate Change Scoping Plan in November 2017, which was a strategy for achieving California’s 2030 greenhouse gas (GHG) targets. The Scoping Plan<sup>1</sup> states, “climate change is contributing to an escalation of serious problems, including raging wildfires, coastal erosion, disruption of water supply, threats to agriculture, spread of insect-borne diseases, and continuing health threats from air pollution...Climate change impacts all Californians, and the impacts are often disproportionately borne by the state’s most vulnerable and disadvantaged populations.”

On October 7, 2018 the Intergovernmental Panel on Climate Change (IPCC) released the Special Report<sup>2</sup> on Global Warming of 1.5 degrees Celsius to the UNFCCC stating the current rate of global warming (approximately +0.2 degrees Celsius/decade) is expected to increase global mean surface temperature (GMST) to 1.5 degrees Celsius above pre-industrial levels between the years of 2030 and 2052. The IPCC Special Report recommends “deep emissions reductions” and “rapid, far-reaching and unprecedented changes in all aspects of society” in order to stay within 1.5 degrees Celsius of GMST rise and avoid the worst impacts of climate change.

Meeting the proposed GHG emission reduction goals will promote the public health, safety, convenience and general welfare of the residents of Hayward in that the effects of global climate change will be reduced and the Hayward community will be more resilient to the already present impacts of climate change.

**2. The proposed change is in conformance with the purposes of the Zoning Ordinance and all applicable, officially adopted policies and plans.**

The current GHG emission reduction goals were established to mirror those identified in the California Global Warming Solutions Act of 2006 (AB 32), which set a statewide GHG emissions limit equivalent to the statewide GHG emissions level in 1990 to be achieved by 2020 and the Governor's Executive Order # S-03-05, which set a target of 80% reduction by 2050. The City's goals were adjusted due to the use of a different baseline year.

The proposed GHG emission reduction goals are in conformance with Governor Brown's Executive Order #B-55-18, signed in September 2018, committing California to economy-wide carbon neutrality by 2045.

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

The proposed General Plan Amendment would not reclassify property or change land use designations.

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

The proposed General Plan Amendment would not reclassify property or change land use designations.

NOW, THEREFORE, BE IT RESOLVED, that the following policies be amended as follows in the Hayward 2040 General Plan:

**NR-2.4 Community Greenhouse Gas Reduction**

The City shall work with the community to reduce community-based GHG emissions by 20 percent below 2005 baseline levels by 2020, 30% below 2005 levels by 2025, and 55% below 2005 levels by 2030. In addition, the City shall work with the community to develop a plan that may result in the reduction of community-based GHG emissions to achieve carbon neutrality by 2045.

**NR-2.5 Municipal Greenhouse Gas Reduction**

The City shall reduce municipal greenhouse gas emissions by 20 percent below 2005 baseline levels by 2020, 30% below 2005 levels by 2025, and 55% below 2005 levels by 2030. In addition, the City shall develop a plan that may result in the reduction of municipal GHG emissions to achieve carbon neutrality by 2045.

BE IT RESOLVED that this resolution shall become effective on the date that the companion Ordinance (Ordinance No. 20-\_\_) becomes effective.

IN COUNCIL, HAYWARD, CALIFORNIA \_\_\_\_\_, 2020

ADOPTED BY THE FOLLOWING VOTE:

AYES:           COUNCIL MEMBERS:  
                  MAYOR:

NOES:           COUNCIL MEMBERS:

ABSTAIN:       COUNCIL MEMBERS:

ABSENT:        COUNCIL MEMBERS:

ATTEST: \_\_\_\_\_  
          City Clerk of the City of Hayward

APPROVED AS TO FORM:

\_\_\_\_\_  
City Attorney of the City of Hayward

ORDINANCE NO. 20-\_\_\_\_\_

AN ORDINANCE AMENDING THE HAYWARD 2040 GENERAL PLAN  
ESTABLISHING NEW VEHICLE MILES TRAVELED (VMT) CEQA  
THRESHOLDS AND UPDATED GREENHOUSE GAS EMISSION (GHG)  
REDUCTION GOALS

NOW THEREFORE THE CITY COUNCIL OF THE CITY OF HAYWARD DOES  
ORDAIN AS FOLLOWS:

Section 1. Provisions. The City Council incorporates by reference the findings contained in Resolutions No. 20-\_\_ and No. 20-\_\_ approving the General Plan Amendments establishing new Vehicle Miles Traveled (VMT) thresholds for California Environmental Quality Act (CEQA) analysis and establishing new greenhouse gas emission reduction goals.

Section 2. The Hayward 2040 General Plan is hereby amended as detailed in the attached Exhibit A, introduced herewith and as specifically shown in this Ordinance.

Section 3. Severance. Should any part of this Ordinance be declared by a final decision by a court or tribunal of competent jurisdiction to be unconstitutional, invalid, or beyond the authority of the City, such decision shall not affect the validity of the remainder of this Ordinance, which shall continue in full force and effect, provided that the remainder of the Ordinance, absent the unexcised portion, can be reasonably interpreted to give effect to the intentions of the City Council.

Section 4. Effective Date. In accordance with the provisions of Section 620 of the City Charter, the Ordinance shall become effective immediately upon adoption.

INTRODUCED at a regular meeting of the City Council of the City of Hayward,  
held the 16<sup>th</sup> day of June 2020, by Council Member \_\_\_\_\_.

ADOPTED at a regular meeting of the City Council of the City of Hayward,  
held the 23<sup>rd</sup> day of June 2020, by the following votes of members of said City Council.

AYES:            COUNCIL MEMBERS:  
                         MAYOR:

NOES:            COUNCIL MEMBERS:

ABSTAIN:        COUNCIL MEMBERS:

ABSENT:         COUNCIL MEMBERS:

APPROVED: \_\_\_\_\_  
   Mayor of the City of Hayward

DATE: \_\_\_\_\_

ATTEST:         \_\_\_\_\_  
   City Clerk of the City of Hayward

APPROVED AS TO FORM:

\_\_\_\_\_  
City Attorney of the City of Hayward

**PROPOSED GENERAL PLAN AMENDMENTS**

**MOBILITY ELEMENT**

- New Vehicle Miles Traveled (VMT) Thresholds and Local Flexible LOS Guidelines Standards (M-1.5):
  - o The City shall adopt new VMT thresholds to reduce VMT Per Capita and VMT Per Employee and consider the adoption of local flexible Level of Service guidelines (LOS standards, to support the expansion as part of a multimodal network system approach, for projects that increase transit ridership, biking, and walking in order to reduce air pollution, energy consumption, and greenhouse gas emissions. (Hayward General Plan, pg. 3-76)
- Transportation Choices (M-1.8):
  - o The City shall provide leadership in educating the community about the availability and benefits of using alternative transportation modes. (Hayward General Plan, pg. 3-76)

REMOVE LOS CALLOUT (BELOW)

**LEVEL OF SERVICE**

Level of Service (LOS) is a method of evaluating traffic congestion. A LOS of A represents free flowing traffic, and a LOS of F represents severe traffic congestion with substantial delays. In general, the strict enforcement of LOS standards has forced cities to make transportation improvements that favor automobiles and hurt other modes of transportation. For example, a city may be forced to widen an intersection and eliminate pedestrian crosswalks to achieve a minimum LOS standard. While this improves traffic flow for vehicles, it ultimately discourages walking. Adopting a more flexible LOS approach allows cities to consider other modes of transportation when evaluating traffic impacts and making roadway improvements.

ADD VMT CALLOUT (BELOW)

**VEHICLE MILES TRAVELED**

Vehicle miles traveled (VMT) measures the total amount of driving over a given area. VMT analysis is based on geographic travel patterns, which reflect transportation infrastructure, transit service, and land use. VMT connects the environmental impacts from transportation to State greenhouse gas emissions reduction goals. Adopting VMT as a measure of impact allows cities to consider all modes of transportation when evaluating environmental impacts and making transportation network improvements.

- GOAL 2 Regional Transportation Context:
  - o “Policies in this section focus on the regional transportation context. With a significant portion of traffic volume on its local streets attributable to regional through traffic, these policies seek to must coordinate with adjacent communities as well as county, regional, and state agencies to address local traffic ~~congestion~~ operations, provide access to regional transit systems, and connect the city’s transportation facilities to adjacent and regional systems.” [Excerpt] (Hayward General Plan, pg. 3-77)
- GOAL 4 Local Circulation:
  - o “Local access and circulation for all modes include managing the roadway system to improve traffic ~~flow~~ operations, while protecting the neighborhoods from through



traffic... ~~the vehicle level of service (LOS) standard allows for~~ A local transportation analysis can support planned growth in downtown and multimodal districts, while considering effects on alternative modes.” [Excerpt] (Hayward General Plan, pg. 3-81)

- Traffic Operations (M-4.1)
  - o The City shall strive to address traffic operations, including ~~traffic congestion,~~ intersection delays; and travel speeds, while balancing neighborhood safety concerns. (Hayward General Plan, pg. 3-81)
- ~~Level of Service~~ Local Transportation Analysis (M- 4.3):
  - o The City shall ~~maintain a minimum vehicle Level of Service E at signalized intersections during the peak commute periods except when a LOS F may be acceptable due to costs of mitigation or when there would be other unacceptable impacts, such as a right-of-way acquisition or degradation of the pedestrian environment due to increased crossing distances or unacceptable crossing delays~~ use local transportation analysis to identify future transportation needs and maintain ongoing traffic operations. (Hayward General Plan, pg. 3-81)
- System Management (M-4.4)
  - o The City shall encourage alternatives to road construction and expansion (e.g., adaptive signals and coordinated signals) as necessary for improving traffic ~~flows~~ operations for all users.-(Hayward General Plan, pg. 3-81)
- Transit Arterials (M-4.6)
  - o The City shall consider improvements, on arterials with transit service to ~~preserve~~ optimize bus operating speeds. (Hayward General Plan, pg. 4-20)

### **NATURAL RESOURCES ELEMENT**

- Community Greenhouse Gas Reduction (NR-2.4)
  - o The City shall work with the community to reduce community based GHG emissions by 20 percent below 2005 baseline levels by 2020, 30% below 2005 levels by 2025, 55% below 2005 levels by 2030. In addition, the City shall work with the community to develop a plan that may result in the reduction of community based GHG emissions to achieve carbon neutrality by 2045. and strive to reduce community emissions by 61.7 percent and 82.5 percent by 2040 and 2050, respectively. (Hayward General Plan, pg. 3-123)
- Municipal Greenhouse Gas Reduction (NR-2.5)
  - o The City shall reduce municipal greenhouse gas emissions by 20 percent below 2005 baseline level by 2020, 30% below 2005 levels by 2025, 55% below 2005 levels by 2030. In addition, the City shall work with the community to develop a plan that may result in the reduction of community based GHG emissions to achieve carbon neutrality by 2045. and strive to reduce municipal emissions by 61.7 percent and 82.5 percent by 2040 and 2050, respectively. . (Hayward General Plan, pg. 3-123)

# **VMT Thresholds of Significance and Screening Criteria – Brief**

**Figure 1**      **Thresholds of Significance for Residential and Employment Projects**

Land use	Threshold of Significance Under Consideration	Precedent
Residential	15% below existing average VMT per capita for the City of Hayward	OPR
Employment - Office	15% below existing regional average VMT per employee	OPR
Employment – Industrial	Below existing regional average VMT per employee	San José
Retail	Net increase in total regional VMT	OPR

**Figure 2 Recommended Screening Criteria for CEQA Transportation Analysis for Development Projects**

Screen Type	Screening Criteria <sup>1</sup>
Small Infill Projects	<ul style="list-style-type: none"> <li>▪ Single-family detached housing of 15 units or less</li> <li>▪ Single-family attached or multi-family housing of 25 units or less</li> <li>▪ Office of 10,000 square feet of gross floor area or less</li> </ul>
Local Serving Retail	<ul style="list-style-type: none"> <li>▪ 50,000 square feet of total gross floor area or less</li> </ul>
Local Serving Public Facilities	<ul style="list-style-type: none"> <li>▪ Local serving public facility (determined with staff input, depending on the land use)</li> </ul>
Residential and Employment-Office Land Use Projects or Components	<ul style="list-style-type: none"> <li>▪ <b>Location:</b> within a half mile of a major transit stop<sup>1</sup> or in an area with low (below the threshold) VMT per capita/employee and in an area with planned growth.</li> <li>▪ <b>Density/FAR:</b> <ul style="list-style-type: none"> <li>– Minimum gross floor area ratio (FAR) of 0.75 as applicable for employment projects</li> <li>– Minimum of 35 units per acre as applicable for residential projects</li> <li>– If located in an area where zoning calls for lower than 0.75 FAR or fewer than 35 units per acre, the maximum FAR or units per acre density allowed must be used</li> </ul> </li> <li>▪ <b>Parking:</b> No more than the minimum number of parking spaces required; in cases where no minimum is required and a maximum is identified, no more than the maximum number of parking spaces</li> <li>▪ Does not replace affordable residential units (including naturally occurring affordable residential units) with a smaller number of moderate- or high-income residential units</li> <li>▪ <b>Consistent</b> with local plans for development priorities</li> </ul>
Restricted Affordable Residential Projects or Components	<ul style="list-style-type: none"> <li>▪ <b>Affordability:</b> 100% deed-restricted affordable housing (exception for the manager's unit(s)); affordability must extend for a minimum of 55 years for rental homes or 45 years for for-sale homes. Affordability for this purpose is restricted to households making 80% or less of the area's median income.</li> <li>▪ <b>Location:</b> within an area with below average VMT per capita</li> <li>▪ <b>Parking:</b> no more than the minimum number of parking spaces required; in cases where no minimum is required and a maximum is identified, no more than the maximum number of parking spaces</li> </ul>

<sup>1</sup>: All screening criteria are based on the OPR Technical Advisory; additional details and context specific considerations are discussed in the body of the report, below.

<sup>1</sup> A major transit stop has rail service OR two or more intersecting bus lines with 15-minute peak commute frequencies or better (Pub. Resources Code § 21064.3).

Figure 3 Simplified VMT Data and Symbology Categories

Category	Under 15% below average	Below average	Average	Up to 15% above average	Over 15% above average
Per Capita - Residential	Less than 17.93	17.93-21.09	21.10	21.11-24.26	Greater 24.26
Per Employee - Office	Less than 13.47	13.47-15.84	15.85	15.86-18.23	Greater 18.23
Per Employee – Industrial	Less than 15.85		15.85	15.86-18.23	Greater 18.23
CEQA Impact	Below threshold, no significant impact	Above threshold, mitigation likely required (except for Industrial)	NA	Above threshold, mitigation required	Above threshold, mitigation challenging
Color			NA		

Figure 4 Map of Hayward VMT Per Capita

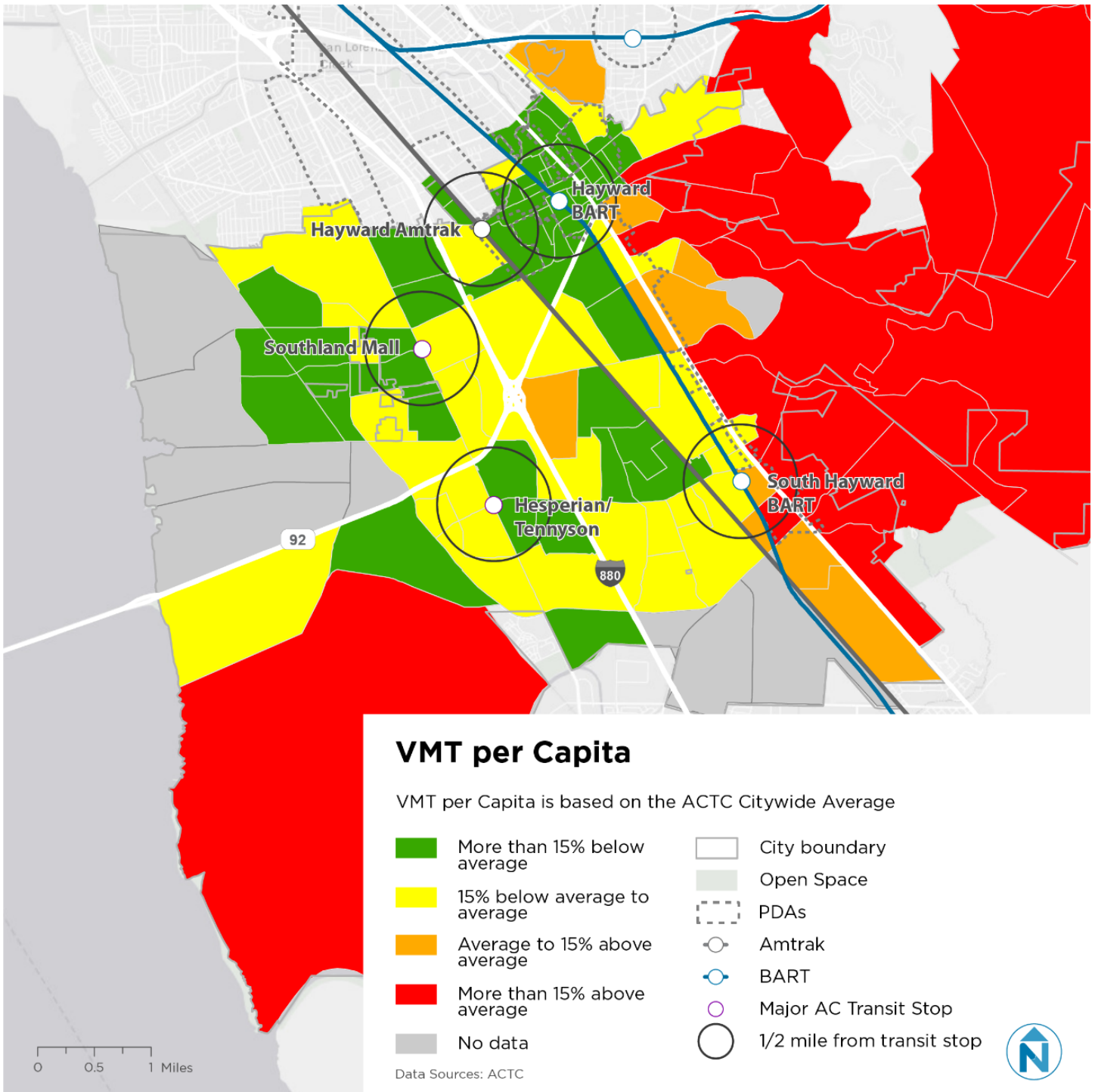
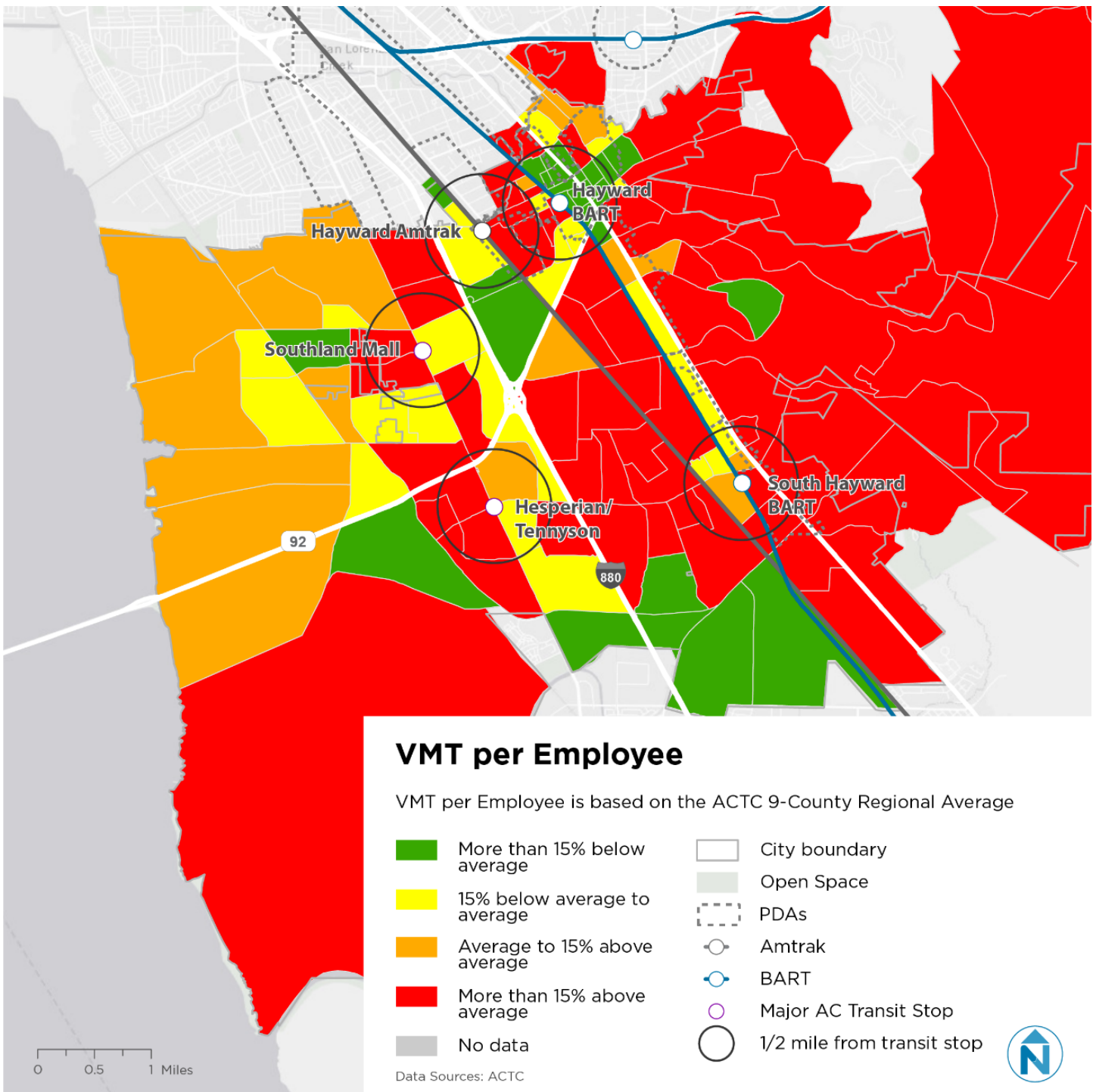


Figure 5 Map of Hayward VMT per Employee



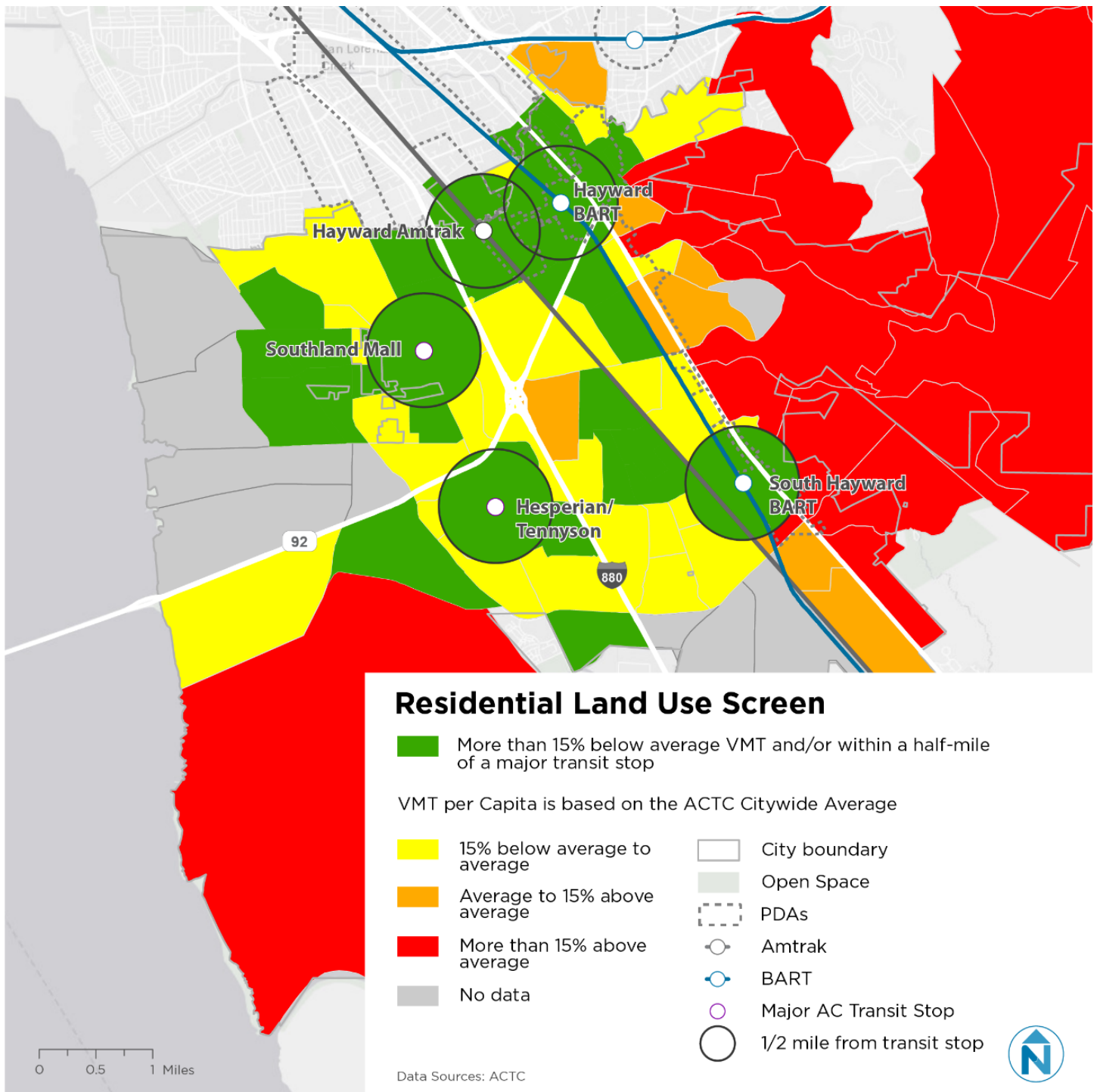
## Location Based Screens

The recommended location-based screens for residential, employment, and affordable housing land uses are illustrated in Figures 12, 13, 14, and 15, and are summarized briefly here:

- **Residential Projects in Planned Growth Areas with Low VMT and/or High-Quality Transit Areas**
  - Residential land use projects located in areas with VMT below the threshold and/or within a half mile of a major transit stop or corridor and that include low VMT-supporting features will produce low VMT per capita. These areas are shown in Figure 12. Projects must include features that are similar to or better than what exists today for density and parking to support an overall reduction in VMT per capita.
- **Office Employment Land Use Projects in Planned Growth Areas with Low VMT and/or High-Quality Transit Areas**
  - Office Employment land use projects located in areas with VMT below the threshold and/or within a half mile of a major transit stop or corridor and that include low VMT-supporting features will produce low VMT per employee. These areas are shown in Figure 13. Projects must include features that are similar to or better than what exists today for density and parking to support an overall reduction in VMT per office employee.
- **Industrial Employment Land Use Projects in Planned Growth Areas with Low VMT and/or High-Quality Transit Areas**
  - Industrial employment land use projects located in areas with below average VMT and/or within a half mile of a major transit stop or corridor and that include low VMT-supporting features will produce low VMT per employee. This is based on a threshold of average VMT per employee, rather than 15% below average VMT per employee, as applies to other employment land uses, to accommodate valuable industrial land uses outside of the most dense, walkable and transit oriented areas. These areas are shown in Figure 14. Projects must include features that are similar to or better than what exists today for density and parking to support no increase in VMT per industrial employee.
- **Affordable Housing in Low VMT Areas**
  - Deed-restricted affordable housing, defined as developments that are 100 percent affordable for low-income families making 80% or less of area median income, correlate with reductions in VMT compared with market-rate housing. Figure 15 shows the recommended affordable housing screen based on the geographic criteria: located in an area with a below average VMT per capita and/or within a half mile of a major transit stop or corridor. This is based on a threshold of average VMT per capita, rather than 15% below average VMT per capita, as applies to other residential land uses, to expand the area where affordable housing projects can be streamlined by screening them out of the CEQA transportation analysis process.



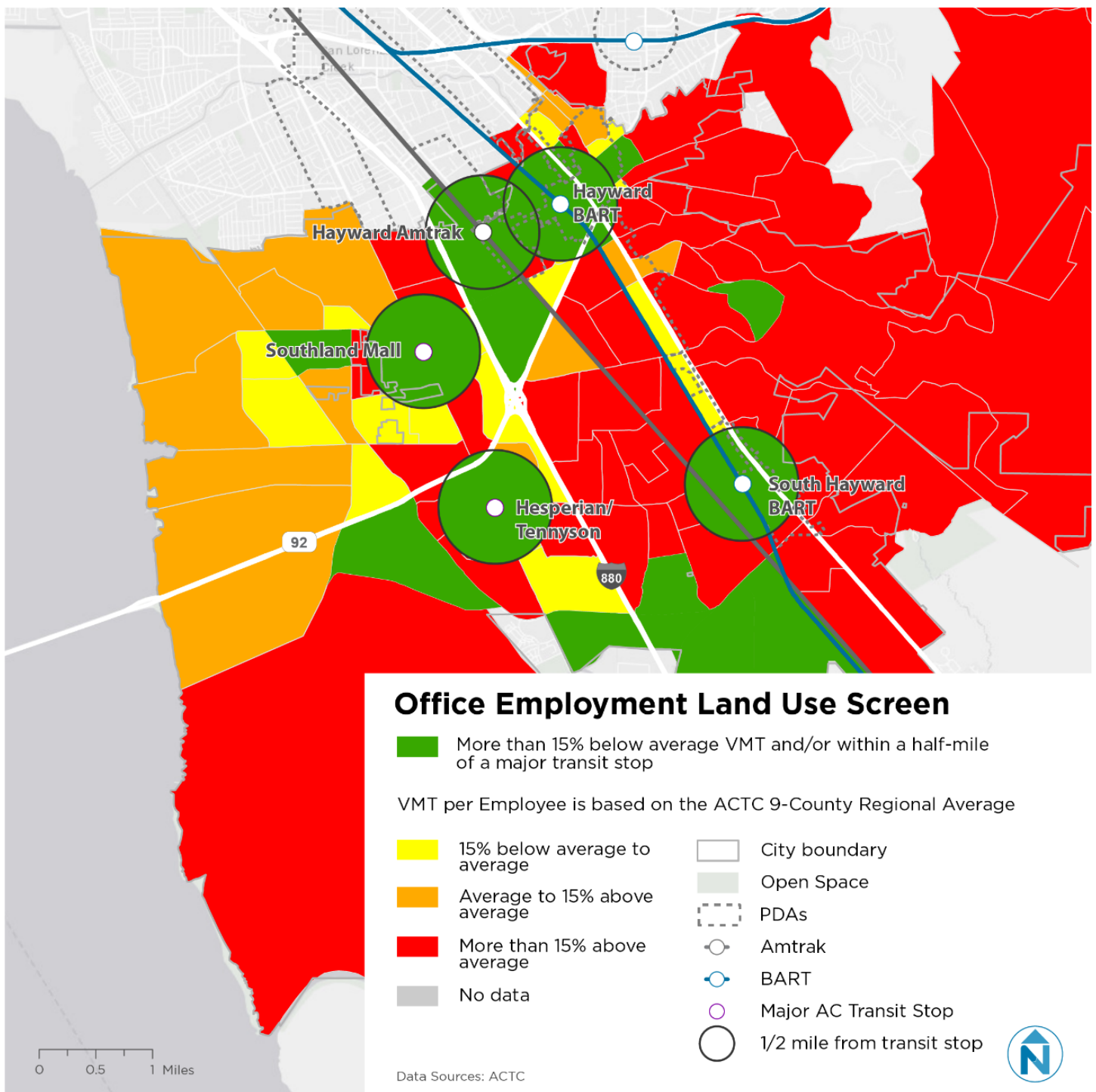
Figure 6 Recommended Residential Land Use Screen



**Residential Projects in Planned Growth Areas with Low VMT and/or High-Quality Transit Areas**

Residential land use projects located in areas with VMT below the threshold and/or within a half mile of a major transit stop or corridor and that include low VMT-supporting features will produce low VMT per capita. These areas are shown in green in Figure 12. Projects must include features that are similar to or better than what exists today for density and parking to support an overall reduction in VMT per capita.

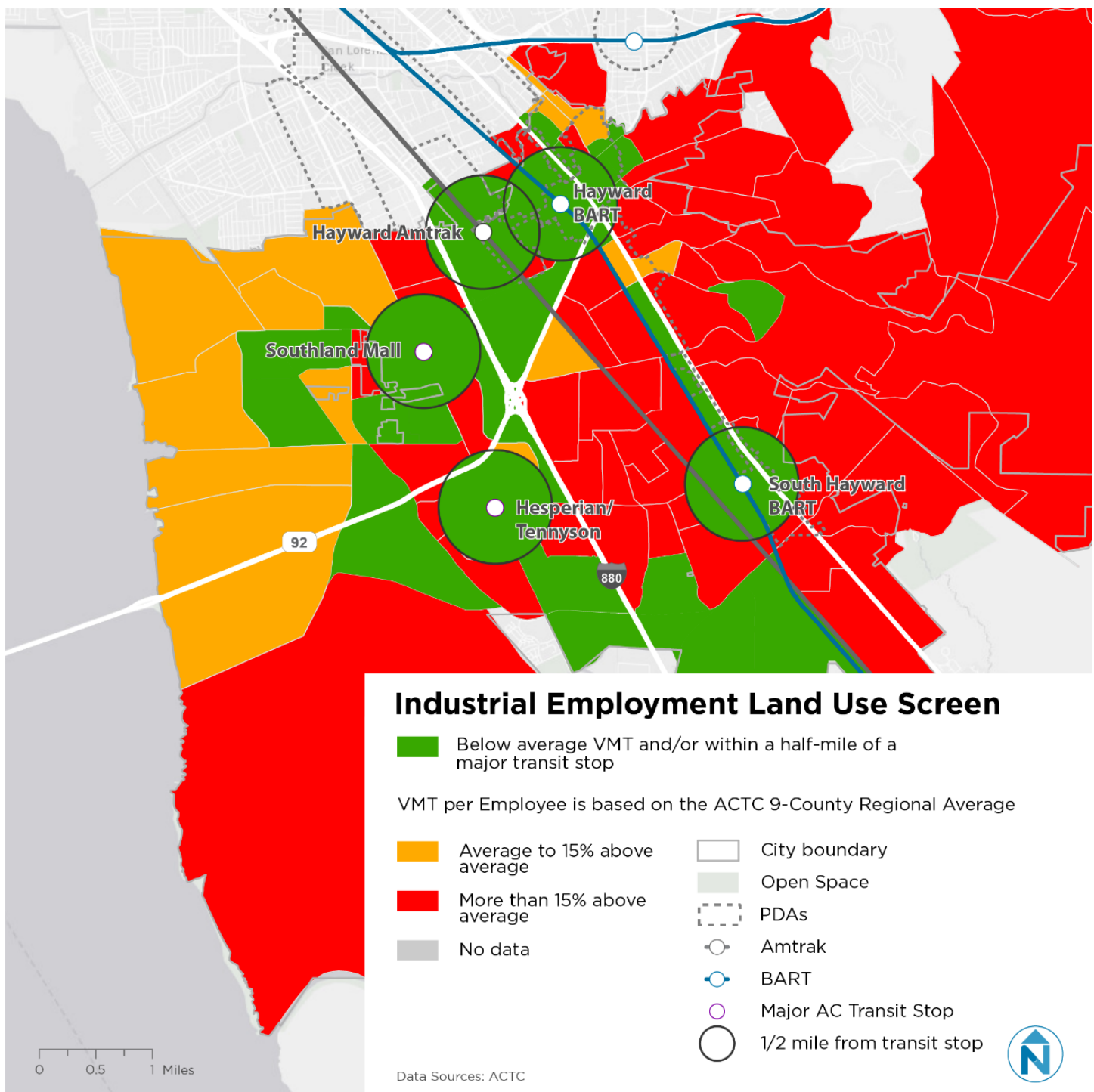
Figure 7 Recommended Employment - Office Land Use Screen



**Office Employment Land Use Projects in Planned Growth Areas with Low VMT and/or High-Quality Transit Areas**

Office Employment land use projects located in areas with VMT below the threshold and/or within a half mile of a major transit stop or corridor and that include low VMT-supporting features will produce low VMT per employee. These areas are shown in Figure 13. Projects must include features that are similar to or better than what exists today for density and parking to support an overall reduction in VMT per office employee.

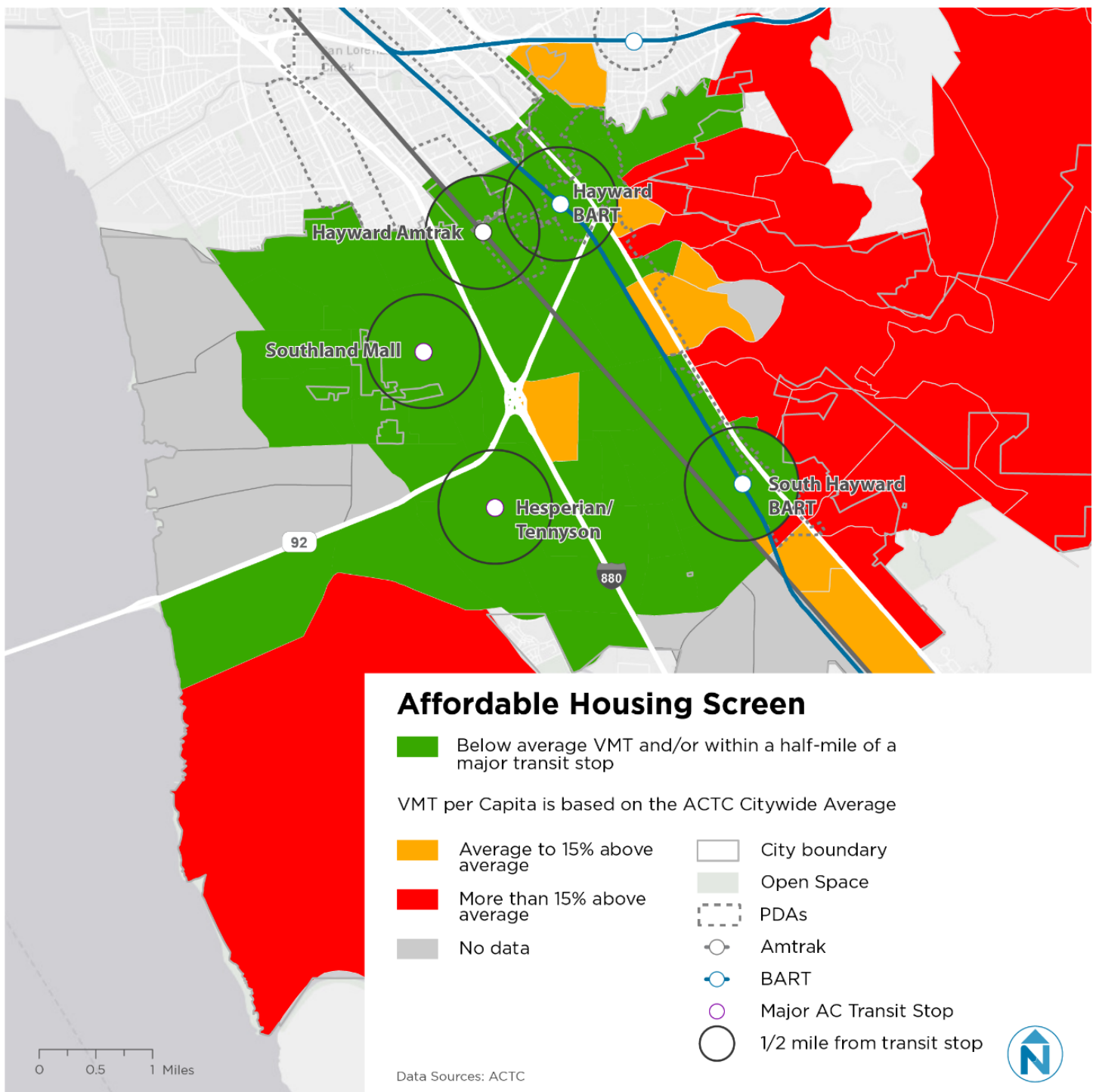
Figure 8 Recommended Employment - Industrial Land Use Screen



**Industrial Employment Land Use Projects in Planned Growth Areas with Low VMT and/or High-Quality Transit Areas**

Industrial employment land use projects located in areas with below average VMT per employee and/or within a half mile of a major transit stop or corridor and that include low VMT-supporting features will produce low VMT per employee. This is based on a threshold of average VMT per capita, rather than 15% below average VMT per employee, as applies to other employment land uses. These areas are shown in Figure 14. Projects must include features that are similar to or better than what exists today for density and parking to support no increase in VMT per industrial employee.

Figure 9 Recommended Affordable Housing Screen



**Affordable Housing in Low VMT Areas**

Deed-restricted affordable housing, defined as developments that are 100 percent affordable for low-income families making 80% or less of area median income, correlate with reductions in VMT compared with market-rate housing. Figure 15 shows the recommended affordable housing screen based on the geographic criteria: located in an area with a below average VMT per capita and/or within a half mile of a major transit stop or corridor. This is based on a threshold of average VMT per capita, rather than 15% below average VMT per capita, as applies to other residential land uses, to expand the area where affordable housing projects can be streamlined by screening them out of the CEQA transportation analysis process.

## Technical Memo

### Tables and Technical Information for GHG Reduction Goals

#### Contents:

#### Page

1	Table 1: Hayward's GHG Emissions by Sector (MTC02e)
2	Table 2. GHG Goals Adopted by Other Cities
3	Discussion: How the GHG Reduction Goals Could be Met
5	Discussion: Environmental Review of Development Proposals
6	Article from San Jose Mercury – "State likely won't reach emission goals"

**Table 1: Hayward's GHG Emissions by Sector (MTC02e)\***

	2005	2010	2015	2017	% Change **
Energy	375,885	356,830	318,657	261,228	-30.5%
Transportation	636,581	580,238	571,556	553,298	-13.1%
BART	3,440	3,425	4,276	3,994	16.1%
Off-Road	24,345	37,265	68,251	67,348	176.6%
Waste	42,641	37,357	35,649	38,712	-9.2%
Total	1,082,892	1,015,115	998,387	924,581	-14.6%
Hayward Population	140,530	143,921	154,321	161,455	
Total Emissions/Capita	5.2	4.8	4.4	3.9	-23.1%

\* Emissions are displayed in metric tons of carbon dioxide equivalent<sup>1</sup> (MTC02e).

\*\* Percent change is compared to the baseline year of 2005

<sup>1</sup> Carbon dioxide is not the only gas that contributes to climate change. Each greenhouse gas causes varying amounts of warming. For example, one ton of methane (CH<sub>4</sub>) causes the same amount of warming as 23 tons of CO<sub>2</sub> (1 ton of CH<sub>4</sub> = 23 tons CO<sub>2</sub>e). To simplify reporting, it is standard practice to report carbon equivalent emissions (CO<sub>2</sub>e) as opposed to the actual emissions of each gas.

**Table 2. GHG Goals Adopted by Other Cities**

The following table shows the goals adopted by each city as well as the status of their climate action plans.

	Baseline Year	2020 Target	2030 Target	2045 Target	2050 Target	2030-2050 CAP Update Status
Alameda	2005	25%	40%		80%	In progress
Albany	2004	25%	60% <sup>2</sup>	100%	100%	In progress
Berkeley	2000	33%			80%	Original CAP covers post 2020
Dublin	2010	15%	40%		80%	In progress
Emeryville	2004	25%	40%	100%		Updated 2016
Fremont	2005	25%	55%	100%		In progress
Hayward	2005	20%	55%	100%	<del>83%</del> <sup>3</sup>	Updated 2014 (with adoption of 2040 General Plan)
Livermore	2008	15%	60%			Planned
Newark	2005	15%				
Oakland	2005	36%	56%			In progress
Piedmont	2005	15%	40%			Updated 2017
Pleasanton	2005	15%	40%			Planned
San Leandro	2005	25%	40%			In progress
Union City	2005	20%				Planned

<sup>2</sup> This is a 2035 target.

<sup>3</sup> By proposing carbon neutrality by 2045, this would supersede the previously approved 2050 target.

How the GHG Reduction Goals Could be Met –

Electricity – To meet the proposed 2025 goal, 78% of Hayward customers would need to receive 100% carbon free electricity. By 2030, at least 93% of Hayward customers would need to receive 100% carbon free electricity. This assumes that no more than 5% of residential customers and no more than 10% of commercial customers opt-out of EBCE service. The rate for carbon-free electricity (Brilliant 100) is currently equal to PG&E rates, however as noted above, the EBCE Board may soon be considering an increase in the rate for Brilliant 100, which may affect Hayward’s ability to meet its 2020 goal.

Natural Gas – Hayward has seen a slow decline in residential natural gas emissions, but nonresidential natural gas use has been increasing. In order to meet the 2025 goal, if nonresidential natural gas use remains constant, 20% of residential homes (approximately 10,000 dwelling units) would need to be retrofitted to all-electric. For 2030, nonresidential natural gas use would need to decrease significantly and an additional 45% of residential homes (an additional 22,000 dwelling units) would need to be retrofitted to all-electric. With current resources available to residents, this will be very challenging to achieve.

Transportation – Hayward has seen a small decline in transportation emissions from 2005 to 2015. However, this reduction in emissions should be credited to increased vehicle efficiency as the vehicle miles traveled (VMT) have increased since 2010 as the economy recovered from the Great Recession. Meeting the 2025 and 2030 goals will rely on the City drastically reducing transportation related emissions, which accounted for 59% of Hayward’s total emissions in 2017. Assuming the continuation of increased vehicle efficiency and that passenger vehicles and light trucks remain the prominent mode of transportation, 15% (around 21,000 vehicles) of the gasoline fleet would need to be replaced with electric vehicles (EVs) by 2025 and 45% (an additional 40,700 vehicles) by 2030. While very challenging, these goals can be helped with the fact that many automobile manufacturers are transitioning to production of all-electric vehicles with some planning to stop manufacturing gas-powered passenger vehicles.

Staff recognizes that reductions in vehicle-related emissions will be difficult. As reported by the Mercury News on October 9, 2019 (see Attached), California is projected to fail to meet its emissions targets – partially because “Californians aren’t ready to give up their trucks and SUVs.” While EV ownership is increasing, more incentives will need to be made available statewide. In addition, staff can promote existing local programs such as the Air District’s Clean Cars for All<sup>4</sup> program, which offers significant rebates to lower income households that replace older cars with EVs.

The following table summarizes in each column the actions that would enable Hayward to achieve the new goals.

	2025	2030	2030
Sector	30%	50%	55%
Electricity	78% of Hayward residents and business operate on carbon-free electricity	93% of Hayward residents and business operate on carbon-free electricity	93% of Hayward residents and business operate on carbon-free electricity
Natural Gas	10,016 housing units converted to all-electric	20,033 housing units converted to all-electric	32,554 housing units converted to all-electric
Transportation	21,030 gasoline vehicles taken off the road (converted to electric or resident opts for car-free lifestyle)	48,167 gasoline vehicles taken off the road (converted to electric or resident opts for car-free lifestyle)	61,735 gasoline vehicles taken off the road (converted to electric or resident opts for car-free lifestyle)

Considering the above potential actions, the following table shows how Hayward's emissions would need to decrease to achieve the 2025 and 2030 targets:

	2005 in MT CO <sub>2</sub> e*	2017 in MT CO <sub>2</sub> e*	Change from 2005 - 2017	2019**	2025	2030
Electricity	185,890	75,118	-59.6%	-77.5%	-77.5%	-92.5%
Gas	189,995	186,111	-2.0%	0%	-11.7%	-43.3%
Transportation	664,366	624,640	-6.0%	0%	-18.2%	-45.7%
Solid Waste	42,641	38,712	+9.2%	0%	-30%	-60%
<b>Totals</b>	<b>1,082,892</b>	<b>924,581</b>	<b>-14.6%</b>	<b>-20%</b>	<b>-30%***</b>	<b>-55%***</b>

\*GHG emissions are reported in this table as metric tons of CO<sub>2</sub> equivalent (MT CO<sub>2</sub>e). CO<sub>2</sub>e represents an amount of a GHG whose atmospheric impact has been standardized to that of one mass of carbon dioxide, based on the global warming potential of the gas.

\*\*This is based on predicted reductions due to enrolling residents in EBCE Brilliant 100.

\*\*\*This is a predicted percentage change compared to 2005 GHG emissions.



### Environmental Review of Development Proposals

The adoption of policies with local GHG targets can affect how City staff conducts environmental reviews for development proposals to ensure they do not cause a significant impact to the environment. All projects subject to CEQA are required to include a GHG analysis showing the project will be consistent with SB 32. Because the proposed 2030 goal aligns with SB 32, adoption of the recommended goal will not increase the documentation or effort required of developers as they demonstrate consistency with the General Plan.

Following the Planning Commission hearing in December 2019, staff continued to research the CEQA implications of adopting more stringent GHG reduction goals and how development projects will be evaluated in light of the new General Plan policies. Once the City has updated and adopted a 2030 Climate Action Plan (CAP), development projects will be able to streamline their GHG emission analysis by tiering from the CAP's CEQA document. However, until the 2030 CAP is adopted, developers may be required to prepare an analysis without the benefit of guidance or a methodology that is specific to Hayward. Staff contacted three CEQA consulting firms and all three recommended that Hayward prepare guidance for developers that would include thresholds of significance against which a project could be evaluated. Such thresholds would require formal adoption by Council. The thresholds could be numeric or could be in the form of a checklist of best management practices.

Staff also reached out to other local jurisdictions to see how development proposals are being evaluated in light of SB 32 and/or local GHG targets. A few jurisdictions, including the City of San Luis Obispo and the County of Santa Barbara have hired consultants to develop local GHG thresholds for new developments in conducting GHG emission analyses.

Staff received three quotes for preparation of thresholds that would be specific to Hayward's current GHG emissions, development regulations and projected growth. The cost to the City to prepare thresholds range from approximately \$10,000 to \$28,000. Once the thresholds are prepared, the cost for a developer to prepare a limited GHG analysis would range from \$3,000 to \$8,000 depending on the details of the project. Without local thresholds in place, the cost for a developer to prepare a more detailed GHG analysis would range from \$6,000 to \$12,000 and the time to prepare the analysis can be two to six weeks longer. Having established thresholds could streamline development review both for the developer and for staff, however the time and cost to develop the thresholds and have them adopted by Council must be considered. On average, the cost for a developer to have a CEQA document prepared is approximately \$45,000 and ranges from \$14,000 to \$100,000. Given that this level of CEQA documentation is required for on average 12 projects per year, staff does not recommend development of thresholds at this time. Staff recommends that City resources be directed toward updating the CAP.



## CLIMATE CHANGE

# State likely won't reach emission goals

Californians' love of pickups and SUVs, along with wildfires, to blame, report says

By Andrew Sheeler  
*The Sacramento Bee*

California is not on track to meet its greenhouse gas emission goals, in part because Californians aren't ready to give up their trucks and SUVs.

A new study by nonprofit group Next 10 and Beacon Economics found that Californians in late 2018 owned more gas-guzzling pickups, minivans and SUVs than they did five years ago. Those vehicles made up 57.3% of new vehicle registrations in 2018, compared with 39.3% in 2013.

The wildfires that scorched California in 2017 and 2018 were another setback, pumping tens of millions of tons of carbon into the atmosphere and offsetting the state's efforts to curtail man-made greenhouse gas emissions.

The new report from Next 10 and Beacon Economics shows that the Golden State is unlikely to reach its carbon reduction goals for 2030 and 2050 at the current rate of progress. A law signed by Gov. Jerry Brown in 2016 sets a target of cutting the state's greenhouse gas emissions to 40% below 1990 levels by 2030.

"Assuming the same rate of reduction from 2016 to 2017, California will reach its 2030 and 2050 goals in 2061 and 2157, respectively — representing a 31-year and a 107-year delay," according to the report.

The report comes as that power to negotiate

**"Assuming the same rate of reduction from 2016 to 2017, California will reach its 2030 and 2050 goals in 2061 and 2157, respectively — representing a 31-year and a 107-year delay."**

— Study by nonprofit group Next 10 and Beacon Economics

California is locked in a dispute with President Donald Trump about the state's legal authority to impose stricter air pollution standards on vehicles. The California Air Resources Board has used that power to negotiate

torque power and moved to

impose a less aggressive target for fuel efficiency of 37 miles per gallon. Trump wrote on Twitter that his plan would let car manufacturers "produce far less expensive cars for the consumer, while at the same time making the cars substantially SAFER."

Study co-author Noel Perry of Next 10 wrote that California "has some hard truths to face as it looks to deliver much steeper annual emissions reductions in the years ahead."

Transportation makes up a significant amount of

EMISSIONS ► PAGE 2



December 12, 2019

StopWaste is  
the Alameda  
County Waste  
Management  
Authority, the  
Alameda County  
Source Reduction  
and Recycling  
Board, and the  
Energy Council  
operating as one  
public agency.

Mayor and City Council  
City of Hayward  
777 B Street  
Hayward, CA 94541

Dear Mayor and Council Members:

I write in support of your adoption of new greenhouse gas emissions reduction goals in the City of Hayward 2040 General Plan. Setting strong reduction targets sends an important signal to the community and city departments that you are taking the reduction of carbon dioxide and other greenhouse gas emissions seriously and plan to transform local energy systems.

Our staff have supported Alameda County jurisdictions with greenhouse gas reduction planning since 2008 and the proposed targets in the staff report align with the most rigorous targets being set by local jurisdictions to date. They reflect the latest scientific guidance.

Achieving these targets will require systemic transformations in how we meet community energy and resource needs. We are committed to supporting implementation towards these targets, specifically as they relate to our Energy Council activities and the greenhouse gas emissions reductions we can collectively achieve through responsible materials management.

We applaud your continued leadership in addressing the climate crisis through clean energy and resource conservation.

Sincerely,

Wendy Sommer, Executive Director

Member Agencies:

Alameda County  
Alameda  
Albany  
Berkeley  
Dublin  
Emeryville  
Fremont  
Hayward  
Livermore  
Newark  
Oakland  
Piedmont  
Pleasanton  
San Leandro  
Union City  
Castro Valley  
Sanitary District  
Oro Loma  
Sanitary District

1537 Webster Street  
Oakland, CA 94612

p 510-891-6500

f 510-893-2308

www.stopwaste.org



**MINUTES OF THE REGULAR MEETING OF THE  
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This meeting is being conducted utilizing teleconference and electronic means consistent with State of California Executive Order No. 29-20 dated March 17, 2020, and Alameda County Health Officer Order No. 20-10 dated April 29, 2020, regarding the COVID-19 pandemic.

**MEETING**

A special meeting of the Hayward Planning Commission was called to order at 7:00 p.m. by Chair Bonilla.

**CALL TO ORDER**

**ROLL CALL**

Present: COMMISSIONERS: Stevens, Andrews, Faria, Patton, Roche  
CHAIRPERSON: Bonilla  
Absent: COMMISSIONER: Goldstein

Staff Members Present: Agarwal, Billoups, Brick, Chan, Flores, Kelley, Lochirco, Martinez, Nichols, Simpson, Solla

**PUBLIC COMMENT:**

Public Comments are Limited only to items on the Agenda as items are called.

**PUBLIC HEARINGS:** For agenda items No. 1, No. 2, and No. 3, the Planning Commission may make a recommendation to the City Council.

1. Proposed Amendment to Chapter 10, Article 1 (Zoning Ordinance) of the Hayward Municipal Code related to Retail Sales of Tobacco and Tobacco Related Products

Senior Code Enforcement Inspector Flores provided a synopsis of the staff report and PowerPoint presentation.

Senior Code Enforcement Inspector Flores responded to Commissioner Andrews that Hookah lounges are banned from the City of Hayward in 2014 and there may be some lounges in the unincorporated area of Hayward.

Senior Code Enforcement Inspector Flores confirmed for Planning Commissioner Faria that menthol flavored tobacco products are banned per the proposed Ordinance and this is to be consistent with County and State best practices.



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Planning Commissioner Roche inquired about what education programs are there to help families and youth; why weren't licenses revoked; and what legal actions have occurred. Senior Code Enforcement Inspector Flores said the City will continue to work with Alameda County Public Health Department (ACPHD). Mr. Paul Cummings, Tobacco Control Program Director for Alameda County Health Department spoke about the treatment approach for youth who are already addicted; spoke about the Hayward Unified School District (HUSD) tobacco use and prevention program; smokers' helpline a 1-800 number devoted to vaping and phone counseling. Ms. Flores said the City will be addressing violators and the Ordinance will allow us to suspend/revoke licenses. Assistant City Attorney Agarwal said there has not been many legal actions regarding bans of this type and a lot of bay area counties have recently adopted bans for vaping and flavored tobacco products. Mr. Agarwal shared that in 2011 in San Francisco the court upheld a ban from pharmacies selling flavored tobacco products and that cities have a lot of discretion when acting for the sake of public health and safety.

Planning Commissioner Stevens asked about the following: are these products are still legal; who is purchasing these products and what is the demand; and enforcement of sales to underage smokers versus cannabis. Mr. Cummings said the products in the Ordinance are still legal to be used and possessed in the Hayward and the restriction is on the sale of the products. Mr. Cummings said there is data on the great increase of tobacco use among youth. Anna Lee from ACPHD provided statistics on the high rates of use of menthol flavored cigarettes- 30% of smokers smoked menthol cigarettes and 50% of smokers 12 to 17 years old. Detective Wright of HPD described decoy operations at businesses to ensure that buyers of cannabis products are of age and this would also apply to tobacco stores. Detective Wright said there are a lot more stores that sell tobacco products than cannabis dispensaries and it would take longer to ensure compliance. Code Enforcement Manager Nichols spoke about the administrative enforcement performed by the City and that currently there are two staff who are assigned to the tobacco inspections.

Chair Bonilla asked about the following: how effective is the City in what we are trying to implement; what alternatives have the City considered to prevent youth smoking; data of what will occur when tobacco bans are instituted; Ms. Lee provided stats of adult use that majority will begin with flavored tobacco products and the Ordinance will have an impact on adults also. Mr. Cummings said what is being proposed will tighten the sale of the flavored tobacco products. Senior Code Enforcement Inspector Flores said the times have changed and the use among youth has increased because of the products are easily accessible; with the proposed ordinance there will be increased enforcement along with more resources for youth education. Code Enforcement Manager Nichols said that the City has been trying to be a good steward with local businesses and it is time to pursue those cases that continue to sell to minors and begin the process of suspending licenses. Mr. Cummings said the County currently does not have data on what happens when bans are



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instituted; there has not been any spikes in domestic violence or substance abuse; and in theory adults will find other ways to obtain tobacco products as youth do not have this same option of access.

Chair Bonilla opened the public hearing at 7:49 p.m.

The following speakers spoke in favor of the item:

Ms. Jennifer Duncan, Substance Abuse Prevention Program Manager at Eden Youth and Family Center, said the tobacco industry is targeting youth through flavored products and advertising; and the industry wants to indoctrinate youth.

Mr. Paul Cummings, Tobacco Control Program Director for ACPHD, said the proposed ordinance which is a multi-strategy approach will protect Hayward's youth; and the tobacco industry is resourceful and relentless to sell their products.

Ms. Cesia Gomez Marcelino, Hayward resident with Youth Advisory Council, spoke about youth smoking and how the advertising entices young people; many of the tobacco retailers are near sensitive areas like schools, playgrounds, and daycares; youth vaping is an epidemic.

Ms. Jessica Fuentes, Junior at Mt. Eden High School, spoke about the far reaching use of tobacco products in high schools such as vape pens and said this product is easily accessible; worked with Alameda and Hayward Police Departments as a decoy and saw first hand how retailers did not check IDs. Teens know that it is very easy to acquire these products.

Mr. Nathan Subramanian, Alameda County Tobacco Control Coalition, spoke about the popularity of flavored tobacco products; positive impact of banning menthol cigarettes and minimum prices will prevent the tobacco industry from finding loopholes.

Dr. Phillip Gardiner, African American Tobacco Control Leadership Council, spoke about the letter that he submitted to the Council in support of the item, remove the menthol exception; how minorities disproportionately are addicted to tobacco products. He said smoking compromises the lungs and immune system. Smokers will have more serious health concerns that can lead into complications with COVID-19.

Mr. Bryan Davis, Alameda County Tobacco Control Coalition, spoke about seeing small packs of tobacco products for one dollar; about how bay area municipalities have put in place mitigation measures to decrease the amount of use; and the high use of tobacco



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products in high schools where the school population was predominately African American.

Ms. Anna Lee, ACPHD, said it is important for community health and racial equity especially at this time when smokers are at greater risk because of COVID-19; provisions of the ordinance will hold retailers accountable to the community; Hayward has a disproportionate number of tobacco retailers are located in sensitive and low income areas of color; cheap flavored tobacco products are very accessible and provided statistics.

Ms. Karen Halfon, Executive Director of Eden Youth and Family Center, said this will significantly reduce accessibility of these tobacco products including e-cigarettes among school age youth. Ms. Halfon spoke about the preventative measures that they are involved in and provided statistics.

Ms. Paula Carreon, Tennyson High School student, spoke about having a stronger and healthier community; once the ordinance is passed this will make it more difficult for students to be able to purchase these products; and shared that the HUSD survey results are that students say it is very easy to purchase the products and this is very concerning and needs to be resolved.

Ms. Roselyn Moya, Co-Chair Alameda County Tobacco Control Coalition, focus is to protect youths as it is too accessible and provided statistics on how youth are able to purchase products from retailers. The priority is to protect the children.

Mr. Bob Gordon, Alameda County Tobacco Control Coalition, noted that hookahs have so many candy and fruit flavored products that are attractive to youth and is as dangerous as smoking cigarettes; is concerned and requested staff take a look at the language in the ordinance that refers to pharmacy and drug store. He spoke about how San Francisco passed a comprehensive ordinance in 2017 banning all flavored tobacco products and that this takes the complexities out of the enforcement aspect.

Ms. Liz Williams, Americans for Non-Smokers Rights, suggested increasing the pack size to 20 to prevent the use of coupons and to establish a cap on the number of retailer licenses. She said this has been banned in many communities and has been successful. It is important to protect the health and wellness of the community.

Ms. Blythe Young, Community Advocacy Director for the American Heart Association, said the proposed item will increase enforcement; the City needs to join Alameda County and surrounding cities in banning the sale of flavored tobacco; the six month grace period is adequate time for retailers; and it is important to protect the youth.



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Ms. Deanna Canales, health educator, expressed concern about the youth smoking epidemic; youth are being targeted especially in disadvantaged communities. Thanked the Commission for standing up to protect Hayward's youth and their health

Ms. Elsa Casanova, Organizer with La Familia in the unincorporated area of Alameda County, spoke about the County passing a successful strong tobacco retailer ordinance earlier this year; many children in the Eden Area go to school in Hayward. We must work together to restrict the sale of flavored products to protect the health of our youth.

Ms. Jen Grand Lejano, American Cancer Society Cancer Action Network, Government Relations Director for Northern California, said it is time to update the City's ordinance to protect Hayward's youth; data shows that youth are obtaining these products from retailers and the predatory advertising targets youth.

Ms. Slor Corral, Substance Abuse Coordinator with Eden Youth and Family Center, said she has worked with youth in substance abuse which include using tobacco flavored products. Ms. Corral said 81% of users of flavored tobacco products are age 12 to 17. This ordinance will help bring a better future to Hayward's families.

Ms. Annie Tegen, Campaign for Tobacco Free Kids, reiterated their strong support for the ordinance.

The following speakers opposed the item and provided the following reasons:

Mr. Dhruba Bassua, Hayward business owner, spoke about being careful about selling tobacco products; this ordinance will impact his business and wants to work with the City and urged the Commission and Council to help his business.

Mr. Haroon Ahmed, Hayward business owner, said they are a responsible business and have trained staff to prevent underage sales; they have turned away multiple people who did not IDs; they follow all the rules; existing guidelines are adequate to prevent sales to minors; increasing smoking age to 21 has helped resolve the situation; removing flavored products from responsible retailers will harm the business owners and will not protect the youth who will find another way to obtain the products on the black market. Mr. Ahmed requested the Planning Commissioner to oppose the ban and invited them to visit his store.

Ms. Rima Khoury, Hookah Chamber of Commerce, said this is a 1,000 year tradition and there is not a teen hookah epidemic in Hayward; she said the CDC and the FDA reports make it clear that hookah is not the problem with youth smoking; they are not being used in schools; and hookahs are three feet tall and cannot be concealed in backpacks or a pocket like vape products. Ms. Khoury explained how hookahs are used and that they are





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not causing a health concern among youth as they are not appealing to youth and will be collateral damage in the war against vape.

Mr. Mike Ali, Hayward business owner, said his business has had a clean record for the last twenty years and they are very careful to check all IDs. Mr. Ali said he understands the issue with the youth, and they want to work with the City. He said that a lot of his clients are low income and minorities and expressed concern of where his clients will be able to obtain the flavored products and that the City will lose revenue and taxes. He said that the youth will find a way to obtain the products that they want. Mr. Ali said if these products are banned then this will impact his small business and requested to meet and discuss this issue. He said that a lot of small business are owned by minorities who do not speak English. It is unfair to punish a whole industry.

Chair Bonilla closed the public hearing at 8:58 p.m.

Commissioner Andrews disclosed speaking with a tobacco coalition about this item and thanked the speakers for their comments. Ms. Andrews expressed concern about the health dangers to youth and spoke about that over thirty years ago when looking through a Black magazine that should have been celebrating their culture and there was an advertisement for menthol cigarettes. Ms. Andrews said the tobacco industry targeted the minority community then and is continuing to do so now; she is concerned about vaping among youth that is out of control; and is also concerned about the retailers. Ms. Andrews recommended that violators be required to serve environmental community service on par with Keep Hayward Clean and Green Task Force Clean-ups as this is not just a health issue but is also an environmental issue with the trash from tobacco products

Commissioner Faria spoke about her experience in the health industry where she has seen the health impact from years of smoking. Ms. Faria supports the item that will limit youth access to tobacco products.

Commissioner Patton said this is a public health issue and is not the purview of Planning Commission and feels this discussion belongs with the City Council who is in charge of public health policies for the City. Mr. Patton urged the speakers to attend the City Council meeting to provide their comments to Council. He said these amendments are appropriate as the statistics clearly indicate the impact to the City's youth from the vaping and e-products and the Commission has the responsibility to protect our youth. Mr. Patton said the tobacco industry is targeting the youth.

Ms. Roche thanked Planning Commissioner Patton for his comments as she had been struggling with the ban and the impact to small businesses that have been diligent and following the law; questioned the proposed ordinance would impede the freedom of



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choice; noted the Commission just approved a cannabis businesses with strict controls; and could there have been stronger enforcement and if staff could have penalized the violators prior to getting to this point. Ms. Roche said that she has to support Hayward's youth and the ban would make accessibility difficult. Ms. Roche supports the staff recommendation. Ms. Roche disclosed having met with members of the ACPHD.

Commissioner Stevens agreed with Planning Commissioner Patton that some of the items in the proposed amendment are above the purview of the Commission. Mr. Stevens agreed with the text amendment that related to separation of these establishments from sensitive areas. Mr. Stevens is concerned about page 9 paragraph C that disallows the use of flavored products as well as electronic smoking devices and that this is an overreach and contradictory with previously approved cannabis facilities. He said that this is an enforcement issue and the language should be stronger and should be on par with cannabis regulations. Mr. Stevens said that since the City allows cannabis dispensaries this ban would be a disservice to Hayward's residents and he struggles with that section.

Chair Bonilla agrees with comments by Commissioners Roche and Stevens and said the issue of youth smoking needs to be addressed but the policy might be overreaching in calling for a complete abolishment. Mr. Bonilla pointed out that the amendment is banning only the flavored products while the unflavored products do the same thing. Mr. Bonilla commented that the Commission just approved two cannabis businesses with the names "Auntie Honeys" and "Sticky Thumb" which is similar to the name given the vaping products that attracts youth. He said the cannabis dispensaries are approved to sell clips which are similar to vaping pens and the City needs to expand our thinking on establishing policies to be consistent in applying policies across different businesses. Chair Bonilla said that the measure targets one type of tobacco product when it is known that smoking in general is harmful to your health. Mr. Bonilla expressed concern for the long-lasting impact to Hayward residents once these items are removed from the stores as many people use smoking as an outlet. He said the City needs to implement community campaigns and provide resources to help residents move through the transition so that they don't try to obtain these products out of the City as the purpose of this ordinance is to reduce the tobacco usage in the City and especially among youth. Mr. Bonilla disclosed having met with members of the ACPHD.

Commissioner Andrews noted that during the previous cannabis items she brought up regulating product names so they wouldn't be so attractive to youth. Ms. Andrews asked about having regulations similar to conditions of approval for a cannabis businesses; Assistant City Attorney Brick responded that in general, the cannabis application was for a specific land use at a specific location; this item this is recommendation for legislation to the City Council. Mr. Brick said the Commission's recommendations can be forwarded to Council for their consideration.



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Planning Commissioner Stevens said on Page 9 Section C, he would like a provision put in place to reduce the burden on the City's enforcement division and make sure these products are not being sold to youth. Mr. Stevens said an issue is that there are too many establishments and suggested creating a buffer zone between retailers and sensitive use areas. Code Enforcement Manager Nichols said that staff can look at the enforcement aspect on the different products that attracts youth.

Code Enforcement Manager Nichols responded to Planning Commissioner Roche that staff would consider the Commissions recommendations and present them to Council. Ms. Roche suggested limiting the products to just smoke shops; Senior Code Enforcement Inspector Flores said in staff's research that by allowing some businesses to sell these products is not fair to the rest of the retailers and staff determined to establish the ban for all retailers.

Mr. Patton made a motion to approve the staff recommendation with the added recommendation that staff create a matrix listing the Planning Commissioners suggested amendments. The matrix is to include staff response on whether staff would make these recommendations to Council and the matrix is to be included as an attachment to the staff report to Council.

Commissioner Roche seconded the motion.

Planning Commissioner Andrews agreed with the motion and recommended having the environmental community service for violators who sell illegally to youth.

Planning Commissioner Faria supported the motion and asked for clarification on the matrix.

Planning Commissioner Stevens noted that he has stated his discomfort with page 9 paragraph C.

Chair Bonilla said he has concerns and to include in the matrix to have strong alternatives and why can't the flavored tobacco products be regulated similar to cannabis dispensaries; establish a buffer zone to sensitive areas. He said the matrix can help surface other considerations and alternatives so hopefully City Council can have more of an informed decision as it relates to other alternatives to address the issue.

After further discussion among the Commissioners, Planning Commissioner Patton clarified his motion.



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REMOTE PARTICIPATION  
Thursday, May 28, 2020, 7:00 p.m.**

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Commissioner Patton made a motion, seconded by Commissioner Roche, to approve the staff recommendation with the added recommendation that staff create a matrix listing the Planning Commissioners suggested amendments such as: stronger enforcement and regulation language including buffer zones similar to cannabis regulations; violators will be required to serve environmental community service on par with the Keep Hayward Clean and Green Task Force clean ups; address concerns about the tobacco industry targeting certain minority groups and especially youth; prioritize community health; and prioritize providing education and resource programs to address youth addiction. The matrix is to include staff response on whether staff would make these recommendations to Council, and the matrix is to be included as an attachment to the staff report to Council.

The motion passed with the following roll call vote:

AYES:	Commissioners Stevens, Andrews, Faria, Patton, Roche Chair Bonilla
NOES:	None
ABSENT:	Goldstein
ABSTAIN:	None

2. Proposed Amendment of the Hayward 2040 General Plan to comply with changes to State law including the Establishment of new Vehicle Miles Traveled (VMT) CEQA thresholds for the City of Hayward

Principal Planner Lochirco provided a synopsis of the staff report and PowerPoint presentation.

Planning Commissioner Andrews would like important intersections reviewed also. Principal Planner Lochirco said item is specifically for CEQA thresholds and staff can consider intersection impacts for new developments outside of CEQA. Senior Transportation Engineer Solla spoke about the VMT thresholds pertain to CEQA projects and that other projects would be subject to local transportation analysis which would be associated with a developer's traffic impact fee. Mr. Lochirco said because of the COVID-19 crisis there have been a lot fewer cars on the road. Ms. Megan Weir with Nelson Nygaard said residents working from home has impacted the VMT results and spoke about how working from home can shift travel patterns.

Senior Transportation Engineer Solla clarified for Planning Commissioner Faria that both impact fees, the VMT and the traffic impact fees, cancels each other out. Principal Planner Lochirco said this is to declassify using traffic as a negative environmental impact. He said that staff can still assess an impact fee with a project by project assessment.



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Senior Transportation Engineer Solla responded to Planning Commissioner Patton that fees will not be imposed until adopted by the City Council.

Chair Bonilla thanked staff and the consultant team for the comprehensive staff report that made a complex item easy to understand.

Having no public speakers, Chair Bonilla opened and closed the public hearing at 10:07 p.m.

Planning Commissioner Faria appreciates that there is still the opportunity to look at specific intersections when necessary.

Planning Commissioner Roche thanked staff and team for the staff report and including the last mile shuttle as a mitigation measure.

Chair Bonilla said this is a logical change and makes a lot of sense and to understand the environmental impacts from traffic.

Commissioner Stevens made a motion to approve the staff recommendation. Commissioner Faria seconded the motion.

The motion passed with the following roll call vote:

AYES:	Commissioners Stevens, Andrews, Faria, Patton, Roche Chair Bonilla
NOES:	None
ABSENT:	Goldstein
ABSTAIN:	None

3. Proposed Amendment to Chapter 10, Article 24 (South Hayward BART/Mission Boulevard Form Based Code), Article 25 (Hayward Mission Boulevard Corridor Form Based Code), Article (Zoning Ordinance), and Article 7 (Sign Ordinance), related to the adoption of a consolidated Mission Boulevard Code within the City of Hayward

Associate Planner Martinez provided a synopsis of the staff report and PowerPoint presentation.

Planning Commissioner Andrews asked about the retail uses has staff considered for this area; Principal Planner Lochirco said the regulations and codes adopted in 2014 envisioned a retail center for shopping but Amazon and online shopping has changed the economy and cities are left with creating resilient spaces and staff has broadened the definition of uses; there is a need to activate that space; nature of update will expand the number of uses and



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also create flexibility of what those uses will look like. Ms. Andrews suggested utilizing empty spaces as flex space for residential use that could be used to as temporary housing for individuals. Mr. Lochirco said that is a balance and that once commercial is transitioned to another use the commercial aspect will be gone. Staff has been intentional to preserve the commercial along major corridors and as it branches out into residential, there is spaces that allows for other uses. Mr. Lochirco said that there is the ability to temporarily reassign empty spaces for temporary housing. Mr. Lochirco said as the developments are built there will be more use for the transportation connectivity which includes the bike lanes being used more.

Planning Commissioner Faria said this plan is a great improvement over the previous Form Based Code as it is streamlined and flexible. Ms. Faria said in order to create a walkable in the South Hayward area, community needs access to essential services and emphasized that there is a dire need a grocery store in this area as the closest one is not within walking distance.

Planning Commissioner Patton asked staff to address the outside dining; Associate Planner Martinez said the outside dining is under Section 3.2.070 amending the existing air quality mitigation measures language which speaks to a methodology in mitigating any emissions coming off of Mission Boulevard. Principal Planner Lochirco said staff had a robust conversation in response to Mr. Patton's comments about the outside dining and open spaces immediately adjacent to Mission and where these spaces should be placed. Mr. Lochirco said staff tied this to the existing provision related to air quality; what staff has added to clarify is that the provision states the applicant should create/design a barrier/separation between the Mission Boulevard and the open dining space/seating/gathering area since it is not just a physical noise issue but also an air quality issue. Mr. Lochirco said this is an existing mitigation tool and is required of all projects.

Planning Commissioner Stevens inquired about the Mission Boulevard Neighborhood Classification building forms that speaks to a step up of no less than twelve inches; Principal Planner Lochirco said this creates a break between the sidewalk and the building and is intended as a design aesthetic.

Having no public speakers, Chair Bonilla opened and closed the public hearing at 10:44 p.m.

Commissioner Andrews commented that the City really needs to rethink retail and be flexible for the commercial spaces along Mission Boulevard.

Planning Commissioner Roche thanked staff for the staff report and the work to streamlining the code, the overlay tool that contributed to the visual presentation and echoed Planning



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Commissioner Andrews comments about flexibility being key in moving forward because of the uncertainty of what the future will bring post COVID-19.

Planning Commissioner Stevens thanked staff for the clear, concise document and is looking forward to a lot of wonderful developments because of this improved Form Based Code.

Chair Bonilla agreed for to open the public comments at 10:47 p.m. There was one speaker.

Mr. A.J, Hayward resident, spoke about the lack of parking in the Mission Boulevard area and the provisions do not reflect the current residential character. He said spoke about the traffic impacts and the bicycle lanes add to the traffic impacts.

Chair Bonilla closed the public comments at 10:51 p.m.

Principal Planner Lochirco said that staff has incorporated flexibility into the plan, established expectations for developers as well as allows for flexibility. Mr. Lochirco said the language in the Code allows for approval of more parking spaces if the request meets three findings: 1- what is being proposed is consistent with the General Plan as well as parking in a multi-modal network; 2- there is quantifiable justification, the demand must be there if more parking is provided; 3-make sure if a developer adds parking it cannot be at the expense of bicycle and pedestrian circulation. Staff wanted to make sure that it was important that if a developer is offering one option it does not come at the sacrifice of another. Mr. Lochirco said staff added flexibility to the Code which is an improvement and better sets expectations to be able to evaluate each project. He said as there is more development there will be more traffic impacts but also the developments will bring density which opens up the possibility for more public transportation routes such as bus routes and shuttle service.

Chair Bonilla appreciates the following: a more streamlined plan, adaptability; focus on multi-modal transportation; and the plan provides a framework for creating bikeable and walkable communities and outdoor space which can encourage a healthier lifestyle.

Commissioner Roche made a motion to approve the staff recommendation. Commissioner Patton seconded the motion

The motion passed with the following roll call vote:

AYES:	Commissioners Stevens, Andrews, Faria, Patton, Roche Chair Bonilla
NOES:	None
ABSENT:	Goldstein
ABSTAIN:	None



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**APPROVAL OF MINUTES**

4. Approval of the Planning Commission Meeting Minutes of May 14, 2020.

Commissioner Andrews made a motion, seconded by Commissioner Stevens, to approve the Planning Commission Meeting Minutes of May 14, 2020. The motion passed with the following roll call votes:

AYES:	Commissioners Stevens, Andrews, Faria, Patton, Roche Chair Bonilla
NOES:	None
ABSENT:	Goldstein
ABSTAIN:	None

**COMMISSION REPORTS**

***Oral Report on Planning and Zoning Matters:***

Principal Planner Lochirco announced that there will be an August recess for Planning Commission for a well-deserved rest.

***Commissioners' Announcements, Referrals:***

Planning Commissioner Roche and Chair Bonilla disclosed that for Item #1, they both had met with members of the ACPHD.

Chair Bonilla thanked staff for assisting with bringing this meeting together and to his fellow Commissioners for their participation and engagement in this evening's meeting.

**ADJOURNMENT**

Chair Bonilla adjourned the meeting at 11:01 p.m.

**APPROVED:**

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Julie Roche, Secretary  
Planning Commission





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**ATTEST:**

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Denise Chan, Senior Secretary  
Office of the City Clerk



# CITY OF HAYWARD

Hayward City Hall  
777 B Street  
Hayward, CA 94541  
www.Hayward-CA.gov

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**File #:** WS 20-028

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**DATE:** June 16, 2020

**TO:** Mayor and City Council

**FROM:** Director of Public Works and Finance Director

## **SUBJECT**

Review of Capital Improvement Program for FY 2021- FY 2030 & FY 2021 Operating Budget Work Session #2

## **RECOMMENDATION**

That the Council reviews and comments on the recommended Capital Improvement Program for FY 2021 - FY 2030 and continues its review of the City's proposed FY 2021 Operating Budget.

## **SUMMARY**

For the June 9 Council meeting, staff provided Council with a staff report to present the recommended Capital Improvement Program for FY 2021- FY 2030; it can be found at <http://hayward.legistar.com/gateway.aspx?M=F&ID=bc3d26b3-164a-4091-9f75-12184e588b80.doc>. The Council did not discuss the CIP that evening and continued the work session to June 16.

Included in the June 9 CIP staff report is a link to the full recommended Capital Improvement Program for FY 2021- FY 2030: [https://www.hayward-ca.gov/sites/default/files/FY21\\_Recommended\\_CIP\\_0.pdf](https://www.hayward-ca.gov/sites/default/files/FY21_Recommended_CIP_0.pdf)

The proposed FY 2021 Operating Budget was presented for the Council's preliminary review and comment at the Special City Council on June 9, 2020. The full proposed FY 2021 operating budget document can be found here:

<https://www.hayward-ca.gov/sites/default/files/documents/FY%202021%20Proposed%20Operating%20Budget.pdf>

## **ATTACHMENTS**

None.