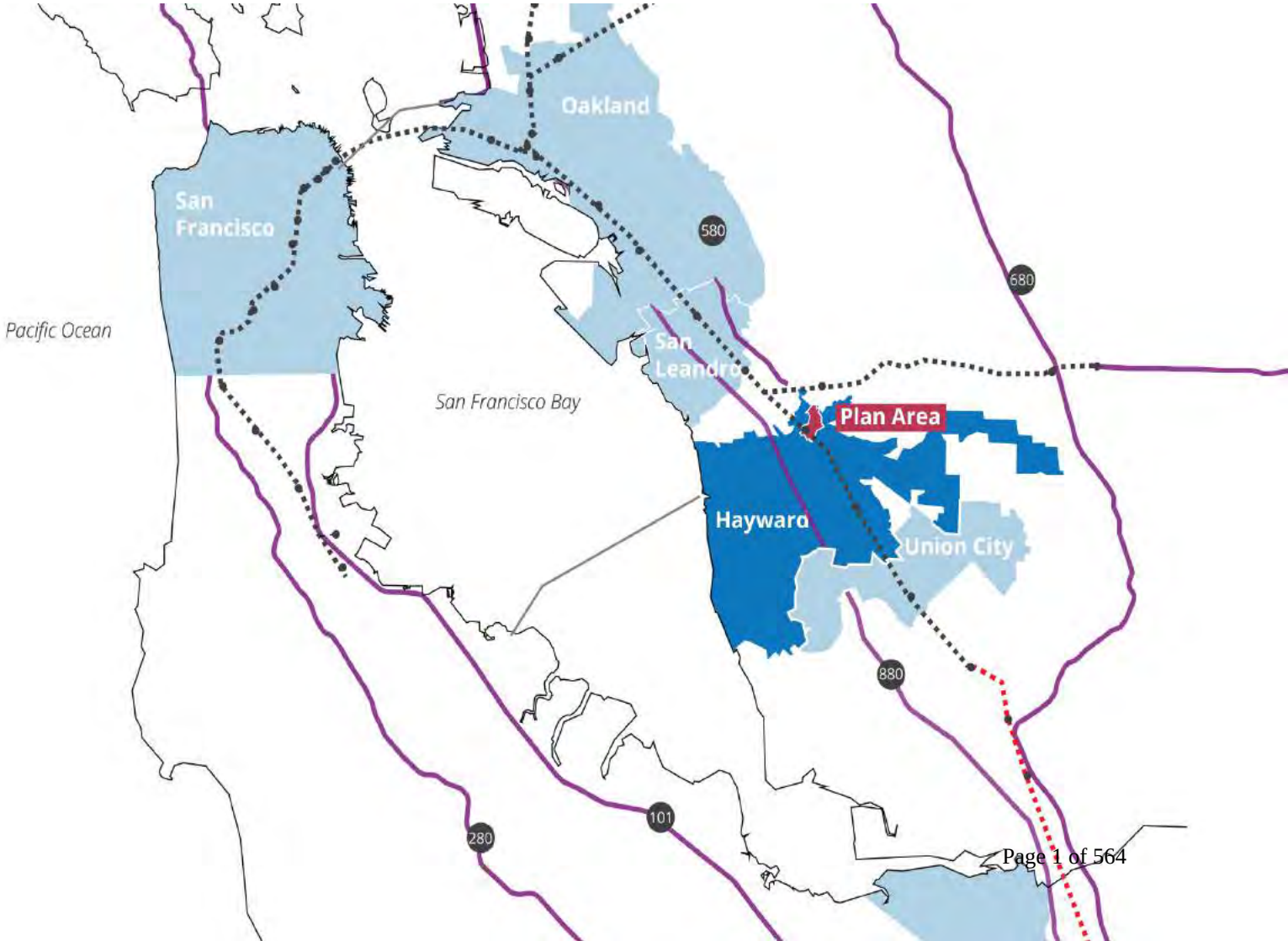
PLACEWORKS

January 7, 2019 | Draft EIR

HAYWARD DOWNTOWN SPECIFIC PLAN AND ASSOCIATED ZONING CODE UPDATE DRAFT EIR

CITY OF HAYWARD

State Clearinghouse # 2018022054



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PLACEWORKS

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1. Introduction

Pursuant to the California Environmental Quality Act (CEQA) Guidelines, Chapter 14 California Code of Regulations, Section 15378[a], the proposed Hayward Downtown Specific Plan and associated Zoning Code Update is considered a "project" subject to environmental review as its implementation is "an action [undertaken by a public agency] which has the potential for resulting in either a direct physical change in the environment or a reasonably foreseeable indirect physical change in the environment." This Draft Environmental Impact Report (Draft EIR) provides an assessment of the potential environmental consequences of adoption and implementation of the project, herein referred to as "proposed project" or "proposed Specific Plan." Additionally, this Draft EIR identifies mitigation measures and alternatives to the proposed project that would avoid or reduce significant impacts. This Draft EIR compares the development potential of the proposed project with the existing baseline condition, described in detail in Chapter 4.0, Environmental Evaluation, and each subchapter (Chapters 4.1 through 4.14). The City of Hayward (City) is the lead agency for the proposed project. This assessment is intended to inform the City's decision-makers and the public-at-large of the nature of the proposed project and its effect on the environment.

1.1 PROPOSED ACTION

Upon adoption by the City of Hayward City Council (City Council), the proposed project would update the land use designations and zoning for the parcels covering 320 acres in northern Hayward that make up the Hayward Downtown Specific Plan Area, also referred to as the project site. The Downtown Specific Plan includes a Land Use Plan, Mobility Plan, Policy framework, and associated Development Code updates intended to guide development in the Specific Plan Area through the 2040 buildout horizon of the *Looking Forward Hayward 2040 General Plan* (General Plan). The Land Use Plan describes the type and scale of potential development, the Mobility Plan addresses transportation improvements that may occur over the next 22 years in the Specific Plan Area, the Policy framework includes goals, policies, and programs tailored to implement the community's vision, and the Development Code includes the zoning standards and procedures to implement the Specific Plan.

1.2 ENVIRONMENTAL REVIEW PROCESS

1.2.1 DRAFT EIR

Pursuant to CEQA section 21080(d)[1] and CEQA Guidelines section 15063,[2] the City determined that the proposed project could result in potentially significant environmental impacts and that an EIR would be

[1] The CEQA Statute is found at California Public Resources Code, Division 13, Sections 21000 to 21177.

required. In compliance with CEQA section 21080.4, the City circulated the Notice of Preparation (NOP) of the EIR for the proposed project to the Office of Planning and Research State Clearinghouse and interested agencies and persons on Friday, February 23, 2018 for a 30-day-review period. A public Scoping Meeting was held on Monday, March 12, 2018 from 7:00 to 9:00 p.m. at the Hayward City Hall in Conference Room 2A. The NOP and scoping process solicited comments from responsible and trustee agencies, as well as interested parties regarding the scope of the Draft EIR. Appendix A of this Draft EIR contains the NOP, as well as the comments received by the City in response to the NOP.

The scope of this EIR was established by the City of Hayward through the EIR scoping process and includes an analysis of the impacts from the proposed project and cumulative impacts in the following issue areas:

- Aesthetics
- Air Quality
- Biological Resources
- Cultural and Tribal Cultural Resources
- Geology and Soils
- Greenhouse Gas Emissions
- Hazards and Hazardous Materials
- Hydrology and Water Quality
- Land Use and Planning
- Noise
- Population and Housing
- Public Services and Recreation
- Transportation and Circulation
- Utilities and Service Systems
- CEQA-Mandated Assessment Conclusions:
  - Impacts Found Not To Be Significant
  - Significant Unavoidable Impacts
  - Growth-Inducing Impacts
- Significant Irreversible Changes

As explained in Chapter 4, Environmental Evaluation, of this Draft EIR, adoption and implementation of the proposed project would have no impacts related to Agricultural, Forestry, and Mineral Resources; therefore, no detailed analysis discussion is warranted in this Draft EIR.

This Draft EIR will be available for review by the public and interested parties, agencies, and organizations for a 45-day comment period starting on Monday, January 7, 2019 and ending on Wednesday, February 20, 2019. During the comment period, all interested parties are invited to provide written comments via mail or e-mail on the Draft EIR to the City of Hayward Development Services Department, Planning Division. Written comments should be submitted to:

Damon Golubics, Senior Planner
City of Hayward
Development Services Department, Planning Division
777 B Street
Hayward, CA 94541
Phone: (510) 583-4210
Email: Damon.Golubics@hayward-ca.gov

1.2.2 FINAL EIR

Upon completion of the 45-day comment period for the Draft EIR, the City will review all written comments received and verbal comments provided at the public meeting, and prepare written responses

[2] The CEQA Guidelines are found at California Code of Regulations, Title 14, Division 6, Chapter 3, Sections 15000 to 15387.

to each comment on the adequacy of the Draft EIR. A Final EIR will then be prepared, which contains all of the comments received, responses to comments raising environmental issues, and any changes to the Draft EIR. The Final EIR will then be presented to the City Council for certification as the environmental document for the proposed project. All persons who commented on the Draft EIR will be notified of the availability of the Final EIR and the date of the public hearing before the City.

All responses to comments submitted on the Draft EIR by agencies will be provided to those agencies at least 10 days prior to certification of the EIR. The City Council will make findings regarding the extent and nature of the impacts as presented in the EIR. The EIR will need to be certified as having been prepared in compliance with CEQA by the City Council prior to making a decision to approve or deny the proposed project. Public input is encouraged at all public hearings before the City Council or Planning Commission.

After the City Council certifies the EIR, it may then consider action on the proposed project. If approved, the City Council will adopt and incorporate into the project all feasible mitigation measures identified in the EIR.

In some cases, the City Council may find that certain mitigation measures are outside the jurisdiction of the City to implement, or that no feasible mitigation measures have been identified for a given significant impact. In that case, the City Council would have to adopt a statement of overriding considerations that determines that economic, legal, social, technological, or other benefits of the proposed project outweigh the unavoidable, significant effects on the environment.

1.2.3 MITIGATION MONITORING

CEQA section 21081.6 requires that the lead agency adopt a Mitigation Monitoring and Reporting Program for any project for which it has made findings pursuant to CEQA section 21081 or adopted a Negative Declaration pursuant to CEQA section 21080(c). Such a program is intended to ensure the implementation of all mitigation measures adopted through the preparation of an EIR or Negative Declaration. The Mitigation Monitoring and Reporting Program for the proposed project will be completed as part of the environmental review process.

1.3 PROGRAM-LEVEL EIR

This Draft EIR is a program-level EIR that analyzes the adoption and implementation of the proposed project. CEQA and CEQA Guidelines allow lead agencies to prepare several different types of EIRs. Different types of EIRs are used for varying situations and intended uses. As described in CEQA Guidelines section 15161, the most common type of EIR is a *project* EIR, which examines the environmental impacts of a specific development project (i.e., a construction-level project). As described in the CEQA Guidelines section 15168, *program* EIRs are appropriate when a project consists of a series of actions related to the issuance of rules, regulations, and other planning criteria.

In this case, the proposed project that is the subject of this EIR consists of long-term plans that will guide future development within the Specific Plan Area over a 20-year buildout horizon (e.g., to 2040) consistent with the 2040 General Plan. No specific development projects are proposed as part of the

project. Therefore, this EIR is a program-level EIR that analyzes the potential significant environmental effects from the reasonably foreseeable indirect physical changes in the environment as a result of the adoption and implementation of the proposed project.

Where the program EIR addresses the program's effects as specifically and comprehensively as is reasonably possible, and future development projects are within the scope of the effects examined in the program EIR, then additional environmental review may not be required for those future projects. When a program EIR is relied on for a subsequent future development projects, the lead agency must incorporate feasible mitigation measures and alternatives developed in the program EIR into the subsequent activities (CEQA Guidelines Section 15168[c][3]).

However, as stated above, this program EIR is not project-specific, and does not evaluate the impacts of individual construction-level projects that may be proposed in the future. All future development projects within the Specific Plan Area that qualify as a "project" under CEQA are subject to compliance with CEQA, which may require additional project-specific environmental analysis. Under a program-level EIR approach, in order to identify whether additional analysis would be necessary when a future development project is proposed, the City, acting as the lead agency, will need to determine the following:

- whether the planned characteristics of the project are substantially different from those defined in the programmatic EIR;
- whether the project would require additional mitigation measures; or
- whether specific impacts were not evaluated in sufficient detail in the programmatic EIR.

If any of these conditions apply and the subsequent activity would have effects that are not within the scope of the program EIR, the lead agency must prepare a new Initial Study leading to a Negative Declaration, a Mitigated Negative Declaration, or an EIR unless the activity qualifies for an exemption from the CEQA process.

For all subsequent environmental review documents, within or outside of the scope of the Specific Plan, this program EIR will serve as the first-tier environmental analysis, which may serve to streamline future environmental review of subsequent projects.

1.4 STREAMLINED ENVIRONMENTAL REVIEW

1.4.1 TIERING PROCESS

The CEQA concept of "tiering" refers to the evaluation of general environmental matters in a broad program-level EIR, with subsequent focused environmental documents for individual projects. CEQA and the CEQA Guidelines encourage the use of tiered environmental documents to reduce delays and excessive paperwork in the environmental review process. This is accomplished in tiered documents by eliminating repetitive analyses of issues that were adequately addressed in the program EIR and by incorporating those analyses by reference.

CEQA Guidelines section 15168(d) provides guidance for simplifying the preparation of environmental documents by incorporating by reference all analyses and discussions. Where an EIR has been prepared or certified for a program or plan, the environmental review for a later activity consistent with the program or plan should be limited to effects that were not analyzed as significant in the prior EIR or that are susceptible to substantial reduction or avoidance (CEQA Guidelines section 15152[d]).

By tiering from this program-level EIR, the environmental analysis for a future project would rely on the EIR for the following:

- a discussion of general background and setting information for environmental topic areas;
- overall growth-related issues;
- issues that were evaluated in sufficient detail in this EIR for which there is no significant new information or change in circumstances that would require further analysis;
- assessment of cumulative impacts; and
- mitigation measures adopted and incorporated as part of the proposed project.

As previously stated, an Initial Study could be prepared for future projects to evaluate the potential environmental impacts of the future projects with respect to this EIR to determine what level of additional environmental review, if any, is appropriate.

1.4.2 CEQA EXEMPTIONS

As part of *Plan Bay Area*, the Bay Area's Regional Transportation Plan/Sustainable Community Strategy the Specific Plan Area is located in a designated Priority Development Area (PDA) and a Transit Priority Area (TPA). [3] PDAs are transit-oriented, infill development opportunity areas within existing communities and TPAs are areas within one-half mile of a major transit stop (15 minute or less service level frequency).[4] Due to the location of the Specific Plan Area, upon certification of this EIR and adoption of the proposed Specific Plan, future development projects in the Specific Plan Area could qualify for streamlined environmental review under CEQA. Projects eligible for streamlined CEQA review are often inside a PDA, TPA, and are consistent with *Plan Bay Area*, as well as consistent with local zoning. The following describes some of the CEQA exemptions that future development projects in the Specific Plan Area could qualify for if the project meets the listed criteria.[5]

1.4.2.1 SMALL INFILL EXEMPTION

CEQA Guidelines section 15332 describes the Class 32 Categorical Exemption for small in-fill projects. The following are the basic criteria needed to qualify for this CEQA exemption:

[3] To read more about *Plan Bay Area* 2040, go to www.planbayarea.org.

[4] For a more detailed description of Priority Development Area (PDA) and a Transit Priority Area (TPA), see Chapter 3, Project Description, of this Draft EIR.

[5] *Plan Bay Area*, CEQA Streamlining Exemptions, https://www.planbayarea.org/resources/ceqa-streamlining-opportunities/ceqa-streamlining-exemptions, accessed May 4, 2018.

- 5 acres or less
- Within city limits
- Consistent with local General Plan land uses and policies
- Consistent with local Zoning Code
- Served by utilities and public services
- Not in area with value as habitat for endangered, rare or threatened species
- Will not result in significant environmental effects relating to traffic, noise, air quality, or water quality

1.4.2.2 AFFORDABLE HOUSING EXEMPTION

CEQA Guidelines section 15194 describes the exemption for affordable housing projects on 5 acres or less. The following are basic criteria needed to qualify for this CEQA exemption:

- 5 acres or less
- 100 or fewer housing units—either new construction or conversion
- All units affordable to low-income households for at least 30 years
- Not located on developed open space
- Consistent with local General Plan land use and policies, and with any other applicable local plan
- Consistent with local Zoning Code
- Provides mitigation measures included in adopted local plans
- Served by utilities and public services or will pay all in-lieu or development fees
- Contains no wetlands, value as wildlife habitat, endangered species, plants protected by Native Plant Protection Act, or species protected by local ordinance
- Not on the Cortese list (hazardous waste)
- Not within earthquake or seismic hazard zone, unless General Plan or Zoning contains provisions to mitigate the risk
- Not within landslide hazard, floodplain, or floodway zone, unless General Plan or Zoning contains provisions to mitigate the risk
- Endangerment assessment has been completed
- No significant effect on historical resources
- Does not have unusually high risk of fire/explosion due to materials used/stored on nearby properties
- Does not present a risk of a public health exposure higher than state standard
- Not within state conservancy
- Has not been divided into smaller projects to qualify for a statutory exemption

1.4.2.3 RESIDENTIAL PROJECT CONSISTENT WITH SPECIFIC PLAN EXEMPTION

California Government Code section 65457 (Specific Plans) describes the exemption for residential projects that are consistent with a Specific Plan. The following basic criteria to qualify for this CEQA exemption:

- Residential project
- Within area with adopted Specific Plan and Certified EIR
- Specific Plan EIR prepared in 1980 or later

1.4.2.4 SPECIFIC PLAN EXEMPTION

CEQA section 21155 describes the procedures for the implementation of the sustainable communities' strategy. CEQA section 21155.4 describes the exemption for projects in an adopted Specific Plan area with a certified EIR. The following basic criteria to qualify for this CEQA exemption:

- Within area with adopted Specific Plan and Certified EIR
- Project consistent with Specific Plan and EIR, including any mitigations
- Can be mixed-use, residential, or employment center/office
- If office project, Floor Area Ratio (FAR) is 0.75 or greater

1.4.2.5 TRANSIT PRIORITY PROJECT EXEMPTION

CEQA section 21155 describes the procedures for the implementation of the sustainable communities' strategy. CEQA section 21155.1 describes the exemption for infill projects that are within the area identified in a certified EIR. The following are basic criteria needed to qualify for this CEQA exemption:

- Project site less than 8 acres
- Less than 200 units
- Net density at least 20 units/acre
- At least 50 percent residential
- If mixed-use, Floor Area Ratio of at least 0.75
- Satisfies list of environmental, affordability, and resource conservation criteria

1.4.2.6 INFILL PROJECT EXEMPTION

CEQA Guidelines section 15183.3 describes the exemption for infill projects that are within the area identified in a certified EIR. The following are basic criteria needed to qualify for this CEQA exemption:

- Site in area analyzed in certified EIR
- If residential and within 500 feet of a high volume roadway or other significant source of air pollution, includes mitigation measures
- If non-residential, includes renewable energy feature
- If commercial: 1) floorplate is below 50,000 square feet; and 2) within 0.05 miles of 1,800 dwelling units or located in a low vehicle travel area
- If office: 1) located in a low vehicle travel area
- Project would not have any significant effects on the environment that either have not already been analyzed in a prior EIR or that are more significant than previously analyzed, or that uniformly applicable development policies would not substantially mitigate.

If all the items listed above are met, use Appendix M (Performance Standards for Infill Projects Eligible for Streamlined Review) of the CEQA Guidelines to document project and utilize exemption; exemption is only partial if some or all previously identified environmental effects are not mitigated.

1.4.2.7 SENATE BILL 743 EXEMPTIONS

On September 27, 2013, Senate Bill (SB) 743 was signed into law and became effective on January 1, 2014. Among other provisions, SB 743 amends CEQA by adding CEQA section 21099 regarding analysis of aesthetics, parking, and traffic impacts for urban infill projects. Specifically, CEQA section 21099(d)(1), states, "Aesthetic and parking impacts of a residential, mixed-use residential, or employment center project on an infill site located within a TPA shall not be considered as causing significant impacts on the environment." Accordingly, future development projects in the Specific Plan Area would be exempt from evaluating aesthetics and parking impacts if they meet the following three criteria:

a) The project is in a transit priority area,

b) The project is on an infill site, and

c) The project is residential, mixed-use residential, or an employment center.

These criteria are defined as follows:

- Transit Priority Area (TPA): A transit priority area is defined as "an area within one-half mile of a major transit stop that is existing or planned, if the planned stop is scheduled to be completed within the planning horizon included in a Transportation Improvement Program adopted pursuant to section 450.216 or 450.322 of Title 23 of the Code of Federal Regulations. A "major transit stop" is defined as the intersection of two or more major bus routes with a frequency of service interval of 15 minutes or less during the morning and afternoon peak commute periods.
- Employment Center: An employment center is defined as "a project located on property zoned for commercial uses with a floor area ratio (FAR) of no less than 0.75 and that is located within a transit priority area."
- Infill Site: An infill site is defined as "a lot located within an urban area that has been previously developed or on a vacant site where at least 75 percent of the perimeter of the site adjoins, or is separated only by an improved public right-of-way from, parcels that are developed with qualified urban uses."

2. Executive Summary

This chapter presents an overview of the proposed Hayward Downtown Specific Plan (proposed project or proposed Specific Plan). This executive summary also provides a summary of the alternatives to the proposed project, identifies issues to be resolved, areas of concern, and conclusions of the analysis contained in Chapter 4.0, Environmental Evaluation, and each subchapter (Chapters 4.1 through 4.14) of this Draft Environmental Impact Report (Draft EIR). For a complete description of the proposed project, see Chapter 3, Project Description, of this Draft EIR. For a discussion of alternatives to the proposed project refer to Chapter 5, Alternatives to the Proposed Project, of this Draft EIR.

This Draft EIR addresses the environmental effects associated with the implementation of the proposed project. The California Environmental Quality Act (CEQA) requires that local government agencies, prior to taking action on projects over which they have discretionary approval authority, consider the environmental consequences of such projects. An EIR is a public document designed to provide the public and local and State governmental agency decision-makers with an analysis of potential environmental consequences to support informed decision-making.

This Draft EIR has been prepared pursuant to the requirements of CEQA[1] and the CEQA Guidelines[2] to determine if approval of the identified discretionary actions and related subsequent development could have a significant effect on the environment (i.e., significant impact). The City of Hayward, as the lead agency, has reviewed and revised as necessary all submitted drafts, technical studies, and reports to reflect its own independent judgment, including reliance on applicable City technical personnel and review of all consultant-prepared technical reports. Information for this Draft EIR was obtained from on-site field observations; discussions with affected agencies; analysis of adopted plans and policies; review of available studies, reports, data, and similar literature in the public domain; and specialized environmental assessments (e.g., air quality, greenhouse gas emissions, noise, and transportation and circulation).

2.1 ENVIRONMENTAL PROCEDURES

This Draft EIR has been prepared to assess the environmental effects associated with implementation of the proposed project, as well as anticipated future discretionary actions and approvals.

[1] The CEQA Statute is found at California Public Resources Code, Division 13, Sections 21000 to 21177.
[2] The CEQA Guidelines are found at California Code of Regulations, Title 14, Division 6, Chapter 3, Sections 15000 to 15387.

The main purposes of this document as established by CEQA are:

- to disclose to decision-makers and the public the significant environmental effects of proposed activities;
- to identify ways to avoid or reduce environmental damage;
- to prevent environmental damage by requiring implementation of feasible alternatives or mitigation measures;
- to disclose to the public reasons for agency approval of projects with significant environmental effects;
- to foster interagency coordination in the review of projects; and
- to enhance public participation in the planning process.

An EIR is the most comprehensive form of environmental documentation identified in the statute and in the CEQA Guidelines. It provides the information needed to assess the environmental consequences of a proposed project, to the extent feasible. An EIR is intended to provide an objective, factually supported, full-disclosure analysis of the environmental consequences associated with a proposed project that has the potential to result in significant, adverse environmental impacts. An EIR is also one of various decision-making tools used by a lead agency to consider the merits and disadvantages of a project that is subject to its discretionary authority. Prior to approving a proposed project, the lead agency must consider the information contained in the EIR, determine whether the EIR was properly prepared in accordance with CEQA and the CEQA Guidelines, determine that it reflects the independent judgment of the lead agency, adopt findings concerning the project's significant environmental impacts and alternatives, and adopt a statement of overriding considerations if the proposed project would result in significant impacts that cannot be avoided or mitigated.

2.1.1 REPORT ORGANIZATION

- Chapter 1: Introduction. This chapter provides an overview describing the Draft EIR document.
- Chapter 2: Executive Summary. This chapter summarizes the environmental consequences that would result from implementation of the proposed project, the alternatives to the proposed project, the recommended mitigation measures, and indicates the level of significance of environmental impacts with and without mitigation.
- Chapter 3: Project Description. Describes the proposed project in detail, including the characteristics, objectives, and the structural and technical elements of the proposed action.
- Chapter 4: Environmental Evaluation. This chapter is divided into 14 subchapters. Each subchapter corresponds to the environmental resource categories identified in CEQA Guidelines Appendix F, Energy Conservation, and Appendix G, Environmental Checklist, as amended per Assembly Bill 52 (Tribal Cultural Resources) and the California Supreme Court in a December 2015 opinion [*California Building Industry Association (CBIA) v. Bay Area Air Quality Management District (BAAQMD)*, 62 Cal. 4th 369 (No. S 213478)]. This chapter provides a description of the physical environmental conditions in the Specific Plan Area, as they existed at the time the Notice of Preparation was published (February 2018), from both a local and regional perspective, as well as an analysis of the potential

environmental impacts of the proposed project, and recommended mitigation measures, if required, to avoid or reduce their significance. The environmental setting included in each subchapter provides baseline physical conditions from which the City of Hayward, acting as the lead agency, determines the significance of environmental impacts resulting from the proposed project. Each subchapter also includes a description of the thresholds used to determine if a significant impact would occur; and the methodology to identify and evaluate the potential impacts of the proposed project.

- Chapter 5: Alternatives to the Proposed Project. This chapter includes an evaluation of alternatives to the proposed project.
- Chapter 6: CEQA-Mandated Assessment. This chapter includes a discussion of growth inducement, cumulative impacts, significant unavoidable effects, and significant irreversible changes as a result of adoption and implementation of the proposed project.
- Chapter 7: Organizations and Persons Consulted. A list of people and organizations that were contacted during the preparation of this Draft EIR for the proposed project is included in this chapter.
- Appendices: The appendices for this Draft EIR (presented in portable document file [PDF] format on compact disk attached to the back cover) contain the following supporting documents:
  - Appendix A: Notice of Preparation and Scoping Comments
  - Appendix B: Existing Conditions and Opportunities Analysis
  - Appendix C: Air Quality and Greenhouse Gas Data
  - Appendix D: Noise Data
  - Appendix E: Transportation and Circulation Data
  - Appendix F: Utilities Data
  - Appendix G: Specific Plan Goals, Policies, and Programs
  - Appendix H: Development Code Update
  - Appendix I: Proposed Street Design

2.1.2 TYPE AND PURPOSE OF THIS DRAFT EIR

According to Section 15121(a) of the CEQA Guidelines, the purpose of an EIR is to:

> *Inform public agency decision makers and the public generally of the significant environmental effects of a project, identify possible ways to minimize the significant effects, and describe reasonable alternatives to the project.*

Because of the long-term planning horizon of the proposed project and the permitting, planning, and development actions that are related both geographically and as logical parts in the chain of contemplated actions for implementation, this Draft EIR has been prepared as a program EIR for the proposed project, pursuant to CEQA Guidelines section 15168.

Once a program EIR has been certified, subsequent activities within the program must be evaluated to determine whether additional CEQA review needs to be prepared. However, if the program EIR addresses the program's effects as specifically and comprehensively as possible, subsequent activities could be found to be within the program EIR scope, and additional environmental review may not be required (CEQA Guidelines section 15168[c]). When a program EIR is relied on for a subsequent activity, the lead

agency must incorporate feasible mitigation measures and alternatives developed in the program EIR into the subsequent activities (CEQA Guidelines section 15168[c][3]). If a subsequent activity would have effects that are not within the scope of a program EIR, the lead agency must prepare a new Initial Study leading to a Negative Declaration, a Mitigated Negative Declaration, or an EIR. For these subsequent environmental review documents, this program EIR will serve as the first-tier environmental analysis.

2.2 SUMMARY OF THE PROPOSED PROJECT

Upon adoption by the City of Hayward City Council, the proposed project would update the land use designations and zoning for the parcels in the 320-acre Specific Plan Area also referred to as the project site. The Downtown Specific Plan includes a Land Use Plan, Mobility Plan, Policy framework and Development Code update intended to guide development in the Specific Plan Area through the 2040 buildout horizon of the 2040 General Plan. The Land Use Plan describes the type and scale of potential development, the Mobility Plan addresses transportation improvements that may occur over the next 22 years in the Specific Plan Area, the Policy framework includes goals, policies, and programs tailored to implement the community's vision and identify funding sources, and the Development Code includes the zoning standards and procedures to implement the proposed Specific Plan.

2.3 SUMMARY OF PROJECT ALTERNATIVES

This Draft EIR analyzes alternatives to the proposed project that are designed to reduce the significant environmental impacts of the proposed project and feasibly attain some of the proposed project objectives. There is no set methodology for comparing the alternatives or determining the environmentally superior alternative under CEQA. Identification of the environmentally superior alternative involves weighing and balancing all of the environmental resource areas by the City. The following alternatives to the proposed project were considered and analyzed:

- CEQA-required "No Project" Alternative
- General Plan Buildout with Circulation Changes Alternative
- Specific Plan Buildout without Circulation Changes Alternative
- Specific Plan with Lower Intensity (30% Less) Alternative

Chapter 5, Alternatives to the Proposed Project, of this Draft EIR, includes a complete discussion of these alternatives and of alternatives that were considered, but not carried forward for analysis.

2.4 ISSUES TO BE RESOLVED

CEQA Guidelines section 15123(b)(3) requires that an EIR identify issues to be resolved, including the choice among alternatives and whether or how to mitigate significant impacts. With regard to the proposed project, the major issues to be resolved include decisions by the City of Hayward, as lead agency, related to:

- whether this Draft EIR adequately describes the environmental impacts of the proposed project;
- whether the benefits of the proposed project override those environmental impacts that cannot be feasibly avoided or mitigated to a level of insignificance;
- whether the proposed land use changes and zoning changes are compatible with the character of the existing area;
- whether the identified mitigation measures should be adopted or modified;
- whether there are other mitigation measures that should be applied to the proposed project besides those mitigation measures identified in the Draft EIR;
- whether there are any alternatives to the proposed project that would substantially lessen any of the significant impacts of the proposed project and achieve most of the basic objectives.

2.5 AREAS OF CONCERN

The City of Hayward issued a Notice of Preparation for the EIR on Friday, February 23, 2018 and held a scoping meeting on Monday, March 12, 2018 to receive comments regarding the scope of the Draft EIR. During the 32-day scoping period for this EIR, which concluded on Monday, March 26, 2018, responsible agencies and interested members of the public were invited to submit comments as to the scope and content of the EIR. A complete of comments is provided in Appendix A, Notice of Preparation and Scoping Comments, of this Draft EIR. In summary, the comments received focused primarily on the following issues:

- Cultural and Tribal Cultural Resources: Potential Native American cemetery
- Geology and soils: development on an active fault
- Population and Housing: Alignment with ABAG projections
- Public Services and Recreation: Adequate parkland to serve population projections, alternative open space such as green roofs, and implementation of East Bay Greenway
- Transportation and Circulation: Public transit, bike and pedestrian safety, increased traffic, compliance with local transportation demand measures, electric vehicle charging stations, navigation issues, unsafe speed, congestion on the Loop, and unsafe lane changes on the Loop

2.6 SIGNIFICANT IMPACTS AND MITIGATION MEASURES

Under CEQA, a significant impact on the environment is defined as a substantial, or potentially substantial, adverse change in any of the physical conditions within the area affected by the proposed project, including land, air, water, minerals, flora, fauna, ambient noise, and objects of historic and aesthetic significance.

As described in detail in Chapter 4, Environmental Evaluation, the proposed project would have no significant impact on agricultural, forestry and mineral resources due to existing conditions in the Specific Plan Area. Accordingly, these topics have not been analyzed in this Draft EIR.

All environmental topic areas were found to be less than significant with the exception of those shown in Table 2-1. As shown in this table some significant impacts would be reduced to a less-than-significant level if the mitigation measures identified in this Draft EIR are adopted and implemented. However, pursuant to Section 15126.2(b) of the CEQA Guidelines, which requires that an EIR describe any significant impacts that cannot be avoided, even with the implementation of feasible mitigation measures. As shown in Table 2-1, significant unavoidable impacts were identified in the areas of air quality, greenhouse gas emissions, noise, transportation and circulation, and utilities and service systems.

Table 2-1 presents a summary of impacts and mitigation measures identified. Table 2-1 is arranged in four columns: 1) environmental impact; 2) significance without mitigation; 3) mitigation measures; and 4) significance with mitigation. For a complete description of potential impacts, please refer to the specific discussions in Chapters 4.1 through 4.14.

TABLE 2-1 SUMMARY OF IMPACTS AND MITIGATION MEASURES

Environmental Impact	Significance without Mitigation	Mitigation Measure	Significance with Mitigation
AIR QUALITY			
Impact AQ-2.1: Construction activities associated with implementation of the proposed Specific Plan could potentially violate an air quality standard or contribute substantially to an existing or projected air quality violation.	S	**Mitigation Measure AQ-2.1a:** As part of the City's development approval process, the City shall require applicants for future development projects to comply with the current Bay Area Air Quality Management District's basic control measures for fugitive dust control, including: ▪ Water all active construction areas at least twice daily, or as often as needed to control dust emissions. Watering should be sufficient to prevent airborne dust from leaving the site. Increased watering frequency may be necessary whenever wind speeds exceed 15 miles per hour. Reclaimed water should be used whenever possible. ▪ Pave, apply water twice daily or as often as necessary to control dust, or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas, and staging areas at construction sites. ▪ Cover all trucks hauling soil, sand, and other loose materials or require all trucks to maintain at least 2 feet of freeboard (i.e., the minimum required space between the top of the load and the top of the trailer). ▪ Sweep daily (with water sweepers using reclaimed water if possible) or as often as needed all paved access roads, parking areas and staging areas at the construction site to control dust. ▪ Sweep public streets daily (with water sweepers using reclaimed water if possible) in the vicinity of the project site, or as often as needed, to keep streets free of visible soil material. ▪ Hydroseed or apply non-toxic soil stabilizers to inactive construction areas. ▪ Enclose, cover, water twice daily, or apply non-toxic soil binders to exposed stockpiles (dirt, sand, etc.). ▪ Limit vehicle traffic speeds on unpaved roads to 15 miles per hour. ▪ Replant vegetation in disturbed areas as quickly as possible. **Mitigation Measure AQ-2.1b:** Applicants for new development	SU

TABLE 2-1 SUMMARY OF IMPACTS AND MITIGATION MEASURES

Environmental Impact	Significance without Mitigation	Mitigation Measure	Significance with Mitigation
		projects within the Specific Plan Area shall require the construction contractor to use equipment that meets the United States Environmental Protection Agency (USEPA) Tier 4 emissions standards for off-road diesel-powered construction equipment with more than 50 horsepower, unless it can be demonstrated to the City of Hayward that such equipment is not available. Any emissions control device used by the contractor shall achieve emissions reductions that are no less than what could be achieved by a Level 4 diesel emissions control strategy for a similarly sized engine, as defined by the California Air Resources Board's regulations. ▪ Prior to construction, the project engineer shall ensure that all demolition and grading plans clearly show the requirement for USEPA Tier 4 or higher emissions standards for construction equipment over 50 horsepower. ▪ During construction, the construction contractor shall maintain a list of all operating equipment in use on the construction site for verification by the City of Hayward. ▪ The construction equipment list shall state the makes, models, and numbers of construction equipment onsite. ▪ Equipment shall be properly serviced and maintained in accordance with the manufacturer's recommendations. ▪ Construction contractors shall also ensure that all nonessential idling of construction equipment is restricted to five minutes or less in compliance with Section 2449 of the California Code of Regulations, Title 13, Article 4.8, Chapter 9	
Impact AQ-2.2: Operation of development projects accommodated under the proposed Specific Plan could contribute to an existing or projected air quality violation.	S	Mitigation Measure AQ-2.2a: Prior to the issuance of building permits for new residential development project in the Specific Plan Area, future project applicants shall implement the Tier 1/Tier 2 standards identified in the California Green Building Standards Code where 17 or more multifamily dwelling units are constructed on a building site, 5 percent of the total number of parking spaces provided for all types of parking facilities, but in no case less than one, shall be electric vehicle charging spaces (EV spaces) capable of supporting future Electric Vehicle Supply Equipment. The proper installation of these features shall be verified by the City of Hayward Building	SU

TABLE 2-1 SUMMARY OF IMPACTS AND MITIGATION MEASURES

Environmental Impact	Significance without Mitigation	Mitigation Measure	Significance with Mitigation
		Division prior to the issuance of a Certificate of Occupancy. **Mitigation Measure AQ-2.2b:** Prior to the issuance of building permits for new non-residential development project in the Specific Plan Area, future project applicants shall implement the Tier 2 standards identified in Table A5.106.5.3.2 of the California Green Building Standards Code or the equivalent as standards may be updated overtime. The proper installation of these features shall be verified by the City of Hayward Building Division prior to the issuance of a Certificate of Occupancy. **Mitigation Measure AQ-2.2c:** Prior to the issuance of building permits for new non-residential development project in the Specific Plan Area, future project applicants shall implement the Tier 1 standards identified in the California Green Building Standards Code to provide 10 percent of total designated parking spaces for any combination of low-emitting, fuel-efficient and carpool/van pool vehicles as identified in Table A5.106.5.1.1 (Tier 1). The proper installation of these features shall be verified by the City of Hayward Building Division prior to the issuance of a Certificate of Occupancy. **Mitigation Measure AQ-2.2d:** Prior to the issuance of building permits for nonresidential development projects in the Specific Plan Area, future project applicants shall indicate on the building plans for buildings with more than ten tenant-occupants that changing/shower facilities shall be provided based on the guidelines specified in Table A5.106.4.3 (Nonresidential Voluntary Measures) of the California Green Building Standards Code have been incorporated into the design of the building(s). The proper installation of these features shall be verified by the City of Hayward Building Division prior to the issuance of a Certificate of Occupancy.	
Impact AQ-3: Future potential development projects associated with the proposed Specific Plan could cumulatively contribute to the non-attainment designations of the SFBAAB.	S	**Mitigation Measure AQ-3**: Implement Mitigation Measures AQ-2.1, AQ-2.2a, and AQ-2.2b.	SU

TABLE 2-1 SUMMARY OF IMPACTS AND MITIGATION MEASURES

Environmental Impact	Significance without Mitigation	Mitigation Measure	Significance with Mitigation
Impact AQ-4.1: Construction activities associated with potential future development projects accommodated under the proposed Specific Plan could expose nearby receptors to substantial concentrations of Toxic Air Contaminants (TACs).	S	**Mitigation Measure AQ-4.1a:** Applicants for construction within 1,000 feet of residential and other sensitive land use projects (e.g., hospitals, nursing homes, day care centers) in the City of Hayward, as measured from the property line of the project to the property line of the source/edge of the nearest travel lane, shall submit a health risk assessment (HRA) to the City of Hayward prior to future discretionary project approval. The HRA shall be prepared in accordance with policies and procedures of the Office of Environmental Health Hazard Assessment (OEHHA) and the Bay Area Air Quality Management District. The latest OEHHA guidelines shall be used for the analysis, including age sensitivity factors, breathing rates, and body weights appropriate for children ages 0 to 16 years. If the HRA shows that the incremental cancer risk exceeds ten in one million (10E-06), $PM_{2.5}$ concentrations exceed 0.3 µg/m^3, or the appropriate noncancer hazard index exceeds 1.0, the applicant will be required to identify and demonstrate that mitigation measures are capable of reducing potential cancer and non-cancer risks to an acceptable level (i.e., below ten in one million or a hazard index of 1.0), including appropriate enforcement mechanisms. Measures to reduce risk may include, but are not limited to (See Table 7.9 of the Hayward 2040 General Plan Draft EIR for further details. This table has been included in Appendix C of the Draft for the Specific Plan): ▪ During construction, use of construction equipment fitted with Level 3 Diesel Particulate Filters (DPF) for all equipment of 50 horsepower or more. ▪ Equipment shall be properly serviced and maintained in accordance with manufacturer recommendations. ▪ The construction contractor shall ensure that all non-essential idling of construction equipment is restricted to five minutes or less in compliance with Section 2449 of the California Code of Regulations, Title 13, Article 4.8, Chapter 9. ▪ Measures identified in the HRA shall be included in the environmental document and/or incorporated into the site development plan as a component of the proposed Specific Plan. Prior to issuance of any construction permit, the	SU

TABLE 2-1 SUMMARY OF IMPACTS AND MITIGATION MEASURES

Environmental Impact	Significance without Mitigation	Mitigation Measure	Significance with Mitigation
		construction contractor shall ensure that all construction plans submitted to the City of Hayward Planning Division and/or Building Division clearly show incorporation of all applicable mitigation measures. **Mitigation Measure AQ-4.1b:** Implement Mitigation Measure AQ-2.1b.	
GREENHOUSE GAS EMISSIONS			
Impact GHG-1.1: Construction of future projects resulting from implementation of the proposed Specific Plan would generate greenhouse gas emissions, either directly or indirectly, that exceed the forecast year-2040 GHG emissions efficiency metric (2811 $MTCO_2e$/year compared to 1,100 $MTCO_2e$/year).	S	No individual measure and no set of feasible or practical mitigation measures are available to reduce project-generated construction emissions to less-than-significant levels in all cases. Refer to chapter 4.6, Greenhouse Gas Emissions, for further discussion.	SU
Impact GHG-1.2: The operation of future projects resulting from implementation of the proposed Specific Plan would generate greenhouse gas emissions, either directly or indirectly, that would exceed the forecast year-2040 GHG emissions efficiency metric.	S	**Mitigation Measure GHG -1.2a:** Prior to the issuance of building permits for new development projects in the Specific Plan Area, the applicant shall show the following on the building plans submitted: ▪ **Non-Residential:** All major appliances (e.g., dishwashers, refrigerators, clothes washers, and dryers) provided/installed are Energy Star certified or of equivalent energy efficiency. Installation of Energy Star or equivalent appliances shall be verified by the City of Hayward prior to the issuance of a Certificate of Occupancy. ▪ **Multifamily Residential:** All buildings will be all electric, meaning that electricity is the only permanent source of energy for water-heating, mechanical and heating, ventilation, and air conditioning (HVAC) (i.e., space-heating and space cooling), cooking, and clothes-drying and there is no gas meter connection. All major appliances (e.g., dishwashers, refrigerators, clothes washers and dryers, and water heaters) provided/installed are electric powered Energy Star certified or of equivalent energy efficiency where applicable. Installation of the electric-powered Energy Star or equivalent appliances shall be verified by the City of Hayward prior to the issuance of a	SU

TABLE 2-1 SUMMARY OF IMPACTS AND MITIGATION MEASURES

Environmental Impact	Significance without Mitigation	Mitigation Measure	Significance with Mitigation
		Certificate of Occupancy. **Mitigation Measure GHG -1.2b:** Prior to the issuance of building permits for new high-rise (four story or higher) residential development projects and nonresidential projects in the Specific Plan Area, the applicant shall implement the Tier 1 standards identified in the California Green Building Standards Code listed below. Buildings complying with the first level of advanced energy efficiency shall have an Energy Budget that is no greater than indicated below, depending on the type of energy systems included in the building project. ▪ **For building projects that include indoor lighting or mechanical systems, but not both:** No greater than 95 percent of the Title 24, Part 6, Energy Budget for the Standard Design Building as calculated by compliance software certified by the Energy Commission. ▪ **For building projects that include indoor lighting and mechanical systems:** No greater than 90 percent of the Title 24, Part 6 Energy Budget for the Standard Design Building as calculated by compliance software certified by the Energy Commission. **Mitigation Measure GHG -1.2c:** Implement Mitigation Measure AQ-2.2a. **Mitigation Measure GHG -1.2d:** Implement Mitigation Measure AQ-2.2b. **Mitigation Measure GHG -1.2e:** Implement Mitigation Measure AQ-2.2c. **Mitigation Measure GHG -1.2f:** Implement Mitigation Measure AQ-2.2d.	

TABLE 2-1 SUMMARY OF IMPACTS AND MITIGATION MEASURES

Environmental Impact	Significance without Mitigation	Mitigation Measure	Significance with Mitigation
NOISE			
Impact NOISE-1: The construction of future projects in the Specific Plan Area could expose sensitive receptors to noise that exceeds the City's noise limits.	S	**Mitigation Measure NOISE-1:** Prior to issuance of demolition, grading and/or building permits, the project applicant shall incorporate the following practices into the construction contract agreement to be implemented by the construction contractor during the entire construction phase: ▪ Construction activity is limited to the daytime hours between 10:00 a.m. and 6:00 p.m. on Sundays and holidays, and 7:00 a.m. and 7:00 p.m. on other days. ▪ During the entire active construction period, equipment and trucks used for project construction shall utilize the best available noise control techniques (e.g., improved mufflers, equipment re-design, use of intake silencers, ducts, engine enclosures, and acoustically attenuating shields or shrouds), wherever feasible. ▪ Require the contractor to use impact tools (e.g., jack hammers and hoe rams) that are hydraulically or electrically powered wherever possible. Where the use of pneumatic tools is unavoidable, an exhaust muffler on the compressed air exhaust shall be used along with external noise jackets on the tools. ▪ Stationary equipment such as generators, air compressors shall be located as far as feasible from nearby noise-sensitive uses. ▪ Stockpiling shall be located as far as feasible from nearby noise-sensitive receptors. ▪ Construction traffic shall be limited—to the extent feasible—to haul routes approved by the City. ▪ At least 10 days prior to the start of construction activities, a sign shall be posted at the entrance(s) to the job site, clearly visible to the public, that includes permitted construction days and hours, as well as the telephone numbers of the City's and contractor's authorized representatives that are assigned to respond in the event of a noise or vibration complaint. If the authorized contractor's representative receives a complaint, he/she shall investigate, take appropriate corrective action, and	SU

TABLE 2-1 SUMMARY OF IMPACTS AND MITIGATION MEASURES

Environmental Impact	Significance without Mitigation	Mitigation Measure	Significance with Mitigation
		report the action to the City. ▪ Signs shall be posted at the job site entrance(s), within the on-site construction zones, and along queueing lanes (if any) to reinforce the prohibition of unnecessary engine idling. All other equipment shall be turned off if not in use for more than 5 minutes. ▪ During the entire active construction period and to the extent feasible, the use of noise-producing signals, including horns, whistles, alarms, and bells, shall be for safety warning purposes only. The construction manager shall use smart back-up alarms, which automatically adjust the alarm level based on the background noise level, or switch off back-up alarms and replace with human spotters in compliance with all safety requirements and laws. ▪ Erect temporary noise barriers, where feasible, when construction noise is predicted to exceed the City noise standards and when the anticipated construction duration is greater than is typical (e.g., two years or greater).	
Impact NOISE-3: Implementation of the Specific Plan would result in a permanent substantial increase in ambient noise levels.	S	No individual measure and no set of feasible or practical mitigation measures are available to reduce project-generated traffic noise to less-than-significant levels in all cases. Refer to Chapter 4.10, Noise, for further discussion.	SU
Impact NOISE-4: The construction of future projects in the Specific Plan Area could expose sensitive receptors to a substantial temporary increase in ambient noise levels.	S	**Mitigation Measure NOISE-4:** Implement Mitigation Measure NOISE-1.	SU
TRANSPORTATION AND CIRCULATION			
Impact TRANS-1: Implementation of the proposed project would cause or contribute to impacts at the following intersections: ▪ Foothill Boulevard & City Center Drive (South) (#1) ▪ PM peak hour: Operations degrade from acceptable LOS D to unacceptable LOS F. ▪ Foothill Boulevard & B Street (#3)	S	**Mitigation Measure TRANS-1:** Each implementing development project shall participate in the phased construction of off-site traffic signals and improvement of intersections through payment of that project's fair share of traffic signal mitigation fees and the cost of other off-site improvements through payment of fair share mitigation fees established through the proposed Specific Plan which includes DIF (Development Impact Fee). The fees shall be collected and utilized as needed by the City of Hayward to construct the	LTS at Intersection #11 SU at all other listed intersections

TABLE 2-1 SUMMARY OF IMPACTS AND MITIGATION MEASURES

Environmental Impact	Significance without Mitigation	Mitigation Measure	Significance with Mitigation
▪ AM peak hour: Operations degrade from acceptable LOS C to unacceptable LOS F. ▪ PM peak hour: Operations degrade from acceptable LOS B to unacceptable LOS F. ▪ Main Street & A Street (#6) ▪ AM peak hour: Operations degrade from acceptable LOS C to unacceptable LOS F. ▪ Mission Boulevard & A Street (#9) ▪ AM peak hour: Operations degrade from acceptable LOS E to unacceptable LOS F. ▪ PM peak hour: Operations degrade from acceptable LOS E to unacceptable LOS F. ▪ Mission Boulevard & B Street (#10) ▪ AM peak hour: Operations degrade from acceptable LOS C to unacceptable LOS F. ▪ PM peak hour: Operations degrade from acceptable LOS C to unacceptable LOS F. ▪ Mission Boulevard & C Street (#11) ▪ AM peak hour: Operations degrade from acceptable LOS D to unacceptable LOS F. ▪ PM peak hour: Operations degrade from acceptable LOS D to unacceptable LOS F. ▪ Mission Boulevard & D Street (#12) ▪ AM peak hour: Operations degrade from acceptable LOS D to unacceptable LOS F. ▪ PM peak hour: Operations degrade from acceptable LOS E to unacceptable LOS F. ▪ Mission Boulevard & Foothill Boulevard/Jackson Street (#13) ▪ AM peak hour: Operations degrade from acceptable LOS B at the intersection level to unacceptable LOS F for all approaches.		improvements necessary to maintain the required level of service and build or improve roads to their build-out level. The following mitigating improvements would be required: ▪ Mission Boulevard & C Street (Intersection #11): Install a traffic signal at the intersection per City requirements. ▪ Second Street and City Center Drive (Intersection #12): Optimize signal timing and install an eastbound right turn overlap phase per City requirements. ▪ Montgomery Street & B Street (Intersection #18): Install a traffic signal per City requirements. Other improvements listed in Chapter 4.13, Transportation and Circulation, were identified to reduce impacts; however, were deemed infeasible to reduce impacts to less-than-significant levels. Refer to Chapter 4.13 for additional discussion.	

TABLE 2-1 SUMMARY OF IMPACTS AND MITIGATION MEASURES

Environmental Impact	Significance without Mitigation	Mitigation Measure	Significance with Mitigation
▪ PM peak hour: Operations degrade from acceptable LOS D at the intersection level to unacceptable LOS F for all approaches. ▪ Mission Boulevard & Fletcher Lane (#14) ▪ AM peak hour: The intersection operates at LOS F without the project, and the addition of the project results in an increase in delay of 5.0 seconds or greater. ▪ PM peak hour: Operations degrade from acceptable LOS E to unacceptable LOS F. ▪ Watkins Street & Jackson Street (#17) ▪ AM peak hour: Operations degrade from acceptable LOS D to unacceptable LOS F. ▪ PM peak hour: Operations degrade from acceptable LOS E to unacceptable LOS F. ▪ Montgomery Street & B Street (#18) ▪ AM peak hour: Operations degrade from acceptable LOS D to unacceptable LOS F. ▪ PM peak hour: The intersection operates at LOS F without the project, and the addition of the project results in an increase in delay of 5.0 seconds or greater. ▪ Peak hour signal warrant is met during both peak hours. ▪ 2nd Street & City Center Drive (#21) ▪ AM peak hour: Operations degrade from acceptable LOS C to unacceptable LOS F. ▪ PM peak hour: Operations degrade from acceptable LOS C to unacceptable LOS F. ▪ 2nd Street & A Street (#22) ▪ AM peak hour: Operations degrade from acceptable LOS D to unacceptable LOS F. ▪ PM peak hour: The intersection operates at LOS			

TABLE 2-1 SUMMARY OF IMPACTS AND MITIGATION MEASURES

Environmental Impact	Significance without Mitigation	Mitigation Measure	Significance with Mitigation
F without the project, and the addition of the project results in an increase in delay of 5.0 seconds or greater. ▪ 2nd Street & B Street (#23) ▪ AM peak hour: Operations degrade from acceptable LOS D to unacceptable LOS F. ▪ PM peak hour: Operations degrade from acceptable LOS D to unacceptable LOS F. ▪ 2nd Street & D Street (#25) ▪ AM peak hour: The intersection operates at LOS F without the project, and the addition of the project results in an increase in delay of 5.0 seconds or greater. ▪ Foothill Boulevard & Hazel Avenue/City Center Drive (North) (#26) ▪ AM peak hour: Operations degrade from acceptable LOS E to unacceptable LOS F. ▪ PM peak hour: Operations degrade from acceptable LOS D to unacceptable LOS F.			
Impact TRANS-2.1: Implementation of the proposed project would cause or contribute to impacts at the following MTS arterial and freeway segments: ▪ I-880 Northbound (Hesperian Boulevard to A Street) ▪ I-880 Northbound (A Street to Winton Avenue) ▪ I-880 Northbound (Winton Avenue to Jackson Street) ▪ I-880 Northbound (South of Jackson) ▪ I-880 Southbound (Hesperian Boulevard to A Street) ▪ I-238 Eastbound (I-880 to SR-185) ▪ I-580 Northbound (Strobridge Avenue to Redwood Road) ▪ Southbound Mission Boulevard (North of D Street) ▪ Southbound Mission Boulevard (South of Jackson Street/Foothill Boulevard)	S	No individual measure and no set of feasible or practical mitigation measures are available to reduce project-generated intersection impacts to less-than-significant levels in all cases. Refer to Chapter 4.13, Transportation and Circulation, for further discussion.	SU

TABLE 2-1 SUMMARY OF IMPACTS AND MITIGATION MEASURES

Environmental Impact	Significance without Mitigation	Mitigation Measure	Significance with Mitigation
▪ Westbound A Street (North of Mission Boulevard) ▪ Northbound Mission Boulevard (North of A Street) ▪ Northbound Mission Boulevard (North of D Street) ▪ Eastbound A Street (North of Foothill Boulevard) ▪ Eastbound A Street (North of Mission Boulevard)			
Impact TRANS-2.2: Implementation of the proposed project would cause or contribute to impacts on 14 AC Transit bus lines in the area.	S	No individual measure and no set of feasible or practical mitigation measures are available to reduce project-generated transportation impacts to less-than-significant levels in all cases. Refer to Chapter 4.13, Transportation and Circulation, for further discussion.	SU
UTILITIES AND SERVICE SYSTEMS			
Impact UTIL--1: With implementation of the proposed Specific Plan there would not be sufficient water supplies available to serve the proposed future development from existing entitlements and resources during multiple dry years.	S	**Mitigation Measure UTIL-1:** Prior to approving future applications for development in the Specific Plan Area, the City shall require future project applicants to prepare and submit a written statement to the satisfaction of the City of Hayward Community Development Department that clearly demonstrates how the project complies with the water conservation and water efficiency ordinances adopted by the City, including the Indoor Water Efficiency Ordinance (Municipal Code Chapter 10, Article 23), the CALGreen building code requirements (Municipal Code Chapter 10, Article 22 and Article 23), and the Bay-Friendly Water Efficient Landscape and Landscaping Ordinances (Municipal Code Chapter 10, Article 12 and 20) and any other water conservation strategies that would be implemented by the project applicant.	SU

3. Project Description

This chapter of the Draft Environmental Impact Report (EIR) describes the proposed Hayward Downtown Specific Plan project and associated Zoning Code Update ("proposed project" or "proposed Specific Plan"). The proposed project would establish a planning framework to facilitate future development of the 320-acre Specific Plan Area (also referred to as project site) located within northern Hayward.

This chapter provides a general overview of the proposed project, including the background and planning process for the proposed project. A description of the location and setting of the Specific Plan Area, the objectives of the proposed project, the contents of the Specific Plan, the future buildout potential anticipated in the Specific Plan Area, and the implementation and approval requirements are also described in detail in this chapter.

3.1 OVERVIEW

3.1.1 BACKGROUND

Under California law, specific plans enable a community to articulate a vision for a defined area and develop goals, policies, and implementation strategies to guide public and private investment to achieve desired outcomes in a coordinated manner. A specific plan aims to systematically implement the General Plan for all or part of the area covered by the General Plan, and contains zoning regulations, infrastructure improvements, and financing mechanisms. The proposed Specific Plan is consistent with and aims to implement the goals and policies of the *Looking Forward Hayward 2040 General Plan* (General Plan).

The City has prepared a number of documents that address development for the Specific Plan Area; the *Downtown Hayward Redevelopment Plan,* adopted in 1975 and revised in 2001; the *Downtown Hayward Design Plan*, adopted 1987 and revised in 1992; the *Downtown Focal Point Master Plan*, adopted 1991; the *Core Area Plan – A Component of the Downtown Hayward Design Plan*, adopted 1992; the *Commercial Design Manual – Hayward Downtown Historic Rehabilitation District*, adopted 1993; and the *City of Hayward Design Guidelines*, adopted 1993. Most recently, the General Plan, adopted in 2014, includes goals and policies that encourage compact mixed-use development within the Specific Plan Area to decrease dependency on automobile traffic and support multimodal transportation. However, over time, the development patterns have changed and the goals and policies of these documents do not adequately address the City's current vision for the Specific Plan Area. These documents, as among other related documents, were reviewed and referenced to better understand the existing conditions in the Specific Plan Area, as well as to remain consistent with the goals and vision of the existing, future-oriented plans that include properties in the Specific Plan Area.

In 2014, the City was awarded the Alameda County Transportation Commission Sustainable Communities Technical Assistance Program grant. The purpose of this funding program is to support priority development area planning and implementation, implementation of complete streets policies, and smaller-scale bicycle and pedestrian technical projects. The proposed project seeks to create one comprehensive document to replace the patchwork of existing documents, and to identify a vision for the Specific Plan Area that better aligns with the 2040 General Plan goals and policies.

The proposed Specific Plan is intended to serve as the primary document and reference guide for the future development of the Specific Plan Area through the year 2040**.** It should be noted that the Specific Plan is not a detailed site plan or design plan and does not commit to any specific building design on any specific properties. Instead, the proposed Specific Plan is intended to provide a certain amount of flexibility to property owners and developers to allow for market-oriented solutions.

3.1.2 PLANNING PROCESS

The planning process began in 2015 with the preparation of the *Existing Conditions and Opportunities Analysis,* which included analysis of the opportunity sites, access, connectivity, transit, and parking analysis, as well as a market demand and supply analysis, an infrastructure analysis, and an historic context statement. This report is included as *Appendix B, Existing Conditions and Opportunities Analysis*, of this Draft EIR. In 2016, following the preparation of the *Existing Conditions and Opportunities Analysis,* the City undertook a community-based planning process to receive community and stakeholder input, and review land use alternatives for the proposed Specific Plan. A kick-off meeting with the representatives from various City agencies, Bay Area Rapid Transit (BART), the Alameda County Transportation Commission, and the consultant team took place at Hayward City Hall on September 8, 2016. Following the kick-off meeting, a Task Force with 14-members acting as a public voice for the community and representing a wide range of stakeholder interests was established. Between the time of the kick-off meeting and the release of the Specific Plan and Draft EIR for public review, the City held six Task Force meetings, conducted stakeholder interviews comprised of City staff, Task Force members, special interest groups, and business owners, held two joint study sessions with the City Council and Planning Commission, and hosted one public workshop and one five-day design charrette. A detailed description of the public outreach process is provided in Chapter 1, Introduction, of the proposed Specific Plan, which is located on the Specific Plan website at https://www.hayward-ca.gov/content/downtown-specific-plan. Based on the input received from these public outreach efforts, a public review draft of the proposed Specific Plan was developed. This public review draft of the Hayward Downtown Specific Plan is the subject of this EIR and is described further in this chapter in Section 3.4, Proposed Specific Plan.

3.1.3 REGIONAL LOCATION

The City of Hayward is located in western Alameda County, approximately 20 miles southeast of San Francisco, 15 miles south of Oakland, and 25 miles north of San Jose. As the sixth largest city in the San Francisco Bay Area (Bay Area), Hayward encompasses approximately 64 square miles, of which approximately 45 square miles are land and approximately 18 square miles are covered by

waters of the San Francisco Bay. Regional access is provided by Interstate 880 (I-880); Interstate 580 (I-580) State Routes (SR) 92, 238, and 185; and two BART lines that traverse through the city. The Specific Plan Area, located in northern Hayward, is the historic core of the city. See Figure 3-1.

3.2 SPECIFIC PLAN AREA LOCATION AND SETTING

3.2.1 LOCATION

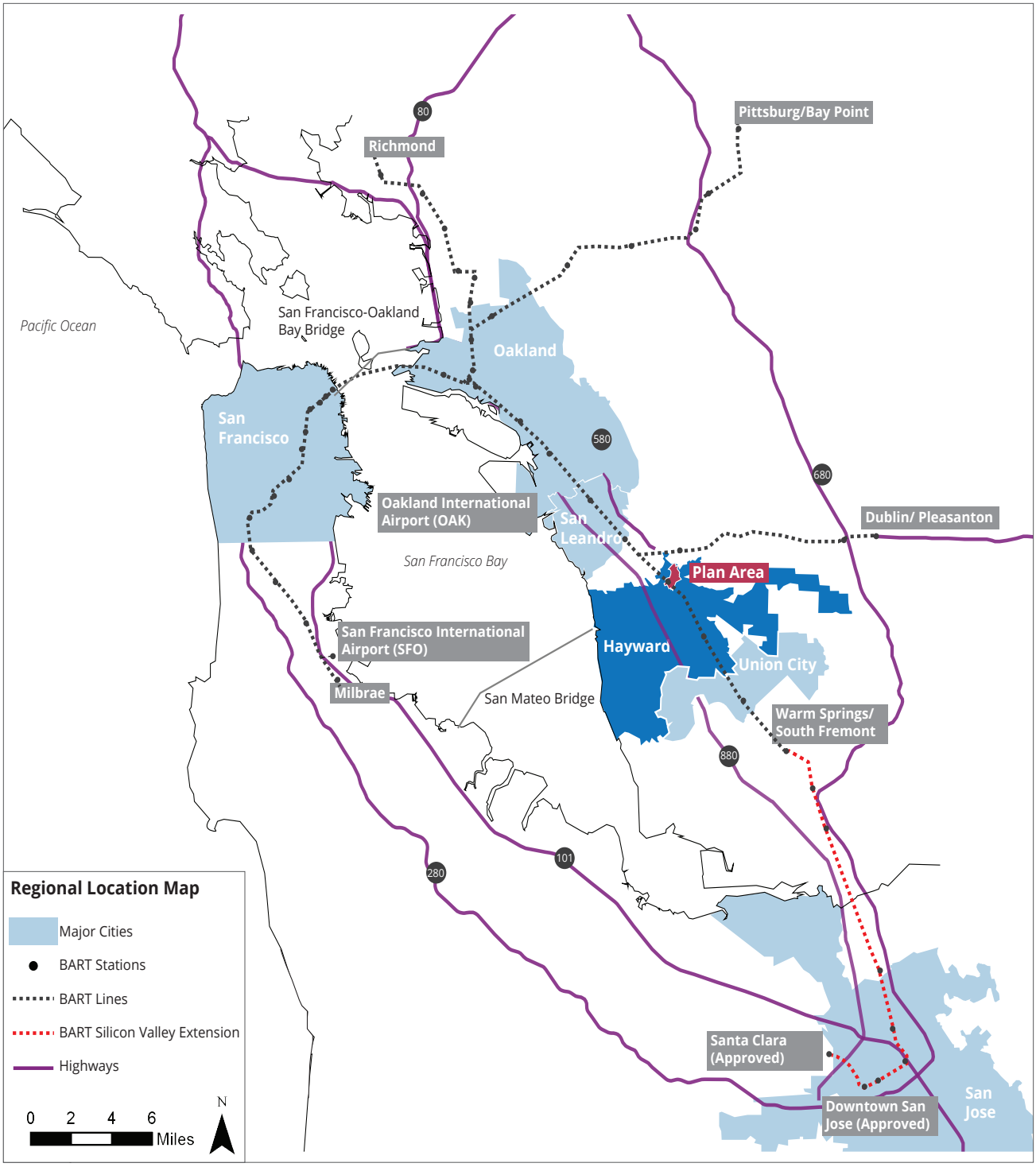
As shown on Figure 3-2 and Figure 3-3, the Specific Plan Area is in a highly urbanized and developed area in Downtown Hayward. The Specific Plan Area is connected to the greater Bay Area by the Hayward BART station located in the southwest portion of the Specific Plan Area. The elevated BART tracks and at-grade railroad tracks run through the southern neighborhood portion of the Specific Plan Area. About 95 acres of the Specific Plan Area are within a quarter-mile, or ten-minute walking distance, of the Hayward BART station (as illustrated in Figure 3-2); however, existing bus bays and passive open space make it difficult for a visitor to know how to navigate to Downtown. Downtown also has direct vehicular access to SR 238 and SR 185. The roadway network in the Specific Plan Area is configured as a mix of two-way streets on the outer edges that surround the core of one-way streets that form what is known as “the Loop,” which is composed of the one-way segments of Foothill Boulevard, A Street, and Mission Boulevard. The roadway network in the Specific Plan Area is shown on Figure 3-4.

In addition, the Specific Plan Area is three-quarters of a mile from the Hayward Amtrak station, 8 miles from the Oakland International Airport, and has access to the San Francisco International Airport via BART or the San Mateo Bridge.

The Specific Plan Area includes the Hayward BART Station and parking areas, the new Hayward City Hall, the Downtown retail core centered at B and Main streets, several hundred new housing units near the BART station, and the City Center site (the location of the former City Hall). Foothill Boulevard (SR 238) and Mission Boulevard (SR 185) are major regional corridors which pass through the Specific Plan Area, and the northern 0.30 miles of Jackson Street (SR 92) lies just inside the Specific Plan Area boundary.

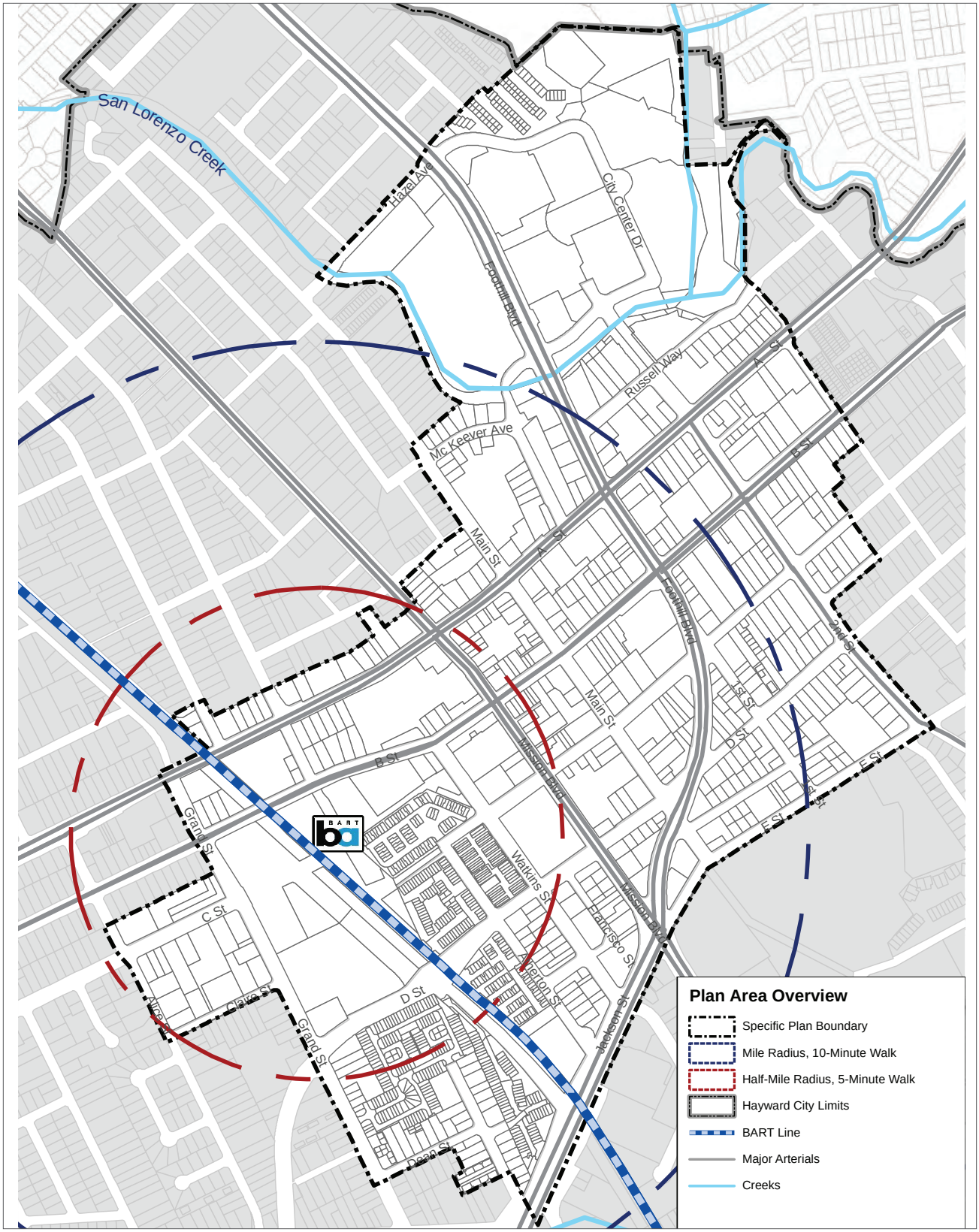
The Specific Plan Area is in one of the oldest districts within the city. The Downtown’s historic character is evident in ten historic properties listed on National, State, or local historic registers, primarily located along B and C Street, between Watkins Street and Foothill Boulevard. There are seven potential historic sites, such as the Hayward BART Station, that have not yet been designated, but have been identified in the City of Hayward Historical Context Survey completed in 2010 by CIRCA: Historic Property Development.

Most of the Downtown area is relatively flat, sloping uphill east of Mission Boulevard and south of A Street, with a high point at 2nd and E streets and an overall difference in elevation of about 60 feet. As shown on Figure 3-3, the major topographical feature of the Specific Plan Area is the creeks system. San Lorenzo Creek runs east-west through the northern end of the Specific Plan Area. Coyote Creek runs north-south between the Japanese Gardens and the adjacent multifamily residential project, meeting San Lorenzo Creek in De Anza Park.



Source: City of Hayward, Downtown Specific Plan, Public Review Draft, 2019.

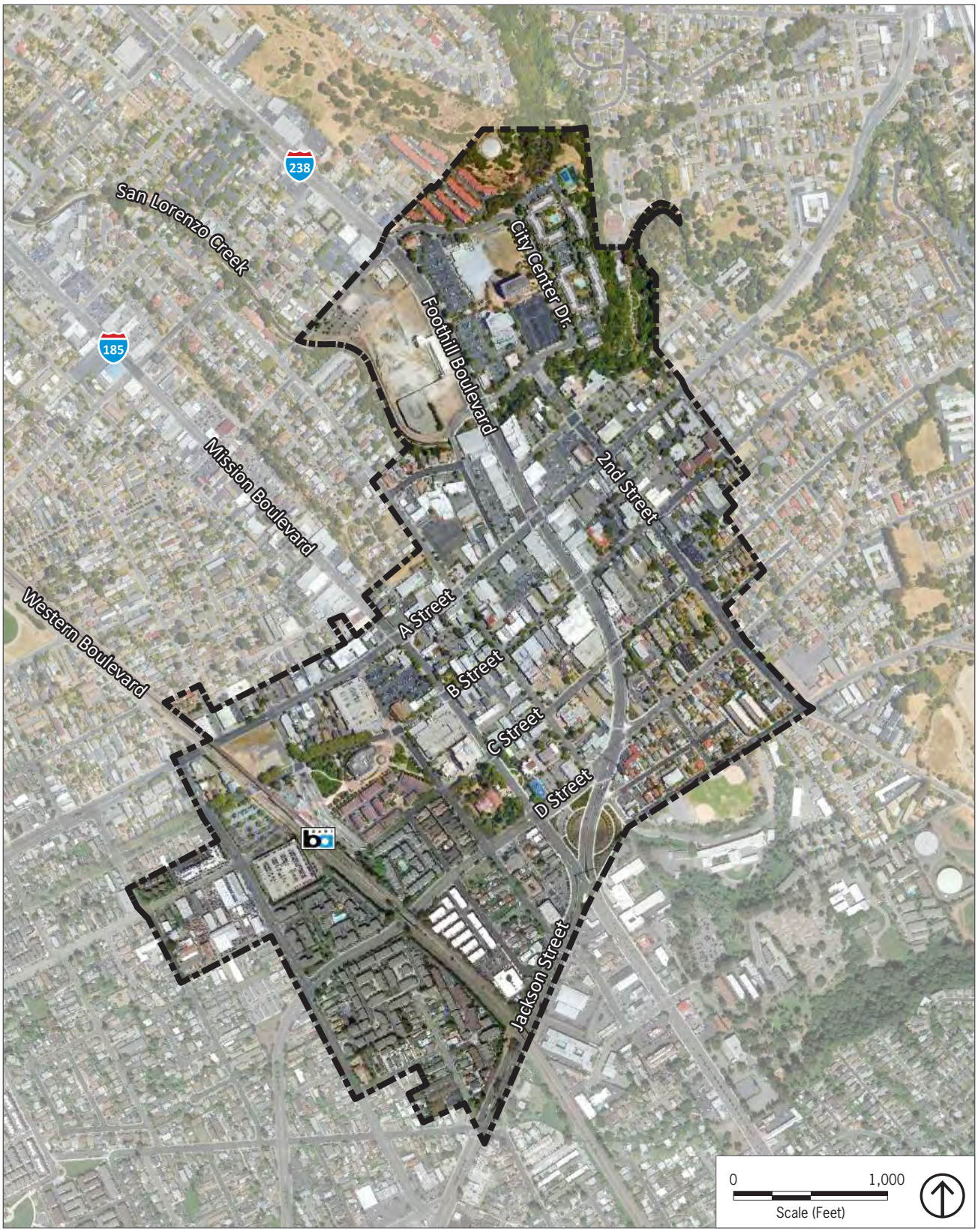
Figure 3-1
Regional Location Map



Source: City of Hayward, Downtown Specific Plan, Public Review Draft, 2019.

0 1,500
Scale (Feet)

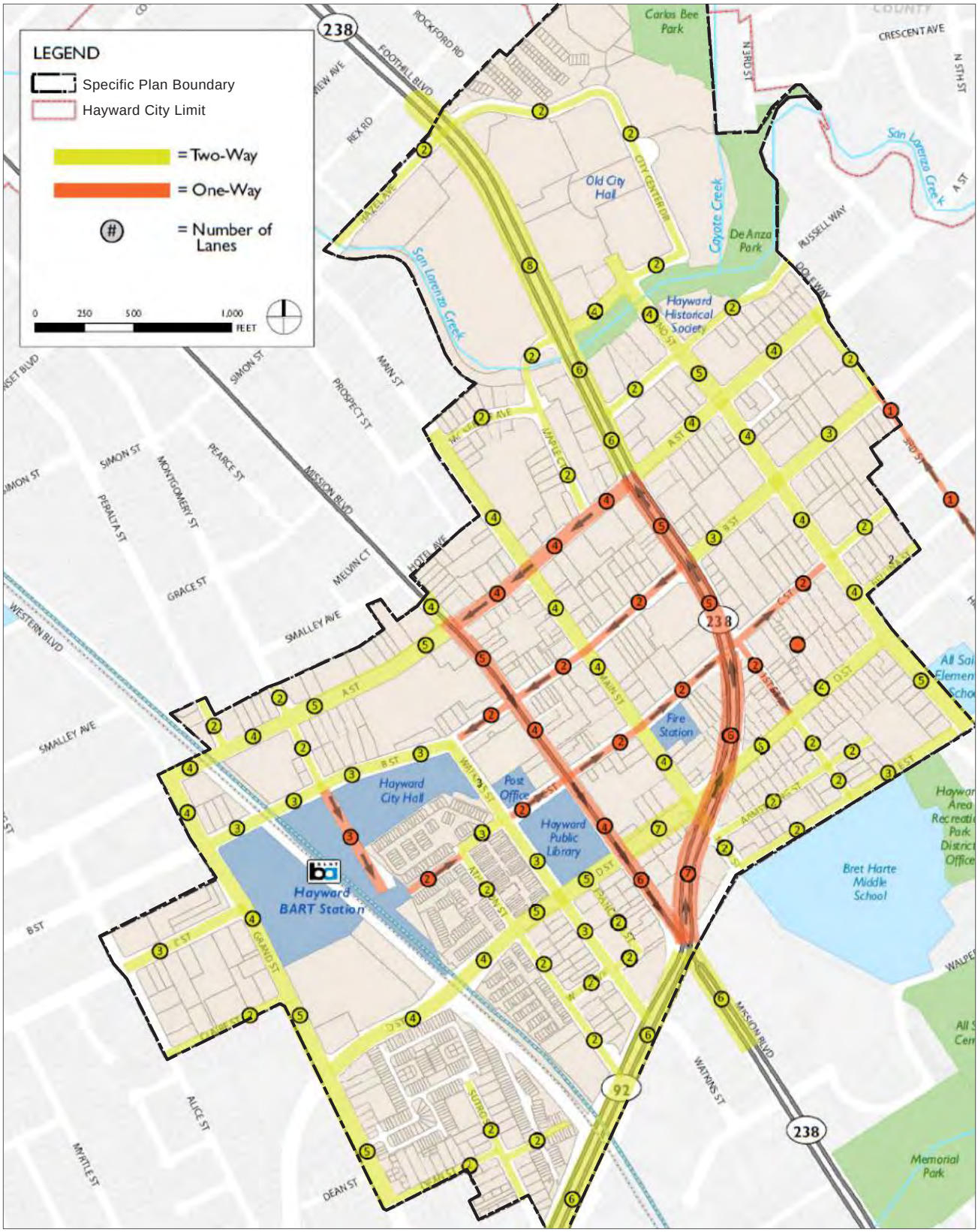
Figure 3-2
Proposed Project Boundary Map



Source: Google Earth, 2018. PlaceWorks, 2018.

Specific Plan Boundary

Figure 3-3
Aerial Photograph Specific Plan Location



Source: City of Hayward, Downtown Specific Plan, Public Review Draft, 2019.

Figure 3-4
Downtown Hayward Existing Roadway Network

3.2.2 LOCAL SETTING

The 320-acre Specific Plan Area includes 226 acres of developable land and 94 acres of undevelopable land (e.g., streets and right-of-ways) comprised of a variety of General Plan land use designations and zoning districts that set forth the regulations for which future development can occur.

3.2.2.1 EXISTING GENERAL PLAN LAND USE DESIGNATIONS

State planning law requires a general plan to describe the general distribution, location, and extent of planned land uses within the jurisdiction's planning area. As shown on Figure 3-5, the 2040 General Plan Land Use Diagram includes the following land use designations that set forth the density and intensity standards to regulate development for the Specific Plan Area:

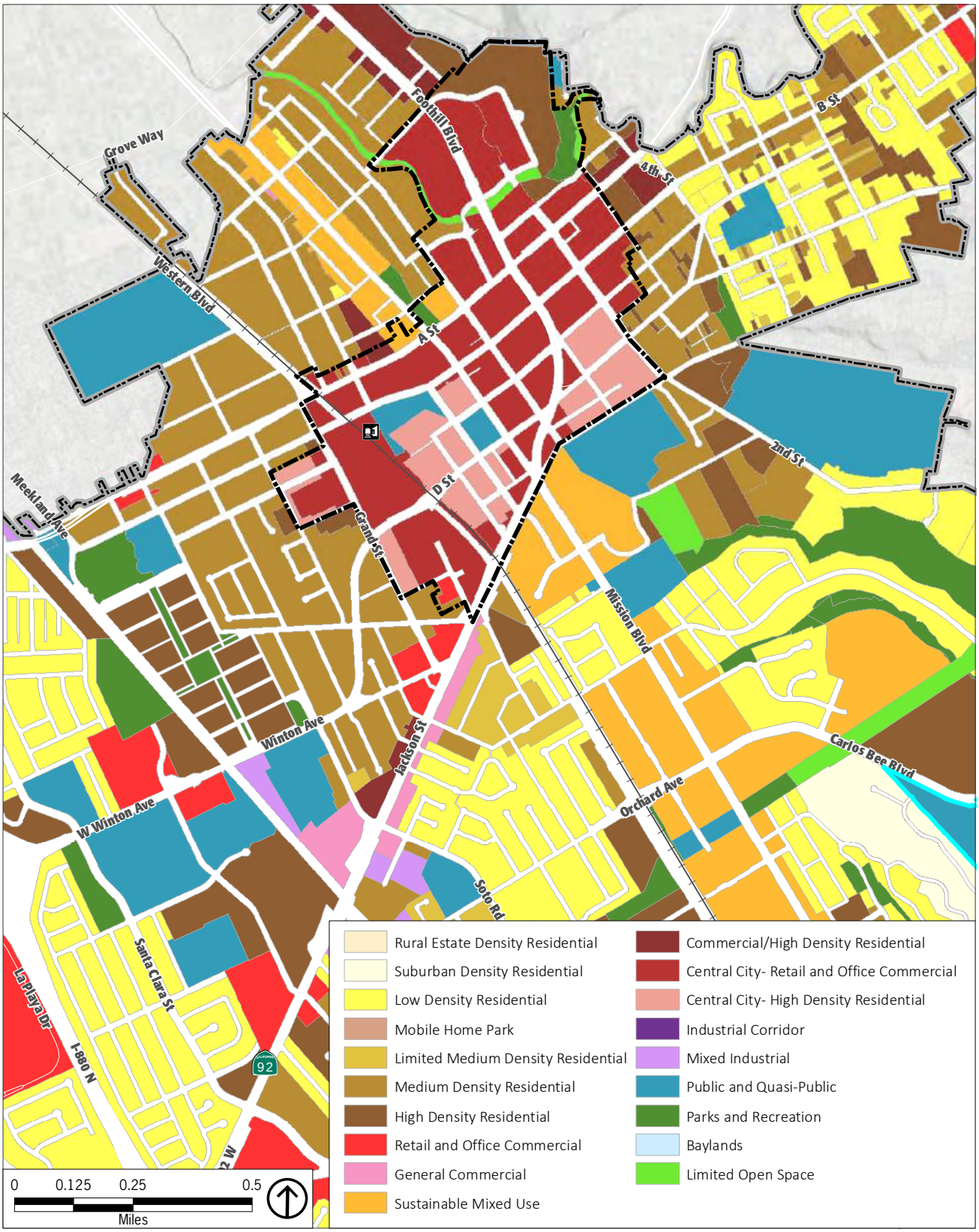
- Medium Density Residential (MDR)
- High Density Residential (HDR)
- Retail and Office Commercial (ROC)
- Central City – Retail and Office Commercial (CC-ROC)
- Central City – High Density Residential (CC-HDR)
- Commercial/High Density Residential (CH/DR)
- Sustainable Mixed Use (SMU)
- Public and Quasi-Public (PQP)
- Parks and Recreation (PR)
- Limited Open Space (LOS)

3.2.2.2 EXISTING ZONING

The Zoning Code[1] is a regulatory tool used to implement the goals, policies, and programs of the General Plan and to regulate all land use within the city. Under State law[2] and the Hayward Municipal Code, all zoning must be consistent with the General Plan. The Zoning Code identifies development regulations and other provisions that ensure development projects are consistent with the General Plan. A few parcels near Mission Boulevard and A Street are regulated by the Form-Based Code for the *Mission Boulevard Specific Plan* (MB). As shown on Figure 3-6, the existing zoning districts include:

- High Density Residential (RH)
- High Density Residential (RH-B7)
- Central City Commercial (CC-C)
- Central City Residential (CC-R)
- Planned Development (PD)
- Public Facilities
- Single Family Residential (RS)
- MB-Civic Space Zone (MB-CS)
- MB-Civic Space Zone (MB-CS-Height)
- MB-Urban General Zone (MB-T4-I-Height)
- MB-Urban Core Zone (MB-T5)

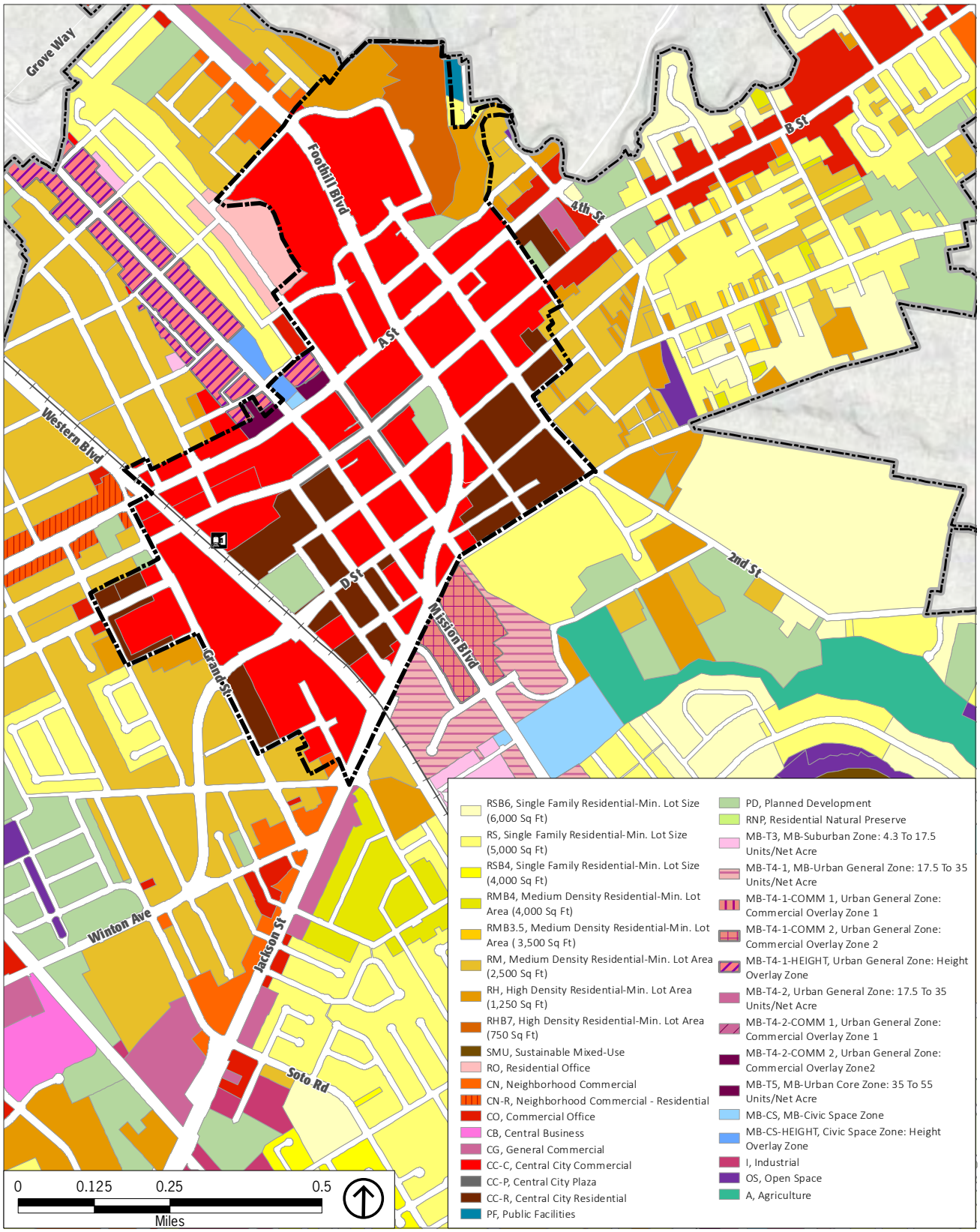
[1] City of Hayward, Municipal Code, Chapter 10, Planning, Zoning, and Subdivisions, Article 1, Zoning Ordinance.
[2] California Government Code, Title 7, Planning and Land Use, Division 1, Planning and Zoning, Chapter 4, Zoning Regulations, Article 2, Adoption and Regulations, Section 65860.



Source:ESRI, 2018; City of Hayward, 2018; PlaceWorks, 2018.

Specific Plan Boundary
BART Station
Hayward City Limit

Figure 3-5
Existing General Plan Land Use Designations



Source:ESRI, 2018; City of Hayward, 2018; PlaceWorks, 2018.

Specific Plan Boundary BART Station

Hayward City Limit

Figure 3-6
Existing Zoning Districts

3.2.2.3 CITY OF HAYWARD DESIGN GUIDELINES

Adopted in 2003, the *Hayward Design Guidelines* establish general guidelines common to all development, which address site planning, circulation, architectural design, and landscape design. They also establish guidelines specific to residential, commercial, and industrial uses. Most relevant to the proposed Specific Plan, the *Hayward Design Guidelines* includes a separate section of guidelines specific to the Downtown PDA (discussed below). This part of the *Hayward Design Guidelines* includes sections of guidelines for the following areas:

- B Street and Main Core Area. These guidelines follow an "imperative to maintain pedestrian-oriented retail frontage and a classic downtown shopping district appearance." They provide guidance for creating continuous commercial frontages and appealing storefronts; using quality materials; and orienting development to the street.
- Open Space Features. The Open Space Features guidelines address the Downtown creeks and the Creekside connections between the Downtown Core Area, the Historic Prospect Hill neighborhood, and the Japanese Garden. They address landscaping features as well as adjacent development.
- Beyond the Core Area. For the remainder of the Downtown PDA areas, the guidelines recommend a strong pedestrian orientation expressed in lighting, landscape, transit shelters, architectural detail, and display windows, as well as transitions to surrounding areas. Guidelines specifically address views, building materials, façade design, building orientation and setbacks, and parking.

3.2.2.4 PRIORITY DEVELOPMENT AREA/TRANSIT PRIORITY AREA

The Metropolitan Transportation Commission and Association of Bay Area Governments (ABAG) *Plan Bay Area* is the Bay Area's Regional Transportation Plan/Sustainable Community Strategy.[3] *Plan Bay Area* is the long-range integrated transportation and land use/housing strategy through 2040 for the Bay Area, pursuant to Senate Bill 375, the Sustainable Communities and Climate Protection Act.[4] It lays out a development scenario for the region, which, when integrated with the transportation network and other transportation measures and policies, would reduce greenhouse gas (GHG) emissions from transportation (excluding goods movement) beyond the per capita reduction targets identified by the California Air Resources Board. The 2040 *Plan Bay Area* is a limited and focused update to the 2013 *Plan Bay Area*, with updated planning assumptions that incorporate key economic, demographic, and financial trends from the last several years.

As part of the implementing framework for *Plan Bay Area*, local governments have identified Priority Development Areas (PDAs) to focus growth. PDAs are transit-oriented, infill development opportunity areas within existing communities. Overall, well over two-thirds of all regional growth in the Bay Area by 2040 is allocated in PDAs. According to *Plan Bay Area*, while the projected number of new housing units

[3] To read more about *Plan Bay Area,* go to www.planbayarea.org.

[4] The Act to amend Sections 65080, 65400, 65583, 65584.01, 65584.02, 65584.04, 65587, and 65588 of, and to add Sections 14522.1, 14522.2, and 65080.01 to, the Government Code, and to amend Section 21061.3 of, to add Section 21159.28 to, and to add Chapter 4.2 (commencing with Section 21155) to Division 13 of, the Public Resources Code, relating to environmental quality.

and new jobs within all designated PDAs would increase to 629,000 units and 707,000 jobs compared to the 2013 version of *Plan Bay Area*, its overall share would be reduced to 77 percent and 55 percent.[5] Under *Plan Bay Area*, PDAs were projected to accommodate 80 percent (or over 525,570 units) of new housing and 66 percent (or 744,230) of new jobs in the region. Currently, *Plan Bay Area* remains on track to meet a 16 percent per capita reduction of GHG emissions by 2035 and a 10 percent per capita reduction by 2020 from 2005 conditions.[6] In addition to PDAs, *Plan Bay Area* identifies Transit Priority Areas (TPAs), which are areas within one-half mile of a major transit stop (15 minute or less service level frequency) that is existing or planned, if the planned stop is scheduled to be completed within the planning horizon included in a Transportation Improvement Program adopted pursuant to Section 450.216 or 450.322 of Title 23 of the Code of Federal Regulations.

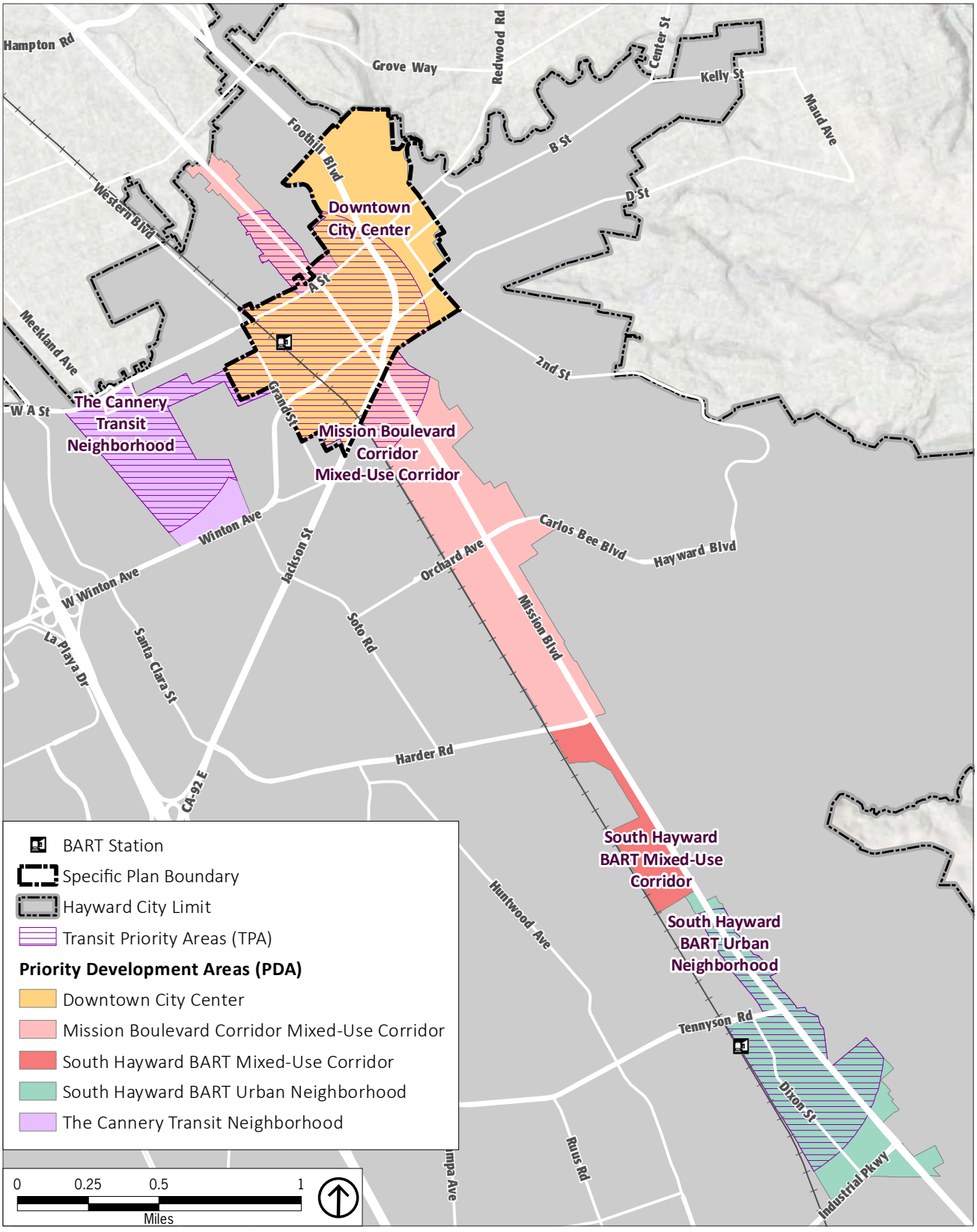
As shown on Figure 3-7, the Specific Plan Area is roughly identical in area to the Downtown Hayward PDA, a designated a City Center PDA that is defined as a sub-regional center of economic and cultural activity served by frequent dedicated regional transit with connections to frequent sub-regional and local service. Objectives of City Center PDAs are to: reduce GHG emissions, improve public health, alleviate the housing crisis, and facilitate economic development through coordinated land use and transportation planning. Also shown on Figure 3-7, the majority of the Specific Plan Area is within the Downtown Hayward TPA. About 95 acres of the Specific Plan Area are within a quarter-mile, or ten-minute walking distance, of the Hayward BART station (see Figure 3-2 above).

3.2.2.5 SURROUNDING USES

As shown on Figures 3-5 and 3-6 above, the Specific Plan Area is surrounded by the community of Castro Valley in unincorporated Alameda County to the north and city property to the east, south, and west. The General Plan land uses and zoning districts adjacent to the Specific Plan Area are as follows:

- Northeast (north of 2nd Street): Public and Quasi-Public, Medium Density Residential, Commercial/ High Density Residential, and High Density Residential land use designations and Public Facilities, Single Family Residential (Minimum Lot Area [MLA] 5,000 square feet), Medium Density Residential (MLA 2,500 square feet), High Density Residential (MLA, 1,250 square feet), Central City Residential, MB-T4-2 Urban General Zone (17.5 to 35 units/net acre), Planned Development, and Commercial Office zoning districts.
- Southeast (south of 2nd Street): Medium Density Residential, Public and Quasi-Public, Sustainable Mixed Use, High Density Residential, and low density residential land use designations and Single Family Residential (MLA, 5,000 square feet), Single Family Residential (MLA 6,000)MB-Urban General Zone (17.5 to 35 units/net acre), MB-Urban General Zone (17.5 To 35 units/net acre, Ground Floor Residential Requires A Conditional Use Permit), Medium Density Residential (MLA 2,500 square feet), MB-Suburban Zone (4.3 to 17.5 units/net acre), Agriculture, and MB-Civic Space zoning districts.

[5] Metropolitan Transportation Commission and Association of Bay Area Governments, 2017, Plan Bay Area 2040 Plan.
[6] Metropolitan Transportation Commission and Association of Bay Area Governments, 2017, Plan Bay Area 2040 Plan.



Source:ESRI, 2018; Plan Bay Area; PlaceWorks, 2018.

Figure 3-7
Hayward Priority Development Areas and Transit Priority Areas

- Northwest (north of Western Boulevard): Medium Density Residential, Medium Density Residential, Commercial/High Density Residential, Low Density Residential, Limited Open Space, Parks and Recreation, General Commercial, and Sustainable Mixed Use land use designations and High Density Residential (MLA 1,250 square feet), Medium Density Residential (MLA, 2,500 square feet), Neighborhood Commercial, Residential Office, Commercial Office, Commercial Office, Single Family Residential (MLA 5,000 square feet), MB-Civic Space Zone (3 Stories Maximum), MB-Urban General Zone (17.56 to 35 units/net acre, 3 stories maximum), Planned Development, and Central City Commercial zoning districts.
- Southwest (south of Western Boulevard): Medium Density Residential, and High Density Residential, Retail and Office Commercial land use designations and Medium Density Residential (MLA 2,500 square feet), Planned Development, Commercial Office, High Density Residential (MLA 1,250 square feet), and Neighborhood Commercial Residential zoning districts.

3.3 OBJECTIVES

The primary intent of the proposed Specific Plan is to create one comprehensive document that implements the 2040 General Plan goals and policies and provides a strategy to achieve the community's vision to revitalize Downtown. The Specific Plan proposes to transform Downtown into a vibrant, lively, and walkable destination serving the Hayward community and the larger region by clearly defining land uses, delineating an inclusive multimodal circulation system, integrating public open space, identifying programs to attract investment and reduce development constraints, and establishing new zoning regulations that better secure Downtown Hayward as a "destination" for visitors, residents, and investment. The City, through a collaborative process with stakeholders and the public, has developed the following project objectives that are meant to aid decision-makers in their review of the proposed Specific Plan, the alternatives to the proposed Specific Plan, and associated environmental impacts:

- Create a Specific Plan that provides for improvements to the public and private realms that enhance the perception of Downtown as a regional destination with a diverse mix of shopping, entertainment, and employment opportunities.
- Create a place that is safe and comfortable to walk and bike around.
- Provide direction on the physical character, building design, and intensity of Downtown's commercial and residential areas that supports new businesses and promotes transit ridership.
- Provide a strategy for revitalizing Downtown Hayward through strategic infill projects and improvements that capitalize on vacant and underutilized land and the significant assets in the Specific Plan Area.
- Ensure a Specific Plan that has interdependent components that align to create one cohesive long-term vision.
- Propose multimodal enhancements to the circulation network to make Downtown Hayward a more active, safe, and attractive environment to promote walking, biking, and transit as viable alternatives to driving. Improvements include dedicated bicycle lanes with landscaped buffers, shorter blocks, more pedestrian crossings, and returning to a two-way street network.

- Establish a circulation network to serve the needs of Hayward residents and visitors and signal that Downtown is a destination in the San Francisco Bay Area, rather than using the Downtown as a pass-through arterial.
- Replace the roadway pattern in the Specific Plan Area that were made when Foothill Boulevard and Mission Boulevard were engineered into a highway bypass, locally known as "the Loop" to accommodate regional traffic by-passing SR 238 between I-580 and I-880, with two-way streets to simplify navigation, allow for on-street parking and wider sidewalks, slow vehicle speeds and accommodate pedestrians, cyclists, wheelchairs, and create a more attractive, accessible, and inviting Downtown.
- Improve access to, and awareness of, the Hayward BART station to allow for better connections between Downtown, the rest of the City, and to the surrounding communities.
- Contribute to active, healthy lifestyles by preserving existing parks and open spaces and prioritizing opportunities for new public and private open spaces to provide residents and visitors opportunities for active and passive recreation.
- Improve the appearance of the public realm through requirements to provide street furniture, pedestrian scale lighting, facade renovations, wayfinding signage, and street trees in Downtown.
- Establish three main reinvigorated centers of activity, Mixed-Use Gateway, Station Plaza at BART, and the Southern Downtown Gateway, and target infill projects in the Downtown Core and Downtown Neighborhoods to connect these areas, enhancing the existing historic character and promoting active ground-floor uses.
- Allow for new mixed-use projects to fill in vacancies and complement park and public spaces, and planned enhancements to existing spaces, such as the library plaza.
- Allow for increased residential and employment populations Downtown to contribute to patronage of businesses throughout the week and weekends and generate greater overall foot traffic and vitality.
- Preserve existing residential neighborhoods to the north and southeast of the Specific Plan Area through improved connections to the commercial core.
- Create a new marketing and branding campaign to highlight the opportunity and potential of living, shopping, and doing business in Downtown to achieve the City's goal as a destination in the Bay Area.
- Ensure a Specific Plan that is consistent with the City's Priority Development Area and Transit Priority Area designation by ABAG and the Metropolitan Transportation Commission through the Bay Area's Regional FOCUS program, and therefore encourages high density development in close proximity to transit nodes that will help to reduce GHG emissions through a reduction in vehicle trips.
- Establish the vision for the Specific Plan Area for a 20-year buildout (2040) horizon that responds to ongoing changing market conditions and demographic shifts and citywide and regional multimodal transportation goals.
- Establish new goals and policies intended to facilitate the achievement of a 20-year buildout horizon for the Specific Plan Area.

- Identify recommendations for circulation and physical improvements required to support a 20-year buildout horizon of the Specific Plan Area, all of which prioritize pedestrian mobility, bicycle access, and transit access.
- Provide an implementation strategy for achieving the goals of the Specific Plan over the life of the Specific Plan Area.
- Ensure the Specific Plan will strengthen the City's economic base by supporting economic development, and enhance and revitalize commercial areas.
- Plan for opportunities for increased use of transit, pedestrian and bicycles within the Specific Plan Area.
- Create zoning, building, and frontage standards for new development that responds to changing market forces and demographic shifts, support multimodal transportation, and align with the long-term vision for the Specific Plan Area.
- Facilitate the redevelopment of the underutilized portions of the Specific Plan Area with office, retail, residentially-focused mixed-use development, with a flexible mix of uses in the areas immediately surrounding the BART station.
- Create policies that balance between minimization of vehicular parking to discourage auto use and foster a walkable and bikeable urban environment while ensuring project viability.

3.4 PROPOSED SPECIFIC PLAN

The Specific Plan provides a strategy to achieve the community's vision of a resilient, safe, attractive, and vibrant historic Downtown by clearly defining land uses, delineating an inclusive multimodal circulation system, integrating public open space, and establishing new regulations that better secure Downtown Hayward as a "destination" for visitors, residents, and investment. Once adopted, the Specific Plan would serve as the overarching policy document that guides development within Downtown Hayward. The following includes a detailed description of the proposed Specific Plan.

3.4.1 SPECIFIC PLAN CONTENT

The Specific Plan is made up of six chapters and three appendices. Each chapter and appendix and the general contents of each one are described as follows:

- Chapter 1, Introduction: This chapter describes the key challenges and opportunities in the Specific Plan Area, and includes Specific Plan goals and long-term vision, Specific Plan Area conditions, and includes an overview of the public participation process.
- Chapter 2, Vision and Community Design: This chapter summarizes the community's vision for the character and function of the Specific Plan Area, the Land Use Plan, and proposed buildout projections.

- Chapter 3, Mobility: This chapter provides proposed vehicular, transit, pedestrian and bicycle improvements, as well as recommended parking and transportation demand management strategies for the Specific Plan Area and the area immediately surrounding the boundary of the Specific Plan.
- Chapter 4, Infrastructure: This chapter includes a summary of the existing public services and utility infrastructure within the Specific Plan Area, and provides improvement recommendations.
- Chapter 5, Implementation and Financing: This chapter includes the goals, policies, and programs that serve as the policy framework to implement the Specific Plan visions and identify potential funding sources for implementation.
- Chapter 6, Development Code: This chapter includes the zoning standards and procedures to implement the Specific Plan.
- Appendix A, General Plan Consistency: This appendix describes how the Specific Plan is consistency with relevant policies in the Hayward 2040 General Plan. The appendix identifies whether or not the Specific Plan is consistent with the General Plan policy as written.
- Appendix B, Proposed Street Design: This appendix provides street cross-sections depicting proposed changes to key streets in the Specific Plan Area.
- Appendix C, Implementation Programs: This appendix provides a list of the programs that are intended to implement the Proposed Specific Plan.

3.4.2 GUIDING PRINCIPLES

The Guiding Principles were generated through the community engagement effort, and convey overarching priorities for future growth and development in Downtown Hayward. The Guiding Principles represent shared values that provide the foundation for the long-term vision to establish Downtown Hayward as a regional destination, celebrated for its distinct history, culture, and diversity; providing shopping, entertainment, and housing options for residents and visitors of all ages and backgrounds; that is accessible by bike, foot, car, and public transit. Building upon this long-term vision, the following guiding principles were established through a collaborative process:

- Promote Downtown as safe, lively, and business friendly.
- Improve the circulation network to better serve Downtown businesses, residents, and visitors.
- Preserve the history, arts, and culture of Downtown.
- Build on and enhance natural features and open spaces.
- Establish Downtown as a regional destination.

3.4.3 LAND USE PLAN

The Land Use Plan consists of three main reinvigorated centers of activity, the Mixed-Use Gateway, Station Plaza at BART, and the Downtown Southern Gateway. These areas of activity would be connected via targeted infill projects, enhancing the existing historic character and promoting active ground-floor uses. Proposed mixed-use projects would complete the urban fabric, fill in vacancies, and complement park and public spaces, and planned enhancements to existing spaces, such as the library plaza. Existing residential neighborhoods to the north and southeast of the Specific Plan Area would be preserved with improved

connections to the commercial core. As shown on Figure 3-8, the Land Use Plan further divides the three main reinvigorated centers of activity into the following five placetypes:

3.4.3.1 MIXED-USE GATEWAY

The Mixed-Use Gateway Placetype lies to the north of Downtown at the City Center site and is roughly bounded by San Lorenzo Creek to the west and south, the Japanese Gardens and Carlos Bee Park to the east, and Hazel Avenue to the north. See Figure 3-8. The proposed Specific Plan would transform this placetype into a mixed-use, residential, and commercial block-form with buildings up to 11 stories (approximately 110 feet) in height. The proposed buildings in this placetype would be articulated to maintain a scale compatible with adjacent and planned residential uses, and at the upper-floor height stepbacks would help reduce overall bulk and mass.

Form and Intensity Improvements

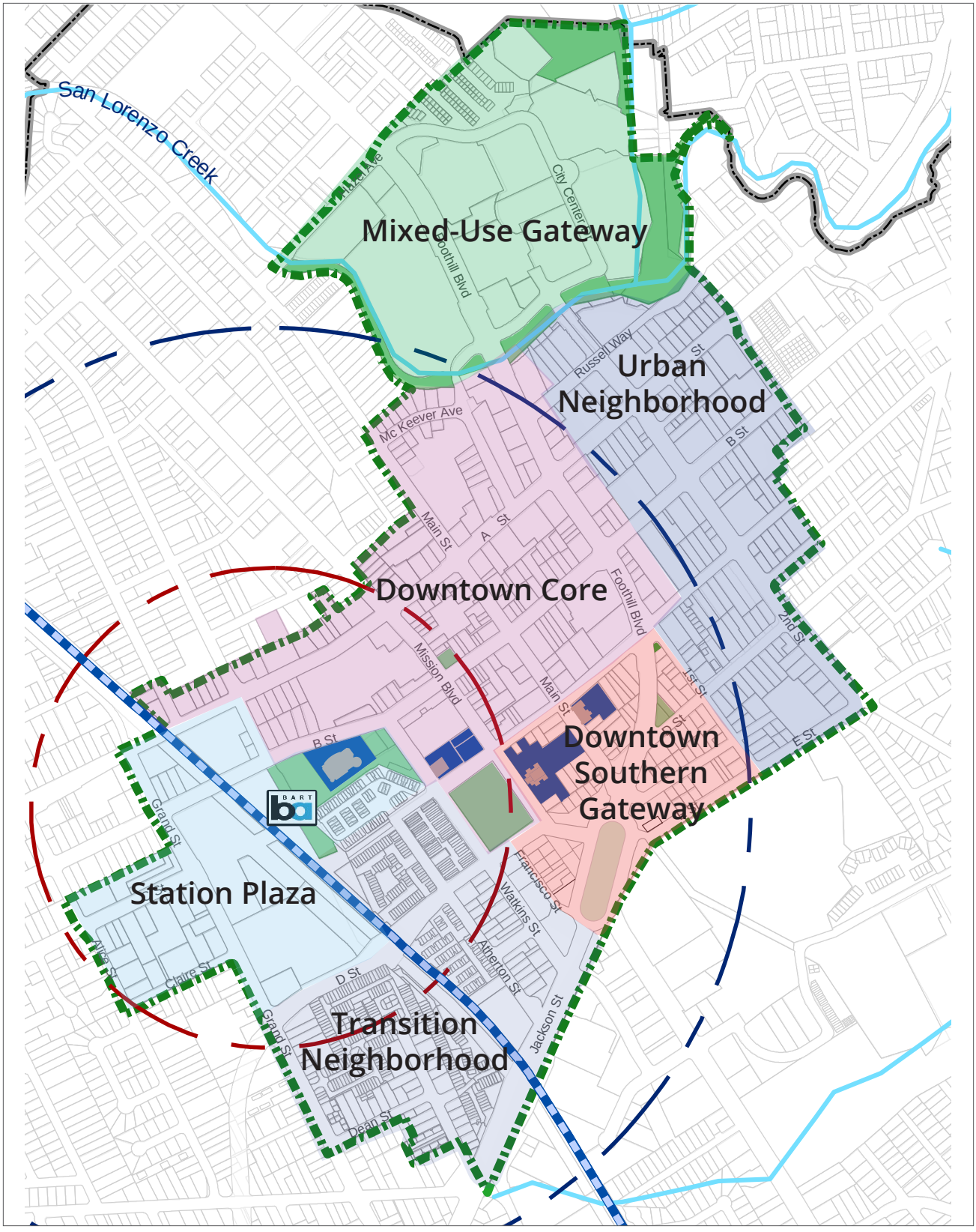
The following improvements would introduce changes to the form and intensity of this placetype:

1. New buildings would be located at the sidewalk along a slip lane for local traffic parallel to Foothill Boulevard to contain active ground-floor uses and to form a welcoming gateway into Downtown.
2. Phased redevelopment of the existing Safeway shopping center would enable the introduction of new residential units above ground floor retail and services.
3. Existing higher-intensity buildings would continue to provide employment opportunities, with improved street-level frontages and non-residential ground floor uses.
4. New buildings would take advantage of the sloping topography to locate parking below street level by tucking into the hillside and avoiding exposed parking garages by lining them with buildings.
5. New five- to 11-story block-form buildings provide housing and commercial opportunities within walking distance of Downtown businesses, services and amenities, as well as BART and Alameda-Contra Costa Transit (AC Transit) routes.
6. Redevelopment sites along San Lorenzo Creek would have two ‘fronts’ to orient development towards the creek and the street, with active frontages along both to provide greater access to this unique civic amenity, and provide “eyes on the creek” to improve safety.

Streetscape Improvements

The following streetscape improvements are proposed for this placetype to create a walkable urban gateway into Downtown by signaling to drivers through contextual cues that they are entering an area of high pedestrian activity, and to slow down and be alert:

1. A new mid-block pedestrian connection on Foothill Boulevard midway between Hazel Avenue and City Center Drive is proposed to provide direct access to new development on the west of Foothill Boulevard and reduce the distance between pedestrian crossings. Existing superblocks are redeveloped as pedestrian-friendly centers of activity with integrated pedestrian connections.



Source: City of Hayward, Downtown Specific Plan, Public Review Draft, 2019.

Figure 3-8
Specific Plan Placetypes Map

2. Foothill Boulevard, from Hazel Avenue to San Leandro Creek, is proposed to be reconfigured with widened sidewalks with lighting, street trees, a slip lane in each direction with parallel parking, protected bike lanes, and a landscaped median.

Civic and Open Space Improvements

The following civic and open space improvements are proposed for this placetype:

1. A new path through the center of the Mixed-Use Gateway placetype is proposed to become an opportunity for civic space.
2. Commercial shopfronts and residential uses are proposed to be oriented toward new and existing open space, such as San Lorenzo Creek.
3. The existing large superblock is proposed to be redeveloped to provide direct, visible, and well-marked access to the Hayward Japanese Gardens and the Douglas Morrisson Theatre from Foothill Boulevard.
4. Residential buildings would be designed to provide "eyes on the street" to improve pedestrian safety even after evening and nighttime performances.
5. Smaller civic spaces throughout the center of this placetype would be created to draw pedestrians towards the Hayward Japanese Gardens and the Douglas Morrisson Theatre and would provide informal gathering and leisure space for residents and employees.

Land Uses

The Mixed-Use Gateway placetype would be developed with a range of uses including high density residential, office, retail, restaurant, and entertainment. Additionally, a new hotel or conference space could be developed. Active ground-floor uses, such as restaurants and retail, would be required along Foothill Boulevard, to promote pedestrian activity.

3.4.3.2 DOWNTOWN CORE

The Downtown Core placetype encompasses the central Downtown Area. As shown on Figure 3-8, this placetype is bounded generally to the south by C Street; to the north by Hotel and McKeever Avenues and Russell Way; to the west by Peralta Street, and to the east by Foothill Boulevard. The proposed Specific Plan would build upon the pedestrian-oriented nature and rich historic character of this placetype, which is recognized as the "Heart of Downtown." This placetype currently provides a variety of retail, restaurant, and entertainment options. This placetype includes a vision for appropriately-scaled infill development and façade improvements for existing buildings, and will reinforce the distinct "Main Street" character with new mid-block pedestrian passages to improve connectivity and accessibility and provide opportunity for public gathering spaces. Medium density mixed-use projects would provide new opportunities for singles, new families, aging seniors, and college students to live in Downtown, as well as storefronts for new businesses.

Form and Intensity Improvements

The following improvements would introduce changes to the form and intensity in this placetype:

1. While low-rise two-to-three-story block-form main street buildings are typical in this placetype, new buildings up to seven stories would be designed to reduce perceived building bulk, mass, and height from the street and would remain compatible in design with existing historic structures.
2. Lot consolidation would provide larger redevelopment sites to accommodate additional residential, office, and retail development.
3. Center block parking lots would be transformed into civic spaces and sites for infill development.
4. Buildings would have two frontages, with entrances from the perimeter and center of the block.
5. Surface parking lots would be replaced with consolidated space-efficient parking facilities and structures.
6. Parking facilities would be located in the interior of the block so they are screened from street view.
7. New buildings would fill in vacancies to complete an uninterrupted street wall and improve pedestrian experience when walking along Foothill Boulevard, A Street and B Street.

Streetscape Improvements

The following streetscape improvements are proposed for this placetype:

1. A Street, B Street, C Street, Mission Boulevard, and Foothill Boulevard are proposed to be returned to two-way streets to make getting to and around Downtown easier and more direct.
2. “Complete Streets” improvements are proposed to reinforce the pedestrian-oriented character of Downtown, provide opportunities for on-street parking, and accommodate new bicycle facilities.
3. Pedestrian passages that are curbless and on very low volume streets would be created for pedestrians, cyclists, and motorists to break up longer Downtown blocks and provide more route choices when moving around Downtown.
4. Public realm improvements, such as street trees and pedestrian lighting, would be introduced to encourage businesses to provide pedestrian access from the street and provide outside dining.

Civic and Open Space Improvements

The following civic and open space improvements are proposed for this placetype:

1. New projects would provide small, pedestrian-scaled pocket plazas and pocket parks for green relief and informal spaces for relaxing, people-watching and catching up with friends and coworkers.
2. Underutilized surface parking lots would be reused as public plazas to provide additional civic gathering space.

Land Uses

This placetype would be developed with a range of land uses including a mixture of residential, retail, restaurant, and entertainment uses. Lot consolidation would provide new opportunities for high density mixed-use residential projects. Corner lots could include entertainment, restaurants, and retail uses. Mid-block ground-floor uses would include office, service, and residential.

3.4.3.3 DOWNTOWN NEIGHBORHOODS

The Downtown Neighborhood placetype is split into two neighborhood planning areas (i.e., Urban Neighborhood and Transition Neighborhood). The vision for these urban neighborhoods that border the downtown is to allow them to evolve to provide more housing within close proximity to the businesses and amenities in Downtown Hayward. Neighborhoods in the northern end of the Specific Plan Area would evolve to include a mix of urban buildings that are compatible in scale with existing taller buildings. Neighborhoods in the southern end of the Specific Plan Area would maintain their existing forms while adding multifamily uses in buildings that fit within the character of the existing neighborhood.

The Urban Neighborhood placetype on the eastern boundary of the Downtown Area is bounded to the north by San Lorenzo Creek; to the west one lot depth from Foothill Boulevard between Russell Way and C Street, and by 1st Street between C Street and E Street; to the south by E Street; and to the east roughly by 3rd Street between San Lorenzo Creek and Bellina Street, and by 2nd Street between Bellina Street and E Street.

The Transition Neighborhood placetype on the southern boundary of the Downtown Area is bounded to the north by C Street; to the east by Watkins Street and Francisco Street; to the south by Jackson Street between Watkins Street and Silva Avenue, and Dean Street between Grand Street and Sutro Street, and to the west by Grand Street

Form and Intensity Improvements

The following improvements would introduce changes to the form and intensity of this placetype:

Urban Neighborhood Placetype

1. Duplexes and small multiplex buildings of up to six units would provide additional housing capacity in multiunit buildings that look like single-unit detached houses.
2. Parking for new buildings would be located at the rear of the lot so that garages do not dominate street-facing building facades.
3. Porch and stoop frontages would create a welcoming and community-oriented environment.

Transition Neighborhood Placetype

1. This placetype would include a mix of urban block-form buildings and house-form buildings such as multiplexes, courtyard buildings, and rowhouse buildings located along 2nd, A, B, and C Streets.

2. These buildings would feature stoop and dooryard frontages to provide residents with privacy while fostering a pleasant pedestrian environment along building frontages.
3. Small multiplexes, courtyard buildings, and cottage courts with porch and stoop frontages would be located along C, D, E, Armstrong, and 1st Streets.

Streetscape Improvements

The following streetscape improvements are proposed for this placetype:

1. All Downtown neighborhoods would be highly walkable with Complete Streets, whenever possible. Wider streets to accommodate pedestrian and cyclist amenities that make easy, safe, and convenient ways of reaching destinations in Downtown Hayward and beyond would be required.
2. In the Southern Neighborhood, D Street would provide a frequent service, with stop intervals of 15 minutes or less, improving connections to existing transit routes and Downtown Hayward BART.
3. On the perimeter, Foothill Boulevard and 2nd Street would have protected bike lanes, connecting to the existing bicycle network. Although outside of the placetype, these improvements would increase pedestrian and cyclist safety and comfort for residents in the neighborhoods.
4. The "Loop" would be returned to two-way traffic, reducing the need for drivers to cut-through the neighborhoods to avoid the one-way streets or correct course if they miss a turn.

Civic and Open Space Improvements

The following civic and open space improvement is proposed for this placetype:

1. Pocket parks, playgrounds, and community gardens to provide neighborhood gathering spaces and green relief for neighborhood residents.

Land Uses

This placetype would be developed with a range of uses including new medium density residential including duplexes, small multiplexes, townhouses, and apartments. Where appropriate, small corner stores would provide goods and services to the neighborhoods. Future development would be designed to encourage compatibility with surrounding lower density uses.

3.4.3.4 STATION PLAZA

The Station Plaza placetype lies to the west of the Downtown Core placetype, and generally includes the area around the Hayward BART. As shown on Figure 3-8, this placetype is bounded to the south by D Street between Western Boulevard and Grand Street and by Claire Street between Grand Street and Alice Street, to the east by BART tracks between D Street and C Street, Watkins between C Street and B Street and Montgomery Street between B Street and A Street, to the north by A Street, between Montgomery Street and Grand Street, and by C Street between Grand Street and Alice Street, and to the west by Alice Street. The vision for this placetype includes transforming the area around the Hayward BART station would become a welcoming public plaza framed by new mixed-use buildings to provide a vibrant and

positive first impression of Downtown Hayward for residents, visitors, and employees arriving via transit. As the existing BART parking garage becomes obsolete, it is envisioned to be redeveloped into a mixed-use block with courtyards and outdoor spaces.

Form and Intensity Improvements

The following improvements would introduce changes to the form and intensity in this placetype:

1. New block form and mid-rise buildings would be up to 11 stories.
2. Five- to seven-story block-form lined buildings would be at the perimeter of this placetype to reduce the perceived bulk and height of taller buildings and help transition adjacent blocks.
3. A new 11-story office building, mixed-use development, or hotel on land owned by BART would provide employment opportunities near transit and help activate the Downtown during working hours.
4. The existing two-story historic houses would accommodate a variety of residential, retail, and service uses.
5. New block-form mixed-use buildings would frame a new pedestrian plaza connecting the BART station and City Hall. These buildings would activate the area and improve the first-impression of Downtown for transit users and focus pedestrian traffic towards Downtown businesses.
6. In the long term, the BART parking garage would be redeveloped into a seven- to 11-story mixed-use block with active and pedestrian-oriented frontages along the street, along with a series of internal courtyards, and additional housing and employment near transit.
7. A smaller building would screen the relocated bus transit center from adjacent residential uses, while also activating the streetscape along Grand Street with pedestrian-oriented frontages.

Streetscape Improvements

The following streetscape improvements are proposed for this placetype:

1. A Street is proposed to return to two-way traffic and become a Complete Street.
2. Intersection bulb-outs, crosswalks, and bike facilities would be introduced on A Street and B Streets south of the BART station to make walking and biking into Downtown from the South easier and more attractive.
3. A reconfigured BART station drop-off is proposed to include bus bays that would be relocated to the west side of the tracks with very low speeds, curbless shared-space street, and passenger drop-off space adjacent to the BART station.
4. Bollards and a change in pavement would be introduced to indicate where cars are allowed, and would transform the plaza to be perceived as a grand civic space.

Civic and Open Space Improvements

The following civic and open space improvements are proposed for this placetype:

1. A grand plaza between the BART station and City Hall would create a memorable pedestrian gateway into Downtown to welcome transit riders to the City and provide a positive and welcoming first impression.
2. A grand plaza would provide a unique open space bordered by new mixed-use infill buildings with active plaza-level frontages and pedestrian-scale massing and design elements.
3. Programming activities for public spaces Downtown would be introduced to help activate parks and plazas, creating a livelier and more welcoming atmosphere. Examples include rotating public art exhibits, facilities for outdoor performances, permanent facilities for the Hayward Farmer's Market, and mobile vendors and kiosks.

Land Uses

The Station Plaza placetype would be developed with a range of land uses including office, hotel, residential, retail, and entertainment. Office and other non-residential uses would increase day-time population and would be well served by the Hayward BART and AC Transit routes.

BART and TOD Policies

Future development on the BART site in the Station Plaza placetype would be subject to the BART's TOD policy, adopted in 2005 and updated in 2016, to promote high-quality, intensive development around stations. The TOD policy contains six goals by which it measures and evaluates progress: Complete Communities, Sustainable Communities Strategy, Ridership, Value Creation and Capture, Transportation Choice, and Affordability. The TOD policy includes the following targets:

- 20 percent minimum affordable housing units per station in new developments, and 35 percent affordable system-wide by 2025
- 7,000 residential units to be produced on BART property, 1,000,000 square feet of official/commercial space on BART property, and a minimum 75 dwelling units per acre net density threshold by 2025
- 0.9 average maximum parking space per residential unit by 2025

The BART TOD policy favors long-term ground leases to the sale of property in joint development projects. The policy also commits BART to working with local jurisdictions in creating transit-supportive station area plans and land use policies.

3.4.3.5 DOWNTOWN SOUTHERN GATEWAY

As shown on Figure 3-8, the Downtown Southern Gateway placetypes is bounded to the south by Jackson Street to the east by Francisco Street, to the north by C Street between Watkins Street and BART and D Street between BART and Grand Street, and to the west by Grand Street. The vision for this placetype includes transforming the intersections of D Street, Jackson Street, and Foothill Boulevard with Mission

Boulevard into a new gateway and center of activity for Downtown Hayward. An oval roundabout with open space in the center would provide an attractive area for new development, businesses, and residences, while creating a landmark gateway for Downtown visitors arriving from South Hayward and beyond. The former right-of-ways could be developed as mid-rise, mixed-use, and residential buildings.

Form and Intensity Improvements

The following improvements would introduce changes to the form and intensity of this placetype:

1. Buildings would be up to seven stories tall in the interior while shorter three- to- four-story buildings would help transition to the adjacent neighborhoods to the north, south, and east.
2. Five- to seven-story mixed-use, block-form buildings would line the roundabout and the interior green space.
3. A linear greenway along the Hayward Fault would provide a green pedestrian link to the new library and the rest of Downtown.
4. Buildings along the Hayward Fault would provide entrances accessible from the park. Ground-floor business uses would take advantage of park access and provide outdoor seating and café take-out windows.
5. Buildings on rectangular and wedge-shaped lots would be designed to maximize frontage along the sidewalk edge to help better define the public realm and reinforce the walkable urban character of Downtown.

Streetscape Improvements

The following streetscape improvements are proposed for this placetype:

1. The intersection of Foothill Boulevard and Mission Boulevard would be redesigned to improve convenience and navigability and to create a landmark gateway at the southern entry to Downtown.
2. An oval-shaped roundabout would include space for a 60- to 80-foot wide public park to be located in the center, and would create an opportunity for businesses and residences to have frontage along green space.
3. Complete streets improvements along Foothill Boulevard and Mission Boulevard would begin in this placetype and would be extended into the rest of the Specific Plan Area.

Civic and Open Space Improvements

The following civic and open space improvements are proposed for this placetype:

1. Portions of parcels along the Hayward Fault that are unsuitable for structures that could be occupied according to the Alquist-Priolo Earthquake Fault Zoning Act would be gradually converted to linear greenway used as civic space.
2. A public park would be located in the center of the proposed oval roundabout to provide for passive recreation and may include stormwater infrastructure that is planted with native plants to clean

stormwater while offering green relief and opportunities for hands-on ecological education about Hayward's unique position in the Bay Area ecosystem.

Proposed Land Uses

The Downtown Southern Gateway placetype would be developed with a range of uses including residential, mixed use, restaurants, and retail as well as dedicated open space. Uses along the Hayward Fault would be required to comply with the Alquist-Priolo Fault Zoning Act.

3.4.4 MOBILITY PLAN

The proposed Specific Plan aims to rethink streets and circulation to focus on the downtown as a destination, rather than a bypass for motorists going somewhere else. The proposed Specific Plan prioritizes mobility and access as a means to achieve broader community goals of livability, environmental sustainability, and economic development. As such, the proposed Specific Plan envisions downtown streets as public spaces that are safe and comfortable for people walking and bicycling, efficient and convenient for people taking transit, and accommodating to people driving automobiles at a safe speed. This proposed Specific Plan takes a multimodal approach to transportation, considering connections among various modes of transportation, including walking, bicycling, public transit, and automobile. The 2040 General Plan serves as the foundation to guide the design of multimodal thoroughfares (i.e., streets, passages and trails) that result in the creation of "complete streets." In addition, the City recently adopted the *Alameda County Central County Complete Streets Design Guidelines* to guide future design and construction of complete streets within the city. The guidelines demonstrate how to implement complete streets for each street type, for different modal priorities, and for varying contexts. The following sections describe the street modifications, pedestrian and bicycle improvements, transit network and facility improvements, the proposed street designs, and parking and transportation demand management included in the proposed Specific Plan.

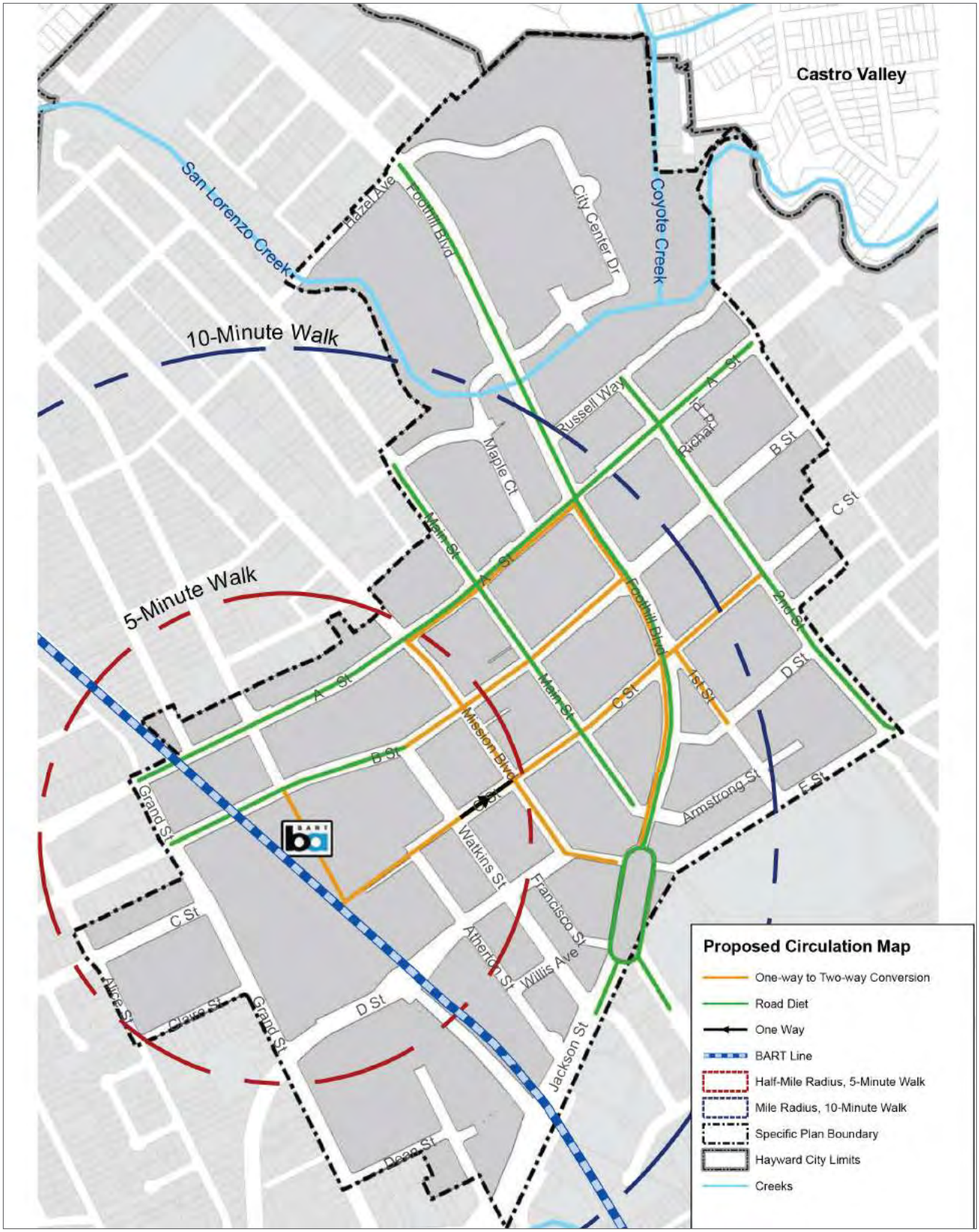
3.4.4.1 STREET MODIFICATIONS

The proposed Specific Plan includes one-way to two-way street conversions and road diets to improve system-wide mobility and accessibility; both are described below and shown on Figure 3-9.

One-way to Two-way Conversions

The proposed Specific Plan would facilitate converting the following one-way streets to two-way streets to support the emphasis on Downtown access and placemaking over pass-through traffic and enable safe mobility choices to enter Downtown, visit homes and businesses, and increase the economic vitality of businesses on both sides of the street:

- A Street (between Mission Boulevard and Foothill Boulevard);
- B Street (between Watkins Street and Foothill Boulevard);
- C Street (between Mission Boulevard and Second Street);
- 1st Street (between C Street and D Street);
- Mission Boulevard (between A Street and Foothill Boulevard); and
- Foothill Boulevard (between A Street and the new Foothill Boulevard roundabout).



Source: City of Hayward, Downtown Specific Plan, Public Review Draft, 2019.

0 1,500
Scale (Feet)

Figure 3-9
Proposed Circulation Network

Road Diets

A road diet is when the motor vehicle travel lanes on a roadway are reduced to reallocate the space for other uses, such as transit lanes, bikeways, or wider sidewalks. The proposed Specific Plan includes road diets on the following streets:

- A Street (between Grand Street and 3rd Street);
- B Street (between Grand Street and Watkins Street);
- 2nd Street (between Russell Way and E Street);
- Main Street (between Warren Street/ McKeever Avenue and Foothill Boulevard);
- Mission Boulevard (between A Street and Foothill Boulevard); and
- Foothill Boulevard (between Hazel Avenue and Watkins Street).

3.4.4.2 PEDESTRIAN AND BICYCLE IMPROVEMENTS

Pedestrian Improvements

Pedestrians and bicyclists require a minimum standard of sidewalk or bikeway to feel comfortable and confident when traveling. The proposed Specific Plan includes the following changes to the roadways:

- Reduced travel lanes and travel lane widths. Reducing the number and width of travel lanes can encourage safer automobile speeds, further enhancing pedestrian safety. Additionally, design implementation such as curb radius can be used to reduce vehicle turning speeds at intersections with high rates of pedestrian traffic;
- Expanded pedestrian zones. Reducing the number and width of travel lanes, as mentioned above, would leave more room for expanding the width of sidewalks;
- Shorter crossing distances at intersections. This could be accomplished through use of medians, intersection bulb-outs, and directional curb ramps, which when independently, or combined with one another are implemented, can reduce the length of pedestrian crossings; and
- Landscaped streets. Landscaping streets and sidewalks enhances the overall pedestrian experience and provides relief from the sun.

Bicycle Improvements

The type of bikeway needed depends on the roadway's characteristics, such as traffic volumes and speeds. By removing travel lanes, as described in the street modifications proposed in Section 3.4.4.1, Street Modification, above, the City would add additional bikeways to its street network, including protected bike lanes to improve the safety of all roadway users, including pedestrians. The proposed bikeway network improvements would change a 10-minute walk from BART to the edge of Downtown to a 3-minute bike ride.

3.4.4.3 TRANSIT NETWORK AND FACILITY IMPROVEMENTS

The proposed Specific Plan includes improvements to the transit network that support dependable transit operations through design measures that prioritize maintaining a safe speed, reliability, and on-time

performance of buses. The proposed Specific Plan also recognizes that other forms of public transportation, such as the Hayward BART, depend on adjacent land uses and smart street design that supports and encourages the use of public transit. As such, the proposed project outlines operational recommendations, BART station improvements, and design considerations that are relevant to maintaining the integrity of already designated, and potentially significant transit-priority streets and corridors. These improvement suggestions in the proposed Specific Plan are as follows:

- Operational Recommendations. The proposed Specific Plan encourages city staff to continually work with private developers and AC Transit to explore additional service that supports recommendations from the City's *Shuttle Feasibility Study*.
- BART Station Access. The Downtown Hayward BART Station, located in the Station Plaza placetype, is identified as a transportation and development opportunity site within the proposed Specific Plan. The key improvements proposed at the station include improving bus access to and from the BART station, increasing the opportunity for public transit commuter options. The design improvements outlined within the Specific Plan are as follows:
  - Relocating designated bus bays to the west side of the station while retaining passenger pickup and drop-off access on the east side of the station.
  - Integrating bus stops on existing streets adjacent to the station to avoid delays and congestion between automobiles and buses.
  - Designating bus, shuttle, and passenger pickup/drop-off on both sides of the station and on nearby streets.
  - Maintaining adequate designated curb space for non-transit passenger loading such as taxis, ride hailing services, and passenger drop-off.
- Design Considerations. The design considerations identified in the proposed Specific Plan are from the *Alameda County Central County Complete Streets Design Guidelines*, and are already design considerations used throughout the city.

3.4.4.4 PROPOSED STREET DESIGNS

The street designs for the proposed Specific Plan were informed by the 2016 *Alameda County Central County Complete Streets Design Guidelines*. These County guidelines anticipate that city engineers and planners will need to apply technical expertise and professional judgment in final street designs. Accordingly, the proposed street designs sometimes differ from the County guidelines because they have been tailored to the specific circumstances, existing and proposed land uses and public spaces, and limited rights-of-way in the Specific Plan Area.

The primary street design considered for the Specific Plan Area centers around the concept of a "complete street." The proposed project defines a complete street as planned, designed, operated, and maintained roadways that accommodate all modes (walking, biking, public transit, and automobile), and is easy to traverse for travelers of all ages and abilities. By simply making adequate room for non-auto modes, a complete street can encourage walking, biking, and use of public transit while transforming the surrounding land uses into a destination. The proposed Specific Plan includes a complete streets proposal

for key streets within the Specific Plan Area. The final design will be confirmed by the City as part of a future planning process that will take into consideration the goals and long-term vision specified in the proposed Specific Plan. Appendix B, Proposed Street Design, of the proposed Specific Plan, which is provided in Appendix I of this Draft EIR, provides street cross-sections depicting proposed options for changes to the key streets in the Plan Area. Design elements include suggested dimensions to help ensure that street are designed to achieve the Mobility Vision of the proposed Specific Plan. Potential street dimensions includes right-of-way widths for sidewalks, bike lanes, bike lane buffers, parking lanes, travel lanes, and median/turn lanes. Other proposed design elements include specific travel speeds, curbside parking, landscaped medians, adding center turn lanes, reducing travel lanes, convert to two-way travel with one lane in each direction, and installing roundabouts.

Performance Metrics

While the City's General Plan Mobility Element currently includes Level of Service, commonly described as "LOS," as the performance metric for roadways, does not take into account delays to transit passengers or people bicycling and walking. In other words, the level of service performance metric is singularly focused on the convenience of automobile movement. The proposed Specific Plan would exempt future projects in the Specific Plan Area from the City's currently adopted level of service standards. Projects within the Specific Plan Area should instead be evaluated using vehicle miles traveled per capita (VMT per capita) as a primary metric for evaluating transportation impacts. A detailed discussion of VMT as a transportation performance metric is included in Chapter 4.13, Transportation and Circulation, of this Draft EIR.

3.4.4.5 PARKING AND TRANSPORTATION DEMAND MANAGEMENT

The proposed Specific Plan includes parking and transportation demand management (TDM) strategies for the Specific Plan Area that are based on the guiding principles to make Downtown accessible to all travel modes and parking user friendly, reduce employee parking demand and single occupancy vehicle travel within the Downtown, facilitate the efficient use of existing supplies, understand current and future parking supply and demand, plan for long-term parking and transportation needs, and find sustainable funding to ensure that downtown public parking is self-supporting. The TDM parking implementation strategies shown in Table 3-1 are organized by category, strategy, and the time-frame for implementation.

3.4.5 INFRASTRUCTURE AND FINANCING

The Specific Plan Area within the City is supported by public services and a network of utilities that protect and provide for the community. Infrastructure improvements will need to be phased with private development to ensure that sewer, water, drainage, and energy services are provided, and that developers contribute their fair share to the costs of facility upgrades. The phasing of utilities will be critical to ensure that citywide systems retain sufficient capacity to meet demands. The proposed Specific Plan identifies how infrastructure facilities such as sewer, water, and storm water systems and public services such as police, fire, and education will be provided and describes utility improvements that could occur to ensure that the basic needs of current and future residents, workers, and visitors are met at Specific Plan Area buildout. The following describes how the development and implementation of

sustainable systems and infrastructure at all scales could occur to support the functionality of a revitalized public realm in Downtown Hayward.

TABLE 3-1 PARKING IMPLEMENTATION STRATEGY

Category	Strategy	Time Frame
1. Regulating Private Developments	1A. Establish a Mobility-Friendly In-Lieu Fee Policy	Short-Term
	1B Update Minimum Parking Standard	Short-Term
	1C. Require Unbundling of Parking Costs	Short-Term
	1D. Update Bicycle Parking Standards	Short-Term
	1E. Require Parking Cash-out	Short-Term
2. Improving Transportation Choices	2A. Establish TDM Program including a Commuter Benefits Program (M-8.2 & 8.5) and the Regional TDM Program and TDM Checklist (M-8.8)	Short- to Mid-Term
	2B. Establish Carshare and Bikeshare Programs and Facilitate Adoption with Large City Employers	Short- to Mid-Term
	2C. Establish a Transportation Management Association	Mid-Term
3. Managing City-Owned Garages	3A. Establish a Downtown Business Permit Parking Program (BPP)	Mid- to Long-Term
	3B. Set Lot & Garage Fees That Ensure Availability & Make City-owned Lots & Garages Self-supporting	Short-Term
	3C. Assess Highest & Best Use of City-Owned Lots & Garages	Short-Term
4. Improving Transportation Choices	4A. Time Limits with Active Enforcement	Short-Term
	4B. Establish Downtown Residential Permit Parking (RPP) Program	Short-Term
	4C. Active Parking Enforcement	Short-Term
	4D. Improve Parking Wayfinding Signage	Short-Term
	4E. Set Performance-based Prices for Curb Parking	Short- to Long-Term
	4F. Consider Establishing Residential Parking Benefit Districts	Long-Term
5. Commercial and Passenger Loading	5A. Reduce Congestion on Downtown Roadways by Designating Appropriate Curb Allocation and Management Approaches for Commercial and Passenger Loading Activities	Mid-Term

Source: City of Hayward, Downtown Specific Plan, Public Review Draft, 2019, Table 3.A Parking Implementation Strategy.

3.4.5.1 UTILITIES

Water Supply

The City of Hayward Water System provides water for residential, commercial, industrial, governmental, and fire suppression uses. The City owns and operates its own water distribution system and purchases all of its water from the San Francisco Public Utilities Commission (SFPUC). The water supplied to Hayward is

predominantly from the Sierra Nevada, delivered through the Hetch-Hetchy aqueducts, but also includes treated water produced by the SFPUC from its local watershed and facilities in Alameda County.[7] A small portion of northern Hayward is serviced by East Bay Municipal Utility District (EBMUD), including a parcel within the Specific Plan Area, located on Foothill Boulevard between Hazel Avenue and City Drive. Emergency water supplies are available through established agreements with EBMUD and Alameda County Water District (ACWD). However, some of the water mains in the Specific Plan Area were constructed as early as 1924, which suggests they may be nearing the end of their useful life and leaks may become more prevalent in the future, and some localized upgrades may be required, which would occur with or without the proposed project. To address any fire flow deficiencies in the Specific Plan Area, approximately 6 miles (31,300 linear feet) of pipelines are recommended to be upsized to 12-inch diameter as part of the proposed Specific Plan. Additionally, as a general efficiency practice, at the time of any planned improvements of public right-of-way it is recommended that the City evaluate if existing utilities should be replaced as part of the roadway construction.

3.4.5.2 SANITARY WASTEWATER

The City of Hayward owns and operates the wastewater collection and treatment system for residential, commercial, and industrial users within the incorporated city limits, and limited portions of the adjacent unincorporated areas of Alameda County. A small portion of northern Hayward is serviced by the Oro Loma Sanitary District (OLSD), including a parcel in the northwestern corner of the Specific Plan Area. The proposed Specific Plan does not include any specific wastewater infrastructure improvements to meet the demand from the adoption and implementation of the proposed Specific Plan. However, like the water mains, some of the sewer mains in the Specific Plan Area were constructed as early as 1924, which suggests they may be nearing the end of their useful life and leaks may become more prevalent in the future, and some localized upgrades may be required, which would occur with or without the proposed project. Additionally, like water infrastructure, with any planned improvements of public right-of-way it is recommended the City complete a sewer repair, rehabilitation, and replacement decision process, to evaluate if existing utilities should be replaced as part of the roadway construction.

3.4.5.3 RECYCLED WATER

The City is implementing a Recycled Water Project, which is scheduled to begin non-potable water deliveries to the western portion of the City in mid-2020. Providing recycled water for irrigation will benefit the region considerably by creating a locally sustainable water supply which conserves drinking water, increases drought resiliency, and decreases wastewater discharges.

However, the City of Hayward Proposed Recycled Water Project Location Map and Distribution System, shows that almost all proposed improvements are located west of Hesperian Boulevard and there will be no municipally available non-potable water within the Specific Plan Area.

[7] City of Hayward, 2014, Hayward 2040 General Plan Background Report, Chapter 8, Utilities, page 8-2.

As the municipal recycled water infrastructure becomes a reality, the City is looking for opportunities to expand the recycled water delivery and is considering preparing a Recycled Water Master Plan that will consider future non-potable demands and recycled water expansion.

3.4.5.4 STORMWATER

The Alameda County Flood Control and Water Conservation District (ACFCWCD) owns and operates the major storm drainage facilities in Hayward. The ACFCWCD designs and constructs drainage facilities to meet the existing and projected flood control needs, and also operates a stormwater treatment pond in Hayward. Storm drain pipes smaller than 30 inches are typically owned by the City and are generally provided within local streets and easements. The storm drain system consists of gravity pipelines predominantly made of reinforced concrete, which discharge to underground storm drain lines or open channels owned by the ACFCWCD. The City has five pump stations that pump stormwater into stormwater collection systems and/or dry creeks immediately downstream. Stormwater flows eventually drain into Mt. Eden Creek and Old Alameda Creek en route to San Francisco Bay.

The Specific Plan Area has two mapped Federal Emergency Management Agency (FEMA) flood zones. The first is a special flood hazard area on San Lorenzo Creek that is subject to inundation by the 1 percent annual chance (100-year) flood. No base flood elevations have been determined, but the limits of this zone are largely contained within the creek channel and apparently do not encroach on adjacent properties. The second FEMA flood zone is a flood area subject to inundation by the 0.2 percent annual chance (500-year) flood, and possibly the 1 percent annual chance flood with average depths of less than 1 foot. This area lies within C Street east of Mission Boulevard, and then bends north over to B Street, following the alignment of the Sulphur Creek culvert through the City Hall parcel. Although this area has been mapped by FEMA, the projected depth and frequency of flooding does not require affected properties to purchase flood insurance. The remainder of the Specific Plan Area is located outside of FEMA flood zones.

The proposed Specific Plan includes the adoption of a standard that all future projects in the Specific Plan Area must limit the rate and total volume of offsite discharges to existing levels, to help ensure the existing storm drainage infrastructure would have capacity available for future development and improve stormwater runoff water quality (see Policy IPF 2 Stormwater). This would require the City to expand the scope of the County's hydromodification standards to include all parts of the Specific Plan Area, and not just those located within designated Special Consideration zones. The proposed Specific Plan also includes Program IPF 1, which requires new projects to provide water quality treatment for stormwater runoff by incorporating site design measures, source control measures, and low impact development (LID) measures that are hydraulically sized as specified in the C.3 Technical Guidance Manual from the Alameda County Clean Water Program.

Additionally, the proposed Specific Plan identifies opportunities for implementing infrastructure designed to reduce and treat stormwater runoff from impervious areas (i.e., green infrastructure) within the public realm. For example, opportunities exist to incorporate green infrastructure features into currently planned traffic calming and vehicular routing right-of-way improvements that would serve a dual purpose to create more accessibility for pedestrians and cyclists, while continuing to accommodate automobile use in the Specific Plan Area.

Green infrastructure opportunities identified in the proposed Specific Plan include the following:

- Convert large concrete areas near on-street parking to planters.
- Use pervious pavement alternatives.
- Install bioretention bulbouts at crossings.
- Install Silva Cell[8] bioretention.
- Modify existing low ground cover to bioretention.
- Install tree well filtration.
- Create linear bioretention at landscaped buffers.

The proposed Specific Plan includes proposed green infrastructure improvement recommendations for Main Street between Foothill Boulevard and Warren Street, which has been recommended for One Bay Area Grant funding. The improvement recommendations on this street prioritize providing treatment for the vehicular surface area, which generate runoff with higher pollutant loading than runoff from the pedestrian and bike areas. The proposed Specific Plan includes four proposed designs to implement best management practices to treat stormwater runoff in this section of Main Street.

Public open space improvements are also included in the proposed Specific Plan. The most significant opportunity is at the Foothill Boulevard and Mission Boulevard intersection, which is envisioned to provide over an acre of new public open space. Under the proposed Specific Plan, this area could be designed to provide stormwater management of adjacent right-of-way through rainwater capture, surface storage, and reuse for landscape irrigation. Elsewhere in the Downtown area there are opportunities to convert surface parking to public plaza space where pervious pavements and below ground best management practices such as Silva Cell treatment would be very well suited.

3.4.5.5 SOLID WASTE

The City of Hayward Department of Public Works, Utilities, and Environmental Services Division provide weekly collection and disposal of solid waste through an agreement with Waste Management of Alameda County and Tri-CED Community Recycling, for residential collection of recyclables. In 2016, the majority of solid waste collected within the City of Hayward was transferred and processed at the Altamont Landfill and Resource Recovery facility.[9] The Altamont Landfill has a daily capacity of 11,150 tons per day, and a remaining capacity of 65,400,000 cubic yards.[10] The proposed Specific Plan does not include any detailed improvements related to solid waste to meet the demand from the adoption and implementation of the proposed Specific Plan.

[8] Silva cells are a proprietary modular suspended pavement system that uses soil volumes to support large tree growth and provide on-site stormwater management through filtration, absorption, evapotranspiration, and interception. These systems are similar to bioretention, but with the media section contained underground.

[9] Cal Recycle, Jurisdiction Disposal By Facility, http://www.calrecycle.ca.gov/LGCentral/Reports/Viewer.aspx?P=ReportYear%3d2016%26ReportName%3dReportEDRSJurisDisposalByFacility%26OriginJurisdictionIDs%3d191, accessed on January 23, 2018.

[10] Cal Recycle, Facility/Site Summary Details: Altamont Landfill & Resource Recovery, http://www.calrecycle.ca.gov/SWFacilities/Directory/01-AA-0009/Detail/, accessed on January 23, 2018.

3.4.5.6 ENERGY

Pacific Gas and Electric Company (PG&E) provides electrical and natural gas service to the City of Hayward. PG&E maintains three major transmission lines running west to east across Alameda County to substations in Hayward, San Mateo, and Fremont. Gas service is provided throughout the city through a system of underground gas mains. The proposed Specific Plan includes specific policies and programs related to energy conservation to help with the increased demand from the adoption and implementation of the proposed Specific Plan.

3.4.6 PUBLIC SERVICES

Public service providers in Hayward that would serve the Specific Plan Area include the following:

- The City of Hayward Police Department (HPD) provides police protection services in Hayward through four divisions: Office of the Chief, Filed Operations, Investigations, and Support Services. The HPD operates three locations within the city limit, the Northern District Office is located within the Specific Plan Area.
- The City of Hayward Fire Department (HFD) provides fire, paramedic advanced life support/emergency medical, and emergency services to all areas within the city limits. HFD includes two divisions under the Fire Chief: Operations and Special Operations. The HFD maintains nine operating stations; seven in the city of Hayward and two in the Fairview area. Fire Station 1 is located within the Specific Plan Area.
- The Hayward Area Recreation and Park District (HARD) and the East Bay Regional Park District (EBRPD) provide parks and recreation services in the city of Hayward. HARD operates 57 parks within the city limit and provides 159.85 acres of local parkland, 36.71 acres of school parks, 91.74 acres of community parkland, 271.29 acres of districtwide parkland, 1,627 acres of regional parkland, and 145.70 acres of open space, trails, and linear parkland. There are 6.2 acres designated as parks in the Specific Plan Area including the Japanese Garden, De Anza Park, Newman Park, and Centennial Park. Additional open space includes the San Lorenzo Creek and Coyote Creek.
- The Hayward library system includes a Main Library located on C Street in Downtown Hayward and one branch, the Weekes Library, located on Patrick Avenue in south Hayward.
- The City of Hayward is served mainly by the Hayward Unified School District (HUSD), which currently operates 20 elementary schools, five middle schools, and three comprehensive high schools.

The proposed Specific Plan does not propose any changes to these public services facilities, but does propose an additional 4.25 acres of open space from the Foothill and Mission Boulevard opportunity site, as well as the new pedestrian plaza at the Hayward BART station.

3.5 IMPLEMENTATION AND FINANCING

3.5.1 GOALS, POLICIES, AND PROGRAMS

The proposed Specific Plan includes seven goals, 47 policies, and recommends 128 programs for implementing of the proposed Specific Plan. The goals of the proposed Specific Plan includes policies and programs that impact land use, community design, housing, circulation, travel demand management, economic development, and infrastructure and public utilities in the Specific Plan Area. Some of the programs reference modification to the existing zoning code, which are included in Chapter 6, Development Code, of the proposed Specific Plan and will be adopted by incorporation into the Zoning Code. See Section 3.7 Development Code, below for more discussion on the proposed zoning regulations.

The proposed goals, policies, and programs have been carefully prepared to work with those in the General Plan to further reduce and/or avoid impacts to the environment as a result of future development in the Specific Plan Area to the extent feasible. The proposed policies aim to reduce vehicle miles traveled, GHG emissions, air quality pollutants, energy consumption, water demand, and solid waste generation by promoting infill development; increasing opportunities for alternative modes of transportation, pedestrian and bicycle access and connectivity, and local jobs; protecting open space; conserving natural resources; and requiring adherence to green building practices. The proposed Specific Plan policies aim to avoid hazardous conditions and facilitate a healthy and safe environment for residents and visitors to Hayward. In addition, proposed Specific Plan policies aim to protect cultural resources and ensure new development and redevelopment is compatible with neighboring land uses. These proposed goals, policies, and programs are listed in the Impact Discussions of Chapters 4.1 through 4.14 to demonstrate how they require local planning and development decisions to consider environmental impacts and how they would serve to minimize potential adverse environmental impacts from future development in the Specific Plan Area.

Additionally, proposed Programs LU 6 and LU 7, which support Land Use Goal-1 to transform Downtown into a vibrant and walkable City center, include the following changes to the General Plan Land Use Map:

- Program LU 6: Remap the following General Plan Land Use Designations within the Specific Plan Area to the City Center Retail and Office Commercial Land Use Designation to implementation the Specific Plan Vision:
  1. Commercial/High Density Residential;
  2. Medium Density Residential;
  3. Parks and Recreation (between Mission Boulevard and A Street); and
  4. Sustainable Mixed Use.
- Program LU 7: Amend General Plan Land Use Designation City Center-Retail and Office Commercial to allow for density up to 210 dwelling units per acre.

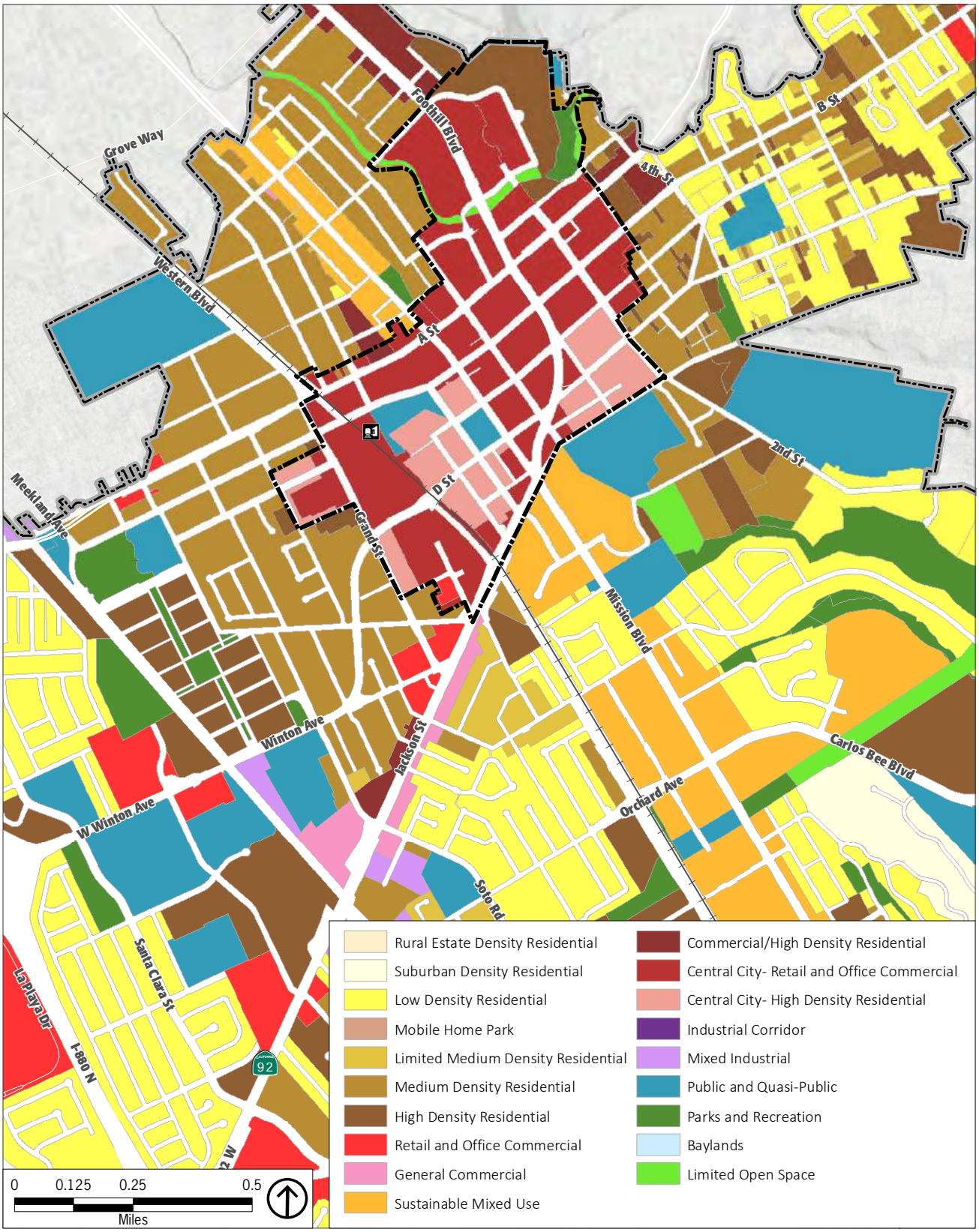
The following land use designations are proposed for the Specific Plan Area (see Figure 3-10):

- High Density Residential (HDR): Applies to urban areas located near major activity centers or along arterial streets. Typical building types include townhomes, multistory apartment and condominium buildings, and ancillary structures. Allowed uses include attached single-family homes and multifamily

homes. Density ranges from 17.4 to 34.8 du/net acre. The FAR is 0.8 and only applies to public and quasi-public uses, neighborhood commercial uses, and neighborhood mixed-use.

- Retail and Office Commercial (ROC): Applies to regional and community shopping centers and professional office developments. Retail and Office Commercial areas are generally located throughout the city along major arterial streets. Typical building types include commercial buildings, shopping centers, and office buildings. Allowed uses include retail, dining, and service uses. The FAR is 0.6 and a maximum density of 17.4 du/net acre only applies to mixed-use projects; no minimum density applies.
- Central City – Retail and Office Commercial (CC-ROC): Applies to the core of Downtown Hayward. Typical building types include storefront commercial buildings and mixed-use buildings that contain commercial uses on the ground floor and residential units or office space on upper floors. Other building types that may be appropriate on properties outside of the retail core of the Downtown include townhomes, apartment and condominium buildings, and live-work units. Allowed uses include retail, dining, service uses, professional office uses, entertainment and recreational uses, and mixed-use with multifamily homes or office on upper floors. The FAR is 1.5 and densities range 40 to 110 du/net acre depending on the zoning and proximity to regional transit.
- Central City – High Density Residential (CC-HDR): Applies to properties surrounding the core of Downtown Hayward. Typical building types include townhomes, live-work units, apartment and condominium buildings, and multistory mixed-use buildings that contain commercial uses on the ground floor and residential units or office space on upper floors. Allowed uses include retail, dining, service uses, professional office uses, and mixed-use with multifamily homes or office on upper floors. The FAR is 1.5 and densities range 40 to 110 du/net acre depending on the zoning and proximity to regional transit.
- Public and Quasi-Public (PQP): Applies to major governmental, educational, cultural, and health care facilities located throughout the city. Properties may be developed with a variety of public and quasi-public uses, including community centers, recreation centers, government offices, hospitals, primary and secondary schools, college and university campuses, transit stations, and other related government facilities and services. Allowed uses include primary and secondary schools, colleges and universities, government offices, police and fire stations, public utilities and facilities, transportation facilities, health care facilities, and community and recreation centers. The FAR is 1.5 and no residential density applies.
- Parks and Recreation (PR): Includes regional parks, community and neighborhood parks, and special use facilities such as golf courses, historic homes and gardens, linear parks, and trails. Typical building types include park restrooms and ancillary park buildings. Recreation centers, community centers, nature centers, and golf course club houses and pro shops may also be located within some parks. Allowed uses include parks, recreation facilities, open space, trails, and golf courses. The FAR is 0.15 and no residential density applies.
- Limited Open Space (LOS): Applies to established cemeteries and hillside areas that are largely undevelopable due to natural resources, slopes, or other hazards. Allowed uses include permanent open space and grazing land. No FAR or residential density applies.

A comprehensive list of the goals, policies, and programs are included in Chapter 5 of the proposed Specific Plan, which is included in Appendix G of this Draft EIR.



Source:ESRI, 2018; City of Hayward, 2018; PlaceWorks, 2018.

Specific Plan Boundary
BART Station
Hayward City Limit

Figure 3-10
Proposed General Plan Land Use Designations

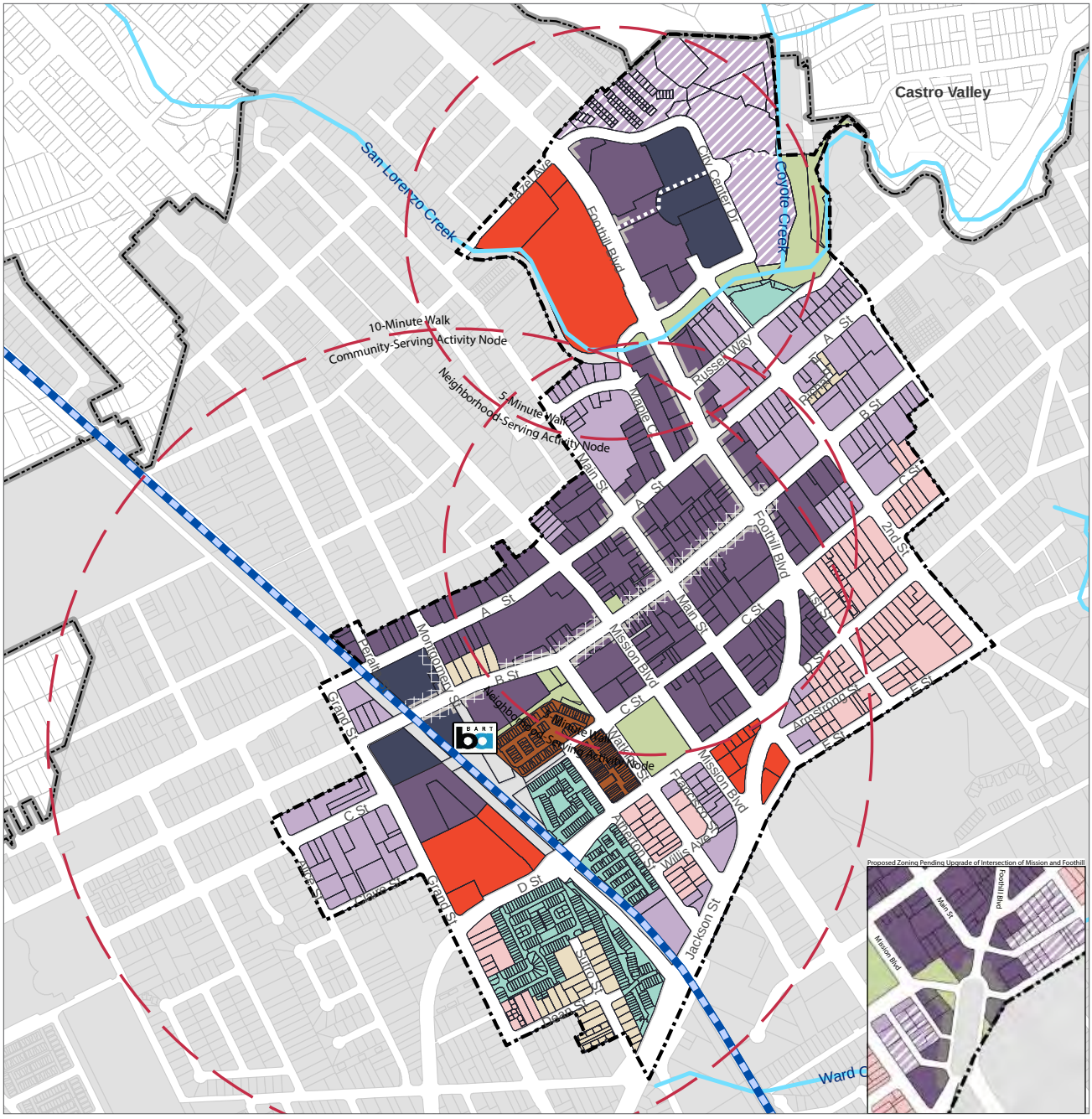
3.5.2 FUNDING SOURCES

The proposed Specific Plan includes a summary of potential funding mechanisms and resources, aside from the City's general fund, for proposed infrastructure, physical improvements and programmatic Specific Plan recommendations as required under California Government Code Section 65451(a)(4). The mechanisms and resources in the proposed Specific Plan are divided into the five categories: revenue generation, partnership opportunities, grant opportunities, loans and bonds, and transportation funding. The proposed improvements as a result of these funding mechanisms and resources are the subject of this EIR.

3.6 DEVELOPMENT CODE

The proposed project includes a Development Code, which includes an amendment to the City's Zoning Code in order to be consistent with the Specific Plan Area. The proposed project's zoning regulations, like the proposed goals, polices, and programs, have been prepared to reduce potential environmental impacts from future development in the Specific Plan Area. Other than as identified, no other development regulations are being modified or added as part of the proposed project. The proposed Development Code would establish new Downtown Zones for the Specific Plan Area. Each of the Downtown Zones are established based on the intent of the desired physical form and character of particular environments envisioned in the proposed Specific Plan. The proposed zones focus on mixed-use, walkable areas of Downtown, and range in function and intensity. The proposed new zoning districts are listed below and the proposed zoning map is shown on Figure 3-11.

- Neighborhood Edge (NE): The desired form would be small to medium house-scale buildings, detached buildings, narrow to medium width lots, small to medium footprint, medium to large front setbacks, small to medium side setbacks, up to two and a half stories (35 feet) tall, with elevated ground floor and front yards, porches, stoops, and dooryards. The general use would be primarily residential. The intent would be a walkable neighborhood environment with small-to-medium footprint, lower-intensity housing choices, from houses to small multiplex buildings and cottage courts, supporting and within short walking distance of neighborhood-serving retail and services.
- Neighborhood General (NG): The desired form would be medium house-scale buildings, detached buildings, narrow to medium lot width, small to medium footprint, medium to large front setbacks, small to medium side setbacks, up to three and a half stories (45 feet) tall, with elevated ground floor and front yards, porches, stoops, forecourts, and dooryards. The general use would be primarily residential. The intent would be walkable neighborhood environment with small-to-medium footprint, moderate-intensity, medium house-scale housing choices, from houses and rowhouses to small multiplex and courtyard buildings, supporting and within short walking distance of neighborhood serving retail and services.



Source: City of Hayward, Downtown Specific Plan, Public Review Draft, 2019.

Figure 3-11
Proposed Zoning Districts

- Urban Neighborhood (UN): This zoning district includes the sub-zone of Urban Neighborhood Limited (UN-L). The desired form would be large house-scale and block-scale buildings, detached or attached buildings, small to large lot width, small to large footprint, small front setbacks, small side setbacks, up to five stories (80 feet) tall, with elevated ground floor or flush with sidewalks for lobby entrances, front yards, porches, stoops dooryards, shopfronts and terraces. The general use would be a mix of residential and commercial uses with only residential allowed in the limited zone. The intent would be a walkable, urban neighborhood environment with small to large footprint, moderate intensity, large house scale, and block scale housing choices, from rowhouses and large multiplex buildings to stacked flats, supporting and within short walking distance of neighborhood-serving retail services.
- Downtown Main Street (DT-MS): The desired form would be block-scale buildings, attached buildings, small to large lot width, small to large footprints, small to no front setbacks, small to no side setbacks, up to seven stories (with setback above five stories) (85 feet) tall, with the ground floor flush with sidewalks, stoops forecourts, foreyards, shopfronts, terraces, and galleries. The general use would be ground floor commercial, office and/or residential on upper stories. The intent would be a walkable, vibrant urban main street serving as the citywide focal point for Hayward with commercial, retail, entertainment, and civic uses, public transportation, and small to large footprints, moderate to high intensity housing choices, from Main Street building to lined buildings.
- Urban Center (UC): The desired form would be block-scale buildings, attached buildings, narrow to large lot width, medium to large footprint, small to no front setbacks, small to no side setbacks, up to 11 stories (with stepback above five stories) (124 feet) tall, elevated ground floor or flush with sidewalks, stoop, forecourts, dooryards, shopfronts, and terraces. The general use would be ground floor commercial where required and primarily office and/or residential. The intent would be a walkable, urban neighborhood environment with medium to large footprint, moderate intensity housing choices, from rowhouse and multiplex large buildings to stacked flats and lined buildings, supporting and within short walking distance of neighborhood-serving retail and services.

No changes are proposed for existing zoning districts Central City Residential (CC-R), Central City Commercial (CC-C), Planned Development (PD), and Open Space (OS) in the Specific Plan Area. A comprehensive list of the regulations in the proposed project's Development Code is included in Chapter 6 of the proposed Specific Plan, which is provided in Appendix H of this Draft EIR.

3.7 PROPOSED BUILDOUT PROJECTIONS

The buildout of the potential future development in the Specific Plan Area is based on a horizon year of 2040; therefore, this EIR analyzes growth through 2040 and represents a 20-year buildout horizon. Under CEQA Guidelines Section 15126.6(3)(A), when a project consists of the revision of a plan or policy, the project's impacts are assessed against existing conditions, and future conditions under the existing plan are treated as the "No Project" alternative (see Chapter 5, Alternatives to the Proposed Project, of this Draft EIR). The 2040 horizon year is generally consistent with other key planning documents, including *Plan Bay Area*, the Bay Area's Regional Transportation Plan/Sustainable Community Strategy.

Under Section 15064(d) of the CEQA Guidelines, "In evaluating the significance of the environmental effect of a project, the lead agency shall consider direct physical changes in the environment which may

be caused by the project and reasonably foreseeable indirect physical changes in the environment which may be caused by the project." The buildout projections represent the City's projection of "reasonably foreseeable" development that could occur over the next 20 years under the 2040 General Plan and are used as the basis for the EIR's environmental assessment. See Chapter 4, Environmental Evaluation, of this Draft EIR, for a description of environmental analysis scenarios for this EIR.

Table 3-2 provides a detailed estimate of the proposed buildout potential within the Specific Plan Area. The Specific Plan calls for infill development in the Downtown over the next 20 or more years. As a largely built-out area, future development opportunities are limited to infill sites and the redevelopment of underutilized parcels. The development capacity assumptions are derived from already adopted plans and initiatives as well as on housing, population, and employment projections issued by ABAG. While land uses are flexible and may vary according to market demand, as shown in Table 3-2 the proposed changes to the Specific Plan Area may facilitate, at maximum, up to 3,427 new multifamily housing units and 1.9 million square feet of additional non-residential space such as retail, hospitality, office, and education.

TABLE 3-2 PROPOSED 2040 HORIZON-YEAR BUILDOUT PROJECTIONS

Category	2018 Existing Conditions[a]	+	Proposed Project (Net New)[b]	=	2040 Buildout Total with Project[c]
Non-Residential Square Feet Total					
Health/Education/Recreation[d]	1,350,152		814,375		2,164,527
Other[e]	742,424		637,175		1,379,599
Financial and Professional Services[f]	175,000		351,850		526,850
Retail	112,106		96,600		320,812
Total	*2,379,682*		*1,900,000*		*4,391,788*
Residential Units Total					
Single Family	115		0		115
Multi Family	2,075		3,427		5,502
Total	*2,190*		*3,427*		*5,617*
Generation Estimates					
Population[g]	4,968		7,539		12,507
Employment	6,308[h]		6,333[i]		12,641

Notes: Numbers are estimates are rounded for the purposes of this program-level environmental review.
a. Represents the existing land use amounts, population, and employment in the Specific Plan Area.
b. Represents the new development potential in the approved Specific Plan.
c. Represents the total development (Existing Remaining + Proposed Specific Plan) in the Specific Plan Area.
d. This category includes health, education, and recreation uses including entertainment, accommodation (hotel), food services and other services. It does not include public administration.
e. The "other" category includes industrial, warehouse, construction, information, and public administration.
f. Financial and Professional Services are equivalent to "office" land use.
g. Applies 3.5 persons per household (pph) for single-family units and 2.2 pph per multifamily units pursuant to Association of Bay Area Government's population generation rates applied in the traffic impact analysis for the proposed project (see Appendix E of this Draft EIR).
h. Applies 350 square feet per job for other and retail land use categories; 150 square feet per job for financial and professional services land uses; and, 500 square feet per job for health, education, and recreation land uses.
i. Applies 300 square feet per job for all non-residential land use in the Specific Plan Area under the proposed project.
Source: City of Hayward, Lisa Wise Consulting, and PlaceWorks 2018

3.8 INTENDED USES OF THIS EIR

This EIR is a program-level EIR and does not evaluate the impacts of specific, individual developments that may be allowed under the proposed Specific Plan and Zoning Code update. Each specific future project may require separate environmental review, as required by CEQA, to secure the necessary discretionary development permits. Therefore, while subsequent environmental review may be tiered off this EIR, this EIR is not intended to address impacts of individual projects.

Future activity that could occur following the certification of this EIR includes the following, provided they are consistent with the Specific Plan and Zoning Ordinance:

- Public and private development project approvals (e.g., tentative maps, variances, use permits).
- Development Agreements.
- Funding approval of capital projects.
- Issuance of permits and other approvals necessary for implementation of the proposed Specific Plan.

3.9 REQUIRED PERMITS AND APPROVALS

The proposed project would be adopted solely by the City. Future development will need to conform to applicable Zoning district development and design standards, and be consistent with Specific Plan goals and policies. Depending on the proposal, a project may be exempt from CEQA review because a CEQA exemption applies or the approval is ministerial,[11] or a project may require further environmental review and subsequent analysis in a Negative Declaration, Mitigated Negative Declaration, or an Environmental Impact Report. Projects may be ministerial, requiring no discretionary action or may require review and approval by the Planning Manager, Planning Commission, and/or the City Council, and other agencies as needed. Building permits will be required for all structures.

[11] Projects may be ministerial, which means that they do not require any discretionary review.

4. Environmental Evaluation

CHAPTER ORGANIZATION

This chapter of the Draft EIR is made up of 14 subchapters, which evaluate the direct, indirect, and cumulative environmental impacts from adoption and implementation of the proposed project. The following sections describe the format of the environmental analysis, and the format of the thresholds of significance and the impact analysis.

FORMAT OF ENVIRONMENTAL ANALYSIS

The California Environmental Quality Act (CEQA) Guidelines Section 15128 allows for no analysis of environmental issues for which there is no likelihood of significant impact. Due to the location of the proposed project in an urbanized area in the Hayward, no impacts would occur to agricultural, forestry or mineral resources. A brief discussion of each topic is provided as follows:

- Agricultural Resources: Maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency categorize lands within Hayward as Urban and Built-Up Land.[1] There are no agricultural lands classified as Prime Farmland, Unique Farmland, or Farmland of Statewide Importance within the city of Hayward. The California Land Conservation Act (Williamson Act) 2016 Status Report identifies land in Alameda County that is under Williamson Act contract; however, none are located within the city of Hayward.[2] Therefore, future development facilitated by the adoption and implementation of the proposed project would not conflict with lands under Williamson Act contract. For these reasons, there would be no impacts to agricultural resources under CEQA.
- Forestry Resources: According to 2006 mapping data from the California Department of Forestry and Fire Protection, the city of Hayward does not contain any woodland or forestland cover;[3] therefore, the city does not contain land zoned for Timberland Production nor does the Hayward Zoning Map identify areas zoned for Timberland Production.[4] Consequently, there would be no impacts to forestry resources under CEQA.
- Mineral Resources: The California Department of Conservation, Geological Survey classifies lands into Aggregate and Mineral Resource Zones (MRZs) based on guidelines adopted by the California State

[1] California Department of Conservation, Farmland Mapping and Monitoring Program, Alameda County Important Farmland 2014, ftp://ftp.consrv.ca.gov/pub/dlrp/FMMP/pdf/2014/ala14.pdf, accessed on January 24, 2018.

[2] California Department of Conservation, 2016, California Land Conservation (Williamson) Act 2016 Status Report, page 39.

[3] California Department of Forestry and Fire Protection Fire and Resource Assessment Program, Land Cover Map, http://frap.fire.ca.gov/data/frapgismaps/pdfs/fvegwhr13b_map.pdf, accessed on January 24, 2018.

[4] City of Hayward, Zoning Map, https://www.hayward-ca.gov/sites/default/files/City%20of%20Hayward%20Zoning%20Map.pdf, accessed on January 24, 2018.

Mining and Geology Board, as mandated by the Surface Mining and Reclamation Act of 1974. These MRZs identify whether known or inferred significant mineral resources are present in areas. Lead agencies are required to incorporate identified MRZs resource areas delineated by the State into their General Plans.[5] La Vista Quarry, located southeast of the Specific Plan Area near the Vista Grande Drive and Fortuna Drive intersection, is designated as a mineral resource sector of regional importance. However, all operations at the La Vista Quarry have been terminated due to depletion of the accessible aggregate resource.[6] There are no other significant aggregate or mineral resources located in the City Hayward. In addition, the City of Hayward has no General Plan Land Use designation for mineral resources.[7] Therefore, no impacts to mineral sources under CEQA would occur.

The California Supreme Court concluded in the *California Building Industry Association vs. Bay Area Air Quality Management District* (CBIA vs. BAAQMD) case that "CEQA generally does not require an analysis of how existing environmental conditions will impact a project's future users or residents." The CBIA vs. BAAQMD ruling provided for several exceptions to the general rule where an analysis of the project on the environment is warranted: 1) if the project would exacerbate existing environmental hazards (such as exposing hazardous waste that is currently buried); 2) if the project qualifies for certain specific specified exemptions (certain housing projects and transportation priority projects per Public Resource Code (PRC) 21159.21 (f),(h); 21159.22 (a),(b)(3); 21159.23 (a)(2)(A); 21159.24 (a)(1),(3);or 21155.1 (a)(4),(6)); 3) if the project is exposed to potential noise and safety impacts on projects due to proximity to an airport (per PRC 21096); and 4) school projects require specific assessment of certain environmental hazards (per PRC 21151.8).

Therefore, the evaluation of the significance of project impacts under CEQA in the following sections listed below focuses on the impacts of the project on the environment, including whether the project may exacerbate any existing environmental hazards:

- Geology and Soils: Would the project expose people or structures to potential substantial adverse effects, including the risk of loss, injury or death involving: (i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault; (ii) Strong seismic ground shaking; (iii) Seismic-related ground failure, including liquefaction; (iv) Landslides, mudslides or other similar hazards?
- Hazards and Hazardous Materials: Would the project expose people or structures to a significant risk of loss, injury, or death involving wildland fires, including where wildland are adjacent to urbanized areas or where residences are intermixed with wildlands?

[5] Public Resources Code, Division 2, Geology, Mines and Mining, Chapter 9, Surface Mining and Reclamation Act of 1975, Article 4, State Policy for the Reclamation of Mined Lands, Section 2762(a)(1).

[6] City of Hayward, 2014, Hayward 2040 General Plan Background Report, Section 7.7, Mineral Resources, page 7-109.

[7] City of Hayward, 2040 Hayward General Plan, Land Use Diagram, https://www.hayward2040generalplan.com/sites/default/files/filedepot/HayGPU_Map_Figure%20LU-1_Land%20Use%20Diagram.pdf, accessed on January 24, 2018.

- Hydrology and Water Quality: Would the project place housing within a 100-year flood hazard area as mapped on a Federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map; expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam; or be located in an area that would be inundated by seiche, tsunami, or mudflow?
- Noise: Would the project expose people to existing noise levels in excess of standards established in the local general plan or noise ordinance, or other applicable standards including excessive groundborne vibration or ground borne noise levels?

Based on the descriptions above, this chapter of the Draft EIR is made up of 14 subchapters, which evaluate the cumulative area-wide and community-wide environmental impacts from the adoption and implementation of the proposed Specific Plan. In accordance with Appendix F, Energy Conservation, and Appendix G, Environmental Checklist, of the CEQA Guidelines as amended per Assembly Bill 52 (Tribal Cultural Resources) and the California Supreme Court in a December 2015 opinion (CBIA vs. BAAQMD), the potential environmental effects of the proposed project are analyzed for potential significant impacts in the following 14 environmental issue areas, which are organized with the listed abbreviations:

- Aesthetics (AES)
- Air Quality (AQ)
- Biological Resources (BIO)
- Cultural and Tribal Cultural Resources (CULT)
- Geology and Soils (GEO)
- Greenhouse Gas Emissions (GHG)
- Hazards and Hazardous Materials (HAZ)
- Hydrology and Water Quality (HYDRO)
- Land Use and Planning (LU)
- Noise (NOISE)
- Population and Housing (POP)
- Public Services and Recreation (PS)
- Transportation and Circulation (TRANS)
- Utilities and Service Systems (UTIL)

Each subchapter is organized into the following sections:

- Environmental Setting offers a description of the existing environmental conditions, providing a baseline against which the impacts of the proposed project can be compared, and an overview of federal, State, regional, and local laws and regulations relevant to each environmental issue.
- Standards of Significance refer to the quantitative or qualitative thresholds, performance levels, or criteria used to evaluate the existing setting with and without the proposed project to determine whether the impact is significant. These standards are based primarily on the CEQA Guidelines, and also may reflect established health standards, ecological tolerance standards, public service capacity standards, or guidelines established by agencies or experts.
- Impact Discussion gives an overview of the potential impacts of the proposed project and explains why impacts are found to be significant or less than significant prior to mitigation. Impacts and mitigation measures are numbered consecutively within each topical analysis and begin with an acronym or abbreviated reference to the impact section.

LEVELS OF SIGNIFICANCE

As noted above, significance criteria are identified before the impact discussion subsection, under the subsection, "Standards of Significance." For each impact identified, a level of significance is determined using the following classifications:

- *Significant (S)* impacts include a description of the circumstances where an established or defined threshold would be exceeded.
- *Less-than-significant (LTS)* impacts include effects that are noticeable, but do not exceed established or defined thresholds, or can mitigated below such thresholds.
- *No impact* describes circumstances where there is no adverse effect on the environment.

For each impact identified as being significant, the EIR identifies mitigation measures to reduce, eliminate, or avoid the adverse effect. If one or more mitigation measure(s) would reduce the impact to a less-than-significant level successfully, this is stated in the EIR. *Significant and unavoidable (SU)* impacts are described where mitigation measures would not diminish these effects to less-than-significant levels. The identification of a program-level significant and unavoidable impact does not preclude the finding of less-than-significant impacts for subsequent projects that comply with the applicable regulations and meet applicable thresholds of significance.

CUMULATIVE IMPACT ANALYSIS

A cumulative impact consists of an impact created as a result of the combination of the project evaluated in the EIR, together with other reasonably foreseeable impacts not caused by the proposed project. CEQA Guidelines Section 15130 requires an EIR to discuss cumulative impacts of a project when the project's incremental effect is "cumulatively considerable." Used in this context, cumulatively considerable means that the incremental effects of an individual project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effect of probable future projects.

Where the incremental effect of a project is not "cumulatively considerable," a lead agency need not consider that effect significant, but must briefly describe its basis for concluding that the incremental effect is not cumulatively considerable. Where the cumulative impact caused by the project's incremental effect and the effects of other reasonably foreseeable projects is not significant, the EIR must briefly indicate why the cumulative impact is not significant.

As described in Chapter 1, Introduction, of this Draft EIR, this environmental document is a program-level EIR (CEQA Guidelines Section 15168). The approach taken in preparing this EIR under the program EIR authority has been to describe the anticipated area-wide and community-wide impacts of the 2040 General Plan. The EIR describes the cumulative, aggregate effects of the Specific Plan-proposed development framework, goals, policies, implementation programs, and associated development capacity assumptions on area-wide and community-wide environmental conditions.

The cumulative impacts in subchapters 4.1 through 4.14 explain the geographic scope of the area affected by each cumulative effect (e.g., immediate project vicinity, city, county, watershed, or air basin). The

geographic area considered for each cumulative impact depends upon the impact that is being analyzed. For example, in assessing aesthetic impacts, the pertinent geographic study area is the vicinity of the areas of new development under the proposed project from which the new development can be publicly viewed and may contribute to a significant cumulative visual effect. In assessing macro-scale air quality impacts, on the other hand, all development within the air basin contributes to regional emissions of criteria pollutants, and basin-wide projections of emissions is the best tool for determining the cumulative effect.

CEQA Guidelines Section 15130 of the CEQA Guidelines permits two different methodologies for completion of the cumulative impact analysis:

- The 'list' approach permits the use of a list of past, present, and probable future projects producing related or cumulative impacts, including projects both within and outside the city; and
- The 'projections' approach allows the use of a summary of projections contained in an adopted plan or related planning document, such as a regional transportation plan, or in an EIR prepared for such a plan. The projections may be supplemented with additional information such as regional modeling.

This Draft EIR uses the projections approach and takes into account growth from the proposed project within the Specific Plan Area and the City's planning area. Additionally, there are several pipeline projects in the Specific Plan Area that are also considered to be reasonably foreseeable. The pipeline projects and their status are listed below in Table 4-1:

TABLE 4-1 REASONABLY FORESEEABLE DEVELOPMENT IN THE SPECIFIC PLAN AREA

Project Name	Status	Residential Units	Non-Residential	Population	Jobs
Lincoln Landing	Approved	476	80,500	1,047	268
Maple & Main	Approved	240	5,500	528	18
Alta Mira	Completed	151	0	332	0
Cadence	Completed	206	0	453	0
808 A Street	Under Construction	60	5,936	132	20
Matsya Villas	Approved	57	2,298	125	8
Green Shutter	Under Construction	41	0	90	0
Total		**1,231**	**94,234**	**2,708**	**314**

Source: City of Hayward Website, Development Activity, https://www.hayward-ca.gov/business/for-developers/development-activity.

The following provides a summary of the cumulative impact setting for each impact area:

- **Aesthetics:** The cumulative setting for visual impacts is the viewshed visible from to the Specific Plan Area in relationship to the particular areas with new development potential.
- **Air Quality:** The cumulative air quality setting is the regional growth within the San Francisco Bay Area Air Basin.

- Biological Resources: The geographic scope of the cumulative analysis for biological resources is the 1-mile radius surrounding the Specific Plan Area.
- Cultural Resources: Cumulative impacts to cultural resources occur from potential future development under the proposed project combined with effects of development on lands within the region.
- Geology and Soils: The cumulative setting for impacts related to geology and soils is the land within the Specific Plan Area as it relates to the characteristics of the regional geology.
- Greenhouse Gas Emissions: Because GHG emissions are not confined to a particular air basin but are dispersed worldwide, the cumulative analysis focuses on the global impacts.
- Hazards and Hazardous Materials: The cumulative setting for impacts related to hazards and hazardous materials is the land adjacent to and within the Specific Plan Area.
- Hydrology and Water Quality: The geographic context used for the cumulative assessment of water quality and hydrology impacts is the Santa Clara Valley Groundwater Basin and land adjacent to the Specific Plan Area.
- Land Use and Planning: The cumulative setting for land use and planning includes the City planning regulations and regional planning, with which the City is required to comply.
- Noise: The traffic noise levels are based on cumulative traffic conditions used for the traffic impact analysis, which takes into account cumulative development in the Specific Plan Area.
- Population and Housing: Impacts of cumulative growth are considered in the context of their consistency with regional planning efforts (i.e., *Plan Bay Area*).
- Public Services and Recreation: Cumulative impacts are considered in the context of the growth from potential future development under the proposed project combined with the estimated growth in the service areas of each service provider.
- Transportation and Circulation: The cumulative setting for traffic and circulation applies the county-wide Alameda County Transportation Commission model to the transportation network in Hayward and the Specific Plan Area.
- Utilities and Service Systems: Cumulative impacts are considered in the context of the growth from potential future development under the proposed project combined with the estimated growth in the service areas of each utility's service area.

4.1 AESTHETICS

This chapter describes the existing aesthetic character of the Specific Plan Area and evaluates the potential environmental consequences of future development that could occur by adopting and implementing the proposed project. This chapter provides a summary of the relevant regulatory setting necessary to evaluate potential environmental impacts resulting from the proposed project, describes potential impacts, and discusses existing and proposed goals, policies, and implementation programs and zoning regulations that would avoid or reduce those potential impacts.

4.1.1 ENVIRONMENTAL SETTING

4.1.1.1 REGULATORY FRAMEWORK

State Regulations

California State Scenic Highways Program

California's Scenic Highway Program was created by the State legislature in 1963. Its purpose is to protect and enhance the natural scenic beauty of California highways and adjacent corridors through special conservation treatment. The State laws governing the Scenic Highways Program are found in the Streets and Highways Code, Sections 260 through 263. The California Scenic Highway Program is maintained by the California Department of Transportation (Caltrans). Caltrans has not designated any highway within the Specific Plan Area as a State scenic highway. Interstate 580 (I-580), located approximately 0.7 miles north of the Specific Plan Area, is an eligible State scenic highway. The nearest officially designated scenic highway is located within a portion of I-580 approximately 5.5 miles north of the Specific Plan Area.[1]

California Building Code

The State of California provides a minimum standard for building design through Title 24 of the California Code of Regulations, commonly referred to as the "California Building Code" (CBC). The CBC is located in Part 2 of Title 24. The CBC is updated every three years, and the current CBC went into effect in January 2016. It is generally adopted on a jurisdiction-by-jurisdiction basis, subject to further modification based on local conditions. The 2016 CBC has been adopted for use by the City of Hayward, according to Section 9-1.00 of the Hayward Municipal Code.[2] The California Building Code includes standards for outdoor lighting that are intended to improve energy efficiency, and to reduce light pollution and glare by regulating light power and brightness, shielding, and sensor controls.

[1] California Department of Transportation, California Scenic Highway Mapping System, http://www.dot.ca.gov/hq/LandArch/16_livability/scenic_highways/index.htm, accessed on January 24, 2018.

[2] City of Hayward Municipal Code, Chapter 9, Building Regulations, Article 1, Building Code of the City of Hayward, Section 9-1.00, 2016 California Building Codes, Adoption by Reference.

California Building Code: CALGreen

On July 17, 2008, the California Building Standards Commission adopted the California Green Building Standards Code (Part 11, Title 24, known as "CALGreen") as part of the CBC. CALGreen established building standards aimed at enhancing the design and construction of buildings through the use of building concepts that have a reduced negative impact or positive environmental impact and encouraging sustainable construction practices. Specifically, Section 5.106.8, Light Pollution Reduction, establishes Backlight, Uplight, and Glare ratings to minimize the effects of light pollution for nonresidential development. The mandatory provisions of the CALGreen standards became effective January 1, 2011 and are enforced through the local building permit process.

Local Regulations

Alameda County General Plan

The Alameda County General Plan contains a Scenic Route Element that designates I-580, I-880 (Nimitz Freeway), and State Route (SR) 92 (Jackson Freeway) as scenic routes. Within the Specific Plan Area, SR 92 is identified as a proposed scenic route, rather than an existing designated scenic route.

Looking Forward Hayward 2040 General Plan

The City of Hayward 2040 General Plan, adopted in July 2014, includes goals, policies, and programs intended to avoid or reduce impacts on visual resources in the Land Use (LU), Mobility (M), Economic Development (ED), Natural Resources (NR), Community Health and Quality of Life (HQL), and Public Facilities and Services (PFS) Elements. As described in the General Plan EIR, in most cases, no one goal, policy, or implementation program itself is expected to completely avoid or reduce an identified potential environmental impact.[3] However, the collective, cumulative mitigating benefits of the policies listed below are intended to reduce aesthetic-related impacts. Specific goals and policies are described in Section 4.1.3, Impact Discussion, to demonstrate how the policy would avoid or reduce the impact.

The following goals and policies are relevant to the analysis of potential aesthetics impacts within the Specific Plan Area:

- Goal LU-1: Promote local growth patterns and sustainable development practices that improve quality of life, protect open space and natural resources, and reduce resource consumption, traffic congestion, and related greenhouse gas emissions.
  - 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.
- Goal LU-2: Revitalize and enhance Hayward's Priority Development Areas to accommodate and encourage growth within compact, mixed-use, and walkable neighborhoods and districts that are located near the city's job centers and regional transit facilities.

[3] City of Hayward, 2014, City of Hayward 2040 General Plan certified EIR, State Clearinghouse Number 2013082015.

- Policy LU-2.4 Downtown Retail Frontages: The City shall require retail frontages and storefront entrances on new and renovated buildings within the "retail core" of Downtown Hayward, which includes properties along:
  - "A" Street between Mission Boulevard and Foothill Boulevard
  - "B" Street between Watkins Street and Foothill Boulevard
  - "C" Street between Mission Boulevard and Foothill Boulevard
  - Main Street between "A" Street and "C" Street
  - Mission Boulevard between "A" Street and "C" Street
  - Foothill Boulevard between "C" Street and City Center Drive

  This policy does not apply to historic buildings that were originally designed without a retail frontage or storefronts.

- Goal LU-3: Create complete neighborhoods that provide a mix of housing options and convenient access to parks, schools, shopping, jobs, and other community amenities.
  - 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 facade of the home.
    - Locating parking facilities below or behind apartment and condominium buildings.
    - Enhancing the front facade 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-3.7 Infill Development in Neighborhoods: The City shall protect the pattern and character of existing neighborhoods by requiring new infill developments to have complimentary building forms and site features.
- Goal LU-4: Create attractive commercial and mixed-use corridors that serve people traveling through the city, while creating more pedestrian-oriented developments that foster commercial and social activity for nearby residents and businesses.
  - Policy LU-4.3 Mixed-Use Developments within Commercially-Zoned Properties: The City shall allow mixed-use developments within commercially-zoned properties along corridors and ensure that these uses are located, designed, and operated in a manner that maintains compatibility with adjacent residential uses.
  - Policy LU-4.4 Design Strategies for Corridor Developments: The City shall encourage corridor developments to incorporate the following design strategies:
    - Widen and improve public sidewalks to accommodate street trees, pedestrian-scaled lighting, and streetscape furniture. When sidewalks cannot be widened within the public right-of-way,

the City shall encourage developers to extend sidewalk improvements on private property to create room for improvements.
    - Place buildings and outdoor gathering and dining spaces along or near the public sidewalk of the corridor.
    - Locate parking lots to the rear or side of buildings or place parking within underground structures or above-ground structures located behind buildings.
    - Design commercial and mixed-use buildings with articulated facades and transparent storefront entrances that front the corridor.
    - Design residential buildings with articulated facades and entries that front the corridor.
    - Enhance commercial and mixed-use building facades with awnings, shade structures, pedestrian-oriented signage, decorative lighting, and other attractive design details and features.
    - Enhance residential building facades with stoops, porches, balconies, and other attractive design details and features.
  - Policy LU-4.5 Massing, Height, and Scale: The City shall require corridor developments to transition the massing, height, and scale of buildings when located adjacent to residential properties. New development shall transition from a higher massing and scale along the corridor to a lower massing and a more articulated scale toward the adjoining residential properties.
  - Policy LU-4.11 Streetscape Enhancements: The City shall strive to improve the visual character of corridors by improving streetscapes with landscaped medians, and widened sidewalks that are improved with street trees, pedestrian-scaled lighting, underground utilities, landscaping, and streetscape furniture and amenities.
- Goal LU-9: Provide quality public and quasi-public uses that benefit residents and businesses and enhance the city's overall quality of life and economic viability.
  - Policy LU-9.1 Design of City Public Facilities: The City shall ensure that all City-owned facilities are designed to be compatible in scale, mass, and character with the neighborhood, district, or corridor in which they are located.
  - Policy LU-9.2 Design of Non-City Public Facilities: The City shall coordinate with school districts, park districts, utility providers, and other government agencies that are exempt from local land use controls to encourage facility designs that are compatible in scale, mass, and character with the neighborhood, district, or corridor in which they are located.
- Goal M-3: Provide complete streets that balance the diverse needs of users of the public right-of-way.
  - 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 Tree Canopy: The City shall ensure that all new roadway projects and major reconstruction projects provide for the development of an adequate street tree canopy.
- Goal M-5: Provide a universally accessible, safe, convenient, and integrated pedestrian system that promotes walking.

- 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.

- Goal ED-5: Encourage economic investment by enhancing the image and reputation of Hayward.
  - 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.
- Goal NR-1: Protect, enhance, and restore sensitive biological resources, native habitat, and vegetation communities that support wildlife species so they can be sustained and remain viable.
  - 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 eco-system, provide shade, create windbreaks, and enhance the aesthetics of new and existing development.
- Goal NR-6: Improve overall water quality by protecting surface and groundwater sources, restoring creeks and rivers to their natural state, and conserving water resources.
  - 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.
- Goal NR-8: Enhance, preserve, and increase the aesthetic qualities of Hayward's undisturbed natural hillsides and shoreline, and designated scenic transportation corridors.
  - Policy NR-8.3 Scenic Transportation Corridor Protection: The City shall protect the visual characteristics of transportation corridors that are officially designated as having unique or outstanding scenic qualities, including portions of I-580, I-880, and SR 92.
- Goal HQL-8: Maintain, enhance, and increase the city's urban forest as an environmental, economic, and aesthetic resource to improve Hayward residents' quality of life.
  - Policy HQL-8.1 Manage and Enhance Urban Forest: The City shall manage and enhance the urban forest by planting new trees, ensuring that new developments have sufficient right-of-way width for tree plantings, managing and caring for all publicly owned trees, and working to retain healthy trees.
  - 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.
- Goal PFS-8: Ensure the provision of adequate gas and electric services to Hayward residents and businesses, and ensure energy facilities are constructed in a fashion that minimizes their impacts on surrounding development and maximizes efficiency.

- Policy PFS-8.5 Undergrounding New Utility Lines: The City shall require that all new utility lines constructed as part of new development projects are installed underground or, in the case of transformers, pad-mounted.
- Policy PFS-8.6 Undergrounding Existing Utility Lines: The City shall encourage the undergrounding of existing overhead facilities.

Hayward Municipal Code

The City regulates building standards in the Zoning Code of the Hayward Municipal Code (HMC).[4] The Zoning Code also establishes design and performance standards. A general provision in Section 10-1.150, Nuisance, of the Zoning Code is that no use or expansion of an existing use shall be conducted in a manner that creates a nuisance, including glare.[5] The Zoning Code also requires that exterior lighting and parking lot lighting in the Medium Density Residential, High Density Residential, Industrial, and several Commercial Districts be designed, erected, and maintained so that it does not cast light or glare on adjacent properties or public rights of way.

The HMC also regulates light and glare through Section 10-2.640, Design Standards for Parking and Loading Spaces, Light and Marking, which requires that parking facilities be adequately lighted for safety and security, with a minimum of 1-foot candle of light across the entire parking area surface. Exterior lighting shall be designed, erected, and maintained so that light and glare are not directly cast on adjacent properties or public rights of way.[6]

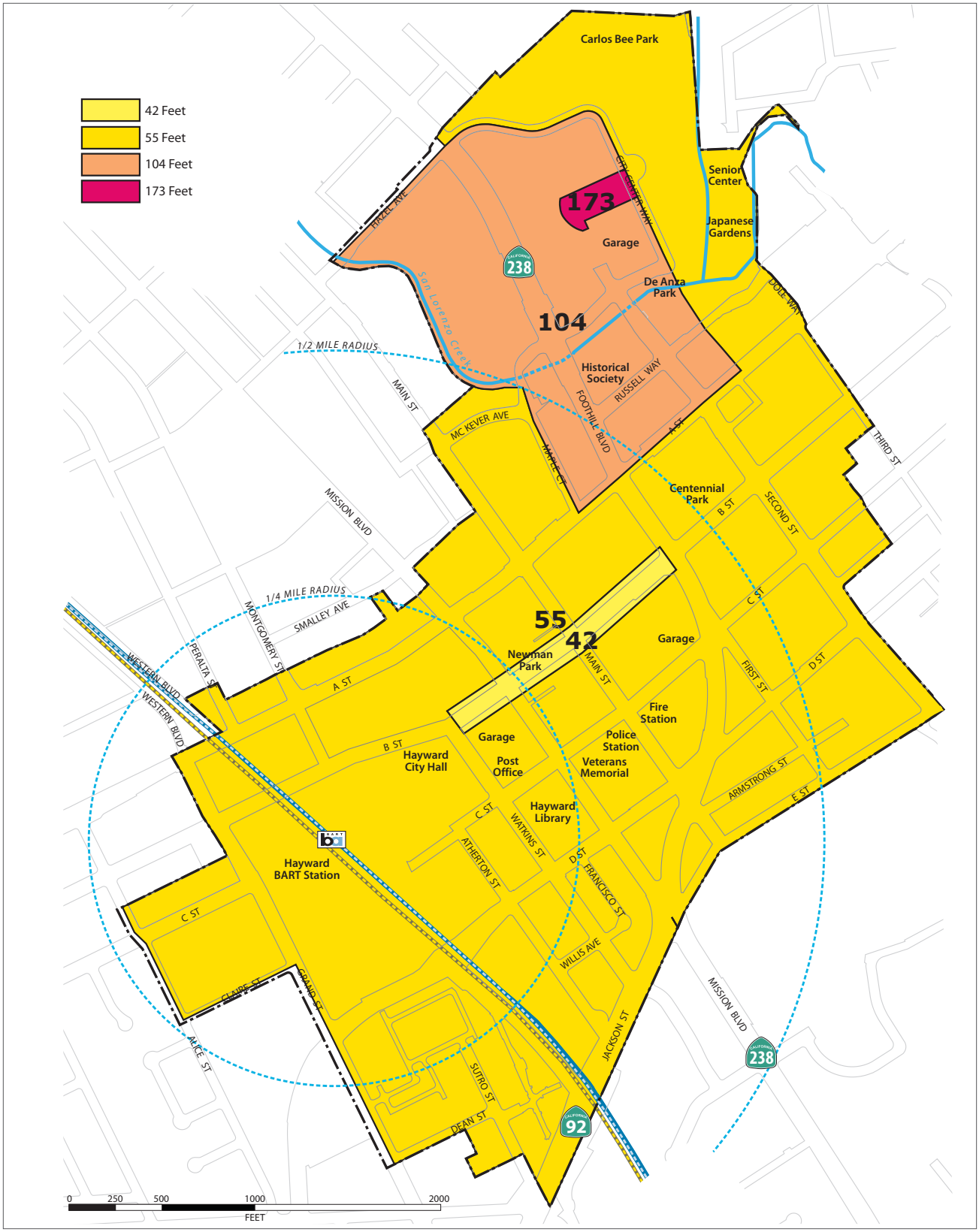
Height standards may be set forth in the HMC, however, maximum height standards vary by the type of development being proposed and are independent of specific zoning districts. Figure 4.1-1 illustrates the various height limits that are currently permitted in the Specific Plan Area. As shown, height limits that are currently permitted range from 42 feet to 173 feet.

Site Plan Review, if required, is identified in the applicable zoning district. Development in Hayward requires Site Plan Review for projects where the Planning Director determines that the development would materially alter the appearance and character of the property or area or if it may be incompatible with City policies, standards and guidelines. Site Plan Review includes design review of all proposed structures, fencing, signs, and landscaping.

Hayward Landscape Beautification Plan

The *Landscape Beautification Plan* is a master plan for streetscape improvements along the major thoroughfares of the city of Hayward. *The Landscape Beautification Plan* furthers the General Plan goal to develop a positive and distinctive image to be enjoyed by residents and projected to the surrounding region. *The Landscape Beautification Plan* addresses 12 major streets throughout the city.

[4] City of Hayward Municipal Code, Chapter 10, Planning, Zoning, and Subdivisions.
[5] City of Hayward Municipal Code, Chapter 10, Planning, Zoning, and Subdivisions, Article 1, Zoning Ordinance, Section 10-1.150, Nuisance.
[6] City of Hayward Municipal Code, Chapter 10, Planning, Zoning, and Subdivisions, Article 2, Off-Street Parking Regulations, Section 10-2.640, Design Standards for Parking and Loading Spaces, Light and Marking.



Source: Hayward Downtown Specific Plan, Existing Conditions and Opportunities Analyses, October 2015.

Figure 4.1-1
Existing Height Limits in the Specific Plan Area

4.1.1.2 EXISTING CONDITIONS

The following information is taken in part from the *Existing Conditions and Opportunities Analysis* prepared for the Specific Plan Area. This report is included as Appendix B of this Draft EIR.

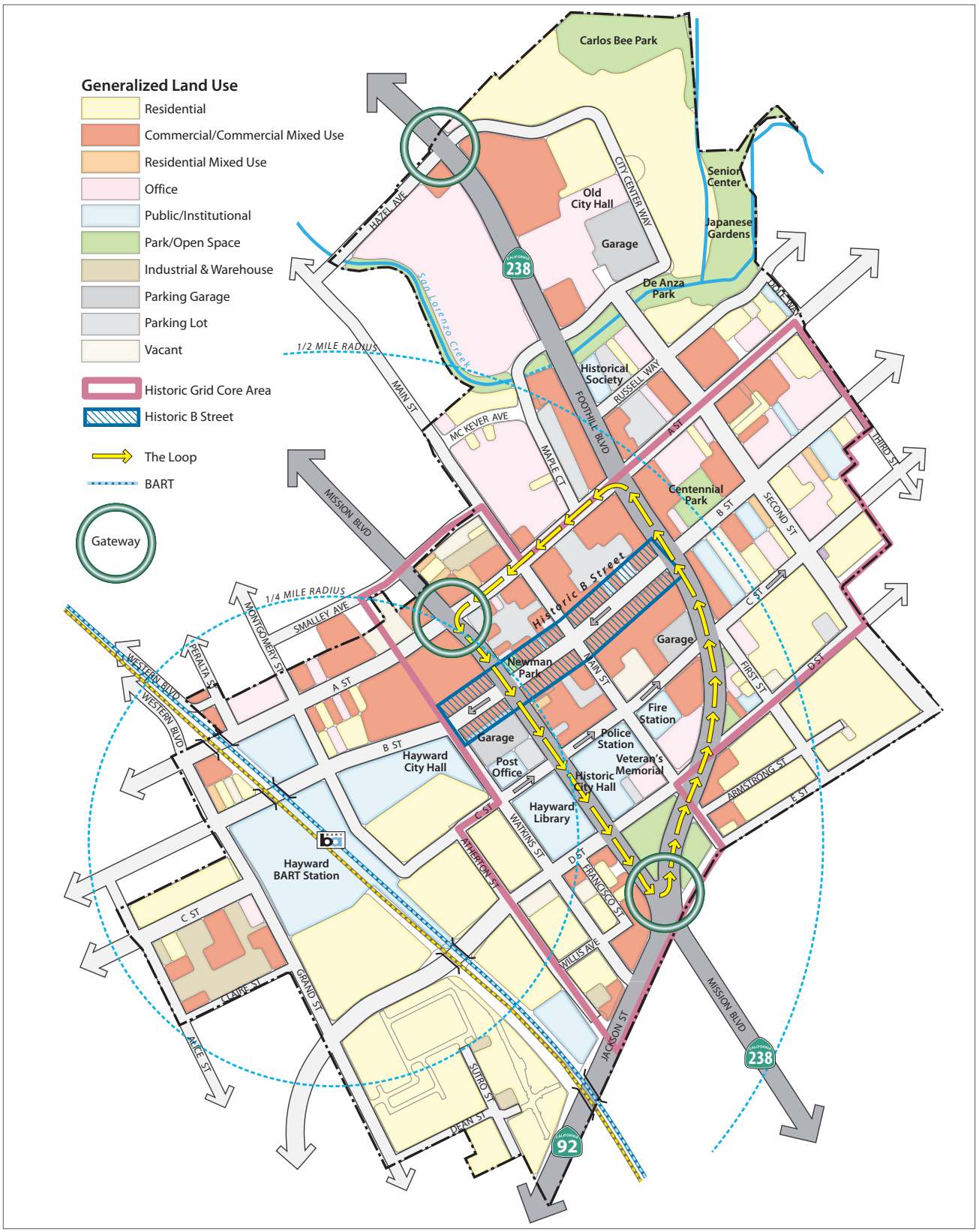
Visual Character

Key elements that contribute to the visual character of the Specific Plan Area are the historic core, Mission Boulevard and Foothill Boulevard corridors, traffic "loop" that surrounds the core retail area, BART station and elevated tracks, San Lorenzo Creek and Coyote Creek corridors, and Downtown gateways. Each of these elements is discussed below. Additionally, Figure 4.1-2 distinguishes the locations of each visual feature included in the visual character discussion.

A number of architecturally prominent buildings were erected in Downtown Hayward in the first few decades of the 1900s. The area east of Atherton Street between A Street and D Street/Jackson Street is the historic core of Downtown Hayward, which was platted in the mid-19th century. Of all Downtown corridors, B Street between Watkins Street and Foothill Boulevard features the most pedestrian-oriented streetscape. This segment of B Street was improved in 2004, and includes extended landscaped bulb outs, mid-block crossings, public art, and a range of pedestrian amenities. Since buildings within Downtown are not typically set back from the street, the bulb outs also create a buffer between pedestrians and vehicular traffic and provide a space for gathering. These areas contain a range of street furniture including benches, low walls, and tables and chairs. Aside from B Street, the pedestrian environment of the downtown core has undergone changes in recent years with construction of the loop, which has included new sidewalks along Foothill Boulevard and portions of side streets; new crosswalks; new gateway features; new pedestrian-scaled LED (light-emitting diode) street lighting; and new landscaping, including 300 new street trees. While these improvements enhance the pedestrian realm, other improvements related to the loop may detract from pedestrian comfort and safety, as the new one-way streets have faster speeds than two-way streets and traffic signals are set to keep traffic flowing, resulting in lengthened wait times at some crosswalks for pedestrians.

Mission and Foothill Boulevards are major regional corridors which pass through the Specific Plan Area and largely bisect the Specific Plan Area. From A Street to Foothill Boulevard, Mission Boulevard forms the western edge of the loop and is a one-way southbound street with four to five vehicular travel lanes. North and south of the loop, Mission Boulevard is a two-way street with four to six lanes. North of A Street, Mission Boulevard does not provide any landscaping and street lighting is not designed for the pedestrian scale. South of A Street, Mission Boulevard has been more recently updated, with street trees, pedestrian-scaled lampposts, and generally wider sidewalks.

Foothill Boulevard consists of five to six vehicular lanes and supports higher speeds than other Downtown Roadways. As both a local street and part of SR 238, Foothill Boulevard carries heavy commuter and local traffic. Foothill Boulevard essentially bisects the Downtown. Foothill Boulevard largely separates residential neighborhoods south of C Street from the Downtown core area and BART station area. While it has street lighting and signature crosswalks, Foothill Boulevard offers little buffer between the pedestrian realm and the vehicular right of way. North of A Street, Foothill Boulevard contains a landscaped median between the north and south vehicle lanes but does not contain any landscaping in the pedestrian realm.



Source: Hayward Downtown Specific Plan, Existing Conditions and Opportunities Analyses, October 2015.

0 1,000
Scale (Feet)

Figure 4.1-2
Existing Visual Features in the Specific Plan Area

Between A and C streets, street trees are planted along Foothill Boulevard in tree grates at intervals of approximately 20 feet. South of C Street, street trees and sidewalk widths along Foothill Boulevard are irregular. Both regional and local traffic are routed along a counterclockwise, one-way circulation loop along Foothill Boulevard, A Street, and Mission Boulevard that encompasses six blocks of the Downtown. Construction of the loop was part of the *Route 238 Corridor Improvement Project*, a project that was completed in 2013 and converted two-lane segments of these roadways into one-way roads.

The elevated BART tracks and the at-grade railroad tracks pass through the southwestern portion of the Specific Plan Area. The tracks form a visual barrier and create a shaded environment in its immediate environs. In some areas, the tracks are elevated above roadways at roughly the same height as a one-story building. In other areas, roadways are depressed to cross below grade under the tracks.

The creeks system is a prominent natural feature within the Specific Plan Area. San Lorenzo Creek runs east-west through the northern end of the Planning Area. It is culverted under rights of way, but its banks are a protected open space. Coyote Creek runs north-south between the Japanese Gardens and the adjacent multi-family residential development, meeting San Lorenzo Creek in De Anza Park.

Four gateway areas serve as visual markers that enhance the identity of Downtown as a district and create a sense of place. Two green arches – one at D and Main Streets and one at the intersection of Mission Boulevard and Jackson Street – welcomes northbound motorists entering the loop at the junction of Mission Boulevard and Jackson Street. A second gateway is located at the northeast corner of the intersection of Mission Boulevard and A Street, also on the loop, and consists of a low wall imprinted with "Downtown Hayward" against a mural backdrop. A third gateway is located farther north, where Foothill Boulevard intersects Hazel Avenue, where crosswalks designed as piano keys create a playful gateway into the Downtown. Lastly, a green arch at Foothill Boulevard and A Street marks the entry point into the retail core for southbound traffic along Foothill Boulevard.

Scenic Views

Due to the built-out nature of the Specific Plan Area and its relatively flat topography, the Specific Plan Area does not offer any sweeping scenic vistas. Most of the Specific Plan Area is relatively flat, sloping uphill east of Mission Boulevard and south of A Street, with a high point at 2nd Street and E Street and an overall difference in elevation of about 60 feet. From this high point, westward views offer a narrow, far-field view of ridgelines on the opposite side of the San Francisco Bay.

The City's General Plan identifies views of hillsides, open space, and the San Francisco Bay shoreline as scenic views to be protected within the city. The City's Design Guidelines aim to protect views of the Hayward Hills, permanent open space, San Lorenzo Creek, the Japanese Garden, and other orienting features or landmarks such as All Saints Church (located at the corner of 2nd Street and D Street). Views of each of these scenic features from the Specific Plan Area are discussed below:

- Hillsides. Scenic views from the Specific Plan Area to distant scenic resources such as ridgelines and hillside open space are largely intermittent and are limited to views down corridors, from intersections, or across vacant sites. Within the Specific Plan Area, eastward views of the Hayward Hills are intermittent and are largely blocked by existing buildings and trees.

- San Francisco Bay. The Bay shoreline is not viewable from the Specific Plan Area.
- Creeks. Views of San Lorenzo Creek and Coyote Creek are only available from adjacent properties and viewpoints in the immediate vicinity of the creek corridors.
- Japanese Garden. Views of the Japanese Garden are only available from adjacent properties and viewpoints in the immediate vicinity of the building.
- All Saints Church and Other Prominent Buildings. Due to the higher height of All Saints Church in comparison to nearby buildings, and the topography of the area with the church at a higher elevation than areas to the north and west, views of All Saints Church are available within a few blocks of the church. Other architecturally prominent buildings throughout the Specific Plan Area are similarly best viewed from the immediate vicinity.

Light and Glare

Light pollution refers to all forms of unwanted light in the night sky around and above developed urban areas, including glare, light trespass, sky glow, and over lighting. Views of the night sky are an important part of the natural environment. Excessive light and glare can also be visually disruptive to humans and nocturnal animal species, and often reflects an unnecessarily high level of energy consumption. Light pollution has the potential to become an issue of increasing concern as new development contributes additional outdoor lighting installed for safety and other reasons.

Downtown Hayward is an urbanized area that includes a variety of residential, commercial, and public uses. Existing sources of light and glare in the Specific Plan Area are similar to those that would be found in any urbanized area, and include streetlamps, parking lot lighting, storefront and signage lighting, car headlamps, and interior lighting visible through windows.

4.1.2 STANDARDS OF SIGNIFICANCE

Implementation of the proposed project would result in a significant aesthetic impact if it would:

1. Have a substantial adverse effect on a scenic vista.
2. Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway.
3. Substantially degrade the existing visual character or quality of the site and its surroundings.
4. Expose people on- or off-site to substantial light or glare, which would adversely affect day or nighttime views in the area.

4.1.3 IMPACT DISCUSSION

AES-1 Implementation of the proposed project would not have a substantial adverse effect on a scenic vista.

Future development under the proposed project would have the potential to affect scenic vistas if new or intensified development blocked views of areas that provide or contribute to such vistas. Potential effects could include blocking views of a scenic vista from specific publically accessible vantage points or the alteration of the overall scenic vista itself. Such alterations could be positive or negative, depending on the characteristics of individual future developments and the subjective perception of observers.

Scenic vistas are views of a specific scenic feature and are generally interpreted as long range views. As stated in Section 4.1.1.2, Existing Conditions, the City identifies views of hillsides, open space, and the San Francisco Bay shoreline as scenic views to be protected in the City. The City's Design Guidelines aim to protect views of the Hayward Hills, permanent open space, San Lorenzo Creek, the Japanese Garden, and other orienting features or landmarks such as All Saints Church (located at the corner of 2nd Street and D Street).

As described in detail in Section 4.1.1.2, Existing Conditions, future development potential in the Specific Plan Area where new potential development is expected to occur would be concentrated on sites either already developed and/or underutilized, and/or in close proximity to existing development, where future development would have a lesser impact on scenic vistas. Proposed changes in the Specific Plan Area consist of increased development intensities and proposed new height limits. However, due to the natural topography and location of the Specific Plan Area in the city center, distant scenic resources such as ridgelines and hillside open space are largely intermittent and are limited to views down corridors, from intersections, or across vacant sites. Within the Specific Plan Area, eastward views of the Hayward Hills are intermittent and are largely blocked by existing buildings and trees and views of these scenic resources would not be impacted by new development potential in the Specific Plan Area.

Proposed height limits in the Specific Plan Area are shown in Table 4.1-1; organized by the proposed new Zoning District for context. As shown in Table 4.1-1, heights in the Specific Plan Area would generally range from 35 to 124 feet tall and would be dependent on the type of future development being proposed and the surrounding land uses. However, because the topography in the Specific Plan Area is essentially flat, the views from street-level public viewing to the scenic resources surrounding Hayward are currently inhibited by existing conditions such as buildings, structures, overhead utilities, and mature trees/vegetation. As such the existing building heights currently limit the opportunity for views of scenic vistas from street-level public viewing. Therefore, the height limits under the proposed project, which are limited to certain parcels in the Specific Plan Area, would not cause any further substantial obstruction from the public street-level views to any scenic resource.

TABLE 4.1-1 APPROXIMATE BUILDING HEIGHT LIMITS IN THE SPECIFIC PLAN AREA

Proposed Zoning District	Maximum Building Height
Neighborhood Edge (NE)	Up to 2.5 stories (approximately 35 feet)
Neighborhood General (NG):	Up to 3.5 stories (approximately 45 feet)
Urban Neighborhood (UN)	Up to 5 stories (approximately 80 feet)
Downtown Main Street (DT-MS)	Up to 7 stories (with setback above 5 stories) (approximately 85 feet)
Urban Center (UC):	Up to 11 stories (with stepback above 5 stories) (approximately 124 feet)

Source: City of Hayward, Downtown Specific Plan, Public Review Draft, 2019.

Accordingly, no publically accessible views of scenic resources would be blocked or further obstructed by proposed heights limits on the identified parcels in the Specific Plan Area. Similar views would continue to be visible between projects and over lower intensity areas.

Additionally, future development would also be required to comply with the General Plan policies listed above in Section 4.1.1.1, Regulatory Framework, as applicable, that require local planning and development decisions to consider impacts to aesthetic resources, including scenic vistas.

General Plan policies that protect scenic views include the following: Policy LU-1.7 requires the City to maintain and implement commercial, residential, industrial, and hillside design guidelines to ensure that future development complies with General Plan goals and policies; Policy LU-3.7 states that the City shall protect the pattern and character of existing neighborhoods by requiring new infill developments to have complimentary building forms and site features; Policy LU-4.3 requires the City to allow mixed-use developments within commercially-zoned properties along corridors and ensure that these uses are located, designed, and operated in a manner that maintains compatibility with adjacent residential uses; and Policy LU-4.5 states that the City shall require corridor developments to transition the massing, height, and scale of buildings when located adjacent to residential properties and that new development shall transition from a higher massing and scale along the corridor to a lower massing and a more articulated scale toward the adjoining residential properties.

Furthermore, with respect to the new development potential in the Specific Plan Area where more intense development and increased height is being considered, the proposed project includes zoning regulations that include design standards and compliance with the City's architectural control process (i.e., Site Plan Review), which are intended to reduce potential aesthetic-related impacts of future development under the proposed project. The design standards control the appearance of development, including aspects such as lot size, building mass and scale, the building's relationship to the street, ground-floor exterior, public and private open space, sidewalks, building projections and facades, roof planes, and upper-story stepbacks. In addition, the design standards include requirements for trash and storage and associated screening, and requirements for durable and high-quality building materials. The design standards ensure that the development within the proposed Downtown zoning districts results in the same high-quality design. The primary purpose of the proposed design standards is to promote

complementary uses and appearance in the Specific Plan Area and the Site Plan Review is intended to reduce potential aesthetic-related impacts of future development in the Specific Plan Area.

In summary, due to the existing conditions, and compliance with existing General Plan and proposed Specific Plan goals and policies, as well as the proposed Zoning Ordinance, impacts to scenic vistas would be *less than significant*.

Significance without Mitigation: Less than significant.

AES-2	**Implementation of the proposed project would not substantially degrade the view from a scenic highway, including, but not limited to, trees, rock outcroppings, and historic buildings.**

There are no designated State scenic highways in the Specific Plan Area, however I-580, located 0.7miles north of the Specific Plan Area is an eligible State scenic highway.[7] Future development in the Specific Plan Area would not occur in the viewshed of I-580. Therefore, no impact would occur with respect to State scenic highways.

Within the Specific Plan Area, SR 92 (Jackson Freeway) is identified as a proposed scenic route, rather than an existing designated scenic route in the Alameda County General Plan. The future development in the Specific Plan Area would not be of such a scale to obstruct or degrade the view from this roadway. The potential future development under the proposed project would primarily involve gradual changes in development intensity along the SR 92 viewshed, similar to existing buildings, and would not fully obstruct views of far-field scenic resources from SR 92.

Additionally, potential future development in the Specific Plan Area would be required to comply with existing General Plan goals and policies described above in Section 4.1.1.1, as applicable, that require local planning and development decisions to consider impacts to aesthetic resources, including scenic roadways. Specific goals and policies that protect scenic roadways include Goal NR-8, which states the City's commitment to enhance, preserve, and increase the aesthetic qualities of Hayward's undisturbed natural hillsides and shoreline, and designated scenic transportation corridors. Policy NR-8.3 requires the City to protect the visual characteristics of transportation corridors that are officially designated as having unique or outstanding scenic qualities, including portions of I-580, I-880, and SR 92. Policy PFS-8 requires that all new utility lines constructed as part of new development projects are installed underground or, in the case of transformers, pad-mounted, which would help prevent additional infrastructure from obstructing views.

Furthermore, with respect to the new development potential in the Specific Plan Area where more intense development and increased height is being considered, the proposed project includes zoning regulations that include compliance with the City's architectural control process (i.e., Site Plan Review),

[7] California Department of Transportation, California Scenic Highway Mapping System, http://www.dot.ca.gov/hq/LandArch/16_livability/scenic_highways/index.htm, accessed on January 24, 2018.

which is intended to reduce potential aesthetic-related impacts of future development in the Specific Plan Area.

Additionally, the proposed Specific Plan contains goals, policies, and programs that also require local planning and development decisions to consider impacts to historic resources, of which some could be visible from SR 92, from potential development in the Specific Plan Area. These are discussed in Chapter 4.4, Cultural Resources and Tribal Cultural Resources, of this Draft EIR.

In summary, due to the existing conditions, and compliance with existing General Plan and the proposed Specific Plan and Zoning Ordinance, impacts to scenic resources in the SR 92 viewshed would be *less than significant*.

Significance without Mitigation: Less than significant.

AES-3 Implementation of the proposed project would not degrade the existing visual character or quality of the site and its surroundings.

As described in Section 4.1.1.2, Existing Conditions, the Specific Plan Area where the potential new development would be concentrated is either already developed and/or underutilized, and/or in close proximity to existing development in the city. Future building form and massing may be greater than existing conditions in this area, but would not necessarily degrade the existing character of the Specific Plan Area and subsequently the city as a whole. Note that a change in the existing setting does not necessarily equate to degradation of the visual character and overall quality of the site and surroundings.

Implementation of the proposed project would allow continued development, redevelopment, and more intense development in the Specific Plan Area under new zoning regulations within the Specific Plan Area. As discussed under AES-1 above, while more intense development could occur in the Specific Plan Area, the future development in the Specific Plan Area would not result in a substantial change to the existing visual character of the Specific Plan Area or its surroundings. Potential future development under the proposed project would create a shift in uses to include more mixed-use with multi-family residential and commercial, and involve increased building intensity and heights from 35 feet to 124 feet. However, given the existing commercial and residential uses surrounding the areas of potential new growth, the gradual development of future projects would continue to be compatible with the existing visual character and quality of the Specific Plan Area and its surroundings. The proposed zoning includes average numbers of stories and development standards to maintain overall compatibly with the adjacent land uses.

Additionally, future development would also be required to comply with General Plan policies described above in Section 4.1.1.1, Regulatory Framework, as applicable, that require local planning and development decisions to consider impacts to aesthetic resources, including degradation of visual character. In addition to the General Plan policies listed in impact discussion AES-1, the specific policies that protect visual character include Policy LU-2.4 that requires retail frontages and storefront entrances on new and renovated buildings within the “retail core” of Downtown Hayward along streets in the Specific Plan Area. Policy LU-4.3 requires the City to allow mixed-use developments within commercially-zoned properties along corridors and ensure that these uses are located, designed, and operated in a

manner that maintains compatibility with adjacent residential uses. Policy LU-4.4 requires the City to encourage corridor developments to incorporate the specific design strategies. Policy LU-4.11 requires the City strive to improve the visual character of corridors by improving streetscapes with landscaped medians, and widened sidewalks that are improved with street trees, pedestrian-scaled lighting, underground utilities, landscaping, and streetscape furniture and amenities. Policy LU-9.1 states that the City shall ensure that all City-owned facilities are designed to be compatible in scale, mass, and character with the neighborhood, district, or corridor in which they are located and Policy LU-9.2 states that the City will coordinate with other government agencies (exempt from local land use controls) to encourage facility designs that are compatible in scale, mass, and character with the neighborhood, district, or corridor in which they are located. Policy M-3.6 requires the City to 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-5.5 requires 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 ED-5.5 states that 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 NR-1.7 and NR-6.15 require the City to encourage protection of mature, native tree species to the maximum extent practicable, to support the local eco-system, provide shade, create windbreaks, and enhance the aesthetics of new and existing development, and 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, respectively.

In addition, the proposed Specific Plan contain goals, policies, and programs that also require local planning and development decisions to consider impacts to aesthetic resources from development in the Specific Plan Area, including visual integrity. The following Specific Plan goals and policies would serve to minimize potential adverse impacts on the visual character of the Specific Plan Area:

- Goal 1 Land Use (LU): Downtown is transformed into a vibrant, walkable City center that serves as a regional destination to play, work, and live for City residents, neighboring communities, and local college students.
    - Policy LU 5 Consistent Citywide Policy: Ensure that updates to Citywide policies and regulations support the Downtown vision, goals, and development standards.
        - Program LU 10: Complete a wayfinding signage program and accompanying implementation plan to enhance and increase wayfinding signage that helps residents and visitors navigate the Plan Area and find public and cultural amenities, businesses, transit facilities, bicycle routes, and on-street and off-street parking lots and garages.
        - Program LU 15: Maintain and enhance the two gateway signs to convey a positive Downtown identity and establish the Downtown's boundaries.
        - Program LU 11: Working with the business community, develop a Downtown branding plan highlighting the Plan Area's unique opportunities and attractions that includes creative taglines, logos, and other visual themes along with an accompanying implementation plan.

- Program LU 17: Collaborate with local artists and arts organizations in support of efforts to encourage indoor and outdoor art exhibits in Plan Area galleries, vacant storefronts, City Hall, and public places.

- Goal 2 Community Design: Downtown is a beautiful, safe, and high-quality pedestrian-oriented environment for all ages to enjoy day or night, with sufficient and attractive lighting, sidewalk amenities, landscaping, and inviting ground floor frontages.
  - Policy CD 1 Pedestrian-Oriented Design. Require best practices in pedestrian-oriented building and streetscape design to create an attractive and comfortable walking experience.
  - Policy CD 2 Coordinate Public and Private Investments. Coordinate public and private investment to improve the quality and appearance of new and existing structures and streetscapes.
  - Policy CD 3 Cultural and Historic Heritage. Celebrate, preserve, and enhance the cultural heritage and historic charm of Downtown to create a unique sense of place.
  - Policy CD 6 Public Art: Promote the creation and funding of public art that contributes to the cultural experience of visiting the Downtown.
  - Policy CD 7 Public Improvements. Require that public improvements negotiated through development agreements to be consistent with and supportive of streetscape and public realm improvements called for in the Specific Plan.
    - Program CD 1: Create building placement and frontage standards to ensure new buildings shape the public realm and promote walkability. Regulations may include pedestrian entranceway standards, building location standards, ground floor use requirements, or frontage design standards.
    - Program CD 4: Create new development and design regulations for open space of all sizes, including pocket parks, plazas, and community gardens, to ensure new open space can support active and passive recreational uses for users of all ages and abilities.
    - Program CD 7: Pursue funding for pedestrian-oriented streetscape improvements such as additional outdoor seating areas, pedestrian scale lighting, trash receptacles, interactive art installations, and shade trees.
    - Program CD 8: Promote historic resources through programs and signage as part of the Downtown marketing campaign.
    - Program CD 9: Continue to pursue grant funding and design assistance to help existing property and business owners make cosmetic upgrades, such as façade and signage improvements.
    - Program CD 11: Consider developing a Master Art Plan that outlines the vision and goals of the City's public art program and provides guidelines on how public art is selected and where it is placed. As part of this process, the City should consider establishing an arts fee based on the square footage of the building and/or a percentage of the permit value.

- Program CD 23: Continue to support and expand the Mural Art Program to provide public art in the Plan Area and market as part of the Downtown brand. Expand the program to protect murals from being painted over.
- Program CD 24: Continue to enforce code regulations in the Community Preservation Ordinance and support of the Mural Arts Program to eliminate blighted building conditions and graffiti.

Furthermore, with respect to the new development potential in the Specific Plan Area where more intense development and increased height is being considered, the proposed project includes zoning regulations that include design standards and compliance with the City's architectural control process (i.e., Site Plan Review), which are intended to reduce potential aesthetic-related impacts of future development under the proposed project. The design standards control the appearance of development, including aspects such as lot size, building mass and scale, the building's relationship to the street, ground-floor exterior, public and private open space, sidewalks, building projections and facades, roof planes, and upper-story stepbacks. In addition, the design standards include requirements for trash and storage and associated screening, and requirements for durable and high-quality building materials. The design standards ensure that the development within the proposed Downtown zoning districts results in the same high-quality design. The primary purpose of the proposed design standards is to promote complementary uses and appearance in the Specific Plan Area and the Site Plan Review is intended to reduce potential aesthetic-related impacts of future development in the Specific Plan Area.

In summary, compliance with existing General Plan and proposed Specific Plan goals and policies, as well as the proposed Zoning Ordinance, impacts to visual character of the Specific Plan Area would be *less than significant*.

Significance without Mitigation: Less than significant.

AES-4 Implementation of the proposed project would not expose people on- or off- site to substantial light or glare which would adversely affect day or nighttime views in the area.

Nighttime illumination and glare from light reflection are the effects of a project's exterior lighting and glare impacts upon adjoining uses and areas. Light and glare impacts are determined through a comparison of the existing light and glare sources with the proposed lighting plans and building materials selection or policies.

Currently, the Specific Plan Area contains many existing sources of nighttime illumination. These include street and parking area lights, security lighting, and exterior lighting on existing residential, commercial, and institutional buildings. Additional onsite light and glare is caused by surrounding land uses and traffic, specifically from SR 92 and SR 298 in the Specific Plan Area. The growth that is planned under the proposed project would occur in the already built out Specific Plan Area where street and site lighting already exist. While light spillage on sensitive receptors such as residential areas, particularly older neighborhoods, is mostly well screened by mature trees, the introduction of new residential land uses in

the Specific Plan Area could experience light spillage from adjacent non-residential land uses in the Specific Plan Area.

The proposed project would modify land uses, zoning, and density in the Specific Plan Area, which in turn would intensify related lighting sources in the Specific Plan Area and adjacent land uses. In addition to new building, security, and lighting for parking areas, buildout of the Specific Plan Area would also include lighting aimed at properly illuminating the overall Specific Plan Area. Because the proposed project allows higher intensity development in the Specific Plan Area, its implementation would likely result in larger buildings with more exterior glazing (i.e., windows and doors) that could result in new sources of glare. Despite the new and expanded sources of nighttime illumination and glare, the proposed project is not expected to generate a substantial increase in light and glare.

Besides general best management practices that require lighting that is context sensitive in style and intensity required under CALGreen, new development in the Specific Plan Area would also have to comply with the General Plan policies that ensure new land uses do not generate excessive light levels that would spill on to adjacent sensitive receptors and reduce light and glare spillover from future development to surrounding land uses.

Additionally, future development would also be required to comply with existing design standards of the *Hayward Design Guidelines* and General Plan policies described above in Section 4.1.1.1, Regulatory Framework, as applicable, that require local planning and development decisions to consider impacts to aesthetic resources, including light and glare. In addition to the General Plan policies listed in impact discussions above, the specific policies that prevent light and glare include Policy LU-3.7, which requires the City to protect the pattern and character of existing neighborhoods by requiring new infill developments to have complimentary building forms and site features. Policy LU-4.3 states the City shall allow mixed-use developments within commercially-zoned properties along corridors and ensure that these uses are located, designed, and operated in a manner that maintains compatibility with adjacent residential uses. Policy LU-4.11 requires the City to strive to improve the visual character of corridors by improving streetscapes with landscaped medians, and widened sidewalks that are improved with street trees, pedestrian-scaled lighting, underground utilities, landscaping, and streetscape furniture and amenities. Policy NR-1.7 require the City to encourage protection of mature, native tree species to the maximum extent practicable, to support the local eco-system, provide shade, create windbreaks, and enhance the aesthetics of new and existing development. The preservation of mature trees with substantial tree canopies would diffuse the overall amount of light generated by new development and glare generated by windows of multistory buildings in the areas of the Specific Plan Area with mature trees.

In addition, the proposed Specific Plan contain goals, policies, and programs that also require local planning and development decisions to consider impacts to aesthetic resources from development in the Specific Plan Area, including light and glare. The following Specific Plan goals and policies would serve to minimize potential adverse impacts on the visual character of the Specific Plan Area:

- Goal CD 2 Community Design: Downtown is a beautiful, safe, and high-quality pedestrian-oriented environment for all ages to enjoy day or night, with sufficient and attractive lighting, sidewalk amenities, landscaping, and inviting ground floor frontages.

- Policy CD 2 Coordinate Public and Private Investments. Coordinate public and private investment to improve the quality and appearance of new and existing structures and streetscapes.
- Policy CD 3 Cultural and Historic Heritage. Celebrate, preserve, and enhance the cultural heritage and historic charm of Downtown to create a unique sense of place.
- Policy CD 7 Public Improvements. Require that public improvements negotiated through development agreements to be consistent with and supportive of streetscape and public realm improvements called for in the Specific Plan.
    - Program CD 7: Pursue funding for pedestrian-oriented streetscape improvements such as additional outdoor seating areas, pedestrian scale lighting, trash receptacles, interactive art installations, and shade trees.

Furthermore, with respect to the new development potential in the Specific Plan Area where more intense development and increased height is being considered, the proposed project includes zoning regulations that include design standards and compliance with the City's architectural control process (i.e., Site Plan Review), which are intended to reduce potential aesthetic-related impacts of future development under the proposed project. The design standards control the appearance of development, including aspects such as creating glare and requiring that exterior lighting to be hooded or shielded so that the light source is not directly visible to neighboring uses. The primary purpose of the proposed design standards is to promote complementary uses and appearance in the Specific Plan Area and the Site Plan Review is intended to reduce potential aesthetic-related impacts of future development in the Specific Plan Area.

In summary, compliance with existing General Plan and proposed Specific Plan goals and policies, as well as the proposed Zoning Ordinance and CALGreen, impacts related to excessive light and glare on sensitive receptors would be *less than significant*.

Significance without Mitigation: Less than significant.

4.2 AIR QUALITY

This chapter describes the existing air quality in the Specific Plan Area and evaluates the potential environmental consequences of future development that could occur by adopting and implementing the proposed Specific Plan. This chapter provides a summary of the relevant regulatory setting necessary to evaluate potential environmental impacts resulting from the proposed Specific Plan, describes potential impacts, and discusses existing and proposed goals, policies, and implementation programs and zoning regulations that would avoid or reduce those potential impacts.

4.2.1 ENVIRONMENTAL SETTING

4.2.1.1 AIR POLLUTANTS OF CONCERN

Criteria Air Pollutants

Pollutants emitted into the ambient air by stationary and mobile sources are regulated by federal and State law under the federal Clean Air Act ("National") and California Clean Air Act, respectively. The pollutants emitted into the ambient air by stationary and mobile sources are categorized as primary and/or secondary pollutants. Primary air pollutants are emitted directly from sources. Carbon monoxide (CO), reactive organic gases (ROG), nitrogen oxides (NO_x), sulfur dioxide (SO_2), coarse inhalable particulate matter (PM_{10}), fine inhalable particulate matter ($PM_{2.5}$), and lead (Pb) are primary air pollutants. Of these, CO, SO_2, NO_2, PM_{10}, and $PM_{2.5}$ are "criteria air pollutants," which means that ambient air quality standards (AAQS) have been established for them. ROG and NO_x are criteria pollutant precursors that form secondary criteria air pollutants through chemical and photochemical reactions in the atmosphere. Ozone (O_3) and nitrogen dioxide (NO_2) are the principal secondary pollutants. Each of the primary and secondary criteria air pollutants and its known health effects is described here.

- Carbon Monoxide (CO) is a colorless, odorless gas produced by incomplete combustion of carbon substances, such as gasoline or diesel fuel. CO is a primary criteria air pollutant. CO concentrations tend to be the highest during winter mornings with little to no wind, when surface-based inversions trap the pollutant at ground levels. The highest ambient CO concentrations are generally found near traffic-congested corridors and intersections. When inhaled at high concentrations, CO combines with hemoglobin in the blood and reduces its oxygen-carrying capacity. This results in reduced oxygen reaching the brain, heart, and other body tissues. This condition is especially critical for people with cardiovascular diseases, chronic lung disease, or anemia, as well as for fetuses. Even healthy people exposed to high CO concentrations can experience headaches, dizziness, fatigue, unconsciousness, and even death.[1]
- Reactive Organic Gases (ROGs)/Volatile Organic Compounds (VOCs) are compounds composed primarily of hydrogen and carbon atoms. Internal combustion associated with motor vehicle usage is the major source of ROGs. Other sources of ROGs include evaporative emissions from paints and solvents, the application of asphalt paving, and the use of household consumer products such as

[1] Bay Area Air Quality Management District, 2017, Revised. California Environmental Quality Act Air Quality Guidelines.

aerosols. Adverse effects on human health are not caused directly by ROGs, but rather by reactions of ROGs to form secondary pollutants such as O_3. There are no AAQS established for ROGs. However, because they contribute to the formation of O_3, the Air District has established a significance threshold for this pollutant.

- **Nitrogen Oxides (NO_x)** are a by-product of fuel combustion and contribute to the formation of O_3, PM_{10}, and $PM_{2.5}$. The two major components of NO_x are nitric oxide (NO) and NO_2. The principal component of NO_x produced by combustion is NO, but NO reacts with oxygen to form NO_2, creating the mixture of NO and NO_2 commonly called NO_X. NO_2 absorbs blue light; the result is a brownish-red cast to the atmosphere and reduced visibility. NO is a colorless, odorless gas formed from atmospheric nitrogen and oxygen when combustion takes place under high temperature and/or high pressure.[5] NO_2 acts as an acute irritant and in equal concentrations is more injurious than NO. At atmospheric concentrations, however, NO_2 is only potentially irritating. There is some indication of a relationship between NO_2 and chronic pulmonary fibrosis. Some increase in bronchitis in children (2 and 3 years old) has also been observed at concentrations below 0.3 parts per million (ppm).
- **Sulfur Dioxide (SO_2)** is a colorless, pungent, irritating gas formed by the combustion of sulfurous fossil fuels. It enters the atmosphere as a result of burning high-sulfur-content fuel oils and coal and from chemical processes at chemical plants and refineries. Gasoline and natural gas have very low sulfur content and do not release significant quantities of SO_2. When SO_2 forms sulfates (SO_4) in the atmosphere, together these pollutants are referred to as sulfur oxides (SO_x). Thus, SO_2 is both a primary and secondary criteria air pollutant. At sufficiently high concentrations, SO_2 may irritate the upper respiratory tract. At lower concentrations and when combined with particulates, SO_2 may do greater harm by injuring lung tissue.[2]
- **Suspended Particulate Matter (PM_{10} and $PM_{2.5}$)** consists of finely divided solids or liquids such as soot, dust, aerosols, fumes, and mists. In the San Francisco Bay Area Air Basin (SFBAAB or Air Basin), most particulate matter is caused by combustion, factories, construction, grading, demolition, agricultural activities, and motor vehicles. Two forms of fine particulates are now recognized and regulated. Inhalable coarse particles, or PM_{10}, include the particulate matter with an aerodynamic diameter of 10 microns (i.e., 10 millionths of a meter or 0.0004 inch) or less. Inhalable fine particles, or $PM_{2.5}$, have an aerodynamic diameter of 2.5 microns or less (i.e., 2.5 millionths of a meter or 0.0001 inch). Diesel particulate matter (DPM) is also classified a carcinogen by the Air Resources Board.

  Extended exposure to particulate matter can increase the risk of chronic respiratory disease. PM_{10} bypasses the body's natural filtration system more easily than larger particles and can lodge deep in the lungs. The EPA scientific review concluded that $PM_{2.5}$ penetrates even more deeply into the lungs, and this is more likely to contribute to health effects—at concentrations well below current PM_{10} standards. These health effects include premature death in people with heart or lung disease, nonfatal heart attacks, irregular heartbeat, aggravated asthma, decreased lung function, and increased respiratory symptoms (e.g., irritation of the airways, coughing, or difficulty breathing). Motor vehicles are currently responsible for about half of particulates in the SFBAAB. Wood burning in fireplaces and stoves is another large source of fine particulates.[7]

[2] Bay Area Air Quality Management District, 2017, Revised. *California Environmental Quality Act Air Quality Guidelines*.

- **Ozone (O_3)** is commonly referred to as "smog" and is a gas that is formed when ROGs and NO_x, both by-products of internal combustion engine exhaust, undergo photochemical reactions in the presence of sunlight. O_3 is a secondary criteria air pollutant. O_3 concentrations are generally highest during the summer months when direct sunlight, light winds, and warm temperatures create favorable conditions to the formation of this pollutant. O_3 poses a health threat to those who already suffer from respiratory diseases as well as to healthy people. O_3 levels usually build up during the day and peak in the afternoon hours. Short-term exposure can irritate the eyes and cause constriction of the airways. Besides causing shortness of breath, it can aggravate existing respiratory diseases such as asthma, bronchitis, and emphysema. Chronic exposure to high ozone levels can permanently damage lung tissue. O_3 can also damage plants and trees and materials such as rubber and fabrics.[3]
- **Lead (Pb)** is a metal found naturally in the environment as well as in manufactured products. The major sources of lead emissions have historically been mobile and industrial sources. As a result of the phasing out of leaded gasoline, metal processing is currently the primary source of lead emissions. The highest levels of lead in air are generally found near lead smelters. Other stationary sources are waste incinerators, utilities, and lead-acid battery manufacturers. Because emissions of lead are found only in projects that are permitted by the Air District, lead is not an air quality of concern for the proposed Specific Plan.

Toxic Air Contaminants

At the time of the last update to the toxic air contaminants (TAC) list in December 1999, the California Air Resources Board (CARB) had designated 244 compounds as TACs.[4] Additionally, CARB has implemented control measures for a number of compounds that pose high risks and show potential for effective control measures. The majority of the estimated health risks from TACs can be attributed to relatively few compounds; the most important compounds being particulate matter from diesel-fueled engines.

Diesel Particulate Matter

In 1998, CARB identified DPM as a TAC. Previously, the individual chemical compounds in diesel exhaust were considered TACs. Almost all diesel exhaust particles are 10 microns or less in diameter. Because of their extremely small size, these particles can be inhaled and eventually trapped in the bronchial and alveolar regions of the lungs. According to the Bay Area Air Quality Management District (BAAQMD or Air District), PM emitted from diesel engines contributes to more than 85 percent of the cancer risk within the SFBAAB and cancer risk from TACs is highest near major diesel PM sources.[5]

[3] Bay Area Air Quality Management District, 2017, California Environmental Quality Act Air Quality Guidelines. http://www.baaqmd.gov/~/media/files/planning-and-research/ceqa/ceqa_guidelines_may2017-pdf, accessed on July 16, 2018.

[4] California Air Resources Board, 1999. Final Staff Report: Update to the Toxic Air Contaminant List.

[5] Bay Area Air Quality Management District, 2014, Improving Air Quality & Health in Bay Area Communities, Community Air Risk Evaluation Program Retrospective & Path Forward (2004-2013), April.

4.2.1.2 REGULATORY FRAMEWORK

Federal, State, and local air districts have passed laws and regulations intended to control and enhance air quality. Land use in the city is subject to the rules and regulations imposed by the United States Environmental Protection Agency (USEPA), CARB, the California Environmental Protection Agency and BAAQMD. The regulatory framework that is potentially applicable to the proposed Specific Plan is also summarized below.

Federal and State Regulations

Ambient air quality standards have been adopted at federal and state levels for criteria air pollutants. In addition, both the federal and State governments regulate the release of TACs. Hayward is in the SFBAAB and is subject to the rules and regulations imposed by the BAAQMD, the national AAQS adopted by the United States Environmental Protection Agency, and the California AAQS adopted by CARB. Federal, State, regional, and local laws, regulations, plans, or guidelines that are potentially applicable to the proposed Specific Plan are summarized below.

Ambient Air Quality Standards

The Clean Air Act was passed in 1963 by the United States Congress and has been amended several times. The 1990 amendments represent the latest in a series of federal efforts to regulate the protection of air quality in the United States. The Clean Air Act allows states to adopt more stringent standards or to include other pollutants. The California Clean Air Act, signed into law in 1988, requires all areas of the state to achieve and maintain the California AAQS by the earliest practical date. The California AAQS tend to be more restrictive than the National AAQS.

The National and California AAQS are the levels of air quality considered to provide a margin of safety in the protection of the public health and welfare. They are designed to protect "sensitive receptors" most susceptible to further respiratory distress, such as asthmatics, the elderly, very young children, people already weakened by other disease or illness, and persons engaged in strenuous work or exercise. Healthy adults can tolerate occasional exposure to air pollutant concentrations considerably above these minimum standards before adverse effects are observed. Both California and the federal government have established health-based AAQS for seven air pollutants, which are shown in Table 4.2-1. These pollutants are ozone (O_3), nitrogen dioxide (NO_2), carbon monoxide (CO), sulfur dioxide (SO_2), coarse inhalable particulate matter (PM_{10}), fine inhalable particulate matter ($PM_{2.5}$), and lead (Pb). In addition, the State has set standards for sulfates, hydrogen sulfide, vinyl chloride, and visibility-reducing particles.

California has also adopted a host of other regulations that reduce criteria pollutant emissions, including:

- Assembly Bill (AB) 1493: Pavley Fuel Efficiency Standards
- Title 20 California Code of Regulations (CCR): Appliance Energy Efficiency Standards
- Title 24, Part 6, CCR: Building Energy Efficiency Standards
- Title 24, Part 11, CCR: Green Building Standards Code

TABLE 4.2-1 AMBIENT AIR QUALITY STANDARDS FOR CRITERIA POLLUTANTS

Pollutant	Averaging Time	California Standard[a]	Federal Primary Standard[b]	Major Pollutant Sources
Ozone (O_3)[c]	1 hour	0.09 ppm	*	Motor vehicles, paints, coatings, and solvents.
	8 hours	0.070 ppm	0.070 ppm	
Carbon Monoxide (CO)	1 hour	20 ppm	35 ppm	Internal combustion engines, primarily gasoline-powered motor vehicles.
	8 hours	9.0 ppm	9 ppm	
Nitrogen Dioxide (NO_2)	Annual Arithmetic Mean	0.030 ppm	0.053 ppm	Motor vehicles, petroleum-refining operations, industrial sources, aircraft, ships, and railroads.
	1 hour	0.18 ppm	0.100 ppm	
Sulfur Dioxide (SO_2)	Annual Arithmetic Mean	*	0.030 ppm	Fuel combustion, chemical plants, sulfur recovery plants, and metal processing.
	1 hour	0.25 ppm	0.075 ppm	
	24 hours	0.04 ppm	0.14 ppm	
Respirable Coarse Particulate Matter (PM_{10})	Annual Arithmetic Mean	20 µg/m^3	*	Dust and fume-producing construction, industrial, and agricultural operations, combustion, atmospheric photochemical reactions, and natural activities (e.g., wind-raised dust and ocean sprays).
	24 hours	50 µg/m^3	150 µg/m^3	
Respirable Fine Particulate Matter ($PM_{2.5}$)[d]	Annual Arithmetic Mean	12 µg/m^3	12 µg/m^3	Dust and fume-producing construction, industrial, and agricultural operations, combustion, atmospheric photochemical reactions, and natural activities (e.g., wind-raised dust and ocean sprays).
	24 hours	*	35 µg/m^3	
Lead (Pb)	30-Day Average	1.5 µg/m^3	*	Present source: lead smelters, battery manufacturing & recycling facilities. Past source: combustion of leaded gasoline.
	Calendar Quarter	*	1.5 µg/m^3	
	Rolling 3-Month Average	*	0.15 µg/m^3	
Sulfates (SO_4)[e]	24 hours	25 µg/m^3	*	Industrial processes.
Visibility Reducing Particles	8 hours	ExCo =0.23/km visibility of 10≥ miles	No Federal Standard	Visibility-reducing particles consist of suspended particulate matter, which is a complex mixture of tiny particles that consists of dry solid fragments, solid cores with liquid coatings, and small droplets of liquid. These particles vary greatly in shape, size and chemical composition, and can be made up of many different materials such as metals, soot, soil, dust, and salt.

TABLE 4.2-1 AMBIENT AIR QUALITY STANDARDS FOR CRITERIA POLLUTANTS

Pollutant	Averaging Time	California Standard[a]	Federal Primary Standard[b]	Major Pollutant Sources
Hydrogen Sulfide	1 hour	0.03 ppm	No Federal Standard	Hydrogen sulfide (H_2S) is a colorless gas with the odor of rotten eggs. It is formed during bacterial decomposition of sulfur-containing organic substances. Also, it can be present in sewer gas and some natural gas, and can be emitted as the result of geothermal energy exploitation.
Vinyl Chloride	24 hour	0.01 ppm	No Federal Standard	Vinyl chloride (chloroethene), a chlorinated hydrocarbon, is a colorless gas with a mild, sweet odor. Most vinyl chloride is used to make polyvinyl chloride (PVC) plastic and vinyl products. Vinyl chloride has been detected near landfills, sewage plants, and hazardous waste sites, due to microbial breakdown of chlorinated solvents.

Notes: ppm: parts per million; µg/m^3: micrograms per cubic meter; *Standard has not been established for this pollutant/duration by this entity.
a. California standards for O_3, CO (except 8-hour Lake Tahoe), SO_2 (1 and 24 hour), NO_2, and particulate matter (PM_{10}, $PM_{2.5}$, and visibility reducing particles), are values that are not to be exceeded. All others are not to be equaled or exceeded. California ambient air quality standards are listed in the Table of Standards in Section 70200 of Title 17 of the California Code of Regulations.
b. National standards (other than O_3, PM, and those based on annual arithmetic mean) are not to be exceeded more than once a year. The O_3 standard is attained when the fourth highest 8-hour concentration measured at each site in a year, averaged over three years, is equal to or less than the standard. For PM_{10}, the 24-hour standard is attained when the expected number of days per calendar year with a 24-hour average concentration above 150 µg/m^3 is equal to or less than one. For $PM_{2.5}$, the 24-hour standard is attained when 98 percent of the daily concentrations, averaged over 3 years, are equal to or less than the standard.
c. On October 1, 2015, the national 8-hour ozone primary and secondary standards were lowered from 0.075 to 0.070 ppm.
d. On December 14, 2012, the national annual $PM_{2.5}$ primary standard was lowered from 15 µg/m^3 to 12.0 µg/m^3. The existing national 24-hour $PM_{2.5}$ standards (primary and secondary) were retained at 35 µg/m^3, as was the annual secondary standard of 15 µg/m^3. The existing 24-hour PM_{10} standards (primary and secondary) of 150 µg/m^3 also were retained. The form of the annual primary and secondary standards is the annual mean, averaged over 3 years.
e. On June 2, 2010, a new 1-hour SO_2 standard was established and the existing 24-hour and annual primary standards were revoked. The 1-hour national standard is in units of parts per billion (ppb). California standards are in units of parts per million (ppm). To directly compare the 1-hour national standard to the California standard the units can be converted to ppm. In this case, the national standard of 75 ppb is identical to 0.075 ppm.
Source: California Air Resources Board, 2017, Short-Lived Climate Pollutant Reduction Strategy, https://www.arb.ca.gov/cc/shortlived/meetings/03142017/final_slcp_report.pdf, accessed on October 24, 2018.

Tanner Air Toxics Act and Air Toxics "Hot Spot" Information and Assessment Act

Public exposure to TACs is a significant environmental health issue in California. In 1983, the California Legislature enacted a program to identify the health effects of TACs and to reduce exposure to these contaminants to protect the public health. The California Health and Safety Code defines a TAC as "an air pollutant which may cause or contribute to an increase in mortality or in serious illness, or which may pose a present or potential hazard to human health." A substance that is listed as a hazardous air pollutant pursuant to Section 112(b) of the federal Clean Air Act (42 US Code § 7412[b]) is a toxic air contaminant. Under State law, the California Environmental Protection Agency (CalEPA), acting through CARB, is authorized to identify a substance as a TAC if it is an air pollutant that may cause or contribute to an increase in mortality or serious illness, or may pose a present or potential hazard to human health.

California regulates TACs primarily through AB 1807 (Tanner Air Toxics Act) and AB 2588 (Air Toxics "Hot Spot" Information and Assessment Act of 1987). The Tanner Air Toxics Act sets up a formal procedure for CARB to designate substances as TACs. Once a TAC is identified, CARB adopts an "airborne toxics control measure" for sources that emit designated TACs. If there is a safe threshold for a substance (i.e., a point below which there is no toxic effect), the control measure must reduce exposure to below that threshold. If there is no safe threshold, the measure must incorporate toxics best available control technology to minimize emissions. To date, CARB has established formal control measures for 11 TACs that are identified as having no safe threshold.

Under AB 2588, TAC emissions from individual facilities are quantified and prioritized by the air quality management district or air pollution control district. High priority facilities are required to perform a health risk assessment, and if specific thresholds are exceeded, are required to communicate the results to the public through notices and public meetings.

CARB has promulgated the following specific rules to limit TAC emissions:

- 13 CCR Chapter 10, Section 2485, Airborne Toxic Control Measure to Limit Diesel-Fueled Commercial Motor Vehicle Idling
- 13 CCR Chapter 10, Section 2480, Airborne Toxic Control Measure to Limit School Bus Idling and Idling at Schools
- 13 CCR Section 2477 and Article 8, Airborne Toxic Control Measure for In-Use Diesel-Fueled Transport Refrigeration Units (TRU) and TRU Generator Sets and Facilities Where TRUs Operate

Regional Regulations

Bay Area Air Quality Management District

The Air District is the agency responsible for assuring that the National and California AAQS are attained and maintained in the Air Basin. Air quality conditions in the Air Basin have improved significantly since the Air District was created in 1955.[6] The Air District prepares air quality management plans (AQMP) to attain ambient air quality standards in the Air Basin. The Air District prepares ozone attainment plans for the National O_3 standard and clean air plans for the California O_3 standard. The Air District prepares these air quality management plans in coordination with Association of Bay Area Governments (ABAG) and the Metropolitan Transportation Commission (MTC). The Air District adopted the 2017 *Clean Air Plan, Spare the Air, Cool the Climate* (2017 Clean Air Plan) on April 19, 2017, making it the most recent adopted comprehensive plan. The 2017 Clean Air Plan incorporates significant new scientific data, primarily in the form of updated emissions inventories, ambient measurements, new meteorological episodes, and new air quality modeling tools.

[6] Bay Area Air Quality Management District, 2010 (Revised 2017), Appendix C: Sample Air Quality Setting, in California Environmental Quality Act Air Quality Guidelines.

Bay Area Air Quality Management District 2017 Clean Air Plan

The 2017 Clean Air Plan serves as an update to the adopted Bay Area 2010 Clean Air Plan and continues in providing the framework for SFBAAB to achieve attainment of the California and National AAQS. The 2017 Clean Air Plan updates the Bay Area's ozone plan, which is based on the "all feasible measures" approach to meet the requirements of the California Clean Air Act. Additionally, it sets a goal of reducing health risk impacts to local communities by 20 percent by 2020. Furthermore, the 2017 Clean Air Plan also lays the groundwork for reducing GHG emissions in the Bay Area to meet the state's 2030 GHG reduction target and 2050 GHG reduction goal. It also includes a vision for the Bay Area in a postcarbon year 2050 that encompasses the following: [7]

- Construct buildings that are energy efficient and powered by renewable energy.
- Walk, bicycle, and use public transit for the majority of trips and use electric-powered autonomous public transit fleets.
- Incubate and produce clean energy technologies.
- Live a low-carbon lifestyle by purchasing low-carbon foods and goods in addition to recycling and putting organic waste to productive use.

A comprehensive multipollutant control strategy has been developed to be implemented in the next three to five years to address public health and climate change and to set a pathway to achieve the 2050 vision. The control strategy includes 85 control measures to reduce emissions of ozone, particulate matter, TACs, and GHG from a full range of emission sources. These control measures cover the following sectors: 1) stationary (industrial) sources; 2) transportation; 3) energy; 4) agriculture; 5) natural and working lands; 6) waste management; 7) water; and 8) super-GHG pollutants. Overall, the proposed control strategy is based on the following key priorities:

- Reduce emissions of criteria air pollutants and toxic air contaminants from all key sources.
- Reduce emissions of "super-GHGs" such as methane, black carbon, and fluorinated gases.
- Decrease demand for fossil fuels (gasoline, diesel, and natural gas).
- Increase efficiency of the energy and transportation systems.
- Reduce demand for vehicle travel, and high-carbon goods and services.
- Decarbonize the energy system.
- Make the electricity supply carbon-free.
- Electrify the transportation and building sectors.

[7] Bay Area Air Quality Management District, 2017, April 19, Final 2017 *Clean Air Plan*, Spare the Air, Cool the Climate: A Blueprint for Clean Air and Climate Protection in the Bay Area.

Air District Community Air Risk Evaluation Program

The Air District Community Air Risk Evaluation program was initiated in 2004 to evaluate and reduce health risks associated with exposure to outdoor TACs in the Bay Area. Based on findings of the latest report, DPM was found to account for approximately 85 percent of the cancer risk from airborne toxics. Carcinogenic compounds from gasoline-powered cars and light duty trucks were also identified as significant contributors: 1,3-butadiene contributed 4 percent of the cancer risk-weighted emissions, and benzene contributed 3 percent. Collectively, five compounds—diesel PM, 1,3-butadiene, benzene, formaldehyde, and acetaldehyde—were found to be responsible for more than 90 percent of the cancer risk attributed to emissions. All of these compounds are associated with emissions from internal combustion engines. The most important sources of cancer risk-weighted emissions were combustion-related sources of DPM, including on-road mobile sources (31 percent), construction equipment (29 percent), and ships and harbor craft (13 percent). A 75 percent reduction in DPM was predicted between 2005 and 2015 when the inventory accounted for the Air Resources Board's diesel regulations. Overall, cancer risk from TAC dropped by more than 50 percent between 2005 and 2015, when emissions inputs accounted for state diesel regulations and other reductions.[8]

Modeled cancer risks from TAC in 2005 were highest near sources of DPM: near core urban areas, along major roadways and freeways, and near maritime shipping terminals. Peak modeled risks were found to be located east of San Francisco, near West Oakland, and near the Maritime Port of Oakland. The Air District has identified seven impacted communities in the Bay Area; however, Redwood City lies outside of these seven impacted communities.

The major contributor to acute and chronic non-cancer health effects in the Air Basin is acrolein (C_3H_4O). Major sources of acrolein are on-road mobile sources and aircraft near freeways and commercial and military airports.[9] Currently the Air Resources Board does not have certified emission factors or an analytical test method for acrolein. Since the appropriate tools needed to implement and enforce acrolein emission limits are not available, the Air District does not conduct health risk screening analysis for acrolein emissions.[10]

Air District Rules and Regulations

Regulation 7, Odorous Substances

Sources of objectionable odors may occur within the City. The Air District's Regulation 7, Odorous Substances, places general limitations on odorous substances and specific emission limitations on certain

[8] Bay Area Air Quality Management District, 2014, Improving Air Quality & Health in Bay Area Communities, Community Air Risk Program Retrospective & Path Forward (2004 – 2013), http://www.baaqmd.gov/~/media/Files/Planning%20and%20Research/CARE%20Program/Documents/CARE_Retrospective_April2014.ashx, accessed on July 18, 2018.

[9] Bay Area Air Quality Management District, 2006, Community Air Risk Evaluation Program, Phase I Findings and Policy Recommendations Related to Toxic Air Contaminants in the San Francisco Bay Area, http://www.baaqmd.gov/Divisions/Planning-and-Research/%20%20%20%20%20%20%20%20%20%20%20%20%20%20Planning-Programs-and-Initiatives/CARE-Program/~/media/54D434A0EB8348B78A71C4DE32831544.ashx, accessed on July 18, 2018.

[10] Bay Area Air Quality Management District, 2010, Air Toxics NSR Program, Health Risk Screening Analysis Guidelines. http://www.baaqmd.gov/~/media/Files/Engineering/Air%20Toxics%20Programs/hrsa_guidelines.ashx, accessed on July 18, 2018.

odorous compounds. Odors are also regulated under the Air District Regulation 1, Rule 1-301, Public Nuisance, which states that "no person shall discharge from any source whatsoever such quantities of air contaminants or other material which cause injury, detriment, nuisance or annoyance to any considerable number of persons or the public; or which endangers the comfort, repose, health or safety of any such persons or the public, or which causes, or has a natural tendency to cause, injury or damage to business or property." Under the Air District's Rule 1-301, a facility that receives three or more violation notices within a 30-day period can be declared a public nuisance.

Other Air District Regulations

In addition to the plans and programs described above, Air District administers a number of specific regulations on various sources of pollutant emissions that would apply to individual development projects allowed under the proposed Specific Plan, including:

- Regulation 2, Rule 2, New Source Review
- Regulation 2, Rule 5, New Source Review of Toxic Air Contaminants
- Regulation 6, Rule 1, General Requirements
- Regulation 6, Rule 2, Commercial Cooking Equipment
- Regulation 8, Rule 3, Architectural Coatings
- Regulation 8, Rule 4, General Solvent and Surface Coatings Operations
- Regulation 8, Rule 7, Gasoline Dispensing Facilities
- Regulation 11, Rule 2, Asbestos, Demolition, Renovation and Manufacturing)

Alameda County Transportation Commission

The Alameda County Transportation Commission (Alameda CTC) is the congestion management agency for Alameda County, tasked with developing a comprehensive transportation improvement program among local jurisdictions that will reduce traffic congestion and improve land use decision-making and air quality. Alameda CTC's latest congestion management program (CMP) is called the 2017 Congestion Management Program. Alameda CTC's countywide transportation model must be consistent with the regional transportation model developed by the MTC with ABAG data. The countywide transportation model is used to help evaluate cumulative transportation impacts of local land use decisions on the CMP system. In addition, Alameda CTC's updated CMP includes multimodal performance measures and trip reduction and transportation demand management strategies consistent with the goals of reducing regional vehicle miles traveled (VMT) in accordance with Senate Bill 375 (SB 375). The 2017 CMP update incorporates several actions identified as next steps in the 2015 CMP and closely aligns the CMP with the 2016 Countywide Transportation Plan, the 2040 *Plan Bay Area*, and other related efforts and legislative requirements (e.g., AB 32 and SB 375) to better integrate transportation and land use for achieving GHG reductions.[11]

[11] Alameda County Transportation Commission, 2017, December, Congestion Management Program, https://www.alamedactc.org/files/managed/Document/22576/2017_Alameda_County_CMP.pdf, accessed on October 18, 2018.

Plan Bay Area

Plan Bay Area is the Bay Area's Regional Transportation Plan/Sustainable Community Strategy. The 2040 update to *Plan Bay Area* was adopted jointly by the ABAG and MTC on July 26, 2017. The 2040 *Plan Bay Area* update serves as a limited and focused update to the 2013 *Plan Bay Area*, with updated planning assumptions that incorporate key economic, demographic, and financial trends from the last several years.[12] It lays out a development scenario for the region, which when integrated with the transportation network and other transportation measures and policies, would reduce GHG emissions from transportation (excluding goods movement) beyond the per capita reduction targets identified by the Air Resources Board. *Plan Bay Area* is discussed in greater detail in Chapter 4.6, Greenhouse Gas Emissions, of this Draft EIR.

Local Regulations

Looking Forward Hayward 2040 General Plan

The City of Hayward 2040 General Plan, adopted in July 2014, includes goals, policies, and programs specifically intended to avoid or reduce impacts on air quality in the Natural Resources (NR) element. In addition, the City's Climate Action Plan (CAP) is integrated into the 2040 General Plan. Furthermore, the 2040 General Plan has also integrated a community risk reduction strategy (CRRS) and includes various goals, policies, measures, and best management practices related to reducing risk impacts to sensitive populations in the city. As described in the General Plan EIR, in most cases, no one goal, policy, or implementation program itself is expected to completely avoid or reduce an identified potential environmental impact.[13] However, the collective, cumulative mitigating benefits of the policies listed below are intended to reduce air quality-related impacts. Specific goals and policies are described in Section 4.2.3, Impact Discussion, to demonstrate how the policy would avoid or reduce the impact.

The following goals and policies are relevant to the analysis of potential air quality impacts within the Specific Plan Area:[14]

- Goal NR-2: Improve the health and sustainability of the community through continued local efforts to improve regional air quality, reduce greenhouse gas emissions, and reduce community exposure to health risks associated with toxic air contaminants and fine particulate matter.
    - 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.

[12] Metropolitan Transportation Commission and Association of Bay Area Governments, 2017, Plan Bay Area 2040 Final, http://2040.planbayarea.org/, accessed on July 18, 2018.

[13] City of Hayward, 2014, City of Hayward 2040 General Plan certified EIR, State Clearinghouse Number 2013082015.

[14] See Tables 7.3, 7.7, 7.8, and 7.11 of the Hayward 2040 General Plan Draft EIR for a complete list of policies that would contribute in reducing criteria air pollutant emissions and air quality impacts. These tables have been reproduced and included in Appendix C of this Draft EIR.

- 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_X), and particulate matter (PM_{10} and $PM_{2.5}$) through project location and design.
- Policy NR-2.3 Emissions Reduction: The City shall require development projects that exceed Bay Area Air Quality Management District reactive organic gas (ROG), nitrogen oxide (NO_X) operational thresholds to incorporate design or operational features that reduce emissions equal to at least 15 percent below the level that would be produced by an unmitigated project.
- Policy 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, and strive to reduce community emissions by 61.7 percent and 82.5 percent by 2040 and 2050, respectively.
- Policy NR-2.5 Municipal Greenhouse Gas Reduction: The City shall reduce municipal greenhouse gas emissions by 20 percent below 2005 baseline level by 2020, and strive to reduce municipal emissions by 61.7 percent and 82.5 percent by 2040 and 2050, respectively.
- 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-2.8 Reduced Emissions for City Operations and Commutes: The City shall promote reduced idling, trip reduction, routing for efficiency, and the use of public transportation, carpooling, and alternate modes of transportation for operating City departments and City employees.
- 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-2.11 Zero-Emission and Low-Emission Vehicle Advocacy: The City shall collaborate with regional, State, and Federal entities to promote the use of alternative fuels and increased vehicle fuel efficiency standards, and to advocate for higher fuel-economy standards, or contribute to regional and state marketing and outreach efforts.

- 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-2.13 Wood Stove and Fireplace Replacement: The City shall promote the replacement of non-EPA certified fireplaces and woodstoves and encourage city residents to participate in Bay Area Air Quality Management District programs, such as the Wood Stove Rebate Program.
- Policy NR-2.14 Air Quality Education: The City shall educate the public about air quality standards, health effects, and efforts they can make to improve air quality and reduce greenhouse gas emissions.
- 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 ($PM_{2.5}$) 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 ($PM_{2.5}$), and odors to the extent possible, and consider distance, orientation, and wind direction when siting sensitive land uses in proximity to TAC- and $PM_{2.5}$-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), fine particulate matter ($PM_{2.5}$), and odors.
- Policy NR-2.18 Exposure Reduction Measures 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 ($PM_{2.5}$).

- Goal NR-4: Reduce energy consumption through increased production and use of renewable energy, sustainable energy purchasing, and improved energy efficiency.
  - 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-4.2 Energy Efficiency Collaboration: The City shall collaborate with partner agencies, utility providers, and the business community to support a range of energy efficiency, conservation, and waste reduction measures, including the development of green buildings and infrastructure, weatherization programs, installation of energy- efficient appliances and equipment in homes and offices, promotion of energy efficiency retrofit programs, use of green power options, and heightened awareness of the benefits of energy efficiency and conservation issues.

- 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-4.4 Energy Resource Conservation in Public Buildings: The City shall continue to require all public facilities and services to incorporate energy and resource conservation standards and practices.
- Policy NR-4.5 Energy Efficient Contractors: When soliciting and awarding public contracts, professional service agreements, or grants to businesses or non-profit agencies, the City shall require, as appropriate, proposals or applications to include information about the sustainability practices of the organization.
- 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-4.13 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-4.14 Energy Efficiency Retrofits: The City shall collaborate with regional entities and others to promote incentive programs for energy efficiency retrofits such as the Energy Upgrade California program for residential properties.
- 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.

- Goal HQL-7: Protect residents from the harmful effects of pollution, toxic substances, and environmental contaminants.
  - 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.
- Goal LU-1: Promote local growth patterns and sustainable development practices that improve quality of life, protect open space and natural resources, and reduce resource consumption, traffic congestion, and related greenhouse gas emissions.
  - 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.

- Goal LU 3: Create complete neighborhoods that provide a mix of housing options and convenient access to parks, schools, shopping, jobs, and other community amenities.
  - Policy LU-3.5 Mixed-Density Development Projects: The City shall encourage infill residential developments that provide a mix of housing types and densities within a single development on multiple parcels. Individual parcels within the development may be developed at higher or lower densities than allowed by the General Plan, provided that the net density of the entire development is within the allowed density range.
- Goal M-1: Provide a comprehensive, integrated, and connected network of transportation facilities and services for all modes of travel.
  - Policy M-1.2 Multimodal Choices: The City shall promote 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 areas, 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 Level-of-Service Standards: The City shall consider flexible level-of-service 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-1.8 Transportation Choices: The City shall provide leadership in educating the community about the availability and benefits of using alternative transportation modes.
- Goal M-3: Provide complete streets that balance the diverse needs of users of the public right-of-way.

- 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-3.3 Balancing Needs: The City shall balance the needs of all travel modes when planning transportation improvements and managing transportation use in the public right-of-way.
- Policy M-3.4 Routine Practice: The City shall continue to work towards making complete streets practices (e.g., considering and accommodating all users and all modes within the appropriate context) a routine part of everyday transportation decision-making.
- Policy M-3.5 All Projects and Phases: The City shall incorporate appropriate complete streets infrastructure into transportation planning, funding, design, approval, and implementation processes and projects.
- 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-3.7 Development Review: The City shall consider the needs of all transportation users in the review of development proposals to ensure on-site and off-site transportation facility improvements complement existing and planned land uses.
- Policy M-3.8 Connections with New Developments: 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-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, multiuse trails, and sidewalks.
- Policy M-3.11 Adequate Street Tree 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-3.12 Americans with Disabilities Act Compliance: The City shall continue to implement the Americans with Disabilities Act when designing, constructing, or improving transportation facilities.

- Goal M-5: Provide a universally accessible, safe, convenient, and integrated pedestrian system that promotes walking.

- 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-5.3 Access to Transit: The City shall enhance and maintain sidewalk and other pedestrian improvements for access to key transit stops and stations for seniors and other persons with special needs.
- 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-5.6 Safe Pedestrian Crossings: The City shall strive to improve pedestrian safety at intersections and mid-block locations by providing safe, well-marked pedestrian crossings, bulb-outs, or median refuges that reduce crossing widths, and/or audio sound warnings.
- 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.

- Goal M-6: Create and maintain a safe, comprehensive, and integrated bicycle system and support facilities throughout the city that encourage bicycling that is accessible to all.
  - Policy M-6.1 Bikeway System: The City shall maintain and implement the Hayward Bicycle Master Plan.
  - 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-6.3 Appropriate Bikeway Facilities: The City shall provide bikeway facilities that are appropriate to the street classifications and type, traffic volume, and speed on all right-of-ways.
  - Policy M-6.4 Bicycle on Transit: The City shall encourage AC Transit and BART to expand access to cyclists, including providing bike racks on buses and trains and secure bicycle parking at transit stations and stops.
  - 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-6.6 Bike Safety for Children: The City shall support infrastructure and programs that encourage children to bike safely to school.

- Policy M-6.7 Conversion of Underused Facilities: The City shall convert underused rights-of-way along travel lanes, drainage canals, and railroad corridors to bikeways wherever desirable and financially feasible.
- Policy M-6.8 Bicycle Wayfinding: The City shall encourage bicycling by providing wayfinding and signage that directs bicyclists to bike routes and to civic places, cultural amenities, and visitor and recreational destinations.

- Goal M-8: Encourage transportation demand management strategies and programs to reduce vehicular travel, traffic congestion, and parking demand.
  - Policy M-8.1 Increase Vehicle Occupancy: The City shall work with a broad range of agencies (e.g., Metropolitan Transportation Commission, BAAQMD, AC Transit, Caltrans) to encourage and support programs that increase vehicle occupancy including the provision of traveler information, shuttles, preferential parking for carpools/vanpools, transit pass subsidies, and other methods.
  - Policy M-8.2 Citywide TDM Plan: The City shall maintain and implement a citywide Travel Demand Management Program, which provides a menu of strategies and programs for developers and employers to reduce single-occupant vehicle travel in the city.
  - Policy M-8.3 Citywide TDM Plan: The City shall encourage employers to participate in TDM programs (e.g., guaranteed ride home, subsidized transit passes, carpool and vanpool programs) and to participate in or create Transportation Management Associations to reduce parking needs and vehicular travel.
  - Policy M-8.4 Automobile Commute Trip Reduction: The City shall encourage employers to provide transit subsidies, bicycle facilities, alternative work schedules, ridesharing, telecommuting and work-at-home programs, employee education, and preferential parking for carpools/vanpools.
  - Policy M-8.5 Commuter Benefits Programs: The City shall assist businesses in developing and implementing commuter benefits programs (e.g., offers to provide discounted or subsidized transit passes, emergency ride home programs, participation in commuter rideshare programs, parking cash-out or parking pricing programs, or tax credits for bike commuters).
  - Policy M-8.6 Car/Bike Sharing Programs: The City shall assist businesses in developing and implementing car and bike sharing programs, and shall encourage large employers (e.g., colleges, Hayward Unified School District (HUSD)) and the BART stations to host car and bike sharing programs available to the public.
  - Policy M-8.7 Public-Private Transportation Partnerships: The City shall encourage public-private transportation partnerships (e.g., car sharing companies) to establish programs and operations within the city to reduce single-occupant vehicle use.
  - Policy M-8.8 Regional TDM Programs: The City shall implement the Alameda County Transportation Commission Travel Demand Management Element of the Congestion Management Program, which includes a checklist covering specific TDM strategies that the city could employ as part of its own TDM plan (e.g., preferential parking, car/van pools, casual car pools, subsidized transit passes).

- Policy M-8.9 City Facility Locations: 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.

4.2.1.3 EXISTING CONDITIONS

San Francisco Bay Area Air Basin Conditions

The Air Basin comprises all of Alameda, Contra Costa, Marin, Napa, San Francisco, San Mateo, and Santa Clara counties; the southern portion of Sonoma County; and the southwestern portion of Solano County. Air quality in the SFBAAB is determined by such natural factors as topography, meteorology, and climate, in addition to the presence of existing air pollution sources and ambient conditions.[15] The following are the natural factors in the SFBAAB that affect air pollution:

- Meteorology: The SFBAAB is characterized by complex terrain, consisting of coastal mountain ranges, inland valleys, and bays, which distort normal wind flow patterns. The Coast Range[16] splits in the Bay Area, creating a western coast gap, the Golden Gate, and an eastern coast gap, the Carquinez Strait, which allows air to flow in and out of the Bay Area and the Central Valley. The climate is dominated by the strength and location of a semi-permanent, subtropical high-pressure cell. During the summer, the Pacific high-pressure cell is centered over the northeastern Pacific Ocean, resulting in stable meteorological conditions and a steady northwesterly wind flow. Upwelling of cold ocean water from below the surface because of the northwesterly flow produces a band of cold water off the California coast. The cool and moisture-laden air approaching the coast from the Pacific Ocean is further cooled by the presence of the cold water band, resulting in condensation and the presence of fog and stratus clouds along the Northern California coast. In the winter, the Pacific high-pressure cell weakens and shifts southward, resulting in wind flow offshore, the absence of upwelling, and the occurrence of storms. Weak inversions coupled with moderate winds result in a low air pollution potential.
- Wind Patterns: During the summer, winds flowing from the northwest are drawn inland through the Golden Gate and over the lower portions of the San Francisco Peninsula. Immediately south of Mount Tamalpais in Marin County, the northwesterly winds accelerate considerably and come more directly from the west as they stream through the Golden Gate. This channeling of wind through the Golden Gate produces a jet that sweeps eastward and splits off to the northwest toward Richmond and to the southwest toward San José when it meets the East Bay hills. Wind speeds may be strong locally in areas where air is channeled through a narrow opening, such as the Carquinez Strait, the Golden Gate, or the San Bruno gap.

  The air flowing in from the coast to the Central Valley, called the sea breeze, begins developing at or near ground level along the coast in late morning or early afternoon and the sea breeze deepens and increases in velocity while spreading inland. Under normal atmospheric conditions, the air in the lower atmosphere is warmer than the air above it. In the winter, the SFBAAB frequently experiences stormy conditions with moderate to strong winds, as well as periods of stagnation with very light winds. Winter stagnation episodes (i.e., conditions where there is little mixing, which occurs when

[15] Bay Area Air Quality Management District, 2017, Revised, California Environmental Quality Act Air Quality Guidelines.
16 The Coast Ranges traverses California's west coast from Humboldt County to Santa Barbara County.

there is a lack of or little wind) are characterized by nighttime drainage flows in coastal valleys. Drainage is a reversal of the usual daytime air-flow patterns; air moves from the Central Valley toward the coast and back down toward the Bay from the smaller valleys within the SFBAAB.

- Temperature: Summertime temperatures in the SFBAAB are determined in large part by the effect of differential heating between land and water surfaces. On summer afternoons, the temperatures at the coast can be 35 degrees Fahrenheit cooler than temperatures 15 to 20 miles inland; at night, this contrast usually decreases to less than 10 degrees Fahrenheit. In the winter, the relationship of minimum and maximum temperatures is reversed. During the daytime the temperature contrast between the coast and inland areas is small, whereas at night the variation in temperature is large.
- Precipitation: The SFBAAB is characterized by moderately wet winters and dry summers. Winter rains (November through March) account for about 75 percent of the average annual rainfall. The amount of annual precipitation can vary greatly from one part of the SFBAAB to another, even within short distances. In general, total annual rainfall can reach 40 inches in the mountains, but it is often less than 16 inches in sheltered valleys. During rainy periods, ventilation (rapid horizontal movement of air and injection of cleaner air) and vertical mixing (an upward and downward movement of air) are usually high, and thus pollution levels tend to be low (i.e., air pollutants are dispersed more readily into the atmosphere rather than accumulate under stagnant conditions). However, during the winter, frequent dry periods do occur, where mixing and ventilation are low and pollutant levels build up.
- Wind Circulation: Low wind speed contributes to the buildup of air pollution because it allows more pollutants to be emitted into the air mass per unit of time. Light winds occur most frequently during periods of low sun (fall and winter, and early morning) and at night. These are also periods when air pollutant emissions from some sources are at their peak, namely, commuter traffic (early morning) and wood-burning appliances (nighttime). The problem can be compounded in valleys, when weak flows carry the pollutants up-valley during the day, and cold air drainage flows move the air mass down-valley at night. Such restricted movement of trapped air provides little opportunity for ventilation and leads to buildup of pollutants to potentially unhealthful levels.
- Inversions: An inversion is a layer of warmer air over a layer of cooler air. Inversions affect air quality conditions significantly because they influence the mixing depth (i.e., the vertical depth in the atmosphere available for diluting air contaminants near the ground). There are two types of inversions that occur regularly in the SFBAAB. Elevation inversions[17] are more common in the summer and fall, and radiation inversions[18] are more common during the winter. The highest air pollutant concentrations in the SFBAAB generally occur during inversions.

Attainment Status of the SFBAAB

The AQMP provides the framework for air quality basins to achieve attainment of the State and federal AAQS through the State Implementation Plan. Areas that meet AAQS are classified attainment areas, and

[17] When the air blows over elevated areas, it is heated as it is compressed into the side of the hill/mountain. When that warm air comes over the top, it is warmer than the cooler air of the valley.

[18] During the night, the ground cools off, radiating the heat to the sky.

areas that do not meet these standards are classified nonattainment areas. Severity classifications for O_3 range from marginal, moderate, and serious to severe and extreme.

- Unclassified: A pollutant is designated unclassified if the data are incomplete and do not support a designation of attainment or nonattainment.
- Attainment: A pollutant is in attainment if the AAQS for that pollutant was not violated at any site in the area during a three-year period.
- Nonattainment: A pollutant is in nonattainment if there was at least one violation of an AAQS for that pollutant in the area.
- Nonattainment/Transitional: A subcategory of the nonattainment designation. An area is designated nonattainment/transitional to signify that the area is close to attaining the AAQS for that pollutant.

The attainment status for the SFBAAB is shown in Table 4.2-2. The SFBAAB is currently designated a nonattainment area for California and National O_3, California and National $PM_{2.5}$, and California PM_{10} AAQS.

TABLE 4.2-2 ATTAINMENT STATUS OF CRITERIA POLLUTANTS IN THE SAN FRANCISCO BAY AREA AIR BASIN

Pollutant	State	Federal
Ozone – 1-hour	Nonattainment	Classification revoked (2005)
Ozone – 8-hour	Nonattainment (serious)	Nonattainment (marginal)[a]
PM_{10} – 24-hour	Nonattainment	Unclassified/ Attainment[b]
$PM_{2.5}$ – 24-hour	Nonattainment	Nonattainment
CO – 8-hour and 1-hour	Attainment	Attainment
NO_2 – 1-hour	Attainment	Unclassified
SO_2 – 24-hour and 1-hour	Attainment	Attainment
Lead	Attainment	Attainment
Sulfates	Attainment	Unclassified/Attainment
All others	Unclassified/Attainment	Unclassified/Attainment

a. Severity classification current as of February 13, 2017.
b. In December 2014, US EPA issued final area designations for the 2012 primary annual $PM_{2.5}$ National AAQS. Areas designated "unclassifiable/attainment" must continue to take steps to prevent their air quality from deteriorating to unhealthy levels. The effective date of this standard is April 15, 2015.
Source: California Air Resources Board, 2017, Area Designations Maps: State and National, http://www.arb.ca.gov/desig/adm/adm.htm, accessed on October 24, 2018; Bay Area Air Quality Management District. 2017. Air Quality Standards and Attainment Status. http://www.baaqmd.gov/research-and-data/air-quality-standards-and-attainment-status#thirteen, accessed on October 22, 2018.

Existing Ambient Air Quality

Existing levels of ambient air quality and historical trends and projections in the vicinity of the Specific

Plan Area have been documented and measured by the BAAQMD. BAAQMD has 24 permanent monitoring stations located around the Bay Area. The nearest station is the Hayward-La Mesa Monitoring Station. Data from this station is summarized in Table 4.2-3. The data show regular violations of the State and federal O_3 standards and federal $PM_{2.5}$ standard.

TABLE 4.2-3 AMBIENT AIR QUALITY MONITORING SUMMARY

	Number of Days Threshold Were Exceeded and Maximum Levels During Such Violations				
Pollutant/Standard	2013	2014	2015	2016	2017
Ozone (O_3)[a]					
State 1-Hour ≥ 0.09 ppm	0	1	2	0	2
State 8-hour ≥ 0.07 ppm	1	4	2	0	4
Federal 8-Hour > 0.075 ppm[c]	0	0	2	0	2
Maximum 1-Hour Conc. (ppm)	0.085	0.096	0.103	0.083	0.139
Maximum 8-Hour Conc. (ppm)	0.075	0.075	0.084	0.064	0.110
Carbon Monoxide (CO)					
State 8-Hour > 9.0 ppm	*	*	*	*	*
Federal 8-Hour ≥ 9.0 ppm	*	*	*	*	*
Maximum 8-Hour Conc. (ppm)	*	*	*	*	*
Nitrogen Dioxide (NO_2)[b]					
State 1-Hour ≥ 0.18 (ppm)	0	0	0	0	0
Maximum 1-Hour Conc. (ppb)	0.0603	0.0821	0.0480	0.0592	0.0649
Sulfur Dioxide (SO_2)					
State 1-Hour ≥ 0.04 ppm	*	*	*	*	*
Max. 1-Hour Conc. (ppm)	*	*	*	*	*
Coarse Particulates (PM_{10})					
State 24-Hour > 50 µg/m^3	*	*	*	*	*
Federal 24-Hour > 150 µg/m^3	*	*	*	*	*
Maximum 24-Hour Conc. (µg/ m^3)	*	*	*	*	*
Fine Particulates ($PM_{2.5}$)[b]					
Federal 24-Hour > 35 µg/m^3	2	1	1	0	7
Maximum 24-Hour Conc. (µg/m^3)	37.9	37.6	44.7	15.5	70.2

Notes: ppm = parts per million; ppb = parts per billion; µg/m^3 = micrograms per cubic meter; * = insufficient data; NA = Not Available
a. Data from the Hayward-La Mesa Monitoring Station.
b. Data from the Oakland-9925 International Boulevard Monitoring Station.
Source: California Air Resources Board, 2018, Air Pollution Data Monitoring Cards (2013, 2014, 2015, 2016, and 2017), http://www.arb.ca.gov/adam/index.html, accessed on October 18, 2018.

Existing Emissions

The Specific Plan Area consists of commercial, institutional, public, and retail uses in addition to single- and multifamily residences. These uses currently generate criteria air pollutant emissions from natural gas use for energy, heating and cooking, vehicle trips associated with each land use, and area sources such as landscaping equipment and consumer cleaning products. Table 4.2-4 shows the annual and average daily emissions inventory currently associated with the Specific Plan Area.

TABLE 4.2-4 EXISTING HAYWARD DOWNTOWN SPECIFIC PLAN EMISSIONS INVENTORY

	Criteria Air Pollutants (Tons/Year)			
Source[a]	VOC	NO_x	Exhaust PM_{10}	Exhaust $PM_{2.5}$
Area	20	<1	<1	<1
Energy	<1	4	<1	<1
Mobile	12	106	1	1
Total	**33**	**110**	**1**	**1**
	Average Daily (Pounds/Day)[b]			
Area	112	1	<1	<1
Energy	2	21	2	2
Mobile	68	582	3	3
Total	**182**	**604**	**5**	**5**

Note: Totals may not add up to 100 percent due to rounding.
a. An "area source" represents the emission generated from a variety of smaller sources that are not considered point sources (e.g., consumer household cleaning products, paints, landscaping equipment, fireplaces, etc.). The energy category represents air pollutant emissions associated with natural gas use. The mobile category represents emissions generated from motor vehicles.
b. Average daily emissions are derived from the annual emissions and an assumed 365 days per year to estimate average daily emissions (vs. peak daily emissions reported by Summer and Winter rates in CalEEMod).
Source: CalEEMod, Version 2016.3.2.

Sensitive Receptors

Some land uses are considered more sensitive to air pollution than others due to the types of population groups or activities involved. Sensitive population groups include children, the elderly, the acutely ill, and the chronically ill, especially those with cardiorespiratory diseases. Residential areas are also considered sensitive receptors to air pollution because residents (including children and the elderly) tend to be at home for extended periods of time, resulting in sustained exposure to any pollutants present. Other sensitive receptors include retirement facilities, hospitals, and schools. Recreational land uses are considered moderately sensitive to air pollution. Although exposure periods are generally short, exercise places a high demand on respiratory functions, which can be impaired by air pollution. In addition, noticeable air pollution can detract from the enjoyment of recreation. Industrial, commercial, retail, and office areas are considered the least sensitive to air pollution. Exposure periods are relatively short and intermittent, since the majority of the workers tend to stay indoors most of the time. In addition, the working population is generally the healthiest segment of the population. Sensitive receptors within the Specific Plan Area include the various residential land uses situated in its eastern, western, and southern portions. Sensitive receptors outside of the Specific Plan Area include the various surrounding residential land uses in addition to students at nearby schools (e.g., All Saints School) and daycares.

4.2.2 STANDARDS OF SIGNIFICANCE

4.2.2.2 CEQA GUIDELINES APPENDIX G

Implementation of the proposed project would result in a potentially significant air quality impact if it would:

1. Conflict with or obstruct implementation of the applicable air quality plan.
2. Violate any air quality standard or contribute substantially to an existing or projected air quality violation.
3. Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors).
4. Expose sensitive receptors to substantial pollutant concentrations.
5. Create objectionable odors affecting a substantial number of people.

4.2.2.3 BAY AREA AIR QUALITY MANAGEMENT DISTRICT THRESHOLDS

The BAAQMD CEQA Air Quality Guidelines were prepared to assist in the evaluation of air quality impacts of projects and plans proposed within the Bay Area. The guidelines provide recommended procedures for evaluating potential air impacts during the environmental review process, consistent with CEQA requirements, and include recommended thresholds of significance, mitigation measures, and background air quality information. They also include recommended assessment methodologies for air toxics, odors, and greenhouse gas emissions. In June 2010, the BAAQMD's Board of Directors adopted CEQA thresholds of significance and an update of the CEQA Guidelines. These thresholds are designed to establish the level at which the District believed air pollution emissions would cause significant environmental impacts under CEQA.

In May 2011, the updated BAAQMD CEQA Air Quality Guidelines were amended to include a risk and hazards threshold for new receptors and modified procedures for assessing impacts related to risk and hazard impacts; however, this later amendment regarding risk and hazards was the subject of the December 17, 2015, California Supreme Court decision (*California Building Industry Association v BAAQMD*), which clarified that CEQA does not require an evaluation of impacts of the environment on a project.[19] The Supreme Court also found that CEQA requires the analysis of exposing people to

[19] On March 5, 2012, the Alameda County Superior Court issued a judgment finding that the BAAQMD had failed to comply with CEQA when it adopted the thresholds of significance in the BAAQMD CEQA Air Quality Guidelines. The court did not rule on the merits of the thresholds of significance, but found that the adoption of the thresholds was a project under CEQA. The court issued a writ of mandate ordering the BAAQMD to set aside the thresholds and cease dissemination of them until the BAAQMD complied with CEQA. Following the court's order, the BAAQMD released revised CEQA Air Quality Guidelines in May of 2012 that include guidance on calculating air pollution emissions, obtaining information regarding the health impacts of air pollutants, and identifying potential mitigation measures, and which set aside the significance thresholds. The Alameda County Superior Court, in ordering BAAQMD to set aside the thresholds, did not address the merits of the science or evidence supporting the thresholds, and in light of the subsequent case history discussed below, the science and reasoning contained in the BAAQMD 2017 CEQA Air

environmental hazards in specific circumstances, including the location of development near airports, schools near sources of toxic contamination, and certain exemptions for infill and workforce housing. The Supreme Court also held that public agencies remain free to conduct this analysis regardless of whether it is required by CEQA. To account for these updates, BAAQMD published a new version of the Guidelines dated May 2017, which includes revisions made to address the Supreme Court's opinion. This latest version of the BAAQMD CEQA Guidelines was used to prepare the analysis in this EIR.

Criteria Air Pollutant Emissions and Precursors

Regional Significance Criteria

The BAAQMD's criteria for regional significance for projects that exceed the screening thresholds are shown in Table 4.2-5. Criteria for both the construction and operational phases of the project are shown.

TABLE 4.2-5 BAAQMD REGIONAL (MASS EMISSIONS) CRITERIA AIR POLLUTANT SIGNIFICANCE THRESHOLDS

	Construction Phase	Operational Phase	
Pollutant	Average Daily Emissions (lbs/day)	Average Daily Emissions (lbs/day)	Maximum Annual Emissions (Tons/year)
ROG	54	54	10
NO_x	54	54	10
PM_{10}	82 (Exhaust)	82	15
$PM_{2.5}$	54 (Exhaust)	54	10
PM_{10} and $PM_{2.5}$ Fugitive Dust	Best Management Practices	None	None

Source: Bay Area Air Quality Management District, 2017, CEQA Guidelines May 2017.

CO Hotspots

Congested intersections have the potential to create elevated concentrations of CO, referred to as CO hotspots. The significance criteria for CO hotspots are based on the California AAQS for CO, which are 9.0 ppm (8-hour average) and 20.0 ppm (1-hour average). With the turnover of older vehicles, introduction of cleaner fuels, and implementation of control technology, the SFBAAB is in attainment of the California and National AAQS, and CO concentrations in the SFBAAB have steadily declined. Because CO concentrations have improved, the BAAQMD does not require a CO hotspot analysis if the following 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, the regional transportation plan, and local congestion management agency plans.

Quality Guidelines provide the latest state-of-the-art guidance available. On August 13, 2013, the First District Court of Appeal ordered the trial court to reverse the judgment and upheld the BAAQMD's CEQA Guidelines. (California Building Industry Association versus BAAQMD, Case Nos. A135335 and A136212 (Court of Appeal, First District, August 13, 2013)).

- The project would not increase traffic volumes at affected intersections to more than 44,000 vehicles per hour.
- The project traffic would not increase traffic volumes at affected intersection 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, below-grade roadway).

Community Risk and Hazards

The BAAQMD's significance thresholds for local community risk and hazard impacts apply to both the siting of a new source and to the siting of a new receptor. Local community risk and hazard impacts are associated with TACs and $PM_{2.5}$ because emissions of these pollutants can have significant health impacts at the local level. The proposed Specific Plan would generate TACs and $PM_{2.5}$ during construction activities that could elevate concentrations of air pollutants at the nearby residential sensitive receptors. The thresholds for construction-related local community risk and hazard impacts are the same as for project operations. The BAAQMD has adopted screening tables for air toxics evaluation during construction.[20] Construction-related TAC and $PM_{2.5}$ impacts should be addressed on a case-by-case basis, taking into consideration the specific construction-related characteristics of each project and proximity to off-site receptors, as applicable.[21]

Community Risk and Hazards: Project

Project-level emissions of TACs or $PM_{2.5}$ from individual sources that exceed any of the thresholds listed below are considered a potentially significant community health risk:

- An excess cancer risk level of more than 10 in one million, or a noncancer (i.e., chronic or acute) hazard index greater than 1.0 would be a significant project contribution.
- An incremental increase of greater than 0.3 micrograms per cubic meter ($\mu g/m^3$) annual average $PM_{2.5}$ from a single source would be a significant project contribution. [22]

Community Risk and Hazards: Cumulative

Cumulative sources represent the combined total risk values of each of the individual sources within the 1,000-foot evaluation zone. A project would have a cumulative considerable impact if the aggregate total of all past, present, and foreseeable future sources within a 1,000-foot radius from the fence line of a source or location of a receptor, plus the contribution from the project, exceeds any of the following:

- An excess cancer risk level of more than 100 in one million or a chronic noncancer hazard index (from all local sources) greater than 10.0.

[20] Bay Area Air Quality Management District, 2010, Screening Tables for Air Toxics Evaluations during Construction.
[21] Bay Area Air Quality Management District, 2017, Revised, California Environmental Quality Act Air Quality Guidelines, http://www.baaqmd.gov/~/media/files/planning-and-research/ceqa/ceqa_guidelines_may2017-pdf, accessed on October 25, 2018.
[22] Bay Area Air Quality Management District, 2017, Revised, California Environmental Quality Act Air Quality Guidelines. http://www.baaqmd.gov/~/media/files/planning-and-research/ceqa/ceqa_guidelines_may2017-pdf, accessed on October 25, 2018.

- 0.8 µg/m3 annual average $PM_{2.5}$.[23]

In February 2015, Office of Environmental Health Hazard Assessment (OEHHA) adopted new health risk assessment guidance that includes several efforts to be more protective of children's health. These updated procedures include the use of age sensitivity factors to account for the higher sensitivity of infants and young children to cancer causing chemicals, and age-specific breathing rate.[24]

Odors

BAAQMD's thresholds for odors are qualitative based on BAAQMD's Regulation 7, Odorous Substances. This rule places general limitations on odorous substances and specific emission limitations on certain odorous compounds. Odors are also regulated under BAAQMD Regulation 1, Rule 1-301, Public Nuisance, which states that no person shall discharge from any source whatsoever such quantities of air contaminants or other material which cause injury, detriment, nuisance, or annoyance to any considerable number of persons or the public; or which endangers the comfort, repose, health, or safety of any such persons or the public, or which cause, or has a natural tendency to cause, injury, or damage to business or property. Under BAAQMD's Rule 1-301. BAAQMD has established odor screening thresholds for land uses that have the potential to generate substantial odor complaints, including wastewater treatment plants, landfills or transfer stations, composting facilities, confined animal facilities, food manufacturing, and chemical plants.[25] For a plan-level analysis, BAAQMD requires:

- Identification of potential existing and planned location of odors sources.
- Policies to reduce odors.

4.2.3 IMPACT DISCUSSION

4.2.3.2 METHODOLOGY

This air quality evaluation was prepared in accordance with the requirements of CEQA to determine if significant air quality impacts are likely to occur in conjunction with future development that would be accommodated by the proposed Specific Plan. The Air District has published the CEQA Air Quality Guidelines that provides local governments with guidance for analyzing and mitigating air quality impacts and was used in this analysis. The Specific Plan Area criteria air pollutant emissions inventory includes the following sectors:

- Transportation. Based on the trip generation and VMT data provided by Kittelson Associates, Inc. (see Appendix E of this Draft EIR). An average trip distance of 8.14 and 8.75 miles per trip are utilized for

[23] Bay Area Air Quality Management District, 2017, Revised, California Environmental Quality Act Air Quality Guidelines. http://www.baaqmd.gov/~/media/files/planning-and-research/ceqa/ceqa_guidelines_may2017-pdf, accessed on October 25, 2018.

[24] Office of Environmental Health Hazard Assessment, 2015, February, Air Toxics Hot Spots Program Guidance Manual for the Preparation of Health Risk Assessments.

[25] Bay Area Air Quality Management District, 2017, May, California Environmental Quality Act Air Quality Guidelines. http://www.baaqmd.gov/~/media/files/planning-and-research/ceqa/ceqa_guidelines_may2017-pdf, accessed on October 25, 2018.

the existing and project buildout scenarios, respectively. Based on the estimated 30,743 average daily trips (ADT) generated under existing conditions and the 64,925 ADTs generated under full buildout conditions, approximately 250,361 vehicle miles per day are generated currently and 567,945 vehicle miles per day would be generated under full buildout conditions.

- **Area Sources.** Area sources generated from use of consumer products and cleaning supplies are based on CalEEMod default emission rates and on the assume building square footages. For fireplaces, it is assumed that condominiums, townhomes, and single-family are equipped with gas fireplaces. In addition, it is assumed that apartment units do not and would not have fireplaces.
- **Energy.** Criteria air pollutant emissions from energy use (natural gas used for cooking, heating, etc.) are based on the CalEEMod defaults for natural gas usage by residential and nonresidential land uses. New buildings are assumed to comply with the 2016 Building Energy Efficiency Standards, which are 28 percent more energy efficient for residential buildings and 5 percent more energy efficient for nonresidential buildings and residential buildings of four stories or more than the 2013 Building Energy Efficiency Standards while existing buildings are assumed to comply with the 2005 Building Energy Efficiency Standards. The default CalEEMod historical energy rates are utilized for the existing uses. These rates are based on the 2005 Building Energy Efficiency Standards.
- **Construction.** It is assumed that implementation of the proposed Specific Plan would generally commence beginning of 2019. The construction phasing utilizes the CalEEMod default schedule based on the anticipated new land uses and the duration of each activity is normalized to a 22-year building period (2019 to 2040). In addition, while the specific timeline in how the land uses accommodated in the proposed Specific Plan would be developed is unknown, this analysis assumes that the various construction activities (e.g., site preparation, demolition, building construction) would overlap. Furthermore, some of the existing residential and non-residential land uses in the Specific Plan Area would be demolished (see Appendix C for further details). Construction assumptions were based on CalEEMod defaults such as construction equipment mix and worker, vendor, and haul trips. Table 4.2-6 shows the assumed construction activities, the start and end dates (based on 22-year buildout), and equipment mix for each of the activities.

TABLE 4.2-6 CONSTRUCTION ACTIVITIES, PHASING, AND EQUIPMENT

Activities[a]	Start/End Dates[a]	Equipment[b]
Demolition	1/1/2019 – 1/19/2020	1 concrete/industrial saw; 3 excavators; 2 rubber tired dozers; 1 water truck
Site Preparation	1/1/2019 – 8/18/2019	3 rubber tired dozers; 4 tractors/loaders/backhoes; 1 water truck
Grading	1/1/2019 – 8/18/2020	2 excavators; 1 grader; 1 rubber tired dozer; 2 scrapers; 2 tractors/loaders/backhoes; 1 water truck
Building Construction	1/1/2019 – 5/16/2035	1 crane; 3 forklifts; 1 generator set; 3 tractors/loaders/backhoes; 1 welder
Asphalt Paving	1/1/2019 – 2/27/2019	2 pavers; 2 paving equipment; 2 rollers
Architectural Coating	1/1/2019 – 5/27/2024	1 air compressor

a. Based on CalEEMod defaults and normalized to a 22-year buildout duration. Start/end dates represent the total number of workdays per activity condensed to begin on January 1, 2019, since actual dates of construction activities are unknown.
b. Based on CalEEMod defaults. http://www.baaqmd.gov/research-and-data/air-quality-standards-and-attainment-status#thirteen.
Source: CalEEMod 2016.3.2.

AQ-1 Implementation of the proposed project would not conflict with or obstruct implementation of the applicable air quality plan.

A consistency determination plays an important role in local agency project review by linking local planning and individual projects to the 2017 Clean Air Plan. It fulfills the CEQA goal of informing decision makers of the environmental efforts of the project under consideration at an early enough stage to ensure that air quality concerns are fully addressed. It also provides the local agency with ongoing information as to whether they are contributing to clean air goals in the Bay Area.

As described in Section 4.2.2, Standards of Significance, BAAQMD requires a consistency evaluation of a plan with its current AQMP measures. BAAQMD considers project consistency with the AQMP in accordance with the following:

- Does the project support the primary goals of the AQMP?
- Does the project include applicable control measures from the AQMP?
- Does the project disrupt or hinder implementation of any AQMP control measures?
- A comparison that the project VMT or vehicle trip increase is less than or equal to the projected population increase.

Bay Area Air Quality Management District 2017 Clean Air Plan Goals

The primary goals of the 2017 Clean Air Plan are to attain the State and federal AAQS, reduce population exposure and protect public health in the Bay Area, and reduce GHG emissions and protect the climate. Furthermore, the 2017 Clean Air Plan also lays the groundwork for reducing GHG emissions in the Bay Area to meet the state's 2030 GHG reduction target and 2050 GHG reduction goal.

Attain Air Quality Standards

BAAQMDs 2017 Clean Air Plan strategy is based on regional population and employment projections in the Bay Area compiled by ABAG, which are based in part on cities' general plan land use designations. These demographic projections are incorporated into *Plan Bay Area*. Demographic trends incorporated into *Plan Bay Area* determine VMT in the Bay Area, which BAAQMD uses to forecast future air quality trends. The SFBAAB is currently designated a nonattainment area for O_3, $PM_{2.5}$, and PM_{10} (State AAQS only).

Future growth associated with the proposed Specific Plan would occur incrementally throughout the proposed Specific Plan's 2040 buildout horizon. The anticipated growth from the proposed Specific Plan is within the population and employment projections identified by ABAG for the City, as discussed further in Chapter 4.11, Population and Housing, of this Draft EIR. Because population and employment projections of the proposed Specific Plan are consistent with regional projections, BAAQMD emissions forecasts consider the additional growth and associated emissions from the proposed Specific Plan. Thus, emissions resulting from potential future development associated with the proposed Specific Plan are included in BAAQMD projections, and future development accommodated under the proposed Specific Plan would

not hinder BAAQMDs ability to attain the California or National AAQS. Accordingly, impacts would be *less than significant*.

Reduce Population Exposure and Protect Public Health

The City's 2040 General Plan has an integrated community risk reduction strategy to minimize community health risks from TACs and $PM_{2.5}$ for both existing and new developments. Various CRRS-related goals and policies are contained throughout the document. Additionally, the 2040 General Plan also contains specific CRRS-related measures and best management practices (BMP) to reduce emissions at the source and to reduce exposure levels at the receptor locations.[26]

Buildout of the proposed Specific Plan would not result in development of light industrial and warehousing land uses as these types of uses would not be permitted. Commercial developments accommodated under the proposed Specific Plan could result in smaller stationary sources (e.g., dry cleaners, restaurants with charbroilers, emergency generators and boilers. However, adherence to BAAQMD permitting regulations would ensure that new stationary sources of TACs do not expose populations to significant health risk. In addition, the CRRS goals, policies, measures, and BMPs related to reducing emissions at the source would also contribute in minimizing health risk impacts. Thus, implementation of the proposed Specific Plan would not result in introducing new sources of TACs that on a cumulative basis, could expose sensitive populations to significant health risk. Therefore, impacts would be *less than significant*.

Reduce GHG Emissions and Protect the Climate

Consistency of the proposed Specific Plan with State, regional, and local plans adopted for the purpose of reducing GHG emissions are discussed under Impact GHG-2 in Chapter 4.6, *Greenhouse Gas Emissions*, of this Draft EIR. Future development allowed by the proposed Specific Plan would be required to adhere to statewide measures that have been adopted to achieve the GHG reduction targets of AB 32 and Senate Bill 32. The proposed Specific Plan is consistent with regional strategies for infill development identified in *Plan Bay Area*. Furthermore, the proposed Specific Plan would also be consistent with the City's CAP. While Impact GHG-1 identifies that the proposed Specific Plan would generate a substantial increase in emissions, GHG-2 identifies that the Specific Plan is consistent with state, regional and local plans to reduce GHG emissions. Therefore, the proposed Specific Plan is consistent with the goal of the 2017 Clean Air Plan to reduce GHG emissions and protect the climate, and the impact would be *less than significant*.

2017 Clean Air Plan Control Measures

Table 4.2-7 identifies the control measures included in the 2017 Clean Air Plan that are required by BAAQMD to reduce emissions for a wide range of both stationary and mobile sources. As shown in Table 4.2-7, the proposed Specific Plan would not conflict with the 2017 Clean Air Plan and would not hinder

[26] Comprehensive lists of the CRRS-related goals and policies and measures and best management practices are provided in Table 7.8, Table 7.9, and Table 7.10 of the Hayward 2040 General Plan Draft EIR. These lists have been included in Appendix C of this Draft EIR.

BAAQMD from implementing the control measures in the 2017 Clean Air Plan. Accordingly, impacts would be *less than significant*.

TABLE 4.2-7 CONTROL MEASURES FROM THE BAAQMD 2017 CLEAN AIR PLAN

Type	Measure Number / Title	Consistency
Stationary Source Control Measures	▪ SS 1 – Fluid Catalytic Cracking in Refineries ▪ SS 2 – Equipment Leaks ▪ SS 3 – Cooling Towers ▪ SS 4 – Refinery Flares ▪ SS 5 – Sulfur Recovery Units ▪ SS 6 – Refinery Fuel Gas ▪ SS 7 – Sulfuric Acid Plants ▪ SS 8 – Sulfur Dioxide from Coke Calcining ▪ SS 9 – Enhanced NSR Enforcement for Changes in Crude Slate ▪ SS 10 – Petroleum Refining Emissions Tracking ▪ SS 11 – Petroleum Refining Facility-Wide Emission Limits ▪ SS 12 – Petroleum Refining Climate Impacts Limit ▪ SS 13 – Oil and Gas Production, Processing and Storage ▪ SS 14 – Methane from Capped Wells ▪ SS 15 – Natural Gas Processing and Distribution ▪ SS 16 – Basin-Wide Methane Strategy ▪ SS 17 – GHG BACT Threshold ▪ SS 18 – Basin-Wide Combustion Strategy ▪ SS 19 – Portland Cement ▪ SS 20 – Air Toxics Risk Cap and Reduction from Existing Facilities ▪ SS 21 – New Source Review for Toxics ▪ SS 22 – Stationary Gas Turbines ▪ SS 23 – Biogas Flares ▪ SS 24 – Sulfur Content Limits of Liquid Fuels ▪ SS 25 – Coatings, Solvents, Lubricants, Sealants and Adhesives ▪ SS 26 – Surface Prep and Cleaning Solvent ▪ SS 27 – Digital Printing ▪ SS 28 – LPG, Propane, Butane ▪ SS 29 – Asphaltic Concrete ▪ SS 30 – Residential Fan Type Furnaces ▪ SS 31 – General Particulate Matter Emission Limitation ▪ SS 32 – Emergency Backup Generators ▪ SS 33 – Commercial Cooking Equipment ▪ SS 34 – Wood Smoke ▪ SS 35 – PM from Bulk Material Storage, Handling and Transport, Including Coke and Coal	Stationary and area sources are regulated directly by BAAQMD; therefore, as the implementing agency, new stationary and area sources within the Specific Plan Area would be required to comply with BAAQMDs regulations. BAAQMD routinely adopts/revises rules or regulations to implement the stationary source (SS) control measures to reduce stationary source emissions. Based on the type of the proposed land uses (primarily residential and commercial) under the proposed Specific Plan, implementation of the proposed Specific Plan would not hinder the ability of BAAQMD to implement these SS control measures. Implementation of the proposed Specific Plan would not result in any new major stationary source emissions or toxic air contaminants, which are more commonly associated with industrial manufacturing or warehousing. However, the City has existing regulations in place to ensure potential future development under the proposed Specific Plan would not conflict with the applicable SS control measures. For example, General Plan Policy NR-2.2 requires the City to review all new development projects to ensure that all feasible measures to reduce VOC, NO_X, PM_{10} and $PM_{2.5}$ are incorporated. Non-residential land uses may generate small quantities of stationary source emissions during project operation (e.g., emergency generators, dry cleaners, and gasoline dispensing facilities); however, these small-quantity generators would require review by BAAQMD for permitted sources of air toxics, which would ensure consistency with the 2017 Clean Air Plan.

TABLE 4.2-7 CONTROL MEASURES FROM THE BAAQMD 2017 CLEAN AIR PLAN

Type	Measure Number / Title	Consistency
	▪ SS 36 – PM from Trackout ▪ SS 37 – PM from Asphalt Operations ▪ SS 38 – Fugitive Dust ▪ SS 39 – Enhanced Air Quality Monitoring ▪ SS 40 – Odors	
Transportation Control Measures	▪ TR 1 – Clean Air Teleworking Initiative ▪ TR 2 – Trip Reduction Programs ▪ TR 3 – Local and Regional Bus Service ▪ TR 4 – Local and Regional Rail Service ▪ TR 5 – Transit Efficiency and Use ▪ TR 6 – Freeway and Arterial Operations ▪ TR 7 – Safe Routes to Schools and Safe Routes to Transit ▪ TR 8 – Ridesharing, Last-Mile Connection ▪ TR 9 – Bicycle and Pedestrian Access and Facilities ▪ TR 10 – Land Use Strategies ▪ TR 11 – Value Pricing ▪ TR 12 – Smart Driving ▪ TR 13 – Parking Policies ▪ TR 14 – Cars and Light Trucks ▪ TR 15 – Public Outreach and Education ▪ TR 16 – Indirect Source Review ▪ TR 17 – Planes ▪ TR 18 – Goods Movement ▪ TR 19 – Medium and Heavy Duty Trucks ▪ TR 20 – Ocean Going Vessels ▪ TR 21 – Commercial Harbor Craft ▪ TR 22 – Construction, Freight and Farming Equipment ▪ TR 23 – Lawn and Garden Equipment	Transportation (TR) control measures are strategies to reduce vehicle trips, vehicle use, VMT, vehicle idling, and traffic congestion for the purpose of reducing motor vehicle emissions. Although most of the TR control measures are implemented at the regional level—that is, by MTC or Caltrans—the 2017 Clean Air Plan relies on local communities to assist with implementation of some measures. The proposed Specific Plan would apply roadway diets for certain segments of A Street, B Street, 2nd Street, Main Street, and Foothill Boulevard which would accommodate additional bicycle paths and pedestrian right-of-ways. Furthermore, the proposed Specific Plan includes travel demand management strategies under Goal 5. The policies and programs under this goal would support the reduction in single-occupancy vehicle use and increase in alternative forms of transit.
Energy and Climate Control Measures	▪ EN 1 – Decarbonize Electricity Production ▪ EN 2 – Renewable Energy Decrease Electricity Demand	The energy and climate (EN) control measures are intended to reduce energy use as a means to reducing adverse air quality emissions. The proposed Specific Plan includes various policies and measures to promote an increase in renewable energy sources. Policy 5 of Goal 7 calls for establishing a pathway to derive 50 percent of the electricity in Downtown from renewable sources. Program 17 of Goal 7 calls for incentivizing sustainable development to encourage the installation of renewable energy projects. Furthermore, new developments accommodated under the proposed Specific Plan would be built to comply with the latest Building Energy Efficiency Standards and CALGreen standards. Therefore, implementation of the proposed Specific Plan would not conflict with these EN control measures.
Buildings Control Measures	▪ BL 1 – Green Buildings ▪ BL 2 – Decarbonize Buildings ▪ BL 3 – Market-Based Solutions ▪ BL 4 – Urban Heat Island Mitigation	The buildings (BL) control measures focus on working with local governments to facilitate adoption of best GHG emissions control practices and policies. The proposed Specific Plan includes Program 18 of Goal 7. This program calls for continuing to improve the energy

TABLE 4.2-7 CONTROL MEASURES FROM THE BAAQMD 2017 CLEAN AIR PLAN

Type	Measure Number / Title	Consistency
		efficiency of building stock and infrastructure of Downtown through the implementation of the Municipal Green Building Ordinance, efficiency retrofit improvements, equipment upgrades, and installation of clean, renewable energy systems. In addition, as stated, new developments accommodate under the proposed Specific Plan would be built to comply with the latest Building Energy Efficiency Standards and CALGreen standards. Thus, the proposed Specific Plan would not conflict with these BL control measures.
Agriculture Control Measures	▪ AG 1 – Agricultural Guidance and Leadership ▪ AG 2 – Dairy Digesters ▪ AG 3 – Enteric Fermentation ▪ AG 4 – Livestock Waste	Agricultural practices in the Bay Area accounts for a small portion, roughly 1.5 percent, of the Bay Area GHG emissions inventory. The GHGs from agriculture include methane and nitrous oxide, in addition to carbon dioxide. While the Agriculture (AG) control measures target larger scale farming practices that are not proposed under the project, the type of urban farming (i.e., community gardens) associated with the proposed Specific Plan would support reduced GHG emission by increasing the amount of food grown and consumed locally. Therefore, implementation of the proposed Specific Plan would not conflict with these AG control measures.
Natural and Working Lands Control Measures	▪ NW 1 -- Carbon Sequestration in Rangelands ▪ NW 2 – Urban Tree Planting ▪ NW 3 – Carbon Sequestration in Wetlands	The control measures for the natural and working lands sector focus on increasing carbon sequestration on rangelands and wetlands. The proposed Specific Plan promotes the planting of street and shade trees in public spaces and along rights-of-ways. The Infrastructure and Public Facilities of the proposed Specific Plan includes Program IPF 13, which encourages Encourage new development to implement sustainable site design measures such as reducing impervious surfaces, directing impervious areas to pervious surfaces, planting interceptor trees, and designing for rainwater harvesting and reuse.
Waste Management Control Measures	▪ WA 1 – Landfills ▪ WA 2 – Composting and Anaerobic Digesters ▪ WA 3 – Green Waste Diversion ▪ WA 4 – Recycling and Waste Reduction	The waste management (WA) control measures include strategies to increase waste diversion rates through efforts to reduce, reuse and recycle. As discussed in Chapter 4.14, Utilities and Service Systems, in Section 4.14.3, Solid Waste, the City has existing regulations that covers construction and demolition debris waste diversion and recycling in addition to requiring retail food vendors to recyclable and compostable food service ware. In addition, the proposed Specific Plan includes several policies related to waste diversion and recycling. For example, under Policy PFS-7.12, the City would require major new development projects to salvage or recycle asphalt and concrete. Furthermore, under Policy PFS-7.20, the City would mandate recycling for commercial and multifamily uses. Implementation of the ongoing City regulations and proposed policies to reduce waste would ensure implementation of the proposed Specific Plan would not conflict with these WA

TABLE 4.2-7 CONTROL MEASURES FROM THE BAAQMD 2017 CLEAN AIR PLAN

Type	Measure Number / Title	Consistency
		control measures.
Water Control Measures	▪ WR 1 – Limit GHGs from publicly owned treatment works (POTWs) ▪ WR 2 – Support Water Conservation	The 2017 Clean Air Plan includes measures to reduce water use. As discussed in Chapter 4.14, Utilities and Services Systems, ongoing compliance with the City's current water conservation and management plans and regulations in addition to General Plan goals and policies would ensure the proposed Specific Plan would not conflict with the WR control measures. Chapter 10, Article 23 of the City's Municipal Code mandates installation of water-conserving fixtures for new construction and remodeling projects. In addition, the proposed Specific Plan includes several policies related to water conservation. For example, Policy NR-6.12 encourages installation and use of duel plumbing systems in new buildings to recycle greywater while Policies NR-6.14, NR-6.15, NR-6.16, and PFS-3.17conserve water through water efficient landscaping techniques such as the use of appropriate plants and water efficient irrigation systems.
Super-GHG Control Measures	▪ SL 1 – Short-Lived Climate Pollutants ▪ SL 2 – Guidance for Local Planners ▪ SL 3 – GHG Monitoring and Emissions Measurements Network	Super-GHGs include methane, black carbon and fluorinated gases. The compounds are sometimes referred to as short-lived climate pollutants because their lifetime in the atmosphere is generally fairly short. Measures to reduce super GHGs are addressed on a sector-by-sector basis in the 2017 Clean Air Plan. Through ongoing implementation of the City's CAP, the City will continue to reduce local GHG emissions, meet State, regional, and local reduction targets, which would ensure implementation of the proposed Specific Plan would not conflict with these SL control measures. Furthermore, the proposed Specific Plan includes programs related to increasing the installation or development of renewable energy projects and systems such as Program 17 under Goal 7.
Further Study Control Measures	▪ FSM SS 1 – Internal Combustion Engines ▪ FSM SS 2 – Boilers, Steam Generator and Process Heaters ▪ FSM SS 3 – GHG Reductions from Non Cap-and Trade Sources ▪ FSM SS 4 – Methane Exemptions from Wastewater Regulation ▪ FSM SS 5 – Controlling start-up, shutdown, maintenance, and malfunction (SSMM) Emissions ▪ FSM SS 6 – Carbon Pollution Fee ▪ FSM SS 7 – Vanishing Oils and Rust Inhibitors ▪ FSM SS 8 – Dryers, Ovens and Kilns ▪ FSM SS 9 – Omnibus Rulemaking to Achieve Continuous Improvement ▪ FSM BL 1 – Space Heating ▪ FSM AG 1 – Wineries	The majority of the further study control measures apply to sources regulated directly by BAAQMD. Because BAAQMD is the implementing agency, new and existing sources of stationary and area sources in the project area would be required to comply with these additional further study control measures in the 2017 Clean Air Plan.

TABLE 4.2-7 CONTROL MEASURES FROM THE BAAQMD 2017 CLEAN AIR PLAN

Type	Measure Number / Title	Consistency

Source: Bay Area Air Quality Management District, 2017 Revised, *California Environmental Quality Act Air Quality Guidelines*.

Regional Growth Projections for VMT and Population

Future potential development allowed by the proposed Specific Plan would result in additional sources of criteria air pollutants. Growth accommodated by the proposed Specific Plan could occur throughout the 2040 buildout horizon. BAAQMDs approach to evaluating impacts from criteria air pollutants generated by a plan's long-term growth is done by comparing population estimates to the VMT estimates. This is because BAAQMDs AQMP plans for growth in the SFBAAB are based on regional population projections identified by ABAG and growth in VMT identified by Alameda CTC. Changes in regional, community-wide emissions in the Specific Plan Area could affect the ability of BAAQMD to achieve the air quality goals in the AQMP. Therefore, air quality impacts for a plan-level analysis are based on consistency with the regional growth projections. As stated, BAAQMD's AQMP requires that the VMT increase by less than or equal to the projected population increase from the proposed Plan (e.g., generate the same or less VMT per population). However, because the proposed Specific Plan accommodates both residential and non-residential growth, a better indicator of how efficiently the city is growing can be made by comparing the increase in VMT to the increase in service population (e.g., generate the same or less VMT per service population). This approach is similar to the efficiency metrics for GHG emissions, which consider the total service population when calculating project efficiency. In addition, because the 2017 Clean Air Plan utilized growth projections based, in part, on cities' general plan land use designations, the growth rate in VMT compared to service population is evaluated between buildout under the proposed Specific Plan and buildout under the currently allowed under the General Plan.

VMT estimates based on data provided by Kittelson Associates, Inc., were calculated for the proposed Specific Plan. Table 4.2-8 compares the projected increase in population with the projected increases in total VMT. As shown in this table, implementation of the proposed Specific Plan would increase daily VMT by 323,036 vehicle miles per day, or about 127 percent, when compared to existing conditions. As shown in Table 4.2-8, implementation of the Specific Plan would result in lower VMT per capita than under existing conditions (10 percent lower), but higher VMT per service population than under existing conditions (5 percent higher). However, compared to the demographic and VMT growth projections of the 2040 Without Project conditions (i.e., growth that would occur as currently allowed and projected under the General Plan), the 2040 With Project conditions would decrease the VMT/SP by approximately 14 percent. This indicates that buildout conditions under the proposed Specific Plan would be more efficient in reducing VMT on a per service population basis. Thus, the proposed Specific Plan would be more consistent with the goals of the 2017 Clean Air Plan. Therefore, impacts would be *less than significant*.

TABLE 4.2-8 COMPARISON OF THE CHANGE IN POPULATION AND VMT IN THE SPECIFIC PLAN AREA

Category	Baseline	2040 With Project	Net Change from Baseline	Percent Increase from Baseline	2040 Without Project	Net Change Between With and Without Project	Percent Change Between With and Without Project
Population[a]	4,968	12,496	7,528	152%	12,059	437	4%
Employment	6,308[b]	11,894[b,c]	5,585	86%	7,129	4,765	67%
Service Population (SP)	11,276	24,390	13,114	116%	19,188	5,202	27%
VMT per Day[c]	250,361	567,945	323,036	127%	519,192	48,753	9%
VMT/person	50.4	45.5	-4.9	-10%	43.1	2	6%
VMT/SP	22.2	23.3	1.1	5%	27.1	**-4**	**-14%**

a. Applies 3.5 persons per household (pph) for single-family units and 2.2 pph per multifamily units pursuant to Association of Bay Area Government's population generation rates applied in the traffic impact analysis for the proposed Specific Plan (see Appendix E of this Draft EIR).
b. For existing conditions, applies 350 square feet per job for other and retail land use categories; 150 square feet per job for financial and professional services land uses; and, 500 square feet per job for health, education, and recreation land uses.
c. Applies 300 square feet per job for all new non-residential land use in the Specific Plan Area under the proposed Specific Plan.
d. Based on VMT data provided by Kittelson & Associates, Inc.
Source: PlaceWorks 2018.

Summary

In summary, implementation of the proposed Specific Plan would not conflict with the 2017 Clean Air Plan and impacts would be *less than significant*.

Significance without Mitigation: Less than Significant.

AQ-2 Implementation of the proposed project would generate short- and long-term criteria air pollutant emissions that could violate air quality standards or contribute substantially to an existing or projected air quality violation.

BAAQMD has identified thresholds of significance for criteria pollutant emissions and criteria air pollutant precursors, including ROG, NO, $PM_{10,}$ and $PM_{2.5}$. Development projects below the significance thresholds are not expected to generate sufficient criteria pollutant emissions to violate any air quality standard or contribute substantially to an existing or projected air quality violation. According to the BAAQMD CEQA Guidelines, long-range plans, such as the proposed Specific Plan, present unique challenges for assessing

impacts.[27] Due to the SFBAABs nonattainment status for ozone and PM and the cumulative impacts of growth on air quality, these plans almost always have significant, unavoidable adverse air quality impacts.

Construction Emissions

Construction emissions from buildout of future projects in the Specific Plan Area would primarily be 1) exhaust emissions from off-road diesel-powered construction equipment; 2) dust generated by demolition, grading, earthmoving, and other construction activities; 3) exhaust emissions from on-road vehicles; and 4) off-gas emissions of ROGs from application of asphalt, paints, and coatings. Air pollutant emissions from construction activities on site would vary daily as construction activity levels change.

Buildout of the Specific Plan Area would occur over a period of approximately 22 years or longer. However, there is no proposed development under the proposed Specific Plan at this time. Because the details regarding future construction activities are not known at this time—including phasing of future individual projects, construction duration and phasing, and preliminary construction equipment—construction emissions are estimated based on the programmatic information available based on CalEEMod defaults and a 22-year development timeline as shown in Table 4.2-9. Future development proposals under the proposed Specific Plan would be subject to separate environmental review pursuant to CEQA in order to identify and mitigate potential air quality impacts. Subsequent environmental review of development projects would be required to assess potential impacts under BAAQMDs project-level thresholds based on site-specific construction phasing and buildout characteristics.

TABLE 4.2-9 ESTIMATE OF CONSTRUCTION EMISSIONS ASSOCIATED WITH THE PROPOSED SPECIFIC PLAN

	Criteria Air Pollutants (Average Pounds/Day)			
Category	ROG	NO_x	Exhaust PM_{10}	Exhaust $PM_{2.5}$
Average Daily Construction Emissions – All Phases	27	86	1	1
BAAQMD Average Daily Project-Level Threshold	54	54	82	54
Exceeds Average Daily Threshold	**No**	**Yes**	**No**	**No**

Note: Emissions may not total to 100 percent due to rounding.
Source: CalEEMod 2016.3.2. Construction assumptions were based on CalEEMod defaults, which are based on construction surveys conducted by South Coast Air Quality Management District of construction equipment and phasing for comparable projects.

Existing federal, State, and local regulations, and policies and strategies of the proposed Specific Plan described throughout this section protect local and regional air quality. Continued compliance with these regulations would reduce construction-related impacts. In addition, General Plan Policy NR-2.2 would require the City to review all new development projects and require incorporation of measures to reduce construction-related VOC, NO_X, PM_{10}, and $PM_{2.5}$ emissions. Furthermore, under General Plan Policy NR-

[27] Bay Area Air Quality Management District, 2017, May, California Environmental Quality Act Air Quality Guidelines. http://www.baaqmd.gov/~/media/files/planning-and-research/ceqa/ceqa_guidelines_may2017-pdf, accessed on October 25, 2018.

2.12, preference would be given to construction contractors that use reduced-emissions equipment for City-related projects. Program 9 under Goal 7 of the proposed Specific Plan would also require developers and builders to take actions to reduce construction-related emissions. Lastly, the CRRS includes measures and BMPs related to reducing construction exhaust emissions from off-road equipment and construction-related fugitive dust. Examples of these measures and BMPs include watering disturbed areas every three hours, applying dust suppressants for disturbed areas, installing wind breaks, and ensuring that off-road equipment are maintained and tuned.[28] These measures and BMPs would be applied as conditions of approval for future individual projects. While these existing regulations, policies, measures, and BMPs would contribute in reducing emissions, development of future development projects accommodated under the proposed Specific Plan could still exceed the BAAQMD significance thresholds for construction. Therefore, implementation of the proposed Specific Plan could result in *significant* construction-related regional air impacts.

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

Mitigation Measure AQ-2.1a: As part of the City's development approval process, the City shall require applicants for future development projects to comply with the current Bay Area Air Quality Management District's basic control measures for fugitive dust control, including:

- Water all active construction areas at least twice daily, or as often as needed to control dust emissions. Watering should be sufficient to prevent airborne dust from leaving the site. Increased watering frequency may be necessary whenever wind speeds exceed 15 miles per hour. Reclaimed water should be used whenever possible.
- Pave, apply water twice daily or as often as necessary to control dust, or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas, and staging areas at construction sites.
- Cover all trucks hauling soil, sand, and other loose materials or require all trucks to maintain at least 2 feet of freeboard (i.e., the minimum required space between the top of the load and the top of the trailer).
- Sweep daily (with water sweepers using reclaimed water if possible) or as often as needed all paved access roads, parking areas and staging areas at the construction site to control dust.
- Sweep public streets daily (with water sweepers using reclaimed water if possible) in the vicinity of the project site, or as often as needed, to keep streets free of visible soil material.
- Hydroseed or apply non-toxic soil stabilizers to inactive construction areas.
- Enclose, cover, water twice daily, or apply non-toxic soil binders to exposed stockpiles (dirt, sand, etc.).
- Limit vehicle traffic speeds on unpaved roads to 15 miles per hour.
- Replant vegetation in disturbed areas as quickly as possible.

Mitigation Measure AQ-2.1b: Applicants for new development projects within the Specific Plan Area shall require the construction contractor to use equipment that meets the United States

[28] See Table 7.9 of the Hayward 2040 General Plan Draft EIR for further details. This table is included in Appendix C of this Draft EIR.

Environmental Protection Agency (USEPA) Tier 4 emissions standards for off-road diesel-powered construction equipment with more than 50 horsepower, unless it can be demonstrated to the City of Hayward that such equipment is not available. Any emissions control device used by the contractor shall achieve emissions reductions that are no less than what could be achieved by a Level 4 diesel emissions control strategy for a similarly sized engine, as defined by the California Air Resources Board's regulations.

- Prior to construction, the project engineer shall ensure that all demolition and grading plans clearly show the requirement for USEPA Tier 4 or higher emissions standards for construction equipment over 50 horsepower.
- During construction, the construction contractor shall maintain a list of all operating equipment in use on the construction site for verification by the City of Hayward.
- The construction equipment list shall state the makes, models, and numbers of construction equipment onsite.
- Equipment shall be properly serviced and maintained in accordance with the manufacturer's recommendations.
- Construction contractors shall also ensure that all nonessential idling of construction equipment is restricted to five minutes or less in compliance with Section 2449 of the California Code of Regulations, Title 13, Article 4.8, Chapter 9.

Significance with Mitigation: Significant and unavoidable. While Mitigation Measure AQ-2.1a would require adherence to the current BAAQMD basic control measures for reducing fugitive dust and reduce fugitive emissions to less-than-significant levels and Mitigation Measure AQ-2.1b would contribute in reducing NO_X emissions, future development in the Specific Plan Area could still generate construction exhaust emissions in excess of the BAAQMD significance thresholds. An analysis of emissions generated from the construction of specific future projects under the proposed Specific Plan would be required to evaluate emissions compared to BAAQMDs project-level significance thresholds during individual environmental review. The identification of this program-level impact does not preclude the finding of less-than-significant impacts for subsequent projects that comply with BAAQMD screening criteria or meet applicable thresholds of significance. However, due to the programmatic nature of the proposed Specific Plan, no additional mitigation measures are available and the impact is considered *significant and unavoidable*.

Operational Emissions

BAAQMD has identified thresholds of significance for criteria pollutant emissions and criteria air pollutant precursors, including VOC, NO, PM_{10} and $PM_{2.5}$. Development projects below the significance thresholds are not expected to generate sufficient criteria pollutant emissions to violate any air quality standard or contribute substantially to an existing or projected air quality violation. According to BAAQMD's CEQA Guidelines, long-range plans, such as the proposed Specific Plan, present unique challenges for assessing impacts. Due to the SFBAAB's nonattainment status for ozone and PM and the cumulative impacts of growth on air quality, these plans almost always have significant, unavoidable adverse air quality impacts.

Implementation and adoption of the proposed Specific Plan would result in an increase in development intensity in the Specific Plan Area. Buildout of the proposed Specific Plan would result in direct and indirect criteria air pollutant emissions from transportation, energy (e.g., natural gas use), and area

sources (e.g., aerosols and landscaping equipment). Although BAAQMD's CEQA Air Quality Guidelines only require an emissions inventory of criteria air pollutants for project-level analyses, enough information regarding the buildout of the proposed Specific Plan is available; thus, an inventory of criteria air pollutants was generated to identify the magnitude of emissions from buildout of the proposed Specific Plan. Table 4.2-10 identifies the emissions associated with buildout of the proposed Specific Plan. Subsequent environmental review of development projects would be required to assess potential impacts under BAAQMD's project-level thresholds.

TABLE 4.2-10 CRITERIA AIR POLLUTANT EMISSIONS FORECAST FOR THE PROPOSED SPECIFIC PLAN

	Criteria Air Pollutants (Average Pounds/Day)			
Category	VOC	NO_x	PM_{10}	$PM_{2.5}$
Existing				
Area	111	1	1	1
Energy	2	21	2	2
Mobile	24	281	186	50
Total Average Daily (pounds/day)	137	303	188	52
Proposed Plan				
Area	239	3	1	1
Energy	4	38	3	3
Mobile	52	607	422	114
Total Average Daily (pounds/day)	295	647	427	118
Change from Existing Land Uses	158	345	238	66
BAAQMD Average Daily Project-Level Threshold	54	54	82	54
Exceeds Average Daily Threshold	**Yes**	**Yes**	**Yes**	**Yes**
Scenario	**Tons Per Year**			
Existing	25	55	34	10
Proposed Specific Plan	54	118	79	22
Change from Existing Land Uses	29	63	44	12
BAAQMD Annual Project-Level Threshold	10	10	15	10
Exceeds Annual Threshold	**Yes**	**Yes**	**Yes**	**Yes**

Note: Emissions may not total to 100 percent due to rounding.
Source: CalEEMod 2016.3.2. Based on 2040 emission rates.

Proposed Specific Plan

The primary goals of the proposed Specific Plan is to improve the multimodal circulation network within the Specific Plan Area to promote walking, biking, and transit use, provide a mixture of land uses through infill and redevelopment, and make improvements to public and open spaces. The Specific Plan objectives

emphasize development of mixed-use areas and improvements to active and public transit facilities that would contribute to reducing vehicle trips and VMT. Additionally, the proposed Specific Plan includes several goals, policies, and programs to guide both the construction phase and the operational phase of potential future development. The Specific Plan goals, policies, and programs relevant to short- and long-term criteria air pollutants are listed below:

- Goal 4 Circulation (C): The public right-of-way is recognized as the backbone of the public realm and Downtown streets are comfortable for people walking and bicycling, efficient and convenient for people taking transit, and accommodating to people driving automobiles at a posted speed limits.
  - Policy C 9 Vehicle-Miles Travelled: Use vehicle-miles travelled per capita as the primary metric to evaluate transportation impacts of development projects within the Plan Area.
    - Program C 1: Support safer routes to schools and parks by providing increased signage, lighting, landscaping, and pedestrian connections around schools and parks.
    - Program C 4: Reduce motor vehicle travel lanes on the following roadways to reallocate space for other uses, including sidewalks, bikeways, and transit lanes. 1. A Street (between Grand Street and 3rd Street); 2. B Street (between Grand Street and Watkins Street); 3. Main Street (between Warren Street/McKeever Avenue and Foothill Boulevard); and 4. Foothill Boulevard (between Hazel Avenue and Watkins Street). (Circulation Program 16)
    - Program C 5: Install sharrows and other devices that indicate class III bicycle routes, where bicycle traffic is shared with pedestrian or vehicle traffic, on streets not appropriate for protected bikeways or where bikeways are already planned.
    - Program C 8: Work with BART, MTC, ACTC to prioritize active “first-last mile” transportation investments adjacent to BART to improve non-auto access to and from the station.
    - Program C 9: Work with adjacent jurisdictions, regional agencies, and Bike East Bay to help complete the East Bay Greenway bicycle trail to run under BART right-of-way from Lake Merritt to South Hayward BART stations.
    - Program C 10: Continue to work with ACTC and AC Transit to implement the following measures to improve bus access to BART as identified in the concept for Opportunity Site 5: 1. Integrating bus stops on existing streets adjacent to the station, where feasible, to avoid the delays and congestion of using a bus intermodal; 2. Relocating bus bays to the west side of the BART station to improve pedestrian access to Downtown; 3. Designating bus, shuttle, and passenger pickup/drop-off on both sides of the BART station and both sides of the nearby streets; and 4. Maintaining adequate designated curb space for nontransit passenger loading (e.g., for taxis, ride hailing services, and kiss-and-ride).
    - Program C 14: Continue to work with private developers to provide private shuttle service that implements recommendations from the City’s shuttle feasibility study.
    - Program C 15: Work with regional transportation agencies (MTC and Alameda County Transportation Commission) and AC Transit to explore the feasibility of providing additional transit service to the Plan Area.

- Program C 12: Invest in traffic signal synchronization and traffic management strategies to improve traffic flow on roadways. (Circulation Program 14)

- Goal 5 Traffic Demand Management (TDM) and Parking (TP): Public transportation, walking, biking and shared rides are the preferred means of travel for most trips in Downtown thereby reducing cut-through traffic and the need for parking while also supporting economic development and sustainability initiatives.
  - Policy TP 2 Manage and Market TDM: Manage and market transportation demand Management (TDM) programs to provide employers, employees, and residents with transportation alternatives to single-occupancy vehicle use and to reduce parking demand.
  - Policy TP 4 Shift to Non-Personal Vehicle Modes: Accommodate future new person trips through modes other than personal vehicles (such as public transit, rideshare, and cycling) to help achieve a more balanced circulation network and reduce vehicle miles traveled.
  - Policy TP 5 Carsharing and Bikesharing: Facilitate the establishment of carsharing and bikesharing services within the Plan Area.
    - Program TP 6: Partner with carsharing operators to establish a carsharing service with shared vehicle "pods" strategically located within the Plan Area with the following requirements: 1. Require that large development projects offer carsharing operators a limited number of parking spaces free of charge; 2. Require new development projects to pay into a carshare startup fund. (TDM and Parking Program 4)
    - Program TP 7: Partner with bikesharing operators to establish a network of shared bike stations strategically located within the Plan Area and require new projects to pay into a bikeshare startup fund. (TDM and Parking Program 6)
    - Program TP 9: Establish a Downtown TDM program supportive of alternate commute options that includes an employer-provided, tax-free Commuter Benefits Program ,the Regional TDM Program, and TDM checklist. (TDM and Parking Program 2)
    - Program TP 12: Establish a Transportation Management Association or similar entity responsible for the management and promotion of transportation programs for employers and residents, funded through a combination of parking revenues and/or other dues, fees, assessments, grants, and public transportation funds. (TDM and Parking Program 1)
    - Program TP 13: Require City-owned parking lots and garages be operated as an enterprise operation that pays for itself solely through user fees with adjustable rates.
    - Program TP 17: Require all new and existing employers that provide subsidized employee parking to offer their employees the option to cash out their parking subsidy.
    - Program TP 19: Encourage new residential and commercial development projects with common parking areas to unbundle the full cost of parking from the cost of the property itself.
      1. *Residential*: For rental and for-sale housing, unbundle the full cost of parking from housing cost and create a separate parking charge.

2. *Commercial Leases*: Unbundle parking costs from commercial space cost by identifying parking costs as a separate line item in the lease and allow tenants to lease as few parking spaces as they wish.

- Goal 7 Infrastructure and Public Facilities (IPF): Public services, community facilities, and utility systems are well maintained, implement Citywide climate change policies, and meet the needs of current and future Downtown residents, businesses, and visitors.
  - Policy IPF 5 Renewable Energy: Work with East Bay Community Energy to establish a pathway to derive 50 percent of the electricity in Downtown from renewable sources by 2025 and strive to derive 75 percent of the electricity used in Downtown from renewable sources by 2030.
  - Policy IPF 6 Landfill Diversion: Encourage innovative expansion of recycling and waste diversion.
    - Program IPF 1: Require new projects to provide water quality treatment for stormwater runoff by incorporating site design measures, source control measures, and low impact development (LID) measures that are hydraulically sized as specified in the C.3 Technical Guidance Manual from the Alameda County Clean Water Program.
    - Program IPF 14: Require developers and builders to take actions to reduce the combustion emissions and release of suspended and inhalable particulate matter during construction and demolition phases of development projects, and to use CEQA where applicable.
    - Program IPF 9: Partner with PG&E and other utility providers to evaluate future demand and to fund utility improvements in advance of construction.
    - Program IPF 15: Partner with PG&E and other utility providers to offer incentives, such as expedited permitting or reduced development fees when new building construction complies with LEED programing or the California Green Building Code.
    - Program IPF 17: Work with East Bay Community Energy to incentivize development to encourage the installation of renewable energy projects.
    - Program IPF 18: Continue to improve the energy efficiency of the building stock and infrastructure Downtown through the implementation of the Municipal Green Building Ordinance, efficiency retrofit improvements, equipment upgrades, and installation of clean, renewable energy systems.
    - Program IPF 4: Accelerate the decarbonization of the electricity grid by incorporating green-house gas reduction targets in the Hayward Climate Action Plan.
    - Program IPF 8: Develop systems and infrastructure to better allow Downtown residents and businesses to recycle specialty waste streams, particularly electronic waste and mattress.

The compact and mixed-use nature of the Specific Plan Area lends itself to this kind of “park once” policy, in which motorists can park just once and complete multiple daily tasks on foot before returning to their vehicles. Overall, these aforementioned components of the proposed Specific Plan would contribute in reducing vehicle trips and VMT.

Conclusion

As shown in Table 4.2-10, buildout of the proposed Specific Plan would generate a substantial increase in criteria air pollutant emissions that exceeds the BAAQMD regional significance thresholds for VOC, NOX, PM_{10}, and $PM_{2.5}$. Compliance with applicable General Plan policies would contribute in minimizing long-term emissions. General Plan Policy NR-2.2 requires the City to review future developments in the Specific Plan Area as they come online to ensure that feasible measures that reduce operation-related VOC, NOX, PM_{10}, and $PM_{2.5}$ emissions are incorporated as necessary. While these existing regulations and policies and Specific Plan Programs would contribute in reducing emissions, development of future development projects accommodated under the proposed Specific Plan could still exceed the BAAQMD significance thresholds for operation. Therefore, implementation of the proposed Specific Plan could result in *significant* long-term regional air quality impacts.

Impact AQ-2.2: Operation of development projects accommodated under the proposed Specific Plan could contribute to an existing or projected air quality violation.

Mitigation Measure AQ-2.2a: Prior to the issuance of building permits for new residential development project in the Specific Plan Area, future project applicants shall implement the Tier 1/Tier 2 standards identified in the California Green Building Standards Code where 17 or more multifamily dwelling units are constructed on a building site, 5 percent of the total number of parking spaces provided for all types of parking facilities, but in no case less than one, shall be electric vehicle charging spaces (EV spaces) capable of supporting future Electric Vehicle Supply Equipment. The proper installation of these features shall be verified by the City of Hayward Building Division prior to the issuance of a Certificate of Occupancy.

Mitigation Measure AQ-2.2b: Prior to the issuance of building permits for new non-residential development project in the Specific Plan Area, future project applicants shall implement the Tier 2 standards identified in Table A5.106.5.3.2 of the California Green Building Standards Code or the equivalent as standards may be updated overtime. The proper installation of these features shall be verified by the City of Hayward Building Division prior to the issuance of a Certificate of Occupancy.

Mitigation Measure AQ-2.2c: Prior to the issuance of building permits for new non-residential development project in the Specific Plan Area, future project applicants shall implement the Tier 1 standards identified in the California Green Building Standards Code to provide 10 percent of total designated parking spaces for any combination of low-emitting, fuel-efficient and carpool/van pool vehicles as identified in Table A5.106.5.1.1 (Tier 1). The proper installation of these features shall be verified by the City of Hayward Building Division prior to the issuance of a Certificate of Occupancy.

Mitigation Measure AQ-2.2d: Prior to the issuance of building permits for nonresidential development projects in the Specific Plan Area, future project applicants shall indicate on the building plans for buildings with more than ten tenant-occupants that changing/shower facilities shall be provided based on the guidelines specified in Table A5.106.4.3 (Nonresidential Voluntary Measures) of the California Green Building Standards Code have been incorporated into the design of the building(s). The proper installation of these features shall be verified by the City of Hayward Building Division prior to the issuance of a Certificate of Occupancy.

Significance with Mitigation: Significant and unavoidable. Future development under the proposed Specific Plan would result in a substantial long-term increase in criteria air pollutants over the 2040 buildout horizon or longer time frame. The proposed improvements, goals, policies, and programs related to land use, circulation, transit, and travel demand management would reduce criteria air pollutants, to the extent feasible, as part of this programmatic review of air quality impacts. Mitigation Measures AQ-2.2a through AQ-2.2d would contribute in further reducing mobile-source criteria air pollutant emissions to the extent feasible. However, there are no additional measures available to mitigate this impact due to the level of growth forecast in the proposed Specific Plan. Operational emissions from future development would be determined during project-level CEQA review. The total criteria air pollutant emissions from operation of future development projects under the proposed Specific Plan would be substantial and would contribute to increases in concentrations of air pollutants, which could contribute to ongoing violations of air quality standards. The identification of this Plan-level impact does not preclude the finding of less-than-significant impacts for subsequent projects that comply with BAAQMD screening criteria or meet applicable thresholds of significance. However, due to the programmatic nature of the proposed Specific Plan, no additional mitigating policies are available, and the impact is considered to be *significant and unavoidable*.

AQ-3 Implementation of the proposed project would result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors).

This section analyzes potential impacts related to air quality that could occur from the buildout associated with the proposed Specific Plan in combination with the regional growth in the air basin. The SFBAAB is currently designated a nonattainment area for California and National O_3, California and National $PM_{2.5}$, and California PM_{10} AAQS. At a plan level, air quality impacts are measured by the potential for a project to exceed BAAQMDs significance criteria and contribute to the State and federal nonattainment designations in the SFBAAB. Any project that produces a significant regional air quality impact in an area that is in nonattainment adds to the cumulative impact. The proposed Specific Plan's contribution to cumulative air quality impacts is identified under impact discussions AQ-1 and AQ-2. The analyses in these sections identify whether the proposed Specific Plan would conflict with the 2017 Clean Air Plan (impact discussion AQ-1) or generate a substantial increase in criteria air pollutants (impact discussion AQ-2). As described in impact discussion AQ-1, the proposed Specific Plan would be consistent with the 2017 Clean Air Plan. However, as described under impact discussion AQ-2, the proposed Specific Plan could generate a substantial increase in criteria air pollutant emissions from construction and operational activities that could exceed the BAAQMD regional significance thresholds. Therefore, cumulative regional air quality impacts are also *significant*.

Impact AQ-3: Future potential development projects associated with the proposed Specific Plan could cumulatively contribute to the non-attainment designations of the SFBAAB.

Mitigation Measure AQ-3: Implement Mitigation Measures AQ-2.1, AQ-2.2a, and AQ-2.2b.

Significance with Mitigation: *Significant and unavoidable.* Compliance with the policies in the General Plan and the proposed Specific Plan in addition to implementation of Mitigation Measure AQ-3 would reduce impacts to the maximum extent feasible. However, because the emissions are unknown at this time, regional and localized operational emissions could exceed the BAAQMD significance thresholds. Consequently, implementation of the proposed Specific Plan could cumulatively contribute to the nonattainment designations of the SFBAAB and impacts would be considered *significant and unavoidable*. As stated under impact discussion AQ-2, the identification of this program-level impact does not preclude the finding of less-than-significant impacts for subsequent projects that comply with BAAQMD screening criteria or meet applicable thresholds of significance.

AQ-4 Construction activities associated with the development of new land uses accommodated under the proposed Specific Plan could expose sensitive receptors to substantial toxic air contaminant concentrations.

If implementation of the proposed Specific Plan would cause or contribute significantly to elevated pollutant concentration levels it could expose sensitive receptors to elevated pollutant concentrations. Unlike regional emissions, localized emissions are typically evaluated in terms of air concentration rather than mass so they can be more readily correlated to potential health effects.

Construction Community Risk and Hazards

Future construction under the proposed Specific Plan would temporarily elevate concentrations of TACs and diesel-$PM_{2.5}$ in the vicinity of sensitive land uses during construction activities. Because the details regarding future construction activities are not known at this time—including phasing of future individual projects, construction duration and phasing, and preliminary construction equipment—construction emissions are evaluated qualitatively in accordance with BAAQMDs plan-level guidance. Subsequent environmental review of future development projects would be required to assess potential impacts under BAAQMDs project-level thresholds. Furthermore, future projects would be subject to the CRRS measures and BMPs related to reducing off-road construction equipment exhaust emissions. Specific actions include requiring off-road construction equipment to install diesel particulate filters, using of electric-powered equipment, and restricting idling of equipment to two minutes. However, construction emissions associated with the proposed Specific Plan could exceed BAAQMD's project level and cumulative significance thresholds for community risk and hazards. Therefore, construction-related health risk impacts associated with the proposed Specific Plan is considered *significant*.

Impact AQ-4.1: Construction activities associated with potential future development projects accommodated under the proposed Specific Plan could expose nearby receptors to substantial concentrations of TACs.

Mitigation Measure AQ-4.1a: Applicants for construction within 1,000 feet of residential and other sensitive land use projects (e.g., hospitals, nursing homes, day care centers) in the City of Hayward, as measured from the property line of the project to the property line of the source/edge of the nearest travel lane, shall submit a health risk assessment (HRA) to the City of Hayward prior to future discretionary project approval. The HRA shall be prepared in accordance with policies and procedures

of the Office of Environmental Health Hazard Assessment (OEHHA) and the Bay Area Air Quality Management District. The latest OEHHA guidelines shall be used for the analysis, including age sensitivity factors, breathing rates, and body weights appropriate for children ages 0 to 16 years. If the HRA shows that the incremental cancer risk exceeds ten in one million (10E-06), $PM_{2.5}$ concentrations exceed 0.3 µg/m^3, or the appropriate noncancer hazard index exceeds 1.0, the applicant will be required to identify and demonstrate that mitigation measures are capable of reducing potential cancer and non-cancer risks to an acceptable level (i.e., below ten in one million or a hazard index of 1.0), including appropriate enforcement mechanisms. Measures to reduce risk may include, but are not limited to[29]:

- During construction, use of construction equipment fitted with Level 3 Diesel Particulate Filters (DPF) for all equipment of 50 horsepower or more.
- Equipment shall be properly serviced and maintained in accordance with manufacturer recommendations.
- The construction contractor shall ensure that all non-essential idling of construction equipment is restricted to five minutes or less in compliance with Section 2449 of the California Code of Regulations, Title 13, Article 4.8, Chapter 9.

Measures identified in the HRA shall be included in the environmental document and/or incorporated into the site development plan as a component of the proposed Specific Plan. Prior to issuance of any construction permit, the construction contractor shall ensure that all construction plans submitted to the City of Hayward Planning Division and/or Building Division clearly show incorporation of all applicable mitigation measures.

Mitigation Measure AQ-4.1b: Implement Mitigation Measure AQ-2.1b.

Significance with Mitigation: Significant and unavoidable. Implementation of Mitigation Measures AQ-4.1a and AQ-4.1b would reduce construction-related health risk impacts to the extent feasible. However, despite implementation of mitigation, construction-related health risk impacts may still exceed the applicable thresholds due to future project specific circumstances. Therefore, this impact remains *significant and unavoidable*.

Operational Phase Community Risk and Hazards

Types of land uses that typically generate substantial quantities of criteria air pollutants and TACs include industrial (stationary sources), manufacturing, and warehousing (truck idling) land uses. These types of major air pollutant emissions sources are not permitted under the proposed Specific Plan. Thus, implementation of the proposed Specific Plan would not result in creation of land uses that would generate substantial concentrations of TACs.

[29] See Table 7.9 of the Hayward 2040 General Plan Draft EIR for further details. This table has been included in Appendix C of this Draft EIR.

Development of the commercial land uses that are allowed under the Specific Plan may result in stationary sources of TACs emissions—e.g., dry cleaners, restaurants with charbroilers, or buildings with emergency generators and boilers. However, these sources are not considered to be large emitters. In addition, emissions of TACs generated by these types of smaller sources would be controlled by BAAQMD through permitting and would be subject to further study and health risk assessment prior to the issuance of any necessary air quality permits. The permitting process ensures that stationary source emissions would be below the BAAQMD significance thresholds of 10 in a million cancer risk and 1 for acute risk at the maximally exposed individual. Therefore, overall, impacts related to TACs are considered *less than significant*.

Significance without Mitigation: Less than Significant.

CO Hotspots

Areas of vehicle congestion have the potential to create pockets of CO, called hotspots. These pockets have the potential to exceed the State 1-hour standard of 20 parts per million (ppm) or the 8-hour standard of 9.0 ppm. Because CO is produced in the greatest quantities from vehicle combustion and does not readily disperse into the atmosphere, adherence to AAQS is typically demonstrated through an analysis of localized CO concentrations. Hotspots are typically produced at intersections, where traffic congestion is highest because vehicles queue for longer periods and are subject to reduced speeds.

Alameda CTC 's CMP must be consistent with *Plan Bay Area*, and an overarching goal of the regional plan is to concentrate development in areas where there are existing services and infrastructure rather than allocate new growth in outlying areas where substantial transportation investments would be necessary to achieve the per capita passenger vehicle VMT and associated GHG emissions reductions. As discussed under subheading, "Operational Emissions", of Impact AQ-2, the proposed Specific Plan emphasizes development of mixed-use areas and improvements to the multimodal infrastructure. It also includes policies and programs related to travel demand management such as the following:

- Goal 5 Travel Demand Management and Parking (TP): Public transportation, walking, biking, and shared rides are the preferred means of travel for most trips in Downtown thereby reducing cut-through traffic and the need for parking while also supporting economic development and sustainability initiatives.
    - Policy TP 2 Manage and Market TDM: Manage and market transportation demand Management (TDM) programs to provide employers, employees, and residents with transportation alternatives to single-occupancy vehicle use and to reduce parking demand
    - Policy TP 4 Shift to Non-Personal Vehicle Modes: Accommodate future new person trips through modes other than personal vehicles (such as public transit, rideshare, and cycling) to help achieve a more balanced circulation network and reduce vehicle miles traveled.
    - Policy TP 5 Carsharing and Bikesharing: Facilitate the establishment of carsharing and bikesharing services within the Plan Area.
        - Program TP 12: Establish a Transportation Management Association or similar entity responsible for the management and promotion of transportation programs for employers

and residents, funded through a combination of parking revenues and/or other dues, fees, assessments, grants and public transportation funds.

- Program TP 6: Partner with carsharing operators to establish a carsharing service with shared vehicle "pods" strategically located within the Plan Area with the following requirements:
  1. Require that large development projects offer carsharing operators a limited number of parking spaces free of charge;
  2. Require new development projects to pay into a carshare startup fund.
- Program TP 9: Establish a Downtown TDM program supportive of alternate commute options that includes an employer-provided, tax-free Commuter Benefits Program, the Regional TDM Program, and TDM checklist.

Overall, these components of the proposed Specific Plan would be consistent with the overall goals of the *Plan Bay Area*. Additionally, the proposed Specific Plan would not hinder the capital improvements outlined in the CMP. Thus, the proposed Specific Plan would not conflict with Alameda CTC's CMP. Furthermore, under existing and future vehicle emission rates, a project would have to increase traffic volumes at a single intersection by more than 44,000 vehicles per hour—or 24,000 vehicles per hour where vertical and/or horizontal mixing is substantially limited—in order to generate a significant CO impact.[30] Based on the traffic analysis conducted as part of this environmental analysis, the proposed Specific Plan would generate a total of about 18,050 daily peak hour trips and not increase traffic volumes at affected intersections by more than BAAQMD screening criteria of 44,000 vehicles per hour or 24,000 vehicles per hour where vertical and/or horizontal mixing is substantially limited.[31] Therefore, overall, the proposed Specific Plan would not have the potential to substantially increase CO hotspots at intersections in the Specific Plan Area and vicinity. Localized air quality impacts related to mobile-source emissions would therefore be *less than significant*.

Significance without Mitigation: Less than Significant.

AQ-5 Implementation of the proposed project would not create objectionable odors affecting a substantial number of people.

The proposed Specific Plan would accommodate future residential, retail, and commercial development. Construction and operation of residential developments, retail, and restaurants would not generate substantial odors or be subject to odors that would affect a substantial number of people. The type of facilities that are considered to have objectionable odors include wastewater treatments plants, compost facilities, landfills, solid waste transfer stations, fiberglass manufacturing facilities, paint/coating operations (e.g., auto body shops), dairy farms, petroleum refineries, asphalt batch plants, chemical manufacturing, and food manufacturing facilities.

[30] Bay Area Air Quality Management District, 2017 (Revised). *CEQA Air Quality Guidelines*.
[31] Based on information provided by Kittelson Associates, Inc.

During operation, residences and restaurants could generate odors from cooking. However, odors from cooking are not substantial enough to be considered nuisance odors that would affect a substantial number of people. Furthermore, nuisance odors are regulated under BAAQMD Regulation 7, Odorous Substances, which requires abatement of any nuisance generating an odor complaint. BAAQMD's Regulation 7, Odorous Substances, places general limitations on odorous substances and specific emission limitations on certain odorous compounds.[32] In addition, odors are also regulated under BAAQMD Regulation 1, Rule 1-301, Public Nuisance.

During construction activities of future developments in the Specific Plan Area, construction equipment exhaust and application of asphalt and architectural coatings would temporarily generate odors. Any construction-related odor emissions would be temporary and intermittent. Additionally, noxious odors would be confined to the immediate vicinity of the construction equipment. By the time such emissions reach any sensitive receptor sites, they would be diluted to well below any level of air quality concern. Impacts would be *less than significant*.

Significance without Mitigation: Less than significant.

[32] It should be noted that while restaurants can generate odors, these sources are not identified by BAAQMD as nuisance odors since they typically do not generate significant odors that affect a substantial number of people. Larger restaurants that employ five or more people are subject to BAAQMD Regulation 7, Odorous Substances.

4.3 BIOLOGICAL RESOURCES

This chapter describes the existing biological resources in the Specific Plan Area and evaluates the potential biological resource impacts associated with future development that could occur by adopting and implementing the proposed Specific Plan. This chapter provides a summary of the relevant regulatory setting necessary to evaluate potential environmental impacts resulting from the proposed project, describes potential impacts, and discusses existing and proposed goals, policies, and implementation programs and zoning regulations that would avoid or reduce those potential impacts.

4.3.1 ENVIRONMENTAL SETTING

4.3.1.1 REGULATORY FRAMEWORK

This section describes federal, State, regional, and local regulations that provide for the protection and management of sensitive biological resources.

Federal Regulations

Federal Endangered Species Act

The United States Fish and Wildlife Service (USFWS) and National Oceanic and Atmospheric Administration, National Marine Fisheries Service are responsible for implementation of the Federal Endangered Species Act (FESA)[1] The FESA protects fish and wildlife species that are listed as threatened or endangered, and protects their habitats. Endangered species, subspecies, or distinct population segments are those that are in danger of extinction through all or a significant portion of their range; threatened species, subspecies, or distinct population segments are likely to become endangered in the near future.

Section 9 of the FESA prohibits the "take" of any fish or wildlife species listed as endangered, including the destruction of habitat that prevents the species' recovery. Take is defined as an action or attempt to hunt, harm, harass, pursue, shoot, wound, capture, kill, trap, or collect a species. Section 9 prohibitions also apply to threatened species unless a special rule has been defined with regard to take at the time of listing. Under Section 9 of the FESA, the take prohibition applies only to wildlife and fish species. However, Section 9 does prohibit the unlawful removal and reduction to possession, or malicious damage or destruction, of any endangered plant from federal land. Section 9 prohibits acts to remove, cut, dig up, damage, or destroy an endangered plant species in nonfederal areas in knowing violation of any State law or in the course of criminal trespass. Candidate species and species that are proposed, or under petition for listing, receive no protection under FESA Section 9.

Clean Water Act

The federal Clean Water Act (CWA) is administered by the United States Environmental Protection Agency (USEPA) and the US Army Corps of Engineers (USACE). USACE is responsible for regulating the discharge of

[1] United States Code Title 16, Chapter 35, Section 1531.

fill material into waters of the United States, including lakes, rivers, streams, and their tributaries, as well as wetlands that are navigable or adjacent to a navigable waterway or that have an interstate or foreign commerce connection. In 2008, USACE published the *Wetlands Regulatory Assistance Program: Regional Supplements to the Corps of Engineers Wetland Delineation Manual: Arid West Region* (Version 2.0), which provides detailed information for the Arid West Region, which includes the State of California. Wetlands are defined for regulatory purposes as areas "inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances support, a prevalence of vegetation typically adapted for life in saturated soil conditions."

The discharge of dredged or fill material into waters of the United States is subject to permitting under Section 404, Discharges of Dredge or Fill Material, of the CWA. Section 401, Certification, specifies additional requirements for permit review, particularly at the State level. Project proponents must obtain a permit from USACE for all discharges of dredged or fill material into waters of the United States, including wetlands, before proceeding with a proposed action. USACE permits must be certified by the State Water Resources Control Board in order to be valid. Thus, certification from the State Water Resources Control Board should be requested at the same time an application is filed with USACE. Certification from the local Regional Water Quality Control Board is also required when a proposed activity may result in discharge into navigable waters.[2]

Migratory Bird Treaty Act

The USFWS is also responsible for implementing the Migratory Bird Treaty Act (MBTA). The MBTA implements a series of treaties between the United States, Mexico, and Canada that provide for the international protection of migratory birds. Wording in the MBTA makes it clear that most actions that result in "taking" or possession (permanent or temporary) of a protected species can be a violation of the Act. The word "take" is defined as "pursue, hunt, shoot, wound, kill, trap, capture, or collect, or attempt to pursue, hunt, shoot, wound, kill, trap, capture, or collect." The provisions of the MBTA are nearly absolute; "except as permitted by regulations" is the only exception. Examples of permitted actions that do not violate the law are the possession of a hunting license to pursue specific game birds, legitimate research activities, display in zoological gardens, bird-banding, and similar activities.

State Regulations

California Endangered Species Act

The California Endangered Species Act (CESA) establishes State policy to conserve, protect, restore, and enhance threatened or endangered species and their habitats. CESA mandates that State agencies should not approve projects that jeopardize the continued existence of threatened or endangered species, if reasonable and prudent alternatives are available that would avoid jeopardy. For projects that would affect species that are on the federal and State endangered species lists, compliance with the federal ESA satisfies CESA if the California Department of Fish and Wildlife (CDFW) determines that the federal incidental take authorization is consistent with CESA under California Fish and Game Code Section 2080.1.

[2] Pursuant to Section 401 of the CWA and EPA 404(b)(1) Guidelines.

For projects that would result in take of species that are only State-listed, the project proponent must apply for a take permit under Section 2081(b) of the California Fish and Game Code.

California Fish and Game Code

Under the California Fish and Game Code, CDFW provides protection from “take” for a variety of species, including Fully Protected species. "Fully Protected" is a legal protective designation administered by the CDFW, intended to conserve wildlife species that risk extinction within California. Lists have been created for birds, mammals, fish, amphibians, and reptiles. The Fish and Game Code sections dealing with Fully Protected species state that these animals "...may not be taken or possessed at any time and no provision of this code or any other law shall be construed to authorize the issuance of permits or licenses to take any fully protected" species, although take may be authorized for necessary scientific research. In 2003, the code sections dealing with fully protected species were amended to allow CDFW to authorize take resulting from recovery activities for State-listed species. The CDFW also protects streams, water bodies, and riparian corridors through the streambed alteration agreement process under Section 1601 to 1606 of the California Fish and Game Code. The Fish and Game Code stipulates that it is “unlawful to substantially divert or obstruct the natural flow or substantially change the bed, channel or bank of any river, stream or lake” without notifying CDFW, incorporating necessary mitigation, and obtaining a streambed alteration agreement. Through policy, CDFW asserts jurisdiction to the top of banks of all streams, including intermittent and ephemeral streams, extending laterally to the upland edge of adjacent riparian vegetation.

California Native Plant Protection Act

The California Native Plant Protection Act of 1977 (CNPPA) prohibits importation of rare and endangered plants into California, “take” of rare and endangered plants, and sale of rare and endangered plants. CESA defers to the CNPPA, which ensures that State-listed plant species are protected when State agencies are involved in projects subject to CEQA. In this case, plants listed as rare under the CNPPA are not protected under the CESA; however, impacts to endangered, rare, or threatened species, including plants, are evaluated under CEQA.

Porter-Cologne Water Quality Control Act

The Regional Water Quality Control Boards maintain independent regulatory authority over the placement of waste, including fill, into waters of the State under the Porter-Cologne Water Quality Act of 1969. This Act is similar to and largely based off the federal Clean Water Act and is intended to preserve and enhance all beneficial uses of the waters of the State. The Regional Water Quality Control Board currently employs the USACE procedures and definitions for defining the physical boundaries of wetlands and waters. However, there are differences in the State and federal ability to regulate these features. In order to be subject to federal regulation as waters of the United States, wetlands and waters must demonstrate that water is, or is adjacent to, a navigable waterway or a tributary to a navigable waterway, or have an interstate or foreign commerce connection. Under the Porter-Cologne Act, the State has regulatory authority over what are termed “isolated” waters and wetlands, in addition to waters of the United States.

Local Regulations

Looking Forward Hayward 2040 General Plan

The City of Hayward 2040 General Plan, adopted in July 2014, includes goals, policies, and programs intended to avoid or reduce impacts on biological resources in the Natural Resources (NR) and Community Health and Quality of Life (HQL) elements of the 2040 General Plan. As described in the General Plan EIR, in most cases, no one goal, policy, or implementation program itself is expected to completely avoid or reduce an identified potential environmental impact.[3] However, the collective, cumulative mitigating benefits of the policies listed below are intended to reduce biological resource-related impacts. Specific goals and policies are described in Section 4.3.3, Impact Discussion, to demonstrate how the policy would avoid or reduce the impact.

The following goals and policies are relevant to the analysis of potential biological resource impacts within the Specific Plan Area:

- Goal NR-1: Protect, enhance, and restore sensitive biological resources, native habitat, and vegetation communities that support wildlife species so they can be sustained and remain viable.
  - Policy NR-1.1 Native Wildlife Habitat Protection: The City shall limit or avoid new development that encroaches into important native wildlife habitats; 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 Service, California Department of Fish and Wildlife, and California Native Plant Society for all development applications proposed within sensitive biological resource areas.
  - 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 eco-system, provide shade, create windbreaks, and enhance the aesthetics of new and existing development.
  - 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-1.10 Creek Daylighting: The City shall identify and create opportunities for "daylighting" existing creeks that are currently contained within culverts or hardened channels to reestablish riparian habitat, provide public access and enjoyment, and improve aesthetics.

[3] City of Hayward 2040 General Plan certified EIR, State Clearinghouse Number 2013082015.

- Policy NR-1.11 Creek and Floodplain Access Easements: The City shall identify and create opportunities for public access to and maintenance of creek corridors and floodplains through the creation of access easements, where practical.
- Policy NR-1.12 Riparian Corridor Habitat Protection: The City shall protect creek riparian corridor 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 adverse effects of increased stormwater runoff, sedimentation, erosion, and pollution that may occur from improper development in adjacent areas.

- Goal NR-6: Improve overall water quality by protecting surface and groundwater sources, restoring creeks and rivers to their natural state, and conserving water resources.
  - Policy NR-6.1: The City shall coordinate with local and regional partners to improve and restore surface watercourses to their natural condition to the greatest extent possible.
- Goal HQL-7: Protect residents from harmful effects of pollution, toxic substances, and environmental contaminants.
  - Policy HQL-7.1: Support Sustainability Practices. The City shall support sustainability practices that promote clean water, healthy soils, and healthy ecosystems.
- Goal HQL-8: Maintain, enhance, and increase the city's urban forest as an environmental, economic, and aesthetic resource to improve Hayward residents' quality of life.
  - Policy HQL-8.1: Manage and Enhance Urban Forests. The City shall manage and enhance the urban forest by planting new trees, ensuring that new developments have sufficient right-of-way width for tree planting, managing and caring for all publicly owned trees, and working to retain healthy trees.
  - Policy HQL-8.2: Urban Forest Management Plan. The City shall maintain and implement an Urban Forest Management Plan.
  - 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.

Hayward Municipal Code

The Hayward Municipal Code Chapter 10, Article 15, Tree Preservation,[4] provides for the protection and preservation of significant trees by designating the species of tree and the types of development or properties that are considered "protected". "Protected trees" include (1) trees having a minimum trunk

[4] City of Hayward Municipal Code, Chapter 10, Planning, Zoning, and Subdivisions, Article 15, Tree Preservation.

diameter of eight inches measured 54 inches above the ground (multi-trunk trees are measured by the diameters of the largest three trunks added together); (2) street trees or other trees required as a condition of approval, Use Permit, or other zoning requirement, regardless of size (street trees are protected under the Street Tree Ordinance); (3) all memorial trees dedicated by an entity recognized by the City, and all specimen trees that define a neighborhood or community; (4) a tree or trees of any size planted as a replacement for a Protected Tree; and (5) 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 (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 kelloggi)*
- Valley Oak (*Quercus lobata)*
- Interior Live Oak (*Quercus wislizenii)*
- California Bay (Umbellularia californica)

All Protected Trees require a permit for removal, relocation, cutting or reshaping. Where Protected Tree removal, relocation, or encroachment into the Protected Zone of a tree is requested as part of the development of a lot or parcel, the application must be processed prior to the issuance of any grading, trenching, encroachment, demolition, or building permit for development. On receipt of a completed application, the City Landscape Architect or his or her designated representative shall inspect the premises and determine which Protected Trees may be removed or what reshaping or cutting may occur.

4.3.1.2 EXISTING CONDITIONS

This section describes the existing conditions of the plant and wildlife resources in the Specific Plan Area. The following information is taken in part from the *Existing Conditions and Opportunities Analysis* prepared for the Specific Plan Area. This report is included as Appendix B of this Draft EIR.

Vegetation and Wildlife Habitat

The majority of the Specific Plan Area has been urbanized and now supports roadways, structures, other impervious surfaces, areas of turf, and ornamental landscaping. As such, only portions of the city, mostly near the bay front in the western portion of the city and the hillsides in the eastern portion of the city, support wildlife habitats.

Specific Plan Area Vegetation and Wildlife

The Specific Plan Area is highly developed and primarily occupied by structures, roadways, and other impervious surfaces. See Figure 3-3 in Chapter 3, Project Description for an aerial photograph of the project site. Only a few parcels remain without structures or pavement, mainly the Hayward Japanese Gardens, and Carlos Bee Park, as well as select small parcels interspersed throughout the Specific Plan Area. Concentrations of mature trees exist within areas surrounding the Hayward Public Library and along the San Lorenzo Creek riparian corridor. Street trees have been planted along the frontages of many roadways within the Specific Plan Area, and varying amounts of landscaping are present on individual sites ranging from scattered trees and shrub planting to limited areas of groundcover plantings.

The San Lorenzo Creek and Coyote Creek flow through the northern portion of the Specific Plan Area. The San Lorenzo Creek flows east to west through the Hayward Japanese Gardens towards the San Francisco Bay. Coyote Creek runs north to south through Carlos Bee Park adjacent to the Specific Plan Area, and connects with the San Lorenzo Creek near the Hayward Japanese Gardens. The creeks are surrounded by narrow riparian corridors abutted by urban development.[5] Oak woodlands exist adjacent to the intact portions of the riparian corridors.

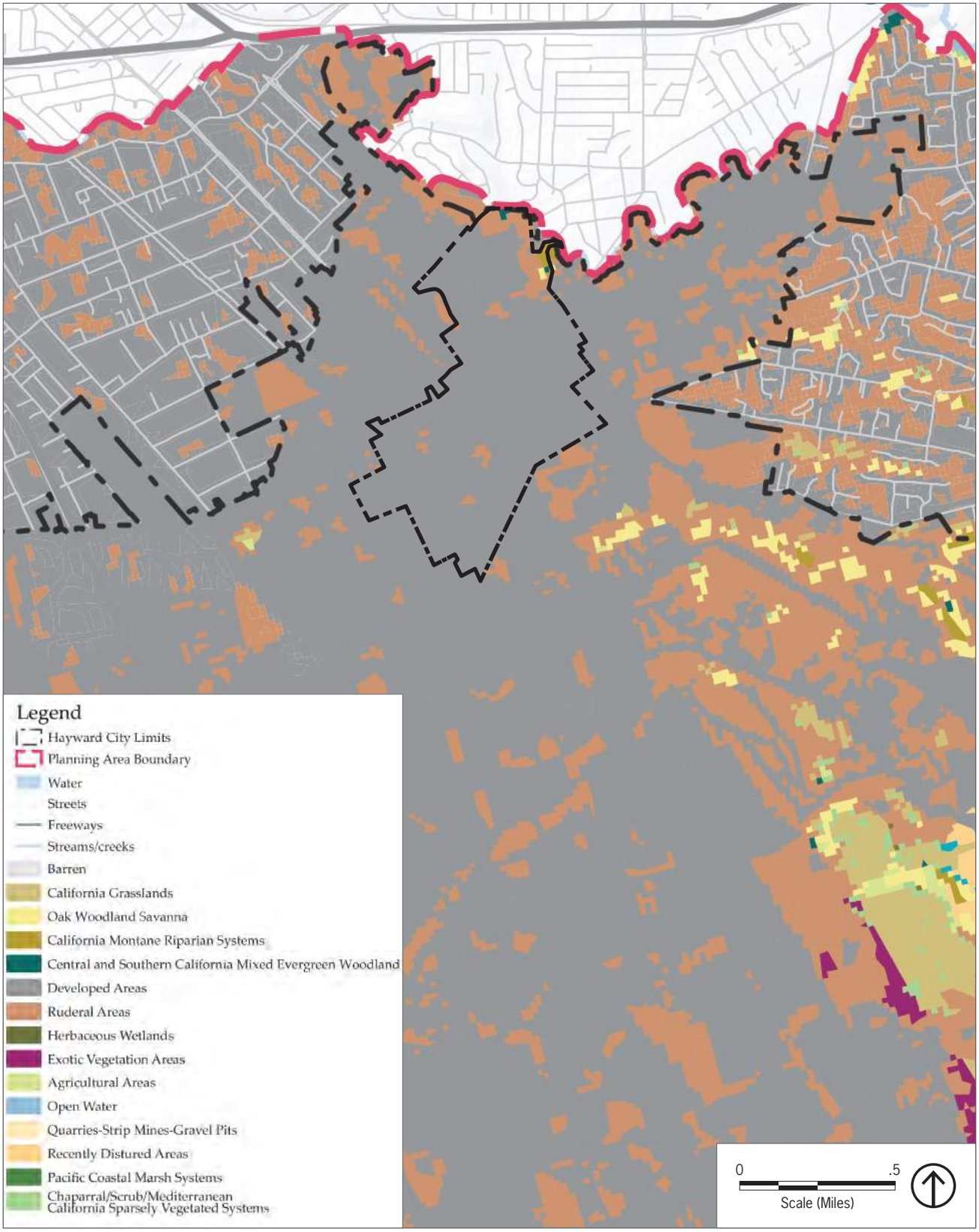
As shown on Figure 4.3-1, the majority of the Specific Plan Area is identified as "urban" and there are numerous areas dispersed throughout the Specific Plan Area identified as "ruderal" (i.e., disturbed or non-native grasslands). These habitat types do not contain sensitive natural communities. Urbanized or barren areas tend to have low to poor wildlife habitat value due to replacement of natural communities, fragmentation of open space areas, and intensive human disturbance. The diversity of urban wildlife depends on the extent and type of landscaping and remaining open space, as well as the proximity to natural habitat. Trees and shrubs used for landscaping provide nest sites and cover for wildlife adapted to developed areas. Typical native bird species include Cooper's hawk (*Accipiter cooperi*), Loggerhead shrike (*Lanius ludovicianus*), Long-eared owl (*Asio otus*), Sharp shinned hawk (*Accipiter striatus*), White tailed kite (*Elanus leucurus*), and Yellow warbler (*Dendroica petechial brewsteri*).[6] Urban areas can also provide habitat for several species of native mammals such as the California ground squirrel and striped skunk, as well as the introduced eastern fox squirrel and eastern red fox. Introduced pest species such as the Norway rat, house mouse, and opossum are also abundant in developed areas. Ruderal communities include areas that have been partially developed, recently disturbed, or have been used in the past for agriculture. In the Specific Plan Area the disturbed/ruderal communities consist primarily of vacant parcels. Some examples of wildlife species commonly associated with this community include the Rock Dove (*Columba livia*), Brewer's Blackbird (*Euphagus cyanocephalus*), gophers (*Thomomys bottae*), and voles (*Microtus sp*).[7]

In the northern portion of the Specific Plan Area, there are limited areas identified as Central and Southern California mixed evergreen woodlands, California Montane Riparian Systems, and Oak woodland savanna. These habitat types offer potential habitat for special-status species and are described below.

Habitat Connectivity

The spatial arrangement of habitats and barriers affects the location, movement patterns, foraging dynamics, and persistence of plant and animal species. The extent of urbanization limits opportunities for movement and dispersal of native wildlife and plant species through the Specific Plan Area. Common urban features such as paved roads, retaining walls, rail lines, fencing, buildings, and hardscape represent barriers to wildlife movement and dispersal. In general, riparian corridors typically provide the best opportunity for plant and animal movement through urbanized areas. A riparian corridor associated with the San Lorenzo Creek and Coyote Creek runs through the northern portion of the Specific Plan Area.

[5] City of Hayward, 2014, Hayward 2040 General Plan Background Report, pages 7-5 to 7-6.
[6] City of Hayward, 2014, Hayward 2040 General Plan Background Report, Table 7-2.
[7] City of Hayward, 2014, Hayward 2040 General Plan Background Report, page 7-11.



Source: 2040 Hayward General Plan, July 2014.

Specific Plan Boundary Hayward City Limit

Figure 4.3-1
Vegetation Habitat Types

Special-Status Species

Special-status plants include those listed as "Endangered," "Threatened," or "Candidate for Listing" by the CDFW or USFWS; those included on Lists 1 and 2 of the California Native Plant Society Inventory; or those considered special-status in local or regional plans, policies, or regulations. Special-status animals include those listed as "Endangered," "Threatened," or "Candidate for Listing" by the CDFW or USFWS; those designated as "Watch List," "Species of Special Concern," or "Fully Protected" by the CDFW; or those considered "Birds of Conservation Concern" by the USFWS.

The California Natural Diversity Database (CNDDB) compiles inventories of known occurrences of rare plants and animals for a variety of purposes, including to provide data to government agencies and to assist in environmental review, such as that required by CEQA. Many non-listed special-status species are not monitored by the CNDDB and occurrence data is therefore not available. In general, the highly urbanized character of the Specific Plan Area, coupled with the predominance of hardscape surfaces and ornamental plantings, offers limited potential for habitat that supports special-status species. However, a search of the CNDDB, together with other relevant information, indicates that some occurrences of plant and animal species with special-status have been recorded or are suspected to occur in and around the city of Hayward. Figure 4.3-2 shows the CNDDB records surrounding the Specific Plan Area for special-status plant and wildlife species.

Special-Status Plant Species

As shown on Figure 4.3-2, special-status plant species have one known occurrence in the vicinity of the Specific Plan Area. The Santa Cruz tarplant (*Holocarpha macradenia)*, which is designated as a threatened species, is located on the western edge of the Specific Plan Area. This plant species inhabits clay or sandy soils in coastal prairie, coastal scrub, and valley and foothill grasslands. Habitat conditions are considered suitable within agricultural or ruderal grasslands and exotic woodland areas within Hayward.[8] The urbanized nature of the land uses in the Specific Plan Area precludes the likelihood of occurrence of this plant species.

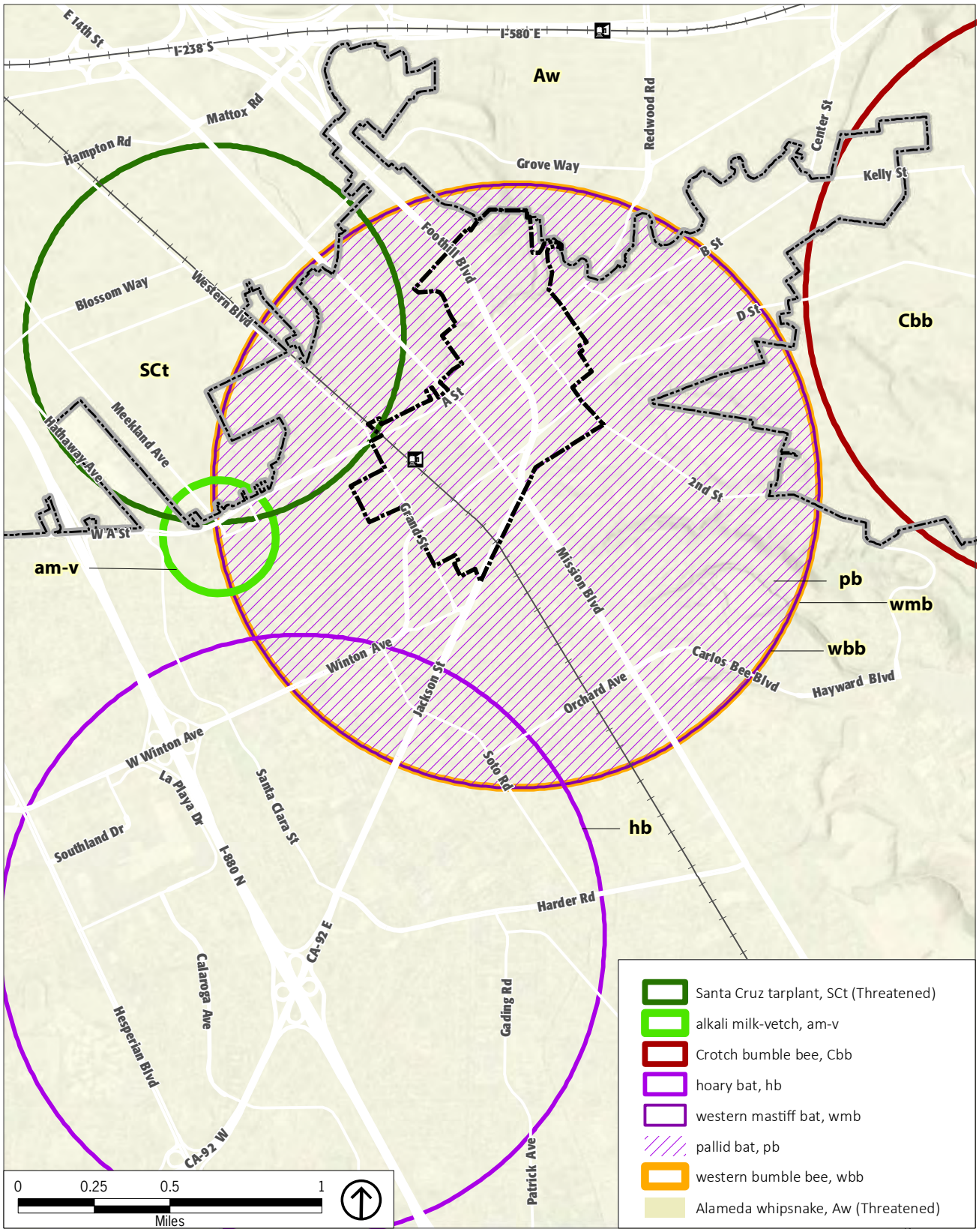
Special-Status Animal Species

According to the CNDDB records, there are three known special-status animal species occurrences within the Specific Plan Area. Figure 4.3-2 shows that the Pallid bat, Western bumble bee, and Western mastiff bat have historical occurrences within and surrounding the Specific Plan Area.

Pallid Bat

The pallid bat *(Antrozous pallidus)* is designated as a Species of Special Concern by the CDFW. This species typically forages over many habitats and roosts in caves, rock outcrops, buildings, and hollow trees.[9] Large trees with cavities and old buildings may provide suitable habitat in the Specific Plan Area.

[8] City of Hayward, 2014, Hayward 2040 General Plan Background Report, Table 7-2.
[9] City of Hayward, 2014, Hayward 2040 General Plan Background Report, Table 7-2.



Source:CNDDB, 2017; ESRI, 2018; City of Hayward, 2018; PlaceWorks, 2018.

Specific Plan Boundary Hayward City Limit

Figure 4.3-2
Occurrences of Special-Status and Threatened Species

Western Bumble Bee

The western bumble bee (*Bombus occidentalis*) does not have existing legal protection under the FESA or CESA, but records on their distribution in the western United States are now being more closely monitored by the CNDDB and other data bases due to a dramatic decline in numbers and distribution over the past two decades.

Western Mastiff Bat

The western mastiff (*Eumops perotis californicus*) bat is designated as Species of Special Concern by the CDFW. This species is found in a variety of open, arid and semi-arid habitats, and presence seems associated with large rock structures for roosting, including cliff crevices and cracks in boulders. Historical records of the Western mastiff bat exist within Hayward, but suitable habitat consists of open areas and a quarry site within the city.[10] The Specific Plan Area is largely urban and built up, providing little habitat for this species.

Alameda Whipsnake

The range of the federally and State-threatened Alameda whipsnake (*Masticophis lateralis euryxanthus*) is restricted to the inner Coast Range in western and central Contra Costa and Alameda Counties. Typical habitat characteristics for Alameda whipsnake consists of stands of chaparral and scrub habitat that contain abundant prey species such as western fence lizard, with abundant areas for sunning and other behaviors. This subspecies is known to utilize adjacent areas of grassland, woodland and riparian habitats, but chaparral and scrub habitats are essential for occupation in an area. The Specific Plan Area is largely urban and built up, providing little habitat for this species.

Sensitive Natural Communities

Oak Woodland Savanna

Oak woodland savanna is present in a disturbed, remnant patch adjacent to a riparian forested corridor of the Specific Plan Area. This community is typically dominated by coast live oak with an understory of non-native annual grasses and both native and non-native shrubs. The oak woodland savanna community in the Specific Plan Area is surrounded by disturbed soils and ruderal vegetation. This natural community provides valuable habitat because they enhance wildlife corridors and transitional habitat between forests and grassland areas. Wildlife species that may use these areas include Northern Flicker (*Colaptes auratus*), Western Scrub-Jay (*Aphelocoma californica*), fox squirrel (*Sciurus niger*), and raccoon (*Procyon lotor*). [11]

Central and Southern California Mixed Evergreen Woodland

Central and southern California mixed evergreen woodland is present in the undeveloped portions of the Specific Plan Area. This community is dominated by broad-leafed trees ranging from 10 to 30 meters in

[10] City of Hayward, 2014, Hayward 2040 General Plan Background Report, Table 7-2.
[11] City of Hayward, 2014, Hayward 2040 General Plan Background Report, Page 7-5.

height, interspersed with taller coniferous species, and is interspersed with grassland areas. These communities support oaks (*Quercus chrysolepis, Quercus kelloggii*), big-leaf maple (*Acer macrophyllum*), Pacific manzanita (*Arbutus menziesii*) and Coulter's pine (*Pinus coulteri*). Wildlife species that may be found with this community include Steller's jay (*Cyanocitta stelleri*), Raccoon (*Procyon lotor*), and Gray squirrel (*Sciurus carolinensis*).[12]

California Montane Riparian Systems

California montane riparian systems are located along the San Lorenzo Creek that is in the Specific Plan Area. The San Lorenzo Creek has a narrow riparian corridor due to the surrounding urban development. This community consists of oak/bay forest dominated by coast live oak (*Quercus agrifolia*) and California bay (*Umbellularia californica*), with scattered California buckeye (Aesculus californica) and big leaf maple (*Acer macrophyllum*) with a dense tree canopy with minimal understory vegetation, including scattered toyon, snowberry (*Symphoricarpos albus*), poison oak (*Toxicodendron diversilobum*), California blackberry (*Rubus ursinus*), and blue elderberry (*Sambucus mexicana*). Some examples of wildlife species commonly associated with riparian forest include black-tail deer (*Odocoileus hemionus*), raccoon (*Procyon lotor*), dusky-footed woodrat (*Neotoma fuscipes*), Lesser Goldfinch (*Carduelis psaltria*), Spotted Towhee (*Pipilo maculatus*), and chorus frog (*Pseudacris regilla*). [13]

Wetlands

According to the National Wetlands Inventory, the Specific Plan Area contains freshwater Forested/shrub wetland along the San Lorenzo Creek and Coyote Creek.[14] However, this area is would not be subject to new development under the proposed Specific Plan. Due to the urbanized nature of the Specific Plan Area, seasonal wetlands are absent in the areas where there is potential for development. Indirect impacts to wetlands such as water quality impacts from erosion are discussed in Chapter 4.8, Hydrology and Water Quality, of this Draft EIR.

Habitat Conservation Plans

There is no adopted habitat conservation plan or natural community conservation plan covering the Specific Plan Area.

4.3.2 STANDARDS OF SIGNIFICANCE

Implementation of the proposed project would result in a significant impact to biological resources if it would:

1. 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

[12] City of Hayward, 2014, Hayward 2040 General Plan Background Report, Pages 7-6.
[13] City of Hayward, 2014, Hayward 2040 General Plan Background Report, Page 7-5 to 7-6.
[14] United States Fish & Wildlife Service, National Wetlands Mapper, https://www.fws.gov/wetlands/data/mapper.html.

regulations by the California Department of Fish and Wildlife, or United States Fish and Wildlife Service.

2. 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 Wildlife, or United States Fish and Wildlife Service.
3. Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means.
4. 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.
5. Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance
6. Implementation of the proposed project would not conflict with the provisions of an adopted habitat conservation plan, natural community conservation plan, or other approved local, regional, or State habitat conservation plan.

4.3.2.3 STANDARDS NOT DISCUSSED FURTHER

With regards to Standard 6 above, as described in Section 4.3.1.2, Existing Conditions, no adopted Habitat Conservation Plan or Natural Community Conservation Plans encompass the Specific Plan Area. The proposed Specific Plan would not conflict with any adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved conservation plan, and no impact would occur. Furthermore, the General Plan contains Implementation Program NR-1, Habitat Conservation Plan, which requires the City to coordinate with Alameda County, the cities of Fremont and Union City, the Hayward Area Recreation and Parks District, and the East Bay Regional Park District to develop and adopt a comprehensive Habitat Conservation Plan for areas within and surrounding Hayward. Currently, the City has not adopted a Habitat Conservation Plan. However, if a Habitat Conservation Plan were to be approved, future development within the Specific Plan Area would be required to comply with the Habitat Conservation Plan through the development permitting process.

4.3.3 IMPACT DISCUSSION

BIO-1	**Implementation of the proposed project would not 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 by the California Department of Fish and Wildlife or United States Fish and Wildlife Service.**

Future development under the proposed project would have the potential to affect species identified as candidate, sensitive, or special-status species if the development resulted in the “take” of a species.

Potential effects could include direct or through habitat modification, actions or attempts to hunt, harm, harass, pursue, shoot, wound, capture, kill, trap, or collect a species. Due to the extent of past development and absence of suitable habitat, special-status species are generally not believed to occur in the Specific Plan Area, and no adverse impacts are anticipated. This includes suitable habitat for the Santa Cruz tarplant, pallid bat, western bumble bee, and western mastiff bat.

There is a remote possibility that one or more species of special-status bats, including the pallid bat and western mastiff bat, could occur in existing unused attic spaces, tree cavities, and other locations in the Specific Plan Area. If present, building demolition or tree removal could result in the loss of individual bats or entire colonies, which would be a significant impact. Appropriate timing of building demolition and tree removal, preparation of preconstruction surveys to confirm absence, and appropriate restrictions if any active roosts are encountered would serve to avoid inadvertent loss of roosting bats, if any are present in the Specific Plan Area.

Similarly, there is remote potential that one or more species of bird protected under the Migratory Bird Treaty Act and State Fish and Wildlife Code could nest in the Specific Plan Area or establish new nests in the future before vegetation removal and building demolition occurs. If active nests are present, vegetation removal and construction-related disturbance during breeding and rearing season could inadvertently result in the destruction or abandonment of a nest in active use, which would be a violation of the Migratory Bird Treaty Act and California Fish and Game Code. Appropriate timing of vegetation removal or preparation of a preconstruction survey to confirm absence, with appropriate restrictions if any active nests are encountered, would serve to avoid an inadvertent loss of nesting birds, if any are present in the Specific Plan Area.

Additionally, future development in the Specific Plan Area would be required to comply with existing General Plan policies listed above in Section 4.3.1.1, Regulatory Framework, as applicable, that require local planning and development decisions to consider impacts to biological resources, including sensitive or special-status species.

Specific policies that protect sensitive or special-status species include the following: Policy NR-1.1 requires the City limit to avoid new development that encroaches into important native wildlife habitats, limits the range, or creates barriers that cut off access to food, water or shelter of listed or protected species; Policy NR-1.2 states that 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 uses; Policy NR-1.3 requires a qualified biologist to identify, map, and make recommendations for avoiding all sensitive biological resources on the project site for all development applications proposed within sensitive biological resource areas; and Policy NR-1.9 states that the City shall protect and promote native plant species in natural areas as well as in public landscaping.

Furthermore, the proposed Specific Plan includes goals, policies, and programs that steer site design of potential future development that may impact water quality in the Specific Plan Area, having an adverse effect on sensitive or special- status species. Goal 7, Infrastructure and Public Facilities (IPF), addresses infrastructure and site design tactics that help provide water quality treatment for stormwater runoff. Programs included in the proposed Specific Plan addressing stormwater runoff are listed below.

Implementation of these policies will reduce pollution of water habitats for sensitive and special-status species by partially treating water onsite.

- Program IPF 1: Require new projects to provide water quality treatment for stormwater runoff by incorporating site design measures, source control measures, and low impact development (LID) measures that are hydraulically sized as specified in the C.3 Technical Guidance Manual from the Alameda County Clean Water Program.
- Program IPF 3: Develop an in-lieu or incentive-based program to encourage developers to treat stormwater from the public right-of-way on site.

The proposed Mixed-Use Gateway placetype includes the areas designated with sensitive natural communities, including the oak woodland savanna, Central and southern California mixed evergreen woodland, and California montane riparian systems located along the San Lorenzo Creek. The creek is surrounded by narrow riparian corridors due to surrounding urban development. The proposed Specific Plan would transform this placetype area into a mixed-use, residential, and commercial block-form. The proposed form and intensity improvements include the redevelopment sites along San Lorenzo Creek to have two 'fronts' to orient development towards the creek and the street, with active frontages along both to provide greater access to this unique civic amenity, and provide "eyes on the creek" to improve safety.

The proposed Specific Plan does not include goals or policies relating to the protection of candidate, sensitive or special-status species or sensitive habitats that could support such species. However, future development potential in the Specific Plan Area where potential development is expected to occur would be concentrated on sites either already developed and/or underutilized, and/or in close proximity to existing development, where future development would have a lesser impact on sensitive habitat that could support special-status species. Accordingly, due to the existing conditions and with the ongoing implementation of the existing General Plan and Zoning Code regulations, direct and indirect impacts to candidate, sensitive, or special-status species would be *less than significant.*

Significance without Mitigation: Less than significant.

BIO-2	**Implementation of the proposed project would not 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 Wildlife or United States Fish and Wildlife Service.**

The Specific Plan would have a significant impact if development or infrastructure projects allowed by the proposed Specific Plan would result in direct or indirect impacts to riparian resources or a sensitive natural community. As described in Section 4.3.1.2, Existing Conditions, there is a riparian corridor along the San Lorenzo Creek with surrounding sensitive natural communities within the Mixed-Use Gateway placetype of the proposed Specific Plan. The riparian corridor is surrounded by oak woodland savanna,

central and southern California mixed evergreen woodland, and California montane riparian systems.[15] This area is currently developed with Carlos Bee Park, the Hayward Japanese Gardens, the Douglass Morrisson Theatre, Hayward Area Senior Center and De Anza Park. The parks are surrounded by commercial and residential uses. The Specific Plan does not propose new development to this area that would have a substantial adverse effect on the riparian corridor and surrounding sensitive communities.

As described in impact discussion BIO-1 above, future development potential in the Specific Plan Area where new potential development is expected to occur would be concentrated on sites either already developed and/or underutilized, and/or in close proximity to existing development, where future development would have a lesser impact on sensitive habitat. Future development in the Specific Plan Area would be required to comply with existing General Plan policies listed above in Section 4.3.1.1, Regulatory Framework, as applicable, that require local planning and development decisions to consider impacts to biological resources, including sensitive habitat. Specific policies that protect riparian corridors and sensitive natural communities include the following: Policy NR-1.1 requires the City limit or avoid new development that encroaches into important native wildlife habitats, limits the range, or creates barriers that cuts off access to food, water or shelter of listed or protected species; Policy NR-1.3 requires a qualified biologist to identify, map, and make recommendations for avoiding all sensitive biological resources on the project site for all development applications proposed within sensitive biological resource areas; Policy NR-1.10 states that the City shall identify and create opportunities for "daylighting" existing creeks that are currently contained within culverts or hardened channels to reestablish riparian habitat, provide public access and enjoyment, and improve aesthetics; and Policy NR-1.12 requires the protection of creek riparian corridor 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 native trees, and protecting riparian plant communities from the adverse effects of increased stormwater runoff, sedimentation, erosion, and pollution that may occur in improper development in adjacent areas.

Furthermore, as listed in impact discussion BIO-1 the proposed Specific Plan includes goals, policies, and programs that steer site design of potential future development that may impact water quality in the Specific Plan Area, having an adverse effect on riparian habitats or other sensitive natural communities.

Accordingly, due to the existing conditions and with the ongoing implementation of the existing General Plan and Zoning Code regulations and implementation of the proposed Specific Plan policies, direct and indirect impacts to riparian corridor and surrounding sensitive communities would be *less than significant.*

Significance without Mitigation: Less than significant.

[15] City of Hayward, 2014, Hayward 2040 General Plan Background Report, Figure 7-1.

BIO-3	**Implementation of the proposed project would not have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means.**

As described in Section 4.3.1.2 above, wetlands exist in the Mixed-Use Gateway placetype within the Specific Plan Area. However, the proposed Specific Plan would not create new development within the areas with potential wetlands; development under the proposed Specific Plan would only occur in areas where potential wetlands are absent. Therefore, no direct impact to wetlands would occur.

Indirect impacts to wetlands and jurisdictional other waters include: 1) an increase in the potential for sedimentation due to construction grading and ground disturbance, 2) an increase in the potential for erosion due to increased runoff volumes generated by impervious surfaces, and 3) an increase in the potential for water quality degradation due to increased levels in non-point pollutants. However, indirect impacts could be largely avoided through effective implementation of Best Management Practices during construction and compliance with water quality controls. The indirect water quality-related issues are discussed further in Chapter 4.8, Hydrology and Water Quality, of this Draft EIR. As discussed in impact discussion HYDRO-1, water quality impacts would be less than significant.

Future development in the Specific Plan Area would be required to comply with existing General Plan policies listed above in Section 4.3.1.1, Regulatory Framework, as applicable, that require local planning and development decisions to consider impacts to biological resources, including wetlands as defined by Section 404 of the federal Clean Water Act. Specific policies that protect wetlands include the following: Policy NR-1.2 states that 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 uses; and Policy NR-1.3 requires a qualified biologist to identify, map, and make recommendations for avoiding all sensitive biological resources on the project site for all development applications proposed within sensitive biological resource areas.

Furthermore, as listed in impact discussion BIO-1 the proposed Specific Plan includes goals, policies, and programs that steer site design of potential future development that may impact water quality in the Specific Plan Area, having an adverse effect on wetlands.

Because no development would occur in areas where wetlands are present, direct impacts to wetlands would be less than significant. Future development would be required to comply with existing General Plan policies and proposed Specific Plan policies, and because direct impacts would be less than significant, potential indirect impacts on wetlands would also be considered *less than significant.*

Significance without Mitigation: Less than significant.

BIO-4 Implementation of the proposed project would not substantially interfere 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.

Future development potential in the Specific Plan Area would occur in urbanized areas where sensitive wildlife resources and important wildlife movement corridors are no longer present because of existing development. Wildlife species common to urban and suburban habitat could be displaced where existing structures are demolished and landscaping is removed as part of future development, but these species are relatively abundant, and adapted to human disturbance. Future development in the Specific Plan Area would be required to comply with existing General Plan policies listed above in Section 4.3.1.1, Regulatory Framework, as applicable, that require local planning and development decisions to consider impacts to biological resources, including wildlife corridors. Specific policies include the following: Policy NR-1.1 requires the City to limit or avoid new development that encroaches into important native wildlife habitats; 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 requires the City to 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; and Policies NR-1.7 and NR-1.9, require the City to encourage protection of mature, native tree species to the maximum extent practicable, to support the local eco-system, and protect and promote native plant species in natural areas as well as in public landscaping, respectively. Policies NR-1.7 and NR-1.9 would specifically serve to improve urban habitat linkages for migration of native and special-status species. Compliance with the General Plan policies would ensure that new structures and landscaping installed as part of future development would provide replacement habitat for wildlife species adapted to urban areas. Potential impacts on the movement of fish and wildlife, wildlife corridors, or wildlife nursery sites would be considered *less than significant*.

Significance without Mitigation: Less than significant.

BIO-5 Implementation of the proposed project would not conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance.

Development and land use activities consistent with the Specific Plan Area would occur in urbanized areas where sensitive biological resources are generally considered to be absent. No major conflicts with the relevant policies or ordinances in the General Plan or Municipal Code are anticipated.

Future development in the Specific Plan Area would be required to comply with existing General Plan policies listed above in Section 4.3.1.1, Regulatory Framework, as applicable, that require local planning and development decisions to consider impacts to biological resources, including tree preservation policies. Specific policies include Policy NR-1.7, which requires the City to encourage protection of mature, native tree species to the maximum extent practicable, to support the local eco-system, provide shade, create windbreaks, and enhance the aesthetics of new and existing development.

Additionally, Hayward Municipal Code Chapter 10, Article 15, Tree Preservation has additional requirements that provide for the protection and preservation of significant trees by designating the species of tree and the types of development or properties that are considered "protected." All development that proposes removal of protected trees requires a permit for removal, relocation, cutting or reshaping. Where Protected Tree removal, relocation, or encroachment into the Protected Zone of a tree is requested as part of the development of a lot or parcel, the application must be processed prior to the issuance of any grading, trenching, encroachment, demolition, or building permit for development. The City also has a Tree Preservation Fee that is part of the development fees that must be paid prior to building permit issuance. New development within the Specific Plan Area will be required to comply with this existing Municipal Code policy. The proposed project does not include policies relating to the biological resources. With adherence to the General Plan policies, the Tree Preservation requirements, and development impact fees, no conflicts with local plans and policies are anticipated, and impacts would be considered *less than significant*.

Significance without Mitigation: Less than significant.

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4.4 CULTURAL AND TRIBAL CULTURAL RESOURCES

This chapter describes the existing cultural and tribal cultural resources in the Specific Plan Area and evaluates the potential environmental consequences of future development that could occur by adopting and implementing the proposed project. This chapter provides a summary of the relevant regulatory setting necessary to evaluate potential environmental impacts resulting from the proposed project, describes potential impacts, and discusses existing and proposed goals, policies, and implementation programs and zoning regulations that would avoid or reduce those potential impacts.

4.4.1 ENVIRONMENTAL SETTING

4.4.1.1 REGULATORY FRAMEWORK

This section describes the existing federal, State, and local policies and regulations that apply to cultural resources in the City of Hayward.

Federal Regulations

National Historic Preservation Act

The National Historic Preservation Act of 1966 established the National Register of Historic Places (National Register) as the official designation of historical resources, including districts, sites, buildings, structures, and objects. For a property to be eligible for listing in the National Register, it must be significant in American history, architecture, archaeology, engineering, or culture, and must retain integrity in terms of location, design, setting, materials, workmanship, feeling, and association. Resources less than 50 years in age, unless of exceptional importance, are not eligible for the National Register. Though a listing in the National Register does not prohibit demolition or alteration of a property, the California Environmental Quality Act (CEQA) requires the evaluation of project effects on properties that are listed in the National Register.

American Indian Religious Freedom Act and Native American Graves and Repatriation Act

The American Indian Religious Freedom Act recognizes that Native American religious practices, sacred sites, and sacred objects have not been properly protected under other statutes. It establishes a national policy that traditional practices and beliefs, sites (including right of access), and the use of sacred objects shall be protected and preserved. Additionally, Native American remains are protected by the Native American Graves and Repatriation Act of 1990.

Paleontological Resources Preservation Act

The federal Paleontological Resources Preservation Act of 2002 limits the collection of vertebrate fossils and other rare and scientifically significant fossils to qualified researchers who have obtained a permit from the appropriate state or federal agency. Additionally, it specifies these researchers must agree to donate any materials recovered to recognized public institutions, where they will remain accessible to the

public and to other researchers. This Preservation Act incorporates key findings of a report, *Fossils on Federal Land and Indian Lands*, issued by the Secretary of Interior in 2000, which establishes that most vertebrate fossils and some invertebrate and plant fossils are considered rare resources.[1]

State Regulations

California Register of Historic Resources

California Code of Regulations (CCR) Title 14, Chapter 11.5, Section 4850 creates the California Register of Historical Resources (California Register) which is maintained by the California Department of Parks and Recreation Office of Historic Preservation. Historic properties listed, or formally designated for eligibility to be listed, on the National Register are automatically listed on the California Register. State Landmarks and Points of Interest are also automatically listed. The California Register can also include properties designated under local preservation ordinances or identified through local historical resource surveys.

The criteria for inclusion on the California Register (CCR Section 4852[a]) are listed below:

- Is associated with events that have made a significant contribution to the broad patterns of local or regional history, or the cultural heritage of California or the United States.
- Is associated with the lives of persons important to local, California, or national history.
- Embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of a master or possesses high artistic values.
- Has yielded, or may be likely to yield, information important to the pre-history or history of the local area, California, or the nation.

In addition to meeting one or more of the above criteria, eligibility for the California Register requires that a resource retains sufficient integrity to convey a sense of its significance or importance. Seven elements are considered key in considering a property's integrity; location, design, setting, materials, workmanship, feeling, and association.

California Environmental Quality Act

California State law also provides for the protection of cultural resources by requiring evaluations of the significance of prehistoric and historic resources identified in documents prepared consistent with CEQA. The CEQA Statute is contained in Public Resources Code (PRC) 21000 to 2117 and the CEQA Guidelines are contained in CCR, Title 14, Division 6, Chapter 3, Sections 15000 to 15387.

Under CEQA, a cultural resource is considered a "historical resource" if it meets any of the criteria found in Section 15064.5(a) of the CEQA Guidelines. Criteria identified in the CEQA Guidelines are similar to those described under the National Historic Preservation Act. Under CEQA, the lead agency determines

[1] U.S. Department of the Interior. *Fossils on Federal & Indian Lands, Report of the Secretary of the Interior*, May 2000. http://www.blm.gov/pgdata/etc/medialib/blm/wo/Planning_and_Renewable_Resources/coop_agencies/paleontology_library/paleon_legis.Par.15714.File.dat/fossil.pdf, accessed January 24, 2018.

whether projects may have a significant effect on archaeological and historical resources. CEQA Guidelines Section 15064.5 defines what constitutes a historical resource, including: (1) a resource determined by the State Historical Resources Commission to be eligible for the California Register of Historical Resources (including all properties on the National Register), as described above; (2) a resource included in a local register of historical resources, as defined in PRC Section 5020.1(k); (3) a resource identified as significant in a historical resource survey meeting the requirements of PRC Section 5024.1(g); or (4) any object, building, structure, site, area, place, record, or manuscript that the City determines to be historically significant or significant in the architectural, engineering, scientific, economic, agricultural, educational, social, political, military, or cultural annals of California, provided the City's determination is supported by substantial evidence in light of the whole record. Generally, a resource shall be considered to be historically significant if it meets the criteria for listing on the California Register.

If the lead agency determines that a project may have a significant effect on a historical resource, the project is determined to have a significant effect on the environment, and these effects must be addressed. However, no further environmental review needs to be completed if, under the qualifying criteria, a cultural resource is not found to be a historical resource or unique archaeological resource.

State Historical Building Code

The State Historical Building Code provides alternative building regulations and building standards for the rehabilitation, preservation, restoration (including related reconstruction), or relocation of buildings or structures designated as historic buildings. These regulations are intended to facilitate the restoration or change of occupancy so as to preserve their original or restored architectural elements and features, to encourage energy conservation and enable a cost-effective approach to preservation, and to provide for the safety of the building occupants.

Public Resources Code Section 5097.5

California PRC Section 5097.5 prohibits “knowing and willful” excavation or removal of any “vertebrate paleontological site…or any other archaeological, paleontological or historical feature, situated on public lands, except with express permission of the public agency having jurisdiction over such lands.” Public lands are defined to include lands owned by or under the jurisdiction of the State or any city, county, district, authority, or public corporation, or any agency thereof.

State Laws Pertaining to Human Remains

Section 7050.5 of the California Health and Safety Code states that in the event of discovery or recognition of any human remains in any location other than a dedicated cemetery, there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent remains until the coroner of the county in which the remains are discovered has determined whether or not the remains are subject to the coroner’s authority. If the human remains are determined to be of Native American origin, the county coroner must contact the California Native American Heritage Commission (NAHC) within 24 hours of this identification. An NAHC representative will then identify a Native American Most Likely Descendant (MLD) to inspect the site and provide recommendations for the proper treatment of the remains and associated grave goods. In addition, CEQA Guidelines Section

15064.5 specifies the procedures to be followed in case of the discovery of human remains on non-federal land. The disposition of Native American burials falls within the jurisdiction of the NAHC.

Senate Bill 18

Senate Bill (SB) 18, signed into law in September 2004, requires local (city and county) governments to consult with California Native American tribes to aid in the protection of traditional tribal cultural places through local land use planning. This legislation, which amended Sections 65040.2, 65092, 65351, 65352, and 65560, and added Sections 65352.3, 653524, and 65562.5 to the Government Code; also requires the Governor's Office of Planning and Research (OPR) to include in the General Plan Guidelines advice to local governments for how to conduct these consultations.

The intent of SB 18 is to provide California Native American tribes an opportunity to participate in local land use decisions at an early planning stage, for the purpose of protecting, or mitigating impacts to cultural places. The consultation and notice requirements apply to adoption and amendment of both general plans (Government Code Section 65300 et seq.) and specific plans (Government Code Section 65450 et seq.). Specifically, Government Code Section 65352.3 requires local governments, prior to making a decision to adopt or amend a general plan, to consult with California Native American tribes identified by the NAHC for the purpose of protecting or mitigating impacts to cultural places. As previously discussed, the NAHC is the State agency responsible for the protection of Native American burial and sacred sites.

Assembly Bill 52

The Native American Historic Resource Protection Act (Assembly Bill 52 or AB 52), which went into effect July 1, 2015, sets forth a proactive approach intended to reduce the potential for delay and conflicts between Native American and development interests. AB 52 adds "tribal cultural resources" (TCR) to the specific cultural resources protected under CEQA, and requires lead agencies to notify relevant tribes about development projects. It also mandates lead agencies to consult with tribes if requested by the tribe, and sets the principles for conducting and concluding consultation. In response to AB 52, the City has not received any request from any Tribes in the geographic area with which it is traditionally and culturally affiliated with or otherwise to be notified about projects in the City of Hayward.

Projects subject to AB 52 are those that file a notice of preparation for an EIR or notice of intent to adopt a negative or mitigated negative declaration on or after July 1, 2015. As of July 1, 2016, the Governor's OPR developed guidelines and the NAHC informed tribes which agencies are in their traditional area. In response to these guidelines, a discussion of impacts to TCRs has been added to Section 4.4.2, Standards of Significance, further in this chapter.

Under AB 52, a TCR is defined as a site, feature, place, cultural landscape (must be geographically defined in terms of size and scope), sacred place, and object with cultural value to a California Native American tribe that are either included or eligible for inclusion in the California Register of Historic Resources or

included in a local register of historical resources. Or the lead agency, supported by substantial evidence, chooses at its discretion to treat the resource as a TCR.[2]

Local Regulations

Looking Forward Hayward 2040 General Plan

The City of Hayward 2040 General Plan, adopted in July 2014, includes goals, policies, and programs intended to avoid or reduce impacts on cultural and tribal cultural resources in the Land Use (LU) and Natural Resources (NR) Elements. As described in the General Plan EIR, in most cases, no one goal, policy, or implementation program itself is expected to completely avoid or reduce an identified potential environmental impact.[3] However, the collective, cumulative mitigating benefits of the policies listed below are intended to reduce impacts to cultural resources. Specific goals and policies are described in Section 4.4.3, Impact Discussion, to demonstrate how the policy would avoid or reduce the impact.

The following goals and policies are relevant to the analysis of potential impacts to cultural and tribal cultural resources within the Specific Plan Area:

- Goal LU-1: Promote local growth patterns and sustainable development practices that improve quality of life, protect open space and natural resources, and reduce resource consumption, traffic congestion, and related greenhouse gas emissions.
  - 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.
- Goal LU-2: Revitalize and enhance Hayward's Priority Development Areas to accommodate and encourage growth within compact, mixed-use, and walkable neighborhoods and districts that are located near the city's job centers and regional transit facilities.
  - Policy LU-2.4 Downtown Retail Frontages: The City shall require retail frontages and storefront entrances on new and renovated buildings within the "retail core" of Downtown Hayward, which includes properties along:
    - "A" Street between Mission Boulevard and Foothill Boulevard
    - "B" Street between Watkins Street and Foothill Boulevard
    - "C" Street between Mission Boulevard and Foothill Boulevard
    - Main Street between "A" Street and "C" Street
    - Mission Boulevard between "A" Street and "C" Street
    - Foothill Boulevard between "C" Street and City Center Drive

    This policy does not apply to historic buildings that were originally designed without a retail frontage or storefronts.
- Goal LU-3: Create complete neighborhoods that provide a mix of housing options and convenient access to parks, schools, shopping, jobs, and other community amenities.

[2] Public Resources Code (PRC) Sections 21074(a)(1) and (2).
[3] City of Hayward, 2014, City of Hayward 2040 General Plan certified EIR, State Clearinghouse Number 2013082015.

- Policy LU-3.7 Infill Development in Neighborhoods: The City shall protect the pattern and character of existing neighborhoods by requiring new infill developments to have complimentary building forms and site features.

- Goal LU-8: Preserve Hayward's historic districts and resources to maintain a unique sense of place and to promote an understanding of the regional and community history.
  - Policy LU-8.1 Value of Historic Preservation: The City shall recognize the value and co-benefits of local historic preservation, including job creation, economic development, increased property values, and heritage tourism.
    - Implementation Program LU-13 Certified Local Government Program: The City shall coordinate with the State Historic Preservation Office to initiate and complete the process for becoming a Certified Local Government under the National Parks Service historic preservation program.
  - Policy LU-8.2 Value of Historic Preservation: The City shall strive to enhance its local historic preservation programs to qualify for additional preservation grants and financing programs.
    - Implementation Program LU-14 Historic Districts Strategy: The City shall prepare and submit applications to the State Historic Preservation Office to establish National Park Service Historic Districts for the Upper "B" Street neighborhood; "B" Street Historic Streetcar District; Prospect Hill Neighborhood; and the Downtown Historic District.
    - Implementation Program LU-17 Historic Preservation Resource Center: The City shall prepare and maintain a web-based resource center to promote Hayward's local historic resources and to provide resources and incentives to encourage historic preservation.
  - 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-8.5 Flexible Land Use Standards: The City shall maintain flexible land use standards to allow the adaptive reuse of historic buildings with a variety of economically viable uses, while minimizing impacts to the historic value and character of sites and structures.
  - Policy LU-8.6 Historic Preservation Standards and Guidelines: The City shall consider *The Secretary of the Interior's Standards for 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 or the historic context of nearby historic resources. *[Note: Already in the Historic Preservation]*
  - Policy LU-8.7 Historic Districts: The City shall encourage the establishment of National Park Service Certified Historic Districts to encourage the preservation of Hayward's historic neighborhoods and districts, and to qualify property owners for the Federal Preservation Tax Incentives Program.
  - Policy LU-8.8 Marks Historic Rehabilitation District: The City shall maintain the current Marks Historic Rehabilitation District for Downtown Hayward to issue tax-exempt revenue bonds for financing the rehabilitation of historic structures.

- Policy LU-8.9 State Historic Building Code: The City shall promote the use of the State Historic Building Code to facilitate the reuse and conversion of historic buildings to alternative uses.
  - Implementation Program LU-15 State Historic Building Code: The City shall develop and adopt an ordinance to allow the use of the State Historic Building Code for the rehabilitation of historic resources.
- Policy LU-8.10 Mills Act: The City shall participate in the California Mills Act Property Tax Abatement Program to provide property owners of historic resources an economic incentive (property tax relief) to restore, preserve, and maintain qualified historic properties.
  - Implementation Program LU-16 Mills Act Program: The City shall develop and adopt a California Mills Act Property Tax Abatement Program.
- Policy LU-8.11 Federal Historic Preservation Tax Incentives: The City shall promote the use of the Federal Historic Preservation Tax Incentives Program to encourage the rehabilitation of income-producing historic structures in Hayward.
- Policy LU-8.12 Federal Historic Preservation Tax Credit Program: The City shall promote the Federal Historic Preservation Tax Credit Program to encourage the charitable contribution of historic resources and the establishment of conservation easements for historic preservation purposes.
- Policy LU-8.13 Planning Study Considerations: The City shall consider historical and cultural resources when developing planning studies and documents.
- 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.

- Goal NR-7: Identify, honor, and protect historically significant paleontological resources so they can be scientifically studied and preserved for current and future generations.
  - 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.

Hayward Municipal Code

Historic Preservation Ordinance

The care of historic structures in Hayward is guided by the Historic Preservation Ordinance of the Hayward Municipal Code (HMC).[4] The ordinance covers structures, districts, and neighborhoods that contribute to the cultural and aesthetic heritage of Hayward. It also provides regulations regarding the alteration, demolition, and maintenance of significant historic structures. The ordinance requires development projects and building permit applications involving structures that are at least 50 years old, or are located within a historic district, to follow certain steps in the development review process to determine if a historical alteration permit and/or historical resource demolition or relocation permit is required. Residential properties developed pursuant to a tentative tract map after 1946 are exempted from requiring historical permits. The Historic Preservation Ordinance also protects unknown archaeological sites and resources, including undocumented human remains and those resources specifically of significance to Native Americans, within its purview.

4.4.1.2 EXISTING CONDITIONS

This section provides an overview of the history of Hayward and of resources of historical, archeological, and paleontological significance that may be affected by the proposed project. Information in this section is taken in part from the *Existing Conditions and Opportunities Analysis* prepared for the Specific Plan Area, which includes a *Historic Context Statement Update* for the Specific Plan Area. This report is included as Appendix B of this Draft EIR. Additionally, information in this section is also derived from the *General Plan Background Report* prepared by City of Hayward in 2013. This report is available at the City of Hayward 2040 General Plan website (http://www.hayward-ca.gov/GENERALPLAN/). Copies of the Background Report may be viewed during regular business hours (8:00 a.m. to 5:00 p.m., Monday through Thursday, and 8:00 a.m. to noon on Friday) at the City of Hayward Development Services Department Permit Center, 777 B Street, Hayward, CA 94541.

Historic Setting

Three main groups occupied the eastern San Francisco Bay before statehood was ratified in 1850. These groups are the Ohlone triblets, the Spanish military and missionaries (1769 to 1821), and the Mexican Californios (1822 to 1848). Not much of the architectural record remains for any of these groups in the Specific Plan Area. Historic accounts suggest that the Native Americans may have had a village site along San Lorenzo Creek as well as temporary camps in its vicinity. Diaries from Spanish expeditions recorded a campsite at the Arroyo de la Harina, along San Lorenzo Creek in the vicinity of present-day downtown Hayward. Much of the Spanish mission system properties located in the greater Bay Area extended into the Hayward area. There are no existing buildings in the Hayward area from this era. Several archeological sites have been identified, but for the protection of the resources, their locations are not identified in this document.

[4] City of Hayward Municipal Code, Chapter 10, Planning, Zoning, and Subdivisions, Article 11, Historic Preservation Ordinance, Section 10-11.010, Purpose.

Throughout the American Period (1848 to present), Hayward has developed through a variety of means and circumstances over its 150-year history. The modern City of Hayward had its origins in the 1850s, during the Gold Rush. In 1854 a map was surveyed for a town, which would later become Hayward, that covered about 28 blocks near Mexican colonist Guillermo Castro's adobe, which is a site now occupied by Hayward's Historic City Hall. The settlement that grew up around William Hayward's general store and lodging house (Hayward's Hotel), at present-day A and Main Streets, was eventually called Hayward. Farming and salt production were the major economic activities during the mid-nineteenth century. In 1865 a local railroad line began service between Hayward and Alameda, where trains connected with ferries to San Francisco and in 1869 transcontinental trains began running through Hayward. No known representative buildings from this period exist within the Specific Plan Area. However, the Lone Tree cemetery, established in 1868, is still present. A number of Hayward Pioneers, including William Hayward, are buried here.

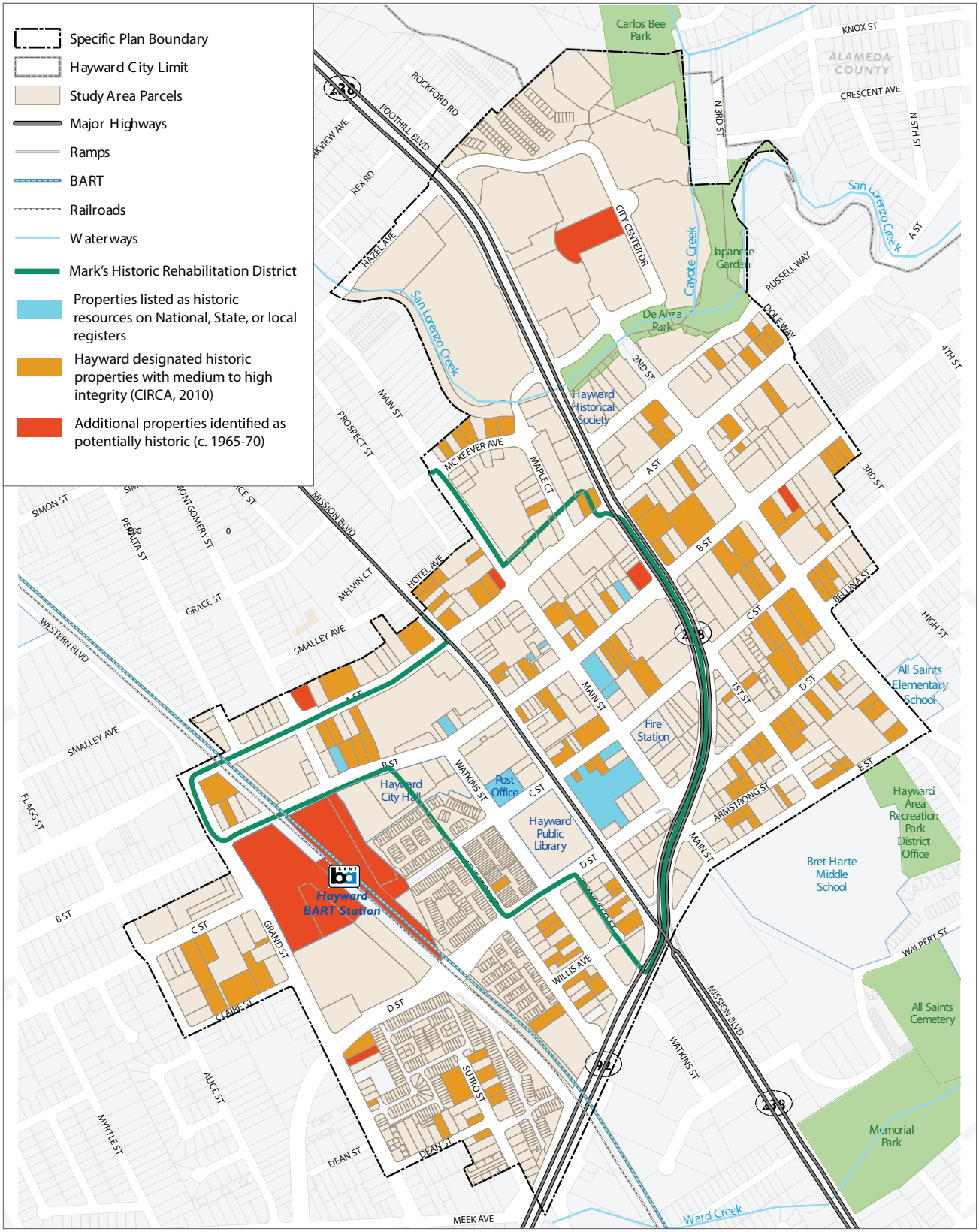
Hayward was incorporated in 1876 and primarily grew through subdivision and annexation. This process occurred slowly through the first half of the 20th century and accelerated at an exponential pace after World War II. The 1949 expansion of First Street and creation of Foothill Boulevard (State Highway 238) through the city's downtown core was a major change to the area's physical fabric and established development patterns focused on the automobile. Additional major roadway changes occurred between 1961 and 2013 that continued the automobile-oriented trend, including the 238 Mission Corridor Improvement Project that resulted in the "Loop" of one-way streets through downtown Hayward. By 1972 the Hayward Downtown BART station was opened to the public, connecting to the system-wide BART stations in the greater Bay Area. Under current conditions the city's historic retail core remains evident through historic commercial and mixed-use buildings along B Street between Mission and Foothill Boulevards in the Specific Plan Area. Early commercial buildings dominate the blocks between A Street and C Street, and Mission Boulevard and Foothill Boulevard. The Loop and Hayward Downtown BART station also continue to be dominating transportation features in the Specific Plan Area.

Historic Structures in the Specific Plan Area

The historical structures within the Specific Plan Area are shown on Figure 4.4-1. Structures are categorized as properties listed on National, State or local historic resource registers; Hayward-designated historic properties with medium to high integrity; or properties identified as potentially historic. The majority of downtown historic structures are Hayward-designated structures, with approximately 140 sites dispersed throughout the Specific Plan Area. Additionally, there are 10 properties listed on National, State, or local registers that are primarily located along B and C Street, between Watkins Street and Foothill Boulevard. There are seven potentially historic sites, including the Hayward BART Station.

Historic Districts in the Specific Plan Area

Marks Historic Rehabilitation District (Marks District), adopted by the City of Hayward in 1992, pursuant to the Marks Historic Rehabilitation Act of 1976, is the only historic district officially designated by the City. The B Street Historic Streetcar District and the Upper B Street Historic District have been identified as potential historic districts in the Specific Plan Area. Additionally, the proposed Prospect Hill Historic District, while not in the Specific Plan Area, is located just northeast of the Specific Plan Area. All of these districts have local significance.



Source: Hayward Downtown Specific Plan, Existing Conditions and Opportunities Analyses, October 2015.

Figure 4.4-1
Historical Structures in the Specific Plan Area

Marks Historic Rehabilitation District

The designation of the Marks District was part of a larger effort aimed at downtown revitalization and historic preservation. At that time the City also initiated *a Downtown Retrofit and Revitalization Program* to upgrade historic buildings and revitalize the historic downtown core. As shown on Figure 4.4-1, the Marks District is bounded on the east by Foothill Boulevard, from A Street south to Jackson Street. The western boundary is defined by Francisco and Atherton Streets, then extending westward across the Bart tracks to Grand Street to include a number of properties between A and B Streets. The northern boundary is irregular and includes properties on either side of Mission Boulevard up to McKeever Avenue. The boundary encompasses the historic commercial and civic core of Hayward and includes portions of downtown residential neighborhoods. The area has over 200 principal structures and various accessory buildings. Large portions of some commercial blocks have been cleared for parking.

Today, the city's historic retail core remains evident through historic commercial and mixed-use buildings along B Street between Mission Boulevard and Foothill. Early commercial buildings dominate the blocks between A and C Streets, and Mission and Foothill Boulevards. Later commercial buildings, constructed through the 1950s and 1960s, line Foothill Boulevard between Mission Boulevard and A Street. Historic civic buildings are located south of C Street, between Watkins and Main Street. Remnants of the B Street residential corridor are also contained within the district boundaries between Grand and roughly Atherton Streets. Mixed commercial and residential portions of the district are also found along Mission Boulevard and Prospect Terrace in the northern part of the district and south of D Street in the southern portion of the district.

Upper B Street Historic District

The boundaries of the proposed Upper B Street Historic District were originally defined as part of the *Neighborhood Plan Study*, completed with the assistance of the Hayward Area Historical Society in the early 1990s. The full Upper B Street Study Area boundary for that project encompassed a much larger area bordered roughly by E Street to the south, 2nd Street to the west, San Leandro Creek to the north, and the Upland Way and Marolyn Court subdivisions to the east. There are several potentially historic properties within the area.

The Upper B Street Historic District encompasses a notable concentration of late 19th and early 20th century residential properties in a variety of architectural styles representative of that period of development. The area contains some of the City's first residential tracts, and remains as a noteworthy example of residential development in pre-World War II Hayward. The neighborhood is also associated with Hayward's early Portuguese community, many of whose members settled in the neighborhood because of its proximity to All Saints Church, the IDES Hall, and the downtown commercial district.

Lands in the area of the proposed historic district are reflective of early residential development and were home to some of Hayward's initial settlers. Located near the emerging downtown core of Hayward, the neighborhood offered convenient proximity for residents to local shops and passenger rail lines. The Upper B Street Neighborhood today is comprised primarily of residential and commercial uses. Small (mostly one-story) office buildings and neighborhood commercial businesses are concentrated primarily along B Street, and residential development (both single- and multifamily) dominates the remainder of

the neighborhood. The blocks between downtown Hayward and Fourth Street contain some of the earliest residential development in the city.

Interspersed among the earlier residences are medium- to high-density residential uses and some commercial businesses. The portion of the neighborhood from Fourth Street to about Seventh Street also includes early single-family development. Over time, many lots within the neighborhood have had additional dwelling units added in back.

B Street Historic Streetcar District

The proposed B Street Streetcar Historic District encompasses residential properties along B Street between Watkins Street to the east and Meekland Avenue to the west. Properties are located primarily along the north side of B Street, with exception of the blocks between Grand and Myrtle Streets where properties on both sides of the street are included. The neighborhood is characterized by its linear arrangement, remarkable tree canopy, and by a variety of late 19th and early 20th century residences. Some notable ca.1940 and ca.1950 infill residences are also present. Most lots have had secondary residential units added in back, though overall the neighborhood retains a good degree of its historic residential character.

Construction on the Hayward Horse Car Transit Company line began in 1890 and was completed in February 1891. In 1902 it was absorbed, like many other local streetcar lines, into Borax Smith's Oakland Transit Consolidated (a.k.a. the Key System). By 1909 it was the last horse drawn line in the East Bay. It was abandoned in April of that year in favor of the electric streetcar. Today, modest houses from the late 19th and early 20th centuries line B Street between downtown and Cannery Park, marking the remnants of this early streetcar route.

The earliest residences are shown east of Soto Street (Montgomery Street today), along the north side of B Street in 1893. Residential development along lower B Street—stretching to the site of the Hunt Brothers' Cannery—is shown as early as 1899 on United Stated Geological Survey maps of Hayward. The 1907 Sanborn map and a 1915 United Stated Geological Survey map indicate that residential development was primarily concentrated along the north side of B Street for the first decade or so of the district's development. By 1923, however, one- and two-story single family dwellings had been constructed along the both sides of B Street from Watkins Street to Front Street, though the area of primary concentration was between Grand and Myrtle Streets. The district was fully developed by the 1950s and served by the Luther Burbank Grammar School located on the block bound by Myrtle, Filbert, B, and C Streets.

Prospect Hill Historic District

The proposed Prospect Hill Historic District encompasses properties along both sides of Prospect Street from Rose Street at the north, and extends southeast to include a group of cottages along the north side of Hotel Avenue. This boundary then turns north again, running along the west side of Prospect Terrace to Warren Avenue, where it extends east to include properties along both sides of Main Street up to Hazel Avenue/Simon Street. The neighborhood is characterized by its hilltop location, with views overlooking the city in all directions; a variety of mature trees and other plantings; moderate setbacks and narrow

sidewalks; and a variety of architectural styles including Victorian cottages and Shingle, Spanish Eclectic, Tudor, Craftsman, Mission Revival, Moderne, and Colonial Revival style residences. Some notable circa 1940 and circa 1950 modernist and ranch style residences are also present.

Archeological Resources

Archaeological resources may be considered to be either “unique archaeological resources” or "historical resources" as defined by CEQA and described previously under subheading “California Environmental Quality Act.” CEQA Section 21083.2, defines a “unique archaeological resource” as an archaeological artifact, object, or site about which it can be clearly demonstrated that, without merely adding to the current body of knowledge, there is a high probability that it:

- Contains information needed to answer important scientific research questions, and there is a demonstrable public interest in that information;
- Has a special and particular quality, such as being the oldest of its type or the best available example of its type; and/or
- Is directly associated with a scientifically recognized important prehistoric or historic event or person.

Based on the historic setting previously described, there is potential for archeological resources to exist in undisturbed soils in the Specific Plan Area.

Paleontological Resources

Paleontological resources, or fossils, are any evidence of past life, including remains, traces, and imprints of once-living organisms preserved in rocks and sediments, and provide information about the history of life on earth dating back billions of years. According to the Society of Vertebrate Paleontology, significant paleontological resources include fossils of identifiable vertebrate fossils, large or small, uncommon invertebrate, plant, and trace fossils. Fossils are nonrenewable paleontological resources that are afforded protection by federal, State, and local environmental laws and regulations (Paleontological Resources Preservation Act). Accordingly, the potential of a particular area to produce a valuable paleontological resource is largely dependent on the geologic age and origin of the underlying rocks.

The natural geology of the city is comprised of Quaternary sedimentary deposits which are from the most recent geologic periods (i.e., Holocene, Pleistocene) dating back to 1.6 million years ago. Some of eastern Hayward is located on Mesozoic sedimentary rocks from the Mesozoic period dating back to 245 million years ago, when dinosaurs roamed the earth. Both types of geologic rocks may contain fossils of flora and fauna, particularly marine species.

A search of the University of California Museum of Paleontology, University of California, Berkeley Database identified 1,563 paleontological resources in Alameda County. Five of these resources were discovered within the city, including four mammalian fossils (e.g., bison, prehistoric horse) and one gastropod fossil (i.e., marine snail) from the Quaternary period. The Bison fossil was discovered near Interstate 880 (I-880), the two prehistoric horse fossils were discovered in the Hayward gravel pit, the marine snail was discovered at Hayward Landing, and an additional unidentified mammalian fossil was

discovered near the Hayward Motel. Additionally, the Paleobiology Database identified 12 paleontological resources in Alameda County, none of which are located in the city.

4.4.2 STANDARDS OF SIGNIFICANCE

Implementation of the proposed project would result in a significant cultural and tribal cultural resources impact if it would:

1. Cause a substantial adverse change in the significance of a historical resource as defined in 15064.5.
2. Cause a substantial adverse change in the significance of an archeological resource pursuant to 15064.5.
3. Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature.
4. Disturb any human remains, including those interred outside of formal cemeteries.
5. 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:
   - 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
   - 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 Resource Code Section 5024.1. In applying the criteria set forth in subdivision (c) of the Public Resource Code Section 5024.1 for the purposes of this paragraph, the lead agency shall consider the significance to a California Native American tribe

4.4.3 IMPACT DISCUSSION

CULT-1 Implementation of the proposed project would not cause a substantial adverse change in the significance of a historical resource pursuant to CEQA Guidelines Section 15064.5.

The types of cultural resources that meet the definition of historical resources under CEQA Section 21084.46 generally consist of districts, sites, buildings, structures, and objects that are significant for their traditional, cultural, and/or historical associations. Under CEQA, both prehistoric and historic-period archaeological sites may qualify based on historical associations.[5] As such, the two main historical resources that are subject to impact, and that may be impacted by future development allowed from implementation of the proposed Specific Plan, are historical architectural resources and historical archaeological deposits. The following impact discussion focuses on impacts to historical architectural

[5] California Code of Regulations, Title 14, Chapter 3, Section 15064.5(c), Determining the Significance of Impacts on Historical and Unique Archaeological Resources.

resources. Impacts to archaeological resources are addressed under impact discussion CULT-2, and human remains are addressed in impact discussion CULT-4.

As shown on Figure 4.4-1 under Section 4.4.1.2, Existing Conditions, there are several recognized historic properties in the Specific Plan Area where new development potential would occur under the proposed land uses changes. Accordingly, future development throughout the 2040 buildout horizon could have the potential to impact historical architectural resources if historical buildings are demolished or materially altered to allow new development.

Even if the historical resources were retained, future development under the proposed Specific Plan could impair the historic integrity of historical resources in question if the new construction were incompatible with the site relationships that characterize the existing property (for example, new construction which extends to all property lines where the historical pattern is to have setbacks) or if the massing (height and bulk) of the new construction were incompatible with the historical resource. Lastly, the design characteristics and materials of the new construction could cause an impact on adjoining or nearby historical buildings (for example, a flat-roofed building with aluminum windows and a rain-screen wall finish next to a gable-roofed building with period-revival stucco walls).

However, future development would be required to comply with existing General Plan policies listed above in Section 4.4.1.1, Regulatory Framework, as applicable, that require local planning and development decisions to consider impacts to historic resources, including the preservation of historic resources and the integrity of historic districts. Specific policies that protect historic resources include the following: Policy LU-1.7 requires the City to maintain and implement commercial, residential, industrial, and hillside design guidelines to ensure that future development complies with General Plan goals and policies; Policy LU-2-4, which requires retail frontages and storefront entrances on new and renovated buildings within the “retail core” of Downtown Hayward specifically does not apply to historic buildings that were originally designed without a retail frontage of storefront; and Policy LU-3.7 requires the City to protect the pattern and character of existing neighborhoods by requiring new infill developments to have complimentary building forms and site features.

Goal 8 specifically calls for the City to preserve Hayward’s historic districts and resources to maintain a unique sense of place and to promote an understanding of the regional and community history. There are many policies and implementation programs that support the achievement of this goal. Policy LU-8.3 requires the City to maintain and implement its Historic Preservation Ordinance (HMC Section 10-11.010) to safeguard the heritage of the City and to preserve historic resources. Policy LU-8.4 requires the City to maintain and expand its records of reconnaissance surveys, evaluations, and historic reports completed for properties located within the City. Policy LU-8.5 requires the City to maintain flexible land use standards to allow the adaptive reuse of historic buildings with a variety of economically viable uses, while minimizing impacts to the historic value and character of sites and structures. Policy LU-8.6 requires the City to consider *The Secretary of the Interior's Standards for 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 or the historic context of nearby historic resources, which is already part of the Historic Preservation Ordinance. Policy LU-8.9 requires to the City to promote the use of the State Historic Building Code to facilitate the reuse and conversion of historic buildings to alternative uses and is

supported by Implementation Program LU-15, which requires the City to develop and adopt an ordinance to allow the use of the State Historic Building Code for the rehabilitation of historic resources. Policy LU-8.10 requires the City to participate in the California Mills Act Property Tax Abatement Program to provide property owners of historic resources an economic incentive (property tax relief) to restore, preserve, and maintain qualified historic properties. Policy LU-8.11 and LU-8.12 requires the City to promote the use of the Federal Historic Preservation Tax Incentives Program Federal Historic Preservation Tax Credit Program to encourage the rehabilitation of income-producing historic structures and encourage the charitable contribution of historic resources and the establishment of conservation easements for historic preservation purposes, respectively. Policy LU-8.14 requires the City to prohibit the demolition of historic resources unless 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, or the public benefits of demolition outweigh the loss of the historic resource.

Policy LU-8.13 requires the City to consider historical and cultural resources when developing planning studies and documents. Consistent with this policy, the City prepared the *Historic Context Statement Update* for the Specific Plan Area (see Appendix B of this Draft EIR) as part of preparing the proposed Specific Plan. A historic context statement enables the assessment of a property's historic significance by creating a framework against which to objectively qualify its relationship to larger historic themes and events. Once this framework has been adopted, qualified historical professionals can then use the *Historic Context Statement Update* as a basis for the completion of historical evaluations for future development projects in the Specific Plan Area. Such evaluations encompass the following:

- Evaluate a property's historic significance including its associative value and context utilizing national, state and local criteria and status codes.
- Evaluate a property's integrity and identify character-defining features.
- Establish periods of significance based on substantiated documentation.
- Determine which Standard of the *Secretary of the Interior's Standard for the Treatment of Historic Properties* will be followed for proposed changes (Preservation, Rehabilitation, Restoration, or Reconstruction.)
- Review proposed changes for consistency with the selected Standard to meet the criteria and requirements of the California Environmental Quality Act (CEQA) to avoid a substantial adverse impact.

The City's historical evaluation of a resource in the Specific Plan Area would use the *Historic Context Statement Update* as a tool for understanding where the site of future development's significance lies within the larger municipal historical timeline. The *Historic Context Statement Update* provides the City identified areas of significance in the Specific Plan Area. The *Historic Context Statement Update* is the foundation for decisions about identification, evaluation, registration and treatment of historic properties in the Specific Plan Area.

With respect to historic districts, Policy LU-1.8 requires the City to recognize the value and co-benefits of local historic preservation, including job creation, economic development, increased property values, and heritage tourism. Implementation Program LU-13 requires the City to coordinate with the State Historic

Preservation Office to initiate and complete the process for becoming a Certified Local Government under the National Parks Service historic preservation program. Policy LU-8.2 requires the City to strive to enhance its local historic preservation programs to qualify for additional preservation grants and financing programs. Implementation Program LU-14 requires the City to prepare and submit applications to the State Historic Preservation Office to establish National Park Service Historic Districts for the Upper "B" Street neighborhood; "B" Street Historic Streetcar District; Prospect Hill Neighborhood; and the Downtown Historic District. Policy LU-8.7 requires the City to encourage the establishment of National Park Service Certified Historic Districts to encourage the preservation of Hayward's historic neighborhoods and districts, and to qualify property owners for the Federal Preservation Tax Incentives Program. Policy LU-8.8 requires the City to maintain the current Marks Historic Rehabilitation District for Downtown Hayward to issue tax-exempt revenue bonds for financing the rehabilitation of historic structures.

Future development would also be required to comply with existing design standards of the *Hayward Design Guidelines,* which requires local planning and development decisions to consider impacts to historic resources.

Under the proposed Specific Plan, the Land Use vision includes enhancing the existing historic character of the Specific Plan Area. Specifically, form and intensity standards for Downtown Core placetype would include new buildings to be limited to up to seven stories tall to reduce perceived building bulk, mass, and height from the street and remain compatible with the existing historic structures. Similarly, the Station Plaza placetype would preserve the existing two-story historic houses to accommodate a variety of residential, retail, and service areas. In addition, the proposed Specific Plan contains goals, policies, and programs that require additional local planning and development decisions to consider impacts to historic resources from development in the Specific Plan Area. The following Specific Plan goals and policies would serve to minimize potential adverse impacts on the visual character of the Specific Plan Area:

- Goal 2 Community Design (CD): Downtown is a beautiful, safe, and high-quality pedestrian-oriented environment for all ages to enjoy day or night, with sufficient and attractive lighting, sidewalk amenities, landscaping, and inviting ground floor frontages.
    - Policy CD 2 Coordinate Public and Private Investments: Coordinate public and private investment to improve the quality and appearance of new and existing structures and streetscapes.
    - Policy CD 3 Cultural and Historic Heritage: Celebrate, preserve, and enhance the cultural heritage and historic charm of Downtown to create a unique sense of place.
    - Policy CD 6 Public Art: Promote the creation and funding of public art that contributes to the cultural experience of visiting the Downtown.
        - Program CD 8: Promote historic resources through programs and signage as part of the Downtown marketing campaign. The Hayward Development Services-Planning Division and the City Mangers Office-Economic Development Division would be responsible for implementing this program.
        - Program CD 12: Develop an adaptive reuse incentive program that provides property owners with a streamlined entitlement review process and/or relaxed zoning requirements, such as parking and density requirements, to encourage the adaptive reuse or sensitive additions over wholesale demolition for buildings not designated as Historic Resources, but that

contribute to the Plan Area's cultural heritage. The Hayward Development Services-Planning Division would be responsible for implementing this program.

- Program CD 13: Conduct a historic resource survey for portions of Downtown that were not surveyed as part of the Marks Historic Rehabilitation District or the Upper B Street Neighborhood Plan to ensure that the historical significance of Plan Area buildings are adequately documented. The Hayward Development Services-Planning Division would be responsible for implementing this program.
- Program CD 14: Compile and publish findings from historic resource surveys conducted for the Plan Area to a web-based resource center available to the public. The Hayward Development Services-Planning Division and the City Mangers Office-Economic Development Division would be responsible for implementing this program.
- Program CD 16: Designate landmark-worthy and contributing properties that have yet to be formally designated as Historic Resources. The Hayward Development Services-Planning Division would be responsible for implementing this program.
- Program CD 21: Encourage relocation of historic structures as much as possible before allowing demolition. The Hayward Development Services-Planning Division would be responsible for implementing this program.
- Program CD 25: Continue to implement, and modify as needed, regulatory controls and incentives that protect designated Historic Resources from demolitions or inappropriate alterations that compromise integrity. The Hayward Development Services-Planning Division would be responsible for implementing this program.
- Program CD 26: Continue to support and promote funding programs for the rehabilitation of designated Historic Resources, including the Mills Act program, the use of Federal Historic Preservation Tax Incentives and Credits, and the historic easement program in coordination with local historic preservation nonprofit organizations. The Hayward Development Services-Planning Division and Library and Community Services Department would be responsible for implementing this program.

Furthermore, with respect to the new development potential in the Specific Plan Area where more intense development and increased height is being considered, the proposed project includes zoning regulations that include design standards and compliance with the City's architectural control process (i.e., Site Plan Review), which are intended to reduce potential impacts to historic districts from future development under the proposed project. The design standards control the appearance of development, including aspects such as lot size, building mass and scale, the building's relationship to the street, ground-floor exterior, public and private open space, sidewalks, building projections and facades, roof planes, and upper-story stepbacks. In addition, the design standards include requirements for trash and storage and associated screening, and requirements for durable and high-quality building materials. The design standards ensure that the development within the proposed Downtown zoning districts results in the same high-quality design. The primary purpose of the proposed design standards is to promote complementary uses and appearance in the Specific Plan Area. The proposed zoning regulations also require a Major Site Plan application for a future project impacting or adjacent to a historic, archaeological, or environmentally sensitive feature (e.g., creek). The Site Plan Review and the

requirements for the Major Site Plan application would reduce potential impacts to historic districts of future development in the Specific Plan Area.

In summary, compliance with existing General Plan and proposed Specific Plan goals, policies, and programs and Zoning Code Update, impacts to historic resources would be *less than significant*.

Significance without Mitigation: Less than significant.

CULT-2 Implementation of the proposed project would not cause a substantial adverse change in the significance of an archeological resource pursuant to CEQA Guidelines Section 15064.5.

Archaeological deposits that meet the definition of historical resource under CEQA Section 21084.1 or CEQA Guidelines Section 15064.5 could be present within the Specific Plan Area and could be damaged or destroyed by ground-disturbing construction activities (e.g., site preparation, grading, excavation, and trenching for utilities) associated with future development in the Specific Plan Area resulting from implementation of the proposed Specific Plan. Should this occur, the ability of the deposits to convey their significance, either as containing information about prehistory or history, or as possessing traditional or cultural significance to Native American or other descendant communities, would be materially impaired.

As described in Section 4.4.1.2, Existing Conditions, archival research revealed that there are several archeological sites in Hayward that have been identified and based on the historic setting previously described, there is potential for archeological resources to exist in undisturbed soils in the Specific Plan Area. Note that impacts to human remains are addressed below under impact discussion CULT-4.

While it is highly improbable that archaeological deposits associated with the historic period of Hayward and Native American prehistoric archeological sites exist on the locations identified for future development in the Specific Plan Area, because these locations are concentrated on sites either already developed, and/or in close proximity to existing development, where development will have a lesser impact on historical archeological resources. Additionally, the General Plan Land Use (LU) Element contains goals, policies, and programs that would require local planning and development decisions to consider impacts to archeological resources. Goal 8 specifically calls for the City to preserve Hayward's historic districts and resources to maintain a unique sense of place and to promote an understanding of the regional and community history. Policy LU-8.3 requires the City to maintain and implement its Historic Preservation Ordinance (HMC Section 10-11.010) to safeguard the heritage of the City and to preserve historic resources. Policy LU-8.4 requires the City to maintain and expand its records of reconnaissance surveys, evaluations, and historic reports completed for properties located within the City. Implementation of these policies would ensure that archaeological resources are professionally documented to enable their protection. The City Historic Preservation Ordinance of the HMC details these requirements for archaeological sites and resources, including those resources specifically of significance

to Native Americans.[6] Policy LU-8.13 requires the City to consider historical and cultural resources when developing planning studies and documents. As described in impact discussion CULT-1, application of the *Historic Context Statement Update* for the Specific Plan Area would be used as a tool for understanding where the site of future development's significance lies within the larger municipal historical timeline.

Furthermore, the proposed zoning regulations that would be adopted as part of the proposed project also require a Major Site Plan application for a future project impacting or adjacent to a historic, archaeological, or environmentally sensitive feature (e.g., creek). Implementation of this proposed regulation would ensure that archaeological sites and resources would be protected.

Compliance with existing federal, State, and local laws and regulations, and the existing General Plan and Zoning Code and the proposed zoning regulations would protect recorded and unrecorded archaeological deposits in the Specific Plan Area by providing for the early detection of potential conflicts between development and resource protection, and by preventing or minimizing the material impairment of the ability of archaeological deposits to convey their significance through excavation or preservation.

Significance without Mitigation: Less than significant.

CULT-3 Implementation of the proposed project would not directly or indirectly destroy a unique paleontological resource or site or unique geologic feature.

As described in Section 4.4.1.2, Existing Conditions, no known fossils or unique paleontological resources or unique geologic features are present in the Specific Plan Area however, geological formations underlying the soils in the Specific Plan Area have the potential for containing paleontological resources (i.e., fossils). There could also be fossils of potential scientific significance in other geological formations that are not recorded in the database.[7] It is possible that ground-disturbing construction associated with future development as a result of implementation of the proposed Specific Plan could reach significant depths below the ground surface. Should this occur, damage to, or destruction of, paleontological resources could result, which would prevent the realization of their scientific data potential through documentation and analysis.

Similar to unknown archeological resources addressed in impact discussion CULT-2, it is also highly improbable that paleontological deposits exist on the locations identified for future development in the Specific Plan Area, because these locations are concentrated on sites either already developed, and/or in close proximity to existing development, where development will have a lesser impact on paleontological resources. Additionally, the General Plan Natural Resources (NR) Element contains goals, policies, and programs that would require local planning and development decisions to consider impacts to

[6] City of Hayward Municipal Code, Chapter 10, Planning, Zoning, and Subdivisions, Article 11, Historic Preservation Ordinance, Section 10-11-150, Conditions of Approval for Development Projects Located within Archaeologically Sensitive Areas, and/or within or Adjacent to Known Archaeological Sites.

[7] University of California Museum of Paleontology. University of California, Berkeley. Specimen Search accessible online at https://ucmpdb.berkeley.edu/ and the Paleobiology Database accessible online at https://paleobiodb.org/#/.

paleontological resources. Specifically Goal NR-7 states that the City would identify, honor, and protect historically significant paleontological resources so they can be scientifically studied and preserved for current and future generations. Policy NR-7.1 requires the City to 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 and Policy NR-7.2 requires the City to 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.

Compliance with existing federal, State, and local laws and regulations discussed in Section 4.4.1.1, Regulatory Framework, and the aforementioned General Plan policies listed above would protect unrecorded paleontological resources or unique geological features in the Specific Plan Area by providing for the early detection of potential conflicts between development and resource protection, and by preventing or minimizing the material impairment of the ability of paleontological resources or unique geological features to convey their significance through excavation or preservation.

Significance without Mitigation: Less than significant.

CULT-4 Implementation of the proposed project would not disturb any human remains, including those interred outside of formal cemeteries.

As described in Section 4.4.1.2, Existing Conditions, archival research revealed that there are several archeological sites in Hayward that have been identified, and based on the historic setting previously described, there is potential for human remains associated with pre-contact archaeological deposits that could exist in the Specific Plan Area and could be encountered at the time potential future development occurs. However, any human remains encountered during ground-disturbing activities associated with future development under implementation of the proposed Specific Plan would be subject to federal, State, and local regulations, such as the California Health and Safety Code Section 7050.5, Public Resources Code Section 5097.98, and the California Code of Regulations Section 15064.5(e) (CEQA), which state the mandated procedures of conduct following the discovery of human remains. According to the provisions in CEQA, if human remains are encountered at the site, all work in the immediate vicinity of the discovery shall cease and necessary steps to ensure the integrity of the immediate area shall be taken. The Alameda County Coroner shall be notified immediately. The Coroner shall then determine whether the remains are Native American. If the Coroner determines the remains are Native American, the Coroner shall notify the NAHC within 24 hours, who will, in turn, notify the person the NAHC identifies as the MLD of any human remains. Further actions shall be determined, in part, by the desires of the MLD. The MLD has 48 hours to make recommendations regarding the disposition of the remains following notification from the NAHC of the discovery. If the MLD does not make recommendations within 48 hours, the owner shall, with appropriate dignity, reinter the remains in an area of the property secure from further disturbance. Alternatively, if the owner does not accept the MLD's recommendations, the owner or the descendent may request mediation by the NAHC. In addition, the General Plan Land Use (LU) Element includes goals, policies to protect cultural resources, including unknown human remains. Specifically, Policy LU-8.3 requires the City to maintain and implement its Historic Preservation Ordinance to safeguard the heritage of the City and to preserve historic resources. Implementation of this policy

would ensure that archaeological sites and resources will be protected. The Historic Preservation Ordinance of the HMC includes archaeological sites and resources, including undocumented human remains and those resources specifically of significance to Native Americans, within its purview.[8] Additionally, Policy LU-8.4 requires the City to maintain and expand its records of reconnaissance surveys, evaluations, and historic reports completed for properties located within the city. Implementation of this policy would ensure that archaeological resources are professionally documented to enable their protection. The City Historic Preservation Ordinance of the HMC details these requirements for archaeological sites and resources, including undocumented human remains and those resources specifically of significance to Native Americans.[9]

Therefore, with the mandatory regulatory procedures and compliance with the existing General Plan policies and the Historic Preservation Ordinance described above, potential impacts related to the potential discovery or disturbance of any human remains accidently unearthed during construction activities associated with future development as a result of implementation of the proposed Project would be *less than significant*.

Significance without Mitigation: Less than significant.

CULT-5 Implementation of the proposed project would not cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code Sections, 21074, 5020.1(k), or 5024.1.

A tribal cultural resource is defined as a site, feature, place, cultural landscape (must be geographically defined in terms of size and scope), sacred place, or object with cultural value to a California Native American tribe that is either included or eligible for inclusion in the California Register, or included in a local register of historical resources, or if the City of Hayward, acting as the lead agency, supported by substantial evidence, chooses at its discretion to treat the resources as a tribal cultural resource.

As discussed under impact discussions CULT-2 and CULT-4, impacts from future development in the Specific Plan Area could impact unknown archaeological resources including Native American artifacts and human remains, which could be recognized as tribal cultural resources. As shown in impact discussions CULT-2 and CULT-4, the current General Plan and Zoning Code as well as the proposed project, include goals, policies, implementation programs, and development standards that would ensure impacts to unknown archeological resources, including those of importance to Native Americans

Therefore, compliance with existing federal, State, and local laws and regulations, and adoption of the proposed project, would protect any unrecorded tribal cultural resources that may be unearthed from future development in the Specific Plan Area as a result of implementation of the proposed Specific Plan

[8] City of Hayward Municipal Code, Chapter 10, Planning, Zoning, and Subdivisions, Article 11, Historic Preservation Ordinance, Section 10-11-150, Conditions of Approval for Development Projects Located within Archaeologically Sensitive Areas, and/or within or Adjacent to Known Archaeological Sites.

[9] City of Hayward Municipal Code, Chapter 10, Planning, Zoning, and Subdivisions, Article 11, Historic Preservation Ordinance, Section 10-11-150, Conditions of Approval for Development Projects Located within Archaeologically Sensitive Areas, and/or within or Adjacent to Known Archaeological Sites.

by providing for the early detection of potential conflicts between development and resource protection, and by preventing or minimizing the material impairment of the ability of archaeological deposits to convey their significance through excavation or preservation. Accordingly, impacts to tribal cultural resources would be *less than significant*.

Significance without Mitigation: Less than significant.

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4.5 GEOLOGY AND SOILS

This chapter describes the existing geology and soils character of the Specific Plan Area and evaluates the potential environmental consequences of future development that could occur by adopting and implementing the proposed project. This chapter provides a summary of the relevant regulatory setting necessary to evaluate potential environmental impacts resulting from the proposed project, describes potential impacts, and discusses existing and proposed goals, policies, and implementation programs and zoning regulations that would avoid or reduce those potential impacts.

4.5.1 ENVIRONMENTAL SETTING

4.5.1.1 REGULATORY FRAMEWORK

This section summarizes key federal, State, and local regulations and programs related to the proposed Specific Plan.

Federal Regulations

Clean Water Act

Under the Clean Water Act of 1977, the United States Environmental Protection Agency (EPA) seeks to restore and maintain the chemical, physical, and biological integrity of the nation's waters. The statute employs a variety of regulatory and non-regulatory tools to reduce direct pollutant discharges into waterways, finance municipal wastewater treatment facilities, and manage polluted runoff. The Clean Water Act authorizes the United States Environmental Protection Agency to implement water-quality regulations. Please see Section 4.8, Hydrology and Water Quality, of this Draft EIR for more detail.

National Pollution Discharge Elimination System

The National Pollution Discharge Elimination System permit program was established by the Clean Water Act to regulate municipal and industrial discharges to surface waters of the United States from their municipal separate storm sewer systems.

State Regulations

The most relevant State laws that regulate geology, soils, and seismicity in the Specific Plan Area are the Alquist-Priolo Earthquake Fault Zoning Act, the Seismic Hazards Mapping Act, and the California Building Code, each of which is discussed below.

Alquist-Priolo Earthquake Fault Zoning Act

The Alquist-Priolo Earthquake Fault Zoning Act was passed in 1972 to mitigate the hazard of surface faulting to structures used for human occupancy.[1] The main purpose of the act is to prevent the construction of buildings used for human occupancy on top of the traces of active faults. Although the act addresses the hazards associated with surface fault rupture, it does not address other earthquake-related hazards, such as seismically-induced ground shaking, liquefaction, or landslides.[2]

The law requires the State Geologist to establish regulatory zones (known as Earthquake Fault Zones or Alquist-Priolo Zones) around the surface traces of active faults, and to publish appropriate maps that depict these zones.[3] The maps are then distributed to all affected cities, counties, and State agencies for their use in planning and controlling new or renewed construction. In general, construction within 50 feet of an active fault zone is prohibited.

Seismic Hazards Mapping Act

The Seismic Hazards Mapping Act, passed in 1990, addresses earthquake hazards other than surface fault rupture, including liquefaction and seismically-induced landslides.[4] Under this act, seismic hazard zones are mapped by the State Geologist to assist local governments in land use planning. The act states that "it is necessary to identify and map seismic hazard zones in order for cities and counties to adequately prepare the safety element of their general plans and to encourage land use management policies and regulations to reduce and mitigate those hazards to protect public health and safety."[5] Section 2697(a) of the act states that "cities and counties shall require, prior to the approval of a project located in a seismic hazard zone, a geotechnical report defining and delineating any seismic hazard."[6]

California Building Code

The California Building Code (CBC), also known as Title 24 of the California Code of Regulations (CCR), reflects various building criteria that have been derived from different sources.[7] One of these sources is the International Building Code (IBC), a model building code adopted across the United States that has been modified to suit conditions in the state, thereby creating what is known as the CBC, or Part 2 of CCR Title 24. The CBC is updated every three years, and the current 2016 edition of the CBC went into effect on January 1, 2017. Through the CBC, the State provides a minimum standard for building design and

[1] Originally titled the *Alquist-Priolo Special Studies Zones Act* until renamed in 1993, Public Resources Code Division 2, Chapter 7.5, Section 2621.

[2] California Geological Survey, Alquist-Priolo Earthquake Fault Zones, http://www.conservation.ca.gov/cgs/rghm/ap/Pages/main.aspx , accessed on January 25, 2018.

[3] Earthquake Fault Zones are regulatory zones around active faults. The zones vary in width, but average about ¼-mile wide. http://www.conservation.ca.gov/cgs/rghm/ap/Pages/main.aspx , accessed on January 25, 2018.

[4] California Geological Survey, Seismic Hazards Zonation Program , http://www.conservation.ca.gov/cgs/shzp/Pages/shmpact.aspx , accessed on January 25, 2018.

[5] California Public Resources Code, Division 2, Chapter 7.8, Section 2691(c).

[6] California Public Resources Code, Division 2, Chapter 7.8, Section 2697(a)

[7] California Building Standards Commission, http://www.bsc.ca.gov/codes.aspx , accessed on January 25, 2018.

construction. The CBC contains specific requirements for seismic safety, excavation, foundations, retaining walls, and site demolition. It also regulates grading activities, including drainage and erosion control.[8]

Statewide General Construction Permit

Construction projects of 1 acre or more are regulated under the General Construction Permit (GCP), Order No. 2012-0006-DWQ, issued by the State Water Resources Control Board (SWRCB). Under the terms of the permit, applicants must file Permit Registration Documents (PRDs) with the SWRCB prior to the start of construction. The PRDs include a Notice of Intent, risk assessment, site map, Storm Water Pollution Prevention Plan (SWPPP), annual fee, and a signed certification statement. The PRDs are submitted electronically to the SWRCB via the Stormwater Multiple Application and Report Tracking System website.

The SWPPP must demonstrate conformance with applicable Best Management Practices (BMPs), including a site map that shows the construction site perimeter, existing and proposed buildings, lots, roadways, stormwater collection and discharge points, general topography both before and after construction, and drainage patterns across the project location. The SWPPP must list BMPs that would be implemented to prevent soil erosion and discharge of other construction-related pollutants that could contaminate nearby water resources. Additionally, the SWPPP must contain a visual monitoring program, a chemical monitoring program for nonvisible pollutants if there is a failure of the BMPs, and a sediment monitoring plan if the site discharges directly to a water body listed on the 303(d) list for sediment. Some sites may require implementation of a Rain Event Action Plan. The General Construction Permit also requires applicants to comply with post-construction runoff reduction requirements. Since the future potential development that could result from this project could disturb more than one acre, it would be subject to these requirements.

Local Regulations

Alameda County Flood Control & Water Conservation District

The Alameda County Flood Control & Water Conservation District (District) provides flood protection for Alameda County residents and businesses. The District plans, designs, constructs, and maintains flood control projects such as natural creeks, channels, levees, pump stations, dams, and reservoirs. In 2016, the District updated the *Hydrology & Hydraulics Manual* which serves as a guide for minimum design requirements and provides a hydrologic model for all of Alameda County.[9] The District is also charged with administering the Clean Water Program for the 14 cities of Alameda County, including Hayward, the Alameda County Flood Control District, unincorporated areas of Alameda County, and the Zone 7 Water Agency. The District provides administrative and contracting services for the Alameda Countywide Clean

[8] California Building Standards Commission, 2016, *2016 California Building Standards Administrative Code California Code of Regulations, Title 24, Part 1.*

[9] Alameda County, Flood Control & Water Conservation District, 2016, Hydrology & Hydraulics Manual, http://www.acfloodcontrol.org/projects-and-programs/hydrology-hydraulics/hydrology-hydraulics-manual/, accessed on October 11, 2018.

Water Program to help comply with federal and State requirements to improve water quality and better manage urban stormwater and runoff.[10]

Association of Bay Area Governments Multi-Jurisdictional Local Hazard Mitigation Plan

The City of Hayward adopted the Association of Bay Area Governments Multi-Jurisdictional Local Hazard Mitigation Plan ("Taming Natural Disasters") as the City's Local Hazard Mitigation Plan (LHMP). The Multi-Jurisdictional LHMP involves local agencies throughout the nine-county Bay Area jurisdiction, with an overall strategy to maintain and enhance disaster response of the region, as well as to fulfill the requirements of the Federal Disaster Mitigation Act of 2000. Each partner jurisdiction (including Hayward) has submitted an "Annex" document that contains jurisdiction-specific hazard mitigation strategies to attach to the Multi-Jurisdictional LHMP. The Multi-Jurisdictional LHMP, which focuses on mitigation before rather than after disasters, (1) identifies natural hazards the community and region face (e.g., earthquakes, flooding, severe weather), (2) assesses the community's and region's vulnerability to these hazards, and (3) identifies specific preventive actions that can be taken to reduce the risk from the hazards.

Adoption of the Multi-Jurisdictional LHMP allows the City of Hayward to become eligible for Federal Disaster assistance.

Hayward Comprehensive Emergency Management Plan

The City of Hayward Comprehensive Emergency Management Plan (EMP) addresses the Hayward Fire Department's responsibilities in emergencies associated with natural disaster, human-caused incidents, and technological incidents, including earthquakes and their seismic-related results (e.g., liquefaction). It defines the primary and support roles of City of Hayward agencies and departments in after-incident damage assessment and reporting requirements. The Hayward Fire Department also operates the Community Emergency Response Team program. The program trains and certifies members of the public in basic emergency response and organizational skills, including light fire suppression, hazardous materials awareness, first aid, light search and rescue techniques, and disaster response assistance.

Looking Forward Hayward 2040 General Plan

The City of Hayward 2040 General Plan, adopted in July 2014, includes goals, policies, and programs intended to avoid or reduce impacts related to geology and soils in the Hazards (HAZ) element of the 2040 General Plan. As described in the General Plan EIR, in most cases, no one goal, policy, or implementation program itself is expected to completely avoid or reduce an identified potential environmental impact.[11] However, the collective, cumulative mitigating benefits of the policies listed below are intended to reduce geology and soil-related impacts. Specific goals and policies are described in Section 4.5.3, Impact Discussion, to demonstrate how the policy would avoid or reduce the impact.

[10] Alameda County, Flood Control & Water Conservation District, Clean Water Program, http://www.acfloodcontrol.org/projects-and-programs/clean-water-program/, accessed on October 11, 2018.

[11] City of Hayward, 2014, City of Hayward 2040 General Plan certified EIR, State Clearinghouse Number 2013082015.

The following goals and policies are relevant to the analysis of potential geology and soil impacts within the Specific Plan Area:

- Goal HAZ-2: Protect life and minimize property damage from potential seismic and geologic hazards.
  - 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
    - Liquefaction Zone
    - Landslide Zone
    - 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-2.9 Seismic Retrofits: The City shall encourage property owners to upgrade buildings for seismic safety purposes, especially masonry and soft-story buildings (i.e., buildings designed with minimal bracing on the first floor).
  - Policy HAZ-2.10 City Facilities: The City shall strive to seismically upgrade existing City facilities that do not meet current building code standards. Where upgrades are not economically feasible, the City shall consider the relocation and/or reconstruction of facilities.
- Goal LU-7: Preserve the rural and natural character of hillside development areas.
  - Policy LU-7.1 Slopes: The City shall prohibit the construction of buildings on unstable and steep slopes (slopes greater than 25 percent).
- Goal NR-6: Improve overall water quality by protecting surface and groundwater sources, restoring creeks and rivers to their natural state, and conserving water resources.
  - 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.
- Goal PSF-5: Maintain an adequate level of service in the City's storm drainage system to accommodate runoff from existing and future development, prevent property damage due to flooding, and improve environmental quality.
  - Policy PSF-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 systems.

Hayward Municipal Code

Chapter 9, Article 1, Building Code

The Hayward Municipal Code's (HMC) provisions apply to building structure and safety with regards to reducing impacts related to geologic hazards. Like similar jurisdictional authorities that issue building permits, the City of Hayward is required to enforce the California Building Code (which includes the current CBC). The City of Hayward has adopted all sections of the CBC Title 24, Part 2, in Chapter 9, Article 1, Building Code of the City of Hayward, of the HMC.[12] In addition, the City has enacted local amendments to the CBC in the HMC.

Chapter 9, Article 4, Flood Plain Management

This chapter of the HMC implements building standards to comply with the Cobey-Alquist Flood Plain Management Act (Water Code sections 8400 set seq.) and National Flood Insurance Program established pursuant to Federal law.[13] The purpose of this article is to promote the public health, safety, and general welfare and to minimize public and private losses due to flood conditions in specific areas by legally enforceable regulations applied uniformly throughout the community to all publicly and privately owned land within flood prone, mudslide (i.e., mudflow) or flood related erosion areas.

Chapter 10, Article 8, Grading and Clearing

This chapter of the HMC requires a permit for grading or clearing activities. Applicants must submit a site map and grading plan that describes the location and specifications for all proposed erosion and sediment control measures and the location and graphic representation of all existing and proposed drainage facilities along with a hydrology map prepared by a Registered Civil Engineer, with hydraulic calculations. Applicants may also be required to submit an Interim Erosion and Sediment Control Plan that contains the following information:

- Maximum surface runoff from the site and contributing adjacent properties calculated using a method approved by the City Engineer;
- A delineation and brief description of the measures to be undertaken to retain sediment on the site, including but not limited to the designs and specifications for sediment detention basins and traps and a schedule for their maintenance and upkeep;
- A delineation and brief description of the surface runoff and erosion control measures to be implemented, including but not limited to the types and method of applying mulches, and designs and specifications for diverters, dikes and drains, and a schedule for their maintenance and upkeep;

[12] City of Hayward Municipal Code, Chapter 9, Building Regulations, Article 1, Building Code of the City of Hayward, https://library.municode.com/ca/hayward/codes/municipal_code?nodeId=CH9BURE_ART1BUCOHA, accessed on January 25, 2018.

[13] United States Code Title 42, Chapter 50, Section 4100 et seq..

- A delineation and brief description of the vegetative measures to be used, including but not limited to the types of seeds and fertilizer and their application rates, the type, location and extent of pre-existing and undisturbed vegetation types, and a schedule for maintenance and upkeep;
- The location of all the measures listed by the applicant under paragraphs (2), (3), and (4) of this subsection shall be depicted on the Grading Plan or on a separate plan at the direction of the City Engineer;
- The applicant may propose the use of any erosion and sediment control techniques in the Interim Plan provided such techniques are proved to the satisfaction of the City Engineer to be as or more effective than the equivalent best management practices contained in the Manual of Standards.

Applicants may also be required to submit a Final Erosion and Sediment Control Plan that contains the information concerning conditions on the site after all final structures and improvements that have not been covered by an Interim Plan have been completed.

Hayward Building Permit Process

A building permit is required for almost all construction-related work in Hayward. When a building permit is required, the City will determine during the pre-application process what information needs to be provided to staff for their review and, depending on the extent of the project, whether or not public and/or environmental or other review is required. Once the building permit application is deemed complete, a building permit will be issued. Before the City will issue a certificate of occupancy, all permitted work must be completed, a final inspection must occur, and all remaining fees must be paid.

Hayward Grading and Clearing Ordinance

The City of Hayward requires a Grading and Clearing permit for most types of grading in the city. A Preliminary Engineering Geological Report needs to be submitted with the application for a Grading and Clearing permit. This report includes an adequate description of the geology of the site, the conclusions, recommendations, and professional opinions regarding the effect of the proposed work or development on the geological conditions of the site, and any geological hazards that might be present on the site. After the permit is issued, City Engineers determine whether the preparation of a Final Geological Report or Final Soils Report is required.

4.5.1.2 EXISTING CONDITIONS

Geologic Environment

Hayward is located on the eastern side of San Francisco Bay, a region of varied geographic composition and topography. Hayward contains three distinct geologic zones: (1) properties near the Bay in the western portion of the community (bay lands); (2) the primarily urbanized portion of the community below the elevation of 500 feet above sea level (bay plain); and (3) the Hayward Hills, which are part of the Diablo Range and have elevations of up to 1,500 feet, in the eastern portion of Hayward. The Specific Plan Area is in the bay plain.

Geologic materials beneath Hayward include bedrock, Bay Mud near estuarine areas, semi-consolidated and unconsolidated alluvium along streams and beneath flat-lying areas, colluvium on slopes derived from bedrock, and artificial fill (especially along the Bay margins).[14]

Regional Faulting, Seismicity, and Related Seismic Hazards

Geologically, the city is largely shaped by the work of the Hayward fault. This fault line is a spur of the Calaveras fault, which in turn is a spur of the San Andreas Fault. The United States Geological Survey considers it the "principal active branch of the San Andreas" fault. It runs approximately along the base of the coastal mountains from the Niles district of Fremont, through Hayward, north along Highway 580 to its junction with Highway 13, then along Highway 13 to Berkeley, under the Berkeley Stadium and north to San Pablo Bay. Its last major rupture was in 1868 and comparisons with historical data suggest that the fault is long overdue for another event.[15] The fault has a 31 percent probability of experiencing a 6.7-magnitude earthquake in the next three decades.[16]

A portion of the active Hayward fault, including an Earthquake Fault Zone designated by the State Department of Conservation, traverses the Specific Plan Area. Figure 4.5-1 shows the Hayward Alquist-Priolo fault traces and the Hayward Earthquake Fault Zone (Alquist-Priolo Zone). The fault runs parallel to Mission Boulevard and traverses the Specific Plan Area from the southeast corner to the northwest corner.[17]

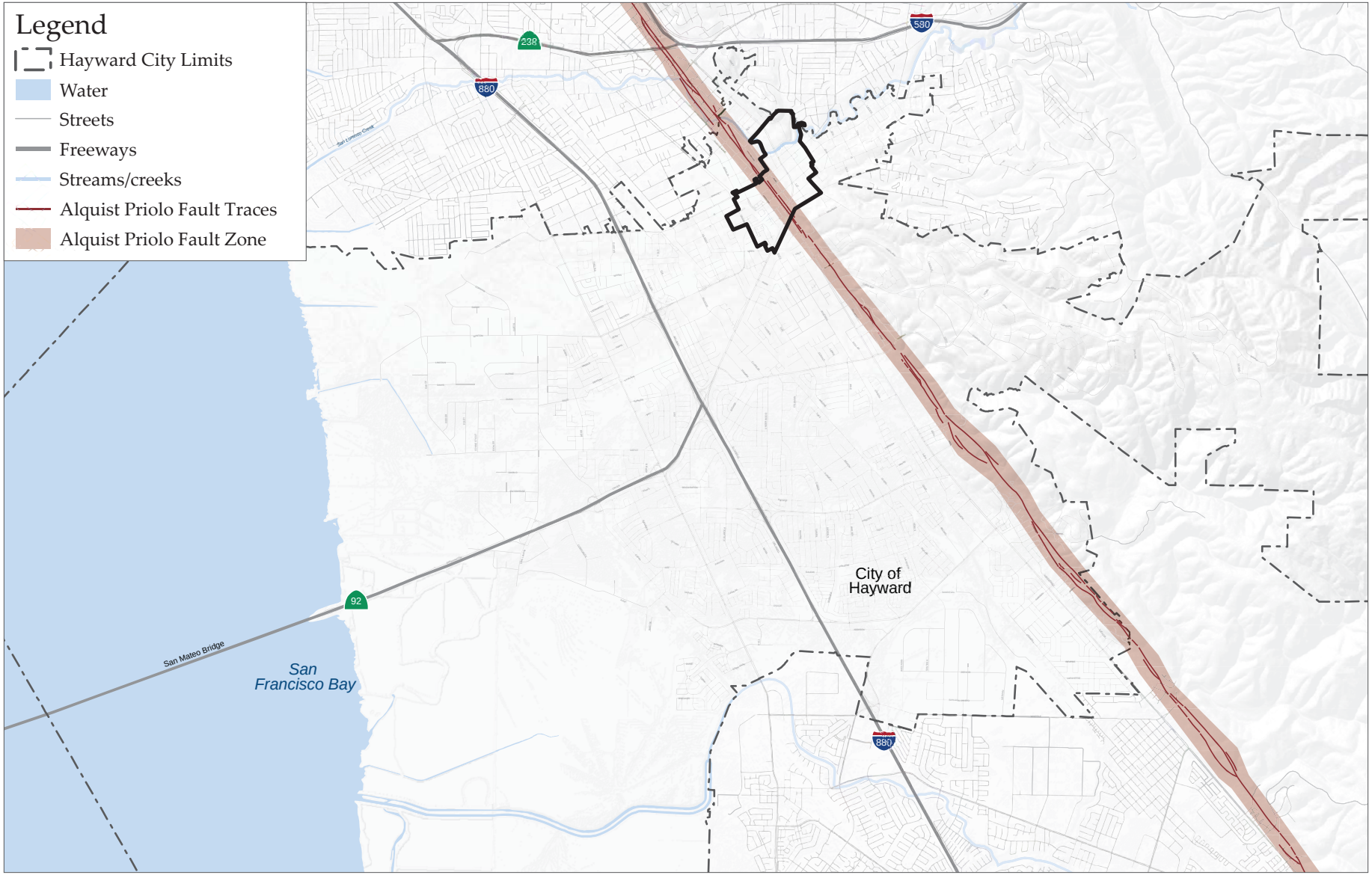
Surface Rupture

Surface rupture is the actual breaking apart of the ground during an earthquake and generally occurs in the area directly above an active fault trace. Areas within a State-designated Earthquake Fault Zone (a subcategory of Earthquake Zones of Required Investigation) require special studies to evaluate the potential for surface rupture to ensure that no structures intended for human occupancy are constructed across an active fault. Figure 4.5-1 depicts the Earthquake Fault Zone in the Specific Plan Area. The Hayward fault experienced surface rupture from Oakland to Fremont in the 1868 earthquake, including in Hayward, and is expected to rupture again. Surface displacement during a large earthquake could range from approximately 3 feet to 8 feet.[18]

Ground Shaking

Ground shaking is the most widespread cause of earthquake damage. Most loss of life and injuries during an earthquake are related to the collapse of buildings and structures, with older buildings constructed of unreinforced masonry being among the most vulnerable. The intensity of the ground shaking at a particular site depends on characteristics of the earthquake source (magnitude, location, and area of causative fault surface), distance from the fault, and amplification effect of local geologic deposits.

[14] City of Hayward, 2014, Hayward 2040 General Plan Background Report.
[15] City of Hayward, 2015, Hayward Downtown Specific Plan Existing Conditions and Opportunities Analyses.
[16] City of Hayward, 2014, City of Hayward 2040 General Plan certified EIR, State Clearinghouse Number 2013082015.
[17] City of Hayward, 2015, Hayward Downtown Specific Plan Existing Conditions and Opportunities Analyses.
[18] City of Hayward, 2014, Hayward 2040 General Plan Background Report.



Source: 2040 Hayward General Plan, EIR, July 2014.

Figure 4.5-1
Fault Zone Map

Magnitude is a measure of the energy released by an earthquake; it is assessed by seismographs. Intensity is a subjective measure of the perceptible effects of seismic energy at a given point and varies with distance from the epicenter and local geologic conditions. Earthquake intensity is typically measured using the Modified Mercalli Intensity Scale (MMI), with values ranging from I to XII. The most commonly used adaptation covers the range of intensities from I, which would be felt by very few people, to XII, which would be total damage with objects thrown into the air. While an earthquake has only one magnitude, it can have several intensities, which typically decrease with distance from the epicenter. The Hayward fault could produce a magnitude 6.7 earthquake that could result in very strong (MMI IX) ground shaking in the Specific Plan Area.[19] Table 4.5-1 defines these intensities in more detail.

TABLE 4.5-1 MODIFIED MERCALLI INTENSITIES AND THEIR EFFECTS

Maximum Expected Intensity (MMI)	Effects
VIII – IX	Damage slight in specially designed structures; considerable damage in ordinary substantial buildings with partial collapse. Damage great in poorly built structures. Fall of chimneys, factory stacks, columns, monuments, walls. Heavy furniture overturned. Damage considerable in specially designed structures; well-designed frame structures thrown out of plumb. Damage great in substantial buildings, with partial collapse. Buildings shifted off foundations.
VIII or higher	Some well-built wooden structures destroyed; most masonry and frame structures destroyed with foundations. Rails bent. Few, if any (masonry) structures remain standing. Bridges destroyed. Rails bent greatly. Damage total. Lines of sight and level are distorted. Objects thrown into the air.

Source: City of Hayward, 2014, Hayward 2040 General Plan Background Report.

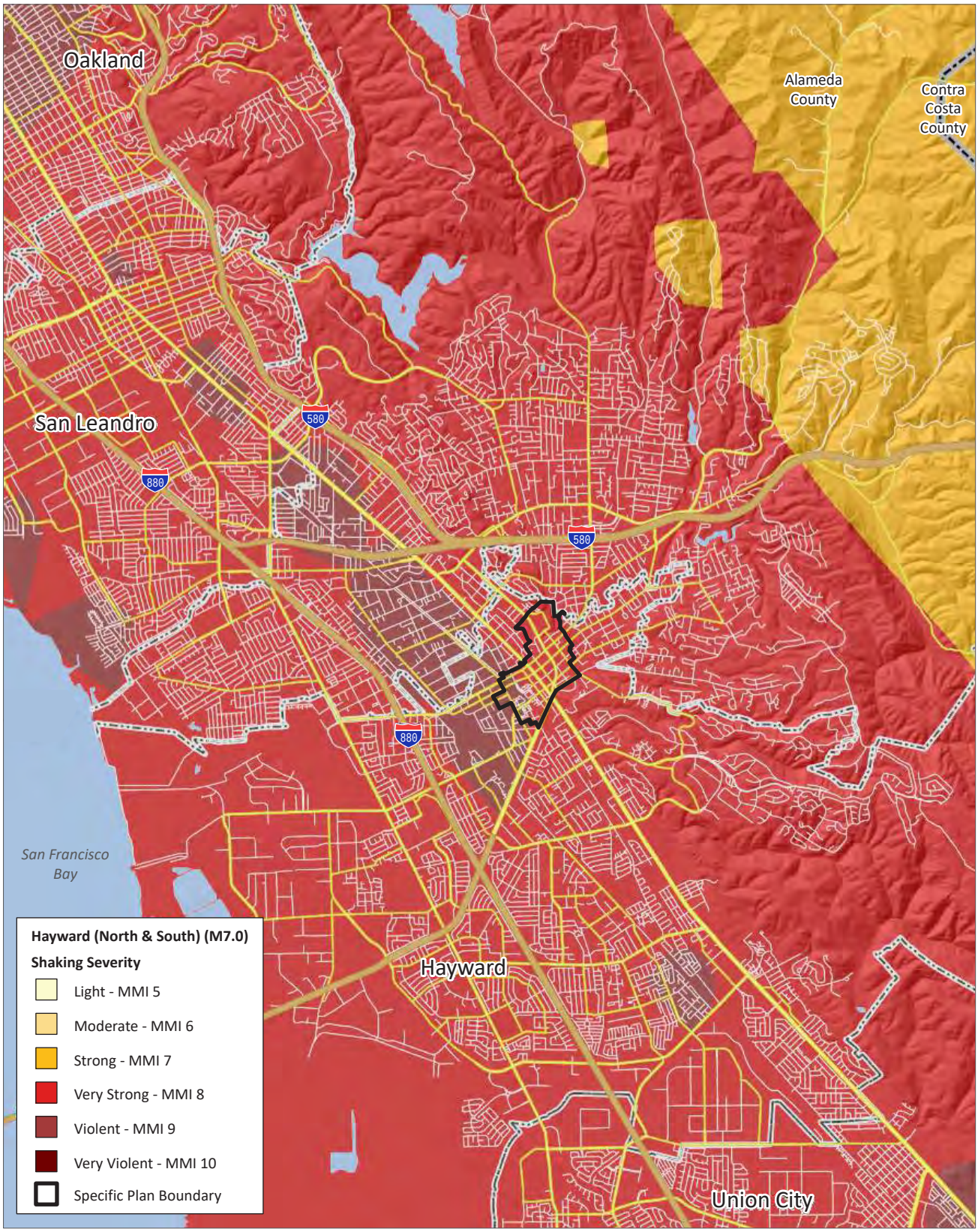
Figure 4.5-2 shows the ground shaking scenarios in the Specific Plan Area. The entirety of the Specific Plan Area lies within MMI8 (very strong) and MMI9 (violent) shaking severity zones.

Landslides

Marginally stable slopes (including existing landslides) may be subject to landslides caused by earthquakes. The landslide hazard depends on many factors, including rainfall, existing slope stability, shaking potential, and presence of existing landslides. The Specific Plan Area is included in the Seismic Hazard Zones for landslide.[20] Figure 4.5-3 shows rainfall induced landslide areas, existing landslide distribution, and earthquake induced landslide study zones. The northeast corner of the Specific Plan Area is prone to landslides.

[19] City of Hayward, 2014, Hayward 2040 General Plan Background Report..

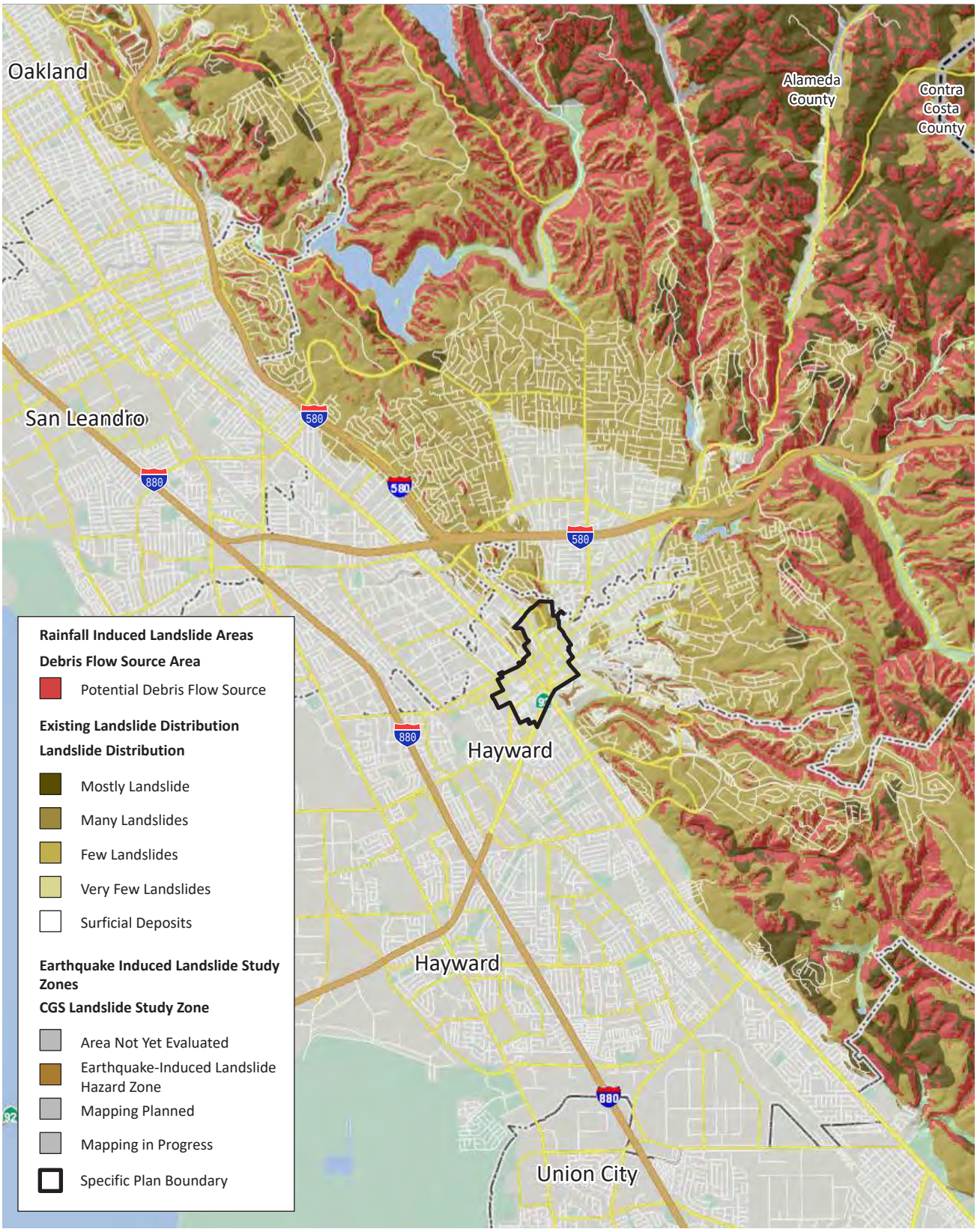
[20] Department of Conservation, Earthquake Zones of Required Investigation Hayward Quadrangle Map, http://gmw.conservation.ca.gov/SHP/EZRIM/Maps/HAYWARD_EZRIM.pdf, September 21, 2012.



Source: Association of Bay Area Governments Resilience Program, 2018.

0 1
Scale (Miles)

Figure 4.5-2
Ground Shaking Map



Source: Association of Bay Area Governments Resilience Program, 2018.

0 800
Scale (Feet)

Figure 4.5-3
Landslide Map

Liquefaction

Liquefaction refers to loose, saturated sand or gravel deposits that lose their load supporting capability when subjected to intense shaking. Any buildings or structures on these sediments may float, sink, or tilt as if on a body of water during intense shaking. Liquefaction potential varies based on three main contributing factors: 1) cohesionless, granular soils with relatively low densities (usually of Holocene age); 2) shallow groundwater (generally less than 50 feet); and 3) moderate to high seismic ground shaking. Approximately 50 percent of Hayward, including the Specific Plan Area, is included in Seismic Hazard Zones for liquefaction as designated by the State Department of Conservation Earthquake Zones of Required Investigation--Hayward Quadrangle map.[21] Figure 4.5-4 shows the liquefaction study zones, and liquefaction susceptibility areas in the Specific Plan Area. The entirety of the Specific Plan Area lies within moderate and high liquefaction susceptibility areas, except the northeastern corner which lies in a low susceptibility area.

Lateral Spreading

Lateral spreading is a form of horizontal displacement of soil toward an open channel or other “free” face, such as an excavation boundary. Lateral spreading can result from either the slump of low-cohesive and unconsolidated material or more commonly by liquefaction of either the soil layer or a subsurface layer on a slope. Earthquake shaking leading to liquefaction of saturated soil can result in lateral spreading where the soil undergoes a temporary loss of strength. The Specific Plan Area, which is highly susceptible to liquefaction hazards, would also be considered susceptible to lateral spreading.[22]

Unstable Geologic Units

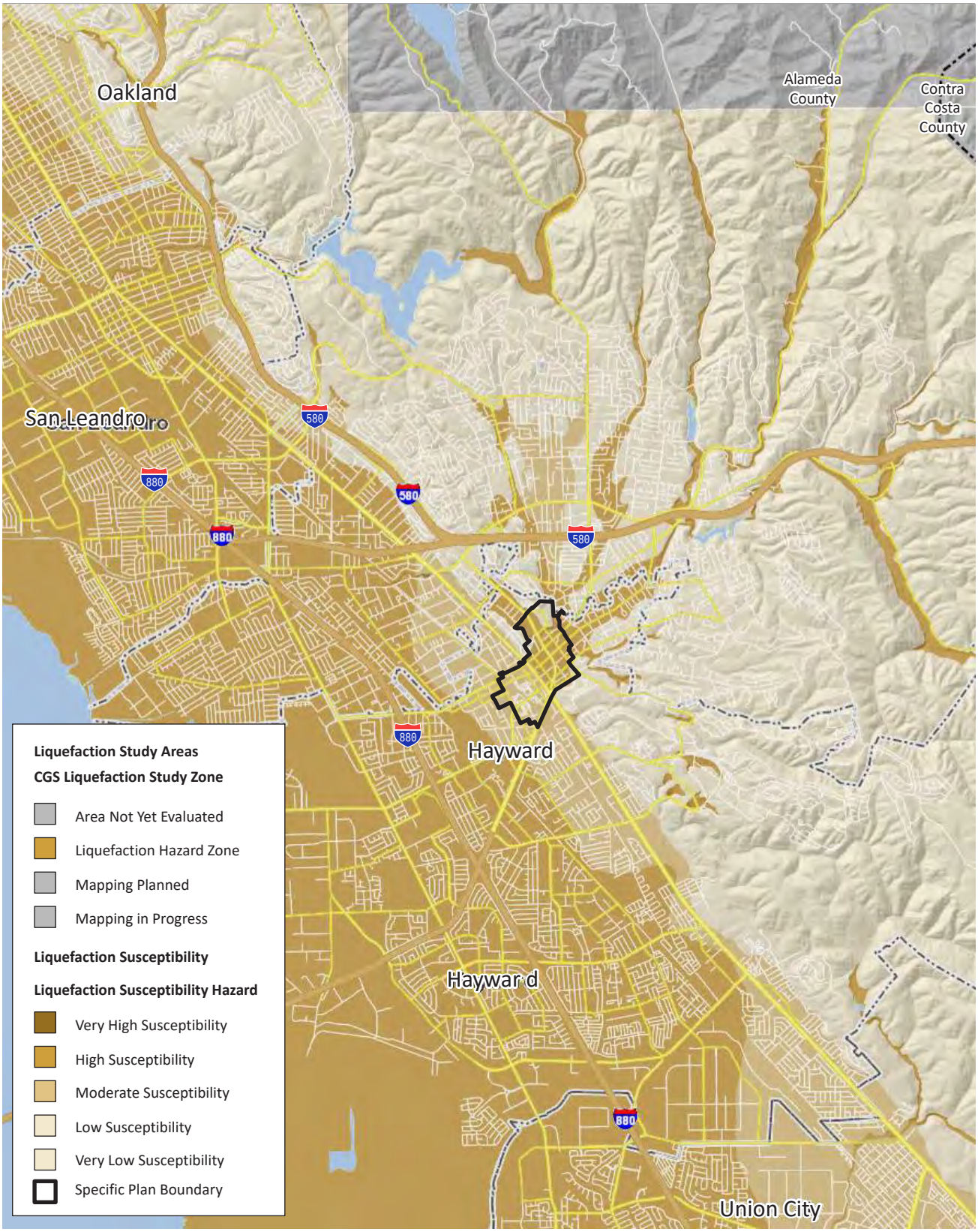
Soil characteristics affect suitability for buildings, structures, infrastructure, paving, and landscaping. Soil constraints and seismic hazards are often interrelated. Unstable geologic units can include expansive soils, erosion, settlement, subsidence, and slope instability.

Expansive Soils

Expansive soils are composed largely of clays, and can undergo significant volume change with changes in moisture content. They shrink and harden when dried, and expand and soften when wetted ("shrink/swell potential"). If not properly engineered, this expansive nature can damage building foundations and other construction, such as sidewalks and concrete. Preliminary Engineering Geological Reports, required for obtaining a Grading and Clearing permit, would identify the presence expansive soils on a site by site basis. The Preliminary Engineering Geological Report for future development in the Specific Plan Area would recommend site specific mitigation measures if any hazard due to expansive soils is present.

[21] Department of Conservation, Earthquake Zones of Required Investigation Hayward Quadrangle Map, http://gmw.conservation.ca.gov/SHP/EZRIM/Maps/HAYWARD_EZRIM.pdf, September 21, 2012.

[22] City of Hayward, 2014, Hayward 2040 General Plan Background Report.



Source: Association of Bay Area Governments Resilience Program, 2018.

0 800
Scale (Feet)

Figure 4.5-4
Liquefaction Map

Soil Erosion

Soil erosion is the process by which soil particles are removed from a land surface by wind, water, or gravity. Most natural erosion occurs at slow rates; however, excavation or grading may increase the rate of erosion during construction activities, even where buildings and pavement previously existed at the construction site, because bare soils are exposed and could be eroded by wind or water. Eroded soils can be entrained in stormwater runoff and discharged to surface waters, thereby affecting the water quality of receiving waters.

Construction projects of 1 acre or more are regulated under the Statewide General Construction Permit. Projects obtain coverage by developing and implementing project-specific SWPPPs specifying BMPs that would be used by the development project to minimize pollution of stormwater during construction.

The City follows the stormwater management, and hydraulics and hydrology design standards provided by the Alameda County. Stormwater management (quantity and quality) requirements are governed by Provision C.3 of the Municipal Regional Stormwater National Pollutant Discharge Elimination System Permit (MRP).

Settlement and Differential Settlement

Differential settlement can occur if buildings or other improvements are built on low-strength foundation materials (e.g., imported fill) or if improvements straddle the boundary between different types of subsurface materials (e.g., a boundary between native soil and fill). Although differential settlement generally occurs slowly enough that its effects are not dangerous to inhabitants, it can cause significant building damage over time.[23] Portions of the Specific Plan Area that contain loose or uncontrolled (non-engineered) fill may be susceptible to differential settlement.

Subsidence

Subsidence can occur where subsurface materials such as limestone rock or salt deposits are dissolved by fluid flow, creating subsurface voids that can collapse. Subsidence can also occur where groundwater is extracted and soil grains compact. Decomposition of highly organic soils and seasonal drying of expansive clay soils can also result in subsidence.[24] The organic and expansive soils within the Specific Plan Area are subject to subsidence. Subsidence due to groundwater extraction is not a hazard in the Specific Plan Area since no groundwater extraction wells exist in the area.

Slope Instability

Slope instability can result from wet weather, steep slopes, weak soils, improper grading, improper drainage, adverse geologic structure, or a combination of these factors. Slope instability can occur in the form of landslides, mudflow, debris flow, slope creep, slumps, rockfall, or erosion. Structures constructed on steep terrain, even on stable or flat ground, can experience slope instability hazards if they are sited in

[23] City of Hayward, 2014, Hayward 2040 General Plan Background Report.
[24] City of Hayward, 2014, Hayward 2040 General Plan Background Report.

the path of mudflow, debris flow, or rockfall. Construction on slopes steeper than 20 percent typically requires special grading, special foundation design, or site modifications to reduce the potential for slope instability.[25] The Specific Plan Area is generally flat with the exception of the northeast and northwest corner where relatively steep slopes exist.[26]

4.5.2 STANDARDS OF SIGNIFICANCE

Implementation of the proposed project would result in a significant impact related to geology and soils if it would:

1. Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:
    - Surface rupture along a known active fault, including those faults identified on recent Alquist-Priolo Earthquake Fault Zoning Maps issued by the State Geologist, or active faults identified through other means (i.e., site-specific geotechnical studies, etc.).
    - Strong seismic ground shaking.
    - Seismic-related ground failure, including liquefaction.
    - Landslides.
2. Result in substantial soil erosion or the loss of topsoil.
3. 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.
4. Be located on expansive soil, as defined by Section 1803.5.3 of the California Building Code, creating substantial risks to life or property.
5. 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.

4.5.2.4 STANDARDS NOT DISCUSSED FURTHER

With regards to Standard 1 above, pursuant to the December 2015 California Supreme Court ruling in *California Building Industry Association v. Bay Area Air Quality Management District*, CEQA generally does not require an analysis of how existing environmental conditions will impact a project's future users or residents unless the proposed project would exacerbate an existing environmental hazard. Implementation of the proposed project would not cause or exacerbate a seismic event including the rupture of a known earthquake, strong seismic shaking, seismic-related ground failure, or seismic-related landslides. Mandatory adherence to applicable building code and building permit requirements as well as compliance with General Plan Policies HAZ-2.1, HAZ-2.2, HAZ-2.9, and HAZ-2.10 listed above in Section

[25] City of Hayward, 2014, Hayward 2040 General Plan Background Report.
[26] United States Department of Agriculture, Natural Resource Conservation Service, Web Soil Survey, https://websoilsurvey.sc.egov.usda.gov/App/WebSoilSurvey.aspx, accessed October 18, 2018.

4.5.1.1, Regulatory Framework, would help ensure that the seismic-related effects are reduced to the maximum extent practicable. Additionally, the proposed Specific Plan recognizes that there are portions of parcels along the Hayward Fault in the proposed Downtown Southern Gateway placetype that are unsuitable for occupiable structures according to the Alquist-Priolo Earthquake Fault Zoning Act and these would be gradually converted to linear greenway used as civic space. Therefore, no impact would occur and this topic is not discussed further in this Draft EIR. Impacts associated with soil erosion, soil instability, landslides, lateral spreading, subsidence, liquefaction or collapse that have to potential to be significant as a result of the proposed project are discussed in the impact discussions below.

With respect to Standard 5 above, all future development within the Specific Plan Area would include installation of new sewer laterals connecting to existing sewer mains in surrounding roadways. No future development in the Specific Plan Area would use septic tanks or other alternative wastewater disposal systems. Therefore, there would be no impact from development sites where soils may not be capable of supporting the use of septic tanks or alternative wastewater disposal systems. Accordingly, no further discussion of this topic is warranted in this Draft EIR.

4.5.3 IMPACT DISCUSSION

GEO-1 Implementation of the proposed project would not result in substantial soil erosion or the loss of topsoil.

Substantial soil erosion or loss of topsoil during construction could, in principle, undermine structures and slopes during development in the Specific Plan Area. However, compliance with existing regulatory requirements such as the CBC and the Hayward Municipal Code would reduce impacts associated with soil erosion or the loss of topsoil. Chapter 10, Article 8, Grading and Clearing of the Hayward Municipal Code, contains grading-related requirements such as permitting, erosion control measures and plans, periodic inspections during grading, stability of cut slopes, and weather limitations during grading. Erosion control BMPs during construction frequently include hydroseeding and short-term biodegradable erosion control blankets; linear sediment barriers such as silt fences, sandbag barriers, or straw bale barriers; fiber rolls, gravel bag berms, and check dams to break up slope length or flow; silt fences or other means of inlet protection at storm drain inlets; post-construction inspection of all drainage infrastructure for accumulated sediment; and clearing of accumulated sediment in such drainage structures. New and redeveloped projects that disturb one or more acres of land would also be required to comply with the National Pollution Discharge Elimination System GCP, which includes the preparation of an SWPPP that requires the incorporation of BMPs to control erosion during construction.

Additionally, future development would also be required to comply with General Plan policies listed above in Section 4.5.1.1, Regulatory Framework, as applicable, that require local planning and development decisions to consider impacts related to soil erosion. Specific policies that prevent soil erosion include Policy PSF-5.6, which further imposes appropriate conditions on grading projects performed during the rainy season to sidestep erosion and the loss of topsoil during construction, Policy NR-6.4 states that the City shall minimize grading and, Policy NR-6.5 requires the concentration of new urban development in areas that are the least susceptible to soil erosion.

In light of the above, adherence to existing regulatory requirements would ensure that the impacts associated with substantial erosion or the loss of topsoil resulting from future development of the Specific Plan Area would be *less than significant*.

Significance without Mitigation: Less than significant.

GEO-2	**Implementation of the proposed project would not result in a significant impact related to development on unstable geologic units and soils or result in on- or off-site landsliding, lateral spreading, subsidence, liquefaction, or collapse.**

Figure 4.5-3 shows rainfall induced landslide areas, existing landslide distribution, and earthquake induced landslide study zones. The northeast corner of the Specific Plan Area is prone to landslides where steeper slopes exist. Steep slopes also exist in the northwest corner of the Specific Plan Area.

Figure 4.5-4 shows the liquefaction study zones, and liquefaction susceptibility areas in the Specific Plan Area. The entirety of the Specific Plan Area lies within moderate and high liquefaction susceptibility areas, except the northeastern corner which lies in a low susceptibility area. Areas that are susceptible to liquefaction hazards are also considered to be susceptible to lateral spreading.

The organic and expansive soils within the Specific Plan Area are subject to subsidence and portions of the Specific Plan Area that contain loose semi-consolidated and unconsolidated alluvium and artificial fill may be susceptible to differential settlement.

Future development projects within the Specific Plan Area that require grading would be required to comply with the City's Grading and Clearing Ordinance which mandates a Preliminary Engineering Geological Report be submitted with the application for a Grading and Clearing permit. This project-specific Preliminary Engineering Geological Report includes an adequate description of the geology of the site, the conclusions, recommendations, and professional opinions regarding the effect of the proposed work or development on the geological conditions of the site, and any geological hazards that might be present on the site. After the permit is issued, City Engineers would determine whether the preparation of a Final Geological Report or Final Soils Report is required. All projects would also be required to abide by the CBC as define in Chapter 9, Article 1 of the Hayward Municipal Code.

Additionally, future development would also be required to comply with General Plan policies listed above in Section 4.5.1.1, Regulatory Framework, as applicable, that require local planning and development decisions to consider impacts related to soil erosion. Specific policies that aim to prevent impacts associated with unstable geologic features include Policy HAZ-2.2, which requires a geologic investigation for new construction on sites within (or partially within) the fault zones, liquefaction zones, and landslide zones. 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 and Policy LU-7.1 prohibits the construction of buildings on unstable and steep slopes (slopes greater than 25 percent).

With the implementation of State and City regulations as well as General Plan policies, future development projects within the Specific Plan Area would not create substantial risks associated with unstable geologic units and soils or result in landsliding, lateral spreading, subsidence, liquefaction, or collapse and impacts would be *less than significant.*

Significance without Mitigation: Less than significant.

GEO-3 Implementation of the proposed project would not create substantial risks to property as a result of its location on expansive soil, as defined by Section 1803.5.3 of the California Building Code.

Natural Resources Conservation Service soil surveys of Alameda County classify the dominant soils in the Specific Plan Area as urban land (33.1 percent) and Danville silty clay loam (35.9 percent). A smaller portion of the project site comprised of the Azule clay loam (6.1 percent), Botella loam (7.1 percent), Los Osos silty clay loam (3.3 percent), Xerorthents-Altamont complex (7.5 percent), and Yolo silt loam (5.3 percent) (see Figure 4.5-5). [27]

According to the Alameda County Soil Survey, the Danville silty clay loam and the Botello loam have moderate shrink swell potential, and the Azule clay loam, Xerorthents-Altamont complex, and Los Osos silty clay loam have high shrink swell potential. The Yolo loam has a low shrink swell potential. Urban land is covered by buildings, roads, parking lots, and other urban structures and is mainly heterogonous fill.[28]

All future development projects within the Specific Plan Area would be required to comply with the City's Grading and Clearing Ordinance and the CBC as defined in Chapter 9, Article 1 of the Hayward Municipal Code. Project-specific Preliminary Engineering Geological Reports, required for obtaining a Grading and Clearing permit, would identify the presence of expansive soils on a site by site basis. The project-specific Preliminary Engineering Geological Report would recommend site specific mitigation measures for future development projects if any hazard due to expansive soils is present.

With the implementation of State and local regulations, impacts associated with expansive soils from development of future projects within the Specific Plan Area would be *less than significant.*

Significance without Mitigation: Less than significant.

[27] United States Department of Agriculture, Natural Resource Conservation Service, Web Soil Survey, https://websoilsurvey.sc.egov.usda.gov/App/WebSoilSurvey.aspx, accessed October 18, 2018.

[28] United States Department of Agriculture, Natural Resource Conservation Service, Soil Survey of Alameda County, California, Western Part, 1981, https://www.nrcs.usda.gov/Internet/FSE_MANUSCRIPTS/california/CA610/0/alameda.pdf.

Map Unit Symbol	Map Unit Name
103	Azule clay loam, 9 to 30 percent slopes
106	Botella loam, 0 to 2 percent slopes, MLRA 14
111	Danville silty clay loam, 0 to 2 percent slopes
120	Los Osos silty clay loam, 9 to 30 percent slopes
146	Urban land
157	Xerorthents-Altamont complex, 30 to 50 percent slopes
158	Xerorthents-Los Osos complex, 30 to 50 percent slopes
161	Yolo silt loam, 0 to 3 percent slopes, dry, MLRA 14

Source: Natural Resources Conservation Service Web Soil Survey, 2018.

0 4,000
Scale (Feet)

Specific Plan Boundary

Figure 4.5-5
Soil Map

4.6 GREENHOUSE GAS EMISSIONS

This chapter describes existing greenhouse gas (GHG) emissions within the Specific Plan Area and evaluates the potential environmental consequences of future development that could occur by adopting and implementing the proposed Specific Plan. This chapter provides a summary of the relevant regulatory setting necessary to evaluate potential environmental impacts resulting from the proposed Specific Plan, describes potential impacts, and discusses existing and proposed goals, policies, and implementation programs and zoning regulations that would avoid or reduce those potential impacts.

4.6.1 ENVIRONMENTAL SETTING

4.6.1.1 TERMINOLOGY

The following are definitions for terms used throughout this section.

- **Greenhouse gases (GHG).** Gases in the atmosphere that absorb infrared light, thereby retaining heat in the atmosphere and contributing to a greenhouse effect.
- **Global warming potential (GWP).** Metric used to describe how much heat a molecule of a GHG absorbs relative to a molecule of carbon dioxide (CO_2) over a given period of time (20, 100, and 500 years). CO_2 has a GWP of 1.
- **Carbon dioxide-equivalent (CO_2e)**. The standard unit to measure the amount of GHGs in terms of the amount of CO_2 that would cause the same amount of warming. CO_2e is based on the GWP ratios between the various GHGs relative to CO_2.
- **$MTCO_2e$.** Metric ton of CO_2e.
- **$MMTCO_2e$.** Million metric tons of CO_2e.

4.6.1.2 GREENHOUSE GASES AND CLIMATE CHANGE

Human activities contribute to global climate change by adding large amounts of heat-trapping gases, known as GHG, to the atmosphere. The primary source of GHGs is fossil fuel use. The Intergovernmental Panel on Climate Change (IPCC) has identified four major GHG—water vapor, carbon dioxide (CO_2), methane (CH_4), and ozone (O_3)—that may cause an increase in global average temperatures observed within the 20th and 21st centuries. Other GHGs identified by the IPCC that contribute to global warming to a lesser extent include nitrous oxide (N_2O), sulfur hexafluoride (SF_6), hydrofluorocarbons, perfluorocarbons, and chlorofluorocarbons.[1,2,3]

[1] Intergovernmental Panel on Climate Change, 2001. Third Assessment Report: Climate Change 2001, New York: Cambridge University Press.

[2] Water vapor (H_2O) is the strongest GHG and the most variable in its phases (vapor, cloud droplets, ice crystals). However, water vapor is not considered a pollutant because it is considered part of the feedback loop of changing radiative forcing rather than a primary cause of change.

[3] Black carbon contributes to climate change both directly, by absorbing sunlight, and indirectly, by depositing on snow (making it melt faster) and by interacting with clouds and affecting cloud formation. Black carbon is the most strongly light-absorbing component of particulate matter (PM) emitted from burning fuels such as coal, diesel, and biomass. Reducing black

The major GHGs are briefly described as follows:

- **Carbon dioxide (CO_2)** enters the atmosphere through the burning of fossil fuels (oil, natural gas, and coal), solid waste, trees and wood products, and respiration, and also as a result of other chemical reactions (e.g., manufacture of cement). Carbon dioxide is removed from the atmosphere (sequestered) when it is absorbed by plants as part of the biological carbon cycle.
- **Methane (CH_4)** is emitted during the production and transport of coal, natural gas, and oil. Methane emissions also result from livestock and other agricultural practices and from the decay of organic waste in municipal landfills and water treatment facilities.
- **Nitrous oxide (N_2O)** is emitted during agricultural and industrial activities as well as during combustion of fossil fuels and solid waste.

GHGs are dependent on the lifetime, or persistence, of the gas molecule in the atmosphere. Some GHGs have a stronger greenhouse effect than others. These are referred to as high global warming potential (GWP) gases. The GWP of applicable GHG emissions are shown in Table 4.6-1. The GWP is used to convert GHGs to CO_2-equivalence (CO_2e) to show the relative potential that different GHGs have to contribute to the greenhouse effect. For example, under IPCC's Fourth Assessment Report (AR4) GWP values for methane (CH_4), a project that generates 10 metric tons (MT) of CH_4 would be equivalent to 250 MT of CO_2.[4]

California's GHG Sources and Relative Contribution

In 2018, the statewide GHG emissions inventory was updated for 2000 to 2016 emissions using the GWPs in IPCC's AR4.[5] Based on these GWPs, California produced 429.4 $MMTCO_2e$ GHG emissions in 2016. California's transportation sector was the single largest generator of GHG emissions, producing 40.5 percent of the state's total emissions. Industrial sector emissions made up 23.4 percent, and electric power generation made up 16.1 percent of the state's emissions inventory. Other major sectors of GHG emissions include commercial and residential (12.0 percent), agriculture and forestry (7.9 percent) and other (solvents and chemicals) at 0.2 percent.[6]

carbon emissions globally can have immediate economic, climate, and public health benefits. California has been an international leader in reducing emissions of black carbon, with close to 95 percent control expected by 2020 due to existing programs that target reducing PM from diesel engines and burning activities (California Air Resources Board, 2017, March 14. Short-Lived Climate Pollutant Reduction Strategy, https://www.arb.ca.gov/cc/shortlived/shortlived.htm). However, State and national GHG inventories do not include black carbon due to ongoing work resolving the precise global warming potential of black carbon. Guidance for CEQA documents does not yet include black carbon.

[4] CO_2-equivalence is used to show the relative potential that different GHGs have to retain infrared radiation in the atmosphere and contribute to the greenhouse effect. The global warming potential of a GHG is also dependent on the lifetime, or persistence, of the gas molecule in the atmosphere.

[5] Methodology for determining the statewide GHG inventory is not the same as the methodology used to determine statewide GHG emissions under Assembly Bill 32 (2006).

[6] California Air Resources Board. 2018, July 11. 2018 Edition California Greenhouse Gas Inventory for 2000-2016: By Category as Defined in the 2008 Scoping Plan, https://www.arb.ca.gov/cc/inventory/data/data.htm, accessed on May 8, 2018.

TABLE 4.6-1 GHG EMISSIONS AND THEIR RELATIVE GLOBAL WARMING POTENTIAL COMPARED TO CO_2

GHGs	Second Assessment Report Atmospheric Lifetime (Years)	Fourth Assessment Report Atmospheric Lifetime (Years)	Second Assessment Report Global Warming Potential Relative to CO_2[a]	Fourth Assessment Report Global Warming Potential Relative to CO_2[a]
Carbon Dioxide (CO_2)	50 to 200	50 to 200	1	1
Methane[b] (CH_4)	12 (±3)	12	21	25
Nitrous Oxide (N_2O)	120	114	310	298

Notes: The IPCC has published updated global warming potential (GWP) values in its Fifth Assessment Report[7] that reflect new information on atmospheric lifetimes of GHGs and an improved calculation of the radiative forcing of CO_2 (radiative forcing is the difference of energy from sunlight received by the earth and radiated back into space).
a. Based on 100-year time horizon of the GWP of the air pollutant relative to CO_2.
b. The methane GWP includes direct effects and indirect effects due to the production of tropospheric ozone and stratospheric water vapor. The indirect effect due to the production of CO_2 is not included.
Source: Intergovernmental Panel on Climate Change , 1995, Second Assessment Report: Climate Change 1995; Intergovernmental Panel on Climate Change. 2007. Fourth Assessment Report: Climate Change 2007. New York: Cambridge University Press.

California's GHG emissions have followed a declining trend since 2007. In 2016, emissions from routine GHG emitting activities statewide were 429 $MMTCO_2e$, 12 $MMTCO_2e$ lower than 2015 levels or 12 $MMTCO_2e$ lower than 2015 levels. This represents an overall decrease of 13 percent since peak levels in 2004 and 2 $MMTCO_2e$ below the 1990 level and the state's 2020 GHG target. During the 2000 to 2016 period, per capita GHG emissions in California have continued to drop from a peak in 2001 of 14.0 $MTCO_2e$ per capita to 10.8 $MTCO_2e$ per capita in 2016, a 23 percent decrease. Overall trends in the inventory also demonstrate that the carbon intensity of California's economy (the amount of carbon pollution per million dollars of gross domestic product (GDP)) is declining, representing a 38 percent decline since the 2001 peak, while the state's GDP has grown 41 percent during this period.[8]

Human Influence on Climate Change

In the past, gradual changes in the earth's temperature changed the distribution of species, availability of water, etc. However, human activities are accelerating this process so that environmental impacts associated with climate change no longer occur in a geologic time frame but within a human lifetime.[9] Like the variability in the projections of the expected increase in global surface temperatures, the environmental consequences of gradual changes in the Earth's temperature are hard to predict. Projections of climate change depend heavily upon future human activity. Therefore, climate models are based on different emission scenarios that account for historical trends in emissions and on observations of the climate record that assess the human influence of the trend and projections for extreme weather events. Climate-change scenarios are affected by varying degrees of uncertainty.

[7] Intergovernmental Panel on Climate Change, 2013, Fifth Assessment Report: Climate Change 2013, New York: Cambridge University Press.

[8] California Air Resources Board, 2018, July 11. California Greenhouse Emissions for 2000 to 2016 – Trends of Emissions and Other Indicators. https://www.arb.ca.gov/cc/inventory/data/data.htm, accessed on October 24, 2018.

[9] Intergovernmental Panel on Climate Change, 2007, *Fourth Assessment Report: Climate Change 2007*, New York: Cambridge University Press.

Potential Climate Change Impacts for California

Observed changes over the last several decades across the western United States reveal clear signs of climate change. Statewide average temperatures increased by about 1.7 degrees Fahrenheit (°F) from 1895 to 2011, and warming has been greatest in the Sierra Nevada.[10] The years from 2014 through 2016 have shown unprecedented temperatures with 2014 being the warmest.[11] By 2050, California is projected to warm by approximately 2.7°F above 2000 averages, a threefold increase in the rate of warming over the last century. By 2100, average temperatures could increase by 4.1 to 8.6°F, depending on emissions levels.[12] According to the California Climate Action Team—a committee of state agency secretaries and the heads of agencies, boards, and departments, led by the Secretary of the California Environmental Protection Agency—even if actions could be taken to immediately curtail climate change emissions, the potency of emissions that have already built up, their long atmospheric lifetimes (see Table 4.6-1), and the inertia of the Earth's climate system could produce as much as 0.6 degrees Celsius (°C) (1.1°F) of additional warming. Consequently, some impacts from climate change are now considered unavoidable. Global climate change risks to California are described below and shown in Table 4.6-2.

- Water Resources Impacts. By late this century, all projections show drying, and half of the projections suggest 30-year average precipitation will decline by more than 10 percent below the historical average. Even in projections with relatively little or no decline in precipitation, central and southern parts of the state are expected to be drier from the warming effects alone because the spring snowpack will melt sooner, and the moisture in soils will evaporate during long dry summer months.[13]
- Wildfire Risks. Earlier snowmelt, higher temperatures, and longer dry periods over a longer fire season will directly increase wildfire risk. Indirectly, wildfire risk will also be influenced by potential climate-related changes in vegetation and ignition potential from lightning. Human activities will continue to be the biggest factor in ignition risk. The number of large fires statewide is estimated to increase by 58 percent to 128 percent above historical levels by 2085. Under the same emissions scenario, estimated burned area will increase by 57 percent to 169 percent, depending on location.[14]
- Health Impacts. Many of the gravest threats to public health in California stem from the increase of extreme conditions, principally more frequent, more intense, and longer heat waves. Particular concern centers on the increasing tendency for multiple hot days in succession, and simultaneous heat waves in several regions throughout the state. Public health could also be affected by climate change impacts on air quality, food production, the amount and quality of water supplies, energy pricing and availability, and the spread of infectious diseases. Higher temperatures also increase

[10] California Climate Change Center, 2012, Our Changing Climate 2012: Vulnerability and Adaptation to the Increasing Risks from Climate Change in California.

[11] Office of Environmental Health Hazards Assessment, 2018, Indicators of Climate Change in California, https://oehha.ca.gov/media/downloads/climate-change/report/2018caindicatorsreportmay2018.pdf, accessed on July 16, 2018.

[12] California Climate Change Center, 2012, Our Changing Climate 2012: Vulnerability and Adaptation to the Increasing Risks from Climate Change in California.

[13] California Council on Science and Technology. 2012, September. California's Energy Future: Portraits of Energy Systems for Meeting Greenhouse Gas Reduction Targets. http://www.ccst.us/publications/2012/2012ghg.pdf.

[14] California Council on Science and Technology. 2012, September. California's Energy Future: Portraits of Energy Systems for Meeting Greenhouse Gas Reduction Targets. http://www.ccst.us/publications/2012/2012ghg.pdf.

ground-level ozone levels. Furthermore, wildfires can increase particulate air pollution in the major air basins of California.[15]

- Increase Energy Demand. Increases in average temperature and higher frequency of extreme heat events combined with new residential development across the state will drive up the demand for cooling in the increasingly hot and longer summer season and decrease demand for heating in the cooler season. Warmer, drier summers also increase system losses at natural gas plants (reduced efficiency in the electricity generation process at higher temperatures) and hydropower plants (lower reservoir levels). Transmission of electricity will also be affected by climate change. Transmission lines lose 7 percent to 8 percent of transmitting capacity in high temperatures while needing to transport greater loads. This means that more electricity needs to be produced to make up for the loss in capacity and the growing demand.[16]

TABLE 4.6-2 SUMMARY OF GHG EMISSIONS RISK TO CALIFORNIA

Impact Category	Potential Risks
Public Health Impacts	Heat waves will be more frequent, hotter, and longer Poor air quality made worse Higher temperatures increase ground-level ozone (i.e., smog) levels
Water Resource Impacts	Decreasing Sierra Nevada snow pack Challenges in securing adequate water supply Potential reduction in hydropower Loss of winter recreation
Agricultural Impacts	Increasing temperature Increasing threats from pests and pathogens Expanded ranges of agricultural weeds Declining productivity Irregular blooms and harvests
Coastal Sea Level Impacts	Accelerated sea level rise Increasing coastal floods Shrinking beaches Worsened impacts on infrastructure
Forest and Biological Resource Impacts	Increased risk and severity of wildfires Lengthening of the wildfire season Movement of forest areas Conversion of forest to grassland Declining forest productivity Increasing threats from pest and pathogens Shifting vegetation and species distribution Altered timing of migration and mating habits Loss of sensitive or slow-moving species

Sources: California Climate Change Center, 2012, Our Changing Climate 2012: Vulnerability and Adaptation to the Increasing Risks from Climate Change in California; California Energy Commission, 2006, Our Changing Climate: Assessing the Risks to California, 2006 Biennial Report, CEC-500-2006-077; California Energy Commission, 2009, The Future Is Now: An Update on Climate Change Science, Impacts, and Response Options for California. CEC-500-2008-0077; California Natural Resources Agency, 2014, Safeguarding California: Reducing Climate Risk, An Update to the 2009 California Climate Adaptation Strategy.

[15] California Council on Science and Technology. 2012, September. California's Energy Future: Portraits of Energy Systems for Meeting Greenhouse Gas Reduction Targets. http://www.ccst.us/publications/2012/2012ghg.pdf.

[16] California Council on Science and Technology, 2012, September. California's Energy Future: Portraits of Energy Systems for Meeting Greenhouse Gas Reduction Targets. http://www.ccst.us/publications/2012/2012ghg.pdf.

4.6.1.3 REGULATORY FRAMEWORK

This section summarizes key federal, State, regional, and City regulations and programs related to GHG emissions resulting from the proposed Specific Plan.

Federal Regulations

The United States Environmental Protection Agency (USEPA) announced on December 7, 2009 that GHG emissions threaten the public health and welfare of the American people and that GHG emissions from on-road vehicles contribute to that threat. The USEPA's final findings respond to the 2007 U.S. Supreme Court decision that GHG emissions fit within the Clean Air Act definition of air pollutants. The findings did not themselves impose any emission reduction requirements, but allowed the EPA to finalize the GHG standards proposed in 2009 for new light-duty vehicles as part of the joint rulemaking with the Department of Transportation.[17] To regulate GHGs from passenger vehicles, the EPA was required to issue an endangerment finding,[18] which identifies emissions of six key GHGs: CO_2, CH_4, N_2O, HCFCs, PFCs, and SF_6. The first three are applicable to the project's GHG emissions inventory because they constitute the majority of GHG emissions and, per BAAQMD guidance, are the GHG emissions that should be evaluated as part of a project's GHG emissions inventory. These are as follows:

- US Mandatory Report Rule for Greenhouse Gases (2009). In response to the endangerment finding, the EPA issued the Mandatory Reporting of GHG Rule that requires substantial emitters of GHG emissions (large stationary sources, etc.) to report GHG emissions data. Facilities that emit 25,000 metric tons (MT) or more of CO_2e per year are required to submit an annual report.
- Update to Corporate Average Fuel Economy Standards (2010 to 2012). The current Corporate Average Fuel Economy (CAFE) standards (for models 2011 to 2016) incorporate stricter fuel economy requirements into one uniform standard. Additionally, automakers are required to cut GHG emissions in new vehicles by roughly 25 percent by 2016 (resulting in a fleet average of 35.5 miles per gallon by 2016). Rulemaking to adopt these new standards was completed in 2010. The federal government issued new standards in 2012 for model years 2017 to 2025, which will require a fleet average of 54.5 miles per gallon in 2025. The EPA is reexamining the 2017 to 2025 emissions standards.
- USEPA Regulation of Stationary Sources under the Clean Air Act (Ongoing). Pursuant to its authority under the Clean Air Act, the USEPA has been developing regulations for new stationary sources such as power plants, refineries, and other large sources of emissions. Pursuant to the 2013 Climate Action Plan, the USEPA was directed to also develop regulations for existing stationary sources. However, the USEPA is reviewing the Clean Power Plan under the current Energy Independence Executive Order.

[17] US Environmental Protection Agency, 2009, EPA: Greenhouse Gases Threaten Public Health and the Environment, https://yosemite.epa.gov/opa/admpress.nsf/0/08d11a451131bca585257685005bf252, accessed on May 10, 2018.

[18] US Environmental Protection Agency, 2009, EPA: Endangerment and Cause or Contribute Findings for Greenhouse Gases Under Section 202(a) of the Clean Air Act. https://www.epa.gov/ghgemissions/endangerment-and-cause-or-contribute-findings-greenhouse-gases-under-section-202a-clean, accessed on May 8, 2018.

State Regulations

Current State of California guidance and goals for reductions in GHG emissions are generally embodied in Executive Order S-03-05, AB 32, SB 32, Executive Order B-30-15, and SB 375. These are summarized as follows:

- Executive Order S-03-05. Executive Order S-03-05, signed June 1, 2005, set the following GHG reduction targets for the state:
  - 2000 levels by 2010.
  - 1990 levels by 2020.
  - 80 percent below 1990 levels by 2050.
- Assembly Bill 32. Also known as the Global Warming Solutions Act (2006), AB 32 was signed August 31, 2006, in order to reduce California's contribution of GHG emissions. AB 32 follows the 2020 tier of emissions reduction targets established in Executive Order S-03-05. Under AB 32, California Air Resources Board (CARB) prepared the *2008 Climate Change Scoping Plan*, the *2014 Climate Change Scoping Plan,* and the *2017 Climate Change Scoping Plan,* which is discussed below.
  - CARB 2008 Scoping Plan. The 2008 Scoping Plan, adopted by CARB on December 11, 2008, identified that GHG emissions in California are anticipated to be approximately 596 $MMTCO_2e$ in 2020. In December 2007, CARB approved a 2020 emissions limit of 427 $MMTCO_2e$ (471 million tons) for the state. In order to effectively implement the emissions cap, AB 32 directed CARB to establish a mandatory reporting system to track and monitor GHG emissions levels for large stationary sources that generate more than 25,000 $MTCO_2e$ per year, prepare a plan demonstrating how the 2020 deadline can be met, and develop appropriate regulations and programs to implement the plan by 2012.
  - First Update to the Scoping Plan. CARB completed a five-year update to the 2008 Scoping Plan, as required by AB 32. The First Update to the Scoping Plan, adopted at the May 22, 2014, board hearing, highlights California's progress toward meeting the near-term 2020 GHG emission reduction goals defined in the 2008 Scoping Plan. As part of the update, CARB recalculated the 1990 GHG emission levels with the updated AR4 GWPs, and the 427 $MMTCO_2e$ 1990 emissions level and 2020 GHG emissions limit, established in response to AB 32, are slightly higher at 431 $MMTCO_2e$.[19]

    As identified in the Update to the Scoping Plan, California is on track to meeting the goals of AB 32. However, the update also addresses the state's longer-term GHG goals in a post-2020 element. The post-2020 element provides a high-level view of a long-term strategy for meeting the 2050 GHG goals, including a recommendation for the State to adopt a midterm target. According to the Update to the Scoping Plan, local government reduction targets should chart a reduction trajectory that is consistent with or exceeds the trajectory created by statewide goals.[20] CARB identified that reducing emissions to 80 percent below 1990 levels will require a fundamental shift to efficient, clean energy in every sector of the economy. Progressing toward

[19] California Air Resources Board, 2014, May 15. First Update to the Climate Change Scoping Plan: Building on the Framework, Pursuant to AB 32, The California Global Warming Solutions Act of 2006.

[20] California Air Resources Board, 2014, May 15. First Update to the Climate Change Scoping Plan: Building on the Framework, Pursuant to AB 32, The California Global Warming Solutions Act of 2006.

California's 2050 climate targets will require significant acceleration of GHG reduction rates. Emissions from 2020 to 2050 will have to decline several times faster than the rate needed to reach the 2020 emissions limit.[21]

- Executive Order B-30-15. Executive Order B-30-15, signed April 29, 2015, sets a goal of reducing GHG emissions within the state to 40 percent of 1990 levels by year 2030. Executive Order B-30-15 also directs CARB to update the Scoping Plan to quantify the 2030 GHG reduction goal for the state and requires state agencies to implement measures to meet the interim 2030 goal as well as the long-term goal for 2050 in Executive Order S-03-05. It also requires the Natural Resources Agency to conduct triennial updates of the California adaption strategy, Safeguarding California, in order to ensure climate change is accounted for in state planning and investment decisions.
- Senate Bill 32 and Assembly Bill 197. In September 2016, SB 32 and AB 197 were signed into law, making the Executive Order goal for year 2030 into a statewide mandated legislative target. AB 197 established a joint legislative committee on climate change policies and requires the CARB to prioritize direct emissions reductions rather than the market-based cap-and-trade program for large stationary, mobile, and other sources.
  - 2017 Climate Change Scoping Plan Update. Executive Order B-30-15 and SB 32 required CARB to prepare another update to the Scoping Plan to address the 2030 target for the state. On December 14, 2017, CARB adopted the 2017 Climate Change Scoping Plan Update (2017 Scoping Plan) to address the 2030 target for the State. The 2017 Scoping Plan establishes a new emissions limit of 260 $MMTCO_2e$ for the year 2030, which corresponds to a 40 percent decrease in 1990 levels by 2030.[22]

    California's climate strategy will require contributions from all sectors of the economy, including enhanced focus on zero- and near-zero emission vehicle technologies; continued investment in renewables, such as solar roofs, wind, and other types of distributed generation; greater use of low carbon fuels; integrated land conservation and development strategies; coordinated efforts to reduce emissions of short-lived climate pollutants (i.e., methane, black carbon, and fluorinated gases); and an increased focus on integrated land use planning to support livable, transit-connected communities and conservation of agricultural and other lands. Requirements for GHG reductions at stationary sources complement local air pollution control efforts by the local air districts to tighten criteria air pollutants and toxic air contaminants (TACs) emissions limits on a broad spectrum of industrial sources. Major elements of the 2017 Scoping Plan framework include:
    - Implementing and/or increasing the standards of the Mobile Source Strategy, which include increasing zero emission vehicle buses and trucks.
    - Low Carbon Fuel Standard, with an increased stringency (18 percent by 2030).
    - Implementation of SB 350, which expands the Renewables Portfolio Standard (RPS) to 50 percent RPS and doubles energy efficiency savings by 2030.

[21] California Air Resources Board, 2014, May 15. First Update to the Climate Change Scoping Plan: Building on the Framework, Pursuant to AB 32, The California Global Warming Solutions Act of 2006.

[22] California Air Resources Board, 2017, California's 2017 Climate Change Scoping Plan: The Strategy for Achieving California's 2030 Greenhouse Gas Target, https://www.arb.ca.gov/cc/scopingplan/2030sp_pp_final.pdf, accessed on May 10, 2018.

- California Sustainable Freight Action Plan, which improves freight system efficiency, utilizes near-zero emissions technology, and deployment of zero emission vehicle trucks.
- Implementing the proposed Short-Lived Climate Pollutant Strategy, which focuses on reducing methane and hydrofluorocarbon emissions by 40 percent and anthropogenic black carbon emissions by 50 percent by year 2030.
- Continued implementation of SB 375.
- Post-2020 Cap-and-Trade Program that includes declining caps.
- Development of a Natural and Working Lands Action Plan to secure California's land base as a net carbon sink.

In addition to the statewide strategies listed above, the 2017 Scoping Plan also identified local governments as essential partners in achieving the State's long-term GHG reduction goals and identified local actions to reduce GHG emissions. As part of the recommended actions, CARB recommends statewide targets of no more than 6 $MTCO_2e$ or less per capita by 2030 and 2 $MTCO_2e$ or less per capita by 2050. CARB recommends that local governments evaluate and adopt robust and quantitative locally-appropriate goals that align with the statewide per capita targets and the State's sustainable development objectives and develop plans to achieve the local goals. The statewide per capita goals were developed by applying the percent reductions necessary to reach the 2030 and 2050 climate goals (i.e., 40 percent and 80 percent, respectively) to the State's 1990 emissions limit established under AB 32. For CEQA projects, CARB states that lead agencies have the discretion to develop evidenced-based numeric thresholds (mass emissions, per capita, or per service population)—consistent with the Scoping Plan and the State's long-term GHG goals. To the degree a project relies on GHG mitigation measures, CARB recommends that lead agencies prioritize on-site design features that reduce emissions, especially from vehicle miles travelled (VMT), and direct investments in GHG reductions within the project's region that contribute potential air quality, health, and economic co-benefits. Where further project design or regional investments are infeasible or not proven to be effective, CARB recommends mitigating potential GHG impacts through purchasing and retiring carbon credits.

The Scoping Plan scenario is set against what is called the business-as-usual (BAU) yardstick—that is, what the GHG emissions would look like if the State did nothing at all beyond the existing policies that are required and already in place to achieve the 2020 limit, as shown in Table 4.6-3. It includes the existing renewables requirements, advanced clean cars, the "10 percent" Low Carbon Fuel Standard, and the SB 375 program for more vibrant communities, among others. However, it does not include a range of new policies or measures that have been developed or put into statute over the past two years. Also shown in the table, the known commitments are expected to result in emissions that are 60 $MMTCO_2e$ above the target in 2030. If the estimated GHG reductions from the known commitments are not realized due to delays in implementation or technology deployment, the post-2020 Cap-and-Trade Program would deliver the additional GHG reductions in the sectors it covers to ensure the 2030 target is achieved.

TABLE 4.6-3 2017 CLIMATE CHANGE SCOPING PLAN EMISSIONS REDUCTIONS GAP TO ACHIEVE THE 2030 GHG TARGET

Modeling Scenario	2030 GHG Emissions $MMTCO_2e$
Reference Scenario (Business-as-Usual)	389
With Known Commitments	320
2030 GHG Target	**260**
Gap to 2030 Target with Known Commitments	**60**

Source: California Air Resources Board, 2017. California's 2017 Climate Change Scoping Plan: The Strategy for Achieving California's 2030 Greenhouse Gas Target, https://www.arb.ca.gov/cc/scopingplan/2030sp_pp_final.pdf, accessed on August 28, 2018.

Table 4.6-4 provides estimated GHG emissions by sector, compared to 1990 levels, and the range of GHG emissions for each sector estimated for 2030.

TABLE 4.6-4 2017 CLIMATE CHANGE SCOPING PLAN EMISSIONS BY SECTOR TO ACHIEVE THE 2030 GHG TARGET

Scoping Plan Sector	1990 $MMTCO_2e$	2030 Proposed Plan Ranges $MMTCO_2e$	% Change from 1990
Agricultural	26	24-25	-8% to -4%
Residential and Commercial	44	38-40	-14% to -9%
Electric Power	108	30-53	-72% to -51%
High GWP	3	8-11	267% to 367%
Industrial	98	83-90	-15% to -8%
Recycling and Waste	7	8-9	14% to 29%
Transportation (including TCU)	152	103-111	-32% to -27%
Net Sink[a]	-7	TBD	TBD
Sub Total	431	294-339	-32% to -21%
Cap-and-Trade Program	NA	24-79	NA
Total	431	260	-40%

Notes: TCU = Transportation, Communications, and Utilities; TBD = To Be Determined.
a. Work is underway through 2017 to estimate the range of potential sequestration benefits from the natural and working lands sector.
Source: California Air Resources Board. 2017, California's 2017 Climate Change Scoping Plan: The Strategy for Achieving California's 2030 Greenhouse Gas Target. https://www.arb.ca.gov/cc/scopingplan/2030sp_pp_final.pdf, accessed on August 28, 2018.

- **Senate Bill 375.** In 2008, SB 375, the Sustainable Communities and Climate Protection Act, was adopted to connect the GHG emissions reductions targets established in the 2008 Scoping Plan for the transportation sector to local land use decisions that affect travel behavior. Its intent is to reduce GHG emissions from light-duty trucks and automobiles (excludes emissions associated with goods movement) by aligning regional long-range transportation plans, investments, and housing allocations to local land use planning to reduce VMT and vehicle trips. Specifically, SB 375 required CARB to

establish GHG emissions reduction targets for each of the 18 metropolitan planning organizations (MPOs). The Metropolitan Transportation Commission (MTC) is the MPO for the nine-county San Francisco Bay Area region. Pursuant to the recommendations of the Regional Transportation Advisory Committee (RTAC), CARB adopted per capita reduction targets for each of the MPOs rather than a total magnitude reduction target.

- 2017 Update to the SB 375 Targets. CARB is required to update the targets for the MPOs every eight years. CARB adopted revised SB 375 targets for the MPOs in March 2018.[23] The updated targets become effective on October 1, 2018. The targets consider the need to further reduce VMT, as identified in the 2017 Scoping Plan Update (for SB 32), while balancing the need for additional and more flexible revenue sources to incentivize positive planning and action toward sustainable communities. Like the 2010 targets, the updated SB 375 targets are in units of percent per capita reduction in GHG emissions from automobiles and light trucks relative to 2005; this excludes reductions anticipated from implementation of state technology and fuels strategies, and any potential future state strategies, such as statewide road user pricing.

  The proposed targets call for greater per-capita GHG emission reductions from SB 375 than are currently in place, which for 2035 translate into proposed targets that either match or exceed the emission reduction levels in the MPOs' currently adopted SCS to achieve the SB 375 targets. For next SCS update, CARB's updated targets for the MTC/ABAG region are a 10 percent per capita GHG reduction in 2020 from 2005 levels (compared to 7 percent under the 2010 target) and a 19 percent per capita GHG reduction in 2035 from 2005 levels (compared to the 2010 target of 15 percent). CARB foresees that the additional GHG emissions reductions in 2035 may be achieved from land use changes, transportation investment, and technology strategies. [24]

- Senate Bill 1383. On September 19, 2016, the Governor signed SB 1383 to supplement the GHG reduction strategies in the Scoping Plan to consider short-lived climate pollutants, including black carbon and CH_4. Black carbon is the light-absorbing component of fine particulate matter produced during incomplete combustion of fuels. SB 1383 requires the State board, no later than January 1, 2018, to approve and begin implementing that comprehensive strategy to reduce emissions of short-lived climate pollutants to achieve a reduction in methane by 40 percent, hydrofluorocarbon gases by 40 percent, and anthropogenic black carbon by 50 percent below 2013 levels by 2030. The bill also establishes targets for reducing organic waste in landfills. On March 14, 2017, CARB adopted the "Final Proposed Short-Lived Climate Pollutant Strategy," which identifies the State's approach to reducing anthropogenic and biogenic sources of short-lived climate pollutants. Anthropogenic sources of black carbon include on- and off-road transportation, residential wood burning, fuel combustion (charbroiling), and industrial processes. According to CARB, ambient levels of black carbon in California are 90 percent lower than in the early 1960s, despite the tripling of diesel fuel use.[25] In-use on-road rules are expected to reduce black carbon emissions from on-road sources by 80 percent between 2000 and 2020.

[23] California Air Resources Board, 2018, Updated Final Staff Report: Proposed Update to the SB 375 Greenhouse Gas Emissions Reduction Targets.

[24] California Air Resources Board, 2018, Updated Final Staff Report: Proposed Update to the SB 375 Greenhouse Gas Emissions Reduction Targets.

[25] California Air Resources Board, 2017, Short-Lived Climate Pollutant Reduction Strategy, https://www.arb.ca.gov/cc/shortlived/meetings/03142017/final_slcp_report.pdf, accessed on May 10, 2018.

- Assembly Bill 1493. Also known as Pavley I, AB 1493 is a clean-car standard that reduces GHG emissions from new passenger vehicles (light-duty auto to medium-duty vehicles) from 2009 through 2016 and is anticipated to reduce GHG emissions from new passenger vehicles by 30 percent in 2016. California implements the Pavley I standards through a waiver granted to California by the EPA. In 2012, the EPA issued a Final Rulemaking that sets even more stringent fuel economy and GHG emissions standards for model year 2017 through 2025 light-duty vehicles (see also the discussion on the update to the CAFE standards under the heading for Federal Regulations, above). In January 2012, CARB approved the Advanced Clean Cars program (formerly known as Pavley II) for model years 2017 through 2025. The program combines the control of smog, soot, and global warming gases and requirements for greater numbers of zero-emission vehicles into a single package of standards. Under California's Advanced Clean Car program, by 2025, new automobiles will emit 34 percent fewer global warming gases and 75 percent fewer smog-forming emissions.[26]
- Executive Order S-01-07. On January 18, 2007, the state set a new Low Carbon Fuel Standard for transportation fuels sold in California. Executive Order S-01-07 sets a declining standard for GHG emissions measured in carbon dioxide equivalent gram per unit of fuel energy sold in California. The Low Carbon Fuel Standard requires a reduction of 2.5 percent in the carbon intensity of California's transportation fuels by 2015 and a reduction of at least 10 percent by 2020. The Low Carbon Fuel Standard applies to refiners, blenders, producers, and importers of transportation fuels and would use market-based mechanisms to allow these providers to choose how they reduce emissions during the "fuel cycle," using the most economically feasible methods.
- Executive Order B-16-2012. Signed on March 23, 2012, the State directed that CARB, the California Energy Commission, the Public Utilities Commission, and other relevant agencies to work with the Plug-in Electric Vehicle Collaborative and the California Fuel Cell Partnership to establish benchmarks to accommodate zero-emissions vehicles in major metropolitan areas, including infrastructure to support them (e.g., electric vehicle charging stations). The executive order also directs the number of zero-emission vehicles in California's state vehicle fleet to increase through the normal course of fleet replacement so that at least 10 percent of fleet purchases of light-duty vehicles are zero-emission by 2015 and at least 25 percent by 2020. Finally, the executive order sets a target of reducing GHG emissions from the transportation sector 80 percent below 1990 levels.
- Senate Bills 1078, 107, and X1-2, and Executive Order S-14-08. A major component of California's Renewable Energy Program is the renewable portfolio standard established under Senate Bill 1078 and 107. Executive Order S-14-08 was signed in November 2008, which expanded the State's Renewable Energy Standard to 33 percent renewable power by 2020. This standard was adopted by the legislature in 2011 (SB X1-2). The increase in renewable sources for electricity production will decrease indirect GHG emissions from development projects because electricity production from renewable sources is generally considered carbon neutral.

[26] See also the discussion on the update to the CAFE standards under Federal Laws, above. In January 2012, CARB approved the Advanced Clean Cars program (formerly known as Pavley II) for model years 2017 through 2025. The program combines the control of smog, soot and global warming gases and requirements for greater numbers of zero-emission vehicles into a single package of standards. Under California's Advanced Clean Car program, by 2025, new automobiles will emit 34 percent fewer global warming gases and 75 percent fewer smog-forming emissions.

- Senate Bill 350. Signed in September 2015, SB 350 establishes tiered increases to the renewable portfolio standard of 40 percent by 2024, 45 percent by 2027, and 50 percent by 2030. SB 350 seeks to double the energy efficiency savings in electricity and natural gas through energy efficiency and conservation measures.
- Executive Order B-55-18 and SB 100. SB 100 and Executive Order B-55-18 were signed by Governor Brown on September 10, 2018. Under the existing RPS, 25 percent of retail sales are required to be from renewable sources by December 31, 2016, 33 percent by December 31, 2020, 40 percent by December 31, 2024, 45 percent by December 31, 2027, and 50 percent by December 31, 2030. SB 100 raises California's RPS requirement to 50 percent renewable resources target by December 31, 2026, and to achieve a 60 percent target by December 31, 2030. SB 100 also requires that retail sellers and local publicly owned electric utilities procure a minimum quantity of electricity products from eligible renewable energy resources so that the total kilowatt hours of those products sold to their retail end-use customers achieve 44 percent of retail sales by December 31, 2024, 52 percent by December 31, 2027, and 60 percent by December 31, 2030.

  In addition to targets under AB 32 and SB32, Executive Order B-55-18 establishes a carbon neutrality goal for the state of California by 2045; and sets a goal to maintain net negative emissions thereafter. The Executive Order directs the California Natural Resources Agency, CalEPA, the Department of Food and Agriculture, and CARB to include sequestration targets in the Natural and Working Lands Climate Change Implementation Plan consistent with the carbon neutrality goal.
- California Building Code: Building Energy Efficiency Standards. Energy conservation standards for new residential and non-residential buildings were adopted in June 1977 and most recently revised in 2016 (Title 24, Part 6, of the California Code of Regulations). Title 24 requires the design of building shells and building components to conserve energy. The standards are updated periodically to allow for consideration and possible incorporation of new energy efficiency technologies and methods. On June 10, 2015, the California Energy Commission adopted the 2016 Building Energy Efficiency Standards, which went into effect on January 1, 2017. The 2016 Building Energy Efficiency Standards continues to improve upon the previous 2013 Standards for new construction of, and additions and alterations to, residential and nonresidential buildings. Under the 2016 Standards, residential and nonresidential buildings are 28 and 5 percent more energy efficient than the 2013 Standards, respectively.[27] While the 2016 standards do not achieve zero net energy, they do get very close to the State's goal and make important steps toward changing residential building practices in California. The 2019 Building Energy Efficiency Standards, which were adopted on May 9, 2018, go into effect starting January 1, 2020.[28]

  The 2019 standards move toward cutting energy use in new homes by more than 50 percent and will require installation of solar photovoltaic systems for single-family homes and multifamily buildings of three stories and less. Four key areas the 2019 standards will focus on are 1) smart residential photovoltaic systems; 2) updated thermal envelope standards (preventing heat transfer from the

[27] California Energy Commission, 2015, 2016 Building Energy Efficiency Standards, Adoption Hearing Presentation, http://www.energy.ca.gov/title24/2016standards/rulemaking/documents/2015-06-10_hearing/2015-06-10_Adoption_Hearing_Presentation.pdf /, accessed on May 10, 2018.

[28] California Energy Commission, 2015, 2016 Building Energy and Efficiency Standards Frequently Asked Questions, http://www.energy.ca.gov/title24/2016standards/rulemaking/documents/2016_Building_Energy_Efficiency_Standards_FAQ.pdf, accessed on May 10, 2018.

interior to exterior and vice versa); 3) residential and nonresidential ventilation requirements; and 4) nonresidential lighting requirements. [29] Under the 2019 standards, nonresidential buildings will be 30 percent more energy efficient compared to the 2016 standards, and single-family homes will be 7 percent more energy efficient. When accounting for the electricity generated by the solar photovoltaic system, single-family homes would use 53 percent less energy than homes built to the 2016 standards.[30]

- California Building Code: CALGreen. On July 17, 2008, California Green Building Standards Code (24 California Code of Regulations, Part 11, known as "CALGreen") were adopted as part of the California Building Standards Code. CALGreen established planning and design standards for sustainable site development, energy efficiency (in excess of the California Energy Code requirements), water conservation, material conservation, and internal air contaminants.[31] The mandatory provisions of the 2016 CalGreen building standards became effective on January 1, 2017. The CEC adopted the 2019 CALGreen on May 9, 2018, and it becomes effective January 1, 2020.
- 2006 Appliance Efficiency Regulations. Adopted by the California Energy Commission on October 11, 2006, the 2006 Appliance Efficiency Regulations (Title 20, California Code of Regulations, Sections 1601 through 1608) were approved by the California Office of Administrative Law on December 14, 2006. The regulations include standards for both federally regulated appliances and non–federally regulated appliances. Though these regulations are now often viewed as "business-as-usual," they exceed the standards imposed by all other states and they reduce GHG emissions by reducing energy demand.
- Solid Waste Regulations. California's Integrated Waste Management Act of 1989 (AB 939, Public Resources Code 40050 *et seq.*) set a requirement for cities and counties throughout the state to divert 50 percent of all solid waste from landfills by January 1, 2000, through source reduction, recycling, and composting. In 2008, the requirements were modified to reflect a per capita requirement rather than tonnage. To help achieve this, the act requires that each city and county prepare and submit a source reduction and recycling element. AB 939 also established the goal for all California counties to provide at least 15 years of ongoing landfill capacity. AB 341 (Chapter 476, Statutes of 2011) increased the statewide goal for waste diversion to 75 percent by 2020 and requires recycling of waste from commercial and multifamily residential land uses.

  The California Solid Waste Reuse and Recycling Access Act (AB 1327, California Public Resources Code Sections 42900 *et seq.*) requires areas to be set aside for collecting and loading recyclable materials in development projects. The act required the California Integrated Waste Management Board to develop a model ordinance for adoption by any local agency requiring adequate areas for collection and loading of recyclable materials as part of development projects. Local agencies are required to adopt the model or an ordinance of their own. Section 5.408 of the CalGreen also requires that at least 50 percent of the nonhazardous construction and demolition waste from nonresidential construction operations be recycled and/or salvaged for reuse.

[29] California Energy Commission, 2018, Energy Commission Adopts Standards Requiring Solar Systems for New Homes, First in Nation. News Release.

[30] California Energy Commission, 2018, 2019 Building Energy and Efficiency Standards Frequently Asked Questions. http://www.energy.ca.gov/title24/2019standards/documents/2018_Title_24_2019_Building_Standards_FAQ.pdf, accessed on September 5, 2018.

[31] The green building standards became mandatory in the 2010 edition of the code.

AB 1826, signed on October of 2014, requires businesses to recycle their organic waste on and after April 1, 2016, depending on the amount of waste they generate per week. This law also requires that on and after January 1, 2016, local jurisdictions implement an organic waste recycling program to divert organic waste generated by businesses, including multifamily residential dwellings that consist of five or more units. Organic waste means food waste, green waste, landscape and pruning waste, nonhazardous wood waste, and food-soiled paper waste that is mixed in with food waste.

- Water Efficiency Regulations. The 20x2020 Water Conservation Plan was issued by the Department of Water Resources (DWR) in 2010 pursuant to Senate Bill 7, which was adopted during the 7th Extraordinary Session of 2009 to 2010 and therefore dubbed "SBX7-7." SBX7-7 mandated urban water conservation and authorized the DWR to prepare a plan implementing urban water conservation requirements (20x2020 Water Conservation Plan). In addition, it required agricultural water providers to prepare agricultural water management plans, measure water deliveries to customers, and implement other efficiency measures. SBX7-7 requires urban water providers to adopt a water conservation target of 20 percent reduction in urban per capita water use by 2020 compared to 2005 baseline use.

  The Water Conservation in Landscaping Act of 2006 (AB 1881) requires local agencies to adopt the updated DWR model ordinance or equivalent. AB 1881 also requires the Energy Commission, in consultation with the department, to adopt, by regulation, performance standards and labeling requirements for landscape irrigation equipment, including irrigation controllers, moisture sensors, emission devices, and valves to reduce the wasteful, uneconomic, inefficient, or unnecessary consumption of energy or water.

Regional Plans and Regulations

Plan Bay Area

Plan Bay Area is the Bay Area's RTP/SCS and was adopted jointly by ABAG and MTC on July 26, 2017. It lays out a development scenario for the region, which, when integrated with the transportation network and other transportation measures and policies, would reduce GHG emissions from transportation (excluding goods movement) beyond the per capita reduction targets identified by CARB. The 2040 *Plan Bay Area* is a limited and focused update to the 2013 *Plan Bay Area*, with updated planning assumptions that incorporate key economic, demographic, and financial trends from the last several years. As part of the implementing framework for *Plan Bay Area*, local governments have identified Priority Development Areas (PDAs) to focus growth. PDAs are transit-oriented, infill development opportunity areas within existing communities. Overall, well over two-thirds of all regional growth in the Bay Area by 2040 is allocated in PDAs. Per the 2040 *Plan Bay Area* , while the projected number of new housing units and new jobs within PDAs would increase to 629,000 units and 707,000 jobs compared to the 2013 *Plan Bay Area*, its overall share would be reduced to 77 percent and 55 percent.[32] However, the 2040 *Plan Bay Area* remains on track to meet a 16 percent per capita reduction of GHG emissions by 2035 and a 10 percent per capita reduction by 2020 from 2005 conditions.[33] As stated in Section 3.2.2.4, Priority Development

[32] Metropolitan Transportation Commission and Association of Bay Area Governments, 2017, *Plan Bay Area* 2040 Plan.
[33] Metropolitan Transportation Commission and Association of Bay Area Governments, 2017, Plan Bay Area 2040 Plan.

Area/Transit Priority Area, and shown in Figure 3-7, the Specific Plan Area is within and roughly identical in area to the Downtown Hayward City Center PDA[34]

Bay Area Clean Air Plan

BAAQMD adopted the 2017 *Clean Air Plan, Spare the Air, Cool the Climate* on April 19, 2017. The 2017 *Clean Air Plan* also lays the groundwork for reducing GHG emissions in the Bay Area to meet the state's 2030 GHG reduction target and 2050 GHG reduction goal. It also includes a vision for the Bay Area in a post-carbon year 2050 that encompasses the following:

- Construct buildings that are energy efficient and powered by renewable energy.
- Walk, bicycle, and use public transit for the majority of trips and use electric-powered autonomous public transit fleets.
- Incubate and produce clean energy technologies.
- Live a low-carbon lifestyle by purchasing low-carbon foods and goods in addition to recycling and putting organic waste to productive use.[35]

A comprehensive multipollutant control strategy has been developed to be implemented in the next 3 to 5 years to address public health and climate change and to set a pathway to achieve the 2050 vision. The control strategy includes 85 control measures to reduce emissions of ozone, particulate matter, toxic air contaminants, and GHG from a full range of emission sources. These control measures cover the following sectors: 1) stationary (industrial) sources; 2) transportation; 3) energy; 4) agriculture; 5) natural and working lands; 6) waste management; 7) water; and 8) super-GHG pollutants. Overall, the proposed control strategy is based on the following key priorities:

- Reduce emissions of criteria air pollutants and toxic air contaminants from all key sources.
- Reduce emissions of "super-GHGs" such as methane, black carbon, and fluorinated gases.
- Decrease demand for fossil fuels (gasoline, diesel, and natural gas).
- Increase efficiency of the energy and transportation systems.
- Reduce demand for vehicle travel, and high-carbon goods and services.
- Decarbonize the energy system.
- Make the electricity supply carbon-free.
- Electrify the transportation and building sectors.

Bay Area Commuter Benefits Program

Under Air District Regulation 14, Model Source Emissions Reduction Measures, Rule 1, Bay Area Commuter Benefits Program, employers with 50 or more full-time employees within the BAAQMD are required to register and offer commuter benefits to employees. In partnership with the BAAQMD and the Metropolitan Transportation Commission (MTC), the rule's purpose is to improve air quality, reduce GHG emissions, and decrease the Bay Area's traffic congestion by encouraging employees to use alternative commute modes, such as transit, vanpool, carpool, bicycling, and walking. The benefits program allows

[34] Associated Bay Area Governments, 2015, Priority Development Area Showcase, http://gis.abag.ca.gov/website/PDAShowcase/, accessed on May 10, 2018.

[35] Bay Area Air Quality Management District, 2017, Final 2017 *Clean Air Plan*, Spare the Air, Cool the Climate: A Blueprint for Clean Air and Climate Protection in the Bay Area, http://www.baaqmd.gov/plans-and-climate/air-quality-plans/current-plans, accessed on July 18, 2018.

employees to choose from one of four commuter benefit options including a pre-tax benefit, employer-provided subsidy, employer-provided transit, and alternative commute benefit.

Local Regulations

Looking Forward Hayward 2040 General Plan

The City adopted its *Climate Action Plan* (CAP) in 2009. The CAP included nine strategies to guide the City's effort in reducing GHG emissions. Of the nine strategies presented in the CAP, two strategies focus on reducing emissions from transportation and three strategies address emissions reductions from building energy use. One strategy focuses on reducing waste-related emissions, and one on maximizing carbon sequestration within the City.[36] In 2014, the City integrated the CAP into its 2040 General Plan. As part of the integration, new and modified actions were developed along with an update to the estimated reductions associated with these actions. The overall GHG emissions reduction goals of the CAP are as follows:

- 20 percent below 2005 baseline levels by 2020
- 62.7 percent below 2005 baseline levels by 2040
- 82.5 percent below 2005 levels by 2050

As identified in the 2014 CAP update, the estimated reductions in 2020 are more than sufficient to meet the recommended 2020 target. However, the projected GHG reductions from all actions in 2040 and 2050 fall considerably short of the longer-term targets for these years.[37]

Policies of the CAP were integrated into the various General Plan elements such as Natural Resources (NR), Land Use (LU), Mobility (M), and Public Facilities and Services (PFS). The policies cover areas such as transit-oriented development, green building design, improving active and public transit infrastructure, implementation of travel demand management programs, parking management, promotion of alternative-fueled vehicles, increase in energy efficiency and renewable energy, water conservation, and solid waste management.[38] Furthermore, the 2040 General Plan has also integrated a community risk reduction strategy and includes various goals, policies, measures, and best management practices related to reducing risk impacts to sensitive populations in the city. As described in the General Plan EIR, in most cases, no one goal, policy, or implementation program itself is expected to completely avoid or reduce an identified potential environmental impact.[39] However, the collective, cumulative mitigating benefits of the policies listed below are intended to reduce GHG-related impacts.[40] Specific goals and policies are described in Section 4.6.3, Impact Discussion, to demonstrate how the policy would avoid or reduce the impact.

[36] City of Hayward, 2009, October 8, Hayward Climate Action Plan, https://www.hayward-ca.gov/sites/default/files/Hayward_CAP_FINAL_11-6-09%20-%20full%20document.pdf, accessed on October 18, 2018.

[37] City of Hayward, 2013, September, Hayward General Plan Update: Final Draft Climate Action Plan Gap Analysis. https://www.hayward-ca.gov/sites/default/files/documents/HayGPU_ADEIR_GHG_Appendix_Ascent_10-10-13.pdf

[38] A complete list and summary of the CAP policies integrated into the 2040 General Plan is included in Appendix C of this Draft EIR.

[39] City of Hayward, 2014, City of Hayward 2040 General Plan certified EIR, State Clearinghouse Number 2013082015.

[40] Please see Table 10.4, Proposed Hayward General Plan Policies to Reduce Greenhouse Gas Emissions, of the Hayward 2040 General Plan Draft EIR for a more comprehensive list of policies that would contribute in reducing GHG emissions. Table 10.4 has been reproduced and included in Appendix C of this Draft EIR.

- Goal NR-2: Improve the health and sustainability of the community through continued local efforts to improve regional air quality, reduce GHG emissions, and reduce community exposure to health risks associated with toxic air contaminants and fine particulate matter.
  - 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_X), and particulate matter (PM_{10} and $PM_{2.5}$) through project location and design.
  - Policy NR-2.3 Emissions Reduction: The City shall require development projects that exceed Bay Area Air Quality Management District reactive organic gas (ROG), nitrogen oxide (NO_X) operational thresholds to incorporate design or operational features that reduce emissions equal to at least 15 percent below the level that would be produced by an unmitigated project.
  - Policy 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, and strive to reduce community emissions by 61.7 percent and 82.5 percent by 2040 and 2050, respectively.
  - Policy NR-2.5 Municipal Greenhouse Gas Reduction: The City shall reduce municipal GHG emissions by 20 percent below 2005 baseline level by 2020, and strive to reduce municipal emissions by 61.7 percent and 82.5 percent by 2040 and 2050, respectively.
  - Policy NR-2.6 Greenhouse Gas Reduction in New Development: The City shall reduce potential GHG 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 GHG emissions and air pollution if not already provided for through project design.
  - Policy NR-2.8 Reduced Emissions for City Operations and Commutes: The City shall promote reduced idling, trip reduction, routing for efficiency, and the use of public transportation, carpooling, and alternate modes of transportation for operating City departments and City employees.
  - 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-2.11 Zero-Emission and Low-Emission Vehicle Advocacy: The City shall collaborate with regional, State, and Federal entities to promote the use of alternative fuels and increased vehicle fuel efficiency standards, and to advocate for higher fuel-economy standards, or contribute to regional and state marketing and outreach efforts.
- 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-2.13 Wood Stove and Fireplace Replacement: The City shall promote the replacement of non-EPA certified fireplaces and woodstoves and encourage city residents to participate in Bay Area Air Quality Management District programs, such as the Wood Stove Rebate Program.
- Policy NR-2.14 Air Quality Education: The City shall educate the public about air quality standards, health effects, and efforts they can make to improve air quality and reduce GHG emissions.
- 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), fine particulate matter ($PM_{2.5}$), and odors.

- Goal NR-4: Reduce energy consumption through increased production and use of renewable energy, sustainable energy purchasing, and improved energy efficiency.
  - 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-4.2 Energy Efficiency Collaboration: The City shall collaborate with partner agencies, utility providers, and the business community to support a range of energy efficiency, conservation, and waste reduction measures, including the development of green buildings and infrastructure, weatherization programs, installation of energy- efficient appliances and equipment in homes and offices, promotion of energy efficiency retrofit programs, use of green power options, and heightened awareness of the benefits of energy efficiency and conservation issues.
  - 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-4.4 Energy Resource Conservation in Public Buildings: The City shall continue to require all public facilities and services to incorporate energy and resource conservation standards and practices.
  - Policy NR-4.5 Energy Efficient Contractors: When soliciting and awarding public contracts, professional service agreements, or grants to businesses or non-profit agencies, the City shall

require, as appropriate, proposals or applications to include information about the sustainability practices of the organization.

- Policy NR-4.6 Renewable Energy: The City shall encourage and support the generation, transmission, use, and storage of locally-distributed renewable energy in order to promote energy independence, efficiency, and sustainability. The City shall consider various incentives to encourage the installation of renewable energy projects (i.e. reduced permit fees and permit streamlining).
- Policy NR-4.7 Renewable Portfolio Standard: The City shall strive to increase the renewable portion of utility electricity generation by advocating for increased state-wide renewable portfolio standards.
- Policy NR-4.8 Community Choice Aggregation: The City shall assess and, if appropriate, pursue participation in community choice aggregation, or other similar programs. The City shall seek partnerships with other jurisdictions to minimize start up and administration costs.
- Policy NR-4.9 Renewable Energy Financing Program: The City shall collaborate with regional agencies and organizations to promote financing programs for renewable energy systems.
- Policy NR-4.10 Public Renewable Energy Generation: The City shall ensure that all new City-owned facilities are built with renewable energy, as appropriate to their functions, and shall install renewable energy systems at existing City facilities where feasible.
- 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-4.14 Energy Efficiency Retrofits: The City shall collaborate with regional entities and others to promote incentive programs for energy efficiency retrofits such as the Energy Upgrade California program for residential properties.
- 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.

- Goal NR-6: Improve overall water quality by protecting surface and groundwater sources, restoring creeks and rivers to their natural state, and conserving water resources.
  - 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-6.10 Water Recycling: The City shall support efforts by the regional water provider to increase water recycling by residents, businesses, non-profits, industries, and developers, including identifying methods for water recycling and rainwater catchment for indoor and landscape uses in new development.
- Policy NR-6.11 Reclaimed Water Usage: The City shall take an active role in increasing the use of reclaimed water and educating the community about the methods of safe collection and benefits of using reclaimed water.
- Policy NE-6.12 Dual Plumbing Systems: The City shall encourage the installation and use of dual plumbing systems in new buildings to recycle greywater.
- Policy NR-6.13 Water Recycling Program Advocacy: The City shall coordinate with the East Bay Municipal Utility District and the Hayward Area Recreation and Park District to advance water recycling programs, including using treated wastewater to irrigate parks, golf courses, and roadway landscaping and encouraging rainwater catchment system-wide and greywater usage techniques in new buildings.
- Policy NR-6.14 Native and Drought-Tolerant Landscaping: The City shall use native or drought-tolerant vegetation in the landscaping of all public facilities.
- 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 NR-6.16 Landscape Ordinance Compliance: The City shall continue to implement the Bay-Friendly Water Efficient Landscape Ordinance.

- Goal HQL-8: Maintain, enhance, and increase the city's urban forest as an environmental, economic, and aesthetic resource to improve Hayward residents' quality of life.
  - Policy HQL-8.4 Urban Heat Island Effects: The City shall promote planting shade trees with substantial canopies, and require, where feasible, site design that uses appropriate tree species to shade parking lots, streets, and other facilities to reduce heat island effects.
- Goal LU-1: Promote local growth patterns and sustainable development practices that improve quality of life, protect open space and natural resources, and reduce resource consumption, traffic congestion, and related GHG emissions.
  - 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.
- Goal LU-3: Create complete neighborhoods that provide a mix of housing options and convenient access to parks, schools, shopping, jobs, and other community amenities.

- Policy LU-3.5 Mixed-Density Development Projects: The City shall encourage infill residential developments that provide a mix of housing types and densities within a single development on multiple parcels. Individual parcels within the development may be developed at higher or lower densities than allowed by the General Plan, provided that the net density of the entire development is within the allowed density range.
- 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 facade of the home.
  - Locating parking facilities below or behind apartment and condominium buildings.
  - Enhancing the front facade 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.

- Goal M-1: Provide a comprehensive, integrated, and connected network of transportation facilities and services for all modes of travel.
  - Policy M-1.2 Multimodal Choices: The City shall promote 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 areas, 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 Level-of-Service Standards: The City shall consider flexible level-of-service 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 GHG 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-1.8 Transportation Choices: The City shall provide leadership in educating the community about the availability and benefits of using alternative transportation modes.

- Goal M-3: Provide complete streets that balance the diverse needs of users of the public right-of-way.
  - 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-3.3 Balancing Needs: The City shall balance the needs of all travel modes when planning transportation improvements and managing transportation use in the public right-of-way.
  - Policy M-3.4 Routine Practice: The City shall continue to work towards making complete streets practices (e.g., considering and accommodating all users and all modes within the appropriate context) a routine part of everyday transportation decision-making.
  - Policy M-3.5 All Projects and Phases: The City shall incorporate appropriate complete streets infrastructure into transportation planning, funding, design, approval, and implementation processes and projects.
  - 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-3.7 Development Review: The City shall consider the needs of all transportation users in the review of development proposals to ensure on-site and off-site transportation facility improvements complement existing and planned land uses.
  - Policy M-3.8 Connections with New Developments: 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-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-3.11 Adequate Street Tree 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-3.12 Americans with Disabilities Act Compliance: The City shall continue to implement the Americans with Disabilities Act when designing, constructing, or improving transportation facilities.

- Goal M-5: Provide a universally accessible, safe, convenient, and integrated pedestrian system that promotes walking.
  - 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-5.3 Access to Transit: The City shall enhance and maintain sidewalk and other pedestrian improvements for access to key transit stops and stations for seniors and other persons with special needs.
  - 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-5.6 Safe Pedestrian Crossings: The City shall strive to improve pedestrian safety at intersections and mid-block locations by providing safe, well-marked pedestrian crossings, bulb-outs, or median refuges that reduce crossing widths, and/or audio sound warnings.
  - 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.
- Goal M-6: Create and maintain a safe, comprehensive, and integrated bicycle system and support facilities throughout the city that encourage bicycling that is accessible to all.
  - Policy M-6.1 Bikeway System: The City shall maintain and implement the Hayward Bicycle Master Plan.
  - 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-6.3 Appropriate Bikeway Facilities: The City shall provide bikeway facilities that are appropriate to the street classifications and type, traffic volume, and speed on all right-of-ways.
  - Policy M-6.4 Bicycle on Transit: The City shall encourage AC Transit and BART to expand access to cyclists, including providing bike racks on buses and trains and secure bicycle parking at transit stations and stops.

- 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-6.6 Bike Safety for Children: The City shall support infrastructure and programs that encourage children to bike safely to school.
- Policy M-6.7 Conversion of Underused Facilities: The City shall convert underused rights-of-way along travel lanes, drainage canals, and railroad corridors to bikeways wherever desirable and financially feasible.
- Policy M-6.8 Bicycle Wayfinding: The City shall encourage bicycling by providing wayfinding and signage that directs bicyclists to bike routes and to civic places, cultural amenities, and visitor and recreational destinations.

- Goal M-8: Encourage transportation demand management strategies and programs to reduce vehicular travel, traffic congestion, and parking demand.
  - Policy M-8.1 Increase Vehicle Occupancy: The City shall work with a broad range of agencies (e.g., Metropolitan Transportation Commission, BAAQMD, AC Transit, Caltrans) to encourage and support programs that increase vehicle occupancy including the provision of traveler information, shuttles, preferential parking for carpools/vanpools, transit pass subsidies, and other methods.
  - Policy M-8.2 Citywide TDM Plan: The City shall maintain and implement a citywide Travel Demand Management Program, which provides a menu of strategies and programs for developers and employers to reduce single-occupant vehicle travel in the city.
  - Policy M-8.3 Citywide TDM Plan: The City shall encourage employers to participate in TDM programs (e.g., guaranteed ride home, subsidized transit passes, carpool and vanpool programs) and to participate in or create Transportation Management Associations to reduce parking needs and vehicular travel.
  - Policy M-8.4 Automobile Commute Trip Reduction: The City shall encourage employers to provide transit subsidies, bicycle facilities, alternative work schedules, ridesharing, telecommuting and work-at-home programs, employee education, and preferential parking for carpools/vanpools.
  - Policy M-8.5 Commuter Benefits Programs: The City shall assist businesses in developing and implementing commuter benefits programs (e.g., offers to provide discounted or subsidized transit passes, emergency ride home programs, participation in commuter rideshare programs, parking cash-out or parking pricing programs, or tax credits for bike commuters).
  - Policy M-8.6 Car/Bike Sharing Programs: The City shall assist businesses in developing and implementing car and bike sharing programs, and shall encourage large employers (e.g., colleges, Hayward Unified School District (HUSD)) and the BART stations to host car and bike sharing programs available to the public.
  - Policy M-8.7 Public-Private Transportation Partnerships: The City shall encourage public-private transportation partnerships (e.g., car sharing companies) to establish programs and operations within the city to reduce single-occupant vehicle use.

- Policy M-8.8 Regional TDM Programs: The City shall implement the Alameda County Transportation Commission Travel Demand Management Element of the Congestion Management Program, which includes a checklist covering specific TDM strategies that the city could employ as part of its own TDM plan (e.g., preferential parking, car/van pools, casual car pools, subsidized transit passes).
- Policy M-8.9 City Facility Locations: 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.

- Goal M-9: Provide and manage a balanced approach to parking that meets economic development and sustainability goals.
  - Policy M-9.9 Alternative Fuel Vehicle Parking: The City shall require new private parking lots to grant low-carbon vehicles access to preferred parking spaces, and shall require new private parking lots to provide electric vehicle charging facilities. The City shall provide electric vehicle charging facilities in public parking lots.
  - Policy M-9.11 Multifamily Charging Stations: The City shall consider requiring electric vehicle charging stations in new multifamily development projects.
- Goal PFS-7: Minimize the generation of solid waste, increase recycling, and provide for the collection and disposal of solid waste.
  - 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 PFS-7.13 Commercial Recycling: The City shall encourage increased participation in commercial and industrial 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 provide technical assistance to businesses to implement mandatory recycling.
  - Policy PFS-7.17 Waste-to-Energy Generation Systems: The City shall advocate for waste management strategies that aim to maximize the value of solid waste by using waste-to-energy generation systems.

- Policy PFS-7.21 Mandatory Recycling: The City shall implement mandatory recycling for commercial and multifamily uses and work with StopWaste.org to increase participation in this program.

- Goal PFS-8: Ensure the provision of adequate gas and electric services to Hayward residents and businesses, and ensure energy facilities are constructed in a fashion that minimizes their impacts on surrounding development and maximizes efficiency.
  - Policy PFS-8.8 Renewable Energy Integration: The City shall encourage energy providers (e.g., PG&E) to offer their support and assistance in integrating individual renewable energy systems (e.g., solar systems) into the electricity grid.

4.6.1.4 EXISTING CONDITIONS

The Specific Plan Area consists of commercial, institutional, public, and retail uses in addition to single- and multi-family residences. Operation of these land uses generates GHG emissions from natural gas used for energy, heating, and cooking; electricity usage; vehicle trips for employees and residents; area sources such as landscaping equipment and consumer cleaning products; water demand; waste generation; and solid waste generation. Table 4.6-5 shows the existing emissions currently associated with existing land uses in the Specific Plan Area

TABLE 4.6-5 EXISTING GHG EMISSIONS WITHIN THE SPECIFIC PLAN AREA

	GHG Emissions ($MTCO_2e$/Year)	
	Existing	Percent
Area	42	<1%
Energy[a]	15,484	22%
On-Road Mobile Sources[b]	45,456	67%
Waste	6,711	10%
Water/Wastewater[c]	653	1%
TOTAL	**69,346**	**100%**
Service Population (persons)[d]	11,276	n/a
$MTCO_2e$/Year/Service Population	6.15	n/a

Note: Emissions may not total to 100 percent due to rounding. n/a = not applicable.
a. Existing buildings were constructed prior to the 2005 Building and Energy Efficiency Standards; and therefore, the "historic" rate in California Emissions Estimator Model, Version 2016.3.2 was used to estimate existing building energy use.
b. Based on average daily trip and vehicle miles traveled data provided by Kittelson Associates, Inc. Assumed fleet mix based on the annual average daily trips identified by Caltrans for the segment of Highway 238 north of Highway 185.[41]
c. City of Hayward, June 2014, Water System Master Plan; City of Hayward, 2015, June, Sewer Collection System Master Plan Final Report.
d. Service populations is based on the existing 4,968 residents and 6,308 employees estimated within the Specific Plan Area.
Source: California Emissions Estimator Model, Version 2016.3.2.

[41] California Department of Transportation, 2016, Traffic Census Program. Year 2015 Truck Traffic. http://www.dot.ca.gov/trafficops/census/, accessed on October 22, 2018.

4.6.2 STANDARDS OF SIGNIFICANCE

Implementation of the proposed project would result in a significant GHG emissions impact if it would:

1. Generate GHG emissions, either directly or indirectly, that may have a significant effect on the environment.
2. Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of GHG emissions.

4.6.2.1 BAAQMD STANDARDS OF SIGNIFICANCE

BAAQMD has adopted CEQA Guidelines to evaluate GHG emissions impacts from development project.[42]

Land use development projects include residential, commercial, industrial, and public land use facilities. Direct sources of emissions may include on-site combustion of energy, such as natural gas used for heating and cooking, emissions from industrial processes (not applicable for most land use development projects), and fuel combustion from mobile sources. Indirect emissions are emissions produced off-site from energy production, water conveyance due to a project's energy use and water consumption, and nonbiogenic emissions from waste disposal. Biogenic CO_2 emissions are not included in the quantification of a project's GHG emissions, because biogenic CO_2 is derived from living biomass (e.g., organic matter present in wood, paper, vegetable oils, animal fat, food, animal, and yard waste) as opposed to fossil fuels.

BAAQMD has a tiered approach for assessing GHG emissions impacts of a project:

1. Consistency with a Qualified Greenhouse Gas Reduction Strategy. If a project is within the jurisdiction of an agency that has a "qualified" GHG reduction strategy, the project can assess consistency of its GHG emissions impacts with the reduction strategy. The City's last CAP was adopted in 2014. While the CAP achieves the City's 2020 target, the projected GHG reductions from all actions in 2040 and 2050 fall considerably short of the longer-term targets for these years.[43] Additionally, the CAP was updated prior to the more aggressive GHG reduction target established under SB 32.

2. BAAQMD Screening Level Sizes. BAAQMD has adopted screening criteria for development projects that would be applicable for the proposed Specific Plan based on the square footage, units, acreage, students, and/or employees generated by a project. Typical projects that meet the screening criteria do not generate emissions greater than 1,100 $MTCO_2e$ and would not generate significant GHG emissions.

3. Brightline Screening Threshold. BAAQMD has adopted screening criteria for development projects of 1,100 $MTCO_2e$ per year that would be applicable for the proposed Specific Plan. If a project exceeds the

[42] Bay Area Air Quality Management Agency,2017, May. California Environmental Quality Act Air Quality Guidelines. http://www.baaqmd.gov/~/media/files/planning-and-research/ceqa/ceqa_guidelines_may2017-pdf.pdf?la=en, accessed on May 8, 2018.

[43] City of Hayward, 2013, September. Hayward General Plan Update: Final Draft Climate Action Plan Gap Analysis. https://www.hayward-ca.gov/sites/default/files/documents/HayGPU_ADEIR_GHG_Appendix_Ascent_10-10-13.pdf, accessed on May 8, 2018.

BAAQMD Guidelines' GHG screening-level sizes or screening criteria of 1,100 $MTCO_2e$, the project would be required to conduct a full GHG analysis using based on GHG reduction goals of AB 32 and SB 32.

4. Efficiency Threshold. AB 32 Goal: 2020 or SB 32 Goal: 2030

- Assembly Bill 32 Goal: 2020. AB 32 requires the statewide GHG emission to be reduced to 1990 levels by 2020. On a per-capita basis, that means reducing the annual emissions of 14 tons of carbon dioxide for every person in California down to about 10 tons per person by 2020.[44] Hence, BAAQMD's per capita significance threshold is calculated based on the State's land use sector emissions inventory prepared by CARB and the demographic forecasts for the 2008 Scoping Plan.

  The land use sector GHG emissions for 1990 were estimated by BAAQMD, as identified in Appendix D of the BAAQMD CEQA Guidelines, to be 295.53 $MMTCO_2e$ and the 2020 California service population (SP) to be 64.3 million. Therefore, the threshold that would ensure consistency with the GHG reduction goals of AB 32 is estimated at 4.6 $MTCO_2e$ per service population per year ($MTCO_2e$/SP/yr) for year 2020.[45]

- Senate Bill 32 Goal: 2030. As previously discussed, Executive Order B-30-15 sets a goal of reducing GHG emissions within the state to 40 percent of 1990 levels by year 2030 and the 2017 Scoping Plan includes the regulations and programs to achieve the 2030 target.

  Using a similar methodology as developed by BAAQMD, the efficiency targets have been adjusted based on the GHG reduction targets of SB 32. Table 4.6-6 shows the 2030 efficiency target using the latest land use emissions inventory developed for the 2017 Scoping Plan.

  The 2017 Scoping Plan establishes a new project-level emissions limit based on land use sectors of 190.7 $MMTCO_2e$ for the year 2030, which corresponds to a 40 percent decrease in 1990 levels by 2030.[46] Therefore, the threshold that would ensure consistency with the GHG reduction goals of SB 32 is estimated at 3.2 $MTCO_2e$/SP/yr for year 2030, as shown in Table 4.6-6.

[44] California Air Resources Board, 2008, October, Climate Change Proposed Scoping Plan, a Framework for Change.
[45] Bay Area Air Quality Management Agency, 2017, May, California Environmental Quality Act Air Quality Guidelines. http://www.baaqmd.gov/~/media/files/planning-and-research/ceqa/ceqa_guidelines_may2017-pdf.pdf?la=en
[46] California Air Resources Board, 2017, November. California's 2017 Climate Change Scoping Plan: The Strategy for Achieving California's 2030 Greenhouse Gas Target. https://www.arb.ca.gov/cc/scopingplan/2030sp_pp_final.pdf.

TABLE 4.6-6 2030 PROJECT LEVEL GHG REDUCTION TARGETS

GHG Sector[a]	Scoping Plan Scenario GHG Emissions $MMTCO_2e$
2017 Scoping Plan End Use Sector 2030 – Land Use Sector Only	
Residential – residential energy consumption	41.4
Commercial – commercial energy consumption	30.1
Transportation – transportation energy consumption	105.1
Transportation Communications and Utilities – energy that supports public infrastructure like street lighting and waste treatment facilities	5
Solid Waste Non-Energy GHGs	9.1
Total 2017 Scoping Plan Land Use Sector Target	190.7
2030 Project-Level Efficiency Target	
2030 Population[b]	43,939,250
2030 Employment[c]	16,454,761
2030 Service Population (SP)	60,394,011
2030 Efficiency Target	3.2 $MTCO_2e$/SP/yr

Notes:
a. California Air Resources Board, 2017, October 27. Draft – The 2017 Climate Change Scoping Plan Update: The Proposed Strategy for Achieving California's 2030 Greenhouse Gas Target, https://www.arb.ca.gov/cc/scopingplan/revised2017spu.pdf, accessed October on 22, 2018.
b. California Department of Finance, 2018, March 8. Report P-1 (County): State and County Total Population Projections, 2010-2060 (1 -year increments), http://www.dof.ca.gov/Forecasting/Demographics/Projections/, accessed on October 22, 2018.
c. California Department of Transportation (Caltrans), 2017, Long-Term Socio-Economic Forecasts by County, http://www.dot.ca.gov/hq/tpp/offices/eab/socio_economic.html, accessed October 22, 2018.
Source: as listed in the notes.

- **Forecast Year 2040 Goal:** Trajectory to 2050 Climate Stability Goal. For projects that would be implemented beyond year 2020, the GHG emissions reduction target is extrapolated based on the 2050 climate stabilization goals. The Plan-Level GHG threshold is based on the trajectory needed as shown in Table 4.6-7 to achieve the year 2030 GHG reduction target under SB 32 (40 percent below 1990 levels by 2030) and Executive Order S-03-05 (80 percent below 1990 levels by 2050) for the horizon year of the projects. As shown in the table, the 2040 GHG estimated project-level efficiency target would be 1.9 MTCO2e/SP/yr. The proposed Specific Plan would be deemed to have a significant GHG emissions impact if it does not meet this efficiency target. Furthermore, per the California Supreme Court ruling in Cleveland National Forest Foundation (CNFF) v. San Diego Association of Governments (SANDAG), as data and methods become available, projects should evaluate consistency in meeting the year 2050 GHG reduction goal established under Executive Order S-03-05. To achieve the climate stabilization goals of S-03-05, the proposed General Plan would need to achieve an efficiency of 0.8 MTCO2e/SP by 2050. Because the horizon year for the proposed Specific Plan is 2040, year 2050 data is not available. However, the year 2040 efficiency target is also utilized to determine

whether the proposed Specific Plan would be on a trajectory to achieve the GHG reduction goal of Executive Order S-03-05. If the proposed Specific Plan does not meet the forecasted 2040 efficiency target of 1.9 MTCO2e/SP/yr, it would be deemed to also not be on trajectory to meet the 2050 efficiency target and would be considered to result in a significant GHG emissions impact.

TABLE 4.6-7 POST-2030 PROJECT LEVEL GHG REDUCTION TARGETS

Scenario Year	2017 Scoping Plan Scenario
Year 2030	
2030 Project-Level Target[a]	190.7 $MMTCO_2e$
2030 Population[b]	43,939,250
2030 Employment[c]	16,454,761
2030 Service Population (SP)	60,394,011
2030 Efficiency Target	3.2 $MTCO_2e$/SP/yr
Year 2040	
2040 Project-Level Target[d]	124 $MMTCO_2e$
2040 Population Estimate	46,804,202
2040 Employment Estimate	17,973,632
2040 Service Population Estimate	64,777,834
2040 Efficiency Target	1.9 $MTCO_2e$/SP/yr
Year 2050	
2050 project-Level Target[a]	57 $MMTCO_2e$
2050 Population Estimate	49,077,801
2050 Employment Estimate	19,579,840
2050 Service Population Estimate	68,657,641
2050 Efficiency Target	0.8 $MTCO_2e$/SP/yr

Notes:
a. California Air Resources Board, 2017, October 27. Draft – The 2017 Climate Change Scoping Plan Update: The Proposed Strategy for Achieving California's 2030 Greenhouse Gas Target, https://www.arb.ca.gov/cc/scopingplan/revised2017spu.pdf, accessed on October 22, 2018.
b. California Department of Finance, 2018, March 8. Report P-1 (County): State and County Total Population Projections, 2010-2060 (1 -year increments), http://www.dof.ca.gov/Forecasting/Demographics/Projections/, accessed on October 22, 2018.
c. California Department of Transportation (Caltrans), 2017, Long-Term Socio-Economic Forecasts by County, http://www.dot.ca.gov/hq/tpp/offices/eab/socio_economic.html, accessed on October 22, 2018.
d. The 2040 Efficiency target is based on interpolating the 2030 land use emissions target (40 percent below 1990 levels by 2030) and the 2050 land use emissions target (80 percent below 1990 levels by 2050), which equates to approximately 60 percent below 1990 levels by 2040. The population and employment estimates are based on a similar forecast to estimate the service population in California in 2040.
Source: as listed in the notes.

4.6.3 IMPACT DISCUSSION

4.6.3.1 METHODOLOGY

This GHG emissions evaluation was prepared in accordance with the requirements of CEQA to determine if significant air quality impacts are likely to occur in conjunction with future development that would be accommodated by the proposed Specific Plan. The Air District has published the CEQA Air Quality Guidelines that provides local governments with guidance for analyzing and mitigating GHG emissions impacts and was used in this analysis. The Specific Plan Area GHG emissions inventory includes the following sectors:

- On-Road Transportation. The on-road transportation sector is based on the trip generation and VMT data provided by Kittelson Associates, Inc. (see Appendix E of this Draft EIR). An average trip distance of 8.14 and 8.75 miles per trip are utilized for the existing and project buildout scenarios, respectively. Based on the estimated 30,743 average daily trips (ADT) generated under existing conditions and the 64,925 ADTs generated under full buildout conditions, approximately 250,361 vehicle miles per day are generated currently and 567,945 vehicle miles per day would be generated under full buildout conditions.
- Area Sources. Area sources generated from use of consumer products and cleaning supplies are based on California Emissions Estimator Model (CalEEMod), Version 2016.3.2 default emission rates and on the assume building square footages. For fireplaces, it is assumed that condominiums, townhomes, and single-family are equipped with gas fireplaces (BAAQMD Regulation 6, Rule 3, Wood-Burning Devices). In addition, it is assumed that apartment units do not and would not have fireplaces.
- Energy. Criteria air pollutant emissions from energy use (natural gas and electricity) are based on the CalEEMod defaults for natural gas usage by residential and nonresidential land uses. New buildings are assumed to comply with the 2016 Building Energy Efficiency Standards, which are 28 percent more energy efficient for residential buildings and 5 percent more energy efficient for nonresidential buildings and residential buildings of four stories or more than the 2013 Building Energy Efficiency Standards. The default CalEEMod historical energy rates are utilized for the existing uses, which are based on the 2005 Building Energy Efficiency Standards.
- Solid Waste Disposal: Indirect emissions from waste generation are based on CalRecycle solid waste generation rates. Emissions calculated using CalEEMod include biogenic emissions generated from solid waste.
- Water/Wastewater: GHG emissions from this sector are associated with the embodied energy used to supply water, treat water, distribute water, and then treat wastewater and fugitive GHG emissions from wastewater treatment. Emissions are based on average water demand from the City's Water System Master Plan and wastewater generation rates from the City's Sewer Collection System Master Plan Final Report.[47]

[47] City of Hayward, 2014, June. Water System Master Plan; City of Hayward, 2015, June, Sewer Collection System Master Plan Final Report.

- Construction: It is assumed that implementation of the proposed Specific Plan would generally commence beginning of 2019. The construction phasing utilizes the CalEEMod default schedule based on the anticipated new land uses and the duration of each activity is normalized to a 22-year building period (2019 to 2040). In addition, while the specific timeline in how the land uses accommodated in the proposed Specific Plan would be developed is unknown, this analysis assumes that the various construction activities (e.g., site preparation, demolition, building construction) would overlap. Furthermore, some of the existing residential and non-residential land uses in the Specific Plan Area would be demolished (see Appendix C for further details). Construction assumptions were based on CalEEMod defaults such as construction equipment mix and worker, vendor, and haul trips. See Table 4.2-6, Construction Activities, Phasing, and Equipment, in Section 4.2.3.2 in Chapter 4.2 of this Draft EIR, for further details on the assumed construction activities, the start and end dates, and equipment mix for each of the activities.

Life-cycle emissions are not included in this analysis because not enough information is available for the proposed Specific Plan. Therefore, life-cycle GHG emissions would be speculative.[48] Additionally, black carbon emissions are not included in the GHG analysis because CARB does not include this pollutant in the State's AB 32 inventory and treats this short-lived climate pollutant separately.[49]

GHG-1 Implementation of the proposed Specific Plan would generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment.

Global climate change is not confined to a particular project area and is generally accepted as the consequence of global industrialization over the last 200 years. A typical project, even a very large one, does not generate enough GHG emissions on its own to influence global climate change significantly; hence, the issue of global climate change is, by definition, a cumulative environmental impact. Therefore, this GHG analysis measures the proposed Specific Plan's contribution to the cumulative environmental impact. Future potential development under the proposed Specific Plan would contribute to global climate change through direct and indirect emissions of GHG from transportation sources, energy (natural gas and purchased energy), water use and wastewater generation, waste generation, and other, off-road equipment (e.g., landscape equipment, construction activities).

[48] Life-cycle emissions include indirect emissions associated with materials manufacture. However, these indirect emissions involve numerous parties, each of which is responsible for GHG emissions of their particular activity. The California Resources Agency, in adopting the CEQA Guidelines Amendments on GHG emissions found that lifecycle analyses was not warranted for project-specific CEQA analysis in most situations, for a variety of reasons, including lack of control over some sources, and the possibility of double-counting emissions (see Final Statement of Reasons for Regulatory Action, December 2009). Because the amount of materials consumed during the operation or construction phases of individual development projects is not known, the origin of the raw materials purchased is not known, and manufacturing information for those raw materials are also not known, calculation of life cycle emissions would be speculative. A life-cycle analysis is not warranted (Governor's Office of Planning and Research. 2008, June. CEQA and Climate Change: Addressing Climate Change through CEQA Review. Technical Advisory. http://www.opr.ca.gov/ceqa/pdfs/june08-ceqa.pdf).

[49] Black carbon emissions have sharply declined due to efforts to reduce on-road and off-road vehicle emissions, especially diesel particulate matter. The State's existing air quality policies will virtually eliminate black carbon emissions from on-road diesel engines within 10 years (California Air Resources Board. 2017a, March 14. Final Proposed Short-Lived Climate Pollutant Reduction Strategy. https://www.arb.ca.gov/cc/shortlived/shortlived.htm).

No development application for the proposed Specific Plan is currently proposed at this time. However, future development of up to 3,427 multi-family dwelling units and 1.9 million square feet of non-residential development resulting in construction and operational GHG emissions in the SFBAAB would occur through implementation of the proposed Specific Plan. Future potential development of the proposed Specific Plan would generate up to 7,539 residents and 6,333 employees, resulting in an increase in vehicle trips, energy use, water use, wastewater generation, and solid waste disposal onsite. In addition, construction activities would generate a short-term increase in GHG emissions. The GHG emissions associated with the construction and operational phases under the proposed Specific Plan are shown in Tables 4.6-8 and 4.6-9, respectively.

Construction Phase

BAAQMD does not have thresholds of significance for construction-related GHG emissions. The BAAQMD advises that lead agencies quantify and disclose GHG emissions that would occur during construction and make a determination on the significance of these construction-generated GHG emissions in relation to meeting AB 32 GHG emissions reduction goals. GHG emissions from construction activities are one-time, short-term emissions; and therefore, would not significantly contribute to long-term cumulative GHG emissions impacts of the proposed Specific Plan. One-time, short-term emissions are converted to average annual emissions by amortizing them over the service life of a building. For buildings in general, it is reasonable to look at a 30-year time frame, since this is a typical interval before a new building requires the first major renovation.[50] The net increase in emissions generated by the project was evaluated using CalEEMod. GHG emissions associated with construction of the proposed Specific Plan are shown in Table 4.6-8. The annual construction emissions are based on the CalEEMod default construction schedule with the durations of each construction activity normalized to a 22-year buildout. Additionally, it was assumed that the various construction activities would overlap with one another (see Appendix C for further details). Although construction emissions are a one-time occurrence and would cease at project buildout, due to the magnitude of the proposed Specific Plan, GHG emissions from construction are conservatively considered *significant* because they would exceed the bright-line threshold of 1,100 $MTCO_2e$.

Table 4.6-8 Project GHG Emissions – Construction Phase

Category	GHG Emissions ($MTCO_2e$/Year)
Total Construction Emissions (Years 2019 to 2035)	84,330
30-Year Amortized Construction	2,811
BAAQMD Bright-Line Threshold	1,100
Exceeds Bright-Line Threshold?	**Yes**

Source: PlaceWorks, CalEEMod 2016.3.2.

Impact GHG-1.1: Construction of future projects resulting from implementation of the proposed Specific Plan would generate greenhouse gas emissions, either directly or indirectly, that exceed the forecast year-2040 GHG emissions efficiency metric (2,811 $MTCO_2e$/year compared to 1,100 $MTCO_2e$/year).

[50] International Energy Agency, 2008, Energy Efficiency Requirements in Building Codes, Energy Efficiency Policies for New Buildings, March.

Significance without Mitigation: Significant and unavoidable. Under the City's current regulations, the application of community risk reduction strategies and best management practices such as restriction non-essential idling of off-road construction equipment to 2 minutes and use of electric-powered construction equipment would contribute in reducing construction-related GHG emissions to the extent feasible. In addition, existing requirements for the diversion of construction debris would also contribute in further minimizing construction-related GHG emissions. However, due to the magnitude of future development proposed under the proposed Specific Plan, it is anticipated that project-related construction emissions would still exceed the BAAQMD bright-line threshold of 1,100 $MTCO_2e$/yr. Therefore, this impact would remain *significant and unavoidable*. The identification of this program-level impact does not preclude the finding of less-than-significant impacts for subsequent projects that comply with BAAQMD screening criteria or meet applicable thresholds of significance.

Operational Phase

The total and net increase in GHG emissions from implementation of the proposed Specific Plan are shown in Table 4.6-9.

TABLE 4.6-9 PROJECT GHG EMISSIONS – OPERATIONAL PHASE

	GHG Emissions ($MTCO_2e$/Year)		
Sector	Existing	Proposed Specific Plan	Net Change
Area	42	84	43
Energy[a]	15,484	28,649	13,165
On-Road Mobile Sources[b]	46,456	72,165	25,709
Waste	6,711	13,266	6,556
Water/Wastewater	653	1,348	694
TOTAL	69,346	115,512	46,166
BAAQMD Bright-Line Threshold	—	—	1,100 $MTCO_2e$/ Year
Exceeds Bright-Line Threshold?	**NA**	**NA**	**Yes**
Service Population[c]	11,276	24,390	13,114
Project GHG Efficiency ($MTCO_2e$/SP/Yr)	6.1	4.7	-1.4
2040 Efficiency Threshold[d]	NA	1.9	NA
Exceeds 2040 Efficiency Threshold	**NA**	**Yes**	**NA**

Note: Emissions may not total to 100 percent due to rounding.
a. Existing residential and nonresidential building energy use modeled using historical energy demand rates in CalEEMod, which are based on the 2005 Building Energy Efficiency Standards. Future new buildings are assumed to achieve the 2016 Building Energy Efficiency Standards. Under the Building Energy Efficiency Standards, multi-family buildings four stories and higher are regulated under the non-residential standards.
b. Based on ADT and VMT data provided by Kittelson & Associates, Inc. (see Appendix E of this Draft EIR)
c. Existing service population consists of 4,968 residents and 6,308 employees. Buildout service population consists of 12,496 residents and 11,894 employees.
d. Extrapolated from the midterm year 2030 GHG reduction target of SB 32 and the long term GHG reduction goals of Executive Order S-03-05 for 2050. Project-level thresholds are based only on the State's land use emissions inventory sectors identified in the Scoping Plan to ensure consistency with the scope of emissions included in a development project's GHG emissions inventory, and are therefore more stringent than the plan-level thresholds, which include all GHG sectors.
Source: PlaceWorks, CalEEMod 2016.3.2.

As shown in the table, implementation of the proposed Specific Plan would result in a net increase of GHG emissions by 46,166 $MTCO_2e$ per year compared to the existing conditions in the Specific Plan Area. This net increase would exceed BAAQMD's bright-line threshold of 1,100 $MTCO_2e$ per year. Therefore, emissions are compared to the efficiency metric, which is based on achieving a trajectory toward the state's long-term climate stabilizations goals under Executive Order S-03-05. As identified in this table, the proposed Specific Plan would generate 4.7 $MTCO_2e$/SP and would exceed the 2040 efficiency target of 1.9 $MTCO_2e$/SP.

While implementation of the proposed Specific Plan would generate a substantial increase in GHG emissions and would result in per service population emissions that exceed the efficiency target, its design guidelines, proposed land use and circulation improvements, goals, policies, and programs would contribute to minimizing emissions, to the extent feasible. The primary goals of the proposed Specific Plan are to improve the multi-modal circulation network within Downtown Hayward to promote walking, biking, and transit use, provide a mixture of land uses through infill and redevelopment, and make Streetscape improvements based on complete streets design principles. The Specific Plan objectives emphasize development of mixed-use areas and improvements to active and public transit facilities that would contribute to reducing vehicle trips and VMT, thereby reducing GHG emissions. Additionally, the proposed Specific Plan includes several goals, policies, and programs to guide both the construction phase and the operational phase of potential future development. The Specific Plan goals, policies, and programs relevant to reducing GHG emissions are listed below:

- Goal 4 Circulation (C): The public right-of-way is recognized as the backbone of the public realm and Downtown streets are comfortable for people walking and bicycling, efficient and convenient for people taking transit, and accommodating to people driving automobiles at a posted speed limits.
  - Policy C 9 Vehicle-Miles Travelled: Use vehicle-miles travelled per capita as the primary metric to evaluate transportation impacts of development projects within the Plan Area.
    - Program C 1: Support safer routes to schools and parks by providing increased signage, lighting, landscaping, and pedestrian connections around schools and parks.
    - Program C 4: Reduce motor vehicle travel lanes on the following roadways to reallocate space for other uses, including sidewalks, bikeways, and transit lanes. 1. A Street (between Grand Street and 3rd Street); 2. B Street (between Grand Street and Watkins Street); 3. Main Street (between Warren Street/McKeever Avenue and Foothill Boulevard); and 4. Foothill Boulevard (between Hazel Avenue and Watkins Street). (Circulation Program 16)
    - Program C 5: Install sharrows and other devices that indicate class III bicycle routes, where bicycle traffic is shared with pedestrian or vehicle traffic, on streets not appropriate for protected bikeways or where bikeways are already planned.
    - Program C 8: Work with BART, MTC, ACTC to prioritize active "first-last mile" transportation investments adjacent to BART to improve non-auto access to and from the station.
    - Program C 9: Work with adjacent jurisdictions, regional agencies, and Bike East Bay to help complete the East Bay Greenway bicycle trail to run under BART right-of-way from Lake Merritt to South Hayward BART stations.

- Program C 10: Continue to work with ACTC and AC Transit to implement the following measures to improve bus access to BART as identified in the concept for Opportunity Site 5: 1. Integrating bus stops on existing streets adjacent to the station, where feasible, to avoid the delays and congestion of using a bus intermodal; 2. Relocating bus bays to the west side of the BART station to improve pedestrian access to Downtown; 3. Designating bus, shuttle, and passenger pickup/drop-off on both sides of the BART station and both sides of the nearby streets; and 4. Maintaining adequate designated curb space for nontransit passenger loading (e.g., for taxis, ride hailing services, and kiss-and-ride).
- Program C 14: Continue to work with private developers to provide private shuttle service that implements recommendations from the City's shuttle feasibility study.
- Program C 15: Work with regional transportation agencies (MTC and Alameda County Transportation Commission) and AC Transit to explore the feasibility of providing additional transit service to the Plan Area.
- Program C 12: Invest in traffic signal synchronization and traffic management strategies to improve traffic flow on roadways. (Circulation Program 14)

- Goal 5 Traffic Demand Management (TDM) and Parking (TP): Public transportation, walking, biking and shared rides are the preferred means of travel for most trips in Downtown thereby reducing cut-through traffic and the need for parking while also supporting economic development and sustainability initiatives.
  - Policy TP 2 Manage and Market TDM: Manage and market transportation demand Management (TDM) programs to provide employers, employees, and residents with transportation alternatives to single-occupancy vehicle use and to reduce parking demand.
  - Policy TP 4 Shift to Non-Personal Vehicle Modes: Accommodate future new person trips through modes other than personal vehicles (such as public transit, rideshare, and cycling) to help achieve a more balanced circulation network and reduce vehicle miles traveled.
  - Policy TP 5 Carsharing and Bikesharing: Facilitate the establishment of carsharing and bikesharing services within the Plan Area.
    - Program TP 6: Partner with carsharing operators to establish a carsharing service with shared vehicle "pods" strategically located within the Plan Area with the following requirements: 1. Require that large development projects offer carsharing operators a limited number of parking spaces free of charge; 2. Require new development projects to pay into a carshare startup fund. (TDM and Parking Program 4)
    - Program TP 7: Partner with bikesharing operators to establish a network of shared bike stations strategically located within the Plan Area and require new projects to pay into a bikeshare startup fund. (TDM and Parking Program 6)
    - Program TP 9: Establish a Downtown TDM program supportive of alternate commute options that includes an employer-provided, tax-free Commuter Benefits Program ,the Regional TDM Program, and TDM checklist. (TDM and Parking Program 2)

- Program TP 12: Establish a Transportation Management Association or similar entity responsible for the management and promotion of transportation programs for employers and residents, funded through a combination of parking revenues and/or other dues, fees, assessments, grants, and public transportation funds. (TDM and Parking Program 1)
- Program TP 13: Require City-owned parking lots and garages be operated as an enterprise operation that pays for itself solely through user fees with adjustable rates.
- Program TP 17: Require all new and existing employers that provide subsidized employee parking to offer their employees the option to cash out their parking subsidy.
- Program TP 19: Encourage new residential and commercial development projects with common parking areas to unbundle the full cost of parking from the cost of the property itself.
    1. *Residential*: For rental and for-sale housing, unbundle the full cost of parking from housing cost and create a separate parking charge.
    2. *Commercial Leases*: Unbundle parking costs from commercial space cost by identifying parking costs as a separate line item in the lease and allow tenants to lease as few parking spaces as they wish.

The compact and mixed-use nature of the Specific Plan Area lends itself to this kind of "park once" policy, in which motorists can park just once and complete multiple daily tasks on foot before returning to their vehicles. Overall, these aforementioned components of the proposed Specific Plan would contribute in reducing vehicle trips and VMT.

The proposed Specific Plan also includes policies and programs that would contribute in reducing energy demand and increasing renewable energy as follows:

- Goal 7 Infrastructure and Public Facilities (IPF): Public services, community facilities, and utility systems are well maintained, implement Citywide climate change policies, and meet the needs of current and future Downtown residents, businesses, and visitors.
    - Policy IPF 4 Sustainable Design: Encourage property owners pursuing new developments or home renovations to design and construct buildings for healthful living and working conditions, including enhanced internal circulation, healthy building materials, design for universal accessibility, all electric appliances in multifamily projects, and mechanical and heating, ventilation, and air conditioning (HVAC) systems that enhance indoor air quality and comfort.
    - Policy IPF 5 Renewable Energy: Work with East Bay Community Energy to establish a pathway to derive 50 percent of the electricity in Downtown from renewable sources by 2025 and strive to derive 75 percent of the electricity used in Downtown from renewable sources by 2030.
    - Policy IPF 6 Landfill Diversion: Encourage innovative expansion of recycling and waste diversion.
        - Program IPF 1: Require new projects to provide water quality treatment for stormwater runoff by incorporating site design measures, source control measures, and low impact

development (LID) measures that are hydraulically sized as specified in the C.3 Technical Guidance Manual from the Alameda County Clean Water Program.

- Program IPF 4: Accelerate the decarbonization of the electricity grid by incorporating greenhouse gas reduction targets in the Hayward Climate Action Plan.
- Program IPF 8: Develop systems and infrastructure to better allow Downtown residents and businesses to recycle specialty waste streams, particularly electronic waste and mattress.
- Program IPF 9: Partner with PG&E and other utility providers to evaluate future demand and to fund utility improvements in advance of construction.
- Program IPF 14: Require developers and builders to take actions to reduce the combustion emissions and release of suspended and inhalable particulate matter during construction and demolition phases of development projects, and to use CEQA where applicable.
- Program IPF 15: Partner with PG&E and other utility providers to offer incentives, such as expedited permitting or reduced development fees when new building construction complies with LEED programing or the California Green Building Code.
- Program IPF 16: Continue working to implement the city-wide Energy Assurance Plan in Downtown.
- Program IPF 17: Work with East Bay Community Energy to incentivize development to encourage the installation of renewable energy projects.
- Program IPF 18: Continue to improve the energy efficiency of the building stock and infrastructure Downtown through the implementation of the Municipal Green Building Ordinance, efficiency retrofit improvements, equipment upgrades, and installation of clean, renewable energy systems.

Although implementation of the proposed Specific Plan under full buildout conditions would result in lower GHG emissions per service population (4.7 $MTCO_2e$/SP/yr) compared to the existing conditions (6.1 $MTCO_2e$/SP/yr), the forecast year 2040 threshold of 1.9 $MTCO_2e$/SP/yr would be exceeded. The increase in overall emissions is directly related to the increase in nonresidential and residential densities and intensities proposed. New buildings constructed would be subject to the triennial updates to California's Building and Energy Efficiency Standards. Building constructed after January 1, 2020 would be required to achieve the 2019 Standards. Nonresidential buildings (including multi-family that is four stories or higher) will use about 30 percent less energy due mainly to lighting upgrades. New buildings would be more energy efficient, but there would be an overall increase in energy usage due to the magnitude of new building space that would be constructed. Overall, the proposed Specific Plan's cumulative contribution to the long-term GHG emissions in the state would be considered *significant*.

Impact GHG-1.2: The operation of future projects resulting from implementation of the proposed Specific Plan would generate GHG emissions, either directly or indirectly, that would exceed the forecast year-2040 GHG emissions efficiency metric.

Mitigation Measure GHG -1.2a: Prior to the issuance of building permits for new development projects in the Specific Plan Area, the applicant shall show the following on the building plans submitted:

- Non-Residential: All major appliances (e.g., dishwashers, refrigerators, clothes washers, and dryers) provided/installed are Energy Star certified or of equivalent energy efficiency. Installation of Energy Star or equivalent appliances shall be verified by the City of Hayward prior to the issuance of a Certificate of Occupancy.
- Multifamily Residential: All buildings will be all electric, meaning that electricity is the only permanent source of energy for water-heating, mechanical and heating, ventilation, and air conditioning (HVAC) (i.e., space-heating and space cooling), cooking, and clothes-drying and there is no gas meter connection. All major appliances (e.g., dishwashers, refrigerators, clothes washers and dryers, and water heaters) provided/installed are electric powered Energy Star certified or of equivalent energy efficiency where applicable. Installation of the electric-powered Energy Star or equivalent appliances shall be verified by the City of Hayward prior to the issuance of a Certificate of Occupancy.

Mitigation Measure GHG -1.2b: Prior to the issuance of building permits for new high-rise (four story or higher) residential development projects and nonresidential projects in the Specific Plan Area, the applicant shall implement the Tier 1 standards identified in the California Green Building Standards Code listed below. Buildings complying with the first level of advanced energy efficiency shall have an Energy Budget that is no greater than indicated below, depending on the type of energy systems included in the building project.

- For building projects that include indoor lighting or mechanical systems, but not both: No greater than 95 percent of the Title 24, Part 6, Energy Budget for the Standard Design Building as calculated by compliance software certified by the Energy Commission.
- For building projects that include indoor lighting and mechanical systems: No greater than 90 percent of the Title 24, Part 6 Energy Budget for the Standard Design Building as calculated by compliance software certified by the Energy Commission.

Mitigation Measure GHG -1.2c: Implement Mitigation Measure AQ-2.2a.

Mitigation Measure GHG -1.2d: Implement Mitigation Measure AQ-2.2b.

Mitigation Measure GHG -1.2e: Implement Mitigation Measure AQ-2.2c.

Mitigation Measure GHG -1.2f: Implement Mitigation Measure AQ-2.2d.

Significance with Mitigation: Significant and unavoidable. The General Plan goals and policies listed under in Section 4.6.1.2, Regulatory Framework, along with the proposed improvements, goals, policies, and programs related to land use, circulation, transit, and travel demand management strategies under the proposed Specific Plan would reduce criteria air pollutants to the extent feasible. In addition, Mitigation Measures GHG-1.2a and GHG-1.2b would contribute to minimizing GHG emissions from the energy sector and the incorporation of Mitigation Measures GHG-1.2c through GHG-1.2f would further encourage and accommodate use of alternative-fueled vehicles and non-

motorized transportation and ensure that mobile-source GHG emissions from the buildout of the proposed Specific Plan would be minimized. However, additional federal, state, and local measures would be necessary to reduce GHG emissions under the proposed Specific Plan to meet the long-term GHG reduction goals of Executive Order S-03-05 and SB 32. Although the emissions per service population would improve from implementation of the proposed Specific Plan—from the current 6.1 $MTCO_2e/SP/yr$ to 4.7 $MTCO_2e/SP/yr$—it would exceed the forecast year 2040 efficiency target of 1.9 $MTCO_2e/SP/yr$. As previously stated, the 2017 Scoping Plan identifies additional state strategies to achieve the 2030 target established under SB 32. The 2017 Scoping Plan also outlines strategies to be on a trajectory to achieve the 2050 target identified under Executive Order S-03-05 although it is estimated that the State cannot meet the 2050 goal without major advances in technology.[51] Since no additional statewide measures are currently available, this impact would remain *significant and unavoidable*. The identification of this program-level impact does not preclude the finding of less-than-significant impacts for subsequent projects that comply with BAAQMD screening criteria or meet applicable thresholds of significance.

GHG-2 Implementation of the proposed project would not conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases.

The following discusses project consistency to applicable plans adopted for the purpose of reducing GHG emissions, which include CARB's Scoping Plan, MTC/ABAG's *Plan Bay Area,* and Hayward's CAP.

CARB's Scoping Plan

In accordance with AB 32, CARB developed the 2008 Scoping Plan to outline the State's strategy established by AB 32, which is to return the State's GHG emissions inventory to 1990 levels by year 2020. In September 2016, SB 32 was signed into law, requiring the State's GHG emissions to return to 40 percent below 1990 levels by 2030. Executive Order B-30-15 and SB 32 required CARB to prepare another update to the Scoping Plan to address the 2030 target for the State. In December 2017, CARB adopted the 2017 Scoping Plan Update to address the new interim GHG emissions target under SB 32. The Scoping Plan is applicable to state agencies and is not directly applicable to cities/counties and individual projects. Nonetheless, the Scoping Plan has been the primary tool that is used to develop performance-based and efficiency-based CEQA criteria and GHG reduction targets for climate action planning efforts.

Statewide strategies to reduce GHG emissions in the 2017 Scoping Plan include implementing SB 350, which expands the RPS to 50 percent by 2030 and doubles energy efficiency savings; expanding the LCFS to 18 percent by 2030; implementing the Mobile Source Strategy to deploy zero-electric vehicle buses and trucks; implementing the Sustainable Freight Action Plan; implementing the Short-Lived Climate Pollutant Reduction Strategy, which reduces methane and hydrofluorocarbons to 40 percent below 2013 levels by 2030 and black carbon emissions to 50 percent below 2013 levels by 2030; continuing to implement SB

[51] California Council on Science and Technology (CCST), 2012, September. California's Energy Future: Portraits of Energy Systems for Meeting Greenhouse Gas Reduction Targets, http://www.ccst.us/publications/2012/2012ghg.pdf, accessed on October 23, 2018.

375; creating a post-2020 Cap-and-Trade Program; and developing an Integrated Natural and Working Lands Action Plan to secure California's land base as a net carbon sink.

The project GHG emissions shown in Table 4.6-8 (above) include reductions associated with Statewide strategies that have been adopted since AB 32 and SB 32. Statewide strategies to reduce GHG emissions include the Low Carbon Fuel Standard (LCFS), California Appliance Energy Efficiency regulations, California Renewable Energy Portfolio standard, changes in the Corporate Average Fuel Economy (CAFE) standards, and other early action measures as necessary to ensure the State is on target to achieve the GHG emissions reduction goals of AB 32 and SB 32. In addition, new buildings are required to comply with the current Building Energy Efficiency Standards and CALGreen. The proposed Specific Plan would comply with these GHG emissions reduction measures since they are Statewide strategies. Therefore, the project's GHG emissions would be reduced from compliance with Statewide measures that have been adopted since AB 32 and SB 32 was adopted. Therefore, impacts would be *less than significant*.

Significance without Mitigation: Less than significant.

Plan Bay Area

To achieve ABAG's/MTC's sustainable vision for the Bay Area, the *Plan Bay Area* land use concept plan concentrates the majority of new population and employment growth in PDAs. The Specific Plan Area covers the Downtown Hayward PDA. As stated, the primary goals of the proposed Specific Plan are to improve the multi-modal circulation network within Downtown Hayward, provide a mixture of land uses through infill and redevelopment, and make improvements to public and open spaces. These goals would work in conjunction to promote walking, biking, and transit use and a reduction in single-occupancy vehicle miles traveled. Under the proposed Specific Plan, roadway diets would be applied to certain segments of A Street, B Street, 2nd Street, Main Street, and Foothill Boulevard, which would accommodate additional bicycle lanes and pedestrian right-of-ways and provide better connectivity between these two networks with the public transit network. In addition, the proposed Specific Plan identifies the Downtown Hayward BART station in the Station Plaza placetype as a transportation and development opportunity site. The vision under the proposed Specific Plan is to transform the area surrounding the Downtown Hayward BART station into a dense urban center that provides housing and employment opportunities near bus and rail transit. Overall, the proposed Specific Plan would not conflict with the land use concept plan in *Plan Bay Area* and impacts are considered *less than significant*.

Significance without Mitigation: Less than significant.

Hayward Climate Action Plan

As previously described under Section 4.6.2.2, Regulatory Framework, in subsection "Local Regulations," the City CAP is integrated into the 2040 General Plan. It is a strategic plan that identifies sources of GHG emissions within the City boundaries, presents current and future emissions estimates, identifies a GHG reduction target for future years, and presents policies and actions to reduce emissions from the energy, transportation, land use, water, and solid waste sectors. Components of the proposed Specific Plan would be consistent with the City CAP. The proposed Specific Plan includes improvements to the pedestrian, bicycle, and transit networks and infrastructure. Complete streets design principles in addition to road

diets would be applied to designated roadway segments in the Specific Plan Area. In addition, the proposed Specific Plan includes goals, policies, and programs related to land use, circulation, and travel demand management that would work in conjunction with the planned improvements to the pedestrian, bicycle, and transit network and infrastructure. The proposed Specific Plan also includes Programs 13 and 14 of Goal 7 which calls for incentivizing sustainable development to encourage the installation of renewable energy projects and continuing to improve the energy efficiency of building stock and infrastructure in Downtown through implementation of the Municipal Green Building Ordinance, equipment upgrades, and installation of clean, renewable energy systems. Furthermore, the proposed Specific Plan includes Policy 7 of Goal 7, which calls for encouraging innovative expansion of recycling and waste diversion. Additionally, Program 16 of Goal 7, calls for developing systems and infrastructure to better allow Downtown residents and businesses to recycle specialty waste streams, particularly electronic waste and mattresses. Overall, as discussed, the proposed Specific Plan would generally be consistent with the City CAP. Therefore, impacts would be *less than significant*.

Significance without Mitigation: Less than significant.

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4.7 HAZARDS AND HAZARDOUS MATERIALS

This chapter describes existing hazards and hazardous materials in the Specific Plan Area and evaluates the potential environmental consequences of future development that could occur by adopting and implementing the proposed project. This chapter provides a summary of the relevant regulatory setting necessary to evaluate potential environmental impacts resulting from the proposed project, describes potential impacts, and discusses existing and proposed goals, policies, and implementation programs and zoning regulations that would avoid or reduce those potential impacts.

4.7.1 ENVIRONMENTAL SETTING

4.7.1.1 REGULATORY FRAMEWORK

Hazardous materials refer generally to hazardous substances, hazardous waste, and other materials that exhibit corrosive, poisonous, flammable, and/or reactive properties and have the potential to harm human health and/or the environment. Hazardous materials are used in products (e.g., household cleaners, industrial solvents, paint, pesticides, etc.) and in the manufacturing of products (e.g., electronics, newspapers, plastic products, etc.). Hazardous materials can include petroleum products, natural gas, synthetic gas, acutely toxic chemicals, and other toxic chemicals that are used in agriculture, commercial and industrial uses, retail businesses, hospitals, and households. Accidental releases of hazardous materials can result from a variety of incidents, including highway incidents, warehouse fires, train derailments, shipping accidents, and industrial incidents.

The term “hazardous materials” as used in this section includes all materials defined in the California Health and Safety Code:

> *A material that, because of its quantity, concentration, or physical or chemical characteristics, poses a significant present or potential hazard to human health and safety or to the environment if released into the workplace or the environment. ‘Hazardous materials’ include, but are not limited to, hazardous substances, hazardous waste, and any material that a handler or the unified program agency has a reasonable basis for believing that it would be injurious to the health and safety of persons or harmful to the environment if released into the workplace or the environment.*

The term includes chemicals regulated by the United States Department of Transportation (USDOT), the United States Environmental Protection Agency (USEPA), the California Department of Toxic Substances Control (DTSC), the California Governor’s Office of Emergency Services, and other agencies as hazardous materials, wastes, or substances. ‘Hazardous waste’ is any hazardous material that has been discarded, except those materials specifically excluded by regulation. Hazardous materials that have been intentionally disposed of or inadvertently released fall within the definition of “discarded” materials and can result in the creation of hazardous waste. Hazardous wastes are broadly characterized by their ignitability, toxicity, corrosivity, reactivity, radioactivity, or bioactivity. Federal and State hazardous waste definitions are similar, but contain enough distinctions that separate classifications are in place for federal Resource Conservation and Recovery Act (RCRA) hazardous wastes and State non-RCRA hazardous wastes. Hazardous wastes require special handling and disposal because of their potential to impact public health

and the environment. Some materials are designated “acutely” or “extremely” hazardous under relevant statutes and regulations.

Hazardous materials and wastes can pose a significant actual or potential hazard to human health and the environment when improperly treated, stored, transported, disposed of, or otherwise managed. Many federal, State, and local programs that regulate the use, storage, and transportation of hazardous materials and hazardous waste are in place to prevent these unwanted consequences. These regulatory programs are designed to reduce the danger that hazardous substances may pose to people and businesses under normal daily circumstances and as a result of emergencies and disasters.

Federal Agencies and Regulations

United States Environmental Protection Agency

The USEPA is the primary federal agency that regulates hazardous materials and waste. In general, the USEPA works to develop and enforce regulations that implement environmental laws enacted by Congress. The agency is responsible for researching and setting national standards for a variety of environmental programs and delegates the responsibility for issuing permits and for monitoring and enforcing compliance to States and Native American tribes. USEPA programs promote handling hazardous wastes safely, cleaning up contaminated land, and reducing waste volumes through such strategies as recycling. California falls under the jurisdiction of USEPA Region 9. Under the authority of RCRA and in cooperation with State and tribal partners, the USEPA Region 9 Waste Management and Superfund Divisions manage programs for site environmental assessment and cleanup, hazardous and solid waste management, and underground storage tanks.

United States Department of Transportation

The USDOT has the regulatory responsibility for the safe transportation of hazardous materials between states and to foreign countries. The USDOT regulations govern all means of transportation, except for those packages shipped by mail, which are covered by United States Postal Service regulations. The federal RCRA of 1976 (described below) imposes additional standards for the transport of hazardous wastes.

Occupational Safety and Health Administration

The Occupational Safety and Health Administration (OSHA) oversees the administration of the OSHA, which requires specific training for hazardous materials handlers, provision of information to employees who may be exposed to hazardous materials, and acquisition of material safety data sheets from materials manufacturers. The material safety data sheets describe the risks, as well as proper handling and procedures, related to particular hazardous materials. Employee training must include response and remediation procedures for hazardous materials releases and exposures.

Resource Conservation and Recovery Act of 1976, as amended by the Hazardous and Solid Waste Amendments of 1984

Federal hazardous waste laws are generally promulgated under the RCRA, as amended by the Hazardous and Solid Waste Amendments of 1984. These laws provide for the "cradle to grave" regulation of hazardous wastes. Any business, institution, or other entity that generates hazardous waste is required to identify and track its hazardous waste from the point of generation until it is recycled, reused, or disposed. DTSC is responsible for implementing the RCRA program as well as California's own hazardous waste laws, which are collectively known as the Hazardous Waste Control Law. Under the Certified Unified Program Agency (CUPA) program, California Environmental Protection Agency (CalEPA) has in turn delegated enforcement authority to the Hayward Fire Department (HFD) for State law regulating hazardous waste producers or generators in Hayward.[1]

Comprehensive Environmental Response, Compensation, and Liability Act and the Superfund Amendments and Reauthorization Act of 1986

Congress enacted the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), commonly known as "Superfund," on December 11, 1980. CERCLA established prohibitions and requirements concerning closed and abandoned hazardous waste sites; provided for liability of persons responsible for releases of hazardous waste at these sites; and established a trust fund to provide for cleanup when no responsible party could be identified. The Superfund Amendments and Reauthorization Act (SARA) amended the CERCLA on October 17, 1986. SARA stressed the importance of permanent remedies and innovative treatment technologies in cleaning up hazardous waste sites; required Superfund actions to consider the standards and requirements found in other State and federal environmental laws and regulations; provided new enforcement authorities and settlement tools; increased State involvement in every phase of the Superfund program; increased the focus on human health problems posed by hazardous waste sites; encouraged greater citizen participation in making decisions on how sites should be cleaned up; and increased the size of the trust fund to $8.5 billion.

Emergency Planning Community Right-to-Know Act

The Emergency Planning Community Right-to-Know Act (EPCRA), also known as SARA Title III, was enacted in October 1986. This law requires State and local governments to plan for chemical emergencies. Reported information is then made publicly available so that interested parties may become informed about potentially dangerous chemicals in their community. EPCRA Sections 301 through 312 are administered by EPA's Office of Emergency Management. EPA's Office of Information Analysis and Access implements the EPCRA Section 313 program. In California, SARA Title III is implemented through California Accidental Release Prevention (CalARP) program. The State of California has delegated local oversight authority of the CalARP program to the HFD.[2]

[1] City of Hayward, 2014, Hayward 2040 General Plan Background Report, Chapter 9, Hazards, page 9-67.
[2] City of Hayward, 2014, Hayward 2040 General Plan Background Report, Chapter 9, Hazards, page 9-64 and 9-67.

Hazardous Materials Transportation Act

The USDOT regulates hazardous materials transportation under Title 49 of the Code of Federal Regulations. State agencies that have primary responsibility for enforcing federal and State regulations and responding to hazardous materials transportation emergencies are the California Highway Patrol (CHP) and the California Department of Transportation (Caltrans). The California State Fire Marshal's Office has oversight authority for hazardous materials liquid pipelines. The California Public Utilities Commission has oversight authority for natural gas pipelines in California. These agencies also govern permitting for hazardous materials transportation.

Federal Response Plan

The Federal Response Plan of 1999 is a signed agreement among 27 federal departments and agencies and other resource providers, including the American Red Cross, that: 1) provides the mechanism for coordinating delivery of federal assistance and resources to augment efforts of State and local governments overwhelmed by a major disaster or emergency; 2) supports implementation of the Robert T. Stafford Disaster Relief and Emergency Act, as well as individual agency statutory authorities; and 3) supplements other federal emergency operations plans developed to address specific hazards. The Federal Response Plan is implemented in anticipation of a significant event likely to result in a need for federal assistance or in response to an actual event requiring federal assistance under a Presidential declaration of a major disaster or emergency. The Federal Response Plan is part of the National Response Framework, which was most recently updated on March 22, 2008.

The Stafford Act

The Robert T. Stafford Disaster Relief and Emergency Assistance Act (Stafford Act) of 1988 authorizes federal government assistance for emergencies and disasters when State and local capabilities are exceeded. The Stafford Act forms the statutory authority for most federal disaster response activities, especially as they relate to the Federal Emergency Management Agency (FEMA) and FEMA programs.

National Response Framework

The 2013 National Response Framework, published by the United States Department of Homeland Security, is a guide for the nation to respond to all types of disasters and emergencies. The Framework describes specific authorities and best practices for managing incidents that range from serious local or large-scale terrorist attacks or catastrophic natural disasters. In addition, the 2013 National Response Framework describes the principles, roles, and responsibilities, and coordinating structures for responding to an incident, and further describes how response efforts integrate with those of the other mission areas.

State Agencies and Regulations

California Environmental Protection Agency

One of the primary State agencies that regulate hazardous materials is the CalEPA. CalEPA is authorized by the USEPA to enforce and implement certain federal hazardous materials laws and regulations. The California DTSC, a department of the CalEPA, protects California and Californians from exposure to

hazardous waste, primarily under the authority of the RCRA and the California Health and Safety Code.[3] The DTSC requirements include the need for written programs and response plans, such as Hazardous Materials Business Plans. The DTSC programs include dealing with aftermath clean-ups of improper hazardous waste management, evaluation of samples taken from sites, enforcement of regulations regarding use, storage, and disposal of hazardous materials, and encouragement of pollution prevention.

California Division of Occupational Safety and Health

Like OSHA at the federal level, the California Division of Occupational Safety and Health (CalOSHA) is the responsible State-level agency for ensuring workplace safety. The CalOSHA assumes primary responsibility for the adoption and enforcement of standards regarding workplace safety and safety practices. In the event that a work site is contaminated, a Site Safety Plan must be crafted and implemented to protect the safety of workers. Site Safety Plans establish policies, practices, and procedures to prevent the exposure of workers and members of the public to hazardous materials originating from the contaminated site or building.

California Building Code

The State of California provided a minimum standard for building design through the California Building Code (CBC), which is found in Title 24, Part 2 of the California Code of Regulations (CCR). The CBC is based on the 1997 Uniform Building Code, with certain California-specific modifications. The CBC is updated every three years, and the current 2016 edition of the CBC went into effect on January 1, 2017. It is generally adopted on a jurisdiction-by-jurisdiction basis, and may be subject to further modification based on local conditions. Commercial and residential buildings are plan-checked by local city and county building officials for compliance with the typical fire safety requirements of the CBC, including the installation of sprinklers in all high-rise buildings; the establishment of fire resistance standards for fire doors and building materials; and the clearance of debris and vegetation near occupied structures in wildfire hazard areas. The 2016 CBC has been adopted for use by the City in Hayward Municipal Code Section 9-1.00.[4]

California Fire Code

The California Fire Code (CFC) incorporates, by adoption, the International Fire Code of the International Code Council, with California amendments. This is the official Fire Code for the State and all political subdivisions. It is found in CCR Title 24, Part 9 and it is revised and published approximately every three years by the California Building Standards Commission. The 2016 CFC has been adopted for use by the City in the Hayward Municipal Code Section 3-14.00.[5]

[3] Hazardous Substance Account, Chapter 6.5 (Section 25100 et seq.) and the Hazardous Waste Control Law, Chapter 6.8 (Section 25300 et seq.) of the Health and Safety Code.

[4] City of Hayward Municipal Code, Chapter 9, Building Regulations, Article 1, Building Code of the City of Hayward, Section 9-1.00, 2016 California Building Codes, Adoption by Reference.

[5] City of Hayward Municipal Code, Chapter 3, Public Safety, Article 14, Fire Prevention Code of the City of Hayward, Section 3-14.00, Adoption of California Fire Code.

California Emergency Management Agency

The California Emergency Management Agency (CalEMA) was established as part of the Governor's Office on January 1, 2009. It was created pursuant to Assembly Bill 38, which merged the duties, powers, purposes, and responsibilities of the former Governor's Office of Emergency Services with those of the Governor's Office of Homeland Security. CalEMA is responsible for the coordination of overall State agency response to major disasters in support of local government. The agency is responsible for ensuring the State's readiness to respond to and recover from all hazards—natural, manmade, emergencies, and disasters—and for assisting local governments in their emergency preparedness, response, recovery, and hazard mitigation efforts.

California Department of Forestry and Fire Protection

The California Department of Forestry and Fire Protection (CAL FIRE) has mapped fire threat potential throughout California.[6] CAL FIRE ranks fire threat based on the availability of fuel and the likelihood of an area burning based on topography, fire history, and climate. The rankings include no fire threat, moderate, high, and very high fire threat. Additionally, the CAL FIRE published the *2010 Strategic Fire Plan for California*, which contains goals, objectives, and policies to prepare for and mitigate for the effects of fire on California's natural and built environments.[7]

California Department of Transportation and California Highway Patrol

The California Department of Transportation (Caltrans) and California Highway Patrol (CHP) are the two State agencies that have primary responsibility for enforcing federal and State regulations and responding to hazardous materials transportation emergencies. Caltrans manages more than 50,000 miles of California's highways and freeways, provides intercity rail services, permits more than 400 public-use airports and special-use hospital heliports, and works with local agencies. Caltrans is also the first responder for hazardous material spills and releases that occur on highways, freeways, and intercity rail lines.

The CHP enforces hazardous materials and hazardous waste labeling and packing regulations designed to prevent leakage and spills of materials in transit and to provide detailed information to cleanup crews in the event of an accident. Vehicle and equipment inspection, shipment preparation, container identification, and shipping documentation are all part of the responsibility of the CHP, which conducts regular inspections of licensed transporters to assure regulatory compliance. In addition, the State of California regulates the transportation of hazardous waste originating or passing through the State.

Common carriers are licensed by the CHP, pursuant to Section 32000 of the California Vehicle Code. This section requires licensing every motor (common) carrier who transports, for a fee, in excess of 500 pounds of hazardous materials at one time and every carrier, if not for hire, who carries more than 1,000

[6] California Department of Forestry and Fire Protection (CAL FIRE), http://www.fire.ca.gov/fire_prevention/fire_prevention_wildland_zones_development.php, accessed on January 25, 2018.

[7] California Department of Forestry and Fire Protection (CAL FIRE), 2010, *2010 Strategic Fire Plan for California,* http://cdfdata.fire.ca.gov/pub/fireplan/fpupload/fpppdf668.pdf, accessed on January 25, 2018.

pounds of hazardous material of the type requiring placards. Common carriers conduct a large portion of the business in the delivery of hazardous materials.

California Health and Safety Code and Code Regulations

California Health and Safety Code Chapter 6.95 and CCR Title 19, Section 2729 set out the minimum requirements for business emergency plans and chemical inventory reporting. These regulations require businesses to provide emergency response plans and procedures, training program information, and a hazardous material chemical inventory disclosing hazardous materials stored, used, or handled on-site. A business which uses hazardous materials or a mixture containing hazardous materials must establish and implement a business plan if the hazardous material is handled in certain quantities.

California Department of Transportation and California Highway Patrol

The California Department of Transportation (Caltrans) and California Highway Patrol (CHP) are the two State agencies that have primary responsibility for enforcing federal and State regulations and responding to hazardous materials transportation emergencies. Caltrans manages more than 50,000 miles of California's highways and freeways, provides intercity rail services, permits more than 400 public-use airports and special-use hospital heliports, and works with local agencies. Caltrans is also the first responder for hazardous material spills and releases that occur on highways, freeways, and intercity rail lines.

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Common carriers are licensed by the CHP, pursuant to Section 32000 of the California Vehicle Code. This section requires licensing every motor (common) carrier who transports, for a fee, in excess of 500 pounds of hazardous materials at one time and every carrier, if not for hire, who carries more than 1,000 pounds of hazardous material of the type requiring placards. Common carriers conduct a large portion of the business in the delivery of hazardous materials.

California Health and Safety Code and Code of Regulations

California Health and Safety Code Chapter 6.95 and CCR Title 19, Section 2729 set out the minimum requirements for business emergency plans and chemical inventory reporting. These regulations require businesses to provide emergency response plans and procedures, training program information, and a hazardous material chemical inventory disclosing hazardous materials stored, used, or handled on-site. A business which uses hazardous materials or a mixture containing hazardous materials must establish and implement a business plan if the hazardous material is handled in certain quantities.

Regional Agencies and Regulations

San Francisco Bay Regional Water Quality Control Board

The Porter-Cologne Water Quality Act[8] established the State Water Resources Control Board (SWRCB) and divided the State into nine regional basins, each under the jurisdiction of a Regional Water Quality Control Board (RWQCB). The San Francisco Bay RWQCB – Region 2 regulates water quality in the City of Hayward. The San Francisco Bay RWQCB has the authority to require groundwater investigations and/or remedial action if the quality of groundwater or surface waters of the State are threatened.

Bay Area Air Quality Management District

The Bay Area Air Quality Management District (BAAQMD) has primary responsibility for control of air pollution from sources other than motor vehicles and consumer products. The latter are typically the responsibility of the CalEPA and the California Air Resources Board. The BAAQMD is responsible for preparation of attainment plans for non-attainment criteria pollutants, control of stationary air pollutant sources, and issuance of permits for activities, including demolition and renovation activities affecting asbestos containing materials (District Regulation 11, Rule 2) and lead (District Regulation 11, Rule 1).

Alameda County Department of Environmental Health

The Alameda County Department of Environmental Health operates the Household and Small Business Hazardous Waste Collection Program.

Local Regulations

Association of Bay Area Governments Multi-Jurisdictional Local Hazard Mitigation Plan

The City of Hayward has adopted the Association of Bay Area Government's (ABAG) Multi-Jurisdictional Local Hazard Mitigation Plan ("Taming Natural Disasters") as the City's Local Hazard Mitigation Plan (LHMP). The Multi-Jurisdictional LHMP involves local agencies throughout its nine-county Bay Area jurisdiction, with an overall strategy to maintain and enhance disaster response of the region, as well as to fulfill the requirements of the Federal Disaster Mitigation Act of 2000. Each partner jurisdiction (including Hayward) has submitted an "Annex" document that contains jurisdiction-specific hazard mitigation strategies to attach to the Multi-Jurisdictional LHMP. The Multi-Jurisdictional LHMP, which focuses on mitigation before rather than after disasters, (1) identifies natural hazards the community and region face (e.g., earthquakes, flooding, severe weather), (2) assesses the community's and region's vulnerability to these hazards, and (3) identifies specific preventive actions that can be taken to reduce the risk from the hazards. Adoption of the Multi-Jurisdictional LHMP allows the City of Hayward to become eligible for Federal Disaster assistance.

[8] California Water Code Sections 13000 et seq.

Hayward Comprehensive Emergency Management Plan

The *Hayward Comprehensive Emergency Management Plan* addresses the HFD's responsibilities in emergencies associated with natural disaster, human-caused incidents, and technological incidents, including earthquakes and their seismic-related results (e.g., liquefaction). It defines the primary and support roles of Hayward agencies and departments in after-incident damage assessment and reporting requirements. The HFD also operates the Community Emergency Response Team program. The program trains and certifies members of the public in basic emergency response and organizational skills, including light fire suppression, hazardous materials awareness, first aid, light search and rescue techniques, and disaster response assistance.

Hayward Hillside Design and Urban/Wildland Interface Guidelines

In 1993 the City of Hayward adopted the Hillside Design and Urban/Wildland Interface Guidelines for development in the hill area in order to address potential fire hazards. The Wildland/Urban Interface is defined as the hill area south of D Street and east of Mission Boulevard. The guidelines include standards for streets and sidewalks that allow for fire truck access, cluster home development to make efficient use of hillside space, architectural and site design that allow for fire setbacks, building construction requirements, and environmental disaster mitigation.

Looking Forward Hayward 2040 General Plan

The City of Hayward 2040 General Plan, adopted in July 2014, includes goals, policies, and programs intended to avoid or reduce impacts on hazardous and hazardous materials in the Hazards (HAZ), Public Facilities and Services (PFS), and Community Health and Quality of Life (HQL) elements of the 2040 General Plan. These goals, policies, and programs identify methods and resources for minimizing death, injury, property and environmental damage, and social disturbance resulting from natural and human-induced hazards, as well as goals, policies and strategies related to hazardous materials, hazardous wastes, and hazardous materials emergency response. As described in the General Plan EIR, in most cases, no one goal, policy, or implementation program itself is expected to completely avoid or reduce an identified potential environmental impact.[9] However, the collective, cumulative mitigating benefits of the policies listed below are intended to reduce hazards and hazardous materials-related impacts. Specific goals and policies are described in Section 4.7.3, Impact Discussion, to demonstrate how the policy would avoid or reduce the impact.

The following goals and policies are relevant to the analysis of potential hazards and hazardous materials impacts within the Specific Plan Area:

- Goal HAZ-5: Protect life and minimize potential property damage from urban wildfire hazards in hillside areas.
    - 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.

[9] City of Hayward, 2014, City of Hayward 2040 General Plan certified EIR, State Clearinghouse Number 2013082015.

- 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-5.4 Grant Funding: The City shall seek grant funding to mitigate potential wildfire threats to the community and to implement special training workshops and projects related to defensible space and fuel reduction practices.

- Goal HAZ-6: Protect people and environmental resources from contaminated hazardous material sites and minimize risks associated with the use, storage, transport, and disposal of hazardous materials.
  - 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);
    - 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-6.4 Land Use Buffers: The City shall review applications for commercial and industrial uses that involve the use, storage, and transport of hazardous materials to determine the need for buffer zones or setbacks to minimize risks to homes, schools, community centers, hospitals, and other sensitive uses.
  - 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.

- Goal PFS-4: Maintain a level of service in the City's wastewater collection and disposal system to meet the needs of existing and future development.

- Policy PFS-4.11 Industrial Pretreatment: The City shall enforce appropriate industrial pretreatment standards and source control to prevent materials prohibited by Federal and State regulations from entering the wastewater system and to ensure compliance with the City's local discharge limits. The City shall work with the business community to maintain and implement programs to ensure compliance with all Federal, State, and local discharge requirements.

- Goal HQL-7: Protect residents from the harmful effects of pollution, toxic substances, and environmental contaminants.
  - Policy HQL-7.3 Home Use of Hazardous Materials: The City shall encourage and educate residents, nonprofits, 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.
- Goal HQL-9: Build a foundation for community resilience to future threats and challenges to help ensure the City of Hayward will be able to respond and recover as quickly as possible to such threats and challenges.
  - Policy HQL-9.5 Hazards Resiliency: The City shall to 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, business, and visitors in the event of an incident.

Hayward Fire Department

The HFD is a CUPA and is certified by the State to implement the Unified Hazardous Materials and Hazardous Waste Management Program (Certified Unified Program Agency – CUPA Program) in the city. The City of Hayward Hazardous Materials Office administers the CUPA Program. The CUPA Program coordinates the administrative requirements, permits, inspections, and enforcement activities for the following environmental and emergency management programs:

- Hazardous Materials Release Response Plans and Inventories
- CalARP Program
- Underground Storage Tank Program
- Aboveground Petroleum Storage Act Program, including Spill Prevention, Control, and Countermeasure Plans
- Hazardous Waste Generator Program
- Onsite Hazardous Waste Treatment (Tiered Permit) Program
- California Fire Code Hazardous Material Management Plans, and Hazardous Materials Inventory Statements

In addition to performing responsibilities under the CUPA Program, the HFD implements the CFC (with local amendments) and emergency abatement regulations in the Municipal Code.

4.7.1.2 EXISTING CONDITIONS

The following information is taken in part from the *Existing Conditions and Opportunities Analysis* prepared for the Specific Plan Area. This report is included as Appendix B of this Draft EIR.

Hazardous Materials Sites

California Government Code Section 65962.5 requires the CalEPA to compile, maintain, and update specified lists of hazardous material release sites. The California Environmental Quality Act (CEQA)[10] requires the lead agency to consult the lists compiled pursuant to Government Code Section 65962.5 to determine whether a project and any alternatives are identified on any of the following lists:

- EPA NPL: The USEPA's National Priorities List includes all sites under the USEPAs Superfund program, which was established to fund cleanup of contaminated sites that pose risk to human health and the environment.
- EPA CERCLIS and Archived Sites: The USEPA's Comprehensive Environmental Response, Compensation, and Liability Information System includes a list of 15,000 sites nationally identified as hazardous sites. This would also involve a review for archived sites that have been removed from CERCLIS due to No Further Remedial Action Planned (NFRAP) status.
- EPA RCRIS (RCRA Info): The Resource Conservation and Recovery Act Information System (RCRIS or RCRA Info) is a national inventory system about hazardous waste handlers. Generators, transporters, handlers, and disposers of hazardous waste are required to provide information for this database.
- DTSC Cortese List: The DTSC maintains the Hazardous Waste and Substances Sites (Cortese) list as a planning document for use by the State and local agencies to comply with the CEQA requirements in providing information about the location of hazardous materials release sites. This list includes the Site Mitigation and Brownfields Reuse Program Database (CalSites).
- DTSC HazNet: The DTSC uses this database to track hazardous waste shipments.
- SWRCB LUSTIS: Through the Leaking Underground Storage Tank Information System, the SWRCB maintains an inventory of USTs and leaking USTs, which tracks unauthorized releases.

The required lists of hazardous material release sites are commonly referred to as the "Cortese List" named after the legislator who authored the legislation. Because the statute was enacted more than 20 years ago, some of the provisions refer to agency activities that were conducted many years ago and are no longer being implemented and, in some cases the information required in the Cortese List does not exist. Those requesting a copy of the Cortese Lists are now referred directly to the appropriate information resources contained on internet websites hosted by the boards or departments referenced in the statute, including DTSCs online EnviroStor database and the SWRCB's online GeoTracker database.

[10] California Public Resources Code Section 21092.6.

These two databases include hazardous material release sites, along with other categories of sites or facilities specific to each agency's jurisdiction. A search of the DTSC EnviroStor online database on October 12, 2018 found one voluntary cleanup site within the Specific Plan Area; the Grand Place, LLC (EnviroStor ID number 01010007) located on 22815 Sutro Street.[11] The Grand Place, LLC was historically used for agricultural purposes until 1953 when it was developed for commercial and light industrial use. In 2001, the DTSC allowed residential construction on the site with restrictions on groundwater use. The site was subsequently acquired by Pulte Homes and developed with townhomes.

Existing Schools

The Hayward Unified Schools District operates 20 elementary schools, five middle schools, and three comprehensive high schools. The following schools are within 0.25-mile of the Specific Plan Area:

- All Saints School located at 22870 2nd St, Hayward, CA 94541
- Burbank Elementary School located at 222 Burbank Street, Hayward , CA 94541
- Bret Harte Elementary School located at 1047 E Street, Hayward, CA 94541
- Hayward High School located at 1633 East Avenue, Hayward, CA 94541

Airports

The Specific Plan Area is not located within an airport land use plan area. The nearest public airports are the Hayward Executive Airport, located 2.5 miles southwest of the project site, and the Oakland International Airport located 8 miles northwest of the project site.[12] The nearest heliport is at the Saint Rose Hospital, located 3 miles southwest of the Specific Plan Area. There are no private airstrips within the vicinity of the city of Hayward.[13]

Wildlife Fire Hazard

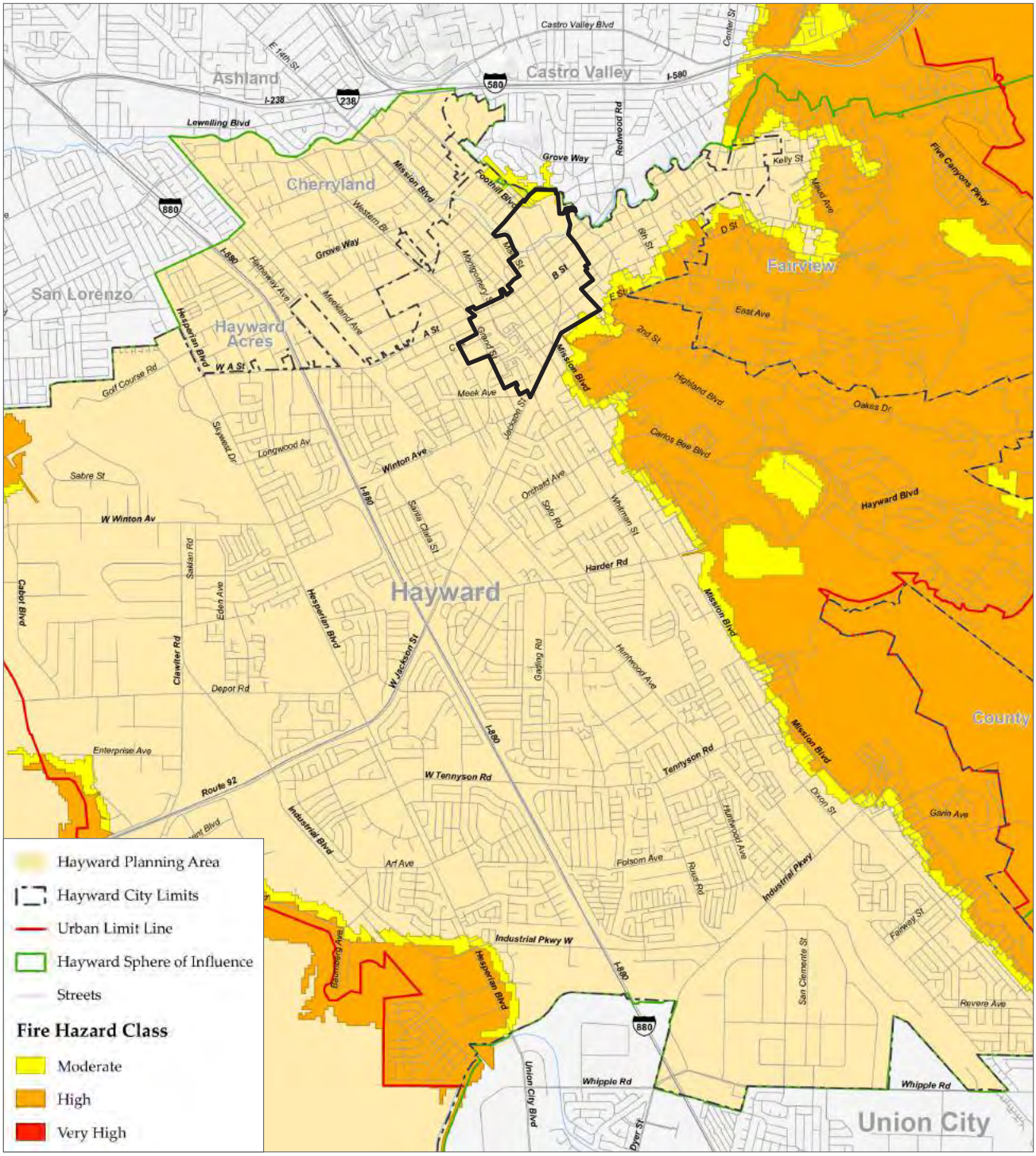
According to the latest Draft Fire Hazard Severity Map created by CAL FIRE in July 2007 (see Figure 4.7-1), there is an area of moderate fire hazard east of Foothill Boulevard in the northeast corner of the Specific Plan Area.

Furthermore, wildfire and wildland/urban interface fire threats affect 7,408 acres of land in Hayward. A map prepared by the Hayward Fire Department shows the areas east of Foothill Boulevard within the Specific Plan Area as being a wildfire urban interface area (see Figure 4.7-2).

[11] California Department of Toxic Substances Control EnviroStor web site, http://envirostor.dtsc.ca.gov/public, accessed on October 15, 2018.

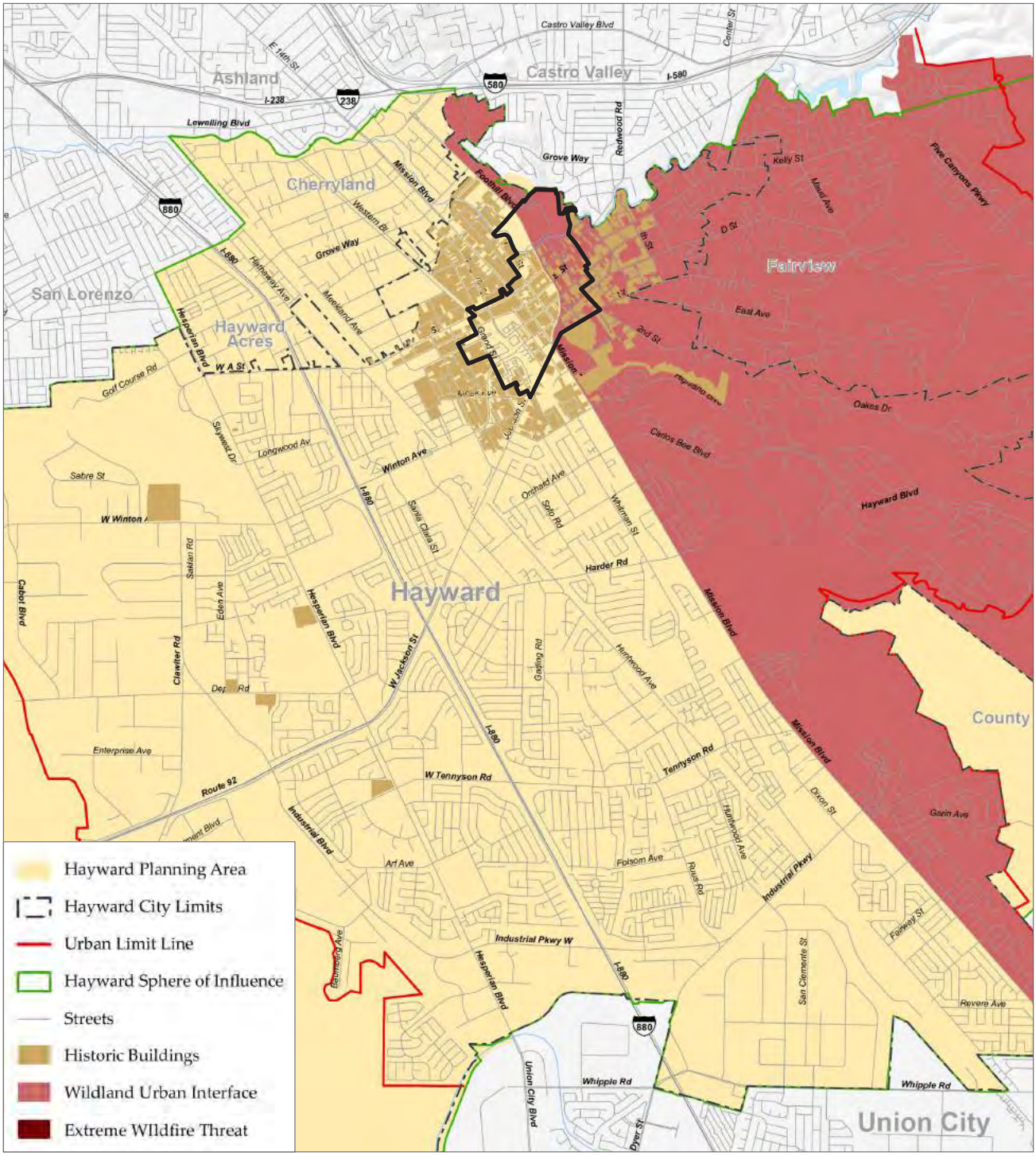
[12] Caltrans, Division of Aeronautics Maps and Data, Caltrans Aviation GIS Data, https://caltrans.maps.arcgis.com/apps/webappviewer/index.html?id=32c3cbe24491427d872e2fec173a4b22, accessed on October 12, 2018.

[13] AirNav, Browse Airports, United States of America, California, http://www.airnav.com/airports/us/CA, accessed on October 12, 2018.



Source: 2040 Hayward General Plan, July 2014.

Figure 4.7-1
CAL FIRE Fire Hazard Severity Zones



Source: 2040 Hayward General Plan, July 2014.

Figure 4.7-2
Hayward Fire Department Fire Hazard Severity Zones

4.7.2 STANDARDS OF SIGNIFICANCE

Implementation of the proposed project would result in a significant impact related to hazards or hazardous materials if it would:

1. Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials.
2. 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.
3. Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within ¼-mile of an existing or proposed school.
4. 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, create a significant hazard to the public or the environment.
5. Be 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 resulting in a safety hazard for people residing or working in the project area.
6. Be within the vicinity of a private airstrip and result in a safety hazard for people residing or working in the project area.
7. Impair implementation of, or physically interfere with, an adopted emergency response plan or emergency evacuation plan.

Expose people or structures to a significant risk of loss, injury, or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands.

4.7.2.7 STANDARDS NOT DISCUSSED FURTHER

With regard to Standard 5 and 6, as demonstrated in Section 4.7.1.2, Existing Conditions, the Specific Plan Area is not within any airport land use plan area, and is not within 2 miles of a public airport or private airstrips or heliports. Therefore, no further discussion of the proposed project's impacts related to airport safety operations and to people residing or living in the Specific Plan Area in close proximity to airports is warranted in this Draft EIR.

4.7.3 IMPACT DISCUSSION

HAZ-1 **Implementation 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.**

Future development in the Specific Plan Area could result in the use and storage of hazardous materials, including common cleaning products, building maintenance products, paints and solvents, and other similar items. These potentially hazardous materials, however, would not be of the type to occur in

sufficient quantities to pose a significant hazard to public health and safety or to the environment. Potentially hazardous building materials (e.g., asbestos containing materials, lead-based paint, etc.) could be encountered during demolition of existing structures to accommodate new development. Therefore, the transport of hazardous materials could occur during future remediation and construction activities. Transport of hazardous materials, however, would be subject to existing federal, State, and local regulations, such as the following:

- DOT Hazardous Materials Transport Act-Code of Federal Regulations 49
- USEPA Resource Conservation and Recovery Act
- USEPA Comprehensive Environmental Response, Compensation and Liability Act
- California Health and Safety Code (Chapters 6.95 and 19)
- California Code of Regulations (Section 2729)

Furthermore, potential future development in the Specific Plan Area would be required to comply with existing General Plan policies described above in Section 4.7.1.1, as applicable, that require local planning and development decisions to consider impacts from the release of hazards and hazardous materials. Specifically, Policy HAZ-6.8 stipulates that 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 PFS-4.11 relates to the City enforcing appropriate industrial pretreatment standards and source control to prevent materials prohibited by Federal and State regulations from entering the wastewater system and to ensure compliance with the City's local discharge limits. Policy HQL-7.3 encourages and educates residents, nonprofits, and businesses to implement integrated pest management principles, and reduce or discontinue the use of pesticides, herbicides, and toxic cleaning substances.

Compliance with these laws and regulations would ensure hazardous impacts associated with the routine transport, use, or disposal of hazardous materials are *less than significant*.

Significance without Mitigation: Less than significant.

HAZ-2 Implementation of the proposed project would not 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.

It is envisioned that the Specific Plan Area would be developed with a mix of residential, health, recreation, education, light industrial, commercial, public and retail uses that would be concentrated in either already developed and/or underutilized, and/or in close proximity to existing development in the city. Operation of the future projects would involve the storage and use of common cleaning substances, building maintenance products, paints, and solvents. These potentially hazardous substances would not, however, be of a type or would occur in sufficient quantities in the Specific Plan Area to pose a significant hazard to public health and safety or the environment. The storage and use of these materials would be subject to existing federal, State, and local regulations, such as the following, which are discussed further in Section 4.7.1.1, Regulatory Framework:

- USEPA laws and regulations ensure the safe production, handling, disposal, and transportation of hazardous materials. Laws and regulations established by the USEPA are enforced locally by California Environmental Protection Agency.
- As described above, OSHA oversees training for hazardous materials handlers and the provision of information to employees who may be exposed to hazardous materials.
- California Health and Safety Code Chapters 6.95 and 19, and California Code of Regulations Section 2729, set out the minimum requirements for business emergency plans. These regulations require businesses to provide emergency response plans and procedures, training program information, and a hazardous material chemical inventory disclosing hazardous materials stored, used, or handled on site. A business that uses hazardous materials or a mixture containing hazardous materials must establish and implement a business plan if the hazardous material is handled in certain quantities.
- The California Division of Occupational Safety and Health Administration is the responsible State-level agency for ensuring workplace safety. Cal OSHA assumes primary responsibility for the adoption and enforcement of standards regarding workplace safety and safety practices.
- The California Emergency Management Agency is responsible for the coordination of overall State agency response to major disasters in support of local government. The agency is responsible for assuring the State's readiness to respond to and recover from all hazards and for assisting local governments in their emergency preparedness, response, recovery, and hazard mitigation efforts.
- The HFD is the CUPA charged with implementing and enforcing State and local policies relating to hazardous materials in Hayward. This includes administration of the Hazardous Materials Business Plan Program and California Accidental Release Program.

Additionally, future development would also be required to comply with General Plan policies listed above in Section 4.7.1.1, Regulatory Framework, as applicable, that require local planning and development decisions to consider impacts from exposure to hazardous materials. Specifically, Policies HAZ-6.1, HAZ-6.2, and HAZ-6.4 aim to protect people and environmental resources from contaminated hazardous material sites and minimize risks associated with the use, storage, transport, and disposal of hazardous materials. Compliance with these regulations would ensure that the risk of accidents and spills are minimized to the maximum extent practicable. Consequently, overall, associated impacts would be *less than significant*.

Significance without Mitigation: Less than significant.

HAZ-3 Implementation of the proposed project would not emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within 0.25 miles of an existing or proposed school.

All Saints School, Burbank Elementary School, Bret Harte Elementary School, and Hayward High School are located within 0.25-miles from the Specific Plan boundaries. Therefore, future development in the Specific Plan Area could impact schools. The City of Hayward Building Division coordinates the review of building permits to ensure that hazardous materials use requirements are met prior to construction, including required separation between hazardous materials and sensitive land uses, and proper hazardous

materials storage facilities. In addition, the future development under the Specific Plan could use hazardous materials during construction and operation. Future development under the Specific Plan would be required by the HFD to store, manage, and dispose of the materials in accordance with the Unified Program.

As addressed in impact discussion HAZ-1, construction of future development allowed by the proposed Specific Plan could involve the routine transport, use, and disposal of hazardous or potentially hazardous materials to, from, and on development sites. As stated in impact discussion HAZ-2, the proposed Specific Plan calls for a range of uses that would not involve the storage or handling of large quantities of hazardous materials. The amount of hazardous chemicals and materials that would be involved in the implementation of the proposed Specific Plan would be subject to existing government regulations. As stated in the impact discussions HAZ-1 and HAZ-2, compliance with existing federal, State, and local regulations, procedures, and policies would avoid potential impacts associated with hazardous materials handling, use, and storage in the Specific Plan Area.

Furthermore, General Plan policies listed above in Section 4.7.1.1, Regulatory Framework, as applicable, that require local planning and development decisions to consider impacts from the release of hazardous materials near schools. Specifically, Policy HAZ-6.4 states that the City shall review applications for commercial and industrial uses that involve the use, storage, and transport of hazardous materials to determine the need for buffer zones or setbacks to minimize risks to homes, schools, community centers, hospitals, and other sensitive uses. Policy HQL-7.5 stipulates that 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. Compliance with these regulations, procedures, and policies would ensure that hazardous materials are properly handled, thereby reducing potential risks to nearby schools. Therefore, potential impacts to schools would be *less than significant*.

Significance without Mitigation: Less than significant.

HAZ-4	**Implementation of the proposed project would not 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 not create a significant hazard to the public or the environment.**

As discussed previously, a search of the DTSC EnviroStor online database on October 12, 2018 found one voluntary cleanup site within the Specific Plan Area; the Grand Place, LLC (EnviroStor ID number 01010007) located on 22815 Sutro Street. The Grand Place, LLC was historically used for agricultural purposes until 1953 when it was developed for commercial and light industrial use. In 2001, the DTSC allowed residential construction on the site with restrictions on groundwater use. The site was subsequently acquired by Pulte Homes and developed with townhomes. There are no sites within the Specific Plan Area that are included on a list of hazardous materials sites compiled pursuance to Government Code Section 65962.5 and impacts would be *less than significant*.

Significance without Mitigation: Less than significant.

HAZ-5 Implementation of the proposed project would not impair implementation of, or physically interfere with, an adopted emergency response plan or emergency evacuation plan.

As discussed in Section 4.7.1.1, Regulatory Framework, the City has adopted ABAG's multi-jurisdictional LHMP for the San Francisco Bay Area, as modified for the City's LHMP. Buildout of the Specific Plan Area would result in changes to current circulation through the Specific Plan Area for emergency vehicles, cars, buses, bicycles, and pedestrians; however, no physical components that would interfere with the ability to implement emergency response are proposed. Project plans include fire and emergency access through all phases of construction and operation. Compliance with the provisions of the CFC and the CBC would ensure that buildout of the Specific Plan would result in a *less -than-significant* impact with respect to interference with an adopted emergency response plan or emergency evacuation plan.

Significance without Mitigation: Less than significant.

HAZ-6 Implementation of the proposed project would not expose people or structures to a significant risk of loss, injury, or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands.

As shown in in Section 4.7.1.2, Existing Conditions, there is an area of moderate fire hazard east of Foothill Boulevard in the northeast corner of the Specific Plan Area and the entire area east of Foothill Boulevard is a wildfire urban interface area (see Figure 4.7-2).

All projects to be developed within the wildlife urban interface area will abide by the design requirements of the Hayward Hillside Design and Urban/Wildfire Interface Guidelines. Furthermore, the General Plan includes policies described above in Section 4.7.1.1, as applicable, that require local planning and development decisions to consider impacts from wildfire hazards. Specific policies include the following: Policy HAZ-5.1 mandates the implementation of the Wildland/Urban Interface Guidelines for new development; Policy HAZ-5.2 requires the City to enforce fire prevention codes that require property owners to reduce wildfire hazards on their property; Policy HAZ-5.3 promotes 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-5.4 requires the City to seek grant funding to mitigate potential wildfire threats to the community and to implement special training workshops and projects related to defensible space and fuel reduction practices; and, Policy HQL-9.5 requires the City to continue to assess and monitor risks from local environmental (e.g., flooding, earthquake, wildfire) and man-made hazards and work with community groups and State and regional agencies to prepare residents, business, and visitors in the event of an incident.

Significance without Mitigation: Less than significant.

4.8 HYDROLOGY AND WATER QUALITY

This chapter describes the existing hydrology and water quality of the Specific Plan Area and evaluates the potential environmental consequences of future development that could occur by adopting and implementing the proposed project. This chapter provides a summary of the relevant regulatory setting necessary to evaluate potential environmental impacts resulting from the proposed project, describes potential impacts, and discusses existing and proposed goals, policies, and implementation programs and zoning regulations that would avoid or reduce those potential impacts.

4.8.1 ENVIRONMENTAL SETTING

4.8.1.1 REGULATORY FRAMEWORK

Federal Regulations

Clean Water Act

The Clean Water Act (CWA) of 1977, as administered by the United States Environmental Protection Agency (USEPA), seeks to restore and maintain the chemical, physical, and biological integrity of the nation's waters. The CWA employs a variety of regulatory and non-regulatory tools to reduce direct pollutant discharges into waterways, finance municipal wastewater treatment facilities, and manage polluted runoff. The CWA authorizes the USEPA to implement water-quality regulations. The National Pollutant Discharge Elimination System (NPDES) permit program under Section 402(p) of the CWA controls water pollution by regulating stormwater discharges into the waters of the United States. California has an approved State NPDES program. The USEPA has delegated authority for water permitting to the State Water Resources Control Board (SWRCB) and the San Francisco Regional Water Quality Control Board (RWQCB) (Region 2). Section 303(d) of the CWA requires that each state identify water bodies or segments of water bodies that are "impaired" (i.e., not meeting one or more of the water-quality standards established by the state). These waters are identified in the Section 303(d) list as waters that are polluted and need further attention to support their beneficial uses. Once the water body or segment is listed, the state is required to establish Total Maximum Daily Load (TMDL) for the pollutant causing the conditions of impairment. TMDL is the maximum amount of a pollutant that a water body can receive and still meet water-quality standards. Typically, TMDL is the sum of the allowable loads of a single pollutant from all contributing point and non- point sources. The intent of the 303(d) list is to identify water bodies that require future development of a TMDL to maintain water quality. In accordance with Section 303(d), the RWQCB has identified impaired water bodies within its jurisdiction, and the pollutants or stressors responsible for impairing the water quality. Stormwater collected from the northern portion of the Specific Plan Area, near the former City Hall on City Center Drive, drains to San Lorenzo Creek. Stormwater collected from the southern portion of the Specific Plan Area drains to Ward Creek which drains to Old Alameda Creek before entering the San Francisco Bay. The San Lorenzo Creek, Ward Creek, and Old Alameda Creek are listed on the SWRCB's 303(d) list.[1]

[1] State Water Resources Control Board, 2012. Final 2012 Integrated Report (CWA Section 303(d) List / 305(b) Report), https://www.waterboards.ca.gov/water_issues/programs/tmdl/integrated2012.shtml, accessed on October 11, 2018.

National Pollutant Discharge Elimination System

The CWA-established NPDES permit program regulates municipal and industrial discharges to surface waters of the United States from their municipal separate storm sewer systems. Under the NPDES program, all facilities that discharge pollutants into waters of the United States are required to obtain a NPDES permit. Requirements for stormwater discharges are also regulated under this program.

The City of Hayward lies within the jurisdiction of San Francisco Bay RWQCB (Region 2) and is subject to the waste discharge requirements of the Municipal Regional Stormwater Permit (MRP; Order No. R2-2015-0049) and NPDES Permit No. CAS612008, which was issued on November 19, 2015 and became effective as of January 1, 2016. The Alameda County permittees include Alameda County, the Alameda County Flood Control and Water Conservation District, and 14 cities, including the City of Hayward. The permit governs a variety of activities in the City of Hayward such as industrial and commercial businesses, new and redevelopment projects, construction sites, storm drain operation and maintenance, creek monitoring, pesticide applications, and illegal dumping of water and other pollution in the City's storm drain.

Under Provision C.3 of the MRP, the co-permittees use their planning authorities to include appropriate source control, site design, and stormwater treatment measures in new development and redevelopment projects. New development or redevelopment projects that create and/or replace 2,500 square feet or more of impervious surface (depending on the project type) are required to implement site design measures and/or low impact development (LID) techniques. The City requires as a standard of condition for applicants to conform to all C.3 provisions of the MRP.

National Flood Insurance Program

The National Flood Insurance Act of 1968 and the Flood Disaster Protection Act of 1973 mandate the Federal Emergency Management Agency (FEMA) to evaluate flood hazards. FEMA provides Flood Insurance Rate Maps (FIRMs) for local and regional planners to promote sound land use and floodplain planning and identify potential flood areas based on current conditions. To delineate a FIRM, FEMA conducts engineering studies called Flood Insurance Studies. Using information gathered in these studies, FEMA engineers and cartographers delineate Special Flood Hazard Areas on FIRMs. The Specific Plan Area is identified in FIRM No. 06001C0287G dated August 3, 2009. The northern portion of the Specific Plan Area is within the 500-year floodplain.[2]

State Regulations

Porter-Cologne Water Quality Act

The Porter-Cologne Water Quality Act is the basic water-quality control law for California. Under this Act, the SWRCB has ultimate control over State water rights and water-quality policy. In California, the California EPA has delegated authority to issue NPDES permits to the SWRCB. The SWRCB, through its nine Regional Water Quality Control Boards, carries out the regulation, protection, and administration of water

[2] City of Hayward, 2014, Hayward 2040 General Plan Background Report, Chapter 9, Hazards, page 9-25.

quality in each region. Each regional board is required to adopt a Water Quality Control Plan, or Basin Plan, that recognizes and reflects the regional differences in existing water quality, the beneficial uses of the region's ground and surface water, and local water-quality conditions and problems. The city is within the San Francisco Bay Basin and is under the jurisdiction of the San Francisco Bay RWQCB (Region 2) which monitors surface water quality through implementation of the Water Quality Control Plan for the San Francisco Bay Basin (Basin Plan) and designates beneficial uses for surface water bodies and groundwater within the San Francisco Bay region. The Basin Plan for the San Francisco Basin was last updated on May 4, 2017 and will continue to be updated as deemed necessary to maintain pace with technological, hydrological, political, and physical changes in the region.[3] This Basin Plan describes the water quality that must be maintained to support the designated beneficial uses and provides programs, projects, and other actions necessary to achieve the standards established in the Basin Plan. The Basin Plan also contains water quality criteria for groundwater.

Statewide General Construction Permit

Construction projects of 1 acre or more are regulated under the General Construction Permit (GCP), Order No. 2012-0006-DWQ, issued by the SWRCB. Under the terms of the permit, applicants must file Permit Registration Documents (PRDs) with the SWRCB prior to the start of construction. The PRDs include a Notice of Intent (NOI), risk assessment, site map, Stormwater Pollution Prevention Plan (SWPPP), annual fee, and a signed certification statement. The PRDs are submitted electronically to the SWRCB via the Stormwater Multiple Application and Report Tracking System website.

The SWPPP must demonstrate conformance with applicable Best Management Practices (BMPs), including a site map that shows the construction site perimeter, existing and proposed buildings, lots, roadways, stormwater collection and discharge points, general topography both before and after construction, and drainage patterns across the project location. The SWPPP must list BMPs that would be implemented to prevent soil erosion and discharge of other construction-related pollutants that could contaminate nearby water resources. Additionally, the SWPPP must contain a visual monitoring program, a chemical monitoring program for nonvisible pollutants if there is a failure of the BMPs, and a sediment monitoring plan if the site discharges directly to a water body listed on the 303(d) list for sediment. Some sites may require implementation of a Rain Event Action Plan. The GCP also requires applicants to comply with post-construction runoff reduction requirements. Since the future potential development that could result from this project could disturb more than one acre, it would be subject to these requirements.

Regional Regulations

Alameda County Flood Control & Water Conservation District

The Alameda County Flood Control & Water Conservation District (District) provides flood protection for Alameda County residents and businesses. The District plans, designs, constructs, and maintains flood control projects such as natural creeks, channels, levees, pump stations, dams, and reservoirs. In 2016,

[3] California Regional Water Quality Control Board, 2017. San Francisco Basin (Region 2), Water Quality Control Plan (Basin Plan), May 2017, https://www.waterboards.ca.gov/sanfranciscobay/basin_planning.html, accessed on October 11, 2018.

the District updated the *Hydrology & Hydraulics Manual* which serves as a guide for minimum design requirements and provides a hydrologic model for all of Alameda County.[4]

The District is also charged with administering the Clean Water Program for the 14 cities of Alameda County, including Hayward, the Alameda County Flood Control District, unincorporated areas of Alameda County, and the Zone 7 Water Agency. The Alameda County Clean Water Program's C.3 Stormwater Technical Guidance is meant to help developers, builders, and project sponsors include post-construction stormwater controls in their projects, in order to meet local municipal requirements and State requirements in the MRP. The District provides administrative and contracting services for the Alameda Countywide Clean Water Program to help comply with federal and state requirements to improve water quality and better manage urban stormwater and runoff.[5]

Local Regulations

Urban Water Management Plan

The City's 2015 *Urban Water Management Plan* (UWMP) was prepared in accordance with the Urban Water Management Planning Act. The 2015 UWMP addresses the City's water system and includes a description of the water supply sources, historical and projected water use, and a comparison of water supply to water demands during normal, single-dry, and multiple-dry years. The 2015 UWMP also addresses water use efficiency legislation as required by the Water Conservation Act of 2009, and the implementation plan for meeting the City's 2020 water use targets.[6]

Looking Forward Hayward 2040 General Plan

The City of Hayward 2040 General Plan, adopted in July 2014, includes goals, policies, and programs intended to avoid or reduce impacts on related to hydrology and water quality in the Land Use (LU), Hazards (HAZ), Natural Resources (NS), and Public Facilities and Services (PFS) elements. As described in the General Plan EIR, in most cases, no one goal, policy, or implementation program itself is expected to completely avoid or reduce an identified potential environmental impact.[7] However, the collective, cumulative mitigating benefits of the policies listed below are intended to reduce hydrology and water quality-related impacts. Specific goals and policies are described in Section 4.8.3, Impact Discussion, to demonstrate how the policy would avoid or reduce the impact.

[4] Alameda County, Flood Control & Water Conservation District, 2016, Hydrology & Hydraulics Manual, http://www.acfloodcontrol.org/projects-and-programs/hydrology-hydraulics/hydrology-hydraulics-manual/, accessed on October 11, 2018.

[5] Alameda County, Flood Control & Water Conservation District, Clean Water Program, http://www.acfloodcontrol.org/projects-and-programs/clean-water-program/, accessed on October 11, 2018.

[6] City of Hayward, 2016, 2015 Urban Water Management Plan, City of Hayward Department of Utilities & Environmental Staff, https://hayward.prod.acquia-sites.com/sites/default/files/documents/City%20of%20Hayward%20Final%202015%20UWMP.pdf, accessed on October 11, 2018.

[7] City of Hayward, 2014, City of Hayward 2040 General Plan certified EIR, State Clearinghouse Number 2013082015.

The following goals and policies are relevant to the analysis of potential hydrology and water quality impacts within the Specific Plan Area:

- Goal LU-1: Promote local growth patterns and sustainable development practices that improve quality of life, protect open space and natural resources, and reduce resource consumption, traffic congestion, and related greenhouse gas emissions.
  - 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-1.10 Infrastructure Capacities: The City shall ensure that adequate infrastructure capacities are available to accommodate planned growth throughout the City.
- Goal LU-5: Promote attractive and vibrant community and regional centers that provide convenient and enhanced opportunities for shopping, services, entertainment, social interaction, and culture.
  - Policy LU-5.4 Parking Lot Enhancements: The City shall require new and renovated community and regional centers to incorporate landscaping and shade trees into parking lots to capture and filter stormwater runoff, minimize the heat island affect, and improve the visual appearance of properties. Parking lot shade structures with solar panels may also be used as an alternative to shade trees.
- Goal HAZ-3: Protect life and minimize property damage from potential flood hazards.
  - Policy HAZ-3.2 Development in Floodplains: 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.
- Goal NR-1: Protect, enhance, and restore sensitive biological resources, native habitat, and vegetation communities that support wildlife species so they can be sustained and remain viable.
  - Policy NR-1.12 Riparian Corridor Habitat Protection: The City shall protect creek riparian corridor 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 adverse effects of increased stormwater runoff, sedimentation, erosion, and pollution that may occur from improper development in adjacent areas.

- Goal NR-6: Improve overall water quality by protecting surface and groundwater sources, restoring creeks and rivers to their natural state, and conserving water resources.
  - 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-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.
- Goal PSF-1: Ensure the provision of adequate and efficient facilities and services that maintain service levels, are adequately funded, accessible, reliable, and strategically allocated.
  - Policy PSF-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).
- Goal PSF-3: Maintain a level of service in the City's water system that meets the needs of existing and future development while improving water system efficiency.
  - Policy PFS-3.11 Water Supply During Emergencies: The City shall, to the extent feasible, maintain adequate water supply during emergencies. The City shall maintain emergency water connections with the Alameda County Water District and the East Bay Municipal Utility District in case of disruption of delivery from San Francisco Public Utility Commission and maintain emergency wells for short duration use in an emergency and ensure that wells meet primary drinking water standards.
- Goal PSF-5: Maintain an adequate level of service in the City's storm drainage system to accommodate runoff from existing and future development, prevent property damage due to flooding, and improve environmental quality.
  - Policy PSF-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 PSF-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 PSF-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 PSF-5.5 Public Improvement Design: The City shall design public improvements such as streets, parks, and plazas for retention and infiltration of stormwater by diverting urban runoff to bio-filtration systems, such as green scapes and implementing Low Impact Development (LID) techniques.
- Policy PSF-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 systems.
- Policy PSF-5.7 Diversion: The City shall require new development to be designed to prevent the diversion of stormwater onto neighboring parcels.

Hayward Municipal Code

Chapter 11, Article 5, Stormwater Management and Urban Runoff Control

This chapter of the Hayward Municipal Code includes regulations for public utilities and infrastructure in the City of Hayward. HMC Chapter 11, Article 5, Stormwater Management and Urban Runoff Control, prohibits the impairment or obstruction of the natural flow of stormwaters in a channel, pipe, or storm drain system unless an encroachment permit or grading permit has been issued by the Director of Public Works. The chapter also addresses stormwater quality in accordance with the requirements of the NPDES permit (Order No. R2-2015-0049), prohibits the discharge of non-stormwater into the City's storm drain system, and requires the reduction of pollutants in stormwater discharges by implementing stormwater treatment measures for regulated projects and significant redevelopment projects.

Chapter 10, Article 8, Grading and Clearing

This chapter of the HMC requires a permit for grading or clearing activities. Applicants must submit a site map and grading plan that describes the location and specifications for all proposed erosion and sediment control measures and the location and graphic representation of all existing and proposed drainage facilities along with a hydrology map prepared by a Registered Civil Engineer and hydraulic calculations. Applicants may also be required to submit an Interim Erosion and Sediment Control Plan that contains the following information:

- Maximum surface runoff from the site and contributing adjacent properties calculated using a method approved by the City Engineer;
- A delineation and brief description of the measures to be undertaken to retain sediment on the site, including but not limited to the designs and specifications for sediment detention basins and traps and a schedule for their maintenance and upkeep;
- A delineation and brief description of the surface runoff and erosion control measures to be implemented, including but not limited to the types and method of applying mulches, and designs and specifications for diverters, dikes and drains, and a schedule for their maintenance and upkeep;

- A delineation and brief description of the vegetative measures to be used, including but not limited to the types of seeds and fertilizer and their application rates, the type, location and extent of pre-existing and undisturbed vegetation types, and a schedule for maintenance and upkeep;
- The location of all the measures listed by the applicant under paragraphs (2), (3), and (4) of this subsection shall be depicted on the Grading Plan or on a separate plan at the direction of the City Engineer;
- The applicant may propose the use of any erosion and sediment control techniques in the Interim Plan provided such techniques are proved to the satisfaction of the City Engineer to be as or more effective than the equivalent best management practices contained in the Manual of Standards.

Applicants may also be required to submit a Final Erosion and Sediment Control Plan that contains the information concerning conditions on the site after all final structures and improvements that have not been covered by an Interim Plan have been completed.

4.8.1.2 EXISTING CONDITIONS

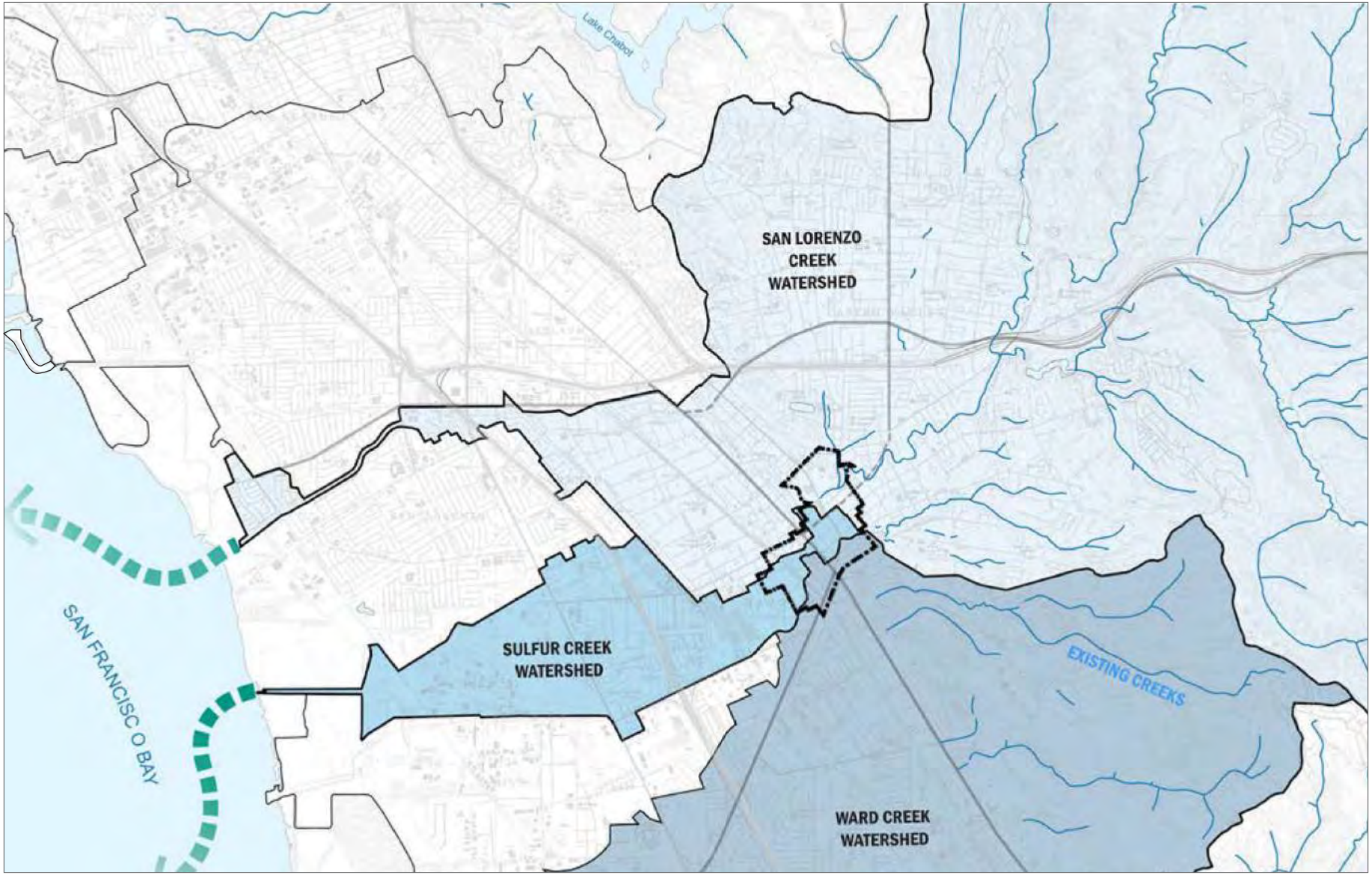
Drainage Area

There are three major watersheds within the Downtown Specific Plan Area: the San Lorenzo Creek Watershed, the Ward Creek Watershed, and the Sulphur Creek watershed (see Figure 4.8-1).

The northern portion of the Specific Plan Area drains into the San Lorenzo Creek Watershed, accounting for approximately 40 percent of the Specific Plan land area. The Specific Plan Area comprises roughly 0.4 percent of the watershed's overall area, which, at 48 square miles, is one of the largest watersheds draining to the eastern shore of San Francisco Bay. The watershed begins in the East Bay hills at the Dublin Grade, encompassing the unincorporated communities of Castro Valley and San Lorenzo, plus portions of San Leandro and Hayward. Within the Specific Plan Area, stormwater inlets and drainage piping direct surface runoff to the creek channel. There is a significant elevation change of over 100 feet within the northernmost portion of the Specific Plan Area, and the topography flattens closer to the creek. San Lorenzo Creek leaves the Specific Plan Area as an engineered channel with water flowing first north and then west, entering central San Francisco Bay near Roberts Landing, west of San Lorenzo.[8]

The waterways of the Hayward Landing-Bockman Canal-Sulphur Creek watersheds flow entirely through underground culverts and engineered channels to drain the low lying areas of San Lorenzo and the northwest section of Hayward. These three sub-watersheds drain to San Francisco Bay through the Hayward Regional Shoreline Park, where former salt evaporation ponds have been restored to tidal marsh. The 2.7-square-mile Sulphur Creek Watershed drains the west-central portion of the Specific Plan Area, covering approximately 35 percent of the land within the plan boundary. Across the Specific Plan Area,

[8] City of Hayward, 2018, Hayward Downtown Specific Plan, Public Review Draft.



Source: City of Hayward, Downtown Specific Plan, Public Review Draft, 2019.

Figure 4.8-1
Watershed Map

stormwater is collected through inlets connected to the Sulphur Creek box culvert, which measures 6 feet wide and 2 feet deep. Stormwater continues westward, draining the Hayward Executive Airport on its way to the bay. The portion of this system's original drainage area above 2nd Street was diverted to San Lorenzo Creek and is no longer part of the Sulphur Creek watershed.[9]

Capturing the southern 25 percent of the Specific Plan Area, the 22-square-mile Ward Creek Watershed (Old Alameda Creek Watershed), drains a portion of the East Bay hills in Hayward, then spreads through urban flatlands before flowing to San Francisco Bay. Within the Specific Plan Area, Ward Creek has been buried and the drainage is collected in a 30-inch concrete storm drain pipe running through the intersection of Mission and Foothill Boulevards and continuing west via Jackson Street.[10]

Storm Drain System

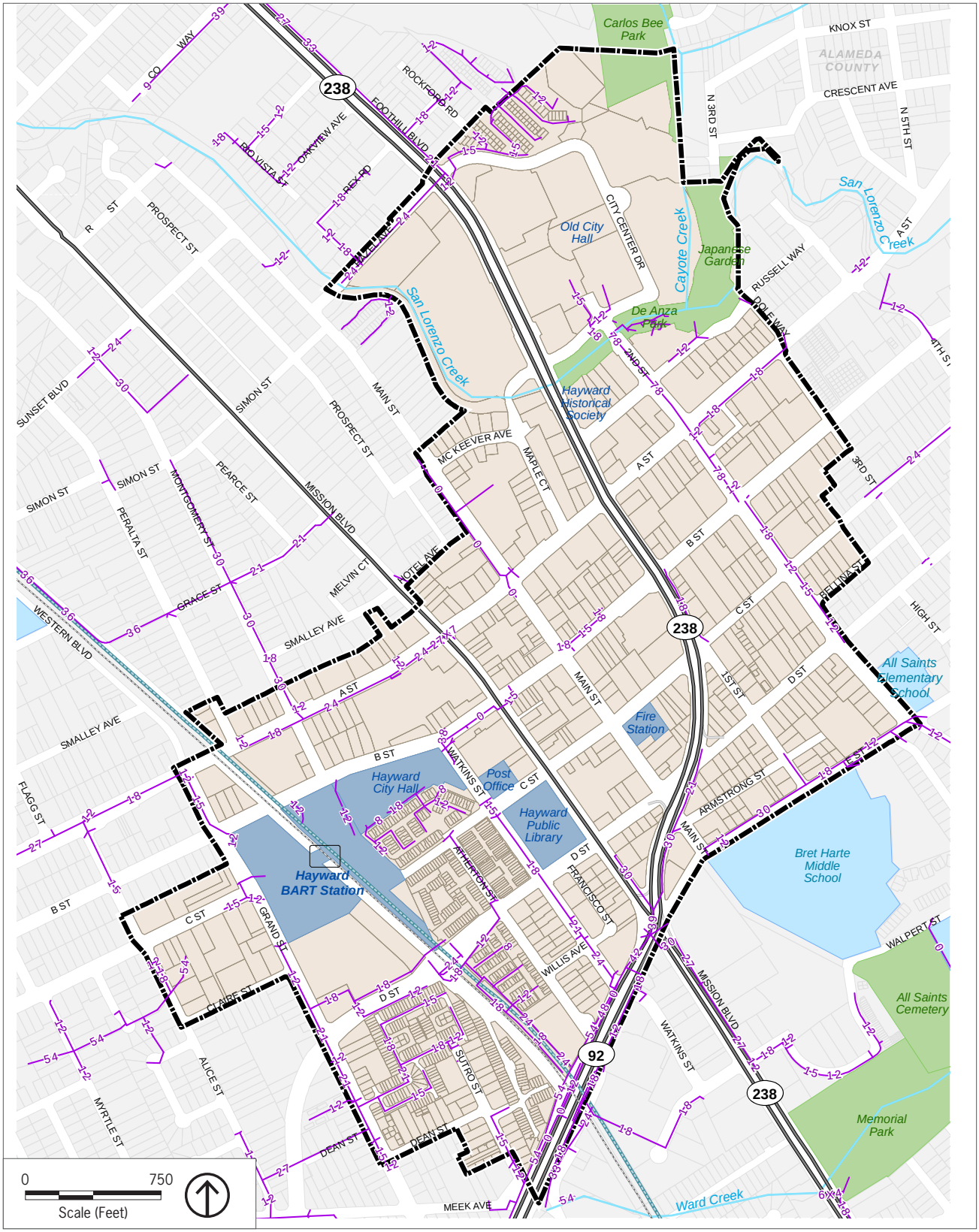
The larger storm drainage facilities in the Downtown Specific Plan Area are owned and maintained by Alameda County Flood Control and Water Conservation District (ACFCWCD), while storm drain pipes smaller than 30 inches are typically owned by the City of Hayward. In general, the storm drain system consists of gravity pipe lines, predominantly made of reinforced concrete, which discharge to underground storm drain lines or manmade open channels owned by the ACFCWCD (see Figure 4.8-2). Collected stormwater from the north portion of the Specific Plan Area, near the former City Hall on City Center Drive, drains to San Lorenzo Creek. Stormwater along A Street is collected in 24-inch lines that connect to an ACFCWCD line north of the plan area. Sulfur Creek Culvert is an underground 2-foot by 6-foot reinforced concrete box culvert that drains the parcels adjacent to B Street. This line meanders underground beneath a number of parcels, and passes under the new City Hall property. The south portion of the Specific Plan Area drains to Ward Creek. Ward Creek in turn drains to Old Alameda Creek before entering the bay.[11]

There currently is no capital improvement projects planned within the area at this time. Existing storm drainage infrastructure is anticipated to have capacity available for future development due to the current requirements that all development is required to mitigate impacts to the system by designing post-development runoff to be held at or below pre-project levels.[12]

Groundwater

The portion of the Specific Plan Area north of the BART line is located in the Castro Valley Groundwater Basin. The rest of the Specific Plan Area is located in the Santa Clara Valley – East Bay Plain Groundwater Basin.[13] The City of Hayward does not currently, nor does it plan to, utilize groundwater to meet any portion of its normal day-to-day water demand. Five emergency wells located within the City, and using

[9] City of Hayward, 2018, Hayward Downtown Specific Plan, Public Review Draft.
[10] City of Hayward, 2018, Hayward Downtown Specific Plan, Public Review Draft.
[11] City of Hayward, 2015, Hayward Downtown Specific Plan Existing Conditions and Opportunities Analyses.
[12] City of Hayward, 2015, Hayward Downtown Specific Plan Existing Conditions and Opportunities Analyses.
[13] Department of Water Resources, Groundwater Basin Boundary Assessment Tool, https://gis.water.ca.gov/app/bbat/, accessed on October 11, 2018.



Source: Hayward Downtown Specific Plan, Existing Conditions and Opportunities Analyses, October 2015.

Ramps
BART
Main
Railroads
Waterways
Specific Plan Boundary
Study Area Parcels

Figure 4.8-2
Storm Drain System

local groundwater, can theoretically provide up to a total of 13.6 million gallons per day for short duration emergency use only.[14]

Surface Water Quality

Pollutants for which receiving waters for the Specific Plan Area (San Lorenzo Creek, Ward Creek, Old Alameda Creek, and the Lower San Francisco Bay) are listed on the CWA Section 303(d) List of Water Quality Limited Segments are identified in Table 4.8-1.

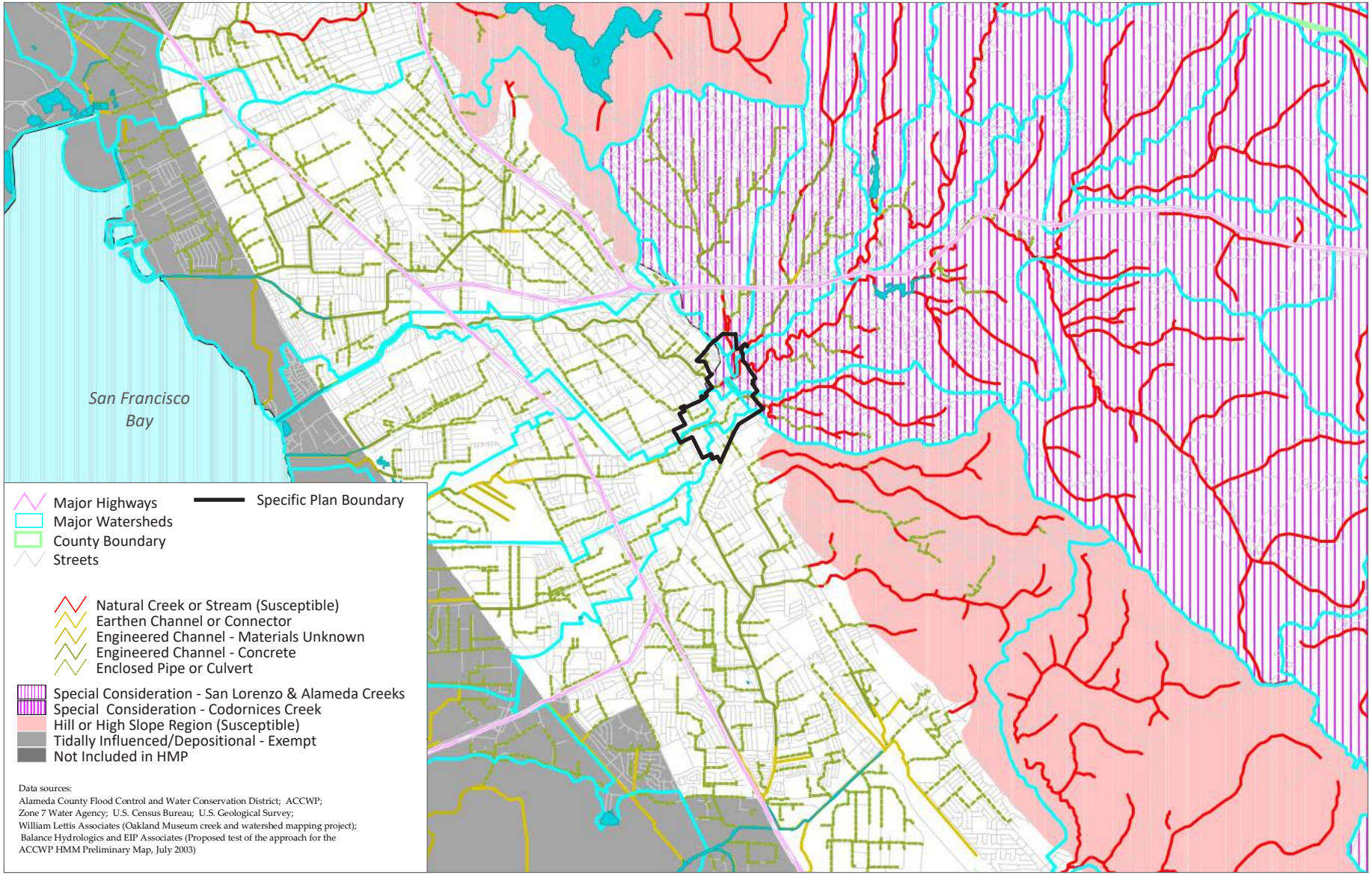
TABLE 4.8-1 POLLUTANTS ON CWA SECTION 303(D) LIST OF WATER QUALITY LIMITED SEGMENTS FOR RECEIVING WATERS FOR THE SPECIFIC PLAN AREA

Water Body	Pollutant	Total Maximum Daily Load (TMDL) Status
San Lorenzo Creek	Diazinon	Approved 2007
Ward Creek	Iron	Estimated completion 2015
	Nitrogen	Approved 2011
	Phosphorous	Approved 2011
	Sedimentation/Siltation	Approved 2011
Old Alameda Creek	Trash	Estimated completion 2021
Lower San Francisco Bay	Chlordane	Estimated completion 2013
	DDT	Estimated completion 2013
	Dieldron	Estimated completion 2013
	Dioxin Compounds	Estimated completion 2019
	Furan Compounds	Estimated completion 2019
	Invasive Species	Estimated completion 2019
	Mercury	Approved 2008
	PCBs	Estimated completion 2008
	Trash	Estimated completion 2021

Source: State Water Resources Control Board 2018.

Furthermore, Alameda County Clean Water Program maps waterways with erosion potential due to runoff flowing directly into a natural waterway; these waterways fall within a "Special Consideration" (hydromodification) zone (see Figure 4.8-3). The northeastern portion of the Specific Plan Area located within the San Lorenzo Creek Watershed is within the "Special Consideration" (hydromodification) zone because runoff is flowing directly to a natural waterway. The remaining areas of the Specific Plan Area are

[14] City of Hayward, 2016, 2015 Urban Water Management Plan, Hayward Department of Utilities & Environmental Staff, https://hayward.prod.acquiasites.com/sites/default/files/documents/City%20of%20Hayward%20Final%202015%20UWMP.pdf, accessed on October 11, 2018.



Source: Alameda Countywide Clean Water Program, November 13, 2006

0 1
Scale (Miles)

Figure 4.8-3
Hydromodification Susceptibility Map

not within a susceptible watershed because stormwater runoff flows from the already developed area to below ground storm drains and engineered channels.[15]

Flood Zones

The Specific Plan Area has two mapped FEMA flood zones (see Figure 4.8-4). The first is largely contained in the ACFCWCD's San Lorenzo Creek, which is a special flood hazard area subject to inundation by the 1 percent annual chance flood (100 year storm). No base flood elevation is determined; the floodway is a channel of a stream plus any adjacent floodplain areas that must be kept free of encroachments so that the 1 percent annual chance flood can be carried without substantial increases in flood height.

The second mapped FEMA flood zone is a flood area subject to inundation by the 0.2 percent annual chance flood (500 year storm), and possibly the 1 percent annual chance flood with average depths of less than 1 foot. This area is within C Street east of Mission, and then follows the alignment of the Sulfur Creek through the City Hall parcel. The remainder of the Specific Plan Area is located outside of FEMA flood zones.[16] Furthermore, a review of Cal OES dam inundation maps indicates that the Specific Plan Area is not located within a dam inundation zone.[17]

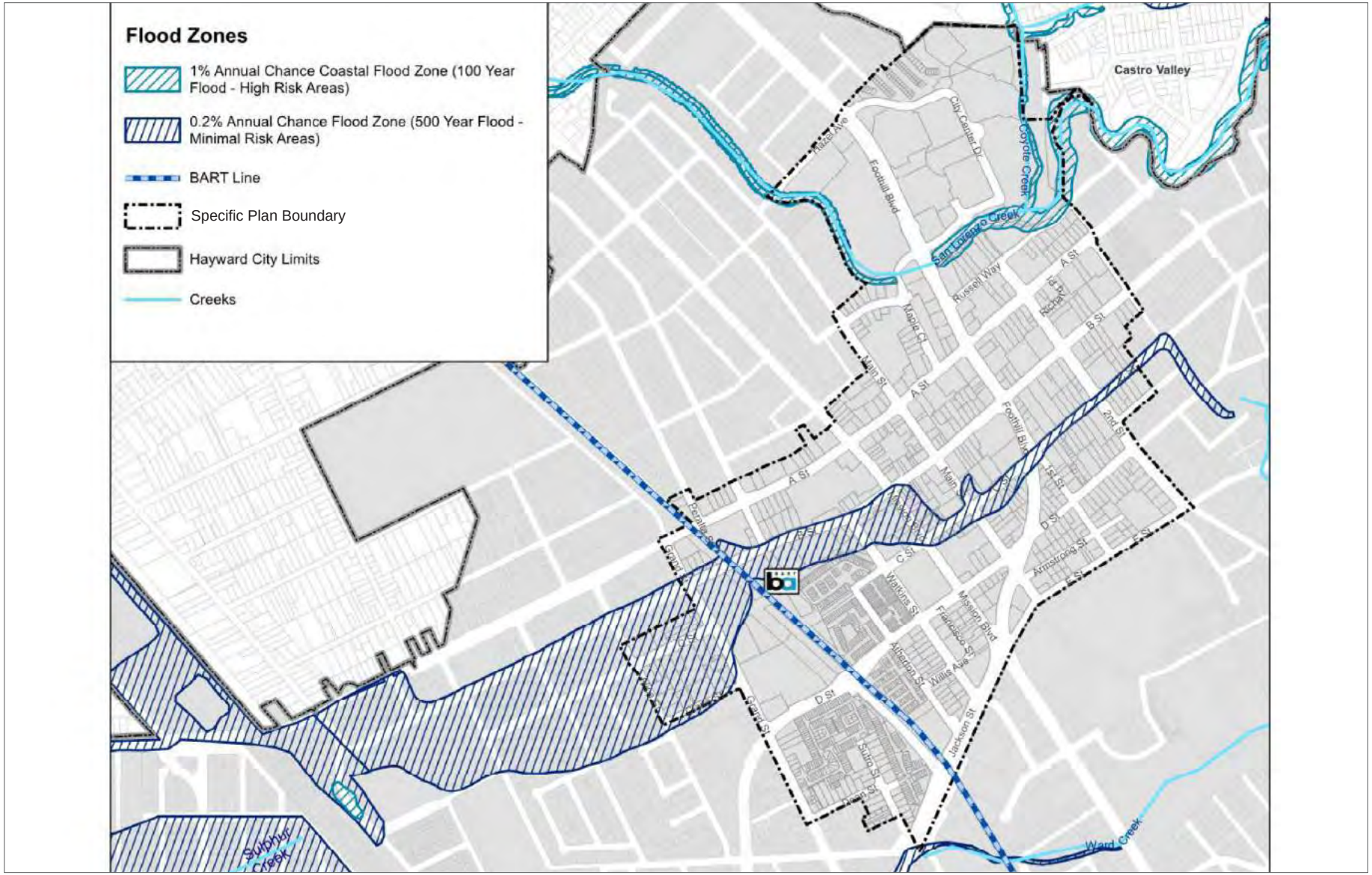
Seiche, Tsunami, and Mudflow

A tsunami is a large tidal wave generated by an earthquake, landslide, or volcanic eruption. Tsunami inundation maps have been developed for the San Francisco Bay Area.[18] According to the Tsunami Inundation Map, the Specific Plan Area is not within the mapped tsunami inundation area. Therefore, it would not be subject to flooding from a tsunami.

Seiches are waves that oscillate in enclosed water bodies, such as reservoirs, lakes, ponds, swimming pools, or semi-enclosed bodies of water, such as San Francisco Bay. The City does not contain any open reservoirs. Semi-enclosed bodies of water, such as San Francisco Bay, can result in seiches due to earthquakes. However, since the Specific Plan Area is not within a tsunami inundation zone, it can also be assumed that a seiche in San Francisco Bay would also have no effect on the Specific Plan Area.

A mudflow is a landslide composed of saturated rock debris and soil with a consistency of wet cement. Figure 4.8-3, shown above, indicates that the northeast corner of the Specific Plan Area is a potential debris flow source.

[15] City of Hayward, 2018, Hayward Downtown Specific Plan, Public Review Draft.
[16] City of Hayward, 2015, Hayward Downtown Specific Plan Existing Conditions and Opportunities Analyses
[17] California Office of Emergency Services, 2007, Dam Inundation Maps DVD.
[18] Association of Bay Area Governments, Resilience Program, Tsunami Inundation Area for Emergency Planning, http://gis.abag.ca.gov/website/Hazards/?hlyr=debrisFlowSource, accessed on October 17, 2018.



Source: City of Hayward, 2015; LWC, 2017; City of Hayward, Downtown Specific Plan, Public Review Draft, 2019.

Figure 4.8-4
Flood Zone Map

4.8.2 STANDARDS OF SIGNIFICANCE

Implementation of the proposed project would result in a significant impact if it would:

1. Violate any water quality standards or discharge requirements.
2. Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level.
3. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site.
4. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site.
5. Create or contribute runoff water that would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff.
6. Otherwise substantially degrade water quality.
7. Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map.
8. Place within a 100-year flood hazard area structures which would impede or redirect flood flows.
9. Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam.
10. Expose people or structures to a significant risk of loss, injury or death involving inundation by seiche, tsunami, or mudflow.

4.8.2.8 STANDARDS NOT DISCUSSED FURTHER

With respect to Standards 7 and 8, as discussed in Section 4.8.1.2, Existing Conditions, the Specific Plan Area has two mapped FEMA flood zones. The first, a special flood hazard area subject to inundation by the 1 percent annual chance flood (100 year storm), is an area where no housing is proposed. This second flood zoned area is not designated as a 100-year flood hazard area as mapped by FEMA. The remainder of the Specific Plan Area is located outside of FEMA flood zones. Therefore, development within the Specific Plan Area will not place structures within a 100-year flood hazard area as mapped on a Federal Flood Hazard Boundary or FIRM and there will be no impact.

Also stated above in Section 4.8.1.2, Existing Conditions, the Specific Plan Area is not located within a dam inundation zone.[19] Accordingly, no further discussion regarding Standard 9 is warranted.

With respect to Standard 10, as previously described in Section 4.8.1.2, Existing Conditions, the Specific Plan Area is not located within a mapped tsunami inundation area[20] and would not be subject to flooding

[19] California Office of Emergency Services, 2007, Dam Inundation Maps DVD.

from a tsunami. There are no nearby reservoirs that could result in a seiche impacting the Specific Plan Area, and if a seiche were to occur in San Francisco Bay, it would not impact the Specific Plan Area, because the impact would not extend beyond the tsunami inundation zone. Additionally, while the northeast corner of the Specific Plan Area is a potential debris flow source (see Figure 4.8-3), implementation of the Specific Plan would not exacerbate this existing environmental hazard associated with mudflows. Additionally, the proposed Specific Plan includes the adoption of a standard that all future projects in the Specific Plan Area must limit the rate and total volume of off-site discharges to the pre-development levels, to help ensure the existing storm drainage infrastructure would have capacity available for future development. This would require the City to expand the scope of the County's hydromodification standards to include all parts of the Specific Plan Area, and not just those located within designated Special Consideration zones. For these reasons, these topics are not discussed further.

Future development potential in the Specific Plan Area where new potential development is expected to occur would be concentrated on sites either already developed and/or underutilized, and/or in close proximity to existing development, where future development would have fewer flood-related impacts. Mandatory adherence to applicable building code and building permit requirements as well as compliance with General Plan Policies LU-1.8, LU-1.10, HAZ-3, and PSF-1.4, listed above in Section 4.8.1.1, Regulatory Framework, that require local planning and development decisions to consider impacts related to flooding would ensure such impacts are reduced to the maximum extent practicable.

4.8.3 IMPACT DISCUSSION

HYDRO-1 Implementation of the proposed project would not violate any water quality standards or discharge requirements.

Urban runoff can carry a variety of pollutants, such as oil and grease, metals, sediment and pesticide residues from roadways, parking lots, rooftops, and landscaped areas. Runoff could deposit these pollutants into adjacent waterways via the storm drain system. The Specific Plan may facilitate, at maximum, up to 3,427 new housing units and 1.9 million square feet of non-residential space such as retail, hospitality, office, and education. Stormwater runoff from such future development projects could create changes to water quality. Although most of the Specific Plan Area is already developed, increasing the total area of impervious surfaces in some locations can result in a greater potential to introduce pollutants to receiving waters. Future construction activities could also result in the degradation of water quality, releasing sediment, oil and greases, and other chemicals to nearby water bodies.

Construction Impacts

Clearing, grading, excavation, and construction activities associated with future development or redevelopment within the Specific Plan Area have the potential to impact water quality through soil erosion and increasing the amount of silt and debris carried in runoff. Additionally, the use of construction

[20] Association of Bay Area Governments, Resilience Program, Tsunami Inundation Area for Emergency Planning, http://gis.abag.ca.gov/website/Hazards/?hlyr=debrisFlowSource, accessed on October 17, 2018.

materials such as fuels, solvents, and paints may present a risk to surface water quality. Finally, the refueling and parking of construction vehicles and other equipment on-site during construction may result in oil, grease, or related pollutant leaks and spills that may discharge into the storm drain system.

To minimize these potential impacts, future development or redevelopment projects that disturb one or more acres of land would be required to comply with the NPDES GCP which includes the preparation of an SWPPP that requires the incorporation of BMPs to control sedimentation, erosion, and hazardous materials contamination of runoff during construction. The GCP also requires that prior to the start of construction activities, the project applicant must file PRDs with the SWRCB, which includes a Notice of Intent, risk assessment, site map, annual fee, signed certification statement, and post-construction water balance calculations. Categories of BMPs used in SWPPPs are described below in Table 4.8-2. The SWPPP shall also include a construction site monitoring program that identifies requirements for dry weather visual observations of pollutants at all discharge locations and as required sampling of site effluent and receiving waters. A Qualified SWPPP Practitioner shall be responsible for implementing the BMPs at the site and performing all required monitoring and inspection/maintenance/repair activities. Prior to issuance of a grading permit, a copy of the project's Notice of Intent and SWPPP shall be submitted to the City for approval. A copy of the Notice of Intent and the SWPPP shall also be kept on-site and made available for review by City inspectors upon request.

Furthermore, all grading and clearing activities must comply with HMC Chapter 10, Article 8 (Grading and Clearing) to minimize potential impacts to water quality. Applicants would be required to obtain a grading permit which includes the preparation of a grading plan. Applicants may also need to prepare an interim (construction) erosion control plan if the City Engineer determines that an interim plan is required.

Future development would also be required to comply with General Plan policies listed above in Section 4.8.1.1, Regulatory Framework, as applicable, that require local planning and development decisions to consider impacts related to water quality. Specific policies that prevent impacts to water quality from construction activities include Policy NR-6.8, which requires compliance with the NPDES Permit and Policy PSF-5.6, which imposes appropriate conditions on grading projects performed during the rainy season to ensure that silt is not conveyed to storm drainage systems.

With implementation of the City's grading requirements, General Plan Policies, and the BMPs specified in the MRP and SWPPP, impacts to water quality as a result of the construction of future development in the Specific Plan Area would be *less than significant.*

Operational Impacts

Runoff from buildings, parking lots, and residential developments typically contain oils, grease, fuel, antifreeze, byproducts of combustion (such as lead, cadmium, nickel, and other metals), as well as fertilizers, herbicides, pesticides, and other pollutants. Precipitation at the beginning of the rainy season may result in an initial stormwater runoff (first flush) with high pollutant concentrations.

TABLE 4.8-2 CONSTRUCTION BEST MANAGEMENT PRACTICES

Category	Purpose	Example
Erosion Controls	Consists of using project scheduling and planning to reduce soil or vegetation disturbance (particularly during the rainy season), preventing or reducing erosion potential by diverting or controlling drainage, as well as preparing and stabilizing disturbed soil areas.	Scheduling, preservation of existing vegetation, hydraulic mulch, hydroseeding, soil binders, straw mulch, geotextile and mats, wood mulching, earth dikes and drainage swales, velocity dissipation devices, slope drains, streambank stabilization, compost blankets, soil preparation/roughening, and non-vegetative stabilization
Sediment Controls	Filter out soil particles that have been detached and transported in water.	Silte fence, sediment basin, sediment rap, check dam, fiber rolls, gravel bag berm, street sweeping and vacuuming, sandbag barrier, straw bale barrier, storm drain inlet protection, manufactured linear sediment controls, compost socks and berms, and biofilter bags
Wind Erosion Controls	Consists of applying water or other dust palliatives to prevent or minimize dust nuisance.	Dust control soil binders, chemical dust suppressants, covering stockpiles, permanent vegetation, mulching, watering, temporary gravel construction, synthetic covers, and minimization of disturbed area
Tracking Controls	Minimize the tracking of soil off-site by vehicles	Stabilized construction roadways and construction entrances/exits, and entrance/outlet tire wash.
Non-Stormwater Management Controls	Prohibit discharge of materials other than stormwater, such as discharges from the cleaning, maintenance, and fueling of vehicles and equipment. Conduct various construction operations, including paving, grinding, and concrete curing and finishing, in ways that minimize non-stormwater discharges and contamination of any such discharges.	Water conservation practices, temporary stream crossings, clear water diversions, illicit connection/discharge, potable and irrigation water management, and the proper management of the following operations: paving and grinding, dewatering, vehicle and equipment cleaning, fueling and maintenance, pile driving, concrete curing, concrete finishing, demolition adjacent to water, material over water, and temporary batch plants.
Waste Management and Controls (i.e., good housekeeping practices)	Management of materials and wastes to avoid contamination of stormwater.	Stockpile management, spill prevention and control, solid waste management, hazardous waste management, contaminated soil management, concrete waste management, sanitary/septic waste management, liquid waste management, and management of material delivery storage and use.

Source: California Stormwater Quality Association 2012.

Water quality in stormwater runoff is regulated locally by the Alameda County Clean Water Program, which include the C.3 provisions set by the San Francisco Bay RWQCB. The NPDES includes requirements for incorporating post-construction stormwater control/LID measures into new development and redevelopment projects. All new and redevelopment projects must incorporate site design, source control, and treatment measures to the maximum extent practicable and to use stormwater control measures that are technically feasible and not cost prohibitive. Also, each project regulated under the C.3 provisions must treat 100 percent of the amount of runoff for the project's drainage area with on-site LID treatment measures. Stormwater treatment requirements must be met by using evapotranspiration,

infiltration, rainwater harvesting, and reuse. Where this is infeasible, landscape-based biotreatment is allowed.

All new development or redevelopment projects that would create and/or replace more than 10,000 square feet of impervious surface would be classified as Regulated Projects and would be subject to the C.3 provisions of the NPDES permit, requiring site design, source control, and treatment control measures. In addition, all Special Land Use Category Projects, such as uncovered parking areas and retail gasoline outlets, which add or create 5,000 square feet or more of impervious surface, would also require stormwater treatment. Redevelopment projects that would replace 50 percent or less of the existing impervious surface at the site would only need to treat stormwater runoff from the portion of the site that is redeveloped. Small projects that create and/or replace 2,500 square feet but less than 10,000 square feet of impervious surface or individual single-family home projects that create and/or replace 2,500 square feet or more of impervious surface would be required to incorporate site design measures to the maximum extent practicable. The site source control and site design and treatments measures for new and redevelopment project are listed as follows:

Source Control Measures:

- Minimization of stormwater pollutants of concern in urban runoff through measures that may include plumbing of the following discharges to the sanitary sewer, subject to the local sanitary sewer agency's regulations and standards:
  - Discharges from indoor floor mat/equipment/hood filter wash racks or covered outdoor wash racks for restaurants;
  - Dumpster drips from covered trash, food waste, and compactor enclosures;
  - Discharges from covered outdoor wash areas for vehicles, equipment, and accessories;
  - Swimming pool water, if discharge to on-site vegetated areas is not a feasible option; and
  - Fire sprinkler test water, if discharge to on-site vegetated areas is not a feasible option;
- Properly designed covers, drains, and storage precautions for outdoor material storage areas, loading docks, repair/maintenance bays, and fueling areas;
- Properly designed trash storage areas;
- Landscaping that minimizes irrigation and runoff, promotes surface infiltration, minimizes the use of pesticides and fertilizers, and incorporates other appropriate sustainable landscaping practices and programs such as Bay-Friendly Landscaping;
- Efficient irrigation systems; and
- Storm drain system stenciling or signage.

Site Design and Stormwater Treatment Requirements:

- Require each Regulated Project to implement at least the following design strategies on-site:

- Limit disturbance of natural water bodies and drainage systems; minimize compaction of highly permeable soils; protect slopes and channels; and minimize impacts from stormwater and urban runoff on the biological integrity of natural drainage systems and water bodies;
- Conserve natural areas, including existing trees, other vegetation, and soils;
- Minimize impervious surfaces;
- Minimize disturbances to natural drainages; and
- Minimize stormwater runoff by implementing one or more of the following site design measures:
  - Direct roof runoff into cisterns or rain barrels for reuse.
  - Direct roof runoff onto vegetated areas.
  - Direct runoff from sidewalks, walkways, and/or patios onto vegetated areas.
  - Direct runoff from driveways and/or uncovered parking lots onto vegetated areas.
  - Construct sidewalks, walkways, and/or patios with pervious pavement systems.
  - Construct driveways, bike lanes, and/or uncovered parking lots with pervious pavement systems.

- Permittees shall collectively, on a regional or countywide basis develop and adopt design specifications for pervious pavement systems, subject to the Executive Officer's approval.
- Require each Regulated Project to treat 100 percent of the amount of runoff for the Regulated Project's drainage area with LID treatment measures on-site or with LID treatment measures at a joint stormwater treatment facility.
  - LID treatment measures are harvesting and use, infiltration, evapotranspiration, and biotreatment.
  - Green roofs may be considered biotreatment systems that treat roof runoff only if they meet certain minimum specifications.

Besides incorporating site control and source control measures, Regulated Projects must all enter an agreement of responsibility and funding for ongoing operation and maintenance of stormwater treatment measures.[21]

In addition, HMC Chapter 11, Article 5 (Stormwater Management and Urban Runoff Control), addresses stormwater quality in accordance with the requirements of the NPDES permit (Order No. R2-2015-0049), prohibits the discharge of non-stormwater into the City's storm drain system, and requires the reduction of pollutants in stormwater discharges by implementing stormwater treatment measures for regulated projects and significant redevelopment projects.

Future development would also be required to comply with General Plan policies listed above in Section 4.8.1.1, Regulatory Framework, as applicable, that require local planning and development decisions to consider impacts related to water quality. Specific policies that prevent impacts related to operational

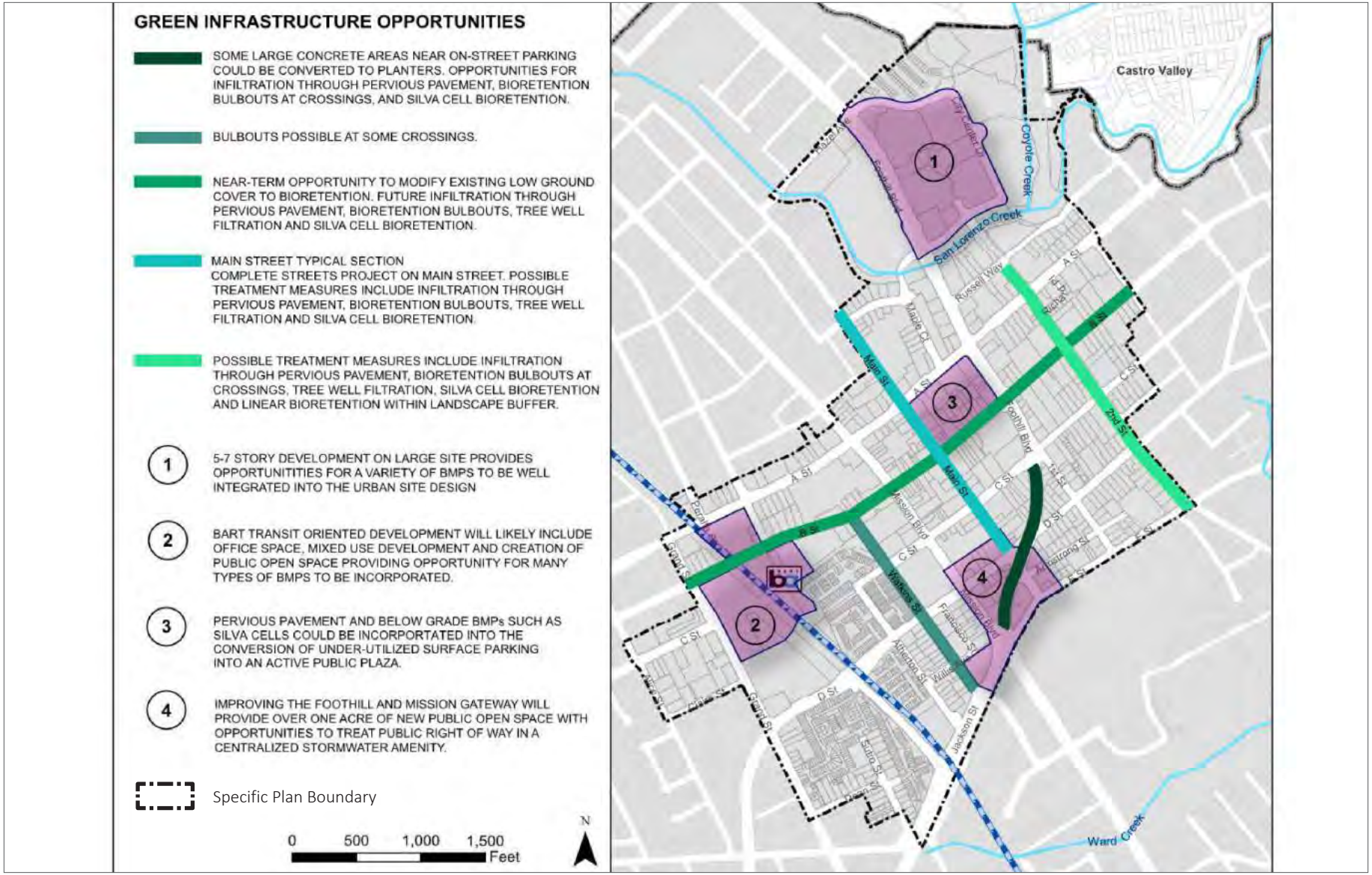
[21] California Regional Water Quality Control Board San Francisco Bay Region, Municipal Regional Stormwater NPDES Permit, November 19, 2015, https://www.waterboards.ca.gov/sanfranciscobay/water_issues/programs/stormwater/Municipal/R2-2015-0049.pdf.

stormwater runoff control include the following: Policy LU-5.4 requires landscaping and shade trees into parking lots to capture and filter stormwater runoff; Policy NR-6.6 requires promoting stormwater management techniques that minimize surface water runoff and impervious ground surfaces in public and private developments; Policy NR-1.12 requires the City to protect creek riparian corridor habitats by, amongst other things, protecting riparian plant communities from adverse effects of increased stormwater runoff, sedimentation, erosion, and pollution that may occur from improper development in adjacent areas; Policy NR-6.8 requires the continued compliance with the San Francisco Bay Region NPDES Municipal Regional Stormwater Permit; Policy NR-6.15 requires encouraging private property owners to plant native or drought-tolerant vegetation; Policy PSF-5.4 requires encouraging "green infrastructure" design and LID techniques for stormwater facilities; Policy PSF-5.5 requires that the design of public improvements include infiltration of stormwater by diverting urban runoff to bio-filtration systems; and, Policy PSF-5.7 requires that new development be designed to prevent the diversion of stormwater onto neighboring parcels.

There are no existing stormwater treatment facilities within the public right-of-way (ROW) in the Specific Plan Area; however, the proposed Specific Plan envisions the use stormwater treatment measures within the public realm. Opportunities exist to incorporate such measures into currently planned traffic calming and vehicular routing ROW improvements that will make the Specific Plan Area more accessible for pedestrians and cyclists, while continuing to accommodate automobile use. Each of these improvements has the opportunity to have a dual purpose and incorporate green infrastructure (infrastructure designed to reduce and treat stormwater runoff from impervious areas).

Although the Provision C.3 standards would not apply to most of these projects, the incorporation of such treatment measures would provide additional benefits to local waterways and the Bay, and put the City in a better position in the event that future stormwater requirements force municipalities to further improve the quality of runoff discharged to the Bay. If any future development projects trigger C.3 requirements, the treatment would likely need to be sized for the entire ROW, however, because most projects would likely be too small to trigger the need for compliance with the county guidelines, the ROW improvement recommendations prioritize providing treatment for the vehicular surface area, which will generate runoff with higher pollutant loading than runoff from the pedestrian and bike areas. Potential opportunity sites for the installation of runoff treatment and/or discharge controls in the Specific Plan are shown on Figure 4.8-5.

Additionally, the proposed Specific Plan includes the adoption of a several standards that that address water quality. Standards require that all future projects in the Specific Plan Area must limit the rate and total volume of off-site discharges to the existing levels, which would improve stormwater runoff water quality.



Source: City of Hayward, Downtown Specific Plan, Public Review Draft, 2019.

Figure 4.8-5
Green Infrastructure Opportunities Map

Furthermore, the Specific Plan includes programs that require specific site design standards to decrease potential stormwater runoff by using sustainable design tactics. Specific Plan goals, policies, and programs applicable to hydrology are as follows:

- Goal 7 Infrastructure and Public Facilities (IPF): Public services, community facilities, and utility systems are well maintained, implement Citywide climate change policies, and meet the needs of current and future Downtown residents, businesses, and visitors.
    - Program IPF 1: Require new projects to provide water quality treatment for stormwater runoff by incorporating site design measures, source control measures, and low impact development (LID) measures that are hydraulically sized as specified in the C.3 Technical Guidance Manual from the Alameda County Clean Water Program.
    - Program IPF 3: Develop an in-lieu or incentive-based program to encourage developers to treat stormwater from the public right-of-way on site.
    - Program IPF 10: Increase non-potable water use in parks, open spaces, sidewalks, and streets by 20 percent.

Additionally, required compliance with the C.3 provisions of the MRP, the City's ordinances regulations, and General Plan policies, and implementation of site design, source control, and treatment control measures to development of projects within the Specific Plan Area, operational impact to water quality would be *less than significant*.

In summary, there would be no significant impacts to water quality from future development associated with implementation of the Specific Plan.

Significance without Mitigation: Less than significant.

HYDRO-2	**Implementation of the proposed project would not substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted).**

Construction of potential new development could result in impacts related to groundwater if the construction would reduce groundwater recharge. Groundwater recharge may be reduced if areas currently available for the infiltration of rainfall runoff are reduced and permeable areas are replaced by impermeable surfaces.

Although development within the Specific Plan Area would involve the creation of new impervious areas, future development potential in the Specific Plan Area where new potential development is expected to occur would be concentrated on sites either already developed and/or underutilized, and/or in close proximity to existing development, where future development would have fewer impacts to groundwater

recharge. Also, as stated in impact discussion HYDRO-1, the proposed Specific Plan includes the adoption of a standard that all future projects in the Specific Plan Area must limit the rate and total volume of off-site discharges to the pre-development levels, which would ensure no changes to the groundwater recharge, would occur. Therefore, there should be no significant increase in the amount of impervious surface at the site and therefore no reduction in groundwater recharge. Additionally, the proposed Specific Plan includes improvements that would facilitate opportunities for additional groundwater recharge. Such improvements include a public park in the Downtown Southern Gateway and green infrastructure opportunities previously discussed and shown on Figure 4.8-5.

Buildout of the proposed Specific Plan Area would lead to an increased demand for water, which could impact groundwater supplies. Although the Specific Plan Area is located within the Castro Valley Groundwater Basin and Santa Clara Valley – East Bay Plain South Westside Groundwater Basin, the City uses only surface water supplied by the SFPUC to serve its customers and does not supplement this supply with groundwater. A detailed discussion on water supply is provided in Chapter 4.14, Utilities and Services Systems, of this Draft EIR.

Furthermore, future development would also be required to comply with General Plan policies listed above in Section 4.8.1.1, Regulatory Framework, as applicable, that require local planning and development decisions to consider impacts related to groundwater. Specific policies that prevent impacts to groundwater supplies include the following: Policy LU-1.8 requires the City to maintain and implement green building and landscaping requirements for private- and public sector development to, reduce water use, among other things; Policy NR-6.6 requires the City to promote stormwater management techniques that minimize surface water runoff and impervious ground surfaces in public and private developments, including requiring the use of LID techniques to best manage stormwater through conservation, on-site filtration, and water recycling; and Policy PFS-3.11 requires the City to the extent feasible, maintain adequate water supply during emergencies. The City shall maintain emergency water connections with the Alameda County Water District and the East Bay Municipal Utility District in case of disruption of delivery from San Francisco Public Utility Commission and maintain emergency wells for short duration use in an emergency and ensure that wells meet primary drinking water standards.

In summary, due to the location of the Specific Plan Area and required compliance with the City's General Plan policies, as well as the improvements proposed in the Specific Plan, future development potential within the Specific Plan Area would have a *less than significant* impact on groundwater supply and recharge.

Significance without Mitigation: Less than significant.

HYDRO-3	**Implementation of the proposed project could substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the amount of surface runoff in a manner which would result in substantial erosion or siltation on- or off-site.**

The Specific Plan would involve development of an already built out area that is currently connected to the City's storm drain system. Future development under the Specific Plan would not involve the alteration of any natural drainage channels or any watercourse.

New development within the Specific Plan Area would require grading or soil exposure during construction. If not controlled, the transport of these materials into local waterways could temporarily increase suspended sediment concentrations. To minimize this impact, future development projects would be required to comply with all of the requirements of the State GCP, the City's grading requirements, and General Plan policies, as applicable (refer to impact discussion HYDRO-1 Construction Impacts). Compliance with the established permits and regulations would ensure that construction impacts from erosion and siltation would be *less than significant*.

New development within the Specific Plan Area is expected to generate stormwater runoff during the operational phase and would be required to comply with the C.3 provisions of the MRP. These provisions require BMPs to be implemented which incorporate site design, source control, and treatment control measures that provide both flow control and treatment to runoff before it enters the storm drain system. Although stormwater treatment measures for the entire Specific Plan Area have not yet been designed, bioretention BMPs typically treat and regulate flow by gradually releasing stormwater to the storm drain system, thus ensuring that there is no significant increase in runoff from the site. Future development would also be required to comply with General Plan policies listed above in impact discussion HYDRO-1 that require local planning and development decisions to consider impacts related to water quality. Additionally, as discussed in impact discussion HYDRO-1, the Specific Plan includes goals, policies, and programs that further reduce the impact that potential future development may have towards increasing stormwater runoff.

Alameda County Clean Water Program maps waterways with erosion potential due to runoff flowing directly into a natural waterway; these waterways fall within a "Special Consideration" (hydromodification) zone (see Figure 4.8-3). Projects that create and/or replace 1 acre or more of impervious surface and increase impervious surface area over that which existed in the pre-project condition need to incorporate hydromodification management measures, if located in an area that drains to a waterway with erosion potential, as mapped by Alameda County. Hydromodification protections can include storage to detain runoff and measures to retain runoff such as infiltration and storage for rainwater reuse. These measures help to minimize the effects of increased runoff from developed sites to waterways, such as erosion and increased sediment transport and deposition. Additionally, the proposed Specific Plan includes the adoption of a standard that all future projects in the Specific Plan Area must limit the rate and total volume of off-site discharges to the pre-development levels.

The northeastern portion of the Specific Plan Area located within the San Lorenzo Creek Watershed falls within the "Special Consideration" (hydromodification). Thus, projects located in this area that will create and/ or replace 1 acre or more of impervious surface and increase impervious surface area over the pre-project condition would have to incorporate hydromodification measures into project plans. The remaining areas of the Specific Plan Area are not within a susceptible watershed because stormwater runoff flows from the already developed area to below ground storm drain and engineered channels. There are no known flooding issues and the storm drain system works well as confirmed by the City. Flooding could become a concern if projects within the Specific Plan Area that are not required to comply

with the hydromodification controls increase the total amount of impervious area, resulting in higher rates of stormwater runoff.[22] However, with the adoption of the Specific Plan including the proposed standard that all future projects in the Specific Plan Area must limit the rate and total volume of off-site discharges to the pre-development levels, impacts would be *less than significant*.

Significance without Mitigation: Less than significant.

HYDRO-4 Implementation of the proposed project would not substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site.

The Specific Plan would involve development of an already built out area that is currently connected to the City's storm drain system. Future development under the Specific Plan would not involve the alteration of any natural drainage channels or any watercourse.

Proposed development in the Specific Plan Area would abide by C.3 provisions set by the San Francisco Bay RWQCB, and minimum design requirements set forth by the Alameda County Flood Control & Water Conservation District's Hydrology & Hydraulics Manual. In addition, new development and redevelopment must also abide by HMC Chapter 11, Article 5 (Stormwater Management and Urban Runoff Control), which prohibits the discharge of non-stormwater into the City's storm drain system and the General Plan policies (as described in HYDRO-1 Operational Impacts) which promote the use of stormwater management techniques in both private and public developments.

As described in impact discussion HYDRO-3, there are no known flooding issues and the storm drain system works well as confirmed by the City. However, flooding may become a concern if projects within the Specific Plan Area that are not affected by hydromodification controls increase the total amount of impervious area, resulting in higher rates of stormwater runoff.[23] With the adoption of the Specific Plan including the proposed standard that all future projects in the Specific Plan Area must limit the rate and total volume of off-site discharges to the pre-development levels, impacts would be *less than significant*.

Significance without Mitigation: Less than significant.

HYDRO-5 Implementation of the proposed project would not 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.

[22] City of Hayward, 2018, Hayward Downtown Specific Plan, Public Review Draft.
[23] City of Hayward, 2018, Hayward Downtown Specific Plan, Public Review Draft.

Urban development has two potential impacts to stormwater runoff hydrology. Impervious surfaces, such as roads, sidewalks, and buildings prevent the natural infiltration of stormwater into the soil and thus create higher runoff volumes. In addition, more rapid transport of runoff over impervious surfaces combined with higher runoff volumes cause elevated peak flows. This increase in flows may adversely impact stormwater drainage systems.

The existing storm drain lines in the Specific Plan Area consists of gravity pipe lines, predominantly made of reinforced concrete, which discharge to underground storm drain lines or manmade open channels owned by the ACFCWCD.

Future development projects in the Specific Plan Area would be required to abide by the provisions of the MRP, design requirements of the Hydrology & Hydraulics Manual, HMC requirements, and General Plan policies (as described in HYDRO-1 Operational Impacts). Specifically, General Plan Policy PSF-5.3, requires the City to 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. The City would 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 PSF-5.1). Project developed under the Specific Plan would go through a combination of improvement fees and other funding mechanisms, pay their fair share of providing new public facilities and services and/or the costs of expanding/upgrading existing facilities, and services impacted by new development (Policy PSF-1.4).

As previously stated, while there are no known flooding issues and the storm drain system works well as confirmed by the City, flooding may become a concern if projects within the Specific Plan Area that are not affected by hydromodification controls increase the total amount of impervious area, resulting in higher rates of stormwater runoff.[24] With the adoption of the Specific Plan including the proposed standard that all future projects in the Specific Plan Area must limit the rate and total volume of off-site discharges to the pre-development levels, impacts would be *less than significant*.

Significance without Mitigation: Less than significant.

[24] City of Hayward, June 2018, Downtown Specific Plan, Chapter 4, Infrastructure, page 4-11.

HYDRO-6 Implementation of the proposed project would not otherwise substantially degrade water quality.

Pollutants commonly associated with construction sites that can impact stormwater are sediments, nutrients, trace metals, pesticides, oil, grease, fuels, and miscellaneous construction wastes. Pollutants generated from the operational phase of future development under the Specific Plan may include sediment, nutrients, organic compounds, trash and debris, oxygen-demanding substances, bacteria and viruses, oil and grease, and pesticides/herbicides.

As required by the City and the MRP, BMPs must be implemented within the Specific Plan Area during both the construction and operational phases of future development projects. These BMPs would control and prevent the release of sediment, debris, and other pollutants into the storm drain system. Implementation of BMPs during construction would be in accordance with the provisions of the SWPPP, which would minimize the release of sediment, soil, and other pollutants, and the future development project would be required to submit an erosion and sediment control plan to the City for approval prior to the start of construction. Operational BMPs will be required to meet the C.3 provisions of the MRP. These requirements include the incorporation of site design, source control, and treatment control measures to treat and control runoff before it enters the storm drain system. These include bioretention and biotreatment features that will also reduce the volume and improve the quality of stormwater runoff.

As described in the impact discussions above, with implementation of these BMPs in accordance with the City's ordinances, MRP requirements, requirements of the HMC, and General Plan policies, the potential impact on water quality would be *less than significant*.

Significance without Mitigation: Less than significant.

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4.9 LAND USE AND PLANNING

This chapter describes the existing land use and planning character of the Specific Plan Area and evaluates the potential environmental consequences of future development that could occur by adopting and implementing the proposed project. This chapter provides a summary of the relevant regulatory setting necessary to evaluate potential environmental impacts resulting from the proposed project, describes potential impacts, and discusses existing and proposed goals, policies, and implementation programs and zoning regulations that would avoid or reduce those potential impacts.

4.9.1 ENVIRONMENTAL SETTING

4.9.1.1 REGULATORY FRAMEWORK

State Regulations

Sustainable Communities and Climate Protection Act

Senate Bill (SB) 375, the Sustainable Communities and Climate Protection Act,[1] directs the California Air Resources Board (CARB) to set regional targets for reducing greenhouse gas (GHG) emissions from cars and light trucks. Using the template provided by the State's Regional Blueprint Planning Program, to accomplish this goal, the bill works to align transportation and land use planning in order to reduce vehicle miles traveled through modified land use patterns. There are five basic parts to the bill which contribute to this goal: 1) creation of regional targets for GHG emissions reduction tied to land use; 2) a requirement that regional planning agencies create a Sustainable Communities Strategy (SCS) to meet those targets, or an Alternative Planning Strategy if the strategies in the SCS would not reach the target set by CARB, even if that plan is in conflict with local plans; 3) a requirement that regional transportation funding decisions be consistent with the SCS; 4) a requirement that the Regional Housing Needs Allocation numbers conform to the SCS; and 5) new California Environmental Quality Act (CEQA) exemptions and streamlining for projects that conform to the SCS.

Regional Regulations

Plan Bay Area

The Metropolitan Transportation Commission (MTC) and Association of Bay Area Governments' (ABAG) *Plan Bay Area* is the Bay Area's Regional Transportation Plan/Sustainable Community Strategy pursuant to SB 375.[2] The 2040 amendment to *Plan Bay Area* was adopted July 26, 2017, and is the long-range integrated transportation and land use/housing strategy through 2040 for the Bay Area. It lays out a

[1] The Act to amend Sections 65080, 65400, 65583, 65584.01, 65584.02, 65584.04, 65587, and 65588 of, and to add Sections 14522.1, 14522.2, and 65080.01 to, the Government Code, and to amend Section 21061.3 of, to add Section 21159.28 to, and to add Chapter 4.2 (commencing with Section 21155) to Division 13 of, the Public Resources Code, relating to environmental quality.

[2] To read more about *Plan Bay Area*, go to www.planbayarea.org.

development scenario for the region, which, when integrated with the transportation network and other transportation measures and policies, would reduce GHG emissions from transportation (excluding goods movement) beyond the per capita reduction targets identified by CARB. The 2040 *Plan Bay Area* is a limited and focused update to the 2013 *Plan Bay Area*, with updated planning assumptions that incorporate key economic, demographic, and financial trends from the last several years.

As part of the implementing framework for *Plan Bay Area*, local governments have identified Priority Development Areas (PDAs) to focus growth. PDAs are transit-oriented, infill development opportunity areas within existing communities. Overall, well over two-thirds of all regional growth in the Bay Area by 2040 is allocated in PDAs. According to *Plan Bay Area*, while the projected number of new housing units and new jobs within all designated PDAs would increase to 629,000 units and 707,000 jobs compared to the 2013 *Plan Bay Area*, its overall share would be reduced to 77 percent and 55 percent.[3] Under the 2013 *Plan Bay Area*, PDAs were projected to accommodate 80 percent (or over 525,570 units) of new housing and 66 percent (or 744,230) of new jobs in the region. Currently, *Plan Bay Area* remains on track to meet a 16 percent per capita reduction of GHG emissions by 2035 and a 10 percent per capita reduction by 2020 from 2005 conditions.[4] In addition to PDAs, *Plan Bay Area* identifies Transit Priority Areas (TPAs), which are areas within one-half mile of a major transit stop (15 minutes or less service level frequency) that is existing or planned, if the planned stop is scheduled to be completed within the planning horizon included in a Transportation Improvement Program adopted pursuant to Section 450.216 or 450.322 of Title 23 of the Code of Federal Regulations.

Hayward contains the following five PDAs (future place type is indicated in parentheses): Mission Boulevard Corridor (Mixed-Use Corridor), Downtown (City Center), The Cannery (Transit Neighborhood), South Hayward BART (Bay Area Rapid Transit) (Mixed-Use Corridor), and South Hayward BART (Urban Neighborhood). As shown on Figure 3-7, in Chapter 3, Project Description, of this Draft EIR, the Specific Plan Area is roughly identical in area to the Downtown Hayward PDA, a designated a City Center PDA that is defined as a sub-regional center of economic and cultural activity served by frequent dedicated regional transit with connections to frequent sub-regional and local service. Objectives of City Center PDAs are to: reduce GHG emissions, improve public health, alleviate the housing crisis, and facilitate economic development through coordinated land use and transportation planning. Also shown on Figure 3-7, the majority of the Specific Plan Area is within the Downtown Hayward TPA. About 95 acres of the Specific Plan Area are within a quarter-mile, or ten-minute walking distance, of the Hayward BART station

Per the One Bay Area Grant requirements, Congestion Management Agencies will develop a PDA Investment and Growth Strategy for their respective counties; this will be used to guide future transportation investments that are supportive of PDA-focused development.

While *Plan Bay Area* distributes future growth across the Bay Area region in order to meet its GHG emissions reduction, housing, and other performance targets, it is not intended to override local land use control. Cities and counties, not MTC or ABAG, are ultimately responsible for the manner in which their local communities continue to be built out in the future. For this reason, cities and counties are not

[3] Metropolitan Transportation Commission and Association of Bay Area Governments, 2017, Plan Bay Area 2040 Plan.
[4] Metropolitan Transportation Commission and Association of Bay Area Governments, 2017, Plan Bay Area 2040 Plan.

required to revise their land use policies and regulations, including their general plans, to be consistent with the Regional Transportation Plan or an Alternative Planning Strategy.

Local Regulations

Looking Forward Hayward 2040 General Plan

The City of Hayward 2040 General Plan was adopted in July 2014. The General Plan is a legal document, required by state law, which serves as the City of Hayward's "constitution" for development and the use of its land. It is a comprehensive, long-range document, detailing proposals for the physical development of the city, and of any land outside its boundaries but within its designated Sphere of Influence (SOI). Under state law, a city's General Plan is the primary planning document and all other city plans and policies must be consistent with the adopted general plan.

The General Plan is required to address the specified provisions of each of the seven mandated elements, including land use, circulation, housing, conservation, open space, noise and safety, to the extent that the provisions are locally relevant. The Hayward General Plan is a dynamic document consisting of elements that establish long-term goals and policies to guide daily decision-making for the development and conservation in Hayward through year 2040.

The Land Use (LU) element of the General Plan contains the City's official Land Use Diagram, which shows the General Plan land use designations for all of the land in the City's Planning Area Boundary, which includes the city limit and SOI.

A specific plan is a legal tool authorized by Government Code Section 65450, et seq., for the systematic implementation of the general plan for a defined portion of a community's planning area. A specific plan must specify in detail the land uses, public and private facilities needed to support the land uses, phasing of development, standards for the conservation, development, and use of natural resources, and a program of implementation measures, including financing measures. In the Land Use (LU) element of the General Plan, Goal 2, Priority Development Areas, and its supporting policies encourage development within Hayward's PDAs, which include the Downtown (City Center) PDA. Goal LU-2 identifies the City's intent to revitalize and enhance Hayward's Priority Development Areas to accommodate and encourage growth within compact, mixed-use, and walkable neighborhoods and districts that are located near the city's job centers and regional transit facilities. Policy LU-2.7 requires the City to develop, maintain, and implement a Specific Plan to establish a vision for Downtown Hayward and to guide and regulate future development and infrastructure improvements.

Hayward Municipal Code

The Hayward Municipal Code includes all land use regulations and requirements established by the City outside of the 2040 General Plan. The Zoning Code (Chapter 10, Article 1) contains regulations to implement the goals, policies, and programs of the General Plan as they relate to land use and development.

The Zoning Code provides regulations for permitted uses, lot requirements, yard requirements, height limits, allowable building densities and intensities (such as residential density, lot area per dwelling unit, and floor area ratio (FAR), and minimum design and performance standards for each zoning classification.

4.9.1.2 EXISTING CONDITIONS

This section describes the existing land use, and land use designations and zoning districts in the Specific Plan Area. A General Plan land use designation refers to broad categories of different types of land uses, such as single-family residential or retail/commercial, that are included and mapped within the General Plan. Each category establishes the general types of uses that are allowed by policy on a parcel with that designation. Each designation allows a range of possible intensities and the zoning district implements the land use designations. Existing land use refers to the use currently in place on a property, regardless of the General Plan land use designation or zoning district.

Existing Land Use Designations and Zoning Districts

There are ten General Plan land use designations within the Specific Plan Area, each of which is described below. These land use designations are shown on Figure 3-5 in Chapter 3, Project Description, of this Draft EIR.

- Central City – Retail and Office Commercial (CC-ROC)
- Central City – High Density Residential (CC-HDR)
- Sustainable Mixed Use (SMU)
- Medium Density Residential (MDR)
- High Density Residential (HDR)
- Commercial/High Density Residential (CHDR)
- Retail and Office Commercial (ROC)
- Public and Quasi Public (PQP)
- Parks and Recreation (PR)
- Limited Open Space (LOS)

The following ten zoning districts are applicable to land within the Specific Plan Area. These land use designations are shown on Figure 3-6 in Chapter 3, Project Description, of this Draft EIR.

- High Density Residential (RH, RHB7)
- Central City – Residential (CC-R)
- Central City – Commercial (CC-C)
- Central City – Plaza (CC-P)
- Civic Space Zone (MB-CS)
- Civic Space Zone, Height Overlay Zone (MB-CS-HEIGHT)
- Urban General Zone, Height Overlay Zone (MB-T4-1-HEIGHT)
- Urban Center Zone (MB-T5)
- Planned Development (PD)

Existing Land Uses

The following information is taken in part from the *Existing Conditions and Opportunities Analysis* prepared for the Specific Plan Area. This report is included as Appendix B of this Draft EIR.

The most prevalent land uses in the Specific Plan Area are residential and commercial uses. Residential uses, including both single-family homes and multifamily units, occupy approximately 80 acres, or just over one third of parcel acreage in the Specific Plan Area. Most of the residential uses in the Specific Plan Area are townhomes (single-family attached) and multifamily residential units, which occupy a total of 58 acres and are primarily located within a quarter-mile of the BART station as well as along Coyote Creek and Carlos Bee Park. The majority of these residential uses are medium-density townhomes (12 to 24 dwelling units per acre) and high-density multifamily units (24 to 60 dwelling units per acre). A small number of sites on smaller parcels scattered throughout the Specific Plan Area have a density of over 60 dwelling units per acre. Single-family dwellings and residential uses at a density of 12 dwelling units per acre and less occupy 17 acres and are mostly located to the east of Foothill Boulevard or to the south of D Street.

Commercial uses account for approximately 70 acres, or 30 percent, of the parcel acreage in the Specific Plan Area, and are predominantly retail (31 acres) and office (27 acres), with limited mixed uses (9 acres). Most of the existing office development outside of government office uses is located to the east of Foothill Boulevard, not within easy walking distance of the BART station or retail core. Existing non-residential development is for the most part low-intensity, with most sites having an FAR of less than 1.0. Higher intensity development is located primarily along B Street and Foothill Boulevard. Only four parcels in the Specific Plan Area have a FAR greater than 3.0.

Commercial corridors in the Specific Plan Area include A Street, B Street, Main Street, 2nd Street, and Foothill Boulevard, which provide a range of uses, including restaurants, cafes, banks, salons, jewelry stores, furniture stores, and thrift stores. Large-scale development projects include Cinema Place (shopping and entertainment center located on B Street and Foothill Boulevard) and two grocery stores (Lucky Supermarket on Mission Boulevard and Safeway on Foothill Boulevard).

Industrial uses are limited, comprising less than 5 acres, most of which are located on a single block west of Grand Street.

Public/institutional uses occupy approximately 44 acres in the Specific Plan Area. Government and public facilities or utilities account for 27 acres, which include City Hall, the Hayward BART Station, a post office, the Hayward Public Library main branch, the Hayward Veterans Memorial, the Hayward Historical Society, and a fire station. Parks and open space occupy 16 acres, located primarily along the San Lorenzo Creek, next to multifamily and condominium developments north of City Center Drive, and at the intersection of State Route (SR) 238 and SR 92. The Specific Plan Area contains 8 acres of surface parking and 5 acres of parking garage.

As of 2015, the Specific Plan Area contained 6 acres of vacant space, which was mostly clustered in the following areas: along A Street south of Mission Boulevard; the D Street frontage between Atherton Street

and Watkins Street; and the northern corner of the intersection of Main Street and C Street. Additionally, one large vacant parcel is located at the north end of City Center Drive loop.

Habitat Conservation Plans

There is no adopted habitat conservation plan or natural community conservation plan covering the Specific Plan Area.

4.9.2 STANDARDS OF SIGNIFICANCE

Implementation of the proposed project would result in a significant impact related to land use and planning if it would:

1. Physically divide an established community.
2. Conflict with any applicable land use plan, policy or regulation of an agency with jurisdiction over the proposed project (including, but not limited to, the General Plan, specific plan, local coastal program or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect.
3. Conflict with any applicable habitat conservation plan or natural community conservation plan.

4.9.2.9 STANDARDS NOT DISCUSSED FURTHER

With regards to Standard 3 above, as described in Section 4.9.1.2, Existing Conditions, no adopted Habitat Conservation Plan or Natural Community Conservation Plans encompass the Specific Plan Area. The proposed Specific Plan would not conflict with any adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved conservation plan, and no impact would occur. Furthermore, the General Plan contains Implementation Program NR-1, Habitat Conservation Plan, which requires the City to coordinate with Alameda County, the cities of Fremont and Union City, the Hayward Area Recreation and Parks District, and the East Bay Regional Park District to develop and adopt a comprehensive Habitat Conservation Plan for areas within and surrounding Hayward. Currently, the City has not adopted a Habitat Conservation Plan. However, if a Habitat Conservation Plan were to be approved, future development within the Specific Plan Area would be required to comply with the Habitat Conservation Plan through the development permitting process.

4.9.3 IMPACT DISCUSSION

LU-1 Implementation of the proposed project would not physically divide an established community.

Implementation of the proposed project would have a significant environmental impact if it were sufficiently large enough or otherwise configured in such a way as to create a physical barrier or other physical division within an established community. The physical division of an established community typically refers to the construction of a physical feature (such as a wall, interstate highway, or railroad tracks) or the 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 areas. An example of a physical feature that would divide an existing community is an airport, roadway, or railroad track through an existing community that could constrain travel from one side of the community to another or impair travel to areas outside of the community.

As discussed in Chapter 3, Project Description, of this Draft EIR, the proposed project is the Downtown Hayward Specific Plan, which increases the development potential in the Specific Plan Area only. Updates to land uses designations and zoning districts under the proposed project are within the Specific Plan Area only and are consistent with existing uses. As discussed under Section 4.9.1.2, Existing Conditions, above, the Specific Plan Area is primarily composed of residential and commercial land uses. The development proposed as part of the project would be located on sites either developed and/or underutilized, and/or in close proximity to existing development. Under the proposed project, new mobility improvements for connecting areas within the Specific Plan Area and surrounding area are proposed and would not physically divide any existing communities.

Future development under the proposed project would generally retain the existing roadway patterns and would include circulation improvements such as access points, sidewalks and bike paths, and are intended to improve circulation. These improvements do not propose any new major roadways or other physical features through parcels designated for residential use or other communities that would create new barriers in the Specific Plan Area or greater Hayward. Therefore, while land use and zoning changes are proposed within the Specific Plan Area, the proposed project would not divide existing established community and impacts would be *less than significant*.

Significance without Mitigation: Less than significant.

LU-2	**Implementation of the proposed project would not conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to, the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect.**

Because the proposed project would be adopted solely by the City, the following discussion is based on the proposed Specific Plan's consistency with the General Plan. The discussion of the proposed project's potential to conflict with other applicable regulations adopted for the purpose of avoiding or mitigating an environmental effect are discussed in detail in the other environmental topic chapters of this Draft EIR (i.e., Chapter 4.2, Air Quality, Chapter 4.3, Biological Resources, Chapter 4.4, Cultural and Tribal Cultural Resources, Chapter 4.6, Greenhouse Gas Emissions, Chapter 4.7, Hazards and Hazardous Materials, Chapter 4.8, Hydrology and Water Quality, Chapter 4.10, Noise, Chapter 4.11, Population and Housing, Chapter 4.12, Public Services and Recreation, Chapter 4.13, Transportation and Circulation, and Chapter 4.14, Utilities and Service Systems).

A specific plan is a legal tool authorized by Government Code Section 65450, et seq., for the systematic implementation of the General Plan for a defined portion of a community's planning area. A specific plan

must specify in detail the land uses, public and private facilities needed to support the land uses, phasing of development, standards for the conservation, development, and use of natural resources, and a program of implementation measures, including financing measures.

In the Land Use (LU) element of the General Plan, Goal 2, Priority Development Areas, and its supporting policies encourage development within Hayward's PDAs, which include the Downtown (City Center) PDA. Development within Hayward's PDAs will decrease dependency on the automobile and allow more people to walk, bike, or take transit for commute and daily trips. This will help reduce automobile use, local and regional traffic congestion, and related GHG emissions. Goal LU-2 identifies the City's intent to revitalize and enhance Hayward's Priority Development Areas to accommodate and encourage growth within compact, mixed-use, and walkable neighborhoods and districts that are located near the city's job centers and regional transit facilities. Policy LU-2.7 requires the City to develop, maintain, and implement a Specific Plan to establish a vision for Downtown Hayward and to guide and regulate future development and infrastructure improvements.

As described in Chapter 3, Project Description, of this Draft EIR, the proposed Specific Plan articulates the vision for the defined Specific Plan Area and includes goals, policies, and implementation programs to guide public and private investment to achieve desired outcomes in a coordinated manner. Proposed Specific Plan Land Use Programs LU 6 and LU 7, which support the Land Use Goal-1 to transform Downtown into a vibrant, walkable City center that serves as a regional destination to play, work, and live for City residents, neighboring communities, and local college students, include proposed changes to the General Plan Land Use Map and density standards. These changes are as follows:

- Program LU 6: Remap the following General Plan Land Use Designations within the Plan Area to the City Center Retail and Office Commercial Land Use Designation to implementation the Specific Plan Vision:
  1. Commercial/High Density Residential;
  2. Medium Density Residential;
  3. Parks and Recreation (between Mission Boulevard and A Street); and
  4. Sustainable Mixed Use.
- Program LU 7: Amend the General Plan Land Use Designation, City Center-Retail and Office Commercial, to allow for density up to 210 dwelling units per acre.

Additionally, the proposed project includes a Development Code, which includes an amendment to the City's Zoning Code in order to be consistent with the Specific Plan Area. The proposed project's zoning regulations, like the proposed goals, polices, and programs, have been prepared to reduce potential environmental impacts from future development in the Specific Plan Area. Other than as identified, no other development regulations are being modified or added as part of the proposed project. The proposed Development Code would establish new Downtown Zones for the Specific Plan Area. Each of the Downtown Zones are established based on the intent of the desired physical form and character of particular environments envisioned in the proposed Specific Plan. The proposed zones focus on mixed-use, walkable areas of Downtown, and range in function and intensity.

The City of Hayward General Plan is the primary planning document for the City of Hayward. Adoption and implementation of the proposed project would further the objectives and policies of the General Plan and

would not obstruct their attainment. The proposed Specific Plan is intended to ensure consistency between the General Plan and Zoning Code. Because the General Plan is the overriding planning document for the City, and because the proposed project involves amending the General Plan and Zoning Code to ensure consistency, the impact would be *less than significant*.

Significance without Mitigation: Less than significant.

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4.10 NOISE

This chapter describes the existing noise character of the Specific Plan Area and evaluates the potential environmental consequences of future development that could occur by adopting and implementing the proposed Specific Plan. This chapter provides a summary of the relevant regulatory setting necessary to evaluate potential environmental impacts resulting from the proposed Specific Plan, describes potential impacts, and discusses existing and proposed goals and policies, and mitigation measures that would avoid or reduce those potential impacts.

4.10.1 ENVIRONMENTAL SETTING

4.10.1.1 SOUND FUNDAMENTALS

Sound is a pressure wave transmitted through the air. It is described in terms of loudness or amplitude (measured in decibels), frequency or pitch (measured in Hertz [Hz] or cycles per second), and duration (measured in seconds or minutes). The standard unit of measurement of the loudness of sound is the decibel (dB). Changes of 1 to 3 dB are detectable under quiet, controlled conditions and changes of less than 1 dBA are usually indiscernible. A 3 dB change in noise levels is considered the minimum change that is detectable with human hearing in outside environments. A change of 5 dB is readily discernable to most people in an exterior environment whereas a 10 dBA change is perceived as a doubling (or halving) of the sound.

The human ear is not equally sensitive to all frequencies. Sound waves below 16 Hz are not heard at all and are “felt” more as a vibration. Similarly, while people with extremely sensitive hearing can hear sounds as high as 20,000 Hz, most people cannot hear above 15,000 Hz. In all cases, hearing acuity falls off rapidly above about 10,000 Hz and below about 200 Hz. Since the human ear is not equally sensitive to sound at all frequencies, a special frequency dependent rating scale is usually used to relate noise to human sensitivity. The A-weighted decibel scale (dBA) performs this compensation by weighting frequencies in a manner approximating the sensitivity of the human ear.

Noise is defined as unwanted sound, and is known to have several adverse effects on people, including hearing loss, speech and sleep interference, physiological responses, and annoyance. Based on these known adverse effects of noise, the federal government, the State of California, and many local governments have established criteria to protect public health and safety and to prevent disruption of certain human activities.

Sound Measurement

Sound pressure is measured through the A-weighted measure to correct for the relative frequency response of the human ear. That is, an A-weighted noise level de-emphasizes low and very high frequencies of sound similar to the human ear’s de-emphasis of these frequencies.

Unlike linear units such as inches or pounds, decibels are measured on a logarithmic scale, representing points on a sharply rising curve. On a logarithmic scale, an increase of 10 dB is 10 times more intense than

1 dB, while 20 dB is 100 times more intense, and 30 dB is 1,000 times more intense. A sound as soft as human breathing is about 10 times greater than 0 dB. The decibel system of measuring sound gives a rough connection between the physical intensity of sound and its perceived loudness to the human ear. Ambient sounds generally range from 30 dBA (very quiet) to 100 dBA (very loud).

Sound levels are generated from a source and their decibel level decreases as the distance from that source increases. Sound dissipates exponentially with distance from the noise source. This phenomenon is known as "spreading loss." For a single point source, sound levels decrease by approximately 6 dB for each doubling of distance from the source. This drop-off rate is appropriate for noise generated by on-site operations from stationary equipment or activity at a project site. If noise is produced by a line source, such as highway traffic, the sound decreases by 3 dB for each doubling of distance in a hard site environment. Line source noise in a relatively flat environment with absorptive vegetation decreases by 4.5 dB for each doubling of distance.

Time variation in noise exposure is typically expressed in terms of a steady-state energy level equal to the energy content of the time varying period (called L_{eq}), or alternately, as a statistical description of the sound level that is exceeded over some fraction of a given observation period. For example, the L50 noise level represents the noise level that is exceeded 50 percent of the time. Half the time the noise level exceeds this level and half the time the noise level is less than this level. This level is also representative of the level that is exceeded 30 minutes in an hour. Similarly, the L_2, L_8 and L_{25} values represent the noise levels that are exceeded 2, 8, and 25 percent of the time, or 1, 5, and 15 minutes per hour. These "Ln" values are typically used to demonstrate compliance for stationary noise sources with a city's noise ordinance, as discussed below. Other values typically noted during a noise survey are the L_{min} and L_{max}. These values represent the minimum and maximum root-mean-square noise levels obtained over the measurement period.

Because community receptors are more sensitive to unwanted noise intrusion during the evening and at night, state law and the County require that, for planning purposes, an artificial dB increment be added to quiet time noise levels in a 24-hour noise descriptor called the Community Noise Equivalent Level (CNEL) or Day-Night Noise Level (L_{dn}). The CNEL descriptor requires that an artificial increment of 5 dBA be added to the actual noise level for the hours from 7:00 p.m. to 10:00 p.m. and 10 dBA for the hours from 10:00 p.m. to 7:00 a.m. The L_{dn} descriptor uses the same methodology except that there is no artificial increment added to the hours between 7:00 p.m. and 10:00 p.m. Both descriptors give roughly the same 24-hour level with the CNEL being only slightly more restrictive (i.e., higher).

Psychological and Physiological Effects of Noise

Physical damage to human hearing begins at prolonged exposure to noise levels higher than 85 dBA. Exposure to high noise levels affects our entire system, with prolonged noise exposure in excess of 75 dBA increasing body tensions, and thereby affecting blood pressure, functions of the heart and the nervous system. In comparison, extended periods of noise exposure above 90 dBA could result in permanent hearing damage. When the noise level reaches 120 dBA, a tickling sensation occurs in the human ear even with short-term exposure. This level of noise is called the threshold of feeling. As the sound reaches 140 dBA, the tickling sensation is replaced by the feeling of pain in the ear. This is called the threshold of pain. Table 4.10-1 shows typical noise levels from familiar noise sources.

TABLE 4.10-1 TYPICAL NOISE LEVELS

Common Outdoor Activities	Noise Level (dBA)	Common Indoor Activities
Onset of physical discomfort	120+	
	110	Rock Band (near amplification system)
Jet Flyover at 1,000 feet		
	100	
Gas Lawn Mower at three feet		
	90	
Diesel Truck at 50 feet, at 50 mph		Food Blender at 3 feet
	80	Garbage Disposal at 3 feet
Noisy Urban Area, Daytime		
	70	Vacuum Cleaner at 10 feet
Commercial Area		Normal speech at 3 feet
Heavy Traffic at 300 feet	60	
		Large Business Office
Quiet Urban Daytime	50	Dishwasher Next Room
Quiet Urban Nighttime	40	Theater, Large Conference Room (background)
Quiet Suburban Nighttime		
	30	Library
Quiet Rural Nighttime		Bedroom at Night, Concert Hall (background)
	20	
		Broadcast/Recording Studio
	10	
Lowest Threshold of Human Hearing	0	Lowest Threshold of Human Hearing

Source: Caltrans 2013.

4.10.1.2 VIBRATION FUNDEMENTALS

Vibration is an oscillating motion in the earth. Like noise, vibration is transmitted in waves, but in this case through the earth or solid objects. Unlike noise, vibration is typically of a frequency that is felt rather than heard.

Vibration can be either natural as in the form of earthquakes, volcanic eruptions, landslides, or man-made as from explosions, heavy machinery or trains. Both natural and man-made vibration may be continuous such as from operating machinery, or impulsive as from an explosion.

As with noise, vibration can be described by both its amplitude and frequency. Amplitude may be characterized in three ways including displacement, velocity, and acceleration. Particle displacement is a

measure of the distance that a vibrated particle travels from its original position and for the purposes of soil displacement is typically measured in inches or millimeters. Particle velocity is the rate of speed at which soil particles move in inches per second or millimeters per second. Particle acceleration is the rate of change in velocity with respect to time and is measured in inches per second or millimeters per second. Typically, particle velocity (measured in inches or millimeters per second) and/or acceleration (measured in gravities) are used to describe vibration. Table 4.10-2 presents the human reaction to various levels of peak particle velocity.

TABLE 4.10-2 HUMAN REACTION TO TYPICAL VIBRATION LEVELS

Vibration Level Peak Particle Velocity (in/sec)	Human Reaction	Effect on Buildings
0.006–0.019	Threshold of perception, possibility of intrusion	Vibrations unlikely to cause damage of any type
0.08	Vibrations readily perceptible	Recommended upper level of vibration to which ruins and ancient monuments should be subjected
0.10	Level at which continuous vibration begins to annoy people	Virtually no risk of "architectural" (i.e., not structural) damage to normal buildings
0.20	Vibrations annoying to people in buildings	Threshold at which there is a risk to "architectural" damage to normal dwelling – houses with plastered walls and ceilings
0.4–0.6	Vibrations considered unpleasant by people subjected to continuous vibrations and unacceptable to some people walking on bridges	Vibrations at a greater level than normally expected from traffic, but would cause "architectural" damage and possibly minor structural damage

Source: Caltrans, 2013.

Vibrations also vary in frequency and this affects perception. Typical construction vibrations fall in the 10 to 30 Hz range and usually occur around 15 Hz. Traffic vibrations exhibit a similar range of frequencies; however, due to their suspension systems, buses often generate frequencies around 3 Hz at high vehicle speeds. It is less common, but possible, to measure traffic frequencies above 30 Hz.

The way in which vibration is transmitted through the earth is called propagation. As vibration waves propagate from a source, the energy is spread over an ever-increasing area such that the energy level striking a given point is reduced with the distance from the energy source. This geometric spreading loss is inversely proportional to the square of the distance. Wave energy is also reduced with distance as a result of material damping in the form of internal friction, soil layering, and void spaces. The amount of attenuation provided by material damping varies with soil type and condition as well as the frequency of the wave.

4.10.1.3 REGULATORY FRAMEWORK

To limit population exposure to physically and/or psychologically damaging as well as intrusive noise levels, the federal government, the State of California, and local governments have established standards and ordinances to control noise.

Federal Regulations

Federal Highway Administration

Proposed federal or federal-aid highway construction projects at a new location, or the physical alteration of an existing highway that significantly changes either the horizontal or vertical alignment, or increases the number of through-traffic lanes, requires an assessment of noise and consideration of noise abatement per 23 CFR Part 772, "Procedures for Abatement of Highway Traffic Noise and Construction Noise." FHWA has adopted noise abatement criteria (NAC) for sensitive receivers such as picnic areas, recreation areas, playgrounds, active sport areas, parks, residences, motels, hotels, schools, churches, libraries, and hospitals when "worst-hour" noise levels approach or exceed 67 dBA L_{eq}. Caltrans has further defined approaching the NAC to be 1 dBA below the NAC for noise sensitive receivers identified as Category B activity areas (e.g., 66 dBA Leq is considered approaching the NAC).[1]

US Environmental Protection Agency

In addition to FHWA standards, the United States Environmental Protection Agency (EPA) has identified the relationship between noise levels and human response. The EPA has determined that over a 24-hour period, a L_{eq} of 70 dBA will result in some hearing loss. Interference with activity and annoyance will not occur if exterior levels are maintained at a L_{eq} of 55 dBA and interior levels at or below 45 dBA. While these levels are relevant for planning and design and useful for informational purposes, they are not land use planning criteria because they do not consider economic cost, technical feasibility, or the needs of the community.

The EPA also set 55 dBA L_{dn} as the basic goal for exterior residential noise intrusion. However, other federal agencies, in consideration of their own program requirements and goals, as well as difficulty of actually achieving a goal of 55 dBA L_{dn}, have settled on the 65 dBA L_{dn} level as their standard. At 65 dBA L_{dn}, activity interference is kept to a minimum, and annoyance levels are still low. It is also a level that can realistically be achieved.

Occupational Health and Safety Administration

The federal government regulates occupational noise exposure common in the workplace through the Occupational Health and Safety Administration (OSHA) under the EPA. Such limitations would apply to the operation of construction equipment and could also apply to any proposed industrial land uses. Noise exposure of this type is dependent on work conditions and is addressed through a facility's Health and Safety Plan, as required under OSHA, and is therefore not addressed further in this analysis.

US Department of Housing and Urban Development

The US Department of Housing and Urban Development (HUD) has set a goal of 65 dBA L_{dn} as a desirable maximum exterior standard for residential units developed under HUD funding. (This level is also generally accepted within the State of California.) While HUD does not specify acceptable interior noise levels,

[1] California Department of Transportation, 2011, Traffic Noise Analysis Protocol.

standard construction of residential dwellings typically provides in excess of 20 dBA of attenuation with the windows closed. Based on this premise, the interior L_{dn} should not exceed 45 dBA.

State Regulations

General Plan Guidelines

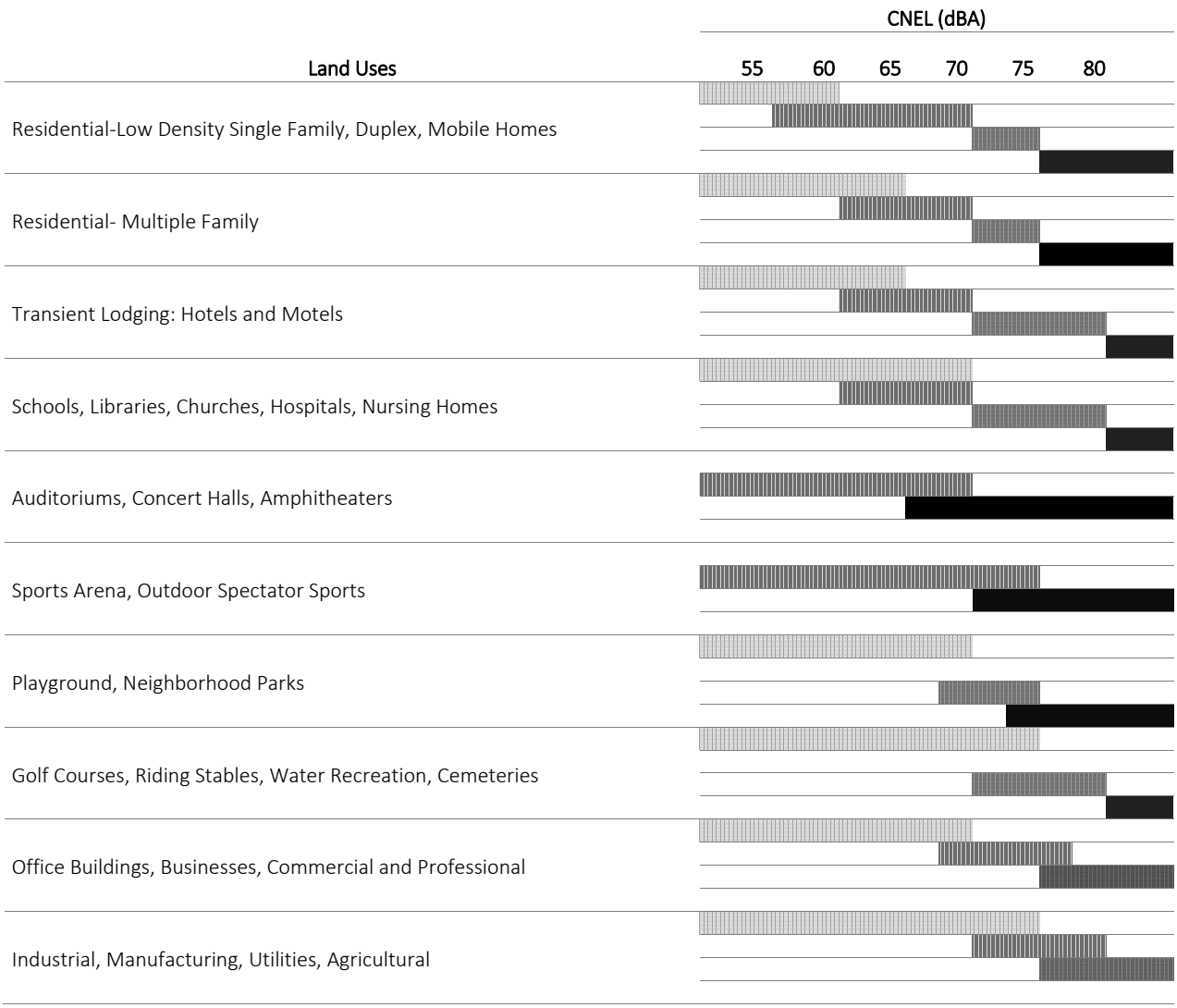
The State of California, through its General Plan Guidelines, discusses how ambient noise should influence land use and development decisions and includes a table of normally acceptable, conditionally acceptable, normally unacceptable, and clearly unacceptable uses at different noise levels expressed in CNEL. These land use compatibility guidelines are shown in Table 4.10-3. A conditionally acceptable designation implies new construction or development should be undertaken only after a detailed analysis of the noise reduction requirements for each land use is made and needed noise insulation features are incorporated in the design. By comparison, a normally acceptable designation indicates that standard construction can occur with no special noise reduction requirements. This table provides urban planners with a tool to gauge the compatibility of land uses relative to existing and future noise levels.

California Building Code

The California Building Code (CBC), Title 24, Part 2, Volume 1, Chapter 12, Interior Environment, Section 1207.11.2, *Allowable Interior Noise Levels*, requires that interior noise levels attributable to exterior sources shall not exceed 45 dB in any habitable room. The noise metric is evaluated as either the day-night average sound level (L_{dn}) or the community noise equivalent level (CNEL), consistent with the noise element of the local general plan.

The California Green Building Standards Code (CALGreen), Chapter 5, Division, 5.5 has additional requirements for insulation that affect exterior-interior noise transmission for non-residential structures: Pursuant to section 5.507.4.1, Exterior Noise Transmission, Prescriptive Method, Wall and roof-ceiling assemblies exposed to the noise source making up the building or addition envelope or altered envelope shall meet a composite sound transmission class (STC) rating of at least 50 L_{dn} or CNEL or a composite outdoor-indoor transmission class (OITC) rating of no less than 40 L_{dn} or CNEL with exterior windows of a minimum STC of 40 or OITC of 30 within a 65 dBA CNEL noise contour of an airport or within a 65 dBA CNEL or L_{dn} noise contour of a freeway, expressway, railroad, industrial source, or fixed-guideway source as determined by the noise element of the general plan. Where noise contours are not readily available, buildings exposed to a noise level of 65 dBA L_{eq} 1-hour during any hour of operation shall have building, addition or alteration exterior wall and roof-ceiling assemblies exposed to the noise source meeting a composite STC rating of at least 45 L_{dn} or CNEL (or OITC 35), with exterior windows of a minimum of STC 40 (or OITC 30).

TABLE 4.10-3 COMMUNITY NOISE AND LAND USE COMPATIBILITY



Explanatory Notes

Normally Acceptable:
With no special noise reduction requirements assuming standard construction.

Conditionally Acceptable:
New construction or development should be undertaken only after a detailed analysis of the noise reduction requirement is made and needed noise insulation features included in the design.

Normally Unacceptable:
New construction is discouraged. If new construction does not proceed, a detailed analysis of the noise reduction requirements must be made and needed noise insulation features included in the design.

Clearly Unacceptable:
New construction or development should generally not be undertaken.

Source: California Office of Noise Control. Guidelines for the Preparation and Content of Noise Elements of the General Plan. February 1976. Adapted from the USEPA Office of Noise Abatement Control, Washington D.C. Community Noise. Prepared by Wyle Laboratories, December 1971.

Local Regulations

Looking Forward Hayward 2040 General Plan

The City of Hayward 2040 General Plan, adopted in July 2014, includes goals, policies, and programs intended to avoid or reduce noise-related impacts in the Hazards (HAZ) element. As described in the General Plan EIR, in most cases, no one goal, policy, or implementation program itself is expected to completely avoid or reduce an identified potential environmental impact.[2] However, the collective, cumulative mitigating benefits of the policies listed below are intended to reduce noise-related impacts. Specific goals and policies are described in Section 4.10.3, Impact Discussion, to demonstrate how the policy would avoid or reduce the impact.

- Goal HAZ-8: Minimize human exposure to excessive noise and ground vibration.
  - 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 *(This table has been replicated and as Table 4.10-4 of this chapter)* 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-8.3 Incremental Noise Impacts of Commercial and Industrial Development: The City shall consider the potential noise impacts of commercial and industrial developments that are located near residences and shall require noise mitigation measures as a condition of project approval.
  - 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 pm

[2] City of Hayward, 2014, City of Hayward 2040 General Plan certified EIR, State Clearinghouse Number 2013082015.

to 7:00 am), and the maximum instantaneous noise level in all interior rooms shall not exceed 55dB(A) during the day (7:00 am to 10:00 pm) 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-8.7 Noise Standards for Office and Similar Uses: The City shall require the design of new office developments and similar uses to achieve a maximum interior noise standard of 45dB L_{eq} (peak hour).
- 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-8.12 Transportation Noise: The City shall consider potential noise impacts when evaluating proposals for transportation projects, including road, freeway, and transit projects, and will strive to minimize noise impacts through the implementation of mitigation measures.
- Policy HAZ-8.13 Utilities: The City shall require the evaluation of public facilities (e.g., utility substations, water storage facilities, and pumping stations) to determine potential noise impacts on surrounding uses and identify appropriate mitigation measures.
- 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-8.18 Mixed-Use Developments: The City shall require the full disclosure of the potential noise impacts of living in a mixed-use development by requiring residential disclosure notices within deeds and lease agreements as a condition of project approval.

- Policy HAZ-8.19 Downtown Housing Development: The City shall require the full disclosure of the potential noise impacts of living in an urban downtown environment by requiring residential disclosure notices within the deeds and lease agreements as a condition of project approval.
- 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 am to 7:00 pm Monday through Saturday and 10:00 am to 6:00 pm 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-8.23 Transportation Vibration: The City shall require new residential and commercial projects located within 200 feet of existing major freeways and railroad lines (e.g., freight, Amtrak, and Bay Area Rapid Transit) to conduct a ground vibration and vibration noise evaluation consistent with City approved methodologies (e.g., Caltrans, Federal Transportation Authority).

As stated in Policy HAZ-8.2, Noise Study and Mitigation, the noise and land use compatibility standards shown in Table 4.10-4 are used to determine potential noise exposure impacts for new development projects and the potential need for additional acoustical analysis and project-level mitigation.

Hayward Municipal Code

The City's noise regulations and standards are implemented and enforced through the Hayward Municipal Code, Chapter 4, Noise Regulations, which establishes citywide standards to regulate noise. The following standards are related to noise:

Exterior Noise Standards

- Residential Property Noise Limits.
  - No person shall produce or allow to be produced by human voice, machine, device, or any combination of same, on residential property, a noise level at any point outside of the property plane that exceeds 70 dBA between the hours of 7:00 a.m. and 9:00 p.m. or 60 dBA between the hours of 9:00 p.m. and 7:00 a.m.
  - No person shall produce or allow to be produced by human voice, machine, device, or any combinations of same, on multifamily residential property, a noise level more than 60 dBA three feet from any wall, floor, or ceiling inside any dwelling unit on the same property, when the windows and doors of the dwelling unit are closed, except within the dwelling unit in which the noise source or sources may be located.

- Commercial and Industrial Property Noise Limits.
  - Except for commercial and industrial property abutting residential property, no person shall produce or allow to be produced by human voice, machine, device, or any other combination of same, on commercial or industrial property, a noise level at any point outside of the property plane that exceeds 70 dBA. Commercial and industrial property that abuts residential property shall be subject to the residential property noise limits set forth in subsections 1a and 1b above.
- Public Property Noise Limits.
  - Except as otherwise provided in these regulations, no person shall produce or allow to be produced on public property, by human voice, machine, device, or any combination of same, a noise level that exceeds 60 dBA at a distance of 25 feet or more from the source. Noise from activities of the City of Hayward is exempted from these regulations.

TABLE 4.10-4 COMMUNITY NOISE AND LAND USE COMPATIBILITY

Land Use Type	Highest Level of Exterior Noise Exposure that is Regarded as "Normally Acceptable"[a] (L_{dn}[b] or CNEL[c])
Residential: Single-Family Homes, Duplex, Mobile Home	60
Residential: Townhomes and Multi-Family Apartments and Condominiums	65
Urban Residential Infill[d] and Mixed-Use Projects[e]	70
Lodging: Motels and Hotels	65
Schools, Libraries, Churches, Hospitals, Nursing Homes	70
Auditoriums, Concert Hall, Amphitheaters	Mitigation based on site-specific study
Sports Arena, Outdoor Spectator Sports	Mitigation based on site-specific study
Playgrounds, Neighborhood Parks	70
Golf Courses, Riding Stables, Water Recreation, Cemeteries	75
Office Buildings: Business, Commercial, and Professional	70
Industrial Manufacturing, Utilities, Agriculture	75

Notes: This table is replicated from Table HAZ-1, Exterior Noise Compatibility Standards for Various Land Uses, in the Hazards Element of the General Plan.
a. As defined in the State of California General Plan Guidelines 2003, "Normally Acceptable" means that the specified land uses is satisfactory, based upon the assumption that any building involved is of normal conventional construction, without any special noise mitigation. For projects located along major transportation corridors (major freeways, arterials, and rail lines) this "normally acceptable" exterior noise level may be exceeded for certain areas of the project site (e.g. the frontage adjacent to the corridor or parking areas) with the exception of primary open space areas (see policies HAZ-8.5 and HAZ-8.6).
b. L_{dn} or Day Night Average is an average 24-hour noise measurement that factors day and night noise levels.
c. CNEL or Community Noise Equivalent Level measurements are a weighted average of sound levels gathered throughout a 24-hour period.
d. 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).
e. Mixed-Use Projects would include all mixed-use developments throughout the City of Hayward.
Source: Governor's Office of Planning and Research, State of California General Plan Guidelines 2003, October 2003.

Construction and Alteration of Structures; Landscaping Activities

Unless otherwise provided pursuant to a duly-issued permit or a condition of approval of a land use entitlement, the construction, alteration, or repair of structures and any landscaping activities, occurring between the hours of 10:00 a.m. and 6:00 p.m. on Sundays and holidays, and 7:00 a.m. and 7:00 p.m. on other days, shall be subject to the following:

- No individual device or piece of equipment shall produce a noise level exceeding 83 dBA at a distance of 25 feet from the source. If the device or equipment is housed within a structure on the property, the measurement shall be made outside the structure at a distance as close as possible to 25 feet from the equipment.
- The noise level at any point outside of the property plane shall not exceed 86 dBA.
- During all other times, the decibel levels set forth in Section 4-1.03.1 shall control (*Exterior Noise Standards* above).

4.10.1.4 EXISTING CONDITIONS

Sensitive Receptors

Certain land uses, such as residences, schools, and hospitals are particularly sensitive to noise and vibration. Sensitive receptors within the County include residences, senior housing, schools, places of worship, and recreational areas. These uses are regarded as sensitive because they are where citizens most frequently engage in activities which are likely to be disturbed by noise, such as reading, studying, sleeping, resting, or otherwise engaging in quiet or passive recreation. Commercial and industrial uses are not particularly sensitive to noise or vibration.

Ambient Noise Measurements

To determine a baseline noise level at different environments within the Specific Plan Area, ambient noise monitoring was conducted within the proposed Specific Plan Area by PlaceWorks in August 2018. Measurements were made during weekday periods when the Specific Plan Area is expected to be most active. Long-term (48-hour) measurements were conducted at two locations within the Specific Plan Area, and short-term (15-minute) measurements were conducted at nine locations in the Specific Plan Area. All measurements were conducted from Wednesday, August 29 through Friday, August 31, 2018.

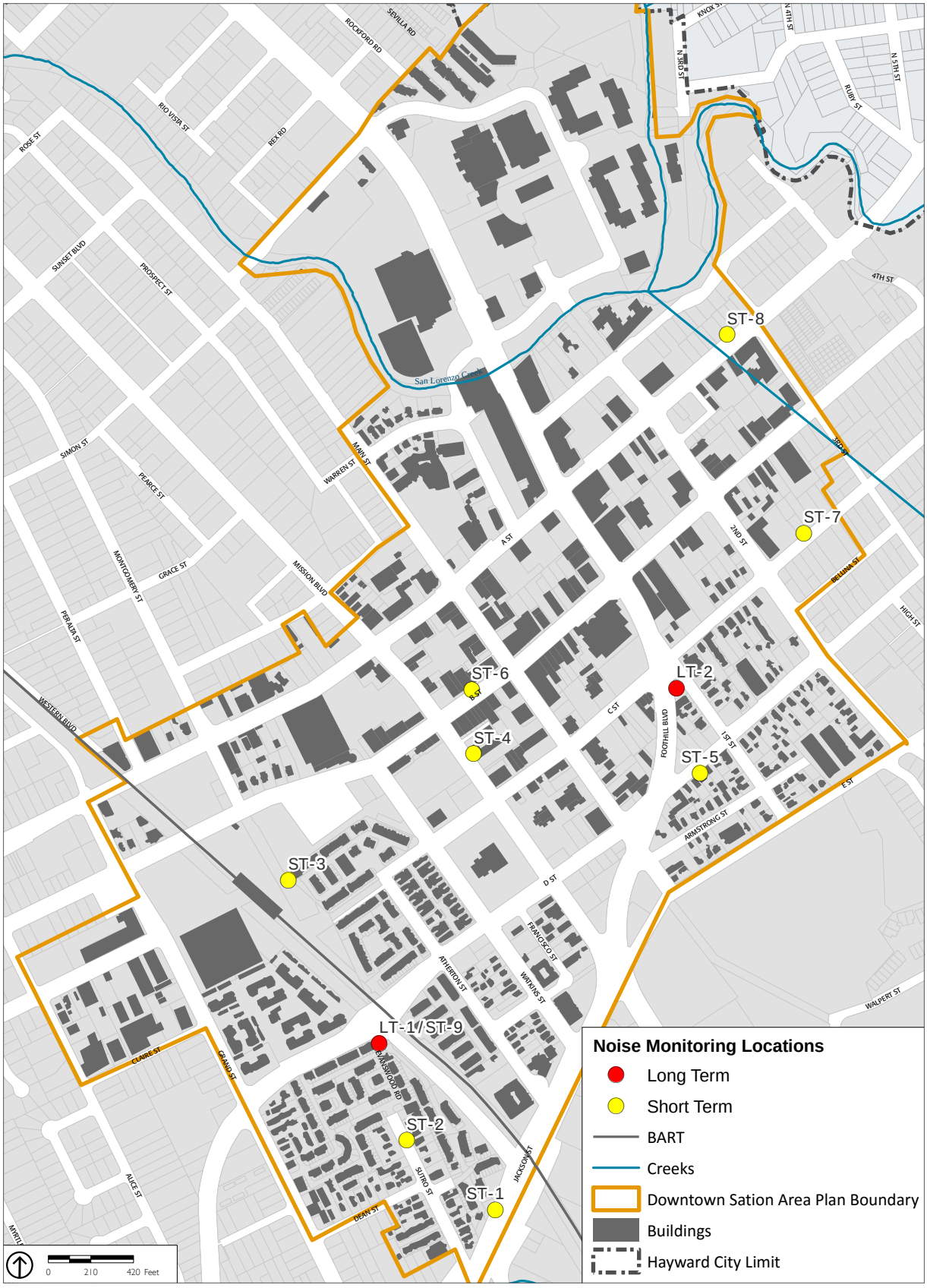
The primary noise sources in the measurement locations were traffic, aircraft overflights, and rail noise. Meteorological conditions during the measurement periods were favorable for outdoor sound measurements and were noted to be representative of the typical conditions for the season. Generally, conditions included clear skies, daytime temperatures from 71 to 77 degrees Fahrenheit (°F), and average wind speeds between 2 to 3 miles per hour (mph). All sound level meters were equipped with a windscreen during measurements.

All sound level meters used for noise monitoring satisfy the American National Standards Institute (ANSI) standard for Type 1 instrumentation.[3] The sound level meters were set to "slow" response and "A" weighting (dBA). The meters were calibrated prior to and after the monitoring period. All measurements were at least 5 feet above the ground and away from reflective surfaces. Noise measurement locations are described below and shown in Figure 4.10-1.

The noise monitoring locations are described below:

- Long-Term Location 1 (LT-1) was located adjacent to the Union Pacific Railroad (UPRR) and BART right-of-ways off D Street in a residential area. The measurement location was approximately 55 feet southwest of the UPRR southbound centerline and approximately 115 feet southwest of the BART southbound centerline. A 48-hour noise measurement was conducted, beginning at the 12:00 a.m. hour on Wednesday, August 29, 2018. The noise environment of this site is characterized primarily by local traffic on D Street and BART pass-bys.
- Long-Term Location 2 (LT-2) was located in the square on Foothill Boulevard just south of C Street in a commercial and residential area. The measurement location was approximately 50 feet east of the Foothill Boulevard centerline. A 48-hour noise measurement was conducted, beginning at the 1:00 p.m. hour on Wednesday, August 29, 2018. The noise environment of this site is characterized primarily by local traffic.
- Short-Term Location 1 (ST-1) was located on Jackson Street approximately 50 feet north of the Jackson Street centerline and adjacent to residential backyards to the north. A 15-minute noise measurement was conducted, beginning at 3:10 p.m. on Wednesday, August 29, 2018. The noise environment of this site is characterized primarily by local traffic.
- Short-Term Location 2 (ST-2) was located in a residential area on Sutro Street away from any major streets. A 15-minute noise measurement was conducted, beginning at 3:37 PM on Wednesday, August 29, 2018. The measurement location was approximately 25 feet east of the Sutro Street centerline. The noise environment of this site is characterized primarily by local traffic noise and occasional BART pass-bys and aircraft overflights.
- Short-Term Location 3 (ST-3) was located in a residential area near the open space of the City Manager's office on the east side of the Hayward BART station and transit center. A 15-minute noise measurement was conducted at the approximate apartment property line, beginning at 4:06 p.m. on Wednesday, August 29, 2018. The noise environment of this site is characterized primarily by local transit noise including bus, shuttle, BART, and passenger drop-off.
- Short-Term Location 4 (ST-4) was located in a mixed-use area with second-story residential on Mission Boulevard between B Street and C Streets. A 15-minute noise measurement was conducted, beginning at 4:31 p.m. on Wednesday, August 29, 2018. The measurement location was approximately 25 feet east of the Mission Boulevard centerline. The noise environment of this site is characterized primarily by local traffic.

[3] Monitoring of ambient noise was performed using Larson-Davis Model LxT and 820 sound level meters.



Source: City of Hayward, Water System Master Plan, June 2014.

Figure 4.10-1
Approximate Noise Monitoring Locations

- **Short-Term Location 5 (ST-5)** was located in a residential area on D Street between Foothill Boulevard and 1st Street. A 15-minute noise measurement was conducted, beginning at 4:55 p.m. on Wednesday, August 29, 2018. The measurement location was approximately 35 feet south of the D Street centerline. The noise environment of this site is characterized primarily by local traffic.
- **Short-Term Location 6 (ST-6)** was located in a commercial area on B Street between Mission Boulevard and Main Street. A 15-minute noise measurement was conducted, beginning at 5:19 p.m. on Wednesday, August 29, 2018. The measurement location was approximately 25 feet north of the B Street centerline. The noise environment of this site is characterized primarily by local traffic.
- **Short-Term Location 7 (ST-7)** was located in a residential area on C Street between 2nd Street and 3rd Street. A 15-minute noise measurement was conducted, beginning at 5:45 p.m. on Wednesday, August 29, 2018. The measurement location was approximately 25 feet north of the C Street centerline. The noise environment of this site is characterized primarily by local traffic. One small plane overflight was noted during the noise measurement period.
- **Short-Term Location 8 (ST-8)** was located in a residential and commercial area on A Street between 2nd Street and 3rd Street. A 15-minute noise measurement was conducted, beginning at 6:07 p.m. on Wednesday, August 29, 2018. The measurement location was approximately 40 feet north of the A Street centerline. The noise environment of this site is characterized primarily by local traffic.
- **Short-Term Location 9 (ST-9)** was located in the same location at LT-1, adjacent to the UPRR and BART right-of-ways off D Street in a residential area. The measurement location was approximately 55 feet southwest of the UPRR southbound centerline and approximately 115 feet southwest of the BART southbound centerline. Noise measurements of BART pass-bys were conducted, beginning at 12:04 p.m. on Wednesday, August 29, 2018. A northbound BART pass-by measured 80.5 dBA sound exposure level (SEL) and a southbound BART pass-by measured 84.6 dBA SEL.

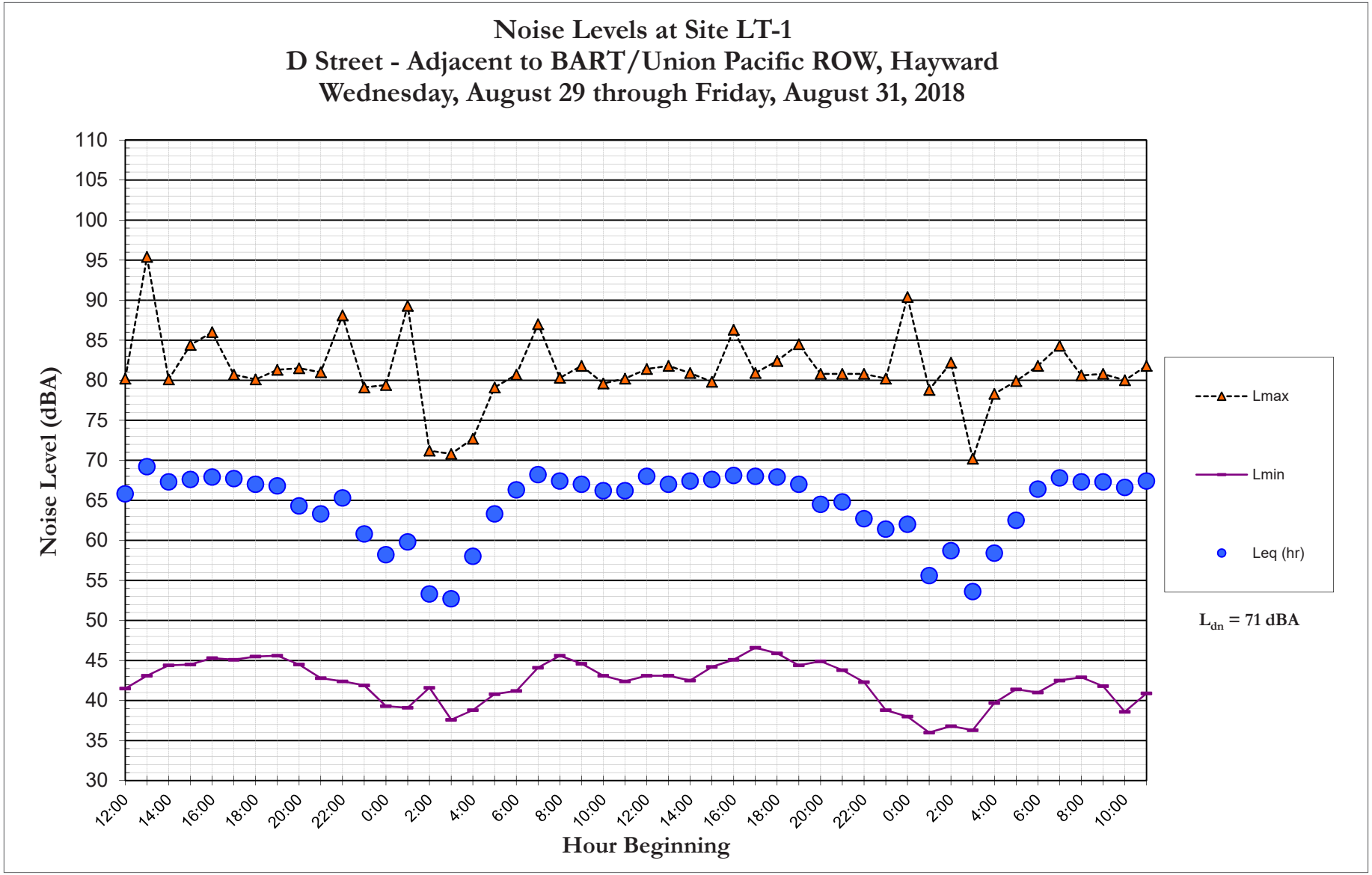
Ambient Noise Results, Long-Term Monitoring

During the ambient noise survey, the L_{dn} noise levels at monitoring locations ranged from 71 to 75 dBA L_{dn}. The long-term noise measurement results are summarized in Table 4.10-5. A summary of the daily trend of long-term noise measurement results are shown in Figures 4.10-2 and 4.10-3.

TABLE 4.10-5 LONG-TERM NOISE MEASUREMENT SUMMARY (DBA)

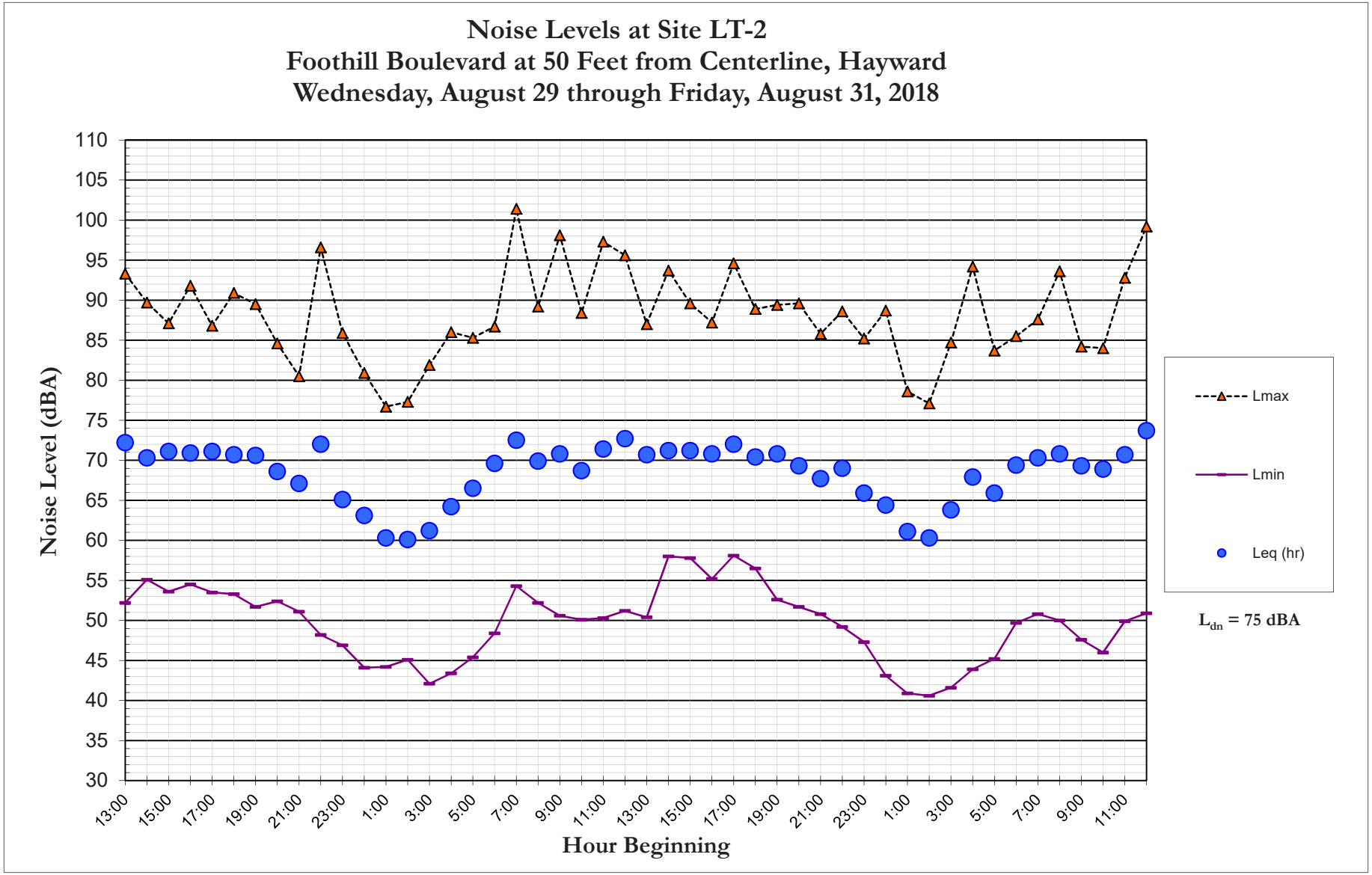
Monitoring Location	Description	L_{dn}	Lowest L_{eq}, 1-Hour	Highest L_{eq}, 1-Hour
LT-1	Adjacent to UPRR and BART Right-of-Ways off D Street	71	69.2	52.7
LT-2	Park/Square on Foothill Boulevard South of C Street	75	73.7	60.1

Source: PlaceWorks 2018



Source: PlaceWorks, 2018.

Figure 4.10-2
Long-Term Noise Data at Location LT-1



Source: PlaceWorks, 2018.

Figure 4.10-3
Long-Term Noise Data at Location LT-2

Short-Term Noise Monitoring Results

The short-term noise measurement results are summarized in Table 4.10-6.

TABLE 4.10-6 SHORT-TERM NOISE MEASUREMENT SUMMARY (DBA)

Monitoring Location	Description	15-minute Noise Level, dBA		
		L_{min}	L_{eq}	L
ST-1	Jackson Street, 50 Feet from Centerline 3:10 PM, 8/29/2018	50.5	70.6	85.8
ST-2	Sutro Street, 25 Feet from Centerline 3:37 PM, 8/29/2018	43.4	52.8	73.2
ST-3	Hayward BART Station/Transit Center Apartments to the East 4:06 PM, 8/29/2018	51.8	62.7	85.0
ST-4	Mission Boulevard, 25 Feet from Centerline 4:31 PM, 8/29/2018	53.7	73.0	90.4
ST-5	D Street, 35 Feet From Centerline 4:55 PM, 8/29/2018	53.5	70.2	92.0
ST-6	B Street, 25 Feet from Centerline 5:19 PM, 8/29/18	52.3	64.3	81.9
ST-7	C Street, 25 Feet from Centerline 5:45 PM, 8/29/2018	47.1	61.9	77.4
ST-8	A Street, 40 Feet from Centerline 6:07 PM, 8/29/2018	52.1	72.2	80.6
ST-9	Adjacent to UPRR and BART Right-of-Ways off D Street/LT-1 – Northbound BART Pass-By 130 Feet from BART Northbound Centerline 12:05 PM, 8/29/2018 80.5 dBA SEL	64.2	73.8	78.0
	Adjacent to UPRR and BART Right-of-Ways off D Street/LT-1 – Southbound BART Pass-By 115 Feet from BART Southbound Centerline 12:04PM, 8/29/2018 84.6 dBA SEL	52.2	66.4	69.5

Source: PlaceWorks 2018

Existing Traffic Noise

Daily intersection volumes within the project study area[4] were used to calculate roadway noise. Roadway noise levels at 50 feet and the distances to the 60, 65, and 70 dBA L_{dn} noise contours are shown in Table 4.10-7.

[4] Kittelson & Associates, Inc., 2018, Traffic Impact Analysis, October. (see Appendix E of this Draft EIR).

TABLE 4.10-7 EXISTING ROADWAY NOISE LEVELS AND DISTANCES TO CONTOUR LINES

Roadway Segment	L_{dn} (dBA) at 50 Feet	Distance to Noise Contours (Feet)		
		70 dBA L_{dn}	65 dBA L_{dn}	60 dBA L_{dn}
Foothill Boulevard – South of City Center Drive	69.2	47	148	468
City Center Drive – West of Foothill Boulevard	55.1	2	6	18
Foothill Boulevard – A Street to B Street	67.5	31	100	315
A street – Foothill Boulevard to Maple Court	68.7	41	131	413
Foothill Boulevard – B Street to C Street	68.5	40	125	396
B Street – Foothill Boulevard to Main Street	63.5	12	39	124
C Street – Foothill Boulevard to Main Street	61.2	7	23	73
Foothill Boulevard – North of D Street	68.9	44	139	440
D Street – East of Foothill Boulevard	65.0	18	57	179
Main Street – A Street to Hotel Avenue	55.5	2	6	20
A Street – Main Street to Maple Court	68.4	39	123	388
Main Street – B Street to A Street	53.1	1	4	12
Main Street – B Street to C Street	55.0	2	6	18
Main Street – C Street to D Street	53.5	1	4	13
C Street – Main Street to Mission Boulevard	61.0	7	22	70
Mission Street – A Street to Hotel Avenue	59.9	6	17	55
Mission Street – A Street to B Street	66.9	27	86	272
A Street – Mission Street to Main Street	68.4	39	122	386
A Street – Mission Street to Montgomery Avenue	65.4	19	62	195
B Street – Mission Boulevard to Main Street	62.3	10	30	96
B Street – Mission Boulevard to Watkins Street	58.6	4	13	41
Mission Boulevard – C Street to B Street	68.1	36	113	359
C Street – Mission Boulevard to Watkins Street	59.0	4	14	45
Mission Boulevard – D Street to C Street	68.3	38	121	382
D Street – East of Mission Boulevard	66.5	25	79	251
D Street – Mission Boulevard to Watkins Street	67.2	29	93	294
Mission Boulevard – North of Foothill Boulevard/Jackson Street	68.7	41	130	412
Foothill Boulevard/Jackson Street – East of Mission Boulevard	71.1	72	228	722
Mission Boulevard – North of Fletcher Lane	68.0	35	111	350
Mission Boulevard – Fletcher Lane to Pinedale Court	68.5	40	126	398

TABLE 4.10-7 EXISTING ROADWAY NOISE LEVELS AND DISTANCES TO CONTOUR LINES

Roadway Segment	L_{dn} (dBA) at 50 Feet	Distance to Noise Contours (Feet)		
		70 dBA L_{dn}	65 dBA L_{dn}	60 dBA L_{dn}
Fletcher Lane – East of Mission Boulevard	59.3	5	15	48
Fletcher Lane – Mission Boulevard to Watkins Street	57.8	3	11	34
B Street – Watkins Street to Montgomery Avenue	54.8	2	5	17
Walkins Street – C Street to B Street	56.4	2	8	24
Walkins Street – C Street to D Street	59.1	5	14	45
C Street – Walkins Street to Atherton Street	54.3	2	5	15
Walkins Street – North of Jackson Street	60.9	7	22	69
Walkins Street – South of Jackson Street	57.0	3	9	28
Jackson Street – East of Walkins Street	71.1	72	228	722
Jackson Street – West of Walkins Street	71.8	85	270	853
Montgomery Street – North of B Street	53.4	1	4	12
Montgomery Street – South of B Street	45.2	0	1	2
Western Boulevard – North of A Street	57.1	3	9	28
A Street – East of Grand Street/Western Boulevard	65.8	21	67	212
A Street – West of Grand Street/Western Boulevard	66.0	22	70	221
Grand Street – B Street to A Street	59.6	5	16	51
Grand Street – B Street to C Street	60.8	7	21	67
B Street – Grand Street to Montgomery Avenue	54.1	1	5	15
B Street – Grand Street to Alice Street.	50.1	1	2	6
2nd Street – City Center Drive to Russel Way	61.0	7	22	71
City Center Drive – East of 2nd Street	54.7	2	5	16
City Center Drive – 2nd Street to Foothill Boulevard	59.9	5	17	55
2nd Street – A Street to Russel Way	60.7	7	21	66
A Street – 2nd Street to 3rd Street	70.8	67	213	674
A Street – 2nd Street to Foothill Boulevard	69.8	53	168	533
2nd Street – B Street to A Street	67.7	33	106	334
2nd Street – B Street to C Street	69.0	44	140	441
B Street – 2nd Street to 3rd Street	68.5	40	126	397
B Street – 2nd Street to Foothill Boulevard	65.9	22	69	220
C Street – 2nd Street to 3rd Street	60.3	6	19	61

TABLE 4.10-7 EXISTING ROADWAY NOISE LEVELS AND DISTANCES TO CONTOUR LINES

Roadway Segment	L_{dn} (dBA) at 50 Feet	Distance to Noise Contours (Feet)		
		70 dBA L_{dn}	65 dBA L_{dn}	60 dBA L_{dn}
C Street – 2nd Street to Foothill Boulevard	64.6	16	51	162
2nd Street – D Street to C Street	67.3	30	94	299
2nd Street – D Street to E Street	60.3	6	19	61
D Street – 2nd Street to 3rd Street	62.8	11	34	108
D Street – 2nd Street to 1st Street	65.1	18	58	183
Foothill Boulevard – North of Hazel Avenue/City Center Drive	72.2	92	292	924
Foothill Boulevard – South of Hazel Avenue/City Center Drive	71.5	80	253	801
Hazel Avenue/City Center Drive – Foothill Boulevard to Rio Vista Street	59.0	4	14	45
Hazel Avenue/City Center Drive – West of Foothill Boulevard	61.1	7	23	72

Source: PlaceWorks 2018. Calculated using FHWA RD-77-108 calculation method for roadway noise based on traffic data provided by Kittelson & Associates 2018.

Existing Rail Noise

The Fremont/Warm Springs BART line runs through the Specific Plan Area and noise from train pass-bys can be considerable within close proximity to the tracks. Even at relatively far distances, noise from BART train pass-bys may be audible. Adjacent to the BART right-of-way are UPRR tracks.

Stationary Source Noise

Stationary sources of noise may occur from all types of land uses. Residential uses would generate noise from landscaping, maintenance activities, and air conditioning systems. Commercial uses would generate noise from heating, ventilation, air conditioning (HVAC) systems, loading docks and other sources. Industrial uses may generate noise from HVAC systems, loading docks and possibly machinery. Noise generated by residential or commercial uses are generally short and intermittent. Industrial uses may generate noise on a more continual basis due to the nature of activities. Nightclubs, outdoor dining areas, gas stations, car washes, fire stations, drive-throughs, swimming pool pumps, school playgrounds, athletic and music events, and public parks are other common noise sources.

Airports

The Specific Plan Area is not located within an airport land use plan area. The nearest public airports are the Hayward Executive Airport, located 2.5 miles southwest of the project site, and the Oakland

International Airport located 8 miles northwest of the project site.[5] The nearest heliport is at the Saint Rose Hospital, located 3 miles southwest of the Specific Plan Area. There are no private airstrips within the vicinity of the city of Hayward.[6]

4.10.2 STANDARDS OF SIGNIFICANCE

Implementation of the proposed project would result in a significant impact if it would:

1. Expose people to, or generation of, noise levels in excess of standards established in the General Plan or the Municipal Code, and/or the applicable standards of other agencies.
2. Expose people to, or generation of, excessive groundborne vibration or groundborne noise levels.
3. Result in a substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project.
4. Result in a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project.
5. Expose people residing or working in the vicinity of the project site to excessive aircraft noise levels, 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.
6. Expose people residing or working in the project site to excessive noise levels, for a project within the vicinity of a private airstrip.

4.10.2.10 STANDARDS NOT DISCUSSED FURTHER

With regard to Standard 5 and 6, as described in Section 4.10.1.4, Existing Conditions, the Specific Plan Area is not within any airport land use plan area, and is not within 2 miles of a public airport or private airstrips or heliports. Therefore, no further discussion of the noise impacts related to airports and airstrips is warranted in this Draft EIR.

[5] Caltrans, Division of Aeronautics Maps and Data, Caltrans Aviation GIS Data, https://caltrans.maps.arcgis.com/apps/webappviewer/index.html?id=32c3cbe24491427d872e2fec173a4b22, accessed on October 12, 2018.

[6] AirNav, Browse Airports, United States of America, California, http://www.airnav.com/airports/us/CA, accessed on October 12, 2018.

4.10.3 IMPACT DISCUSSION

NOISE-1	**Implementation of the proposed project would cause exposure of people to, or generation of, noise levels in excess of standards established in the General Plan or the Municipal Code, and/or the applicable standards of other agencies.**

As part of the proposed Zoning Code update, the proposed Development Code requires that certain uses not create nuisance noise, prohibits any live/work use activity with noise that has the possibility to affect occupant health, and calls for screening, fences and/or walls to attenuate noise where appropriate.

Construction Impacts

The Specific Plan would implement the project objectives described in Chapter 3, Project Description, of this Draft EIR, which would result in buildout of the Specific Plan Area with a horizon year of 2040. Although no specific development is proposed as part of the Specific Plan, the Specific Plan would allow for implementation of various individual land use development and other projects that would be constructed over the duration of the Specific Plan buildout. Two types of temporary noise impacts could occur during construction as future potential projects are constructed. First, the transport of workers and movement of materials to and from the site could incrementally increase noise levels along local access roads. The second type of temporary noise impact is related to demolition, site preparation, grading, and/or physical construction. Construction is performed in distinct steps, each of which has its own mix of equipment, and, consequently, its own noise characteristics. Table 4.10-8 lists typical construction equipment noise levels recommended for noise-impact assessments, based on a distance of 50 feet between the equipment and noise receptor.

As shown, construction equipment generates high levels of noise, with maximums ranging from 71 dBA to 101 dBA. Construction of individual developments associated with implementation of the Specific Plan would temporarily increase the ambient noise environment and would have the potential to affect noise-sensitive land uses in the vicinity of an individual project.

Implementation of the Specific Plan would allow for an increase in development intensity to accommodate populations and employment growth. Construction noise levels are highly variable and dependent upon the specific locations, site plans, and construction details of individual projects. Significant noise impacts may occur from operation of heavy earthmoving equipment and truck haul operations that would occur with construction of individual development projects, which have not yet been developed, particularly if construction techniques such as impact or vibratory pile driving are proposed. The time of day that construction activity is conducted would also determine the significance of each project, particularly during the more sensitive nighttime hours. However, construction would be localized and would occur intermittently for varying periods of time.

TABLE 4.10-8 CONSTRUCTION EQUIPMENT NOISE EMISSION LEVELS

Construction Equipment	Typical Max Noise Level (dBA L_{max})[a]	Construction Equipment	Typical Max Noise Level (dBA L_{max})[a]
Air Compressor	81	Pile-Driver (Impact)	101
Backhoe	80	Pile-Driver (Sonic)	96
Ballast Equalizer	82	Pneumatic Tool	85
Ballast Tamper	83	Pump	76
Compactor	82	Rail Saw	90
Concrete Mixer	85	Rock Drill	98
Concrete Pump	71	Roller	74
Concrete Vibrator	76	Saw	76
Crane, Derrick	88	Scarifier	83
Crane, Mobile	83	Scraper	89
Dozer	85	Shovel	82
Generator	81	Spike Driver	77
Grader	85	Tie Cutter	84
Impact Wrench	85	Tie Handler	80
Jack Hammer	88	Tie Inserter	85
Loader	85	Truck	88
Paver	89		

a. Measured 50 feet from the source.
Source: Federal Transit Administration, 2018.

Because specific project-level information is inherently not available, it is not possible nor appropriate to quantify the construction noise impacts at specific sensitive receptors. In most cases, construction of individual developments associated with implementation of the Specific Plan would temporarily increase the ambient noise environment in the vicinity of each individual project, potentially affecting existing and future nearby sensitive uses and potentially exceeding the City's exterior noise standards of 83 dBA at a distance of 25 feet or 86 dBA outside the property plane.

The City's Hazards Element Goal HAZ-8 and Policies HAZ-8.17, HAZ-8.20, and HAZ-8.21 establish the overall goal and policies related to controlling construction-related noise. Construction related to future development in the Specific Plan Area has the potential to exceed the City's noise limits thus resulting in a *significant* impact.

Impact NOISE-1: The construction of future projects in the Specific Plan Area could expose sensitive receptors to noise that exceeds the City's noise limits.

Mitigation Measure NOISE-1: Prior to issuance of demolition, grading and/or building permits, the project applicant shall incorporate the following practices into the construction contract agreement to be implemented by the construction contractor during the entire construction phase:

- Construction activity is limited to the daytime hours between 10:00 a.m. and 6:00 p.m. on Sundays and holidays, and 7:00 a.m. and 7:00 p.m. on other days.
- During the entire active construction period, equipment and trucks used for project construction shall utilize the best available noise control techniques (e.g., improved mufflers, equipment re-design, use of intake silencers, ducts, engine enclosures, and acoustically attenuating shields or shrouds), wherever feasible.
- Require the contractor to use impact tools (e.g., jack hammers and hoe rams) that are hydraulically or electrically powered wherever possible. Where the use of pneumatic tools is unavoidable, an exhaust muffler on the compressed air exhaust shall be used along with external noise jackets on the tools.
- Stationary equipment such as generators, air compressors shall be located as far as feasible from nearby noise-sensitive uses.
- Stockpiling shall be located as far as feasible from nearby noise-sensitive receptors.
- Construction traffic shall be limited—to the extent feasible—to haul routes approved by the City.
- At least 10 days prior to the start of construction activities, a sign shall be posted at the entrance(s) to the job site, clearly visible to the public, that includes permitted construction days and hours, as well as the telephone numbers of the City's and contractor's authorized representatives that are assigned to respond in the event of a noise or vibration complaint. If the authorized contractor's representative receives a complaint, he/she shall investigate, take appropriate corrective action, and report the action to the City.
- Signs shall be posted at the job site entrance(s), within the on-site construction zones, and along queueing lanes (if any) to reinforce the prohibition of unnecessary engine idling. All other equipment shall be turned off if not in use for more than 5 minutes.
- During the entire active construction period and to the extent feasible, the use of noise-producing signals, including horns, whistles, alarms, and bells, shall be for safety warning purposes only. The construction manager shall use smart back-up alarms, which automatically adjust the alarm level based on the background noise level, or switch off back-up alarms and replace with human spotters in compliance with all safety requirements and laws.
- Erect temporary noise barriers, where feasible, when construction noise is predicted to exceed the City noise standards and when the anticipated construction duration is greater than is typical (e.g., two years or greater).

Significance with Mitigation: Significant and unavoidable. Because construction activities associated with any individual development may occur near noise-sensitive receptors, and because, depending on the project type, equipment list, time of day, phasing and overall construction durations, noise disturbances may occur for prolonged periods of time, during the more sensitive nighttime hours, or may exceed the City's noise standards even with project-level mitigation, construction noise impacts

associated with implementation of the Specific Plan are considered significant and unavoidable. It should be noted that the identification of this program-level impact does not preclude the finding of less-than-significant impacts for subsequent projects analyzed at the project level.

Operational Impacts

Noise levels at future outdoor use areas are required to be maintained at or below 65 dBA L_{dn}/CNEL to be considered normally acceptable for multi-family residences and hotels, and 60 dBA L_{dn}/CNEL for single-family residences. Noise levels at or below 70 dBA L_{dn}/CNEL are considered normally acceptable for commercial uses, urban infill and mixed-use projects, schools, libraries, churches, nursing homes, as well as outdoor recreational areas (such as parks). Stationary source noise such as from HVAC units and commercial loading docks is controlled by the Municipal Code. Traffic noise levels were estimated using the FHWA Highway Traffic Noise Prediction Model. Traffic volumes for existing and 2040 conditions, with and without the project, were obtained from the traffic impact analysis prepared for the project. The FHWA model predicts noise levels through a series of adjustments to a reference sound level. These adjustments account for distances from the roadway, traffic volumes, vehicle speeds, car/truck mix, number of lanes, and road width. Table 4.10-9 presents the calculated existing and future traffic noise levels increases along roadways in the study area. Table 4.10-9 shows that future traffic noise levels would exceed 60 dBA L_{dn}/CNEL for single-family residences; 65 dBA L_{dn}/CNEL for multi-family residences and hotels; and 70 dBA L_{dn}/CNEL for commercial uses, urban infill and mixed-use projects, schools, libraries, churches, nursing homes, and outdoor recreational areas along several roadway segments in the Specific Plan Area. This would potentially expose people to noise levels in excess of City standards.

TABLE 4.10-9 EXISTING AND FUTURE TRAFFIC NOISE LEVELS IN THE PLAN AREA

Roadway Segment	Existing L_{dn} (dBA) at 50 Feet	Future 2040 Land Use Alternative L_{dn} (dBA) at 50 Feet	Future 2040 Land Use Plus Circulation Alternative L_{dn} (dBA) at 50 Feet
Foothill Blvd – South of City Center Dr	66.5	66.0	65.6
City Center Dr – West of Foothill Blvd	52.4	55.4	56.4
Foothill Blvd – A St to B St	64.8	63.8	62.8
A St – Foothill Blvd to Maple Ct	66.0	65.0	63.7
Foothill Blvd – B St to C St	65.8	65.5	64.5
B St – Foothill Blvd to Main St	60.8	62.9	63.5
C St – Foothill Blvd to Main St	58.5	60.2	60.5
Foothill Blvd – North of D St	66.3	65.6	64.3
D St – East of Foothill Blvd	62.4	65.7	64.6
Main St – A St to Hotel Ave	52.8	54.3	57.2
A St – Main St to Maple Ct	65.7	64.9	63.5
Main St – B St to A St	50.5	58.6	58.9

TABLE 4.10-9 EXISTING AND FUTURE TRAFFIC NOISE LEVELS IN THE PLAN AREA

Roadway Segment	Existing L_{dn} (dBA) at 50 Feet	Future 2040 Land Use Alternative L_{dn} (dBA) at 50 Feet	Future 2040 Land Use Plus Circulation Alternative L_{dn} (dBA) at 50 Feet
Main St – B St to C St	52.3	57.8	57.8
Main St – C St to D St	50.9	56.8	57.1
C St – Main St to Mission Blvd	58.3	59.9	61.4
Mission St – A St to Hotel Ave	57.2	62.1	63.2
Mission St – A St to B St	64.2	64.1	65.5
A St – Mission St to Main St	65.7	66.4	65.0
A St – Mission St to Montgomery Ave	62.7	63.7	61.0
B St – Mission Blvd to Main St	59.7	62.0	63.5
B St – Mission Blvd to Watkins St	55.9	57.8	61.3
Mission Blvd – C St to B St	65.4	65.3	66.9
C St – Mission Blvd to Watkins St	56.3	60.8	57.9
Mission Blvd – D St to C St	65.6	66.5	68.3
D St – East of Mission Blvd	63.8	67.3	NA[a]
D St – Mission Blvd to Watkins St	64.5	65.8	65.8
Mission Blvd – North of Foothill Blvd/Jackson St	66.0	67.1	67.3
Foothill Blvd/Jackson St – East of Mission Blvd	68.4	66.5	67.4
Mission Blvd – North of Fletcher Ln	65.3	65.7	64.8
Mission Blvd – Fletcher Lane to Pinedale Ct	65.8	69.9	69.8
Fletcher Lane – East of Mission Blvd	56.7	62.7	64.8
Fletcher Lane – Mission Blvd to Watkins St.	55.1	58.0	59.0
B St – Watkins St to Montgomery Ave	52.1	56.8	57.5
Walkins St – C St to B St	53.7	57.3	60.6
Walkins St – C St to D St	56.4	59.1	62.9
C St – Walkins St to Atherton St	51.6	51.8	47.0
Walkins St – North of Jackson St	58.2	61.6	63.5
Walkins St – South of Jackson St	54.3	57.2	58.0
Jackson St – East of Walkins St	68.4	66.2	68.4
Jackson St – West of Walkins St	69.1	69.6	72.0
Montgomery St – North of B St	50.7	58.3	58.2
Montgomery St – South of B St	42.6	47.8	43.0

TABLE 4.10-9 EXISTING AND FUTURE TRAFFIC NOISE LEVELS IN THE PLAN AREA

Roadway Segment	Existing L_{dn} (dBA) at 50 Feet	Future 2040 Land Use Alternative L_{dn} (dBA) at 50 Feet	Future 2040 Land Use Plus Circulation Alternative L_{dn} (dBA) at 50 Feet
Western Blvd – North of A St	54.4	57.8	58.5
A St – East of Grand St/ Western Blvd	63.1	65.7	64.4
A St – West of Grand St/ Western Blvd	63.3	64.6	64.0
Grand St – B St to A St	56.9	59.6	59.9
Grand St – B St to C St	58.1	61.2	61.1
B St – Grand St to Montgomery Ave	51.5	55.6	54.6
B St – Grand St to Alice St	47.4	53.5	54.0
2nd St – City Center Dr to Russel Wy	58.3	60.7	61.4
City Center Dr – East of 2nd St	52.0	57.4	61.1
City Center Dr – 2nd St to Foothill Blvd	57.2	60.1	59.8
2nd St – A St to Russel Way	58.0	59.3	61.2
A St – 2nd St to 3rd St	68.1	69.2	69.6
A St – 2nd St to Foothill Blvd	67.1	66.1	64.4
2nd St – B St to A St	65.1	66.2	66.6
2nd St – B St to C St	66.3	66.8	67.1
B St – 2nd St to 3rd St	65.8	67.1	68.3
B St – 2nd St to Foothill Blvd	63.2	65.6	68.3
C St – 2nd St to 3rd St	57.7	62.2	63.5
C St – 2nd St to Foothill Blvd	61.9	61.9	60.2
2nd St – D St to C St	64.6	66.1	65.4
2nd St – D St to E St	57.6	62.7	61.3
D St – 2nd St to 3rd St	60.2	60.8	60.4
D St – 2nd St to 1st St	62.5	63.5	63.4
Foothill Blvd – North of Hazel Ave/City Center Dr	69.5	70.4	71.3
Foothill Blvd – South of Hazel Ave/City Center Dr	68.9	66.7	66.1
Hazel Ave/City Center Dr – Foothill Blvd to Rio Vista St	56.3	61.8	63.4
Hazel Ave/City Center Dr – West of Foothill Blvd	58.4	60.8	63.8

Notes: Traffic noise model calculations included in Appendix D of this Draft EIR.
a. D St east of Mission Boulevard would be closed under this alternative.
Source: PlaceWorks 2018. Calculated using FHWA RD-77-108 calculation method for roadway noise based on traffic data provided by Kittelson & Associates 2018.

The 2040 General Plan EIR identified a buffer distance of 950 feet to the 60 dBA CNEL noise contour and 440 feet to the 65 dBA CNEL noise contour due to the UPRR Canyon Branch/BART rail lines. As shown in Table 4.10-4, single-family residential and multi-family residential would be "normally acceptable" within the 60 dBA L_{dn}/CNEL noise contour and 65 dBA L_{dn}/CNEL noise contour, respectively. Though implementation of the proposed Specific Plan would not cause a direct increase in rail activity, future residential development could be placed within areas that would expose sensitive receptors to noise levels in excess of established standards.

The General Plan Hazards Element contains one goal and several policies to minimize excessive noise exposure at sensitive uses, including Policies HAZ-8.1, HAZ-8.2, HAZ-8.5, and HAZ-8.7. In addition, the City Building Division would require that applicable residential and commercial projects demonstrate during the final design review stage that interior noise levels would be reduced to acceptable levels to meet State Title 24 and CALGreen and City regulations and requirements. In the two areas where future noise levels are calculated to exceed 70 dBA L_{dn}/CNEL (Jackson Street – West of Watkins Street and Foothill Boulevard – North of Hazel Ave/City Center Drive), the City would require that appropriate setback distances or the use of berms or other noise barriers be considered before any new outdoor recreational areas are allowed. This would be a less-than-significant impact.

Significance without Mitigation: Less than significant.

NOISE-2 Implementation of the proposed project would not cause exposure of people to, or generation of, excessive groundborne vibration or groundborne noise levels.

Construction operations for potential future projects within the Specific Plan Area could generate varying degrees of ground vibration, depending on the construction procedures and equipment. Operation of construction equipment generates vibration that spreads through the ground and diminishes with distance from the source. The effect on buildings in the vicinity of the construction site varies depending on soil type, ground strata, and receptor-building construction. The results from vibration can range from no perceptible effects at the lowest vibration levels, to low rumbling sounds and perceptible vibrations at moderate levels, to slight structural damage at the highest levels. Vibration from construction activities rarely reaches the levels that can damage structures, but can achieve the audible and perceptible ranges in buildings close to the construction site. Table 4.10-10 lists vibration levels for construction equipment.

TABLE 4.10-10 VIBRATION LEVELS FOR CONSTRUCTION EQUIPMENT

Equipment	Approximate Vibration Level at 25 Feet (VdB)	Approximate PPV Vibration Level at 25 Feet (in/sec)
Pile Driver, Impact (Upper Range)	112	1.518
Pile Driver, Impact (Typical)	104	0.644
Pile Driver, Sonic (Upper Range)	105	0.734
Pile Driver, Sonic (Typical)	93	0.170
Vibratory Roller	94	0.210
Large Bulldozer	87	0.089
Caisson Drilling	87	0.089
Loaded Trucks	86	0.076
Jackhammer	79	0.035
Small Bulldozer	58	0.003

Source: Federal Transit Administration, 2018.

As shown in Table 4.10-10, vibration generated by construction equipment has the potential to be substantial, since it has the potential to exceed the Federal Transit Administration criteria for human annoyance of 78 vibration decibels (VdB) and structural damage of 0.2 in/sec peak particle velocity (PPV) for common residential structures (0.12 in/sec PPV for fragile historical structures). However, groundborne vibration is almost never annoying to people who are outdoors, so it is usually evaluated in terms of indoor sensitive receivers.[7]

Construction details and equipment for future project-level developments under the Specific Plan are not known at this time, but may cause vibration impacts. General Plan Hazards Element Policy HAZ-8.22 requires that a vibration impact assessment be conducted for projects in which heavy-duty construction equipment would be used (e.g., pile driving) within 200 feet of an existing structure or sensitive receptor. The City would require that all feasible mitigation measures be implemented. If established criteria are predicted to be exceeded at the project-level, alternative uses such static rollers, and drilling piles as opposed to pile driving could be used. As such, this would be a less-than-significant impact.

Operational Vibration Impacts

The General Plan Policy HAZ-8.23 requires that new residential and commercial projects located within 200 feet of existing major freeways and railroad lines (e.g., freight, Amtrak and BART) conduct a groundborne vibration and noise evaluation consistent with City-approved methodologies. It should be noted that the BART tracks are on an elevated platform throughout the Specific Plan Area away from

[7] FTA, 2018, Transit Noise and Vibration Impact Assessment Manual.

sensitive receptors. Adherence to General Plan Policy HAZ-8.23 would reduce this impact to a less-than-significant level.

Significance without Mitigation: Less than significant.

NOISE-3 Implementation of the proposed project would cause a substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the proposed project.

As discussed in Chapter 4.13, Transportation and Circulation, of this Draft EIR, future potential development in accordance with the Specific Plan would cause increases in traffic along local roadways. Traffic noise levels were estimated using the FHWA Highway Traffic Noise Prediction Model. Traffic volumes for existing and 2040 conditions, with and without the project, were obtained from the traffic impact analysis prepared for the project. The FHWA model predicts noise levels through a series of adjustments to a reference sound level. These adjustments account for distances from the roadway, traffic volumes, vehicle speeds, car/truck mix, number of lanes, and road width. Following industry standard practice, a significant impact could occur if the project would result in an increase of 3 dB or more which is considered a barely perceptible change in outdoor environments. Table 4.10-11 presents the noise level increases on roadways over existing conditions at 50 feet from the centerline of the nearest travel lane.

Table 4.10-11 shows that traffic noise increases along roadways would be up to 8.1 L_{dn} under the Future 2040 Land Use Alternative and up to 9.1 L_{dn} under the Future 2040 Land Use Plus Circulation Alternative. Traffic noise increases for 2040 conditions would be a significant impact. The General Plan Hazards Element contains one goal and several policies to minimize excessive noise exposure at sensitive uses, including HAZ-8.2, Noise Study and Mitigation, which requires development projects in areas that may be exposed to major noise sources (e.g., roadways, rail lines, aircraft or other non-transportation noise sources) to conduct a project-level environmental noise analysis and incorporate noise mitigation on a case-by-case basis. Mitigation measures that were considered to reduce a permanent noise increase in ambient noise levels are discussed below.

TABLE 4.10-11 TRAFFIC NOISE INCREASES WITH 2040 LAND USE ALTERNATIVES

Roadway Segment	Existing L_{dn} (dBA) at 50 Feet	Future 2040 Land Use Alternative L_{dn} (dBA) at 50 Feet	Increase	Potentially Significant?	Future 2040 Land Use Plus Circulation Alternative L_{dn} (dBA) at 50 Feet	Increase	Potentially Significant?
Foothill Blvd – South of City Center Dr	66.5	66.0	-0.5	No	65.6	-1.0	No
City Center Dr – West of Foothill Blvd	52.4	55.4	2.9	No	56.4	**3.9**	Yes
Foothill Blvd – A St to B St	64.8	63.8	-1.0	No	62.8	-2.0	No
A St – Foothill Blvd to Maple Ct	66.0	65.0	-1.0	No	63.7	-2.3	No
Foothill Blvd – B St to C St	65.8	65.5	-0.3	No	64.5	-1.3	No

TABLE 4.10-11 TRAFFIC NOISE INCREASES WITH 2040 LAND USE ALTERNATIVES

Roadway Segment	Existing L_{dn} (dBA) at 50 Feet	Future 2040 Land Use Alternative L_{dn} (dBA) at 50 Feet	Increase	Potentially Significant?	Future 2040 Land Use Plus Circulation Alternative L_{dn} (dBA) at 50 Feet	Increase	Potentially Significant?
B St – Foothill Blvd to Main St	60.8	62.9	2.2	No	63.5	2.7	No
C St – Foothill Blvd to Main St	58.5	60.2	1.7	No	60.5	2.0	No
Foothill Blvd – North of D St	66.3	65.6	-0.6	No	64.3	-2.0	No
D St – East of Foothill Blvd	62.4	65.7	**3.4**	Yes	64.6	2.3	No
Main St – A St to Hotel Ave	52.8	54.3	1.6	No	57.2	**4.4**	Yes
A St – Main St to Maple Ct	65.7	64.9	-0.8	No	63.5	-2.2	No
Main St – B St to A St	50.5	58.6	**8.1**	Yes	58.9	**8.4**	Yes
Main St – B St to C St	52.3	57.8	**5.4**	Yes	57.8	**5.5**	Yes
Main St – C St to D St	50.9	56.8	**5.9**	Yes	57.1	**6.3**	Yes
C St – Main St to Mission Blvd	58.3	59.9	1.7	No	61.4	**3.1**	Yes
Mission St – A St to Hotel Ave	57.2	62.1	**4.8**	Yes	63.2	**6.0**	Yes
Mission St – A St to B St	64.2	64.1	-0.1	No	65.5	1.3	No
A St – Mission St to Main St	65.7	66.4	0.7	No	65.0	-0.7	No
A St – Mission St to Montgomery Ave	62.7	63.7	1.0	No	61.0	-1.7	No
B St – Mission Blvd to Main St	59.7	62.0	2.3	No	63.5	**3.9**	Yes
B St – Mission Blvd to Watkins St	55.9	57.8	1.9	No	61.3	**5.3**	Yes
Mission Blvd – C St to B St	65.4	65.3	0.0	No	66.9	1.5	No
C St – Mission Blvd to Watkins St	56.3	60.8	**4.5**	Yes	57.9	1.5	No
Mission Blvd – D St to C St	65.6	66.5	0.9	No	68.3	2.6	No
D St – East of Mission Blvd	63.8	67.3	**3.5**	Yes	NA[a]	NA[a]	NA[a]
D St – Mission Blvd to Watkins St	64.5	65.8	1.2	No	65.8	1.3	No
Mission Blvd – North of Foothill Blvd/Jackson St	66.0	67.1	1.1	No	67.3	1.3	No
Foothill Blvd/Jackson St – East of Mission Blvd	68.4	66.5	-2.0	No	67.4	-1.0	No
Mission Blvd – North of Fletcher Ln	65.3	65.7	0.4	No	64.8	-0.5	No
Mission Blvd – Fletcher Lane to Pinedale Ct	65.8	69.9	**4.1**	Yes	69.8	**4.0**	Yes

TABLE 4.10-11 TRAFFIC NOISE INCREASES WITH 2040 LAND USE ALTERNATIVES

Roadway Segment	Existing L_{dn} (dBA) at 50 Feet	Future 2040 Land Use Alternative L_{dn} (dBA) at 50 Feet	Increase	Potentially Significant?	Future 2040 Land Use Plus Circulation Alternative L_{dn} (dBA) at 50 Feet	Increase	Potentially Significant?
Fletcher Lane – East of Mission Blvd	56.7	62.7	**6.0**	Yes	64.8	**8.1**	Yes
Fletcher Lane – Mission Blvd to Watkins St.	55.1	58.0	2.9	No	59.0	**3.9**	Yes
B St – Watkins St to Montgomery Ave	52.1	56.8	**4.7**	Yes	57.5	**5.4**	Yes
Walkins St – C St to B St	53.7	57.3	**3.6**	Yes	60.6	**6.9**	Yes
Walkins St – C St to D St	56.4	59.1	2.7	No	62.9	**6.5**	Yes
C St – Walkins St to Atherton St	51.6	51.8	0.2	No	47.0	-4.6	No
Walkins St – North of Jackson St	58.2	61.6	**3.4**	Yes	63.5	**5.2**	Yes
Walkins St – South of Jackson St	54.3	57.2	**3.0**	Yes	58.0	**3.7**	Yes
Jackson St – East of Walkins St	68.4	66.2	-2.2	No	68.4	0.0	No
Jackson St – West of Walkins St	69.1	69.6	0.5	No	72.0	2.8	No
Montgomery St – North of B St	50.7	58.3	**7.6**	Yes	58.2	**7.4**	Yes
Montgomery St – South of B St	42.6	47.8	**5.3**	Yes	43.0	0.5	No
Western Blvd – North of A St	54.4	57.8	**3.4**	Yes	58.5	**4.1**	Yes
A St – East of Grand St/ Western Blvd	63.1	65.7	2.6	No	64.4	1.3	No
A St – West of Grand St/ Western Blvd	63.3	64.6	1.3	No	64.0	0.7	No
Grand St – B St to A St	56.9	59.6	2.7	No	59.9	2.9	No
Grand St – B St to C St	58.1	61.2	**3.1**	Yes	61.1	**3.0**	Yes
B St – Grand St to Montgomery Ave	51.5	55.6	**4.1**	Yes	54.6	**3.2**	Yes
B St – Grand St to Alice St	47.4	53.5	**6.1**	Yes	54.0	**6.6**	Yes
2nd St – City Center Dr to Russel Wy	58.3	60.7	2.4	No	61.4	**3.1**	Yes
City Center Dr – East of 2nd St	52.0	57.4	**5.4**	Yes	61.1	**9.1**	Yes
City Center Dr – 2nd St to Foothill Blvd	57.2	60.1	2.9	No	59.8	2.6	No
2nd St – A St to Russel Way	58.0	59.3	1.3	No	61.2	**3.2**	Yes
A St – 2nd St to 3rd St	68.1	69.2	1.1	No	69.6	1.5	No

TABLE 4.10-11 TRAFFIC NOISE INCREASES WITH 2040 LAND USE ALTERNATIVES

Roadway Segment	Existing L_{dn} (dBA) at 50 Feet	Future 2040 Land Use Alternative L_{dn} (dBA) at 50 Feet	Increase	Potentially Significant?	Future 2040 Land Use Plus Circulation Alternative L_{dn} (dBA) at 50 Feet	Increase	Potentially Significant?
A St – 2nd St to Foothill Blvd	67.1	66.1	-1.0	No	64.4	-2.7	No
2nd St – B St to A St	65.1	66.2	1.1	No	66.6	1.6	No
2nd St – B St to C St	66.3	66.8	0.6	No	67.1	0.8	No
B St – 2nd St to 3rd St	65.8	67.1	1.3	No	68.3	2.5	No
B St – 2nd St to Foothill Blvd	63.2	65.6	2.4	No	68.3	**5.1**	Yes
C St – 2nd St to 3rd St	57.7	62.2	**4.5**	Yes	63.5	**5.9**	Yes
C St – 2nd St to Foothill Blvd	61.9	61.9	-0.1	No	60.2	-1.7	No
2nd St – D St to C St	64.6	66.1	1.6	No	65.4	0.8	No
2nd St – D St to E St	57.6	62.7	**5.1**	Yes	61.3	**3.6**	Yes
D St – 2nd St to 3rd St	60.2	60.8	0.7	No	60.4	0.3	No
D St – 2nd St to 1st St	62.5	63.5	1.1	No	63.4	0.9	No
Foothill Blvd – North of Hazel Ave/City Center Dr	69.5	70.4	0.9	No	71.3	1.8	No
Foothill Blvd – South of Hazel Ave/City Center Dr	68.9	66.7	-2.1	No	66.1	-2.7	No
Hazel Ave/City Center Dr – Foothill Blvd to Rio Vista St	56.3	61.8	**5.4**	Yes	63.4	**7.0**	Yes
Hazel Ave/City Center Dr – West of Foothill Blvd	58.4	60.8	2.4	No	63.8	**5.4**	Yes

Notes: Segments with potentially significant noise level increases are shown in **bold.** Traffic noise model calculations included in Appendix D of this Draft EIR.
a. D St east of Mission Boulevard would be closed under this alternative.
Source: PlaceWorks 2018. Calculated using FHWA RD-77-108 calculation method for roadway noise based on traffic data provided by Kittelson & Associates 2018.

Impact NOISE-3: Implementation of the Specific Plan would result in a permanent substantial increase in ambient noise levels.

Mitigation Measures Considered

In compliance with CEQA, "each public agency shall mitigate or avoid the significant effects on the environment of the project it carries out or approves whenever it is feasible to do so."[8] The term "feasible" is defined in CEQA to mean "capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, and technological

[8] Public Resources Code Section 21002.1(b)

factors."[9] A number of measures were considered for mitigating or avoiding the traffic and rail noise impacts.

Special Roadway Paving

Notable reductions in tire noise have been achieved via the implementation of special paving materials, such as rubberized asphalt or open-grade asphalt concrete overlays. For example, the California Department of Transportation conducted a study of pavement noise along Interstate 80 in Davis[10] and found an average improvement of 6 to7 dBA compared to conventional asphalt overlay.

Although this amount of noise reduction from rubberized/special asphalt materials would be sufficient to avoid the predicted noise increase due to traffic in some cases, the potential up-front and ongoing maintenance costs are such that the cost versus benefits ratio[11] may not be feasible and reasonable and would not mitigate noise to a level of less than significant in all cases. In addition, the study found that noise levels increased over time due to pavement raveling, with the chance of noise level increases higher after a 10 year period.

Sound Barrier Walls

With a cursory review of aerial depictions of the impacted segments, the majority (if not all) of residences around the Specific Plan Area have direct access (via driveways) to the associated roadway. Therefore, barrier walls would prevent access to individual properties and would be infeasible. Further, these impacted homes are on private property outside of the control of future project developers, so there may be limited admittance onto these properties to construct such walls. Lastly, the costs versus benefits ratio in relation to the number of benefitted households may not be feasible and reasonable in all cases.

Sound Insulation of Existing Residences

Exterior-to-interior noise reductions depend on the materials used, the design of the homes, and their conditions. To determine what upgrades would be needed, a noise study would be required for each house to measure exterior-to-interior noise reduction. Sound insulation may require upgraded windows, upgraded doors, and a means of mechanical ventilation to allow for a "windows closed" condition. There are no funding mechanisms and procedures that would guarantee that the implementation of sound insulation features at each affected home would offset the increase in traffic noise to interior areas and ensure that the State 45 dBA CNEL standard for multi-family residences would be achieved.

Significance with Mitigation: Significant and unavoidable. In summary, no individual measure and no set of feasible or practical mitigation measures are available to reduce project-generated traffic noise to less-than-significant levels in all cases. Even with implementation of Policy HAZ-8.2, Noise Study and Mitigation, which requires that development projects in areas that may be exposed to major noise

[9] Public Resources Code Section 21061.1

[10] California Department of Transportation, 2011, I-80 Davis OGAC Pavement Noise Study.

[11] Cost versus benefit considerations are in terms of the number of households benefited, per the general methodology employed by Caltrans in the evaluation of highway sound walls.

sources (e.g., roadways, rail lines, aircraft or other non-transportation noise sources) to conduct a project-level environmental noise analysis and incorporate noise mitigation on a case-by-case basis, traffic noise will remain a significant and unavoidable impact in the Specific Plan Area. It should be noted that the identification of this program-level impact does not preclude the finding of less-than-significant impacts for subsequent projects analyzed at the project level.

NOISE-4 Implementation of the proposed project would cause a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project.

Noise impacts resulting from construction depend upon the noise generated by various pieces of construction equipment, the timing and duration of noise-generating activities, and the distance between construction noise sources and noise-sensitive areas. Construction noise impacts primarily result when construction activities occur during noise-sensitive times of the day (e.g., early morning, evening, or nighttime hours), the construction occurs in areas immediately adjacent to noise-sensitive land uses, or when construction lasts over extended periods of time.

As discussed under Impact NOISE-1, because specific project-level information is inherently not available, it is neither possible nor appropriate to quantify the construction noise impacts on specific sensitive receptors. In most cases, construction of individual developments associated with implementation of the Specific Plan would temporarily increase the ambient noise environment in the vicinity of each individual project, potentially affecting existing and future nearby sensitive uses and potentially exceeding the City's exterior noise standards of 83 dBA at a distance of 25 feet or 86 dBA outside the property plane.

The City's Hazards Element Goal HAZ-8 and Policies HAZ-8.17, HAZ-8.20, and HAZ-8.21 establish the overall goal and policies related to controlling construction-related noise. In addition, Mitigation Measure NOISE-1 is recommended to reduce construction noise further. As presented in Impact NOISE-1 above, project-generated construction noise would be significant and unavoidable even with implementation of Mitigation Measure NOISE-1. It should be noted that the identification of this program-level impact does not preclude the finding of less-than-significant impacts for subsequent projects analyzed at the project level.

Impact NOISE-4: The construction of future projects in the Specific Plan Area could expose sensitive receptors to a substantial temporary increase in ambient noise levels.

Mitigation Measure NOISE-4: Implement Mitigation Measure NOISE-1.

Significance with Mitigation: Significant and unavoidable.

4.11 POPULATION AND HOUSING

This chapter describes the existing population and housing character of the Specific Plan Area and evaluates the potential environmental consequences of future development that could occur by adopting and implementing the proposed project. This chapter includes a summary of the relevant regulatory setting necessary to evaluate potential environmental impacts resulting from the proposed project, describes potential impacts, and discusses existing and proposed goals, policies, and implementation programs and zoning regulations that would avoid or reduce those potential impacts.

4.11.1 ENVIRONMENTAL SETTING

4.11.1.1 REGULATORY FRAMEWORK

This section summarizes existing regional and local laws and policies pertaining to population and housing in Hayward. There are no federal or State regulations applicable to the proposed project.

Regional Regulations

Association of Bay Area Governments

The Association of Bay Area Governments (ABAG) is the official comprehensive planning agency for the San Francisco Bay region, which is composed of the nine counties of Alameda, Contra Costa, Marin, Napa, San Francisco, San Mateo, Santa Clara, Solano, and Sonoma, and contains 101 municipalities. ABAG is responsible for taking the overall Regional Housing Needs Allocation provided by the State and preparing a formula for allocating that housing need by income level across its jurisdiction.[1] ABAG produces regional growth forecasts so that other regional agencies, including the Metropolitan Transportation Commission (MTC) and the Bay Area Air Quality Management District, can use the forecast to make project funding and regulatory decisions.

The ABAG projections are the basis for the regional Ozone Attainment Plan and Regional Transportation Plan, which are discussed in Chapters 4.2, Air Quality and 4.13, Transportation and Circulation, of this Draft EIR. The General Plans, zoning regulations and growth management programs of local jurisdictions inform ABAG's projections. The projections are also developed to reflect the impact of "smart growth" policies and incentives that could be used to shift development patterns from historical trends toward a better jobs-housing balance, increased preservation of open space, and greater development and redevelopment in urban core and transit-accessible areas throughout the region.

[1] ABAG Finance Authority, *Affordable Housing Financing.* https://abag.ca.gov/abag/events/agendas/e011917a-Item%2011,%20ABAG%20FAN%20Description.pdf, accessed on October 9, 2018.

Plan Bay Area, Strategy for a Sustainable Region

The MTC/ABAG *Plan Bay Area* is the Bay Area's Regional Transportation Plan/Sustainable Community Strategy.[2] *Plan Bay Area* is therefore the long-range transportation and land use/housing strategy through 2040 for the Bay Area, pursuant to Senate Bill 375, the Sustainable Communities and Climate Protection Act.[3] It lays out a development scenario for the region, which, when integrated with the transportation network and other transportation measures and policies, would reduce greenhouse gas (GHG) emissions from transportation (excluding goods movement) below the per capita reduction targets identified by the California Air Resources Board. The 2040 *Plan Bay Area* is a limited and focused update to 2013 *Plan Bay Area*, with updated planning assumptions that incorporate key economic, demographic, and financial trends from the last several years.

As part of the implementing framework for *Plan Bay Area*, local governments have identified Priority Development Areas (PDAs) to focus growth. PDAs are transit-oriented, infill development opportunity areas within existing communities. Overall, well over two-thirds of all regional growth in the Bay Area by 2040 is allocated in PDAs. According to *Plan Bay Area*, while the projected number of new housing units and new jobs within all designated PDAs would increase to 629,000 units and 707,000 jobs compared to the 2013 *Plan Bay Area*, its overall share would be reduced to 77 percent and 55 percent.[4] Under the 2013 *Plan Bay Area*, PDAs were projected to accommodate 80 percent (or over 525,570 units) of new housing and 66 percent (or 744,230) of new jobs in the region. Currently, *Plan Bay Area* remains on track to meet a 16 percent per capita reduction of GHG emissions by 2035 and a 10 percent per capita reduction by 2020 from 2005 conditions.[5]

As shown on Figure 3-7 in Chapter 3, Project Description, of this Draft EIR, the Specific Plan Area is roughly identical in area to the Downtown Hayward PDA, a designated City Center PDA that is defined as a sub-regional center of economic and cultural activity served by frequent dedicated regional transit with connections to frequent sub-regional and local service. Objectives of City Center PDAs are to: reduce GHG emissions, improve public health, alleviate the housing crisis, and facilitate economic development through coordinated land use and transportation planning.

Local Regulations

Looking Forward Hayward 2040 General Plan

The City of Hayward 2040 General Plan, adopted in July 2014, includes goals, policies, and programs that encourage safe, equitable, and economically sustainable neighborhoods and commercial corridors within the city. Additionally, goals and policies relating to designated PDAs and to the downtown are included to enhance those areas as mixed-use hubs of residential, commercial, and entertainment land uses that

[2] To read more about *Plan Bay Area*, go to www.planbayarea.org.

[3] The Act to amend Sections 65080, 65400, 65583, 65584.01, 65584.02, 65584.04, 65587, and 65588 of, and to add Sections 14522.1, 14522.2, and 65080.01 to, the Government Code, and to amend Section 21061.3 of, to add Section 21159.28 to, and to add Chapter 4.2 (commencing with Section 21155) to Division 13 of, the Public Resources Code, relating to environmental quality.

[4] Metropolitan Transportation Commission and Association of Bay Area Governments, 2017, *Plan Bay Area* 2040 Plan.

[5] Metropolitan Transportation Commission and Association of Bay Area Governments, 2017, *Plan Bay Area* 2040 Plan.

create memorable destinations for residents and visitors alike. As described in the General Plan EIR, in most cases, no one goal, policy, or implementation program itself is expected to completely avoid or reduce an identified potential environmental impact.[6] However, the collective, cumulative mitigating benefits of the policies listed below are intended to reduce potential population and housing-related impacts. Specific goals and policies are described in Section 4.11.3, Impact Discussion, to demonstrate how the policy would avoid or reduce the impact.

The following goals and policies are relevant to the analysis of potential population and housing impacts within the Specific Plan Area:

- Goal LU-1: Promote local growth patterns and sustainable development practices that improve quality of life, protect open space and natural resources, and reduce resource consumption, traffic congestion, and related greenhouse gas emissions.
    - 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-1.3 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-1.5 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-1.10 Infrastructure Capacities: The City shall ensure that adequate infrastructure capacities are available to accommodate planned growth throughout the city.
    - 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.
    - Policy LU-1.13 Local Plan Consistency with Regional Plans: The City shall strive to develop and maintain local plans and strategies that are consistent with the Regional Transportation Plan and the Sustainable Communities Strategy to qualify for State transportation funding and project CEQA streamlining.

[6] City of Hayward, certified City of Hayward 2040 General Plan EIR, State Clearinghouse Number 2013082015. July 2014.

- Goal LU-2: Revitalize and enhance Hayward's Priority Development Areas to accommodate and encourage growth within compact, mixed-use, and walkable neighborhoods and districts that are located near the city's job centers and regional transit facilities.
    - Policy LU-2.5 Downtown Housing: The City shall encourage the development of a variety of urban housing opportunities, including housing units above ground floor retail and office uses, in the Downtown to:
    - Increase market support for businesses,
    - Extend the hours of activity,
    - Encourage workforce housing for a diverse range of families and households,
    - Create housing opportunities for college students and faculty, and
    - Promote lifestyles that are less dependent on automobiles.
    - Policy LU-2.6 Downtown BART Station: The City shall encourage a mix of commercial, office, high-density residential and mixed-use development in the area surrounding the Downtown BART Station.
- Goal LU-3: Create complete neighborhoods that provide a mix of housing options and convenient access to parks, schools, shopping, jobs, and other community amenities.
    - 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 complimentary uses in central locations of the neighborhood whenever feasible.
    - Policy LU-3.3 Neighborhood Commercial and Mixed-Use Developments: The City shall allow neighborhood commercial and mixed-use developments on properties with residential land use designations, subject to community input from residents and conditions of approval that ensure that these uses are located, designed, and operated in a manner that maintains neighborhood compatibility and contributes to an enhanced quality of life. Appropriate locations for neighborhood commercial and mixed-use developments include:
    - Corner lots located along collector or arterial streets.
    - Corner lots located adjacent to or across from a school, park, community center, or other neighborhood gathering place.
    - Policy LU-3.4 Design of New Neighborhood Commercial and Mixed Use Development: The City shall require new neighborhood commercial and mixed-use developments to have a pedestrian-scale and orientation by:
    - Placing the building and outdoor gathering spaces along or near the sidewalk.
    - Locating parking to the rear of the building or along the internal side yard of the property.
    - Designing the building with ground floor retail frontages or storefronts that front the street.
    - Enhancing the property with landscaping, lighting, seating areas, bike racks, planters, and other amenities that encourage walking and biking.

- Policy LU-3.5 Mixed-Density Development Projects: The City shall encourage infill residential developments that provide a mix of housing types and densities within a single development on multiple parcels. Individual parcels within the development may be developed at higher or lower densities than allowed by the General Plan, provided that the net density of the entire development is within the allowed density range.
- Policy LU-3.6 Residential Design Standards: 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 facade of the home.
- Locating parking facilities below or behind apartment and condominium buildings.
- Enhancing the front facade 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-3.7 Infill Development in Neighborhoods: The City shall protect the pattern and character of existing neighborhoods by requiring new infill developments to have complimentary building forms and site features.
- Policy LU-3.9 Home Conversions: If residential homes are converted to non- residential uses, the City shall ensure that the property maintains the residential character of the neighborhood by minimizing changes to landscaped front yards and exterior building elevations, and requiring low-profile monument signs for businesses.

- Goal LU-4: Create attractive commercial and mixed-use corridors that serve people traveling through the city, while creating more pedestrian-oriented developments that foster commercial and social activity for nearby residents and businesses.
  - Policy LU-4.1 Mixed-Use Corridors: The City shall encourage a variety of development types and uses along corridors to balance the needs of residents and employees living and working in surrounding areas with the needs of motorists driving through the community.
  - Policy LU-4.2 Transformation of Auto-Oriented and Strip Commercial Uses: The City shall support the transformation of auto-oriented and strip commercial uses into attractive pedestrian-oriented developments that frame and enhance the visual character of the corridor.
  - Policy LU-4.3 Mixed-Use Developments within Commercial-Zoned Properties: The City shall allow mixed-use developments within commercially-zoned properties along corridors and ensure that these uses are located, designed, and operated in a manner that maintains compatibility with adjacent residential uses.

- Policy LU-4.4 Design Strategies for Corridor Development: The City shall encourage corridor developments to incorporate the following design strategies:
- Widen and improve public sidewalks to accommodate street trees, pedestrian- scaled lighting, and streetscape furniture. When sidewalks cannot be widened within the public right-of-way, the City shall encourage developers to extend sidewalk improvements on private property to create room for improvements.
- Place buildings and outdoor gathering and dining spaces along or near the public sidewalk of the corridor.
- Locate parking lots to the rear or side of buildings or place parking within underground structures or above-ground structures located behind buildings.
- Design commercial and mixed-use buildings with articulated facades and transparent storefront entrances that front the corridor.
- Design residential buildings with articulated facades and entries that front the corridor.
- Enhance commercial and mixed-use building facades with awnings, shade structures, pedestrian-oriented signage, decorative lighting, and other attractive design details and features.
- Enhance residential building facades with stoops, porches, balconies, and other attractive design details and features.

- Policy LU-4.5 Massing, Height, and Scale: The City shall require corridor developments to transition the massing, height, and scale of buildings when located adjacent to residential properties. New development shall transition from a higher massing and scale along the corridor to a lower massing and a more articulated scale toward the adjoining residential properties.

- Policy LU-4.6 Commercial Signs: The City shall maintain, implement, and enforce sign regulations and design standards to reduce sign clutter and illegal signage along corridors.

- Policy LU-4.7 Parcel Consolidation: The City shall promote the consolidation of small and irregular shaped parcels along corridors to improve the economic feasibility of development projects.

- Policy LU-4.8 Shared Driveways and Parking Lots: The City shall encourage adjoining properties along corridors to use shared driveways and shared parking lots to promote the efficient use of land, reduce the total land area dedicated to parking, and to create a more pedestrian-friendly environment by minimizing curb-cuts along the sidewalk.

- Policy LU-4.10 New Sound Walls and Fences: The City shall discourage the construction of new soundwalls and fences along corridors and shall encourage new developments to front corridors whenever feasible. This policy does not apply to the reconstruction of existing soundwalls or fences that shield existing residential uses from noise.

- Policy LU-4.11 Streetscape Enhancements: The City shall strive to improve the visual character of corridors by improving streetscapes with landscaped medians, and widened sidewalks that are improved with street trees, pedestrian-scaled lighting, underground utilities, landscaping, and streetscape furniture and amenities.

- Policy LU-4.15 Gateway Monument Signs: The City shall provide gateway monument signs or archways at major corridor entrances to the city, including:
- Mission Boulevard (at the north and south City Limits),
- Hesperian Boulevard (at the north and south City Limits),
- Foothill Boulevard (at the north City Limit),
- "A" Street and Redwood Road (at the north City Limit),
- B Street (at the northeast City Limit), and
- Industrial parkway Southwest (at the south City Limit).

- Goal LU-5: Promote attractive and vibrant community and regional centers that provide convenient and enhanced opportunities for shopping, services, entertainment, social interaction, and culture.
  - Policy LU-5.1 Mix of Uses and Activities: The City shall encourage a mix of retail, service, dining, recreation, entertainment, and cultural uses and activities in regional and community centers to meet a range of neighborhood and citywide needs.
  - Policy LU-5.2 Flexible Land Use Regulations: The City shall maintain flexible land use regulations that allow the establishment of economically productive uses in regional and community centers.
  - Policy LU-5.3 Design Strategies for New Centers: The City shall encourage new and redeveloped centers to incorporate the following design strategies:
  - Place large anchor retail buildings (big- box stores) to the rear of the site and away from streets.
  - Place smaller commercial or mixed-use buildings along street frontages and/or internal driveways that function as small pedestrian-oriented "Main Street" environments. Orient the main entrances to these buildings toward streets rather than internal parking lots.
  - Minimize large expanses of parking along streets by placing parking lots and structures behind buildings and within the interior of the site.
  - Encourage pedestrian-friendly sidewalks and outdoor gathering and dining spaces along building frontages.
  - Incorporate pedestrian connections and access routes to connect building entrances to adjacent sidewalks, transit stops, parks and greenways, and neighborhoods.
  - Design buildings with articulated facades and transparent storefront entrances.
  - Enhance building facades with awnings, shade structures, pedestrian-oriented signage, decorative lighting, and other attractive design details and features.
  - Policy LU-5.4 Parking Lot Enhancements: The City shall require new and renovated community and regional centers to incorporate landscaping and shade trees into parking lots to capture and filter stormwater runoff, minimize the heat island affect, and improve the visual appearance of properties. Parking lot shade structures with solar panels may also be used as an alternative to shade trees.
  - Policy LU-5.6 Adaptive Reuse, Renovation or Redevelopment: The City shall support the adaptive reuse, renovation, or redevelopment of community and regional shopping centers that are no longer viable due to changing market conditions, demographics, or retail trends.

The City shall consider alternative land uses if market conditions limit the feasibility of commercial uses.

- Policy LU-5.7 Integrating Centers with Residential or Mixed-Use Developments: The City shall consider the integration of residential or mixed-use developments into new and existing community and regional centers. The integration of these uses should support, rather than replace, the primary commercial and service functions of the center.

- Goal LU-8: Preserve Hayward's historic districts and resources to maintain a unique sense of place and to promote an understanding of the regional and community history.
  - Policy LU-8.1 Value of Historic Preservation: The City shall recognize the value and co-benefits of local historic preservation, including job creation, economic development, increased property values, and heritage tourism.
  - Policy LU-8.2 Local Preservation Programs: The City shall strive to enhance its local historic preservation programs to qualify for additional preservation grants and financing programs.
  - 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-8.5 Flexible Land Use Standards: The City shall maintain flexible land use standards to allow the adaptive reuse of historic buildings with a variety of economically viable uses, while minimizing impacts to the historic value and character of sites and structures.
  - Policy LU-8.6 Historic Preservation Standards and Guidelines: The City shall consider *The Secretary of the Interior's Standards for 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 or the historic context of nearby historic resources.
  - Policy LU-8.8 Marks Historic Rehabilitation District: The City shall maintain the current Marks Historic Rehabilitation District for Downtown Hayward to issue tax-exempt revenue bonds for financing the rehabilitation of historic structures.
  - Policy LU-8.9 State Historic Building Code: The City shall promote the use of the State Historic Building Code to facilitate the reuse and conversion of historic buildings to alternative uses.
  - Policy LU-8.10 Mills Act: The City shall participate in the California Mills Act Property Tax Abatement Program to provide property owners of historic resources an economic incentive (property tax relief) to restore, preserve, and maintain qualified historic properties.
  - Policy LU-8.12 Federal Historic Preservation Tax Credit Program: The City shall promote the Federal Historic Preservation Tax Credit Program to encourage the charitable contribution of historic resources and the establishment of conservation easements for historic preservation purposes.
  - Policy LU-8.13 Planning Study Considerations: The City shall consider historical and cultural resources when developing planning studies and documents.

- 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.

- Goal LU-9: Provide quality public and quasi-public uses that benefit residents and businesses and enhance the city's overall quality of life and economic viability.
  - Policy LU-9.1 Design of City Public Facilities: The City shall ensure that all City-owned facilities are designed to be compatible in scale, mass, and character with the neighborhood, district, or corridor in which they are located.
  - Policy LU-9.2 Design of Non-Public Facilities: The City shall coordinate with school districts, park districts, utility providers, and other government agencies that are exempt from local land use controls to encourage facility designs that are compatible in scale, mass, and character with the neighborhood, district, or corridor in which they are located.
  - Policy LU-9.8 Co-Location of Public and Quasi-Public Uses: The City shall encourage the co-location of public and quasi-public uses within commercial and mixed-use developments.
- Goal H-1: Maintain and enhance the existing viable housing stock and neighborhoods within Hayward.
  - Policy H-1.1 Code Enforcement: The City shall enforce adopted code requirements that set forth the acceptable health and safety standards for the occupancy of housing units.
  - Policy H-1.4 Preserve At-Risk Units: The City shall avoid the loss of assisted housing units and the resulting displacement of low-income residents by providing funds, as available, to nonprofit developers to be used for the acquisition of subsidized housing developments at risk of converting to market rate.
- Goal H-2: Assist in the provision of housing that meet the needs of all socioeconomic segments of the community.
  - Policy H-2.2 Provide Incentives for Affordable Housing: The City shall promote the use of density bonuses and other incentives to facilitate the development of new housing for extremely low-, very low-, and low income households.
  - Policy H-2.3 Inclusionary Housing: The City shall enforce the Inclusionary Housing Ordinance to ensure that a certain percentage of new residential units will be made affordable to lower- and moderate-income households.
  - Policy H-2.4 Integration of Affordable Housing: The City shall encourage a mix of affordability levels in residential projects and encourage the dispersal of such units to achieve greater integration of affordable housing throughout the community.
- Goal H-3: Provide suitable sites for housing development that can accommodate a range of housing by type, size, location, price, and tenure.
  - Policy H-3.1 Diversity of Housing Types: The City shall implement land use policies that allow for a range of residential densities and housing types, prices, ownership, and size, including low density single family uses, moderate-density townhomes, and higher-density apartments,

condominiums, transit-oriented developments, live-work units, and units in mixed-use developments.

- Policy H-3.2 Transit Oriented Development: The City shall encourage transit-oriented developments that take advantage of the City's convenient availability of transit.
- Policy 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.
- Policy H-3.4 Residential Uses Close to Services: The City shall encourage development of residential uses close to employment, recreational facilities, schools, neighborhood commercial areas, and transportation routes.
- Policy H-3.5 Compatible Development of Underutilized Sites: The City shall encourage compatible residential development in areas with underutilized land.
- Policy H-3.6 Flexible Standards and Regulations: The City shall allow flexibility within the City's standards and regulations to encourage a variety of housing types.
- Policy H-3.7 New Sources of Infrastructure Financing: The City shall continue to seek new sources of financing for necessary infrastructure improvements for new development to facilitate new housing development.
- Policy H-3.8 Facilitate Lot Consolidation: The City shall facilitate lot consolidation to encourage the development of housing for lower income households on infill sites.
- Policy H-3.9 Adaptive Reuse: The City shall support innovative strategies for the adaptive reuse of residential, commercial, and industrial buildings to provide for a variety of housing types and residential uses.
- Policy H-3.10 No Net Loss Zoning: Consistent with Government Code Section 65863, the City shall consider the impacts of rezoning and general plan amendments of residential sites on the City's ability to meet its share of the regional housing need.

- Goal H-4: Mitigate any potential constraints to housing production and affordability.
  - Policy H-4.1 Flexible Development Standards: The City shall review and adjust as appropriate residential development standards, regulations, ordinances, departmental processing procedures, and residential fees that are determined to be a constraint on the development of housing, particularly housing for lower- and moderate income households and for persons with special needs.
  - Policy H-4.2 Clear Development Standards and Approval Procedures: The City shall strive to maintain and administer clear development standards, and approval procedures for a variety of housing types, including, but not limited to, multifamily housing and emergency shelters.

- Goal H-6: Provide housing choices that serve the needs of "special needs" populations, including seniors, homeless, female-headed households, large families, and persons with disabilities, including developmental disabilities.
    - Policy H-6.1 Address Special Housing Needs: The City shall address the housing needs of special populations and extremely low-income households through emergency shelters, transitional housing, supportive housing, and single-room occupancy units.
    - Policy H-6.2 Housing and Supportive Services: The City shall promote housing, along with supportive services, for households with special needs, including seniors, persons with disabilities, single-parents, and the homeless.
    - Policy H-6.4 Reasonable Accommodation: The City shall continue to implement a reasonable accommodation process for persons with disabilities to request exceptions or modifications of zoning, permit processing, and building regulations to ensure housing is accessible.
    - Policy H-6.7 Range of Housing for Seniors: The City shall facilitate and encourage the development of a range of housing types for seniors that are readily accessible to support services.
    - Policy H-6.8 Family Housing: The City shall facilitate and encourage the development of larger rental and ownership units for families with children, including lower- and moderate-income families, and the provision of services such as childcare and after-school care when feasible.
    - Policy H-6.10 University Housing in PDAs: The City shall support the development of student and faculty housing within the City's Priority Development Areas (excluding the Cannery Transit Neighborhood).

Hayward Municipal Code

Chapter 10 of the Hayward Municipal Code includes regulations that are relevant to the provision of residential development in the Zoning Code.[7] This chapter sets forth the rules, regulations, and standards for the development in the residential zoning districts in the city.

4.11.1.2 EXISTING CONDITIONS

This section describes the existing population and housing conditions in Hayward, as well as Alameda County as a whole, to provide context for the analysis of the proposed project in this EIR. The following information is taken in part from the *Existing Conditions and Opportunities Analysis* prepared for the Specific Plan Area. This report is included as Appendix B of this Draft EIR.

Population

Population growth in the City has trailed the County's broader average, partially attributed to the mostly built out development pattern in Hayward relative to less mature communities with more greenfield

[7] City of Hayward Municipal Code, Chapter 10, Planning, Zoning, and Subdivisions.

opportunities. However, Hayward is still the third largest city in Alameda County and the sixth most populous city in the Bay Area.

Hayward has an average household size of 3.24 persons, compared to 2.81 persons per household for Alameda County as a whole.[8] The population of Hayward grew from 144,186 in 2010 to 162,030 in 2018.[9] This represents an approximate 12 percent increase from 2010 to 2018.[10] In contrast, the county grew from 1,510,271 in 2010 to 1,660,202 in 2018, which represents a slower rate of growth of 10 percent compared to 12 percent for the county as a whole during the same period.[11]

As shown in Table 4.11-1, ABAG projected that the population in Hayward will grow to a total of 188,000 by 2040. Because ABAG 2013 *Projections* are used in regional planning efforts, ABAG numbers are used for the purpose of evaluating environmental impacts in this Draft EIR.

TABLE 4.11-1 POPULATION, HOUSEHOLDS, AND EMPLOYMENT PROJECTIONS FOR HAYWARD

					Change 2015-2040	
	2015	2020	2030	2040	Number	Percent
Hayward						
Total Population	150,700	157,500	171,800	188,000	37,300	24.8%
Households	47,570	49,860	54,350	58,850	11,280	23.7%
Household Size	3.11	3.10	3.10	3.13	0.02	0.64%
Total Jobs	73,320	78,910	82,360	87,820	14,500	19.8%
Employed Residents	68,340	74,330	78,390	84,310	15,970	23.4%
Jobs-to-Employed Residents Ratio	1.1	1.1	1.1	1.0	–	–
Alameda County						
Total Population	1,580,800	1,654,200	1,810,300	1,987,900	407,100	25.8%
Households	571,370	598,430	651,720	705,330	133,960	23.4%
Household Size	2.70	2.70	2.71	2.74	0.04	1.5%
Total Jobs	757,010	826,790	875,390	947,650	190,640	25.2%
Employed Residents	728,760	792,510	835,770	899,070	170,310	23.4%
Jobs-to-Employed Residents Ratio	1.0	1.0	1.1	1.1		–

Note: The data in this table includes the Hayward city limit and Alameda County.

[8] State of California, Department of Finance, *Report E-5, Population and Housing Estimates for Cities, Counties, and the State, January 1, 2011-2018, with 2010 Benchmark*, Table 2: City/County Population and Housing Estimates.

[9] State of California, Department of Finance, *Report E-5, Population and Housing Estimates for Cities, Counties, and the State, January 1, 2011-2018, with 2010 Benchmark*, Table 2: City/County Population and Housing Estimates.

[10] (2018 Population – 2010 Population)/2010 Population) = (162,030 – 144,186)/144,186 = 12.4%.

[11] State of California, Department of Finance, *Report E-5, Population and Housing Estimates for Cities, Counties, and the State, January 1, 2011-2018, with 2010 Benchmark*, Table 2: City/County Population and Housing Estimates; (2018 Population – 2010 Population)/2010 Population) = (1,660,202 - 1,510,271)/1,510,271 = 9.9%.

TABLE 4.11-1 POPULATION, HOUSEHOLDS, AND EMPLOYMENT PROJECTIONS FOR HAYWARD

					Change 2015-2040	
	2015	2020	2030	2040	Number	Percent

Source: Association of Bay Area Governments, *Plan Bay Area, Projections 2013,* City of Hayward and Alameda County.

Housing

In 2018, Hayward had 49,913 housing units, with a 1.8 percent vacancy rate.[12] Of those units, approximately 62 percent were single-family homes, approximately 34 percent were multi-family units, and approximately 5 percent were mobile homes.[13]

Employment

As shown in Table 4.11-1, there were estimated to be roughly 68,340 jobs in Hayward in 2015. According to ABAG, jobs in Hayward are expected to increase by 20 percent between 2015 and 2040, from 73,320 to 87,820 jobs.[14] Total jobs in Alameda County are projected to increase by 25 percent between 2015 and 2040, from 757,010 to 947,650 jobs.[15] Jobs in Hayward are expected to remain at approximately 9 to 10 percent of the County total,[16] and the City is expected to contribute approximately 8 percent of the total increase in County jobs through the year 2040.[17]

Jobs-To-Employed-Residents Ratio

Typically, the term "jobs-to-housing balance" is used to refer to a relationship between jobs and housing units within a community. A more helpful indicator of balance, however, is the relationship between the number of jobs provided to the number of employed residents. An ideal jobs-to-employed-residents ratio is 1.0, which indicates that there is a job in the community for every employable resident.

A jobs-to-employed-residents ratio that is greater than 1.0 indicates that the community provides more jobs than it has residents with jobs. In this situation the community is likely to experience traffic congestion associated with people coming to jobs from outside the area, as well as intensified pressure for additional residential development to house the labor force. Conversely, a jobs-to-employed-residents ratio of less than 1.0 indicates that a community has fewer jobs than employable residents, indicating many residents would need to commute outside of the community (i.e., out-commute) for employment.

[12] State of California, Department of Finance, *Report E-5, Population and Housing Estimates for Cities, Counties, and the State, January 1, 2011-2018, with 2010 Benchmark*, Table 2: City/County Population and Housing Estimates.

[13] State of California, Department of Finance, *Report E-5, Population and Housing Estimates for Cities, Counties, and the State, January 1, 2011-2018, with 2010 Benchmark*, Table 2: City/County Population and Housing Estimates.

[14] (2040 Total Jobs – 2015 Total Jobs)/2015 Total Jobs) = (87,820 – 73,320)/73,320 = 19.8% (Refer to Table 4.11-1).

[15] (2040 Total Jobs – 2015 Total Jobs)/2015 Total Jobs) = (947,650 – 757,010)/757,010 = 25.2% (Refer to Table 4.11-1).

[16] (2015 Alameda County Jobs – 2015 Hayward Jobs)/ 2015 Alameda County Jobs) = (757,010 – 73,320)/757,010 = 9.7%; (2040 Alameda County Jobs – 2040 Hayward Jobs)/ 2040 Alameda County Jobs) = (947,650 – 87,820)/947,650 = 9.3%.

[17] (Alameda County Jobs Net Change – Hayward Jobs Net Change)/ Alameda County Jobs Net Change) = (190,640 – 14,500)/190,640 = 7.6%.

The resulting commuting patterns also can lead to traffic congestion and adverse effects on both local and regional air quality.

However, this ratio does not account for regional in- or out-commuting due to job/labor mismatches or housing affordability. Even if a community has a numerical balance between jobs and employed residents, sizeable levels of in- and out-commuting are possible and even likely, especially where employment opportunities do not match local skills or the educational characteristics of the local labor force. In such instances, regional commuting tends to occur. For example, a numerically balanced community may have high housing costs and low-wage jobs, thus encouraging its residents to out-commute to their high wage jobs elsewhere, and its workers to in-commute from outside the community where housing costs are affordable in relation to their low wage incomes. This condition is often referred to as a jobs-to-housing mismatch. A jobs-to-housing match occurs when the types of jobs provided in a community "match" the income needs of the employed workers within the community.

In 2015, there were roughly 73,320 jobs and 68,340 employed residents in Hayward, which is equivalent to a ratio of 1.1 jobs per employed resident. ABAG projects that this ratio will essentially remain unchanged to a ratio of 1.0 jobs per employed resident through 2040 as shown in Table 4.11-1.

4.11.2 STANDARDS OF SIGNIFICANCE

Implementation of the proposed project would result in a significant impact to population and housing if it would:

1. Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure).
2. Displace substantial numbers of existing housing units, necessitating the construction of replacement housing elsewhere.
3. Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere.

4.11.3 IMPACT DISCUSSION

POP-1	**Implementation of the proposed project would not induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure).**

The proposed Specific Plan calls for infill development in the Downtown over the next 20 or more years. As a largely built-out area, future development opportunities are limited to infill sites and the redevelopment of underutilized parcels. Therefore, the proposed project would not induce substantial population growth indirectly.

For this analysis, the proposed Specific Plan would result in a significant impact related to population growth if it would lead to substantial unplanned growth. The development capacity assumptions for the

proposed Specific Plan Area are derived from already adopted plans and initiatives as well as on housing, population, and employment projections issued by ABAG. While land uses are flexible and may vary according to market demand, the proposed changes to the Specific Plan Area may facilitate, at maximum, up to 3,427 new multi-family housing units[18] and 1.9 million square feet of additional non-residential space such as retail, hospitality, office, and education, which would generate up to 7,539 new residents and 6,333 new jobs.[19]

Housing and Population

The reasonably foreseeable projects that have been recently approved or are under construction in the Specific Plan Area as listed in Chapter 4, Environmental Evaluation, total 1,231 units generating 2,708 new residents in the Specific Plan Area. Accordingly, when added to development that has occurred since release of the ABAG projections, the 7,539 additional residents potentially attributable to the proposed Specific Plan represent about 78 percent of the remaining ABAG projected population increase for the city by 2040.[20] Since the Specific Plan Area itself is one of five PDAs in Hayward (Downtown City Center PDA), in which the majority of new population growth is to be accommodated, the projected population growth under the proposed Specific Plan is in line with regional projections.

Employment

With respect to jobs, as shown in Table 4.11-1, ABAG projects an increase of 14,500 jobs for a total of 87,820 jobs in Hayward in 2040.[21] The reasonably foreseeable projects that have been recently approved or are under construction in the Specific Plan Area as listed in Chapter 4, Environmental Evaluation, total 94,234 square feet of non-residential uses generating 314 new jobs in the Specific Plan Area. Accordingly, the new 6,333 jobs foreseeable from the proposed Specific Plan represent about 55 percent of the remaining ABAG job projections for the city by 2040.[22] As with population, since the majority of new job growth is to be accommodated in the PDAs, the projected employment growth under the proposed Specific Plan is in line with regional projections.

In summary, the additional growth from the proposed Specific Plan would come incrementally over a period of approximately 20 years and as described in Section 4.11.1.1, Regulatory Framework, a policy framework is in place to ensure adequate planning occurs to accommodate it. Similarly, when considered with General Plan buildout, like the proposed project, growth would occur incrementally through 2040 and would be guided by the policy framework in the General Plan that is generally consistent with many of the principal goals and objectives established in regional planning initiatives for the Bay Area.

[18] Association of Bay Area Government's population generation rates of 2.2 persons per multi-family household applied for consistency with the traffic impact analysis for the proposed project (see Appendix E of this Draft EIR).

[19] Applies 300 square feet per job for all non-residential land use in the Specific Plan Area under the proposed project.

[20] Percent of Remaining Projected Population Growth = (ABAG Growth Net Change – Existing New Growth – Proposed Project Growth)/(ABAG Growth Net Change – Existing New Growth) = (37,300 – 2,708 – 7,539)/(37,300 – 2,708) = 78.2%.

[21] ABAG projects 14,500 new jobs in Hayward between 2015 and 2040. See Table 4.11-1.

[22] Percent of Remaining Projected Job Growth = (ABAG Growth Net Change – Existing New Growth – Proposed Project Growth)/(ABAG Growth Net Change – Existing New Growth) = (14,500 – 314 – 6,333)/(14,500 – 314) = 55.4%.

As a result, impacts to population growth associated with potential future development under the proposed Specific Plan would be *less than significant.*

Significance without Mitigation: Less than significant.

POP-2 Implementation of the proposed project would not displace substantial numbers of existing housing units, necessitating the construction of replacement housing elsewhere.

As described in Chapter 3, Project Description, of this Draft EIR, the proposed Specific Plan would allow an increase in the total number of housing units in the Specific Plan Area (3,427 net new housing units). Since implementation of the proposed Specific Plan Update would result in a net increase in housing, it would not require replacement housing outside the Specific Plan Area.

Potential future development that could occur under adoption and implementation of the proposed project, like other future projects citywide, would be required to comply with the General Plan policies listed above in Section 4.11.1.1, Regulatory Framework, as applicable, that require local planning and development decisions to consider impacts to the displacement of housing as a result of a project. Specifically, Policy H-1.4 requires the City to avoid the loss of assisted housing units and the resulting displacement of low-income residents by providing funds, as available, to nonprofit developers to be used for the acquisition of subsidized housing developments at risk of converting to market rate.

Additionally, the Specific Plan includes many goals, policies, and programs which either encourage or require the development of housing in the Specific Plan area, further reducing any potential need to construct housing outside of the Specific Plan area. The following goals, policies, and programs are related to population and housing within the Specific Plan area, and will reduce the need for additional housing being constructed elsewhere:

- Goal 1 Land Use (LU): Downtown is transformed into a vibrant, walkable City center that serves as a regional destination to play, work, and live for City residents, neighboring communities, and local college students.
  - Policy LU 3 Opportunity Sites: Encourage the development and improvement of opportunity sites identified in the Plan that have the potential to jump-start developer interest in the Downtown and economic activity.
  - Policy LU 5 Consistent Citywide Policy: Ensure that updates to Citywide policies and regulations support the Downtown vision, goals, and development standards.
    - Program LU 1: Develop zoning regulations that allow for increased intensity, reduced parking requirements, and a mix of uses to encourage new walkable and transit accessible retail, office, and residential uses Downtown.
    - Program LU 2: Update zoning regulations to allow temporary uses such as temporary structures on vacant lots, temporary uses in existing structures, pop-up shops, fruit stands, and mobile businesses, especially in vacant or underutilized spaces (including vacant

storefronts) to increase small-scale business opportunities and to temporarily fill gaps in the urban fabric.

- Program LU 3: Modify zoning regulations, including lot size, setback, height, and parking requirements, which were identified as constraints to achieving General Plan intensities and densities
- Program LU 4: Update zoning regulations to modernize land use regulations and allow uses consistent with the vision for Downtown; such as neighborhood and regional serving retail, destination dining, entertainment, and indoor recreation that serve a diverse population including students, families, seniors, creative class professionals, and artists
- Program LU 5: Incentivize the consolidation of small and irregularly sized parcels and lot mergers to improve the feasibility of larger scale catalyst development projects. For example, allow larger building types on larger lots.
- Program LU 6: Remap the following General Plan Land Use Designations within the Plan Area to the City Center-Retail and Office Commercial Land Use Designation to implementation the Specific Plan Vision:
  1. Commercial/High Density Residential;
  2. Medium Density Residential;
  3. Parks and Recreation (between Mission Boulevard and A Street); and
  4. Sustainable Mixed Use.
- Program LU 7: Amend the General Plan Land Use Designation, City Center-Retail and Office Commercial, to allow for density up to 210 dwelling units per acre.
- Program LU 9: Establish a program to advertise opportunity sites (including those identified in the Plan) to encourage the full and efficient use of vacant and underutilized parcels.
- Program LU 14: Partner with BART to facilitate Transit-Oriented Development on BART owned property located adjacent to the Downtown Hayward BART station.

- Goal 3 Housing (H): A wide variety of housing types are available to meet the economic and physical needs of a diverse population.
  - Policy H 1 Housing Supply: Encourage residential development at the maximum density allowed in the General Plan, where feasible, to spur more housing production, including affordable and market rate housing, and attract a wide spectrum of people to live Downtown.
  - Policy H 2 Affordable Housing: Encourage the production of affordable housing in the Plan Area, including options for extremely low, very low, low, and moderate-income households.
  - Policy H 4 Special Needs Housing: Provide housing that supports persons with special needs, including seniors, persons with disabilities, and the homeless.
  - Policy H 5 Comprehensive System of Services: Continue to coordinate with community organizations to develop and maintain a comprehensive system of services to prevent and alleviate homelessness, panhandling, and related public safety concerns.

- Program H 1: Modify use regulations to allow for a mix of housing types designed to be compatible within existing neighborhood context, including accessory dwelling units, duplexes, multiplexes, apartments, and mixed-use buildings.
- Program H 2: Incentivize affordable by design units, including smaller unit sizes, reduced parking requirements, and other interventions that lowers housing costs for both affordable and market rate housing option.
- Program H 3: Modify the zoning code to allow attached or detached accessory dwelling units as part of a single-family or multi-family use.
- Program H 4: Modify zoning regulations to allow for assisted care and residential care facilities and support services for seniors and persons with disabilities.
- Program H 5: Continue to work with and aid affordable housing developer partners, such as Eden Housing and AMCAL, to produce affordable for-sale and rental housing.
- Program H 6: Support the conversion of existing housing into permanently affordable housing.
- Program H 7: Monitor affordable units at-risk of conversion to market rate housing in the Plan Area and work with property owners to preserve these units by providing technical assistance to access affordable housing resources and funding.
- Program H 8: As part of the existing Fair Housing Services program, create a targeted initiative to provide Plan Area residents at risk of displacement with housing and tenant/landlord services, including counseling, tenant/landlord training, and the dissemination of tenant rights and obligations.
- Program H 9: Continue to implement tenant protection controls and strategies that protect vulnerable Plan Area residents and businesses from displacement
- Program H 10: Maintain formal partnerships with community and faith-based organizations to develop and implement strategies for providing shelter, food, and outreach/support services with an emphasis on homeless prevention.

- Goal 5 Transportation Demand Management (TDM) and Parking (TP): Public transportation, walking, biking and shared rides are the preferred means of travel for most trips in Downtown thereby reducing cut-through traffic and the need for parking while also supporting economic development and sustainability initiatives.
  - Program TP 5: Establish a residential parking permit program for long-term residents and short-term residents, visitors, and business owners to discourage commuters or visitors from parking long-term in residential areas.
  - Program TP 10: Work with residents to consider establishing Residential Parking Benefit Districts on residential streets adjacent to commercial areas where a limited number of commuters pay to use surplus curb parking spaces in residential areas and return the resulting revenues to the neighborhood to fund public improvements.

- Program TP 19: Encourage new residential and commercial development projects with common parking areas to unbundle the full cost of parking from the cost of the property itself.

  1. Residential: For rental and for-sale housing, unbundle the full cost of parking from housing cost and create a separate parking charge.

  2. Commercial Leases: Unbundle parking costs from commercial space cost by identifying parking costs as a separate line item in the lease and allow tenants to lease as few parking spaces as they wish.

- Goal 6 Economic Development (ED): Downtown capitalizes in its location in the region, leverages its amenities, and captures more sales tax revenue to become a national model for the revitalization of mid-size cities.
  - Policy ED 1 Business Attraction, Retention, and Expansion: Support the attraction, retention, and expansion of desired businesses, including small start-ups, minority-owned, or disadvantaged businesses that will contribute to Downtown's revitalization.
    - Program ED 1: Modify the zoning regulations to allow for the construction and operation of live/work units and for the reuse of existing commercial and industrial buildings to accommodate live/work opportunities.
    - Program ED 6: Improve and streamline the entitlement process to attract investment and development and for projects involving the expansion and upgrades of existing Plan Area businesses, including for code-compliance upgrades.
- Goal 7 Infrastructure and Public Facilities (IPF): Public services, community facilities, and utility systems are well maintained, implement Citywide climate change policies, and meet the needs of current and future Downtown residents, businesses, and visitors.
    - Program IPF 5: Pursue funding for necessary systemwide infrastructure improvements to address existing deficiencies and build capacity to support additional development and reduce impact fees.

Due to the existing conditions, and compliance with existing General Plan policy above, impacts related to the displacement of existing housing units would be *less than significant*.

Significance without Mitigation: Less than significant.

POP-3 Implementation of the proposed project would not displace substantial numbers of people, necessitating the construction of replacement housing elsewhere.

As described under impact discussion POP-2 above, implementation of the proposed Specific Plan would involve the development of, at maximum, up to 3,427 new housing units through 2040, and thus replacement housing would not be required outside of the Specific Plan Area.

Potential future development that could occur under adoption and implementation of the proposed project, like other future projects citywide, would be required to comply with the General Plan policies listed above in Section 4.11.1.1, Regulatory Framework, as applicable, that require local planning and development decisions to consider impacts to residents who may potentially be displaced as a result of a project. As described in impact discussion POP-2 the General Plan and the proposed Specific Plan includes measures to protect existing residents in the Downtown from displacement by ensuring adequate housing in the Specific Plan Area.

Due to the existing conditions, and compliance with the existing General Plan and Specific Plan policies and program above, impacts related to the displacement of existing residents would be *less than significant*.

Significance without Mitigation: Less than significant.

4.12 PUBLIC SERVICES AND RECREATION

This chapter describes the existing public services and recreation facilities in the Specific Plan Area and evaluates the potential environmental consequences of future development that could occur by adopting and implementing the proposed project. This chapter provides a summary of the relevant regulatory setting necessary to evaluate potential environmental impacts resulting from the proposed project, describes potential impacts, and discusses existing and proposed goals, policies, and implementation programs and zoning regulations that would avoid or reduce those potential impacts.

4.12.1 FIRE PROTECTION

4.12.1.1 ENVIRONMENTAL SETTING

Regulatory Framework

State Regulations

California Building Code

The State of California provides a minimum standard for building design through Title 24 of the California Code of Regulations, commonly referred to as the "California Building Code" (CBC). The CBC is located in Part 2 of Title 24. The CBC is updated every three years, and the current 2016 CBC went into effect in January 2017. It is generally adopted on a jurisdiction-by-jurisdiction basis, subject to further modification based on local conditions. The 2016 CBC has been adopted for use by the City in Hayward Municipal Code (HMC) Section 9-1.00.[1]

Commercial and residential buildings are plan-checked by local City and County building officials for compliance with the CBC. Typical fire safety requirements of the CBC include: the installation of sprinklers in all buildings in accordance with State and City codes; the establishment of fire resistance standards in accordance with State and City codes, building materials, and particular types of construction; and the clearance of debris and vegetation within a prescribed distance from occupied structures in wildfire hazard areas.

California Fire Code

Part 9 of the CBC contains the California Fire Code (CFC), which includes provisions and standards for emergency planning and preparedness, fire service features, fire protection systems, hazardous materials, fire flow requirements, and fire hydrant locations and distribution. Typical fire safety requirements include: installation of sprinklers in all high-rise buildings; the establishment of fire resistance standards for fire doors, building materials, and particular types of construction; and the clearance of debris and vegetation within a prescribed distance from occupied structures in wildlife hazard areas. Like the CBC,

[1] City of Hayward Municipal Code, Chapter 9, Building Regulations, Article 1, Building Code of the City of Hayward, Section 9-1.00, 2016 California Building Codes, Adoption by Reference.

the CFC is generally adopted on a jurisdiction-by-jurisdiction basis, subject to further modification based on local conditions. The 2016 CFC has been adopted for use by the City in HMC Section 3-14.00.[2]

Local Regulations

Looking Forward Hayward 2040 General Plan

The City of Hayward 2040 General Plan, adopted in July 2014, includes goals, policies, and programs intended to avoid or reduce impacts on fire protection services in the Community Safety (CS) element. As described in the General Plan EIR, in most cases, no one goal, policy, or implementation program itself is expected to completely avoid or reduce an identified potential environmental impact.[3] However, the collective, cumulative mitigating benefits of the policies listed below are intended to reduce impacts to fire protection services. Specific goals and policies are described in Section 4.12.1.3, Impact Discussion, to demonstrate how the policy would avoid or reduce the impact.

The following goals and policies are relevant to the analysis of potential impacts to fire protection services within the Specific Plan Area:

- Goal CS-3: Prevent fires by conducting routine inspections, incorporating fire safety features in new development, and educating the public to take proactive action to minimize fire risks.
  - 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-3.6 Fire Safety Inspections: The City shall maintain its fire inspection program for commercial, industrial, and multifamily residential buildings in compliance with the requirements of State law.
  - 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.

[2] City of Hayward Municipal Code, Chapter 3, Public Safety, Article 14, Fire Prevention Code of the City of Hayward, Section 3-14.00, Adoption of California Fire Code.

[3] City of Hayward, 2014, City of Hayward 2040 General Plan certified EIR, State Clearinghouse Number 2013082015.

- Goal CS-4: Provide coordinated fire protection and emergency medical services to promote a safe and healthy 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 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-4.5 Station Call Volumes and the Reallocation of Resources: The City shall monitor call volumes at individual fire stations to determine if certain areas of the City are in high demand of fire and emergency medical services. The City shall consider reallocating resources (fire units and/or equipment) or building new fire stations to serve high demand areas.

Hayward Municipal Code

The HMC includes regulations that are relevant to the provision of public services, including fire protection. Chapter 3, Public Safety, Article 1, General Provisions, which regulates the areas where bonfires, incinerators, and inflammable liquids may be used. Additionally, Article 3, Explosives, Firearms, and Fireworks, prohibits the use of explosives, firearms, and fireworks within the city. HMC Chapter 4, Public Welfare, Morals, and Conduct, and Article 8, Fire Alarms, requires that alarm installation businesses notify the Hayward Fire Department (HFD) each time the business sells, installs, operates, or maintains an alarm system within the city. It also establishes a fee charged to alarm users for false alarms requiring HFD response. Additionally, as described under State Regulations above, the HMC in Chapter 9, Building Regulation, adopted the 2016 CBC and 2016 CFC, which includes, but is not limited to, the provisions and standards for the installation of sprinklers in all buildings in accordance with State and City codes, establishment of fire resistance standards in accordance with State and City codes, building materials, and particular types of construction, the clearance of debris and vegetation within a prescribed distance from occupied structures in wildfire hazard areas, emergency planning and preparedness, fire service features, fire protection systems, hazardous materials, fire flow requirements, and fire hydrant locations and distribution.[4]

Existing Conditions

The following information is taken in part from the *Existing Conditions and Opportunities Analysis* prepared for the Specific Plan Area. This report is included as Appendix B of this Draft EIR.

[4] City of Hayward Municipal Code, Chapter 9, Building Regulations, Article 1, Building Code of the City of Hayward, Section 9-1.00, 2016 California Building Codes, Adoption by Reference; and, Chapter 3, Public Safety, Article 14, Fire Prevention Code of the City of Hayward, Section 3-14.00, Adoption of California Fire Code.

Staffing and Facilities

The HFD provides fire, advanced life support/emergency medical services, and emergency services to all areas within the city limits and to the Fairview Fire Protection District on a contract basis through June 30, 2022.[5] HFD's mission is to protect lives and property by providing superior fire suppression and emergency medical services that are supported by prevention through responsible regulatory and educational programs. HFD includes two divisions under the Fire Chief: Operations and Special Operations. The Operations Division has two battalions with three shifts each. Special Operations encompasses the Fire Prevention Office, Inspectors, Permit Center, Hazardous Materials Program Public Education/Public Information, and Training Division.

HFD maintains nine operating stations, seven in the City of Hayward and two in the Fairview area. HFD currently has 0.7 responders per 1,000 residents, which is below the national service standard ratio of one responder per 1,000 residents.

HFD Fire District 1 serves all of Downtown Hayward and Fire Station #1, located on 22700 Main Street, is within the Specific Plan Area. Fire Station #1 currently has two captains, two apparatus operators, two firefighters, and one battalion chief. The station has one ladder truck and one fire engine available per shift.

Response Times

The national standard for response times for fire calls and emergency service calls is 5 minutes 50 seconds for 90 percent of the time. The HFD currently meets this standard and has done so for numerous consecutive years. In the calendar year 2014, the average response time for District 1 was 3 minutes 27 seconds for Engine 1 and 3 minutes 14 seconds for Truck 1.

Funding

The HFD collects direct revenue from several sources such as licensing and permits, fees and service charges, reimbursement from Fairview, EMS, and mutual aid, and from Mt. Eden Fire Services, among others. All additional funding needs are supported by a General Fund subsidy.[6] The Hayward General Fund is a collection of several taxes and other services collected within the city to cover general services and salaries of City employees. The revenue sources from the General Fund come from citywide taxes on properties, sales, utilities, franchises, and real estate transfers. Additional revenue comes from charging for services, fines and forfeitures, and interest and rents, among others.[7] HFP will also receive funds from Measure C revenue over its life span. Measure C is a district sales tax fund that was approved by Hayward

[5] Fairview Fire Protection District, Regular Board Meeting, September 25, 2017, https://www.fairviewfiredistrict.org/wp-content/uploads/sites/70/2017/09/September-25-2017-FFPD-Packet.pdf, accessed on January 30, 2018.

[6] City of Hayward, Adopted Fiscal Year 2017, Annual Operating Budget, Fire- General Fund Summary, page 161, https://www.hayward-ca.gov/sites/default/files/Adopted%20FY%202017%20w%20linked%20Table%20of%20Contents_0.pdf, accessed on January 30, 2018.

[7] City of Hayward, Adopted Fiscal Year 2017, Annual Operating Budget, General Fund Summary & Cash Balance, page 26, https://www.hayward-ca.gov/sites/default/files/Adopted%20FY%202017%20w%20linked%20Table%20of%20Contents_0.pdf, accessed on January 30, 2018.

voters in June of 2014, and is expected to generate approximately $13.5 million a year during its 20 year life span. Revenue generated from Measure C will fund debt service for the financing and construction of the new Library and Community Learning center and adjacent Plaza, improvements to fire stations, a new fire training center, increased policing capacity, as well as to pave additional streets and provide funding for increased maintenance and landscaping services.[8]

4.12.1.2 STANDARDS OF SIGNIFICANCE

Implementation of the proposed project would have a significant impact related to fire protection and emergency services if, in order to maintain acceptable service ratios, response times, or other performance objectives for fire protection and emergency services, it would result in new or physically altered fire protection facilities, or the need for new or physically altered facilities, the construction of which could cause significant environmental impacts.

4.12.1.3 IMPACT DISCUSSION

PS-1	**Implementation of the proposed project would not result in the need for new or physically altered fire protection facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives.**

The Specific Plan Area would continue to be served by HFD Fire Station #1 located in the project site. As discussed in Section 4.12.1.1, Environmental Setting, the HFD currently operates at 0.7 responders per 1,000 residents. The addition of 7,539 new residents could increase the projected 2040 population of the City from 188,000 to 195,539.[9] As a result, implementation of the proposed Specific Plan the HFD would have 0.6 responders per 1,000 residents at 2040 buildout if staffing levels remain unchanged.[10] As under current conditions, this ratio is below the national service standard of one responder per 1,000 residents.

The anticipated growth under the proposed Specific Plan would occur over a 20-year horizon and, while the proposed project would increase the number and frequency of calls for service by the HFD, because the Fire Station #1 is within the Specific Plan Area, the additional service demand from response times for many calls generated from the proposed new development potential would be expected to fall within the HFD's response time goals.

According to HFD, the existing fire facilities are sufficient to maintain a sufficient level of service for the anticipated population growth through 2040, but that staffing levels are not currently adequate. The

[8] City of Hayward, Adopted Fiscal Year 2017, Annual Operating Budget, General Fund Summary & Cash Balance, page 4, https://www.hayward-ca.gov/sites/default/files/Adopted%20FY%202017%20w%20linked%20Table%20of%20Contents_0.pdf, accessed on January 30, 2018.

[9] Association of Bay Area Governments, *Plan Bay Area, Projections 2013,* Alameda County, Total Population by City Table, year 2040. (188,000 residents plus 7,539 proposed new residents equals a total buildout of 195,539 residents in Hayward in 2040 with the proposed project).

[10] This calculation assumes approximately 110 HFD responders in 2040.

future development resulting from implementation of the proposed Specific Plan, like current development potential, would be required to pay the HFD fees and service charges as well as the City taxes that fund the Hayward General Fund, which would defray the cost for facility improvements, equipment, or other needs necessary for maintaining or improving services as needed to accommodate the increase in service population.

Additionally, future development would also be required to comply with General Plan policies described above in Section 4.12.1.1, Regulatory Framework, as applicable, that require local planning and development decisions to consider impacts to public services, including fire protection services. Specifically, Policy CS-3.3 requires the City to continue to include the Fire Department in the review of development proposals to ensure projects adequately address fire access and building standards and Policy CS-3.6 requires the City to maintain its fire inspection program for commercial, industrial, and multifamily residential buildings in compliance with the requirements of State law. Implementation of such project features on future development would help to reduce demands on the HFD. Additionally, Policy CS-4.2 and CS-4.3 require the City to maintain optimum staffing levels for sworn, civilian, and support staff, in order to provide quality fire protection and emergency medical services to the community and maintain the ability to respond to fire and emergency medical calls within 5 minutes of dispatch, 90 percent of the time for the first unit, and all remaining units shall arrive on scene within 8 minutes of dispatch.

In addition, the proposed Specific Plan contain goals, policies, and programs that also require local planning and development decisions to consider impacts to fire protection services from development in the Specific Plan Area. The following Specific Plan goals and policies would serve to minimize potential adverse impacts from development in the Specific Plan Area:

- Goal 7 Infrastructure and Public Facilities (IPF): Public services, community facilities, and utility systems are well maintained, implement citywide climate change policies, and meet the needs of current and future Downtown residents, businesses, and visitors.
    - Policy IPF 7 Fire and Police: Improve and maintain the performance of fire and police protection services to adequately serve the population of the Plan Area through 2040 and beyond.
        - Program IPF 11: Continuously strive to maintain and improve the performance and efficiency of fire protection services for the Plan Area. This will be implemented by the Fire Department.

Future development under the proposed Specific Plan would be required to comply with the City's Fire Code (HMC Section 3-14.00) as well as regulations set forth in the CBC. This includes installation of sprinklers, proper protection systems such as fire extinguishing systems and alarms, fire hydrants, water and fire flow requirements, and access points to accommodate fire equipment.

Therefore, given 20-year buildout horizon together with the proximity to Fire Station #1, and compliance with mandatory regulations (including the payment of service fees and taxes) constructing new or expanded facilities as a result of future development under the proposed Specific Plan would not be necessary to maintain acceptable service ratios, response times, or other performance objectives for fire protection services. Accordingly, proposed project impacts related to fire protection services would be *less than significant*.

Significance without Mitigation: Less than significant.

4.12.2 POLICE SERVICES

4.12.2.1 ENVIRONMENTAL SETTING

Regulatory Framework

Local Regulations

Looking Forward Hayward 2040 General Plan

The Community Safety (CS) element of the 2040 General Plan includes goals and policies specific to police services that are applicable to the proposed project. The City of Hayward has identified community safety as one of the eight Guiding Principles of the 2040 General Plan. As described in the General Plan EIR, in most cases, no one goal, policy, or implementation program itself is expected to completely avoid or reduce an identified potential environmental impact.[11] However, the collective, cumulative mitigating benefits of the policies listed below are intended to reduce impacts to police services. Specific goals and policies are described in Section 4.12.2.3, Impact Discussion, to demonstrate how the policy would avoid or reduce the impact.

The following goals and policies are relevant to the analysis of potential police impacts within the Specific Plan Area:

- Goal CS-1: Strengthen partnerships with the Hayward community to develop strategies and solutions that prevent crime.
  - Policy CS-1.1 Community Partnerships: The City shall coordinate with residents, businesses, schools, park districts, and community and neighborhood organizations to develop and expand partnerships to prevent crime.
  - 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 principles.
  - 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.
- Goal CS-2: Provide exceptional police protection services to promote a safe and secure community.
  - 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.

[11] City of Hayward, 2014, City of Hayward 2040 General Plan certified EIR, State Clearinghouse Number 2013082015

- 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-2.10 Cooperative Delivery of Services: The City shall coordinate with local, State, and Federal law enforcement agencies to maintain mutual aid agreements and to promote local and regional cooperation in the delivery of law enforcement services to the city and the unincorporated areas within the City's Planning Area.
- Policy CS-2.14 Development Fees: The City shall consider the establishment of development impact fees to help fund Police Department operations.

Existing Conditions

The following information is taken in part from the *Existing Conditions and Opportunities Analysis* prepared for the Specific Plan Area. This report is included as Appendix B of this Draft EIR.

Staffing and Facilities

The Hayward Police Department (HPD) provides police protection services throughout the city limits. HPD headquarters is located at 300 West Winton Avenue and operates two district offices. The Northern District Office, located at 1190 B Street, is within the Specific Plan Area and the Southern District Office is located at 28200 Ruus Road. HPD also operates the Hayward Police Detention Facility, a Type I Jail which houses up to 30 prisoners. HPD's mission is to be responsive to the community in the delivery of quality services and to recognize the department's responsibility to maintain order, while affording dignity and respect to every individual. HPD's objective is to improve quality of life through a community partnership which promotes safe, secure neighborhoods. HPD is divided into four divisions: Office of the Chief, Field Operations, Investigations, and Support Services.[12]

In 2017, HPD employed 322 staff members, including 1 Police Chief, 3 Captains, 11 Lieutenants, 27 Sergeants, 1 Inspector, and 154 Police Officers.[13] This equates to 197 sworn peace officers and 125 non-

[12] City of Hayward, 2014, Hayward 2040 General Plan Background Report, Chapter 5, Community Services and Safety, page 5-2.

[13] City of Hayward, Adopted Fiscal Year 2017, Annual Operating Budget, Department Staffing Summary – All Funds, page 74, https://www.hayward-ca.gov/sites/default/files/Adopted%20FY%202017%20w%20linked%20Table%20of%20Contents_0.pdf, accessed on January 30, 2018.

sworn support services staff members.[14] HPD maintains a ratio of 1.32 sworn officers per 1,000 residents, with a goal of providing 1.5 officers per 1,000 residents.[15] This is below the target ratio of the FBI Uniform Crime Reporting Program that dictates a standard of 1.6 sworn officers per 1,000 residents for a city population between 100,000 and 200,000.[16]

According to HPD staff, under existing conditions, the Police department does not meet the needs of current staffing levels. A Hayward task force is currently working on developing financial options, and scouting for locations for a new Police Station. This need for a new Police facility already exists with the current city population. Additional square footage at the existing facility would be needed in the case construction of a new Police facility is not approved.[17]

Response Times

In 2017, HPD responded to Priority 1 calls for service within 5 minutes 65.8 percent of the time. As mentioned in Policy CS-2.4 above, the 2040 General Plan states a goal of responding to Priority 1 calls within 5 minutes of dispatch 90 percent of the time, meaning the HPD is not meeting the stated General Plan goal. However, noted by HPD, the amount of time a police officer takes to respond to the scene of a service call depends on each individual officer pushing an "on scene" button in their service vehicle. Priority 1 calls are typically calls are classified as emergency calls in which an officer may neglect to record their on-scene time due to an emergency situation. In addition, HPD officers on duty are typically responding to service calls from their location out in the field while on patrol, meaning response times to Priority 1 calls within 5 minutes of dispatch are likely higher than the 2017 recorded 65.8 percent.[18]

Funding

The HPD depends on revenue from Grants and from the General Fund. Grants used by HPD in the 2014-2016 Fiscal Years consist of the Community Oriented Policing Grant and the Byrnes Grant. All additional funding needs are supported by a General Fund. The adopted 2017 Fiscal Year Annual Operating Budget states that funding for 2017 was from General Plan subsidies, and from Measure C funds.[19] The Hayward General Fund is a collection of several taxes and other services collected within the city to cover general services and salaries of City employees. The revenue sources from the General Fund come from citywide taxes on properties, sales, utilities, franchises, and real estate transfers. Additional revenue comes from

[14] City of Hayward Police Department, Acting Captain Ken Forkus, email correspondence with PlaceWorks staff, October 8, 2018.

[15] City of Hayward, 2014, Hayward 2040 General Plan Background Report, Chapter 5, Community Services and Safety, page 5-6.

[16] City of Hayward Police Department, Acting Captain Ken Forkus, email correspondence with PlaceWorks staff, October 8, 2018.

[17] City of Hayward Police Department, Acting Captain Ken Forkus, email correspondence with PlaceWorks staff, October 8, 2018.

[18] City of Hayward Police Department, Acting Captain Ken Forkus, email correspondence with PlaceWorks staff, October 8 and October 22, 2018.

[19] City of Hayward, Adopted Fiscal Year 2017, Annual Operating Budget, Police- All Funds Summary by Category, page 242, https://www.hayward-ca.gov/sites/default/files/Adopted%20FY%202017%20w%20linked%20Table%20of%20Contents_0.pdf, accessed on January 30, 2018.

charging for services, fines and forfeitures, and interest and rents, among others.[20] Measure C is a district sales tax fund that was approved by Hayward voters in June of 2014, and is expected to generate approximately $13.5 million a year during its 20 year life span. Revenue generated from Measure C will fund debt service for the financing and construction of the new Library and Community Learning center and adjacent Plaza, improvements to fire stations, a new fire training center, increased policing capacity, as well as to pave additional streets and provide funding for increased maintenance and landscaping services.[21]

4.12.2.2 STANDARDS OF SIGNIFICANCE

Implementation of the proposed project would have a significant impact related to police protection services if, in order to maintain acceptable service ratios, response times, or other performance objectives for police services, it would result in new or physically altered fire protection facilities, or the need for new or physically altered facilities, the construction of which could cause significant environmental impacts.

4.12.2.3 IMPACT DISCUSSION

PS-2	**Implementation of the proposed project would not result in the need for new or physically altered police protection facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives.**

The Specific Plan Area would continue to be served by the existing Northern District Office located at 1190 B Street within the Specific Plan Area. As discussed in Section 4.12.2.1, Environmental Setting, the HPD currently operates at 1.32 sworn officers per 1,000 residents and aims to reach the goal of 1.5 sworn officers per 1,000 residents. The addition of 7,539 new residents could increase the projected 2040 population of Hayward from 188,000 to 195,539.[22] As a result, implementation of the proposed Specific Plan would decrease the number of sworn officers to 1.0 per 1,000 residents at 2040 buildout if staffing levels remain unchanged.[23] As under existing conditions, this ratio is below the standard 1.6 responder per 1,000 residents.

The anticipated growth under the proposed Specific Plan would occur over a 20-year horizon, and while the proposed project would increase the number and frequency of calls for service by the HPD, because

[20] City of Hayward, Adopted Fiscal Year 2017, Annual Operating Budget, General Fund Summary & Cash Balance, page 26, https://www.hayward-ca.gov/sites/default/files/Adopted%20FY%202017%20w%20linked%20Table%20of%20Contents_0.pdf, accessed on January 30, 2018.

[21] City of Hayward, Adopted Fiscal Year 2017, Annual Operating Budget, General Fund Summary & Cash Balance, page 4, https://www.hayward-ca.gov/sites/default/files/Adopted%20FY%202017%20w%20linked%20Table%20of%20Contents_0.pdf, accessed on January 30, 2018.

[22] Association of Bay Area Governments, *Plan Bay Area, Projections 2013,* Alameda County, Total Population by City Table, year 2040. (188,000 residents plus 7,539 proposed new residents equals a total buildout of 195,539 residents in Hayward in 2040 with the proposed project).

[23] This calculation assumes approximately 197 HPD sworn officers in 2040.

the Northern District Office is within the Specific Plan Area, the additional service demand from response times for many calls generated from the proposed new development potential would be expected to fall within the HPD's response time goals.

According to HPD, under existing conditions the current HPD does not meet the needs of the current staffing levels and a Hayward task force is currently working on developing financial options, and scouting for locations for a new Police Station. The future development resulting from implementation of the proposed Specific Plan, like current development potential, would be required to pay City taxes that fund the Hayward General Fund, which would defray the cost for facility improvements, equipment, or other needs necessary for maintaining or improving services as needed to accommodate the increase in service population.

Additionally, future development would also be required to comply with General Plan policies described above in Section 4.12.2.1, Regulatory Framework, as applicable, that require local planning and development decisions to consider impacts to public service, including police services. Specifically, Policy CS-1.9 would require the City to continue to include the HPD in the review of development projects to promote the implementation of Crime Prevention Through Environmental Design principles and Policy CS-1.10 would require the City to encourage property owners to use appropriate levels of exterior lighting to discourage criminal activity, enhance natural surveillance opportunities, and reduce fear. Implementation of such project features on future development would help to reduce demands on the HPD. Additionally, Policies CS-2.3, CS-2.4 and CS-2.5 require the City to maintain optimum staffing levels for sworn police officers, to meet Priority 1 Police Calls within 5 minutes of dispatch for 90 percent of the time, and to ensure that Police equipment and facilities are provided and maintained to meet modern standards of safety, dependability, and efficiency, respectively.

In addition, the proposed Specific Plan contain goals, policies, and programs that also require local planning and development decisions to consider impacts to police services from development in the Specific Plan Area. The following Specific Plan goals and policies would serve to minimize potential adverse impacts from development in the Specific Plan Area:

- Goal 7 Infrastructure and Public Facilities: Public services, community facilities, and utility systems are well maintained, implement citywide climate change policies, and meet the needs of current and future Downtown residents, businesses, and visitors.
    - Policy IPF 7 Fire and Police: Improve and maintain the performance of fire and police protection services to adequately serve the population of the Plan Area through 2040 and beyond.
        - Program IPF 11: Continuously strive to maintain and improve police staffing, performance levels, and facilities. This will be implemented by the Police Department.
        - Program IPF 12: Support neighborhood watch programs that work closely with local law enforcement to educate residents about neighborhood safety and security and to report criminal activity. This will be implemented by the Library and Community Services Department and the City Manager Office-Neighborhood Service Division

Therefore, given 20-year buildout horizon together with the proximity to Northern District Office, the HPD's current actions to increase police service capacity in the city, and compliance with mandatory

regulations (including the payment of taxes that fund the Hayward General Fund,) constructing new or expanded facilities as a result of future development under the proposed Specific Plan would not be necessary to maintain acceptable service ratios, response times, or other performance objectives for police services. Accordingly, proposed project impacts related to fire protection services would be *less than significant*.

The future construction of police facilities is required under current conditions and the location and other building specifics are currently unknown. The future construction of police facilities would be subject to separate environmental review. As described in the General Plan EIR, construction period traffic interruption, noise, and air emissions (dust) typically associated with such infrastructure construction would be mitigated through standard City construction mitigation procedures. [24]

Significance without Mitigation: Less than significant.

4.12.3 SCHOOLS

4.12.3.1 ENVIRONMENTAL SETTING

Regulatory Framework

State Regulations

The following sections explain State of California regulations pertaining to schools, relevant to the proposed project.

Senate Bill 50

Senate Bill (SB) 50 (funded by Proposition 1A, approved in 1998) limits the power of cities and counties to require mitigation of school facilities impacts as a condition of approving new development and provides instead for a standardized developer fee. SB 50 generally provides for a 50/50 State and local school facilities funding match. SB 50 also provides for three levels of statutory impact fees. The application level depends on whether State funding is available, whether the school district is eligible for State funding and whether the school district meets certain additional criteria involving bonding capacity, year-round school and the percentage of moveable classrooms in use.

California Government Code Section 65995 to 65998

School facilities are discussed in the California Government Code Section 65996, which specifies that an acceptable method of offsetting a project's effect on the adequacy of school facilities is the payment of a school impact fee prior to issuance of a building permit. Sections 65995 to 65998 set forth provisions for the payment of school impact fees by new development by "mitigating impacts on school facilities that occur (as a result of) the planning, use, or development of real property" [Section 65996(a)]. The

[24] City of Hayward, 2014, City of Hayward 2040 General Plan certified EIR, State Clearinghouse Number 2013082015, pages 17-16 and 17-17.

legislation goes on to say that the payment of school impact fees "are hereby deemed to provide full and complete school facilities mitigation" under CEQA [Section 65996(b)]. The school district is responsible for implementing the specific methods for mitigating school impacts under the Government Code. In accordance with California Government Code Section 65996, developers pay a school impact fee to the school district to offset the increased demands on school facilities caused by their proposed development projects.

Local Regulations

Looking Forward Hayward 2040 General Plan

The Education and Lifelong Learning (EDL) element of the 2040 General Plan includes goals and policies specific to school services. As described in the General Plan EIR, in most cases, no one goal, policy, or implementation program itself is expected to completely avoid or reduce an identified potential environmental impact.[25] However, the collective, cumulative mitigating benefits of the policies listed below are intended to reduce school-related impacts. Specific goals and policies are described in Section 4.12.3.3, Impact Discussion, to demonstrate how the policy would avoid or reduce the impact.

The following goals and policies are relevant to the analysis of potential school impacts within the Specific Plan Area:

- Goal EDL-3: Provide exceptional school facilities and learning environments that give students, parents, teachers, and administrators a strong sense of school and community pride.
  - Policy EDL-3.1 School Facility Upgrades: The City shall encourage school districts to renovate and/or reconstruct aging school facilities.
  - Policy EDL-3.4 Multi-Story Schools: The City shall encourage school districts to construct multi-story schools to maximize the efficiency of available acreage for playgrounds, sports fields and courts, school gardens, and other recreational resources.
  - Policy EDL-3.5 Recreation Facilities: The City shall encourage school districts to provide high-quality recreation facilities to create school pride, reinforce the importance of physical activity and health, and to provide the community opportunities for joint-use of facilities during after-school hours.
  - Policy EDL-3.8 New School Sites: The City shall coordinate with local school districts at the earliest possible opportunity to determine the need for new school sites and to identify potential locations.
  - 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.

[25] City of Hayward, 2014, City of Hayward 2040 General Plan certified EIR, State Clearinghouse Number 2013082015.

Existing Conditions

The following information is taken in part from the *Existing Conditions and Opportunities Analysis* prepared for the Specific Plan Area. This report is included as Appendix B of this Draft EIR.

The Specific Plan Area is located within the Hayward Unified School District (HUSD). The HUSD currently operates 20 elementary schools, five middle schools, and three high schools, one alternative high school, one adult education center, and one preschool.[26] In the 2016 to 2017 school year, total enrollment at the HUSD elementary schools totaled 13,266 students, middle school enrollment totaled 3,037 students, and high school enrollment totaled 6,330 students.[27]

Enrollment and Capacity

The HUSD schools that serve the Specific Plan Area are as follows:

- **Burbank Elementary School:** This school serves kindergarten through sixth grade and is located at 222 Burbank Street in Hayward. In the 2016 to 2017 school year, there were 917 students enrolled at this elementary school.[28]
- **East Avenue Elementary School:** This school serves kindergarten through sixth grade (K-6) and is located at 2424 East Avenue in Hayward. In the 2016 to 2017 school year, there were 611 students enrolled at this elementary school.[29]
- **Strobridge Elementary School:** This school serves kindergarten through sixth grade and is located at 21400 Bedford Drive in Hayward. In the 2016 to 2017 school year, there were 550 students enrolled at this elementary school.[30]
- **Bret Harte Middle School:** This school serves seventh and eighth grade levels and is located at 1047 E Street in Hayward. In the 2016 to 2017 school year, there were 637 students enrolled at this middle school.[31]
- **Winton Middle School:** This school serves seventh and eighth grade levels and is located at 119 Winton Avenue in Hayward. In the 2016 to 2017 school year, there were 505 students enrolled at this middle school.[32]

[26] Hayward Unified School District, Demographics, https://haywardusd-ca.schoolloop.com/Demographics, accessed on January 31, 2018.

[27] Education Data Partnership, Hayward Unified School District, http://www.ed-data.org/district/Alameda/Hayward-Unified, accessed on January 31, 2018.

[28] Education Data Partnership, Hayward Unified School District, Burbank Elementary, http://www.ed-data.org/school/Alameda/Hayward-Unified/Burbank-Elementary, accessed on January 31, 2018.

[29] Education Data Partnership, Hayward Unified School District, East Avenue Elementary, http://www.ed-data.org/school/Alameda/Hayward-Unified/East-Avenue-Elementary, accessed on February 1, 2018.

[30] Education Data Partnership, Hayward Unified School District, Strobridge Elementary, http://www.ed-data.org/school/Alameda/Hayward-Unified/Strobridge-Elementary, accessed on February 1, 2018.

[31] Education Data Partnership, Hayward Unified School District, Bret Harte Middle, http://www.ed-data.org/school/Alameda/Hayward-Unified/Bret-Harte-Middle, accessed on February 1, 2018.

[32] Education Data Partnership, Hayward Unified School District, Winton Middle, http://www.ed-data.org/school/Alameda/Hayward-Unified/Winton-Middle, accessed on February 1, 2018.

- Hayward High School: This school serves ninth through twelve grade levels and is located at 1633 East Avenue in Hayward. In the 2016 to 2017 school year, there were 1,576 students enrolled at this high school.[33]

According to the 2017 Demographic Report prepared for the *Draft 2018 HUSD District-Wide Facilities Master Plan,* the HUSD will continue to experience a declining enrollment over the next seven years.[34]

Development Impact Fees

The HUSD collects developer fees for schools at a rate of $3.20 per square foot of new residential development and $0.51 per square foot of new commercial development. These fees were adopted on December 12, 2012, and are the maximum allowed by State law.[35] These fees are listed for informational purposes only and as development occurs over the 20-year buildout horizon of the proposed project, the fees would be subject to change and developers would be required to pay the fees in place at the time of development.

4.12.3.2 STANDARDS OF SIGNIFICANCE

Implementation of the proposed project would have a significant impact related to school services if, in order to maintain acceptable service ratios or other performance objectives for school services, it would result in new or physically altered school facilities, or the need for new or physically altered facilities, the construction of which could cause significant environmental impacts.

4.12.3.3 IMPACT DISCUSSION

PS-3	**Implementation of the proposed project would not result in the need for new or physically altered school facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, or other performance objectives.**

This section reviews the need for existing school facilities to accommodate any increases in public school enrollment due to the proposed project. However, the California State Legislature, under Senate SB 50, has determined that payment of school impact fees shall be deemed to provide full and complete school facilities mitigation. All new developments proposed pursuant to the adoption of the proposed project will be required to pay the school impact fees adopted by each school district. According to California Government Code Section 65995(3)(h), the payment of statutory fees is "deemed to be full and complete mitigation of the impacts of any legislative or adjudicative act, or both, involving, but not limited to, the

[33] Education Data Partnership, Hayward Unified School District, Hayward High, http://www.ed-data.org/school/Alameda/Hayward-Unified/Hayward-High, accessed on February 1, 2018.

[34] Hayward Unified School District, 2018, *Draft 2018 Update District-Wide Facilities Master Plan*, Chapter 7, Demographics & Enrollment Forecasts, page 26.

[35] City of Hayward, 2014, Hayward 2040 General Plan Background Report, Chapter 5, Community Services and Safety, page 5-86.

planning, use, or development of real property, or any change in governmental organization or reorganization...on the provision of adequate school facilities."

Buildout of the proposed Specific Plan would result in up to 3,427 new residential units in the Specific Plan Area by 2040, which could generate up to 7,539 new residents that could include families with school-aged children. As discussed in Section 4.12.3.1, Environmental Setting, there are several public school facilities in the HUSD that would serve the Specific Plan Area, and the HUSD, which is currently experiencing declining enrollments and projects to continue this trend for the next seven years, would have capacity for additional students generated by the future residential development in the Specific Plan Area.

Because future development under the proposed project would occur incrementally over the 20-year buildout horizon and, in compliance with SB 50, would be subject to pay development impact fees that are current at the time of development, impacts related to the HUSD would be *less than significant.*

Significance without Mitigation: Less than significant.

4.12.4 LIBRARIES

4.12.4.1 ENVIRONMENTAL SETTING

Regulatory Framework

There are no federal or State regulations pertaining to library services that apply to the proposed project.

Local Regulations

Looking Forward Hayward 2040 General Plan

The Education and Life-Long Learning (EDL) element of the 2040 General Plan includes goals and policies specific to library services. As described in the General Plan EIR, in most cases, no one goal, policy, or implementation program itself is expected to completely avoid or reduce an identified potential environmental impact.[36] However, the collective, cumulative mitigating benefits of the policies listed below are intended to reduce library-related impacts. Specific goals and policies are described in Section 4.12.4.3, Impact Discussion, to demonstrate how the policy would avoid or reduce the impact.

The following goals and policies are relevant to the analysis of potential library impacts within the Specific Plan Area:

- Goal EDL-6: Enhance and expand Hayward's library facilities to meet the evolving educational and life-long learning needs of the community.

[36] City of Hayward, 2014, certified City of Hayward 2040 General Plan EIR, State Clearinghouse Number 2013082015.

- Policy EDL-6.1 Standard for Library Space: The City shall strive to expand library space within the community to meet and maintain a minimum standard of 0.75 square feet of space per 1,000 residents (excluding school and college libraries).
- Policy EDL-6.2 Main Library: The City shall continue to seek funding for the construction of a new and expanded Main Library in Downtown Hayward.
- Policy EDL-6.3 Weekes Branch Library: The City shall consider various facility renovations and expansions to the Weekes Branch Library to enhance library services and programs based on community needs.
- Policy EDL-6.4 Library Facility Maintenance and Renovations: The City shall consider library facility renovations and expansions based on changing demographics and customer needs.
- Policy EDL-6.5 Extending Library Services: The City shall consider a variety of innovative and creative solutions to extend the geographic reach of library services throughout Hayward neighborhoods, including a network of library kiosks, library book vending machines, digital library services, new branch libraries in underserved areas, and the provision of library programs and services in off-site locations (such as community centers and schools).

Existing Conditions

The following information is taken in part from the *Existing Conditions and Opportunities Analysis* prepared for the Specific Plan Area. This report is included as Appendix B of this Draft EIR.

The City of Hayward library system includes the Main Library located at 835 C Street, within the Specific Plan Area, and the Weekes Branch Library located at 27300 Patrick Avenue. The Main Library generally serves the northern portion of the city and the Weekes Library generally serves the southern portion. The two libraries have a combined total of 33,567 square feet, which equates to 0.23 square feet of library space per resident.[37]

In 2017, the City began reconstruction of the Main Library in the Downtown. The reconstruction was identified in General Plan Policy EDL-6.2, which encouraged the City to actively pursue funding for the project, which was needed to improve the deteriorating facility and accommodate expected population increases. Funding for the new library facility was partially funded through Measure C funds, a district sales tax approved in 2014. The Hayward 21st Century Library and associated Heritage Plaza open space will be the most environmentally sustainable public building constructed in Hayward. The structure will have a net-zero energy use and on-site water recycling systems. The Heritage Plaza open space will have a special event space that can accommodate up to 4,000 people.[38]

[37] City of Hayward, 2014, Hayward 2040 General Plan Background Report, Chapter 5, Community Services and Safety, page 5-89.

[38] City of Hayward Library, 2017, http://www.haywardlibrary.org/, accessed on September 28, 2018.

4.12.4.2 STANDARDS OF SIGNIFICANCE

Implementation of the proposed project would have a significant impact related to library services if, in order to maintain acceptable service ratios or other performance objectives, the proposed project would result in new or physically altered facilities, or the need for new or physically altered facilities, the construction or operation of which could cause significant environmental impacts.

4.12.4.3 IMPACT DISCUSSION

PS-4	**The proposed project would not result in the need for new or physically altered public facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, or other performance objectives.**

Potential future development under the proposed Specific Plan could generate up to 3,427 new residential units which equates to 7,539 new residents. Buildout of the proposed Specific Plan Area would occur over a 25-year buildout horizon, which would result in a gradual increase in demand for library services. Given that increased use of library facilities would be gradual, the additional new library users in the Specific Plan Area would not likely cause or accelerate the need for facility expansion. This, combined with the construction of the Hayward 21st Century Library and Heritage Plaza, library facilities in the City of Hayward would be adequate to accommodate the growing population within the Specific Plan Area and citywide. Therefore, the impact to library facilities is expected to be *less than significant*.

Significance without Mitigation: Less than significant.

4.12.5 PARKS AND RECREATIONAL FACILITIES

4.12.5.1 ENVIRONMENTAL SETTING

Regulatory Framework

State Regulations

The Quimby Act

The Quimby Act of 1975 authorizes cities and counties to pass ordinances requiring developers to set aside land, donate conservation easements or pay fees for park improvements. The Quimby Act sets a standard park space to population ratio of up to 3 acres of park space per 1,000 persons. Cities with a ratio of higher than 3 acres per 1,000 persons can set a standard of up to 5 acres per 1,000 persons for new development.[39] The calculation of a city's park space to population ratio is based on a comparison of the population count of the last federal census to the amount of city-owned parkland. A 1982

[39] California Government Code Section 66477, California Department of Parks and Recreation website, *Quimby Act 101: An Abbreviated Overview,* http://www.parks.ca.gov/pages/795/files/quimby101.pdf, accessed on February 1, 2018.

amendment (AB 1600) requires agencies to clearly show a reasonable relationship between the public need for a recreation facility or park land, and the type of development project upon which the fee is imposed.

Local Regulations

Looking Forward Hayward 2040 General Plan

The Community Health and Quality of Life (HQL) element of the 2040 General Plan includes goals and policies relevant to parks and recreation. As described in the General Plan EIR, in most cases, no one goal, policy, or implementation program itself is expected to completely avoid or reduce an identified potential environmental impact.[40] However, the collective, cumulative mitigating benefits of the policies listed below are intended to reduce parks and recreation- related impacts. Specific goals and policies are described in Section 4.12.5.3, Impact Discussion, to demonstrate how the policy would avoid or reduce the impact.

The following goals and policies are relevant to the analysis of potential parks and recreation impacts within the Specific Plan Area:

- Goal HQL-10: Create and support a diverse public park system, connecting trails, and recreation facilities suited to the needs of Hayward residents and visitors.
  - 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:
    - 2 acres of local parks,
    - 2 acres of school parks,
    - 3 acres of regional parks,
    - 1 mile of trails and linear parks, and
    - 5 acres of parks district-wide.
  - Policy HQL-10.4 Urban Infill Parks: The City shall, for development in urban infill areas where traditional neighborhood and community parks are not feasible or appropriate, work with HARD and developers to produce creative and flexible solutions for creating new urban parks, such as plazas and rooftop gardens.
  - Policy HQL-10.5 Neighborhood Focal Points: The City shall require that neighborhood parks be integrated into, and be focal points of new residential neighborhoods.
  - Policy HQL-10.6 Parks and Buffers: The City shall consider the use of parks and recreational corridors as buffers between incompatible land uses.
  - 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.

[40] City of Hayward, 2014, City of Hayward 2040 General Plan certified EIR, State Clearinghouse Number 2013082015.

Hayward Municipal Code

HMC Chapter 10, Article 16, Property Developers – Obligations for Parks and Recreation, sets parkland dedication and Quimby fees standards. The City's current parkland dedication requirement is 604 square feet per multifamily unit. The current park dedication fee requirement is $9,653 per multifamily unit. These fees are subject to change of the 20-year buildout horizon of the proposed Specific Plan, and future developers would be required to pay the amount that is current at the time of the future development.

Existing Conditions

The following information is taken in part from the *Existing Conditions and Opportunities Analysis* prepared for the Specific Plan Area. This report is included as Appendix B of this Draft EIR.

The Hayward Area Recreation and Park District (HARD) and the East Bay Regional Park District provide parks and recreation services in the city of Hayward. HARD operates 57 parks within the city limit and provides 159.85 acres of local parkland, 36.71 acres of school parks, 91.74 acres of community parkland, 271.29 acres of districtwide parkland, 1,627 acres of regional parkland, and 145.70 acres of open space, trails, and linear parkland. Altogether there are over 11,000 acres of parks and open space within or immediately adjacent to the city of Hayward.[41]

At the time of the preparation of the General Plan EIR, the following standards for parkland within Hayward to 1,000 Hayward residents were as follows:

- 1.02 acres of local parkland per 1,000 residents (standard is 2 acres per 1,000 residents)
- 1.09 acres of school parkland per 1,000 residents (standard is 2 acres per 1,000 residents)
- 2.06 acres of districtwide parkland per 1,000 residents (standard is 3 acres per 1,000 residents)
- 33.75 acres of regional parkland per 1,000 residents (standard is 5 acres per 1,000 residents)[42]

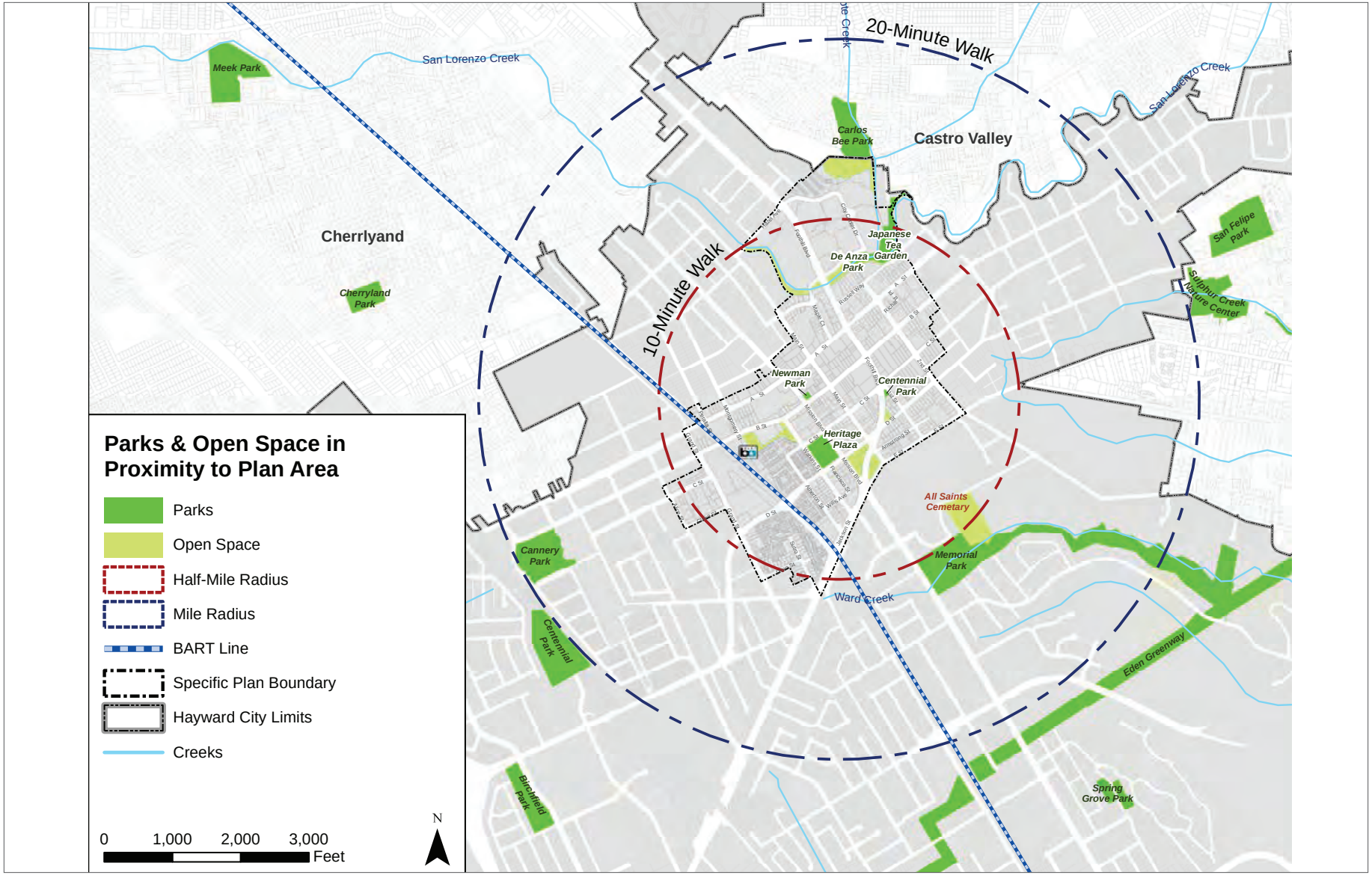
Therefore, under these conditions, the City was not meeting its park standards for local, school, and districtwide parkland, but was exceeding its regional parkland standard.

There are 6.2 acres of dedicated parkland in the Specific Plan Area, and when combined with the parks and open space within 1 mile of the Specific Plan Area as listed below, and shown on Figure 4.12-1, there are a combined total of about 67acres within walking distance of the Specific Plan Area:

- The Japanese Garden. Located between Coyote and San Lorenzo Creeks, in the north end of the Specific Plan Area, this park is 3.5 acres and the largest park in the Specific Plan Area. This park makes up a portion of the 4.4-acre Special Use Facility, along with the Hayward Area Senior Center and the Douglass Morrison Theater, which lay just outside of the Specific Plan Area. These Special Use Facilities are operated by HARD. An additional 1.5 acres of open space extends along San Lorenzo Creek from the Japanese Gardens to Foothill Boulevard, which also includes De Anza Park.

[41] City of Hayward, 2014, Hayward 2040 General Plan Background Report, Chapter 6, Community Health and Quality of Life, page 6-21.

[42] City of Hayward, 2014, City of Hayward 2040 General Plan certified EIR, State Clearinghouse Number 2013082015.



Source: City of Hayward, Downtown Specific Plan, Public Review Draft, 2019.

Figure 4.12-1
Parks and Open Space in Proximity to Plan Area

- Carlos Bee Park. Located in the north end of the Specific Plan Area adjacent to the Japanese Garden, this park is 6.9 acres.
- Newman Park. Located in the center of Specific Plan Area by City Hall at the northern corner of Mission Boulevard and B Street, this park is 0.18 acres.
- Centennial Park. Located southwest of the Specific Plan Area between Martin Luther King Drive and Amador Street, this park is 11.63 acres.
- Cannery Park. Adjacent to Burbank Elementary School, Cannery Park is also north of Centennial Park, and just east of the Hayward Amtrak station, this park is 8.91 acres.
- Memorial Park. Located along Ward Creek just south of the Specific Plan Area, this is the largest park near the Specific Plan Area covers and is 34.5 acres.

As of 2018 the population of Downtown Hayward was estimated to be 4,968 residents,[43] which translates to 13.59 acres of parks per 1,000 residents when counting local parks and open space areas within 1 mile of the Specific Plan Area.[44]

Additional open space in the Specific Plan Area includes the creekside areas around San Lorenzo Creek and Coyote Creek, although these areas currently have safety and accessibility concerns. There is additional open space immediately adjacent to City Hall, at the northern corner of Foothill Boulevard and D Street, and at the Foothill Boulevard/Mission Boulevard/Jackson Street "Five Flags" intersection, which currently serves as a gateway to the Loop. While these areas provide open space to the Specific Plan Area, they may not count towards the required park acreage as outlined by HARD, which states that non-traditional parklands can only count towards the requirement if they provide some form of recreational value, which may include amenities such as bicycle paths, pedestrian walkways, and picnic areas.

4.12.5.2 STANDARDS OF SIGNIFICANCE

Implementation of the proposed project would have a significant impact related to parks if it would:

1. Result in new or physically altered park facilities, or the need for new or physically altered facilities, the construction or operation of which could cause significant environmental impacts, in order to maintain acceptable service ratios or other performance objectives for parks and recreational facilities.
2. 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.
3. Include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment.

[43] Applies 3.5 persons per household (pph) for 115 existing single-family units and 2.2 pph per 2,075 existing multi-family units pursuant to Association of Bay Area Government's population generation rates applied in the traffic impact analysis for the proposed project (see Appendix E of this Draft EIR).

[44] Acreage was calculated by (67.12 acres of parkland/existing residents 4.968) = 13.51 acres per 1,000 residents.

4.12.5.3 IMPACT DISCUSSION

PS-5	**Implementation of the proposed project would not result in the need for new or physically altered park facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, or other performance objectives.**

Implementation of the proposed Specific Plan would have a significant impact if it would result in substantial adverse physical impacts associated with the provision of new or physically altered parks and recreational facilities in order to maintain the City's adopted ratios of acres of parkland per 1,000 residents per Policy HQL-10.2. As described in Section 4.12.5.1 under Existing Conditions, at the time of the General Plan EIR in 2012, and applying the required parkland-to-resident ratios established in Policy HQL-10.2, the City was not meeting the park standards for local, school, and districtwide parkland, but was exceeding its regional parkland standard. Accordingly, the implementation of the proposed project would continue this trend. However, future projects under the proposed Specific Plan, like other new development citywide, would be required to comply with the City's standards in HMC Chapter 10, Article 16, Property Developers – Obligations for Parks and Recreation, which sets parkland dedication and Quimby fees standards to ensure future development provide their fair-share of parks to help meet the City's park standards.

Additionally, future development would also be required to comply with General Plan policies described above in Section 4.12.1.1, Regulatory Framework, as applicable, that require local planning and development decisions to consider impacts to public service, including police services. Specifically, Policy HQL-10.4 requires the City to work with HARD and developers to produce creative and flexible solutions for creating new urban parks, such as plazas and rooftop gardens for development in urban infill areas where traditional neighborhood and community parks are not feasible or appropriate.

Key objectives of the proposed project are to integrate public open spaces and delineate an inclusive multimodal circulation system. The proposed Specific Plan is intended to contribute to active, healthy lifestyles by preserving existing parks and open spaces and prioritizing opportunities for new public and private open spaces to provide residents and visitor opportunities for active and passive recreation. Implementation of the proposed Specific Plan would also include up to 4.25 acres of open space coming from the Foothill and Mission Boulevard opportunity site, as well as the new pedestrian plaza at the Hayward BART station. The proposed project also include civic and open space improvements that would include: small, pedestrian-scaled pocket plazas and pocket parks for green relief and informal gathering spaces; programming activities for public spaces in Downtown to help activate parks and plazas; permanent facilities for the Hayward Farmer's Market; transform portions of parcels along the Hayward Fault that are unsuitable for structures that could be occupied to linear greenway used as civic space.

The proposed Specific Plan also contains goals, policies, and programs that also require local planning and development decisions to consider impacts related to open space and parks from development in the Specific Plan Area, and provide guidance for where to locate both indoor and outdoor recreational opportunities in potential future development. The following Specific Plan programs would serve to ensure the City continues to advance in its efforts to meet the parkland standards of the General Plan:

- Goal 1 Land Use (LU): Downtown is transformed into a vibrant, walkable City center that serves as a regional destination to play, work, and live for City residents, neighboring communities, and local college students.
  - Program LU 2: Update zoning regulations to allow temporary uses such as temporary structures on vacant lots, temporary uses in existing structures, pop-up shops, fruit stands, and mobile businesses, especially in vacant or underutilized spaces (including vacant storefronts) to increase small-scale business opportunities and to temporarily fill gaps in the urban fabric.
  - Program LU 4: Update zoning regulations to modernize land use regulations and allow uses consistent with the vision for Downtown; such as neighborhood and regional serving retail, destination dining, entertainment, and indoor recreation that serve a diverse population including students, families, seniors, creative class professionals, and artists.
  - Program LU 6: Remap the following Land Use Designations within the Plan Area to the City Center-Retail and Office Commercial Land Use Designation to implementation the Specific Plan Vision:
    1. Commercial/High Density Residential;
    2. Medium Density Residential;
    3. Parks and Recreation (between Mission Boulevard and A Street); and
    4. Sustainable Mixed Use.
  - Program LU 16: Publicize Downtown attractions, existing community events, such as the farmer's market and Third Thursday Summer Street Party, to residents, potential visitors, and business prospects, and new community events, for example, movie nights, art walks, craft fairs, car shows, and holiday festivals.
  - Program LU 17: Collaborate with local artists and arts organizations in support of efforts to encourage indoor and outdoor art exhibits in Plan Area galleries, vacant storefronts, City Hall, and public places.
- Goal 2 Community Design (CD): Downtown is a beautiful, safe, and high-quality pedestrian-oriented environment for all ages to enjoy day or night, with sufficient and attractive lighting, sidewalk amenities, landscaping, and inviting ground floor frontages.
  - Policy CD 1 Pedestrian-Oriented Design. Require best practices in pedestrian-oriented building and streetscape design to create an attractive and comfortable walking experience.
  - Policy CD 4 Parks and Open Spaces: Provide a safe, well-connected, and maintained series of parks, plazas, and other outdoor public spaces that support public life and contribute to the revitalization of Downtown.
  - Policy CD 5 Healthier Lifestyles: Foster healthy lifestyles through creation of complete communities with active transportation alternatives and access to diverse food and recreation options.
    - Program CD 3: Modify zoning standards to require new public or private open space, depending on the type and size of the project. The Hayward Development Services-Planning Division would be responsible for implementing this program.

- Program CD 4: Create new development and design regulations for open space of all sizes, including pocket parks, plazas, and community gardens, to ensure new open space can support active and passive recreational uses for users of all ages and abilities. The Hayward Development Services-Planning Division would be responsible for implementing this program.
- Program CD 5: Modify zoning regulations to allow for urban agriculture and community gardens in appropriate open-space and/ or temporarily on vacant lots. The Hayward Development Services-Planning Division would be responsible for implementing this program.
- Program CD 6: Require large development sites to include internal connectivity and pedestrian passages through new site development standards. The Hayward Development Services-Planning Division would be responsible for implementing this program.
- Program CD 10: Provide educational opportunities for growing, preparing, and selling local food products including cottage food products.
- Program CD 17: Repurpose underutilized street right-of way as a new linear park along the Alquist-Priolo Fault Zone at the "Five Flags" intersection as a new linear park. The Hayward Development Services-Planning Division and Public Works would be responsible for implementing this program.
- Program CD 19: Promote temporary events (such as art walks and other vendors) to draw more people Downtown and enliven the streetscape.
- Program CD 15: Continue working with HARD to improve access to the San Lorenzo Creek and prioritize building a creekside trail and bicycle pathway to link the creek to the Hayward Hills ridge trails. The Hayward Development Services-Planning Division and Public Works would be responsible for implementing this program.
- Program CD 22: Preserve open space through the OS zone. The Hayward Development Services-Planning Division would be responsible for implementing this program.
- Program CD 20: Encourage Farmer's Markets and Intermittent Food Truck Fairs to promote access to local produce and healthy food.
- Program CD 10: Provide educational opportunities for growing, preparing, and selling local food products including cottage food products.

- Goal 4 Circulation (C): The public right-of-way is recognized as the backbone of the public realm and Downtown streets are comfortable for people walking and bicycling, efficient and convenient for people taking transit, and accommodating to people driving automobiles at a posted speed limits.
  - Program C 1: Support safer routes to schools and parks by providing increased signage, lighting, landscaping, and pedestrian connections around schools and parks.
- Goal 6 Economic Development (ED): Downtown capitalizes in its location in the region, leverages its amenities, and captures more sales tax revenue to become a national model for the revitalization of mid-size cities.
  - Policy ED 4 Infrastructure and Utility Delivery: Ensure efficient delivery of infrastructure and utilities in the Plan Area to achieve buildout in a cost-effective manner and to support economic development.

- Program ED 8: Develop a program aimed to support the funding and/or provision of short-term, low cost infrastructure improvements through the use of "crowdfunding" platforms, such as "KickStarter", and tactical urbanism techniques, such as temporary parklets.
- Program ED 9: Establish grants, programs, and incentives in support of temporary urbanism.
- Program ED 11: Develop an incentives program that encourages private development to contribute to public amenities that serve a broader area than the development site, such as parkland, stormwater infrastructure, and streetscape improvements beyond the minimum requirement.

- Goal 7 Infrastructure and Public Facilities (IPF): Public services, community facilities, and utility systems are well maintained, implement citywide climate change policies, and meet the needs of current and future Downtown residents, businesses, and visitors.
  - Program IPF 7: Plan and construct new public restrooms in public parks and open-space, streets with a high-level of pedestrian activity, and community centers throughout the Plan Area.
  - Program IPF 11: Develop a maintenance program to ensure that new public restrooms are well maintained and consistently cleaned.

Overall, the proposed project would result in development increases in the Specific Plan Area and the city that would increase population, and subsequently the demand to parks and recreation facilities throughout the city. However, because buildout would occur incrementally throughout the 20-year horizon, and future development would be subject to comply with the HMC requirements that would ensure that future development provides their fair-share of parks to help meet the City's target for parkland acres to residents, and compliance with General Plan policies and implementation of the proposed Specific Plan features listed above impacts would be *less than significant.*

Significance without Mitigation: Less than significant.

PS-6 Implementation of the proposed project would 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.

Implementation of the proposed Specific Plan would result in a significant impact if development allowed by the Specific Plan would increase the use of existing neighborhood and regional parks or other recreational facilities, such that substantial deterioration of the facility would occur or be accelerated. New residents and employees that would be generated by development allowed by the proposed Specific Plan would use existing local and regional parks and recreational facilities. However, given the wide range of parks and recreational facilities available for public use in Hayward and the surrounding area, the population and employment growth anticipated with the proposed Specific Plan would not be expected to increase the use of recreational facilities to the extent that substantial deterioration would occur. As previously described, in Section 4.12.5.1, Environmental Setting, there are 6.2 acres of dedicated parkland in the Specific Plan Area and when combined with the parks and open space within 1 mile, there are a

combined total of about 67.52 acres within walking distance of the Specific Plan Area. Moreover, continued implementation of the parkland dedication requirements of the HMC would ensure that existing parks or public facilities are well-maintained and improved as needed. Consequently, the proposed Specific Plan would not result in substantial physical deterioration of existing neighborhood and regional parks or other recreational facilities, and a *less than significant* impact would occur.

Significance without Mitigation: Less than significant.

PS-7 The proposed project would include recreational facilities and would not require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment.

As indicated in impact discussion PS-5 and PS-6 above, the proposed project would introduce new park and open space features in the Specific Plan Area and future development in the Specific Plan Area would be required to comply with the parkland dedication requirements of the HMC to ensure that existing parks or public facilities are well-maintained and improved as needed. The new residents from development allowed by the proposed Specific Plan would increase the demand for recreational facilities, and recreational facility standards would require the construction of new or expanded recreation facilities. It is not known at what time or location such facilities would be required or what the exact nature of these facilities would be, so it cannot be determined what project-specific environmental impacts would occur from their construction and operation. However, such impacts would be project-specific, and would require permitting and review in accordance with CEQA, as necessary, which would ensure that any environmental impacts are disclosed and mitigated to the extent possible. This EIR is a programmatic document and does not evaluate the environmental impacts of any project-specific development. Therefore, the impact is *less than significant*.

Significance without Mitigation: Less than significant.

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4.13 TRANSPORTATION

This chapter describes the existing transportation and circulation network in the Specific Plan Area and evaluates the potential environmental consequences of future development that could occur by adopting and implementing the proposed project. This chapter provides a summary of the relevant regulatory setting necessary to evaluate potential environmental impacts resulting from the proposed project, describes potential impacts, and discusses existing and proposed goals, policies, and implementation programs and zoning regulations that would avoid or reduce those potential impacts.

The analysis in this chapter is based in part on the *Hayward Downtown Specific Plan Traffic Impact Analysis*, prepared by Kittelson & Associates, Inc. on October 2018. A complete copy of this traffic study is included in Appendix E, Transportation and Circulation Data, of this Draft EIR.

4.13.1 ENVIRONMENTAL SETTING

4.13.1.1 REGULATORY FRAMEWORK

This section summarizes applicable local and municipal plans and regulations that apply to the Specific Plan Area. This information provides a context for the impact discussion related to the proposed Specific Plan consistency with applicable policies, plans, laws and regulations.

Federal Regulations

The Unites States Department of Transportation (USDOT) provides a number of grant programs, primarily for the construction and upgrading of major highways and transit facilities. Many of these grants are administered by the State and regional governments. Use of federal grant funding also invokes the National Environmental Protection Act in some cases. The Federal Highway Administration sets design standards (such as interchange spacing) for interstate highways, such as Interstate 880 (I-880). The Federal Railroad Administration within the USDOT establishes safety rules regarding the operation of railroads (e.g., maximum train speeds, maximum allowed highway crossing blockage time).

State Regulations

The California Department of Transportation (Caltrans) has jurisdiction over state highways in the Planning Area. Caltrans constructs and maintains all State highways and sets design standards that are often copied by local government. The Metropolitan Transportation Commission (MTC) is the State-designated metropolitan planning organization for the nine-county San Francisco Bay Area; it has authority for regional planning, distributing and administering federal and State funds for all modes of transportation, and assuring that projects are consistent with the Regional Transportation Plan.

Caltrans Authority of the State Highway System

Caltrans is responsible for planning, design, construction and maintenance of all interstate freeways and State routes. It sets design standards that are often used by local governments. Caltrans requirements are described in their *Guide for Preparation of Traffic Impact Studies,*[1] which covers the information needed for Caltrans to review the impacts to State highway facilities, including freeway and arterial segments, on- and off-ramps, and signalized intersections.

Caltrans builds, maintains, and operates the State Highway system in California with a goal to allow for the safe and efficient use of the State transportation system for all users. Caltrans has set standards for the operational goals of its facilities pertaining to intersection, arterial segment, and freeway segment level of service (LOS). These standards are set forth in the *Caltrans Guide for the Preparation of Traffic Impact Studies*. This document establishes procedures to uniformly review the operational standards of Caltrans-maintained facilities in terms of measures of effectiveness.

Statewide Transportation Improvement Plan

The Statewide Transportation Improvement Plan (STIP) is a capital improvement program that plans transportation projects related to state facilities in California for the next five years. The program is updated every two years with new construction projects as more funding is provided. The California Transportation Commission approves the fund estimate and then Caltrans and regional planning agencies submit plans for transportation improvement projects. If the projects are programmed in the STIP, then relevant agencies can begin the implementation process.

California's Complete Streets Law

The Complete Streets Law (Assembly Bill (AB) 1358) requires that cities include the needs of all users, including bicyclists and pedestrians, when updating local general plans. Caltrans specifically adopted Deputy Directive 64, which addresses the needs of people of all ages and abilities concerning transportation planning. It also recognizes that transportation improvement projects are opportunities to improve safety, access, and mobility for motorists, bicyclists, pedestrians, and transit users. The *Complete Streets Implementation Action Plan*[2] provides an overview of the program.

Senate Bill 743

On September 27, 2013, Senate Bill (SB) 743 was signed into law. The Legislature found that with the adoption of the Sustainable Communities and Climate Protection Act of 2008 (SB 375), the State had signaled its commitment to encourage land use and transportation planning decisions and investments that reduce vehicle miles traveled (VMT) and thereby contribute to the reduction of greenhouse gas emissions (GHG), as required by the California Global Warming Solutions Act of 2006 (AB 32). Additionally, the Complete Streets Act (AB 1358), requires local governments to plan for a balanced, multimodal transportation network that meets the needs of all users. To further the State's commitment to the goals

[1] Caltrans, December 2002, *Guide for the Preparation of Traffic Impact Studies*.
[2] Caltrans, February 2010, *Complete Streets Implementation Action Plan*.

of SB 375, AB 32 and AB 1358, SB 743 adds Chapter 2.7, Modernization of Transportation Analysis for Transit-Oriented Infill Projects, to Division 13 (Section 21099) of the Public Resources Code.

SB 743 started a process that could fundamentally change transportation impact analysis as part of CEQA compliance. These changes will include the elimination of auto delay, level of service, and other similar measures of vehicular capacity or traffic congestion as a basis for determining significant impacts in many parts of California (if not statewide). Further, parking impacts will not be considered significant impacts on the environment for select development projects within infill areas with nearby frequent transit service. SB 743 includes amendments that revises the definition of "in-fill opportunity zones" to allow cities and counties to opt out of traditional level-of-service standards established by congestion management programs (CMPs) and requires OPR to update the CEQA Guidelines and establish "criteria for determining the significance of transportation impacts of projects within transit priority areas. As part of the new CEQA Guidelines, the new criteria "shall promote the reduction of greenhouse gas emissions, the development of multimodal transportation networks, and a diversity of land uses." Key guidance from OPR includes the following:

- VMT is the most appropriate metric to evaluate a project's transportation impact.
- OPR recommends tour- and trip-based travel models to estimate VMT, but ultimately defers to local agencies to determine the appropriate tools.
- OPR recommends measuring VMT for residential and office projects on a "per rate" basis. Specifically, OPR recommends VMT per capita for residential projects and VMT per employee for office projects.
- OPR's recommended impact threshold for residential and office projects is VMT per capita 15 percent below the city or regional average (whichever is applied). In other words, an office project that generates VMT per employee that is more than 85 percent of the regional VMT per employee could result in a significant impact. This threshold is in line with statewide greenhouse gas emission reduction targets.
- For retail projects, OPR recommends measuring the net decrease or increase in VMT in the Specific Plan Area with and without the project. The recommended impact threshold is any increase in total VMT.
- Lead agencies ultimately have the discretion to set or apply their own significance thresholds, provided they are based on significant evidence.
- Cities and counties still have the ability to use metrics such as level of service for other plans, studies, or network monitoring. However, level of service and similar metrics cannot constitute the sole basis for CEQA impacts.

OPR's guidelines are undergoing final rulemaking and review through the Natural Resource Agency and the Office of Administrative Law is the guidelines are currently being processed by the Office of Administrative Law for final implementation. Once the new rules are adopted in December 2018 or early 2019, cities and other agencies will have an opt-in period until July 1, 2020 before SB 743 compliant CEQA analysis becomes mandatory statewide.

Local Regulations

Metropolitan Transportation Commission

The Metropolitan Transportation Commission (MTC) is designated by the State as the regional transportation planning agency for the nine-county San Francisco Bay Area. MTC is responsible for updating the Regional Transportation Plan (RTP), which plans the future transit, highway, roadway, railroad, bicycle and pedestrian facilities. MTC portions out federal funding to local agencies for transportation projects and determines their compliance with the Regional Transportation Plan.

Regional Transportation Plan and Sustainable Communities Strategy

MTC recently updated its RTP which was adopted by ABAG and MTC in July 2017. This new plan, 2040 *Plan Bay Area*,[3] specifies how future transportation spending will occur through 2040. The new plan incorporates a California mandated Sustainable Communities Strategy. It also focuses on reducing greenhouse gas emissions as it relates to transportation, per the requirements set out in the California Sustainable Communities and Climate Protection Act of 2008. Part of this effort includes the goal to increase non-auto mode share. Other main transportation goals of the plan include reducing vehicle operating and maintenance costs due to pavement conditions and reduce per-rider transit delay due to aged infrastructure.

Transit-Oriented Development and Complete Streets Policies

MTC adopted Resolution 3434 in July 2005, which discusses its policy on transit-oriented development (TOD) for regional transit expansion projects. The goal of the policy is to improve the cost-benefits of transit expansions by ensuring those transportation agencies, local jurisdictions, and the public work together. The plan will specify corridor-level thresholds to determine minimum residential and commercial development adjacent to transit stations. The plan will also address key issues within TOD's, such as land use changes, access improvements, circulation improvements, and multi-modal design features.

MTC adopted Resolution 3765 in 2006 which states that future projects consider bicycle and pedestrian needs. Associated with this is a Routine Accommodation checklist, which developers must complete at the beginning stages of the project to ensure that all transportation modes have been accommodated for.

MTC adopted Resolution 4202 in 2015, which outlines project selection policies and project programming for the One Bay Area Grant program (OBAG 2). OBAG 2 dedicates funds to support Plan Bay Area, including Priority Development Area (PDA) Planning and Implementation. PDAs are places identified by Bay Area communities as areas for investment, new homes and job growth. The Bay Fair BART Transit Village is designated as a potential Transit Town Center PDA by the Association of Bay Area Governments (ABAG) as of July 2017.

[3] Metropolitan Transportation Commission and Association of Bay Area Governments, 2017, *Plan Bay Area* 2040 Plan.

Bay Area Rapid Transit District

Bay Area Rapid Transit District (BART) provides regional access throughout the Bay Area. BART trains provide direct access between Contra Costa County, Alameda County, San Francisco County, and San Mateo County. Within the Specific Plan Area the Downtown Hayward BART station provides access to residents, businesses, and visitors.

BART is in the process of developing design guidelines and recommended standards for planning for pedestrian, bicycle, transit, and vehicle access within BART's stations areas. The *Multimodal Access Design Guidelines*[4] focus on design elements that create a safe and comfortable experience for station area users, prioritizing human activity.

BART developed guidelines for planning and development around BART stations in May 2017. These guidelines refer to several policies and principles, including BART's *Transit-Oriented Development Guidelines*.[5] It established BART's priorities for TOD on and near BART property and presents recommendations during the planning and development process.

BART adopted the BART Station Access Policy[6] in June 2016. This policy describes the process to which BART patrons arrive at the BART station and leave to their final destinations. The policy is meant to incorporate planning of the user's entire journey with partnering of local agencies to make the transition from BART to the final destination a smooth transition. It establishes an investment framework regarding walking, bicycling, transit, drop-off and pick-up, taxi, and parking based on station type.

BART prepared a policy[7] on replacing BART parking in 2005 to address the growing issues that BART will face in the future to meet user demands. Ridership is expected to grow for BART in the coming years, which will require additional parking. TOD also creates new issues to portioning out available land adjacent to BART stations. This policy provides guidelines on how to address the issues, a methodology for access and replacement parking analysis, and sample case studies. These policies will help to govern the redevelopment of the Bay Fair BART station site.

Alameda County Transportation Commission

The Alameda County Transportation Commission (ACTC) coordinates transportation planning efforts throughout Alameda County and programs local, regional, State and federal funding for project implementation. It prepares the CMP, a program mandated by California law to describe the strategies to address congestion problems on the CMP network, which includes state highways and principal arterials. The CMP requires analysis of Metropolitan Transportation System (MTS) roadway and transit system and uses level-of-service standards as a means to measure congestion and has established level-of-service standards to determine how local governments meet the standards of the CMP.

[4] Nelson/Nygaard Consulting Associates and Fehr & Peers, July 2017, B*ART Multimodal Access Design Guidelines*.
[5] Economic & Planning Systems and Nelson/Nygaard Consulting Associates, May 2017, BART Transit-Oriented Development Guidelines.
[6] BART Station Access Policy, June 2016.
[7] Richard Wilson, April 2005, Replacement Parking for Joint Development: An Access Policy Methodology.

ACTC is the governing agency for the oversight on transportation projects and planning in Alameda County. These projects improve the highway corridors, arterial street network, public transit, and pedestrian and bicycle facilities. Long-range planning is outlined in the Alameda Countywide Transportation Plan (CWTP),[8] which looks at a 25-year horizon for the Alameda County transportation system. The ACTC also develops the *Transportation Expenditure Plan*[9] to allocate necessary funding for future capital projects. The Alameda CWTP states the main goals are for the transportation system to be:

- Multimodal
- Accessible, affordable, and equitable for people of all ages, incomes, abilities, and geographies
- Integrated with land use patterns and local decision-making
- Connected across the county, within and across the network of streets, highways and transit, bicycle and pedestrian routes
- Reliable and efficient
- Cost effective.
- Well maintained
- Safe
- Supportive of a healthy and clean environment

Alameda County Congestion Management Program

The Alameda County Congestion Management Program (CMP) specifically lays out the strategies to implement the CWTP. The CMP[10] is updated every two years and sets guidelines on level-of-service standards, analysis of land uses on the transportation network, managing the transportation demand, and developing a seven-year Capital Improvement Program (CIP). The program also develops a travel demand model to assess the future impacts in the Cumulative year.

California Public Utilities Commission

California Public Utilities Commission (CPUC) has regulatory oversight authority over a number of design and operational aspects of railroads and at-grade highway crossings in the state. CPUC also administers a limited fund for constructing highway/rail grade separations.

Hayward Municipal Code

The City of Hayward is the local agency with discretion of the growth near the Downtown Specific Plan. The City has a General Plan that outlines the goals for future sustainable growth and the City of Hayward Municipal code enforces the rules and regulations. With the exception of State highways that are under Caltrans' jurisdiction, streets in the Specific Plan Area are generally under the jurisdiction of the City of Hayward.

[8] Nelson/Nygaard Consulting Associates, July 2016, *Alameda Countywide Transportation Plan*.
[9] Alameda CTC, January 2014, *2014 Alameda County Transportation Expenditure Plan*.
[10] Alameda CTC, October 2015, *Congestion Management Plan 2015*.

Looking Forward Hayward 2040 General Plan

The City of Hayward 2040 General Plan, adopted in July 2014, includes goals, policies, and programs intended to avoid or reduce impacts on transportation and circulation in the Mobility (M) Element. As described in the General Plan EIR, in most cases, no one goal, policy, or implementation program itself is expected to completely avoid or reduce an identified potential environmental impact.[11] However, the collective, cumulative mitigating benefits of the policies listed below are intended to reduce GHG-related impacts.[12] Specific goals and policies are described in Section 4.6.3, Impact Discussion, to demonstrate how the policy would avoid or reduce the impact.

Goal M-1: Provide a comprehensive, integrated, and connected network of transportation facilities and services for all modes of travel.

- 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 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 areas, 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 Level-of-Service Standards: The City shall consider flexible level-of-service 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,

[11] City of Hayward, 2014, July, certified City of Hayward 2040 General Plan EIR, State Clearinghouse Number 2013082015.

[12] Please see Table 10.4, Proposed Hayward General Plan Policies to Reduce Greenhouse Gas Emissions, of the Hayward 2040 General Plan Draft EIR for a more comprehensive list of policies that would contribute in reducing GHG emissions. Table 10.4 has been reproduced and included in Appendix C of this Draft EIR.

increasing transit access in underserved areas, and removing natural and man-made barriers to accessibility and connectivity.

- Policy M-1.8 Transportation Choices: The City shall provide leadership in educating the community about the availability and benefits of using alternative transportation modes.

Goal M-2: Connect Hayward to regional and adjacent communities' transportation networks and reduce the impacts of regional through traffic in Hayward.

- Policy M-2.1 Regional Coordination: The City shall continue to coordinate its transportation planning with regional agencies (Caltrans, Metropolitan Transportation Commission, and Alameda County Transportation Commission) and adjoining jurisdictions.
- Policy 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.
- Policy M-2.3 Multi-Jurisdictional Transportation Corridors: The City shall work with the Metropolitan Transportation Commission, Caltrans, BART, AC Transit, and adjacent communities to improve city roadways, pedestrian ways, bicycle facilities, and transit corridors to connect with neighboring and regional transportation networks and contribute to a regional multimodal transportation system.
- Policy M-2.4 Regional Transit Options: The City shall work with adjacent communities, AC Transit, BART, and Amtrak to assess transit options and provide facilities and services that efficiently move local and regional transit riders through Hayward.
- Policy 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.

Goal M-3: Provide complete streets that balance the diverse needs of users of the public right-of-way.

- 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-3.3 Balancing Needs: The City shall balance the needs of all travel modes when planning transportation improvements and managing transportation use in the public right-of-way.
- Policy M-3.4 Routine Practice: The City shall continue to work towards making complete streets practices (e.g., considering and accommodating all users and all modes within the appropriate context) a routine part of everyday transportation decision-making.
- Policy M-3.5 All Projects and Phases: The City shall incorporate appropriate complete streets infrastructure into transportation planning, funding, design, approval, and implementation processes and projects.

- 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-3.7 Development Review: The City shall consider the needs of all transportation users in the review of development proposals to ensure on-site and off-site transportation facility improvements complement existing and planned land uses.
- Policy M-3.8 Connections with New Developments: 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. *[Source: New Policy, City Staff] (RDR)*
- 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-3.11 Adequate Street Tree 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-3.12 Americans with Disabilities Act Compliance: The City shall continue to implement the Americans with Disabilities Act when designing, constructing, or improving transportation facilities. *[Source: Existing Policy; modified] (RDR)*

Goal M-4: Enhance and maintain local access and circulation, while protecting neighborhoods from through traffic.

- Policy M-4.1 Traffic Operations: The City shall strive to address traffic operations, including traffic congestion, intersection delays, and travel speeds, while balancing neighborhood safety concerns.
- Policy M-4.2 Roadway Network Development: The City shall develop a roadway network that categorizes streets according to function and type as shown on the Circulation Diagram and considering surrounding land use context.
- 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-4.4 System Management: The City shall encourage alternatives to road construction and expansion (e.g., adaptive signals and coordinated signals) as necessary for improving traffic flows.
- 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-4.6 Transit Arterials: The City shall consider improvements, on arterials with transit service to preserve bus operating speeds.
- Policy M-4.7 Neighborhood Traffic Calming: The City shall continue to evaluate circulation patterns and implement appropriate traffic-calming measures to prevent speeding in neighborhoods.
- Policy M-4.8 Priority Development Areas: The City shall improve access to and circulation within the Downtown City Center, Cannery Transit Neighborhood, South Hayward BART Mixed-Use Corridor and Urban Neighborhood, and Mission Boulevard Mixed-Use Corridor Priority Development Areas, consistent with adopted plans.

Goal M-5: Provide a universally accessible, safe, convenient, and integrated pedestrian system that promotes walking.

- 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-5.3 Access to Transit: The City shall enhance and maintain sidewalk and other pedestrian improvements for access to key transit stops and stations for seniors and other persons with special needs.
- 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-5.6 Safe Pedestrian Crossings: The City shall strive to improve pedestrian safety at intersections and mid-block locations by providing safe, well-marked pedestrian crossings, bulb-outs, or median refuges that reduce crossing widths, and/or audio sound warnings.
- 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. *[Source: New Policy, City Staff] (RDR)*
- Policy M-5.8 Parking Facility Design: The City shall ensure that new automobile parking facilities are designed to facilitate safe and convenient pedestrian access, including clearly defined internal corridors and walkways connecting parking areas with buildings and adjacent sidewalks and transit stops and adequate lighting.

Goal M-6: Create and maintain a safe, comprehensive, and integrated bicycle system and support facilities throughout the city that encourage bicycling that is accessible to all.

- Policy M-6.1 Bikeway System: The City shall maintain and implement the Hayward Bicycle Master Plan.
- 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-6.3 Appropriate Bikeway Facilities: The City shall provide bikeway facilities that are appropriate to the street classifications and type, traffic volume, and speed on all right-of-ways.
- Policy M-6.4 Bicycle on Transit: The City shall encourage AC Transit and BART to expand access to cyclists, including providing bike racks on buses and trains and secure bicycle parking at transit stations and stops.
- 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-6.6 Bike Safety for Children: The City shall support infrastructure and programs that encourage children to bike safely to school.
- Policy M-6.7 Conversion of Underused Facilities: The City shall convert underused rights-of-way along travel lanes, drainage canals, and railroad corridors to bikeways wherever desirable and financially feasible.
- Policy M-6.8 Bicycle Wayfinding: The City shall encourage bicycling by providing wayfinding and signage that directs bicyclists to bike routes and to civic places, cultural amenities, and visitor and recreational destinations.

Goal M-7: Improve coordination among public agencies and transit providers to meet public transit needs and provide greater mobility.

- 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-7.2 Agency Coordination: The City shall coordinate with AC Transit, BART, Amtrak and other transit providers to meet the travel needs of Hayward residents, students, visitors, and businesses.
- Policy M-7.3 Transit Service Expansion: The City shall collaborate with BART and AC Transit to expand short- and long-term opportunities to expand services (e.g., extend rapid bus service from Bayfair to the South Hayward BART Station), pursue a hydrogen fueling station for both buses and personal vehicle use, and improve transit stations by expanding amenities at stations.
- Policy M-7.4 Transit Links: The City shall encourage improved transit links from the BART and Amtrak stations to major activity centers within the city (e.g., Downtown, the Industrial Technology and Innovation Corridor, Southland Mall, Chabot College, and California State University East Bay).
- Policy M-7.5 Transit Needs: The City shall work with transit providers to identify transit needs and develop options for providing expanded service to underserved areas in the city.

- 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-7.7 Transit Information: The City shall work with AC Transit to coordinate routes and service times and to post routes and schedules at bus stops.
- Policy M-7.8 Service Disruptions: The City shall advise AC Transit of proposed changes in street networks which may affect bus service.
- 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. (RDR)
- Policy M-7.10 New Facilities: The City shall work with transit providers to incorporate transit facilities into new private development and City project designs including incorporation of transit infrastructure (i.e., electricity, fiber-optic cable, etc.), alignments for transit route extensions, and new station locations.
- Policy M-7.11 Shuttle Service: The City shall evaluate the need for shuttle service citywide and support public and private efforts and activities to bridge gaps in existing transit service.
- Policy M-7.12 Paratransit: The City shall continue to support paratransit services to meet the transportation and mobility needs of all Hayward residents with special needs.
- Policy M-7.13 Taxi Service: The City shall promote the continued operation of taxi services, including the provision of a dedicated taxi stand at the Downtown Hayward BART Station, on-street loading spaces (where appropriate), incremental improvements in gas mileage, and improved access for passengers with disabilities.

Goal M-8: Encourage transportation demand management strategies and programs to reduce vehicular travel, traffic congestion, and parking demand.

- Policy M-8.1 Increase Vehicle Occupancy: The City shall work with a broad range of agencies (e.g., Metropolitan Transportation Commission, BAAQMD, AC Transit, Caltrans) to encourage and support programs that increase vehicle occupancy including the provision of traveler information, shuttles, preferential parking for carpools/vanpools, transit pass subsidies, and other methods.
- Policy M-8.2 Citywide TDM Plan: The City shall maintain and implement a citywide Travel Demand Management Program, which provides a menu of strategies and programs for developers and employers to reduce single-occupant vehicle travel in the city.
- Policy M-8.3 Citywide TDM Plan: The City shall encourage employers to participate in TDM programs (e.g., guaranteed ride home, subsidized transit passes, carpool and vanpool programs) and to participate in or create Transportation Management Associations to reduce parking needs and vehicular travel.
- Policy M-8.4 Automobile Commute Trip Reduction: The City shall encourage employers to provide transit subsidies, bicycle facilities, alternative work schedules, ridesharing, telecommuting and work-at-home programs, employee education, and preferential parking for carpools/vanpools.

- Policy M-8.5 Commuter Benefits Programs: The City shall assist businesses in developing and implementing commuter benefits programs (e.g., offers to provide discounted or subsidized transit passes, emergency ride home programs, participation in commuter rideshare programs, parking cash-out or parking pricing programs, or tax credits for bike commuters).
- Policy M-8.6 Car/Bike Sharing Programs: The City shall assist businesses in developing and implementing car and bike sharing programs, and shall encourage large employers (e.g., colleges, Hayward Unified School District (HUSD)) and the BART stations to host car and bike sharing programs available to the public.
- Policy M-8.7 Public-Private Transportation Partnerships: The City shall encourage public-private transportation partnerships (e.g., car sharing companies) to establish programs and operations within the city to reduce single-occupant vehicle use.
- Policy M-8.8 Regional TDM Programs: The City shall implement the Alameda County Transportation Commission Travel Demand Management Element of the Congestion Management Program, which includes a checklist covering specific TDM strategies that the city could employ as part of its own TDM plan (e.g., preferential parking, car/van pools, casual car pools, subsidized transit passes).
- Policy M-8.9 City Facility Locations: 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.

Goal M-11: Balance the safe and efficient movement of goods with local access and circulation needs.

Goal M-12: Maintain sufficient funding to provide for existing and future transportation facility and service needs, including the operation and maintenance of the transportation system.

- Policy M-12.1 Federal and State Funding: The City shall identify, develop, and prioritize transportation projects to compete for Federal and State funds for freeway, highway, transit, bicycle and pedestrian improvements.
- Policy M-12.2 Regional Funding: The City shall continue to seek funding through regional and county measures for transportation improvements.
- Policy M-12.3 Local Funding Mechanisms: The City shall continue to use local financing mechanisms, such as Measure B, gas tax and the Vehicle Registration Fee, to help fund transportation projects.
- Policy M-12.4 Funding for Alternative Modes: The City shall identify and pursue all available funding for alternative modes of transportation.

Bicycle and Pedestrian Master Plan

The City's *Bicycle Master Plan* (2007) identified opportunities to improve and enhance bicycle facilities in Hayward. Currently, the City is undergoing the Bicycle and Pedestrian Master Plan update, which will build upon the 2007 study and also identify opportunities to improve the pedestrian experience in the city.

The 2007 *Bicycle Master Plan* contains the following goals, accompanied by specific objectives and policies:

- Goal 1: To provide the opportunity for safe, convenient and pleasant bicycle travel throughout all areas of Hayward.
- Goal 2: To provide the related facilities and services necessary to allow bicycle travel to assume a significant role as a local alternative mode of transportation and recreation.
- Goal 3: To encourage the use of bicycle as a pleasant means of travel and recreation embodying physical, environmental and social benefits.

4.13.1.2 EXISTING CONDITIONS

Traffic Analysis Methodologies

Potential roadway system impacts resulting from the Hayward Downtown Specific Plan have been evaluated following methodologies and standards commonly applied by the City in accordance with traffic planning and engineering practice, and in accordance with the guidelines and policies of ACTC which is the Congestion Management Agency for the County.

Evaluation of traffic conditions on local streets involves analysis of intersection operations, as intersections represent the locations where the roadway capacity is most constrained. Intersection and freeway mainline segment operations were evaluated with level-of-service calculations. Level of service (LOS) is a qualitative description of operations ranging from LOS A, when the roadway facility has excess capacity and vehicles experience little or no delay, to LOS F, where the volume of vehicles exceeds the capacity resulting in long queues and excessive delays. Typically, LOS E represents "at-capacity" conditions and LOS F represents "over-capacity" conditions. At signalized intersections operating at LOS F, for example, drivers may have to wait through multiple signal cycles.

This level-of-service grading system applies to signalized and unsignalized intersections and freeway mainline segments. LOS A, B, and C are generally considered satisfactory service levels, while the influence of congestion becomes more noticeable (though still considered acceptable) at LOS D. LOS E and F are generally considered to be unacceptable. The City has established a minimum acceptable operating level of LOS E for signalized and unsignalized intersections in all areas of the city.

Level of Service Standards

Analyses for intersections in the Specific Plan Area were conducted using the Highway Capacity Manual (HCM) 6th Edition methodology.[13] The HCM 6th Edition methodology assigns a level-of-service grade (from A to F) to an intersection based on the average control delay for vehicles at the intersection. Based on the latest *City General Plan and Traffic Impact Study Guidelines*, LOS E is the minimum acceptable level of service for intersections in Hayward. Level-of-service grades and corresponding delay values under the HCM methodology are provided in Table 4.13-1.

[13] Due to HCM 6th Edition limitations in calculating LOS at intersections with non-standard phasing, two intersections were analyzed using HCM 2000 edition.

TABLE 4.13-1 INTERSECTION LEVEL OF SERVICE DEFINITIONS

Average Delay Per Vehicle (Seconds)			
Signalized	Unsignalized	LOS	Description of Traffic Conditions
≤10.0	≤10.0	A	Free flowing. Most vehicles do not have to stop.
>10.0 and ≤20.0	>10.0 and ≤15.0	B	Minimal delays. Some vehicles have to stop, although waits are not bothersome.
>20.0 and ≤35.0	>15.0 and ≤25.0	C	Acceptable delays. Significant numbers of vehicles have to stop because of steady, high traffic volumes. Still, many pass without stopping.
>35.0 and ≤55.0	>25.0 and ≤35.0	D	Tolerable delays. Many vehicles have to stop. Drivers are aware of heavier traffic. Cars may have to wait through more than one red light. Queues begin to form, often on more than one approach.
>55.0 and ≤80.0	>35.0 and ≤50.0	E	Significant delays. Cars may have to wait through more than one red light. Long queues form, sometimes on several approaches.
>80.0	>50.0	F	Excessive delays. Intersection is jammed. Many cars have to wait through more than one red light, or more than 60 seconds. Traffic may back up into "up-stream" intersections.

Source: Kittelson & Associates, Inc., 2018.

Freeway Operations

Level-of-service analyses for designated MTS arterial segments was performed based on the service volume table shown in Table 4.13-2. A volume to capacity ratio was calculated using the volumes from the ACTC countywide model and using the LOS F service volume threshold to estimate for roadway capacity.

TABLE 4.13-2 LEVEL OF SERVICE DEFINITIONS FOR FREEWAY MAINLINE SEGMENT

LOS	Density (Passenger Vehicles Per Mile Per Lane)
A	≤11
B	>11-18
C	>18-26
D	>26-35
E	>35-45
F	>45 (Demand exceeds capacity.)

Source: Kittelson & Associates, Inc., 2018.

Roadway Network

The roadway network within the Downtown Hayward Specific Plan Area is a loose grid that serves both regional and local trips to provide access and connectivity. From a regional context, the roadway network in Downtown Hayward is shaped by several adjacent interstates and highways that provide direct roadway connections to other portions of the Bay Area. These regional connections include to and from San Jose and the South Bay via I-880; to and from the San Francisco Peninsula via State Route 92 (SR-92); to and from the Tri-Valley (Dublin, Pleasanton, and San Ramon) via Interstate 580 (I-580), and to and from Oakland via I-880.

Several of the streets within the Specific Plan Area have interchange connections to these regional roadways, and are therefore affected by regional traffic patterns.

The following are the primary streets within the Specific Plan Area.

Freeway

Interstate 238 (I-238) is a six- to seven-lane freeway with a posted speed limit of 65 miles per hour. The east-west freeway serves as a connection between I-880 and I-580. The average daily traffic on I-238 between the East 14th Street junction and the Hesperian Boulevard junction is between 105,000 and 147,000 vehicles per day (vpd).[14] The Specific Plan Area is served by the interchanges at East 14th Street and Hesperian Boulevard. Bicyclists and pedestrians are not allowed on this facility.

Interstate 580 (I-580) is an eight- to ten-lane freeway with a posted speed limit of 65 miles per hour. The north-south freeway connects Hayward with nearby cities, such as Oakland and Pleasanton, and regional destinations, such as Stockton. It also provides access to the greater freeway network with direct connections to Interstates 5, 205, 238, 680, 80 and 880, and State Routes 13, 24, and 94. The Specific Plan Area is served by the interchanges at 150th Avenue. The average daily traffic on I-580 in the vicinity of the 150th Avenue interchange ranges between 120,100 and 160,000 vpd[1]. Bicyclists and pedestrians are not allowed on this facility.

Interstate 880 (I-880) is an eight- to ten-lane freeway with a posted speed limit of 65 miles per hour. The north-south freeway connects Hayward with nearby cities, such as San Leandro and Fremont, and regional destinations, such as Oakland and San Jose. It also provides access to the greater freeway network with direct connections to Interstates 80, 580, 980, 238, US Highway 101, State Routes 92, 237 and 17. The Specific Plan Area is served by interchanges at Washington Avenue and off-ramps at Hesperian Boulevard. The average daily traffic on I-880 in the vicinity of the Washington Avenue interchange ranges between 172,000 and 237,000 vpd.[1] Bicyclists and pedestrians are not allowed on this facility.

Arterials

Foothill Boulevard is a north-south arterial street that provides access to Downtown Hayward from I-580 and I-238. From the Mission Boulevard / Jackson Street intersection to A Street, Foothill Boulevard forms the eastern edge of the Loop and is a one-way northbound street with five to seven lanes. North of the Loop, Foothill Boulevard is a two-way street with six to eight through lanes. Foothill Boulevard is identified as a truck route in the Hayward 2040 General Plan.

Mission Boulevard is a north-south street that provides access to Downtown Hayward from I-238 to the north and I-680 to the south. Formerly known as El Camino Real, the street connects the city of Hayward to Castro Valley and Fremont. From A Street to Foothill Boulevard, Mission Boulevard forms the western edge of the Loop and is a one-way southbound street with four to five through lanes. North and south of the Loop, Mission Boulevard is a two-way street with four to six through lanes. Mission Boulevard within the Specific Plan Area is identified as a truck route in the Hayward 2040 General Plan.

Jackson Street is a northeast-southwest arterial street that connects Downtown Hayward with I-880 and the San Mateo Bridge to the San Francisco Peninsula. Within the Specific Plan Area, Jackson Street is a two-way street with six through lanes. Jackson Street changes to Foothill Boulevard at the Mission

[14] California Department of Transportation, 2015 Traffic Volumes, http://www.dot.ca.gov/hq/traffops/saferesr/trafdata/index.htm, accessed on September 3, 2018.

Boulevard intersection. These two streets (Jackson and Foothill) form a continuous route between I-580 and the San Mateo Bridge (SR-92), enabling regional traffic to pass through Downtown Hayward. Jackson Street within the Specific Plan Area is identified as a truck route in the Hayward 2040 General Plan.

Collectors

A Street is an east-west collector street through Downtown Hayward and provides access to City Hall, the Hayward BART station and I-880. From Foothill Boulevard to Mission Boulevard, A Street forms the northern edge of the Loop and is a one-way street with four westbound lanes. East and west of the Loop, A Street is a two-way street with four through lanes.

B Street is an east-west street through Downtown Hayward that provides access to Castro Valley and I-580 to the east and the Hayward Amtrak station to the west. Within Downtown, both the Hayward BART station and Hayward City Hall are located on B Street. Between Foothill Boulevard and Watkins Street, B Street is a one-way westbound street with two lanes (part of a one-way pair with C Street). On either side of this one-way segment, B Street is a two-way street with three through lanes.

C Street is an east-west street through that connects Downtown Hayward with residential areas to the east. C Street provides access to Hayward City Hall and the Hayward BART station. From the Hayward BART station east to 2nd Street, C Street is a one-way eastbound street with two lanes. East of 2nd Street, B Street is a two-way street with two through lanes.

D Street is an east-west street that provides access to Downtown Hayward from I-880 to the west and from residential areas to the east. D Street provides access to All Saints Elementary School, Hayward BART Station, and the Hayward Public Library. D Street varies from four and seven lanes within the Specific Plan Area. West of the Specific Plan Area, D Street meets Winton Avenue, which continues to I-880 and industrial employment areas to the west.

Main Street is a north-south local street within Downtown Hayward that extends to residential areas north of the Specific Plan Area. Main Street is the only north-south street within the one-way Loop formed by Mission Boulevard and Foothill Boulevard. Within the Specific Plan Area, Main Street is a two-way street with four through lanes.

2nd Street is a north-south collector street located in the eastern portion of the Specific Plan Area. 2nd Street provides access to the Hayward Area Recreation Park District Office, All Saints Elementary School, and DeAnza Park. 2nd Street is a two-way street with four to five lanes within the Specific Plan Area. 2nd Street is located one block east of Foothill Boulevard and serves as an alternate parallel route to Foothill for local trips.

Study Locations

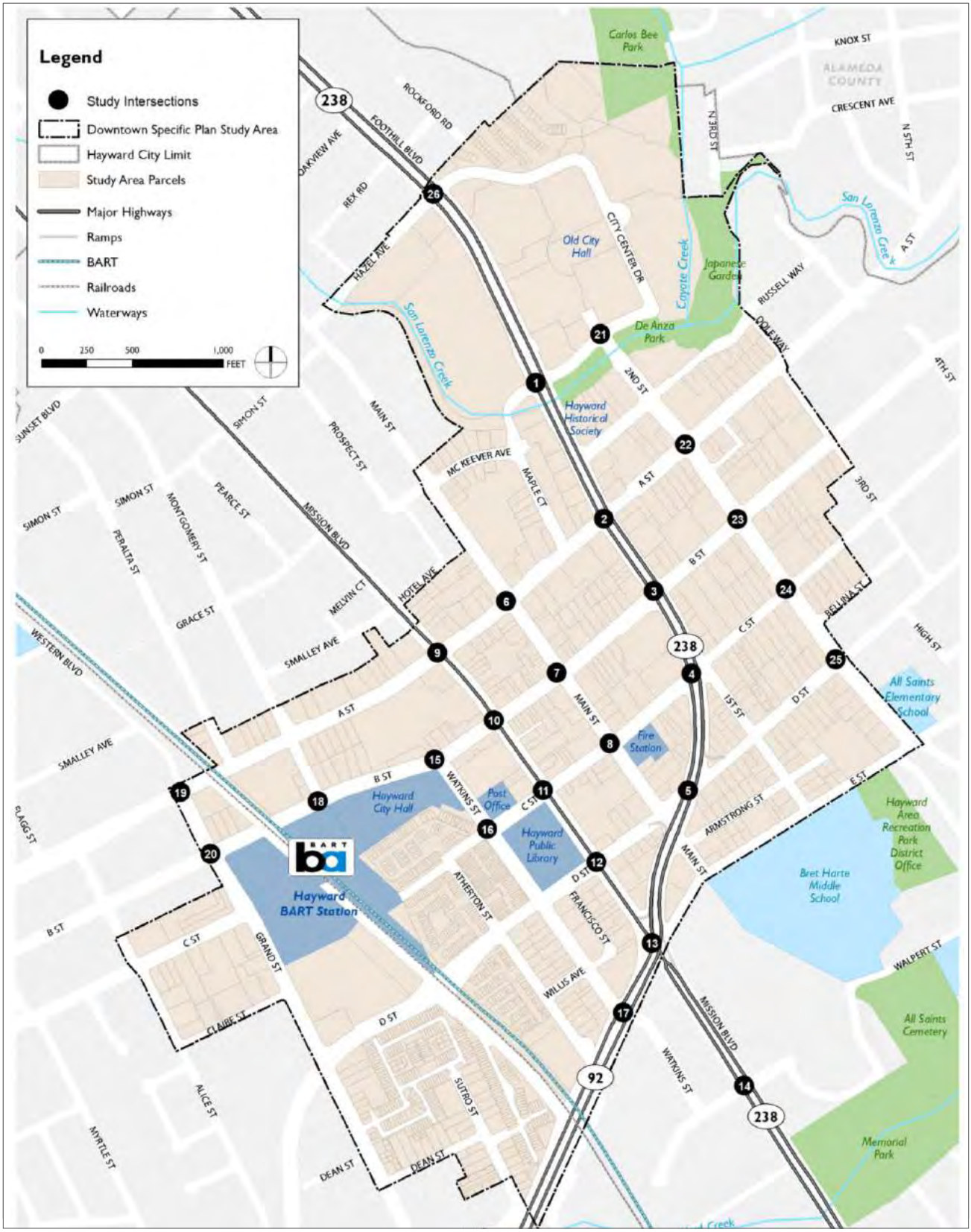
Study locations were selected in coordination with the City of Hayward and the ACTC.

The following intersections were analyzed for traffic conditions during the AM peak hour and PM peak hour using City of Hayward significance criteria and are shown on Figure 4.13-1:

1. Foothill Boulevard & City Center Drive (South)
2. Foothill Boulevard & A Street
3. Foothill Boulevard & B Street
4. Foothill Boulevard & C Street
5. Foothill Boulevard & D Street
6. Main Street & A Street
7. Main Street & B Street
8. Main Street & C Street
9. Mission Boulevard & A Street
10. Mission Boulevard & B Street
11. Mission Boulevard & C Street
12. Mission Boulevard & D Street
13. Mission Boulevard & Foothill Boulevard/Jackson Street
14. Mission Boulevard & Fletcher Lane
15. Watkins Street & B Street
16. Watkins Street & C Street
17. Watkins Street & Jackson Street
18. Montgomery Street & B Street
19. Grand Street/Western Boulevard & A Street
20. Grand Street & B Street
21. 2nd Street & City Center Drive
22. 2nd Street & A Street
23. 2nd Street & B Street
24. 2nd Street & C Street
25. 2nd Street & D Street
26. Foothill Boulevard & Hazel Avenue/City Center Drive (North)

The following CMP and MTS freeway and arterial roadway segments were analyzed during the PM peak hour using ACTC CMP protocol under the Cumulative scenarios:

- Interstate 238 (I-238)
  - I-880 to SR-185
- Interstate 580 (I-580)
  - 164th Avenue to I-238
  - Strobridge Avenue to Redwood Road
  - Redwood Road to Center Street
- Interstate 880 (I-880)
  - Hesperian Boulevard to A Street
  - A Street to Winton Avenue
  - Winton Avenue to Jackson Street
  - South of Jackson
- Mission Boulevard
  - North of A Street
  - North of D Street
  - South of Jackson Street/Foothill Boulevard
- Foothill Boulevard
  - North of City Center Drive (South)
  - South of A Street
  - North of D Street
- Jackson Street
  - West of Mission Boulevard
- Crow Canyon Road/ Grove Way
  - North of Castro Valley Boulevard
  - West of Center Street
- Winton Avenue
  - West of D Street
- A Street
  - North of Foothill Boulevard
  - North of Mission Boulevard



Source: City of Hayward, Downtown Specific Plan, Public Review Draft, 2019.

Figure 4.13-1
Study Intersections

Table 4.13-3 summarizes level of service for the weekday AM and weekday PM peak hours, and as shown, most study intersections currently operate acceptably at LOS E or better.

TABLE 4.13-3 EXISTING INTERSECTION LEVEL OF SERVICE

			AM Peak Hour		PM Peak Hour	
#	Intersection	Control	Delay	LOS	Delay	LOS
1	Foothill Boulevard & City Center Drive (South)	Signal	22.0	C	46.0	D
2	Foothill Boulevard & A Street[a]	Signal	34.3	C	33.8	C
3	Foothill Boulevard & B Street	Signal	26.0	C	16.1	B
4	Foothill Boulevard & C Street	Signal	7.3	A	13.1	B
5	Foothill Boulevard & D Street	Signal	**93.8**	**F**	**95.2**	**F**
6	Main Street & A Street	Signal	23.6	C	28.4	C
7	Main Street & B Street	Signal	7.3	A	11.0	B
8	Main Street & C Street	Signal	11.1	B	11.2	B
9	Mission Boulevard & A Street	Signal	62.3	E	68.3	E
10	Mission Boulevard & B Street	Signal	23.4	C	21.0	C
11	Mission Boulevard & C Street	Signal	32.5	C	36.0	D
12	Mission Boulevard & D Street	Signal	32.3	C	35.7	D
13	Mission Boulevard & Foothill Boulevard/ Jackson Street[a]	Signal	12.1	B	23.3	C
14	Mission Boulevard & Fletcher Lane	Signal	48.6	D	24.2	C
15	Watkins Street & B Street	Signal	17.8	B	18.3	B
16	Watkins Street & C Street	Signal	15.6	B	15.3	B
17	Watkins Street & Jackson Street	Signal	50.2	D	53.0	D
18	Montgomery Street & B Street	AWSC	9.8	A	10.0	A
19	Grand Street/Western Boulevard & A Street	Signal	21.2	C	18.1	B
20	Grand Street & B Street	Signal	34.4	C	39.6	D
21	2nd Street & City Center Drive	Signal	42.5	D	29.6	C
22	2nd Street & A Street	Signal	67.6	E	**95.5**	**F**
23	2nd Street & B Street	Signal	33.1	C	30.4	C
24	2nd Street & C Street	Signal	18.7	B	22.6	C
25	2nd Street & D Street	Signal	66.3	E	41.1	D
26	Foothill Boulevard & Hazel Avenue/ City Center Drive (North)	Signal	33.9	C	39.6	D

Notes: **Bold** denotes unacceptable level of service.
AWSC denotes all-way-stop-controlled.
a. Denotes an intersection that was analyzed using the HCM 2000 methodology. All others were analyzed using HCM 6th Edition.
Source: Kittleson & Associates, Inc., 2018.

The following intersections perform unacceptably (LOS F):

- Foothill Boulevard & D Street (#5): AM peak hour and PM peak hour
- 2nd Street & A Street (#22): PM peak hour

Transit Facilities

The Specific Plan Area is served by a variety of transit types, including heavy rail, on-street buses, and on-demand paratransit shuttles. Local and regional transit operators include Alameda-Contra Costa Transit District (AC Transit and BART. These services are described below. The existing transit network is illustrated in Figure 4.13-2.

AC Transit

The Hayward BART station serves as the location of an AC Transit Intermodal Terminal, a key transfer point for BART-to-bus and bus-to-bus connections. The Intermodal Terminal currently has 20 bus bays serving 14 AC Transit routes. Existing transit service (FY 2016-2017) in the Specific Plan Area is summarized in Table 4.13-4. While the passenger amenities provided at curbside bus stops in the Specific Plan Area can vary, a number of bus stops in the area provide amenities such as a shelter and/or seating.

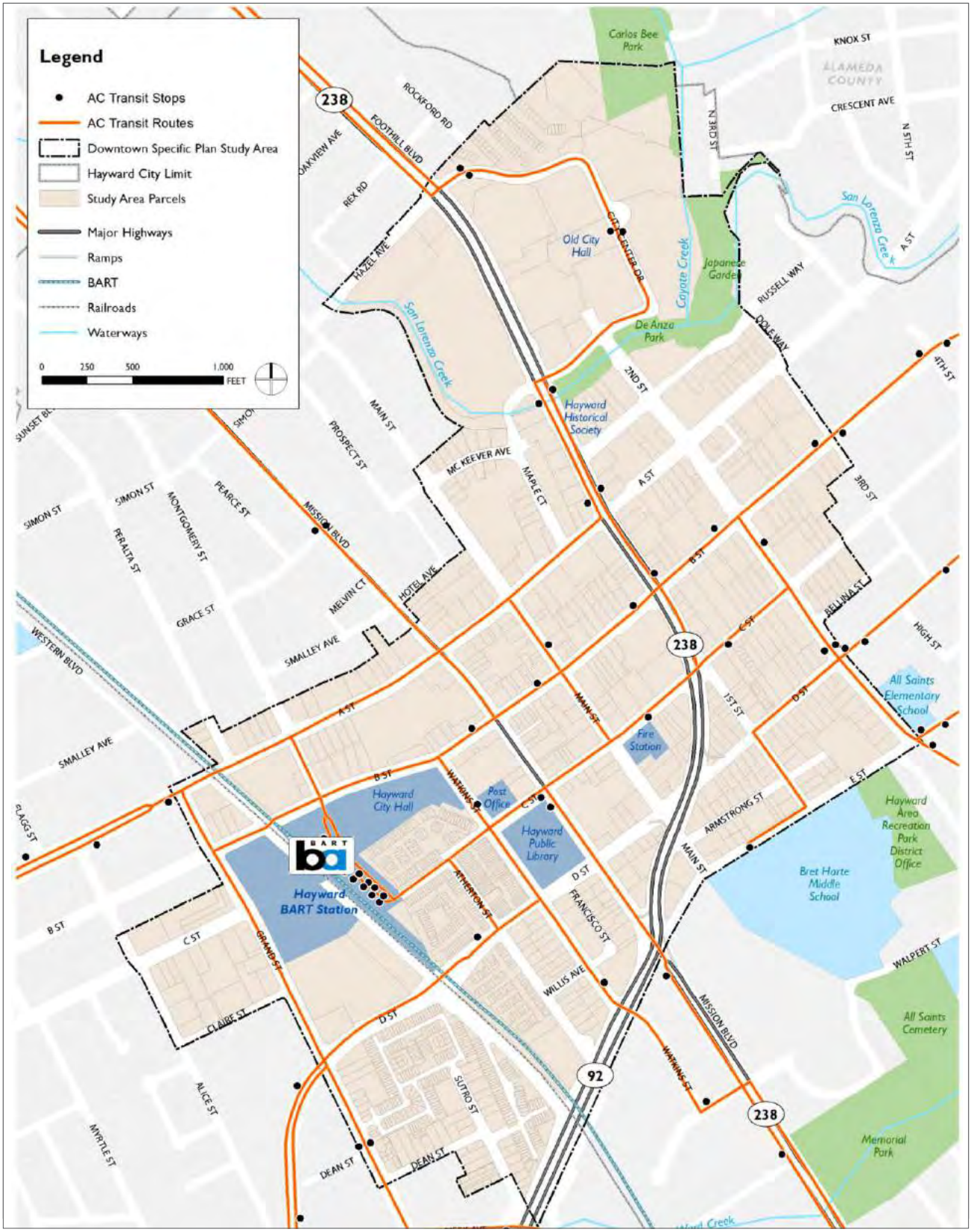
Bay Area Rapid Transit

The Hayward BART station is located in the western portion of the Specific Plan Area and is part of the Fremont/Richmond and Fremont/Daly City lines. Each line currently operates at 15-minute headways during peak periods, resulting in an average peak period frequency of 7.5 minutes at the Hayward station.

According to the September 2018 ridership information provided by BART, there are approximately 5,156 daily weekday boarding's at the Hayward BART Station. According to the *2008 BART Station Profile Study*, approximately 16 percent of people walked to the station, 10 percent rode transit, and 2 percent arrived by bike, and 70 percent arrived by car (52 percent drove alone, 13 percent were dropped off, and 5 percent carpooled). Nearly 20 percent of those driving alone to the station drove less than 0.5 mile (about a 10-minute walking trip), a distance that would generally be considered within the transit "walkshed." Major barriers to increasing non-auto mode share include circuitous routing, inadequate wayfinding, and safety and security concerns.

The Hayward station contains 1,473 parking spaces ($3 per day), the majority of which are located west of the BART corridor and accessed via Grand Street. Seventy spaces are reserved, while the remainder are available for a fee. The Hayward station also contains bike racks and 16 shared-use electronic bike lockers.

The planned extension of BART service from Fremont south to Silicon Valley is underway, with the first phase to the Warm Springs/South Fremont station completed with running service. This project will further enhance the importance of the Hayward BART station and improve the regional accessibility of Downtown Hayward.



Source: City of Hayward, Downtown Specific Plan, Public Review Draft, 2019.

Figure 4.13-2
Existing Transit Facilities

TABLE 4.13-4 EXISTING AC TRANSIT WEEKDAY SERVICE

Route	Beginning and End Points		Frequency (In Minutes)	Average Daily Ridership[a]
M	Hayward BART	Hillsdale Caltrain	34-40	251
10	San Leandro BART	Hayward BART	15	3,148
28	San Leandro BART	Hayward BART	30	NA
34	Foothill Square	Hayward BART	30	NA
41	Hayward BART	Union Landing Transit Center	40	NA
56	Hayward BART	Union Landing Transit Center	40	NA
60	California State University East Bay	Chabot College	20	568
83	Hayward BART	South Hayward BART	30	445
86	Hayward BART	South Hayward BART	30	777
93	Bay Fair BART	Castro Valley BART	35-47	486
94	Stonebrae Elementary School	Hayward BART	65	134
95	Hayward BART	Fairview District	40	288
99	Hayward BART	Fremont BART	20	3,034
801	12th Street BART	Fremont BART	60	430

Notes: NA indicates value not applicable.
a. Average daily ridership provided in passengers per day based on automatic passenger count data for FY 2016-2017.
Source: Kittleson and Associates, 2018.

Other Services

Other transit services in and near Downtown Hayward include Greyhound bus service, Amtrak Capital Corridor services, and shuttles operating from the Hayward BART station:

- Greyhound Bus Service – The Hayward Greyhound bus station is located on B Street within the Downtown Hayward, across from the Hayward BART station.
- Amtrak Capitol Corridor Service – The Hayward Amtrak station is located approximately 0.75 miles west of Downtown Hayward near A Street. The Hayward Amtrak station is part of the Capitol Corridor operating between San Jose and Sacramento.
- Shuttles – Several shuttle services use the Hayward BART station to pick up and drop off passengers. Known shuttle operators include California State University East Bay (CSU East Bay) in Hayward, and Visa and Genentech on the San Francisco Peninsula. In addition to these existing services, the City of Hayward is completing a Shuttle Feasibility Study to evaluate potential shuttle connections between the Hayward BART station and other areas of the city. Areas under evaluation include:
  - Industrial employment district west of I-880
  - Cannery residential neighborhood west of Downtown
  - Upper B Street
  - South Industrial Area

- South Hayward BART
- Residential areas along Mission Boulevard to the south of Downtown

The addition of these transit connections to and from Downtown provides an opportunity to strengthen the local accessibility of the Specific Plan Area.

Bicycle Facilities

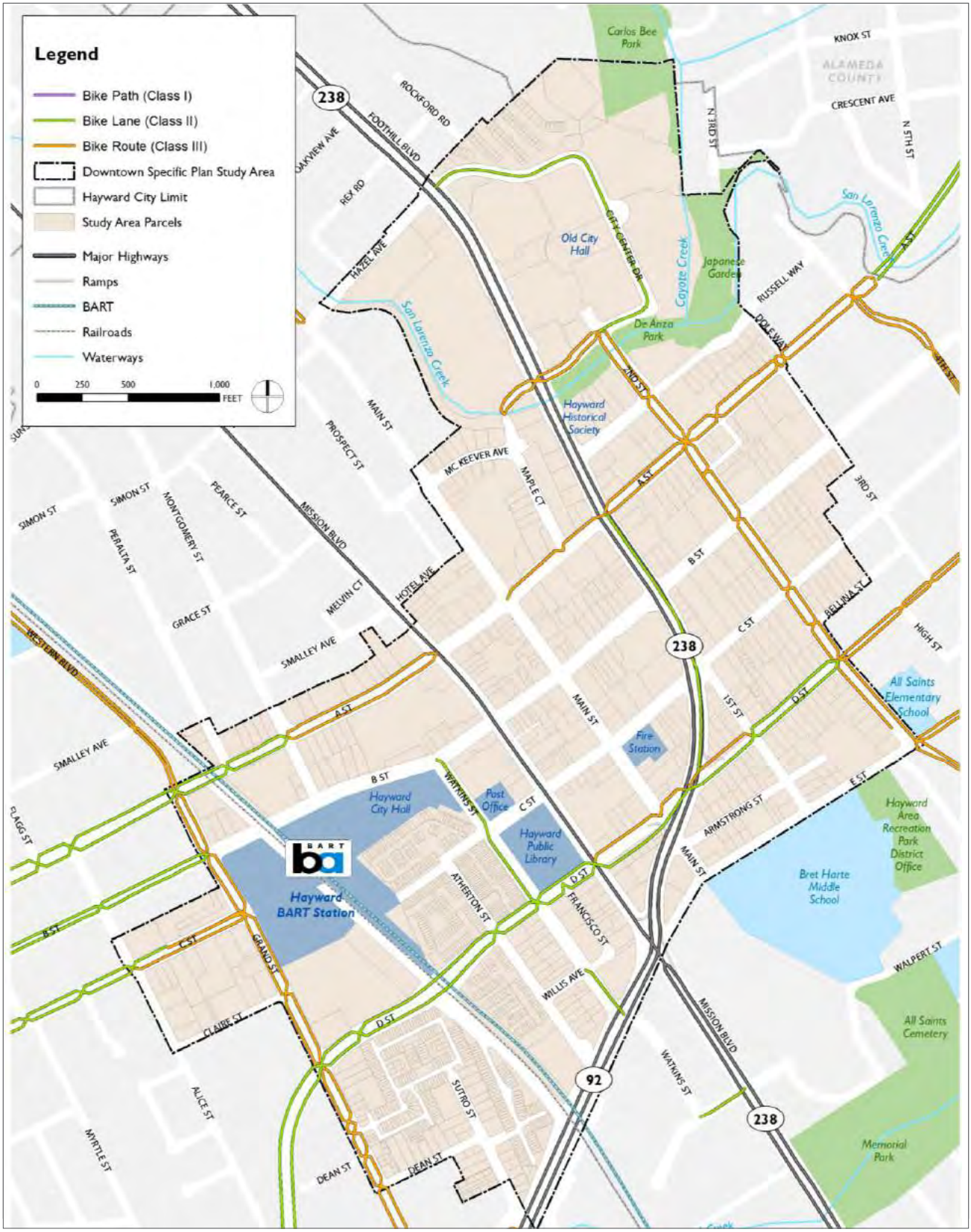
This section summarizes the existing bicycle network to provide a basis for potential strategies. Bikeways can be categorized into one of four facility types:

- Bike Path or Shared-Use Path (Class I) – A paved right-of-way for bicycle travel that is separate from any street or highway.
- Bike Lane (Class II) – A striped and stenciled lane for one-way bicycle travel on a street or highway. This facility could include a buffered space between the bike lane and vehicle lane.
- Bike Route (Class III) – A signed route along a street or highway wherein the bicyclist shares the right-of-way with motor vehicles.
- Separated Bike Lane (Class IV) – A bikeway for the exclusive use of bicycles including a separation required between the separated bikeway and the through vehicular traffic. The separation may include, but is not limited to, grade separation, flexible posts, inflexible physical barriers, or on-street parking. Class IV facilities may be located on both sides of the street or on one side of the street

Existing bicycle facilities within the Specific Plan Area are illustrated in Figure 4.13-3. In addition to bikeways, the Hayward BART Station provides bicycle parking. Bicycle parking ranges from bike racks to 16 shared use electronic bike lockers located on the street level. The electronic lockers are available on a first-come, first-served basis. Various bike racks are also provided on Downtown Hayward sidewalks.

Pedestrian Conditions

Within the Specific Plan Area, several elements already exist to support the creation of a safe and convenient pedestrian environment. At a basic level, almost all streets have sidewalks on both sides. Streets within the Specific Plan Area also contain buffers between the sidewalk and moving traffic, in the form of on-street parking, landscaping and/or street furnishings (e.g., lighting and benches). Posted speed limits for Specific Plan Area streets are between 25 and 30 miles per hour, and at signalized intersections, basic pedestrian facilities, such as marked crosswalks and pedestrian signals, are provided. Several intersections include continental crosswalks. Curb ramps (diagonal or perpendicular) are provided at intersections within the Specific Plan Area.



Source: City of Hayward, Downtown Specific Plan, Public Review Draft, 2019.

Figure 4.13-3
Existing Bicycle Facilities

The majority of existing curb ramps within the Specific Plan Area are Americans with Disabilities Act (ADA)-compliant. However, several challenges exist within the Specific Plan Area, as follows:

- Many arterial and collector streets within the Specific Plan Area have wide cross sections that create long crossing distances for pedestrians. Specific examples include the intersections Foothill Boulevard & Hazel Avenue/City Center Drive (North), Foothill Boulevard & City Center Drive (South), Foothill Boulevard & C Street, Foothill Boulevard & D Street, and Mission Boulevard & Foothill Boulevard/Jackson Street. These longer pedestrian crossing distances, when coupled with high traffic volumes, can result in these streets being perceived by pedestrians as barriers. The opportunity exists through this Specific Plan to manage crossing distances through strategies, such as intersection bulbouts, realignment of marked crossing particularly at skewed intersections, and median refuge areas.
- Arterial and collector streets serving Downtown Hayward generally have higher posted speed limits outside of Downtown and lower posted speed limits of 25 to 30 miles per hour within the Specific Plan Area. However, the speed limit changes are not accompanied by physical design elements or cross section changes to support slower traffic flow and establish a lower design speed. The opportunity exists through this Specific Plan to create transitions along arterial and collector streets to encourage slower traffic speeds upon entering Downtown.

Water bodies such as Coyote Creek and San Lorenzo Creek create barriers that limit pedestrian connectivity. However, these features may also provide opportunities for adjacent trail facilities to establish new pedestrian circulation routes.

4.13.2 STANDARDS OF SIGNIFICANCE

Implementation of the proposed project would result in a significant impact if it would:

1. Conflict with an applicable plan, ordinance, or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation, including mass transit, non-motorized travel, and relevant components of the circulation system, including, but not limited to, intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit.
2. Conflict with an applicable congestion management program, including, but not limited to, level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways.
3. Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks.
4. Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment).
5. Result in inadequate emergency access.
6. Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities.

Intersection Operations Thresholds

The following significance thresholds were used to evaluate the effects of the proposed Specific Plan on intersection operations.

The City of Hayward General Plan sets the level-of-service standard for intersections at LOS E or better.

For signalized intersections, the impact would be considered significant if:

- Project traffic would cause the level of service at an intersection to degrade from LOS E or better to LOS F.
- Project traffic would increase delay 5.0 seconds or more at an intersection operating LOS F under no project conditions.

For unsignalized intersections, in addition to reporting level of service, a determination was made if any of the following were met:

- Traffic Signal Warrant (peak hour).
- Pedestrian Signal Warrant.
- STOP-sign Warrant.
- The new trips added by the proposed project increases the density by more than five passenger cars/mile/lane.

CMP Segment Operations Thresholds

Under cumulative conditions, CMP freeway and arterial segments were analyzed. The freeway mainline segments were analyzed using the methodology outlined in the HCM as implemented by the Highway Capacity Software (HCS) tool to calculate the density in terms of passenger cars per mile per lane for the study freeway segments.

The level-of-service standard for freeway and arterial segments in the ACTC CMP is LOS E. For those segments operating below the standard without Specific Plan traffic, an impact would be considered significant when the addition of trips causes:

- The V/C ratio along a freeway or arterial segment to increase by 0.03 or more, or
- An increase in transit passengers by 1 percent or more on buses or trains already at maximum load capacity.

Standards Not Discussed Further

The Specific Plan Area is not located within an airport land use plan area. The nearest public airports are the Hayward Executive Airport, located 2.5 miles southwest of the project site, and the Oakland International Airport located 8 miles northwest of the project site. The nearest heliport is at the Saint Rose Hospital, located 3 miles southwest of the Specific Plan Area. There are no private airstrips within the vicinity of the City of Hayward. The Specific Plan Area is not located within an airport land use zone.

Although traffic levels would increase in the area as a result of the proposed project, these increases would not result in changes to existing roadway configurations that could interfere with flight operations. Accordingly, there would be *no impact* on air traffic patterns as a result of the proposed project.

4.13.3 IMPACT DISCUSSION

TRANS-1	**Implementation of the proposed project would conflict with an applicable plan, ordinance, or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit.**

Analyses of Cumulative (year 2040) conditions, without and with the proposed project, were performed to study how the transportation system near the Specific Plan Area would operate under Cumulative conditions and with the full buildout of the proposed Specific Plan. Transportation-related project impacts were analyzed for the following scenarios for weekday AM and weekday PM peak hour conditions:

- Cumulative (2040) Conditions: This scenario represents the land uses, densities and circulation network changes for full buildout of the General Plan.
- Cumulative (2040) with Specific Plan Conditions: This represents the land uses, densities and circulation network changes for full buildout of the proposed Specific Plan, utilizing the ACTC countywide model.

Specific Plan Trip Generation

Trip generation for the proposed Specific Plan was computed using the ACTC countywide model. The model computes trips for all modes, including pedestrian, bicycle, transit, and automobile trips. In addition, the model computes internalization, mixed use reductions, pass-by trips, and mode split to transit and non-motorized modes. The model computes weekday daily, weekday AM and weekday PM peak hour trips.

Under Cumulative conditions (without the buildout of the proposed Specific Plan), the model estimates the Specific Plan Area would generate approximately 48,635 daily trips on a typical weekday. Under Cumulative plus Specific Plan conditions, the Specific Plan Area would increase by about 46,500 daily trips to a total of approximately 95,126 trips on a typical weekday.

The analysis results are summarized in Table 4.13-5. Level of service results for Mission Boulevard & Foothill Boulevard/Jackson Street (#13) are provided separately in Table 4.13-6; each approach was assessed individually.

TABLE 4.13-5 INTERSECTION LEVEL OF SERVICE FOR CUMULATIVE CONDITIONS, WITHOUT AND WITH SPECIFIC PLAN

				Cumulative Conditions		Cumulative plus Specific Plan		
#	Intersection	Control	Peak Hour	Delay	LOS	Delay	LOS	Change
1	Foothill Boulevard & City Center Drive (South)	Signal	AM	24.1	C	58.8	E	34.7
			PM	52.4	D	**>100.0**	**F**	>100.0
2	Foothill Boulevard & A Streeta	Signal	AM	37.3	D	72.7	E	35.4
			PM	36.1	D	65.1	E	29.0
3	Foothill Boulevard & B Street	Signal	AM	33.6	C	**>100.0**	**F**	>100.0
			PM	18.0	B	**>100.0**	**F**	>100.0
4	Foothill Boulevard & C Street	Signal	AM	10.7	B	24.2	C	13.5
			PM	24.7	C	19.4	B	-5.3
5	Foothill Boulevard & D Street	Signal	AM	57.9	E	51.2	D	-6.7
			PM	**94.2**	**F**	38.0	D	-56.2
6	Main Street & A Street	Signal	AM	24.2	C	**>100.0**	**F**	>100.0
			PM	62.4	E	66.5	E	4.1
7	Main Street & B Street	Signal	AM	8.6	A	17.6	B	9.0
			PM	14.7	B	24.0	C	9.3
8	Main Street & C Street	Signal	AM	12.5	B	14.6	B	2.1
			PM	14.0	B	14.9	B	0.9
9	Mission Boulevard & A Street	Signal	AM	64.1	E	**>100.0**	**F**	>75.0
			PM	67.6	E	**>100.0**	**F**	>50.0
10	Mission Boulevard & B Street	Signal	AM	25.7	C	**>100.0**	**F**	>100.0
			PM	21.0	C	**>100.0**	**F**	>100.0
11	Mission Boulevard & C Street	Signal	AM	44.5	D	**96.8**	**F**	>50.0
			PM	42.8	D	**>100.0**	**F**	>75.0
12	Mission Boulevard & D Street	Signal	AM	39.3	D	**>100.0**	**F**	>75.0
			PM	63.3	E	**>100.0**	**F**	>50.0
13	Mission Boulevard & Foothill Boulevard/Jackson Street[a]	Signal	AM	16.8	B	See Table 4.13-6		
			PM	45.3	D			
14	Mission Boulevard & Fletcher Lane	Signal	AM	**>100.0**	**F**	**>100.0**	**F**	>100.0
			PM	69.1	E	**>100.0**	**F**	>100.0
15	Watkins Street & B Street	Signal	AM	20.1	C	50.6	D	30.5
			PM	24.5	C	68.7	E	44.2

TABLE 4.13-5 INTERSECTION LEVEL OF SERVICE FOR CUMULATIVE CONDITIONS, WITHOUT AND WITH SPECIFIC PLAN

				Cumulative Conditions		Cumulative plus Specific Plan		
#	Intersection	Control	Peak Hour	Delay	LOS	Delay	LOS	Change
16	Watkins Street & C Street	Signal	AM	13.1	B	22.3	C	9.2
			PM	13.1	B	19.9	B	6.8
17	Watkins Street & Jackson Street	Signal	AM	48.8	D	**>100.0**	**F**	>100.0
			PM	59.2	E	**>100.0**	**F**	>75.0
18	Montgomery Street & B Street	AWSC	AM	25.7	D	**73.2**	**F**	47.5
			PM	**52.0**	**F**	**>100.0**	**F**	>50.0
19	Grand Street/Western Boulevard & A Street	Signal	AM	25.8	C	61.6	E	35.8
			PM	29.7	C	67.1	E	37.4
20	Grand Street & B Street	Signal	AM	30.2	C	51.5	D	21.3
			PM	29.3	C	30.9	C	1.6
21	2nd Street & City Center Drive	Signal	AM	31.6	C	**>100.0**	**F**	>50.0
			PM	31.3	C	**>100.0**	**F**	>75.0
22	2nd Street & A Street	Signal	AM	45.6	D	**>100.0**	**F**	>100.0
			PM	**88.1**	**F**	**>100.0**	**F**	>100.0
23	2nd Street & B Street	Signal	AM	39.7	D	**>100.0**	**F**	>100.0
			PM	37.7	D	**>100.0**	**F**	>100.0
24	2nd Street & C Street	Signal	AM	17.3	B	49.5	D	32.2
			PM	23.6	C	70.9	E	47.3
25	2nd Street & D Street	Signal	AM	**82.6**	**F**	**>100.0**	**F**	>100.0
			PM	**>100.0**	**F**	97.9	F	-8.4
26	Foothill Boulevard & Hazel Avenue/ City Center Drive (North)	Signal	AM	78.1	E	**>100.0**	**F**	>100.0
			PM	54.6	D	**>100.0**	**F**	>100.0

Notes:
Bold signifies unacceptable level of service.
Shading indicates significant impact.
a. These intersections were analyzed using the HCM 2000 methodology. All others were analyzed using HCM 6th Edition.
Source: Kittelson & Associates, Inc., 2018.

TABLE 4.13-6 MISSION BOULEVARD & FOOTHILL BOULEVARD/JACKSON STREET LEVEL OF SERVICE WITH SPECIFIC PLAN AREA

	AM Peak Hour		PM Peak Hour	
Roundabout Leg[a]	Delay	LOS	Delay	LOS
North Leg (Mission Blvd.)	**>100.0**	**F**	**>100.0**	**F**
East Leg (Foothill Blvd.)	**>100.0**	**F**	**>100.0**	**F**
South Leg (Mission Blvd.)	**>100.0**	**F**	**>100.0**	**F**
West Leg (Jackson Street)	**>100.0**	**F**	**>100.0**	**F**

Notes:
Bold signifies unacceptable level of service.
Shading indicates significant impact.
a. Each approach was analyzed using the HCM 2000 methodology.
Source: Kittelson & Associates, Inc., 2018.

Under Cumulative (no project) conditions, the following four intersections are projected to operate beyond the standard at LOS F during the weekday AM and/or weekday PM peak hours.

- Foothill Boulevard & D Street (#5): PM peak hour
- Mission Boulevard & Fletcher Lane (#14): AM peak hour
- Montgomery Street & B Street (#18): PM peak hour
- 2nd Street & A Street (#22): PM peak hour
- 2nd Street & D Street (#25): AM peak hour and PM peak hour

Under Cumulative plus Project conditions, project-related traffic would result in a *significant* impact under cumulative conditions at 16 intersections.

Future development would be required to comply with existing General Plan policies listed above in Section 4.13.1.1, Regulatory Framework, as applicable, that require local planning and development decisions to consider impacts to transportation and circulation. Specific Policies include the following: Policy M-2.4 requires the City to consider the needs of all transportation users in the review of development proposals to ensure on-site and off-site transportation facility improvements complement existing and planned land uses; Policy M-4.1 requires the City to address traffic operations, including traffic congestion, intersection delays, and travel speeds, while balancing neighborhood safety concerns; Policy M-4.3 requires the City to maintain a minimum vehicle LOS 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-8.1 requires the City to work with a broad range of agencies to encourage and support programs that increase vehicle occupancy; and Policy M-8.2, Policy M-8.3, and Policy M-8.4 requires the City to maintain, implement, and encourage Travel Demand Management Program, Transportation Management Associations, and other means to reduce vehicular trips, reduce parking needs and vehicular travel.

In addition, the following proposed Specific Plan goals, policies, and programs relate to reducing vehicular traffic, and increasing overall mobility in the Specific Plan Area:

- Goal 1 Land Use (LU): Downtown is transformed into a vibrant, walkable City center that serves as a regional destination to play, work, and live for City residents, neighboring communities, and local college students.
  - Policy LU 1 Diversity of Uses: Attract more downtown visitors, including families and college students and faculty from Cal State University, East Bay, and Chabot College, by offering a wide array of retail, dining, services, and entertainment uses that create a dynamic environment and depend on pedestrian foot traffic.
  - Policy LU 2 Transit Supportive Development: Create an urban environment and development regulations in the Plan Area for transit supportive development that benefits from and promotes a rapid transit public transportation system.
    - Program LU 14: Partner with BART to facilitate Transit- Oriented Development on BART owned property located adjacent to the Downtown Hayward BART station.
- Goal 2 Community Design (CD): Downtown is a beautiful, safe, and high-quality pedestrian-oriented environment for all ages to enjoy day or night, with sufficient and attractive lighting, sidewalk amenities, landscaping, and inviting ground floor frontages.
  - Policy CD 1 Pedestrian-Oriented Design: Require best practices in pedestrian-oriented building and streetscape design to create an attractive and comfortable walking experience.
  - Policy CD 2 Coordinate Public and Private Investments: Coordinate public and private investment to improve the quality and appearance of new and existing structures and streetscapes.
  - Policy CD 5 Healthier Lifestyles: Foster healthy lifestyles through creation of complete communities with active transportation alternatives and access to diverse food and recreation options.
  - Policy CD 7 Public Improvements: Require that public improvements negotiated through development agreements to be consistent with and supportive of streetscape and public realm improvements called for in the Plan.
    - Program CD 1: Create building placement and frontage standards to ensure new buildings shape the public realm and promote walkability. Regulations may include pedestrian entranceway standards, building location standards, ground floor use requirements, or frontage design standards.
    - Program CD 2: Update use regulations to encourage pedestrian-oriented uses that can help to activate the Downtown, such as sidewalk dining, and outdoor seating.
    - Program CD 6: Require large development sites to include internal connectivity and pedestrian passages through new site development standards.
    - Program CD 7: Pursue funding for pedestrian-oriented streetscape improvements such as additional outdoor seating areas, pedestrian scale lighting, trash receptacles, interactive art installations, and shade trees.
    - Program CD 12: Develop an adaptive reuse ordinance that modifies the development review process and/or zoning requirements, such as parking and density requirements, to encourage

the adaptive reuse of structures or sensitive additions over wholesale demolition for buildings not designated as Historic to existing buildings that are no longer used for the original purpose and can be converted into a use compatible with Downtown Zones.

- Program CD 15: Continue working with HARD to improve access to the San Lorenzo Creek and prioritize building a creekside trail and bicycle pathway to link the creek to the Hayward Hills ridge trails.
- Program CD 17: Repurpose underutilized street right-of way as a new linear park along the Alquist-Priolo Fault Zone.
- Program CD 18: Implement Crime Prevention through Environmental Design strategies (CPTED) to improve public safety by facilitating building design that promotes "eyes on the street" and updating zoning regulations.
- Program CD 19: Promote temporary events (such as art walks and other vendors) to draw more people Downtown and enliven the streetscape.

- Goal 4 Circulation (C): The public right-of-way is recognized as the backbone of the public realm and Downtown streets are comfortable for people walking and bicycling, efficient and convenient for people taking transit, and accommodating to people driving automobiles at posted speed limits.
  - Policy C 5 Performance Metrics. Utilize alternative transportation performance metrics for the Plan Area that measure how well street design meets the needs of all roadway users (cyclist, pedestrian, automobile, transit) rather than only automobile users.
  - Policy C 6 Agency Coordination: Work with AC Transit, BART, and other transit providers to meet the travel needs of Downtown residents, businesses, and visitors and to prioritize improvements identified in this Plan, such as reconsidering BART Station access.
  - Policy C 7 Turning Vehicle Encroachment. Promote compact intersections by allowing more regular encroachment of turning vehicles into opposing traffic lanes.
  - Policy C 8 Roundabouts: Encourage roundabouts as an alternative to traffic signals. Use of roundabouts as a traffic strategy reduces vehicle speeds, conflict points, separation of vehicle-vehicle conflict points from vehicle-pedestrian conflict points, and provide a two-step crossing for pedestrians.
  - Policy C 9 Vehicle-Miles Travelled: Use vehicle-miles travelled per capita as the primary metric to evaluate transportation impacts of development projects within the Plan Area.
    - Program C 1: Support safer routes to schools and parks by providing increased signage, lighting, landscaping, and pedestrian connections around schools and parks.
    - Program C 3: Create protected class IV bikeways on appropriate streets, such as Main Street, Foothill Boulevard, and 2nd Street as finalized in the Bike and Pedestrian Master Plan.
    - Program C 4: Reduce motor vehicle travel lanes on the following roadways to reallocate space for other uses, including sidewalks, bikeways, and transit lanes.
      1. 2nd Street;
      2. Foothill Boulevard (northbound between D Street and City Center Drive);

3. Mission Boulevard (between A Street and D Street); and
4. Mission Boulevard ("Five Flags" Intersection to Industrial Parkway).

- **Program C 5:** Install sharrows and other devices that indicate class III bicycle routes, where bicycle traffic is shared with pedestrian or vehicle traffic, on streets not appropriate for protected bikeways.
- **Program C 6:** Continue to ensure that street network design includes measures to manage automobile speed, safety, and comfort, such as a reduction in lane width.
- **Program C 7:** Continue to enhance bicycle facilities at key intersections that accommodate high bicycle and automobile traffic, with treatments that may include bicycle signal actuation and advanced stop bars.
- **Program C 8:** Work with BART, MTC, ACTC to prioritize active "first-last mile" transportation investments adjacent to BART to improve non-auto access to and from the station.
- **Program C 9:** Work with adjacent jurisdictions, regional agencies, and Bike East Bay to help complete the East Bay Greenway bicycle trail to run under BART right-of-way from Lake Merritt to South Hayward BART stations.
- **Program C 10:** Continue to work with ACTC and AC Transit to implement the following measures to improve bus access to BART as identified in the concept for for this area (see Chapter 2 of the Specific Plan for more detail):
  1. Integrating bus stops on existing streets adjacent to the station, where feasible, to avoid the delays and congestion of using a bus intermodal;
  2. Relocating bus bays to the west side of the BART station to improve pedestrian access to Downtown;
  3. Designating bus, shuttle, and passenger pickup/drop-off on both sides of the BART station and both sides of the nearby streets; and
  4. Maintaining adequate designated curb space for non-transit passenger loading (e.g., for taxis, ride hailing services, and kiss-and-ride).
- **Program C 12:** Invest in traffic signal synchronization and traffic management strategies to improve traffic flow on roadways.
- **Program C 13:** Design and convert the following street segments in the Plan Area from one-way to two-way streets (see Chapter 3 of the Specific Plan for illustrations and discussions):
  1. A Street (between Mission Boulevard and Foothill Boulevard);
  2. B Street (between Watkins Street and Foothill Boulevard);
  3. 1st Street 2-way conversion (between C Street and D Street)
  3. C Street (between Mission Boulevard and Second Street); and
  4. Mission Boulevard (between A Street and Foothill Boulevard).
- **Program C 14:** Continue to work with private developers to provide private shuttle service that implements recommendations from the City's shuttle feasibility study.

- Program C 15: Work with regional transportation agencies (Metropolitan Transportation Commission and Alameda County Transportation Commission) and AC Transit to explore the feasibility of providing additional transit service to the Plan Area.
- Program C 16: Continue to design curbs using strategies such as bulbouts and crosswalk markings to reduce pedestrian crossing distances and vehicle turning speeds, and increase pedestrian visibility.
- Program C 17: Work with navigation software companies (e.g., Google and WAZE) to improve access to and navigation into and around the Plan Area.
- Program C 18: Work with the Council Infrastructure Committee to develop a schedule for periodic updates, monitor implementation of Plan recommendations and improvements and adjust timeframe for street improvements, as appropriate.

- Goal 5 Transportation Demand Management and Parking (TP): Public transportation, walking, biking and shared rides are the preferred means of travel for most trips in Downtown thereby reducing cut-through traffic and the need for parking while also supporting economic development and sustainability initiatives.
  - Policy TP 1 Make it Easy to Take Transit, Walk, or Bike: Make it easy for residents, employees, and visitors to travel by transit, foot, bike, or shared rides when traveling to, from, and within the Downtown.
  - Policy TP 2 Manage and Market TDM: Manage and market transportation demand Management (TDM) programs to provide employers, employees, and residents with transportation alternatives to single-occupancy vehicle use and to reduce parking demand.
  - Policy TP 3 Parking Regulations: Support parking regulations that minimize barriers to desired development, lower housing costs, and reduce private use of the automobile.
  - Policy TP 4 Shift to Non-Personal Vehicle Modes: Accommodate future new person trips through modes other than personal vehicles (such as public transit, rideshare, and cycling) to help achieve a more balanced circulation network and reduce vehicle miles traveled.
  - Policy TP 5 Carsharing and Bikesharing: Facilitate the establishment of carsharing and bikesharing services within the Plan Area.
  - Policy TP 6 Curb Parking and City Parking Lots: Efficiently manage curb parking and City-owned parking lots and garages with strategies that balance parking needs of existing and future customers, employees, and residents.
  - Policy TP 7 Parking Revenue: Identify sustainable funding strategies for public parking to ensure that it is self-supporting and generates revenue for public improvements.
  - Policy TP 8 User-Friendly Parking: Make Downtown parking user-friendly, easy to access, and easy to understand.
    - Program TP 1: Amend the code to adjust parking requirements, including parking reduction for small projects an minimum short-term and long-term bicycle parking.

- **Program TP 2:** Modify parking and loading regulations to limit the number of driveways and curb cuts and prevent parking or loading areas from dominating street frontages.
- **Program TP 3:** Develop a bicycle parking program to increase the supply in the public realm.
- **Program TP 4:** Extend City-owned parking lots and garage hours of operation to ensure that parking is readily available with a reasonable walking distance from significant destinations.
- **Program TP 5:** Establish a residential parking permit program for long-term residents and short-term residents, visitors, and business owners to discourage commuters or visitors from parking long-term in residential areas.
- **Program TP 6:** Partner with carsharing operators to establish a carsharing service with shared vehicle "pods" strategically located within the Plan Area with the following requirements:
  1. Require that large development projects offer carsharing operators a limited number of parking spaces free of charge;
  2. Require new development projects to pay into a carshare startup fund.
- **Program TP 7:** Partner with bikesharing operators to establish a network of shared bike stations strategically located within the Plan Area and require new projects to pay into a bikeshare startup fund.
- **Program TP 8:** Adjust the In Lieu Fee Policy in the Central Parking District to better reflect cost of replacement parking, ensure dedication to related improvements, and determine best use of funds.
- **Program TP 9:** Establish a Downtown TDM program supportive of alternate commute options that includes an employer-provided, tax-free Commuter Benefits Program, the Regional TDM Program, and TDM checklist.
- **Program TP 10:** Work with residents to consider establishing Residential Parking Benefit Districts on residential streets adjacent to commercial areas where a limited number of commuters pay to use surplus curb parking spaces in residential areas and return the resulting revenues to the neighborhood to fund public improvements.
- **Program TP 11:** Regulate curb parking with performance-based meters that adjust rates to target occupancy rates of 66 to 85 percent. Pricing should be low, or free, except during times of peak demand
- **Program TP 12:** Establish a Transportation Management Association or similar entity responsible for the management and promotion of transportation programs for employers and residents, funded through a combination of parking revenues and/or other dues, fees, assessments, grants, and public transportation funds.
- **Program TP 13:** Require City-owned parking lots and garages be operated as an enterprise operation that pays for itself solely through user fees with adjustable rates.
- **Program TP 14:** Establish a Downtown Parking Benefit District for the use of permit and curb parking revenue to fund public facility and service improvements.

- Program TP 15: Establish an advisory committee, with representation from downtown property owners and merchants, to decide how to spend new curb parking revenues.
- Program TP 16: Modernize parking enforcement technologies, such as license plate recognition, to be integrated with smart meters, pay-by-phone, parking access and revenue control systems (PARCS), and handheld citation units.
- Program TP 17: Require all new and existing employers that provide subsidized employee parking to offer their employees the option to cash out their parking subsidy.
- Program TP 18: Manage curb space for commercial and passenger loading activities through a coordinated approach, including establishing time limits for commercial loading zones, developing an off-hours delivery program, or allocating space for short-term passenger loading/package delivery for mixed-use or multifamily projects.
- Program TP 19: Encourage new residential and commercial development projects with common parking areas to unbundle the full cost of parking from the cost of the property itself.
    1. Residential: For rental and for-sale housing, unbundle the full cost of parking from housing cost and create a separate parking charge.
    2. Commercial Leases: Unbundle parking costs from commercial space cost by identifying parking costs as a separate line item in the lease and allow tenants to lease as few parking spaces as they wish.
- Program TP 20: Monitor occupancy and usage rates of City-owned infill sites within the Plan Area and evaluate whether parking is the highest and best use for each site
- Program TP 21: Continue to assess current and future parking supply and demand to thoughtfully plan for long-term parking and transportation needs.

- Goal 6 Economic Development (ED): Downtown capitalizes in its location in the region, leverages its amenities, and captures more sales tax revenue to become a national model for the revitalization of mid-size cities.
    - Program ED 1: Modify the zoning regulations to allow for the construction and operation of live/work units and for the reuse of existing commercial and industrial buildings to accommodate live/work opportunities.
    - Program ED 3: Modify zoning regulations to allow collaborative incubator and working spaces for emerging innovative start-ups or smaller companies that benefit from shared and more affordable working space.
    - Program ED 9: Establish grants, programs, and incentives in support of temporary urbanism.
    - Program ED 13: Pursue available grant funding from local, state (Department of Housing and Community Development in particular), and federal sources to fund potential Transit-Oriented Development projects.

Applying the current standards at the time of this Draft EIR, the implementation of the proposed Specific Plan would represent a *significant* impact. However, once adopted, the proposed Specific Plan Policy C 5

Performance Metrics, requires the City to utilize alternative transportation performance metrics for the Specific Plan Area that measures how well street design meets the needs of all roadway users. Implementation of Specific Plan Policy C 5 is consistent with SB 743 and the update to the CEQA Guidelines that is anticipated to occur in the near future (see the discussion on SB 743 in Section 4.13.1.1, Regulatory Setting).

Impact TRANS-1: Implementation of the proposed project would cause or contribute to impacts at the following intersections:

- Foothill Boulevard & City Center Drive (South) (#1)
  - PM peak hour: Operations degrade from acceptable LOS D to unacceptable LOS F.
- Foothill Boulevard & B Street (#3)
  - AM peak hour: Operations degrade from acceptable LOS C to unacceptable LOS F.
  - PM peak hour: Operations degrade from acceptable LOS B to unacceptable LOS F.
- Main Street & A Street (#6)
  - AM peak hour: Operations degrade from acceptable LOS C to unacceptable LOS F.
- Mission Boulevard & A Street (#9)
  - AM peak hour: Operations degrade from acceptable LOS E to unacceptable LOS F.
  - PM peak hour: Operations degrade from acceptable LOS E to unacceptable LOS F.
- Mission Boulevard & B Street (#10)
  - AM peak hour: Operations degrade from acceptable LOS C to unacceptable LOS F.
  - PM peak hour: Operations degrade from acceptable LOS C to unacceptable LOS F.
- Mission Boulevard & C Street (#11)
  - AM peak hour: Operations degrade from acceptable LOS D to unacceptable LOS F.
  - PM peak hour: Operations degrade from acceptable LOS D to unacceptable LOS F.
- Mission Boulevard & D Street (#12)
  - AM peak hour: Operations degrade from acceptable LOS D to unacceptable LOS F.
  - PM peak hour: Operations degrade from acceptable LOS E to unacceptable LOS F.
- Mission Boulevard & Foothill Boulevard/Jackson Street (#13)
  - AM peak hour: Operations degrade from acceptable LOS B at the intersection level to unacceptable LOS F for all approaches.
  - PM peak hour: Operations degrade from acceptable LOS D at the intersection level to unacceptable LOS F for all approaches.
- Mission Boulevard & Fletcher Lane (#14)
  - AM peak hour: The intersection operates at LOS F without the project, and the addition of the project results in an increase in delay of 5.0 seconds or greater.
  - PM peak hour: Operations degrade from acceptable LOS E to unacceptable LOS F.
- Watkins Street & Jackson Street (#17)
  - AM peak hour: Operations degrade from acceptable LOS D to unacceptable LOS F.
  - PM peak hour: Operations degrade from acceptable LOS E to unacceptable LOS F.
- Montgomery Street & B Street (#18)

- AM peak hour: Operations degrade from acceptable LOS D to unacceptable LOS F.
- PM peak hour: The intersection operates at LOS F without the project, and the addition of the project results in an increase in delay of 5.0 seconds or greater.
- Peak hour signal warrant is met during both peak hours.

- 2nd Street & City Center Drive (#21)
  - AM peak hour: Operations degrade from acceptable LOS C to unacceptable LOS F.
  - PM peak hour: Operations degrade from acceptable LOS C to unacceptable LOS F.
- 2nd Street & A Street (#22)
  - AM peak hour: Operations degrade from acceptable LOS D to unacceptable LOS F.
  - PM peak hour: The intersection operates at LOS F without the project, and the addition of the project results in an increase in delay of 5.0 seconds or greater.
- 2nd Street & B Street (#23)
  - AM peak hour: Operations degrade from acceptable LOS D to unacceptable LOS F.
  - PM peak hour: Operations degrade from acceptable LOS D to unacceptable LOS F.
- 2nd Street & D Street (#25)
  - AM peak hour: The intersection operates at LOS F without the project, and the addition of the project results in an increase in delay of 5.0 seconds or greater.
- Foothill Boulevard & Hazel Avenue/City Center Drive (North) (#26)
  - AM peak hour: Operations degrade from acceptable LOS E to unacceptable LOS F.
  - PM peak hour: Operations degrade from acceptable LOS D to unacceptable LOS F.

Mitigation Measure TRANS-1: Each implementing development project shall participate in the phased construction of off-site traffic signals and improvement of intersections through payment of that project's fair share of traffic signal mitigation fees and the cost of other off-site improvements through payment of fair share mitigation fees established through the proposed Specific Plan which includes DIF (Development Impact Fee). The fees shall be collected and utilized as needed by the City of Hayward to construct the improvements necessary to maintain the required level of service and build or improve roads to their build-out level. The following mitigating improvements would be required:

- Mission Boulevard & C Street (Intersection #11): Install a traffic signal at the intersection per City requirements.
- Second Street and City Center Drive (Intersection #12): Optimize signal timing and install an eastbound right turn overlap phase per City requirements.
- Montgomery Street & B Street (Intersection #18): Install a traffic signal per City requirements.

Significance with Mitigation: Less than significant for Intersection #11. Significant and unavoidable for Intersections #1, #3, #6, #9, #10, #13, #14, #17, #21, #22, #23, #25 and #26. Due to constraints in acquiring right-of-way to provide additional lanes at intersections and because of increased exposure of pedestrians and bicyclists to vehicular traffic, which would conflict with the proposed Specific Plan goals and policies to support alternative modes, no feasible mitigation measures are available to reduce impacts to less-than-significant levels. Impacts would remain *significant and unavoidable* for Intersections #1, #3, #6, #9, #10, #13, #14, #17, #21, #22, #23, #25 and #26. The following

improvements were considered but deemed infeasible to reduce impacts to less-than-significant levels:

- Foothill Boulevard & City Center Drive (South) (#1):
  - Restripe the middle westbound shared through/right turn lane to a left turn lane
  - Restripe the westbound right turn lane to a shared through/right turn lane
  - Add a second southbound left turn lane
  - Add third northbound through lane
- Foothill Boulevard & B Street (#3):
  - Install protected left turn signal phases for all approaches
  - Add a second southbound left turn lane
  - Add a second eastbound through lane
  - Add two westbound left turn lanes (three total) and a second westbound through lane
  - Add a third northbound through lane
  - Add a northbound right turn lane (with overlap phase)
- Main Street & A Street (#6):
  - Add a second westbound left turn lane
  - Add two eastbound through lanes (three total)
  - Add a southbound right turn lane (with overlap phase)
  - Install protected left turn phases for the eastbound and westbound approaches
- Mission Boulevard & A Street (#9):
  - Add a northbound right turn lane
  - Add a southbound right turn lane (with overlap phase)
  - Install protected left turn phases for the northbound and southbound approaches
  - Optimize signal timing
- Mission Boulevard & B Street (#10):
  - Install protected left turn phases for the northbound and southbound approaches
  - Add a northbound right turn lane
  - Add a southbound right turn lane
- Mission Boulevard & Foothill Boulevard/Jackson Street (#13):
  - Expand the roundabout to have three through lanes throughout
  - Add two uncontrolled/free right turn lanes exiting the roundabout at each leg
  - Expand each approaching leg to three lanes
  - Add a fourth right turn lane with a turn pocket at the westbound Jackson Street approach
- Mission Boulevard & Fletcher Lane (#14):
  - Signal timing optimization
  - Add a northbound right turn lane
  - Add a second westbound left turn lane (which would require implementing split phases for the eastbound and westbound approaches)
  - Add a second eastbound right turn lane
  - Add a second northbound left turn lane
  - Install northbound and eastbound right turn overlap phases

- Watkins Street & Jackson Street (#17):
  - Add a second southbound right turn lane (with overlap phase)
  - Add a second northbound left turn lane
  - Add a second eastbound left turn lane
  - Add a fourth westbound through lane
- 2nd Street & City Center Drive (#21):
  - Optimize signal timing
  - Install an eastbound right turn overlap phase
- 2nd Street & A Street (#22):
  - Add a second southbound left turn lane
  - Add right turn overlap phases at all approaches
  - Add a second eastbound through lane
  - Add a second westbound left turn lane
- 2nd Street & B Street (#23):
  - Install permissive left turn signal phases for the eastbound and westbound approaches
  - Install eastbound and westbound right turn overlap phases,
  - Add a second eastbound left turn lane
  - Add a second southbound right turn lane
- 2nd Street & D Street (#25):
  - Add a second eastbound left turn lane
  - Add a second southbound through lane
  - Add a westbound right turn lane
- Foothill Boulevard & Hazel Avenue/City Center Drive (North)(#26):
  - Add a second eastbound left turn lane
  - Add a second southbound left turn lane
  - Add a second westbound right turn lane (with overlap phase)
  - Add a third northbound through lane
  - Restripe the eastbound shared through/right turn lane to a shared left/through/right lane (which would require implementing split phases for the eastbound and westbound approaches)

TRANS-2	**Implementation of the proposed project would not conflict with an applicable congestion management program, including, but not limited to, level-of-service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways.**

ACTC Congestion Management Program (CMP) Land Use Analysis was performed to identify potential impacts of the proposed Specific Plan on the MTS roadway network and the MTS transit operators. The potential impacts of the proposed Specific Plan to bicyclists and pedestrians are discussed in the impact discussion TRANS-5 below.

MTS Roadway and Freeway Network

MTS roadways in the Specific Plan Area include I-238, I-580, I-880, Mission Boulevard, Foothill Boulevard, Jackson Street, Crow Canyon Road/Grove Way, Winton Avenue, and A Street. Since the proposed Specific Plan is not anticipated to commence until after 2020, CMP analysis was only performed for 2040 conditions when buildout of the Plan is completed. Traffic forecasts for Year 2040 conditions were extracted at the selected MTS roadway segments from the latest version of the ACTC countywide model. The proposed Specific Plan volumes at the roadway segments were developed by incorporating the proposed Specific Plan land use and street network improvements into the model. The level of service results along with peak hour volumes and density on the freeway analysis segments for the Year 2040 Cumulative conditions, with and without Specific Plan, are provided in Table 4.13-7 and on the MTS arterial segments in Table 4.13-8.

Under Year 2040 Cumulative conditions, the following segments would operate at LOS F, which is beyond the standard, during the PM peak hour:

- I-880 Northbound (Hesperian Boulevard to A Street)
- I-880 Northbound (A Street to Winton Avenue)
- I-880 Northbound (Winton Avenue to Jackson Street)
- I-880 Northbound (South of Jackson Street)
- I-880 Southbound (A Street to Winton Avenue)
- I-880 Southbound (Winton Avenue to Jackson Street)
- I-880 Southbound (South of Jackson Street)
- I-238 Eastbound (I-880 to SR-185)
- I-580 Northbound (164th Avenue to I-238)
- I-580 Northbound (Strobridge Avenue to Redwood Road)
- I-580 Northbound (Redwood Road to Center Street)

With the addition of proposed Specific Plan traffic and street network improvements, the following CMP freeway segments would be significantly impacted:

- I-880 Northbound (Hesperian Boulevard to A Street): The segment operates at LOS F without the project, and the addition of the project results in an increase in V/C of 0.03 or greater.
- I-880 Northbound (A Street to Winton Avenue): The segment operates at LOS F without the project, and the addition of the project results in an increase in V/C of 0.03 or greater.
- I-880 Northbound (Winton Avenue to Jackson Street): The segment operates at LOS F without the project, and the addition of the project results in an increase in V/C of 0.03 or greater.
- I-880 Northbound (South of Jackson): The segment operates at LOS F without the project, and the addition of the project results in an increase in V/C of 0.03 or greater.
- I-880 Southbound (Hesperian Boulevard to A Street): Operations degrade from acceptable LOS E to unacceptable LOS F.
- I-238 Eastbound (I-880 to SR-185): The segment operates at LOS F without the project, and the addition of the project results in an increase in V/C of 0.03 or greater.
- I-580 Northbound (Strobridge Avenue to Redwood Road): The segment operates at LOS F without the project, and the addition of the project results in an increase in V/C of 0.03 or greater.

TABLE 4.13-7 MTS FREEWAY PM PEAK HOUR LEVEK OF SERVICE, 2040 CUMULATIVE CONDITIONS, WITHOUT AND WITH SPECIFIC PLAN

	Year 2040 Cumulative Conditions			Year 2040 Cumulative with Specific Plan Conditions			
Location	Volume[a]	Density[b]	LOS	Volume	Density	LOS	Change in V/C
I-880 Northbound							
Hesperian Boulevard to A Street	9,497	**82.6**	**F**	10,866	**167.2**	**F**	0.144
A Street to Winton Avenue	10,456	**160.9**	**F**	11,975	**399.2**	**F**	0.145
Winton Avenue to Jackson Street	10,327	**93.9**	**F**	11,555	**165.1**	**F**	0.119
South of Jackson Street	8,017	**72.9**	**F**	8,942	**127.7**	**F**	0.115
I-880 Southbound							
Hesperian Boulevard to A Street	8,734	42.6	E	8,958	**47.1**	**F**	0.026
A Street to Winton Avenue	9,107	**82.8**	**F**	9,367	**98.6**	**F**	0.029
Winton Avenue to Jackson Street	8,582	**46.4**	**F**	8,780	**50.2**	**F**	0.023
South of Jackson	7,435	**51.3**	**F**	7,562	**56.0**	**F**	0.017
I-238 Eastbound							
I-880 to SR-185	5,424	**45.2**	**F**	6,033	**64.9**	**F**	0.112
I-238 Westbound							
I-880 to SR-185	3,917	28.4	D	4,143	32.9	D	0.058
I-580 Northbound							
164th Avenue to I-238	8,459	**58.7**	**F**	8,600	**63.2**	**F**	0.017
Strobridge Avenue to Redwood Road	10,907	**109.1**	**F**	11,333	**128.8**	**F**	0.039
Redwood Road to Center Street	10,972	**144.4**	**F**	11,252	**165.5**	**F**	0.026
I-580 Southbound							
164th Avenue to I-238	6,075	26.2	D	6,097	26.3	D	0.004
Strobridge Avenue to Redwood Road	5,834	25.6	C	5,937	26.0	D	0.018
Redwood Road to Center Street	6,155	28.5	D	6,123	28.3	D	-0.005

Notes:
Bold text indicates substandard operations.
Shading indicates significant impact.
a. Volume = Passenger Cars per Hour (pcph)
b. Density = Passenger Cars per Mile per Lane (pcpmpl)
Source: Kittelson & Associates, Inc., 2018.

TABLE 4.13-8 MTS ARTERIAL PM PEAK HOUR LEVEL OF SERVICE, 2040 CUMULATIVE CONDITIONS, WITHOUT AND WITH SPECIFIC PLAN

Segment	Year 2040 Cumulative Conditions		Year 2040 Cumulative with Specific Plan Conditions		V/C Change
	Volume	LOS	Volume	LOS	
Southbound/Westbound					
Mission Boulevard, North of A Street	1,118	D	1,255	D	0.09
Mission Boulevard, North of D Street	3,922	**F**	1,933	**F**	0.18
Mission Boulevard, South of Jackson Street/Foothill Boulevard	2,844	**F**	1,990	**F**	0.13
Foothill Boulevard, North of City Center Drive (South)	2,633	**F**	1,790	E	-0.35
Foothill Boulevard, South of A Street	–	–	1,592	E	1.00
Foothill Boulevard, North of D Street	–	–	1,499	E	0.94
Jackson Street, West of Mission Boulevard	2,679	**F**	2,136	E	-0.23
Crow Canyon Road/Grove Way, North of Castro Valley Boulevard	1,059	D	1,000	E	-0.04
Crow Canyon Road/Grove Way, West of Center Street	619	B	530	B	-0.06
Winton Avenue, West of D Street	937	C	1,047	C	0.07
A Street, North of Foothill Boulevard	1,541	D	697	D	-0.09
A Street, North of Mission Boulevard	3,202	E	944	**F**	0.24
Northbound/Eastbound					
Mission Boulevard, North of A Street	1,384	D	1,900	**F**	0.34
Mission Boulevard, North of D Street	–	–	2,506	**F**	1.57
Mission Boulevard, South of Jackson Street/Foothill Boulevard	3,525	**F**	2,017	**F**	-0.12
Foothill Boulevard, North of City Center Drive (South)	2,963	**F**	1,809	E	-0.48
Foothill Boulevard, South of A Street	4,360	E	1,602	E	0.02
Foothill Boulevard, North of D Street	4,911	**F**	1,351	D	-0.24
Jackson Street, West of Mission Boulevard	3,158	**F**	2,743	**F**	-0.17
Crow Canyon Road/Grove Way, North of Castro Valley Boulevard	2,133	**F**	2,136	**F**	0.01
Crow Canyon Road/Grove Way, West of Center Street	1,036	D	1,056	D	0.01
Winton Avenue, West of D Street	2,297	**F**	2,051	**F**	-0.15
A Street, North of Foothill Boulevard	1,299	D	860	**F**	0.26
A Street, North of Mission Boulevard	–	–	968	**F**	1.21

Notes:
Bold text indicates substandard operations.
Shaded cell indicated a significant impact.
Source: Kittelson & Associates, Inc., 2018.

The MTS arterial segment analysis results are presented in Table 4.13-8, and as shown, the following arterial segments would operate beyond the standard under Year 2040 Cumulative conditions during the PM peak hour:

- Southbound Mission Boulevard (North of D Street)
- Southbound Mission Boulevard (South of Jackson Street/Foothill Boulevard)
- Southbound Foothill Boulevard (North of City Center Drive (South))
- Southbound Jackson Street (West of Mission Boulevard)
- Northbound Mission Boulevard (South of Jackson Street/Foothill Boulevard)
- Northbound Foothill Boulevard (North of City Center Drive (South))
- Northbound Foothill Boulevard (North of D Street)
- Northbound Jackson Street (West of Mission Boulevard)
- Northbound Crow Canyon Road/Grove Way (North of Castro Valley Boulevard)
- Eastbound Winton Avenue (West of D Street)

With the addition of proposed Specific Plan traffic and street network improvements, the following CMP arterial segments would be significantly impacted:

- Southbound Mission Boulevard (North of D Street): The segment operates at LOS F without the project, and the addition of the project results in an increase in V/C of 0.03 or greater.
- Southbound Mission Boulevard (South of Jackson Street/Foothill Boulevard): The segment operates at LOS F without the project, and the addition of the project results in an increase in V/C of 0.03 or greater.
- Westbound A Street, North of Mission Boulevard): Operations degrade from acceptable LOS E to unacceptable LOS F.
- Northbound Mission Boulevard (North of A Street): Operations degrade from acceptable LOS D to unacceptable LOS F.
- Northbound Mission Boulevard (North of D Street): Operations degrade to unacceptable LOS F.
- Eastbound A Street (North of Foothill Boulevard): Operations degrade from acceptable LOS D to unacceptable LOS F.
- Eastbound A Street (North of Mission Boulevard): Operations degrade to unacceptable LOS F.

The General Plan has several policies related to traffic operations:

- Policy M-2.1 Regional Coordination requires the City to continue to coordinate its transportation planning with regional agencies (Caltrans, Metropolitan Transportation Commission, and Alameda County Transportation Commission) and adjoining jurisdictions.
- Policy M-2.2 Regional Plans directs the City to support regional and countywide transportation plans (e.g., Plan Bay Area, Countywide Transportation Plan) that make alternatives to automobile use a transportation- system priority.

In addition, the following Specific Plan goals and policies relate to vehicular traffic in the Specific Plan Area:

- Goal 4 Circulation: The public right-of-way is recognized as the backbone of the public realm and Downtown streets are comfortable for people walking and bicycling, efficient and convenient for people taking transit, and accommodating to people driving automobiles at posted speed limits.

The application of these policies would not guarantee that these impacts would be reduced to less-than-significant levels. Therefore, implementation of the proposed Specific Plan would represent a *significant* cumulative impact.

Impact TRANS-2.1: Implementation of the proposed project would cause or contribute to impacts at the following MTS arterial and freeway segments:

- I-880 Northbound (Hesperian Boulevard to A Street)
- I-880 Northbound (A Street to Winton Avenue)
- I-880 Northbound (Winton Avenue to Jackson Street)
- I-880 Northbound (South of Jackson)
- I-880 Southbound (Hesperian Boulevard to A Street)
- I-238 Eastbound (I-880 to SR-185)
- I-580 Northbound (Strobridge Avenue to Redwood Road)
- Southbound Mission Boulevard (North of D Street)
- Southbound Mission Boulevard (South of Jackson Street/Foothill Boulevard)
- Westbound A Street (North of Mission Boulevard)
- Northbound Mission Boulevard (North of A Street)
- Northbound Mission Boulevard (North of D Street)
- Eastbound A Street (North of Foothill Boulevard)
- Eastbound A Street (North of Mission Boulevard)

Significance without Mitigation: Significant and unavoidable. Due to constraints in acquiring right-of-way to provide additional lanes at roadway and freeway segments and because of increased exposure of pedestrians and bicyclists to vehicular traffic on arterial segments, which would conflict with the proposed Specific Plan goals and policies to support alternative modes, no feasible mitigation measures are available to reduce impacts to less than significant levels. In addition, freeway segments are under the jurisdiction of Caltrans so the implementation and timing of the mitigation measures for freeway facilities are not under the City's control. Impacts would remain *significant and unavoidable* for all study MTS roadway and freeway segments. The following improvements were considered but deemed infeasible to reduce impacts to less than significant levels:

- I-880 Northbound (Hesperian Boulevard to A Street)
  - Add a northbound vehicle lane along the segment
- I-880 Northbound (A Street to Winton Avenue)
  - Add a northbound vehicle lane along the segment
- I-880 Northbound (Winton Avenue to Jackson Street)
  - Add a northbound vehicle lane along the segment

- I-880 Northbound (South of Jackson)
  - Add a northbound vehicle lane along the segment
- I-880 Southbound (Hesperian Boulevard to A Street)
  - Add a southbound vehicle lane along the segment
- I-238 Eastbound (I-880 to SR-185)
  - Add an eastbound vehicle lane along the segment
- I-580 Northbound (Strobridge Avenue to Redwood Road)
  - Add a northbound vehicle lane along the segment
- Southbound Mission Boulevard (North of D Street)
  - Add a southbound vehicle lane along the segment
- Southbound Mission Boulevard (South of Jackson Street/Foothill Boulevard)
  - Add a southbound vehicle lane along the segment
- Westbound A Street (North of Mission Boulevard)
  - Add a westbound vehicle lane along the segment
- Northbound Mission Boulevard (North of A Street)
  - Add a northbound vehicle lane along the segment
- Northbound Mission Boulevard (North of D Street)
  - Add a northbound vehicle lane along the segment
- Eastbound A Street (North of Foothill Boulevard)
  - Add an eastbound vehicle lane along the segment
- Eastbound A Street (North of Mission Boulevard)
  - Add an eastbound vehicle lane along the segment

Transit Operations

Effects of Vehicle Traffic on Mixed Flow Transit Operations

An assessment was made to determine if vehicle trips generated by the proposed Specific Plan would cause congestion that reduces transit vehicle operations. AC Transit currently operates 14 bus lines in the area. As discussed in Impact TRANS-1, the proposed Specific Plan would cause potentially significant impacts to several intersections in the Specific Plan Area that are used by AC transit bus routes. As discussed previously, the proposed Specific Plan would also cause potentially significant impacts to the following CMP roadway segments in the Plan area that are used by AC transit bus routes:

- Southbound Mission Boulevard (North of D Street)
- Southbound Mission Boulevard (South of Jackson Street/Foothill Boulevard)
- Northbound Mission Boulevard (North of A Street)

Future development would be required to comply with existing General Plan policies listed above in Section 4.13.1.1, Regulatory Framework, as applicable, that require local planning and development decisions to consider impacts to transportation and circulation, including transit. Specific Policies include

the following: Policy M-2.3 requires the City to work with the regional agencies and adjacent communities to improve regional transportation networks and contribute to a regional multimodal transportation system; Policy M-2.5 requires the City to review and comment on development applications in Alameda County and adjoining cities to suggest solutions to reduce negative effects on local circulation and mobility; Policy M-4.6 requires the City to consider improvements, on arterials with transit service to preserve bus operating speeds; and Policy M-7.9 requires the City to 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.

The proposed Specific Plan also includes policies to promote transit service as follows:

- Goal 4 Circulation: The public right-of-way is recognized as the backbone of the public realm and Downtown streets are comfortable for people walking and bicycling, efficient and convenient for people taking transit, and accommodating to people driving automobiles at posted speed limits.
    - Policy C 1 Commuter Transportation System: Support a multi-modal commuter transportation system that strengthens regional transit links to and from the Downtown.
    - Policy C 10 Transit-Priority Streets: Prioritize maintaining the speed, reliability, and on-time performance of buses using the Central County Complete Streets Implementation Design Guidelines (ACTC, 2016) and AC Transit recommended best-practices for transit-priority streets in the Specific Plan Area.

However, even with implementation of these existing General Plan and proposed Specific Plan policies several roadway segments would be impacted, which would affect the performance of bus service and impacts are considered to be *significant*.

Impact TRANS-2.2: Implementation of the proposed project would cause or contribute to impacts on 14 AC Transit bus lines in the area.

Significance without Mitigation: Significant and unavoidable. Mitigation Measure TRANS-1 previously discussed was identified to reduce impacts at three study intersections to less than significant. However, mitigation measures were generally deemed infeasible at most intersections and impacts could not be mitigated. In addition, mitigation measures to reduce the CMP segment impacts to less than significant were deemed infeasible. These changes in operations at the intersections and roadway segments would affect mixed flow transit operations. Therefore, the impact of the proposed Specific Plan on mixed flow transit operations would be considered *significant and unavoidable.*

Effects on Transit Service Capacity

In addition to the impact of vehicles on transit operations, the CMP guidelines require a determination for whether a proposed project would cause the existing transit service to exceed its available capacity. All combined AC Transit routes and were considered for these purposes.

AC Transit

The proposed Specific Plan is estimated to generate 2,196 new AC Transit bus trips per day compared to the 2040 no-project with approximately 220 occurring in each peak hour. Given these trips are spread on

multiple routes from/to Hayward (14 routes) each operating at an average headway of approximately 35 minutes in the peak hour, the proposed Specific Plan is likely to contribute an average of under 5.0 additional passengers per bus, which is not expected to exceed AC Transit's capacity at the maximum load segments within Hayward. Therefore, the impacts of the proposed Specific Plan on AC Transit service would be considered *less than significant.*

BART

The Hayward BART station is located within the Specific Plan Area. According to the September 2018 ridership information provided by BART, there are approximately 5,156 daily weekday boardings at the Hayward BART Station. Under Cumulative conditions, the model estimates this will increase to 24,531 daily weekday boardings. Under Cumulative plus Specific Plan conditions, the model estimates this will further increase to 25,979 daily weekday boardings. As presented in Table 4.13-9, the proposed Specific Plan is expected to increase daily BART ridership in 2040 by 1,448 new riders at the station, with approximately 145 trips (10 percent) occurring during the weekday AM peak hour and approximately 145 trips (10 percent) occurring during the weekday PM peak hour. BART service would be fully operational to San Jose by the Cumulative (2040) year. Based on three routes that will pass through Hayward, and assuming nine trains per hour in each direction, the proposed Specific Plan would contribute on average eight additional passengers per train. The capacity of each train is 1,000 seated and standing passengers. Per BART's 2008 Station Profile Study, the maximum load factors during the peak hours on BART are at 100 percent. Assuming this condition continues with the future expanded service, the projected ridership increase due to the proposed Specific Plan of eight passengers per train would increase BART ridership on trains at the Hayward Station by less than one percent. Therefore, the impacts of the proposed Specific Plan would be considered *less than significant.*

TABLE 4.13-9 WEEKDAY PEAK HOUR SPECIFIC PLAN TRIPS ON BART

Specific Plan Trips	BART Trains	Additional Passengers per Train	Percent Increase in Passengers per Train[a]
145	18	8	0.8%

a. Train capacity assumed to be 1,000 passengers.
Source: Kittelson & Associates, Inc., 2018.

The two primary transit agencies serving Downtown Hayward are AC Transit and BART. Amtrak service via the Capitol Corridor passes through the area at the Hayward Amtrak station, located approximately three-quarter miles west of Downtown Hayward near A Street. AC Transit has numerous routes serving the Plan area: M, 10, 28, 34, 41, 56, 60, 83, 86, 93, 94, 95, 99, and 801. The Hayward BART Station (part of the Fremont/Richmond and Fremont/Daly City lines) directly serves the Specific Plan Area.

Significance without Mitigation: Less than significant.

TRANS-3 Implementation of the proposed project would not substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersection) or incompatible uses (e.g., farm equipment).

The proposed Specific Plan would not introduce incompatible land uses that would create a hazardous condition, as the proposed land uses are similar to existing and surrounding land uses. However, the proposed Specific Plan proposes two types of circulation changes: convert several streets from one-way to two-way streets and road diets.[15]

One-way street to two-way street conversions:
- A Street (between Mission Boulevard and Foothill Boulevard);
- B Street (between Watkins Street and Foothill Boulevard);
- C Street (between Mission Boulevard and 2nd Street);
- 1st Street (between C Street and D Street);
- Mission Boulevard (between A Street and Foothill Boulevard); and
- Foothill Boulevard (between A Street and the new Foothill Boulevard roundabout).

Road diets are proposed on the following streets:
- A Street (between Grand Street and 3rd Street);
- B Street (between Grand Street and Watkins Street);
- 2nd Street (between Russell Way and E Street);
- Main Street (between Warren Street/ McKeever Avenue and Foothill Boulevard); and
- Foothill Boulevard (between Hazel Avenue and Watkins Street).

It also provides several improvements for pedestrian and bicycle travel, and improvements to transit network and facilities. Pedestrians and bicyclists require a minimum standard of sidewalk or bikeway to feel comfortable and confident when traveling. The proposed Specific Plan includes several improvements to pedestrian facilities[16] such as:
- Reduced travel lanes and travel lane widths.
- Expanded pedestrian zones.
- Shorter crossing distances at intersections.
- Landscaped streets.

The type of bikeway needed depends on the roadway's characteristics, such as traffic volumes and speeds. By implementing road diets and removing travel lanes, the City would add additional bikeways to its street network, including protected bike lanes to improve the safety of all roadway users, including pedestrians.

Road diets, conversions to two-way traffic and improvements to bicycle and pedestrian circulation would be required to comply with the General Plan policies listed above in Section 4.13.2.1, Regulatory Framework, that require the City to develop safe and convenient bikeways and pedestrian crossings (Policies M-3.10, *Motorists, Bicyclists, and Pedestrian Conflicts,* Policy M-1.1*, Transportation System,* Policy M 5.7, *Safe Sidewalks,* and Policy 5.4 *Sidewalk Design,* Policy M5.6 *Safe Pedestrian Crossings,* and Policy M 6.3 *Appropriate Bikeway Facilities)*. In addition, the following proposed Specific Plan goals and policies would serve to minimize potential circulation hazards of the Specific Plan Area:

[15] A road diet is when the motor vehicle travel lanes on a roadway are reduced to reallocate the space for other uses, such as transit lanes, bikeways, or wider sidewalks.

[16] Improvements to pedestrian facilities are described in detail in Section 3.4.4.2, *Pedestrian and Bicycle Improvements*.

- Goal 4 Circulation: The public right-of-way is recognized as the backbone of the public realm and Downtown streets are comfortable for people walking and bicycling, efficient and convenient for people taking transit, and accommodating to people driving automobiles at posted speed limits.
    - Policy C 2 Multi-Modal Streets: Ensure that Downtown streets adequately accommodate needs and safety of pedestrians and cyclists while respecting traffic volumes.
    - Policy C 4 Bike Network: Create a safe, efficient, and attractive bicycle network for internal connectivity and connections with bikeways outside of the Plan Area.

The design and construction would be subject to review by the City of Hayward during the implementation of each roadway improvement at a project-level detail. At that time City Staff would determine the adequacy of the design and construction plans in conformance with City construction and development standards to ensure that the proposed project will not substantially increase hazards due to a design feature or incompatible uses. The review would be conducted by the City's Community Development, and the City's Public Works departments prior to implementation of any proposed road diet and two-way conversion. The improvements described above are not expected to create adverse safety conditions or incompatible traffic patterns. Given that the improvements described above are not expected to create adverse safety conditions, and improvements would be reviewed and conducted in conformance with the City of Hayward standards and the goals and policies on the General Plan and the proposed Specific Plan, the resulting impacts are considered to be *less than significant.*

Significance without Mitigation: Less than significant.

TRANS-4 Implementation of the proposed project would not result in inadequate emergency access.

Individual land development projects within the proposed Specific Plan would have to comply with emergency access requirements to comply with City Code and Fire Code, which will be reviewed during the design and approval process for each individual project.

Emergency vehicle access to the Specific Plan Area would use the roadways throughout the Specific Plan Area. The Specific Plan Area includes a fire station located at 22,700 Main Street. The implementation of the proposed Specific Plan would result in increased traffic congestion and delay at certain study intersections along emergency vehicle access routes under 2040 conditions. This additional traffic congestion could potentially slow emergency response and evacuation. However, future development under the proposed Specific Plan is required to comply with all City roadway and access standards as well as the California Fire Code that insures emergency access is adequate in the city. Additionally, the proposed Specific Plan includes the following policies related to emergency access:

- Goal 7 Infrastructure and Public Facilities (IPF): Public Services, community facilities, and utility systems are well maintained, implement Citywide climate change policies, and meet the needs of current and future Downtown residents, businesses, and visitors.
    - Policy IPF 7 Fire and Police: Improve and maintain the performance of fire and police protection services to adequately serve the population of the Specific Plan Area through 2040 and beyond.

For these reasons, implementation of the proposed Specific Plan would not result in inadequate emergency access and impacts would be *less than significant*.

Significance without Mitigation: Less than significant.

TRANS-5 Implementation of the proposed project would not conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities.

The proposed Specific Plan is a plan for mixed-use development with pedestrian and bicycle improvements and accessible to several transit facilities. The proposed Specific Plan proposes multi-modal enhancements to the circulation network to make Downtown Hayward a more active, safe, and attractive environment to promote walking, biking, and transit as viable alternatives to driving. Circulation changes include extensive road diets across the Specific Plan Area, converting the Downtown Loop to a two-way network, and converting the intersection of Mission Boulevard & Foothill Boulevard/Jackson Street to an oval roundabout. The proposed Specific Plan also includes protected bike lanes and bike routes on area roadways. Other improvements include landscaped buffers, shorter blocks, more pedestrian crossings, and other pedestrian improvements.

Future development would be required to comply with existing General Plan policies listed above in Section 4.13.1.1, Regulatory Framework, as applicable, that require local planning and development decisions to consider impacts to transportation and circulation, including public transit, bicycle and pedestrian travel. Specific Policies include the following: Policy LU-2.3 requires the City to strive to create a pedestrian environment in the Downtown; Policy M-1.2 and M-1.7 requires the City to promote development of an integrated, multi-modal transportation system; Policy M-1.6 requires the City to encourage the development of facilities and services that enable bicycling, walking, and transit use; Policy M-1.8 requires the City to provide leadership in educating the community about alternative transportation modes; Policy M-3.1 requires the City to provide travel along and across streets to serve all users; Policy M-3.2 requires the City to consider the needs of multimodal transportation users in long-range planning and street design; Policy M-3.3 and M-3.5 requires the City to balance the needs of all travel modes when planning transportation improvements and managing transportation use in the public right-of-way and incorporate appropriate complete streets infrastructure; Policy M-3.6 requires the City to consider the land use and urban design context of adjacent properties when designing complete streets; Policy M-3.10 requires the City to develop safe and convenient bikeways and pedestrian crossings; Policy M-5.1 requires the City to consider pedestrian needs in long-range planning and street design; Policies M-5.2, M-5.3, M-5.4, M-5.6, and M-5.7 requires the City to strive to create and maintain a continuous system of connected pedestrian facilitates and crosswalks free of major impediments and obstacles with access to key transit stops and stations for seniors and other persons with special needs; Policy M-6.1 requires the City to maintain and implement the Hayward Bicycle Master Plan; Policies M-6.2, M-6.3, M-6.4, M-6.5, M-6.6, M-6.7, and M-6.8, requires the City to encourage bicycle use in all neighborhoods, provide appropriate bikeway facilities that are appropriate, encourage AC Transit and BART to expand access to cyclists, ensure that new commercial and residential development projects provide frequent and direct connections to bikeways and do not interfere with existing and proposed bicycle facilities,

encourage safe bike routes to schools, conversion of underused rights-of-way, and providing bicycle wayfinding and signage; Policies M-7.1, M-7.2, and M-7.4 requires the City to support a connected transit system by improving connections between transit stops/stations and roadways, bikeways, and pedestrian facilities, collaborate with BART and AC Transit to expand opportunities to expand services, and encourage improved transit links from the BART and Amtrak stations to major activity centers within the city.

The *Alameda Countywide Bicycle Plan*, *Countywide Pedestrian Plan*, and *Countywide Transit Plan*, all enacted by the ACTC, as well as *Plan Bay Area*, also contain strategies designed to support alternative modes of transportation, including walking, bicycling, and public transit. These include the following:

Countywide Bicycle Plan Strategy 1.7: Encourage local jurisdictions to adopt policies, guidelines, standards and regulations that result in bicycle-friendly communities, and, where applicable, transit-oriented land use development; and provide them with technical assistance and resources to do so.

- Countywide Pedestrian Plan Strategy 1.8: Encourage local jurisdictions to adopt policies, guidelines, standards and regulations that result in pedestrian-friendly communities, and, where applicable, transit-oriented land use development; and provide them with technical assistance and resources to do so.
- Countywide Transit Plan, Streets Plus Strategy #2: Encourage transit-oriented community planning along transit corridors and transit-dense areas.

Additionally, the proposed Specific Plan also includes policies to promote transit service as follows:

- Goal 4 Circulation: The public right-of-way is recognized as the backbone of the public realm and Downtown streets are comfortable for people walking and bicycling, efficient and convenient for people taking transit, and accommodating to people driving automobiles at posted speed limits.
    - Policy C 1 Commuter Transportation System: Support a multi-modal commuter transportation system that strengthens regional transit links to and from the Downtown.
    - Policy C 2 Multi-Modal Streets: Ensure that Downtown streets adequately accommodate needs and safety of pedestrians and cyclists while respecting traffic volumes.
    - Policy C 3 Pedestrian Priorities: Reclaim Downtown as a place for pedestrians by supporting pedestrian focused design strategies, such as wide sidewalks, painted or lighted crosswalks, ergonomic crosswalks, flashing lights, pedestrian controlled mid-block, and reduced curb-to curb dimensions across intersections to make walking more protected, convenient, and comfortable.
    - Policy C 4 Bike Network: Create a safe, efficient, and attractive bicycle network for internal connectivity and connections with bikeways outside of the Specific Plan Area.
    - Policy C 10 Transit-Priority Streets: Prioritize maintaining the speed, reliability, and on-time performance of buses using the Central County Complete Streets Implementation Design Guidelines (ACTC, 2016), and AC Transit recommended best-practices for transit-priority streets in the Specific Plan Area.

The proposed Specific Plan identifies and prioritizes improvements to enhance the pedestrian and bicycle environment. The proposed Specific Plan includes strategies that, once adopted, would implement the

following strategies from the *Alameda Countywide Bicycle Plan*, *Countywide Pedestrian Plan*, and *Countywide Transit Plan*, and would ensure adequate bicycle, pedestrian, and public transit facilities are available in the Specific Plan Area.

The pedestrian experience would be greatly improved through proposed changes to the roadways, including:

- Reduced travel lanes and travel lane widths, which will slow speeders;
- Expanded pedestrian zones;
- Shorter crossing distances at intersections; and
- Landscaped streets.

These changes would create a calmer and more pleasant environment for people to walk and linger. Slower motor vehicle speeds and shorter crossing distances will make people feel safer traveling by foot.

A protected bikeway network would improve the safety of all roadway users, including pedestrians. The proposed bikeway network improvements would change a 10-minute walk from BART to the edge of Downtown into a 3-minute bike ride.

Therefore, implementation of the proposed Specific Plan would support the strategies mentioned above and would not conflict with plans, programs and policies regarding bicycle, pedestrian, or transit facilities, or decrease the performance and safety of such facilities.

In summary, there would be adequate availability of alternative modes of travel including pedestrian, bicycle, and transit. The proposed project would not displace, modify, or interfere with any transit stop, sidewalk, or bicycle lanes. In addition, the project would not generate a demand for transit that would exceed the capacity of the system. Therefore, the project would not conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities and associated impacts would be *less than significant*.

Significance without Mitigation: Less than significant.

TRANS-6 Implementation of the proposed project would increase total VMT while reducing VMT per service population in the Specific Plan Area.

As discussed previously, OPR's guidelines to revise metrics to analyze transportation impacts (SB 743) are undergoing final rulemaking and review through the Natural Resource Agency and the Office of Administrative Law. Once the new rules are adopted, cities and other agencies will have a 2-year opt-in period before SB 743 compliant CEQA analysis becomes mandatory. At this time, VMT requirements have not gone into effect and the City of Hayward and Alameda County have not yet adopted VMT metrics to evaluate transportation impacts. Therefore, this section provides a VMT discussion for informational purposes only and not as part of the CEQA findings of significance discussion.

The ACTC countywide model was used to help evaluate the change in VMT for the proposed Specific Plan. Total daily VMT and VMT per capita based on the model are presented in Table 4.13-10. As shown, VMT per capita for existing conditions is 22.2 miles per service population. By 2040, the VMT is forecast to

increase to 27.1 miles per service population. The proposed Specific Plan reduces VMT to 23.3 miles per service population, which is 4.9 percent higher than existing conditions but 13.9 percent lower than Cumulative conditions.

TABLE 4.13-10 VMT PER CAPITA -- EXISTING AND PROJECTED (SPECIFIC PLAN)

	Existing 2018	Cumulative 2040 No-Project	Cumulative 2040 Plus Specific Plan
Daily VMT	320,478	430,063	832,134
Total Service Population	14,434	15,894	35,736
Average Trip Length	**8.14**	**8.84**	**8.75**
VMT Per Capita	**22.2**	**27.1**	**23.3**

Source: ACTC Travel Demand Model; Kittelson & Associates, Inc., 2018.

Additionally, the proposed Specific Plan includes several goals, policies, and programs aimed at promoting density and using transit oriented development to reduce average VMT for residents within the city. In addition to the goals, policies, and programs listed in impact discussion TRANS-1 above, the following are applicable to reducing VMT on the project site:

- Goal 1 Land Use (LU): Downtown is transformed into a vibrant, walkable City center that serves as a regional destination to play, work, and live for City residents, neighboring communities, and local college students.
  - Policy LU 1 Diversity of Uses: Attract more downtown visitors, including families and college students and faculty from Cal State University, East Bay, and Chabot College, by offering a wide array of retail, dining, services, and entertainment uses that create a dynamic environment and depend on pedestrian foot traffic.
  - Policy LU 2 Transit Supportive Development: Create an urban environment and development regulations in the Plan Area for transit supportive development that benefits from and promotes a rapid transit public transportation system.
  - Policy LU 5 Consistent Citywide Policy: Ensure that updates to citywide policies and regulations support the Downtown vision, goals, and development standards.
    - Program LU 1: Develop new zoning regulations which allow for increased intensity, reduced parking requirements, and a mix of uses to encourage new walkable and transit accessible retail, office, and residential uses Downtown.
    - Program LU 3: Modify zoning regulations, including lot size, setback, height, and parking requirements, which were identified as constraints to achieving General Plan intensities and densities
    - Program LU 4: Update zoning regulations to modernize land use regulations and allow uses consistent with the vision for Downtown; such as neighborhood and regional serving retail, destination dining, entertainment, and indoor recreation that serve a diverse population including students, families, seniors, creative class professionals, and artists.
    - Program LU 7: Amend General Plan Land Use Designation, City Center-Retail and Office Commercial, to allow for density up to 210 dwelling units per acre.

- Program LU 9: Establish a program to advertise opportunity sites (including those identified in the Plan) to encourage the full and efficient use of vacant and underutilized parcels.
- Program LU 11: Working with the business community, develop a Downtown branding plan highlighting the Plan Area's unique opportunities and attractions that includes creative taglines, logos, and other visual themes along with an accompanying implementation plan.
- Program LU 12: Work with the business community to develop a Comprehensive Marketing Plan that includes 1) a target list of businesses for attraction and expansion; 2) policies, actions, and marketing strategies; and 3) benchmarks to measure progress in implementation. The marketing strategies should highlight the following Plan Area attributes in support of long-term goals:

  1. Unique restaurants and eateries;

  2. Youth and family-oriented uses;

  3. Entertainment uses, including those desirable to college students; and

  4. Arts, events, music festivals, farmers markets, and other cultural activities.

4.14 UTILITIES AND SERVICE SYSTEMS

This chapter describes the existing utilities and service systems for Hayward and evaluates the potential environmental consequences of future development that could occur by adopting and implementing the proposed project. Water supply, wastewater, solid waste, and energy conservation are each addressed in separate sections of this chapter. Stormwater as it relates to both water quality and capacity is addressed in Chapter 4.8, Hydrology and Water Quality, of this Draft EIR under impact discussion HYDRO-5. In each section, a summary of the relevant regulatory setting and existing conditions is followed by a discussion of the proposed project and cumulative impacts.

4.14.1 WATER

4.14.1.1 ENVIRONMENTAL SETTING

Regulatory Framework

State Regulations

California Porter-Cologne Water Quality Act

Under the Porter-Cologne Water Quality Control Act, which was passed in California in 1969 and amended in 2013, the State Water Resources Control Board (SWRCB) has authority over State water rights and water quality policy. This Act divided the State into nine regional basins, each under the jurisdiction of a Regional Water Quality Control Board (RWQCB) to oversee water quality on a day-to-day basis at the local and regional level. The RWQCB engage in a number of water quality functions in their respective regions. The RWQCB regulate all pollutant or nuisance discharges that may affect either surface water or groundwater. Hayward is overseen by the San Francisco Bay RWQCB.

California Urban Water Management Planning Act

Through the Urban Water Management Planning Act of 1983, the California Water Code (Division 6, Part 2.6, sections 10610 through 10656) requires all urban water suppliers within California to prepare and adopt an urban water management plan and update it every five years. This requirement applies to all suppliers providing water to more than 3,000 customers or supplying more than 3,000 acre-feet[1] of water annually. This Act is intended to support conservation and efficient use of urban water supplies. This Act requires that total project water use be compared to water supply sources over the next 20 years in five-year increments, that planning occur for single- and multiple-dry water years, and that plans include a water recycling analysis that incorporates a description of the wastewater collection and treatment system within the agency's service area along with current and potential recycled water uses. In

[1] Once acre-foot is the amount of water required to cover 1 acre of ground (43,560 square feet) to a depth of 1 foot.

September 2014 the act was amended by Senate Bill (SB) 1420 to require urban water suppliers to provide descriptions of their water demand management measures and similar information.[2]

Senate Bills 610 and 221

Senate Bill (SB) 610 and SB 221 amended State law to ensure better coordination between local water supply and land use decisions and confirm that there is an adequate water supply for new development. Both statutes require that detailed information regarding water availability be provided to City and County decision-makers prior to approval of large development projects. SB 610 requires the preparation of a WSA for certain types of projects, as defined by Water Code Section 10912, which are subject to the California Environmental Quality Act (CEQA). Projects required to prepare a WSA are defined as follows:

- Residential development of more than 500 dwelling units
- Shopping center or business establishment employing more than 1,000 persons or having more than 500,000 square feet of floor area
- Hotel or motel, or both, having more than 500 rooms
- Industrial, manufacturing or processing plant, or industrial park planned to employ more than 1,000 persons, occupying more than 40 acres of land, or having more than 650,000 square feet of floor area
- Mixed-use project that includes one or more of the projects specified above
- Project that would demand an amount of water equivalent to, or greater than, the amount of water required for 500 dwelling units

SB 221 establishes consultation and analysis requirements related to water supply planning for residential subdivisions including more than 500 dwelling units. Written verification by the water supplier that sufficient water is available for the project is required before construction begins. The document used to determine compliance with both SB 610 and SB 221 is the UWMP.

Groundwater Management Act (1992)

The Groundwater Management Act of the California Water Code (Assembly Bill [AB] 3030), signed into law on September 26, 1992, and effective on January 1, 1993, provides guidance for applicable local agencies to develop voluntary Groundwater Management Plans in State-designated groundwater basins. The Groundwater Management Plans can allow agencies to raise revenue to pay for measures influencing the management of the basin, including extraction, recharge, conveyance, facilities' maintenance, and water quality.[3]

[2] Department of Water Resources. Urban Water Management Plans, https://water.ca.gov/Programs/Water-Use-And-Efficiency/Urban-Water-Use-Efficiency/Urban-Water-Management-Plans, accessed on October 12, 2018.

[3] Department of Water Resources Planning and Local Assistance Central District, Groundwater, *Groundwater Management*, http://www.cd.water.ca.gov/groundwater/gwab3030.cfm, accessed on October 12, 2018.

Sustainable Groundwater Management Act (2014)

The Sustainable Groundwater Management Act of 2014 consists of three legislative bills, SB 1168, AB 1739, and SB 1319. The legislation provides a framework for long-term sustainable groundwater management across California. Under the roadmap laid out by the legislation, local and regional authorities in medium and high priority groundwater basins will form Groundwater Sustainability Agencies (GSAs) that oversee the preparation and implementation of a local Groundwater Sustainability Plan. The City of Hayward is a municipal corporation, with land use authority and water service responsibilities within a portion of the East Bay Plain Groundwater Subbasin. On February 28, 2017, the City of Hayward submitted an application to be the GSA for the portion of the East Bay Plain Subbasin located within the city boundary.[4,5] Groundwater Sustainability Plans would have to be developed and in place by 2022. GSAs have until 2040 to achieve groundwater sustainability.[6]

Water Conservation Act of 2009

The Water Conservation Act of 2009,[7] SB X7-7, requires all water suppliers to increase water use efficiency. The legislation sets an overall goal of reducing statewide per capita water by 20 percent by 2020, with an interim goal of a 10 percent reduction in statewide per capita water use by 2015. Effective in 2016, urban retail water suppliers that do not meet the water conservation requirements established by this bill are not eligible for state water grants or loans. The SB X7-7 requires that urban water retail suppliers determine baseline water use and set reduction targets according to specified standards.

State Updated Model Water Efficient Landscape Ordinance

The updated Model Water Efficient Landscape Ordinance requires cities and counties to adopt updated water efficient landscape ordinances by February 1, 2016 or to adopt a different ordinance that is at least as effective in conserving water as the updated Model Ordinance. Chapter 10 of the Hayward Municipal Code includes Article 12, Bay-Friendly Water Efficient Landscape Ordinance, and Article 20, Bay-Friendly Landscaping Ordinance, which serves as the City's water-efficient landscape ordinance.

California Plumbing Code

The California Plumbing Code[8] was adopted as part of the California Building Standards Code. The general purpose of the universal code is to prevent disorder in the industry as a result of widely divergent plumbing practices and the use of many different, often conflicting, plumbing codes by local jurisdictions.

[4] Department of Water Resources, Sustainable Groundwater Management Act, Formation Notification System, https://sgma.water.ca.gov/portal/gsa/print/200, accessed on October 12, 2018.

[5] City of Hayward, Application to Serve as Groundwater Sustainability Agency, file:///C:/Users/cgarcia/Downloads/GSAFormation_Cover_Letter.pdf, accessed on October 12, 2018.

[6] UC Davis, Division of Agriculture and Natural Resources, 2014. Groundwater web page, http://groundwater.ucdavis.edu/SGMA/, accessed on October 12, 2018.

[7] Department of Water Resources, Senate Bill SBX7-7 2009 Information, http://www.water.ca.gov/wateruseefficiency/sb7/, accessed on October 12, 2018.

[8] California Code of Regulations, Title 24, Part 5.

Among many topics covered in the code are water fixtures, potable and non-potable water systems, and recycled water systems. Water supply and distribution shall comply with all applicable provisions of the current edition of the California Plumbing Code.

Local Regulations

Looking Forward Hayward 2040 General Plan

The Natural Resource (NR), Public Facilities and Services (PFS), and Community Safety (CS) elements of the General Plan 2040, adopted in July 2014, include policies specific to water resources in the Specific Plan Area. As described in the General Plan EIR, in most cases, no one goal, policy, or implementation program itself is expected to completely avoid or reduce an identified potential environmental impact.[9] However, the collective, cumulative mitigating benefits of the policies listed below are intended to reduce water-related impacts. Specific goals and policies are described in Section 4.14.1.3, Impact Discussion, to demonstrate how the policy would avoid or reduce the impact.

The following goals and policies are relevant to the analysis of potential impacts to water supply within the Specific Plan Area:

- Goal NR-6: Improve overall water quality by protecting surface and groundwater sources, restoring creeks and rivers to their natural state, and conserving water resources.
  - 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-6.12 Dual Plumbing Systems: The City shall encourage the installation and use of dual plumbing systems in new buildings to recycle greywater.
  - Policy NR-6.14 Native and Drought-Tolerant Landscaping: 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 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 NR-6.16 Landscape Ordinance Compliance: The City shall continue to implement the Bay-Friendly Water Efficient Landscape Ordinance.
- Goal PFS-1: Ensure the provision of adequate and efficient facilities and services that maintain service levels, are adequately funded, accessible, reliable, and strategically allocated.
  - 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).

[9] City of Hayward, 2014, City of Hayward 2040 General Plan certified EIR, State Clearinghouse Number 2013082015.

- Goal PFS-3: Maintain a level of service in the City's water system that meets the needs of existing and future development while improving water system efficiency.
  - 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-3.3 Water Shortage Allocation Plan: The City shall support implementation of the Water Shortage Allocation Plan, which distributes available water from the regional water system among San Francisco Public Utility Commission and wholesale customers in the event of a system-wide shortage of 20 percent or less.
  - Policy PFS-3.4 Water Shortage Contingency Plan: The City shall maintain and implement the Water Shortage Contingency Plan as necessary to address climate conditions or other water shortage emergencies.
  - 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-3.17 Bay-Friendly Landscaping: The City shall promote landscaping techniques that use native and climate appropriate plants, sustainable design and maintenance, water-efficient irrigation systems, and yard clipping reduction practices.
  - 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.

Hayward Municipal Code

Chapter 10, Article 12, the Bay Friendly Water Efficient Landscape Ordinance, establishes a structure for planning, designing, installing, maintaining, and managing water-efficient landscapes in new construction and rehabilitated projects. Chapter 10, Article 20, the Bay-Friendly Landscaping Ordinance, requires all new development with landscapes to meet the most recent minimum Bay-Friendly Landscape Scorecard points as recommended by StopWaste.org. Chapter 10, Article 23, the Indoor Water Efficiency Ordinance, includes standards for new construction and remodels mandating the installation of water-conserving fixtures. The City incorporated CALGreen standards in Chapter 10, Article 21, Green Building Requirements for Municipal Buildings, and Chapter 10, Article 22, Green Building Requirements for Private Development. CALGreen established water conservation measures and requirements that new buildings reduce water consumption by 20 percent. [10] Chapter 11, Article 2, Hayward Municipal Water System, establishes a system for service connections, meter maintenance and testing, and fire service connections, and sets standards and installation costs for service connections. [11]

[10] City of Hayward Municipal Code, Chapter 10, Planning, Zoning, and Subdivisions.
[11] City of Hayward Municipal Code, Chapter 11, Public Utilities.

City of Hayward Department of Utilities & Environmental Services

The City of Hayward Department of Utilities & Environmental Services manages the procurement, transmission, and distribution of your water supply and oversees the City's water conservation programs. The City of Hayward provides water for residential, commercial, industrial, governmental, and fire suppression uses. The City owns and operates its own water distribution system and purchases all of its water from the San Francisco Public Utility Commission (SFPUC). Emergency water supplies are available through connections with the Alameda County Water District and the East Bay Municipal Utility District (EBMUD) in case of disruption of delivery from SFPUC.

2014 Water System Master Plan

The City of Hayward *Water System Master Plan* (WSMP), adopted in 2014, is a comprehensive evaluation of the City's water distribution system. The WSMP identifies strategies for cost-effectively improving the City's distribution system infrastructure; furnishes important guidance to enhance operational, emergency preparedness and water quality practices; provides a framework for diversifying the City's water supply; and makes recommendations to enhance the City's existing sustainability programs.

Existing Conditions

This section is based in part on the *Hydraulic Impact Evaluation for the Proposed Downtown Specific Plan Area* that was prepared for the proposed project by West Yost Associates. The evaluation is provided in Appendix F, Utilities Data, of this Draft EIR.

Potable Water Supply Sources

Water service is provided by the City of Hayward for residential, commercial, industrial, governmental, and fire suppression uses. In 1962, Hayward entered into an agreement with the SFPUC to purchase all of Hayward's water from the SFPUC. Prior to that, Hayward constructed over 20 miles of aqueduct in order to deliver Hetch Hetchy water and ceased providing well water in 1963. Approximately 85 percent of the SFPUC water supply originates from the Hetch Hetchy watershed, located in Yosemite National Park; the remaining 15 percent of the SFPUC water supply is produced in the Alameda and Peninsula watersheds. Water is delivered to the city through East Bay transmission mains operated by the SFPUC.

Water service to the Specific Plan Area is mostly provided by the City of Hayward water system, with exception to a small portion of the Specific Plan Area which receives water from a 12-inch water distribution line located along Foothill Boulevard, within the East Bay Municipal Utility District (EBMUD) service area. The EBMUD service area is bounded by San Lorenzo Creek to the south and west, State Route 238 and Foothill Blvd to the east, and the Specific Plan Area boundary and Hazel Avenue to the north.[12]

[12] City of Hayward, 2019, *Downtown Specific Plan*, Public Review Draft, Chapter 4, Infrastructure.

Recycle Water Systems

The City is implementing a Recycled Water Project, which is scheduled to begin non-potable water deliveries to the western portion of the city in early 2019. Providing recycled water for irrigation will benefit the region considerably by creating a locally sustainable water supply which conserves drinking water, increases drought resiliency, and decreases wastewater discharges. However, the City of Hayward Proposed Recycled Water Project Location Map and Distribution System shows that almost all proposed improvements are located west of Hesperian Boulevard and there will be no municipally available non-potable water within the Specific Plan Area.

Water Supply Availability

The City's 2015 *Urban Water Management Plan* (UWMP) was prepared in accordance with the Urban Water Management Planning Act previously described. The 2015 UWMP addresses the City's water system and includes a description of the water supply sources, historical and projected water use, and a comparison of water supply to water demands during normal, single-dry, and multiple-dry years. The 2015 UWMP also addresses water use efficiency legislation, including the City's 2015 and 2020 water use targets, as required by the Water Conservation Act, and the implementation plan for meeting the City's 2020 water use targets.[13]

The 2015 UWMP relies on the Association of Bay Area Governments (ABAG) *Projections 2013* for estimating the City's water demand. Over the next 25 years, the UWMP assumes that increased residential water demand would result from development of new housing, primarily infill, intensification of existing residential areas, and construction of larger homes. The majority of residential growth is expected to occur in Priority Development Areas (PDAs), which includes the Specific Plan Area. Jobs are estimated to increase by 20 percent and be primarily in the manufacturing/wholesale and health/education fields, and smaller amounts in retail and professional services.[14]

The *Water Shortage Allocation Plan* (WSAP) between the SFPUC and its wholesale customers, including the City of Hayward, was adopted as part of the Water Supply Agreement, addresses shortages of up to 20 percent of system-wide use. The Water Supply Agreement has a 25-year term and expires in 2034. It may be extended for up to two 5-year periods upon agreement by SPFUC and a specified number of wholesale customers. The WSAP is comprised of two components. The *Tier 1 Water Shortage Plan* allocates water between the SFPUC and the wholesale customers during system-wide shortages of 20 percent or less. The Water Supply Agreement also includes a *Tier 2 Water Shortage Plan*, which would allocate the available water from the SFPUC system among the wholesale customers based on individual supply guarantee, seasonal use of all available water supplies, and residential per capita use. As a result of the individual supply guarantees, the SFPUC has a responsibility to provide 184 mgd to its wholesale customers in perpetuity, regardless of demand.

[13] City of Hayward, June 2016, 2015 *Urban Water Management Plan*, Introduction and Overview, page 1-2.
[14] City of Hayward, June 2016, 2015 *Urban Water Management Plan*, Water System Description, page 3-1 and 3-5.

The SFPUC has not yet been compelled to declare a water shortage emergency and implement the *Tier 1 Water Shortage Plan* because its customers have exceeded the 10 percent voluntary system-wide reduction in conjunction with the Statewide mandatory reductions assigned by the SWRCB. The reductions assigned to each water agency by the SWRCB to address the current drought conditions effectively reduced the demand for SFPUC water supplies.

Tables 4.14-1 to 4.14-3 presents the water supply and demand assessment in million gallons per year (mgy) for normal years, single dry years, and multiple dry years according.

TABLE 4.14-1 NORMAL YEAR WATER SUPPLY AND DEMAND COMPARISON (MGY)

	2020	2025	2030	2035	2040
Supply Totals	8,850	9,320	9,600	9,820	10,260
Demand Totals	8,850	9,320	9,600	9,820	10,260
Difference	**0**	**0**	**0**	**0**	**0**

Source: City of Hayward, *2015 Urban Water Management Plan*, Chapter 7, Water Supply Reliability Assessment, Table 7-2, page 7-9.

TABLE 4.14-2 SINGLE DRY YEAR SUPPLY AND DEMAND COMPARISON (MGY)

	2020	2025	2030	2035	2040
Supply Totals	7,180	7,180	7,180	7,180	7,180
Demand Totals	8,850	9,320	9,600	9,820	10,260
Difference	**-1,670**	**-2,140**	**-2,420**	**-2,640**	**-3,080**

Source: City of Hayward, 2015 Urban Water Management Plan, Chapter 7, Water Supply Reliability Assessment, Table 7-3, page 7-9.

TABLE 4.14-3 MULTIPLE DRY YEARS SUPPLY AND DEMAND COMPARISON (MGD)

		2020	2025	2030	2035	2040
First Year	Supply Totals	7,180	7,180	7,180	7,180	7,180
	Demand Totals	8,850	9,320	9,600	9,820	10,260
	Difference	**-1,670**	**-2,140**	**-2,420**	**-2,640**	**-3,080**
Second Year	Supply Totals	6,370	6,370	6,370	6,370	6,370
	Demand Totals	9,030	9,390	9,710	9,910	10,260
	Difference	**-2,660**	**-3,020**	**-3,340**	**-3,540**	**-3,890**
Third Year	Supply Totals	6,370	6,370	6,370	6,370	6,370
	Demand Totals	9,210	9,460	9,820	10,000	10,260
	Difference	**-2,840**	**-3,090**	**-3,450**	**-3,630**	**-3,890**

Source: City of Hayward, *2015 Urban Water Management Plan*, Chapter 7, Water Supply Reliability Assessment, Table 7-4, page 7-9.

As shown in the tables above, the SFPUC would be able to meet all of the City's projected demand through 2040 if average water use; however, during years of water shortages, the 2015 UWMP anticipates

that supplies would be reduced and demand would be controlled through demand management measures.[15]

Section 8 of the 2015 UWMP includes a *Water Shortage Contingency Plan* (WSCP). Water shortage contingency planning prepares a community to respond to water shortages that may occur due to drought conditions, which may occur over a period of time or catastrophic events, which occur suddenly and tend to be shorter in duration. Maintaining optimum supply reliability during such occurrences reduces the impact.

Hayward's past experience with water shortages, most notably during the recent Statewide drought, has shaped its plans for managing droughts and other events. To address decreasing water supplies with increased levels of prohibitions and consumption reduction, Hayward's WSCP consists of four stages, depending on the severity of the shortage, and includes a stage that addresses a reduction of 50 percent in the water supply. Each stage is triggered by water supply availability.[16] Using the measures in the WSCP to reduce the demands to the required supply availability, the 2015 UWMP estimates that Hayward will have adequate supplies to meet demands during normal, single-dry, and multiple-dry years throughout the planning period of the 2015 UWMP (i.e., through 2040).

The City of Hayward has a long-standing commitment to water conservation. Hayward was among the original signatories to the California Urban Water Conservation Council Memorandum of Understanding Regarding Urban Water Conservation in California, and as such, has implemented a diverse range of demand management measures across customer sectors. Aggressive demand management can be credited, in part, for the fact that historical per capita water use is one of the lowest in the San Francisco Bay Area, with a baseline daily water use of 130 gallons per capita per day (gpcd) for the 10-year,1995/1996 to 2004/2005 fiscal year, period. The City's 2020 target per capita use is 122 gpcd, which is a 5 percent reduction from the City's baseline daily per capita use. The City currently meets its target and would evaluate methods of maintaining this per capita use, as total water demand increases due to residential, economic, and business growth. Section 9 of the 2015 UWMP provides a comprehensive description of Hayward's current and planned water conservation efforts. [17]

Hayward recognizes the value in regional water supply planning and, to the extent practicable, has participated in regional efforts to improve and diversify water supplies. Hayward is an active member of the Bay Area Water Supply & Conservation Agency, which was created in May 2003 to represent the interests of the 26 member agencies in Alameda, Santa Clara and San Mateo counties that purchase water on a wholesale basis from the SFPUC. These agencies cooperatively implement water conservation programs, communicate with SFPUC regarding maintenance, operation and improvement of the regional water system, and as appropriate, jointly pursue development of water supplies. Hayward has also participated in Integrated Regional Water Management Plan, the Western Recycled Water Coalition, and other multi-agency efforts to increase and diversify water supplies.

[15] City of Hayward, June 2016, *2015 Urban Water Management Plan*, Supply and Demand Assessment, page 7-9.
[16] City of Hayward, June 2016, *2015 Urban Water Management Plan*, Water Shortage and Contingency Planning, page 8-1.
[17] City of Hayward, June 2016, *2015 Urban Water Management Plan*, Demand Management Measures.

The SFPUC's Water Supply Improvement Program (WSIP), adopted in 2008, provides goals and objectives to improve the delivery reliability of the regional water system, including water supply reliability. The WSIP includes projects to address water supply reliability.[18]

Water Distribution Network

Potable water is distributed throughout the city using a pressurized distribution system that is owned and operated by the City. As shown in Figure 4.14-1, distribution mains within the Specific Plan Area range in size from 8 to 12 inches, with a majority of the streets having 12-inch mains. There are eight main pressure zones within the City's water service area.

The City's distribution system consists of 14 water storage tanks and 7 pump stations delivering water to upper pressure zones. The Specific Plan Area is located within the Pressure Zone 250, which is the pressure maintained in the Pressure Regulating Station as measured in feet above mean sea level. Water enters the City's water distribution system from the SFPUC mains through Pressure Zone 250 and is then pumped to reach higher elevation zones. Pressure Zone 250 provides sufficient pressure throughout the Specific Plan Area under most conditions. Figure 4.14-2 shows the boundaries of the pressure zones. Available pressure within the Specific Plan Area during the existing peak hour demand ranges between 40 pounds per square inch (psi) and 60 psi for portions of the Specific Plan Area east of Mission Boulevard, and between 60 psi and 80 psi for the areas along Mission Boulevard and to the west.

Available fire flow under maximum day demand within the Specific Plan Area ranges from 2,500 to 4,500 gallons per minute (gpm), depending on location and the size of pipes within the local pipe network.

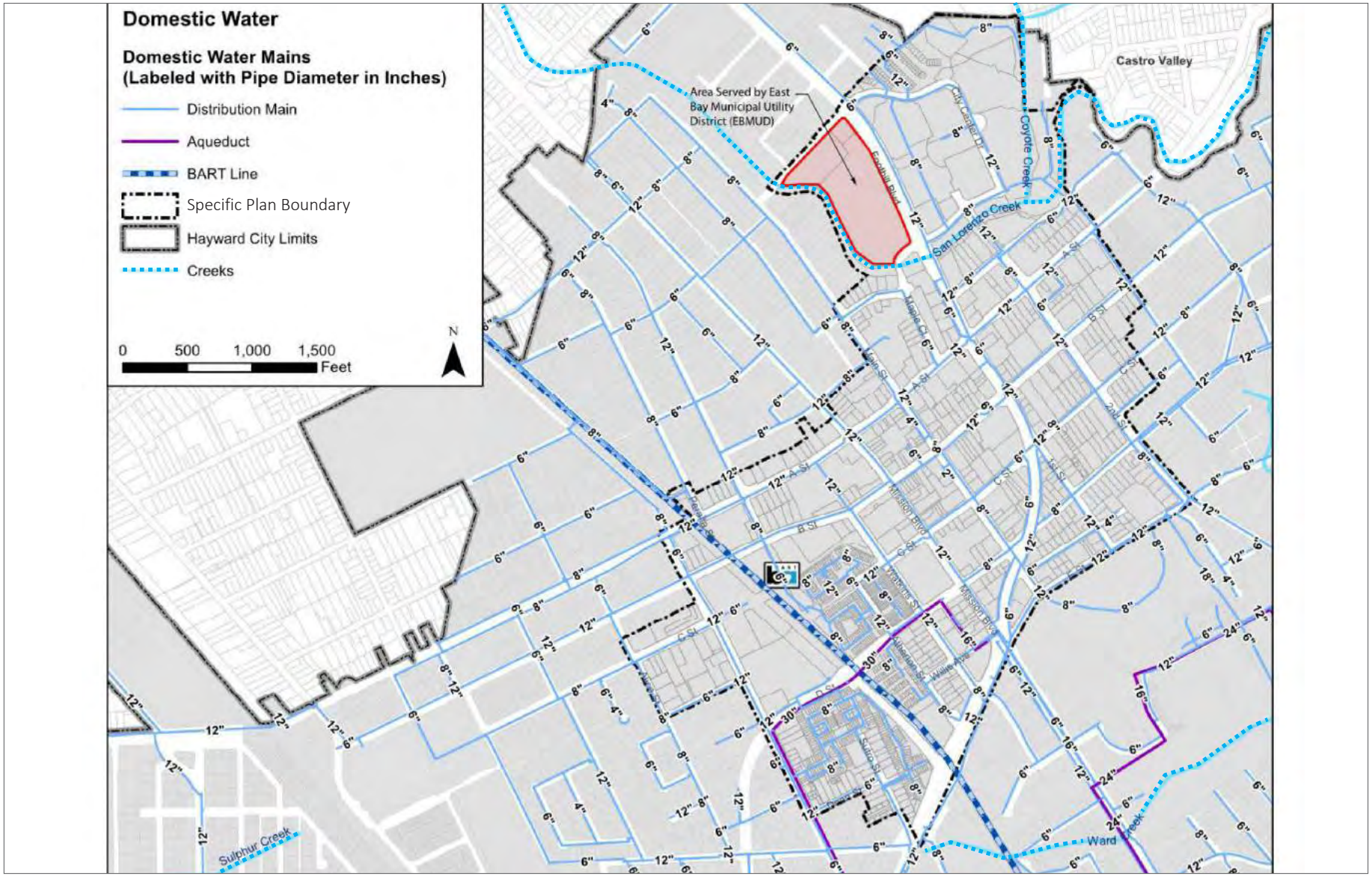
Water service is organized as a service fee-based enterprise fund separate and distinct from the City General Fund, and includes the Water Capital Improvement Fund and Water System Replacement Fund. The City maintains an on-going 10-year Capital Improvement Program (CIP) to ensure system capacity, good performance, and proper maintenance.[19]

4.14.1.2 STANDARDS OF SIGNIFICANCE

Implementation of the proposed project would have a significant impact on water service if:

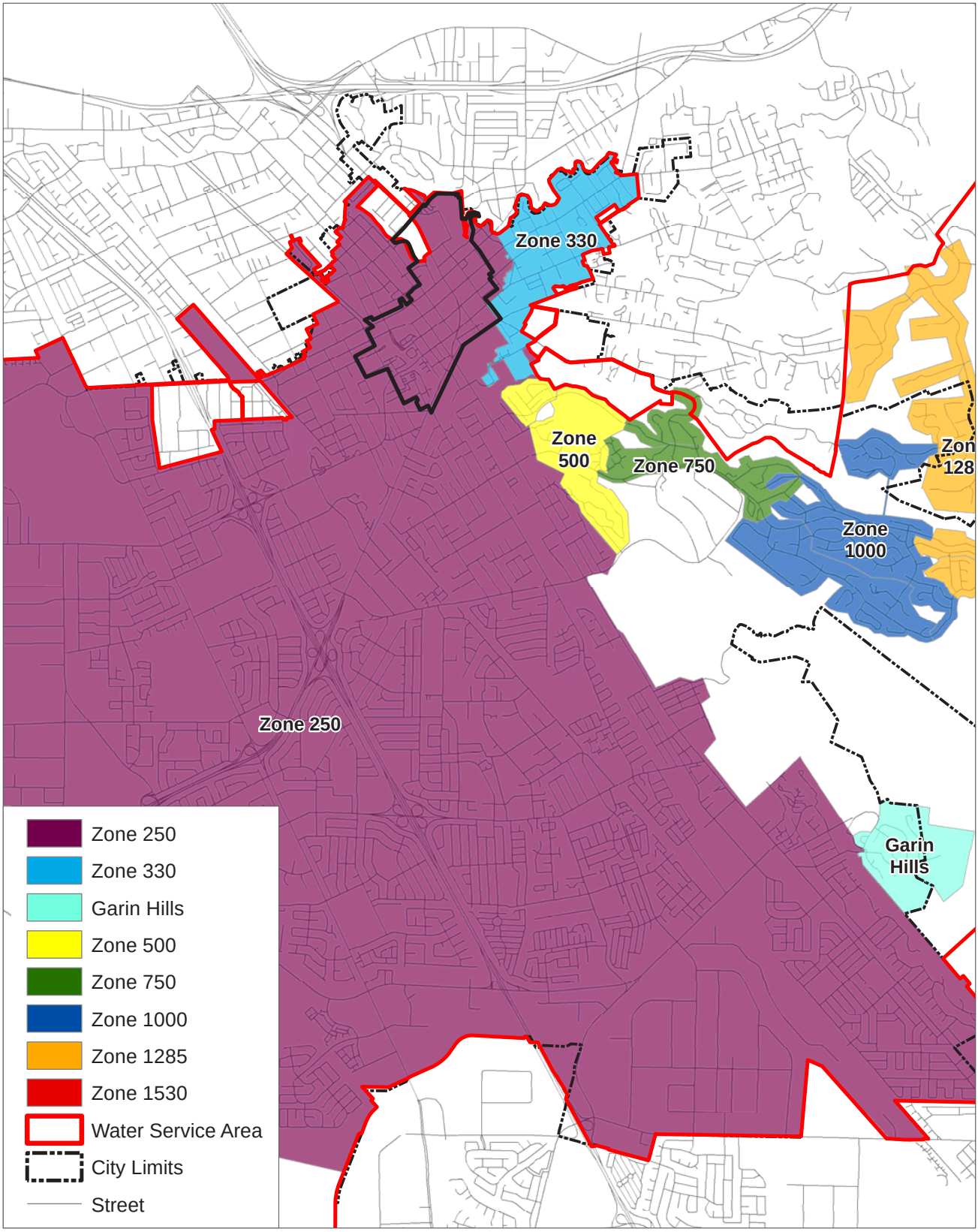
1. There were insufficient water supplies available to serve the project from existing entitlements and resources, or if new or expanded entitlements were needed.
2. It would require or result in the construction of new water facilities or expansion of existing facilities, the construction of which would cause significant environmental effects.

[18] City of Hayward, June 2016, *2015 Urban Water Management Plan*, System Supplies, pages 6-11 to 6-14.
[19] City of Hayward, 2014, Hayward 2040 General Plan Background Report, page 8-11.



Source: City of Hayward, Downtown Specific Plan, Public Review Draft, 2019.

Figure 4.14-1
Potable Water Distribution System



Source: City of Hayward, Water System Master Plan, June 2014.

0 4,000
Scale (Feet)

Specific Plan Boundary

Figure 4.14-2
Pressure Zones

4.14.1.3 IMPACT DISCUSSION

UTIL-1 Sufficient water supplies would be available to serve the proposed project from existing entitlements and resources and new or expanded entitlements would not be required.

As shown in Table 4.14-4, the projected water demand for the Specific Plan would be 506 million gallons per year or approximately 1,554acre-feet per year. This portion of future development potential was not accounted for in the City's 2015 UWMP and is assumed to create additional water demand.

TABLE 4.14-4 PROPOSED PROJECT WATER DEMAND

Land Use	Number of Dwelling Units/Jobs	Generation Rates	Water Demand	
			MGD	MGY
Multifamily Residential	3,427 dwelling units	202 gallons per day per unit	0.69	253
Non-Residential	6,333 jobs	90 gallons per day per employee	0.57	208
Unaccounted-for-water[a]			0.13	45
Total Water Demand			**1.4**	**506**

Notes: MGD= million gallons per day. MGY = million gallons per year.
a. Unaccounted-for-water is equal to 9 percent, per 2014 Hayward Water System Master Plan.
Source: West Yost Associates, Hydraulic Impact Evaluation for the Proposed Downtown Specific Plan Area, May 31, 2018.

As previously shown in Tables 4.14-1 to 4.14-3, the City of Hayward has adequate water supplies to meet the demand in normal years, but not enough supply to meet projected demand during dry years.

The City could meet the water demand with the implementation of water conservation and water efficiency ordinances adopted by the City, including the Indoor Water Efficiency Ordinance (Municipal Code Chapter 10, Article 23), the CALGreen building code requirements (Municipal Code Chapter 10, Article 22 and Article 23), and the Bay-Friendly Water Efficient Landscape and Landscaping Ordinances (Municipal Code Chapter 10, Article 12 and 20). The California plumbing code has instituted requirements for new construction that mandate the installation of ultra, low-flow toilets and low-flow showerheads. Residential, commercial, and industrial usage can be expected to decrease as a result of the implementation of more aggressive water conservation practices, including the active distribution of water saving devices, providing high efficiency toilets and high efficiency clothes washer rebates. In addition, in the case of a water shortage, the City would implement the WSCP, as outlined in the 2015 UWMP.

Furthermore, as an infill development effort, the proposed Specific Plan inherently furthers objectives of water conservation by redeveloping older less efficient buildings with new high efficiency buildings that meet CALGreen standards that reduce water consumption by 20 percent.

Future development would also be required to comply with the General Plan policies described above in Section 4.14.1.1, as applicable, that require local planning and development decisions to consider impacts to water supply. Specific policies that conserve water include the following: Policy NR-6.9requires the City to require water customers to actively conserve water year-round, and especially during drought years; Policy NR-6.12 requires the City to encourages the installation and use of dual plumbing systems in new buildings to recycle greywater; Policy PFS 3.14 mandate the City's compliance with provisions of the State's 20x2020 Water Conservation Plan; and Policy PFS-3.2 requires the City to implement water conservation strategies and programs, as required by the Urban Water Management Planning Act. Additionally, Policies NR-6.14, NR-6.15, NR-6.16, and PFS-3.17conserve water through water efficient landscaping techniques such as the use of appropriate plants and water-efficient irrigation systems. The City also ensures, under Policies PFS-3.13 and CS-3.4, that water supply capacity is in place prior to granting building permits for any new development within the Specific Plan, including adequate water supply for fire suppression. The City also ensures 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) through a combination of improvement fees and other funding mechanisms as stated in Policy PFS-1.4.

In addition, the proposed Specific Plan contain goals, policies, and programs that also require local planning and development decisions to consider impacts to water services from development in the Specific Plan Area. The following Specific Plan goals and policies would serve to minimize potential adverse impacts from development in the Specific Plan Area:

- Goal 6 Economic Development (ED): Downtown capitalizes on its location in the region, leverages its amenities, and captures more sales tax revenue to become a national model for the revitalization of mid-size cities.
    - Policy ED 3 Innovative Financing Strategies: Seek innovative and creative ways to fund public amenities, development incentives, and new infrastructure without unduly transferring the cost burden to the private sector.
    - Policy ED 4 Infrastructure and Utility Delivery: Ensure efficient delivery of infrastructure and utilities in the Specific Plan Area to achieve buildout in a cost-effective manner and to support economic development.
        - Program ED 11: Develop an incentives program that encourages private development to contribute to public amenities that serve a broader area than the development site, such as parkland, stormwater infrastructure, and streetscape improvements beyond the minimum requirement.
        - Program ED 12: Facilitate the development of an Enhanced Infrastructure Financing District(s), Community Revitalization Investment Authorities, and other financing opportunities as they arise to support the funding of long-term, more costly infrastructure improvements.
- Goal 7 Infrastructure and Public Facilities (IPF): Public services, community facilities, and utility systems are well maintained, implement citywide climate change policies, and meet the needs of current and future Downtown residents, businesses, and visitors.

- Policy IPF 1: Water and Sewer: Maintain adequate water and sewer infrastructure necessary to support development Downtown.
- Policy IPF 3 Fair Share: Require developers to pay their fair share cost of infrastructure upgrades.
  - Program IPF 5: Pursue funding for necessary systemwide infrastructure improvements to address existing deficiencies and build capacity to support additional development and reduce impact fees. This would be implemented by the Planning Development Services-Planning Division, the Utilities and Environmental Service Department, and the Library and Community Services Department.
  - Program IPF 6: Complete an assessment of infrastructure deficiencies in the Plan Area with the potential to impede business growth, including businesses that require specialized infrastructure such as high-speed telecommunications for technology-oriented businesses.

The proposed Specific Plan also recommends that as the new municipal recycled water infrastructure is implemented, the City should look for opportunities to expand the recycled water delivery to the Specific Plan Area and in anticipation, would implement General Plan Policy NR-6.12 and encourage the installation of dual plumbing systems in new buildings and fully isolated irrigation systems that will support the use of non-potable supply on new projects.

Also, the SFPUC's WISP once complete would likely increase the reliability of supplies within the city. The Bay Area Water Supply & Conservation Agency is implementing projects as part of their long-term water supply strategy that could increase the water supply.

While the compliance with existing Municipal Code and General Plan, and the planned conservation improvements described in the 2015 UWMP as well as the proposed Specific Plan could reduce the water deficit, the insufficient water supply during dry years would result in a *significant* impact.

Impact UTIL--1: With implementation of the proposed Specific Plan there would not be sufficient water supplies available to serve the proposed future development from existing entitlements and resources during multiple dry years.

> Mitigation Measure UTIL-1: Prior to approving future applications for development in the Specific Plan Area, the City shall require future project applicants to prepare and submit a written statement to the satisfaction of the City of Hayward Community Development Department that clearly demonstrates how the project complies with the water conservation and water efficiency ordinances adopted by the City, including the Indoor Water Efficiency Ordinance (Municipal Code Chapter 10, Article 23), the CALGreen building code requirements (Municipal Code Chapter 10, Article 22 and Article 23), and the Bay-Friendly Water Efficient Landscape and Landscaping Ordinances (Municipal Code Chapter 10, Article 12 and 20) and any other water conservation strategies that would be implemented by the project applicant.

Significance with Mitigation: Significant and Unavoidable. Supplemental water supply sources for the 2040 buildout year of the proposed Specific Plan would be identified and developed by SFPUC. As the 2015 UWMP is updated, supplemental water supply sources beyond 2040 (the planning horizon of the current 2015 UWMP) would be quantified through refined project developments in subsequent UWMPs (updated

every 5 years). Therefore, additional water supplies that would mitigate this impact will be developed by SFPUC. Because SFPUC is the water service provider to the City and the entity that has the ability to mitigate this impact, and because the City does not have jurisdiction over the development of new water supplies, the City cannot guarantee that additional water supplies will be developed, so the impact is considered significant and unavoidable.

UTIL-2 Implementation of the proposed project would require or result in the construction of new water facilities or expansion of existing facilities, the construction of which might cause significant environmental effects.

The City provides water, purchased from the SFPUC, to all land uses in the City, as well as for fire suppression. The General Plan EIR states that the City has ongoing efforts to replace and renovate existing water storage reservoirs to increase capacity and improve seismic suitability. Seismic suitability is also addresses by retrofitting and improving water distribution pipes at fault line crossings.[20] Emergency water supplies are available from the Alameda County Water District and the East Bay Municipal Utility District (EBMUD),[21] as well as through five emergency wells with a combined capacity of 13.6 mgd.[22] All of Hayward's current water supply is purchased from SFPUC and is delivered via Hayward's water delivery infrastructure. The Hayward water distribution system consists of a pipe network which lies predominantly beneath the public street right-of-way. Water comes into Hayward via two aqueducts along Mission Boulevard and Hesperian Boulevard, both having a combined capacity of 32 mgd. Capacity can be increased to 50 mgd through a system of booster pump stations.

Ongoing funding sources are used to update and increase capacity of the water distribution system to meet demand for projected population growth. Additionally, the City plans to replace the existing 1 million-gallon High School Reservoir, with a 3 million-gallon reservoir. Hayward is also developing a recycled water program that could deliver up to 500,000 gpd of tertiary treated wastewater to customers for irrigation and industrial uses, decreasing overall demand for freshwater purchasing from SFPUC.[23]

Results from the Hydraulic Impact Evaluation for the Specific Plan indicate that the existing pressure regulating station supply capacity is sufficient to support the Specific Plan. However, storage capacity at buildout was found to be deficient for the Pressure Zone 250. A total of 0.68 million gallons of additional storage capacity is recommended to support the Specific Plan.

[20] City of Hayward, 2014, City of Hayward 2040 General Plan certified EIR, State Clearinghouse Number 2013082015, page 19-2.
[21] City of Hayward, 2014, Hayward 2040 General Plan Background Report, page 8-2.
[22] City of Hayward, 2014, Hayward 2040 General Plan Background Report, page 8-11.
[23] City of Hayward, 2014, Hayward 2040 General Plan Background Report, page 8-12.

Furthermore, the existing water distribution infrastructure is adequate to provide pressure and flow under buildout peak hour conditions, but is insufficient to meet maximum buildout day demand plus fire flow conditions.[24] The existing deficiencies are shown on Figure 4.14-3 below. Improvements and would require replacement with larger diameter pipes. Specifically, in some areas pipes that are smaller than 12 inches in diameter should be replaced with new 12-inch diameter pipelines to meet the fire flow pressure criterion and the velocity criterion. As a general efficiency practice, at the time of any planned improvements of public right-of-way it is recommended that the City evaluate if existing utilities should be replaced as part of the roadway construction.

Potential environmental impacts could result from construction and operation of upgraded pipeline improvements; however, such impacts would be project-specific. Any new or expanded water facilities would require permitting and review in accordance with CEQA, which would ensure environmental impacts are disclosed and mitigated to the extent possible. Furthermore, General Plan Policy PFS-1.4 requires that new projects which require construction or expansion of public improvements shall pay their fair share of the costs necessary to improve or expand infrastructure to serve them, including water service. Compliance with this policy would ensure impacts related to adequate water service would be *less than significant*.

Significance without Mitigation: Less than significant.

4.14.2 SANITARY WASTEWATER (SEWER)

4.14.2.1 ENVIRONMENTAL SETTING

Regulatory Framework

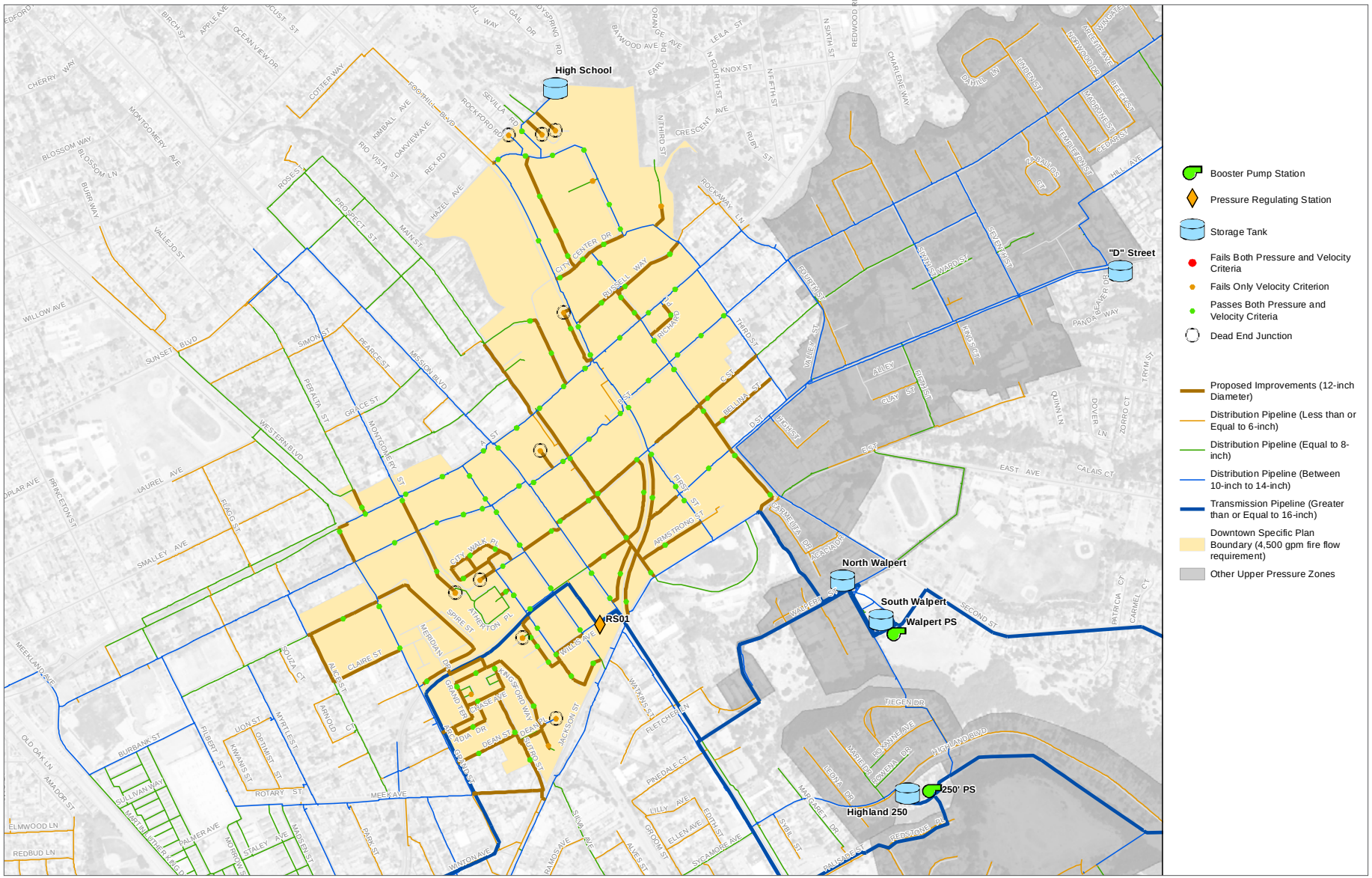
Federal Regulations

The federal government regulates wastewater treatment and planning through the Federal Water Pollution Control Act of 1972, more commonly known as the Clean Water Act (CWA), as well as through the National Pollutant Discharge Elimination System (NPDES) permit program, both of which are discussed in further detail below.

Clean Water Act

The CWA regulates the discharge of pollutants into watersheds throughout the nation. The CWA consists of two parts, one being the provisions which authorize federal financial assistance for municipal wastewater treatment plant construction. The other is the regulatory requirements that apply to industrial and municipal dischargers. Under the CWA, the United States Environmental Protection Agency (USEPA) implements pollution control programs and sets wastewater standards

[24] West Yost Associates, May 31, 2018, *Hydraulic Impact Evaluation for the Proposed Downtown Specific Plan Area*, Conclusions and Recommendation, page 13.



Source: West Yost Associates, Hydraulic Impact Evaluation for the Proposed Downtown Specific Plan Area, May 31, 2018.

0 1,600
Scale (Feet)

Figure 4.14-3
Proposed Water Distribution System Improvements

National Pollutant Discharge Elimination System

The NPDES permit program was established in the CWA to regulate municipal and industrial discharges to surface waters of the United States. Federal NPDES permit regulations have been established for broad categories of discharges, including point-source municipal waste discharges and nonpoint-source stormwater runoff. NPDES permits generally identify effluent and receiving water limits on allowable concentrations and/or mass emissions of pollutants contained in the discharge; prohibitions on discharges not specifically allowed under the permit; and provisions that describe required actions by the discharger, including industrial pretreatment, pollution prevention, self-monitoring, and other activities. Wastewater discharge is regulated under the NPDES permit program for direct discharges into receiving waters and by the National Pretreatment Program for indirect discharges to a wastewater treatment plant.

State Regulations

Wastewater treatment and planning is regulated by the State. The specific State regulations relevant to the proposed project are described below.

Title 22 of California Code of Regulations

Title 22 regulates the use of reclaimed wastewater. Typically, disinfected tertiary water may only be used on food crops where the recycled water would come into contact with the edible portion of the crop, and disinfected secondary treatment may be used for food crops where the edible portion if grown above ground. Other crops such as orchards, vineyards, and fiber crops require less levels of treatment. Title 22 also regulates treated wastewater used in non-agricultural irrigation such as playgrounds, parks, and landscaping. Regulation of reclaimed water is governed by the nine RWQCBs and the California Department of Public Health.

State Water Resources Control Board

On May 2, 2006 the SWRCB adopted a General Waste Discharge Requirement (Order No. 2006-0003) for all publicly owned sanitary sewer collection systems in California with more than 1 mile of sewer pipe. The order provides a consistent statewide approach to reducing sanitary sewer overflows by requiring public sewer system operators to take all feasible steps to control the volume of waste discharged into the system, to prevent sanitary sewer waste from entering the storm sewer system, and to develop a Sewer System Management Plan. The General Waste Discharge Requirement also requires that storm sewer overflows be reported to the SWRCB using an online reporting system.

The SWRCB has delegated authority to nine RWQCBs to enforce these requirements within their region. The City of Hayward is within the jurisdiction of the San Francisco Bay RWQCB.

Sanitary District Act of 1923

The Sanitary District Act of 1923 (Health and Safety Code Section 6400 et seq.) authorizes the formation of sanitation districts and enforces the districts to construct, operate, and maintain facilities for the collection, treatment, and disposal of wastewater.[25] This Act was amended in 1949 to allow the districts to also provide solid waste management and disposal services, including refuse transfer and resource recovery.

Local Regulations

Looking Forward Hayward 2040 General Plan

The Public Facilities and Services (PFS) and Natural Resource (NR) elements of the General Plan 2040, adopted in July 2014, include policies specific to the management of wastewater in the Specific Plan Area. Policies concerning wastewater in the General Plan are aimed to enhance efficiency, maintain quality, and dictate when and where expansions should occur. As described in the General Plan EIR, in most cases, no one goal, policy, or implementation program itself is expected to completely avoid or reduce an identified potential environmental impact.[26] However, the collective, cumulative mitigating benefits of the policies listed below are intended to reduce sanitary wastewater-related impacts. Specific goals and policies are described in Section 4.14.2.3, Impact Discussion, to demonstrate how the policy would avoid or reduce the impact.

The following goals and policies are relevant to the analysis of potential sanitary wastewater impacts within the Specific Plan Area:

- Goal PFS-1: Ensure the provision of adequate and efficient facilities and services that maintain service levels, are adequately funded, accessible, reliable, and strategically allocated.
  - Policy PSF-1.1 Capital Improvement Program: The City shall maintain the Capital Improvement Program (CIP) to ensure the implementation of the General Plan and the adequate and timely provision of public facility and municipal utility improvements.
  - Policy PSF-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 PSF-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

[25] California Health and Safety Code, http://leginfo.ca.gov/cgi-bin/calawquery?codesection=hsc, accessed on October 12, 2018.
[26] City of Hayward, 2014, City of Hayward 2040 General Plan certified EIR, State Clearinghouse Number 2013082015.

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-1.5 Neighborhood Compatibility: The City shall ensure that public facilities, such as utility substations, water storage and treatment plants, and pumping stations are located, designed, and maintained so that noise, light, glare, or odors associated with these facilities will not adversely affect nearby land uses. The City shall require these facilities to use building and landscaping materials that are compatible with or screen them from neighboring properties.
- Policy PSF-1.7 Adaptive Infrastructure: The City shall monitor expected impacts of climate change on the City's infrastructure and services an make appropriate adaptive facility and service modifications and upgrades.

- Goal PSF-3: Maintain a level of service in the City's water system that meets the needs of existing and future development while improving water system efficiency.
  - Policy PSF-3.8 Water Treatment Capacity and Infrastructure: In the event that San Francisco Public Utilities Commission is unable to provide water that me drinking water standards, the City shall plan, secure funding for, and procure sufficient water treatment capacity and infrastructure to meet projected water demands.
- Goal PFS-4: Maintain a level of service in the City's wastewater collection and disposal system to meet the needs of existing and future development.
  - 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-4.3 Sewer Collection System- Minimization of Sanitary Sewer Overflows: The City shall operate and maintain the sewer collection system to minimize the potential for sewer system overflows.
  - Policy PFS-4.4 Water Pollution Control Facility Operation and Maintenance: The City shall operate and maintain the WPCF to ensure that wastewater discharge meets all applicable NPDES permit provisions.
  - Policy PFS-4.6 Innovative and Efficient Operations: The City shall strive to adopt innovative and efficient wastewater treatment technologies that are environmentally- sound.
  - 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-4.11 Industrial Pretreatment: The city shall enforce appropriate industrial pretreatment standards and source control to prevent materials prohibited by Federal and State regulations from entering the wastewater system and to ensure compliance with the City's local discharge limits. The City shall work with the business community to maintain and implement programs to ensure compliance with all Federal, State and local discharge requirements.

- Goal NR-6: Improve overall water quality by protecting surface and groundwater sources, restoring creeks and rivers to their natural state, and conserving water resources.
  - 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-6.10 Water Recycling: The City shall support efforts by the regional water provider to increase water recycling by residents, businesses, non-profits, industries, and developers, including identifying methods for water recycling and rainwater catchment for indoor and landscape uses in new development.
  - Policy NR-6.11 Reclaimed Water Usage: The City shall take an active role in increasing the use of reclaimed water and educating the community about the methods of safe collection and benefits of using reclaimed water.
  - Policy NR-6.12 Dual Plumbing Systems: The City shall encourage the installation and use of dual plumbing systems in new buildings to recycle greywater.
  - Policy NR-6.13 Water Recycling Program Advocacy: The City shall coordinate with the East Bay Municipal Utility District and the Hayward Area Recreation and Park District to advance water recycling programs, including using treated wastewater to irrigate parks, golf courses, and roadway landscaping and encouraging rainwater catchment system-wide and greywater usage techniques in new buildings.

Hayward Municipal Code

Chapter 10, Article 3, Subdivision Ordinance, Sanitary Sewerage, requires all new subdivisions to make adequate provision for the disposal of all sanitary wastes. Chapter 11, Article 3, Sanitary Sewer System, details contractor responsibilities, general regulations for sewer connections to the public sewer and sewer main extensions, construction permit procedures, sewer service charges, wastewater discharge regulations, and the management of fats, grease, and oil waste.

Hayward Sewer Collection System Master Plan

The *Sewer Collection System Master Plan* is used to guide improvements to Hayward's sanitary sewer system to accommodate current and future development. The Master Plan develops wastewater flow projections for the City's collection area using up-to-date water use and land use information and flow monitoring data, dictates how to update the sewer system, and how to address deficiencies for the existing and projected population. The Plan also created a Capital Improvement Plan which determines priority improvements needed in the wastewater system, and how to fund them.

Existing Conditions

Wastewater Treatment

Wastewater in the Specific Plan Area is conveyed through a series of gravity mains to the Water Pollution Control Facility (WPCF) at the end of Enterprise Avenue in Hayward. The WPCF is permitted to provide secondary treatment for up to 18.5 mgd average dry weather flow (ADWF) with current ADWF much

lower, at 11.3 mgd. Treatment consists of influent waste grinding to protect pumps from large debris, grit removal and primary sedimentation followed by biological treatment and finally discharged to San Francisco Bay via the East Bay Dischargers Authority.[27]

Wastewater Collection

The City of Hayward owns and operates the wastewater collection and treatment system that serves the majority of the city's population and businesses, plus a small amount of unincorporated areas of Alameda County adjacent to the city boundary. Hayward's collection system includes approximately 320 miles of sewer mains, nine sewage lift stations, and 4.2 miles of force mains as shown in Figure 4-14-4.

Hayward's wastewater service is operated as a service fee enterprise fund which is distinct from the City General Fund. An ongoing 10-year CIP is in place to ensure adequate system capacity, good performance, and proper maintenance is completed. The CIP has a dedicated Sewer Capital Improvement Fund in place to fund any expansions or improvements needed.[28]

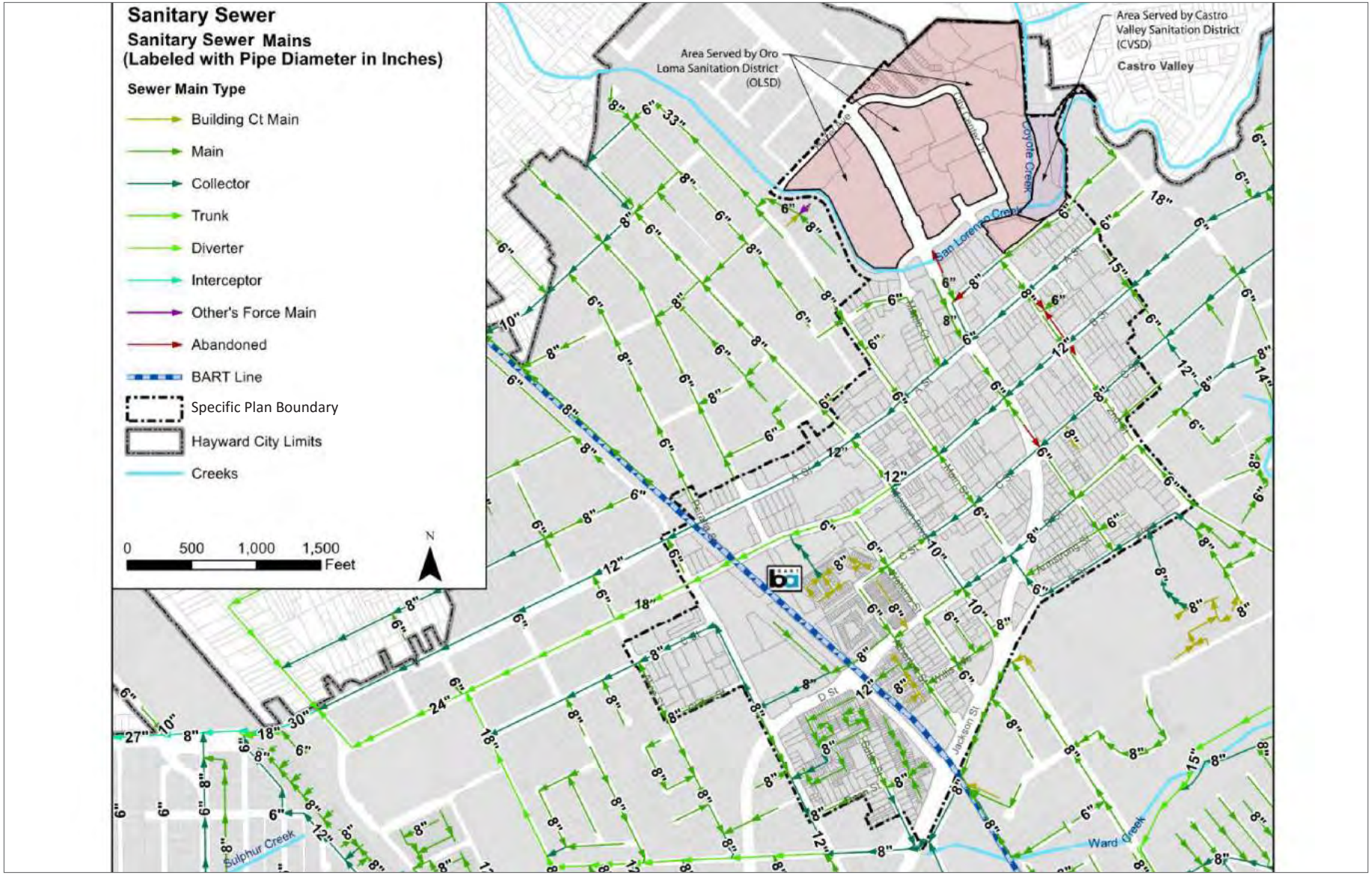
The 2015 Sewer Master Plan included development of a hydraulic model of the trunk sewer system, generally sewers 10-inches and larger, and evaluated the existing and future capacity of the trunk sewers. Capacity deficiencies were identified and CIP projects were developed to address identified deficiencies. No deficiencies were identified on the trunk sewers within or downstream of the Specific Plan area during the Master Plan. However, the Specific Plan changes the future projections within the Downtown area, requiring a reevaluation of sewer capacity.[29]

4.14.2.2 STANDARDS OF SIGNIFICANCE

Implementation of the proposed project would have a significant impact on wastewater service if it would:

1. Exceed wastewater treatment requirements of the applicable RWQCB.
2. Require or result in the construction of new wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects.
3. Result in a determination by the wastewater treatment provider which serves or may serve the project that it does not have adequate capacity to serve the project's projected demand in addition to the provider's existing commitments.

[27] City of Hayward, 2019, *Downtown Specific Plan*, Public Review Draft, Chapter 4, Infrastructure.
[28] City of Hayward, 2014, Hayward 2040 General Plan Background Report, page 8-25.
[29] Woodard and Curran, May 31, 2018, *Sanitary Sewer Capacity Evaluation for the Downtown Specific Plan Area*, page 1.



Source: City of Hayward, Downtown Specific Plan, Public Review Draft, 2019.

Figure 4.14-4
Wastewater Collection System

4.14.2.3 IMPACT DISCUSSION

UTIL-3	**Implementation of the proposed project would not exceed wastewater treatment requirements of the San Francisco Bay Regional Water Quality Control Board.**

As discussed in Chapter 3, Project Description, of this Draft EIR, the Specific Plan Area would include light industrial, commercial, and residential land uses. The land uses that would result from buildout of the Specific Plan would not generate wastewater of different quality and treatability than that generated by those land uses in the city currently. The WPCF is currently in compliance with its NPDES permit requirements. As such, buildout of the Specific Plan Area would not be expected to generate wastewater that would exceed the treatment requirements of the San Francisco Bay RWQCB (e.g., NPDES effluent limits applicable to the WPCF).

Additionally, potential future development in the Specific Plan Area would be required to comply with existing General Plan policies described above in Section 4.12.2.1, as applicable, that require local planning and development decisions to consider impacts to wastewater. Specific policies that include the following: Policy PSF-4.11, which requires the City to enforce appropriate industrial pretreatment standards and source control to prevent materials prohibited by Federal and State regulations from entering the wastewater system and to ensure compliance with the City's local discharge limits; Policy NR-6.11 requires the City to take an active role in increasing the use of reclaimed water and educating the community about the methods of safe collection and benefits of using reclaimed water; and Policy NR-6.12 requires the City to encourage the installation and use of dual plumbing systems in new buildings to recycle greywater

In addition, the proposed Specific Plan contain goals, policies, and programs that also require local planning and development decisions to consider impacts to wastewater services from development in the Specific Plan Area. The following Specific Plan goals and policies would serve to minimize potential adverse impacts from development in the Specific Plan Area:

- Goal 6 Economic Development (ED): Downtown capitalizes on its location in the region, leverages its amenities, and captures more sales tax revenue to become a national model for the revitalization of mid-size cities.
    - Policy ED 3 Innovative Financing Strategies: Seek innovative and creative ways to fund public amenities, development incentives, and new infrastructure without unduly transferring the cost burden to the private sector.
    - Policy ED 4 Infrastructure and Utility Delivery: Ensure efficient delivery of infrastructure and utilities in the Specific Plan Area to achieve buildout in a cost-effective manner and to support economic development.
- Goal 7 Infrastructure and Public Facilities (IPF): Public services, community facilities, and utility systems are well maintained, implement citywide climate change policies, and meet the needs of current and future Downtown residents, businesses, and visitors.

- Policy IPF 1: Water and Sewer: Maintain adequate water and sewer infrastructure necessary to support development Downtown.
- Policy IPF 3 Fair Share: Require developers to pay their fair share cost of infrastructure upgrades.
- Policy IPF 8 Public Restrooms: Provide an adequate supply of safe and clean public restrooms
  - Program IPF 5: Pursue funding for necessary systemwide infrastructure improvements to address existing deficiencies and build capacity to support additional development and reduce impact fees. This would be implemented by the Planning Development Services-Planning Division, the Utilities and Environmental Service Department, and the Library and Community Services Department.
  - Program IPF 6: Complete an assessment of infrastructure deficiencies in the Plan Area with the potential to impede business growth, including businesses that require specialized infrastructure such as high-speed telecommunications for technology-oriented businesses.
  - Program IPF 7: Plan and construct new public restrooms in public parks and open-space, streets with a high-level of pedestrian activity, and community centers throughout the Plan Area.
  - Program IPF 11: Develop a maintenance program to ensure that new public restrooms are well maintained and consistently cleaned.

With continued compliance with applicable regulations as described in Section 4.12.2.1, Environmental Setting, and the General Plan policies wastewater generated from buildout of the Specific Plan Area would not exceed the San Francisco Bay RWQCB's applicable treatment requirements in Order No. R2-2014-0014 (NPDES No. CA0038873). Therefore, the wastewater treatment requirements of the San Francisco Bay RWQCB would not be exceeded due to buildout of the Specific Plan Area, resulting in a *less-than-significant* impact.

Significance without Mitigation: Less than significant.

UTIL-4	**Implementation of the proposed project would not require or result in the construction of new wastewater treatment facilities or expansion of existing facilities, the construction of which would cause significant environmental effects.**

As discussed above, the Hayward WPCF is permitted to provide secondary treatment for up to 18.5 mgd ADWF with current ADWF much lower, at 11.3 mgd. Thus, the WPCF has a 7.2 mgd of unused permitted ADWF capacity.

Unit flow factors of 205 gpd per multifamily unit and 25 gpd per employee were used to estimate the additional sewer discharge from the Specific Plan. These factors are consistent with the assumptions used in the 2015 Master Plan. The estimated residential future sewer discharge load would increase to 1.28

mgd from the 1.19 mgd estimated for the future scenario of the 2015 Master Plan and the non-residential future sewer discharge would increase to 0.32 mgd from the 0.29 mgd estimated in 2015.[30] The total increase in wastewater discharge in the City of Hayward, with the proposed Specific Plan buildout, is estimated at 2.24 mgd, which can be accommodated by the wastewater treatment plant. Future wastewater flows from buildout of the Specific Plan Area would not exceed the design or permitted dry weather treatment capacity of the wastewater treatment plant serving the Specific Plan Area.

Furthermore, the sanitary sewer capacity evaluation report shows that all the pipes within the Specific Plan Area have sufficient capacity in existing and future load scenarios under both peak dry weather flow (PDWF) and for peak wet weather flow (PWWF). For PDWF, there are no pipes within the Specific Plan Area that are predicted to be surcharged or even more than 75 percent full. There is one small section of pipe outside of the Specific Plan Area in Meek Avenue that receives flow from the Specific Plan Area and is very slightly surcharged (but would have over 10 feet of freeboard).Under PWWF, there would be increased surcharge in the sewer in Meek Avenue and in another 10-inch sewer in Mission Blvd but the water level would remain far below the ground.

Downstream of the Specific Plan Area the evaluation shows that all the pipes downstream of the area have sufficient capacity as defined by the hydraulic analysis criteria used in *2015 Sewer Collection System Master Plan* study. Therefore, no capacity deficiency would be triggered by the Specific Plan development and no additional capacity improvements are needed. The evaluation also indicates that the Specific Plan Area development would not contribute flow to existing capacity-deficient sewers or any of the capacity improvement projects identified in the 2015 Master Plan.[31]

Future development would also be required to comply with the General Plan policies described above in Section 4.14.2.1, as applicable, that require local planning and development decisions to consider impacts to wastewater. Specific policies that include the following: Policy PFS-1.4 requires the City to require 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; Policy PFS-4.9 requires the City to ensures the provision of adequate wastewater service to all new development, before new developments are approved, and supports the extension of wastewater service to existing developed areas where this service is lacking; and Policy NR-6.10 requires the City to support efforts by the regional water provider to increase water recycling by residents, businesses, non-profits, industries, and developers, including identifying methods for water recycling and rainwater catchment for indoor and landscape uses in new development.

Furthermore, policies related to water conservation listed in Section 4.14.1.1 would also reduce the generation of wastewater that needs to be collected and treated. In addition, the proposed Specific Plan contain goals, policies, and programs that also require local planning and development decisions to consider impacts to wastewater from development in the Specific Plan Area. The following Specific Plan goals and policies would serve to minimize potential adverse impacts from development in the Specific Plan Area:

[30] Woodard and Currant, May 31, 2018, *Sanitary Sewer Capacity Evaluation for the Downtown Specific Plan Area*.
[31] Woodard and Currant, May 31, 2018, *Sanitary Sewer Capacity Evaluation for the Downtown Specific Plan Area*.

- Goal 6 Economic Development (ED): Downtown capitalizes on its location in the region, leverages its amenities, and captures more sales tax revenue to become a national model for the revitalization of mid-size cities.
    - Policy ED 3 Innovative Financing Strategies: Seek innovative and creative ways to fund public amenities, development incentives, and new infrastructure without unduly transferring the cost burden to the private sector.
    - Policy ED 4 Infrastructure and Utility Delivery: Ensure efficient delivery of infrastructure and utilities in the Specific Plan Area to achieve buildout in a cost-effective manner and to support economic development.
        - Program ED 12: Facilitate the development of an Enhanced Infrastructure Financing District(s), Community Revitalization Investment Authorities, and other financing opportunities as they arise to support the funding of long-term, more costly infrastructure improvements. For example, the City should consider establishing an EIFD that includes City-owned land and parking lots in the Downtown (parcels in an EIFD do not need to be contiguous).
- Goal 7 Infrastructure and Public Facilities (IPF): Public services, community facilities, and utility systems are well maintained, implement citywide climate change policies, and meet the needs of current and future Downtown residents, businesses, and visitors.
    - Policy IPF 1: Water/Sewer: Maintain adequate water and sewer infrastructure necessary to support development Downtown.
    - Policy IPF 3 Fair Share: Require developers to pay their fair share cost of infrastructure upgrades.
        - Program IPF 1: Require new projects to provide water quality treatment for stormwater runoff by incorporating site design measures, source control measures, and low impact development (LID) measures that are hydraulically sized as specified in the C.3 Technical Guidance Manual from the Alameda County Clean Water Program. This would be implemented by the Planning Development Services-Planning Division and the Utilities and Environmental Service Department.
        - Program IPF 3: Develop an in-lieu or incentive-based program to encourage developers to treat stormwater from the public right of way. This would be implemented by the Planning Development Services-Planning Division and the Utilities and Environmental Service Department.
        - Program IPF 6: Complete an assessment of infrastructure deficiencies in the Plan Area with the potential to impede business growth, including businesses that require specialized infrastructure such as high-speed telecommunications for technology-oriented businesses.

In summary, compliance with existing General Plan, as well as the local and State regulations identified in Section 4.14.2.1, Environmental Setting, would ensure there is sufficient wastewater services to serve the Specific Plan Area. Additionally, implementation of the proposed Specific Plan goals and policies would further ensure sufficient wastewater services. Impacts would be *less than significant*.

Significance without Mitigation: Less than significant.

UTIL-5	**Implementation of the proposed project would not result in the determination by the wastewater treatment provider, which serves or may serve the project that it does not have adequate capacity to serve the project's projected demand in addition to the provider's existing commitments.**

As described under impact discussion UTIL-4 above, the WPCF has the available capacity to treat the projected 2.24 mgd increase in effluent produced in the City of Hayward. The Specific Plan would also be required to comply with existing wastewater treatment requirements of the San Francisco RWQCB and water conservation policies enacted by the City which will minimize the amount of wastewater generated.

Compliance with these regulations and policies discussed in impact discussion UTIL-4 would ensure that the proposed project would not exceed the design or permitted capacity of the WPCF and would not require new or expanded wastewater treatment facilities. Accordingly, implementation of the proposed project would result in a *less-than-significant* impact.

Significance without Mitigation: Less than significant.

4.14.3 SOLID WASTE

4.14.3.1 ENVIRONMENTAL SETTING

Regulatory Framework

Federal Regulations

Title 40 of the Code of Federal Regulations

Title 40 of the Code of Federal Regulations (CFR), Part 258 (Resource Conservation and Recovery Act RCRA, Subtitle D) contains regulations for municipal solid waste landfills and requires states to implement their own permitting programs incorporating the Federal landfill criteria. The Federal regulations address the location, operation, design, groundwater monitoring, and closure of landfills.

State Regulations

California Department of Resources Recycling and Recovery

CalRecycle oversees, manages, and monitors waste generated in California. It provides limited grants and loans to help California cities, counties, businesses, and organizations meet the State waste reduction, reuse, and recycling goals. It also provides funds to clean up solid waste disposal sites and co-disposal sites, including facilities that accept hazardous waste substances and non-hazardous waste. CalRecycle develops, manages, and enforces waste disposal and recycling regulations, including AB 939 and SB 1016.

Assembly Bill 939

AB 939 (Public Resources Code 41780) requires cities and counties to prepare integrated waste management plans (IWMPs) and to divert 50 percent of solid waste from landfills beginning in calendar year 2000 and each year thereafter. AB 939 also requires cities and counties to prepare Source Reduction and Recycling Elements as part of the IWMP. These elements are designed to develop recycling services to achieve diversion goals, stimulate local recycling in manufacturing, and stimulate the purchase of recycled products.

Senate Bill 1016

SB 1016 requires that the 50 percent solid waste diversion requirement established by AB 939 be expressed in pounds per person per day. SB 1016 changed the CalRecycle review process for each municipality's IWMP. The CalRecycle Board reviews a jurisdiction's diversion rate compliance in accordance with a specified schedule. Beginning January 1, 2018, the Board will be required to review a jurisdiction's source reduction and recycling element and hazardous waste element every two years.

Local Regulations

Looking Forward Hayward 2040 General Plan

The Public Facilities and Services (PFS) and Natural Resource (NR) elements of the General Plan 2040, adopted in July 2014, include policies specific to the management of solid waste in the Specific Plan Area. Policies concerning solid waste in the General Plan are aimed to enhance efficiency, maintain quality, and dictate when and where expansions should occur. As described in the General Plan EIR, in most cases, no one goal, policy, or implementation program itself is expected to completely avoid or reduce an identified potential environmental impact.[32] However, the collective, cumulative mitigating benefits of the policies listed below are intended to reduce solid waste-related impacts. Specific goals and policies are described in Section 4.14.3.3, Impact Discussion, to demonstrate how the policy would avoid or reduce the impact.

The following goals and policies are relevant to the analysis of potential solid waste impacts within the Specific Plan Area:

- Goal PFS-2: Operate and function in a sustainable manner, use public revenues and resources efficiently, and provide professional, high-quality service to residents and businesses.
    - Policy PSF-2.3 Sustainable Practices: The City shall serve as a role model to businesses and institutions regarding purchasing decisions that minimize the generation of waste, recycling programs that reduce waste, energy efficiency and conservation practices that reduce water, electricity and natural gas use, and fleet operations that reduce gasoline consumption.
- Goal PFS-7: Minimize the generation of solid waste, increase recycling, and provide for the collection and disposal of solid waste.

[32] City of Hayward, 2014, City of Hayward 2040 General Plan certified EIR, State Clearinghouse Number 2013082015.

- Policy PFS-7.2 Adequate Service: The City shall monitor its solid waste and recycling services franchisee to ensure that services provide are adequate to meet the needs of the community and to meet the provisions of the City's Franchise Agreement.
- Policy 7.3 Landfill Capacity: The City shall continue to coordinate with the 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-7.5 Municipal Waste Reduction: The City shall reduce municipal waste generation by continuing to employ a wide range of innovative techniques, including electronic communications to reduce paper usage and buying products with less packaging and in bulk, where feasible.
- Policy PFS-7.6 Municipal Reuse: The City shall reduce municipal waste disposed by continuing to reuse equipment to prolong its useful life.
- Policy PFS-7.7 Municipal Collection of Recyclables and Organics: The City shall continue to require its franchisee to arrange for regular collection of recyclables and organics from all municipal facilities.
- Policy PSF-7.9 City Contracts: The City shall continue to implement the Environmentally Friendly Preferred Purchasing Program by requiring City contractors to use best management practices (e.g., waste prevention, salvage and reuse, recycling and reusing) to maximize diversion of waste from landfills.
- Policy PFS-7.10 Recycled Products or Processes for Capital Projects: The City shall implement the use of recycled products or recycling processes whenever possible as part of any capital project.
- 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 PFS-7.14 Commercial Recycling: The City shall encourage increased participation in commercial and industrial 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 provide technical assistance to businesses to implement mandatory recycling.
- Policy PFS-7.15 Yard Clippings Reduction: The City shall encourage residents to reduce yard clippings through at-home composting or use the green waste collection service provided by the City's franchisee.

- Policy PFS-7.16 Organics Collection: The City shall encourage residents and businesses to separate for collection food and food-soiled paper using organics collection services provided by the City's franchisee.
- Policy PFS-7-17 Waste-to-Energy Generation Systems: The City shall advocate for waste management strategies that aim to maximize the value of solid waste by using waste-to-energy generation system.
- Policy PFS-7.20 Food Scraps Collection: The City shall promote and expand the food scraps collection program for single-family homes to minimize organic waste in landfills.
- Policy PFS-7.21 Mandatory Recycling: The City shall implement mandatory recycling for commercial and multifamily uses and work with StopWaste.org to increase participation in this program.
- Policy PFS-7.22 Maximize Solid Waste Value: The City shall advocate for waste management strategies that maximize the useful value of solid waste, such as using landfill gas to generate electricity.

Hayward Municipal Code

Chapter 5, Sanitation and Health, Article 10, Construction and Demolition Debris Waste Reduction and Recycling Requirements requires applicants for all construction, demolition, and/or renovation projects valued at $75,000 or more to recycle 100 percent of all asphalt and concrete and 50 percent of remaining materials, including materials such as wood and metal. Chapter 5, Article 11, - Polystyrene Foam Disposable Food Service Ware Prohibited; Recyclable or Compostable Food Service Ware Required bans polystyrene food containers from retail food vendors. The City requires that retail food vendors use recyclable or compostable food service ware instead.

The City incorporated CALGreen standards in Hayward Municipal Code Article 21, Green Building Requirements for Municipal Buildings, and Article 22, Green Building Requirements for Private Development.[33] CalGreen Section 4.408, Construction Waste Reduction Disposal and Recycling, mandates that, in the absence of a more stringent local ordinance, a minimum of 50 percent of non-hazardous construction and demolition debris must be recycled or salvaged and requires that project applicants prepare a Waste Management Plan (WMP), for on-site sorting or construction debris, which is submitted to the City of Hayward for approval.

The WMP is required to include the following:

- Identify the materials to be diverted from disposal by recycling, reuse on the Project or salvage for future use or sale.
- Specify if materials will be sorted on-site or mixed for transportation to a diversion facility.

[33] City of Hayward Municipal Code, Chapter 10, Planning, Zoning, and Subdivisions, Article 21, Green Building Requirements for Municipal Buildings, and Article 22, Green Building Requirements for Private Development.

- Identify the diversion facility where the material collected can be taken.
- Identify construction methods employed to reduce the amount of waste generated.

Specify that the amount of materials diverted shall be calculated by weight or volume, but not by both.

The Alameda County Waste Reduction and Recycling Initiative Charter Amendment

The Alameda County Waste Reduction and Recycling Initiative Charter Amendment (Measure D) requires that a per ton disposal surcharge be imposed at the Altamont and Vasco Road landfills in order to provide the necessary funds to design and implement municipal recycling services for residents and businesses. The purpose of Measure D is to provide the necessary funding to enable Alameda County agencies to meet the State diversion rate standard.

Alameda County Integrated Waste Management Plan: Countywide Element

The Alameda County Waste Management Agency prepared the Alameda County Integrated Waste Management Plan: Countywide Element to comply with AB 939 and SB 1016.

Alameda County Mandatory Recycling Ordinance

In February 2012 the Hayward City Council determined that the City would participate in an ordinance proposed by Alameda County Waste Management Authority (ACMWA) in which all multifamily developments and businesses with 4 cubic yards or more of weekly garbage service are required to have recycling services by July 1, 2012. The ACMWA ordinance is more stringent than the State legislation because it specifies which materials are targeted for collection, establishes compliance provisions for regulated haulers, transfer stations, and landfills, and includes enforcement protocols. Recyclables required for collection include a variety of types of paper, recyclable food and beverage containers made of glass and metal, and plastic bottles. The City provides multifamily developments and businesses with plastic indoor storage containers and labels at no charge.

Alameda County Reusable Bag Ordinance

The objective of this countywide ordinance is to reduce the use of single-use carryout bags and to promote the use of reusable bags. As of January 1, 2013, grocery stores and other stores in Alameda County that sell packaged food can no longer provide single-use plastic carryout bags, nor can they distribute paper bags or reusable bags for free at checkout.

Hayward Climate Action Plan

The Hayward Climate Action Plan provides a program to achieve a measurable reduction in GHG, consistent with State law (i.e., AB 32 and Executive Order S-03-05). The plan includes the countywide goal to reduce waste sent to landfills by 75 percent.

Existing Conditions

Solid Waste Collection

The City of Hayward Department of Public Works, Utilities and Environmental Services Division, has an agreement with Waste Management of Alameda County to provide garbage and recycling service to all residents and businesses. Waste management trucks deliver waste to the Davis Street Transfer Station which is located in San Leandro. Organics are then composted at the Redwood Recycling Center in Marin County. Residential recyclables are sorted at the Tri-CED Community Recycling, a local non-profit, in Union City.[34]

Other services available to all residents at no additional charge include safe disposal of all unwanted hazardous waste, including paints, adhesives, and pesticides, for example. Residents may deliver their hazardous waste to any of the four facilities located in Alameda County and operated by the Alameda County Household Hazardous Waste Program.[35]

Landfills Serving the City

There are 15 landfills that serve the City of Hayward. Approximately 76 percent of the solid waste from the city generated in 2017 was sent to the Altamont Landfill, located in Livermore. The Potrero Hills Landfill received approximately 19 percent of the city's solid waste in 2017 with the remaining landfills receiving lesser quantities.[36]

The Altamont Landfill is a Class II facility that accepts municipal solid waste from the following Alameda County municipalities: Alameda, Albany, Berkeley, Castro Valley, Dublin, Emeryville, Fremont, Hayward, Newark, Oakland, the Oro Loma Sanitary District, and unincorporated Alameda County, as well as wastes imported from the city and county of San Francisco and San Ramon. The landfill occupies a 2,170-acre site of which 472 acres are permitted for landfill. In 2001 the landfill received County approval to increase capacity, adding 25 years to the life of the landfill and extending the anticipated closure date to the year 2040.[37] The Altamont landfill is estimated to have a remaining capacity of 65,400,000 cubic yards, or 53 percent of its total capacity, as of January 2014. The Altamont Landfill has a permitted throughput of 11,150 tons per day.[38] In 2017, the daily throughput for Altamont Landfill was 2,641 tons per day.[39] Therefore, the landfill has a residual capacity for 8,508 tons per day. Solid waste collected in 2017 from the City of Hayward accounted for approximately 332 tons per day.

[34] City of Hayward, Garbage and Recycling, https://www.hayward-ca.gov/your-environment/green-your-community/garbage-and-recycling, accessed on October 12, 2018.

[35] City of Hayward, November 2013, *Hayward General Plan Update Public Review Background Report*, page 8-42.

[36] CalRecyle, Jurisdiction Disposal by Facility, Disposal during 2017 for Hayward, https://www2.calrecycle.ca.gov/LGCentral/DisposalReporting/Destination/DisposalByFacility ,accessed on October 12, 2018.

[37] City of Hayward, 2014, Hayward 2040 General Plan Background Report, page 8-41.

[38] CalRecyle, SWIS Facility Detail, Altamont Landfill & Resource Recovery (01-AA-0009), https://www2.calrecycle.ca.gov/swfacilities/Directory/01-AA-0009/, accessed on October 12, 2018.

[39] CalRecylce, Landfill Tonnage Reports, https://www2.calrecycle.ca.gov/LandfillTipFees/, accessed October 12, 2018.

The Potrero Hills landfill is estimated to have a remaining capacity of 13,872,000 cubic yards, or 17 percent of its total capacity, as of January 2006. The closure date for this landfill is February 2048. The Potrero Hill landfill has a permitted throughput of 4,330 tons per day.[40] In 2017, the daily throughput was 272 tons per day.[41] Therefore, the landfill has a residual capacity of 4,058 tons per day. Solid waste collected in 2017 from the City of Hayward accounted for approximately 82 tons per day.

Vasco Road Landfill is a disposal site located in Alameda County with remaining capacity. The City has no contractual relationship with Vasco Road Landfill. However, tonnage is self-hauled to that disposal site by individuals and businesses residing in the city of Hayward. Vasco Road Landfill is owned by Republic Industries, Inc. and is located in the eastern part of the county about 3 miles north of Interstate 580. In 2005 the landfill was at 70 percent capacity. The estimated closure date for Vasco Road Landfill is 2022.[42]

Solid Waste Diversion

The City of Hayward has been in compliance with AB 939 since 2007 (see Table 4.14-5), which is the year when the per capita disposal measurement system was adopted to identify whether goals established by the Integrated Waste Management Act of 1989 have been met.

TABLE 4.14-5 PER CAPITA DISPOSAL RATE TRENDS

Report Year	Target Disposal Rate Population	Per Capita Population (PPD)	Target Disposal Rate Employment	Per Capita Employment (PPD)	Number of Diversion Programs
2007	7.0	6.4	14.7	12.9	38
2008	7.0	5.2	14.7	10.5	38
2009	7.0	4.5	14.7	9.8	38
2010	7.0	4.6	14.7	10.9	38
2011	7.0	4.1	14.7	9.5	38
2012	7.0	4.0	14.7	9.2	38
2013	7.0	3.8	14.7	8.6	38
2014	7.0	3.7	14.7	8.2	38
2015	7.0	3.9	14.7	8.6	39
2016	7.0	3.8	14.7	8.6	N/A

Notes: PPD = Pounds Per Person Per Day; N/A = Not Available
Source: CalRecylce, 2018, Per Capital Disposal Rate Trends, https://www2.calrecycle.ca.gov/LGCentral/AnnualReporting/ReviewReports.

[40] CalRecyle, SWIS Facility Detail, Potrero Hills Landfill (48-AA-0075), https://www2.calrecycle.ca.gov/swfacilities/Directory/48-AA-0075/, accessed on October 12, 2018.
[41] CalRecylce, Landfill Tonnage Reports, https://www2.calrecycle.ca.gov/LandfillTipFees/, accessed on October 12, 2018.
[42] City of Hayward, 2014, Hayward 2040 General Plan Background Report, page 8-42.

4.14.3.2 STANDARDS OF SIGNIFICANCE

Implementation of the proposed project would have a significant impact on wastewater service if it would:

1. Not be served by a landfill(s) with sufficient permitted capacity to accommodate the project's solid waste disposal needs.
2. Not comply with federal, State, and local statues and regulations related to solid waste.

4.14.3.3 IMPACT DISCUSSION

UTIL-6	**Implementation of the proposed project would be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs.**

There are 15 landfills that serve the City of Hayward. Approximately 76 percent of the solid waste from the city generated in 2017 was sent to the Altamont Landfill, located in Livermore. The Potrero Hills Landfill received approximately 19 percent of the city's solid waste in 2017 with the remaining landfills receiving lesser quantities.[43]

The Altamont landfill is estimated to have a remaining capacity of 65,400,000 cubic yards, or 53 percent of its total capacity, as of January 2014. The Altamont Landfill has a permitted throughput of 11,150 tons per day.[44] In 2017, the daily throughput for Altamont Landfill was 2,641 tons per day.[45] Therefore, the landfill has a residual capacity for 8,508 tons per day. The closure date for this landfill is January 2040.

The Potrero Hill landfill is estimated to have a remaining capacity of 13,872,000 cubic yards, or 17 percent of its total capacity, as of January 2006. The closure date for this landfill is February 2048. The Potrero Hill landfill has a permitted throughput of 4,330 tons per day.[46] In 2017, the daily throughput Potrero Hill was 272 tons per day.[47] Therefore, the landfill has a residual capacity for 4,058 tons per day.

The proposed Specific Plan would generate 7,539 residents and 6,333 employees at buildout. For analysis purposes, solid waste generation is assumed to be the actual 2016 per capita generation rates of 3.8 ppd for residents and 8.6 ppd for employees. Accordingly, the total solid waste generated by the proposed project's residents and employees is estimated to be 83,112 ppd, or 41.6 tons per day as shown in Table 4.14-6.

[43] CalRecyle, Jurisdiction Disposal by Facility, Disposal during 2017 for Hayward, https://www2.calrecycle.ca.gov/LGCentral/DisposalReporting/Destination/DisposalByFacility ,accessed on October 12, 2018.

[44] CalRecyle, SWIS Facility Detail, Altamont Landfill & Resource Recovery (01-AA-0009), https://www2.calrecycle.ca.gov/swfacilities/Directory/01-AA-0009/,accessed on October 12, 2018.

[45] CalRecylce, Landfill Tonnage Reports, https://www2.calrecycle.ca.gov/LandfillTipFees/, accessed on October 12, 2018.

[46] CalRecyle, SWIS Facility Detail, Potrero Hills Landfill (48-AA-0075), https://www2.calrecycle.ca.gov/swfacilities/Directory/48-AA-0075/, accessed on October 12, 2018.

[47] CalRecylce, Landfill Tonnage Reports, https://www2.calrecycle.ca.gov/LandfillTipFees/, accessed on October 12, 2018.

TABLE 4.14-6 PROPOSED PROJECT SOLID WASTE GENERATION

Land Use	Number of Dwelling Units/Jobs	Waste Generation (PPD)
Residents[a]	7,539 residents	28,648
Employees[b]	6,333 jobs	54,464
Total Water Demand		**83,112**

Note:
PPD = pounds per day.
a. The multifamily residential waste generation was considered to be 3.8 ppd.
b. The non-residential waste generation is considered to be 8.6 ppd
Source: PlaceWorks

The total estimated solid waste generation rate for the Specific Plan of 41.6 tons per day is less than one percent of the daily residual capacity (i.e., 12,566 tons/day) of the two landfills providing the bulk of disposal services to the city. Furthermore, the landfills that receive the majority of the City's solid waste are not estimated to close until 2048 (Potrero Hills Landfill) and 2040 (Altamont Landfill). There were 15 landfills that received waste from Hayward in 2017. If the two primary landfills were unavailable in the future, it is likely Hayward's solid waste volume could be increased at one or more of the other landfills that already serve the city.

Additionally, future development would be required to comply with the CALGreen, which requires a minimum of 50 percent of non-hazardous construction and demolition debris to be recycled or salvaged. The project applicant's under the Specific Plan would be required to prepare a Waste Management Plan, for on-site sorting of construction debris, which is submitted to the City for approval, in order to ensure that the covered project meets the diversion requirement for reused or recycled construction and demolition debris.

In addition, the proposed Specific Plan contain goals, policies, and programs that also require local planning and development decisions to consider impacts to wastewater from development in the Specific Plan Area. The following Specific Plan goals and policies would serve to minimize potential adverse impacts from development in the Specific Plan Area:

- Goal 6 Economic Development (ED): Downtown capitalizes on its location in the region, leverages its amenities, and captures more sales tax revenue to become a national model for the revitalization of mid-size cities.
  - Policy ED 3 Innovative Financing Strategies: Seek innovative and creative ways to fund public amenities, development incentives, and new infrastructure without unduly transferring the cost burden to the private sector.
    - Program ED 12: Facilitate the development of an Enhanced Infrastructure Financing District(s), Community Revitalization Investment Authorities, and other financing opportunities as they arise to support the funding of long-term, more costly infrastructure improvements.

- Goal 7 Infrastructure and Public Facilities (IPF): Public services, community facilities, and utility systems are well maintained, implement citywide climate change policies, and meet the needs of current and future Downtown residents, businesses, and visitors.
  - Policy IPF 6 Landfill Diversion: Encourage innovative expansion of recycling and waste diversion.
    - Program IPF 6: Complete an assessment of infrastructure deficiencies in the Plan Area with the potential to impede business growth, including businesses that require specialized infrastructure such as high-speed telecommunications for technology-oriented businesses.
    - Program IPF 8: Develop systems and infrastructure to better allow Downtown residents and businesses to recycle specialty waste streams, particularly electronic waste and mattress. This would be implemented by the Planning Development Services-Planning Division and the Utilities and Environmental Service Department.

With continued compliance with applicable regulations and General and Specific Plan policies listed above, solid waste generated from the buildout of the Specific Plan would not exceed the landfill capacity available to the city. Therefore, the proposed project would be served by a landfill with sufficient permitted capacity to accommodate the proposed project's solid waste disposal needs, resulting in a *less-than-significant* impact.

Significance without Mitigation: Less than significant.

UTIL-7 Implementation of the proposed project would comply with federal, State, and local statutes and regulations related to solid waste.

As discussed above, the City has complied with State requirements to reduce the volume of solid waste through recycling and reuse of solid waste. The City's per capita disposal rate is below the target rate established by CalRecycle. The City also has established solid waste recycling requirements in its Municipal Code.

The General Plan includes policies and actions that promote recycling, conservation, and help ensure adequate waste collection and disposal facilities are available for the residents and workers of Hayward. In addition, the Specific Plan includes Goal 7, Policy 7 Landfill Diversion described in impact discussion UTIL-6. This policy encourages innovative expansion of recycling and waste diversion.

Together these policies and actions help to ensure that the proposed Specific Plan is consistent with statutes and regulations related to solid waste.

Therefore, in accordance with the applicable regulations and General and Specific Plan policies listed below, adoption and implementation of the Specific Plan would comply with applicable statutes and regulations related to solid waste, resulting in *no impact*.

Significance without Mitigation: No impact

4.14.4 ENERGY CONSERVATION

4.14.4.1 ENVIRONMENTAL SETTING

Regulatory Framework

Federal Regulations

Energy Independence and Security Act of 2007

Signed into law in December 2007, the Energy Independence and Security Act contains provisions designed to increase energy efficiency and the availability of renewable energy. The Act contains provisions for increasing fuel economy standards for cars and light trucks, while establishing new minimum efficiency standards for lighting as well as residential and commercial appliance equipment.

Energy Policy Act of 2005

Passed by Congress in July 2005, the Energy Policy Act includes a comprehensive set of provisions to address energy issues. This Act includes tax incentives for energy conservation improvements in commercial and residential buildings, fossil fuel production and clean coal facilities, and construction and operation of nuclear power plants, among other things. Subsidies are also included for geothermal, wind energy, and other alternative energy producers.

Natural Gas Pipeline Safety Act of 1968

The Natural Gas Pipeline Safety Act of 1968 authorizes the United States Department of Transportation to regulate pipeline transportation of flammable, toxic, or corrosive natural gas and other gases as well as the transportation and storage of liquefied natural gas. The Pipeline and Hazardous Materials Safety Administration within the Department of Transportation develops and enforces regulations for the safe, reliable, and environmentally sound operation of the nation's 2.6-million-mile pipeline transportation system.

National Energy Policy

Established in 2001 by the National Energy Policy Development Group, the National Energy Policy is designed to help the private sector and state and local governments promote dependable, affordable, and environmentally sound production and distribution of energy for the future. Key issues addressed by the energy policy are energy conservation, repair and expansion of energy infrastructure, and ways of increasing energy supplies while protecting the environment.

State Regulations

California Public Utilities Commission Long Term Energy Efficiency Strategic Plan

Adopted in September 2008 and updated in January 2011, the California Public Utilities Commission (CPUC) Long Term Energy Efficiency Strategic Plan provides a framework for energy efficiency in California

through the year 2020 and beyond. It articulates a long-term vision, as well as goals for each economic sector, identifying specific near-, mid-, and long-term strategies to assist in achieving these goals. The Plan sets forth the following four goals, known as "Big Bold Energy Efficiency Strategies," to achieve significant reductions in energy demand:

- All new residential construction in California will be zero net energy by 2020.
- All new commercial construction in California will be zero net energy by 2030.
- Heating, ventilation and air conditioning will be transformed to ensure that its energy performance is optimal for California's climate.
- All eligible low-income customers will be given the opportunity to participate in the low-income energy efficiency program by 2020.

The CPUC and the California Energy Commission have adopted the following goals to achieve zero net energy levels by 2030 in the commercial sector:

- Goal 1: New construction will increasingly embrace zero net energy performance (including clean, distributed generation), reaching 100 percent penetration of new starts in 2030.
- Goal 2: 50 percent of existing buildings will be retrofit to zero net energy by 2030 through achievement of deep levels of energy efficiency and with the addition of clean distributed generation.
- Goal 3: Transform the commercial lighting market through technological advancement and innovative utility initiatives.

California Energy Code

The State of California provides a minimum standard for energy conservation through Title 24, Part 6 California Code of Regulations, commonly referred to as the California Energy Code. The California Energy Code was first adopted by the California Energy Resources Conservation and Development Commission in June 1977. The standards are updated periodically to allow for consideration and possible incorporation of new energy efficiency technologies and methods. In June 2015, the California Energy Code adopted the 2016 Building and Energy Efficiency Standards, which went into effect on January 1, 2017.

2016 Appliance Efficiency Regulations

The 2016 Appliance Efficiency Regulations (Title 20, California Code of Regulations Sections 1601 through 1608) include standards for both federally regulated appliances and non-federally regulated appliances. Twenty-three categories of appliances are included in the scope of these regulations. The standards within these regulations apply to appliances that are sold or offered for sale in California, except those sold wholesale in California for final retail sale outside the state, and those designed and sold exclusively for use in recreational vehicles or other mobile equipment. Though these regulations are now often viewed as "business as usual," they exceed the standards imposed by all other states and they reduce GHG emissions by reducing energy demand.

State Greenhouse Gas Regulations

The Governor's GHG Reduction Executive Order S-3-05 was signed on June 1, 2005, and set GHG reduction targets for the State. Soon after, AB 32, the Global Warming Solutions Act (2006) was passed by the California State legislature on August 31, 2006, to place the State on a course toward reducing its contribution of GHG emissions. In response to AB 32, the California Air Resources Board developed a Scoping Plan outlining California's approach to achieving the goal of reducing GHG emissions to 1990 levels by 2020. The final Scoping Plan was adopted by the California Air Resources Board on December 11, 2008. The California Air Resources Board approved the first 5-year Update to the Climate Change Scoping Plan on May 22, 2014, as required by AB 32. For a detailed discussion on these regulations, see Chapter 4.6, Greenhouse Gas Emissions, of this Draft EIR.

California Energy Benchmarking and Disclosure

AB 1103 (2007) required that electric and gas utilities maintain records of the energy consumption data of all non-residential buildings to which they provide service and, upon authorization of a non-residential building owner or operator, upload all of the energy consumption data to the EPA Energy Star Portfolio Manager. This statute further required that a non-residential building owner or operator disclose Energy Star Portfolio Manager benchmarking data and ratings, for the most recent 12-month period, to a prospective buyer, lessee, or lender.

On October 8, 2015, the Governor signed AB 802 which revised and recast the above provisions. The new law directed the California Energy Commission to establish a statewide energy benchmarking and disclosure program, and enhanced the Commission's existing authority to collect data from utilities and other entities for the purposes of energy forecasting, planning, and program design. Among the specific provisions, AB 802 required utilities to maintain records of the energy usage data of all buildings to which they provide service for at least the most recent 12 complete months. The bill required each utility, upon the request and authorization of the owner, owner's agent, or operator of a covered building, to deliver or provide aggregated energy usage data for a covered building to the owner, owner's agent, operator, or to the owner's account in the Energy Star Portfolio Manager. The bill also authorized the Commission to specify additional information to be delivered by utilities for certain purposes.

Local Regulations

Looking Forward Hayward 2040 General Plan

Policies concerning energy in the General Plan are aimed to enhance efficiency, maintain quality, and dictate when and where expansions should occur. As described in the General Plan EIR, in most cases, no one goal, policy, or implementation program itself is expected to completely avoid or reduce an identified potential environmental impact.[48] However, the collective, cumulative mitigating benefits of the policies listed below are intended to reduce energy conservation-related impacts. Specific goals and policies are

[48] City of Hayward, 2014, City of Hayward 2040 General Plan certified EIR, State Clearinghouse Number 2013082015.

described in Section 4.14.4.3, Impact Discussion, to demonstrate how the policy would avoid or reduce the impact.

The following goals and policies are relevant to the analysis of potential energy conservation impacts within the Specific Plan Area:

- Goal LU-1: Promote local growth patterns and sustainable development practices that improve quality of life, protect open space and natural resources, and reduce resource consumption, traffic congestion, and related greenhouse gas emissions.
  - 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-1.3 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-1.5 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-1.8 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.
- Goal LU-2: Revitalize and enhance Hayward's Priority Development Areas to accommodate and encourage growth within compact, mixed-use, and walkable neighborhoods and districts that are located near the City's job centers and regional transit facilities.
  - Policy LU-2.5 Downtown Housing: The City shall encourage the development of a variety of urban housing opportunities, including housing units above ground floor retail and office uses, in the Downtown to:
    - Increase market support for businesses,
    - Extend the hours of activity,
    - Encourage workforce housing for a diverse range of families and households,
    - Create housing opportunities for college students and faculty, and

- Promote lifestyles that are less dependent on automobiles.

- Policy LU-2.15 Office and Employment Uses and Amenities: The City shall encourage the establishment of professional office and employment uses within the Priority Development Areas. Major office and employment uses should include amenities for employees, such as courtyards and plazas, outdoor seating areas, fitness facilities, bicycle storage areas, and showers.
- 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.

- Goal NR-2: Improve the health and sustainability of the community through continued local efforts to improve regional air quality, reduce greenhouse gas emissions, and reduce community exposure to health risks associated with toxic air contaminants and fine particulate matter.
  - 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 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 NR-2.8 Reduced Emissions for City Operations and Commutes: The City shall promote reduced idling, trip reduction, routing for efficiency, and the use of public transportation, carpooling, and alternate modes of transportation for operating City departments and City employees.
- Goal NR-4: Reduce energy consumption through increased production and use of renewable energy, sustainable energy purchasing, and improved energy efficiency.
  - 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-4.2 Energy Resources and Efficiency: The City shall collaborate with partner agencies, utility providers, and the business community to support a rate of energy efficiency, conservation, and waste reduction measures, including the development of green buildings and infrastructure, weatherization programs, installation of energy-efficient appliances and equipment in homes and offices, promotion of energy efficiency retrofit programs, use of green power options, and heightened awareness of the benefits of energy efficiency and conservation issues.

- 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-4.4 Energy Resource Conservation in Public Buildings: The City shall continue to require all public facilities and services to incorporate energy and resource conservation standards and practices.
- Policy NR-4.6: The City shall encourage and support the generation, transmission, use, and storage of locally-distributed renewable energy in order to promote energy independence, efficiency, and sustainability. The City shall consider various incentives to encourage the installation of renewable energy projects (i.e. reduced permit fees and permit streamlining).
- 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-4.14 Energy Efficiency Retrofits: The City shall collaborate with regional entities and others to promote incentive programs for energy efficiency retrofits such as the Energy Upgrade California program for residential properties.

- Goal M-1: Provide a comprehensive, integrated, and connected network of transportation facilities and services for all modes of travel.
  - 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.

Hayward Municipal Code

The City of Hayward Municipal Code includes several regulations related to energy service. Through Ordinance 10-15 the City of Hayward adopted the 2010 California Building Code, including the 2010 California Green Building Standards Code Part 11, effective January 1, 2011.

City of Hayward Municipal Code Chapter 8, Article 18, through voter approval of Measure A, establishes a tax on every person in the city using telecommunication, video, electricity, and gas services at the rate of 5.5 percent of the charges made for such services. City of Hayward Municipal Code Chapter 10, Article 21, requires that all City-owned buildings meet a minimum LEED Silver rating. Projects using the LEED checklist must earn a minimum of 20 points. Additionally, The City incorporated CALGreen standards in Hayward Municipal Code Article 21, Green Building Requirements for Municipal Buildings, and Article 22,

Green Building Requirements for Private Development.[49] City of Hayward Municipal Code Chapter 10, Article 22, requires that all new multifamily and single family residential projects are Green Point rated and demonstrate full compliance with the California Building Energy Efficiency Standard (Title 24, part 6) at the time of permitting.

Hayward Climate Action Plan

The Hayward Climate Action Plan provides a roadmap for achieving a measurable reduction in GHG emissions, as consistent with State law (i.e., AB 32 and Executive Order S-03-05). Hayward has set the target of reducing GHG emissions to 12.5 percent below 2005 emission levels by 2020. Hayward also set an interim goal of 6 percent below 2005 emission levels by 2013, and a long-term goal of 82.5 percent below 2005 emission levels by 2050. The plan includes three strategies for reducing energy use: improve the energy performance of existing buildings, improve the energy performance of new buildings, and use renewable energy. The plan also includes two strategies to reduce fuel use: reduce vehicle miles traveled and decrease the carbon intensity of vehicles.

Existing Conditions

Electricity

Grid electricity and natural gas service in the City of Hayward is provided by Pacific Gas and Electric Company (PG&E). PG&E is a publicly traded utility company which generates, purchases, and transmits energy under contract with the CPUC. PG&E's service territory is 70,000 square miles in area, roughly extending north to south from Eureka to Bakersfield, and east to west from the Sierra Nevada mountain range to the Pacific Ocean.

PG&E's electricity distribution system consists of 106,681 circuit miles of electric distribution lines and 18,466 circuit miles of interconnected transmission lines. The electricity is generated by a combination of sources such as coal-fired power plants, nuclear power plants, and hydro-electric dams, as well as newer sources of energy such as wind turbines and photovoltaic plants or "solar farms." "The Grid," or bulk electric grid, is a network of high-voltage transmission lines that link power plants with the PG&E system. The distribution system, comprised of lower voltage secondary lines, is at the street and neighborhood level, and consists of overhead or underground distribution lines, transformers, and individual service "drops" that connect to the individual customer.[50]

PG&E maintains three major transmission lines running west to east across Alameda County to substations in Hayward, San Mateo, and Fremont. PG&E has recently (2012) completed the Russell City Energy Center (RCEC) interconnection project in Hayward. The project upgraded power lines and existing substations to connect the RCEC to the grid in three phases. Phase 1, which was completed in October 2011, consisted of the installation of 1.3 miles of new lines between the new RCEC and the Eastshore

[49] City of Hayward Municipal Code, Chapter 10, Planning, Zoning, and Subdivisions, Article 21, Green Building Requirements for Municipal Buildings, and Article 22, Green Building Requirements for Private Development.
[50] PG&E, 2018, Company Info, http://www.pge.com/about/company/profile/, accessed October 15, 2018.

Substation in Hayward. Phase 2, completed in December 2011, consisted of modifying several towers and replacing about 14 miles of wire on the power line spanning from the Eastshore Substation in Hayward to the San Mateo Substation in San Mateo. Phase 3, completed in March 2012, consisted of modifying several towers and replacing 6.8 miles of wire on the power line spanning from the Eastshore Substation in Hayward to the Dumbarton Substation in Fremont. These improvements will improve service reliability for PG&E customers in the greater Bay Area.[51]

PG&E produces or buys its energy from a number of conventional and renewable generating sources, which travel through PG&E's electric transmission and distribution systems. The power mix PG&E provided to customers in 2017 consisted of non-emitting nuclear generation (27 percent), large hydroelectric facilities (18 percent), and eligible renewable resources (33 percent), such as wind, geothermal, biomass, solar and small hydro. The remaining portion came from natural gas (20 percent) and unspecified power (2 percent). Unspecified power refers to electricity that is not traceable to specific generation sources by any auditable contract trail. In 2016, PG&E served 32.8 percent of their retail electricity sales with renewable power. PG&E's percentage of renewable power currently under contract for 2020 is 33 percent.[52]

Alameda County is home to 21 wind, nine oil/gas, five waste-to-energy, one hydroelectric, and one solar power generation facilities. Most of these facilities are located in the northeastern portion of the county.[53]

In 2017 PG&E's preliminary projected average annual electricity demand growth (mid-demand forecast) between 2018 and 2028was estimated at 0.99 percent. Total mid-electricity consumption in PG&E's service area was 281,666 gigawatt-hour per year in 2015 and is forecast to increase to 319,484 gigawatt-hours per year in 2027.[54]

Natural Gas

PG&E's natural gas (methane) pipe delivery system includes 42,000 miles of distribution pipelines, and 6,700 miles of transportation pipelines. Gas delivered by PG&E originates in gas fields in California, the US Southwest, US Rocky Mountains, and from Canada. Transportation pipelines send natural gas from fields and storage facilities in large pipes under high pressure. The smaller distribution pipelines deliver gas to individual businesses or residences.

PG&E gas transmission pipeline systems serve approximately 15 million gas customers in northern and central California.[55] PG&E has numerous pipeline safety programs, policies, and procedures in place to ensure the safety of customers, employees and the public. These programs include:

[51] City of Hayward, 2014, Hayward 2040 General Plan Background Report, page 8-52.

[52] PG&E, 2018, Exploring Clean Energy Solutions, https://www.pge.com/en_US/about-pge/environment/what-we-are-doing/clean-energy-solutions/clean-energy-solutions.page, accessed on October 15, 2018.

[53] City of Hayward, 2014, Hayward 2040 General Plan Background Report, page 8-52.

[54] California Energy Commission, 2017, California Energy Demand 2018-2028 Preliminary Forecast, https://efiling.energy.ca.gov/getdocument.aspx?tn=220615, accessed on October 15, 2018.

[55] PG&E, 2018, Learn about the PG&E natural gas system, https://www.pge.com/en_US/safety/how-the-system-works/natural-gas-system-overview/natural-gas-system-overview.page, accessed on October 15, 2018

- Valve automation to improve the ability to quickly shut off the flow of gas in the event of a significant change in pressure.
- Regular leak detection surveys across a 70,000-square mile service area for gas leaks resulting in a 99 percent reduction of minor leaks.
- Regular monitoring and inspection of nearly 7,000 miles of gas transmission pipelines and 42,000 miles of distribution pipelines to identify and address concerns before they become a hazard.
- Replacement of steel distribution main, which can be prone to leaks, with modern, new materials.
- Community Pipeline Safety Initiative which ensures first responders and emergency response crews have critical access to pipelines in the event of an emergency or natural disaster.[56]

In 2017 PG&E's preliminary projected average annual demand growth (mid-demand forecast) between 2018 and 2028 was estimated at 0.75 percent. Total mid-natural gas consumption in PG&E's service area was 4,587 million therms per year in 2017 and is forecast to increase to 5,019 million therms per year in 2028.[57]

4.14.4.2 THRESHOLDS OF SIGNIFICANCE

Appendix F, Energy Conservation, of the CEQA Guidelines, requires a discussion of the potential energy impacts of proposed projects, with particular emphasis on avoiding or reducing inefficient, wasteful and unnecessary consumption of energy; however, no specific thresholds of significance for potential energy impacts are published in the State CEQA Guidelines or are established by the City of Hayward. Therefore, this EIR analysis determined that impacts would be significant if the proposed project, upon potential future development buildout, would result in a substantial increase in natural gas and electrical service demands that would require the new construction of energy supply facilities and transmission infrastructure or capacity enhancing alterations to existing facilities, paralleling the threshold determinations for other utility and service systems under Appendix G. To further the intent of Appendix F, relevant, potential impacts listed in that appendix are also incorporated in the evaluation.

Appendix F lists the following possible impacts to energy conservation that should be considered to the extent they are applicable and relevant to a particular project:

1. The project's energy requirements and its energy use efficiencies by amount and fuel type for each stage of the project including construction, operation, maintenance and/or removal. If appropriate, the energy intensiveness of materials maybe discussed.
2. The effects of the project on local and regional energy supplies and on requirements for additional capacity.
3. The effects of the project on peak and base period demands for electricity and other forms of energy.

[56] PG&E, 2018, PG&E's Gas safety Programs, https://www.pge.com/en_US/safety/gas-safety/safety-initiatives.page, accesses October 25, 2018.

[57] California Energy Commission, 2017, California Energy Demand 2018-2028 Preliminary Forecast, https://efiling.energy.ca.gov/getdocument.aspx?tn=220615, accessed on October 25, 2018

4. The degree to which the project complies with existing energy standards.
5. The effects of the project on energy resources.
6. The project's projected transportation energy use requirements and its overall use of efficient transportation alternatives.

4.14.4.3 IMPACT DISCUSSION

UTIL-8	**Implementation of the proposed project would not result in a substantial increase in natural gas and electrical service demands, and would not require new energy supply facilities and transmission infrastructure or capacity enhancing alterations to existing facilities.**

New development under the Specific Plan would continue to be served by PG&E. New underground electrical and gas lines would be required to replace existing lines when realignment is required under future development. The proposed increase in development would result in a long-term increase in energy demand associated with the operation of lighting and space heating/cooling in the added building space, and vehicle travel. In addition, construction activities associated with development require the use of energy (e.g., electricity and fuel) for various purposes such as the operation of construction equipment and tools, as well as excavation, grading, demolition, and construction vehicle travel.

Construction

Even with energy saving practices in place (as discussed below), new electrical connections, switches and/or transformers might be required to serve new structures and/or carry additional loads within the Specific Plan Area. Similarly, new gas distribution lines and connections may be necessary. These are anticipated infrastructure improvements and part of the Specific Plan development. Most of the work would be in existing public rights-of-way or facilities. Although creation of new or relocated gas and electric lines could create short-term construction-related environmental effects (e.g., noise, dust, traffic, temporary service interruption), the work would be subject to compliance with the City's and PG&E's regulations and standard conditions for new construction related to infrastructure improvements. For example, these regulations and conditions would require gas and electric line construction to include best management practices that require construction areas to minimize dust generation, limit construction noise to daytime hours to limit impacts to sensitive receptors, and use modern equipment to limit emissions. In addition, these types of infrastructure improvements are anticipated as part of the Specific Plan development. Also, any such work would be subject to compliance with applicable regulations and standard conditions of approval for construction projects, including City permits/review for construction (e.g., grading permits, private development review, encroachment permits, etc.)

Construction vehicles would consume fuel. The USEPA adopted the Heavy-Duty National Program to establish fuel efficiency and GHG emission standards in the heavy-duty highway vehicle sector, which includes combination tractors (i.e., semi-trucks), heavy-duty pickup trucks and vans, and vocational vehicles including buses and refuse or utility trucks. These standards include targets for gallons of fuel consumed per mile beginning in model year 2014. These standards are being extended through model

year 2018 through current rulemaking by the USEPA. While construction activities require a commitment of energy sources, these efficiency standards improve energy security and innovation in clean energy technology and further the goal of conserving energy in the context of project development. As a result, construction impacts for future development under the proposed Specific Plan Update would result in a *less-than-significant* impact.

Operational

The proposed Specific Plan calls for significant infill development in the Downtown over the next 20 or more years. As a largely built-out area, future development opportunities are limited to infill sites and the redevelopment of underutilized parcels. The Specific Plan Area may facilitate, at maximum, up to 3,427 new housing units and 1.9 million square feet of non-residential space such as retail, hospitality, office, and education. The proposed increase in development would result in a long-term increase in energy demand, associated with the operation of lighting and space heating/cooling in the added building space, and vehicle travel.

Development Energy Impacts

Proposed new development would be constructed using energy efficient modern building materials and construction practices, in accordance with CALGreen Building Code, CPUC's *Long Term Energy Efficiency Strategic Plan* (2008), and Hayward's Municipal Code Chapter 10, Article 21 and Article 22, and Chapter 9, Article 11 which contain the Green Building Ordinance and Energy Code, respectively. The new buildings also would use new modern appliances and equipment, in accordance with the 2006 Appliance Efficiency Regulations (Title 20, CCR Sections 1601 through 1608). Under these requirements, future development under the Specific Plan would use recycled construction materials, environmentally sustainable building materials, building designs that reduce the amount of energy used in building heating and cooling systems as compared to conventionally built structures, and landscaping that incorporates water efficient irrigation systems, all of which would conserve energy.

General Plan policies described above in Section 4.14.2.1, as applicable, that require local planning and development decisions to consider impacts related to energy conservation. Specific policies that include the following: Policy LU-1.8 requires the City to maintain and implement green building and landscaping requirements for private- and public-sector development to reduce the use of energy, water, and natural resources; Policy NR-2.6 requires the City to reduce potential greenhouse gas emissions by promoting energy-efficient building design and site planning; Policy NR-4.1 requires the City to 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 requires the City to 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 requires the City to 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-4.14 requires the City to collaborate with regional entities and others to promote incentive programs for energy efficiency retrofits such as the Energy Upgrade California program for residential properties; and Policy PFS-2.7 requires the City to 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.

In addition, the proposed Specific Plan contain goals, policies, and programs that also require local planning and development decisions to consider energy conservation from development in the Specific Plan Area. The following Specific Plan goals and policies would serve to minimize potential adverse impacts from development in the Specific Plan Area:

- Goal 6 Economic Development (ED): Downtown capitalizes on its location in the region, leverages its amenities, and captures more sales tax revenue to become a national model for the revitalization of mid-size cities.
    - Policy ED 3 Innovative Financing Strategies: Seek innovative and creative ways to fund public amenities, development incentives, and new infrastructure without unduly transferring the cost burden to the private sector.
- Goal 7 Infrastructure and Public Facilities (IPF): Public services, community facilities, and utility systems are well maintained, implement citywide climate change policies, and meet the needs of current and future Downtown residents, businesses, and visitors.
    - Policy IPF 4 Sustainable Design: Encourage property owners pursuing new developments or home renovations to design and construct buildings for healthful living and working conditions, including enhanced internal circulation, healthy building materials, design for universal accessibility, and mechanical and HVAC systems that enhance indoor air quality and comfort.
    - Policy IPF 5 Renewable Energy: Establish a pathway to derive 50 percent of the electricity in Downtown from renewable sources.
        - Program IPF 4: Accelerate the decarbonization of the electricity grid by incorporating green-house gas reduction targets in the Department of Public Works' resource plan.
        - Program IPF 6: Complete an assessment of infrastructure deficiencies in the Plan Area with the potential to impede business growth, including businesses that require specialized infrastructure such as high-speed telecommunications for technology-oriented businesses.
        - Program IPF 9: Partner with PG&E and other utility providers to evaluate future demand and to fund utility improvements in advance of construction. This would be implemented by the Planning Development Services-Planning Division and the Utilities and Environmental Service Department.
        - Program IPF 15: Partner with PG&E and other utility providers to offer incentives, such as expedited permitting or reduced development fees when new building construction complies with LEED programing or the California Green Building Code. This would be implemented by the Planning Development Services-Planning Division and the Utilities and Environmental Service Department.
        - Program IPF 16: Continue working to implement the city-wide Energy Assurance Plan in Downtown. This would be implemented by the Planning Development Services-Planning Division and the Utilities and Environmental Service Department.

- Program IPF 17: Incentivize sustainable development to encourage the installation of renewable energy projects. This would be implemented by the Planning Development Services-Planning Division and the Utilities and Environmental Service Department.
- Program IPF 18: Continue to improve the energy efficiency of the building stock and infrastructure Downtown through the implementation of the Municipal Green Building Ordinance, efficiency retrofit improvements, equipment upgrades, and installation of clean, renewable energy systems. This would be implemented by the Planning Development Services-Planning Division, the Utilities and Environmental Service Department, and the Maintenance Service Department. Therefore, with the implementation of these General and Specific Plan policies and compliance with the CALGreen Building Code and the other applicable state and local energy efficiency measures, cited above, significant energy conservation and savings would be realized from future development under the Specific Plan. Therefore, impacts would be *less than significant* and no mitigation measures are required.

Transportation Energy Impacts

The Specific Plan inherently furthers objectives of energy conservation related to transportation by focusing activities in areas of existing infrastructure and services. Transportation design features that are priorities of the Specific Plan include the creation of a Specific Plan-wide pedestrian circulation system; the creation of a Specific Plan-wide bicycle circulation system; prioritizing intermodal transit connectivity; and facilitating improved connections to transit facilities for bicycles and pedestrians. These elements all promote non-motorized transportation within and to the development, thereby potentially reducing energy consumption that would otherwise be related to motorized vehicle use (i.e., automobiles). Policies in the Specific Plan that address these transportation design features include:

- Goal 2 Community Design (CD): Downtown is a beautiful, safe, and high-quality pedestrian-oriented environment for all ages to enjoy day or night, with sufficient and attractive lighting, sidewalk amenities, landscaping, and inviting ground floor frontages.
  - Policy CD 1 Pedestrian-Oriented Design: Require best practices in pedestrian-oriented building and streetscape design to create an attractive and comfortable walking experience.
- Goal 4 Circulation (C): The public right-of-way is recognized as the backbone of the public realm and Downtown streets are comfortable for people walking and bicycling, efficient and convenient for people taking transit, and accommodating to people driving automobiles at a posted speed limits.
  - Policy C 3 Pedestrian Priorities: Reclaim Downtown as a place for pedestrians by supporting pedestrian focused design strategies, such as wide sidewalks, painted or lighted crosswalks, ergonomic crosswalks, flashing lights, pedestrian controlled mid-block, and reduced curb-to curb dimensions across intersections to make walking more protected, convenient, and comfortable.
  - Policy C 4 Bike Network: Create a safe, efficient, and attractive bicycle network for internal connectivity and connections with bikeways outside of the Plan Area.
  - Policy C 6 Agency Coordination: Work with AC Transit, BART, and other transit providers to meet the travel needs of Downtown residents, businesses, and visitors and to prioritize improvements identified in this Plan, such as reconsidering BART Station access.

- Goal 5 Travel Demand Management and Parking (TP): Public transportation, walking, biking and shared rides are the preferred means of travel for most trips in Downtown thereby reducing cut-through traffic and the need for parking while also supporting economic development and sustainability initiatives.
  - Policy TP 1 Make it Easy to Take Transit, Walk, or Bike: Make it easy for residents, employees, and visitors to travel by transit, foot, bike, or shared rides when traveling to, from, and within the Downtown.
  - Policy TP 4 Shift to Non-Personal Vehicle Modes: Accommodate future new person trips through modes other than personal vehicles (such as public transit, rideshare, and cycling) to help achieve a more balanced circulation network and reduce vehicle miles traveled.
  - Policy TP 5 Carsharing and Bikesharing: Facilitate the establishment of carsharing and bikesharing services within the Plan Area.

Also, there are several General Plan policies intended to ensure energy conservation is practiced in Hayward, as shown in Section 4.14.4.1. Specifically, Policies LU1.1, LU-1.3, LU-1.6, LU-2.5, LU-2.15, LU-3.1, LU-3.2, and NR-2.6 which are land use planning policies aimed to reduce travel time and automobile use, and Policies LU-1.5, M-1.6, and M-3.8 which promote the use of public transit, bikes, and walking.

Chapter 4.13, Transportation and Traffic, provides an evaluation of the expected traffic and transit trips generated by the Specific Plan. As discussed, the Specific Plan Update would potentially generate an increase in typical weekday trips consisting of vehicular, transit and walk/bike trips that would vary between 2014 and 2040 due to region-wide transportation system improvements that are projected to alter travel patterns and modes of project trips. For example, by 2040 Caltrain is expected to be running trains more frequently, faster, and more efficiently as part of the Caltrain Electrification and Modernization Project, which will increase the transit mode share and decrease the vehicle mode share for project trips.

As discussed above, the USEPA adopted standards that include targets for gallons of fuel consumed per mile beginning in model year 2014. These standards are being extended through model year 2018 through current rulemaking by the USEPA. While future transportation would require a commitment of energy sources, these efficiency standards improve energy security and innovation in clean energy technology further the goal of conserving energy in the context of project development. As with impacts of future development discussed above, compliance with General Plan policies listed above and implementation of Specific Plan policies would ensure energy impacts from transportation would be *less than significant*.

Significance without Mitigation: Less than significant.

5. Alternatives to the Proposed Project

The following discussion is intended to inform the public and decision makers of feasible alternatives to the proposed Specific Plan that would avoid or substantially lessen any significant effects of the proposed Specific Plan. The CEQA Guidelines set forth the intent and extent of alternatives analysis to be provided in an EIR. Section 15126.6(a) of the CEQA Guidelines states that:

> *An EIR shall describe a range of reasonable alternatives to the project, or the location of the project, which would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project, and evaluate the comparative merits of the alternatives. An EIR need not consider every conceivable alternative to a project. Rather it must consider a reasonable range of potentially feasible alternatives that will foster informed decision making and public participation. An EIR is not required to consider alternatives which are infeasible. The lead agency is responsible for selecting a range of project alternatives for examination and must publicly disclose its reasoning for selecting those alternatives. There is no ironclad rule governing the nature or scope of the alternatives to be discussed other than the rule of reason.*

All of the potential environmental impacts associated with adoption and implementation of the proposed Specific Plan were found to be either *less than significant without mitigation* or *less than significant with mitigation*, with the exception of some impacts associated with air quality, greenhouse gas (GHG) emissions, noise, transportation and circulation, and utilities and service systems, which were found to be *significant and unavoidable*. The alternatives were selected because of their potential to further reduce and avoid these impacts.

The alternatives to be analyzed in comparison to the proposed Specific Plan include:

- No Project Alternative (General Plan 2040)
- General Plan with Circulation Changes Alternative
- Specific Plan without Circulation Changes Alternative
- Specific Plan with Lower Intensity (30% Less) Alternative

The first alternative discussed is the CEQA-required "No Project" Alternative and assumes the project would not be approved and the project site would continue to develop as designated under the 2040 General Plan. The second alternative, the General Plan with Circulation Changes Alternative, assumes no changes to current General Plan land use designations, however includes the circulation changes as proposed in the Specific Plan. This alternative would not increase population and employee estimates above what would naturally occur under General Plan buildout. The third alternative, Specific Plan without Circulation Changes Alternative, assumes that all the land use changes proposed within the Specific Plan could be implemented, yet would not make any circulation changes as proposed in the Specific Plan. This alternative would result in the same increase in population and employees as the proposed Specific Plan. The fourth alternative, the Specific Plan with Lower Intensity (30% Less)

Alternative, assumes a 30 percent reduction in the non-residential development proposed in the Specific Plan, and all other aspects of the proposed Specific Plan would be implemented. As such, the population and employment increase anticipated in this alternative would be less than that of the proposed Specific Plan, and of the Specific Plan without Circulation Changes Alternative.

Table 5-1 shows the development intensity for each of the alternatives.

TABLE 5-1 NET DEVELOPMENT COMPARISONS OF ALTERNATIVES TO THE PROPOSED SPECIFIC PLAN

Land Use Category	Proposed Specific Plan	No Project Alternative[e]	General Plan with Circulation Changes Alternative[e]	Specific Plan Without Circulation Changes Alternative	Specific Plan with Lower Intensity (30% Less) Alternative
Non-Residential Square Feet[a]	1,900,000	393,782	393,782	1,900,000	1,330,000
Residential Units[b]	3,427	3,110	3,110	3,427	3,427
Population[c]	7,539	6,842	6,842	7,539	7,539
Employees[d]	6,333	774	774[h]	6,333	4,433

Notes:
a. Non-residential includes health, education, and recreation including entertainment, accommodation, food services and other service (except public administration), other land use (i.e., industrial, warehouse, construction, information, and public administration), financial and professional services (i.e., office) and retail land uses.
b. Represents multifamily residential.
c. Population rates assume 3.5 persons per household for single-family residential and 2.2 persons per household for multifamily residential.
d. Employee rates assume 300 square feet (sf) per job for all non-residential land uses.
e. Based on the 2002 and 2014 General Plan estimates.
Source: City of Hayward, 2018.

The following analysis compares the potentially significant environmental impacts of the alternatives to the proposed Specific Plan with those of the project-related impacts for each of the environmental topics in Chapter 4.1 through Chapter 4.14 of this Draft EIR. The impacts of each alternative are classified as greater, less, or similar to (or comparable to) the level of impacts associated with the proposed Specific Plan.

Table 5-2 summarizes the relative impacts of each of the alternatives when compared to the proposed Specific Plan, and the sections that follow describe the relative impacts in detail.

TABLE 5-2 COMPARISON OF IMPACTS FROM PROJECT ALTERNATIVES AND THE PROPOSED SPECIFIC PLAN

Topic	Proposed Project[a]	No Project Alternative	General Plan Buildout with Circulation Changes Alternative	Specific Plan Buildout Without Circulation Changes Alternative	Specific Plan with Lower Intensity (30% Less) Alternative
Aesthetics	LTS	=	=	=	=
Air Quality	SU[b]	>	>	>	=
Biological Resources	LTS	=	=	=	=
Cultural and Tribal Cultural Resources	LTS	=	=	=	=
Geology and Soils	LTS	=	=	=	=
Greenhouse Gas Emissions	SU[b]	>	>	>	=
Hazards and Hazardous Materials	LTS	=	=	=	=
Hydrology and Water Quality	LTS	>	>	=	=
Land Use and Planning	LTS	=	=	=	=
Noise	SU[b]	<	<	=	<
Population and Housing	LTS	=	=	=	=
Public Services and Recreation	LTS	<	<	=	<
Transportation and Circulation	SU[b]	>	=	>	=
Utilities and Service Systems	LTS	<	<	=	<

Notes:
LTS Less Than Significant
LTS/M Less Than Significant with Mitigation
SU Significant and Unavoidable

< Less impact in comparison to the proposed project
= Similar impacts in comparison to the proposed project
> Greater impact in comparison to the proposed project

a. The impacts listed in this column represent the highest significance determination for each respective threshold.
b. Indicates an impact at the program-level and does not directly preclude a finding of less than significant at the project-level.

5.1 NO PROJECT

5.1.1 DESCRIPTION

Pursuant to CEQA Guidelines Section 15126.6(e)(1), the No Project Alternative is required as part of the "reasonable range of alternatives" to allow decision makers to compare the impacts of approving the proposed Specific Plan with the impacts of taking no action or not approving the proposed Specific Plan. Downtown Hayward is comprised of approximately 320 acres of urban, developed land, located in northern Hayward. Under this alternative, the proposed Specific Plan would not be adopted, and the Specific Plan Area would be developed consistent with the current City of Hayward General Plan and Zoning regulations.

As shown in Table 5-1 above, under the No Project Alternative, potential future development that would occur with full General Plan buildout, would add 393,782 square feet of non-residential development and 3,110 residential units, which would increase the population by 6,842 residents and 774 employees in Downtown Hayward.

The federal and State Regulations, General Plan policies, and Municipal Code development standards that apply to the proposed Specific Plan, would also apply to this Alternative, and all mitigation measures listed in Chapters 4.1 through 4.14 would also apply to their respective impacts under this Alternative.

The differences between the proposed Specific Plan and the No Project Alternative would be incremental and even if no action was taken, regional growth, and the associated environmental effects linked to this growth, would continue to occur under the provisions of the current General Plan.

5.1.2 IMPACT DISCUSSION

The following analysis compares the potentially significant environmental impacts of the No Project Alternative with those of the project-related impacts for each of the environmental topics analyzed in detail in Chapter 4.1 through Chapter 4.14 of this Draft EIR. The impacts of each alternative are classified as greater, less, or essentially similar to (or comparable to) the level of impacts associated with the proposed Specific Plan.

5.1.2.1 AESTHETICS

Chapter 4.1, Aesthetics, describes that the proposed Specific Plan would result in less-than-significant aesthetics impacts. The Specific Plan Area where potential future development is expected to occur is concentrated on parcels in the form of infill/intensification on sites either already developed and/or underutilized, and/or in close proximity to existing development, where future development would have a lesser impact on scenic vistas. Under the No Project Alternative, the proposed increases in maximum height, would not occur, which would somewhat lessen the impacts to far-field views of the scenic vistas from various vantage points surrounding the Specific Plan Area. Future development under the No Project Alternative would not further block or obstruct public views of scenic vistas from within the city or surrounding areas. Similar views would continue to be visible between projects and over lower density areas. Considering this and the fact that the Specific Plan Area and surrounding roadways are not considered destination public viewing points nor are they visible from scenic vistas, overall impacts to scenic vistas under the No Project Alternative would be *similar* to impacts under the proposed Specific Plan.

Development under the No Project Alternative would also be subject to General Plan goals and policies related to design, the *Hayward Design Guidelines*, the Hayward Municipal Code, and the *Hayward Landscape Beautification Plan,* as well as the City's architectural control process (i.e., Site Plan Review). Although future development under the No Project Alternative would change the existing visual character on individual sites similar to that of the proposed Specific Plan, compliance with the existing regulations would ensure that the bulk, mass, height, and architectural character of future development in the Specific Plan Area would be compatible with surrounding uses and would not substantially degrade the

visual quality of the site or its surroundings. However, unlike the proposed Specific Plan, which includes extended design standards as part of the proposed Zoning Code Update and Specific Plan, development under this alternative would not provide the same level of design consideration related to the visual character or quality of a project site and its surroundings. Therefore, associated impacts under the No Project Alternative would be *greater* to those under the proposed Specific Plan.

Similar to the proposed Specific Plan, the No Project Alternative would result in new lighting sources that could result in sources of glare. However, the future development under the No Project Alternative would be required to comply with best management practices and General Plan policies, as well as Municipal Code provisions that ensure new land uses do not generate excessive light levels and reduce light and glare spillover from future development to surrounding land uses. Given that the No Project Alternative allows for lower intensity development than the proposed Specific Plan, impacts related to light or glare would generally be *less* than those under the proposed Specific Plan.

Overall, the development in the Specific Plan Area under this alternative would be less and would be guided by the current policies and regulations that guide development in Hayward, and impacts related to aesthetics would be ***similar*** to those of the proposed Specific Plan.

5.1.2.2 AIR QUALITY

As described in Chapter 4.2, Air Quality, of this Draft EIR, implementation of the proposed Specific Plan would not conflict with the 2017 Clean Air Plan, would pose no operational community risks or hazards, and would not generate any substantial odors. However, at a program level, implementation of the proposed Specific Plan would result in significant and unavoidable impacts related to construction and operation of future development, as well as the cumulative contribution to the non-attainment designations of the San Francisco Bay Area Air Basin.

The No Project Alternative would allow less redevelopment in the Specific Plan Area. Under the No Project Alternative, the reduced development would reduce impacts associated with the construction and operation of these land uses. However, reducing development near the Hayward Bay Area Rapid Transit (BART) Station could lessen the net benefit gained from siting these land uses near public transit and result in a higher percentage of transit users that may rely on automobiles (as opposed to walking or biking) to and from the Specific Plan Area. Therefore, as a result of reducing development, the No Project Alternative would not necessarily reduce trips, which are the major source of criteria air pollutants from the proposed Specific Plan. As shown in Chapter 4.13, Transportation and Circulation, of this Draft EIR, under the No Project conditions, the vehicle miles traveled (VMT) per capita would be greater than that of the proposed Specific Plan (27.1 VMT per capita compared to 23.3 VMT per capita). Therefore, while the No Project Alternative would result in less overall development than the proposed Specific Plan, air quality impacts from the operation of these uses would be considered *greater* when compared to the proposed Specific Plan.

Same as the proposed Specific Plan, the No Project Alternative is not the type of project that would result in significant impacts from odor and impacts would be *similar* under both scenarios.

Overall, because the No Project Alternative would result in less infill development that would create a higher VMT per capita, air quality impacts under the No Project Alternative would be ***greater*** when compared to the proposed Specific Plan.

5.1.2.3 BIOLOGICAL RESOURCES

As discussed in Chapter 4.3, Biological Resources, of this Draft EIR, the proposed Specific Plan would result in less-than-significant impacts to biological resources in the Specific Plan Area. Although future development as proposed under the Specific Plan could have potential to affect animal and plant species identified as candidate, sensitive, or special-status species, proposed open space, and adherence to all federal, State, and local regulations relating to biological resources would fully mitigate any potential impacts. While development would be less intensive under the No Project Alternative, the same area, thus the same species, would be impacted; therefore, impacts to special-status species would be *similar* under both scenarios.

As described in Chapter 4.3, riparian corridors in the Specific Plan Area are along the San Lorenzo Creek. Neither the General Plan nor the proposed Specific Plan proposed new development to this area or other wetland areas in Downtown that would have a substantial adverse effect on the riparian corridor and surrounding sensitive communities. Therefore, impacts would be *similar* under both scenarios.

Future development potential in the Specific Plan Area would occur in urbanized areas where sensitive wildlife resources and important wildlife movement corridors are no longer present because of existing development. Therefore, impacts would be *similar* under both scenarios.

In summary, impacts to biological resources from potential future development as allowed in the General Plan under the No Project Alternative would be ***similar*** to that of the proposed Specific Plan.

5.1.2.4 CULTURAL AND TRIBAL RESOURCES

As described in Chapter 4.4, Cultural Resources, of this Draft EIR, the proposed Specific Plan would have less-than-significant impacts to known cultural, including historic buildings, and tribal cultural resources that may exist in the Specific Plan Area. The General Plan includes several goals and policies that address preservation and protection of cultural and tribal resources, of which any potential future development would be required to comply. Under the No Project Alternative these potential impacts would be *similar* when compared to the proposed Specific Plan.

Chapter 4.4 finds that applicable regulations, procedures, and policies would ensure that any human remains discovered during construction allowed by the proposed Specific Plan would be handled appropriately. These regulations, procedures, and policies would be maintained under the No Project Alternative, and therefore this alternative would result in *similar* impacts to human remains when compared to the proposed Specific Plan.

In summary, development allowed by the General Plan under the No Project Alternative would be in the same Specific Plan Area and would be required to comply with all applicable regulations, thus the potential to impact cultural and tribal resources would be ***similar*** under both scenarios.

5.1.2.5 GEOLOGY AND SOILS

As described in Chapter 4.5, Geology and Soils, of this Draft EIR, the proposed Specific Plan would have a less-than-significant impacts related to geology and soils in the Specific Plan Area.

Future development under both the No Project Alternative and proposed Specific Plan would occur in the same area and would be subject to the same federal, State, and local regulations which address and prevent hazards associated with geology, soils, and seismicity. Although the No Project Alterative would result in less overall development, compliance with existing regulations related to geologic and seismic safety would apply similarly to both future development under the No Project Alternative and the proposed Specific Plan; therefore, would result in *similar* impacts when compared to the proposed Specific Plan.

5.1.2.6 GREENHOUSE GAS EMISSIONS

As described in Chapter 4.6, Greenhouse Gas Emissions, of this Draft EIR, the proposed Specific Plan would not conflict or obstruct the attainment of any plans adopted for the purposes of reducing GHG emissions. However, implementation of the Specific Plan would result in significant and unavoidable GHG emissions impacts when applying program-level thresholds for the forecast year-2040. With respect to GHG emissions from construction, new buildings constructed would be subject to the triennial updates to California's Building and Energy Efficiency Standards, which would presumably improve over time. With respect to operational impacts, nonresidential buildings (including multifamily that is four stories or higher) will use about 30 percent less energy due mainly to lighting upgrades. New buildings would be more energy efficient, but there would be an overall increase in energy usage due to the magnitude of new building space that would be constructed. While the 2017 Scoping Plan outlines strategies to be on a trajectory to achieve the 2050 target identified under Executive Order S-03-05, it is estimated that the State cannot meet the 2050 goal without major advances in technology. The identification of these program-level impacts does not preclude the finding of less-than-significant impacts for subsequent projects that comply with BAAQMD screening criteria or meet applicable thresholds of significance. Furthermore, under both scenarios when applying plan-level thresholds for forecast year-2040, even though new more energy efficient buildings would be constructed, and major advances in technology are required under both scenarios, because the No Project Alternative would result in less redevelopment when compared to the proposed Specific Plan GHG emissions from buildings would be *less*.

However, reducing development near the Hayward Bay Area Rapid Transit (BART) Station could lessen the net benefit gained from siting more intense infill near public transit and result in a higher percentage of transit users that may rely on automobiles (as opposed to walking or biking) to and from the Specific Plan Area. Therefore, as a result of reducing development, the No Project Alternative would not necessarily reduce trips, which are the major source of criteria GHG emissions from the proposed Specific Plan. As shown in Chapter 4.13, Transportation and Circulation, of this Draft EIR, under the No Project conditions, the vehicle miles traveled (VMT) per capita would be greater than that of the proposed Specific Plan (27.1 VMT per capita compared to 23.3 VMT per capita). Therefore, while the No Project Alternative would result in less overall development than the proposed Specific Plan, GHG emissions impacts from operation would be considered *greater* when compared to the proposed Specific Plan.

Under the No Project Alternative, future development in the Specific Plan Area would continue to occur under the City's existing General Plan and would introduce infill development in a Priority Development Area near transit. Accordingly, impacts related to consistency with the 2017 Scoping Plan, *Plan Bay Area,* and the City's Climate Action Plan as integrated into the General Plan, would be *similar* under both scenarios.

Overall, because the No Project Alternative would result in less infill development that would create a higher VMT per capita, impacts from GHG emissions under the No Project Alternative would be ***greater*** when compared to the proposed Specific Plan.

5.1.2.7 HAZARDS AND HAZARDOUS MATERIALS

As discussed in Chapter 4.7, Hazards and Hazardous Materials, of this Draft EIR, there are no sites within the Specific Plan Area that are included on a list of hazardous materials sites. All potential future development allowed under the proposed Specific Plan would be required to comply with all federal, State, and local regulations pertaining to hazards and hazardous materials, as well as the City of Hayward Hillside Design and Urban/Wildfire Interface Guidelines to protect urban development from fire hazards. Accordingly, as discussed the proposed Specific Plan would have a less-than-significant impacts related to hazards and hazardous materials.

Because future development under the No Project Alternative would be in the same Specific Plan Area and subject to the same regulatory setting, the No Project Alternative would result in ***similar*** impacts when compared to the proposed Specific Plan.

5.1.2.8 HYDROLOGY AND WATER QUALITY

Chapter 4.8, Hydrology and Water Quality, finds that the proposed Specific Plan would result in less-than-significant hydrological impacts. Compliance with existing State and local regulations and procedures would ensure that pre- and post-construction impacts to water quality would be less than significant. These regulations and procedures would be maintained under the No Project Alternative.

Although the No Project Alternative would result in less development overall, future development would occur within previously urbanized areas and would connect to existing drainage systems already in place and be subject to the same existing federal, State, and local regulations relating to hydrology and water quality, similar to the proposed Specific Plan. Compliance with existing regulations would ensure that pre- and post-construction impacts to water quality be minimized as future development occurs. However, current regulations are limited to sites of a certain size and the proposed Specific Plan includes measures to ensure all future projects would limit the rate and total volume of off-site discharges to the existing levels, which would improve stormwater runoff water quality. Furthermore, the proposed Specific Plan envisions the use stormwater treatment measures within the public realm, which would improve conditions that currently have no existing stormwater treatment facilities within the public right-of-way (ROW). Accordingly, impacts under the No Project Alternative would not see these benefits and would be considered to be *greater* when compared to the proposed Specific Plan.

The Specific Plan Area has a 100-year flood zone near San Lorenzo Creek and a 500-year flood zone along Sulfur Creek. Any potential future development that may occur within these flood zones would be required to stay in compliance with existing local regulations, and compliance with the Federal Emergency Management Agency's (FEMAs) flood regulations, which would minimize potential flood impacts, under both scenarios. Thus, impacts related to flooding would be *similar*.

Overall, future development under the No Project Alternative and the proposed Specific Plan would be in the same highly urbanized environment and would be subject to existing regulations that limit impacts from runoff. However, under the No Project Alternative the higher standards for water treatment would not be implemented and impacts would be considered to be *greater* when compared to the proposed Specific Plan.

5.1.2.9 LAND USE AND PLANNING

As described in Chapter 4.9, Land Use and Planning, of this Draft EIR, implementation of the proposed Specific Plan would result in less-than-significant impacts related to land use and planning.

While the proposed Specific Plan would aim to improve connectivity and would not create physical barriers within existing communities, the No Project Alternative also supports the integration of infill development and does not propose physical features that could divide a community. Accordingly, impacts would be *similar* under both scenarios.

Under the No Project Alternative, development would continue to occur throughout the Specific Plan Area under the existing General Plan and Zoning Code and would not conflict with these already approved standards. However, because the General Plan Policy LU-2.7 requires the City to develop, maintain, and implement a Specific Plan to establish a vision for Downtown Hayward and to guide and regulate future development and infrastructure improvements, the No Project Alternative would not implement this policy. Nonetheless, development under both scenarios would not conflict with any applicable land use plan adopted for the purpose of avoiding or mitigating an environmental effect and impacts would be *similar*.

5.1.2.10 NOISE

As described in Chapter 4.10, Noise, of this Draft EIR, the proposed Specific Plan would result in significant and unavoidable impacts from construction and operation of future development due to the close proximity of sensitive receptors when evaluated at the plan level.

Future development allowed under the proposed Specific Plan would be subject to the standards of the Hayward Municipal Code and General Plan, including those relating to the interface between residential and non-residential land uses. As specific uses are proposed for particular sites, project-level design, permitting, and/or environmental review would serve to ensure that individual uses would comply with the noise regulations. Future development under the No Project Alternative would also be subject to these applicable standards. Impacts would be *similar* under both scenarios in this regard.

The No Project Alternative would result in less development, which subsequently would result in less construction and less vehicular trip generation. As discussed in Chapter 4.13, Transportation and Circulation, 48,635 daily trips on a typical weekday would occur at buildout under the No Project conditions. Under buildout conditions of the proposed Specific Plan, trips in the Specific Plan Area would increase by about 46,500 daily trips to a total of approximately 95,126 trips on a typical weekday. Accordingly, noise generated from trips from the No Project Alternative would be less when compared to the proposed Specific Plan. For this reason, Overall noise related impacts from future development under the No Project Alternative would be *less* than those of the proposed Specific Plan.

5.1.2.11 POPULATION AND HOUSING

As described in Chapter 4.11, Population and Housing, of this Draft EIR, growth under the proposed Specific Plan is in line with ABAG 2013 regional projections for housing, population, and employment. Therefore, the proposed Specific Plan would have less-than-significant impacts related to population and housing.

The No Project Alternative would result in less population and housing; thus, the regional projections would not be exceeded under this scenario. Furthermore, a policy framework is in place under the existing General Plan to ensure adequate planning occurs to accommodate this Alternative. Therefore, impacts under the No Project Alternative would be *similar* to those under the proposed Specific Plan.

The No Project Alternative would allow a net increase of residential and non-residential uses in the Specific Plan Area. Since implementation of the No Project Alternative would result in a net increase in housing, like the proposed project it would not require replacement housing outside the Specific Plan Area. Therefore, impacts under the No Project Alternative would be *similar* to those of the proposed Specific Plan.

In summary, while the No Project Alternative would result in a different buildout potential, impacts related to population and housing would be *similar* when compared to the proposed Specific Plan.

5.1.2.12 PUBLIC SERVICES AND RECREATION

As described in Chapter 4.12, Public Services and Recreation, of this Draft EIR, impacts to fire protection services, police services, parks, schools, and libraries, under the proposed Specific Plan, were found to be less than significant. The No Project Alternative would result in fewer residents and employees to the Specific Plan Area, and therefore, would result in less demand on the public service providers that serve the Downtown and the City of Hayward. Potential future development under the No Project Alternative would be required to pay developer impact fees and provide their fair-share of parks to help meet the City's target for parkland acres to residents. Overall, impacts under the No Project Alternative would be *less* than those of the proposed Specific Plan.

5.1.2.13 TRANSPORTATION AND CIRCULATION

As discussed in Chapter 4.13, Transportation and Circulation, of this Draft EIR, the proposed Specific Plan would exceed acceptable level-of-service standards at intersections and roadway segment capacity at

some roadway segments in the Specific Plan Area even with implementation of mitigation measures TRANS-1. Implementation of the proposed project would also cause or contribute to impacts on 14 AC Transit bus lines in the area. Impacts related to hazards from design features, emergency access, and conflicting with adopted plans or decrease performance standards, were found to be less than significant.

Under the No Project Alternative, development density in the Specific Plan Area would be lower than under the proposed Specific Plan, and circulation changes under the Specific Plan (including lane/capacity reductions on roads and conversions from one-way roads to two-way roads) would not occur. This Alternative would result in higher Vehicle Miles Traveled per capita than the proposed Specific Plan since the proposed land use and circulation changes would not be implemented.

Impacts to vehicle operations at intersections within the Specific Plan Area and on Congestion Management Program segments would be lower compared to the proposed Specific Plan since reductions in roadway vehicular capacity would not be implemented under the No Project Alternative. Impacts to AC Transit bus operations (specifically, effects of vehicle traffic on mixed flow transit operations) would be *less* under the No Project Alternative compared to the proposed Specific Plan due to fewer intersection and roadway segment operational impacts. In addition, vehicle traffic would be less compared to the proposed Specific Plan. Impacts to bicycles and pedestrians would be *greater* than the proposed Specific Plan since the improvements to bicycle and pedestrian facilities would not be implemented as part of the No Project Alternative

Overall, vehicular traffic impacts on the project site under the No Project Alternative would be *less* than that of the proposed Specific Plan. However, the proposed Specific Plan includes goals, policies, and design guidelines, and circulation changes that will improve the mobility of the site, and encourage biking, walking, and taking public transit. These circulation changes, as proposed in the Specific Plan, meet goals and policies identified in the Hayward General Plan. Under the No Project Alternative, these circulation changes would not occur, therefore the circulation impact is considered to be ***greater*** than the proposed Specific Plan.

5.1.2.14 UTILITIES AND SERVICE SYSTEMS

As described in Chapter 4.13, Utilities and Service Systems, of this Draft EIR, impacts to sanitary wastewater, solid waste, stormwater infrastructure, and energy conservation, under the proposed Specific Plan, were found to be less than significant. However, impacts to water supply during multiple dry years would not be sufficient water supplies available to serve the proposed future development from existing entitlements and resources. Supplemental water supply sources for the 2040 buildout year of the proposed Specific Plan would be identified and developed by San Francisco Public Utilities Commission (SFPUC). Because SFPUC is the water service provider to the City and the entity that has the ability to mitigate this impact, and because the City does not have jurisdiction over the development of new water supplies, the City cannot guarantee that additional water supplies will be developed, so the impact is considered significant and unavoidable.

Because the No Project Alternative would result in less non-residential and residential development, and thus, overall less water demand, wastewater and solid waste generation and energy use, impacts under the No Project Alternative would be ***less*** than those of the proposed Specific Plan.

5.1.3 RELATIONSHIP TO THE PROPOSED PROJECT OBJECTIVES

Under the No Project Alternative, the proposed Specific Plan would not be implemented and therefore, this alternative does not meet any of the project objectives.

5.2 GENERAL PLAN WITH CIRCULATION CHANGES

5.2.1 DESCRIPTION

Under the General Plan with Circulation Changes Alternative, the buildout of the Specific Plan Area would occur as currently described in the 2040 General Plan and the circulation changes of the proposed Specific Plan would be approved. However, land use and zoning changes of the proposed Specific Plan would not be implemented.

As shown in Table 5-1 above, under the General Plan with Circulation Changes Alternative, potential future development that would add 393,782 square feet of non-residential development and 3,110 residential units, which would increase the population by 6,842 residents and 774 employees in Downtown Hayward.

The following is a summary of the proposed circulation changes. See Section 3.4.4 Mobility Plan, of Chapter 3, Project Description, of this Draft EIR, for a complete description of the proposed circulation changes.

- Street Modifications: The following one-way streets would be converted to two-way streets:
  - A Street (between Mission Boulevard and Foothill Boulevard);
  - B Street (between Watkins Street and Foothill Boulevard);
  - C Street (between Mission Boulevard and Second Street);
  - 1st Street (between C Street and D Street);
  - Mission Boulevard (between A Street and Foothill Boulevard); and
  - Foothill Boulevard (between A Street and the new Foothill Boulevard roundabout).
- Road Diets: Motor vehicle travel lanes on a roadway would be reduced to reallocate the space for other uses, such as transit lanes, bikeways, or wider sidewalks on the following streets:
  - A Street (between Grand Street and 3rd Street);
  - B Street (between Grand Street and Watkins Street);
  - 2nd Street (between Russell Way and E Street);
  - Mission Boulevard (between A Street and Foothill Boulevard);
  - Main Street (between Warren Street/ McKeever Avenue and Foothill Boulevard); and
  - Foothill Boulevard (between Hazel Avenue and Watkins Street).
- Roadway and Transit improvements. To better facilitate pedestrians, bicyclists, and users of public transit the following changes are proposed:
  - Reduced travel lanes and travel lane widths
  - Expanded pedestrian zones

- Shorter crossing distances at intersections
- Landscaped streets
- Additional bikeways
- Implement recommendations in the City's *Shuttle Feasibility Study*
- Improve access to the Hayward BART Station
- Implement Street Designs based on the 2016 *Alameda County Central County Complete Streets Design Guidelines*

In addition to the proposed improvements, future development under the General Plan with Circulation Changes Alternative would be exempt from the City's currently adopted level of service standards.

The differences between the proposed Specific Plan and the General Plan with Circulation Changes Alternative would be incremental and even if no action was taken, regional growth, and the associated environmental effects linked to this growth, would continue to occur under the provisions of the current General Plan.

5.2.2 IMPACT DISCUSSION

The following analysis compares the potentially significant environmental impacts of the General Plan with Circulation Changes Alternative with those of the project-related impacts for each of the environmental topics analyzed in detail in Chapter 4.1 through Chapter 4.14 of this Draft EIR. The impacts of each alternative are classified as greater, less, or essentially similar to (or comparable to) the level of impacts associated with the proposed Specific Plan.

5.2.2.1 AESTHETICS

Chapter 4.1, Aesthetics, describes that the proposed Specific Plan would result in less-than-significant aesthetics impacts. The Specific Plan Area where potential future development is expected to occur is concentrated on parcels in the form of infill/intensification on sites either already developed and/or underutilized, and/or in close proximity to existing development, where future development would have a lesser impact on scenic vistas. Under the General Plan with Circulation Changes Alternative, the proposed increases in maximum height, would not occur, which would somewhat lessen the impacts to far-field views of the scenic vistas from various vantage points surrounding the Specific Plan Area. Future development under the General Plan with Circulation Changes Alternative would not further block or obstruct public views of scenic vistas from within the city or surrounding areas. Similar views would continue to be visible between projects and over lower density areas. Considering this and the fact that the Specific Plan Area and surrounding roadways are not considered destination public viewing points nor are they visible from scenic vistas, overall impacts to scenic vistas under the General Plan with Circulation Changes Alternative would be *similar* to impacts under the proposed Specific Plan.

Development under the General Plan with Circulation Changes Alternative would also be subject to General Plan goals and policies related to design, the Hayward Municipal Code, and the *Hayward Landscape Beautification Plan,* as well as the City's architectural control process (i.e., Site Plan Review). Although future development under the General Plan with Circulation Changes Alternative would change the existing visual character on individual sites similar to that of the proposed Specific Plan, compliance

with the existing regulations would ensure that the bulk, mass, height, and architectural character of future development in the Specific Plan Area would be compatible with surrounding uses and would not substantially degrade the visual quality of the site or its surroundings. However, unlike the proposed Specific Plan, which includes extended design standards as part of the proposed Zoning Code Update and Specific Plan, development under this alternative would not provide the same level of design consideration related to the visual character or quality of a project site and its surroundings. Therefore, associated impacts under the General Plan with Circulation Changes Alternative would be *greater* to those under the proposed Specific Plan.

Similar to the proposed Specific Plan, the General Plan with Circulation Changes Alternative would result in new lighting sources that could result in sources of glare. However, the future development under the General Plan with Circulation Changes Alternative would be required to comply with best management practices and General Plan policies, as well as Municipal Code provisions that ensure new land uses do not generate excessive light levels and reduce light and glare spillover from future development to surrounding land uses. Given that the General Plan with Circulation Changes Alternative allows for lower intensity development than the proposed Specific Plan, impacts related to light or glare would generally be *less* than those under the proposed Specific Plan.

Overall, the development in the Specific Plan Area under this alternative would be less and would be guided by the current policies and regulations that guide development in Hayward, and impacts related to aesthetics would be *similar* to those of the proposed Specific Plan.

5.2.2.2 AIR QUALITY

As described in Chapter 4.2, Air Quality, of this Draft EIR, implementation of the proposed Specific Plan would not conflict with the 2017 Clean Air Plan, would pose no operational community risks or hazards, and would not generate any substantial odors. However, at a program level, implementation of the proposed Specific Plan would result in significant and unavoidable impacts related to construction and operation of future development, as well as the cumulative contribution to the non-attainment designations of the San Francisco Bay Area Air Basin.

The General Plan with Circulation Changes Alternative would introduce roadway changes that would improve multimodal transportation options (e.g., walking, biking, and riding transit) in the Specific Plan Area; however, like the No Project Alternative, it would allow less redevelopment in the Specific Plan Area. Under the General Plan with Circulation Changes Alternative, the reduced development would reduce impacts associated with the construction and operation of these land uses. However, reducing development near the Hayward BART Station could lessen the net benefit gained from siting these land uses near public transit and result in a higher percentage of transit users that may rely on automobiles (as opposed to walking or biking) to and from the Specific Plan Area. Therefore, as a result of reducing development, the General Plan with Circulation Changes Alternative would not necessarily reduce trips, which are the major source of criteria air pollutants from the proposed Specific Plan. As shown in Chapter 4.13, Transportation and Circulation, of this Draft EIR, under the General Plan with Circulation Changes conditions, the vehicle miles traveled (VMT) per capita would be greater than that of the proposed Specific Plan (27.1 VMT per capita compared to 23.3 VMT per capita). Therefore, while the General Plan with Circulation Changes Alternative would result in less overall development than the proposed Specific

Plan, air quality impacts would from the operation of these uses would be considered *greater* when compared to the proposed Specific Plan.

Same as the proposed Specific Plan, the General Plan with Circulation Changes Alternative is not the type of project that would result in significant impacts from odor and impacts would be *similar* under both scenarios.

Overall, because the General Plan with Circulation Changes Alternative would result in less infill development that would create a higher VMT per capita, air quality impacts under the General Plan with Circulation Changes Alternative would be ***greater*** when compared to the proposed Specific Plan.

5.2.2.3 BIOLOGICAL RESOURCES

As discussed in Chapter 4.3, Biological Resources, of this Draft EIR, the proposed Specific Plan would result in less-than-significant impacts to biological resources in the Specific Plan Area. Although future development as proposed under the Specific Plan could have potential to affect animal and plant species identified as candidate, sensitive, or special-status species, proposed open space, and adherence to all federal, State, and local regulations relating to biological resources would fully mitigate any potential impacts. While development would be less intensive under the General Plan with Circulation Changes Alternative, the same area, thus the same species, would be impacted; therefore, impacts to special-status species would be *similar* under both scenarios.

As described in Chapter 4.3, riparian corridors in the Specific Plan Area are along the San Lorenzo Creek. Neither the General Plan nor the proposed Specific Plan proposed new development to this area or other wetland areas in Downtown that would have a substantial adverse effect on the riparian corridor and surrounding sensitive communities. Therefore, impacts would be *similar* under both scenarios.

Future development potential in the Specific Plan Area would occur in urbanized areas where sensitive wildlife resources and important wildlife movement corridors are no longer present because of existing development. Therefore, impacts would be *similar* under both scenarios.

In summary, impacts to biological resources from potential future development as allowed in the General Plan under the General Plan with Circulation Changes Alternative would be ***similar*** to that of the proposed Specific Plan.

5.2.2.4 CULTURAL AND TRIBAL RESOURCES

As described in Chapter 4.4, Cultural Resources, of this Draft EIR, the proposed Specific Plan would have less-than-significant impacts to known cultural, including historic buildings, and tribal cultural resources that may exist in the Specific Plan Area. The General Plan includes several goals and policies that address preservation and protection of cultural and tribal resources, of which any potential future development would be required to comply. Under the General Plan with Circulation Changes Alternative these potential impacts would be *similar* when compared to the proposed Specific Plan.

Chapter 4.4 finds that applicable regulations, procedures, and policies would ensure that any human remains discovered during construction allowed by the proposed Specific Plan would be handled appropriately. These regulations, procedures, and policies would be maintained under the General Plan with Circulation Changes Alternative, and therefore this Alternative would result in *similar* impacts to human remains when compared to the proposed Specific Plan.

In summary, development under the General Plan with Circulation Changes Alternative would be in the same Specific Plan Area and would be required to comply with all applicable regulations, thus the potential to impact cultural and tribal cultural resources would be ***similar*** under both scenarios.

5.2.2.5 GEOLOGY AND SOILS

As described in Chapter 4.5, Geology and Soils, of this Draft EIR, the proposed Specific Plan would have a less-than-significant impacts related to geology and soils in the Specific Plan Area.

Future development under both the General Plan with Circulation Changes Alternative and proposed Specific Plan would occur in the same area and would be subject to the same federal, State, and local regulations which address and prevent hazards associated with geology, soils, and seismicity. Although the General Plan with Circulation Changes Alternative would result in less overall development, compliance with existing regulations related to geologic and seismic safety would apply similarly to both future development under the General Plan with Circulation Changes Alternative and the proposed Specific Plan; therefore, would result in ***similar*** impacts when compared to the proposed Specific Plan.

5.2.2.6 GREENHOUSE GAS EMISSIONS

As described in Chapter 4.6, Greenhouse Gas Emissions, of this Draft EIR, the proposed Specific Plan would not conflict or obstruct the attainment of any plans adopted for the purposes of reducing GHG emissions. However, implementation of the Specific Plan would result in significant and unavoidable GHG emissions impacts when applying program-level thresholds for the forecast year-2040. With respect to GHG emissions from construction, new buildings constructed would be subject to the triennial updates to California's Building and Energy Efficiency Standards, which would presumably improve over time. With respect to operational impacts, nonresidential buildings (including multifamily that is four stories or higher) will use about 30 percent less energy due mainly to lighting upgrades. New buildings would be more energy efficient, but there would be an overall increase in energy usage due to the magnitude of new building space that would be constructed. While the 2017 Scoping Plan outlines strategies to be on a trajectory to achieve the 2050 target identified under Executive Order S-03-05, it is estimated that the State cannot meet the 2050 goal without major advances in technology. The identification of these program-level impacts does not preclude the finding of less-than-significant impacts for subsequent projects that comply with BAAQMD screening criteria or meet applicable thresholds of significance. Furthermore, under both scenarios when applying plan-level thresholds for forecast year-2040, even though new more energy efficient buildings would be constructed, and major advances in technology are required under both scenarios, because the General Plan with Circulation Changes Alternative would result in less redevelopment when compared to the proposed Specific Plan GHG emissions from buildings would be *less*.

However, reducing development near the Hayward Bay Area Rapid Transit (BART) Station could lessen the net benefit gained from siting more intense infill near public transit and result in a higher percentage of transit users that may rely on automobiles (as opposed to walking or biking) to and from the Specific Plan Area. Therefore, as a result of reducing development, the General Plan with Circulation Changes Alternative would not necessarily reduce trips, which are the major source of criteria GHG emissions from the proposed Specific Plan. As shown in Chapter 4.13, Transportation and Circulation, of this Draft EIR, under the No Project conditions, the vehicle miles traveled (VMT) per capita would be greater than that of the proposed Specific Plan (27.1 VMT per capita compared to 23.3 VMT per capita). Therefore, while the General Plan with Circulation Changes Alternative would result in less overall development than the proposed Specific Plan, GHG emissions impacts from operation would be considered *greater* when compared to the proposed Specific Plan.

Under the General Plan with Circulation Changes Alternative, future development in the Specific Plan Area would continue to occur under the City's existing General Plan and would introduce infill development in a Priority Development Area near transit. Accordingly, impacts related to consistency with the 2017 Scoping Plan, *Plan Bay Area,* and the City's Climate Action Plan as integrated into the General Plan, would be *similar* under both scenarios.

Overall, because the General Plan with Circulation Changes Alternative would result in less infill development that would create a higher VMT per capita, impacts from GHG emissions under the General Plan with Circulation Changes Alternative would be ***greater*** when compared to the proposed Specific Plan.

5.2.2.7 HAZARDS AND HAZARDOUS MATERIALS

As discussed in Chapter 4.7, Hazards and Hazardous Materials, of this Draft EIR, there are no sites within the Specific Plan Area that are included on a list of hazardous materials sites. All potential future development allowed under the proposed Specific Plan would be required to comply with all federal, State, and local regulations pertaining to hazards and hazardous materials, as well as the City of Hayward Hillside Design and Urban/Wildfire Interface Guidelines to protect urban development from fire hazards. Accordingly, as discussed the proposed Specific Plan would have a less-than-significant impacts related to hazards and hazardous materials.

Because future development under the General Plan with Circulation Changes Alternative would be in the same Specific Plan Area and subject to the same regulatory setting, the General Plan with Circulation Changes Alternative would result in ***similar*** impacts when compared to the proposed Specific Plan.

5.2.2.8 HYDROLOGY AND WATER QUALITY

Chapter 4.8, Hydrology and Water Quality, finds that the proposed Specific Plan would result in less-than-significant hydrological impacts. Compliance with existing State and local regulations and procedures would ensure that pre- and post-construction impacts to water quality would be less than significant. These regulations and procedures would be maintained under the General Plan with Circulation Changes Alternative.

Although the General Plan with Circulation Changes Alternative would result in less development overall, future development would occur within previously urbanized areas and would connect to existing drainage systems already in place and be subject to the same existing federal, State, and local regulations relating to hydrology and water quality, similar to the proposed Specific Plan. Compliance with existing regulations would ensure that pre- and post-construction impacts to water quality be minimized as future development occurs. However, current regulations are limited to sites of a certain size and the proposed Specific Plan includes measures to ensure all future projects would limit the rate and total volume of off-site discharges to the existing levels, which would improve stormwater runoff water quality. Furthermore, the proposed Specific Plan envisions the use stormwater treatment measures within the public realm, which would improve conditions that currently have no existing stormwater treatment facilities within the public right-of-way (ROW). Accordingly, impacts under the General Plan with Circulation Changes Alternative would not see these benefits and would be considered to be *greater* when compared to the proposed Specific Plan.

The Specific Plan Area has a 100-year flood zone near San Lorenzo Creek and a 500-year flood zone along Sulfur Creek. Any potential future development that may occur within these flood zones would be required to stay in compliance with existing local regulations, and compliance with the Federal Emergency Management Agency's (FEMAs) flood regulations, which would minimize potential flood impacts, under both scenarios. Thus, impacts related to flooding would be *similar*.

Overall, future development under the General Plan with Circulation Changes Alternative and the proposed Specific Plan would be in the same highly urbanized environment and would be subject to existing regulations that limit impacts from water runoff and flooding. However, under the General Plan with Circulation Changes Alternative the higher standards for water treatment would not be implemented and impacts would be considered to be ***greater*** when compared to the proposed Specific Plan.

5.2.2.9 LAND USE AND PLANNING

As described in Chapter 4.9, Land Use and Planning, of this Draft EIR, implementation of the proposed Specific Plan would result in less-than-significant impacts related to land use and planning.

While the proposed Specific Plan would aim to improve connectivity and would not create physical barriers within existing communities, the General Plan with Circulation Changes Alternative also supports the integration of infill development and does not propose physical features that could divide a community. Accordingly, impacts would be *similar* under both scenarios.

Under the General Plan with Circulation Changes Alternative, development would continue to occur throughout the Specific Plan Area under the existing General Plan and Zoning Code and would not conflict with these already approved standards. However, because the General Plan Policy LU-2.7 requires the City to develop, maintain, and implement a Specific Plan to establish a vision for Downtown Hayward and to guide and regulate future development and infrastructure improvements, the General Plan with Circulation Changes Alternative would not implement this policy. Nonetheless, development under both scenarios would not conflict with any applicable land use plan adopted for the purpose of avoiding or mitigating an environmental effect and impacts would be ***similar***.

5.2.2.10 NOISE

As described in Chapter 4.10, Noise, of this Draft EIR, the proposed Specific Plan would result in significant and unavoidable impacts from construction and operation of future development due to the close proximity of sensitive receptors when evaluated at the plan level.

Future development allowed under the proposed Specific Plan would be subject to the standards of the Hayward Municipal Code and General Plan, including those relating to the interface between residential and non-residential land uses. As specific uses are proposed for particular sites, project-level design, permitting, and/or environmental review would serve to ensure that individual uses would comply with the noise regulations. Future development under the General Plan with Circulation Changes Alternative would also be subject to these applicable standards. Impacts would be *similar* under both scenarios in this regard.

The General Plan with Circulation Changes Alternative would result in less development, which subsequently would result in less construction and less vehicular trip generation. Accordingly, noise generated from the General Plan with Circulation Changes Alternative would be less when compared to the proposed Specific Plan. For this reason, overall noise related impacts from future development under the General Plan with Circulation Changes Alternative would be ***less*** than that of the proposed Specific Plan.

5.2.2.11 POPULATION AND HOUSING

As described in Chapter 4.11, Population and Housing, of this Draft EIR, growth under the proposed Specific Plan is in line with ABAG 2013 regional projections for housing, population, and employment. Therefore, the proposed Specific Plan would have less-than-significant impacts related to population and housing.

The General Plan with Circulation Changes Alternative would result in less population and housing; thus, the regional projections would not be exceeded under this scenario. Furthermore, a policy framework is in place under the existing General Plan to ensure adequate planning occurs to accommodate this Alternative. Therefore, impacts under the General Plan with Circulation Changes Alternative would be *similar* to those under the proposed Specific Plan.

The General Plan with Circulation Changes Alternative would allow a net increase of residential and non-residential uses in the Specific Plan Area. Since implementation of the General Plan with Circulation Changes Alternative would result in a net increase in housing, like the proposed project it would not require replacement housing outside the Specific Plan Area. Therefore, impacts under the General Plan with Circulation Changes Alternative would be *similar* to those of the proposed Specific Plan.

In summary, while the General Plan with Circulation Changes Alternative would result in a different buildout potential, impacts related to population and housing would be ***similar*** when compared to the proposed Specific Plan.

5.2.2.12 PUBLIC SERVICES AND RECREATION

As described in Chapter 4.12, Public Services and Recreation, of this Draft EIR, impacts to fire protection services, police services, parks, schools, and libraries, under the proposed Specific Plan, were found to be less than significant. The General Plan with Circulation Changes Alternative would result in fewer residents and employees to the Specific Plan Area, and therefore, would result in less demand on the public service providers that serve the Downtown and the City of Hayward. Potential future development under the General Plan with Circulation Changes Alternative would be required to pay developer impact fees and provide their fair-share of parks to help meet the City's target for parkland acres to residents. Overall, impacts under the General Plan with Circulation Changes Alternative would be ***less*** than those of the proposed Specific Plan.

5.2.2.13 TRANSPORTATION AND CIRCULATION

As discussed in Chapter 4.13, Transportation and Circulation, of this Draft EIR, the proposed Specific Plan would exceed acceptable level-of-service standards at intersections and roadway segment capacity at some roadway segments in the Specific Plan Area even with implementation of mitigation measures TRANS-1. Implementation of the proposed project would also cause or contribute to impacts on 14 AC Transit bus lines in the area. Impacts related to hazards from design features, emergency access, and conflicting with adopted plans or decrease performance standards, were found to be less than significant.

Under the General Plan with Circulation Changes Alternative, circulation changes proposed under the Specific Plan (including lane/capacity reductions on roads and conversions from one-way roads to two-way roads and other multimodal improvements) would occur, but land use densities would remain consistent with General Plan Buildout and would be less than under the proposed Specific Plan (see Table 5-1). The General Plan with Circulation Changes Alternative would result in greater VMT per capita than the proposed Specific Plan since the allowable development (infill development and a mix of uses) would not be implemented to the same intensity as the proposed Specific Plan.

Impacts to vehicle operations at Specific Plan Area intersections and on Congestion Management Program segments would be *less* compared to the proposed Specific Plan. While reductions in roadway vehicular capacity would be implemented under the General Plan with Circulation Changes Alternative, vehicle traffic would be lower compared to the proposed Specific Plan due to less intense land use development. Impacts to AC Transit bus operations (specifically, effects of vehicle traffic on mixed flow transit operations) would be *less* under the General Plan with Circulation Changes Alternative compared to the proposed Specific Plan due to fewer intersection and roadway segment operational impacts. Impacts to bicycles and pedestrian and on vehicle traffic on roadways would be *similar* to the proposed Specific Plan since the proposed improvements would be implemented the same as the proposed Specific Plan.

Overall, vehicular traffic impacts on the project site under the General Plan with Circulation Changes Alternative would be the same as the proposed Specific Plan. These circulation changes, as proposed in the Specific Plan, meet goals and policies identified in the Hayward General Plan. Under the General Plan with Circulation Changes Alternative, these circulation changes would still occur, therefore the circulation impact would be ***similar*** to the proposed Specific Plan.

5.2.2.14 UTILITIES AND SERVICE SYSTEMS

As described in Chapter 4.13, Utilities and Service Systems, of this Draft EIR, impacts to sanitary wastewater, solid waste, stormwater infrastructure, and energy conservation, under the proposed Specific Plan, were found to be less than significant. However, impacts to water supply during multiple dry years would not be sufficient water supplies available to serve the proposed future development from existing entitlements and resources. Supplemental water supply sources for the 2040 buildout year of the proposed Specific Plan would be identified and developed by San Francisco Public Utilities Commission (SFPUC). Because SFPUC is the water service provider to the City and the entity that has the ability to mitigate this impact, and because the City does not have jurisdiction over the development of new water supplies, the City cannot guarantee that additional water supplies will be developed, so the impact is considered significant and unavoidable.

Because the General Plan with Circulation Changes would result in less non-residential and residential development, and thus, overall less water demand, wastewater and solid waste generation and energy use, impacts under the General Plan with Circulation Changes Alternative would be *less* than those of the proposed Specific Plan.

5.2.3 RELATIONSHIP TO THE PROPOSED PROJECT OBJECTIVES

The General Plan with Circulation Changes Alternative would not allow for implementation of any of the land use or zoning changes proposed under the proposed Specific Plan and would therefore not comply with any of the land use or zoning related objectives. However, the circulation changes as proposed in the Specific Plan would occur, therefore, the General Plan with Circulation Changes Alternative meets the following project objectives:

- Propose multimodal enhancements to the circulation network to make Downtown Hayward a more active, safe, and attractive environment to promote walking, biking, and transit as viable alternatives to driving. Improvements include dedicated bicycle lanes with landscaped buffers, shorter blocks, more pedestrian crossings, and returning to a two-way street network.
- Establish a circulation network to serve the needs of Hayward residents and visitors and signal that Downtown is a destination in the San Francisco Bay Area, rather than using the Downtown as a pass-through arterial.
- Replace the roadway pattern in the Specific Plan Area that were made when Foothill Boulevard and Mission Boulevard were engineered into a highway bypass, locally known as “the Loop” to accommodate regional traffic by-passing SR 238 between I-580 and I-880, with two-way streets to simplify navigation, allow for on-street parking and wider sidewalks, slow vehicle speeds and accommodate pedestrians, cyclists, wheelchairs, and create a more attractive, accessible, and inviting Downtown.

5.3 SPECIFIC PLAN WITHOUT CIRCULATION CHANGES

5.3.1 DESCRIPTION

Under the Specific Plan without Circulation Changes Alternative, the buildout of the Specific Plan Area would occur as currently proposed in the Specific Plan and the land use and zoning changes of the proposed Specific Plan would be implemented. However, circulation changes of the proposed Specific Plan would not be implemented.

As shown in Table 5-1, the Specific Plan without Circulation Changes Alternative would allow for the implementation, at maximum, of up to 1.9 million square feet of non-residential space, and 3,427 residential units that would increase the project site's population by 7,539 residents and 6,333 employees.

The differences between the proposed Specific Plan and the General Plan with Circulation Changes Alternative would be incremental and even if no action was taken, regional growth, and the associated environmental effects linked to this growth, would continue to occur under the provisions of the current General Plan.

5.3.2 IMPACT DISCUSSION

The following analysis compares the potentially significant environmental impacts of the Specific Plan without Circulation Changes Alternative with those of the project-related impacts for each of the environmental topics analyzed in detail in Chapter 4.1 through Chapter 4.14 of this Draft EIR. The impacts of each alternative are classified as greater, less, or essentially similar to (or comparable to) the level of impacts associated with the proposed Specific Plan.

5.3.2.1 AESTHETICS

Chapter 4.1, Aesthetics, describes that the proposed Specific Plan would result in less-than-significant aesthetics impacts. The Specific Plan Area where potential future development is expected to occur is concentrated on parcels in the form of infill/intensification on sites either already developed and/or underutilized, and/or in close proximity to existing development, where future development would have a lesser impact on scenic vistas. Under the Specific Plan without Circulation Changes Alternative, the proposed increases in maximum height would occur, which would result in *similar* impacts to far-field views of the scenic vistas from various vantage points surrounding the Specific Plan Area. Future development under the Specific Plan without Circulation Changes Alternative would not further block or obstruct public views of scenic vistas from within the city or surrounding areas when compared to the proposed Specific Plan. Similar views would continue to be visible between projects and over lower density areas. Considering this and the fact that the Specific Plan Area and surrounding roadways are not considered destination public viewing points nor are they visible from scenic vistas, overall impacts to scenic vistas under the Specific Plan without Circulation Changes Alternative would be *similar* to impacts under the proposed Specific Plan.

Development under the Specific Plan without Circulation Changes Alternative would be subject to General Plan goals and policies related to design, the *Hayward Landscape Beautification Plan,* and the City's architectural control process (i.e., Site Plan Review), as well the proposed Development Code and the goals, policies, and programs of the Specific Plan. Future development under the Specific Plan without Circulation Changes Alternative would change the existing visual character on individual sites similar to that of the proposed Specific Plan, compliance with the existing and proposed regulations would ensure that the bulk, mass, height, and architectural character of future development in the Specific Plan Area would be compatible with surrounding uses and would not substantially degrade the visual quality of the site or its surroundings. Therefore, associated impacts under the Specific Plan without Circulation Changes Alternative would be *similar* to those under the proposed Specific Plan.

Similar to the proposed Specific Plan, the Specific Plan without Circulation Changes Alternative would result in new lighting sources that could result in sources of glare. Future development under the Specific Plan without Circulation Changes Alternative would be required to comply with best management practices and General Plan policies, as well as Municipal Code provisions that ensure new land uses do not generate excessive light levels and reduce light and glare spillover from future development to surrounding land uses. Given that the Specific Plan without Circulation Changes Alternative allows for the same level of intensity development of the proposed Specific Plan, impacts related to light or glare would generally be *similar* to those under the proposed Specific Plan.

Overall, the development in the Specific Plan Area under this alternative would be similar and would be guided by the current and proposed regulations that guide development in Hayward, and impacts related to aesthetics would be *similar* to those of the proposed Specific Plan.

5.3.2.2 AIR QUALITY

As described in Chapter 4.2, Air Quality, of this Draft EIR, implementation of the proposed Specific Plan would not conflict with the 2017 Clean Air Plan, would pose no operational community risks or hazards, and would not generate any substantial odors. However, at a program level, implementation of the proposed Specific Plan would result in significant and unavoidable impacts related to construction and operation of future development, as well as the cumulative contribution to the non-attainment designations of the San Francisco Bay Area Air Basin.

The Specific Plan without Circulation Changes Alternative would not introduce roadway changes that would improve multimodal transportation options (e.g., walking, biking, and riding transit) in the Specific Plan Area and would result in the same amount of buildout in the Specific Plan Area as the proposed Specific Plan (see Table 5-1). Under the Specific Plan without Circulation Changes Alternative, because the development potential is the same, the impacts associated with the construction and operation of these land uses would be the same. Keeping the development near the Hayward BART Station would see some of the net benefit gained from siting these land uses near public transit and result in a higher percentage of transit users that may rely on automobiles (as opposed to walking or biking) to and from the Specific Plan Area. However, this Alternative would overall result in higher VMT per capita when compared to the proposed Specific Plan because the reduced vehicle capacity on Specific Plan Area roads (which would encourage other travel modes) would not be implemented. Automobile trips are the major source of criteria air pollutants from the proposed Specific Plan. Therefore, while the Specific Plan without

Circulation Changes Alternative would result the same overall buildout as the proposed Specific Plan, air quality impacts would from the operation of these uses would be considered *greater* when compared to the proposed Specific Plan.

Same as the proposed Specific Plan, the Specific Plan without Circulation Changes Alternative is not the type of project that would result in significant impacts from odor and impacts would be *similar* under both scenarios.

Overall, because the Specific Plan without Circulation Changes Alternative would result in the same infill development, but would create a higher VMT per capita, air quality impacts under the Specific Plan without Circulation Changes Alternative would be ***greater*** when compared to the proposed Specific Plan.

5.3.2.3 BIOLOGICAL RESOURCES

As discussed in Chapter 4.3, Biological Resources, of this Draft EIR, the proposed Specific Plan would result in less-than-significant impacts to biological resources in the Specific Plan Area. Although future development as proposed under the Specific Plan could have potential to affect animal and plant species identified as candidate, sensitive, or special-status species, proposed open space, and adherence to all federal, State, and local regulations relating to biological resources would fully mitigate any potential impacts. Development would be equally intensive under the Specific Plan without Circulation Changes Alternative, the same area, thus the same species, would be impacted; therefore, impacts to special-status species would be *similar* under both scenarios. The same would be true for impacts related to the riparian corridors in the Specific Plan Area along the San Lorenzo Creek or other wetland areas in Downtown that would have a substantial adverse effect on the riparian corridor and surrounding sensitive communities. Therefore, impacts would be *similar* under both scenarios.

Future development potential in the Specific Plan Area would occur in urbanized areas where sensitive wildlife resources and important wildlife movement corridors are no longer present because of existing development. Therefore, impacts would be *similar* under both scenarios.

In summary, impacts to biological resources from potential future development as allowed in the Specific Plan without Circulation Changes Alternative would be ***similar*** to that of the proposed Specific Plan.

5.3.2.4 CULTURAL AND TRIBAL RESOURCES

As described in Chapter 4.4, Cultural Resources, of this Draft EIR, the proposed Specific Plan would have less-than-significant impacts to known cultural, including historic buildings, and tribal cultural resources that may exist in the Specific Plan Area. The General Plan includes several goals and policies that address preservation and protection of cultural and tribal resources, of which any potential future development would be required to comply. Under the Specific Plan without Circulation Changes Alternative these potential impacts would be *similar* when compared to the proposed Specific Plan.

Chapter 4.4 finds that applicable regulations, procedures, and policies would ensure that any human remains discovered during construction allowed by the proposed Specific Plan would be handled appropriately. These regulations, procedures, and policies would be maintained under the Specific Plan

without Circulation Changes Alternative, and therefore this Alternative would result in *similar* impacts to human remains when compared to the proposed Specific Plan.

In summary, development under the Specific Plan without Circulation Changes Alternative would be in the same Specific Plan Area and would be required to comply with all applicable regulations, thus, the potential to impact cultural and tribal cultural resources would be ***similar*** under both scenarios.

5.3.2.5 GEOLOGY AND SOILS

As described in Chapter 4.5, Geology and Soils, of this Draft EIR, the proposed Specific Plan would have a less-than-significant impacts related to geology and soils in the Specific Plan Area.

Future development under both the Specific Plan without Circulation Changes Alternative and proposed Specific Plan would occur in the same area and would be subject to the same federal, State, and local regulations which address and prevent hazards associated with geology, soils, and seismicity. Compliance with existing regulations related to geologic and seismic safety would apply similarly to both future development under the Specific Plan without Circulation Changes Alternative and the proposed Specific Plan; therefore, would result in ***similar*** impacts when compared to the proposed Specific Plan.

5.3.2.6 GREENHOUSE GAS EMISSIONS

As described in Chapter 4.6, Greenhouse Gas Emissions, of this Draft EIR, the proposed Specific Plan would not conflict or obstruct the attainment of any plans adopted for the purposes of reducing GHG emissions. However, implementation of the Specific Plan would result in significant and unavoidable GHG emissions impacts when applying program-level thresholds for the forecast year-2040. With respect to GHG emissions from construction, new buildings constructed would be subject to the triennial updates to California's Building and Energy Efficiency Standards, which would presumably improve over time. With respect to operational impacts, nonresidential buildings (including multifamily that is four stories or higher) will use about 30 percent less energy due mainly to lighting upgrades. New buildings would be more energy efficient, but there would be an overall increase in energy usage due to the magnitude of new building space that would be constructed. While the 2017 Scoping Plan outlines strategies to be on a trajectory to achieve the 2050 target identified under Executive Order S-03-05, it is estimated that the State cannot meet the 2050 goal without major advances in technology. The identification of these program-level impacts does not preclude the finding of less-than-significant impacts for subsequent projects that comply with BAAQMD screening criteria or meet applicable thresholds of significance. Furthermore, under both scenarios when applying plan-level thresholds for forecast year-2040, even though new more energy efficient buildings would be constructed, and major advances in technology are required under both scenarios, because the Specific Plan without Circulation Changes Alternative would result in the same amount of redevelopment when compared to the proposed Specific Plan GHG emissions from buildings would be *similar*.

Maintaining the same level of development near the BART Station could see the same net benefits gained from siting more intense infill near public transit and result in a higher percentage of transit users that may rely on automobiles (as opposed to walking or biking) to and from the Specific Plan Area. However, the Specific Plan without Circulation Changes Alternative would not introduce roadway changes that

would improve multimodal transportation options (e.g., walking, biking, and riding transit) in the Specific Plan Area. However, this Alternative would overall result in higher VMT per capita when compared to the proposed Specific Plan because the reduced vehicle capacity on Specific Plan Area roads (which would encourage other travel modes) would not be implemented. Automobile use is a major source of GHG emissions from the proposed Specific Plan. Therefore, while the Specific Plan without Circulation Changes Alternative would result in the same overall development as the proposed Specific Plan, GHG emissions impacts from operation would be considered *greater* when compared to the proposed Specific Plan.

Under the Specific Plan without Circulation Changes Alternative, future development in the Specific Plan Area would occur under the proposed Specific Plan and Development Code and would introduce infill development in a Priority Development Area near transit. Accordingly, impacts related to consistency with the 2017 Scoping Plan, *Plan Bay Area,* and the City's Climate Action Plan as integrated into the General Plan, would be *similar* under both scenarios.

Overall, because the Specific Plan without Circulation Changes Alternative would result in the same infill development but would create a higher VMT per capita, impacts from GHG emissions under the Specific Plan without Circulation Changes Alternative would be ***greater*** when compared to the proposed Specific Plan.

5.3.2.7 HAZARDS AND HAZARDOUS MATERIALS

As discussed in Chapter 4.7, Hazards and Hazardous Materials, of this Draft EIR, there are no sites within the Specific Plan Area that are included on a list of hazardous materials sites. All potential future development allowed under the proposed Specific Plan would be required to comply with all federal, State, and local regulations pertaining to hazards and hazardous materials, as well as the City of Hayward Hillside Design and Urban/Wildfire Interface Guidelines to protect urban development from fire hazards. Accordingly, as discussed the proposed Specific Plan would have a less-than-significant impacts related to hazards and hazardous materials.

Because future development under the Specific Plan without Circulation Changes Alternative would be in the same Specific Plan Area and subject to the same regulatory setting, the Specific Plan without Circulation Changes Alternative would result in ***similar*** impacts when compared to the proposed Specific Plan.

5.3.2.8 HYDROLOGY AND WATER QUALITY

Chapter 4.8, Hydrology and Water Quality, finds that the proposed Specific Plan would result in less-than-significant hydrological impacts. Compliance with existing State and local regulations and procedures would ensure that pre- and post-construction impacts to water quality would be less than significant. These regulations and procedures would be maintained under the Specific Plan without Circulation Changes Alternative.

Future development under both scenarios would occur within previously urbanized areas and would connect to existing drainage systems already in place and be subject to the same existing federal, State, and local regulations relating to hydrology and water quality, similar to the proposed Specific Plan.

Compliance with existing regulations would ensure that pre- and post-construction impacts to water quality be minimized as future development occurs. Development under both scenarios would see the benefits of the proposed measures to ensure all future projects would limit the rate and total volume of off-site discharges to the existing levels, which would improve stormwater runoff water quality. Furthermore, the proposed Specific Plan, and therefore, this Alternative, both envisions the use stormwater treatment measures within the public realm, which would improve conditions that currently have no existing stormwater treatment facilities within the public right-of-way (ROW). Accordingly, impacts under the Specific Plan without Circulation Changes Alternative would be *similar* when compared to the proposed Specific Plan.

The Specific Plan Area has a 100-year flood zone near San Lorenzo Creek and a 500-year flood zone along Sulfur Creek. Any potential future development that may occur within these flood zones would be required to stay in compliance with existing local regulations, and compliance with the Federal Emergency Management Agency's (FEMAs) flood regulations, which would minimize potential flood impacts, under both scenarios. Thus, impacts related to flooding would be *similar*.

Overall, future development under the Specific Plan without Circulation Changes Alternative and the proposed Specific Plan would be in the same highly urbanized environment and would be subject to existing regulations that limit impacts from water runoff and flooding. Future development under each scenario would benefit from the higher standards for water treatment and impacts would be considered to be ***similar*** when compared to the proposed Specific Plan.

5.3.2.9 LAND USE AND PLANNING

As described in Chapter 4.9, Land Use and Planning, of this Draft EIR, implementation of the proposed Specific Plan would result in less-than-significant impacts related to land use and planning.

While the proposed Specific Plan would aim to improve connectivity and would not create physical barriers within existing communities, the Specific Plan without Circulation Changes Alternative also supports the integration of infill development and does not propose physical features that could divide a community. Accordingly, impacts would be *similar* under both scenarios.

Under the Specific Plan without Circulation Changes Alternative, development would occur throughout the Specific Plan Area under the proposed Specific Plan and Development Code. Because the General Plan Policy LU-2.7 requires the City to develop, maintain, and implement a Specific Plan to establish a vision for Downtown Hayward and to guide and regulate future development and infrastructure improvements, the Specific Plan without Circulation Changes Alternative would also implement this policy. Accordingly, development under both scenarios would not conflict with any applicable land use plan adopted for the purpose of avoiding or mitigating an environmental effect and impacts would be ***similar***.

5.3.2.10 NOISE

As described in Chapter 4.10, Noise, of this Draft EIR, the proposed Specific Plan would result in significant and unavoidable impacts from construction and operation of future development due to the close proximity of sensitive receptors when evaluated at the plan level.

Future development allowed under the proposed Specific Plan would be subject to the standards of the Hayward Municipal Code and General Plan, including those relating to the interface between residential and non-residential land uses. As specific uses are proposed for particular sites, project-level design, permitting, and/or environmental review would serve to ensure that individual uses would comply with the noise regulations. Future development under the Specific Plan without Circulation Changes Alternative would also be subject to these applicable standards. Impacts would be *similar* under both scenarios in this regard.

The Specific Plan without Circulation Changes Alternative would result in equal development, which would result in the same construction and vehicular trip generation. Accordingly, noise generated from trips from the Specific Plan without Circulation Changes Alternative would be the same when compared to the proposed Specific Plan. For this reason, overall noise related impacts from future development under the Specific Plan without Circulation Changes Alternative would be ***similar*** to those of the proposed Specific Plan.

5.3.2.11 POPULATION AND HOUSING

As described in Chapter 4.11, Population and Housing, of this Draft EIR, growth under the proposed Specific Plan is in line with ABAG 2013 regional projections for housing, population, and employment. Therefore, the proposed Specific Plan would have less-than-significant impacts related to population and housing.

The Specific Plan without Circulation Changes Alternative would result in the same population and housing; thus, the regional projections would also not be exceeded under this scenario. Furthermore, a policy framework is in place under the proposed Specific Plan and subsequently this Alternative, to ensure adequate planning occurs to accommodate future development. Therefore, impacts under the Specific Plan without Circulation Changes Alternative would be *similar* to those under the proposed Specific Plan.

The Specific Plan without Circulation Changes Alternative would allow a net increase of residential and non-residential uses in the Specific Plan Area. Since implementation of the Specific Plan without Circulation Changes Alternative would result in a net increase in housing, like the proposed Specific Plan it would not require replacement housing outside the Specific Plan Area. Therefore, impacts under the Specific Plan without Circulation Changes Alternative would be *similar* to those of the proposed Specific Plan.

In summary, while the Specific Plan without Circulation Changes Alternative would result in a different buildout potential, impacts related to population and housing would be ***similar*** when compared to the proposed Specific Plan.

5.3.2.12 PUBLIC SERVICES AND RECREATION

As described in Chapter 4.12, Public Services and Recreation, of this Draft EIR, impacts to fire protection services, police services, parks, schools, and libraries, under the proposed Specific Plan, were found to be less than significant. The Specific Plan without Circulation Changes Alternative would result in the same number of new residents and employees to the Specific Plan Area (see Table 5-1), and therefore, would

result in the same level of demand on the public service providers that serve the Downtown and the City of Hayward. Potential future development under the Specific Plan without Circulation Changes Alternative would be required to pay developer impact fees and provide their fair-share of parks to help meet the City's target for parkland acres to residents. Overall, impacts under the Specific Plan without Circulation Changes would be ***similar*** than those of the proposed Specific Plan.

5.3.2.13 TRANSPORTATION AND CIRCULATION

As discussed in Chapter 4.13, Transportation and Circulation, of this Draft EIR, the proposed Specific Plan would exceed acceptable level-of-service standards at intersections and roadway segment capacity at some roadway segments in the Specific Plan Area even with implementation of mitigation measures TRANS-1. Implementation of the proposed project would also cause or contribute to impacts on 14 AC Transit bus lines in the area. Impacts related to hazards from design features, emergency access, and conflicting with adopted plans or decrease performance standards, were found to be less than significant.

Under the Specific Plan without Circulation Changes Alternative, density increases and infill development under the Specific Plan would be implemented, but circulation changes (including lane/capacity reductions on roads and conversions from one-way roads to two-way roads and other multimodal improvements) would not occur. Similar to the proposed Specific Plan, the Specific Plan without Circulation Changes Alternative would result in reduced VMT per capita due to the increased infill development and mix of uses in the Specific Plan Area. The Specific Plan without Circulation Changes Alternative would also result in the benefits of lower VMT per capita. However, this Alternative would result in higher VMT per capita than the proposed Specific Plan since the reduced vehicle capacity on Specific Plan Area roads (which would encourage other travel modes) would not be implemented.

Impacts to vehicle operations at Specific Plan Area intersections and on Congestion Management Program segments would be less compared to the proposed Specific Plan since reductions in roadway vehicular capacity would not be implemented under the Alternative. Impacts to AC Transit bus operations (specifically, effects of vehicle traffic on mixed flow transit operations) would be *less* under this Alternative compared to the proposed Specific Plan due to fewer intersection and roadway segment operational impacts. Impacts to bicycles and pedestrian would be *greater* than the proposed Specific Plan since an increase in vehicle traffic in the area (due to increased development) would not be accompanied by the Specific Plan's improvements to bicycle and pedestrian facilities.

Overall, vehicular traffic impacts on the project site under the Specific Plan without Circulation Changes Alternative would be *less* than that of the proposed Specific Plan. However, the proposed Specific Plan includes goals, policies, and design guidelines, and circulation changes that will improve the mobility of the site, and encourage biking, walking, and taking public transit. These circulation changes, as proposed in the Specific Plan, meet goals and policies identified in the Hayward General Plan. Under the Specific Plan without Circulation Changes Alternative, these circulation changes would not occur, therefore the circulation impact is considered to be ***greater*** than the proposed Specific Plan.

5.3.2.14 UTILITIES AND SERVICE SYSTEMS

As described in Chapter 4.13, Utilities and Service Systems, of this Draft EIR, impacts to sanitary wastewater, solid waste, stormwater infrastructure, and energy conservation, under the proposed Specific Plan, were found to be less than significant. However, impacts to water supply during multiple dry years would not be sufficient water supplies available to serve the proposed future development from existing entitlements and resources. Supplemental water supply sources for the 2040 buildout year of the proposed Specific Plan would be identified and developed by San Francisco Public Utilities Commission (SFPUC). Because SFPUC is the water service provider to the City and the entity that has the ability to mitigate this impact, and because the City does not have jurisdiction over the development of new water supplies, the City cannot guarantee that additional water supplies will be developed, so the impact is considered significant and unavoidable.

Because the Specific Plan without Circulation Changes Alternative would result in the same non-residential and residential development, and thus, overall equal water demand, wastewater and solid waste generation and energy use, impacts under the Specific Plan without Circulation Changes Alternative would be *similar* to those of the proposed Specific Plan.

5.3.3 RELATIONSHIP TO THE PROPOSED PROJECT OBJECTIVES

The Specific Plan without Circulation Changes Alternative would comply with the project objectives aimed at creating a more vibrant downtown, and would not comply with project objectives that regard improvements to the circulation network. The Specific Plan without Circulation Changes Alternative meets the following project objectives:

- Create a Specific Plan that provides for improvements to the public and private realms that enhance the perception of Downtown as a regional destination with a diverse mix of shopping, entertainment, and employment opportunities.
- Provide direction on the physical character, building design, and intensity of Downtown's commercial and residential areas that supports new businesses and promotes transit ridership.
- Provide a strategy for revitalizing Downtown Hayward through strategic infill projects and improvements that capitalize on vacant and underutilized land and the significant assets in the Specific Plan Area.
- Contribute to active, healthy lifestyles by preserving existing parks and open spaces and prioritizing opportunities for new public and private open spaces to provide residents and visitors opportunities for active and passive recreation.
- Improve the appearance of the public realm through requirements to provide street furniture, pedestrian scale lighting, facade renovations, wayfinding signage, and street trees in Downtown.
- Establish three main reinvigorated centers of activity, Mixed-Use Gateway, Station Plaza at BART, and the Southern Downtown Gateway, and target infill projects in the Downtown Core and Downtown Neighborhoods to connect these areas, enhancing the existing historic character and promoting active ground-floor uses.

- Allow for new mixed-use projects to fill in vacancies and complement park and public spaces, and planned enhancements to existing spaces, such as the library plaza.
- Allow for increased residential and employment populations Downtown to contribute to patronage of businesses throughout the week and weekends and generate greater overall foot traffic and vitality.
- Preserve existing residential neighborhoods to the north and southeast of the Specific Plan Area through improved connections to the commercial core.
- Create a new marketing and branding campaign to highlight the opportunity and potential of living, shopping, and doing business in Downtown to achieve the City's goal as a destination in the Bay Area.
- Create zoning, building, and frontage standards for new development that responds to changing market forces and demographic shifts, support multimodal transportation, and align with the long-term vision for the Specific Plan Area.
- Facilitate the redevelopment of the underutilized portions of the Specific Plan Area with office, retail, residentially-focused mixed-use development, with a flexible mix of uses in the areas immediately surrounding the BART station.

5.4 SPECIFIC PLAN WITH LOWER INTENSITY (30% LESS)

5.4.1 DESCRIPTION

Under the Specific Plan with Lower Intensity Alternative the proposed Specific Plan would be implemented the same as the proposed project, but the non-residential development potential would be reduced by 30 percent. As shown in Table 5-1, the Specific Plan with Lower Intensity Alternative would allow for a maximum of up to 1,330,000 square feet of non-residential space, and 3,427 multifamily residential units, which would add 7,539 residents and 4,433 employees to the Downtown.

The differences between the proposed Specific Plan and the Specific Plan with Lower Intensity Alternative would be incremental and even if no action was taken, regional growth, and the associated environmental effects linked to this growth, would continue to occur under the provisions of the current General Plan.

5.4.2 IMPACT DISCUSSION

The following analysis compares the potentially significant environmental impacts of the Specific Plan with Lower Intensity Alternative with those of the project-related impacts for each of the environmental topics analyzed in detail in Chapter 4.1 through Chapter 4.14 of this Draft EIR. The impacts of each alternative are classified as greater, less, or essentially similar to (or comparable to) the level of impacts associated with the proposed Specific Plan.

5.4.2.1 AESTHETICS

Chapter 4.1, Aesthetics, describes that the proposed Specific Plan would result in less-than-significant aesthetics impacts. The Specific Plan Area where potential future development is expected to occur is

concentrated on parcels in the form of infill/intensification on sites either already developed and/or underutilized, and/or in close proximity to existing development, where future development would have a lesser impact on scenic vistas. Under the Specific Plan with Lower Intensity Alternative, the proposed increases in maximum height would occur, albeit with the potential for fewer tall buildings, which would result in *similar* impacts to far-field views of the scenic vistas from various vantage points surrounding the Specific Plan Area. Future development under the Specific Plan with Lower Intensity Alternative would not further block or obstruct public views of scenic vistas from within the city or surrounding areas when compared to the proposed Specific Plan. Similar views would continue to be visible between projects and over lower density areas. Considering this and the fact that the Specific Plan Area and surrounding roadways are not considered destination public viewing points nor are they visible from scenic vistas, overall impacts to scenic vistas under the Specific Plan with Lower Intensity Alternative would be *similar* to impacts under the proposed Specific Plan.

Development under the Specific Plan with Lower Intensity Alternative would be subject to General Plan goals and policies related to design, the *Hayward Landscape Beautification Plan,* and the City's architectural control process (i.e., Site Plan Review), as well the proposed Development Code and the goals, policies, and programs of the Specific Plan. Future development under the Specific Plan with Lower Intensity Alternative would change the existing visual character on individual sites similar to that of the proposed Specific Plan, compliance with the existing and proposed regulations would ensure that the bulk, mass, height, and architectural character of future development in the Specific Plan Area would be compatible with surrounding uses and would not substantially degrade the visual quality of the site or its surroundings. Therefore, associated impacts under the Specific Plan with Lower Intensity Alternative would be *similar* to those under the proposed Specific Plan.

Similar to the proposed Specific Plan, the Specific Plan with Lower Intensity Alternative would result in new lighting sources that could result in sources of glare. Future development under the Specific Plan with Lower Intensity Alternative would be required to comply with best management practices and General Plan policies, as well as Municipal Code provisions that ensure new land uses do not generate excessive light levels and reduce light and glare spillover from future development to surrounding land uses. Given that the Specific Plan with Lower Intensity Alternative allows for less development than the proposed Specific Plan, impacts related to light or glare would generally be *less* than those under the proposed Specific Plan.

Overall, while the development in the Specific Plan Area under this alternative would be less intense, it would be guided by the current and proposed regulations that guide development in Hayward and the Specific Plan Area. Accordingly, impacts related to aesthetics would be ***similar*** to those of the proposed Specific Plan.

5.4.2.2 AIR QUALITY

As described in Chapter 4.2, Air Quality, of this Draft EIR, implementation of the proposed Specific Plan would not conflict with the 2017 Clean Air Plan, would pose no operational community risks or hazards, and would not generate any substantial odors. However, at a program level, implementation of the proposed Specific Plan would result in significant and unavoidable impacts related to construction and

operation of future development, as well as the cumulative contribution to the non-attainment designations of the San Francisco Bay Area Air Basin.

The Specific Plan with Lower Intensity Alternative would introduce roadway changes that would improve multimodal transportation options (e.g., walking, biking, and riding transit) in the Specific Plan Area and would result in slightly less buildout in the Specific Plan Area compared to the proposed Specific Plan (see Table 5-1). Under the Specific Plan with Lower Intensity Alternative, because the development potential is the less, the impacts associated with the construction and operation of these land uses would be the *less*. Keeping the development near the Hayward BART Station would see some of the net benefit gained from siting these land uses near public transit and result in a higher percentage of transit users that may rely on automobiles (as opposed to walking or biking) to and from the Specific Plan Area. Additionally, this Alternative would overall result in higher VMT per capita when compared to the proposed Specific Plan because of the 30 percent reduction in non-residential development. While automobile trips are the major source of criteria air pollutants from the proposed Specific Plan, this Alternative would still have the benefits of more intensive infill combined with the roadway changes that facilitate multimodal transportation in the Specific Plan Area. Therefore, operational air quality impacts are considered *similar* when compared to the proposed Specific Plan.

Same as the proposed Specific Plan, the Specific Plan with Lower Intensity Alternative is not the type of project that would result in significant impacts from odor and impacts would be *similar* under both scenarios.

Overall, because the Specific Plan with Lower Intensity Alternative would result in intensive infill development and would include multimodal transportation infrastructure improvements, air quality impacts under the Specific Plan with Lower Intensity Alternative would be ***similar*** when compared to the proposed Specific Plan.

5.4.2.3 BIOLOGICAL RESOURCES

As discussed in Chapter 4.3, Biological Resources, of this Draft EIR, the proposed Specific Plan would result in less-than-significant impacts to biological resources in the Specific Plan Area. Although future development as proposed under the Specific Plan could have potential to affect animal and plant species identified as candidate, sensitive, or special-status species, proposed open space, and adherence to all federal, State, and local regulations relating to biological resources would fully mitigate any potential impacts. While development would be slightly less under the Specific Plan with Lower Intensity Alternative, the same area, thus the same species, would be impacted; therefore, impacts to special-status species would be *similar* under both scenarios. The same would be true for impacts related to the riparian corridors in the Specific Plan Area along the San Lorenzo Creek or other wetland areas in Downtown that would have a substantial adverse effect on the riparian corridor and surrounding sensitive communities. Therefore, impacts would be *similar* under both scenarios.

Future development potential in the Specific Plan Area would occur in urbanized areas where sensitive wildlife resources and important wildlife movement corridors are no longer present because of existing development. Therefore, impacts would be *similar* under both scenarios.

In summary, impacts to biological resources from potential future development as allowed in the Specific Plan with Lower Intensity Alternative would be *similar* to that of the proposed Specific Plan.

5.4.2.4 CULTURAL AND TRIBAL RESOURCES

As described in Chapter 4.4, Cultural Resources, of this Draft EIR, the proposed Specific Plan would have less-than-significant impacts to known cultural, including historic buildings, and tribal cultural resources that may exist in the Specific Plan Area. The General Plan includes several goals and policies that address preservation and protection of cultural and tribal resources, of which any potential future development would be required to comply. Under the Specific Plan with Lower Intensity Alternative these potential impacts would be *similar* when compared to the proposed Specific Plan.

Chapter 4.4 finds that applicable regulations, procedures, and policies would ensure that any human remains discovered during construction allowed by the proposed Specific Plan would be handled appropriately. These regulations, procedures, and policies would be maintained under the Specific Plan with Lower Intensity Alternative, and therefore this Alternative would result in *similar* impacts to human remains when compared to the proposed Specific Plan.

In summary, development under the Lower Intensity Alternative would be in the same Specific Plan Area and would be required to comply with all applicable regulations, thus, the potential to impact cultural and tribal cultural resources would be *similar* under both scenarios.

5.4.2.5 GEOLOGY AND SOILS

As described in Chapter 4.5, Geology and Soils, of this Draft EIR, the proposed Specific Plan would have a less-than-significant impacts related to geology and soils in the Specific Plan Area.

Future development under both the Specific Plan with Lower Intensity Alternative and proposed Specific Plan would occur in the same area and would be subject to the same federal, State, and local regulations which address and prevent hazards associated with geology, soils, and seismicity. Compliance with existing regulations related to geologic and seismic safety would apply similarly to both future development under the Specific Plan with Lower Intensity Alternative and the proposed Specific Plan; therefore, would result in *similar* impacts when compared to the proposed Specific Plan.

5.4.2.6 GREENHOUSE GAS EMISSIONS

As described in Chapter 4.6, Greenhouse Gas Emissions, of this Draft EIR, the proposed Specific Plan would not conflict or obstruct the attainment of any plans adopted for the purposes of reducing GHG emissions. However, implementation of the Specific Plan would result in significant and unavoidable GHG emissions impacts when applying program-level thresholds for the forecast year-2040. With respect to GHG emissions from construction, new buildings constructed would be subject to the triennial updates to California's Building and Energy Efficiency Standards, which would presumably improve over time. With respect to operational impacts, nonresidential buildings (including multifamily that is four stories or higher) will use about 30 percent less energy due mainly to lighting upgrades. New buildings would be more energy efficient, but there would be an overall increase in energy usage due to the magnitude of

new building space that would be constructed. While the 2017 Scoping Plan outlines strategies to be on a trajectory to achieve the 2050 target identified under Executive Order S-03-05, it is estimated that the State cannot meet the 2050 goal without major advances in technology. The identification of these program-level impacts does not preclude the finding of less-than-significant impacts for subsequent projects that comply with BAAQMD screening criteria or meet applicable thresholds of significance. Furthermore, under both scenarios when applying plan-level thresholds for forecast year-2040, even though new more energy efficient buildings would be constructed, and major advances in technology are required under both scenarios, because the Specific Plan with Lower Intensity Alternative would result in less redevelopment when compared to the proposed Specific Plan GHG emissions from buildings would be *less*.

Maintaining a similar level of infill development near the BART Station would see net benefits gained from siting more intense infill near public transit and result in a higher percentage of transit users that may rely on automobiles (as opposed to walking or biking) to and from the Specific Plan Area. Additionally, the Specific Plan with Lower Intensity Alternative would introduce roadway changes that would improve multimodal transportation options (e.g., walking, biking, and riding transit) in the Specific Plan Area. Additionally, this Alternative would overall result in higher VMT per capita when compared to the proposed Specific Plan because of the 30 percent reduction in non-residential development. While automobile trips are the major source of criteria air pollutants from the proposed Specific Plan, this Alternative would still have the benefits of more intensive infill combined with the roadway changes that facilitate multimodal transportation in the Specific Plan Area. Therefore, operational GHG emissions impacts would be considered *similar* when compared to the proposed Specific Plan.

Under the Specific Plan with Lower Intensity Alternative, future development in the Specific Plan Area would occur under the proposed Specific Plan and Development Code and would introduce infill development in a Priority Development Area near transit. Accordingly, impacts related to consistency with the 2017 Scoping Plan, *Plan Bay Area,* and the City's Climate Action Plan as integrated into the General Plan, would be *similar* under both scenarios.

Overall, because the Specific Plan with Lower Intensity Alternative would result in intensive infill development and would include multimodal transportation infrastructure improvements, GHG emissions impacts under the Specific Plan with Lower Intensity Alternative would be ***similar*** when compared to the proposed Specific Plan.

5.4.2.7 HAZARDS AND HAZARDOUS MATERIALS

As discussed in Chapter 4.7, Hazards and Hazardous Materials, of this Draft EIR, there are no sites within the Specific Plan Area that are included on a list of hazardous materials sites. All potential future development allowed under the proposed Specific Plan would be required to comply with all federal, State, and local regulations pertaining to hazards and hazardous materials, as well as the City of Hayward Hillside Design and Urban/Wildfire Interface Guidelines to protect urban development from fire hazards. Accordingly, as discussed the proposed Specific Plan would have a less-than-significant impacts related to hazards and hazardous materials.

Because future development under the Specific Plan with Lower Intensity Alternative would be in the same Specific Plan Area and subject to the same regulatory setting, the Specific Plan with Lower Intensity Alternative would result in *similar* impacts when compared to the proposed Specific Plan.

5.4.2.8 HYDROLOGY AND WATER QUALITY

Chapter 4.8, Hydrology and Water Quality, finds that the proposed Specific Plan would result in less-than-significant hydrological impacts. Compliance with existing State and local regulations and procedures would ensure that pre- and post-construction impacts to water quality would be less than significant. These regulations and procedures would be maintained under the Specific Plan with Lower Intensity Alternative.

Future development under both scenarios would occur within previously urbanized areas and would connect to existing drainage systems already in place and be subject to the same existing federal, State, and local regulations relating to hydrology and water quality, similar to the proposed Specific Plan. Compliance with existing regulations would ensure that pre- and post-construction impacts to water quality be minimized as future development occurs. Development under both scenarios would see the benefits of the proposed measures to ensure all future projects would limit the rate and total volume of off-site discharges to the existing levels, which would improve stormwater runoff water quality. Furthermore, the proposed Specific Plan, and therefore, this Alternative, both envisions the use stormwater treatment measures within the public realm, which would improve conditions that currently have no existing stormwater treatment facilities within the public right-of-way (ROW). Accordingly, impacts under the Specific Plan with Lower Intensity Alternative would be *similar* when compared to the proposed Specific Plan.

The Specific Plan Area has a 100-year flood zone near San Lorenzo Creek and a 500-year flood zone along Sulfur Creek. Any potential future development that may occur within these flood zones would be required to stay in compliance with existing local regulations, and compliance with the Federal Emergency Management Agency's (FEMAs) flood regulations, which would minimize potential flood impacts, under both scenarios. Thus, impacts related to flooding would be *similar*.

Overall, future development under the Specific Plan with Lower Intensity Alternative and the proposed Specific Plan would be in the same highly urbanized environment and would be subject to existing regulations that limit impacts from water runoff and flooding. Future development under each scenario would benefit from the higher standards for water treatment and impacts would be considered to be *similar* when compared to the proposed Specific Plan.

5.4.2.9 LAND USE AND PLANNING

As described in Chapter 4.9, Land Use and Planning, of this Draft EIR, implementation of the proposed Specific Plan would result in less-than-significant impacts related to land use and planning.

While the proposed Specific Plan would aim to improve connectivity and would not create physical barriers within existing communities, the Specific Plan with Lower Intensity Alternative also supports the

integration of infill development and does not propose physical features that could divide a community. Accordingly, impacts would be *similar* under both scenarios.

Under the Specific Plan with Lower Intensity Alternative, development would occur throughout the Specific Plan Area under the proposed Specific Plan and Development Code. Because the General Plan Policy LU-2.7 requires the City to develop, maintain, and implement a Specific Plan to establish a vision for Downtown Hayward and to guide and regulate future development and infrastructure improvements, the Specific Plan with Lower Intensity Alternative would also implement this policy. Accordingly, development under both scenarios would not conflict with any applicable land use plan adopted for the purpose of avoiding or mitigating an environmental effect and impacts would be *similar*.

5.4.2.10 NOISE

As described in Chapter 4.10, Noise, of this Draft EIR, the proposed Specific Plan would result in significant and unavoidable impacts from construction and operation of future development due to the close proximity of sensitive receptors when evaluated at the plan level.

Future development allowed under the proposed Specific Plan would be subject to the standards of the Hayward Municipal Code and General Plan, including those relating to the interface between residential and non-residential land uses. As specific uses are proposed for particular sites, project-level design, permitting, and/or environmental review would serve to ensure that individual uses would comply with the noise regulations. Future development under the Specific Plan with Lower Intensity Alternative would also be subject to these applicable standards. Impacts would be *similar* under both scenarios in this regard.

The Specific Plan Buildout with Lower Intensity Alternative would result in less development, which would result in less construction and vehicular trip generation. Accordingly, noise generated from trips from the Specific Plan with Lower Intensity Alternative would be *less* when compared to the proposed Specific Plan. For this reason, overall noise related impacts from future development under the Lower Intensity would be *less* to those of the proposed Specific Plan.

5.4.2.11 POPULATION AND HOUSING

As described in Chapter 4.11, Population and Housing, of this Draft EIR, growth under the proposed Specific Plan is in line with ABAG 2013 regional projections for housing, population, and employment. Therefore, the proposed Specific Plan would have less-than-significant impacts related to population and housing.

The Specific Plan with Lower Intensity Alternative would result in the less population and housing; thus, the regional projections would also not be exceeded under this scenario. Furthermore, a policy framework is in place under the proposed Specific Plan and subsequently this Alternative, to ensure adequate planning occurs to accommodate future development. Therefore, impacts under the Specific Plan with Lower Intensity Alternative would be *similar* to those under the proposed Specific Plan.

The Specific Plan with Lower Intensity Alternative would allow a net increase of residential and non-residential uses in the Specific Plan Area. Since implementation of the Specific Plan with Lower Intensity Alternative would result in a net increase in housing, like the proposed Specific Plan it would not require replacement housing outside the Specific Plan Area. Therefore, impacts under the Specific Plan with Lower Intensity Alternative would be *similar* to those of the proposed Specific Plan.

In summary, while the Specific Plan with Lower Intensity Alternative would result in a different buildout potential, impacts related to population and housing would be ***similar*** when compared to the proposed Specific Plan.

5.4.2.12 PUBLIC SERVICES AND RECREATION

As described in Chapter 4.12, Public Services and Recreation, of this Draft EIR, impacts to fire protection services, police services, parks, schools, and libraries, under the proposed Specific Plan, were found to be less than significant. The Specific Plan with Lower Intensity Alternative would result in fewer new residents and employees to the Specific Plan Area (see Table 5-1), and therefore, would result in the less demand on the public service providers that serve the Downtown and the City of Hayward. Potential future development under the Specific Plan with Lower Intensity Alternative would be required to pay developer impact fees and provide their fair-share of parks to help meet the City's target for parkland acres to residents. Overall, impacts under the Specific Plan with Lower Intensity Alternative would be ***similar*** than those of the proposed Specific Plan.

5.4.2.13 TRANSPORTATION AND CIRCULATION

As discussed in Chapter 4.13, Transportation and Circulation, of this Draft EIR, the proposed Specific Plan would exceed acceptable level-of-service standards at intersections and roadway segment capacity at some roadway segments in the Specific Plan Area even with implementation of mitigation measures TRANS-1. Implementation of the proposed project would also cause or contribute to impacts on 14 AC Transit bus lines in the area. Impacts related to hazards from design features, emergency access, and conflicting with adopted plans or decrease performance standards, were found to be less than significant.

Under the Specific Plan with Lower Intensity Alternative, the development potential proposed under the Specific Plan would be reduced by 30 percent. Circulation changes proposed under the Specific Plan (including lane/capacity reductions on roads and conversions from one-way roads to two-way roads and other multimodal improvements) would be implemented. Similar to the proposed Specific Plan, the Specific Plan with Lower Intensity Alternative would result in reduced VMT per capita due to the increased infill development and mix of uses in the Specific Plan area as well as the circulation changes; this Specific Plan with Lower Intensity Alternative would also result in the benefits of lower VMT per capita. However, this Specific Plan with Lower Intensity Alternative would result in higher VMT per capita than the proposed Specific Plan due to lower infill development density.

Impacts to vehicle operations at Specific Plan Area intersections and on Congestion Management Program segments would be less compared to the proposed Specific Plan. While reductions in roadway vehicular capacity would be implemented under the Specific Plan with Lower Intensity Alternative, vehicle traffic would be less compared to the proposed Specific Plan due to lower development intensity. Impacts to AC

Transit bus operations (specifically, effects of vehicle traffic on mixed flow transit operations) would be less under this Alternative compared to the proposed Specific Plan due to fewer intersection and roadway segment operational impacts. Impacts to bicycles and pedestrian would be less than the proposed Specific Plan since the Specific Plan's improvements to bicycle and pedestrian facilities would be implemented and vehicle traffic on Specific Plan Area roads would be less compared to the proposed Specific Plan.

Overall, vehicular traffic impacts on the project site under the Specific Plan with Lower Intensity Alternative would be similar to that of the proposed Specific Plan. These circulation changes, as proposed in the Specific Plan, meet goals and policies identified in the Hayward General Plan. Under the General Plan Buildout with Circulation Changes Alternative, these circulation changes would still occur, therefore the circulation impact would be *similar* to the proposed Specific Plan.

5.4.2.14 UTILITIES AND SERVICE SYSTEMS

As described in Chapter 4.13, Utilities and Service Systems, of this Draft EIR, impacts to water, sanitary wastewater, solid waste, stormwater infrastructure, and energy conservation, under the proposed Specific Plan, were found to be less than significant. Because the Specific Plan with Lower Intensity Alternative would result in the less non-residential and residential development, and thus, overall less water demand, wastewater and solid waste generation and energy use, impacts under the Specific Plan with Lower Intensity Alternative would be *less* when compared to those of the proposed Specific Plan.

5.4.3 RELATIONSHIP TO THE PROPOSED PROJECT OBJECTIVES

The Specific Plan with Lower Intensity Alternative would generally meet all the project objectives because it would implement the proposed Specific Plan with slightly less non-residential development.

5.5 ENVIRONMENTALLY SUPERIOR ALTERNATIVE

In addition to the discussion and comparison of impacts of the proposed Specific Plan and the alternatives, Section 15126.6 of the CEQA Guidelines requires that an "environmentally superior" alternative be selected and the reasons for such a selection be disclosed. In general, the environmentally superior alternative is the alternative that would be expected to generate the least environmental impact. Identification of the environmentally superior alternative is an informational procedure and the alternative selected may not be the alternative that best meets project objectives.

As shown in Table 5-2, the Specific Plan with Lower Intensity Alternative would have similar impacts related to aesthetics, air quality, biological resources, cultural and tribal cultural resources, geology and soils, GHG emissions, hazards and hazardous materials, hydrology and water quality, population and housing, public services and recreation, and transportation and circulation. The Specific Plan with Lower Intensity Alternative would not create greater impacts than the proposed Specific Plan in these topic areas. Additionally, this Alternative would result in fewer impacts with respect to roadway noise and demand on public service providers and water supply. For these reasons, the Specific Plan with Lower Intensity Alternative is considered the environmentally superior alternative.

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6. CEQA-Mandated Assessment

This chapter provides an overview of the impacts of the proposed project on the analysis presented in Chapters 4 through 5 of this Draft EIR. The topics covered in this chapter include impacts found not to be significant, growth inducement, significant and unavoidable impacts, and significant irreversible changes. A more detailed analysis of the effects the proposed Specific Plan would have on the environment and proposed mitigation measures to minimize significant impacts are provided in Chapters 4.1 through 4.14.

6.1 IMPACTS FOUND NOT TO BE SIGNIFICANT

The California Environmental Quality Act (CEQA) Guidelines Section 15128 allows environmental issues, for which there is no likelihood of significant impact to be briefly discussed and not analyzed further in the EIR. As described in Chapter 4, Environmental Evaluation, due to the location of the Specific Plan Area, no impacts would occur to agricultural, forestry, and mineral resources. Several topics were also found to have no impact for the following reasons:

- Chapter 4.3, Biological Resources: no adopted Habitat Conservation Plan or Natural Community Conservation Plans exist in the City of Hayward.
- Chapter 4.5, Geology and Soils: No fault rupture related impacts, and no soils unable to adequately support wastewater or sewer disposal systems.
- Chapter 4.7, Hazards and Hazardous Materials: No airport land use plan or public or private airport in the project vicinity, and not within the vicinity of a private airstrip.
- Chapter 4.8, Hydrology and Water Quality: No construction proposed in areas with a 100- or 500-year flood zone, and not located in the vicinity of risk of inundation by seiche, tsunami, or mudflow.
- Chapter 4.9, Land Use and Planning: No applicable habitat conservation or natural community conservation plan.

6.2 GROWTH INDUCEMENT

Section 15126.2(d) of the CEQA Guidelines requires that an EIR discuss the ways in which a proposed project or the construction of additional housing, either directly or indirectly, could foster economic or population growth in the surrounding environment. Typical growth inducing factors might include the extension of urban services or transportation infrastructure to a previously unserved or under-served area, or the removal of major barriers to development. This section evaluates the proposed Specific Plan's potential to create such growth inducements. Not all aspects of growth inducement are negative; rather, negative impacts associated with growth inducement occur only where the growth associated with the proposed Specific Plan would cause adverse environmental impacts.

The proposed Specific Plan could involve direct growth inducement through the construction of a maximum of up to 3,427 new housing units. Assuming an average household size of 2.2 people per multi-family dwelling unit, the construction of 3,427 new multi-family dwelling units in the Specific Plan Area could bring as many as 7,539 new residents to the city. As described in Chapter 4.11, Population and Housing, since the Specific Plan Area itself is one of the five Priority Development Areas (PDAs) in Hayward (Downtown City Center PDA), in which the majority of new population growth is to be accommodated, the projected population growth under the proposed Specific Plan is in line with regional projections.

The proposed Specific Plan is not expected to result in indirect growth inducement because the additional housing units and population resulting from implementation of the proposed Specific Plan would not exceed regional projections. Additional employment growth would occur incrementally over a period of approximately 20 years and would be consistent with the regional planning objectives established for the Bay Area. The Specific Plan Area is a previously developed area in the highly urbanized City Center PDA as identified under the *Plan Bay Area*, and would not involve the extension of infrastructure or services to a previously unserved area.

Development of the proposed Specific Plan would involve demolition and construction activities that could generate some temporary employment opportunities; however, given the temporary nature of such opportunities, it is unlikely that construction workers would relocate to Hayward as a result of the proposed Specific Plan. Thus, the proposed Specific Plan would not be considered growth-inducing from an employment perspective.

6.3 SIGNIFICANT AND UNAVOIDABLE IMPACTS

Section 15126.2(b) of the CEQA Guidelines requires that an EIR describe any significant impacts that cannot be avoided, even with the implementation of feasible mitigation measures. This section lists the impacts for the proposed Specific Plan that were found to be significant and unavoidable.

TABLE 6-1 SIGNIFICANT AND UNAVOIDABLE IMPACTS OF THE PROPOSED PROJECT

AIR QUALITY
Impact AQ-2.1: Construction activities associated with implementation of the proposed Specific Plan could potentially violate an air quality standard or contribute substantially to an existing or projected air quality violation.
Impact AQ-2.2: Operation of development projects accommodated under the proposed Specific Plan could contribute to an existing or projected air quality violation.
Impact AQ-3: Future potential development projects associated with the proposed Specific Plan could cumulatively contribute to the non-attainment designations of the San Francisco Bay Area Air Basin.
Impact AQ-4.1: Construction activities associated with potential future development projects accommodated under the proposed Specific Plan could expose nearby receptors to substantial concentrations of Toxic Air Contaminants.
GREENHOUSE GAS EMISSIONS
Impact GHG-1.1: Construction of future projects resulting from implementation of the proposed Specific Plan would generate greenhouse gas emissions, either directly or indirectly, that exceed the forecast year-2040 GHG emissions efficiency metric (2,811 $MTCO_2e$/year compared to 1,100 $MTCO_2e$/year).

TABLE 6-1 SIGNIFICANT AND UNAVOIDABLE IMPACTS OF THE PROPOSED PROJECT
Impact GHG-1.2: The operation of future projects resulting from implementation of the proposed Specific Plan would generate GHG emissions, either directly or indirectly, that would exceed the forecast year-2040 GHG emissions efficiency metric.
NOISE
Impact NOISE-1: The construction of future projects in the Specific Plan Area could expose sensitive receptors to noise that exceeds the City's noise limits.
Impact NOISE-3: Implementation of the Specific Plan would result in a permanent substantial increase in ambient noise levels.
Impact NOISE-4: The construction of future projects in the Specific Plan Area could expose sensitive receptors to a substantial temporary increase in ambient noise levels.
TRANSPORTATION AND CIRCULATION
Impact TRANS-1: Implementation of the proposed project would cause or contribute to impacts at 16 intersections.
Impact TRANS-2.1: Implementation of the proposed project would cause or contribute to impacts at 14 MTS arterial and freeway segments.
Impact TRANS-2.2: Implementation of the proposed project would cause or contribute to impacts on 14 AC Transit bus lines in the area.

6.4 SIGNIFICANT IRREVERSIBLE CHANGES

Section 15126.2(c) of the CEQA Guidelines requires an EIR to discuss the extent to which the proposed project would commit nonrenewable resources to uses that future generations would probably be unable to reverse. The three CEQA-required categories of irreversible changes are discussed below.

6.4.1 CHANGES IN LAND USE THAT COMMIT FUTURE GENERATIONS

The proposed Specific Plan would guide future development in the Specific Plan Area, and could also involve the redevelopment of previously developed sites. The Specific Plan Area currently contains office, retail, industrial/non-retail, and residential uses. The proposed Zoning Code Update for the Specific Plan Area would guide redevelopment of the project site with mixed-use developments that would introduce new office, retail, and residential uses to the Specific Plan Area. Because the Specific Plan Area is already developed and is located in an urban area that already contains these uses, the proposed Specific Plan is not expected to result in any land use changes that would commit future generations to uses that are not already prevalent in the vicinity of the Specific Plan Area.

6.4.2 IRREVERSIBLE DAMAGE FROM ENVIRONMENTAL ACCIDENTS

Potential environmental accidents of concern include those that would have adverse effects on the environment or public health due to the nature or quantity of material released during an accident and the receptors exposed to that release. Demolition and construction activities associated with implementation of the proposed Specific Plan would involve some risk for environmental accidents. However, these activities would be monitored by City, State, and federal agencies, and would follow

professional industry standards for safety and construction. Additionally, the land uses proposed by the Specific Plan would not include any uses or activities that are likely to contribute to or be the cause of a significant environmental accident. As a result, the proposed Specific Plan would not pose a substantial risk of environmental accidents.

6.4.3 LARGE COMMITMENT OF NONRENEWABLE RESOURCES

Consumption of nonrenewable resources includes issues related to increased energy consumption, conversion of agricultural lands, and lost access to mining reserves. The proposed Specific Plan would require water, electric, and gas service, as well as additional resources for construction. Additionally, the ongoing operation of the proposed Specific Plan would involve the use of nonrenewable resources. Construction and ongoing maintenance of the proposed Specific Plan would irreversibly commit some materials and nonrenewable energy resources. Materials and resources used would include, but are not limited to, nonrenewable and limited resources such as oil, gasoline, sand, gravel, asphalt, and steel. These materials and energy resources would be used for infrastructure development, transportation of people and goods, and utilities. During the operational phase of the proposed Specific Plan (post-construction), energy sources including oil and gasoline would be used for lighting, heating, and cooling of residences, as well as transportation of people to and from the Specific Plan Area.

However, potential future development allowed from adoption and implementation of the proposed Specific Plan would include several features that would offset or reduce the need for nonrenewable resources. Additionally, potential future development in the Specific Plan Area would be required to comply with all applicable building and design requirements, including those set forth in Title 24 relating to energy conservation. In compliance with CALGreen, the State's Green Building Standards Code, potential future development would be required to reduce water consumption by 20 percent, divert 50 percent of construction waste from landfills, and install low pollutant-emitting materials. Potential future development would be required to submit a landscaping plan that groups plants with similar water, climatic, and soil requirements to conserve water and create a drought responsive landscape. Additionally, all potential future development would also apply environmentally sustainable standards for demolition, construction, and operation.

Although the construction and ongoing operation of potential future development on the project site would involve the use of nonrenewable resources, through the inclusion of energy-conserving project features and compliance with applicable standards and regulations, potential future development under the proposed Specific Plan would not represent a large commitment of nonrenewable resources.

The Specific Plan Area does not contain any agricultural land or a mining reserve, so it would not affect those natural resources.

7. Organizations and Persons Consulted

This Draft EIR was prepared by the following consultants and individuals:

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