27865 Manon Avenue Townhome Project

Environmental Consistency Checklist Pursuant to CEQA Guidelines Section 15183

prepared by

City of Hayward
Development Services Department, Planning Division
777 B Street
Hayward, California 94541
Contact: Elizabeth Blanton, AICP, Senior Planner

prepared with the assistance of

Rincon Consultants, Inc.
449 15th Street, Suite 303
Oakland, California 94612

June 2022

RINCON CONSULTANTS, INC.
Environmental Scientists | Planners | Engineers
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Project Description

1. Project Title

27865 Manon Avenue Townhome Project

2. Lead Agency Name and Address

City of Hayward
Development Services Department, Planning Division
777 B Street
Hayward, California 94541

3. Lead Agency Contact

Elizabeth Blanton, AICP, Senior Planner
City of Hayward, Planning Division
Via email: Elizabeth.Blanton@hayward-ca.gov

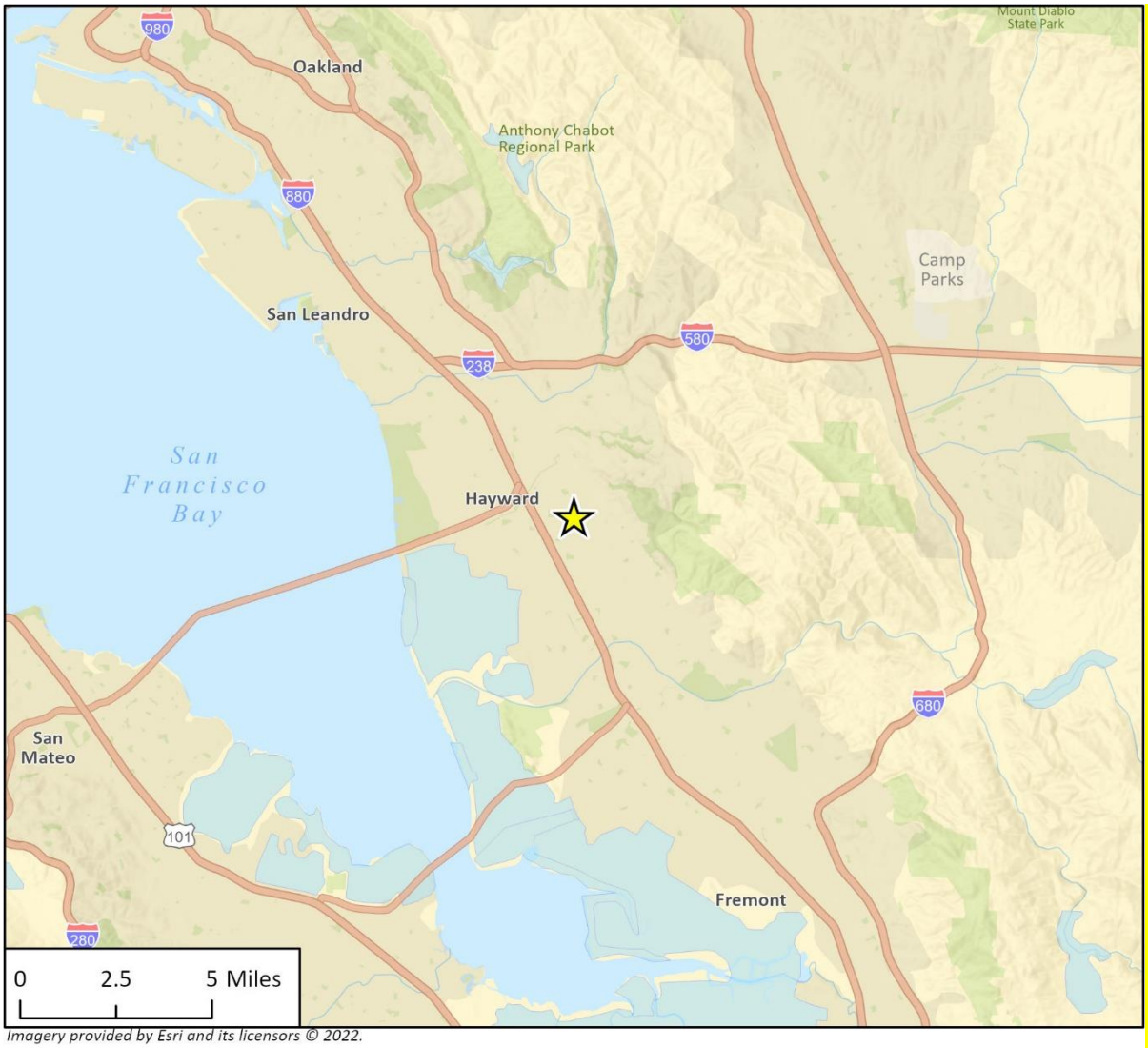
4. Project Location

The project site is approximately 0.98 acres in size and consists of one assessor's parcel (453-0090-014-00) on a rectangular-shaped site at 27865 Manon Avenue in the City of Hayward. The site is on the west side of Manon Avenue just north of its intersection West Tennyson Road. The site is bordered by single-family residences to the north and west, Manon Avenue to the east, and a small commercial center to the south. Figure 1 shows the regional location of the proposed project and Figure 2 shows the location of the project site in its immediate context.

5. Project Applicant

Sunflower Manon LLC
467 Saratoga Ave. Suite #1450
San Jose, CA 95129

Figure 1 Regional Location



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Project Location

N

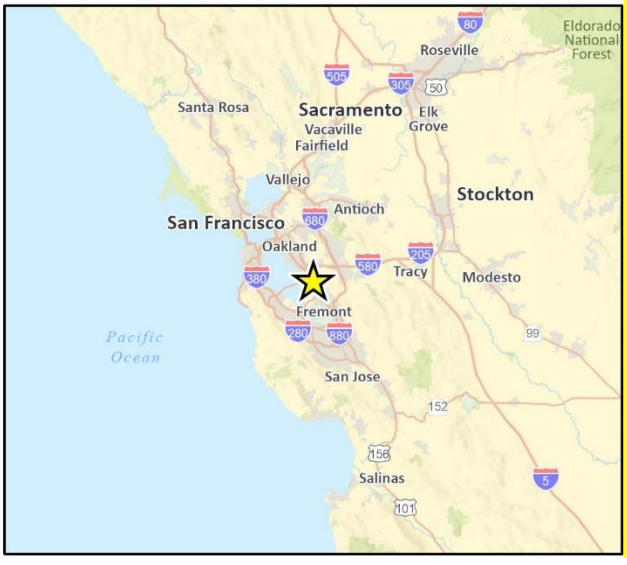

Figure 2 Project Site Location

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EPS Figures
Fig 2 Project Site Map

6. General Plan Designation

The project site is designated as Medium Density Residential (MDR) in the Hayward 2040 General Plan (City of Hayward 2014a). The City of Hayward's 2040 General Plan Land Use and Community Character Element defines the MDR category as "Suburban and urban areas that contain a mix of housing types… Allowed uses include detached single-family homes, attached single-family homes, and multi-family homes. Development density within MDR is 8.7 to 17.4 dwelling unit per net acre."

7. Zoning

The project site is currently zoned Single Family Residential (RS). The RS zoning district regulations are intended to "promote and encourage a suitable environment for family life… The RS district is to be used only for single-family homes and the community services appurtenant thereto" (Hayward Municipal Code [HMC] Section 10-1.205).

8. Surrounding Land Uses and Setting

The project vicinity is characterized primarily by residential and commercial uses. As shown in Figure 2, the project site is bordered by single-family residences to the north and west, Manon Avenue and multi-family residential housing to the east, and a small commercial center to the south with retail market uses and a bar. Across Manon Avenue to the east are multi-family residential buildings.

Roadways in the project vicinity include Manon Avenue immediately to the east of the site, Tennyson Road approximately 200 feet to the south, Huntwood Avenue approximately 400 feet to the east, and Harris Road approximately 755 feet to the north.

The project site is rectangular in shape, undeveloped, and generally flat with ruderal grasses and no trees. Photographs of the project site are shown on Figure 3.

9. Description of the Project

The proposed project would involve rezoning the project site from RS to Medium Density Residential (RM) to allow for the construction of 22 townhomes. The purpose of the RM zone is to "promote and encourage a suitable environment for family life in areas where a compatible mingling of single-family and multiple-family dwellings is possible" (HMC Section 10-1.405).

The proposed project would also involve a Site Plan Review (SPR) and Density Bonus entitlement, consistent with State law allowing density bonuses for the provision of affordable housing. The proposed project would include two affordable housing units at the very-low income level. The project applicant has requested to use two density bonus waivers consistent with State law, one for a deviation from the building disposition (setback) requirements for all four buildings from a minimum front yard distance of 20 feet to 11 feet and 4 inches, and another for a deviation from a minimum rear yard distance for Buildings A and D from 20 feet to 15 feet and 10 inches.

Figure 3 Photographs of Project Site

Photograph 1: View of project site from the southern boundary of the site facing north towards Manon Avenue.

Photograph 2: View of the project site looking west from Manon Avenue.

Of the proposed four buildings, two would contain seven units, and two would contain four units. The units would range in size from 1,671 square feet to 2,307 square feet. Total building square footage on the site for the four proposed buildings would be 48,492 square feet. All units would be three stories with a single car garage and private open space in the form of a private patio and deck. The two center buildings (Building B and Building C) would be separated by a 1,952 square foot paseo available to all residents. A 148 square-foot property manager's office would be located in front of Building B, fronting Manon Avenue. This office would be used by one part-time employee that would manage this property and other properties in the project vicinity.

Table 1 summarizes the project characteristics and Figure 4 shows the proposed site plan.

Table 1 Project Summary

Proposed Project Characteristics	**RM Requirements[1]**	**Proposed by Project**
Density	17 units	22 units[2]
Minimum Lot Area per Dwelling Unit	2,500 sf	1,937 sf[2]
Open Space	350 sf/unit (minimum) (350 sf * 22 units = 7,700 sf)	8,662 sf
Building Height	40 ft (maximum)	39 ft and 3 in
Lot Dimensions	**RM Requirements**	**Proposed by Project**
Average Lot Width	60 ft (minimum)	319 ft 10.5 in
Average Lot Depth	80 ft (minimum)	142 ft 6.5 in
Lot Coverage (percent)	40 percent (maximum)	40 percent
Yard Dimensions	**RM Requirements**	**Proposed by Project**
Front Setback	20 ft (minimum)	11 ft and 4 in to buildings[3]
Side Setback	10 ft (minimum)	12 ft and 9 in to deck at second level
Rear Setback	20 ft (minimum)	15 ft and 10 in[3]
Parking	**RM Requirements**	**Proposed by Project**
Covered	22	22
Uncovered	25	19[3]
Dimensions	11 ft	11 ft

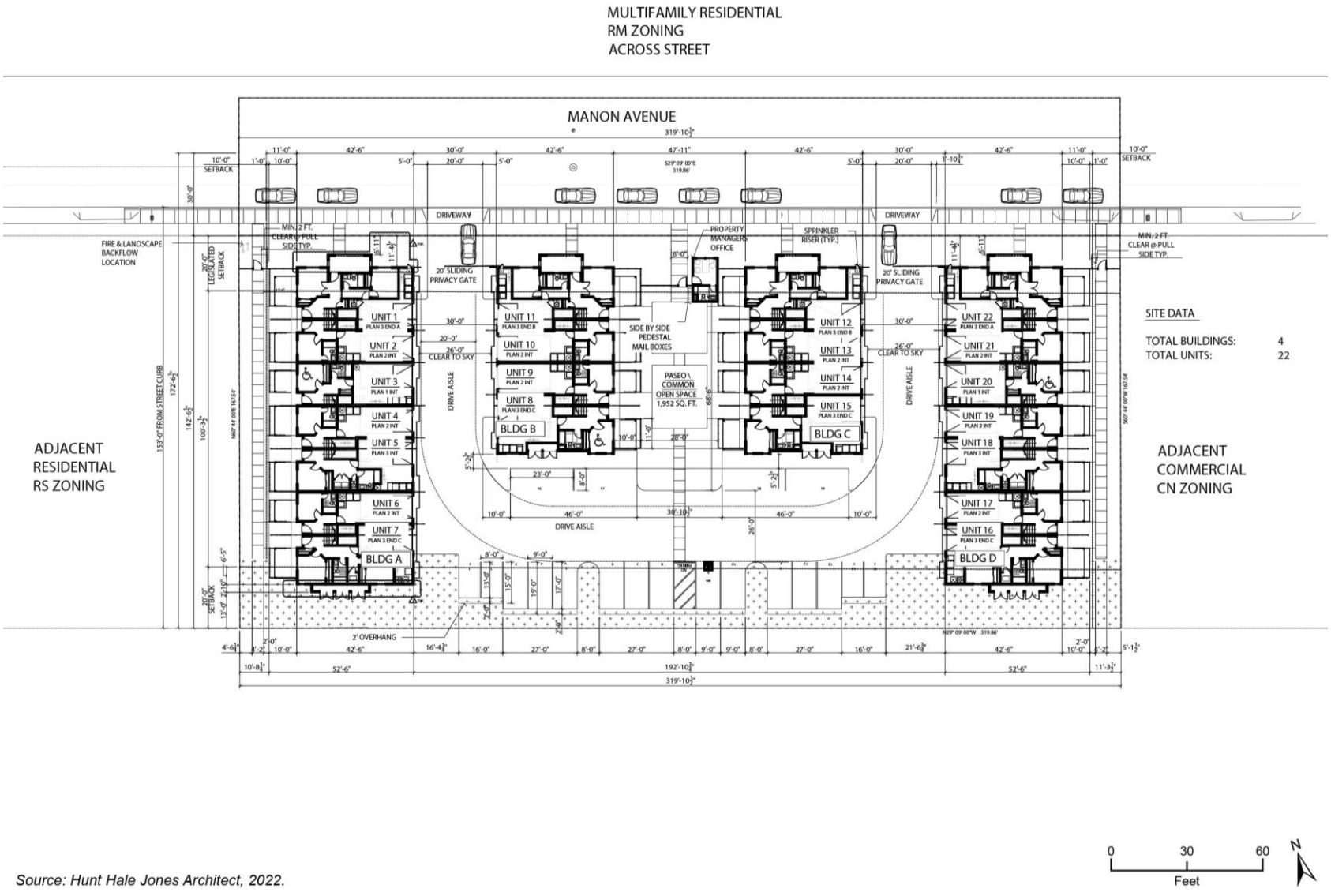
[1] Per HMC Section 10-1.400, development standards for the RM district.

[2] 30% State Density Bonus required

[3] Density bonus waiver requested, as permitted per State law

Notes: sf = square feet; ft = feet; in = inches

Figure 4 Proposed Site Plan



Source: Hunt Hale Jones Architect, 2022.

Site Access, Circulation, and Parking

The project site would be accessed by pedestrians, vehicles, and bicycles from two driveways fronting Manon Avenue, one in between proposed buildings A and B, and one in between proposed buildings C and D. Both driveway entries would be gated and would lead to a two-way private driveway that loops around the site. Residents would also be able to access the units via walkways that run vertically down the site in front of their yards.

As shown in Table 1, the project would provide a total of 22 spaces in enclosed garages (one space per unit) as well as 19 uncovered parking spaces for residents and visitors.

Construction

Project construction would occur over approximately 13 months from 2022 to 2023 and would involve approximately 20 days of site preparation, 40 days of grading, 200 days of building construction, 100 days of architectural coating, and 20 days of paving. Construction would be based on a five-day work schedule. Approximately 1,250 cubic yards of material would be imported, with 250 cubic yards of cut and 1,500 cubic yards of fill. Excavation would involve a maximum depth of up to approximately 7 feet.

Stormwater Management

The project would include 1,118 square feet of bio-retention areas along the northeastern, southeastern, and northwestern boundaries of the site as well as 4,700 square feet of permeable pavers to meet stormwater requirements to reduce pollutants and surface runoff.

Landscaping and Trees

The site is currently undeveloped and does not contain trees, therefore, no Tree Removal Permit is required. The project would include the planting of approximately 11 trees outlining the project site, as well as approximately seven trees within or near the common paseo area in between proposed buildings B and C. Trees would include Trident maple, Japanese Maple, Strawberry Tree, Crape Myrtle, and Chinese Pistache. The trees were selected to have non-invasive root systems and would be placed with adequate setbacks to ensure no conflict with utilities, hardscape, or site line distances. The project would also include plants to enhance the architecture of the proposed buildings and would utilize drip irrigation, low-flow spray, and bubblers to conserve water. All landscaping and irrigation would comply with the City's Bay-Friendly Water Efficient Landscape Ordinance pursuant to HMC Article 12.

Open Space and Amenities

The proposed project would provide private open space areas in the form of a private patio and deck in each unit. Common open space would include the 1,952 square foot paseo located in between proposed buildings B and C which would contain grasses and perennials.

10. Other Public Agencies Whose Approval is Required (e.g., Permits, Financing Approval, or Participation Agreement)

The City of Hayward is the lead agency with responsibility for approving the project. Discretionary approval from other public agencies is not necessary. The project would require the following discretionary approvals from the City of Hayward:

- Site Plan Review
- Density Bonus Application
- Medium Density Residential rezoning

In addition to the discretionary approvals and permits listed above, the project would require several ministerial permits from the City of Hayward. For example, a ministerial building permit would be needed from the City's Building Division, following review and approval of detailed building construction plans. A ministerial sewer connection permit would be required for the project to connect with the City's existing sanitary sewer system. Ministerial encroachment permits for work in the City's right-of-way would be needed from the City. Examples of project-related work proposed in the City's right-of-way include sidewalk and curb improvements along the proposed project frontage.

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11. Environmental Factors Potentially Affected

This project would potentially affect the environmental factors checked below as indicated by the checklist on the following pages.

☐	Aesthetics	☐	Agriculture and Forestry Resources	☐	Air Quality
■	Biological Resources	■	Cultural Resources	☐	Energy
■	Geology and Soils	☐	Greenhouse Gas Emissions	☐	Hazards and Hazardous Materials
☐	Hydrology and Water Quality	☐	Land Use and Planning	☐	Mineral Resources
■	Noise	☐	Population and Housing	☐	Public Services
☐	Recreation	☐	Transportation and Traffic	■	Tribal Cultural Resources
☐	Utilities and Service Systems	☐	Wildfire	■	Mandatory Findings of Significance

12. Determination

On the basis of this initial evaluation:

☐ I find that the Proposed Project qualifies as a Residential Project pursuant to a Specific Plan I find that the Proposed Project qualifies as a Residential Project pursuant to a Specific Plan and is EXEMPT from CEQA in accordance with CEQA Guidelines Section 15182.

■ I find that pursuant with CEQA Guidelines Section 15183, the Proposed Project is a Project consistent with a Community Plan or Zoning, that there are no project-specific significant effects which are peculiar to the project or its site, and NO ADDITIONAL ENVIRONMENTAL REVIEW IS REQUIRED.

☐ I find that the Proposed Project qualifies as an Infill Project that would result in new specific effects. However, these effects would be substantially mitigated under uniformly applicable development policies. NO FURTHER REVIEW required.

☐ I find that the Proposed Project qualifies as an Infill Project but would result in new specific effects that would not be substantially mitigated under uniformly applicable development policies. A STREAMLINED MITIGATED NEGATIVE DECLARATION is recommended.

☐ I find that the Proposed Project qualifies as an Infill Project but would result in new specific effects that would not be substantially mitigated under uniformly applicable development policies, and an ENVIRONMENTAL IMPACT REPORT is required.

Signature	Date
Elizabeth Blanton	**Senior Planner**
Printed Name	Title

This report follows a checklist format that outlines eligibility criteria for streamlined review under the California Environmental Quality Act (CEQA) Section 15183. A consistency checklist may be prepared by a lead agency to streamline the environmental review process for eligible projects by limiting the topics subject to review at the project level where the effects of development have been addressed in a previous Environmental Impact Report (EIR). In accordance with CEQA Guidelines Section 15183, if the project would result in new specific effects or more significant effects, and uniformly applicable development policies or standards would not substantially mitigate such effects, those effects are subject to CEQA. With respect to the effects that are subject to CEQA, the lead agency is to prepare a Mitigated Negative Declaration or EIR if the written checklist shows the effects of the infill project would be potentially significant.

The checklist concludes that the project would not have significant effects on the environment that either have not been analyzed in a prior EIR or are more significant than previously analyzed, or that uniformly applicable development policies would not substantially mitigate. Pursuant to Public Resources Code (PRC) Section 21094.5, such effects are exempt from further CEQA review.

California PRC Section 21083.3 also limits the application of CEQA to effects on the environment peculiar to the parcel or to the project and that were not addressed as significant effects in the prior environmental impact report, or about which substantial new information shows will be more significant than described in the prior EIR, when projects are consistent with the development density established by existing zoning, community plan, or general plan policies for which an EIR was certified (CEQA Guidelines Section 15183[a], also PRC Section 21083.3[b]).

This CEQA Guidelines Section 15183 Consistency Checklist has been prepared in accordance with PRC Section 21000 et seq. and the CEQA Guidelines, California Code of Regulations Section 15000 et seq.

Environmental Checklist

Pursuant to CEQA Guidelines Section 15183, projects consistent with the development density established by existing zoning, community plan, or general plan policies for which an EIR was certified may not require additional review unless there may be project-specific effects that are peculiar to the project or site that were not adequately addressed in the EIR for the general plan. In approving a project meeting the requirements of Section 15183 of the CEQA Guidelines, a public agency must limit its examination of environmental effects to those the agency determines in an Initial Study or other analysis:

1. Are peculiar to the project or the parcel on which the project would be located
2. Were not analyzed as significant effects in a prior EIR on the zoning action, general plan, or community plan, with which the project is consistent
3. Are potentially significant off-site impacts and cumulative impacts which were not discussed in the prior EIR prepared for the general plan, community plan or zoning action
4. Are previously identified significant effects which, as a result of substantial new information which was not known at the time the EIR was certified, are determined to have a more severe adverse impact than discussed in the prior EIR

The purpose of this checklist is to assess consistency between the proposed project and the City of Hayward General Plan, and to compare the environmental effects of the proposed project with the those identified in the City's General Plan EIR to determine if additional environmental review is required under CEQA, in accordance with CEQA Guidelines Section 15183.

Relationship of the Proposed Project to Previous EIR Analysis

The City of Hayward adopted the 2040 General Plan on July 1, 2014. It includes goals and polices that convey the City's long-term vision and guide local decision making to reach that vision. The General Plan EIR assessed impacts from the implementation of the General Plan and was certified in 2014 when then City Council approved the General Plan.

Consistency of the Project with Adopted City Plans and Ordinances

City of Hayward 2040 General Plan

The project would be located entirely in the City of Hayward. The General Plan is the fundamental document that governs land use development. It includes goals and policies relating to economic vitality, land use, growth management, transportation, parks, open space, conservation, safety, noise, public facilities, and utilities. The project would be required to abide by all applicable goals and policies in the adopted General Plan. The General Plan land use designation for the project site is MDR, which allows detached single-family residences, attached single-family residences, and multi-family buildings with residential densities of between 8.7 to 17.4 dwelling units per acre. Although the density of the proposed project (20.4 dwelling units per acre) would exceed 17.4 dwelling units per acre, it would be allowed with the request of a 30 percent State Density Bonus since the project would include two affordable housing units. The MDR designation is intended for

suburban and urban areas that contain a mix of housing types including single-family residences, second units, duplexes, triplexes, fourplexes, townhomes, multi-story apartments and condominium buildings, and ancillary structures. Consistent with General Plan Policies LU-1.3 and LU-1.4, the project would add residential density at a vacant site.

City of Hayward Development Code

The project includes requests for the approval of permits, described under *Project Approvals*.

The project site is zoned RS (Single-Family Residential with a 5,000 square foot minimum lot size) pursuant to the Hayward Zoning Map. The RS District is intended to accommodate single-family residences and the community services appurtenant thereto (HMC Section 10-1.205). The proposed project would involve a zone change for the project site from RS to RM. The purpose of the RM District is to "promote and encourage a suitable environment for family life in areas where a compatible mingling of single-family and multiple-family dwellings is possible" (HMC Section 10-1.405).

As shown in Table 1, the project would generally be consistent with the development standards in the RM zone, with the exception of the number of units allowed, the minimum lot area per dwelling unit, and yard dimensions for front and rear setbacks. However, assuming approval of the request of zoning and Density Bonus concessions, the proposed project and use would be consistent with the zoning provisions of the HMC and density bonus regulations.

Pending approval of the requested zone change, the project would not conflict with the City's General Plan or Zoning Ordinance.

CEQA Guidelines Updates

Since the time the City of Hayward 2040 General Plan EIR was certified, the *CEQA Guidelines* have been updated by the State of California; the revised *Guidelines* are in effect as of December 2018. Therefore, this report is based on the current 2022 Appendix G checklist questions in the updated *CEQA Guidelines.* The current Appendix G checklist questions form the basis for this analysis.

1 Aesthetics

	Significant Impact	Less than Significant	No Impact	Analyzed in the Prior EIR	Substantially Mitigated by Uniformly Applicable Development Policies
Except as provided in Public Resources Code Section 21099, would the project:					
a. Have a substantial adverse effect on a scenic vista?	☐	■	☐	☐	☐
b. Substantially damage scenic resources, including but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	☐	■	☐	☐	☐
c. In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from a publicly accessible vantage point). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?	☐	■	☐	☐	☐
d. Create a new source of substantial light or glare that would adversely affect daytime or nighttime views in the area?	☐	■	☐	☐	☐

Analysis in Previous Environmental Documents

Impacts related to aesthetics were analyzed on pages 5-1 through 5-34 of the General Plan EIR. Impacts to aesthetics from implementation of the General Plan were determined to be less than significant.

The following summarizes the applicable analysis from the General Plan EIR and provides a review to determine if project-specific impacts would occur that 1) are peculiar to the project or the parcel on which the project is located; 2) were not previously analyzed in previous environmental documents as significant effects; 3) are potentially significant off-site impacts and cumulative

impacts that were not previously discussed in the previous environmental documents; and 4) are now determined to have a more severe impact than discussed in the previous environmental documents due to substantial new information.

Project-Specific Impacts

a. Would the project have a substantial adverse effect on a scenic vista?

☑ **LESS THAN SIGNIFICANT**

The aesthetic quality in the City of Hayward is characterized by a relatively urban, dense development pattern that can restrict scenic views. However, locations in the hills and some points on the shoreline provide scenic vistas of San Francisco Bay and the East Bay Hills. The General Plan EIR finds that impacts to these scenic vistas from expected future development would be minimal with the implementation of General Plan policies that include preserving open space at or near the vistas and design guidelines that call for the protection of views.

The project site is located in a relatively flat area and is not immediately adjacent to the shoreline or the hills. The site is bordered by single-family residences to the north and west, Manon Avenue to the east, and a small retail commercial center to the south. Views of the shoreline or hills are currently not available through the site. Accordingly, existing lines of site from or to the shoreline and hills would not be affected adversely. Thus, the project would comply with General Plan policies that protect scenic vistas, and impacts of the project to scenic vistas would be less than significant and consistent with the findings of the General Plan EIR.

b. Would the project substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?

☑ **LESS THAN SIGNIFICANT**

Interstate (I-) 580 (north of Hayward), I-880 (Nimitz Freeway), and State Route (SR) 92 (Jackson Freeway) are designated by Alameda County as scenic routes. I-580 is an eligible but not officially designated State Scenic Highway. The General Plan EIR finds the impacts to these scenic highways from development would be less than significant with the implementation of General Plan policies that call for consistency with city design guidelines, clustering of residential units to ensure the protection of visual resources, and protection of the visual characteristics of transportation corridors officially designated as having outstanding scenic qualities.

The project site is located approximately 1 mile east of I-880 and approximately 1.6 miles southeast of SR-92. Due to distance and the presence of intervening structures, the project site is not visible from I-880 or SR-92. Moreover, the project would not affect trees, rock outcroppings or historic buildings, as none of these features are present on the site. Therefore, as analyzed in the General Plan EIR there would be no damage to scenic resources in a State Scenic Highway. This impact would be less than significant.

c. Would the project, in non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from a publicly accessible vantage point.) If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?

☑ **LESS THAN SIGNIFICANT**

The project site is in an urbanized area. The project would alter the existing visual character and quality of the currently vacant site by introducing 22 new residential units in four buildings. The General Plan EIR analyzed construction of infill developments such as the proposed project and found no significant impacts to the existing visual character would occur. The existing visual quality at the project site is low to moderate as the site is vacant and provides visual relief in its urban context but does not support trees or other significant vegetation or topographic features of visual interest. Since the project would be required to comply with applicable development standards and includes new landscaping, it would not substantially degrade the existing visual character at the site.

As noted under *Consistency of the Project with Adopted City Plans and Ordinances*, although the project would conflict with applicable standards for the number of units allowed, the minimum lot area per dwelling unit, and yard dimensions for front and rear setbacks, , it would be consistent with all other RM District requirements and would implement General Plan Policies LU-1.3, and LU-1.4 which call for additional residential density on underutilized sites. Additionally, at three stories, the scale of the project would be generally consistent with that of surrounding development, which ranges from one to three stories in height. The proposed project would feature contemporary design with rectangular windows, wood paneling, and painted stucco, similar to surrounding buildings in the project vicinity. Therefore, the proposed project would be architecturally compatible with existing surrounding residential uses, and would be compatible with neighboring building forms. The project would also be subject to Site Plan Review by the City via the RM rezoning to ensure its compliance with applicable development standards. Overall, the proposed project would not conflict with applicable zoning and other regulations governing scenic quality. This impact would be less than significant.

d. Would the project create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?

☑ **LESS THAN SIGNIFICANT**

The project site is located in an urbanized area with existing lighting. Lighting sources around the project site include streetlights, lights from residential and commercial uses, and lights from vehicles on Manon Avenue. The primary source of glare in the vicinity is sunlight reflected off light-colored and reflective building materials and finishes, and metallic and glass surfaces of vehicles parked in parking lots or along Manon Avenue.

The project would be required to comply with light and glare standards outlined in HMC Section 10-1.445(j) related to building exteriors and parking lots, as well as General Plan Policy LU-3.6 which would require new development to include pedestrian-scaled lighting on new streets. Project landscaping and trees on site would minimize glare that could adversely affect daytime views in the area. Since the project site would not be located near light-sensitive receptors and would be consistent with surrounding land uses, impacts would be less than significant, and implementation of the project would result in no new or more severe impacts concerning lighting beyond those identified in the General Plan EIR.

Conclusion

The project would have no new significant or substantially more severe or peculiar impacts to aesthetics and visual resources, nor would there be potentially significant off-site impacts, cumulative impacts, or previously identified significant effects that were not discussed in the prior environmental documents. Further, there are no previously identified significant effects which, as a result of substantial new information not known at the time of the previous environmental review,

have been determined to have a more severe adverse impact than those discussed in the previous environmental documents. Accordingly, no additional review is required.

2 Agriculture and Forestry Resources

	Significant Impact	Less than Significant	No Impact	Analyzed in the Prior EIR	Substantially Mitigated by Uniformly Applicable Development Policies
Would the project:					
a. Convert Prime Farmland, Unique Farmland, Farmland of Statewide Importance (Farmland), as shown on maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	☐	☐	☐	■	☐
b. Conflict with existing zoning for agricultural use or a Williamson Act contract?	☐	☐	☐	■	☐
c. Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code Section 12220(g)); timberland (as defined by Public Resources Code Section 4526); or timberland zoned Timberland Production (as defined by Government Code Section 51104(g))?	☐	☐	☐	■	☐
d. Result in the loss of forest land or conversion of forest land to non-forest use?	☐	☐	☐	■	☐
e. Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland to non-agricultural use or conversion of forest land to non-forest use?	☐	☐	☐	■	☐

Analysis in Previous Environmental Documents

The General Plan EIR discusses agricultural impacts in the agricultural and forestry resources section, on pages 6-1 through 6-6, and identifies a less than significant impact to agricultural resources.

The following describes applicable analysis in the General Plan EIR and provides a review to determine if project-specific impacts would occur that 1) are peculiar to the project or the parcel on which the project is located; 2) were not previously analyzed in previous environmental documents as significant effects; 3) are potentially significant off-site impacts and cumulative impacts that were not previously discussed in the previous environmental documents; and 4) are now determined to have a more severe impact than discussed in the previous environmental documents due to substantial new information.

Project-Specific Impacts

a. Convert Prime Farmland, Unique Farmland, Farmland of Statewide Importance (Farmland), as shown on maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?

b. Conflict with existing zoning for agricultural use or a Williamson Act contract?

c. Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code Section 12220(g)); timberland (as defined by Public Resources Code Section 4526); or timberland zoned Timberland Production (as defined by Government Code Section 51104(g))?

d. Result in the loss of forest land or conversion of forest land to non-forest use?

e. Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland to non-agricultural use or conversion of forest land to non-forest use?

☑ **ANALYZED IN THE PRIOR EIR**

The project site is in the urbanized, relatively densely developed City of Hayward. The project site is currently zoned Single Family Residential (RS). According to the California Department of Conservation (DOC), the project site is categorized as urban and built up land and is not zoned or used for agricultural or forest uses. Furthermore, there are no active Williamson Act contracts for the project site or adjacent properties (DOC 2017). According to the General Plan EIR, no lands in the Hayward Planning Area are designated as Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (City of Hayward 2014a). The project consists of infill development in an urban area and would not convert existing farmland or change agriculture resources to a non-agricultural use. As the proposed project is an infill development, it would not encroach on existing or potential grazing land or forest land. There would be no impact to agricultural or forest resources beyond those identified in the previous environmental documents.

Conclusion

The project would have no new significant or substantially more severe or peculiar impacts to agricultural and forestry resources, nor would there be potentially significant off-site impacts, cumulative impacts, or previously identified significant effects that were not discussed in the prior environmental documents. Further, there are no previously identified significant effects which, as a

result of substantial new information not known at the time of the previous environmental review, have been determined to have a more severe adverse impact than those discussed in the previous environmental documents. Accordingly, no additional review is required.

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3 Air Quality

	Significant Impact	Less than Significant	No Impact	Analyzed in the Prior EIR	Substantially Mitigated by Uniformly Applicable Development Policies
Would the project:					
a. Conflict with or obstruct implementation of the applicable air quality plan?	☐	■	☐	☐	☐
b. Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard?	☐	■	☐	☐	☐
c. Expose sensitive receptors to substantial pollutant concentrations?	☐	■	☐	☐	☐
d. Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?	☐	■	☐	☐	☐

Analysis in Previous Environmental Documents

The General Plan EIR discusses air quality impacts on pages 7-1 through 7-40 and finds that odor-related impacts would be less than significant. Impacts associated with short-term construction, long-term operational emissions, and health risk exposure to toxic air contaminants (TAC) and particulate matter 2.5 ($PM_{2.5}$) would be significant and unavoidable, even after application of all feasible mitigation. The General Plan EIR includes the incorporation of specific source-reduction and receptor-oriented risk reduction measures and best management practices (BMP) in the General Plan, although the overall effectiveness of these measures in reducing communitywide health risk could not be quantified. These impacts would, therefore, remain significant and unavoidable. Because the General Plan would not be fully consistent with the primary goals of the Bay Area 2010 Clean Air Plan with the elevated emissions projected, the General Plan EIR found that this impact would be significant and unavoidable.

The following describes the applicable analysis in the General Plan EIR and provides a review to determine if project-specific impacts would occur that 1) are peculiar to the project or the parcel on which the project is located; 2) were not previously analyzed in previous environmental documents as significant effects; 3) are potentially significant off-site impacts and cumulative impacts that were not previously discussed in the previous environmental documents; and 4) are now determined to

have a more severe impact than discussed in the previous environmental documents due to substantial new information.

Project-Specific Impacts

a. Would the project conflict with or obstruct implementation of the applicable air quality plan?

☑ **LESS THAN SIGNIFICANT**

The primary goals of the Bay Area Air Quality Management District's (BAAQMD) 2010 Clean Air Plan are as follows:

- Attain air quality standards
- Reduce population exposure and protect health in the Bay Area
- Reduce greenhouse gas (GHG) emissions and protect the climate

As addressed in the General Plan EIR, buildout of the General Plan would be substantially consistent with the 2010 Clean Air Plan, but the General Plan would still have significant and unavoidable impacts associated with short-term construction and long-term operational emissions, as well as health risk exposure associated with TACs and $PM_{2.5}$. Because the General Plan exceeds BAAQMD thresholds of significance even after implementation of all feasible mitigation, it would not be fully consistent with the Bay Area Clean Air Plan goals.

The General Plan does not include control measures that apply directly to individual development projects. Instead, the control strategy includes compliance with the 2010 Clean Air Plan's air quality control measures. These measures fall into five categories: stationary source measures, transportation control measures, mobile-source measures, land use and local impact measures, and energy and climate measures. The General Plan policies and implementation programs are consistent with these control measures. A project that would not support these measures would not be considered consistent with the Clean Air Plan. On an individual project basis, consistency with BAAQMD quantitative thresholds is interpreted as demonstrating support for the 2010 Clean Air Plan goals. The project would not generate emissions exceeding those anticipated by the General Plan EIR, as discussed in items b and c, and therefore, the project would not conflict with the 2010 Clean Air Plan's goals. For this reason, this impact would be less than significant.

The most current clean air plan, *Spare the Air Cool the Climate: A Blueprint for Clean Air and Climate Protection in the Bay Area* (2017 Clean Air Plan) was adopted by BAAQMD in April 2017 (BAAQMD 2017b). The legal impetus for the 2017 Clean Air Plan was to update the 2010 Clean Air Plan to comply with state air quality planning requirements codified in the California Health and Safety Code. Although the General Plan EIR was prepared before BAAQMD adopted the 2017 Clean Air Plan and does not evaluate potential conflicts with the 2017 Clean Air Plan, the 2017 Clean Air Plan utilizes the growth and population forecasts that were part of the City's General Plan. The proposed project would involve population growth within what was anticipated under the City's General Plan. Therefore, the project would be consistent with growth and population forecasts used in the 2017 Clean Air Plan and would not conflict with or obstruct the implementation of an applicable air quality plan. This impact would be less than significant.

b. Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard?

☑ **LESS THAN SIGNIFICANT**

The General Plan EIR assesses air quality impacts on a programmatic level and recognizes that site-specific impacts are assessed during project review.

The proposed project would result in temporary construction emissions and long-term operational emissions. Construction activities such as the operation of construction vehicles and equipment over unpaved areas, grading, trenching, and disturbance of stockpiled soils have the potential to generate fugitive dust (PM_{10}) through the exposure of soil to wind erosion and dust entrainment. In addition, exhaust emissions associated with heavy construction equipment would potentially degrade regional air quality. Long-term emissions associated with operational impacts would include emissions from vehicle trips (mobile sources), electricity use (energy sources), and landscape maintenance equipment, consumer products, and architectural coating associated with on-site development (area sources).

Construction Emissions

Project construction for the proposed project would occur over approximately 13 months. Table 2 summarizes the estimated maximum daily emissions of pollutants during construction on the project site. As shown in the table, the BAAQMD thresholds would not be exceeded. Therefore, impacts would be less than significant.

Table 2 Estimated Construction Air Pollution Emissions

	Emissions (lbs/day)					
Year	ROG	NO_X	CO	PM_{10} (exhaust)	$PM_{2.5}$ (exhaust)	SO_X
Maximum Daily Emissions	6	12	10	1	<1	<1
BAAQMD Thresholds (average daily emissions)	54	54	N/A	82	54	N/A
Threshold Exceeded?	No	No	N/A	No	No	N/A

See Appendix A for CalEEMod worksheets; emission data presented is the highest of winter or summer outputs.

N/A = not applicable; lbs/day = pounds per day; ROG = reactive organic gases; NO_X = oxides of nitrogen; CO = Carbon Monoxide; $PM_{2.5}$ = fine particulate matter with an aerodynamic resistance diameter of 2.5 micrometers or less; PM_{10} = respirable particulate matter with an aerodynamic resistance diameter of 10 micrometers or less; SO_x = oxides of sulfur.

No BAAQMD threshold for CO or SO_X

Operational Emissions

As shown in Table 3, operational emissions would not exceed BAAQMD thresholds for any criteria pollutant.[1] Operational impacts would be less than significant.

[1] The proposed solar panels on building roofs were not included in the air quality modelling. Therefore, this analysis presents a conservative estimate of daily emissions due to energy use.

Table 3 Estimated Operational Air Pollution Emissions

Sources	Emissions (lbs/day)					
	ROG	NO_X	CO	PM_{10}	$PM_{2.5}$	SO_X
Average Daily Emissions						
Area	1	<1	2	<1	<1	<1
Energy	<1	<1	<1	<1	<1	<1
Mobile	<1	<1	3	1	<1	<1
Total Emissions	**1**	**<1**	**5**	**1**	**<1**	**<1**
BAAQMD Thresholds	54	54	N/A	82	54	N/A
Threshold Exceeded?	No	No	N/A	No	No	N/A

See Appendix A for CalEEMod worksheets; emission data presented is the highest of winter or summer outputs.

N/A = not applicable; lbs/day = pounds per day; ROG = reactive organic gases; NO_X = oxides of nitrogen; CO = Carbon Monoxide; $PM_{2.5}$ = fine particulate matter with an aerodynamic resistance diameter of 2.5 micrometers or less; PM_{10} = respirable particulate matter with an aerodynamic resistance diameter of 10 micrometers or less; SO_x = oxides of sulfur.

No BAAQMD threshold for CO or SO_X,

Note: numbers may not add up due to rounding

Construction and operational emissions would not exceed BAAQMD thresholds for any criteria pollutant and would comply with BAAQMD criteria pollutant thresholds. The proposed project would not result in individually or cumulatively significant impacts to air quality. This impact would be less than significant.

c. Would the project expose sensitive receptors to substantial pollutant concentrations?

LESS THAN SIGNIFICANT

The General Plan EIR indicates that implementation of development projects consistent with the General Plan could involve placing sensitive receptors near major roadways, railroads, or other sources of TAC and $PM_{2.5}$ emissions (City of Hayward 2014b). The General Plan contains a Community Risk Reduction Strategy (CRRS) that includes specific policies, as well as more detailed emission source reduction and receptor-oriented risk reduction measures and best management practices (BMPs). However, the General Plan EIR found that this impact would be significant and unavoidable.

Certain population groups such as children, the elderly, and people with health issues are particularly sensitive to air pollution. The majority of sensitive receptor locations are schools, residences and hospitals. The closest sensitive receptors to the project site are multi-family residences located adjacent to the west. The project also includes the siting of new sensitive receptors in the form of 22 new units. Localized air quality impacts to sensitive receptors typically result from CO hotspots and TACs, which are discussed in the following subsections.

Carbon Monoxide Hotspots

A CO hotspot is a localized concentration of CO that is above a CO ambient air quality standard. Localized CO hotspots can occur at areas with high vehicle density, such as intersections with heavy

peak hour traffic. A project's localized air quality impact is considered significant if CO concentrations exceed the federal one-hour standard of 35.0 ppm and state one-hour standard of 20 ppm, or the federal and state eight-hour standard of 9.0 ppm (California Air Resources Board [CARB] 2021).

BAAQMD recommends comparing a project's attributes with the following screening criteria as a first step to evaluating whether the project would result in the generation of CO concentrations that would substantially contribute to an exceedance of the *Thresholds of Significance* (BAAQMD 2017a). The project would result in a less than significant impact to localized CO concentrations if:

1. The project is consistent with an applicable congestion management program for designated roads or highways, regional transportation plan, and local congestion management agency plans.
2. The project would not increase traffic volumes at affected intersections to more than 44, 000 vehicles per hour.
3. The project traffic would not increase traffic volumes at the affected intersections to more than 24,000 vehicles per hour where vertical and/or horizontal mixing is substantially limited (e.g., tunnel, parking garage).

The project would include 22 residential units. Due to the project's size, it would not generate a substantial number of trips such that it would affect localized CO concentrations. As discussed in Section 17, *Transportation*, the project is presumed to have no VMT or congestion impacts because it is under 25 units. The project would not conflict with the Alameda County Transportation Commission Congestion Management Program. Therefore, the project would result in less than significant impacts to localized CO emissions.

Toxic Air Contaminants

TACs are defined by California law as air pollutants that may cause or contribute to an increase in mortality or an increase in serious illness, or which may pose a present or potential hazard to human health. The following subsections discuss the project's potential to result in impacts related to TAC emissions during construction and operation.

Construction

Construction-related activities would result in temporary project-generated emissions of diesel particulate matter (DPM) exhaust emissions from off-road, heavy-duty diesel equipment for site preparation, grading, building construction, and other construction activities. DPM was identified as a TAC by CARB in 1998 (CARB 2021).

Generation of DPM from construction projects typically occurs in a single area for a short period. Construction of the proposed project would occur over approximately 13 months. The dose to which the receptors are exposed is the primary factor used to determine health risk. Dose is a function of the concentration of a substance or substances in the environment and the extent of exposure that person has with the substance. Dose is positively correlated with time, meaning that a longer exposure period would result in a higher exposure level for the Maximally Exposed Individual. The risks estimated for a Maximally Exposed Individual are higher if a fixed exposure occurs over a longer period of time. According to the California Office of Environmental Health Hazard Assessment, health risk assessments, which determine the exposure of sensitive receptors to toxic emissions, should be based on a 70-year exposure period; however, such assessments

should be limited to the period/duration of activities associated with the project. Thus, the duration of proposed construction activities (i.e., 13 months) is approximately four percent of the total exposure period used for 30-year health risk calculations. Current models and methodologies for conducting health-risk assessments are associated with longer-term exposure periods of 9, 30, and 70 years, which do not correlate well with the temporary and highly variable nature of construction activities, resulting in difficulties in producing accurate estimates of health risk (BAAQMD 2017a).

The maximum PM_{10} and $PM_{2.5}$ emissions would occur during site preparation and grading activities. These activities would last for approximately 60 days. PM emissions would decrease for the remaining construction period because construction activities such as building construction and architectural coating would require less intensive construction equipment. While the maximum DPM emissions associated with site preparation and grading activities would only occur for a portion of the overall construction period, these activities represent the worst-case condition for the total construction period. This would represent less than one percent of the total 30-year exposure period for health risk calculation. Given the aforementioned discussion, DPM generated by project construction would not create conditions where the probability is greater than one in one million of contracting cancer for the Maximally Exposed Individual or to generate ground-level concentrations of non-carcinogenic TACs that exceed a Hazard Index greater than one for the Maximally Exposed Individual. Therefore, project construction would not expose sensitive receptors to substantial TAC concentrations, and this impact would be less than significant.

Operation

Sources of operational TACs include, but are not limited to, land uses such as freeways and high-volume roadways, truck distribution centers, ports, rail yards, refineries, chrome plating facilities, dry cleaners using perchloroethylene, and gasoline dispensing facilities. The project does not include construction of new gas stations, dry cleaners, highways, roadways, or other sources that could be considered new permitted or non-permitted source of TAC or $PM_{2.5}$ in proximity to receivers. In addition, the project would not introduce a new stationary source of emissions and the mobile emissions generated from the project would be minimal and spread over a broad geographical area. Therefore, project operation would not expose sensitive receptors to substantial TAC concentrations. This impact would be less than significant.

d. *Would the project result* in other emissions (such as those leading to odors) adversely affecting a substantial number of people?

☑ **LESS THAN SIGNIFICANT**

As addressed in the General Plan EIR, implementation of residential development projects, such as the proposed project, would not create objectionable odors affecting a significant number of people (City of Hayward 2014b). According to the BAAQMD, odor-generating projects include wastewater treatment plants, landfills, confined animal facilities, composting stations, food manufacturing plants, refineries, and chemical plants, none of which are proposed (BAAQMD 2017a). The project involves residential uses which would not create objectionable odors. Therefore, the project would not emit odors beyond those previously assessed; no impacts beyond those previously analyzed would occur.

Conclusion

Based on the air quality policies in the General Plan EIR along with the project-specific comparison to BAAQMD emissions thresholds included above, no significant impacts or peculiar circumstances

associated with the proposed project would occur that require additional review. The project would be required to comply with applicable City and BAAQMD regulations, and, thus, would not result in new significant or substantially more severe or peculiar impacts to air quality. In addition, there would not be any potentially significant off-site impacts, cumulative impacts, or previously identified significant effects, which were not discussed in the prior environmental documents. Furthermore, there are no previously identified significant effects which, because of substantial new information that was not known at the time of the previous environmental review, are determined to have a more severe adverse impact that discussed in the previous environmental documents. Accordingly, no additional review is required.

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4 Biological Resources

	Significant Impact	Less than Significant	No Impact	Analyzed in the Prior EIR	Substantially Mitigated by Uniformly Applicable Development Policies
Would the project:					
a. Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?	☐	☐	☐	☐	■
b. Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?	☐	☐	■	☐	☐
c. Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	☐	☐	■	☐	☐
d. Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	☐	☐	■	☐	☐
e. Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	☐	☐	■	☐	☐

	Significant Impact	Less than Significant	No Impact	Analyzed in the Prior EIR	Substantially Mitigated by Uniformly Applicable Development Policies
f. Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	☐	☐	■	☐	☐

Analysis in Previous Environmental Documents

The General Plan EIR discusses biological resources impacts on pages 8-1 through 8-32 and finds impacts to be less than significant.

The following describes applicable analysis in the General Plan EIR and provides a review to determine if project-specific impacts would occur that 1) are peculiar to the project or the parcel on which the project is located; 2) were not previously analyzed in previous environmental documents as significant effects; 3) are potentially significant off-site impacts and cumulative impacts that were not previously discussed in the previous environmental documents; and 4) are now determined to have a more severe impact than discussed in the previous environmental documents due to substantial new information.

Project-Specific Impacts

a. Would the project have a substantial adverse effect, either directly or through habitat modifications, on any species identified as candidate, sensitive, or special-status in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or the U.S. Fish and Wildlife Service?

☑ **SUBSTANTIALLY MITIGATED BY UNIFORMLY APPLICABLE DEVELOPMENT POLICIES**

Rincon Consultants conducted a desktop review of agency databases and relevant literature related to biological resources in February 2022. The literature review included database research on special-status biological resource occurrences within the *Hayward, California* U.S. Geological Survey (USGS) 7.5-minute quadrangle and surrounding eight quadrangles. Sources included the CDFW California Natural Diversity Data Base (CNDDB)(CDFW 2022a), Biogeographic Information and Observation System (BIOS – http://www.bios.dfg.ca.gov) (CDFW 2022b), USFWS Critical Habitat Portal (http://criticalhabitat.fws.gov) (USFWS 2022a), USFWS Information for Planning and Consultation (IPaC) (USWFS 2022b), and USFWS National Wetlands Inventory (NWI) (USFWS 2022c). Other resources included the California Native Plant Society's (CNPS) online Inventory of Rare and Endangered Plants of California (CNPS 2022), CDFW's Special Animals List (February 2022), and CDFW's Special Vascular Plants, Bryophytes, and Lichens List (February 2022). Aerial photographs and topographic maps were also examined. A review of the information contained within these databases supported by the expert opinion of Rincon's biological staff resulted in a list of special-status species and other resources to be evaluated for their presence or potential to occur at the project site.

The project site is currently undeveloped; however, it is surrounded by development. Vegetation on the project site consists of escaped ornamental species, invasive species and ruderal habitat surrounded by development that does not provide potentially suitable habitat for special-status species.

Forty-four special-status plant species and 60 special-status animal species have been documented previously in the regional vicinity of the project site. These species were evaluated for the potential to occur on the project site based on the project site's general condition and location.

Special-status Plants

Forty-four special-status plant species were found to have potential to occur in the region. All 44 were excluded from potentially occurring on the project site based on a lack of suitable habitats such as chaparral, coastal salt marsh, or alkaline meadows on the site, or on the site being outside of the species' known ranges.

Special-status Wildlife

Sixty special-status animal species were identified as potentially occurring in the region. All 60 species were excluded from potentially occurring on the project site based on a lack of suitable habitat conditions and the isolation of the site from natural habitat in the region.

Although vegetation communities on the project site are primarily non-native and/or ruderal, the site could be used by migratory birds that utilize sparse ground cover or ornamental shrubs and landscaping as nesting habitat. CFGC Section 3503 protects native bird nests. Migratory nesting birds that could nest in this type of habitat and that were observed on the site include house finch (*Haemorhous mexicanus*) and western bluebird (*Sialia mexicana*). Other species are expected to occur in the area and may nest in the project site or the immediate vicinity including bush tit (*Psaltriparus minimus*), dark-eyed junco (*Junco hyemalis*), and mourning dove (*Zenaida macroura*). The nesting season generally extends from February through August in California but can vary based upon annual climatic conditions. Thus, construction activities could result in impacts to birds or their nests as the result of vegetation removal or disturbance-related nest abandonment. However, incorporation of the following City of Hayward standard condition of approval would ensure no violations of CFGC occur as a result of project development. With implementation of the standard condition of approval outlined below, impacts to nesting birds would be substantially mitigated by uniformly applicable development policies.

STANDARD CONDITION OF APPROVAL

As applicable, if project construction activities occur between February 15 and August 31, a qualified biologist shall conduct a pre-construction survey for nesting birds no more than 14 days prior to construction. The survey shall include the entire project site and a 300-foot buffer to account for nesting raptors. If nests are found, the qualified biologist shall establish an appropriate species-specific avoidance buffer of sufficient size to prevent disturbance to the nest by project activity (up to 300 feet for raptors, up to 150 feet for all other birds). The qualified biologist shall perform at least two hours of pre-construction monitoring of the nest to characterize "typical" bird behavior. During construction, if active nests are present, the qualified biologist shall monitor the nesting birds to determine if construction activities are causing disturbance to the bird and shall increase the buffer if it is determined the birds are showing signs of unusual or distressed behavior associated with project activities. Atypical nesting behaviors that may cause reproductive harm include, but are not limited to, defensive

flights, vocalizations directed towards project personnel/activities, standing up from a brooding position, and flying away from the nest. The qualified biologist shall have authority, through the resident engineer, to order the cessation of all project activities if the nesting birds exhibit atypical behavior that may cause reproductive failure (nest abandonment and loss of eggs and/or young) until a refined appropriate buffer is established. To prevent encroachment, the established buffer(s) should be marked clearly by high visibility material. The established buffer(s) should remain in effect until the young have fledged or the nest has been abandoned, as confirmed by the qualified biologist. Any sign of nest abandonment should be reported to the City and CDFW within 48 hours. The monitoring biologist, in consultation with the resident engineer and project manager shall determine the appropriate protection for active nests on a case-by-case basis using the criteria described above.

b. Would the project have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?

☑ **NO IMPACT**

Based on a review and analysis of aerial imagery and site photographs conducted by Rincon Consultants, no riparian habitats or sensitive natural communities are present on or adjacent to the project site; therefore, no impacts to sensitive natural communities would occur.

c. Would the project have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?

☑ **NO IMPACT**

No federally protected wetlands as defined by Section 404 of the Clean Water Act occur at or adjacent to the project site; therefore, no impacts to federally protected wetlands would occur.

d. Would the project 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?

☑ **NO IMPACT**

The project site consists of disturbed areas with primarily escaped ornamental and weedy species dispersed throughout. Land uses surrounding the project site include residential, commercial and transportation in an urban setting, with no near-by natural lands or open space, and no known or potential wildlife movement corridors. No impacts to wildlife movement corridors would occur.

e. Would the project conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?

☑ **NO IMPACT**

Hayward Municipal Code Chapter 10, Article 15, Tree Preservation, requires a permit for the removal, destruction, or cutting of branches over one inch in diameter, or disfigurement of protected trees, among other requirements. There are no trees located within the proposed project footprint.

f. Would the project conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?

☑ **NO IMPACT**

No habitat conservation plans, natural community conservation plans, or other similar plans are in place that govern activities on the project site. Therefore, the project would not be in conflict with a habitat conservation plan and no impact would occur.

Conclusion

With incorporation of the standard condition of approval described in this section, the project would have no new significant or substantially more severe or peculiar impacts to biological resources, nor are there any potentially significant off-site impacts, cumulative impacts, or previously identified significant effects, which were not discussed in the prior environmental documents. Also, there are no previously identified significant effects which, because of substantial new information that was not known at the time of the previous environmental review, are determined to have a more severe adverse impact than discussed in the previous environmental documents. Accordingly, no additional review is required.

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5 Cultural Resources

	Significant Impact	Less than Significant	No Impact	Analyzed in the Prior EIR	Substantially Mitigated by Uniformly Applicable Development Policies
Would the project:					
a. Cause a substantial adverse change in the significance of a historical resource as defined in Section 15064.5?	☐	☐	■	☐	☐
b. Cause a substantial adverse change in the significance of an archaeological resource as defined in Section 15064.5?	☐	☐	☐	☐	■
c. Disturb any human remains, including those interred outside of formal cemeteries?	☐	☐	☐	☐	■

Analysis in Previous Environmental Documents

The General Plan EIR analyzes cultural resources on pages 12-1 through 12-13 and finds that impacts to sites of local importance, overall historic setting, and previously undiscovered archaeological resources would be less than significant and impacts to paleontological resources would be less than significant.

The following describes applicable analysis in the General Plan EIR and provides a review to determine if project-specific impacts would occur that 1) are peculiar to the project or the parcel on which the project is located; 2) were not previously analyzed in previous environmental documents as significant effects; 3) are potentially significant off-site impacts and cumulative impacts that were not previously discussed in the previous environmental documents; and 4) are now determined to have a more severe impact than discussed in the previous environmental documents due to substantial new information.

Project-Specific Impacts

a. Would the project cause a substantial adverse change in the significance of a historical resource as defined in Section 15064.5?

☑ **NO IMPACT**

There are no built structures on the project site. Rincon Consultants conducted a cultural resources desktop analysis for the project in March 2022; it is included as Appendix B to this checklist. As part of the report, a records search of the California Historical Resources Information System (CHRIS) at the Northwest Information Center (NWIC) was conducted to identify previous cultural resources studies and previously recorded cultural resources within 0.5 mile of the project site. The NWIC

record included a review of the National Register of Historic Places, the California Register of Historic Resources, the California Points of Historical Interest list, the California Historical Landmarks list, the Archaeological Determinations of Eligibility list, and the California Historical Resources Inventory list. No previously recorded historic structures were identified on the project site. The field survey and background research did not identify any built-environment historical resources in or adjacent to the project site. Therefore, no impact would occur.

b. Would the project cause a substantial adverse change in the significance of an archaeological resource as defined in Section 15064.5?

c. Would the project disturb any human remains, including those interred outside of formal cemeteries?

☑ **SUBSTANTIALLY MITIGATED BY UNIFORMLY APPLICABLE DEVELOPMENT POLICIES**

The cultural resources records search, Sacred Lands File search, field survey, and informal Native American scoping process identified no archaeological resources within the project site. The project site is not known to contain human remains. Nonetheless, the discovery of remains or resources is always a possibility during ground-disturbing activities. With incorporation of the following City of Hayward standard condition of approval to account for unanticipated discovery, impacts would be mitigated substantially by uniformly applicable development policies.

STANDARD CONDITION OF APPROVAL

If human remains, archaeological resources, prehistoric or historic artifacts are discovered during construction or excavation, the following procedures shall be followed: Construction and/or excavation activities shall cease immediately and the Planning Division shall be notified. A qualified archaeologist shall be retained to determine whether any such materials are significant prior to resuming groundbreaking construction activities. Standardized procedure for evaluation accidental finds and discovery of human remains shall be followed as prescribed in Sections 15064.f and 151236.4 of the California Environmental Quality Act.

Conclusion

Cultural resource assessments of the project area were conducted, and their findings incorporated into the analysis above. Adherence to General Plan policies and the standard condition of approval listed above would be implemented to reduce impacts to historical resources, archaeological resources, and human remains to less than significant levels. Accordingly, the project would have no new significant or substantially more severe or peculiar impacts to cultural resources, nor are there any potentially significant off-site impacts, cumulative impacts, or previously identified significant effects, which were not discussed in the prior environmental documents. Also, there are no previously identified significant effects which, because of substantial new information that was not known at the time of the previous environmental review, are determined to have a more severe adverse impact that discussed in the previous environmental documents. Accordingly, no additional review is required.

6 Energy

	Significant Impact	Less than Significant	No Impact	Analyzed in the Prior EIR	Substantially Mitigated by Uniformly Applicable Development Policies
Would the project:					
a. Result in a potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?	☐	■	☐	☐	☐
b. Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?	☐	■	☐	☐	☐

CEQA Guidelines Appendix F (Energy Conservation) and the updated Appendix G guidelines published in December of 2018 require that environmental analysis include a discussion of the potential energy impacts of proposed projects, with particular emphasis on avoiding or reducing inefficient, wasteful, and unnecessary consumption of energy.

Energy consumption accounts for energy consumed during construction and operation of the proposed project, such as fuel consumed by vehicles, natural gas consumed for heating and/or power, and electricity consumed for power.

Analysis in Previous Environmental Documents

The General Plan EIR analyzes impacts on energy on pages 21-9 through 21-24. This discussion addresses the issues of inefficient, wasteful, or unnecessary consumption of energy. The General Plan EIR identifies impacts related to energy consumption as less than significant.

The following describes applicable analysis in the General Plan EIR and provides a review to determine whether there would be project-specific impacts that 1) are peculiar to the project or the parcel on which the project is located; 2) were not previously analyzed in previous environmental documents as significant effects; 3) are potentially significant off-site impacts and cumulative impacts that were not previously discussed in the previous environmental documents; and 4) are now determined to have a more severe impact than discussed in the previous environmental documents due to substantial new information.

a. Would the project result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?

☑ **LESS THAN SIGNIFICANT**

Pacific Gas and Electric (PG&E) is the only purveyor of electricity and natural gas in Hayward and would supply energy to the project site. Construction of the proposed project would result in short-term consumption of energy from the use of construction equipment and processes. The California Green Building Standards Code includes specific requirements related to recycling, construction materials, and energy efficiency standards that would apply to construction of the proposed project to minimize wasteful, inefficient, and unnecessary energy consumption.

The proposed project would involve the use of energy during construction and operation. Energy use during construction would be primarily from fuel consumption to operate heavy equipment, light-duty vehicles, machinery, and generators. Temporary grid power may be provided to construction trailers or electric construction equipment. Energy use during construction would be temporary. Construction equipment used would be typical of construction projects in the region.

Operation of the proposed project would generate energy demand in the form of transportation fuel from vehicle trips with the additional population anticipated at the project site. In addition to this transportation energy use, operation of the project would require permanent grid connections for electricity. Construction of the proposed project would be required to comply with the HMC, which incorporates the latest iterations of the California Green Building Standards Code. This code requires the provision of electric vehicle charging stations, water efficient plumbing fixtures and fittings, recycling services, and other energy-efficient measures. The project would also be required to comply with the City's Reach Code which states that all new low-rise residential buildings (three stories and less) be all electric and requires electric vehicle charging infrastructure beyond that required in the 2019 California Green Building Standards Code (City of Hayward 2021a). Consistent with the City's Reach Code, it is assumed that the project would not use natural gas.

Overall, operation of the proposed project would result in consumption of fuels from vehicle trips and electricity from proposed residential buildings. Project energy consumed would represent an incremental increase in energy usage compared to existing conditions, and the proposed project would implement energy-efficient components to reduce energy demand. The General Plan EIR notes that population growth in the city is a key driver for increasing energy demands. The proposed project would increase population density incrementally in the City of Hayward. However, as discussed in Section 14, *Population and Housing*, population growth facilitated by the proposed residential units would be within with General Plan population growth forecasts. According to the General Plan EIR, the City's energy supply is sufficient to meet the needs of projected growth until 2040 (City of Hayward 2014b). Overall, the project would not result in wasteful, inefficient, or unnecessary energy consumption and this impact would be less than significant.

b. Would the project conflict with or obstruct a state or local plan for renewable energy or energy efficiency?

☑ **LESS THAN SIGNIFICANT**

The City of Hayward adopted a Climate Action Plan (CAP) in 2009 to bring the City into compliance with Senate Bill (SB) 375 and statewide GHG reduction goals. The CAP was adopted in response to State mandates and regional guidance on reducing GHG emissions (City of Hayward 2014b). While

targeted toward reducing citywide GHG emissions, the CAP includes energy efficiency measures to reach emissions reduction targets. Energy-related measures described in the CAP include building energy efficiency strategies, conducting outreach programs to encourage renewable energy installation, and encouraging the use of alternatively fueled construction and landscape equipment. As a part of the General Plan update process for the 2040 General Plan, the City re-evaluated the greenhouse gas reduction estimates assigned to individual actions contained in the 2009 CAP. This analysis resulted in the development of new and modified actions that were incorporated into the 2040 General Plan and its overall policy framework. Therefore, the energy efficiency measures contained in the CAP are required and would be adhered to with implementation of the proposed project.

The General Plan EIR analyzed the policies contained within the planning document to identify goals, policies, implementation programs, and potential outcomes that address the significance criteria for impacts related to energy consumption. Several policies in the General Plan aim to avoid or reduce inefficient, wasteful, or unnecessary consumption of energy resources. These policies include actions designed to reduce electricity and natural gas use or to reduce fuel consumption (e.g., less driving), and implementation of these policies and actions would therefore reduce energy consumption. Several 2040 General Plan policies, including LU-1.1, LU-1.3, LU-1.5, LU-1.6, LU-1.8, and LU-1.9, promote local growth patterns and sustainable development practices to reduce resource and energy consumption overall. This is consistent with the type of infill development planned for the proposed project. Other policies focus specifically on energy-efficient design and renewable energy use to reduce wasteful energy consumption. These include policies NR-4.1 through NR-4.15, which define implementation programs to encourage development of green buildings and infrastructure, and to promote collaboration with energy-efficient contractors. Because the proposed project would comply with the HMC which incorporates the latest iterations of the California Green Building Standards Code as well as the City's Reach Code, it would be consistent with these energy-efficiency policies. The proposed project would not interfere with the 2040 General Plan or the CAP's energy-efficiency policies and would not conflict with or obstruct the state plan for renewable energy; therefore, this impact would be less than significant.

Conclusion

The project would have no new significant or substantially more severe or peculiar impacts with regard to energy consumption, nor would there be potentially significant off-site impacts, cumulative impacts, or previously identified significant effects that were not discussed in the prior environmental documents. Further, there are no previously identified significant effects which, as a result of substantial new information not known at the time of the previous environmental review, have been determined to have a more severe adverse impact than those discussed in the previous environmental documents. Accordingly, no additional review is required.

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7 Geology and Soils

	Significant Impact	Less than Significant	No Impact	Analyzed in the Prior EIR	Substantially Mitigated by Uniformly Applicable Development Policies
Would the project:					
a. Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:					
1. 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?	☐	☐	■	☐	☐
2. Strong seismic ground shaking?	☐	■	☐	☐	☐
3. Seismic-related ground failure, including liquefaction?	☐	■	☐	☐	☐
4. Landslides?	☐	☐	■	☐	☐
b. Result in substantial soil erosion or the loss of topsoil?	☐	■	☐	☐	☐
c. Be located on a geologic unit or soil that is made unstable as a result of the project, and potentially result in on or offsite landslide, lateral spreading, subsidence, liquefaction, or collapse?	☐	■	☐	☐	☐
d. Be located on expansive soil, as defined in Table 1-B of the Uniform Building Code (1994), creating substantial risks to life or property?	☐	☐	☐	☐	■

	Significant Impact	Less than Significant	No Impact	Analyzed in the Prior EIR	Substantially Mitigated by Uniformly Applicable Development Policies
e. Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?	☐	☐	■	☐	☐
f. Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	☐	☐	■	☐	☐

Analysis in Previous Environmental Documents

The General Plan EIR discusses geology and soils impacts on pages 9-1 through 9-18 and concludes that impacts related to geology and soils would be less than significant.

The following describes applicable analysis in the General Plan EIR and provides a review to determine project-specific would occur impacts that 1) are peculiar to the project or the parcel on which the project is located; 2) were not previously analyzed in previous environmental documents as significant effects; 3) are potentially significant off-site impacts and cumulative impacts that were not previously discussed in the previous environmental documents; and 4) are now determined to have a more severe impact than discussed in the previous environmental documents due to substantial new information.

Project-Specific Impacts

a.1. Would the project expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving 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?

☑ **NO IMPACT**

The project is not within an earthquake fault zone (DOC 2018; ABAG 2021). The Hayward Fault is the closest fault line to the project site, located approximately 0.8 miles to the east. The project would not expose people or structures to adverse effects due to fault rupture. No impact would occur.

a.2. Would the project expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving strong seismic ground shaking?

a.3. Would the project expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving seismic-related ground failure, including liquefaction?

☑ **LESS THAN SIGNIFICANT**

The project site is in an area subject to seismic ground shaking. The General Plan EIR evaluated the potential for fault rupture and strong seismic ground shaking from seismic events. As noted in the General Plan EIR, ground shaking in the Hayward area could cause significant damage, but with implementation of General Plan policies, impacts would be less than significant. Additionally, the project would be required to be constructed in compliance with the California Building Code to minimize earthquake-related hazards. The project site is located on a liquefaction zone subject to moderate liquefaction (DOC 2018; ABAG 2021). However, according to the geotechnical report prepared by GeoEngineering Consultants in June 2021 (Appendix C), the project site is considered to have a low potential for liquefaction and there would not be a possibility for liquefaction-induced ground rupture to occur at the site during a major earthquake on a nearby fault. This impact would be less than significant.

a.4. Would the project expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving landslides?

☑ **NO IMPACT**

The project site is located in a generally flat area and not surrounded by substantial slopes, as shown in Figure 9 -3 of the 2040 General Plan Background Report (City of Hayward 2014c). There is no risk of landslide affecting the project site. No impact would occur.

b. Would the project result in substantial soil erosion or the loss of topsoil?

☑ **LESS THAN SIGNIFICANT**

As stated in the General Plan EIR, areas in Hayward most susceptible to soil erosion include those where new development in hilly areas would require extensive grading (City of Hayward 2014b). The project site and surroundings are generally flat. In addition, construction of the project would be required to adhere to applicable General Plan policies and building codes including the California Building Code Section 1804 *Excavation, Grading, and Fill*, along with HMC Chapter 10, Article 8 (Grading and Clearing). Compliance with these requirements would ensure that substantial erosion would during construction would not occur. Following construction, the majority of the project site would be developed with structures and landscaping, and areas of exposed soils would be minimal. Therefore, this impact would be less than significant.

c. Would the project be located on a geologic unit or soil that is made unstable as a result of the project, and potentially result in on or offsite landslide, lateral spreading, subsidence, liquefaction, or collapse?

☑ **LESS THAN SIGNIFICANT**

The project site is not located on a geologic unit or soil that is unstable, or that would become unstable because of the project (City of Hayward 2014c). As analyzed in the General Plan EIR, compliance with General Plan Policies, the California Building Code, and associated seismic provisions for this region of California would reduce impacts related to unstable soils to less than significant levels. Additionally, the project site is in a generally flat area where landslides are unlikely and not in an area with high or very high liquefaction potential (City of Hayward 2014b; GeoEngineering Consultants 2021). According to the geotechnical report prepared by GeoEngineering Consultants in June 2021 (Appendix C), the project site is considered to have a low potential for liquefaction there would not be a possibility for liquefaction-induced ground rupture or

lateral spread to occur at the site during a major earthquake on a nearby fault. This impact would be less than significant.

d. Would the project be located on expansive soil, as defined in Table 1-B of the Uniform Building Code (1994), creating substantial risks to life or property?

☑ **SUBSTANTIALLY MITIGATED BY UNIFORMLY APPLICABLE DEVELOPMENT POLICIES**

The General Plan EIR analyzes the potential for expansive soils to create risks to life and property and finds this impact to be less than significant with incorporation of General Plan policies to reduce impacts. According to the geotechnical report prepared by GeoEngineering Consultants (Appendix C), the project site is on near surface soils that have high expansion potential when subject to fluctuations in moisture. The report recommends that the foundations and slabs underlying the proposed buildings should be designed for such a condition. In addition, GeoEngineering Consultants recommended that grading be performed during dry months and that flexible joints be used along the utility lines entering the building in order to accommodate for total and differential settlement.

The project would be required to comply with the Uniform Building Code, the California Building Code, and applicable General Plan Policies, including Policy HAZ-2.1 and Policy HAZ-2.2, that feature requirements to evaluate geologic, seismic, and soil-related conditions and risks for new construction on sites in geologic hazard zones, and to design structures and buildings pursuant to applicable standards and codes.

Adherence to the City's standard condition of approval below, which requires implementation of the recommendations of the geotechnical consultant related to geologic hazards, would reduce impacts related to expansive soils. With implementation of the standard condition of approval outlined below, impacts related to expansive soils would be substantially mitigated by uniformly applicable development policies.

STANDARD CONDITION OF APPROVAL

The following control measures for geologic hazards shall be adhered to, unless otherwise approved by the Planning Director or City Engineer. Per standard City project approval procedures, the City must review final project design plans for conformity with building code requirements prior to project construction. All earthwork, including site grading, wall foundation excavations, placement and compaction of engineered fill, and final surface drainage installation, would be performed in accordance with the recommendations contained in the geotechnical report, as applicable.

e. Would the project have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?

☑ **NO IMPACT**

The City's comprehensive, integrated wastewater collection, treatment, and disposal municipal sanitary sewer system serves the project site. Implementation of the project would not involve the use of septic tanks or other alternative wastewater disposal systems; therefore, no impact would occur.

f. Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?

☑ **NO IMPACT**

According to the General Plan EIR, a search of the University of California Museum of Paleontology, University of California, identified five paleontological resources in the City of Hayward. The project site is underlain by Holocene alluvial deposits (Qha) (GeoEngineering Consultants 2021; Appendix C). The younger Quaternary deposits are composed of alluvial fan facies comprised of unconsolidated brown to tan gravely sand and silt, fluvial facies of brown sand and silty clay. Holocene sedimentary deposits, particularly those younger than 5,000 years old, are generally too young to contain fossilized material. Therefore, the Holocene alluvial fan and fluvial deposits mapped at the surface of the project area have been assigned a low paleontological sensitivity, in accordance with SVP (2010) guidelines. This means they are likely too young to contain fossilized material. Overall, no impact related to paleontological resources would occur as a result of the project. No impact would occur.

Conclusion

The project would have no new significant or substantially more severe or peculiar impacts to geology and soils, nor would there be potentially significant off-site impacts, cumulative impacts, or previously identified significant effects that were not discussed in the prior environmental documents. Further, there are no previously identified significant effects which, as a result of substantial new information not known at the time of the previous environmental review, have been determined to have a more severe adverse impact than those discussed in the previous environmental documents. Accordingly, no additional review is required.

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8 Greenhouse Gas Emissions

	Significant Impact	Less than Significant	No Impact	Analyzed in the Prior EIR	Substantially Mitigated by Uniformly Applicable Development Policies
Would the project:					
a. Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	☐	■	☐	☐	☐
b. Conflict with any applicable plan, policy, or regulation adopted for the purposes of reducing the emissions of greenhouse gases?	☐	☐	☐	■	☐

Analysis in Previous Environmental Documents

The General Plan EIR analyzes GHG emissions on pages 10-1 through 10-42 and concludes that impacts would be less than significant.

The following describes applicable analysis in the General Plan EIR and provides a review to determine if project-specific impacts would occur that 1) are peculiar to the project or the parcel on which the project is located; 2) were not previously analyzed in previous environmental documents as significant effects; 3) are potentially significant off-site impacts and cumulative impacts that were not previously discussed in the previous environmental documents; and 4) are now determined to have a more severe impact than discussed in the previous environmental documents due to substantial new information.

Project-Specific Impacts

a. Would the project generate GHG emissions, either directly or indirectly, that may have a significant impact on the environment?

☑ **LESS THAN SIGNIFICANT**

The project's proposed construction activities, energy use, daily operational activities, and mobile sources (traffic) would generate GHG emissions. CalEEMod was used to calculate emissions resulting from project construction and long-term operation (see Appendix D for GHG model output).

Construction Emissions

Emissions generated by construction of the proposed project are estimated to be 103 MT of CO_2e. However, as the BAAQMD does not have a recommended threshold for construction-related GHG emissions, emissions associated with construction are not included in Table 4 and compared to BAAQMD significance thresholds.

Operational Indirect and Stationary Direct Emissions

Long-term emissions relate to area sources, energy use, solid waste, water use, and transportation. Each of the operational sources of emissions is discussed further below.

Area Source Emissions

CalEEMod was used to calculate direct sources of air emissions associated with the proposed project. These include consumer product use and landscape maintenance equipment. Area emissions are estimated at less than 1 MT of CO_2e per year.

Energy Use Emissions

Operation of the project would consume electricity. The generation of electricity through combustion of fossil fuels emits CO_2, and to a smaller extent, N_2O and CH_4. The proposed project would generate approximately 19 MT of CO_2e per year associated with overall energy use.

Solid Waste Emissions

Based on the estimate of GHG emissions from project-generated solid waste as it decomposes, solid waste associated with the proposed project would generate approximately 5 MT of CO_2e per year.

Water Use Emissions

Based on the amount of electricity generated to supply and convey water for the project, the proposed project would generate an estimated 2 MT of CO_2e per year.

Transportation Emissions

As calculated by CalEEMod, the proposed project would generate an estimated 265,410 annual VMT. Since CalEEMod does not calculate N_2O emissions related to mobile sources, N_2O emissions were calculated based on the project's VMT using calculation methods provided by the CCAR General Reporting Protocol (CCAR 2009). The proposed project would emit an estimated 89 MT of CO_2e per year from mobile sources.

Combined Stationary and Mobile Source Emissions

Table 4 combines the operational and mobile GHG emissions associated with the proposed project. The annual emissions would total approximately 115 MT of CO_2e per year. These emissions do not exceed the BAAQMD bright-line threshold of 660 MT of CO_2e per year as adjusted for SB 32 targets. Since GHG emissions would not exceed the adjusted BAAQMD threshold, the project would not generate a substantial increase in GHG emissions and would not conflict with SB 32. This impact would be less than significant.

Table 4 Estimated Operational Greenhouse Gas Emissions

Emissions Source	Annual Emissions (MT of CO_2e/year)
Area	<1
Energy	19
Waste	5
Water	2
Mobile	89
Total	**115**
BAAQMD Bright-Line Threshold (adjusted for SB 32)	660
Exceeds Threshold?	No

See Table 2.2 "Overall Operational" emissions. CalEEMod worksheets for GHG in Appendix D.

b. Would the project conflict with any applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of greenhouse gases?

☑ **ANALYZED IN THE PRIOR EIR**

The General Plan EIR includes a discussion of the City-adopted Climate Action Plan (CAP) of 2009 that brings the City into compliance with Senate Bill (SB) 375 and statewide GHG reduction goals. The CAP was adopted in response to state mandates and regional guidance on reducing GHG emissions (City of Hayward 2014b). As a part of the update process for the 2040 General Plan, the City re-evaluated the GHG reduction estimates assigned to individual actions in the 2009 CAP. This analysis resulted in the development of new and modified actions that were incorporated into the 2040 General Plan and its overall policy framework. This integrated approach allows the 2040 General Plan to be recognized as a "Plan for the Reduction of Greenhouse Gas Emissions" and as a "Qualified Greenhouse Gas Reduction Strategy" by BAAQMD (City of Hayward 2014b). Although the CAP was adopted in 2009, it established targets using the Executive Order S-3-05 emissions trajectory and aligns with SB 32 and the 2017 Scoping Plan. The CAP included a 2005 emissions inventory that estimated the total GHG emissions in Hayward at approximately 1,183,279 metric tons (MT) of carbon dioxide equivalence (CO_2e) in 2005. Implementation of the CAP would result in a citywide emissions reduction target of 12.5 percent below 2005 levels by the year 2020 and 82.5 percent below 2005 levels by 2050 (City of Hayward 2014a). As stated in the General Plan EIR, forecasted GHG emissions for the City of Hayward in 2050 without mitigation is 1,670,080 MT of CO_2e. With implementation of the CAP, there is projected to be a reduction of 1,152,398 MT CO_2e emissions for 2050, which results in an 82.5 percent reduction below the 2005 baseline and 87.6 percent below business as usual projections for 2050.

As concluded in the General Plan EIR, the General Plan contains a comprehensive strategy that achieves a communitywide GHG emission reduction target of 20 percent below 2005 levels by the year 2020 and puts the City on course to achieve ongoing GHG emission reductions through the year 2050. Thus, the project would not conflict with any applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of GHGs. Estimated GHG emissions per service population (residents + employees) in 2020, 2040, and 2050 would be below the BAAQMD recommended threshold of 4.6 MT CO_2e per service population per year. Thus, the proposed project would not generate GHG emissions, either directly or indirectly, that may have a significant impact on the

environment. Since the population growth from the proposed project would be within General Plan estimates, implementation of the General Plan, including development of the proposed project, would not result in significant GHG emissions impacts. No impacts beyond those analyzed in the previous environmental documents would occur.

Conclusion

The project would have no new significant or substantially more severe or peculiar impacts to greenhouse gas emissions, nor would there be potentially significant off-site impacts, cumulative impacts, or previously identified significant effects that were not discussed in the prior environmental documents. Further, there are no previously identified significant effects which, as a result of substantial new information not known at the time of the previous environmental review, have been determined to have a more severe adverse impact than those discussed in the previous environmental documents. Accordingly, no additional review is required.

9 Hazards and Hazardous Materials

	Significant Impact	Less than Significant	No Impact	Analyzed in the Prior EIR	Substantially Mitigated by Uniformly Applicable Development Policies
Would the project:					
a. Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	☐	■	☐	☐	☐
b. Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	☐	■	☐	☐	☐
c. Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within 0.25 mile of an existing or proposed school?	☐	■	☐	☐	☐
d. Be located on a site that is included on a list of hazardous material sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	☐	■	☐	☐	☐
e. For a project located in an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area?	☐	☐	■	☐	☐
f. Impair implementation of or physically interfere with an	☐	☐	☐	■	☐

	Significant Impact	Less than Significant	No Impact	Analyzed in the Prior EIR	Substantially Mitigated by Uniformly Applicable Development Policies
adopted emergency response plan or emergency evacuation plan?					
g. Expose people or structures, either directly or indirectly, to a significant risk of loss, injury, or death involving wildland fires?	☐	☐	■	☐	☐

Analysis in Previous Environmental Documents

The General Plan EIR discusses hazardous materials impacts on pages 11-1 through 11-24 and finds that impacts related to hazards and hazardous materials use in the City would be less than significant.

The following describes applicable analysis in the General Plan EIR and provides a review to determine if project-specific impacts would occur that 1) are peculiar to the project or the parcel on which the project is located; 2) were not previously analyzed in previous environmental documents as significant effects; 3) are potentially significant off-site impacts and cumulative impacts that were not previously discussed in the previous environmental documents; and 4) are now determined to have a more severe impact than discussed in the previous environmental documents due to substantial new information.

Project-Specific Impacts

a. Would the project create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?

b. Would the project 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?

☑ **LESS THAN SIGNIFICANT**

Residential uses, such as those proposed by the project, typically do not use or store large quantities of hazardous materials other than minor amounts needed for cleaning or landscaping maintenance. During grading and construction activities, limited quantities of miscellaneous hazardous substances, such as gasoline, diesel fuel, hydraulic fluid, solvents, oils, paints, may be transported to the site, used on site, and disposed over after use. However, the project would be required to comply with applicable Federal, State, and local regulations that address the handling, storage, use, and disposal of hazardous substances, including the Occupational Safety and Health Act and the Toxic Substances Control Act. This would eliminate potential significant hazards to the public or the environment through the routine transport, use, or disposal of hazardous materials. Construction contractors would be required to comply with applicable Federal and State environmental and

workplace safety laws. Adherence to these regulatory requirements would ensure that impacts would be less than significant.

c. Would the project emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within 0.25 mile of an existing or proposed school?

☑ **LESS THAN SIGNIFICANT**

One school, the Cesar Chavez Middle School, is located within 0.25 mile of the project site (approximately 0.18 miles northeast of the site). As a residential project, the proposed project would not emit substantial quantities of hazardous materials or hazardous waste. As discussed above under criterion a and b, the use, storage, transportation, and disposal of hazardous materials associated with construction activities would be required to adhere to numerous regulatory requirements which would prevent emissions of hazardous substances. As discussed below under criterion d, there is no evidence of soil or groundwater contamination on-site, and therefore release of contaminated soil or groundwater during construction is not anticipated. This impact would be less than significant.

d. Would the project be located on a site included on a list of hazardous material sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?

☑ **LESS THAN SIGNIFICANT**

A Phase I Environmental Site Assessment (ESA) was prepared by Silicon Valley Environmental Group, Inc. in November 2021 (Silicon Valley Environmental Group 2021; Appendix E). As part of the 2021 Phase I ESA, Environmental Data Resources, Inc. (EDR) was contracted to provide a database search of public lists of sites that generate, store, treat, or dispose of hazardous materials or sites for which a release or incident has occurred for the project site and surrounding area. Federal, state, and county lists were reviewed as part of the research effort. The project site was not listed on any of the environmental regulatory databases. Therefore, the project site is not included on a list compiled pursuant to Section 65962.5 of the Government Code.

The EDR records search identified 13 potential contamination or clean-up sites within a mile of the project site. Of these sites, all were found to be either closed cases (meaning cleanup activities have occurred in accordance with regulatory standards and no further cleanup action is required at this time) or significantly down-gradient from the project site. Therefore, the Phase I ESA determined that the sites do not pose a risk for the proposed project. Overall, the Phase I ESA concluded that the site contains no evidence of illegal or improper use, storage, or disposal of hazardous materials and that no sites in the vicinity of the project site would pose as a significant environmental concern or liability (Silicon Valley Environmental Group, Inc, Appendix E). Therefore, the project would not create a significant hazard to the public environment and this impact would be less than significant.

e. For a project located in an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area?

☑ **NO IMPACT**

There are no private airstrips near the project site. The nearest airport, Hayward Executive Airport, is approximately 2.8 miles northwest of the project site. Since the project is not located within 2

miles of a public airport or a private airstrip, it would not pose as a safety hazard or generate excessive noise for people residing or working in the project area. No impact would occur.

f. Would the project impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?

☑ **ANALYZED IN THE PRIOR EIR**

As stated in the General Plan EIR, the City must maintain its status as a Certified Unified Program Agency and implement a Comprehensive Emergency Management Plan to outline its responsibilities in emergencies and coordinate the response and recovery efforts of City departments, local energy providers, and federal, State, and local agencies. The project would not block access or permanently constrain evacuation routes adopted in an emergency response plan or emergency evaluation plan. With the required implementation of the Comprehensive Emergency Management Plan, impacts would be less than significant.

g. Would the project expose people or structures, either directly or indirectly, to a significant risk of loss, injury, or death involving wildland fires?

☑ **NO IMPACT**

The project site is in an urbanized area of Hayward, surrounded primarily by paved surfaces and structures. The project site is not intermixed with or adjacent to wildlands. Figure 5-3 of the 2040 General Plan Background Report indicates the project site is a low fire hazard risk (City of Hayward 2014c). No impact would occur.

Conclusion

The project would have no new significant or substantially more severe or peculiar impacts to hazards and hazardous materials, nor would there be potentially significant off-site impacts, cumulative impacts, or previously identified significant effects that were not discussed in the prior environmental documents. Further, there are no previously identified significant effects which, as a result of substantial new information not known at the time of the previous environmental review, have been determined to have a more severe adverse impact than those discussed in the previous environmental documents. Accordingly, no additional review is required.

10 Hydrology and Water Quality

	Significant Impact	Less than Significant	No Impact	Analyzed in the Prior EIR	Substantially Mitigated by Uniformly Applicable Development Policies
Would the project:					
a. Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?	☐	■	☐	☐	☐
b. Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?	☐	☐	☐	■	☐
c. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:					
(i) Result in substantial erosion or siltation on- or off-site;					
(ii) Substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site;					
(iii) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or					
(iv) Impede or redirect flood flows?	☐	■	☐	☐	☐
d. In flood hazard, tsunami, or seiche zones, risk release of pollutants due	☐	☐	■	☐	☐

	Significant Impact	Less than Significant	No Impact	Analyzed in the Prior EIR	Substantially Mitigated by Uniformly Applicable Development Policies
to project inundation?					
e. Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?	☐	■	☐	☐	☐

Analysis in Previous Environmental Documents

The General Plan EIR discusses hydrology and water quality impacts on pages 13-1 through 13-40. The EIR found that potential impacts to hydrology and water quality would be less than significant.

The following describes applicable analysis in the General Plan EIR and provides a review to determine if project-specific impacts would occur that 1) are peculiar to the project or the parcel on which the project is located; 2) were not previously analyzed in previous environmental documents as significant effects; 3) are potentially significant off-site impacts and cumulative impacts that were not previously discussed in the previous environmental documents; and 4) are now determined to have a more severe impact than discussed in the previous environmental documents due to substantial new information.

Project-Specific Impacts

a. Would the project violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?

☑ **LESS THAN SIGNIFICANT**

The General Plan EIR concluded that with compliance with existing regulations, City of Hayward Standard Conditions of Approval, and General Plan policies, impacts related to water quality associated with General Plan implementation would be less than significant. The proposed project would modify the site conditions which could affect water quality during construction and operation. However, as explained in the following discussions, there are no project-specific impacts peculiar to the project and impacts related to the project would be less than significant.

Construction Impacts

During grading activities, the site's soils would be exposed to wind and water erosion that could transport sediments into local stormwater drainages. Furthermore, accidental spills of fluids or fuels from construction vehicles and equipment, or miscellaneous construction materials and debris, could be mobilized and transported off-site in overland flow. These contaminant sources could degrade the water quality of receiving water bodies (i.e., San Francisco Bay), potentially resulting in a violation of water quality standards.

As part of Section 402 of the CWA, the U.S. EPA has established regulations under the National Pollution Discharge Elimination System (NPDES) program to control both construction and operation (occupancy) stormwater discharges. The Federal CWA was first adopted in 1972 and is intended to

protect and preserve water supply and quality in the "waters of the nation." In the Bay Area, the San Francisco Regional Water Quality Control Board (RWQCB) administers the NPDES permitting program and is responsible for developing permitting requirements. According to General Plan Policy NR-6.8 (NPDES Permit Compliance), the City must continue to comply with the NPDES program. The project would be subject to the San Francisco Bay Region Municipal Regional Stormwater Permit (MRP), NPDES Permit Order No. R2-2015-0049, and the provisions set forth in Section C.3 *New Development and Redevelopment*. However, because the project would disturb less than one acre of land, the project would not be required to obtain coverage under the General Permit for Discharges of Storm Water Associated with Construction Activity (Construction General Permit Order 2009-0009-DWQ or 2009-0009-DWQ General Permit).

Nonetheless, the project would be subject to HMC Chapter 10, Article 8 (Grading and Clearing), which requires all construction projects in the City to conduct grading activities in a manner that will minimize the potential for erosion from the site. Furthermore, Article 8 states that if requested by the City Engineer, the project applicant would be required to prepare and implement an Erosion and Sediment Control Plan that specifies control techniques that would prevent erosion during construction. Therefore, with compliance with City construction-related water quality and erosion control requirements, construction of the project would not violate any water quality standards, substantially alter the drainage pattern of the area such that substantial erosion or siltation would occur and would not degrade water quality. Impacts during construction would be less than significant.

Operational Impacts

The project site is currently undeveloped and unpaved. The project would increase the total area of impervious surfaces on the project site by approximately 29,115 square feet. Increasing the total area of impervious surfaces could result in a greater potential to introduce pollutants to receiving waters. Urban runoff could carry a variety of pollutants, including oil and grease, metals, sediment, and pesticide residues from roadways, parking lots, rooftops, and landscaped areas and deposit them into adjacent waterways via the storm drain system.

Stormwater discharge during operation is regulated by the Municipal Separate Storm Sewer System (MS4) Permit, issued by the RWQCB, pursuant to NPDES regulations. Water quality in stormwater runoff is regulated locally by the Alameda County Clean Water Program, which includes the C.3 provisions set by the San Francisco Bay RWQCB. Provision C.3 of the MRP addresses post-construction stormwater requirements for new development and redevelopment projects that add and/or replace 10,000 square feet or more of impervious area. Because the project would replace in excess of 10,000 square feet of the impervious surface of the project site, it must comply with the C.3 provisions set by the RWQCB. Therefore, the project must meet certain criteria including 1) incorporate site design, source control, and stormwater treatment measures into the project design; 2) minimize the discharge of pollutants in stormwater runoff and non-stormwater discharge; and 3) minimize increases in runoff flows as compared to pre-development conditions. A Stormwater Control Plan (SCP) that details the site control, source control, and stormwater measures that would be implemented at the site must be submitted to the City. In addition, Low Impact Development (LID) requirements apply. The Alameda County Clean Water Program's C.3 Technical Guidance document (2016) provides guidance on how to meet the C.3 requirements.

Pursuant to C.3 requirements, the project would be required to include design features that would reduce impacts associated with the increased impervious surfaces. Stormwater runoff from the project site would be directed to and treated in the 1,118 square feet of bio-retention areas along

the northern, southern, and western boundaries of the site. The project would also include 4,700 square feet of permeable pavers in order to meet stormwater requirements to reduce pollutants and surface runoff. By adhering to the provisions of NPDES Section C.3, and the stormwater control plan, the project would not result in adverse effects on water quality and or in the violation of water quality standards or waste discharge requirements during construction or operation. Therefore, the project would have a less than significant impact on water quality. With implementation of the measures contained in these plans, excessive stormwater runoff, erosion, and sedimentation would not occur and the potential for the project to violate water quality standards and substantially degrade water quality would be reduced. This impact would be less than significant.

b. Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?

☑ **ANALYZED IN THE PRIOR EIR**

The General Plan EIR concluded that General Plan policies would ensure that future development would not deplete groundwater supplies substantially. As stated in the 2040 General Plan Background Report (City of Hayward 2014c), the City of Hayward stopped using groundwater to supply water to the city in 1963, except in cases of emergency. The project would not rely on groundwater. Development under the project would not include installation of new groundwater wells or use of groundwater from existing wells. Although the project may increase impervious surfaces on the site, development of the project site was anticipated under the General and would not use water or prevent recharge at a rate beyond that anticipated in the General Plan. Therefore, the project would have no impacts beyond those previously identified in the prior environmental documents.

c.(i) Would the project substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would result in substantial erosion or siltation on- or off-site?

c.(ii) Would the project substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?

c.(iii) Would the project substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner that would 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?

☑ **LESS THAN SIGNIFICANT**

The closest water body to the project is the Ward Creek located approximately 0.9 miles southwest of the site and does not flow through the site. Project construction would not alter the course of Ward Creek or any other stream or river since no other surface water features are identified in the project vicinity. The project site connects to an existing stormwater drainage system located in the County of Alameda's Flood Control and Water Conservation District's Zone 3A. Stormwater runoff in the project area currently flows through existing City stormwater drains to the Hayward Canal and eventually to the San Francisco Bay (Alameda County Flood Control District 2022).

The project would increase the site's impervious surface area, thereby increasing the potential for offsite runoff. This increased runoff could result in on- or offsite erosion or siltation. However, pursuant to the Alameda County Municipal Regional Stormwater Discharge Permit, the project would be required to implement Low Impact Development techniques to reduce the potential for on or offsite erosion or siltation.

Increased stormwater from the project site would enter the City's existing stormwater conveyance system. While the project would alter the existing drainage pattern of the site by increasing impervious surfaces, as noted in criteria a. and e. above, it would be required to comply with Provision C.3 of the MRP which requires new developments disturbing more than 10,000 square feet 1) incorporate site design, source control, and stormwater treatment measures into the project design; 2) minimize the discharge of pollutants in stormwater runoff and non-stormwater discharge; and 3) minimize increases in runoff flows as compared to pre-development conditions. Therefore, the proposed project would not create or contribute runoff that would exceed the capacity of the existing stormwater conveyance infrastructure or otherwise substantially alter the course of the Ward Creek or other water features. Impacts would be less than significant.

c.(iv) Would the project substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would impede or redirect flood flows?

☑ **ANALYZED IN THE PRIOR EIR**

The project site is not within a 100-year flood hazard area (1 percent chance annually); the project site is located within Zone X, defined as an area of minimal flood hazard (FEMA 2009). In addition, the project site is not located within proximity to any dam failure inundation area and would not expose people and structures to a significant risk of loss involving flooding as a result of dam failure. Furthermore, compliance with Federal, State, and local policies such as FEMA National Flood Insurance Program; California Water Code; the HMC; Floodplain Management Ordinance; the City of Hayward Local Hazard Mitigation Plan; and the 2040 General Plan policies would ensure impacts be reduced to a less than significant level.

d. In flood hazard, tsunami, or seiche zones, would the project risk release of pollutants due to project inundation?

☑ **NO IMPACT**

The project site is not located in a tsunami inundation area, nor is there a water body near the project site capable of seiche. The nearest large body of water to the project is the San Francisco Bay, which is approximately 4.2 miles west of the project site. Based on the topography of the project site and its surroundings, there would be no risk of mudflow on the site. There would be no impact.

e. Would the project conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?

☑ **LESS THAN SIGNIFICANT**

The City of Hayward is under the jurisdiction of the San Francisco Bay Regional Water Quality Control Board (RWQCB). The San Francisco Bay RWQCB provides permits for projects that may affect surface waters and groundwater locally and is responsible for preparing the Water Quality Control Plan for the San Francisco Bay Basin (Basin Plan). The Basin Plan designates beneficial uses of water in the region and establishes narrative and numerical water quality objectives. The Basin

Plan serves as the basis for the San Francisco Bay RWQCB's regulatory programs and incorporates an implementation plan for achieving water quality objectives (California Water Board 2017). The proposed project would not interfere with the objectives and goals in the Basin Plan. This impact would be less than significant.

Conclusion

The project would have no new significant or substantially more severe or peculiar impacts to hydrology and water quality, nor would there be potentially significant off-site impacts, cumulative impacts, or previously identified significant effects that were not discussed in the prior environmental documents. Further, there are no previously identified significant effects which, as a result of substantial new information not known at the time of the previous environmental review, have been determined to have a more severe adverse impact than those discussed in the previous environmental documents. Accordingly, no additional review is required.

11 Land Use and Planning

	Significant Impact	Less than Significant	No Impact	Analyzed in the Prior EIR	Substantially Mitigated by Uniformly Applicable Development Policies
Would the project:					
a. Physically divide an established community?	☐	☐	■	☐	☐
b. Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?	☐	■	☐	☐	☐

Analysis in Previous Environmental Documents

The General Plan EIR addresses land use and planning on pages 14-1 through 14-42. Impacts to land use and planning were determined to be less than significant in the document.

The following describes applicable analysis in the General Plan EIR and provides a review to determine whether there would be project-specific impacts that 1) are peculiar to the project or the parcel on which the project is located; 2) were not previously analyzed in previous environmental documents as significant effects; 3) are potentially significant off-site impacts and cumulative impacts that were not previously discussed in the previous environmental documents; and 4) are now determined to have a more severe impact than discussed in the previous environmental documents due to substantial new information.

Project-Specific Impacts

a. Would the project physically divide an established community?

☑ **NO IMPACT**

The project would be infill development on vacant land and would not result in new obstructions or divisions between established communities. The project would be limited to the project site and would not include linear or other features that could impede access between or within neighborhoods. Therefore, the project would have no impact.

b. Would the project cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?

☑ **LESS THAN SIGNIFICANT**

The project site is designated as Medium Density Residential (MDR) in the Hayward 2040 General Plan (City of Hayward 2014a). The City of Hayward's 2040 General Plan Land Use and Community Character Element defines the MDR category as "Suburban and urban areas that contain a mix of housing types… Allowed uses include detached single-family homes, attached single-family homes, and multi-family homes. Development density within MDR is 8.7 to 17.4 dwelling unit per net acre." Although the density of the proposed project (20.4 dwelling units per acre) would exceed 17.4 dwelling units per acre, it would be allowed with the request of a 30 percent State Density Bonus since the project would include two affordable housing units. The project would be consistent with the MDR designation.

The project site is zoned RS pursuant to the Hayward Zoning Map. The RS District is intended to accommodate only single-family residences and the community services appurtenant thereto (HMC Section 10-1.205). The proposed project would involve a zone change from RS to RM. The purpose of the RM district is to "promote and encourage a suitable environment for family life in areas where a compatible mingling of single-family and multiple-family dwellings is possible" (HMC Section 10-1.405).

As shown in Table 1 in the Project Description, the project would conflict with certain development standards set forth in the Hayward Development Code for the RM District. However, the proposed project would be subject to a 30 percent State Density Bonus since it would include two affordable housing units, which would allow for an increase in the number of units from 17 to 22 and would allow for a decrease in minimum lot area per dwelling unit from 2,500 square feet to 1,937 square feet. The applicant would request a density bonus waiver which would allow for a decrease in yard front setback from a minimum of 20 feet pursuant to HMC Section 10-1.430 to 11 feet and 4 inches to buildings, as well as a decrease in rear setback from a minimum of 20 feet to 15 feet and 10 inches. Assuming the request for rezoning is approved and the waivers are approved, the proposed project and use would be consistent with the RM zoning provisions of the HMC.

Pending approval of the requested zone change, the project would not conflict with the City's General Plan or Zoning Ordinance. Therefore, impacts of the proposed project would be less than significant.

Conclusion

The project would have no new significant or substantially more severe or peculiar impacts to land use and planning, nor would there be potentially significant off-site impacts, cumulative impacts, or previously identified significant effects that were not discussed in the prior environmental documents. Further, there are no previously identified significant effects, which as a result of substantial new information not known at the time of the previous environmental review, have been determined to have a more severe adverse impact than those discussed in the previous environmental documents. Accordingly, no additional review is required.

12 Mineral Resources

	Significant Impact	Less than Significant	No Impact	Analyzed in the Prior EIR	Substantially Mitigated by Uniformly Applicable Development Policies
Would the project:					
a. Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	☐	☐	■	☐	☐
b. Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan?	☐	☐	■	☐	☐

Analysis in Previous Environmental Documents

The General Plan EIR analyzes mineral resources, along with geology and soils on page 9-1 to 9-18 and finds that impacts would be less than significant.

The following describes applicable analysis in the General Plan EIR and provides a review to determine whether there would be project-specific impacts that 1) are peculiar to the project or the parcel on which the project is located; 2) were not previously analyzed in previous environmental documents as significant effects; 3) are potentially significant off-site impacts and cumulative impacts that were not previously discussed in the previous environmental documents; and 4) are now determined to have a more severe impact than discussed in the previous environmental documents due to substantial new information.

Project-Specific Impacts

a. Would the project result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?

b. Would the project result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan?

☑ **NO IMPACT**

The project site is not zoned or designated for mining uses and no active mining operations are in the project site or vicinity. The project site is not classified as a Mineral Resource Zone (MRZ) and would not result in the loss of availability of a known mineral resource that would be of value to the residents of the state and the region, nor would it result in loss of a locally important mineral resource recovery site (USGS 2021).The project site is an infill site and does not involve developing currently undeveloped land with the potential to contain valuable mineral resources. There would be no impact.

Conclusion

The project would have no new significant or substantially more severe or peculiar impacts to mineral resources, nor would there be potentially significant off-site impacts, cumulative impacts, or previously identified significant effects that were not discussed in the prior environmental documents. Further, there are no previously identified significant effects which, as a result of substantial new information not known at the time of the previous environmental review, have been determined to have a more severe adverse impact than those discussed in the previous environmental documents. Accordingly, no additional review is required.

13 Noise

	Significant Impact	Less than Significant	No Impact	Analyzed in the Prior EIR	Substantially Mitigated by Uniformly Applicable Development Policies
Would the project:					
a. Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	☐	☐	☐	☐	■
b. Generation of excessive groundborne vibration or groundborne noise levels?	☐	■	☐	☐	☐
c. For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	☐	☐	■	☐	☐

Analysis in Previous Environmental Documents

The General Plan EIR analyzes noise on pages 15-1 through 15-32. Impacts due to construction-related ground vibration, railroad generated noise, and noise generated from stationary sources are found to be less than significant. Impacts related to short-term and long-term construction-generated noise are found to be significant and unavoidable.

As discussed under Impact 15-1 of the General Plan EIR, the General Plan Goal HAZ-8 (minimize human exposure to excessive noise) and Policies HAZ-8.17 (Community Noise Control Ordinance), HAZ-8.20 (Construction Noise Study), and HAZ-8.21 (Construction and Maintenance Noise Limits) establish the overall goal and intentions of the City with regards to construction-related noise. Policy HAZ-8.17 refers to a community noise control ordinance for the purposes of regulating community noise levels. The City has adopted Section 4-1.03.4 of the Municipal Code (Construction and Alteration of Structures; Landscaping Activities), which states that individual devices/pieces of construction equipment are not to exceed 83 dB at a distance of 25 feet from the source and 86 dB at any point of the property plane Monday through Saturday from 7:00 AM to 7:00 PM and Sundays

from 10:00 AM to 6:00 PM, "unless otherwise provided pursuant to a duly-issued permit or a condition of approval." Thus, while the code establishes specific standards to reduce construction noise from typical construction activities, these standards may not apply to all development projects requiring discretionary approval.

Furthermore, the General Plan EIR analyzes vibration related impacts and the implementation of Policies HAZ-8.22 (Vibration Impact Assessment) and HAZ-8.23 (Transportation Vibration) would require a project-level noise and vibration study to determine vibration-related impacts on humans. Policy HAZ-8.22 would require construction activities using heavy-duty construction equipment within 200 feet of an existing structure or sensitive receptor to conduct a vibration impact assessment. Policy HAZ-8.23 would require all new development located in proximity to major vibration sources (e.g., railroads, freeways, BART lines) to conduct a ground vibration and vibration noise evaluation consistent with City approved methodologies. Therefore, conducting project-level vibration studies would ensure individuals and structures are not exposed to excessive vibration levels.

As discussed under Impact 15-2 of the General Plan EIR, implementation of the policies included in the Hazards Element, such as Policy HAZ-8.2 (Noise Study and Mitigation) and Policy HAZ-8.5 (Residential Noise Standards), require new projects to evaluate noise exposure and provide mitigation measures, if applicable, to reduce noise exposure at sensitive land uses and meet noise standards for the specific project type. Therefore, conducting project-level noise studies to comply with adopted noise standards would ensure that individuals are not exposed to excessive noise levels.

Although adoption of General Plan policies would ensure that new development would comply with adopted noise standards and therefore would not expose new receptors to excessive noise levels, the General Plan would still result in increases in traffic-related noise (i.e., increases of 3 or more dB and up to 15 dB in some areas of the City). As a result, project-generated increases in noise would result in a substantial permanent increase in community noise levels that could adversely affect existing receptors.

The following describes applicable analysis in the General Plan EIR and provides a review to determine whether there would be project-specific impacts that 1) are peculiar to the project or the parcel on which the project is located; 2) were not previously analyzed in a previous environmental documents as significant effects; 3) are potentially significant off-site impacts and cumulative impacts that were not previously discussed in the previous environmental documents; and 4) are now determined to have a more severe impact than discussed in the previous environmental documents due to substantial new information.

Project-Specific Impacts

a. Would the project result in generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?

☑ **SUBSTANTIALLY MITIGATED BY UNIFORMLY APPLICABLE DEVELOPMENT POLICIES**

Construction Impacts

Project construction activities on-site and traffic noise from construction vehicles would increase noise levels in the project vicinity. Nearby noise-sensitive land uses, including the multi-family residences adjacent to the project site would be exposed to temporary construction noise during

development of the project. Noise impacts are a function of the type of activity being undertaken and the distance to the receptor location. Table 5 estimates construction noise at a reference distance of 50 feet from the source equipment. Although there are single-family residences adjacent to the south project boundary, reference noise levels for construction equipment cannot be adapted with precision to much closer distances.

Table 5 Estimated Construction Noise

Equipment	Typical Noise Level (dBA Leq) 50 ft from Source*
Air Compressor	81
Backhoe	80
Compactor	82
Concrete Mixer	85
Concrete Pump	82
Concrete Vibrator	76
Crane Derrick	88
Crane Mobile	83
Dozer	85
Generator	81
Grader	85
Impact Wrench	85
Jack Hammer	88
Loader	85
Paver	89
Pneumatic Tool	85
Pump	76
Rail Saw	90
Roller	74
Saw	76
Scarifier	83
Scraper	89
Shovel	82
Truck	88

Source: Federal Highway Administration, 2018, FHWA Highway Construction Noise Handbook. Table 9.9

As shown in Table 5, construction noise could reach as high as an estimated 90 dBA L_{eq} at the nearest noise-sensitive receptors during construction. Such levels would exceed ambient noise and would be audible on adjacent properties, including residences immediately north and west of the project site. However, Section 4-1.03.4 of the HMC limits the hours of construction and maintenance activities to the less sensitive hours of the day (7:00 a.m. – 7:00 p.m. Monday through Saturday and 10:00 a.m. – 6:00 p.m. on Sundays and holidays); therefore, construction impacts would not occur during recognized sleep hours for residences. The HMC also imposes noise limit requirements stating that no individual piece of equipment may produce a noise level exceeding 83 dBA at a distance of 25 feet from source, and that no activities may produce a noise level in excess

of 86 dBA outside project property lines. Additionally, construction noise would be typical of normal construction in urban areas and would not use techniques or equipment that generate unusually high levels of noise or vibration such as pile driving. Adherence to the City's standard conditions of approval related to construction noise would further reduce construction noise at nearby sensitive receptors and compliance with this uniformly applicable development policy would reduce impacts to a less than significant level. The project would have no impacts beyond those identified in previous environmental documents.

Standard Condition of Approval

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

a) In conformance with Section 4-1.03-4 of the City's Municipal Code, construction activities between 7:00 a.m. and 7:00 p.m. Monday through Saturday or between 10:00 a.m. and 6:00 p.m. on Sundays or holidays, unless other construction hours are permitted by the City Engineer or Chief Building Official, shall not include any individual equipment that produces a noise level exceeding 83 dB measured at 25 feet, nor shall activities produce a noise level outside the project property lines in excess of 86 dB. During all other hours, noise shall not exceed the limits defined in Municipal Code Section 4-1.03.1 (70 dB daytime or 60 dB nighttime, measured at residential property lines).

b) Grading and construction equipment shall be properly muffled;

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

d) Stationary noise-generating construction equipment, such as compressors, shall be located as far as practical from occupied residential housing units;

e) Applicant/developer shall designate a "noise disturbance coordinator" who will be responsible for responding to any local complaints about construction noise.

f) Letters shall be mailed to surrounding property owners and residents within 300 feet of the project boundary with this information.

g) The developer shall post the property with signs that shall indicate the names and phone number of individuals who may be contacted, including those of staff at the Bay Area Air Quality Management District, when occupants of adjacent residences find that construction is creating excessive dust or odors, or is otherwise objectionable. Letters shall also be mailed to surrounding property owners and residents with this information prior to commencement of construction.

Operational Impacts

Operation of the project would generate noise typical of multi-family residential development and would be consistent with nearby residential and commercial land uses. Mechanical equipment on the project site and vehicle trips associated with the new building could increase noise level. However, the project involves residential development on a site designated for residential uses and noise levels would be consistent with surrounding development. Noise associated with project operation would primarily result from new motor vehicle trips to and from the project site. As analyzed in Section 16, *Transportation,* the proposed project would not generate traffic volumes in excess of that assumed for the project site in the General Plan EIR, and therefore, traffic noise would be at or below levels assumed in the EIR for the General Plan buildout year of 2040. The

General Plan EIR found that changes in traffic patterns may create a permanent increase in ambient noise levels. However, General Plan Policies HAZ-8.2, HAZ-8.5, HAZ- 8.11, HAZ-8.12, HAZ-8.17, and HAZ-8.23 call for actions aimed at reducing impacts from traffic noise, such as enforcing maximum acceptable interior and exterior noise levels for multi-family residences. Therefore, the project would not have an impact beyond that analyzed previously.

b. Would the project result in generation of excessive groundborne vibration or groundborne noise levels?

☑ **LESS THAN SIGNIFICANT**

Construction of the project would intermittently generate vibration on and adjacent to the project site. The project would be a typical construction project as analyzed in the Hayward General Plan EIR. Heavy vibration-generating equipment can include bulldozers and loaded trucks. The distance to the nearest sensitive receptors from the project site, the multi-family residences located adjacent to the west, is estimated at 25 feet to be conservative. Although the multi-family residences are adjacent to the site boundary, construction equipment would not typically operate at the property lines, and reference vibration levels for construction equipment apply to a distance of 25 feet from the source and cannot be adapted with precision to much closer distances.

Table 6 identifies vibration velocity levels at a distance of 25 feet from the source.

Table 6 Estimated Construction Vibration Levels

Equipment	Estimated VdB at 25 feet	PPV at 25 feet (in/sec)
Large bulldozer	87	0.089
Loaded trucks	86	0.076
Jack hammer	79	0.035
Small bulldozer	58	0.003

Source: FTA 2018

Based on Table 6, noise-sensitive receptors would experience the strongest vibration of up to 87 VdB or 0.089 in/sec PPV with the use of large bulldozers, which would not exceed the AASHTO threshold of 0.3 in/sec PPV for damage to nearby sensitive structures. Furthermore, a vibration level of 0.089 in/sec PPV would not exceed the Caltrans distinctly perceptible vibration threshold of 0.24 in/sec PPV (Caltrans 2020). In addition, construction activities generating loud noises and vibration would also be limited to 7:00 a.m. – 7:00 P.M. Monday through Saturday and 10:00 A.M. – 6:00 P.M. on Sundays pursuant to HMC 4-1.03.4, which would prevent the exposure of sensitive receivers to vibration during evening and nighttime hours. Moreover, project construction would be typical of urban projects in Hayward as envisioned in the General Plan EIR analysis. Impacts would be less than significant.

d. For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?

☑ **NO IMPACT**

There are no private airstrips near the project site. The nearest airport, Hayward Executive Airport, is approximately 2.8 miles northwest of the project site. The project site is located within the

Hayward Executive Airport Influence Area. However, according to Figure 3-3 of the Hayward Executive Airport Land Use Compatibility Plan, the project site is not located within the existing noise level contours for the airport (Alameda County Airport Land Use Commission 2010). The project would not subject construction workers or residents at the site to excessive noise and impacts would be less than significant.

Conclusion

With standard conditions of approval incorporated, the project would not have peculiar or substantial noise impacts, nor would there be any potentially significant off-site impacts, cumulative impacts, or previously identified significant effects, which were not discussed in the prior environmental documents. Also, there are no previously identified significant effects which, as a result of substantial new information that was not known at the time of the previous environmental review, are determined to have a more severe adverse impact that discussed in the previous environmental documents. Accordingly, no additional review is required.

14 Population and Housing

	Significant Impact	Less than Significant	No Impact	Analyzed in the Prior EIR	Substantially Mitigated by Uniformly Applicable Development Policies
Would the project:					
a. Induce substantial unplanned population growth in an area, either directly (e.g., by proposing new homes and businesses) or indirectly (e.g., through extension of roads or other infrastructure)?	☐	☐	☐	■	☐
b. Displace substantial amounts of existing housing, necessitating the construction of replacement housing elsewhere?	☐	☐	■	☐	☐

Analysis in Previous Environmental Documents

The General Plan EIR discusses population and housing on pages 16-1 through 16-7. The General Plan EIR accounts for a population of 265,962 people at full buildout of the Hayward Planning Area and finds that impacts would be less than significant.

The following describes applicable analysis in the General Plan EIR and provides a review to determine whether there would be project-specific impacts that 1) are peculiar to the project or the parcel on which the project is located; 2) were not previously analyzed in previous environmental documents as significant effects; 3) are potentially significant off-site impacts and cumulative impacts that were not previously discussed in the previous environmental documents; and 4) are now determined to have a more severe impact than discussed in the previous environmental documents due to substantial new information.

Project-Specific Impacts

a. Would the project 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)?

☑ **ANALYZED IN THE PRIOR EIR**

The project would involve the construction of 22 townhome units on an infill site, consistent with the goals of the General Plan regarding efficient urban growth. The project would directly generate population growth. Based on the City of Hayward's average household size of 3.21 persons per household (California Department of Finance [DOF] 2021), the project would add an estimated 71 new residents to the City. The project would increase the population of Hayward from 158,089 to

158,160 people, an increase that falls within the residential buildout analyzed in the General Plan EIR of 208,047. Accordingly, it would not induce substantial population growth directly or indirectly because the project would be part of planned growth in the region and within the growth projection analyzed in the General Plan EIR. In addition, since the project would include only one part-time employee at the property manager's office, and maintenance and similar support positions would be expected to be filled from people already in the city or region, it would not result in substantial employment growth. Population growth related to the project would be less than significant and would not be more than that analyzed in previous environmental documents.

b. Would the project displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?

☑ **NO IMPACT**

The project site is currently vacant. Therefore, construction and development of the site would not displace substantial numbers of people or residences. The project would not displace housing or people.

Conclusion

The project would not involve development in areas not analyzed previously in the General Plan EIR, nor would it result in impacts to population and housing not covered in the General Plan EIR. The project would have no new significant or substantially more severe or peculiar impacts concerning population and housing, nor would there be any potentially significant off-site impacts, cumulative impacts, or previously identified significant effects, which were not discussed in the prior environmental documents. Also, there are no previously identified significant effects which, as a result of substantial new information that was not known at the time of the previous environmental review, are determined to have a more severe adverse impact that discussed in the previous environmental documents. Accordingly, no additional review is required.

15 Public Services

		Significant Impact	Less than Significant	No Impact	Analyzed in the Prior EIR	Substantially Mitigated by Uniformly Applicable Development Policies
a.	Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, or the need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:					
1	Fire protection?	☐	☐	☐	■	☐
2	Police protection?	☐	☐	☐	■	☐
3	Schools?	☐	☐	☐	■	☐
4	Parks?	☐	■	☐	☐	☐
5	Other public facilities?	☐	☐	☐	■	☐

Analysis in Previous Environmental Documents

The General Plan EIR analyzes public services on pages 17-1 through 17-42 and concludes that impacts regarding public services would be less than significant.

The following describes applicable analysis in the General Plan EIR and provides a review to determine whether there would be project-specific impacts that 1) are peculiar to the project or the parcel on which the project is located; 2) were not previously analyzed in previous environmental documents as significant effects; 3) are potentially significant off-site impacts and cumulative impacts that were not previously discussed in the previous environmental documents; and 4) are now determined to have a more severe impact than discussed in the previous environmental documents due to substantial new information.

Project-Specific Impacts

a.1. Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered fire protection facilities, or the need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives?

*a.2. Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered police protection facilities, or the need for new or physically altered police protection facilities, the construction of which could cause significant environmental impacts, in or*der to maintain acceptable service ratios, response times or other performance objectives?

☑ **ANALYZED IN THE PRIOR EIR**

The General Plan EIR evaluates fire and police protection demand impacts and finds them to be less than significant with implementation of applicable General Plan policies, including required enforcement of fire and building codes, and implementation of defensible space and Crime Prevention Through Environmental Design concepts. The project involves infill residential development as envisioned in the General Plan, in an area currently served by police and fire protection services; it would result in no impacts beyond those previously identified in the prior environmental documents.

a.3. Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered schools, or the need for new or physically altered schools, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives?

☑ **ANALYZED IN THE PRIOR EIR**

While new development, including the proposed project, would increase the demand for new school facilities, the General Plan EIR analyzes this issue and finds impacts to be less than significant with implementation of General Plan policies. Hayward Unified School District (HUSD) provides public school services in Hayward. The school district has experienced a substantial decline in its student population, which is expected to continue. While the General Plan Area covers an area that is served by other public schools, the project site only occurs within the HUSD area. Additionally, the project applicant would be required to pay development impact fees that would be used by the local school district to mitigate impact associated with long-term operation and maintenance of school facilities. Pursuant to Section 65996(3)(h) of the California Government Code, payment of these fees "is deemed to be full and complete mitigation of impacts of any legislative or adjudicative act, or both, involving but not limited to, the planning, use, or development of real property, or any change in government organization or reorganization." The project would therefore have a less than significant impact that would not be greater than that analyzed in the previous environmental documents.

a.4. Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered parks, or the need for new or physically altered parks, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios or other performance objectives?

☑ **LESS THAN SIGNIFICANT**

Please refer to Section 15, *Recreation*.

a.5. Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, or the need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for other public facilities?

☑ **ANALYZED IN THE PRIOR EIR**

The proposed project does not include and would not require new or physically altered governmental facilities. Population growth facilitated by the proposed residential units included in the project would generate additional demand for library and other public services, but this growth would be consistent with and accounted for in the General Plan. Impacts of the project would not be greater than those analyzed previously.

Conclusion

The project would have no new significant or substantially more severe or peculiar impacts to public services, nor would there be potentially significant off-site impacts, cumulative impacts, or previously identified significant effects that were not discussed in the prior environmental documents. Further, there are no previously identified significant effects which, as a result of substantial new information not known at the time of the previous environmental review, have been determined to have a more severe adverse impact than those discussed in the previous environmental documents. Accordingly, no additional review is required.

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16 Recreation

	Significant Impact	Less than Significant	No Impact	Analyzed in the Prior EIR	Substantially Mitigated by Uniformly Applicable Development Policies
a. Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	☐	■	☐	☐	☐
b. Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	☐	■	☐	☐	☐

Analysis in Previous Environmental Documents

The General Plan EIR analyzes recreation on pages 17-1 through 17-42, in the Public Services section, and identifies a less than significant impact to recreation.

The following describes applicable analysis in the General Plan EIR and provides a review to determine whether there would be project-specific impacts that 1) are peculiar to the project or the parcel on which the project is located; 2) were not previously analyzed in previous environmental documents as significant effects; 3) are potentially significant off-site impacts and cumulative impacts that were not previously discussed in the previous environmental documents; and 4) are now determined to have a more severe impact than discussed in the previous environmental documents due to substantial new information.

Project-Specific Impacts

a. Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?

☑ **LESS THAN SIGNIFICANT**

The project includes residential development that would increase population in the Harder Tennyson neighborhood in Hayward. The additional population would increase the use of existing parks and other recreational facilities. There are two existing parks and recreational facilities within the project vicinity: Tennyson Park, located approximately 0.1 miles south; Weekes Community Center Park, located approximately 0.5 miles west of the project site; Eden Youth and Family Center, located approximately 0.2 miles southwest; and Matt Jimenez Community Center, located approximately 0.2 miles southwest. Additionally, the project includes on-site amenities including private open space and shared outdoor open space in the form of a 1,952 square foot paseo. Moreover, as described above under Section 14, *Population and Housing*, the estimated number of

new residents would be consistent with General Plan estimates. Pursuant to HMC Section 10-16.20, the project applicant would be required to pay a development related park impact fee that would be used to cover the cost of new facilities and maintenance of existing facilities. This in lieu fee would ensure adequate parks and recreational facilities would be maintained with the proposed increase in population. Therefore, the increased use resulting from the project would not lead to a substantial physical deterioration of existing parks and recreational facilities. Impacts would be less than significant.

b. Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?

☑ **LESS THAN SIGNIFICANT**

The project would include development of a new 1,952 square foot paseo in between proposed buildings B and C that would be private space for use by future residents only. The impacts associated with provision of this recreational space for on-site residents are analyzed throughout this report as part of overall project construction and operation. As determined in this document, the provision of the park facility would not result in an adverse effect on the environment. This impact would be less than significant.

Conclusion

The project would have no new significant or substantially more severe or peculiar impacts to recreation, nor would there be potentially significant off-site impacts, cumulative impacts, or previously identified significant effects that were not discussed in the prior environmental documents. Further, there are no previously identified significant effects which, as a result of substantial new information not known at the time of the previous environmental review, have been determined to have a more severe adverse impact than those discussed in the previous environmental documents. Accordingly, no additional review is required.

17 Transportation and Traffic

	Significant Impact	Less than Significant	No Impact	Analyzed in the Prior EIR	Substantially Mitigated by Uniformly Applicable Development Policies
Would the project:					
a. Conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?	☐	☐	☐	■	☐
b. Conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b)?	☐	■	☐	☐	☐
c. Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible use (e.g., farm equipment)?	☐	■	☐	☐	☐
d. Result in inadequate emergency access?	☐	☐	☐	■	☐

Analysis in Previous Environmental Documents

The General Plan EIR evaluates transportation impacts on pages 18-1 through 18-44. According to the EIR, impacts to traffic volumes as a result of General Plan implementation would result in an exceedance of the City standard for intersection performance and would potentially constitute a "considerable" contribution to the significant cumulative impact at City intersections. The General Plan EIR proposed several mitigation measures to improve the various intersections operating at a substandard level-of-service (LOS), although these intersections do not include those affected by the project. Impacts to Metropolitan Transportation System (MTS) and Congestion Management Program (CMP) roadways are found to be less than significant. Impacts relating to increased pedestrian activity and facilities, bicycle use and facilities, transit ridership and service are found to be less than significant. Additionally, impacts relating to air traffic patterns, transportation network design feature hazards, and emergency access are found to be less than significant.

The following describes applicable analysis in the General Plan EIR and provides a review to determine whether there would be project-specific impacts that 1) are peculiar to the project or the parcel on which the project is located; 2) were not previously analyzed in previous environmental documents as significant effects; 3) are potentially significant off-site impacts and cumulative impacts that were not previously discussed in the previous environmental documents; and 4) are

now determined to have a more severe impact than discussed in the previous environmental documents due to substantial new information.

Project-Specific Impacts

a. Would the project conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?

☑ **ANALYZED IN THE PRIOR EIR**

As stated in the General Plan EIR, new development would increase bicycle and pedestrian trips on the existing streets, trails, paths, and sidewalks, including during peak commute hours. General Plan policies and programs encourage and support alternative modes and the development of facilities to accommodate alternative modes of transportation. The project would involve infill development and would not directly impact transit, bicycle, or pedestrian facilities. The project would include new sidewalk curbs, pavement replacement, and sidewalk improvements. Bike lanes are present on Tennyson Road and Huntwood Avenue in the vicinity of the site. As the project is of the same type analyzed in the General Plan for the project site, and there are no site-specific issues with the performance and safety of transit, bicycle, or pedestrian infrastructure, the project would introduce no new or more severe impacts related to conflicts with public transit and active transportation modes or their safety than were analyzed previously.

b. Conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b)?

☑ **LESS THAN SIGNIFICANT**

Pursuant to SB 743, the City of Hayward has adopted vehicle miles traveled (VMT) as the primary metric to analyze transportation impacts instead of the previously used level of service (LOS). According to the City of Hayward Transportation Impact Analysis Guidelines, projects that involve the construction of fewer than 25 units of multi-family housing would satisfy the City's VMT screening criteria and do not require a detailed transportation analysis. In addition, based on Figure 4 of the City's Transportation Impact Analysis Guidelines, the project site is located in an area with more than 15 percent below average VMT per capita and approximately 0.5 miles west of the South Hayward BART station (City of Hayward 2020). Furthermore, the project would not conflict with the Alameda County Transportation Commission Congestion Management Program. The project would be in a location that allows for usage of alternative modes of transportation and would result in less than significant impacts to VMT.

c. Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible use (e.g., farm equipment)?

☑ **LESS THAN SIGNIFICANT**

The only new roadway planned for the project would be within the project site boundaries in order to provide internal circulation for the site. The new roadway would not create new hazards due to a design feature and the project would not involve uses that generate use of incompatible vehicles such as farm equipment. The City's Traffic Engineer would review project driveways and internal circulation to ensure design for safe operation. Chapter 10, Article 4 of the HMC includes specific site planning and project design standards intended to address such issues as street design with reference to public safety and compatible use. Therefore, this impact would be less than significant.

d. Would the project result in inadequate emergency access?

☑ **ANALYZED IN THE PRIOR EIR**

The Hayward Precise Plan Lines for Streets (Chapter 10, Article 4 of the HMC) includes site-specific planning and project design standards intended to address such issues as emergency access. As stated in the General Plan EIR, projects under the General Plan buildout are required to comply with zoning requirements and the HMC. In addition, the Hayward Police Department and Hayward Fire Department would review individual development proposals to ensure that emergency access needs are met. The U-shaped drive aisle on site was designed to accommodate fire access and waste trucks and would not obstruct emergency access. Compliance with Section 10-4.01 of the HMC would ensure accessibility to the project site is maintained. The project would not impair implementation of an emergency plan or physically interfere with an emergency access, nor would it result in the blockage of access routes or evacuation routes adopted within an emergency response plan or emergency evaluation plan. Therefore, the project would have no impacts beyond those previously analyzed and identified in the prior environmental documents.

Conclusion

The project would have no new significant or substantially more severe or peculiar impacts to transportation, nor would there be potentially significant off-site impacts, cumulative impacts, or previously identified significant effects that were not discussed in the prior environmental documents. Further, there are no previously identified significant effects which, as a result of substantial new information not known at the time of the previous environmental review, have been determined to have a more severe adverse impact than those discussed in the previous environmental documents. Accordingly, no additional review is required.

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18 Tribal Cultural Resources

	Significant Impact	Less than Significant	No Impact	Analyzed in the Prior EIR	Substantially Mitigated by Uniformly Applicable Development Policies
Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in a Public Resources Code Section 21074 as either a site, feature, place, or 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:					
a. 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	☐	☐	☐	☐	■
b. A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Cod Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resources Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.	☐	☐	☐	☐	■

As of July 1, 2015, California Assembly Bill 52 of 2014 (AB 52) was enacted and expands CEQA by defining a new resource category, "tribal cultural resources." AB 52 establishes that "a project with an effect that may cause a substantial adverse change in the significance of a tribal cultural resource is a project that may have a significant effect on the environment" (PRC Section 21084.2). It further states that the lead agency shall establish measures to avoid impacts that would alter the significant characteristics of a tribal cultural resource, when feasible (PRC Section 21084.3).

PRC Section 21074 (a)(1)(A) and (B) defines tribal cultural resources as "sites, features, places, cultural landscapes, sacred places, and objects with cultural value to a California Native American tribe" and is:

1. 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
2. A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources

Code Section 5024.1. In applying these criteria, the lead agency shall consider the significance of the resource to a California Native American tribe.

AB 52 also establishes a formal consultation process for California tribes regarding those resources. The consultation process must be completed before a CEQA document can be certified. Under AB 52, lead agencies are required to "begin consultation with a California Native American tribe that is traditionally and culturally affiliated with the geographic area of the proposed project." Native American tribes to be included in the process are those that have requested notice of projects proposed within the jurisdiction of the lead agency.

Project-Specific Impacts

a. *Would the project cause a substantial adverse change in the significance of a tribal cultural resource as defined in Public Resources Code Section 21074 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)?*

b. *Would the project cause a substantial adverse change in the significance of a tribal cultural resource as defined in Public Resources Code Section 21074 that is a resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1?*

☑ **SUBSTANTIALLY MITIGATED BY UNIFORMLY APPLICABLE DEVELOPMENT POLICIES**

The City of Hayward mailed a notification letter on February 24, 2022 to one local Native American tribe that has requested notification under AB 52: the Ione Band of Miwok Indians. Correspondence is included in Appendix F. Under AB 52, tribes have 30 days from receipt of the letter to respond and request consultation. The tribe did not respond during that window and request formal consultation under AB 52. Although no tribal cultural resources are expected to be present on-site, there is the possibility of encountering undisturbed subsurface tribal cultural resources. The proposed excavation of the project site could potentially result in adverse effects on unanticipated tribal cultural resources. However, impacts from the unanticipated discovery of tribal cultural resources during construction would be less than significant with adherence to the City's standard conditions of approval.

STANDARD CONDITION OF APPROVAL

In the event that cultural resources of Native American origin are identified during construction, all earth disturbing work within the vicinity of the find must be temporarily suspended or redirected until an archaeologist has evaluated the nature and significance of the find and an appropriate Native American representative, based on the nature of the find, is consulted. If the City determines that the resource is a tribal cultural resource and thus significant under CEQA, a mitigation plan shall be prepared and implemented in accordance with state guidelines and in consultation with Native American groups. The plan would include avoidance of the resource or, if avoidance of the resource is infeasible, the plan would outline the appropriate treatment of the resource in coordination with the archeologist and the appropriate Native American tribal representative.

Conclusion

The project would have no new significant or substantially more severe or peculiar impacts to tribal cultural resources, nor are there potentially significant off-site impacts, cumulative impacts, or previously identified significant effects that were not discussed in the prior environmental documents. Further, there are no previously identified significant effects which, as a result of substantial new information not known at the time of the previous environmental review, have been determined to have a more severe adverse impact than those discussed in the previous environmental documents. Accordingly, no additional review is required.

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19 Utilities and Service Systems

	Significant Impact	Less than Significant	No Impact	Analyzed in the Prior EIR	Substantially Mitigated by Uniformly Applicable Development Policies
Would the project:					
a. Require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?	☐	☐	☐	■	☐
b. Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?	☐	☐	☐	■	☐
c. Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	☐	☐	☐	■	☐
d. Generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?	☐	☐	☐	■	☐
e. Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?	☐	☐	☐	■	☐

Analysis in Previous Environmental Documents

The General Plan EIR analyzes impacts on utilities and service systems on pages 19-1 through 19-34. This discussion addresses the issues of water supply and delivery, wastewater collection and treatment, and solid waste disposal, recycling, and composting. The General Plan EIR identifies impacts to all utilities and service systems as less than significant.

The following describes applicable analysis in the General Plan EIR and provides a review to determine whether there would be project-specific impacts that 1) are peculiar to the project or the parcel on which the project is located; 2) were not previously analyzed in previous environmental documents as significant effects; 3) are potentially significant off-site impacts and cumulative impacts that were not previously discussed in the previous environmental documents; and 4) are now determined to have a more severe impact than discussed in the previous environmental documents due to substantial new information.

Project-Specific Impacts

a. Would the project require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?

b. Would the project have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?

c. Would the project result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?

☑ **ANALYZED IN THE PRIOR EIR**

Water

The City of Hayward owns and operates its own water distribution system and purchases all of its water from the San Francisco Public Utilities Commission (SFPUC). In the case of emergency or disruption of water delivery from the SFPUC, water supplies are available through the Alameda County Water District and East Bay Municipal Utility District. With new development in the city, the General Plan EIR finds that water demand will increase from 19,537 acre-feet per year (AFY) in 2010 to 37,390 AFY year by 2035 (City of Hayward 2014c). According to the City of Hayward 2020 Urban Water Management Plan (UWMP), the City is expected to have adequate water supplies during normal years to meet its projected demands through 2040. Although there remains uncertainty for water supply availability during single and multiple dry years, the City, SFPUC, and Bay Area Water Supply & Conservation Agency (BAWSCA) have developed strategies and actions to address dry-year supply shortfalls (City of Hayward 2021b). In addition, the City has implemented its 2020 Water Shortage Contingency Plan in order to address water shortages by incorporating implementation actions to reduce the potential for and impacts of catastrophic service disruptions (City of Hayward 2021c). Furthermore, the General Plan also contains policies and programs to ensure water demand projections and development facilitated under the General Plan would be accommodated. Additional population facilitated by new residential units constructed under the project are included in and consistent with the population growth forecasts of the General Plan. Therefore, water demand resulting from implementation of the proposed project was evaluated in the prior environmental review documents and it is not anticipated that SFPUC would need new or expanded

entitlements or facilities to serve the project. With implementation of General Plan policies, sufficient water supplies would be available for the project demand, and the project would not result in impacts beyond those identified in the prior environmental review documents.

Wastewater

The project would connect to the City of Hayward Sanitary District sanitary sewer system. Sanitary sewage from the City's system is treated at the Hayward Water Pollution Control Facility (WPCF). The treatment facility discharges into the San Francisco Bay under a permit with the RWQCB. Since the WPCF is considered a publicly-owned treatment facility, operational discharge flows treated at the WPCF would be required to comply with applicable water discharge requirements issued by the RWQCB. Compliance with conditions or permit requirements established by the City as well as water discharge requirements outlined by the RWQCB would ensure that wastewater discharges coming from the project site are treated by the WPCF system would not exceed applicable RWQCB wastewater treatment requirements.

The proposed project would increase population density incrementally in the City of Hayward. However, population growth facilitated by the proposed residential units would be consistent with General Plan population growth forecasts. The project would not generate growth beyond that anticipated in the General Plan. The General Plan EIR found that there would be adequate capacity at the WPCF to serve development under the General Plan. Therefore, there is adequate capacity at the WPCF to service the project and no expansion of the WPCF would be required (City of Hayward 2014b).

The General Plan EIR states that General Plan buildout is not anticipated to require significant upgrades to water supply infrastructure. Additionally, the General Plan EIR states that implementation of General Plan would not require or result in the construction of new water or wastewater treatment facilities whose construction would cause significant environmental effects. Projects under the General Plan would not result in an increase of capacity of the City's wastewater treatment system, which is anticipated to have capacity to serve development under the 2040 General Plan in addition to its existing commitments. No impacts beyond those analyzed in the General Plan EIR would occur because of the project.

Stormwater

As discussed in Section 9, *Hydrology and Water Quality*, the project would involve development and grading activities and the development of more than 10,000 square feet of impervious surfaces. Therefore, the project would comply with Provision C.3 of the Municipal Regional Stormwater NPDES Permit. Adherence to the C.3 requirements would minimize water quality impacts from new development to maintain regional compliance with the Municipal Regional Permit. Provision C.3 includes a LID provision (C.3.c) requires that low-impact development techniques be utilized to employ appropriate source control, site design, and stormwater treatment measures to prevent increases in runoff flows from new development projects.

As stated in the General Plan, development projects must comply with the requirement to maintain stormwater flows at pre-construction levels, pursuant to Provision C.3 of the Municipal Regional Stormwater NPDES permit. The General Plan EIR concludes that new development consistent with this policy would not require or result in the construction of new stormwater drainage facilities of expansion of existing facilities whose construction would cause significant environmental effects. As the project involves development of a site with residential uses consistent with the development envisioned for the site under the General Plan, and the project would be required to adhere to

Provision C.3 of the Municipal Regional Stormwater NPDES Permit, it would not result in new or more severe impacts beyond those identified in the prior environmental review documents.

Gas/Electricity/Telecommunications

Electricity and natural gas service to the City is provided by PG&E. As discussed in Section 6, *Energy*, population growth facilitated by the proposed project would be within with General Plan population growth forecasts. According to the General Plan EIR, the City's energy supply is sufficient to meet the needs of projected growth until 2040 (City of Hayward 2014b). The project would also be required to comply with the California Energy Code pursuant to HMC Section 9-1.01 which includes policies that reduce energy use from buildings and equipment, as well as the City's Reach Code which states that all new low-rise residential buildings (three stories and less) be all electric, and requires electric vehicle charging infrastructure beyond that required in the 2019 California Green Building Standards Code (City of Hayward 2021a). Therefore, the project would not result in impacts beyond those identified in the prior environmental review documents.

d. Would the project generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?

g. *Would the project comply* with federal, state, and local management and reduction statutes and regulations related to solid waste?

☑ **ANALYZED IN THE PRIOR EIR**

Solid waste from the project would be disposed of at the Altamont Landfill. In 2001, Altamont Landfill received County approval to increase capacity to allow the closure date to be extended to 2040. According to the General Plan EIR, the City's solid waste capacity is sufficient to meet the needs of projected growth until 2040 (City of Hayward 2014b). The General Plan also finds that impacts would be less than significant, as projected population growth under the General Plan is not anticipated to generate significant additional solid waste demand, and the General Plan contains policies to reduce solid waste impacts. Furthermore, the HMC includes development standards relating to solid waste, recycling, and green waste materials storage. Projects under the General Plan buildout would comply with Federal, State, and local statutes and regulations related to solid waste. The project would have no impacts beyond those analyzed previously.

Conclusion

The project would have no new significant or substantially more severe or peculiar impacts to utilities and service systems, nor would there be potentially significant off-site impacts, cumulative impacts, or previously identified significant effects that were not discussed in the prior environmental documents. Further, there are no previously identified significant effects which, as a result of substantial new information not known at the time of the previous environmental review, have been determined to have a more severe adverse impact than those discussed in the previous environmental documents. Accordingly, no additional review is required.

20 Wildfire

	Significant Impact	Less than Significant	No Impact	Analyzed in the Prior EIR	Substantially Mitigated by Uniformly Applicable Development Policies
If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:					
a. Substantially impair an adopted emergency response plan or emergency evacuation plan?	☐	☐	■	☐	☐
b. Due to slope, prevailing winds, and other factors, exacerbate wildfire risks and thereby expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?	☐	☐	■	☐	☐
c. Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?	☐	☐	■	☐	☐
d. Expose people or structures to significant risks, including downslopes or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?	☐	☐	■	☐	☐

The updated CEQA Appendix G guidelines published in December of 2018 require that environmental analysis include a discussion of the potential wildfire impacts of proposed projects, with particular emphasis on the exposure of people and structures to as well as the exacerbation of wildfire risks.

Analysis in Previous Environmental Documents

The General Plan EIR analyzes impacts related to wildfire on pages 11-1 through 11-24. The General Plan EIR identifies impacts related to wildfire as less than significant.

The following describes applicable analysis in the General Plan EIR and provides a review to determine whether there would be project-specific impacts that 1) are peculiar to the project or the parcel on which the project is located; 2) were not previously analyzed in previous environmental documents as significant effects; 3) are potentially significant off-site impacts and cumulative

impacts that were not previously discussed in the previous environmental documents; and 4) are now determined to have a more severe impact than discussed in the previous environmental documents due to substantial new information.

a. If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project substantially impair an adopted emergency response plan or emergency evacuation plan?

b. If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project, due to slope, prevailing winds, and other factors, exacerbate wildfire risks and thereby expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?

c. If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?

d. If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project expose people or structures to significant risks, including downslopes or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?

☑ **NO IMPACT**

The project site is not within or near State Responsibility Areas (SRA) or lands classified as very high fire hazard severity zones (VHFHSZ). The nearest SRA or land classified as VHFHSZ is east of Garin Regional Park approximately 5 miles east of the project site (Cal Fire 2008). The project site is generally flat and surrounded by numerous firebreaks such as freeways and urban development. Therefore, the risk of wildfire on the project site would be low. No impact would occur.

Conclusion

The project would have no new significant or substantially more severe or peculiar impacts with regard to wildfire risks, nor would there be potentially significant off-site impacts, cumulative impacts, or previously identified significant effects that were not discussed in the prior environmental documents. Further, there are no previously identified significant effects which, as a result of substantial new information not known at the time of the previous environmental review, have been determined to have a more severe adverse impact than those discussed in the previous environmental documents. Accordingly, no additional review is required.

21 Mandatory Findings of Significance

	Significant Impact	Less than Significant	No Impact	Analyzed in the Prior EIR	Substantially Mitigated by Uniformly Applicable Development Policies
Does the project:					
a. Have the potential to substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	☐	☐	☐	☐	■
b. Have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?	☐	☐	☐	■	☐
c. Have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	☐	☐	☐	☐	■

Project-Specific Impacts

a. Does the project have the potential to substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?

☑ **SUBSTANTIALLY MITIGATED BY UNIFORMLY APPLICABLE DEVELOPMENT POLICIES**

Consistent with the findings of the General Plan EIR and as discussed in Section 4, *Biological Resources*, with incorporation of the standard condition of approval related to nesting birds, the project would not substantially reduce the habitat of a fish or wildlife species; cause a fish or wildlife

species population to drop below self-sustaining levels; threaten to eliminate a plant or animal community; or reduce the number or restrict the range of a rare or endangered plant or animal.

As discussed in Section 5, *Cultural Resources*, and Section 18, *Tribal Cultural Resources,* with incorporation of the standard condition of approval related to the unanticipated discovery of cultural resources, the project would not eliminate important examples of the major periods of California history or prehistory, including archaeological or paleontological resources. As such, the project would not result in impacts peculiar to the project beyond those identified in the General Plan EIR and subsequent environmental documents.

b. Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?

☑ **ANALYZED IN THE PRIOR EIR**

Conformance with General Plan policies and standard conditions of approval specified in this document would ensure that potential impacts are individually limited and not cumulatively considerable in the context of impacts associated with other pending and planned development projects. As part of the General Plan EIR, cumulative impacts associated with buildout of infill projects were analyzed. The project involves residential development on a site designated for residential development under the General Plan and other existing and allowable land uses near the project are not significantly different than those studied in the cumulative analysis of the General Plan EIR. The General Plan is a document that establishes a land use scenario and goals, policies, and objectives for development and growth throughout the city, through the year 2040. Thus, the impact analyses in the General Plan EIR effectively constitute cumulative analyses of the approved land uses in the planning boundaries. The project would not result in significant impacts peculiar to the project site, as indicated in sections 1 through 20 above. Nearby development would be required to be consistent with the local planning documents or mitigation would be required to assess the impacts that were not addressed in the General Plan EIR. Therefore, the project's consistency with the General Plan and subsequent analysis above in sections 1 through 20 indicate that the project would not result in significant cumulative impacts that were not addressed in the General Plan EIR.

c. Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?

☑ **SUBSTANTIALLY MITIGATED BY UNIFORMLY APPLICABLE DEVELOPMENT POLICIES**

In general, impacts to human beings are associated with air quality, hazards and hazardous materials, geology and soils, noise, and traffic safety. As detailed in the preceding sections, the project would not result, either directly or indirectly, in substantial adverse impacts related to these issue areas. The project's effects on regional air quality and transportation/traffic would be less than significant or were analyzed under prior environmental review. As discussed in Section 7, *Geology and Soils,* adherence to the City's standard condition of approval related to geologic hazards would reduce impacts related to expansive soils. As discussed in Section 8, *Hazards and Hazardous Materials*, on-site construction and operations would not expose residents or customers to known hazardous materials. The generation of noise and vibration from construction activity, as discussed in Section 12, *Noise*, would be reduced to a level that is less than significant with adherence to HMC

Section 4-1.03.4 and the City's standard condition of approval for construction noise. Therefore, the project would not have substantial direct or indirect adverse effects on human beings.

Conclusion

The proposed project would be consistent with the development density established by the site's General Plan land use designation and General Plan policies for which an EIR was certified. Accordingly, based on the assessments presented in the environmental checklist, the project does not require additional environmental review as the impacts:

1. Are not peculiar to the project or the parcel on which the project would be located
2. Were analyzed as significant effects in a prior EIR on the zoning action, general plan, and specific plan, with which the project is consistent where applicable
3. Are not potentially significant off-site impacts and cumulative impacts which were not discussed in the prior EIR prepared for the general plan and specific plan
4. Are not previously identified significant effects which, as a result of substantial new information which was not known at the time the EIR was certified, are determined to have a more severe adverse impact than discussed in the prior EIR

The majority of impacts would be less than significant or were analyzed previously in the General Plan EIR. Additional impacts would be reduced or mitigated by the imposition of uniformly applied development policies or standards. Accordingly, implementation of the project complies with Section 15183 of the CEQA Guidelines and no further environmental review is required.

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