



Density Bonus Ordinance Update

Addendum to the City of Hayward General
Plan 2040 Environmental Impact Report

SCH # 2013082015

prepared by

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November 2022

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1 Introduction

This document is an addendum to the *City of Hayward General Plan 2040 Final Environmental Impact Report (EIR)* (State Clearinghouse #2013082015), which was certified by the City of Hayward City Council in July 2014 (2014 General Plan EIR). This addendum addresses the proposed Density Bonus Ordinance Update (“project”). The update includes a proposed zoning ordinance text amendment (ZTA) to revise Chapter 10, Article 17 – Affordable Housing Ordinance and Article 19 – Density Bonus Ordinance – of the City’s Municipal Code’s Zoning Ordinance to facilitate affordable residential development and bring the City’s regulations into compliance with Government Code Section 65915 et seq., also known as the current State Density Bonus Law.

In accordance with Section 15164 of the California Environmental Quality Act (CEQA) Guidelines, codified in Sections 15000 et seq. of Title 14 of the California Code of Regulations, a lead agency must prepare an addendum to a previously certified EIR if some changes or additions are necessary but none of the conditions described in Section 15162 calling for preparation of a subsequent EIR have occurred. Under Section 15162(a), where an EIR has been certified for a project, no subsequent EIR shall be prepared for the project unless the lead agency determines, on the basis of substantial evidence in light of the whole record, that there are substantial changes in the project or circumstances or substantially important new information that will cause the project to have significant new impacts or substantially increase previously identified significant impacts.

The addendum does not need to be circulated for public review but can be included in or attached to the final EIR (Section 15164(c)). The decision-making body must consider the addendum with the final EIR prior to making a decision on the project (Section 15164(d)). An addendum should include a brief explanation of the decision not to prepare a subsequent EIR pursuant to Section 15162, supported by substantial evidence, the lead agency’s findings on the project, or elsewhere in the record (Section 15164(e)). A discussion on this topic can be found in Section 4, Decision Not to Prepare a Subsequent Environmental Impact Report, of this addendum.

This addendum has been prepared in accordance with relevant provisions of CEQA (California Public Resources Code Section 21000, *et seq.*) and the *CEQA Guidelines*. It describes the proposed project and compares its impacts to those identified in the 2014 General Plan EIR. The analysis demonstrates that the proposed project does not require the preparation of a subsequent or supplemental EIR.

2 Background

This section provides an overview of the Hayward 2040 General Plan and its EIR to provide context for this addendum.

2.1 Hayward 2040 General Plan

On July 1, 2014, the City Council of the City of Hayward approved the Hayward 2040 General Plan. The City's General Plan provides goals, policies, and programs intending to guide development in the City for 26 years through the planning horizon year of 2040. The General Plan includes 10 elements, including Land Use and Community Character; Mobility; Economic Development; Housing; Community Safety; Public Facilities and Services; Natural Resources; Hazards; Education and Lifelong Learning; and Community Health and Quality of Life which comprise those General Plan elements required by State law (Land Use, Circulation, Housing, Open Space, Conservation, Noise, and Safety), as well as three additional elements. The purpose of the General Plan is to:

- Identify land use, transportation, environmental, economic, and social goals, and policies as they relate to land use and development.
- Provide a basis for a community's decision-making regarding land use.
- Provide citizens an opportunity to participate in the planning and decision-making process.
- Inform citizens, developers, decision-makers, and others of the ground rules that guide development in the community.

The City of Hayward's planning area is located approximately 20 miles southeast of San Francisco, in an area commonly referred to as the "East Bay." The project planning area includes all the land in the City's Sphere of Influence as defined by the Alameda County Local Agency Formation Commission (LAFCO), including all land within the Hayward City limits and adjacent unincorporated county land, including Garin Regional Park, open space areas east of the City, portions of San Lorenzo and Castro Valley, and the communities of Hayward Acres, Cherryland, and Fairview.

2.2 Hayward 2040 General Plan EIR

The City Council certified the EIR for the General Plan (2014 General Plan EIR) in July 2014. The 2014 General Plan EIR evaluated potential environmental consequences associated with the General Plan, focusing in depth on the following environmental issue areas:

- | | |
|--|----------------------------------|
| ▪ Aesthetics and Visual Resources | ▪ Hydrology and Water Quality |
| ▪ Agricultural and Forestry Resources | ▪ Land Use and Planning |
| ▪ Air Quality | ▪ Noise |
| ▪ Biological Resources | ▪ Population and Housing |
| ▪ Geology, Soils, and Minerals | ▪ Public Services |
| ▪ Global Climate Change and Greenhouse Gas Emissions | ▪ Transportation and Circulation |
| ▪ Hazards and Hazardous Materials | ▪ Utilities and Service Systems |
| ▪ Historic and Cultural Resources | |

The 2014 General Plan EIR found that the General Plan's goals, policies, and programs as well as required mitigation measures would reduce most of the potential environmental impacts that would occur due to buildout of the General Plan. However, impacts related to air quality, noise, and transportation and circulation were determined to be significant and unavoidable. Accordingly, the City adopted a Statement of Overriding Considerations for these significant and unavoidable impacts as required under *CEQA Guidelines* Section 15093.

The General Plan EIR studied the impacts of an estimated buildout of 67,112 dwelling units and a population of 208,047 within Hayward City limits and an estimated buildout of 85,794 dwelling units and a population of 265,962 within the Hayward Planning Area¹.

The General Plan Draft EIR and Final EIR are available online at: <https://www.hayward-ca.gov/your-government/documents/planning-documents> and are incorporated herein by reference.

¹ Assuming an average household size of 3.1 persons per household

3 Project Description – Proposed Density Bonus Ordinance Update

The proposed project would involve adoption by the Hayward City Council of a Zoning Ordinance text amendment (ZTA) to revise Chapter 10, Article 17 – Affordable Housing Ordinance and Article 19 – Density Bonus Ordinance – of the Hayward Municipal Code to facilitate affordable residential development and bring the City’s regulations into compliance with current State Density Bonus Law. The Density Bonus Ordinance was added to the City of Hayward Zoning Ordinance by Ordinance 05-15, adopted November 22, 2005, and since adoption has largely remained unchanged despite the adoption of new State Density Bonus regulations. The purpose of the proposed project is to enact certain select provisions that go beyond State Density Bonus Law to further encourage developers to exceed the minimum requirements for providing on-site affordable housing in the City of Hayward. The California Government Code states, as guidance to local agencies, that the State Density Bonus Law “shall be interpreted liberally in favor of producing the maximum number of housing units.”

3.1 Project Location and Zoning Districts

The proposed project would apply the following zoning districts within the entire planning area (the City of Hayward and its sphere of influence) that allow residential and mixed-use development:

- Single-Family Residential (RS)
- Medium Density Residential (RM)
- High Density Residential (RH)
- Residential Natural Preservation (RNP)
- Residential-Office (RO)
- Neighborhood Commercial (CN)
- Neighborhood Commercial-Residential (CN-R)
- General Commercial (GC)
- Commercial Office (CO)
- Sustainable Mixed Use (SMU)
- Limited Access Commercial (CL)
- Central Business (CB)
- Central City-Commercial (CC-C)
- Central City-Residential (CC-R)
- Central City-Plaza (CC-P)
- Agricultural (A)
- Mission Boulevard – Corridor Neighborhood (MB-CN)
- Mission Boulevard – Neighborhood Node (MB-NN)
- Mission Boulevard – Corridor Center (MB-CC)
- Neighborhood Edge (NE)

- Neighborhood General (NG)
- Urban Neighborhood (UN)
- Urban Neighborhood Limited (UN-L)
- Downtown Main Street (DT-MS)
- Urban Core (UC)

3.2 Description of the Density Bonus Ordinance Update

The proposed ZTA would allow a higher density bonus than currently allowed by state law for projects with a certain percentage of affordable units and an even higher density increase for special target projects listed below. The special target projects eligible for an increased density bonus beyond State Density Bonus Law include the following, if they include affordable units on-site as summarized in Table 1 below:

- Mixed income rental projects that provide more than 20% of the rental units for large families (3+ bedrooms)
- Mixed income projects incorporating universal design principles
- Mixed income senior housing
- Mixed income college student housing
- Mixed income housing with unit set-asides for foster youth, disabled vets, or individuals experiencing homelessness

Table 1 Proposed Maximum Density Increases

Target Population Served	State Required Restricted Affordable Units	State Maximum Density Increase	Proposed Hayward Maximum Density	Proposed Hayward Maximum Density Increase for Special Targeting
Very Low Income	15%	50%	55%	60%
Low Income	23%	50%	55%	60%
Moderate Income	44%	50%	55%	60%
Foster Youth/Disabled Veterans/Unhoused people	10% restricted at very low income	20%	25%	30% (15% restricted at very low income)
College Students	20% Low-Income Student	35%	40%	45% (25% restricted low-income students)

The types of incentives/concessions allowed for affordable housing projects include the following:

- a. A reduction in site development standards or a modification of zoning code requirements or architectural design requirements that exceed the minimum building standards approved by the California Building Standards Commission, resulting in identifiable, financially sufficient, and actual cost reductions; or
- b. A reduction in setback and square footage requirements; or
- c. Approval of mixed-use zoning in conjunction with the Residential Development Project if commercial, office, industrial, or other land uses will reduce the development cost of the Residential Development Project and if the commercial, office, industrial, or other land uses are

compatible with the Residential Development Project and the existing or planned development in the area where the proposed housing project will be located.

The proposed ZTA also proposes an increase in the number of incentives/concessions from development regulations beyond that allowed by the State Density Bonus Law for projects with a certain percentage of affordable housing units as shown in Table 2 below.

Table 2 Proposed Increase in Incentives and Concessions

Number of Incentives/ Concessions Required by State	Proposed Number of Incentives/Concessions Proposed by Hayward	Percentage of VLI Units	Percentage of LI Units	Percentage of MI Units
1	1 ¹	5%	10%	10%
2	3	10%	17%	20%
3	4	15%	24%	30%
3	4	100% (LI/VLI) or 100% (MI 20% /LI 80%)		
4	5			

¹ The first tier is not increased because compliance with the Affordable Housing Ordinance's on-site affordable housing requirement makes the project eligible for one incentive/concession.

VLI = Very Low Income

LI = Low Income

MI = Moderate Income

As described in Section 3.1, *Project Location and Zoning Districts*, proposed density bonus provisions would apply to zoning districts that allow residential developments:

- Single-Family Residential (RS)
- Medium Density Residential (RM)
- High Density Residential (RH)
- Residential Natural Preservation (RNP)
- Residential-Office (RO)
- Neighborhood Commercial (CN)
- Neighborhood Commercial-Residential (CN-R)
- General Commercial (GC)
- Commercial Office (CO)
- Sustainable Mixed Use (SMU)
- Limited Access Commercial (CL)
- Central Business (CB)
- Central City-Commercial (CC-C)
- Central City-Residential (CC-R)
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- Mission Boulevard – Corridor Neighborhood (MB-CN)
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- Mission Boulevard – Corridor Center (MB-CC)

- Neighborhood Edge (NE)
- Neighborhood General (NG)
- Urban Neighborhood (UN)
- Urban Neighborhood Limited (UN-L)
- Downtown Main Street (DT-MS)
- Urban Core (UC)

Depending on the number of Density Bonus applications received, the City may expect to see an incrementally greater increase of units in the future under the proposed updates for projects where use of the density bonus is proposed. The unit increase would depend on the density bonus increase request. The current density allowances for the land uses listed above range from 1.0 to 110 dwelling units per net acre. With the proposed updates, density bonus applicants would be able to receive a maximum 55% density bonus or 60% density bonus (if an applicant provides housing for one of the target groups mentioned above) which would be 5% to 10% greater than what is currently required by state law.

3.3 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 policies 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. Development under the project would be required to abide by all applicable goals and policies in the adopted General Plan. The proposed Density Bonus Ordinance Update does not include changes to the policies or land use designations of the General Plan or any other amendments to the General Plan; it would also not involve or facilitate development in areas not assumed for development in the EIR certified for the 2040 General Plan in 2014. The location and general footprint of development under the project would be the same as for the citywide buildout analyzed in the 2014 General Plan EIR. The effected zoning districts currently allow residential development at generally the same physical scale as would be allowed under the proposed changes. The proposed project would be consistent with the 2040 General Plan goals and policies to that encourage the development of affordable housing.

4 Decision Not to Prepare a Subsequent Environmental Impact Report

As outlined in Section 15164 of the *CEQA Guidelines*, a lead agency shall prepare an addendum to a previously certified EIR if some changes or additions are necessary but none of the conditions described in *CEQA Guidelines* Section 15162 calling for preparation of a subsequent EIR have occurred. The conditions described in Section 15162 include the following:

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

The impact analysis that follows demonstrates that the proposed Density Bonus Ordinance Update would not result in new significant environmental impacts beyond those that have already been identified and characterized in the General Plan EIR in 2014, and that there are no substantial changes in the project or circumstances or substantially important new information that would cause the project to have significant new impacts or substantially increase previously identified significant impacts. None of the conditions described above in *CEQA Guidelines* Section 15162 that would call for preparation of a subsequent EIR have occurred or would occur as a result of the proposed project. Therefore, this addendum is the appropriate level of environmental documentation under CEQA. This addendum will be considered by the City's decision-making body in its consideration of the proposed project.

5 Environmental Impacts

This addendum evaluates potential environmental impacts that could result from the proposed project in the context of/compared to the growth projects and impacts studied in the 2014 General Plan EIR. The existing environmental conditions in and around the project area are substantially the same under present conditions as described in the 2014 General Plan EIR. The analysis below provides updates where necessary to characterize potential impacts.

Appendix G of the *CEQA Guidelines* provides a checklist of environmental issue areas suggested for assessment in CEQA analyses. Since preparation of the 2014 General Plan EIR, revisions to the *CEQA Guidelines* have occurred to include environmental issue areas pertaining to energy, vehicle miles traveled (VMT), tribal cultural resources, and wildfire. To provide a thorough and conservative analysis of potential impacts associated with the proposed project, this addendum addresses the 20 environmental issue areas suggested by Appendix G of the 2022 *CEQA Guidelines*, listed below.

- | | |
|------------------------------------|---------------------------------|
| ▪ Aesthetics | ▪ Land Use and Planning |
| ▪ Agriculture and Forest Resources | ▪ Mineral Resources |
| ▪ Air Quality | ▪ Noise |
| ▪ Biological Resources | ▪ Population and Housing |
| ▪ Cultural Resources | ▪ Public Services |
| ▪ Energy | ▪ Recreation |
| ▪ Geology and Soils | ▪ Transportation |
| ▪ Greenhouse Gas Emissions | ▪ Tribal Cultural Resources |
| ▪ Hazards and Hazardous Materials | ▪ Utilities and Service Systems |
| ▪ Hydrology and Water Quality | ▪ Wildfire |

Potential environmental impacts of the proposed project are analyzed to determine whether they are consistent with the impact analysis provided in the 2014 General Plan EIR, and whether additional mitigation measures are required to minimize or avoid further potential impacts. Where the following analysis identifies impacts, discussion of previously identified mitigation measures from the 2014 General Plan EIR and existing applicable policies and regulations are discussed, as relevant, with respect to mitigating potential impacts from the proposed project.

5.1 Aesthetics

Impacts Identified in the 2014 General Plan EIR

Impacts related to aesthetics were analyzed on pages 5-1 through 5-34 of the General Plan EIR. The General Plan EIR determined that cumulative mitigating benefits of the General Plan programs and policies would result in a less than significant impacts to scenic vistas; scenic resources; visual character or quality; and light or glare that would affect day or nighttime views. Therefore, impacts regarding aesthetics were determined to be less than significant, and no mitigation was required.

Impacts of the Proposed Project

The proposed Density Bonus Ordinance Update would not involve development in areas not assumed for development in the EIR certified for the 2040 General Plan in 2014; the location and general footprint of development under the project would be the same as for the citywide buildout analyzed in the 2014 General Plan EIR. The affected zoning districts currently allow residential development at generally the same physical scale as would be allowed under the proposed changes. The modest incremental increase in allowable density and building scale would not result in a substantial change in the potential for projects to affect scenic views, the potential to damage scenic resources, or the potential to introduce new sources of light and glare. Height increases are currently allowed under State Density Bonus Law. California Government Code Section 65915(d)(2)(D) allows a height increase as an incentive for a mixed-income project that qualifies for a density bonus, and the proposed project would not allow for greater heights than currently approvable. Impacts would remain less than significant.

Conclusion

No substantial changes have occurred that require major revisions to the 2014 General Plan EIR. There is no new information indicating that the proposed project would have new significant impacts or substantially more severe significant impacts with respect to aesthetics than were identified in the 2014 General Plan EIR. None of the conditions listed in *CEQA Guidelines* Section 15162 requiring preparation of a subsequent EIR would occur. Existing General Plan programs and policies that address aesthetics would continue to apply to development under the proposed project. No new mitigation measures are necessary.

5.2 Agriculture and Forestry Resources

Impacts Identified in the 2014 General Plan EIR

The General Plan EIR discusses agricultural impacts in the agricultural and forestry resources section, on pages 6-1 through 6-6. The General Plan EIR determined that the cumulative mitigating benefits of the General Plan programs and policies would result in a less than significant impacts to agriculture and forestry resources and no mitigation was required.

Impacts of the Proposed Project

The proposed Density Bonus Ordinance Update would not involve development in areas not assumed for development in the EIR certified for the 2040 General Plan in 2014; the location and general footprint of development under the project would be the same as for the citywide buildout analyzed in the 2014 General Plan EIR. The affected zoning districts currently allow residential development at generally the same physical scale as would be allowed under the proposed changes. The modest incremental increase in allowable density and building scale would not result in substantially greater development footprints or excavation/disturbance depth or extent such new or greater impacts to agriculture and forestry resources would occur. Impacts would remain less than significant.

Conclusion

No substantial changes have occurred that require major revisions to the 2014 General Plan EIR. There is no new information indicating that the proposed project would have new significant

impacts or substantially more severe significant impacts with respect to agriculture and forest resources than were identified in the 2014 General Plan EIR. None of the conditions listed in *CEQA Guidelines* Section 15162 requiring preparation of a subsequent EIR would occur. No new mitigation measures are necessary.

5.3 Air Quality

Impacts Identified in the 2014 General Plan EIR

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.

Impacts of the Proposed Project

The proposed Density Bonus Ordinance Update would allow a higher density bonus than currently allowed by State law for projects that would include a certain percentage of affordable units, and an even higher density increase for special target projects, in specific zoning districts in Hayward. The proposed provisions would be voluntary and would only apply in zoning districts that already allow residential housing. It would be speculative to project how many developers would request to apply the provisions, to what extent, and in what locations. Nevertheless, in projects that make use of the provisions, the allowed density could increase by up to 10 percent beyond what is currently allowed under State law, which would directly generate population growth. Still, as discussed in Section 5.14, *Population and Housing*, the modest increase in potential additional density that would be facilitated on limited sites in Hayward under the proposed Density Bonus Ordinance Update would not cause Hayward's population to exceed the General Plan projections and associated analysis in the EIR. The proposed Density Bonus Ordinance Update would also not involve development in areas not assumed for development in the EIR certified for the 2040 General Plan in 2014. The affected zoning districts currently allow residential development at generally the same physical scale as would be allowed under the proposed changes.

The modest incremental increase in allowable density and building scale would not result in substantially more intense construction phases, or in different or substantially more intense land uses in the affected zoning districts. As discussed in Section 5.17, *Transportation*, the project would not result in a substantial increase in vehicle trips or vehicle miles travelled such that a significant increase in emissions would result. General Plan policies and programs, standard conditions of approval, and Municipal Code provisions that address air quality would apply to development under the proposed project. Impacts would not be substantially greater than those analyzed in the 2014 General Plan EIR.

Conclusion

No substantial changes have occurred that require major revisions to the 2014 General Plan EIR. There is no new information indicating that the proposed project would have new significant impacts or substantially more severe significant impacts with respect to air quality than were identified in the 2014 General Plan EIR. None of the conditions listed in *CEQA Guidelines* Section 15162 requiring preparation of a subsequent EIR would occur. Local, State, Bay Area Air Quality Management District (BAAQMD), and federal regulations as well as General Plan programs and policies would continue to apply to development under the proposed project, and impacts would be substantially similar to those analyzed in the 2014 General Plan EIR. No new mitigation measures are necessary.

5.4 Biological Resources

Impacts Identified in the 2014 General Plan EIR

The General Plan EIR discusses biological resources impacts on pages 8-1 through 8-32 and finds impacts to be less than significant. The General Plan EIR determined that the cumulative mitigating benefits of the General Plan programs and policies would result in a less than significant impact to biological resources and no mitigation was required.

Impacts of the Proposed Project

The proposed Density Bonus Ordinance Update would not involve development in areas not assumed for development in the EIR certified for the 2040 General Plan in 2014; the location and general footprint of development under the project would be the same as for the citywide buildout analyzed in the 2014 General Plan EIR. The affected zoning districts currently allow residential development at generally the same physical scale as would be allowed under the proposed changes. The modest incremental increase in allowable density and building scale would not result in substantially greater development footprints or excavation/disturbance depth or extent such that additional or greater impacts to biological resources would occur. General Plan programs and policies related to biological resources, as well as existing regulations from state and federal agencies, would continue to apply to development under the proposed project and would ensure that impacts remain less than significant.

Conclusion

No substantial changes have occurred that require major revisions to the 2014 General Plan EIR. There is no new information indicating that the proposed project would have new significant impacts or substantially more severe significant impacts with respect to biological resources than were identified in the 2014 General Plan EIR. None of the conditions listed in *CEQA Guidelines* Section 15162 requiring preparation of a subsequent EIR would occur. No new mitigation measures are necessary.

5.5 Cultural Resources

Impacts Identified in the 2014 General Plan EIR

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.

Impacts of the Proposed Project

The proposed Density Bonus Ordinance Update would not involve development in areas not assumed for development in the EIR certified for the 2040 General Plan in 2014; the location and general footprint of development under the project would be the same as for the citywide buildout analyzed in the 2014 General Plan EIR. The affected zoning districts currently allow residential development at generally the same physical scale as would be allowed under the proposed changes. The modest incremental increase in allowable density and building scale would not result in more demolition potential, substantially greater development footprints, or excavation/disturbance depth or extent. General Plan policies and local, state, and federal regulations related to cultural resources would continue to apply to development under the proposed project and impacts would remain less than significant.

Conclusion

No substantial changes have occurred that require major revisions to the 2014 General Plan EIR. There is no new information indicating that the proposed project would have new significant impacts or substantially more severe significant impacts with respect to cultural resources than were identified in the 2014 General Plan EIR. None of the conditions listed in *CEQA Guidelines* Section 15162 requiring preparation of a subsequent EIR would occur and no new mitigation measures are necessary.

5.6 Energy

Impacts Identified in the 2012 EIR

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.

Impacts of the Proposed Project

The proposed Density Bonus Ordinance Update would allow a higher density bonus than currently allowed by State law for projects that would include a certain percentage of affordable units, and an even higher density increase for special target projects, in specific zoning districts in Hayward. The proposed provisions would be voluntary and would only apply in zoning districts that already allow residential housing. It would be speculative to project how many developers would request to apply the provisions, to what extent, and in what locations. Nevertheless, in projects that make use of the provisions, the allowed density could increase by up to 10 percent beyond what is currently allowed under state law, which would directly generate population growth. Still, as discussed in Section 5.14, *Population and Housing*, the modest increase in potential additional density that would be facilitated on limited sites in Hayward under the proposed Density Bonus Ordinance Update would not cause Hayward's population to exceed the General Plan projections and associated analysis in the EIR. The proposed Density Bonus Ordinance Update would also not involve development in areas not assumed for development in the EIR certified for the 2040 General Plan in 2014. The affected zoning districts currently allow residential development at generally the same physical scale as would be allowed under the proposed changes.

The modest incremental increase in allowable density and building scale would not result in substantially more intense construction phases, or in different or substantially more intense land uses in the affected zoning districts. As discussed in Section 5.17, *Transportation*, the project would not result in a substantial increase in vehicle trips or vehicle miles travelled such that a significant increase in energy use would result. In addition, many projects would be required to comply with the City's Reach Code, which was not in effect in 2014 and which states that new low-rise residential buildings (three stories and less) must be all electric and requires electric vehicle charging infrastructure beyond that required in the California Green Building Standards Code. Impacts would not be substantially greater than those analyzed in the 2014 General Plan EIR.

Conclusion

No substantial changes have occurred that require major revisions to the 2014 General Plan EIR. There is no new information indicating that the proposed project would have new significant impacts or substantially more severe significant impacts with respect to energy than were identified in the 2014 General Plan EIR. None of the conditions listed in *CEQA Guidelines* Section 15162 requiring preparation of a subsequent EIR would occur. No new mitigation measures are necessary.

5.7 Geology and Soils

Impacts Identified in the 2014 General Plan EIR

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.

Impacts of the Proposed Project

The proposed Density Bonus Ordinance Update would not involve development in areas not assumed for development in the EIR certified for the 2040 General Plan in 2014; the location and general footprint of development under the project would be the same as for the citywide buildout analyzed in the 2014 General Plan EIR. The affected zoning districts currently allow residential development at generally the same physical scale as would be allowed under the proposed changes. The modest incremental increase in allowable density and building scale would not require substantially different foundation or building designs or engineering, or result in substantially greater development footprints or excavation/disturbance depth or extent. General Plan policies and local, State, and federal regulations, including the California Building Code, related to building safety and seismic considerations would continue to apply to development under the proposed project and impacts would remain less than significant.

Conclusion

No substantial changes have occurred that require major revisions to the 2014 General Plan EIR. There is no new information indicating that the proposed project would have new significant impacts or substantially more severe significant impacts with respect to geology and soils than were identified in the 2014 General Plan EIR. None of the conditions listed in *CEQA Guidelines* Section 15162 requiring preparation of a subsequent EIR would occur. No new mitigation measures are necessary.

5.8 Greenhouse Gas Emissions

Impacts Identified in the 2014 General Plan EIR

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

Impacts of the Proposed Project

The proposed Density Bonus Ordinance Update would allow a higher density bonus than currently allowed by State law for projects that would include a certain percentage of affordable units, and an even higher density increase for special target projects, in specific zoning districts in Hayward. The proposed provisions would be voluntary and would only apply in zoning districts that already allow residential housing. It would be speculative to project how many developers would request to apply the provisions, to what extent, and in what locations. Nevertheless, in projects that make use of the provisions, the allowed density could increase by up to 10 percent beyond what is currently allowed under State law, which would directly generate population growth. Still, as discussed in Section 5.14, *Population and Housing*, the modest increase in potential additional density that would be facilitated on limited sites in Hayward under the proposed Density Bonus Ordinance Update would not cause Hayward's population to exceed the General Plan projections and associated analysis in the EIR. The proposed Density Bonus Ordinance Update would also not involve development in areas not assumed for development in the EIR certified for the 2040 General Plan in 2014. The affected zoning districts currently allow residential development at generally the same physical scale as would be allowed under the proposed changes.

The modest incremental increase in allowable density and building scale would not result in substantially more intense construction phases, or in different or substantially more intense land uses in the affected zoning districts. As discussed in Section 5.17, *Transportation*, the project would not result in a substantial increase in vehicle trips or vehicle miles travelled such that a significant increase in greenhouse gas emissions would result. In addition, many projects would be required to comply with the City's Reach Code, which was not in effect in 2014 and which states that new low-rise residential buildings (three stories and less) must be all electric and requires electric vehicle charging infrastructure beyond that required in the California Green Building Standards Code. Impacts would not be substantially greater than those analyzed in the 2014 General Plan EIR.

Conclusion

No substantial changes have occurred that require major revisions to the 2014 General Plan EIR. There is no new information indicating that the proposed project would have new significant impacts or substantially more severe significant impacts with respect to GHG emissions than were identified in the 2014 General Plan EIR. None of the conditions listed in *CEQA Guidelines* Section 15162 requiring preparation of a subsequent EIR would occur. No new or revised mitigation measures are necessary.

5.9 Hazards and Hazardous Materials

Impacts Identified in the 2014 General Plan EIR

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 in the City would be less than significant.

Impacts of the Proposed Project

The proposed Density Bonus Ordinance Update would not involve development in areas not assumed for development in the EIR certified for the 2040 General Plan in 2014; the location and general footprint of development under the project would be the same as for the citywide buildout analyzed in the 2014 General Plan EIR. The affected zoning districts currently allow residential development at generally the same physical scale as would be allowed under the proposed changes. The modest incremental increase in allowable density and building scale would not result in substantially greater development footprints or excavation/disturbance depth or extent such that the potential to encounter hazardous materials or conditions would differ from those under General Plan buildout. General Plan policies and local, state, and federal regulations related to hazards and hazardous materials would continue to apply to development under the proposed project and impacts would remain less than significant.

Conclusion

No substantial changes have occurred that require major revisions to the 2014 General Plan EIR. There is no new information indicating that the proposed project would have new significant impacts or substantially more severe significant impacts with respect to hazards and hazardous materials than were identified in the 2014 General Plan EIR. None of the conditions listed in *CEQA Guidelines* Section 15162 requiring preparation of a subsequent EIR would occur. No new mitigation measures are necessary.

5.10 Hydrology and Water Quality

Impacts Identified in the 2014 General Plan EIR

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.

Impacts of the Proposed Project

The proposed Density Bonus Ordinance Update would not involve development in areas not assumed for development in the EIR certified for the 2040 General Plan in 2014; the location and general footprint of development under the project would be the same as for the citywide buildout analyzed in the 2014 General Plan EIR. The affected zoning districts currently allow residential development at generally the same physical scale as would be allowed under the proposed changes. The modest incremental increase in allowable density and building scale would not result in substantially greater development footprints, impermeable surfaces, or excavation/disturbance depth or extent. General Plan policies and local, state, and federal regulations related to drainage and water quality would continue to apply to development under the proposed project and impacts would remain less than significant.

Conclusion

No substantial changes have occurred that require major revisions to the 2014 General Plan EIR. There is no new information indicating that the proposed project would have new significant impacts or substantially more severe significant impacts with respect to hydrology and water quality than were identified in the 2014 General Plan EIR. None of the conditions listed in *CEQA Guidelines*

Section 15162 requiring preparation of a subsequent EIR would occur. No new mitigation measures are necessary.

5.11 Land Use and Planning

Impacts Identified in the 2014 General Plan EIR

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.

Impacts of the Proposed Project

The proposed Density Bonus Ordinance Update would allow a higher density bonus than currently allowed by State law for projects that would include a certain percentage of affordable units, and an even higher density increase for special target projects, in zoning districts that allow residential development in Hayward. The proposed provisions would be voluntary and would only apply in zoning districts that already allow residential housing. The proposed Density Bonus Ordinance Update would not involve development in areas not assumed for development in the EIR certified for the 2040 General Plan in 2014 and the proposed use it would support – residential housing – is an allowed use in all affected zoning districts, as studied in the 2014 General Plan EIR. The affected zoning districts currently allow residential development at generally the same physical scale as would be allowed under the proposed changes. General Plan policies and Zoning Ordinance requirements (except as modified pursuant to specific project requests as allowed by the proposed ZTA and State law) would continue to apply to development under the proposed project. Impacts would remain less than significant with adoption of the proposed project by the Hayward City Council.

Conclusion

No substantial changes have occurred that require major revisions to the 2014 General Plan EIR. There is no new information indicating that the proposed project would have new significant impacts or substantially more severe significant impacts with respect to land use and planning than were identified in the 2014 General Plan EIR. None of the conditions listed in *CEQA Guidelines* Section 15162 requiring preparation of a subsequent EIR would occur. No new mitigation measures are necessary.

5.12 Mineral Resources

Impacts Identified in the 2014 General Plan EIR

The General Plan EIR analyzes mineral resources in Section 10, *Geology, Soils, and Minerals* and finds that impacts would be less than significant.

Impacts of the Proposed Project

The proposed Density Bonus Ordinance Update would not involve development in areas not assumed for development in the EIR certified for the 2040 General Plan in 2014; the location and general footprint of development under the project would be the same as for the citywide buildout analyzed in the 2014 General Plan EIR. The only State-designated mineral resource location in

Hayward is the La Vista Quarry, which would not be affected by the proposed project. Impacts would remain less than significant.

Conclusion

No substantial changes have occurred that require major revisions to the 2014 General Plan EIR. There is no new information indicating that the proposed project would have new significant impacts or substantially more severe significant impacts with respect to mineral resources than were identified in the 2014 General Plan EIR. None of the conditions listed in *CEQA Guidelines* Section 15162 requiring preparation of a subsequent EIR would occur. No new mitigation measures are necessary.

5.13 Noise

Impacts Identified in the 2014 General Plan EIR

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 were found to be less than significant. Impacts related to short-term and long-term construction-generated noise, and traffic-related noise, were found to be significant and unavoidable even with General Plan policies that would reduce noise from these sources.

Impacts of the Proposed Project

The proposed Density Bonus Ordinance Update would allow a higher density bonus than currently allowed by State law for projects that would include a certain percentage of affordable units, and an even higher density increase for special target projects, in specific zoning districts in Hayward. The proposed provisions would be voluntary and would only apply in zoning districts that already allow residential housing. It would be speculative to project how many developers would request to apply the provisions, to what extent, and in what locations. Nevertheless, in projects that make use of the provisions, the allowed density could increase by up to 10 percent beyond what is currently allowed under State law, which would directly generate population growth.

The proposed Density Bonus Ordinance Update would not involve development in areas not assumed for development in the EIR certified for the 2040 General Plan in 2014. The affected zoning districts currently allow residential development at generally the same physical scale as would be allowed under the proposed changes.

The modest incremental increase in allowable density and building scale would not result in substantially louder or longer construction phases, or in different or substantially more intense land uses in the affected zoning districts. As discussed below in Section 5.17, *Transportation*, the project would not result in a substantial increase in vehicle trips or vehicle miles travelled such that a significant increase in traffic noise would result. General Plan policies and programs, standard conditions of approval, and Municipal Code provisions for noise reduction would apply to development under the proposed project. Impacts would not be substantially greater than those analyzed in the 2014 General Plan EIR.

Conclusion

No substantial changes have occurred that require major revisions to the 2014 General Plan EIR. There is no new information indicating that the proposed project would have new significant

impacts or substantially more severe significant impacts with respect to noise than were identified in the 2014 General Plan EIR. None of the conditions listed in *CEQA Guidelines* Section 15162 requiring preparation of a subsequent EIR would occur. No new mitigation measures are necessary.

5.14 Population and Housing

Impacts Identified in the 2014 General Plan EIR

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.

Impacts of the Proposed Project

The proposed Density Bonus Ordinance Update would allow a higher density bonus than currently allowed by State law for projects that would include a certain percentage of affordable units, and an even higher density increase for special target projects, in specific zoning districts in Hayward. The proposed provisions would be voluntary and would only apply in zoning districts that already allow residential housing. It would be speculative to project how many developers would request to apply the provisions, to what extent, and in what locations. Nevertheless, in projects that make use of the provisions, the allowed density could increase by up to 10 percent beyond what is currently allowed under State law, which would directly generate population growth.

The population of Hayward as of January 2022 was approximately 160,591 persons (California Department of Finance 2022). The 2040 General Plan EIR studied the impacts of a population increase up to 208,047 by 2040. The modest (up to 10 percent) increase in potential additional density that would be facilitated on limited sites in Hayward under the proposed Density Bonus Ordinance Update would not cause Hayward's population to exceed the General Plan projections and associated analysis in the EIR, and impacts would remain less than significant. The proposed Density Bonus Ordinance Update would not involve development in areas not assumed for development in the EIR certified for the 2040 General Plan in 2014. The affected zoning districts currently allow residential development at generally the same physical scale as currently allowed; therefore, potential displacement impacts would be the same as for buildout under the General Plan as analyzed in the 2014 General Plan EIR and would remain less than significant.

Conclusion

No substantial changes have occurred that require major revisions to the 2014 General Plan EIR. There is no new information indicating that the proposed project would have new significant impacts or substantially more severe significant impacts with respect to population and housing than were identified in the 2014 General Plan EIR. None of the conditions listed in *CEQA Guidelines* Section 15162 requiring preparation of a subsequent EIR would occur. No new mitigation measures are necessary.

5.15 Public Services

Impacts Identified in the 2014 General Plan EIR

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.

Impacts of the Proposed Project

As discussed above in Section 5.14, *Population and Housing*, the modest (up to 10 percent) increase in potential additional density that would be facilitated on limited sites in Hayward under the proposed Density Bonus Ordinance Update would not cause Hayward's population to exceed the General Plan projections and associated analysis in the EIR. The proposed Density Bonus Ordinance Update would also not involve development in areas not assumed for development in the EIR certified for the 2040 General Plan in 2014, which are currently served by fire services, police services, schools, and libraries. The affected zoning districts currently allow residential development at generally the same physical scale as currently allowed; therefore, potential impacts would be generally the same as for buildout under the General Plan as analyzed in the 2014 General Plan EIR and new or expanded facilities would not be required as a result in the proposed project specifically. Impacts would remain less than significant.

Conclusion

No substantial changes have occurred that require major revisions to the 2014 General Plan EIR. There is no new information indicating that the proposed project would have new significant impacts or substantially more severe significant impacts with respect to public services than were identified in the 2014 General Plan EIR. None of the conditions listed in *CEQA Guidelines* Section 15162 requiring preparation of a subsequent EIR would occur. No new mitigation measures are necessary.

5.16 Recreation

Impacts Identified in the 2014 General Plan EIR

As discussed in Section 17, *Public Services*, of the General Plan EIR (pages 17-1 through 17-42) impacts to recreation were determined to be less than significant.

Impacts of the Proposed Project

As discussed above in Section 5.14, *Population and Housing*, the modest (up to 10 percent) increase in potential additional density that would be facilitated on limited sites in Hayward under the proposed Density Bonus Ordinance Update would not cause Hayward's population to exceed the General Plan projections and associated analysis in the EIR. The proposed Density Bonus Ordinance Update would also not involve development in areas not assumed for development in the EIR certified for the 2040 General Plan in 2014, which are currently served by parks and recreation facilities and services. The affected zoning districts currently allow residential development at generally the same physical scale as currently allowed; therefore, potential impacts would be generally the same as for buildout under the General Plan as analyzed in the 2014 General Plan EIR. Impacts would remain less than significant.

Conclusion

No substantial changes have occurred that require major revisions to the 2014 General Plan EIR. There is no new information indicating that the proposed project would have new significant impacts or substantially more severe significant impacts with respect to recreation than were identified in the 2014 General Plan EIR. None of the conditions listed in *CEQA Guidelines* Section

15162 requiring preparation of a subsequent EIR would occur. No new mitigation measures are necessary.

5.17 Transportation

Impacts Identified in the 2014 General Plan EIR

The General Plan EIR evaluates transportation impacts on pages 18-1 through 18-44, using level-of-service (LOS) as the methodology and to assess significance. Since certification of the EIR and pursuant to Senate Bill (SB) 743, the City of Hayward has adopted vehicle miles traveled (VMT) as the primary metric to analyze transportation impacts instead of LOS.

Impacts of the Proposed Project

Buildout under the proposed project would be consistent with over buildout allowed under the General Plan and analyzed in the 2014 General Plan EIR. It would be speculative to project how many developers would request to apply the provisions, to what extent, and in what locations. In projects that make use of the provisions, the allowed density could increase by up to 10 percent beyond what is currently allowed under State law, which would directly generate population growth.

Hayward's residential zoning districts are largely served by transit, and many are in areas with more than 15 percent below average VMT per capita. In addition, affordable units and multi-family units typically generate less VMT than market rate housing and single-family dwellings. The modest increase in density that could be facilitated by the project on limited infill sites, combined with the lower-VMT generation of the types of units that would be facilitated under the project would not be expected to substantially increase VMT per capita in Hayward. VMT would not be substantially greater than for General Plan buildout under current conditions.

The proposed Density Bonus Ordinance Update would not involve development in areas not assumed for development in the EIR certified for the 2040 General Plan in 2014. The affected zoning districts currently allow residential development at generally the same physical scale as would be allowed under the proposed changes. The modest incremental increase in allowable density and building scale would not substantially change the EIR's conclusions regarding traffic safety, alternative travel modes, or incompatible uses. Impacts would be generally the same as for General Plan buildout under current conditions.

Conclusion

No substantial changes have occurred that require major revisions to the 2014 General Plan EIR. There is no new information indicating that the proposed project would have new significant impacts or substantially more significant impacts with respect to transportation and traffic than were identified in the 2014 General Plan EIR. None of the conditions listed in CEQA Guidelines Section 15162 requiring preparation of a subsequent EIR would occur. No new mitigation measures are necessary.

5.18 Tribal Cultural Resources

Impacts Identified in the 2014 General Plan EIR

Tribal Cultural Resources was added to the 2016 *CEQA Guidelines* as a separate environmental issue area. Thus, the 2014 General Plan EIR does not include a chapter or section dedicated to analysis of impacts to tribal cultural resources. However, it does analyze general impacts to historical and cultural resources (including archeological resources that may originate from Native American tribes) in Section 12, *Historical and Cultural Resources*, and concludes that impacts to historic and cultural resources would be less than significant. Implementation of existing regulations and General Plan policies LU-8.3 (Historic Preservation), LU-8.4 (Survey and Historic Reports), and LU-8.13 (Planning Study Considerations) would ensure that archaeological sites and resources, including undocumented human remains and those resources specifically of significance to Native Americans, would be protected, properly documented, and integral to the City's planning process.

Impacts of the Proposed Project

The proposed Density Bonus Ordinance Update would not involve development in areas not assumed for development in the EIR certified for the 2040 General Plan in 2014. The affected zoning districts currently allow residential development at generally the same physical scale as would be allowed under the proposed changes. The modest incremental increase in allowable density and building scale would not result in substantially greater development footprints or excavation/disturbance depth or extent; accordingly, potential impacts to Tribal cultural resources would be the same as under existing conditions. Finally, in addition to the General Plan policies listed above, California Assembly Bill 52 of 2014 (AB 52) came into effect after the certification of the 2014 General Plan EIR. In addition to adding tribal cultural resources to the CEQA Appendix G checklist, AB 52 established 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. This process has improved identification and protection of Tribal cultural resources.

Conclusion

No substantial changes have occurred that require major revisions to the 2014 General Plan EIR. There is no new information indicating that the proposed project would have new significant impacts or substantially more severe significant impacts with respect to tribal cultural resources than were identified in the 2014 General Plan EIR. None of the conditions listed in *CEQA Guidelines* Section 15162 requiring preparation of a subsequent EIR would occur. No new mitigation measures are necessary.

5.19 Utilities and Service Systems

Impacts Identified in the 2014 General Plan EIR

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 utilities and service systems as less than significant.

Impacts of the Proposed Project

As discussed above in Section 5.14, *Population and Housing*, the modest (up to 10 percent) increase in potential additional density that would be facilitated on limited sites in Hayward under the proposed Density Bonus Ordinance Update would not cause Hayward's population to exceed the General Plan projections and associated analysis in the EIR. The proposed Density Bonus Ordinance Update would also not involve development in areas not assumed for development in the EIR certified for the 2040 General Plan in 2014, which are currently served by utilities and service systems. The affected zoning districts currently allow residential development at generally the same physical scale as currently allowed; therefore, potential impacts would be generally the same as for buildout under the General Plan as analyzed in the 2014 General Plan EIR and new or expanded facilities would not be required as a result in the proposed project specifically. Impacts would remain less than significant.

Conclusion

No substantial changes have occurred that require major revisions to the 2014 General Plan EIR. There is no new information indicating that the proposed project would have new significant impacts or substantially more severe significant impacts with respect to utilities and service systems than were identified in the 2014 General Plan EIR. None of the conditions listed in CEQA Guidelines Section 15162 requiring preparation of a subsequent EIR would occur. No new mitigation measures are necessary.

5.20 Wildfire

Impacts Identified in the 2014 General Plan EIR

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.

Impacts of the Proposed Project

Recent changes to the *CEQA Guidelines* have added additional checklist questions related to wildfire hazards to Appendix G of the *CEQA Guidelines*. Therefore, additional discussion related to wildfire hazards is provided herein to supplement the 2014 General Plan EIR. Wildfires are of particular concern in areas designated as a Very High Fire Hazard Severity Zone (VHFHSZ). The areas where the proposed ZTA would apply are not located within or adjacent to land classified as a VHFHSZ (CAL FIRE 2022). In addition, the proposed Density Bonus Ordinance Update would not involve development in areas not assumed for development in the EIR certified for the 2040 General Plan in 2014; the land uses, location, and general footprint of development under the project would be the same as for the citywide buildout analyzed in the 2014 General Plan EIR. The affected zoning districts currently allow residential development at generally the same physical scale as would be allowed under the proposed changes. Impacts would remain less than significant.

Conclusion

No substantial changes have occurred that require major revisions to the 2014 General Plan EIR. There is no new information indicating that the proposed project would have new significant impacts or substantially more severe significant impacts with respect wildfire than were identified in the 2014 General Plan EIR. None of the conditions listed in *CEQA Guidelines* Section 15162 requiring preparation of a subsequent EIR would occur. No new mitigation measures are necessary.

6 Conclusion

The City of Hayward, acting as the lead agency, determined that an addendum is the appropriate environmental document under CEQA because the proposed project would not require revisions to the adopted General Plan's certified EIR due to the involvement of new significant environmental effects or substantial increases in the severity of significant effects previously identified in the General Plan Update EIR.

There are no changed circumstances or new information that meets the standards for requiring further environmental review under CEQA Guidelines Section 15162. Thus, these circumstances and information would not result in new or more severe impacts beyond what were addressed in the General Plan Final EIR and would not meet any other standards under CEQA Guidelines Section 15162(a)(3). No additional analysis is required based on the discussions throughout this addendum. The proposed Density Bonus Ordinance Update would not involve development in areas not assumed for development in the EIR certified for the 2040 General Plan in 2014, nor would it result in population growth and density beyond what was analyzed in the 2040 General Plan EIR. The project would not result in significant or substantially more severe impacts that were not discussed in the 2040 General Plan EIR. 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, would be substantially more severe than discussed in the 2040 General Plan EIR. Accordingly, no additional CEQA review is required.

State CEQA Guidelines Section 15164 states that "[t]he lead agency or a responsible agency shall prepare an addendum to a previously certified EIR if some changes or additions are necessary but none of the conditions described in Section 15162 calling for preparation of a subsequent EIR have occurred." An addendum is therefore appropriate because, as explained above, none of the conditions calling for preparation of a subsequent EIR have occurred.

7 References

7.1 Bibliography

California Department of Forestry & Fire Protection (CAL FIRE) Fire and Resource Assessment Program. 2022. Fire Hazard Severity Zone Viewer. <https://egis.fire.ca.gov/FHSZ/> (accessed November 2022).

7.2 List of Preparers

Rincon Consultants, Inc. prepared this addendum under contract to the City of Hayward. Persons involved in data gathering, analysis, project management, and quality control include the following:

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