Gading II Residential Project

Initial Study – Mitigated Negative Declaration

prepared by

City of Hayward
777 B Street, 3rd Floor
Hayward, California 94541
Contact: Jay Lee, AICP, Associate Planner, (510) 583-4207

prepared with the assistance of

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

April 2018

Rincon Consultants, Inc.
Environmental Scientists Planners Engineers
www.rinconconsultants.com

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Table of Contents

Tables

Figures

Appendices

Initial Study

1. Project Title

Gading II Residential Project

2. Lead Agency Name and Address

City of Hayward – Development Services Department
Planning Division
777 B Street, 3rd Floor
Hayward, California 94541

3. Contact Person and Phone Number

Jay Lee, AICP, Associate Planner, (510) 583-4207

4. Project Location

The project site encompasses approximately 1.7 acres and consists of two assessor's parcels at 25941 Gading Road (close to the intersection of Gading Court) in the city of Hayward (APN# 454-0020-062-02 and 454-0020-069-00). Figure 1 shows the location of the project site in the regional context. Figure 2 shows an aerial view of the project site and immediate surroundings. Interstate 880 (I-880) and Interstate 580 (I-580) provide regional access to the project site.

5. Project Sponsor's Name and Address

Dutra Enterprises, Inc.
43360 Mission Boulevard, Suite 230
Fremont, California 94539

6. General Plan Designation

MDR (Medium Density Residential)

7. Zoning

APN 454-0020-062-02 is zoned RS (Single-Family Residential) District and APN 454-0020-069-00 is zoned PD (Planned Development) District.

City of Hayward
Gading II Residential Project

Figure 1 Regional Location

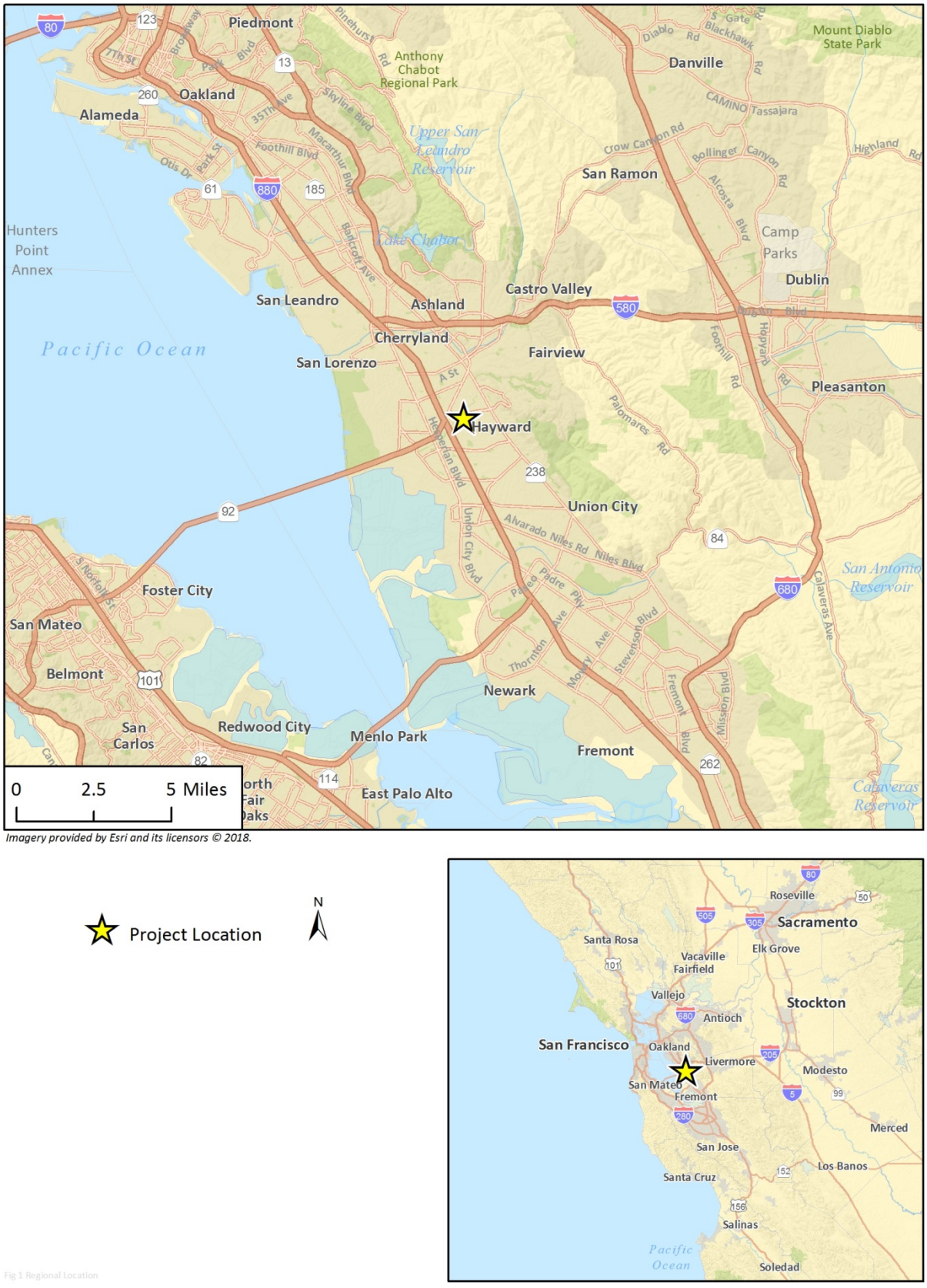


Fig 1 Regional Location

Figure 2 Project Site Location

Imagery provided by Google and its licensors © 2018.

8. Description of Project

The proposed project requires a rezoning and subdivision of an approximately 1.7-acre site into 21 lots in order to develop 18 detached, single-family residences; common open space; and a private street that would have vehicular access from a public street, Gading Road. The lots range in size between 2,657 and 3,206 square feet and 18 of the 21 lots would be developed with single-family residences, two lots would provide nearly 3,000 square feet of common open space for the residents, and one lot would contain a stormwater bioretention area. Aside from the common open space areas, the project would include private open space for each residence. The project involves a zone change from the existing RS (Single-Family Residential) District and PD (Planned Development) District to a new PD District to accommodate the project. Currently, the 1.7-acre site is undeveloped.

Table 1 summarizes the characteristics of the project. Figure 3 shows the proposed site plan.

Table 1 Project Summary

Project Size	
Square Feet	77,693 sf
Acres	1.7 acres
Residential Units	
Three-bedroom	13 units
Four-bedroom	5 units
Total	18 units
Overall Density	14.0 du/ac
Parking	
Garage	36 spaces
On-street	7 spaces
Open Space	
Private	9,914 sf
Shared	2,923 sf
Total	12,837 sf

Notes: sf = square feet, du/ac = dwelling units per acre

Access and Parking

Vehicular access to the project site is provided via one 24-foot-wide private street from Gading Road. Each single-family residence would be accessed via a driveway from the proposed private street and includes a two-car garage. All of the units have driveways that could accommodate two additional parked vehicles. Seven on-street parking spaces would also be provided and available for use by residents and guests.

Figure 3 Proposed Site Plan

Source: KTGY Group, 2017

The project would include the replacement of the pedestrian sidewalk on the project frontage along Gading Road. A new 5-foot wide sidewalk inside the project site on the north side of the proposed private road would also be developed to provide direct pedestrian access to Gading Road.

Open Space and Landscaping

The landscaping plan for the proposed project is shown in Figure 4. The project includes private open space for each residential unit as well as shared common open space areas. The amount of private open space for each unit ranges between 486 and 721 square feet. Shared common open space areas are provided in two areas on the project site, one along the project frontage (593 square feet) and one in the rear of the site (2,330 square feet).

Currently, there are approximately 88 trees located on the project site and two street trees located in the Gading Road right-of-way (HortScience, Inc. 2017). Approximately 81 of these trees would be removed for the project, including the two street trees. The five trees located in the proposed open space areas would remain. The project would include the planting of 20 new trees throughout the project site. As shown in Figure 4, the landscaping and irrigation systems comply with the City's current Water-Efficient Landscape Ordinance and Bay-Friendly Water Efficient Landscape Ordinance, utilizing low-flow spray, bubbler, or drip irrigation methods.

To help reduce stormwater run-off, the residential driveways would incorporate permeable pavers. Additionally, five stormwater bioretention areas are proposed around the site to capture and treat runoff.

Building Architecture and Design

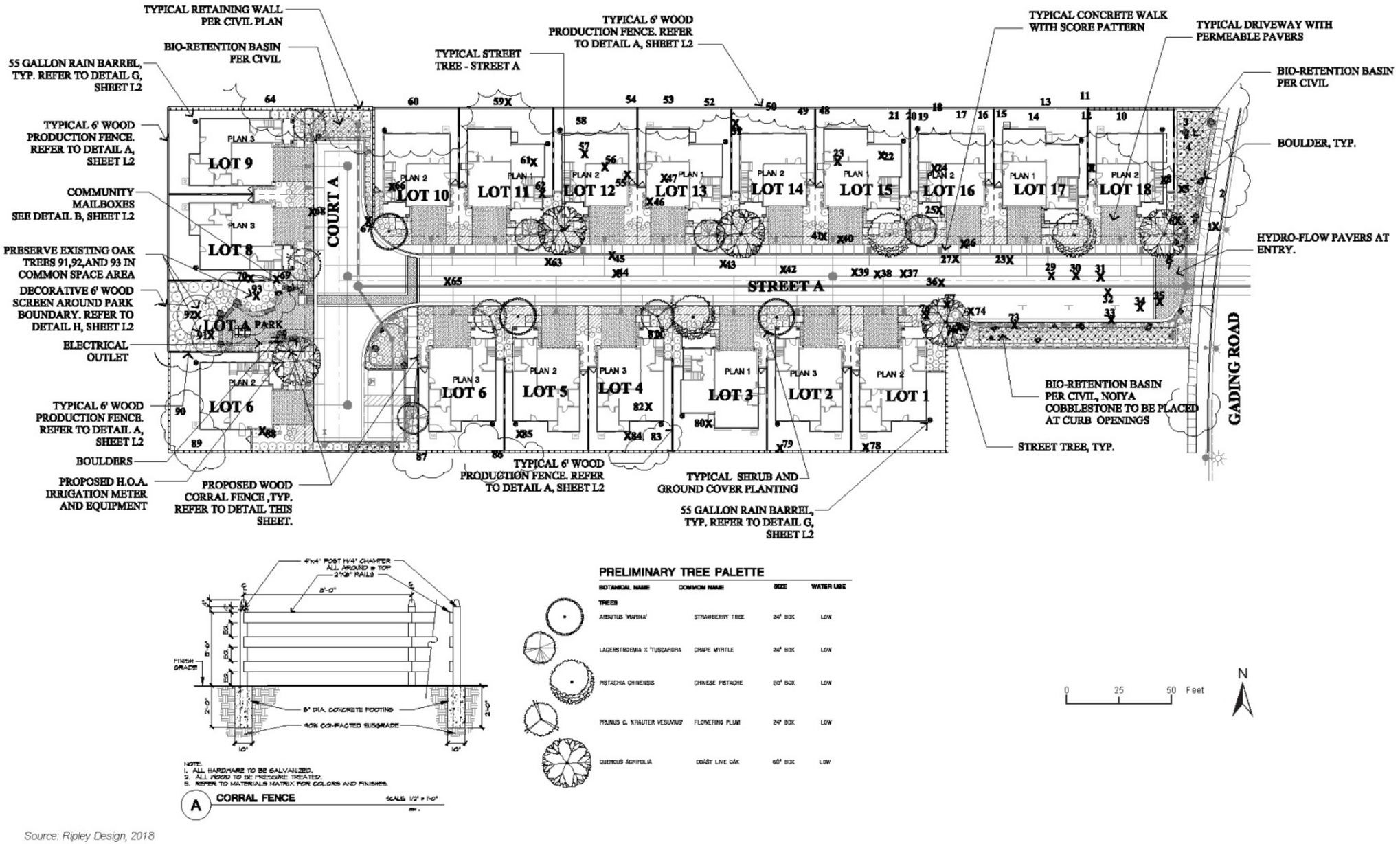
The proposed single-family, detached residential dwellings are similar in height, style, scale, and mass. Each residence would be two stories in height and range between 1,584 and 1,955 gross square feet in size (gross square feet measurement excludes garage area). The architectural style of the homes consists of a thematic Spanish styling with stucco walls and concrete roof tiles. Architectural details include stone veneers, arches, detailed garage doors, front porches, exterior shutters, and sill treatments. Although the proposed project does not include street lights, each of the residences incorporates external lighting to illuminate front yard areas and driveways. Architectural elevations are shown in Figure 5a-c.

Each home will include rooftop solar photovoltaic (PV) panels. In addition, all garages would be prewired to accommodate charging for electric vehicles.

Utilities

Utility services to the project site, including water, sanitary sewer, storm drains, fire protection, and police protection are provided by the City of Hayward. Solid waste collection and recycling are provided by Waste Management of Alameda County and Pacific Gas and Electric (PG&E) provides both gas and electric service to the project site.

Figure 4 Proposed Landscaping Plan



Source: Ripley Design, 2018

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Figure 5a Elevations – Building Type 1A

1A Materials-
Concrete Roof Tile
"Low Profile S Tile"
12" Eaves, 2" Rakes
Decorative Details
Coach Light
1x Stucco Finish Trim
Corbels

ELEVATION 1A MISSION

1B Materials-
Concrete Roof Tile
"Low Profile S Tile"
12" Eaves & Rakes
Decorative Details
Coach Light
1x Stucco Finish Trim
Brackets

ELEVATION 1B SPANISH RESORT

1C Materials-
Concrete Roof Tile
"Low Profile S Tile"
12" Eaves & Rakes
Decorative Details
Coach Light
1x Stucco Finish Trim
Stone Veneer
Shutters

ELEVATION 1C HACIENDA

Source: KTGY Group, 2018

0 8 16 Feet

Figure 5b Elevations – Building Type 2A

1A Materials-
Concrete Roof Tile
"Low Profile S Tile"
12" Eaves, 2" Rakes
Decorative Details
Coach Light
1x Stucco Finish Trim

ELEVATION 2A MISSION

1B Materials-
Concrete Roof Tile
"Low Profile S Tile"
12" Eaves & Rakes
Decorative Details
Coach Light
1x Stucco Finish Trim
Brackets

ELEVATION 2B SPANISH RESORT

1C Materials-
Concrete Roof Tile
"Low Profile S Tile"
12" Eaves & Rakes
Decorative Details
Coach Light
1x Stucco Finish Trim
Stone Veneer

ELEVATION 2C HACIENDA

Source: KTGY Group, 2018

0 8 16 Feet

Figure 5c Elevations – Building Type 3A

3A Materials-
Concrete Roof Tile
"Low Profile S Tile"
12" Eaves, 2" Rakes
Decorative Details
Coach Light
1x Stucco Finish Trim

ELEVATION 3A MISSION

3B Materials-
Concrete Roof Tile
"Low Profile S Tile"
12" Eaves & Rakes
Decorative Details
Coach Light
1x Stucco Finish Trim
Brackets

ELEVATION 3B SPANISH RESORT

3C Materials-
Concrete Roof Tile
"Low Profile S Tile"
12" Eaves & Rakes
Decorative Details
Coach Light
1x Stucco Finish Trim
Stone Veneer

ELEVATION 3C HACIENDA

Source: KTGY Group, 2018

0 8 16 Feet

9. Surrounding Land Uses and Setting

The project site is located in the Harder-Tennyson neighborhood, which is characterized by single-family and multi-family residential buildings and a mix of one- and two-story commercial buildings. The suburban location consists largely of residential land uses constructed after World War II.

The project is bordered by a medical office building and associated surface parking areas to the north (Windsor Post-Acute Care Center of Hayward), single-family residential uses to the east and west, and multi-family residential uses to the south (Morpark Apartments).

The project site is currently undeveloped and generally flat. Currently, there are 88 trees of varying size and species on the project site. Previously, the northern portion of the site (APN 454-0020-062-02) was developed with two single-family residences and accessory structures that were demolished in 2017. In 1998, the southern parcel (APN 454-0020-069-00) was rezoned from RS to PD in order to subdivide the site into four lots and develop each lot with a two-story, single-family home. The rezone and the project were approved. However, the four single-family residences were never built.

Photos of the project site and surrounding area are shown in Figure 6 and Figure 7.

10. Required Approvals

The following approvals and permits from the City of Hayward would be required for the project:

- Tentative Tract Map
- Zone change from RS (Single-Family Residential) and PD (Planned Development) to a new PD District
- Grading Permit
- Building Permit

11. Other Public Agencies Whose Approval is Required

The City of Hayward is the lead agency with responsibility for approving the project. No other public agency's approval is required.

Figure 6 Site Photographs

Photo 1: Single-family residence adjacent to the project site from across Gading Road looking west.

Photo 2: Single-family residences adjacent to rear of project site from Underwood Avenue looking east.

Figure 7 Surrounding Area Photographs

Photo 1: Single-family residence adjacent to the project site from across Gading Road looking west.

Photo 2: Single-family residences adjacent to rear of project site from Underwood Avenue looking east.

Environmental Factors Potentially Affected

This project would potentially affect the environmental factors checked below, involving at least one impact that is "Potentially Significant" or "Potentially Significant Unless Mitigation Incorporated," as indicated by the checklist on the following pages.

☐	Aesthetics	☐	Agriculture and Forestry Resources	☐	Air Quality
■	Biological Resources	■	Cultural Resources	■	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/Traffic	■	Tribal Cultural Resources	☐	Utilities and Service Systems
☐	Mandatory Findings of Significance				

Determination

Based on this initial evaluation:

☐ I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.

■ I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions to the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.

☐ I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.

☐ I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect (1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and (2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.

☐ I find that although the proposed project could have a significant effect on the environment, because all potential significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

Signature	4/5/18 Date
Jay Lee Printed Name	Associate Planner Title

Environmental Checklist

1 Aesthetics

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
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. Substantially degrade the existing visual character or quality of the site and its surroundings?	☐	☐	■	☐
d. Create a new source of substantial light or glare that would adversely affect daytime or nighttime views in the area?	☐	☐	■	☐

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

A scenic vista is generally defined as an expansive view of highly valued landscape as observable from a publicly accessible vantage point. The *Hayward 2040 General Plan* characterizes the city's scenic vistas as views of natural topography, open grassland vegetation, the East Bay hills, and the San Francisco Bay shoreline. In addition, portions of I-580, I-880, and State Route 92 (SR 92) in the city are designated as County Scenic Highways. The project site is not part of a scenic landscape in the city and is not located in the viewshed of a County Scenic Highway. The project site is flat and in an urban area surrounded by development. None of the significant view areas are located on or near the project site. In addition, there are no scenic views or views of such features as the East Bay hills available from or through the site due to the distance from such features and the intervening buildings and vegetation. The project will not block significant views or other scenic vistas. No impact will occur.

NO IMPACT

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

The closest designated state scenic highway is a portion of I-580 at the northern edge of the city, approximately three miles north of the project site (Caltrans 2011). The project site is not visible

from I-580 and therefore the project will not damage scenic resources within view of a state scenic highway. No impact will occur.

NO IMPACT

c. Would the project substantially degrade the existing visual character or quality of the site and its surroundings?

The project site is currently undeveloped. The visual character of the site is dominated by the numerous mature trees located on the site. Adjacent to the site to the south is a one-story craftsman-style single-family residence and an apartment complex with one- to two-story apartment buildings. To the north, east, and west are one- to two-story residential and medical office buildings. Surrounding buildings are a mix of architectural styles that typically include wood, stucco, and vinyl building materials in muted colors. Construction of the project would alter the visual character of the project site by removing 83 trees and adding 18 single-family residences to the site. However, the project would plant 20 new trees throughout the project site. The project site is currently surrounded by other single-family land uses and commercial development with similar building heights. As such, the project would be consistent with the height and architectural style of existing residential developments in the surrounding area. Therefore, the project will be compatible with the visual character of the area. Impacts will be less than significant.

LESS THAN SIGNIFICANT IMPACT

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

The project site is in an urbanized area with relatively high levels of existing light. The surrounding residential and commercial uses, along with the roadway, generate light and glare adjacent to all sides of the property. Primary sources of light include interior and exterior lighting associated with the existing residential and commercial buildings, vehicle headlights, and street lights. The primary source of glare adjacent to the project site is the sun's reflection from metallic, glass, and light-colored surfaces on buildings and on vehicles parked on adjacent streets and in adjacent parking areas.

The project would introduce new sources of lighting and glare as the project site is currently undeveloped. The project would not include street lights on the private roadway, but the single-family residences would have some exterior lighting to illuminate driveways and yards. The project would also introduce light and glare from headlights from vehicles entering and exiting the project driveway on Gading Road. Sources of glare associated with the project site include vehicles parked in driveways or in the designated street parking spaces. These sources of light and glare will be similar to existing sources surrounding the site and would be consistent with other uses in the area. No highly-reflective glass or metallic elements are proposed as part of the project. Therefore, impacts will be less than significant.

LESS THAN SIGNIFICANT IMPACT

2 Agriculture and Forestry Resources

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
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?	☐	☐	☐	■

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

b. Would the project conflict with existing zoning for agricultural use, or a Williamson Act contract?

c. Would the project 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. Would the project result in the loss of forest land or conversion of forest land to non-forest use?

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

The project site is located in an urbanized area of Hayward. The site is designated as MDR (Medium Density Residential) in the City's General Plan and zoned RS (Single Family Residential) and PD (Planned Development). Neither the project site nor adjacent properties are identified as any of the farmland types under the Farmland Mapping and Monitoring Program or enrolled in Williamson Act contracts, or support forest land or resources (California Department of Conservation 2016). The project site is not located on or adjacent to agricultural land or forest land and the project would not involve development that could result in the conversion of farmland to non-agricultural uses. For these reasons, the project will have no impact with respect to conversion of Prime Farmland, Unique Farmland, or Farmland of Statewide Importance to non-agricultural use; conflict with existing agricultural zoning or Williamson Act contract; result in the loss of forest land or conversion of forest land to non-forest use; or other conversion of farmland to non-agricultural use.

NO IMPACT

3 Air Quality

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
a. Conflict with or obstruct implementation of the applicable air quality plan?	☐	☐	■	☐
b. Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	☐	☐	■	☐
c. Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?	☐	☐	■	☐
d. Expose sensitive receptors to substantial pollutant concentrations?	☐	☐	■	☐
e. Create objectionable odors affecting a substantial number of people?	☐	☐	■	☐

Air Quality Standards and Attainment

The project site is located in the San Francisco Bay Area Air Basin (the Basin), which is under the jurisdiction of the Bay Area Air Quality Management District (BAAQMD). As the local air quality management agency, the BAAQMD is required to monitor air pollutant levels to ensure that state and federal air quality standards are met and, if they are not met, to develop strategies to meet the standards.

Depending on whether or not the standards are met or exceeded, the Basin is classified as being in "attainment" or "nonattainment." Under state law, air districts are required to prepare a plan for air quality improvement for pollutants for which the district is in non-compliance. The BAAQMD is in non-attainment for the state and federal ozone standards, the state and federal $PM_{2.5}$ (particulate matter up to 2.5 microns in size) standards, and the state PM_{10} (particulate matter up to 10 microns in size) standards and is required to prepare a plan for improvement (BAAQMD 2017a).

The health effects associated with criteria pollutants for which the Basin is in non-attainment are described in Table 2.

Table 2 Health Effects Associated with Non-Attainment Criteria Pollutants

Pollutant	Adverse Effects
Ozone	(1) Short-term exposures: (a) pulmonary function decrements and localized lung edema in humans and animals and (b) risk to public health implied by alterations in pulmonary morphology and host defense in animals; (2) long-term exposures: risk to public health implied by altered connective tissue metabolism and altered pulmonary morphology in animals after long-term exposures and pulmonary function decrements in chronically exposed humans; (3) vegetation damage; and (4) property damage.
Suspended particulate matter (PM_{10})	(1) Excess deaths from short-term and long-term exposures; (2) excess seasonal declines in pulmonary function, especially in children; (3) asthma exacerbation and possibly induction; (4) adverse birth outcomes including low birth weight; (5) increased infant mortality; (6) increased respiratory symptoms in children such as cough and bronchitis; and (7) increased hospitalization for both cardiovascular and respiratory disease (including asthma).[a]
Suspended particulate matter ($PM_{2.5}$)	(1) Excess deaths from short- and long-term exposures; (2) excess seasonal declines in pulmonary function, especially in children; (3) asthma exacerbation and possibly induction; (4) adverse birth outcomes, including low birth weight; (5) increased infant mortality; (6) increased respiratory symptoms in children, such as cough and bronchitis; and (7) increased hospitalization for both cardiovascular and respiratory disease, including asthma.[1]

[1] More detailed discussions on the health effects associated with exposure to suspended particulate matter can be found in the following documents: EPA, *Air Quality Criteria for Particulate Matter*, October 2004.

Source: U.S. EPA, http://www.epa.gov/airquality/urbanair/

Air Quality Management

The Bay Area 2017 Clean Air Plan provides a plan to improve Bay Area air quality and protect public health as well as the climate. The legal impetus for the Plan is to update the most recent ozone plan, the 2010 Clean Air Plan, to comply with state air quality planning requirements as codified in the California Health & Safety Code. Although steady progress has been made to reduce ozone levels in the Bay Area, the region continues to be designated as non-attainment for both the one-hour and eight-hour state ozone standards as noted previously. In addition, emissions of ozone precursors in the Bay Area contribute to air quality problems in neighboring air basins. Under these circumstances, state law requires the Clean Air Plan to include all feasible measures to reduce emissions of ozone precursors and reduce transport of ozone precursors to neighboring air basins (BAAQMD 2017b).

In 2006, the U.S. Environmental Protection Agency (U.S. EPA) tightened the national 24-hour $PM_{2.5}$ standard regarding short-term exposure to fine particulate matter from 65 µg/m^3 (micro-grams per cubic meter) to 35 µg/m^3. Based on air quality monitoring data for years 2006-2008 showing that the region was slightly above the standard, the U.S. EPA designated the Bay Area as non-attainment for the 24-hour national standard in December 2008. This triggered the requirement for the Bay Area to prepare a State Implementation Plan (SIP) submittal to demonstrate how the region would attain the standard. However, data for both the 2008-2010 and the 2009-2011 cycles showed that Bay Area $PM_{2.5}$ levels currently meet the standard. On October 29, 2012, the U.S. EPA issued a proposed rule-making to determine that the Bay Area now attains the 24-hour $PM_{2.5}$ national standard. Based on this, the Bay Area is required to prepare an abbreviated SIP submittal that includes an emission inventory for primary (directly-emitted) $PM_{2.5}$, as well as precursor pollutants that contribute to formation of secondary PM in the atmosphere; and amendments to the BAAQMD

New Source Review (NSR) to address $PM_{2.5}$ (adopted December 2012).[1] However, key SIP requirements to demonstrate how a region will achieve the standard (i.e., the requirement to develop a plan to attain the standard) will be suspended as long as monitoring data continues to show that the Bay Area attains the standard.

In addition to preparing the "abbreviated" SIP submittal, the BAAQMD has prepared a report entitled *Understanding Particulate Matter: Protecting Public Health in the San Francisco Bay Area* (BAAQMD 2012). The report will help to guide the BAAQMD's on-going efforts to analyze and reduce PM in the Bay Area in order to better protect public health. The Bay Area will continue to be designated as "non-attainment" for the national 24-hour $PM_{2.5}$ standard until such time as the Air District elects to submit a "redesignation request" and a "maintenance plan" to the U.S. EPA, and the U.S. EPA approves the proposed redesignation.

Air Emission Thresholds

This analysis uses the BAAQMD's May 2017 California Environmental Quality Act (CEQA) Air Quality Guidelines to evaluate air quality impacts. The May 2017 Guidelines include revisions made to the 2010 Guidelines, addressing the California Supreme Court's 2015 opinion in the *Cal. Bldg. Indus. Ass'n vs. Bay Area Air Quality Mgmt. Dist., 62 Cal. 4th 369* (BAAQMD 2017c). Table 3 presents the numeric significance thresholds for construction and operational-related criteria air pollutant and precursor emissions in the May 2017 BAAQMD CEQA Air Quality Thresholds. These represent the levels at which a project's individual emissions of criteria air pollutants or precursors would result in a cumulatively considerable contribution to the Basin's existing air quality conditions.

Table 3 Air Quality Thresholds of Significance

	Construction-Related Thresholds	Operation-Related Thresholds	
Pollutant/ Precursor	**Average Daily Emissions (pounds per day)**	**Maximum Annual Emissions (tpy)**	**Average Daily Emissions (lbs/day)**
ROG	54	10	54
NO_X	54	10	54
PM_{10}	82 (exhaust)	15	82
$PM_{2.5}$	54 (exhaust)	10	54

Source: Table 2-1, Bay Area Air Quality Management District, CEQA Air Quality Guidelines, May 2017.

Notes: tpy = tons per year; lbs/day = pounds per day; NO_X = oxides of nitrogen; $PM_{2.5}$ = 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; ROG = reactive organic gases; tpy = tons per year.

The BAAQMD has developed screening criteria to provide lead agencies and project applicants with a conservative indication of whether a project could result in potentially significant air quality impacts. If all of the screening criteria are met by a project, then the lead agency or applicant would not need to perform a detailed air quality assessment of their project's air pollutant emissions. These screening levels are generally representative of new development on greenfield sites without

[1] PM is made up of particles that are emitted directly, such as soot and fugitive dust, as well as secondary particles that are formed in the atmosphere from chemical reactions involving precursor pollutants such as oxides of nitrogen (NO_x), sulfur oxides (SO_x), volatile organic compounds (VOCs), and ammonia (NH_3).

any form of mitigation measures taken into consideration. For projects that are infill, such as the proposed project, emissions would be less than the greenfield-type project on which the screening criteria are based (BAAQMD 2017c). For single-family residences, the BAAQMD's operational criteria pollutant screening size is 325 dwelling units and the construction-related screening size is 114 dwelling units. The proposed project involves 18 dwelling units and is well below the screening criteria.

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

Vehicle use, energy consumption, and associated air pollutant emissions are directly related to population and housing growth. A project may be inconsistent with the applicable air quality plan if it would result in population, housing, or employment growth that exceeds growth estimates included in the plan. Such growth would generate emissions not accounted for in the applicable air quality plan emissions budget. Therefore, projects need to be evaluated to determine whether they would generate population, housing, or employment growth and, if so, whether that growth would exceed the growth rates included in the applicable air quality plan. The most recent and applicable adopted air quality plan is the 2017 Clean Air Plan. Therefore, the proposed project would result in a significant impact if it would conflict with or obstruct implementation of the 2017 Plan.

The BAAQMD uses the Association of Bay Area Government's (ABAG) growth forecast. The latest ABAG projections do not include a population forecast, but do provide a housing forecast. ABAG estimates that the number of housing units in the city in 2040 will be 54,300 (ABAG 2017a). The California Department of Finance (DOF) estimates the city currently has 49,665 housing units (DOF 2017). Therefore, the addition of 18 housing units associated with the proposed project would bring the city's total housing units to 49,683. The housing growth associated with the project is well within ABAG projections and therefore also within the BAAQMD Clean Air Plan projections.

Further, as discussed in responses to questions (b) and (c) below and in Section 7, *Greenhouse Gas Emissions*, the project not would exceed BAAQMD significance thresholds related to air quality or GHG emissions. Therefore, the project will not conflict with or obstruct the implementation of an applicable air quality plan. This impact will be less than significant.

LESS THAN SIGNIFICANT IMPACT

b. Would the project violate any air quality standard or contribute substantially to an existing or projected air quality violation?

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

The construction of the 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), natural gas and electricity use (energy sources), and landscape maintenance

equipment, consumer products, and architectural coating associated with on-site development (area sources).

The BAAQMD developed screening criteria to provide lead agencies and project applicants with a conservative indication of whether a project could result in potentially significant air quality impacts. If all of the screening criteria are met by a project, then the lead agency or applicant would not need to perform a detailed air quality assessment of their project's air pollutant emissions. These screening levels are generally representative of new development on greenfield sites without any form of mitigation measures taken into consideration. For projects that are infill, such as the project, emissions would be less than the greenfield-type project on which the screening criteria are based (BAAQMD 2017c).

The BAAQMD's construction-related screening level for single-family residential operations is 114 dwelling units. For operational emissions, the minimum screening level is 325 dwelling units (BAAQMD 2017c). The project would involve the construction of 18 dwelling units. Therefore, the project would be below the construction and operational screening level criteria for single-family land use. According to BAAQMD, if all of the screening criteria are met by a project, then the lead agency or applicant would not need to perform a detailed air quality assessment of their project's air pollutant emissions. Since the screening criteria are met, the project would not exceed BAAQMD air pollutant thresholds. The project would not violate an air quality standard or contribute to an existing or projected air quality violation.

As noted above, the Basin is currently nonattainment for the federal and state standards for ozone, as well as state standards for particulate matter ($PM_{2.5}$ and PM_{10}) and the federal standard for 24-hour $PM_{2.5}$. According to BAAQMD, if a project meets the screening criteria, the project would result in a less-than-significant cumulative impact to air quality from criteria air pollutant and precursor emissions. Since the project is below the operational screening level thresholds, cumulative impacts for criteria pollutants will be less than significant.

LESS THAN SIGNIFICANT IMPACT

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

The California Air Resources Board (CARB) has identified diesel particulate matter as the primary airborne carcinogen in the state (CARB 2014). In addition, Toxic Air Contaminants (TACs) are a defined set of air pollutants that may pose a present or potential hazard to human health. Common sources of TACs and $PM_{2.5}$ include gasoline stations, dry cleaners, diesel backup generators, truck distribution centers, freeways, and other major roadways (BAAQMD 2017c). 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 receptors. In addition, the project would not introduce a new stationary source of emissions and would not result in particulate matter greater than BAAQMD thresholds (see response under questions a, b, and c). Therefore, a Health Risk Assessment was not performed for this project. Impacts under this criterion will be less than significant.

LESS THAN SIGNIFICANT IMPACT

e. Would the project create objectionable odors affecting a substantial number of people?

Table 3-3 in the BAAQMD's 2017 *CEQA Guidelines* provides odor screening distances for land uses that have the potential to generate substantial odor complaints. The uses in the table include wastewater treatment plants, landfills or transfer stations, refineries, composting facilities, confined

animal facilities, food manufacturing, smelting plants, and chemical plants (BAAQMD 2017c). The proposed project involves residential uses. None of the uses identified in the table would occur with the project. The proposed project would not generate objectionable odors affecting a substantial number of people during operation.

During construction activities, heavy equipment and vehicles would emit odors associated with vehicle and engine exhaust both during normal use and when idling. However, these odors would be temporary and would cease upon completion. Overall, the proposed project would not generate objectionable odors affecting a substantial number of people. This impact will be less than significant.

LESS THAN SIGNIFICANT IMPACT

4 Biological Resources

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
a. Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and 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 federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	☐	☐	☐	■
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?	☐	■	☐	☐
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?	☐	☐	☐	■

Existing Setting

Topography on the project site is generally flat due to prior residential development, ranging in elevation from approximately 47 to 50 feet above mean sea level. The site is enclosed by a wooden fence on three sides with a chain link fence along the east side and Gading Road. The project site was previously developed with two residences and accessory structures, which were removed in 2017. Information contained in this section comes from background literature, resource agency database reviews, and from a survey of the project site conducted in February 2018.

Regulatory Setting

Federal and State

Regulatory authority over biological resources is shared by federal, state, and local agencies under a variety of laws, ordinances, regulations, and statutes. Primary authority for biological resources lies within the land use control and planning authority of local jurisdictions (in this instance, the City of Hayward).

The California Department of Fish and Wildlife (CDFW) is a trustee agency for biological resources throughout the state under CEQA and has direct jurisdiction under the California Fish and Game Code (CFGC). Under the California Endangered Species Act (CESA) and the federal Endangered Species Act (ESA), the CDFW and the U.S. Fish and Wildlife Service (USFWS), respectively, have direct regulatory authority over species formally listed as threatened or endangered (and listed as rare for CDFW). Native and/or migratory bird species are protected under the federal Migratory Bird Treaty Act (MBTA) and CFGC Sections 3503, 3503.5, and 3511.

Statutes in the Clean Water Act (CWA), CFGC, and the California Code of Regulations (CCR) protect wetlands and riparian habitat. The U.S. Army Corps of Engineers (USACE) has regulatory authority over wetlands and waters of the United States under Section 404 of the CWA. The State Water Resources Control Board (SWRCB) and the nine Regional Water Quality Control Boards (RWQCB) ensure water quality protection in California pursuant to Section 401 of the CWA and Section 13263 of the Porter-Cologne Water Quality Control Act. The CDFW regulates Waters of the State under the CFGC Section 1600 et seq.

Special-status species are those plants and animals 1) listed, proposed for listing, or candidates for listing as Threatened or Endangered by the USFWS and the National Marine Fisheries Service (NMFS) under the FESA; 2) listed or proposed for listing as Rare, Threatened, or Endangered by the CDFW under the CESA; 3) recognized as California Species of Special Concern (CSSC) by the CDFW; 4) afforded protection under MBTA or CFGC; and 5) occurring on Lists 1 and 2 of the CDFW California Rare Plant Rank (CRPR) system.

City of Hayward

The City of Hayward Municipal Code (HMC) 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 any protected tree. It also requires that all removed or disfigured trees be replaced with like-size, like-kind trees or equivalent value of trees as determined by the City's landscape architect. Protected trees are defined as follows:

- Trees having a minimum trunk diameter of eight inches measured 54 inches above the ground. When measuring a multi-trunk tree, the diameters of the largest three trunks shall be added together.

- Street trees or other required trees such as those required as a condition of approval, Use Permit, or other Zoning requirement, regardless of size
- All memorial trees dedicated by an entity recognized by the City, and all specimen trees that define a neighborhood or community
- Trees of the following species that have reached a minimum of four inches diameter trunk size:
  - Big leaf maple (*Acer macrophyllum*)
  - California buckeye (*Aesculus californica*)
  - Madrone (Arbutus menziesii)
  - Western dogwood (*Cornus nuttallii*)
  - California sycamore (*Platanus racemosa*)
  - Coast live oak (*Quercus agrifolia*)
  - Canyon live oak (*Quercus chrysolepis*)
  - Blue oak (*Quercus douglasii*)
  - Oregon white oak (*Quercus garryana*)
  - California black oak (*Quercus kelloggii*)
  - Valley oak (*Quercus lobata*)
  - Interior live oak (*Quercus wislizenii*)
  - California bay (*Umbellularia californica*)
- A tree or trees of any size planted as a replacement for a protected tree

Additional conditions of approval under the HMC may include, but are not limited to the following:

- Monitoring of all pruning (including roots), trimming, or relocation of protected trees by a certified arborist.
- Root zone protection measures, including non-movable fencing to establish and maintain protection zones prior to and through completion of construction
- Maintenance of protected trees throughout construction

Methods

Literature Review

Rincon Consultants, Inc. (Rincon) biologists reviewed agency databases and relevant literature for baseline information on special-status species and other sensitive biological resources occurring or potentially occurring at the project site and in the immediate surrounding area. The following sources were reviewed for background information:

- CDFW California Natural Diversity Data Base (CNDDB) (CDFW 2018a) and Biogeographic Information and Observation System (BIOS) (CDFW 2018b)
- CDFW Special Animals List (CDFW 2017) and Special Vascular Plants, Bryophytes, and Lichens List (CDFW 2018c)
- CNPS Online Inventory of Rare and Endangered Plants of California (CNPS 2018)
- USFWS Information for Planning and Consultation (IPaC) (USFWS 2018a)
- USFWS Critical Habitat Portal (USFWS 2018b)

- USFWS National Wetlands Inventory (USFWS 2018c)
- United States Department of Agriculture (USDA) Natural Resources Conservation Service (NRCS) Web Soil Survey (NRCS 2018)

Rincon biologists conducted a review of the CNDDB (CDFW 2018a) for recorded occurrences of special-status plant and wildlife taxa in the region prior to conducting a reconnaissance-level field survey. For this review, the search included all occurrences within the United States Geological Survey (USGS) 7.5-minute topographic quadrangle encompassing the project site (*Hayward*), and the eight surrounding quadrangles (*Oakland East, Las Trampas Ridge, Diablo, San Leandro, Dublin, Redwood Point, Newark,* and *Niles*). Strictly marine, estuarine, and aquatic species were excluded from further analysis given the upland terrestrial nature of the project site. Plant species with specific habitat requirements not present at the site such as vernal pools, alkali or serpentine soils, or higher elevation ranges were also excluded from this analysis.

Rincon compiled the results of the background literature review into a list of regionally occurring special-status plants and animals, and evaluated each species for potential to occur based on habitat conditions and proximity to known occurrences. Rincon also reviewed the National Wetlands Inventory (NWI) (USFWS 2018c) and the National Hydrography Datasets (USGS 2017) for potential aquatic resources, including jurisdictional waters of the United States or waters of the State.

Rincon reviewed the arborist report prepared in support of project permitting by HortScience, Inc. (Appendix A). The arborist report identified and assessed 93 trees for the project, including 88 trees located on site and five trees which are located in the adjacent Gading Road right-of-way (two trees), or on adjacent sites where canopies extend onto the project site (three trees). The majority of the analyzed trees were non-native species such as glossy privet (*Ligustrum lucidum*), Loquat (*Eriobotrya japonica*), fig (*Ficus carica*), and several other ornamental and fruit tree species (HortScience, Inc. 2017). Sixteen coast live oak (*Quercus agrifolia*) trees were identified, some of which are naturally occurring (HortScience, Inc. 2017).

Biological Survey

On February 20, 2018, Rincon conducted a reconnaissance-level survey of the project site to document site conditions, assess the presence of on-site habitat, and evaluate the potential for special-status species and other sensitive biological resources to occur on the project site. The majority of the site consists of ruderal vegetation, ornamental trees, and ornamental herbaceous plants. Ruderal plant communities observed in the project site are dominated by herbaceous plants (i.e., forbs) such as cut-leaf geranium (*Geranium dissectum*), mustards (*Brassica* spp.), wild radish (*Raphanus sativus*), mallows (*Malva* spp.), and Himalayan blackberry (*Rubus armeniacus*). Escaped or remnant ornamentals include English ivy (*Hedera helix*), lily of the Nile (*Agapanthus* sp.), Italian lords and ladies (*Arum italicum*), and Swiss chard (*Beta vulgaris* ssp. *vulgaris*). Grass species observed throughout the site were primarily non-native annual grasses such as ripgut brome (*Bromus diandrus*), wild oats (*Avena* spp.), rattail fescue (*Festuca myuros*), and annual blue grass (*Poa annua*).

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?

Based on the database and literature review conducted for the project, 63 special-status plant species and 59 special-status animal species have been previously documented in the regional vicinity of the project site.

Special-status Plants

Review of the resource agency databases for known special-status plant occurrences within the nine USGS quadrangles containing and surrounding the project site identified 63 special-status plant species (CDFW 2018a, CNPS 2018, USFWS 2018a). Based on the species reported in the area in the aforementioned databases and datasets, and habitat observations during the reconnaissance site visit, Rincon biologists determined that one special-status species has low potential to occur in or adjacent to the project site:

- Congdon's tarplant (*Centromadia parryi* ssp*. congdonii)* – CRPR 1.B1

Congdon's tarplant is found primarily in valley and foothill grasslands with alkaline soils, sometimes described as heavy white clay. This species is known to occur along roadsides and in disturbed areas. However, an occurrence was reported to the CNDDB approximately 2.7 miles south west of the site in 2009 (CDFW 2018a). The soil types mapped inside the project site are not alkaline. However, the NRCS maps soil units at a 1:24,000 scale, and as such it may not be accurate at the scale of the project site. Therefore, this species has a low potential to occur. Impacts to this species would only be considered significant under CEQA if the loss of individuals on the project site represented a population-level impact that resulted in a loss of, or risk to the entire regional population. Due to the small size of the site and surrounding developed area, if present, loss of individuals resulting from construction is not likely to cause population-level impacts.

Other plant species listed in the database search would not be expected to occur due to an absence of suitable habitat or anthropogenic disturbances within and around the project site.

Special-status Wildlife

The review of the resource agency databases for known special-status animal occurrences in the nine USGS quadrangles containing and surrounding the project site identified 59 special-status animal species (CDFW 2018a, USFWS 2018a). This list was reviewed and refined according to the potential for species to occur on the project site based on the presence and quality of habitats within the project site. During the field site visit, no habitat was observed that could support special-status animal species. The project site contains non-native and ornamental plantings surrounded by development and does not contain potentially suitable habitat for special-status animals.

Although vegetation communities observed in the project site are primarily non-native, ornamental, and/or disturbed, the site could be used by numerous species of migratory birds that utilize sparse ground cover or ornamental shrubs and landscaping as nesting habitat. Native bird nests are protected by CFGC Section 3503 and the MBTA. Migratory nesting birds that could nest in this type of habitat and were observed on site include western scrub jay (*Aphelocoma californica*) and Anna's hummingbird (*Calypte anna*). Many other species are expected to occur in the area and may nest in the project site, including American crow (*Corvus brachyrhynchos*), house finch (*Haemorhous*

mexicanus), and American robin (*Turdus migratorius*). 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 tree removals or disturbance related nest abandonment. Impacts to these species and nesting birds may be considered significant under CEQA. However, potential impacts to migratory nesting birds will be reduced to less than significant with implementation of Mitigation Measure BIO-1.

Mitigation Measure

The following mitigation measure would be required to avoid or reduce the project's potentially significant impacts to potential nesting birds and special-status wildlife in the adjacent corridor.

BIO-1 **Nesting Bird Avoidance and Minimization Efforts.** 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 by project activity to the nest (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 any 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 clearly marked 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.

LESS THAN SIGNIFICANT WITH MITIGATION INCORPORATED

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?

Based on a review of information on biological resources within the project region and data collected during the reconnaissance site visit, no riparian habitats or sensitive natural communities are present in the project area. No impacts will occur as a result of project activities.

NO IMPACT

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

Based on a review of information on biological resources in the project region and data collected during the reconnaissance site visit, no wetlands or potentially jurisdictional features occur in the project area. No impacts will occur as a result of project activities.

NO IMPACT

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?

The project area consists of developed and disturbed areas with primarily ornamental vegetation and weedy species dispersed throughout. Land uses in the vicinity are primarily infill commercial and residential and do not support wildlife movement. No impacts to wildlife movement corridors will occur as a result of project activities.

NO IMPACT

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

As discussed above under regulatory setting, HMC 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 any protected tree, among other requirements. An arborist report was prepared in October 2017 for submission to the City in support of an application for a tree removal/pruning permit (HortScience, Inc. 2017, Appendix A). As shown in Table 4, of the 93 trees assessed in the report (including three off-site trees on an adjacent property and two street trees), 55 of the trees qualified as protected trees.

Table 4 Location and Number of Trees to be Removed and Preserved

	On-site	Off-site Adjacent (with Canopy On-site)	Street	Total
Existing number of trees	88	3	2	**93**
Existing number of protected trees	50	3	2	**55**
Number of trees removed	79	0	2	**81**
Number of protected trees removed	45	0	2	**47**
Number of trees preserved	9	3	0	**12**
Number of protected trees preserved	5	3	0	**8**

Notes: Numbers reflect the preliminary development plan, existing conditions and demolition plan (RJA 2017a)

As shown in Table 4, the proposed project would involve the removal of 81 trees of which 47 are considered protected. The total estimated value of the protected trees to be removed is $123,700 (HortScience, Inc. 2017). To mitigate the loss of the 47 protected trees, the Preliminary Landscape Plan (Ripley Design Group 2017) includes planting 20 replacement trees (including seven coast live oaks) with a total value of $42,660. Under Article 15, the City Landscape Architect has the discretion

to allow for alternative forms of mitigation, such as permeable paving, in addition to planting replacement trees. The project also includes proposed mitigation in the form of design improvements, including the use of permeable paving and larger replacement trees and shrubs. Mitigation Measure BIO-2 is required to confirm that the proposed mitigation cost matches or exceeds the appraised value of the removed trees.

Further, in order to protect existing trees during and after construction to ensure long-term health and sustainability of preserved and replacement trees, mitigation measures BIO-3 and BIO-4 are required. With mitigation, impacts will be less than significant.

Mitigation Measures

The following mitigation measures would be required to ensure the project is consistent with the tree preservation requirements included in HMC Chapter 10, Article 15, Tree Preservation. With implementation of the measures below, the project would not conflict with any local or regional ordinance.

BIO-2 **Tree Replacement.** As required by the HMC, the applicant shall replace removed protected trees with like-size, like-kind trees or an equal value tree, or implement alternative forms of mitigation as determined by the City's Landscape Architect. The City's Landscape Architect shall review the final landscape plan to confirm that the proposed mitigation cost matches or exceeds the appraised value of the removed trees prior to the issuance of building permit.

BIO-3 **Tree Preservation Measures.** As outlined in the arborist report (HortScience Inc. 2017), Tree Preservation measures are required to protect trees that will be preserved in place and replacement trees that will be planted as required under measures BIO-2.

Design Measures

1. Include trunk locations and tag numbers on all plans.
2. Use only herbicides safe for use around trees and labeled for that use, even below pavement.
3. Design irrigation systems so that no trenching will occur within the Tree Protection Zone.

Pre-construction and Demolition Measures

1. Prepare a site work plan which identifies access and haul routes, construction trailer and storage areas, etc.
2. Establish a Tree Protection Zone around each tree to be preserved. For design purposes, the Tree Protection Zone shall be the dripline or property line for trees 11, 86, and 87. No grading, excavation, construction or storage of materials shall occur within that zone.
3. Install protection around all trees to be preserved. Use 6-foot chain link fence attached posts sunk into the ground. No entry is permitted into a Tree Protection Zone without permission of the Project Arborist.
4. Trees to be removed shall be felled so as to fall away from Tree Protection Zone and avoid pulling and breaking of roots of trees to remain. If roots are entwined, the

consultant may require first severing the major woody root mass before extracting the trees, or grinding the stump below ground.

5. Trees to be retained may require pruning to provide clearance and/or correct defects in structure. All pruning is to be performed by an ISA Certified Arborist or Certified Tree Worker and shall adhere to the latest editions of the ANSI Z133 and A300 standards as well as the ISA Best Management Practices for Tree Pruning. The pruning contractor shall have the C25/D61 license specification.
6. All tree work shall comply with the Migratory Bird Treaty Act as well as California Fish and Wildlife code 3503-3513 to not disturb nesting birds. To the extent feasible tree pruning and removal should be scheduled outside of the breeding season. Breeding bird surveys should be conducted prior to tree work. Qualified biologists should be involved in establishing work buffers for active nests.

Tree Protection During Construction

1. Prior to beginning work, the contractors working in the vicinity of trees to be preserved are required to meet with the Project Arborist at the site to review all work procedures, access routes, storage areas and tree protection measures.
2. Any grading, construction, demolition or other work that is expected to encounter tree roots should be monitored by the Project Arborist.
3. If injury should occur to any tree during construction, it should be evaluated as soon as possible by the Project Arborist so that appropriate treatments can be applied.
4. Fences will be erected to protect trees to be preserved. Fences are to remain until all site work has been completed. Fences may not be relocated or removed without permission of the Project Arborist.
5. Any additional tree pruning needed for clearance during construction must be performed by a qualified arborist and not by construction personnel.
6. Trees shall be irrigated, except oaks, on a schedule to be determined by the Project Arborist. Each irrigation session shall wet the soil within the Tree Protection Zone to a depth of 30 inch.

BIO-4 **Tree Replacement and Maintenance.** Replacement trees shall be planted with sufficient space to accommodate the mature size of the species and maintained sufficiently to ensure establishment. Preserved trees shall also be maintained to ensure the continued long-term health of the tree. Trees on-site will require monitoring and routine maintenance by a landscape specialist such as occasional pruning, fertilization, mulch, pest management, replanting, and irrigation.

LESS THAN SIGNIFICANT WITH MITIGATION INCORPORATED

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?

There are no habitat conservation plans, natural community conservation plans, or other similar plans that govern activities on the project site. Therefore, the project will not be in conflict with any habitat conservation plans and no impact will occur.

NO IMPACT

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5 Cultural Resources

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
a. Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5?	☐	■	☐	☐
b. Cause a substantial adverse change in the significance of an archaeological resource as defined in §15064.5?	☐	■	☐	☐
c. Directly or indirectly destroy a unique paleontological resource or site or unique geological feature?	☐	☐	☐	■
d. Disturb any human remains, including those interred outside of formal cemeteries?	☐	☐	■	☐

Historical and Archaeological Resources Investigation

Rincon conducted a search of the California Historical Resources Information System (CHRIS) at the Northwest Information Center (NWIC) located at Sonoma State University on February 22, 2018. The search was performed to identify previously recorded cultural resources, as well as previously conducted cultural resources studies within the project site and a 0.8-kilometer (0.5-mile) radius surrounding it. The CHRIS search included a review of available records at the NWIC, as well as the National Register of Historic Places (NRHP), the California Register of Historical Resources (CRHR), the Office of Historic Preservation Historic Properties Directory, the California Inventory of Historic Resources, the Archaeological Determinations of Eligibility list, and historic maps.

The NWIC records search identified 17 cultural resources studies conducted within a 0.5-mile radius of the project site, none of which included the project site.

The NWIC records search identified one previously recorded cultural resource (P-01-010843) within a 0.5-mile radius of the project site, located outside of the project site. The resource consists of a church building constructed between the 1950s and 1979 and located approximately 200 meters (655 feet) south of the project site. No archaeological resources have been recorded in the 0.5-mile radius of the project site.

On February 23, 2018, Rincon contacted the Native American Heritage Commission (NAHC) and requested a search of the Sacred Lands File (SLF). The NAHC emailed a response on March 12, 2018 stating that the results of the SLF search were negative.

Rincon Archaeologist Sydni Kitchel conducted an intensive field survey of the project site on February 27, 2018. Ms. Kitchel walked 5- to 10-meter transects and examined exposed ground surface for artifacts (e.g., flaked stone tools, tool-making debris, stone milling tools, ceramics, fire-

affected rock [FAR]), ecofacts (marine shell and bone), soil discoloration that might indicate the presence of a cultural midden, soil depressions, and features indicative of the former presence of structures or buildings (e.g., standing exterior walls, postholes, foundations) or historic debris (e.g., metal, glass, ceramics). Additionally, ground disturbances, such as animal burrows and drainages, were visually inspected.

Ground visibility inside the project site was poor due to thick vegetation. A brick and concrete foundation was identified on the project site along with other building debris (primarily clay and metal pipe fragments, cinder blocks, and brick fragments), small fragments of white glazeware ceramics, and one glass jar base with the maker's mark "BY W.J. Latchford" dating to 1925-1938 (Lockhart et al.2017).

Paleontological Resources Investigation

Rincon evaluated the paleontological sensitivity of the geologic units that underlie the project area using the results of the paleontological locality search and literature review. Rincon reviewed fossil collections records from the University of California Museum of Paleontology (UCMP) online database, which contains known fossil localities in Alameda County, and reviewed geologic maps and scientific literature including Barron 1989, Bartow et al. 1990, California Geological Survey [CGS] 2002, Fossen 2010, Graymer 2000, Graymer et al. 1996, Helley and Graymer 1997, Norris and Webb 1990, and Schemmann et al. 2008.

Rincon assigned a paleontological sensitivity to the geologic units within the project area. The potential for impacts to significant paleontological resources is based on the potential for ground disturbance to directly impact paleontologically sensitive geologic units as defined by the Society for Vertebrate Paleontology (SVP 2010).

The project area is mapped at a scale of 1:50,000 by Graymer (2000) and includes one (1) geologic unit mapped at ground surface as Holocene floodplain deposits (Qhfp). The younger Quaternary deposits are composed of medium to dark gray, dense, sandy to silty clay (Helley and Graymer 1997). These Holocene deposits are underlain by rocks of the Cretaceous Central Valley Sequence and older Pleistocene alluvium at moderate depth (approximately 10 to 20 feet below ground surface [bgs]). Holocene deposits are generally considered too young to contain fossilized remains.

A search of the paleontological locality records on the UCMP online database resulted in no previously recorded vertebrate fossil localities within Holocene sedimentary deposits within the project vicinity.

Consistent with SVP (2010) guidelines, Rincon determined the paleontological sensitivity of the project area based on a literature review and museum locality search. Holocene sedimentary deposits, particularly those younger than 5,000 years old, are generally too young to contain fossilized material. Therefore, the Holocene floodplain sediments mapped at the surface of the project area have been assigned a low paleontological sensitivity.

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

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

As discussed above, the results of the cultural resources records search, Native American outreach, and intensive pedestrian field survey described above concluded that no significant cultural

resources are known to exist within the project site. One archaeological resource, a foundation and refuse scatter, was identified inside the project site as a result of the pedestrian survey, but has been recommended ineligible for listing in the CRHR (Haas and Duran 2018). The site was associated with residential structures that were previously identified as ineligible for listing as historic resources by the City and demolished. The foundation and refuse cannot be identified to be associated with significant events in California history (CRHR Criterion 1). A search of historic directory listings and voting records identified a past resident of the property as Albert W. and Ellen LaPointe in 1944 (Ancestry.com 2008). The LaPointes have not been identified as important to the history of the project site or the City of Hayward. No information regarding other residents of the property could be identified, nor could the architect or builder. Thus, the resource does not appear to be associated with the lives of important people in our past (CRHR Criterion 2). The foundation is a simple brick and concrete foundation and does not embody any distinctive characteristics (CRHR Criterion 3). Only one diagnostic artifact, a glass jar base dating to 1925-1938, and a very limited amount of other refuse was present at the site indicating that the data potential of the resource has been exhausted within this recording. For this reason, the resource is not likely to yield information important in history (CRHR Criterion 4). Thus, the resource is recommended ineligible for listing in the CRHR under all four criteria (1-4).

No other resources were identified within the project site nor are any archaeological resources known to exist within a 0.5-mile radius of the project site. Thus, the project site is not considered archaeologically sensitive. Nevertheless, the following mitigation measure is required to reduce impacts to less than significant in the case of unanticipated discoveries.

CUL-1 **Unanticipated Discovery of Cultural Resources.** If cultural resources are encountered during ground disturbing activities, work in the immediate area shall be halted and an archaeologist meeting the Secretary of the Interior's Professional Qualification Standards for archaeology (NPS 1983) shall be contacted immediately to evaluate the find. If necessary, the evaluation may require preparation of a treatment plan and testing for the California Register of Historical Resources (CRHR) eligibility. If the discovery proves to be significant under CEQA and cannot be avoided by the project, additional work, such as data recovery excavation, may be required to mitigate potentially significant impacts to historical resources.

LESS THAN SIGNIFICANT WITH MITIGATION INCORPORATED

c. Would the project directly or indirectly destroy a unique paleontological resource or site or unique geological feature?

The proposed project involves minimal excavation and grading and the project site does not contain unique geologic features. The Holocene floodplain deposits mapped at ground surface in the project area are determined to have a low paleontological resource potential and they are likely too young to contain fossilized material. Therefore, the proposed project would not unearth paleontological resources during construction. No impacts to paleontological resources will occur.

NO IMPACT

d. Disturb any human remains, including those interred outside of formal cemeteries?

The discovery of human remains is always a possibility during ground disturbing activities. If human remains are found, the State of California Health and Safety Code Section 7050.5 states that no further disturbance may occur until the county coroner has made a determination of origin and disposition pursuant to Public Resources Code Section 5097.98. In the event of an unanticipated discovery of human remains, the county coroner must be notified immediately. If the human remains are determined to be prehistoric, the coroner will notify the Native American Heritage Commission, which will determine and notify a most likely descendant (MLD). The MLD would complete the inspection of the site and provide recommendations for treatment to the landowner within 48 hours of being granted access. With adherence to existing regulations, impacts to human remains will be less than significant.

LESS THAN SIGNIFICANT IMPACT

6 Geology and Soils

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
a. Expose people or structures to potentially 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?	☐	■	☐	☐
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?	☐	☐	☐	■

a.1. 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?

According to a Preliminary Geotechnical Exploration prepared by ENGEO in July 2017 (Appendix B), the project site is not located in an Alquist-Priolo Earthquake Fault Zone and there are no known faults crossing or projecting toward the site. Table 5 shows the distances from the project site to the nearest faults. As shown in Table 5, the nearest fault is the Hayward Fault, approximately 1.2 miles northeast of the project site. Therefore, ground rupture due to faulting is unlikely at the project site. No impact will occur.

Table 5 Approximate Fault Distances from the Project Site

Fault Name	Distance (miles)
Hayward Fault	1.2
Calaveras Fault	8.7
San Andreas Fault	17.2

Source: ENGEO 2017 (Appendix B)

NO IMPACT

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

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

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?

The San Francisco Bay Area region is one of the most seismically active areas in the country. While seismologists cannot predict earthquake events, the USGS's Working Group on California Earthquake Probabilities (WGCEP) estimates the likelihood that California will experience a magnitude 8 or larger earthquake in the next 30 years is about 7.0 percent (Working Group on California Earthquake Probabilities [WGCEP] 2015). The WGCEP also estimates that each region of California will experience a magnitude 6.7 or larger earthquake in the next 30 years. Additionally, there is a 63 percent chance of at least one magnitude 6.7 or greater earthquake occurring in the Bay Area region between 2007 and 2036.

The site is located in an area of relatively high seismic potential. The faults in the area are capable of generating earthquakes that could produce strong to violent ground shaking at the project site. The active fault nearest the site is the Hayward fault, which is located approximately 1.2 miles to the northeast (Table 5).

The project site is also in a state-designated Liquefaction Hazard Zone (CGS 2003). Soil liquefaction results from loss of strength during cyclic loading, such as imposed by earthquakes. Soils most susceptible to liquefaction are clean, loose, saturated, and uniformly graded fine-grained sands. As part of the geotechnical exploration, ENGEO performed a detailed liquefaction potential analysis.

The results indicated that there are layers of soil beneath the site that are potentially susceptible to liquefaction, primarily the medium dense sand layer (ENGEO 2017).

Lateral spreading and earthquake-induced landsliding involve lateral ground movements caused by seismic shaking. These lateral ground movements are often associated with a weakening or failure of an embankment or soil mass overlying a layer of liquefied sands or weak soils. Due to the relatively flat site topography and depth of liquefiable material, lateral spreading is unlikely at the site (ENGEO 2017).

Due to the potential hazards of liquefaction, impacts are potentially significant without mitigation. Nonetheless, the report concluded that from a geotechnical viewpoint, the project is feasible provided the considerations, included in Mitigation Measure GEO-1 below, are addressed in the project design.

Mitigation Measures

The following mitigation measure shall be implemented prior to and during project construction:

GEO-1 **Geotechnical Considerations**. The project applicant shall implement all measures and recommendations set forth in the Preliminary Geotechnical Exploration prepared by ENGEO in July 2017 (Appendix B). Recommendations include but are not limited to the following topic areas:

- Grading (demolition and stripping, existing fill removal, selection of materials, differential fill thickness, fill placement)
- Building code seismic design
- Foundation design
- Pavement design
- Drainage
- Stormwater bioretention areas

In addition, a comprehensive site-specific design-level geotechnical exploration shall be prepared as part of the design process. The exploration may include borings and laboratory soil testing to provide data for preparation of specific recommendations regarding grading, foundation design, corrosion potential, and drainage for the proposed project. The recommendations set forth in the design-level geotechnical exploration shall be implemented.

Pursuant to the 2017 Preliminary Geotechnical Exploration for the project (Appendix B), provided the recommendations presented in the report are complied with and implemented during design and construction, construction of the project would not create hazards related to site geology or soils and the effects of liquefaction-induced settlement on the proposed structure would be mitigated. Therefore, with implementation of Mitigation Measure GEO-1, the potentially significant impact associated with ground shaking and liquefaction will be reduced to a less than significant level.

LESS THAN SIGNIFICANT WITH MITIGATION INCORPORATED

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

The project site and surroundings are generally level, and no steep slopes are located near the site. Therefore, there is no potential for landslides at the site. No impact will occur.

NO IMPACT

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

Construction of the project would require earthwork activities to prepare the site for 18 single-family residences. As the project would disturb over one acre of land, the applicant would 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) to comply with Clean Water Act (CWA) National Pollutant Discharge Elimination System (NPDES) requirements. Compliance with these requirements would include preparation of a Storm Water Pollution Prevention Plan (SWPPP), which would specify Best Management Practices (BMP) to quickly contain and clean up accidental spills or leaks. In accordance with HMC Section 10-3.705, the project applicant is also required to prepare and implement an Erosion and Sediment Control Plan to prevent illicit discharge. Appropriate erosion control and permanent site surface drainage elements per the latest California Building Code would also be implemented. With required implementation of these plans, permits, and BMPs, substantial erosion or the loss of top soil would not occur at the project site. Impacts will be less than significant.

LESS THAN SIGNIFICANT IMPACT

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?

The Preliminary Geotechnical Exploration found the project site to have expansive clay near the surface of the site. Expansive soils change in volume with changes in moisture. These soils can shrink or swell and cause heaving and cracking of slabs-on-grade, pavements, and structures founded on shallow foundations, resulting in a potentially significant impact. However, implementation of Mitigation Measure GEO-1 would reduce the swell potential of the clay by compacting the soil at a high moisture content, controlling the amount of soil compaction. Impacts from expansive soil will be less than significant with implementation of mitigation.

LESS THAN SIGNIFICANT WITH MITIGATION INCORPORATED

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?

The project would not include components that would require the use of septic tanks. The project would connect to the City of Hayward municipal sewer system. There will be no impact.

NO IMPACT

7 Greenhouse Gas Emissions

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
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?	☐	☐	■	☐

Climate Change and Greenhouse Gas (GHG) Emissions

Climate change is the observed increase in the average temperature of the earth's atmosphere and oceans along with other substantial changes in climate (such as wind patterns, precipitation, and storms) over an extended period of time. Climate change is the result of numerous, cumulative sources of greenhouse gases (GHG), gases that trap heat in the atmosphere, analogous to the way in which a greenhouse retains heat. Common GHGs include water vapor, carbon dioxide (CO_2), methane (CH_4), nitrous oxides (N_2O), fluorinated gases, and ozone. GHGs are emitted by both natural processes and human activities. Of these gases, CO_2 and CH_4 are emitted in the greatest quantities from human activities. Emissions of CO_2 are largely by-products of fossil fuel combustion, whereas CH_4 results from off-gassing associated with agricultural practices and landfills. Man-made GHGs, many of which have greater heat-absorption potential than CO_2, include fluorinated gases, such as hydrofluorocarbons (HFC), perfluorocarbons (PFC), and sulfur hexafluoride (SF_6) (CalEPA 2015).

The accumulation of GHGs in the atmosphere regulates the earth's temperature. Without the natural heat-trapping effect of GHGs, Earth's surface would be about 34° C cooler (CalEPA 2015). However, it is believed that emissions from human activities, particularly the consumption of fossil fuels for electricity production and transportation, have elevated the concentration of these gases in the atmosphere beyond the level of naturally occurring concentrations.

Thresholds

Pursuant to the requirements of SB 97, the Resources Agency adopted amendments to the *CEQA Guidelines* for the feasible mitigation of GHG emissions and analysis of the effects of GHG emissions. The adopted *CEQA Guidelines* provide regulatory guidance on the analysis and mitigation of GHG emissions in CEQA documents, while giving lead agencies the discretion to set quantitative or qualitative thresholds for the assessment and mitigation of GHGs and climate change impacts.

The vast majority of individual projects do not generate sufficient GHG emissions to directly influence climate change. However, physical changes caused by a project can contribute

incrementally to cumulative effects that are significant, even if individual changes resulting from a project are limited. The issue of climate change typically involves an analysis of whether a project's contribution towards an impact would be cumulatively considerable. "Cumulatively considerable" means that the incremental effects of an individual project are significant when viewed in connection with the effects of past projects, other current projects, and probable future projects (*CEQA Guidelines*, Section 15064[h][1]).

According to the *CEQA Guidelines*, projects can tier off of a qualified GHG reduction plan, which allows for project-level evaluation of GHG emissions through the comparison of the project's consistency with the GHG reduction policies included in a qualified GHG reduction plan. This approach is considered by the Association of Environmental Professionals (AEP) in their white paper, *Beyond Newhall and 2020*, to be the most defensible approach presently available under CEQA to determine the significance of a project's GHG emissions (2016). Hayward does not currently have a qualified GHG reduction plan and thus this approach is not currently feasible.

To evaluate whether a project may generate a quantity of GHG emissions that may have a significant impact on the environment, a number of operational bright-line significance thresholds have been developed by state agencies. Significance thresholds are numeric mass emissions thresholds that identify the level at which additional analysis of project GHG emissions is necessary. Projects that attain the significance target, with or without mitigation, would result in less than significant GHG emissions. Many significance thresholds have been developed to reflect a 90 percent capture rate tied to the 2020 reduction target established in Assembly Bill (AB) 32). These targets have been identified by numerous lead agencies (including the City of Hayward) as appropriate significance screening tools for residential, commercial, industrial, and public land uses and facilities projects with horizon years before 2020.

In the 2017 BAAQMD *CEQA Air Quality Guidelines*, the BAAQMD outlines an approach to determine the significance of projects. For residential, commercial, industrial, and public land use development projects, the thresholds of significance for operational-related GHG emissions are as follows:

- Compliance with a qualified GHG Reduction Strategy
- Annual emissions less than 1,100 metric tons per year (MT/yr) of equivalent carbon dioxide (CO_2e)
- Service person threshold of 4.6 MT CO_2e/SP/yr (residents + employees)

The annual emissions threshold of 1,100 MT of CO_2e per year applies best to the proposed project Hayward does not have a qualified GHG reduction plan and the project is not a high-density project whose impacts would be more appropriately quantified by a service population threshold to reflect the per-person emission efficiency. The BAAQMD annual emissions threshold was designed to capture 90 percent of all emissions associated with projects in the Basin and require implementation of mitigation so that a considerable reduction in emissions from new projects would be achieved. According to the California Air Pollution Control Officers Association (CAPCOA) white paper, *CEQA & Climate Change* (2008), a quantitative threshold based on a 90 percent market capture rate is generally consistent with AB 32 (CAPCOA 2008). Additionally, the AEP white paper, *Beyond Newhall and 2020*, recommends that for projects with a horizon of 2020 or earlier, a threshold based on meeting AB 32 targets should be used (AEP 2016). Thus, projects with horizon years of 2020 or earlier, and emissions below the BAAQMD threshold are not expected to require GHG mitigation for state mandates to be achieved. The project would be fully operational in 2020. Therefore, its horizon year is 2020.

Methodology

As discussed under Section 3, *Air Quality*, the BAAQMD developed screening criteria to provide lead agencies and project applicants with a conservative indication of whether a project could result in potentially significant GHG impacts. If all of the screening criteria are met by a project, then the lead agency or applicant would not need to perform a detailed GHG assessment of their project's GHG emissions (BAAQMD 2017c). For single-family residences, the operational GHG screening size is 56 dwelling units. The proposed project involves 18 dwelling units and is below the screening level. Therefore, a detailed GHG assessment was not required for the project.

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

The project's proposed construction activities, energy use, daily operational activities, and mobile sources (traffic) would generate GHG emissions. As mentioned under *Methodology,* according to BAAQMD, as the project's proposed 18 residential units are well below the 56-unit screening criteria, a detailed air quality assessment of the proposed project's GHG emissions is not required as operational GHG emissions would not exceed BAAQMD thresholds. In addition, the project will be required to comply with all BAAQMD rules and regulations regarding emission control measures. Therefore, impacts related to GHG emissions will be less than significant.

LESS THAN SIGNIFICANT IMPACT

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

As discussed above, the project would not result in GHG emissions above thresholds that were established by BAAQMD to identify projects that require additional mitigation measures to achieve statewide GHG targets contained in AB 32.

The project is in an urban area near transit and schools and would be constructed in accordance with CALGreen (Part 11 of Title 24 of the California Code of Regulations) requirements for Residential Development. The site is not in a Priority Development Area as designated in the Plan Bay Area, a regional plan designed to reduce greenhouse gas emissions through land use planning and the provision of adequate housing to meet regional needs (ABAG 2017b).

The City's Climate Action Plan (CAP) was adopted by the Hayward City Council on July 28, 2009. The purpose of the CAP is to make Hayward a more environmentally and socially sustainable community. The overall objective of the CAP is to reduce Hayward's greenhouse gas emissions by the following:

- 20 percent below 2005 baseline levels by 2020
- 62.7 percent below 2005 baseline levels by 2040
- 82.5 percent below 2005 baseline levels by 2050

The proposed project involves infill development in an urban area. The houses would include solar panels to reduce energy use and associated GHG emissions. The project would not conflict with the Climate Change Scoping Plan developed per AB 32, the land use assumptions in the Plan Bay Area, or regulations adopted by the City of Hayward to reduce greenhouse gas emissions. Therefore, the project will have a less than significant impact related to GHG emissions.

LESS THAN SIGNIFICANT IMPACT

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8 Hazards and Hazardous Materials

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
a. Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	☐	☐	■	☐
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 for people residing or working in the project area?	☐	☐	☐	■
f. For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?	☐	☐	☐	■

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
g. Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	☐	☐	☐	■
h. Expose people or structures to a significant risk of loss, injury, or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	☐	☐	☐	■

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?

Construction Activities

The project would involve the construction of 18 single-family residences, paved circulation and parking areas, and landscaping. Construction activities may include the temporary transport, storage, use, or disposal of potentially hazardous materials including fuels, lubricating fluids, cleaners, solvents, or contaminated soils. If spilled, these substances could pose a risk to the environment and to human health. However, the transport, storage, use, or disposal of hazardous materials will be subject to federal, state, and local regulations pertaining to the transport, use, storage, and disposal of hazardous materials, which would assure that risks associated with hazardous materials are minimized. In addition, construction activities that transport hazardous materials will be required to transport such materials along designated roadways in the city, thereby limiting risk of upset.

As the project would disturb over one acre of land, the applicant would 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) to comply with CWA NPDES requirements. Compliance with these requirements will include preparation of a SWPPP, which would specify BMPs to quickly contain and clean up accidental spills or leaks. Therefore, the potential for an accidental release of hazardous materials to harm the public or the environment will be minor. Impacts related to hazardous materials during construction will be less than significant.

Operational Uses

The project would involve construction of 18 new single-family residences. Residential uses typically do not use or store large quantities of hazardous materials other than those typically used for

household cleaning, maintenance, and landscaping. Therefore, the proposed project would not involve the use, storage, transportation, or disposal of hazardous materials and would not release such materials into the environment. Impacts will be less than significant.

LESS THAN SIGNIFICANT IMPACT

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?

The project site is located approximately 1,670 feet (approximately 0.32 mile) northeast of Schafer Park Elementary School and approximately 1,750 feet (approximately 0.33 mile) northwest of Glassbrook Elementary School. No existing or proposed schools are within 0.25 mile of the project site. Therefore, no impact will occur.

NO IMPACT

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?

California Government Code Section 65962.5 requires various state agencies to compile lists of hazardous waste disposal facilities, unauthorized release from underground storage tanks, contaminated drinking water wells, and solid waste facilities from which there is known migration of hazardous waste and submit such information to the Secretary for Environmental Protection on at least an annual basis. The project site is not listed as a known hazardous cleanup site, does not contain a hazardous waste facility, and has no record of known contamination (Department of Toxic Substances Control [DTSC] 2007). No cleanup sites are located within a 0.5-mile radius of the project site. Therefore, contamination from other sites is not expected to have migrated such that the project site is affected by off-site contamination. The project will not create a significant hazard to the public or environment and there will be no impact.

NO IMPACT

e. For a project located within 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 for people residing or working in the project area?

f. For a project near a private airstrip, would it result in a safety hazard for people residing or working in the project area?

The nearest airport to the project site is the Hayward Executive Airport, located approximately 1.6 miles to the northwest. The project site is not located within the Hayward Executive Airport Influence Area and is located outside the existing noise level contours for the airport (Alameda County Airport Land Use Commission [ALUC] 2012). The project would not subject persons working at the site to safety hazards, and there will be no impact from potential air traffic safety risks.

NO IMPACT

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

The City of Hayward adopted the *Local Hazard Mitigation Plan* in 2016 (City of Hayward 2016a). Construction of the proposed project would occur within the boundary of the project site and no

street closures would occur. The project does not involve the development of structures that could potentially impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan. No streets or property access points would be closed, rerouted, or substantially altered during or after construction. There will be no impact.

NO IMPACT

h. Would the project expose people or structures to a significant risk of loss, injury, or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?

The project site is located in a developed urbanized area that is surrounded by residential and commercial uses and no adjacent wildlands or densely vegetated areas are located in the area that would represent a significant fire hazard. The project site is not located in a Fire Hazard Severity Zone or Very High Hazard Severity Zone for wildland fires (California Department of Forestry and Fire Protection [CAL FIRE] 2007, 2008). Therefore, the project would not expose people or structures to significant risk of loss, injury, or death involving wildland fires. There will be no impact.

NO IMPACT

9 Hydrology and Water Quality

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
a. Violate any water quality standards or waste discharge requirements?	☐	☐	■	☐
b. Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering or the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level that would not support existing land uses or planned uses for which permits have been granted)?	☐	☐	■	☐
c. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner that would result in substantial erosion or siltation on- or off-site?	☐	☐	■	☐
d. Substantially alter the existing drainage pattern of the site or area, including the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner that would result in flooding on- or off-site?	☐	☐	■	☐
e. Create or contribute runoff water that would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?	☐	☐	■	☐
f. Otherwise substantially degrade water quality?	☐	☐	■	☐

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
g. Place housing in a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary, Flood Insurance Rate Map, or other flood hazard delineation map?	☐	☐	■	☐
h. Place structures in a 100-year flood hazard area that would impede or redirect flood flows?	☐	☐	■	☐
i. Expose people or structures to a significant risk of loss, injury, or death involving flooding, including that occurring as a result of the failure of a levee or dam?	☐	☐	☐	■
j. Result in inundation by seiche, tsunami, or mudflow?	☐	☐	☐	■

a. Would the project violate any water quality standards or waste discharge requirements?

c. 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, in a manner that would result in substantial erosion or siltation on- or off-site?

f. Would the project otherwise substantially degrade water quality?

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. Also, 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. The project will 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*. Under the conditions of the permitting program, the applicant will be required to eliminate or reduce non-stormwater discharges to waters of the nation, develop and implement a

SWPPP for construction activities, and perform inspections of the stormwater pollution prevention measures and control practices to ensure conformance with the site SWPPP. Because the project would disturb at least one acre of land, the project must provide stormwater treatment and would 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).

Further, in accordance with HMC Chapter 10, Article 8 (Grading and Clearing), all grading activities must be conducted in a manner that will minimize the potential for erosion from the site. 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 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 will be less than significant.

Operational Impacts

The project would increase the total area of impervious surfaces on the project site by approximately 38,750 square feet. Increasing the total area of impervious surfaces can result in a greater potential to introduce pollutants to receiving waters. Urban runoff can carry a variety of pollutants, including oil and grease, metals, sediment, and pesticide residues from roadways, parking lots, rooftops, and landscaped areas depositing 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 is required to include design features that would reduce impacts associated with the increased impervious surfaces. The project would direct runoff from roofs and sidewalks into vegetated areas and include landscaped bioretention areas to collect, store, and treat runoff before entering the stormwater system. By adhering to the provisions of NPDES Section C.3, the SWPPP, 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 will 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. Impacts will be less than significant.

LESS THAN SIGNIFICANT IMPACT

b. Would the project substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering or the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level that would not support existing land uses or planned uses for which permits have been granted)?

As discussed in Section 18, *Utilities and Service Systems*, the project would receive its water from the City of Hayward. Hayward receives its water from the Hetch Hetchy regional water system, which is owned and operated by the San Francisco Public Utilities Commission (SFPUC) (City of Hayward 2010, SFPUC 2017). Hayward does not currently use groundwater to meet the City's water demand and does not plan to in the future (City of Hayward 2010). Therefore, the project would not rely on groundwater for its water supply and would not increase groundwater usage such that a net deficit in aquifer volume would occur.

Development under the project does not include installation of new groundwater wells or use of groundwater from existing wells. The project would increase the total area of impervious surfaces on the project site by approximately 38,750 square feet. However, the construction of stormwater management bio-retention areas would allow much of the stormwater runoff from the project site to infiltrate into the ground surface and would not substantially interfere with groundwater recharge of water supply aquifers. Therefore, the project would not substantially interfere with groundwater recharge. Impacts related to groundwater will be less than significant.

LESS THAN SIGNIFICANT IMPACT

d. Would the project substantially alter the existing drainage pattern of the site or area, including the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner that would result in flooding on- or off-site?

e. Would the project create or contribute runoff water that would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?

Zeile Creek, located over 0.25 mile southeast of the project site, is the nearest watercourse to the site and does not flow through or adjacent to the site. The area is currently developed and construction of the proposed project would not alter the course of this creek or other stream or river (no other surface water features are identified in the project area). Project runoff would not be directed to the banks of any creek and no impacts to bank stability would occur.

The project site is currently undeveloped. The proposed project would include bio-retention basins to treat roof, sidewalk, and driveway water runoff and permeable pavers on driveways. According to the preliminary stormwater treatment plan (RJA 2017b), the project would involve an effective impervious area[2] of approximately 47,740 square feet. In accordance with Alameda County C.3 requirements (see discussion above under questions a, c, f), the project would be required to

[2] Effective impervious area includes all roofs, hardscapes, and streets plus 10 percent of the area that is in landscape that would drain to treatment areas.

provide 1,670 square feet of treatment area. The proposed project would provide 2,243 square feet of treatment area; therefore, it is consistent with the County's C.3 requirements. Thus, the project would not substantially increase stormwater discharge, substantially alter drainage patterns on-site or the surrounding area, and would not contribute runoff that would exceed the capacity of the existing on-site or off-site stormwater drainage system. Impacts will be less than significant.

LESS THAN SIGNIFICANT IMPACT

g. Would the project place housing in a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary, Flood Insurance Rate Map, or other flood hazard delineation map?

h. Would the project place structures in a 100-year flood hazard area that would impede or redirect flood flows?

The Federal Emergency Management Agency (FEMA) is responsible for the preparation of Flood Insurance Rate Maps (FIRMs). These maps present flood hazard, expressed as areas that are subject to inundation in a storm with either a 1 percent Annual Exceedance Probability (AEP), also referred to as a 100-year flood, or a 0.2 percent AEP (500-year flood). The project site is located in Flood Zone X, which is considered an area of minimal flood hazard and is outside of FEMA designated flood zones (FEMA FIRM #06001C0289G, effective August 3, 2009). Therefore, the project is not located within a flood zone and impacts concerning flood hazards will be less than significant.

LESS THAN SIGNIFICANT IMPACT

i. Would the project expose people or structures to a significant risk of loss, injury, or death involving flooding, including that occurring as a result of the failure of a levee or dam?

The closest dam to the project site is the South Reservoir dam located approximately four miles northwest of the site (City of Hayward 2014). The project site is not located inside the inundation area of the South Reservoir dam or any other nearby dams. Therefore, development of the proposed project would not expose people or structures to a significant risk of loss, injury, or death involving flooding, including flooding as a result of the failure of a levee or dam. No impact will occur.

NO IMPACT

j. Would the project result in inundation by seiche, tsunami, or mudflow?

The nearest largest body of water to the project is the San Francisco Bay, which is approximately four miles to the west of the project site. The project is also approximately five miles from Lake Chabot to the northwest. Since the project site is not near a large body of water and is four miles inland from the San Francisco Bay, the project site would not be subject to inundation by seiche, tsunami, or mudflow. No impact will occur.

NO IMPACT

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10 Land Use and Planning

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
a. Physically divide an established community?	☐	☐	☐	■
b. Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	☐	☐	■	☐
c. Conflict with an applicable habitat conservation plan or natural community conservation plan?	☐	☐	☐	■

a. Would the project physically divide an established community?

The project would involve development of 18 single-family residences on approximately 1.7 acres of land, which is surrounded by other single-family dwellings and commercial uses. No operational or structural changes are proposed that would separate connected areas physically or socially, nor are any linear features, new roads or other barriers to movement proposed. There will be no impact.

NO IMPACT

b. Would the project conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?

The project's consistency with the City of Hayward's General Plan and Zoning Ordinance is discussed below.

Hayward 2040 General Plan

The project site has a land use designation of MDR (Medium Density Residential). As described in the City's General Plan, the MDR designation generally applies to suburban and urban areas that contain a mix of housing types. The MDR designation allows for single-family residences, second units, duplexes, triplexes, fourplexes, townhomes, multi-story apartment and condominium buildings, and ancillary structures. Development standards under the MDR designation include density's ranging from 8.7 to 17.4 dwelling units per net acre and a maximum floor area ratio (FAR) of 0.6. The City's General Plan indicates that net acreage is calculated by netting out public and

private streets and publicly-dedicated open space from the gross acreage. The maximum FAR of 0.6 only applies to public and quasi-public uses, neighborhood commercial uses, and neighborhood mixed-use.

The project would involve the development of 18 single-family residences. As shown in Table 1, the project would have an overall density of 14 dwelling units per net acre, which is within the acceptable range. Therefore, the project will be consistent with the City's General Plan.

City of Hayward Zoning Ordinance

The northern portion of the project site (APN 454-0020-062-02) is zoned RS (Single-Family Residential) District and the southern portion of the project site (APN 454-0020-069-00) is zoned PD (Planned Development) District per the Hayward Zoning Map. The southern parcel was previously rezoned to PD District to accommodate a development that was never constructed. The RS District is designed to accommodate only single-family residences and the community services appurtenant thereto (HMC Section 10-1.205). The purpose of the PD District is to "encourage development, redevelopment, and rehabilitation" and "foster well designed residential and nonresidential development, encouraging projects incorporating a variety of housing types" (HMC Section 10-1.2505). The PD District is intended to facilitate development of land in an innovative fashion to allow for flexibility in site design and encourage development that is sensitive to environmental and site-specific considerations.

The project includes a request to rezone the existing RS-zoned parcel and PD-zoned parcel into a new PD District to accommodate the proposed development. A PD rezone is necessary because the project does not meet the RS District development standards related to lot size and yard size. The project involves lots between 2,657 and 3,206 square feet, which are smaller than the minimum lot size requirement of 5,000 square feet required by HMC Section 10-1.230. The project also involves 10-foot rear yard setbacks for most units, which is smaller than the 20-foot rear yard setback required by HMC Section 10-1.230. The PD rezone provides flexibility in these development standards for the project by allowing reduced lot sizes and setbacks. Therefore, assuming the request for rezoning is approved, the project and use will be consistent with the 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 project will be less than significant.

LESS THAN SIGNIFICANT IMPACT

c. Would the project conflict with an applicable habitat conservation plan or natural community conservation plan?

As discussed in Section 4, *Biological Resources*, the project site is not part of or near an existing Habitat Conservation Plan or Natural Communities Conservation Plan or any other local, regional, or state habitat conservation plan. Therefore, the proposed project would not conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan. Therefore, no related impact will occur.

NO IMPACT

11 Mineral Resources

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
a. Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	☐	☐	☐	■
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?	☐	☐	☐	■

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?

Hayward's principal mineral resources are stone, limestone, clay, fire clay, halite, and salt (City of Hayward 2014). The only designated mineral resource sector of regional significance in Hayward is the La Vista Quarry, operated roughly two miles southeast of the project site (City of Hayward 2014). Future quarrying is unlikely due to environmental impacts and stringent permitting. The project would involve the construction of 18 single-family residences and would not result in a loss of available minerals. There will be no impact.

NO IMPACT

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12 Noise

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project result in:				
a. Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	☐	☐	■	☐
b. Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?	☐	☐	■	☐
c. A substantial permanent increase in ambient noise levels above those existing prior to implementation of the project?	☐	☐	■	☐
d. A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	☐	☐	■	☐
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 expose people residing or working in the project area to excessive noise levels?	☐	☐	☐	■
f. For a project near a private airstrip, would it expose people residing or working in the project area to excessive noise?	☐	☐	☐	■

Fundamentals of Noise

Noise is unwanted sound that disturbs human activity. Environmental noise levels typically fluctuate over time, and different types of noise descriptors are used to account for this variability. Noise level measurements include intensity, frequency, and duration, as well as time of occurrence. Noise level (or volume) is generally measured in decibels (dB) using the A-weighted sound pressure level (dBA). Because of the way the human ear works, a sound must be about 10 dBA greater than the reference sound to be judged as twice as loud. In general, a 3 dBA change in community noise levels is noticeable, while 1 to 2 dBA changes generally are not perceived. Quiet suburban areas typically

have noise levels in the range of 40 to 50 dBA, while arterial streets are in the 50 to 60+ dBA range. Normal conversational levels are in the 60 to 65 dBA range, and ambient noise levels greater than 65 dBA can interrupt conversations.

Noise levels typically attenuate at a rate of 6 dBA per doubling of distance from point sources (such as construction equipment). Noise from lightly traveled roads typically attenuates at a rate of about 4.5 dBA per doubling of distance. Noise from heavily traveled roads typically attenuates at about 3 dBA per doubling of distance, while noise from a point source typically attenuates at about 6 dBA per doubling of distance. Noise levels may also be reduced by the introduction of intervening structures. For example, a single row of buildings between the receptor and the noise source reduces the noise level by about 5 dBA, while a solid wall or berm that breaks the line-of-sight reduces noise levels by 5 to 10 dBA. The construction style for dwelling units in California generally provides a reduction of exterior-to-interior noise levels of about 30 dBA with closed windows (Federal Highway Administration [FHWA] 2006).

Some land uses are more sensitive to ambient noise levels than other uses due to the amount of noise exposure and the types of activities involved. For example, residences, motels, hotels, schools, libraries, churches, nursing homes, auditoriums, museums, cultural facilities, parks, and outdoor recreation areas are more sensitive to noise than commercial and industrial land uses. The nearest sensitive receptors to the project site are single- and multi-family residences located adjacent to the project site along three sides: the north, south, and west.

Existing Setting

The noise environment on the project site is dominated by noises typical of residential neighborhoods, including vehicular traffic, pedestrian conversations, and doors slamming. Noise from wildlife (e.g., bird song) is also audible at the project site. On February 15, 2018, Rincon Consultants, Inc. performed two 15-minute weekday noise measurements using an ANSI Type II integrating sound level meter. Both measurements were taken during rush hour, between 4:00 p.m. and 6:00 p.m. The noise monitoring results are summarized in Table 6. Figure 8 shows the locations of the noise measurements.

Table 6 Noise Measurement Results

Site	Measurement Location	Sample Times	Primary Noise Source	Leq[15] (dBA)[1]
1	Project site frontage on Gading Rd.	5:16 p.m. – 5:31 p.m.	Gading Rd. (45 feet from centerline)	67.9
2	West of project site on Underwood Ave.	5:38 p.m. – 5:53 p.m.	Underwood Ave. (25 feet from centerline)	61.5

See Figure 8 for a map of Noise Measurement Locations.

[1] The equivalent noise level (Leq) is defined as the single steady A-weighted level that is equivalent to the same amount of energy as that contained in the actual fluctuating levels over a period of time (essentially, the average noise level). For this measurement, the Leq was over a 15-minute period (Leq [15]).

Source: Rincon Consultants, field measurements conducted on February 15, 2017, using ANSI Type II Integrating sound level meter. See Appendix C.

The Hayward 2040 General Plan states the highest level of exterior noise exposure regarded as "normally acceptable" for single-family residences is 60 dB Ldn. Ldn or Day Night Average is an average 24-hour noise measurement that factors day and night noise levels. The City's General Plan also states the maximum acceptable interior noise level for all new residential units is 45 dB Ldn.

Figure 8 Noise Measurement Locations

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a. Would the project result in exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?

c. Would the project result in a substantial permanent increase in ambient noise levels above levels existing without the project?

d. Would the project result in a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?

The proposed project could generate temporary noise increases during construction and long-term increases associated with project operation. However, as discussed below, both construction-related and operational noise will be less than significant.

Construction Noise

Noise levels from construction of the project would result from construction activities on-site and traffic noise from construction vehicles. Nearby noise-sensitive land uses, including the single- and 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 7 shows typical noise levels at construction sites.

Table 7 Typical Noise Levels at Construction Sites

Equipment On-Site	Typical Level (dBA) 25 Feet from the Source	Typical Level (dBA) 50 Feet from the Source	Typical Level (dBA) 100 Feet from the Source
Air Compressor	87	81	75
Backhoe	86	80	74
Concrete Mixer	91	85	79
Crane, mobile	89	83	77
Dozer	91	85	79
Jack Hammer	94	88	82
Paver	95	89	83
Saw	82	76	70
Truck	94	88	82

Noise levels assume a noise attenuation rate of 6 dBA per doubling of distance.

Source: Federal Transit Administration (FTA) 2006.

The distance to the nearest sensitive receptors to the project site, single-family residences located adjacent to the west and multi-family residences located adjacent to the south, is approximately 50 feet. Typical construction noise levels at 50 feet from the source range from about 76 to 89 dBA. Such levels would exceed ambient noise and would be audible on adjacent properties, including residences immediately west and south of the project site. However, HMC Section 4-1.03.4 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 would not occur during recognized sleep hours for residences. In addition, the project site is located in an urban area where some construction noise is expected and the

construction methods and equipment would be typical for residential construction in urban and suburban areas (e.g., no pile driving or major excavation would be required). Therefore, construction-related noise would not result in a substantial temporary or periodic increase in ambient noise levels. Impacts would be less than significant.

Operational Noise

Operational noise associated with the project would be typical of residential uses in a residential neighborhood and would not have a significant impact on ambient noise levels. Operation of the project will not result in a substantial temporary or periodic increase in ambient noise levels. Impacts will be less than significant.

Exposure of New Residents to Noise

The California Supreme Court in a December 2015 opinion (BIA vs. BAAQMD) confirmed that CEQA is concerned with the impacts of a project on the environment, not the effects the existing environment may have on a project. However, the State of California and City of Hayward have policies that address existing conditions (e.g., ambient noise) affecting a proposed project, which are addressed below.

The project would locate new residences next to arterial roadways (Gading Road and Underwood Avenue) that generate traffic noise. Therefore, the project could result in exposure of future residents to noise levels in excess of standards established in the City's General Plan. One residence would have upper-floor windows facing Gading Road at a distance of approximately 80 feet from the roadway centerline. Based on the measured ambient noise level of 67.9 dBA Leq at a distance of 45 feet from the roadway, new residents would be exposed to noise levels exceeding 65 dBA Leq. Therefore, this future residence may be exposed to noise levels above the acceptable exterior noise level for single-family residences of 60 dB Ldn in the City's General Plan. Other proposed residences would be set back from Gading Road and would experience noise attenuation as the result of the placement of the new homes and as such, the noise exposure from vehicular traffic would be reduced.

To avoid adverse noise exposure, the project is required to attenuate interior noise so that it does not exceed 45 dBA Ldn. The California Building Code (CBC) requires that interior noise levels for new residences be below 45 dBA CNEL (California Building Standards Commission 2017). In order to comply with CBC requirements, the project applicant is required to design the structure such that interior levels of 45 dBA CNEL are achieved. This requirement would be included as a condition of approval of the project to ensure compliance with California Building Code. With compliance with existing regulations, the proposed project will not result in exposure of future residents to noise levels in excess of standards established in the City's General Plan.

LESS THAN SIGNIFICANT IMPACT

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

Construction of the project would intermittently generate vibration on and adjacent to the project site. Vibration-generating equipment would include bulldozers and loaded trucks to move materials and debris, caisson drills to install shoring, and vibratory rollers for paving. It is assumed that pile drivers, which generate strong groundborne vibration, would not be used during construction. The distance to the nearest sensitive receptors to the project site, single-family residences located

adjacent to the west and multi-family residences located adjacent to the south, is approximately 50 feet. Table 8 identifies vibration velocity levels at a distance of 50 feet from the source.

Table 8 Vibration Levels for Construction Equipment at Noise-Sensitive Receptors

Construction Equipment	Estimated VdB at Nearest Sensitive Receptors 50 feet
Vibratory roller	88
Caisson drill	80
Large bulldozer	80
Loaded trucks	79
Small bulldozer	51

Source: FTA 2006

As shown in Table 8, noise-sensitive receptors would experience the strongest vibration of up to 88 VdB during paving with vibratory rollers and up to 80 VdB during the use of caisson drills and grading activity with large bulldozers. Compliance with Section 4-1.03.4 of the HMC would restrict vibration-generating construction activity to daytime hours that are outside of normal sleeping hours, i.e., 7:00 a.m. – 7:00 p.m. Monday through Saturday and 10:00 a.m. – 6:00 p.m. on Sundays and holidays. While vibration from construction activity could be perceptible at adjacent residences during daytime hours, this timing restriction would ensure that vibration does not exceed the FTA's criterion of 72 VdB during normal sleeping hours at residential uses. In addition, no fragile historic buildings are located in close proximity to the project site and would not be damaged. The project will have a less than significant impact from groundborne vibration.

LESS THAN SIGNIFICANT IMPACT

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 expose people residing or working in the project area to excessive noise levels?

f. For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise?

As discussed in Section 8, *Hazards and Hazardous Materials*, the nearest airport to the project site is the Hayward Executive Airport, located approximately 1.6 miles to the northwest. The project site is not located within the Hayward Executive Airport Influence Area and is located outside the existing noise level contours for the airport (ALUC 2012). The project will not subject workers at the site to excessive noise and there will be no impact.

NO IMPACT

13 Population and Housing

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
a. Induce substantial 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?	☐	☐	☐	■
c. Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	☐	☐	☐	■

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)?

The project would involve the construction of 18 new single-family residences and would directly generate population growth in the city. The city currently has a population of 161,040, has 49,665 housing units, and has an average household size of 3.24 persons per household (DOF 2017). The City's 2040 General Plan would allow up to approximately 7,472 additional single-family dwelling units, 7,339 additional multi-family housing units, and 25,787 additional jobs over 2010 conditions (City of Hayward 2013). According to the DOF, the average household size in the city of Hayward is approximately 3.24 persons per household (DOF 2015). Therefore, the proposed project would add 18 housing units or approximately 59 new residents to the city (18 households x 3.24 persons per household = 58.32 new residents). As discussed in Section 10, *Land Use and Planning,* the project is consistent with the General Plan's MDR land use designation. The addition of 18 units and 59 residents to the city of Hayward would be within the growth envisioned under the City's General Plan and would not be considered substantial population growth. Impacts will be less than significant.

LESS THAN SIGNIFICANT IMPACT

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

c. Would the project displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?

The project site is currently vacant. No existing residences would need to be demolished or existing residents displaced due to the development of the project. No impact will occur.

NO IMPACT

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14 Public Services

		Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
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?	☐	☐	■	☐

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?

Fire protection is provided to the City by the Hayward Fire Department (HFD). The HFD provides fire suppression, advanced life support/emergency medical, emergency services, and public education. Station 2 is the closest fire station to the project site. Located at 360 West Harder Road, this station is located approximately four minutes driving time, 0.6 mile west of the project site. Hayward adopted the 2015 edition of the International Fire Code and the 2016 California Fire Code as the City's Fire Code in 2017 (HMC Section 3-14.00).

The proposed project involves the development of 18 residential units on an undeveloped site surrounded by residential and commercial development. Therefore, the proposed project would incrementally increase the demand for fire and medical services. The proposed project would be required to comply with City requirements for fire access and on-site fire prevention facilities (e.g., fire hydrants and sprinkler systems). The project involves residential development on a site that is planned for residences. As described under Section 10, *Land Use and Planning,* and Section 13, *Population and Housing*, the project is consistent with the General Plan's MDR land use designation and would not generate growth beyond that anticipated in the General Plan. Therefore, the

proposed project would not place an unanticipated burden on fire protection services or affect response times or service ratios such that new or expanded fire facilities would be needed. Impacts will be less than significant.

LESS THAN SIGNIFICANT IMPACT

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 order to maintain acceptable service ratios, response times or other performance objectives?

The Hayward Police Department (HPD) provides law enforcement services in Hayward. The nearest police station to the site is located at 300 West Winton Avenue, 1.5 miles northwest of the project site (approximately six minutes driving time). The project would involve the construction of 18 single-family residences on a site surrounded by existing development. Although the project would incrementally increase the demand for police services, the project site is located in the close vicinity (within 1.5 miles) of the City's police headquarters and was envisioned for future residential development in the City's General Plan. As such, the proposed project would not require the construction or expansion of police protection facilities beyond those already planned under General Plan assumptions. Impacts will be less than significant.

LESS THAN SIGNIFICANT IMPACT

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?

The project site is served by the Hayward Unified School District (HUSD). The project would involve the construction of 18 single-family residences. Assuming a conservative student generation rate of one student per residence, the proposed project would increase the number of students attending schools operated by HUSD by approximately 18 additional students. The addition of 18 students to the HUSD would not result in the need for additional school facilities. In addition, pursuant to Senate Bill 50 (Section 65995[h]), payment of mandatory fees to the affected school district would reduce potential school impacts to less than significant level under CEQA. Therefore, the project will have a less than significant impact with respect to schools.

LESS THAN SIGNIFICANT IMPACT

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?

The Hayward Area Recreation and Park District (H.A.R.D.) is an independent special-use district created to provide park and recreational services for over 280,000 residents in the city (City of Hayward 2018). The project would include both private open space for each residence and two shared open space areas. The closest park to the project site is Schafer Park, located less than 0.2 mile to the southwest. In addition, the project is approximately 0.2 mile east of a long public trail that connects to Southgate Park. Pursuant to City Code (Chapter 10.16), payment of mandatory park

in-lieu fees would reduce potential park impacts to less than significant level under CEQA. Therefore, the project will have a less than significant impact with respect to city parks.

LESS THAN SIGNIFICANT IMPACT

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?

As discussed in Section 13, *Population and Housing*, the project would not add substantial population to Hayward and is consistent with growth anticipated in the City's General Plan. The project involves infill development and the addition of 18 single-family homes would not result in a material effect on the need for additional public facilities. Therefore, the project would not substantially increase demand for public facilities and resources. Impacts to stormwater, wastewater, and water facilities are discussed in Section 18, *Utilities and Service Systems.* Impacts will be less than significant.

LESS THAN SIGNIFICANT IMPACT

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15 Recreation

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
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?	☐	☐	■	☐

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?

The addition of an estimated 59 new residents to the city population with the proposed project (Section XIII, *Population and Housing*) would increase demand for parks and recreational facilities. The closest park to the project site is Schafer Park, which is located less than 0.2 mile to the southwest. In addition, the project is approximately 0.2 mile east of a long public trail that connects to Southgate Park. Future residents would be likely to use these parks and recreational facilities as well as others in the city and region. However, the addition of 59 new residents would not increase the use of local and regional parks and recreational facilities such that substantial physical deterioration of the facility would be accelerated. The project itself includes both private open space for each residence and shared open space areas that would partially offset use of local and regional parks and recreational facilities. In addition, pursuant to City Code (Chapter 10.16), the project would be required to pay mandatory park in-lieu fees, which helps fund maintenance and upkeep of area parks and recreational facilities. Payment of these fees would reduce potential impacts on park and recreational facilities to a less than significant level. The project would not substantially alter citywide demand for parks such that substantial physical deterioration of the park would occur or the construction of new recreational facilities would be required. Therefore, impacts will 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?

The project proposes development of residential uses that include both private open space for each residence and two common, shared open space areas. The common open space areas are not specifically a recreational use but may be used for recreational purposes by the future residents. The impacts associated with development of these open space areas are discussed throughout this document as part of the analysis of project construction as a whole and would not create any physical adverse effects on the environment. As discussed above under question (a), the proposed

project would not substantially increase demand for parks or recreational facilities. Therefore, the project would not require the expansion or construction of new recreational facilities that would create a physical adverse effect on the environment. This impact will be less than significant. .

LESS THAN SIGNIFICANT IMPACT

16 Transportation/Traffic

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
a. Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation, including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways, and freeways, pedestrian and bicycle paths, and mass transit?	☐	☐	■	☐
b. Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?	☐	☐	■	☐
c. Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?	☐	☐	☐	■
d. Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible use (e.g., farm equipment)?	☐	☐	☐	■
e. Result in inadequate emergency access?	☐	☐	☐	■
f. Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise substantially decrease the performance or safety of such facilities?	☐	☐	☐	■

a. Would the project conflict with an applicable plan, ordinance or policy establishing a measure of effectiveness for the performance of the circulation system, taking into account all modes of transportation, including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways, and freeways, pedestrian and bicycle paths, and mass transit?

Table 9 shows the estimated trip generation from the project based on trip generation rates provided by the Institute of Transportation Engineers (ITE).

Table 9 Proposed Project Trip Generation – Single-Family Homes

Land Use	Dwelling Units	Daily Trips	AM Peak Hour Trips			PM Peak Hour Trips		
			In	Out	Total	In	Out	Total
Single-Family Homes[1]	18	171	3	10	13	11	7	18

[1] Trip generation rates from ITE *Trip General Manual, 9th Edition*, land use category 210 (Single Family Homes).

As shown in Table 9, the project would generate approximately 171 daily trips including 13 AM peak hour trips and 18 PM peak hour trips. The primary roadway that would be affected is Gading Road, a five-lane road designed to carry relatively high levels of vehicle traffic. The modest number of new trips associated with the project does not warrant a detailed traffic study and would not significantly alter the area's transportation network and operations. Alameda County does not require transportation impact analyses for projects generating fewer than 100 PM peak hour trips. The proposed project would generate approximately 18 PM peak hour trips. The project would not create conflicts with applicable plans, ordinance, or policies related to the City's circulation system. Therefore, impacts will be less than significant.

LESS THAN SIGNIFICANT IMPACT

b. Would the project conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?

As the Congestion Management Agency (CMA) for Alameda County, the Alameda County Transportation Commission (ACTC) is responsible for establishing, implementing, and monitoring the County's Congestion Management Program (CMP). Through its implementation of the CMP, the ACTC works to ensure that roadways operate at acceptable levels of service (LOS) and reviews development proposals to ensure that transportation impacts are minimized.

As shown in Table 9, the project would generate 171 daily trips. The additional trips from the project would not create conflicts with Alameda County CMP impact criteria. The County does not require transportation impact analyses for projects generating fewer than 100 PM peak hour trips; the proposed project would generate approximately 18 PM peak hour trips. Therefore, impacts will be less than significant.

LESS THAN SIGNIFICANT IMPACT

c. Would the project result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?

The nearest airport to the project site is the Hayward Executive Airport, located approximately 1.6 miles to the northwest. The project site is not located within the airport influence area. The project

would involve the construction of 18 two-story single-family residences in an area with structures of similar size and scale. Therefore, the project will have no impact on air traffic.

NO IMPACT

d. Would the project substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible use (e.g., farm equipment)?

Project implementation would occur on the existing parcels and would not alter or affect existing street and intersection networks. The proposed project would be required to comply with the City's street standards for vehicular access and circulation, including fire and emergency access. Compliance would prevent hazardous design features and would ensure adequate and safe site access and circulation. The project involves residential uses on a site designated for residential uses and would not introduce an incompatible use. There will be no impact.

NO IMPACT

e. Would the project result in inadequate emergency access?

The project site is directly accessible from Gading Road. The project would be required to comply with all building, fire, and safety codes, and specific development plans would be subject to review and approval by the City's Public Works Department and HFD. Required review by these departments would ensure the circulation system for the project site would provide adequate emergency access. In addition, the project would not require any temporary or permanent closures to roadways. There will be no impact.

NO IMPACT

f. Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise substantially decrease the performance or safety of such facilities?

The project would not conflict with any adopted policies, plans, or programs regarding alternative transportation since no changes to the existing transportation policies, plans, or programs would result, either directly or indirectly, from development on the project site. In addition, the project would not involve the removal or relocation of existing transit, pedestrian, or bicycle facilities. There will be no impact.

NO IMPACT

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17 Tribal Cultural Resources

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
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, 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 2024.1. In applying the criteria set forth in subdivision (c) of Public Resources Code Section 5024.1, the lead agency shall consider the significant 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 either of the following:

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).
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.

One tribe, the Ione Band of Miwok Indians, has requested to be notified of projects proposed in the City of Hayward. The City of Hayward initiated AB 52 consultation with this tribe on Thursday, February 22, 2018. On March 16, 2018, the City met with the Ione Band of Miwok Indians and a representative from Rincon Consultants to discuss the project and potential tribal cultural resources. The Tribe did not identify any specific tribal cultural resources within or near the project site. The Tribe requested copies of the biological analysis, arborist report, and geotechnical report prepared for the project so they may better understand the potential for tribal cultural resources in the area. On March 19, 2018, Rincon provided the requested materials to the Tribe. Correspondence between the Tribe and City and Rincon staff are included in Appendix D.

a. *Would the project cause a substantial adverse change in the significance of a tribal cultural resource as defined in Public Resources Code 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 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 2024.1?*

The City of Hayward initiated AB 52 consultation on Thursday, February 22, 2018. Consultation occurred between the City and the Ione Band of Miwok Indians. Consultation with the Tribe did not result in the identification of tribal cultural resources. 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 will be less than significant with Mitigation Measure TCR-1 and TRC-2.

Mitigation Measure

The following mitigation measure would reduce impacts regarding disrupting tribal cultural resources to a less than significant level.

TCR-1 **Tribal Cultural Resources Spot-Checking.** Initial project-related ground-disturbing activities shall be spot-checked by a qualified archaeological monitor or by an appropriate Native American representative. Spot-checking shall occur on the first day of ground disturbance, when ground-disturbance moves to a new location on the project site, and when ground disturbance will extend to depths not previously reached (unless those depths are within bedrock). If archaeological resources are encountered, spot-checking shall be increased to full-time monitoring and, if identified resources are of Native American origin, a Native American monitor shall be retained for the duration of the project. Archaeological spot-checking may be reduced or halted at the discretion of the monitor as warranted by

conditions such as encountering bedrock, sediments being excavated are fill, or negative findings during the first 60 percent of rough grading.

TCR-2 **Unanticipated Discovery of Tribal Cultural Resources.** In the event that cultural resources of Native American origin are identified during construction, all earth-disturbing work in 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.

LESS THAN SIGNIFICANT WITH MITIGATION INCORPORATED

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18 Utilities and Service Systems

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
a. Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	☐	☐	■	☐
b. Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	☐	☐	■	☐
c. Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	☐	☐	■	☐
d. Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	☐	☐	■	☐
e. 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?	☐	☐	■	☐
f. Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	☐	☐	■	☐
g. Comply with federal, state, and local statutes and regulations related to solid waste?	☐	☐	■	☐

a. Would the project exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?

Water quality in the State of California is regulated by the SWRCB and the nine RWQCBs. The city of Hayward is located in the jurisdiction of the San Francisco Bay RWQCB. Section 303(d) of the CWA requires that states identify water bodies including bays, rivers, streams, creeks, and coastal areas

that do not meet water quality standards and the pollutants that are causing the impairment. Total Maximum Daily Loads (TMDLs) describe the maximum amount of a pollutant that a water body can receive while still meeting established water quality standards. A TMDL requires that all sources of pollution and all aspects of a watershed's drainage system be reviewed and set forth action plans that examine factors and sources adversely affecting water quality and identify specific plans to improve overall water quality and reduce pollutant discharges into impaired water bodies.

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 and treated by the WPCF system would not exceed applicable RWQCB wastewater treatment requirements. Therefore, impacts will be less than significant.

LESS THAN SIGNIFICANT IMPACT

b. Would the project require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?

e. 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?

The project site is located in an urban area within the boundaries of the City of Hayward Water District. Utility infrastructure would not require significant improvements other than infrastructure to service the proposed 18 single-family residences. The project is consistent with the General Plan's MDR land use designation and would not generate growth beyond that anticipated in the General Plan. The Environmental Impact Report (EIR) for the City's General Plan found that there was 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 2013). Impacts will be less than significant.

LESS THAN SIGNIFICANT IMPACT

c. Would the project require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?

The project site is currently vacant. Stormwater runoff from the site drains into catch basins located along Gading Road. Major storm drainage facilities in Hayward are owned and maintained by the Alameda County Flood Control and Water Conservation District (ACFCWCD), and include gravity pipelines predominantly made of reinforced concrete, which discharge to underground storm drain lines or manmade open channels. Storm drain pipes smaller than 30 inches are typically owned by the City and are generally provided within local streets and easements.

This system of stormwater collection and filtration would not change with implementation of the project. However, the project would increase the amount of impervious surfaces on the project site by approximately 38,750 square feet, which would incrementally reduce the potential for

groundwater recharge, increasing stormwater runoff from the site. However, as discussed in Section 9, *Hydrology and Water Quality,* the proposed project would include permeable pavement and stormwater bioretention areas to assist with groundwater recharge and would be required to comply with all applicable stormwater management requirements. Therefore, the project would not result in the need for new off-site stormwater drainage facilities. All site runoff would be directed to the City's existing municipal storm drainage system, which was designed to accommodate flows resulting from buildout in the project area. The project would be subject to local policies requiring that post-construction runoff volumes be less than or equal to preconstruction volumes (MS4 C.3, discussed further in Section 9). Therefore, expansion of the existing stormwater collection system is not required. Impacts will be less than significant.

LESS THAN SIGNIFICANT IMPACT

d. Would the project have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?

The project would receive its water from the City of Hayward. The City of Hayward provides water for residential, commercial, industrial, governmental, and fire suppression uses. The City owns and operates its own water distribution system and receives its water from the Hetch Hetchy regional water system, which is owned and operated by the SFPUC. Emergency water supplies are available through connections with Alameda County Water District (ACWD) and East Bay Municipal Utility District (EBMUD) in case of disruption of delivery (City of Hayward 2016b).

The City's Urban Water Management Plan (UWMP) assesses Hayward's water supply reliability, and describes the City's anticipated water demand, water shortage contingency plans, and water conservation strategies. The UWMP is based on the growth projections in the City's General Plan. Major water system projects in the near-term focus on replacing and renovating existing water storage reservoirs to increase storage capacity and improve structural reliability. Hayward has also made extensive efforts to improve the seismic safety of the water system, including seismic retrofits of several reservoirs and improvements to pipes at fault line crossings (City of Hayward 2016b).

As determined in the City's UWMP, there is adequate water supply available to serve anticipated growth in Hayward. The project is consistent with the General Plan's MDR land use designation and would not generate growth beyond that anticipated in the General Plan. Therefore, there would be sufficient potable water supply to accommodate the anticipated demand increases resulting from the project. Impacts will be less than significant.

LESS THAN SIGNIFICANT IMPACT

f. Would the project be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?

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

The City of Hayward provides weekly garbage collection and disposal services through a Franchise Agreement with Waste Management, Inc. (WMI), a private waste management company. WMI subcontracts with a local non-profit, Tri-CED Community Recycling, for residential collection of recyclables. Altamont Landfill is the designated disposal site in the City's Franchise Agreement with WMI, which is approximately 25 miles northeast of the project site. Altamont Landfill is a Class II facility that accepts municipal solid waste from various cities, including Hayward. The landfill occupies a 2,170-acre site, of which 472 acres are permitted for landfill. In 2001, the landfill received

County approval to increase capacity, adding 25 years to the life of the landfill and extending the anticipated closure date to the year 2040.

HMC Chapter 5, Article 10 requires that applicants for all construction and demolition projects that generate significant debris recycle 100 percent of all asphalt and concrete and 50 percent of remaining materials. Through these measures, the City plans to meet the statewide diversion goal of 75 percent by 2020.

The Altamont Landfill processes approximately 1,500,000 tons of solid waste per year and has a remaining permitted capacity of 42.4 million tons (WMI 2014). Given the available capacity at the landfill, the incremental additional of solid waste generated by the proposed 18 single-family residences would not cause the facility to exceed its daily permitted capacity. In addition, implementation of the City's recycling programs, including construction debris, would further reduce solid waste generation. Therefore, impacts will be less than significant.

LESS THAN SIGNIFICANT IMPACT

19 Mandatory Findings of Significance

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
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?	☐	■	☐	☐

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?

Based on the information and analysis provided throughout this Initial Study, implementation of the project would not substantially degrade the quality of the environment and would not substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of rare or endangered plants or animals, or eliminate important examples of California history or prehistory. Cultural resources, which illustrate examples of California history and prehistory, are discussed in Section 5, *Cultural Resources,* and Section 17, *Tribal Cultural Resources*. Mitigation measures CUL-1, CUL-2, TCR-1 and TCR-2 have been designed to reduce potential impacts of disturbing archaeological and tribal cultural resources and human remains. Biological

resources are addressed in Section 4, *Biological Resources.* With Mitigation Measure BIO-1 related to nesting birds, the project would not substantially reduce wildlife habitat or population. Based on the ability of the identified mitigation measures to reduce potential impacts to less than significant levels, the project's impacts will be less than significant with mitigation incorporated.

LESS THAN SIGNIFICANT WITH MITIGATION INCORPORATED

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)?

Cumulative impacts associated with some of the resource areas are addressed in the individual resource sections above, including Air Quality, Greenhouse Gases, Water Supply, and Solid Waste (*CEQA Guidelines* Section 15064[h][3]), and would be less than significant. Some of the other resource areas were determined to have no impact in comparison to existing conditions and therefore would not contribute to cumulative impacts, such as Mineral Resources and Agricultural Resources. As such, cumulative impacts in these issue areas would also be less than significant (not cumulatively considerable). The project would incrementally increase traffic compared to existing conditions. However, due to the low volume of traffic generated by the project, the project would not significantly contribute to cumulative impacts to nearby roadways. The project involves development of 18 residential units and would be consistent with the City's General Plan designation and density for the site. The project will not result in a significant contribution to cumulatively considerable impacts.

LESS THAN SIGNIFICANT IMPACT

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

Effects to human beings are generally associated with air quality, noise, traffic safety, geology/soils and hazards/hazardous materials. As discussed in this Initial Study, implementation of the project would result in less than significant environmental impacts with respect to these issue areas with mitigation incorporated. The geotechnical recommendations and mitigation measure discussed in Section 6, *Geology and Soils*, would ensure that soils and grounds are stable, and that liquefaction risks are less than significant. Mitigation Measure GEO-1 would reduce health and safety risks to human beings and would result in less than significant impacts. The project would not cause substantial adverse effects on human beings, either directly or indirectly. Impacts will be less than significant with mitigation.

LESS THAN SIGNIFICANT WITH MITIGATION INCORPORATED

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