

**DRAFT STATEMENT OF OVERRIDING CONSIDERATIONS FOR
SIGNIFICANT AND UNAVOIDABLE IMPACTS OF FINAL ENVIRONMENTAL
IMPACT REPORT, DOWNTOWN SPECIFIC PLAN AND CODE**

The City of Hayward adopts and makes this statement of overriding considerations related to adoption of the Downtown Specific Plan and Code, and the resulting unavoidable and significant impacts related to air quality, greenhouse gas emissions, noise, and transportation and circulation, in order to explain why the benefits of implementing the project override and outweigh such impacts.

Significant and Unavoidable Impacts

AIR QUALITY

- **Impact AQ-2.1:** The proposed Specific Plan would not exceed some air quality standards or thresholds of significance but would exceed others. Construction activities associated with implementation of the proposed Specific Plan could potentially violate an air quality standard or contribute substantially to an existing or projected air quality violations. This would be a significant impact.
- **Impact AQ-2.2:** The Specific Plan would meet some operations air quality standards but not all of them. As such, operation of development projects accommodated under the proposed Specific Plan could contribute to an existing or projected air quality violation. This would be a significant impact.
- **Impact AQ-3:** Hayward is currently part of an air basin with a nonattainment area status. Even though the Specific Plan would be consistent with the 2017 Clean Air Plan, there could be an increase in air pollutant emissions from construction and operational activities that would exceed Bay Area Air Quality Management District (BAAQMD) regional significance thresholds. Future potential development projects associated with the proposed Specific Plan could cumulatively contribute to the non-attainment designations of the San Francisco Bay Area Air Basin. This would be a significant impact.
- **Impact AQ-4.1:** The Specific Plan could exceed BAAQMD's project level and cumulative significance thresholds for community risk and hazards. Construction activities associated with potential future development projects accommodated under the proposed Specific Plan could expose nearby receptors to substantial concentrations of Toxic Air Contaminants. This would be a significant impact.

GREENHOUSE GAS EMISSIONS

- **Impact GHG-1.1:** Even though construction emissions are a one-time occurrence and would cease at project buildout, given the magnitude of the Specific Plan, that the cumulative amount of emissions would exceed the threshold for such emissions. Construction of future projects resulting from

implementation of the proposed Specific Plan would generate greenhouse gas emissions, either directly or indirectly, that exceed the forecast year-2040 GHG emissions efficiency metric (2,811 MTCO₂e/year compared to 1,100 MTCO₂e/year). This would be a significant impact.

- **Impact GHG-1.2:** The operation of future projects resulting from implementation of the proposed Specific Plan would generate GHG emissions, either directly or indirectly, that would exceed the forecast year-2040 GHG emissions efficiency metric. This would be a significant impact.

NOISE

- **Impact NOISE-1:** Construction activities associated with development proposed by the Specific Plan has the potential to exceed the City's noise limits resulting in a significant impact(s). The construction of future projects in the Specific Plan Area could expose sensitive receptors to noise that exceeds the City's noise limits. This would be a significant impact.
- **Impact NOISE-3:** Even with a multitude of mitigation measures that could reduce noise caused by new development that would come from implementation of the Specific Plan, there would be a permanent increase in ambient noise levels within the Plan area. Implementation of the Specific Plan would result in a permanent substantial increase in ambient noise levels. This would be a significant impact.
- **Impact NOISE-4:** Noise impacts from construction come from a variety of sources and it's hard to quantify all such sources. Because of this difficulty to measure all types of construction noise sources, there could be impact to existing neighboring uses in the short term. The construction of future projects in the Specific Plan Area could expose sensitive receptors to a substantial temporary increase in ambient noise levels. This would be a significant impact.

TRANSPORTATION AND CIRCULATION

- **Impact TRANS-1:** Even with some intersections within the Plan Area defined as having a less than significant impact, others would have impacts that are significant and unavoidable. Implementation of the proposed project would cause or contribute to impacts at 16 intersections. This would be a significant impact.
- **Impact TRANS-2.1:** Because of the difficulty of acquiring right-of-way for vehicle traffic and the Specific Plan goal of better accommodating pedestrians and bicyclists, it's difficult to reduce impacts to vehicular traffic to less than significant levels under the Plan. Implementation of the proposed project would cause or contribute to impacts at 14 MTS arterial and freeway segments. This would be a significant impact.

- **Impact TRANS-2.2:** Even with the implementation of improvements to transit service that would come from the Specific Plan, some roadways would be negatively impacted, thus affecting the performance of bus service. Implementation of the proposed project would cause or contribute to impacts on 14 AC Transit bus lines in the area. This would be a significant impact.

Benefits of Project

Adoption and implementation of the Downtown Specific Plan and Code will provide substantial benefits to the City of Hayward by:

1. Transforming Downtown into a vibrant, walkable City center that serves as a regional destination to live, work, and play for City residents, neighboring communities, and local college students.
2. Guaranteeing that Downtown is a beautiful, safe, and high-quality pedestrian-oriented environment for all ages to enjoy day or night, with sufficient and attractive lighting, sidewalk amenities, landscaping, and inviting ground floor frontages.
3. Providing a wide variety of housing types that are available to meet the economic and physical needs of a diverse population.
4. Making sure that the public right-of-way is recognized as the backbone of the public realm and Downtown streets are comfortable for people walking and bicycling, efficient and convenient for people taking transit, and accommodating to people driving automobiles at a posted speed limits.
5. Prioritizing public transportation, walking, biking and shared rides are the preferred means of travel for most trips in Downtown thereby reducing cut-through traffic and the need for parking while also supporting economic development and sustainability initiatives.
6. Continuing on a path for Downtown that capitalizes on its location in the region, leverages its amenities, and captures more sales tax revenue to become a national model for the revitalization of mid-size cities
7. Ensuring public services, community facilities, and utility systems are well maintained, implement Citywide climate change policies, and meet the needs of current and future Downtown residents, businesses, and visitors.

Therefore, the City of Hayward finds that the significant and unavoidable impacts associated with adoption of the Downtown Specific Plan and Code are acceptable in light of the above benefits.