



Pine Vista Condominiums Project

Environmental Consistency Checklist Pursuant to CEQA Guidelines Section 15183

prepared by

City of Hayward
Planning Division
777 B Street, 3rd Floor
Hayward, California 94541
Contact: Carl Emura, Project Planner

prepared with the assistance of

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449 15th Street, Suite 303
Oakland, California 94612

May 2019

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Project Description

1. Project Title

Pine Vista Condominiums Project (Application No. 201606492)

2. Lead Agency Name and Address

City of Hayward
777 B Street, 3rd Floor
Hayward, California 94541

3. Contact Person and Phone Number

Carl Emura, Project Planner
City of Hayward, Planning Division
(510) 583 4209

4. Project Location

The project site is approximately 2.1 acres and consists of five assessor's parcels (444-0027-002, -004-03, -005-02, -006-02, and -001-00), on a roughly triangular-shaped site at 623-675 Jackson Street in the city of Hayward. The site is bordered by Jackson Street to the northwest, Bay Area Rapid Transit (BART) and Union Pacific Railroad (UPRR) lines to the northeast, and a three-story apartment complex and associated parking lot to the south. Silva Avenue is further south and leads to Jackson Frontage Road, which abuts the western property line of the site. A drainage easement for Ward Creek runs near the southern property line. Figure 1 shows the location of the site in the region and Figure 2 depicts the project site in its neighborhood context.

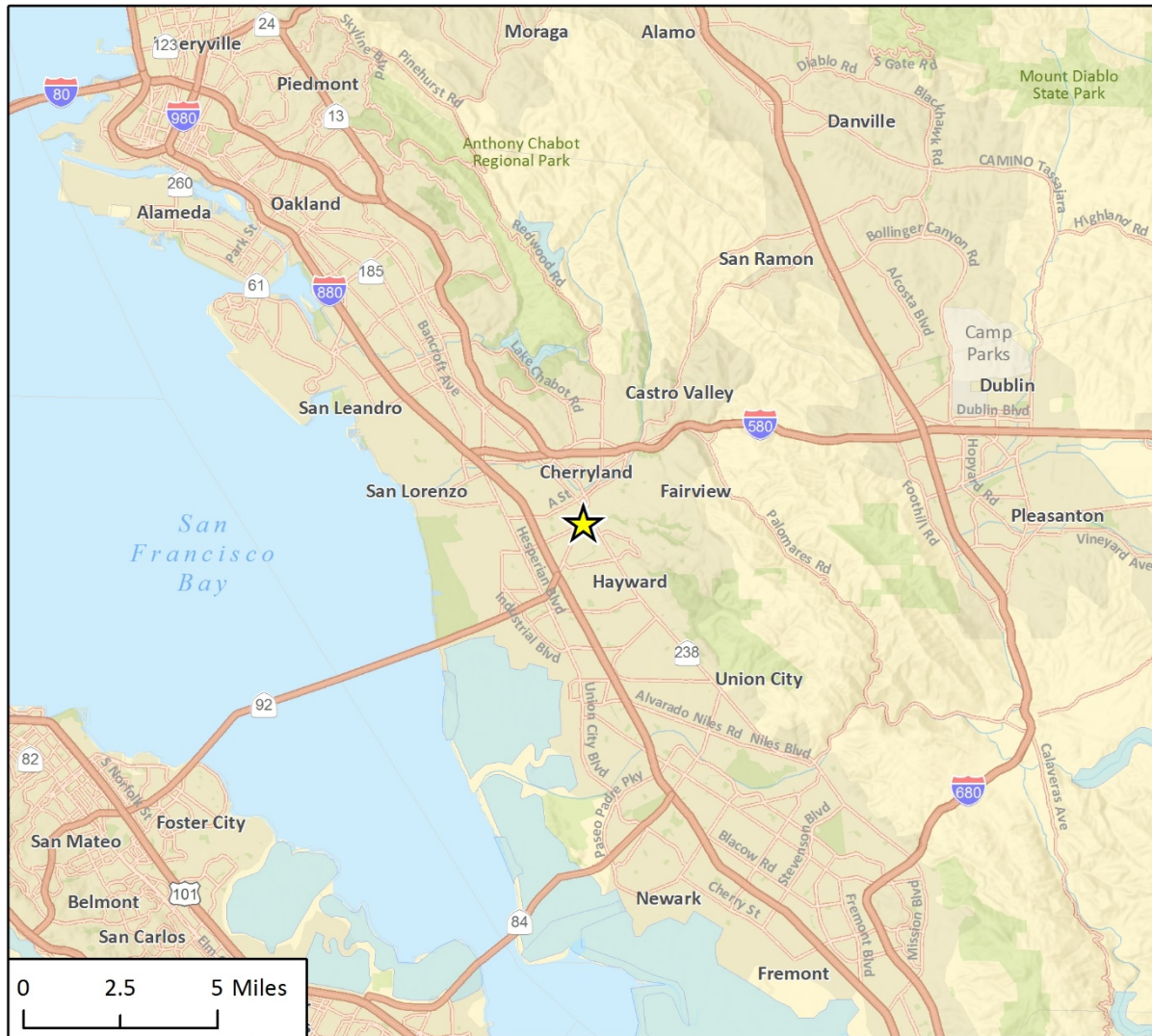
5. Project Applicant

Seton Pacific Company
2278 Trade Zone Boulevard
San Jose, California 94533

6. General Plan Designation

The project site is designated Medium Density Residential in the Hayward 2040 General Plan (City of Hayward 2014). It also occurs in the Jackson Triangle Neighborhood Plan.

Figure 1 Regional Location



★ Project Location



Fig 1 Regional Location

Figure 2 Project Site



Imagery provided by Microsoft Bing and its licensors © 2019.

Fig 2 Project Area

7. Zoning

The project site is zoned Medium Density Residential (RM). The RM zoning district regulations are intended to promote and encourage sustainable environment for family life in areas where a compatible mingling of single-family and multiple-family dwellings is possible (Hayward Municipal Code Section 10-1.405).

8. Description of the Project

The project would involve the demolition of five existing structures and the construction of 40 attached residential units in five three-story buildings distributed across the site. As shown in the proposed site plan in Figure 3, buildings #1, #2, and #2a (a small building connected to #2 by a walkway) would be located along the southern property line; buildings #3 and #4 would form a triangular shape near the center of the site; and building #5 would be located at the northwestern corner of the site. The units would each include an attached two-car garage and a deck or porch; they would have between two and five bedrooms (some units would also include a “bonus room” or a loft). Building #2 would also include a 776-square-foot, two-story office for the property manager.

The residential density of the project would be 19 dwelling units per acre. Residential development would include 19 two-bedroom units, 18 three-bedroom units, two four-bedroom units, and one five-bedroom unit. See Figure 3 for the proposed site plan and Table 1 for a summary of project characteristics. The project would also provide 9,680 square feet of private open space, including individual porches and decks at the units, and 5,178 square feet of group open space in the form of landscaped areas accessible by all residents.

The existing buildings to be demolished include three occupied residences, an office building, and associated accessory structures. The total floor area that would be demolished is 6,583 square feet.

Site Access, Circulation, and Parking

The project site would be accessed by pedestrians, vehicles, and bicycles from Jackson Street, which would connect to new private roadways at two new curb cuts, one near the center of the site, and at the northern portion of the site. The center connection would lead to Pine Vista Lane, which would cut east-west across the middle of the site between proposed Building #1 and Building #3. The northern connection would lead to Pine Vista Court, which would, which would traverse the eastern edge of the site. The private roadways would provide two-way access in and out of the site and for firetruck access, and their widths would vary from 26 feet to 44 feet.

As shown in Table 1, the project would provide 93 parking spaces, including one ADA accessible space and three compact spaces. Each dwelling unit would include a two-car garage. The remaining 13 guest parking spaces would be uncovered and would be located at the edges of the new roadways.

Figure 3 Proposed Site Plan



Source: UTOPIAN LANDSCAPES

Figure 4 Proposed Landscape Plan (Trees)



Source: UTOPIAN LANDSCAPES

Table 1 Project Summary

Site Area	Total
Site Total	89,343 square feet (2.05 acres)
Project Floor Area	
Residential	64,238 square feet (40 units)
Office (Building 2A)	776 square feet
Open Space (group and private)	15,203 square feet
Parking	
Automobile	93 stalls

Grading and Drainage

The entire project site would be modified by grading that would be balanced on site. Existing drainage includes the Ward Creek channel, which runs within and along the southern boundary line of the project site, and a storm drain line that runs along the western edge of the Jackson Street frontage road. The project would include work to fill in a portion of the channelized Ward Creek. On-site drainage would be directed to new storm drains that would intersect with drainage crossing under the UPRR and BART tracks to the east and the drain along Jackson Street (Appendix A). The project would also incorporate low-impact development (LID) strategies, including pervious paving systems at the parking and driveway areas. These areas would be self-treating, with catch basins connected to the on-site drainage collection systems. On-site drainage would be designed consistent with Alameda Flood Control and Water Conservation Agency requirements.

Landscaping and Trees

The project would involve the removal of up to 40 existing trees and the installation of 105 new trees that would surround the proposed buildings and line new and existing roadways. Figure 4 shows the proposed trees at the project site. The project would involve other new landscaping elements, including shrubs along the building perimeters and property lines, and at rear yards and communal open space areas. The total square footage of landscaped area would be 25,549 square feet.

Off-site Improvements

The project would include sidewalk improvement and pavement replacement along road frontages on the project site borders, including new curbs, ramps, and pedestrian lighting. The project would also reconfigure the intersection at Jackson Frontage Road and Silva Avenue to allow the construction of a separate eastbound left-turn lane. "Keep Clear" markings would be painted on westbound approach of Silva Avenue to prevent queuing vehicles from blocking Jackson Frontage Road.

9. Surrounding Land Uses and Setting

The project site is urbanized and generally flat, with five existing buildings (three single-family dwellings, an office building, and associated accessory structures) located towards the west portion of the site. The remainder of the project site is vacant, with some paving and some planted grass. A channelized drainage system mapped as Ward Creek runs along the southwestern boundary of the parcel. The drainage is cut off hydrologically from the upper reaches of the creek. At the northwest corner of the site, the drainage flows into another underground storm drain system, which then flows south and connects with Alameda Creek. The 41 existing trees, including many nonnative species and a few native coast live oak trees, generally occur along the edges of the site, along the road and rail frontages and at the Ward Creek Channel.

Figure 2 shows the project site bordered by Jackson Street and Jackson Frontage Road along its northwestern frontage and the UPRR and BART rail lines along its northeastern frontage. The surrounding area immediately south of the site is zoned High Density Residential and is developed with a three-story apartment complex containing 81 single-family dwellings. The area west of the project site is zoned Central City – Commercial Subdistrict (CC-C) and is developed with one-, two-, and three-story single-family residences. The Neighborhood Commercial (CN) and General Commercial (CG) zoning districts occur further south, along Jackson Street and contain one-story commercial retail and services. The area east of the subject site is in the Hayward Mission Boulevard Corridor Form-based Code area (MB) and contains several three-story multi-family residential buildings and commercial uses (gym, restaurant, retail) further east.

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

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

- Site Plan Review
- Density Bonus Review
- Tentative Tract Map 8339
- Other permits required based on the analysis herein

In addition to the discretionary approvals and permits listed above, the project would require several ministerial permits from the City of Hayward. For example, ministerial demolition and building permits would be needed from the City's Building Division, following review and approval of detailed demolition and building construction plans. A Tree Removal Permit would be required for the removal of any protected tree as defined by Article 15 of the Hayward Municipal Ordinance, *Tree Preservation*. A ministerial sewer connection permit would be required for the project to connect with the City's existing sanitary sewer system. Ministerial encroachment permits for work in the City's right-of-way would be needed from the City. Examples of project-related work proposed in the City's right-of-way include sidewalk improvements along the frontage of the proposed buildings and the curb and street improvements on the adjacent roadways.

The project may require permits from other agencies related to the proposed alteration of the on-site drainage, such as those from the Alameda County Flood Control and Water Conservation District, the San Francisco Bay Regional Water Quality Control Board (RWQCB), the Army Corps of Engineers (USACE), and/or the California Department of Fish and Wildlife (CDFW).

Environmental Factors Potentially Affected

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

- | | | |
|---|---|--|
| ☐ Aesthetics | ☐ Agriculture and Forestry Resources | ☐ Air Quality |
| ☒ Biological Resources | ☒ Cultural Resources | ☐ 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 | ☐ Utilities and Service Systems | ☐ Energy |
| ☐ Mandatory Findings of Significance | | |

Signature

Date

Printed Name

Title

Determination

On the basis of this initial evaluation:

- ☐ I find that the Proposed Project qualifies as a Residential Project pursuant to a Specific Plan I find that the Proposed Project qualifies as a Residential Project pursuant to a Specific Plan and is EXEMPT from CEQA in accordance with CEQA Guidelines Section 15182.
- ☒ I find that pursuant with CEQA Guidelines Section 15183, the Proposed Project is a Project consistent with a Community Plan or Zoning, that there are no project-specific significant effects which are peculiar to the project or its site, and NO ADDITIONAL ENVIRONMENTAL REVIEW IS REQUIRED.
- ☐ I find that the Proposed Project qualifies as an Infill Project that would result in new specific effects. However these effects would be substantially mitigated under uniformly applicable development policies. NO FURTHER REVIEW required.

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

 Signature

 Date

 Printed Name

 Title

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

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

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

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

Environmental Checklist

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

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

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

Relationship of the Proposed Project to Previous EIR Analysis

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

Consistency of the Project with Adopted City Plans and Ordinances

City of Hayward 2040 General Plan

The project would be located entirely in the city of Hayward. The General Plan is the fundamental document that governs land use development. It includes goals and policies relating to economic vitality, land use, growth management, transportation, parks, open space, conservation, safety, noise, public facilities, and utilities. The project would be required to abide by all applicable goals and policies in the adopted General Plan. The General Plan land use designation for the project site is High Density Residential. The High Density Residential designation is intended for a high density and intensity mix of residential, commercial, and office development near major activity centers or along arterial streets. Consistent with General Plan Policies H-3.5, LU-1.3, and LU-1.4, the project would add residential density at an underutilized site. Consistent with Policy H-3.4, the project

would add housing units in proximity to the services available in the Neighborhood Commercial district, located nearby along Jackson Street. Consistent with Policy LU-1.7, the project would be required to conform to applicable design guidelines.

City of Hayward Development Code

The project complies with applicable provisions of the City of Hayward Development Code, and includes the approval of permits, described under *Project Approvals*. The project meets standards for lot area, setbacks, and building height consistent with Medium Residential (RM) zoning; satisfies applicable requirements for the RM zoning district under Hayward Municipal Code Section 10-1.400; and complies with other applicable provisions of the other sections of the Hayward Municipal Code. Table 2 shows the project's consistency with RM District development standards listed the Hayward Municipal Code.

Table 2 Consistency with Development Standards

Standards	Allowed	Proposed
Density (du/sf)	1 / 2,500 = 35 units	40 ¹
Lot Area (square feet) minimum	5,914	86,464 ²
Building Height maximum (feet)	40	40
Lot Coverage Maximum (percentage)	40	40
Front setback (feet) minimum	20	10 ¹
Rear setback (feet) minimum	20	20
Side setback (feet) minimum	10	10
Vehicle Parking Spaces minimum	93	93
Open Space/Unit (square feet) minimum	350	380

¹ Consistent with Hayward Municipal Code Article 19, Density Bonus Ordinance, the applicant proposes A 15% density increase and a reduction in the required front yard setback (see below for more information).

¹ The proposal would merge five individual parcels.

DENSITY BONUS

Given the size of the project site and the residential density allowed in the RM zoning district, the site can accommodate a maximum of 35 dwelling units. However, the applicant proposes that 20 percent (eight units) would be affordable to moderate income households. Per Hayward Municipal Code Section 10-19.130, this provision of affordable units allows up to a 15 percent density increase above the base density allowed, or five units for this project. Section 10-19.190 allows up to two concessions or incentives (reductions in applicable development standards) for this proposed project. The applicant has requested one concession/incentive to reduce the required front yard setback from 20 feet to 10 feet and another to waive the requirement to underground overhead electric utilities at Jackson Frontage Road.

CEQA Guidelines Updates

The *CEQA Guidelines* have been updated by the State of California; the revised *Guidelines* are in effect as of December 2018. However, because this document involves streamlining from the City of Hayward 2040 General Plan EIR which was certified prior to these changes to the *CEQA Guidelines*, the City has elected to forego use of the updated *Guidelines*. The Appendix G checklist questions, which form the basis for this analysis, are generally similar to the revised Appendix G checklist questions in the updated *CEQA Guidelines*. However, responses to new impact questions in the updated guidelines have been incorporated into individual environmental impact sections. Specifically, impacts related to wildfire are analyzed in Section 8, *Hazards and Hazardous Materials*, and impacts related to energy are analyzed in Section 18, *Energy*.

In addition, the updated *CEQA Guidelines* and Senate Bill 743 changed the criteria for determining what constitutes a significant transportation-related environmental impact to rely upon quantification of vehicle miles traveled (VMT) instead of level of service. Section 15064.3(c) states that the requirement to use the VMT criteria only applies on and after July 1, 2020. Although a lead agency may elect to apply the criteria in Section 15064.3(b) sooner, the City of Hayward has not adopted these criteria as of the date of this report. Therefore, this section does not apply to the proposed project or the analysis in this Environmental Consistency Checklist.

1 Aesthetics

	Significant Impact	Less than Significant	No Impact	Analyzed in the Prior EIR	Substantially Mitigated by Uniformly Applicable Development Policies
Would the project:					
a. Have a substantial adverse effect 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?	☐	☐	☐	☒	☐

Analysis in Previous Environmental Documents

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

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

Project-Specific Impacts

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

☒ ANALYZED IN THE PRIOR EIR

The aesthetic quality in the city of Hayward is characterized by a relatively urban, dense development pattern that can restrict scenic views. However, locations in the hills and some points on the shoreline provide scenic vistas of San Francisco Bay and the East Bay Hills. The General Plan

EIR finds that impacts to these scenic vistas from expected future development would be minimal with the implementation of General Plan policies that include preserving open space at or near the vistas and design guidelines that call for the protection of views.

The project site is located in relatively flat area and is not immediately adjacent to the shoreline or the hills. The site is surrounded by three-story apartment complexes to the south and north east and by one- to three-story residential buildings to the west. Accordingly, existing lines of sight from or to the shoreline and hills would not be affected adversely. Thus, the project would comply with General Plan policies that protect scenic vistas.

The project would be consistent with the Jackson Triangle Neighborhood Plan, which envisioned a denser development on Jackson Street and multi-family development in appropriate areas. It would also be consistent with General Plan Policy LU-7.2 and Goal NR-8, which discourage development near ridgelines and undisturbed hillsides. Based on the project's consistency with General Plan policies intended to protect scenic vistas and with the Jackson Triangle Neighborhood Plan land use plan, impacts of the project to scenic vistas would be less than significant and consistent with the findings of the General Plan EIR.

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

☒ ANALYZED IN THE PRIOR EIR

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

The project site is located along the southern portion of the Jackson Freeway, and would involve the removal of existing trees at the site. However, the Jackson Freeway is not a designated State Scenic Highway, and the project would not involve the removal of the trees that abut the freeway directly. Moreover, the project does not replace existing open space, but presents an in-fill project in a dense, urban area at an underutilized location. The design of the building would be subject to Site review by the City to ensure it meets design guidelines intended to protect and enhance existing visual aspects of the Jackson Freeway. Therefore, as analyzed in a previous environmental document, there would be no damage to scenic resources in a State Scenic Highway. Impacts would be less than significant and consistent with the findings of the General Plan EIR.

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

☒ ANALYZED IN THE PRIOR EIR

The project would alter the existing visual character and quality of the site by introducing new buildings in the place of undeveloped space and existing, smaller buildings. The General Plan EIR analyzed construction of infill developments, especially along main arteries like Jackson Street, that are consistent with the proposed project, and found no significant impacts to the existing visual character would occur. The existing visual quality at the project site is generally low to moderate,

and since the project would be required to comply with applicable design review guidelines, it would potentially enhance the existing visual character at the site.

The proposed project is consistent with applicable massing, setback, height, and coverage for this district and thus would be compatible with neighboring building forms. The project would be subject to site plan review by the City to ensure its compliance with applicable design review guidelines. Impacts would be less than significant. Accordingly, the project would not substantially degrade the existing visual character or quality of the site and its surroundings beyond that analyzed in the General Plan EIR.

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

☒ ANALYZED IN THE PRIOR EIR

The General Plan includes several policies that would reduce the impact of light or glare associated with new development to a less than significant level, including design guidelines for residential infill projects. The project implements these policies by improving adjacent sidewalks adjacent, adding pedestrian lighting, orienting buildings to the street and not to existing adjacent residential buildings, and not disturbing the development pattern of adjacent residential neighborhoods. The project is consistent with the General Plan and, as part of the approval process, would be required to comply with all outdoor light standards outlined in the Hayward Municipal Code. Impacts would be less than significant, and implementation of the project would result in no new or more severe impacts concerning lighting beyond those identified in the General Plan EIR.

Conclusion

The project would have no new significant or substantially more severe or peculiar impacts to aesthetics and visual resources, nor are there any potentially significant off-site impacts, cumulative impacts, or previously identified significant effects that not discussed in the prior environmental documents. Neither are there any previously identified significant effects, as a result of substantial new information not known at the time of the previous environmental review, that are determined to have a more severe adverse impact than those discussed in the previous environmental documents. Accordingly, no additional review is required.

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2 Agriculture and Forestry Resources

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

Analysis in Previous Environmental Documents

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

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

Project-Specific Impacts

- a. *Convert Prime Farmland, Unique Farmland, Farmland of Statewide Importance (Farmland), as shown on maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?*
- b. *Conflict with existing zoning for agricultural use or a Williamson Act contract?*
- c. *Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code Section 12220(g)); timberland (as defined by Public Resources Code Section 4526); or timberland zoned Timberland Production (as defined by Government Code Section 51104(g))?*
- d. *Result in the loss of forest land or conversion of forest land to non-forest use?*
- e. *Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland to non-agricultural use or conversion of forest land to non-forest use?*

☒ ANALYZED IN THE PRIOR EIR

The project site is in the urbanized, relatively densely developed city of Hayward. As shown in Figure 3-4 of the 2040 General Plan EIR, the project site is considered Medium Density Residential, surrounded by mixed-use, low- and high-density residential, and commercial uses. The project consists of infill development and would not convert existing farmland or change agriculture resources to a non-agricultural use. As stated in the General Plan EIR, no lands in the Hayward Planning Area are designated as Prime Farmland, Unique Farmland, or Farmland of Statewide Importance. As the proposed project is an infill development, it will not encroach on existing or potential grazing land. There would be no impact to agricultural resources beyond those identified in the previous environmental documents.

Conclusion

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

3 Air Quality

	Significant Impact	Less than Significant	No Impact	Analyzed in the Prior EIR	Substantially Mitigated by Uniformly Applicable Development Policies
Would the project:					
f. Conflict with or obstruct implementation of the applicable air quality plan?	☐	☒	☐	☐	☐
g. Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	☐	☒	☐	☐	☐
h. 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)?	☐	☒	☐	☐	☐
i. Expose sensitive receptors to substantial pollutant concentrations?	☐	☐	☐	☒	☐
j. Create objectionable odors affecting a substantial number of people?	☐	☐	☐	☒	☐

Analysis in Previous Environmental Documents

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

Because the General Plan would not be fully consistent with the primary goals of the Bay Area Clean Air Plan with the elevated emissions projected, the General Plan EIR found that this impact would be significant and unavoidable.

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

Project-Specific Impacts

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

☒ LESS THAN SIGNIFICANT

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

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

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

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

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

- 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)?*

☒ LESS THAN SIGNIFICANT

The General Plan EIR assesses air quality impacts on a programmatic level and recognizes that site-specific impacts are assessed during project review. To determine if further review under CEQA is necessary, the project was compared to the BAAQMD air pollutant screening criteria. As a condo/townhouse development containing 40 units, the project falls well below the screening criteria of 451 units for operational criteria pollutants and 240 units for construction-related emissions (BAAQMD 2017a). Projects that do not exceed the BAAQMD screening criteria are considered to result in less than significant cumulative impacts to air quality from criteria air pollutants. As the project would not exceed BAAQMD screening criteria, it would have a less than significant effect on air quality from criteria air pollutants and air quality violations. Furthermore, the City would incorporate its standard conditions of approval to control construction-related dust, as indicated below. Impacts would be less than significant and within the scope of the impacts discussed in the General Plan EIR.

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

☒ ANALYZED IN THE PRIOR EIR

The General Plan EIR indicates that implementation of development projects consistent with the proposed General Plan could involve placing sensitive receptors near major roadways, railroads, or other sources of TAC and PM_{2.5} emissions (City of Hayward 2014a). The General Plan contains a Community Risk Reduction Strategy (CRRS) that includes specific policies, as well as more detailed emission source reduction and receptor-oriented risk reduction measures and best management practices (BMPs). However, the General Plan EIR found that this impact would be significant and unavoidable. The project would not include sources of stationary equipment that would require an air permit from the BAAQMD. Additionally, the project would be a residential development, typical of a land use that would not generate toxic air contaminants. Furthermore, as discussed above under criteria b and c of this section, the project would not exceed BAAQMD screening criteria. Therefore, although the project would involve placing new sensitive receptors (residences) near a major roadway (SR 92) and railroad, the project would not add new sources of TACs or PM_{2.5} that would exacerbate health risks beyond the risks assumed in the General Plan EIR. Impacts would not be more significant than what was analyzed previously.

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

☒ ANALYZED IN THE PRIOR EIR

As addressed in the General Plan EIR, implementation of development projects, such as the Pine Vista Condo project, that are consistent with the proposed General Plan would not create objectionable odors affecting a significant number of people (City of Hayward 2014a). According to the BAAQMD, odor-generating projects include wastewater treatment plants, landfills, confined animal facilities, composting stations, food manufacturing plants, refineries, and chemical plants,

none of which are proposed (BAAQMD 2017a). The project would emit odors beyond those previously assessed; no impacts beyond those previously analyzed would occur.

Conclusion

Based on the air quality policies in the General Plan EIR along with the project-specific comparison to BAAQMD screening criteria included above, no significant impacts or peculiar circumstances associated with the proposed project will occur that require additional review. The project would be required to comply with applicable City and BAAQMD standards, and, thus, would not result in new significant or substantially more severe or peculiar impacts to air quality, nor are there any potentially significant off-site impacts, cumulative impacts, or previously identified significant effects, which were not discussed in the prior environmental documents. Also, there are no previously identified significant effects which, because of substantial new information that was not known at the time of the previous environmental review, are determined to have a more severe adverse impact than discussed in the previous environmental documents. Accordingly, no additional review is required.

4 Biological Resources

	Significant Impact	Less than Significant	No Impact	Analyzed in the Prior EIR	Substantially Mitigated by Uniformly Applicable Development Policies
Would the project:					
a. Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?	☐	☐	☐	☐	☒
b. Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?	☐	☐	☒	☐	☐
c. Have a substantial adverse effect on 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?	☐	☐	☒	☐	☐

	Significant Impact	Less than Significant	No Impact	Analyzed in the Prior EIR	Substantially Mitigated by Uniformly Applicable Development Policies
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?	☐	☐	☒	☐	☐

Analysis in Previous Environmental Documents

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

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

Project-Specific Impacts

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

☒ SUBSTANTIALLY MITIGATED BY UNIFORMLY APPLICABLE DEVELOPMENT POLICIES

Rincon Consultants conducted a biological reconnaissance survey and a review of agency databases and relevant literature in January 2019. Fifty special-status plant species and 44 special-status animal species have been documented previously in the regional vicinity of the project site. These species were evaluated for the potential to occur on the project site based on the habitat present on the project and the project site's general condition and location.

Special-status Plants

Fifty special-status plant species were found to have potential to occur in the region (CDFW 2018a, CNPS 2018, USFWS 2018a). Of these, 49 were excluded from potentially occurring on the project site based on a lack of suitable habitat conditions on the site, or on the site being outside of the species' known ranges. 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. An occurrence was reported to the CNDDDB approximately 2.6 miles northwest of the site in 1909 (#22), but this site was surveyed in 1998 and the occurrence was considered extirpated (CDFW 2018a). Therefore, this species has a low potential to occur. Impacts to this species would be considered significant under CEQA only 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 and as such would not be a significant impact.

Special-status Wildlife

Forty-four special-status animal species were identified as potentially occurring in the region (CDFW 2018a, USFWS 2018a). Of these, 43 species were excluded from potentially occurring on the project site based on a lack of suitable habitat conditions and the isolation of the site from any natural habitat in the region. The drainage along the southwestern side of the site is mapped as Ward Creek in the National Wetlands Inventory, but the heavily disturbed section of this drainage on site has been channelized and isolated from the upper reaches of Ward Creek by a flood-control system on the east side of SR 238, east of the project site. The channel was dry during the survey and contained primarily non-native upland species such as English ivy, cape ivy, and periwinkle (*Vinca* sp.) in the channel bed. The remainder of the site contains non-native and ornamental plantings and ruderal habitat surrounded by development and does not contain potentially suitable habitat for special-status animals.

The CNDDDB contains one known occurrence of foothill yellow-legged frog that overlaps the project site (occurrence #2344). However, this is a general occurrence from 1960 described as "Hayward." One individual was collected and this occurrence is likely extirpated because of urban development. Foothill yellow-legged frogs require natural perennial streams with deep pools and sufficient emergent vegetative cover. Given the disturbed condition of Ward Creek on the site and lack of connectivity to natural habitats, foothill yellow-legged frog is not expected to occur at the project site.

Although vegetation communities observed on the project site are primarily non-native, ornamental, and/or ruderal, the site could be used by numerous species of migratory birds that utilize sparse ground cover or ornamental shrubs and landscaping as nesting habitat. CFGC Section 3503 protects native bird nests. Migratory nesting birds that could nest in this type of habitat and that were observed on the site include 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 (*Haemorrhous 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. However, incorporation of the following standard condition of approval would ensure no violations of CFGC occur as a result of project development. With compliance with this uniformly applicable development policy, impacts to nesting birds would be less than significant.

Standard Condition of Approval

If project construction activities occur between February 15 and August 31, a qualified biologist shall conduct a pre-construction survey for nesting birds no more than 14 days prior to construction. The survey shall include the entire project site and a 300-foot buffer to account for nesting raptors. If nests are found, the qualified biologist shall establish an appropriate species-specific avoidance buffer of sufficient size to prevent disturbance to the nest by project activity (up to 300 feet for raptors, up to 150 feet for all other birds). The qualified biologist shall perform at least two hours of pre-construction monitoring of the nest to characterize "typical" bird behavior.

During construction, if active nests are present, the qualified biologist shall monitor the nesting birds to determine if construction activities are causing 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 marked clearly by high visibility material. The established buffer(s) should remain in effect until the young have fledged or the nest has been abandoned, as confirmed by the qualified biologist. Any sign of nest abandonment should be reported to the City and CDFW within 48 hours. The monitoring biologist, in consultation with the resident engineer and project manager shall determine the appropriate protection for active nests on a case-by-case basis using the criteria described above.

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

☒ NO IMPACT

Based on the reconnaissance survey conducted by Rincon Consultants, no riparian habitats or sensitive natural communities are present in the project area. Vegetation observed along Ward Creek comprises primarily non-native upland species and does not function as a riparian community. No impacts would occur from project activities.

- 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?*

☒ NO IMPACT

No federally protected wetlands as defined by Section 404 of the Clean Water Act occur at the project site. Therefore, the project would not have an adverse effect on federally protected wetlands, and no impact would occur.

The channel mapped as Ward Creek is potentially subject to the USACE and RWQCB jurisdictions under the CWA, which regulates discharge to waters of the U.S. and potential impacts to water quality. The channel mapped as Ward Creek is also potentially a RWQCB jurisdictional feature under

the Porter-Cologne Water Quality Control Act, which regulates discharge to waters of the State. Streambed and streambank habitats up to the top of bank are subject to the jurisdiction of the CDFW pursuant to Section 1600 et seq. of the CFGC. Additionally, work in an existing easement belonging to the Alameda County Flood Control and Water Conservation District (District) would require a permit from the District and the City. The project design includes the diversion of the existing drainage into an underground culvert, and therefore permits from these agencies would be required. Because the reach of the creek is still hydrologically connected to the San Francisco Bay, USACE and/or CDFW may also assert jurisdiction, and require additional permit conditions. The City of Hayward has a standard condition of approval for applicants to receive required permits and approvals from affected agencies. Therefore, with compliance with this standard condition of approval, the applicant would be required to receive permits from USACE, CDFW, and/or the District, if any are required. Nonetheless, because the project would not impact wetlands, no impact would occur.

Standard Condition of Approval

It is applicant's responsibility to get permits or approval from all affected agencies or private parties. Please provide a copy of these permits or approval to the City with your building permit application submittal.

- d. *Would the project interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?*

☒ NO IMPACT

The project area consists of developed and disturbed areas with primarily ornamental vegetation and weedy species dispersed throughout. Ward Creek is channelized and is diverted to an underground stormwater system above and below the site does not function as a corridor for movement. Land uses in the vicinity are primarily infill commercial and residential and do not support wildlife movement. No impacts to wildlife movement corridors would occur as a result of project activities.

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

☒ SUBSTANTIALLY MITIGATED BY UNIFORMLY APPLICABLE DEVELOPMENT POLICIES

Hayward Municipal Code Chapter 10, Article 15, Tree Preservation, requires a permit for the removal, destruction, or cutting of branches over one inch in diameter, or disfigurement of any protected tree, among other requirements. Kielty Arborist Services prepared a revised arborist report in 2018 that identified and assessed 64 trees present on the project site (Kielty Arborist Services LLC 2018, Appendix B). Forty-three trees were located on site and 21 trees were located along the Jackson Street frontage. The majority of the analyzed trees were either non-native ornamental plantings, or native species that were likely planted. These trees include Monterey pine (*Pinus radiata*), redwood (*Sequoia sempervirens*), Brazilian pepper (*Schinus terebinthifolius*), Canary pine (*Pinus canariensis*), and Deodar cedar (*Cedrus deodara*). Ten coast live oak trees were identified, some of which are remnants of a naturally occurring woodland. As shown in Table 4, of the 43 on-site trees assessed in the report, 10 coast live oaks qualified as protected trees.

Table 3 Location and Number of Trees to be Removed and Preserved

	On-site Trees	Street Trees	Total Trees
Existing number of trees	43	21	64
Existing number of protected trees	10	0	10
Number of trees removed	40	0	40
Number of protected trees removed	7	0	7
Number of trees preserved	3	21	25
Number of protected trees preserved	3	0	3

Note: Numbers reflect the Development Application Set existing tree plan (Utopian Landscapes 2018).

As shown in Table 4, the proposed project would involve the removal of 40 trees, of which 7 are considered protected. According to the Landscape Plan, the three protected coast live oaks would remain in place on-site (Utopian Landscapes 2018). The total value of all existing trees onsite excluding trees outside of the property is \$69,290; and the total value of trees to be removed is \$64,190 (Kielty Arborist Services 2018). To mitigate the removal of trees, the Landscape Plan includes planting 105 replacement trees with a total value of \$63,925.50 (Utopian Landscapes 2018). 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. Through coordination with the City of Hayward, the project applicant was approved to mitigate the remaining values through a donation to the City Tree Fund (\$264.50). The trees along Jackson Street are not proposed for removal, but work in this area to relocate utilities underground may cause damage if work occurs in the root zone; however, the City would require adherence to the recommendations in the Tree Protection Plan in the Arborist Report, through standard conditions of approval listed below. The Tree Protection Plan includes measures to protect tree root zones, inspections to assure implementation, appropriate root cutting and pruning methods, and monitoring by a qualified arborist. With implementation of the standard conditions of approval to comply with the arborist's recommendations, the project would be consistent with the City's tree preservation ordinance. Therefore, project impacts would be substantially mitigated by uniformly applicable development policies.

Standard Conditions of Approval

- Trees shall be preserved in accordance with the Tree Preservation Ordinance. Prior to the commencement of clearing and grading operations, tree protection measures in compliance with the project arborist's recommendation and the City codes shall be installed.
- A tree removal permit shall be obtained prior to the removal of any tree in addition to grading and/or demolition permits.

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

☒ NO IMPACT

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

Conclusion

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

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5 Cultural Resources

	Significant Impact	Less than Significant	No Impact	Analyzed in the Prior EIR	Substantially Mitigated by Uniformly Applicable Development Policies
Would the project:					
a. Cause a substantial adverse change in the significance of a historical resource as defined in Section 15064.5?	☐	☐	☒	☐	☐
b. Cause a substantial adverse change in the significance of an archaeological resource as defined in Section 15064.5?	☐	☐	☐	☐	☒
c. 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?	☐	☐	☐	☐	☒

Analysis in Previous Environmental Documents

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

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

Project-Specific Impacts

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

☒ NO IMPACT

Rincon Consultants prepared a cultural resources assessment report for the project in January 2019; it is included as Appendix C to this checklist. As part of the report, a historic resources survey was conducted that identified two properties with extant buildings on the project site, all of which would be demolished as a part of the project. The residential buildings and associated rear restroom building at 623-631 Jackson Street and the residential building at 675 Jackson Street were evaluated for listing in the National Register of Historic Places and California Register of Historic Places, and for listing as City of Hayward Landmarks. It was determined that all three buildings are ineligible for historic designation under applicable criteria. The on-site properties are not considered historical resources; therefore, their demolition would not result in a significant impact to historical resources. No impact would occur.

- b. Would the project cause a substantial adverse change in the significance of an archaeological resource as defined in Section 15064.5?*
- d. Would the project disturb any human remains, including those interred outside of formal cemeteries?*

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

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

Standard Condition of Approval

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

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

☒ **NO IMPACT**

In January 2019, Rincon Consultants evaluated the paleontological sensitivity of the geologic units that underlie the project area using the results of the paleontological locality search and review of existing information in the scientific literature concerning known fossils within those geologic units. Rincon Consultants reviewed fossil collections records from the University of California Museum of Paleontology (UCMP) online database, which contains known fossil localities in Alameda County.

Following the literature review and museum record search a paleontological sensitivity classification was assigned 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. The Society of Vertebrate Paleontology (SVP) (2010) has developed a system for assessing paleontological sensitivity and describes sedimentary rock units as having high, low, undetermined, or no potential for containing scientifically significant

nonrenewable paleontological resources. This criterion is based on rock units within which vertebrate or significant invertebrate fossils have been determined by previous studies to be present or likely to be present.

The project is located in the Coast Ranges geomorphic province of California, which extends about 600 miles from the Oregon border south to the Santa Ynez River in Santa Barbara County (California Geological Survey 2002; Norris and Webb 1990). The project area is mapped at a scale of 1:50,000 by Graymer (2000) and includes one geologic unit mapped at ground surface: Holocene alluvial fan and fluvial deposits (Qh_{af}). The younger Quaternary deposits are composed of alluvial fan facies comprised of unconsolidated brown to tan gravely sand and silt, fluvial facies of brown sand and silty clay. A search of the paleontological locality records on the UCMP (2018) online database resulted in no previously recorded vertebrate fossil localities within Holocene sedimentary deposits within the project vicinity.

Holocene sedimentary deposits, particularly those younger than 5,000 years old, are generally too young to contain fossilized material. Therefore, the Holocene alluvial fan and fluvial deposits mapped at the surface of the project area have been assigned a low paleontological sensitivity, in accordance with SVP (2010) guidelines. This means they are likely too young to contain fossilized material. Overall, no impact related to paleontological resources would occur as a result of the project.

Conclusion

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

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6 Geology and Soils

	Significant Impact	Less than Significant	No Impact	Analyzed in the Prior EIR	Substantially Mitigated by Uniformly Applicable Development Policies
Would the project:					
a. 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?	☐	☐	☐	☒	☐

	Significant Impact	Less than Significant	No Impact	Analyzed in the Prior EIR	Substantially Mitigated by Uniformly Applicable Development Policies
e. Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?	☐	☐	☒	☐	☐

Analysis in Previous Environmental Documents

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

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

Project-Specific Impacts

- a.1. *Would the project expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault?*
- a.2. *Would the project expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving strong seismic ground shaking?*

☒ ANALYZED IN THE PRIOR EIR

The Hayward Fault is the closest fault line to the project site, located approximately 0.2 mile to the east. The General Plan EIR evaluated the potential for fault rupture and strong seismic ground shaking from seismic events. As noted in the General Plan EIR, ground shaking in the Hayward area could cause significant damage, but with implementation of General Plan Policies, impacts would be less than significant. Additionally, the project would be required to be constructed in compliance with the California Building Code to minimize earthquake-related hazards. The project is not within an earthquake fault zone (California Geological Survey 2019). It is in an area of moderate susceptibility to liquefaction, although it is not in a liquefaction hazard zone (Association of Bay Area Governments [ABAG] 2019), and there are no known geologic hazards particular to the project site. No impacts beyond those previously analyzed would occur.

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

☒ ANALYZED IN THE PRIOR EIR

Figure 9.2-2 of the 2040 General Plan Background Report shows that the project site is not in an area of high or very high liquefaction potential (City of Hayward 2014c). Additionally, the General Plan EIR lists several General Plan Policies that would reduce the risk of seismic-related ground failure to a less than significant level, as described on pages 9-9 through 9-13 of the General Plan EIR. No impacts would occur beyond those analyzed previously.

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

☒ ANALYZED IN THE PRIOR EIR

The project site is located in a generally flat area and not surrounded by substantial slopes, as shown in Figure 9.2-3 of the 2040 General Plan Background Report (City of Hayward 2014c). Consistent with the findings of the General Plan EIR, the risk of landslides on-site is low and impacts due to landslide would be less than significant. No impacts beyond those analyzed previously would occur.

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

☒ ANALYZED IN THE PRIOR EIR

As stated in the General Plan EIR, areas in Hayward most susceptible to soil erosion include those where new development in hilly areas would require extensive grading (City of Hayward 2014a). The project is located in a generally flat area. Construction of the project would be required to adhere to applicable General Plan policies and building codes including the California Building Code Section 1804 *Excavation, Grading, and Fill*, along with the necessary implementation of a Stormwater Pollution Prevention Plan (SWPPP) required under the National Pollutant Discharge Elimination System (NPDES) program. The SWPPP would contain BMPs to control sediment and reduce erosion during construction. Compliance with these uniformly applicable measures would result in a less than significant impact. Following construction, the majority of the project site would be developed with structures and landscaping, and areas of exposed soils would be minimal to non-existent. Therefore, no impacts beyond those identified in the previous environmental documents would occur.

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?

☒ ANALYZED IN THE PRIOR EIR

The project site is not located on a geologic unit or soil that is unstable, or that would become unstable because of the project (City of Hayward 2014c). The project could potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse during major earthquake events; however, as analyzed in the General Plan EIR, compliance with General Plan Policies, the California Building Code, and associated seismic provisions for this region of California would reduce the impacts to less than significant. Additionally, the project site is in a generally flat area where landslides are unlikely and not in an area with high or very high liquefaction potential (City of Hayward 2014a). No impacts beyond those previously analyzed would occur.

- 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?*

☒ ANALYZED IN THE PRIOR EIR

The General Plan EIR analyzes the potential for expansive soils to create risks to life and property and finds this impact to be less than significant with incorporation of General Plan policies to reduce impacts. According to the geotechnical report prepared by Calgeotech Engineering Consultants, Inc. (CECI) in September 2015 (on file with City staff), the project site is on near surface soils that have moderate expansion potential. The report recommends that the foundations and slabs underlying the proposed buildings should be designed for such a condition. CECI recommended that the project control for moisture content in the soils through normal construction methods, including the prevention of foundation excavations and subgrades from drying and cracking by frequent light sprinklings rather than flooding prior to placing fill material. After construction is completed, moisture content of soils could be controlled by a comprehensive surface drainage system that provides proposer control of all surface runoff. Finally, CECI notes that moisture could be further controlled using thickened-edge slab and/or surface, eliminating landscaping that requires heavy irrigation to prevent excess watering or ponding on the project site.

The project would be required to comply with the Uniform Building Code, the California Building Code, and applicable General Plan Policies, including Policy HAZ-2.1 and Policy HAZ-2.2, that feature requirements to evaluate geologic, seismic, and soil-related conditions and risks for new construction on sites in geologic hazard zones, and to design structures and buildings pursuant to applicable standards and codes. Per standard City project approval procedures, the City and CECI must review final project design plans conformity with building code requirements prior to project construction. All earthwork, including site grading, wall foundation excavations, placement and compaction of engineered fill, and final surface drainage installation, would be performed in accordance with the recommendations contained in the geotechnical report. Therefore, the project would have no impacts beyond those identified in previous environmental documents.

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

☒ NO IMPACT

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

Conclusion

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

7 Greenhouse Gas Emissions

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

Analysis in Previous Environmental Documents

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

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

Project-Specific Impacts

- Would the project generate GHG emissions, either directly or indirectly, that may have a significant impact on the environment?*
- Would the project conflict with any applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of greenhouse gases?*

☒ ANALYZED IN THE PRIOR EIR

The General Plan EIR includes a discussion of the City-adopted Climate Action Plan (CAP) of 2009 that brings the City into compliance with Senate Bill (SB) 375 and statewide GHG reduction goals. The CAP was adopted in response to state mandates and regional guidance on reducing GHG emissions (City of Hayward 2014a). As a part of the update process for the 2040 General Plan, the City re-evaluated the GHG reduction estimates assigned to individual actions in the 2009 CAP. This analysis resulted in the development of new and modified actions that were incorporated into the 2040 General Plan and its overall policy framework. This integrated approach allows the 2040 General Plan to be recognized as a "Plan for the Reduction of Greenhouse Gas Emissions" and as a

“Qualified Greenhouse Gas Reduction Strategy” by BAAQMD (City of Hayward 2014b). Although the CAP was adopted in 2009, it established targets using the Executive Order S-3-05 emissions trajectory and aligns with SB 32 and the 2017 Scoping Plan. The CAP included a 2005 emissions inventory that estimated the total GHG emissions in Hayward at approximately 1,183,279 metric tons (MT) of carbon dioxide equivalence (CO₂e) in 2005. Implementation of the CAP would result in a citywide emissions reduction target of 12.5 percent below 2005 levels by the year 2020 and 82.5 percent below 2005 levels by 2050 (City of Hayward 2014a). As stated in the General Plan EIR, forecasted GHG emissions for the City of Hayward in 2050 without mitigation is 1,670,080 MT of CO₂e. With implementation of the CAP, the projected emissions for 2050 would be 1,152,398 MT CO₂e, which results in an 82.5 percent reduction below the 2005 baseline and 87.6 percent below business as usual projections for 2050.

As concluded in the General Plan EIR, the proposed General Plan contains a comprehensive strategy that achieves a communitywide GHG emission reduction target of 20 percent below 2005 levels by the year 2020 and puts the City on course to achieve ongoing GHG emission reductions through the year 2050. Thus, the project would not conflict with any applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of GHGs. Estimated GHG emissions per service population (residents + employees) in 2020, 2040, and 2050 would be below the BAAQMD recommended threshold of 6.6 MT CO₂e per service population per year. Thus, the proposed project would not generate GHG emissions, either directly or indirectly, that may have a significant impact on the environment.

The proposed project would be consistent with the General Plan; therefore, implementation of the General Plan, including development of the proposed project, would not result in significant GHG emissions impacts. No impacts beyond those analyzed in the previous environmental documents would occur.

Conclusion

Based on the analysis of GHG in the General Plan EIR with which the project is consistent, no new impacts or circumstances will occur that would require additional review of the project. The project would have no new significant or substantially more severe or peculiar impacts to GHG, nor are there any potentially significant off-site impacts, cumulative impacts, or previously identified significant effects, which were not discussed in the prior environmental documents. Also, there are no previously identified significant effects which, because of substantial new information that was not known at the time of the previous environmental review, are determined to have a more severe adverse impact that discussed in the previous environmental documents. Accordingly, no additional review is required.

8 Hazards and Hazardous Materials

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

	Significant Impact	Less than Significant	No Impact	Analyzed in the Prior EIR	Substantially Mitigated by Uniformly Applicable Development Policies
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?	☐	☐	☒	☐	☐
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?	☐	☒	☐	☐	☐

Analysis in Previous Environmental Documents

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

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

Project-Specific Impacts

- a. *Would the project 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?*

☒ ANALYZED IN THE PRIOR EIR

Residential uses, such as those proposed by the project, typically do not use or store large quantities of hazardous materials. During grading and construction activities, limited quantities of miscellaneous hazardous substances, such as gasoline, diesel fuel, hydraulic fluid, solvents, oils, paints, may be transported to the site, used on site, and disposed over after use. However, the project would be required to comply with applicable federal, state, and local regulations that address the handling, storage, use, and disposal of hazardous substances, including the Occupational Safety and Health Act and the Toxic Substances Control Act. This would eliminate potential significant hazards to the public or the environment through the routine transport, use, or disposal of hazardous materials. Construction contractors would be required to comply with applicable federal and state environmental and workplace safety laws. Additionally, as discussed in Section 6, *Geology and Soils*, and Section 9, *Hydrology and Water Quality*, the project would be required to develop a SWPPP that must include BMPs to control accidental spills of equipment fluids and measures for cleanup. Adherence to these regulatory requirements and the SWPPP would ensure that this impact is less than significant.

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

☒ LESS THAN SIGNIFICANT

Four schools are located within 0.25 mile of the project site. These include Winton Middle School, 0.15 mile southwest, Bret Harte Middle School, 0.13-mile northeast, Hillcrest School, 0.17 mile east, and John Muir Elementary School, 0.16 mile south of the project site. As a residential project, the proposed project would not emit substantial quantities of hazardous materials or hazardous waste. As discussed below under criterion d, there is no evidence of soil or groundwater contamination on-site, and therefore release of contaminated soil during construction is not anticipated. The impact would be less than significant.

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

☒ LESS THAN SIGNIFICANT

Pursuant to Government Code Section 65962.5, the following databases were queried on January 7, 2019 for known hazardous materials contamination in the project site.

- United States Environmental Protection Agency
 - Comprehensive Environmental Response, Compensation, and Liability Information System/ Superfund Enterprise Management System / Envirofacts database search
- State Water Resources Control Board (SWRCB)
 - GeoTracker search for leaking underground storage tanks and other cleanup sites
- California Department of Toxic Substances Control
 - EnviroStor search for hazardous facilities or known contamination sites
 - Cortese List of Hazardous Waste and Substances Sites
 - Cleanup Site and Hazardous Waste Facilities Database

The project site is not included on a list compiled pursuant to Section 65962.5 of the Government Code. A search of the GeoTracker database identified five leaking underground storage tanks (LUST)

cleanup sites within 0.25 mile of the project site (Atlantic Richfield Company Station #1319 at 365 Jackson Street, Chevron Service Station #9-2206 at 24086 Mission Boulevard, Firestone #3668 at 24019 Mission Boulevard, Former Tom's Texaco Service Station at 528 Jackson Street, and U-Haul Facility # 707053 at 529 Jackson Street). All five sites were closed by 2014 (SWRCB 2001, 2008, 2010a, 2010b, 2014). The search also identified an additional LUST cleanup site at the Housing Authority of County of Alameda, 22941 Atherton Street, approximately 0.5 mile from the project site; it has an open site assessment status as of June 12, 2017 (SWRCB 2017). The site was found to have elevated concentrations of petroleum hydrocarbons in the soil and is undergoing assessment for site closure. In 2018, the site was found to meet all Low-Threat Case Closure Policy criteria except for vapor intrusion into indoor air. An investigation to determine if residual contamination may represent a potential risk is to be conducted in 2019. Because of the distance of this site from the project site, potential vapor intrusion into indoor air would not affect the proposed project.

In September 2018, Nelson Enviro, LLC conducted a Phase I Environmental Site Assessment for the project site (Nelson Enviro 2018; Appendix D) and found no evidence of soil or groundwater contamination or hazardous materials release that would impact the project site. The project would not create a significant hazard to the public environment, and therefore the impact would be less than significant.

- 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?*

☒ NO IMPACT

There are no private airstrips near the project site. The nearest airport, Hayward Executive Airport, is approximately 2.0 miles west of the project site, outside of the airport influence area, defined as 14,000 feet from the ends of the specified runways. Additionally, the proposed structures would be less than or the same as the height of structures in the greater project vicinity, including an apartment complex directly south, along Silva Avenue. Therefore, there would be no safety hazard impacts related to airports and airstrips.

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

☒ ANALYZED IN THE PRIOR EIR

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

- 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?*

☒ LESS THAN SIGNIFICANT

The project site is in an urbanized area of Hayward, surrounded primarily by paved surfaces and structures. The project site is not intermixed with or adjacent to wildlands. Figure 5-3 of the 2040 General Plan Background Report indicates the project site is a low fire hazard risk (City of Hayward 2014c). Impacts would be less than significant.

Conclusion

The project would not involve development in areas not analyzed previously in the General Plan EIR and would have no new significant or substantially more severe or peculiar impacts regarding hazards and hazardous materials, nor are there any potentially significant off-site impacts, cumulative impacts, or previously identified significant effects, not discussed in the prior environmental documents. No previously identified significant effects exist that, as a result of substantial new information not known at the time of the previous environmental review, are determined to have a more severe adverse impact than discussed in the previous environmental documents. Accordingly, no additional review is required.

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9 Hydrology and Water Quality

	Significant Impact	Less than Significant	No Impact	Analyzed in the Prior EIR	Substantially Mitigated by Uniformly Applicable Development Policies
Would the project:					
a. Violate any water quality standards or waste discharge requirements?	☐	☒	☐	☐	☐
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?	☐	☒	☐	☐	☐

	Significant Impact	Less than Significant	No Impact	Analyzed in the Prior EIR	Substantially Mitigated by Uniformly Applicable Development Policies
f. Otherwise substantially degrade water quality?	☐	☒	☐	☐	☐
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?	☐	☐	☒	☐	☐

Analysis in Previous Environmental Documents

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

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

Project-Specific Impacts

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

f. *Would the project otherwise substantially degrade water quality?*

☒ LESS THAN SIGNIFICANT

The General Plan EIR concluded that with compliance with existing regulations, City of Hayward Standard Conditions of Approval, and General Plan policies, impacts related to water quality associated with General Plan implementation would be less than significant. The proposed project

would modify the site conditions which could affect water quality during construction and operation. However, as explained in the following discussions, there are no project-specific impacts peculiar to the project and impacts related to the project would be less than significant.

Construction Impacts

During grading activities, the site's soils would be exposed to wind and water erosion that could transport sediments into local stormwater drainages. 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. According to General Plan Policy NR-6.8 (NPDES Permit Compliance), the City shall continue to comply with the NPDES program. The project would be subject to the San Francisco Bay Region Municipal Regional Stormwater Permit (MRP), NPDES Permit Order No. R2-2015-0049, and the provisions set forth in Section C.3 *New Development and Redevelopment*. Under the conditions of the permitting program, the applicant would 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. 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. As outlined in the Drainage Study (Appendix A), the proposed project would employ LID practices, such as biofiltration basins for stormwater treatment. 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.

- 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)?*

☒ ANALYZED IN THE PRIOR EIR

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

- 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?*

- 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?*

☒ LESS THAN SIGNIFICANT

According to the Drainage Study prepared for the proposed project (Appendix A), the existing Ward Creek channel runs within and along the southern boundary line of the project. This channel accepts sheet flow from the site and off-site drainage from the existing Ward Creek. The Ward Creek channel that crosses through and under the URPP and the BART right-of-ways to the east. The Ward Creek channel runs through and picks up drainage from an existing residential subdivision east of the BART and Union Pacific Railroad right-of-ways (referred to as the "Eastern Subdivision"). The portion of Ward Creek that runs through the site originally conveyed a substantial drainage area east of Mission Street and including part of the Hayward Hills. Drainage from this area was diverted with a major flood control project in which this drainage was undergrounded into a large diameter storm drainage system that runs south within Mission Blvd. This flood control project diverted most of the drainage away from the Ward Creek channel that runs through the project limits. The only remaining drainage area contributing to the existing Ward Creek channel is from the Eastern Subdivision.

In addition, there is an existing 24-inch storm drain line that runs along the western edge of the Jackson Street frontage road. The storm drain line currently accepts drainage from the portion of the site that fronts the road.

The project would alter the existing drainage pattern of the site by filling in the Ward Creek channel and replacing it with 24-inch and 30-inch storm drain lines that would intercept the drainage crossing under the UPRR and BART tracks to the east. These new storm drain pipes would discharge stormwater through a concrete headwall into the existing box culvert running under Silva Avenue. In addition, the project would develop a new on-site storm drain treatment and collection system to collect and treat stormwater that falls onsite. This system would include LID-features such as pervious paving, biofiltration basins, and rain water leaders. Runoff retention would be provided via existing and new catch basins that would maximize infiltration before discharging the remainder of the runoff to existing storm drain catch basins at Frontage Road and a discharge point under Silva Avenue. Per the Drainage Study (Appendix A), the new drainage infrastructure would be sized to accommodate drainage from the proposed project and the surrounding areas that currently drain to the existing creek channel. Therefore, the project would not result in substantial erosion, siltation, or on- or off-site flooding and would not create runoff that would exceed the capacity of existing or planned stormwater drainage systems. As discussed in the response to question (a) and (f), the project would not result in additional sources of polluted runoff. Impacts would be less than significant.

- 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?*

- 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?*

☒ ANALYZED IN THE PRIOR EIR

The project site is not within a 100-year flood hazard area (1 percent chance annually); most of the project site is located within Zone X, defined as an area of minimal flood hazard, and the southern portion of the site, where the creek occurs, is defined as an area with a 0.2 percent annual chance flood hazard (FEMA 2009). The project site is also outside of ABAG's mapped dam failure inundation area (ABAG 1995). 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. No impact would occur.

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

☒ NO IMPACT

The project site is not located in a tsunami inundation area, nor is there a water body near the project site capable of seiche. The nearest large body of water to the project is the San Francisco Bay, which is approximately three miles to the west of the project site. The site is also approximately four miles from Lake Chabot to the North West. Moreover, based on the topography of the project site and surroundings, there is no risk of mudflow in the project site. There would be no impact.

Conclusion

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

10 Land Use and Planning

	Significant Impact	Less than Significant	No Impact	Analyzed in the Prior EIR	Substantially Mitigated by Uniformly Applicable Development Policies
Would the project:					
a. Physically divide an established community?	☐	☐	☒	☐	☐
b. 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?	☐	☐	☒	☐	☐

Analysis in Previous Environmental Documents

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

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

Project-Specific Impacts

a. *Would the project physically divide an established community?*

☒ NO IMPACT

The project would be infill development and would not result in new obstructions or divisions between established communities. The project would be generally limited to the subject parcels and

adjacent pedestrian improvements, and no linear or other features that could impede access between or within neighborhoods are proposed. Thus, the project would have 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?*

☒ NO IMPACT

Please refer to *Consistency of the Project to Other Plans and Documents*. As stated therein and shown in Table 2, the project is generally consistent with the 2040 General Plan and Hayward Development Code.

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

☒ NO IMPACT

The project site is not located within an applicable habitat conservation plan or natural community conservation plan. The project would have no impact.

Conclusion

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

11 Mineral Resources

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

Analysis in Previous Environmental Documents

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

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

Project-Specific Impacts

- a. *Would the project result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?*
- b. *Would the project result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan?*

☒ NO IMPACT

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

Conclusion

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

12 Noise

	Significant Impact	Less than Significant	No Impact	Analyzed in the Prior EIR	Substantially Mitigated by Uniformly Applicable Development Policies
Would the project:					
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?	☐	☐	☒	☐	☐

Analysis in Previous Environmental Documents

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

As discussed under Impact 15-1 of the General Plan EIR, the General Plan Goal HAZ-8 (minimize human exposure to excessive noise) and Policies HAZ-8.17 (Community Noise Control Ordinance), HAZ-8.20 (Construction Noise Study), and HAZ-8.21 (Construction and Maintenance Noise Limits) establish the overall goal and intentions of the City with regards to construction-related noise. Policy HAZ-8.17 refers to a community noise control ordinance for the purposes of regulating community noise levels. The City has adopted Section 4-1.03.4 of the Municipal Code (Construction and Alteration of Structures; Landscaping Activities), which states that individual devices/pieces of construction equipment are not to exceed 83 dB at a distance of 25 feet from the source and 86 dB at any point of the property plane Monday through Saturday from 7:00 AM to 7:00 PM and Sundays from 10:00 AM to 6:00 PM, “unless otherwise provided pursuant to a duly-issued permit or a condition of approval.” Thus, while the code establishes specific standards to reduce construction noise from typical construction activities, these standards may not apply to all development projects requiring discretionary approval.

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

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

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

Project-Specific Impacts

- a. *Would the project result in 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?*

☒ ANALYZED IN THE PRIOR EIR

Based on the noise studies conducted for the General Plan EIR, the segment of Jackson Street near the project site from Silva Avenue to Watkins Street, had a community noise equivalent level (CNEL) of 73.5 A-weighted decibels (dBA) at 50 feet during the 2010 baseline measurements, and is projected to have a CNEL of 73.4 dBA in 2040 under the General Plan buildout (City of Hayward 2014a). This is above the “normally acceptable” exterior noise level of 65 dB for the multi-family residential land use type, as designated by the General Plan.

A noise study for the project was conducted by Vibro-Acoustic Consultants in February of 2016 (Appendix E). Two long-term measurements were taken along the project boundary, LT-1 along the western property line at the Jackson Street Frontage Road and LT-2 near the southeaster property line adjacent to the BART line (Vibro-Acoustic Consultants 2016). The LT-1 measurement resulted in a 63 dBA equivalent sound level (Leq) and LT-2 resulted in a 60 dBA Leq measurement. These measurements taken at the property boundary are below the City of Hayward’s “normally acceptable” exterior noise level threshold for multi-family residences. Additionally, these noise levels are lower than those included in the General Plan EIR analysis. Other standards are discussed as applicable under criteria b, c, and d. Therefore, impacts would not be more severe than those analyzed previously.

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

☒ ANALYZED IN THE PRIOR EIR

Construction of the project would intermittently generate vibration on and adjacent to the project site. The project would be a typical construction project as analyzed in the Hayward General Plan EIR. Vibration-generating equipment can include bulldozers and loaded trucks to move materials and debris, caisson drills to install shoring, and vibratory rollers for paving. The distance to the nearest sensitive receptors to the project site, the multi-family residences located adjacent to the south, is estimated at 25 feet to be conservative. Although the multi-family residences are adjacent to the site boundary, construction equipment would not typically operate at the property lines, and reference vibration levels for construction equipment apply to a distance of 25 feet from the source and cannot be adapted with precision to much closer distances. Table 3 identifies vibration velocity levels at a distance of 25 feet from the source.

Table 4 Vibration Levels for Construction Equipment at Noise-Sensitive Receptors

Equipment	Estimated VdB at 25 feet
Vibratory roller	94
Caisson drill	87
Large bulldozer	87
Loaded trucks	86
Small bulldozer	58
Source: FTA 2006	

Based on Table 3, noise-sensitive receptors would experience the strongest vibration of up to 94 VdB during paving with vibratory rollers and up to 87 VdB during the use of caisson drills and grading activity with large bulldozers. Compliance with Section 4-1.03.4 of the Hayward Municipal Code 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 receptors during construction hours, with compliance with the Hayward Municipal Code requirements, vibration would not occur during normal sleeping hours. Vibration levels also would not exceed 95 VdB at fragile historic buildings as no such buildings are located in the vicinity of the site. Further, project construction would be typical of urban projects in Hayward as envisioned in the General Plan EIR analysis. Impacts would be less than significant and within the scope of the impacts discussed in the General Plan EIR.

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

☒ ANALYZED IN THE PRIOR EIR

Operation of the project would generate noise typical of multi-family residential development and would be consistent with nearby residential, commercial, and office land uses. Mechanical equipment on the project site and vehicle trips associated with the new building could increase noise level. Noise associated with project operation would primarily result from new motor vehicle trips to and from the project site. As analyzed in Section 16, *Transportation/Traffic*, the proposed project would generate less overall traffic than assumed for the project site in the General Plan EIR, and therefore, traffic noise would be below levels assumed in for the General Plan buildout year of 2040. The General Plan EIR found that changes in traffic patterns may create a permanent increase in ambient noise levels, although it was found that the section of Jackson Street near the project site would not experience a significant increase in noise levels. Additionally, General Plan Policies HAZ-8.2, HAZ-8.5, HAZ- 8.11, HAZ-8.12, HAZ-8.17, and HAZ-8.23 provide actions aimed at reducing impacts from traffic noise, such as enforcing maximum acceptable interior and exterior noise levels for multi-family residences. Therefore, the project would not have an impact beyond that analyzed previously.

- 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?*

☒ SUBSTANTIALLY MITIGATED BY UNIFORMLY APPLICABLE DEVELOPMENT POLICIES

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 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 4 estimates construction noise at a reference distance of 50 feet from the source equipment. Although the multi-family residences are adjacent to the south project boundary, reference noise levels for construction equipment cannot be adapted with precision to much closer distances.

Table 5 Estimated Maximum Construction Noise – Leq

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

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

As shown in Table 4, construction noise could reach as high as an estimated 90 dBA Leq at the nearest noise-sensitive receptors during construction. Such levels would exceed ambient noise and would be audible on adjacent properties, including residences immediately west and south of the project site. However, Section 4-1.03.4 of the Hayward Municipal Code 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). Additionally, construction noise would be typical of normal construction in urban areas and would not use techniques or equipment that generate unusually high levels of noise or vibration such as pile driving. Therefore, construction impacts would not occur during recognized sleep hours for

residences and would not be greater than typical construction noise as assumed in the General Plan EIR analysis.

In addition, adherence to the City's standard conditions of approval related to construction noise would reduce construction-related noise at nearby noise-sensitive receptors. Therefore, compliance with this uniformly applicable development policy would reduce impacts to a less than significant level.

Standard Condition of Approval

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

- In conformance with Section 4-1.03-4 of the City's Municipal Code, construction activities between 7:00 a.m. and 7:00 p.m. Monday through Saturday or between 10:00 a.m. and 6:00 p.m. on Sundays or holidays, unless other construction hours are permitted by the City Engineer or Chief Building Official, shall not include any individual equipment that produces a noise level exceeding 83 dB measured at 25 feet, nor shall activities produce a noise level outside the project property lines in excess of 86 dB. During all other hours, noise shall not exceed the limits defined in Municipal Code Section 4-1.03.1 (70 dB daytime or 60 dB nighttime, measured at residential property lines).
 - Grading and construction equipment shall be properly muffled;
 - Unnecessary idling of grading and construction equipment is prohibited;
 - Stationary noise-generating construction equipment, such as compressors, shall be located as far as practical from occupied residential housing units;
 - Applicant/developer shall designate a "noise disturbance coordinator" who will be responsible for responding to any local complaints about construction noise.
 - Letters shall be mailed to surrounding property owners and residents within 300 feet of the project boundary with this information.
 - The developer shall post the property with signs that shall indicate the names and phone number of individuals who may be contacted, including those of staff at the Bay Area Air Quality Management District, when occupants of adjacent residences find that construction is creating excessive dust or odors, or is otherwise objectionable. Letters shall also be mailed to surrounding property owners and residents with this information prior to commencement of construction.
- 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?*

☒ NO IMPACT

There are no private airstrips near the project site. The nearest airport is the Hayward Executive Airport, located approximately two miles west of the project site, outside of the airport influence area. 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.

Conclusion

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

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13 Population and Housing

	Significant Impact	Less than Significant	No Impact	Analyzed in the Prior EIR	Substantially Mitigated by Uniformly Applicable Development Policies
Would the project:					
a. Induce substantial 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?	☐	☒	☐	☐	☐

Analysis in Previous Environmental Documents

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

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

Project-Specific Impacts

- a. *Would the project induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?*

☒ ANALYZED IN THE PRIOR EIR

The project would create 40 residential units on an infill site, consistent with the goals of the General Plan regarding efficient urban growth. Those units would be within the population growth projections and associated residential buildout analyzed in the General Plan EIR. Accordingly, it would not induce substantial population growth directly or indirectly because the project would be part of planned growth in the region and within the growth projection analyzed in the General Plan EIR. Population growth related to the project would not be more than that analyzed in previous environmental documents.

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

☒ LESS THAN SIGNIFICANT

While there are three existing dwellings on the project site that would be demolished, the project would provide 40 new units. Therefore, construction and development of the site would not displace substantial numbers of people or residences. The project would have a less than significant impact related to displacement of housing or people.

Conclusion

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

14 Public Services

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

Analysis in Previous Environmental Documents

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

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

Project-Specific Impacts

- a.1. *Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered fire protection facilities, or the need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives?*
- a.2. *Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered police protection facilities, or the need for new or physically altered police protection facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives?*

☒ ANALYZED IN THE PRIOR EIR

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

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

☒ ANALYZED IN THE PRIOR EIR

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

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

☒ LESS THAN SIGNIFICANT

Please refer to Section 15, *Recreation*.

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

☒ ANALYZED IN THE PRIOR EIR

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

Conclusion

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

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15 Recreation

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

Analysis in Previous Environmental Documents

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

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

Project-Specific Impacts

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

☒ LESS THAN SIGNIFICANT

The project includes residential development that would increase population in Jackson Triangle neighborhood in Hayward. The additional population would increase the use of existing parks and other recreational facilities. One park is within a 0.5 mile of the project site: Memorial Park. Residents of the project would be expected to distribute use among this park and other parks and facilities in the area. Additionally, the project includes on-site amenities including private and shared outdoor gathering spaces. Moreover, as described in the Project Description above, the project would be consistent with the maximum density allowed in the Medium Density Residential zoning district and thus the proposed density would be within the expected additional population analyzed

in the General Plan EIR. The project applicant would be required to pay a development related park impact fee in the amount of \$11,395 per attached “for sale” dwelling unit that would be used to cover the cost of new facilities and maintenance of existing facilities. This in lieu fee would ensure adequate parks and recreational facilities would be maintained with the proposed increase in population. Therefore, the increased use resulting from the project would not lead to a substantial physical deterioration of existing parks and recreational facilities. Impacts would be less than significant.

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

☒ NO IMPACT

The project does not include recreational facilities. There would be no impact.

Conclusion

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

16 Transportation/Traffic

	Significant Impact	Less than Significant	No Impact	Analyzed in the Prior EIR	Substantially Mitigated by Uniformly Applicable Development Policies
Would the project:					
c. 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?	☐	☐	☐	☒	☐
d. 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?	☐	☐	☐	☒	☐
e. 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?	☐	☐	☐	☒	☐
f. Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible use (e.g., farm equipment)?	☐	☐	☐	☒	☐
g. Result in inadequate emergency access?	☐	☐	☐	☒	☐

	Significant Impact	Less than Significant	No Impact	Analyzed in the Prior EIR	Substantially Mitigated by Uniformly Applicable Development Policies
h. 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?	☐	☐	☐	☒	☐

Analysis in Previous Environmental Documents

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

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

Project-Specific Impacts

- a. *Would the project 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?*
- 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?*

☒ ANALYZED IN THE PRIOR EIR

Kittelsohn & Associates performed an operational analysis at the intersection of Jackson Street Frontage Road and Silva Avenue. The purpose of the analysis was to determine whether the eastbound left-turn queues at the Jackson Street Frontage Road/Silva Avenue intersection would extend back to the Jackson Street/Meek Avenue-Silva Avenue intersection after the addition of the project. This analysis took into account implementation of the proposed left-turn lane on Silva Avenue and “Keep Clear” markings that are components of the proposed project. The results of the evaluation are documented in an October 2017 memorandum (Kittelsohn & Associates 2017; Appendix F).

The analysis estimated the number of new trips generated by the project at 18 additional trips during the AM peak hour and 21 trips during the PM peak hour. These trips were distributed to surrounding roadways based on the existing traffic volumes. Project generated trips were added to existing conditions to extrapolate the additional traffic at the Jackson Street Frontage Road/Silva Avenue intersection turn lanes. The analysis concluded that the project would not cause a queue impact on Silva Avenue between Jackson Street and Jackson Street Frontage Road.

The General Plan EIR includes LOS analysis to evaluate traffic as a result of growth made possible by policies in the General Plan update. It was anticipated that traffic volumes along local streets would increase by 2035 and affect several roadway segments. However, with implementation of the General Plan which includes potential buildout of the project site, the portion of Jackson Street adjacent to the project site would not result in a condition change that exceeds the threshold of significance. In addition, the General Plan includes policies and programs to reduce vehicle trips on the local roadways and encourage the use of alternative modes of transportation.

Based on the incremental increase in trip generation for the site, and the lack of impacts to traffic flow on Jackson Street and queuing along Silva Avenue, the proposed project would not create an overall traffic impact beyond what was evaluated in the General Plan EIR.

- 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?*

☒ ANALYZED IN THE PRIOR EIR

The General Plan EIR finds no effect on air traffic patterns at the Hayward Executive Airport. The project site is located approximately two miles east of the Hayward Executive Airport. The project site is not located in the airport influence area. Additionally, the total height of the proposed structures would be less than or the same as the height of other structures in the project vicinity, including an apartment complex directly south of the project site along Silva Avenue. Impacts would not be more severe than those previously analyzed.

- 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)?*

☒ ANALYZED IN THE PRIOR EIR

The only new roadways planned for the project site include two streets that would provide internal circulation for the site. These roadways would not create new hazards due to a design feature and the project would not involve uses that generate use of incompatible vehicles such as farm equipment. The City’s traffic engineer would review project driveways and internal circulation to ensure design for safe operation. Chapter 10, Article 4 of the Hayward Municipal Code includes specific site planning and project design standards intended to address such issues as street design

with reference to public safety and compatible use. Therefore, impacts would not be greater than those analyzed in previous environmental documents.

- e. *Would the project result in inadequate emergency access?*
- f. *Would the project 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?*

☒ ANALYZED IN THE PRIOR EIR

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

- i. *Would the project 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?*

☒ ANALYZED IN THE PRIOR EIR

As stated in the General Plan EIR, new development would increase bicycle and pedestrian trips on the existing streets, trails, paths, and sidewalks, including during peak commute hours. General Plan policies and programs encourage and support alternative modes and the development of facilities to accommodate alternative modes of transportation. The project would include new sidewalk curbs, pavement replacement, and improvements to pedestrian facilities. As the project is of the same type analyzed in the General Plan and Jackson Triangle Neighborhood Plan for the project site, and there are no site-specific issues with the performance and safety of transit, bicycle, or pedestrian infrastructure, the project would introduce no new or more severe impacts related to conflicts with public transit and active transportation modes or their safety than were analyzed previously.

Conclusion

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

17 Utilities and Service Systems

	Significant Impact	Less than Significant	No Impact	Analyzed in the Prior EIR	Substantially Mitigated by Uniformly Applicable Development Policies
Would the project:					
a. 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?	☐	☐	☐	☒	☐

	Significant Impact	Less than Significant	No Impact	Analyzed in the Prior EIR	Substantially Mitigated by Uniformly Applicable Development Policies
g. Comply with federal, state, and local statutes and regulations related to solid waste?	☐	☐	☐	☒	☐

Analysis in Previous Environmental Documents

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

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

Project-Specific Impacts

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

☒ ANALYZED IN THE PRIOR EIR

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

The proposed project would increase population density incrementally in the City of Hayward. However, population growth facilitated by the proposed residential units would be consistent with

General Plan population growth forecasts. The project is consistent with the General Plan's Medium Density Residential land use designation and would not generate growth beyond that anticipated in the General Plan. The General Plan EIR found that there would be adequate capacity at the WPCF to serve development under the General Plan. Therefore, there is adequate capacity at the WPCF to service the project and no expansion of the WPCF would be required (City of Hayward 2014a).

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

- 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?*

☒ ANALYZED IN THE PRIOR EIR

As discussed in Section 9, *Hydrology and Water Quality*, the project would involve development and grading over the whole 2.05-acre site. Therefore, the project would comply with Provision C.3 of the Municipal Regional Stormwater NPDES Permit, which applies to redevelopment projects that create and/or replace at least 10,000 square feet of impervious surfaces. Adherence to the C.3 requirements minimizes water quality impacts from new development to maintain regional compliance with the Municipal Regional Permit. Provision C.3 includes a LID provision (C.3.c) requires that low-impact development techniques be utilized to employ appropriate source control, site design, and stormwater treatment measures to prevent increases in runoff flows from new development projects. Additionally, the project would have internal stormwater drainage features and mechanical water quality improvement facilities, and new drainage areas would be appropriately sized and connected to the existing drainage system near the site (Refer to Section 9, *Hydrology and Water Quality*, and the description of the project earlier in this document for additional discussion).

As stated in the General Plan, development projects must comply with the requirement to maintain stormwater flows at pre-construction levels, per Provision C.3 of the Municipal Regional Stormwater NPDES permit. The General Plan EIR concludes that new development consistent with this policy would not require or result in the construction of new stormwater drainage facilities or expansion of existing facilities whose construction would cause significant environmental effects. As the project would be consistent with the General Plan and would be required to adhere to Provision C.3 of the Municipal Regional Stormwater NPDES Permit, it would result in no new or more severe impacts beyond those identified in the prior environmental review documents.

- 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?*

☒ ANALYZED IN THE PRIOR EIR

The City of Hayward owns and operates its own water distribution system and purchases all of its water from the San Francisco Public Utilities Commission (SFPUC). In the case of emergency or disruption of water delivery from the SFPUC, water supplies are available through the Alameda

County Water District and East Bay Municipal Utility District. With new development in the city, the General Plan EIR finds that water demand will increase from 19,537 acre-feet per year (AFY) in 2010 to 37,390 AFY year by 2035 (City of Hayward 2014c). The City is on target to meet future water demands during a normal precipitation year, accounting for future growth. The General Plan contains policies and programs to ensure water demand projections and development occurring under the General Plan would be accommodated. Additional population facilitated by new residential units constructed under the project are included in and consistent with the population growth forecasts of the General Plan. Therefore, water demand resulting from implementation of the proposed project was evaluated in the prior environmental review documents and it is not anticipated that SFPUC would need new or expanded entitlements or facilities to serve the project. With implementation of General Plan policies, sufficient water supplies would be available for the project demand, and the project would not result in impacts beyond those identified in the prior environmental review documents.

- 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?*

☒ ANALYZED IN THE PRIOR EIR

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

Conclusion

Impacts of the project would be similar to those identified in the General Plan EIR and would be less than significant. The project would have no new significant or substantially more severe or peculiar impacts, nor are there any potentially significant off-site impacts, cumulative impacts, or previously identified significant effects, which were not discussed in the prior environmental documents. Also, there are no previously identified significant effects which because of substantial new information that was not known at the time of the previous environmental review, are determined to have a more severe adverse impact that discussed in the previous environmental documents. Accordingly, no additional review is required.

18 Energy

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

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

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

Analysis in Previous Environmental Documents

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

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

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

☒ ANALYZED IN THE PRIOR EIR

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

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

Operation of the proposed project would generate energy demand in the form of transportation fuel from vehicle trips with the additional population anticipated at the project site. In addition to this transportation energy use, operation of the project would require permanent grid connections for electricity and natural gas. Construction of the proposed project would comply with the City's Municipal Code, which incorporates the California Green Building Standards Code. This code requires the provision of electric vehicle charging stations, water efficient plumbing fixtures and fittings, recycling services, and other energy-efficient measures.

Overall, operation of the proposed project would result in consumption of fuels from vehicle trips, and electricity and natural gas from proposed residential buildings. Project energy consumed would represent an incremental increase in energy usage compared to existing conditions, and the proposed project would implement energy-efficient components to reduce energy demand. The General Plan EIR notes that population growth in the city is a key driver for increasing energy demands. The proposed project would increase population density incrementally in the City of Hayward. However, population growth facilitated by the proposed residential units would be consistent with General Plan population growth forecasts. According to the General Plan EIR, the City's energy supply is sufficient to meet the needs of projected growth until 2040 (City of Hayward 2014a) without adding wasteful, inefficient, or unnecessary consumption of energy resources. Therefore, no impacts beyond those analyzed in the General Plan EIR would occur.

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

☒ ANALYZED IN THE PRIOR EIR

The City of Hayward adopted a Climate Action Plan (CAP) in 2009 to bring the City into compliance with Senate Bill (SB) 375 and statewide GHG reduction goals. The CAP was adopted in response to state mandates and regional guidance on reducing GHG emissions (City of Hayward 2014a). While targeted toward reducing citywide GHG emissions, the CAP includes energy efficiency measures to reach emissions reduction targets. Energy-related measures described in the CAP include building energy efficiency strategies, conducting outreach programs to encourage renewable energy installation, and encouraging the use of alternatively fueled construction and landscape equipment. As a part of the General Plan update process for the 2040 General Plan, the City re-evaluated the greenhouse gas reduction estimates assigned to individual actions contained in the 2009 CAP. This analysis resulted in the development of new and modified actions that were incorporated into the 2040 General Plan and its overall policy framework. Therefore, the energy efficiency measures contained in the CAP are required and would be adhered to with implementation of the proposed project.

The General Plan EIR analyzed the policies contained within the planning document to identify goals, policies, implementation programs, and potential outcomes that address the significance criteria for impacts related to energy consumption. Several policies in the General Plan aim to avoid or reduce inefficient, wasteful, or unnecessary consumption of energy resources, consistent with Appendix F and the updated CEQA guidelines. These policies include actions designed to reduce electricity and natural gas use or to reduce fuel consumption (e.g., less driving), and implementation of these policies and actions would, therefore, reduce energy consumption. Several 2040 General Plan policies, (LU-1.1, -1.3, -1.5, -1.6, -1.8, and -1.9), promote local growth patterns and sustainable development practices to reduce resource and energy consumption overall. This is consistent with the type of infill development planned for the proposed project. Other policies focus specifically on energy-efficient design and renewable energy use to reduce wasteful energy consumption. These include policies NR-4.1 through NR-4.15, which define implementation programs to encourage development of green buildings and infrastructure, and to promote collaboration with energy-efficient contractors. Because the proposed project is within the scope of the 2040 General Plan buildout, it would be consistent with these energy-efficiency policies. The proposed project would not interfere with the 2040 General Plan or the CAP's energy-efficiency policies and would not conflict with or obstruct the state plan for renewable energy; therefore, no impacts beyond those analyzed in the General Plan EIR would occur.

Conclusion

Impacts of the project would be similar to those identified in the General Plan EIR and would be less than significant. The project would have no new significant or substantially more severe or peculiar impacts, nor are there any potentially significant off-site impacts, cumulative impacts, or previously identified significant effects, which were not discussed in the prior environmental documents. Also, there are no previously identified significant effects which because of substantial new information that was not known at the time of the previous environmental review, are determined to have a more severe adverse impact than discussed in the previous environmental documents. Accordingly, no additional review is required.

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19 Mandatory Findings of Significance

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

Project-Specific Impacts

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

☒ SUBSTANTIALLY MITIGATED BY UNIFORMLY APPLICABLE DEVELOPMENT POLICIES

Consistent with the findings of the General Plan EIR and as discussed in Section 4, *Biological Resources*, the project would not substantially reduce the habitat of a fish or wildlife species; cause a fish or wildlife species population to drop below self-sustaining levels; threaten to eliminate a plant or animal community; or reduce the number or restrict the range of a rare or endangered plant or animal.

As discussed in Section 5, *Cultural Resources*, the project would not eliminate important examples of the major periods of California history or prehistory, including archaeological or paleontological resources. As such, the project would not result in impacts peculiar to the project beyond those identified in the General Plan EIR and subsequent environmental documents.

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

☒ ANALYZED IN THE PRIOR EIR

Conformance with General Plan policies and standard conditions of approval specified in this document would ensure that potential impacts are individually limited and not cumulatively considerable in the context of impacts associated with other pending and planned development projects. As part of the General Plan EIR, cumulative impacts associated with buildout of infill projects were analyzed. The project is consistent with the General Plan EIR, and other existing and allowable land uses near the project are not significantly different than those studied in the cumulative analysis of the General Plan EIR. The General Plan is a document that establishes a land use scenario and goals, policies, and objectives for development and growth throughout the city, through the year 2040. Thus, the impact analyses in the General Plan EIR effectively constitute cumulative analyses of the approved land uses in the planning boundaries. The project would not result in significant impacts peculiar to the project site, as indicated in sections 1 through 17 above. Nearby development would be required to be consistent with the local planning documents or mitigation would be required to assess the impacts that were not addressed in the General Plan EIR. Therefore, the project’s consistency with the General Plan and subsequent analysis above in Section 1 through 17 indicate that the project would not result in significant cumulative impacts that were not addressed in the General Plan EIR.

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

☒ SUBSTANTIALLY MITIGATED BY UNIFORMLY APPLICABLE DEVELOPMENT POLICIES

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

Conclusion

The proposed Pine Vista Condominiums project is consistent with the development density established by existing zoning and General Plan policies for which an EIR was certified. Accordingly, based on the assessments presented the environmental checklist, the project does not require additional environmental review as the impacts:

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

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

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