

Initial Study/Mitigated Negative Declaration

La Playa Commons Residential Project



Prepared by
HAYWARD



In Consultation with
DAVID J. POWERS
& ASSOCIATES, INC.

October 2021



October 1, 2021

Alameda County Clerk
1106 Madison Street, 1st Floor
Oakland, CA 94607

City of Hayward Notice of Intent to Adopt a Mitigated Negative Declaration

**La Playa Commons Residential Project at 1000 La Playa Drive
Application No. 202004457**

Lead Agency: City of Hayward
Planning Division
777 B Street
Hayward, California 94541
Contact: Steve Kowalski, Associate Planner

Project Description: The proposed project consists of the demolition of an existing 74,750-square-foot commercial building and construction of a new 47-lot single-family residential subdivision on a 5.4-acre site located at 1000 La Playa Drive. Forty-three of the new dwellings would be accessed via a new private street connecting to La Playa Drive, while the remaining three homes would have frontage along and be accessed via Calaroga Avenue. An emergency vehicle access easement would be provided which would connect the new private street to Calaroga Avenue. The proposed dwellings would be 100 percent electric and include Level 2 electric vehicle-ready two-car garages to meet the City of Hayward's Reach Code. Transportation Demand Management measures would be included to avoid impacts related to Vehicle Miles Travelled (VMT).

The proposed project would require approval of General Plan Amendment to change the land use designation of the site from Retail and Office Commercial to Medium Density Residential, a Rezoning from Neighborhood Commercial (CN) to Planned Development (PD), and a Vesting Tentative Tract Map.

Project Location: 1000 La Playa Drive, Hayward, Alameda County; Assessor Parcel Number (APN) 442-0038-001

Development Services Department

Planning Division

777 B Street, Hayward, CA 94541

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www.hayward-ca.gov





The project site is not located on a site included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5, including a hazardous waste facility, land designated as hazardous waste property, a hazardous waste disposal site, or information in the Hazardous Waste and Substances Statement required under subdivision(f) of that section.

Project Applicant: Avery Espenmiller Jones on behalf of D.R. Horton Bay, Inc., 6683 Owens Drive, Pleasanton, CA 94588

Property Owner: Peter Quach on behalf of Quach's Hayward LLC; 303 Cerro Drive, Daly City, CA 94015

Providing Comments & Review Period: Please post this letter with the attached Mitigated Negative Declaration and Initial Study for a period of 20 days to conform to CEQA Guidelines Section 15072. The specified posted comment period is from **Friday, October 1, 2021 to Thursday, October 21, 2021 at 5p.m.** Please send all comments by either: 1) U.S. mail; or 2) electronic mail (email) to:

Steve Kowalski, Associate Planner
 City of Hayward Planning Division
 777 B Street
 Hayward, California 94541
 Email: Steve.Kowalski@hayward-ca.gov

Copies of the Initial Study are available for public review at Hayward City Hall at 777 B Street, Hayward on the First Floor Permit Center, Monday through Thursday from 9 a.m. to 1 p.m. Copies are also available for public review at the Hayward Public Library located at 888 C Street and at the Weekes Branch Library at 27300 Patrick Avenue in Hayward. Please see the Library and Community Services webpage at <https://www.hayward-ca.gov/public-library/using-library/locations-hours> for library days and hours. You may also review the document on the City's website at <https://www.hayward-ca.gov/content/projects-under-environmental-review-0>.

Public Hearing: This item is tentatively scheduled for a public hearing before the Planning Commission of the City of Hayward on October 28, 2021, at 7:00 p.m. The hearing will likely be entirely virtual due to the ongoing COVID-19 pandemic and public health concerns. Interested parties should visit the Planning Commission webpage to confirm the meeting, time, date, and instructions on joining or attending the meeting: <https://www.hayward-ca.gov/your-government/boards-commissions/planning-commission>. A copy of the staff report can be viewed on the City's website at www.hayward-ca.gov after October 22, 2021.

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The Planning Commission will make a recommendation to the City Council, who will make a final decision on the project. The item is tentatively scheduled for a public hearing before the City Council on November 16, 2021.

If the Mitigated Negative Declaration is approved, the City will promptly file a Notice of Determination for the project with the Alameda County Clerk's Office.

If you have any questions, please contact the project planner, Steve Kowalski, at (510) 583-4210 or at Steve.Kowalski@hayward-ca.gov.

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CITY OF
HAYWARD
HEART OF THE BAY

MITIGATED NEGATIVE DECLARATION

I. DESCRIPTION OF PROJECT:

Date: October 1, 2021

Application #: 202004457

APN: 442-0038-001

Project Title: La Playa Commons Residential Project

Project Location: The approximately 5.4-acre project site is located at 1000 La Playa Drive in the City of Hayward.

Project Applicants: D.R. Horton Bay, Inc., 6683 Owens Drive, Pleasanton, CA 94588

Project Description: The project involves a General Plan Amendment to Medium Density Residential and rezoning to Planned Development (PD). The project would demolish the existing retail building and parking lot and redevelop the project site with 47 single-family residential units. Each unit would include a two-car garage, full driveway, and a private rear yard.

II. DETERMINATION

In accordance with the City of Hayward procedures for compliance with the California Environmental Quality Act (CEQA), the City has completed an Initial Study to determine whether the proposed project may have a significant adverse effect on the environment. On the basis of that study, the City makes the following determination:

- Although the project, as proposed, could have had a significant effect on the environment, there will not be a significant effect in this case because mitigation measures are included in the project which will reduce all identified potential impacts to less than significant levels, and, therefore, this **MITIGATED NEGATIVE DECLARATION** (MND) has been prepared.

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III. CONDITIONS (Mitigation Measures):

A. *Air Quality:*

MM AIR-3.1: All diesel-powered off-road equipment, larger than 25 horsepower, operating on the site for more than two days continuously or 20 hours total shall meet U.S. EPA Tier 4 standards for particulate matter emissions. Alternatively, equipment that meets U.S. EPA particulate matter emissions standards for Tier 3 engines that include CARB-certified Level 3 Diesel Particulate Filters (DPF), or equivalent would be effective. The use of equipment that is powered by electricity or alternatively fueled equipment (i.e., non-diesel) would also meet this requirement.

Alternatively, the applicant could develop a TAC reduction plan that reduces on- and near-site construction diesel particulate matter emissions by 25 percent or greater. Such a plan shall be reviewed and approved by the City.

B. *Biological Resources:*

MM BIO-1.1: Pre-construction nesting bird surveys shall be completed prior to tree removal if removal or construction is proposed to commence during the breeding season (February 1 to August 31) in order to avoid impacts to nesting birds. Surveys shall be completed by a qualified biologist or ornithologist no more than 14 days before construction begins. During this survey, the biologist or ornithologist shall inspect all trees and other possible nesting habitats in and within 250 feet of the project boundary.

If an active nest is found in an area that would be disturbed by construction, the biologist or ornithologist shall designate an adequate buffer zone (~250 feet) to be established around the nest, in consultation with the California Department of Fish and Wildlife (CDFW). The buffer would ensure that nests shall not be disturbed until the young have fledged (left the nest), the nest is vacated, and there is no evidence of second nesting attempts.

The applicant shall submit a report indicating the results of the survey and any designated buffer zones to the satisfaction of the Director of Development Services, prior to the removal of trees and issuance of a grading permit or demolition permit.

C. *Cultural Resources:*

MM CUL-2.1: If evidence of an archaeological site or other suspected cultural resource as defined by CEQA Guideline Section 15064.5, including darkened soil representing past human activity (“midden”), that could conceal material remains (e.g., worked stone, worked bone, fired clay vessels, faunal bone, hearths, storage pits, or burials) is discovered during construction related earth-moving activities, all ground-disturbing activity within 100 feet of the resources shall be halted and the City’s Planning Manager shall be notified. The project sponsor shall hire a qualified archaeologist to conduct a field investigation. The City’s Planning Manager shall consult with the archaeologist to assess the significance of the find. Impacts to any significant resources shall be mitigated to a less-than-significant level through data recovery or other methods determined adequate by a qualified archaeologist and that are consistent with the Secretary of the Interior’s Standards for Archaeological documentation. Any identified cultural resources shall be recorded on the appropriate DPR 523 (A-J) form and filed with the NWIC.

MM CUL-2.2: If archaeological resources are identified, a final report summarizing the discovery of cultural materials shall be submitted to the City’s Planning Manager prior to issuance of certificate of occupancy. This report shall contain a description of the mitigation program that was implemented and its results, including a description of the monitoring and testing program, a list of the resources found and conclusion, and a description of the disposition/curation of the resources.

MM CUL-3.1: If human remains are discovered during project construction, all ground-disturbing activity within 100 feet of the resources shall be halted and the City’s Planning Manager and the Alameda County Coroner shall be notified immediately, according to Section 5097.98 of the State Public Resources Code and Section 7050.5 of California’s Health and Safety Code. If the remains are determined by the County Coroner to be Native American, the Native American Heritage Commission (NAHC) shall be notified within 24 hours, and the guidelines of the NAHC shall be adhered to in the treatment and disposition of the remains. The project sponsor shall also retain a professional archaeologist with Native American burial experience to conduct a field investigation of the specific site and consult with the Most Likely Descendant, if any, identified by the NAHC. As necessary, the archaeologist may provide professional assistance to the Most Likely Descendant, including the excavation and removal of the human remains. The City of Hayward shall be responsible for approval of recommended mitigation as it deems appropriate, taking account of the provisions of State law, as set forth in CEQA Guidelines section 15064.5(e) and Public Resources Code section 5097.98. The project sponsor shall implement approved mitigation, to be verified by the

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City of Hayward, before the resumption of ground-disturbing activities within 100 feet of where the remains were discovered.

D. Geology and Soils:

MM GEO-6.1: Should a unique paleontological resource or site or unique geological feature be identified at the project site during any phase of construction, all ground disturbing activities within 25 feet shall cease and the City's Planning Manager shall be notified immediately. A qualified paleontologist shall evaluate the find and prescribe mitigation measures to reduce impacts to a less than significant level. Work may proceed on other parts of the project site while mitigation for paleontological resources or geologic features is implemented. Upon completion of the paleontological assessment, a report shall be submitted to the City and, if paleontological materials are recovered, a paleontological repository, such as the University of California Museum of Paleontology.

E. Noise:

MM NOI-1.1: The project contractor shall develop a noise control plan, including, but not limited to, the following construction best management controls:

- Equipment and trucks used for construction shall use the best available noise control techniques (e.g., improved mufflers, equipment redesign, use of intake silencers, ducts, engine enclosures, and acoustically attenuating shields or shrouds);
- Impact tools (e.g., jackhammers, pavement breakers, and rock drills) used for construction shall be hydraulically or electrically powered wherever possible to avoid noise associated with compressed air exhaust from pneumatically powered tools;
- Stationary noise sources shall be located as far from adjacent receptors as possible, and they shall be muffled and enclosed within temporary sheds, incorporate insulation barriers, or include other measures.
- Temporary noise barriers shall be constructed, where feasible, to screen stationary noise-generating equipment. Temporary noise barrier fences would provide a five dBA noise reduction if the noise barrier interrupts the line-of-sight between the noise source and receptor and if the barrier is constructed in a manner that eliminates any cracks or gaps.
- Unnecessary idling of internal combustion engines shall be strictly prohibited.

- Construction staging areas shall be established at locations that will create the greatest distance between the construction-related noise sources and noise-sensitive receptors nearest the project site during all project construction. Locate material stockpiles, as well as maintenance/equipment staging and parking areas, as far as feasible from residential receptors.
- Noise from construction workers' radios shall be controlled to a point where they are not audible at existing residences bordering the project site.
- Where feasible, temporary power service from local utility companies shall be used instead of portable generators.
- Crane shall be located as far from adjoining noise-sensitive receptors as possible.
- During final grading, graders shall be substituted for bulldozers, where feasible. Wheeled heavy equipment are quieter than track equipment and shall be used where feasible.
- Nail guns shall be substituted for manual hammering, where feasible.
- The use of circular saws, miter/chop saws, and radial arm saws near the adjoining noise-sensitive receptors shall be avoided. Where feasible, saws shall be shielded with a solid screen with material having a minimum surface density of two lbs/ft² (e.g., such as 3/4" plywood).
- Smooth vehicle pathways shall be maintained for trucks and equipment accessing the site and local residential neighborhoods shall be avoided as much as possible.
- During interior construction, the exterior windows facing noise-sensitive receptors shall be closed.
- During interior construction, noise-generating equipment shall be located within the building to break the line-of-sight to the adjoining receptors.
- The contractor shall prepare a detailed construction schedule for major noise-generating construction activities. The construction schedule shall be shared with the adjacent neighbors of the project site and shall identify a procedure for coordination with adjacent residential land uses so that construction activities can be scheduled to minimize noise disturbance.
- A "disturbance coordinator" shall be designated to be responsible for responding to any complaints about construction noise. The disturbance coordinator will determine the cause of the noise complaint (e.g., bad muffler, etc.) and will require that reasonable measures be implemented to correct the problem. A telephone number for the disturbance coordinator shall be conspicuously posted at the construction site and included in the notice sent to adjacent neighbors regarding the construction schedule.

MM NOI-2.1: The project shall implement the following practices while performing construction activities within 20 feet of the existing commercial or residential buildings:

- Compaction activities shall not be conducted using a vibratory roller. Within this area, compaction shall be performed using smaller hand tampers.
- Demolition, earth-moving, and ground-impacting operations shall be phased so as not to occur at the same time and shall use the smallest equipment possible to complete the work. The use of large bulldozers, hoe rams, drill-rigs shall be avoided within 20 feet of existing commercial or residential buildings.
- Construction and demolition activities shall not involve clam shell dropping operations.

F. Transportation:

MM TRN-2.1: The project developer shall provide Clipper Cards to each homeowner upon sale of the unit with an advanced amount loaded in per card for the purpose of encouraging transit usage. After the Homeowners' Association (HOA) is established and has begun operation, the HOA shall set aside an annual transit subsidizing fund in the amount of, at minimum, \$9,000 for a Clipper Card reimbursement program. This amount would need to be adjusted annually to take into account annual fare increases. In order to ensure implementation of the Clipper Card fare re-imbusement program as a mitigation for reducing the project vehicle miles traveled (VMT) impact, the program shall be included in the Project Description and Conditions of Approval for issuance of the project's Planned Unit Development permit. The project shall also implement a transportation demand management (TDM) monitoring program after project occupancy that includes an annual monitoring report to be submitted to the City. The TDM program requirements shall be included in the CC&Rs for the HOA. The TDM program annual monitoring report shall be prepared by a traffic/transportation consultant with the HOA covering the costs of data collection and preparation of the report. If the proposed TDM strategy falls short of anticipated trip reductions, additional measures shall be required in order to achieve the original goals of the TDM measures.

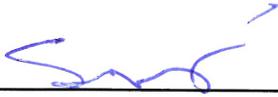
IV. FINDING

The City of Hayward hereby finds that the proposed project could have a significant effect on the environment; however, there would not be a significant effect in this case because mitigation measures summarized above and described in the Initial Study are included in the project which will reduce all identified potential impacts to less than significant levels.

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V. LEAD AGENCY REPRESENTATIVE



09/22/21

Steve Kowalski, Associate Planner

September 22, 2021

VI. CONTACT INFORMATION

For additional information, please contact Steve Kowalski, Associate Planner at the City of Hayward Planning Division at (510) 583-4210.

Written comments may be sent to Steve Kowalski via email at Steve.Kowalski@hayward-ca.gov or at City of Hayward Planning Division, 777 B Street, Hayward, CA 94541.

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SECTION 1.0 INTRODUCTION AND PURPOSE

1.1 PURPOSE OF THE INITIAL STUDY

The City of Hayward, as the Lead Agency, has prepared this Initial Study for the 1000 La Playa Drive Residential project in compliance with the California Environmental Quality Act (CEQA), the CEQA Guidelines (California Code of Regulations §15000 et. seq.) and the regulations and policies of the City Hayward, California.

The project proposes to redevelop the site at 1000 La Playa Drive with 47 single-family residences. This Initial Study evaluates the environmental impacts that might reasonably be anticipated to result from implementation of the proposed project.

1.2 PUBLIC REVIEW PERIOD

Publication of this Initial Study marks the beginning of a 20-day public review and comment period. During this period, the Initial Study will be available to local, state, and federal agencies and to interested organizations and individuals for review. Written comments concerning the environmental review contained in this Initial Study during the 20-day public review period should be sent to:

Steve Kowalski, Associate Planner
Planning Division
777 B Street, 1st Floor
Hayward, CA 94541
Email: steve.kowalski@hayward-ca.gov

1.3 CONSIDERATION OF THE INITIAL STUDY AND PROJECT

Following the conclusion of the public review period, the City of Hayward will consider the adoption of the Initial Study/Mitigated Negative Declaration (MND) for the project at a regularly scheduled meeting. The City shall consider the Initial Study/MND together with any comments received during the public review process. Upon adoption of the MND, the City may proceed with project approval actions.

1.4 NOTICE OF DETERMINATION

If the project is approved, the City of Hayward will file a Notice of Determination (NOD), which will be available for public inspection and posted within 24 hours of receipt at the County Clerk's Office for 30 days. The filing of the NOD starts a 30-day statute of limitations on court challenges to the approval under CEQA (CEQA Guidelines Section 15075(g)).

SECTION 2.0 PROJECT INFORMATION

2.1 PROJECT TITLE

La Playa Commons Residential Project

2.2 LEAD AGENCY CONTACT

Steve Kowalski, Associate Planner
Planning Division
777 B Street, 1st Floor
Hayward, CA 94541
Email: steve.kowalski@hayward-ca.gov

2.3 PROJECT APPLICANT

D.R. Horton Bay, Inc.
Avery Espenmiller Jones, Project Manager
6683 Owens Drive
Pleasanton, CA 94588
Email: aejones@drhorton.com

2.4 PROJECT LOCATION

The approximately 5.4-acre project site is located at 1000 La Playa Drive in the City of Hayward. The site is bounded by La Playa Drive to the north, Calaroga Avenue and residences to the east, residences to the south, and a church and an automotive shop to the west.

2.5 ASSESSOR'S PARCEL NUMBER

442-0038-001

2.6 GENERAL PLAN DESIGNATION AND ZONING DISTRICT

The project site has a General Plan land use designation of Retail and Office Commercial and is zoned Neighborhood Commercial (CN).

SECTION 3.0 PROJECT DESCRIPTION

3.1 PROJECT OVERVIEW AND LOCATION

The approximately 5.4-acre project site is located at 1000 La Playa Drive (Assessor Parcel Number 442-0038-001) in the City of Hayward. The project site has a General Plan land use designation of Retail and Office Commercial and is zoned Neighborhood Commercial (CN). The project site is currently occupied by an approximately 74,750 square foot (sf), three-story retail commercial building and large surface parking lot. The site is bounded by La Playa Drive to the north, Calaroga Avenue and residences to the east, residences to the south, and a church and automotive shop to the west. Regional, vicinity, and aerial maps of the project site are provided in Figure 3.2-1, Figure 3.2-2, and Figure 3.2-3, respectively.

The project involves a General Plan Amendment to Medium Density Residential and rezoning to Planned Development (PD). The project would demolish the existing retail building and parking lot and redevelop the project site with 47 single-family residential units. Each unit would include a two-car garage, full driveway, and a private rear yard. The project components, including the residential units, landscaping, site access and parking, and utility improvements are described below.

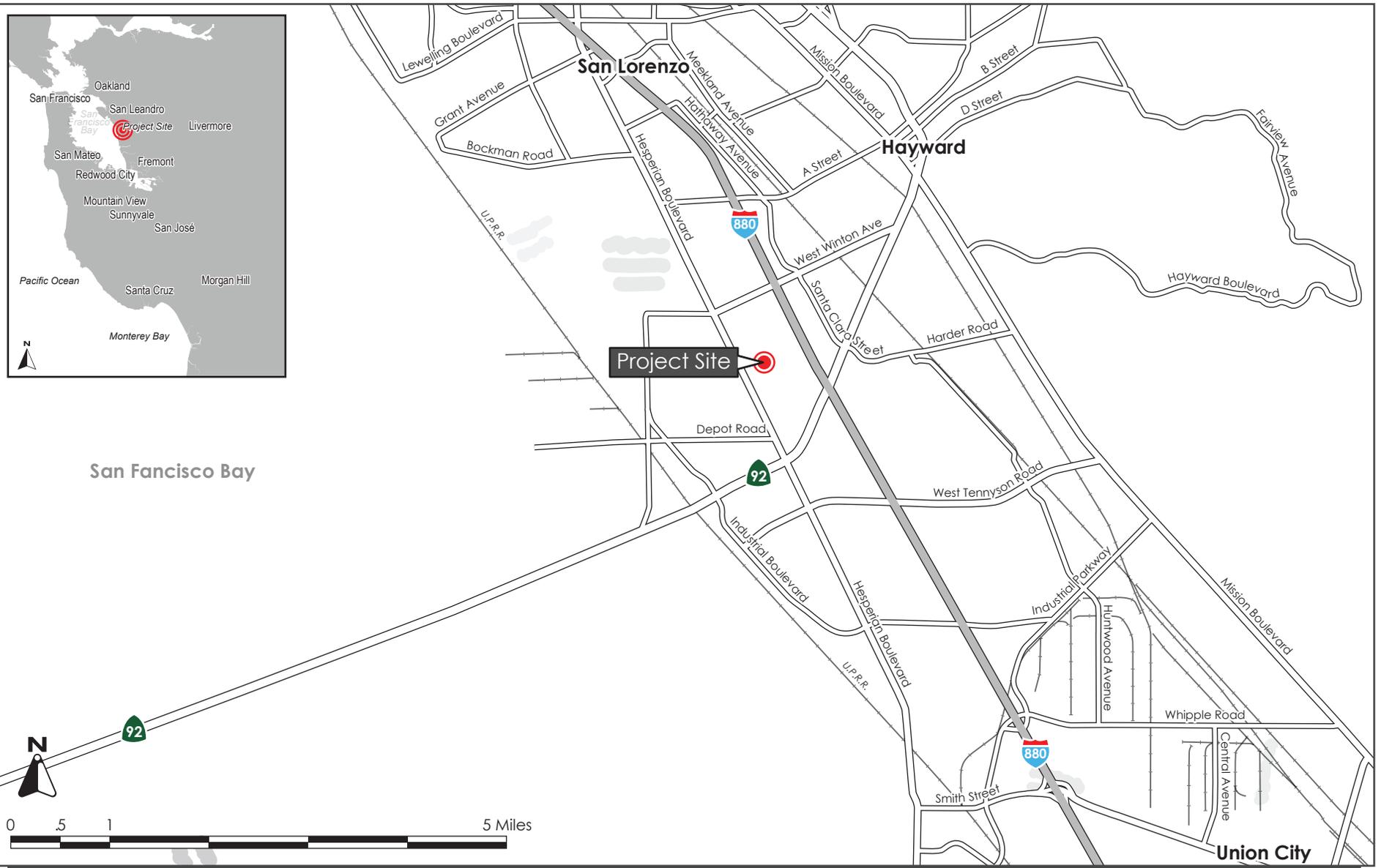
3.2 PROJECT COMPONENTS

3.2.1 General Plan Amendment and Rezoning

The project site has a General Plan land use designation of Retail and Office Commercial and is zoned Neighborhood Commercial (CN). In order to develop the proposed residential units on the approximately 5.4-acre site, the project proposes to amend the General Plan land use designation to Medium Density Residential and rezone the site to Planned Development (PD).

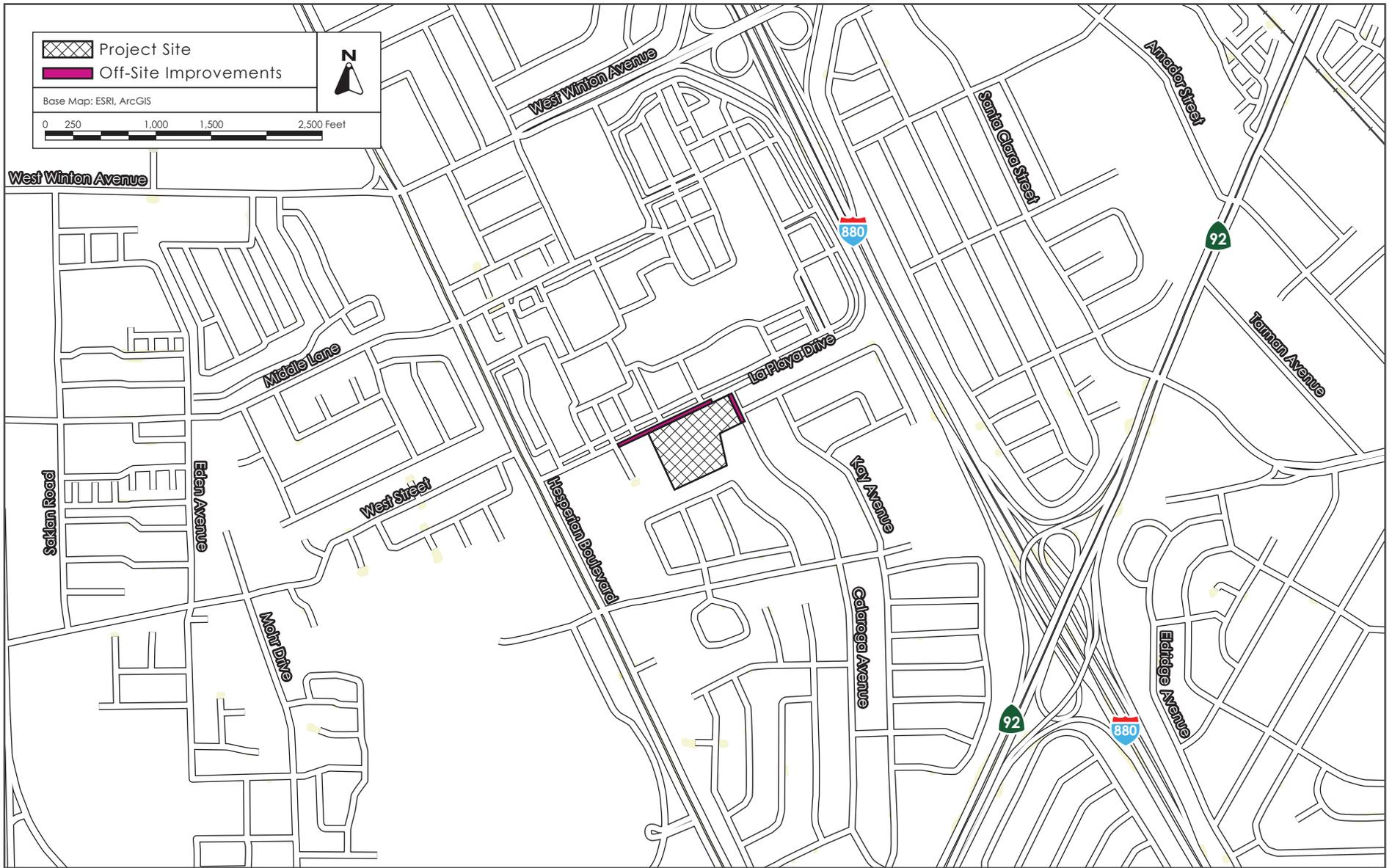
3.2.2 Single-Family Residential Units

The project proposes to construct 47 single-family residences (refer to Figure 3.2-4) on lots ranging from approximately 2,925 sf to 4,350 sf. The proposed residences would have a minimum setback of approximately 10 feet from La Playa Drive, 12 feet from Calaroga Avenue, 15 feet from the existing residences to the east (along Calaroga Avenue), 14 feet from the residences to the south, and 14 feet from the church and automotive shop to the west. Each residence would be two stories tall and include a two-car garage, full driveway, and private rear yard. The residences would range in size from approximately 1,549 sf to 2,019 sf and contain three to four bedrooms (refer to Figure 3.2-5 and Figure 3.2-6). The residences would reach maximum heights of approximately 26 feet (refer to Figure 3.2-7 and Figure 3.2-8). In accordance with the City's Inclusionary Housing Ordinance the project would be required to include 4.7 below market rate (BMR) units. The project proposes to sell four out of the total 47 residences as BMR units. The remaining 0.7-unit requirement (of 4.7 required BMR units) would be satisfied through the payment of Affordable Housing In-Lieu fees.



REGIONAL MAP

FIGURE 3.2-1



VICINITY MAP

FIGURE 3.2-2



AERIAL PHOTOGRAPH AND SURROUNDING LAND USES

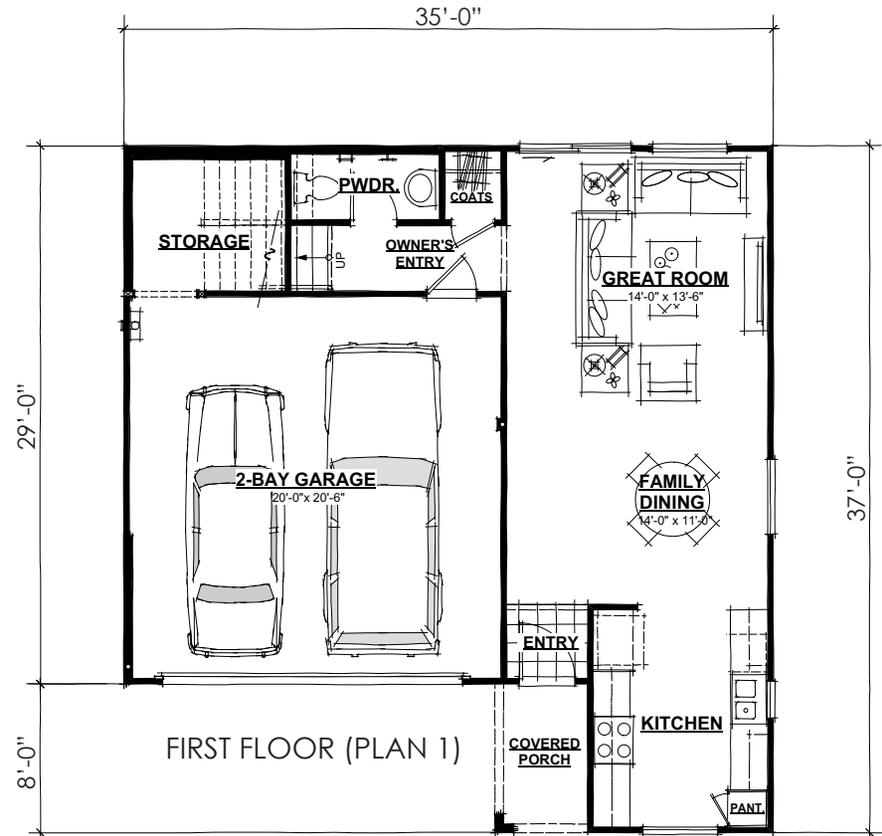
FIGURE 3.2-3



Source: R² Studios, March 31, 2021.

PROPOSED SITE PLAN

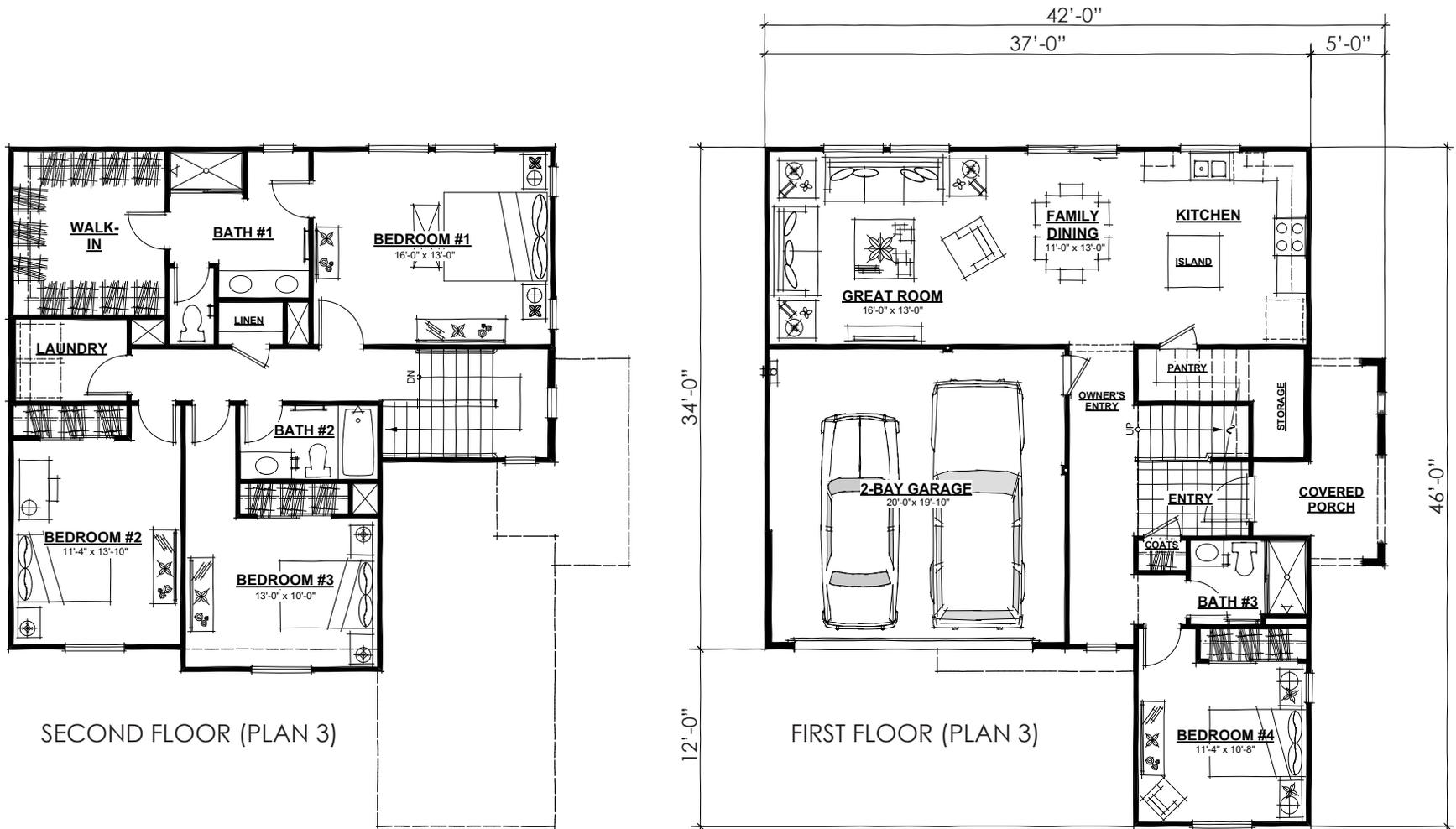
FIGURE 3.2-4



Source: OAG Architects, March 31, 2021.

PROPOSED FLOOR PLANS I

FIGURE 3.2-5



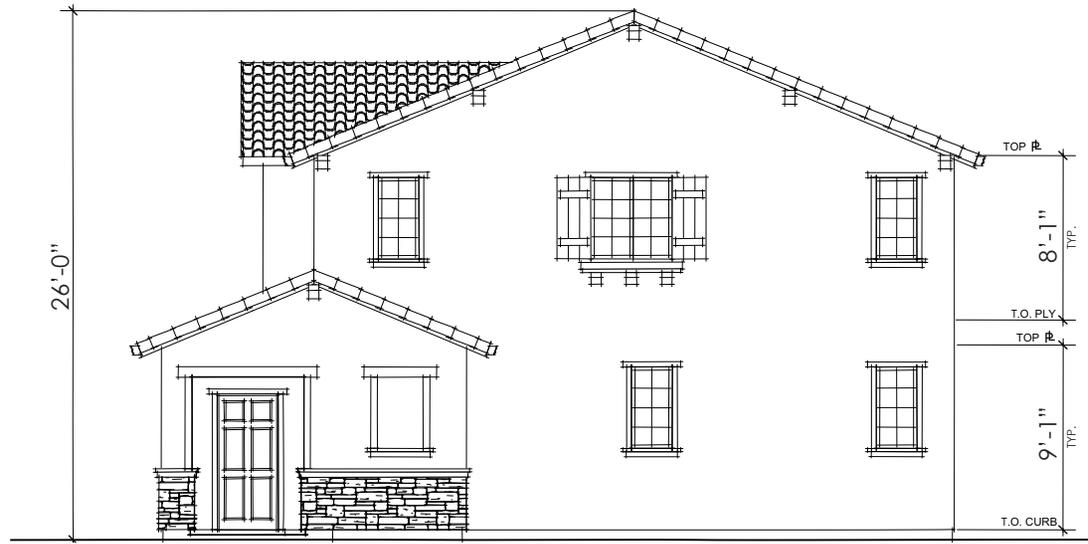
Source: OAG Architects, March 31, 2021.

PROPOSED FLOOR PLANS II

FIGURE 3.2-6



LA PLAYA DRIVE ELEVATION (PLAN 3A - SPANISH)

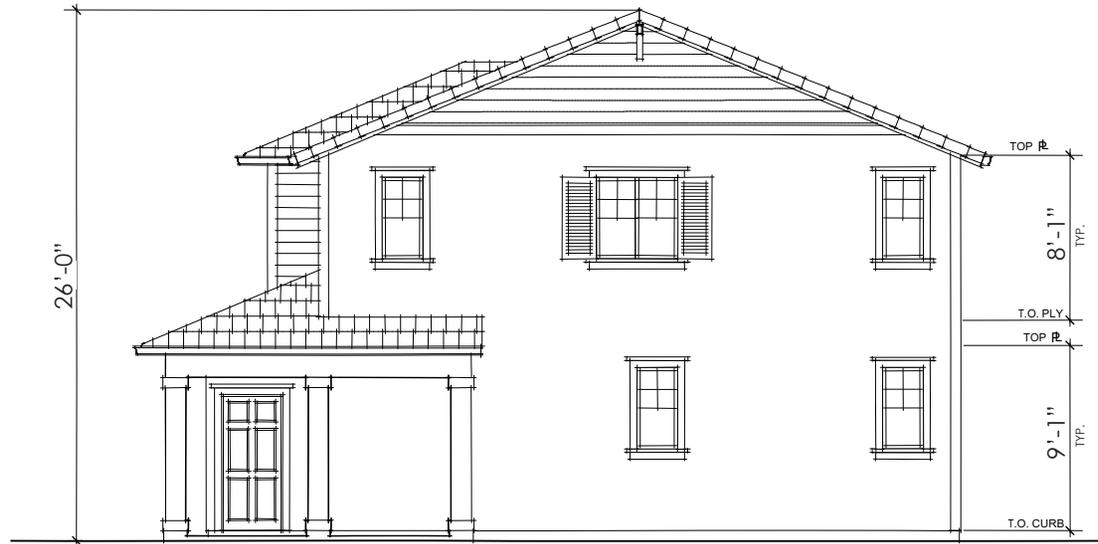


LA PLAYA DRIVE ELEVATION (PLAN 2B - MEDITERRANEAN)

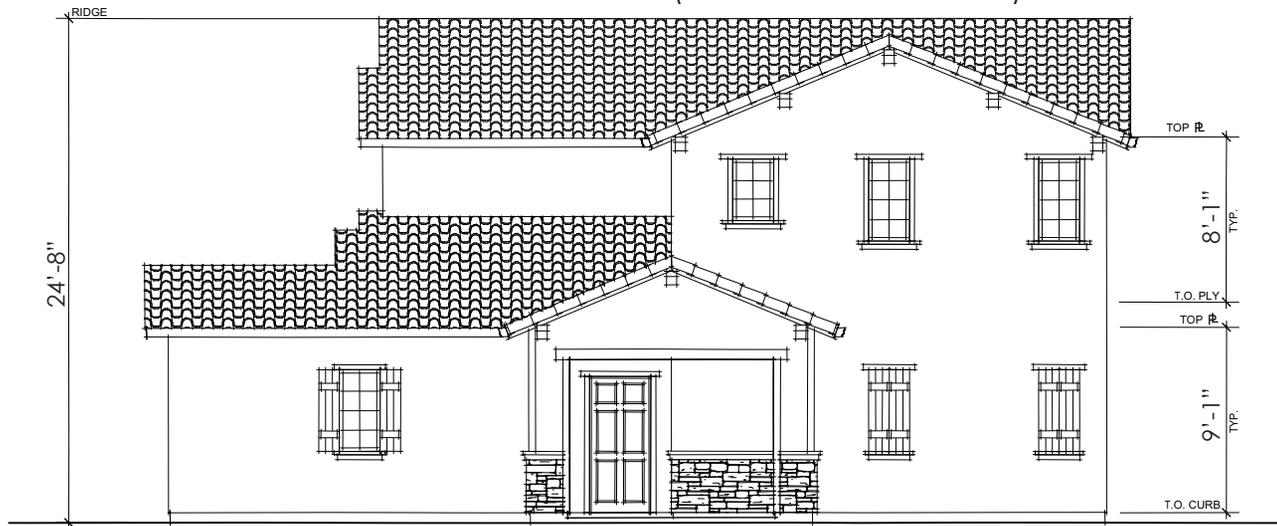
Source: OAG Architects, March 31, 2021.

CONCEPTUAL BUILDING ELEVATIONS I

FIGURE 3.2-7



LA PLAYA DRIVE ELEVATION (PLAN 2C - TRADITIONAL)



LA PLAYA DRIVE ELEVATION (PLAN 3B - MEDITERRANEAN)

Source: OAG Architects, March 31, 2021.

3.2.3 Landscaping and Open Space

The project would install landscaping throughout the site including street trees, accent trees, shrubs, bioretention areas, a common open space, and private residence front yards. The project would plant 160 new and replacement trees, resulting in a net increase of 136 trees on-site. The project would include an approximately 13,380 sf, centrally located open space (referred to as Parcel A). Parcel A would include landscaping, a pathway connecting to Calaroga Avenue, and picnic tables (refer to Figure 3.2-4).

3.2.4 Site Access and Parking

The project would include a new street off of La Playa Drive that would form a circle in the center of the project site. The project would include three new courts extending off of the new street (refer to Figure 3.2-4). The proposed street would be approximately 36 feet wide, and the proposed courts would be approximately 24 feet wide. Each residential unit would include a two-car garage and full driveway. The project would also provide 23 new on-street parking spaces along the proposed street. Pedestrian access throughout the project site would be provided via a continuous sidewalk along one side of the proposed street. An emergency vehicle access (EVA) connecting to Calaroga Avenue would be provided along the north side of the proposed open space.

3.2.5 Utility Improvements

The project would connect to existing sewer, electrical, water, and storm drain utilities on La Playa Drive and Calaroga Avenue. The project would be required to extend the sanitary sewer in La Playa Drive approximately 700 feet to the east to allow connection from the project from the proposed new street. The sanitary sewer line in Calaroga Avenue would also be extended approximately 90 feet to the north to allow connection from the three residences fronting the street. An enlarged 24-inch replacement storm drain line would connect from the proposed new street to the existing 36-inch storm drain line under the north side of La Playa Drive. Existing overhead utilities across the project frontage on La Playa Drive would be removed and replaced with an underground system. The project would be 100 percent electric and each unit would include rooftop solar panels. On-site stormwater treatment would occur through the use of bioretention areas.

3.2.6 Construction

Construction of the project, including demolition and site preparation, is estimated to take approximately 14 months to complete. Grading for the project would result in approximately 6,450 cubic yards of cut and approximately 6,300 cubic yards of fill, with the remaining balance of 150 cubic yards of soil being off-hauled for disposal.

3.3 USES OF THE INITIAL STUDY/MITIGATED NEGATIVE DECLARATION

This Initial Study/MND provides decision makers in the City of Hayward (the Lead Agency), responsible agencies, and the general public with relevant environmental information to use in considering the proposed project. It is intended that this Initial Study be used for discretionary approvals necessary to implement the project, as proposed. These discretionary actions may include, but are not limited to, the following:

General Plan Amendment
Rezoning
Tentative Parcel Map
Building Permit
Grading & Clearing Permit
Development Permit
Tree Removal Permit

SECTION 4.0 ENVIRONMENTAL SETTING, CHECKLIST, AND IMPACT DISCUSSION

This section presents the discussion of impacts related to the following environmental subjects in their respective subsections:

| | | | |
|------|------------------------------------|------|------------------------------------|
| 4.1 | Aesthetics | 4.12 | Mineral Resources |
| 4.2 | Agriculture and Forestry Resources | 4.13 | Noise |
| 4.3 | Air Quality | 4.14 | Population and Housing |
| 4.4 | Biological Resources | 4.15 | Public Services |
| 4.5 | Cultural Resources | 4.16 | Recreation |
| 4.6 | Energy | 4.17 | Transportation |
| 4.7 | Geology and Soils | 4.18 | Tribal Cultural Resources |
| 4.8 | Greenhouse Gas Emissions | 4.19 | Utilities and Service Systems |
| 4.9 | Hazards and Hazardous Materials | 4.20 | Wildfire |
| 4.10 | Hydrology and Water Quality | 4.21 | Mandatory Findings of Significance |
| 4.11 | Land Use and Planning | | |

The discussion for each environmental subject includes the following subsections:

- **Environmental Setting** – This subsection 1) provides a brief overview of relevant plans, policies, and regulations that compose the regulatory framework for the project and 2) describes the existing, physical environmental conditions at the project site and in the surrounding area, as relevant.
- **Impact Discussion** – This subsection 1) includes the recommended checklist questions from Appendix G of the CEQA Guidelines to assess impacts and 2) discusses the project’s impact on the environmental subject as related to the checklist questions. For significant impacts, feasible mitigation measures are identified. “Mitigation measures” are measures that will minimize, avoid, or eliminate a significant impact (CEQA Guidelines Section 15370). Each impact is numbered to correspond to the checklist question being answered. For example, Impact BIO-1 answers the first checklist question in the Biological Resources section. Mitigation measures are also numbered to correspond to the impact they address. For example, MM BIO-1.1 refers to the first mitigation measure for the first impact in the Biological Resources section.

4.1 AESTHETICS

4.1.1 Environmental Setting

4.1.1.1 *Regulatory Framework*

State

Senate Bill 743

Senate Bill (SB) 743 was adopted in 2013 and requires lead agencies to use alternatives to level of service (LOS) for evaluating transportation impacts, specifically vehicle miles traveled (VMT). SB 743 also included changes to CEQA that apply to transit-oriented developments, as related to aesthetics and parking impacts. Under SB 743, a project’s aesthetic impacts will no longer be considered significant impacts on the environment if:

- The project is a residential, mixed-use residential, or employment center project, and
- The project is located on an infill site within a transit priority area.¹

SB 743 also clarifies that local governments retain their ability to regulate a project’s aesthetics impacts outside of the CEQA process.

Streets and Highway Code Sections 260 through 263

The California Scenic Highway Program (Streets and Highway Code, Sections 260 through 263) is managed by the California Department of Transportation (Caltrans). The program is intended to protect and enhance the natural scenic beauty of California highways and adjacent corridors through special conservation treatment.

Local

Hayward 2040 General Plan

The Hayward 2040 General Plan (General Plan) includes policies for the purpose of avoiding or mitigating impacts resulting from development projects within the City. The following policies are specific to aesthetics and are applicable to the proposed project.

¹ An “infill site” is defined as “a lot located within an urban area that has been previously developed, or on a vacant site where at least 75 percent of the perimeter of the site adjoins, or is separated only by an improved public right-of-way from, parcels that are developed with qualified urban uses.” A “transit priority area” is defined as “an area within 0.5 mile of a major transit stop that is existing or planned, if the planned stop is scheduled to be completed within the planning horizon included in a Transportation Improvement Program adopted pursuant to Section 450.216 or 450.322 of Title 23 of the Code of Federal Regulations.” A “major transit stop” means “a site containing an existing rail transit station, a ferry terminal served by either a bus or rail transit service, or the intersection of two or more major bus routes with a frequency of service interval of 15 minutes or less during the morning and afternoon peak commute periods.” Source: Office of Planning and Research. “Changes to CEQA for Transit Oriented Development – FAQ.” October 14, 2014. Accessed May 24, 2021. <http://www.opr.ca.gov/ceqa/updates/sb-743/transit-oriented.html>.

| Policy | Description |
|---------------|--|
| LU-1.2 | The City shall maintain and implement commercial, residential, industrial, and hillside design guidelines to ensure that future development complies with General Plan goals and policies. |
| LU-7.2 | The City shall discourage the placement of homes and structures near ridgelines to maintain natural open space and preserve views. If ridgeline development cannot be avoided, the City shall require grading, building, and landscaping designs that mitigate visual impacts and blend the development with the natural features of the hillside. |
| NR-8.3 | The City shall protect the visual characteristics of transportation corridors that are officially designated as having unique or outstanding scenic qualities, including portions of I-580, I-880, and SR 92. |
| NR-8.4 | The City shall maintain and implement residential and non-residential design guidelines in order to protect existing views of the Bay shoreline. |

Hayward Design Guidelines

The City adopted its design guidelines in 1993. The Hayward Design Guidelines seek to identify elements of good design which will enhance the appearance of the city and make it more livable. The Design Guidelines contain general guidelines to be applied to all development as well as specific guidelines for specific land uses and parts of the City. The Design Guidelines state that new housing should support Hayward's expressed policy of encouraging long-term residency and add to the attractiveness of the area where it is located. The guidelines specific to single-family detached housing provide guidance on subdivision patterns, parking, open space, and architecture.

4.1.1.2 Existing Conditions

The site is currently occupied by a three-story retail commercial building and its associated surface parking lot. There are 24 existing trees on-site, including six street trees. The project site is located in a flat area and there are no scenic resources on-site. The project site is surrounded by urban development including the Southland Mall to the north, residences to the east and south, and a church and commercial buildings to the west. Views from the project site include the urban development, trees, and the surrounding hillsides to the east.

The nearest officially designated State Scenic Highway is the segment of Interstate-580 (I-580) that ends where the highway crosses San Leandro Creek, approximately six miles north of the project site.² At the junction of I-580 and I-238, approximately three miles north of the project site, I-580 is eligible but not officially designated as a State Scenic Highway.

² Caltrans. California State Scenic Highway System Map. Accessed May 24, 2021.
<https://caltrans.maps.arcgis.com/apps/webappviewer/index.html?id=465dfd3d807c46cc8e8057116f1aaca>

4.1.2 Impact Discussion

| | Potentially Significant Impact | Less than Significant with Mitigation Incorporated | Less than Significant Impact | No Impact |
|---|--------------------------------|--|-------------------------------------|-------------------------------------|
| Except as provided in Public Resources Code Section 21099, would the project: | | | | |
| 1) Have a substantial adverse effect on a scenic vista? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 2) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 3) In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? ³ If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 4) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

Impact AES-1: The project would not have a substantial adverse effect on a scenic vista. **(Less than Significant Impact)**

The project site is relatively flat and does not offer substantial scenic views. The project site is not a scenic vista. There are no scenic vistas in the project vicinity. The project would redevelop the urban infill project site with a residential neighborhood and would result in a net increase of trees on-site. The project would not degrade any views that overlook the project site. **(Less than Significant Impact)**

Impact AES-2: The project would not substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway. **(No Impact)**

The nearest State Scenic Highway, I-580, is approximately six miles north of the project site. At this distance the project site is not visible from I-580. Therefore, the project would not substantially damage scenic resources within a State Scenic Highway. General Plan Policy NR-8.3 notes that Interstate-880 (I-880) and State Route 92 (SR 92) are locally designated scenic corridors. I-880, the nearest of the two highways, is approximately 1,605 feet east of the project site. Due to the surrounding urban development and the existing soundwalls on I-880, the project site is not visible from the highway. **(No Impact)**

³ Public views are those that are experienced from publicly accessible vantage points.

Impact AES-3: The project would not conflict with applicable zoning and other regulations governing scenic quality. **(Less than Significant Impact)**

The project would rezone the site to Planned Development (PD). While the PD zoning district does not establish specific development standards, zoning district governing uses most similar in nature and function are applied to projects that are zoned PD. Therefore, the project would be subject to the design standards of the Single-Family Residential (RS) District. The project's consistency with the applicable zoning and General Plan land use designation are discussed further in Section 4.11 Land Use and Planning. The project would also be reviewed for consistency with the City's Design Guidelines for single-family detached housing during the Planned Development review. Therefore, the project would not conflict with the applicable zoning and other regulations governing scenic quality. **(Less than Significant Impact)**

Impact AES-4: The project would not create a new source of substantial light or glare which would adversely affect day or nighttime views in the area. **(Less than Significant Impact)**

The proposed residential development would include streetlights and private residential lighting. However, the project site is currently occupied by a three-story retail building and parking lot that use nighttime lighting. Thus, the project would not create a substantial net new source of nighttime lighting. Additionally, the project will comply with the City's Design Guidelines relating to aesthetics, light and glare, which are intended to prevent spillover light and minimize impacts related to the introduction of new light sources as a standard condition of approval. Therefore, the project would not create a new source of light or glare which would adversely affect day or nighttime views in the area. **(Less than Significant Impact)**

4.2 AGRICULTURE AND FORESTRY RESOURCES

4.2.1 Environmental Setting

4.2.1.1 *Regulatory Framework*

State

Farmland Mapping and Monitoring Program

The California Department of Conservation’s Farmland Mapping and Monitoring Program (FMMP) assesses the location, quality, and quantity of agricultural land and conversion of these lands over time. Agricultural land is rated according to soil quality and irrigation status. The best quality land is identified as Prime Farmland. In CEQA analyses, the FMMP classifications and published county maps are used, in part, to identify whether agricultural resources that could be affected are present on-site or in the project area.⁴

California Land Conservation Act

The California Land Conservation Act (Williamson Act) enables local governments to enter into contracts with private landowners to restrict parcels of land to agricultural or related open space uses. In return, landowners receive lower property tax assessments. In CEQA analyses, identification of properties that are under a Williamson Act contract is used to also identify sites that may contain agricultural resources or are zoned for agricultural uses.⁵

Fire and Resource Assessment Program

The California Department of Forestry and Fire Protection (CAL FIRE) identifies forest land, timberland, and lands zoned for timberland production that can (or do) support forestry resources.⁶ Programs such as CAL FIRE’s Fire and Resource Assessment Program and are used to identify whether forest land, timberland, or timberland production areas that could be affected are located on or adjacent to a project site.⁷

4.2.1.2 *Existing Conditions*

The project site is not currently used for agricultural purposes and is not the subject of a Williamson Act contract. No land adjacent to the project site is used for agricultural production. The project site is classified as Urban and Built-Up Land by the California Department of Conservation.⁸ Urban and

⁴ California Department of Conservation. “Farmland Mapping and Monitoring Program.” Accessed May 25, 2021. <http://www.conservation.ca.gov/dlrp/fmmp/Pages/Index.aspx>.

⁵ California Department of Conservation. “Williamson Act.” <http://www.conservation.ca.gov/dlrp/lca>.

⁶ Forest Land is land that can support 10 percent native tree cover and allows for management of forest resources (California Public Resources Code Section 12220(g)); Timberland is land not owned by the federal government or designated as experimental forest land that is available for, and capable of, growing trees to produce lumber and other products, including Christmas trees (California Public Resources Code Section 4526); and Timberland Production is land used for growing and harvesting timber and compatible uses (Government Code Section 51104(g)).

⁷ California Department of Forestry and Fire Protection. “Fire and Resource Assessment Program.” Accessed May 25, 2021. <http://frap.fire.ca.gov/>.

⁸ California Department of Conservation. California Important Farmland Finder. Accessed May 25, 2021. <https://maps.conservation.ca.gov/DLRP/CIFF/>

Built-Up Land is defined as land occupied by structures with a building density of at least one unit to 1.5 acres, or approximately six structures to a 10-acre parcel.

The project site is currently zoned CN. Surrounding parcels are zoned CN, Single-Family Residential (RS), and Central Business (CBB20). The land on and adjacent to the project site is not forest land or zoned for timberland production.

4.2.2 Impact Discussion

| | Potentially Significant Impact | Less than Significant with Mitigation Incorporated | Less than Significant Impact | No Impact |
|--|--------------------------------|--|------------------------------|-------------------------------------|
| Would the project: | | | | |
| 1) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 2) Conflict with existing zoning for agricultural use, or a Williamson Act contract? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 3) 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))? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 4) Result in a loss of forest land or conversion of forest land to non-forest use? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 5) 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? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

Impact AG-1: The project would not convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance, as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use. **(No Impact)**

The project site is designated by the California Resources Agency Farmland Mapping and Monitoring Program as Urban and Built-Up, and therefore, would not convert Prime Farmland, Unique Farmland or Farmland of Statewide Importance to a non-agricultural use. **(No Impact)**

Impact AG-2: The project would not conflict with existing zoning for agricultural use, or a Williamson Act contract. **(No Impact)**

The project site is not zoned for agricultural use. The project site is not subject to a Williamson Act contract. The project would, therefore, not conflict with existing zoning for agricultural use or a Williamson Act contract. **(No Impact)**

Impact AG-3: The project would not conflict with existing zoning for, or cause rezoning of, forest land, timberland, or timberland zoned Timberland Production. **(No Impact)**

The project site is not zoned for forest land or timberland. For this reason, the project would not conflict with existing zoning for, or cause rezoning of forest land, timberland, or timberland zoned Timberland Production. **(No Impact)**

Impact AG-4: The project would not result in a loss of forest land or conversion of forest land to non-forest use. **(No Impact)**

The project site is not designated as forest land. For this reason, the project would not result in the loss of forest land or conversion of forest land to non-forest use. **(No Impact)**

Impact AG-5: The project would not 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. **(No Impact)**

The project site is not designated agricultural or forest land and is located within an urban area with no agricultural or forestry land nearby. As a result, implementation of the proposed project would not result in the conversion of farmland to non-agricultural use or forest land to non-forest uses. **(No Impact)**

4.3 AIR QUALITY

The following discussion is based, in part, on an Air Quality and Greenhouse Gas Assessment prepared for the project by Illingworth & Rodkin, Inc. dated September 2021. A copy of this report is included in Appendix A of this Initial Study.

4.3.1 Environmental Setting

4.3.1.1 *Background Information*

Criteria Pollutants

Air quality in the Bay Area is assessed related to six common air pollutants (referred to as criteria pollutants), including ground-level ozone (O₃), nitrogen oxides (NO_x), particulate matter (PM), carbon monoxide (CO), sulfur oxides (SO_x), and lead.⁹ Criteria pollutants are regulated because they result in health effects. An overview of the sources of criteria pollutants and their associated health are summarized in Table 1.3-1. The most commonly regulated criteria pollutants in the Bay Area are discussed further below.

| Pollutants | Sources | Primary Effects |
|--|---|--|
| Ozone (O ₃) | Atmospheric reaction of organic gases with nitrogen oxides in sunlight | <ul style="list-style-type: none"> • Aggravation of respiratory and cardiovascular diseases • Irritation of eyes • Cardiopulmonary function impairment |
| Nitrogen Dioxide (NO ₂) | Motor vehicle exhaust, high temperature stationary combustion, atmospheric reactions | <ul style="list-style-type: none"> • Aggravation of respiratory illness • Reduced visibility |
| Fine Particulate Matter (PM _{2.5}) and Coarse Particulate Matter (PM ₁₀) | Stationary combustion of solid fuels, construction activities, industrial processes, atmospheric chemical reactions | <ul style="list-style-type: none"> • Reduced lung function, especially in children • Aggravation of respiratory and cardiorespiratory diseases • Increased cough and chest discomfort • Reduced visibility |
| Toxic Air Contaminants (TACs) | Cars and trucks, especially diesel-fueled; industrial sources, such as chrome platers; dry cleaners and service stations; building materials and products | <ul style="list-style-type: none"> • Cancer • Chronic eye, lung, or skin irritation • Neurological and reproductive disorders |

High O₃ levels are caused by the cumulative emissions of reactive organic gases (ROG) and NO_x. These precursor pollutants react under certain meteorological conditions to form high O₃ levels. Controlling the emissions of these precursor pollutants is the focus of the Bay Area's attempts to

⁹ The area has attained both state and federal ambient air quality standards for CO. The project does not include substantial new emissions of sulfur dioxide or lead. These criteria pollutants are not discussed further.

reduce O₃ levels. The highest O₃ levels in the Bay Area occur in the eastern and southern inland valleys that are downwind of air pollutant sources.

PM is a problematic air pollutant of the Bay Area. PM is assessed and measured in terms of respirable particulate matter or particles that have a diameter of 10 micrometers or less (PM₁₀) and fine particulate matter where particles have a diameter of 2.5 micrometers or less (PM_{2.5}). Elevated concentrations of PM₁₀ and PM_{2.5} are the result of both region-wide emissions and localized emissions.

Toxic Air Contaminants

TACs are a broad class of compounds known to have health effects. They include but are not limited to criteria pollutants. TACs are found in ambient air, especially in urban areas, and are caused by industry, agriculture, diesel fuel combustion, and commercial operations (e.g., dry cleaners). TACs are typically found in low concentrations, even near their source (e.g., diesel particulate matter [DPM] near a freeway).

Diesel exhaust is the predominant TAC in urban air and is estimated to represent about three-quarters of the cancer risk from TACs. Diesel exhaust is a complex mixture of gases, vapors, and fine particles. Medium- and heavy-duty diesel trucks represent the bulk of DPM emissions from California highways. The majority of DPM is small enough to be inhaled into the lungs. Most inhaled particles are subsequently exhaled, but some deposit on the lung surface or are deposited in the deepest regions of the lungs (most susceptible to injury).¹⁰ Chemicals in diesel exhaust, such as benzene and formaldehyde, have been previously identified as TACs by the California Air Resources Board (CARB).

Sensitive Receptors

Some groups of people are more affected by air pollution than others. CARB has identified the following persons who are most likely to be affected by air pollution: children under 16, the elderly over 65, athletes, and people with cardiovascular and chronic respiratory diseases. These groups are classified as sensitive receptors. Locations that may contain a high concentration of these sensitive population groups include residential areas, hospitals, daycare facilities, elder care facilities, and elementary schools.

4.3.1.2 *Regulatory Framework*

Federal and State

Clean Air Act

At the federal level, the United States Environmental Protection Agency (EPA) is responsible for overseeing implementation of the Clean Air Act and its subsequent amendments. The federal Clean Air Act requires the EPA to set national ambient air quality standards for the six common criteria pollutants (discussed previously), including PM, O₃, CO, SO_x, NO_x, and lead.

¹⁰ California Air Resources Board. "Overview: Diesel Exhaust and Health." Accessed August 6, 2021. <https://ww2.arb.ca.gov/resources/overview-diesel-exhaust-and-health>.

CARB is the state agency that regulates mobile sources throughout the state and oversees implementation of the state air quality laws and regulations, including the California Clean Air Act. The EPA and the CARB have adopted ambient air quality standards establishing permissible levels of these pollutants to protect public health and the climate. Violations of ambient air quality standards are based on air pollutant monitoring data and are determined for each air pollutant. Attainment status for a pollutant means that a given air district meets the standard set by the EPA and/or CARB.

Risk Reduction Plan

To address the issue of diesel emissions in the state, CARB developed the Risk Reduction Plan to Reduce Particulate Matter Emissions from Diesel-Fueled Engines and Vehicles. In addition to requiring more stringent emission standards for new on-road and off-road mobile sources and stationary diesel-fueled engines to reduce particulate matter emissions by 90 percent, the plan involves application of emission control strategies to existing diesel vehicles and equipment to reduce DPM (in addition to other pollutants). Implementation of this plan, in conjunction with stringent federal and CARB-adopted emission limits for diesel fueled vehicles and equipment (including off-road equipment), will significantly reduce emissions of DPM and NO_x.

Regional

2017 Clean Air Plan

The Bay Area Air Quality Management District (BAAQMD) is the agency primarily responsible for assuring that the federal and state ambient air quality standards are maintained in the San Francisco Bay Area. Regional air quality management districts, such as BAAQMD, must prepare air quality plans specifying how state and federal air quality standards will be met. BAAQMD's most recently adopted plan is the Bay Area 2017 Clean Air Plan (2017 CAP). The 2017 CAP focuses on two related BAAQMD goals: protecting public health and protecting the climate. To protect public health, the 2017 CAP describes how BAAQMD will continue its progress toward attaining state and federal air quality standards and eliminating health risk disparities from exposure to air pollution among Bay Area communities. To protect the climate, the 2017 CAP includes control measures designed to reduce emissions of methane and other super-greenhouse gases (GHGs) that are potent climate pollutants in the near-term, and to decrease emissions of carbon dioxide by reducing fossil fuel combustion.¹¹

CEQA Air Quality Guidelines

The BAAQMD CEQA Air Quality Guidelines are intended to serve as a guide for those who prepare or evaluate air quality impact analyses for projects and plans in the San Francisco Bay Area. Jurisdictions in the San Francisco Bay Area Air Basin utilize the thresholds and methodology for assessing air quality impacts developed by BAAQMD within their CEQA Air Quality Guidelines. The guidelines include information on legal requirements, BAAQMD rules, methods of analyzing impacts, and recommended mitigation measures.

¹¹ BAAQMD. *Final 2017 Clean Air Plan*. April 19, 2017. <http://www.baaqmd.gov/plans-and-climate/air-quality-plans/current-plans>.

Local

Hayward 2040 General Plan

The General Plan includes policies for the purpose of avoiding or mitigating impacts resulting from development projects within the City. The following policies are specific to air quality and are applicable to the proposed project.

| Policy | Description |
|---------|---|
| NR-2.2 | The City shall review proposed development applications to ensure projects incorporate feasible measures that reduce construction and operational emissions for reactive organic gases (ROG), nitrogen oxides (NO _x), and particulate matter through project location and design. |
| NR-2.3 | The City shall require development projects that exceed Bay Area Air Quality Management District reactive organic gas (ROG), nitrogen oxide (NO _x) operational thresholds to incorporate design or operational features that reduce emissions equal to at least 15 percent below the level that would be produced by an unmitigated project. |
| NR-2.7 | The City shall coordinate with the Bay Area Air Quality Management District to ensure projects incorporate feasible mitigation measures to reduce greenhouse gas emissions and air pollution if not already provided for through project design. |
| NR-2.15 | The City shall maintain and implement the General Plan as Hayward's community risk reduction strategy to reduce health risks associated with toxic air contaminants (TACs) and fine particulate matter (PM _{2.5}) in both existing and new development. |
| NR-2.16 | The City shall minimize exposure of sensitive receptors to toxic air contaminants (TAC), fine particulate matter (PM _{2.5}), and odors to the extent possible, and consider distance, orientation, and wind direction when siting sensitive land uses in proximity to TAC- and PM _{2.5} -emitting sources and odor sources in order to minimize health risk. |
| NR-2.17 | The City shall coordinate with and support the efforts of the Bay Area Air Quality Management District, the California Air Resources Board, the U.S. Environmental Protection Agency, and other agencies as appropriate to implement source reduction measures and best management practices that address both existing and new sources of toxic air contaminants (TAC), fine particulate matter (PM _{2.5}), and odors. |
| NR-2.18 | The City shall require development projects to implement all applicable best management practices that will reduce exposure of new sensitive receptors (e.g., hospitals, schools, daycare facilities, elderly housing and convalescent facilities) to odors, toxic air contaminants (TAC) and fine particulate matter. |

4.3.1.3 *Existing Conditions*

The Bay Area is considered a non-attainment area for ground-level O₃ and PM_{2.5} under both the federal Clean Air Act and state Clean Air Act. The area is also considered nonattainment for PM₁₀ under the state act, but not the federal act. The area has attained both state and federal ambient air

quality standards for CO. As part of an effort to attain and maintain ambient air quality standards for O₃ and PM₁₀, BAAQMD has established thresholds of significance for these air pollutants and their precursors. These thresholds are for O₃ precursor pollutants (ROG and NO_x), PM₁₀, and PM_{2.5}, and apply to both construction period and operational period impacts.

4.3.2 Impact Discussion

| | Potentially Significant Impact | Less than Significant with Mitigation Incorporated | Less than Significant Impact | No Impact |
|---|--------------------------------|--|-------------------------------------|--------------------------|
| Would the project: | | | | |
| 1) Conflict with or obstruct implementation of the applicable air quality plan? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 2) 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? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 3) Expose sensitive receptors to substantial pollutant concentrations? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 4) Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

Note: Where available, the significance criteria established by the applicable air quality management district or air pollution control district may be relied upon to make the determinations.

4.3.2.1 *Thresholds of Significance*

Impacts from the Project

As discussed in CEQA Guidelines Section 15064(b), the determination of whether a project may have a significant effect on the environment calls for judgment on the part of the lead agency and must be based to the extent possible on scientific and factual data. The City of Hayward has considered the air quality thresholds updated by BAAQMD in May 2017 and regards these thresholds to be based on the best information available for the San Francisco Bay Area Air Basin and conservative in terms of the assessment of health effects associated with TACs and PM_{2.5}. The BAAQMD CEQA Air Quality thresholds used in this analysis are identified in Table 4.3-2 below.

| Table 4.3-2: BAAQMD Air Quality Significance Thresholds | | | |
|---|---|---|---|
| Pollutant | Construction Thresholds | Operation Thresholds | |
| | Average Daily Emissions (pounds/day) | Average Daily Emissions (pounds/day) | Annual Average Emissions (tons/year) |
| Criteria Air Pollutants | | | |
| ROG, NO _x | 54 | 54 | 10 |
| PM ₁₀ | 82 (exhaust) | 82 | 15 |
| PM _{2.5} | 54 (exhaust) | 54 | 10 |
| CO | Not Applicable | 9.0 ppm (eight-hour) or 20.0 ppm (one-hour) | |
| Fugitive Dust | Dust Control Measures/Best Management Practices | Not Applicable | |
| Health Risks and Hazards for New Sources (within a 1,000-foot Zone of Influence) | | | |
| Health Hazard | Single Source | Combined Cumulative Sources | |
| Excess Cancer Risk | 10 per one million | 100 per one million | |
| Hazard Index | 1.0 | 10.0 | |
| Incremental Annual PM _{2.5} | 0.3 µg/m ³ | 0.8 µg/m ³ (average) | |

Impact AIR-1: The project would not conflict with or obstruct implementation of the applicable air quality plan. **(Less than Significant Impact)**

Clean Air Plan

BAAQMD is the regional agency responsible for overseeing compliance with State and Federal laws, regulations, and programs within the San Francisco Bay Area Air Basin (SFBAAB). As previously stated, BAAQMD's most recently adopted plan is 2017 CAP. The primary goals of the Clean Air Plan are to attain air quality standards, reduce population exposure and protect public health, and reduce GHG emissions and protect the climate. The BAAQMD has also developed CEQA guidelines to assist lead agencies in evaluating the significance of air quality impacts. In formulating compliance strategies, BAAQMD relies on planned land uses established by local general plans. Land use planning affects vehicle travel, which in turn affects region-wide emissions of air pollutants and GHGs.

The 2017 CAP includes control measures that are intended to reduce air pollutant emissions in the Bay Area either directly or indirectly. Plans must show consistency with the control measures listed within the Clean Air Plan. The proposed project would not conflict with the latest Clean Air planning efforts because the project would have emissions below the BAAQMD thresholds (as described

below), would be an urban infill development, and would be located near transit with regional connections. **(Less than Significant Impact)**

Regional Criteria Pollutant Emissions

The California Emissions Estimator Model (CalEEMod) Version 2020.4.0 was used to estimate emissions from construction and operation of the project. The project land use types and size, and anticipated construction schedule were input to CalEEMod. The model output from CalEEMod along with construction and operational inputs can be found in Appendix A.

Construction Period Emissions

CalEEMod provided annual emissions for construction including both on-site and off-site construction activities. On-site activities are primarily made up of construction equipment emissions, while off-site activity includes worker, hauling, and vendor traffic. The project construction schedule and equipment usage assume the project would take 14 months to construct. Average daily emissions were computed by dividing the total construction emissions by the number of construction days. Table 4.3-3 shows average daily construction emissions of ROG, NO_x, PM₁₀ exhaust, and PM_{2.5} exhaust during construction of the project.

| Table 4.3-3: Construction Period Emissions | | | | |
|---|--------------------|-----------------------|--------------------------------|---------------------------------|
| Year | ROG | NO_x | PM₁₀ Exhaust | PM_{2.5} Exhaust |
| Total Construction Emissions (tons) | 1.35 tons | 1.31 tons | 0.07 tons | 0.05 tons |
| Average Daily Emissions (pounds) ¹ | 7.26 lbs. | 7.04 lbs. | 0.38 lbs. | 0.28 lbs. |
| BAAQMD Thresholds (pounds per day) | 54 lbs./day | 54 lbs./day | 82 lbs./day | 54 lbs./day |
| Exceed Threshold? | No | No | No | No |
| Notes: ¹ Assumes 371 workdays | | | | |

As shown in the Table 4.3-3 above, project construction period emissions would not exceed the BAAQMD significance thresholds. The project, therefore, would have a less than significant criteria pollutant emissions impact and would not conflict with or obstruct implementation of the 2017 CAP. **(Less than Significant Impact)**

Operational Period Emissions

Operational criteria pollutant emissions from the project would be generated primarily from vehicles driven by future residents. Evaporative emissions from architectural coatings and maintenance products (classified as consumer products) would also occur. CalEEMod was used to calculate emissions from operation of the proposed project. Vehicle trip generation rates were input to the model using the daily trip generation rate provided by Hexagon Transportation Consultants (see Section 4.17 Transportation). Emissions associated with vehicle travel depend on the year of analysis because emission control technology requirements are phased-in over time. Therefore, the earlier the year analyzed in the model, the higher the emission rates utilized by CalEEMod. The earliest year of

full operation would be 2024 if construction begins in 2021. Emissions associated with build-out later than 2024 would be lower.

The existing retail commercial building and surface parking lot were found to have low operational and traffic emissions which would not considerably offset emissions from the proposed project. Therefore, the emission from existing uses were not considered in this analysis nor used to offset the project conditions. Table 4.3-4 below, summarizes the results of the CalEEMod calculations.

| Scenario | ROG | NO_x | PM₁₀ | PM_{2.5} |
|---|----------------|-----------------------|------------------------|-------------------------|
| 2024 Project Operational Emissions (tons/year) ¹ | 1.05 tons | 0.30 tons | 0.35 tons | 0.09 tons |
| BAAQMD Thresholds (tons/year) | 10 tons | 10 tons | 15 tons | 10 tons |
| Exceed Threshold? | No | No | No | No |
| 2024 Project Operational Emissions (lbs./day) | 5.77 lbs. | 1.64 lbs. | 1.93 lbs. | 0.50 lbs. |
| BAAQMD Thresholds (lbs./day) | 54 lbs. | 54 lbs. | 82 lbs. | 54 lbs. |
| Exceed Threshold? | No | No | No | No |
| Note: ¹ Assumes 365-day operation per year | | | | |

As shown in Table 4.3-4 above, the project would not exceed BAAQMD thresholds of significance for operational period emissions. The project, therefore, would not result in a significant increase of regional criteria pollutants and would not conflict with or obstruct implementation of the 2017 CAP. **(Less than Significant Impact)**

Impact AIR-2: The project would not result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard. **(Less than Significant Impact)**

Per the BAAQMD CEQA Air Quality Guidelines, air pollution by its nature is largely a cumulative impact. No single project is sufficient in size, by itself, to result in nonattainment of ambient air quality standards. If a project exceeds the identified significance thresholds, its emissions would be cumulatively considerable, resulting in significant adverse air quality impacts to the region's existing air quality conditions. As discussed above, the proposed project would not, by itself, result in any air pollutant emissions exceeding BAAQMD's significance thresholds. As a result, the proposed project would not result in a cumulatively considerable net increase of any criteria pollutant for which the region is in non-attainment. **(Less than Significant Impact)**

Impact AIR-3: The project would not expose sensitive receptors to substantial pollutant concentrations. **(Less than Significant Impact with Mitigation Incorporated)**

Dust Generation

Construction activities, particularly during site preparation and grading, would temporarily generate fugitive dust in the form of PM₁₀ and PM_{2.5}. Sources of fugitive dust would include disturbed soils at the construction site and trucks carrying uncovered loads of soils. Unless properly controlled, vehicles leaving the site would deposit mud on local streets, which could be an additional source of airborne dust after it dries. The BAAQMD CEQA Air Quality Guidelines consider these impacts to be less-than-significant if best management practices are implemented to reduce these emissions.

Standard Condition of Approval: The project will implement the following measures to control dust and exhaust during construction.

BASIC AIR QUALITY CONSTRUCTION MEASURES: The applicant shall require all construction contractors to implement the basic construction mitigation measures recommended by the Bay Area Air Quality Management District (BAAQMD) to reduce fugitive dust emissions. Additional measures may be identified by the BAAQMD or contractor as appropriate. Emission reduction measures will include, at a minimum, the following measures:

- All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day.
- All haul trucks transporting soil, sand, or other loose material off-site shall be covered.
- All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.
- All vehicle speeds on unpaved roads shall be limited to 15 miles per hour (mph).
- All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.
- Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to five minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations [CCR]). Clear signage shall be provided for construction workers at all access points.
- All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation.
- Post a publicly visible sign with the telephone number and person to contact at the Lead Agency regarding dust complaints. This person shall respond and take

corrective action within 48 hours. The BAAQMD's phone number shall also be visible to ensure compliance with applicable regulations.

The project, with the implementation of the above Standard Condition of Approval, would ensure construction dust emissions would have a less than significant impact. **(Less than Significant Impact)**

Project Construction – Community Health Risks

The project would introduce new sources of TACs during construction and operation that would affect nearby sensitive receptors. Sensitive receptors in the project vicinity include existing residences to the south and east of the project site. Project construction activities would generate dust and equipment exhaust while project operation would generate traffic consisting of mostly light-duty gasoline-powered vehicles. The project does not propose the use of any stationary sources of TACs that have the potential for substantial emissions, such as diesel-powered emergency generators. Per BAAQMD methodology, a road with less than 10,000 total vehicles per day is considered a low-impact source of TACs. The project would result in approximately 444 daily trips from primarily light-duty vehicles which would result in negligible contributions to TAC emissions and, therefore, are not considered further in this analysis.

Community risk impacts were addressed by predicting increased cancer risk, the increase in annual PM_{2.5} concentrations and computing the Hazard Index (HI) for non-cancer health risks. The maximally exposed individual (MEI) for construction cancer risk was determined to be located on the first floor of the adjacent single-family residence southeast of the project site at 24725 Calaroga Avenue and the MEI for PM_{2.5} concentration was determined to be located on the first floor of the adjacent residence southeast of the project site at 24717 Calaroga Avenue (refer to Figure 4.3-1). To give the most conservative analysis, the MEIs were assumed to be infants. The project risk impacts are summarized in Table 4.3-5.

| Source | | Cancer Risk* (per million) | Annual PM_{2.5} (µg/m³)* | Hazard Index |
|--|-------------|---------------------------------------|--|---------------------|
| Project Construction | Unmitigated | 12.55 (infant) | 0.10 | 0.01 |
| | Mitigated | 1.34 (infant) | 0.03 | <0.01 |
| BAAQMD Single-Source Threshold | | 10 | 0.3 | 1.0 |
| Exceed Threshold? | Unmitigated | Yes | No | No |
| | Mitigated | No | No | No |
| Notes: *Maximum cancer risk and maximum PM _{2.5} concentration occur at different locations | | | | |
| ** Construction equipment with Tier 4 interim engines and Best Management Practices as mitigation | | | | |



LOCATION OF TAC SOURCES AND MEI

FIGURE 4.3-1

Mitigation Measure: The project would implement the mitigation measures listed below to reduce TAC impacts to nearby sensitive receptors to a less than significant level.

MM AIR-3.1: All diesel-powered off-road equipment, larger than 25 horsepower, operating on the site for more than two days continuously or 20 hours total shall meet U.S. EPA Tier 4 standards for particulate matter emissions. Alternatively, equipment that meets U.S. EPA particulate matter emissions standards for Tier 3 engines that include CARB-certified Level 3 Diesel Particulate Filters (DPF), or equivalent would be effective. The use of equipment that is powered by electricity or alternatively fueled equipment (i.e., non-diesel) would also meet this requirement.

Alternatively, the applicant could develop a TAC reduction plan that reduces on- and near-site construction diesel particulate matter emissions by 25 percent or greater. Such a plan shall be reviewed and approved by the City.

Implementation of MM AIR-3.1 would reduce on-site diesel exhaust emissions from construction equipment and would, correspondingly, decrease the lifetime residential cancer risk from construction at the MEI location below the BAAQMD Single-Source threshold of significance. **(Less than Significant Impact with Mitigation Incorporated)**

Cumulative Community Health Risks

Cumulative TAC impacts are analyzed by combining the community risk impacts of the project construction and nearby sources of TACs within 1,000 feet of the project site. TAC sources include rail lines, highways, busy surface streets (>10,000 average daily trips or ADT), and stationary sources identified by BAAQMD. A review of the project area indicates that Hesperian Boulevard would be the only roadway within 1,000 feet of the site exceeding 10,000 vehicles per day. Two stationary sources, both diesel-powered generators, were identified within the project area. Table 4.3-6 summarizes the cumulative community health risks at the project construction MEI.

| Table 4.3-6: Cumulative Community Risk Impacts at the Off-Site MEIs | | | | |
|--|-------------|--------------------------------------|---|---------------------|
| Source | | Cancer Risk (per million) | Annual PM_{2.5} (µg/m³) | Hazard Index |
| Project Impacts | | | | |
| Project Construction | Unmitigated | 12.55 (infant) | 0.10 | 0.01 |
| | Mitigated | 1.34 (infant) | 0.03 | <0.01 |
| BAAQMD Single-Source Threshold | | 10 | 0.3 | 1.0 |
| Exceed Threshold? | Unmitigated | Yes | No | No |
| | Mitigated | No | No | No |
| Cumulative Sources | | | | |
| Hesperian Boulevard | | 0.40 | 0.01 | <0.01 |

| Table 4.3-6: Cumulative Community Risk Impacts at the Off-Site MEIs | | | | |
|--|-------------|--------------------------------------|---|---------------------|
| Source | | Cancer Risk (per million) | Annual PM_{2.5} (µg/m³) | Hazard Index |
| Macy's South Land (diesel generator), MEI at 800 feet | | 0.04 | -- | -- |
| Alameda County Public Works Agency (diesel generator), MEI at 1,000+ feet | | 0.12 | -- | -- |
| Combined Sources | Unmitigated | 13.11 | 0.11 | 0.02 |
| | Mitigated | 1.90 | 0.04 | <0.02 |
| BAAQMD Cumulative Source Threshold | | 100 | 0.8 | 10.0 |
| Exceed Threshold? | Unmitigated | No | No | No |
| | Mitigated | No | No | No |

As shown in Table 4.3-6 above, the project would not exceed BAAQMD's cumulative TAC source threshold of significance. The project would not contribute to a cumulatively significant community health risk impact. With implementation of MM AIR-3.1, the project would not expose sensitive receptors to substantial pollutant concentrations. **(Less than Significant Impact with Mitigation Incorporated)**

Impact AIR-4: The project would not result in other emissions (such as those leading to odors) adversely affecting a substantial number of people. **(Less than Significant Impact)**

The project would generate localized emissions of diesel exhaust during construction equipment operation and truck activity. These emissions may be noticeable by adjacent receptors; however, the odors would be localized and temporary and would not substantially affect people off-site. For these reasons, implementation of the proposed project would not result in significant long-term or short-term odor impacts, affecting a substantial number of people. **(Less than Significant Impact)**

4.3.3 Non-CEQA Effects

Per *California Building Industry Association v. Bay Area Air Quality Management District*, 62 Cal. 4th 369 (*BIA v. BAAQMD*), effects of the environment on the project are not considered CEQA impacts. The following discussion is included for informational purposes only because the City of Hayward has policies that address existing air quality conditions affecting a proposed project.

On-Site Community Health Risk – New Project Residents

In addition to evaluating health impact from project construction, a health risk assessment was completed to assess the impact that existing TAC sources would have on the new proposed sensitive receptors introduced by the project. The same TAC sources identified under Impact AIR-3 were used in this health risk assessment. All health risk results are listed in Table 4.3-7. TAC sources included

in the community risk impact included major roadways and stationary sources within 1,000 feet of the project site.

| Table 4.3-7: Cumulative Community Risk Impacts Upon the On-Site Sensitive Receptors | | | |
|--|--------------------------------------|---|---------------------|
| Source | Cancer Risk (per million) | Annual PM_{2.5} (µg/m³) | Hazard Index |
| Hesperian Boulevard | 0.99 | 0.03 | <0.01 |
| Macy's South Land (diesel generator), MEI at 800 feet | 0.11 | -- | -- |
| Alameda County Public Works Agency (diesel generator), MEI at 1,000+ feet | 0.12 | -- | -- |
| BAAQMD Single-Source Threshold | >10.0 | >0.3 | >1.0 |
| Exceed Threshold? | No | No | No |
| Cumulative Total | 1.22 | 0.03 | <0.01 |
| BAAQMD Cumulative Source Threshold | >100 | >0.8 | >10.0 |
| Exceed Threshold? | No | No | No |

As shown above, the annual cancer risks, annual PM_{2.5} concentrations, and Hazard Indexes are all below their respective BAAQMD single-source and cumulative significance thresholds.

4.4 BIOLOGICAL RESOURCES

The following discussion is based in part on an Arborist Report prepared by A Plus Tree, Inc. in January 2021. A copy of this report is included in Appendix B.

4.4.1 Environmental Setting

4.4.1.1 *Regulatory Framework*

Federal and State

Endangered Species Act

Individual plant and animal species listed as rare, threatened, or endangered under state and federal Endangered Species Acts are considered special-status species. Federal and state endangered species legislation has provided the United States Fish and Wildlife Service (USFWS) and the California Department of Fish and Wildlife (CDFW) with a mechanism for conserving and protecting plant and animal species of limited distribution and/or low or declining populations. Permits may be required from both the USFWS and CDFW if activities associated with a proposed project would result in the take of a species listed as threatened or endangered. To “take” a listed species, as defined by the State of California, is “to hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture, or kill” these species. Take is more broadly defined by the federal Endangered Species Act to include harm of a listed species.

In addition to species listed under state and federal Endangered Species Acts, Sections 15380(b) and (c) of the CEQA Guidelines provide that all potential rare or sensitive species, or habitats capable of supporting rare species, must be considered as part of the environmental review process. These may include plant species listed by the California Native Plant Society and CDFW-listed Species of Special Concern.

Migratory Bird Treaty Act

The federal Migratory Bird Treaty Act (MBTA) prohibits killing, capture, possession, or trade of migratory birds except in accordance with regulations prescribed by the Secretary of the Interior. Hunting and poaching are also prohibited. The taking and killing of birds resulting from an activity is not prohibited by the MBTA when the underlying purpose of that activity is not to take birds.¹² Nesting birds are considered special-status species and are protected by the USFWS. The CDFW also protects migratory and nesting birds under California Fish and Game Code Sections 3503, 3503.5, and 3800. The CDFW defines taking as causing abandonment and/or loss of reproductive efforts through disturbance.

¹² United States Department of the Interior. “Memorandum M-37050. The Migratory Bird Treaty Act Does Not Prohibit Incidental Take.” Accessed May 25, 2021. <https://www.doi.gov/sites/doi.gov/files/uploads/m-37050.pdf>.

Local

Hayward 2040 General Plan

The General Plan includes policies for the purpose of avoiding or mitigating impacts resulting from development projects within the City. The following policies are specific to biological resources and are applicable to the proposed project.

| Policy | Description |
|--------|--|
| NR-1.1 | The City shall limit or avoid new development that encroaches into important native wildlife habitats; limits the range of listed or protected species; or creates barriers that cut off access to food, water, or shelter of listed or protected species. |
| NR-1.2 | The City shall protect sensitive biological resources, including State and Federally designated sensitive, rare, threatened, and endangered plant, fish, and wildlife species and their habitats from urban development and incompatible land uses. |
| NR-1.7 | The City shall encourage protection of mature, native tree species to the maximum extent practicable, to support the local eco-system, provide shade, create windbreaks, and enhance the aesthetics of new and existing development. |

Hayward Tree Preservation Ordinance

The Hayward Tree Preservation Ordinance (Article 10.15 of the HMC) is intended to protect and preserve significant trees and control the re-shaping, removal, or relocation of those trees. Protected Trees are defined as any of the following: 1) trees that have a minimum trunk diameter of eight inches measured 54 inches above the ground; 2) street trees or other required trees such as those required as a condition of approval, Use Permit, or other Zoning requirement, regardless of size; 3) all memorial trees dedicated by an entity recognized by the City, and all specimen trees that define a neighborhood or community; 4) specific native tree species that have reached a minimum of four inches diameter trunk size; and 5) a trees of any size planted as a replacement for a Protected Tree.

4.4.1.2 Existing Conditions

The project site is currently occupied by a vacant, three-story retail building and its associated parking lot. There are no special status plant or wildlife species known to occur on-site and the project site does not have suitable habitat to support special status species. There are no waterways, riparian corridors, or other sensitive habitats on-site.

There are 24 existing trees on-site, including six street trees along La Playa Drive that are considered Protected Trees per the Tree Preservation Ordinance. The species of the existing trees are summarized below in Table 4.4-1.

| Species | Number of Trees | Number of Protected Trees |
|--|------------------------|----------------------------------|
| Black locust (<i>Robinia pseudoacacia</i>) | 7 | -- |
| Brazilian pepper (<i>Schinus terebinthifolius</i>) | 6 | 6* |
| Canary Island pine (<i>Pinus canariensis</i>) | 4 | -- |
| Japanese maple (<i>Acer palmatum</i>) | 1 | -- |
| River red gum (<i>Eucalyptus camaldulensis</i>) | 1 | -- |
| Sweet gum (<i>Liquidambar styraciflua</i>) | 5 | -- |
| Total | 24 | 6 |

Notes: *The six Brazilian pepper trees are considered Protected Trees because they are street trees, located along La Playa Drive.

4.4.2 Impact Discussion

| | Potentially Significant Impact | Less than Significant with Mitigation Incorporated | Less than Significant Impact | No Impact |
|--|--------------------------------|--|-------------------------------------|-------------------------------------|
| Would the project: | | | | |
| 1) 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 (CDFW) or United States Fish and Wildlife Service (USFWS)? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 2) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the CDFW or USFWS? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 3) Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 4) 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? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

| | Potentially Significant Impact | Less than Significant with Mitigation Incorporated | Less than Significant Impact | No Impact |
|--|--------------------------------|--|-------------------------------------|-------------------------------------|
| Would the project: | | | | |
| 5) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 6) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

Impact BIO-1: The project would not 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 CDFW or USFWS. **(Less than Significant Impact with Mitigation Incorporated)**

There are no known candidate, sensitive, or special status species present on the project site. The proposed project would not have any effect, directly or indirectly, on candidate or sensitive species identified by any plans, policies, regulations, or by the CDFW or USFWS.

The mature trees on and adjacent to the project site could provide nesting habitat for birds, including migratory birds and raptors. Nesting birds are among the species protected under provisions of the Migratory Bird Treaty Act and California Fish and Game Code Sections 3503, 3503.5, and 2800.

Construction of the project during the breeding season could result in the incidental loss of fertile eggs or nestlings, or otherwise lead to nest abandonment. Disturbance that causes abandonment and/or loss of reproductive effort is considered a taking by the CDFW. Any loss of fertile eggs, nesting raptors, or any activities resulting in nest abandonment would constitute an impact. Construction activities such as tree removal and site grading that disturb a nesting bird or raptor on-site or immediately adjacent to the construction zone would also constitute an impact.

Mitigation Measure: The project will be required to implement the following mitigation measure to reduce impacts to raptors and nesting birds to a less than significant level:

MM BIO-1.1: Pre-construction nesting bird surveys shall be completed prior to tree removal if removal or construction is proposed to commence during the breeding season (February 1 to August 31) in order to avoid impacts to nesting birds. Surveys shall be completed by a qualified biologist no more than 14 days before construction begins. During this survey, the biologist or ornithologist shall inspect all trees and other possible nesting habitats in and within 250 feet of the project boundary.

If an active nest is found in an area that would be disturbed by construction, the ornithologist shall designate an adequate buffer zone (~250 feet) to be established around the nest, in consultation with the California Department of Fish and Wildlife (CDFW). The buffer would ensure that nests shall not be disturbed until the young have fledged (left the nest), the nest is vacated, and there is no evidence of second nesting attempts.

The applicant shall submit a report indicating the results of the survey and any designated buffer zones to the satisfaction of the Director of Development Services, prior to the removal of trees and issuance of a grading permit or demolition permit.

Conformance to State and federal law protecting nesting birds through implementation of mitigation measure MM BIO-1.1 would reduce potential impacts to a less than significant level. **(Less Than Significant Impact with Mitigation Incorporated)**

Impact BIO-2: The project would not have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the CDFW or USFWS. **(No Impact)**

The project site is located in a developed, urban area of Hayward. There is no riparian habitat or other sensitive habitat areas on or adjacent to the project site. Therefore, the project would not have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the CDFW or USFWS. **(No Impact)**

Impact BIO-3: The project would not have a substantial adverse effect on state or federally protected wetlands through direct removal, filling, hydrological interruption, or other means. **(No Impact)**

There are no federally protected wetlands on or adjacent to the project site. **(No Impact)**

Impact BIO-4: The project would not 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. **(Less than Significant Impact)**

The project site is surrounded by developed, urban land uses. The project site is not part of an established native or migratory wildlife corridor or nursery site. Impacts to migratory birds are discussed under Impact BIO-1. Therefore, the project would not interfere substantially with the movement of any native resident or migratory wildlife species. **(Less than Significant Impact)**

Impact BIO-5: The project would not conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance. **(Less than Significant Impact)**

The project would remove all 24 existing trees on-site, including the six Protected Trees along La Playa Drive. The project would plant 160 new trees, resulting in a net increase of 136 trees on-site. Pursuant to the Hayward Tree Preservation Ordinance, the project would be required to obtain a Tree Removal Permit prior to project demolition and would be required to replace each Protected Tree with trees equal in size and species or value. Out of the proposed 160 new trees, the project would include 13 new street trees along La Playa Drive as well as three street trees along Calaroga Avenue. The project would comply with the Hayward Tree Preservation Ordinance. Therefore, the project would not conflict with any local policies or ordinances protecting biological resources. **(Less than Significant Impact)**

Impact BIO-6: The project would not conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan. **(No Impact)**

The project site is not located within a Habitat Conservation Plan or Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan. **(No Impact)**

4.5 CULTURAL RESOURCES

4.5.1 Environmental Setting

4.5.1.1 *Regulatory Framework*

Federal and State

National Historic Preservation Act

Federal protection is legislated by the National Historic Preservation Act of 1966 (NHPA) and the Archaeological Resource Protection Act of 1979. These laws maintain processes for determination of the effects on historical properties eligible for listing in the National Register of Historic Places (NRHP). Section 106 of the NHPA and related regulations (36 Code of Federal Regulations [CFR] Part 800) constitute the primary federal regulatory framework guiding cultural resources investigations and require consideration of effects on properties that are listed or eligible for listing in the NRHP. Impacts to properties listed in the NRHP must be evaluated under CEQA.

California Register of Historical Resources

The California Register of Historical Resources (CRHR) is administered by the State Office of Historic Preservation and encourages protection of resources of architectural, historical, archeological, and cultural significance. The CRHR identifies historic resources for state and local planning purposes and affords protections under CEQA. Under Public Resources Code Section 5024.1(c), a resource may be eligible for listing in the CRHR if it meets any of the NRHP criteria.¹³

Historical resources eligible for listing in the CRHR must meet the significance criteria described previously and retain enough of their historic character or appearance to be recognizable as historical resources and to convey the reasons for their significance. A resource that has lost its historic character or appearance may still have sufficient integrity for the CRHR if it maintains the potential to yield significant scientific or historical information or specific data.

The concept of integrity is essential to identifying the important physical characteristics of historical resources and, therefore, in evaluating adverse changes to them. Integrity is defined as “the authenticity of a historical resource’s physical identity evidenced by the survival of characteristics that existed during the resource’s period of significance.” The processes of determining integrity are similar for both the CRHR and NRHP and use the same seven variables or aspects to define integrity that are used to evaluate a resource’s eligibility for listing. These seven characteristics include 1) location, 2) design, 3) setting, 4) materials, 5) workmanship, 6) feeling, and 7) association.

Senate Bill 18

The intent of SB 18 is to aid in the protection of traditional tribal cultural places through local land use planning by requiring city governments to consult with California Native American tribes on projects which include adoption or amendment of general plans (defined in Government Code Section 65300 et seq.) and specific plans (defined in Government Code Section 65450 et seq.). SB 18

¹³ California Office of Historic Preservation. “CEQA Guidelines Section 15064.5(a)(3) and California Office of Historic Preservation Technical Assistance Series #6.” Accessed August 31, 2020. <https://ohp.parks.ca.gov/pages/1069/files/technical%20assistance%20bulletin%206%202011%20update.pdf>.

requires local governments to consult with tribes prior to making certain planning decisions and to provide notice to tribes at certain key points in the planning process.

California Native American Historical, Cultural, and Sacred Sites Act

The California Native American Historical, Cultural, and Sacred Sites Act applies to both state and private lands. The act requires that upon discovery of human remains, construction or excavation activity must cease and the county coroner be notified.

Public Resources Code Sections 5097 and 5097.98

Section 15064.5 of the CEQA Guidelines specifies procedures to be used in the event of an unexpected discovery of Native American human remains on non-federal land. These procedures are outlined in Public Resources Code Sections 5097 and 5097.98. These codes protect such remains from disturbance, vandalism, and inadvertent destruction, establish procedures to be implemented if Native American skeletal remains are discovered during construction of a project, and establish the Native American Heritage Commission (NAHC) as the authority to resolve disputes regarding disposition of such remains.

Pursuant to Public Resources Code Section 5097.98, in the event of human remains discovery, no further disturbance is allowed until the county coroner has made the necessary findings regarding the origin and disposition of the remains. If the remains are of a Native American, the county coroner must notify the NAHC. The NAHC then notifies those persons most likely to be related to the Native American remains. The code section also stipulates the procedures that the descendants may follow for treating or disposing of the remains and associated grave goods.

Local

Hayward 2040 General Plan

The General Plan includes policies for the purpose of avoiding or mitigating impacts resulting from development projects within the City. The following policies are specific to cultural resources and are applicable to the proposed project.

| Policy | Description |
|---------------|---|
| LU-8.3 | The City shall maintain and implement its Historic Preservation Ordinance to safeguard the heritage of the city and to preserve historic resources. |
| LU-8.6 | The City shall consider The Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings when evaluating development applications and City projects involving historic resources, or development applications that may affect scenic views or the historic context of nearby historic resources. |
| NR-7.1 | The City shall prohibit any new public or private development that damages or destroys a historically- or prehistorically significant fossil, ruin, or monument, or any object of antiquity. |

Hayward Historic Preservation Ordinance

The City's Historic Preservation Ordinance (Article 10.11 of the HMC) is intended to identify, protect, and enhance historical resources, archaeological sites, and other cultural resources within the City. The Historic Preservation Ordinance sets forth conditions of approval required for projects that may impact historic or archaeological resources.

4.5.1.2 Existing Conditions

The project site is occupied by a vacant, three-story retail building. The existing building was constructed circa 1968 and has remained relatively unchanged since then.¹⁴ Most recently, the building was occupied by Burlington (formerly known as Burlington Coat Factory). The building is not listed as a historic resource on the NRHP or CRHR and is not considered a historic resource by the City of Hayward. The City's list of Historically or Architecturally Significant Buildings contains 20 structures that have been officially designated by the City. There are no structures on the project site that could be considered historic, nor are there recognized historic structures in the immediate vicinity of the site.¹⁵

In the City of Hayward, Native Americans are believed to have had a major village site along San Lorenzo Creek which is located approximately 2.5 miles north of the project site.¹⁶ The project site is not considered to have a high archaeological sensitivity due to its distance from San Lorenzo Creek and other waterways in the City and the prior disturbance of the site associated with the existing development.

4.5.2 Impact Discussion

| | Potentially Significant Impact | Less than Significant with Mitigation Incorporated | Less than Significant Impact | No Impact |
|--|--------------------------------|--|-------------------------------------|--------------------------|
| Would the project: | | | | |
| 1) Cause a substantial adverse change in the significance of a historical resource pursuant to CEQA Guidelines Section 15064.5? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 2) Cause a substantial adverse change in the significance of an archaeological resource pursuant to CEQA Guidelines Section 15064.5? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 3) Disturb any human remains, including those interred outside of dedicated cemeteries? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

¹⁴ Tetra Tech, Inc. Phase I Environmental Site Assessment, Burlington Coat Factory. Tetra Tech Project Number: 212C-HN-D2101-BAD0171A. April 28, 2021.

¹⁵ City of Hayward. *Public Review Draft Background Report*. Table 1-2: Officially Designated Architecturally and Historically Significant Buildings. January 2014.

¹⁶ City of Hayward. *Public Review Draft Background Report*. January 2014. Page 1-30.

Impact CUL-1: The project would not cause a substantial adverse change in the significance of a historical resource pursuant to CEQA Guidelines Section 15064.5. **(Less than Significant Impact)**

The existing retail building on-site is not listed as a historic resource on the NRHP or CRHR and is not considered a historic resource by the City of Hayward. Although the building is over 50 years old it is not known to be associated with a significant historical event or person and it does not embody characteristics of a significant architectural type. There are no historic resources adjacent to the project site. Therefore, the project would not cause a substantial adverse change in the significance of a historical resource. **(Less than Significant Impact)**

Impact CUL-2: The project would not cause a substantial adverse change in the significance of an archaeological resource pursuant to CEQA Guidelines Section 15064.5. **(Less than Significant Impact with Mitigation Incorporated)**

The project is not located in an archaeologically sensitive area and there are no known archaeological resources on-site. However, project-related grading during construction could result in the discovery of unknown archaeological resources. Pursuant to the City’s Historic Preservation Ordinance, the project would be required to implement the following conditions of approval:

Mitigation Measures: The project will be required to implement the following mitigation measures to reduce potential impacts to archaeological resources to a less than significant level:

MM CUL-2.1: If evidence of an archaeological site or other suspected cultural resource as defined by CEQA Guideline Section 15064.5, including darkened soil representing past human activity (“midden”), that could conceal material remains (e.g., worked stone, worked bone, fired clay vessels, faunal bone, hearths, storage pits, or burials) is discovered during construction related earth-moving activities, all ground-disturbing activity within 100 feet of the resources shall be halted and the City’s Planning Manager shall be notified. The project sponsor shall hire a qualified archaeologist to conduct a field investigation. The City’s Planning Manager shall consult with the archaeologist to assess the significance of the find. Impacts to any significant resources shall be mitigated to a less-than-significant level through data recovery or other methods determined adequate by a qualified archaeologist and that are consistent with the Secretary of the Interior’s Standards for Archaeological documentation. Any identified cultural resources shall be recorded on the appropriate DPR 523 (A-J) form and filed with the NWIC.

MM CUL-2.2: If archaeological resources are identified, a final report summarizing the discovery of cultural materials shall be submitted to the City’s Planning Manager prior to issuance of certificate of occupancy. This report shall contain a description of the mitigation program that was implemented and its results, including a description of the monitoring and testing program, a list of the resources found and conclusion, and a description of the disposition/curation of the resources.

With implementation of MM CUL_2.1 and MM CUL-2.2, any impacts to undiscovered archaeological resources would be reduced to a less than significant level. **(Less than Significant Impact with Mitigation Incorporated)**

Impact CUL-3: The project would not disturb any human remains, including those interred outside of dedicated cemeteries. **(Less than Significant Impact with Mitigation Incorporated)**

As described above, the site has no known archaeological resources, including human remains. In the unlikely event human remains are unearthed during project construction, damage to or destruction of significant archaeological remains would be a potentially significant impact.

Mitigation Measures: The project will be required to implement the following mitigation measure to reduce potential impacts to buried human remains to a less than significant level:

MM CUL-3.1: If human remains are discovered during project construction, all ground-disturbing activity within 100 feet of the resources shall be halted and the City's Planning Manager and the Alameda County Coroner shall be notified immediately, according to Section 5097.98 of the State Public Resources Code and Section 7050.5 of California's Health and Safety Code. If the remains are determined by the County Coroner to be Native American, the Native American Heritage Commission (NAHC) shall be notified within 24 hours, and the guidelines of the NAHC shall be adhered to in the treatment and disposition of the remains. The project sponsor shall also retain a professional archaeologist with Native American burial experience to conduct a field investigation of the specific site and consult with the Most Likely Descendant, if any, identified by the NAHC. As necessary, the archaeologist may provide professional assistance to the Most Likely Descendant, including the excavation and removal of the human remains. The City of Hayward shall be responsible for approval of recommended mitigation as it deems appropriate, taking account of the provisions of State law, as set forth in CEQA Guidelines section 15064.5(e) and Public Resources Code section 5097.98. The project sponsor shall implement approved mitigation, to be verified by the City of Hayward, before the resumption of ground-disturbing activities within 100 feet of where the remains were discovered.

With implementation of MM CUL-3.1, any potential impacts to human remains would be reduced to a less than significant level. **(Less than Significant Impact with Mitigation Incorporated)**

4.6 ENERGY

4.6.1 Environmental Setting

4.6.1.1 *Regulatory Framework*

Federal and State

Energy Star and Fuel Efficiency

At the federal level, energy standards set by the EPA apply to numerous consumer products and appliances (e.g., the EnergyStar™ program). The EPA also sets fuel efficiency standards for automobiles and other modes of transportation.

Renewables Portfolio Standard Program

In 2002, California established its Renewables Portfolio Standard Program, with the goal of increasing the percentage of renewable energy in the state's electricity mix to 20 percent of retail sales by 2010. Governor Schwarzenegger issued Executive Order (EO) S-3-05, requiring statewide emissions reductions to 80 percent below 1990 levels by 2050. In 2008, EO S-14-08 was signed into law, requiring retail sellers of electricity serve 33 percent of their load with renewable energy by 2020. In October 2015, Governor Brown signed SB 350 to codify California's climate and clean energy goals. A key provision of SB 350 requires retail sellers and publicly owned utilities to procure 50 percent of their electricity from renewable sources by 2030. SB 100, passed in 2018, requires 100 percent of electricity in California to be provided by 100 percent renewable and carbon-free sources by 2045.

Executive Order B-55-18 To Achieve Carbon Neutrality

In September 2018, Governor Brown issued an executive order, EO-B-55-18 To Achieve Carbon Neutrality, setting a statewide goal “to achieve carbon neutrality as soon as possible, and no later than 2045, and achieve and maintain net negative emissions thereafter.” The executive order requires CARB to “ensure future Scoping Plans identify and recommend measures to achieve the carbon neutrality goal.” EO-B-55-18 supplements EO S-3-05 by requiring not only emissions reductions, but also that, by no later than 2045, the remaining emissions be offset by equivalent net removals of CO₂ from the atmosphere through sequestration.

California Building Standards Code

The Energy Efficiency Standards for Residential and Nonresidential Buildings, as specified in Title 24, Part 6 of the California Code of Regulations (Title 24), was established in 1978 in response to a legislative mandate to reduce California's energy consumption. Title 24 is updated approximately every three years.¹⁷ Compliance with Title 24 is mandatory at the time new building permits are issued by city and county governments.¹⁸

¹⁷ California Building Standards Commission. “California Building Standards Code.” Accessed May 26, 2021. <https://www.dgs.ca.gov/BSC/Codes#@ViewBag.JumpTo>.

¹⁸ California Energy Commission (CEC). “2019 Building Energy Efficiency Standards.” Accessed May 26, 2021. <https://www.energy.ca.gov/programs-and-topics/programs/building-energy-efficiency-standards/2019-building-energy-efficiency>.

California Green Building Standards Code

CALGreen establishes mandatory green building standards for buildings in California. CALGreen was developed to reduce GHG emissions from buildings, promote environmentally responsible and healthier places to live and work, reduce energy and water consumption, and respond to state environmental directives. CALGreen covers five categories: planning and design, energy efficiency, water efficiency and conservation, material and resource efficiency, and indoor environmental quality. CALGreen requires that construction projects recycle or salvage 65 percent of non-hazardous construction and demolition waste.

Advanced Clean Cars Program

CARB adopted the Advanced Clean Cars program in 2012 in coordination with the EPA and National Highway Traffic Safety Administration. The program combines the control of smog-causing pollutants and GHG emissions into a single coordinated set of requirements for vehicle model years 2015 through 2025. The program promotes development of environmentally superior passenger cars and other vehicles, as well as saving the consumer money through fuel savings.¹⁹

LocalHayward Reach Code

In March 2020, the Hayward City Council adopted a reach code ordinance to electrify buildings and vehicles in new construction. The new requirements are intended to result in safer and more comfortable buildings, increase electric vehicle charging infrastructure, and reduce carbon emissions. The ordinance requires all new low-rise residential buildings (three stories and less) to be all-electric. The ordinance also requires electric vehicle charging infrastructure beyond that required in the 2019 California Green Building Standards Code.

Hayward 2040 General Plan

The General Plan includes policies for the purpose of avoiding or mitigating impacts resulting from development projects within the City. The following policies are specific to energy and are applicable to the proposed project.

| Policy | Description |
|---------------|--|
| LU-1.8 | <p>The City shall maintain and implement green building and landscaping requirements for private- and public-sector development to:</p> <ul style="list-style-type: none"> • Reduce the use of energy, water, and natural resources. • Minimize the long-term maintenance and utility expenses of infrastructure, buildings, and properties. • Create healthy indoor environments to promote the health and productivity of residents, workers, and visitors. • Encourage the use of durable, sustainably sourced, and/or recycled building materials. |

¹⁹ California Air Resources Board. "The Advanced Clean Cars Program." Accessed May 26, 2021. <https://www.arb.ca.gov/msprog/acc/acc.htm>.

| | |
|---------|---|
| | <ul style="list-style-type: none"> • Reduce landfill waste by promoting practices that reduce, reuse, and recycle solid waste. |
| NR-2.4 | The City shall work with the community to reduce community based GHG emissions by 20 percent below 2005 baseline levels by 2020, 30 percent below 2005 levels by 2025, and 55 percent below 2005 levels by 2030. In addition, the City shall work with the community to develop a plan that may result in the reduction of community based GHG emissions to achieve carbon neutrality by 2045. |
| NR-4.1 | The City shall promote the efficient use of energy in the design, construction, maintenance, and operation of public and private facilities, infrastructure, and equipment. |
| NR-4.2 | The City shall collaborate with partner agencies, utility providers, and the business community to support a range of energy efficiency, conservation, and waste reduction measures, including the development of green buildings and infrastructure, weatherization programs, installation of energy-efficient appliances and equipment in homes and offices, promotion of energy efficiency retrofit programs, use of green power options, and heightened awareness of the benefits of energy efficiency and conservation issues. |
| NR-4.3 | The City shall encourage construction and building development practices that maximize the use of renewable resources and minimize the use of non-renewable resources throughout the life cycle of a structure. |
| NR-4.6 | The City shall encourage and support the generation, transmission, use, and storage of locally distributed renewable energy in order to promote energy independence, efficiency, and sustainability. The City shall consider various incentives to encourage the installation of renewable energy projects (i.e., reduced permit fees and permit streamlining). |
| NR-4.11 | The City shall require newly constructed or renovated public and private buildings and structures to meet energy efficiency design and operations standards with the intent of meeting or exceeding the State’s zero net energy goals by 2020. |
| NR-4.12 | The City shall encourage the planting of native and diverse tree species to reduce heat island effect, reduce energy consumption, and contribute to carbon mitigation. |

4.6.1.2 *Existing Conditions*

Total energy usage in California was approximately 7,802 trillion British thermal units (Btu) in the year 2019, the most recent year for which this data was available.²⁰ Out of the 50 states, California is ranked second in total energy consumption and 46th in energy consumption per capita. The breakdown by sector was approximately 19 percent (1,456 trillion Btu) for residential uses, 19 percent (1,468 trillion Btu) for commercial uses, 23 percent (1,805 trillion Btu) for industrial uses,

²⁰ United States Energy Information Administration. “State Profile and Energy Estimates, 2018.” Accessed August 12, 2021. <https://www.eia.gov/state/?sid=CA#tabs-2>.

and 39 percent (3,073 trillion Btu) for transportation.²¹ This energy is primarily supplied in the form of natural gas, petroleum, nuclear electric power, and hydroelectric power.

Electricity

East Bay Community Energy (EBCE) is the electricity provider for Alameda County. EBCE sources the electricity and PG&E delivers it to customers over their existing utility lines. Current EBCE customers are automatically enrolled in Brilliant 100, which provides electricity from 100 percent carbon-free sources (including hydropower, solar, and wind energy).²² Customers also have the option to enroll in Renewable 100, which sources energy from 100 percent renewable sources (solar and wind only), and Bright Choice, which is 86 percent carbon-free and includes up to 60 percent of renewable power. Beginning in January 2022, EBCE customers will be automatically enrolled in Renewable 100, with the option to enroll in one of the other two options, as described previously.

Natural Gas

PG&E provides natural gas services within the City of Hayward. In 2018, approximately one percent of California’s natural gas supply came from in-state production, while the remaining supply was imported from other western states and Canada.²³ In 2018, residential and commercial customers in California used 33 percent of the state’s natural gas, power plants used 26 percent, the industrial sector used 35 percent, and other uses used six percent.²⁴ Transportation accounted for one percent of natural gas use in California. In 2019, Alameda County used approximately three percent of the state’s total consumption of natural gas.²⁵

Fuel for Motor Vehicles

In 2019, 15.4 billion gallons of gasoline were sold in California.²⁶ The average fuel economy for light-duty vehicles (autos, pickups, vans, and sport utility vehicles) in the United States has steadily increased from about 13.1 miles per gallon (mpg) in the mid-1970s to 24.9 mpg in 2019.²⁷ Federal fuel economy standards have changed substantially since the Energy Independence and Security Act was passed in 2007. That standard, which originally mandated a national fuel economy standard of 35 miles per gallon by the year 2020, was updated in March 2020 to require all cars and light duty trucks achieve an overall industry average fuel economy of 40.4 mpg by model year 2026.^{28,29}

²¹ Ibid.

²² East Bay Community Energy. “Power Mix”. <https://ebce.org/our-power-mix/index.html/> Accessed May 26, 2021

²³ California Gas and Electric Utilities. 2019 *California Gas Report*. Accessed May 26, 2021.

https://www.socalgas.com/regulatory/documents/cgr/2019_CGR_Supplement_7-1-19.pdf.

²⁴ United States Energy Information Administration. “State Profile and Energy Estimates, 2018.” Accessed August 12, 2021. <https://www.eia.gov/state/?sid=CA#tabs-2>.

²⁵ California Energy Commission. “Natural Gas Consumption by County.” Accessed May 26, 2021.

<http://ecdms.energy.ca.gov/gasbycounty.aspx>.

²⁶ California Department of Tax and Fee Administration. “Net Taxable Gasoline Gallons.” Accessed May 26, 2021.

<https://www.cdtfa.ca.gov/dataportal/dataset.htm?url=VehicleTaxableFuelDist>.

²⁷ United States Environmental Protection Agency. “The 2020 EPA Automotive Trends Report: Greenhouse Gas Emissions, Fuel Economy, and Technology since 1975.” January 2021.

<https://nepis.epa.gov/Exe/ZyPDF.cgi?Dockkey=P1010U68.pdf>

²⁸ United States Department of Energy. *Energy Independence & Security Act of 2007*. Accessed May 26, 2021.

<http://www.afdc.energy.gov/laws/eisa>.

²⁹ Public Law 110–140—December 19, 2007. *Energy Independence & Security Act of 2007*. Accessed May 26, 2021. <http://www.gpo.gov/fdsys/pkg/PLAW-110publ140/pdf/PLAW-110publ140.pdf>.

4.6.2 Impact Discussion

| | Potentially Significant Impact | Less than Significant with Mitigation Incorporated | Less than Significant Impact | No Impact |
|---|--|--|-------------------------------------|--------------------------|
| Would the project: | | | | |
| 1) Result in a potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 2) Conflict with or obstruct a state or local plan for renewable energy or energy efficiency? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| <hr/> | | | | |
| Impact EN-1: | The project would not result in a potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation. (Less than Significant Impact) | | | |

Energy Efficiency During Construction

The anticipated construction schedule assumes that the project will be built over a period of approximately 14 months. The construction phase would require energy for the manufacture and transportation of building materials, site preparation, grading and excavation, trenching, paving, and building construction and interior finishing. Petroleum-based fuels such as diesel fuel and gasoline would be the primary sources of energy during construction. Energy would not be wasted or used inefficiently by construction equipment, as the proposed project would include several measures to improve efficiency of the construction (e.g., limiting idling time or using U.S. EPA tiered equipment). In addition, construction waste management methods and processes will be employed to reduce the amount of construction waste consistent with CALGreen requirements and HMC Article 5.10. **(Less than Significant Impact)**

Estimated Energy Use of Project Operation

The proposed development would consume electricity primarily from heating and cooling, lighting, appliances, electronics, and water heating. The proposed single-family residences would consume a total of approximately 367,094 kilowatt hours of electricity per year.³⁰ The project would not consume any natural gas, as the proposed residences would be 100 percent electric. Each residential unit would include rooftop solar panels to generate electricity on-site.

Operational energy would also be consumed during each vehicle trip generated by future residents. The project would have a VMT of 17.51 per resident (see Section 4.17 Transportation). Assuming the City of Hayward’s average occupancy of 3.1 persons per household³¹, the project would house approximately 146 new residents and would thus, consume approximately 37,474 gallons of gasoline

³⁰ Illingworth & Rodkin, Inc. *1000 La Playa Drive Air Quality and Greenhouse Gas Assessment*. August 6, 2021. Attachment 2: CalEEMod Modeling Inputs and Outputs.

³¹ City of Hayward. *Hayward 2040 General Plan Draft EIR*. January 30, 2014. Page 16-1.

per year³² (assuming the EPA average fuel economy estimate of 24.9 miles per gallon). New automobiles purchased by future occupants of the proposed project would be subject to fuel economy and efficiency standards applied throughout the State of California, which means that over time the fuel efficiency of vehicles associated with the project site would improve. Therefore, the project would not result in wasteful, inefficient, or unnecessary consumption of energy resources. **(Less than Significant Impact)**

Impact EN-2: The project would not conflict with or obstruct a state or local plan for renewable energy or energy efficiency. **(Less than Significant Impact)**

According to the 2019 Integrated Energy Policy Report, the state is working towards decarbonizing the energy system and moving towards a 100 percent carbon-free system by 2045.³³ The project would obtain energy from the EBCE which can provide up to 100 percent carbon free electricity to the project site. The project also proposes rooftop solar panels on all residential units. The project is required to comply with applicable regulations and City policies that would conserve energy and water and reduce fuel consumption and waste generation. Pursuant to the City's Reach Code, the proposed residential buildings would be 100 percent electric, would include all-electric appliances, and would include level 2 EV-ready parking spaces. For these reasons, the proposed project would not conflict with or obstruct a state or local plan for renewable energy or energy efficiency. **(Less Than Significant Impact)**

³² 146 residents x 17.51 VMT/day x 365 days/year ÷ 24.9 miles/gallon = 37,474 gallons/year

³³ California Energy Commission. *2019 Integrated Energy Policy Report*. 2019.

4.7 GEOLOGY AND SOILS

4.7.1 Environmental Setting

4.7.1.1 *Regulatory Framework*

State

Alquist-Priolo Earthquake Fault Zoning Act

The Alquist-Priolo Earthquake Fault Zoning Act was passed following the 1971 San Fernando earthquake. The act regulates development in California near known active faults due to hazards associated with surface fault ruptures. Alquist-Priolo maps are distributed to affected cities, counties, and state agencies for their use in planning and controlling new construction. Areas within an Alquist-Priolo Earthquake Fault Zone require special studies to evaluate the potential for surface rupture to ensure that no structures intended for human occupancy are constructed across an active fault.

Seismic Hazards Mapping Act

The Seismic Hazards Mapping Act (SHMA) was passed in 1990 following the 1989 Loma Prieta earthquake. The SHMA directs the California Geological Survey (CGS) to identify and map areas prone to liquefaction, earthquake-induced landslides, and amplified ground shaking. CGS has completed seismic hazard mapping for the portions of California most susceptible to liquefaction, landslides, and ground shaking, including the central San Francisco Bay Area. The SHMA requires that agencies only approve projects in seismic hazard zones following site-specific geotechnical investigations to determine if the seismic hazard is present and identify measures to reduce earthquake-related hazards.

California Building Standards Code

The California Building Standards Code (CBC) prescribes standards for constructing safe buildings. The CBC contains provisions for earthquake safety based on factors including occupancy type, soil and rock profile, ground strength, and distance to seismic sources. The CBC requires that a site-specific geotechnical investigation report be prepared for most development projects to evaluate seismic and geologic conditions such as surface fault ruptures, ground shaking, liquefaction, differential settlement, lateral spreading, expansive soils, and slope stability. The CBC is updated every three years.

California Division of Occupational Safety and Health Regulations

Excavation, shoring, and trenching activities during construction are subject to occupational safety standards for stabilization by the California Department of Industrial Relations, Division of Occupational Safety and Health (Cal/OSHA) under Title 8 of the California Code of Regulations and Excavation Rules. These regulations minimize the potential for instability and collapse that could injure construction workers on the site.

Public Resources Code Section 5097.5

Paleontological resources are the fossilized remains of organisms from prehistoric environments found in geologic strata. They range from mammoth and dinosaur bones to impressions of ancient animals and plants, trace remains, and microfossils. These materials are valued for the information they yield about the history of the earth and its past ecological settings. California Public Resources Code Section 5097.5 specifies that unauthorized removal of a paleontological resource is a misdemeanor. Under the CEQA Guidelines, a project would have a significant impact on paleontological resources if it would disturb or destroy a unique paleontological resource or site or unique geologic feature.

LocalHayward 2040 General Plan

The General Plan includes policies for the purpose of avoiding or mitigating impacts resulting from development projects within the City. The following policies are specific to geology and soils and are applicable to the proposed project.

| Policy | Description |
|---------------|--|
| NR-7.1 | The City shall prohibit any new public or private development that damages or destroys a historically- or prehistorically significant fossil, ruin, or monument, or any object of antiquity. |
| NR-7.2 | The City shall develop or ensure compliance with protocols that protect or mitigate impacts to paleontological resources, including requiring grading and construction projects to cease activity when a paleontological resource is discovered so it can be safely removed. |
| HAZ-2.1 | The City shall enforce the seismic safety provisions of the Code and Alquist-Priolo Special Studies Zone Act to minimize earthquake-related hazards in new construction, particularly as they relate to high occupancy structures or buildings taller than 50 feet in height. |
| HAZ-2.2 | The City shall require a geologic investigation for new construction on sites within (or partially within) the following zones: <ul style="list-style-type: none"> • Fault Zone (see Figure 9.2-1 in the Hazards Background Report) • Liquefaction Zone (see Figure 9.2-2 in the Hazards Background Report) • Landslide Zone (see Figure 9.2-3 in the Hazards Background Report) A licensed geotechnical engineer shall conduct the investigation and prepare a written report of findings and recommended mitigation measures to minimize potential risks related to seismic and geologic hazards. |
| HAZ-2.4 | The City shall prohibit the placement of any building designed for human occupancy over active faults. All buildings shall be set back from active faults by at least 50 feet. The City may require a greater setback based on the recommendations of the licensed geotechnical engineer evaluating the site and the project. |

4.7.1.2 *Existing Conditions*

Regional Geological Conditions

Hayward is located on the eastern side of San Francisco Bay, a region of varied geographic composition and topography. Hayward contains three distinct geologic zones: (1) properties near the Bay in the western portion of the community (bay lands); (2) the primarily urbanized portion of the community below the elevation of 500 feet above sea level (bay plain); and (3) the Hayward Hills, which are part of the Diablo Range and have elevations of up to 1,500 feet, in the eastern portion of Hayward.³⁴

Geologic materials beneath Hayward include bedrock, Bay Mud near estuarine areas, semi-consolidated and unconsolidated alluvium along streams and beneath flat-lying areas, colluvium on slopes derived from bedrock, and artificial fill (especially along the Bay margins).³⁵

On-Site Geological Conditions

Seismicity and Seismic Hazards

There are several major fault zones present in the Bay Area. The Association of Bay Area Governments (ABAG) has reported that the Working Group on California Earthquake Probabilities (2003) has estimated that there is a 62 percent probability that one or more major earthquakes would occur in the San Francisco Bay Area between 2002 and 2031. The Hayward Fault is located approximately 1.6 miles northeast of the project site at its nearest point. The project site is not located within an Alquist Priolo Fault Zone.³⁶ The project site would be subject to strong ground shaking during a seismic event but would not experience surface rupturing.

Liquefaction

Liquefaction is a result of seismic activity characterized by the transformation of loose water-saturated soils from a solid state to a liquid state during ground shaking. According to the City's General Plan EIR, the project site is subject to liquefaction.³⁷

Landslide and Lateral Spreading

The potential for landslides or downslope movement is dependent on slope geometry, subsurface soil and groundwater conditions, prior slope behavior, and severity of ground shaking. The project site is located in a relatively flat area and is not with a landslide hazard zone.³⁸

Lateral spreading is a type of ground failure related to liquefaction. It consists of the horizontal displacement of flat-lying soil material toward an open face, such as the steep bank of a stream channel. The project site does not contain any features susceptible to lateral spreading.

³⁴ City of Hayward. Hayward 2040 General Plan Background Report. January 2014. Page 9-2.

³⁵ Ibid.

³⁶ City of Hayward. Hayward 2040 General Plan Background Report. January 2014. Figure 9-1.

³⁷ City of Hayward. Hayward 2040 General Plan Background Report. January 2014. Figure 9-2.

³⁸ City of Hayward. Hayward 2040 General Plan Background Report. January 2014. Figure 9-3.

Paleontological or Geological Features

The project site has been developed for many years. There are no known paleontological or unique geological features on-site.³⁹

4.7.2 Impact Discussion

| | Potentially Significant Impact | Less than Significant with Mitigation Incorporated | Less than Significant Impact | No Impact |
|--|--------------------------------|--|-------------------------------------|-------------------------------------|
| Would the project: | | | | |
| 1) Directly or indirectly cause 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 (refer to Division of Mines and Geology Special Publication 42)? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| - Strong seismic ground shaking? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| - Seismic-related ground failure, including liquefaction? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| - Landslides? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 2) Result in substantial soil erosion or the loss of topsoil? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 3) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 4) Be located on expansive soil, as defined in the current California Building Code, creating substantial direct or indirect risks to life or property? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 5) 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? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 6) Directly or indirectly destroy a unique paleontological resource or site or unique geological feature? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

³⁹ City of Hayward. Hayward 2040 General Plan Background Report. January 2014. Pages 7-137 to 7-138.

Impact GEO-1: The project would not directly or indirectly cause 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; strong seismic ground shaking; seismic-related ground failure, including liquefaction; or landslides. **(Less than Significant Impact)**

The project site is located within the seismically active San Francisco Bay Area which has a 62 percent probability of experiencing at least one magnitude 6.7 earthquake before 2031. The project site would experience intense ground shaking in the event of a large earthquake. No known faults occur beneath the project site. The project site is not located within an earthquake fault zone on an Alquist-Priolo Earthquake Fault Zoning Map and, therefore, the potential for fault rupture at the site is low.

The project site is located within a liquefaction hazard zone. The project site is not subject to landslides.

A site-specific, design-level geotechnical report would be prepared prior to construction in order to ensure project safety and compliance with state policies and General Plan Policy HAZ-2.2. Additionally, the project would implement the following Standard Condition of Approval.

Standard Condition of Approval: The project will implement the following measure to ensure liquefaction hazards are addressed by the building designs.

The applicant shall have a design-level geotechnical investigation prepared which includes recommendations to address and mitigate geologic hazards in accordance with the specifications of California Geological Survey Special Publication 117, Guidelines for Evaluating and Mitigating Seismic Hazards, and the requirements of the Seismic Hazards Mapping Act. The report will be submitted to the City prior to the issuance of building permits, and the recommendations made in the geotechnical report will be implemented as part of the project.

By conforming to standard engineering and seismic safety design techniques outlined in the CBC, the proposed project would not expose people or structures to substantial adverse effects due to geological hazards. **(Less than Significant Impact)**

Impact GEO-2: The project would not result in substantial soil erosion or the loss of topsoil. **(Less than Significant Impact)**

Project construction activities would include grading that could result in the loss of topsoil. As discussed in Section 4.10 Hydrology and Water Quality, the project shall be required to implement construction sediment and erosion control measures as a Standard Condition of Approval. Through the implementation of the Standard Condition of Approval, the proposed project would avoid soil erosion and would not cause a significant loss of topsoil. **(Less than Significant Impact)**

Impact GEO-3: The project would not be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse. **(Less than Significant Impact)**

The project site is located within a liquefaction hazard zone. The project site is not subject to landslides or lateral spreading. With the implementation of the standard engineering and seismic safety design techniques outlined in the California Building Code (refer to Standard Condition of Approval listed under Impact GEO-1), the project would not exacerbate existing geological hazards on-site. Therefore, the project would not be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project and potentially result in geological hazards. **(Less than Significant Impact)**

Impact GEO-4: The project would not be located on expansive soil, as defined in the current California Building Code, creating substantial direct or indirect risks to life or property. **(Less than Significant Impact)**

The project site contains Botella series soils that have moderate expansion potential.^{40,41} The required geotechnical report (refer to Standard Condition of Approval listed under Impact GEO-1) would ensure the proposed buildings are designed to address the expansive soils on the site. The proposed project would not create a substantial risk to life or property due to expansive soils. **(Less than Significant Impact)**

Impact GEO-5: The project would not 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 proposed project would be served by the existing municipal sanitary sewer system. There would be no need for alternative wastewater disposal systems, such as septic tanks, on-site. Therefore, there would be no impact due to soils incapable of supporting alternative wastewater disposal systems. **(No Impact)**

Impact GEO-6: The project would not directly or indirectly destroy a unique paleontological resource or site or unique geological feature. **(Less than Significant Impact with Mitigation Incorporated)**

The project site is not known to contain any subsurface paleontological resources or geological features. Although unlikely, grading of the project site could result in the disturbance of previously

⁴⁰ Tetra Tech, Inc. Phase I Environmental Site Assessment, Burlington Coat Factory. Tetra Tech Project Number: 212C-HN-D2101-BAD0171A. April 28, 2021. Page 3-4.

⁴¹ USDA, Soil Conservation Service. Soil Survey of Alameda County, CA, Western Part. 1975. Page 69.

undiscovered paleontological resources. The following mitigation measure would ensure that the proper precautions are taken in the event of an inadvertent paleontological discovery.

Mitigation Measure: The project will be required to implement the following mitigation measure to reduce potential impacts to paleontological resources to a less than significant level:

MM GEO-6.1: Should a unique paleontological resource or site or unique geological feature be identified at the project site during any phase of construction, all ground disturbing activities within 25 feet shall cease and the City's Planning Manager shall be notified immediately. A qualified paleontologist shall evaluate the find and prescribe mitigation measures to reduce impacts to a less than significant level. Work may proceed on other parts of the project site while mitigation for paleontological resources or geologic features is implemented. Upon completion of the paleontological assessment, a report shall be submitted to the City and, if paleontological materials are recovered, a paleontological repository, such as the University of California Museum of Paleontology.

With implementation of MM GEO-6.1, impacts to undiscovered paleontological resources would be reduced to a less than significant level. **(Less than Significant with Mitigation Incorporated)**

4.8 GREENHOUSE GAS EMISSIONS

The following discussion is based, in part, on an air quality and greenhouse gas assessment prepared for the project by Illingworth & Rodkin, Inc. dated August 2021. A copy of this report is included in Appendix A of this Initial Study.

4.8.1 Environmental Setting

4.8.1.1 *Background Information*

Gases that trap heat in the atmosphere, GHGs, regulate the earth's temperature. This phenomenon, known as the greenhouse effect, is responsible for maintaining a habitable climate. In GHG emission inventories, the weight of each gas is multiplied by its global warming potential (GWP) and is measured in units of CO₂ equivalents (CO₂e). The most common GHGs are carbon dioxide (CO₂) and water vapor but there are also several others, most importantly methane (CH₄), nitrous oxide (N₂O), hydrofluorocarbons (HFCs), perfluorocarbons (PFCs), and sulfur hexafluoride (SF₆). These are released into the earth's atmosphere through a variety of natural processes and human activities. Sources of GHGs are generally as follows:

- CO₂ and N₂O are byproducts of fossil fuel combustion.
- N₂O is associated with agricultural operations such as fertilization of crops.
- CH₄ is commonly created by off-gassing from agricultural practices (e.g., keeping livestock) and landfill operations.
- Chlorofluorocarbons (CFCs) were widely used as refrigerants, propellants, and cleaning solvents, but their production has been stopped by international treaty.
- HFCs are now used as a substitute for CFCs in refrigeration and cooling.
- PFCs and SF₆ emissions are commonly created by industries such as aluminum production and semiconductor manufacturing.

An expanding body of scientific research supports the theory that global climate change is currently causing changes in weather patterns, average sea level, ocean acidification, chemical reaction rates, and precipitation rates, and that it will increasingly do so in the future. The climate and several naturally occurring resources within California are adversely affected by the global warming trend. Increased precipitation and sea level rise will increase coastal flooding, saltwater intrusion, and degradation of wetlands. Mass migration and/or loss of plant and animal species could also occur. Potential effects of global climate change that could adversely affect human health include more extreme heat waves and heat-related stress; an increase in climate-sensitive diseases; more frequent and intense natural disasters such as flooding, hurricanes and drought; and increased levels of air pollution.

4.8.1.2 *Regulatory Framework*

State

Assembly Bill 32

Under the California Global Warming Solutions Act, also known as AB 32, CARB established a statewide GHG emissions cap for 2020, adopted mandatory reporting rules for significant sources of GHGs, and adopted a comprehensive plan, known as the Climate Change Scoping Plan, identifying how emission reductions would be achieved from significant GHG sources.

In 2016, SB 32 was signed into law, amending the California Global Warming Solution Act. SB 32, and accompanying Executive Order B-30-15, require CARB to ensure that statewide GHG emissions are reduced to 40 percent below the 1990 level by 2030. CARB updated its Climate Change Scoping Plan in December of 2017 to express the 2030 statewide target in terms of million metric tons of CO₂e (MMTCO₂e). Based on the emissions reductions directed by SB 32, the annual 2030 statewide target emissions level for California is 260 MMTCO₂e.

Senate Bill 375

SB 375, known as the Sustainable Communities Strategy and Climate Protection Act, was signed into law in September 2008. SB 375 builds upon AB 32 by requiring CARB to develop regional GHG reduction targets for automobile and light truck sectors for 2020 and 2035. The per capita GHG emissions reduction targets for passenger vehicles in the San Francisco Bay Area include a seven percent reduction by 2020 and a 15 percent reduction by 2035.

Consistent with the requirements of SB 375, the Metropolitan Transportation Commission (MTC) partnered with the Association of Bay Area Governments (ABAG), BAAQMD, and the Bay Conservation and Development Commission to prepare the region's Sustainable Communities Strategy (SCS) as part of the Regional Transportation Plan process. The SCS is referred to as Plan Bay Area 2040. Plan Bay Area 2040 establishes a course for reducing per capita GHG emissions through the promotion of compact, high-density, mixed-use neighborhoods near transit, particularly within identified Priority Development Areas (PDAs).

Regional and Local

CEQA Air Quality Guidelines

The BAAQMD CEQA Air Quality Guidelines are intended to serve as a guide for those who prepare or evaluate air quality impact analyses for projects and plans in the San Francisco Bay Area. The jurisdictions in the San Francisco Bay Area Air Basin utilize the thresholds and methodology for assessing GHG impacts developed by BAAQMD within the CEQA Air Quality Guidelines. The guidelines include information on legal requirements, BAAQMD rules, methods of analyzing impacts, and recommended mitigation measures.

Hayward Climate Action Plan

The City of Hayward's Climate Action Plan (CAP) was adopted in 2009 and incorporated into the 2040 General Plan in 2014. In 2020, the City Council approved a General Plan amendment to set

Hayward’s GHG reduction targets to 30 percent below 2005 baseline emissions levels by 2025 and 55 percent below 2005 baseline emissions levels by 2030. The GHG emissions reduction targets are consistent with SB 32. Therefore, BAAQMD’s CEQA Air Quality Guidelines were used in this Initial Study as described in Section 4.8.2.1.

Hayward 2040 General Plan

The General Plan includes policies for the purpose of avoiding or mitigating impacts resulting from development projects within the City. The following policies are specific to greenhouse gas emissions and are applicable to the proposed project.

| Policy | Description |
|---------------|---|
| NR-2.4 | The City shall work with the community to reduce community based GHG emissions by 20 percent below 2005 baseline levels by 2020, 30 percent below 2005 levels by 2025, and 55 percent below 2005 levels by 2030. In addition, the City shall work with the community to develop a plan that may result in the reduction of community based GHG emissions to achieve carbon neutrality by 2045. |
| NR-2.6 | The City shall reduce potential greenhouse gas emissions by discouraging new development that is primarily dependent on the private automobile; promoting infill development and/or new development that is compact, mixed use, pedestrian friendly, and transit oriented; promoting energy-efficient building design and site planning; and improving the regional jobs/housing balance ratio. |
| NR-2.7 | The City shall coordinate with the Bay Area Air Quality Management District to ensure projects incorporate feasible mitigation measures to reduce greenhouse gas emissions and air pollution if not already provided for through project design. |

4.8.1.3 Existing Conditions

Unlike emissions of criteria and toxic air pollutants, which have regional and local impacts, emissions of GHGs have a broader, global impact. Global warming is a process whereby GHGs accumulating in the upper atmosphere contribute to an increase in the temperature of the earth and changes in weather patterns.

The project site is developed with a commercial building. Commercial development typically results in greenhouse gas (GHG) emissions from building operations (e.g., heating/cooling and lighting) and vehicular travel to and from the site. In 2018, the City of Hayward emitted 855,465 metric tons of carbon dioxide equivalents (MTCO₂e), representing a 21.6 percent reduction from 2005 levels.⁴²

⁴² City of Hayward. September 2020 Report to Council Sustainability Committee. September 14, 2020.

4.8.2 Impact Discussion

| | Potentially Significant Impact | Less than Significant with Mitigation Incorporated | Less than Significant Impact | No Impact |
|---|--------------------------------|--|-------------------------------------|--------------------------|
| Would the project: | | | | |
| 1) Generate greenhouse gas (GHG) emissions, either directly or indirectly, that may have a significant impact on the environment? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 2) Conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of GHGs? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

4.8.2.1 Significance Thresholds

The City of Hayward’s CAP does not have a specific metric ton GHG threshold for project-level construction or operation or a CAP Compliance Checklist. Therefore, BAAQMD’s CEQA Air Quality Guidelines thresholds were used in this Initial Study.

For quantified emissions, the BAAQMD’s CEQA Air Quality Guidelines recommended a GHG threshold of 1,100 metric tons or 4.6 metric tons (MT) per capita. These thresholds were developed based on meeting the 2020 GHG targets set in the scoping plan that addressed AB 32. Since development of the project would occur beyond 2020, a threshold that addresses a future target is appropriate. Although BAAQMD has not published a quantified threshold for 2030, this assessment uses a “Substantial Progress” efficiency metric of 2.8 MT CO₂e/year/service population and a bright-line threshold of 660 MT CO₂e/year based on the GHG reduction goals of EO B-30-15. The service population metric of 2.8 is calculated for 2030 based on the 1990 inventory and the projected 2030 statewide population and employment levels. The 2030 bright-line threshold of 660 MT CO₂e/year is a 40 percent reduction of the 1,100 MT CO₂e/year threshold for 2020.

Impact GHG-1: The project would not generate GHG emissions, either directly or indirectly, that may have a significant impact on the environment. **(Less than Significant Impact)**

GHG emissions associated with development of the proposed project would occur over the short-term from construction activities, consisting primarily of emissions from equipment exhaust and worker and vendor trips. There would also be long-term operational emissions associated with vehicular traffic within the project vicinity, energy and water usage, and solid waste disposal. Emissions for the proposed project are discussed below and were analyzed using the methodology recommended in the BAAQMD CEQA Air Quality Guidelines. Emissions were predicted using CalEEMod.

Construction Emissions

GHG emissions associated with construction were computed to be 474 MT of CO₂e for the total construction period. These are the emissions from on-site operation of construction equipment, vendor and hauling truck trips, and worker trips. Neither the City nor BAAQMD have an adopted

threshold of significance for construction related GHG emissions, though BAAQMD recommends quantifying emissions and disclosing that GHG emissions would occur during construction. BAAQMD also encourages the incorporation of best management practices to reduce GHG emissions during construction where feasible and applicable.

Operational Emissions

The CalEEMod model, along with the project vehicle trip generation rates, was used to estimate daily emissions associated with operation of the fully developed site under the proposed project. As shown in Table 4.8-1, the annual emissions resulting from operation of the new dwelling units of the proposed project are predicted to be 432 MT of CO₂e in 2024 and 387 MT of CO₂e in 2030. The service population emissions for the year 2024 and 2030 are predicted to be 2.96 and 2.65 MT/CO₂e/year/service population, respectively.

| Table 4.8-1: Annual Project GHG Emissions (CO₂e) in Metric Tons | | |
|---|---------------------------------|------------------------------------|
| Source Category | Proposed Project in 2024 | Proposed Project in 2030 |
| Area | 1 | 1 |
| Energy Consumption | 0 | 0 |
| Mobile | 399 | 354 |
| Solid Waste Generation | 28 | 28 |
| Water Usage | 4 | 4 |
| Total (MT CO ₂ e/year) | 432 | 387 |
| Significance Threshold | -- | 660 MT CO₂e/year |
| Service Population Emissions (MT/CO ₂ e/year/service population) | 2.96 | 2.65 |
| Service Population Threshold | -- | 2.8 |
| Exceeds Both Thresholds? | -- | No |

The project would not exceed the annual emissions bright-line threshold of 660 MT CO₂e/year in 2030 or the per capita threshold of 2.8 MT/CO₂e/year/service population in 2030. Additionally, with the project's mitigation measure to reduce project VMT to less-than-significant levels (see Section 4.17 Transportation), the project's mobile emissions would be further reduced. The annual emissions with the incorporation of VMT mitigation are predicted to be 413 MT of CO₂e in 2024 and 370 MT of CO₂e in 2030. The service population emission for the year 2024 and 2030 are predicted to be 2.83 and 2.53 MT/CO₂e/year/service population, respectively. The project would not exceed the annual emissions bright-line threshold or the per capita threshold in 2030. Therefore, the project would result in a less significant impact from GHG emissions. **(Less than Significant Impact)**

Impact GHG-2: The project would not conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of GHGs. **(Less than Significant Impact)**

The proposed development would be constructed in compliance with the current energy efficiency standards set forth in Title 24 and CALGreen. The project would be consistent with state and local plans and policies pertaining to GHG emission reductions, including the Hayward CAP. **(Less than Significant Impact)**

4.9 HAZARDS AND HAZARDOUS MATERIALS

The following discussion is based in part on a Phase I Environmental Site Assessment prepared by Tetra Tech, Inc., in April 2021. A copy of this report is included in Appendix C.

4.9.1 Environmental Setting

4.9.1.1 *Regulatory Framework*

Overview

The storage, use, generation, transport, and disposal of hazardous materials and waste are highly regulated under federal and state laws. In California, the EPA has granted most enforcement authority over federal hazardous materials regulations to the California Environmental Protection Agency (CalEPA). In turn, local agencies have been granted responsibility for implementation and enforcement of many hazardous materials regulations under the Certified Unified Program Agency (CUPA) program.

Worker health and safety and public safety are key issues when dealing with hazardous materials. Proper handling and disposal of hazardous material is vital if it is disturbed during project construction. Cal/OSHA enforces state worker health and safety regulations related to construction activities. Regulations include exposure limits, requirements for protective clothing, and training requirements to prevent exposure to hazardous materials. Cal/OSHA also enforces occupational health and safety regulations specific to lead and asbestos investigations and abatement.

Federal and State

Federal Aviation Regulations Part 77

Federal Aviation Regulations, Part 77 Objects Affecting Navigable Airspace (FAR Part 77) sets forth standards and review requirements for protecting the airspace for safe aircraft operation, particularly by restricting the height of potential structures and minimizing other potential hazards (such as reflective surfaces, flashing lights, and electronic interference) to aircraft in flight. These regulations require that the Federal Aviation Administration (FAA) be notified of certain proposed construction projects located within an extended zone defined by an imaginary slope radiating outward for several miles from an airport's runways, or which would otherwise stand at least 200 feet in height above the ground.

Comprehensive Environmental Response, Compensation, and Liability Act

The Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), commonly known as Superfund, was enacted by Congress on December 11, 1980. This law created a tax on the chemical and petroleum industries and provided broad federal authority to respond directly to releases or threatened releases of hazardous substances that may endanger public health or the environment. Over five years, \$1.6 billion was collected and the tax went to a trust fund for cleaning up abandoned or uncontrolled hazardous waste sites. CERCLA accomplished the following objectives:

- Established prohibitions and requirements concerning closed and abandoned hazardous waste sites;
- Provided for liability of persons responsible for releases of hazardous waste at these sites; and
- Established a trust fund to provide for cleanup when no responsible party could be identified.

The law authorizes two kinds of response actions:

- Short-term removals, where actions may be taken to address releases or threatened releases requiring prompt response; and
- Long-term remedial response actions that permanently and significantly reduce the dangers associated with releases or threats of releases of hazardous substances that are serious, but not immediately life-threatening. These actions can be completed only at sites listed on the EPA's National Priorities List.

CERCLA also enabled the revision of the National Contingency Plan (NCP). The NCP provided the guidelines and procedures needed to respond to releases and threatened releases of hazardous substances, pollutants, or contaminants. The NCP also established the National Priorities List. CERCLA was amended by the Superfund Amendments and Reauthorization Act on October 17, 1986.⁴³

Resource Conservation and Recovery Act

The Resource Conservation and Recovery Act (RCRA), enacted in 1976, is the principal federal law in the United States governing the disposal of solid waste and hazardous waste. RCRA gives the EPA the authority to control hazardous waste from the “cradle to the grave.” This includes the generation, transportation, treatment, storage, and disposal of hazardous waste. RCRA also sets forth a framework for the management of non-hazardous solid wastes.

The Federal Hazardous and Solid Waste Amendments (HSWA) are the 1984 amendments to RCRA that focused on waste minimization, phasing out land disposal of hazardous waste, and corrective action for releases. Some of the other mandates of this law include increased enforcement authority for the EPA, more stringent hazardous waste management standards, and a comprehensive underground storage tank program.⁴⁴

Government Code Section 65962.5

Section 65962.5 of the Government Code requires CalEPA to develop and update a list of hazardous waste and substances sites, known as the Cortese List. The Cortese List is used by state and local agencies and developers to comply with CEQA requirements. The Cortese List includes hazardous

⁴³ United States Environmental Protection Agency. “Superfund: CERCLA Overview.” Accessed May 11, 2020. <https://www.epa.gov/superfund/superfund-cercla-overview>.

⁴⁴ United States Environmental Protection Agency. “Summary of the Resource Conservation and Recovery Act.” Accessed May 11, 2020. <https://www.epa.gov/laws-regulations/summary-resource-conservation-and-recovery-act>.

substance release sites identified by the Department of Toxic Substances Control (DTSC) and State Water Resources Control Board (SWRCB).⁴⁵

Toxic Substances Control Act

The Toxic Substances Control Act (TSCA) of 1976 provides the EPA with authority to require reporting, record-keeping and testing requirements, and restrictions relating to chemical substances and/or mixtures. Certain substances are generally excluded from TSCA, including, among others, food, drugs, cosmetics, and pesticides. The TSCA addresses the production, importation, use, and disposal of specific chemicals including polychlorinated biphenyls (PCBs), asbestos, radon, and lead-based paint.

California Accidental Release Prevention Program

The California Accidental Release Prevention (CalARP) Program aims to prevent accidental releases of regulated hazardous materials that represent a potential hazard beyond the boundaries of a property. Facilities that are required to participate in the CalARP Program use or store specified quantities of toxic and flammable substances (hazardous materials) that can have off-site consequences if accidentally released. The Hayward Fire Department (HFD) reviews CalARP risk management plans as the CUPA. Additionally, the HFD enforces the 2019 California Fire Codes (with City of Hayward amendments), reviews for hazardous materials sections in the Fire Code, and coordinates and determines when Grading and Building permits should be issued relative to the Alameda County Environmental Health Department's environmental screening clearances.

Asbestos-Containing Materials

Friable asbestos is any asbestos-containing material (ACM) that, when dry, can easily be crumbled or pulverized to a powder by hand, allowing the asbestos particles to become airborne. Common examples of products that have been found to contain friable asbestos include acoustical ceilings, plaster, wallboard, and thermal insulation for water heaters and pipes. Common examples of non-friable ACMs are asphalt roofing shingles, vinyl floor tiles, and transite siding made with cement. The EPA phased out use of friable asbestos products between 1973 and 1978. National Emission Standards for Hazardous Air Pollutants (NESHAP) guidelines require that potentially friable ACMs be removed prior to building demolition or remodeling that may disturb the ACMs.

CCR Title 8, Section 1532.1

The United States Consumer Product Safety Commission banned the use of lead-based paint in 1978. Removal of older structures with lead-based paint is subject to requirements outlined by the Cal/OSHA Lead in Construction Standard, CCR Title 8, Section 1532.1 during demolition activities. Requirements include employee training, employee air monitoring, and dust control. If lead-based paint is peeling, flaking, or blistered, it is required to be removed prior to demolition.

⁴⁵ California Environmental Protection Agency. "Cortese List Data Resources." Accessed May 28, 2020. <https://calepa.ca.gov/sitecleanup/corteselist/>.

Regional and Local

Municipal Regional Permit Provision C.12.f

Polychlorinated biphenyls (PCBs) were produced in the United States between 1955 and 1978 and used in hundreds of industrial and commercial applications, including building and structure materials such as plasticizers, paints, sealants, caulk, and wood floor finishes. In 1979, the EPA banned the production and use of PCBs due to their potential harmful health effects and persistence in the environment. PCBs can still be released to the environment today during demolition of buildings that contain legacy caulks, sealants, or other PCB-containing materials.

With the adoption of the San Francisco Bay Region Municipal Regional Stormwater National Pollutant Discharge Elimination System (NPDES) Permit (MRP) by the San Francisco Bay Regional Water Quality Control Board on November 19, 2015, Provision C.12.f requires that permittees develop an assessment methodology for applicable structures planned for demolition to ensure PCBs do not enter municipal storm drain systems.⁴⁶ Municipalities throughout the Bay Area are currently modifying demolition permit processes and implementing PCB screening protocols to comply with Provision C.12.f. Buildings constructed between 1950 and 1980 that are proposed for demolition must be screened for the presence of PCBs prior to the issuance of a demolition permit. Single family homes and wood-frame structures are exempt from these requirements.

Hayward 2040 General Plan

The General Plan includes policies for the purpose of avoiding or mitigating impacts resulting from development projects within the City. The following policies are specific to hazards and hazardous materials and are applicable to the proposed project.

| Policy | Description |
|---------|--|
| HAZ-5.2 | The City shall enforce fire prevention codes that require property owners to reduce wildfire hazards on their property. |
| HAZ-6.2 | The City shall require site investigations to determine the presence of hazardous materials and/or waste contamination before discretionary project approvals are issued by the City. The City shall require appropriate measures to be taken to protect the health and safety of site users and the greater Hayward community. |
| HAZ-6.3 | The City shall direct the Fire Chief (or their designee) and the Planning Director (or their designee) to evaluate all project applications that involve hazardous materials, electronic waste, medical waste, and other hazardous waste to determine appropriate permit requirements and procedures. |
| HAZ-7.1 | The City shall consider all applicable federal statutes (including 49 U.S.C. 47107), federal regulations (including 14 Code of Federal Regulations 77 et seq.), the FAA's Airport Compliance Manual, FAA Advisory Circulars and other forms of written guidance, and State law, with respect to criteria related to land use safety and airspace protection when evaluating development applications within the Airport Influence Area of the Hayward Executive Airport. |

⁴⁶ California Regional Water Quality Control Board. *San Francisco Bay Region Municipal Regional Stormwater NPDES Permit*. November 2015.

| | |
|---------|--|
| HAZ-7.2 | The City shall require all development projects within the Airport Influence Area designated in the Airport Land Use Compatibility Plan of the Hayward Executive Airport to comply with all applicable federal statutes (including 49 U.S.C. 47107), federal regulations (including 14 Code of Federal Regulations 77 et seq.), the FAA’s Airport Compliance Manual, FAA Advisory Circulars and other forms of written guidance, and State law, with respect to criteria related to land use safety and airspace protection. |
| HAZ-7.3 | The City shall ensure that all applicable plans, ordinances, and development applications are reviewed by the Alameda County Airport Land Use Commission if required by State law. |
| HQL-7.3 | The City shall encourage and educate residents, non-profits, and businesses to implement integrated pest management principles, reduce or discontinue the use of pesticides, herbicides, and toxic cleaning substances. |

Hayward Executive Airport Land Use Compatibility Plan

The project site is located within the jurisdiction of the Hayward Executive Airport Land Use Compatibility Plan (ALUCP). The ALUCP identifies potential conflicting land uses within the Airport Influence Area (AIA).

The proposed project is within Safety Zone 2 – Inner Approach/Departure Zone, and thus is restricted in density and development size as defined in the Hayward Executive ALUCP. A parcel can be considered for infill development if it meets all of the following safety criteria plus the applicable provisions below:

- The parcel size is 20 acres or less.
- The site is at least 65% bound (disregarding roads) by existing uses that are similar to, or more intensive than, those proposed.
- The proposed project would not extend the perimeter of the area defined by the surrounding, already developed, incompatible uses.
- Further increases in the density, intensity, and/or other incompatible design or usage characteristics (e.g., through use permits, density transfers, addition of second units on the same parcel, height variances, or other strategy) are not included.
- The area to be developed cannot previously have been set aside as open land in accordance with open land policies presented in the ALUCP unless replacement open land is provided within the same compatibility zone.

4.9.1.2 Existing Conditions

On-Site Conditions

Historic Uses

The earliest known use of the project site was agricultural land. The site was developed with orchards, row crops, and a small structure on the western portion from at least 1939 to at least 1946. By 1958, the orchard and other associated agricultural uses had been removed from the site. The

existing three-story retail building was constructed circa 1968 and appears to have remained largely unchanged.

Given the historic agricultural uses, it is possible that pesticides were applied to crops grown on-site. However, since the agricultural activities on-site ceased over 50 years ago and the shallow soil has since been disturbed and paved over, the former agricultural uses on-site do not pose a concern for the project site.

Current Conditions

The project site is currently developed with a vacant, three-story retail building and surface parking lot. One pad-mounted transformer exists on the eastern portion of the project site. No leaks or staining were observed from the transformer. Vehicle fluid stains were observed throughout the parking lot. Miscellaneous trash is scattered throughout the southern portion of the project site. The inside of the building is primarily empty, with some various debris scattered throughout the structure. No significant leaks, spills, or stains were observed in association with the remaining indoor materials.

Asbestos, Lead-Based Paint, and PCBs

Due to the age of the existing building, there is potential that ACMs, lead-based paint (LBP), and PCBs could be present in the building materials.

Regulatory Database Listings

The project site is not listed on the Cortese List. However, the project site is listed on several other hazardous materials databases, including the RCRA Non-Generator/No Longer Regulated, California Environmental Reporting System (CERS), CERS Hazardous Waste (HAZ WASTE), Facility Manifest Data (HAZNET), Facility Index System/Facility Registry System, and Enforcement and Compliance History Online databases. The project site is listed as a transporter of hazardous waste under RCRA and as a chemical storage facility and registered hazardous waste generator on the CERS and CERS HAZ WASTE databases, respectively. The project site is listed on the HAZNET database for the disposal of asbestos-containing waste from 2000 to 2006 and for the disposal of off-specification, aged, or surplus organics, other inorganic solid waste, and unspecified solvent mixture between 2015 and 2017. Given that the database listings were primarily associated with the past export of hazardous materials from the project site, these listings do not represent an environmental concern to the project site.

Surrounding Conditions

Historic Uses

Similar to the project site, properties in the surrounding vicinity were primarily consisted of agricultural land with scattered rural residences from at least 1939 to at least 1946. By 1958, residential subdivisions were constructed to the north, east, southeast, and west of the project site. Commercial properties had also been constructed to the southwest and northeast by the same year. The Southland Mall was constructed to the north of the project site circa 1968.

Regulatory Database Listings

There are several sites within the project vicinity that are listed on hazardous materials databases. These listings are for past hazardous materials transportation and registered hazardous materials activities. No known releases of hazardous materials have occurred within the project vicinity.

Other HazardsAirports

The Hayward Executive Airport is located approximately 0.6-mile northwest of the project site. The project site is located within the AIA.⁴⁷ The project site is within the airport's 55 Community Noise Equivalent Level (CNEL) noise contour. The project site is also within the Inner Approach/Departure Zone (Safety Zone 2) and Traffic Patten Zone (Zone 6).⁴⁸

Wildland Fire Hazards

The project site is not located within a Fire Hazard Severity Zone.⁴⁹

4.9.2 Impact Discussion

| | Potentially Significant Impact | Less than Significant with Mitigation Incorporated | Less than Significant Impact | No Impact |
|--|--------------------------------|--|-------------------------------------|--------------------------|
| Would the project: | | | | |
| 1) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 2) 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? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 3) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 4) Be located on a site which is included on a list of hazardous materials 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? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

⁴⁷ County of Alameda. Hayward Executive Airport Land Use Compatibility Plan. August 2012.

⁴⁸ Ibid.

⁴⁹ CAL FIRE. Alameda County Fire Hazard Severity Zones in State Responsibility Area (SRA). Map. Adopted November 7, 2007.

| | Potentially Significant Impact | Less than Significant with Mitigation Incorporated | Less than Significant Impact | No Impact |
|---|--------------------------------|--|-------------------------------------|--------------------------|
| Would the project: | | | | |
| 5) 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, result in a safety hazard or excessive noise for people residing or working in the project area? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 6) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 7) Expose people or structures, either directly or indirectly, to a significant risk of loss, injury, or death involving wildland fires? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

Impact HAZ-1: The project would not create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials. **(Less than Significant Impact)**

Operation of the proposed residences would likely include the use and storage of cleaning supplies and maintenance chemicals in small quantities on-site. The small quantities of cleaning supplies and maintenance chemicals used on-site would be comparable to the operations of the surrounding land uses and would not pose a risk to the public or the environment. **(Less than Significant Impact)**

Impact HAZ-2: The project would not create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment. **(Less than Significant Impact)**

On-Site Soils

Project construction would involve grading and workers would be exposed to soils on-site. As previously discussed, the project site and surrounding properties were historically used for agricultural purposes. However, given the time that has passed since agricultural activities ceased and the fact that the soils have been developed already, it can be assumed that there is no agriculture-related contamination on-site. Additionally, the retail operations on-site did not result in the release of any substantial hazardous materials on-site. Although several properties are listed on regulatory databases, the surrounding commercial and residential land uses do not pose an environmental threat to the project site. The facilities listed on regulatory databases have been listed for past hazardous materials transportation and registered hazardous materials activities. No known releases of hazardous materials have occurred within the project vicinity.

As a standard condition of approval, the project shall be required to receive environmental screening clearance from the Alameda County Department of Environmental Health’s Local Oversight

Program (LOP). Clearance from the LOP will ensure that the project meets development investigation and cleanup standards, including, if necessary, preparation of a groundwater/soil/soil vapor management plan. LOP clearance shall be submitted to the Hayward Fire Department's Hazardous Materials Office, the City of Hayward Planning Division and City of Hayward Public Works/Engineering Division prior to issuance of any grading and building permits.

Standard Condition of Approval: The project shall also be required to implement the following standard conditions of approval:

- Environmental documentation associated with the evaluation, investigation and/or clearance of this site shall be provided in an electronic format to the HFD and Planning Division prior to the issuance of the Building or Grading Permit.
- Prior to grading, structures and their contents shall be removed or demolished under permit in an environmentally sensitive manner. Proper evaluation, analysis and disposal of materials shall be done by a qualified professional(s) to ensure that hazards posed to development construction workers, the environment, future uses, and other persons are mitigated.
- If hazardous materials/wastes or their containers are discovered during grading/construction, the HFD shall be immediately notified.
- During grading and construction hazardous materials and hazardous waste shall be properly stored, managed, and disposed.

With implementation of the required conditions of approval described above, the project would ensure that construction workers and the general public are not exposed to contaminated soils, soil vapor, or groundwater on-site.

ACMs, LBP, and PCBs

Based on the estimated age of the existing on-site building, ACMs, LBP, and PCBs may be present in some building materials. Building demolition could result in the release of these materials to the environment. The project will, however, be required to comply with local, state, and federal laws, which require building surveys for ACM, LBP, and PCBs be completed by a qualified professional to determine the presence of ACMs, LBP, and/or PCBs on the building proposed for demolition.

Demolition activities will be undertaken in accordance with Cal/OSHA standards, contained in Title 8 of the California Code of Regulations Sections 1528 and 1529, to protect workers from exposure to asbestos and PCBs. Materials containing more than one percent asbestos are also subject to BAAQMD regulations. To comply with these regulatory requirements, a registered asbestos abatement contractor will be retained to remove and dispose of all potentially friable ACMs, in accordance with the National Emissions Standards for Hazardous Air Pollutants guidelines, prior to building demolition that may disturb the materials. Materials containing LBP will be removed in accordance with Cal/OSHA Lead in Construction Standard, Title 8, CCR 1532.1, including employee training, employee air monitoring and dust control. Any debris or soil containing lead-based paint or coatings will be disposed of at landfills that meet acceptance criteria for the waste being disposed.

By following standard safety protocols, project construction would not result in the harmful release of any hazardous materials. Project operation would not result in the generation or use of any substantial hazardous materials. Therefore, the project would not create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment. **(Less than Significant Impact)**

Impact HAZ-3: The project would not emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school. **(Less than Significant Impact)**

The nearest primary school is Park Elementary School, located approximately 0.6 miles northeast of the project site. Chabot College is located approximately 0.4 miles southwest of the project site. There are no proposed schools within the project vicinity. Therefore, the project would not emit hazardous materials or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of a school. **(Less than Significant Impact)**

Impact HAZ-4: The project would not be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, create a significant hazard to the public or the environment. **(Less than Significant Impact)**

The project site is not listed on the Cortese List.⁵⁰ However, as previously described, the project site and several of the surrounding properties are listed on several other regulatory databases pertaining to hazardous materials. Given that the database listings for the project site are primarily associated with the past export of hazardous materials from the project site, these listings do not represent an environmental concern to the project site. Similarly, the listings of surrounding properties are associated with the proper handling and export of hazardous materials without recorded incidences of release. Therefore, the project is not located on a site that would create a significant hazard to the public or the environment. **(Less than Significant Impact)**

Impact HAZ-5: The project would not be 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. The project would not result in a safety hazard or excessive noise for people residing or working in the project area. **(Less than Significant Impact)**

The Hayward Executive Airport is located approximately 0.6-mile northwest of the project site. As previously mentioned, FAR Part 77 requires that the FAA be notified of certain proposed construction projects located within an extended zone defined by an imaginary slope radiating outward for several miles from an airport's runways, or which would otherwise stand at least 200 feet in height above ground. For the majority of the project site, any structure exceeding 200 feet in height above grade and any structures above 150 feet in the northwestern corner of the project site would require submittal to the FAA for airspace safety review. As the proposed single-family

⁵⁰ California Environmental Protection Agency. Cortese List Data Resources. Accessed May 26, 2021.

residences would have a maximum height of 26 feet, notification to the FAA is not required to determine the potential for the project to create an aviation hazard.⁵¹

In 2014, the City adopted the 2040 Hayward General Plan which was deemed consistent with the Airport Land Use Compatibility Plan (ALUCP). In June 2017, the City of Hayward City Council approved Ordinance No. 17-10, amending the Hayward Municipal Code to establish new airport overlay ordinance. Pursuant to HMC Section 10-6.20, only zoning amendments or other actions that impact density or intensity of development within the Airport Overlay Zone shall be referred to the Airport Land Use Commission for a determination of compatibility with the ALUCP. Consistent with the Airport Overlay Zone (AOZ) Ordinance, the applicant is required to provide to buyers a notice on the deed related to aircraft overflights (HMC Section 10-6.60).

The project site is within the airport's 55 CNEL noise contour, a level compatible with residential uses. With review and approval by the ALUC and consistency with the AOZ Ordinance, the project would not result in a safety hazard or excessive noise for people residing in the project area due to proximity to an airport. **(Less than Significant Impact)**

Impact HAZ-6: The project would not impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan. **(Less than Significant Impact)**

The proposed project would not impair or physically interfere with any adopted emergency response or evacuation plan. The proposed project would be constructed to comply with all applicable building and fire codes. During construction and operation of the project, roadways would not be blocked such that emergency vehicles would be unable to access the site or surrounding properties. During operation, emergency ingress and egress to the project site would be provided by the surrounding roadways and an emergency vehicle access (EVA) to Calaroga Avenue. The alignments of the drive aisles on-site and the radii of the corners and curbs would be adequate to accommodate the circulation of emergency vehicles (see to Section 4.17 Transportation). **(Less than Significant Impact)**

Impact HAZ-7: The project would not expose people or structures, either directly or indirectly, to a significant risk of loss, injury, or death involving wildland fires. **(Less than Significant Impact)**

The project vicinity is entirely urbanized and is not located within a wildlands hazard area.⁵² Therefore, the project would not expose people or structures to a significant risk of loss, injury, or death involving wildland fires. **(Less than Significant Impact)**

⁵¹ County of Alameda. Hayward Executive Airport Land Use Compatibility Plan. August 2012.

⁵² CAL FIRE. Alameda County Fire Hazard Severity Zones in State Responsibility Area (SRA). Map. Adopted November 7, 2007.

4.10 HYDROLOGY AND WATER QUALITY

4.10.1 Environmental Setting

4.10.1.1 *Regulatory Framework*

Federal and State

The federal Clean Water Act and California's Porter-Cologne Water Quality Control Act are the primary laws related to water quality in California. Regulations set forth by the Environmental Protection Agency (EPA) and the State Water Resources Control Board (SWRCB) have been developed to fulfill the requirements of this legislation. EPA regulations include the National Pollutant Discharge Elimination System (NPDES) permit program, which controls sources that discharge pollutants into the waters of the United States (e.g., streams, lakes, bays, etc.). These regulations are implemented at the regional level by the Regional Water Quality Control Boards (RWQCBs). The project site is within the jurisdiction of the San Francisco Bay RWQCB.

National Flood Insurance Program

The Federal Emergency Management Agency (FEMA) established the National Flood Insurance Program (NFIP) to reduce impacts of flooding on private and public properties. The program provides subsidized flood insurance to communities that comply with FEMA regulations protecting development in floodplains. As part of the program, FEMA publishes Flood Insurance Rate Maps (FIRMs) that identify Special Flood Hazard Areas (SFHAs). An SFHA is an area that would be inundated by the one-percent annual chance flood, which is also referred to as the base flood or 100-year flood.

Statewide Construction General Permit

The SWRCB has implemented an NPDES General Construction Permit for the State of California (Construction General Permit). For projects disturbing one acre or more of soil, a Notice of Intent (NOI) must be filed with the RWQCB by the project sponsor, and a Storm Water Pollution Prevention Plan (SWPPP) must be prepared by a qualified professional prior to commencement of construction and filed with the RWQCB by the project sponsor. The Construction General Permit includes requirements for training, inspections, record keeping, and, for projects of certain risk levels, monitoring. The general purpose of the requirements is to minimize the discharge of pollutants and to protect beneficial uses and receiving waters from the adverse effects of construction-related storm water discharges.

Regional and Local

San Francisco Bay Basin Plan

The San Francisco Bay RWQCB regulates water quality in accordance with the Water Quality Control Plan for the San Francisco Bay Basin (Basin Plan). The Basin Plan lists the beneficial uses that the San Francisco Bay RWQCB has identified for local aquifers, streams, marshes, rivers, and the San Francisco Bay, as well as the water quality objectives and criteria that must be met to protect these uses. The San Francisco Bay RWQCB implements the Basin Plan by issuing and enforcing waste discharge requirements, including permits for nonpoint sources such as the urban runoff

discharged by a City's stormwater drainage system. The Basin Plan also describes watershed management programs and water quality attainment strategies.

Municipal Regional Permit Provision C.3

The San Francisco Bay RWQCB re-issued the Municipal Regional Stormwater NPDES Permit (MRP) in 2015 to regulate stormwater discharges from municipalities and local agencies (co-permittees) in Alameda, Contra Costa, San Mateo, and Santa Clara Counties, and the cities of Fairfield, Suisun City, and Vallejo.⁵³ Under Provision C.3 of the MRP, new and redevelopment projects that create or replace 10,000 square feet or more of impervious surface area are required to implement site design, source control, and Low Impact Development (LID)-based stormwater treatment controls to treat post-construction stormwater runoff. LID-based treatment controls are intended to maintain or restore the site's natural hydrologic functions, maximizing opportunities for infiltration and evapotranspiration, and using stormwater as a resource (e.g., rainwater harvesting for non-potable uses). The MRP also requires that stormwater treatment measures are properly installed, operated, and maintained.

In addition to water quality controls, the MRP requires new development and redevelopment projects that create or replace one acre or more of impervious surface to manage development-related increases in peak runoff flow, volume, and duration, where such hydromodification is likely to cause increased erosion, silt pollutant generation, or other impacts to local rivers, streams, and creeks. Projects may be deemed exempt from these requirements if they do not meet the minimized size threshold, drain into tidally influenced areas or directly into the Bay, or drain into hardened channels, or if they are infill projects in subwatersheds or catchment areas that are greater than or equal to 65 percent impervious.

Municipal Regional Permit Provision C.12.f

Provision C.12.f of the MRP requires co-permittee agencies to implement a control program for PCBs that reduces PCB loads by a specified amount during the term of the permit, thereby making substantial progress toward achieving the urban runoff PCBs wasteload allocation in the Basin Plan by March 2030.⁵⁴ Programs must include focused implementation of PCB control measures, such as source control, treatment control, and pollution prevention strategies. Municipalities throughout the Bay Area are updating their demolition permit processes to incorporate the management of PCBs in demolition building materials to ensure PCBs are not discharged to storm drains during demolition.

Dam Safety

Since August 14, 1929, the State of California has regulated dams to prevent failure, safeguard life, and protect property. The California Water Code entrusts dam safety regulatory power to California Department of Water Resources, Division of Safety of Dams (DSOD). The DSOD provide oversight to the design, construction, and maintenance of over 1,200 jurisdictional sized dams in California.⁵⁵

⁵³ MRP Number CAS612008

⁵⁴ San Francisco Bay Regional Water Quality Control Board. *Municipal Regional Stormwater Permit, Provision C.12*. November 19, 2015.

⁵⁵ California Department of Water Resources, Division of Safety of Dams. Accessed May 1, 2021.

[https://water.ca.gov/Programs/All-Programs/Division-of-Safety-of-Dams#:~:text=Since%20August%2014%2C%201929%2C%20the,Safety%20of%20Dams%20\(DSOD\).](https://water.ca.gov/Programs/All-Programs/Division-of-Safety-of-Dams#:~:text=Since%20August%2014%2C%201929%2C%20the,Safety%20of%20Dams%20(DSOD).)

Construction Dewatering Waste Discharge Requirements

Each of the RWQCBs regulate construction dewatering discharges to storm drains or surface waters within its Region under the NPDES program and Waste Discharge Requirements.

Hayward 2040 General Plan

The General Plan includes policies for the purpose of avoiding or mitigating impacts resulting from development projects within the City. The following policies are specific to hydrology and water quality and are applicable to the proposed project.

| Policy | Description |
|---------------|--|
| NR-6.4 | The City shall minimize grading and, where appropriate, consider requiring onsite retention and settling basins. |
| NR-6.5 | The City shall concentrate new urban development in areas that are the least susceptible to soil erosion into water bodies in order to reduce water pollution. |
| NR-6.6 | The City shall promote stormwater management techniques that minimize surface water runoff and impervious ground surfaces in public and private developments, including requiring the use of Low-Impact Development (LID) techniques to best manage stormwater through conservation, onsite filtration, and water recycling. |
| NR-6.8 | The City shall continue to comply with the San Francisco Bay Region National Pollutant Elimination System (NPDES) Municipal Regional Permit. |
| HAZ-3.1 | The City shall coordinate with the Federal Management Agency (FEMA) to ensure that Federal Insurance Rate Maps correctly depict flood hazards in the city. |
| HAZ-3.2 | The City shall implement Federal, State, and local requirements related to new construction in flood plain areas to ensure that future flood risks to life and property are minimized. |
| HAZ-4.4 | The City shall strive to provide updated Insurance Rate Maps that reflect rising sea levels and changing flood conditions. |

City of Hayward Stormwater Management and Urban Runoff Control Ordinance

The City's Stormwater Management and Urban Runoff Control Ordinance (Article 11.5 of the HMC) is intended to protect and enhance the water quality of watercourses, water bodies, and wetlands in a manner pursuant and consistent with the Clean Water Act and the current MRP NPDES Permit. The ordinance requires projects to implement stormwater treatment measures to reduce water quality impacts of urban runoff and to implement the City's Construction Best Management Practices (BMPs).

4.10.1.2 *Existing Conditions*

Stormwater

The project site is located within the Hayward Landing Watershed, which extends from downtown Hayward to the San Francisco Bay.⁵⁶ The project site is made up of almost entirely impervious surfaces. The landscaping on-site represents a small percentage of the surface area and is primarily ornamental in nature. Stormwater on-site is directed to the curb inlets along La Playa Drive and is conveyed through three 12-inch extension lines to the existing 36-inch storm drain line under the north side of La Playa Drive.

Groundwater

The City of Hayward is located in the Santa Clara Valley Groundwater Basin.⁵⁷ The project site is within the East Bay Plain Subbasin. The East Bay Plain Subbasin is bound by the Hayward Fault Zone in the east and the San Francisco Bay in the north and the west. In the south, it is located adjacent to the Nile Cones Subbasin. The City of Hayward acts as the Groundwater Sustainability Agency (GSA) for the portion of the East Bay Plain Subbasin that includes the project site.⁵⁸

Depth to groundwater within the project vicinity has been known to range from 13.7 to 62 feet below ground surface (bgs).⁵⁹ Groundwater within the project vicinity generally flows westerly or southwesterly.

Flood Hazards

FEMA has designated the project site and the surrounding vicinity as Zone X, Area of Minimal Flood Hazard.⁶⁰

Dam Inundation, Seiches, Tsunamis, and Mudflow Hazards

The project site is not located within a dam inundation area⁶¹ or tsunami inundation area.⁶² There are no lakes or other bodies of water within the project vicinity that would be subject to seiches.

⁵⁶ Alameda County Flood Control & Water Conservation District. Interactive Map: Alameda County Watersheds. Accessed May 1, 2021. <https://acfloodcontrol.org/the-work-we-do/resources/#explore-watersheds>

⁵⁷ City of Hayward. Hayward 2040 General Plan Background Report. January 2014. Page 7-117.

⁵⁸ East Bay Municipal Utility District and the City of Hayward. East Bay Plain Subbasin Sustainable Groundwater Management – Draft Stakeholder Communication and Engagement Plan. February 2018.

⁵⁹ Tetra Tech, Inc. Phase I Environmental Site Assessment, Burlington Coat Factory. Tetra Tech Project Number: 212C-HN-D2101-BAD0171A. April 28, 2021. Page 3-4.

⁶⁰ FEMA. Flood Insurance Rate Map No. 06001C0288G. Effective August 3, 2009.

⁶¹ City of Hayward. Hayward 2040 General Plan Background Report. January 2014. Figure 9-5.

⁶² California Department of Conservation. California Tsunami Maps and Data. Accessed June 3, 2021.

<https://www.conservation.ca.gov/cgs/tsunami/maps>

4.10.2 Impact Discussion

| | Potentially Significant Impact | Less than Significant with Mitigation Incorporated | Less than Significant Impact | No Impact |
|--|--------------------------------|--|-------------------------------------|-------------------------------------|
| Would the project: | | | | |
| 1) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 2) Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 3) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would: | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| - result in substantial erosion or siltation on- or off-site; | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| - substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site; | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| - create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| - impede or redirect flood flows? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 4) In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 5) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

Impact HYD-1: The project would not violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality. **(Less than Significant Impact)**

Construction Water Quality Impacts

Potential impacts related to water quality are constrained by existing regulatory systems from the federal to the local level. The Clean Water Act sets minimum water quality standards for all surface waters in the U.S. and requires that industrial, municipal, and construction-related sources of pollution are regulated through the NPDES. Pursuant to The City’s Stormwater Management and

Urban Runoff Control Ordinance, the project would be required to include construction best management practices (BMPs) to prevent stormwater pollution.

Standard Condition of Approval: The project would be required to implement the following construction BMPs as part of the SWPPP prepared for the project to ensure construction-related water quality impacts are less than significant.

- Install filter materials (such as sandbags, filter fabric, etc.) at the storm drain inlet nearest the downstream side of the project site prior to: 1) start of the rainy season; 2) site dewatering activities; or 3) street washing activities; and 4) saw cutting asphalt or concrete, or to retain any debris or dirt flowing into the City storm drain system. Filter materials shall be maintained and/or replaced as necessary to ensure effectiveness and prevent street flooding. Dispose of filter particles in the trash.
- Create a contained and covered area on the site for the storage of bags of cement, paints, flammables, oils, fertilizers, pesticides or any other materials used on the project site that have the potential for being discharged to the storm drain system through being windblown or in the event of a material spill.
- Never clean machinery, tools, brushes, etc., or rinse containers into a street, gutter, storm drain or stream. See "Building Maintenance/Remodeling" flyer for more information.
- Ensure that concrete/gunite supply trucks or concrete/plaster finishing operations do not discharge wash water into street gutters or drains.
- The applicant/developer shall immediately report any soil or water contamination noticed during construction to the City Fire Department Hazardous Materials Division, the Alameda County Department of Health and the Regional Water Quality Control Board.
- No site grading shall occur during the rainy season, between October 15 and April 15, unless approved erosion control measures are in place.
- Non-storm water discharges to the City storm sewer system are prohibited. Prohibited discharges include but are not limited to the following: polluted cooling water, chlorinated or chloraminated swimming pool water, hazardous or toxic chemicals, grease, animal wastes, detergents, solvents, pesticides, herbicides, fertilizers, and dirt. All discharges of material other than storm water must comply with a NPDES Permit issued for the discharge other than NPDES Permit No. CAS612008.

Compliance with the MRP and the City's BMPs would ensure that project construction would not substantially degrade surface water or ground water quality. **(Less than Significant Impact)**

Post-Construction Water Quality Impacts

The project would result in approximately 186,119 sf (79 percent) of impervious surface area and 48,970 sf (21 percent) of pervious surface area on-site. Pervious surface areas provided on-site would include landscaping throughout the project site and three bioretention areas totaling 5,516 sf of stormwater treatment area. The largest of the three bioretention areas would be located in common open space on Parcel A (see Figure 3.2-4) and the other two bioretention areas would be located at the end of the proposed courts adjacent to La Playa Drive. Stormwater on-site would be directed to the three bioretention areas and then conveyed via two existing 12-inch storm drain lines and an

enlarged 24-inch replacement storm drain line to the existing storm drain line in La Playa Drive. The project would result in a net increase of pervious surface area and on-site stormwater treatment. Therefore, the project would not violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface water or groundwater quality. **(Less than Significant Impact)**

Impact HYD-2: The project would not substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin. **(Less than Significant Impact)**

Although Hayward does not use groundwater as a regular water supply, the City maintains groundwater wells that are critical to the City's ability to provide water service during an earthquake or other water supply emergency. Given that the project site is currently developed with a surface parking lot and consists of almost entirely impervious surface area, the project site is not considered an important groundwater recharge zone. The project would result in a net increase of pervious surface area on-site, resulting in greater opportunity for groundwater recharge to occur on-site.

The project would connect to the existing water system and does not propose to draw groundwater on-site. The project does not propose any below-grade structures and given that groundwater generally ranges from 13.7 to 62 feet bgs within the project vicinity, dewatering would not be required during project construction. Therefore, the project would not substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin. **(Less than Significant Impact)**

Impact HYD-3: The project would not substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would result in substantial erosion or siltation on- or off-site; substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site; create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or impede or redirect flood flows. **(Less than Significant Impact)**

The project site does not contain, nor is it adjacent to, any waterway. Therefore, the proposed project would not alter the course of a stream or river. Construction on-site will comply with the City's BMPs to ensure construction activities do not result in increased soil erosion and siltation, exceed capacity of the drainage system, or add substantial sources of polluted runoff. **(Less than Significant Impact)**

Impact HYD-4: The project would not risk release of pollutants due to project inundation in flood hazard, tsunami, or seiche zones. **(No Impact)**

As described in Section 4.10.1.2 Existing Conditions, the project site is within an area of minimal flood hazard and is not subject to tsunamis or seiches. **(No Impact)**

Impact HYD-5: The project would not conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan. **(Less than Significant Impact)**

In February of 2017, the City of Hayward became the GSA for the portion of the East Bay Plain Basin that includes the project site. The City of Hayward is currently working to draft a Groundwater Sustainability Plan for the East Bay Plain Subbasin.⁶³ The City would implement the groundwater protection and managements goals and objectives of the Plan once it is adopted. Through implementation of construction BMPs and on-site bioretention basins, the project would be consistent with the City’s Stormwater Management and Urban Runoff Control Ordinance. **(Less than Significant Impact)**

⁶³ City of Hayward. Sustainable Groundwater Management. Accessed June 3, 2021. <https://www.hayward-ca.gov/content/sustainable-groundwater-management>

4.11 LAND USE AND PLANNING

4.11.1 Environmental Setting

4.11.1.1 *Regulatory Framework*

Hayward 2040 General Plan

The General Plan includes policies for the purpose of avoiding or mitigating impacts resulting from development projects within the City. The following policies are specific to land use and planning and are applicable to the proposed project.

| Policy | Description |
|---------------|---|
| LU-1.1 | The City shall support efforts to improve the jobs-housing balance of Hayward and other communities throughout the region to reduce automobile use, regional and local traffic congestion, and pollution. |
| LU-1.3 | The City shall direct local population and employment growth toward infill development sites within the city, especially the catalyst and opportunity sites identified in the Economic Development Strategic Plan. |
| LU-3.6 | The City shall encourage residential developments to incorporate design features that encourage walking within neighborhoods by: <ul style="list-style-type: none"> • Creating a highly connected block and street network. • Designing new streets with wide sidewalks, planting strips, street trees, and pedestrian-scaled lighting. • Orienting homes, townhomes, and apartment and condominium buildings toward streets or public spaces. • Locating garages for homes and townhomes along rear alleys (if available) or behind or to the side of the front facade of the home. • Locating parking facilities below or behind apartment and condominium buildings. • Enhancing the front facade of homes, townhomes, and apartment and condominium buildings with porches, stoops, balconies, and/or front patios. • Ensuring that windows are provided on facades that front streets or public spaces. |
| LU-3.7 | The City shall protect the pattern and character of existing neighborhoods by requiring new infill developments to have complimentary building forms and site features. |

Hayward Executive Airport Land Use Compatibility Plan

The project site is located within the jurisdiction of the Hayward Executive ALUCP. The ALUCP identifies potential conflicting land uses within the AIA.

Hayward Zoning Ordinance

The Hayward Zoning Ordinance (Article 10.1 of the HMC) provides regulations to ensure an appropriate mix of land uses in an orderly manner throughout the City.

4.11.1.2 Existing Conditions

The project site has a General Plan land use designation of Retail and Office Commercial. The Retail and Office Commercial designation generally applies to regional and community shopping centers and professional office developments. The project site is zoned Neighborhood Commercial (CN). The CN zoning is primarily intended for businesses that sell products and services that provide convenience goods and service purchased frequently. Residential uses in the CN zoning district are only permitted above first floor commercial uses.

Surrounding land uses include the Southland Mall to the north, single-family residences to the east and south, and a church and commercial buildings to the west.

4.11.2 Impact Discussion

| | Potentially Significant Impact | Less than Significant with Mitigation Incorporated | Less than Significant Impact | No Impact |
|--|--------------------------------|--|-------------------------------------|--------------------------|
| Would the project: | | | | |
| 1) Physically divide an established community? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 2) Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

Impact LU-1: The project would not physically divide an established community. **(Less than Significant Impact)**

Examples of projects that have the potential to physically divide an established community include new freeways and highways, major arterial streets, and railroad lines. The project proposes to construct 47 single-family residential units and a new associated street and courts. The proposed residential neighborhood will be compatible with the surrounding land uses. Therefore, the project would not physically divide an established community. **(Less than Significant Impact)**

Impact LU-2: The project would not cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect. **(Less than Significant Impact)**

General Plan and Zoning

In order to develop the proposed residential uses on the approximately 5.4-acre site, the project proposes to amend the General Plan land use designation to Medium Density Residential. The Medium Density Residential designation generally applies to suburban and urban areas that contain a mix of housing types. Typical building types include single-family homes as well as other types of residences. The allowable density within the Medium Density Residential designation is 8.7 to 17.4 dwelling units/acre (DU/acre) and the maximum allowable floor-area-ratio (FAR) is 0.6. The project proposes a density of approximately 8.7 DU/acre and an average FAR per lot of approximately 0.27. All of the proposed lots would have a FAR less than 0.4 and, as such, be consistent with the maximum allowable FAR.

The project would rezone the site to PD. While the PD zoning district does not establish specific development standards, zoning districts governing uses most similar in nature and function are applied to projects that are zoned PD. Therefore, in this case, the project would be subject to the design standards of the Single-Family Residential (RS) District.

The RS District has a maximum lot coverage of 40 percent, a minimum front setback of 20 feet, minimum side yard setback of five feet, a minimum rear yard setback of 20 feet, and a minimum side yard setback of 10 feet for side yards adjacent to the street on corner lots. The project would generally conform to these standards, however, several of the proposed residences would exceed the maximum lot coverage and would not meet the minimum setback requirements. These inconsistencies would not be considered as conflicting with the proposed zoning given that the project is being rezoned to a PD District rather than the RS District. The project would not result in a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect.

Hayward Executive ALUCP

Single-family residences are conditionally allowed within Safety Zone 2. The project would be referred to the ALUC for a determination of compatibility with the ALUCP. As previously discussed in Section 4.9 Hazards and Hazardous Materials, the project would not exceed the height limit for the project site and would be within the 55 CNEL contour, a noise level acceptable for residential uses. Therefore, the project would not conflict with the Hayward Executive ALUCP. **(Less than Significant Impact)**

4.12 MINERAL RESOURCES

4.12.1 Environmental Setting

4.12.1.1 *Regulatory Framework*

State

Surface Mining and Reclamation Act

The Surface Mining and Reclamation Act (SMARA) was enacted by the California legislature in 1975 to address the need for a continuing supply of mineral resources, and to prevent or minimize the negative impacts of surface mining to public health, property, and the environment. As mandated under SMARA, the State Geologist has designated mineral land classifications in order to help identify and protect mineral resources in areas within the state subject to urban expansion or other irreversible land uses which would preclude mineral extraction. SMARA also allowed the State Mining and Geology Board (SMGB), after receiving classification information from the State Geologist, to designate lands containing mineral deposits of regional or statewide significance.

4.12.1.2 *Existing Conditions*

According to the General Plan, the only designated mineral resource sector of regional significance within the City of Hayward was the La Vista Quarry. The La Vista Quarry was located east of Mission Boulevard and Tennyson Road, approximately 2.8 miles southeast of the project site and ceased operation prior to 2008 due to depletion of the accessible aggregate resource.⁶⁴

4.12.2 Impact Discussion

| | Potentially Significant Impact | Less than Significant with Mitigation Incorporated | Less than Significant Impact | No Impact |
|--|--------------------------------|--|------------------------------|-------------------------------------|
| Would the project: | | | | |
| 1) 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? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 2) 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? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

Impact MIN-1: The project would not result in the loss of availability of a known mineral resource that would be of value to the region and residents of the state. **(No Impact)**

The project site is currently developed with a retail building and its associated parking lot. No mining operations currently occur or have ever occurred on-site. The proposed redevelopment would not

⁶⁴ City of Hayward. Hayward 2040 General Plan Background Report. January 2014. Page 7-109.

result in the loss of availability of a known mineral resource that would be of value to the region and residents of the state. **(No Impact)**

Impact MIN-2: The project would not 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 only designated mineral resource recovery site identified within the City of Hayward was the La Vista Quarry, approximately 2.8 miles southeast of the project site. Therefore, the project would not 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)**

4.13 NOISE

The following discussion is based, in part, on a Noise and Vibration Assessment prepared for the project by Illingworth & Rodkin, Inc., dated August 2021. A copy of this report is included in Appendix D of this Initial Study.

4.13.1 Environmental Setting

4.13.1.1 *Background Information*

Noise

Factors that influence sound as it is perceived by the human ear, include the actual level of sound, period of exposure, frequencies involved, and fluctuation in the noise level during exposure. Noise is measured on a decibel scale, which serves as an index of loudness. The zero on the decibel scale is based on the lowest sound level that the healthy, unimpaired human ear can detect. Each 10 decibel increase in sound level is perceived as approximately a doubling of loudness. Because the human ear cannot hear all pitches or frequencies, sound levels are frequently adjusted or weighted to correspond to human hearing. This adjusted unit is known as the A-weighted decibel, or dBA.

Since excessive noise levels can adversely affect human activities and human health, federal, state, and local governmental agencies have set forth criteria or planning goals to minimize or avoid these effects. Noise guidelines are generally expressed using one of several noise averaging methods, including L_{eq} , DNL, or CNEL.⁶⁵ These descriptors are used to measure a location's overall noise exposure, given that there are times when noise levels are higher (e.g., when a jet is taking off from an airport or when a leaf blower is operating) and times when noise levels are lower (e.g., during lulls in traffic flows on freeways or in the middle of the night). L_{max} is the maximum A-weighted noise level during a measurement period.

Vibration

Ground vibration consists of rapidly fluctuating motions or waves with an average motion of zero. Vibration amplitude can be quantified using Peak Particle Velocity (PPV), which is defined as the maximum instantaneous positive or negative peak of the vibration wave. PPV has been routinely used to measure and assess ground-borne construction vibration. Studies have shown that the threshold of perception for average persons is in the range of 0.008 to 0.012 inches/second (in/sec) PPV.

⁶⁵ L_{eq} is a measurement of average energy level intensity of noise over a given period of time. Day-Night Level (DNL) is a 24-hour average of noise levels, with a 10 dB penalty applied to noise occurring between 10:00 PM and 7:00 AM. Community Noise Equivalent Level (CNEL) includes an additional five dB applied to noise occurring between 7:00 PM and 10:00 PM. Where traffic noise predominates, the CNEL and DNL are typically within two dBA of the peak-hour L_{eq} .

4.13.1.2 *Regulatory Framework*

Federal

Federal Transit Administration Vibration Limits

The Federal Transit Administration (FTA) has developed vibration impact assessment criteria for evaluating vibration impacts associated with transit projects. The FTA has proposed vibration impact criteria based on maximum overall levels for a single event. The impact criteria for groundborne vibration are shown in Table 4.13-1 below. These criteria can be applied to development projects in jurisdictions that lack vibration impact standards.

| Table 4.13-1: Groundborne Vibration Impact Criteria | | | |
|--|---|------------------------------|------------------------------|
| Land Use Category | Groundborne Vibration Impact Levels (VdB inch/sec) | | |
| | Frequent Event | Occasional Events | Infrequent Events |
| Category 1: Buildings where vibration would interfere with interior operations | 65 | 65 | 65 |
| Category 2: Residences and buildings where people normally sleep | 72 | 75 | 80 |
| Category 3: Institutional land uses with primarily daytime use | 75 | 78 | 83 |
| Source: Federal Transit Administration. <i>Transit Noise and Vibration Assessment Manual</i> . September 2018. | | | |

State and Local

California Building Standards Code

The CBC establishes uniform minimum noise insulation performance standards to protect persons within new buildings housing people, including hotels, motels, dormitories, apartments, and dwellings other than single-family residences. Title 24 mandates that interior noise levels attributable to exterior sources not exceed 45 L_{dn} /CNEL in any habitable room. Exterior windows must have a minimum Sound Transmission Class (STC) of 40 or Outdoor-Indoor Transmission Class (OITC) of 30 when the property falls within the 65 dBA DNL noise contour for a freeway or expressway, railroad, or industrial source.

City of Hayward Municipal Code

The City's Municipal Code contains a Noise Ordinance that limits noise levels during construction activities and at adjacent properties. Section 4-1.03.1 of the Municipal Code outlines residential and commercial property noise limits and Section 4-1.03.4 outlines construction noise limits. The applicable Municipal Code sections are presented below:

Section 4-1.03.1 Noise Restriction by Decibel

(a) Residential Property Noise Limits.

1. No person shall produce or allow to be produced by human voice, machine, device, or any combination of same, on residential property, a noise level at any point outside of the property plane that exceeds 70 dBA between the hours of 7:00 a.m. and 9:00 p.m. or 60 dBA between the hours of 9:00 p.m. and 7:00 a.m.
2. No person shall produce or allow to be produced by human voice, machine, device, or any combinations of same, on multifamily residential property, a noise level more than 60 dBA three feet from any wall, floor, or ceiling inside any dwelling unit on the same property, when windows and doors of the dwelling unit are closed, except within the dwelling unit in which the noise source or sources may be located.

(b) Commercial and Industrial Property Noise Limits. Except for commercial and industrial property abutting residential property, no person shall produce or allow to be produced by human voice, machine, device, or any other combination of same, on commercial or industrial property, a noise level at any point outside of the property plane that exceeds 70 dBA. Commercial and industrial property that abuts residential property shall be subject to the residential property noise limits set forth in sections (a)(1) and (2) above.

Section 4-1.03.4 Construction and Alteration of Structures; Landscaping Activities

Unless otherwise provided pursuant to a duly issued permit or a condition of approval of a land use entitlement, the construction, alteration, or repair of structures and any landscaping activities, occurring between the hours of 10:00 a.m. and 6:00 p.m. on Sundays and holidays, and 7:00 a.m. and 7:00 p.m. on other days, shall be subject to the following:

- (a) No individual device or piece of equipment shall produce a noise level exceeding 83 dBA at a distance of 25 feet from the source. If the device or equipment is housed within a structure on the property, the measurement shall be made outside the structure at a distance as close as possible to 25 feet from the equipment.
- (b) The noise level at any point outside the property plane shall not exceed 86 dBA.
- (c) During all other times, the decibel levels set forth in Section 4-1.03.1 shall control.

Hayward 2040 General Plan

The General Plan includes policies for the purpose of avoiding or mitigating impacts resulting from development projects within the City. The following policies are specific to noise and are applicable to the proposed project.

| Policy | Description |
|---------|---|
| HAZ-8.1 | The City shall strive to locate noise sensitive uses, (e.g., residences, schools, hospitals, libraries, religious institutions, and convalescent homes) away from major sources of noise. |
| HAZ-8.2 | The City shall require development projects in areas where they may be exposed to major noise sources (e.g., roadways, rail lines, and aircraft or other non-transportation noise sources) to conduct a project level environmental noise analysis. The noise analysis shall determine noise exposure and noise standard compatibility with respect to the noise standards identified in Table HAZ-1 and shall incorporate noise mitigation when located in noise environments that are not compatible with the proposed uses of the project. The City shall use Table HAZ-1 (Exterior Noise Standards for Various Land Uses) and Figure HAZ-1 (Future Noise Contour Maps) to determine potential noise exposure impacts, noise compatibility thresholds, and the need for mitigation. The City shall determine mitigation measures based on project-specific noise studies, and may include sound barriers, building setbacks, the use of closed windows and the installation of heating and air conditioning ventilation systems, and the installation of noise attenuating windows and wall/ceiling insulation. |
| HAZ-8.4 | The City shall consider the visual impact of noise mitigation measures and shall require solutions that do not conflict with urban design goals and standards. |
| HAZ-8.5 | <p>The City shall require the design of new residential development to comply with the following noise standards:</p> <ul style="list-style-type: none"> • The maximum acceptable interior noise level for all new residential units (single-family, duplex, mobile home, multi-family, and mixed-use units) shall be an L_{dn} of 45 dB with windows closed. • For project locations that are primarily exposed to aircraft, train, and BART noise, the maximum instantaneous noise level in bedrooms shall not exceed 50dB(A) at night (10:00 pm to 7:00 am), and the maximum instantaneous noise level in all interior rooms shall not exceed 55dB(A) during the day (7:00 am to 10:00 pm) with windows closed. • The maximum acceptable exterior noise level for the primary open space area of a detached single-family home, duplex or mobile home, which is typically the backyard or a fenced side yard, shall be an L_{dn} of 60 dB. This standard shall be measured at the approximate center of the primary open space area. This standard does not apply to secondary open space areas, such as front yards, balconies, stoops, and porches. • The maximum acceptable exterior noise level for the primary open space area of townhomes and multi-family apartments or condominiums (private rear yards for townhomes; and common courtyards, roof gardens, or gathering spaces for multi-family projects) shall be an L_{dn} of 65 dB. This standard shall be measured at the approximate center of the primary open space area. This standard does not apply to secondary open space areas, such as front yards, balconies, stoops, and porches. • The maximum acceptable exterior noise level for the primary open space area of urban residential infill and mixed-use projects (private rear yards |

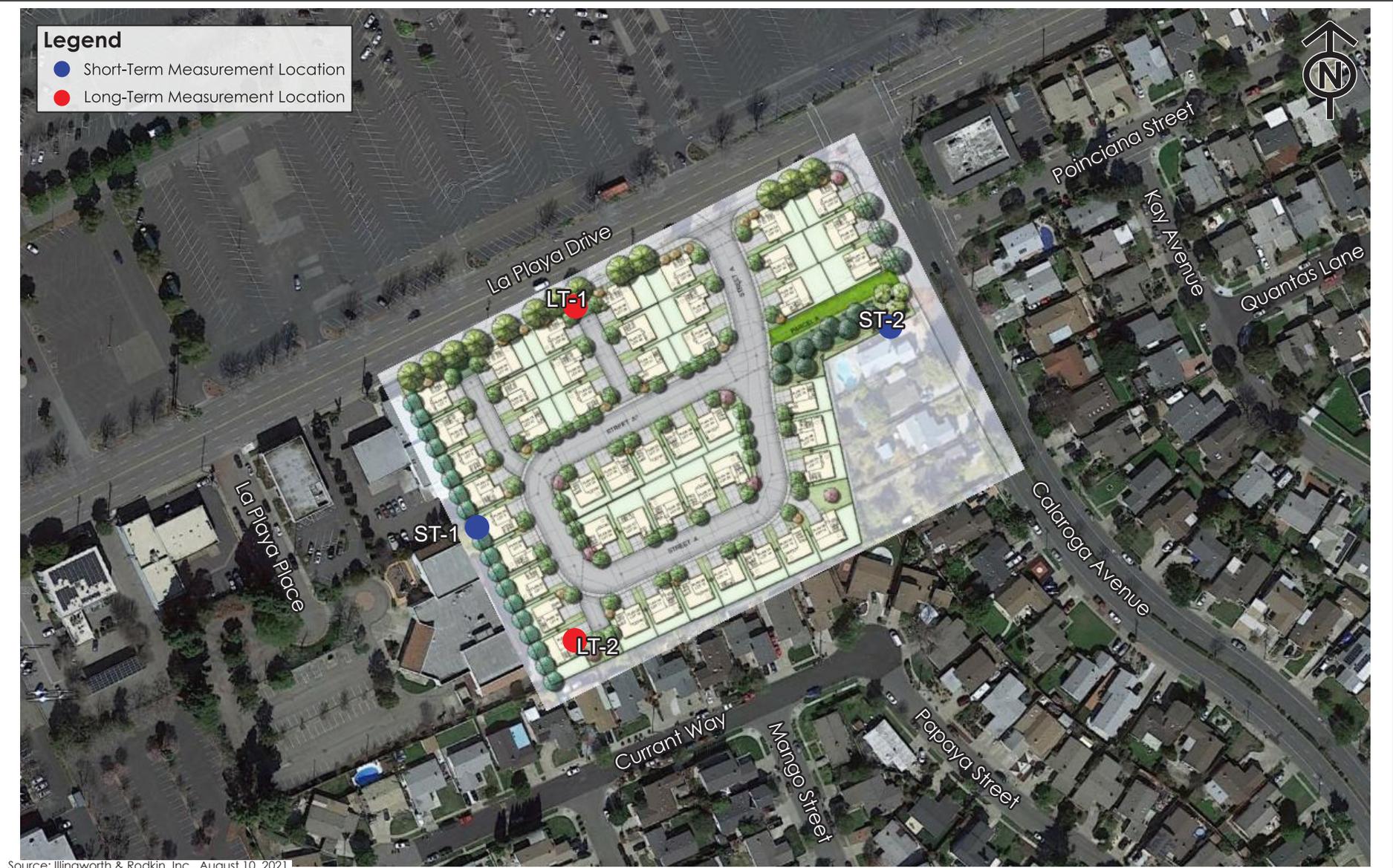
for townhomes; and common courtyards, roof gardens, or gathering spaces for multi-family or mixed-use projects) shall be an L_{dn} of 70 dB. residential infill would include all types of residential development within existing or planned urban areas (such as Downtown, The Cannery Neighborhood, and the South Hayward BART Neighborhood) and along major corridors (such as Mission Boulevard). This standard shall be measured at the approximate center of the primary open space area. This standard does not apply to secondary open space areas, such as front yards, balconies, stoops, and porches.

- HAZ-8.14 The City shall monitor noise impacts from aircraft operations at the Hayward Executive and maintain and implement the noise abatement policies and procedures outlined in the Noise Ordinance and Land Use Compatibility Plan.
- HAZ-8.15 The City shall require project applicants to evaluate potential airport noise impacts if the project is located within the 60 dB CNEL contour line of the Hayward Executive or Oakland International Airports (as mapped in the Land Use Compatibility Plan). All projects shall be required to mitigate impacts to comply with the interior and exterior noise standards established by the Land Use Compatibility Plan.
- HAZ-8.20 The City may require development projects subject to discretionary approval to assess potential construction noise impacts on nearby sensitive uses and to minimize impacts on those uses, to the extent feasible.
- HAZ-8.21 The City shall limit the hours of construction and maintenance activities to the less sensitive hours of the day (7:00am to 7:00pm Monday through Saturday and 10:00am to 6:00 pm on Sundays and holidays).
- HAZ-8.22 The City shall require a vibration impact assessment for proposed projects in which heavy-duty construction equipment would be used (e.g., pile driving, bulldozing) within 200 feet of an existing structure or sensitive receptor. If applicable, the City shall require all feasible mitigation measures to be implemented to ensure that no damage or disturbance to structures or sensitive receptors would occur.

4.13.1.3 *Existing Conditions*

The existing noise environment at the project site results primarily from local vehicular traffic along the surrounding roadways. Operational noise from the adjacent automotive shop and aircraft associated with the Hayward Executive Airport and Oakland International Airport also contribute to the noise environment. A noise monitoring survey was conducted on-site to establish the existing ambient noise levels. The noise monitoring survey consisted of two long-term noise measurements (LT-1 and LT-2) and two short-term measurements (ST-1 and ST-2) as shown in Figure 4.13-1.

The day-night average noise levels at the site ranged from 56 dBA L_{dn} (LT-2) to 62 dBA L_{dn} (LT-1). Short-term daytime noise measurements identified noise levels of 49 to 73 dBA resulting from roadway noise to aircraft overflights.



NOISE MEASUREMENT LOCATIONS

FIGURE 4.13-1

4.13.2 Impact Discussion

| | Potentially Significant Impact | Less than Significant with Mitigation Incorporated | Less than Significant Impact | No Impact |
|---|--------------------------------|--|-------------------------------------|--------------------------|
| Would the project result in: | | | | |
| 1) Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 2) Generation of excessive groundborne vibration or groundborne noise levels? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 3) For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

4.13.2.1 *Thresholds of Significance*

The following criteria were used to evaluate the significance of environmental noise resulting from the project:

- A significant noise impact would be identified if the project would generate a substantial temporary or permanent noise level increase over ambient noise levels and the increase would exceed applicable noise standards presented in the General Plan at existing noise-sensitive receptors surrounding the project site.
 - A significant temporary noise impact would occur if: 1) any individual piece of equipment would exceed 83 dBA at a distance of 25 feet from the equipment or the housing in which it is located; 2) noise levels shall not exceed 86 dBA at any point outside the property plane; or 3) ambient noise levels at noise-sensitive receptors is exceeded by five dBA L_{eq} for a period of more than one year.
 - A significant permanent noise level increase would occur if the project would result in: a) a noise level increase of five dBA L_{dn} or greater, with a future noise level of less than 60 dBA L_{dn} , or b) a noise level increase of three dBA L_{dn} or greater, with a future noise level of 60 dBA L_{dn} or greater.
 - A significant noise impact would be identified if the project would expose persons to or generate noise levels that would exceed applicable noise standards presented in the General Plan.
- A significant impact would be identified if the construction of the project would generate excessive vibration levels at surrounding receptors. Groundborne vibration levels exceeding 0.3 in/sec PPV would have the potential to result in cosmetic damage to normal buildings.

- A significant noise impact would be identified if the project would expose people residing or working in the project area to excessive aircraft noise levels.

Impact NOI-1: The project would not result in generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies. **(Less than Significant Impact with Mitigation Incorporated)**

Temporary Construction Noise

Policy HAZ-8.21 of the City's General Plan and Section 4-1.03.4 of the City's Municipal Code limits construction operations to between 7:00 a.m. and 7:00 p.m. Monday through Saturday and between 10:00 a.m. and 6:00 p.m. on Sundays and holidays unless otherwise provided pursuant to a duly issued permit or condition of approval of a land use entitlement. Therefore, project construction would occur from 7:00 a.m. to 7:00 p.m. and it is assumed that construction would be limited to Mondays through Saturdays.

Construction activities generate considerable amounts of noise, especially during earth-moving activities when heavy equipment is used. Construction activities for individual projects are typically carried out in phases. During each phase of construction, there would be a different mix of equipment operating, and noise levels would vary by phase and vary within phases, based on the amount of equipment in operation and the location at which the equipment is operating. The typical range of maximum instantaneous noise levels for the proposed project would be 70 to 90 dBA L_{max} at a distance of 50 feet from the equipment. When propagated to 25 feet, the noise levels for each individual piece of equipment would increase by six dBA. Therefore, the City's 83 dBA maximum limit for individual pieces of equipment would potentially be exceeded at a distance of 25 feet, which would result in a significant temporary noise impact.

The City's 86 dBA noise limit for construction is not expected to be exceeded for the majority of activities. However, when single pieces of equipment are operating near a property line shared with a noise-sensitive receptor, construction noise levels would at times be exceeded. Additionally, ambient levels at the surrounding uses would potentially be exceeded by five dBA L_{eq} or more at various times throughout construction. Project construction is expected to last for a period of approximately 14 months. Since individual pieces of equipment would potentially exceed 83 dBA at a distance of 25 feet, the City's 86 dBA threshold would potentially be exceeded anywhere outside the project site, and ambient noise levels at surrounding land uses would be exceeded by five dBA or more for a period of more than one year, the temporary construction noise impact would be considered significant and would require mitigation.

Mitigation Measure: The project will be required to implement the following mitigation measure to reduce construction noise levels emanating from the project site and minimize disturbance to the existing sensitive receptors in the project vicinity.

MM NOI-1.1: Construction Best Management Practices. The project contractor shall develop a noise control plan, including, but not limited to, the following construction best management controls:

- Equipment and trucks used for construction shall use the best available noise control techniques (e.g., improved mufflers, equipment redesign, use of intake silencers, ducts, engine enclosures, and acoustically attenuating shields or shrouds);
- Impact tools (e.g., jackhammers, pavement breakers, and rock drills) used for construction shall be hydraulically or electrically powered wherever possible to avoid noise associated with compressed air exhaust from pneumatically powered tools;
- Stationary noise sources shall be located as far from adjacent receptors as possible, and they shall be muffled and enclosed within temporary sheds, incorporate insulation barriers, or include other measures.
- Temporary noise barriers shall be constructed, where feasible, to screen stationary noise-generating equipment. Temporary noise barrier fences would provide a five dBA noise reduction if the noise barrier interrupts the line-of-sight between the noise source and receptor and if the barrier is constructed in a manner that eliminates any cracks or gaps.
- Unnecessary idling of internal combustion engines shall be strictly prohibited.
- Construction staging areas shall be established at locations that will create the greatest distance between the construction-related noise sources and noise-sensitive receptors nearest the project site during all project construction. Locate material stockpiles, as well as maintenance/equipment staging and parking areas, as far as feasible from residential receptors.
- Noise from construction workers' radios shall be controlled to a point where they are not audible at existing residences bordering the project site.
- Where feasible, temporary power service from local utility companies shall be used instead of portable generators.
- Crane shall be located as far from adjoining noise-sensitive receptors as possible.
- During final grading, graders shall be substituted for bulldozers, where feasible. Wheeled heavy equipment are quieter than track equipment and shall be used where feasible.
- Nail guns shall be substituted for manual hammering, where feasible.
- The use of circular saws, miter/chop saws, and radial arm saws near the adjoining noise-sensitive receptors shall be avoided. Where feasible, saws shall be shielded with a solid screen with material having a minimum surface density of two lbs/ft² (e.g., such as 3/4" plywood).

- Smooth vehicle pathways shall be maintained for trucks and equipment accessing the site and local residential neighborhoods shall be avoided as much as possible.
- During interior construction, the exterior windows facing noise-sensitive receptors shall be closed.
- During interior construction, noise-generating equipment shall be located within the building to break the line-of-sight to the adjoining receptors.
- The contractor shall prepare a detailed construction schedule for major noise-generating construction activities. The construction schedule shall be shared with the adjacent neighbors of the project site and shall identify a procedure for coordination with adjacent residential land uses so that construction activities can be scheduled to minimize noise disturbance.
- A “disturbance coordinator” shall be designated to be responsible for responding to any complaints about construction noise. The disturbance coordinator will determine the cause of the noise complaint (e.g., bad muffler, etc.) and will require that reasonable measures be implemented to correct the problem. A telephone number for the disturbance coordinator shall be conspicuously posted at the construction site and included in the notice sent to adjacent neighbors regarding the construction schedule.

Implementation of MM NOI-1.1, as well as the General Plan and Municipal Code limits on allowable construction hours, would reduce temporary construction noise impacts to a less than significant level. **(Less than Significant Impact with Mitigation Incorporated)**

Operational Noise Level Increase

Permanent noise level increases from project operation would be primarily associated with various mechanical equipment and increased traffic from future occupants of the proposed single-family residences.

Mechanical Equipment

Various mechanical equipment, such as heating, ventilation, and air conditioning (HVAC) units, are typical for residential dwellings. For purposes of assessing the worst-case scenario, each residential unit is assumed to have an HVAC system, and the units would be located along the exterior building façades at the rear or side of the structures.

Section 4-1.03.1 of the City of Hayward Municipal Code limits noise levels to 70 dBA between 7:00 a.m. and 9:00 p.m. and to 60 dBA between 9:00 p.m. and 7:00 a.m., as measured at any receiving property line. Typical noise levels produced by residential HVAC units would range from 53 to 63 dBA at three feet during operation. These types of units typically cycle on and off continuously during daytime and nighttime hours. The single-family residences located along the southern, southeastern, and western boundaries of the project site would have the backyards facing off-site receptors. The HVAC units at each of the proposed residences would be a minimum of 15 feet from the shared property lines, which would include a privacy fence along the edge of the property.

Assuming no shielding from the privacy fence, the HVAC units would range from 39 to 49 dBA L_{eq} at 15 feet. With the inclusion of the fence, a minimum reduction of five dBA would be expected. Therefore, the operation of HVAC units on-site would not exceed the noise limits established in Section 4-1.02.1 of the Municipal Code.

Vehicle Traffic

According to the 2040 noise contours included in the City's General Plan, the surrounding residences would have future noise levels exceeding 60 dBA L_{dn} . Therefore, a significant impact would occur if traffic due to the proposed project would permanently increase ambient levels by three dBA L_{dn} . For reference, a three dBA L_{dn} noise increase would be expected if the project would double existing traffic volumes along a roadway.

The transportation analysis prepared for the project (see Appendix E) includes peak hour turning movements for the existing traffic volumes and existing plus project traffic volumes at five intersections in the vicinity of the project site. By comparing the existing plus project traffic scenario to the existing scenario, the project would result in traffic noise increases of less than one dBA L_{dn} along every roadway segment included in the study. Therefore, the project would not result in a permanent noise increase of three dBA L_{dn} or more at noise-sensitive receptors in the project vicinity. No mitigation would be required for the project's operational noise impacts. **(Less than Significant Impact)**

Impact NOI-2: The project would not result in generation of excessive groundborne vibration or groundborne noise levels. **(Less than Significant Impact with Mitigation Incorporated)**

The construction of the project may generate perceptible vibration when heavy equipment or impact tools (e.g., jackhammers, hoe rams) are used. Construction activities would include demolition, site preparation work, foundation work, and new building framing and finishing. Pile driving equipment, which can cause excessive vibration, is not proposed to be used for the project.

For structural damage, the California Department of Transportation recommends a vibration limit of 0.5 in/sec PPV for buildings structurally sound and designed to modern engineering standards, which typically consist of buildings constructed since the 1990s. A conservative vibration limit of 0.3 in/sec PPV has been used for buildings that are found to be structurally sound but where structural damage is a major concern, which would include older residences built with conventional materials. Therefore, groundborne vibration levels exceeding the conservative 0.3 in/sec PPV limit would have the potential to result in a significant vibration impact.

Construction vibration levels would vary depending on soil conditions, construction methods, and equipment used. Table 4.13-2 presents typical vibration levels expected at the nearest buildings to the project site. Heavy vibration-generating construction equipment would have the potential to produce vibration levels of 0.3 in/sec PPV or more at buildings within 20 feet of the project site. Neither cosmetic, minor, or major damage would occur at buildings located 20 feet or more from the project site. At these locations, and in other surrounding areas where vibration would not be expected to cause cosmetic damage, vibration levels may still be perceptible. However, as with any type of

construction, this would be anticipated and would not be considered significant, given the intermittent and short duration of the phases that have the highest potential of producing vibration (use of jackhammers and other high-power tools). By use of administrative controls, such as notifying neighbors of scheduled construction activities and scheduling construction activities with the highest potential to produce perceptible vibration during hours with the least potential to affect nearby businesses, perceptible vibration can be kept to a minimum.

| Equipment | PPV (in/sec) | | | | | |
|--|----------------------------------|--------------------------|------------------------------|-------------------------------------|---|-------|
| | West Commercial Buildings (5 ft) | South Residences (10 ft) | Southeast Residences (15 ft) | North Commercial Buildings (425 ft) | East Residences & Commercial Buildings (105 ft) | |
| Clam shovel drop | 1.186 | 0.553 | 0.354 | 0.009 | 0.042 | |
| Hydromill (slurry wall) | In soil | 0.047 | 0.022 | 0.014 | 0.0004 | 0.002 |
| | In rock | 0.100 | 0.047 | 0.030 | 0.001 | 0.004 |
| Vibratory roller | 1.233 | 0.575 | 0.368 | 0.009 | 0.043 | |
| Hoe ram | 0.523 | 0.244 | 0.156 | 0.004 | 0.018 | |
| Large bulldozer | 0.523 | 0.244 | 0.156 | 0.004 | 0.018 | |
| Caisson drilling | 0.523 | 0.244 | 0.156 | 0.004 | 0.018 | |
| Loaded trucks | 0.446 | 0.208 | 0.133 | 0.003 | 0.016 | |
| Jackhammer | 0.206 | 0.096 | 0.061 | 0.002 | 0.007 | |
| Small bulldozer | 0.018 | 0.008 | 0.005 | 0.0001 | 0.001 | |
| Notes: Bold values are over the 0.3 in/sec PPV limit | | | | | | |

In summary, the construction of the project would generate vibration levels exceeding the threshold of 0.3 in/sec PPV at structures within 20 feet of the site. This would be considered a significant impact.

Mitigation Measure: The project will be required to implement the following mitigation measure to reduce construction vibration levels emanating from the project site.

MM NOI-2.1: The project shall implement the following practices while performing construction activities within 20 feet of the existing commercial or residential buildings:

- Compaction activities shall not be conducted using a vibratory roller. Within this area, compaction shall be performed using smaller hand tampers.
- Demolition, earth-moving, and ground-impacting operations shall be phased so as not to occur at the same time and shall use the smallest equipment possible to complete the work. The use of large bulldozers, hoe rams, drill-rigs shall be avoided within 20 feet of existing commercial or residential buildings.
- Construction and demolition activities shall not involve clam shell dropping operations.

Implementation of MM NOI-2.1 would reduce vibration levels to 0.1 in/sec PPV or less. Therefore, the project would not result in generation of excessive groundborne vibration or groundborne noise levels. **(Less than Significant Impact with Mitigation Incorporated)**

Impact NOI-3: The project would be located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport. The project would not expose people residing or working in the project area to excessive noise levels. **(Less than Significant Impact)**

The Hayward Executive Airport is located approximately 0.6 miles northwest of the project site. Aircraft-related noise, which was observed during the ambient noise survey, would be audible at the project site. The project site is within the airport's 55 CNEL noise contour, a level compatible with residential uses. Therefore, the project would not expose people residing in the project area to excessive noise levels due to its proximity to the Hayward Executive Airport. **(Less than Significant Impact)**

4.13.3 Non-CEQA Effects

Per *California Building Industry Association v. Bay Area Air Quality Management District*, 62 Cal. 4th 369 (*BIA v. BAAQMD*), effects of the environment on the project are not considered CEQA impacts. The following discussion is included for informational purposes only because the City of Hayward has policies that address existing noise conditions affecting a proposed project. The applicable General Plan policies were presented in detail in the Regulatory Background section and are summarized below for the proposed project:

- The City's acceptable exterior noise level standard is 60 dBA L_{dn} or less for the proposed single-family residential land uses.
- The City's acceptable exterior noise level standard is 70 dBA L_{dn} or less for neighborhood parks.
- The City's acceptable interior noise level standard is 45 dBA L_{dn} or less for the proposed single-family residential land uses with the windows closed.

According to the future 2040 contours, which are provided in the General Plan, the future noise environment at the project site would range from 70 to 75 dBA L_{dn} by the year 2040. However, this is a screening tool that does not consider shielding effects due to sound walls and intervening buildings. Based on the ambient measurements made at the site and the existing traffic volumes along the surrounding roadways, future noise levels at the project site would not be expected to increase by more than three dBA under future conditions.

Future Exterior Noise Environment

Proposed outdoor use areas on the project site would include residential backyards and a common open space on Parcel A.

Residential Backyards

The residences nearest to La Playa Drive would be facing east and west, with backyards located between the houses. The centers of the nearest backyards would be approximately 80 feet from the centerline of La Playa Drive. The proposed residences located on either side of the backyards and the existing buildings located on the adjacent site would provide partial shielding for the backyards. Assuming no additional shielding from privacy fences around the yards, the future exterior noise levels at the center of the nearest backyards would be 61 dBA L_{dn} at a distance of 80 feet.

The site plan does indicate privacy fences around each backyard. Details pertaining to the privacy fences are unknown at this time; however, it is assumed that the privacy fences would be a minimum height of 5 feet tall. Assuming the fences are continuous from grade to top, with no cracks or gaps, and would be constructed from materials having a minimum surface density of three lbs/ft², these privacy fences would provide adequate shielding to achieve 60 dBA L_{dn} at the centers of all residential backyards.

Parcel A

The common open space located on Parcel A would be shielded from La Playa Drive by intervening residences and their privacy fences. However, this park would be located along Calaroga Avenue, and the center of Parcel A would be set back approximately 155 feet from the centerline of the roadway. At this distance and assuming partial shielding from the surrounding residences, future exterior noise levels would be at or below 70 dBA L_{dn} .

All residential backyards and the proposed neighborhood park would be expected to meet the City's exterior noise thresholds. No further noise-reducing measures would be required.

Future Interior Noise Environment

Standard residential construction provides approximately 15 dBA of exterior-to-interior noise reduction, assuming the windows are partially open for ventilation. Standard construction with the windows closed provides approximately 20 to 25 dBA of noise reduction in interior spaces. Where exterior noise levels range from 60 to 65 dBA L_{dn} , the inclusion of adequate forced-air mechanical ventilation is often the method selected to reduce interior noise levels to acceptable levels by closing the windows to control noise. Where noise levels exceed 65 dBA L_{dn} , forced-air mechanical ventilation systems and sound-rated construction methods are normally required. Such methods or

materials may include a combination of smaller window and door sizes as a percentage of the total building façade facing the noise source, sound-rated windows and doors, sound-rated exterior wall assemblies, and mechanical ventilation so windows may be kept closed at the occupant's discretion.

The nearest residential façades along La Playa Drive would be set back approximately 60 feet from the centerline. At this distance, the rooms facing these façades would be exposed to future exterior noise levels of 65 dBA L_{dn} . Assuming windows to be partially open for ventilation, future interior noise levels would be 50 dBA L_{dn} . These interior noise levels would exceed the 45 dBA L_{dn} threshold and would require noise insulation features.

All remaining residences on the site would have greater setbacks from La Playa Drive and would have some shielding from intervening residences and other existing structures surrounding the site. These residences would be exposed to future exterior noise levels below 65 dBA L_{dn} .

Consistent with General Plan Policy HAZ-8.5, a suitable form of forced-air mechanical ventilation, as determined by the local building official, shall be provided for all residences on the project site, so that windows can be kept closed at the occupant's discretion to control interior noise and achieve the interior noise standards. This requirement will be included as a condition of approval for the project. The implementation of these noise mitigation features would reduce interior noise levels to 45 dBA L_{dn} or less.

4.14 POPULATION AND HOUSING

4.14.1 Environmental Setting

4.14.1.1 *Regulatory Framework*

State

Housing-Element Law

State requirements mandating that housing be included as an element of each jurisdiction’s general plan is known as housing-element law. The Regional Housing Need Allocation (RHNA) is the state-mandated process to identify the total number of housing units (by affordability level) that each jurisdiction must accommodate in its housing element. California housing-element law requires cities to: 1) zone adequate lands to accommodate their RHNA; 2) produce an inventory of sites that can accommodate their share of the RHNA; 3) identify governmental and non-governmental constraints to residential development; 4) develop strategies and a work plan to mitigate or eliminate those constraints; and 5) adopt a housing element and update it on a regular basis.⁶⁶ The City of Hayward Housing Element and related land use policies were last updated in 2014.

Regional and Local

Plan Bay Area 2040

Plan Bay Area 2040 is a long-range transportation, land-use, and housing plan intended to support a growing economy, provide more housing and transportation choices, and reduce transportation-related pollution and GHG emissions in the Bay Area. Plan Bay Area 2040 promotes compact, mixed-use residential and commercial neighborhoods near transit, particularly within identified Priority Development Areas (PDAs).⁶⁷

ABAG allocates regional housing needs to each city and county within the nine-county San Francisco Bay Area, based on statewide goals. ABAG also develops forecasts for population, households, and economic activity in the Bay Area. ABAG, MTC, and local jurisdiction planning staff created the Regional Forecast of Jobs, Population, and Housing, which is an integrated land use and transportation plan through the year 2040 (upon which Plan Bay Area 2040 is based).

Hayward 2040 General Plan

The General Plan includes policies for the purpose of avoiding or mitigating impacts resulting from development projects within the City. The following policies are specific to population and housing and are applicable to the proposed project.

⁶⁶ California Department of Housing and Community Development. “Regional Housing Needs Allocation and Housing Elements” Accessed August 13, 2021. <http://hcd.ca.gov/community-development/housing-element/index.shtml>.

⁶⁷ Association of Bay Area Governments and Metropolitan Transportation Commission. “Project Mapper.” <http://projectmapper.planbayarea.org/>. Accessed August 13, 2021.

| Policy | Description |
|---------------|---|
| H-2.3 | The City shall enforce the Inclusionary Housing Ordinance to ensure that a certain percentage of new residential units will be made affordable to lower- and moderate-income households. |
| H-2.4 | The City shall encourage a mix of affordability levels in residential projects and encourage the dispersal of such units to achieve greater integration of affordable housing throughout the community. |
| H-3.4 | The City shall encourage development of residential uses close to employment, recreational facilities, schools, neighborhood commercial areas, and transportation routes. |
| H-3.5 | The City shall encourage compatible residential development in areas with underutilized land. |
| H-3.6 | The City shall allow flexibility within the City’s standards and regulations to encourage a variety of housing types. |

4.14.1.2 *Existing Conditions*

According to a May 2020 estimate by the California Department of Finance, Hayward has a total population of 158,089 persons.⁶⁸ There are estimated to be 50,772 housing units in the City, with the largest categories of housing consisting of 26,315 single-family detached units.⁶⁹ According to ABAG projections, Hayward’s population will grow to a total of 178,270 by 2040.⁷⁰

4.14.2 Impact Discussion

| | Potentially Significant Impact | Less than Significant with Mitigation Incorporated | Less than Significant Impact | No Impact |
|---|--------------------------------|--|-------------------------------------|-------------------------------------|
| Would the project: | | | | |
| 1) Induce substantial unplanned 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)? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 2) Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

⁶⁸ California Department of Finance. *E-5 Population and Housing Estimates for Cities, Counties, and the State 2011-2020 with 2010 Census Benchmark*. Accessed on June 3, 2021. Available at: <http://dof.ca.gov/Forecasting/Demographics/Estimates/E-5/>.

⁶⁹ Ibid.

⁷⁰ Association of Bay Area Governments. “Projections 2040.” Accessed June 3, 2021. Available at: <http://projections.planbayarea.org/>.

Impact POP-1: The project would not induce substantial unplanned 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).
(Less than Significant Impact)

The Hayward 2040 General Plan assumed an average occupancy of 3.1 persons per household. With this assumption, it can be estimated that the project would result in an increase of approximately 146 new residents.⁷¹ This would represent an increase of approximately 0.1 percent⁷² of the City's current population. This would be an incremental increase of the City's total population. Additionally, the addition of the proposed single-family units would be generally consistent with the City's projected population growth and with General Plan Policies H-3.4 and H-3.5. Therefore, the project would not induce substantial unplanned population growth. **(Less than Significant Impact)**

Impact POP-2: The project would not displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere. **(No Impact)**

The project site is currently occupied by a retail commercial building and its associated parking lot. There are no current residences on-site. Therefore, the project would not displace any existing people or housing. **(No Impact)**

⁷¹ 47 proposed residences x 3.1 average persons/household = 145.7 new residents

⁷² 146 new residents ÷ 158,089 current residences x 100 = 0.092 percent

4.15 PUBLIC SERVICES
4.15.1 Environmental Setting
4.15.1.1 *Regulatory Framework*

State

Government Code Section 66477

The Quimby Act (included within Government Code Section 66477) requires local governments to set aside parkland and open space for recreational purposes. It provides provisions for the dedication of parkland and/or payment of fees in lieu of parkland dedication to help mitigate the impacts from new residential developments. The Quimby Act authorizes local governments to establish ordinances requiring developers of new residential subdivisions to dedicate parks, pay a fee in lieu of parkland dedication, or perform a combination of the two.

Government Code Section 65995 through 65998

California Government Code Section 65996 specifies that an acceptable method of offsetting a project's effect on the adequacy of school facilities is the payment of a school impact fee prior to the issuance of a building permit. Government Code Sections 65995 through 65998 set forth provisions for the payment of school impact fees by new development by "mitigating impacts on school facilities that occur (as a result of the planning, use, or development of real property)" (Section 65996[a]). The legislation states that the payment of school impact fees "are hereby deemed to provide full and complete school facilities mitigation" under CEQA (Section 65996[b]).

Developers are required to pay a school impact fee to the school district to offset the increased demands on school facilities caused by the proposed residential development project. The school district is responsible for implementing the specific methods for mitigating school impacts under the Government Code.

Regional and Local

Hayward 2040 General Plan

The General Plan includes policies for the purpose of avoiding or mitigating impacts resulting from development projects within the City. The following policies are specific to public services and are applicable to the proposed project.

| Policy | Description |
|---------------|---|
| CS-1.9 | The City shall continue to include the Police Department in the review of development projects to promote the implementation of Crime Prevention Through Environmental Design (CPTED) principles. |
| CS-2.4 | The City shall strive to arrive at the scene of Priority 1 Police Calls within 5 minutes of dispatch, 90 percent of the time. |
| CS-2.14 | The City shall consider the establishment of development impact fees to help fund Police Department operations. |

| | |
|-----------|--|
| CS-3.2 | The City shall adopt and enforce fire and building codes. |
| CS-3.3 | The City shall continue to include the Fire Department in the review of development proposals to ensure projects adequately address fire access and building standards. |
| CS-3.4 | The City shall require new development projects to have adequate water supplies to meet the fire-suppression needs of the project without compromising existing fire suppression services to existing uses. |
| CS-3.5 | The City shall require development to construct and install fire suppression infrastructure and equipment needed to serve the project. |
| CS-4.3 | The City shall maintain the ability to respond to fire and emergency medical calls based on the following standards: <ul style="list-style-type: none"> • The first unit shall arrive on scene within five minutes of dispatch, 90 percent of the time. • All remaining units shall arrive on scene within 8 minutes of dispatch. |
| CS-4.12 | The City shall consider the establishment of development impact fees to fund Fire Department operations. |
| EDL-3.11 | The City shall coordinate with school districts to ensure that the impacts of new development are identified and mitigated through the payment of school impact fees in accordance with State law. |
| EDL-6.1 | The City shall strive to expand library space within the community to meet and maintain a minimum standard of 0.75 square feet of space per 1,000 residents (excluding school and college libraries). |
| EDL-6.8 | The City shall consider the establishment of a library impact fee for new residential construction. |
| HQL-10.2 | The City shall seek to increase the number of parks throughout the city by working with HARD to achieve and maintain the following park standards per 1,000 Hayward residents: <ul style="list-style-type: none"> • Two acres of local parks, • Two acres of school parks, • Three acres of regional parks, • One mile of trails and linear parks, and • Five acres of parks district wide. |
| HQL-10.5 | The City shall require that neighborhood parks be integrated into, and be focal points of new residential neighborhoods. |
| HQL-10.12 | The City shall maintain park dedication requirements and in lieu fees for new residential development at the maximum allowed under State law. |

HMC Article 10.16 – Obligations for Parks and Recreation

Article 10.16 of the HMC requires all residential projects to pay impact fees to provide for park and recreational facilities serving the City. In lieu of fee payment, the City may allow the dedication of

public park land as partial or full credit towards park impact fee obligations. Developers may also get partial credit for providing private park and recreational areas.

4.15.1.2 *Existing Conditions*

Fire Protection Services

The HFD provides fire protection services throughout the City. The HFD staffs nine different stations housing nine engine companies and two truck companies.⁷³ The closest fire station to the project site is Fire Station 6, located at 1535 West Winton Avenue, approximately 1.4 miles northwest of the project site.

Police Protection Services

The Hayward Police Department (HPD) provides police protection services throughout the City. The HPD has a staff of 300, including sworn and professional personnel.⁷⁴ The HPD is headquartered at 300 West Winton Avenue, approximately 1.5 miles northeast of the project site.

Schools

The project site is served by the Hayward Unified School District (HUSD). Students in the project area attend Eden Gardens Elementary School, located at 2184 Thayer Avenue (approximately 1.3 miles southwest of the project site), Anthony W. Ochoa Middle School, located at 2121 Depot Road (approximately 1.3 miles southwest of the project site), and Mt. Eden High School, located at 23000 Panama Street (approximately 2.2 miles southeast of the project site).⁷⁵

Parks

The City of Hayward contains more than 3,000 acres of parks and open space and features 20 miles of running and hiking trails.⁷⁶ The City does not administer its own parks. Parks within the City are managed by the Hayward Area Recreation and Park District (HARD) and the East Bay Regional Park District (EBRPD). The nearest park to the project site is Greenwood Park, located at 24016 Eden Avenue, approximately one mile west of the project site. Greenwood Park includes a basketball court, open lawn area, playground, picnic tables, and barbecues.

Other Public Facilities

Libraries

The Hayward Public Library provides library services within the City of Hayward. The Hayward Public Library consists of two branch locations. The nearest library branch to the project site is the Weekes Branch Library, located at 27300 Patrick Avenue, approximately 3.7 miles southeast of the project site.

⁷³ Hayward Fire Department. Stations. Accessed June 4, 2021. <https://www.hayward-ca.gov/fire-department/stations>

⁷⁴ Hayward Police Department. Divisions. Accessed June 4, 2021. <https://www.hayward-ca.gov/police-department/divisions>

⁷⁵ Hayward Unified School District. School Locator. Accessed June 4, 2021. <http://apps.schoolsitetlocator.com/index.html?districtCode=41834>

⁷⁶ City of Hayward. Parks & Recreation. Accessed June 4, 2021. <https://www.hayward-ca.gov/residents/arts-leisure/parks-recreation>

Community Centers

The HARD operates 11 community centers available for rent within its total jurisdiction, which includes all of the City of Hayward as well as some unincorporated communities of Castro Valley, San Lorenzo, Ashland, Cherryland, and Fairview.⁷⁷ The nearest community center to the project site is the Southgate Community Center, located at 26780 Chiplay Avenue, approximately 1.2 miles southeast of the project site. The Southgate Community Center has a seating capacity of 70 persons and features a kitchen and patio area.

4.15.2 Impact Discussion

| | Potentially Significant Impact | Less than Significant with Mitigation Incorporated | Less than Significant Impact | No Impact |
|---|--------------------------------|--|-------------------------------------|--------------------------|
| Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, 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? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 2) Police Protection? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 3) Schools? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 4) Parks? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 5) Other Public Facilities? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

Impact PS-1: The project would not result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, 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 fire protection services. **(Less than Significant Impact)**

The HFD would review project plans before project permits are issued to ensure compliance with all applicable fire and building code standards and to ensure that adequate fire and life safety measures are incorporated into the project in compliance with all applicable state and city fire safety regulations. The HFD would already have been serving the retail store on-site and the increase in service population from the project would be incremental compared to the total projected population increase within the City of Hayward. Therefore, the project would not individually require new or altered fire protection facilities, and as a result, would have a less than significant impact on the environment. **(Less than Significant Impact)**

⁷⁷ HARD. Community Centers. Accessed June 4, 2021. <https://www.haywardrec.org/130/Community-Centers>

Impact PS-2: The project would not result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, 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 police protection services. **(Less than Significant Impact)**

The HPD would have already been serving the retail store on-site. The increase in service population from the project would be incremental compared to the total projected population increase within the City of Hayward. The increase in police service demand generated by the project would not exhaust existing police facilities. Therefore, the project would have a less than significant impact on the provision of police protection services and would not require the new or altered police facilities. **(Less than Significant Impact)**

Impact PS-3: The project would not result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, 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 schools. **(Less than Significant Impact)**

The project site is located within the HUSD. According to the 2020 Developer Fee Justification Study prepared for HUSD, the student generation factor for the district is 0.3893 students per household.⁷⁸ Thus, the project would generate approximately 18 new students.⁷⁹ According to the 2020 Developer Fee Justification Study, the HUSD has available capacity for 4,630 more students across the district. Therefore, the increase of 18 new students generated by the project would result in an incremental increase in students attending HUSD schools. Additionally, the project would be required to pay school impact fees to help offset costs associated with accommodating new students. The project would not cause a need for new or altered school facilities and therefore, would have a less than significant impact. **(Less than Significant Impact)**

Impact PS-4: The project would not result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, 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 parks. **(Less than Significant Impact)**

The City of Hayward contains more than 3,000 acres of parks and open space and features 20 miles of running and hiking trails. The nearest park to the project site is Greenwood Park, approximately one mile west of the project site. Other parks in the project vicinity include Gansberger Park,

⁷⁸ Hayward Unified School District. 2020 Developer Fee Justification Study. February 2020.

⁷⁹ 47 single-family residences x 0.3893 students/household = 18.3 students

Southgate Park, Eden Greenway Dog Park, and Centennial Park. Project residents would also have access to nearby regional parks such as the Hayward Regional Shoreline and Garin Regional Park.

The proposed 146 new residents (see Section 4.14 Population and Housing) would incrementally increase the demand on existing park facilities. Additionally, the project proposes to include an approximately 13,381 sf, centrally located open space which would include landscaping, a pathway, and picnic tables. This would help decrease the need for residents to use existing park facilities by providing an outdoor recreational opportunity within the development. Additionally, the project would be required to pay park impact fees (after potentially receiving partial credit for the proposed on-site park) to offset the cost of project impacts to existing park facilities. Therefore, the project would have a less than significant impact on existing parks and would not cause a need for new or altered park facilities. **(Less than Significant Impact)**

Impact PS-5: The project would not result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, 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. **(Less than Significant Impact)**

As described above, the residential population growth generated by the proposed project would result in an incremental increase in demand for City public services and facilities, such as libraries and community centers. However, the population increase resulting from the proposed project would be within the planned growth in service population of the City, and, as a result, would not cause a substantial adverse impact associated within the provision of new or altered libraries, community centers, or other public facilities. **(Less than Significant Impact)**

4.16 RECREATION

4.16.1 Environmental Setting

4.16.1.1 *Regulatory Framework*

State

Government Code Section 66477

The Quimby Act (included within Government Code Section 66477) requires local governments to set aside parkland and open space for recreational purposes. It provides provisions for the dedication of parkland and/or payment of fees in lieu of parkland dedication to help mitigate the impacts from new residential developments. The Quimby Act authorizes local governments to establish ordinances requiring developers of new residential subdivisions to dedicate parks, pay a fee in lieu of parkland dedication, or perform a combination of the two.

Local

Hayward 2040 General Plan

The General Plan includes policies for the purpose of avoiding or mitigating impacts resulting from development projects within the City. The following policies are specific to recreation and are applicable to the proposed project.

| Policy | Description |
|-----------|--|
| HQL-10.2 | The City shall seek to increase the number of parks throughout the city by working with HARD to achieve and maintain the following park standards per 1,000 Hayward residents: <ul style="list-style-type: none"> • Two acres of local parks, • Two acres of school parks, • Three acres of regional parks, • One mile of trails and linear parks, and • Five acres of parks district wide. |
| HQL-10.5 | The City shall require that neighborhood parks be integrated into, and be focal points of new residential neighborhoods. |
| HQL-10.12 | The City shall maintain park dedication requirements and in lieu fees for new residential development at the maximum allowed under State law. |
| HQL-11.1 | The City shall establish and maintain an integrated recreational corridor system that connects regional trails (e.g., , The San Francisco Bay Area Water Trail, San Lorenzo Creek Trail, Ridge Trail, the Juan Bautista DeAnza National Historic Trail), Baylands (i.e., Hayward Regional Shoreline), local creeks and open space corridors, hillside areas, and EBRPD and HARD parks. |
| HQL-12.1 | The City shall encourage the provision of recreational activities for all people, consistent with the changing demographic composition of Hayward. |

HQL-12.6 The City shall encourage incorporation of design features in new construction that can provide accessible venues and public spaces for community programs and activities.

HMC Article 10.16 – Obligations for Parks and Recreation

Article 10.16 of the HMC requires all residential projects to pay impact fees to provide for park and recreational facilities serving the City. In lieu of fee payment, the City may allow the dedication of public park land as partial or full credit towards park impact fee obligations. Developers may also get partial credit for providing private park and recreational areas.

4.16.1.2 Existing Conditions

The City of Hayward contains more than 3,000 acres of parks and open space and features 20 miles of running and hiking trails.⁸⁰ The City does not administer its own parks. Parks within the City are managed by the HARD and the EBRPD. The nearest park to the project site is Greenwood Park, located at 24016 Eden Avenue, approximately one mile west of the project site. Greenwood Park includes a basketball court, open lawn area, playground, picnic tables, and barbecues.

4.16.2 Impact Discussion

| | Potentially Significant Impact | Less than Significant with Mitigation Incorporated | Less than Significant Impact | No Impact |
|--|--------------------------------|--|-------------------------------------|--------------------------|
| 1) 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? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 2) 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? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

Impact REC-1: The project would not 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 Impact)**

The proposed 146 new residents (see Section 4.14 Population and Housing) would incrementally increase the demand on existing park facilities. Additionally, the project proposes to include an approximately 13,381 sf, centrally located open space which would include landscaping, a pathway, and picnic tables. This would help decrease the need for residents to use existing park facilities by providing an outdoor recreational opportunity within the development. Additionally, the project

⁸⁰ City of Hayward. Parks & Recreation. Accessed June 4, 2021. <https://www.hayward-ca.gov/residents/arts-leisure/parks-recreation>

would be required to pay park impact fees (after potentially receiving partial credit for the proposed on-site park) to offset the cost of the project impacts to existing park facilities. Therefore, the project would have a less than significant impact on existing parks and would not cause a need for new or altered park facilities. **(Less than Significant Impact)**

Impact REC-2: The project does not include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment. **(Less than Significant Impact)**

The project would include a common open space in Parcel A. Construction and operation of the common open space facilities, which includes a paved pathway and picnic tables, are included in the analysis of this Initial Study. The applicable mitigation measures and conditions of approval within this Initial Study would apply to the proposed recreational facilities to ensure that their construction would not have an adverse physical effect on the environment. **(Less than Significant Impact)**

4.17 TRANSPORTATION

The following discussion is based, in part, on a traffic operations report prepared for the project by Hexagon Transportation Consultants, Inc., dated September 2021. A copy of this report is included in Appendix E of this Initial Study.

4.17.1 Environmental Setting

4.17.1.1 *Regulatory Framework*

State

Regional Transportation Plan

The Metropolitan Transportation Commission (MTC) is the transportation planning, coordinating, and financing agency for the nine-county San Francisco Bay Area, including Alameda County. MTC is charged with regularly updating the Regional Transportation Plan, a comprehensive blueprint for the development of mass transit, highway, airport, seaport, railroad, bicycle, and pedestrian facilities in the region. MTC and ABAG adopted Plan Bay Area 2040 in July 2017, which includes a Regional Transportation Plan to guide regional transportation investment for revenues from federal, state, regional and local sources through 2040.

Senate Bill 743

SB 743 establishes criteria for determining the significance of transportation impacts using a vehicle miles traveled (VMT) metric intended to promote the reduction of GHG emissions, the development of multimodal transportation networks, and a diversity of land uses. Specifically, SB 743 requires analysis of VMT in determining the significance of transportation impacts. Local jurisdictions were required by Governor's Office of Planning and Research (OPR) to implement a VMT policy by July 1, 2020.

SB 743 did not authorize OPR to set specific VMT impact thresholds, but it did direct OPR to develop guidelines for jurisdictions to utilize. CEQA Guidelines Section 15064.3(b)(1) describes factors that might indicate whether a development project's VMT may be significant. Notably, projects located within 0.50 mile of transit should be considered to have a less than significant transportation impact based on OPR guidance.

Regional and Local

Congestion Management Program

The Alameda County Transportation Commission (ACTC) oversees the Congestion Management Program (CMP) which is aimed at reducing regional traffic congestion. The relevant state legislation requires that urbanized counties in California prepare a CMP in order to obtain each county's share of gas tax revenues. State legislation requires that each CMP define traffic LOS standards, transit service standards, a trip reduction and transportation demand management plan, a land use impact analysis program, and a capital improvement element. The ACTC has review responsibility for proposed development projects that are expected to affect CMP-designated intersections.

City of Hayward Transportation Impact Analysis Guidelines

The City's *Transportation Impact Analysis (TIA) Guidelines*, dated December 2020, provide CEQA transportation analysis exemption screening criteria for some development projects. The criteria are based on the type of project, characteristics, and/or location. If a project meets the City's screening criteria, the project is expected to result in less than significant VMT impacts. According to the guidelines, the VMT screening criteria would be met for residential projects that are located in either of the following locations:

- Within a half mile of a major transit stop
- In an area with low (below the threshold) VMT per capita and in an area with planned growth

Projects must also meet the following criteria to be exempt from further VMT analysis:

- Density/FAR – Minimum of 35 units per acre as applicable for residential projects
- Parking – No more than the minimum number of parking spaces required; in cases where no minimum is required and a maximum is identified, no more than the maximum number of parking spaces
- Does not replace affordable residential units with a small number of moderate – or high-income residential units
- Consistent with Plan Bay Area, the applicable Sustainable Communities Strategy (as determined by the lead agency, with input from the Metropolitan Transportation Commission)

Projects that do not meet the screening criteria are required to conduct a VMT analysis and provide mitigation measures for significant impacts.

Hayward 2040 General Plan

The General Plan includes policies for the purpose of avoiding or mitigating impacts resulting from development projects within the City. The following policies are specific to transportation and are applicable to the proposed project.

| Policy | Description |
|---------------|---|
| M-1.4 | The City shall require all new development that proposes or is required to construct or extend streets to develop a transportation network that complements and contributes to the city's multimodal system, maximizes connections, and minimizes barriers to connectivity. |
| M-1.5 | The City shall consider flexible Level of Service (LOS) standards, as part of a multimodal system approach, for projects that increase transit-ridership, biking, and walking in order to reduce air pollution, energy consumption, and greenhouse gas emissions. |
| M-3.11 | The City shall ensure that all new roadway projects and major reconstruction projects provide for the development of an adequate street tree canopy. |

- M-4.3 The City shall maintain a minimum vehicle Level of Service E at signalized intersections during the peak commute periods except when a LOS F may be acceptable due to costs of mitigation or when there would be other unacceptable impacts, such as right-of-way acquisition or degradation of the pedestrian environment due to increased crossing distances or unacceptable crossing delays.
- M-5.2 The City shall strive to create and maintain a continuous system of connected sidewalks, pedestrian paths, creekside walks, and utility greenways throughout the city that facilitates convenient and safe pedestrian travel, connects neighborhoods and centers, and is free of major impediments and obstacles.
- M-5.4 The City shall require that sidewalks, wherever possible, be developed at sufficient width to accommodate pedestrians including the disabled; a buffer separating pedestrians from the street and curbside parking; amenities; and allow for outdoor uses such as cafes.
- M-5.7 The City shall develop safe and convenient pedestrian facilities that are universally accessible, adequately illuminated, and properly designed to reduce conflicts between motor vehicles and pedestrians.
- M-6.5 The City shall ensure that new commercial and residential development projects provide frequent and direct connections to the nearest bikeways and do not interfere with existing and proposed bicycle facilities.
- M-7.9 The City shall require developers of large projects to identify and address, as feasible, the potential impacts of their projects on AC Transit ridership and bus operations as part of the project review and approval process.

City of Hayward Bicycle and Pedestrian Master Plan

On September 29, 2020, the Hayward City Council adopted the 2020 Bicycle and Pedestrian Master Plan (BPMP), which details the City’s plan to establish a network of accessible, safe, and integrated bicycle and pedestrian facilities. The 2020 BPMP replaces and builds on the City’s original 2007 Bicycle Master Plan with its inclusion of pedestrian-centered facilities and extensive public input. The new plan recommends a total of 153 miles of new bicycle facilities, including 32 miles of multi-use paths for both pedestrians and cyclists.

4.17.1.2 Existing Conditions

Roadway Network

Regional access to the project site is provided by I-880, SR 92, and Hesperian Boulevard. Local access to the project site is provided by La Playa Drive, Calaroga Avenue, Turner Court, and Poinciana Street. These freeways and roadways are described below.

I-880 extends from San José in the south (where it becomes State Route 17) to Oakland in the north. Within the project vicinity, I-880 primarily has four northbound and four southbound mixed flow lanes as well as a High Occupancy Toll lane in each direction.

SR 92 extends from SR 1 in Half Moon Bay in the west to Mission Boulevard in Hayward. Within the project vicinity, SR 92 has four eastbound lanes and four westbound lanes.

Hesperian Boulevard is a four- to six-lane, north-south, major arterial that extends south from Fairmont Drive to Whipple Road in Union City. The section of Hesperian Boulevard within the project area is six lanes wide. Hesperian Boulevard has sidewalks on both sides of the street and has a posted speed limit of 35 mph.

La Playa Drive is a six-lane, private local street owned and maintained by Southland Mall that extends from Hesperian Boulevard, where it is an east-west street, and runs along the east perimeter of the Southland Mall and connects with Southland Drive before it intersects with Winton Avenue. La Playa Drive provides direct access to the project site. It has sidewalks on the south side of the street and has a posted speed limit of 25 mph.

Calaroga Avenue is a four-lane to two-lane, north-south, winding local street that extends from La Playa Drive in the north to Catalpa Way in the south. It has a four-lane cross-section in the project vicinity. Calaroga Avenue has a speed limit of 25 mph and contains striped Class II bike lanes⁸¹ and sidewalks on both sides of the street.

Turner Court is a two-lane, east-west, local street that begins at Hesperian Boulevard to west and terminates at Kay Avenue to the east. Turner Court has a speed limit of 25 mph and contains striped Class II bike lanes on both sides of the street. There are sidewalks on both sides of the street.

Poinciana Street is an east-west residential street that extends east from Calaroga Avenue to Magnolia Street. Poinciana Street has a speed limit of 25 mph and sidewalks on both sides of the street.

Bicycle and Pedestrian Facilities

There are existing Class II bike lanes on Turner Court, as well as on Calaroga Avenue, except a short segment between Ashbury Lane and Tennyson Road to the south.

Existing pedestrian facilities in the project area consist of sidewalks and crosswalks found along all previously described roadways in the project area near the site, except on the north side of La Playa Drive adjacent to the Southland Mall and a short segment on the south side near the intersection with Hesperian Boulevard. All study intersections (identified under Non-CEQA Effects) have pedestrian crosswalks and curb ramps. All signalized intersections have pedestrian-actuated pedestrian signals.

Transit Facilities

Bus Routes

Existing transit service in the area includes Alameda-Contra Costa (AC) Transit bus lines 60 and 97. Line 60 connects Chabot College with California State University East Bay via Hesperian Boulevard and Winton Avenue, with 40-minute headways between approximately 6:00 AM and 12:00 AM daily. Line 97 provides service between Union City Bay Area Rapid Transit (BART) station and the Bay Fair BART station via Hesperian Boulevard and Alvarado-Niles Road every 15 to 20 minutes

⁸¹ The City's BPMP defines Class II bike lanes as on-street bikeways that provide a designated right-of-way for the exclusive or semi-exclusive use of bicycles. Through travel by motor vehicles or pedestrians is prohibited, but vehicle parking and crossflows by pedestrians and motorists are permitted.

between approximately 6:00 AM and 12:00 AM on weekdays. Line 97 also provides weekend and holiday services at 30-minute headways between 6:00 AM and 12:00 AM. The nearest bus stops for Lines 60 and 97 are located at the southwest and northeast corners of the Hesperian Boulevard/La Playa Drive intersection, which is within walking distance of the project site.

BART

The Hayward BART station is approximately three miles northeast from the project site. From the Hayward BART station, riders can access the San Francisco and Oakland International Airports, Fremont, Pleasanton/Dublin, Richmond and Pittsburg as well as numerous points in between. Trains run on approximately 15-minute headways during commute hours.

4.17.2 Impact Discussion

| | Potentially Significant Impact | Less than Significant with Mitigation Incorporated | Less than Significant Impact | No Impact |
|--|--------------------------------|--|-------------------------------------|--------------------------|
| Would the project: | | | | |
| 1) Conflict with a program, plan, ordinance, or policy addressing the circulation system, including transit, roadways, bicycle lanes, and pedestrian facilities? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 2) Conflict or be inconsistent with CEQA Guidelines Section 15064.3, subdivision (b)? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 3) Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 4) Result in inadequate emergency access? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

Impact TRN-1: The project would not conflict with a program, plan, ordinance, or policy addressing the circulation system, including transit, roadways, bicycle lanes, and pedestrian facilities. **(Less than Significant Impact)**

Roadways

Per SB 743, the City’s LOS standards cannot be used in CEQA analysis for transportation impacts. The VMT impact from the project is discussed in Impact TRN-2, below. Consistent with the City’s TIA Guidelines, a Local Transportation Analysis (LTA) has also been prepared for the project. The LTA found that the project would be consistent with the City’s TIA Guidelines and no additional major roadway improvements are required.

Bicycle and Pedestrian Facilities

It is anticipated that the volume of pedestrian and bicycle trips generated by the project would not exceed the carrying capacity of the existing sidewalks, crosswalks, and bicycle facilities on streets surrounding the site. The Alameda County CMP Transportation Impact Analysis Technical

Guidelines state that a project would create an impact on pedestrian and bicycle circulation if: 1) its vehicle trips would present a barrier to bikes/pedestrians safely crossing roadways; or 2) it would reduce or sever existing or planned bike/pedestrian circulation in the area. Based on these criteria, the proposed project would not create an adverse impact to bicycle and pedestrian circulation in the project area. Given that the BPMP includes future planned buffered bike lanes along La Playa Drive, the project may contribute to a City capital improvement program fund for installing future planned Class II bike lanes on La Playa Drive and would not preclude construction of this facility along the project frontage.

Transit Facilities

According to the U.S. Census, bus trips comprise approximately two percent of the total commute mode share in the City of Hayward. For the proposed project, this would equate to one new bus rider during peak hours. The volume of bus trips generated by the project would not exceed the carrying capacity of the existing transit serving the site. Therefore, no improvements to existing bus service frequencies would be necessary in conjunction with the project. In addition, project trip generation would cause local intersections to continue to operate with minimal congestion (LOS A or B during commute hours).

According to the Alameda County CMP Transportation Impact Analysis Technical Guidelines, a project would create an impact on transit service if: 1) it would cause vehicular congestion that would significantly degrade transit operations; 2) it would cause a ridership increase that would exceed existing transit capacity; or 3) it would conflict with existing transit service plans or preclude future transit service to the project area. Based on these criteria, the proposed project would not cause a significant impact to transit operations in the project area. **(Less than Significant Impact)**

Impact TRN-2: The project would not conflict or be inconsistent with CEQA Guidelines Section 15064.3, subdivision (b). **(Less than Significant Impact with Mitigation Incorporated)**

Although the project location is within a half-mile of a major transit stop at the Southland Mall, its proposed gross density of 8.7 units per acre does not meet the minimum Density/FAR of 35 units per acre according to the screening criteria in the City's TIA Guidelines. Therefore, a VMT analysis is required for the project.

According to the City TIA Guidelines, the impact threshold is 15 percent below the existing average VMT per capita for the City of Hayward. The City average daily VMT for residential uses is 20.6. Therefore, the impact threshold for residential uses is 17.51 daily VMT per capita. The project is located in a Transportation Analysis Zone (TAZ) where the daily VMT per capita is 18.14. Since the project TAZ is located on the border of two TAZs, the daily VMT is averaged between the additional two neighboring TAZs whose VMT are 18.51 and 18.58. Thus, the project daily VMT would be 18.41, which is above the threshold of 17.51. Therefore, transportation demand management (TDM) measures are necessary to reduce the VMT impact. The minimum percent reduction for the project daily VMT necessary to reduce the VMT impact to a less-than-significant level would be 4.89 percent.

Mitigation Measure: The project will be required to implement the following mitigation measure to reduce VMT per capita by a minimum of 4.89 percent.

MM TRN-2.1: The project developer shall provide Clipper Cards to each homeowner upon sale of the unit with an advanced amount loaded in per card for the purpose of encouraging transit usage. After the Homeowners' Association (HOA) is established and has begun operation, the HOA shall set aside an annual transit subsidizing fund in the amount of, at minimum, \$9,000 for a Clipper Card reimbursement program. This amount would need to be adjusted annually to take into account annual fare increases. In order to ensure implementation of the Clipper Card fare re-imbursement program as a mitigation for reducing the project vehicle miles traveled (VMT) impact, the program shall be included in the Project Description and Conditions of Approval for issuance of the project's Planned Unit Development permit. The project shall also implement a transportation demand management (TDM) monitoring program after project occupancy that includes an annual monitoring report to be submitted to the City. The TDM program requirements shall be included in the CC&Rs for the HOA. The TDM program annual monitoring report shall be prepared by a traffic/transportation consultant with the HOA covering the costs of data collection and preparation of the report. If the proposed TDM strategy falls short of anticipated trip reductions, additional measures shall be required in order to achieve the original goals of the TDM measures.

Given the proximity of the Hayward BART Station and AC Transit bus stops to the project site, it is anticipated that some future occupants of the proposed single-family residence would use transit services for their commuting trips. According to the City TIA Guidelines, implementing a transit pass program or subsidizing transit fares paid by residents could reduce the project VMT by up to 10 percent, which is above the 4.89 percent necessary to reduce the VMT impact to a less than significant level. With implementation of MM TRN-2.1, the project would have a less than significant VMT impact. **(Less than Significant Impact with Mitigation Incorporated)**

Impact TRN-3: The project would not substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment). **(Less than Significant Impact)**

The proposed on-site circulation was reviewed in accordance with generally accepted traffic engineering standards. The main access road is shown on the site plan to be 36 feet wide with on-street parking and five-foot sidewalks on both sides of the road. The internal loop road is also shown to be 36 feet wide with on-street parking on both sides of the road but sidewalk on only one side of the road. Garbage trucks and emergency vehicles could be accommodated on-site as demonstrated on the project fire truck circulation and solid waste handling plans.

Corner sight distance at Street A, along La Playa Drive, is adequate as demonstrated by the sight triangles shown on the site plan. Three single family residential units would have their driveways directly connected to Calaroga Avenue, which would be in close proximity to the signalized intersection at Calaroga Avenue and La Playa Drive. Driveways that are located close to a signalized

intersection could potentially block the intersection when vehicles are backing up from the driveways. Therefore, as a condition of approval, the project shall be required to install a bulb-out curb extension on Calaroga Avenue at the southwest corner of the La Playa Drive/Calaroga Avenue intersection to slow down and improve sight distance for vehicles turning right from La Playa Drive. A U-Turn restriction shall also be implemented for northbound Calaroga Avenue traffic at the intersection to avoid potential conflicts with vehicles backing up from the three proposed driveways adjacent to Calaroga Avenue. Additionally, prior to final design, the placement of any landscaping, monuments, and signs within the sight triangle of the La Playa Drive/Calaroga Avenue intersection southwest corner would be reviewed by the City's Public Works Department to ensure adequate corner sight distance.

The project would not involve any incompatible uses. Therefore, the project would not substantially increase hazards due to a geometric design feature or incompatible uses. **(Less than Significant Impact)**

Impact TRN-4: The project would not result in inadequate emergency access. **(Less than Significant Impact)**

The project would provide an EVA road connecting to Calaroga Avenue would be provided along the north side of the proposed open space. Emergency vehicles would be accommodated on-site as demonstrated on the project fire truck circulation plans. Therefore, the project would not result in inadequate emergency access. **(Less than Significant Impact)**

4.17.3 Non-CEQA Effects

As discussed under TRN-1, the LTA prepared for the project found that the project would be consistent with the City's TIA Guidelines and no additional major roadway improvements are required.

4.18 TRIBAL CULTURAL RESOURCES

4.18.1 Environmental Setting

4.18.1.1 *Regulatory Framework*

State

Assembly Bill 52

AB 52, effective July 2015, established a new category of resources for consideration by public agencies called Tribal Cultural Resources (TCRs). AB 52 requires lead agencies to provide notice of projects to tribes that are traditionally and culturally affiliated with the geographic area if they have requested to be notified. Where a project may have a significant impact on a tribal cultural resource, consultation is required until the parties agree to measures to mitigate or avoid a significant effect on a tribal cultural resource or until it is concluded that mutual agreement cannot be reached.

Under AB 52, TCRs are defined as follows:

- Sites, features, places, cultural landscapes, sacred places, and objects with cultural value to a California Native American tribe that are also either:
 - Included or determined to be eligible for inclusion in the California Register of Historic Resources, or
 - Included in a local register of historical resources as defined in Public Resources Code Section 5020.1(k).
- A resource determined by the lead agency to be a TCR.

4.18.1.2 *Existing Conditions*

Hayward is situated within the historic territory of the Chochenyo Tribelet of the Costanoan Indians (also known as the Ohlone).⁸² Historic accounts suggest that the Native Americans may have had a village site along San Lorenzo Creek as well as temporary camps in its vicinity. The Costanoan aboriginal way of life disappeared by 1810 due to introduced diseases, a declining birth rate, and the impact of the Spanish mission system.⁸³

The project site is currently developed with a retail commercial building and its associated surface parking lot. There are no known tribal cultural resources on-site. The project site is approximately 2.5 miles south of the San Lorenzo Creek at its nearest point.

⁸² City of Hayward. Hayward 2040 General Plan Background Report. January 2014. Page 1-28.

⁸³ Ibid.

4.18.2 Impact Discussion

| | Potentially Significant Impact | Less than Significant with Mitigation Incorporated | Less than Significant Impact | No Impact |
|--|--------------------------------|--|-------------------------------------|--------------------------|
| Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code Section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is: | | | | |
| 1) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code Section 5020.1(k)? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 2) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1? In applying the criteria set forth in subdivision (c) of Public Resources Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe. | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

Impact TCR-1: The project would not cause a substantial adverse change in the significance of a tribal cultural resource that is listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code Section 5020.1(k). **(Less than Significant Impact)**

The project site is currently developed and there are no known tribal cultural resources on-site. In the event that an inadvertent discovery of a tribal cultural resource is made during project construction, mitigation measures MM CUL-2.1, MM CUL-2.2, and MM CUL-3.1, described in Section 4.5 Cultural Resources would provide an appropriate process to be implemented to ensure that the resource is handled properly. Therefore, the project would not cause a substantial adverse change in the significance of a tribal cultural resource. **(Less than Significant Impact)**

Impact TCR-2: The project would not cause a substantial adverse change in the significance of a tribal cultural resource that is determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1.
(Less than Significant Impact)

AB 52 requires lead agencies to conduct formal consultations with California Native American tribes during the CEQA process to identify tribal cultural resources that may be subject to significant impacts by a project. Where a project may have a significant impact on a tribal cultural resource, the lead agency's environmental document must discuss the impact and whether feasible alternatives or mitigation measures could avoid or substantially lessen the impact. This consultation requirement applies only if the tribes have sent written requests for notification of projects to the lead agency.

The City of Hayward received a formal request for tribal consultation in March 2016 from the Ione Band of Miwok Indians, pursuant to Public Resource Code Section 231080.3.1(b). Tribal notification was commenced on August 17, 2021, for the proposed project; no comments or further requests for consultation were received during the minimum 30-day period following notification. As described under Impact TCR-1, mitigation measures would be implemented by the project to reduce impacts to undiscovered resources at the site. Therefore, the proposed project would result in a less than significant impact to any tribal cultural resources determined to be significant by the City.
(Less than Significant Impact)

4.19 UTILITIES AND SERVICE SYSTEMS

4.19.1 Environmental Setting

4.19.1.1 *Regulatory Framework*

State

State Water Code

Pursuant to the State Water Code, water suppliers providing water for municipal purposes to more than 3,000 customers or supplying more than 3,000 acre-feet (approximately 980 million gallons) of water annually must prepare and adopt an urban water management plan (UWMP) and update it every five years. As part of a UWMP, water agencies are required to evaluate and describe their water resource supplies and projected needs over a 20-year planning horizon, water conservation, water service reliability, water recycling, opportunities for water transfers, and contingency plans for drought events. The City of Hayward adopted its most recent UWMP in July 2021.

Assembly Bill 939

The California Integrated Waste Management Act of 1989, or AB 939, established the Integrated Waste Management Board, required the implementation of integrated waste management plans, and mandated that local jurisdictions divert at least 50 percent of solid waste generated (from 1990 levels), beginning January 1, 2000, and divert at least 75 percent by 2010. Projects that would have an adverse effect on waste diversion goals are required to include waste diversion mitigation measures.

Assembly Bill 341

AB 341 sets forth the requirements of the statewide mandatory commercial recycling program. Businesses that generate four or more cubic yards of garbage per week and multi-family dwellings with five or more units in California are required to recycle. AB 341 sets a statewide goal for 75 percent disposal reduction by the year 2020.

Senate Bill 1383

SB 1383 establishes targets to achieve a 50 percent reduction in the level of the statewide disposal of organic waste from the 2014 level by 2020 and a 75 percent reduction by 2025. The bill grants CalRecycle the regulatory authority required to achieve the organic waste disposal reduction targets and establishes an additional target that at least 20 percent of currently disposed edible food is recovered for human consumption by 2025.

California Green Building Standards Code

The California Green Building Standards Code (CALGreen) establishes mandatory green building standards for all buildings in California. The code covers five categories: planning and design, energy efficiency, water efficiency and conservation, material conservation and resources efficiency, and indoor environmental quality. These standards include mandatory measures, as well as more

rigorous voluntary guidelines, for new construction projects to achieve specific green building performance levels.

Hayward 2040 General Plan

The General Plan includes policies for the purpose of avoiding or mitigating impacts resulting from development projects within the City. The following policies are specific to utilities and service systems and are applicable to the proposed project.

| Policy | Description |
|---------------|--|
| PFS-1.4 | The City shall, through a combination of improvement fees and other funding mechanisms, ensure that new development pays its fair share of providing new public facilities and services and/or the costs of expanding/upgrading existing facilities and services impacted by new development (e.g., water, wastewater, stormwater drainage). |
| PFS-2.1 | The City shall continue to offer professional, high-quality service that meets the needs of residents and businesses. |
| PFS-3.13 | The City shall ensure that water supply capacity is in place prior to granting building permits for new development. |
| PFS-4.9 | The City shall ensure the provision of adequate wastewater service to all new development, before new developments are approved, and support the extension of wastewater service to existing developed areas where this service is lacking. |
| PFS-5.1 | The City shall work with the Alameda County and Water Conservation District to expand and maintain major stormwater drainage facilities to accommodate the needs of existing and planned development. |
| PFS-5.4 | The City shall encourage “green infrastructure” design and Low Impact Development (LID) techniques for stormwater facilities (i.e., using vegetation and soil to manage stormwater) to achieve multiple benefits (e.g., preserving and creating open space, improving runoff water quality). |
| PFS-5.6 | The City shall impose appropriate conditions on grading projects performed during the rainy season to ensure that silt is not conveyed to storm drainage systems. |
| PFS-5.7 | The City shall require new development to be designed to prevent the diversion of stormwater onto neighboring parcels. |
| PFS-5.8 | The City shall require new stormwater drainage facilities to be designed to enhance recreation and habitat and shall work with HARD to integrate such facilities into existing parks and open space features. |
| PFS-7.2 | The City shall monitor its solid waste and recycling services franchisee to ensure that services provided are adequate to meet the needs of the community and to meet the provisions of the City’s Franchise Agreement. |
| PFS-7.3 | The City shall continue to coordinate with the Alameda County Waste Management Authority to ensure adequate landfill capacity in the region for the duration of the contract with its landfill franchisee. |

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|----------|--|
| PFS-7.4 | The City shall comply with State goals regarding diversion from landfill and strive to comply with the provisions approved by the Alameda County Waste Management Authority. |
| PFS-7.12 | The City shall require demolition, remodeling and major new development projects to salvage or recycle asphalt and concrete and all other non-hazardous construction and demolition materials to the maximum extent practicable. |
| PFS-7.13 | The City shall encourage increased participation in residential recycling programs, and strive to comply with the recycling provisions approved by the Alameda County Waste Management Authority Board. The City shall work with StopWaste.org to monitor participation in residential recycling programs and educate the community regarding actual composition of waste sent to landfills. |
| PFS-8.1 | The City shall continue to work closely with energy providers (e.g., PG&E) to ensure that adequate electricity and natural gas services are available for existing and newly developing areas. |
| PFS-8.5 | The City shall require that all new utility lines constructed as part of new development projects are installed underground or, in the case of transformers, pad mounted. |
| PFS-8.6 | The City shall encourage the undergrounding of existing overhead facilities. |
| PFS-9.5 | The City shall establish requirements for the installation of state-of-the-art internal telecommunications technologies in new planned developments and office and commercial developments. |

Hayward Urban Water Management Plan (2020)

The UWMP is a long-range plan that assesses the City’s water supply over a 20-year planning horizon (2040) to ensure adequate water supplies to meet existing and future demands for water. The UWMP presents forecasted supplies and demands, describes conservation programs, and includes a water shortage contingency analysis.

4.19.1.2 *Existing Conditions*

Water Supply

The City of Hayward purchases 100 percent of its potable water from the San Francisco Public Utilities Commission (SFPUC). Under normal conditions, the SFPUC meets demand in its service area from its watersheds, which consist of the Tuolumne River, San Antonio Creek, Upper Alameda Creek, Arroyo Honda, and San Mateo Creek watersheds.⁸⁴ The project site is served by existing eight-inch and 12-inch water lines under La Playa Drive and Calaroga Avenue, respectively.

Storm Drainage

The project site is located within the Hayward Landing Watershed, which extends from downtown Hayward to the San Francisco Bay.⁸⁵ The project site is made up of almost entirely impervious

⁸⁴ City of Hayward. 2020 Urban Water Management Plan. July 2021. Page 51.

⁸⁵ Alameda County Flood Control & Water Conservation District. Interactive Map: Alameda County Watersheds. Accessed May 1, 2021. <https://acfloodcontrol.org/the-work-we-do/resources/#explore-watersheds>

surfaces. The landscaping on-site represents a small percentage of the surface area is primarily ornamental in nature. Stormwater on-site is directed to the curb inlets along La Playa Drive and is conveyed through three 12-inch extension lines to the existing 36-inch storm drain line under the north side of La Playa Drive.

Wastewater/Sanitary Sewer System

The City of Hayward owns and operates the wastewater collection, treatment, and disposal system that serves the majority of the City, including the project site. Wastewater is collected and transported via underground sewer lines to the City of Hayward Water Pollution Control Facility (WPCF).⁸⁶ The project site is currently served by an eight-inch sanitary sewer line under Calaroga Avenue.

Solid Waste

Solid waste is collected from Hayward homes and businesses and is processed by Waste Management, Inc. (WM). The Hayward community currently recycles or composts 75 percent of its waste.⁸⁷ After collection, WM first delivers solid waste to the Davis Street Transfer Station in San Leandro to be sorted and combined. Then, residential recyclables are sorted at the Tri-City Economic Development Corporation (Tri-CED) facility in Union City, organics are composted at the Redwood Recycling Center in Marin County, and trash is delivered to the Altamont Landfill outside of Livermore.⁸⁸

4.19.2 Impact Discussion

| | Potentially Significant Impact | Less than Significant with Mitigation Incorporated | Less than Significant Impact | No Impact |
|---|--------------------------------|--|-------------------------------------|--------------------------|
| Would the project: | | | | |
| 1) Require or result in the relocation or construction of new or expanded water, wastewater treatment or stormwater drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 2) Have insufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

⁸⁶ City of Hayward. Hayward 2040 General Plan Background Report. January 2014. Page 8-26

⁸⁷ City of Hayward. Reduce, Reuse, Recycle, Rot. Accessed June 4, 2021. <https://www.hayward-ca.gov/your-environment/green-your-life/reduce-reuse-recycle-rot>

⁸⁸ City of Hayward. Garbage and Recycling. Accessed June 4, 2021. <https://www.hayward-ca.gov/your-environment/green-your-community/garbage-and-recycling>

| | Potentially Significant Impact | Less than Significant with Mitigation Incorporated | Less than Significant Impact | No Impact |
|---|--------------------------------|--|-------------------------------------|--------------------------|
| Would the project: | | | | |
| 3) Result in a determination by the wastewater treatment provider which serves or may serve the project that it does not have adequate capacity to serve the project's projected demand in addition to the provider's existing commitments? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 4) Generate solid waste in excess of state or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 5) Be noncompliant with federal, state, or local management and reduction statutes and regulations related to solid waste? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

Impact UTL-1: The project would not require or result in the relocation or construction of new or expanded water, wastewater treatment or stormwater drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects. **(Less than Significant Impact)**

The project would connect to existing utilities on La Playa Drive and Calaroga Avenue. The project would be required to make any improvements necessary to accommodate the proposed development. Existing overhead utilities across the project frontage on La Playa Drive would be removed and replaced with an underground system. The project would be 100 percent electric and each unit would include rooftop solar panels. On-site stormwater treatment would occur through the use of bioretention areas.

The construction of new utility improvements and connection extensions to existing facilities would be subject to the construction-related mitigation measures and standard conditions described in previous sections of this Initial Study and thus, would not have a significant impact on the environment. **(Less than Significant Impact)**

Impact UTL-2: The project would not have insufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years. **(Less than Significant Impact)**

The City of Hayward purchases 100 percent of its water supply from the SFPUC. According to the 2020 UWMP, the City would have sufficient water supply to meet increased demand during normal years through 2040. However, the City would experience water shortages during single dry and multiple dry year scenarios every year leading up to 2040. In the event of water shortages, the City will implement its water shortage contingency plan to reduce water demand City-wide. The City has

access to five emergency groundwater wells and has emergency water agreements with the East Bay Municipality District (EBMUD) and the Alameda County Water District (ACWD).

Additionally, the City completed construction of a new one-million-gallon tank, pump station, and recycled water distribution system in 2019 that is anticipated to begin delivering approximately 260,000 gallons per day of recycled water in the summer of 2021.⁸⁹ The City will continue to explore greater opportunities to increase the use of recycled water throughout the City.

In 2020, the average water demand per capita was 87 gallons per day (gpd). Therefore, the project would result in a net increase of approximately 12,702 gpd, or approximately 4.6 million gallons per year (mgy).⁹⁰ The 2020 UWMP estimated that the City's total water demand in 2025 would be 6,563 mgy. Thus, the project would result in an approximately 0.07 percent⁹¹ increase in the City's total water demand. Therefore, the project would result in an incremental increase in the City's total water demand and would not exacerbate the City's water supplies. The project would have sufficient water supplies during normal years and would have sufficient supplies during single-dry and multiple-dry years with implementation of the City-wide water shortage contingency plan measures. **(Less than Significant Impact)**

Impact UTL-3: The project would not result in a determination by the wastewater treatment provider which serves or may serve the project that it does not have adequate capacity to serve the project's projected demand in addition to the provider's existing commitments. **(Less than Significant Impact)**

In 2020, 3,922 million gallons of wastewater were collected from the City of Hayward at the WPCF.⁹² This would equate to approximately 10.7 million gallons per day (mgd).⁹³ The WPCF can accommodate up to 18.5 mgd of wastewater. The project would add approximately 10,797 gpd⁹⁴ of wastewater to be treated at the WPCF, approximately 0.05 percent of the available capacity. This would be an incremental increase in wastewater flow. Therefore, the project would not result in a determination by the WPCF that it does not have adequate capacity to serve the increased demand from the project in addition to its existing commitments. **(Less than Significant Impact)**

⁸⁹ City of Hayward. Hayward Recycled Water Project. Accessed June 7, 2021. <https://www.hayward-ca.gov/your-government/departments/utilities-environmental-services/recycled-water>

⁹⁰ 146 new residents x 87 gpd per capita = 12,702 gpd; 12,702 gpd x 365 days/year = 4,636,230 gallons per year

⁹¹ 4.6 mgy ÷ 6,563 mgy x 100 = 0.07percent

⁹² City of Hayward. 2020 Urban Water Management Plan. June 2016. Table 6-2.

⁹³ 3,922 million gallons per year ÷ 365 days/year = 10.74 mgpd

⁹⁴ Wastewater is conservatively estimated at 85 percent of potable water demand

Impact UTL-4: The project would not generate solid waste in excess of state or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals. **(Less than Significant Impact)**

Solid waste generated by Hayward residents that is not recyclable or compostable is sent to the Altamont Landfill. The Altamont Landfill has a remaining capacity of 65 million cubic yards⁹⁵ of solid waste and is anticipated to have disposal capacity through 2045.⁹⁶ According to WM, the Altamont Landfill is able to accept unlimited tons of waste for disposal from Alameda County,⁹⁷ which includes the City of Hayward. The project would generate approximately 63 tons of solid waste per year,⁹⁸ including waste that can be recycled or composted. Solid waste generated by the project would represent an incremental increase in demand on the Altamont Landfill. Therefore, the project would not generate solid waste in excess of state or local standards or in excess of the Altamont Landfill capacity. **(Less than Significant Impact)**

Impact UTL-5: The project would not be noncompliant with federal, state, or local management and reduction statutes and regulations related to solid waste. **(Less than Significant Impact)**

The project would comply with solid waste management and reductions statutes and regulations through adherence to existing City of Hayward programs for solid waste disposal, recycling, and composting. **(Less than Significant Impact)**

⁹⁵ CalRecycle. Altamont Landfill & Resource Recovery (01-AA-0009). Accessed June 8, 2021. <https://www2.calrecycle.ca.gov/SolidWaste/SiteActivity/Details/7?siteID=7>

⁹⁶ WM. Sustainability. Accessed June 8, 2021.

<https://altamontlandfill.wm.com/sustainability/index.jsp#:~:text=As%20a%20result%2C%20the%20Altamont,the%20management%20of%20discarded%20materials>.

⁹⁷ WM. Altamont Landfill. Accessed June 8, 2021. <https://altamontlandfill.wm.com/index.jsp>

⁹⁸ CalEEMod. Appendix D Default Data Tables: Table 10.1 Solid Waste Disposal Rates. October 2017. Solid waste disposal rates were calculated based on the rate for Single Family Housing in Alameda County.

4.20 WILDFIRE

4.20.1 Environmental Setting

4.20.1.1 *Existing Conditions*

Cal Fire is required by law to map areas of significant fire hazards based on fuels, terrain, weather, and other relevant factors. Referred to as Fire Hazard Severity Zones (FHSZ), these maps influence how people construct buildings and protect property to reduce risk associated with wildland fires. The project site is not located in a FHSZ.⁹⁹

4.20.2 Impact Discussion

| | Potentially Significant Impact | Less than Significant with Mitigation Incorporated | Less than Significant Impact | No Impact |
|---|--------------------------------|--|------------------------------|-------------------------------------|
| If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project: | | | | |
| 1) Substantially impair an adopted emergency response plan or emergency evacuation plan? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 2) Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 3) Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines, or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 4) Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

The project site is not located in or near state responsibility areas or lands classified as very high fire hazard severity zones; therefore, the project would not result in wildfire impacts. **(No Impact)**

⁹⁹ CAL FIRE. Alameda County Fire Hazard Severity Zones in State Responsibility Area (SRA). Map. Adopted November 7, 2007.

4.21 MANDATORY FINDINGS OF SIGNIFICANCE

| | Potentially Significant Impact | Less than Significant with Mitigation Incorporated | Less than Significant Impact | No Impact |
|---|--------------------------------|--|------------------------------|--------------------------|
| 1) Does the project have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially 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? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 2) 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.) | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 3) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

Impact MFS-1: The project does not have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially 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. **(Less than Significant Impact with Mitigation Incorporated)**

As discussed in the individual sections, the proposed project would not degrade the quality of the environment with the implementation of identified mitigation measures. As discussed in Section 4.4 Biological Resources, the project would not impact sensitive habitat or species but requires the implementation of appropriate mitigation measures for nesting preconstruction bird surveys. There are no historic buildings on-site or in the immediate project vicinity as discussed in Section 4.5 Cultural Resources. However, the project would be required to implement mitigation measures to ensure that the project would avoid adversely affecting any buried archaeological resources that may occur on-site. **(Less Than Significant Impact with Mitigation Incorporated)**

Impact MFS-2: The project does not have impacts that are individually limited, but cumulatively considerable. **(Less than Significant Impact with Mitigation Incorporated)**

Under Section 15065(a)(3) of the CEQA Guidelines, a lead agency shall find that a project may have a significant effect on the environment where there is substantial evidence that the project has potential environmental effects “that are individually limited, but cumulatively considerable.” As defined in Section 15065(a)(3) of the CEQA Guidelines, cumulatively considerable means “that the incremental effects of an individual project are significant when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.”

The project would not result in wildfire hazards and would have no impact on agricultural resources or mineral resources. Impacts discussed in Geology and Soils and Land Use, would all be less than significant and would be limited to the project site. Therefore, the project has no potential to combine with other projects to result in cumulative impacts to those resources.

Because criteria air pollutant and GHG emissions would contribute to regional and global emissions of such pollutants, the identified thresholds developed by BAAQMD and used by the City of Hayward were developed such that a project-level impact would also be a cumulatively considerable impact. The project would not result in a significant emissions of criteria air pollutants or GHG emissions and, therefore, would not make a substantial contribution to cumulative air quality or GHG emissions impacts. The discussion in Section 4.3 Air Quality provides analysis of the cumulative health risk effects of the project’s TACs emissions during construction, and concludes that those effects would be less than significant.

Cumulative developments near the project would be subject to similar hydrological and urban runoff conditions. All projects occurring within the City of Hayward would be required to implement the same Standard Conditions of Approval and measures related to construction water quality as the proposed project (including preparation of a SWPPP if disturbance is greater than one acre). In addition, all current and probable future projects that would disturb more than one acre of soil or replace/add more at least 10,000 square feet of impervious surfaces would be required to meet applicable site design and runoff reduction measures. For these reasons, the cumulative projects, including the proposed project, would not result in significant cumulative hydrology or water quality impacts.

Construction noise and vibration would be temporary and would be kept to a less than significant level by the implementation of MM NOI-1.1 and MM NOI-2.1. The construction of the Southland Mall cinema is currently underway.¹⁰⁰ It is possible that some of the project construction activities may occur at the same time as the Southland Mall cinema project, which is located across La Playa Drive. However, it is likely that the demolition, grading, and foundation phases, which are typically the most noise-generating phases of construction, would not occur at the same time considering that construction of the Southland Mall cinema project has already begun. Additionally, the Southland

¹⁰⁰ City of Hayward. “Development Activity”. Accessed August 13, 2021. <https://www.hayward-ca.gov/business/for-developers/development-activity>

Mall cinema project, and any other nearby projects, would be required to implement similar construction noise BMPs and therefore, would not generate construction noise that would result in a cumulatively significant impact. Operational noise from the project would be compatible with the surrounding residences and would not have potential to contribute to a significant cumulative operational noise impact.

With implementation of MM TRN-2.1, the project would reduce VMT consistent with the City's TIA Guidelines. The project, therefore, would be consistent with applicable policies regarding transportation and circulation and would not result in a cumulatively considerable impact. The project would comply with current building and fire codes and be reviewed by the HFD to ensure adequate emergency access, as would all other projects in the vicinity. Therefore, the project would not result in a cumulatively significant impact to emergency access or other transportation issues. **(Less than Significant Cumulative Impact with Mitigation Incorporated)**

Impact MFS-3: The project does not have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly. **(Less than Significant Impact with Mitigation Incorporated)**

Consistent with Section 15065(a)(4) of the CEQA Guidelines, a lead agency shall find that a project may have a significant effect on the environment where there is substantial evidence that the project has the potential to cause substantial adverse effects on human beings, either directly or indirectly. Under this standard, a change to the physical environment that might otherwise be minor must be treated as significant if people would be significantly affected. This factor relates to adverse changes to the environment of human beings generally, and not to effects on particular individuals. While changes to the environment that could indirectly affect human beings would be represented by all of the designated CEQA issue areas, those that could directly affect human beings include construction TACs, ACMS and LBP, and noise. However, implementation of mitigation measures and General Plan policies would reduce these impacts to a less than significant level. No other direct or indirect adverse effects on human beings have been identified. **(Less Than Significant Impact with Mitigation Incorporated)**

SECTION 5.0 REFERENCES

The analysis in this Initial Study is based on the professional judgement and expertise of the environmental specialists preparing this document, based upon review of the site, surrounding conditions, site plans, and the following references:

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SECTION 6.0 LEAD AGENCY AND CONSULTANTS

6.1 LEAD AGENCY**City of Hayward**

Planning Division

Steve Kowalski, Associate Planner

6.2 CONSULTANTS**David J. Powers & Associates, Inc.**

Environmental Consultants and Planners

Will Burns, Vice President and Principal Project Manager

Connor Tutino, Assistant Project Manager

Ryan Osako, Graphic Artist

Illingworth & Rodkin, Inc.

Air Quality, Greenhouse Gas, and Noise Consultants

Michael Thill, Principal

Casey Divine, Senior Noise Consultant

Carrie Janello, Senior Air Quality Consultant

Zachary Palm, Air Quality Consultant

A Plus Tree, Inc.

Consulting Arborists

Sarah Gaskin, Certified Arborist

Tetra Tech, Inc.

Hazardous Materials Consultants

Keith Bell, P.G., Program Manager

Nadine Balmaceda, Project Manager

Hexagon Transportation Consultants, Inc.

Transportation Consultants

Eric Tse, P.E., PTOE, Associate

SECTION 7.0 ACRONYMS AND ABBREVIATIONS

| | |
|----------|---|
| ABAG | Association of Bay Area Governments |
| AC | Alameda-Contra Costa |
| ACM | Asbestos-containing material |
| ACTC | Alameda County Transportation Commission |
| ACWD | Alameda County Water District |
| AIA | Airport Influence Area |
| ALUCP | Airport Land Use Compatibility Plan |
| AWSC | All-way stop controlled intersection |
| BAAQMD | Bay Area Air Quality Management District |
| BART | Bay Area Rapid Transit |
| Bgs | Below ground surface |
| BMPs | Best Management Practices |
| BMR | Below market rate |
| BPMP | Bicycle and Pedestrian Master Plan |
| Btu | British thermal units |
| CAL FIRE | California Department of Forestry and Fire Protection |
| Cal/OSHA | California Department of Industrial Relations, Division of Occupational Safety and Health |
| CalARP | California Accidental Release Program |
| CalEEMod | California Emissions Estimator Model |
| CalTrans | California Department of Transportation |
| CAP | Clean Air Plan |
| CARB | California Air Resources Board |
| CBC | California Building Code |
| CDFW | California Department of Fish and Wildlife |
| CEC | California Energy Commission |
| CEQA | California Environmental Quality Act |
| CERCLA | Comprehensive Environmental Response, Compensation, and Liability Act |
| CERS | California Environmental Reporting System |
| CFCs | Chlorofluorocarbons |

| | |
|-------------------|---|
| CGS | California Geological Survey |
| CH ₄ | Methane |
| CMP | Congestion Management Plan |
| CN | Neighborhood Commercial |
| CNEL | Community Noise Equivalent Level |
| CO | Carbon monoxide |
| CO ₂ | Carbon dioxide |
| CO ₂ e | Carbon dioxide equivalent |
| CRHR | California Register of Historical Resources |
| CUPA | Certified Unified Program Agency |
| DPF | Diesel particulate filter |
| DPM | Diesel particulate matter |
| DSOD | Division of Safety of Dams |
| DTSC | Department of Toxic Substances Control |
| DU | Dwelling unit |
| EBCE | East Bay Community Energy |
| EBMUD | East Bay Municipality District |
| EBRPD | East Bay Regional Park District |
| EIR | Environmental Impact Report |
| EO | Executive Order |
| EPA | Environmental Protection Agency |
| EVA | Emergency vehicle access |
| FAA | Federal Aviation Administration |
| FAR | Federal Aviation Regulations |
| FEMA | Federal Emergency Management Agency |
| FHSZ | Fire Hazard Severity Zones |
| FID | Facility Inventory Database |
| FIRM | Flood Insurance Rate Maps |
| FMMP | Farmland Mapping and Monitoring Program |
| FTA | Federal Transit Administration |
| GHGs | Greenhouse gases |
| Gpcd | Gallons per capita per day |
| Gpd | Gallons per day |

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| GSA | Groundwater Sustainability Agency |
| GWP | Global warming potential |
| HARD | Hayward Area Recreation and Park District |
| HAZ WASTE | CERS Hazardous Waste |
| HAZNET | Facility Manifest Data |
| HFCs | Hydrofluorocarbons |
| HFD | Hayward Fire Department |
| HI | Hazard Index |
| HMC | Hayward Municipal Code |
| HOA | Homeowners' Association |
| HPD | Hayward Police Department |
| HSWA | Federal Hazardous and Solid Waste Amendments |
| HUSD | Hayward Unified School District |
| HVAC | Heating, ventilation, and air conditioning |
| I-580 | Interstate 580 |
| I-880 | Interstate 880 |
| In./sec | Inches/second |
| ITE | Institute of Transportation Engineers |
| LBP | Lead-based paint |
| LID | Low-impact development |
| LOS | Level of service |
| LTA | Local Transportation Analysis |
| MBTA | Migratory Bird Treaty Act |
| MEI | Maximally exposed individual |
| Mgd | Million gallons per day |
| MGY | Million gallons per year |
| MLD | Most likely descendant |
| MMTCO _{2e} | Million metric tons of CO ₂ E |
| MND | Mitigated Negative Declaration |
| Mpg | Miles per gallon |
| Mph | Miles per hour |
| MRP | Municipal Regional Stormwater NPDES Permit |
| MT | Metric ton |

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| MTC | Metropolitan Transportation Commission |
| N ₂ O | Nitrous oxide |
| NAHC | Native American Heritage Commission |
| NCP | National Contingency Plan |
| NESHAP | National Emission Standards for Hazardous Air Pollutants |
| NFIP | National Flood Insurance Program |
| NHPA | National Historic Preservation Act |
| NOD | Notice of Determination |
| NOI | Notice of Intent |
| NO _x | Nitrogen oxide |
| NPDES | National Pollutant Discharge Elimination System |
| NRHP | National Register of Historic Places |
| O ₃ | Ground-level ozone |
| OITC | Outdoor-Indoor Transmission Class |
| OPR | Office of Planning and Research |
| PCBs | Polychlorinated biphenyls |
| PD | Planned Development |
| PDA | Priority Development Areas |
| PFCs | Perfluorocarbons |
| PM | Particulate matter |
| PPV | Peak particle velocity |
| RCRA | Resource Conservation and Recovery Act |
| RHNA | Regional Housing Need Allocation |
| ROG | Reactive organic gases |
| RS | Single-Family Residential |
| RWQCB | Regional Water Quality Control Board |
| SB | Senate Bill |
| SCS | Sustainable Communities Strategy |
| Sf | Square feet |
| SF ₆ | Sulfur hexafluoride |
| SFBAAB | San Francisco Bay Area Air Basin |
| SFPUC | San Francisco Public Utilities Commission |
| SHMA | Seismic Hazards Mapping Act |

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| SMARA | Surface Mining and Reclamation Act |
| SMGB | State Mining and Geology Board |
| SO _x | Sulfur oxide |
| SR | State Route |
| SSSC | Side-street stop-controlled intersection |
| STC | Sound Transmission Class |
| SWEEPS | Statewide Environmental Evaluation and Planning System |
| SWPPP | Storm Water Pollution Prevention Plan |
| SWRCB | State Water Resources Control Board |
| TAC | Toxic air contaminant |
| TAZ | Transportation Analysis Zone |
| TCRs | Tribal Cultural Resources |
| TDM | Transportation demand management |
| TIA | Transportation Impact Analysis |
| TSCA | Toxic Substances Control Act |
| USACE | United States Army Corps of Engineers |
| USFWS | United States Fish and Wildlife Service |
| UST | Underground storage tank |
| UWMP | Urban water management plan |
| VMT | Vehicle miles traveled |
| WM | Waste Management, Inc. |
| WPCF | Water Pollution Control Facility |