Maple & Main
Mixed-Use Project

Final Initial Study and
Mitigated Negative Declaration

The following Initial Study has been prepared in compliance with the California Environmental Quality Act.

Prepared For:

City of Hayward
Developmental Services Department
777 B Street
Hayward, CA 94541
(510) 583-4200
Contact: David Rizk, AICP

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December 2016

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(Appendices B through J are included on the CD attached to the back cover of this document)

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INTRODUCTION

Initial Study

Pursuant to Section 15063 of the *State CEQA Guidelines*, an Initial Study is a preliminary environmental analysis that is used by the lead agency (the public agency principally responsible for approving or carrying out the proposed project) as a basis for determining whether an Environmental Impact Report, a Mitigated Negative Declaration, or a Negative Declaration is required for a project. The *State CEQA Guidelines* require that an Initial Study contain a project description, description of environmental setting, identification of environmental effects by checklist or other similar form, explanation of environmental effects, discussion of mitigation for significant environmental effects, evaluation of the project's consistency with existing, applicable land use controls, and the name of persons who prepared the study.

The purpose of this Initial Study is to evaluate the potential environmental impacts of the proposed Maple & Main Mixed-Use project to determine what level of additional environmental review, if any, is appropriate. As shown in the Determination in Section IV of this document, and based on the analysis contained in this Initial Study, it has been determined that the proposed project would not result in any significant impacts that cannot be mitigated to less than significant levels. The analysis contained in this Initial Study concludes that the proposed project would result in the following categories of impacts, depending on the environmental resource involved: no impact; less than significant impact; or less than significant impact with the implementation of project-specific mitigation measures. Therefore, preparation of a Mitigated Negative Declaration is appropriate (the Proposed Mitigated Negative Declaration is presented in **Appendix A**).

Public and Agency Review

The Initial Study/Proposed Mitigated Negative Declaration (IS/MND) was circulated for public and agency review from August 22, 2016 to September 21, 2016. As a result of comments received during the public review period, the City revised portions of the IS/MND, and recirculated the IS/MND from November 7, 2016 to November 28, 2016. Copies of both the original IS/MND and the revised IS/MND were available for review at the City of Hayward Development Services Department, 777 B Street, at the Main City Library, 835 C Street, and the Weekes Branch, 27300 Patrick Avenue, and on the City's website at: http://www.hayward-ca.gov/content/projects-under-environmental-review-0. Comments on the original IS/MND were accepted by the City by 5:00 PM on September 21, 2006 while comments on the recirculated IS/MND were accepted by 5:00 PM on November 28, 2016. Comment were sent or emailed to:

David Rizk, AICP
Director of Development Services
City of Hayward - Development Services Department
Planning Division
777 B Street
Hayward, CA 94541
david.rizk@hayward-ca.gov

During the two comment periods, comment letters were received from the following agencies and individuals:

- Letter A: California Department of Transportation (Caltrans)
- Letter B: Prospect Hill Neighborhood Association No. 1
- Letter C: Prospect Hill Neighborhood Association No. 2
- Letter D: League of Women Voters – Eden Area
- Letter E: Hayward Area Planning Association No. 1
- Letter F: Hayward Area Planning Association No. 2
- Letter G: Julie Machado No. 1
- Letter H: Julie Machado No. 2
- Letter I: Frank Goulart

Responses to all letters were prepared and are included in Appendix L of this Final Initial Study.

Organization of the Final Initial Study

This Final Initial Study is organized into the following sections.

Section I – Project Information: provides summary background information about the proposed project, including project location, lead agency, and contact information.

Section II – Project Location and Description: includes a description of the proposed project, including the need for the project, the project's objectives, and the elements included in the project.

Section III – Environmental Factors Potentially Affected: identifies what environmental resources, if any, would involve at least one significant or potentially significant impact that cannot be reduced to a less than significant level.

Section IV – Determination: indicates whether impacts associated with the proposed project would be significant, and what, if any, additional environmental documentation is required.

Section V – Evaluation of Environmental Impacts: contains the Environmental Checklist form for each resource and presents an explanation of all checklist answers. The checklist is used to assist in evaluating the potential environmental impacts of the proposed project and determining which impacts, if any, need to be further evaluated in an EIR.

Section VI – Supporting Information Sources: lists references used in the preparation of this document.

Section VII – Initial Study Preparers: lists the names of individuals involved in the preparation of this document.

Appendices: include the Proposed Mitigated Negative Declaration, the technical studies used in the preparation of the Initial Study, comments received on the original and recirculated Initial Study and

Responses to those comments, and the Mitigation Monitoring and Reporting Program for the proposed project.

I. PROJECT INFORMATION

1. Project title:

   Maple & Main Mixed-Use Project

2. Lead agency name and address:

   City of Hayward - Development Services Department
   Planning Division
   777 B Street
   Hayward, CA 94541

3. Contact person and phone number:

   David Rizk
   Director of Development Services
   (510) 583-4004

4. Project location:

   Generally bound by Maple Court to the northeast, A Street to the southeast, Main Street to the southwest, and McKeever Avenue to the northwest, in Hayward, California. The site includes Assessor's Parcel Numbers 428-0061-011, 428-0061-012-02, 428-0061-013-02, 428-0061-061-01, and 428-0061-010.

5. Project sponsor's name and address:

   Bay Area Property Developers
   327 Waverly Street
   Palo Alto, CA 94301

6. City of Hayward General Plan Designation:

   CC-ROC (Central City - Retail and Office Commercial)

7. City of Hayward Zoning:

   CC-C (Central City - Commercial)

II. PROJECT LOCATION AND DESCRIPTION

1. Description of Project:

Location: As illustrated in **Figure 1, Regional Location**, the project site is located in the downtown portion of the City of Hayward. Interstate 880 and 580 provide regional access to the project site. The project site consists of five parcels and as shown in **Figure 2, Project Vicinity**, is generally bound by Maple Court to the northeast, A Street to the southeast, Main Street to the southwest, and McKeever Avenue to the northwest. The project site is approximately four acres in area.

Existing Conditions: Currently the project site is occupied by a medical office complex consisting of three medical office buildings and two single-family residences, along with a large parking lot. Specifically, the medical office complex consists of a four-story medical office building located at the corner of McKeever Avenue and Maple Court; a two-story medical office building located in the north central portion of the site; and a one-story medical office building located in the northwestern portion of the site. One residence is located along McKeever Avenue. Other structures on the project site include a commercial building and a vacant residence along Maple Court. The details for each building are provided in **Table 1, Existing Site Characteristics**.

Table 1
Existing Site Characteristics

Parcel	Address	Year Constructed	Current Use
428-0061-061-01	22455 Maple Court	1973	Medical office
	22336 Main Street (1030 Levine Court)	1950s – 1980s	Medical office
	22330 Main Street	1950s	Medical office
	1013 McKeever	Circa 1940	Single-family residence
428 -0061-010	22471 Maple Court	--	Parking lot
428-0061-011	22477 Maple Court	Circa 1960	Commercial
428-0061-012-02	22485 Maple Court	--	Vacant lot
428-0061-013-02	22491 Maple Court	1915	Single-family residence (vacant)

Source: Bay Area Property Developers, 2015.

Project Features and Operations: The applicant proposes to demolish all buildings on the project site except for a portion of the medical office building on the corner of Maple Court and McKeever Avenue, and construct a residential building and six-level parking garage. The new residential building would include 240 rental apartments, ground floor retail and a leasing office. Amenities would include three outdoor courtyards and clubhouse with fitness facilities. As part of the proposed project, the existing four- and two-story medical office building on the corner of Maple Court and McKeever Avenue would be reduced in size, improved and modernized. The improved medical office building will include approximately 48,000 square feet of building space. The proposed 5-story residential building and the 2- and 4-story medical office building that would be retained and renovated are shown on **Figure 3, Proposed Site Plan**.

Residential Building

The residential building would include 240 apartment units. **Table 2, Residential Characteristics**, provides the unit type with the average size and the number of each unit type. There would be 40 units on the ground floor, 47 units on the second floor, and 51 units each on floors three through five (see **Figure 4, Second Level Plan, Figure 5, Third Level Plan, Figure 6, Fourth Level Plan**, and **Figure 7, Fifth Level Plan**).

Table 2
Residential Characteristics

Unit Type	Units	Average Size (Square Feet)
Studio	15	567
One bedroom	82	731
Two bedroom	123	1,173
Three bedroom	20	1,248

Source: Humphreys & Partners Architects, LP, 10-17-2016 Plan Set.

The residential building would also include a 3,600 square foot clubhouse/fitness center, a 1,580 square foot leasing office, and 5,571 square feet of retail located in the southwestern portion of the project site along Main Street. A rooftop terrace amenity would be provided on the roof (see **Figure 8, Rooftop Plan**). In addition, 48 units, or 20 percent of the total, will be affordable.

Medical Office Building

The existing 2- and 4-story medical office building will be reduced from 51,700 square feet to approximately 48,000 square feet in building space. Improvements are proposed to both the exterior façade and interior of the building, including creating a more prominent lobby at the corner of Maple Court and McKeever Avenue.

Open Space

Common open space areas would be provided on-site, and would include three ground floor courtyards and a rooftop terrace. The amenities will vary for each courtyard, but may include a swimming pool, picnic areas, and benches. In addition, the rooftop terrace is proposed to overlook Courtyard 3. All open space areas will be designed and constructed using environmentally friendly landscaping methods. **Table 3, Project Open Space**, provides a summary of the open space features to be provided.

Table 3
Project Open Space

Use	Size (Square Feet)
Courtyard 1	3,900
Courtyard 2	11,215
Courtyard 3	4,890
Perimeter Open Space	12,480
Total Common Open Space	**32,485 (135 sf/unit)**
Private Open Space	**18,720 (78 sf/unit)**

(A 6,460 sq ft landscaped rooftop courtyard is also proposed.)
Source: Humphreys & Partners Architects, LP, 10-17-2016 Plan Set.

Building Design

The proposed residential building would consist of a five-story structure that would range in height from approximately 55 to 65 feet. Parking would be provided in a six-level parking structure on the western portion of the site that would be "wrapped" by the proposed residential units. Elevations of the proposed residential structure are provided in **Figure 9, Main Street and Maple Court Elevations**. Elevations of the renovated office building are provided in **Figure 10, Medical Building Elevations**.

Landscaping

The landscaping plan for the proposed project is provided in **Figure 11, Landscaping Plan**. This plan includes the planting of new trees and shrubs along Main Street and Maple Court and throughout the site. A total of 114 new trees would be added to the project site, including 14 palm trees.

Access

Primary vehicular access to the proposed residential building would be from Main Street. Emergency access to the proposed residential building would be provided by three fire lanes accessible from Main Street, Maple Court, and McKeever Avenue. Primary vehicular access to the renovated office building would remain from McKeever Avenue.

Parking

Parking for the proposed project would be provided in a 6-level parking garage located on the western portion of the project site and "wrapped" by the proposed residential units and two surface parking lots along McKeever Avenue. The proposed garage would provide 481 parking spaces while the two surface parking lots would provide 23 spaces for a total of 504 spaces. Parking for the office use will utilize the 23 surface parking spaces and another 135 spaces located in the garage for a total of 158 spaces. Parking for the retail portion of the project will utilize 18 spaces provided in the garage. The first two and a half floors of the garage will be accessible to the office and retail uses, and will include standard (automobile), motorcycle, bicycle, electric vehicle, and two car share spaces (i.e., Zipcar). The remaining 309 spaces in the garage will be dedicated to residents.[1] These spaces will be secured with an electronic gate and keycard entry. Resident guest spaces will also be within the gated portion of the garage; a gate code will be necessary for guests to access the parking. **Table 4, Project Parking**, provides a summary of parking by use.

Table 4
Project Parking

Use	Spaces Provided
Standard	309[1]
Motorcycle	6[2]
Bicycle Parking	13[3]
Retail	18
Office	158[4]
Total	**504**

Source: Humphreys & Partners Architects, LP, 2016.
1 Includes 10 percent guest spaces; 50 percent compact spaces; 24 electric vehicle spaces, 2 carshare spaces
2 12 spaces based on 2 motorcycles per stall
3 52 spaces based on 4 bicycles per stall
4 Includes 23 surface parking spaces

Utilities

Water

The City of Hayward would provide water service to the project. The City of Hayward owns and operates its own water distribution system and purchases all of its water from the San Francisco Public Utility Commission (SFPUC). Existing 6- and 8-inch water mains are currently located in Maple Court/McKeever Avenue and Main Street, respectively. To meet the minimum fire flow, the proposed project will replace these lines with 12-inch water mains.

1 As the proposed project will provide 12 motorcycle spaces and 52 bicycle spaces, it is eligible for a parking credit of 19 spaces, which is being applied to the residential component.

Wastewater

Wastewater generated in the City of Hayward is treated at the City's Water Pollution Control Facility (WPCF). Wastewater generated on the project site is presently collected by the City of Hayward sanitary sewer system. All new on-site wastewater infrastructure improvements would connect to new 8-inch sewer mains, which will replace the existing 6-inch sewer mains in Maple Court and Main Street.

Storm Drain

Storm drain pipes smaller than 30 inches are typically owned by the City and are generally provided within local streets and easements. All site runoff would be directed to the City's existing municipal storm drainage system. No upgrades to the existing municipal storm drainage system are required to serve the project.

Sustainability

The proposed project proposes a high-density residential mixed-use project with on-site retail and amenities that is located near transit. The Hayward BART station is located within a half mile while a bus stop is located two blocks away. Given the location, the project is within walking distance of local retail establishments, schools, and employment centers in Downtown Hayward. In addition, the project applicant is proposing to include the following sustainability measures in the project:

- Provision of "Unbundled" Multifamily Parking (i.e., separating the cost of parking from residential rent/lease fees).
- Contribute to the City's proposed Shuttle Service and/or provide shuttle service to/from Hayward Bay Area Rapid Transit (BART) station.
- Provide electric vehicle charging stations;
- Provide on-site bicycle storage;
- Locate high-density housing in close proximity of downtown core/transit services;
- Provide shared vehicle services (i.e., Zipcar);
- Provide solar power;
- Limit all landscaping to "Bay Friendly Landscape Guidelines" drought tolerant plants;
- Use solar hot water to heat the pool;
- Provide on-site water quality and filtration basins;
- Require use of natural stone and other sustainable materials; and
- Require energy- and water-efficient appliances.

The proposed project will also comply with the state-mandated California Green Building Standards Code (CALGreen) building code. In order to achieve compliance with the CALGreen building code, the proposed project will commit to the following:

- Reduce water consumption by 20 percent;
- Divert 50 percent of construction waste from landfills;
- Install low pollutant-emitting materials for interior finish materials such as paints, carpet, vinyl flooring, and particle board;
- Separate water meters for the nonresidential building's indoor and outdoor water use with a requirement for moisture-sensing irrigation systems for larger landscape areas; and
- Conduct mandatory inspections of energy systems (e.g., heat furnace, air conditioner and mechanical equipment) for nonresidential buildings over 10,000 square feet to ensure that all are working at their maximum capacity and according to their design efficiencies.

Project Construction

Construction of the proposed project would be preceded by the demolition of a majority of existing buildings on the project site. Demolition would generally proceed as follows: (1) the contents of the buildings would be characterized; (2) any hazards present would be abated, including, but not limited to, asbestos containing materials and lead-based paint; (3) reusable and recyclable materials would be identified and removed; (4) structures would be demolished and removed; (5) the foundation slabs and underground utilities would be removed.

Construction of the proposed project is expected to begin in winter 2017 and last 12 to 14 months. Construction of the proposed project will require the demolition of approximately 39,000 square feet of building space which would generate approximately 14,444 cubic yards[2] of construction debris that will be hauled offsite. About 3,000 cubic yards of soil will need to be imported to balance the project site. Construction staging will take place on site.

2. Surrounding land uses and Environmental Setting:

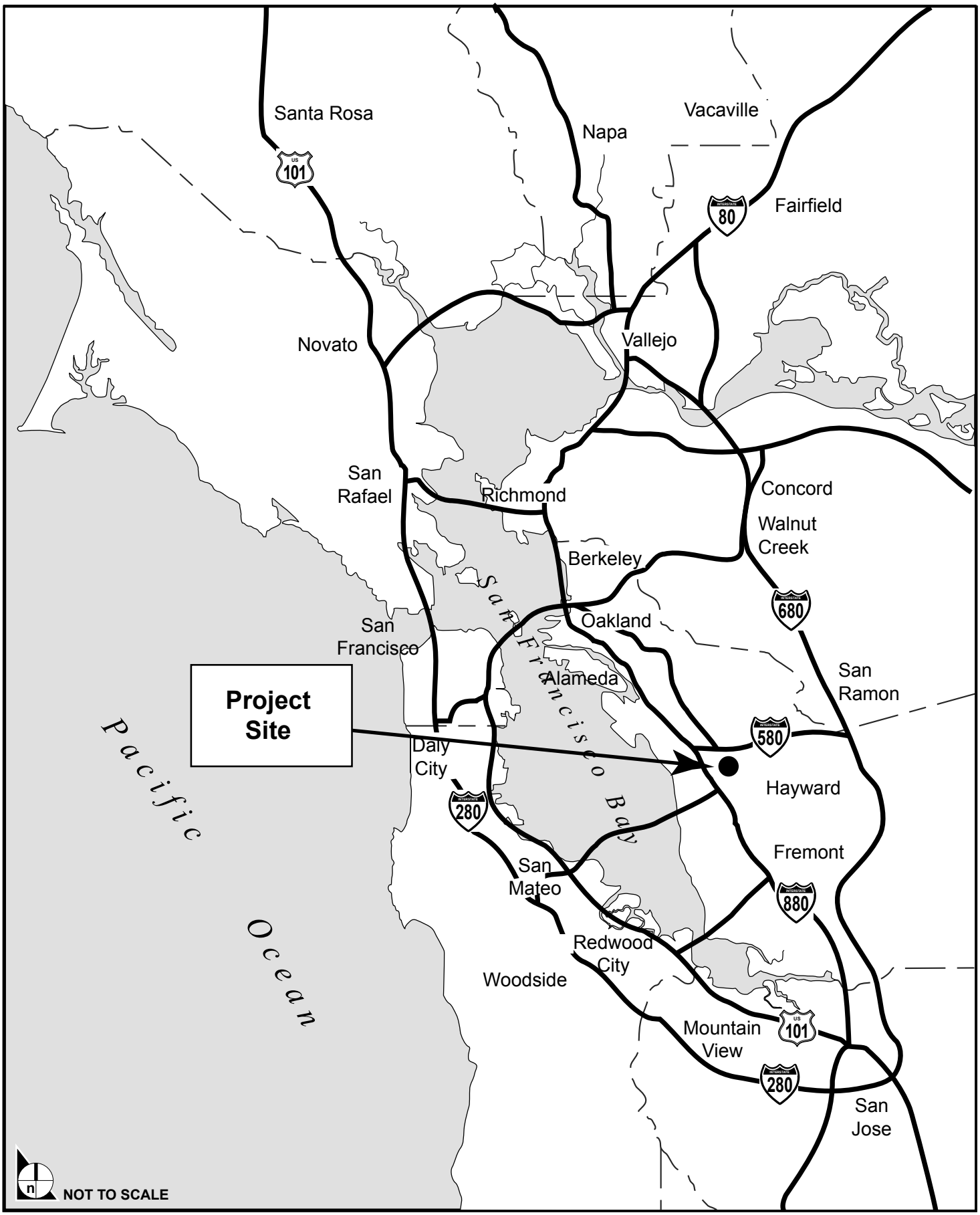
As illustrated in **Figure 12, Existing and Surrounding Uses**, medical offices, including single-family homes converted for medical office uses, are located adjacent to the project site on the northern portion of the block while commercial buildings are located adjacent to the project site on the southern portion of the block. In addition, single-family residences are located across McKeever Avenue to the northwest, a small shopping center is located across Maple Court to the northeast, commercial uses are located along and across A Street to the southeast, and retail stores and residences are located across Main Street to the southwest.

2 39,000 square feet X 10 feet high/27 cubic feet per cubic yard = 14,444 cubic yards

3. Discretionary approval authority and other public agencies whose approval is required (e.g., permits, financing approval, or participation agreement):

The following approvals from the City of Hayward will be required to construct the project.

- Conditional-use permit to allow for ground–floor residential and Site Plan Review associated with the other elements of the project
- Demolition permit
- Grading permit
- Building permit



SOURCE: Impact Sciences, Inc. – August 2016

FIGURE **1**

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Regional Location

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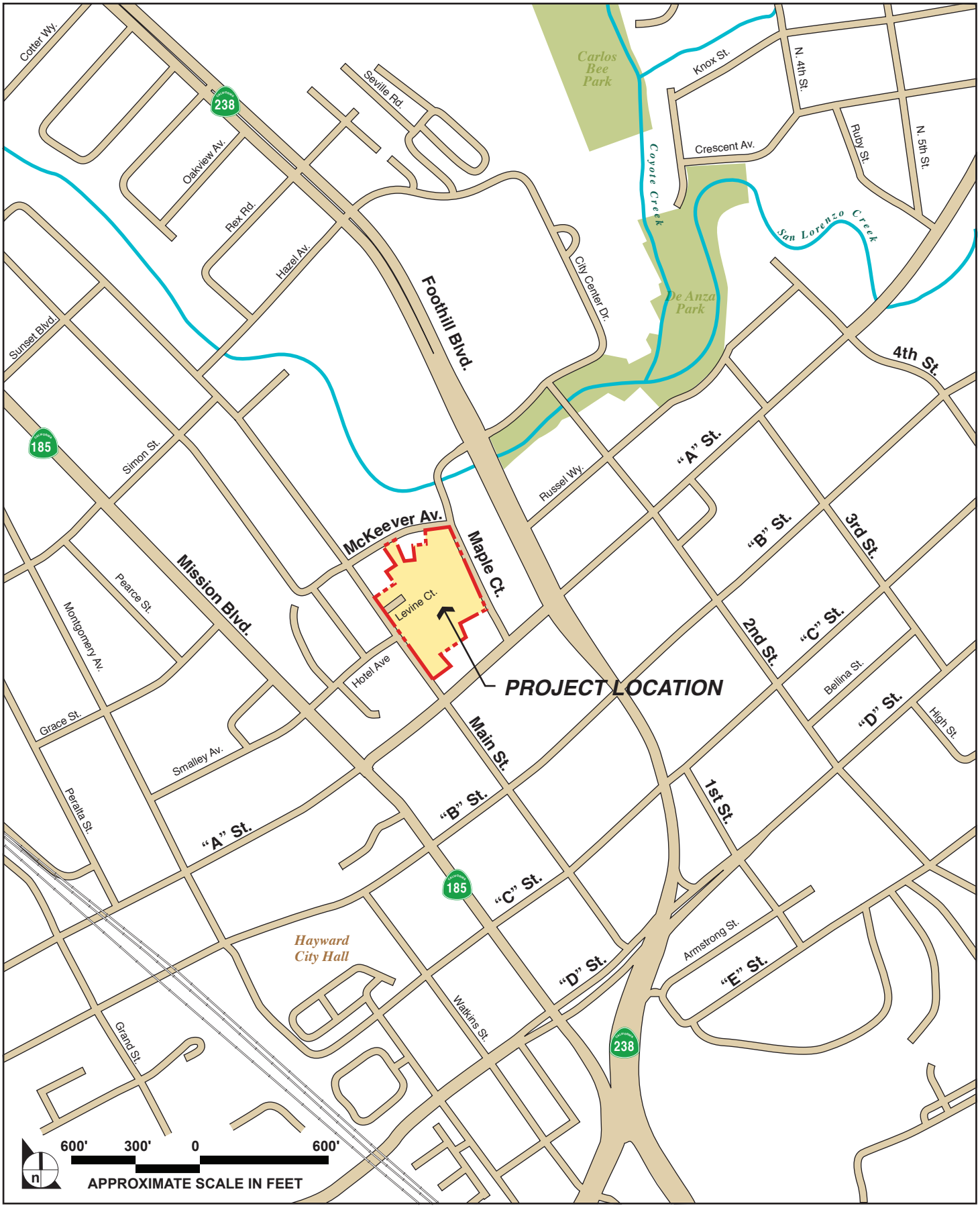

SOURCE: © Google Maps 2015.

FIGURE **2**

Project Vicinity

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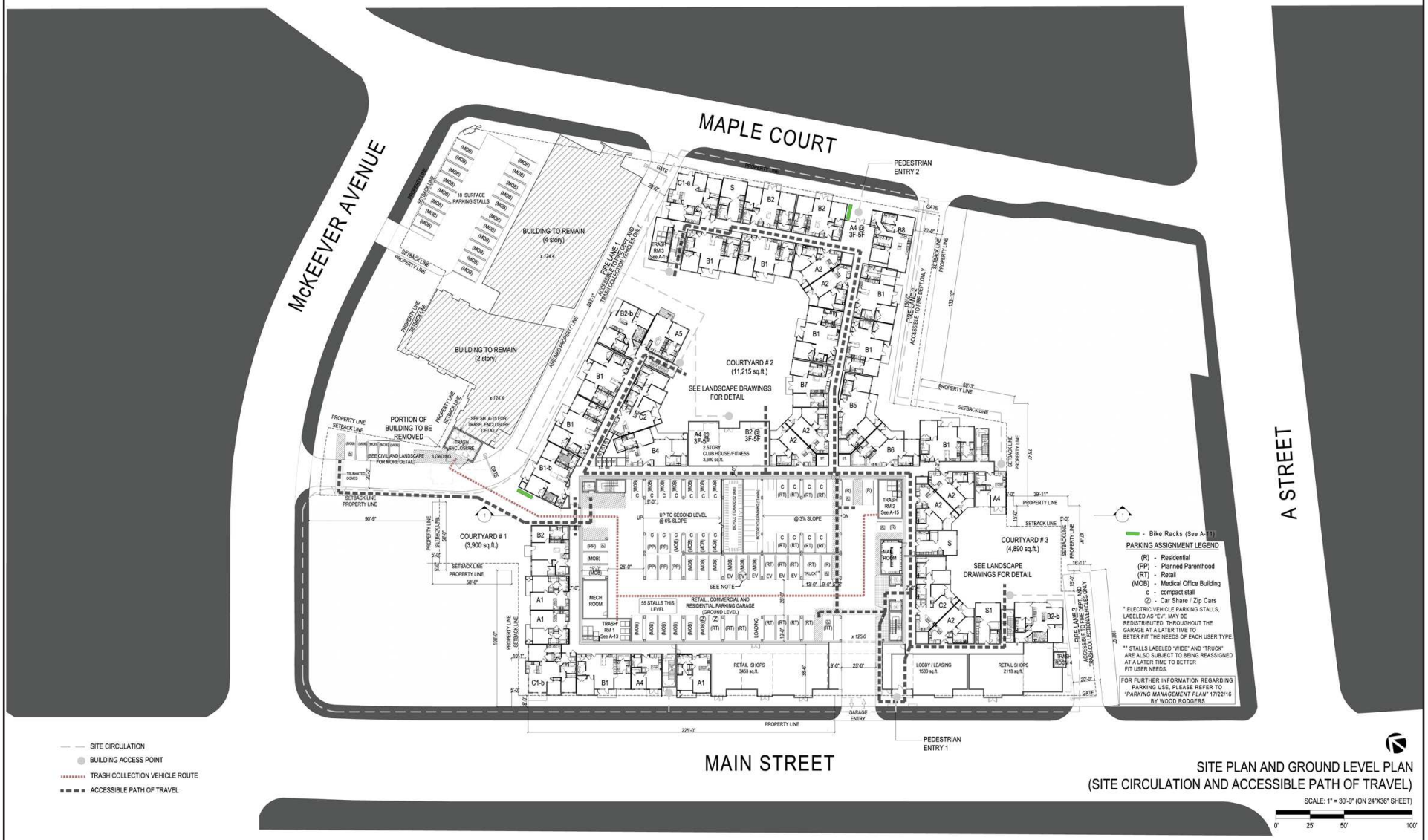

SOURCE: Humphreys & Partners Architects, L.P.

FIGURE 3

Proposed Site Plan

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SOURCE: Humphreys & Partners Architects, L.P.

FIGURE 4

Second Level Plan

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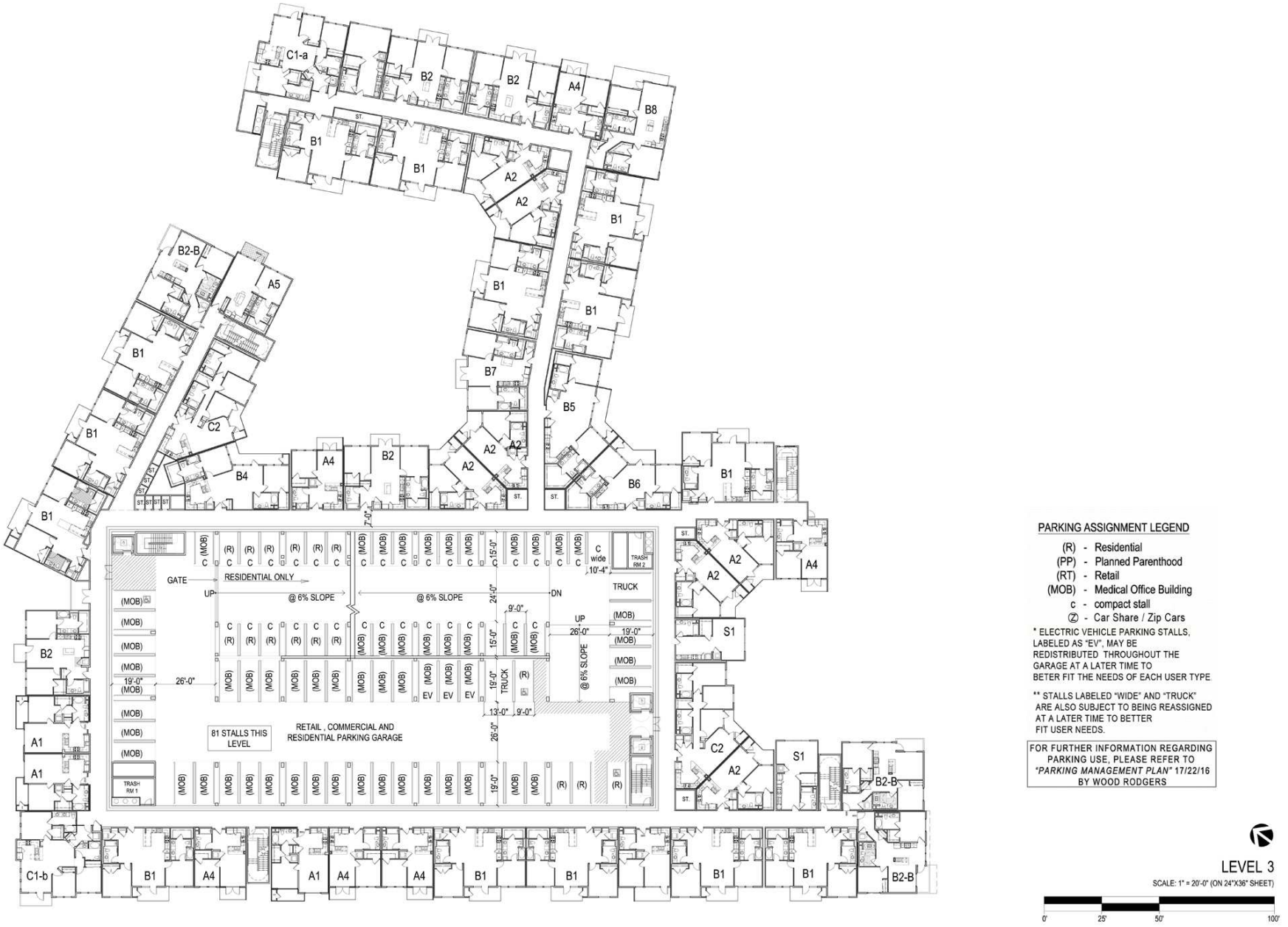

SOURCE: Humphreys & Partners Architects, L.P.

FIGURE 5

Third Level Plan

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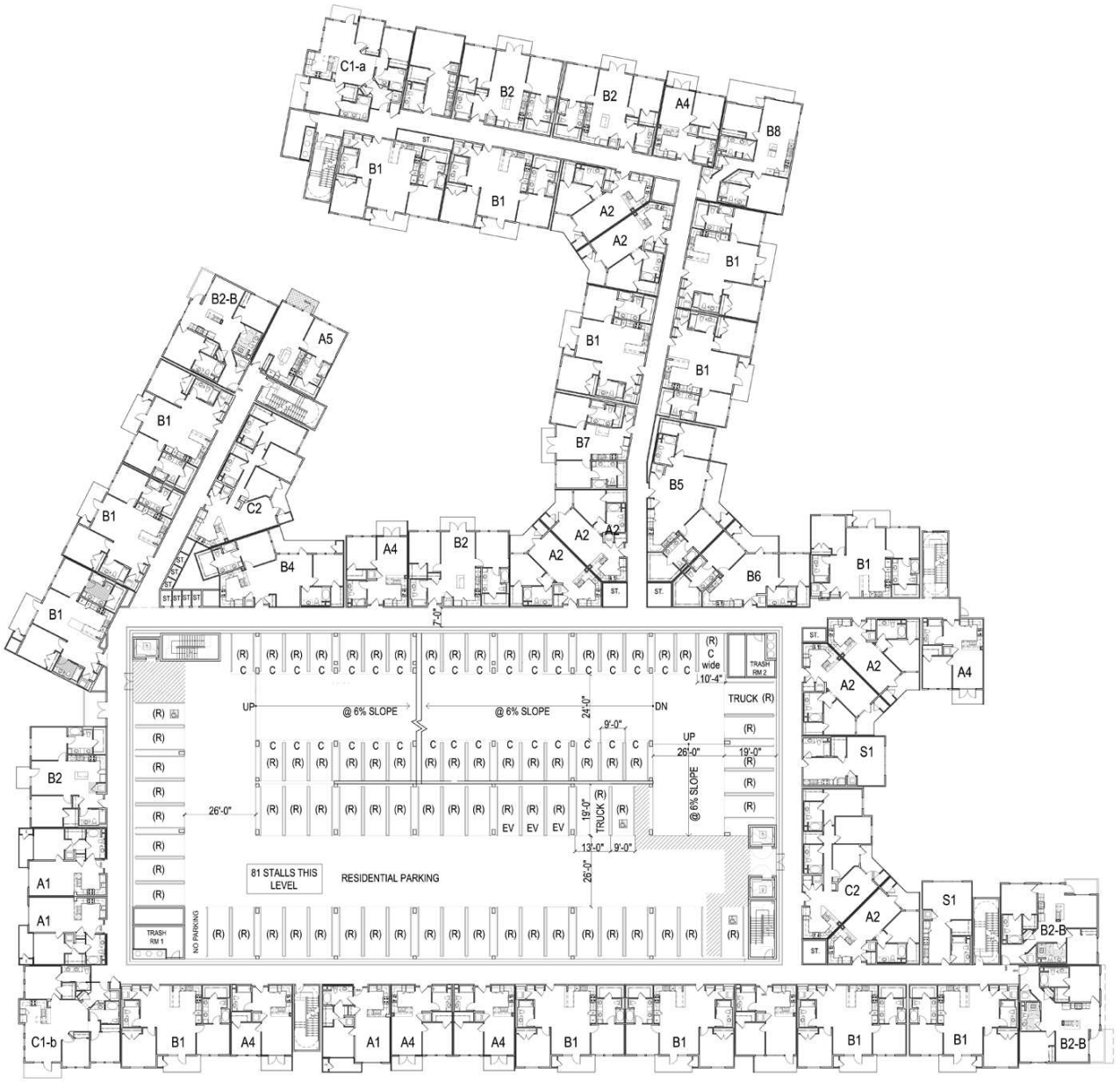

PARKING ASSIGNMENT LEGEND

(R) - Residential
(PP) - Planned Parenthood
(RT) - Retail
(MOB) - Medical Office Building
c - compact stall
Ⓩ - Car Share / Zip Cars

* ELECTRIC VEHICLE PARKING STALLS, LABELED AS "EV", MAY BE REDISTRIBUTED THROUGHOUT THE GARAGE AT A LATER TIME TO BETER FIT THE NEEDS OF EACH USER TYPE.

** STALLS LABELED "WIDE" AND "TRUCK" ARE ALSO SUBJECT TO BEING REASSIGNED AT A LATER TIME TO BETTER FIT USER NEEDS.

FOR FURTHER INFORMATION REGARDING PARKING USE, PLEASE REFER TO *"PARKING MANAGEMENT PLAN"* 17/22/16 BY WOOD RODGERS

LEVEL 4

SCALE: 1" = 20'-0" (ON 24"X36" SHEET)

0' 25' 50' 100'

SOURCE: Humphreys & Partners Architects, L.P.

FIGURE 6

Fourth Level Plan

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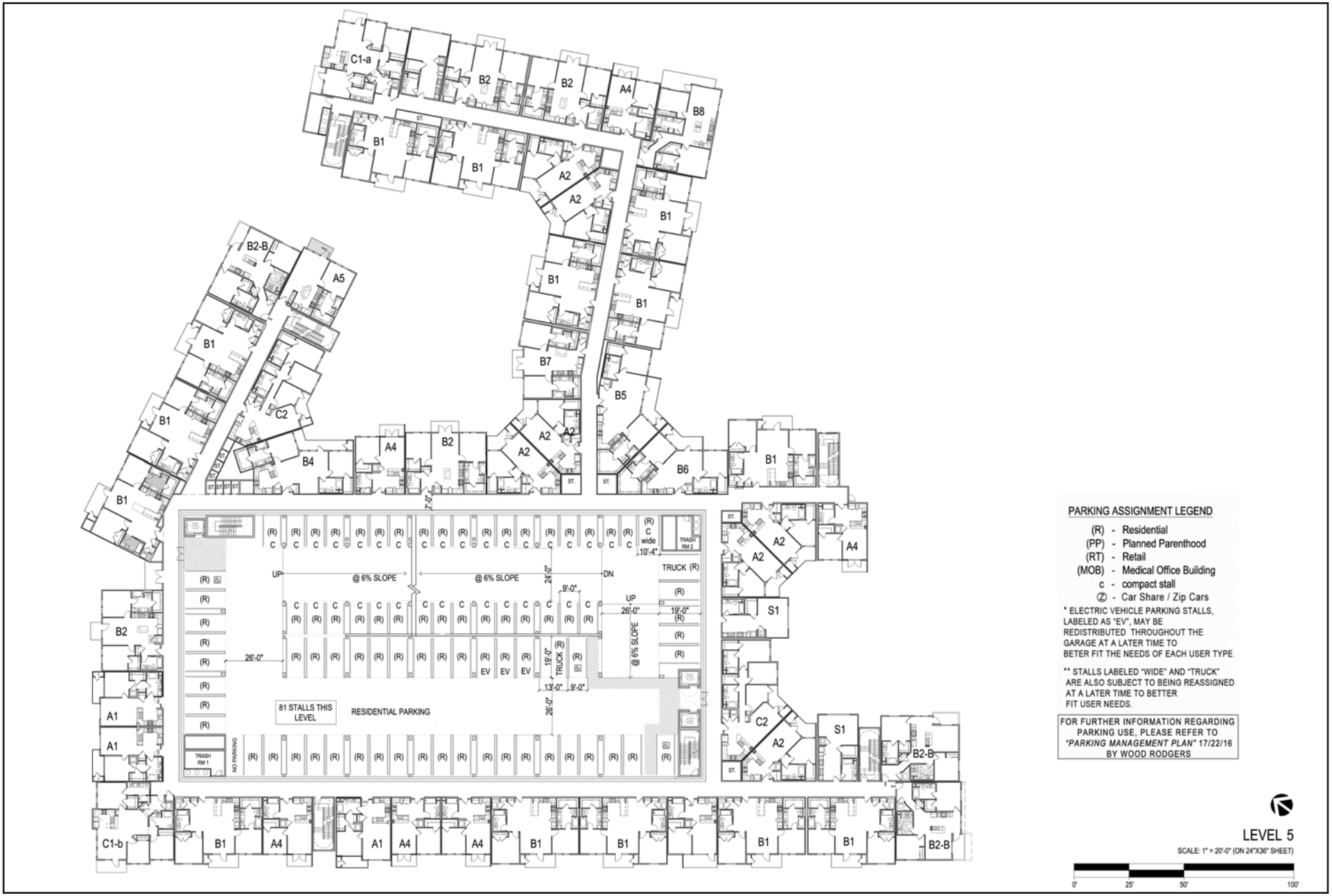

SOURCE: Humphreys & Partners Architects, L.P.

FIGURE 7

Fifth Level Plan

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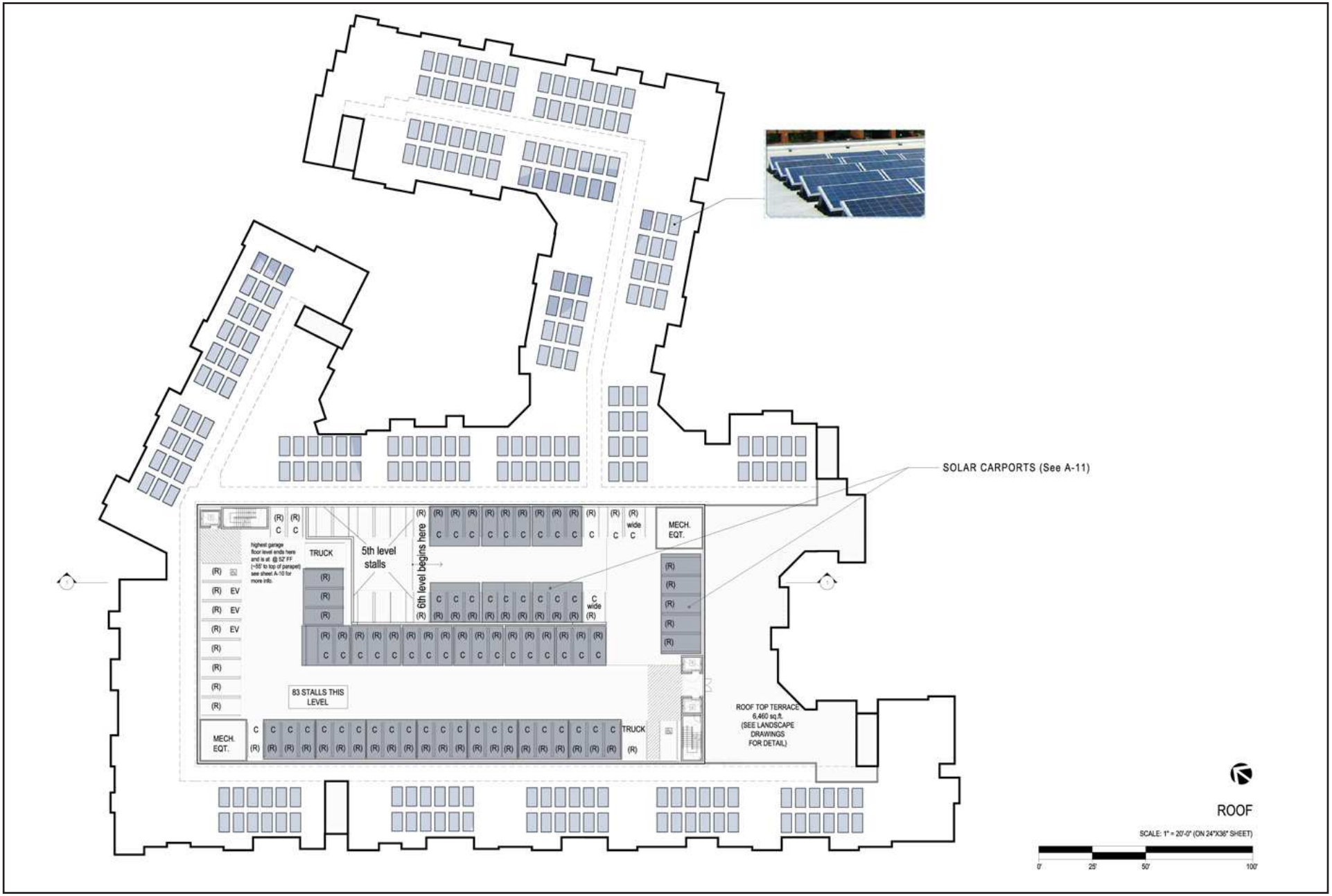

SOURCE: Humphreys & Partners Architects, L.P.

FIGURE 8

Rooftop Plan

IMPACT SCIENCES

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SOURCE: Humphreys & Partners Architects, L.P.

FIGURE 9

IMPACT SCIENCES

Main Street Maple Court Elevations

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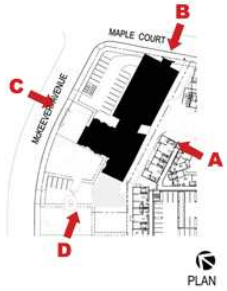
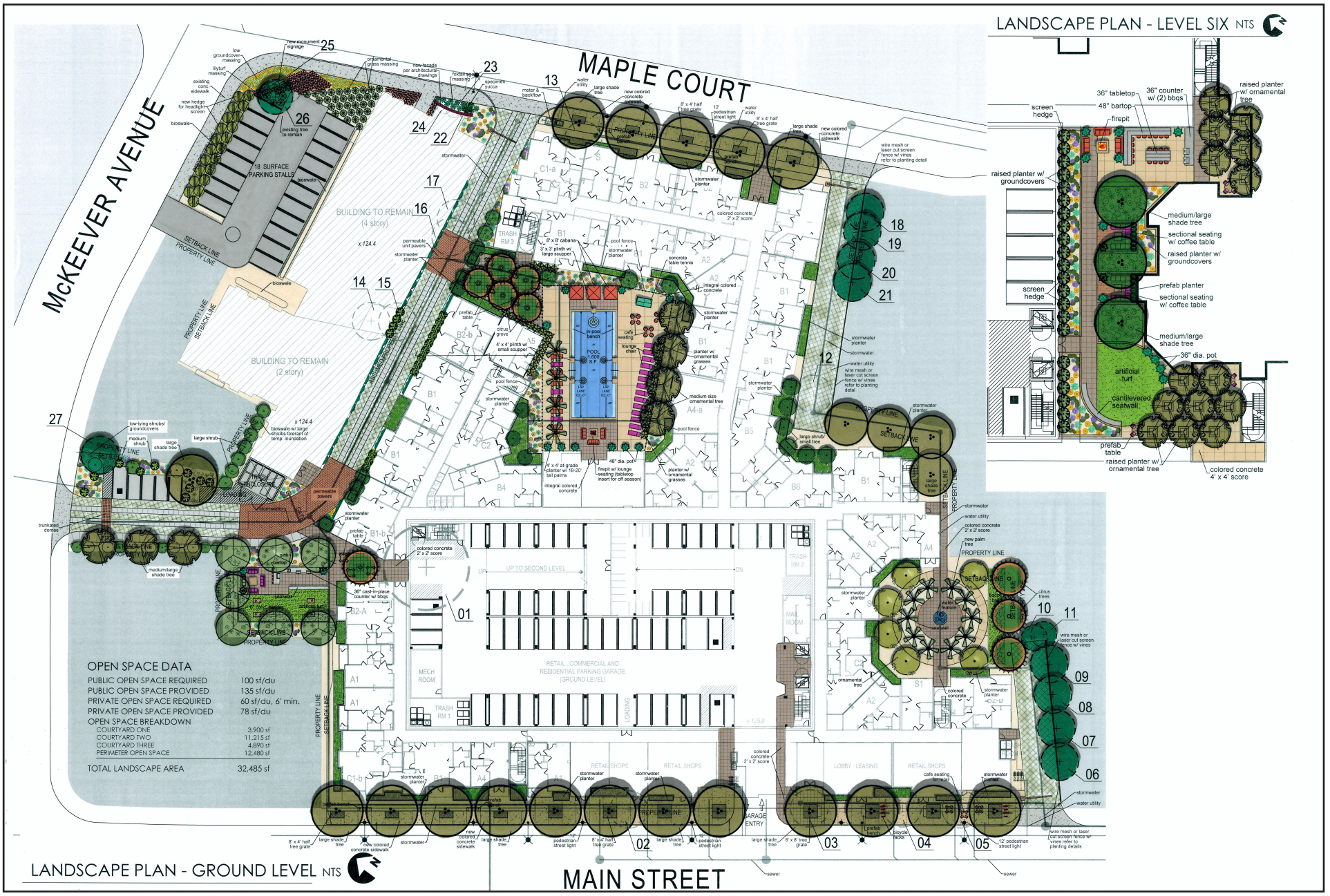


SOURCE: Humphreys & Partners Architects, L.P.

FIGURE 10

Medical Building Elevations



SOURCE: Humphreys & Partners Architects, L.P.

FIGURE 11

Landscaping Plan

IMPACT SCIENCES

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SOURCE: Google Earth, October 2015

FIGURE **12**

IMPACT SCIENCES

Existing and Surrounding Uses

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III. ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED

The environmental factors checked below would potentially be affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages.

- □ Aesthetics
- □ Agriculture and Forestry Resources
- □ Air Quality
- □ Biological Resources
- □ Cultural Resources
- □ Geology and Soils
- □ Greenhouse Gas Emissions
- □ Hazards and Hazardous Materials
- □ Hydrology/Water Quality
- □ Land Use/Planning
- □ Mineral Resources
- □ Noise
- □ Population and Housing
- □ Public Services
- □ Recreation
- □ Transportation/Circulation
- □ Utilities/Service Systems
- □ Mandatory Findings of Significance

IV. DETERMINATION

On the basis of the initial evaluation that follows:

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

■ I find that although the proposed project could have a significant effect on the environment, there would not be a significant effect in this case because revisions in the project have been made that would avoid or reduce any potential significant effects to a less than significant level. A MITIGATED NEGATIVE DECLARATION will be prepared.

□ I find that the proposed project MAY have a significant effect on the environment. An ENVIRONMENTAL IMPACT REPORT will be prepared.

December 6, 2016

David Rizk, AICP
Director of Development Services

Date

V. EVALUATION OF ENVIRONMENTAL IMPACTS

During the completion of the environmental evaluation, the City relied on the following categories of impacts, noted as column headings in the IS checklist. All impact determinations are explained, and supported by the information sources cited.

A) "Potentially Significant Impact" is appropriate if there is substantial evidence that the project's effect may be significant. If there are one or more "Potentially Significant Impacts" for which effective mitigation may not be possible, a Project EIR will be prepared.

B) "Less Than Significant with Mitigation Incorporated" applies where the incorporation of project-specific mitigation would reduce an effect from "Potentially Significant Impact" to a "Less Than Significant Impact." All mitigation measures must be described, including a brief explanation of how the measures would reduce the effect to a less than significant level.

C) "Less Than Significant Impact" applies where the project would not result in a significant effect (i.e., the project impact would be less than significant without the need to incorporate mitigation).

D) "No Impact" applies where the project would not result in any impact in the category or the category does not apply. This may be because the impact category does not apply to the proposed project (for instance, the project site is not within a surface fault rupture hazard zone), or because of other project-specific factors.

Impact Questions and Responses

Issues	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
1. AESTHETICS – Would the project:				
a) Have a substantial adverse effect on a scenic vista?	☐	☐	☐	■
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	☐	☐	☐	■
c) Substantially degrade the existing visual character or quality of the site and its surroundings?	☐	☐	■	☐
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	☐	☐	■	☐

In September 2013, Governor Brown signed Senate Bill 743, which made several changes to CEQA for projects located in areas served by transit (i.e., transit-oriented development or TOD). One of the changes included a provision to exempt from analysis the aesthetic impacts of the project if the proposed project is a "residential, mixed-use residential, or employment center project on an infill site within a transit priority area." An infill site is defined by SB 743 as "a lot located within an urban area that has been previously developed" while a transit priority area is defined by the statute as "an area within one-half mile of a major transit stop."

All of the lots that make up the project site are completely developed and are surrounded by existing development. In addition, the project consists of a mixed-use residential community that is located within one-half mile of the Hayward Bay Area Rapid Transit (BART) station, which is a major transit stop in the City. For these reasons, the proposed project qualifies for the infill exemption, and the analysis of aesthetic changes due to the project is provided below for informational purposes only.

Relevant Elements of the Project and its Setting

The topography of the project site is relatively flat, and the site is completely developed, although some of the existing development on the project site will be demolished prior to the start of construction. Based on a review of the *Hayward 2040 General Plan Background Report*, there are no scenic vistas that include the project site as a major part of the view.

Discussion of Potential Project Impacts

a) ***No Impact.*** A scenic vista is generally defined as an expansive view of highly valued landscape as observable from a publicly accessible vantage point. According to the *Hayward 2040 General Plan Background Report*, views of natural topography, open grassland vegetation, rolling hills, and the Bay shoreline make up the prominent elements of the City's scenic landscape. In addition, portions of I-580, I-

880, and SR 92 within the City are designated as County scenic highways (City of Hayward 2014a). The proposed project site is not part of any scenic landscape within the City and is not located with the viewshed of a County scenic highway. The site is flat and is located in an urbanized area surrounded by residential and commercial uses. Based on these factors, the proposed project would have no impact with regard to this criterion.

b) ***No Impact.*** The project site is not located adjacent to a state scenic highway (Caltrans 2015) and does not contain scenic resources as identified in the *Hayward 2040 General Plan* or any other land use plans. As a result, the proposed project would have no impact with regard to this criterion.

c) ***Less than Significant Impact***. Construction of the proposed project will alter the visual character of the project site by demolishing five existing structures and a portion of a fourth structure on the site and replacing them with a five-story structure. In addition, the proposed project would renovate the exterior of the existing medical office building located at the corner of McKeever Avenue and Maple Court. The surrounding area is heavily urbanized and the proposed structures will be consistent with the height and density planned for the project site by the City's General Plan and zoning code. In addition, the proposed project would provide landscaping throughout the development consisting of trees, shrubs, groundcover and turf. Finally, the project area is a mix of architectural styles with no particular design aesthetic or architectural style being dominant. Therefore, the proposed building design would be compatible with the mixed visual character of the area, and the impact of the proposed project with regard to visual character would be less than significant.

d) ***Less than Significant Impact***. The project site is located in an urban environment characterized by high levels of ambient nighttime illumination. The intensity and extent of visibility of the interior lighting from the proposed project would be greater than from the existing buildings on the project site. However, it would be typical of other residential and commercial structures in the area. Exterior lighting of the proposed project would be restricted to illuminating the building's pedestrian and vehicular access points at street level, consistent with nearby buildings and street lighting fixtures, and is not expected to create substantial new illumination in the area.

Glare from building windows would increase under the proposed project as the surface area of the building windows would be greater than under existing conditions. However, metal awnings would shield some of the building windows on the ground level and some windows would be set back from the edge of the building with balconies. In addition, non-reflective materials would be used in the construction of the proposed project, and thus the project would not result in a substantial new source of glare that would adversely affect daytime views in the area.

For the reasons mentioned above, the impact of the proposed project with regard to light and glare would be less than significant.

Discussion of Potential Cumulative Impacts

Anticipated future development in the City of Hayward may block views of scenic vistas or alter the visual character of the City. In addition, anticipated future development in the City may result in significant cumulative impacts with regard to light and glare. However, according to the *City of Hayward 2040 General Plan EIR*, with the implementation of goals, policies, and implementation programs listed in the City's General Plan, impacts related to aesthetics within the City due to future growth would be less than significant (City of Hayward 2014c). Development of the proposed project would not substantially

alter scenic views of the Mount Diablo Range to the east or the San Francisco Bay to the west or substantially degrade the existing visual character of Downtown Hayward and its surroundings. In addition, due to its infill nature, the proposed project would not have negative effects related to lighting and glare. Therefore, the cumulative impact of the proposed project with respect to aesthetics would be less than significant.

Issues	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
2. AGRICULTURE AND FORESTRY RESOURCES – Would the project:				
a) 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?	☐	☐	☐	■
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	☐	☐	☐	■
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)) or timberland (as defined in Public Resources Code section 4526)?	☐	☐	☐	■
d) Result in the loss of forest land or conversion of forest land to non-forest use?	☐	☐	☐	■
e) Involve other changes in the existing environment, which, due to their location or nature, could result in conversion of Farmland to non-agricultural use?	☐	☐	☐	■

Relevant Elements of the Project and its Setting

The project site is currently developed with a medical office complex consisting of three medical office buildings and a single family residence. Other structures on the project site include a commercial building and a vacant residence along Maple Court. The project site is zoned CC-C (Central City Commercial) per the *Hayward Zoning Map* and is designated as Urban and Built-Up Land on maps prepared by the California State Department of Conservation pursuant to the Farmland Mapping and Monitoring Program (FMMP) (FMMP 2012).

Discussion of Potential Project Impacts

a) ***No Impact.*** The project site is not currently used for agriculture, and is not designated as Farmland on maps prepared pursuant to the FMMP. There would be no impact with regard to this criterion.

b) ***No Impact.*** As discussed above, the project site is zoned CC-C (Central City Commercial) per the *Hayward Zoning Map.* According to Section 1.1520 of the *Hayward Municipal Code*, the purpose of CC-C designation is to establish a mix of business and other activities which will enhance the economic vitality of the downtown area. Permitted activities include, but are not limited to, retail, office, service, lodging, entertainment, education, and multi-family residential uses. No portion of the project site is zoned for agricultural use. In addition, there is no Williamson Act contract applicable to the project site or its

vicinity. Therefore, future development on the project site would not conflict with existing zoning for agricultural use (as it does not apply to the site) or a Williamson Act contract. There would be no impact with regard to this criterion.

c) ***No Impact***. As identified in **Item (b)**, above, the project site is zoned CC-C (Central City Commercial) per the *Hayward Zoning Map*. No portion of the project site is zoned forest land or timber land. There would be no impact with regard to this criterion.

d) ***No Impact.*** No part of the project site contains forest lands. Furthermore, the surrounding area does not include any forest land or timber land. There would be no impact with regard to this criterion.

e) ***No Impact.*** Development of the project site would occur in a densely developed urbanized area and there are no agricultural lands near the site. Therefore, future development on the project site would not involve any changes that could directly or indirectly lead to the conversion of Farmland to non-agricultural use or conversion of forest land to non-forest use. There would be no impact with regard to this criterion.

Discussion of Potential Cumulative Impacts

The City of Hayward is urban in nature, and it does not contain Farmland on maps prepared pursuant to the FMMP. As a result, anticipated future development in Hayward, including the proposed project, would not result in the loss of Farmland. In addition, land in the City is zoned for urban uses. Therefore, anticipated future development in Hayward would not displace land zoned for agricultural use or forest land or timberland, and would not conflict with land under a Williamson Act contact. The impact of cumulative development on agricultural and forest resources would be less than significant.

Issues	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
3. AIR QUALITY – Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:				
a) Conflict with or obstruct implementation of the applicable air quality plan?	☐	☐	■	☐
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation (e.g., induce mobile source carbon monoxide (CO) emissions that would cause a violation of the CO ambient air quality standard)?	☐	■	☐	☐
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is nonattainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?	☐	■	☐	☐
d) Expose sensitive receptors to substantial pollutant concentrations?	☐	■	☐	☐
e) Create objectionable odors affecting a substantial number of people?	☐	☐	■	☐

Relevant Elements of the Project and its Setting

An Air Quality and Greenhouse Gas Assessment was prepared for the proposed project by Illingworth & Rodkin, Inc., in December 2015. A copy of the Air Quality and Greenhouse Gas Assessment for the proposed project is provided in **Appendix B**. After the assessment was prepared the project description was revised to include an additional five residential units. As a result, an addendum to the Air Quality and Greenhouse Gas Assessment was prepared by Illingworth & Rodkin, Inc., to confirm the findings of the assessment. A copy of the addendum is provided in **Appendix B.**

After the IS/MND was circulated for public review, the City received a comment requesting that the cumulative impact analysis take into account the proposed Lincoln Landing project, a large mixed-use project consisting of 476 multi-family units and 80,000 square feet of commercial use on an 11.3-acre site approximately 300 feet north of the project site. As a result, an updated cumulative air quality analysis for the project was prepared which is documented in a technical memorandum. A copy of the technical memorandum is also provided in **Appendix B**.

The proposed project is located in the City of Hayward, which is included in the San Francisco Bay Area Air Basin (SFBAAB). The Bay Area Air Quality Management District (BAAQMD) has jurisdiction over air quality within the Air Basin. In June 2010, BAAQMD set forth thresholds of significance to assist in the review of projects under CEQA. These thresholds were designed to establish the level at which BAAQMD believed air pollutant emissions would cause significant environmental impacts under CEQA and were posted on BAAQMD's website and included in the Air District's updated CEQA Guidelines (updated May 2011). The significance thresholds set forth by BAAQMD and used in this analysis are summarized below in **Table 5, BAAQMD CEQA Significance Thresholds – Air Quality Emissions**.

Table 5
BAAQMD CEQA Significance Thresholds – Air Quality Emissions

	Construction Thresholds	Operational Thresholds	
Pollutant	Average Daily emissions (lbs./day))	Average Daily Emissions (lbs./day))	Annual Average Emissions (tons/year))
Criteria Pollutants			
ROG	54	54	10
NOx	54	54	10
PM10	82	82	15
PM2.5	54	54	10
CO	Not Applicable	9.0 ppm (8-hour average) or 20.0 ppm (1-hour average)	
Fugitive Dust	Construction Dust Ordinance or other Best Management Practices	Not Applicable	
Health Risks and Hazards for New Sources			
Excess Cancer Risk	Same as Operational Threshold	10 per one Million	
Chronic or Acute Hazard Index	Same as Operational Threshold	1.0	
Incremental annual average PM2.5	Same as Operational Threshold	0.3 μg/m3	
Health Risks and Hazards for Sensitive Receptors (Cumulative from all sources within 1,000 foot zone of influence) and Cumulative Thresholds for New Sources			
Excess Cancer Risk	Same as Operational Threshold	10 per one Million	
Chronic Hazard Risk	Same as Operational Threshold	1.0	
Annual Average PM2.5	Same as Operational Threshold	0.8 μg/m3	

Source: Bay Area Air Quality Management District, California Environmental Quality Act Air Quality Guidelines, 2011

Discussion of Potential Project Impacts

a) ***Less than Significant Impact***. The most recent clean air plan is the *Bay Area 2010 Clean Air Plan* that was adopted by the BAAQMD in September 2010. A proposed project would be considered to be consistent with the goals of the Clean Air Plan if it would attain air quality standards, reduce population exposure and protect public health in the Bay Area, and reduce GHG emissions and protect the climate.

The proposed project would not conflict with the latest Clean Air planning efforts since: (1) the project would have emissions below the BAAQMD criteria air pollutant thresholds (see Item b-c below), (2) development of the project site would be considered urban "infill," (3) development would be located near employment centers, and (4) development would be near existing transit. Net operational emissions associated with the proposed project would not exceed any of the significance thresholds and, thus, it is not required to incorporate project-specific transportation control measures listed in the latest Clean Air Plan. The project would not conflict with or obstruct the implementation of the Clean Air Plan. The impact would be less than significant.

b-c) ***Less than Significant Impact with Mitigation***. The Bay Area is a non-attainment area for ground-level ozone and $PM_{2.5}$ under both the Federal Clean Air Act and the California Clean Air Act. The area is also non-attainment for PM_{10} under the California Clean Air Act, but not the Federal Act. The area has attained both State and federal ambient air quality standards for carbon monoxide. As part of an effort to attain and maintain ambient air quality standards for ozone and PM_{10}, the BAAQMD has put forth thresholds of significance for these air pollutants and their precursors. These thresholds are for ozone precursor pollutants (ROG and NOx), PM_{10}, and $PM_{2.5}$ and apply to both construction period and operational period impacts.

The California Emissions Estimator Model (CalEEMod) Version 2013.2.2 was used to estimate emissions from construction and operation of the site assuming full build out of the project. This model is recommended by the BAAQMD for estimating construction and operational emissions from land use projects.

Construction Period Emissions

It is anticipated that the proposed project would be built out over a period of one year, beginning in winter 2017, or an estimated 270 construction workdays. Construction activities would include the demolition of the existing medical buildings and removal of parking lot pavement, followed by site grading, utility improvements, foundations and the construction of the residential structure and parking garage. In addition, off-site utility improvements would be constructed in Maple Court and Main Street along the project frontage. Model inputs such as construction schedule, estimated hauling volumes, anticipated on-site construction equipment, and the numbers of worker, vendor, and haul trips are presented in **Appendix B**.

Table 6, Estimated Construction Emissions presents the average daily emissions of ROG, NOX, PM_{10} exhaust, and $PM_{2.5}$ exhaust from the construction of the proposed project**.** CalEEMod provided the total construction emissions in tons. Average daily emissions were computed by dividing the total construction emissions by the number of construction days. As indicated in **Table 6**, estimated average daily project construction emissions would not exceed the thresholds for ROG, NOX, PM_{10}, and $PM_{2.5}$. As a result, the impact associated with construction-period emissions of criteria pollutants would be less than significant.

Table 6
Estimated Construction Emissions

Scenario	ROG	NOx	PM_{10} Exhaust	$PM_{2.5}$ Exhaust
Residential/Retail Construction emissions (tons)	3.25	2.86	0.13	0.12
Office Building Renovation Construction emissions (tons)	0.72	0.55	0.03	0.03
Total Construction emissions (tons)	3.97	3.41	0.16	0.15
Average daily emissions (pounds)	29.4	25.3	1.2	1.1
BAAQMD Thresholds (pounds per day)	**54**	**54**	**82**	**54**
Exceeds Threshold?	No	No	No	No

Source: Illingworth & Rodkin, 2015.

Construction activities, particularly during demolition, site preparation and grading, would temporarily generate fugitive dust, including PM_{10} and $PM_{2.5}$. Sources of fugitive dust would include disturbed soils at the construction site during grading and soil remediation 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. Fugitive dust emissions would vary from day to day, depending on the nature and magnitude of construction activity and local weather conditions. Fugitive dust emissions would also depend on soil moisture, silt content of soil, wind speed, and the amount of equipment operating. Larger dust particles would settle near the source, while fine particles would be dispersed over greater distances from the construction site. The *CEQA Air Quality Guidelines* consider the impact from a project's construction-phase dust emissions to be less than significant if best management practices listed in the guidelines are implemented. Without these BMPs, the impact from dust emissions would be potentially significant.

Mitigation Measure AIR-1 is proposed, which requires that the dust control BMPs put forth by the BAAQMD are implemented by the proposed project. With the implementation of the required BAAQMD recommended BMPs pursuant to **Mitigation Measure AIR-1**, the construction of the proposed project would not result in substantial emissions of fugitive dust, PM_{10} or $PM_{2.5}$, and the impact associated with construction-period emissions of fugitive dust, PM_{10} and $PM_{2.5}$ would be less than significant.

> **Mitigation Measure AIR-1:** The construction contractor(s) shall implement the following BMPs during project construction:
>
> - 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 mph.

- All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible and feasible. Building pads shall be laid as soon as possible and feasible 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 Air District's phone number shall also be visible to ensure compliance with applicable regulations.

Operational Period Emissions

Operational air emissions associated with the proposed project would be generated primarily from automobiles driven by future residents and employees. Other sources of operational emissions are architectural coatings and maintenance products, consumer products, and energy use on the project site, including the combustion of natural gas in stoves, heaters, and boilers. CalEEMod was used to estimate emissions from operation of the proposed project assuming full build out. This analysis assumed that the proposed project would be fully built out and operational in 2017 at the earliest. Other assumptions used in the model such as proposed land uses, vehicle trips, area sources and energy efficiency are listed in **Appendix B**.

Table 7, Estimated Operational Emissions, shows the predicted emissions in terms of annual emissions in tons and average daily operational emissions in pounds per day, assuming 365 days of operation per year. As shown in **Table 7**, average daily and annual emissions of ROG, NOX, PM_{10}, or $PM_{2.5}$ emissions associated with project operation would not exceed the significance thresholds. As a result, the project's impact associated with operational emissions of criteria pollutants would be less than significant.

Table 7
Estimated Operational Emissions

Scenario	ROG	NOx	PM_{10}	$PM_{2.5}$
Annual Project Operational Emissions (tons)	2.82	1.97	0.88	0.26
BAAQMD Thresholds (tons per year)	**10**	**10**	**15**	**10**
Exceeds Threshold?	No	No	No	No
Average daily emissions (pounds)	15.5	10.8	4.8	1.4
BAAQMD Thresholds (pounds per day)	**54**	**54**	**82**	**54**
Exceeds Threshold?	No	No	No	No

Source: Illingworth & Rodkin, 2015

d) ***Less than Significant Impact with Mitigation.*** Sensitive receptors are locations where an identifiable subset of the general population (children, asthmatics, the elderly, and the chronically ill) that is at greater risk than the general population to the effects of air pollutants is likely to be exposed. These locations include residences, schools, playgrounds, childcare centers, retirement homes, hospitals, and medical clinics. Operation of the project is not expected to cause any localized emissions that could expose sensitive receptors to unhealthy air pollutant levels.

Construction activity is anticipated to involve demolition of the existing on-site buildings and building construction. As discussed above, the project's construction-period emissions of criteria pollutants would be below the thresholds set forth by the BAAQMD. While those thresholds primarily address the potential for a project's emissions to adversely affect regional air quality, localized emissions of dust could affect nearby sensitive land uses. The BAAQMD CEQA Air Quality Guidelines consider these impacts to be less than significant if controlled through best management practices such as those listed in **Mitigation Measure AIR-1**, which the project would be required to implement.

Construction equipment and associated heavy-duty truck traffic would also generate diesel exhaust, which is a known Toxic Air Contaminant (TAC). Diesel exhaust can pose both a health and nuisance impact to nearby receptors. The closest off-site sensitive receptors are residences on McKeever Avenue, adjacent to the northern boundary of the project site. Additional nearby residences are located across from the project site on McKeever Avenue and Main Street and at farther distances from the site. A community health risk assessment of the project construction activities was conducted to evaluate potential health effects on nearby sensitive receptors from construction emissions of Diesel Particulate Matter (DPM). The methodology used to conduct this risk assessment is outlined below followed by the results of the analysis.

Health Risk Assessment Methodology

A dispersion model was used to calculate the off-site DPM concentrations resulting from project construction at sensitive receptors so that lifetime excess cancer risks could be predicted. The emission calculations used for the modeling, summary of dispersion model inputs and outputs, and the cancer risk calculations are presented in **Appendix B**.

A health risk assessment for exposure to TACs requires the application of a risk characterization model to the results from the air dispersion model to estimate potential health risk at each sensitive receptor location. The State of California Office of Environmental Health Hazard Assessment (OEHHA) and the California Air Resources Board (CARB) develop recommended methods for conducting health risk assessments. The most recent OEHHA risk assessment guidelines were published in February 2015. These guidelines incorporate substantial changes designed to provide for enhanced protection of children, as required by state law, compared to previous published risk assessment guidelines. CARB has provided additional guidance on implementing OEHHA's recommended methods. The health risk assessment prepared for the proposed project used the recent 2015 OEHHA risk assessment guidelines and CARB guidance. While the OEHHA guidelines use substantially more conservative assumptions than the current BAAQMD guidelines, BAAQMD has not formally adopted recommended procedures for applying the newest OEHHA guidelines. BAAQMD is in the process of developing new guidance and has provided initial information on exposure parameter values they are proposing for use. The OEHHA guidelines and newly recommended BAAQMD exposure parameters were used in this evaluation.

Potential increased cancer risk from inhalation of TACs are calculated based on the TAC concentration, the period of exposure, inhalation dose, the TAC cancer potency factor, and an age sensitivity factor to reflect the greater sensitivity of infants and children to cancer causing TACs. The inhalation dose depends on a person's breathing rate, exposure time and frequency of exposure, and the exposure duration. These parameters vary depending on the age, or age range, of the persons being exposed and whether the exposure is considered to occur at a residential location or other sensitive receptor location.

The current OEHHA guidance recommends that cancer risk be calculated by age groups to account for different breathing rates and sensitivity to TACs. Specifically, the guidance recommends evaluating risks for the third trimester of pregnancy to age zero, ages zero to less than two (infant exposure), ages two to less than 16 (child exposure), and ages 16 to 70 (adult exposure). Age sensitivity factors (ASFs) associated with the different types of exposure are an ASF of 10 for the third trimester and infant exposures, an ASF of 3 for a child exposure, and an ASF of 1 for an adult exposure. Also associated with each exposure type are different breathing rates, expressed as liters per kilogram of body weight per day (L/kg-day). As recommended by the BAAQMD, 95th percentile breathing rates are used for the third trimester and infant exposures, and 80th percentile breathing rates for child and adult exposures.

Functionally, cancer risk is calculated using the following parameters and formulas:

$$\text{Cancer Risk (per million)} = \text{CPF} \times \text{Inhalation Dose} \times \text{ASF} \times \text{ED/AT} \times \text{FAH} \times 10^{6}$$

Where:

CPF = Cancer potency factor (mg/kg-day)-1
ASF = Age sensitivity factor for specified age group
ED = Exposure duration (years)
AT = Averaging time for lifetime cancer risk (years)
FAH = Fraction of time spent at home (unitless)

$$\text{Inhalation Dose} = C_{air} \times \text{DBR} \times \text{A} \times (\text{EF}/365) \times 10^{-6}$$

Where:

C_{air} = concentration in air (μg/m3)
DBR = daily breathing rate (L/kg body weight-day)
A = Inhalation absorption factor
EF = Exposure frequency (days/year)

10^{-6} = Conversion factor

The health risk parameters used in this evaluation are summarized below in **Table 8, Health Risk Parameters Used for Cancer Risk Calculations**.

Table 8
Health Risk Parameters Used for Cancer Risk Calculations

Exposure Type / Parameter / *Age Range*	Infant 3rd Trimester	Infant 0 < 2	Child 2 < 16	Adult 16-30
DPM Cancer Potency Factor (mg/kg-day)$^{-1}$	1.10E+00	1.10E+00	1.10E+00	1.10E+00
Daily Breathing Rate (L/kg-day)*	361	1,090	572	261
Inhalation Absorption Factor	1	1	1	1
Averaging Time (years)	70	70	70	70
Exposure Duration (years)	0.25	2	14	14
Exposure Frequency (days/year)	350	350	350	350
Age Sensitivity Factor	10	10	3	1
Fraction of Time at Home	1.0	1.0	1.0	0.73

Source: Illingworth & Rodkin, 2015
** 95th percentile breathing rates for 3rd trimester and infants and 80th percentile for children and adults*

Predicted Cancer Risk and Hazards

According to the results of the dispersion modeling, the maximum modeled DPM and PM2.5 concentrations occurred at a receptor just north of the project site on McKeever Avenue. Increased cancer risks were calculated using the modeled DPM concentrations and risk assessment methods for infant exposure (3rd trimester through 2 years of age), child exposure, and adult exposure described above. The cancer risk calculations were based on applying the age sensitivity factors to the DPM exposures. Infant and child exposures were assumed to occur at all residences during the entire construction period.

Results of this assessment indicate that, due to project construction activities, the maximum increased residential cancer risk, assuming all infant exposure, would be 30.4 in one million and the increased residential cancer risk assuming adult exposure would be 0.8 in one million. The maximum increased cancer risk would be above the BAAQMD significance threshold of a cancer risk of greater than 10.0 in one million, and this impact is considered potentially significant.

The proposed project would implement **Mitigation Measures AIR-2** and **AIR-3**, which requires that construction equipment meet certain emissions standards and reduce particulate emissions by 70 percent or more.

> **Mitigation Measure AIR-2**: All diesel-powered off-road equipment larger than 50 horsepower and operating on the site for more than two days continuously shall, at a minimum, meet U.S. EPA particulate matter emissions standards for Tier 4 engines or equivalent.

Mitigation Measure AIR-3: All diesel-powered portable equipment (i.e., air compressors, concrete saws, and forklifts) operating on the site for more than two days shall meet U.S. EPA particulate matter emissions standards for Tier 4 engines or equivalent.

Mitigation Measure AIR-4: Instead of **Mitigation Measures AIR-2** and **AIR-3** above, the construction contractor could use other measures to minimize construction-period Diesel Particulate Matter (DPM) emissions to reduce the predicted cancer risk below the thresholds. Such measures may be the use of alternative powered equipment (e.g., LPG-powered lifts), alternative fuels (e.g., biofuels), added exhaust devices, or a combination of measures, provided that these measures are approved by the City.

Implementation of BAAQMD's Recommended BMPs for construction (as listed in **Mitigation Measure AIR-1**), would reduce exhaust emissions by 5 percent and fugitive dust emissions by over 50 percent. Implementation of **Mitigation Measures AIR-2** and **AIR-3** or **AIR-4** would further reduce on-site diesel exhaust emissions by over 80 percent. The computed maximum increased residential infant cancer risk with implementation of **Mitigation Measures AIR-2** and **AIR-3** would be reduced to less than 6.1 in one million, which is below the BAAQMD threshold of 10 per one million. With the implementation of these mitigation measures, the project's construction activities would have a less-than-significant impact with respect to community human health risk.

Potential non-cancer health effects due to chronic exposure to DPM were also evaluated. Non-cancer health hazards from TAC exposure are expressed in terms of a hazard index (HI), which is the ratio of the TAC concentration to a reference exposure level (REL). OEHHA has defined acceptable concentration levels for contaminants that pose non-cancer health hazards. TAC concentrations below the REL are not expected to cause adverse health impacts, even for sensitive individuals. The chronic inhalation REL for DPM is 5 $\mu g/m^3$. The maximum modeled annual DPM concentration was 0.185 $\mu g/m^3$, which is much lower than the REL. The maximum computed hazard index based on this DPM concentration is 0.04 which is much lower than the BAAQMD significance criterion of a HI greater than 1.0. This impact is considered less than significant.

As part of the TAC analysis, the maximum annual PM2.5 concentration from project construction was also estimated, and determined to be 0.3 $\mu g/m^3$. This PM2.5 concentration is below the BAAQMD significance threshold of greater than 0.3 $\mu g/m^3$ used to judge the significance of health impacts from PM2.5 exposure. This impact is considered less than significant. With the implementation of **Mitigation Measures AIR-1 and AIR-2,** this concentration would be further reduced to less than 0.1 $\mu g/m^3$.

Cumulative Community Risk

The cumulative community risk to off-site receptors from the project's construction-phase TAC emissions when combined with TAC emissions from other existing nearby sources was also evaluated using the methodology provided by the BAAQMD. Existing nearby sources of TAC emissions within 1,000 feet of the project site include Foothill Boulevard (State Route 238 [SR-238])/A Street, stationary sources (e.g., emergency backup generators and gas-fueling facilities), and the construction of the future Lincoln Landing project. **Table 9, Cumulative Construction-Phase Community Risk at Project MEI from Combined Sources**, shows the cancer and non-cancer risks associated with each nearby source affecting the receptor most affected by project construction. The sum of impacts from combined sources (i.e., all sources within 1,000 feet of the project) along with the impact from project construction activities would

be below the BAAQMD risk thresholds. Therefore, the cumulative community health risk impact on nearby sensitive receptors would be less than significant.

Table 9
Cumulative Construction-Phase Community Risk at Project MEI from Combined Sources

Source	Maximum Cancer Risk (per million)	$PM_{2.5}$ concentration ($\mu g/m^3$)	Hazard Index
Unmitigated Project Construction	30.4	0.3	0.04
State Route 238 (Foothill Blvd. and A Street)	<1.5	<0.1	<0.01
Plant 13474	<3.3	0.0	<0.01
Plant G9145	<0.5	0.0	<0.01
Lincoln Landing Construction	7.0	<0.1	<0.01
Combined Sources[1]	<42.7	<0.5	<0.1
BAAQMD Combined Source Threshold	**100**	**0.8**	**10.0**
Significant?	No	No	No

Source: Illingworth & Rodkin, 2015; Illingworth & Rodkin, 2016b
1 The combined source level is an overestimate because the maximum impact from each source is assumed to occur at the same location.

e) ***Less than Significant Impact.*** The proposed project would generate localized emissions of diesel exhaust during construction equipment operation and truck activity. The odor from these emissions may be noticeable from time to time by adjacent receptors. However, they would be localized and are not likely to adversely affect people off site by resulting in confirmed odor complaints. The project would not include any sources of significant odors that would cause complaints from surrounding uses. This impact would be less than significant.

Discussion of Potential Cumulative Impacts

According to the *City of Hayward 2040 General Plan EIR*, anticipated future development in the City of Hayward would conflict with or obstruct implementation of applicable air quality plans, result in short-term construction emissions of criteria pollutants that exceed BAAQMD's project-level significance thresholds, result in an increase of long-term operation emission of criteria pollutants due to an increase in vehicle miles traveled and vehicle trips that would be higher than the rate of population increase by 2035, and could involve the siting of sensitive receptors near major roadways or near major stationary sources of TAC and $PM_{2.5}$ emissions. Even with the implementation of goals, policies, and implementation programs listed in the City's General Plan, air quality impacts within the City due to future growth would be significant and unavoidable (City of Hayward 2014c). As discussed above, the proposed project's construction exhaust emissions would not exceed the significance thresholds, and fugitive dust emissions would be adequately controlled through implementation of **Mitigation Measure AIR-1**. In addition, the proposed project's operational emissions would not exceed the significance thresholds. Concerning community human health risk, with the implementation of **Mitigation Measures AIR-2** through **-4**, the project's construction activities would have a less-than-significant impact. Finally, as shown in the analysis above, the cumulative community health risk impact due to project construction on nearby sensitive receptors would be less than significant. Furthermore, air quality impacts are by

nature cumulative impacts, with air quality management plans and significance thresholds designed to include all foreseeable potential future development in a region. Consequently, the air quality analysis presented above that compares the proposed project's emissions to the relevant thresholds is by nature a cumulative analysis. The construction and operation of the proposed project would not make a cumulatively considerable contribution to a cumulative air quality impact that would result from future development in the City.

Issues	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
4. BIOLOGICAL RESOURCES – Would the project:				
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or US Fish and Wildlife Service?	☐	■	☐	☐
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Wildlife or US Fish and Wildlife Service?	☐	☐	☐	■
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	☐	☐	☐	■
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	☐	☐	☐	■
e) Conflict with any applicable policies protecting biological resources?	☐	■	☐	☐
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other applicable habitat conservation plan?	☐	☐	☐	■

Relevant Elements of the Project and its Setting

The project site is located in an urban area and is surrounded by existing residential and commercial uses. According to a review of the most recent version of the California Natural Diversity Database (CNDDB), no special-status species have been documented on the project site. In addition, no special-status species are expected to occur on the project site due to lack of suitable habitat. A copy of the CNDDB search results for the project site is provided in **Appendix C**.

The project site is lacking any biological habitat with the exception of typical urban landscaping. A total of 27 trees are located on or adjacent to the project site. According to the US Fish and Wildlife Service (USFWS) National Wetlands Inventory, there are no wetlands or potential wetlands located on or within the vicinity of the project site (USFWS 2015). The nearest body of water to the project site is San Lorenzo Creek, a channelized urban creek located approximately 150 feet north of the project site.

Discussion of Potential Project Impacts

a) ***Less than Significant Impact with Mitigation.*** As discussed above, no special-status plant or wildlife species have been documented on the project site and no special status species are expected to occur on the project site. However, numerous common bird species could nest on or near the project site and the active nests of common bird species are protected by the Migratory Bird Treaty Act and the California Fish and Game Code. In addition, development of the project would result in the removal of mature trees on the project site that are large enough to provide nesting sites. In the event that nesting birds are present on or near the project site when construction is commenced (including off-site utility improvements that would be constructed along Maple Court and Main Street) or when the on-site trees are removed, construction activities could result in the direct loss of or noise-disturbance to an active nest. This is considered a potentially significant impact. However, with implementation of **Mitigation Measures BIO-1** and **BIO-2**, which requires a preconstruction survey and avoidance of active nests, the impact would be reduced to a less than significant level.

> **Mitigation Measure BIO-1**: If construction activities commence outside the nesting season (generally September 1 through February 28), pre-construction surveys are not required. However, if construction commences outside the nesting season and extends into the nesting season, and is suspended for more than 14 days, a pre-construction survey that is detailed in **Mitigation Measure BIO-2**, below, will be implemented.
>
> **Mitigation Measure BIO-2**: If construction commences during the nesting season (March 1 through August 31), a pre-construction survey for active nests will be conducted within 15 days prior to the start of work. Given the urban setting of the project site and the construction staging area, the radius of the pre-construction survey will be determined in consultation with the California Department of Fish and Wildlife (CDFW). Typically, a 250-foot buffer for passerines and other unlisted/non-raptor species, 500-foot buffer for unlisted raptor species, and 0.5-mile buffer for listed raptor species are required. However, exceptions can be made based on the species of bird nesting, activities proposed, and for noise attenuation provided by intervening buildings in urban areas. Once the survey area is established, a survey of all appropriate nesting habitat will be conducted to locate any active nests. In the event that active nests are identified, appropriate buffer zones and types of construction activities restricted within the buffer zones will be determined through consultation with the CDFW. The buffer zones will be implemented and maintained until the young birds have fledged and no continued use of the nest is observed, as determined by a qualified biologist.

b) ***No Impact***. The project site is developed with urban uses. No riparian habitat or other sensitive natural community exists on the project site. As such, the project would not have any effect on any riparian habitat or other sensitive natural communities. There would be no impact with regard to this criterion.

c) ***No Impact***. There are no wetlands on the project site, as defined by the federal Clean Water Act or the California Fish and Game Code. There would be no impact with respect to this criterion.

d) ***No Impact***. Given the project's location in central Hayward, no wildlife movement occurs through the project site at the present time. There would be no impact with respect to this criterion.

e) ***Less than Significant Impact.*** According to a Preliminary Arborist Report prepared by HortScience, Inc., dated November 2015 (see **Appendix C**), there are 27 existing trees representing 11 species on or adjacent to the project site. According to the City's *Tree Preservation Ordinance*, native trees 4 inches and greater in trunk diameter and all trees eight inches and greater in trunk diameter are protected and cannot be removed without a permit. In addition, the City's *Tree Preservation Ordinance* specifies that all protected trees proposed for removal be replaced with a tree equal in size and species or value. Of the 27 existing trees on or adjacent to the project site, 19 trees meet the City's trunk diameter criteria and are protected. According to preliminary project plans, 15 trees, including 13 protected trees, are planned for removal. In order to compensate for the protected trees that would be removed, 13 replacement trees would be required. The proposed landscaping plan calls for planting 114 trees, which would exceed the City's requirements. Therefore, as the proposed project would not conflict with applicable policies protecting biological resources, and this impact is less than significant.

f) ***No Impact***. No habitat conservation plan or natural community conservation plan applies to the project site. There would be no impact with respect to this criterion.

Discussion of Potential Cumulative Impacts

Anticipated future development in some portions of Hayward has the potential to adversely affect biological resources. However, according to the *City of Hayward 2040 General Plan EIR*, with the implementation of goals, policies, and implementation programs listed in the City's General Plan, impacts to biological resources within the City due to future growth would be less than significant (City of Hayward 2014c). Furthermore, as discussed above, the construction and operation of the proposed project would have no impacts on sensitive biological resources as none are present on the site, and to the extent, impacts on nesting birds are a concern, they would be mitigated by the proposed mitigation measures. Therefore, the proposed project's cumulative impact on biological resources would be less than significant.

Issues	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
5. CULTURAL RESOURCES – Would the project:				
a) Cause a substantial adverse change in the significance of a historical resource as defined in Section 15064.5?	☐	☐	■	☐
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5?	☐	■	☐	☐
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	☐	☐	■	☐
d) Disturb any human remains, including those interred outside of formal cemeteries?	☐	■	☐	☐
e) Would the project cause a substantial adverse change in the significance of a tribal cultural resource as defined in Public Resources Code 21074?	☐	☐	■	☐

Relevant Elements of the Project and its Setting

As listed in **Table 1**, above, the residence located at 22491 Maple Court was constructed in 1915 while the residence located at 1013 McKeever Avenue was constructed circa 1940. The remaining buildings on the project site were constructed between the 1950s and 1980s. Due to the age of the buildings, each building on the project site was evaluated to determine its historical significance. The evaluations were prepared by Urban Programmers and Archaeological/Historical Consultants. Copies of the historical resource evaluations are provided in **Appendix D**.

The Northwest Information Center (NWIC) was contacted to conduct an archaeological records search for the project site and surrounding area. According to the NWIC, there is a moderately high potential of identifying Native American archaeological resources and historic-period archaeological resources on or near the project site (NWIC 2015). In addition, a search of the sacred lands file conducted by the Native American Heritage Commission (NAHC) did not indicate the presence of Native American resources in the immediate project area (NAHC 2015). A copy of this correspondence is provided in **Appendix D.**

Discussion of Potential Project Impacts

a) ***Less than Significant Impact.*** Under CEQA, local agencies must consider whether projects will cause a substantial adverse change in the significance of a historical resource, which is considered to be a significant effect on the environment (CEQA Section 21084.1). A "historical resource" is a resource determined eligible for the California Register of Historic Resources (CRHR), or local registers by a lead

agency (CEQA §15064.5), while a "substantial adverse change" can include physical demolition, destruction, relocation, or alteration of the resource or its immediate surroundings" that impairs the significance of an historical resource in such a way as to impair its eligibility for Federal, State, or local registers.

Properties that meet one of four significance criteria are considered eligible for the CRHR:

1) association with events that have made a significant contribution to the broad patterns of local or regional history, or the cultural heritage of California or the United States; or

2) association with the lives of persons important to local, California, or national history; or

3) embodiment of the distinctive characteristics of a type, period, or method of construction, represents the work of a master, or possesses high artistic values; or

4) potential to yield, information important to prehistory or history of the local area, California, or the nation.

A property that meets one or more of these significance criteria must also possess sufficient integrity to convey that significance. Integrity is based on a property's significance within a specific historic context, and can only be evaluated after its significance has been established. A discussion of the historical significance of each building on the project site and its eligibility for the CRHR is provided below.

- **22336 Main Street** (also known as 1030 Levine Court) is a cluster of connected buildings constructed between the 1950s and 1980s. Originally the Levine Hospital, some parts of the building were constructed in 1951. However, numerous additions were built in the 1960s, 1970s, and 1980s, including the two-story Bryman College building. The interior of the building has been almost completely gutted for asbestos remediation. Overall, the complex has poor integrity and does not appear eligible for the CRHR (AHC 2015).

- **22330 Main Street** is a single-story brick medical office building constructed in the 1950s. Though its exterior appears original, the interior has been extensively remodeled, compromising its integrity. It does not appear to possess sufficient significance to make it eligible for the CRHR (AHC 2015).

- **22455 Maple Court** is a four-story medical office building that was constructed as an addition to the Levine Hospital complex in 1973. Since it is not yet 45 years old, the building is exempt from historic review under CEQA criteria (AHC 2015).

- **22477 Maple Court** is a commercial building constructed circa 1960. It lacks integrity and is an undistinguished example of commercial architecture from this period. As such, it does not appear to be eligible for the CRHR (AHC 2015).

- **1013 McKeever Avenue** is a single-family detached home constructed circa 1940. While it possesses fair integrity, it does not appear to be eligible for the CRHR under Criteria 1, 2 or 3 (AHC 2015).

- **22491 Maple Court** is a single-family detached home constructed in 1915 in the California Craftsman Bungalow style. The structure is not associated with people or events significant in the history of Hayward, the State or nation, and it is not an artistic or fine example of California Craftsman Bungalow architecture or unique in its construction. As such, it does not appear eligible for the CRHR

under Criteria 1, 2 or 3. In addition, the structure was not found to not to be eligible for listing under the Hayward Historic Preservation Ordinance (Urban Programmers 2015).

For these reasons, none of the structures on the project site is considered a historic resource under CEQA, and the demolition of the buildings on the project site and the construction of the proposed project would have a less than significant impact on historic resources.

b) ***Less than Significant Impact with Mitigation***. The NWIC indicated that there are no Native American resources in or adjacent to the project site referenced in the ethnographic literature. However, the NWIC indicated that there is a moderately high potential for identifying unrecorded Native American archaeological resources on the project site due to the location of the site relative to the current course of San Lorenzo Creek. In addition, based on a review of historic literature and maps, there is also a high potential for unrecorded historic-period archaeological resources on the site (NWIC 2015). A search of the sacred lands file conducted by the Native American Heritage Commission (NAHC) did not indicate the presence of Native American resources in the immediate project area. On the recommendation of the NAHC, letters were sent to a list of Native American individuals and organizations provided by the NAHC who may have knowledge of cultural resources in the area. One individual who received a letter mentioned the presence of cultural resources in the vicinity of Mission Boulevard, located one block to the south of the project site, and requested that an archaeological investigation be conducted on the site. Two other individuals who received a letter requested that a Native American monitor be present during earthmoving activities.

Because the site is fully developed with buildings and a parking lot, an archaeological investigation of the subsurface area cannot be performed until the buildings are removed. Given the information provided by the NWIC and the history of development on the site and the surrounding area, there is a moderately high potential for encountering buried archaeological resources of the pre-historic and historic periods during construction of the proposed project. Any inadvertent damage to significant pre-historic archaeological resources and historic-period archaeological resources during site grading and excavation (including excavation necessary for required off-site utility improvements along Maple Court and Main Street) represents a potentially significant impact. However, implementation of **Mitigation Measures CUL-1** through **CUL-3** would reduce the impact to a less than significant level.

> **Mitigation Measure CUL-1**: The applicant shall retain a qualified archaeologist to provide preconstruction briefing(s) to supervisory personnel of any excavation contractor to alert them to the possibility of exposing significant pre-historic and historic period archaeological resources within the project area. The briefing shall discuss any archaeological objects that could be exposed, the need to stop excavation at the discovery, and the procedures to follow regarding discovery protection and notification of the applicant and the archaeologist. An "Alert Sheet" shall be posted in conspicuous locations on the project site to alert personnel to the procedures and protocols to follow for the discovery of potentially significant archaeological resources.
>
> **Mitigation Measure CUL-2**: A qualified archaeologist will be on site to monitor the initial grading of native soil once the existing buildings and pavement are removed but before any foundations and slabs are removed. After monitoring the initial grading, the archaeologist will make recommendations for further monitoring if he/she determines that the site contains or has the potential to contain cultural resources. If the archaeologist determines that no resources are likely to be found on site, no additional monitoring will be required and a report will be filed with the City Planning Department.

Mitigation Measure CUL-3: In the event that prehistoric or historic resources are encountered during excavation and/or grading of the site, all activity within a 50-feet radius of the find will be stopped, the City Planning Department will be notified, and the archaeologist will examine the find and make appropriate recommendations. Recommendations could include collection, recordation, and analysis of any significant cultural materials. A report of findings documenting any data recovery during monitoring will be submitted to the City Planning Department prior to issuance of an occupancy permit.

c) ***Less than Significant Impact.*** A search of the University of California Museum of Paleontology, University of California, Berkeley Database identified 1,563 paleontological resources in Alameda County. Five of these resources were discovered within the city of Hayward (City of Hayward 2014c). Subsurface soils on the project site are classified as Danville and Los Osos series soils (NRCS 2015). Both of these soils are well-drained and located on alluvial fans. Such materials are considered to have a very low likelihood of containing significant paleontological features. In addition, the project site has been disturbed by past grading activities. Consequently, excavations on the project site and off-site along Maple Court and Main Street during construction of the proposed project are unlikely to disturb or damage fossil resources. This impact is considered less than significant.

d) ***Less than Significant Impact with Mitigation***. See the responses to **Items 5(a)** and **(b)**, above. Although the project site is not located in an area with known burial sites and due to prior disturbance, human remains are not expected to be present on the project site or off-site along Maple Court and Main Street, the potential for their presence cannot be completely ruled out. Any inadvertent disturbance of human remains during construction of the proposed project would represent a potentially significant impact. However, with implementation of **Mitigation Measure CUL-4**, which outlines procedures to be followed in the event that previously unknown human remains are discovered, any impacts would be reduced to a less than significant level.

Mitigation Measure CUL-4: In the event of a discovery of human bone, potential human bone, or a known or potential human burial, all ground-disturbing work in the vicinity of the find will halt immediately and the area of the find will be protected until a qualified archaeologist determines whether the bone is human. If the qualified archaeologist determines the bone is human, the City of Hayward will notify the County Coroner of the find. Consistent with California Health and Safety Code Section 7050.5(b), which prohibits disturbance of human remains uncovered by excavation until the Coroner has made a finding relative to the requirements of Public Resources Code Section 5097, the City will ensure that the remains and vicinity of the find are protected against further disturbance.

If it is determined that the find is of Native American origin, the City of Hayward will comply with the provisions of Public Resources Code Section 5097.98 regarding identification and involvement of the Most Likely Descendant (MLD).

If the human remains cannot be protected in place following the Coroner's determination, the City of Hayward shall ensure that the qualified archaeologist and the MLD are provided the opportunity to confer on repatriation and/or archaeological treatment of human remains, and that any appropriate studies, as identified through this consultation, are carried out prior to reinterment. The City shall provide results of all such studies to the Native American community, and shall provide an opportunity for Native American involvement in any interpretative reporting. As stipulated by the provisions of the California Native American Graves Protection

and Repatriation Act, the City shall ensure that human remains and associated artifacts recovered from the project site are repatriated to the appropriate local tribal group if requested.

e) ***Less than Significant Impact.*** Assembly Bill (AB) 52, which came into effect on July 1, 2015, requires that lead agencies consider the effects of projects on tribal cultural resources and conduct notification and consultation with federally and non-federally recognized Native American tribes early in the environmental review process. According to AB 52, it is the responsibility of the tribes to formally request of a lead agency that they be notified of projects in the lead agency's jurisdiction so that they may request consultation. As of the publication of this Initial Study, only one tribe, the Ione Band of Miwok Indians, has formally requested to be notified of projects within the City of Hayward. The City notified the tribe of the proposed project, in writing, on March 14th, 2016. According to AB 52, the tribe had 30 days from the receipt of the letter to request consultation with the City; no request for formal consultation was received by the City from the tribe within this 30 day period or after. In addition, though not required, the City also voluntarily contacted other local Native American tribes in the area to ask if they would like to consult on the proposed project. No responses were received as of the publication of this Initial Study. As discussed above, the project site is completely developed with buildings and a parking lot and no tribal cultural resources are known to be present on the site. With respect to archaeological resources and human remains that may be present beneath the development, mitigation measures are set forth above, including monitoring, to ensure that should these resources be present, they will be protected from damage and properly evaluated. For this reason, the proposed project is not expected to cause a substantial adverse change in the significance of tribal cultural resources, and this impact is considered less than significant.

Discussion of Potential Cumulative Impacts

Anticipated future development in some portions of Hayward has the potential to adversely affect cultural resources in the City. However, according to the *City of Hayward 2040 General Plan EIR*, with the implementation of goals, policies, and implementation programs listed in the City's General Plan, impacts to cultural resources within the City due to future growth would be less than significant (City of Hayward 2014c). Furthermore, as discussed above, with mitigation, the proposed project would have less than significant project-level impacts on cultural resources. Therefore, the proposed project's cumulative impact on cultural resources would be less than significant.

Issues	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
6. GEOLOGY AND SOILS – Would the project:				
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:				
i) 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.	☐	☐	■	☐
ii) Strong seismic ground shaking?	☐	☐	■	☐
iii) Seismic-related ground failure, including liquefaction?	☐	■	☐	☐
iv) Landslides?	☐	☐	☐	■
b) Result in substantial soil erosion or the loss of topsoil?	☐	☐	■	☐
c) 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?	☐	■	☐	☐
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994) (California Building Code), creating substantial risks to life or property?	☐	☐	■	☐
e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?	☐	☐	☐	■

Relevant Elements of the Project and its Setting

A Geotechnical Report was prepared for the project site by Stevens, Ferrone & Bailey Engineering Company, Inc. (SFB), in November 2014. According to the Geotechnical Report, there are no active

earthquake faults extending across the surface of the subject site. However, the southwestern half of the project site is located within an Alquist-Priolo Earthquake Fault Zone associated with the Hayward fault and the eastern half of the project site is located within a seismic hazards zone due to liquefaction. According to the Association of Bay Area Governments (ABAG) and the U.S. Geological Survey, the site is located in an area mapped as having a likelihood of liquefaction in an earthquake and has been characterized as having liquefaction susceptibility. Finally, soils in the area of the project site have low plasticity and low expansion potential. A copy of the Geotechnical Report for the project site is provided in **Appendix E**.

Discussion of Potential Project Impacts

a)(i) ***Less than Significant Impact.*** As discussed above, there are no active earthquake faults extending across the surface of the subject site. However, the southwestern half of the project site is located within an Alquist-Priolo Earthquake Fault Zone associated with the Hayward fault. The nearest active fault traces shown within the Alquist-Priolo Fault Zone for the Hayward fault are located approximately 350 feet southwest of the site. Numerous fault location studies have been performed in the vicinity of the site. As part of most of these investigations, trenches were excavated across potential locations of fault traces. Trenches excavated immediately to the northwest and southeast (parallel to the recently active Hayward fault traces) of the portion of the project site located in the fault zone did not encounter any active fault traces. In summary, the only active fault traces reported in the available documents are located to the west of Main Street between Sunset Boulevard on the north and E Street on the south (SFB 2014). For this reason, the potential for surface fault rupture on the project site is low, and this impact is considered less than significant.

a)(ii) ***Less than Significant Impact.*** According to the U.S. Geological Survey, the project site is located within an area that has a moderately high ground shaking potential from an earthquake on the faults in the vicinity of the project site. However, the proposed project would be designed and constructed in accordance with the California Building Code, and thus would be consistent with the current prevailing standard of care for structural and civil engineering and seismic safety. Impacts associated with exposure to seismic groundshaking are thus expected to be less than significant.

a)(iii) ***Less than Significant Impact with Mitigation.*** As discussed above, the eastern half of the project site is located within area characterized as having liquefaction susceptibility and liquefaction related ground damage has been historically reported in the vicinity of the site. Saturated sands and medium dense gravels encountered in the onsite borings have a high potential for liquefying when subjected to a design basis earthquake event. It is estimated that the liquefaction of these soils if subjected to a design basis earthquake event may cause total aerial ground surface settlements of about 3 to 4 inches when using historically measured groundwater levels, with differential settlements of about 1-1/2 to 2 inches between typical building columns. This magnitude of settlement could also occur directly below the center of a building's mat slab foundation (or at a distance of about 30 feet), creating a "cupping" shape of the underlying supporting subgrade (SFB 2014). This represents a potentially significant impact. However, with implementation of **Mitigation Measures GEO-1** and **GEO-2**, which require that the building foundation be designed to resist 2 inches of differential settlement and that underground pipelines be designed to compensate for settlement, this impact would be reduced to a less than significant level.

> **Mitigation Measure GEO-1:** Building foundations shall be designed to resist 2 inches of differential settlement of the supporting soils.

Mitigation Measure GEO-2: Underground pipelines such as gas lines, sanitary sewers, and water services shall be properly designed to compensate for the settlement caused by the liquefaction of the underlying supporting soils.

a)(iv) ***No Impact.*** The project site is relatively flat and gently slopes to the east. The project site is not located in an area with landslide potential (City of Hayward 2014a). The site is therefore not subject to hazards related to landslides or landslide runout; this includes seismically induced and non-seismic landslides. No impact is anticipated with regard to this criterion.

b) ***Less than Significant Impact.*** The project site is currently developed with commercial office and residential use. As a result, the project would not result in direct loss of topsoil resources. However, construction of the proposed project would require grading and excavation, which would expose soil to erosion. As the proposed project would disturb more than 1 acre, coverage under the state's National Pollutant Discharge Elimination System (NPDES) General Permit for Discharges of Storm Water Associated with Construction Activity would be required prior to construction and the construction contractor would be required to file a notice of intent (NOI) with the State Water Resources Control Board and develop and implement a site-specific Storm Water Pollution Prevention Plan (SWPPP). The SWPPP is required to include Best Management Practices (BMPs) to control on-site erosion and off-site sedimentation, and to keep construction pollutants from coming into contact with storm water. In addition, the SWPPP would require that if any spills of materials known to be water pollutants or hazardous materials occur, the proper agencies would be contacted immediately (if necessary) and appropriate cleanup of the spill would take place as soon as possible. Erosion control measures that would be implemented during site grading and construction would include the use of straw hay bales, straw bale inlet filters, filter barriers, and silt fences. The City of Hayward would have oversight responsibility and would have the authority to shut down construction in the event the SWPPP is improperly implemented. With these measures in place, the impact related to substantial soil erosion during construction is expected to be less than significant. Once the project is constructed, the entire site will be under impervious surfaces or under landscaping. The potential for soil erosion under the proposed project would be minimal and the impact would be less than significant.

c) ***Less than Significant Impact with Mitigation.*** Issues related to seismically induced and non-seismic landslide hazards are discussed in the response to **Item (a)(iv)**, above. Issues related to liquefaction and related hazards are discussed in the response to **Item (a)(iii)**, above. Issues related to soil properties are discussed in the response to **Item (d)**, below.

Based on review of available literature, the results of the field exploration, and results of the liquefaction analyses, the potential for lateral spreading along San Lorenzo Creek to affect the site is low (SFB 2014).

Construction of the proposed project may require excavation. Excavated (cut) slopes could become unstable and subject to failure over the short term if they are improperly designed or implemented. However, as identified above, the project would be constructed in accordance with the City's adopted building code, which require the implementation of good grading practices and cut and fill slope stability.

Old fill materials were encountered in borings and extended to depths of about 2 feet. Deeper fills may exist elsewhere onsite. These fills are heterogeneous, and potentially weak and compressible, and thus could result in damaging differential settlement of overlying improvements (SFB 2014). This represents a potentially significant impact. However, with implementation of **Mitigation Measure GEO-3**, which

requires that existing fill soils be removed and re-compacted, this impact would be reduced to a less than significant level.

> **Mitigation Measure GEO-3:** Fills shall be completely removed and re-compacted. Over-excavation should extend to depths where competent soil is encountered. The over-excavation and re-compaction should also extend at least 5 feet beyond building footprints and at least 3 feet beyond exterior flatwork, including driveways and pavement wherever possible. Where over-excavation limits abut adjacent property, a determination of the actual vertical and lateral extent of over-excavation shall be conducted so that the adjacent property is not adversely impacted. Over-excavations shall be performed so that no more than 5 feet of differential fill thickness exists below the proposed building foundations.

d) ***Less than Significant Impact.*** As discussed above, soils on the project site have a low plasticity and low expansion potential. Additionally, the proposed project would adhere to the City's adopted building code, which includes detailed provisions that require that the foundations of new buildings are designed and constructed appropriate to site soil conditions, including requirements to address expansive and otherwise problematic soils. Thus, the impact from expansive soils would be less than significant.

e) ***No Impact.*** The proposed project would not involve the installation of septic tanks or alternative wastewater disposal systems. Additionally, wells and septic systems, if any, would be abandoned in accordance with Alameda County Environmental Health standards. There would be no impact with regard to this criterion.

Discussion of Potential Cumulative Impacts

According to the *City of Hayward 2040 General Plan EIR*, with the implementation of goals, policies, and implementation programs listed in the City's General Plan, impacts to geology and soils within the City due to future growth would be less than significant (City of Hayward 2014c). Furthermore, as discussed above, with mitigation, the proposed project would have less than significant project-level impacts with respect to geology and soils. Therefore, the proposed project's cumulative impact with respect to geology and soils would be less than significant.

Issues	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
7. GREENHOUSE GAS EMISSIONS – Would the project:				
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	☐	☐	■	☐
b) Conflict with any applicable plan, policy or regulation of an agency adopted for the purpose of reducing the emissions of greenhouse gases?	☐	☐	■	☐

Relevant Elements of the Project and its Setting

An Air Quality and Greenhouse Gas Assessment was prepared for the proposed project by Illingworth & Rodkin, Inc., in December 2015. A copy of the Air Quality and Greenhouse Gas Assessment for the proposed project is provided in **Appendix B**. After the assessment was prepared the project description was revised to include an additional five residential units. As a result, an addendum to the Air Quality and Greenhouse Gas Assessment was prepared to confirm the findings of the assessment. A copy of the addendum is also provided in **Appendix B.**

The BAAQMD has published significance thresholds in the *BAAQMD CEQA Air Quality Guidelines* in order to identify projects that would have an individually and cumulatively significant impact on local air quality. The guidelines also provide guidance and significance thresholds for evaluating the impacts from a project's greenhouse gas (GHG) emissions.

A project's impact relative to CEQA checklist criterion (a) above may be evaluated by performing a direct calculation of the GHG emissions resulting from the proposed project and comparing the emissions with the BAAQMD CEQA thresholds of significance for GHG emissions. The BAAQMD thresholds were developed specifically for the Bay Area after considering the latest Bay Area GHG inventory and the effects of AB 32 scoping plan measures that would reduce regional emissions. The BAAQMD intends to achieve GHG reductions from new land use developments to close the gap between projected regional emissions with AB 32 scoping plan measures and the AB 32 targets. As **Table 10, BAAMQD CEQA Significance Thresholds – Greenhouse Gas Emissions,** shows, GHG thresholds include a bright-line threshold of 1,100 metric tons of CO2e per year (MTCO2e/yr) for operational emissions from non-stationary sources associated with a land development project. Projects that have non-stationary source operational emissions below 1,100 metric tons of CO2e per year are considered to have less than significant GHG emissions. For projects that result in non-stationary source operational emissions that exceed the bright-line threshold, the BAAQMD put forth a GHG efficiency threshold of 4.6 metric tons CO2e/service person/year (where service persons are residents and employees). Projects that have non-stationary source operational emissions below 4.6 metric tons of CO2e/service person/year are considered to have less than significant GHG emissions. There are no thresholds put forth by the BAAQMD for evaluating the significance of a project's construction-phase GHG emissions, although the BAAQMD recommends that emissions be quantified, reported, and evaluated.

A project's impact relative to criterion (b) above may be evaluated by demonstrating compliance with plans, policies, or regulations adopted by local governments to curb GHG emissions, such as an adopted Qualified Greenhouse Gas Reduction Strategy or a Climate Action Plan (CAP).

Table 10
BAAQMD CEQA Significance Thresholds - – Greenhouse Gas Emissions.

Pollutant	Construction	Operation
Greenhouse Gases (GHG)	—	1,100 MT CO_2e/year; or 4.6 MT CO_2e/SP/year

Source: Bay Area Air Quality Management District, California Environmental Quality Act Air Quality Guidelines, 2011

Discussion of Potential Project Impacts

a) ***Less than Significant Impact***. GHG emissions were computed for the construction period and the occupancy or operations of the proposed project. Specifically, emissions were computed for both construction and operation of the project using the CalEEMod model in the same manner as used to predict criteria air pollutants.

Construction GHG Emissions

Construction phases included demolition, site preparation, site grading, trenching, some paving, building construction, and application of architectural coatings. Annual CO2 emissions associated with construction would occur from 2017 into 2018. Construction of the project would emit an estimated 680 metric tons (MT) of CO2e. Neither the City of Hayward nor BAAQMD have quantified thresholds for construction activities. However, the annual emissions would be below the lowest operational emissions threshold of 1,100 MTCO2e set forth by BAAQMD.

Operational GHG Emissions

The CalEEMod model along with the project vehicle trip generation rates were used to predict operational period GHG emissions associated with occupancy of a fully developed site under the proposed project. **Table 11, Annual Project GHG Emissions**, presents the estimated emissions for the proposed project. The increase would be 1,680 MTCO2e/yr, which would exceed the bright-line significance threshold of 1,100 MTCO2e/yr. However, if the emissions associated with the project are divided by the service population (net new residents and employees) associated with the project, the project would result in per capita emissions of 2.2 MT CO2e/capita/yr which would not exceed the efficiency threshold of 4.6 MTCO2e/capita/yr.

Table 11
Annual Project GHG Emissions

Source Category	Proposed Project CO2e Emissions in Metric Tons per year
Area	11
Energy Consumption	560
Mobile	1,003
Solid Waste Generation	51
Water Usage	55
Total	**1,680**
Per Capita Emissions	2.2
Threshold	**4.6**
Exceed Threshold?	**No**

Source: Illingworth & Rodkin, 2015

b) ***Less than Significant Impact***. Implementation of the proposed project would result in a significant impact related to GHG emissions if the project would conflict with an applicable plan, policy, or regulation concerning greenhouse gas reductions. The City of Hayward adopted a CAP on July 28, 2009. The 2009 CAP was designed to reduce communitywide emissions 12.5 percent below 2005 levels by the year 2020, and to set the City on a course to achieve a long-term emission reduction goal of 82.5 percent below 2005 levels by the year 2050 (Illingworth & Rodkin 2015).

The recently adopted Hayward 2040 General Plan integrates and updates the comprehensive, communitywide GHG emission reduction strategy contained in the City's 2009 CAP to achieve a GHG emission reduction target of 20 percent below 2005 levels by the year 2020. The General Plan also recommends longer-term goals for GHG reductions of 61.7 percent below 2005 levels by the year 2040 and 82.5 percent below 2005 levels by the year 2050 (Illingworth & Rodkin 2015).

The General Plan contains a comprehensive list of specific General Plan policies and programs that constitute the City's updated GHG emission reduction strategy. These policies and programs contain GHG emission reduction measures that apply to both existing and new development. Implementation of these measures would reduce GHG emissions by more than 20 percent below 2005 levels by the year 2020 when combined with State and federal programs. The City of Hayward considers the City's 2009 CAP combined with the Hayward 2040 General Plan to be a Qualified Greenhouse Gas Reduction Strategy.

One purpose of the Qualified Greenhouse Gas Reduction Strategy is to streamline the decision-making process regarding a proposed project's impact on GHG emissions within the City. The proposed project would not require a General Plan Amendment that would alter the projected GHG emissions for the City of Hayward, and thus the project's consistency with relevant CAP measures and actions has been used to evaluate the significance of this impact. **Table 12, City of Hayward GHG Reduction Strategies Applicable to the Proposed Project**, summarizes the City's GHG reduction strategies that are applicable to the type of project that is proposed and the proposed project's consistency with these strategies. For

purposes of CEQA, a project that is consistent with a Qualified Greenhouse Gas Reduction Strategy has a less than significant GHG emissions impact.

Table 12
City of Hayward GHG Reduction Strategies Applicable to the Proposed Project

Applicable Policies		Project Applicability
Policy NR-2.10 Zero-Emission and Low-Emission Vehicle Use	The City shall encourage the use of zero-emission vehicles, low-emission vehicles, bicycles and other non-motorized vehicles, and car-sharing programs by requiring sufficient and convenient infrastructure and parking facilities throughout the City.	The proposed project would provide parking spaces with electric charging stations, bicycle parking and pedestrian access.
Policy NR-4.1 Energy Efficiency Measures	The City shall promote the efficient use of energy in the design, construction, maintenance, and operation of public and private facilities, infrastructure, and equipment.	The proposed project would comply with the City's Green Building Ordinance for Private Development.
Policy NR-4.11 Green Building Standards	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.	The proposed project would comply with the City's Green Building Ordinance for Private Development and with local and state building codes that regulate energy efficiency.
Policy NR-4.13 Energy Use Data	The City shall consider requiring disclosure of energy use and/or an energy rating for single family homes, multifamily properties, and commercial buildings at certain points or thresholds.	The proposed project would make energy consumption data available to the City upon request.
Policy NR-6.9 Water Conservation	The City shall require water customers to actively conserve water year-round, and especially during drought years.	The proposed project would utilize drought resistant landscaping, efficient drip irrigation systems, and low flow faucets and toilets.
Policy M-1.6 Bicycling, Walking, and Transit Amenities	The City shall encourage the development of facilities and services, (e.g., secure term bicycle parking, street lights, street furniture and trees, transit stop benches and shelters, and street sweeping of bike lanes) that enable bicycling, walking, and transit use to become more widely used modes of transportation and recreation.	The proposed project would include bicycle and pedestrian amenities to encourage alternate modes of transportation**.**
Goal M-5 Pedestrian Facilities	Provide a universally accessible, safe, convenient, and integrated pedestrian system that promotes walking.	The proposed project would provide pedestrian access.
Policy M-6.5 Connections between New Development and Bikeways	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.	The proposed project would provide bicycle access and amenities per City requirements and would not interfere with existing or planned bicycle facilities.
Policy M-8.3 Employer-Based Strategies	The City shall encourage employers to participate in TDM programs (e.g., guaranteed ride home, subsidized transit passes, carpool and vanpool programs) and to participate in or create Transportation Management Associations to reduce parking needs and vehicular travel.	The proposed project would provide preferred parking for carpools.

Applicable Policies		Project Applicability
Policy M-8.5 Commuter Benefits Program	The City shall assist businesses in developing and implementing commuter benefits programs (e.g., offers to provide discounted or subsidized transit passes, emergency ride home programs, participation in commuter rideshare programs, parking cash-out or parking pricing programs, or tax credits for bike commuters).	This policy is not applicable as the project applicant has no control over individual tenants that would occupy the renovated medical office building.
Policy M-9.9 Alternative Fuel Vehicle Parking	The City shall require new private parking lots to grant low-carbon vehicles access to preferred parking spaces, and shall require new private parking lots to provide electric vehicle charging facilities.	The proposed project would provide electric vehicle parking stations.
Policy PFS-7.12 Construction and Demolition Waste Recycling	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.	The proposed project proposes to divert 50 percent of construction waste from landfills.
Policy PFS-7.14 Commercial Recycling	The City shall encourage increased participation in commercial and industrial recycling programs, and strive to comply with the recycling provisions approved by the Alameda County Waste Management Authority Board.	This policy is not applicable as the project applicant has no control over individual tenants that would occupy the renovated medical office building.

Source: Illingworth & Rodkin, 2015; Impact Sciences, 2016

Discussion of Potential Cumulative Impacts

As the impact from a project's GHG emissions is essentially a cumulative impact, the analysis presented above provides an adequate analysis of the proposed project's cumulative impacts related to GHG emissions.

Issues	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
8. HAZARDS AND HAZARDOUS MATERIALS – Would the project:				
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	☐	☐	■	☐
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	☐	■	☐	☐
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	☐	☐	☐	■
d) 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?	☐	☐	■	☐
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within 2 miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?	☐	☐	☐	■
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?	☐	☐	☐	■
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	☐	☐	☐	■

Issues	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
h) Expose people or structures to a significant risk of loss, injury, or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	☐	☐	☐	■

Relevant Elements of the Project and its Setting

Hazardous Materials

Two Phase I Environmental Site Assessments (ESAs) were prepared for the project site by PES Environmental, Inc. (PES), in August 2015. The purpose of the Phase I ESAs was to evaluate potential hazards on and in the vicinity of the project site. In response to the findings of the Phase I ESAs, two limited subsurface investigation reports were prepared. The findings of the two Phase I ESAs and two limited subsurface investigation reports are summarized below and copies of the ESAs and limited subsurface investigation reports are located in **Appendix F**.

Site Investigations

Limited subsurface investigations were conducted on the project site in November and December 2014. The investigations included grab groundwater and soil gas sampling. Nearly all constituents detected in the groundwater samples were below Regional Water Quality Control Board (RWQCB) Environmental Screening Levels (ELSs) and California Maximum Contaminant Levels (MCLs). However, Tetrachloroethylene (PCE) was detected in one groundwater sample above California MCL. Based on the low concentrations of the detected Volatile Organic Compounds (VOCs), there does not appear to be significant vapor intrusion concerns for commercial or residential use of the site resulting from impacts to groundwater beneath the site (PES 2015b; PES 2015d).

According to the limited subsurface investigations, numerous VOCs were detected in soil gas samples taken in the vicinity of the hospital complex. Relatively elevated concentrations of PCE were detected in five of the six soil gas samples collected in the northeastern portion of the hospital complex while relatively elevated concentrations of PCE were detected in six of eight soil gas samples collected on 22471 and 22477 Maple Court. The concentrations of PCE detected in the northeastern portion of the site may be attributable to a known release off-site at 22401-22487 Foothill Boulevard while the concentrations of PCE at 22471 and 22477 Maple Court are likely attributable to an historic release of PCE on-site related to the former dry cleaning operation at 22477 Maple Court (PES 2015b; PES 2015d). All of the VOCs and PCE were detected at concentrations below applicable commercial ESLs, which indicate that current soil gas conditions do not represent an unacceptable risk to current users due to exposure to soil vapor. However, the detected concentrations of PCE are above the conservative residential ESL (PES 2015b; PES 2015d).

Site Observations

An inspection of the medical office complex revealed the presence of several electrical transformers in the northern portion of the project site. A generator was observed in the interior equipment courtyard of the complex; however, the fuel source for the generator was not identified. Dry cleaning detergent was also observed in the basement maintenance room; however, no chlorinated solvents or dry cleaning units were observed. A 55-gallon drum was observed in the basement area of the medical office complex; the drum contents were not identified and the drum was not stored in secondary containment. Used fluorescent lights were observed in a storage closet in the basement. Three elevator machine rooms in the basement of the medical office complex were inspected; evidence of leakage or spills of hydraulic fluid within the elevator rooms was observed. Finally, a biohazard waste storage area was observed in the northern portion of the site (PES 2015a).

Regulatory Agency Records

The medical office complex is listed on the United States Environmental Protection Agency (US EPA) Facility Index System (FINDS), US EPA Integrated Compliance Information System (ICIS), California Hazardous Waste Information System (HAZNET) and United States Aerometric Information Retrieval System (AIRS) databases. The listings were for photochemical waste and asbestos-containing waste removal listed under various medical practice occupants. In general, the complex is not expected to pose significant environmental concerns as no regulatory violation or other evidence suggesting possible environmental impact related to the generation or storage of hazardous materials, or disposal of waste was identified and the complex has received regulatory closure from the appropriate regulatory agency (PES 2015a). In addition, the project site is not listed on the GeoTracker or EnviroStor websites (PES 2015a; PES 2015c). Finally, the Hayward Building Department (HBD) and the Hayward Fire Department (HFD) have files on two of the following buildings on the project site (PES 2015c):

- **22475 Maple Court** – Historical records indicate the former use of the property as a Dry-Clean-O-Mat. HBD records indicate the former presence of rows of dry cleaning units with dry cleaning reservoirs.

- **22479 Maple Court** – HFD records indicate the use of PCE as part of the former business occupant. City records indicate that Copyrama, Inc. occupied the address from 1976 to 1982.

Regulatory Agency Records for Offsite Facilities

Several sites in the subject site vicinity are listed on the hazardous material release and storage database (PES 2015a; PES 2015c). However, most of the sites listed are not expected to present significant environmental concerns to the project site based on one or more of the following reasons: (1) the listed property has received case closure from the appropriate regulatory agency; (2) the listed property is either cross-gradient or downgradient of the project site with respect to the inferred regional groundwater flow direction; (3) the listed property is a soils-only affected case; and (4) the listed property is located at too great a distance to represent a significant environmental concern with respect to the project site. The sites of interest closest to the project site are described in more detail below.

- **22401-22487 Foothill Boulevard (Selix Formal Wear) –** This site is located approximately 125 feet northeast of project site. The site is currently overseen by RWQCB. In 2013-2014, an investigation

indicated that PCE and Trichloroethylene (TCE) were detected in soil gas beneath the building at concentrations exceeding ESLs for commercial land use. Based on the reported investigation results, the RWQCB directed the preparation of a Remedial Action Work Plan to address the elevated soil gas concentrations that present a potential health risk at the building; the RWQCB concurred that groundwater was not impacted significantly and no further groundwater investigation was required. Lateral definition of VOC-affected soil gas has not been conducted (PES 2015a).

- **22475 Maple Court (Former Vamco Dry Cleanomat) –** A former dry cleaning operation reportedly operated at the adjacent upgradient property during the 1920s through 1960s (PES 2015a).

- **1034 A Street (Former Automat Coin Laundrette** – A former cleaning operation reportedly operated at this adjacent property between the 1950s and 1960s. On-site investigation of potential impacts from any unauthorized discharges from the cleaner does not appear to have been conducted (PES 2015a).

- **1000/1010 A Street (Former Ravano Auto Service Station)** – An auto service gasoline station was reportedly located at this adjacent upgradient property between the 1920s and 1960s. No documents indicating subsurface environmental conditions at the site were identified (PES 2015a)**.**

Airport Hazards

The Hayward Executive Airport is located approximately 2.4 miles southwest of the project site. According to the *City of Hayward 2040 General Plan Background Report*, the project site is not located within the airport's Area of Influence (City of Hayward 2014a).

Fire Hazards

The City of Hayward is an urbanized community with open hillsides to the east. Therefore, the greatest fire risk in Hayward is structural and urban fires. Hayward's historic downtown area is especially susceptible to structure fire hazards due to the presence of historic structures dating back to the 1850s. These structures were built according to older building standards and fire codes that are now outdated and have been superseded by current codes (City of Hayward 2014a).

Hazards Response

The City of Hayward has adopted the ABAG Multi-Jurisdictional Local Hazard Mitigation Plan as the City's Local Hazard Mitigation Plan. The ABAG Plan involves local agencies throughout its nine-county Bay Area jurisdiction, with an overall strategy to maintain and enhance disaster response of the region, as well as to fulfill the requirements of the Federal Disaster Mitigation Act of 2000. Each partner jurisdiction (including Hayward) has submitted an "Annex" document that contains jurisdiction-specific hazard mitigation strategies to attach to the Multi-Jurisdictional Plan (City of Hayward 2014a). The Multi-Jurisdictional Local Hazard Mitigation Plan addresses the City's planned response to extraordinary emergency situations associated with natural disasters.

Discussion of Potential Project Impacts

a) ***Less than Significant Impact.*** Although hazardous materials, including fuel, lubricants, and cleaning products, would be used on-site during project construction, compliance with local, state, and federal

regulations, including NPDES regulations that require proper containment and control of hazardous materials used during construction as part of the project's stormwater pollution prevention plan, would minimize risks associated with the routine transport, use, or disposal of hazardous materials during project construction. The operation of the proposed residential and commercial project would not involve the routine transport, use, or disposal of hazardous materials, other than fuel, cleaning products, and maintenance materials. Due to the nature of the materials and the quantities used, impacts with regard to the routine transport, use, or disposal of hazardous materials are expected to be less than significant.

b) ***Less than Significant Impact with Mitigation.*** The Phase I ESAs prepared for the project site found the following recognized environmental concerns in connection with the project site:

- Evidence of leakage or spills of hydraulic fluid within the elevator rooms in the basement of the medical office complex.
- Elevated concentrations of PCE detected in soil gas samples collected near the four-story medical building.
- Detections of VOCs in soil vapor and groundwater likely caused by releases from the former dry cleaning operation at 22477 Maple Court.

Exposure of Project Site Residents to On-site Subsurface Contamination

As discussed above, according to the limited subsurface investigations conducted on the project site, almost all the constituents detected in groundwater samples were below RWQCB ESLs and California MCLs. However, PCE was detected in one groundwater sample above California MCL. Based on the low concentrations of the detected VOCs, there does not appear to be significant vapor intrusion concerns for commercial or residential use of the site resulting from impacts to groundwater beneath the site.

However, as discussed above, relatively elevated concentrations of PCE were detected in the soil gas samples taken in the vicinity of the hospital complex and on 22471 and 22477 Maple Court, and these concentrations were noted to be above the conservative residential ESL. As a result, the proposed project could expose future residential users to hazards associated with elevated levels of PCE in soil, and this impact is considered potentially significant. However, with the implementation of **Mitigation Measure HAZ-1**, which requires the employment of industry standard vapor barriers along with passive ventilation system, this impact would be reduced to a less than significant level.

> **Mitigation Measure HAZ-1:** The applicant shall install industry standard vapor barriers along with passive ventilation systems as part of the proposed project.

Exposure of Construction Workers to On-site Subsurface Contamination

Due to historical uses of the project site and detections of VOCs in soil gas and groundwater underlying the property, contamination on the project site could also pose a human health risk for the construction workers during construction of the proposed project. This also represents a potentially significant impact. However, with implementation of **Mitigation Measure HAZ-2**, which requires the development and implementation of a Site Management Plan, this impact would be reduced to a less than significant level.

> **Mitigation Measure HAZ-2:** A Site Management Plan shall be developed and implemented with approval and oversight by the appropriate regulatory agency in the event that unanticipated subsurface environmental conditions are encountered following the demolition of the hospital complex. The Site Management Plan shall include, but would not be limited to, procedures for removal or on-site management of contaminated soil, procedures for removal of Underground Storage Tanks (USTs) if any are encountered, and the protection of construction workers from exposure to impacted soil through measures included in a health and safety plan.

During site observations, three elevator machine rooms in the basement were inspected. A drum of hydraulic oil was observed in one elevator room and evidence of leakage or spills of hydraulic fluid were observed in each room. To address concerns from these hydraulic oil releases, the Site Management Plan required by **Mitigation Measure HAZ-2** would provide direction for the cleanup of these contaminated areas. The Site Management Plan would also include procedures for removal or on-site management of contaminated soil, procedures for removal of USTs, and the protection of construction workers from exposure to impacted soil through measures included in a health and safety plan.

Exposure to ACMs and Lead-based Paints

The project site is currently occupied by a medical office complex consisting of three medical office buildings and a single family residence. Other structures on the project site include a commercial building and a vacant residence along Maple Court. This development would be demolished, with the exception of one medical office building, prior to construction of the proposed project. According to the Phase I ESAs, asbestos containing materials (ACM) and lead-based paint (LBP) may be present due to the age of the existing buildings (PES 2015a; PES 2015c), and during demolition, these materials may be released thus posing a hazard to the public and the environment. Other hazardous materials that are commonly found in building materials include fluorescent lighting, electrical switches, heating/cooling equipment, and thermostats that can contain hazardous materials. These may also be present in the buildings to be demolished, which may pose a health risk if not handled and disposed of properly. This represents a potentially significant impact. However, with the implementation of **Mitigation Measure HAZ-3**, which requires that the existing buildings on site be surveyed for ACM, LBP and other hazardous materials prior to significant renovation or demolition and in the event that any of these materials are detected, appropriate removal and containment protocols be implemented before and during building demolition, this impact would be reduced to a less than significant level.

> **Mitigation Measure HAZ-3**: Prior to any significant renovation of the medical office building and the demolition of the other existing structures, asbestos containing materials (ACM) and lead-based paint (LBP) surveys shall be conducted to determine the presence of hazardous building materials. Should ACMs, LBP or other hazardous substance containing building materials be identified, these materials would be removed using proper techniques in compliance with all applicable State and federal regulations, including the BAAQMD rule related to asbestos.

c) ***No Impact***. The project is not located within 0.25 mile of a school and is not a source of toxic air emissions. There would be no impact with respect to this criterion.

d) ***Less than Significant Impact.*** The project site is not included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 (Cortese List). However, as discussed above, the project site is listed on a number of other government databases. The listings were for photochemical waste and asbestos-containing waste removal associated with the medical building complex. However,

the complex is not expected to pose significant environmental concerns as no regulatory violation or other evidence suggesting possible environmental impact related to the generation or storage of hazardous materials, or disposal of waste was identified and the complex has received regulatory closure from the appropriate regulatory agency. The impact with respect to this criterion would be less than significant.

e) ***No Impact.*** Hayward Executive Airport is a city-owned, public-use airport located approximately 2.1 miles southwest of the project site, and Oakland International Airport is a public-use airport owned by the Port of Oakland that is located approximately 7.4 miles northwest of the project site. The project site is not located within the airport influence areas of either airport. Therefore, the proposed project would not result in a safety hazard for people living on the project site. There would be no impact with regard to this criterion.

f) ***No Impact.*** There are no private airstrips in the vicinity of the project site, and there would be no impact with regard to this criterion.

g) ***No Impact***. The City of Hayward has adopted ABAG's Multi-Jurisdictional Local Hazard Mitigation Plan as its Local Hazard Mitigation Plan. Construction of the proposed project would occur within the boundary of the project site, and street closure during project construction is not anticipated. Therefore, the project would not impede any emergency routes listed in the plan. There would be no impact with respect to this criterion.

h) ***No Impact.*** The project site is located in an urban area. It is not located in a wildland area, and there would be no impact with regard to this criterion.

Discussion of Potential Cumulative Impacts

Anticipated future development in Hayward has the potential to expose the public and the environment to risks associated with hazards from on-site contamination and routine use of hazardous materials. However, according to the *City of Hayward 2040 General Plan EIR*, with the implementation of goals, policies, and implementation programs listed in the City's General Plan, impacts related to hazards and hazardous materials within the City due to future growth would be less than significant (City of Hayward 2014c). Furthermore, as discussed above, with mitigation, the proposed project would not expose the public or the environment to potential on-site contamination during construction. In addition, while the proposed project would involve the continued routine use of small amounts of hazardous materials during occupancy, the use of these materials on the project site would comply with all applicable local, state, and federal regulations. Therefore, the proposed project's cumulative impact with respect to hazards and hazardous materials would be less than significant.

Issues	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
9. HYDROLOGY AND WATER QUALITY – Would the project:				
a) Violate any water quality standards or waste discharge requirements?	☐	☐	■	☐
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?	☐	☐	■	☐
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on or off site?	☐	☐	■	☐
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on or off site?	☐	☐	■	☐
e) 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?	☐	☐	■	☐
f) Otherwise substantially degrade water quality?	☐	☐	■	☐
g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	☐	☐	☐	■
h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?	☐	☐	☐	■

Issues	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?	☐	☐	☐	■
j) Inundate by seiche, tsunami, or mudflow?	☐	☐	☐	■

Relevant Elements of the Project and its Setting

Groundwater

The City of Hayward is underlain by the Santa Clara Valley Groundwater Basin which comprises four sub basins. The project site is located within the East Bay Plain Sub basin. Historically, groundwater in the vicinity of the site has been measured at depths of about 15 feet. During the geotechnical investigation of the project site by SFB in late 2014, groundwater was initially encountered in the borings at depths of about 25 to 27 feet and later it rose to depths of about 22 and 23 feet at the end of drilling (SFB 2014).

Surface Water

Several creeks and storm drains originate or pass through the City of Hayward. While the nearest body of water to the project site is San Lorenzo Creek, which is located approximately 150 feet north of the site, the project site is located within the Sulphur Creek watershed.

The major storm drainage facilities in Hayward are owned and maintained by the Alameda County Flood Control and Water Conservation District (ACFCWCD). Stormwater runoff from the City of Hayward is collected by the City's storm drain system and conveyed to underground storm drain lines or open channels owned by the ACFCWCD.

Flooding

According to the *City of Hayward 2040 General Plan Background Report*, the project site is located within a moderate flood hazard area (City of Hayward 2014a). However, according to the Federal Emergency Management Agency (FEMA), the project site is located in Flood Zone X, which is defined as an area of minimal flood hazard, usually above the 500-year flood level (FEMA 2009).The project site is not in an area that could be inundated due to the failure of a nearby dam.

Discussion of Potential Project Impacts

a, f) ***Less Than Significant Impact.*** During construction of the proposed project, there is a potential for increased erosion, sedimentation, and discharge of polluted runoff from the project site. As discussed in **Subsection IV.6.b**, NPDES regulations require that the proposed project develop and implement a SWPPP, including control measures (or Best Management Practices) to control erosion and release of sediment and other pollutants from the site. Excavations for the proposed project would not be deep

enough such that groundwater could be intercepted. Therefore, the proposed project will not require dewatering and there is no potential for the proposed project to negatively impact surface water quality from the discharge of contaminated groundwater. As a result, the impact to water quality from construction activities would be less than significant.

Most of the project site is currently developed with impervious surfaces and development of the proposed project would maintain or slightly reduce the amount of impervious surfaces on the site. As a result, the amount of runoff generated on the project site would be the same or slightly less than existing conditions. The site runoff is subject to requirements listed in provision C.3 of the San Francisco Bay Region Municipal Regional Stormwater NPDES Permit (or MRP) (Regional Water Quality Board Order R2-2009-0074; and Order R2-2011-0083). This permit requires permittees to comply with the discharge prohibitions and receiving water limitations through the timely implementation of control measures and other actions as specified in the permit (San Francisco Bay RWQCB 2009). Development on the project site would be required by law to comply with applicable NPDES requirements for stormwater quality. The project design includes a series of stormwater treatment systems to comply with the permit, including bioretention areas along the sides of the surface parking lot adjacent to the medical office building, planter boxes throughout the residential development to treat roof runoff, and pervious pavers in several portions of the site to minimize runoff. Therefore, development of the proposed project would not result in any storm water discharges that would violate water quality standards or waste discharge requirements. The impact to water quality would be less than significant during operation.

b) ***Less Than Significant Impact.*** The project site is underlain by the East Bay Plain sub basin. The project would not use groundwater as a source of water supply. Development of the proposed project would maintain or slightly reduce the amount of impervious surfaces on the site compared to existing conditions. Therefore, there would not be a reduction in the amount of land available for groundwater recharge. The impact would be less than significant.

c) ***Less Than Significant Impact.*** Storm water generated on the project site following the development of the proposed project would be directed toward existing storm drainage facilities serving the project site. As discussed in response to **Item 6(b)** above, the proposed project would be required to control soil erosion or siltation during construction through the preparation and implementation of a SWPPP. Implementation of the SWPPP would reduce the potential for erosion on the project site and minimize the discharge of sediment into the storm drain system. Once the proposed project is constructed, the proposed project would be under impervious surfaces (buildings, pavement, etc.) and landscaping. This would minimize the potential for erosion and sedimentation in the long term. In addition, the project's stormwater drainage system would be designed so that post-project runoff rates and durations shall not exceed estimated pre-project rates and duration in accordance with criteria listed in the *Alameda County C.3 Stormwater Technical Guidance Handbook*, thus preventing erosion on- or off-site. Therefore, this impact is considered less than significant.

d) ***Less Than Significant Impact.*** There are no existing flooding problems on the project site, and the project built on-site would be designed to control for on-site flooding. As discussed in the previous response above, storm water generated by development of the proposed project would be directed toward existing storm drainage facilities serving the project site, and post-project runoff rates and durations shall not exceed estimated pre-project rates and duration, thus preventing flooding on- or off-site. Therefore, this impact is considered less than significant.

e) ***Less Than Significant Impact***. As discussed above, post-project runoff rates and durations shall not exceed estimated pre-project rates and duration. See response to **Item 9(a)**, above, with regard to water quality. The proposed project would be required to implement a SWPPP, which will include erosion and pollution control measures, to control off-site sediment delivery during construction. During operation of the proposed project all runoff generated on the project site would be subject to the requirements listed in provision C.3 of the MRP. As a result, development of the proposed project would not provide substantial additional sources of polluted runoff. Therefore, this impact is considered less than significant.

g-h) ***No Impact***. The project site is not located within a 100-year flood zone. The project site is located within Flood Zone X, which is defined as an area of minimal flood hazard, usually above the 500-year flood level (FEMA 2009). As a result, development of the proposed project would not place housing or structures within an area at risk of flood flows. There would be no impact with regard to this criterion.

i) ***No Impact.*** The project site is not located within the inundation area of any nearby dam (County of Alameda 2016). Therefore, development of the proposed project would not expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam. There would be no impact with regard to this criterion.

j) ***No Impact.*** The project site is located well inland from the San Francisco Bay and no significant bodies of water are located in the vicinity of the site. As a result, the project site is not at risk of seiche or tsunami inundation. Because of the location of the project site in flat topography at a substantial distance from the Hayward hills, there is no risk of debris flow or mudflow. There would be no impact with regard to this criterion.

Discussion of Potential Cumulative Impacts

Anticipated future development in Hayward has the potential to result in the violation of water quality or waste discharge requirements, alter drainage patterns, or result in flooding. However, according to the *City of Hayward 2040 General Plan EIR*, with the implementation of goals, policies, and implementation programs listed in the City's General Plan, impacts related to hydrology and water within the City due to future growth would be less than significant (City of Hayward 2014c). Furthermore, as discussed above, the project would comply with NPDES regulations and City requirements related to storm water runoff during construction and operation. In addition, all storm water on the project site would be routed to the City's storm drain system. Finally, the project site is not located within a 100-year flood zone, dam inundation area, or a tsunami inundation area. Therefore, the proposed project's cumulative impact with respect to hydrology and water quality would be less than significant.

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

Relevant Elements of the Project and its Setting

The project site is located in downtown Hayward within a mixed commercial and residential area (see **Figure 12, Existing and Surrounding Uses**). The project site is designated CC-ROC (Retail and Office Commercial) in the *Hayward 2040 General Plan* and zoned CC-C (Central City Commercial) per the *Hayward Zoning Map*.

Discussion of Potential Project Impacts

a) ***No Impact.*** The project site is located in central Hayward, a highly developed urban area. The proposed project would construct residential and retail uses on a site that was previously developed and would not involve the vacation of any public streets or pedestrian access ways. As a result, development of the proposed project would not physically divide an established community. There would be no impact with regard to this criterion.

b) ***Less Than Significant Impact.*** The project site is designated CC-ROC (Retail and Office Commercial) in the *Hayward 2040 General Plan* and zoned CC-C (Central City Commercial) per the *Hayward Zoning Map.* Both the CC-ROC general plan land use designation and CC-C zone designation allow a mix of residential and retail land uses on the project site by right. The maximum intensity allowed within the CC-ROC general plan land use designation is a floor-to-area ratio (FAR) of 1.5 while the maximum residential density allowed under this designation is dependent upon zoning with a maximum density of 65 dwelling units per acre allowed within the CC-C zone. As the proposed project would have an FAR of 0.3 and a density of 61.1 dwelling units per acre, the proposed project would not conflict with applicable intensity and density standards for the project site. However, residential uses within the CC-C zone are only allowed above first floor commercial uses. As the proposed project would provide residential units on the ground floor, the project would require a conditional-use permit to allow ground–floor residential. With the approval of the conditional-use permit, the proposed project would not conflict with the General Plan land use designation for the project site.

A detailed analysis of the proposed project's consistency with applicable General Plan land use and parking policies is provided in **Table 13, Land Use and Parking Policies Applicable to the Proposed Project**. It should be noted that the policies found in the City's General Plan serve as guiding principles that are intended to implement a vision of the future for the City. These policies are not intended to provide specific standards and limitations on development; that role is reserved for the zoning ordinance and other applicable plans. Each development is unique and must be evaluated on its merits as to whether it meets the overall vision for the site, the surrounding neighborhood context, and the City as a whole. A certain development may meet some but not all General Plan policies and yet still be found consistent with the overall vision and intent of the General Plan. As shown in **Table 13**, the proposed project would not conflict with these applicable General Plan policies.

Table 13
City of Hayward Land Use and Parking Policies Applicable to the Proposed Project

Applicable Policies		Project Consistency
Land Use		
Policy LU-1.3 Growth and Infill Development	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.	The proposed project is a mixed-use residential project located on several developed parcels in Downtown Hayward.
Policy LU-1.4 Revitalization and Redevelopment	The City shall encourage property owners to revitalize or redevelop abandoned, obsolete, or underutilized properties to accommodate growth.	A majority of the structures on the project have either been abandoned or are underutilized.
Policy LU-1.5 Transit-Oriented Development	The City shall support high-density transit-oriented development within the city's Priority Development Areas to improve transit ridership and to reduce automobile use, traffic congestion, and greenhouse gas emissions.	The proposed project is located within a Priority Development Area (PDA), as designated by the Plan Bay Area, which includes the region's Sustainable Communities Strategy (SCS) and the 2040 Regional Transportation Plan (RTP). The proposed project is within walking distance of transit and local retail establishments, schools, and employment centers in Downtown Hayward, and thus would reduce automobile use.
Policy LU-1.6 Mixed-use Neighborhoods	The City shall encourage the integration of a variety of compatible land uses into new and established neighborhoods to provide residents with convenient access to goods, services, parks and recreation, and other community amenities.	The proposed project would provide 5,571 square feet of ground floor retail that would be accessible to future residents on the project site and existing residents from the surrounding neighborhood.

Applicable Policies		Project Consistency
Policy LU-1.8 Green Building and Landscaping Requirements	The City shall maintain and implement green building and landscaping requirements for private- and public-sector development to: • 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. • Reduce landfill waste by promoting practices that reduce, reuse, and recycle solid waste.	The proposed project includes a number of sustainability features. For example, the proposed project would provide electric vehicle parking stations, install energy- and water-efficient appliances, and utilize natural stone and other sustainable materials. In addition, the proposed project would comply with the state mandated California Green Building Standards Code (CALGreen), which would require the project to reduce water consumption by 20 percent, divert 50 percent of construction waste from landfills, and install low pollutant-emitting materials for interior finish materials such as paints, carpet, vinyl flooring and particle board.
Policy LU-1.10 Infrastructure Capacities	The City shall ensure that adequate infrastructure capacities are available to accommodate planned growth throughout the city.	As discussed below in **Item 17**, Utilities and Service Systems, the project would require that existing water mains in the area be upsized to meet minimum fire flow standards.
Goal LU-1.13 Local Plan Consistency with Regional Plans	The City shall strive to develop and maintain local plans and strategies that are consistent with the Regional Transportation Plan and the Sustainable Communities Strategy to qualify for State transportation funding and project CEQA streamlining.	As discussed above, the proposed project is located with a PDA. Local jurisdictions choose a Place Type for each PDA, which provides a general set of guidelines for the character, scale, and density of future growth, consistent with the community vision for the area. The project site is located in "City Center" Place Type in the Plan Bay Area. Guidelines for land uses within areas designated City Center are limited to mid- and low-rise offices, apartments and condominiums, townhomes, and ground floor retail. New projects in this PDA must have a density of 50 to 150 dwelling units/net acre and/or a net FAR of 2.5. The proposed project will have a density of approximately 61.1 dwelling units/net acre, is a mid-rise apartment project with ground floor retail and is thus entirely consistent with the City Center designation.
Policy LU-2.5 Downtown Housing	The City shall encourage the development of a variety of urban housing opportunities, including housing units above ground floor retail and office uses, in the Downtown to: • Increase market support for businesses, • Extend the hours of activity, • Encourage workforce housing for a diverse range of families and households, • Create housing opportunities for college students and faculty, and • Promote lifestyles that are less dependent on automobiles.	The proposed project is a mixed-use residential project located on several developed parcels in Downtown Hayward. The proposed project is within walking distance of transit and local retail establishments, schools, and employment centers in Downtown Hayward. Approximately 20 percent of the units will be affordable (48 units). For these reasons, the proposed project would reduce automobile use, provide additional patrons for nearby businesses, and supply affordable workforce housing.
Policy LU-2.6 Downtown BART Station	The City shall encourage a mix of commercial, office, high-density residential and mixed-use development in the area surrounding the Downtown BART Station.	The proposed project is a mixed-use residential project that would have a density of approximately 61.1 dwelling units/net acre and would be within walking distance to transit.

Applicable Policies		Project Consistency
Policy LU-3.1 Complete Neighborhoods	The City shall promote efforts to make neighborhoods more complete by encouraging the development of a mix of complementary uses and amenities that meet the daily needs of residents. Such uses and amenities may include parks, community centers, religious institutions, daycare centers, libraries, schools, community gardens, and neighborhood commercial and mixed-use developments.	In addition to providing residential units, the proposed project would provide 5,571 square feet of ground floor retail that would be accessible to future residents on the project site and existing residents from the surrounding neighborhood.
Policy LU-3.4 Design of New Neighborhood Commercial and Mixed Use Development	The City shall require new neighborhood commercial and mixed-use developments to have a pedestrian-scale and orientation by: • Placing the building and outdoor gathering spaces along or near the sidewalk. • Locating parking to the rear of the building or along the internal side yard of the property. • Designing the building with ground floor retail frontages or storefronts that front the street. • Enhancing the property with landscaping, lighting, seating areas, bike racks, planters, and other amenities that encourage walking and biking.	A majority of the project's parking would be provided in a 6-level parking garage located on the western portion of the project site and "wrapped" by the proposed residential units. The proposed project would also include ground floor retail along the southwest frontage on Main Street. Next, regarding pedestrian amenities, the proposed project would include new landscaping consisting of trees and shrubs along the Main Street and Maple Court frontages. Other pedestrian amenities include pre-fab benches along the Maple Court frontage and pedestrian lighting along the Main Street frontage. Finally, regarding bicycle amenities, the proposed project will provide approximately 52 bike parking spaces. An additional 12 bike racks will be provided at the northeast and southwest gates for residents and customers visiting the site.
Policy LU-3.7 Infill Development in Neighborhoods	The City shall protect the pattern and character of existing neighborhoods by requiring new infill developments to have complimentary building forms and site features.	Development in downtown Hayward is guided by the City's Downtown Design Plan. According to the plan, the maximum residential density for the project site and the immediate surrounding area is 65 units per acre. In addition, the plan states that the maximum height for the project site and the immediate surrounding area is 55 feet with an allowable increase to 65 feet if lot coverage for a residential structure is reduced from 90 to 80 percent. The proposed project has a density of approximately 61.1 dwelling units/net acre and a maximum height of 65 feet, which is permitted since the project has a lot coverage of 64 percent. While development surrounding the project site currently consists of a mix of one to two story residential and commercial structures, the proposed project would be consistent with City's vision for downtown.
Parking		
M-9.1 Appropriate Parking	The City shall ensure that adequate parking is provided appropriately to all areas of the city, while prioritizing alternative transportation modes and Transportation Demand Management strategies that reduce parking demand.	The proposed project provides the required amount of parking per Section 10-2.412 of the City code.

Applicable Policies		Project Consistency
Policy M-9.2 Parking Reductions	The City shall consider reduced parking requirements for projects located near public transit, or new residential developments that fulfill senior, disabled, or other special housing needs.	Parking for the market rate units, retail, and medical office portions of the proposed project will be provided in accordance with the Central Parking District Standards, which requires fewer parking spaces than the City's required ratio of parking spaces. Parking for the affordable units will be provided at a reduced ratio in accordance with provisions contained in AB 2222. In addition, the project will receive credit for providing motorcycle and bicycle parking, which will reduce the number of standard parking spaces.
Policy M-9.10 Unbundled Multifamily Parking	The City shall encourage multifamily development projects to separate (i.e., unbundle) the cost of parking from lease or rent payments.	According to the project's parking management plan, parking will be "unbundled" from residential rent/lease fees in an effort to reduce vehicular parking demand.
Policy M-9.11 Multifamily Charging Stations	The City shall consider requiring electric vehicle charging stations in new multifamily development projects.	As discussed above, the proposed project would provide electric vehicle parking stations.

Source: Impact Sciences, Inc., 2016

c) ***No Impact.*** The project site and surrounding area have been developed and heavily affected by past activities. No adopted habitat conservation plan or natural community conservation plan exists for the project site or immediate area. Consequently, implementation of the project would not conflict with the provisions of any adopted habitat conservation plan or natural community conservation plan. There would be no impact with regard to this criterion.

Discussion of Potential Cumulative Impacts

Anticipated future development in the City of Hayward would be reviewed for consistency with adopted land use plans and policies by the City. For this reason, pending and approved projects are anticipated to be consistent with the General Plan and zoning requirements, or be subject to an allowable exception, and further, would be subject to review under CEQA, mitigation requirements, and design review. As the proposed project would be consistent with the general plan and zoning designations for the project site with the approval of a conditional-use permit, the cumulative impact of the proposed project and future development would be less than significant.

Issues	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
11. MINERAL RESOURCES – Would the project:				
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	☐	☐	☐	■
b) Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	☐	☐	☐	■

Relevant Elements of the Project and its Setting

According to the *City of Hayward 2040 General Plan Background Report*, 11 past, present, or prospective mining sites are located within the City of Hayward. Past and present mining sites contain or contained a variety of mineral resources, including: stone, limestone, clay, fire clay, halite, and salt. There are three sites identified for prospective stone and clay extraction (City of Hayward 2014a).

Discussion of Potential Project Impacts

a–b) ***No Impact***. The project site is not designated as a mineral resource zone, and no known or potential mineral resources are located on the project site (City of Hayward 2014a). In addition, existing zoning and land uses preclude the use of the project site for mineral extraction (for example, sand, and gravel). Therefore, development on the project site under the proposed project would not impede extraction or result in the loss of availability of a known mineral resource. There would be no impacts with regard to these criteria.

Discussion of Potential Cumulative Impacts

The only State-designated mineral resource "sector" of regional significance in Hayward is the La Vista Quarry. All operations at the site have been terminated and the Surface Mining Permit for the La Vista Quarry issued by Alameda County expired in 2008 (City of Hayward 2014a). The General Plan designates the quarry site as Parks and Recreation and Limited Open Space which is compatible with the State-mandated reclamation plan. As a result, anticipated future development in Hayward, including the proposed project, would not result in the loss of availability of a known resource. The cumulative impact would be less than significant.

Issues	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
12. NOISE – Would the project result in:				
a) Exposure of persons to or generation of noise levels in excess of standards established in any applicable plan or noise ordinance, or applicable standards of other agencies?	☐	■	☐	☐
b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?	☐	■	☐	☐
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	☐	☐	■	☐
d A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project (including construction)?	☐	■	☐	☐
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within 2 miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	☐	☐	☐	■
f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?	☐	☐	☐	■

Relevant Elements of the Project and its Setting

A revised Environmental Noise Assessment was prepared for the proposed project by Illingworth & Rodkin, Inc., in October 2016. A copy of the revised Environmental Noise Assessment for the proposed project is provided in **Appendix G**.

Noise Fundamentals

Noise is measured on a logarithmic scale of sound pressure level known as a decibel (dB). The human ear does not respond uniformly to sounds at all frequencies; for example, it is less sensitive to low and high frequencies than it is to the medium frequencies that more closely correspond to human speech. In response to the sensitivity of the human ear to different frequencies, the A-weighted noise level (or scale),

which corresponds more closely with people's subjective judgment of sound levels, has been developed. This A-weighted sound level, referenced in units of dB(A), is measured on a logarithmic scale such that a doubling of sound energy results in a 3.0 dB(A) increase in noise level. In general, changes in noise levels of less than 3.0 dB(A) are not typically noticed by the human ear. Changes in noise levels ranging from 3.0 to 5.0 dB(A) may be noticed by some individuals who are extremely sensitive to changes in noise. A greater than 5.0 dB(A) increase is readily noticeable, while the human ear perceives a 10.0 dB(A) increase in sound level to be a doubling of sound.

When assessing community reaction to noise, there is an obvious need for a scale that averages varying noise exposures over time and that quantifies the result in terms of a single number descriptor. Several scales have been developed that address community noise level. Those that are applicable to this analysis are the Equivalent Noise Level (Leq), the Day-Night Noise Level (Ldn or DNL), and the Community Noise Equivalent Level (CNEL).

- Leq is the average A-weighted sound level measured over a given time interval. Leq can be measured over any period, but is typically measured for 1-minute, 15-minute, 1-hour, or 24-hour periods.

- Ldn or DNL is a 24-hour Leq with a "penalty" of 10 dB added during the nighttime hours (10:00 PM to 7:00 AM), which is normally sleeping time.

- CNEL is another average A-weighted sound level measured over a 24-hour period. However, the CNEL noise scale is adjusted to account for the increased sensitivity of some individuals to noise levels during the evening as well as the nighttime hours. A CNEL noise measurement is obtained after adding a "penalty" of 5 dB to sound levels occurring during the evening from 7:00 PM to 10:00 PM, and 10 dB to sound levels occurring during the nighttime from 10:00 PM to 7:00 AM.

Fundamentals of Groundborne Vibration

Ground vibration consists of rapidly fluctuating motions or waves with an average motion of zero. Several different methods are typically used to quantify vibration amplitude. One method is the Peak Particle Velocity (PPV). The PPV is defined as the maximum instantaneous positive or negative peak of the vibration wave. In this report, a PPV descriptor with units of mm/sec or in/sec is used to evaluate the potential for construction generated vibration to result in building damage and human complaints. **Table 14, Human Reaction and Effect of Buildings from Continuous or Frequent Intermittent Vibration Levels,** displays the reactions of people and the effects on buildings that continuous or frequent intermittent vibration levels produce.

Table 14
Human Reaction and Effect of Buildings from
Continuous or Frequent Intermittent Vibration Levels

Velocity Level, PPV (in/sec)	Human Reaction	Effect on Buildings
0.01	Barely perceptible	No effect
0.04	Distinctly perceptible	Vibration unlikely to cause damage of any type to any structure
0.08	Distinctly perceptible to strongly perceptible	Recommended upper level of the vibration to which ruins and ancient monuments should be subjected
0.1	Strongly perceptible	Virtually no risk of damage to normal buildings
0.3	Strongly perceptible to severe	Threshold at which there is a risk of damage to older residential dwellings such as plastered walls or ceilings
0.5	Severe - Vibrations considered unpleasant	Threshold at which there is a risk of damage to newer residential structures

Source: Illingworth & Rodkin, 2016c

The annoyance levels shown in **Table 14** should be interpreted with care since vibration may be found to be annoying at much lower levels than those shown, depending on the level of activity or the sensitivity of the individual. To sensitive individuals, vibrations approaching the threshold of perception can be annoying. Low-level vibrations frequently cause irritating secondary vibration, such as a slight rattling of windows, doors, or stacked dishes. The rattling sound can give rise to exaggerated vibration complaints, even though there is very little risk of actual damage to the structure.

Construction activities can cause vibration that varies in intensity depending on several factors. The use of pile driving and vibratory compaction equipment typically generates the highest construction-related groundborne vibration levels. Because of the impulsive nature of such activities, the PPV descriptor has been routinely used to measure and assess groundborne vibration and almost exclusively to assess the potential of vibration to induce architectural damage and the degree of annoyance for humans.

The two primary concerns with construction-induced vibration, the potential to damage a structure and the potential to interfere with the enjoyment of life, are evaluated against different vibration limits. Studies have shown that the threshold of perception for average persons is in the range of 0.008 to 0.012 in/sec PPV. Human perception to vibration varies with the individual and is a function of physical setting and the type of vibration. Persons exposed to elevated ambient vibration levels, such as people in an urban environment, may tolerate a higher vibration level.

Damage to buildings can be classified as cosmetic only, such as minor cracking of building elements, or may threaten the integrity of the building. Construction-induced vibration that can be detrimental to the building is very rare and has only been observed in instances where the structure is at a high state of disrepair and the construction activity occurs immediately adjacent to the structure.

Noise Sensitive Land Uses

Noise-sensitive land uses include residences, hospitals, schools, libraries, places of worship, parks, and assisted-living centers. The nearest noise-sensitive land uses to the project site consist of single- and multi-family residential land uses located to the north along McKeever Avenue and west of the project site along Main Street.

Existing Noise Environment

A noise monitoring survey was performed at the project site beginning on Wednesday September 30, 2015 and concluding on Friday October 2, 2015. The monitoring survey included two long-term and two short-term noise measurements (see **Appendix G** for the exact locations of the measurements). The noise environment at the site and in the surrounding areas results primarily from vehicular traffic along A Street, from which the project site is buffered by the adjacent property to the south. Traffic along the surrounding roadways including Maple Court, McKeever Avenue, and Main Street also contribute to the noise environment, as well as train traffic from the Hayward BART station located within a half mile of the site. Occasional overhead aircraft associated with Hayward Executive Airport and Oakland International Airport also affect the noise environment at the project site.

Long-term noise measurement LT-1 was made along the western boundary of the project site, approximately 30 feet east of the centerline of Main Street and approximately 245 feet north of the centerline of A Street. The noise meter was placed in a tree near the roadway. Hourly average noise levels at this location typically ranged from 57 to 68 dB(A) Leq during the day, and from 47 to 66 dB(A) Leq at night. The day-night average noise level from Wednesday September 30, 2015 through Friday October 2, 2015 ranged from 65 to 67 dB(A) Ldn.

LT-2 was made in the parking lot of the commercial property located east of the project site, opposite Maple Court. LT-2 was approximately 15 feet east of the centerline of Maple Court and approximately 440 feet north of the centerline of A Street. Hourly average noise levels at this location typically ranged from 57 to 72 dB(A) Leq during the day, and from 49 to 71 dB(A) Leq at night. The day-night average noise level from Wednesday September 30, 2015 through Friday October 2, 2015 ranged from 66 to 68 dB(A) Ldn. From 7:00 AM through 9:00 AM on Thursday October 1, 2015, elevated noise levels occurred at LT-2 and were likely due to local parking lot activities.

Both the short-term noise measurements were conducted on Friday October 2, 2015 in a ten-minute interval starting at 10:20 AM. ST-1 was made in the parking lot on the project site. ST-1 was approximately 230 feet north of the centerline of A Street and approximately 155 feet east of the centerline of Main Street. The ten-minute Leq(10) measured at ST-1 was 54 dB(A) Leq(10), and the estimated day-night average noise level was 59 dB(A) Ldn. ST-2 was made at the front yard equivalent of 1032 McKeever Avenue north of the project site. ST-2 was approximately 25 feet north of the centerline of McKeever Avenue. The ten-minute Leq(10) measured at ST-2 was 57 dB(A) Leq(10), and the estimated day-night average noise level was 60 dB(A) Ldn.

Applicable Noise Standards

2013 California Green Building Standards Code

The State of California established exterior sound transmission control standards for new non-residential buildings as set forth in the 2013 CALGreen (Sections 5.507.4.1 and 5.507.4.2). The sections that pertain to this project are as follows:

- **5.507.4.1 Exterior noise transmission, prescriptive method**. Wall and roof-ceiling assemblies exposed to the noise source making up the building envelope shall meet a composite Sound Transmission Class (STC) rating of at least 50 or a composite Outdoor-Indoor Transmission Class (OITC) rating of no less than 40, with exterior windows of a minimum STC of 40 or OITC of 30 when the building falls within the 65 dB(A) Ldn noise contour of a freeway or expressway, railroad, industrial source, or fixed-guideway noise source, as determined by the local general plan noise element.

- **5.507.4.2 Performance method**. For buildings located, as defined by Section 5.507.4.1, wall and roof-ceiling assemblies exposed to the noise source making up the building envelope shall be constructed to provide an interior noise environment attributable to exterior sources that does not exceed an hourly equivalent noise level (Leq (1-hr)) of 50 dB(A) in occupied areas during any hour of operation.

City of Hayward

According to the *Hayward 2040 General Plan* Noise Element, the City requires that interior noise levels should be maintained at 45 dB(A) Ldn or less for all residences and mixed-use units. The Noise Element also states that noise levels in exterior use areas associated with urban residential and mixed-use projects are considered normally acceptable if noise levels are 70 dB(A) CNEL/Ldn or less (City of Hayward 2014b).

The City's Noise Ordinance see (Sections 10-15.10 through 10-15.31 of the Hayward Municipal Code) limits noise levels during construction activities and at adjacent properties. The following sections of the City's Noise Ordinance are applicable to project construction activities:

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 seventy (70) dB(A) between the hours of 7:00 a.m. and 9:00 p.m. or sixty (60) dB(A) 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 sixty (60) dB(A) 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 seventy (70) dB(A). 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 eighty-three (83) dB(A) at a distance of twenty-five (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 twenty-five (25) feet from the equipment.

(b) The noise level at any point outside the property plane shall not exceed eighty-six (86) dB(A).

(c) During all other times, the decibel levels set forth in Section 4-1.03.1 shall control.

Discussion of Potential Project Impacts

a) ***Less than Significant Impact with Mitigation.*** An analysis of future exterior and interior noise levels on the project site is provided below.

Future Exterior Noise Environment

The future noise environment at the project site would continue to result primarily from traffic along A Street, with traffic along Main Street, McKeever Avenue, and Maple Court being the secondary sources. In October 2016, a revised traffic study was completed for the proposed project. According to the study, traffic volumes along Main Street and Maple Court would increase by as much as 300 percent under Cumulative Plus Project conditions; however, considering the low traffic volumes under Existing conditions, the effect on the noise environment would be equivalent to a noise level increase of up to 3 dB(A) Ldn. Future traffic along A Street would increase by as much as 65 percent, which would result in a noise level increase of 2 dB(A) Ldn. Therefore, the worst-case scenario noise level increase under Cumulative Plus Project traffic conditions would be 3 dB(A) Ldn.

For all mixed-use developments throughout the City of Hayward, the City's General Plan states that the maximum acceptable exterior noise level for outdoor use areas would be 70 dB(A) Ldn, as measured from the approximate center of the outdoor area. This standard would not apply to balconies or porches. According to the site plan, there would be four outdoor use areas associated with the proposed mixed-use apartment building (three first-floor courtyards and a rooftop terrace), and the medical building would not have any outdoor use areas (see **Figure 3** for the location of each outdoor use).

The first courtyard would be located to the north of the proposed apartment building and to the west of the medical building that would remain under proposed project conditions. This courtyard would consist of a picnic/lounge area and would receive partial shielding from Main Street and McKeever Avenue traffic by the proposed project buildings, as well as existing local businesses and residences located to the northwest of the project site. The center of Courtyard 1 would be set back from the centerline of Main Street by approximately 165 feet and would be set back from the centerline of McKeever Avenue by approximately 160 feet under the proposed project. At these distances and with the partial shielding from the intervening buildings, the future exterior noise levels at Courtyard 1 would be less than 65 dB(A) Ldn.

The second courtyard, which includes a pool, would be surrounded by the proposed apartment building and the section of the existing medical building intended to remain under future project conditions. The center of Courtyard 2 would be set back from the centerline of Maple Court by approximately 150 feet under the proposed project. With shielding from the existing and proposed buildings, the future exterior noise levels at this courtyard would be less than 65 dB(A) Ldn.

Courtyard 3 would be a circular-shaped sitting area surrounding a water feature. Located along the southern boundary of the project site, this courtyard would be shielded from traffic along Main Street by the proposed apartment building but would have direct line-of-sight to A Street. The center of Courtyard 3 would be approximately 145 feet from the centerline of Main Street and approximately 210 feet from the centerline of A Street under the proposed project. Based on the existing short-term measurement at ST-1, the future exterior noise level at Courtyard 3 would be 63 dB(A) Ldn under future worst-case scenario conditions.

An outdoor terrace would be located on the roof of the proposed apartment building. This outdoor use area would be located to the north of Courtyard 3 and would have direct line-of-sight to Main Street and A Street. The center of the rooftop terrace would be set back from the centerline of each roadway by 150 and 265 feet, respectively, under the proposed project. At these distances and taking into account the elevation of the rooftop terrace, the future exterior noise levels would be at or below 65 dB(A) Ldn.

Since future exterior noise levels at each of the outdoor use areas of the proposed project would be below 70 dB(A) Ldn, this would be a less-than-significant impact.

Future Interior Noise Environment

Apartment Building

According to the City of Hayward's General Plan, the City requires that interior noise levels should be maintained at 45 dB(A) Ldn or less for all residences and mixed-use units.

The mixed-use units facing the adjacent roadways would include commercial retail, offices, and apartments on the first floor and apartments only on the upper floors. The eastern façade of the mixed-use building would be set back from the centerline of Maple Court by approximately 35 feet. At this distance, the apartments facing the roadway would be exposed to future exterior noise levels of 65 to 67 dB(A) Ldn. While the apartments located on the northern façade within 265 feet of the centerline of Maple Court would receive partial shielding from the medical building, the units along this façade would have direct line-of-sight to Maple Court. These units would be exposed to future exterior noise levels ranging from 54 to 67 dB(A) Ldn. The units along the southern façade with direct line-of-sight of Maple

Court would be set back from the centerline of the roadway by 35 to 185 feet. These apartments would also be exposed to traffic noise from A Street, with partial shielding provided by the existing commercial property fronting A Street. The units along the southern façade of the proposed mixed-use building located east of the parking garage would be exposed to future exterior noise levels ranging from 57 to 67 dB(A) Ldn.

The western façade of the proposed mixed-use building would face Main Street, with a setback of approximately 40 feet. The apartments, leasing office, and retail stores along this building façade would be exposed to future exterior noise levels of 67 to 69 dB(A) Ldn. For the apartments surrounding Courtyard 3 along the southern façade of this part of the proposed building, the units would be shielded from traffic along Maple Court and Main Street but would have direct line-of-sight to A Street. The first and second floors facing A Street would be partially shielded by existing intervening buildings, but the upper floors would be unshielded. The setbacks for these units would range from 175 to 280 feet. At these distances, the units would be exposed to future exterior noise levels ranging from 61 to 64 dB(A) Ldn. The units located to the north of proposed parking garage would face McKeever Avenue. While the first and second floors would be partially shielded by existing local businesses and residences located to the northwest of the project site, the upper floors would have a direct line-of-sight to traffic along McKeever Avenue and Main Street. These units would be set back from the centerline of McKeever Avenue by approximately 195 feet and would be set back from the centerline of Main Street by 40 to 225 feet. At these distances, the units would be exposed to future exterior noise levels ranging from 57 to 69 dB(A) Ldn.

Interior noise levels would vary depending upon the design of the buildings (relative window area to wall area) and the selected construction materials and methods. Standard residential construction provides approximately 15 dB(A) 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 dB(A) of noise reduction in interior spaces. Given the estimated exterior noise levels that would be experienced at the building facades described above, interior levels in the mixed-use apartment building with standard building construction would be as high as 54 dB(A) Ldn and this impact is considered potentially significant.

However, with the implementation of **Mitigation Measure NOI-1**, which incorporates measures into the proposed project to reduce interior noise levels, this impact would be reduced to a less than significant level.

> **Mitigation Measure NOI-1:** The following measures shall be incorporated into the proposed project to reduce interior noise levels:
>
> - A qualified acoustical consultant shall review the final site plan, building elevations, and floor plans prior to construction and recommend building treatments to reduce interior noise levels to 45 dB(A) Ldn or lower. Treatments would include, but are not limited to, sound-rated windows and doors, sound-rated wall and window constructions, acoustical caulking, protected ventilation openings, etc. The specific determination of what noise insulation treatments are necessary shall be conducted on a unit-by-unit basis during final design of the project. Results of the analysis, including the description of the necessary noise control treatments, shall be submitted to the City, along with the building plans and approved design, prior to issuance of a building permit.

- Provide a suitable form of forced-air mechanical ventilation, as determined by the local building official, 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.

Based on the building floor plans and elevations provided at the time of this analysis, installation of sound rated windows and forced-air mechanical ventilation in the proposed residential units would be adequate to achieve 45 dB(A) Ldn interior levels. Therefore, with mitigation the required interior noise levels would be attained and the impact would be reduced to a less than significant level.

Medical Office Building

The State of California requires that wall and roof-ceiling assemblies of commercial buildings exposed to the adjacent roadways have a composite STC rating of at least 50 or a composite OITC rating of no less than 40, with exterior windows of a minimum STC of 40 or OITC of 30 when the commercial property falls within the 65 dB(A) Ldn noise contour determined in the local general plan noise element. According to the City's General Plan, the project site does fall within the 65 dB(A) Ldn 2040 contour line. The State also requires interior noise levels to be maintained at 50 dB(A) Leq(1-hr) or less during hours of operation at a medical building.

The part of the medical building to remain under future project conditions would be located near the corner of McKeever Avenue and Maple Court. The eastern façade of the medical building would be set back from the centerline of Maple Court by approximately 20 feet. At this distance, the building façade would be exposed to future exterior noise levels ranging from 59 to 74 dB(A) Leq(1-hr) during daytime hours of operation. The northern façade of the building would be set back from the centerline of McKeever Avenue by approximately 65 feet, and at this distance, the building façade would be exposed to future exterior noise levels ranging from 48 to 74 dB(A) Leq(1-hr) during the day. A wall assembly with an STC rating of at least 50 and window assemblies with an STC rating of at least 40 would provide at least 35 to 40 dB(A) of noise reduction in interior spaces. The inclusion of adequate forced-air mechanical ventilation systems is normally required so windows may be kept closed at the occupant's discretion. As stated in the Project Description, the proposed project would comply with the state-mandated CALGreen building code. The sound-rated construction materials established in the CALGreen Code in combination with forced-air mechanical ventilation would satisfy the threshold for the entire medical building. The impact would be less than significant.

b) ***Less than Significant Impact with Mitigation.*** 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 site demolition, preparation work, foundation work, and new building framing and finishing. In addition, off-site utility improvements would occur along Maple Court and Main Street. The proposed project would not require pile driving, which can cause excessive vibration.

With respect to effects on nearby sensitive receptors, groundborne vibration levels would be considered significant if they exceeded 0.1 in/sec PPV at the nearest sensitive receptors; vibration levels emanating from transient sources in excess of 0.1 in/sec PPV would strongly perceptible and could result in annoyance.

For construction-generated vibration to result in damage to buildings, 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 damage to the structure is a major concern. For historical buildings or buildings that are documented to be structurally weakened, a conservative limit of 0.08 in/sec PPV is often used to provide the highest level of protection. For the purposes of this analysis, therefore, it was assumed that groundborne vibration levels exceeding the conservative 0.3 in/sec PPV limit would have the potential to result in cosmetic damage to standard buildings and groundborne vibration levels exceeding 0.08 in/sec PPV would have the potential to result in cosmetic damage to fragile buildings.

Project construction activities, such as drilling, the use of jackhammers, rock drills and other high-power or vibratory tools, and rolling stock equipment (tracked vehicles, compactors, etc.) may generate substantial vibration in the immediate vicinity. Vibration levels would vary depending on soil conditions, construction methods, and equipment used. **Table 15, Vibration Levels for Construction Equipment**, presents typical vibration levels that could be expected from construction equipment at a distance of 25 feet.

Table 15
Vibration Levels for Construction Equipment

Equipment		PPV at 25 ft. (in/sec)	Approximate L_{v} at 25 ft. (VdB)
Pile Driver (Impact)	upper range	1.158	112
	Typical	0.644	104
Pile Driver (Sonic)	upper range	0.734	105
	Typical	0.170	93
Clam shovel drop		0.202	94
Hydromill (slurry wall)	in soil	0.008	66
	in rock	0.017	75
Vibratory Roller		0.210	94
Hoe Ram		0.089	87
Large bulldozer		0.089	87
Caisson drilling		0.089	87
Loaded trucks		0.076	86
Jackhammer		0.035	79
Small bulldozer		0.003	58

Source: Illingworth & Rodkin, 2015c
Notes: L_v = Velocity Level

The single- and multi-family residences located opposite Main Street and opposite McKeever Avenue would range from 90 to 105 feet from the project site, which would result in vibration levels less than 0.1 in/sec (ranging from 0.001 to 0.051 in/sec PPV). The single-family residences adjacent to the project site along the northern boundary are approximately 90 feet from the location of the proposed apartment building. At this distance, vibration levels would be expected to be less than 0.1 in/sec PPV, (ranging from 0.001 to 0.051 in/sec), which is below the 0.3 in/sec PPV significance threshold used to assess cosmetic

damage to buildings that are structurally sound and the 0.08 in/sec PPV threshold used to assess cosmetic damage to buildings that are structurally weakened. Such vibration levels would also be below the 0.1 in/sec PPV significance threshold used to assess the potential for human annoyance. The single-family residence adjacent to the existing medical building, however, is approximately 10 feet from the project property line. At this distance, vibration levels would be expected to range from 0.008 in/sec PPV to 0.58 in/sec PPV, which would at times exceed the 0.3 in/sec PPV significance threshold used to assess cosmetic damage to buildings that are structurally sound. This could potentially result in "architectural" damage to the building. This is a significant impact. However, with the implementation of **Mitigation Measure NOI-2**, which prohibits the use of heavy vibration-generating construction equipment, such as vibratory rollers or clam shovel drops, within 20 feet of any adjacent residence, this impact would be reduced to a less than significant level.

Mitigation Measure NOI-2: Within 20 feet of the existing, adjacent residence:

- 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, and drill-rigs shall be prohibited within 20 feet of the existing, adjacent residence.

- Construction and demolition activities shall not involve clam shell dropping operations.

c) ***Less Than Significant Impact.*** A significant impact would result if traffic generated by the project would substantially increase noise levels at sensitive receivers in the vicinity. A substantial increase would occur if: a) the noise level increase is 5 dB(A) Ldn or greater, with a future noise level of less than 60 dB(A) Ldn, or b) the noise level increase is 3 dB(A) Ldn or greater, with a future noise level of 60 dB(A) Ldn or greater. Residences to the north of the project site have existing noise levels of 60 dB(A) Ldn, but under future plus project conditions, the noise levels would exceed 60 dB(A) Ldn; therefore, a significant impact would occur if the project traffic would increase noise levels by 3 dB(A) Ldn. For residences located to the west of the project site where existing noise levels range from 65 to 67 dB(A) Ldn, a significant impact would occur if project-generated traffic would permanently increase noise levels by 3 dB(A) Ldn.

The noise environment in the site vicinity is dominated by A Street traffic and the nearby traffic along Mission Boulevard and Foothill Boulevard. Traffic volumes along Main Street, McKeever Avenue, and Maple Court also affect the noise environment. The traffic report completed for the proposed project provided peak hour volumes for the project-generated traffic. According to the study, the project is projected to add 79 trips during peak morning hours and 111 trips during peak evening hours. Compared to the traffic along the surrounding roadways, the proposed project would not result in a substantial increase in traffic volumes and associated noise levels. The permanent noise level increase due to this project-generated traffic increase at the surrounding noise-sensitive receptors would be approximately 1 dB(A) Ldn. This would be a less-than-significant impact.

d) ***Less than Significant Impact with Mitigation***. Noise impacts resulting from construction depend upon the noise generated by various pieces of construction equipment, the timing and duration of noise-generating activities, and the distance between construction noise sources and noise-sensitive areas.

Construction noise impacts primarily result when construction activities occur during noise-sensitive times of the day (e.g., early morning, evening, or nighttime hours), the construction occurs in areas immediately adjoining noise-sensitive land uses, or when construction lasts over extended periods of time.

Construction activities generate considerable amounts of noise, especially during earth-moving activities when heavy equipment is used. The highest maximum noise levels generated by project construction would typically range from about 80 to 90 dB(A) Lmax at a distance of 50 feet from the noise source. Typical hourly average construction-generated noise levels for mixed-use developments are about 81 to 88 dB(A) Leq measured at a distance of 50 feet from the center of the site during busy construction periods (e.g., earth moving equipment, impact tools, etc.). Hourly average construction noise levels associated with the erection of the mixed-use units, such as hammer- and drilling-related noise, range from approximately 63 to 71 dB(A) at a distance of 50 feet. The noise levels associated with construction of the mixed-use units would be substantially less than the noise levels associated with grading and pavement activities during project site preparation. Construction-generated noise levels drop off at a rate of about 6 dB(A) per doubling of the distance between the source and receptor. Shielding by buildings or terrain can provide an additional 5 to 10 dB(A) noise reduction at distant receptors.

Based on the estimated equipment noise levels above and on-site data, nearby sensitive locations would likely experience construction noise that is louder than ambient traffic noise, which represents a potentially significant impact. However, with the implementation of **Mitigation Measure NOI-3**, which requires that construction equipment be well-maintained and used judiciously to be as quiet as possible and requires the implementation of best management practices to reduce noise from construction activities near sensitive land uses, construction noise emanating from the construction site would be reduced. With the implementation of this mitigation measure, along with the lack of high-intensity construction equipment required for the proposed project, and the fact that noise generated by construction activities would be temporary, the impact from a temporary increase in ambient noise levels at the project site during construction would be less than significant.

> **Mitigation Measure NOI-3**: Construction equipment shall be well-maintained and used judiciously to be as quiet as possible. Additionally, construction activities for the proposed project shall include the following best management practices to reduce noise from construction activities near sensitive land uses:
>
> - Ensure that all construction activities (including the loading and unloading of materials, truck movements, and warming of equipment motors) are limited to the hours of 7:00 a.m. to 7:00 p.m. Monday through Saturday and between the hours of 10:00 a.m. and 6:00 p.m. on Sundays and holidays.
>
> - Contractors equip all internal combustion engine-driven equipment with mufflers, which are in good condition and appropriate for the equipment.
>
> - Contractors utilize "quiet" models of air compressors and other stationary noise sources where technology exists.
>
> - Locate loading, staging areas, stationary noise-generating equipment, etc. as far as feasible from sensitive receptors when sensitive receptors adjoin or are near a construction project area.

- Comply with Air Resource Board idling prohibitions of uneasy idling of internal combustion engines.

- Construct solid plywood fences around construction sites adjacent to operational business, residences or noise-sensitive land uses.

- A temporary noise control blanket barrier could be erected, if necessary, along building facades facing construction sites. This mitigation would only be necessary if conflicts occurred which were irresolvable by proper scheduling.

- Route construction-related traffic along major roadways and as far as feasible from sensitive receptors.

- Businesses, residences or noise-sensitive land uses adjacent to construction sites should be notified of the construction schedule in writing. Designate a "construction liaison" that would be responsible for responding to any local complaints about construction noise. The liaison would determine the cause of the noise complaints (e.g., starting too early, bad muffler, etc.) and institute reasonable measures to correct the problem. Conspicuously post a telephone number for the liaison at the construction site.

e-f) ***No Impact.*** Hayward Executive Airport is a city-owned, public-use airport located approximately 2.1 miles southwest of the project site, and Oakland International Airport is a public-use airport owned by the Port of Oakland that is located approximately 7.4 miles northwest of the project site. Although aircraft-related noise could occasionally be audible at the project site, noise from aircraft would not substantially increase ambient noise levels. The project site lies outside the airport influence area of both airports, as established in the Hayward Executive Airport Land Use Compatibility Plan of 2012 and the Oakland International Airport Land Use Compatibility Plan of 2010. Exterior and interior noise levels resulting from aircraft would be compatible with the proposed project. This impact is less than significant.

Discussion of Potential Cumulative Impacts

According to the *City of Hayward 2040 General Plan EIR*, anticipated future development in the City of Hayward could result in a substantial increase in long-term traffic-generated noise. Even with the implementation of goals, policies, and implementation programs listed in the City's General Plan, impacts related to traffic noise within the City due to future growth would be significant and unavoidable (City of Hayward 2014c). A cumulative traffic noise analysis was conducted for the proposed project focusing on roadways to which the project is expected to add traffic. For purposes of this analysis, it was assumed that a significant cumulative impact would occur if the cumulative traffic noise level increase was 3 dB(A) Ldn or greater where existing noise levels exceed 60 dB(A) Ldn or was 5 dB(A) Ldn or greater where existing levels are at or below 60 dB(A) Ldn. A "cumulatively considerable" contribution would be defined as an increase of 1 dB(A) Ldn or more attributable solely to the proposed project. Cumulative traffic noise level increases were calculated by comparing the Cumulative traffic volumes and the Cumulative Plus Project volumes to Existing traffic volumes. The traffic noise increases calculated under both Cumulative scenarios (with and without the project) were estimated not to exceed 3 dB(A) Ldn along the roadways surrounding the project site. As a result, this cumulative traffic impact is considered less than significant.

According to the *City of Hayward 2040 General Plan EIR*, anticipated future development in the City of Hayward could result in short-term construction-generated noise that exceeds applicable standards. Even with the implementation of goals, policies, and implementation programs listed in the City's General Plan, impacts related to construction noise within the City due to future growth would be significant and unavoidable (City of Hayward 2014c). Impacts associated with cumulative construction noise would occur only if other development projects in Hayward were to be under construction the same time as the proposed project and if these concurrent projects would be in close proximity of the same sensitive receptors adjacent to the project site and would expose those receptors to their construction noise. Construction of the proposed project could occur during the same timeframe as the construction of the Lincoln Landing project, which is located approximately 300 feet to the north the project site. As discussed above, the typical hourly average construction-generated noise levels for mixed-use developments are about 81 to 88 dB(A) Leq measured at a distance of 50 feet from the center of the site during busy construction periods. Such noise levels would be expected at McKeever Avenue residences when project construction activities are concentrated at the northernmost portion of the project site.

Construction at the Lincoln Landing project site would occur at distances greater than 250 feet from the McKeever Avenue residences that are situated between the two construction sites. In some cases, construction activities at the Lincoln Landing project site would be shielded by an existing parking structure situated between the Lincoln Landing project site and the McKeever Avenue residences. Under worst-case cumulative conditions, project-generated construction activities (81 to 88 dB[A] L_{eq} at 50 feet) could be increased by up to 0.8 dB(A) when construction is occurring at the southernmost portion of the Lincoln Landing project site and producing the highest sound levels. Cumulative construction noise levels under worst-case conditions would not be measurably higher than project-generated construction noise levels alone. The implementation of **Mitigation Measure NOI-3** would require the proposed project to implement best management practices such as limiting construction hours, installing mufflers on equipment with internal construction equipment, and utilizing quiet air compressors to reduce the project's noise impacts during construction. In accordance with Section 4-1.03.4 of the *Hayward Municipal Code*, the Lincoln Landing project would also implement similar construction best management practices to reduce its construction noise impacts. Therefore, with the adherence to construction best management practices by both projects, construction noise levels would not be substantially increased and the resulting cumulative impact associated with construction noise would be less than significant.

Issues	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
13. POPULATION AND HOUSING – Would the Project:				
a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	☐	☐	■	☐
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	☐	☐	☐	■
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	☐	☐	☐	■

Relevant Elements of the Project and its Setting

According to the California State Department of Finance, the average household size in the City of Hayward is approximately 3.22 persons per household (DOF 2016).

Discussion of Potential Project Impacts

a) ***Less Than Significant Impact.*** The proposed project would add 240 multi-family units to the project site. Based on the average household size in the City of Hayward of approximately 3.22 persons per household, the new multi-family units on the project site would house approximately 773 residents. The California State Department of Finance estimates the total population for the City of Hayward in 2016 was 158,985 people (DOF 2016). The proposed project would increase the City's population by approximately 0.5 percent. In addition, the *City of Hayward 2040 General Plan* estimates that the City would have an estimated population of 183,533 people in 2040 (City of Hayward 2014b). The proposed project would represent about 0.4 percent of this future population.

As discussed under Land Use above, the planned residential development on the project site under the proposed project would be consistent with the general plan land use and zoning designations for the site with the approval of a conditional use permit, and the increase in population would not be substantial in that it was planned for and considered in the City's land use plans. This impact would be less than significant.

b-c) ***No Impact***. Two single-family residences, one of which is vacant, will be demolished prior to construction of the proposed project. As a result, demolition of the unit would not displace substantial numbers of existing housing or people, necessitating the construction of replacement housing elsewhere. There would be no impact with regard to these criteria.

Discussion of Potential Cumulative Impacts

Anticipated future development in Hayward would result in an increase in population throughout the City. However, according to the *City of Hayward 2040 General Plan EIR*, with the implementation of goals, policies, and implementation programs listed in the City's General Plan, impacts related to population and housing within the City due to future growth, including the proposed project and the nearby Lincoln Landing project, would be less than significant (City of Hayward 2014c). As discussed above, the increase in population associated with the proposed project would not be substantial. Therefore, the proposed project's cumulative impact with respect to population and housing would be less than significant.

Issues	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
14 PUBLIC SERVICES –				
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:				
a) Fire protection?	☐	☐	■	☐
b) Police protection?	☐	☐	■	☐
c) Schools?	☐	☐	■	☐
d) Parks?	☐	☐	■	☐
e) Other public facilities?	☐	☐	■	☐

Relevant Elements of the Project and its Setting

Fire Protection

The City of Hayward Fire Department (HFD) provides fire protection services to the City of Hayward and to the Fairview Fire Protection District on contract basis. The HFD has 118 sworn personnel out of a staff of approximately 136 staff members. The HFD has nine fire stations, seven within the City and two within the Fairview area. The nine stations house 11 fire companies, which include nine engine companies, two truck companies, an aircraft fighting apparatus, and a California Emergency Management-owned (CAL EMA) firefighting apparatus. In 2012, the HFD responded to over 20,962 alarms and 15,163 calls for service, with approximately 71 percent of the calls consisting of medical emergencies. The closest fire station to the project site is Station No. 1, located at 22700 Main Street, approximately 0.3 mile southeast of the project site. Response times for a Code 3, emergency response, meets or exceeds HFD's goals of having the first arriving fire company on the scene in 5 minutes or less 90 percent of the time. Due to the proximity of Fire Station No. 1, average response times to the downtown area typically range from approximately 30 seconds to 1 minute and 30 seconds (Massone 2015).

Police Protection

The City of Hayward Police Department (HPD) provides law enforcement services to the project site. The HPD employs over 190 sworn officers out of a staff of approximately 300 staff members and is headquartered at 300 West Winton Avenue, approximately 1.6 miles southwest of the project site. The HPD also operates two district offices: the Northern District Office at 1190 B Street and the Southern

District Office at 28200 Ruus Road. In 2012, the HPD received 95,239 calls for service comprised of approximately 3.7 percent Priority 1 calls, 25.1 percent Priority 2 calls, and 68.3 percent Priority 3 calls. The average response time for Priority 1 calls, in 2012, was 9 minutes and 2 seconds. The project site is located within Beat B.

Schools

The project site is located with the boundaries of the Hayward Unified School District (HUSD). The HUSD operates 22 elementary schools, five middle schools, and four high schools. Total districtwide enrollment in the 2011-2012 school year was 21,637 students. The proposed project would be served by Strobridge Elementary School, approximately 1.1 miles north of the project site, Bret Harte Middle School, approximately 0.4 mile southeast of the project site, and Hayward High School, approximately 1.2 miles east of the project site. Over the past 10 years, the HUSD has experienced a substantial decline in student population. Currently, the total number of elementary school students is far below capacity, similar with middle and high schools. It is projected that by 2017 the total student population would drop to 21,108 students, representing a 2.4 percent decrease over 2011-2012 school year levels (City of Hayward 2014a).

Parks

The Hayward Area Recreation and Park District (HARD) and the East Bay Regional Park District (EBRPD) provide parks and recreation services in the Hayward area. HARD operates 57 parks within the Hayward Planning Area and provides 159.85 acres of local parkland, 36.71 acres of school parks, 91.74 acres of community parkland, 271.29 acres of districtwide parkland, 1,627 acres of regional parkland, and 145.70 acres of open space, trails, and linear parkland (City of Hayward 2014a). Several parks are located approximately 1 mile from the project site. The closest parks to the project site are De Anza Park, located 0.7 mile to the northeast, and Bret Harte Park and Field, located 0.6 mile to the southeast.

Libraries

The Hayward Public Library system provides library services to the project site. The library system includes the Main Library, located at 835 C Street, and Weekes Branch Library, located at 27300 Patrick Avenue. A new Main Library, located at the corner of Mission Boulevard and C Street, is currently under construction and is estimated to be completed in 2018. Upon completion of the new main Library, the old Main Library will be demolished and the site will restored to its historic use as a Heritage Plaza. As of 2012, the City's two branches combined to contain over 169,697 books, magazines, newspapers, online databases, books on CD, music CDs, DVDs, government documents, and other materials (City of Hayward 2014a). The closet branch to the project site is the existing Main Library located 0.4 mile to the south. The new Main library will be located approximately 0.2 mile to the south of the project site.

Discussion of Potential Project Impacts

a) ***Less than Significant Impact***. Development of the proposed project would result in the addition of up to approximately 773 residents and about 12 retail workers[3] to the project site. The number of employees in the existing medical office building is not expected to change. The increase in the population on the

[3] Based on an average number of 1 employee per 450 square feet of retail space.

project site would likely result in additional calls to the HFD for service. The HFD has indicated that the proposed project would have minimal impact on fire services in the City (Massone 2015). As a result, no new fire station or an expansion of an existing fire station would be needed, and there would be no potential for significant environmental impacts from the construction of new or expanded fire station facilities. Therefore, the impact related to the provision of fire services to the proposed project would be less than significant.

b) ***Less than Significant Impact***. Development of the proposed project would result in the addition of up to approximately 773 residents and 12 retail workers to the project site. The increase in the population on the project site may result in additional calls to the HPD for service, potentially increasing response times. The HPD has indicated that the proposed project would have minimal impact on law enforcement services in the City (Ajello 2015). As a result, no new police facility or an expansion of an existing police facility would be needed, and there would be no potential for significant environmental impacts from the construction of new or expanded facilities. Therefore, the impact of the proposed project related to the provision of law enforcement services would be less than significant.

c) ***Less than Significant Impact***. Development of the proposed project would increase the number of students attending schools operated by the HUSD. As discussed above, schools within the district are operating under capacity due to a recent rapid decline in the number of students, including the schools that would serve the project site. Additionally, development under the proposed project would be required to pay school development fees, as dictated by state law, prior to the issuance of building permits. According to Government Code Section 65996, payment of such fees constitutes full mitigation of any school impacts under CEQA. Therefore, any impacts from the increase in school enrollment would be offset by the required payment of development fees. This impact is considered less than significant.

d) ***Less than Significant Impact***. Development of the project site with residential uses under the proposed project would result in about 773 additional people living in the City, thereby increasing demand for park services. Two parks (De Anza Park and Bret Harte Park and Field) are located in the vicinity of the project site. The City strives to provide 3 acres of parkland per 1,000 residents (City of Hayward 2014a). Therefore, the project would generate the need for approximately 2.3 acre of parkland. The proposed project would include approximately 0.7 acres of common open space consisting of three ground floor courtyards and perimeter open space and approximately 0.4 acres of private open space. To address the park needs of the proposed project, avoid overuse of existing parks, and avoid a deficiency of parkland acreage in the City, the proposed project would be required to pay park in-lieu fees per City Code (Chapter 10.16), which can be used to acquire new parkland and/or pay for park improvements in the project vicinity. The payment of park and recreation development impact fees is considered by the City as full mitigation of development impacts to nearby recreation facilities. This impact is considered less than significant.

e) ***Less than Significant Impact***. Development of the project site with residential uses under the proposed project would result in about 773 additional people living in the city, thereby increasing demand for library services. The City's library requirements are based on a recommended standard of 0.46 to 0.5 square feet of public use space per capita. The two libraries in the City's Library system together provide approximately 33,567 square feet of library space[4] (City of Hayward 2014a). Upon completion of the new Main Library, the two libraries in the City's Library system would provide about 66,567 square feet of

4 The Main Library currently includes 25,000 square feet of library space while the Weekes Branch currently includes 8,567 square feet of library space.

library space.[5] Based on a current population of 158,985 (DOF 2016), there is currently approximately 0.21 square feet of public use space per capita in the system, which is below the City's standard contained in the City's General Plan. Upon completion of the new Main Library, there would be about 0.42 square feet of public use space per capita in the system, which is close to the City's standard. With the addition of the population associated with the proposed project, the amount of library space per resident under both current and future conditions would decrease by approximately 0.49 percent. As this decrease is not substantial, the project will not require that new or expanded library facilities be constructed, and there would be no potential for significant environmental impacts from the construction of new or expanded facilities. Therefore, the impact related to the provision of library services under the proposed project would be less than significant.

Discussion of Potential Cumulative Impacts

Although substantial portions of the City are built out, future development or redevelopment would increase population in the City, thus resulting in an increase in demand for fire, police, schools, parks, and other public facilities such as libraries. However, according to the *City of Hayward 2040 General Plan EIR*, with the implementation of goals, policies, and implementation programs listed in the City's General Plan, impacts related to public services within the City due to future growth would be less than significant (City of Hayward 2014c). As discussed above, both the HFD and the HPD have indicated that the proposed project would have minimal impact on fire and police services in the City, and as a result no new fire or police facilities would need to be constructed to serve the proposed project. In addition, the proposed project would pay fees to mitigate impacts to schools and parks. As the decrease in the amount of existing library space per capita would not be substantial with the addition of the population associated with the proposed project, no new library facilities would need to be constructed to serve the proposed project. For these reasons, the proposed project's cumulative impact with respect to public services would be less than significant.

5 The new Main Library would include 58,000 square feet of library space.

Issues	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
15. RECREATION –				
a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	☐	☐	■	☐
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities, which might have an adverse physical effect on the environment?	☐	☐	■	☐

Relevant Elements of the Project and its Setting

As discussed in **Section 14**, several neighborhood parks are located approximately 1 mile from the project site. The closest parks to the project site are De Anza Park, located 0.7 mile to the northeast and Bret Harte Park and Field located 0.6 mile to the southeast.

Discussion of Potential Project Impacts

a-b) ***Less than Significant Impact***. See the response to **Item 14(d)** for a discussion of impacts to existing parks and recreational facilities. The proposed project does not involve construction or expansion of neighborhood parks. Therefore, potential impacts associated with park facilities would not occur. This impact is considered less than significant.

Discussion of Potential Cumulative Impacts

Anticipated future development in Hayward would increase the extent of development in the City, thus resulting in a cumulative increase in the use of recreational facilities. However, according to the *City of Hayward 2040 General Plan EIR*, with the implementation of goals, policies, and implementation programs listed in the City's General Plan, impacts related to parks and recreational facilities within the City due to future growth would be less than significant (City of Hayward 2014c). As discussed above, the proposed project would pay fees to mitigate impacts to parks. In addition, no public parks or recreational facilities would be constructed as part of the proposed project. Therefore, the proposed project's cumulative impact with respect to recreation would be less than significant.

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

Relevant Elements of the Project and its Setting

Traffic Impact Analysis

A revised traffic impact study (TIS) was prepared by Wood Rogers (October 2016) to evaluate the impacts of the proposed project on the street system within and adjacent to the project site and is included in **Appendix H** of this document.

The TIS analyzed the anticipated traffic impacts that would result during the weekday AM and PM peak hours with implementation of the proposed project. The traffic impact analysis evaluated impacts at 14 existing and one proposed intersections during the AM and PM peak hours and under the following scenarios:

- **Existing conditions** - Analysis of existing traffic operations at critical study area transportation facilities.

- **Existing plus project conditions** - Analysis of a near-term future condition that adds project-generated traffic to existing traffic volumes.

- **Background conditions** - Analysis of a near-term future condition estimated by interpolating future traffic volumes (using the City's General Plan Update travel demand model) between existing and cumulative long-term conditions. These conditions conservatively assume full build out of the nearby Lincoln Landing project (including Phases 1 and 2).

- **Background plus project conditions** - Analysis of a condition that adds the project-generated traffic to background conditions.

- **Cumulative conditions** - Analysis of a cumulative future (Year 2035) condition estimated by using the City's General Plan Update travel demand model and transportation improvement within the project vicinity assuming the proposed project site itself remains in its present state. These conditions conservatively assume full build out of the nearby Lincoln Landing project (including Phases 1 and 2).

- **Cumulative plus project conditions** - Analysis of a condition that adds the project-generated traffic to cumulative base conditions.

  The following intersections were analyzed:

  1. Mission Boulevard/Grove Way
  2. Mission Boulevard/Rose St
  3. Mission Boulevard/Simon Street
  4. Mission Boulevard/Hotel Avenue
  5. Mission Boulevard/A Street
  6. Main Street/Hazel Avenue
  7. Main Street/McKeever Avenue
  8. Main Street/Hotel Avenue
  9. Main Street/A Street
  10. Maple Court/A St

11. Maple Court/McKeever Avenue
12. Foothill Boulevard/Hazel Avenue – City Center Drive
13. Foothill Boulevard/City Center Drive
14. Foothill Boulevard/A Street
15. Main Street/Project Driveway (future)

Intersection traffic operations were evaluated using the level of service (LOS) concept. LOS is a qualitative description of an intersection and roadway's operation ranging from LOS A to LOS F. LOS A represents free-flow uncongested traffic conditions. LOS F represents highly congested traffic conditions with unacceptable delay to vehicles at the intersections and on the road segments. The intermediate levels of service represent incremental levels of congestion and delay between these two extremes.

LOS was calculated for all intersection control types using methods documented in the Transportation Research Board Publication Highway Capacity Manual, Fourth Edition, 2000 (HCM 2000). For two-way-stop-controlled (TWSC) intersections, the "worst-case" movement delays and "average" LOS are reported. For signalized and all-way-stop-controlled (AWSC) intersections, the intersection delays and LOS reported are the "average" values for the whole intersection. See **Appendix H** for a description of LOS definitions and criteria for intersections.

The City of Hayward currently utilizes LOS "E" as the minimum acceptable LOS threshold for signalized intersections during the AM and PM peak periods. In addition, for both signalized and unsignalized intersections, the proposed project would result in a potentially significant impact if:

- The intersection operates at LOS "F" without the project under Existing, Background or Cumulative conditions and the addition of the project under Existing plus Project, Background plus Project, or Cumulative plus Project conditions results in an increase in the average control delay of 5.0 seconds or greater when compared to the associated no project condition.

Existing Traffic Conditions

According to the TIS, all study intersections are currently operating at an acceptable LOS E or better during the AM and PM peak hour. A California Manual on Uniform Traffic Control Devices (CA-MUTCD) based peak hour signal warrant-3 (urban areas) is met at the unsignalized intersection of Maple Court/A Street during the PM peak hour under existing conditions.[6] However, this intersection currently operates at LOS A during the AM and PM peak hour and given its proximity to the intersection of Foothill Boulevard/A Street, a traffic signal is not recommended at this location.

6 The term "signal warrant" refers to the list of CA-MUTCD established criteria used by Caltrans and other public agencies to quantitatively justify or ascertain the need for installation of a traffic signal at an unsignalized intersection location. In the case of the proposed project, a signal is warranted at the unsignalized intersection of Maple Court/A Street during the PM peak hour when criteria for warrant-3 listed in the CA-MUTCD are applied.

Background Traffic Conditions

According to the TIS, the unsignalized intersection of Mission Boulevard/Simon Street is projected to operate at LOS F during the AM and PM peak hours under background conditions while the unsignalized intersection of Mission Boulevard/Hotel Avenue is projected to operate at LOS F during the PM peak hour under this scenario. In addition, the signaled intersections of Foothill Boulevard with Hazel Avenue-City Center Drive and with City Center Drive are projected to operate at LOS F during the PM peak hour under background conditions. All of the remaining study intersections are projected to operate at an acceptable LOS E or better during AM and PM peak hour under background conditions. A CA-MUTCD based peak hour signal warrant-3 (urban areas) is projected to be met at the unsignalized intersection of Maple Court/A Street during the AM and PM peak hours under this scenario. However, this intersection would operate at LOS B under background conditions and given its proximity to the intersection of Foothill Boulevard/A Street, a traffic signal is not recommended at this location.

Project Trip Generation and Distribution

The new residential building consists of 240 apartment dwelling units, 1,580 square feet of office space, and 5,571 square feet of retail. However, the TIS conservatively assumed 7,000 square feet of retail. The AM and PM peak hour trips generated by the proposed project were estimated using trip generation rates published by the Institute of Transportation Engineers (ITE). Trip generation rates for the ITE land use "Apartment" were applied to the 240 apartment units, trip generation rates for the ITE land use "Single Tenant Office Building" were applied to the 1,580 square feet of office space, and trip generation rates for the ITE land use "Shopping Center" were applied to the 7,000 square feet of retail. Trips were not estimated for the existing medical office building to be renovated as this is considered an existing use that would continue at the site.

The proposed project is anticipated to generate approximately 1,471 daily trips with 105 trips generated during the AM peak hour (24 inbound, 81 outbound) and 138 trips generated during the PM peak hour (85 inbound, 53 outbound). Existing vehicle trips associated with the building space to be demolished were not estimated nor deducted from the project trips to obtain net new trips. Therefore, the daily and peak hour trips used in the TIS analysis are considered conservative. In addition, project trip generation includes a total of 20 percent in trip discounts for various Travel Demand Management (TDM) methods that the proposed project will employ or provide. These TDM methods include:

- Provision of "Unbundled" Multifamily Parking (i.e., separating the cost of parking from residential rent/lease fees).

- Provision of a shuttle service to/from Hayward Bay Area Rapid Transit (BART) station – Although the project site is located within 2,000 walking feet of the Hayward BART station, the applicant will make a fair-share annual contribution toward the funding of the City's proposed shuttle service. As currently proposed, the City's shuttle will connect the project area with the Hayward BART station, Southland Mall, Chabot College and major employment centers in Hayward's West Industrial Area.

  In the event that the City's proposed shuttle service does not come to fruition, or reduces or ceases service, the applicant has devised a shuttle program that would continue to facilitate access to/from the project site and the Hayward BART station.

- Provision of electric vehicle charging stations – The project's proposed parking facilities include designated electric vehicle parking/charging stations and shared vehicle stalls in preferential areas closer to building entrances.

- Provision of on-site bicycle storage – Storage for 52 bikes is part of the proposed project site plan. An additional 12 bike racks will be provided at the northeast and southwest gates for residents and customers visiting the project site. These 12 additional bike racks are for resident and customer benefit and are not to be counted as credits. This amenity may reduce vehicle dependence for residents and encourage ridership as an alternate means of travel. If the demand exists, a shared bicycle program may be considered as an amenity to residents.

- Proximity to downtown core/transit services – The proposed project is located within walking distance to downtown Hayward and multiple transit stops.

- Shared vehicle services (i.e. Zipcar) – Providing on-site shared vehicles may reduce resident parking demand.

- Inclusion of design features to encourage walking, bicycling and transit usage.

The estimated project trips were assigned to the local road network based on input from City of Hayward staff and based on the City's General Plan Update Travel Demand Model.

Discussion of Potential Project Impacts

a-b) ***Less than Significant Impact***. According to the TIS, the project would create a significant adverse impact on traffic conditions at a signalized intersection in the City of Hayward if it:

- Causes the AM or PM peak hour LOS to degrade from an acceptable LOS "E" or better to an unacceptable LOS "F."

In addition, for both signalized and unsignalized intersections, the proposed project would result in a potentially significant impact if:

- The intersection operates at Level of Service F without the project under Existing, Background, or Cumulative conditions and the addition of the project under Existing plus Project, Background plus Project, or Cumulative plus Project conditions results in an increase in the average control delay of 5.0 seconds or greater when compared to the associated no project condition.

Existing Plus Project Traffic Conditions

As shown in **Table 16, Existing Plus Project Conditions**, all study intersections are projected to operate at an acceptable LOS E or better during the AM and PM peak hour under existing plus project conditions, and the project's traffic impact under existing conditions is considered less than significant.

Although a CA-MUTCD based peak hour signal warrant-3 (urban areas) is projected to be met at the unsignalized Maple Court/A Street intersection during the PM peak hour under this scenario, because this intersection would operate at LOS A during the AM and PM peak hour and given its proximity to

the intersection of Foothill Boulevard/A Street, a traffic signal would not be recommended at this location.

Table 16
Existing plus Project Conditions

			AM Peak Hour							PM Peak Hour						
			Existing Conditions			Existing plus Project Conditions			Delay	Existing Conditions			Existing plus Project Conditions			Delay
	Intersection	Control Type	Delay[1]	LOS	Wrnt Met?[2]	Delay[1]	LOS	Wrnt Met?[2]	Diff[3]	Delay (S/V)[1]	LOS	Wrnt Met?[2]	Delay (S/V)[1]	LOS	Wrnt Met?[2]	Diff[3]
1	Mission Blvd/ Grove Way	Signal	34.3	C	--	34.3	C	--	0.0	37.4	D	--	37.5	D	--	0.1
2	Mission Blvd/ Rose St	TWSC	10.9 (0.5)	B (A)	No	10.9 (0.5)	B (A)	No	(0.0)	16.3 (1.2)	C (A)	No	16.5 (1.2)	C (A)	No	(0.0)
3	Mission Blvd/ Simon St	TWSC	34.0 (1.5)	D (A)	No	34.6 (1.5)	D (A)	No	(0.0)	33.8 (2.0)	D (A)	No	34.9 (2.1)	D (A)	No	(0.1)
4	Mission Blvd/ Hotel Ave	TWSC	22.7 (1.3)	C (A)	No	22.9 (1.4)	C (A)	No	(0.1)	31.0 (1.2)	D (A)	No	32.0 (1.3)	D (A)	No	(0.1)
5	Mission Blvd/ A St	Signal	36.9	D	--	36.9	D	--	0.0	45.7	D	--	45.8	D	--	0.1
6	Main St/ Hazel Ave	AWSC	8.3	A	No	8.4	A	No	0.1	8.6	A	No	8.7	A	No	0.1
7	Main St/ McKeever Ave	AWSC	7.7	A	No	7.8	A	No	0.1	8.2	A	No	8.4	A	No	0.2
8	Main St/ Hotel Ave	TWSC	9.8 (2.5)	A (A)	No	9.9 (2.3)	A (A)	No	(-0.2)	11.2 (3.2)	B (A)	No	11.6 (3.2)	B (A)	No	(0.0)
9	Main St/ A St	Signal	12.3	B	--	12.4	B	--	0.1	13.2	B	--	14.0	B	--	0.8
10	Maple Ct/ A St	TWSC	9.9 (0.4)	A (A)	No	9.9 (0.4)	A (A)	No	(0.0)	9.9 (0.7)	A (A)	**Yes**	9.9 (0.7)	A (A)	**Yes**	(0.0)
11	Maple Ct/ McKeever Ave	AWSC	8.2	A	No	8.3	A	No	0.1	9.0	A	No	9.1	A	No	0.1
12	Foothill Blvd/ Hazel Ave-City Center Dr	Signal	28.8	C	--	29.8	C	--	1.0	44.7	D	--	46.4	D	--	1.7
13	Foothill Blvd/ City Center Dr	Signal	28.8	C	--	29.7	C	--	0.9	57.0	E	--	57.5	E	--	0.5
14	Foothill Blvd/ A St	Signal	41.5	D	--	41.8	D	--	0.3	38.0	D	--	38.3	D	--	0.3

			AM Peak Hour							PM Peak Hour						
			Existing Conditions			Existing plus Project Conditions			Delay	Existing Conditions			Existing plus Project Conditions			Delay
	Intersection	Control Type	Delay[1]	LOS	Wrnt Met?[2]	Delay[1]	LOS	Wrnt Met?[2]	Diff[3]	Delay (S/V)[1]	LOS	Wrnt Met?[2]	Delay (S/V)[1]	LOS	Wrnt Met?[2]	Diff[3]
15	Main St/Project Driveway	OWSC (Future)	--	--	--	9.4 (2.6)	A (A)	No	(2.6)	--	--	--	10.2 (1.9)	B (A)	No	(1.9)

Source: Wood Rodgers, 2016a

*Notes: **Bold** font indicates unacceptable operations.*

1 For OWSC (One-Way-Stop-Control) and TWSC (Two-Way-Stop-Control) intersections, "worst-case" movement and "average" delay (in seconds/vehicle) are indicated in xx (xx) format, respectively. "Average" control delays (in seconds/vehicle) are indicated for AWSC (All-Way-Stop-Control) and Signal-Control intersections.

2. Warrant = CA-MUTCD based peak-hour-volume warrant #3 (urban areas)

3 Indicates difference in "average: delay for baseline conditions and "plus Project" conditions.

Background Plus Project Traffic Conditions

As shown in **Table 17, Background Plus Project Conditions**, the unsignalized intersection of Mission Boulevard/Simon Street is projected to operate at LOS F during the AM and PM peak hours under background plus project conditions and the unsignalized intersection of Mission Boulevard/Hotel Avenue is projected to operate at LOS F during the PM peak hour under this scenario. In addition, the signalized intersections of Foothill Boulevard with Hazel – City Center Drive and with City Center Drive are projected to operate at LOS F during the AM and PM peak hour under background plus project conditions. All of the remaining study intersections are projected to operate at acceptable LOS E or better during AM and PM peak hour under background plus project conditions. A detailed discussion of the intersections operating at an unacceptable LOS F is provided below.

- **Mission Boulevard/Simon Street** – This two way stop-controlled intersection is projected to operate at LOS F during the AM and PM peak hours under both background and background plus project conditions. As discussed above, the City of Hayward currently utilizes LOS E as the minimum acceptable LOS threshold for unsignalized and signalized intersections during the AM and PM peak periods. For purposes of this analysis, the project would create a significant adverse impact if the intersection operates at LOS F without the project under background conditions and the addition of the project traffic results in an increase in the average control delay of 5.0 seconds or greater when compared to the associated no project conditions. As the proposed project would only add only 0.2 seconds of average delay to the intersection during the AM peak hour and only 0.1 seconds of average delay to the intersection during the PM peak hour, , the project's impact at this intersection would be less than significant.

- **Mission Boulevard/Hotel Street** – This two way stop-controlled intersection is projected to operate at LOS F during the PM peak hour under both background and background plus project conditions. As the proposed project would only add only 0.1 seconds of average delay to the intersection during the PM peak hour, the project's impact at this intersection would be less than significant.

- **Foothill Boulevard/Hazel – City Center Drive** – This signalized intersection is projected to operate at LOS F during the AM and PM peak hours under both background and background plus project conditions. As the proposed project would add only 2.5 seconds of average delay to the intersection during the PM peak hour, the project's impact at this intersection would be less than significant.

- **Foothill Boulevard/City Center Drive** – This signalized intersection is projected to operate at LOS F during the PM peak hour under both background and background plus project conditions. As the proposed project would only add only 0.4 seconds of average delay to the intersection during the PM peak hour, the project's impact at this intersection would be less than significant.

In addition to the analysis of the project's traffic impacts on the LOS at the study intersections consistent with the City's thresholds of significance presented above, a signal warrant analysis for the unsignalized intersections was conducted and is presented in **Table 17** for informational purposes only. The analysis shows that for all but one unsignalized intersection, the peak hour volume based warrant-3 would not be met. The peak hour signal warrant-3 (urban areas) is projected to be met at the unsignalized intersection of Maple Court/A Street during the AM and PM peak hours under both baseline and baseline plus project conditions. However, this intersection operates at LOS B during the AM and PM peak hour under background plus project conditions and given its proximity to the intersection of Foothill Boulevard/A Street, a traffic signal would not be recommended at this location.

c) ***No Impact.*** The Hayward Executive Airport is a city-owned, public-use airport located approximately 2.1 miles southwest of the project site, and Oakland International Airport is a public-use airport owned by the Port of Oakland that is located approximately 7.4 miles northwest of the project site. The project site is not located within the airport influence areas of either airport. There would be no impact with regard to this criterion.

d) ***Less Than Significant Impact.*** The proposed project would be required to comply with the City's design standards and the design standards in the *Uniform Fire Code*. Required compliance with these existing standards would prevent hazardous design features and would ensure adequate and safe access. This impact is considered less than significant.

e) ***No Impact.*** The proposed project must comply with all building, fire, and safety codes and specific development plans would be subject to review and approval by the City's Public Works Department and the Hayward Fire Department. Required review by these departments would ensure that the proposed circulation system for the project site would provide adequate emergency access. In addition, the proposed project would not cause any permanent or temporary closures to any roadway. There would be no impact with respect to this criterion.

Table 17
Background plus Project Conditions

			AM Peak Hour							PM Peak Hour						
			Background Conditions			Background plus Project Conditions			Delay	Background Conditions			Background plus Project Conditions			Delay
	Intersection	Control Type	Delay[1]	LOS	Wrnt Met?[2]	Delay[1]	LOS	Wrnt Met?[2]	Diff[3]	Delay (S/V)[1]	LOS	Wrnt Met?[2]	Delay (S/V)[1]	LOS	Wrnt Met?[2]	Diff[3]
1	Mission Blvd/ Grove Way	Signal	63.3	E	--	63.9	E	--	0.6	60.5	E	--	61.8	E	--	1.3
2	Mission Blvd/ Rose St	TWSC	14.2 (0.6)	B (A)	No	14.2 (0.6)	B (A)	No	(0.0)	15.4 (1.2)	C (A)	No	15.5 (1.2)	C (A)	No	(0.0)
3	Mission Blvd/ Simon St	TWSC	**54.9** (1.8)	**F** (A)	No	**60.6** (2.0)	**F** (A)	No	(0.2)	**64.5** (2.9)	**F** (A)	No	**64.4** (3.0)	**F** (A)	No	(0.1)
4	Mission Blvd/ Hotel Ave	TWSC	43.0 (1.8)	E (A)	No	43.7 (1.8)	E (A)	No	(0.0)	**50.8** (1.6)	**F** (A)	No	**52.8** (1.7)	**F** (A)	No	(0.1)
5	Mission Blvd/ A St	Signal	39.5	D	--	39.6	D	--	0.1	49.7	D	--	49.9	D	--	0.2
6	Main St/ Hazel Ave	AWSC	10.1	B	No	10.2	B	No	0.1	10.5	B	No	10.8	B	No	0.3
7	Main St/ McKeever Ave	AWSC	8.8	A	No	8.9	A	No	0.1	9.5	A	No	9.9	A	No	0.4
8	Main St/ Hotel Ave	TWSC	10.9 (2.0)	B (A)	No	11.2 (2.0)	B (A)	No	(0.0)	13.2 (3.0)	B (A)	No	13.8 (3.1)	B (A)	No	(0.1)
9	Main St/ A St	Signal	14.4	B	--	14.6	B	--	0.2	17.4	B	--	19.5	B	--	2.1
10	Maple Ct/ A St	TWSC	10.3 (0.6)	B (A)	**Yes**	10.3 (0.6)	B (A)	**Yes**	(0.0)	10.3 (0.9)	B (A)	**Yes**	10.3 (0.8)	B (A)	**Yes**	(-0.1)
11	Maple Ct/ McKeever Ave	AWSC	8.8	A	No	8.9	A	No	0.1	10.1	B	No	10.2	B	No	0.1
12	Foothill Blvd/ Hazel Ave-City Center Dr	Signal	40.6	D	--	43.1	D	--	2.5	**81.3**	**F**	--	**83.8**	**F**	--	2.5
13	Foothill Blvd/ City Center Dr	Signal	31.6	C	--	32.1	C	--	0.5	**93.3**	**F**	--	**93.7**	**F**	--	0.4
14	Foothill Blvd/ A St	Signal	44.8	D	--	45.5	D	--	0.7	40.5	D	--	41.0	D	--	0.5

			AM Peak Hour							PM Peak Hour						
			Background Conditions			Background plus Project Conditions			Delay	Background Conditions			Background plus Project Conditions			Delay
	Intersection	Control Type	Delay[1]	LOS	Wrnt Met?[2]	Delay[1]	LOS	Wrnt Met?[2]	Diff[3]	Delay (S/V)[1]	LOS	Wrnt Met?[2]	Delay (S/V)[1]	LOS	Wrnt Met?[2]	Diff[3]
15	Main St/Project Driveway	OWSC (Future)	--	--	--	9.9 (2.0)	Aa (A)	No	(2.0)	--	--	--	12.1 (1.4)	B (A)	No	(1.4)

Source: Wood Rodgers, 2016a

*Notes: **Bold** font indicates unacceptable operations.*

1 For OWSC (One-Way-Stop-Control) and TWSC (Two-Way-Stop-Control) intersections, "worst-case" movement and "average" delay (in seconds/vehicle) are indicated in xx (xx) format, respectively. "Average" control delays (in seconds/vehicle) are indicated for AWSC (All-Way-Stop-Control) and Signal-Control intersections.

2. Warrant = CA-MUTCD based peak-hour-volume warrant #3 (urban areas)

3 Indicates difference in "average: delay for baseline conditions and "plus Project" conditions.

f) ***No Impact***. The project site is located in the downtown area and is served by BART and multiple bus lines. The proposed project would include bike parking facilities for 64 bicycles. The proposed project would not conflict with any adopted policies, plans, or programs regarding alternative transportation since no changes to the existing transportation policies, plans, or programs would result, either directly or indirectly, from development on the project site. In addition, the project would not require the removal, addition, or relocation of transit, pedestrian or bicycle facilities. There would be no impact with respect to this criterion.

Discussion of Potential Cumulative Impacts

According to the *City of Hayward 2040 General Plan EIR*, anticipated future development in the City of Hayward could result in traffic volumes that exceed the City standard for intersection performance at several intersections in 2035. Even with the implementation of mitigation listed in the City's General Plan, impacts at some intersections in the City due to future growth would be significant and unavoidable (City of Hayward 2014c).

A project-specific cumulative traffic analysis was conducted for the proposed project which evaluated LOS impacts under Cumulative conditions as well as under Cumulative plus project conditions. As shown in **Table 18, Cumulative Plus Project Conditions**, the unsignalized Mission Boulevard intersections with Rose Street, Simon Street, and Hotel Avenue are projected to operate at LOS F during the AM and PM peak hour under cumulative plus project conditions. In addition, the signalized intersections of Mission Boulevard/Grove Way and Foothill Boulevard/Hazel Avenue–City Center Drive are projected to operate at LOS F during the AM and PM peak hours under cumulative plus project conditions. Next, the signalized intersections of Mission Boulevard/A Street and Foothill Boulevard/City Center Drive are projected to operate at LOS F during the PM peak hour under cumulative plus project conditions. All of the remaining study intersections are projected to operate at acceptable LOS E or better during the AM and PM peak hour under cumulative plus project conditions under the proposed project. A detailed discussion of each of these intersections is provided below.

- **Mission Boulevard/Grove Way** – This signalized intersection is projected to operate at LOS F during the AM and PM peak hours under both cumulative and cumulative plus project conditions. As discussed above, the City of Hayward currently utilizes LOS E as the minimum acceptable LOS threshold for unsignalized and signalized intersections during the AM and PM peak periods. For purposes of this analysis, the project would create a significant adverse impact if the intersection operates at LOS F without the project cumulative conditions and the addition of the project traffic results in an increase in the average control delay of 5.0 seconds or greater when compared to the associated no project conditions. As the proposed project would only add 1.2 seconds of delay to the intersection during the AM peak hour and 0.8 seconds of delay to the intersection during the PM peak hour, the project's cumulative impact at this intersection would be less than significant.

- **Mission Boulevard/Rose Street** – This two way stop-controlled intersection is projected to operate at LOS F during the AM and PM peak hours under both cumulative and cumulative plus project conditions. As the proposed project would only add 0.3 seconds of average delay to the intersection during the AM peak hour and 0.7 seconds of average delay to the intersection during the PM peak hour, the project's cumulative impact at this intersection would be less than significant.

- **Mission Boulevard/Simon Street** – This two way stop-controlled intersection is projected to operate at LOS F during the AM and PM peak hours under both cumulative and cumulative plus project

conditions. As the proposed project would only add 1.0 seconds of average delay to the intersection during the AM peak hour and a similar amount of average delay[7] to the intersection during the PM peak hour, the project's cumulative impact at this intersection would be less than significant.

- **Mission Boulevard/Hotel Avenue** – This two way stop-controlled intersection is projected to operate at LOS F during the AM and PM peak hours under both cumulative and cumulative plus project conditions. As the proposed project would only add 0.2 seconds of average delay to the intersection during the AM peak hour and 0.5 seconds of average delay to the intersection during the PM peak hour, the project's cumulative impact at this intersection would be less than significant.

- **Mission Boulevard/A Street** – This signalized intersection is projected to operate at LOS F during the PM peak hour under both cumulative and cumulative plus project conditions. As the proposed project would only add 1.2 seconds of delay to the intersection during the PM peak hour, the project's cumulative impact at this intersection is less than significant.

- **Foothill Boulevard/Hazel Avenue - City Center Drive** – This signalized intersection is projected to operate at LOS F during the AM and PM peak hours under both cumulative and cumulative plus project conditions. As the proposed project would only add 2.8 seconds of delay to the intersection during the AM peak hour and 1.9 seconds of delay to the intersection during the PM peak hour, the project's cumulative impact at this intersection is considered less than significant.

- **Foothill Boulevard/City Center Drive** – This signalized intersection is projected to operate at LOS F during the PM peak hour under both cumulative and cumulative plus project conditions. As the proposed project would only add 0.8 seconds of delay to the intersection during the PM peak hour, the project's cumulative impact at this intersection is considered less than significant.

In addition to the analysis of the project's cumulative traffic impacts on the LOS at the study intersections consistent with the City's thresholds of significance presented above, a signal warrant analysis for the unsignalized intersections was conducted and is presented in **Table 18** for informational purposes only. The analysis shows that for all but two unsignalized intersections, the peak hour volume based warrant-3 would not be met. A CA-MUTCD based peak hour signal warrant-3 (urban areas) is projected to be met at the unsignalized intersection of Main Street/Hazel Avenue and Maple Court/A Street intersections during the AM and PM peak hour conditions under cumulative and cumulative plus project conditions. However, the Main Street/Hazel Avenue intersection maintains an acceptable LOS "E" both with and without the addition of project trips. The Maple Court/A Street intersection operates at LOS "B" conditions for both the AM and PM peak hour and given its proximity to the Foothill Boulevard/A Street intersection, a traffic signal would not be recommended at this location.

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7 Due to the limits of the Highway Capacity Manual (HCM 2000) formula the LOS cannot be calculated and thus the amount of delay cannot be provided. The error is due to 8 vehicles per hour making a left hand turn out of Simon Street and onto Mission Boulevard during the cumulative PM peak hour. These 8 vehicles perform this maneuver with and without the project (e.g. not project related). The project only adds 2 additional vehicles during the AM and PM peak hours, respectively, for the Simon Street approach and these vehicles make right hand turns (not left hand turns). Therefore, there is very minimal change between no project and with project, and thus the proposed project does not impact this intersection

Table 18
Cumulative Plus Project Conditions

			AM Peak Hour							PM Peak Hour						
			Cumulative Conditions			Cumulative plus Project Conditions			Delay	Cumulative Conditions			Cumulative plus Project Conditions			Delay
	Intersection	Control Type	Delay[1]	LOS	Wrnt Met?[2]	Delay[1]	LOS	Wrnt Met?[2]	Diff[3]	Delay (S/V)[1]	LOS	Wrnt Met?[2]	Delay (S/V)[1]	LOS	Wrnt Met?[2]	Diff[3]
1	Mission Blvd/ Grove Way	Signal	**250.3**	**F**	--	**251.5**	**F**	--	1.2	**232.0**	**F**	--	**232.8**	**F**	--	0.8
2	Mission Blvd/ Rose St	TWSC	**331.9** (4.9)	**F** (A)	No	**338** (5.2)	**F** (A)	No	(0.3)	**338.4** (9.7)	**F** (A)	No	**363.3** (10.4)	**F** (B)	No	(0.7)
3	Mission Blvd/ Simon St	TWSC	**OVFL**[4] (19.7)	**F** (C)	No	**OVFL**[4] (20.7)	**F** (C)	No	(1.0)	**OVFL**[4] **(Err)**[5, 6]	**F (F)**	No	**OVFL**[4] **(Err)**[5, 6]	**F (F)**	No	(Err)[5, 6]
4	Mission Blvd/ Hotel Ave	TWSC	**377.4** (4.4)	**F** (A)	No	**383.1** (4.6)	**F** (A)	No	(0.2)	**605.7** (7.2)	**F** (A)	No	**641.7** (7.7)	**F** (A)	No	(0.5)
5	Mission Blvd/ A St	Signal	73.3	E	--	75.0	E	--	1.7	**93.9**	**F**	--	**95.1**	**F**	--	1.2
6	Main St/ Hazel Ave	AWSC	45.1	E	**Yes**	46.4	E	**Yes**	1.3	46.8	E	**Yes**	49.5	E	**Yes**	2.7
7	Main St/ McKeever Ave	AWSC	18.7	C	No	19.3	C	No	0.6	16.6	C	No	17.9	C	No	1.3
8	Main St/ Hotel Ave	TWSC	15.2 (1.1)	C (A)	No	15.5 (1.1)	C (A)	No	(0.0)	20.8 (2.4)	C (A)	No	21.9 (2.6)	C (A)	No	(0.2)
9	Main St/ A St	Signal	15.8	B	--	16.3	B	--	0.5	13.6	B	--	14.2	B	--	0.6
10	Maple Ct/ A St	TWSC	10.4 (0.4)	B (A)	**Yes**	10.4 (0.4)	B (A)	**Yes**	(0.0)	10.6 (0.8)	B (A)	**Yes**	10.6 (0.7)	B (A)	**Yes**	(-0.1)
11	Maple Ct/ McKeever Ave	AWSC	8.9	A	No	9.0	A	No	0.1	9.8	A	No	9.9	A	No	0.1
12	Foothill Blvd/ Hazel Ave-City Center Dr	Signal	**101.6**	**F**	--	**104.4**	**F**	--	2.8	**155.5**	**F**	--	**157.4**	**F**	--	1.9
13	Foothill Blvd/ City Center Dr	Signal	40.1	D	--	41.2	D	--	1.1	**93.0**	**F**	--	**93.8**	**F**	--	0.8
14	Foothill Blvd/ A St	Signal	56.3	E	--	56.8	E	--	0.5	31.7	C	--	32.4	C	--	0.7

			AM Peak Hour							PM Peak Hour						
			Cumulative Conditions			Cumulative plus Project Conditions			Delay	Cumulative Conditions			Cumulative plus Project Conditions			Delay
	Intersection	Control Type	Delay[1]	LOS	Wrnt Met?[2]	Delay[1]	LOS	Wrnt Met?[2]	Diff[3]	Delay (S/V)[1]	LOS	Wrnt Met?[2]	Delay (S/V)[1]	LOS	Wrnt Met?[2]	Diff[3]
15	Main St/Project Driveway	TWSC (Future)	--	--	--	11.4 (1.2)	B (A)	No	(1.2)	--	--	--	16.9 (1.1)	C (A)	No	(1.1)

Source: Wood Rodgers, 2016a

Notes: ***Bold*** *font indicates unacceptable operations.*

1 For OWSC (One-Way-Stop-Control) and TWSC (Two-Way-Stop-Control) intersections, "worst-case" movement and "average" delay (in seconds/vehicle) are indicated in xx (xx) format, respectively. "Average" control delays (in seconds/vehicle) are indicated for AWSC (All-Way-Stop-Control) and Signal-Control intersections.

2. Warrant = CA-MUTCD based Peak-hour-Volume Warrant #3 (Urban Areas)

3 Indicates difference in "average: delay for baseline conditions and "plus Project" conditions.

4 OVFL = Overflow conditions where delays are greater than 999.9 seconds per vehicle

5 Err = Unstable operating conditions. Accurate LOS may not be calculated

6 The Error occurs due to the limits of the Highway Capacity Manual (HCM 2000) formula used to calculate level of service. The error is due to 8 vehicles per hour making a left hand turn out of Simon Street and onto Mission Boulevard during the cumulative PM peak hour. These 8 vehicles perform this maneuver with and without the project (e.g. not project related). The project only adds 2 additional vehicles during the AM and PM peak hours, respectively, for the Simon Street approach and these vehicles make right hand turns (not left hand turns). Therefore, there is very minimal change between no project and with project, and thus the proposed project does not impact this intersection.

Issues	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
17. UTILITIES AND SERVICE SYSTEMS – Would the project:				
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	☐	☐	■	☐
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	☐	☐	■	☐
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	☐	☐	☐	■
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	☐	☐	☐	■
e) Result in a determination by the wastewater treatment provider, which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	☐	☐	■	☐
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	☐	☐	■	☐
g) Comply with applicable federal, state, and local statutes and regulations related to solid waste?	☐	☐	☐	■

Water

The City of Hayward owns and operates its own water distribution system and purchases all of its water from the San Francisco Public Utility Commission (SFPUC). The Hayward water system serves approximately 147,000 residents within the city limits. Surface water originating from the Sierra Nevada Mountain Range is the predominant source of potable water within the City of Hayward. Treated water is also supplied by the SFPUC from its local watershed and facilities in Alameda County (City of Hayward 2014a).

Wastewater

Wastewater generated on the project site is presently collected by the City of Hayward sanitary sewer system and transported via underground sewer lines to the City of Hayward Water Pollution Control Facility (WPCF).The East Bay Dischargers Authority (EBDA) disposes the treated wastewater. The WPCF has a design and permit capacity of 18.7 million gallons per day (mgd). The WPCF currently treats approximately 12 mgd (Wilfong 2015).

Stormwater

Storm drains in the City of Hayward are owned and maintained by the Alameda County Flood Control and Water Conservation District (ACDWCF). Storm drain pipes smaller than 30 inches are typically owned by the City and are generally provided within local streets and easements. Stormwater on the project site is currently discharged into the City of Hayward municipal storm drain system in the adjacent streets and conveyed to ACDWCF stormwater collection system. Eventually stormwater flows drain into the San Francisco Bay via Mount Eden and Old Alameda creeks (City of Hayward 2014a).

Solid Waste

Waste Management, Inc. (WMI) is in a Franchise Agreement with the City to provide solid waste disposal services. Solid waste currently generated on the project site is collected by WMI and is disposed of at the Altamont Landfill, which is owned and operated by WMI. The landfill is currently permitted to accept a maximum of 11,500 tons per day (CalRecycle 2015). The facility has a maximum permitted capacity of approximately 87.1 million cubic yards and, as of 2015, had a remaining capacity of about 40.3 million cubic yards (Fockler 2015).

Discussion of Potential Project Impacts

a) ***Less than Significant Impact***. Wastewater generated on the project site would be conveyed through the City's sanitary sewer system to the City's WPCF, located approximately 5.2 miles southwest of the project site. The San Francisco Bay Regional Water Quality Control Board (RWQCB) regulates water quality and quantity of effluent discharged from the City's WPCF. The WPCF has a design and permit capacity of 18.7 mgd and currently treats approximately 12 mgd. Therefore, based on current sewage flows, the City has approximately 6.7 mgd of excess treatment capacity. As discussed in response to **Item 17(b)** below, the volume of wastewater generated by the proposed project would be accommodated by the excess treatment capacity at the WPCP. Furthermore, the type of wastewater that would be discharged from the project site after occupancy of the proposed project would be similar to wastewater that is discharged by residential areas. Consequently, the proposed project would not contribute to an exceedance of the wastewater treatment requirements of the WPCF. The impact would be less than significant.

b) ***Less than Significant Impact***. Domestic water in the City is derived from the Sierra Nevada Mountain Range and local watersheds. Water from the Hetch Hetchy watershed is treated at the Tesla Water Treatment Plant (WTP) in Tracy while water from the local watershed in the East Bay area is treated at the Sunol Valley WTP located in unincorporated Alameda County. The Tesla WTP has a capacity to treat 315 mgd while the Sunol Valley WTP has a capacity of 160 mgd for up to 60 days (Lauppe 2015). As discussed in response to **Item 17(d)**, below, the proposed project would demand approximately 53,400 gallons per day (gpd) of water, which is a fraction of the treatment capacities at each plant. Therefore,

there is enough capacity at the WTPs to serve the proposed project, and this impact would be less than significant.

As discussed in response to **Item 17(a)**, above, the proposed project would be served by the City's WPCF. The WPCF's has a treatment capacity of approximately 18.7 mgd which, based on current sewage flows, leaves the City with approximately 6.7 mgd of excess treatment capacity. The proposed project would generate about 50,100 gpd of wastewater (RMC 2015). There is enough excess capacity at the WPCF to serve the proposed project, and no expansion of the WPCF would be required. The impact would be less than significant.

c) ***No Impact.*** All site runoff would be directed to the City's existing municipal storm drainage system, which was designed to accommodate flows resulting from buildout in the project area. As discussed in responses to **Items 9(c)** and **9(d)**, above, post-project runoff rates and durations shall not exceed estimated pre-project rates and duration in accordance with criteria listed in the *Alameda County C.3 Stormwater Technical Guidance Handbook*. Therefore, expansion of the existing system is not required. There would be no impact with respect to this criterion.

d) ***No Impact***. It is estimated that the proposed project would generate a water demand of 53,400 gpd (WYA 2015). Detailed information on the City's water supply and water demands is documented in the City's 2010 Urban Water Management Plan (UWMP). Water demand projections in the 2010 UWMP are based upon growth assumptions in the General Plan and water use factors for various land uses. The 2010 UWMP documents that there is sufficient water supply for all existing and planned growth from existing and planned future sources (City of Hayward 2011). As the proposed project is consistent with the General Plan designation for the project site, it is reasonable to assume that the project is included in the growth assumptions used in the City's 2010 UWMP. Based on the 2010 UWMP, sufficient water supplies would be available to serve the project from existing entitlements and resources, and this impact is considered less than significant.

All new on-site water infrastructure improvements would connect to existing 6-inch and 8-inch water mains in Maple Court and Main Street, respectively. An evaluation of the ability of the City's existing water distribution to meet the required minimum pressures and flows for the proposed project was conducted by West Yost Associates in October 2015 (see **Appendix I**). According to the analysis, existing pipelines serving the project site are adequate to meet required minimum pressure and maximum pipeline velocity during a peak hour demand condition. However, the existing pipelines serving the project site do not meet the required minimum available fire flow of 3,000 gallons per minute (gpm) and 4,000 gpm at all evaluated junctions along Maple Court and Main Street, respectively. To meet the minimum fire flow, the existing 6-inch and 8-inch water mains along Maple Court, McKeever Avenue, and Main Street will need to be replaced with 12-inch water mains (WYA 2015). Installation of larger water mains along Maple Court and Main Street will not result in significant environmental impacts because the road right of way is already developed and disturbed. The impact would be less than significant.

e) ***Less than Significant Impact***. See response to **Item 17(b)**, above. The project would not result in a substantial increase in demand for wastewater treatment capacity, and adequate capacity at the City's WPCF would be available. All new on-site wastewater infrastructure improvements would connect to new 8-inch sewer mains in Maple Court, McKeever Avenue, and Main Street. An evaluation of the ability of the City's existing sanitary sewer infrastructure to accommodate the proposed project under existing and future buildout scenarios was conducted by RMC Water and Environment in October 2015 (see

Appendix J). According to the analysis, no capacity issues would be triggered by additional flow from the proposed project under either scenario, and therefore no capacity improvements would be required (RMC 2015). The impact would be less than significant.

f) ***Less than Significant Impact***. It is estimated that the proposed project would generate approximately 1,086 pounds of solid waste per day[8] or about 198 tons of solid waste per year. The Altamont Landfill has a total capacity of 87.1 million cubic yards. As of 2015, the landfill had a remaining capacity of approximately 40.3 million cubic yards. Currently, the Altamont Landfill is permitted to accept up to 11,500 tons of municipal solid waste per day, and in 2015 in the facility received an average of approximately 6,506 tons per day (Fockler 2015). Under current projected development conditions, the landfill has a projected lifespan extending through 2025 (CalRecycle 2015). Given the available capacity at the landfill, the additional solid waste generated by the proposed project is not anticipated to cause the facility to exceed its daily permitted capacity. Therefore, solid waste impacts would be less than significant.

g) ***No Impact***. The proposed project is not of a class of project that is generally recognized as having a potential to violate applicable statutes and regulations related to solid waste. There would be no impact with respect to this criterion.

Discussion of Potential Cumulative Impacts

Anticipated future development in Hayward would result in the demand for additional domestic and non-potable water, water and wastewater treatment capacity, and solid waste disposal capacity. However, according to the *City of Hayward 2040 General Plan EIR*, with the implementation of goals, policies, and implementation programs listed in the City's General Plan, impacts related to utilities and service systems within the City due to future growth would be less than significant (City of Hayward 2014c). As indicated above, the increase in water demand, and wastewater and solid waste generated under the proposed project, would be accommodated by existing water supplies, available wastewater treatment capacity, and landfill capacity. As a result, the proposed project's cumulative impact with respect to utilities and service systems would be less than significant.

8 (240 units X 4 pounds/unit/day) + (12 employees X 10.53 pounds/employee/day) = 1,086.4 pounds/day

Issues	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
18. MANDATORY FINDINGS OF SIGNIFICANCE – The lead agency shall find that a project may have a significant effect on the environment and thereby require an EIR to be prepared for the project where there is substantial evidence, in light of the whole record, that any of the following conditions may occur. Where prior to commencement of the environmental analysis a project proponent agrees to mitigation measures or project modifications that would avoid any significant effect on the environment or would mitigate the significant environmental effect, a lead agency need not prepare an EIR solely because without mitigation the environmental effects would have been significant (per Section 15065 of the *State CEQA Guidelines*):				
a) Does the project have the potential to 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?	☐	■	☐	☐
b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are significant when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of past, present and probable future projects)?	☐	☐	■	☐
c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	☐	☐	■	☐

Discussion of Potential Project Impacts

a) ***Less than Significant Impact with Mitigation***. Please refer to responses under Biological Resources **Items 4(a)** through **4(f)**, and Cultural Resources **Items 5(a)** through **5(d)**, above. Future development on the project site under the proposed project would not significantly affect fish or wildlife habitat, nor would it eliminate examples of California history or prehistory. The mitigation measures identified in this Initial Study would reduce all impacts to a less than significant level, and the City of Hayward has determined that the proposed project would not degrade the quality of the environment. Impacts under this criterion would be less than significant.

b) ***Less than Significant Impact***. Cumulative impacts for each environmental factor are addressed in the checklist above. As that discussion shows, the project would not result in significant cumulative impacts. Furthermore, mitigation identified in this Initial Study would reduce the project's contribution to cumulative impacts to a less than significant level.

c) ***Less than Significant Impact***. Future development on the project site would be required to conform to a wide variety of mandatory obligations related to human safety and the quality of their environment, and the specific mitigation measures identified in this Initial Study would reduce all impacts to a less than significant level. Therefore, implementation of the proposed project would not cause substantial adverse effects on human beings, and the impact under this criterion is evaluated as less than significant.

VI. SUPPORTING INFORMATION SOURCES

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VII. INITIAL STUDY PREPARERS

City of Hayward

David Rizk, Director of Development Services

Linda Ajello, Senior Planner

Impact Sciences, Inc.

Shabnam Barati, Ph.D., Managing Principal

Paul Stephenson, AICP, Project Manager

Angela Pan, Staff Planner

Van Hoang, Publications Coordinator

APPENDIX A

Proposed Mitigated Negative Declaration

PROPOSED MITIGATED NEGATIVE DECLARATION

Lead Agency:
City of Hayward
Development Services Department
777 B Street
Hayward, CA 94541

Project Proponent:
Bay Area Property Developers
327 Waverly Street
Palo Alto, CA 94301

Project Location:
Generally bound by Maple Court to the northeast, A Street to the southeast, Main Street to the southwest, and McKeever Avenue to the northwest, in Hayward, California. The site includes Assessor's Parcel Numbers 428-0061-011, 428-0061-012-02, 428-0061-013-02, 428-0061-061-01, and 428-0061-010.

Project Description:
The proposed project consists of the demolition of most of the existing structures on the project site and the construction of a 5-story residential building and the renovation and upgrade of an existing 4-story medical office building. The new residential building will include 240 rental apartments, 5,571 square feet of ground floor retail and a 1,580 square foot leasing office. Amenities will include three outdoor courtyards and a 3,600 square foot clubhouse/fitness center. As part of the proposed project, the existing medical office building on the corner of Maple Court and McKeever Avenue will be reduced in size, improved and modernized. The improved medical office building will include approximately 47,750 square feet of building space.

Mitigation Measures:
Mitigation Measure AIR-1: The construction contractor(s) shall implement the following BMPs during project construction:

- 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 mph.
- All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible and feasible. Building pads shall be

laid as soon as possible and feasible 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 Air District's phone number shall also be visible to ensure compliance with applicable regulations.

Mitigation Measure AIR-2: All diesel-powered off-road equipment larger than 50 horsepower and operating on the site for more than two days continuously shall, at a minimum, meet U.S. EPA particulate matter emissions standards for Tier 4 engines or equivalent.

Mitigation Measure AIR-3: All diesel-powered portable equipment (i.e., air compressors, concrete saws, and forklifts) operating on the site for more than two days shall meet U.S. EPA particulate matter emissions standards for Tier 4 engines or equivalent.

Mitigation Measure AIR-4: Instead of **Mitigation Measures AIR-2** and **AIR-3** above, the construction contractor could use other measures to minimize construction-period Diesel Particulate Matter (DPM) emissions to reduce the predicted cancer risk below the thresholds. Such measures may be the use of alternative powered equipment (e.g., LPG-powered lifts), alternative fuels (e.g., biofuels), added exhaust devices, or a combination of measures, provided that these measures are approved by the City.

Mitigation Measure BIO-1: If construction activities commence outside the nesting season (generally September 1 through February 28), pre-construction surveys are not required. However, if construction commences outside the nesting season and extends into the nesting season, and is suspended for more than 14 days, a pre-construction survey that is detailed in **Mitigation Measure BIO-2**, below, will be implemented.

Mitigation Measure BIO-2: If construction commences during the nesting season (March 1 through August 31), a pre-construction survey for active nests will be conducted within 15 days prior to the start of work. Given the urban setting of the project site and the construction staging area, the radius of the pre-construction survey will be determined in consultation with the California Department of Fish and Wildlife (CDFW). Typically, a 250-foot buffer for passerines and other unlisted/non-raptor species, 500-foot buffer for unlisted raptor species, and 0.5-mile buffer for listed raptor species are required. However, exceptions can be made based on the species of bird nesting, activities proposed, and for noise attenuation provided by intervening buildings in urban areas. Once the survey area is established, a survey of all appropriate nesting habitat will be conducted to locate any active nests. In the event that active nests are identified, appropriate buffer zones and types of construction activities restricted within the buffer zones will be determined through consultation with the CDFW. The buffer zones will be implemented and maintained until the young birds have fledged and no continued use of the nest is observed, as determined by a qualified biologist.

Mitigation Measure CUL-1: The applicant shall retain a qualified archaeologist to provide preconstruction briefing(s) to supervisory personnel of any excavation contractor to alert them to the possibility of exposing significant pre-historic and historic period archaeological resources within the project area. The briefing shall discuss any archaeological objects that could be exposed, the need to stop excavation at the discovery, and the procedures to follow regarding discovery protection and notification of the applicant and the archaeologist. An "Alert Sheet" shall be posted in conspicuous locations on the project site to alert personnel to the procedures and protocols to follow for the discovery of potentially significant archaeological resources.

Mitigation Measure CUL-2: A qualified archaeologist will be on site to monitor the initial grading of native soil once the existing buildings and pavement are removed but before any foundations and slabs are removed. After monitoring the initial grading, the archaeologist will make recommendations for further monitoring if he/she determines that the site contains or has the potential to contain cultural resources. If the archaeologist determines that no resources are likely to be found on site, no additional monitoring will be required and a report will be filed with the City Planning Department.

Mitigation Measure CUL-3: In the event that prehistoric or historic resources are encountered during excavation and/or grading of the site, all activity within a 50-feet radius of the find will be stopped, the City Planning Department will be notified, and the archaeologist will examine the find and make appropriate recommendations. Recommendations could include collection, recordation, and analysis of

any significant cultural materials. A report of findings documenting any data recovery during monitoring will be submitted to the City Planning Department prior to issuance of an occupancy permit.

Mitigation Measure CUL-4: In the event of a discovery of human bone, potential human bone, or a known or potential human burial, all ground-disturbing work in the vicinity of the find will halt immediately and the area of the find will be protected until a qualified archaeologist determines whether the bone is human. If the qualified archaeologist determines the bone is human, the City of Hayward will notify the County Coroner of the find. Consistent with California Health and Safety Code Section 7050.5(b), which prohibits disturbance of human remains uncovered by excavation until the Coroner has made a finding relative to the requirements of Public Resources Code Section 5097, the City will ensure that the remains and vicinity of the find are protected against further disturbance.

If it is determined that the find is of Native American origin, the City of Hayward will comply with the provisions of Public Resources Code Section 5097.98 regarding identification and involvement of the Most Likely Descendant (MLD).

If the human remains cannot be protected in place following the Coroner's determination, the City of Hayward shall ensure that the qualified archaeologist and the MLD are provided the opportunity to confer on repatriation and/or archaeological treatment of human remains, and that any appropriate studies, as identified through this consultation, are carried out prior to reinterment. The City shall provide results of all such studies to the Native American community, and shall provide an opportunity for Native American involvement in any interpretative reporting. As stipulated by the provisions of the California Native American Graves Protection and Repatriation Act, the City shall ensure that human remains and associated artifacts recovered from the project site are repatriated to the appropriate local tribal group if requested.

Mitigation Measure GEO-1: Building foundations shall be designed to resist 2 inches of differential settlement of the supporting soils.

Mitigation Measure GEO-2: Underground pipelines such as gas lines, sanitary sewers, and water services shall be properly designed to compensate for the settlement caused by the liquefaction of the underlying supporting soils.

Mitigation Measure GEO-3: Fills shall be completely removed and re-compacted. Over-excavation should extend to depths where competent soil is encountered. The over-excavation and re-compaction should also extend at least 5 feet beyond building footprints and at least 3 feet

beyond exterior flatwork, including driveways and pavement wherever possible. Where over-excavation limits abut adjacent property, a determination of the actual vertical and lateral extent of over-excavation shall be conducted so that the adjacent property is not adversely impacted. Over-excavations shall be performed so that no more than 5 feet of differential fill thickness exists below the proposed building foundations.

Mitigation Measure HAZ-1: The applicant shall install industry standard vapor barriers along with passive ventilation systems as part of the proposed project.

Mitigation Measure HAZ-2: A Site Management Plan shall be developed and implemented with approval and oversight by the appropriate regulatory agency in the event that unanticipated subsurface environmental conditions are encountered following the demolition of the hospital complex. The Site Management Plan shall include, but would not be limited to, procedures for removal or on-site management of contaminated soil, procedures for removal of Underground Storage Tanks (USTs) if any are encountered, and the protection of construction workers from exposure to impacted soil through measures included in a health and safety plan.

Mitigation Measure HAZ-3: Prior to any significant renovation of the medical office building and the demolition of the other existing structures, asbestos containing materials (ACM) and lead-based paint (LBP) surveys shall be conducted to determine the presence of hazardous building materials. Should ACMs, LBP or other hazardous substance containing building materials be identified, these materials would be removed using proper techniques in compliance with all applicable State and federal regulations, including the BAAQMD rule related to asbestos.

Mitigation Measure NOI-1: The following measures shall be incorporated into the proposed project to reduce interior noise levels:

- A qualified acoustical consultant shall review the final site plan, building elevations, and floor plans prior to construction and recommend building treatments to reduce interior noise levels to 45 dB(A) Ldn or lower. Treatments would include, but are not limited to, sound-rated windows and doors, sound-rated wall and window constructions, acoustical caulking, protected ventilation openings, etc. The specific determination of what noise insulation treatments are necessary shall be conducted on a unit-by-unit basis during final design of the project. Results of the analysis, including the description of the necessary noise control treatments, shall be submitted to the City, along with the building plans and approved design, prior to issuance of a building permit.

- Provide a suitable form of forced-air mechanical ventilation, as determined by the local building official, 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.

Mitigation Measure NOI-2: Within 20 feet of the existing, adjacent residence:

- 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, and drill-rigs shall be prohibited within 20 feet of the existing, adjacent residence.

- Construction and demolition activities shall not involve clam shell dropping operations.

Mitigation Measure NOI-3: Construction equipment shall be well-maintained and used judiciously to be as quiet as possible. Additionally, construction activities for the proposed project shall include the following best management practices to reduce noise from construction activities near sensitive land uses:

- Ensure that all construction activities (including the loading and unloading of materials, truck movements, and warming of equipment motors) are limited to the hours of 7:00 a.m. to 7:00 p.m. Monday through Saturday and between the hours of 10:00 a.m. and 6:00 p.m. on Sundays and holidays.

- Contractors equip all internal combustion engine-driven equipment with mufflers, which are in good condition and appropriate for the equipment.

- Contractors utilize "quiet" models of air compressors and other stationary noise sources where technology exists.

- Locate loading, staging areas, stationary noise-generating equipment, etc. as far as feasible from sensitive receptors when sensitive receptors adjoin or are near a construction project area.

- Comply with Air Resource Board idling prohibitions of uneasy idling of internal combustion engines.

- Construct solid plywood fences around construction sites adjacent to operational business, residences or noise-sensitive land uses.

- A temporary noise control blanket barrier could be erected, if necessary, along building facades facing construction sites. This mitigation would only be necessary if conflicts occurred which were irresolvable by proper scheduling.

- Route construction-related traffic along major roadways and as far as feasible from sensitive receptors.

- Businesses, residences or noise-sensitive land uses adjacent to construction sites should be notified of the construction schedule in writing. Designate a "construction liaison" that would be responsible for responding to any local complaints about construction noise. The liaison would determine the cause of the noise complaints (e.g., starting too early, bad muffler, etc.) and institute reasonable measures to correct the problem. Conspicuously post a telephone number for the liaison at the construction site.

(Appendices B through J are included on the CD attached to the back cover of this document)

APPENDIX J

Text Changes

TEXT CHANGES

Revisions have been made to the Initial Study as a result of staff-initiated changes. The revisions made to the text of the previously published Initial Study are presented below in ~~strike-out~~ to show deleted text and underline to indicate new text so that the reader can see how the previously published IS/MND has been revised.

Page 5

Existing Conditions: Currently the project site is occupied by a medical office complex consisting of three medical office buildings and ~~one~~ two single-family residences, along with a large parking lot. Specifically, the medical office complex consists of a four-story medical office building located at the corner of McKeever Avenue and Maple Court; a two-story medical office building located in the north central portion of the site; and a one-story medical office building located in the northwestern portion of the site. ~~The~~ One residence is located along McKeever Avenue. Other structures on the project site include a commercial building and a vacant residence along Maple Court. The details for each building are provided in **Table 1, Existing Site Characteristics**.

Page 6

Project Features and Operations: The applicant proposes to demolish all buildings on the project site except for a portion of the medical office building on the corner of Maple Court and McKeever Avenue, and construct a residential building and six-level parking garage. The new residential building would include 240 rental apartments, ground floor retail and a leasing office. Amenities would include three outdoor courtyards and clubhouse with fitness facilities. As part of the proposed project, the existing four- and two-story medical office building on the corner of Maple Court and McKeever Avenue would be reduced in size, improved and modernized. The improved medical office building will include approximately ~~47,750~~ 48,000 square feet of building space. The proposed 5-story residential building and the 2- and 4-story medical office building that would be retained and renovated are shown on **Figure 3, Proposed Site Plan**.

Medical Office Building

The existing 2- and 4-story medical office building will be reduced from 51,700 square feet to approximately ~~47,750~~ 48,000 square feet in building space. Improvements are proposed to both the exterior façade and interior of the building, including creating a more prominent lobby at the corner of Maple Court and McKeever Avenue.

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Table 4
Project Parking

Use	Spaces Provided
Standard	309[1]
Motorcycle	6[2]
Bicycle Parking	13[3]
Retail	18
Office	158[4]
Total	**504**

Source: Humphreys & Partners Architects, LP, 2016.
1 Includes 10 percent guest spaces; 50 percent compact spaces; 24 electric vehicle spaces, 2 carshare spaces
2 12 spaces based on 2 motorcycles per stall
3 52 spaces based on 4 bicycles per stall
4 Includes 23 surface parking spaces

Utilities

Water

The City of Hayward would provide water service to the project. The City of Hayward owns and operates its own water distribution system and purchases all of its water from the San Francisco Public Utility Commission (SFPUC). Existing 6- and 8-inch water mains are currently located in Maple Court/McKeever Avenue and Main Street, respectively. To meet the minimum fire flow, the proposed project will replace these lines with 12-inch water mains.

Page 9

Sustainability

The proposed project proposes a high-density residential mixed-use project with on-site retail and amenities that is located near transit. The Hayward BART station is located within a half mile while a bus stop is located two blocks away. Given the location, the project is within walking distance of local retail establishments, schools, and employment centers in Downtown Hayward. In addition, the project applicant is proposing to include the following sustainability measures in the project:

- Provision of "Unbundled" Multifamily Parking (i.e., separating the cost of parking from residential rent/lease fees);

- ~~Provide private~~ Contribute to the City's proposed Shuttle Service and/or provide shuttle service to/from Hayward Bay Area Rapid Transit (BART) station ~~and/or participate in the City's proposed Shuttle Service~~;.

Pages 47-48

- **22491 Maple Court** is a single-family detached home constructed in 1915 in the California Craftsman Bungalow style. The structure is not associated with people or events significant in the history of Hayward, the State or nation, and it is not an artistic or fine example of California Craftsman Bungalow architecture or unique in its construction. As such, it does not appear eligible for the CRHR under Criteria 1, 2 or 3. In addition, the structure was not found to not to be eligible for listing under the Hayward Historic Preservation Ordinance (Urban Programmers 2015).

For these reasons, none of the structures on the project site is considered a historic resource under CEQA, and the demolition of the buildings on the project site and the construction of the proposed project would have a less than significant impact on historic resources.

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Schools

The project site is located with the boundaries of the Hayward Unified School District (HUSD). The HUSD operates 22 elementary schools, five middle schools, and four high schools. Total districtwide enrollment in the 2011-2012 school year was 21,637 students. The proposed project would be served by ~~Cherryland~~ Strobridge Elementary School, approximately ~~1.2~~ 1.1 miles ~~west~~ north of the project site, Bret Harte Middle School, approximately 0.4 mile southeast of the project site, and Hayward High School, approximately 1.2 miles east of the project site. Over the past 10 years, the HUSD has experienced a substantial decline in student population. Currently, the total number of elementary school students is far below capacity, similar with middle and high schools. It is projected that by 2017 the total student population would drop to 21,108 students, representing a 2.4 percent decrease over 2011-2012 school year levels (City of Hayward 2014a).

Page 95

c) ***Less than Significant Impact***. Development of the proposed project would increase the number of students attending schools operated by the HUSD. As discussed above, schools within the district are operating under capacity due to a recent rapid decline in the number of students, including the schools that would serve the project site. ~~Although overall enrollment within the HUSD is below capacity, Cherryland Elementary School is one of the two schools in the HUSD that is operating above capacity. In 2012, Cherryland Elementary School, with a capacity of 650 to 750 students, had an enrollment of 782 students (City of Hayward 2014a). In November 2014, Measure L, the issuance of $229 million in general obligation bonds, was approved by the voters in the Hayward Unified School District. Measure L bond funds would support projects aimed to provide district wide safety improvements and support new construction and reconstruction of school facilities. Cherryland Elementary School has been accounted for under Measure L to address the issue of the school's overcrowded student population. With respect to the students added by the proposed project, if Measure L projects have not yet reduced overcrowding at Cherryland Elementary School, students would be sent to other elementary schools within the HUSD that have capacity (Rodrigues 2015).~~ Additionally, development under the proposed project would be required to pay school development fees, as dictated by state law, prior to the issuance of building permits. According to Government Code Section 65996, payment of such fees constitutes full mitigation

of any school impacts under CEQA. Therefore, any impacts from the increase in school enrollment would be offset by the required payment of development fees. This impact is considered less than significant.

d) ***Less than Significant Impact***. Development of the project site with residential uses under the proposed project would result in about 773 additional people living in the City, thereby increasing demand for park services. Two parks (De Anza Park and Bret Harte Park and Field) are located in the vicinity of the project site. The City strives to provide 3 acres of parkland per 1,000 residents (City of Hayward 2014a). Therefore, the project would generate the need for approximately 2.3 acre of parkland. The proposed project would include approximately 0.7 acres of common open space consisting of three ground floor courtyards and perimeter open space and approximately 0.4 acres of private open space. ~~The City, in consultation with HARD, may apply some credit for these open space amenities if they are comparable to City amenities. However, these credits would not be enough to satisfy the City's parkland dedication requirement.~~ To address the park needs of the proposed project, avoid overuse of existing parks, and avoid a deficiency of parkland acreage in the City, the proposed project would be required to pay park in-lieu fees per City Code (Chapter 10.16), which can be used to acquire new parkland and/or pay for park improvements in the project vicinity. The payment of park and recreation development impact fees is considered by the City as full mitigation of development impacts to nearby recreation facilities. This impact is considered less than significant.

Page 101

The proposed project is anticipated to generate approximately 1,471 daily trips with 105 trips generated during the AM peak hour (24 inbound, 81 outbound) and 138 trips generated during the PM peak hour (85 inbound, 53 outbound). Existing vehicle trips associated with the building space to be demolished were not estimated nor deducted from the project trips to obtain net new trips. Therefore, the daily and peak hour trips used in the TIS analysis are considered conservative. In addition, project trip generation includes a total of 20 percent in trip discounts for various Travel Demand Management (TDM) methods that the proposed project will employ or provide. These TDM methods include:

- Provision of "Unbundled" Multifamily Parking (i.e., separating the cost of parking from residential rent/lease fees).

- ~~Provision of Shuttle service to/from Hayward Bay Area Rapid Transit (BART) station – Although the project site is located within 2,000 walking feet of the Hayward BART station, the applicant has devised a shuttle program that would facilitate access to/from the project site to the BART station.~~

- ~~Participation in the City's proposed Shuttle Service.~~

- Provision of a shuttle service to/from Hayward Bay Area Rapid Transit (BART) station – Although the project site is located within 2,000 walking feet of the Hayward BART station, the applicant will make a fair-share annual contribution toward the funding of the City's proposed shuttle service. As currently proposed, the City's shuttle will connect the project area with the Hayward BART station, Southland Mall, Chabot College and major employment centers in Hayward's West Industrial Area.

  In the event that the City's proposed shuttle service does not come to fruition, or reduces or ceases service, the applicant has devised a shuttle program that would continue to facilitate access to/from the project site and the Hayward BART station.

APPENDIX L

Comments and Responses to Comments

COMMENTS AND RESPONSES TO COMMENTS

On August 22, 2016, the City of Hayward circulated for public and agency review an Initial Study/Mitigated Negative Declaration (IS/MND) for the Maple & Main Mixed-Use Project ("proposed project"). As a result of comments received during the public review period, the City revised portions of the IS/MND, and recirculated the IS/MND on November 7, 2016. The City received six comment letters on the original IS/MND and three letters on the recirculated IS/MND. Section 15074(b) of the CEQA Guidelines requires the decision-making body to consider the IS/MND and comments received on it prior to considering the project for approval. Responses to comments are not required by CEQA, although responses may be provided at the discretion of the lead agency. The City of Hayward has prepared responses to the comments received on the IS/MND.

Comments were received from the following agencies and members of the public during the two public review periods:

- Letter A: California Department of Transportation (Caltrans)
- Letter B: Prospect Hill Neighborhood Association No. 1
- Letter C: Prospect Hill Neighborhood Association No. 2
- Letter D: League of Women Voters – Eden Area
- Letter E: Hayward Area Planning Association No. 1
- Letter F: Hayward Area Planning Association No. 2
- Letter G: Julie Machado No. 1
- Letter H: Julie Machado No. 2
- Letter I: Frank Goulart

These comment letters and the responses to the comments are provided on the following pages.

Letter A

DEPARTMENT OF TRANSPORTATION
DISTRICT 4
OFFICE OF TRANSIT AND COMMUNITY PLANNING
P.O. BOX 23660, MS-10D
OAKLAND, CA 94623-0660
PHONE (510) 286-5528
FAX (510) 286-5559
TTY 711
www.dot.ca.gov

Serious Drought.
Help save water!

September 13, 2016

SCH # 2016082060
GTS # 04-ALA-2016-00031
ALA-VAR-PM VAR

Ms. Linda Ajello
Planning Division
City of Hayward
777 B Street
Hayward, CA 94541

Maple and Main Mixed-Use Residential Project – Mitigated Negative Declaration

Dear Ms. Ajello:

Thank you for including the California Department of Transportation (Caltrans) in the environmental review process for the Maple and Main Mixed-Use Residential project. In tandem with the Metropolitan Transportation Commission's (MTC) Sustainable Communities Strategy (SCS), the new Caltrans mission signals a modernization of our approach to evaluating and mitigating impacts to the State Transportation Network (STN). We aim to reduce Vehicle Miles Travelled (VMT) by tripling bicycle and doubling both pedestrian and transit travel by 2020. Our comments are based on the Mitigated Negative Declaration.

Project Understanding

The proposed project would demolish all buildings on the project site except for the medical office building on the corner of Maple Court and McKeever Avenue, and construct a residential building. The new residential building would include 240 rental apartments, ground floor retail, and a leasing office. As part of the proposed project, the existing medical office building on the corner of Maple Court and McKeever Avenue would be reduced in size to approximately 47,750 square feet of building space. Parking for the proposed project is primarily a 6-level parking structure. Total parking would include 504 parking spaces which can accommodate 12 motorcycles and 54 bicycles.

The project site is located in the Downtown Hayward Priority Development Area, approximately one half mile from the Hayward BART Station. The nearest Caltrans facility is State Route 185 (Mission Boulevard), a principal arterial highway. Access from Interstate 880 would be gained via A Street (about 1.5 miles). Access from Interstate 580 would be gained via Foothill Boulevard (about one mile).

Parking

Caltrans notes that the proposed project will provide fewer spaces than would typically be required for a project of this scope and scale, due to the City's Central Parking District Standards and various other parking credits. Caltrans supports these reductions in parking supply in order to encourage active transportation and transit, thereby reducing VMT and impacts to the STN.

According to the project's parking management plan, unbundling parking from rental costs will only be recommended if parking demand exceeds supply. Caltrans recommends unbundled parking, regardless of parking demand. Given the proximity of the project site to BART, unbundling allows households to forgo the cost of a parking space if they do not need it. 1

Transportation Demand Management

Caltrans notes that the proposed project includes a Transportation Demand Management (TDM) program. In addition to the measures proposed, we recommend the TDM program also include discounted transit passes for employees and residents. The program should also include regular monitoring and surveys, to ensure compliance with the trip reduction goals. These TDM measures will be critical in order to facilitate efficient transportation access to and from the site and reduce transportation impacts associated with the project. 2

Thank you again for including Caltrans in the environmental review process. Should you have any questions regarding this letter, please contact Jesse Schofield at 510-286-5562 or jesse.schofield@dot.ca.gov.

Sincerely,

Patricia

PATRICIA MAURICE
District Branch Chief
Local Development - Intergovernmental Review

c: State Clearinghouse

Letter A **California Department of Transportation (Caltrans), Patricia Maurice, District Branch Chief, Local Development – Intergovernmental Review, dated September 13, 2016**

Response A-1

A discussion of unbundling parking is found in **Section 10, Land Use and Planning**, of the Recirculated IS/MND. As discussed under Item 10(b) in Table 13, parking will be "unbundled" from residential rent/lease fees in an effort to reduce vehicular parking demand. Please note that parking is not a CEQA issue.

Response A-2

Comment noted. The City will consider requiring the project applicant to add discounted transit passes for employees and residents to the project's travel demand management (TDM) program. In addition, the City will consider requiring the project applicant to perform regular monitoring and surveys to ensure compliance with trip reduction goals.

Letter B

From: Frank Goulart <fgoulart@pacbell.net>
Sent: Wednesday, September 21, 2016 1:31 PM
To: David Rizk
Cc: Ben Goulart; Julie Machado; Nathan Williams; Nancy Urioste; Blaine Ricketts; Per Bothner
Subject: Prospect Hill Neighborhood Association comments on initial study

Hi David,

These are the comments that are submitted by the Prospect Hill Neighborhood Association on the Maple Main project:

We think the entire ground floor of the development should be retail/commercial/office as is called for in the General Plan. 1

We think the project should include no more than 2 floors of residential. 2

We think this project requires an EIR, including a Traffic Study which considers a Circulator (with access on Maple Court), Car Share, Unbundling, Deparking Incentives, Parking Management by the City and Walking Design, a Grey Water System Study and a study of possible Native American remains among the other requirements. 3

To clarify, we do not support unbundling or reduced parking, but we do think there should be an EIR. 4

The Initial Study at page 116 quotes "Cumulative Effects 18. MANDATORY FINDINGS OF SIGNIFICANCE – The lead agency shall find that a project may have a significant effect on the environment and thereby require an EIR to be prepared for the project where there is substantial evidence, in light of the whole record, that any of the following conditions may occur…. b) Does the project have impacts that are individually limited, but cumulatively considerable ("Cumulatively considerable" means that the incremental effects of a project are significant when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of past, present and probable future projects)?" 5

The Initial Study is inadequate concerning cumulative impacts of parking, land use, population and transportation. The guidelines require consideration of other current projects.

If a current project, Lincoln Landing, adds to the impacts of Maple/Main, and Lincoln Landing is required to have an EIR, which it is, then it is logically inescapable that Maple/Main must also have an EIR. Clearly, if one deserves an EIR, the cumulative effects of the two projects deserve an EIR. 6

We think this project is of such a magnitude that it should be the subject of a Work Session once the EIR is completed. 7

Frank Goulart
Secretary
Prospect Hill Neighborhood Association

1

Letter B **Prospect Hill Neighborhood Association, Frank Goulart, Secretary, dated September 21, 2016**

Response B-1

Comment noted. The project site is located within the CC-C (City Central Commercial) zone. Please note that according to Section 10-1.1523 of the Hayward Municipal Code, residential development is permitted on the ground floor within the CC-C zone with a Conditional Use Permit (CUP).

Response B-2

Comment noted. According to the City's Downtown Design Plan, structures up to 55 feet are permitted on the project site with an allowable increase to 65 feet if lot coverage for a residential structure is reduced from 90 to 80 percent. The proposed structure project would have a height of between 55 and 65 feet. As the residential component of the proposed project would cover 64 percent of the project site, the maximum height of the proposed structure is permitted.

Response B-3

As demonstrated by the analysis contained in the Recirculated IS/MND, with the incorporation of the proposed mitigation measures, the proposed project would not result in significant impacts on the environment. Therefore, preparation of an Environmental Impact Report (EIR) is not required. Please also see Response B-6 below.

As discussed in **Section 16, Transportation/Traffic**, of the Recirculated IS/MND, the proposed project would employ several TDM measures to reduce vehicle trips, including "unbundled" multifamily parking, parking for shared vehicle services (i.e., Zipcar), provision of shuttle service to/from the Hayward BART station, electric vehicle charging stations, and onsite bicycle storage. In addition, the proposed project will contribute to the City's proposed shuttle service or in the event that the City's shuttle does not come to fruition or ceases operation, the project would provide its own shuttle service to occupants.. Not only will these TDM measures reduce vehicle trips generated by the proposed project, but they will also reduce parking demand. In addition, as discussed in the project's parking management plan, all project-generated parking demand will be accommodated by the proposed on-site parking supply (Wood Rodgers 2016b). As a result, parking management by the City such as the issuance of long-term street-parking permits to nearby residents is not required at this time, although the City may require implementation of such program if warranted. Also please note that parking is not a CEQA issue.

The project site is not located within the service area of the City's Recycled Water Project and thus recycled or "grey water" is not available for use by the proposed project. With respect to the commenter's concern about Native American human remains, as discussed in **Section 5, Cultural Resources**, mitigation measures have been included to address potential impacts to unknown archaeological resources, including unknown human remains, which may exist underneath the project site and encountered during construction. Finally, the traffic study prepared for the proposed project did not study an additional entrance/exit to the parking garage on Maple Court.

Response B-4

The commenter's objection to unbundling and reduced parking is noted. See Response B-3, above, as to why the preparation of an EIR is not required.

Response B-5

The IS/MND was revised and re-circulated in October 2016 to take into account the nearby Lincoln Landing project, a large mixed-use project located on a site approximately 300 feet north of the Maple & Main project site. The analysis in the Recirculated IS/MND found that cumulative impacts with regard to land use, population, and transportation would be less that significant. In addition, as discussed in Response B-3, above, all project-generated parking demand will be accommodated by the proposed on-site parking supply. Please note that parking is not a CEQA issue.

Response B-6

An EIR was required for the Lincoln Landing project because the traffic study for that project found that the additional traffic generated by the project would result in significant impacts at some study area intersections under both project-level and cumulative conditions. The cumulative impacts were determined to be significant because that project would increase delay at intersections operating poorly under project-level and cumulative conditions by more than 5 seconds. Thus, the Lincoln Landing project's incremental effect on traffic would be cumulatively considerable. The analysis determined that no feasible mitigation measures were available to reduce the project-level and the cumulative impacts to a less than significant level. The traffic study prepared for the proposed Maple and Main project found that traffic from the proposed project would result in less than significant impacts at the study intersections under both project-level and cumulative conditions. The project-level and cumulative impacts were determined to be less than significant because this project would increase average delay at intersections operating poorly under project-level and cumulative conditions by less than 5 seconds. As a result, the proposed project's incremental effect on traffic would be less than cumulatively considerable.

The reason why the Lincoln Landing project triggered significant traffic impacts under every traffic scenario and the proposed project did not is because the Lincoln Landing project is a larger development project and would add substantially more traffic under existing, background, and cumulative conditions than the proposed Maple and Main project. As reported in the traffic study for the Lincoln Landing project, that project is estimated to generate 247 vehicle trips during the AM peak hour and 395 vehicle trips during the PM peak hours. By comparison, the proposed project would generate 81 vehicle trips during the AM peak hour and 53 vehicle trips during the PM peak hour. For these reasons, preparation of an EIR for the proposed project is not required.

Response B-7

Please see Responses B-3 and B-6 above as to why an EIR is not required.

Letter C

From: Frank Goulart [mailto:fgoulart@pacbell.net]
Sent: Monday, November 28, 2016 10:58 AM
To: David Rizk <David.Rizk@hayward-ca.gov>
Cc: Ben Goulart <bengoulart@yahoo.com>; Julie Machado <juliemac@pacbell.net>; Nancy Urioste <hairrun@aol.com>; Nathan Williams <nathan@bothner.com>; Blaine Ricketts <blainericketts@comcast.net>; Per Bothner <per@bothner.com>
Subject: main and maple comments

hi david,

At the November 16, 2016 Meeting of the Board of Directors for the Prospect Hill Neighborhood Association, the Maple and Main Proposal was discussed, including the revised draft Initial Study. We approved a further amendment to our resolution originally approved December 15, 2015, which together with this amendment and the two amendments approved September 17, 2016, is to be submitted to the City:

TO BE CLEAR THEREFORE, the Resolution to be submitted to the City of Hayward, as amended and approved by the Association is as follows:

"We think the entire ground floor of the development should be retail/commercial/office as is called for in the General Plan. 1

We think the project should include no more than 2 floors of residential. 2

We think this project requires an EIR, including a Traffic Study which considers a Circulator (with access on Maple Court), Car Share, Unbundling, Deparking Incentives, Parking Management by the City and Walking Design, a Grey Water System Study and a study of possible Native American remains among the other requirements. 3

We think this project is of such a magnitude that it should be the subject of a Work Session once the EIR is completed. 4

To clarify, we do not support unbundling or reduced parking, but we do think there should be an EIR. 5

The Initial Study at page 116 quotes 'Cumulative Effects 18. MANDATORY FINDINGS OF SIGNIFICANCE – The lead agency shall find that a project may have a significant effect on the environment and thereby require an EIR to be prepared for the project where there is substantial evidence, in light of the whole record, that any of the following conditions may occur…. b) Does the project have impacts that are individually limited, but cumulatively considerable ("Cumulatively considerable" means that the incremental effects of a project are significant when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of past, present and probable future projects)?' 6

The Initial Study is inadequate concerning cumulative impacts of parking, land use, population and transportation. The guidelines require consideration of other current projects.

If a current project, Lincoln Landing, adds to the impacts of Maple/Main, and Lincoln Landing is required to have an EIR, which it is, then it is logically inescapable that Maple/Main must also have an EIR. Clearly, if one deserves an EIR, the cumulative effects of the two projects deserve an EIR. 7

Since we're a mixed use neighborhood we are very concerned that the retail/commercial street parking be addressed in addition to the residential parking permit program, including 2 hour parking on Main Street from McKeever to Hazel. 8

We suggest a residential parking program for the Prospect Hill neighborhood, paid for by the developers for 10 years, with no permits issued to residents of the Main and Maple project. 9

We strongly support a second, independent entrance from Maple to the parking structure. 10

We support saving the Maple Street house." 11

PROSPECT HILL NEIGHBORHOOD ASSOCIATION
by Frank Goulart, Secretary

Letter C **Prospect Hill Neighborhood Association, Frank Goulart, Secretary, dated November 28, 2016**

Response C-1

See Response B-1.

Response C-2

See Response B-2.

Response C-3

See Responses B-3 and B-6.

Response C-4

See Response B-7.

Response C-5

See Responses B-3 and B-6.

Response C-6

See Response B-5.

Response C-7

See Response B-6.

Responses C-8 and C-9

As discussed in Response B-3, above, all project-generated parking demand, including the demand for parking associated with the retail space on the project site, will be accommodated by the proposed on-site parking supply. For this reason, parking management by the City such as the issuance of long-term street-parking permits to nearby residents or changes to on-street parking on Main Street is not required at this time. It should be noted that parking is currently limited to two hours from 7 AM to 6 PM along the streets adjacent to the proposed project.

Response C-10

Comment noted. This request may be considered when the City reviews the proposed project.

Response C-11

As discussed in **Section 5, Cultural Resources**, of the Recirculated IS/MND, the single-family detached home located at 22491 Maple Court does not appear eligible for the California Register of Historic Resources (CRHR) as the structure is not associated with people or events significant in the history of Hayward, the State or nation, and it is not an artistic or fine example of California Craftsman architecture or unique in its construction. In addition, the structure was found not to be eligible for local listing under the Hayward Historic Preservation Ordinance (Urban Programmers 2015). For this reason, the project is not considered a historical resource under CEQA, and the demolition of the home at 22491 Maple Court to construct the proposed project would not result in an impact on a historical resource.

Letter D

League of Women Voters—Eden Area

Representing Hayward, San Leandro, and surrounding unincorporated areas of Ashland, Castro Valley, Cherryland, Fairview, & San Lorenzo

Political Responsibility Through Informed and Active Participation

September 20, 2016

Dr. Sherman Lewis, President, HAPA
David Rizk, Hayward Director of Development Services

Via Email

Re: Response to Sherman Lewis re Support for Maple and Main Apartment Project EIR

Dear Dr. Lewis and Mr. Rizk,

On September 19, 2016, Hayward Area Planning Association (HAPA) President Sherman Lewis addressed the Eden Area League of Women Voters Board asking for support in requesting the City to require and complete an Environmental Impact Report (EIR) on the Maple and Main proposed project. The purpose of the EIR was to address weaknesses Dr. Lewis identified in the Initial Study pertaining to non-conformance with Hayward's General Plan, specifically regarding the Transit-Oriented Development Policy, the Appropriate Parking and Unbundled Multi-Family Parking Policies, and the Pedestrian Policies. He additionally stated his concern about the cumulative impact of this project in conjunction with the Lincoln Landing Project.

During the same meeting, Director of Development Services David Rizk addressed the issues raised by Dr. Lewis. Mr. Rizk indicated that the City is still in the process of receiving Public Comments and that the Public Comment period ends on Wednesday, September 21. Additionally, he stated that modification of the Initial Study likely will be affected by comments received and changes could be made. He also noted that revisions are already under consideration for inclusion in the Initial Study regarding transportation because City staff already plans to recommend unbundling, and looking into a zip-car plan and possibly shuttle/van service in conjunction with the adjacent Lincoln Landing Project.

1

At the conclusion of the two presentations and the question-and-answer period, Dr. Lewis stated that he did not know of some of the changes that were already underway based on comments made by Mr. Rizk. In the end, it was noticeable that HAPA and the City were more in agreement than not regarding transportation needs and the cumulative impact concerns.

P.O. Box 2234 • CASTRO VALLEY • CA 94546

WEB SITE: LWVEA.org • E-Mail: lwvea@aol.com

In evaluating whether or not the League could support HAPA's request, we referred to our Bay Area League position regarding CEQA Mitigation. which is provided here in pertinent part:

> **Support guidelines and criteria for governmental decision-making on mitigation of the negative environmental impacts of a project under California Environmental Quality Act (CEQA) that take into account whether: 1) the decision to proceed or not is environmentally sound and gives particular attention to cumulative impacts; 2) the mitigation plan is properly implemented under an acceptable process for meeting legal requirements and public need.**

1

Although it is clear from our written position that we have the authority to formally take action on behalf of HAPA's request, we believe that that is unnecessary because the Initial Study is still in the Public Comment period, the Initial Study is still underway and may likely reflect the modifications indicated by Mr. Rizk, and taking such action before all changes have been made would be premature and counterproductive.

Therefore, with this letter, the Eden Area League of Women Voters Board asks the City and Dr. Lewis to work together to ensure that the final project is environmentally sound, provides a strong and appropriate amenity to the community and gives particular attention to cumulative impacts and that the mitigation plan meet all pertinent legal requirements, address the major community concerns, and be a positive addition to the community.

Sincerely,

EDEN AREA LEAGUE OF WOMEN VOTERS

Joanne Young
Co-President

Aiwa Zelinsky
Co-President

Letter D **League of Women Voters – Eden Area, Joanne Young, Co-President, and Aiwa Zelinsky, Co-President, dated September 20, 2016**

Response D-1

Comment noted. The League of Women Voters-Eden Area branch has decided to not take a position on the proposed project until after environmental review for the proposed project has been completed. Please note that based on the comments received and the City's direction to the applicant, the project includes unbundled parking and a shuttle service. Furthermore, the City conducted additional studies to evaluate the cumulative impacts of the proposed project in conjunction with those of the Lincoln Landing project and recirculated the Initial Study/MND in October to provide the public and the agencies an opportunity to review the revised analysis.

With respect to the commenters' concern about the mitigation plan, the proposed project is required by state law to implement the mitigation measures that are identified and approved by the Planning Commission at the time that this project is considered for approval. A mitigation monitoring and reporting program (MMRP) has been prepared (see Appendix M) and will be adopted at the time of project approval. The applicant will be required to comply with the MMRP and the City as the lead agency will enforce the MMRP and ensure that the mitigation measures are implemented.

Comments received from Dr. Sherman Lewis are addressed under Responses E-1 through E-52 and Responses F-1 through F-12 in this document.

A City can be friendly to people or it can be friendly to cars, but it can't be both.
-Enrique Peñalosa

Comments on the Initial Study

For the Maple Main Apartments

By Sherman Lewis, President
Hayward Area Planning Association
sherman@csuhayward.us
September 21, 2016

Overview

The Initial Study (IS) has many parts that are comparable to what would be in an EIR. However, on four guideline factors—greenhouse gases, land use, population, and transportation—the IS fails to meet the Guidelines. The evidence shows, and HAPA believes, that an EIR is needed. At a minimum, the project needs to be revised as per current discussions and the IS needs to be rewritten and recirculated. HAPA believes that the environmental issues have to be discussed adequately either in an IS or and EIR.

The Initial Study claims of consistency with the General Plan are incorrect. The project fails to conform to the General Plan, the Program EIR on the General Plan, and Council findings that the General Plan has environmental benefits. The Program EIR cannot be used for a non-conforming Project EIR. Circumstances have changed significantly in ways not considered in the Program EIR.

These comments assume that the city's power of project approval should be used to implement the General Plan. "The City shall consider/strive/encourage/promote/implement etc.…" includes using its regulatory powers.

Bolding has been added.

The Guidelines state

18. MANDATORY FINDINGS OF SIGNIFICANCE – The lead agency shall find that a project may have a significant effect on the environment and thereby require an EIR to be prepared for the project where there is substantial evidence, in light of the whole record, that any of the following conditions may occur.:…

*a) Does the project have the **potential to degrade the quality of the environment**…*

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

The Initial Study fails to reveal how the project has the potential to degrade the environment and fails to consider cumulative impacts created by a major project nearby, Lincoln Landing, which is having an EIR—and not even mentioned once in the IS. If a current project, Lincoln Landing, adds to the impacts of Maple Main, and Lincoln Landing is required to have an EIR, then it is **logically inescapable** that Maple Main must also have an EIR. Lincoln Landing, while larger, is not very different from Maple Main concerning the four factors of these comments. Clearly, if

one deserves an EIR, the cumulative effects of the two projects combined deserve an EIR. In fact, the timing of these projects clearly requires a concurrent EIR for both projects.

I recognize the progress the City is making on several issues discussed here, but HAPA has to comment on the documents in hand, and the IS falls far short of what is needed.

Green Mobility and the General Plan

These comments discuss **Green Mobility** as defined by 21 policies contained in the General Plan. They should be understood as a whole; only the synergy among all the policies truly accomplishes the goals of the General Plan.

The topics of these policies are unbundling, neighborhood parking permits, TDM and parking management, shuttle service, taxi/ehail services, carshare/rental services, social interaction, complete streets, and improvements for bicycles and pedestrians. See Green Mobility in "Walking Oriented Development" at https://www.dropbox.com/s/1tvi8ut2eyjctla/Walking%20Oriented%20Development.pdf?dl=0 for a summary of policy in general. See "The Maple Main Project; How to make the future work" PowerPoint at https://www.dropbox.com/s/0lifqegsicdfc8w/HAPA%20Maple%20Main%20Apartments%20PowerP%20June%202016.pptx?dl=0 for an application of the policies to the Maple Main Apartments. 1

Greenhouse Gas (GHG) Emissions

Necessity to mitigate

Is some global warming OK? Are some GHG increases really insignificant? The issue is whether BAAQMD thresholds are acceptable for determining the need to mitigate project GHG. The IS assumes that if project GHG does not exceed BAAQMD thresholds, the impact is deemed less than significant and no mitigations are required.

The IS, instead, must consider ***any* increase in GHG** as requiring at least partial mitigation. Using only BAAQMD thresholds, GHG would at best get worse more slowly. Mitigation would require reductions, and we would make more progress reducing GHG. 2

The high costs of climate change, the certainty of costs getting higher, the necessity of drastically lowering GHG, and the intent of CEQA and laws related to GHG, all make reducing GHG essential for public welfare. We consider that the **use of BAAQMD thresholds to ignore mitigation is illegal**. Mitigation of any GHG is the **intent of the law**. If the GHG does not rise to the level requiring an EIR, it still needs to be mitigated in a negative declaration.

The **exclusion of GHG** by the Medical Office Building is unacceptable. Illingworth p. 15: "The existing medical office building would be reduced in size to 60,000 square feet. The new office building was assumed to generate the same amount of traffic as the existing building, so office building emissions were not computed in this assessment." The building cannot be grandfathered in as it is subject to *de novo* review in the project application. Allowing grandfathering GHG prevents progress; otherwise old pollutions become new pollutions. Office GHG must be mitigated. 3

The CalEEMod had some outputs in Attachment 2 that were difficult to understand. On pp. 2 and 34, it says the office building was excluded. On p. 14 for commercial construction it says the building had a lot size of 3 acres and a floor surface area of 60,000 square feet. On p. 25 for 4

Operational it says the building had .04 acres and 1,650 square feet. Evidently, the commercial data refers to the office building and the operational data refers to the apartment leasing office. 4

Inadequacy of General Plan EIR and non-conformity of project

The IS **uses the General Plan incorrectly** to discuss project GHG. Illingworth p. 31:

The Hayward 2040 General Plan Draft EIR contains a comprehensive list of specific General Plan policies and programs that constitute the City's updated GHG emission reduction strategy. … Implementation of these measures would reduce GHG emissions by more than 20 percent below 2005 levels by the year 2020 when combined with State and federal programs.

As part of the evaluation of the project's consistency with the CAP, the project's incorporation of applicable strategies and measures from the plan as binding and enforceable components of the project. Projects that show consistency with the plan forecasts and implement applicable strategies included in the plan are considered to have less-than-significant GHG emissions. 5

The problem is that there is **no evidence** that the GHG estimates in the EIR on the General Plan considered relevant General Plan policies, and, also, the **project is inconsistent** with the policies, as documented in these comments.

Emissions methodology

Another issue is the **incorrect methodology** used by Illingworth because its modeling is out of date. (The reference to SR 238 is also out of date; it is no longer a state route.) The state's ARB uses more advanced modeling. The CalEEMod model endorsed by the BAAQMD is not used by the Air Resources Board for modeling GHG of project applications to the Affordable Housing and Sustainable Communities program. CalEEMod is used for an initial start on estimating vehicle miles traveled (VMT), but then has additional add-ons to estimate project GHG. See details at http://sgc.ca.gov/pdf/QuantificationVersion2_1516.pdf ("Quantification"). For example, the add-ons have three model inputs that reduce VMT from housing, and Illingworth seems not to have used them. 6

The Air Resources Board quantification has several features that make it a poor estimator of project GHG. First, the **parking assumptions** are part of land use and cannot be separately modeled. The amount of parking is not input by the applicant but assumed in the land use type, preventing analysis of low-parking projects. See Quantification, Appendix B.

The AHSC program **subsidizes parking** which increases GHG. In the summer of 2015 a Berkeley graduate student and I explained to the ARB in some detail, based on a few dozen runs of CalEEMod to see how it managed different inputs, that the AHSC quantification was not sensitive to how much subsidized parking structures were causing the GHG they were supposed to reduce. As a result, the state restricted parking credits in the guidelines for 2016 and committed to eliminating them altogether in 2017. The quantification, however, still is not sensitive to how much parking subsidies increase GHG because they are not an input to the model. 7

Also, the quantification inputs are too simplistic regarding **unbundling**. The three inputs are PDT-1 Limit Parking Supply, PDT-2 Unbundle Parking Costs, and PDT-3 On-Street Market Pricing. The concepts are excellent but the inputs are so rigid as to be useless. The calibration is based on a large sample, but the variation is so great that a fixed quantification does not work. The

quantification caps reductions to a 20 percent maximum for all three measures combined, which is way too simplistic (see Quantification, Table 3). In reality, the specific parking rent and the array of alternatives determine performance.

The models do not have inputs for an **array of Green Mobility** policies and how they work together in a specific project context to affect mode shift. The model would need to be sensitive to a shifting balance that leads to a dramatic shift to non-auto modes, significantly affecting GHG emissions.

The models underestimate viable **walking distances** to urban rail; see "Walk Access to BART and Residential Density" at https://www.dropbox.com/s/cevf1xewmowg7dc/BART%20Walk%20paper%20for%20Int%27l%20J%20of%20Sust.%20Trans%20rev.pdf?dl=0.

The quantification also lacks **travel time budget data** applied to the land use situation of the project, which is essential to estimate mode shift. The models are designed for vehicle trips and transit ridership in metro areas; they are unsophisticated at estimating walk and bike trips in small areas, which require inputs for travel time by auto mode vs. by non-auto mode for routine trips and anchor trips. See https://www.dropbox.com/s/gvq309hd2yf6wsl/Household%20Surveys%20and%20TT.pdf?dl=0. 7

The models are calibrated against the lower density land uses of suburbia with little or no data on **higher density** areas where walk and transit can prevail. Above about 50 persons per neighborhood acre, there is a take-off, a non-linear increase, in non-auto modes and a similar decrease in auto modes. The empirical evidence for this is in "Neighborhood Density and Travel Mode" at https://www.dropbox.com/s/ssnr3gfjn8dfv0z/Neighborhood%20Density%20and%20Travel%20Mode.docx?dl=0. The theoretical foundation for the density necessary for Walkable Neighborhood Systems and mode shift is at https://www.dropbox.com/s/nedmhvav17377f4/Walkable%20Neighborhood%20Systems%20for%20Growth%20and%20Change.docx?dl=0 (publication forthcoming).

The models have a misleading aura of quantification and environmental evaluation should recognize their limits. The inadequacy of even of the best modeling is not due to intent to do a poor job, but is a result of the **level of knowledge** at this time and a failure to study the densest neighborhoods. The models evolved to deal with metro area auto traffic over a large area and are not yet sophisticated enough for small dense areas with walkable local business, rich transit and other Green Mobility concepts for project-level projections.

We need, instead, to make a **qualitative evaluation** of project transportation-related GHG based on the knowledge we have about existing unbundled projects in dense areas similar to downtown Hayward. (This can be explained further in terms of household surveys on travel time budgets for 15 trip purposes, especially anchor trips and errand trips.) An evaluation of the interaction of all features helps evaluate synergy among policies. A disinterested expert should apply knowledge of this experience and other Green Mobility factors to specific projects in specific locations, in this case, the Maple Main Apartments. Such an evaluation would reveal a very large difference between the proposed project and one with Green Mobility. The IS fails to do this. 8

Wood Rogers is a transportation consulting firm that did reports attached to the IS. The Wood Rogers transportation study (p. 17) approximates the kind of evaluation needed. Table 4 9

has adjustments to the trip projection for Mixed Use TDM, shuttle, and BART/Rideshare/Bicycle to get the vehicle trips. The problems here are the use of ITE rates, the lack of actual TDM, the omission of unbundling and other Green Mobility policies, and the lack of transparency to lay readers. Still, the overall reduction of about 20 percent relative to suburbia is a reasonable balancing of a few green features against the dominant pro-auto design. 9

1. NR-2.6 Greenhouse Gas Reduction in New Development

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. 10

The IS does not discuss this obviously important policy. The project conforms to some elements, some are not relevant, and some the project goes in the opposite direction, as detailed in the discussion below.

Three Pedestrian Policies

Besides the need to mitigate GHG, the use of an outdated methodology, and the many weaknesses of the current methodology, there is the additional problem of the **omission of 20 more General Plan Policies** that would reduce GHG and the **false claim** that the project conforms to the General Plan (p. 54). The modeled reduction of GHG in the EIR on the General Plan would not occur and should not be used in the IS.

IS Table 12 p. 57 refers to Goal M-5 Pedestrian Facilities, but this is not a policy—it's a goal. The goal is, "Provide a universally accessible, safe, convenient, and integrated pedestrian system that promotes walking." The goal has **three germane policies**, which are relevant for reducing GHG, but not implemented in the project.

2. Policy M-5.1 Pedestrian Needs

The City shall consider pedestrian needs, including appropriate improvements to crosswalks, signal timing, signage, and curb ramps, in long-range planning and street design.

3. Policy M-5.2 Pedestrian System

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. 11

4. Policy M-5.6 Safe Pedestrian Crossings

The City shall strive to improve pedestrian safety at intersections and mid-block locations by providing safe, well-marked pedestrian crossings, bulb-outs, or median refuges that reduce crossing widths, and/or audio sound warnings.

The City **did not consider** pedestrian needs. The IS, unfortunately, narrowed its scope to the site of the project, which contrasts sharply with its extensive consideration of off-site traffic impacts on surrounding streets. The IS assumes that a pedestrian leaving the property is not an issue, while cars are. The IS is inadequate; it must consider pedestrian needs off-site as well as

on. If it is reasonable to evaluate off-site mitigation for project traffic, it is reasonable to do it for pedestrians.

Wide streets and fast traffic are barriers to connected sidewalks. The Maple Main project is disconnected from the downtown center. The project has a nexus to A St. and Mission Blvd. by their close proximity and their use by project residents to walk to the center and the BART station.

We need to make it possible for average people to walk across A St. and Mission Blvd. Walking across these arterials is not convenient or safe and few people try it. They are now **cut off from safe and comfortable walking** to the downtown center by excessive street width and high speed of traffic. A St. is 62 feet wide with 2 parking lanes and four travel lanes and Mission Blvd. is almost as bad. 11

The IS needs to **require mitigation** of impacts by requiring, at a minimum, improved crosswalks. Walking routes should be improved with slower traffic, bulb-outs, and pedestrian safety medians for minimal walkability. Safe, walkable routes are essential to connect Maple Main to the downtown center. Without safety and walkability improvements, the downtown as a whole is really not walkable. Achieving walkability downtown is a repeated, major goal of the General Plan, and these three policies are major ways to get there. Walkability is crucial for reducing car use and reducing GHG.

The IS should discuss the **ability to live downtown** without bundled parking. There is a misperception that downtown requires a car as much as suburbia outside downtown. In fact, downtown has the short walking distances that make routine and anchor trips attractive for major markets. Many trips can now be made more inexpensively than in the past using ehail. The need for a car can be met by carshare/rental. General Plan policies do not need to be applied where not practical, but it is totally practical to apply them to downtown.

The IS does not discuss these policies; the project does not conform to them, negative impacts result, and the policies would help reduce GHG. Lots of pavement and parking create drivable cites but prevent walkable neighborhoods.

The IS p. 59 states “As the impact from a project’s GHG emissions is essentially a **cumulative** impact, the analysis presented above provides an adequate analysis of the proposed project’s cumulative impacts related to GHG emissions.” The IS analysis has nothing on the cumulative impacts because the General Plan EIR cannot be applied. The IS ignores current and probable future projects, the most notable and obvious of which is Lincoln Landing. 12

Land Use and Planning

A detailed analysis of the proposed project’s consistency with applicable General Plan land use and parking policies is provided in Table 13, Land Use and Parking Policies Applicable to the Proposed Project. As shown in Table 13, the proposed project would not conflict with these applicable policies." (p. 69)

Table 13 falls short; the project conflicts with many General Plan policies. The Land Use section includes four General Plan policies and the Transportation section, discussed below, includes no policies. As a result, the IS does not discuss twelve relevant policies. 13

Four Policies Discussed in the IS

5. Policy LU-1.5 Transit-Oriented Development (TOD)

The City shall support high-density transit-oriented development within the city's Priority Development Areas to improve transit ridership and to reduce automobile use, traffic congestion, and greenhouse gas emissions.

Concerning project consistency, the IS claims that

The proposed project is located within a Priority Development Area (PDA), as designated by the Plan Bay Area, which includes the region's Sustainable Communities Strategy (SCS) and the 2040 Regional Transportation Plan (RTP). The proposed project is within walking distance of transit and local retail establishments, schools, and employment centers in Downtown Hayward, and thus would reduce automobile use.

The IS claims here and on p. 11 and p. 73 that the project is within **walking distance to schools**. On p. 62 it says that *"The project is not located within 0.25 mile of a school…"* The intermediate school is close, 0.4 miles, but the high school is 1.2 miles away, and both require crossing Foothill Blvd., a highway mostly 80 feet wide with five travel lanes and two parking lanes. The elementary school is 1.2 miles away requires crossing Mission Blvd. High school kids could do it; little kids not so much. The IS can easily fix this inaccuracy. 14

The IS, however, has a much more serious problem, the slippage from the policy to the claim of consistency. The IS clams that proximity would reduce automobile use while ignoring the auto-orientation of the project for residents, retail, and Medical Office Building. If proximity is the only requirement for transit-oriented development (TOD), the project conforms. However, General Plan policy makes clear that mere **proximity is not enough**—a project needs to improve transit ridership and reduce auto use, traffic congestion, and GHG.

The performance of the Maple Main Apartments can be compared to suburbia, or to a project that is actually oriented to transit. In general, projects wind up along some dimension between auto- and transit-oriented. It is not clear how much it would take to cross some line to qualify as TOD, but it is clear that this project is too auto-oriented and anti-transit. The proposed bicycle facilities, Zip Car, private shuttle are not enough. Compared to TOD, the project will **increase auto use and decrease transit**, which is confirmed by the auto trip generation rates used in the traffic study.

The evaluation now missing from the IS has to consider the functionality of Green Mobility, which is how the General Plan defines TOD.

Bicycles. The IS should point out that the bicycle storage access is slow and cumbersome. It is in a long narrow room at the back in the basement of the parking structure, and not in a convenient location between elevators and stairwells and the street. If there are bicycle users, they are likely to keep the bicycles in their units. 15

The IS also needs to say that bicycle storage is only meaningful if there are places to bicycle to, a safe attractive way to get there, and a safe place to leave the bike. Hayward, like most of the U.S., is bike-hostile in ways people don't realize, which is part of the problem. Bicycle use **requires a system** to attract more than just the young spandex and muscle crowd. Some European countries show how to do it. It's not just the A St. problem, but the general lack of comfortable bikeways on routes people want to use. The downtown area has too many wide arterials with fast traffic, lack of parking at destinations, and few destinations. 16

The **private shuttle** raises similar questions, as it also was not studied. How many people would ride it? Route? Schedule? Financing? Cost? A private shuttle means the public can't ride, so it does not contribute to transit. The IS should discuss using the funds for a public shuttle to conform to the General Plan. 17

The General Plan is a guide, not a mandate, and sometimes a policy is too expensive or impractical for implementation. However, in the case of these apartments, that is not true. To be adequate, an IS has to consider **what the project could reasonably do**, i.e. Green Mobility, which is further developed in the documents cited above, Walking Oriented Development and the Maple Main Project PowerPoint.

Many other points in these comment show how pro-auto (and pro-congestion and pro-GHG) and how anti-transit the project is. The value of a few steps forward is **more than negated** by many steps backward. Conformity to the General Plan is proclaimed, not demonstrated. TOD should not be a superficial marketing slogan; it has real meaning. Anybody knowledgeable about real TOD knows that this isn't it. See the report on *Why Creating…* cited below. 18

6. Policy LU-2.5 Downtown Housing

The City shall encourage the development of a variety of urban housing opportunities, including housing units above ground floor retail and office uses, in the Downtown to: …

***Promote** lifestyles that are less dependent on automobiles.*

One interpretation of this policy is that the simple creation of any housing, or housing above other uses, is enough to reduce auto dependency. We believe, alternatively, that evaluation of conformity has to be based whether the housing actually **promotes**—the word used in the General Plan—less auto dependency, and that the evaluation must use city policy, i.e., the relevant policies in the General Plan to as a way to define promotion. "Not prevent" is not good enough. The IS has to discuss how poorly the project performs on Green Mobility and reducing auto dependency. 19

The IS claims project consistency is based on walking distances and affordability with no evidence for less auto dependency. The IS repeats the mistake of assuming small children can walk 1.2 miles to school. The project clearly fails to conform and the IS fails to inform.

7. Policy M-9.1 Appropriate Parking

*The City shall ensure that adequate parking is provided appropriately to all areas of the city, while **prioritizing** alternative transportation modes and Transportation Demand Management strategies that **reduce parking demand**.*

8. M-9.2 Parking Reductions

The City shall consider reduced parking requirements for projects located near public transit...

"Adequate" can be defined as supply when parking is free, or as supply when parking pays a market charge. It **does not make sense**, and is not consistent with the General Plan, to subsidize parking by making it free to the user while trying to promote non-auto modes. Adequate parking has to be defined in the context of the General Plan, which includes unbundling, reduced parking requirements, walkability, multi-modal transportation, and transportation demand management. It has to include residential, retail, and Medical Office Building parking. The IS needs to discuss separating the leasing of Medical Office Building offices from leasing of parking for the offices, so 20

that those leasing office space would determine how much parking they needed and pay for it separately. 20

The IS, more specifically the Wood Rodgers parking report at p. 4, finds that parking is adequate, without ever discussing any **definition of adequacy**. It is part of our culture to have parking as a public good, even though the General Plan tries to make it a market good. Culture prevents seeing the unreasonable. 21

The project subsidizes parking, does not have TDM, and does not prioritize alternative modes. The IS claims conformity by pointing to zoning and does not reveal that the **zoning ordinance referred to** is clearly **inconsistent** with the General Plan. The IS fails to mention other ordinances that allow the one cited to be overridden. There is no conformity to appropriate parking or parking reductions. It is not enough to describe the slight reductions in project parking; the IS needs to discuss something real or why real reductions are not feasible. 22

The IS fails to point out that the allocation of parking on lower levels to commercial and retail uses results in **not a single resident** being able to park on the level on which they live. All must go up one level, some must go up two levels. See attached spread sheet, HAPA Maple Main Apartments.xlsx, parking levels tab. 23

9. Policy M-9.10 Unbundled Multifamily Parking

"Policy M-9.10 Unbundled Multifamily Parking. The City shall encourage multifamily development projects to separate (i.e., unbundle) the cost of parking from lease or rent payments."

The IS claims project consistency: *"According to the project's parking management plan, if project parking demand exceeds supply, 'unbundling' of parking from residential rent/lease fees is recommended to reduce vehicular parking demand."* (Note: the period after "supply" is a typo in the Initial Study.)

The claim of consistency with the policy is false. **The project is bundled**.

Furthermore, the claim is nonsense. Think about it: How can anybody know if the demand exceeds the supply? The city has no operational definition; it has no procedure; it has never in its history made a finding of demand exceeding supply. What supply? Where? On site? On adjacent streets? If one area of free parking is always parked up, and another a few feet away has spaces, does demand exceed supply? Suppose someone complains, saying there is not enough parking in the public lot on Maple Court and it's because of the new apartments. Is that enough? Or will there be a three year process to figure it out? If parking is unbundled what will the rate be—the market rate? the economic rate? the full cost rate? Next, the project's plan does not actually say it will unbundle; it is only "recommended." The vaporware of excess demand is followed by a toothless commitment. The project does not support unbundling by, in fact, having bundling. 24

These comments will now discuss why unbundling is desirable and feasible, supporting the importance of the General Plan Policy.

Why Unbundle

As of February 2016, Transform's, GreenTRIP Parking Database listed 80 affordable multi-family housing developments in the five largest counties of the Bay Area. The database has 11 variables for each development. Transform found that 3,882 spaces of a total of 13,823 spaces (28 percent) were unused. The spaces covered 1,164,600 square feet and cost about $198,034,400 to build. The available spaces per unit was 1.16 and occupied spaces .84.

The reasons for the vacancies are not clear; it may be that a tenant just can't afford a car at all and uses alternative modes. It is likely cities required too many spaces. The enormous waste of funds on vacant parking exists in spite of the spaces being free to the user. The need for free parking is being significantly over estimated. With unbundling, vacancy rates would be even higher.

TransForm estimated that a mid-rise TOD project with 875 units and 1,444 parking spaces (1.65 spaces per unit) could in the same building envelope, with .7 spaces per unit, have 1,021 units, an increase of 146 units.[1]

Source: Transform, GreenTRIP Parking Database lists 68 projects with 11 variables for each one. http://www.transformca.org/greentrip/parking-database. The database can be downloaded. See also http://www.transformca.org/landing-page/greentrip and http://database.greentrip.org/

There are reasons why unbundling is so extremely important. **Economically**, bundling distorts markets, denies consumers choices they would like to make, such as to save money or live an environmental lifestyle. It increases housing costs, and lowers economic productivity and total product. The cost of housing is increased by 15 to 20 percent, and land is lost to productive purposes that can compete in the marketplace. Unbundling lowers the cost of a car, inducing people to drive out of town and shop less downtown. Productivity of urban land and economic product is reduced. Government interference in the market place is hugely expensive.

Socially, bundling forces many low income families to spend money they can ill afford on parking they don't want or need. Less affordable housing is built because it is forced to pay for parking also. Bundling hinders efficient use of urban space, pushes traffic into walkable areas, degrades the environment for non-auto modes, discourages walking, and undermining social development of land. People walk less and streets have more traffic, resulting in health and safety problems. About $200 million has been wasted on unused parking in affordable housing projects in the Bay area (see text box). For a more detailed discussion, see Transform and California Housing Partnership Corporation, *Why Creating And Preserving Affordable Homes Near Transit Is A Highly Effective Climate Protection Strategy,* May 2014, http://www.transformca.org/transform-report/why-creating-and-preserving-affordable-homes-near-transit-highly-effective-climate.

24

Environmentally, bundling is undesirable because it is one of the most important causes of global warming, continually forcing subsidies for auto dependency into urban development. It increases air and water pollution.

How to unbundle

Unbundling is feasible for market rate and affordable housing. Claims that unbundling is not possible for affordable or market rate housing are incorrect. For HAPA research on this issue, go to our Dropbox folder at

https://www.dropbox.com/sh/flvxe66cm9alcpb/AACs0rFT9DEkjeojkFbh6_Bia?dl=0. The first seven items at this site summarize the research.

Many **affordable housing** projects are unbundled. It requires having no parking, like the Mercy Housing project in San Francisco, or separate financing, as in Berkeley and Arlington VA. Tax credit financing does not require parking or bundling; it only requires that an unbundled rent plus the parking rent not exceed the federal rent cap. Housing developers have not tried to develop a proforma that is based on unit rent below the federal cap and do not know how to estimate the reduction in parking demand from unbundling. The California Affordable Housing and Sustainable Communities Program does not require parking. Low parking ratios are similar to unbundling because units lacking parking are not paying for it. Transform reports 16 projects with ratios from.07 to .51 spaces per unit.

24

Market rate housing financed by FHA/JUD section 221(d)(4) does not require parking. A project with unbundling in San Leandro is going forward. The Fannie Mae Multifamily Mortgage Business, the major lender in this area, does not require parking. Their DUS underwriting does not require parking. The Maple Main developers seem to be under the misapprehension that Fannie Mae underwriting requires bundling, so I wrote them a letter. Joanne Schehl, Senior Vice President and Deputy General Counsel for the Multifamily Mortgage Business answered on June 3, 2016, stating, ”Fannie Mae does not impose parking requirements on the multifamily housing properties that we finance through our DUS program.”

A major complaint from housing developers is that **cities create the problem** with excessive parking requirement in walkable areas.

We now turn to policies which IS failed to evaluate the policies and which the project does not conform to them. The next comments cover three more pedestrian policies, adding to the three discussed under GHG, with nuances of difference among them. However, what is said for one often applies to others.

10. Policy LU-2.3 Downtown Pedestrian Environment

*The City shall **strive** to create a **safe, comfortable, and enjoyable pedestrian environment in the Downtown** to encourage walking, sidewalk dining, window shopping, and social interaction.*

The project is downtown. Bundling, gated parking, private shuttle, fast wide arterials, and dead frontage on Maple **undermine** social activity. The retail is now located on a lifeless street, Main St. Once past the hot dog fast food store, there is nothing. The project would only add a few shops next to a parking structure entrance, which is too small to matter; in fact, I don’t see how they can survive.

The project does not lend itself to sidewalk dining but it could encourage walking, window shopping, and social interaction. The IS should propose mitigation based on **minor redesign** to support social interaction. It requires some knowledge and judgment about how urban areas work. There is already activity on Maple Court because of the strip, which can be reinforced by having project retail on Maple, the Medical Office Building entrance, apartment entrances, and a shuttle stop for the bus connecting Lincoln Landing to BART. It is important to realize, and for the IS to discuss, how the project is anti-social and how various General Plan policies combined could foster a hub of social interaction.

25

11. Policy LU-3.6 Residential Design Strategies

*The City shall **encourage** residential developments to incorporate design features that **encourage walking within neighborhoods** by: …*

- *Orienting … apartment …buildings toward streets or public spaces.*

The Maple Main building is not oriented to its street; it has two doors on Main Street for 240 units. Most access is from the parking structure, then up and down stairways and elevators and down long hallways. One can walk in from Maple to part of the project but only by walking around the side into Courtyard 2. The project is not just a parking structure wrapped in units; the whole system of movement is designed around the auto. The design should conform to the General Plan by having more entrances from Main and Maple. The design now favors driving into the structure rather than walking to an entrance. Combined with gated access to residential parking on the upper levels of the parking structure, bundling of parking into unit rent, and a private shuttle, the project is a **suburban style, parking oriented, gated development supporting auto dependency**. 26

12. Policy M-3.10 Pedestrian Needs

*The City shall develop **safe and convenient bikeways and pedestrian crossings that reduce conflicts** between pedestrians, bicyclists, and motor vehicles on streets, multi-use trails, and sidewalks.*

This policy is almost the same as M-5.6, discussed above. The IS has not evaluated how to do this, but it should discuss how the City could improve bikeways and pedestrian crossings in the conditions of approval. 27

Final Nine Policies

13. Policy M-1.2 Multimodal Choices

*The City shall promote development of an integrated, **multi-modal** transportation system that offers desirable choices among modes including pedestrian ways, public transportation, roadways, bikeways, rail, and aviation.*

14. Policy M-1.3 Multimodal Connections

The City shall implement a multimodal system that connects residents to activity centers throughout the city, such as commercial centers and corridors, employment centers, transit stops/stations, the airport, schools, parks, recreation areas, and other attractions.

The project does nothing for multimodal policies. The IS and the Wood Rogers reports **never mention multimodal** anything. The project bicycle component is particularly dysfunctional as discussed under LU-1.5 TOD above. The project has a private shuttle, not public transit. It does nothing to support pedestrian ways. 28

The Maple Main Project PowerPoint indicates what easily could be done, such as move the retail to complement other retail on the BART shuttle route, put the shuttle stop where activities concentrate (the Medical Office Building entrance, residential access, new retail, and existing strip retail), street level dedicated spaces for carshare/rental and taxi/ehail, and make A St. safe—all aspects of Green Mobility. The IS needs to discuss how a series of small policies **reinforcing each other** can achieve multimodal connections.

GOAL M-3

Provide complete streets that balance the diverse needs of users of the public right-of-way.

15. Policy M-3.7 Development Review

*The City shall consider the needs of all transportation users in the **review of development proposals** to ensure on-site and **off-site** transportation facility improvements complement existing and **planned land uses**.*

29

This policy clearly applies to development review and off-site improvements. The IS and the Wood Rodgers reports **never mention complete streets**. The IS needs to discuss whether the city considered requiring this development proposal to include off-site improvements that would ensure complete streets. The project has, in fact, no off-site transportation improvements in support of walking, and does nothing for a BART shuttle, such as supporting ROW improvements as proposed in the PowerPoint. There is no discussion of how Maple Main relates to an even larger planned land use within a stone's throw away, Lincoln Landing. The two projects have the ability to coordinate with each other and provide for complete streets and a shuttle.

16. Policy M-7.11 Shuttle Service

*The City shall evaluate the need for **shuttle service** citywide and support public and private efforts and activities to bridge **gaps in existing transit** service.*

30

This project and Lincoln Landing provide an opportunity to get a BART shuttle, yet the City has not required the project to contribute to a shuttle. The project provides an opportunity to fill the gap from Lincoln Landing to BART, as proposed in detail in the PowerPoint. The proposed BART Shuttle is worth considering for itself and as a step toward some citywide system.

17. Policy M-7.13 Taxi Service

*The City shall promote the continued operation of **taxi services**, including the provision of a dedicated taxi stand at the Downtown Hayward BART Station, on-street loading spaces (where appropriate), incremental improvements in gas mileage, and improved access for passengers with disabilities.*

31

The project lacks a dedicated street-level spaces for shared ride services, which it should have on-site. The Maple Main Project PowerPoint shows how to do it.

GOAL M-8

*Encourage **transportation demand management** strategies and programs to reduce vehicular travel, traffic congestion, and parking demand.*

18. Policy M-8.2: Citywide TDM Plan

*The City shall maintain and implement a citywide **Travel Demand Management Program [TDM]**, which provides a menu of strategies and programs for developers and employers to reduce single-occupant vehicle travel in the city.*

32

The City does not have a TDM Program, but the General Plan has some bare bones concepts. TDM reduces parking demand and the need for parking. The staff report on **Lincoln Landing** has some ideas that should also be applied to Maple Main: "participation in a BART shuttle, provision of commuter transit passes to residents and workers among others. …shared

commercial/residential parking potential, unbundling the residential parking, shared car services."

The IS **does not report** on these important mitigations to impacts otherwise created by the project, which could reduce traffic to the Medical Office Building and retail. Similarly, requiring offices provide for some of the cost of using ehail for client access could substantially reduce the need for office parking and make it easier for clients to access services. 32

19. Policy M-8.7 Public-Private Transportation Partnerships

The City shall encourage public-private transportation partnerships (e.g., car sharing companies) to establish programs and operations within the city to reduce single-occupant vehicle

The General Plan should be applied to this project, by having it provide an on-site street-level facility for shared ride, and make arrangements for use of the spaces with providers. (Shared ride: carshare/rental, taxi, ehail ride share.) The policy also applies to a partnership for a shuttle. 33

20. Policy M-9.3 Parking Off-Sets

The City shall encourage developers and employers to offer programs (e.g., transit passes or other transit enhancements) to reduce parking demand and shall consider reducing parking requirements where programs are in place or planned. 34

The project does not do this. Employees of retail, Medical Office Building, and apartment management should be **cashed out** and barred from parking for free at work. Developers and employers could also support the BART shuttle through eco-pass. These can be made conditions for project approval and recorded against the property.

21. Policy M-9.7 Residential Permit Parking

The City shall maintain and implement the Residential Permit Parking Program to minimize the adverse effects of spillover parking into residential areas.

The project does not do this. Such a program is needed, especially if unbundling causes **spillover** into the Prospect Hill neighborhood. Wood Rogers has a good discussion on traffic calming in Prospect Hill but really nothing on parking management. It describes unbundling (p. 3) but fails to discuss what the unbundling rate would be for residential, retail, and commercial,, how that would reduce vehicle trips, how it relates to other Green Mobility, and how it would cause spillover problems. Wood Rogers seems to know what it is, but not **what it means**. 35

Similarly, they refer to the need for permits as a future possibility, rather than as a necessity to make unbundling work for the neighborhood and as integral to the mutually reinforcing policies of the General Plan. I don't mean to pick on Wood Rodgers in particular; they are part of a culture of conventional thinking reinforced by the failure of their clients, in this case the City, to ask the right questions. The IS needs to discuss how unbundling causes spillover and the need for the project to **mitigate the impact** with a permit program.

The Land Use section states, "Anticipated future development in the City of Hayward would be reviewed for consistency with adopted land use plans and policies by the City." True, but irrelevant. The IS needs to do something different, i.e., consider cumulative land use and planning impacts. 36

As the proposed project would be consistent with the general plan and zoning designations for the project site with the approval of a conditional-use permit, the cumulative impact of the proposed project and future development would be less than significant.

This statement is hard to understand. It does not follow that project consistency means it has less than significant cumulative impacts, and the IS ignores the need to consider cumulative impacts of other projects. 36

The IS assumes that the general plan and zonings have no significant impact, which is hardly the case. In Hayward, the zoning mandates parking and the General Plan mandates parking reductions, so they can't both be presumed to have no significant impact. Even if the General Plan and the zoning were consistent, that does not mean they have no significant impact. The purpose of CEQA is to disclose impacts, not sweep them under the rug. The IS confuses cumulative impacts with General Plan consistency and ignores related current and future projects like Lincoln Landing.

Population and Housing

The Guidelines require evaluation of substantial population growth in an area without **defining "area."** The IS is correct in saying the project would be a very small increase in city population. It would be even smaller for the county and the Bay Area. Since very few people live on the site and surrounding blocks, it would be a very large increase in that area. The appropriate area would seem to be downtown. 37

The IS tries to avoid the need for evaluation by pointing to consistency with the General Plan EIR. That would be a fair point if the project conformed to the General Plan and the population for the site is consistent with that assumed in the EIR. The assumption in the EIR, however, is not reported. The issue is best discussed as a cumulative impact, which is discussed below. 38

The population section states *"Anticipated future development in Hayward would result in an increase in population throughout the City. However, according to the City of Hayward 2040 General Plan EIR, with the implementation of goals, policies, and implementation programs listed in the City's General Plan, impacts related to population and housing* ***within the City*** *due to future growth would be less than significant (City of Hayward 2014c). As discussed above, the increase in population associated with the proposed project would not be substantial. Therefore, the proposed project's cumulative impact with respect to population and housing would be less than significant."*

The IS avoids the clear meaning of the Guidelines by using an **unreasonable area**, the whole city. The frame of reference for the guidelines includes "Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses)…" The impact in the area of this project, downtown Hayward, would clearly be substantial. Combined with Lincoln Landing, it would be even bigger. Consistency with the General Plan for the city does not allow ignoring the area impact, which was not considered in the General Plan EIR, which has no estimate of the increase in population specifically for the two properties, let alone a discussion of specific local impacts. 39

CEQA can be frustrating in this case because it is not clear how to mitigate a substantial increase in population that is not covered in other parts of the guidelines. Population section a) is not as useful as the two other population–related guidelines, sections b) and c), dealing with

displacement of housing and people. Nevertheless, the **guidelines are crystal clear** that substantial population growth in an area has potentially significant impacts and requires an EIR, especially in the context of cumulative impacts with Lincoln Landing. If Lincoln Landing justifies an EIR, then a larger combined projects deserves one. 39

Transportation

The Guidelines ask,

"Would the project conflict with an applicable plan, ordinance, or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?" 40

The IS claims less than significant impact based on existing and near term future traffic as they affect intersection LOS or control delay at 15 intersections. LOS E and control delay under 5 seconds are acceptable.

The detail on traffic distracts from noticing there is **no discussion whatsoever** of all modes, mass transit, and non-motorized travel, and no discussion of the circulation system for pedestrians, bicycles, and mass transit. The project has multiple conflicts with the applicable plan, the General Plan.

The IS does not report trip generation rates from actual comparable land uses, only the **ITE Manual rates**, which are considered inaccurate by researchers for non-residential uses. They have a suburban and pro-parking bias and include too many land use types in single categories, hiding a large variation within broadly defined types. 41

The corrected residential trip generation rates per unit and per bedroom seem reasonable. What is harder to understand is that in the AM Peak only 98 trips are leaving 440 apartments, a rate of .24 trips per bedroom. Put another way, 76 percent of bedrooms have no one leaving. 42

The large number of parking spaces for the Medical Office Building is the major reason that **no tenants can live on their level**; they must all drive up one or even two levels higher than the floor they live on and then walk down by ramp, stairs, or elevator. 43

The Wood Rogers reports exclude the **Medical Office Building**, but its traffic is part of the impacts of the project and needs to be discussed. It Is planned for far more parking than it had before, with more traffic as a result. 44

The cumulative section refers to unavoidable impacts from future development based on the General Plan EIR of 2014. The IS refers to a "project-specific cumulative traffic analysis" where "project-specific" seems to mean looking at the intersections closest to the project rather than the whole city. The IS does not describe what the EIR assumed to be future development near the project. 45

There seems to be an error in the column headings of Table 18, which has "Background Conditions" and "Background Conditions plus Project Conditions." Evidently, the Table 18 headings are typos and should say "Cumulative.." instead of "Background…" I will consider this a typo. 46

As for the project itself, cumulative impacts are reported in terms of intersection LOS or stop sign delay. The report **does not include** any information about Lincoln Landing, which is integral to the cumulative impacts and is new information since the GP EIR was certified. Equally 47

problematic, there is no evidence that the traffic modeling for the Draft EIR considered unbundling and other Green Mobility. There is, in fact, no reference to "unbundling" in the traffic modeling in the draft or final EIRs for the General Plan. 47

The IS does not consider **link LOS** in the CMP network. 48

The IS does not consider **cumulative traffic increases** as such to be a negative impact, independent of impact on intersection LOS. The traffic may not cause LOS F but it does increase traffic. Most people are not traffic engineers and have perceptions and feeling about traffic that deserve some respect and recognition by discussing general traffic levels in lay terms. The cumulative effect of this and other projects is going to increase traffic downtown, where already most people feel there is too much traffic. 49

The IS **does not discuss** transit, bicycles, pedestrians, and streets, only traffic at intersections. The IS is clearly, even painfully, inadequate for cumulative transportation impacts. 50

Cumulative traffic increases are, in reality, **a substantial impact** and conflict with the General Plan policies to decrease auto use and increase alternative modes. The plethora of tables and statistics ignore conflicts with the plans and policies. The IS repeats a mantra of "less than significant" for six LOS F intersections. Reasons: the projects do not increase delay enough to cross the City's threshold of significance.

This is relevant but not enough. The IS should discuss that **traffic is getting worse** and whether those thresholds are meaningful given how many people are being inconvenienced and how much traffic would be reduced in the General Plan were implemented. The lack of a clear honest discussion is a reason why people don't trust government. The increase in traffic and delays all over the area is a significant impact that conflict with applicable General Plan policies and that can and should be mitigated using those policies. An EIR would discuss these significant impacts and mitigations. 51

Also a significant transportation impact is **overflow parking** that probably would result from unbundling. A neighborhood parking permit program, a General Plan policy, would be necessary to deal with overflow into Prospect Hill and how it could be mitigated. HAPA has drafted a report on City Preferential Permit Parking to evaluate if it would work for Prospect Hill. For details, see https://www.dropbox.com/s/q25e79hk9lr3k7m/HAPA%20on%20Parking%20Permits%20for%20Prospect%20Hill.pdf?dl=0. 52

Letter E **Hayward Area Planning Association, Sherman Lewis, President, dated September 21, 2016**

Response E-1

As discussed in the Recirculated IS/MND and in the responses below, the proposed project is consistent with a majority of the 21 general plan policies referenced by the commenter. Please note that the policies found in the City's General Plan serve as guiding principles that are intended to implement a vision for the City's future. These policies are not intended to provide specific standards and limitations on development; that role is reserved for the zoning ordinance and other applicable plans. Each development is unique and must be evaluated on its merits as to whether it meets the overall vision of the site, the surrounding neighborhood context, and the city as a whole. A certain development may meet some but not all General Plan policies, and yet still be found consistent with the overall vision and intent of the General Plan. The ultimate determination of the project's consistency with policies found in the City's General Plan rests with City's legislative body.

The commenter also attached a revised design of the project that he feels more closely adheres to the City's General Plan than the proposed project. The design put forth by the commenter provides for the same number of residential units and retail space, but eliminates the parking structure to reduce the number of parking spaces, moves the retail component to Maple Court, and lowers the height of the proposed project to three to four stories. While the proposed design would reduce the number of parking spaces and presumably the number of vehicle trips generated by the proposed project and related GHG emissions, the design changes suggested by the commenter are not necessary as the proposed project already has less than significant traffic and GHG impacts. In addition, the provision of fewer parking spaces would not adhere to City parking codes, nor is that being proposed by the project applicant, and the location of the retail component whether on Main Street or on Maple Court would result in the same environmental effects. Also while the commenter's design would result in a shorter structure, the height of the structure as proposed is still compliant with the City's zoning code, so no significant impact of the proposed project would be reduced by this change.

Response E-2

The commenter argues that any increase in GHG emissions requires mitigation, and therefore questions the use of the significance thresholds put forth by the BAAQMD. The GHG thresholds were developed by the BAAQMD by preparing an emissions inventory of existing emissions from all sources in the Bay Area, developing a projection of GHG emissions in 2020 based on the projected growth in the Bay Area, and estimating the reduction in the GHG emissions needed in order for the area to comply with AB 32. As these thresholds are specifically designed for the Bay Area, and have been set forth by a regulatory agency with jurisdiction over air quality in the Bay Area, the City has appropriately used these thresholds to evaluate the project's GHG impact and has concluded that the project's impact is less than significant. Further, the California Supreme Court recently cited to the BAAQMD thresholds as valid criteria in evaluating the significance of potential GHG impacts of a project. *Center for Biological Diversity v. California Department of Fish and Wildlife, S217763*.

As noted above, the City has used the guidelines provided by the BAAQMD that do not state that any increase in GHG emissions is significant; the guidelines instead identify the amount of increase on a per project basis or a per capita basis that is acceptable and will not set back the Bay Area's efforts to comply with state law. The per capita increase in emissions associated with the project is less than half the per

capita rate set forth by the BAAQMD as acceptable for the Bay Area. Please note that CEQA requires that mitigation be provided for impacts that are significant. Mitigation is not required for less than significant impacts.

Also, the project is a mixed use residential project in an infill location, with ready access to transit services, and in an area with a substantial need for additional residential units to address a jobs-housing imbalance. Furthermore, the inherent project features (location, including proximity to transit and employment centers) reduce trips and thus travel-related GHG emissions. If the same amount of housing were to be constructed in communities outside the Bay Area, the resulting GHG emissions especially due to commuting, would be substantially greater than those reported for the proposed project.

Response E-3

CEQA requires an assessment of the change in emissions due to a project. The project GHG emissions analysis predicted the changes in the GHG emissions and assumed that the medical office building would have similar emissions in the future. As a result, the only emissions actually modeled were those associated with the new uses, which are the new residences, small office and retail use and the parking facilities for the residential portion of the project. Because the existing medical office building is larger and also less energy efficient, the emissions associated with the existing building would be much higher than the emissions that would result from the smaller building. The building would have lower emissions due to greater energy efficiency that would result with construction in conformance with current State and City building codes. In fact, if the existing emissions from the medical office building as well as the new emissions from the smaller medical office building were calculated, the estimates would show a net reduction in the emissions from this component of the project. If this net reduction were applied, the total emissions from the project would be lower than the number reported in the Initial Study.

Response E-4

The commenter may have been confused by the modeling output. For construction criteria pollutant emissions, there were two model runs performed: (1) the residential, retail and parking portion of the project (both demolition and new construction), and (2) renovation of the medical office building and existing parking facility. The second set of model runs were for the same project but used for predicting localized emissions of mitigated Toxic Air Contaminants (TACs) and $PM_{2.5}$ that were used in the community risk assessment. There were questions about the project sizes in terms of acreage and square footage. The sizes of the buildings were entered into the model in the land use tab as described for the project. Rather than relying on CalEEMod's default calculation that is based on type and size (in terms of square feet) and would be less accurate, the acreage of the site, 3 acres, was assigned to only one of the land use types. CalEEMod uses the site acreage to estimate the use of construction equipment for site preparation and grading if data is not available. However, the project's construction equipment usage assumptions were provided, so acreage is not an important input to the CalEEMod modeling. The CalEEMod default equipment usage assumptions that are based on acreage were overwritten with the equipment usage data provided for the project. However, the correct acreage was input for each construction scenario.

Response E-5

As discussed in in **Section 7, Greenhouse Gas Emissions**, of the Recirculated IS/MND, the City of Hayward considers the City's 2009 Climate Action Plan combined with the Hayward 2040 General Plan

to be the City's Qualified Greenhouse Gas Reduction Strategy. Table 12 of the Recirculated IS/MND summarizes the City's GHG reduction strategies that are applicable to the type of project that is proposed and the proposed project's consistency with these strategies. As discussed in Table 12, the project would implement a number of these policies, and thus is consistent with the City's Greenhouse Reduction Strategy. Please note than the City also conducted an independent analysis of the project's GHG emissions using BAAQMD methodology and found that the project's per capita GHG emissions would not exceed applicable thresholds, and therefore the project's impact would be less than significant.

Response E-6

The commenter states that the emission modeling methodology is incorrect because it relied upon CalEEMod rather than California Air Resources Board's Greenhouse Gas Quantification Methodology for the Strategic Growth Council Affordable Housing and Sustainable Communities Program, referred subsequently as the AHSC program. The CalEEMod model is the correct model to use for quantifying GHG emissions from land use projects analyzed for CEQA. This is the model that is recommended by air districts throughout the state for use in preparing air quality and GHG analysis for CEQA documents. This model is recommended because it provides an estimate of emissions from all project sources, including electricity usage, natural gas usage, area sources (e.g., landscaping, fireplaces), water usage (including wastewater) and solid waste generation. The modeling procedure the commenter is referring to is a procedure used to quantify the reduction in traffic-only GHG emissions from projects receiving State funding. The procedure evaluates only the emissions associated with travel (measured as Vehicle Miles Traveled [VMT]), with CalEEMod). Had this method been applied to the project, it would have provided lower traffic emissions, and therefore lower total emissions than those reported in the Initial Study. CalEEMod would still be necessary to estimate the project emissions associated with electricity usage, natural gas usage, area sources (e.g., landscaping), water usage (including wastewater) and solid waste generation.

Responses E-7

The commenter describes what he believes are the shortcomings of the AHSC model. The analysis presented in **Section 7, Greenhouse Gas Emissions**, of the Recirculated IS/MND, did not use the AHSC program.

Response E-8

The City has been using the BAAQMD guidelines and their recommended methodologies to evaluate project impacts in all CEQA documents that it prepares. The BAAQMD guidelines require that a project's GHG emissions be *estimated, reported,* and *evaluated* in a CEQA document. The GHG analysis in **Section 7, Greenhouse Gas Emissions**, of the Recirculated IS/MND, estimates, reports, and evaluates the project's operation emissions, including transportation-related emissions. The use of a qualitative approach to impact assessment, as suggested by the commenter, would be inconsistent with the City's practice. Please note that the GHG analysis in the Initial Study, which is based on accepted BAAQMD methodology, found that the proposed project would not exceed the BAAQMD's efficiency threshold, and that this analysis did not take into account the provision of "unbundled" parking for the project's multifamily component, which would have lowered the project's transportation-related GHG emissions even further.

Response E-9

The commenter suggests that a highly refined analysis of GHG emissions that takes into account the reductions due to unbundling of parking, shared vehicle services (i.e., Zipcar), or other TDM measures should have been completed. Such an analysis is not required because the proposed project's per capita GHG emissions, even without these reductions, would not exceed the BAAQMD's efficiency threshold.

Response E-10

General Plan Policy NR-2.6 states that 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. The proposed project is a mixed-use residential project with some ground retail located on a previously developed site in Downtown Hayward, i.e., an infill project. The project site is within walking distance to downtown businesses and is within a half mile of the Hayward BART station. In addition, the proposed project includes a number of sustainability features, including roof top solar, parking spaces for shared vehicle services (i.e., Zipcar), electric vehicle charging stations, bicycle storage, unbundled parking for multi-family units, and a private shuttle service to/from the Hayward BART station. The proposed project will also contribute to the City's proposed shuttle service. Finally, the City currently had a jobs-to-housing ratio of 1.36 jobs for every household in 2014 (City of Hayward 2014). Hayward's jobs-to-housing ratio indicates that the City is "job rich," meaning there are more jobs than the number of households. The addition of the project's 240 residential units to the City of Hayward will help improve the City's jobs/housing balance. For these reasons, the proposed project would not conflict with this policy.

Response E-11

The three General Plan policies listed by the commenter apply Citywide and are not the responsibility of individual projects to implement. The City is in the process of developing a new Downtown Specific Plan (DSP), which will address issues raised by the commenter in the Downtown. In addition, the proposed project would improve the sidewalks on all project site frontages.

The intersection of A Street and Mission Boulevard is currently signalized with marked crosswalks, and these crosswalks are adequate to allow project residents to safely across A Street to the core downtown area and across Mission Boulevard toward the Hayward BART Station. For this reason, no project-level mitigation is required at this intersection. Although not project related, pedestrian improvements at this location such as pedestrian bulb outs, will be evaluated in the DSP as part of an overall strategy to improve pedestrian accessibility.

A discussion of unbundling parking is found in **Section 10, Land Use and Planning**, of the Recirculated IS/MND. As discussed under Item 10(a) in Table 13, parking for the multi-family component will be "unbundled" from residential rent/lease fees in an effort to reduce vehicular parking demand. Please note that parking is not a CEQA issue. In addition, the proposed project will provide parking spaces for shared vehicle services (i.e., Zipcar).

Response E-12

Unlike cumulative traffic impacts which occur within a given jurisdiction (city or county) and are evaluated based on a list of past, present and reasonably foreseeable projects, the impact due to a project's GHG emissions is essentially a cumulative impact that occurs on a global level. Due to its nature, it cannot be and is not evaluated based on a list of projects or relative to the total emissions occurring within a City. The analysis of the project's GHG emissions was performed using methodology and thresholds put forth by the BAAQMD. Projects that result in emissions below thresholds set forth by the BAAQMD would comply with the state law, and thus would not make a cumulatively considerable (i.e., significant) contribution to the global GHG impact.

Response E-13

See Responses E-23 through E-53, below, for a discussion of the proposed project's consistency with the 12 policies mentioned by the commenter. Please note that as discussed in Response E-1, above, a certain development may meet some but not all General Plan policies, and yet still be found consistent with the overall vision and intent of the General Plan. The ultimate determination of the project's consistency with policies found in the City's General Plan rests with City's legislative body.

Response E-14

The text on pages 11 and 73 of the IS/MND is a general statement that is referring to a variety of nearby land uses, including schools. Please note that the distances to the nearest schools are correctly noted and acknowledged in **Section 14, Public Services**, of the Recirculated IS/MND. The intersections along Foothill Boulevard that students would traverse on their way to school are currently signalized and marked with crosswalks. The crosswalks are adequate to safely convey students across these intersections. None of the students generated by the proposed project would have to cross Mission Boulevard.

The Hayward BART station is located within a half mile of the project site and the proposed project would provide shuttle service to the station, and thus would increase the use of transit. In addition, the project will implement other TDM measures, such as "unbundled" multifamily parking, parking for shared vehicle services (i.e., Zipcar), electrical charging station, and onsite bicycle storage. The traffic study prepared for the proposed project adjusted the project's trip generation projection to take these features into account. Overall these features would result is a 20 percent discount that translates into a reduction of 382 daily trips (Wood Rodgers 2016a). As a result, the commenter is incorrect in his assertion that the project would increase auto use and decrease transit.

Response E-15

Comment noted. The commenter offers an opinion and does not provide any quantitative evidence that the bicycle storage space will not be utilized.

Response E-16

It is not the responsibility of the proposed project to make improvements to the City-wide bicycle system. However, the proposed project will make improvements to the bicycle system in the immediate vicinity

of the project site by striping "Sharrows" on Main Street between A Street and McKeever Avenue. Also, the City will initiate its update to the City's Bicycle Master Plan by addressing bike routes/system in the Downtown as part of the recently initiated DSP project.

Response E-17

The proposed project is providing a private shuttle to reduce the number of trips generated by the proposed project; it is not intended as public transit. The shuttle will take the quickest route back and forth to the Hayward BART station, and the shuttle schedule will be worked out at a later date. Please note that the financing and cost of the shuttle are not a CEQA issue. Also the proposed project will contribute to the City's proposed shuttle service when it is established.

Response E-18

CEQA requires an evaluation of the project as proposed, which is what the Initial Study provides. The analysis in the Recirculated IS/MND shows that with mitigation, the proposed project would not result in a significant impact. Therefore, incorporation of additional "Green Mobility" features put forth by the commenter is not required. Furthermore, as discussed in Response B-3, above, the proposed project would employ several TDM measures to reduce vehicle trips, including "unbundled" multifamily parking, parking for shared vehicle services (i.e., Zipcar), provision of private shuttle service to/from the Hayward BART station, electric vehicle charging stations, and onsite bicycle storage. In addition, the proposed project will contribute to the City's proposed shuttle service.

Response E-19

As discussed in Response E-23 below, the proposed project's proximity to the Hayward BART station, provision of a private shuttle to the station, and the implementation of other TDM measures, would result in a 20 percent trip discount that translates into a reduction of 382 daily trips (Wood Rodgers 2016a). In addition, the project is located in close proximity to the downtown and thus would encourage walking trips to downtown businesses. For these reasons, the project would reduce auto dependency and promote alternative forms of transportation.

Response E-20

Parking for the market rate units, retail and medical office portions of the proposed project will be provided in accordance with the City's Central Parking District Standards. Parking for the affordable units will be provided at a reduced ratio in accordance with the provisions contained in Assembly Bill 2222. As parking would be provided per existing City and State regulations, it is considered adequate. As discussed in Response E-11, above, parking for the multi-family component will be "unbundled" from residential rent/lease fees in an effort to reduce vehicular parking demand. Only parking for retail and medical office portions of the project would be free of charge for the users. Please note that parking is not a CEQA issue.

Response E-21

As discussed in Response E-20, above, parking would be provided per existing City and State regulations, and thus is considered adequate. Please note that parking is not a CEQA issue.

Response E-22

Parking for the multi-family component of the proposed project would not be subsidized. As discussed above in Response A-1, parking will be "unbundled" from residential rent/lease fees in an effort to reduce vehicular parking demand. In addition, the proposed project would employ several TDM measures to reduce vehicle trips, including parking for shared vehicle services (i.e., Zipcar), provision of shuttle service to/from the Hayward BART station, electric vehicle charging stations, and onsite bicycle storage. The proposed project will also contribute to the City's proposed shuttle service.

Response E-23

The comment that residents would be inconvenienced due to placement of residential parking is noted. It should be noted that the parking spaces for medical office users will be available for residents and guest during evening hours, at a lower rate than the parking spaces designed solely for residential users on the upper garage floors (see next response). The potential inconvenience is not a CEQA issue.

Responses E-24

After the IS/MND was circulated for public review in August 2016, the project's parking management plan was revised to add "unbundled" parking to the multi-family residential component. As discussed in the project's parking management plan, parking will be "unbundled" from residential rent/lease fees in an effort to reduce vehicular parking demand. Residents will have the option to pay for one of two on-site parking permit types:

1. A permit for a dedicated parking spot on the upper levels (Level 4 to Roof) of the project parking garage. Purchasing this type of permit will allow a resident 24/7 access to a dedicated parking space.

2. A permit for a part-time parking spot on the lower levels (Levels 1–3) of the project parking garage. These spots will be available to the resident that purchases them from approximately 5 PM to 8 AM on weekdays and the entire weekend. During Monday-Friday, 8 AM to 5 PM (or actual business hours), these spaces will be made available for the medical office building employees, clients, and patients. This will eliminate free on-site parking on weekday nights to help ensure success of the unbundling system as well as maximize the use of proposed parking stalls. Retail parking spaces may or may not be made available to tenants to rent on weekday nights and weekends depending on the retail's hours of operation.

As a result, the commenter's concerns about "unbundled" parking have been addressed. Also, there are eight spaces shown reserved for residential tenants on levels 2 and 3 of the garage.

Response E-25

General Plan Policy LU-2.3 states that the City shall strive to create a safe, comfortable, and enjoyable pedestrian environment in the Downtown to encourage walking, sidewalk dining, window shopping, and social interaction. This policy applies to the entire downtown area and is not the responsibility of individual projects to implement. The City is in the process of developing the new DSP, which will address issues raised by the commenter in the Downtown. The project will increase the population within

Downtown Hayward, thus providing potential patrons to downtown businesses and restaurants. For this reason, the proposed project will help the City meets the intent of this policy for the downtown area.

The commenter states that as mitigation, the project should be redesigned to provide retail on Maple Street. As the proposed project would not have a significant impact with regard to land use, no mitigation, including the suggested redesign, is required. Please also see Response E-1.

Response E-26

General Plan Policy LU-3.6 states that the City shall encourage residential developments to incorporate design features that encourage walking within neighborhoods by… orienting homes, townhomes, and apartment and condominium buildings toward streets or public spaces. Please note that this policy encourages and does not require development projects to incorporate design features that encourage walking within neighborhoods. While the proposed project only has two main pedestrian entries, one on Main Street and the other on Maple Court, all four retail spaces in the proposed structure also have entry ways along Main Street. As a result, the proposed project has taken reasonable steps to orient the proposed development towards the streets and will help the City meet the intent of this policy. Also, for the 10 ground level units along Main Street and Maple Court, nine of which have patios, secured gates could be installed along the patios to allow direct access from the patios onto the streets, if desired.

Response E-27

General Plan Policy M-3.10 states that the City shall develop safe and convenient bikeways and pedestrian crossings that reduce conflicts between pedestrians, bicyclists, and motor vehicles on streets, multi-use trails, and sidewalks. It is not the responsibility of the proposed project to make improvements to the City wide bicycle and pedestrian system. As discussed in Response E-11, above, the intersections in the immediate vicinity of the proposed project are signalized with marked crosswalks, and these facilities are adequate to safely convey project residents across major roadways surrounding the project site. In addition, as discussed in Response E-16, above, the proposed project will make improvements to the bicycle system in the immediate vicinity of the project site by striping "Sharrows" on Main Street between A Street and McKeever Avenue. For this reason, the proposed project will help the City meet the intent of this policy. Finally, the DSP project will address these issues.

Response E-28

General Plan Policy M-1.2 states that the City shall promote development of an integrated, multi-modal transportation system that offers desirable choices among modes including pedestrian ways, public transportation, roadways, bikeways, rail, and aviation while General Plan Policy M-1.3 states that the City shall implement a multimodal system that connects residents to activity centers throughout the city, such as commercial centers and corridors, employment centers, transit stops/stations, the airport, schools, parks, recreation areas, and other attractions. As discussed in Response E-15, above, the commenter offers an opinion about the project's bicycle component, and does not provide any quantitative evidence that the bicycle storage space will not be utilized. The commenter also offers no evidence that the project's shuttle to the BART station will not be utilized. Finally, it is not the project's responsibility to improve pedestrian ways off-site. However, the sidewalks and crosswalks in the area are adequate to safely convey pedestrians, including the projects residents, to the downtown core. For this reason, the proposed project will help the City meet the intent of this policy.

The commenter puts forth a number of design changes that he feels would make the project adhere more closely to the City's General Plan. As noted in Response E-18, CEQA requires an evaluation of the project as proposed, which is what the Recirculated Initial Study provides. The analysis in the Recirculated Initial Study shows that with mitigation, the proposed project would not result in a significant impact. Therefore, incorporation of these design changes put forth by the commenter is not required (see Response E-1).

Response E-29

General Plan Policy M-3.7 states that the City shall consider the needs of all transportation users in the review of development proposals to ensure on-site and off-site transportation facility improvements complement existing and planned land uses. It is not the project's responsibility to make off-site improvements to ensure complete streets or provide any right-of-way improvements for a future City-sponsored BART shuttle. The proposed project is only responsible for improvements on the project site; as there would be no significant impacts at any off-site locations, the project is not required to make any off-site improvements. Please note that a complete streets project on Main Street from McKeever Avenue to D Street was recently submitted to the Alameda County Transportation Commission for consideration as part of the Measure BB sales tax program.

Response E-30

General Plan Policy M-7.11 states that the City shall evaluate the need for shuttle service citywide and support public and private efforts and activities to bridge gaps in existing transit service. The proposed project will provide a private shuttle to/from the Hayward BART station. In addition, the proposed project will contribute to the City's proposed shuttle service, when available.

Response E-31

General Plan Policy M-7.13 states that the City shall promote the continued operation of taxi services, including the provision of a dedicated taxi stand at the Downtown Hayward BART Station, on-street loading spaces (where appropriate), incremental improvements in gas mileage, and improved access for passengers with disabilities. The proposed project will provide shared vehicle parking spaces within a more secured area in the project's garage on the first level. For this reason, the proposed project meets the intent of this policy.

Response E-32

General Plan Policy M-8.2 states that the City shall maintain and implement a citywide TDM program, which provides a menu of strategies and programs for developers and employers to reduce single-occupant vehicle travel in the city. A description of the project's TDM program is provided in **Section 16, Transportation/Traffic**, of the Revised IS/MND. These strategies include "unbundled" parking for the multi-family component, parking for shared vehicle services (i.e., Zipcar), provision of a private shuttle to/from the Hayward BART station, electric vehicle charging stations, and on-site bicycle storage. The proposed project will also contribute to the City's proposed shuttle service. As noted in Response E-24, above, one option that is proposed would allow residents to share parking with the retail and medical office components. For this reason, the proposed project will meet the intent of this policy.

Response E-33

General Plan Policy M-8.7 states that the City shall encourage public-private transportation partnerships (e.g., car sharing companies) to establish programs and operations within the city to reduce single-occupant vehicle use. The proposed project will provide two shared vehicle spaces (i.e., Zipcar) on the first level of the parking garage. For this reason, the proposed project will meet the intent of this policy.

Response E-34

General Plan Policy M-9.3 states that the City shall encourage developers and employers to offer programs (e.g., transit passes or other transit enhancements) to reduce parking demand and shall consider reducing parking requirements where programs are in place or planned. The proposed project is providing a private shuttle service to/from the Hayward BART station and thus would provide a transit enhancement. Please note the proposed project will also contribute to the City's proposed shuttle service. While transit passes for employees and residents are not a part of the project's TDM program at this time, the City planning staff will recommend as a condition of approval to require the project applicant to offer free or reduced price transit passes to tenants.

Responses E-35

General Plan Policy M-9.7 states that the City shall maintain and implement the Residential Permit Parking Program to minimize the adverse effects of spillover parking into residential areas. As discussed in Response E-20, above, parking for the proposed project will be provided in accordance with State and local standards, and thus is considered adequate to meet the project's parking demand. The City planning staff will recommend as a condition of approval the implementation of a residential permit program in the vicinity of the proposed project should spillover parking into the adjacent neighborhood occur.

Response E-36

Both the proposed project and the nearby Lincoln Landing project are consistent with City's land use designations for each site. Therefore, from a land use standpoint, they would not combine to result in cumulative land use impacts in the area that were not envisioned under the City's 2040 General Plan.

As discussed in Response B-3, above, the proposed project would employ several TDM measures to reduce vehicle trips, including "unbundled" multifamily parking, parking for shared vehicle services (i.e., Zipcar), provision of private shuttle service to/from the Hayward BART station, electric vehicle charging stations, and onsite bicycle storage. In addition, the proposed project will contribute to the City's proposed shuttle service. Not only will these TDM measures reduce vehicle trips generated by the proposed project, but they will also reduce parking demand, and thus the proposed project would meet the intent of the 2040 General Plan to reduce parking demand.

Response E-37

While it is true that the proposed project would result in a large increase in population in the immediate vicinity of the project site, the increase would result in impacts that are either less than significant or if significant, are capable of being reduced to a less than significant level. Based on consultation with the service providers, as discussed in **Section 14, Public Services**, of the Recirculated IS/MND, the increase in

population would not negatively affect public services in the area. As discussed in **Section 3, Air Quality**, and **Section 12, Noise**, of the Recirculated IS/MND, the project's air quality and noise impacts in the immediate vicinity of the project site would be reduced to a less than significant level with mitigation. In addition, as discussed in **Section 16, Transportation/Traffic**, of the Recirculated IS/MND, traffic generated by the proposed project would not result in any significant impacts at nearby intersections. Therefore, although the increase in population at the project site would be large, it would result in less than significant impacts. In addition, as noted in the Recirculated IS/MND, the proposed project would not displace a substantial number of people. Therefore, the Recirculated IS/MND appropriately concludes that the project's impact on population would be less than significant.

Response E-38

As discussed in **Section 10, Land Use and Planning**, of the Recirculated IS/MND, the proposed project is consistent with the residential density and retail intensity envisioned by the General Plan for the project site. As a result, the conclusion stated in the Recirculated IS/MND that the project's increase in population would not be substantial is correct in that it was planned for and considered in the City's land use plans.

Response E-39

As discussed in Response E-36, above, both the proposed project and the nearby Lincoln Landing project are consistent with City's land use designations for each site. As a result, the population of both projects was considered in the analysis contained the City's 2040 General Plan EIR, which stated that, with the implementation of goals, policies, and implementation programs, impacts related to population and housing within the City due to future growth would be less than significant. Please also see Response E-37 above which shows that even if a smaller study area such as the project's immediate vicinity is used to discuss the project's population impact, while the increase would be large, it would not result in any environmental impacts are significant. Finally, as demonstrated by the analysis contained in the Recirculated IS/MND, with the incorporation of the proposed mitigation measures, the proposed project would not result in significant impacts on the environment. Therefore, preparation of an Environmental Impact Report (EIR) is not required.

Response E-40

The proposed project's trip generation volumes include conservative trip reduction discounts for transit, bicycle, and pedestrian modes. The Traffic Impact Study (TIS) outlines various TDM strategies in-line with *Hayward 2040 General Plan Mobility Element* Goals in Section 6-B. Sections 12-E and 12-F of the TIS offer discussion of bicycle, pedestrian, and transit accessibility and circulation under proposed project conditions.

Response E-41

ITE Trip Generation Manual generation rates are an industry standard method of determining project trip generations. Trip generation rates for the ITE land use "Apartment" were applied to the 240 apartment units, trip generation rates for the ITE land use "Single Tenant Office Building" were applied to the 1,580 square feet of office space, and trip generation rates for the ITE land use "Shopping Center" were applied to the 7,000 square feet of retail. The ITE trip generation rates and land uses used in the TIS were reviewed and approved by City of Hayward staff.

Response E-42

Utilization of ITE Trip Generation Manual is an industry standard and practice, which estimates approximately 0.51 AM peak hour and 0.62 PM peak hour trips per dwelling units; or approximately 0.30 AM trips per bedroom (with 0.24 AM outbound, 0.06 inbound trips per bedroom) for apartments. Currently, ITE (and other trip generation manuals like SanDag Trip Generations) do not have apartment trip generations based on number of bedrooms. Trip generations based on number of dwelling units is a reasonable estimate of project generated trips and includes all types of apartments, varying in number of bedrooms. These rates are reasonable because it assumes approximately 40 percent of the persons living in the units would be leaving the project site during the AM peak hour and the remaining 60 percent would be leaving before and/or after AM peak hour. The Project Trip Generations were reviewed and approved by City staff.

Response E-43

Commercial and Medical Office Building parking requirements were determined per Central Parking District Requirements in the City of Hayward Municipal Code as described in Section 6-D of the TIS. As the proposed project is planned to be developed on the existing Medical Office Building parking area, the required number of Medical Office Building parking spaces are planned to be primarily provided in the project parking garage. As stated in the project's parking management plan, project residents will be given an option to purchase a permit for use of Medical Office Building parking spaces during non-business hours on weekday evenings and weekends.

Response E-44

The Medical Office Building currently exists and as such, the traffic it generates was already included in existing base traffic counts used in the TIS. Parking requirements for the Medical Office Building were determined per Central Parking District Requirements in the City of Hayward Municipal Code.

Response E-45

The study area and study facility selection was based on coordination with the City and number of trips the proposed project would add to facilities in proximity to the project site, as described in Section 3-C of the TIS. As stated in Sections 8 and 10 of the TIS, future year "Background" and "Cumulative Base" conditions volumes are derived from the City's General Plan Update travel demand model, which includes future developments near the project site. Use of the City's General Plan Update travel demand model to estimate future year traffic volumes is based on discussion with City staff and consistent with recent traffic studies prepared for the City for developments within the project vicinity.

Response E-46

This typo has been corrected.

Response E-47

The most recent draft of the TIS, dated October 2016, assumes full build-out of the Lincoln Landing Development under "Background" and "Cumulative" conditions. As shown in Section 6-A of the TIS, a 2

percent BART/Rideshare/Bicycle trip reduction discount was applied to the proposed project's overall trip generation as part of various TDM methods to be implemented by the project. The October 2016 TIS also includes a discussion of separating the cost of parking from residential rent/lease fees ("unbundling").

Response E-48

The TIS considers intersection level of service (LOS) as a means of determining project-related impacts on the surrounding transportation network per *Hayward 2040 General Plan Mobility Element* Goal M-4.3 and City standard. Link LOS on three regional roadways (Mission Boulevard, A Street, and Foothill Boulevard) were already addressed as they contain TIS study intersections. The proposed project is anticipated to have minimal impacts on other regional roadways in the area. The proposed project's incremental daily traffic increases on I-880, I-580, I-238, SR 92 (Jackson Street) are illustrated in the table below. All of these additions are considered insignificant increases in daily traffic.

Roadway Name	Existing Daily Traffic (Vehicles per Day)[1]	Project Added Traffic (Vehicles per Day)	Percent Increase
I-880	277,000	16	0.01%
I-580	201,000	64	0.03%
I-238	145,000	221	0.15%
SR 92 (Jackson Street)	120,000	368	0.31%

Source: Wood Rodgers, 2016a

1 Caltrans 2014 Traffic Volumes and Prior Studies

Response E-49

Traffic generated by the proposed project would not exceed thresholds of significance, as outlined in the *Hayward 2040 General Plan Mobility Element* and per discussion with City staff (found in Section 4-A of the TIS report), under any future year conditions, including cumulative conditions. As a result, the proposed project does not result in a "significant" impact at any study intersection. It is acknowledged that the project would obviously generate more traffic than what exists currently.

Response E-50

Existing and planned bicycle, pedestrian, and transit facilities are described in Sections 12-E and 12-F of the TIS. Section 12-F of the most recent TIS, dated October 2016, includes the statement: "Existing Project area transit facilities are currently operating below capacity and are projected to be able to accommodate additional transit demand generated by the Project." Section 6-B of the TIS describes various transit- and bicycle-related TDM strategies planned to be implemented by the proposed project.

Response E-51

Traffic generated by the proposed project would not exceed thresholds of significance, as outlined in the *Hayward 2040 General Plan Mobility Element* and per discussion with City staff (found in Section 4-A of the

TIS report), under any future year conditions. As a result, the project does not result in a "significant" impact at any study intersection.

Response E-52

The proposed project site plan is projected to provide adequate parking for residential, guest, office, retail, and commercial parking demands within project site. Analysis of existing on-street parking occupancy, project parking requirements and demand, and potential parking management strategies can be found in the project's parking management plan. As discussed in the project's parking management plan, all project-generated parking demand will be accommodated by the proposed on-site parking supply (Wood Rodgers 2016b). As a result, parking management by the City, such as the issuance of long-term street-parking permits to nearby residents, is not required at this time, but it may be if spillover parking occurs in the future. Please note that parking is not a CEQA issue.

Letter F

A City can be friendly to people or it can be friendly to cars, but it can't be both.

-Enrique Peñalosa

Comments on the Recirculated Initial Study

For the Maple Main Apartments

By Sherman Lewis, President
Hayward Area Planning Association
sherman@csuhayward.us

November 28, 2016

Summary. HAPA supports the development of in-fill smart growth housing in the downtown. We would like to support this project. Our alternative proposal accomplishes all the uses and floor space of the proposal with far more sustainability. The Recirculated Initial Study has some promising elements of Transportation Demand Management, but is too vague and leaves out too much that is important and easy to do. This new study fails to consider the potential for mitigating otherwise unacceptable traffic impacts from Maple Main and Lincoln Landing using General Plan green mobility policies (GP GM) and TDM. Maple Main and Lincoln Landing have unacceptable impacts that can be mitigated and the cumulative impacts require that Maple Main have an EIR. As a result, the Recirculated Initial Study fails to provide the information on mitigating impacts required by CEQA. Hayward needs a higher quality of life, not more unnecessary traffic.

The issues are what should be done with this site, the inadequacy of the TDM requirements, and whether this Initial Study is adequate or a EIR is required. We also incorporate by reference our previous comments on the first Initial Study, which are still germane since most of the content of the two studies has not changed.

What should be done

What should be done with this site is irrelevant for CEQA, but is the starting point for HAPA's evaluation. The project is horrible urbanism that would not be tolerated in Europe or more progressive American cities. It is fundamentally unsustainable, built around continued auto dependency. Maple Main is a huge parking structure wrapped in units. Access to the Medical Office Building (MOB) will be difficult, with most access requiring going down one or two levels of parking structure and in the back door. The MOB is on Maple Court and the access is from Main St. The developer provides no information about why so many spaces are needed or on how private auto access could be reduced. 1

There is so much parking for the MOB on the first three levels that all renters living on the first floor have to go up to the third floor or higher to park their cars on and then come back down to their units. Many of the units on the east side are already some distance from the parking. Parking for all the units above the first floor is also pushed up, so that no residents can live on the same level as they park. Evidently, the developer choose not to have parking under a platform for the main structure with enough parking for the MOB. 2

The retail is oriented towards a dead Main St., preempting the potential for a social hub on Maple Court based on the shuttle, retail, unit entrances, the MOB entrance, and the Foothill strip. 3

There may be some unbundling, but so little is known about it that it cannot be studied to see if the amount of parking could be reduced. By the same token, there is no study of the viability of 4

a less car-dependent life style based on the Hayward General Plan and on known mobility behavior and market choices.

Based on the General Plan and social research on walk distances to BART and frequent trip purposes and times, we did an alternative site plan. This plan had the same amount of retail and housing with a lower parking ratio, three to four story construction around three courtyards, an attractive landscaped walk path from Main to Maple, and surface parking on the north side. We did a pro forma based on the FHA/HUD Section 221d4 Multifamily Construction Loan Program. We showed a return on investor equity of 23% after three years for phase 1 for 80 unit and 40 parking spaces. We note that the Maple Main developer says that the project cannot be phased. We also note that the Lincoln Landing Project is being phased. We think that with site improvement all-in with phase 1 and some modular construction there would be no real conflicts from phasing. 4

Phasing is important for risk reduction. The 80 units are the first third of the project and its absorption rate would be used for rebalancing the second phase if necessary. Rebalancing allows a shift between parking spaces and units within the same building and site envelope. Because the unbundled units are less expensive by 15% to 20% below comparable market rate units, we believe there would be fast absorption. The alternative plan also includes green mobility. Downtown Hayward has destinations for all frequent trips within a short and acceptable travel time by non-private car modes. The plan includes carshare/rental and taxis for special trips. The marketing focuses on four primary markets, with submarkets increasing marketability. 5

HAPA has spreadsheets, a site plan, a pro forma, a PowerPoint, and other documents in support of the alternative. Further development by consultants is needed, particularly including properly framed focus group research. The City has shown no interest in this alternative.

Hayward cannot be a leading City unless it studies leading plans. The current proposal will cause more auto traffic and fewer walkers downtown. It has a mobility system designed around the auto—a suburban style, parking oriented, gated development supporting auto dependency in a walkable area that needs people, not cars. Maple Main is casting a shadow over downtown livability.

The inadequacy of the TDM requirements

The need for an EIR could be avoided if new requirements mitigate impacts enough, in spite of fundamentally bad design. How to do this has been explained in detail by HAPA comments based on GP GM and TDM. HAPA proposed these policies for discussion and adjustment, as being generally in the right direction, with other ideas possible. 6

The sustainability components listed on p. 11 of the revised IS are good, except for three problems. The first problem is anti-bike bicycle storage. The location is so inconvenient that it will not be used. Clearly, bicycle users were not consulted. I asked a real bicycle user about what she would do and she immediately said, “Oh, I would just take it up to my room.” The reason is that the inconvenience of carrying the bike to the room is far less than the advantages of a convenient and secure location. 7

The second problem is the small number of carshare spaces—only two. For a project of this size, 30 to 40 need to be reserved, that is, if the demand justifies, carshare has a preemptive right to more spaces. The small number of spaces reflects the same problem as bicycles, i.e., people who use private cars trying to plan for sustainability. A sustainable lifestyle depends on the whole puzzle, not one with missing pieces. 8

The third problem is that the shuttle service is too vague to be meaningful. Hayward has terrible bus service, infrequent slow buses on circuitous routes that get little or no ridership. Any headway over ten minutes loses riders. Big buses are inherently too slow. The City has no details for its proposed service, and the best routes for fast service conflict with the Loop. To get riders, all the features of rapid shuttle have to be implemented to have a travel time faster than a car, which requires right lane preference and signal preemption. At a minimum, Lincoln Landing and Maple Main have to be seen as one project with one shuttle service, supported by green mobility, or else the ridership won't be worth it. 9

The missing puzzle pieces, in addition to the above, are safe and attractive walking routes, e.g., across A St. and Mission Blvd., reserved spaces and arrangements for taxi services, especially Uber and Lyft, smart meter market pricing on city streets by the development, unbundling, and neighborhood parking management. 10

p. 77: "According to the project's parking management plan, parking will be 'unbundled' from residential rent/lease fees…" This commitment is, unfortunately, meaningless without an explicit commitment to split a bundled market rate rent between the unit and the parking based on costs, with the parking rent probably equal to between 15 and 20 percent of the bundled rent. Without a very firm commitment to provide a meaningful lower rent for the unit, unbundling is counter-productive, creating an illusion of the real thing. The proposal lacks details and continues its commitment to more parking than would absorb at an economic price. 11

Is the Recirculated Initial Study adequate?

The inadequacy of the initial studies on mobility issues is evident from comparing them to these comments and those previously submitted.

The impacts (p. 100) under 16. TRANSPORTATION/TRAFFIC a) and b) are potentially significant.

The Initial Study (p. 4) says, "The revised cumulative impact analysis that includes the Lincoln Landing project shows that there would be no new significant impacts that were previously not disclosed nor would new or revised mitigation measures be required." 12

The recirculation was supposed to consider cumulative impacts explicitly related to Lincoln Landing, and some new comments do so. The new study still ignores that Lincoln Landing proposes that traffic impacts cannot be mitigated, and also fails to study General Plan green mobility policies which could mitigate the problem. Maple Main is part of the reason, cumulative with Lincoln Landing, for the traffic impacts, and TDM applied to MAPLE MAIN would reduce those impacts. The purpose of CEQA is to reveal impacts and mitigations, and this new study fails to do so.

http://www.hayward-ca.gov/content/projects-under-environmental-review-0

Letter F **Hayward Area Planning Association, Sherman Lewis, President, dated November 28, 2016**

Response F-1

Comment noted. The commenter's critique of the project design will be considered when the City reviews the proposed project. As discussed in Response E-20, parking for the medical office portion of the proposed project will be provided in accordance with the City's Central Parking District Standards.

Response F-2

The commenter implies that residents not being able to park on the same level as they live would be an inconvenience. Comment noted. The ability of residents to parking on the same level in which they live is not a CEQA issue.

Response F-3

Comment noted. The commenter's critique of the project design will be considered when the City reviews the proposed project.

Response F-4

As discussed in Response E-20, parking would be provided per existing City and State regulations. It is true that with unbundled parking for the multifamily component, the total amount of parking that is provided on the project site could potentially be reduced. However, the exact amount of the parking reduction was not studied as the project was required to park to code. Please note that parking is not a CEQA issue. Also please note that an analysis of the viability of a less car-dependent life style is not required by CEQA. As discussed in **Section 16, Transportation/Traffic**, of the Recirculated IS/MND, traffic generated by the proposed project would not exceed the City's thresholds for signalized and unsignalized intersections under existing, background, and cumulative conditions.

Response F-5

The commenter puts forth a revised design that provides for the same number of residential units and retail space, but eliminates the parking structure to reduce the number of parking spaces, moves the retail component to Maple Court, and lowers the height of the proposed project to three to four stories. The commenter also discusses financial considerations of the proposed alternative design. As discussed in Response E-1, while the proposed design would reduce the number of parking spaces and presumably the number of vehicle trips generated by the proposed project and related GHG emissions, the design changes suggested by the commenter are not necessary as the proposed project already has less than significant traffic and GHG impacts. In addition, the provision of fewer parking spaces would not adhere to City parking codes, nor is that being proposed by the proponent. The location of the retail component whether on Main Street or on Maple Court would result in the same environmental effects. Also while the commenter's design would result in a shorter structure, the height of the structure as proposed is still compliant with the City's zoning code, so no significant impact of the proposed project would be reduced by this change.

Response F-6

As demonstrated by the analysis contained in the Recirculated IS/MND, with the incorporation of the proposed mitigation measures, the proposed project would not result in significant impacts on the environment. Therefore, preparation of an Environmental Impact Report (EIR) is not required.

Response F-7

Comment noted. The commenter offers an opinion and does not provide any quantitative evidence that the bicycle storage space will not be utilized.

Response F-8

An increase in the number of carshare spaces provided as part of the proposed project would potentially reduce vehicle trips, and therefore further reduce the less than significant impacts of the proposed project. As discussed in **Section 16, Transportation/Traffic**, of the Recirculated IS/MND, under Items (a-b), the traffic analysis, which did not take carshare spaces into account, found that traffic generated by the proposed project would not exceed the City's thresholds for signalized and unsignalized intersections under existing, background, and cumulative conditions.

Response F-9

The City's Pilot Shuttle Program connecting the Maple and Main and Lincoln Landing developments to the Hayward BART station is planned to be operational late summer 2017 if funding is secured. The proposed project will make a fair-share annual contribution toward the City's shuttle program. If the City's shuttle program does not come to fruition or ceases operation, the proposed project would provide private shuttle service to/from the Hayward BART station.

Response F-10

Walkways in the vicinity of the project site are adequate and safe. Please note that pedestrian improvements in the vicinity of the project site will be evaluated in the DSP as part of an overall strategy to improve pedestrian accessibility. In addition, parking for the multi-family component will be "unbundled" from residential rent/lease fees. See Response E-11, above, for a discussion of walkways and unbundling. As discussed in Response B-3, above, all project-generated parking demand will be accommodated by the proposed on-site parking supply and thus neighborhood parking management is not required at this time, but may be if spillover parking occurs.

Response F-11

The details of how parking will be "unbundled" for the multifamily residential component of the project will be worked out at a later date. Please note that the lack of detail for the "unbundling" of parking from residential rent/lease fees does not change not the conclusion of the traffic analysis found in **Section 16, Transportation/Traffic**, of the Recirculated IS/MND, which found that traffic generated by the proposed project would not exceed the City's thresholds for signalized and unsignalized intersections under existing, background, and cumulative conditions.

Response F-12

The Recirculated IS/MND presents the cumulative impacts on traffic that take into account the proposed Lincoln Landing project. Please see Response B-6 for an explanation as to why Lincoln Landing project would result in significant project-level and cumulative traffic impacts and why the Main and Main project would not result in significant project-level and cumulative traffic impacts.

Letter G

Julie Machado
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September 21, 2016

Hayward Planning Commission
c/o David Rizk, Director of Development Services
510.583.4004 , David.Rizk@hayward-ca.gov
777 B Street
Hayward, CA 94541

Dear Planning Commission and City Staff,

This letter is to let you know that I have serious concerns about the proposed "Maple & Main" development for the following reasons.

My biggest objection to this project is PARKING. You know that the current city standards of requiring less than one parking space per unit is inadequate. Haven't you already heard of the complaints from people who live in the Cannery area projects about this? 1

There is insufficient parking provided for this project – let's be real: every unit will have at least 2 cars. Actually, every adult living here will have a car. No one in my nearby neighborhood walks to BART – ***even if they did, they would still own a car***.

Sherman Lewis, who is lobbying for unbundling the parking for the complex, has unreasonable expectations for Hayward. For one thing, most people in Hayward don't know what unbundling is. When it is explained, they uniformly state that Hayward is not ready for this, that we don't have the infrastructure, that BART is already overcrowded, that buses are terrible, and that even if people will ride BART and buses and bikes they will still have their cars to go to the grocery store or longer trips.

Unbundling might work in San Francisco or parts of Oakland, but Hayward is not ready for it. Don't be fooled by Sherman's pie-in-the-sky arguments: he himself lives in the hills and drives a car. Studies do not capture the totality and reality of what people live through. 2

Developers would love to reduce parking because that means they make more money. If you allow this, you will be sacrificing multiple existing commercial interests for this developer's pocketbook and Sherman's wishes about how everyone else should live.

Sherman argues that bundled parking makes low income people pay for parking they don't need, but it is exactly the low income people who are harmed by being required to buy parking permits for the cars they will have anyway, having to constantly move their

cars to accommodate street parking rules, and being forced to either pay a lot for BART (a relatively expensive form of transportation) or waste a lot of time using buses.

2

Sherman thinks a “parking management plan” will fix any parking problems created by unbundling. But such a plan based on permits will not work for COMMERCIAL properties in the Main Street area. There are doctors, dentists and counseling offices on our block of Main Street that depends on customers being able to park on the street. Customers cannot be expected to buy permits designed for residential areas.

3

And if parking management is based on “2 hour” or “4 hour” parking restrictions, we all know that this won’t work either, as there has been virtually no parking enforcement in Hayward for years.

The Main Street area is a unique combination of commercial and residential, which makes the kinds of parking management plans that Sherman cites not-applicable.

I have talked with neighbors and friends and heard nothing but complaints about parking in Hayward and incredulity that the city is even considering reducing parking.

Sample comments include this one: "The new complex should have parking space for each bedroom plus one extra for each unit. There are condos near the cannery water tower which have 6 people with 6 cars living in a 3 bedroom unit - so 4 cars must find parking every night - must search for parking in the neighborhood."

This one:"Years ago when I was an undergrad in Santa Cruz I worked retail in the downtown area. The city really wanted all workers and residents in the area to buy permits at around $100 a month. There was 2 hr parking, metered parking, and paid lots. It was really a burden for those of us working minimum wage jobs part time. If I was lucky and working early in the day I'd snag a space in a cheaper paid lot. When those were full I'd run around moving my car every few hours or get a coworker to move my car on their break (something we'd do for one another)."

4

This one:"I lived in two seven story buildings in downtown Oakland for several years each - one bundled, one not. I do not think it is in the best interest of local residents or businesses to have unbundled. Many new tenants try to see if they can get away with street parking and the local community businesses suffer the consequence. It also discourages outsiders from visiting those new and existing businesses if they can not conveniently find parking. Hayward residents are not used to the parking crunch of larger metros and I think that would play negatively on consumer traffic to the area. I'd love to see consumers from outside the immediate community flock to these businesses."

And this one: “The parking in Berkeley is deplorable in many ways...I wouldn't use it as a role model!”

Please consider INCREASING the parking on this project.

Concern number TWO: the previous developer for the part of this project area on Maple Court promised to move a historic house located at 22491 Maple Court, as part of the requirements for his project. Now he has sold out to a bigger developer, and that developer should be made to follow the requirements about taking care of that house. These requirements were instituted by the city after hearing concern from the community about this house. Please do not allow this house to be razed. Hayward is way behind even the county in protecting and respecting its historic fabric, and if you continue to allow historic buildings to be torn down, we will soon not have any standing history remaining. 5

Other concerns that I have about this project:

- **Hayward has a larger percentage of rental units than any other Bay Area city. Our schools are bad in part due to transiency of renters.** According to a recent article in the Castro Valley Forum, **property values go down 13.8% when there is a high percentage of rentals in the area**. **We don't need more rentals!** 6
- The development plan is not consistent with City's General Plan, which provides for this site to be commercial on the ground floor. 7
- **We need jobs not housing** – and not short-term construction jobs, but jobs that allow ongoing stability, like commercial or office jobs. It would be in the best interest of citizens and Hayward to be patient and wait for a commercial project. 8
- The City has an obligation to see that developers follow the City Plans and that development will not cost the City. Housing costs the City in infrastructure and does not bring in income such as sales taxes, hotel taxes, etc. 9
- Planning Commissioners and City Council Members should stand firm to protect our plans and visions, rather than "sell out" to developers who are making campaign contributions in order to pursue inappropriate projects. 10
- Recent housing developments such as City Walk have not proved successful in either bringing people to shop downtown or in having quality housing – City Council people themselves have informed me of lots of problems regarding Section 8 rentals in these developments. We do not need more of these in downtown! 11

If you approve this project, let's be clear that you will not be making a decision based on what would be best for Hayward long-term, based on planning, zoning, or quality of life.

I will not be voting for any council member who votes to approve this project.

Sincerely,

Julie Machado

Letter G Julie Machado, dated September 21, 2016

Response G-1

As discussed in Response E-20, above, parking will be provided in accordance with State and local standards, and is considered adequate to meet project demand. Please note that parking is not a CEQA issue.

Response G-2

Comment noted. This information will be considered when the City's decision makers review the proposed project.

Response G-3

As discussed in Response B-3, above, all project-generated parking demand will be accommodated by the proposed on-site parking supply. As a result, parking management by the City, such as the issuance of long-term street-parking permits to nearby residents, is not required at this time, though it will be required to be implemented, funded by the project proponent, should spillover parking occur in the future. Please note that parking is not a CEQA issue.

Response G-4

Comment noted. See Response G-3 above. As discussed in Response B-3, all project-generated parking demand will be accommodated by the proposed on-site parking supply. Please note that parking is not a CEQA issue.

Response G-5

As discussed in Response C-11, above, the single-family detached home located at 22491 Maple Court does not appear eligible for the CRHR or a local register. For this reason, the project is not considered a historical resource under CEQA, and the demolition of the home at 22491 Maple Court would have a less than significant impact on historical resources.

Response G-6

Comment noted. This information will be considered when the City's decision makers review the proposed project.

Response G-7

The project site is located within the CC-C (City Central Commercial) zone. According to Section 10-1.1520 of the Hayward Municipal Code, residential development is permitted on the ground floor within the CC-C zone with a Conditional Use Permit (CUP).

Response G-8

According to the Association of Bay Area Governments, the City currently had a jobs-to-housing ratio of 1.36 jobs for every household in 2014 (City of Hayward 2014). Hayward's jobs-to-housing ratio indicates that the City is "job rich," meaning there are more jobs than the number of households. The addition of the project's 240 residential units to the City of Hayward will help improve the City's jobs/housing balance.

Response G-9

As discussed in **Section 10, Land Use and Planning**, of the Recirculated IS/MND, the proposed project would not conflict with applicable intensity and density standards for the project site. In addition, according to Section 10-1.1520 of the Hayward Municipal Code, residential development is permitted on the ground floor with a Conditional Use Permit (CUP). For these reasons, the project would not conflict with applicable land use plans for the project site. In addition, the land value of the project site would be re-assessed after construction of the proposed structure, and the proposed project would pay a higher property tax on the improved property. This tax would go into the City's General Fund and be allocated to provide City services and/or to meet City infrastructure needs.

Response G-10

As discussed in Response G-9, above, the proposed project would not conflict with applicable intensity and density standards for the project site, and thus is consistent with the City's plans and vision for the project site as a mixed-use infill development.

Response G-11

Comment noted. This information will be considered when the City's decision makers review the proposed project.

Letter H

Julie Machado
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November 28, 2016

Hayward Planning Commission
c/o David Rizk, Director of Development Services
510.583.4004 , David.Rizk@hayward-ca.gov
777 B Street
Hayward, CA 94541

Dear Planning Commission and City Staff,

This is a follow-up letter regarding the Initial Study of the "Maple & Main" development

The Initial Study does not address my concerns about the impact of the lack of adequate parking in the development and how this is going to affect parking in the surrounding neighborhood, **including commercial properties along Main Street between McKeever and Hazel.**

First, the Initial Study does not seem to recognize that **a "parking management plan" based on permits will not work for COMMERCIAL properties on Main Street**, including my office There are doctors, dentists and counseling offices on our block of Main Street that depends on customers being able to park on the street. Customers cannot be expected to buy permits designed for residential areas.

This developer should be made to pay for permits for the Prospect neighborhood for 10 years (2 permits per home) AND "2 or 4 hour" parking signs on Main Street between McKeever and Hazel AND city enforcement costs for 10 years.

1

Please consider INCREASING the parking on this project. Hayward is NOT ready for unbundled parking – everyone I have talked to opposes it (many people, some cited in my previous letter).

Second, the Initial Study does not seem to address previous development requirements that a historic house located at 22491 Maple Court be moved. This requirement was instituted by the city after hearing concern from the community about this house. Please do not allow this house to be razed. Hayward is way behind even the county in protecting and respecting its historic fabric, and if you continue to allow historic buildings to be torn down, we will soon not have any standing history remaining.

2

Third, **Hayward has a larger percentage of rental units than any other Bay Area city. Our schools are bad in part due to transiency of renters.** According to a recent article in the Castro Valley Forum, **property values go down 13.8% when there is a high percentage of rentals in the area**. **We don't need more rentals!**

3

Fourth, the development plan is **not consistent with City's General Plan**, which provides for this site to be commercial on the ground floor. The City has an obligation to see that developers follow the City Plans and that development will not cost the City. Housing costs the City in infrastructure and does not bring in income such as sales taxes, hotel taxes, etc. 4

Recent housing developments such as City Walk have not proved successful in either bringing people to shop downtown or in having quality housing – City Council people themselves have informed me of lots of problems regarding Section 8 rentals in these developments. We do not need more of these in downtown! 5

Fifth, I don't understand how this current study on the Maple & Main project says there are no significant impacts whereas the Lincoln Landing EIR says there are significant impacts (albeit "unavoidable" ones). 6

If you approve this project, let's be clear that you will not be making a decision based on what would be best for Hayward long-term, based on planning, zoning, or quality of life. 7

I still will not be voting for any council member who votes to approve this project.

Sincerely,

Julie Machado

Letter H Julie Machado, dated November 28, 2016

Response H-1

As discussed in Response B-3, above, all project-generated parking demand will be accommodated by the proposed on-site parking supply. As a result, parking management by the City, such as the issuance of long-term street-parking permits to nearby residents, is not required at this time, but may be if spill over parking occurs. Please note that parking is not a CEQA issue.

Response H-2

As discussed in Response C-11, above, the single-family detached home located at 22491 Maple Court does not appear eligible for the CRHR or a local register. For this reason, the project is not considered a historical resource under CEQA, and the demolition of the home at 22491 Maple Court would have a less than significant impact on historical resources.

Response H-3

Comment noted. This information will be considered when the City's decision makers review the proposed project.

Response H-4

The project site is located within the CC-C (City Central Commercial) zone. According Section 10-1.1523 of the Hayward Municipal Code, residential development is permitted on the ground floor within the CC-C zone with a Conditional Use Permit (CUP).

Response H-5

Comment noted. This information will be considered when the City's decision makers review the proposed project.

Response H-6

The Lincoln Landing project, with nearly double the living units of the proposed project and 80,000 square feet of retail space, would result in significant and unavoidable traffic impacts because it would add substantially more traffic to area roadways under existing, background, and cumulative conditions than the proposed project. See Response B-6, above, for more detail.

Response H-7

Comment noted. This information will be considered when the City's decision makers review the proposed project.

Letter I

From: Frank Goulart <fgoulart@pacbell.net>
Sent: Wednesday, September 21, 2016 1:42 PM
To: David Rizk
Subject: Comments on Initial Study for Maple/Main

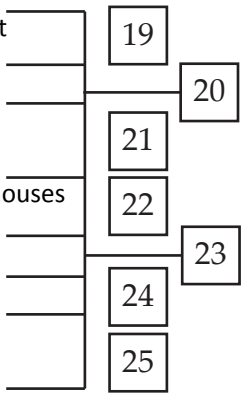
Comments on response to IS for Main/Maple Project

Please consider these comments in considering the IS.

For each of the following comments, please consider the other developments going on at the same time and implications for future decisions, including, but not limited to the Maple/Main Apartment Project as a separate response to each of the following comments.

1. Consider the General Plan designation of the site for commercial/retail/office on the ground floor of the entire site. How does this project comply with the General Plan designation of the site for commercial/retail/office on the ground floor of the entire site? 1
2. What is the impact of this project on the scenic vistas enjoyed by the surrounding neighborhoods? 2
3. How does this project serve as an attractive area for business and a destination for shopping, dining, arts, entertainment and college-town culture as called for in Guiding Principle #5 of the General Plan? 3
4. How does this project serve to encourage walking, sidewalk dining, window shopping and social interaction called for in LU-2.3 of the General Plan? 4
5. How does this project serve to encourage including housing units above ground floor retail and office uses called for in LU-2.5 of the General Plan? 5
6. How does this project protect the pattern and character of existing neighborhoods, especially along Hazel Avenue, as called for in LU-3.7 of the General Plan? 6
7. What complimentary building forms and site features are included in this project to comply with LU-3.7 of the General Plan? 7
8. What transition of the massing, height, and scale of buildings of this project adjacent to adjoining residential properties complies with LU-4.5 of the General Plan? 8
9. How does this project ensure adequate parking is provided as called for in M-9.1 of the General Plan? 9
10. How does this project ensure adequate parking is provided for neighboring commercial uses? 10
11. How will this project impact traffic in the surrounding neighborhoods? 11
12. What would be the impact of a traffic light on Foothill Boulevard (mid-block, to line up with the pedestrian way on the other side of Foothill, which was an entrance to the old Hayward High School)? 12
13. What would be the impact of a pedestrian overpass mid-block on Foothill Boulevard? 13
14. Given the several discoveries of native American remains in the downtown during previous excavating, Andy Galvan's comments that the Ohlone would bury their dead on the western side of seasonal wetlands and lakes, and the fact that what is now the parking lot was probably a lake and seasonal wetlands at times in the past, how will this project serve to protect disturbances of native American remains, and what steps will be taken to ensure that protection? 14
15. How will this project provide public services to the community? 15
16. How will this project deal with the fact that the San Lorenzo Creek has jumped out and flooded what is now the parking lot on at least two occasions since the flood control channel was installed in 1962, according to Alameda County Flood Control? 16
17. The existing building on the site was originally constructed in 1959 as Capwell's. Although its exterior was changed and an additional floor added in the early 1980's, the interior of the building still looks much like it did in its Capwell's days. Being over 50 years old, what is the historic significance of the existing building and what alternatives to demolition are being considered in this EIR? 17
18. How will this project affect air quality during the time of construction and what mitigation measures could be introduced to minimize the adverse effects? 18

19. How will construction of this project affect the ambient noise level in the existing neighborhoods, and what mitigation measures could be introduced to minimize the adverse effects?
20. How will this project impact the need for parks in a neighborhood that has no parks nearby?
21. How will this project impact the need for classroom space in a neighborhood whose schools are at or over capacity?
22. What will this project provide in the way of private security to lessen the negative impact that apartment houses throughout the city have on our police force?
23. What will be the impact of this project on the use of water?
24. How much water would be used by this project annually?
25. What will be the impact of the use of EBMUD water on the city residents who will occupy the project in comparison to use of the higher quality City of Hayward water (which comes from Hetch Hetchy)?



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Letter I Frank Goulart, dated September 21, 2016

Response I-1

Comment noted. The project site is located within the CC-C (City Central Commercial) zone. Please note that according to Section 10-1.1523 of the Hayward Municipal Code, residential development is permitted on the ground floor within the CC-C zone with a Conditional Use Permit (CUP).

Response I-2

A discussion of potential impacts to scenic vistas is provided in **Section 1, Aesthetics**, of the Recirculated IS/MND. As discussed in Item 1(a), the project site is not part of any scenic landscape within the City and is not located with the viewshed of a County scenic highway. The site is flat and is located in an urbanized area surrounded by residential and commercial uses. For these reasons, the proposed project would have no impact on scenic vistas.

Also please note that the proposed project is exempt from analyzing aesthetic impacts according to Senate Bill 743. In September 2013, Governor Brown signed Senate Bill 743, which made several changes to CEQA for projects located in areas served by transit (i.e., transit-oriented development or TOD). One of the changes included a provision to exempt from analysis the aesthetic impacts of the project if the proposed project is a "residential, mixed-use residential, or employment center project on an infill site within a transit priority area." An infill site is defined by SB 743 as "a lot located within an urban area that has been previously developed" while a transit priority area is defined by the statute as "an area within one-half mile of a major transit stop." The project site is completely developed and is surrounded by existing development. In addition, the project consists of a mixed-use residential community that is located within one-half mile from the Hayward BART Station, which is a major transit stop in the City. For these reasons, the proposed project qualifies for this exemption.

Response I-3

Guiding Principle No. 5 in the City's 2040 General Plan states that the City should have a safe, walkable, vibrant, and prosperous Downtown that serves as an attractive area for business and a destination for shopping and dining, arts and entertainment, and college-town culture. The proposed project is located in Downtown Hayward and would place approximately 773 residents within walking distance to businesses and restaurants located in the downtown core area These residents would likely patronize downtown businesses and thus help the area became vibrant and prosperous. For this reason, the project meets the intent of this principle.

Response I-4

See Response E-25 above. General Plan Policy LU-2.3 states that the City shall strive to create a safe, comfortable, and enjoyable pedestrian environment in the Downtown to encourage walking, sidewalk dining, window shopping, and social interaction. This policy applies to the entire downtown area and is not the responsibility of individual projects to implement. The City is in the process of developing the new DSP, which will address issues raised by the commenter in the Downtown. However, the project will increase the population within Downtown Hayward, thus providing potential patrons to downtown businesses and restaurants. For this reason, the proposed project will help the City meets the intent of this policy for the core downtown area.

Response I-5

A discussion of the proposed project's consistency with applicable General Plan land use and parking policies is provided in **Section 9, Land Use and Planning**, of the Recirculated IS/MND. A discussion of how the proposed project relates to General Plan Policy LU-2.5 is provided under Item 10(b) in Table 13. A portion of the proposed project will include residential units over retail and office space. The project site is located within the CC-C (City Central Commercial) zone. Please note that according to Section 10-1.1523 of the Hayward Municipal Code, residential development is permitted on the ground floor within the CC-C zone with a Conditional Use Permit (CUP).

Response I-6

A discussion of the proposed project's consistency with applicable General Plan land use and parking policies is provided in **Section 9, Land Use and Planning**, of the Recirculated IS/MND. A discussion of how the proposed project relates to General Plan Policy LU-3.7 is provided under Item 10(b) in Table 13. While development surrounding the project site, with the exception of the existing medical office building, currently consists of a mix of one- to –two-story residential and commercial structure, the proposed structure would be consistent with the height and density planned for the project site, and thus would be consistent with the City's vision for the downtown. In addition, the proposed project would provide landscaping thorough out the development consisting of trees, shrubs, groundcover and turf, which will help integrate the project into the surrounding neighborhood. Please note that Hazel Avenue is located approximately 1,000 feet to the north, and thus would not be within visual range of the project site.

Response I-7

A discussion of the proposed project's consistency with applicable General Plan land use and parking policies is provided in **Section 9, Land Use and Planning**, of the Recirculated IS/MND. A discussion of how the proposed project relates to General Plan Policy LU-3.7 is provided under Item 10(b) in Table 13. The project area is a mix of architectural styles with no particular design aesthetic or architectural style being dominant. For this reason, the proposed building design would be compatible with the mixed visual character of the area.

Response I-8

General Plan Policy LU-4.5 states that the City shall require corridor developments to transition the massing, height, and scale of buildings when located adjacent to residential properties. New development shall transition from a higher massing and scale along the corridor to a lower massing and a more articulated scale toward the adjoining residential properties. The proposed 5- to 6-story structure would be compatible with the existing 4-story medical office building. In addition, the proposed would be set back from McKeever Avenue, Finally, as discussed in Response I-6, above, the proposed structure would be consistent with the height and density planned for the project site, and thus would be consistent with the City's vision for the downtown. For these reasons, the proposed project would not conflict with this policy.

Response I-9

A discussion of the proposed project's consistency with applicable General Plan land use and parking policies is provided in **Section 9, Land Use and Planning**, of the Recirculated IS/MND. A discussion of how the proposed project relates to General Plan Policy M-9.1 is provided under Item 10(b) in Table 13. As discussed in Response E-20, above, parking for the proposed project will be provided in accordance with State and local standards. In addition, the proposed project includes TDM strategies, including "unbundled" multifamily parking, parking for shared vehicle services (i.e., Zipcar), provision of private shuttle service to/from the Hayward BART station, electric vehicle charging stations, and onsite bicycle storage, which would reduce parking demand. Please note that parking is not a CEQA issue.

Response I-10

As discussed in Response B-3, above, all project-generated parking demand will be accommodated by the proposed on-site parking supply. Please note that parking is not a CEQA issue.

Response I-11

A discussion of potential impacts to study area intersections is provided in **Section 16, Transportation/Traffic**, of the Recirculated IS/MND. As indicated by the analysis, traffic generated by the proposed project would not exceed the City's thresholds for signalized and unsignalized intersections under existing, background, and cumulative conditions, and thus would not have a significant impact on the transportation network in the surrounding neighborhoods.

Response I-12

The installation of a traffic signal mid-block on Foothill Boulevard at the location suggested by the commenter would not be feasible due to the close proximity of an existing signalized intersection located approximately 600 feet to the north at the intersection of Foothill Boulevard and Hazel Avenue and another signalized intersection is located about 550 feet to the south at the intersection of Foothill Boulevard and City Center Drive. Installation of a traffic signal at this location, which would need to be evaluated and meet strict state/federal guidelines prior to consideration, would impact vehicular progression and headway as well as peak hour vehicular queues between these two intersections. Please note that this comment appears to be related to the proposed Lincoln Landing project and not the proposed project.

Response I-13

The installation of a pedestrian overpass mid-block on Foothill Boulevard would improve pedestrian circulation and safety in the area. The only environmental impact that may result is a disruption of views to the north and south along Foothill Boulevard. In addition, there are significant safety concerns with an elevated pedestrian crossing. ADA access is extremely problematic and costs to build and maintain are prohibitive. Please note that this comment appears to be related to the proposed Lincoln Landing project and not the proposed project.

Response I-14

A discussion of the potential impact to unknown archaeological resources, including human remains, is provided in **Section 5, Cultural Resources**, of the Recirculated IS/MND. Mitigation measures are proposed, which outline procedures to be followed in the event that previously unknown archaeological resources, including human remains, are discovered. These mitigation measures would reduce the impact to unknown archaeological resources to a less than significant level.

Response I-15

The proposed project will not provide any public services to the community. However, as discussed in **Section 14, Public Services**, of the Recirculated IS/MND, the proposed project would not negatively affect the provision of existing public services.

Response I-16

A discussion of potentially flooding on the project site is provided in **Section 9, Hydrology and Water Quality**, of the Recirculated IS/MND. As discussed in Items 9(g-h), the project site is not located within a 100-year flood zone. According to the Federal Emergency Management Agency (FEMA), the project site is located in Flood Zone X, which is defined as an area of minimal flood hazard, usually above the 500-year flood level. As a result, development of the proposed project would not place housing or structures within an area at risk of flood flows. Please note that this comment appears to be related to the proposed Lincoln Landing project and not the proposed project.

Response I-17

The building the commenter is referring to is located at 22301 Foothill Boulevard and not on the project site.

Response I-18

A discussion of air quality impacts during construction is provided in **Section 3, Air Quality**, of the Recirculated IS/MND. As discussed in Item 3(a), construction of the proposed project would not result in substantial emissions of fugitive dust with the proposed mitigation requiring the suppression of dust. In addition, as discussed in Item 3(d), the project's construction activities would have a less-than-significant impact with respect to community human health risk with the proposed mitigation that requires that construction equipment meet certain emissions standards.

Response I-19

A discussion of noise impacts during construction is provided in **Section 12, Noise**, of the Recirculated IS/MND. As discussed in Item 12(d), nearby sensitive locations would likely experience construction noise that would be louder than ambient traffic noise. However, with the proposed mitigation, which requires that construction equipment be well-maintained and used judiciously to be as quiet as possible and requires the implementation of best management practices to reduce noise from construction activities near sensitive land uses, this impact would be reduced to a less-than-significant level.

Response I-20

A discussion of impacts to parks is provided in **Section 14, Public Services**, of the Recirculated IS/MND. As discussed in Item 14(d), the proposed project would be required to pay park in-lieu fees per City Code (Chapter 10.16), which would be used by the City to acquire new parkland and/or pay for park improvements in the project vicinity. The payment of park in-lieu fees is considered by the City as full mitigation of development impacts to nearby recreational facilities.

Response I-21

A discussion of impacts to schools is provided in **Section 14, Public Services**, of the Recirculated IS/MND. As discussed in Item 14(c), local schools are operating under capacity due to a recent rapid decline in the number of students, including the schools that would serve the project site. In addition, development under the proposed project would be required to pay school development fees, as dictated by state law, prior to the issuance of building permits. According to Government Code Section 65996, payment of such fees constitutes full mitigation of any school impacts under CEQA.

Response I-22

A discussion of impacts to police services is provided in **Section 14, Public Services**, of the Recirculated IS/MND. As discussed in Item 14(b), the Hayward Police Department has indicated that the proposed project would have minimal impact on law enforcement services in the City. As a result, no new police facility or an expansion of an existing police facility would be needed, and there would be no potential for significant environmental impacts from the construction of new or expanded police facilities.

Response I-23

A discussion of impacts related to water supply is provided in **Section 17, Utilities and Service Systems**, of the Recirculated IS/MND. As discussed in Item 17(d), sufficient water supplies would be available to serve the project from existing entitlements and resources.

Response I-24

An estimate of how much water the project would demand is provided in **Section 17, Utilities and Service Systems**, of the Recirculated IS/MND. As discussed in Item 17(d), the proposed project would generate a water demand of 53,400 gallons per day (gpd), which translates into about 59.8 acre-feet per year.

Response I-25

As discussed in **Section 17, Utilities and Service Systems**, of the Recirculated IS/MND, the City of Hayward purchases all of its water from the San Francisco Public Utilities Commission (SFPUC) and not the East Bay Municipal Utility District (EBMUD). Regardless of source, all potable water provided by the City meets all State and federal standards.

References

California Energy Commission. 2014. *New Title 24 Standards Will Cut Residential Energy Use by 25 Percent, Save Water, and Reduce Greenhouse Gas Emissions*. July. Available online: http://www.energy.ca.gov/releases/

City of Hayward. 2014a. *Hayward 2040 General Plan Background Report*. January.

Wood Rodgers. 2016a. *Transportation Impact Study - Maple and Main Mixed Use Development*. October.

Wood Rodgers. 2016b. *Maple & Main Mixed Use Development – Parking Management Plan*. October.

Urban Programmers. 2015. An Update to the Historical and Architectural Study of 22491 Maple Court in the City of Hayward, Alameda County, California. June 6.

APPENDIX M

Mitigation Monitoring and Reporting Program

MITIGATION MONITORING AND REPORTING PROGRAM

CEQA requires that the Lead Agency establish a program to report on and monitor measures adopted as part of the environmental review process to mitigate or avoid significant effects of a proposed project on the environment. The Mitigation Monitoring and Reporting Program (MMRP) is intended to ensure that the mitigation measures identified in the Initial Study are implemented.

The MMRP for the proposed project, as outlined in **Table 1, Maple & Main Mixed-Use Project Mitigation Monitoring and Reporting Program**, describes monitoring and reporting procedures, monitoring responsibilities, and monitoring schedules for the mitigation measures identified in the Final Initial Study. The MMRP will be considered by the City in conjunction with project review and will be included as a condition of project approval. All monitoring actions, once completed, will be reported in writing to or by the City of Hayward Planning Division, which will maintain mitigation monitoring records for the proposed project.

The components of the MMRP include:

Mitigation Measure: Provides full text of the mitigation measure as provided in the Final Initial Study.

Timing/Implementation Responsibility: Identifies when the measure will be implemented and by which entity.

Enforcement/Monitoring Responsibility: Designates responsibility for monitoring the implementation of the mitigation measure.

Verification: Confirms implementation of the mitigation measure.

Table 1.0
Maple & Main Mixed-Use Project
Mitigation Monitoring and Reporting Program

Mitigation Measure	Timing/ Implementation Responsibility	Enforcement/ Monitoring Responsibility	Verification (Date and Initial)
Air Quality			
Mitigation Measure AIR-1: The construction contractor(s) shall implement the following BMPs during project construction: • 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 mph. • All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible and feasible. Building pads shall be laid as soon as possible and feasible 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 Air District's phone number shall also be visible to ensure compliance with applicable regulations.	During all grading and construction phases of project by construction contractor	City of Hayward Public Works Department	
Mitigation Measure AIR-2: All diesel-powered off-road equipment larger than 50 horsepower and operating on the site for more than two days continuously shall, at a minimum, meet U.S. EPA particulate matter emissions standards for Tier 4 engines or equivalent.	During all grading and construction phases of project by construction contractor	City of Hayward Public Works Department	

Mitigation Measure	Timing/ Implementation Responsibility	Enforcement/ Monitoring Responsibility	Verification (Date and Initial)
Mitigation Measure AIR-3: All diesel-powered portable equipment (i.e., air compressors, concrete saws, and forklifts) operating on the site for more than two days shall meet U.S. EPA particulate matter emissions standards for Tier 4 engines or equivalent.	During all grading and construction phases of project by construction contractor	City of Hayward Public Works Department	
Mitigation Measure AIR-4: Instead of Mitigation Measures AIR-2 and AIR-3 above, the construction contractor could use other measures to minimize construction-period Diesel Particulate Matter (DPM) emissions to reduce the predicted cancer risk below the thresholds. Such measures may be the use of alternative powered equipment (e.g., LPG-powered lifts), alternative fuels (e.g., biofuels), added exhaust devices, or a combination of measures, provided that these measures are approved by the City.	During all grading and construction phases of project by construction contractor	City of Hayward Public Works Department	
Biological Resources			
Mitigation Measure BIO-1: If construction activities commence outside the nesting season (generally September 1 through February 28), pre-construction surveys are not required. However, if construction commences outside the nesting season and extends into the nesting season, and is suspended for more than 14 days, a pre-construction survey that is detailed in Mitigation Measure BIO-2, below, will be implemented.	Prior to demolition and grading phases of the project by the construction contractor	City of Hayward Planning Division	
Mitigation Measure BIO-2: If construction commences during the nesting season (March 1 through August 31), a pre-construction survey for active nests will be conducted within 15 days prior to the start of work. Given the urban setting of the project site and the construction staging area, the radius of the pre-construction survey will be determined in consultation with the California Department of Fish and Wildlife (CDFW). Typically, a 250-foot buffer for passerines and other unlisted/non-raptor species, 500-foot buffer for unlisted raptor species, and 0.5-mile buffer for listed raptor species are required. However, exceptions can be made based on the species of bird nesting, activities proposed, and for noise attenuation provided by intervening buildings in urban areas. Once the survey area is established, a survey of all appropriate nesting habitat will be conducted to locate any active nests. In the event that active nests are identified, appropriate buffer zones and types of construction activities restricted within the buffer zones will be determined through consultation with the CDFW. The buffer zones will be implemented and maintained until the young birds have fledged and no continued use of the nest is observed, as determined by a qualified biologist.	Prior to demolition and grading phases of the project by the construction contractor	City of Hayward Planning Division	

Mitigation Measure	Timing/ Implementation Responsibility	Enforcement/ Monitoring Responsibility	Verification (Date and Initial)
Cultural Resource			
Mitigation Measure CUL-1: The applicant shall retain a qualified archaeologist to provide preconstruction briefing(s) to supervisory personnel of any excavation contractor to alert them to the possibility of exposing significant pre-historic and historic period archaeological resources within the project area. The briefing shall discuss any archaeological objects that could be exposed, the need to stop excavation at the discovery, and the procedures to follow regarding discovery protection and notification of the applicant and the archaeologist. An "Alert Sheet" shall be posted in conspicuous locations on the project site to alert personnel to the procedures and protocols to follow for the discovery of potentially significant archaeological resources.	Prior to grading phase of the project by construction contractor	City of Hayward Planning Division	
Mitigation Measure CUL-2: A qualified archaeologist will be on site to monitor the initial grading of native soil once the existing buildings and pavement are removed but before any foundations and slabs are removed. After monitoring the initial grading, the archaeologist will make recommendations for further monitoring if he/she determines that the site contains or has the potential to contain cultural resources. If the archaeologist determines that no resources are likely to be found on site, no additional monitoring will be required and a report will be filed with the City Planning Department.	During grading phase of the project by construction contractor	City of Hayward Planning Division	
Mitigation Measure CUL-3: In the event that prehistoric or historic resources are encountered during excavation and/or grading of the site, all activity within a 50-feet radius of the find will be stopped, the City Planning Department will be notified, and the archaeologist will examine the find and make appropriate recommendations. Recommendations could include collection, recordation, and analysis of any significant cultural materials. A report of findings documenting any data recovery during monitoring will be submitted to the City Planning Department prior to issuance of an occupancy permit.	During grading and excavation phase of the project by construction contractor	City of Hayward Planning Division	

Mitigation Measure	Timing/ Implementation Responsibility	Enforcement/ Monitoring Responsibility	Verification (Date and Initial)
Mitigation Measure CUL-4: In the event of a discovery of human bone, potential human bone, or a known or potential human burial, all ground-disturbing work in the vicinity of the find will halt immediately and the area of the find will be protected until a qualified archaeologist determines whether the bone is human. If the qualified archaeologist determines the bone is human, the City of Hayward will notify the County Coroner of the find. Consistent with California Health and Safety Code Section 7050.5(b), which prohibits disturbance of human remains uncovered by excavation until the Coroner has made a finding relative to the requirements of Public Resources Code Section 5097, the City will ensure that the remains and vicinity of the find are protected against further disturbance. If it is determined that the find is of Native American origin, the City of Hayward will comply with the provisions of Public Resources Code Section 5097.98 regarding identification and involvement of the Most Likely Descendant (MLD). If the human remains cannot be protected in place following the Coroner's determination, the City of Hayward shall ensure that the qualified archaeologist and the MLD are provided the opportunity to confer on repatriation and/or archaeological treatment of human remains, and that any appropriate studies, as identified through this consultation, are carried out prior to reinterment. The City shall provide results of all such studies to the Native American community, and shall provide an opportunity for Native American involvement in any interpretative reporting. As stipulated by the provisions of the California Native American Graves Protection and Repatriation Act, the City shall ensure that human remains and associated artifacts recovered from the project site are repatriated to the appropriate local tribal group if requested.	During grading and excavation phase of the project by construction contractor	City of Hayward Planning Division	
Geology and Soils			
Mitigation Measure GEO-1: Building foundations shall be designed to resist 2 inches of differential settlement of the supporting soils.	During design phase of the project by project engineer	City of Building Division	
Mitigation Measure GEO-2: Underground pipelines such as gas lines, sanitary sewers, and water services shall be properly designed to compensate for the settlement caused by the liquefaction of the underlying supporting soils.	During design phase of the project by project engineer	City of Hayward Public Works Department	
Mitigation Measure GEO-3: Fills shall be completely removed and re-compacted. Over-excavation should extend to depths where competent soil is encountered. The over-excavation and re-compaction should also extend at least 5 feet beyond building footprints and at least 3 feet beyond exterior flatwork, including driveways and pavement wherever possible. Where over-excavation limits abut adjacent property, a determination of the actual vertical and lateral extent of over-excavation shall be conducted so that the adjacent property is not adversely impacted. Over-excavations shall be performed so that no more than 5 feet of differential fill thickness exists below the proposed building foundations.	During grading phase of the project by construction contractor	City of Hayward Public Works Department	

Mitigation Measure	Timing/ Implementation Responsibility	Enforcement/ Monitoring Responsibility	Verification (Date and Initial)
Hazards and Hazardous Materials			
Mitigation Measure HAZ-1: The applicant shall install industry standard vapor barriers along with passive ventilation systems as part of the proposed project.	During design and construction of the project by project engineer and construction contractor	City of Hayward Planning Division and Public Works Department	
Mitigation Measure HAZ-2: A Site Management Plan shall be developed and implemented with approval and oversight by the appropriate regulatory agency in the event that unanticipated subsurface environmental conditions are encountered following the demolition of the hospital complex. The Site Management Plan shall include, but would not be limited to, procedures for removal or on-site management of contaminated soil, procedures for removal of Underground Storage Tanks (USTs) if any are encountered, and the protection of construction workers from exposure to impacted soil through measures included in a health and safety plan.	During grading phase of the project by project engineer	City of Hayward Planning Division and Public Works Department	
Mitigation Measure HAZ-3: Prior to any significant renovation of the medical office building and the demolition of the other existing structures, asbestos containing materials (ACM) and lead-based paint (LBP) surveys shall be conducted to determine the presence of hazardous building materials. Should ACMs, LBP or other hazardous substance containing building materials be identified, these materials would be removed using proper techniques in compliance with all applicable State and federal regulations, including the BAAQMD rule related to asbestos.	During pre-construction phase by project applicant	City of Hayward Building Division	
Noise			
Mitigation Measure NOI-1: The following measures shall be incorporated into the proposed project to reduce interior noise levels: • A qualified acoustical consultant shall review the final site plan, building elevations, and floor plans prior to construction and recommend building treatments to reduce interior noise levels to 45 dB(A) Ldn or lower. Treatments would include, but are not limited to, sound-rated windows and doors, sound-rated wall and window constructions, acoustical caulking, protected ventilation openings, etc. The specific determination of what noise insulation treatments are necessary shall be conducted on a unit-by-unit basis during final design of the project. Results of the analysis, including the description of the necessary noise control treatments, shall be submitted to the City, along with the building plans and approved design, prior to issuance of a building permit. • Provide a suitable form of forced-air mechanical ventilation, as determined by the local building official, 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.	During the design of the project by project applicant	City of Hayward Planning and Building Divisions and Public Works Department	

Mitigation Measure	Timing/ Implementation Responsibility	Enforcement/ Monitoring Responsibility	Verification (Date and Initial)
Mitigation Measure NOI-2: Within 20 feet of the existing, adjacent residence: • 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, and drill-rigs shall be prohibited within 20 feet of the existing, adjacent residence. • Construction and demolition activities shall not involve clam shell dropping operations.	During all grading and construction phases of the project by the construction contractor	City of Hayward Planning Division and Public Works Department	
Mitigation Measure NOI-3: Construction equipment shall be well-maintained and used judiciously to be as quiet as possible. Additionally, construction activities for the proposed project shall include the following best management practices to reduce noise from construction activities near sensitive land uses: • Ensure that all construction activities (including the loading and unloading of materials, truck movements, and warming of equipment motors) are limited to the hours of 7:00 a.m. to 7:00 p.m. Monday through Saturday and between the hours of 10:00 a.m. and 6:00 p.m. on Sundays and holidays. • Contractors equip all internal combustion engine-driven equipment with mufflers, which are in good condition and appropriate for the equipment. • Contractors utilize "quiet" models of air compressors and other stationary noise sources where technology exists. • Locate loading, staging areas, stationary noise-generating equipment, etc. as far as feasible from sensitive receptors when sensitive receptors adjoin or are near a construction project area. • Comply with Air Resource Board idling prohibitions of uneasy idling of internal combustion engines. • Construct solid plywood fences around construction sites adjacent to operational business, residences or noise-sensitive land uses. • A temporary noise control blanket barrier could be erected, if necessary, along building facades facing construction sites. This mitigation would only be necessary if conflicts occurred which were irresolvable by proper scheduling. • Route construction-related traffic along major roadways and as far as feasible from sensitive receptors. • Businesses, residences or noise-sensitive land uses adjacent to construction sites should be notified of the construction schedule in writing. Designate a "construction liaison" that would be responsible for responding to any local complaints about construction noise. The liaison would determine the cause of the noise complaints (e.g., starting too early, bad muffler, etc.) and institute reasonable measures to correct the problem. Conspicuously post a telephone number for the liaison at the construction site.	During all grading and construction phases of the project by the construction contractor	City of Hayward Planning and Building Divisions and Public Works Department	